



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** September 13, 2023

**Common Council Meeting Date:** September 20, 2023

**Item:** Special Use Permit #10-23 for a restaurant with alcohol sales and consumption

**Case Manager:** Jessica Titel, Principal Planner

### **GENERAL INFORMATION**

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**Owner:** Park Place Holdings, LLC

**Applicant:** Laxman Gurung – Nanglo Momos and Curry

**Address/Parcel #:** 1619 West College Avenue – Suite A (Tax Id #31-3-0049-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for a restaurant with alcohol sales and consumption.

### **BACKGROUND**

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The Common Council granted a Special Use Permit to The Jerk Joint on January 8, 2020 for a restaurant with alcohol sales and consumption (located in Suite D on the subject parcel).

The Common Council granted a Special Use Permit to Thai Ginger Bistro on June 5, 2019 for a restaurant with alcohol sales and consumption (located in Suite F on the subject parcel).

Rezoning #11-03 to rezone the subject property from PD/C-2 Planned Development/General Commercial District to C-2 General Commercial District was approved by the Common Council on September 17, 2003.

The subject property was zoned to PD/C-2 Planned Development/General Commercial District with the adoption of the Zoning Ordinance and Map on May 22, 1994. There was no Implementation Plan Document filed with the City or recorded in the Outagamie County Register of Deeds' Office.

In 1970, the building on the subject property was constructed as a multi-tenant building.

### **STAFF ANALYSIS**

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**Project Summary:** The applicant is proposing to establish a restaurant with alcohol sales and consumption within the existing building (Suite A) which totals approximately 1,568 square feet.

**Operational Information:** A plan of operation is attached to the staff report.

**Outdoor Seating Area:** No outdoor area is being proposed.

**Special Use Permit #10-23**

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**Existing Site Conditions:** The existing multi-tenant building totals approximately 11,084 square feet. The required off-street parking spaces is 45 stalls. The existing parking lot provides 52 parking spaces. Access is provided by curb cuts on West College Avenue, South Douglas Street and South Victoria Street.

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and consumption requires a Special Use Permit in the C-2 District. In order to permit alcohol sales and consumption in conjunction with a restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally industrial, commercial and residential in nature.

North: C-2 General Commercial District. The adjacent land use to the north is currently a retail business.

South: P Parking District, R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the south are currently single-family residential uses and surface parking lots.

East: R-1B Single-Family District. The adjacent land uses to the east are currently residential uses.

West: M-2 General Industrial District. The adjacent land uses to the west are currently professional office and manufacturing uses.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

*Goal 1 – Community Growth*

*Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.*

*Goal 8 – Economic Development*

*Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

*OBJECTIVE 9.4 Economic Development:*

*Ensure the continued vitality of downtown and the City's neighborhood commercial districts.*

*OBJECTIVE 10.5 Land Use:*

*Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.*

**Technical Review Group (TRG) Report:** This item appeared on the August 22, 2023 TRG agenda. No negative comments were received from participating departments.

**Zoning Ordinance Requirements and Substantial Evidence:** When reviewing an application for a Special Use Permit, the City must determine if the applicant’s proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

**Finding of Fact:** This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

**RECOMMENDATION**

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Staff recommends, based on the above analysis, that Special Use Permit #10-23 for 1619 West College Avenue – Suite A (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.  
*Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.*
2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.  
*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*
3. The site shall be kept free of litter and debris.  
*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*
4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.  
*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

**Special Use Permit #10-23**

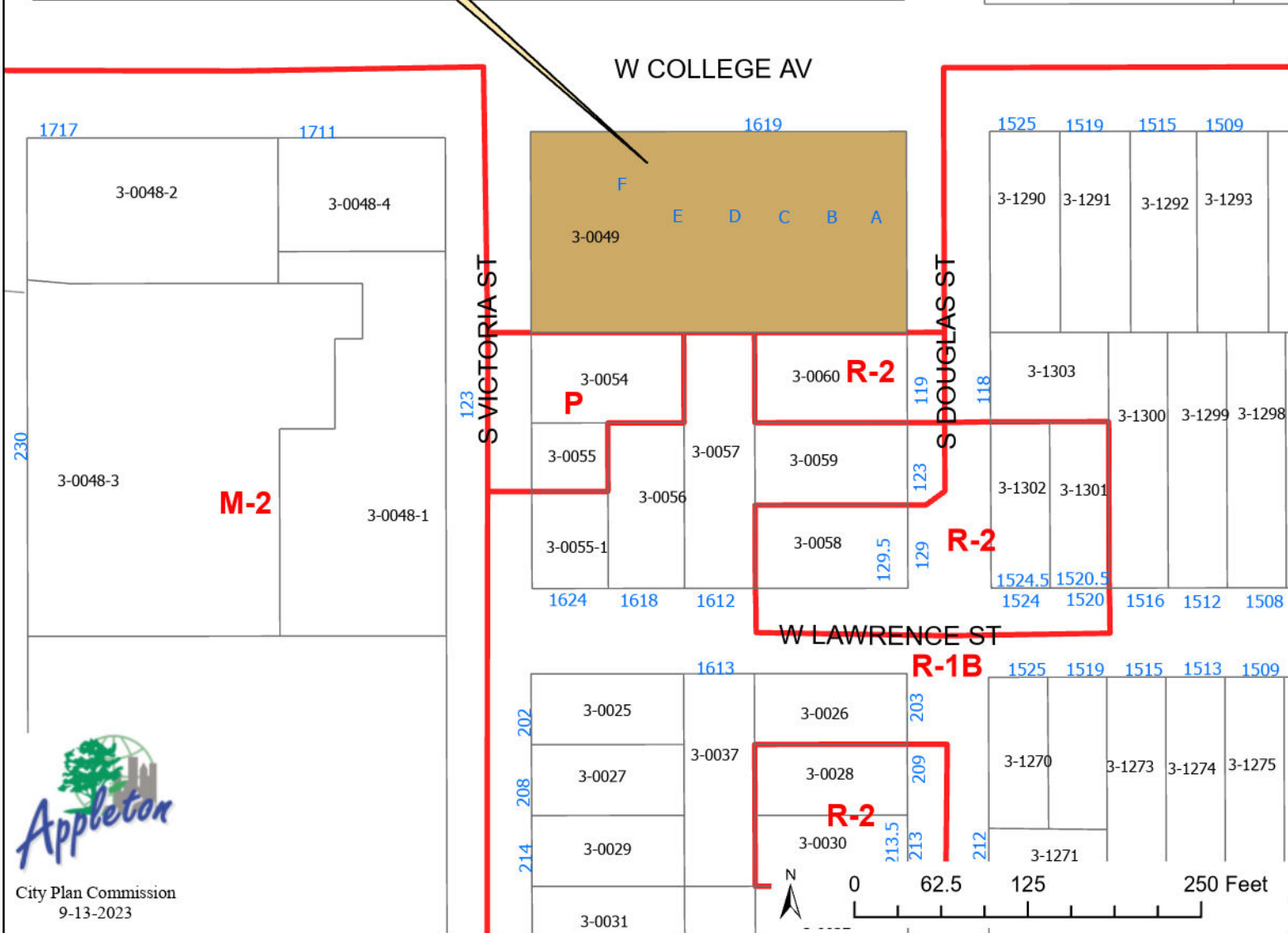
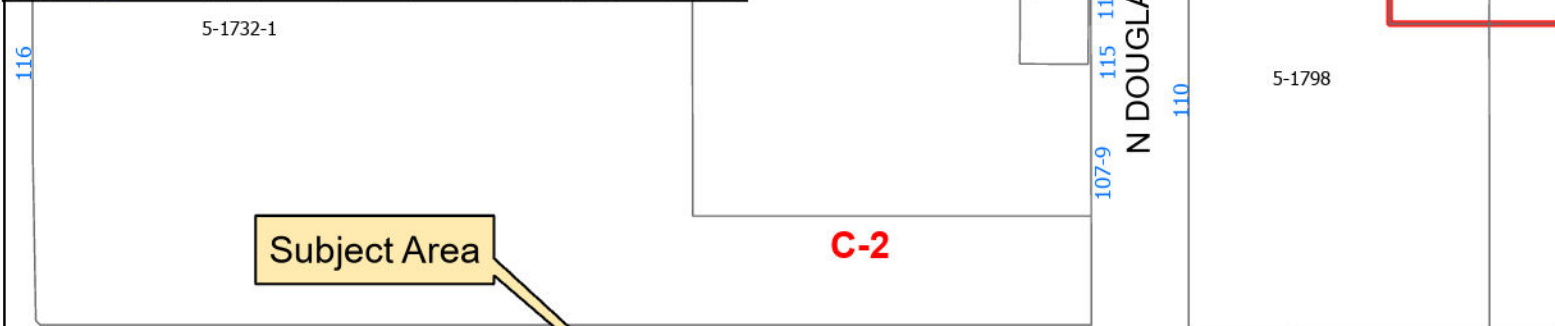
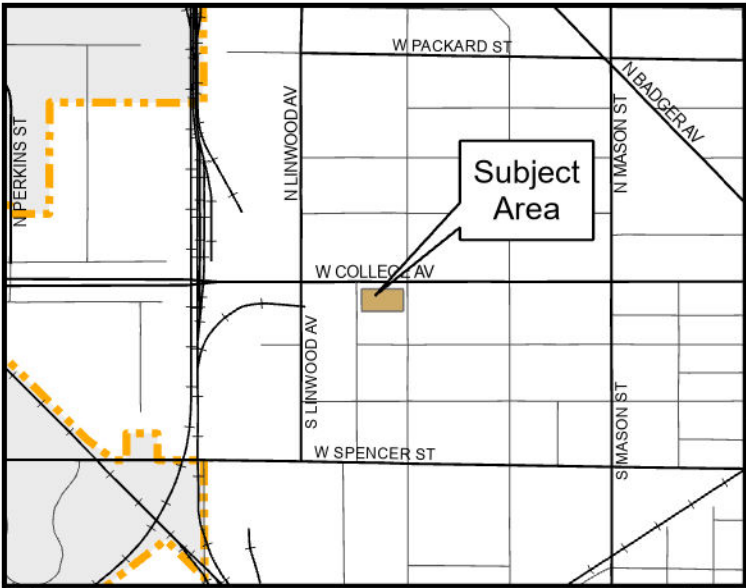
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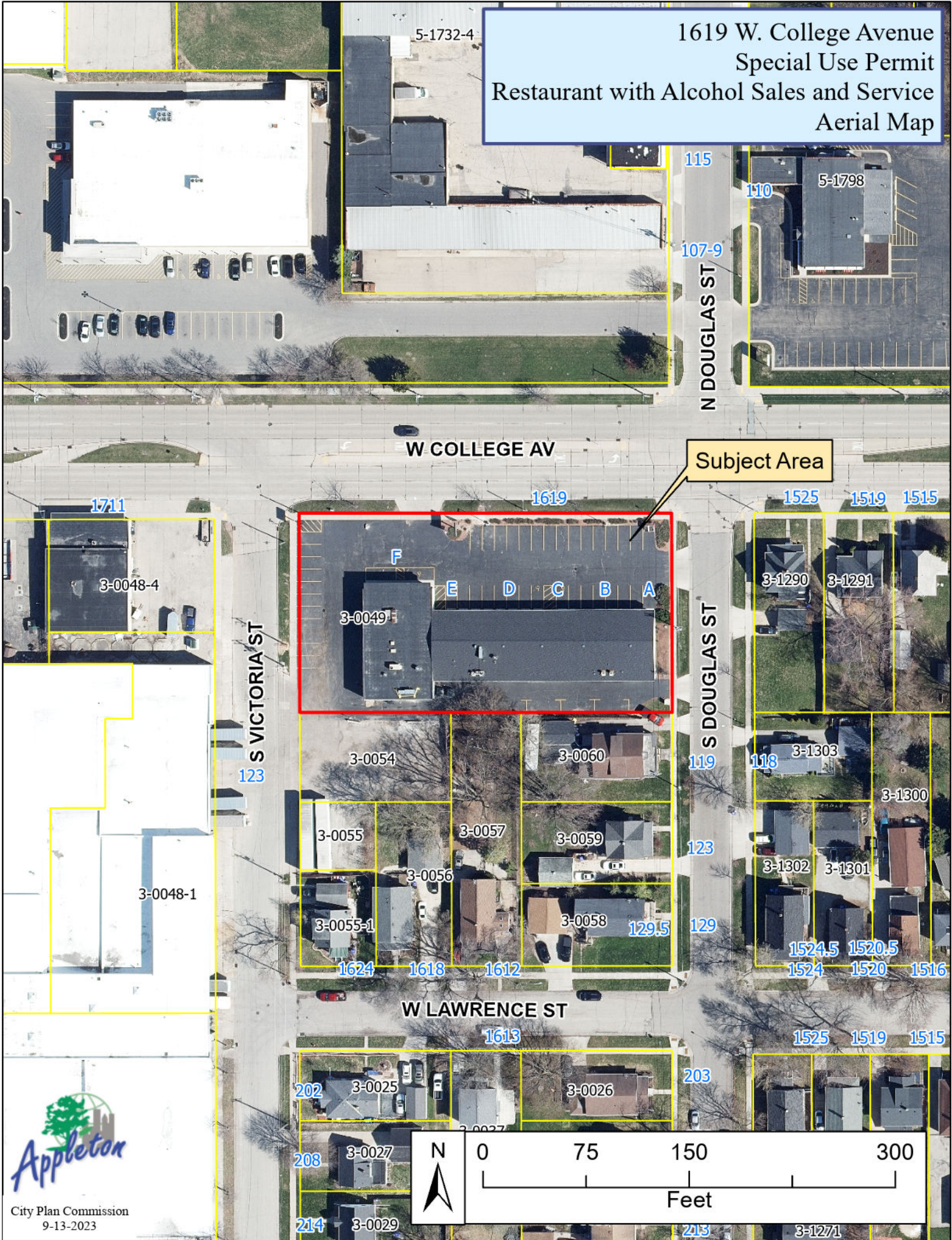
5. The serving and consumption of alcohol is limited to the interior tenant space, as identified on the attached development plan and floor plan drawings. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

1619 W. College Avenue  
 Special Use Permit  
 Restaurant with Alcohol Sales and Service  
 Vicinity Map



1619 W. College Avenue  
Special Use Permit  
Restaurant with Alcohol Sales and Service  
Aerial Map



**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #10-23  
RESTAURANT WITH ALCOHOL  
1619 W. COLLEGE AVENUE, SUITE A**

**WHEREAS**, Laxman Gurung of Nanglo Momos and Curry, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 1619 W. College Avenue – Suite A, also identified as Parcel Number 31-3-0049-00; and

**WHEREAS**, the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on September 13, 2023 on Special Use Permit #10-23, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #10-23 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

**WHEREAS**, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on September 20, 2023.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #10-23 for a restaurant with alcohol sales and service located at 1619 W. College Avenue – Suite A, also identified as Parcel Number 31-3-0049-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #10-23 for a restaurant with alcohol sales and service located at 1619 W. College Avenue – Suite A, also identified as Parcel Number 31-3-0049-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #10-23:**

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - C. The site shall be kept free of litter and debris.
  - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - E. The serving and consumption of alcohol is limited to the interior tenant space, as identified on the attached development plan and floor plan drawings. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk



## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Nanglo Momos and Curry

Years in operation: N/A

(Check applicable proposed business activity(s) proposed for the premises)

Restaurant

Tavern/Night Club/Wine Bar

Painting/Craft Studio

Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)

Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)

Winery (manufacturing of wine)

Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)

Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)

Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

Other \_\_\_\_\_

Detailed explanation of proposed business activities:

We are converting the current office space into a small restaurant, with plans for an Indian restaurant in Suite A. Additionally, in Suite B, we are planning to open an Indian grocery store, but that will happen after March 2024.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1568

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1568

**Occupancy Limits:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 34 persons.

**Proposed Hours of Operation for Indoor Uses:**

| Day                  | From | To   |
|----------------------|------|------|
| Monday thru Thursday | 11AM | 10PM |
| Friday               | 11AM | 10PM |
| Saturday             | 11AM | 10PM |
| Sunday               | 11AM | 10PM |

**Production/Storage Information:**

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Proposed production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Current production of wine: \_\_\_\_\_ U.S. gallons per year
- Proposed production of wine: \_\_\_\_\_ U.S. gallons per year
- Current production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- Proposed production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- None. If none, leave the following two storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_

None. If none, leave the following questions in this section blank.

Size: \_\_\_\_\_ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing
- Landscaping
- Other \_\_\_\_\_ Height \_\_\_\_\_ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes \_\_\_ No \_\_\_

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes \_\_\_ No

If yes, describe how the noise will be controlled:

\_\_\_\_\_

Is there any food service incorporated in this outdoor facility proposal? Yes \_\_\_ No

**Proposed Hours of Operation for Outdoor Space:**

| Day                  | From | To |
|----------------------|------|----|
| Monday thru Thursday |      |    |
| Friday               |      |    |
| Saturday             |      |    |
| Sunday               |      |    |

**NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):**

**\*\*\*\*\*Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

**Describe Any Potential Noise Emanating From the Proposed Use:**

Describe the noise levels anticipated from all equipment or other mechanical sources:

Due to its smaller size, the noise level in the restaurant from equipment and mechanical sources is moderate. We can anticipate sounds from kitchen appliances, ventilation systems, and potentially refrigeration units.

Describe how the crowd noise will be controlled inside and outside the building:

We plan to implement a reservation system and efficiently manage walk-ins. We will establish clearly marked waiting areas and strategically arrange the seating layout to optimize space usage and maintain comfortable distances between tables. Our well-trained staff will guide customers to their seats and prevent congestion. Additionally, we aim to encourage customers to order food through our website and third-party apps for a seamless dining experience.

**Off-Street Parking:**

Number of spaces existing on-site: 54

Number of spaces proposed on-site: 54

**Street Access:**

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

We believe there won't be any changes needed for street access to minimize the impact on traffic flow.

**Other Licensed Premises:**

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

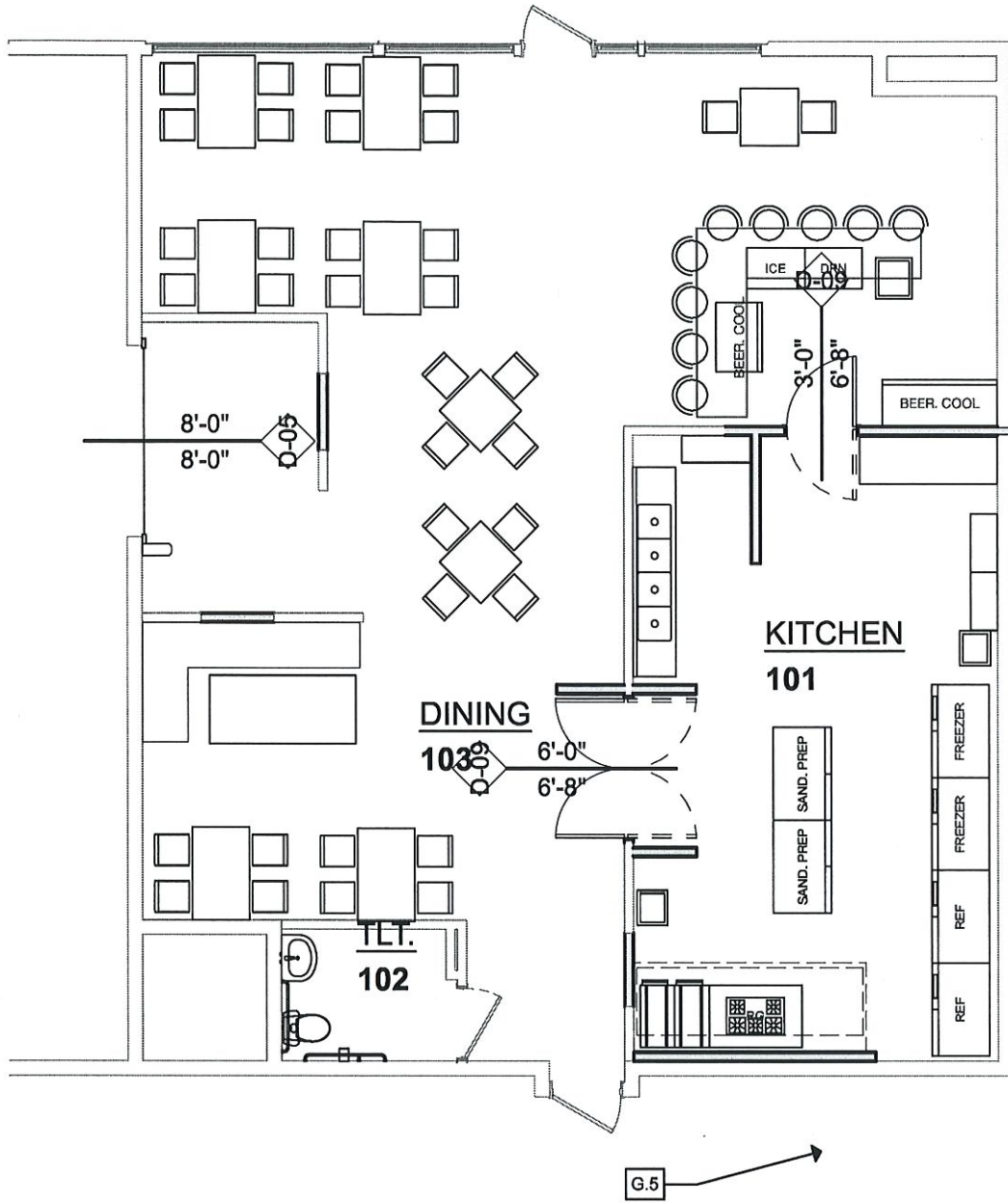
List nearby licensed premises:

**Number of Employees:**

Number of existing employees: \_\_\_\_\_

Number of proposed employees: 4

Number of employees scheduled to work on the largest shift: 4



1 First Floor Plan

Scale: 1/8" = 1'-0"

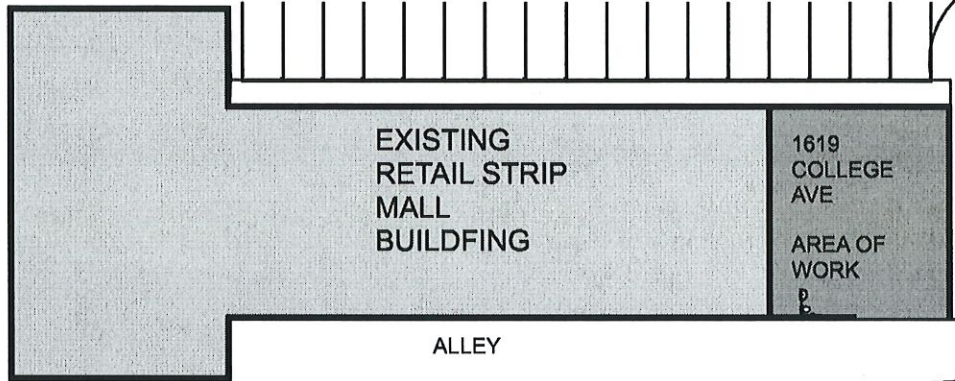


COLLEGE AVE.

S. VICTORIA ST

S. DOUGLAS ST.

EXISTING PARKING LOT



ALLEY

1619  
COLLEGE  
AVE  
AREA OF  
WORK

PROPERTY LINE

1 Architectural Site Plan

Scale: 1" = 40'

