



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 20, 2014

Common Council Meeting Date: February 5, 2014

Item: Special Use Permit #1-14 for a restaurant with alcohol sales

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Property owner: Phan Xiong
Applicant: Bee Xiong

Building Address/Parcel #: 343 West Wisconsin Avenue/31-6-0100-00

Tenant Suite Address #: 1216 North Division Street

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

BACKGROUND

The existing restaurant has been in operation at this location since 2009.

In 2005, the southern 5,648 square feet of the subject was rezoned (Rezoning #47-05) from R-1B Single-Family Residential to C-2 General Commercial to expand the off-street parking lot.

STAFF ANALYSIS

Existing Site Conditions: The existing building is 4,800 square feet in area and is occupied by six (6) tenants. Adequate parking exists on the south side of the building and two (2) curb cuts exist on Division Street.

Zoning Ordinance Requirements: In order to obtain a Special Use Permit for alcohol sales and consumption in conjunction with the proposed restaurant the Plan Commission makes a recommendation to the Common Council who will make the final decision. This request will not increase existing building area or tenant capacity and therefore does not require additional off-street parking spaces because the intensity of the use remains the same. A restaurant with alcohol sales, service and consumption does not constitute an increase in required off-street parking spaces.

Operational Information: The existing business hours are 8:00 a.m. – 7:00 p.m. Sunday – Saturday

Surrounding zoning and land uses:

North: C-2 – General Commercial District, Office

South: R-1C- Central City Residential District, Single-family residential

West: C-2 – General Commercial District, Two-family residential

West: R-1C- Central City Residential District, Single-family residential
East: C-2 – General Commercial District, Personal Service

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for commercial. The proposed zoning classification is consistent with the City's Comprehensive Plan and is consistent with the purpose and intent of the C-2 General Commercial District.

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)
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.

Findings: This business is located within a building along a major corridor of the City that contains existing restaurants, retail, professional and personal services. This request serves to expand the range of goods and services provided in the area and facilities continued viability of the commercial corridor.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e)(1-6) and (h)(6), which were found in the affirmative.

Technical Review Group Report (TRG): This item was reviewed at the January 7, 2014, Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #1-14 for a restaurant with alcohol sales, **BE APPROVED**, subject to the following conditions:

1. The serving and consumption of alcohol is limited to the interior ground floor of the tenant space identified in yellow crosshatch on the Development Plan dated 1-6-14.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan may require a minor or major amendment to the Special Use Permit.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. Any deviations from the approved Development Plan or Operational Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES
PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of Business: Pheng Houa Daily foods

Years in operation: 5

Percentage of business derived from restaurant service: 90 %

Type of the proposed establishment (detailed explanation of business): Asian / Homong
foods Sales

Hours of Operation: 8am - 7pm Days of Operation: Sun - Sat

Noise, crowd, parking lot control methods: Restaurant Staff

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: 30 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: N/A

Type and height of screening: plantings/fencing/gating _____

Is there any alcohol service incorporated in this outdoor facility proposal? Yes ___ No ___

Hours of Operation: _____ Days of Operation: _____

Are there plans for outdoor music/entertainment? Yes ___ No ___

If yes, describe soundproofing measures: _____

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

Outdoor lighting:

Type: _____

Location: parking lot on building

Off-street parking:

Number of spaces provided 20.

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.

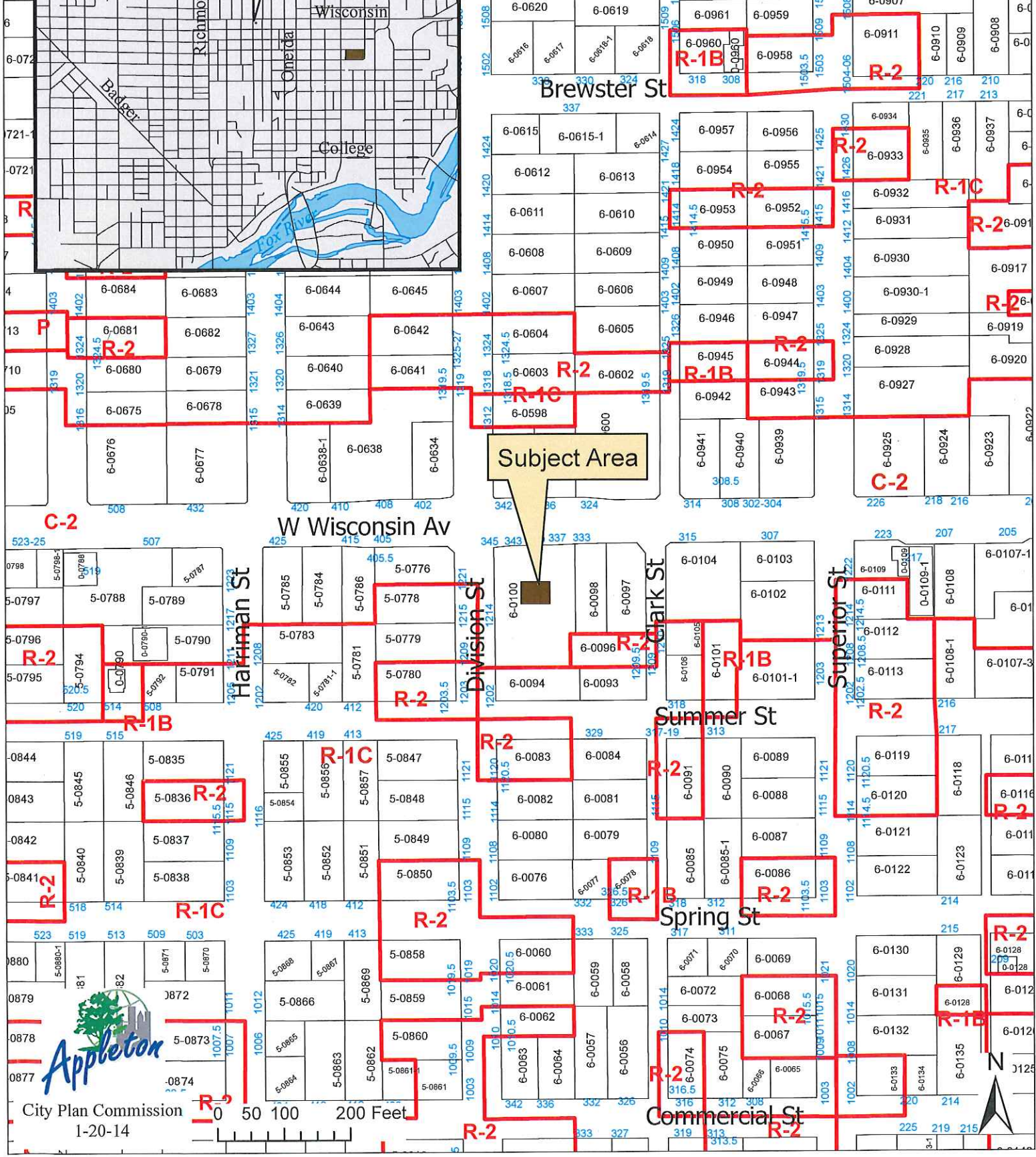
List nearby taverns: Maritime Tavern

Amusement Devices:

Number of video games: 0 Pool Tables: 0

Other amusement devices: 1 T.V

1216 North Division Street
 Bee's Oriental Restaurant
 Special Use Permit
 Restaurant with Alcohol Sales
 Zoning Map



Subject Area

C-2

W Wisconsin Av

Subject Area

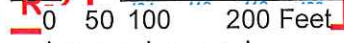
Clark St

Superior St

Summer St

Spring St

Commercial St



1216 North Division Street
Bee's Oriental Restaurant
Special Use Permit
Restaurant with Alcohol Sales

W Wisconsin Av

345 343 339 337

1221

Division St

1215

R-1C

1214

C-2

6-0100

16'



20'

6-0098

C-2

1209

R-2

6-0096

R-1C

6-0094

6-0093

R-2

1203

R-1C

1202

Summer St



City Plan Commission
1-20-14



R-2

