



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: August 13, 2019

Common Council Meeting Date: August 21, 2019

Item: Special Use Permit #8-19 for pool hall with alcohol sales and service

Case Manager: David Kress

GENERAL INFORMATION

Owner: Phan Xiong

Applicant: KKY Pool Hall c/o Yer Xiong

Address/Parcel #: 339 West Wisconsin Avenue, Lower Level Unit (Tax Id #31-6-0100-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with a pool hall.

BACKGROUND

The subject area, located near the intersection of West Wisconsin Avenue and North Division Street, is a lower level unit of a multi-tenant building. The applicant has yet to apply for a Liquor License, but intends to do so after action is taken on this Special Use Permit request. On February 5, 2014, Common Council approved Special Use Permit #1-14 for a restaurant with alcohol sales at 1216 N. Division Street, which is located in a different tenant space of the multi-tenant building.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a pool hall with alcohol sales and service on the subject site, which would occupy approximately 1,372 square feet in the lower level of the existing building. Based on the attached development plan, this request will not increase existing building area. Per the Inspections Division, the proposed layout and dimensions would allow a preliminary total of approximately 40 occupants for the subject tenant space.

Existing Site Conditions: The existing multi-tenant building totals approximately 14,640 square feet, including other commercial uses in ground floor and lower level units. The 0.50-acre site also includes off-street parking south of the building. Access is provided by curb cuts on North Division Street.

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a pool hall with alcohol sales and service requires a Special Use Permit in the C-2 District. In order to permit alcohol sales and service in conjunction with the proposed pool hall, 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.

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Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a “shopping center” use, per Assessor’s Office records. While the proposal would result in a change in tenancy, the nature and intensity of the use remains unchanged, as the proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant’s request.

Operational Information: A plan of operation is attached to the Staff Report.

Outdoor Seating Area: No outdoor alcohol sales and service is requested with this application for a Special Use Permit.

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 commercial and residential in nature.

North: C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial uses, including a tavern.

South: R-1C Central City Residential District. The adjacent land uses to the south are currently single-family and two-family residential.

East: C-2 General Commercial District and R-2 Two-Family District. The adjacent land uses to the east are currently a mix of commercial and two-family residential.

West: C-2 General Commercial District and R-1C Central City Residential District. The adjacent land uses to the west are currently a mix of commercial and single-family residential.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use 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.

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OBJECTIVE 10.5 Land Use:

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

Chapter 15: Wisconsin Avenue Corridor Plan, General Plan:

Land Uses, Pedestrian-Oriented Commercial – This use and character is recommended between Richmond Street and Appleton Street, where it already exists to a substantial degree. It is typified by buildings constructed at or near the street right-of-way and oriented to the sidewalk.

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

Technical Review Group (TRG) Report: This item was discussed at the July 23, 2019 Technical Review Group meeting.

- Health Department Comments: With beer sales, would be a tavern with no food and need to meet the food code requirements. At a minimum, would need a handwash sink in bar area.
- Inspections Division Comments: With the plan as shown, the layout and the dimensions provided, the total net area would allow a preliminary total of approximately 40 occupants. Require HVAC plan to be developed and approved.
- Fire Department Comments: If the submittal is approved by Common Council, the Fire Department is required to be notified by the business owner so that we can do an occupancy inspection prior to opening.

Future Actions: Any future expansion that increases the gross floor area of the existing multi-tenant, shopping center building may require additional off-street parking spaces to be provided.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-19 to allow alcohol sales and service at 339 West Wisconsin Avenue, Lower Level Unit (Tax Id #31-6-0100-00), 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. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with. This includes working with applicable City staff to address the comments found in the TRG Report above.
2. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.
3. The serving and consumption of alcohol is limited to the lower level tenant space, as identified on the attached development plan drawings (approximately 28' x 49'). Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

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4. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the pool hall. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

RESOLUTION

**CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #8-19**

WHEREAS, Yer Xiong, KKY Pool Hall, has applied for a Special Use Permit for a pool hall with alcohol sales and service located at 339 West Wisconsin Avenue, Lower Level Unit, also identified as Parcel Number(s) 31-6-0100-00; and

WHEREAS, the location for the proposed pool hall with alcohol sales and service is located in the C-2 General Commercial District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on August 13, 2019, on Special Use Permit #8-19 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials 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)(1-6) and 23-66(h)(6) of the Municipal Code, and forwarded Special Use Permit #8-19 to the City of Appleton Common Council with a favorable 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 _____, 2019 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #8-19 to allow alcohol sales and service located at 339 West Wisconsin Avenue, Lower Level Unit, also identified as Parcel Number(s) 31-6-0100-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #8-19

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with. This includes working with applicable City staff to address the comments found in the TRG Report above.
2. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.

3. The serving and consumption of alcohol is limited to the lower level tenant space, as identified on the attached development plan drawings (approximately 28' x 49'). Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
4. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the pool hall. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

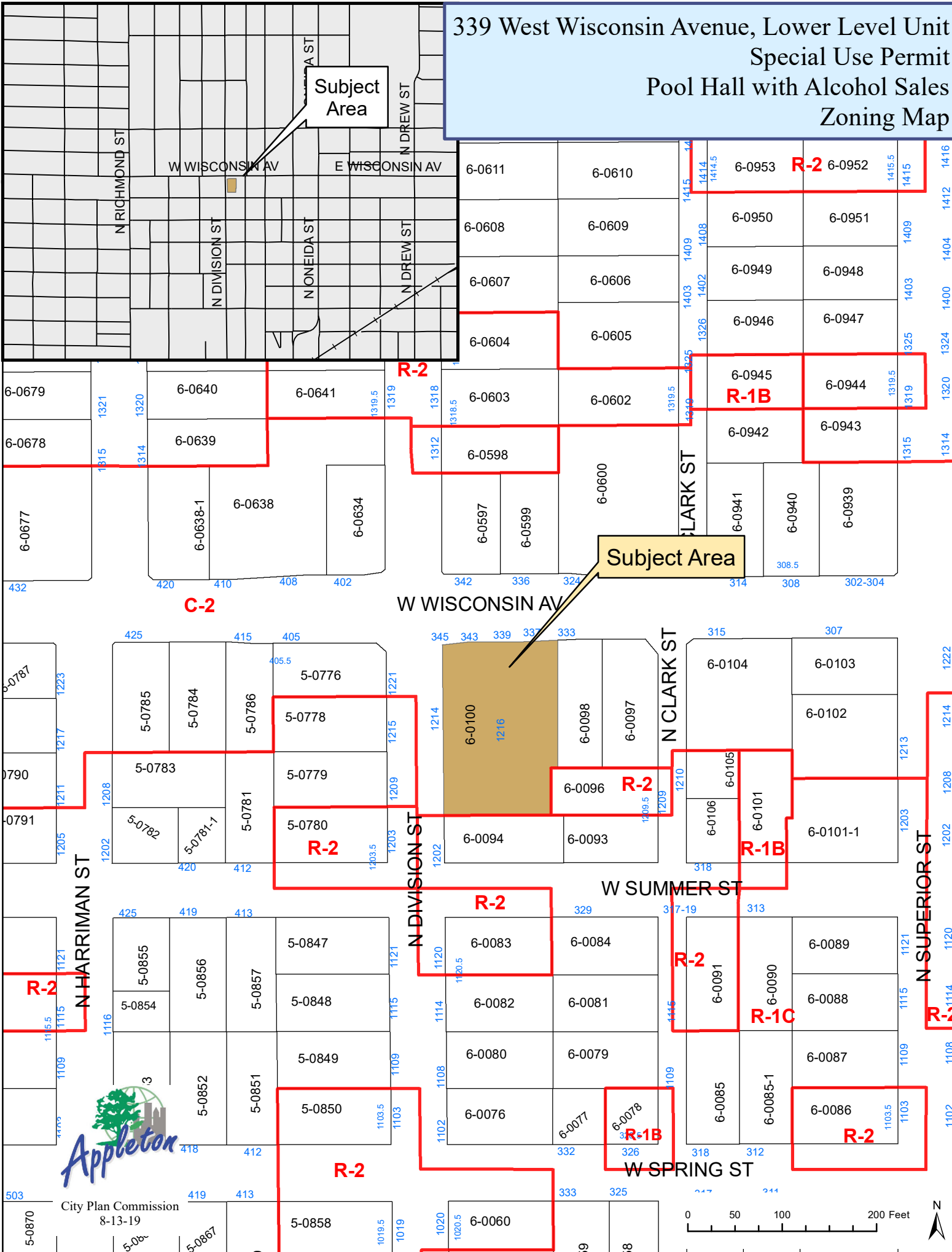
Adopted this _____ day of _____, 2019.

Timothy M. Hanna, Mayor

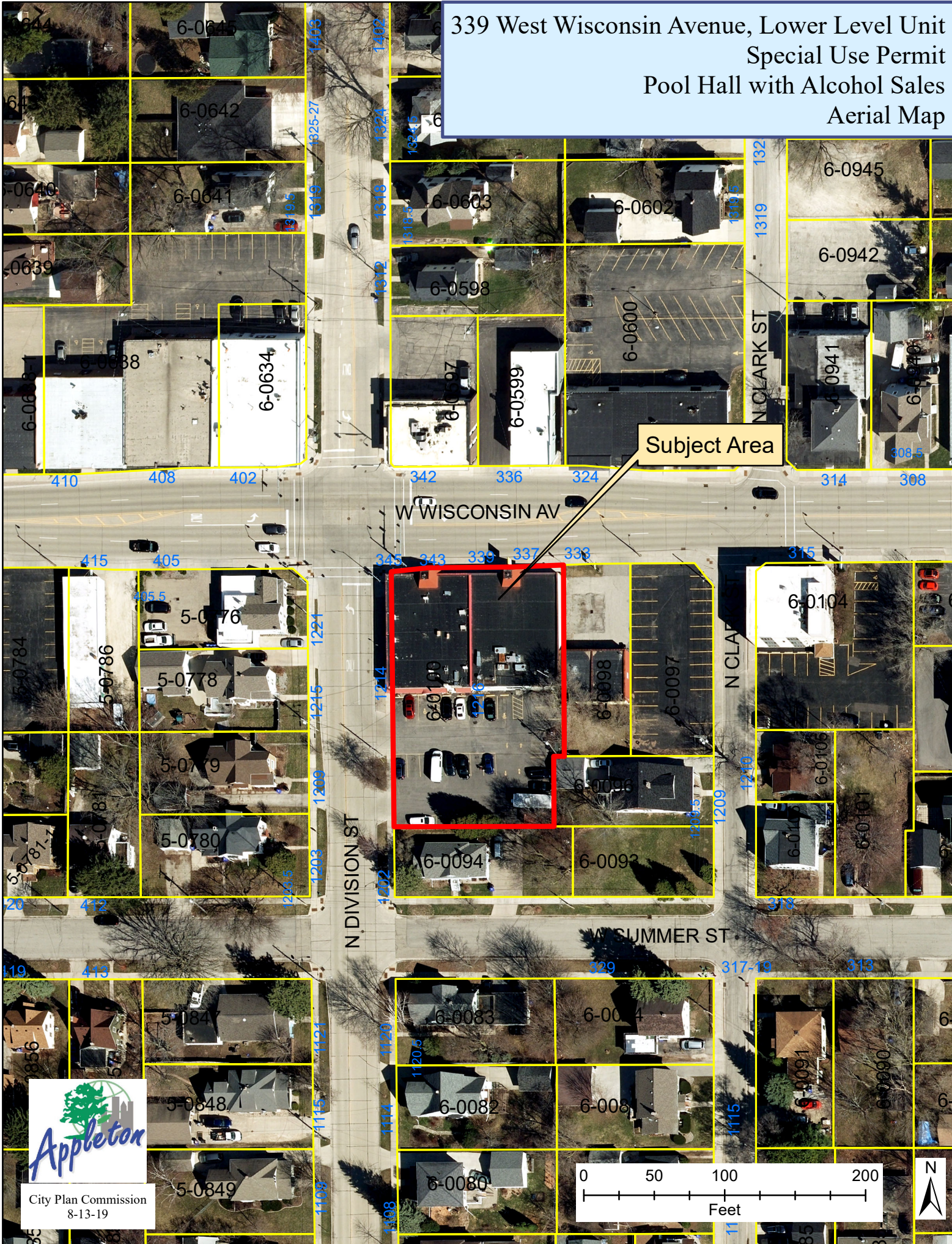
ATTEST:

Kami Lynch, City Clerk

339 West Wisconsin Avenue, Lower Level Unit Special Use Permit Pool Hall with Alcohol Sales Zoning Map



339 West Wisconsin Avenue, Lower Level Unit
Special Use Permit
Pool Hall with Alcohol Sales
Aerial Map



Subject Area

W WISCONSIN AV

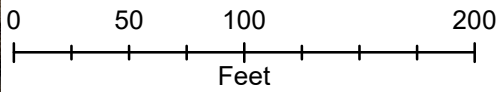
N DIVISION ST

N CLARK ST

W SUMMER ST

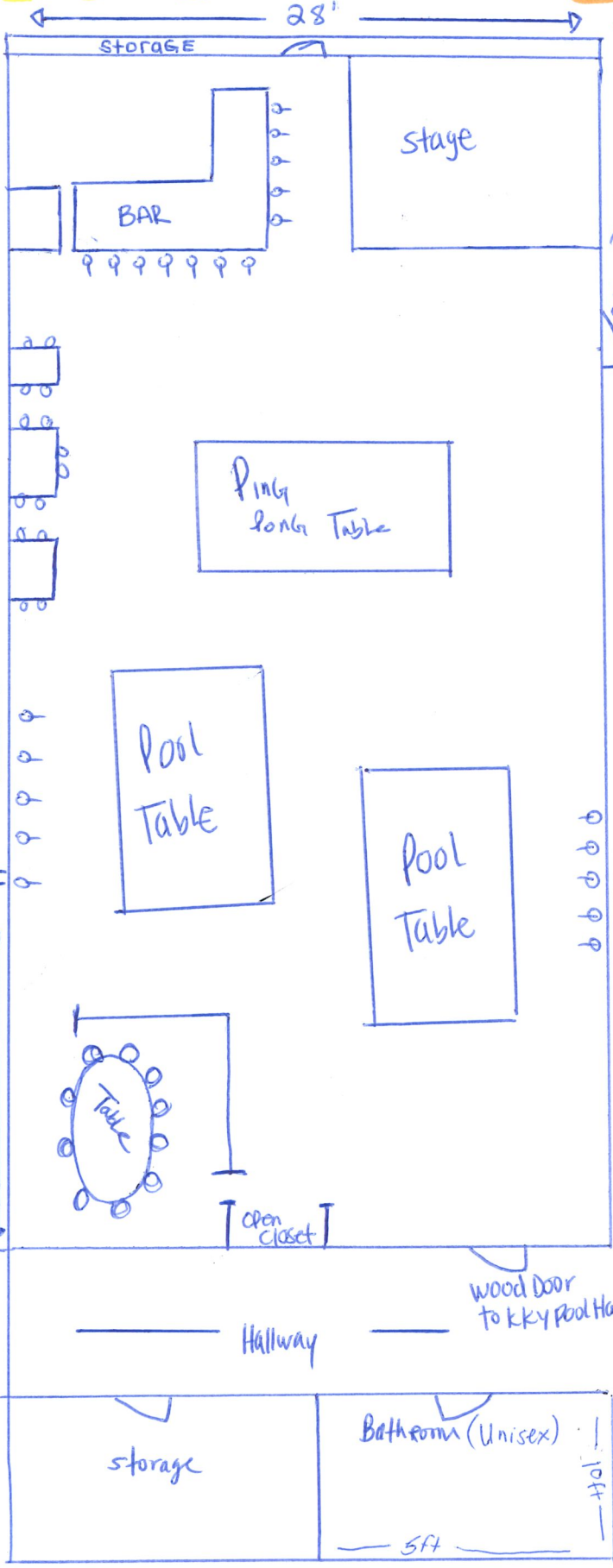


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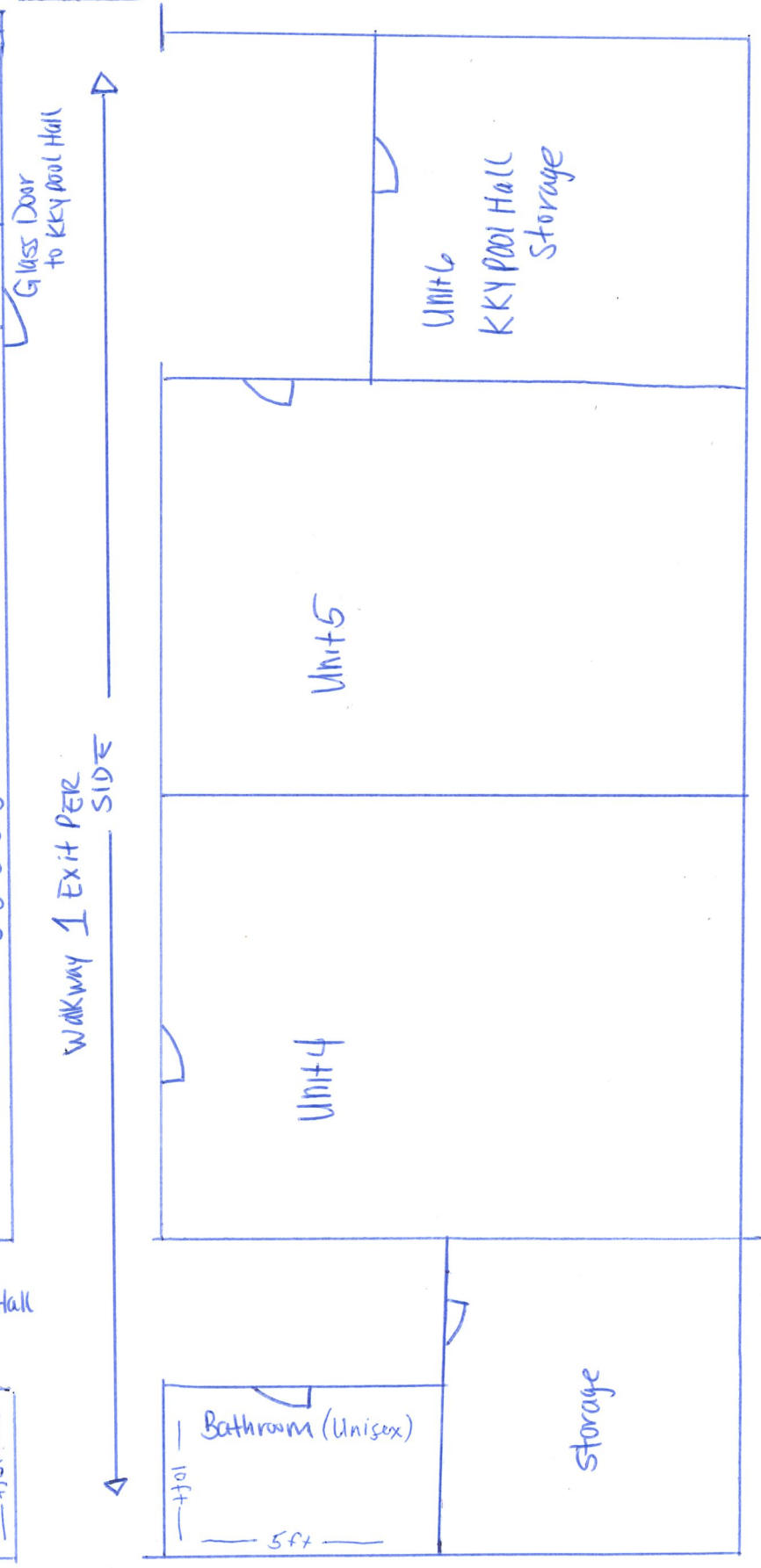


LOWER LEVEL IS WHERE KKY Pool Hall BE.

Exit stairs to WISCONSIN AVE street



Exit stairs to Parking Lot



WALKWAY 1 EXIT PER SIDE

Glass Door to kky Pool Hall

Back Entrance (PARKING LOT)



1216
N. Division St.

FOR LEASE	
28	Kajiah Shop
29	Bluy Thai
30	Wisconsin Radio

ACCESSIBLE
PARKING

♿



Picture of entrance from Parking Lot (KKY POOL HALL will be downstairs in the LOWER LEVEL)



Picture looking up to entrance door from bottom of lower level – standing next to KKY POOL HALL





KKY
POOL
HALL

KKY
POOL
HALL

Entrance
to Street
Wisconsin
Ave

Unit 4



EXIT

Entrance to Street
Wisconsin Ave

KKY POOL
HALL entrance

Unit 6 (for lease)
&
Unit 5 (KKY
storage or relax
room with
couches and tv)

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

Business Information:

Name of business: KKY Pool Hall

Years in operation: NA (New)

Percentage of business derived from restaurant service: 0 % NO Food sales

Type of proposed establishment (detailed explanation of business):

Pool Hall relaxing place for customers and simple open mics to share their voices and meet new people around the area to hangout while having a drink. Growing within the location to attract more customers to the location.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	4:00 pm	2:00 am
Friday	4:00 pm	2:00 am
Saturday	4:00 pm	2:00 AM
Sunday	4:00 pm	2:00 AM

Building Capacity and Area:

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: 40 persons

Gross floor area of the existing building(s): 2 exits

Gross floor area of the proposed building(s): _____

Describe Any Potential Noise Emanating From the Proposed Use:

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

With this pool hall being downstairs a lower level we are not concern with noise level, But we will keep noise to a minimal and will be controlled by owners.

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

~~NA~~ Crowd noise will be controlled by owners inside and outside building and keep @ a minimal. Maximum capacities followed and doors remain closed to control noise.

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

~~NA~~ Noise will be controlled by owners - will do a routine check for noise and make sure customers are getting inside to avoid additional outside noise.

Outdoor Uses:

Location, type, size and design of outdoor facilities:

NA

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

NA

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

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

If yes, describe how the noise will be controlled:

NA

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

Proposed Hours of Operation for Outdoor Uses: NA

Day	From	To
Week Day	NA	NA
Friday	NA	NA
Saturday	NA	NA
Sunday	NA	NA

Outdoor Lighting:

Type: NA

Location: NA

Off-Street Parking:

Number of spaces existing: 25 parking lot

Number of spaces proposed: 25 parking lot.

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:

Phenghou Deli

Maritime Tavern

Number of Employees:

Number of existing employees: 2

Number of proposed employees: NA

Number of employees scheduled to work on the largest shift: family volunteer to help maintain full staff.