



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** September 26, 2016

**Common Council Meeting Date:** October 5, 2016

**Item:** Special Use Permit #5-16 for restaurant with alcohol sales and service

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

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**Property Owner:** John C. Greiner

**Applicant:** Jennifer Almeida Sandoval; Mr. Taco

**Address/Parcel #:** 106 South State Street (Tax Id #31-3-0999-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with an existing restaurant.

### BACKGROUND

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The subject area of the existing building located at 106 South State Street is currently occupied by Mr. Taco Restaurant. The business has operated at this location for three years as a restaurant without alcohol sales. The applicant recently applied for a "Class B" Beer and Liquor License through the City Clerk's Office.

### STAFF ANALYSIS

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**Existing Site Conditions:** The existing multi-tenant building totals approximately 3,670 square feet per City Assessor records, with the proposed restaurant with alcohol sales and service occupying approximately 400 square feet at the rear of the building. Providing off-street parking is not required in the CBD Central Business District zoning classification.

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with an existing 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.

Based on the attached development plan, this request will not increase existing building area or tenant capacity. No outdoor alcohol sales and service is requested with this application for a Special Use Permit.

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

**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 in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of commercial uses.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses.

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses.

**Appleton Comprehensive Plan 2010-2030:** Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Central Business District use 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 brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

*OBJECTIVE 9.3 Economic Development:*

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

**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.

**Technical Review Group (TRG) Report:** This item was discussed at the August 23, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #5-16 for a restaurant with alcohol sales and service at 106 South State Street, as shown on the attached maps and per the attached plan of operation, **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.
2. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code. This includes the hours of beverage sales and consumption regardless of the hours of restaurant operation.

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

**Business Information:**

Name of business: Mr. Taco Authentic Mexican Cuisine

Years in operation: 3 years

Percentage of business derived from restaurant service: 100 %

Type of proposed establishment (detailed explanation of business):

continue as restaurant, with alcohol sales.  
Beer and liquor will be kept behind the counter  
at all times and locked up at 2AM on  
evening days. that we stay open until 3AM.

*Preventing access to alcohol from bar guests.*

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

Day	From	To
Week Day	11AM	2AM
Friday	11AM	3AM
Saturday	11AM	3AM
Sunday	11AM	3AM

**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: 25 persons

Gross floor area of the existing building(s): \_\_\_\_\_

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:

N/A.

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

N/A.

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

N/A.

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

N/A.

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

N/A.

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:

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

**Proposed Hours of Operation for Outdoor Uses:** N/A.

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

**Outdoor Lighting:**

Type: rope lights already existing. & street lights

Location: outside of building.

**Off-Street Parking:**

Number of spaces existing: N/A

Number of spaces proposed: N/A.

**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:

Jack's Apple Pub

Speakeasy

C-vine

**Number of Employees:**

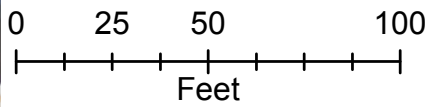
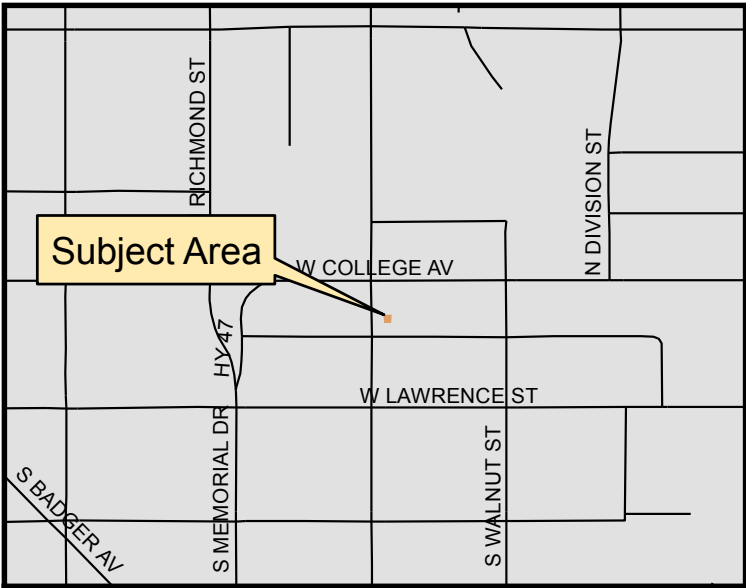
Number of existing employees: 2

Number of proposed employees: 4

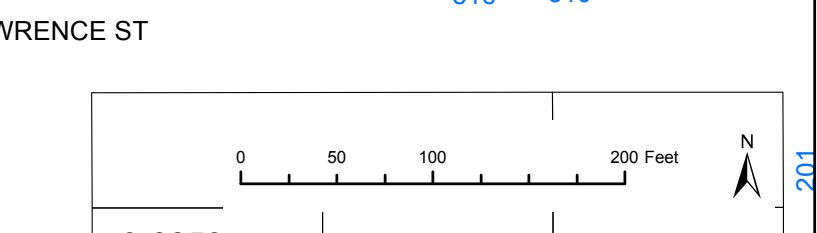
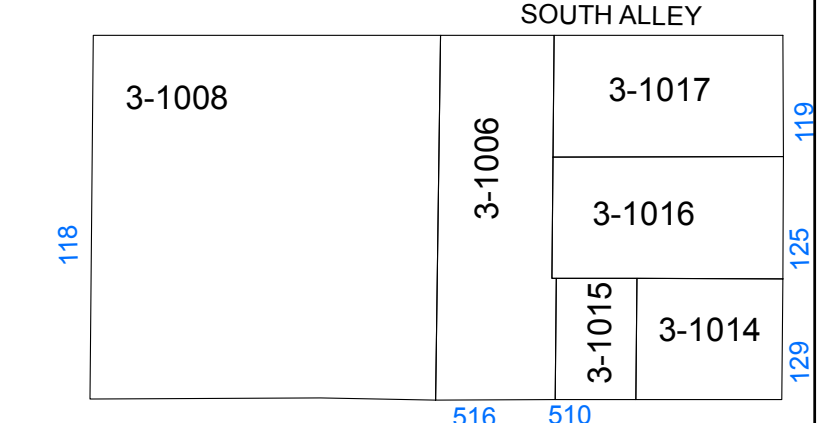
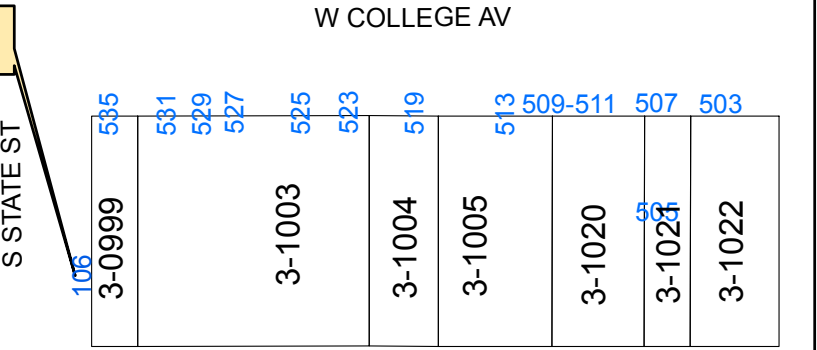
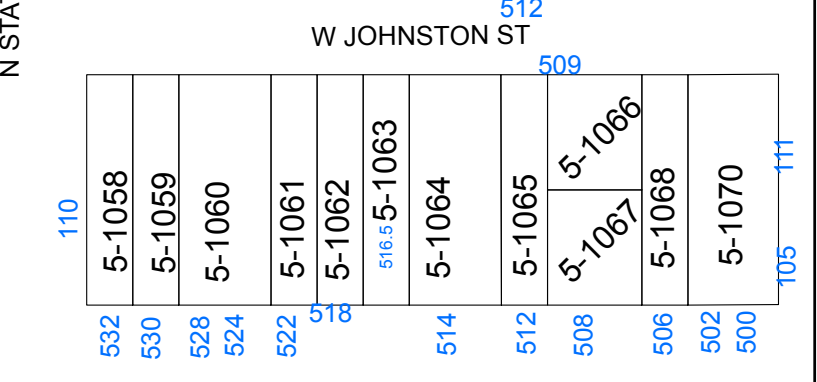
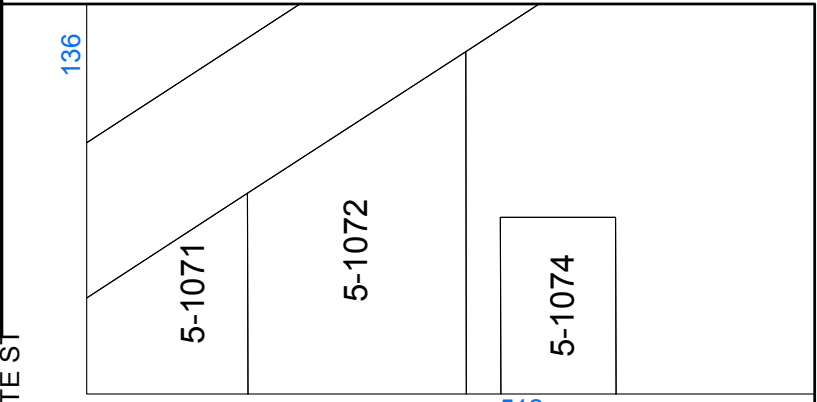
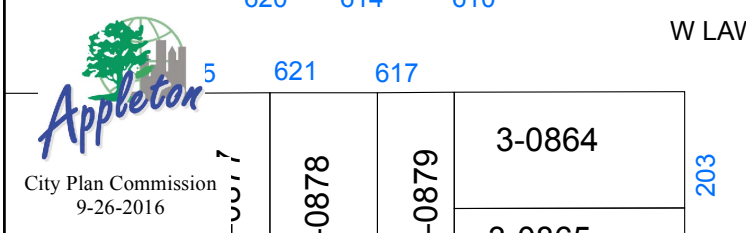
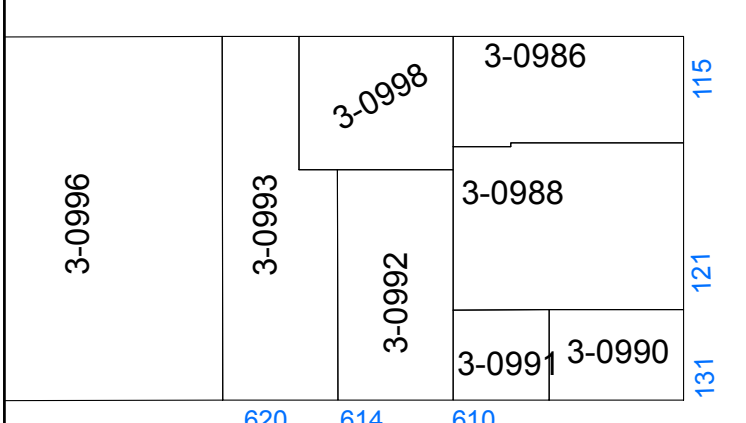
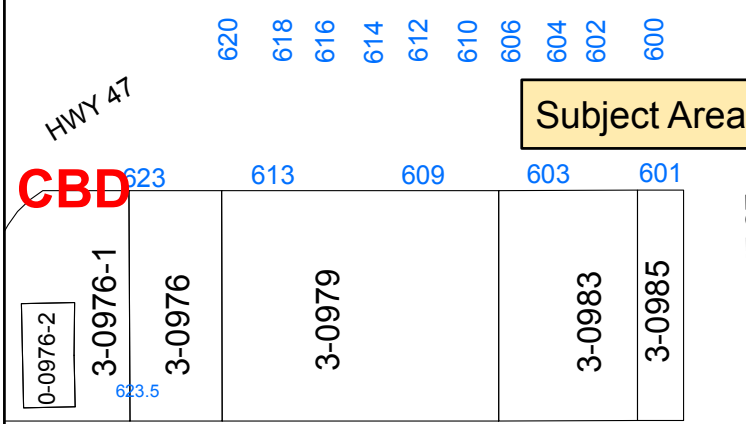
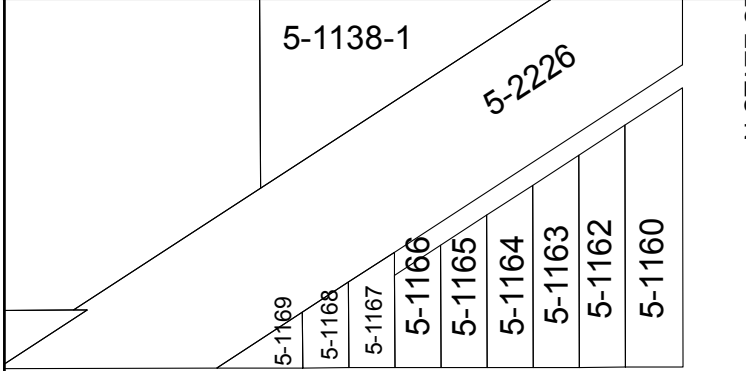
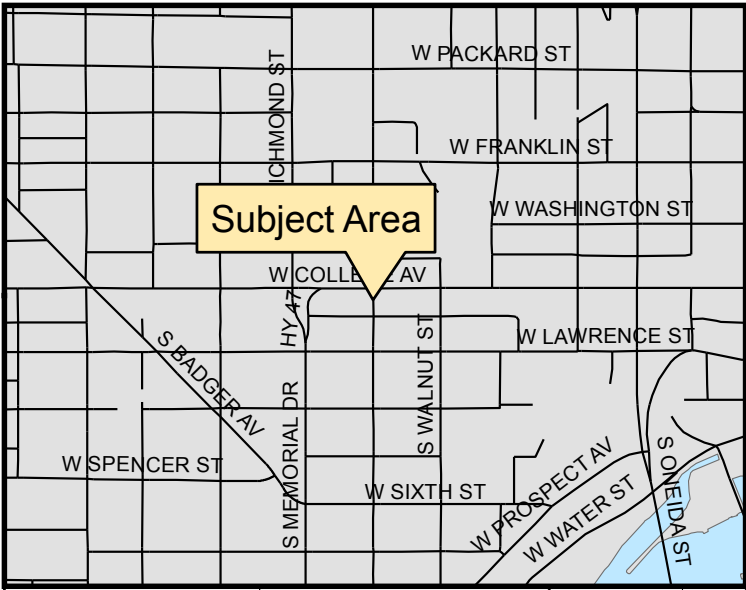
Number of employees scheduled to work on the largest shift: 2



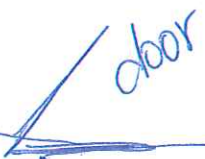
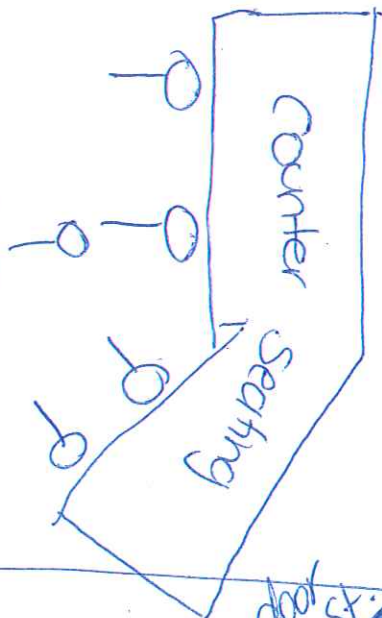
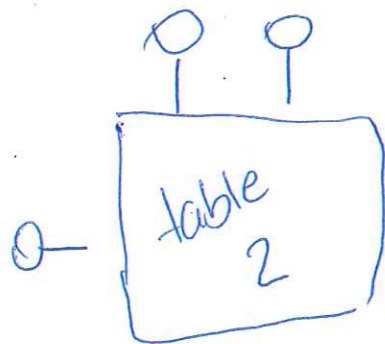
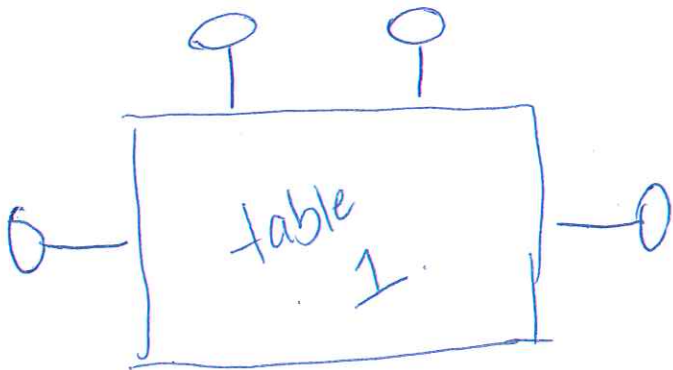
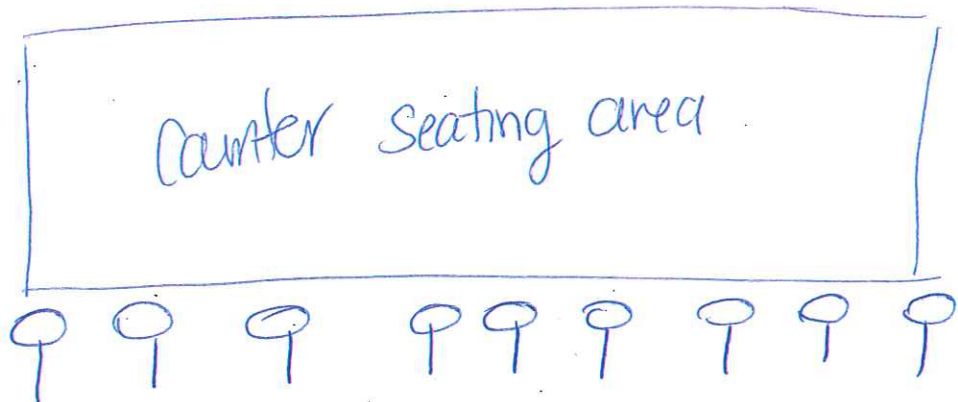
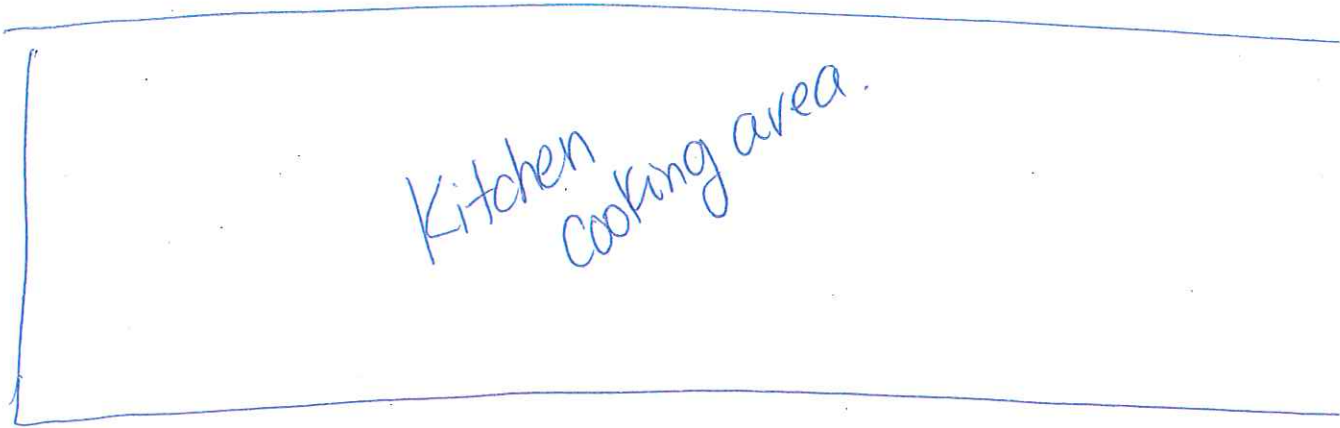
106 South State Street  
Special Use Permit  
Restaurant with Alcohol Sales  
Aerial Map



106 South State Street  
 Special Use Permit  
 Restaurant with Alcohol Sales  
 Zoning/Vicinity Map







Hall

The central area between the tables and the bar stools, labeled "Hall".

