



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 10, 2018

Common Council Meeting Date: No formal action required

Item: Minor Amendment to Special Use Permit #33-05

Case Manager: David Kress

GENERAL INFORMATION

Owner: H & S Investment Group, LLC c/o Roger Hager

Applicant: Wilder's Bistro c/o Terrance Wilder

Address/Parcel #: 2639 South Oneida Street (Tax Id #31-8-1513-00)

Petitioner's Request: The applicant is requesting to amend Special Use Permit #33-05 to allow alcohol sales and service within an expanded outdoor patio south of the existing restaurant.

BACKGROUND

Special Use Permit #13-00 for a restaurant with alcohol sales at 2639 South Oneida Street was approved by Common Council on September 20, 2000. The approval was granted with one condition listed as follows:

1. Site Plan Review approval is required, and all standard elements including parking lot landscaping, buffers, driveway closure, and sidewalks must be met prior to issuance of building permits.
 - *Condition satisfied. Site Plan #00-41 was approved on March 5, 2001 and subsequent building permits were issued for Sergio's Restaurant and the parking lot serving the site.*

Special Use Permit #33-05 to expand an existing restaurant by allowing outdoor seating with alcohol service at 2639 South Oneida Street was approved by Common Council on December 21, 2005. The approval was granted with five conditions listed as follows:

1. The serving and consumption of alcohol is limited to the interior ground floor of the existing restaurant and the outdoor patio area (south side of building) as identified by the development plan. Any future expansions into additional building space or outdoor areas not identified by the development plan, for the serving and/or consumption of alcohol, will require a new Special Use Permit application to be applied for and approved.
 - *Development plan drawings included with Special Use Permit #33-05 identified the interior of the restaurant and outdoor patio to be approximately 8,868 square feet and 656 square feet, respectively, for a total area of 9,524 square feet. The applicant's request is to expand the existing outdoor patio located south of the building by an additional 625 square feet, which represents an overall increase of approximately 6.6%.*

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2. The owner/applicant is encouraged to contact and meet with representatives from the Appleton Police Department (Pat DeWall or Carlos delPlaine) and the Appleton Fire Department (Vernon Green) to insure that both Police and Fire requirements and concerns are being addressed prior to issuance of building permits.
 - *Police Department and Fire Department staff are part of the Technical Review Group (TRG) that receives information and comments on items prior to appearing before Plan Commission. No comments were received from either department on this item.*
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
 - *Ongoing condition. This condition continues to apply at this location.*
4. All Noise Ordinances shall be adhered to at all times.
 - *Ongoing condition. This condition continues to apply at this location.*
5. The applicant shall apply to the City Clerk to amend the current Liquor License to include the expansion area (outdoor seating) used for the serving and/or consumption of alcohol. Any expansion of a restaurant with alcohol sales requires approval of a premise description amendment of the existing liquor license from the Safety and Licensing Committee and Common Council.
 - *Wilder's Bistro has applied for a premise amendment for their current Liquor License. This item is on track to appear before the Safety and Licensing Committee on July 11, 2018 and Common Council on July 18, 2018.*

STAFF ANALYSIS

Project Summary: Wilder's Bistro has already operated at the subject area, located near the intersection of South Oneida Street and West Valley Road, for seven months. The applicant proposes to allow alcohol sales and service within an expanded outdoor patio south of the existing restaurant. The proposal would increase the outdoor patio by approximately 625 square feet and install an additional door to the interior, as shown on the attached development plan.

Existing Site Conditions: The existing multi-tenant building totals approximately 37,840 square feet, including the other commercial uses on-site. The roughly 3.6-acre site also includes off-street parking west, south, and east of the building. Access is provided by curb cuts on South Oneida Street and cross access with properties to the south.

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

Outdoor Seating Area: The existing outdoor patio located south of the building is approximately 656 square feet, and the proposal would increase its size by approximately 625 square feet. The expanded outdoor area would also be enclosed with a concrete/wood fence that is six feet in height. The applicant

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proposes to utilize the expanded outdoor patio for alcohol sales and service, as is shown on the development plan and described in the plan of operation.

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.

South: C-2 General Commercial District. The adjacent land uses to the south are currently a mix of commercial uses, including a gasoline station and car wash.

East: PD/C-2 Planned Development General Commercial District. The adjacent land uses to the east are currently a mix of commercial uses.

West: R-3 Multi-Family District. The adjacent land uses to the west are currently multi-family residential.

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.

Chapter 17: South Oneida Street Corridor Plan, General Plan:

Land Uses – The general commercial designation is recommended for an area beginning at the intersection of South Oneida Street and Calumet Street, and extending south to Midway Road. The general commercial area may be characterized as typical suburban commercial strips including both office and retail or service uses. Development may consist of freestanding buildings or multi-tenant buildings.

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Zoning Ordinance Requirements: 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 subject property has historically functioned as a “shopping center” use, per Assessor’s Office and building permit records. The proposed expansion of the outdoor patio will not increase the gross floor area of the existing multi-tenant building. Therefore, the number of parking spaces required for the subject property remains the same at 152 parking spaces. Even with three existing parking spaces being eliminated for the applicant’s request, the 175 remaining parking spaces provided exceeds the required amount.

Changes to Special Uses: 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 service requires a Special Use Permit in the C-2 District, but Special Use Permits #13-00 and #33-05 were approved previously. This item has been referred to the Plan Commission per Section 23-66(g) of the Municipal Code, which states:

(1) **Minor change.** Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:

- a. Expansions of special uses of less than 10%.

The expanded outdoor patio, proposed at an additional 625 square feet, constitutes an expansion of less than 10%.

- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

This minor amendment request is consistent with the general intent and character of Special Use Permits #13-00 and #33-05, as the subject area will continue to be used as a restaurant and outdoor seating area with alcohol sales and service.

Note: Minor amendments to an existing Special Use Permit do not require Common Council action.

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 June 19, 2018 Technical Review Group meeting.

- **Inspections Division Comments:** Building permits are required for the fence surrounding the outdoor patio and the opening (door) in the exterior wall.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #33-05 for an existing restaurant and expanded outdoor patio with alcohol sales and service at 2639 South Oneida Street

Minor Amendment to Special Use Permit #33-05

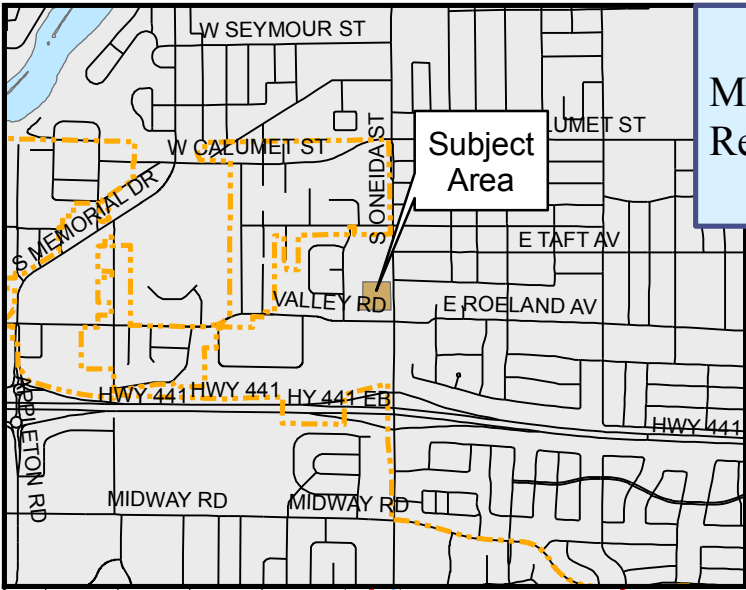
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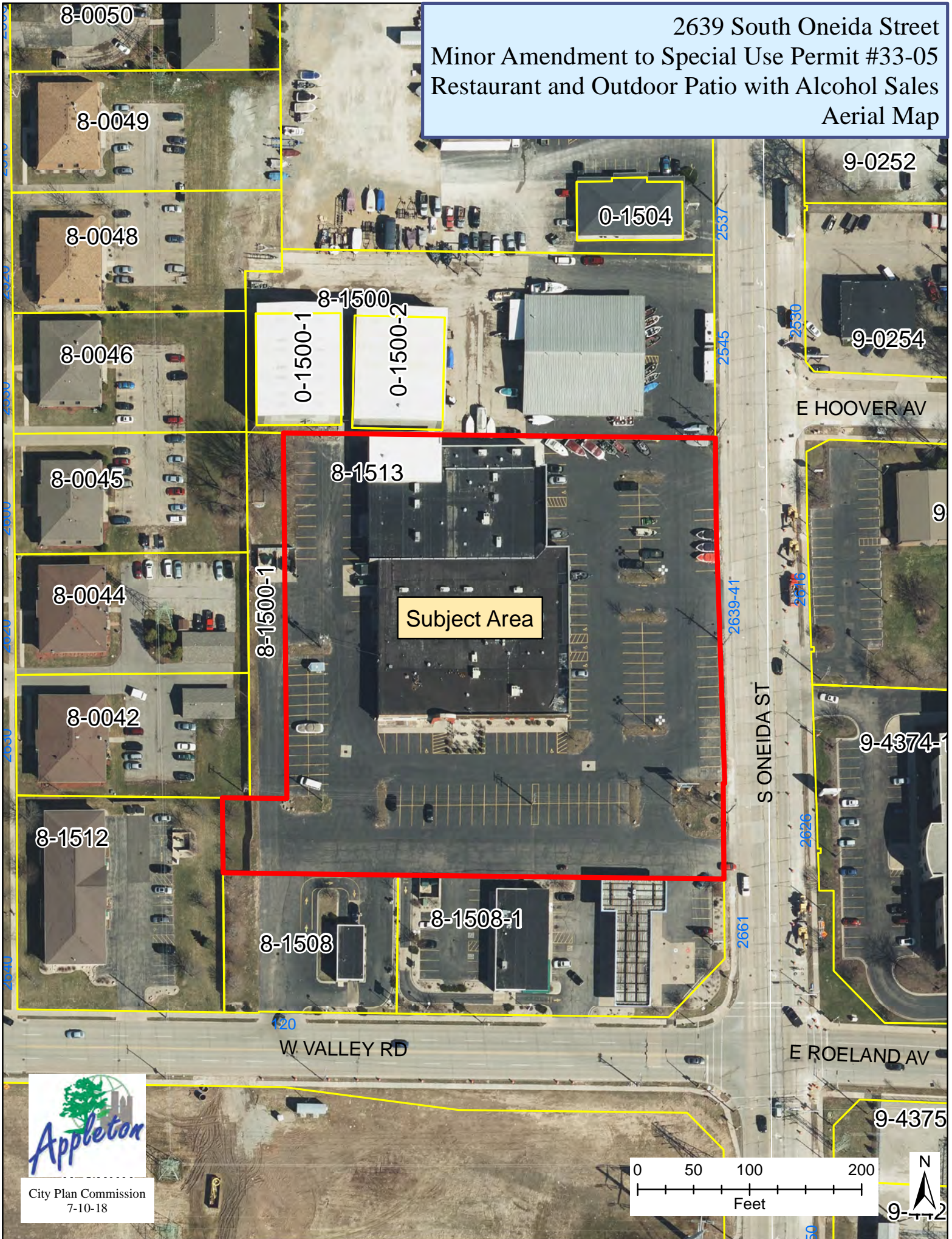
(Tax Id #31-8-1513-00), as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following conditions:

1. The serving and consumption of alcohol is limited to the interior ground floor of the existing restaurant and outdoor patio area, as identified on the attached development plan drawings. 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.
2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
3. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
4. The applicant shall receive approval of a Liquor License premise amendment from the City Clerk prior to serving or consuming alcohol in the expanded outdoor seating area.
5. Building permits are required from the Inspections Division for the fence surrounding the outdoor patio and the opening (door) in the exterior wall.
6. 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.
7. The subject site already exceeds the maximum 75% lot coverage in the C-2 General Commercial District. In order to prevent an increase in lot coverage, the amount of pervious surface area removed for the expanded outdoor patio, if any, needs to be replaced somewhere else on the site.
8. Special Use Permit #33-05, as now amended, will replace Special Use Permit #13-00 to cover the interior ground floor of the restaurant and outdoor patio in its entirety.

2639 South Oneida Street
 Minor Amendment to Special Use Permit #33-05
 Restaurant and Outdoor Patio with Alcohol Sales
 Zoning Map



2639 South Oneida Street
Minor Amendment to Special Use Permit #33-05
Restaurant and Outdoor Patio with Alcohol Sales
Aerial Map

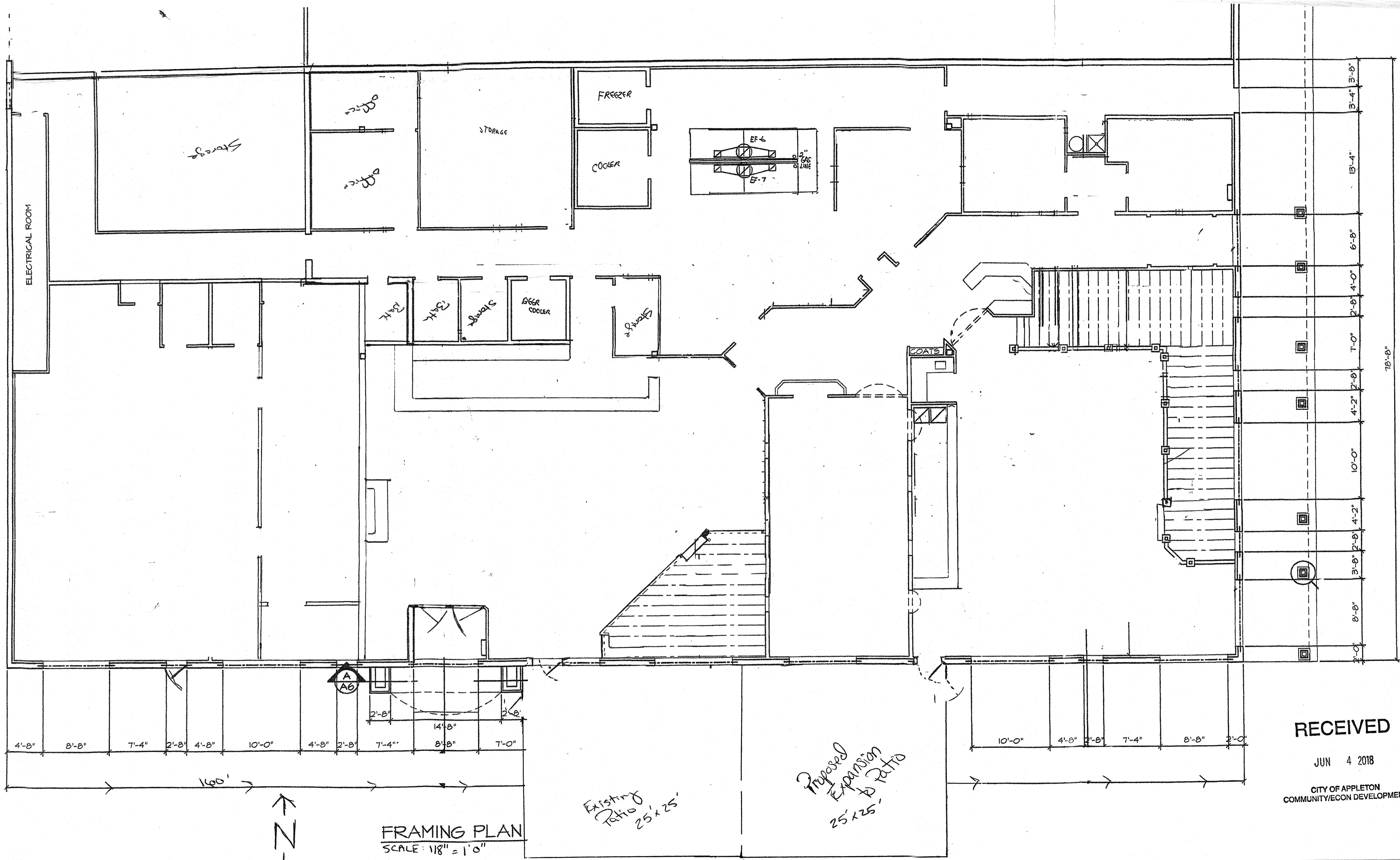


Subject Area



City Plan Commission
7-10-18





FRAMING PLAN
SCALE: 1/8" = 1'-0"

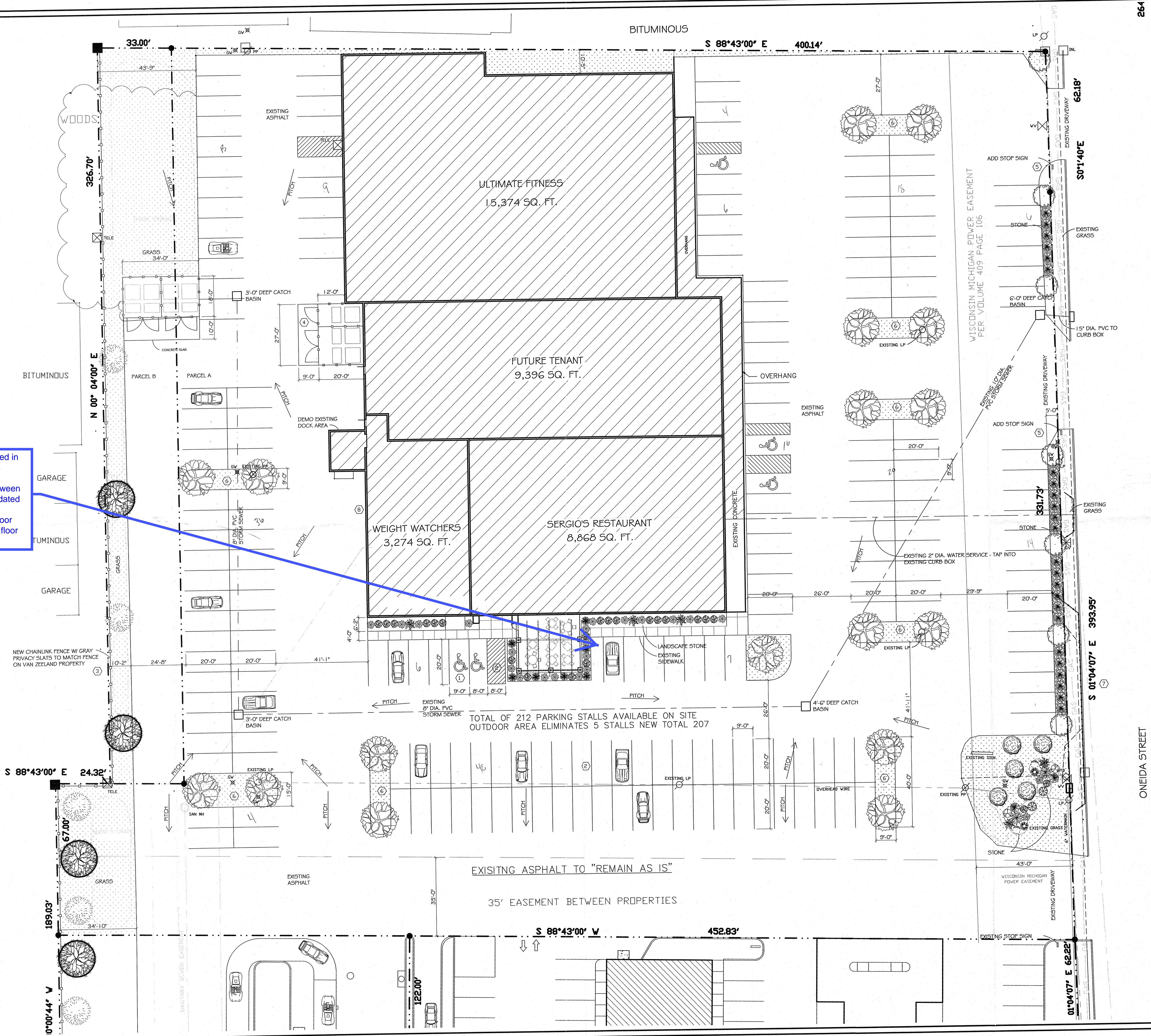
Existing
Retro
25' x 25'

Proposed
Expansion
& Retro
25' x 25'

RECEIVED
JUN 4 2018
CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

SITE STATISTICS	
SITE SQFT	159,800 SQFT.
EXISTING BUILDING SQFT	46,689 SQFT.
3' OF LOT COVERAGE	242
ASPHALT/CONCRETE COVERAGE	110,258 SQFT.
3' OF LOT COVERAGE	402
GREENSPACE COVERAGE	18,159 SQFT.
3' OF LOT COVERAGE	112
PARKING	
1 STALL FOR EVERY 200 SQFT	38,374/200=191
PARKING STALLS PROVIDED	207
HANDICAP STALLS PROVIDED	9
ADDRESS	
2639-2641 SOUTH ONEIDA STREET	

This drawing, originally included in Special Use Permit #33-05, is intended to show general site conditions and separation between tenant spaces. See drawing dated June 4, 2018 for location and dimensions of expanded outdoor patio area, as well as internal floor plan for Wilder's Bistro.



THESE DESIGNS, DRAWINGS, AND SPECIFICATIONS ARE OWNED AND CONTROLLED BY UTSCHE IMPERIAL BUILDING SYSTEMS, INC.

INTEGRITY
QUALITY
SATISFACTION

Utchig Imperial
Building Systems, Inc.
11555 W. 40th St., Suite 200
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Internet: www.uisb.com E-Mail: einfo@uisb.com

SOUTH ONEIDA
APPLETON, WISCONSIN

SITE PLAN

REVISIONS:

NUMB.	DATE
1	DATE
2	DATE
3	DATE
4	DATE
5	DATE

DRAWN BY:
TPW

APPROVED BY:
INITIALS

DATE:
NOVEMBER 16, 2005

PROJECT NUMBER:
04-000

SCALE:
1"=20'-0"

SHEET NUMBER

51

OF 1.

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

Business Information:

Name of business: WILDER'S BISTRO

Years in operation: 7 MONTHS

Percentage of business derived from restaurant service: 80 %

Type of proposed establishment (detailed explanation of business):

IT IS A FULL SERVICE BISTRO WITH A 10 PERSON
BAR AREA. I AM REQUESTING ALCOHOL SERVICE ON
THE PATIO THAT WILL SEAT ABOUT 30 PEOPLE.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	11:00 AM	9:00 PM
Friday	11:00 AM	10:00 PM
Saturday	11:00 AM	10:00 PM
Sunday	11:00 AM	9:00 PM

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: 175 persons

Gross floor area of the existing building(s): 7000 Sq ft.

Gross floor area of the proposed building(s): 700 Sq ft.

Describe Any Potential Noise Emanating From the Proposed Use:

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

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

THERE WILL BE A PRIVACY WALL AND STAFF AND
MANAGEMENT OUT THERE CONSTANTLY TO KEEP THE
NOISE UNDER CONTROL

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

MANAGEMENT AND STAFF WILL MONITOR ACTIVITY IN
THE PARKING LOT

Outdoor Uses:

Location, type, size and design of outdoor facilities:

Outdoor patio 700 sq ft additional

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

Concrete + Wood 6' tall overall

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:

THERE WILL BE A FEW SPEAKERS PLAYING SOFT MUSIC CONTROLLED BY ME.

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

Proposed Hours of Operation for Outdoor Uses: SAME AS THE RESTAURANT

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

Outdoor Lighting:

Type: Poles, wall packs, indirect lighting
Location: in patio, on buildings, and in lot.

Off-Street Parking:

Number of spaces existing: 100+
Number of spaces proposed: ~~same~~ No change

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: 30
Number of proposed employees: SAME
Number of employees scheduled to work on the largest shift: 15-18