



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: February 26, 2019

Common Council Meeting Date: March 6, 2019

Item: Special Use Permit #1-19 for café/restaurant with alcohol sales and service

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner: Neighborhood Investments

Applicant: Shannon Boegh (Moon Water Café)

Address/Parcel #: 608 N. Lawe Street (Tax Id #31-1-0257-00)

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

BACKGROUND

The subject area, located near the intersection of North Lawe Street and East Pacific Street, is one unit within a multi-tenant building. There are two one-bedroom residential units on the second floor. The building was built in 1855. 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.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a restaurant with alcohol sales and service on the subject site, which would occupy approximately 640 square feet of the existing building. Based on the attached development plan, this request will not increase existing building area. Utilizing the Fire Code to review the attached seating diagram, the Fire Department will review the maximum capacity of 15 persons listed for their tenant space.

Existing Site Conditions: The existing multi-tenant/residential building totals approximately 3,322 square feet, and includes two commercial tenant spaces on the first floor (approximately 1,800 square feet) and two one-bedroom residential units on the second floor. The 6,822 square foot site also includes off-street parking on the east side of the building. Access is provided by a curb cut on North Lawe 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 restaurant 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 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.

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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. The mixed uses within this property would require a total of 11 parking spaces (5 for the café, 4 for the office use, 2 for the residential units). The applicant indicates the existing parking lot can accommodate up to 12 cars. 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 residential in nature.

North: R-1C Central City Residential District. The adjacent land use to the north is currently single-family residential.

South: C-2 General Commercial District. The adjacent land use to the south is currently two-family residential.

East: R-1C Central City Residential District. The adjacent land use to the east is currently single-family residential.

West: R-1C Central City Residential District and R-2 Two-Family Residential District. The adjacent land uses to the west are currently single-family residential and two-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.

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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 February 5, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #1-19 for a café/restaurant with alcohol sales and service at 608 N. Lawe Street (Tax Id #31-1-0257-00), 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.
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 interior ground floor of the tenant space, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol, beyond the current limits of this area, may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
4. 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.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
6. Parking lot shall be striped to delineate parking spaces.

RESOLUTION
CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #1-19

WHEREAS, Shannon Boegh (d/b/a Moon Water Cafe) has applied for a Special Use Permit for a cafe/restaurant with alcohol sales and service located at 608 N. Lawe Street, also identified as Parcel Number 31-1-0257-00; and

WHEREAS, the location for the proposed cafe/restaurant 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 February 26, 2019, on Special Use Permit #1-19 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 #1-19 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 #1-19 for a café/restaurant with alcohol sales and service located at 608 N. Lawe Street, also identified as Parcel Number 31-1-0257-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #1-19

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.
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 interior ground floor of the tenant space, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol, beyond the current limits of

this area, may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

4. 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.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
6. Parking lot shall be striped to delineate parking spaces.

Adopted this _____ day of _____, 2019.

Timothy M. Hanna, Mayor

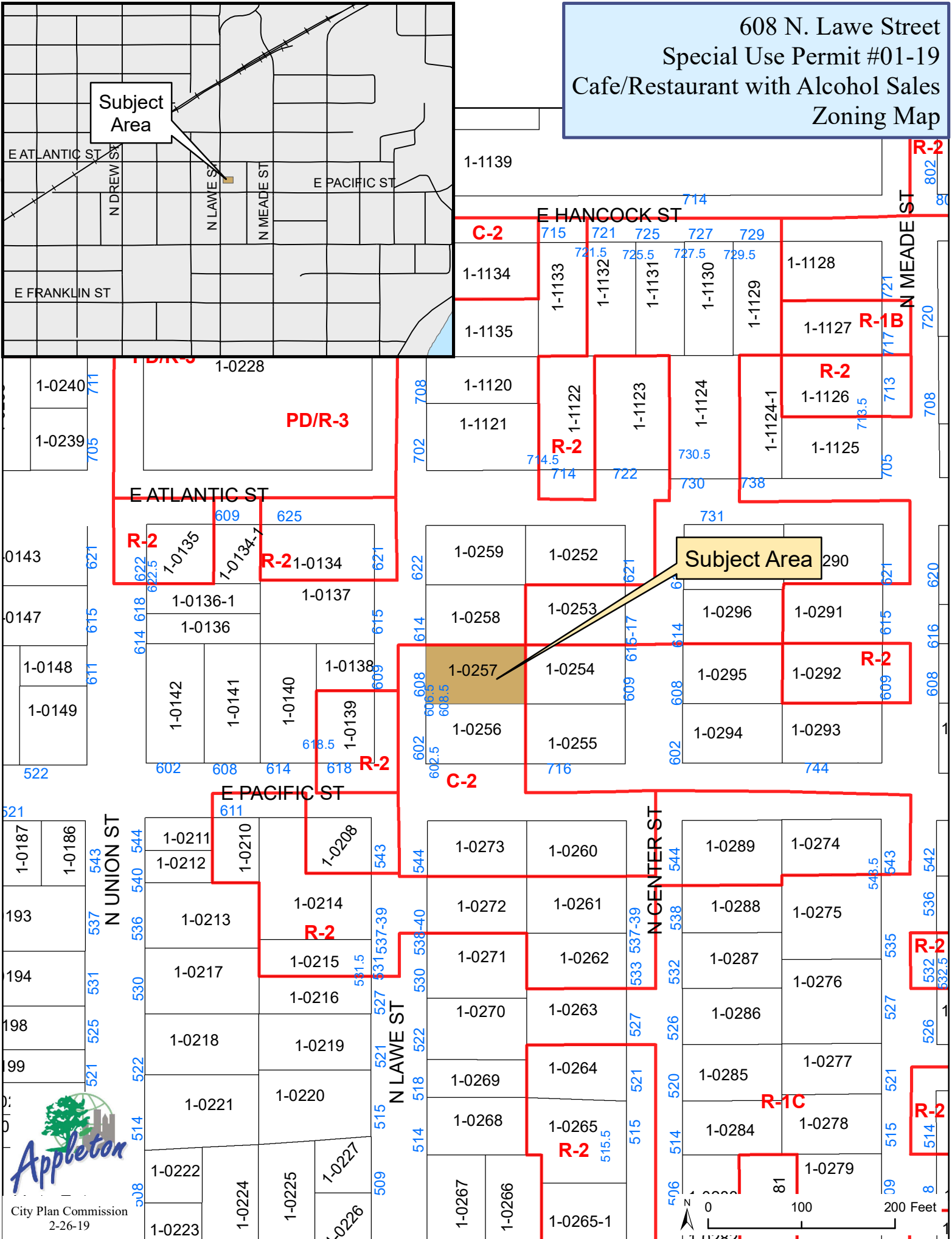
ATTEST:

Kami Lynch, City Clerk

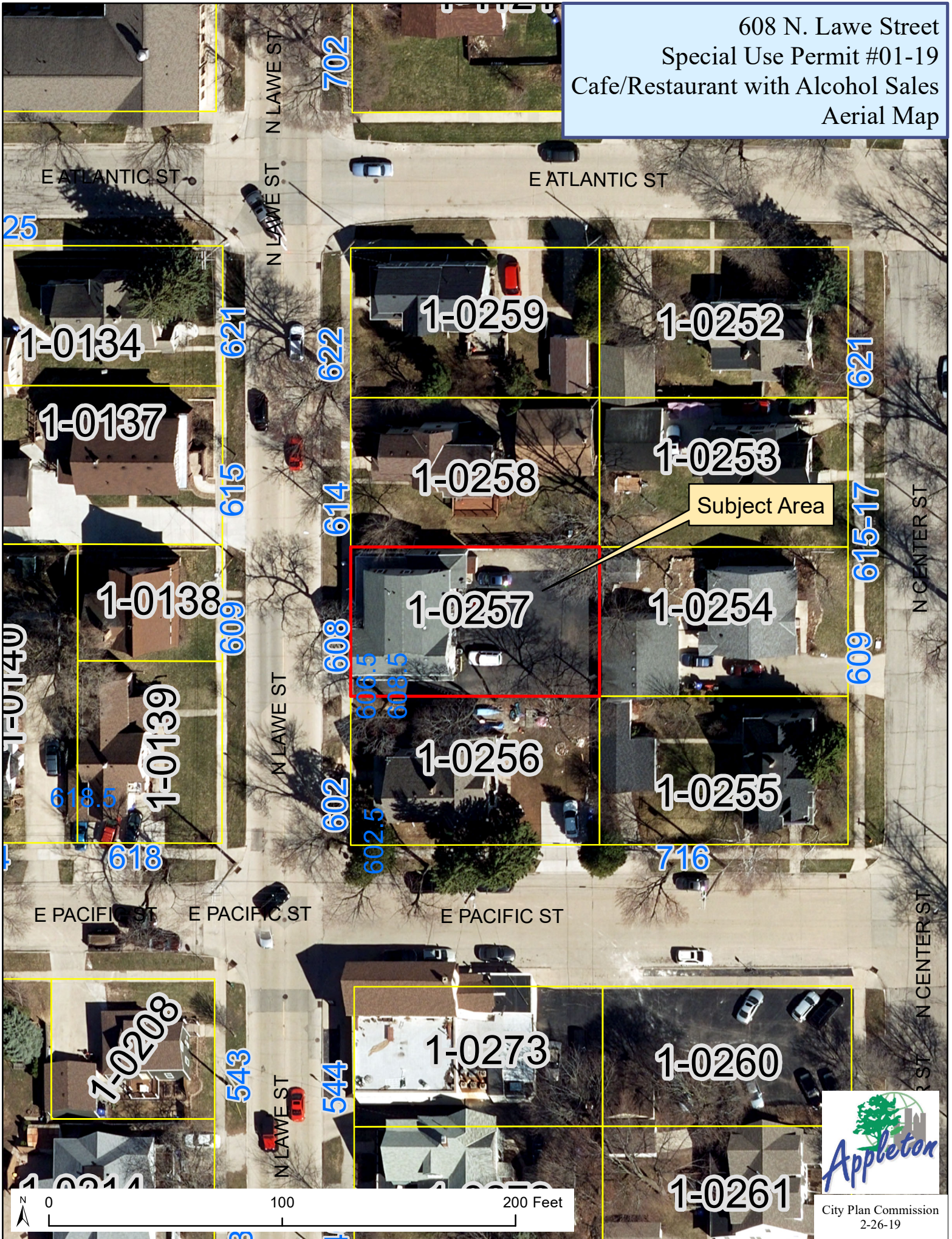
608 N. Lawe Street
Special Use Permit #01-19
Cafe/Restaurant with Alcohol Sales
Zoning Map

Subject Area

Subject Area



608 N. Lawe Street
Special Use Permit #01-19
Cafe/Restaurant with Alcohol Sales
Aerial Map



Subject Area

0 100 200 Feet



City Plan Commission
2-26-19

**ONSITE ALCOHOL CONSUMPTION
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business information:

Name of Business: Moon Water Cafe

Years in operation: 0

Type of the proposed establishment (detailed explanation of business): I'm hoping to start a neighborhood cafe. I would be serving coffee from Acoca Coffee, kombucha tea and a morning →

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	8 AM	7 PM
Friday	8 AM	8 PM
Saturday	9 AM	8 PM
Sunday	—	—

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: 15 persons.

Gross floor area of the existing building(s): 640 sq. ft.

Gross floor area of the proposed building(s): 640 sq. ft.

Crowd and parking lot control methods: The lot can handle 10-12 vehicles. Being that this is a neighborhood cafe →

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all equipment: _____

Noise shouldn't be an issue.

B. How will the noise be controlled? _____

Outdoor uses:

drink as well as some baked goods.

In the evening, I would offer wine and craft beer from a local brewery to go along with some small plates like freshly baked bread with dipping oil, single serve flatbreads, a cheese plate and salads. Since the capacity is 15 people, I will be encouraging the customers to enjoy the options on a to go basis by having most of the food and drink options pre packaged.

I'm anticipating most of the traffic to be on foot.

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

Type and height of screening of plantings/fencing/gating: The fencing around the parking

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

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

If yes, describe how will the noise be controlled:

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

Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day		
Friday	N/A	N/A
Saturday		
Sunday		

Outdoor lighting:

Type: Just on the front sign

Location:

Off-street parking:

Number of spaces existing: 10-12

Number of spaces proposed: 10-12

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: None that I'm aware of

Number of Employees:

Number of Existing Employees: 1-2

Number of Proposed Employees: 1-2

Number of Employees scheduled to work on the largest shift: 1-2

2/21

lot belongs to the neighbors.

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2/21

lot belongs to the neighbors.

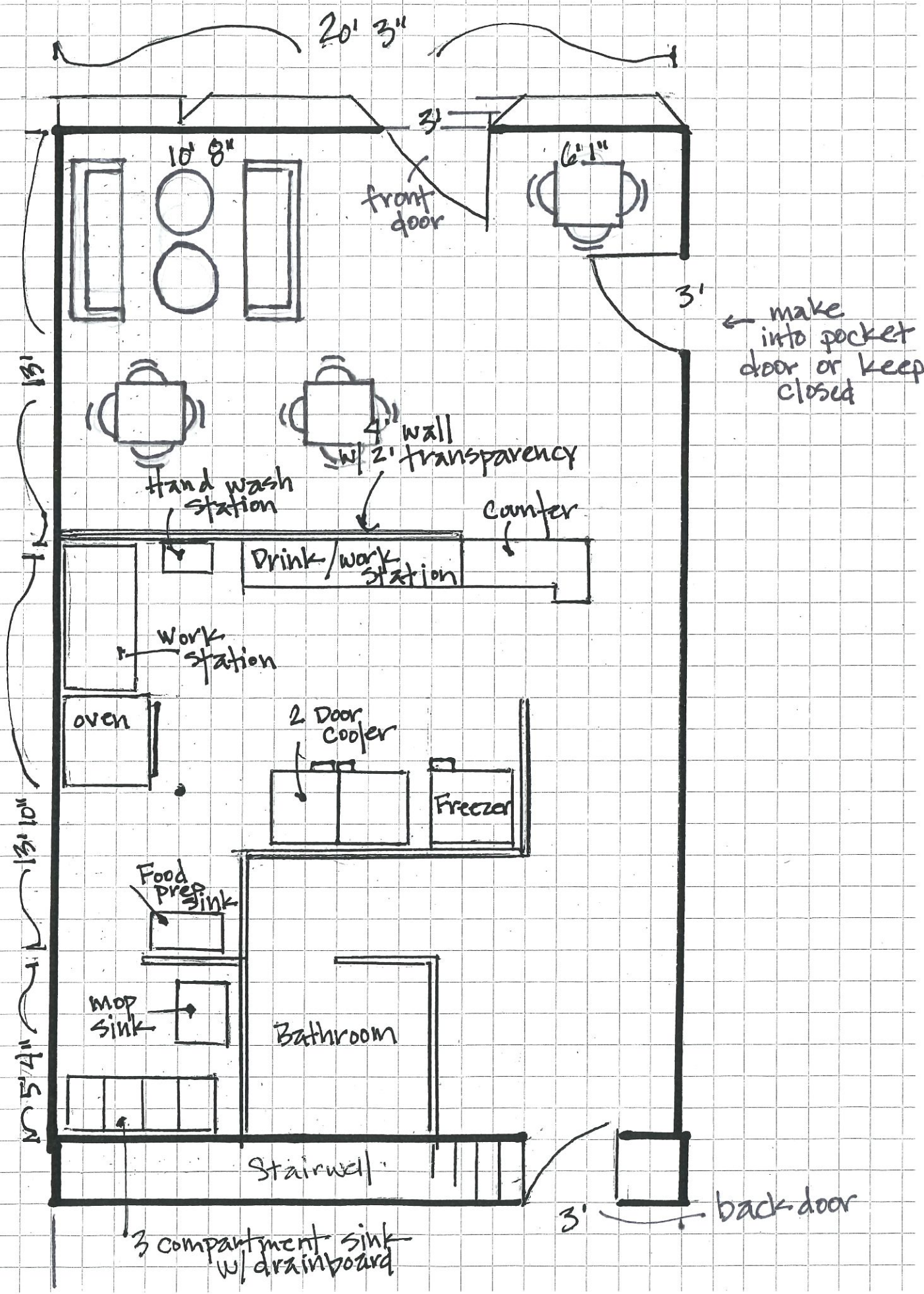
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lot belongs to the neighbors.

2/21

2/21





Back
door that
I plan to
make level
with the
parking lot
for
handicap
access



Parking
lot.
Snow
removal
is the
outer
edge





Driveway
to
parking
lot.



Lowe Street
↑

