



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** February 25, 2020

**Common Council Meeting Date:** March 4, 2020

**Item:** Special Use Permit #1-20 for restaurant and sidewalk café with alcohol sales and service

**Case Manager:** David Kress

### GENERAL INFORMATION

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**Owner/Applicant:** College Ave Legacy, LLC c/o William Wetzel

**Address/Parcel #:** 500 West College Avenue (Tax Id # 31-5-1070-00)

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

### BACKGROUND

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The subject area is located at the northwest corner of West College Avenue and North Walnut Street. The subject area consists of space currently occupied by ACOCA Coffee and their proposed interior expansion area. ACOCA Coffee has operated at this location for years as a restaurant (without alcohol). 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 May 20, 2009, Common Council approved a Street Occupancy Permit for ACOCA Coffee to place tables and chairs in the amenity strip near the subject site. The sidewalk café location is identified on the attached map provided by the Department of Public Works.

### STAFF ANALYSIS

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**Project Summary:** According to the applicant, ACOCA Coffee has operated within the 500 West College Avenue tenant space since 1997. The other first floor tenant space (502 West College Avenue) was most recently used as a retail business. As shown on the attached development plan, the applicant proposes to expand within the existing building to create one first floor unit that totals approximately 4,314 square feet. The applicant proposes to establish alcohol sales and service at the expanded restaurant and existing sidewalk café area.

**Existing Site Conditions:** The existing multi-tenant building on the subject parcel totals approximately 7,156 square feet, including the ground floor and lower level units. The subject parcel represents one unit of a condominium declaration. No off-street parking is provided, which is allowable in the CBD Central Business District.

**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

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conjunction with an expanded restaurant and existing sidewalk café, 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.

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

**Outdoor Seating Area:** The existing sidewalk café location is identified on the attached map provided by the Department of Public Works. The sidewalk café shall comply with the previously-approved Street Occupancy Permit and applicable regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code.

**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, including a restaurant with alcohol.

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, including the Fox Cities Performing Arts Center.

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

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Central Business District 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.*

*Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:  
Strategy 4.8 – Support private sector efforts to redevelop and invest in 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 4, 2020 Technical Review Group meeting.

- Department of Public Works Comments: The sidewalk café location is limited to the amenity strip area shown in pink highlight on the attached map.

**RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #1-20 for a restaurant and sidewalk café with alcohol sales and service at 500 West College Avenue (Tax Id #31-5-1070-00), 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 building and sidewalk café area, as identified on the attached development plan drawing and map. 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 on-site alcohol sales and consumption. 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 project to remodel the existing tenant space and expand into the adjacent tenant space will require building permit(s) from the Inspections Division.
6. The sidewalk café shall comply with the regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code and the previously-approved Street Occupancy Permit.
7. 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 #1-20**

**WHEREAS**, William Wetzel, College Ave Legacy, LLC has applied for a Special Use Permit for a restaurant and sidewalk café with alcohol sales and service located at 500 West College Avenue, also identified as Parcel Number(s) 31-5-1070-00; and

**WHEREAS**, the location for the proposed restaurant and sidewalk café with alcohol sales and service is located in the CBD Central Business 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 25, 2020, on Special Use Permit #1-20 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 #1-20 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 \_\_\_\_\_, 2020 and found it to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Appleton Common Council approves Special Use Permit #1-20 for a restaurant and sidewalk café with alcohol sales and service located at 500 West College Avenue, also identified as Parcel Number(s) 31-5-1070-00 and orders as follows:

**CONDITIONS OF SPECIAL USE PERMIT #1-20**

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 building and sidewalk café area, as identified on the attached development plan drawing



and map. 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 on-site alcohol sales and consumption. 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 project to remodel the existing tenant space and expand into the adjacent tenant space will require building permit(s) from the Inspections Division.
6. The sidewalk café shall comply with the regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code and the previously-approved Street Occupancy Permit.
7. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Timothy M. Hanna, Mayor

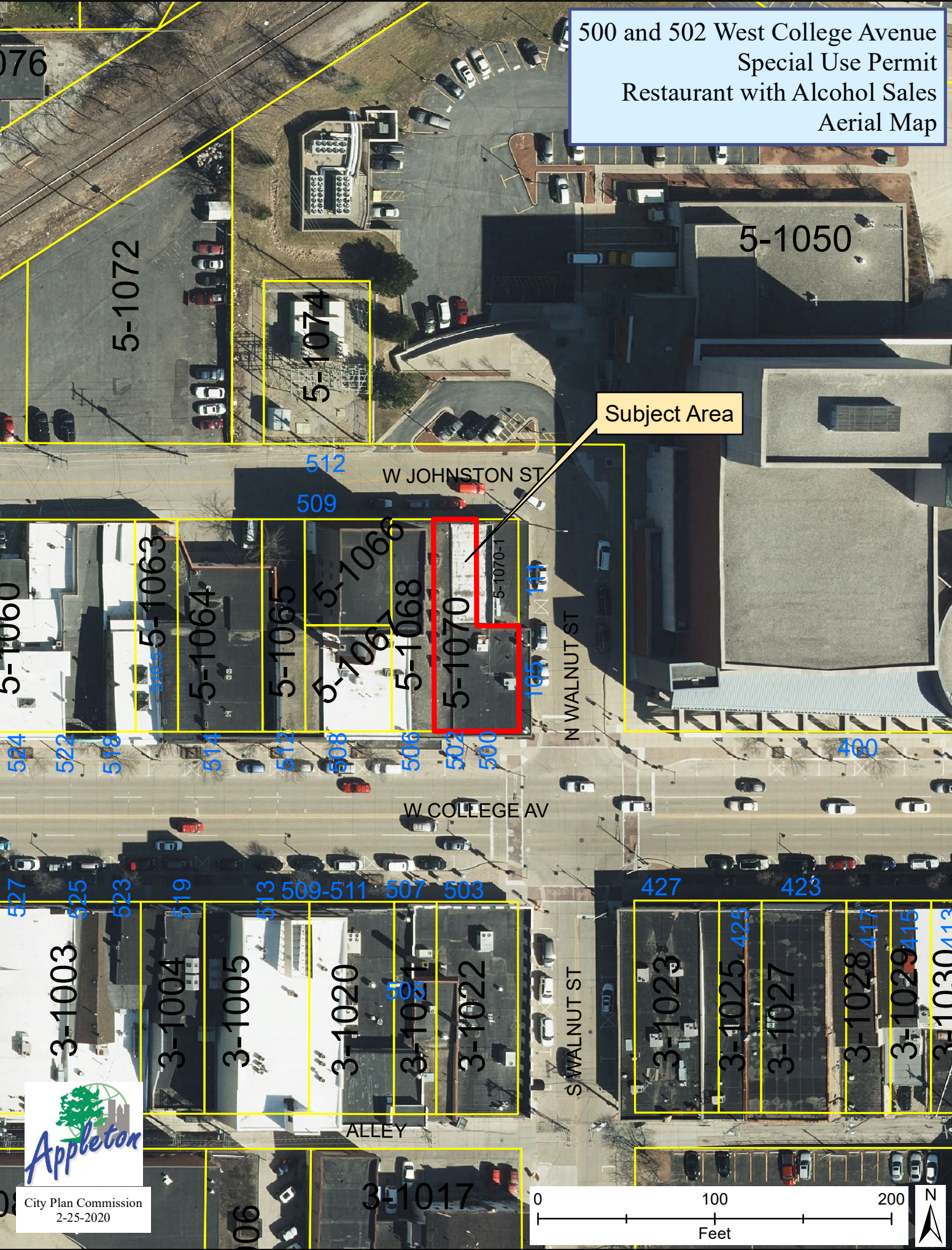
ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk





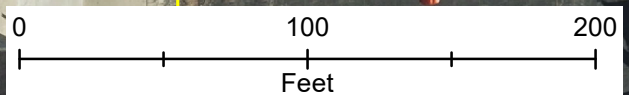
500 and 502 West College Avenue  
Special Use Permit  
Restaurant with Alcohol Sales  
Aerial Map



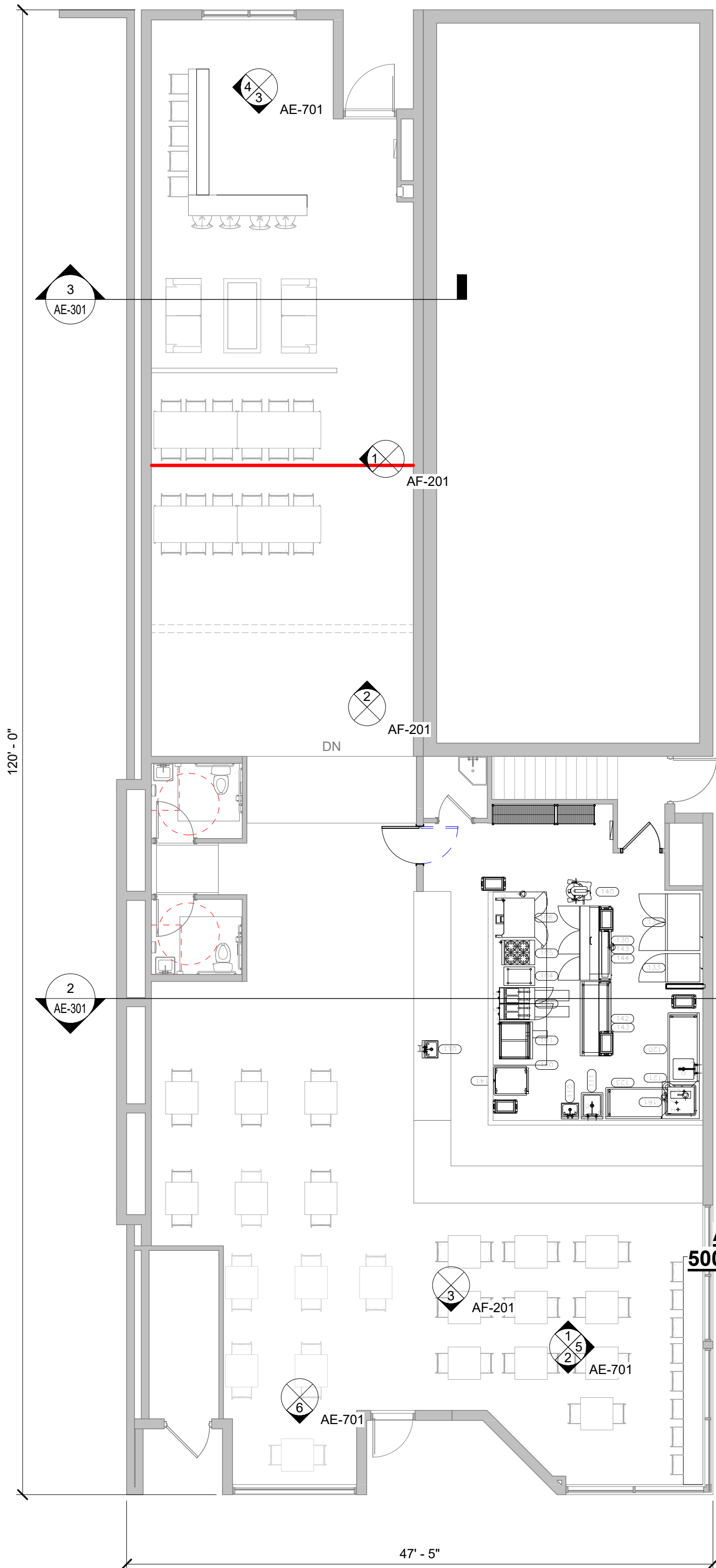
Subject Area



City Plan Commission  
2-25-2020








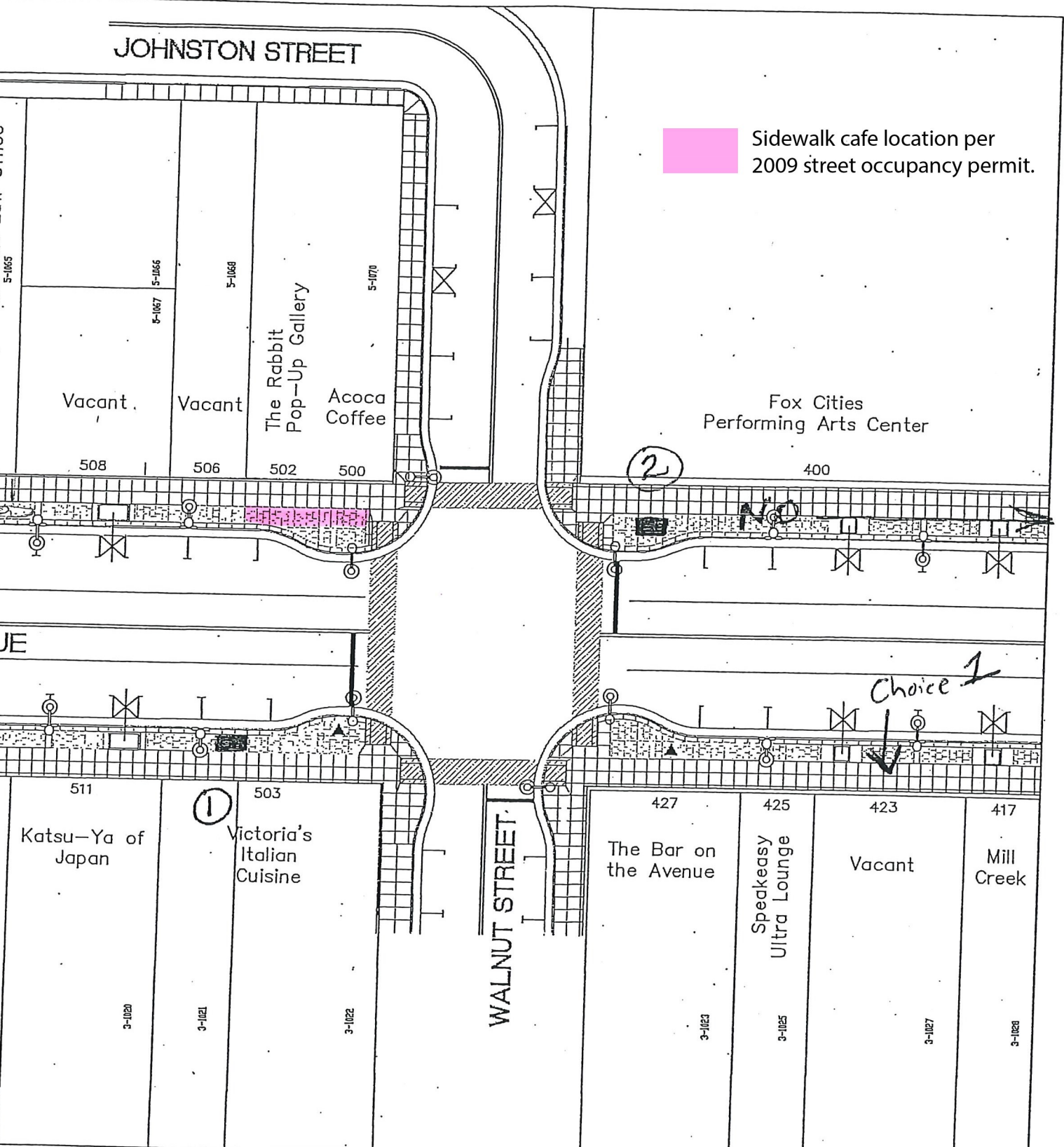
**ACOCA COFFEE**  
**500 W COLLEGE AVE**

# FIRST FLOOR PLAN



JOHNSTON STREET

 Sidewalk cafe location per 2009 street occupancy permit.



LEGEND	
	FOOD CART
	SANDWICH BOARD
	TABLE & CHAIRS

SCALE  
1"=40'

College Avenue Streetscape

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FROM: State St.

TO: 150' E/O Walnut St.

DRAWN: 3/1/12  
REVISED:

### PLAN OF OPERATION AND LOCATIONAL INFORMATION

**Business Information:**

Name of business: \_\_\_\_\_WAAM Enterprises, LLC dba ACOCA Coffee

(Check applicable proposed business activity(s) proposed for the building or tenant space)

- Restaurant
- Bar/Night Club
- Wine Bar
- Microbrewery
- Other \_\_\_\_\_.

Years in operation: \_\_\_\_ Since 1997 \_\_\_\_\_.

Percentage of business derived from food service: less than 10% today, should go up considerably in future.

Type of proposed establishment (detailed explanation of business operations):

A coffee and breakfast/lunch café that serves fresh roasted (on site) Fair Trade Organic coffees and dishes up fresh, flavorful, breakfast and lunch sandwiches. In the evenings, light tapas-style plates and desserts will be served. Beer and wine will also be available.

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

Day	From	To
Week Days Monday thru Thursday	6:00 am	11:00 pm
Friday	6:00 am	11:00 pm
Saturday	7:00 am	11:00 pm
Sunday	7:00 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: \_\_\_\_97\_\_\_\_ persons

Gross floor area of the existing building(s): \_\_\_\_\_ Current ACOCA Coffee space is 1200 sq.ft.

Gross floor area of the proposed building(s): \_\_\_\_\_ Expanding business into adjacent 502 W College will grow total space to 4314 sq.ft.

**Describe Any Potential Noise Emanating From the Proposed Use:**

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

   No additional noise should be generated except for kitchen exhaust hood that will blow out onto the roof and far clear from local apartments and street level.

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

Chill crowd sipping great coffee, loose leaf teas, some mellow wines and local beers; I think it will be a quiet and well-mannered clientele.

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

   Not applicable

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**Outdoor Space Uses:**

(Check applicable proposed area)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_.
- None

Size: \_\_\_\_\_ Approx 300 square feet.

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing  Landscaping  Other    Temporary Stanchions. Height \_\_\_\_\_ feet.



Is there any alcohol service incorporated within the outdoor space? 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 within the outdoor space? Yes  No

**Proposed Hours of Operation for Outdoor Space:**

Day	From	To
Week Days: Monday thru Thursday	6:00 am	9:30 pm
Friday	6:00 am	9:30 pm
Saturday	11:00 am	9:00 pm
Sunday	11:00 am	9:00 pm

**NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):**

**\*\*\*\*\*Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

**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:

          The Bar; Fress, Victoria's; Cozy Corner; Performing Arts Center

**Number of Employees:**

Number of existing employees:           Eight (8)



Number of proposed employees: TBD; 12 - 18

Number of employees scheduled to work on the largest shift: 6 - 9

## Business Enhancement Grant Application Narrative

20 November 2019

Improvements to both 500 & 502 W College avenue, to expand, remodel and re-create the brand experience of ACOCA Coffee, there will be enhancements to both the interior existing space and expansion space, as well as a refreshment of the North, East, and South street facades.

A full-scale interior revamping of the spaces will be undertaken in order to broadcast the ACOCA brand so as to contribute to a more engaging customer experience. Starting with the inclusion of a new commercial kitchen, which compliments an expanded menu, ACOCA coffee will transition its position to include not only a café, but also a new Bistro, Lounge, and fresh cuppings experience.

Interior themes will revolve around an 'industrial modern' language resulting in a maker-space feel which pulls in details from historical roots of Appleton, contrasted with a polished demeanor in materials that will demand a diverse array of visual aesthetic. A focus to the scope will be placed on sourcing local craftsmen for furnishings and detailed finishes, repurposed or reclaimed material pallet, and will also feature a tribute area for fire department professionals. Skylights and clerestory windows are planned in order to increase the amount of natural daylight that will flow to the space.

On the exterior, the scope calls for a renewed brush stroke over the façade which will result in a fresh paint scheme, consistent with the corporate brand language, industrial-modern solar shading devices (awnings), new exterior lighting, and an artistic blend of artisan-industrial made vs. craft style signage. Existing entryway masonry will yield to storefront glazing in order to increase the amount of daylight allowed through the Southern face of the building complex.



Aaron Gafner

Project Designer