



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: March 26, 2019

Common Council Meeting Date: April 3, 2019

Item: Special Use Permit #3-19 for restaurant with alcohol sales and service

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Noor Baha, LLC / Rose Villanueva Salinas, Garden View Restaurant

Address/Parcel #: 216 East College Avenue (Tax Id #31-2-0317-00)

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

BACKGROUND

The building was built in 1890 and has been utilized as an active part of the downtown area. The Queen Bee previously operated in this building. On April 2, 2003, Special Use Permit #10-00 to allow the sale of alcohol expired for the Queen Bee Restaurant because the sales of alcohol had been discontinued for more than 8 months between 2001-2002.

On February 6, 2019, the Common Council approved Class "B" Beer and "Class C" Wine application for the Garden View Restaurant.

STAFF ANALYSIS

Project Summary: Garden View Restaurant has operated within the subject building since October 2018. The applicant proposes to serve alcohol within the existing building to include the entire first floor, which totals approximately 3,000 square feet.

Existing Site Conditions: The existing mixed-use building totals approximately 8,280 square feet, including the existing restaurant and retail space on the first floor, and four dwelling units on the second floor.

Outdoor Alcohol Consumption Area: No outdoor alcohol sales and consumption is requested as part of this application for a Special Use Permit.

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

Special Use Permit #3-19
March 26, 2019
Page 2

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 a 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.

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 institutional in nature.

North: CBD Central Business District. The adjacent land use to the north is currently an office use.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of commercial uses and residential uses (second floor apartments), including two taverns.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses and residential uses (second floor apartments).

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses and residential uses (second floor apartments).

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.

Finding of Fact: Prior to the granting of any Special Use Permit, the City Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 23-66 (e) (1-6). This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative.

Technical Review Group (TRG) Report: This item was discussed at the March 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 #3-19 for a restaurant with alcohol sales and service at 216 East College Avenue (Tax Id #31-2-0317-00), 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. 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.
3. 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 Zoning Ordinance.
4. 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 #3-19

WHEREAS, Rose Villanueva Salinas, owner of Garden View Restaurant has applied for a Special Use Permit for a restaurant with alcohol sales located at 216 East College Avenue, and also identified as Parcel Number 31-2-0317-00; and

WHEREAS, the location for the proposed restaurant 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 March 26, 2019, on Special Use Permit #3-19 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 #3-19 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 #3-19 for a restaurant with alcohol sales and service located at 216 East College Avenue, also identified as Parcel Number 31-2-0317-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #3-19

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. 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.
3. 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 Zoning Ordinance.

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

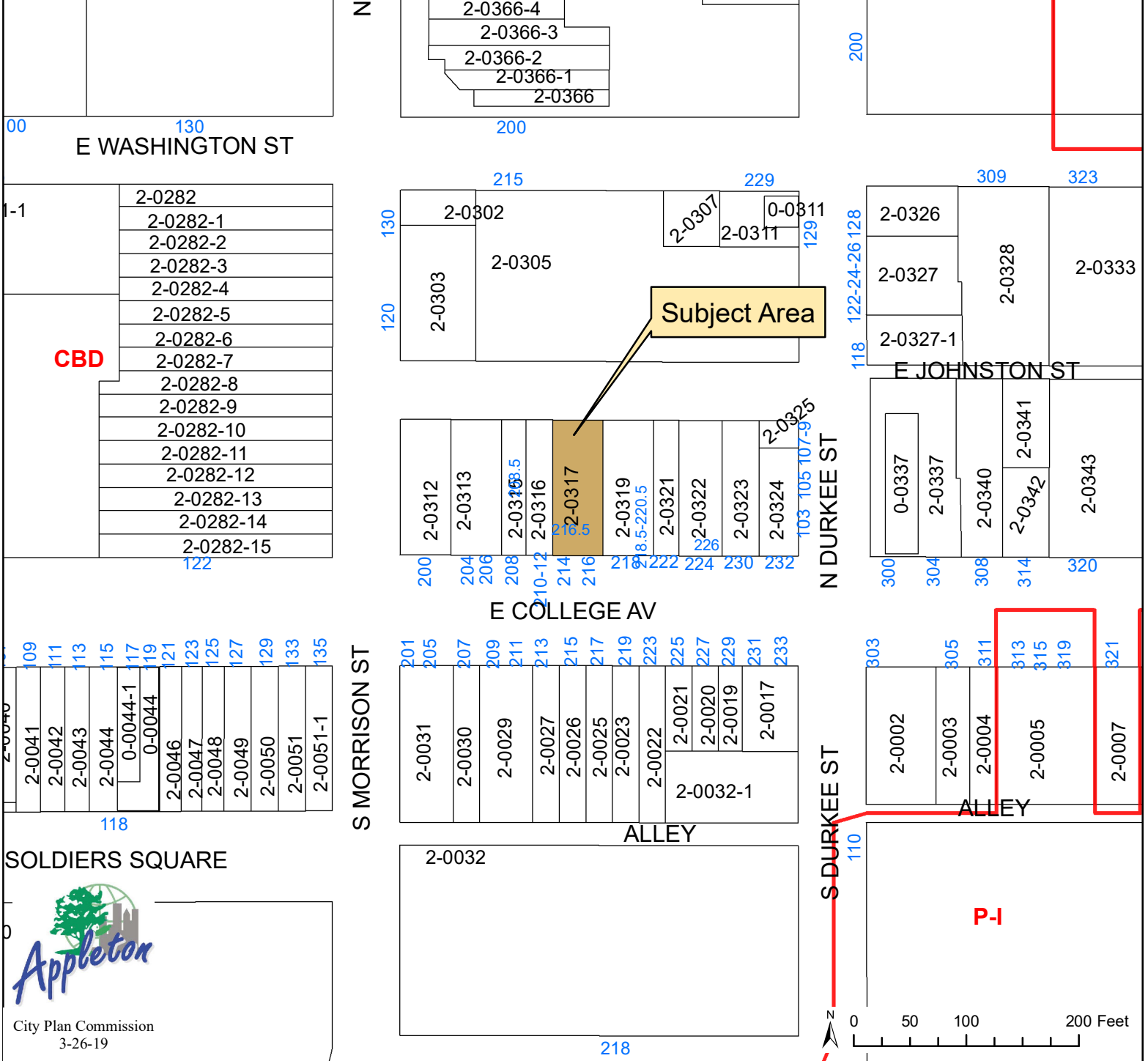
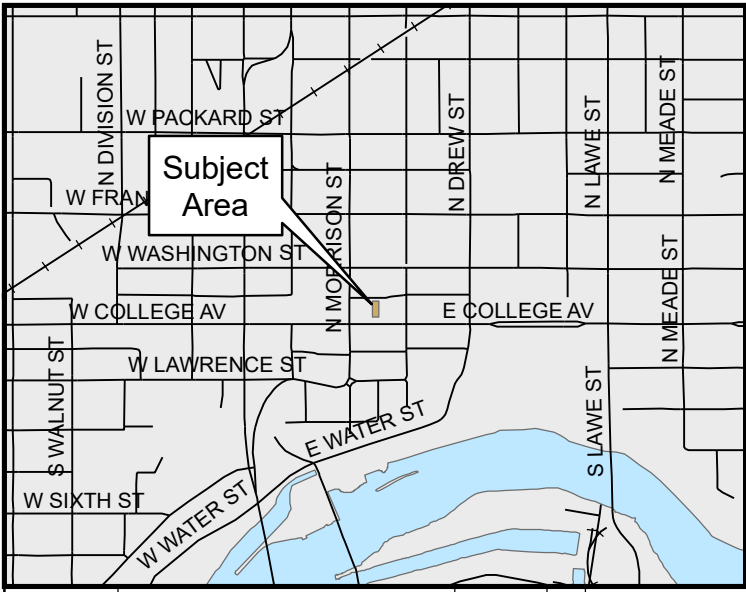
Adopted this _____ day of _____, 2019.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue
 Zoning Map



CBD

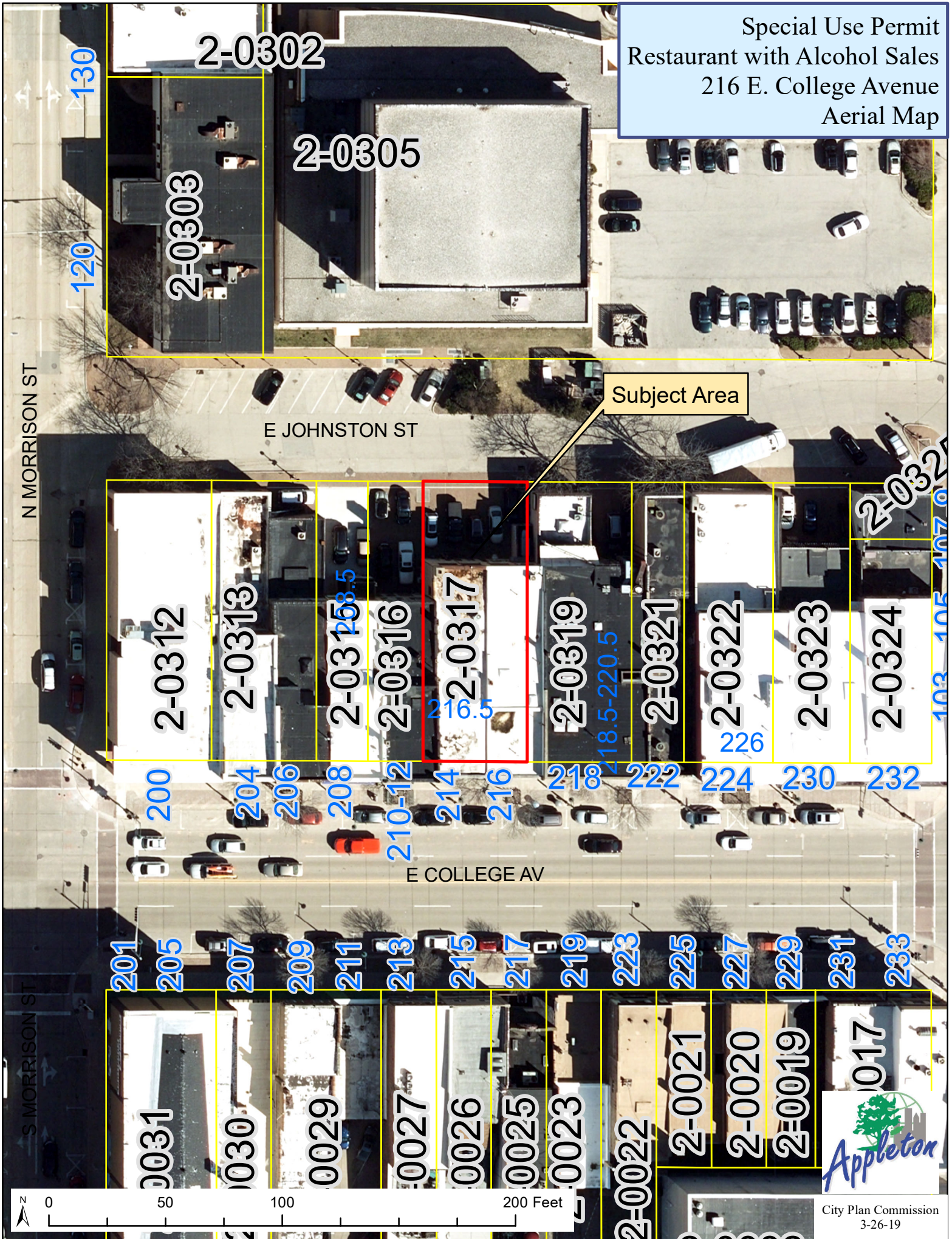
2-0282
2-0282-1
2-0282-2
2-0282-3
2-0282-4
2-0282-5
2-0282-6
2-0282-7
2-0282-8
2-0282-9
2-0282-10
2-0282-11
2-0282-12
2-0282-13
2-0282-14
2-0282-15

2-0041
2-0042
2-0043
2-0044
0-0044-1
0-0044
2-0046
2-0047
2-0048
2-0049
2-0050
2-0051
2-0051-1

SOLDIERS SQUARE



Special Use Permit
Restaurant with Alcohol Sales
216 E. College Avenue
Aerial Map



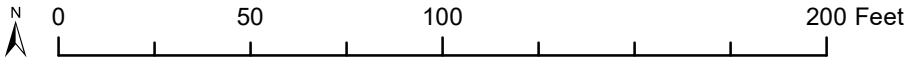
Subject Area

N MORRISON ST

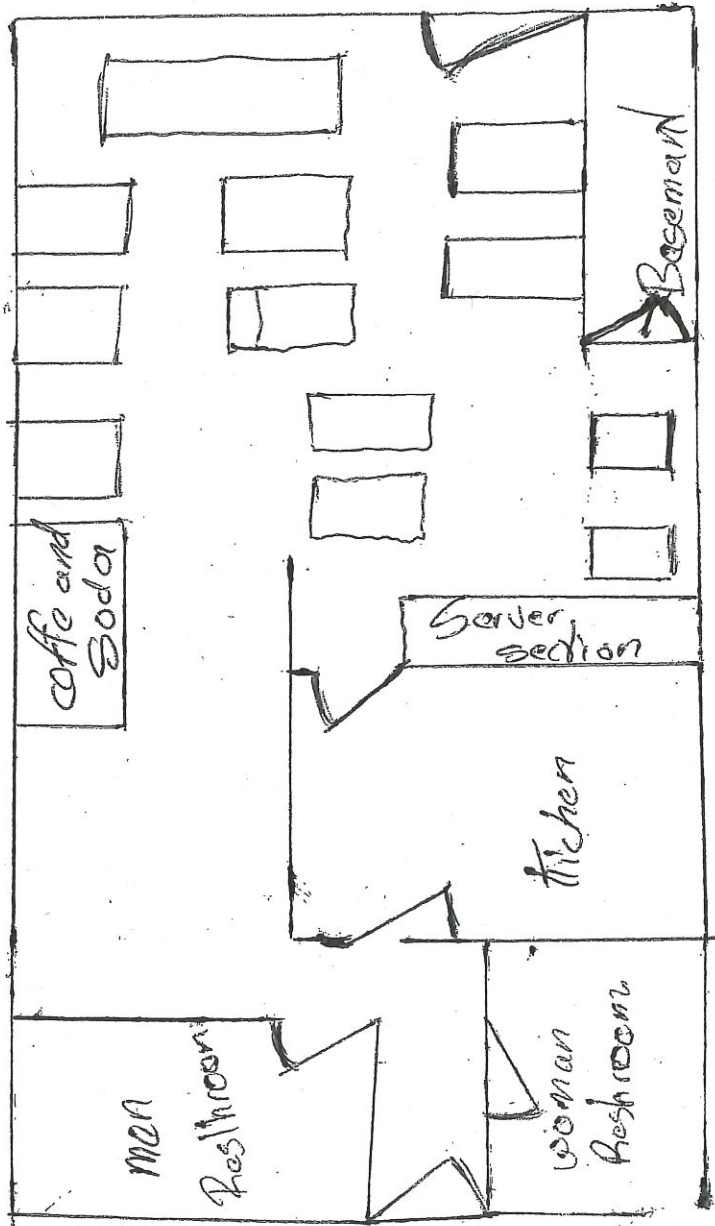
E JOHNSTON ST

E COLLEGE AV

S MORRISON ST

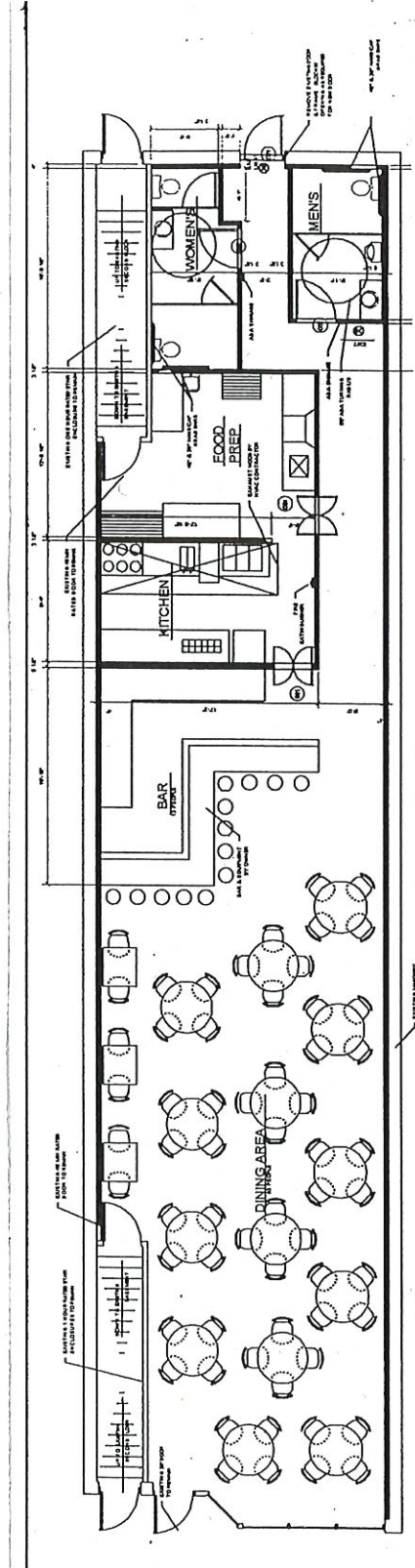


City Plan Commission
3-26-19



Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue





Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue



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

Business Information:

Name of business: Garden View

Years in operation: 5 Months

Percentage of business derived from restaurant service: 51 %

Type of proposed establishment (detailed explanation of business):

We servis American & Mexican food

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day <u>7:00 AM</u>	<u>6:00 AM</u>	<u>10:00 P.M.</u>
Friday	<u>6:00 AM</u>	<u>10:00 P.M.</u>
Saturday	<u>6:00 AM</u>	<u>10:00 P.M.</u>
Sunday	<u>6:00 AM</u>	<u>10:00 P.M.</u>

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: 90 persons

Gross floor area of the existing building(s): 3000 feet

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:

There should be little to no noise from the coolers

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

This is a family restaurant and there won't be any restaurant tables outside. There won't be any loud music in or outside the restaurant.

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:

Day	From	To
Week Day	<u>N/A</u>	<u>N/A</u>
Friday	<u>N/A</u>	<u>N/A</u>
Saturday	<u>N/A</u>	<u>N/A</u>
Sunday	<u>N/A</u>	<u>N/A</u>

Outdoor Lighting:

Type: front the wall sign

Location: front the building

Off-Street Parking:

Number of spaces existing: 0

Number of spaces proposed: 0

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:

Antojitos Mexicanos.

Number of Employees:

Number of existing employees: 4

Number of proposed employees: _____

Number of employees scheduled to work on the largest shift: 1