

RESOLUTION
CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #3-20

WHEREAS, Carlos Martinez, owner of the Taco House restaurant has applied for a Special Use Permit for a restaurant with alcohol sales and consumption located at 135 East Wisconsin Avenue, and also identified as Parcel Number 31-6-0323-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and consumption 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 Common Council held a public hearing on April 22, 2020, on Special Use Permit #3-20 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 Common Council has reviewed and considered the Community and Economic Development Department's staff report and recommendation and other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Common Council may approve the proposed Special Use Permit provided all the standards listed in Section 23-66(e)(1-8) are found in the affirmative, and may impose any condition on the Special Use Permit provided the condition(s) are related to the purpose of the City of Appleton Municipal Code and are based on substantial evidence; and

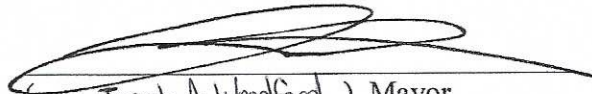
NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the City of Appleton Common Council, based on the special use permit application, Community and Economic Development Department's staff report, testimony and substantial evidence presented at the public hearing with regard the Special Use Permit #3-20, that the Common Council:

1. Determines all standards listed in Sections 23-66(e)(1-8) are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-20 for a restaurant with alcohol sales and consumption located at 135 East Wisconsin Avenue, also identified as Parcel Number #31-6-0323-00 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-20 for a restaurant with alcohol sales and consumption located at 135 East Wisconsin Avenue, also identified as Parcel Number #31-6-0323-00 subject to the following conditions:

CONDITIONS OF SPECIAL USE PERMIT #3-20

1. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
2. The applicant shall comply with the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
3. The premises shall be kept free of litter and debris.
4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
5. The applicant shall have twelve (12) months from the issuance of the Special Use Permit (SUP) to obtain a liquor license and commence use of the tenant space located at 135 East Wisconsin Avenue, or Special Use Permit #3-20 will expire.
6. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

Adopted this 22nd day of April 2020.


Jacob A. Woodford), Mayor

ATTEST:


Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of Business: Taco House

Years in operation: New Restaurant

(Check applicable proposed business activity(s) proposed for the premises)

☒ Restaurant.

☐ Tavern/Night Club/Wine Bar.

☐ Painting/Craft Studio.

☐ Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year).

☐ Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year).

☐ Winery (manufacturing of wine).

☐ Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year).

☐ Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year).

☐ Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

☐ Other _____.

Detailed explanation of business activities:

This location will be serving Taco, Burritos,
Tortas, Quesadillas ext. also Beverages.

Existing Gross Floor Area of building/tenant space, including outdoor spaces

(square feet) 982.37 sf

Proposed Gross Floor Area of building/tenant space, including outdoor spaces

(square feet) 982.37 sf

Occupancy limits:

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.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	11 AM	9 pm
Friday	11 AM	3 AM
Saturday	11 AM	3 AM
Sunday	11 AM	9 pm

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- ☐ Current production of fermented malt beverages: _____ U.S. gallons per year.
- ☐ Proposed production of fermented malt beverages: _____ U.S. gallons per year.
- ☐ Current production of wine: _____ U.S. gallons per year.
- ☐ Proposed production of wine: _____ U.S. gallons per year.
- ☐ Current production of intoxicating liquor: _____ proof gallons per year.
- ☐ Proposed production of intoxicating liquor: _____ proof gallons per year.

☒ None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Outdoor Space Uses:

(Check applicable outdoor space uses)

- ☐ Patio.
☐ Deck.
☐ Sidewalk Café.
☐ Other _____.
☒ None.

Size: _____ square feet.

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

☐ Fencing ☐ Landscaping ☐ Other _____. Height _____ feet.

Is there any alcohol consumption incorporated within the outdoor facility? Yes ___ No ___

If yes, please describe:

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 Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

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.**

Describe Any Potential Noise Emanating from the Proposed Use:

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

I would say it would be a Low Level.
Only thing would be appliances & music.

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

Building doors will be closed at all times

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

By staff

Off-Street Parking:

Number of spaces existing on-site: ± 20

Number of spaces proposed on-site: —

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:

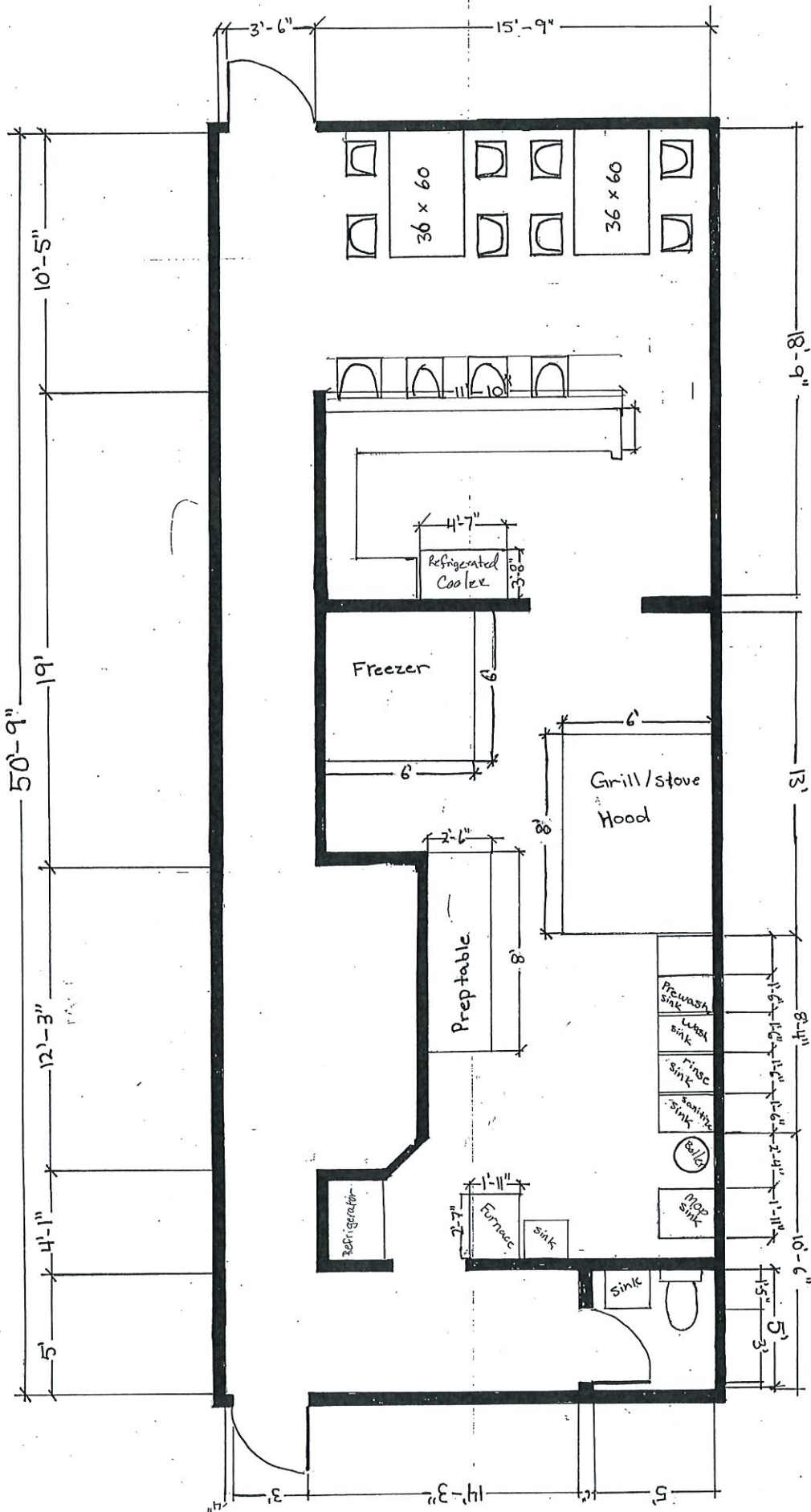
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Number of Employees:

Number of existing employees: —

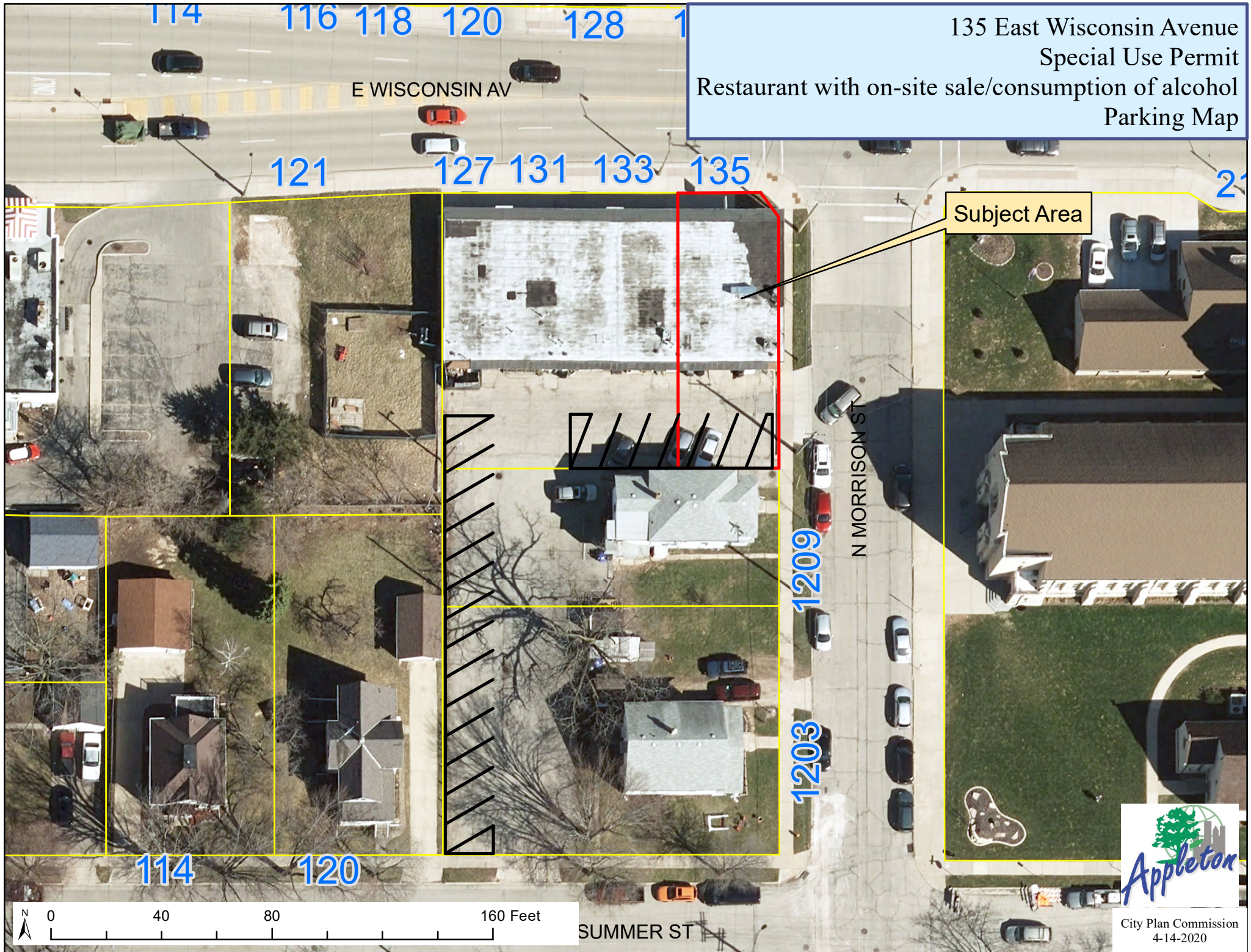
Number of proposed employees: 3

Number of employees scheduled to work on the largest shift: 3



135 E WILSON ST
10.10.20

Scale 1/4" = 1'



135 East Wisconsin Avenue
Special Use Permit
Restaurant with on-site sale/consumption of alcohol
Parking Map

Subject Area



City Plan Commission
4-14-2020