



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: July 15, 2013

Common Council Meeting Date: July 24, 2013

Item: Special Use Permit #8-13 for a restaurant and sidewalk café with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Property Owner: Mark Behnke

Applicant: Curt Konetzke, KJDT LLC

Address/Parcel #: 101 East College Avenue / 31-2-0038-00

Petitioner's Request: The applicant is requesting a Special Use Permit for a restaurant and sidewalk café with alcohol sales and consumption.

BACKGROUND

The building in question has had many uses over the years but most recently it was occupied by Starbucks Coffee (coffee shop). No previous Special Use Permit for alcohol sales and consumption has been issued for this site or the sidewalk café.

STAFF ANALYSIS

Existing Site Conditions: The building in question covers the entire lot which provides no parking spaces. However, within the Central Business District the providing of off-street parking is not required pursuant to the current Zoning Ordinance because parking spaces are available via on-street and ramp parking opportunities.

Zoning Ordinance Requirements: In order to obtain a Special Use Permit for alcohol sales and consumption in conjunction with the proposed restaurant and sidewalk café, the Plan Commission makes a recommendation to the Common Council who will make the final decision.

Municipal Code Requirements: In order to obtain a Street Occupancy permit for the location and dimensions of the sidewalk café within the amenity strip along College Avenue, the Municipal Services Committee makes a recommendation to the Common Council who will make the final decision.

Proposed Operational Information (inside the building): An operational plan is attached to the Staff Report. The applicant has indicated the business hours are 6:00 a.m. 7:00 p.m., Monday – Sunday.

Proposed Operational Information (Sidewalk Café): A sidewalk café with alcohol sales and consumption is proposed within the College Avenue amenity strip. The perimeter of the sidewalk café

Special Use Permit #8-13

July 15, 2013

Page 2

will be surrounded by a plastic chain link barrier. The serving of alcohol within the sidewalk café must follow the days and times as set forth in the Sidewalk Café Ordinance which is: 4:00 p.m. – 9:30 p.m. Monday thru Friday and 11:00 a.m. – 9:30 p.m. Saturday and Sunday.

Surrounding zoning and land uses:

North: CBD Central Business District – City Center - Retail

South: CBD Central Business District – Solders Square

West: CBD Central Business District – Zuelke Office Building – Retail/Professional Services

East: CBD Central Business District – Retail/Personal Services

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan which indicates this area is appropriate for commercial uses as part of the Central Business District.

Overall Community Goals

- **9.3. Objective: Ensure the continued vitality of downtown and the City's neighborhood commercial districts.** (Chapter 9- Economic Development)
- **Goal 1 – Community Growth** (Chapter 10 – Land Use)
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.

Historic Preservation: It is also important to note that the building located at 101 East College Avenue is located within the College Avenue Historic District which is listed on the National Register of Historic Places. Owners of historic income-producing property may be eligible for two income tax credits that can help pay for building rehabilitation projects. The Wisconsin Historical Society's Division of Historic Preservation (DHP) administers both programs in conjunction with the National Park Service (NPS). For more information the owner/applicant should contact Mark Buechel, Preservation Architect Advanced at 608-264-6491.

Finding of Fact: 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 Report (TRG): This item was reviewed by the Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-13 for alcohol sales in conjunction with a restaurant and sidewalk café located at 101 East College Avenue and adjacent thereto within the

Special Use Permit #8-13

July 15, 2013

Page 3

College Avenue amenity strip, as shown on the attached maps and per the attached operational plan, subject to the following conditions, **BE APPROVED**:

1. The applicant shall apply for and receive approval of a Street Occupancy Permit and a Liquor License from the Common Council prior to serving/consumption of alcoholic beverages within the sidewalk café area.
2. The applicant shall apply for and receive approval of a Liquor License from the Common Council prior to serving or consuming alcohol within the building.
3. The applicant shall comply with the standards established in Chapter 9, Division 4. Sidewalk Cafes of the Appleton Municipal Code.
4. The applicant shall comply with the standards established on Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.

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

Business information:

Name of Business: KJDT LLC DBA BAGELICIOUS

Years in operation: 0

Percentage of business derived from restaurant service: 90 %

Type of the proposed establishment (detailed explanation of business): _____

Bagel & Coffee Shop

Hours of Operation: 6AM - 7PM Days of Operation: 7

Noise, crowd, parking lot control methods: No Parking - on street only. Noise - only TV

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: 2 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: COLLEGE AVENUE AMENITY STRIP

Type and height of screening: plantings/fencing/gating PLASTIC CHAIN LINK BARRIER

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

Hours of Operation: 6AM - 7PM Days of Operation: 7

ALCOHOL SERVICE: 4PM - 7PM MONDAY - FRIDAY, 11AM - 7PM Saturday and Sunday

Are there plans for outdoor music/entertainment? Yes No

If yes, describe soundproofing measures: NA

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

Outdoor lighting:

Type: N/A

Location: N/A

Off-street parking:

Number of spaces provided 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 taverns: Old Towne, Banjo

Amusement Devices:

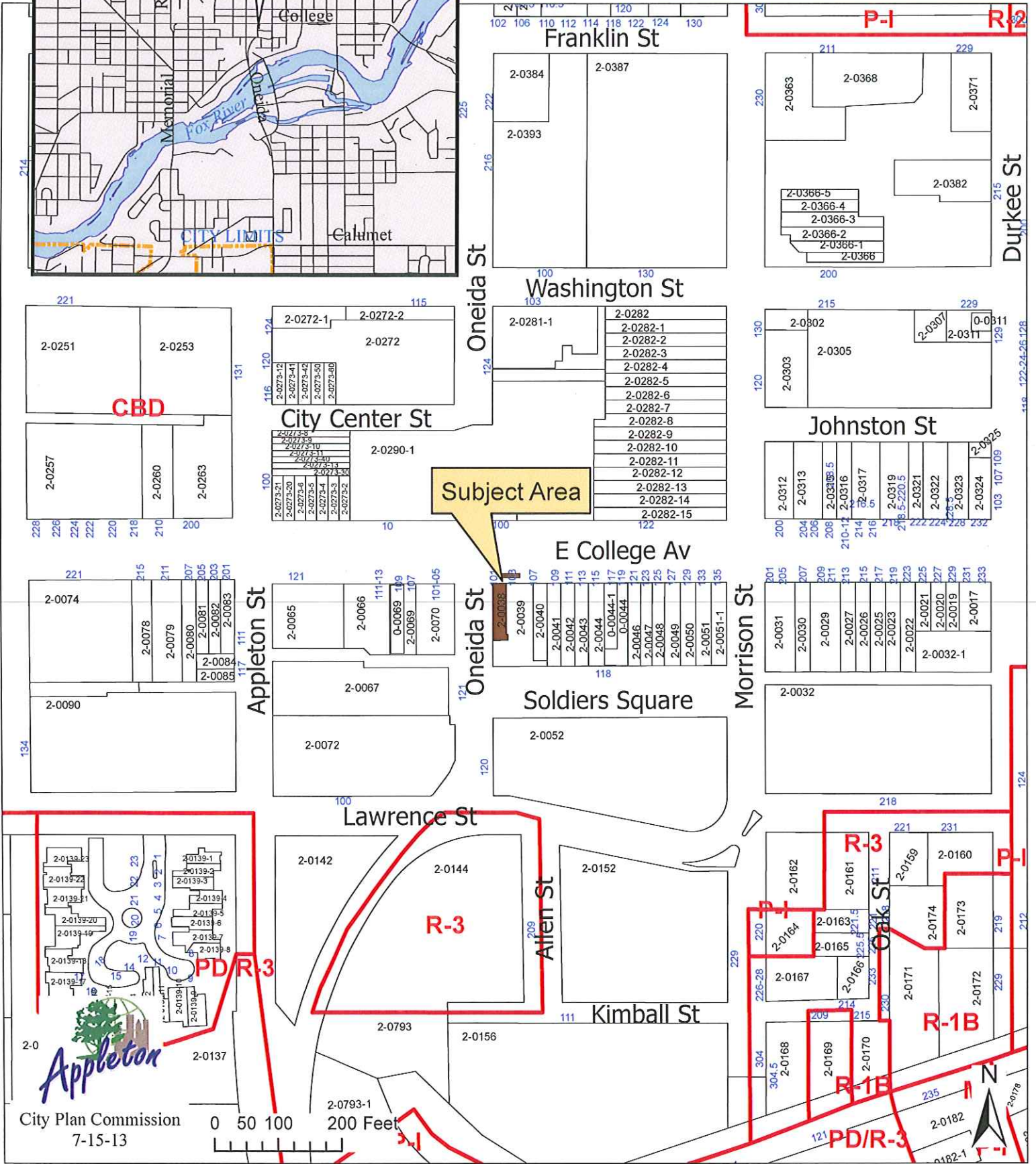
Number of video games: 0 Pool Tables: 0

Other amusement devices: 0

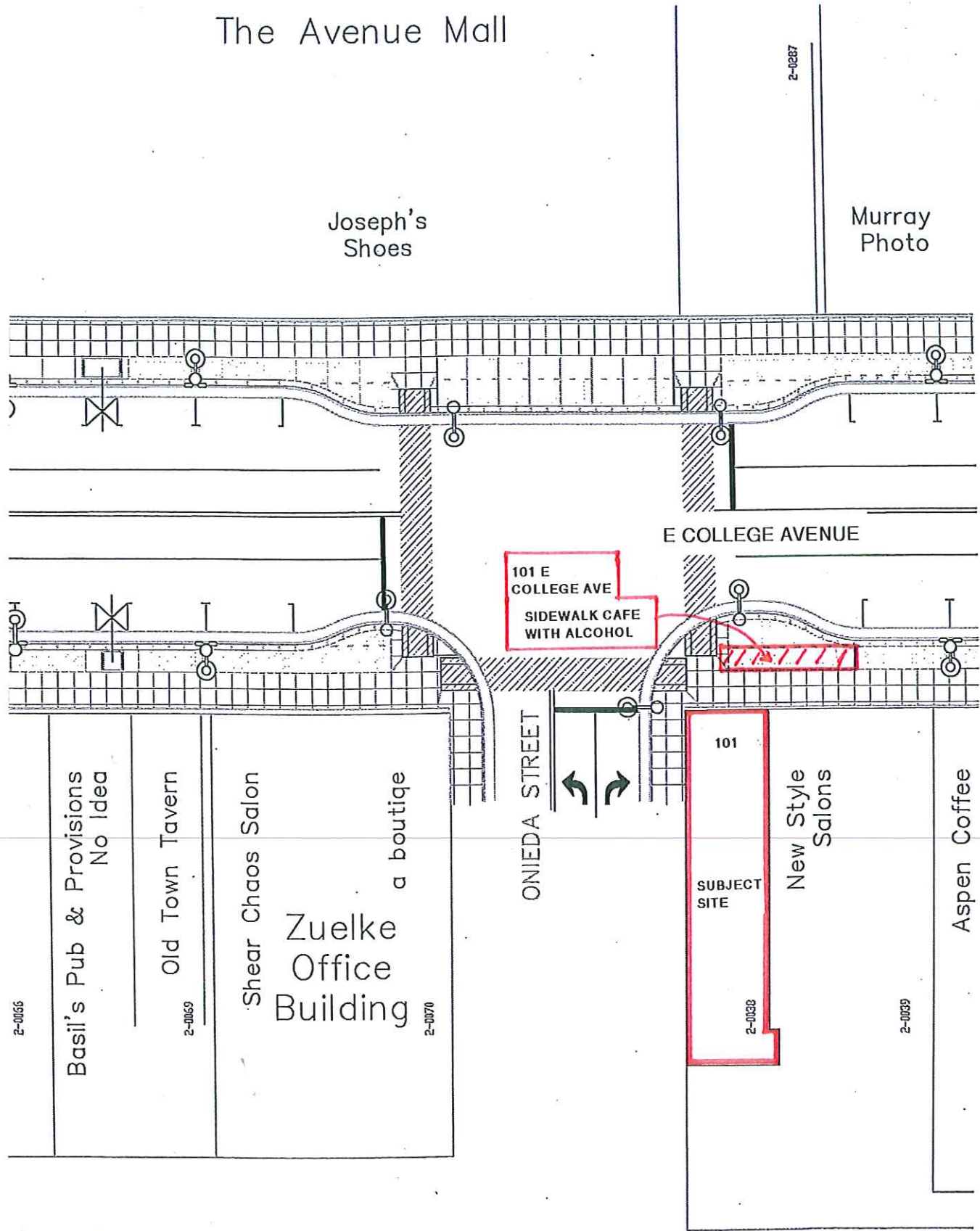
101 East College Avenue
 Special Use Permit
 Restaurant and Sidewalk Cafe with
 Alcohol Sales and Consumption
 Zoning Map



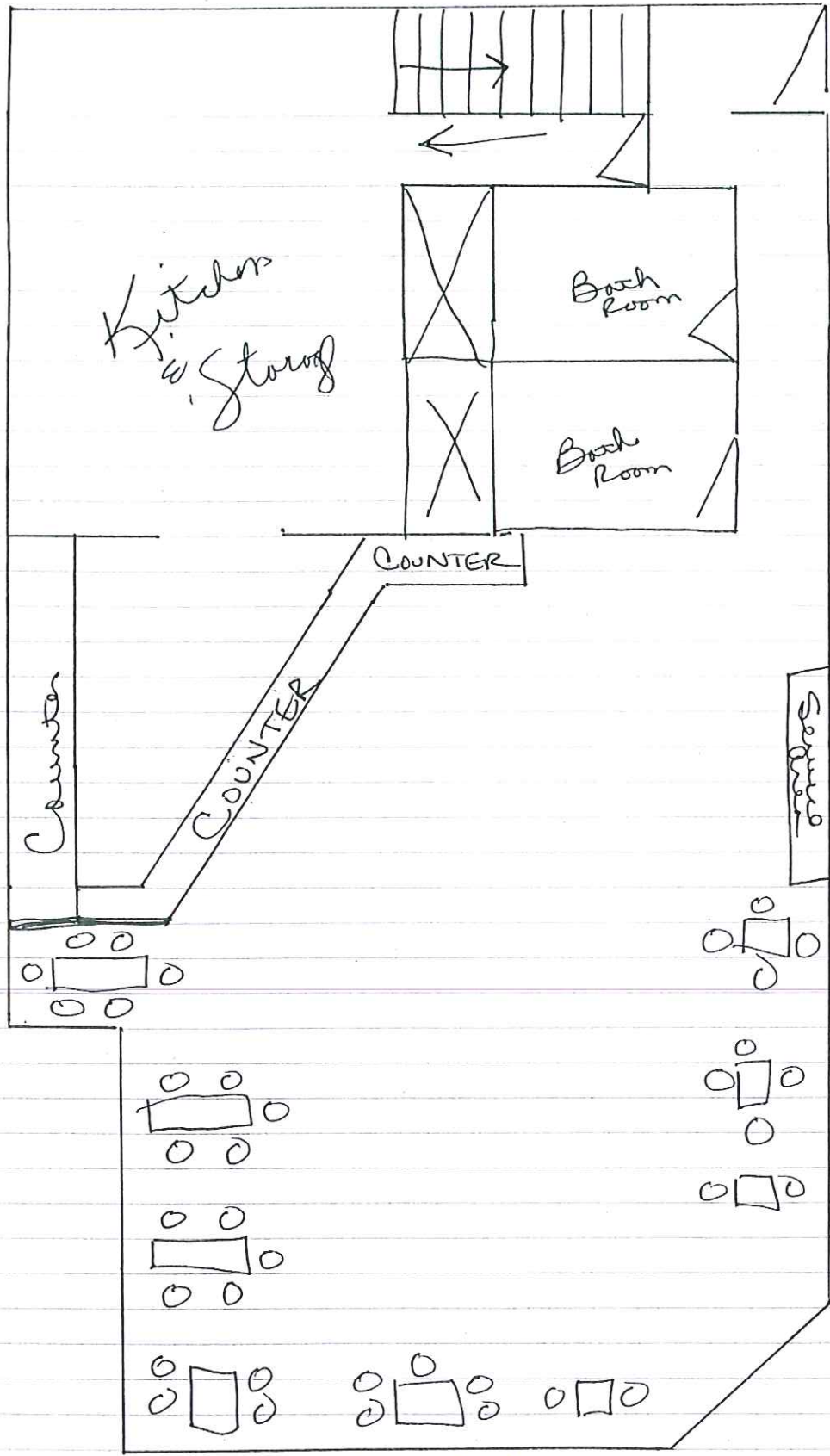
Subject Area



The Avenue Mall



101 East College Avenue
Special Use Permit
Restaurant and Sidewalk Cafe with
Alcohol Sales and Consumption



+ college Ave

101 East College Avenue
Special Use Permit
Restaurant and Sidewalk Cafe with
Alcohol Sales and Consumption