



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: November 7, 2016

Common Council Meeting Date: November 16, 2016

Item: Special Use Permit #6-16 to expand an existing restaurant with alcohol sales

Case Manager: Don Harp

GENERAL INFORMATION

Owner: Christensen Land Company

Applicant: Pedro Juarez, Lindo Michoacán Mexican Restaurant

Address/Parcel #: 207-209 North Richmond Street / 31-5-1184-00

Petitioner's Request: The applicant is requesting a Special Use Permit to expand an existing restaurant with alcohol sales.

BACKGROUND

Building permit B16-0629 was issued on August 17, 2016 to renovate approximately 1,599 square feet of the commercial building for the restaurant expansion.

Special Use Permit #13-07 was approved for a restaurant with alcohol sales at this location by the Plan Commission on September 10, 2007 and approved by the Common Council on September 19, 2007. The applicant currently holds a "Class B" Beer/Liquor license.

STAFF ANALYSIS

Existing Site Conditions: The property contains an existing 20,914 square-foot multi-tenant building which includes a tavern, pizza carryout restaurant, professional services, restaurant with alcohol sales, six (6) personal storage/garage units and eight (8) apartment units. Adequate off-street parking exists on the east and west sides of the building for the existing tenants and the restaurant expansion project.

Evaluation: The applicant is requesting a special use permit for an interior expansion of an existing restaurant with alcohol sales in the C-2 General Commercial District. The existing restaurant is being expanded by approximately 1,599 square feet, bringing the size of the restaurant with alcohol sales to approximately 2,900 square feet. The maximum seating capacity of the restaurant is 80 per building plans. Since the proposed expansion is 10% or greater, the request must be reviewed as a new special use permit.

Operational Information: See attached Plan of Operation and Locational Information.

Outdoor Seating Area: None proposed.

Ordinance Requirements: In order to expand the existing restaurant by 10% or more, a new Special Use Permit must be applied for and approved per the current Zoning Ordinance regulations. If approved, Special Use Permit #6-16 will replace Special Use Permit #13-07.

Surrounding Zoning and Land Uses:

North: C-2 General Commercial District – Commercial uses
South: C-2 General Commercial District – Undeveloped and Commercial uses
West: C-2 General Commercial District – Commercial use
R-1C Central City Residential District – Residential uses
East: CBD Central Business District – Commercial uses

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for commercial uses. The proposed zoning classification is consistent with the City's Comprehensive Plan and is consistent with the purpose and intent of the C-2 General Commercial District.

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, as long as all stipulations are satisfied.

Technical Review Group Report (TRG): This item was discussed at the October 18, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #6-16 for a restaurant with alcohol sales, located at 207-209 North Richmond Street **BE APPROVED**, to run with the land, subject to the following conditions:

1. 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.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

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

Business Information:

Name of business: Linda Michoacan Mexican Restaurant
 Years in operation: 1 1/2
 Percentage of business derived from restaurant service: 20% Alcohol + 80% Food

Type of proposed establishment (detailed explanation of business):

Full serviced Mexican restaurant and
catering service establishment.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	9am	9pm
Friday	9am	11pm
Saturday	9am	11pm
Sunday	9am Close	

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: 80 persons

Gross floor area of the existing building(s): \$15,000 per month ($\pm 1,599$ s.f.)

Gross floor area of the proposed building(s): \$25,000 per month ($\pm 2,900$ s.f.)

Describe Any Potential Noise Emanating From the Proposed Use:

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

Noise level will be to a minimum since the
extra space will be only used for seating more
people, no extra equipment will be used besides
tables and chairs.

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

Sufficient staff and management will
be present at all hours of operation.

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

Staff and/or Management will be sure
to keep noise at a minimal, if expectations
are not being met they will be asked to
leave.

Outdoor Uses:

Location, type, size and design of outdoor facilities:

Type and height of screening of plantings/fencing/gating:

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		
Friday		
Saturday		
Sunday		

Outdoor Lighting:

Type: Lighted Box Signs

Location: 207 and 209 N Richmond St.

Off-Street Parking:

Number of spaces existing: NA

Number of spaces proposed: NA

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:

Emmett's Bar and Grill located at
139 N Richmond St. Appleton WI 54911

Number of Employees:

Number of existing employees: 3

Number of proposed employees: 10

Number of employees scheduled to work on the largest shift: 8

207 - 209 N Richmond St
Special Use Permit
Expand Existing Restaurant with Alcohol Sales
Zoning/Vicinity Aerial Map

Subject Area

R-3

PD/C-2

R-2

R-1C

R-2

R-1C

C-2

R-3

CBD

Subject Area

5-1173



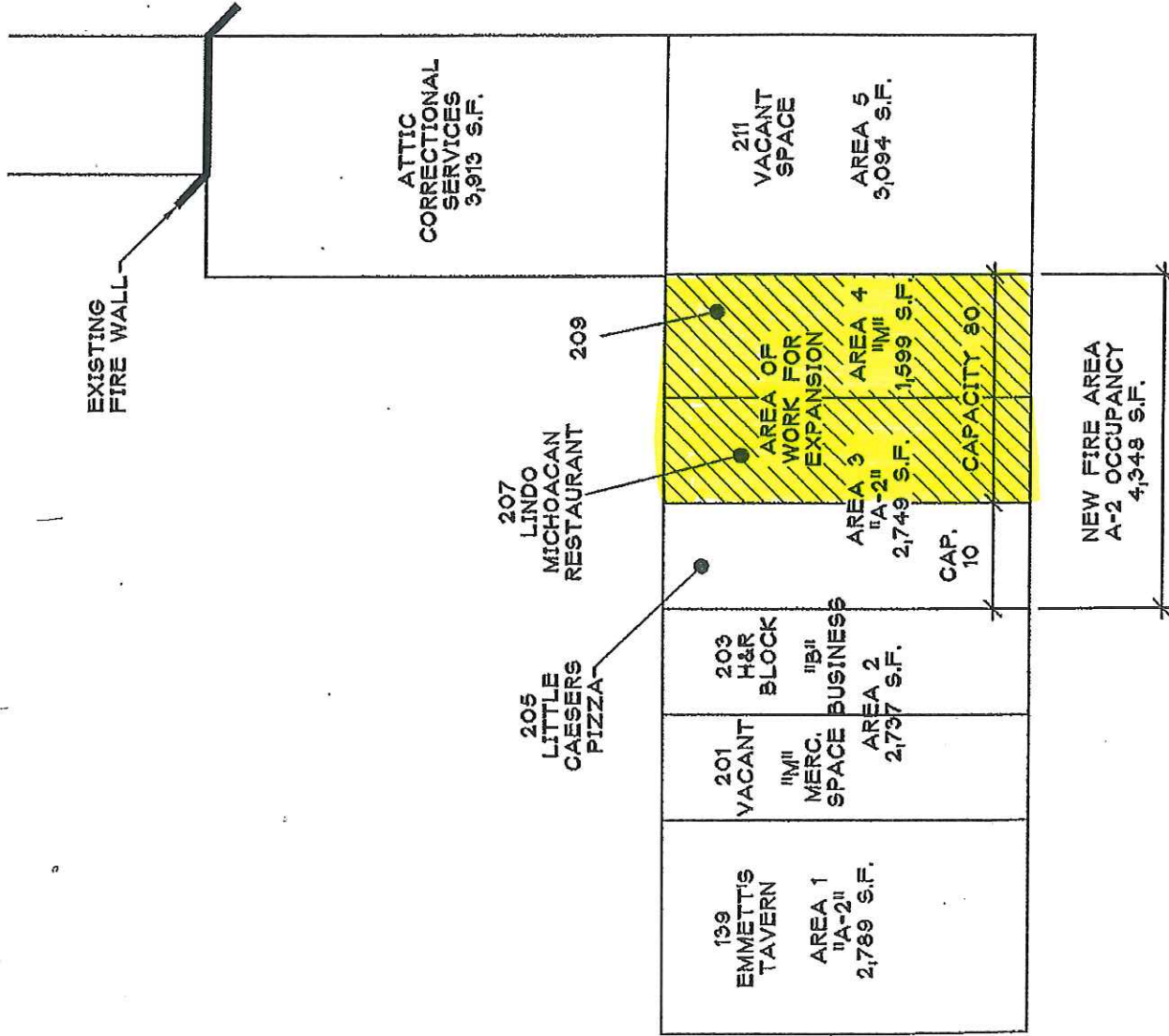
City Plan Commission
11-7-2016

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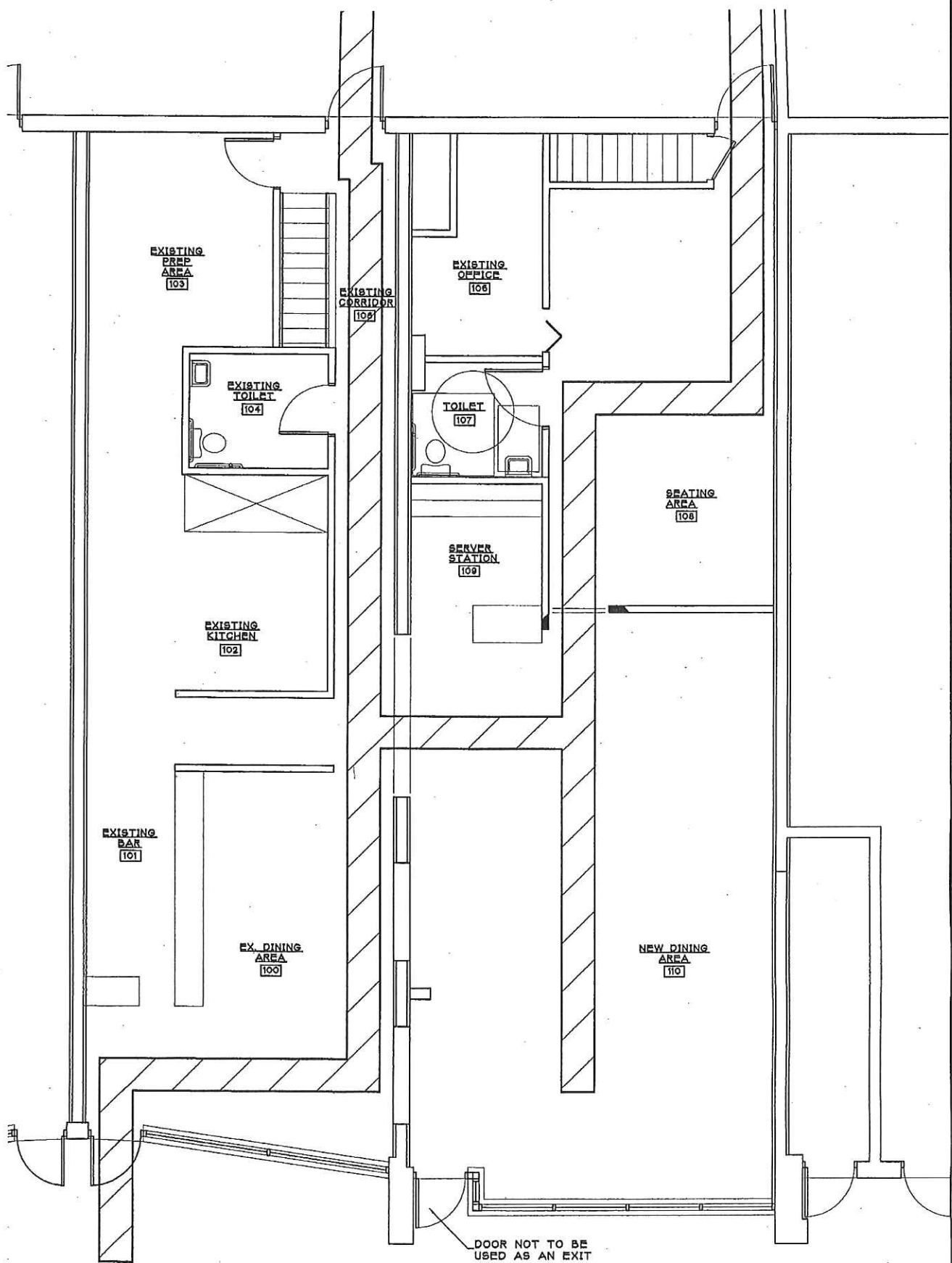
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0 50 100 200 Feet





OVERALL PLAN



EGRESS PLAN

SCALE:

3/16" = 1'-0"



NORTH