



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: May 21, 2019

Common Council Meeting Date: June 5, 2019

Item: Special Use Permit #4-19 for a restaurant with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Caleb Hayes, Park Place Holdings, LLC (owner) / Bounpheng Luangpraseuth, Thai Ginger Bistro (applicant)

Address/Parcel #: 1619 West College Avenue – Suite F (Tax Id #31-3-0049-00)

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

BACKGROUND

In 2019, the applicant applied for and received building permits from the Inspections Division to remodel an interior space (Suite F) for the Thai Ginger Bistro restaurant.

Rezoning #11-03 to rezone the subject property from PD/C-2 Planned Development/General Commercial District to C-2 General Commercial District was approved by the Common Council on September 17, 2003.

The subject property was zoned to PD/C-2 Planned Development/General Commercial District with the adoption of the Zoning Ordinance and Map on May 22, 1994. There was no Implementation Plan Document filed with the City or recorded in the Outagamie County Register of Deeds' Office.

In 1970, the building on the subject property was constructed as a multi-tenant building.

STAFF ANALYSIS

Project Summary: The applicant is proposing to establish a restaurant with alcohol sales and consumption within the existing building (Suite F) which totals approximately 4,000 square feet.

Existing Site Conditions: The existing multi-tenant building totals approximately 11,084 square feet. The required off-street parking spaces is 45 stalls. The proposed development shows 52 parking spaces. Please note, the location of proposed parking space #39 is not consistent with approved Site Plan #92-41. This proposed parking space will need to be eliminated unless an 8-foot wide landscaping buffer is installed between the front lot line and the parking space per current Zoning Ordinance regulations.

Special Use Permit #4-19
May 21, 2019
Page 2

Access is provided by curb cuts on West College Avenue, South Douglas Street and South Victoria Street.

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.

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and consumption requires a Special Use Permit in the C-2 District. In order to permit alcohol sales and consumption 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 industrial, commercial and residential in nature.

North: C-2 General Commercial District. The adjacent land use to the north is currently a retail business.

South: P Parking District, R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the south are currently single-family residential uses and surface parking lots.

East: R-1B Single-Family District. The adjacent land uses to the east are currently residential uses.

West: M-2 General Industrial District. The adjacent land uses to the west are currently professional office and manufacturing uses.

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

Special Use Permit #4-19
May 21, 2019
Page 3

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and 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 April 30, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #4-19 for a restaurant with alcohol sales and consumption at 1619 West College Avenue, Suite F (Tax Id #31-3-0049-00), 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.
5. The location of proposed parking space #39 shown on the development plan is not consistent with approved Site Plan #92-41. This proposed parking space cannot be striped unless an 8-foot wide landscaping buffer is installed between the front lot line and the parking space per current Zoning Ordinance regulations.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #4-19

WHEREAS, Bounpheng Luangpraseuth, owner of Thai Ginger Bistro has applied for a Special Use Permit for a restaurant with alcohol sales located at 1619 West College Avenue – Suite F, and also identified as Parcel Number 31-3-0049-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service 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 Plan Commission held a public hearing on May 21, 2019, on Special Use Permit #4-19 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 #4-19 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 #4-19 for a restaurant with alcohol sales and service located at 1619 West College Avenue – Suite F, also identified as Parcel Number 31-3-0049-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #4-19

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.
5. The location of proposed parking space #39 shown on the development plan is not consistent with approved Site Plan #92-41. This proposed parking space cannot be striped unless an 8-foot wide landscaping buffer is installed between the front lot line and the parking space per current Zoning Ordinance regulations.

Adopted this _____ day of _____, 2019.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

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

Business Information:

Name of business: Thai Ginger Bistro

Years in operation: Nil (new restaurant)

Percentage of business derived from restaurant service: 80% from sales of food
20% from sales of alcoholic beverages %

Type of proposed establishment (detailed explanation of business):

The proposed establishment, once completed, will be a new independent, family-owned restaurant that serves Thai food. The restaurant is in one of the tenant spaces of an existing strip mall. Beer, wine, liquor and other non-alcoholic beverages will be served to complement the fine food prepared in the restaurant.
The alcoholic beverages will be brought to the tables or dispensed over bar counter by restaurant servers.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	11:00 am	10:00 pm
Friday	11:00 am	10:00 pm
Saturday	11:00 am	10:00 pm
Sunday	Closed	Closed

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: 87 persons

Gross floor area of the existing building(s): 4,000 s.f. (proposed restaurant)

Gross floor area of the proposed building(s): 4,000 s.f. (proposed restaurant)

Describe Any Potential Noise Emanating From the Proposed Use:

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

The HVAC units are located on top of the roof. The condensers for walk-in cooler/freezer are located outside the building. The kitchen exhaust hood that generates low level of noise is located in kitchen. There is no equipment or other mechanical sources that generate noise in dining area and bar area.

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

Since the proposed establishment is a sit-down restaurant, no loud crowd noise is anticipated inside. Acoustic ceiling tiles will be installed in dining area to absorb sound from customers. The other tenants in the same strip mall conduct professional service, personal service and retail type of activities; no crowd noise is coming from outside.

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

The proposed restaurant business is enclosed by storefront windows and concrete masonry walls.

Noise from the parking lot is attenuated by those exterior building elements.

Outdoor Uses:

Location, type, size and design of outdoor facilities:

No outdoor facility.

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

Non will be provided.

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

Are there plans for outdoor music/entertainment? Yes ___ No X

If yes, describe how the noise will be controlled:

N/A

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

Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

Outdoor Lighting:

Type: 2 sconces on building front wall (to illuminates parking spaces in front of the building)

Location: 2 wall pack lights on building west wall (to illuminates parking spaces on west side of the building)
Street lights along College Avenue and Victoria Street (to illuminates parking spaces alongside the streets)

Off-Street Parking:

Number of spaces existing: 50

Number of spaces proposed: 52

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:

None

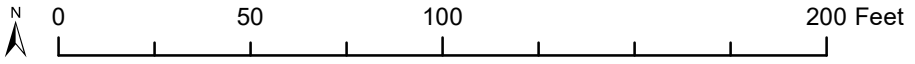
Number of Employees:

Number of existing employees: N/A

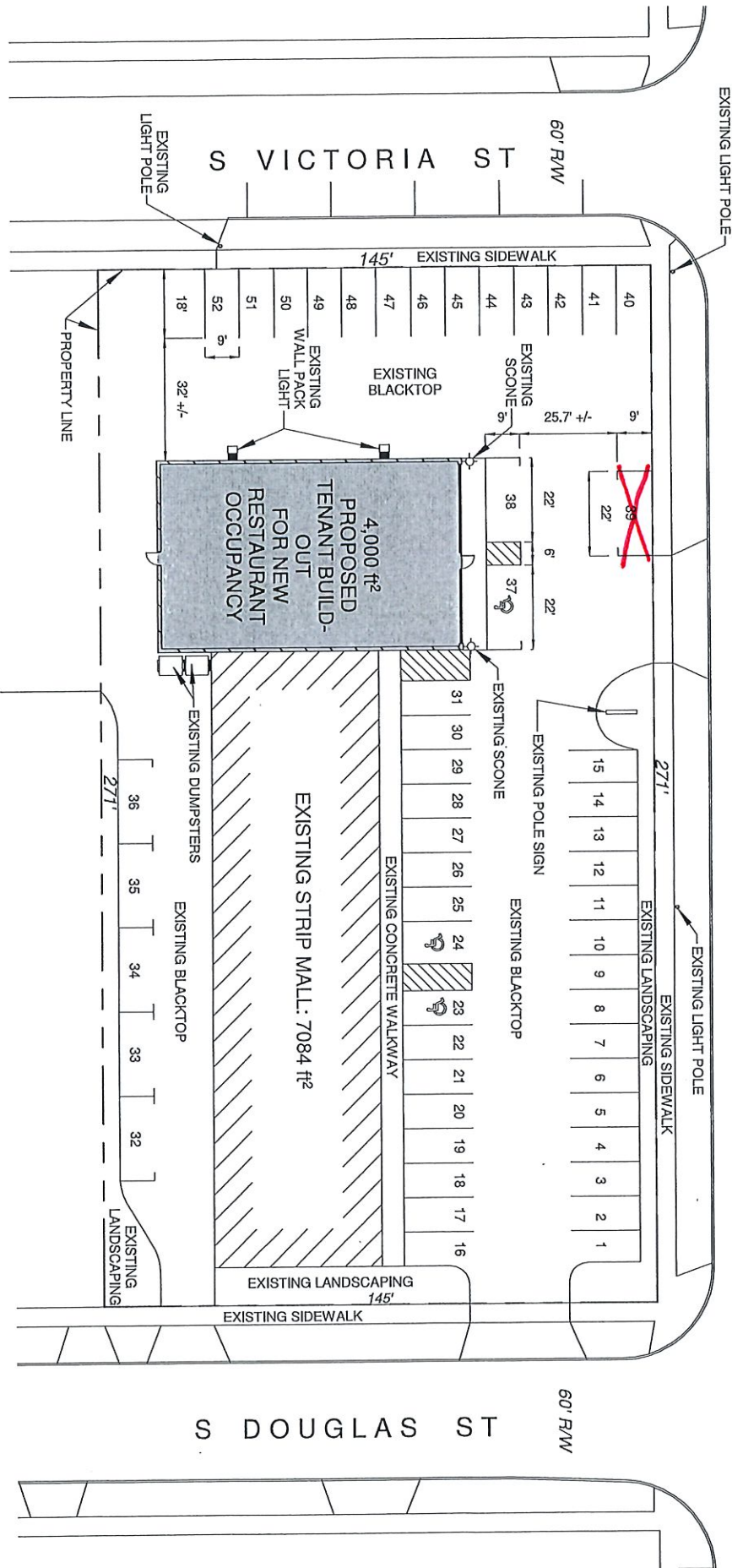
Number of proposed employees: 11

Number of employees scheduled to work on the largest shift: 11

Restaurant with Alcohol Sales
Thai Ginger Bistro
1619 W. College Avenue, Suite F
Aerial Map



City Plan Commission
5-21-19



Total Existing Building Area: 4,000 ft² + 7,084 ft² = 11,084 ft²
 Required Parking: 11,084 ft² ÷ 250 ft²/stall = 45 stalls
 Parking Provided: 52 stalls

Number of Employees: 11
 Hours of Operation:
 Mon - Sat: 11:00 am - 10:00 pm
 Sun: Closed



ROOM NO.	ROOM NAME	FLOOR	WALL BASE	WALLS	CEILING	CEILING HEIGHT	REMARKS
101	VESTIBULE		TB	GYP	ACT	10'-0"	
102	BAR	COND	RUB	GYP	ACT	10'-0"	
103	FINING	COND	RUB	GYP	ACT	10'-0"	
104	CORRIDOR	COND	RUB	GYP	ACT	10'-0"	
105	WOMEN	TILE	TB	GYP	VFG	10'-0"	
106	MEN	TILE	TB	GYP	VFG	10'-0"	
107	KITCHEN	COND	RUB	GYP	VFG	10'-0"	B, C
108	DISHWASH & PREP	COND	RUB	GYP	VFG	10'-0"	B, C
109	STORAGE & OFFICE	COND	RUB	GYP	ACT	10'-0"	
110	PASSAGEWAY	COND	RUB	GYP	VFG	10'-0"	

ROOM FINISH SCHEDULE ABBREVIATIONS

- ACT LAY-IN ACoustICAL TILE
- COND RESEALED CONCRETE
- CRFT CARPET
- GYP GYPSUM WALLBOARD PAINTED
- RUB RUBBER COVE BASE 4" HIGH
- TB CERAMIC/PORCELAIN TILE
- TILE CERAMIC/PORCELAIN TILE
- VFG LAY-IN VINYL FACED GYPSUM PANEL

ROOM FINISH SCHEDULE REMARKS

- a. INSTALL STAINLESS STEEL SHEETS ON WALL BEHIND COOKING LINE
- b. INSTALL STAINLESS STEEL SHEETS OR FIBERGLASS REINFORCED PLASTIC (FRP) PANELS ON PLUMBING FIXTURE WALLS
- c. INSTALL 4" RUBBER COVE BASE AT THE BOTTOM OF ALL WALLS, INCLUDING WALK-IN COOLERS AND FREEZER (MIT COVE BASE INSIDE WALK-IN FREEZER)

LEGEND

- Ⓛ BATTERY PACK EMERGENCY LIGHT
- Ⓜ BATTERY PACK EXTERIOR EMERGENCY LIGHT
- Ⓝ EXIT SIGN
- Ⓞ EXHAUST FAN
- Ⓟ FIRE EXTINGUISHER
- Ⓠ WALL TYPE
- Ⓡ DOOR TYPE
- Ⓢ FOOD SERVICE EQUIPMENT/FIXTURE TAG
- Ⓣ PLASTIC SIGN DENOTES OCCUPANT LOAD IS LIMITED TO 80 PERSONS (ALSO SEE EXAMPLE)

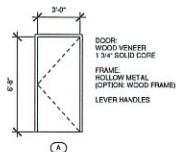
EXAMPLE OF OCCUPANT LOAD LIMIT SIGN



INTERIOR WALL AND CEILING FINISH REQUIREMENTS

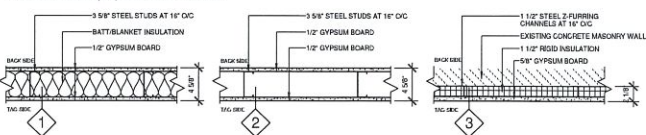
- EXIT ENCLOSURES & EXIT PASSAGEWAYS: A. FLAME SPREAD INDEX 0-25, SMOKE-DEVELOPED INDEX 0-450
- CORRIDORS: B. FLAME SPREAD INDEX 26-75, SMOKE-DEVELOPED INDEX 450-450
- ROOMS & ENCLOSED SPACES: C. FLAME SPREAD INDEX 76-200, SMOKE-DEVELOPED INDEX 450

DOOR TYPES



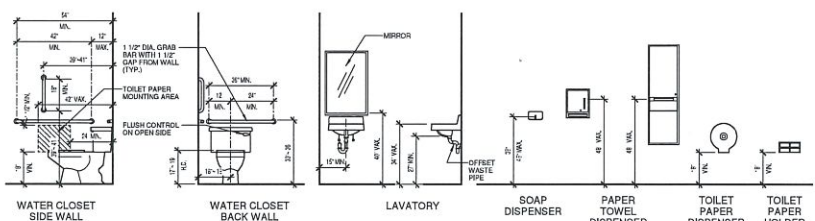
WALL TYPES

ORIGINAL NOTES:
 1. ALL NEW WORK ATTACHED TO UNDERSIDE OF ROOF STRUCTURE SHALL HAVE DEFLECTION RISE 2:311 HEAD-OF-WALL
 2. USE WATER-RESISTANT (W.R.) GYPSUM BOARD AT WET AREAS



RESTAURANT EQUIPMENT/FIXTURE SCHEDULE

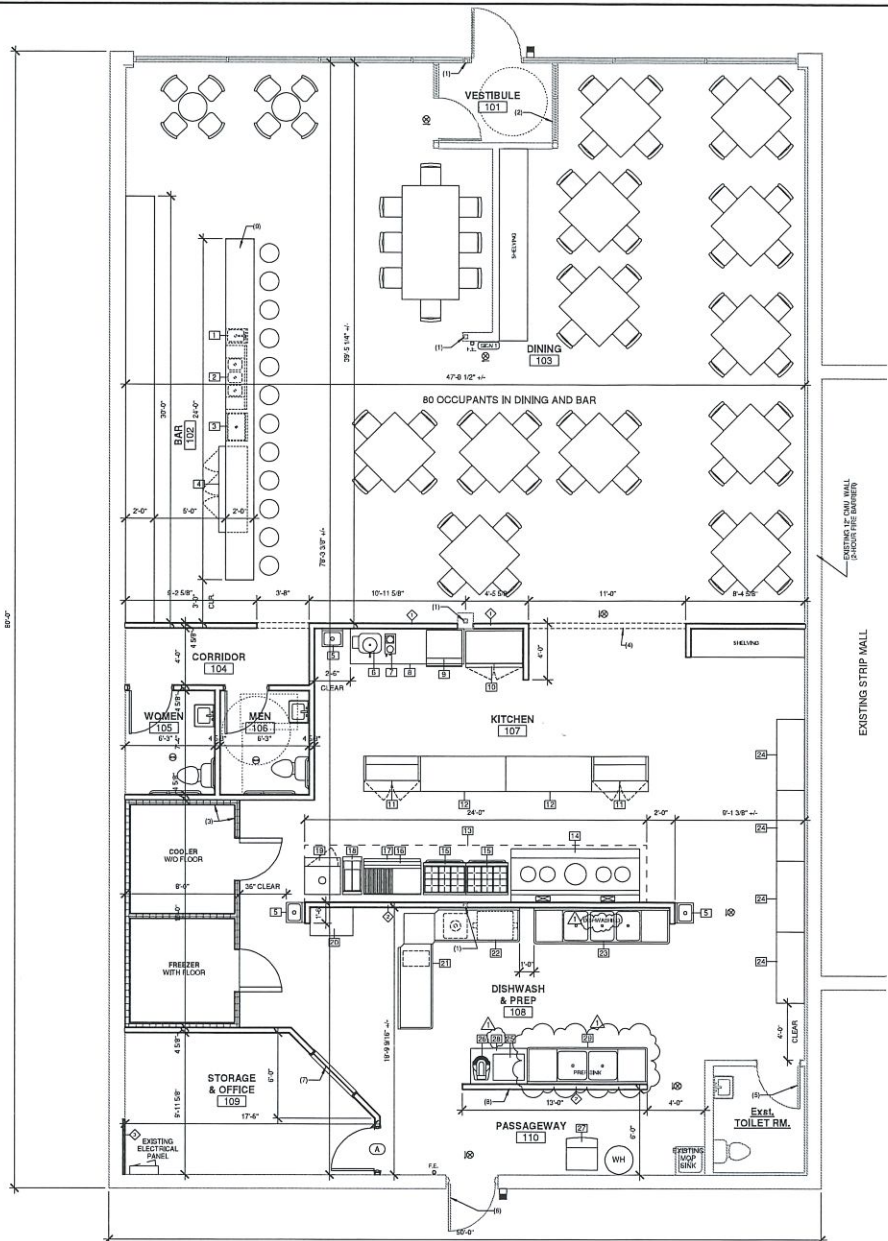
MARK	DESCRIPTION	QTY
1	HAND SINK, UNDER BAR	1
2	DISCOMPARTMENT BAR SINK	1
3	ICE BIN, UNDER BAR	1
4	THREE GLASS DOOR BACK BAR REF/REFRIGERATOR	1
5	STAINLESS STEEL HANDWASH SINK WITH WHIST BLADE FAUCET HANDLES, SOAP DISPENSER AND PAPER TOWEL DISPENSER	3
6	ELECTRIC HOT WATER BOILER	1
7	COFFEE BREWING	1
8	WORK TABLE, STAINLESS STEEL, 80" x 30"	1
9	COOK DISPENSER	1
10	REACH-IN REFRIGERATOR	1
11	WELCA TOP REFRIGERATOR, 48" WIDE	2
12	WORK TABLE, STAINLESS STEEL, 72" x 30"	2
13	EXHAUST HOOD, 24" x 4"	1
14	GAS BURNER WORK RANGE	1
15	GAS BURNER RANGE WITH SINGLE STANDARD OVEN, 36" WIDE	2
16	COMBINATION GRIDDLE AND CHAM-BROILER	1
17	LOW STAINLESS STEEL TABLE, 48" x 30"	1
18	GAS DEEP FRYER	1
19	GAS BROILER/GRIDDLE	1
20	SHELVING FOR FOUNTAIN SYRUPS	1
21	VESTIBULE DISINFECTOR, SPRING SPOUT, SPRING STYLE SPRAY, WHIST BLADE FAUCET HANDLES	1
22	GREASE INTERCEPTOR, UNDER SINK	1
23	DISCOMPARTMENT SINK, SWING SPOUTS, SPRING STYLE SPRAY, WHIST BLADE FAUCET HANDLES, AND TWIST HANDLE WASTE VALVES WITH DRAIN ADAPTERS	1
24	WORK TABLE, STAINLESS STEEL, 80" x 30"	4
25	MEAT SLICER	1
26	ALL-PURPOSE MIXER	1
27	ICE CUBES MACHINE	1
28	DISCOMPARTMENT SINK, SWING SPOUT, WHIST BLADE FAUCET HANDLES, AND TWIST HANDLE WASTE VALVES WITH DRAIN ADAPTERS	1
29	DISCOMPARTMENT SINK, SWING SPOUT, WHIST BLADE FAUCET HANDLES, AND TWIST HANDLE WASTE VALVES WITH DRAIN ADAPTERS	1



TYPICAL PLUMBING FIXTURES AND ACCESSORIES MOUNTING HEIGHTS
 ABBREVIATIONS: H.C. = HANDICAP ACCESSIBLE

PROPOSED PLAN KEYNOTES

- (1) EXISTING STEEL COLUMN
- (2) INSTALL NEW GLASS PANEL AND ALUMINUM FRAME AFTER REMOVAL OF EXISTING DOOR PANEL. OPTION: CLOSE OFF EXISTING DOOR PANEL BY LOCKING THE DOOR, REMOVING DOOR PULL, FUEL BAR AND SELF-CLOSER BOTTOM OF COOKER PANELS
- (3) INSTALL 4" RUBBER COVE BASE AT THE BOTTOM OF COOKER PANELS
- (4) NEW BUILDOUT @ ABOVE FLOOR, 3.5' METAL STUDS @ 16" O.C. WITH 1/2" GYPSUM BOARD ON EACH SIDE
- (5) INSTALL SELF-CLOSER ON THIS EXISTING DOOR
- (6) INSTALL PANO HARDWARE ON THIS EXISTING DOOR
- (7) INSTALL NEW 48" x 48" BORROW LITE
- (8) 4'-0" HIGH WALL
- (9) MAXIMUM 5'-0" HIGH COUNTER TOP



PROPOSED FLOOR PLAN
 SCALE: 1/4" = 1'-0"

GHEE ONG ARCHITECT
 537 Chestnut Lake, Appleton, Wisconsin, 54915-6185
 Email: GheeOng@gmail.com - Phone: (820) 425-3089

PROPOSED TENANT BUILD-OUT FOR
THAI GINGER BISTRO
 1619 WEST COLLEGE AVENUE, APPLETON, WI 54911

REVISIONS	DATE	DESCRIPTION
1		REVISION 1

PROJECT NO.: 2019.01
 DATE: 2/11/2019
 DRAWN BY: G.O.

SHEET
A2