



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** November 10, 2014

**Common Council Meeting Date:** November 19, 2014

**Item:** Special Use Permit #14-14 for a restaurant and an outdoor patio area with alcohol sales

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** Property owner: 400 North LLC/ Applicant: Bob Wall

**Building Address/Parcel #:** 400 North Richmond Street, Unit 1/31-5-1101-00

**Petitioner's Request:** The applicant will sell food, groceries and wine and beer for consumption on site.

### BACKGROUND

There is an existing building (Richmond Terrace) and parking lot located on the site.

### STAFF ANALYSIS

**Existing Site Conditions:** The site is developed with a mixed-use building containing residential and commercial uses. This business will be located on the ground floor of the building and will also utilize the adjacent patio area indicated on the attached development plan.

**Planned Development #11-01 and Zoning Ordinance Requirements:** In order to obtain a Special Use Permit for a restaurant and an outdoor patio area with alcohol sales, the Plan Commission makes a recommendation to the Common Council, who will make the final decision. Planned Development Rezoning #11-01 lists restaurants with alcohol as a Special Use.

Parking will be accommodated in the existing on-site parking lot.

**Municipal Code Requirements:** All applicable Codes, Ordinances and regulations, including but not limited to, Fire and Building Codes and the Noise Ordinance, shall be complied with.

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

**Operational Information:** The proposed business hours are 7:00 a.m. – 9:00 p.m., seven days a week. The applicant has applied for a license to serve beer and wine during legally permitted hours as determined through the Liquor License process. The Plan of Operation is attached.

The applicant is proposing to enclose the outdoor patio with a 4 foot high fence that can be moved. The applicant will be required to obtain approvals from staff related to the design of the fence and specific operation of the outdoor patio area prior to commencing outdoor alcohol sales/ consumption.

**Surrounding zoning and land uses:**

- North: C-2 –General Commercial District, AutoZone  
R-2- Two-family Residential District, Residential uses  
R-1C- Single-family Residential District, Residential uses
- South: C-2 –General Commercial District– Gas station, convenience store  
R-2- Two-family Residential District, Residential uses
- East: R-2- Two-family Residential District, Residential uses  
R-1C- Single-family Residential District, Residential uses
- West: C-2 –General Commercial District– Express gas station, convenience store, parking lot  
R-3 Multi-family Residential, Residential uses

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area to be used for commercial uses. The proposed use is consistent with the City’s Comprehensive Plan and is consistent with the purpose and intent of the PD/C-2 Planned Development/General Commercial District.

**Overall Community Goals**

- **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.

**Findings:** This business is located within a building along a major corridor of the City that contains existing gasoline sales, retail uses, professional and personal services. This request serves to expand the range of goods and services provided in the area and facilitates continued viability of the commercial corridor.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6) and (h) (6), which were found in the affirmative.

**Technical Review Group Report (TRG):** This item was reviewed at the October 28, 2014 Technical Review Group meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #14-14 for a restaurant and an outdoor patio area with alcohol sales, **BE APPROVED**, to run with the land, subject to the following conditions:

1. Any deviations from the approved Development Plan or Operational Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

**Special Use Permit #14-14**

**November 10, 2014**

**Page 3**

2. The applicant shall submit plans to the Community and Economic Development Department for the outdoor patio fencing for review and approval by staff prior to commencing outdoor alcohol sales.

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

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**Business information:**

OCT 9 2014

Name of Business: Green Bedo Grocer & Deli

CITY OF APPLETON  
COMMUNITY DEVELOPMENT

Years in operation: 4

Percentage of business derived from restaurant service: 40 %

Type of the proposed establishment (detailed explanation of business): Deli,

Lunch, breakfast, Dinner, retail groceries, wine & beer for consumption

Hours of Operation: 7-9p

Days of Operation: 7 days

Beer & wine not served before legal time

Noise, crowd, parking lot control methods: \_\_\_\_\_

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: \_\_\_\_\_ persons.

TBD

**Outdoor uses:**

Location, type, size and design of outdoor facilities: 0

Type and height of screening: plantings/fencing/gating mobile fencing 4' high

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

Hours of Operation: 9-9 Days of Operation: 7

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

If yes, describe soundproofing measures: \_\_\_\_\_

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

will serve outside on patio

**Outdoor lighting:**

Type: \_\_\_\_\_

Location: \_\_\_\_\_

**Off-street parking:**

Number of spaces provided \_\_\_\_\_

*Multi-tenant*

RECEIVED

OCT 9 2014

**Other Licensed Premises:**

The number of licensed premises within the immediate geographic area of the proposed location CITY OF BOSTON 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: *Emmetts, VFW,* \_\_\_\_\_

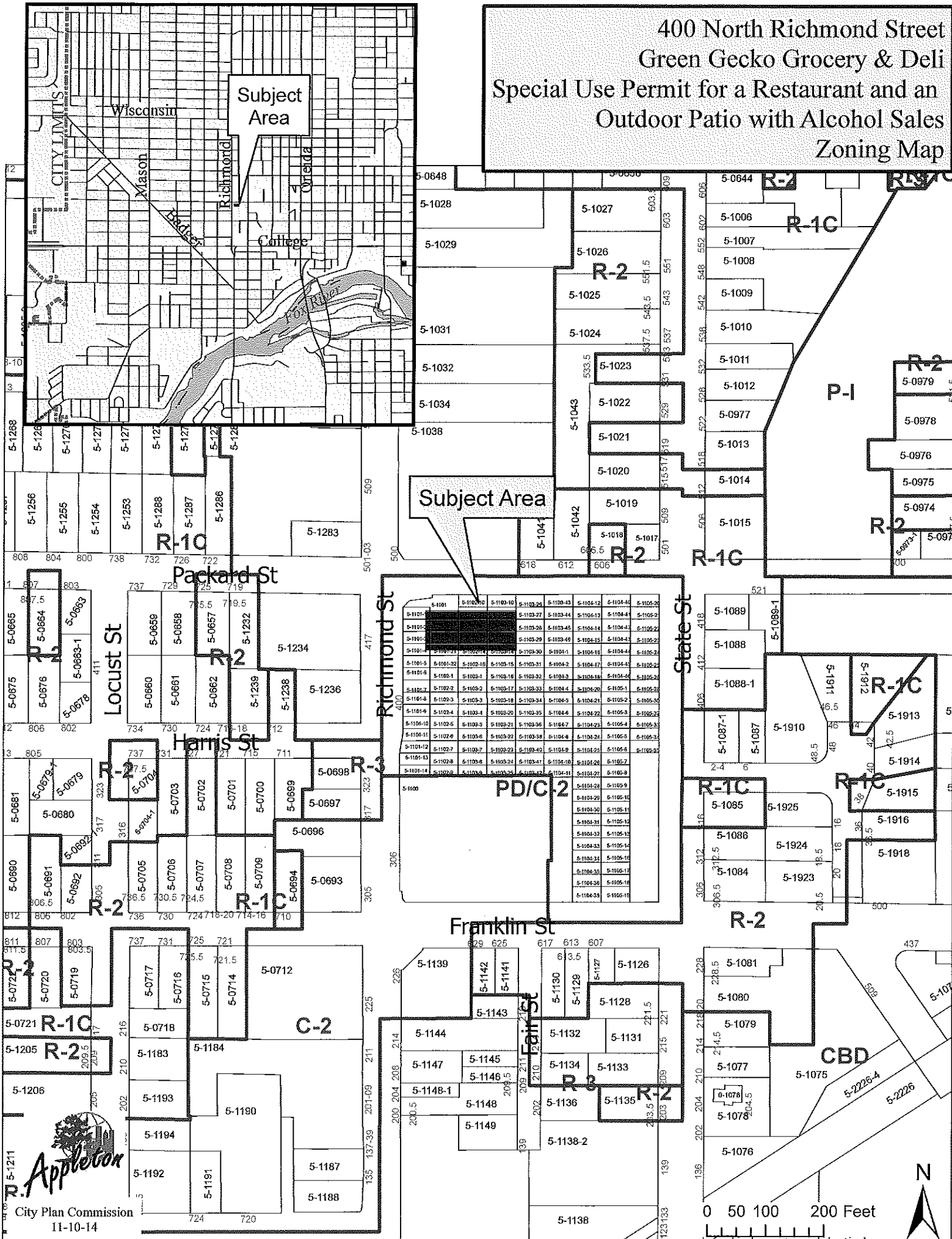
**Amusement Devices:**

Number of video games: \_\_\_\_\_ Pool Tables: \_\_\_\_\_

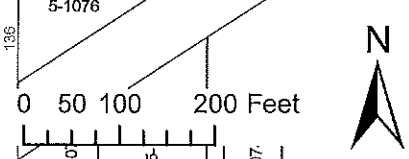
*None*

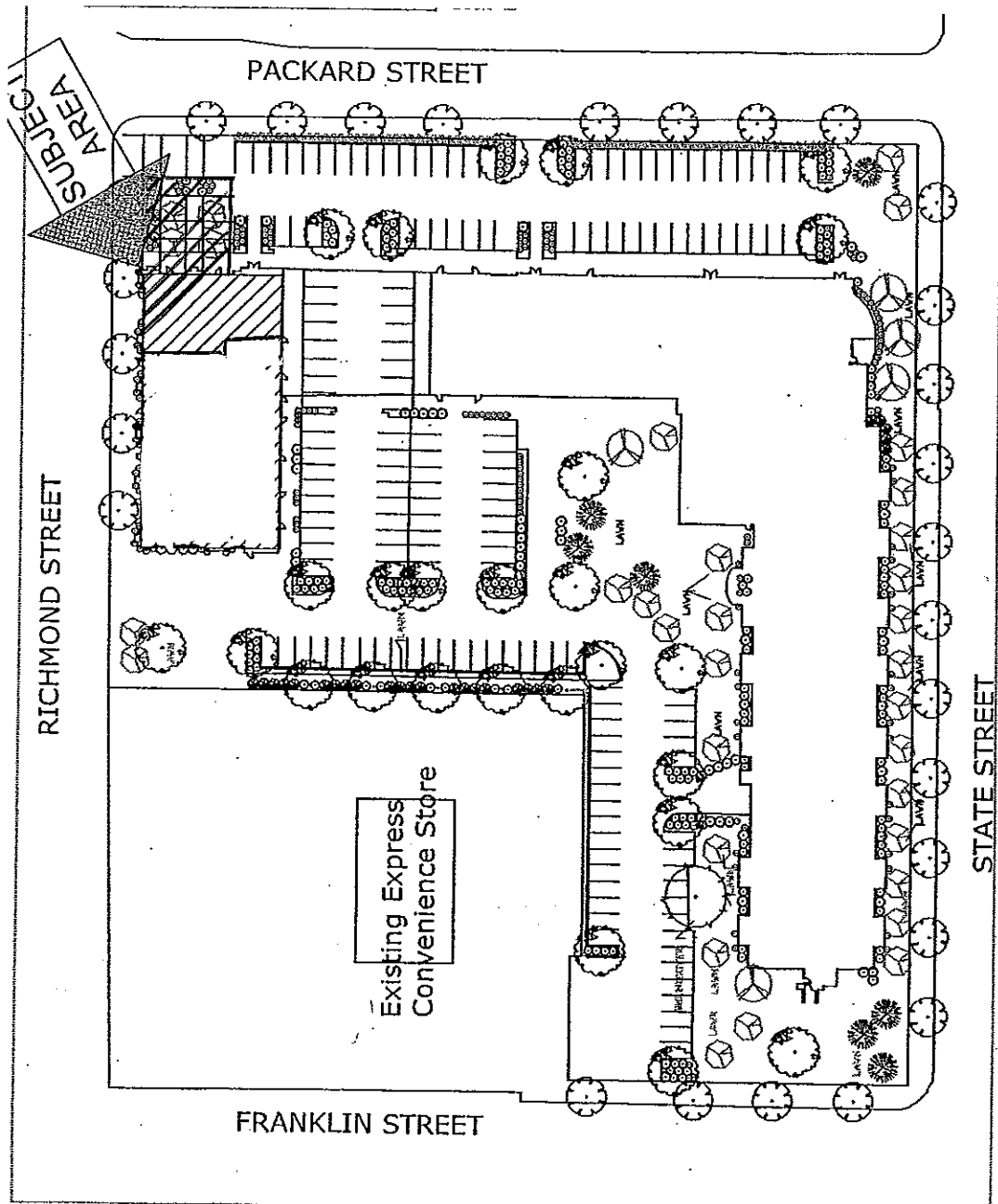
Other amusement devices: \_\_\_\_\_

# 400 North Richmond Street Green Gecko Grocery & Deli Special Use Permit for a Restaurant and an Outdoor Patio with Alcohol Sales Zoning Map



**Subject Area**





400 North Richmond Street  
 Green Gecko Grocery & Deli  
 Special Use Permit for a Restaurant and  
 an Outdoor Patio with Alcohol Sales



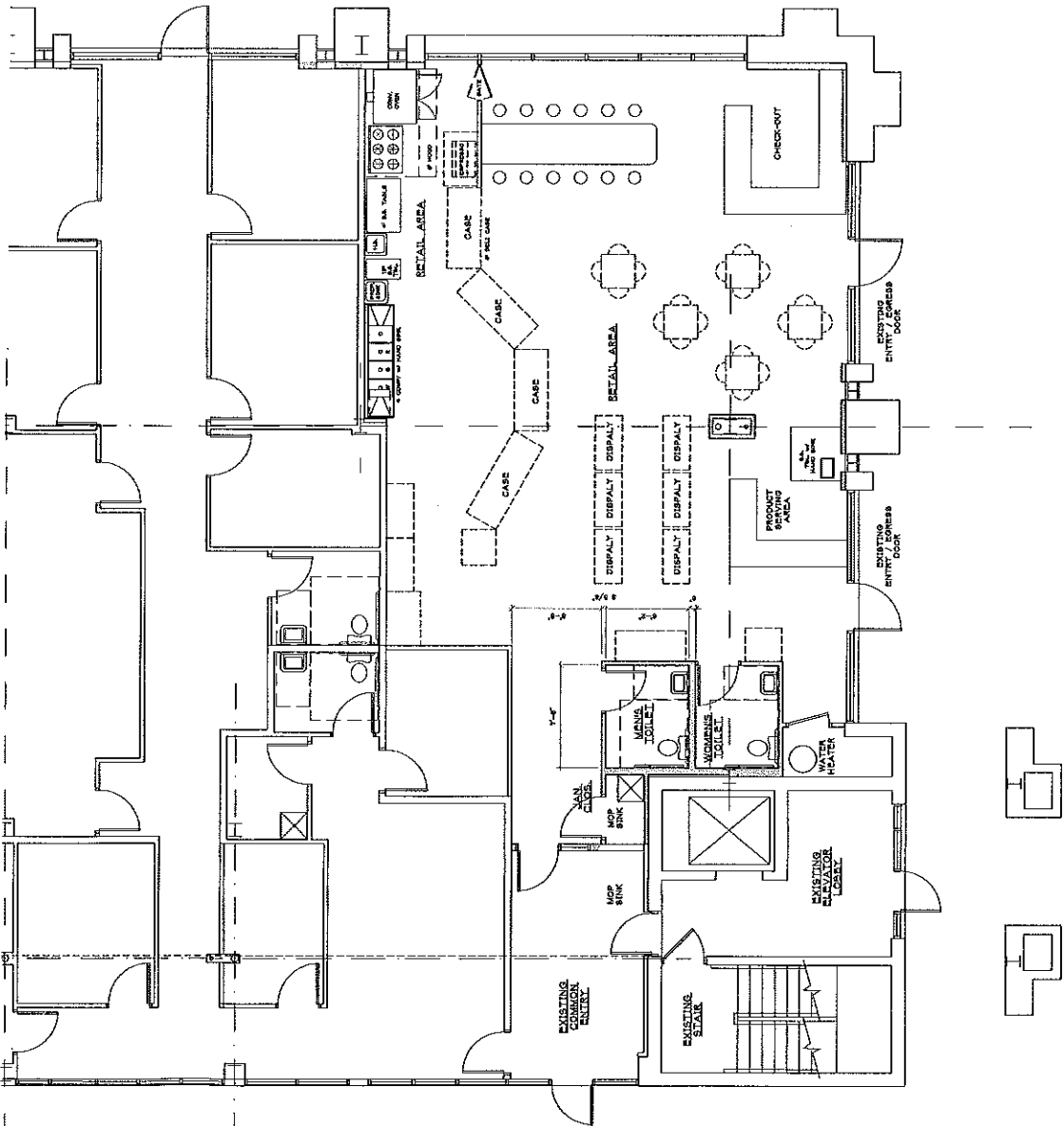

 571 MARCELLA STREET  
 KIMBERLY, WI 53158  
 TEL: 820-874-5887 FAX: 820-874-1660


**APPLETON, WISCONSIN**  
**PROPOSED TENANT ALTERATION FOR,**  
**GREEN GECKO GROCER & DELI**

DATE:	JULY 2011
ARCH:	J. W. W.
D. BY:	
JOB:	1000
PROJ. MAN:	
EXP:	
SUPER:	

**A**  
**1.0**

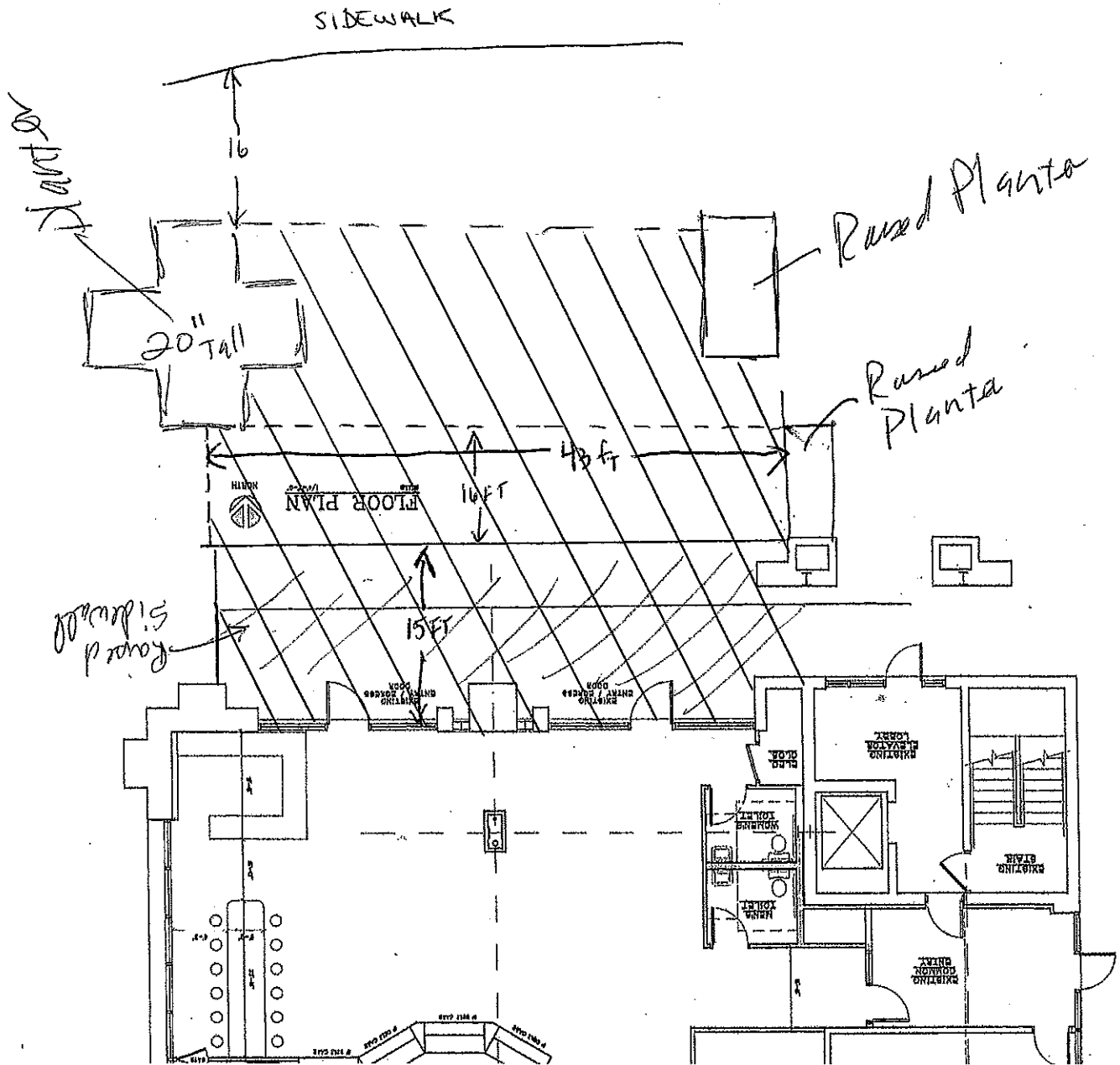
**MISC. NOTES**  
 ALL FLOORS ARE TO BE PAINTED BY THE TENANT  
 ALL WALLS TO HAVE ONE COAT OF PAINT AND ALL CEILING TO BE PAINTED AND ALL FLOORING TO BE REFINISHED AND POLISHED AND TO BE DONE BY THE TENANT  
 NO STRUCTURAL ALTERATIONS BEING DONE  
 ALL WORK TO BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS




**FLOOR PLAN**  
 NORTH

400 North Richmond Street  
 Green Gecko Grocery & Deli  
 Special Use Permit for a Restaurant and  
 an Outdoor Patio with Alcohol Sales





400 North Richmond Street  
 Green Gecko Grocery & Deli  
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