



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: August 22, 2017

Common Council Meeting Date: September 6, 2017

Item: Special Use Permit #8-17 for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Owner: RiverHeath Hospitality, LLC

Applicant: Cindy Evers, Interstate Hotels & Resorts/Courtyard by Marriott Appleton Riverfront

Address/Parcel #: 101 South RiverHeath Way / (Tax Id #31-4-0828-09)

Petitioner's Request: The applicant is requesting a Special Use Permit for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption.

BACKGROUND

Common Council approved Planned Development (PD) Rezoning #12-08 on August 20, 2008, which rezoned the RiverHeath development from M-2 General Industrial District to PD/C-2 Planned Development General Commercial District. It was subsequently amended per PD Rezoning #1-11, which was approved by Common Council on May 4, 2011.

Site Plan #16-16 for the hotel was approved on August 3, 2016, and construction is nearing completion. However, the applicant recently applied for a Reserve "Class B" Beer/Liquor License which was approved by Common Council on August 2, 2017.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish alcohol sales and service at the hotel/restaurant and outdoor patio/common area on the subject site. The 97 room hotel totals approximately 62,000 square feet. The restaurant occupies approximately 2,000 square feet, and the outdoor patio is approximately 3,000 square feet in size. Off-street parking is provided on the subject site.

Zoning Ordinance Requirements: The subject property has a zoning designation of PD/C-2 Planned Development General Commercial District. Per the Implementation Plan Document for PD #1-11, a restaurant with alcohol sales and service requires a Special Use Permit in this PD/C-2 District. In order to

Special Use Permit #8-17
August 22, 2017
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permit alcohol sales and service in conjunction with a hotel/restaurant and outdoor patio, 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.

Operational Information: A plan of operation is attached to the Staff Report.

Outdoor Seating Area: The applicant proposes to utilize the existing outdoor patio for alcohol sales and service, as is shown on the development plan and described in the plan of operation. The outdoor patio is located on the north side of the building.

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 commercial and residential in nature.

North: M-2 General Industrial District. The Fox River is immediately north of the subject property.

South: P-I Public Institutional District. The adjacent land use to the south is Telulah Park.

East: P-I Public Institutional District. The adjacent land use to the east is Telulah Park.

West: PD/C-2 Planned Development General Commercial District. The adjacent land to the west is currently undeveloped.

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

OBJECTIVE 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 9.6 Economic Development:

Create a vibrant environment that is conducive to attracting and retaining talented people.

Policy 9.6.2 Encourage the creation of vibrant mixed-use urban areas in the downtown and along the Fox River that are both walkable and bicycle-friendly.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the August 1, 2017 Technical Review Group meeting. No negative comments were received from participating departments. Community and Economic Development staff indicated that the Police Department investigation entails review of outdoor facilities per liquor license policy.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-17 for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption at 101 South RiverHeath Way (Tax Id #31-4-0828-09), 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. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. 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.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code and the liquor license issued by the City Clerk.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #8-17

WHEREAS, Interstate Hotels & Resorts, Courtyard by Marriott Appleton Riverfront, has applied for a Special Use Permit for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption located at 101 South RiverHeath Way, also identified as Parcel Number 31-4-0828-09; and

WHEREAS, the location for the proposed hotel/restaurant and outdoor patio/common area with alcohol sales and consumption is located in the PD/C-2 Planned Development General Commercial District #1-11 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 August 22, 2017 on Special Use Permit #8-17 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) of the Municipal Code, and forwarded Special Use Permit #8-17 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 _____, 2017 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #8-17 for a hotel/restaurant and outdoor patio/common area with alcohol sales and consumption located at 101 South RiverHeath Way, also identified as Parcel Number 31-4-0828-09 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #8-17

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. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

3. 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.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code and the liquor license issued by the City Clerk.

Adopted this _____ day of _____, 2017.

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: RiverHeath Hospitality LLC

Years in operation: 1

Percentage of business derived from restaurant service: 5%

Type of proposed establishment (detailed explanation of business):

The Marriott Courtyard operates a bistro, which is a restaurant and bar in the lobby of the hotel. The bistro serves breakfast, lunch, and dinner. See the attached menu for offerings.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	9AM	10PM

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: Total building capacity is 804 occupants. See Code Conformance Plan on page three of the attached drawings. First floor occupant load is 579.

Gross floor area of the existing building(s): This is new construction.

Gross floor area of the proposed building(s): Gross sf hotel = 62,200sf

Describe Any Potential Noise Emanating From the Proposed Use:

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

There will be minimal noise from kitchen equipment. The kitchen is located within the hotel building, on the first floor adjacent to the bistro. See Enlarged Public Space Plan, page six of the attached drawings.

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

Crowd-noise will be controlled by staff both inside and outside the building. The business is a hotel, so quiet hours are important to the functioning of the hotel.

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

The parking lot sits at a dead end street and is reserved for hotel guests only. Hotel staff will be onsite 24/7 to ensure that parking lot noise is not excessive.

Outdoor Uses:

Location, type, size and design of outdoor facilities:

See both the attached design and the landscaping design.

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

See the attached landscaping design.

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:

Outdoor music for weddings and special events will be controlled by the staff, who will be onsite 24/7.

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	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	9AM	10PM

Outdoor Lighting:

Type: There are lights attached to the hotel, bollards, and standing lights.

Location: See the attached landscaping plan.

Off-Street Parking:

Number of spaces existing: 97 parking spots, one for each hotel room.

Number of spaces proposed: This is new construction.

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:

RiverHeath has two other restaurants: Mr. Brews Taphouse, and Tempest Coffee.

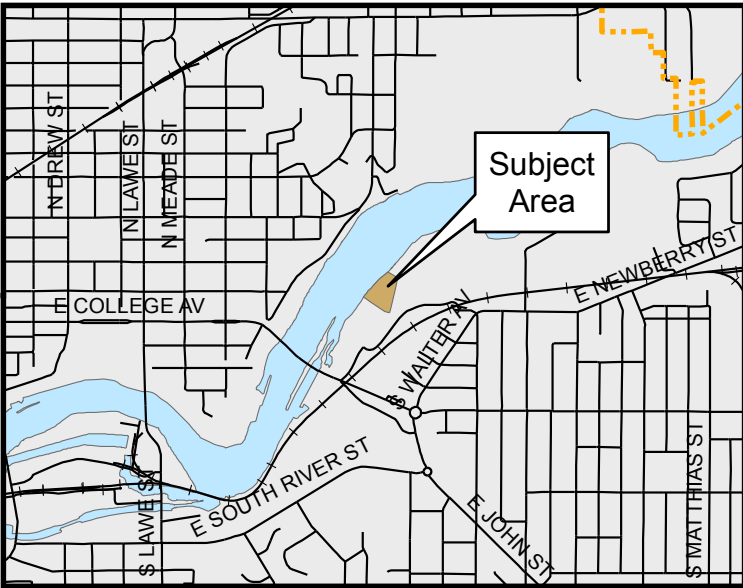
Number of Employees:

Number of existing employees: 10

Number of proposed employees: 10

Number of employees scheduled to work on the largest shift: 10

Special Use Permit
 Restaurant with Alcohol Sales
 Courtyard Marriott - RiverHeath
 101 S RiverHeath Way



City Plan Commission
 8-22-17

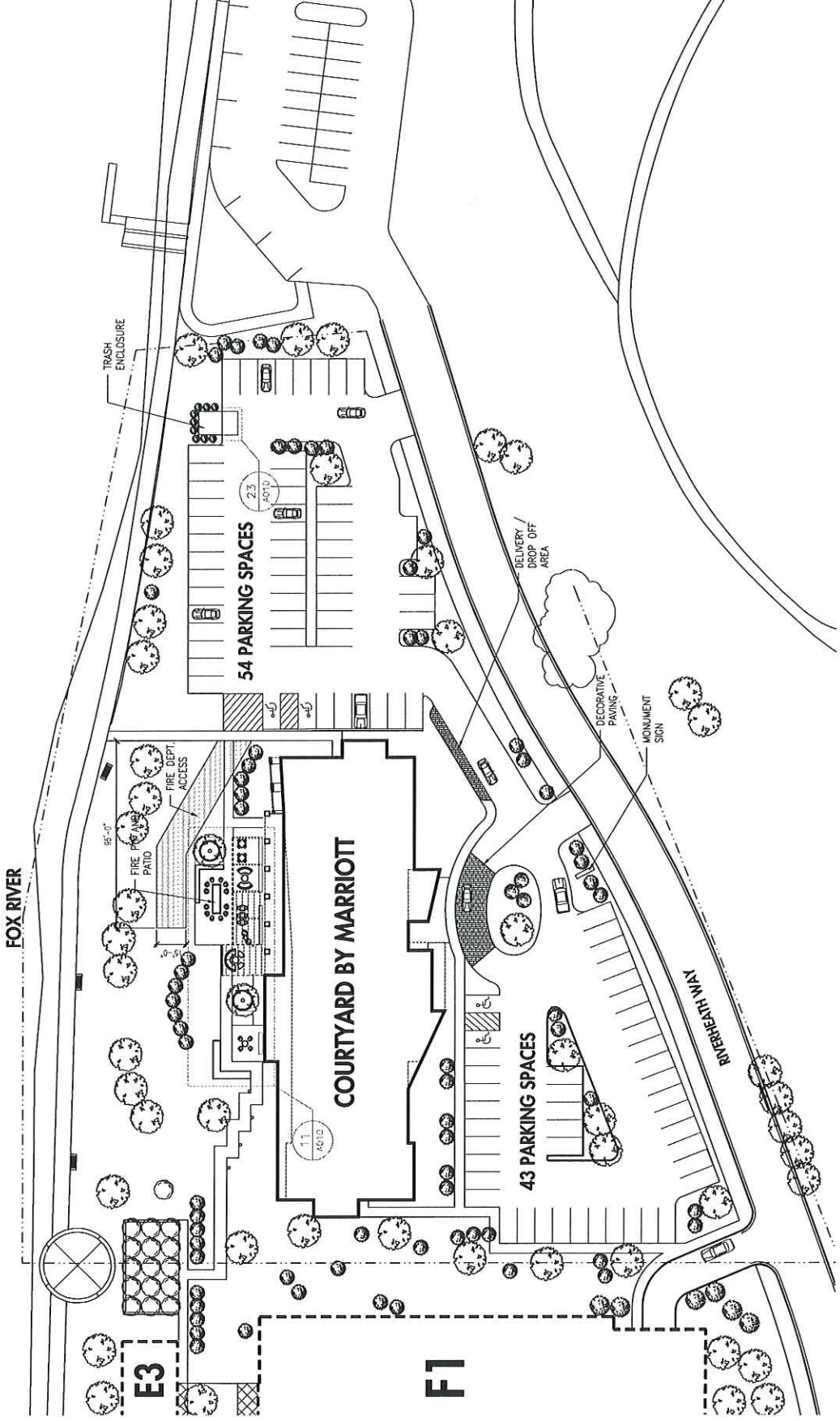
**Courtyard by Marriott -
RiverHeath**
Appleton, Wisconsin

Taneway Development LLC
100 West College Avenue, Suite 100
Appleton, WI 54911
PROJECT NUMBER: 07171-16

ISSUED FOR: DESCRIPTION: 04-2016
REVISION FOR: NO. DESCRIPTION DATE

DRAWN BY: Author
CHECKED BY: Checker

**ARCHITECTURAL
SITE PLAN**
C:\energy\GEN 5



ARCHITECTURAL SITE PLAN
1" = 20'-0"

**Courtyard by Marriott -
RiverHeath**

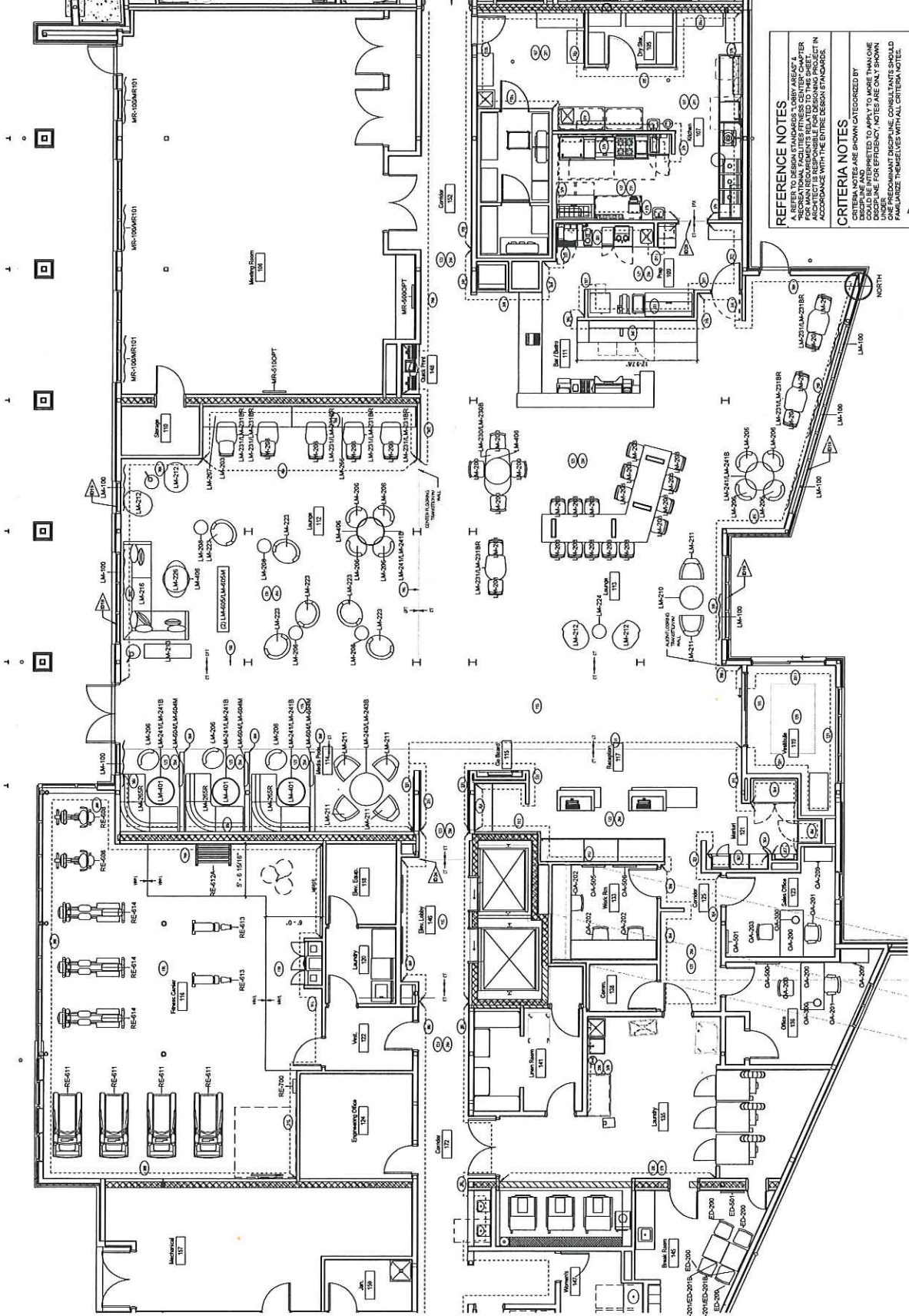
101 South Riverside Way
Appleton, Wisconsin 54912
Tanner Development LLC
103 West College Avenue, Suite 103
Appleton, WI 54911
PROJECT NUMBER: 27171.16

ISSUED FOR:	4-22-16
PLAN REVIEW:	
REVISION FOR:	DATE
NO.	DESCRIPTION

DRAWN BY: Aubrey
CHECKED BY: Chester

**1ST FLR PUBLIC
FURN & FINISH PLAN**

A701



REFERENCE NOTES

A. REFER TO DESIGN STANDARDS LIBRARY AREA 2 FOR MAIN REQUIREMENTS RELATED TO THIS SHEET. IN ACCORDANCE WITH THE ENTIRE DESIGN STANDARDS.

CRITERIA NOTES

CRITERIA NOTES ARE SHOWN CATEGORIZED BY COORDINATE TO INDICATE WHERE THEY APPLY TO MORE THAN ONE ELEMENT. NOTES ARE ONLY SHOWN UNDER ELEMENTS THAT SHOULD BE FAMILIARIZED THEMSELVES WITH ALL CRITERIA NOTES.

INTENDED DESIGNS

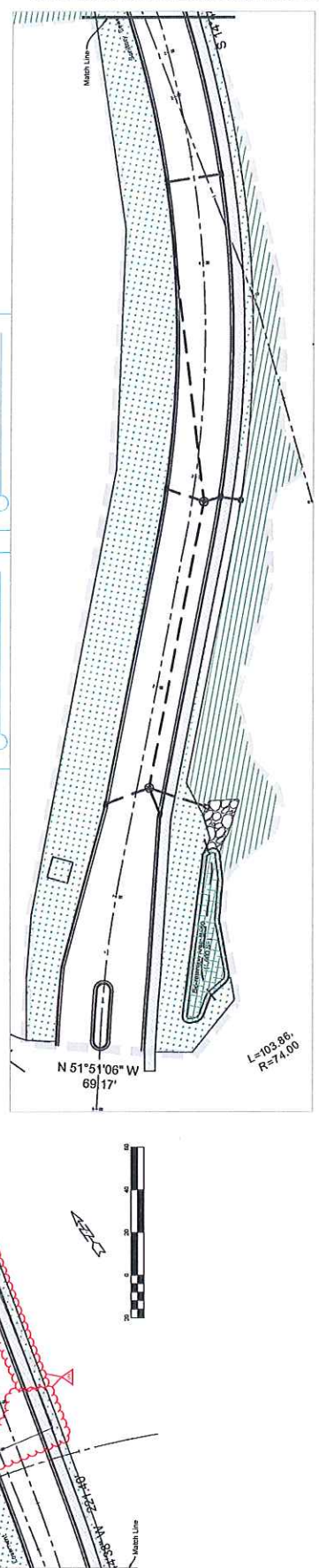
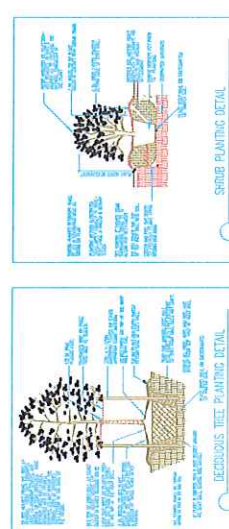
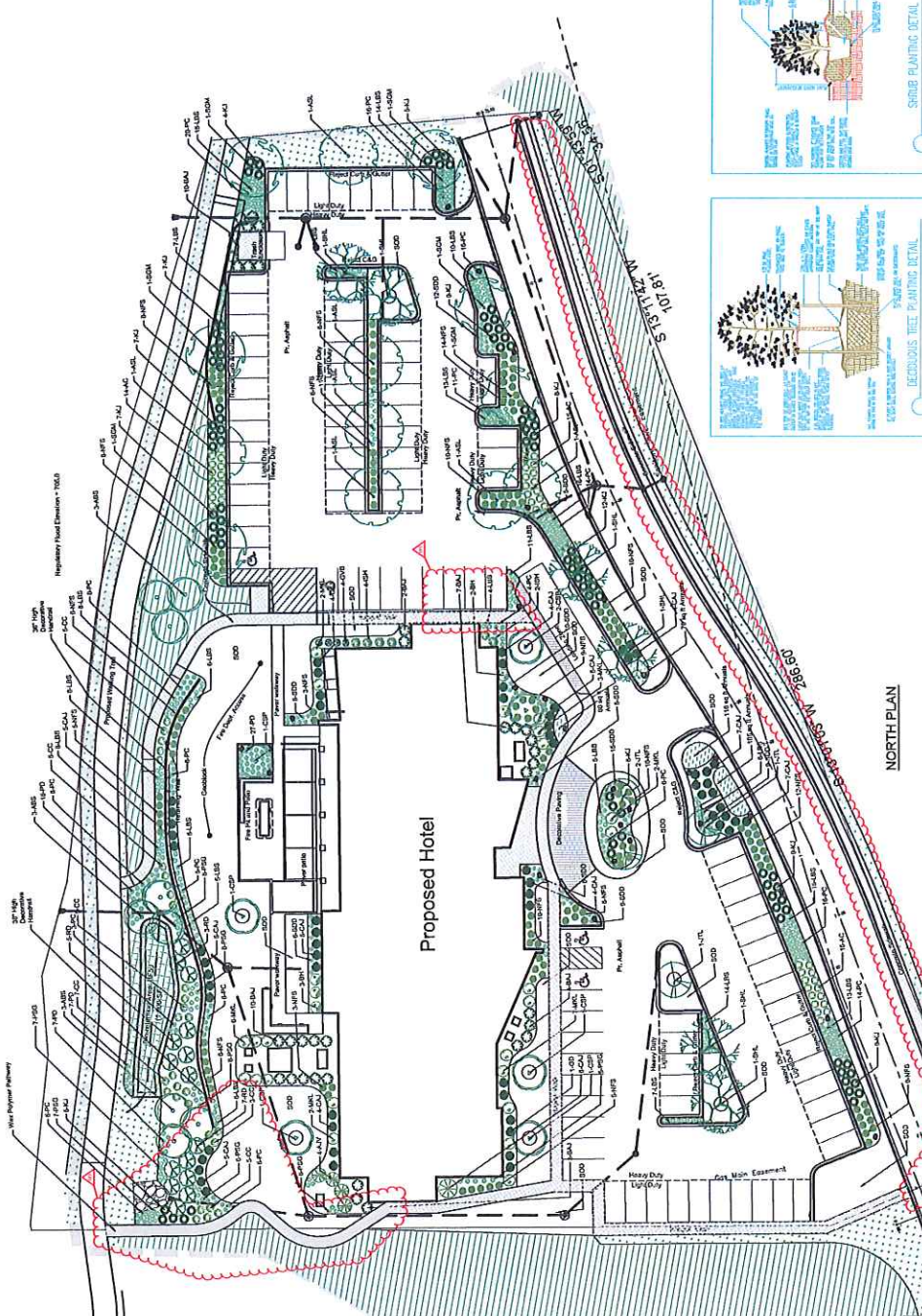
- REFER TO WINDOW TREATMENT & PARTITION SCHEDULE FOR OPTIONS ON ROLLING SHESSES
- ALL TERRACE CORNERS IN CORRIDORS SHALL HAVE FULL HEIGHT CORNER GUARDS.
- PROVIDE SCHEDULE TRANSITION STRIP

No.	Plant Name	Quantity	Notes
1	1" DBL 1/2" BRN	1000	1000
2	1" DBL 1/2" BRN	1000	1000
3	1" DBL 1/2" BRN	1000	1000
4	1" DBL 1/2" BRN	1000	1000
5	1" DBL 1/2" BRN	1000	1000
6	1" DBL 1/2" BRN	1000	1000
7	1" DBL 1/2" BRN	1000	1000
8	1" DBL 1/2" BRN	1000	1000
9	1" DBL 1/2" BRN	1000	1000
10	1" DBL 1/2" BRN	1000	1000
11	1" DBL 1/2" BRN	1000	1000
12	1" DBL 1/2" BRN	1000	1000
13	1" DBL 1/2" BRN	1000	1000
14	1" DBL 1/2" BRN	1000	1000
15	1" DBL 1/2" BRN	1000	1000
16	1" DBL 1/2" BRN	1000	1000
17	1" DBL 1/2" BRN	1000	1000
18	1" DBL 1/2" BRN	1000	1000
19	1" DBL 1/2" BRN	1000	1000
20	1" DBL 1/2" BRN	1000	1000
21	1" DBL 1/2" BRN	1000	1000
22	1" DBL 1/2" BRN	1000	1000
23	1" DBL 1/2" BRN	1000	1000
24	1" DBL 1/2" BRN	1000	1000
25	1" DBL 1/2" BRN	1000	1000
26	1" DBL 1/2" BRN	1000	1000
27	1" DBL 1/2" BRN	1000	1000
28	1" DBL 1/2" BRN	1000	1000
29	1" DBL 1/2" BRN	1000	1000
30	1" DBL 1/2" BRN	1000	1000

Plant Name	Quantity	Notes
31	1" DBL 1/2" BRN	1000
32	1" DBL 1/2" BRN	1000
33	1" DBL 1/2" BRN	1000
34	1" DBL 1/2" BRN	1000
35	1" DBL 1/2" BRN	1000
36	1" DBL 1/2" BRN	1000
37	1" DBL 1/2" BRN	1000
38	1" DBL 1/2" BRN	1000
39	1" DBL 1/2" BRN	1000
40	1" DBL 1/2" BRN	1000
41	1" DBL 1/2" BRN	1000
42	1" DBL 1/2" BRN	1000
43	1" DBL 1/2" BRN	1000
44	1" DBL 1/2" BRN	1000
45	1" DBL 1/2" BRN	1000
46	1" DBL 1/2" BRN	1000
47	1" DBL 1/2" BRN	1000
48	1" DBL 1/2" BRN	1000
49	1" DBL 1/2" BRN	1000
50	1" DBL 1/2" BRN	1000

Plant Notes:
1. All plants to be installed in accordance with the manufacturer's instructions.
2. All plants to be installed in accordance with the landscape plan.
3. All plants to be installed in accordance with the site plan.
4. All plants to be installed in accordance with the site plan.

General Notes:
1. All plants to be installed in accordance with the manufacturer's instructions.
2. All plants to be installed in accordance with the landscape plan.
3. All plants to be installed in accordance with the site plan.
4. All plants to be installed in accordance with the site plan.



LANDSCAPE PLAN

DRAWN BY: [Blank]

CHECKED BY: [Blank]

DATE: [Blank]

C109

