



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** November 11, 2013

**Common Council Meeting Date:** November 20, 2013

**Item:** Special Use Permit #12-13 to expand an existing tavern with alcohol sales with an outdoor patio area with alcohol consumption

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** Property owner/ Applicant: Positive Ventures, LLC- Eric Jacobsen

**Address/Parcel #:** 1222 South Oneida Street /31-4-0421

**Petitioner's Request:** This project is a Phase II expansion of the existing Houdini's Escape Gastropub restaurant and tavern. The expansion includes an expanded kitchen, cooler and freezer addition, dry storage, restrooms, office, expanded dining, outdoor dining and beverage serving area, additional parking and green space.

### BACKGROUND

Special Use Permit #07-09 was approved for a tavern with alcohol sales for the existing restaurant and outdoor patio at this location by the Plan Commission on July 20, 2009 and approved by the Common Council on August 5, 2009. The applicant currently holds a Class B liquor license. Certified Survey Maps to combine property have been completed and Site Plan #12-29 was completed for a previous parking lot expansion.

### STAFF ANALYSIS

**Existing Site Conditions:** The subject site is currently occupied by Houdini's Escape Gastropub and the expansion area is currently occupied by John's Towing, which will be relocating. The parcel is owned by the applicant.

**Zoning Ordinance Requirements:** In order to expand the sale of alcohol for on-site consumption to the restaurant addition and the proposed outdoor patio area, a Special Use Permit must be approved by Common Council per the Zoning Ordinance regulations. If approved, Special Use Permit #12-13 will replace Special Use Permit #07-09.

**Operational Information:** The business hours are 11:00 a.m. – bar closing time, seven days a week.

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**Analysis:**

The existing indoor restaurant/bar area would be expanded by approximately two thousand one hundred seventy-five (2,175) square feet plus a three hundred fifty-eight (358) square foot cooler. A new addition will link the existing restaurant with the existing office building that currently contains John's Towing. The new outdoor patio will be nine hundred seventeen (917) square feet. The parking lot will be expanded to accommodate additional vehicles.

**Parking/ Access:**

The building capacity will be posted at one hundred sixty-two (162) persons. The Zoning Ordinance requires one (1) parking space per three (3) persons of capacity. This totals fifty-four (54) required spaces. The Development Plan shows that twenty-nine (29) parking spaces will be located on the property. Eight (8) additional spaces will be utilized on the property to the north (Kokomo's) through a parking agreement which must be signed and recorded. This totals thirty-seven (37) spaces for a shortage of seventeen (17). The loading space will not be used at night, which is the busiest time and can accommodate two employee vehicles bringing the total parking deficit down to fifteen (15) spaces.

A variance has been requested to allow for a total of seventy (70) spaces between the two properties. If the variance is approved, no further action will be required and the proposed parking will be adequate. If the variance is denied, the applicant will either need to reduce the capacity of the businesses or find off-site parking and provide a copy of a signed and recorded parking agreement to make up the difference in required spaces which meets 23-172(m) of the Zoning Ordinance prior to a Site Plan being approved for the expansion of the building.

**Outdoor Seating with Alcohol Service Area:** The proposed outdoor patio area design plans consist of the following as shown on the project plans:

- Approximately nine hundred seventeen (917) square feet;
- The outdoor patio is surrounded by a four (4) foot high wrought iron fence;
- Concrete patio surface;
- Proposed outdoor music per Operation Plan

**Surrounding zoning and land uses:**

North: C-2 – General Commercial District; Kokomo's Tavern

R-1B- Single-family Residential District; Single-Family house

South: C-2 – General Commercial District; Gas station/convenience store

West: R-1B- Single-family Residential District; Single-Family houses

East: R-1B- Single-family Residential District; Single-Family houses

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area to be used for commercial. 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.

### 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.

**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 discussed at the October 8, 2013 Technical Review Group meeting. Additionally, staff held a meeting with the applicant on October 29, 2013 to go over design and operational aspects of the proposal. No major concerns came from that meeting and the applicant was given additional advice and direction regarding future submittals of building plans and licensing.

### RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #12-13 to expand an existing tavern with alcohol sales with an outdoor patio area with alcohol consumption located at 1222 South Oneida Street, subject to the following conditions, **BE APPROVED:**

1. The serving and consumption of alcohol is limited to the interior ground floor of the tenant space and the outdoor patio area identified on the Development Plan and Operational Plan. Any future expansions beyond the areas identified on the submitted Development Plan for the serving and/or consumption of alcohol may require a new Special Use Permit application to be applied for and approved.
2. Site Plan review and approval will be required prior to permits being issued for construction of the parking lot and building addition.
3. An emergency exit only gate with push/panic hardware shall be installed as part of the proposed four (4) foot high fence enclosure adjacent to the outdoor patio area and be inspected by the Appleton Fire Department prior to the issuance of the liquor license for the outdoor patio area.
4. The outdoor seating (two tables) area shown on the Development Plan adjacent to the front door of the building is not approved to have alcohol served or consumed at this location.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
6. All applicable Codes, Ordinances and regulations, including but not limited to Fire and Building Codes and Health and the Noise Ordinances, shall be complied with.
7. Any deviations from the approved Development Plan may require a major or minor change request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

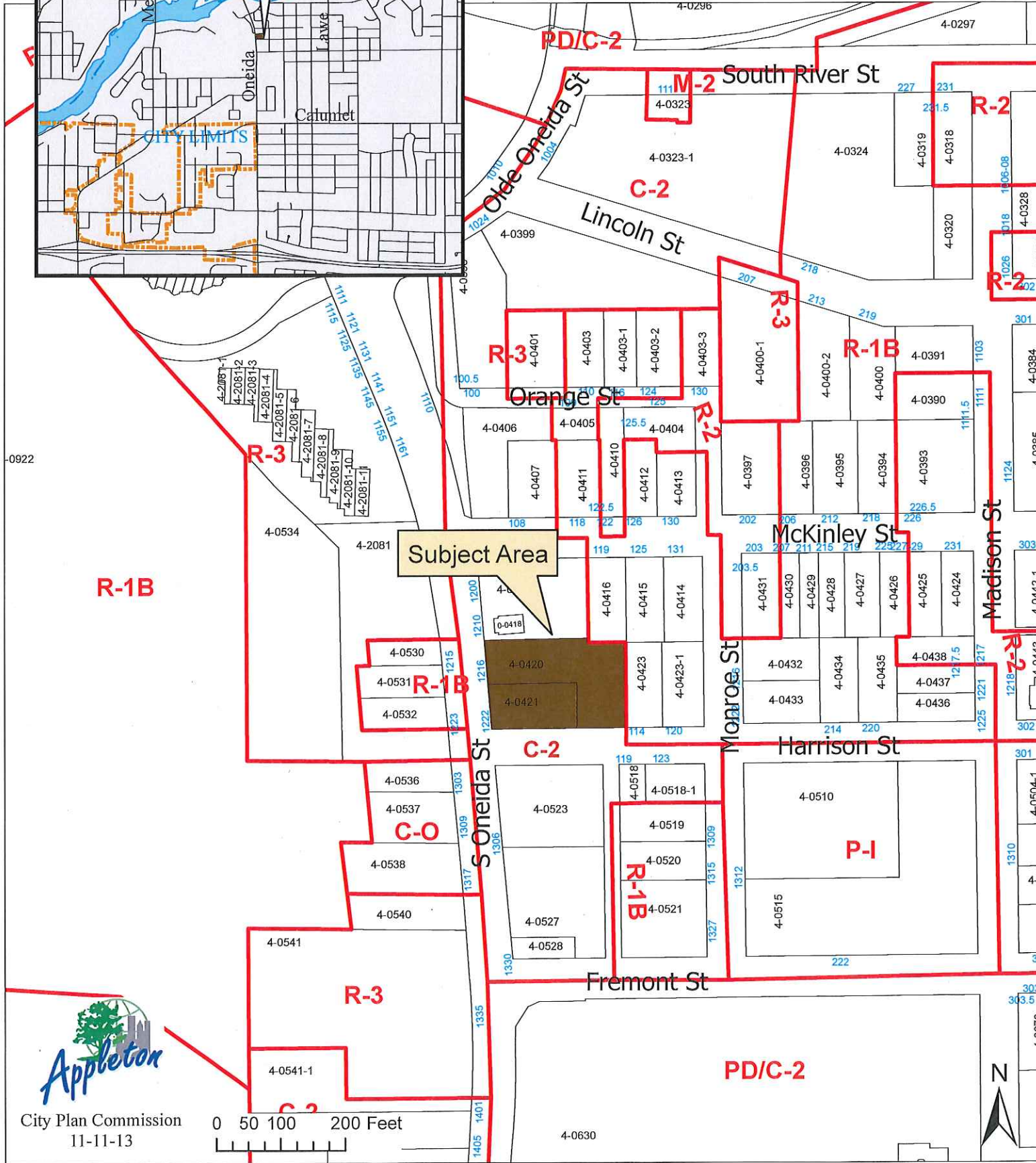
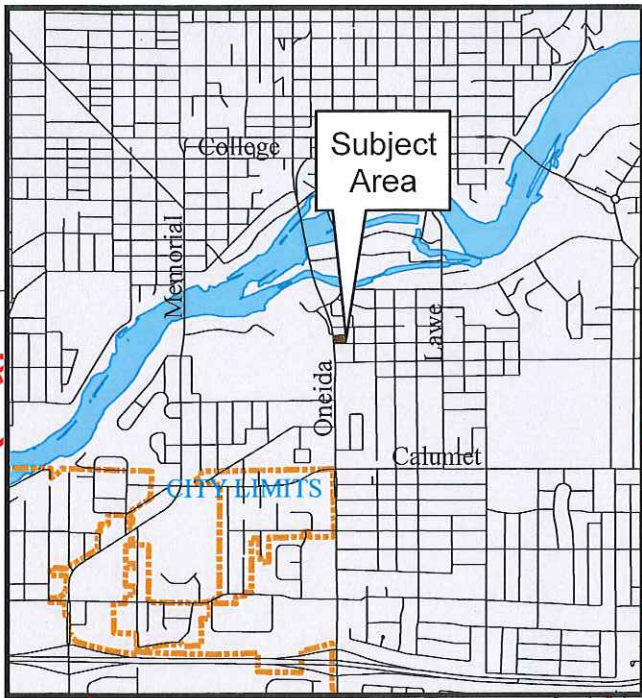
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8. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan may require an amendment to the Special Use Permit.
9. Compliance with the attached Development Plan showing site layout and the floor plan is required at all times per 23-66(d)(5). Changes to the Development Plan drawings may require an amendment to the Special Use Permit.

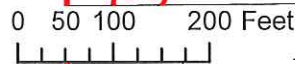
1222 South Oneida Street  
 Special Use Permit  
 Expand an existing tavern with alcohol sales  
 with an outdoor patio area with alcohol consumption  
 Zoning Map



0922



City Plan Commission  
 11-11-13

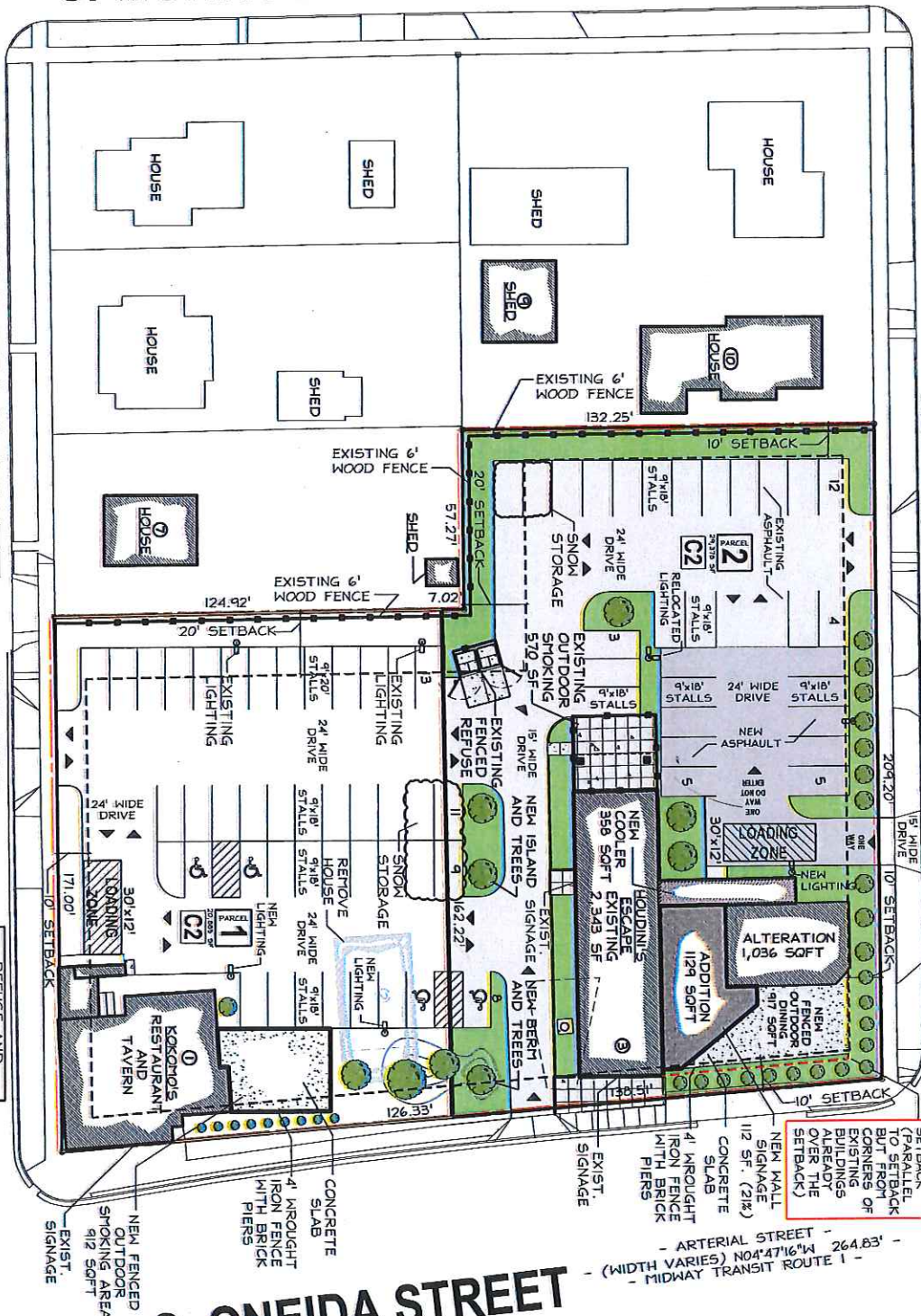


**E. HARRISON STREET** - (60' WIDTH) 569'24.01" W - 329.20 -

**S. MONROE STREET** - LOCAL STREET - (60' WIDTH) 500'40.12" E 264.00' -

**E. MCKINLEY STREET** - (60' WIDTH) N84°25.16' E 348.22' -

**SCHEMATIC SITE MASTER PLAN (OFF STREET PARKING: 70 STALLS) (PREVIOUSLY 56)**



REFUSE AND PARKING SHARED BETWEEN HOUDINI'S ESCAPE GASTROPUB AND KOKONIOS.

NEW FENCED OUTDOOR SMOKING AREA 912 50FT EXIST. SIGNAGE

**S. ONEIDA STREET** - ARTERIAL STREET - (WIDTH VARIES) N04°47'16" W 264.83' - MIDWAY TRANSIT ROUTE 1 -



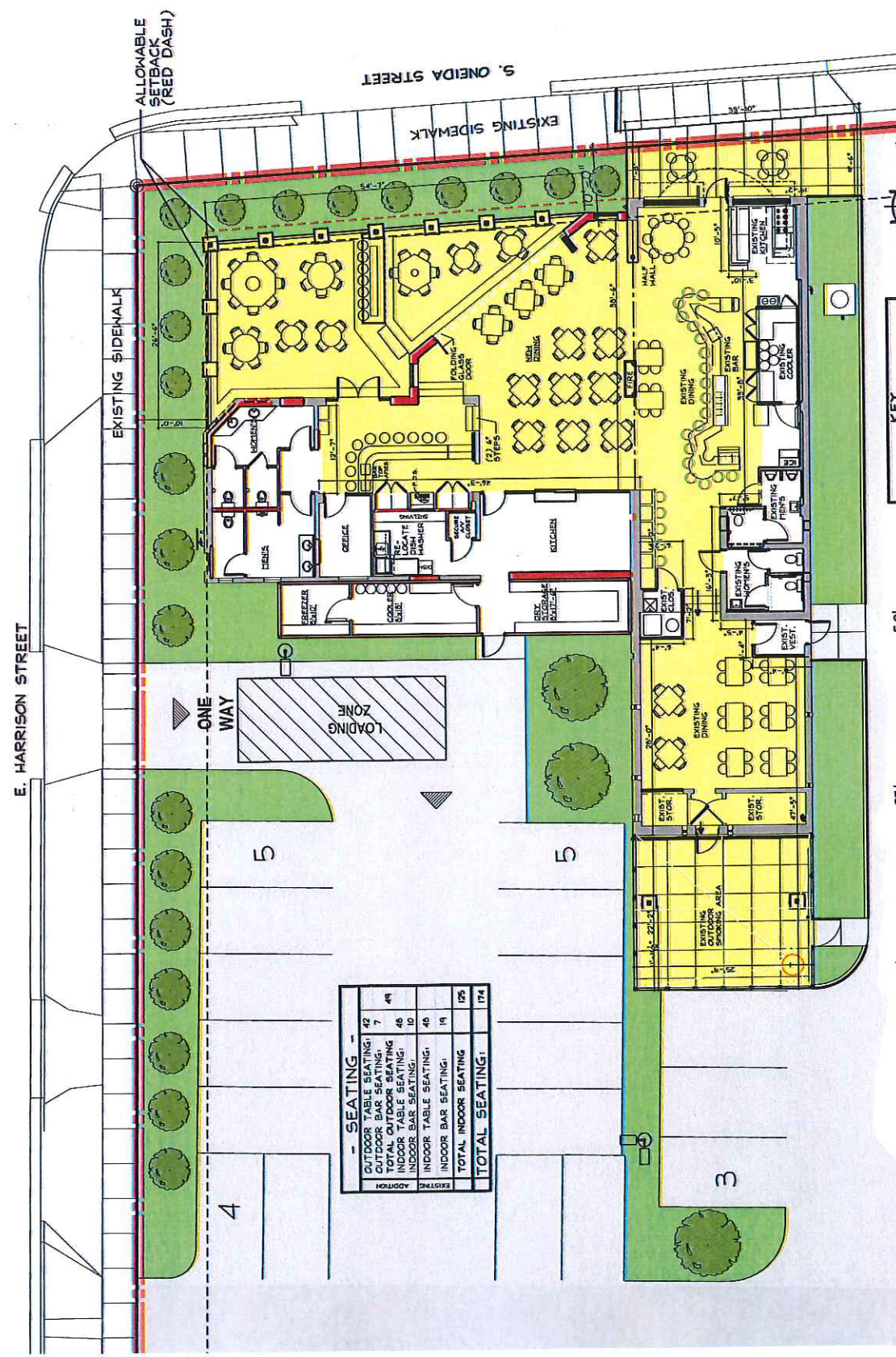
12222 South Oneida Street  
Special Use Permit - Expand existing tavern with alcohol sales  
with an outdoor patio area with alcohol consumption

SPECIAL USE PERMIT FOR - **HOUDINI'S ESCAPE GASTROPUB** 1216 S. ONEIDA STREET, APPLETON, WI

**BIRSCHBACH ASSOCIATES, LTD.**  
Birschbach & Associates, Inc. a Wisconsin limited liability company  
P.O. BOX 1218 Appleton, Wisconsin 54912-1218  
608.835.1218 Fax 608.835.1219 www.birschbach.com

PROJECT NO: 2008-209  
DATE: 11/11/13  
SCALE: AS SHOWN

APPRETTIONED BY: C4



KEY  
 NEW WALL  
 EXISTING WALL  
 SPECIAL USE AREA: 4, 5/6 SF  
 SCALE: 1:20  
 NORTH  
 0' 25' 50'  
**PROPOSED FLOOR PLAN**  
 (REVISED 10-29-2013)

- SEATING -	
OUTDOOR TABLE SEATING:	42
OUTDOOR BAR SEATING:	7
<b>TOTAL OUTDOOR SEATING:</b>	<b>49</b>
INDOOR TABLE SEATING:	46
INDOOR BAR SEATING:	19
<b>TOTAL INDOOR SEATING:</b>	<b>65</b>
<b>TOTAL SEATING:</b>	<b>114</b>

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