



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** November 13, 2018

**Common Council Meeting Date:** No formal action required

**Item:** Minor Amendment to Special Use Permit #15-15

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

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**Owner:** Steven Carrow

**Applicant:** Rookies Sports Bar & Grill c/o Steven Carrow

**Address/Parcel #:** 325 N. Appleton Street (Tax Id #31-2-0491-00)

**Petitioner's Request:** The applicant is requesting to amend Special Use Permit #15-15 to allow alcohol sales and service within an expansion to the existing outdoor patio west of the existing bar/restaurant.

### BACKGROUND

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Special Use Permit #24-01 to conform the existing tavern use and allow for the construction of an outdoor patio area for alcohol consumption at this location was approved by the Common Council on May 15, 2002. A time extension to implement SUP #24-01 was granted in 2003 when the patio was constructed.

Special Use Permit #15-15 to allow for the construction of an addition to the outdoor patio for alcohol consumption at this location was approved by the Common Council on November 18, 2015. Special Use Permit #15-15 replaced previously approved SUP #24-01. The approval was granted with the following four 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.
  - *Development plan drawings included with Special Use Permit #15-15 identified the interior of the restaurant and outdoor patio to be approximately 2,296 square feet and 1,105 square feet, respectively, for a total area of 3,401 square feet. The applicant's request is to expand the existing outdoor patio located south of the building by an additional 224 square feet, which represents an overall increase of approximately 6.6%.*
2. An emergency exit only gate with push/panic hardware shall be installed as part of the proposed 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.
  - *Condition satisfied.*
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - *Ongoing condition. This condition continues to apply at this location.*

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4. All applicable Codes, Ordinances, and regulations, including but not limited to, Fire and Building Codes and the Health and Noise Ordinances, shall be complied with.
  - *Ongoing condition. This condition continues to apply at this location.*

### **STAFF ANALYSIS**

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**Project Summary:** The subject site is currently occupied by Rookie's, a restaurant/bar with alcohol sales and an outdoor patio. The applicant proposes to allow alcohol sales and service within an expanded outdoor patio west of the existing restaurant and patio. The proposal would increase the outdoor patio by approximately 224 square feet and reconfigure the ADA accessible ramp, as shown on the attached development plan.

**Existing Site Conditions:** The existing building is 2,296 square feet, and the outdoor patios total 1,105 square feet. The proposed patio addition will be 224 square feet. Although on-site parking is not required in the CBD, there are several parking spaces on the parcel. Access is provided by curb cuts on North Appleton Street and North Kalata Place.

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

**Outdoor Seating Area:** The existing outdoor patio located west and south of the building is approximately 1,105 square feet, and the proposal would increase its size by approximately 224 square feet. The expanded outdoor area would also be enclosed with a concrete/wood fence that is six feet in height. The applicant proposes to utilize the expanded outdoor patio for alcohol sales and service, as is shown on the development plan and described in the plan of operation.

**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: CBD Central Business District. The adjacent land use to the north is a vacant parcel.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of commercial uses and residential uses.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses.

West: CBD Central Business District. The adjacent land use to the west is currently a parking lot.

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

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*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 9.4 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.*

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, bars and outdoor seating with alcohol sales and service require a Special Use Permit in the CBD District.

**Changes to Special Uses:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a bar/restaurant with alcohol sales and service requires a Special Use Permit in the CBD District. Special Use Permit #15-15 has been previously approved for this property. This item has been referred to the Plan Commission per Section 23-66(g) of the Municipal Code, which states:

(1) **Minor change.** Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:

- a. Expansions of special uses of less than 10%.

*The expanded outdoor patio, proposed at an additional 224 square feet, constitutes an expansion of less than 10%.*

- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

*This minor amendment request is consistent with the general intent and character of Special Use Permit #15-15, as the subject area will continue to be used as a restaurant/bar and outdoor seating area with alcohol sales and service.*

Note: Minor amendments to an existing Special Use Permit do not require Common Council action.

**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.

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**Technical Review Group (TRG) Report:** This item was discussed at the October 23, 2018 Technical Review Group meeting. No negative comments were received.

### **RECOMMENDATION**

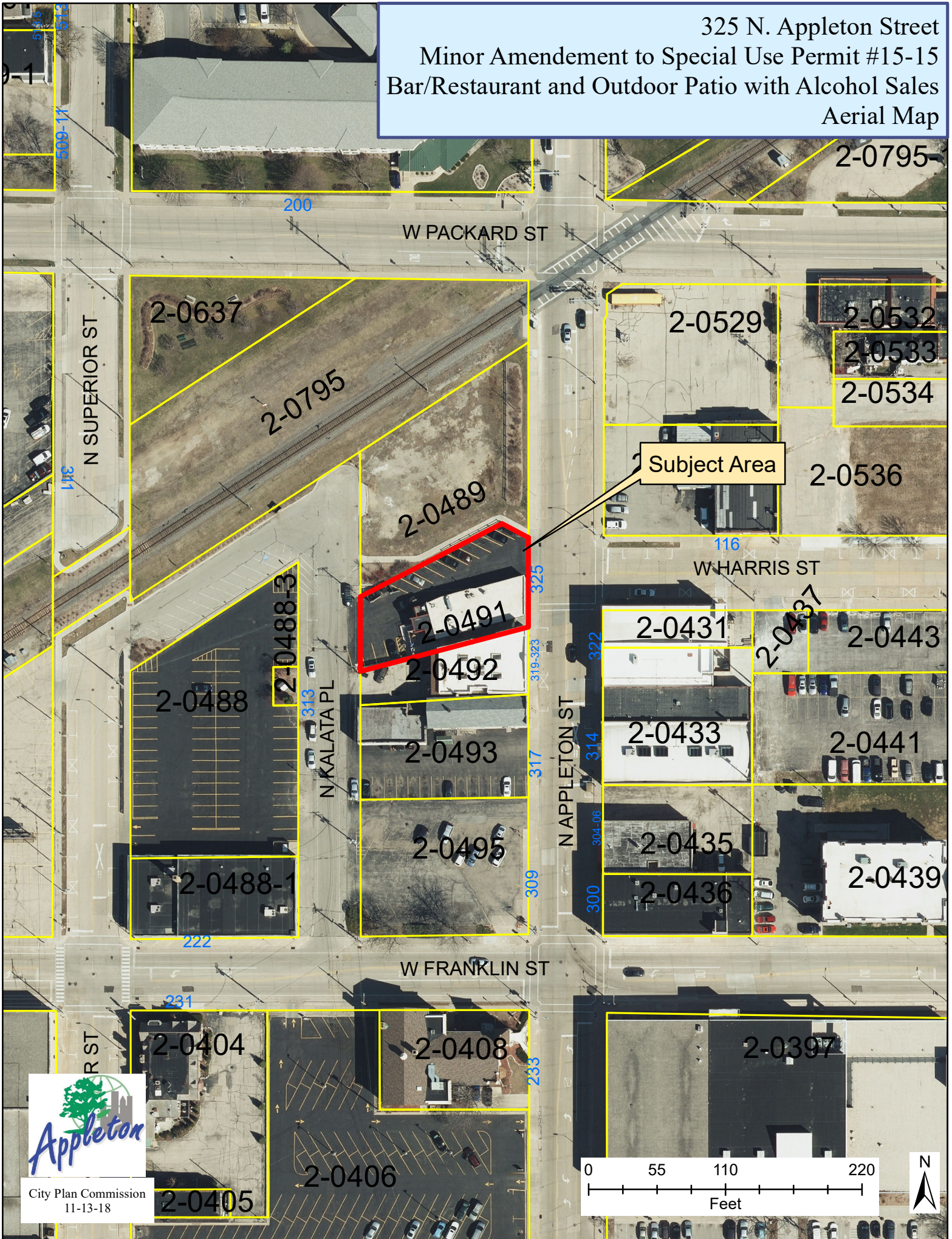
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Staff recommends, based on the above, that Minor Amendment to Special Use Permit #15-15 for an existing bar/restaurant and expanded outdoor patio with alcohol sales and service at 325 N. Appleton Street (Tax Id #31-2-0491-00), as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following conditions:

1. The serving and consumption of alcohol is limited to the interior ground floor of the existing restaurant and outdoor patio area, as identified on the attached development plan drawings. 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.
2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
3. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
4. The applicant shall receive approval of a Liquor License premise amendment from the City Clerk prior to serving or consuming alcohol in the expanded outdoor seating area.
5. Building permits are required from the Inspections Division for the fence/enclosure surrounding the outdoor patio.
6. 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.



325 N. Appleton Street  
Minor Amendment to Special Use Permit #15-15  
Bar/Restaurant and Outdoor Patio with Alcohol Sales  
Aerial Map



City Plan Commission  
11-13-18



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

**Business Information:**

Name of business: ROOKIES SPORTS BAR & GRILL

Years in operation: 11

Percentage of business derived from restaurant service: 45 %

Type of proposed establishment (detailed explanation of business):

224th Siding area  
(BEER GARDEN)

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Week Day	11:00 AM	2:00 AM
Friday	11:00 AM	2:30 AM
Saturday	11:00 AM	2:30 AM
Sunday	11:00 AM	2:00 AM

**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: 100 persons 50 outside

Gross floor area of the existing building(s): 2296

Gross floor area of the proposed building(s): OUTDOOR 224th

**Describe Any Potential Noise Emanating From the Proposed Use:**

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

RADIO MUSIC LOW, SAME AS OUR OUTSIDE  
NOISE NOW (WE ARE IN A COMMERCIAL AREA)

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

MANAGER'S AND DOOR CHECKERS

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

MANAGER'S

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

PATIO 1105SF

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

PLANTS 4' HEIGHT FENCE 6' HEIGHT

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:

BY MANAGER'S

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	11:00AM	2:00AM
Friday	11:00AM	2:30 AM
Saturday	11:00 AM	2:30 AM
Sunday	11:00 AM	2:00AM



**Outdoor Lighting:**

Type: SECURITY LIGHTING

Location: PARKING LOT

**Off-Street Parking:**

Number of spaces existing: 16

Number of spaces proposed: -

**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:

MISEIT'S  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

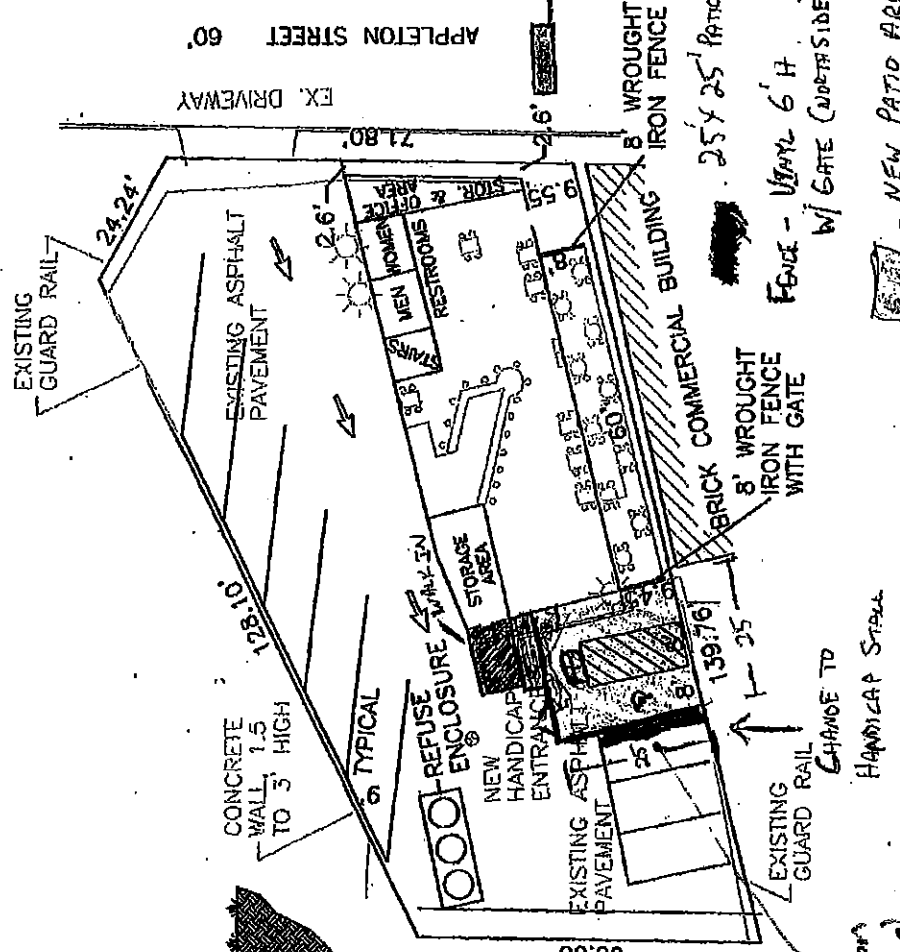
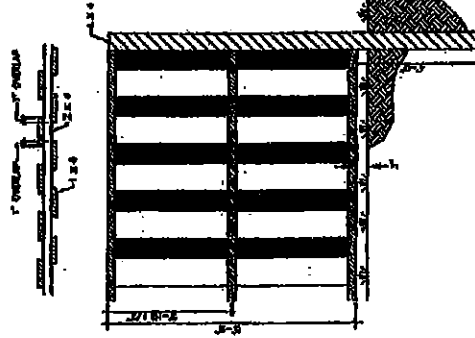
**Number of Employees:**

Number of existing employees: 13

Number of proposed employees: 19

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

**ROOKIES SPORTS BAR & GRILL**



NOTES:

GROSS BUILDING AREA - 2296 SQ.FT.  
 NET BAR AREA - 1662 SQ.FT.  
 BEER GARDEN AREA - 480 SQ.FT.  
 INSIDE SEATING - -  
 OUTSIDE SEATING - -

REFUSE ENCLOSURE 20' X 7' WITH 6' HIGH BOARD ON BOARD FENCE GATE MUST HAVE ABILITY TO BE LATCHED IN OPEN POSITION.

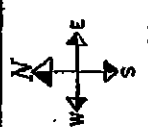
HANDICAP RAMP TO BE INSTALLED TO ADA SPECIFICATIONS. PROPOSED RAMP TO HAVE 0.85 FEET OF RISE IN 17.5 FEET.

CAROW LAND SURVEYING CO. INC.  
 1837 W. WISCONSIN AVENUE  
 APPLETON, WISCONSIN 54914  
 731-4168  
 A024.14 cc-jp TFH 4-25-02

APPLETON STREET 60'  
 EX. DRIVEWAY 21.80'

SCALE 1"=30'

\* 8x28 Addition to Patio (224sq)



prepared by carow

**ROOKIES SPORTS BAR & GRILL**  
 Extension of Special Use Permit  
 Tavern with Outdoor Seating  
 Development Plan

City Plan Commission  
 Appleton, Wisconsin  
 04-21-03

