



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 21, 2014

Common Council Meeting Date: No formal action required.

Item: Minor Amendment to Special Use Permit #2-11 for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip.

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Soma Corporation - property owner; Pedro Juarez - applicant

Address/Parcel #: 211 West College Avenue/31-2-0079-00

Petitioner's Request: The applicant is requesting a Minor Amendment to Special Use Permit #2-11 for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip located directly in front of the La Michoacana Bar and Grill. The size of the sidewalk café is approximately 180 square feet in area.

BACKGROUND

A Street Occupancy Permit for the placement of tables and chairs within the beautification strip was approved by the Municipal Services Committee on June 10, 2014.

Special Use Permit #2-11 was approved for a bar/restaurant with food and alcohol sales at this location by the Plan Commission on March 7, 2011, and approved by the Common Council on March 16, 2011 subject to the following:

1. The serving and consumption of alcohol is limited to the 1st floor of the existing building as shown on the Development Plan. Any future expansions for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
 - *On-going condition*
2. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
 - *On-going condition. The applicant currently holds a Class "B" Beer/Liquor license which allows alcoholic beverages to be sold and consumed on the premises.*
3. The use shall conform to the standards established on Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
 - *On-going condition.*

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STAFF ANALYSIS

Existing Site Conditions: The property is developed with a bar/restaurant that currently holds a Class “B” Beer/ Liquor license which allows alcoholic beverages to be sold and consumed on the premises.

Operational Information for the Restaurant: An operational plan is attached to the Staff Report. The proposed sidewalk café area is shown on the Development Plan. The hours of operation for serving alcoholic beverages in the sidewalk café area shall follow the restrictions identified in the Sidewalk Café Ordinance, as identified below:

- The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café area by 9:30 p.m.

Surrounding zoning and land uses:

North: CBD Central Business District – Chase Bank
South: CBD Central Business District – Parking Ramp
West: CBD Central Business District – Bad Badger Sports Bar
East: CBD Central Business District – Be gallery

2010-2030 Comprehensive Plan: The Community Development staff have reviewed the City’s 2010-2030 Comprehensive Plan which indicates this area is appropriate for commercial uses as part of the Central Business District.

Overall Community Goals

- **9.3. Objective: Ensure the continued vitality of downtown and the City’s neighborhood commercial districts.** (Chapter 9- Economic Development)
- **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.

Ordinance Requirements:

This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, 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 ten (10) percent.

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The proposed sidewalk café constitutes an approximate 3 percent expansion. The proposed sidewalk café expansion will be less than ten (10) percent of the currently approved area within the building for alcohol sales and consumption.

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

The use of the premise and beautification will continue to be a bar/restaurant with alcohol sales. This minor amendment request is consistent with the general intent and character of Special Use Permit #2-11.

Note: Minor amendments to existing Special Use Permits 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 23-66 (e)(1-6), which were found in the affirmative.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #2-11, for a sidewalk café with alcohol sales, service and consumption within the College Avenue amenity strip adjacent to 211 West College Avenue, as shown on the attached map and per attached plan of operation, **BE APPROVED** subject to the following original conditions:

1. The serving and consumption of alcohol is limited to the 1st floor of the existing building as shown on the Development Plan. Any future expansions for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
2. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
3. The use shall conform to the standards established on Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.

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

Business information:

Name of Business: La Michoacana Bar and Grill

Years in operation: 3

Percentage of business derived from restaurant service: 35 %

Type of the proposed establishment (detailed explanation of business): _____

Mexican Bar + grill

Hours of Operation: 11am - 9pm Days of Operation: Tuesday - Saturday

Noise, crowd, parking lot control methods: Door checkers

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: 180 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: with adjacent to the building with in the College Ave beautification strip.

Type and height of screening: plantings/fencing/gating 3 feet decorative barrier

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

Hours of Operation: Sat - 11am - 9pm Days of Operation: Tuesday - Saturday
Tue - Fri - 4pm - 9pm

Are there plans for outdoor music/entertainment? Yes No

If yes, describe soundproofing measures: _____

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

Outdoor lighting:

Type: N/A

Location: _____

Off-street parking:

Number of spaces provided 0.

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 taverns: Bad Badger, Cleo's, Matt Harter

Amusement Devices:

Number of video games: 2 Pool Tables: 1

Other amusement devices: _____

2-072
Parking Lot

Lounge Area

2-072
Copper Rock Coffee Co.

2-071
Chase Bank

PROPOSED SIDEWALK CAFE

2-0074
Bad Badger Sports Bar

2-0078
La Michoacana Mexican Bar & Grill

2-0079
be gallery & Photo Studio

2-0080
McG's Cleos

2-0081
The Vintage Garden

2-0082
2-0083
APPLETON STREET

