



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 23, 2019

Item: Minor Amendment to Special Use Permit #3-19 for a Sidewalk Café with Alcohol Sales and Service

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Noor Baha, LLC / Rose Villanueva Salinas, Garden View Restaurant

Address/Parcel #: 216 East College Avenue (Tax Id #31-2-0317-00)

Petitioner's Request: The applicant is requesting a Minor Amendment to Special Use Permit #3-19 for Sidewalk Café with Alcohol Sales and Service adjacent to the tenant space within the amenity strip along East College Avenue.

BACKGROUND

The building was built in 1890 and has been utilized as an active part of the downtown area. The Queen Bee previously operated in this building. On April 2, 2003, Special Use Permit #10-00 to allow the sale of alcohol expired for the Queen Bee Restaurant because the sales of alcohol had been discontinued for more than 8 months between 2001-2002.

On February 6, 2019, the Common Council approved Class "B" Beer and "Class C" Wine application for the Garden View Restaurant.

On April 3, 2019, the Common Council approved with conditions Special Use Permit #3-19 for a 3,000 square foot restaurant with alcohol at the subject site. Those conditions are on-going conditions and will be included with this minor amendment request.

On July 10, 2019, the Common Council approved a premise description amendment to the liquor license for the Garden View Restaurant to allow alcohol sales and service adjacent to the tenant space within the amenity strip along East College Avenue.

STAFF ANALYSIS

Project Summary: Garden View Restaurant has operated within the subject building since October 2018. The applicant is proposing a Sidewalk Café with Alcohol Sales and Service adjacent to the tenant space within the amenity strip along East College Avenue per attached map.

Existing Site Conditions: The existing mixed-use building totals approximately 8,280 square feet, including the existing restaurant and retail space on the first floor, and four dwelling units on the second floor.

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Operational Information: A plan of operation is attached to the staff report.

Zoning Ordinance Requirements: The subject property has a zoning designation of CBD Central Business District. Per Section 9-262(b)(3) of the Municipal Code, a sidewalk café with alcohol sales and consumption requires a Special Use Permit or, in this case, an amendment to the current Special Use Permit.

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.

The proposed 146 square foot outdoor seating area constitutes less than 10% expansion.

- 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 #3-19, as the subject site will continue to be used for a restaurant with alcohol sales and consumption.

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

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 institutional in nature.

North: CBD Central Business District. The adjacent land use to the north is currently a church use.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of commercial uses and residential uses (second floor apartments), including two taverns.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses and residential uses (second floor apartments).

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses and residential uses (second floor apartments).

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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*.

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.

Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:

Strategy 4.8 – Support private sector efforts to redevelop and invest in downtown.

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 23-66(h)(6), which were found in the affirmative.

According to the applicant's proposed development plan and plan of operation, the proposed sidewalk café will be operated in accordance with Section 9-262(b) of the Municipal Code. The proposed use does not appear to be incompatible with the neighborhood character/commercial corridor, purpose and intent of the Zoning Ordinance and Central Business District or the 2010-2030 Comprehensive Plan. Conditions are drafted for this request to offset any potential impacts to the public interest (welfare or well-being of the general public).

Technical Review Group (TRG) Report: This item was placed on the July 23, 2019 Technical Review Group Agenda for discussion.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #3-19 for a sidewalk café with alcohol sales and service adjacent to 216 East College Avenue (Tax Id #31-2-0317-00) within the amenity strip along East College Avenue, as shown on the attached maps and per attached plan of operation, along with the attached amended 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.

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2. 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.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages and Sidewalk Cafes of the Municipal Code.

RESOLUTION

CITY OF APPLETON

RESOLUTION APPROVING SPECIAL USE PERMIT #3-19

RESOLUTION AMENDING SPECIAL USE PERMIT #3-19

WHEREAS, On April 3, 2019, the Common Council approved Special Use Permit #3-19 for a 3,000 square foot restaurant with alcohol sales and service at 216 East College Avenue for Rose Villanueva Salinas, owner of Garden View Restaurant and also identified as Parcel Number 31-2-0317-00; and

WHEREAS, Rose Villanueva Salinas, owner of Garden View Restaurant has applied for a Minor Amendment to Special Use Permit #3-19 for a proposed sidewalk café with alcohol sales and service located within the amenity strip along East College Avenue and in front of 216 East College Avenue, also identified as Parcel Number 31-2-0317-00; and

WHEREAS, the City of Appleton Plan Commission held a public meeting on July 23, 2019 on the Minor Amendment to Special Use Permit #3-19 at which all those wishing to be heard were allowed to speak or present written comments and other materials presented at the public meeting; and

WHEREAS, the City of Appleton Plan Commission has reviewed the standards for granting a Minor Amendment to Special Use Permit #3-19 under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, 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 meeting; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Plan Commission approves, approves with conditions or denies (CIRCLE ONE) the minor amendment to Special Use Permit #3-19 for a sidewalk café with alcohol sales and service located within the amenity strip along East College Avenue and in front of the restaurant with alcohol sales and service located at 216 East College Avenue, also identified as Parcel Number 31-2-0317-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #3-19

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

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

Adopted this _____ day of _____, 2019.

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: Garden View

Years in operation: 10 months

Percentage of business derived from restaurant service: 51 %

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

We serve American & Mexican food

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day 7	6:00 A.M.	10:00 P.M.
Friday	6:00 A.M.	10:00 P.M.
Saturday	6:00 A.M.	10:00 P.M.
Sunday	6:00 A.M.	10:00 P.M.

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: 90 persons.

Gross floor area of the existing building(s): 3000 feet

Gross floor area of the proposed building(s): —

Crowd and parking lot control methods: N/A

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all equipment: _____

There should be little to no noise from Coolex

B. How will the noise be controlled? STAFF

Outdoor uses:

Location, type, size and design of outdoor facilities: sidewalk cafe in front of building per attached map

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

Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*****Municipal Code Section 9-262(b)(4): 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 by 9:30 p.m.

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how will the noise be controlled: STAFF

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

Proposed Hours of Operation for Outdoor Uses (Sidewalk Café without Alcohol):

Day	From	To
Week Day (M-F)	11:00 am	9:30 pm
Saturday	11:00 am	9:30 pm
Sunday	11:00 am	9:30 pm

Outdoor lighting:

Type: wall sign lighting

Location: front of the building

Off-street parking:

Number of spaces existing: 0

Number of spaces proposed: 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 licensed premises: Antojitos Mexicanos

Number of Employees:

Number of Existing Employees: 4

Number of Proposed Employees: -

Number of Employees scheduled to work on the largest shift: 1

Minor Amendment to Special Use Permit #3-19
Gardenview Restaurant
216 E. College Avenue
Sidewalk Cafe with Alcohol Sales

2-0317

216.5

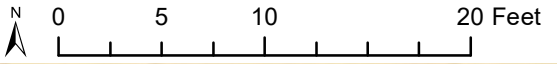
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Subject Area

214

216

218

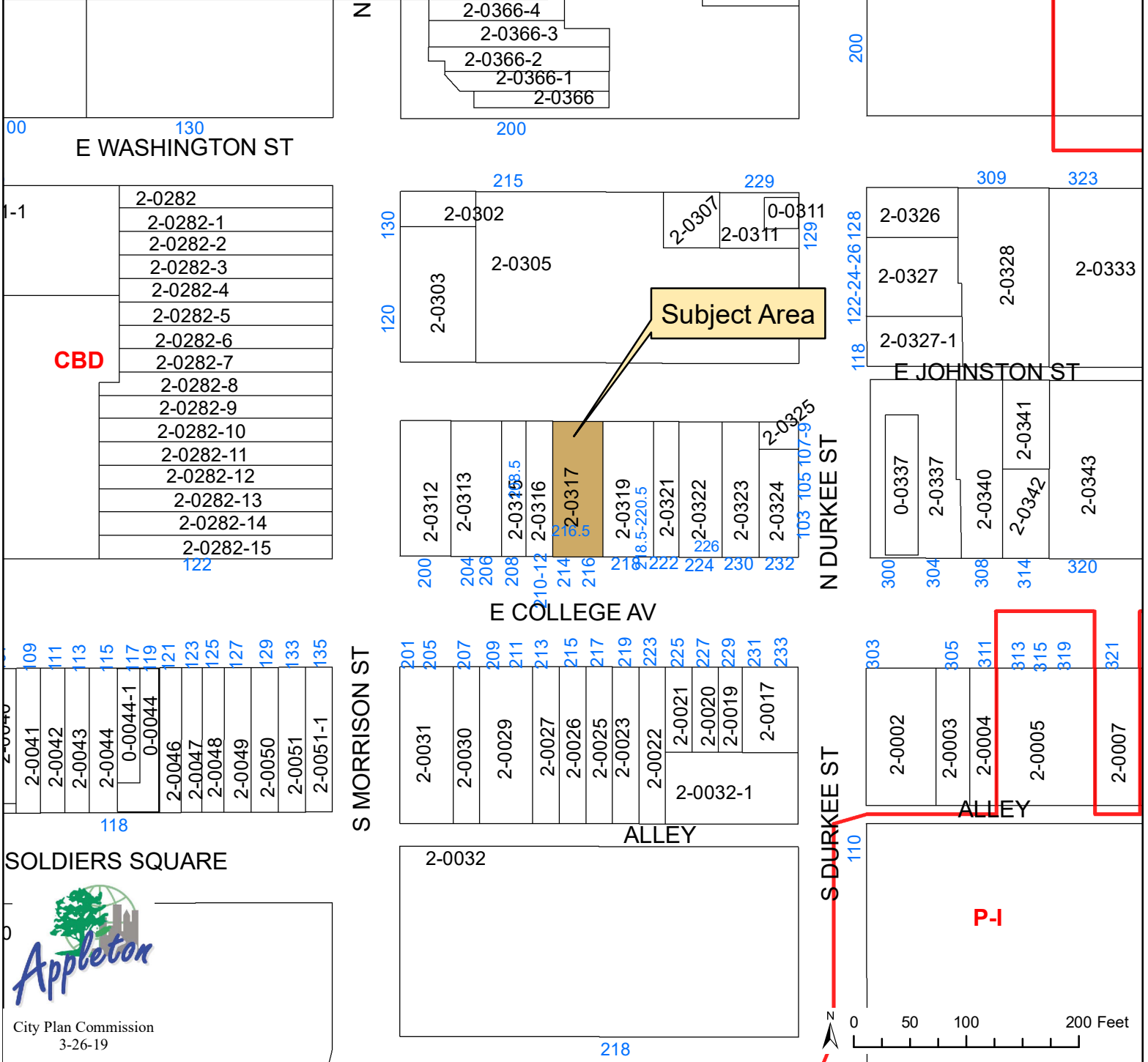
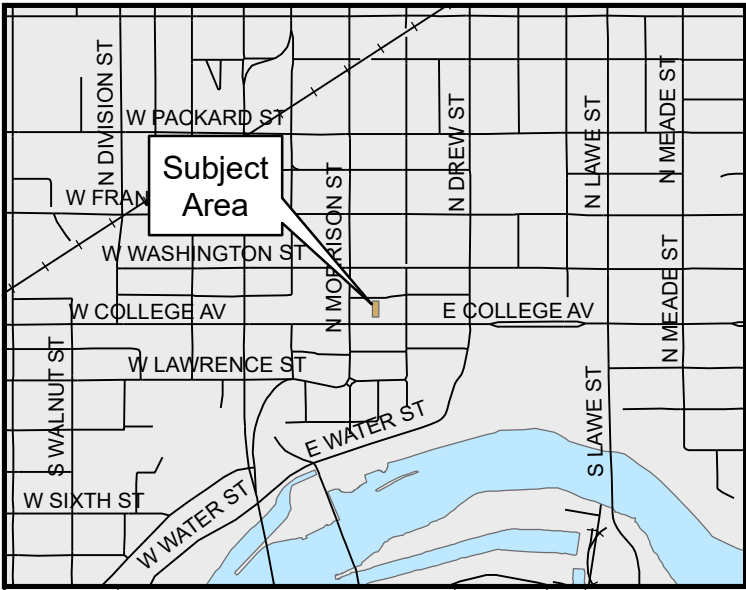


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Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue
 Zoning Map



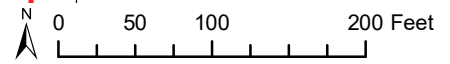
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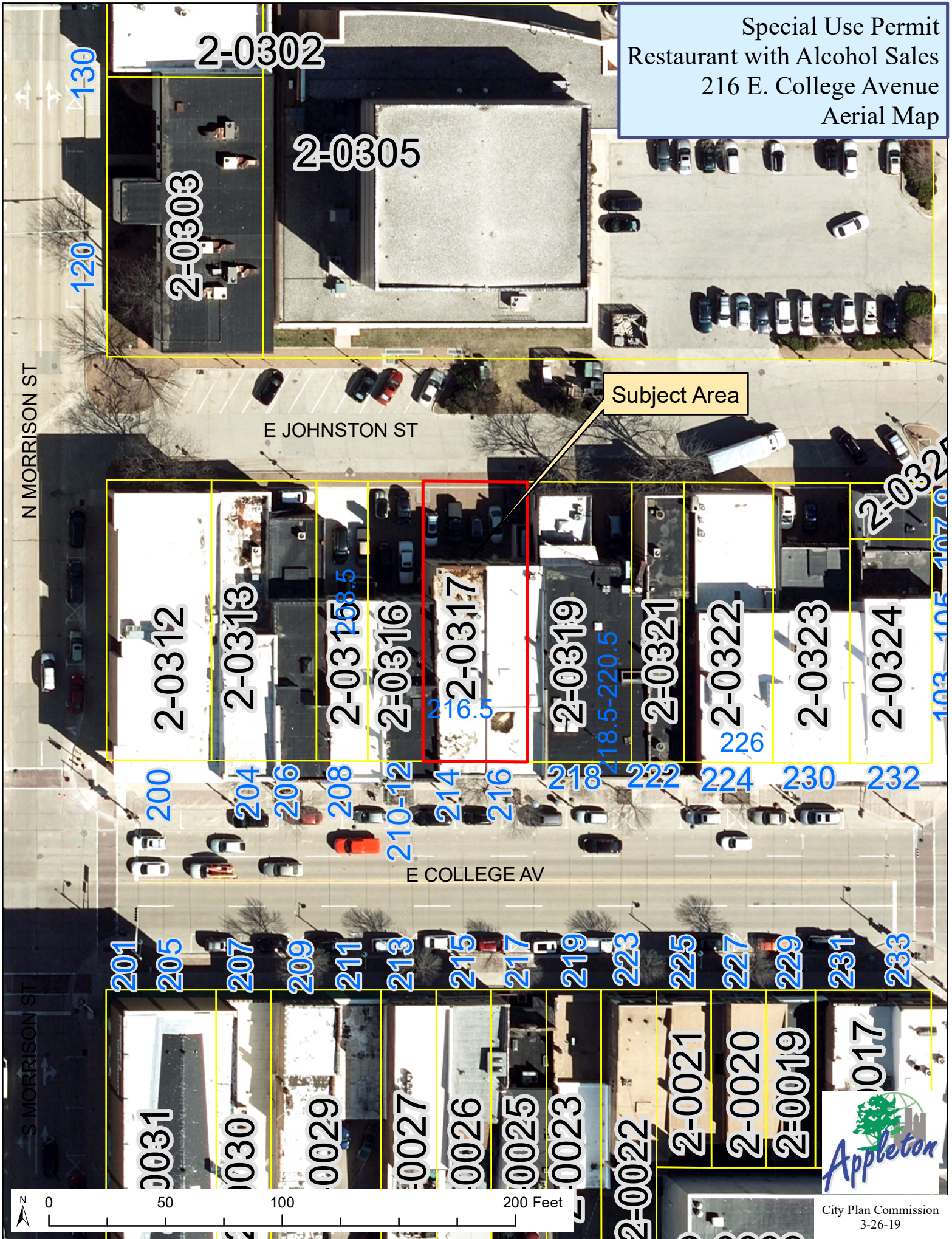
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SOLDIERS SQUARE

City Plan Commission
 3-26-19



Special Use Permit
Restaurant with Alcohol Sales
216 E. College Avenue
Aerial Map



N MORRISON ST

S MORRISON ST

2-0302

2-0305

2-0303

120
130

Subject Area

2-0312

2-0313

2-0315
158.5

2-0316

2-0317
216.5

2-0319

18.5-220.5

2-0321

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226

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2-0325

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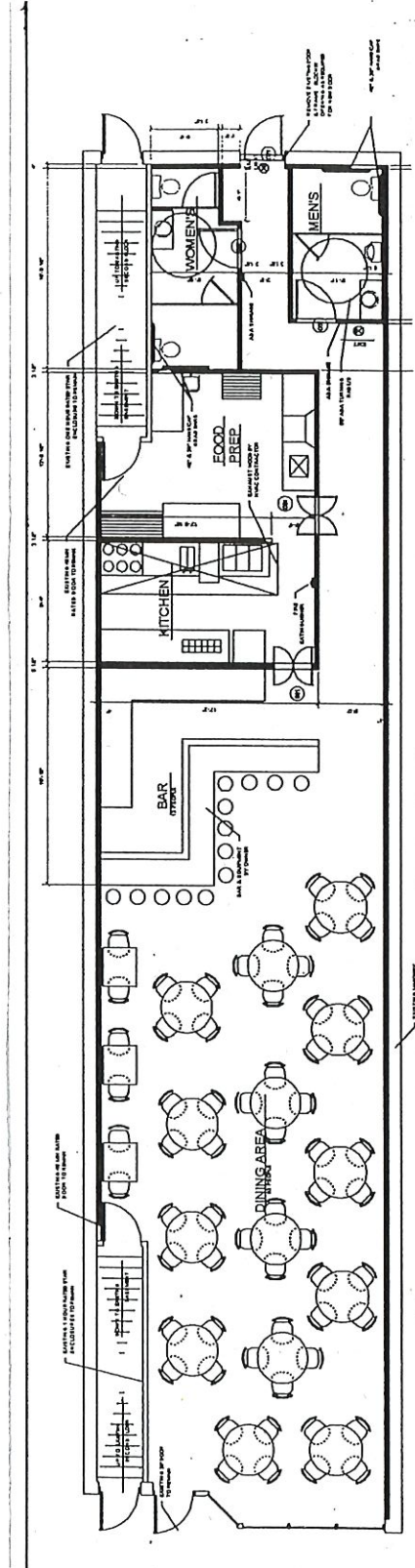
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Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue

