



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda City Plan Commission

*Any questions about items on this meeting are to be directed to
the Community and Economic Development Department,
920-832-6468.*

Monday, August 10, 2015

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[15-1287](#) City Plan Minutes from 7-20-15

Attachments: [City Plan Minutes 7-20-15.pdf](#)

4. Public Hearings/Apearances

[15-1288](#) Special Use Permit #9-15 for a community hall and restaurant with outdoor seating with alcohol sales and service, at 1804 S. Lawe Street, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (Associated with Action Item #15-1289)

[15-1290](#) Special Use Permit #10-15 for a restaurant with alcohol sales and service, at 338 W. College Avenue, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (Associated with Action Item #15-1291)

5. Action Items

[15-1289](#) Request to approve Special Use Permit #9-15 for a community hall and restaurant with outdoor seating with alcohol sales and service, at 1804 S. Lawe Street, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

Attachments: [SUP #9-15 Staff Review.pdf](#)

[15-1291](#)

Request to approve Special Use Permit #10-15 for a restaurant with alcohol sales and service, at 338 W. College Avenue, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

Attachments: [SUP #10-15 Staff Review.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
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Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed
to the Community and Economic Development Department,
920-832-6468.*

Monday, July 20, 2015

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:00 p.m.

2. Roll call of membership

Present: 5 - Dukelow, Mayor Hanna, Buetow, Uslabar and Priddis

Excused: 1 - Konetzke

Others present:

Aldersperson Joe Martin, District #4

Aldersperson Jeff Jirschele, District #15

James Temmer, 3313 Twin Willow Court, Appleton

Craig Verhagen, Mr. Brew's Taphouse

Tammy Verhagen, Mr. Brew's Taphouse

3. Approval of minutes from previous meeting

[15-1168](#)

City Plan Minutes from 7-6-15

Attachments: [City Plan Minutes 7-6-15.pdf](#)

Dukelow moved, seconded by Uslabar, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 5 - Dukelow, Mayor Hanna, Buetow, Uslabar and Priddis

Excused: 1 - Konetzke

4. Public Hearings/Apearances

[15-1169](#) Special Use Permit #8-15 for a personal storage facility, at 806 W. Capitol Drive, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (Associated with Action Item #15-1170)

This Appearance was presented.

[15-1171](#) The street discontinuance to vacate a portion of South Badger Avenue public right-of-way, generally located west of South Memorial Drive, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution (Associated with Action Item #15-1172)

This Appearance was presented.

5. Action Items

[15-1170](#) Request to approve Special Use Permit #8-15 for a personal storage facility, at 806 W. Capitol Drive, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

Attachments: [StaffReport TemmerProperties SUP For07-20-15.pdf](#)

Priddis moved, seconded by Uslabar, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Dukelow, Mayor Hanna, Buetow, Uslabar and Priddis

Excused: 1 - Konetzke

[15-1172](#) Request to approve the street discontinuance to vacate a portion of South Badger Avenue public right-of-way, generally located west of South Memorial Drive, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

Attachments: [StaffReport BadgerAv StreetVacation For07-20-15.pdf](#)

Dukelow moved, seconded by Buetow, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Dukelow, Mayor Hanna, Buetow, Uslabar and Priddis

Excused: 1 - Konetzke

6. Information Items

[15-1173](#)

Request to approve Minor Amendment to Special Use Permit #2-15 for a restaurant with an outdoor seating area with alcohol sales, service and consumption (an additional 20' x 20' space for outdoor seating to the existing patio), as shown on the attached map and per attached plan of operation, to run with the land at 201 S. Riverheath Way, Suite 1100 subject to the conditions in the attached staff report (No Council action required)

Attachments: [Minor Amendment SUP #2-15 Staff Review.pdf](#)

No Council action required.

Priddis moved, seconded by Dukelow, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 5 - Dukelow, Mayor Hanna, Buetow, Uslabar and Priddis

Excused: 1 - Konetzke

7. Adjournment

Uslabar moved, seconded by Dukelow, that the meeting be adjourned at 4:21 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Dukelow, Mayor Hanna, Buetow, Uslabar and Priddis

Excused: 1 - Konetzke



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: August 10, 2015

Common Council Meeting Date: August 19, 2015

Item: Special Use Permit #9-15 Community Hall and Restaurant with outdoor seating with Alcohol Sales and Service

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Thao Properties, LLC (owner) / Maiyoua Thao (applicant), Long Cheng Market Place

Address/Parcel #: 1804 South Lawe Street / 31-4-0762-01 and 31-4-0243-06

Petitioner's Request: The applicant is requesting a Special Use to permit the sale and service of alcohol for on-site consumption in conjunction with an existing community hall and restaurant with outdoor seating.

BACKGROUND

Building permit B14-0438 was issued on June 26, 2014, to renovate the existing commercial building to a community hall, four restaurants, and retail vendor space.

On July 9, 2015, the applicant filed a Class B Beer/Liquor license with the City Clerk's Office.

STAFF ANALYSIS

Existing Site Conditions: The property is developed with an existing community hall, restaurant, retail vendor space and off-street surface parking. This request will not increase building footprint or tenant capacity and, therefore, does not require additional off-street parking spaces because the intensity of the use remains the same.

Operational Information: See attached Plan of Operation and Locational Information.

Proposed Outdoor Seating Area: The proposed outdoor seating area with alcohol sales and service is located on the east side of the building. Access to the outdoor seating area will be from inside the building only. The outdoor seating area is enclosed with an existing chain link fence approximately eight (8) feet high.

Off-Street Parking Requirements: The off-street parking requirements are satisfied on-site by a mutual parking agreement between TSS Property Management, LLC and Thao Properties, LLC per Outagamie County Register of Deeds Document Number 1719601.

Ordinance Requirements: In order to permit the sale of alcohol for on-site consumption in conjunction with an existing community hall and restaurant with outdoor seating, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A 2/3 vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses:

North: R-1B Single-family District – Residential uses
South: R-1B Single-family District – Residential uses
West: C-2 General Commercial District – Commercial and Public Institutional uses
East: R-1B Single-family District and R-2 Two-family District – Residential uses

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents Tax Parcel #31-4-0762-01 as commercial and Tax Parcel #31-4-0243-06 as single/two family residential. The two parcels are currently zoned C-2 General Commercial District. The proposed use is consistent with the purpose of the C-2 General Commercial District and goals and objectives of the City's Comprehensive Plan:

Sec. 23-113. C-2 General Commercial District.

- **Purpose.** This district is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.

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.

- **Goal 8 – Economic Development** (Chapter 9)

Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

Economic Development Element

- 9.1 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.
- 9.1.2 Work with the existing business community to help identify and tap opportunities for expansion.

Findings: This expansion of service is consistent with the above-mentioned goals and objectives and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages to enhance the entertainment and dining experience of patrons. The site is located in a commercial zoning district in the city and within walking distance of residential uses, thus reducing the need for automobile use.

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, as long as all stipulations are satisfied. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested conditions of approval, the proposed sale and service of alcoholic beverages within the existing community hall, restaurant and outdoor seating area should not result in increased safety or noise issues, above that expected in a commercial zoning district.

Technical Review Group Report (TRG): This item was discussed at the July 21, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #9-15 for a community hall and restaurant with outdoor seating with alcohol sales and service, **BE APPROVED**, to run with the land, subject to the following conditions:

1. 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.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

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

Business Information:

Name of business: CHUNG'S Sandwich Bar

Years in operation: 2015

Percentage of business derived from restaurant service: 70 %

Type of proposed establishment (detailed explanation of business):

Asian sandwiches, finger food, tea, and pop.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	8:00 AM	2:00 AM
Friday	8:00 AM	2:00 AM
Saturday	8:00 AM	2:00 AM
Sunday	8:00 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: 259 persons

Gross floor area of the existing building(s): 19,440 sq. ft

Gross floor area of the proposed building(s): not

Describe Any Potential Noise Emanating From the Proposed Use:

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

Staff will ~~on~~ monitor the situation, keep all doors close during events and everyday use.

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

Staff will monitor situation, keep everyone in place area that are use.

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

Staff will monitor the situation

Outdoor Uses:

Location, type, size and design of outdoor facilities:

East side of building

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

10 feet tall fencing

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:

NA

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	8:00 AM	9:00 PM
Friday	8:00 AM	9:00 PM
Saturday	8:00 AM	7:00 PM
Sunday	8:00 AM	9:00 PM

Outdoor Lighting:

Type: Brown lighting

Location: existing parking lighting

Off-Street Parking:

Number of spaces existing: 152

Number of spaces proposed: NA

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:

NA

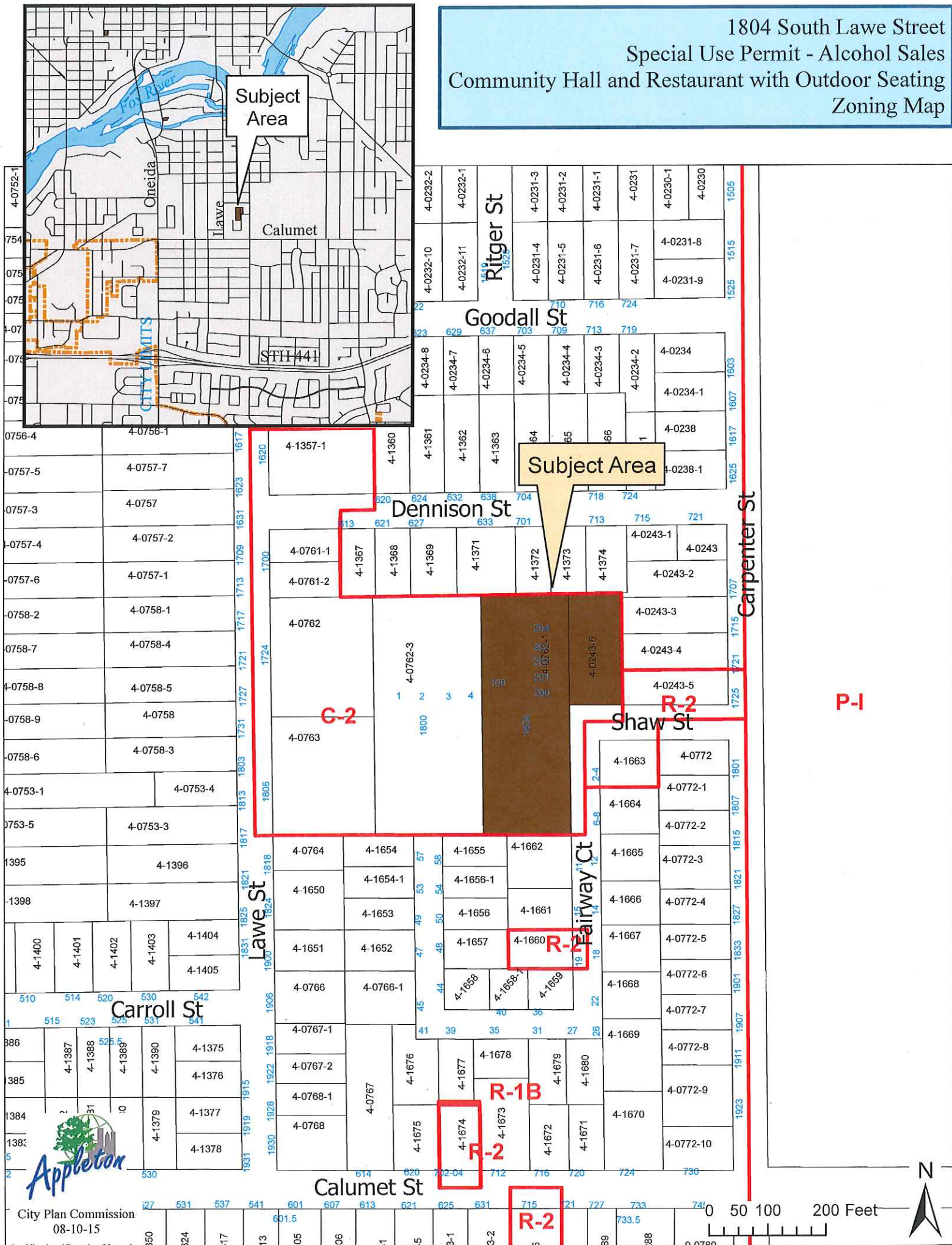
Number of Employees:

Number of existing employees: 10

Number of proposed employees: _____

Number of employees scheduled to work on the largest shift: 16

1804 South Lawe Street
Special Use Permit - Alcohol Sales
Community Hall and Restaurant with Outdoor Seating
Zoning Map



1804 South Lawe Street
Special Use Permit - Alcohol Sales
Community Hall and Restaurant with Outdoor Seating

Subject Area

4-0762-1

4-0762-3

4-0243-6

Surface
Parking

Fairway Ct

4-16

4-16

4-16

4-1655

4-1662

4-1656-

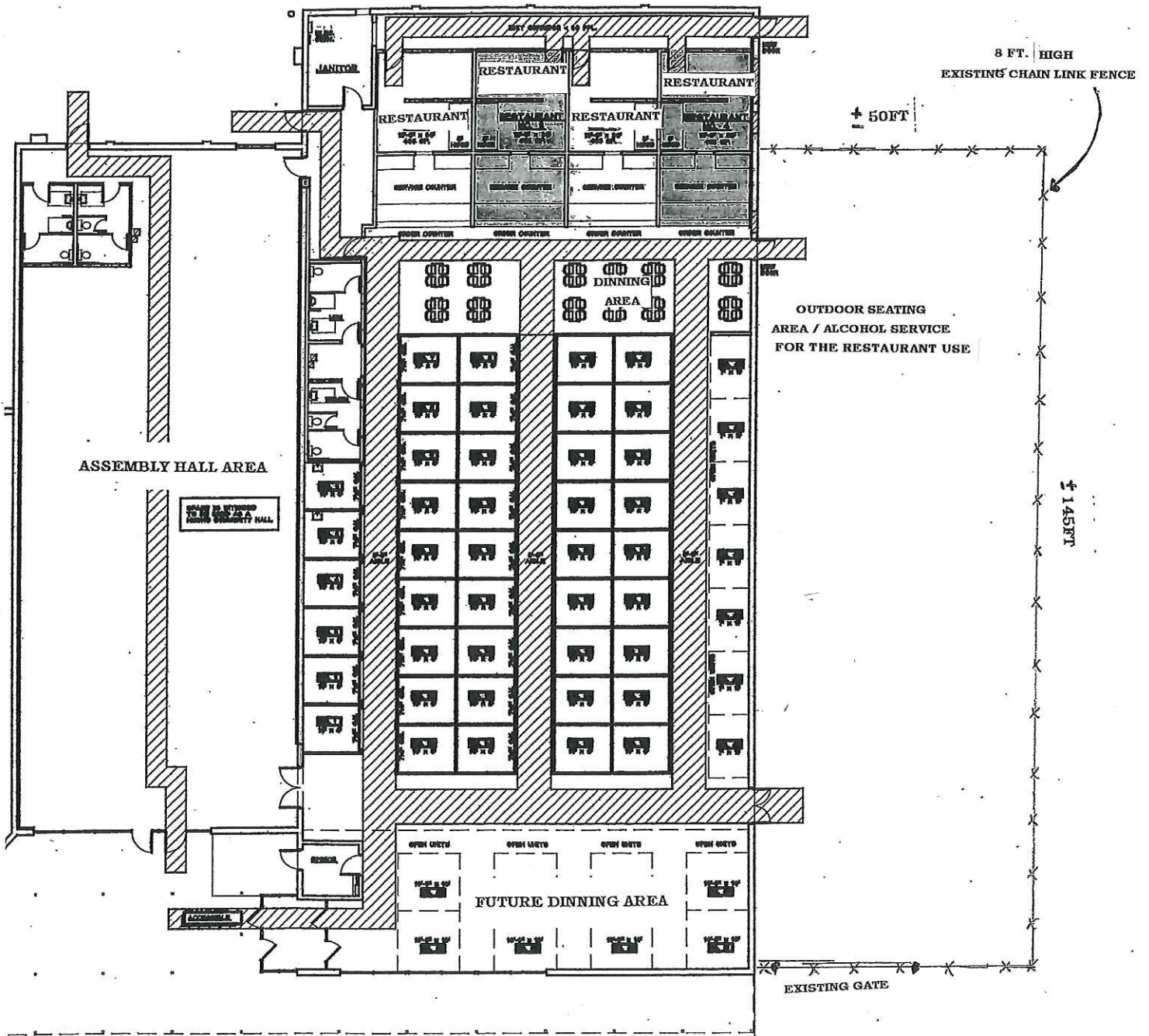
4-1654



City Plan Commission
08-10-15

0 25 50 Feet







REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: August 10, 2015

Common Council Meeting Date: August 19, 2015

Item: Special Use Permit #10-15 Restaurant with Alcohol Sales and Service

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Hiroyuki Nakashima, Katsu-Ya of Japan (owner/applicant)

Address/Parcel #: 338 West College Avenue / 31-2-0235-00 and 31-2-0236-00

Petitioner's Request: The applicant is requesting a Special Use to permit the sale and service of alcohol for on-site consumption in conjunction with a restaurant.

BACKGROUND

Building permit B15-0398 was issued on June 3, 2015, to renovate the existing commercial building to a restaurant.

On July 15, 2015, the applicant's Class B Beer/Liquor license was approved by the Common Council subject to the owner/applicant applying for and receiving approval of a Special Use Permit.

STAFF ANALYSIS

Existing Site Conditions: Construction crews are renovating the existing commercial building into a restaurant.

Operational Information: See attached Plan of Operation and Locational Information.

Proposed Outdoor Seating Area: No outdoor alcohol service and consumption is requested with this application for Special Use Permit.

Off-Street Parking Requirements: Off-street parking spaces do not apply to uses within the Central Business District zoning district. The site is located within walking distance of downtown parking facilities.

Ordinance Requirements: In order to permit the sale of alcohol for on-site consumption in conjunction with the proposed restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A 2/3 vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses:

North: CBD Central Business District – Parking Ramp
South: CBD Central Business District – Bar and Restaurants
West: CBD Central Business District – Performing Arts Center
East: CBD Central Business District – Evans Title

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for central business district. The two parcels are currently zoned CBD Central Business District. The proposed use is consistent with the purpose of the CBD Central Business District and goals and objectives of the City's Comprehensive Plan:

Sec. 23-114. CBD Central Business District.

- **Purpose.** This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment and governmental uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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.

- **Goal 8 – Economic Development** (Chapter 9)

Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

Economic Development Element

- 9.1 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.
- 9.1.2 Work with the existing business community to help identify and tap opportunities for expansion.

Findings: This proposed use is consistent with the above-mentioned goals and objectives and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages to enhance the dining experience of patrons. The proposed use also enhances and supports the Central Business District as well as the other commercial establishments in this part of the 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), which were found in the affirmative, as long as all stipulations are satisfied. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested conditions of approval, the proposed sale and service of alcoholic beverages within the proposed restaurant should not result in increased safety or noise issues, above that expected in a commercial zoning district.

Technical Review Group Report (TRG): This item was discussed at the July 21, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #10-15 for a restaurant with alcohol sales and service, **BE APPROVED**, to run with the land, subject to the following conditions:

1. 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.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

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

Business Information:

Name of business: KATSU-YA OF JAPAN

Years in operation: 12 YEARS

Percentage of business derived from restaurant service: 100 %

Type of proposed establishment (detailed explanation of business):

Japanese hibachi and sushi restaurant.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	4:30	10:00
Friday	4:30	10:30
Saturday	4:00	10:30
Sunday	4:00	9:00

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: 280 persons

Gross floor area of the existing building(s): 14,855

Gross floor area of the proposed building(s): 14,855

Describe Any Potential Noise Emanating From the Proposed Use:

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

Low noise levels

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

Low

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

N/A

Outdoor Uses:

Location, type, size and design of outdoor facilities:

N/A

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

N/A

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:

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		
Friday		
Saturday		
Sunday		

Outdoor Lighting:

Type: Scenes

Location: Next to Doors

Off-Street Parking:

Number of spaces existing: —

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:

Number of Employees:

Number of existing employees: 25

Number of proposed employees: 50

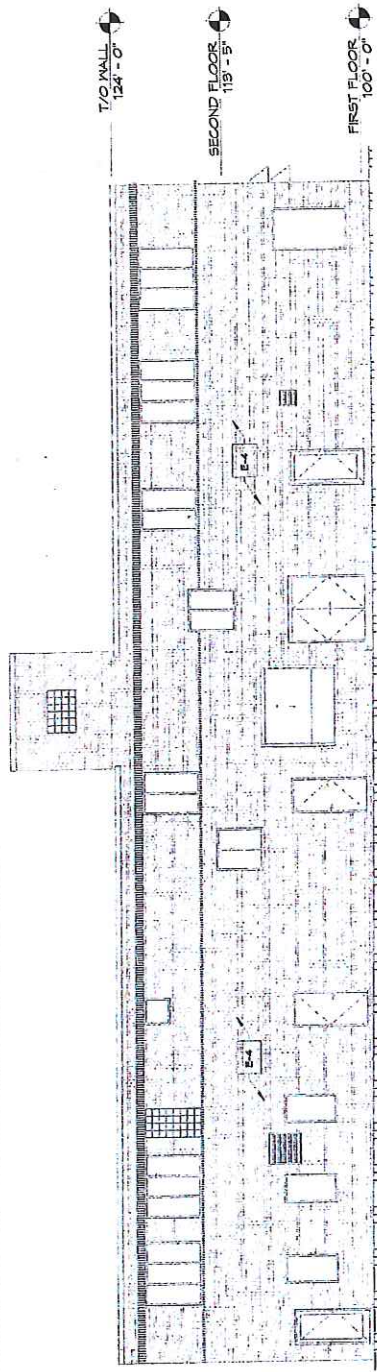
Number of employees scheduled to work on the largest shift: 30 - 35

The map shows a section of a city with a grid of streets. A blue river, labeled 'Fox River', flows from the bottom left towards the right. A callout box with the text 'Subject Area' points to a location on the east side of the river, near the intersection of College and Memorial streets. Other street names visible on the map include Wisconsin, Richmond, Baddeck, Memorial, and Oneida.

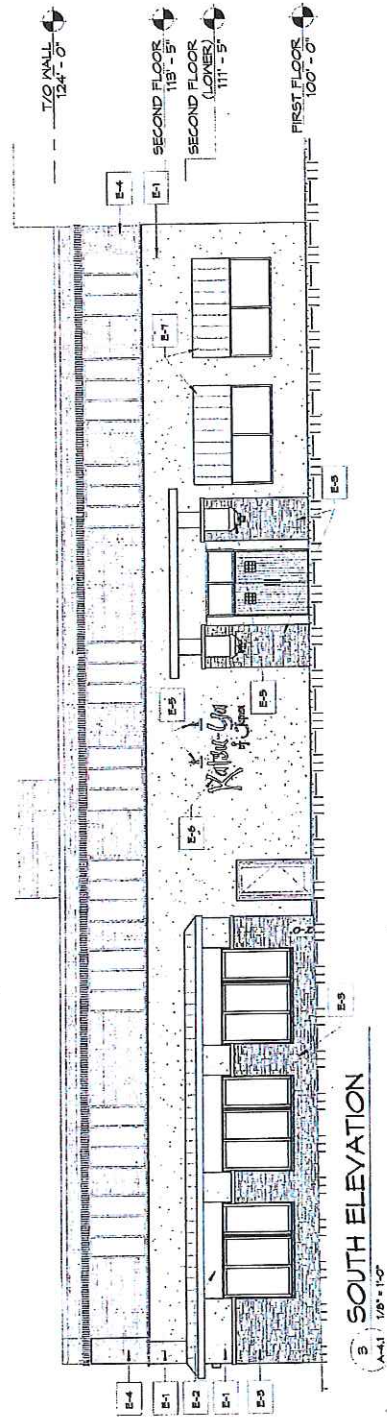


City Plan Commission
08-10-15

PD/CBD

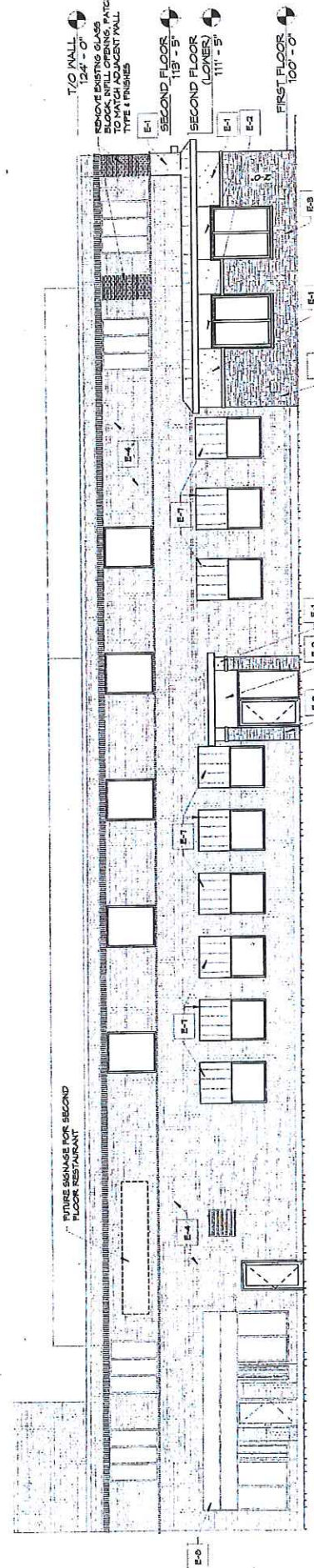


4 NORTH ELEVATION
A-41 1/8" = 1'-0"



5 SOUTH ELEVATION
A-41 1/8" = 1'-0"

KEY NOTE	MATERIAL SUMMARY
E-1	ELF.S.
E-2	METAL PANELS
E-3	STONE VENEER
E-4	EXISTING BRICK TO BE PAINTED BLACK
E-5	LIGHT PICTURE BY OWNER
E-6	SIGNAGE BY OWNER
E-7	CANVAS MARKING
E-8	EXISTING MARKING TO REMAIN



City Plan Commission
08-10-15

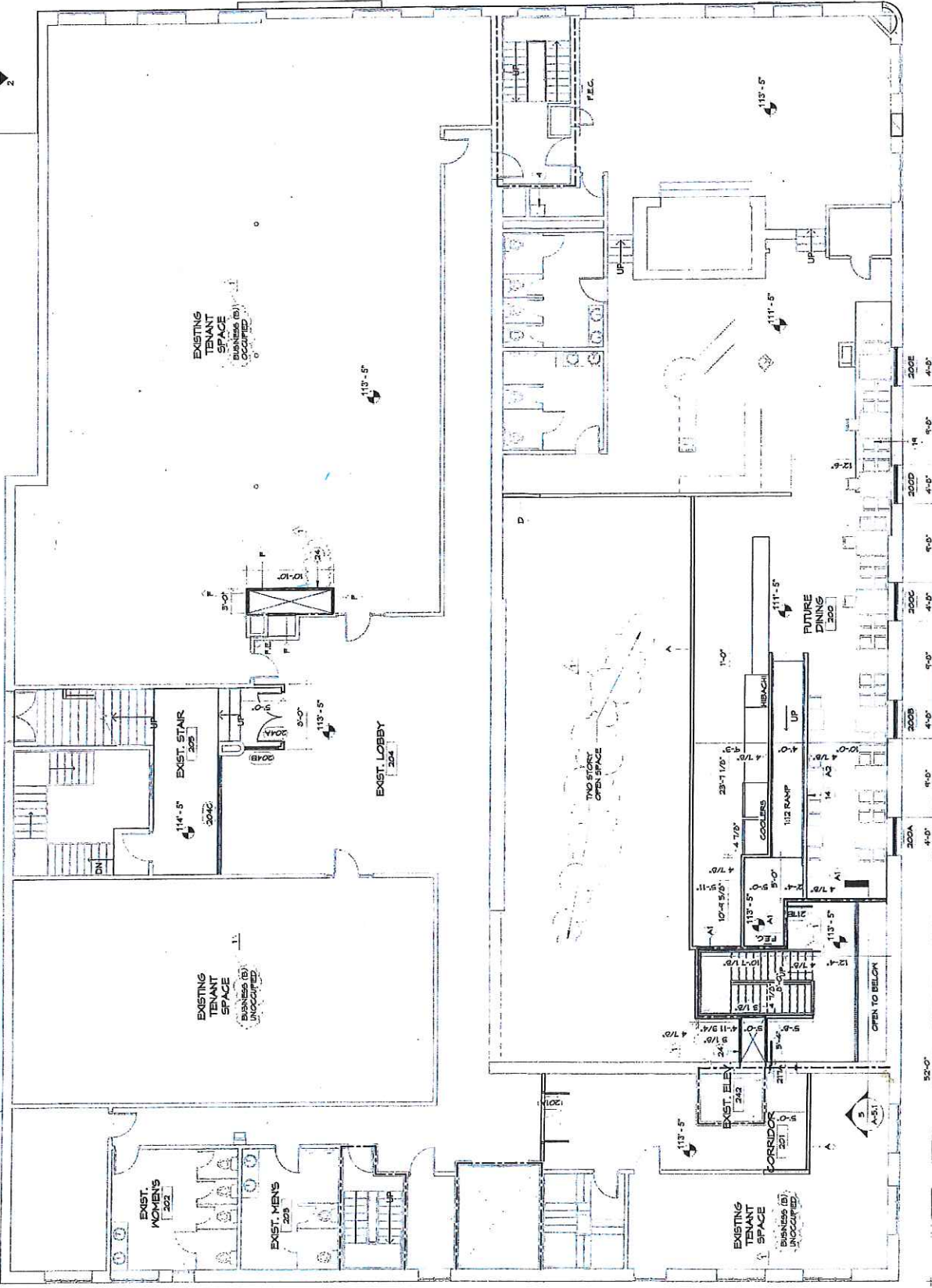
338 West College Avenue
Special Use Permit
Restaurant with Alcohol Sales

338 West College Avenue
Special Use Permit
Restaurant with Alcohol Sales

COLLEGE AVENUE



1 SECOND FLOOR PLAN
A1.2 1/8" = 1'-0"



338 West College Avenue
Special Use Permit
Restaurant with Alcohol Sales



City Plan Commission
08-10-15