



City of Appleton

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

Meeting Agenda - 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, September 26, 2016

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[16-1490](#) City Plan Minutes from 9-12-16

Attachments: [City Plan Minutes 9-12-16.pdf](#)

4. Public Hearings/Appealances

[16-1491](#) Special Use Permit #5-16 for a restaurant with alcohol sales and service at 106 S. State 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 #16-1492)

5. Action Items

[16-1492](#) Request to approve Special Use Permit #5-16 for a restaurant with alcohol sales and service at 106 S. State 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 (2/3 vote required)

Attachments: [StaffReport Mr. Taco SpecialUsePermit#5-16.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.



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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, September 12, 2016

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, Buetow, Lobner, Uslabar and Rabec

Excused: 1 - Mayor Hanna

Others present:

Jennifer Stephany, Appleton Downtown Inc.

Jill Hendricks, Vision Realty & Development

3. Approval of minutes from previous meeting

[16-1381](#)

City Plan Minutes from 8-22-16

Attachments: [City Plan Minutes 8-22-16.pdf](#)

**Lobner moved, seconded by Buetow, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 4 - Dukelow, Buetow, Lobner and Uslabar

Excused: 1 - Mayor Hanna

Abstained: 1 - Rabec

4. Public Hearings/Apearances

[16-1382](#)

Rezoning #5-16 to rezone a portion of land generally located on the north side of Spartan Drive, west of N. Haymeadow Avenue and east of N. Richmond Street (part of Tax Id #31-6-6000-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from AG Agricultural District to P-I Public Institutional District (Associated with Action Item #16-1383)

This public hearing was held, and no one spoke on the item.

5. Action Items

[16-1384](#)

Request to approve the dedication of land for public right-of-way for Spartan Drive, Sommers Drive and Haymeadow Avenue as shown on the attached maps

Attachments: [StaffReport_StreetDedication_Spartan-Sommers-Haymeadow.pdf](#)

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

Aye: 5 - Dukelow, Buetow, Lobner, Uslabar and Rabec

Excused: 1 - Mayor Hanna

[16-1385](#)

Request to approve the dedication of land for public right-of-way for N. Meade Street and Spartan Drive as shown on the attached maps

Attachments: [StaffReport_MeadeStSpartanDr_StreetDedication_For09-12-16.pdf](#)

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

Aye: 5 - Dukelow, Buetow, Lobner, Uslabar and Rabec

Excused: 1 - Mayor Hanna

[16-1386](#)

****CRITICAL TIMING**** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2017 Operating Plan

Attachments: [StaffReport_2017BIDOperatingPlan_For09-12-16.pdf](#)
[2017 BID Operational Plan.pdf](#)
[2015 BID Annual Report.pdf](#)
[2015 Year End BID Communication Report.pdf](#)
[2015 Year End BID Financial Statements Report.pdf](#)

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

Aye: 5 - Dukelow, Buetow, Lobner, Uslabar and Rabec

Excused: 1 - Mayor Hanna

6. Information Items

[16-1383](#)

Request to approve Rezoning #5-16 to rezone a portion of land generally located on the north side of Spartan Drive, west of N. Haymeadow Avenue and east of N. Richmond Street (part of Tax Id #31-6-6000-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from AG Agricultural District to P-I Public Institutional District

Attachments: [StaffReport_Rezoning#5-16_SpartanDriveLiftStation.pdf](#)

Proceeds to Council on October 5, 2016.

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

Aye: 5 - Dukelow, Buetow, Lobner, Uslabar and Rabec

Excused: 1 - Mayor Hanna

7. Adjournment

Lobner moved, seconded by Dukelow, that the meeting be adjourned at 4:22 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Dukelow, Buetow, Lobner, Uslabar and Rabec

Excused: 1 - Mayor Hanna



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: September 26, 2016

Common Council Meeting Date: October 5, 2016

Item: Special Use Permit #5-16 for restaurant with alcohol sales and service

Case Manager: Jeff Towne

GENERAL INFORMATION

Property Owner: John C. Greiner

Applicant: Jennifer Almeida Sandoval; Mr. Taco

Address/Parcel #: 106 South State Street (Tax Id #31-3-0999-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with an existing restaurant.

BACKGROUND

The subject area of the existing building located at 106 South State Street is currently occupied by Mr. Taco Restaurant. The business has operated at this location for three years as a restaurant without alcohol sales. The applicant recently applied for a "Class B" Beer and Liquor License through the City Clerk's Office.

STAFF ANALYSIS

Existing Site Conditions: The existing multi-tenant building totals approximately 3,670 square feet per City Assessor records, with the proposed restaurant with alcohol sales and service occupying approximately 400 square feet at the rear of the building. Providing off-street parking is not required in the CBD Central Business District zoning classification.

Zoning Ordinance Requirements: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with an existing restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Based on the attached development plan, this request will not increase existing building area or tenant capacity. No outdoor alcohol sales and service is requested with this application for a Special Use Permit.

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

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 in nature.

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

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

Appleton Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Central Business District use 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 brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.3 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

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.

Technical Review Group (TRG) Report: This item was discussed at the August 23, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #5-16 for a restaurant with alcohol sales and service at 106 South State Street, as shown on the attached maps and per the attached plan of operation, **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.
2. 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 Municipal Code.
3. 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.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code. This includes the hours of beverage sales and consumption regardless of the hours of restaurant operation.

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

Business Information:

Name of business: Mr. Taco Authentic Mexican Cuisine

Years in operation: 3 years

Percentage of business derived from restaurant service: 100 %

Type of proposed establishment (detailed explanation of business):

continue as restaurant, with alcohol sales.
Beer and liquor will be kept behind the counter
at all times and locked up at 2AM on
evening days that we stay open until 3AM. Preventing
access to alcohol from by
guests.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	11AM	2AM
Friday	11AM	3AM
Saturday	11AM	3AM
Sunday	11AM	3AM

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: 25 persons

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

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

Describe Any Potential Noise Emanating From the Proposed Use:

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

N/A.

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

N/A.

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: N/A.

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

Outdoor Lighting:

Type: rope lights already existing. & street lights

Location: outside of building.

Off-Street Parking:

Number of spaces existing: N/A

Number of spaces proposed: N/A.

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:

Jack's Apple Pub

Speakeasy

C-vine

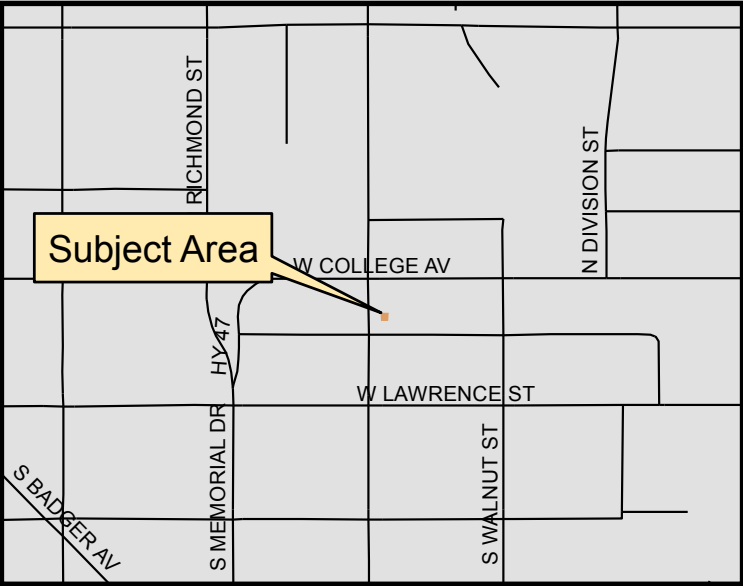
Number of Employees:

Number of existing employees: 2

Number of proposed employees: 4

Number of employees scheduled to work on the largest shift: 2

106 South State Street
Special Use Permit
Restaurant with Alcohol Sales
Aerial Map



106 South State Street
Special Use Permit
Restaurant with Alcohol Sales
Zoning/Vicinity Map

