



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

Wisconsin

Richmond

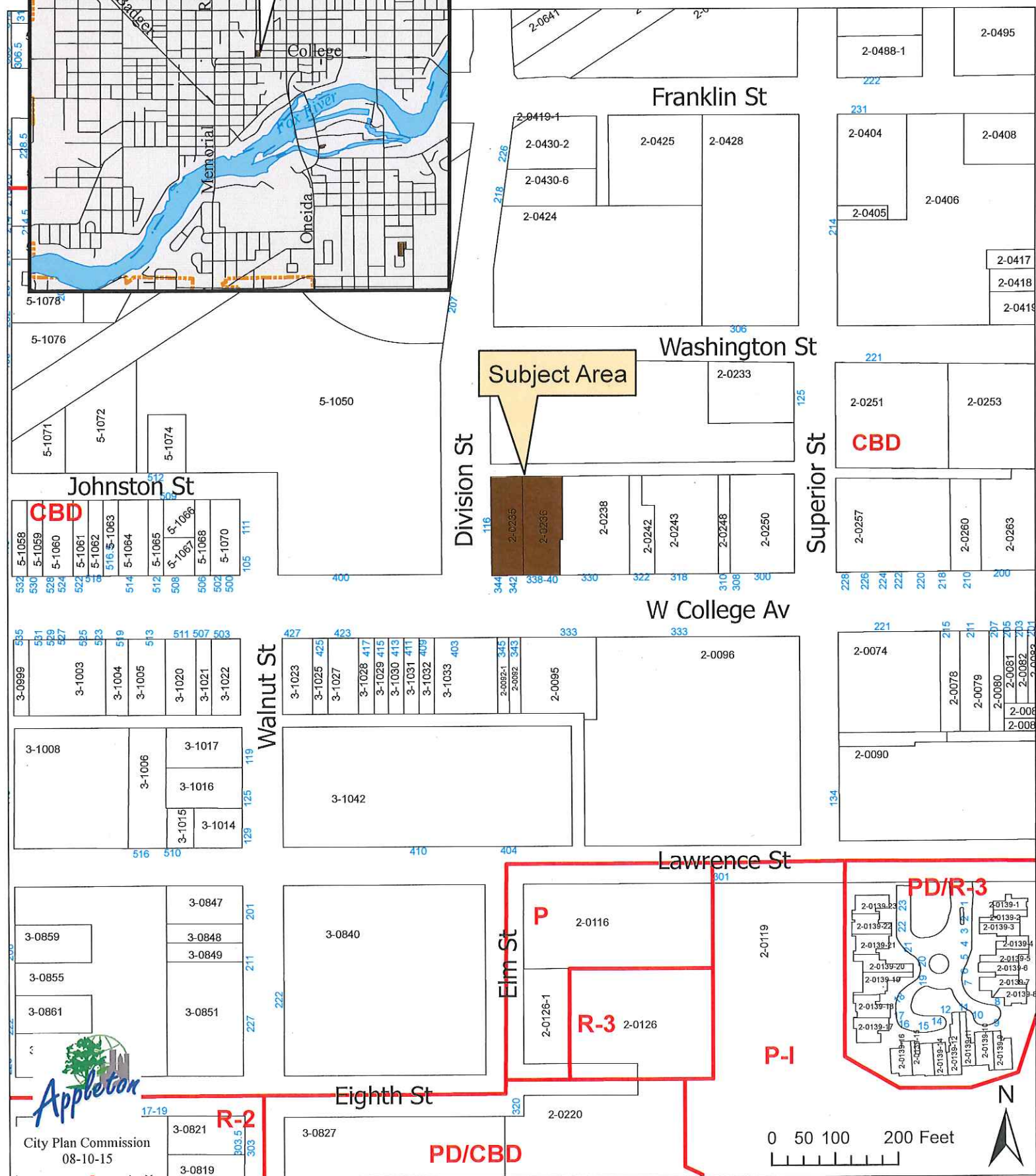
College

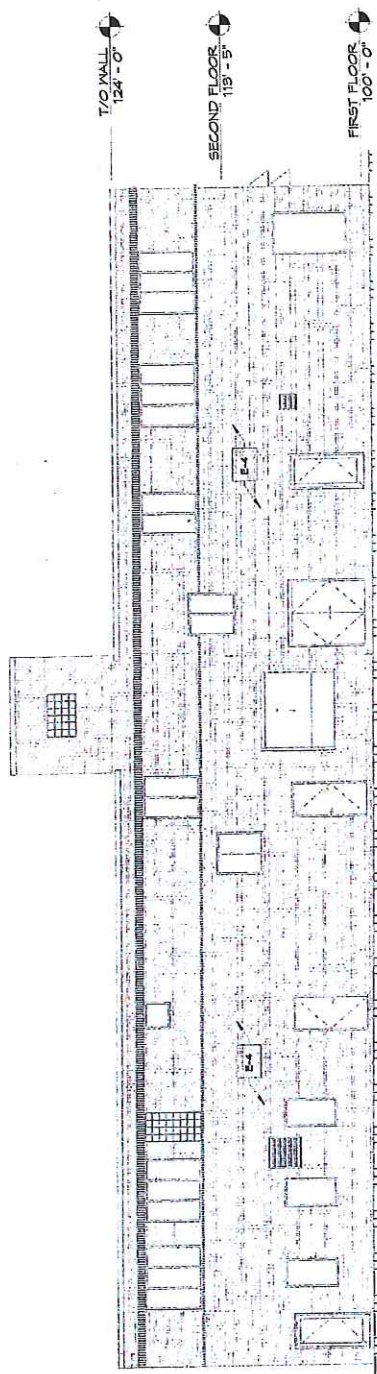
Memorial

Oneida

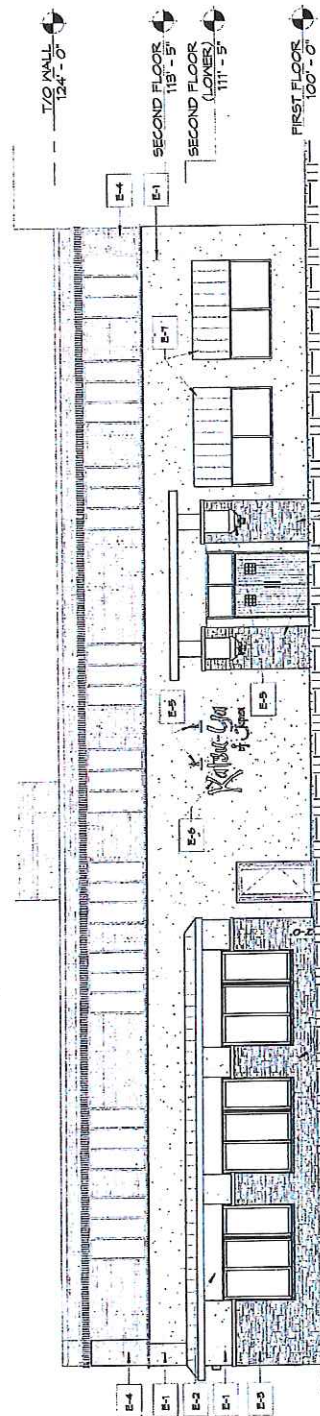
Fox River

Subject Area



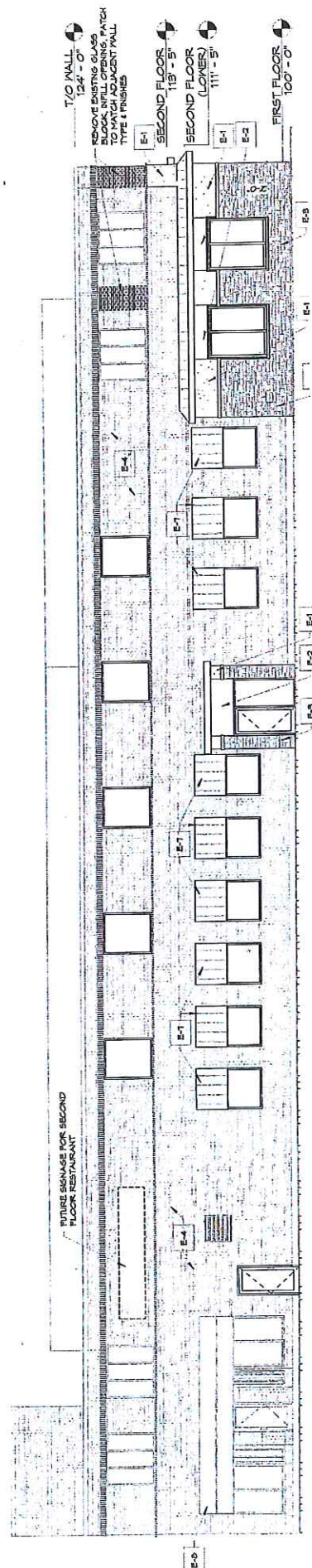


4 NORTH ELEVATION
A-A 1/8" = 1'-0"



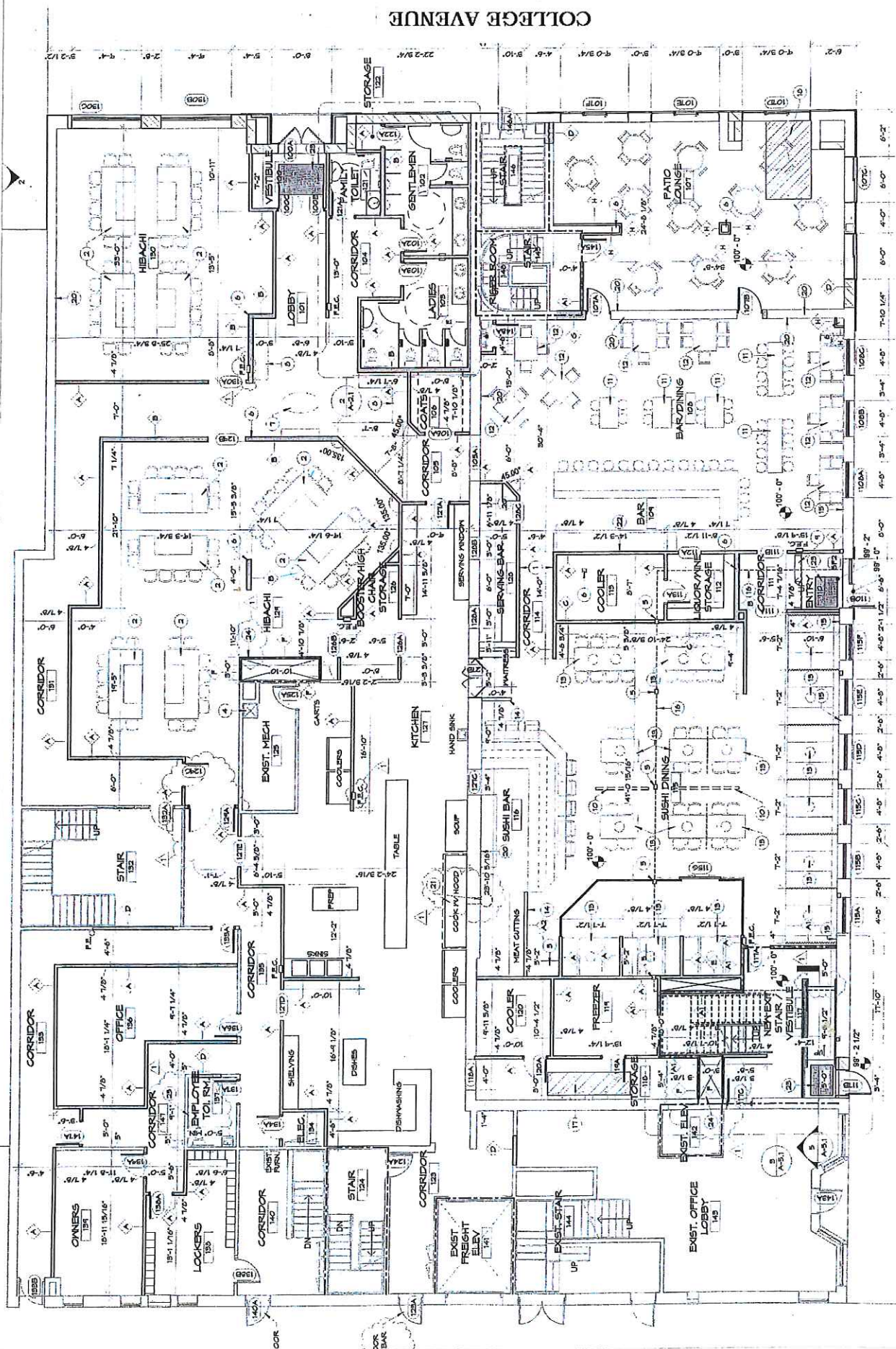
5 SOUTH ELEVATION
A-A 1/8" = 1'-0"

KEY NOTE	MATERIAL SUMMARY
E-1	ELPS.
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

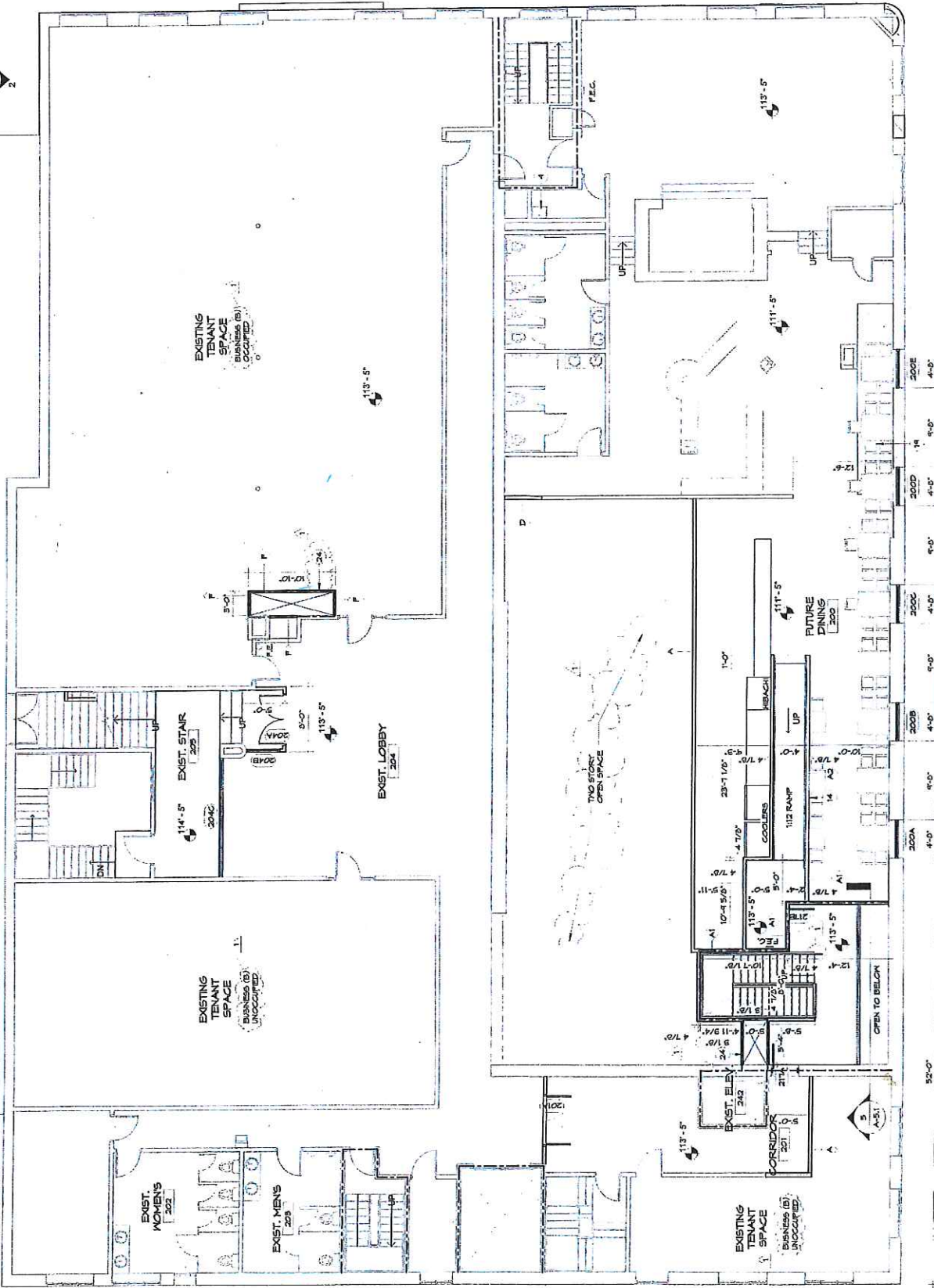


COLLEGE AVENUE

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City Plan Commission
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1 SECOND FLOOR PLAN
A-12 1/8" = 1'-0"

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