



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** September 10, 2015 *Held at August 24, 2015*

**Common Council Meeting Date:** September 16, 2015

**Item:** Special Use Permit #11-15 for a Day Spa and *Restaurant* with Alcohol Sales and Service

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** Lacy Hardy, owner/applicant

**Address/Parcel #:** 1024 South Olde Oneida Street / 31-4-0399-00

**Petitioner's Request:** The applicant is requesting a Special Use to permit the sale and service of alcohol for on-site consumption in conjunction within an existing day spa *which will also be licensed as a restaurant.*

### BACKGROUND

On August 3, 2015, the applicant filed a Class B Beer/Class C Wine license with the City Clerk's Office. A liquor license has been applied for and was held at the August 12, 2015 Safety and Licensing Committee meeting. *This SUP request was held at the August 24, 2015 Plan Commission meeting.*

*City staff, including Health and Inspections, has advised the applicant on the steps necessary to obtain a restaurant license (see attached email). The restaurant license will allow the issuance of a liquor license per State Statute.*

### STAFF ANALYSIS

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

**Operational Information:** The Sunflower Spa has been in operation at this location for the past 11 years. No changes to the operation will occur except for the addition of *obtaining a restaurant license so that the owner can add* alcohol service for customers of the spa. See attached Plan of Operation and Locational Information.

**Proposed Outdoor Area:** A proposed outdoor area with alcohol sales and service (approximately 35' x 15') is located on a patio/deck on the top floor of the building, accessible from inside the building only.

**Off-Street Parking Requirements:** The off-street parking requirements are satisfied.

**Ordinance Requirements:** In order to permit the sale of alcohol for on-site consumption in conjunction with an existing day spa *and 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: C-2 General Commercial District – Commercial uses  
South: R-1B Single-family District and R-3 Multi-family District – Residential uses  
West: C-O Commercial Office District – Commercial office uses  
East: R-3 Multi-family District – Residential uses

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area to be used for mixed use purposes. The proposed zoning classification is consistent with the City's Comprehensive Plan and is consistent with the purpose and intent of the C-2 General Commercial District.

**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 spa experience of patrons.

**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 at the existing day spa 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 shared with members of the Technical Review Group. No negative comments were received from participating departments.

### **RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #11-15 for a day spa *and 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.



## Jeff Towne

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**From:** Tim Mirkes  
**Sent:** Thursday, September 03, 2015 12:41 PM  
**To:** Jeff Towne  
**Subject:** RE: Sunflower Spa

Here are the comments from the Inspections group that checked the building for code compliance:

Sunflower spa proposes to serve food to their clients. No preparation of food is to be done in The facility. Food will be catered in and served in areas on the 2nd floor and if necessary, to accommodate their clients on the first floor. The total number of occupants to be served will be less than 30. The exits must meet code. The exit stair that leads to the Public way shall have uniform risers, have a 4" to a 6 1/4" gripping surface, and side rails that limit a 4" sphere from passing through. Egress lighting shall be installed to attain a 1 Foot-candle illumination in an emergency. Exit lights with emergency backup is required. A vertical grab bar for the 2nd floor restroom is recommended to accommodate clients. No plumbing issues noted for the specific use other than appliances will have to meet NSF commercial Specs. Refrigerator and dishwasher in particular.

I believe they already have the staircase completed.

They will be applying for their license soon. And I have full confidence that all items will be taken care of.

Thanks!

Tim

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**From:** Jeff Towne  
**Sent:** Thursday, September 03, 2015 10:35 AM  
**To:** Tim Mirkes  
**Subject:** Sunflower Spa

Tim,

I understand there has been an inspection/visit to the Sunflower Spa regarding their proposed restaurant license. Have they applied and if so, what will be required for them to obtain the license. We are going to put this on a special Plan Commission agenda for Sept. 10, so I want to be able to amend the report with updated information.

Thanks!

Jeff Towne  
Principal Planner  
City of Appleton  
100 North Appleton Street  
Appleton, WI 54911

Ph: (920) 832-6476

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

Business Information:

Name of business: Sunflower Spa LLC

Years in operation: 11

Percentage of business derived from restaurant service: 0 %

Type of proposed establishment (detailed explanation of business):

Day spa / restaurant

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	9	9
Friday	9	9
Saturday	9	6
Sunday	closed	

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: \_\_\_\_\_ persons

Gross floor area of the existing building(s): 4500

Gross floor area of the proposed building(s): 4500

Describe Any Potential Noise Emanating From the Proposed Use:

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

None

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

No noise

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

Yes, there is a few businesses that use the space as well. Have not had any problems.

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

Rooftop patio

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

Fence

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:

shut down @ 9 PM

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	9	9
Friday	9	9
Saturday	9	6
Sunday	closed	

**Outdoor Lighting:**

Type: Yes

Location: \_\_\_\_\_

**Off-Street Parking:**

Number of spaces existing: 10

Number of spaces proposed: ~~75~~

**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:

Stone Celler  
Comedy Club  
Riverside

**Number of Employees:**

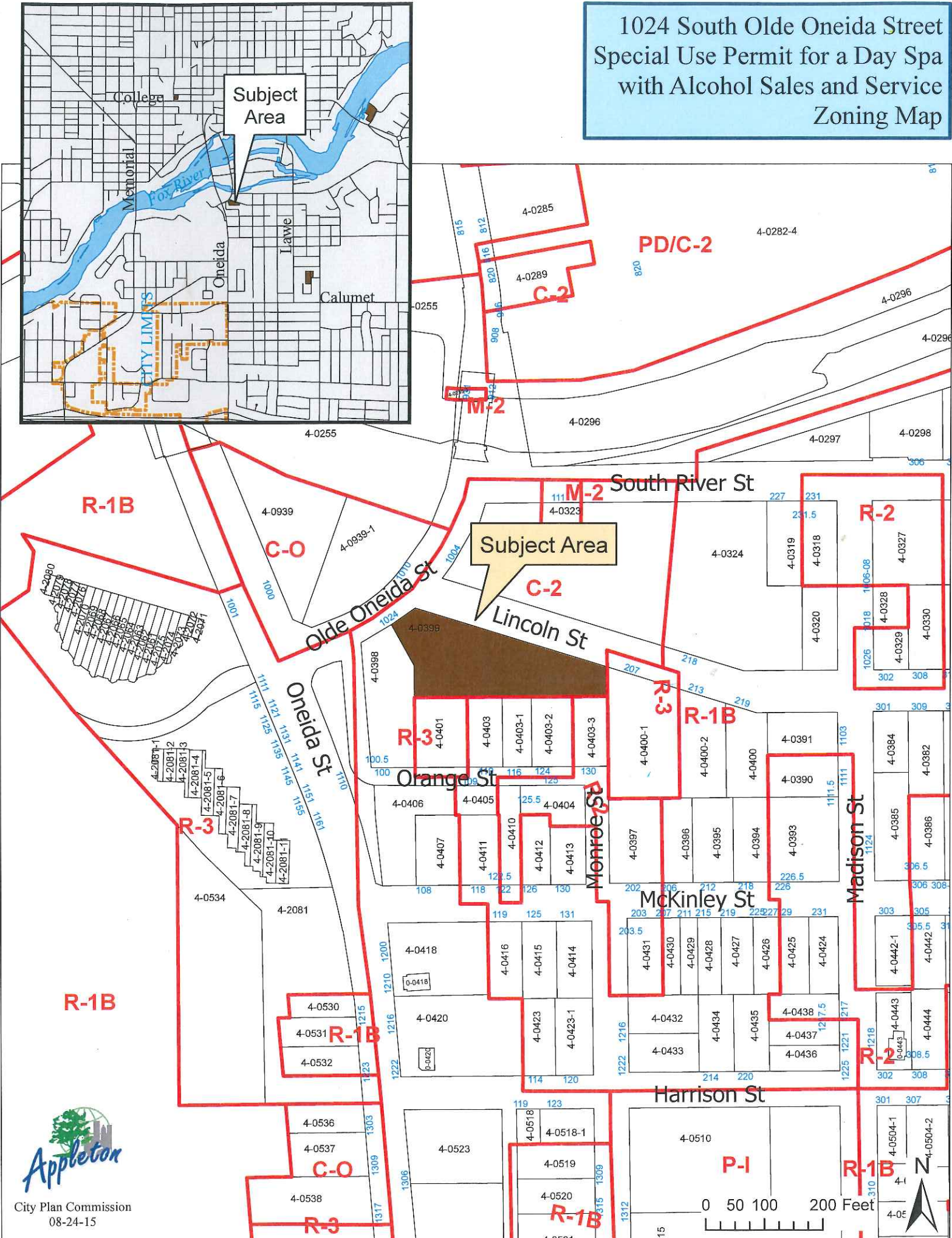
Number of existing employees: 4

Number of proposed employees: 4

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



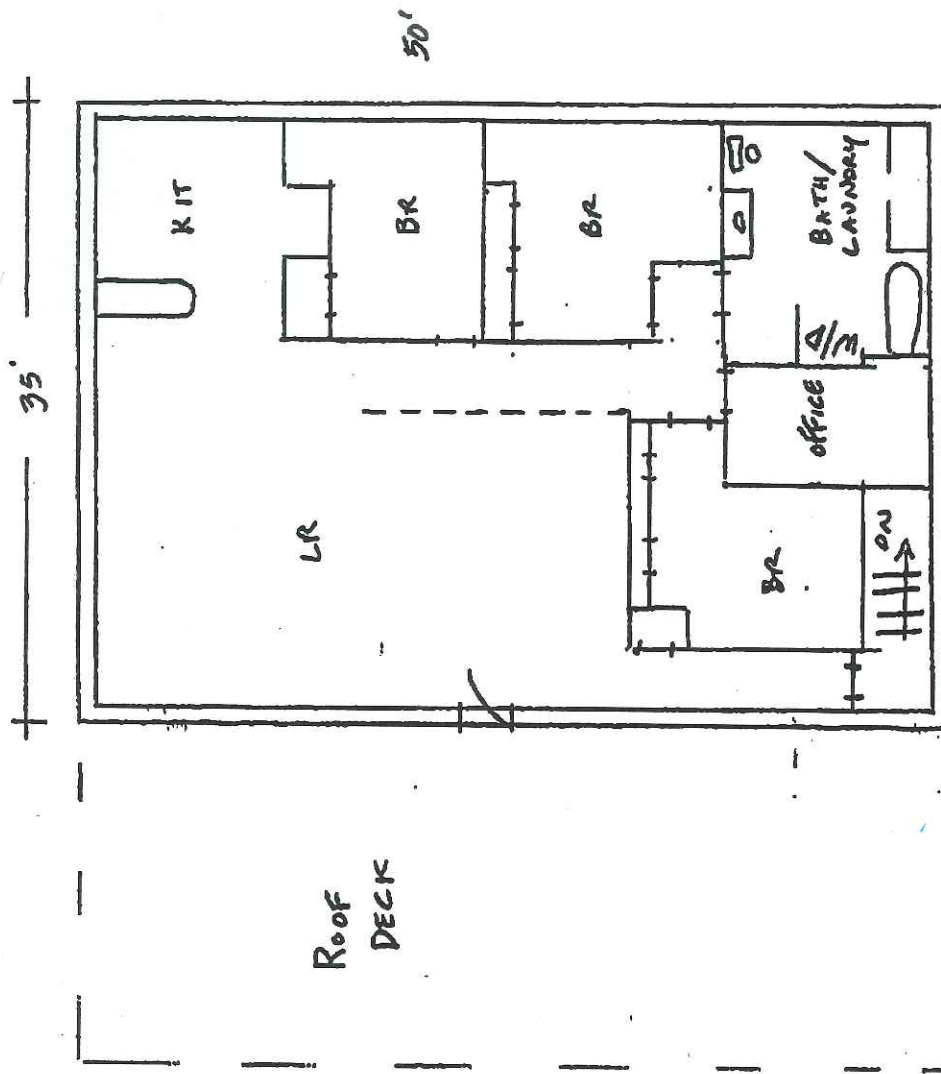
1024 South Olde Oneida Street  
Special Use Permit for a Day Spa  
with Alcohol Sales and Service  
Zoning Map





06/06/2008	state review
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Remodeling for Lucy Hardy <b>Sunflower Spa</b> 1124 South Oldie Onedia Street Appleton, WI _____ TOM W. MEIKLEJOHN, III ALA A R C H I T E C T 111 South Main Street Fond du Lac, Wisconsin P (920) 923-3163 F (920) 923-3211	2008.11 4 of 4
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SECOND FLOOR



1024 South Olde Oneida Street  
Special Use Permit for a Day Spa  
with Alcohol Sales and Service