



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: October 26, 2015

Common Council Meeting Date: November 4, 2015

Item: Special Use Permit #14-15 for restaurant with alcohol sales and service

Case Manager: David Kress

GENERAL INFORMATION

Owner: College Avenue Associates

Applicant: Cozy Corner c/o Natasha Banks

Address/Parcel #: 111 North Walnut Street (Tax Id #31-5-1070-00)

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, located at the southwest corner of North Walnut Street and West Johnston Street, is currently occupied by Cozy Corner. Cozy Corner has operated at this location for over three years as a restaurant (without alcohol). However, the applicant recently applied for a Liquor License that includes Class B beer and Class C wine, which was approved by Common Council on October 7, 2015.

STAFF ANALYSIS

Existing Site Conditions: The existing multi-tenant building totals 5,760 square feet, with the proposed restaurant with alcohol sales and service occupying approximately 1,360 square feet. The subject area was renovated into a restaurant in 2012. No off-street parking is provided, which is allowable in the CBD Central Business District.

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

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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, including the Fox Cities Performing Arts Center.

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, including the Fox Cities Performing Arts Center.

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial and multi-family residential 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 October 6, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

Written Public Comments: No questions, concerns, or comments have been received from the surrounding neighborhood.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #14-15 for a restaurant with alcohol sales and service at 111 North Walnut Street, as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following conditions:

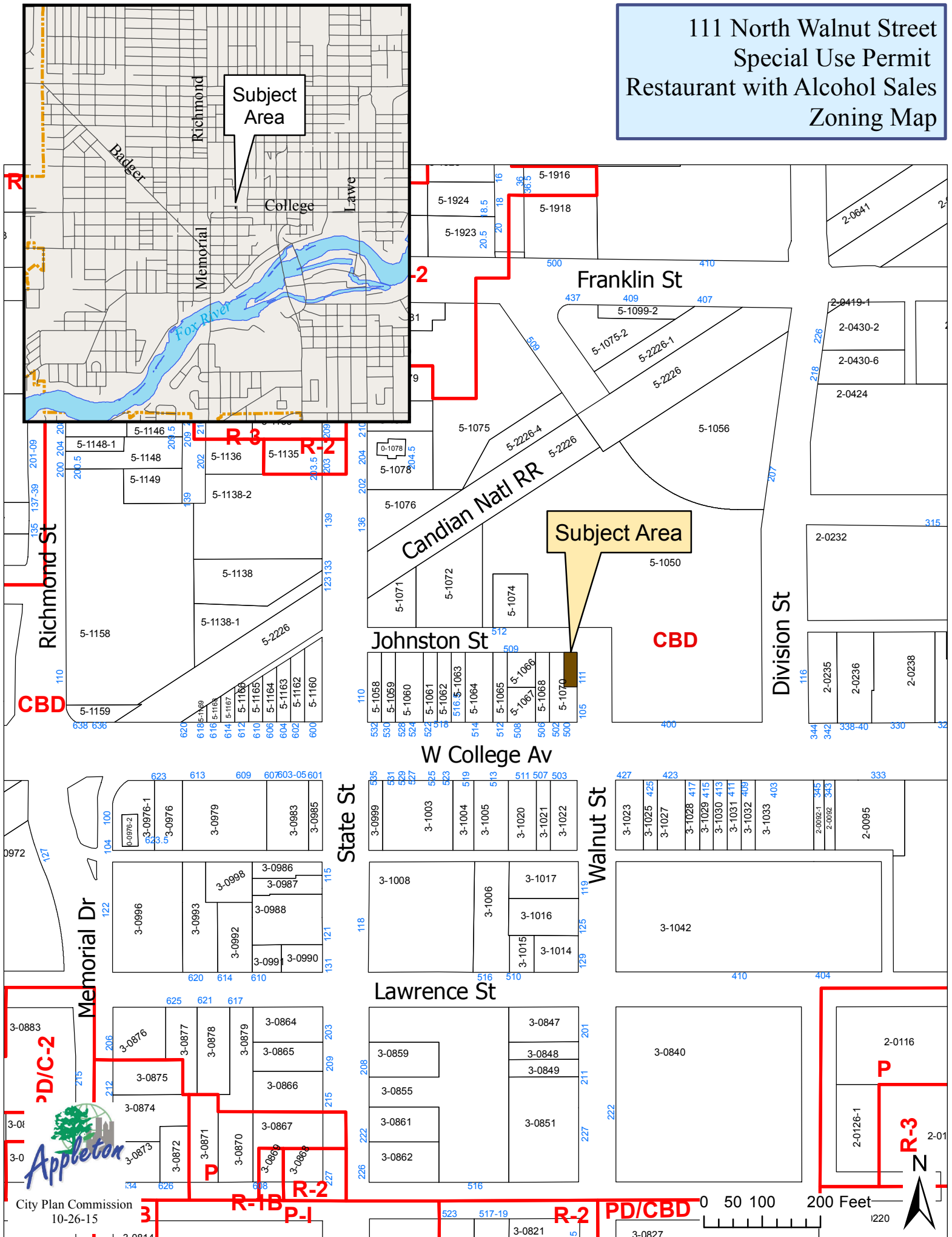
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1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. The serving and consumption of alcohol is limited to the interior ground floor of the building, as identified on the attached maps. Any future expansions for the serving and/or consumption of alcohol 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.

111 North Walnut Street Special Use Permit Restaurant with Alcohol Sales Zoning Map



111 North Walnut Street
Special Use Permit
Restaurant with Alcohol Sales

Johnston St

Walnut St

W College Av

5-1065

CBD

5-1066

5-1068

5-1070

105 111

5-1

512

509

512

508

506

502

500



City Plan Commission
10-26-15

0 5 10 20 Feet
[Scale bar]



REVISIONS

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R. J. ACORD-ARCHITECT
1210 MAPLE STREET
NEEAH, WI 54956

ALTERATIONS TO:
THE COZZY CORNER
111 WALNUT STREET
APPLETON, WI 54911

DATE
15 MAR 12
PROJECT NUMBER
12-004
SHEET

A2.0

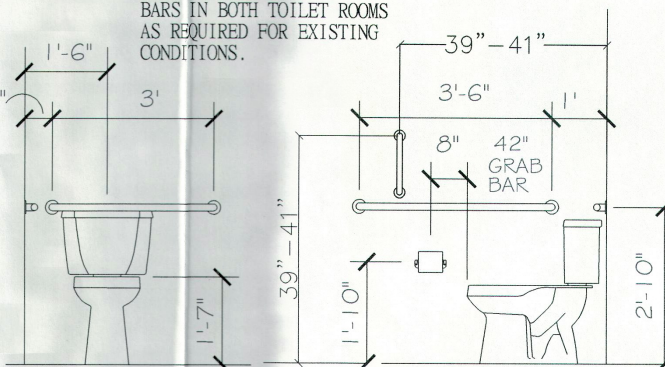
FURNISHINGS LIST

- A REFRIGERATOR: 36" X 26"
- B BOOS - S.S. 18 GA. 1-COMP. SINK: 50"W X 30"D
- C HOBART - UNDER CABINET DISH WASHER: 24"W X 27"D
- D BOOS - E188-18-12, PREP SINK: 23"W X 24"D
- E BAR-B-Q BOSS - SMOKER: 22"W X 28"D
- F IMPERIAL - IFS-40 -FRYER: 15.5"W X 30"D
- G HENNY PENNY PRESSURE FRYER: 19.2"W X 38.9"W
REQUIRES 6" CLEARANCE ON EACH SIDE FOR AIR FLOW
- H IMPERIAL 6-BURNER RANGE: 36"W X 29"D
- I S.S. HOOD: 10'W X 6'D, 6'-6" A.F.F
- J S.S. WHEELED PREP TABLE: 24"D X 36"W
- K EVEREST REFRIGERATOR: 50"W X 32"D
- L MOP SINK: 24"W X 26"D
- M KROWNE HAND SINK - HS-2: 16"W X 15"D
- N UPPER/LOWER STORAGE COUNTER: 7'W X 24"D
- O S.S. STEAM TABLE: 9'W X 2'-9"D
- P CHECK-OUT CABINET: 36"W X 28"D
- Q STORAGE CABINET: 42"W X 24"D
- R SODA FOUNTAIN: 48"W X 2'-8"D
- S BOOTH: 6'W X 5'D
- T TABLE: 3' X 3'
- U WASTE: 48" X 18"
- V WASTE: 48" X 24"

DOOR SCHEDULE

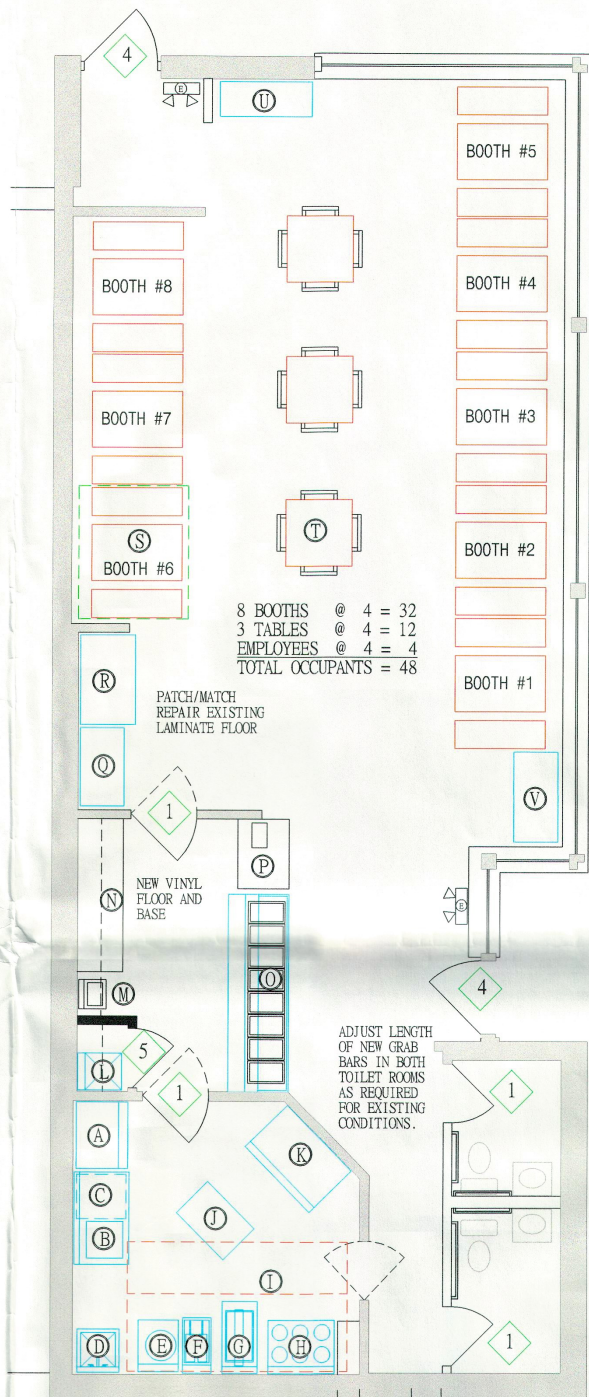
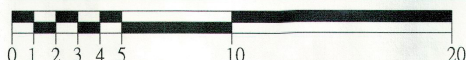
- 1 NEW 3' X 6'-8" DOUBLE ACTING DOOR
- 2 EXISTING 32" X 6'-8" DOOR TO REMAIN
- 3 EXISTING 42" X 7'-0" DOOR TO REMAIN
- 4 EXISTING 42" X 7'-0" DOOR TO REMAIN
- 5 NEW 32" X 6'-8" DOOR
- 6 EXISTING DOUBLE ACTING DOOR 32" X 6'-8"
CUT DOWN TOP TO CLEAR NEW HOOD

ADJUST LENGTH OF NEW GRAB BARS IN BOTH TOILET ROOMS AS REQUIRED FOR EXISTING CONDITIONS.



PROVIDE NEW ADA ACCESSIBLE TOILETS IF REQUIRED

EQUIPMENT & PARTIAL BASEMENT PLAN



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

Business Information:

Name of business: Cozy Corner

Years in operation: 3 mos

Percentage of business derived from restaurant service: 100 %

Type of proposed establishment (detailed explanation of business):

Continue as restaurant

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	11am	8pm
Friday	11am	9pm
Saturday	11am	9pm
Sunday	11am	7pm

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: 48 persons

Gross floor area of the existing building(s): 1000 sq ft

Gross floor area of the proposed building(s): 1500 sq ft

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:

Don't foresee crowd noise inside or outside of building.
(Sit down diner that serves beer & wine)

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

Don't foresee noise being a problem

Outdoor Uses:

Location, type, size and design of outdoor facilities:

NA

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

NA

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: NA

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

Outdoor Lighting:Type: Street lights

Location: _____

Off-Street Parking:Number of spaces existing: NANumber 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:

The BarVictoria'sNAKASHIMAS**Number of Employees:**Number of existing employees: 3Number of proposed employees: 3Number of employees scheduled to work on the largest shift: 3