



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 15, 2013

Common Council Meeting Date: No action required

Item: Minor Amendment Special Use Permit #21-03

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Rollie Winter & Associates- property owner: Doris Ng- applicant

Address/Parcel #: 2920 North Ballard Road/31-1-6640-01

Petitioner's Request: The applicant is requesting to amend Special Use Permit #21-03, to expand the existing outdoor patio resulting in an overall increase of less than ten (10) percent of the existing area of the restaurant/patio with alcohol sales and to replace the existing fencing with a minimum 3 foot high fence with retractable top and sides.

BACKGROUND

A restaurant with alcohol sales and outdoor seating has operated at this location since 2003.

Special Use Permit #21-03 was approved for a restaurant with alcohol sales and outdoor seating with alcohol service (north side of building) at 2920 North Ballard Road by the Plan Commission on October 6, 2003, and approved by the Common Council on October 15, 2003. The approval was granted with ten (10) conditions listed as follows:

1. The applicant shall comply with all Liquor License requirements prior to serving alcohol on the subject site.
2. Site Plan review and approval is required prior to the issuance of a Building Permit.
3. A permanent fence, with an emergency exit, that meets all Building and Fire Codes, shall be installed prior to occupying the patio (outdoor seating area). Design plans for fence and patio (outdoor seating area) shall be reviewed and approved by the Police and Planning Departments at Site Plan review stage.
4. Prior to issuance of sign permits, the applicant shall apply for and receive Master Signage Plan approval due to multiple buildings and multi-tenant building being proposed on one lot.
5. All City of Appleton and state of Wisconsin Building Codes must be met.
6. The applicant shall submit State approved plans to the City of Appleton Inspections Division prior to issuance of a building permit.
7. All City of Appleton Fire Codes must be met and a fire inspection must be conducted prior to issuance of a building permit.
8. The applicant shall apply for and receive a sign permit from the City of Appleton Inspections Division prior to installing any signage on the building.
9. The applicant shall provide a set of building plans to the Health Department. Include equipment schedules and room finish schedules in the plan. This establishment must meet the requirements of Wisconsin Administrative Code Chapters HFS 196.
10. The applicant shall apply for and receive a Certificate of Occupancy from the City of Appleton Inspections division prior to occupying the subject site for the proposed special use.

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STAFF ANALYSIS

Existing Site Conditions: The subject site is occupied by GingeRootz, a restaurant with alcohol sales with outdoor patio seating. The patio has an existing 42 inch high fence. The conditions of the original approval have been met.

Operational Information: The proposed hours of operation are 11:00 a.m. to 10:00 p.m. Sunday-Saturday for both the restaurant and the outdoor patio.

Surrounding zoning and land uses:

North: C-2 General Commercial District;	Office use
South: C-2 General Commercial District;	Gas station
East: C-2 General Commercial District;	Labor Temple, Bottom End Bar
West: C-2 General Commercial District;	Office use
R-1B Single-family District;	Residence

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for commercial uses. 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 Business 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.

Ordinance Requirements:

This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, which states:

(1) *Minor change.* Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:

- a. Expansions of special uses of less than ten (10) percent.

The proposed expansion will be less than ten (10) percent of the currently approved area.

- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

Note: Minor amendments to existing Special Use Permits do not require Common Council action.

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RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #21-03, to expand the existing outdoor patio resulting in an overall increase of less than ten (10) percent of the existing area of the restaurant/patio with alcohol sales and to replace the existing fencing with a minimum 3 foot high fence with retractable top and sides located at 2920 North Ballard Road, as shown on the attached maps and per attached plan of operation, ***BE APPROVED*** subject to the following conditions:

1. The serving and consumption of alcohol is limited to the interior ground floor of the building and the area of the patio identified on the attached maps. Any future expansions for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
3. The patio shall be enclosed with a permanent fence with a minimum height of three feet, with an emergency exit, that meets all Building and Fire Codes. The fencing will also have a retractable roof and sides attached.
4. Any deviations from the approved Development Plan may require a major or minor change request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

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

Business information:

Name of Business: Gingerkutz Asian Grille

Years in operation: 9

Percentage of business derived from restaurant service: 80 %

Type of the proposed establishment (detailed explanation of business): _____

Full Service restaurant. Has a full bar and a patio that serves alcohol.

Hours of Operation: 11:00am- 10pm Days of Operation: 7 days

Noise, crowd, parking lot control methods: Brick building. Parking lot w/ 75 spots with 2 other businesses.

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: 134 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: Rectangular patio.

Size is 40ft x 17ft.

Type and height of screening: plantings/fencing/gating fence will be about 3' w/ ^{a full} retractable top & side.

Is there any alcohol service incorporated in this outdoor facility proposal? Yes ☒ No ☐

Hours of Operation: _____ Days of Operation: 7 days

Are there plans for outdoor music/entertainment? Yes ☐ No ☒

If yes, describe soundproofing measures: _____

Is there any food service incorporated in this outdoor facility proposal? Yes ☒ No ☐

Outdoor lighting:

Type: parking lot lights and building lights.

Location: _____

Off-street parking:

Number of spaces provided 0.

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 taverns: The Bottom's End Bar

Amusement Devices:

Number of video games: 0 Pool Tables: 0

Other amusement devices: 0

2920 North Ballard Road
Minor Amendment Special Use Permit #21-03
Restaurant with Outdoor Seating
and Alcohol Sales and Service
Zoning Map



