



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.*

Wednesday, July 14, 2021

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[21-0952](#) City Plan Minutes from 6-23-21

Attachments: [City Plan Minutes 6-23-21.pdf](#)

4. Public Hearings/Apearances

- [21-0953](#) Special Use Permit #2-21 for a restaurant with alcohol sales and service located at 205 North Richmond Street (Tax Id #31-5-1184-00), 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 and approve attached Resolution (Associated with Action Item #21-0954)

Attachments: [ClassIIPublicHearingNoticeNewspaper JimmysChickenAndFish_SUP#2-21.pdf](#)
[PublicHearingNoticeNeighborhood JimmysChickenAndFish_SUP#2-21.pdf](#)

5. Action Items

- [21-0954](#) Request to approve Special Use Permit #2-21 for a restaurant with alcohol sales and service located at 205 North Richmond Street (Tax Id #31-5-1184-00), 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 and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_JimmysChickenAndFish_SUP_For07-14-21.pdf](#)

[21-0955](#) Request to approve the M&J Weyenberg Properties, LLC Annexation consisting of approximately 1.696 acres generally located at the southeast corner of Ballard Road and Ridge Haven Lane, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport M&JWeyenbergProperties Annexation For07-14-21.pdf](#)

[21-0956](#) Request to approve Certified Survey Map #10-21, which crosses a plat boundary, to combine two existing parcels, 6600 North Ballard Road (Tax Id #31-1-9203-09) and North Tiburon Lane (Tax Id #31-1-9203-10), into one new parcel as shown on the attached maps

Attachments: [StaffReport 6600 N Ballard CSMCrossingPlatBoundary For07-14-21.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.



City of Appleton

100 North Appleton Street
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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.*

Wednesday, June 23, 2021

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 3:30 p.m.

2. Roll call of membership

Present: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Others present:

Aldersperson Katie Van Zeeland, District #5

Michael Kohne, Legacy Commercial Property (Family Video)

John Gates, 721 W. Harris Street

John Petit, 2100 S. Telulah Avenue

Tim Rinn, 2210 E. John Street

Dave Allen, VFW

Chuck Fritsch, Silver Heights Properties

Meri Foth, 400 N. Richmond Street #342

Mary Kiley, 715 W. Harris Street

Mary Lou Cliff, 400 N. Richmond Street #209

Wendy VanDerGeest, 400 N. Richmond Street #525

Noah Harmon, 1625 Coolidge Court

Gerry O'Shea, 231 N. Green Bay Road

Laura O'Shea, 231 N. Green Bay Road

Andrew Graf, 1731 N. Briarcliff Drive

3. Approval of minutes from previous meeting

[21-0845](#)

City Plan Minutes from 6-9-21

Attachments: [City Plan Minutes 6-9-21.pdf](#)

Palm moved, seconded by Fenton, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

4. Public Hearings/Appealances

[21-0846](#)

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-21 for 719 West Packard Street (Tax Id #31-5-1232-00) from future One and Two-Family Residential land use designation to Mixed Use land use designation, as shown on the attached map, and approve the attached Resolution (Associated with Action Item #21-0847)

Attachments: [ClassIIPublicHearingNoticeNewspaper FormerVFWSite CompPlanAmend#2-21.pdf](#)
[InformalPublicHearingNotice FormerVFWSite CompPlan+Rezoning.pdf](#)

This public hearing was held, and Dave Allen spoke on the item.

[21-0848](#)

Rezoning #7-21 for subject parcels generally located west of North Richmond Street and south of West Packard Street (Tax Id #31-5-1232-00, #31-5-1234-00, #31-5-1236-00, and #31-5-1238-00), including the adjacent one-half (1/2) right-of-way of West Packard Street, North Richmond Street (aka S.T.H. 47), and West Harris Street, as shown on the attached maps, from C-2 General Commercial District, R-2 Two-Family District, and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District (Associated with Action Item #21-0849)

Attachments: [InformalPublicHearingNotice FormerVFWSite CompPlan+Rezoning.pdf](#)

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

[21-0850](#)

Rezoning #6-21 for the subject parcel located at 2700 East Calumet Street (Tax Id #31-4-5880-00), including the adjacent one-half (1/2) right-of-way of East John Street and East Calumet Street, as shown on the attached maps, from PD/C-2 Family Video Planned Development General Commercial District #23-99 to C-2 General Commercial District (Associated with Action Item #21-0851)

Attachments: [InformalPublicHearingNotice_2700ECalumetSt_Rezoning#6-21.pdf](#)

This public hearing was held, and Michael Kohne spoke on the item.

[21-0852](#)

Rezoning #8-21 for the subject undeveloped parcel located on Coolidge Court (Tax Id #31-9-1117-00), including the adjacent one-half (1/2) right-of-way, as shown on the attached maps, from PD/C-2 Planned Development General Commercial District #34-84 to R-3 Multi-Family District (Associated with Action Item #21-0853)

Attachments: [InformalPublicHearingNotice CoolidgeCourt Rezoning#8-21.pdf](#)

This public hearing was held. John Petit, Noah Harmon, and Andrew Graf spoke on the item.

[21-0854](#)

Special Use Permit #1-21 to allow alcohol sales and consumption (inside the building and outdoors on the premises) located at 141 South RiverHeath Way (Tax Id #31-4-0828-08), 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 and approve attached Resolution (Associated with Action Item #21-0855)

Attachments: [ClassIIPublicHearingNoticeNewspaper_141RiverHeathWay_SUP#1-21.pdf](#)
[PublicHearingNoticeNeighborhood_141RiverHeathWay_SUP#1-21.pdf](#)

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

5. Action Items

[21-0847](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-21 for 719 West Packard Street (Tax Id #31-5-1232-00) from future One and Two-Family Residential land use designation to Mixed Use land use designation, as shown on the attached map, and approve the attached Resolution

Attachments: [StaffReport_FormerVFWSite_CompPlan+Rezoning_For06-23-21.pdf](#)

Proceeds to Council on August 4, 2021.

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

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

[21-0849](#)

Request to approve Rezoning #7-21 for subject parcels generally located west of North Richmond Street and south of West Packard Street (Tax Id #31-5-1232-00, #31-5-1234-00, #31-5-1236-00, and #31-5-1238-00), including the adjacent one-half (1/2) right-of-way of West Packard Street, North Richmond Street (aka S.T.H. 47), and West Harris Street, as shown on the attached maps, from C-2 General Commercial District, R-2 Two-Family District, and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District

Attachments: [StaffReport_FormerVFWSite_CompPlan+Rezoning_For06-23-21.pdf](#)

Proceeds to Council on August 4, 2021.

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

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

[21-0851](#)

Request to approve Rezoning #6-21 for the subject parcel located at 2700 East Calumet Street (Tax Id #31-4-5880-00), including the adjacent one-half (1/2) right-of-way of East John Street and East Calumet Street, as shown on the attached maps, from PD/C-2 Family Video Planned Development General Commercial District #23-99 to C-2 General Commercial District

Attachments: [StaffReport_Family_Video_Rezoning_For06-23-21.pdf](#)

Proceeds to Council on July 21, 2021.

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

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

[21-0853](#)

Request to approve Rezoning #8-21 for the subject undeveloped parcel located on Coolidge Court (Tax Id #31-9-1117-00), including the adjacent one-half (1/2) right-of-way, as shown on the attached maps, from PD/C-2 Planned Development General Commercial District #34-84 to R-3 Multi-Family District

Attachments: [StaffReport_CoolidgeCourt_Rezoning_For06-23-21.pdf](#)

Proceeds to Council on July 21, 2021.

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

Aye: 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

Nay: 1 - Dane

[21-0855](#)

Request to approve Special Use Permit #1-21 to allow alcohol sales and consumption (inside the building and outdoors on the premises) located at 141 South RiverHeath Way (Tax Id #31-4-0828-08), 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 and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_141RiverHeathWay_SUP_For06-23-21.pdf](#)

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

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

6. Information Items

7. Adjournment

Palm moved, seconded by Buetow, that the meeting be adjourned at 4:13 p.m.

Roll Call. Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, July 14, 2021, at 3:30 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by James Jackson, applicant, and Christensen Land Company LLP, owner, for property located at 205 North Richmond Street (Tax Id #31-5-1184-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Jimmy's Chicken and Fish). In the C-2 General Commercial District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at (920) 832-6428 or by email at david.kress@appleton.org.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

RUN: June 29, 2021
July 6, 2021

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, July 14, 2021, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by James Jackson, applicant, and Christensen Land Company LLP, owner, for property located at 205 North Richmond Street (Tax Id #31-5-1184-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Jimmy's Chicken and Fish). In the C-2 General Commercial District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

- ALDERMANIC DISTRICT: 10 – Alderperson Michael Smith

You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

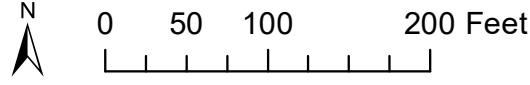
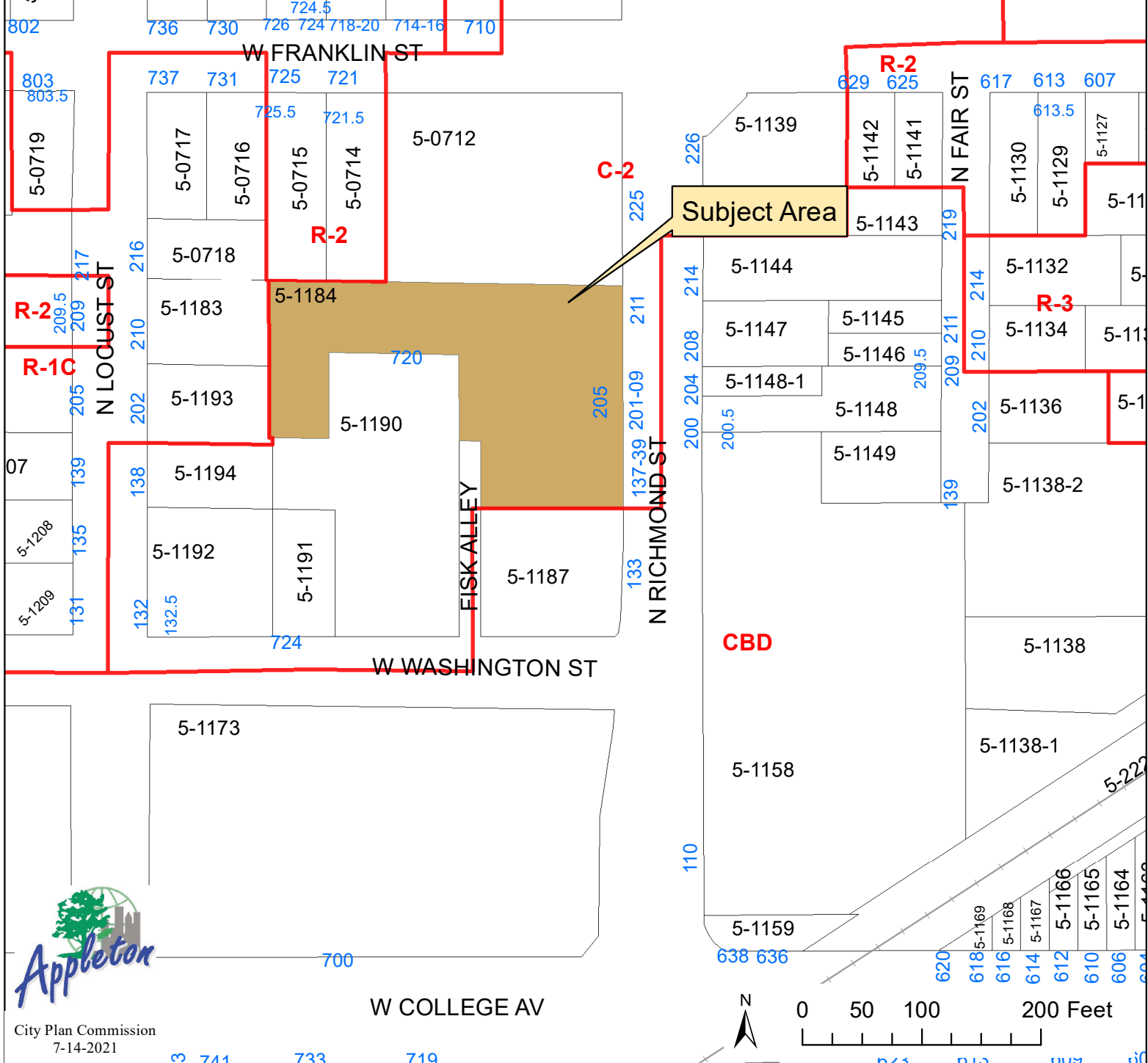
Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at david.kress@appleton.org.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

205 North Richmond Street
Special Use Permit
Restaurant with Alcohol Sales
Zoning Map



INTERIOR ALTERATIONS FOR JIMMY'S CHICKEN

APPLETON,

WISCONSIN

ACS
Architectural &
Construction
Services, Inc.
327 Randolph Drive Suite C
APPLETON, WI 54915
TELE: 920-574-2657 FAX: 920-574-2660

INTERIOR ALTERATIONS FOR,
JIMMY'S CHICKEN
APPLETON, WISCONSIN

DATE: JULY 28, 2020
ARCH. K. SPERL
D. BY: S. BURTON
JOB: 20-037
REV: _____

T
1.0

GENERAL NOTES

THESE DRAWINGS COVER STRUCTURAL AND GENERAL CONSTRUCTION WORK ONLY. ALL WORK SHALL CONFORM TO STATE AND LOCAL CODES WHICH GOVERN FOR THE BUILDING SITE, AND SHALL BE DONE IN A WORKMANLIKE MANNER.

THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH ALL ARCHITECTURAL, MECHANICAL AND ELECTRICAL DRAWINGS TO VERIFY THE LOCATION AND DIMENSIONS OF CHASES, INSERTS, OPENINGS, SLEEVES, REGLETS, DEPRESSIONS AND OTHER PROJECT REQUIREMENTS NOT SHOWN ON THE STRUCTURAL DRAWINGS.

OPENINGS SHOWN ON THE STRUCTURAL DRAWINGS SHALL NOT BE REVISED WITHOUT WRITTEN APPROVAL FROM THE ARCHITECT.

CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS, ELEVATIONS AND CONDITIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.

THE TYPICAL DETAILS SHOWN ON THE DRAWINGS SHALL BE APPLICABLE TO ALL PARTS OF THE CONTRACT DRAWINGS UNLESS SPECIFICALLY NOTED OTHERWISE.

THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SAFETY DURING CONSTRUCTION.

PROJECT INFORMATION

CONSTRUCTION CLASSIFICATION

BUILDING IS EXISTING - TYPE IIB

OCCUPANCY

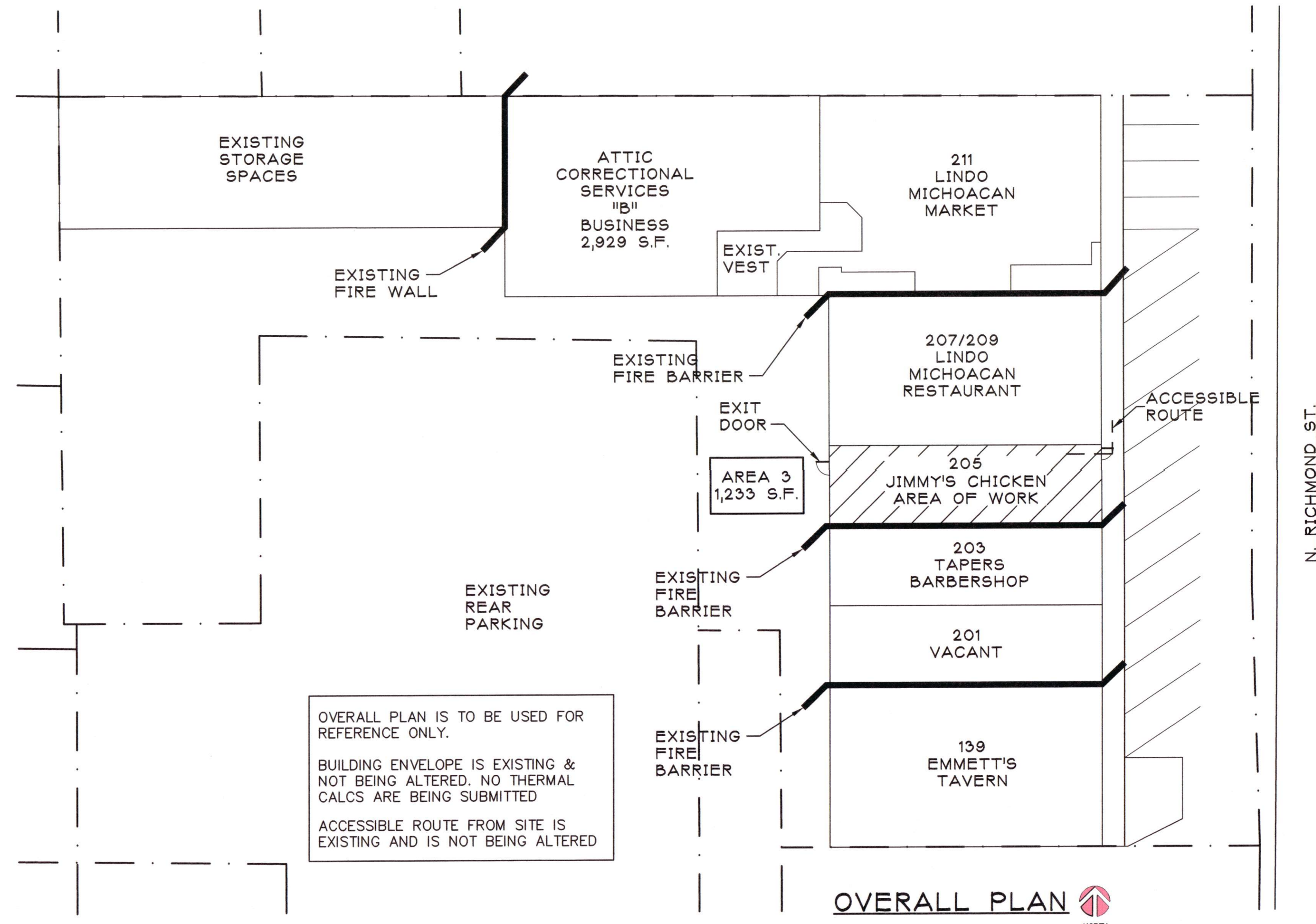
"B" BUSINESS (A-2 < 50 PEOPLE)

SEPARATION

EXISTING FIRE BARRIERS

SHEET INDEX

SHEET	SHEET TITLE
T1.0	GENERAL COVER SHEET
A1.0	ARCHITECTURAL FLOOR PLAN
A2.0	ADA DETAILS

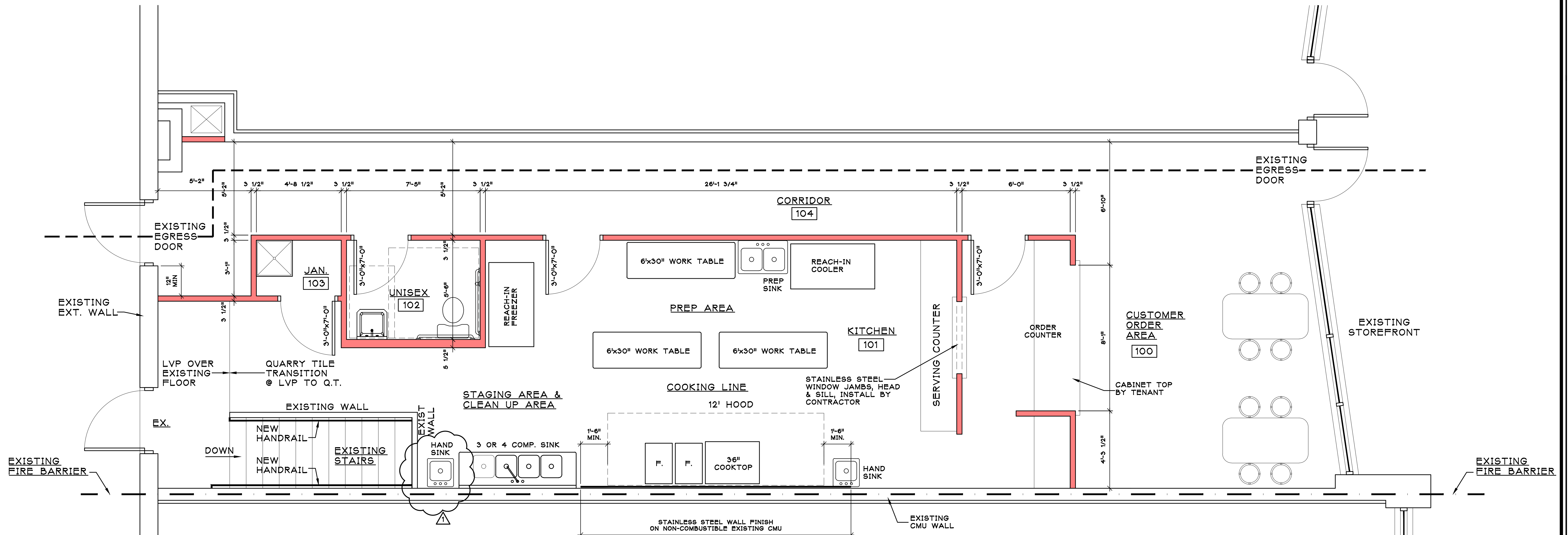


OVERALL PLAN IS TO BE USED FOR REFERENCE ONLY.
BUILDING ENVELOPE IS EXISTING & NOT BEING ALTERED. NO THERMAL CALCS ARE BEING SUBMITTED
ACCESSIBLE ROUTE FROM SITE IS EXISTING AND IS NOT BEING ALTERED

OVERALL PLAN

WISCONSIN
KELLY S. SPERL
A-7897
APPLETON, WI
ARCHITECT
8-6-2020


INTERIOR ALTERATIONS FOR,
JIMMY'S CHICKEN
 APPLETON, WISCONSIN



CAPACITIES
 EMPLOYEES - 4 PEOPLE
 SEATING - 8 PEOPLE
 SPACE HAS EXISTING
 BASEMENT WHICH
 IS NOT BEING ALTERED

FLOOR PLAN
 SCALE: 3/8" = 1'-0"


GENERAL NOTES
 VINYL BASE BY TENANT
 PAINTED WALLS
KITCHEN
 FLOOR - NON-SLIP QUARRY TILE
 TENANT PROVIDED, INSTALLED BY CONTRACTOR
 WALLS - FRP
JANITOR
 FLOOR - QUARRY TILE & VINYL BASE
 TENANT PROVIDED, INSTALLED BY CONTRACTOR
 WALLS - PAINTED GWB
UNISEX
 FLOOR - CERMIC TILE FLOOR & BASE
 PROVIDED & INSTALLED BY CONTRACTOR
 WALLS - PAINTED GWB
CEILINGS
 KITCHEN, JANITOR, UNISEX - VINYL COVERED GWB
 ORDER AREA, CORRIDOR - 2x2 A.C.T.
 *JANITOR, UNISEX & KITCHEN TO RECIEVE
 5/8" CEMENT BOARD TO ACCEPT NEW
 QUARRY TILE ON CERAMIC TILE

DATE: JULY 28, 2020
 ARCH. K. SPERL
 D. BY: S. BURTON
 JOB: 20-037
 REV.  ADDITIONAL HAND SINK 8-12-20



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: July 14, 2021

Common Council Meeting Date: July 21, 2021

Item: Special Use Permit #2-21 for restaurant with alcohol sales and service

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner: Christensen Land Company, LLP

Applicant: Jimmy's Chicken and Fish c/o James Jackson

Address/Parcel #: 205 North Richmond Street (Tax Id #31-5-1184-00)

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 is located along North Richmond Street, in between West Franklin Street and West Washington Street. The subject area consists of space currently occupied by Jimmy's Chicken and Fish, which is in a middle unit of a multi-tenant building. Jimmy's Chicken and Fish has operated at this location since 2020 as a restaurant (without alcohol). The applicant recently applied for a Liquor License that includes Class B beer, which is on track to go to Safety and Licensing Committee on July 14th and Common Council on July 21st.

Common Council has previously approved Special Use Permits #20-05 and #6-16 for restaurants with alcohol sales at 139 and 207 N. Richmond Street (Emmett's Bar and Grill and Lindo Michoacan Authentic Mexican Restaurant), which are located in different tenant spaces of the multi-tenant building.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish alcohol sales and service at the existing restaurant on the subject site. The restaurant occupies approximately 1,233 square feet in a first-floor tenant space of the existing building. Based on the attached development plan, this request will not increase existing building area.

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

Outdoor Seating Area: No outdoor alcohol sales and service is requested with this application.

Existing Site Conditions: The existing multi-tenant building totals approximately 20,914 square feet, including other ground floor commercial uses and second floor apartment units. The 0.87-acre site also

Special Use Permit #2-21
July 14, 2021
Page 2

includes off-street parking east and west of the building. Access is provided by curb cuts on North Richmond Street and West Washington Street.

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

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 and residential in nature.

North: C-2 General Commercial District and R-2 Two-Family District. The adjacent land uses to the north are currently a mix of commercial uses and duplexes.

South: CBD Central Business District and C-2 General Commercial 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: C-2 General Commercial District and R-1C Central City Residential District. The adjacent land uses to the west are currently a parking lot that serves the subject property and single-family residential.

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Chapter 16: Richmond Street Corridor Plan, General Plan:

Land Uses, Pedestrian-Oriented Commercial – This use and character is recommended between College Avenue and Atlantic Street, where it already exists to a substantial degree. It is typified by buildings constructed at or near the street right-of-way. Ground floor uses are nearly always commercial.

Technical Review Group (TRG) Report: This item appeared on the June 22, 2021 TRG agenda. No negative comments were received from participating departments.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant’s proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means “facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a “shopping center” use, per Assessor’s Office records. Given that Jimmy’s Chicken and Fish already occupies the tenant space, the nature and intensity of the use remains unchanged, as the proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant’s request.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #2-21 for a restaurant with alcohol sales and service located at 205 North Richmond Street (Tax Id #31-5-1184-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section

23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. The serving and consumption of alcohol is limited to the interior ground floor of the tenant space, as identified on the attached development plan drawings. 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.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

6. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #2-21
RESTAURANT WITH ALCOHOL
205 NORTH RICHMOND STREET**

WHEREAS, James Jackson, Jimmy’s Chicken and Fish, has applied for a Special Use Permit for restaurant with alcohol sales and service located at 205 North Richmond Street, also identified as Parcel Number 31-5-1184-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on July 14, 2021 on Special Use Permit #2-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #2-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on July 21, 2021.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #2-21 for a restaurant with alcohol sales and service located at 205 North Richmond Street, also identified as Parcel Number 31-5-1184-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #2-21 for a restaurant with alcohol sales and service located at 205 North Richmond Street, also identified as Parcel Number 31-5-1184-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #2-21

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The serving and consumption of alcohol is limited to the interior ground floor of the tenant space, as identified on the attached development plan drawings. 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.
 - F. This Special Use Permit is needed for on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

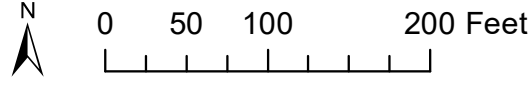
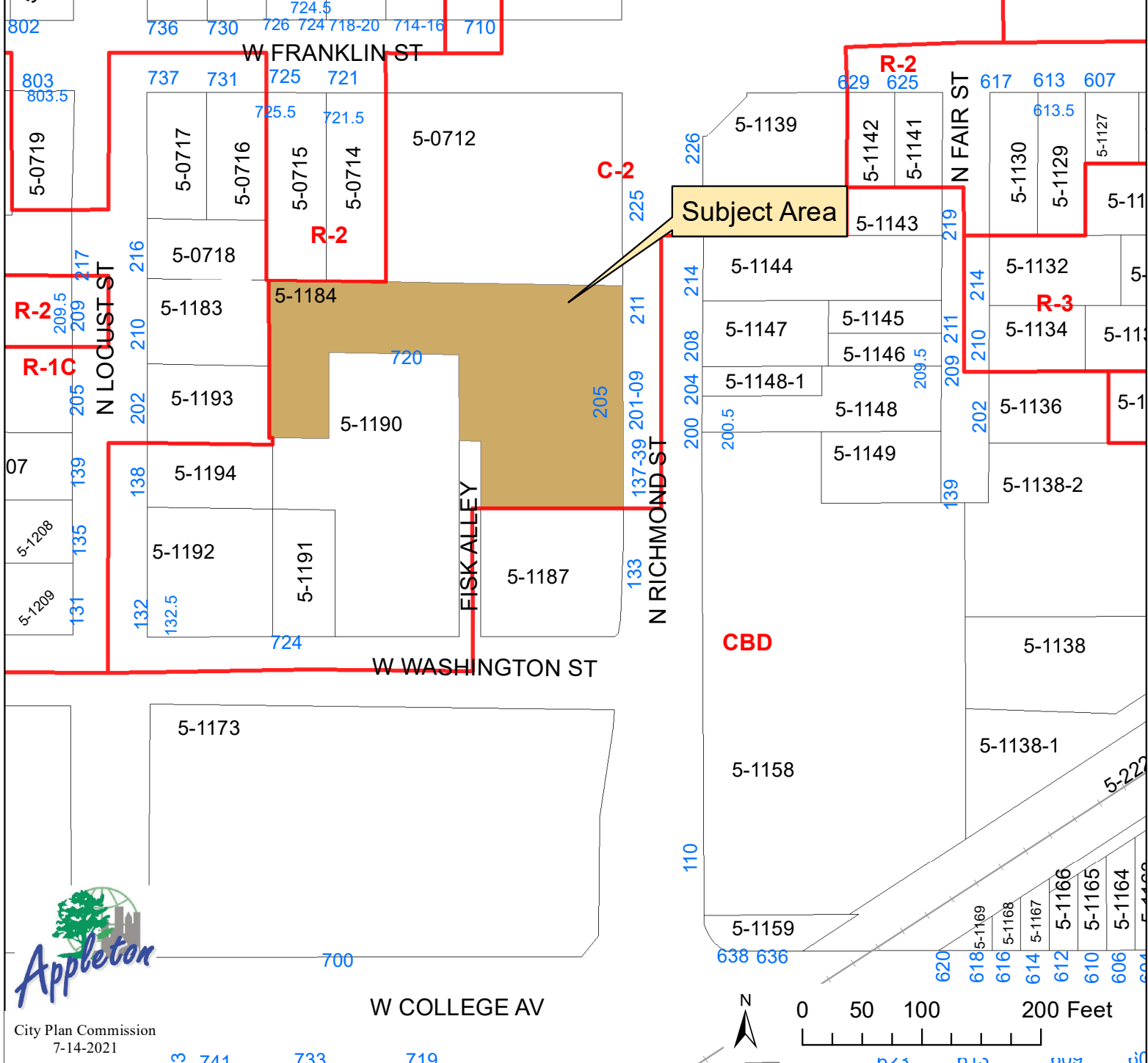
Adopted this _____ day of _____, 2021.

Jacob A. Woodford, Mayor

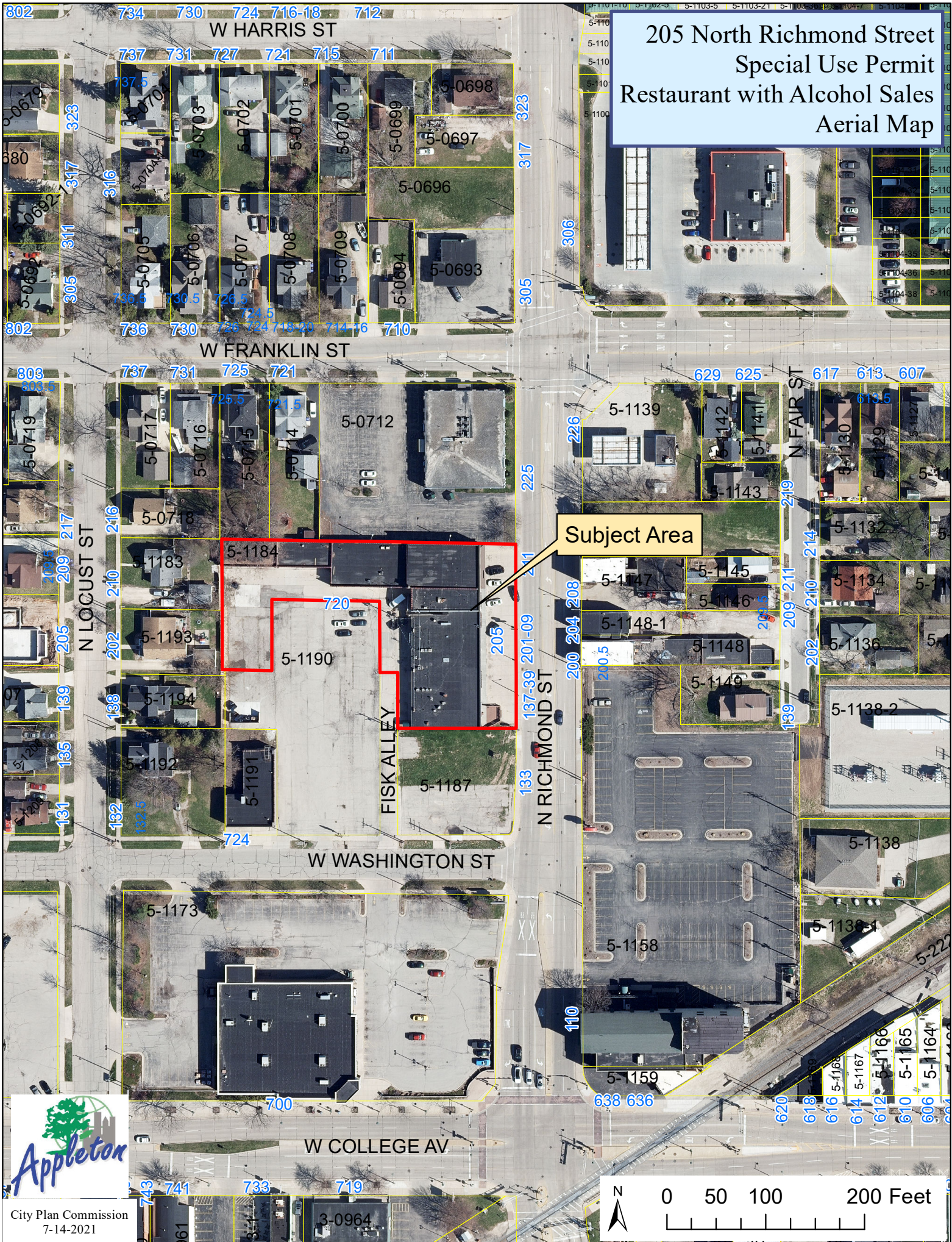
ATTEST:

Kami Lynch, City Clerk

205 North Richmond Street
Special Use Permit
Restaurant with Alcohol Sales
Zoning Map



205 North Richmond Street
Special Use Permit
Restaurant with Alcohol Sales
Aerial Map



Subject Area



INTERIOR ALTERATIONS FOR JIMMY'S CHICKEN

APPLETON,

WISCONSIN

ACS
Architectural &
Construction
Services, Inc.
327 Randolph Drive Suite C
APPLETON, WI 54915
TELE: 920-574-2657 FAX: 920-574-2660

INTERIOR ALTERATIONS FOR,
JIMMY'S CHICKEN
APPLETON, WISCONSIN

DATE: JULY 28, 2020
ARCH. K. SPERL
D. BY: S. BURTON
JOB: 20-037
REV: _____

T
1.0

GENERAL NOTES

THESE DRAWINGS COVER STRUCTURAL AND GENERAL CONSTRUCTION WORK ONLY. ALL WORK SHALL CONFORM TO STATE AND LOCAL CODES WHICH GOVERN FOR THE BUILDING SITE, AND SHALL BE DONE IN A WORKMANLIKE MANNER.

THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH ALL ARCHITECTURAL, MECHANICAL AND ELECTRICAL DRAWINGS TO VERIFY THE LOCATION AND DIMENSIONS OF CHASES, INSERTS, OPENINGS, SLEEVES, REGLETS, DEPRESSIONS AND OTHER PROJECT REQUIREMENTS NOT SHOWN ON THE STRUCTURAL DRAWINGS.

OPENINGS SHOWN ON THE STRUCTURAL DRAWINGS SHALL NOT BE REVISED WITHOUT WRITTEN APPROVAL FROM THE ARCHITECT.

CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS, ELEVATIONS AND CONDITIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.

THE TYPICAL DETAILS SHOWN ON THE DRAWINGS SHALL BE APPLICABLE TO ALL PARTS OF THE CONTRACT DRAWINGS UNLESS SPECIFICALLY NOTED OTHERWISE.

THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SAFETY DURING CONSTRUCTION.

PROJECT INFORMATION

CONSTRUCTION CLASSIFICATION

BUILDING IS EXISTING - TYPE IIB

OCCUPANCY

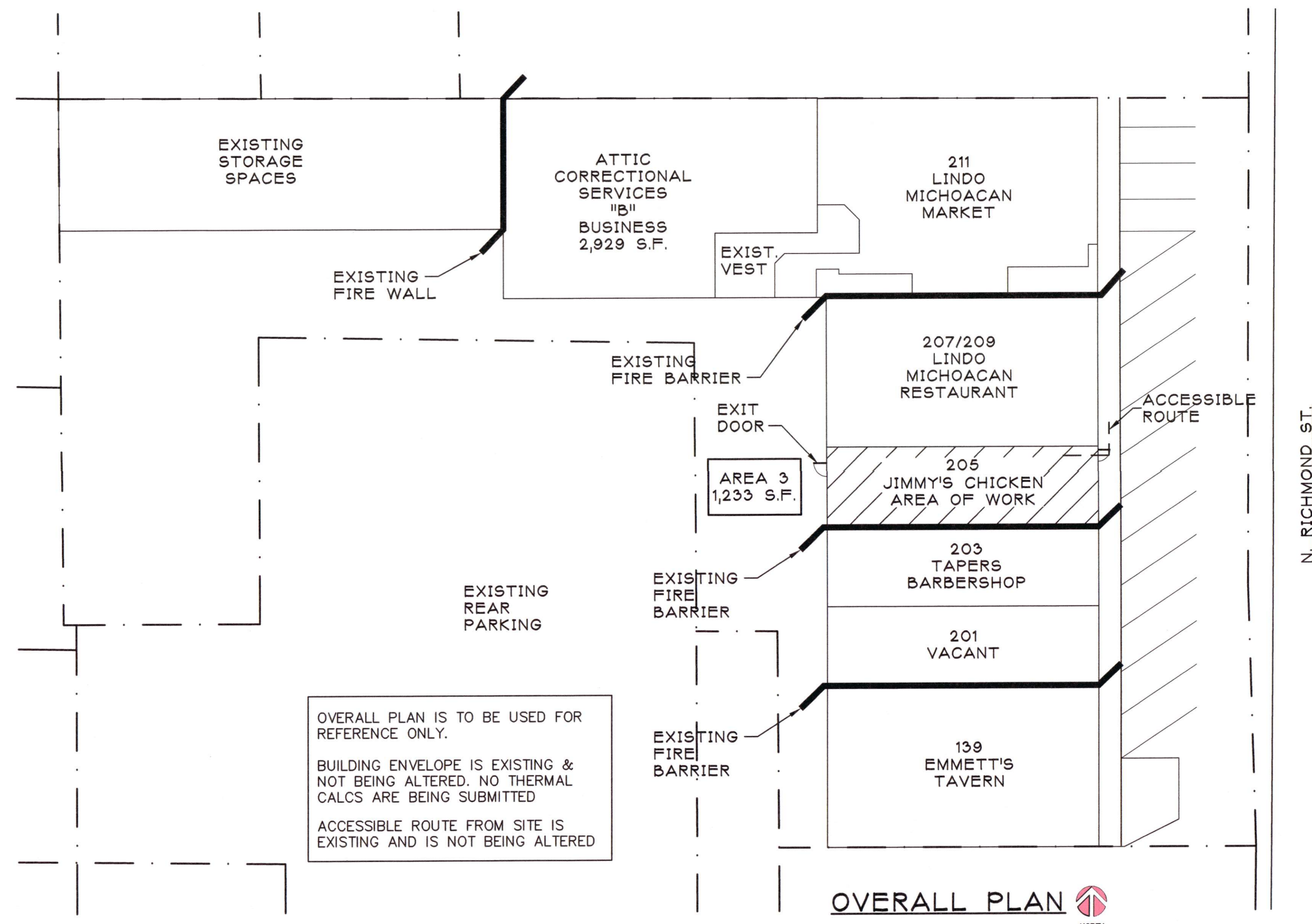
"B" BUSINESS (A-2 < 50 PEOPLE)

SEPARATION

EXISTING FIRE BARRIERS

SHEET INDEX

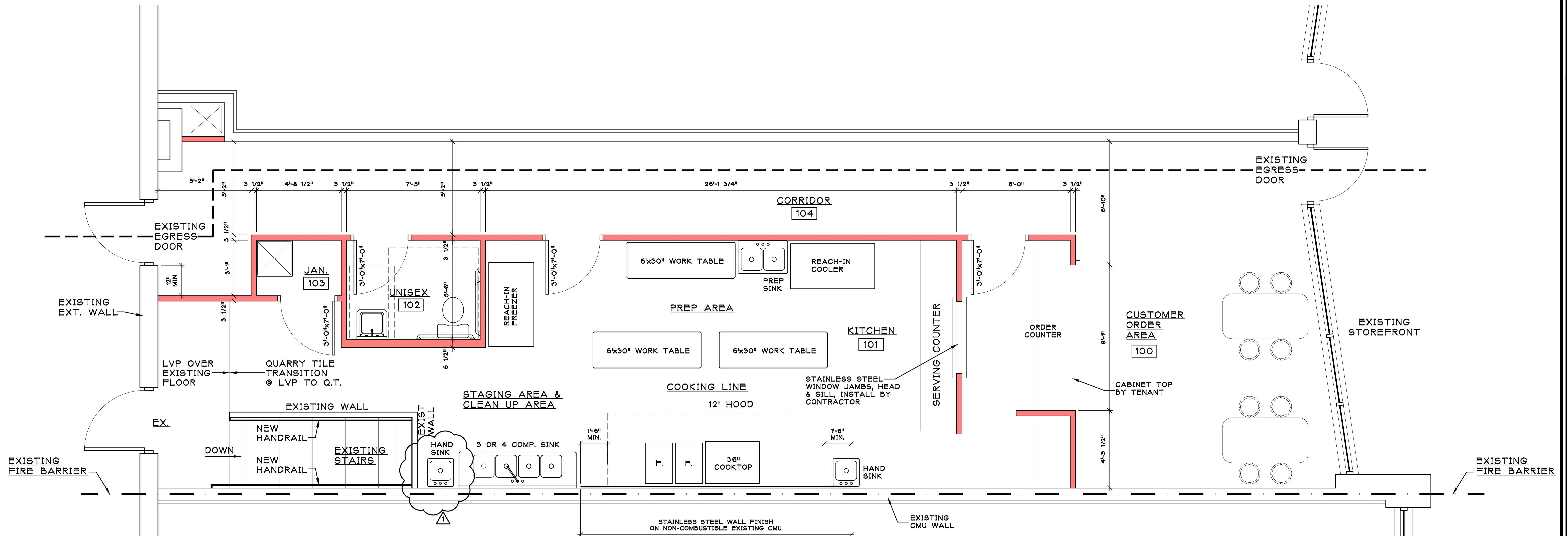
SHEET	SHEET TITLE
T1.0	GENERAL COVER SHEET
A1.0	ARCHITECTURAL FLOOR PLAN
A2.0	ADA DETAILS



OVERALL PLAN IS TO BE USED FOR REFERENCE ONLY.
BUILDING ENVELOPE IS EXISTING & NOT BEING ALTERED. NO THERMAL CALCS ARE BEING SUBMITTED
ACCESSIBLE ROUTE FROM SITE IS EXISTING AND IS NOT BEING ALTERED



INTERIOR ALTERATIONS FOR,
JIMMY'S CHICKEN
APPLETON, WISCONSIN



CAPCITIES
 EMPLOYEES - 4 PEOPLE
 SEATING - 8 PEOPLE

 SPACE HAS EXISTING
 BASEMENT WHICH
 IS NOT BEING ALTERED

FLOOR PLAN
 SCALE: 3/8" = 1'-0"


GENERAL NOTES
 VINYL BASE BY TENANT
 PAINTED WALLS


KITCHEN
 FLOOR - NON-SLIP QUARRY TILE
 TENANT PROVIDED, INSTALLED BY CONTRACTOR
 WALLS - FRP

JANITOR
 FLOOR - QUARRY TILE & VINYL BASE
 TENANT PROVIDED, INSTALLED BY CONTRACTOR
 WALLS - PAINTED GWB

UNISEX
 FLOOR - CERMIC TILE FLOOR & BASE
 PROVIDED & INSTALLED BY CONTRACTOR
 WALLS - PAINTED GWB

CEILINGS
 KITCHEN, JANITOR, UNISEX - VINYL COVERED GWB
 ORDER AREA, CORRIDOR - 2x2 A.C.T.

 *JANITOR, UNISEX & KITCHEN TO RECIEVE
 5/8" CEMENT BOARD TO ACCEPT NEW
 QUARRY TILE ON CERAMIC TILE

DATE: JULY 28, 2020
 ARCH. K. SPERL
 D. BY: S. BURTON
 JOB: 20-037
 REV.  ADDITIONAL HAND SINK 8-12-20

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: Jimmy's Chicken & Fish

Years in operation: 7mo

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other _____

Detailed explanation of proposed business activities:

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1233 sq ft

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) SAME

Occupancy limits:

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: 50 persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	Mon. closed 11am	9 pm
Friday	11 am	9 pm
Saturday	11 am	9 pm
Sunday	12 pm	8 pm

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: _____ U.S. gallons per year
- Proposed production of fermented malt beverages: _____ U.S. gallons per year
- Current production of wine: _____ U.S. gallons per year
- Proposed production of wine: _____ U.S. gallons per year
- Current production of intoxicating liquor: _____ proof gallons per year
- Proposed production of intoxicating liquor: _____ proof gallons per year

None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.

None. If none, leave the following questions in this section blank.

Size: _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

Fencing Landscaping Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes No

If yes, please describe:

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 Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

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

NO CHANGE FOR ALCOHOL SALES AND SERVICE.

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

RESTAURANT EMPLOYEES WILL BE PRESENT.

Off-Street Parking:

Number of spaces existing on-site: 10

Number of spaces proposed on-site: _____

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

yes

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:

Emmett's Bar & Grill
Lindo michoacan Mexican Restaurant

Number of Employees:

Number of existing employees: 5

Number of proposed employees: _____

Number of employees scheduled to work on the largest shift: 3



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 14, 2021

Common Council Meeting Date: July 21, 2021

Anticipated Date Annexation Effective: July 27, 2021 at 12:01 a.m.

Item: Petition for Direct Annexation by Unanimous Approval –
M&J Weyenberg Properties, LLC Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: M&J Weyenberg Properties, LLC – Gerald M. Weyenberg

Town Where Property is Located: Town of Grand Chute

Parcel Number: 101157102 - Town of Grand Chute

Petitioner’s Request: Owners are requesting direct annexation by unanimous approval pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Grand Chute, Outagamie County.

Purpose for Annexation: To allow for the future development of 3 single-family lots.

Population of Such Territory: 0

Annexation Area: 1.696 acres m/l

BACKGROUND

On March 16, 1992, the City of Appleton and the Town of Grand Chute agreed to and entered into an Intermunicipal Boundary Agreement pursuant to Section 66.027 and 66.30 of the Wisconsin State Statutes for the purpose of defining and expanding the provision of governmental services, including water and sewer services, by establishing the City’s growth area and establishing provisions for annexation of land within the Town of Grand Chute to the City of Appleton.

STAFF ANALYSIS

The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- The annexation petition for direct annexation by unanimous approval was received by the City Clerk's office on June 21, 2021. State Statutes does require that the Department of Administration (DOA) review all annexation petitions within a county having a population of 50,000 or more, to determine if the petition is in the public interest. The City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on June 24, 2021, so this requirement will be satisfied prior to Common Council taking action at their July 21, 2021 meeting.
- Currently, the subject property is vacant/undeveloped land. No electors reside in the annexation area.
- The area proposed for annexation is contiguous to the existing City boundary located to the west of the annexation area. The subject property connects to the City of Appleton at the Ballard Road right-of-way.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- City sanitary sewer infrastructure is already installed along Ballard Road, and water infrastructure is already installed along Ballard and Ridge Haven Lane. Annexation to the City of Appleton is required before the subject property could connect to the City sewer and water.
- The City can provide Police and Fire services to the subject property.
- The owner is requesting the City Plan Commission initiate a rezoning application for the annexation area from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District. This request is anticipated to be scheduled for an informal public hearing at the July 28, 2021 Plan Commission meeting. The temporary zoning classification must be made permanent in accordance with Section 23-65(d), Zoning Map Amendments, within 90 days, or the zoning will revert to AG Agricultural District.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land use to the north is currently developed as single-family residential.

South: Town of Grand Chute. The adjacent land use to the south is currently developed as single-family residential.

East: Town of Grand Chute. The adjacent land use to the east is currently developed as single-family residential.

West: City of Appleton. AG Agricultural District. The adjacent land use to the west is currently developed as single-family residential and Ballard Road.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed annexation is consistent with the following goals and objectives of the *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.

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

OBJECTIVE 10.1 Land Use:

Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Technical Review Group (TRG) Report: This item appeared on the July 6, 2021 TRG Agenda. No negative comments were received from participating departments.

FUTURE ACTIONS

- Per Section 23-65(e) of the Municipal Code, a temporary zoning classification of AG Agricultural District is assigned to newly annexed territory, with the permanent rezoning process taking place after the subject site has been annexed to the City. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission.

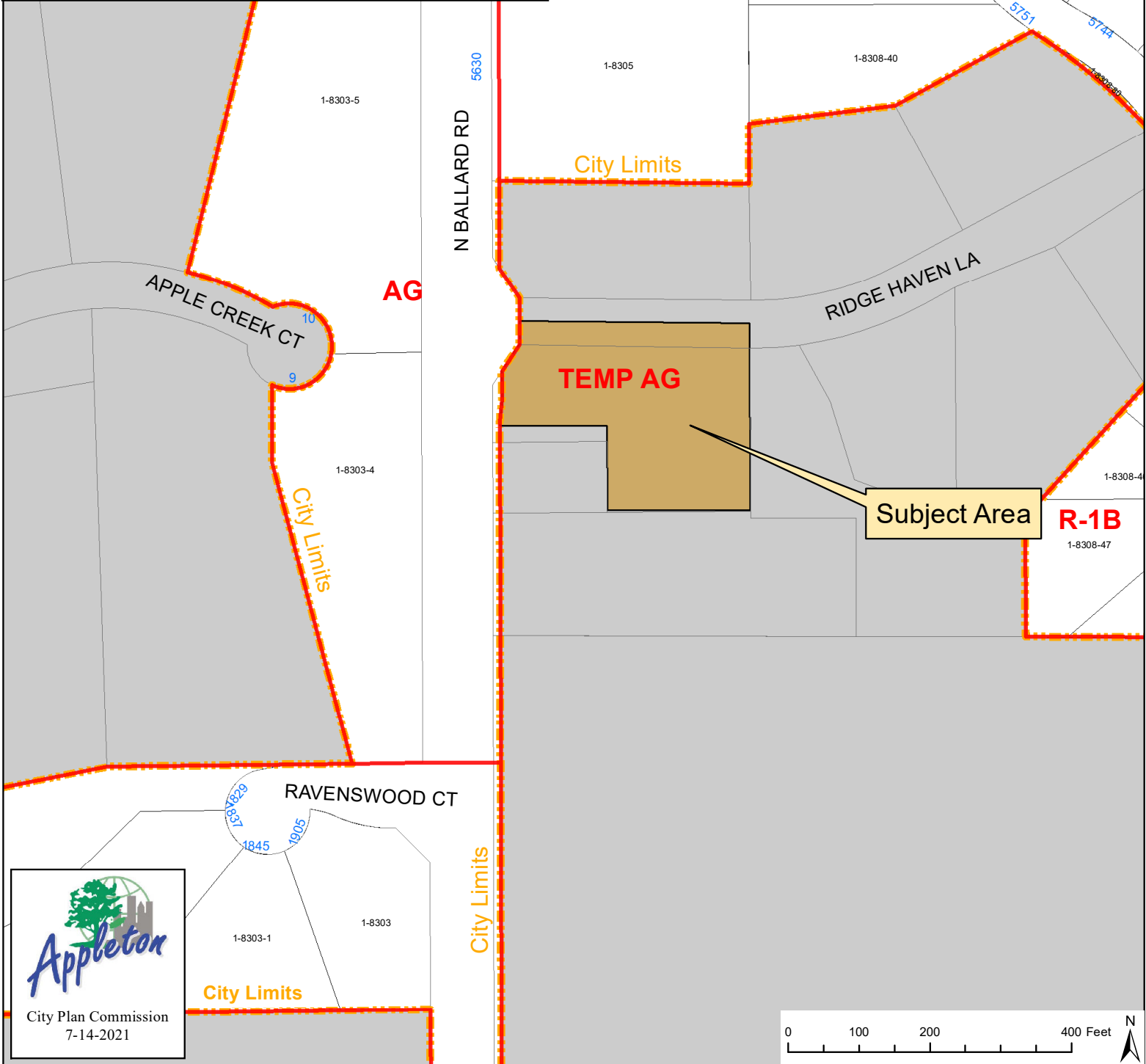
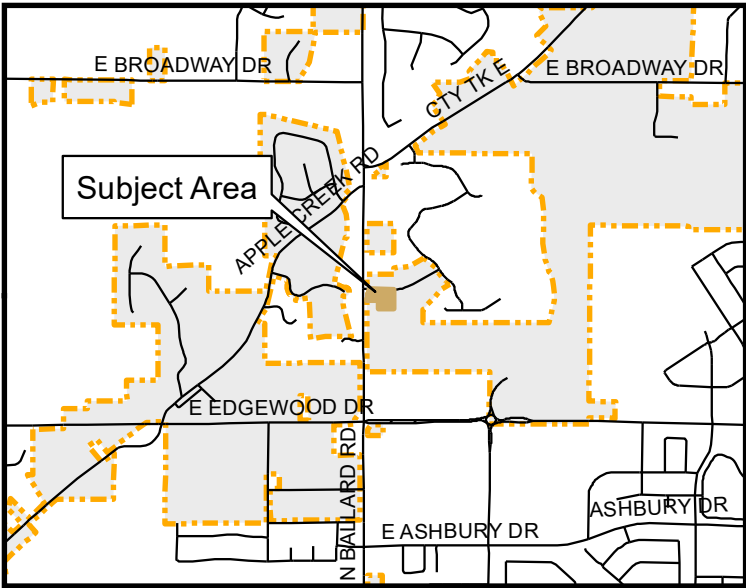
- The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:
 - The existing land uses within the territory to be annexed;
 - The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
 - The comprehensive plan of the City.
- The owners are requesting that Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council.
- Review and approval of a Certified Survey Map will be needed to subdivide the subject site. Certified Survey Maps are reviewed and approved by City staff.

RECOMMENDATION

Staff recommends that the M&J Weyenberg Properties, LLC Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission initiate the rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District, pursuant to Section 23-65(d)(1) of the Municipal Code.

M & J Weyenberg Annexation
 Ridge Haven Lane
 Town of Grand Chute
 Zoning Map



M & J Weyenberg Annexation
Ridge Haven Lane
Town of Grand Chute
Aerial Map



N BALLARD RD

N OSPREY DR

APPLE CREEK CT

RIDGE HAVEN LA

City Limits

Subject Area

RAVENSWOOD CT

City Limits

City Limits



City Plan Commission
7-14-2021



**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

I/We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

ALL OF LOT 2, CERTIFIED SURVEY MAP NO. 8075 AND PART OF RIDGE HAVEN LANE, ALL BEING LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

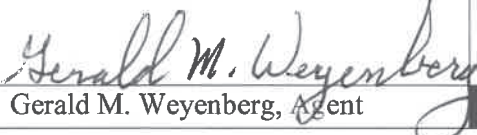
COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 09 MINUTES 08 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 1144.19 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 04 SECONDS EAST, 50.00 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 119.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 7.44 FEET; THENCE NORTH 05 DEGREES 33 MINUTES 30 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 30.17 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 40.11 FEET; THENCE NORTH 33 DEGREES 46 MINUTES 42 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF N. BALLARD ROAD (C.T.H. "E"), A DISTANCE OF 44.77 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 39 SECONDS EAST, 33.00 FEET TO THE CENTERLINE OF RIDGE HAVEN LANE; THENCE SOUTH 89 DEGREES 21 MINUTES 49 SECONDS EAST, ALONG THE CENTERLINE OF RIDGE HAVEN LANE, A DISTANCE OF 324.91 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 08 SECONDS EAST, ALONG THE EAST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8075 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 262.98 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 201.50 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 08 SECONDS WEST, ALONG A WEST LINE OF SAID LOT 2, A DISTANCE OF 119.00 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, ALONG A SOUTH LINE OF SAID LOT 2, A DISTANCE OF 151.50 FEET TO THE POINT OF BEGINNING. CONTAINING A TOTAL OF 73,859 SQUARE FEET [1.696 ACRES].

Tax Parcel number of lands to be annexed: 101157102.

The current population of such territory is 0.

I/We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

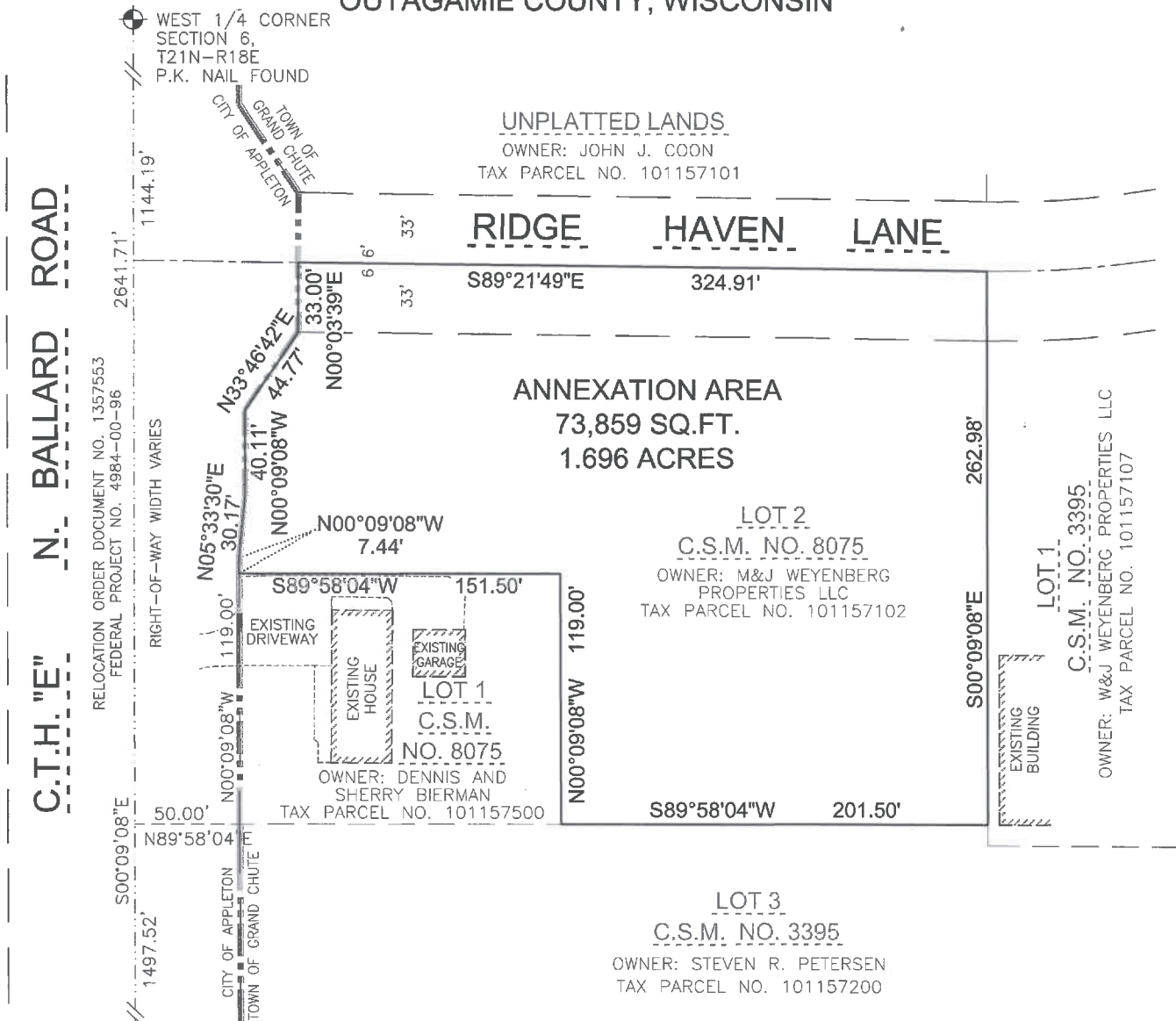
I/We further respectfully request that the City Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-family District.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
 Gerald M. Weyenberg, Agent	M&J Weyenberg Properties, LLC – Gerald M. Weyenberg, Agent	6/15/2021	2113 Ridge Haven LN Appleton, WI 54913

N:\PLANNING\Word\Applications\Annexations\Application Materials for Direct Annexation - No Electors Reside\Petition - Unanimous - No electors.doc

ANNEXATION MAP

ALL OF LOT 2, CERTIFIED SURVEY MAP NO. 8075 AND PART OF RIDGE HAVEN LANE,
ALL BEING LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4,
SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, TOWN OF GRAND CHUTE,
OUTAGAMIE COUNTY, WISCONSIN



Martenson & Eisele, Inc.



1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

DATED: JUNE 8, 2021

PROJECT NO. 1-1425-001
FILE 1-1425-001Annex.dwg
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 14, 2021

Common Council Meeting Date: July 21, 2021

Item: Certified Survey Map #10-21

Case Manager: Jessica Titel

GENERAL INFORMATION

Owners: Rancher's Trust

Applicant: Gary Zahringer – Martenson & Eisele, Inc.

Address/Parcel: 6600 N. Ballard Road (Parcel #31-1-9203-09) and N. Tiburon Lane (Parcel #31-1-9203-10)

Petitioner's Request: The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The CSM will combine the two existing parcels into one new parcel.

BACKGROUND

Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcel #31-1-9203-10 was included in the Apple Hill Farms III Plat and Parcel #31-1-9203-09 was created via Certified Survey Map. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

STAFF ANALYSIS

Existing Conditions: Currently, parcel #31-1-9203-10 is vacant. Parcel #31-1-9203-09 contains a single-family home and associated accessory buildings. The total land area included in the one-lot CSM is 2.845 acres.

Subdivision Ordinance Requirements: Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the R-1B Single-Family District, the minimum lot width is 50 feet and the minimum lot area is 6,000 square feet, per Section 23-93(g) of the Municipal Code. Proposed Lot 1 satisfies these lot development standards. The CSM was also found to comply with setback standards.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south and east) and the Town of Center (west). The uses are generally residential in nature.

North: R-1B Single-Family District. The adjacent land use to the north is currently single-family residential.

Certified Survey Map #10-21

July 14, 2021

Page 2

South: R-1B Single-Family District. The adjacent land use to the south is currently single-family residential.

East: R-1B Single-Family District. The adjacent land use to the east is currently single-family residential.

West: Town of Center. The adjacent land use to the west is currently single family.

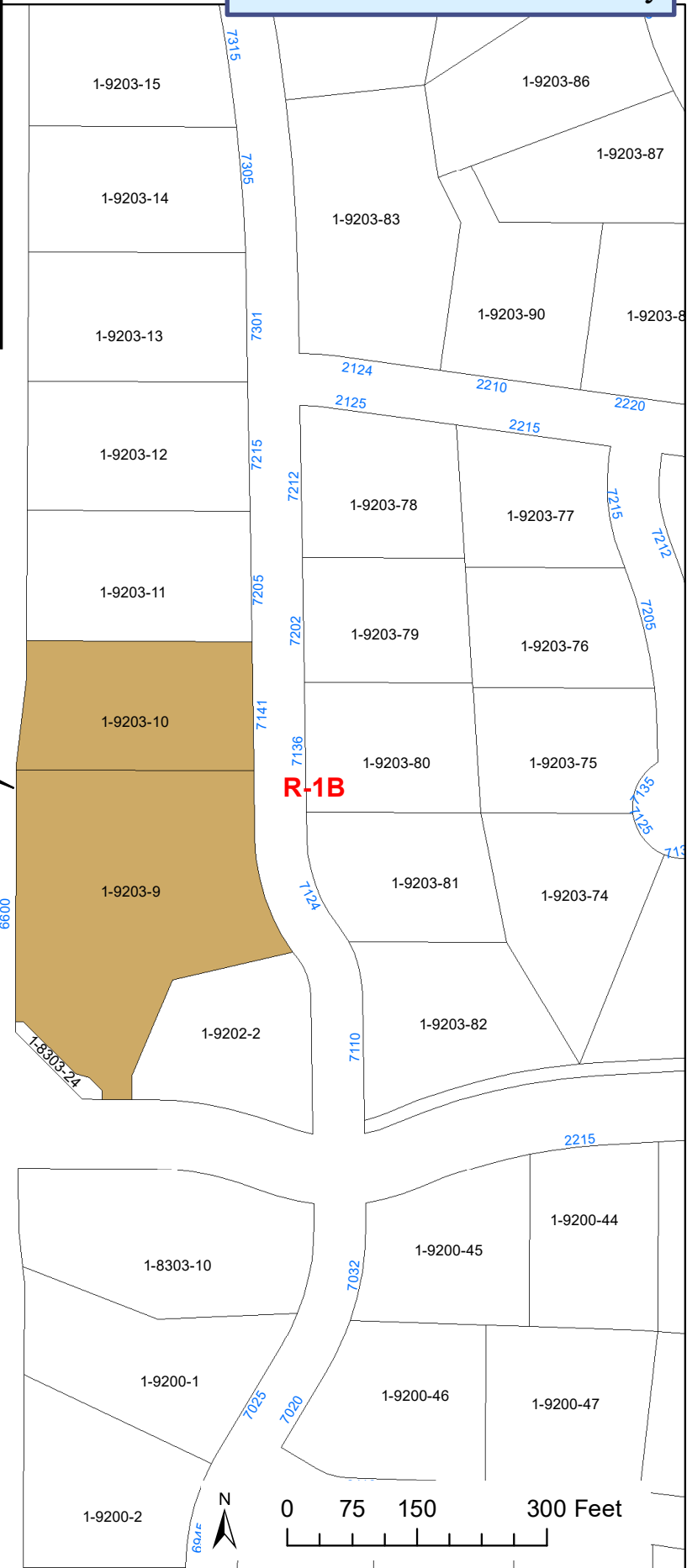
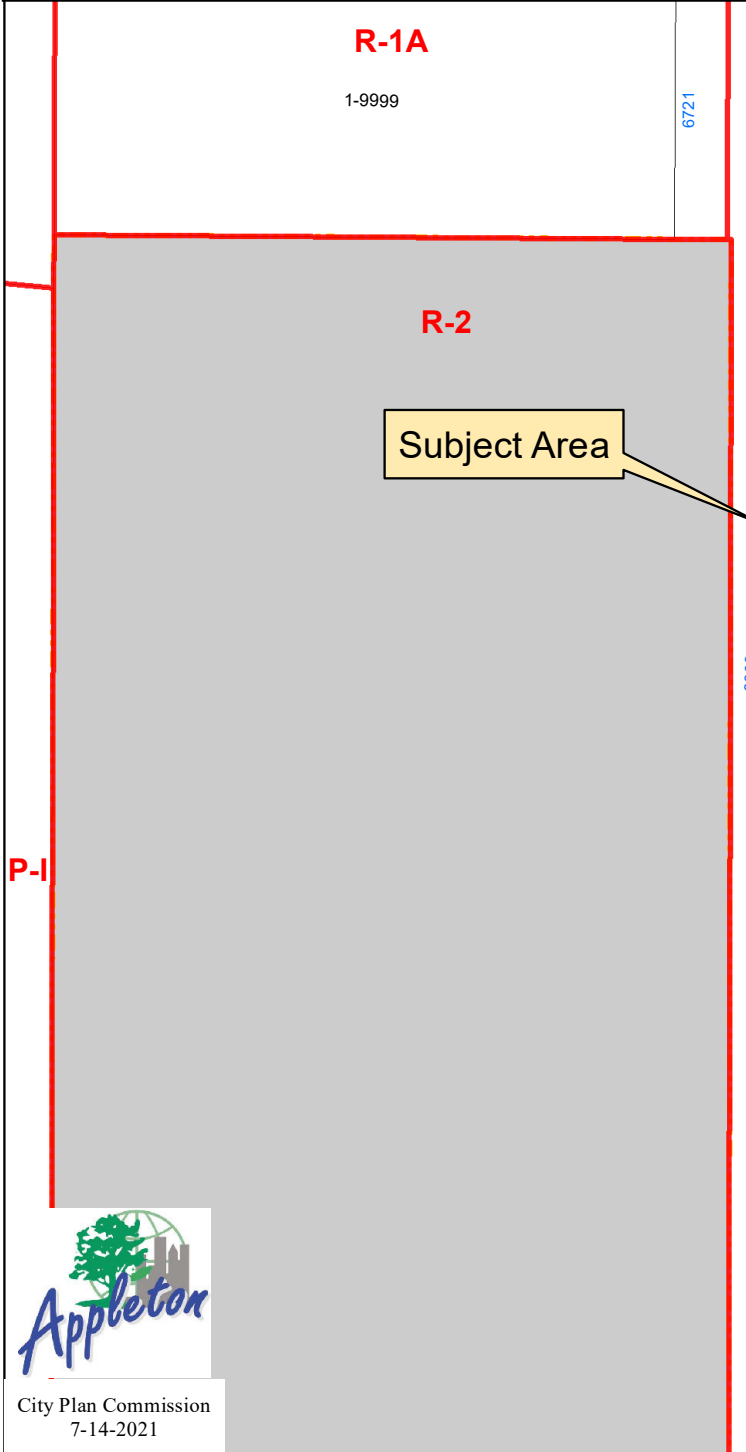
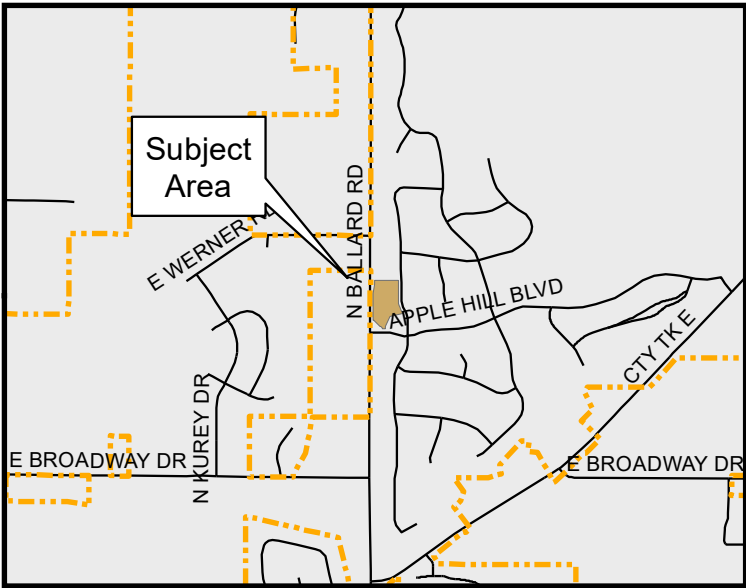
Appleton Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two Family Residential land use shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. A portion of the subject area is also shown as Commercial Future Land Use as a portion of the property has been used as the Apple Hill Farms development office. Staff anticipates the use of the property to continue as residential.

Technical Review Group (TRG) Report: This item appeared on the July 6, 2021 Technical Review Group agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that Certified Survey Map #10-21, as shown on the attached map, **BE APPROVED.**

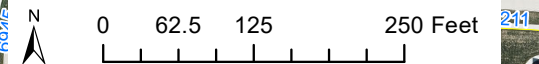
6600 N Ballard Rd
Certified Survey Map #10-21
Crosses Plat Boundary



6600 N Ballard Rd
Certified Survey Map #10-21
Crosses Plat Boundary



Subject Area

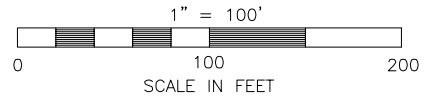


CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 110, REPLAT OF LOTS 110-114 OF APPLE HILL FARMS III AND PART OF LOT 1, CERTIFIED SURVEY MAP NO. 5441, LOCATED IN THE NORTHWEST 1/4 OF THE FRACTIONAL SOUTHWEST 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

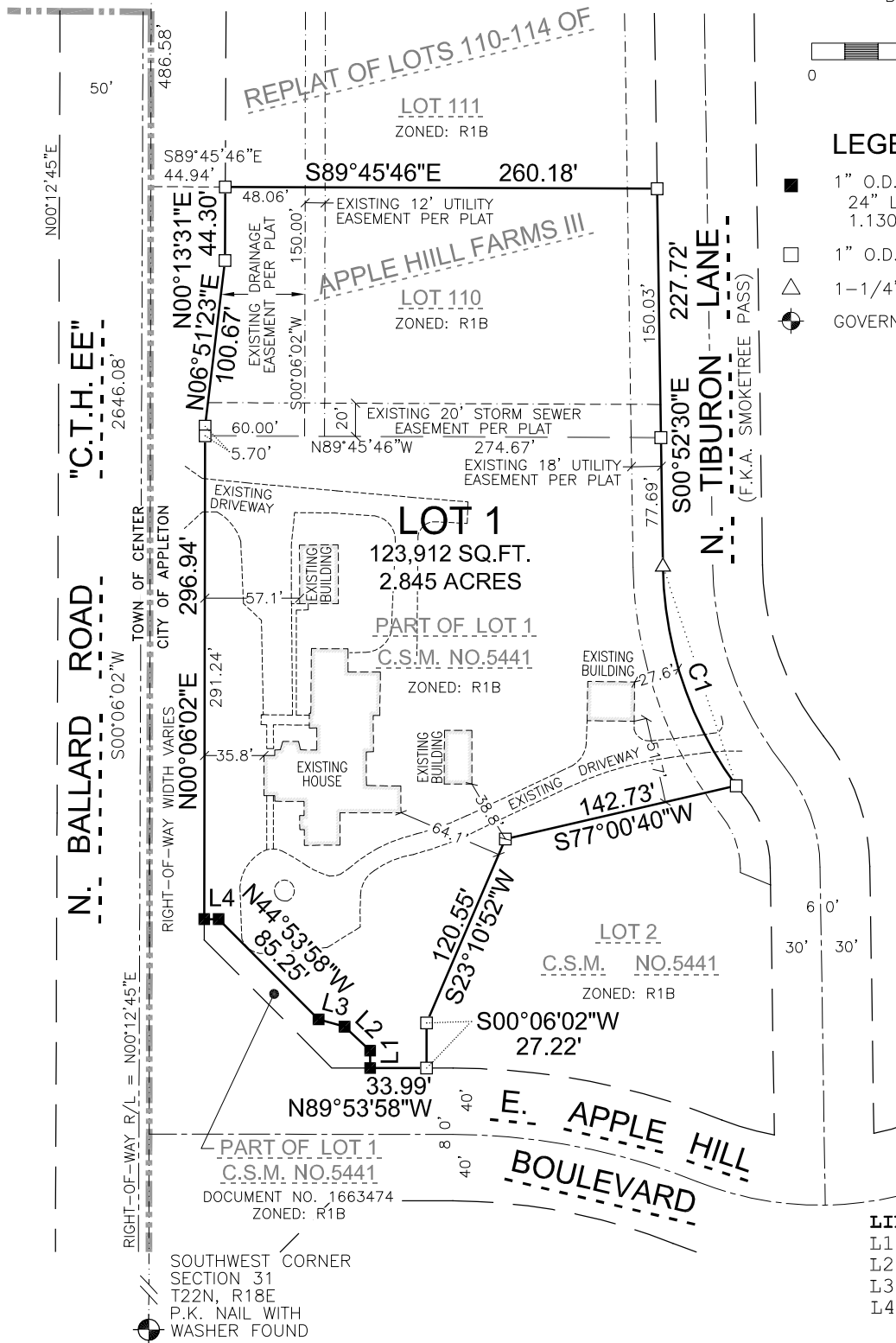
WEST 1/4 CORNER
SECTION 31
T22N, R18E
HARRISON MONUMENT
FOUND

BEARINGS ARE REFERENCED TO THE
OUTAGAMIE COUNTY COORDINATE SYSTEM
NAD83(1991) IN WHICH THE WEST LINE OF
THE SOUTHWEST 1/4 OF SECTION 31,
BEARS S 00°06'02" W



LEGEND

- 1" O.D. IRON PIPE SET,
24" LONG, WEIGHING
1.130LBS. PER LIN. FOOT
- 1" O.D. IRON PIPE FOUND
- △ 1-1/4" REBAR FOUND
- ⊙ GOVERNMENT CORNER



LINE TABLE

- L1 = N00°01'08"W, 10.48'
- L2 = N46°55'42"W, 21.14'
- L3 = N74°21'50"W, 16.26'
- L4 = N90°00'00"W, 8.69'

CURVE DATA

- C1
- RADIUS = 230.00'
- DELTA = 035°14'18"
- LENGTH = 141.46'
- CHORD = S18°29'39.0"E
139.24'

Martenson & Eisele, Inc.



1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

SURVEY FOR:
RANCHER'S TRUST
6600 N. BALLARD ROAD
APPLETON, WI 54913

PROJECT NO. 1-1419-002
FILE 1-1419-002csm.dwg SHEET 1 OF 3
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 110, REPLAT OF LOTS 110-114 OF APPLE HILL FARMS III AND PART OF LOT 1, CERTIFIED SURVEY MAP NO. 5441, LOCATED IN THE NORTHWEST 1/4 OF THE FRACTIONAL SOUTHWEST 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY: THAT I HAVE SURVEYED, COMBINED AND MAPPED AT THE DIRECTION OF RANCHER'S TRUST, ALL OF LOT 110, REPLAT OF LOTS 110-114 OF APPLE HILL FARMS III AND PART OF LOT 1, CERTIFIED SURVEY MAP NO. 5441, LOCATED IN THE NORTHWEST 1/4 OF THE FRACTIONAL SOUTHWEST 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 31; THENCE SOUTH 00 DEGREES 06 MINUTES 02 SECONDS WEST, ALONG THE WEST LINE OF THE FRACTIONAL SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 486.58 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 46 SECONDS EAST, A DISTANCE OF 44.94 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 45 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF LOT 110, OF THE REPLAT OF LOTS 110-114 OF APPLE HILL FARMS III, A DISTANCE OF 260.18 FEET; THENCE SOUTH 00 DEGREES 52 MINUTES 30 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF N. TIBURON LANE, A DISTANCE OF 227.72 FEET; THENCE 141.46 FEET ALONG AN ARC OF A CURVE TO THE LEFT, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF N. TIBURON LANE, SAID CURVE HAVING A RADIUS OF 230.00 FEET AND A CHORD THAT BEARS SOUTH 18 DEGREES 29 MINUTES 39.0 SECONDS EAST, 139.24 FEET; THENCE SOUTH 77 DEGREES 00 MINUTES 40 SECONDS WEST, ALONG THE SOUTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5441, A DISTANCE OF 142.73 FEET; THENCE SOUTH 23 DEGREES 10 MINUTES 52 SECONDS WEST, CONTINUING ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 120.55 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 02 SECONDS WEST, CONTINUING ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 27.22 FEET; THENCE NORTH 89 DEGREES 53 MINUTES 58 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF E. APPLE HILL BOULEVARD, A DISTANCE OF 33.99 FEET; THENCE THE FOLLOWING FIVE (5) CALLS ARE ALONG THE NORTHEASTERLY LINE OF THE LANDS DESCRIBED IN DOCUMENT NO. 1663474:
THENCE NORTH 00 DEGREES 01 MINUTES 08 SECONDS WEST, 10.48 FEET;
THENCE NORTH 46 DEGREES 55 MINUTES 42 SECONDS WEST, 21.14 FEET;
THENCE NORTH 74 DEGREES 21 MINUTES 50 SECONDS WEST, 16.26 FEET;
THENCE NORTH 44 DEGREES 53 MINUTES 58 SECONDS WEST, 85.25 FEET;
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 8.69 FEET;
THENCE NORTH 00 DEGREES 06 MINUTES 02 SECONDS EAST, ALONG THE EAST RIGHT-OF-WAY LINE OF E. BALLARD ROAD (C.T.H. "EE"), A DISTANCE OF 296.94 FEET; THENCE NORTH 06 DEGREES 51 MINUTES 23 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF E. BALLARD ROAD (C.T.H. "EE"), A DISTANCE OF 100.67 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 31 SECONDS EAST, CONTINUING ALONG THE EAST RIGHT-OF-WAY LINE OF E. BALLARD ROAD (C.T.H. "EE"), A DISTANCE OF 44.30 FEET TO THE POINT OF BEGINNING.
CONTAINING 123,912 SQUARE FEET [2.845 ACRES]. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND WITH THE CITY OF APPLETON SUBDIVISION ORDINANCE IN SURVEYING, COMBINING AND MAPPING THE SAME.

THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE COMBINATION THEREOF MADE.

GIVEN UNDER MY HAND THIS 10TH DAY OF JUNE, 2021.

GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098

THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS

OWNERS OF RECORD:	RECORDING INFORMATION:	PARCEL NUMBER:
RANCHER'S TRUST	DOCUMENT NO. 2168382	31-1-9203-09
RANCHER'S TRUST	DOCUMENT NO. 2175013	31-1-9203-10

CITY APPROVAL:

APPROVED BY THE CITY OF APPLETON ON THIS THE _____ DAY OF _____, 2021.

JACOB A. WOODFORD, MAYOR

KAMI LYNCH, CITY CLERK

FINANCE CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

DATED THIS _____ DAY OF _____, 2021.

ANTHONY D. SAUCERMAN, DIRECTOR OF FINANCE

COUNTY TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

OUTAGAMIE COUNTY TREASURER

DATE

PROJECT NO. 1-1419-002

SHEET 2 OF 3

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 110, REPLAT OF LOTS 110-114 OF APPLE HILL FARMS III AND PART OF LOT 1, CERTIFIED SURVEY MAP NO. 5441, LOCATED IN THE NORTHWEST 1/4 OF THE FRACTIONAL SOUTHWEST 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

RANCHER'S TRUST, AS OWNER, DOES HEREBY CERTIFY THAT SAID TRUST CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, COMBINED AND MAPPED AS REPRESENTED ON THIS MAP.

RANCHER'S TRUST, DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF APPLETON

DATED THIS _____ DAY OF _____, 2021.

SIGNATURE

PRINT NAME AND TITLE

STATE OF _____)
) SS
_____ COUNTY)

PERSONALLY CAME BEFORE ME ON THE _____ DAY
OF _____, 2021, THE ABOVE NAMED TO
ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING
INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, STATE OF _____
MY COMMISSION (IS PERMANENT)
(EXPIRES: _____)