



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: November 13, 2018

Common Council Meeting Date: December 5, 2018

Item: Special Use Permit #7-18 for a private recreational facility including an outdoor pool, indoor fitness center and community room with kitchen facilities for use by the homeowners and their guests within the R-1B Zoning District

Prepared By: Don Harp

GENERAL INFORMATION

Owner/Applicant: Apple Tree Appleton Four, LLC/Jason Mroz

Parcel #: Part of 31-1-8307-00, 31-1-8307-01 and 31-1-8307-02

Petitioner's Request: The owner/applicant is requesting a Special Use Permit for a private recreational facility including an outdoor pool, indoor fitness center and community room with kitchen facilities for use by the homeowners of Apple Ridge Subdivision and their guests.

BACKGROUND

The subject property was included in the Apple Ridge Annexation that was approved by the Plan Commission on August 7, 2018 and by the Common Council on August 15, 2018. The subject property was officially annexed to the City on August 21, 2018.

Rezoning #9-18 from Temporary Ag to R-1B was approved by the Common Council on September 19, 2018.

The Final Plat for Apple Ridge was approved with conditions by the Plan Commission on October 9, 2018 and by the Common Council on October 17, 2018.

STAFF ANALYSIS

Project Summary: The private recreational facility is proposed to be constructed on Lot 1 of the Apple Ridge Subdivision Plat. This lot will be owned and maintained by the Home Owners Association for the Apple Ridge development. The private recreational facility (first floor building area) offers each Apple Ridge resident the opportunity to use the recreational amenities offered by this facility. These amenities include outdoor pool, indoor fitness center, community room with kitchen facilities and off-street parking spaces. Because this use will offer indoor/outdoor recreational amenities to the residents of this development, it has been determined the parking needs for this facility will follow the parking requirements for a commercial recreation facility. Indoor/outdoor commercial entertainment uses require

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one (1) parking space for each 200 square feet of gross floor area or outdoor entertainment area, whichever is greater. The gross first floor area of the building (indoor entertainment area) is greater than the swimming pool area (outdoor entertainment area). Therefore, the gross floor area of the first floor building area ($\pm 2,804$) divided by 200 equals 15 off-street parking spaces required for this use. The development plan shows 15 off-street parking spaces.

Operational Information: A plan of operation is attached to the Staff Report.

Zoning Ordinance Requirements: The subject property has a zoning designation of R-1B Single-Family District. Per Zoning Code Section 23-93(e), a Special Use Permit is required for a private recreational facility within the R-1B 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 (2/3) vote of the Common Council is required for approval of the special use permit.

Per Section 23-570 (c)(2) a. and b. of the Zoning Ordinance, no Site Plan approval is required for a private recreational facility located in the R-1B Zoning District. Prior to the issuance of a building permit, all proposed construction, erosion control, drainage plans and specifications shall be submitted to the Inspection Division along with the completed building permit application. The Inspections Division will coordinate the review of such plans and specifications, if applicable, with other City staff. After the submittal and acceptance of a complete building permit application, and after notification to other City staff, the proposed plans and specifications shall be reviewed for compliance with all applicable provisions of the Municipal Code provisions.

Surrounding Zoning and Land Uses:

North: City Zoning: R-1B Single-Family District
Current Land Use – Single-family residential

Town of Grand Chute Zoning: AGD, General Agricultural District
Current Land Uses – Residential and Agricultural

South: City Zoning: R-1B Single-Family District
Proposed Land Use – Single-family residential

East: City Zoning: R-1B Single-Family District
Proposed Land Use – Single-family residential

West: City Zoning: R-1B Single-Family District
Proposed Land Use – Single-family residential

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Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Single-Family/Two-Family 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.

OBJECTIVE 10.1 Land Use:

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

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-6) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

The proposed plan of operation does not appear to be incompatible with the neighborhood character, purpose and intent of the Zoning Ordinance and R-1B Single-family district or the *Comprehensive Plan 2010-2030*. Conditions are drafted for this request to offset any potential impacts to the public interest (welfare or well-being of the general public).

Technical Review Group (TRG) Report: This item was discussed at the October 23, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #7-18 for a private recreational facility including an outdoor pool, indoor fitness center and community room with kitchen facilities for use by the homeowners of Apple Ridge and their guests 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. All applicable codes, ordinances and regulations, including but not limited to Zoning, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions or additions to the private recreational facility 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.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #7-18

WHEREAS, Apple Tree Appleton Four, LLC applied for a Special Use Permit for a private recreational facility (outdoor pool, indoor fitness center and community room with kitchen facilities) located on proposed Lot 1 of the Final Plat for Apple Ridge to be used by residents (and their guests) living within the Apple Ridge Development; and

WHEREAS, the location of the proposed private recreational facility is located in the R-1B Single-Family Residential District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on November 13, 2018 on Special Use Permit #7-18 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Section 23-66(e)(1-6) of the Municipal Code, and forwarded Special Use Permit #7-18 to the City of Appleton Common Council with a favorable 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 _____, 2018 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #7-18 for a recreational facility (outdoor pool, indoor fitness center and community room with kitchen facilities) located on proposed Lot 1 of the Final Plat for Apple Ridge for the residents (and their guests) living within the Apple Ridge Development and orders as follows:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #7-18

1. All applicable codes, ordinances and regulations, including but not limited to Zoning, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions or additions to the private recreational facility 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.

Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

**PLAN OF OPERATION AND LOCATIONAL INFORMATION
RECREATIONAL FACILITY USE**

Recreational Facility Membership:

- Serving private members.
- Serving the general public.
- Serving only the residents living (and their guests) in the development/complex.

Indoor Recreational Uses:

Community Room: Please describe use activities in this space: _____

Homeowner and general meetings and recreation, homeowner and community marketing events, community marketing and sales, and general community office work.

- Fitness Center
 - Swimming Pool
 - Tennis Court
 - Basketball Court
 - Volleyball Court
 - Other. If other, please describe other indoor recreational use activities: _____
-

Proposed Hours of Operation for Indoor Recreational Facility Use:

Day	From	To
Week Day	7 am	10 pm
Friday	7 am	10 pm
Saturday	10 am	10 pm
Sunday	10 am	10 pm

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: 138 persons.

Gross floor area of the proposed building(s): 4287 square feet

Outdoor Recreational Uses:

- Swimming Pool
- Tennis Court
- Basketball Court
- Volleyball Court
- Biking Trails
- Hiking Trails
- Picnic Areas
- Athletic Fields. If yes, please describe field types: _____
- Other. If other, please describe other outdoor recreational use activities: _____

Outdoor Screening/Landscaping:

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

Outdoor Music/Entertainment:

Are there plans for outdoor music/entertainment? Yes _____ No X

If yes, describe type how will the noise be controlled: _____

Proposed Hours of Operation for Outdoor Recreational Uses:

Day	From	To
Week Day	9 am	10 pm
Friday	9 am	10 pm
Saturday	9 am	10 pm
Sunday	9 am	10 pm

Outdoor lighting:

Type: Post Lights, building lights, and ground lights

Location: Around building and pool.

Off-street parking:

Number of spaces proposed: 15.

Describe ownership and maintenance obligations for the recreational facility: _____

Building will be owned and maintained by Homeowners Association.

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all the proposed use: _____

Voices from gatherings of people, pool pump and equipment.

B. How will the noise be controlled? Noise will not be loud enough to need to be controlled.

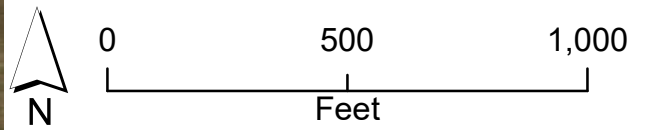
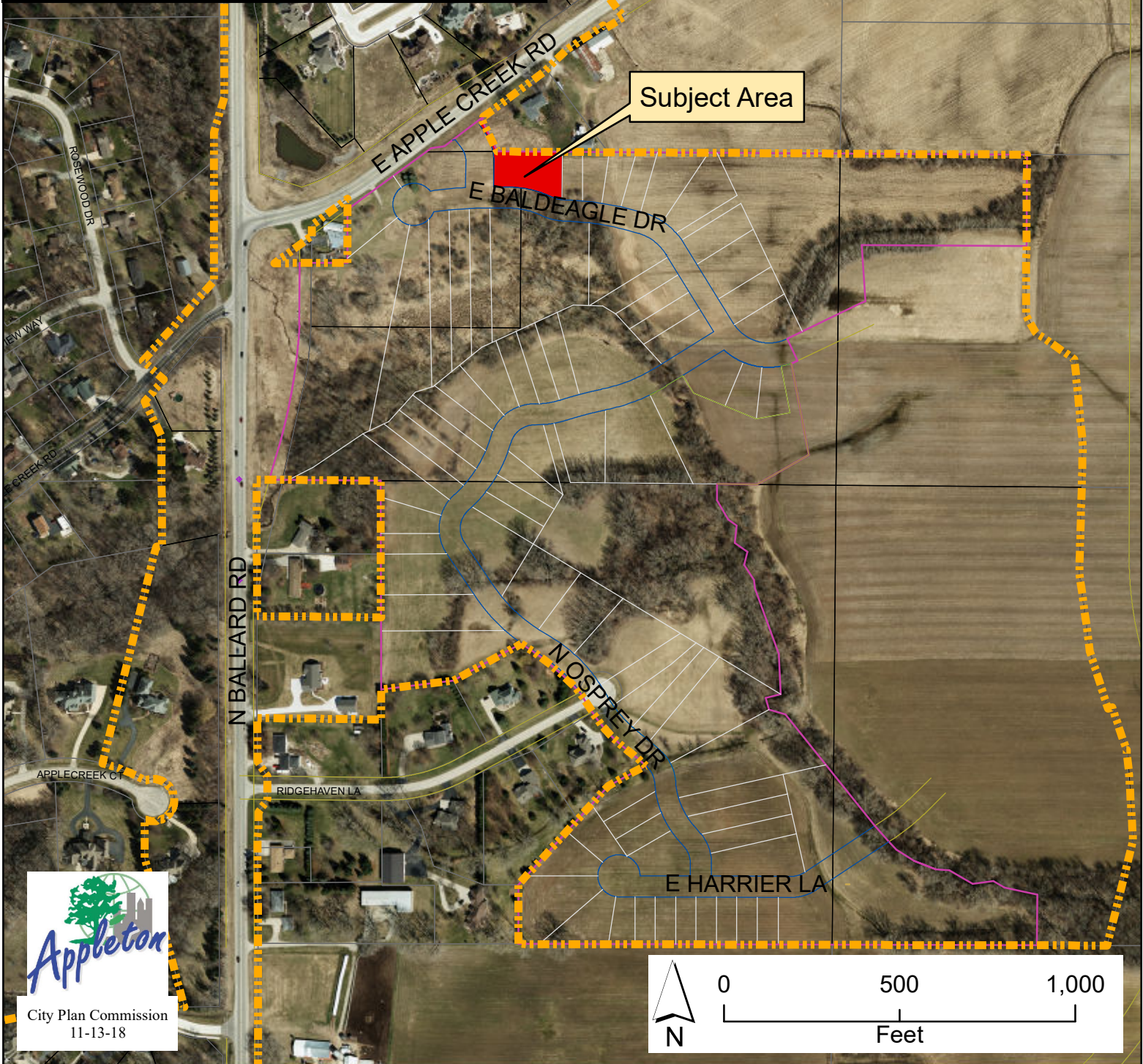
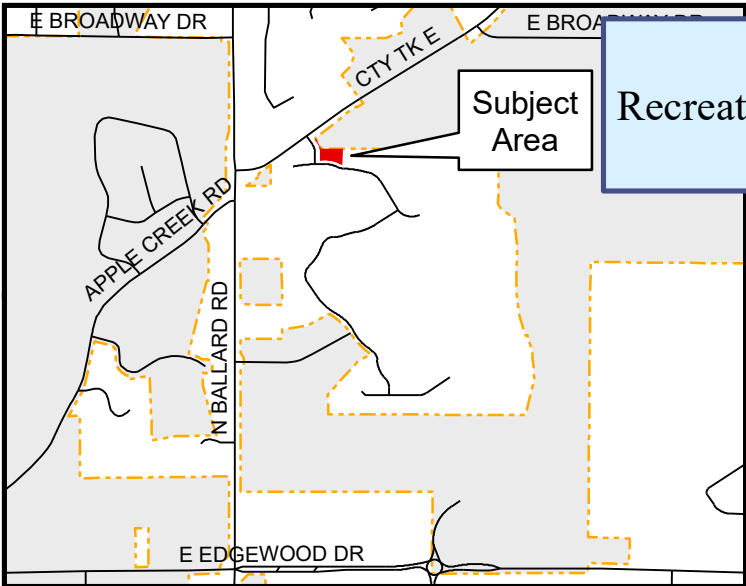
Identify location, number, capacity and flammable liquid materials stored on site:

None

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

None

Special Use Permit
Recreational Facility, For Residents (and their guests)
Apple Ridge Development



Special Use Permit
Recreational Facility, For Residents (and their guests)
Apple Ridge Development
Zoning Map

Subject Area

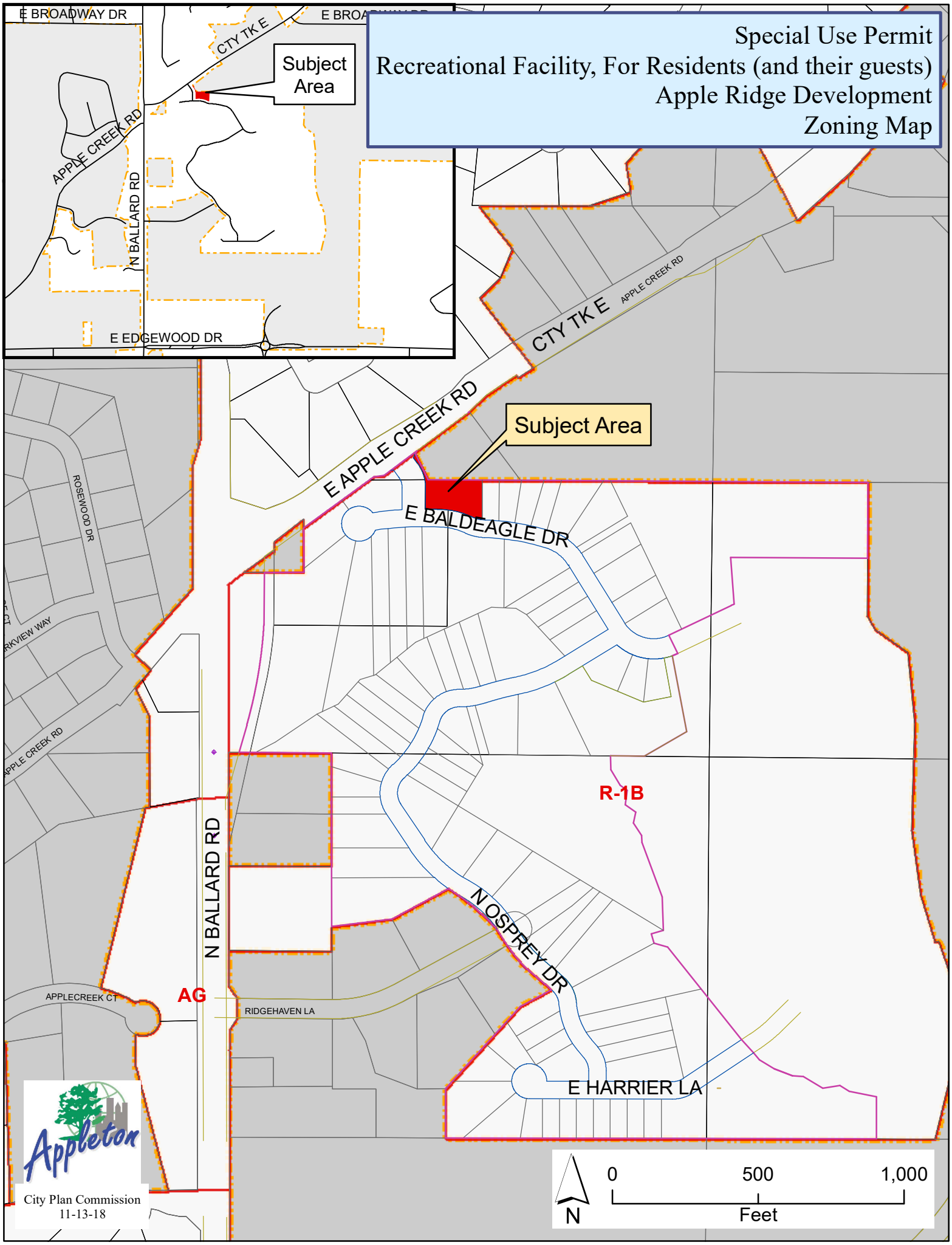
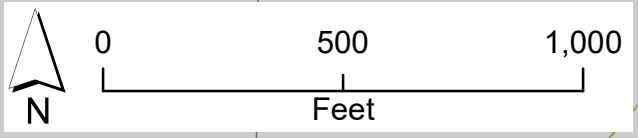
Subject Area

R-1B

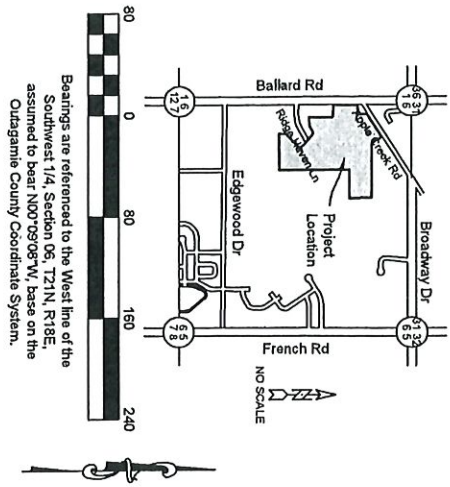
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11-13-18



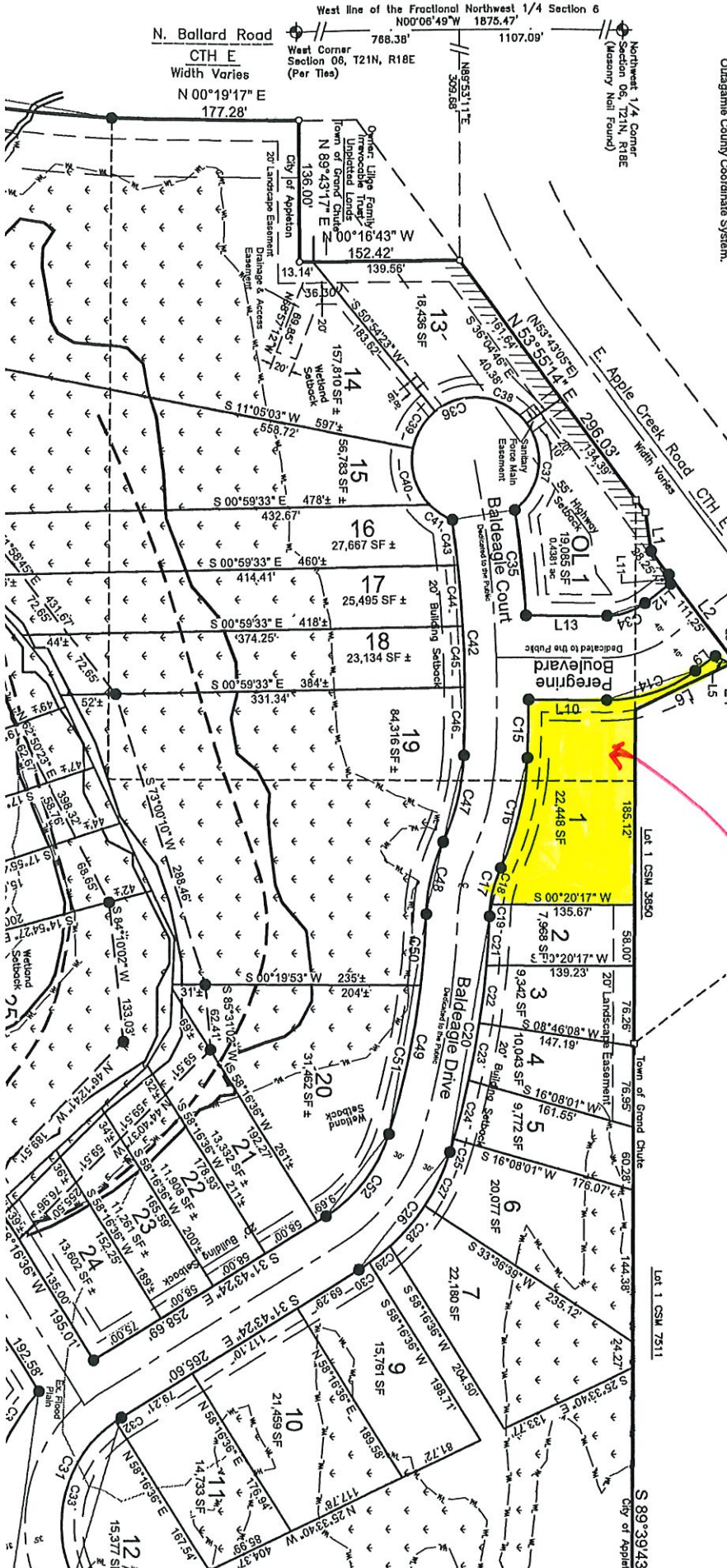
LOCATION MAP
 SEC 6, T21N, R18E
 OUTAGAMIE COUNTY, WI



Part of Lot 1 CSM 3850 located in the Northwest 1/4 of the Fractional Northwest 1/4; part of the Southwest 1/4 of the Fractional Northwest 1/4; part of the Fractional Northwest 1/4; part of Northeast 1/4 of the Fractional Southeast 1/4 and part of Lot 2 located in part of the Northwest 1/4 of the fractional Southwest 1/4 all located in Section 06, Township 21 North, Range 18 City of Appleton, Outagamie County, Wisconsin

Apple Ridge

SUBJECT SITE

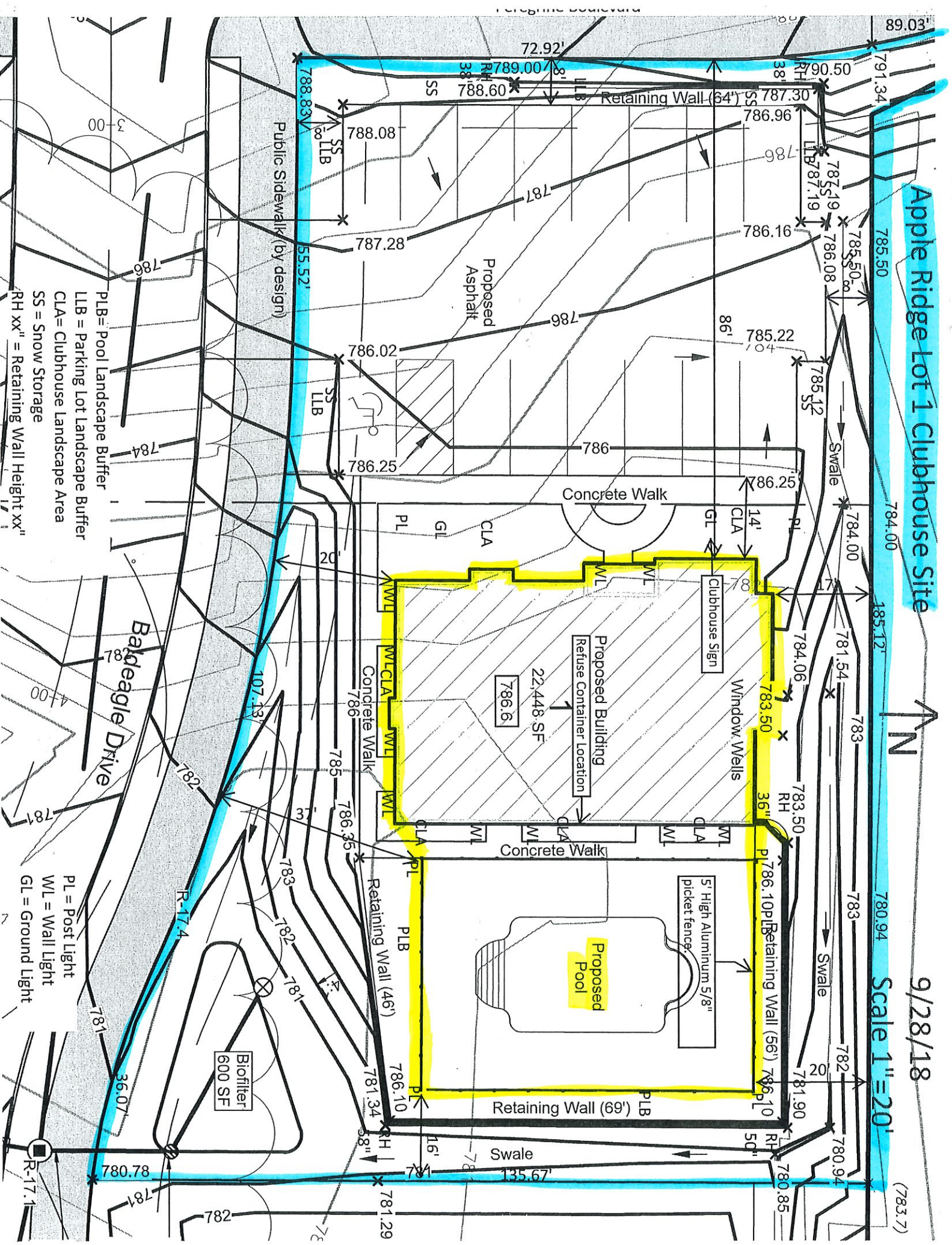


Apple Ridge Lot 1 Clubhouse Site

9/28/18

Scale 1" = 20'

(783.7)



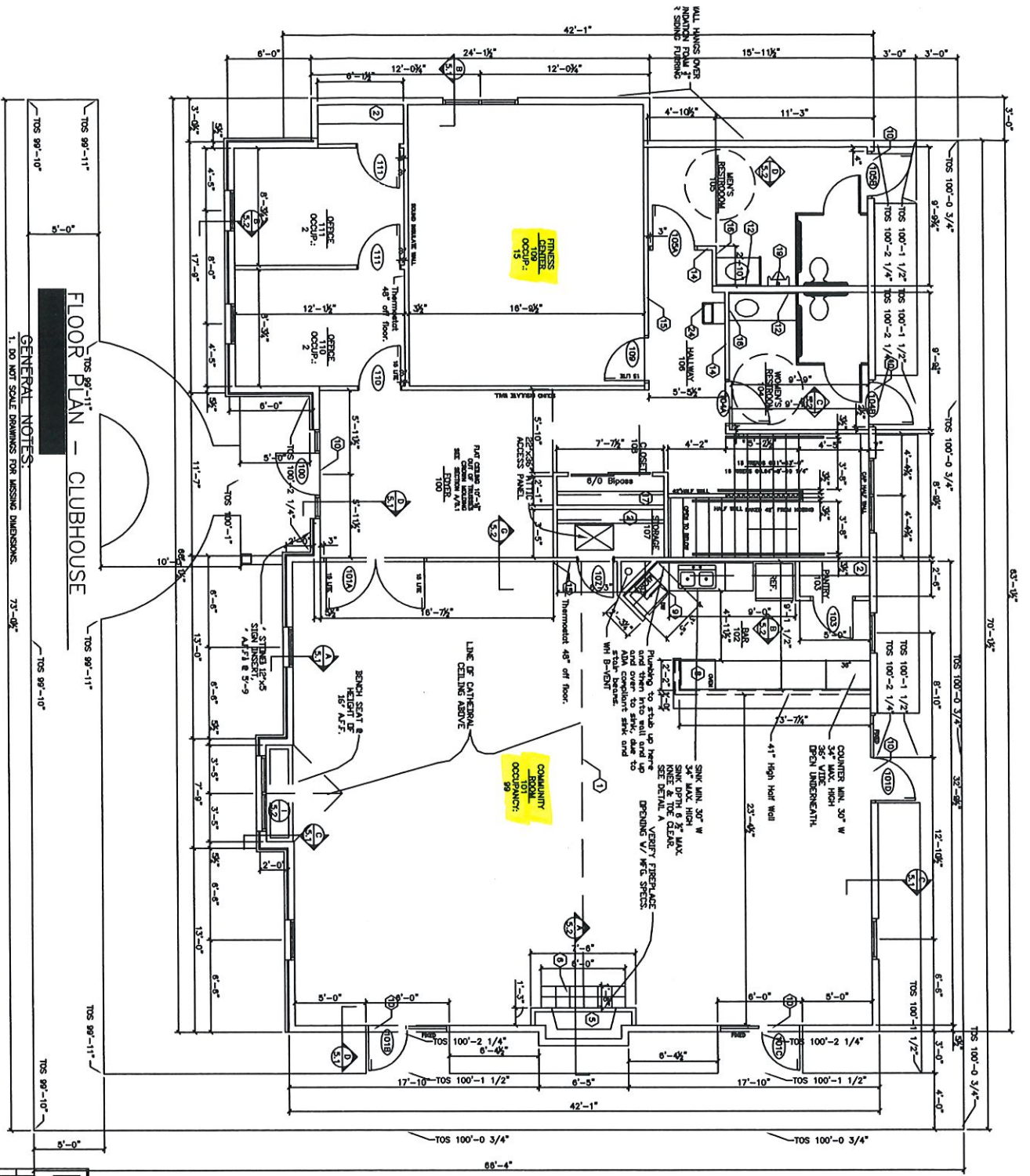
- PLB = Pool Landscape Buffer
- LLB = Parking Lot Landscape Buffer
- CLA = Clubhouse Landscape Area
- SS = Snow Storage
- RH xx" = Retaining Wall Height xx"

- PL = Post Light
- WL = Wall Light
- GL = Ground Light

Baldagle Drive

Biofilter 600 SF

R-17.1



FLOOR PLAN - CLUBHOUSE

GENERAL NOTES:
 1. DO NOT SCALE DIMENSIONS FOR MISSING DIMENSIONS.

OCCUPANCY SCHEDULE	
101	COMMUNITY ROOM
109	LOWER LEVEL
109	FITNESS CENTER
110	OFFICE
111	OFFICE
TOTAL OCCUPANCY:	
138	

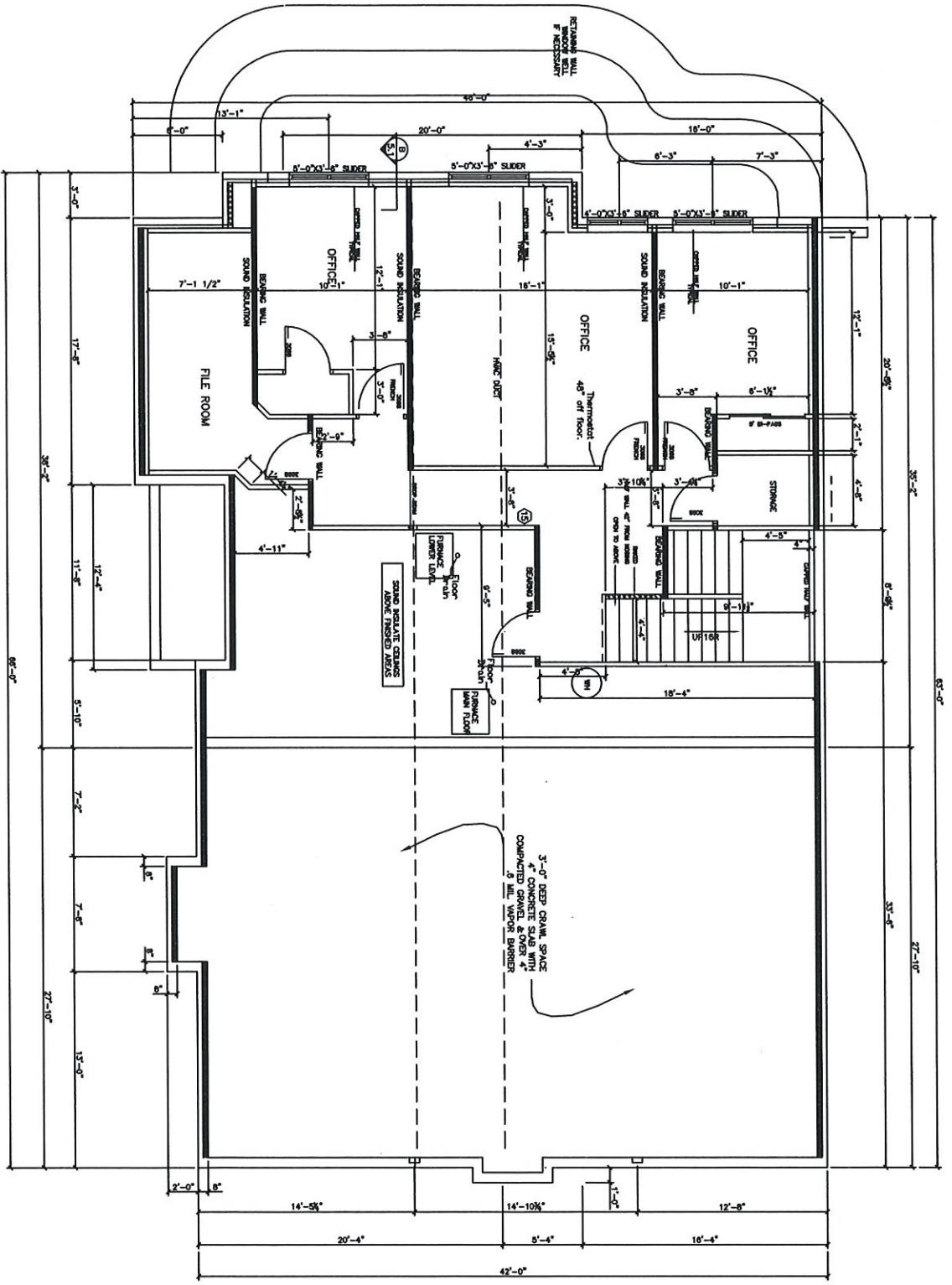
DR-CII Clubhouse

Scale: 3/32" = 1'-0"

Apple Tree, LLC

920-858-8171

Green Bay, WI



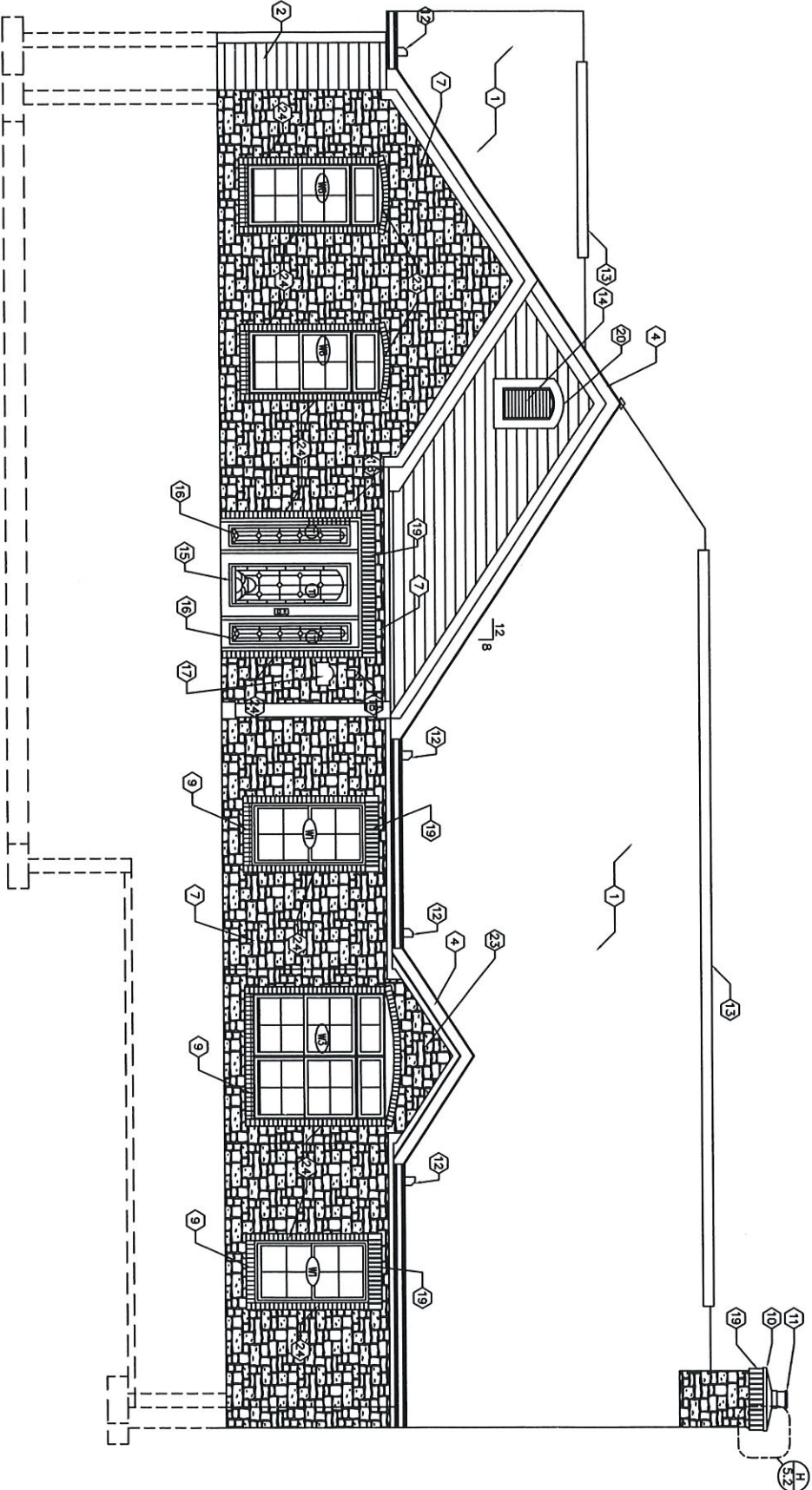
LOWER LEVEL FLOOR PLAN

SCALE: 3/32" = 1'-0"

Apple Tree, LLC

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Green Bay, WI



1

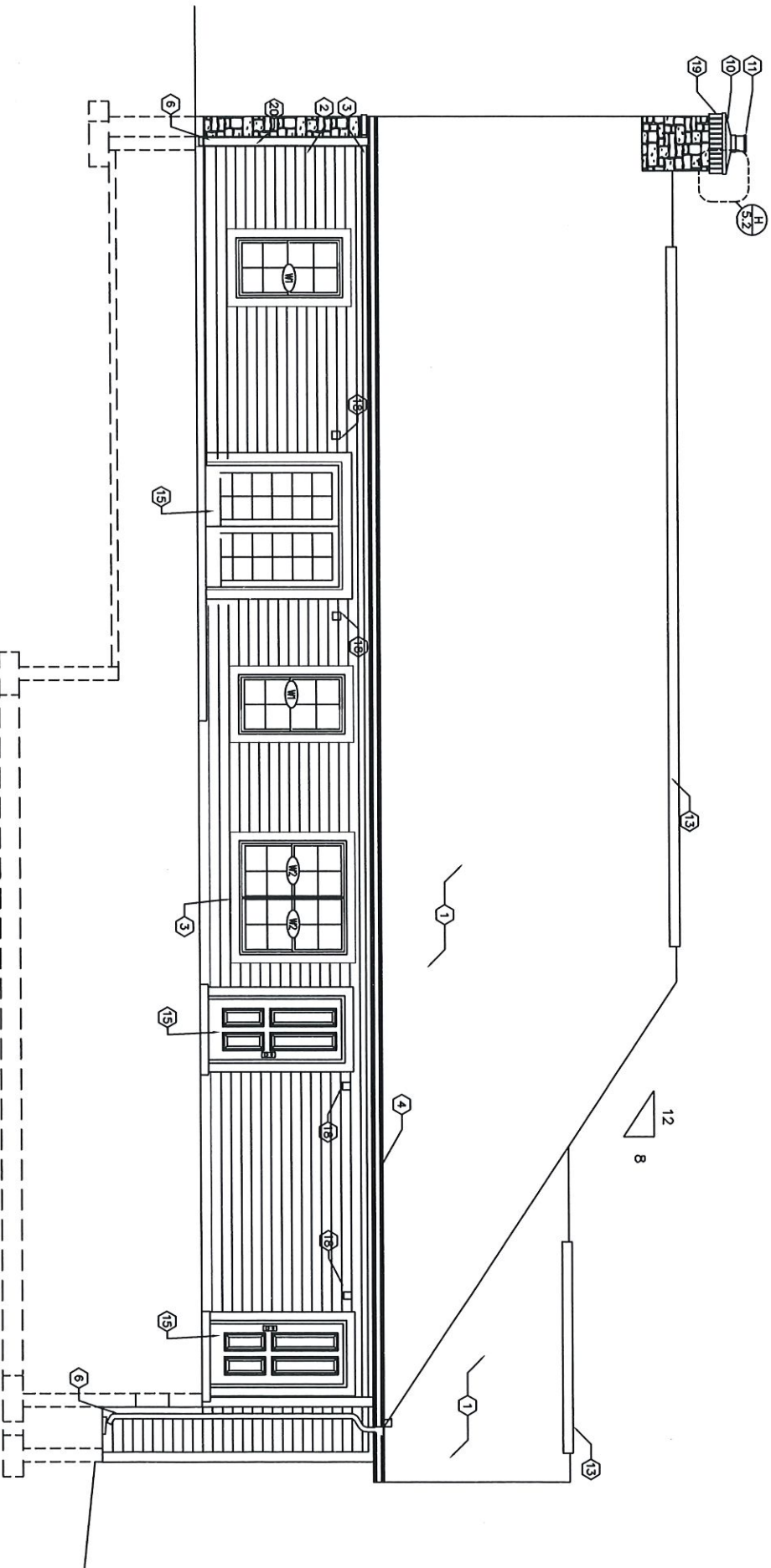
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

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Green Bay, WI



2

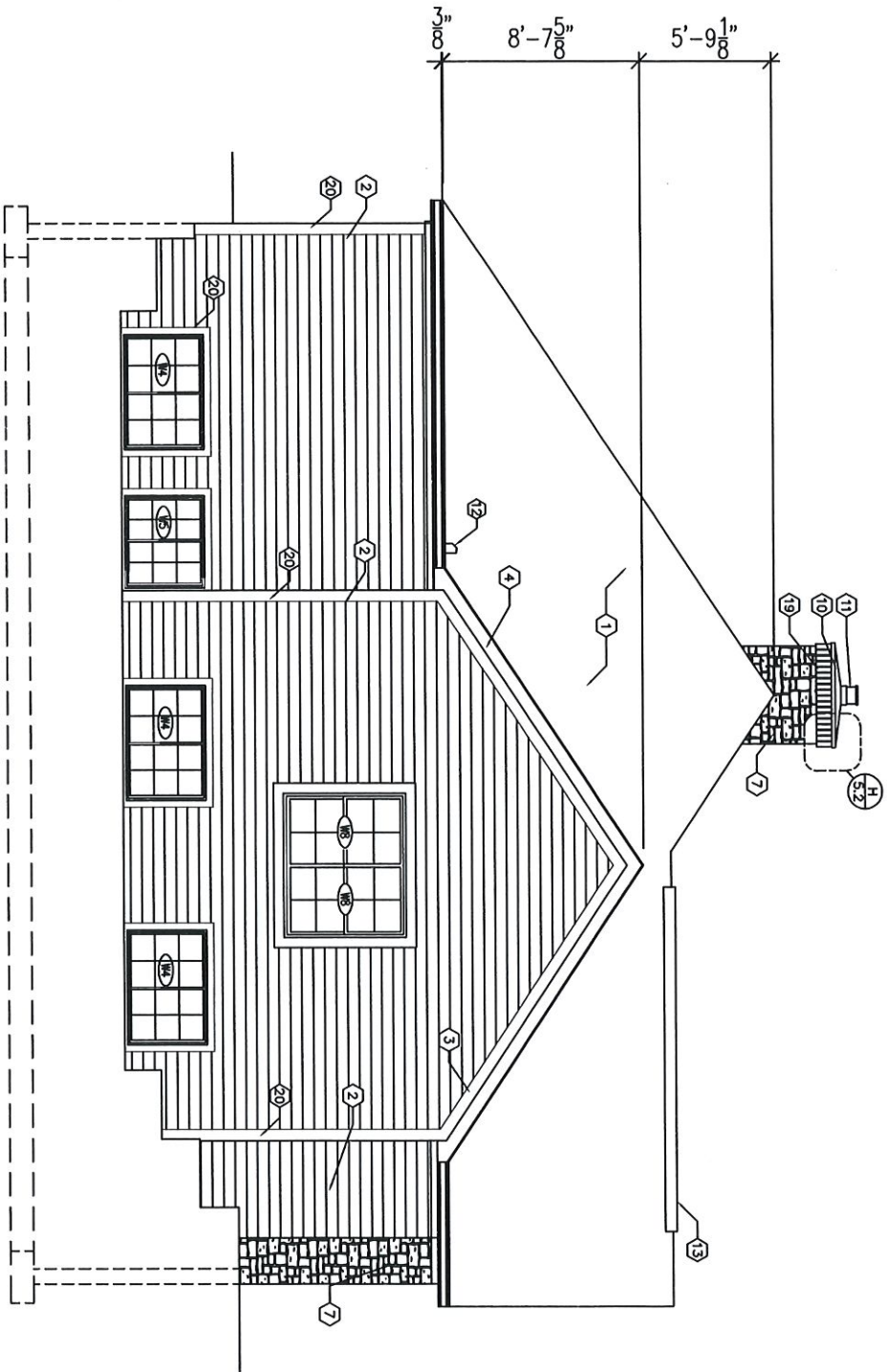
REAR ELEVATION

SCALE: 1/8"=1'-0"

Apple Tree, LLC

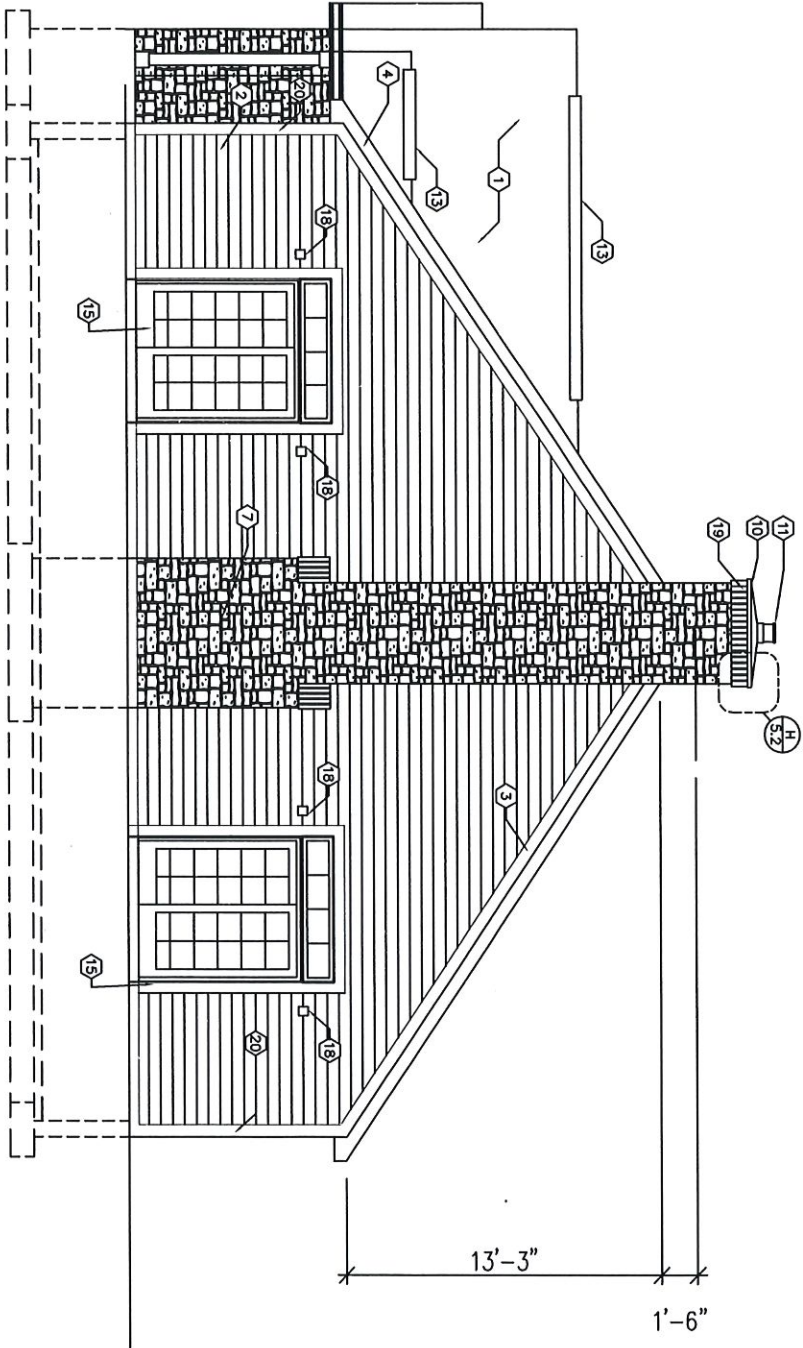
920-858-8171

Green Bay, WI



3 LEFT ELEVATION
 SCALE: 1/8"=1'-0"

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 920-858-8171
 Green Bay, WI



4

RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

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