



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.*

Tuesday, March 26, 2019

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[19-0390](#) City Plan Minutes from 2-26-19

Attachments: [City Plan Minutes 2-26-19.pdf](#)

4. Public Hearings/Apearances

- [19-0391](#) Special Use Permit #3-19 for a restaurant with alcohol sales and service located at 216 East College Avenue (Tax Id #31-2-0317-00), 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 #19-0392)

Attachments: [ClassIIPublicHearingNoticeNewspaper_GardenView_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_GardenView_SUP.pdf](#)

- [19-0393](#) The street discontinuance to vacate a portion of East Kimball Street public right-of-way located west of South Allen Street (Associated with Action Item #19-0394)

Attachments: [InformalPublicHearingNotice_KimballWestOfAllen_StreetVacation.pdf](#)

5. Action Items

- [19-0392](#) Request to approve Special Use Permit #3-19 for a restaurant with alcohol sales and service located at 216 East College Avenue (Tax Id #31-2-0317-00), 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_216ECollege_SUP_For3-26-19.pdf](#)

[19-0394](#)

Request to approve the street discontinuance to vacate a portion of East Kimball Street public right-of-way located west of South Allen Street and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport KimballWestOfAllen StreetVacation For03-26-19.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
Appleton, WI 54911-4799
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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.*

Tuesday, February 26, 2019

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:02 p.m.

2. Roll call of membership

Present: 5 - Mayor Hanna, Buetow, Uslabar, Rabec and Lobner

Excused: 1 - Palm

Others present:

*Aldersperson Vered Meltzer, District #2
Henry & Judy Chou, Waldoch Properties, LLC
Dorothy Silha, 2475 E. Glenhurst Lane
Tom & Kristin Schrei, 2301 E. Glenhurst Lane
Mary Ann O'Connor, 2379 E. Glenhurst Lane
Jeff & Jane Luebke, 2325 E. Glenhurst Lane
Kara Muchow, 4620 N. Lightning Drive
Gordon Hale, 2319 E. Glenhurst Lane
Matthew Rune, Moon Water Cafe
Shannon Boegh, Moon Water Cafe
Sylvia Bull, 2459 E. Glenhurst Lane
Guy Bull, 2459 E. Glenhurst Lane
Andrew Dane, 516 E. Pacific Street
Pete Smaby, 11 Bellaire Court
John Fease, 1907 N. Locust Street
Jason Mroz, 2425 E. Glenhurst Lane
Cathy Van Deurzen, 2355 E. Glenhurst Lane*

3. Approval of minutes from previous meeting

[19-0245](#)

City Plan Minutes from 2-12-19

Attachments: [City Plan Minutes 2-12-19.pdf](#)

**Rabec moved, seconded by Uslabar, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 5 - Mayor Hanna, Buetow, Uslabar, Rabec and Lobner

Excused: 1 - Palm

4. Public Hearings/Apearances

[19-0246](#)

Special Use Permit #1-19 for a cafe/restaurant with alcohol sales and service located at 608 North Lawe Street (Tax Id #31-1-0257-00), 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 #19-0247)

Attachments: [ClassIIPublicHearingNoticeNewspaper MoonWaterCafe SUP.pdf](#)
[PublicHearingNoticeNeighborhood MoonWaterCafe SUP.pdf](#)

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

[19-0248](#)

Special Use Permit #2-19 for an expanded tavern/restaurant and outdoor area with alcohol sales and service located at 201 South Walnut Street (Tax Id #31-3-0847-00 and #31-3-0848-00), 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 #19-0249)

Attachments: [ClassIIPublicHearingNoticeNewspaper McGuinnessIrishPub SUP.pdf](#)
[PublicHearingNoticeNeighborhood McGuinnessIrishPub SUP.pdf](#)

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

[19-0163](#)

Rezoning #3-19 for the subject parcels located on East Glenhurst Lane (Tax Id #31-1-6501-03 and #31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat), including all of the adjacent one-half (1/2) right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached maps, from C-O Commercial Office District to R-3 Multi-Family District (Associated with Action Item #19-0164)

Attachments: [InformalPublicHearingNotice GlenhurstLane Rezoning.pdf](#)

This public hearing was continued from the last meeting and then closed. The following people spoke on the item: Gordon Hale, Henry Chou, Jason Mroz, Cathy Van Deurzen, Kara Muchow, Guy Bull, Mary Ann O'Connor, Kristin Schrei, Dorothy Silha, Jeffrey Luebke, and Sylvia Bull.

5. Action Items

[19-0247](#)

Request to approve Special Use Permit #1-19 for a cafe/restaurant with alcohol sales and service located at 608 North Lawe Street (Tax Id #31-1-0257-00), 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_Moonwater Cafe_SUP_For02-26-19.pdf](#)

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

Aye: 5 - Mayor Hanna, Buetow, Uslabar, Rabec and Lobner

Excused: 1 - Palm

[19-0249](#)

Request to approve Special Use Permit #2-19 for an expanded tavern/restaurant and outdoor area with alcohol sales and service located at 201 South Walnut Street (Tax Id #31-3-0847-00 and #31-3-0848-00), 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_McGuinnessIrishPub_SUP_For02-26-19.pdf](#)

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

Aye: 5 - Mayor Hanna, Buetow, Uslabar, Rabec and Lobner

Excused: 1 - Palm

[19-0164](#)

Request to approve Rezoning #3-19 for the subject parcels located on East Glenhurst Lane (Tax Id #31-1-6501-03 and #31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat), including all of the adjacent one-half (1/2) right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached maps, from C-O Commercial Office District to R-3 Multi-Family District

- Attachments:** [StaffReport_GlenhurstLane_Rezoning_For02-26-19.pdf](#)
[StaffReport_GlenhurstLane_Rezoning_For02-12-19.pdf](#)
[Addl Email Distributed at 2-26-19 PC mtg.pdf](#)
[Handout_Gordon Hale_Traffic.pdf](#)
[Handout_Gordon Hale_Values.pdf](#)
[Handout_Henry Chou_Photos.pdf](#)

Proceeds to Council on March 20, 2019.

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

Aye: 3 - Buetow, Uslabar and Rabec

Nay: 2 - Mayor Hanna and Lobner

Excused: 1 - Palm

6. Information Items

7. Adjournment

Uslabar moved, seconded by Lobner, that the meeting be adjourned at 6:00 pm. Roll Call. Motion carried by the following vote:

Aye: 5 - Mayor Hanna, Buetow, Uslabar, Rabec and Lobner

Excused: 1 - Palm

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 Tuesday, March 26, 2019, at 4:00 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 23-114 of the Appleton Municipal Code, to consider a request by Rose Villanueva Salinas, applicant, for property located at 216 East College Avenue (Tax Id #31-2-0317-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Garden View Restaurant). In the CBD Central Business District, a Special Use Permit is required for a restaurant with alcohol sales.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Any questions regarding this matter should be directed to Don Harp in the Community and Economic Development Department at (920) 832-6466.

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: March 12, 2019
March 19, 2019

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 Tuesday, March 26, 2019, at 4:00 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 23-114 of the Appleton Municipal Code, to consider a request by Rose Villanueva Salinas, applicant, for property located at 216 East College Avenue (Tax Id #31-2-0317-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Garden View Restaurant). In the CBD Central Business District, a Special Use Permit is required for a restaurant with alcohol sales.

- ALDERMANIC DISTRICT: 1 – Alderperson William Siebers

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

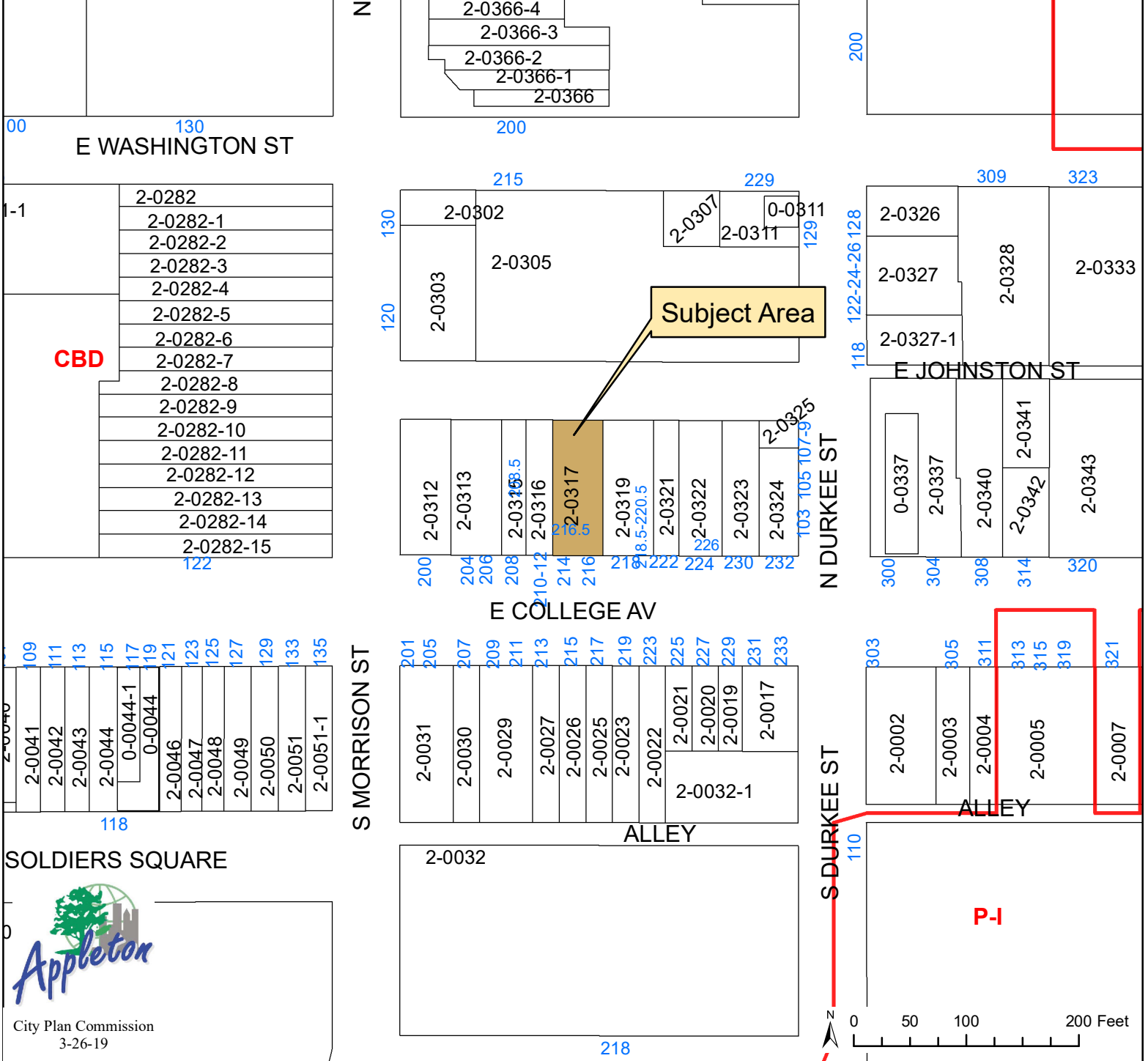
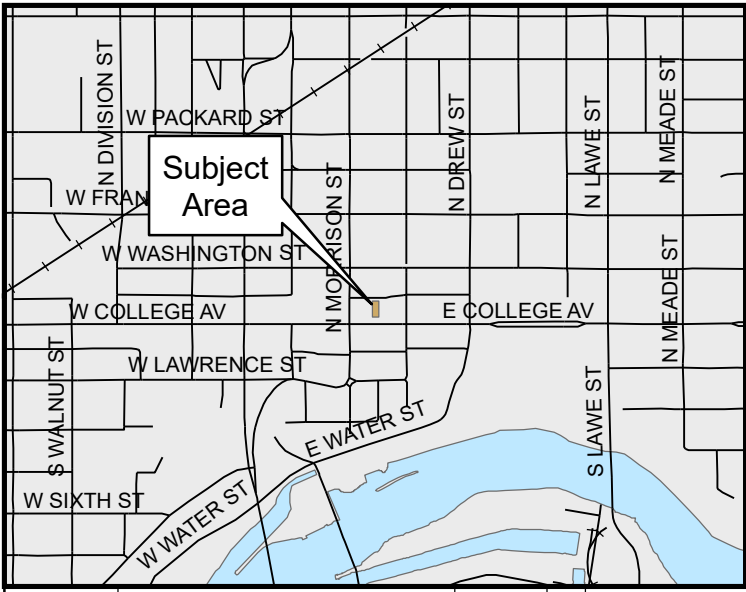
Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466.

CITY PLAN COMMISSION

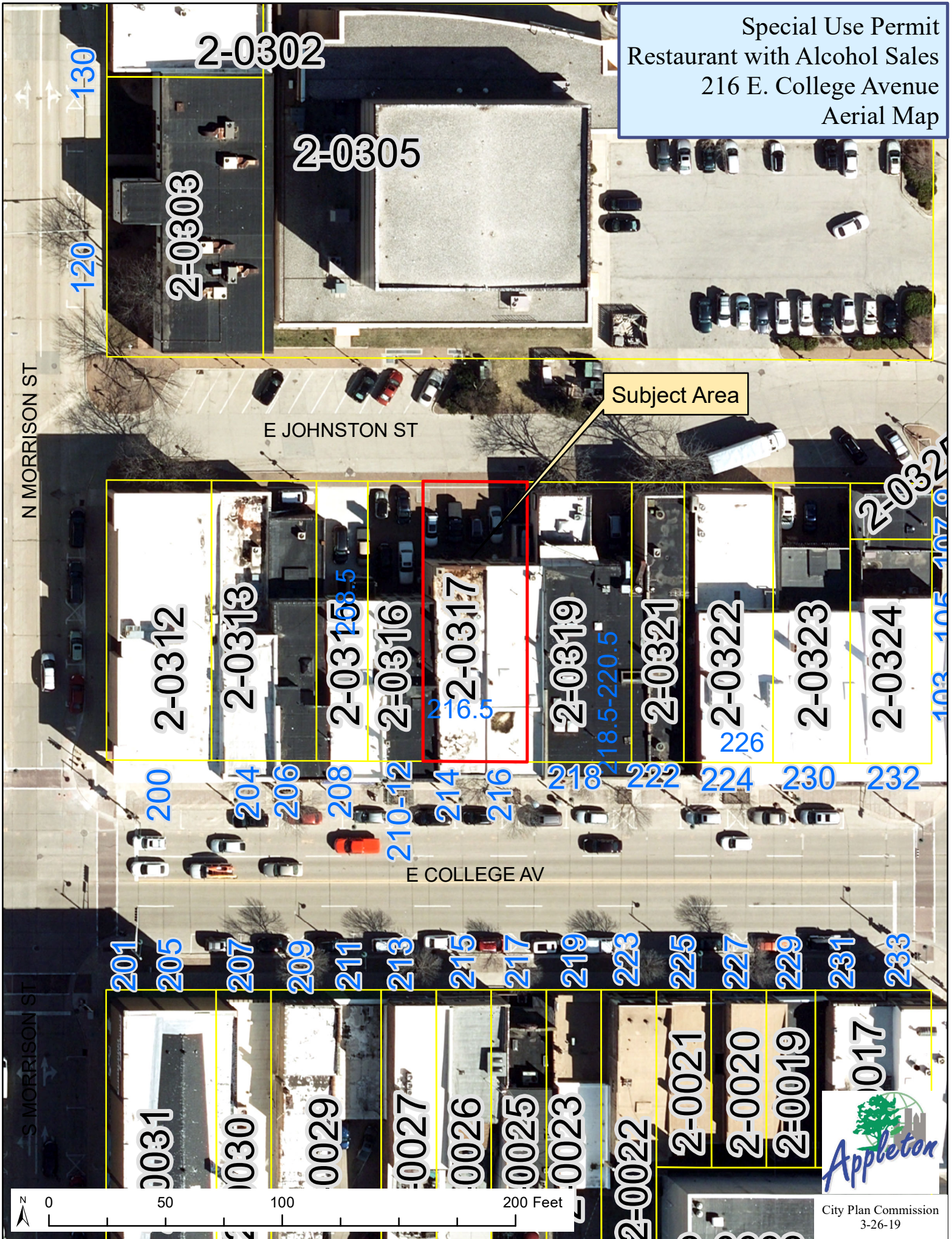
COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

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

Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue
 Zoning Map



Special Use Permit
Restaurant with Alcohol Sales
216 E. College Avenue
Aerial Map



N MORRISON ST

S MORRISON ST

2-0302

2-0305

2-0303

120
130

Subject Area

2-0312

2-0313

2-0315
158.5

2-0316

2-0317
216.5

2-0319

18.5-220.5

2-0321

2-0322

226

2-0323

2-0324

2-0325

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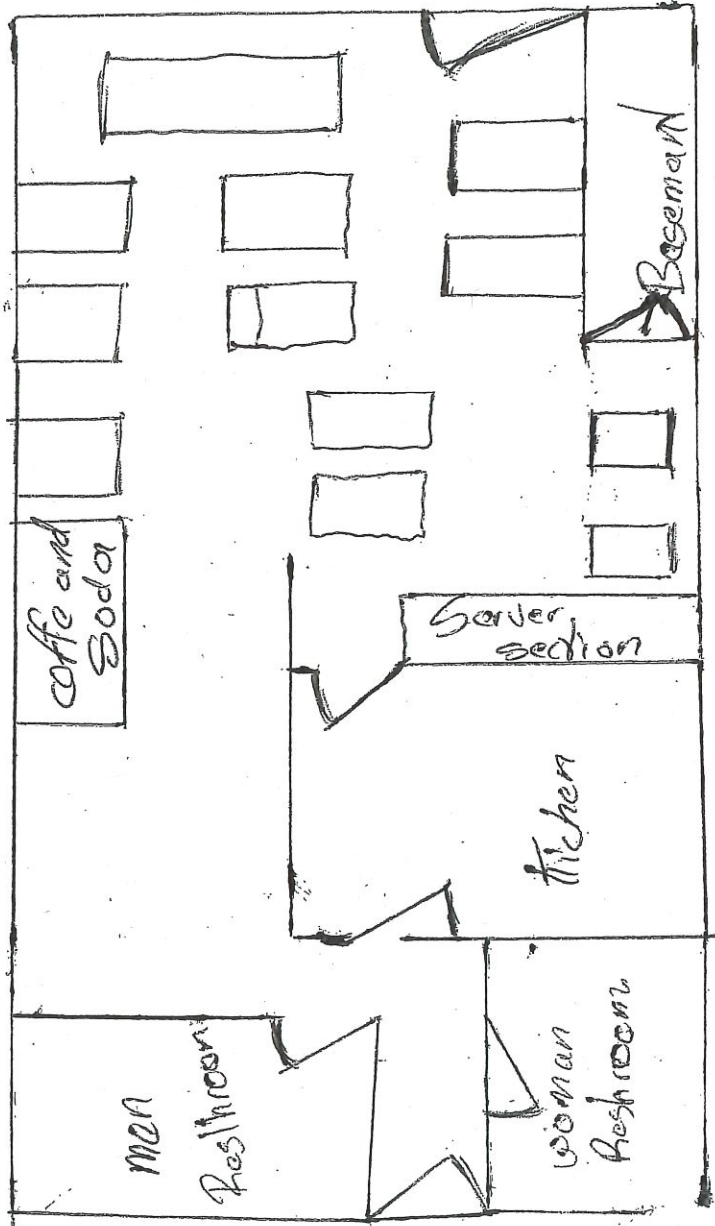
2-0019

2-0017



0 50 100 200 Feet

City Plan Commission
3-26-19



Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue



NOTICE OF INFORMAL PUBLIC HEARING

OF THE

APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, March 26, 2019, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering the following proposed Street Vacation (discontinuance of a portion of public street right-of-way).

LEGAL DESCRIPTION OF AREA TO BE VACATED:

All that part of Kimball Street lying between Block Ten (10) and Block D of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the SE ¼ of the SW ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,920 Square feet of land and being more fully described by:

Commencing at the Southeast corner of said Block 10 and being coincident with the Northwest corner of Allen Street and Kimball Street and being the point of beginning;

Thence South 00°57'34" East 32.00 feet coincident with the Southerly extension of the West line of Allen Street to the South line of Kimball Street;

Thence North 89°57'25" West 106.33 feet coincident with the South line of said Kimball Street;

Thence continue North 89°57'25" West 13.67 feet coincident with the South line of said Kimball Street;

Thence North 00°57'34" West 32.00 feet to the North line of Kimball Street;

Thence South 89°57'25" East 14.18 feet coincident with the North line of Kimball Street;

Thence South 00°02'58" East 32.00 feet to the South line of Kimball Street;

Thence South 89°57'25" East 60.00 feet coincident with the South line of Kimball Street;

Thence North 00°02'58" West 32.00 feet to the North line of Kimball Street;

Thence South 89°57'25" East 45.82 feet coincident with the North line of Kimball Street to the **point of beginning**.

COMMON DESCRIPTION: A portion of East Kimball Street, west of South Allen Street.

ALDERMANIC DISTRICT: 4 – Alderperson Joe Martin

PARTIAL EAST KIMBALL STREET VACATION REQUEST:

A Street Vacation request has been initiated by the applicant, City of Appleton. The applicant requests to vacate and discontinue a portion of Kimball Street (west of Allen Street). The land being vacated is no longer needed for public street purposes. The adjoining property owner(s) will acquire ownership to the afore-described and vacated portion of Kimball Street right-of-way, as shown on the attached maps.

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City 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, with the Community and Economic Development Department at 920-832-6428.

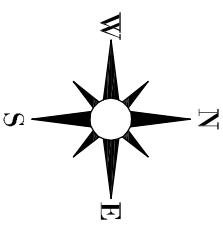
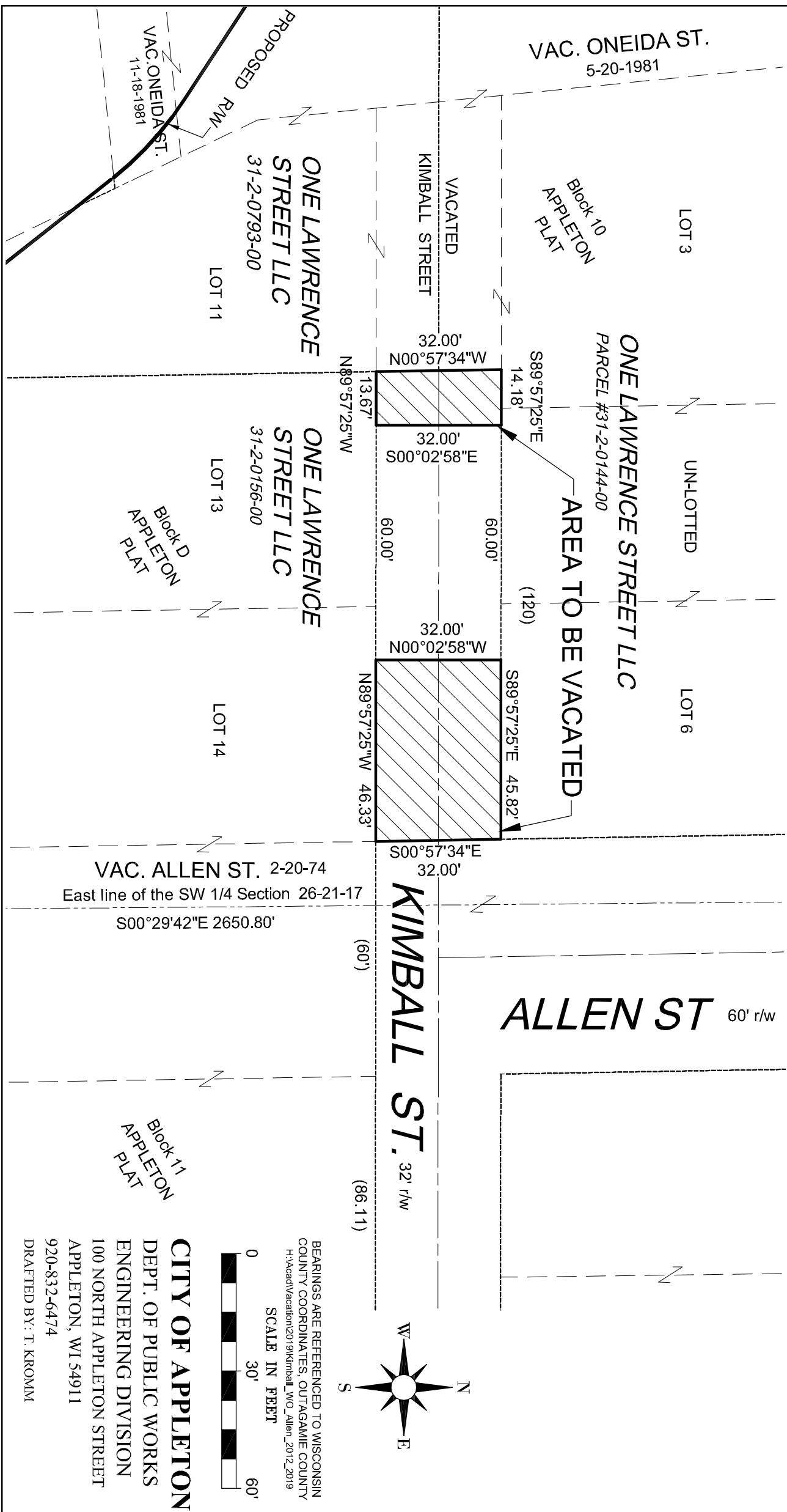
CITY PLAN COMMISSION

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

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

EXHIBIT "A"

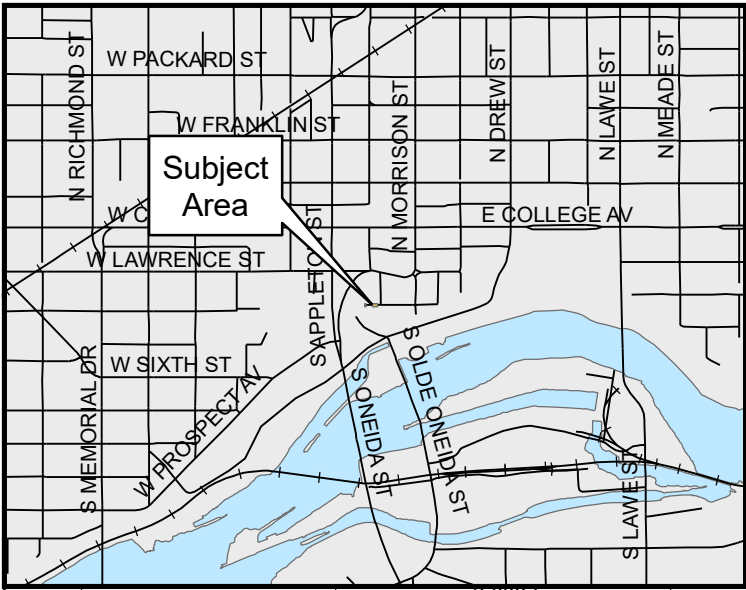
PART OF KIMBALL STREET LYING BETWEEN BLOCK 10 AND BLOCK D, APPLETON PLAT, (AKA SECOND WARD PLAT), ALL ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON, BEING LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



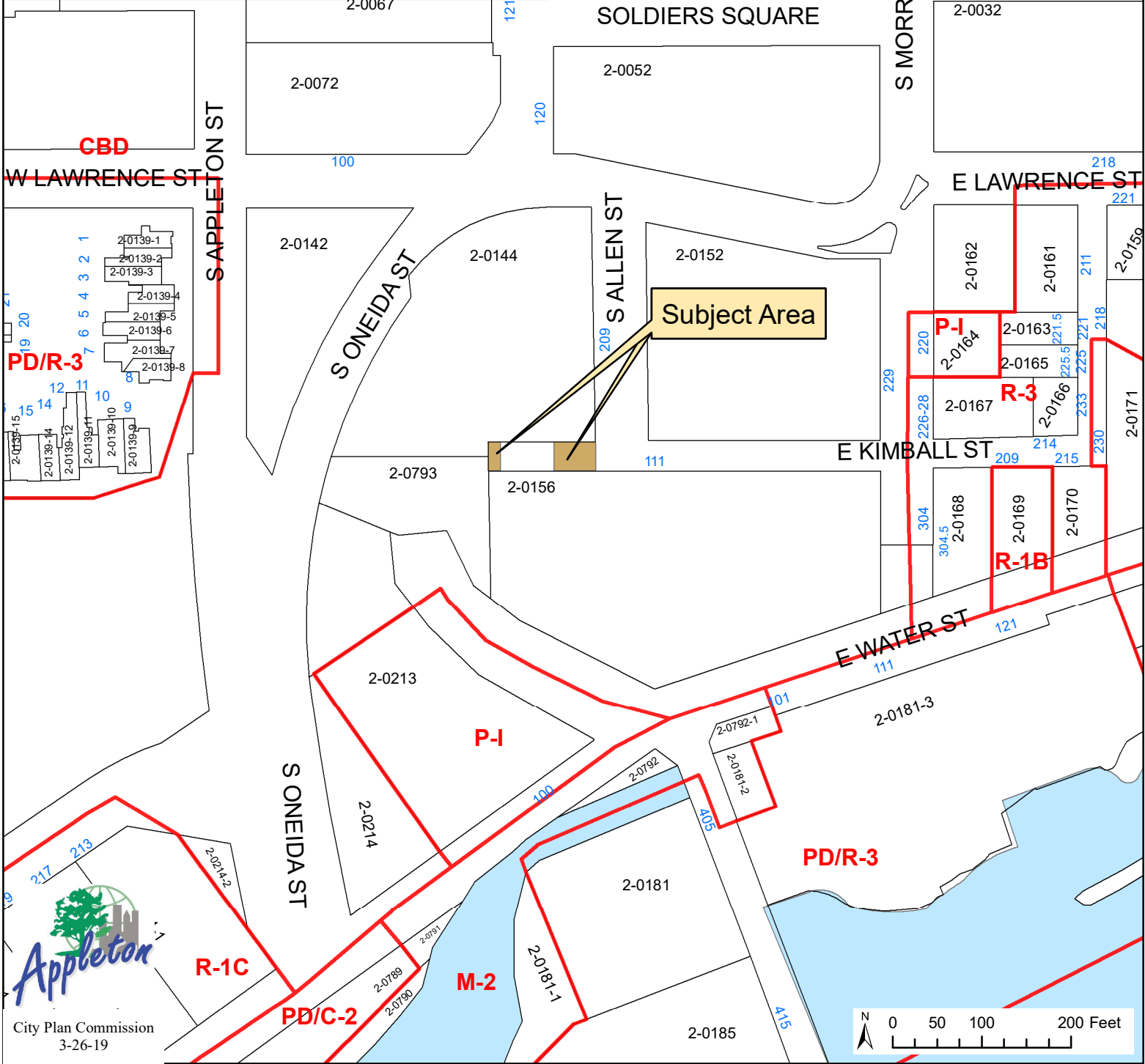
BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY H:\Acad\Vacation\2019\Kimball_WC_Allen_2012_2019 SCALE IN FEET

CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM

Kimball Street (West of Allen Street) Street Vacation Zoning Map



2-0287	2-0282-12	2-0312
	2-0282-13	2-0313
	2-0282-14	2-0315
	2-0282-15	2-0316
		2-0317
		2-0319
		2-0320.5



Kimball Street (West of Allen Street)
Street Vacation
Aerial Map



2-0144

2-0152

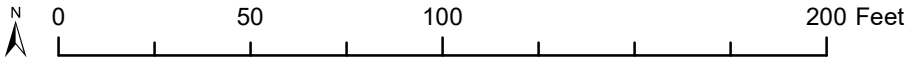
Subject Area

E KIMBALL ST

2-0793

2-0156

ROCKY BLEIER RUN





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: March 26, 2019

Common Council Meeting Date: April 3, 2019

Item: Special Use Permit #3-19 for restaurant with alcohol sales and service

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Noor Baha, LLC / Rose Villanueva Salinas, Garden View Restaurant

Address/Parcel #: 216 East College Avenue (Tax Id #31-2-0317-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with an existing restaurant.

BACKGROUND

The building was built in 1890 and has been utilized as an active part of the downtown area. The Queen Bee previously operated in this building. On April 2, 2003, Special Use Permit #10-00 to allow the sale of alcohol expired for the Queen Bee Restaurant because the sales of alcohol had been discontinued for more than 8 months between 2001-2002.

On February 6, 2019, the Common Council approved Class "B" Beer and "Class C" Wine application for the Garden View Restaurant.

STAFF ANALYSIS

Project Summary: Garden View Restaurant has operated within the subject building since October 2018. The applicant proposes to serve alcohol within the existing building to include the entire first floor, which totals approximately 3,000 square feet.

Existing Site Conditions: The existing mixed-use building totals approximately 8,280 square feet, including the existing restaurant and retail space on the first floor, and four dwelling units on the second floor.

Outdoor Alcohol Consumption Area: No outdoor alcohol sales and consumption is requested as part of this application for a Special Use Permit.

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

Special Use Permit #3-19
March 26, 2019
Page 2

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 a 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.

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 institutional in nature.

North: CBD Central Business District. The adjacent land use to the north is currently an office use.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of commercial uses and residential uses (second floor apartments), including two taverns.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses and residential uses (second floor apartments).

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses and residential uses (second floor apartments).

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.

Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:

Strategy 4.8 – Support private sector efforts to redevelop and invest in downtown.

Finding of Fact: Prior to the granting of any Special Use Permit, the City Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 23-66 (e) (1-6). This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative.

Technical Review Group (TRG) Report: This item was discussed at the March 5, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #3-19 for a restaurant with alcohol sales and service at 216 East College Avenue (Tax Id #31-2-0317-00), 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. 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. 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.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #3-19

WHEREAS, Rose Villanueva Salinas, owner of Garden View Restaurant has applied for a Special Use Permit for a restaurant with alcohol sales located at 216 East College Avenue, and also identified as Parcel Number 31-2-0317-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service is located in the CBD Central Business 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 March 26, 2019, on Special Use Permit #3-19 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 Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, and forwarded Special Use Permit #3-19 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 _____, 2019 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #3-19 for a restaurant with alcohol sales and service located at 216 East College Avenue, also identified as Parcel Number 31-2-0317-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #3-19

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. 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.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

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

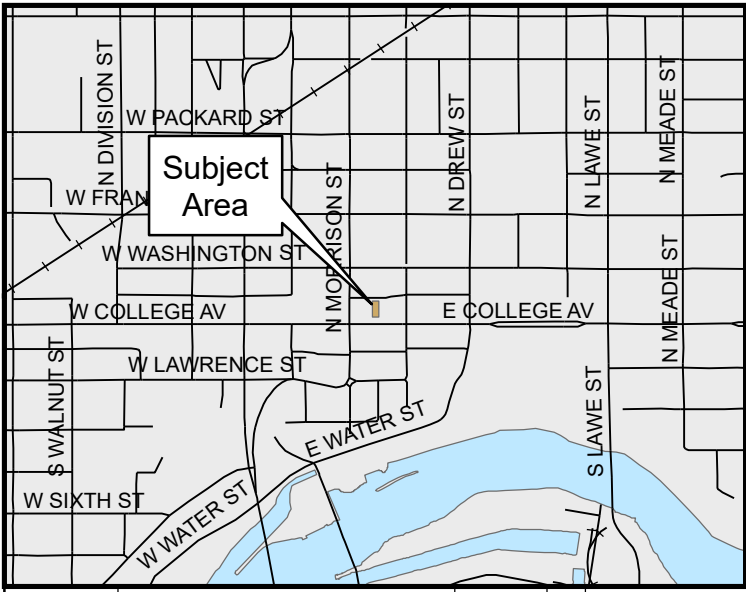
Adopted this _____ day of _____, 2019.

Timothy M. Hanna, Mayor

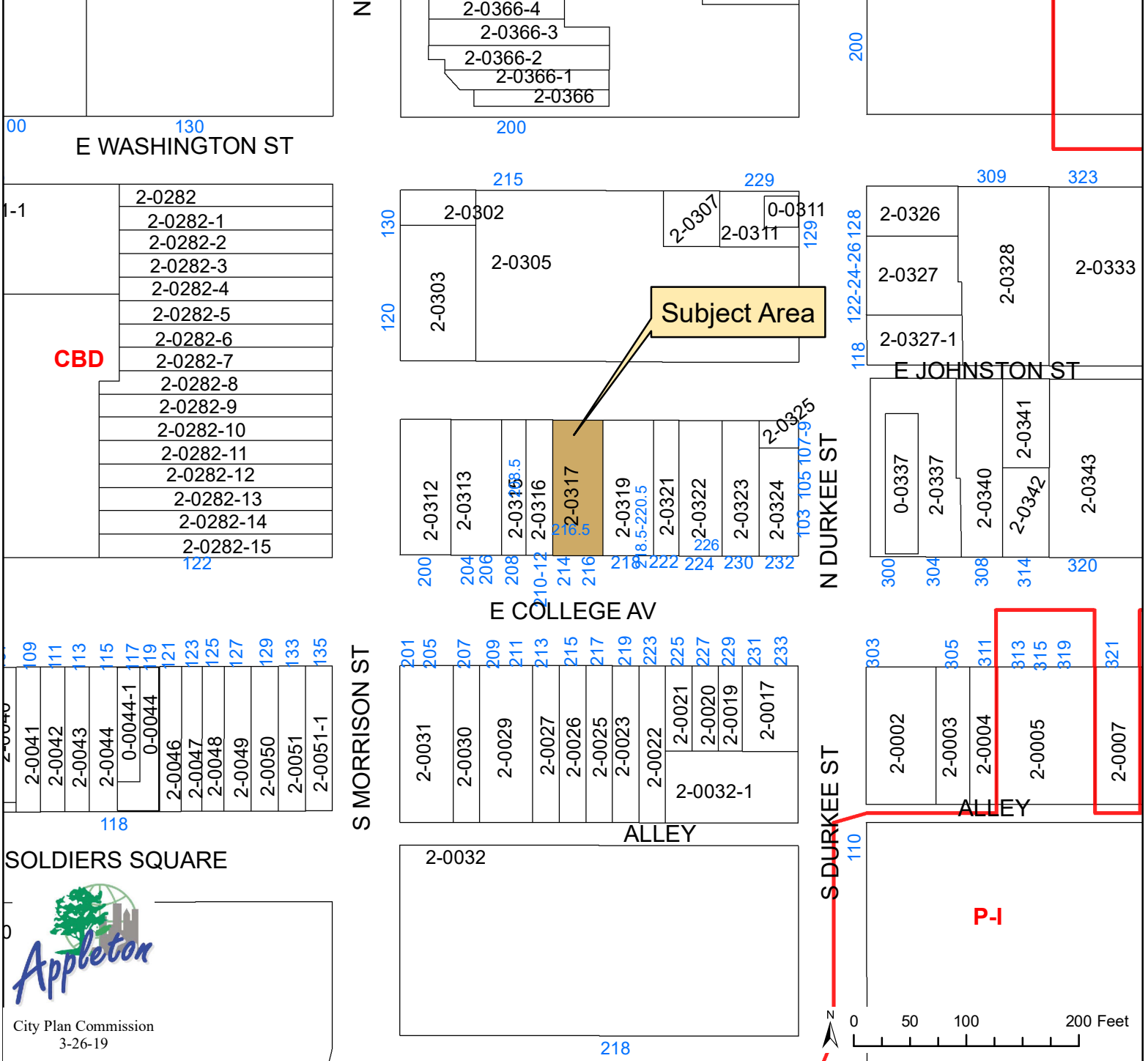
ATTEST:

Kami Lynch, City Clerk

Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue
 Zoning Map



Subject Area



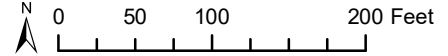
Subject Area

CBD

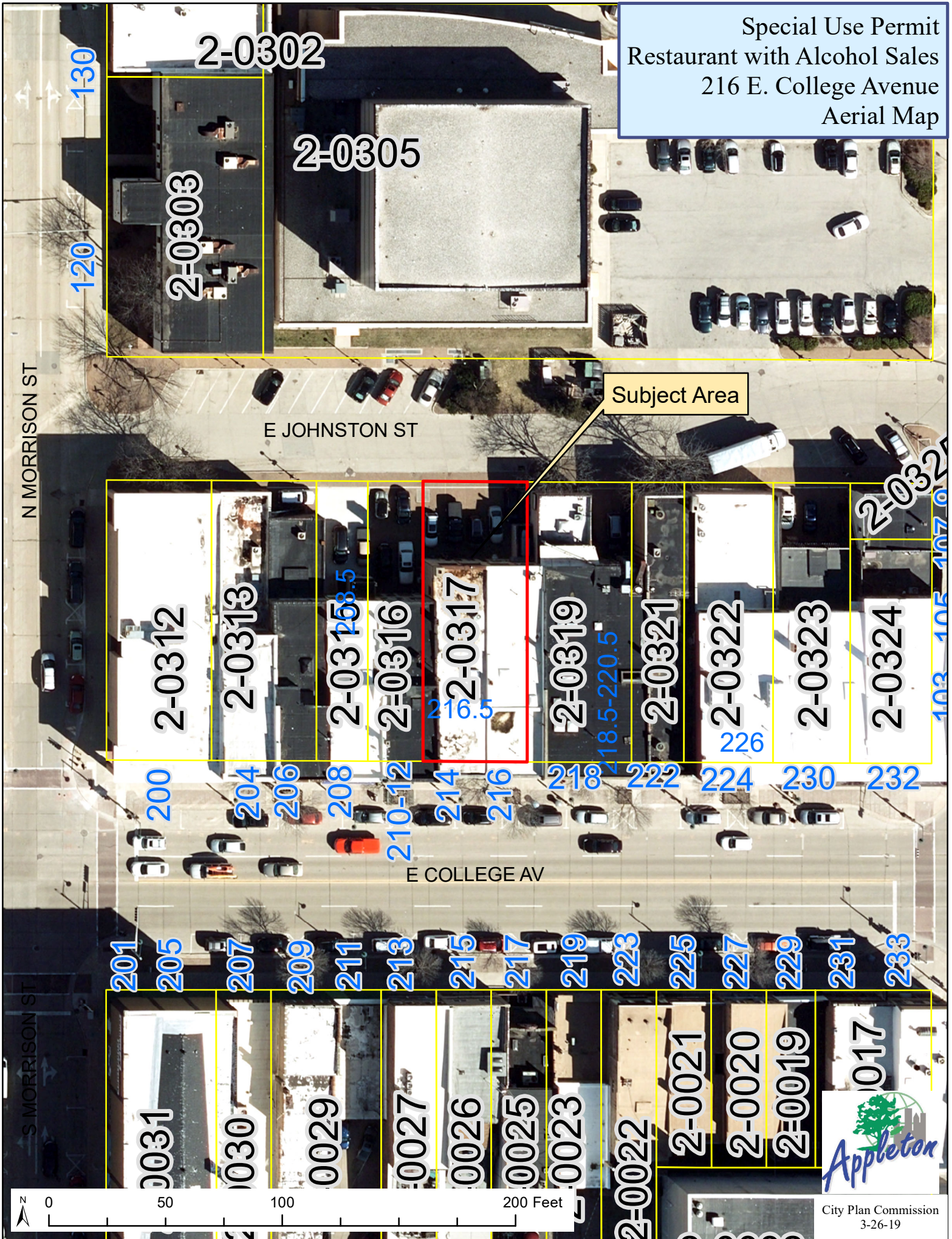
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2-0282-15

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2-0042
2-0043
2-0044
0-0044-1
0-0044
2-0046
2-0047
2-0048
2-0049
2-0050
2-0051
2-0051-1

SOLDIERS SQUARE



Special Use Permit
Restaurant with Alcohol Sales
216 E. College Avenue
Aerial Map



N MORRISON ST

S MORRISON ST

2-0302

2-0305

2-0303

2-0312

2-0313

2-0315

2-0316

2-0317

2-0319

2-0321

2-0322

2-0323

2-0324

2-0325

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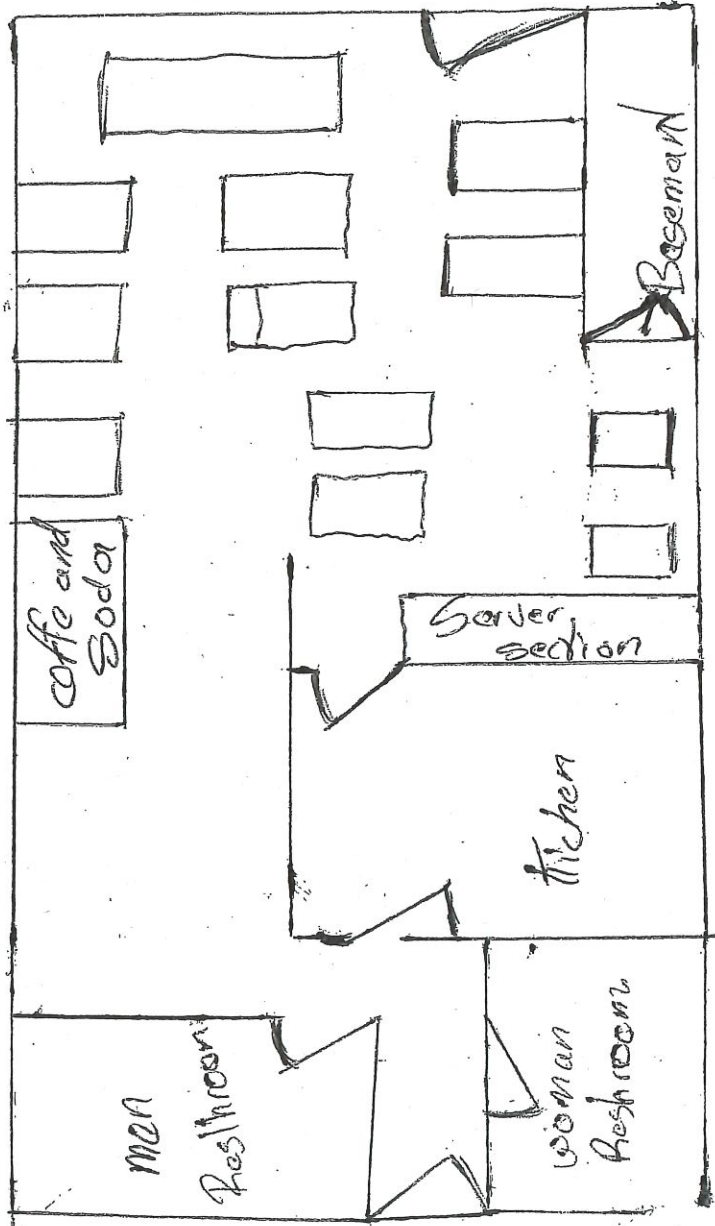
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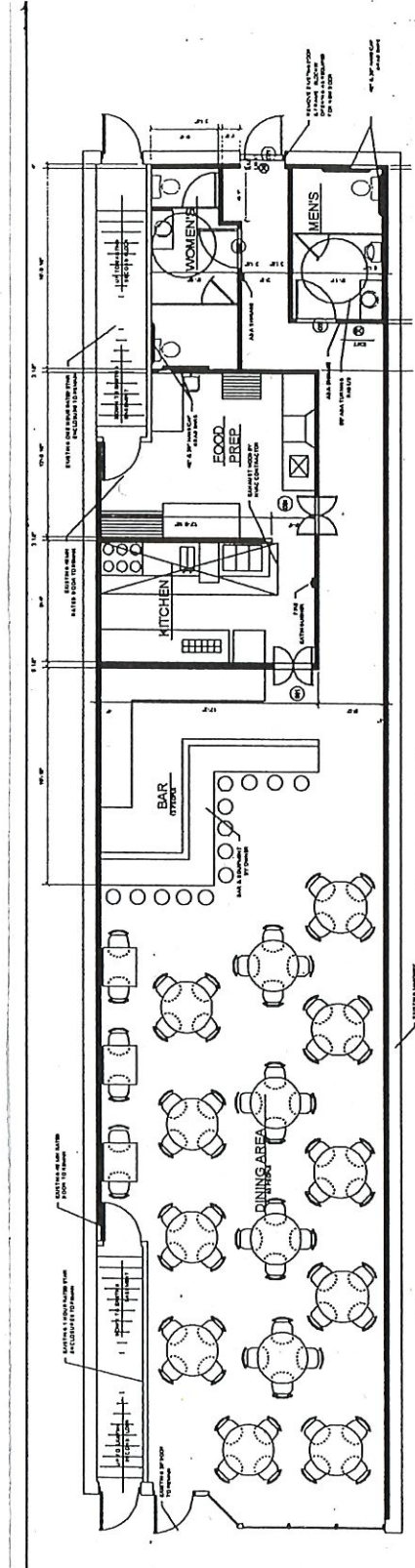


0 50 100 200 Feet



Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue





Special Use Permit
 Restaurant with Alcohol Sales
 216 E. College Avenue



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

Business Information:

Name of business: Garden View

Years in operation: 5 Months

Percentage of business derived from restaurant service: 51 %

Type of proposed establishment (detailed explanation of business):

We servis American & Mexican food

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day <u>7:00 AM</u>	<u>6:00 AM</u>	<u>10:00 P.M.</u>
Friday	<u>6:00 AM</u>	<u>10:00 P.M.</u>
Saturday	<u>6:00 AM</u>	<u>10:00 P.M.</u>
Sunday	<u>6:00 AM</u>	<u>10:00 P.M.</u>

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: 90 persons

Gross floor area of the existing building(s): 3000 feet

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

Describe Any Potential Noise Emanating From the Proposed Use:

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

There should be little to no noise from the coolers

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

This is a family restaurant and there won't be any restaurant tables outside. There won't be any loud music in or outside the restaurant.

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

N/A

Outdoor Uses:

Location, type, size and design of outdoor facilities:

N/A

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

N/A

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:

Day	From	To
Week Day	<u>N/A</u>	<u>N/A</u>
Friday	<u>N/A</u>	<u>N/A</u>
Saturday	<u>N/A</u>	<u>N/A</u>
Sunday	<u>N/A</u>	<u>N/A</u>

Outdoor Lighting:

Type: front the wall sign

Location: front the building

Off-Street Parking:

Number of spaces existing: 0

Number of spaces proposed: 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 licensed premises:

Antojitos Mexicanos.

Number of Employees:

Number of existing employees: 4

Number of proposed employees: _____

Number of employees scheduled to work on the largest shift: 1



REPORT TO CITY PLAN COMMISSION

Municipal Services Committee Meeting Date: April 3, 2019

Plan Commission Informal Public Hearing Date: March 26, 2019

Common Council Meeting Date – Initial Resolution: April 3, 2019

Common Council Meeting Date – Public Hearing (40-day waiting period): May 15, 2019

Item: Street Discontinuance to vacate a portion of East Kimball Street

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: City of Appleton / Tom Kromm, Department of Public Works

Street Name/Location: Portion of East Kimball Street, generally located west of South Allen Street

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate a portion of East Kimball Street west of South Allen Street.

BACKGROUND

Part of the subject area is included in a Development Agreement that was approved by Common Council on December 19, 2017 and amended/restated on August 15, 2018. The proposed development area, commonly referred to as the "bluff site," also includes part or all of parcels #31-2-0156-00, #31-2-0144-00, and #31-2-0152-00. The need to vacate streets was anticipated in Section 3.13 of the Development Agreement.

The proposed street vacation is part of a broader effort to redefine street and lot configurations in the bluff site area. On March 20, 2019, Common Council approved a Relocation Order for new street right-of-way for Oneida Street extended, between Lawrence Street and Rocky Bleier Run. The acquisition area identified in the Relocation Order aligns with the 60-foot wide space shown on the attached exhibit map, which will remain as public right-of-way.

STAFF ANALYSIS

Title to Vacated Street: When vacated, the land must revert to its original source, which in this case includes the parcels located north and south of the proposed vacation area. Consequently, title to the street being vacated will belong to the adjoining property owner. The adjoining property owner will acquire an ownership interest in the land vacated, totaling approximately 1,920 square feet, as shown on the attached map.

Existing Public Utilities: The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way.

Street Right-of-Way Width: This portion of East Kimball Street is approximately 32 feet wide.

Street Vacation – East Kimball Street

March 26, 2019

Page 2

Street Classification: The City's Arterial/Collector Plan Map identifies this portion of East Kimball Street as a local street.

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 institutional in nature.

North: CBD Central Business District. The adjacent property to the north is currently unoccupied (formerly occupied by Trinity Lutheran Church).

South: CBD Central Business District. The adjacent property to the south is currently unoccupied (formerly occupied by Michiels Fox Banquet Rivertyme Catering).

East: CBD Central Business District. Existing Kimball Street right-of-way is immediately east of the subject area.

West: CBD Central Business District. The adjacent property to the west is currently unoccupied and includes a previously-vacated segment of Kimball Street.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future Mixed Use designation. The proposed street vacation is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

Goal 4 – Transportation

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

OBJECTIVE 6.9 Transportation:

Implement the transportation-related recommendations contained within related plans.

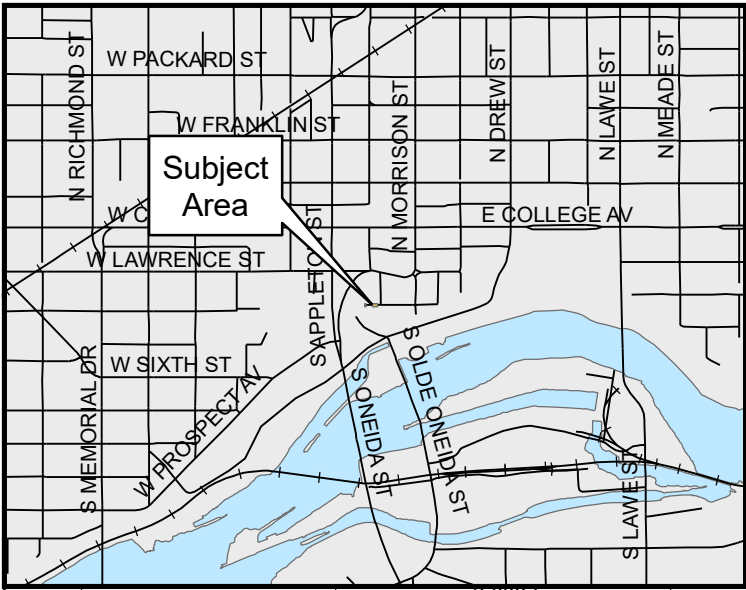
Policy 6.9.2 Implement the recommendations of the 2016 Downtown Mobility Study.

Technical Review Group (TRG) Report: This item was discussed at the March 5, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

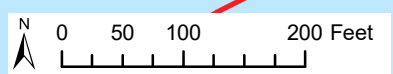
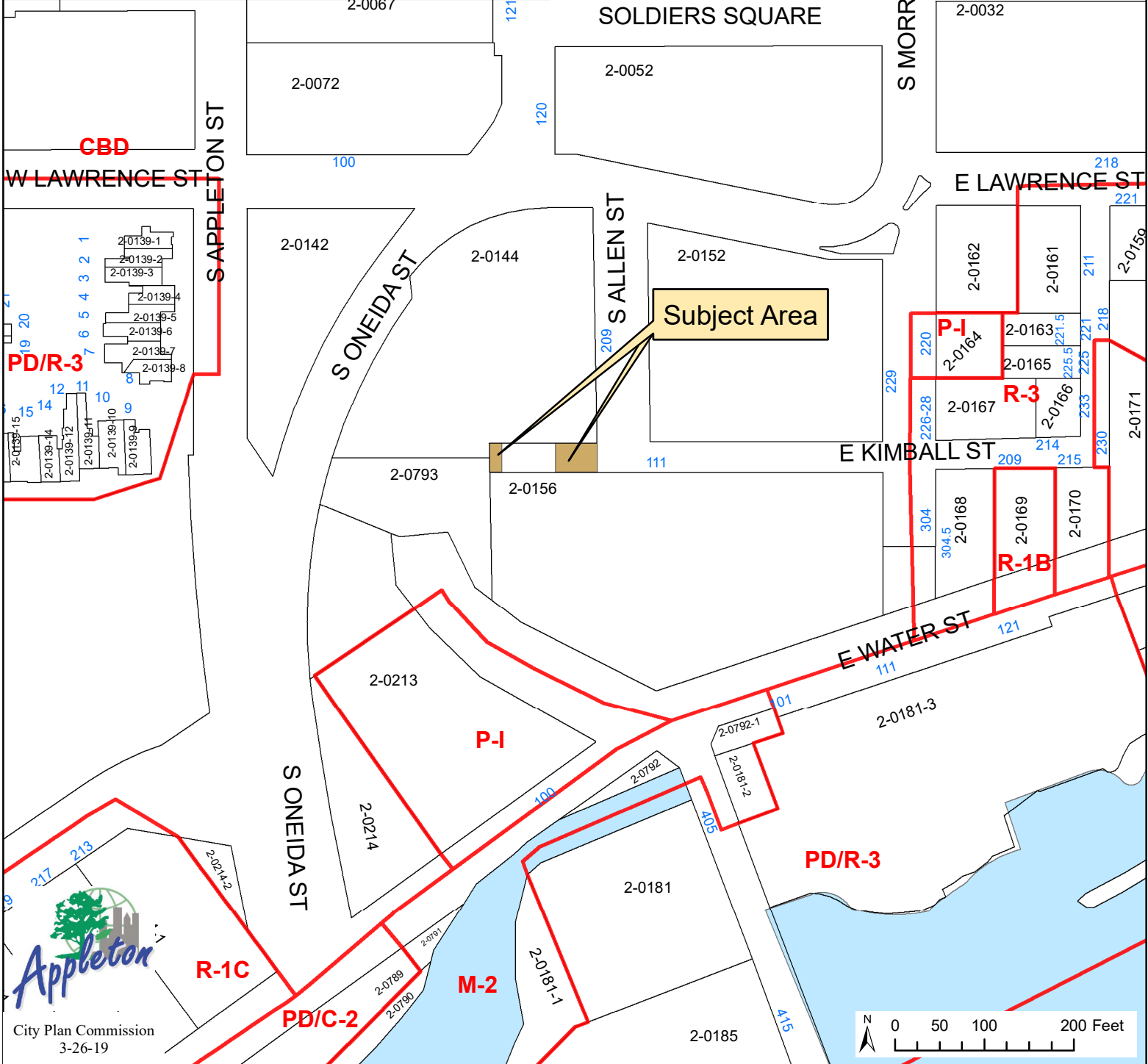
RECOMMENDATION

Staff recommends the discontinuance of a portion of East Kimball Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

Kimball Street (West of Allen Street) Street Vacation Zoning Map



2-0287	2-0282-12	2-0312
	2-0282-13	2-0313
	2-0282-14	2-0315
	2-0282-15	2-0316
		2-0317
		2-0319
		2-0320.5



Kimball Street (West of Allen Street)
Street Vacation
Aerial Map



2-0144

2-0152

Subject Area

E KIMBALL ST

2-0793

2-0156

ROCKY BLEIER RUN

209

111

0 50 100 200 Feet



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of East Kimball Street, west of South Allen Street, that has not previously been vacated, be vacated and discontinued,

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of East Kimball Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

LEGAL DESCRIPTION

*All that part of Kimball Street lying between Block Ten (10) and Block D of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the SE ¼ of the SW ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,920 Square feet of land and being more fully described by:
Commencing at the Southeast corner of said Block 10 and being coincident with the Northwest corner of Allen Street and Kimball Street and being the point of beginning;
Thence South 00°57'34" East 32.00 feet coincident with the Southerly extension of the West line of Allen Street to the South line of Kimball Street;
Thence North 89°57'25" West 106.33 feet coincident with the South line of said Kimball Street;
Thence continue North 89°57'25" West 13.67 feet coincident with the South line of said Kimball Street;
Thence North 00°57'34" West 32.00 feet to the North line of Kimball Street;
Thence South 89°57'25" East 14.18 feet coincident with the North line of Kimball Street;
Thence South 00°02'58" East 32.00 feet to the South line of Kimball Street;
Thence South 89°57'25" East 60.00 feet coincident with the South line of Kimball Street;
Thence North 00°02'58" West 32.00 feet to the North line of Kimball Street;
Thence South 89°57'25" East 45.82 feet coincident with the North line of Kimball Street to the **point of beginning**.*

See also attached Exhibit "A" for illustration.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber- optic within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate,

operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

COMMON DESCRIPTION:

A portion of East Kimball Street, west of South Allen Street

FURTHER RESOLVED, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

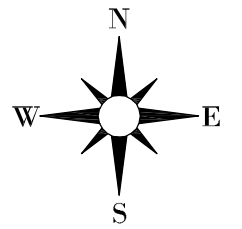
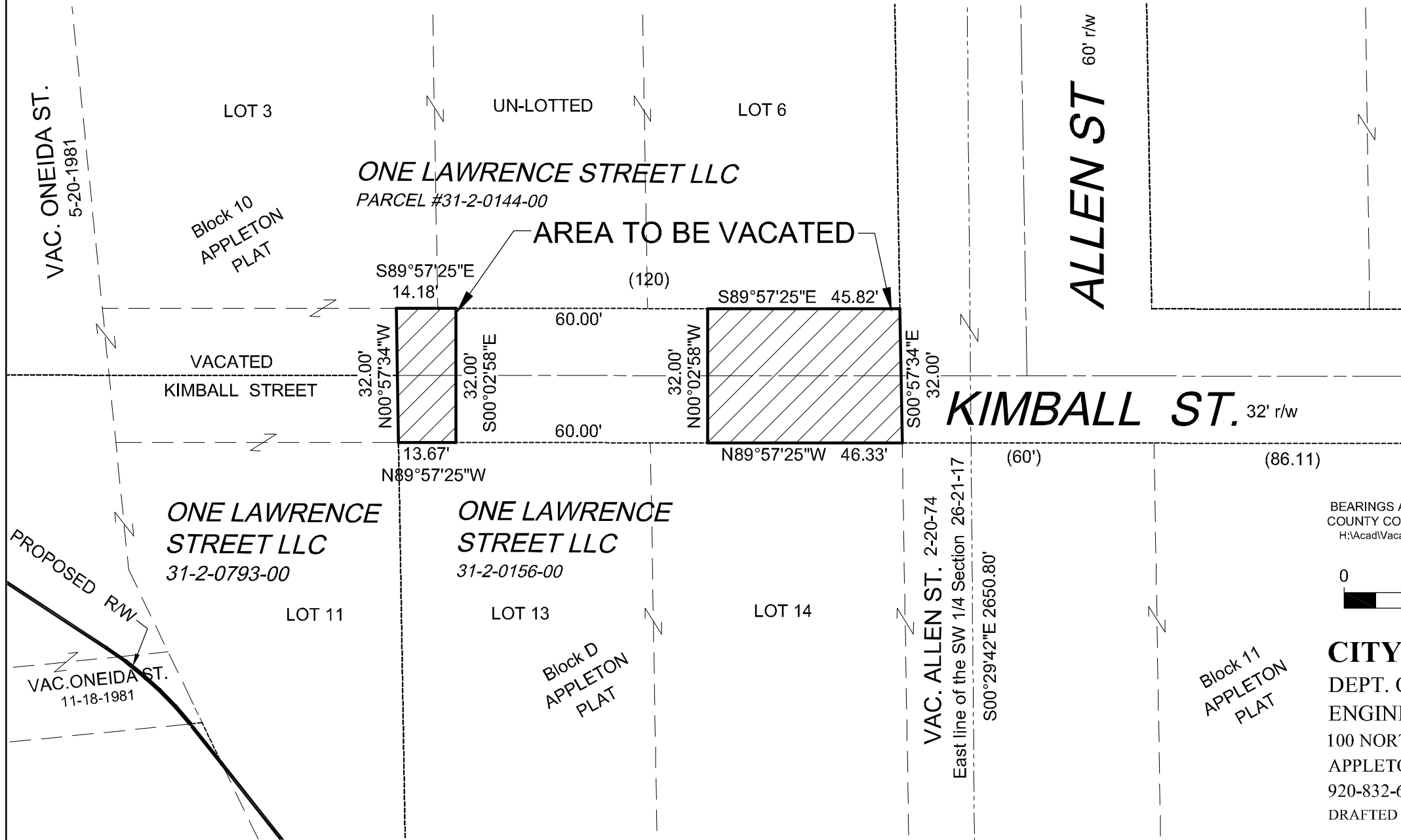
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of East Kimball Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

Date
City Law: A19-0178

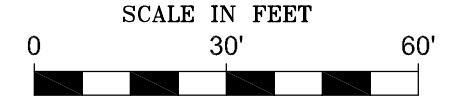
Christopher W. Croatt

EXHIBIT "A"

PART OF KIMBALL STREET LYING BETWEEN BLOCK 10 AND BLOCK D, APPLETON PLAT, (AKA SECOND WARD PLAT), ALL ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON, BEING LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY
 H:\Acad\Vacation\2019\Kimball_WO_Allen_2012_2019



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM