



# 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.*

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Wednesday, September 14, 2022

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting  
[22-1128](#) City Plan Minutes from 8-24-22

**Attachments:** [City Plan Minutes 8-24-22.pdf](#)

#### 4. Public Hearings/Appearances

- [22-1129](#) Special Use Permit #10-22 for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption use located at 516 W. Lawrence Street (Tax Id #31-3-1006-00), as shown on the attached materials 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 #22-1130)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_516WLawrenceSt\\_SUP#10-22.pdf](#)  
[PublicHearingNoticeNeighborhood\\_516WLawrenceSt\\_SUP#10-22.pdf](#)

- [22-1131](#) Comprehensive Plan 2010-2030 Text Amendment #3-22 to amend Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7 Soldier's Square/YMCA Parking Ramp on Pages 314, 318 and 319, as identified in the attached documents and approve attached Resolution (Associated with Action Item #22-1132)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_SoldiersSquare\\_CompPlanAmend#3-22.pdf](#)

#### 5. Action Items

[22-1130](#) Request to approve Special Use Permit #10-22 for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption use located at 516 W. Lawrence Street (Tax Id #31-3-1006-00), as shown on the attached materials 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 516WLawrenceSt SUP For09-14-22.pdf](#)

[22-1132](#) Request to approve Comprehensive Plan 2010-2030 Text Amendment #3-22 to amend Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7 Soldier's Square/YMCA Parking Ramp on Pages 314, 318 and 319, as identified in the attached documents and approve attached Resolution

**Attachments:** [StaffReport SoldiersSquare CompPlanTextAmend For09-14-22.pdf](#)

[22-0350](#) Request to approve the Stone Ridge Estates West Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport StoneRidgeEstatesWest FinalPlat For09-14-22.pdf](#)

## 6. Information Items

[22-0870](#) Review Roles and Responsibilities of the City Plan Commission

**Attachments:** [Role of City Plan Commission 9-14-22.pdf](#)

## 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

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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.*

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Wednesday, August 24, 2022

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

**Meeting called to order by Chair Mayor Woodford at 3:30 p.m.**

2. Roll call of membership

*Commissioner Dane appeared virtually and participated via Zoom.*

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

*Others present:*

*Aaron Breitenfeldt, Robert E. Lee & Associates  
Andrea Schaumberg, W5953 Easter Lily Drive  
Marcia & Bill Fellows, 1808 E. Longview Drive  
Jennifer Stephany, Appleton Downtown Inc.*

3. Approval of minutes from previous meeting

[22-1056](#)

City Plan Minutes from 8-10-22

**Attachments:** [City Plan Minutes 8-10-22.pdf](#)

**Fenton moved, seconded by Palm, 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/Appearances

[22-1057](#)

Special Use Permit #9-22 to remove an existing car wash and construct a new car wash use located at 1920 E. Longview Drive (Tax Id #31-1-6550-08), as shown on the attached materials 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 #22-1058)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_1920ELongviewDr\\_SUP#9-22.pdf](#)  
[PublicHearingNoticeNeighborhood\\_1920ELongviewDr\\_SUP#9-22.pdf](#)

**This public hearing was held, and Aaron Breitenfeldt and Bill Fellows spoke on the item.**

[22-1059](#)

Rezoning #4-22 for the subject parcel located at 1430 N. Ballard Road (Tax Id #31-1-5207-00), including to the centerline of the adjacent one-half (1/2) right-of-way of N. Ballard Road, as shown on the attached maps, from M-2 General Industrial District to C-2 General Commercial District (Associated with Action Item #22-1060)

**Attachments:** [InformalPublicHearingNotice\\_1430NBallardRd\\_Rezoning#4-22.pdf](#)

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

## 5. Action Items

[22-1058](#)

Request to approve Special Use Permit #9-22 to remove an existing car wash and construct a new car wash use located at 1920 E. Longview Drive (Tax Id #31-1-6550-08), as shown on the attached materials 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\\_1920ELongviewDr\\_SUP\\_For08-24-22.pdf](#)

**Fenton moved, seconded by Uitenbroek, 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

[22-1060](#)

Request to approve Rezoning #4-22 for the subject parcel located at 1430 N. Ballard Road (Tax Id #31-1-5207-00), including to the centerline of the adjacent one-half (1/2) right-of-way of N. Ballard Road, as shown on the attached maps, from M-2 General Industrial District to C-2 General Commercial District

**Attachments:** [StaffReport\\_EPS\\_Rezoning\\_For08-24-22.pdf](#)

*Proceeds to Council on September 21, 2022.*

**Palm 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

[22-1061](#)

**\*\*CRITICAL TIMING\*\*** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2023 Operating Plan

**Attachments:** [StaffReport\\_2023BIDOperatingPlan\\_For08-24-22.pdf](#)

[2023 BID Operational Plan.pdf](#)

[2021 BID Annual Report.pdf](#)

[2021 BID Audit - Financial Statements.pdf](#)

**Fenton moved, seconded by Palm, 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

[22-1062](#)

Next meeting (9-14-22) will include a presentation on the roles and responsibilities of the City Plan Commissioner

**This item was presented.**

## 7. Adjournment

**Fenton moved, seconded by Buetow, that the meeting be adjourned at 3:52 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, September 14, 2022, 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 23-114 of the Appleton Municipal Code, to consider a request by Nick Charles, Wisconsin Distilling Company, LLC, applicant for the property located at 516 West Lawrence Street (Tax Id #31-3-1006-00) to obtain a Special Use Permit for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption. In the CBD Central Business District, a Special Use Permit is required for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption.

***Craft-Distillery*** means a use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

***Tasting room*** means a use 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.

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 Don Harp, Principal Planner, in the Community and Economic Development Department at (920) 832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@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: August 30, 2022  
September 6, 2022

**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, September 14, 2022, 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 23-114 of the Appleton Municipal Code, to consider a request by Nick Charles, Wisconsin Distilling Company, LLC, applicant for the property located at 516 West Lawrence Street (Tax Id #31-3-1006-00) to obtain a Special Use Permit for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption. In the CBD Central Business District, a Special Use Permit is required for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption.

***Craft-Distillery*** means a use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

***Tasting room*** means a use 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.

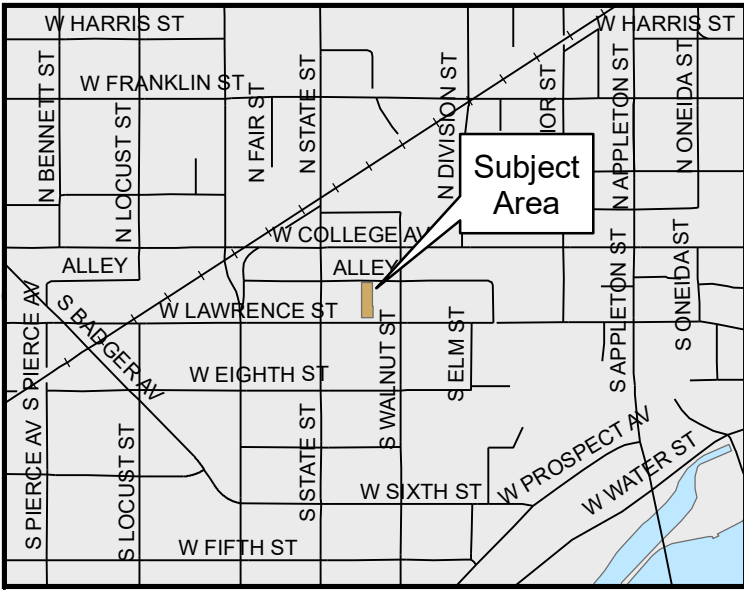
You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone 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 Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org).

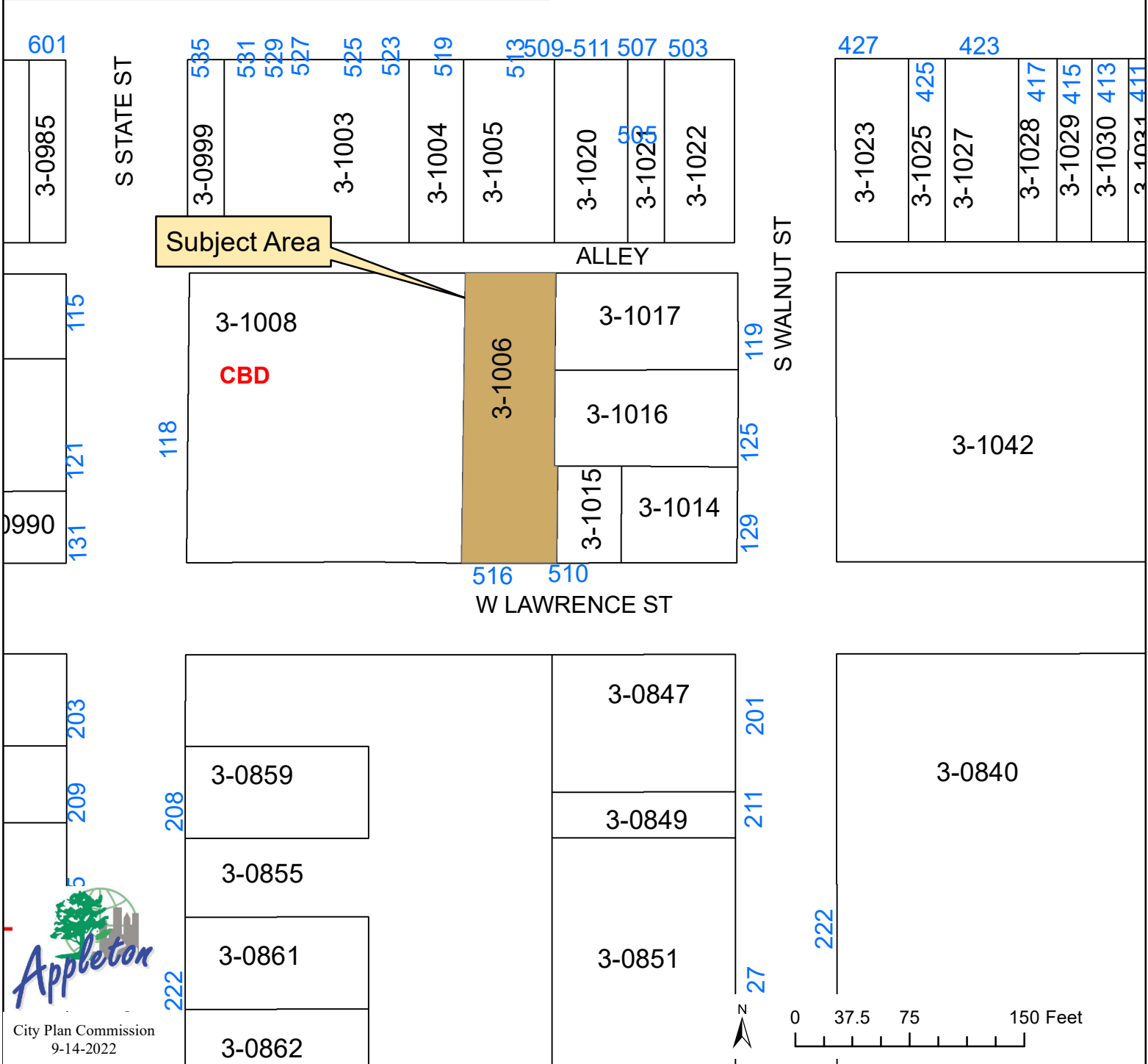
CITY PLAN COMMISSION

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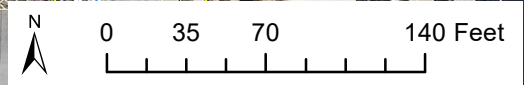
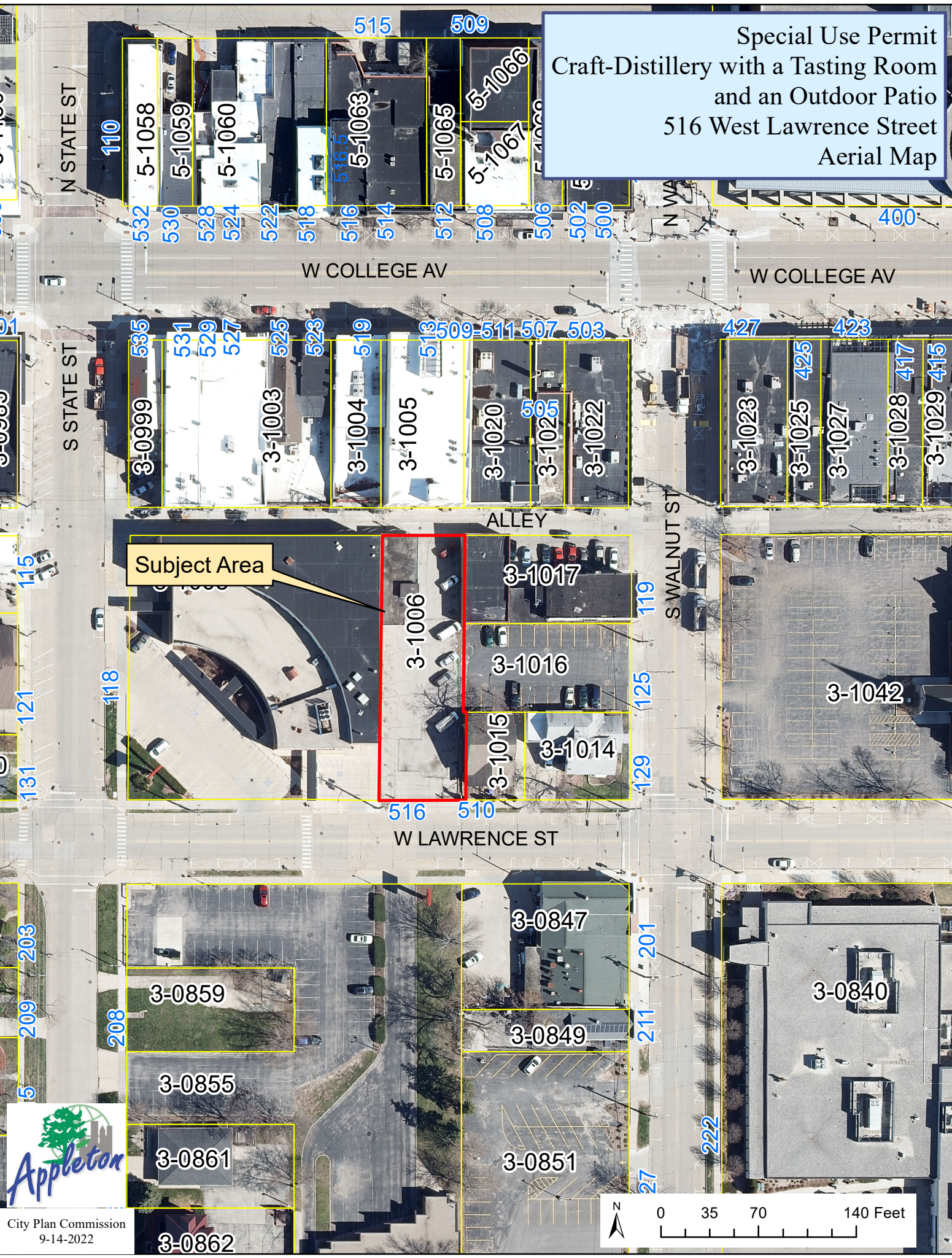
Special Use Permit  
 Craft-Distillery with a Tasting Room  
 and an Outdoor Patio  
 516 West Lawrence Street





Special Use Permit  
 Craft-Distillery with a Tasting Room  
 and an Outdoor Patio  
 516 West Lawrence Street  
 Aerial Map

Subject Area

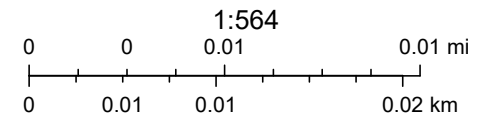


# ArcGIS Web Map

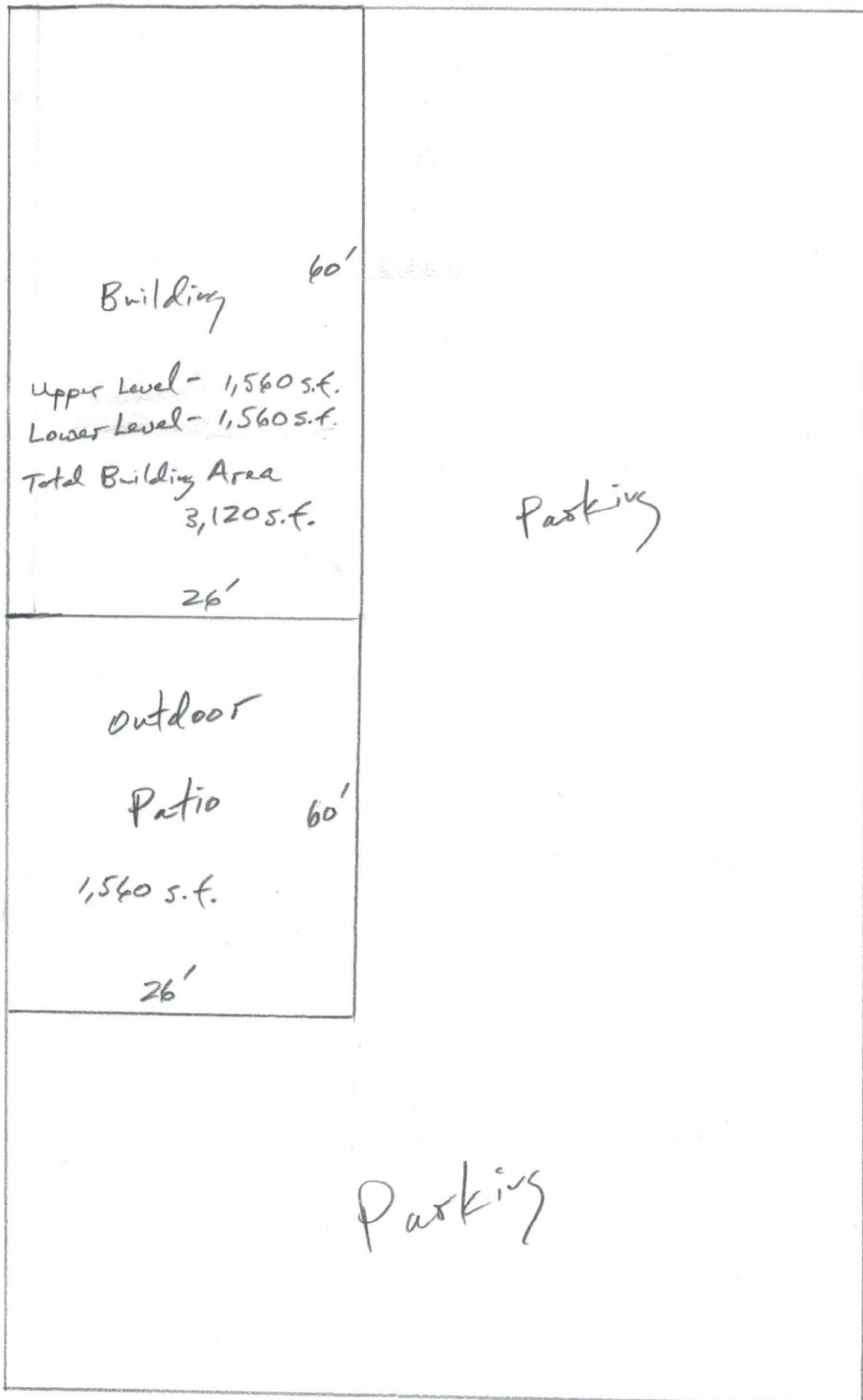


8/9/2022, 9:01:52 AM

 Override 1  City Limits  City Parcels



\*\* NOT DRAWN TO SCALE \*\*



Building 60'

Upper Level - 1,560 s.f.  
Lower Level - 1,560 s.f.

Total Building Area  
3,120 s.f.

26'

Parking

189.44'

Outdoor

Patio 60'

1,560 s.f.

26'

Parking

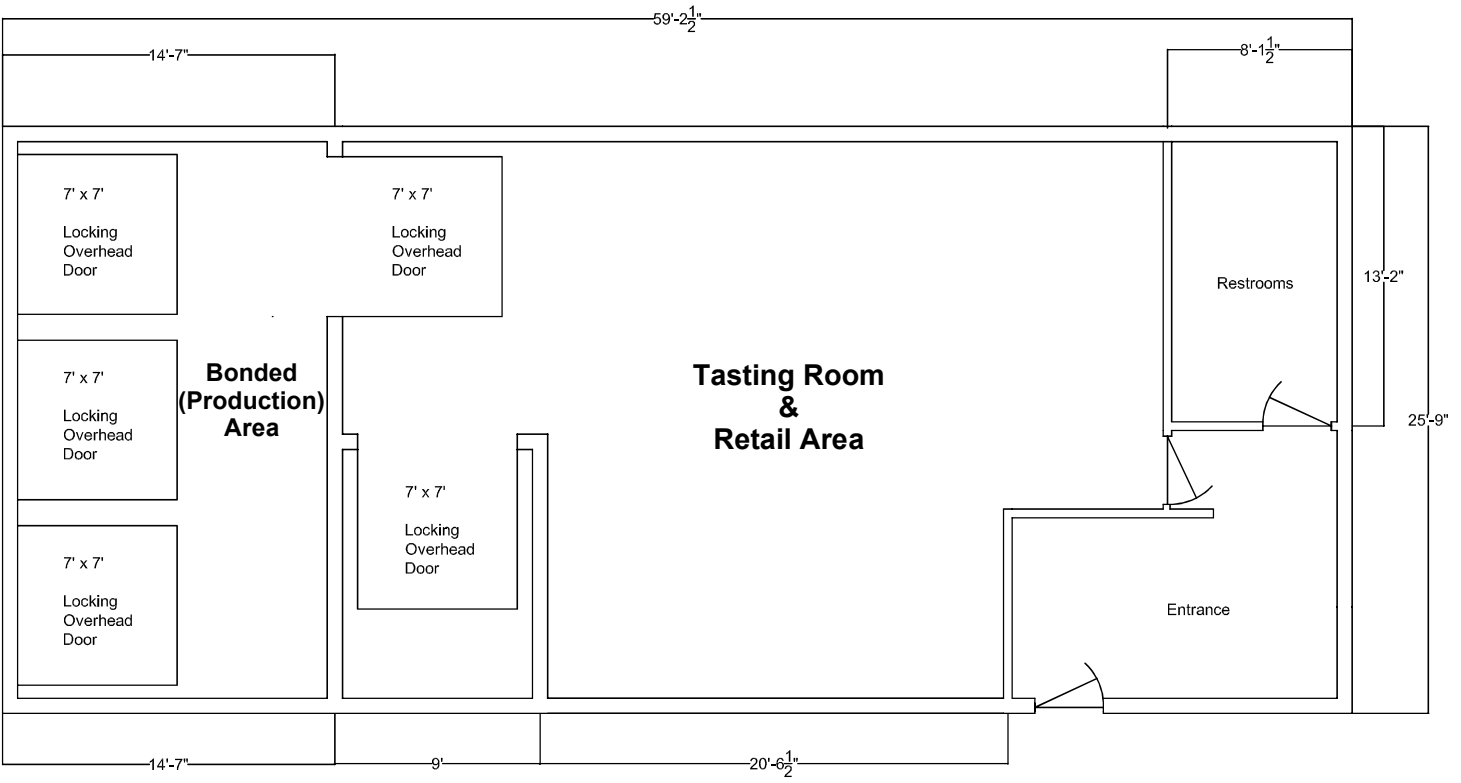
60'

# UPPER LEVEL

West

North

East



# LOWER LEVEL

West

59'-2 $\frac{1}{2}$ "

Future Bonded (Production) Area

7' x 7'

Locking  
Overhead  
Door

25'-9"

North

14'-7"

9'

East

**CITY OF APPLETON**  
**NOTICE OF PUBLIC HEARING**  
**PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT**

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, September 14, 2022, 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 Comprehensive Plan Text Amendment request.

Pursuant to Wisconsin State Statute 66.1001 and the City of Appleton Comprehensive Plan 2010-2030, Comprehensive Plan Text Amendments have been initiated by the City of Appleton Community and Economic Development Department, in the matter of the City Plan Commission to review the recommended text amendments to Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7 Soldier's Square/YMCA Parking Ramp, Pages 314, 318 and 319.

A copy of the proposed text amendment to the Comprehensive Plan 2010-2030 is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

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 Karen Harkness, Director of the Community and Economic Development Department at 920-832-6468 or by email at [karen.harkness@appleton.org](mailto:karen.harkness@appleton.org).

CITY PLAN COMMISSION  
APPLETON, WISCONSIN

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RUN: August 30, 2022  
September 6, 2022



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** September 14, 2022

**Common Council Meeting Date:** September 21, 2022

**Item:** Special Use Permit #10-22 for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

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**Owner:** Bela Development, LLC – Teresa Knuth

**Applicant:** Nick Charles, Wisconsin Distilling Company, LLC

**Address/Parcel #:** 516 West Lawrence Street (Tax Id #31-3-1006-00)

**Petitioner's Request:** The applicant is requesting a craft distillery manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year.

### BACKGROUND

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The existing building was originally constructed in 1953 as a warehouse.

On March 24, 2020, Ordinance #32-20 went into effect to allow craft-distilleries with a tasting room as a Special Use Permit in the Central Business District (CBD) per Chapter 23 Zoning of the Municipal Code.

On August 11, 2022, City staff from the Health Department, Building Inspections Division, Fire Department and Community & Economic Development Department conducted a courtesy inspection of the building with the applicant. Staff discussed the necessary steps to bring the property into compliance with applicable local and state codes related to a craft-distillery use. The courtesy inspection report was provided to the applicant.

### STAFF ANALYSIS

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**Project Summary:** The applicant is requesting to operate a craft-distillery with a tasting room within the existing building (upper & lower levels) which includes a proposed outdoor patio area with alcohol sales and consumption for a total gross area of 4,680 square feet. The applicant proposes to define the perimeter of the proposed outdoor patio area with a four (4) high fence. The applicant anticipates initially producing 5,000 proof gallons of intoxicating liquor per year per attached plan of operation. Additionally, the distillery does not use heavy machinery that makes significant noise. The distilling process itself is generally quiet (electric grain mills, electric mash pumps, etc.), and the noise will be contained within an enclosed building. The spent grains will be stored inside the distillery in 55-gallon stainless steel drums until being picked up.

**Site Conditions:** In addition to the existing building, twenty-eight (28) on-site surface parking spaces exist on the subject site. It is important to note, due to existing on-street parking spaces and parking ramps located within the downtown area and the walkability of the Central Business District (CBD), provisions for off-street parking and loading spaces are not required for uses in the CBD zoning district.

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

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, craft-distilleries with a tasting room and an outdoor patio with alcohol sales and consumption require a Special Use Permit in the CBD District.

In order to permit the proposed use, 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.

A Special Use Permit will expire if a building permit and/or occupancy permit has not been obtained to commence the craft-distillery operations within twelve (12) months of the issuance of the Special Use Permit.

**City of Appleton Zoning Ordinance Section 23-22 Includes the Following Definitions Related to Craft-Distilleries:**

***Craft-Distillery*** means a use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

***Proof*** means the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percentage of ethyl alcohol by volume.

***Proof gallon*** means a gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof. Proof is a method of measuring the alcohol content of spirits (intoxicating liquor). You calculate the proof of a spirits product by multiplying the percent of alcohol by volume by two (2). For example, a spirits (intoxicating liquor) product that has a 40% alcohol content by volume is 80 proof [40 multiplied by 2 = 80]. Converting U.S. gallons into proof gallons:

1. Multiply U.S. gallons by the percent of alcohol by volume.
2. Multiply by 2.
3. Divide by 100.



**Sample calculation:**

1. 100 U.S. gallons x 40% alcohol by volume = 4000
2. 4000 x 2 = 8000
3. 8000/100 = 80 proof gallons

**Tasting room** means a use 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.

**Applicable Special Use Regulations Related to Craft-Distilleries:**

Section 23-66(h)(19) *Microbrewery/Brewpubs and Craft-Distilleries*.

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. Tasting rooms require a Special Use Permit in the C-1, C-2 and CBD Zoning District.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

**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: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses including restaurants, a bar, and event space with alcohol sales and service.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of uses, including surfacing parking lot and a bar.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of uses, including surfacing parking lot and residential apartments.

West: CBD Central Business District. The adjacent land use to the west is a bank.

**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.*

**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.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: (1. *proper zoning district:* CBD zoning allows this proposed use as a special use permit, 2. *zoning district regulations:* all applicable requirements will be verified as part of the building permit approval process, see condition #1, 3. *special regulations:* stipulations 1, 2, and 3 address the special regulations for craft-distilleries with a tasting room, 4. *consistent with comprehensive plan and other plans:* yes, see above analysis, 5. *traffic:* the existing off-street parking lot is served by one driveway entrance located on Lawrence Street with vehicles existing onto Kimball Alley, no concerns submitted by traffic engineer, 6. *landscaping and screening:* not applicable to this proposed use, 7. *neighborhood compatibility:* the proposed use is located near other commercial uses in this area of City; 8. *impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use). These standards were found in the affirmative, as long as all stipulations are satisfied.

**Technical Review Group (TRG) Report:** This item appeared on the August 23, 2022 TRG agenda. No negative comments were received from participating departments.

- A Temporary Use Permit shall be applied for and issued by the Community and Economic Development Department prior to food trucks being parked on-site.

## **RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #10-22 for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption located at 516 West Lawrence Street (Tax Id #31-3-1006-00) 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 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)(19)a. of the Zoning Ordinance for this particular use.*

2. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the CBD Zoning Districts.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(19)c. of the Zoning Ordinance for this particular use.*

3. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(19)f. of the Zoning Ordinance for this particular use.*

4. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

*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 #10-22**  
**CRAFT-DISTILLERY WITH A TASTING ROOM AND AN OUTDOOR PATIO WITH ALCOHOL**  
**SALES AND CONSUMPTION**  
**516 WEST LAWRENCE STREET**

**WHEREAS**, Nick Charles, Wisconsin Distilling Company, LLC has applied for a Special Use Permit for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption (craft-distillery) for a total gross area of 4,680 square feet located at 516 West Lawrence Street, also identified as Parcel Number 31-3-1006-00; and

**WHEREAS**, the location for the proposed craft-distillery is located in the CBD Central Business 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 September 14, 2022 on Special Use Permit #10-22, 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 #10-22 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 September 21, 2022.

**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 #10-22 for a craft-distillery located at 516 West Lawrence Street, also identified as Parcel Number 31-3-1006-00, 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 #10-22 for a craft-distillery located at 516 West Lawrence Street, also identified as Parcel Number 31-3-1006-00, 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 #10-22**

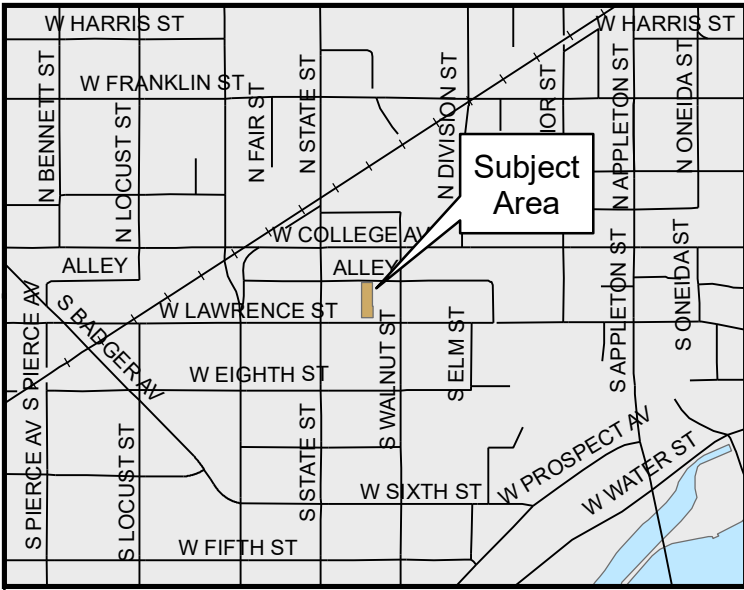
- A. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - B. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the CBD Zoning Districts.
  - C. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.
  - D. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
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 \_\_\_\_\_, 2022.

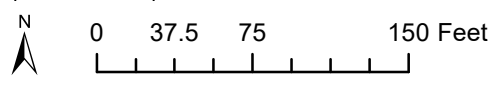
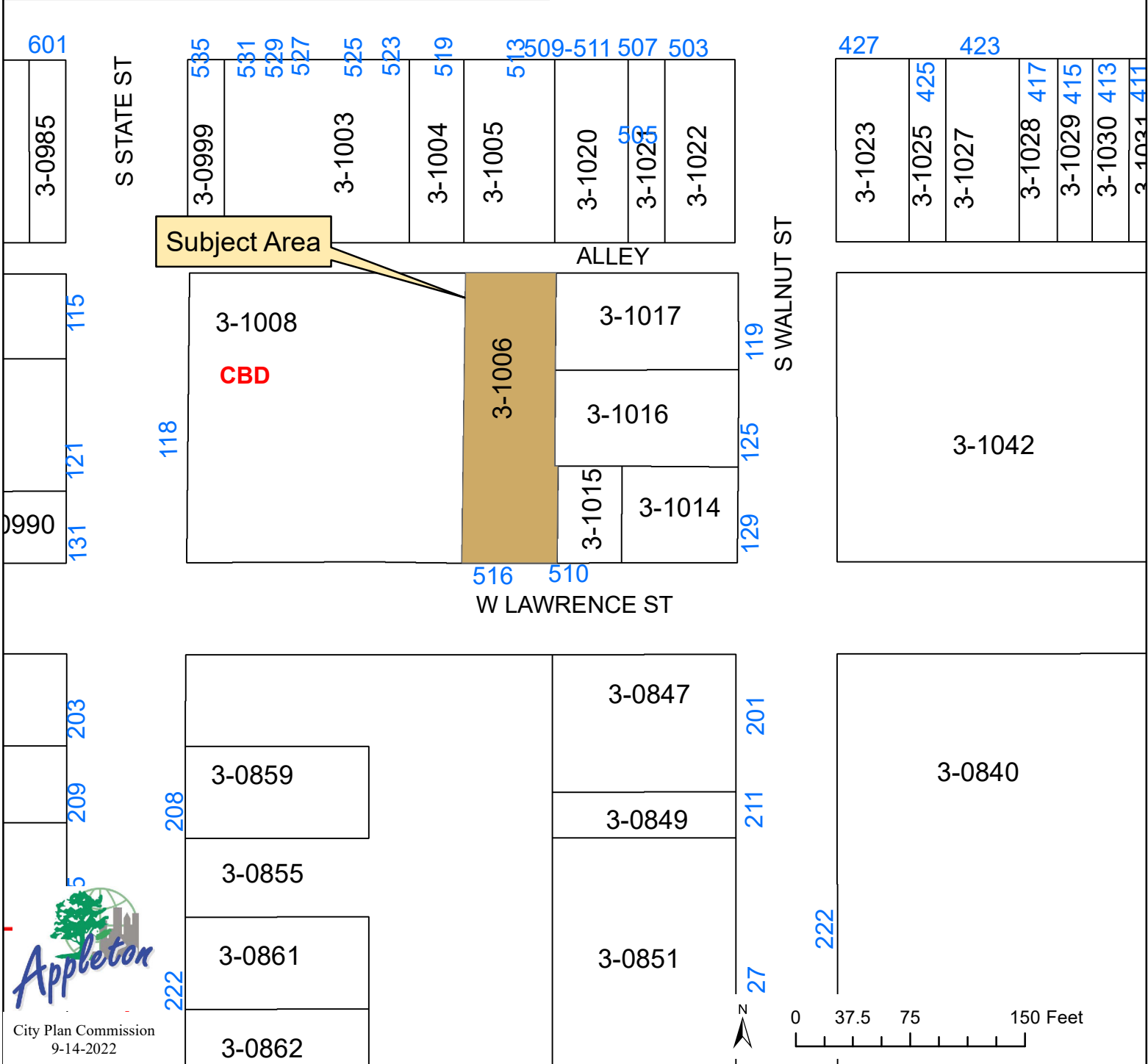
\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk

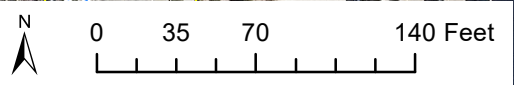
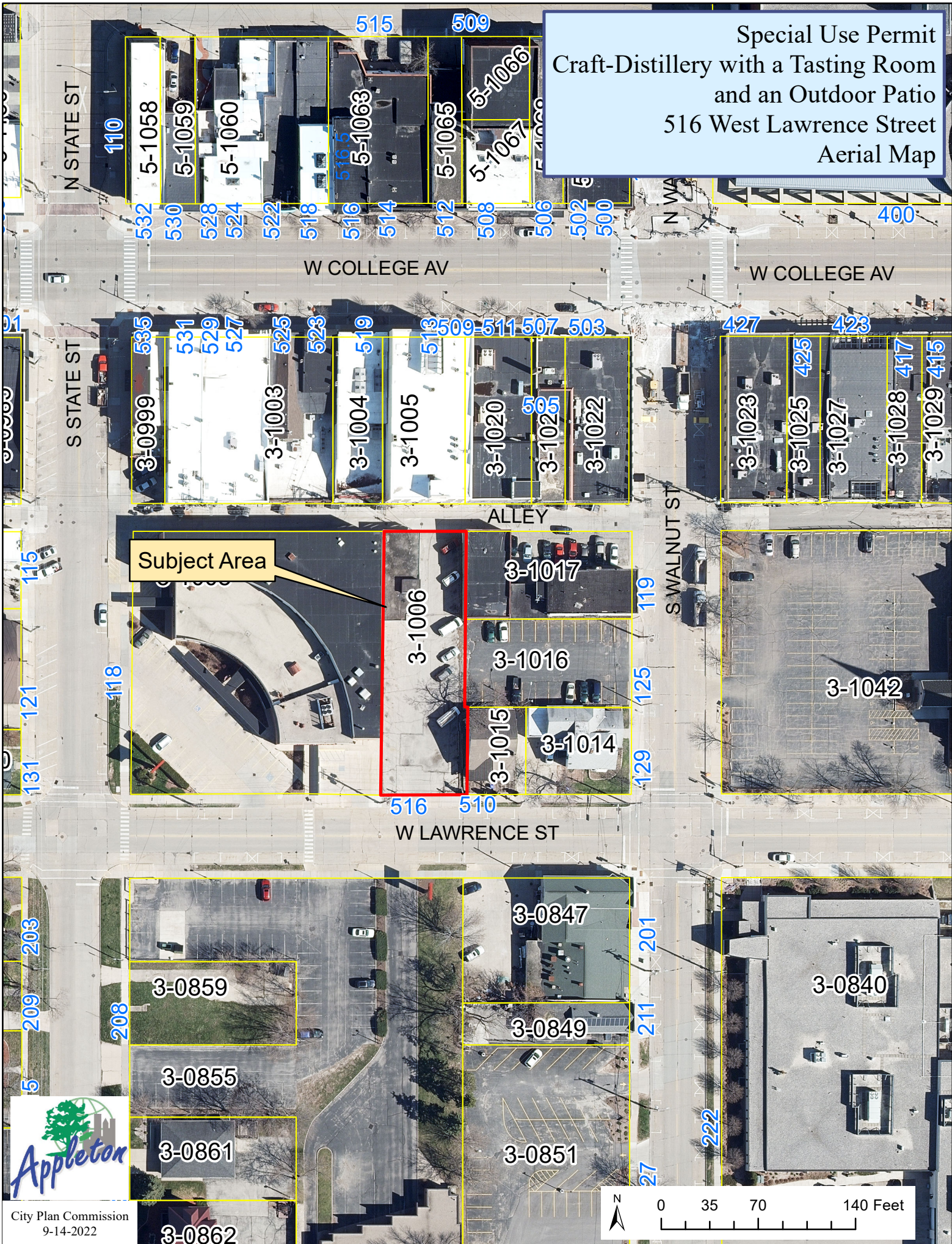


Special Use Permit  
 Craft-Distillery with a Tasting Room  
 and an Outdoor Patio  
 516 West Lawrence Street



Special Use Permit  
Craft-Distillery with a Tasting Room  
and an Outdoor Patio  
516 West Lawrence Street  
Aerial Map

Subject Area



# PLAN OF OPERATION AND LOCATIONAL INFORMATION

## Business information:

Name of business: Wisconsin Distilling Company LLC  
Years in operation: 0

(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:

Wisconsin Distilling Company LLC will produce craft spirits on site in the Bonded Area. The spirits will then be sold in the Tasting Room packaged in bottles or sold in cocktails.

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

(square feet) 3,120 s.f. - Upper Level with Patio Area  
1,560 s.f. - Lower Level

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

(square feet) 4,680 s.f. - Upper Level + Lower Level w/ Patio Area



**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: \_\_\_\_\_ persons.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Monday thru Thursday	4 pm	12 am
Friday	4 pm	12 am
Saturday	11 am	12 am
Sunday	11 am	12 am

**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: 0 proof gallons per year
- Proposed production of intoxicating liquor: 10,000 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:

Storage of all contents will be in 55 gal stainless steel drums. Drums will be stored in the Bonded Area.  
Storage of aging spirits will be in wood barrels.

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

Storage of all spent contents will be in 55 gal stainless steel drums. Drums will be stored in the Bonded Area.

**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: 1,560 square feet

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

- Fencing  Landscaping  Other \_\_\_\_\_ Height 4 feet

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

If yes, please describe: There will be a 26' x 60' patio with lounge chairs where patrons can enjoy cocktails made in the Tasting Room.

Are there plans for outdoor music/entertainment? Yes  No

If yes, describe how the noise will be controlled: Music Events will be periodic. Noise will be contained to the patio area.

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

**Proposed Hours of Operation for Outdoor Space:**

*Food Trucks*

Day	From	To
Monday thru Thursday	4 pm	12 am
Friday	4 pm	12 am
Saturday	11 am	12 am
Sunday	11 am	12 am

**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:

Noise from manufacturing spirits is extremely minimal.

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

Any music and/or crowd noise will be closely monitored and controlled by employees. The goal is to create a calm, quiet, welcoming environment for guests.

**Off-Street Parking:**

Number of spaces existing on-site: 28

Number of spaces proposed on-site: 28

**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?

Adequate

**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:

None

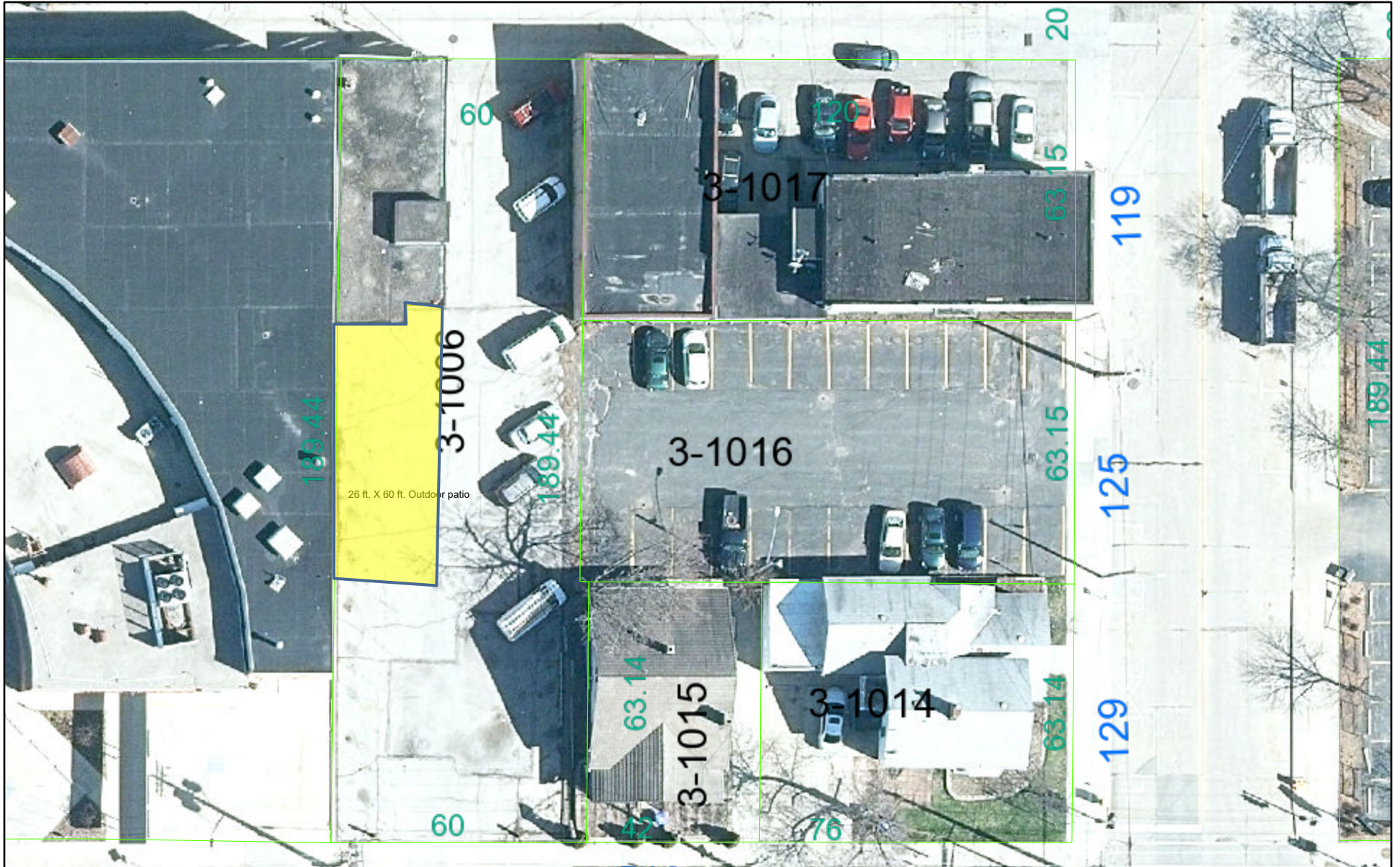
**Number of Employees:**

Number of existing employees: 2

Number of proposed employees: 10

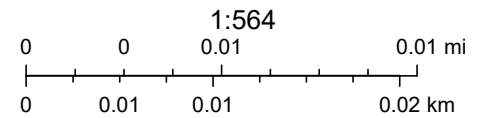
Number of employees scheduled to work on the largest shift: 5

# ArcGIS Web Map

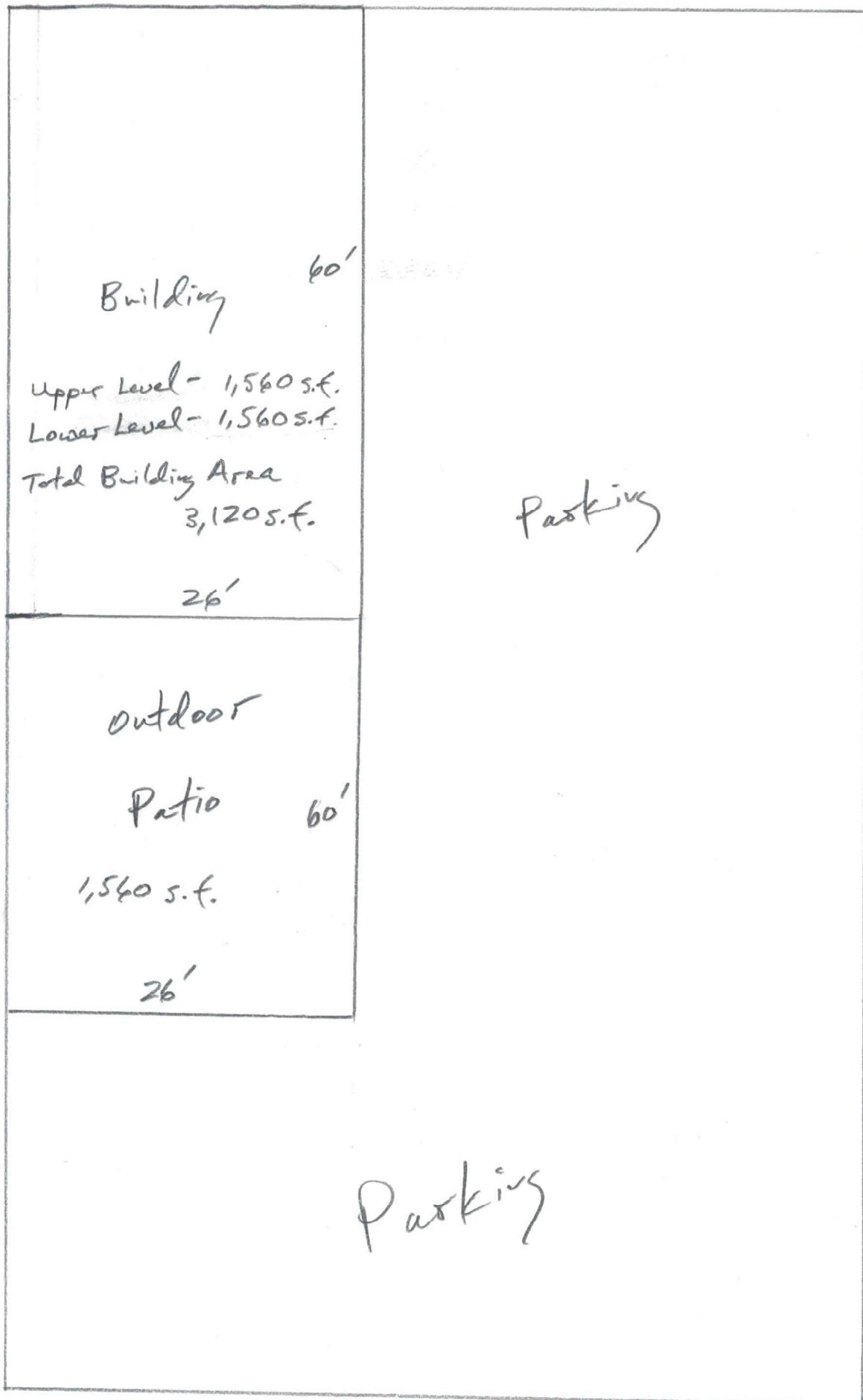


8/9/2022, 9:01:52 AM

 Override 1  City Limits  City Parcels



\*\* NOT DRAWN TO SCALE \*\*



Building 60'

Upper Level - 1,560 s.f.  
Lower Level - 1,560 s.f.

Total Building Area  
3,120 s.f.

26'

Parking

Outdoor

Patio 60'

1,560 s.f.

26'

Parking

189.44'

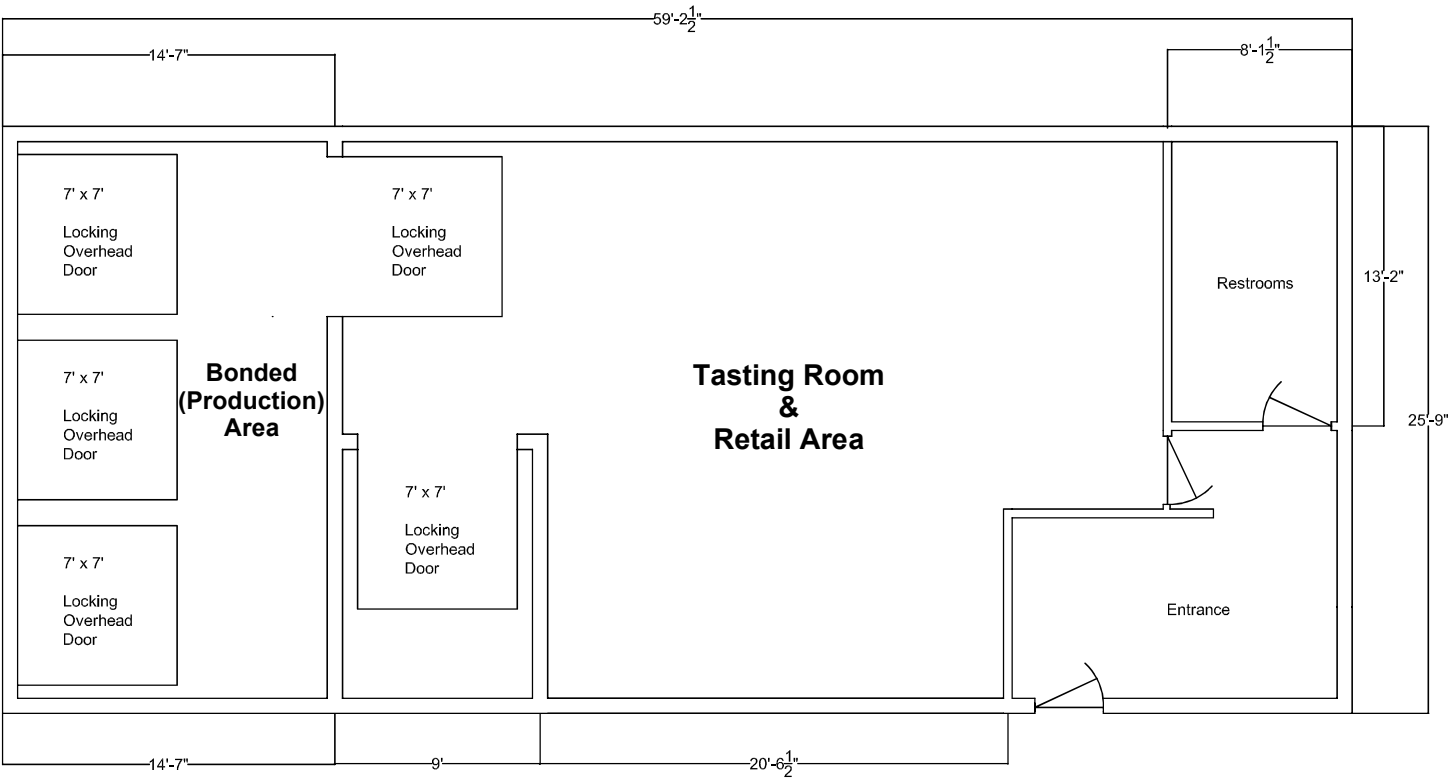
60'

# UPPER LEVEL

West

North

East



# LOWER LEVEL

West

59'-2 $\frac{1}{2}$ "

Future Bonded (Production) Area

7' x 7'

Locking  
Overhead  
Door

25'-9"

North

14'-7"

9'

East



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** September 14, 2022

**Common Council Public Hearing Meeting Date:** October 19, 2022 (Class 1 Public Hearing Notice on Comprehensive Plan Text Amendment)

**Item:** City of Appleton *Comprehensive Plan 2010-2030* Text Amendment #3-22 Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7 Soldier's Square/YMCA Parking Ramp, Pages 314, 318 and 319

**Case Managers:** Karen Harkness, Director and Don Harp, Principal Planner

### GENERAL INFORMATION

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**Petitioner's Request:** City staff is initiating a text amendment to the Comprehensive Plan 2010-2030.

### BACKGROUND

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On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. Periodically, development proposals or changing circumstances within the City may trigger an amendment to the *Comprehensive Plan 2010-2030*.

On June 1, 2022, the Council discussed and rejected Resolution #6-R-22 "Revitalization of Soldier's Square". However, the discussion indicated that Council supports this project as a philanthropic public-private collaboration and would like to see a fundraising component.

### STAFF ANALYSIS

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**Amendment Procedure:** The Plan Commission will conduct a public hearing on the proposed amendment. The public hearing before Plan Commission will be noticed as a Class II notice. The Plan Commission will act on the proposed amendment by resolution and forward the recommendation to the Common Council. Common Council will conduct a public hearing in accordance with Wisconsin State Statutes (currently as a Class I notice requiring 30 days notice) and will then, by majority vote, accept or deny the amendment.

**Proposed Text Amendment:** In response to public input and Council action taken on Resolution #6-R-22 "Revitalization of Soldier's Square", staff proposes the following text amendments to Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7 Soldier's Square/YMCA Parking Ramp, Pages 314, 318 and 319.



**Proposed new text language in Red Font:**

Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7. Soldiers Square on Page 314

7. Soldiers Square **See Comp Plan Amend #3-22 Pages 318-319**

**Proposed text language to be deleted in ~~strikeout~~ and new proposed text language in underlined:**

Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7. Soldier's Square/YMCA Parking Ramp on Pages 318-319

**7. Soldier's Square/YMCA Parking Ramp, Page 318**

~~A mixed use concept would replace a portion of the YMCA parking ramp site with a public plaza, while preserving a portion of the site for a development which might include a mix of parking, office, and commercial uses. The concept illustrated in the perspective drawing below would allow for a combination of flexible outdoor pedestrian zones. Features of the proposed mixed use development could include:~~

- ~~• 4 story mixed use building could include a mix of residential, office, commercial, or parking uses~~
- ~~• Possible arcade with retail shops on ground floor~~
- ~~• Rooftop seating~~
- ~~• Green roof~~

**7. Soldier's Square/YMCA Parking Ramp, Page 319**

The right of way (ROW) known as Solider Square houses the historic civil war monument dedicated in 1911. This bronze and granite sculpture is currently undergoing much needed maintenance and restoration.

A philanthropic public-private partnership to restore the monument (public) and raise funds to undertake the expansion of a flexible outdoor pedestrian zone (private) that would include:

- An extended pedestrian area around the civil war monument, including benches, reflection area, informative plaques, etc.
- Maintain street parking to support a variety of businesses and public ingress/egress to area.
- Encourage sustainable elements.
- Environment support small group gatherings, place making and increase vibrancy.

The YMCA Parking Ramp is being replaced with a new parking ramp.



*Figure 42 Deleted per Comprehensive Plan Amendment #3-22. -Soldier's Square/YMCA Parking Lot Perspective*

**Technical Review Group (TRG) Report:** This item appeared on the August 23, 2022 Technical Review Group agenda. No negative comments were received from participating departments.

## **RECOMMENDATION**

Based upon the above analysis, staff recommends the proposed text amendments to Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7 Soldier's Square/YMCA Parking Ramp, Pages 314, 318 and 319 of the *City of Appleton Comprehensive Plan 2010-2030*, and the Resolution, **BE APPROVED**.

**RESOLUTION  
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED TEXT AMENDMENTS TO THE  
COMPREHENSIVE PLAN AS PREPARED BY THE CITY OF APPLETON PLAN  
COMMISSION**

**WHEREAS**, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

**WHEREAS**, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

**WHEREAS**, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

**WHEREAS**, members of the public were invited to make comments at a meeting held on September 14, 2022, by the City Plan Commission, wherein the following Comprehensive Plan text amendments (Amendment #3-22) herein adopted were reviewed and commented upon by members of the public; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed the recommended text amendments to the Comprehensive Plan Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7 Soldier's Square/YMCA Parking Ramp, Pages 314, 318 and 319 at a meeting held on September 14, 2022, and

**WHEREAS**, the City of Appleton Plan Commission reviewed the recommended text amendments to the Comprehensive Plan, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution;

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Amendment to change the text of Chapter 14: Downtown Plan, Section 4: Downtown Development Concept, Opportunity Site #7 Soldier's Square/YMCA Parking Ramp, Pages 314, 318 and 319.

**WHEREAS**, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

**WHEREAS**, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed text amendments to the Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

**WHEREAS**, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Appleton Plan Commission that the recommended Comprehensive Plan text amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan text amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

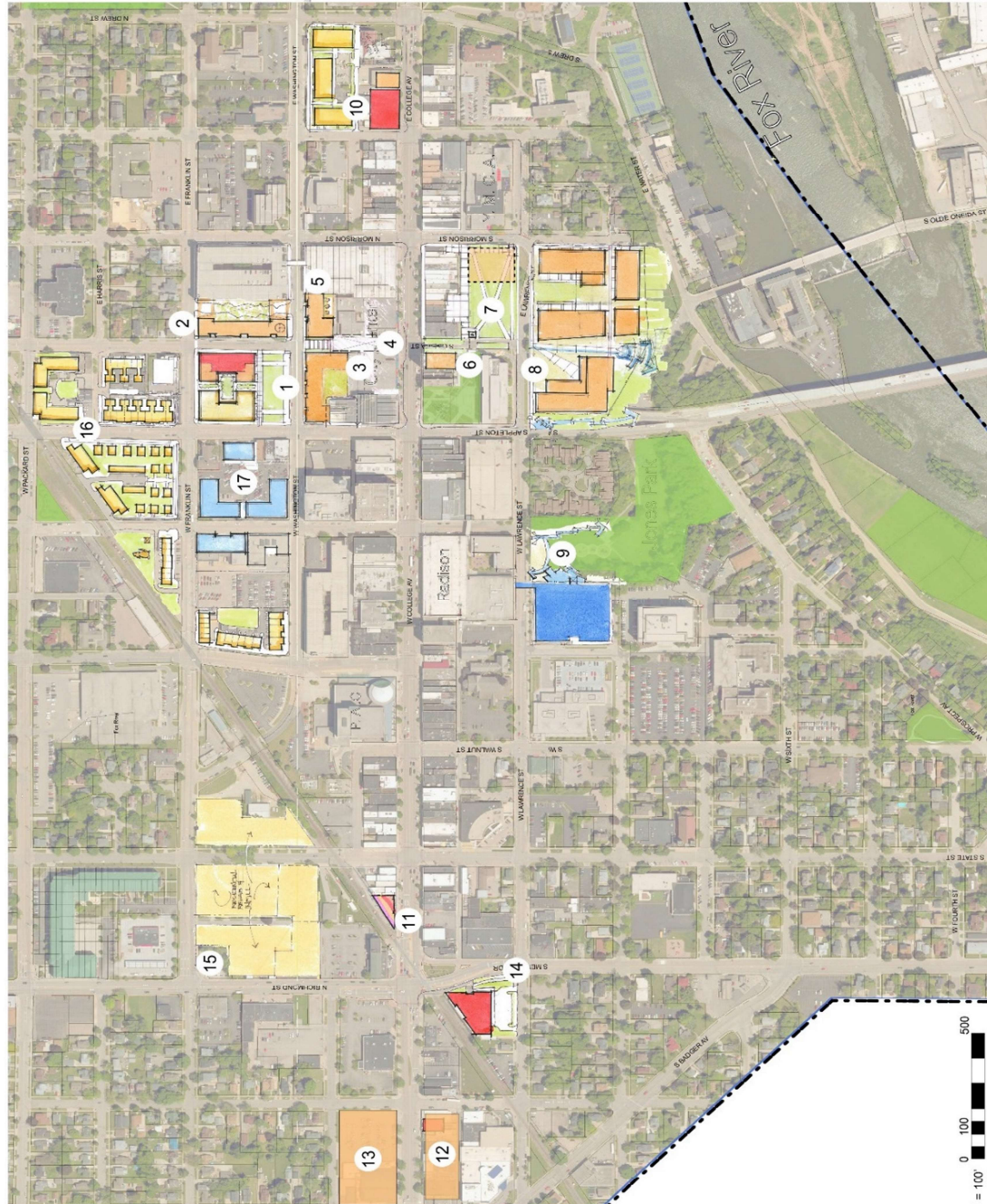
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Jacob A. Woodford, Mayor

ATTEST:

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Kami Lynch, City Clerk



- Commercial (Shops, Dining, Services)
- Mixed Use (Office, Commercial, Residential)
- Residential (Stacked Flats, Row Houses, Cottage Homes)
- Professional Office
- Public/Institutional
- Redevelopment of library site into mixed use
- New mixed use transit center w/ green roof
- Commercial, residential, parking, mixed use
- Renovate City Center market arcade
- Residential stacked flats w/ rooftop deck
- Residential conversion of upper floors in Zuelke Bldg.
- Soldiers Square **See Comp Plan Amend #3-22 Pages 318-319**
- Mixed use public, office, residential and parking
- Expo Center w/ elevator access to Jones Park
- Expanded Heid Music & adjacent mixed use residential
- Conversion to artist studios and gateway enhancement
- Building Rehabilitation
- Former Thompson Center Rehab
- Commercial Redevelopment
- Residential Rehab and Infill
- Mix of new Infill Housing Types
- Professional Office

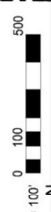


## Downtown Study

## Appleton, Wisconsin

Appleton, Wisconsin

1" = 100'



## Redevelopment Framework

Square (left), with City Center Plaza taking on a public market character through targeted renovations.



Figure 41 Perspective from site of current Appleton Public Library looking south toward back side of City Center Plaza

## 6. Zuelke Building

The historic Zuelke building, completed in 1931, provides commercial office and retail space. At 12 stories, it provides exceptional views of the surrounding City and landscape. Its location in the heart of downtown Appleton is desirable from a residential standpoint. This conceptual plan envisions converting the upper floors of the building into residential uses, however it is recognized that several developers have completed due diligence on renovating the building to residential and have discovered significant cost and construction challenges. Therefore, converting the building to residential may require some degree of public investment and the use of Historic Tax Credits in order to be financially viable.

## 7. Soldier's Square/YMCA Parking Ramp

A mixed-use concept would replace a portion of the YMCA parking ramp site with a public plaza, while preserving a portion of the site for a development which might include a mix of parking, office, and commercial uses. The concept illustrated in the perspective drawing below would allow for a combination of flexible outdoor pedestrian zones. Features of the proposed mixed use development could include:

- 4 story mixed use building could include a mix of residential, office, commercial, or parking uses
- Possible arcade with retail shops on ground floor
- Rooftop seating
- Green roof

The right of way (ROW) known as Solider Square houses the historic civil war monument dedicated in 1911. This bronze and granite sculpture is currently undergoing much needed maintenance and restoration.

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- Encourage sustainable elements.
- Environment support small group gatherings, place making and increase vibrancy.

The YMCA Parking Ramp is being replaced with a new parking ramp.



Figure 42 Deleted per Comprehensive Plan Amendment #3-22. *Soldier's Square/YMCA Parking Lot Perspective*



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** September 14, 2022

**Common Council Meeting Date:** September 21, 2022

**Item:** Final Plat – Stone Ridge Estates West

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Applicant:** Michael J. Frank, Schuler & Associates, Inc.

**Owner:** Cypress Homes, Inc.

**Address/Parcel #:** N. Haymeadow Avenue (Tax Id #31-6-5802-02). The subject property is located south of East Clearfield Lane and west of North Haymeadow Avenue.

**Petitioner's Request:** The owner/applicant is proposing to subdivide property for single-family residential development.

### BACKGROUND

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On June 19, 2019, Common Council adopted Ordinance 68-19, to annex the subject area from the Town of Grand Chute to the City of Appleton. The subject property was officially annexed to the City on June 25, 2019 at 12:01 a.m.

On July 24, 2019, the Common Council approved the request to rezone the subject property from Temporary AG Agricultural District to R-1B Single-Family District.

CSM #20-19 created the subject parcel and was approved by staff on January 2, 2020. The dedication of public right-of-way for North Haymeadow Avenue (adjacent to the subject property) was approved by the Common Council on December 18, 2019.

The Stone Ridge Estates West Preliminary Plat was approved by Common Council on January 19, 2022.

### STAFF ANALYSIS

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**Existing Conditions:** The subject area to be subdivided is currently undeveloped. Stone Ridge Estates West consists of 3.88 acres and will be divided into ten (10) single-family lots.

**Comparison between Final Plat and Preliminary Plat:** The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

**Zoning Ordinance Review Criteria:** The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: Six thousand (6,000) square feet.



## Final Plat – Stone Ridge Estates West

September 14, 2022

Page 2

- *The proposed average lot size is 15,904 square feet. All lots exceed this minimum requirement.*
- Minimum lot width: Fifty (50) feet.
  - *All lots exceed this minimum requirement, with exception of Lot 8. Please see the “Compliance with Appleton Subdivision Regulations” section below. The Common Council granted a Modification of Regulations per Section 17-3(f) of the Subdivision Code. Lot 8 meets the minimum lot width standard at the building setback line.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback has been shown on the Final Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** On January 19, 2022, the Common Council granted relief at the Preliminary Plat approval stage for the following modifications of regulations, pursuant to Section 17-3(f) of the Municipal Code:

- 1) Section 17-3(c)(6) and Section 23-93(g)(3) of the Municipal Code to allow reduction of lot width at the right-of-way line from 50 feet to 40 feet for Lot 8. Lot 8 meets the minimum lot width standard at the building setback line.

**Access and Traffic:** The primary vehicular access to Stone Ridge Estates West is via North Haymeadow Avenue and East Stratford Lane. The road right-of-way for proposed East Stratford Lane will be dedicated to the City with the Final Plat.

### **Surrounding Zoning Classification and Land Uses:**

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

South: Town of Grand Chute. The adjacent land use to the south is currently agriculture.

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

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

## Final Plat – Stone Ridge Estates West

September 14, 2022

Page 3

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential 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 3 – Housing Quality, Variety, and Affordability*

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

### **OBJECTIVE 10.1 Land Use:**

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

### **OBJECTIVE 10.4 Land Use:**

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Parks and Open Space:** Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to the City signing the Final Plat. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

**Technical Review Group (TRG) Report:** This item appeared on the March 1, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

## **RECOMMENDATION**

The Stone Ridge Estates West Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.
2. Prior to City signatures being affixed to the Final Plat, park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

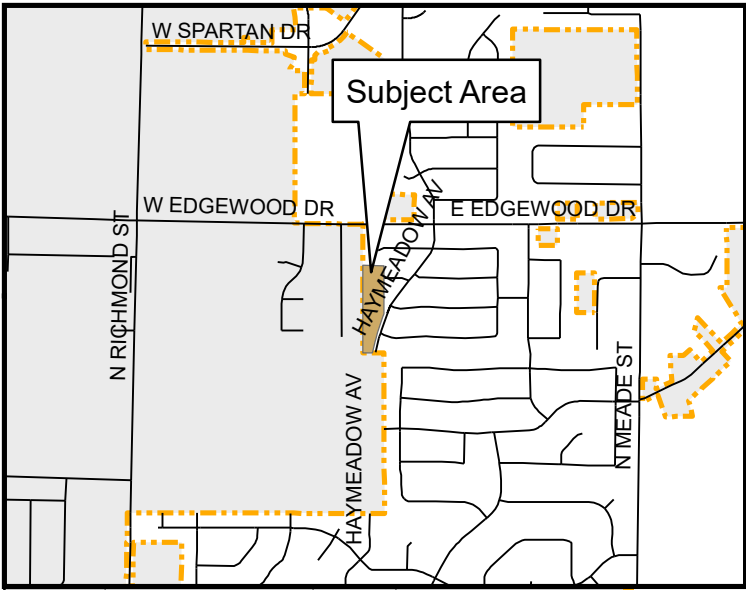
**Final Plat – Stone Ridge Estates West**

**September 14, 2022**

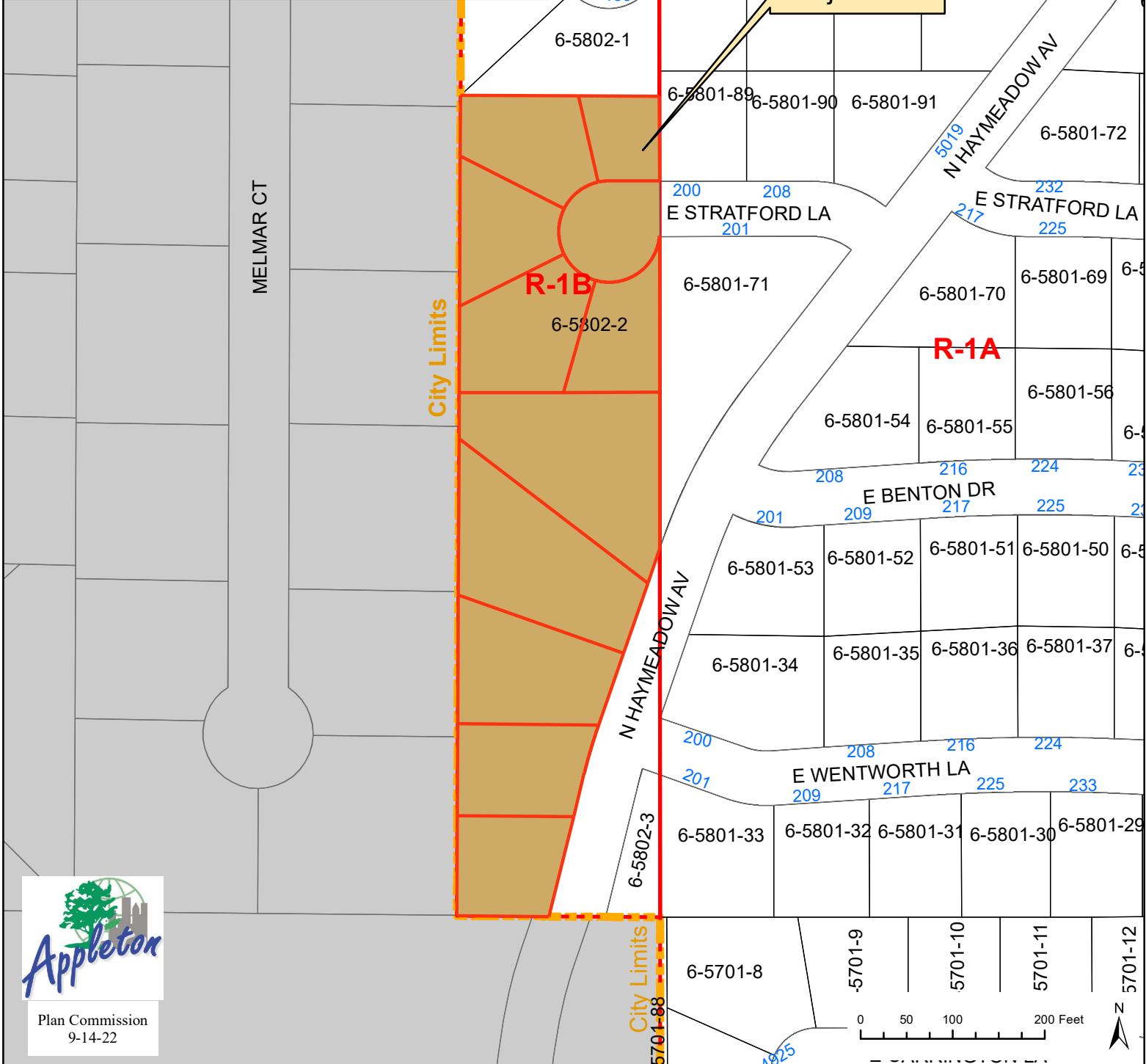
**Page 4**

3. Extend the centerline of Wentworth Lane to intersect the centerline of Haymeadow Avenue.
4. The 1” diameter set iron pipes listed in the legend should also list whether the dimension is the outside or the inside diameter.
5. Add additional language to the Drainage/Storm Sewer detail shown in the legend. Something similar to: “The widths shown here are typical widths only. Actual easements widths may vary and are noted in the map area.
6. Sanitary, Storm and watermain easement, City #1047 (Document No. 1527596) affects a small portion of Lot 11 and should be shown on the Plat.
7. On page 1, regarding the note addressing the stormwater pond on Lots 11 and 12. Modify the second sentence to read, “Issuance of any future building permits for Lots 11 and 12 will not occur unless and until such time...”
8. On page 2, modify the drainage and stormwater easement provision language per the standard language provided by the City via email on 8/26/2022.
9. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
10. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.

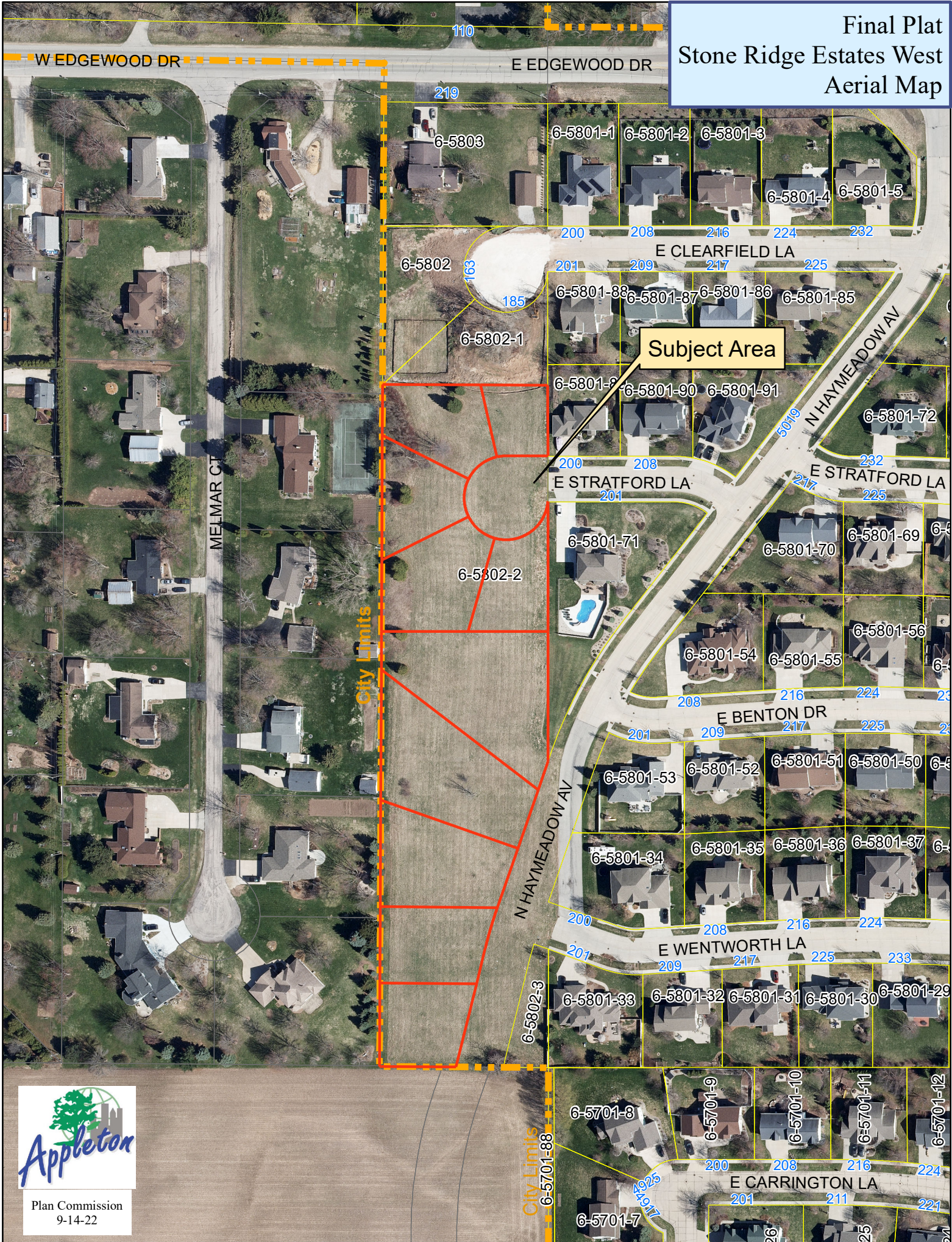
# Final Plat Stone Ridge Estates West Zoning Map

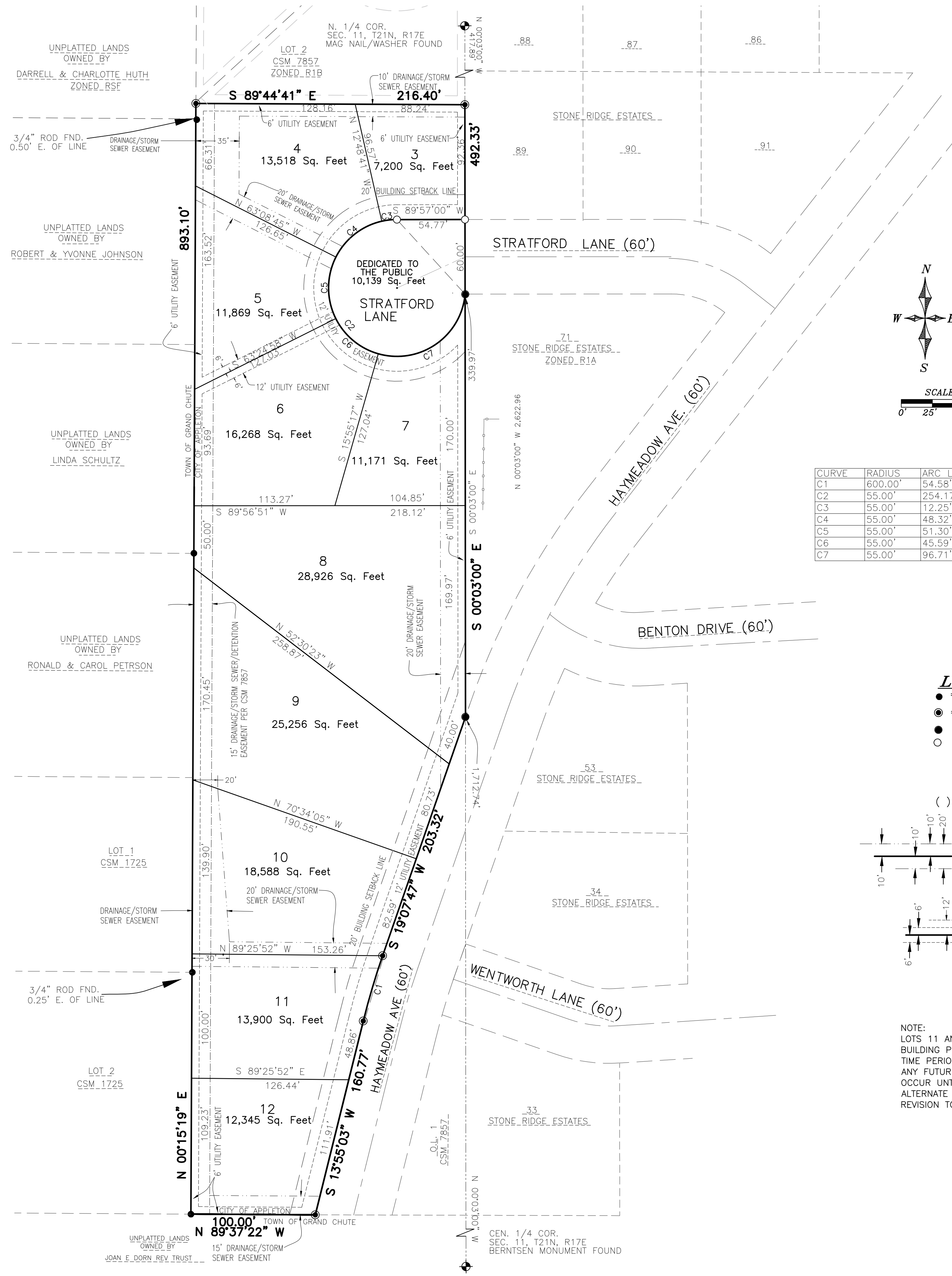


**R-1B**



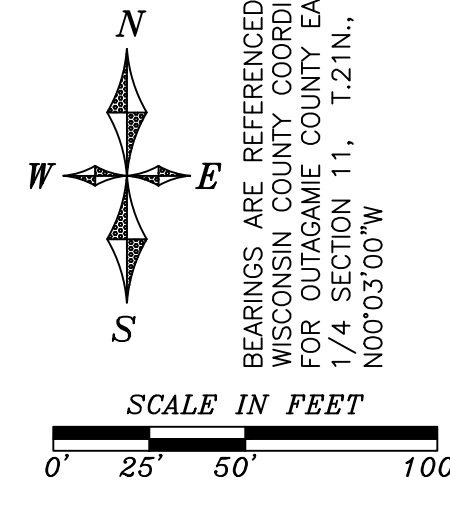
# Final Plat Stone Ridge Estates West Aerial Map



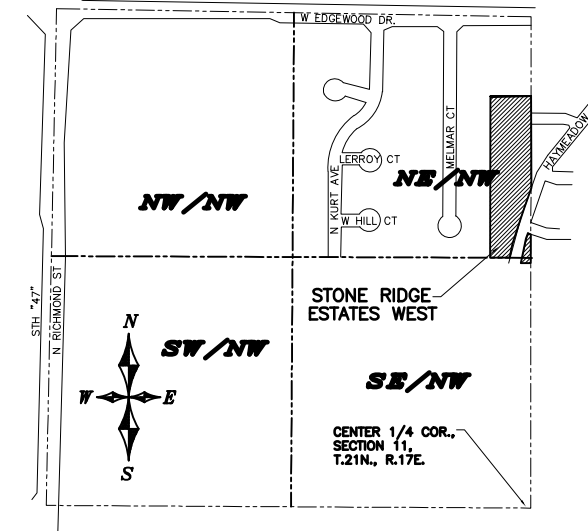


**STONE RIDGE ESTATES WEST**

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM FOR OUTAGAMIE COUNTY EAST LINE OF NW 1/4 SECTION 11, T21N., R.17E. BEARS N00°03'00" W



LOCATION MAP NOT TO SCALE

**CURVE DATA TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	600.00'	54.58'	54.56'	S 16°31'25" W	5°12'44"	S 19°07'47" W	S 13°55'03" W
C2	55.00'	254.17'	81.24'	S 42°26'31.5" E	264°47'03"	S 89°57'00" W	N 05°09'57" E
C3	55.00'	12.25'	12.22'	S 83°34'09.5" W	12°45'41"	S 89°57'00" W	S 77°11'19" W
C4	55.00'	48.32'	46.78'	S 52°01'17" W	50°20'04"	S 77°11'19" W	S 26°51'15" W
C5	55.00'	51.30'	49.46'	S 00°08'06.5" W	53°26'17"	S 26°51'15" W	S 26°35'02" E
C6	55.00'	45.59'	44.30'	S 50°19'47.5" E	47°29'31"	S 26°35'02" E	S 74°04'33" E
C7	55.00'	96.71'	84.72'	N 55°32'42" E	100°45'30"	S 74°04'33" E	N 05°09'57" E

**LEGEND**

- = 3/4" DIA. ROUND STEEL REBAR FOUND
  - = 1-5/16" O.D. IRON PIPE FOUND
  - = 1 1/4" DIA. ROUND STEEL REBAR FOUND
  - = 1 1/4" DIA. ROUND x 30" LONG STEEL REBAR WEIGHING 4.30 LBS./LIN. FOOT SET
  - = 1" DIA. ROUND x 24" LONG IRON PIPE WEIGHING 1.13 LBS./ LIN. FOOT
  - ( ) = RECORDED AS
- = DRAINAGE/ STORM SEWER EASEMENT GRANTED TO THE CITY OF APPLETON  
 = PRIVATE UTILITY EASEMENT GRANTED TO ENERGY, GAS, AND COMMUNICATION PROVIDERS

NOTE:  
 LOTS 11 AND 12 CONTAIN A PRIVATE STORM WATER POND. NO BUILDING PERMITS WILL BE ISSUED FOR THESE LOTS DURING THE TIME PERIOD THAT THE POND OCCUPIES THE LOTS. ISSUANCE OF ANY FUTURE BUILDING PERMITS FOR LOT 11 AND 12 WILL NOT OCCUR UNTIL SUCH TIME AS THE PRIVATE POND IS REMOVED, AND ALTERNATE FACILITIES CONSTRUCTED AS PART OF A CITY-APPROVED REVISION TO THE STORMWATER MANAGEMENT PLAN FOR THIS PLAT.

**SCHULER & ASSOCIATES, INC.**  
 LAND SURVEYORS & ENGINEERS  
 2711 N. MASON STREET, SUITE F, APPLETON, WI 54914-2126 (920) 734-9107

# STONE RIDGE ESTATES WEST

ALL OF LOT 3 OF CERTIFIED SURVEY MAP 7857 AS RECORDED IN DOCUMENT NUMBER 2182744, BEING PART OF THE  
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

## SURVEYORS CERTIFICATE:

I, MICHAEL J. FRANK, PROFESSIONAL LAND SURVEYOR S-2123, HEREBY CERTIFY:  
THAT I HAVE SURVEYED, DIVIDED AND MAPPED STONE RIDGE ESTATES WEST,

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744, BEING  
PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST,  
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 169,182 SQUARE FEET (3.884 ACRES) OF LAND,  
MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND PLAT BY THE ORDER AND UNDER THE DIRECTION  
OF THE OWNERS OF SAID LAND.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED  
AND THE SUBDIVISION THEREOF MADE.

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

\_\_\_\_\_  
MICHAEL J. FRANK S-2123  
WISCONSIN PROFESSIONAL LAND SURVEYOR

## CORPORATE OWNERS CERTIFICATE OF DEDICATION

CYPRESS HOMES, INC., A WISCONSIN CORPORATION, A CORPORATION DULY ORGANIZED AND  
EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES  
HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE  
SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS PLAT.

CYPRESS HOMES, INC., DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY s.236.10 OR  
s.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

AGENCIES HAVING THE AUTHORITY TO OBJECT  
STATE OF WISCONSIN, DEPARTMENT OF ADMINISTRATION

APPROVING AUTHORITIES  
CITY OF APPLETON

IN WITNESS WHEREOF, THE SAID CYPRESS HOMES, INC., INC., HAS CAUSED  
THESE PRESENTS TO BE SIGNED BY SHANNON MEYER, ITS PRESIDENT,  
AT APPLETON, WISCONSIN, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT  
STATE OF WISCONSIN)  
ss.  
\_\_\_\_\_ COUNTY)

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, SHANNON MEYER,  
PRESIDENT OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH PRESIDENT OF SAID CORPORATION,  
AND ACKNOWLEDGED THAT SHE EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICER  
AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, \_\_\_\_\_CTY., WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## DRAINAGE/ STORM SEWER EASEMENT PROVISIONS

AN EASEMENT FOR DRAINAGE AND STORM SEWER IS HEREBY GRANTED BY:  
CYPRESS HOMES, INC. GRANTOR, TO

THE CITY OF APPLETON, GRANTEE,

- PURPOSE: GRANTOR AND GRANTEE AGREE THAT THE DRAINAGE DITCH, AND STORM SEWER WITHIN THE  
EASEMENT SHALL BE A PRIVATE DRAINAGE DITCH AND STORM SEWER INSTALLED, OPERATED, AND MAINTAINED  
BY GRANTOR IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLANS ON FILE WITH THE CITY OF  
APPLETON. THE PURPOSE OF THIS EASEMENT IS FOR THE GRANTEE TO ACCESS, INSTALL, REGRADE,  
REPLACE, RELOCATE, OPERATE, MAINTAIN, RESIZE AND REPAIR SAID IMPROVEMENTS IN THE DRAINAGE AND  
STORM SEWER EASEMENT, IN THE EVENT THAT GRANTOR FAILS TO DO SO. GRANTEE DOES HEREBY AGREE  
TO COMPENSATE GRANTOR FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID  
MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER THAT OCCURS OUTSIDE THE  
EASEMENT AREA. TREES, BUSHES, BRANCHES AND ROOTS MAY BE TRIMMED OR REMOVED SO AS NOT TO  
INTERFERE WITH THE INTENDED USE OF THE EASEMENT AREA.
- ACCESS: GRANTEE OR ITS AGENTS SHALL HAVE THE RIGHT TO ENTER THE GRANTOR'S LAND FOR THE  
PURPOSE OF EXERCISING ITS RIGHTS IN THE EASEMENT AREA.
- BUILDINGS OR OTHER STRUCTURES: BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE  
PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED  
"DRAINAGE/STORM SEWER EASEMENT".
- ELEVATION: THE GRANTOR AGREES THAT THE ELEVATION OF THE EXISTING GROUND SURFACE WITHIN THE  
EASEMENT AREA WILL NOT BE ALTERED BY MORE THAN 4 INCHES WITHOUT THE WRITTEN CONSENT OF  
GRANTEE.
- RESTORATION: GRANTEE AGREES THAT IT WILL RESTORE SUBSURFACE MATERIALS ON GRANTOR'S LAND, AS  
NEARLY AS IS REASONABLY POSSIBLE, TO THE PRIOR EXISTING CONDITION WHEN CONDUCTING ALL FUTURE  
MAINTENANCE, RESIZING OR REPAIR ACTIVITIES. GRANTOR SHALL BE RESPONSIBLE FOR ALL SURFACE  
RESTORATION. 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, SIDEWALKS,  
STRUCTURES, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES  
DESCRIBED HEREIN.
- NOTIFICATION: GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE  
MAINTENANCE WORK. GRANTEE AND GRANTOR AGREE TO COOPERATE IN GOOD FAITH TO MINIMIZE  
INTERFERENCE OR DISRUPTION TO THE NORMAL FACILITY OPERATIONS. GRANTEE SHALL PROVIDE ADVANCE  
NOTICE TO GRANTOR (EXCEPT IN EMERGENCY SITUATIONS, IN WHICH EVENT NOTICE SHALL BE PROVIDED AS  
SOON AS IS PRACTICAL) OF ANY ACTIVITY WITH A REASONABLE LIKELIHOOD OF INTERFERING OR DISRUPTING  
THE OPERATION GRANTOR'S FACILITY, AND TO CONDUCT SUCH ACTIVITIES AT MUTUALLY AGREEABLE TIMES.
- DRAINAGE EASEMENTS ARE CONVEYANCE PATHS FOR STORM WATER. THE PLACEMENT OF FILL IN A DRAINAGE  
EASEMENT, WHICH INTERFERES WITH THE FLOW OR CHANGES TO THE SHAPE OF THE DRAINAGE EASEMENT  
BY THE LOT OWNER OR HIS AGENT, IS PROHIBITED. UPON FAILURE OF LOT OWNER'S TO MAINTAIN SAID  
DRAINAGE WAYS AND EASEMENTS AS DESIGNED; THE CITY OF APPLETON RETAINS THE RIGHT TO PERFORM  
MAINTENANCE AND OR REPAIRS. THE PAYMENT OF SAID MAINTENANCE AND OR REPAIRS SHALL BE EQUALLY  
ASSESSED TO THE ADJACENT LOT OWNERS.

THIS GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS,  
SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT

## COMMON COUNCIL APPROVAL

WE HEREBY CERTIFY THAT THIS PLAT OF STONE RIDGE ESTATES WEST, LOCATED IN THE CITY OF APPLETON,  
OUTAGAMIE COUNTY WAS APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE  
CITY OF APPLETON ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR DATE \_\_\_\_\_ CLERK DATE \_\_\_\_\_

## TREASURER'S CERTIFICATE

WE HEREBY CERTIFY THAT THERE ARE NO UNPAID TAX SALES, UNPAID SPECIAL ASSESSMENTS OR  
UNPAID TAXES ON ANY OF THE LANDS INCLUDED IN THIS PLAT.

\_\_\_\_\_  
COUNTY TREASURER DATE \_\_\_\_\_ CITY TREASURER DATE \_\_\_\_\_

## UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICES IS  
HEREBY GRANTED BY CYPRESS HOMES, INC., GRANTOR, TO

TO WISCONSIN ELECTRIC POWER COMPANY, AND WISCONSIN GAS, LLC, WISCONSIN  
CORPORATIONS DOING BUSINESS AS WE ENERGIES, GRANTEE,  
WISCONSIN BELL, INC. D/B/A AT&T, A WISCONSIN WISCONSIN CORPORATION, GRANTEE,  
AND SPECTRUM MID-AMERICA, LLC., GRANTEE

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE,  
REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION  
WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY  
AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR  
SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER,  
UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON  
THE PLAT DESIGNATED AS "UTILITY EASEMENT AREAS" AND THE PROPERTY DESIGNATED  
ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER  
WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS, WITHIN AND  
BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON, OR ON  
ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS  
AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE  
RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE  
GRANTEES AGREE TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS  
NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH  
ENTRY BY THE GRANTEES OR THEIR AGENTS. THIS RESTORATION, HOWEVER, DOES  
NOT APPLY TO THE INITIAL INSTALLATION OF SAID UNDERGROUND AND/OR ABOVE  
GROUND ELECTRIC FACILITIES. NATURAL GAS FACILITIES OR TELEPHONE AND CABLE TV  
FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY  
TIME PURSUANT TO THE RIGHTS HEREIN GRANTED. STRUCTURES SHALL NOT BE  
PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN  
THE LINE MARKED "UTILITY EASEMENT AREAS" WITHOUT THE PRIOR WRITTEN CONSENT  
OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE  
SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES  
WITHOUT THE WRITTEN CONSENT OF GRANTEES.

THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF  
THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT



## Role of a City Plan Commissioner

Date: 9-14-22

### **What is a Plan Commission?**

In general, the Appleton City Plan Commission **advises** the Common Council on comprehensive planning and land use issues and may make related decisions that are delegated by the Common Council. Formal roles of the Commission are outlined in Wisconsin State Statutes and the Appleton Municipal Code.

### **Important Considerations for a Plan Commissioner.**

There are several skills and attributes that make for a good Plan Commissioner. Some of them are personal attributes, others are learned abilities that take work to develop. The individual attributes that make for a good Plan Commissioner include:

- Civic mindedness;
- An interest and belief in planning;
- An openness to new ideas;
- The ability to consider cases or situations objectively;
- The ability to avoid conflicts of interest so the position is not used to benefit oneself;
- The ability to consider the long-term effects of actions, not just the short-term impacts;
- The ability to apply adopted plans and policies to individual situations to make decisions.

*Source: Guide to Community Planning in Wisconsin, Brian W.Ohm, page 56.*

### **Appointment and Terms of Plan Commission Members.**

The Mayor shall appoint the citizen members of the Plan Commission subject to confirmation by the Common Council for a period of three (3) years beginning on May 1. No citizen shall be eligible for reappointment after serving two (2) consecutive three (3) year terms.

The Plan Commission shall consist of the Mayor, who shall be the presiding officer, the Director of Public Works or designee, one (1) member of the Common Council, and the four (4) citizen members. The City Attorney or designee shall serve as an alternate in the event a quorum is needed.

The Common Council shall elect one (1) of its members to the Plan Commission for a term of one (1) year beginning on May 1 of each year by a two-thirds (2/3) vote of the members of the Common Council.

*Source: DIVISION 2. PLAN COMMISSION of the Municipal Code*



## **Land Use Decisions.**

Each community is part of a larger network of neighboring towns, villages, and cities. Local land use decisions can have impacts outside the City boundaries.

Beginning on January 1, 2010, the City must use their comprehensive plan to ensure that land use decisions prescribed by the zoning ordinance (rezonings, special use permits, and administrative permits), subdivision ordinance (plats, certified survey maps, and lot line adjustments) and official map action are **consistent with** the recommendations of the comprehensive plan adopted by the Common Council.

*“Consistent with” means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan” (Section 66.1001 (1) (am) of the Wisconsin State Statutes).*

The law does not specify a consequence for the failure to act consistently with the comprehensive plan, as required by Sec. 66.1001(3). However, a person aggrieved by a land use decision that is allegedly inconsistent with the comprehensive plan could take the matter to court.

Alternatively, if a conflict is found or would result from a proposed decision, the City has the option of amending its comprehensive plan. Comprehensive plan amendments follow the guidelines for amendments presented in the implementation element chapter of the comprehensive plan.

## **Four Common Land Use Tools for Decision Making.**

### **Appleton Comprehensive Plan.**

The City’s *Comprehensive Plan 2010-2030* establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of objectives, policies, and initiatives to achieve that vision. The comprehensive plan includes nine elements: 1. Issues and opportunities, 2. Housing, 3. Transportation, 4. Utilities and community facilities, 5. Agricultural, natural, historic and cultural resources, 6. Economic development, 7. Intergovernmental cooperation, 8. Land use (land use map), and 9. Implementation. The comprehensive plan is not meant to serve as land use regulations but instead provide a rationale for land use decisions with a 20-year vision. The comprehensive plan is implemented by the subdivision and zoning ordinances.

### **Appleton Zoning Ordinance.**

Chapter 23 Zoning focuses on land uses and how land is used, which can change over time. Also, the zoning ordinance regulates the dimensions of lots, the location, size, and the intensity of different types of land uses with the City. The zoning ordinance includes the adoption of the zoning map which divides the City into different residential, commercial, industrial, and overlay zoning districts.

### **Appleton Subdivision Ordinance.**

Chapter 17 Subdivisions focuses on dividing land for development or adjusting existing lot lines. The subdivision ordinance establishes minimum regulations for the creation of lots, design of streets, proper drainage under acceptable engineering standards, accommodations for sidewalks, trails, parkland, street

lighting, and other public utilities (water lines, sanitary lines, and stormwater facilities) needed for the proposed development.

### **Appleton Official Map.**

Chapter 16 Streets, Sidewalks and other Public Places established the Official Map for the City. The Official Map is intended to be used as a planning tool to implement the City's comprehensive plan for current and future streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend or close existing streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds. Its basic purpose is to prohibit the construction of buildings or structures and their associated improvements on land that has been designated for current or future public use.

### **Community and Economic Development Department Staff Support.**

#### **Staff Report and Recommendation.**

Staff creates a staff report to help the Plan Commission understand the City's comprehensive plan, zoning ordinance, and subdivision ordinance in order to guide the Plan Commission's decisions. The staff report contains information (background history, zoning classification information, comprehensive plan goals and objectives, decision making criteria, zoning and land use maps, and staff recommendations) to cite as the basis for making a recommendation consistent with the comprehensive plan and municipal code to the Common Council.

#### **Planning Case Management Process.**

The following is a typical planning case management process that staff follows when providing assistance and guidance to the public:

- (1) Begins with public/citizen contact – Planners meet with and guide them through application process.
- (2) Provides the anticipated approval timeframe, utilizing calendar created specifically for the planning process.
- (3) Advises applicant of review criteria and required fee and any potential pitfalls or roadblocks that may exist.
- (4) Advises the applicant to contact adjacent property owners and Alderperson of the district, will provide mailing list for their use.
- (5) Receives application and fee. Reviews for completeness – will advise on adjustments, if necessary.
- (6) Prepares public hearing notice for newspaper and 100-foot neighborhood notice, if required.
- (7) Notices are mailed out to property owners approximately 1 ½ weeks prior to meeting date.

- (8) Fields phone calls and other contacts for information in regard to the specific item.
- (9) Prepares item information for review and comment by the internal staff team, “Technical Review Group (TRG)”. Comments to be included with staff report.
- (10) Prepares staff report, including maps and other attachments, which includes an analysis from a planning and land use perspective and based upon review criteria identified within the zoning ordinance and goals and policies identified with the comprehensive plan. Staff reports with attachments are included in the Plan Commission packet.
- (11) Agenda and staff reports are presented to the Plan Commission at a regularly scheduled meeting held twice a month.
- (12) The Plan Commission reports and recommendations are prepared for Common Council action.
- (13) The Plan Commission meeting minutes are prepared from the meeting and provided to Clerk’s office.

### **Municipal Code Authority.**

The City of Appleton Plan Commission is authorized to engage in the following pursuant to Section 23-62 of the Municipal Code and offer its recommendations to the Common Council on the following matters:

- 1. Zoning Text Amendments**, (Section 23-65 of the Municipal Code), *A zoning text amendment is a change to the text in the Zoning Ordinance. A text change could amend the list of uses permitted in any zoning district; it could amend the setback required for a building, or it could amend phrases to clarify certain regulations, correct ambiguous sentences, or introduce new regulations to reflect evolving development trends and/or Wisconsin State Statute amendments.*
- 2. Zoning Map Amendments (Rezoning)**, (Section 23-65 of the Municipal Code), *A zoning map amendment (rezoning) entails changing the zoning district classification on the zoning map, which could affect one lot or sometimes multiple lots. In either case, the rezoning may be needed to accommodate a certain development at a specific location, correct an error on the zoning map, or involve a Citywide initiative to implement the goals and objectives in the comprehensive plan or adoption of new zoning ordinance.*
- 3. Special Use Permits**, (Section 23-66 of the Municipal Code), *Special uses are those uses having some uniqueness or unusual impact which requires a careful review of their location, design, business process, and hours of operation to determine whether or not the standards of Section 23-66(e)(1-8) of the Municipal Code are met: 1. proper zoning district, 2. zoning district regulations, 3. special regulations, 4. consistent with comprehensive plan and other plans, 5. traffic ingress/egress, 6. landscaping and screening, 7. neighborhood compatibility with predominant land uses in this area, and 8. impact on services.*

*In addition, the Plan Commission 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.*

**4. Preliminary and Final Subdivision Plats, including Extraterritorial Jurisdiction,** (Sections 17-6, 17-11 and 17-20 of the Municipal Code), *Subdivision regulations provide the regulations and standards for dividing a large parcel of land into smaller parcels for sale and development.*

- ***Preliminary plat** review assures compliance with minimum lot size and design requirements, street layout design standards, compliance with the official street map and comprehensive plan, and compliance with drainage and stormwater regulations, etc.*
- *Following approval of the preliminary plat, the **final plat** is prepared for recording in the County Register of Deeds’ office. The final plat should be substantially consistent with the preliminary plat and must meet the applicable state statutes and municipal codes.*
- ***Extraterritorial plat** approval (**preliminary and final plat**) jurisdiction is to help the City influence the development pattern of areas outside the City boundaries that may be annexed to the City in the future.*
- ***Certified survey map (CSM)** approval is required when the CSM crosses the exterior boundary of recorded subdivision plat under Section 236.34 of the Wisconsin State Statutes and Section 17-11 of the Municipal Code. In this case, CSMs are reviewed and approved following the final plat review and approval process.*

**5. Annexations,** (Section 66.0217(2) of the Wisconsin State Statutes), *Annexation is the process for transferring lands from unincorporated areas (towns) to incorporated areas (cities and villages).*

*The most common annexation request the Commission acts on is **direct annexation by unanimous approval** where 100% of the electors and owners of 100% of the land area being annexed signs an annexation petition.*

*The other forms of annexation are:*

***Direct annexation by one half approval** – The annexation may proceed on filing of an annexation petition signed by either:*

- 1. A majority of the electors residing in the territory and owners of one-half of the land determined either by land area or by assessed value; or*
- 2. If there are no electors residing in the proposed annexation territory, then owners of one-half of the land determined either by land area or by assessed value.*

***Referendum** – The method in which to annex land by referendum is not typically used. However, when it is utilized, it must be signed by 20% or more electors residing in the area and by at least 50% of the owners of real property located within that area proposed for annexation.*

**6. Planned Developments,** (Section 23-151 of the Municipal Code), *Planned unit developments are developments that are planned and built at a variety of densities and subject to more flexible setback, open space, and design requirements than offered by the standard zoning requirements. Staff*

*collaborates with the developer to develop the development guidelines and present them to the Plan Commission in the implementation plan document (IPD).*

**7. Traditional Neighborhood Developments**, (Section 23-152 of the Municipal Code), *Traditional neighborhood developments are generally compact, mixed-use neighborhoods where residential, commercial, and public buildings are within close proximity to each other that are not subject to the standard zoning requirement. Staff collaborates with the developer to develop the development guidelines and present them to the Plan Commission in the implementation plan document (IPD).*

**8. Official Map**, (Section 62.23(6)(b) of the Wisconsin Statutes and Section 16-37 of the Municipal Code), *The term “official map” applies only to that map properly adopted pursuant to Section 62.23(6)(b) of the Wisconsin Statutes and Section 16-37 of the Municipal Code. Such a map is intended to be used as a planning tool to implement the City’s comprehensive plan for current and future streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks, or playgrounds, or to widen, narrow, extend or close existing streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks, or playgrounds. Its basic purpose is to prohibit the construction of buildings or structures and their associated improvements on land that has been designated for current or future public use.*

**9. Street and Alley Vacations**, (Section 66.1003 of the Wisconsin Statutes), *In certain instances, land that has been previously used as public right-of-way, such as for a street or alley, may no longer be needed for that purpose by the City. A property owner or the City may initiate a process by which to vacate the land and have it revert back to the abutting parcels.*

**10. Street Naming and Changes**, (City Policy and Section 17-25(e) of the Municipal Code), *The intent in reviewing and approving street names and renaming existing streets is to support emergency services (911) and the postal service to ensure duplicate street names are not created or sound similar to the names of existing streets. Street naming typically takes place when properties are subdivided or when a new development is taking place.*

**11. Review Authority on Creation of Tax Incremental Districts (TID)**, (Section 66.1105 of the Wisconsin Statutes), *The TID process allows a municipality to pay for public improvements and other eligible costs within a designated area, called a tax incremental district (TID), using the future taxes collected on the TID’s increased property value to repay the cost of the improvements. The rationale behind TID is that the public investment will promote private development, jobs, and tax base growth that would not otherwise occur absent the TID. The Plan Commission conducts a hearing on the proposed TID boundaries and project plan. The Plan Commission adopts a resolution that covers these items: 1. Boundaries of the TID, 2. Approval of the TID’s project plan, and 3. A statement that the TID promotes orderly development in the municipality. After adoption, the Plan Commission submits its approval to the Common Council.*

**12. Review Authority over the Businesses Improvement District (BID) Operating Plans**, (Section 66.1109 of the Wisconsin State Statutes), *Business Improvement Districts (BIDs) can be created by cities, villages, and towns at the request of a business owner in an area. Business owners are assessed a fee by the municipality. The money generated from the assessment is then used to fund pre-determined business-related activities and improvements in the business district. These statutes require that a BID operating plan be reviewed and approved by the local legislative body on an annual basis. The Plan Commission annually reviews the Downtown Appleton Business Improvement Operating Plan and forwards a recommendation to the Common Council.*

**13. Comprehensive Plan Adoption and Amendments,** (Section 66.1001 of the Wisconsin Statutes), *This Statute required as of January 1, 2010 any program or action of a local governmental unit that affects land use must be consistent with that unit's Comprehensive Plan. The City of Appleton's Comprehensive Plan establishes a vision for future land use, physical development, and quality of life in the City, and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. It is a coordinated and unified plan used to maintain and enhance conditions within the community and provide guidance on private and public development issues. The adoption and amendment process are by public hearings and ordinance.*

**14. Appeals to Site Plan Review,** (Section 23-570(k) of the Municipal Code), *If the Community and Economic Development Director denies the application for a site plan or approves the site plan with conditions, the applicant may appeal the decision to the Plan Commission. The Plan Commission shall act as promptly as practical on any appeal taken in connection with the proposed site plan. The Plan Commission shall approve, approve with conditions, or disapprove the site plan by action taken by a majority of the Plan Commission present at any meeting at which a quorum is present. If the Plan Commission approves the site plan, a building permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.*

**15. Appeals to Uses Not Specified in the Zoning Ordinance,** (Section 23-37(c) of the Municipal Code), *Any land use that is not listed or that is questionable in the established district, where such use is proposed, is not allowed unless determined otherwise through interpretation of the ordinance. The Community and Economic Development Director or designee may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is a principal use, accessory use, or special use. This decision of the Community and Economic Development Director may be appealed to the Commission.*

**Statutory Authority [Wisconsin State Statutes 62.23(5)].**

(A) *Required referrals under Wisconsin State Statutes Section 62.23(5). The following shall be referred to the Plan Commission by the City Department, Committee, Board and/or Commission of jurisdiction after their review, report and recommendation is finalized for consideration by the Plan Commission. The Plan Commission may provide any feedback on the report, applicable goals, policies, and initiatives stated in the comprehensive plan or other planning documents to the Common Council prior to their final action. The Plan Commission has 30 days to report on the referred matter to the Common Council unless the Common Council or a statute provides for a longer review period.*

**1. Location and design of public buildings.**

**2. Location of statues and memorials.**

**3. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any: (a) street, (b) alley or (c) other public way, (d) park, (e) playground, (f) airport, (g) area for parking vehicles, (h) other memorial, or (i) public grounds.** *See Official Map actions, Street and alley vacations, and Final Plats referenced under Municipal Code Authority above.*

4. **Location, extension, abandonment, or authorization for any publicly- or privately- owned public utility.** *For example, the Plan Commission reviewed and commented on the We Energies project that converted the aging 4 kV system to the modern 12 kV standard in 2017-2018 because a Special Use Permit was needed.*
5. **All plats under the City’s jurisdiction under Wisconsin State Statutes Chapter 236, including land divisions under City’s subdivision ordinance adopted under Wisconsin State Statutes Section 236.45.** *See Preliminary and Final Subdivision Plats, including Extraterritorial Jurisdiction referenced under Municipal Code Authority above.*
6. **The location, character, and extent or acquisition, leasing, or sale of lands for: (a) public or semi-public housing, (b) slum clearance, under Wis. Stats. 66.1333, (c) relief of congestion, or (d) vacation camps for children.**
7. **The amendment or repeal of any ordinance adopted under Wis. Stats. 62.23, including ordinances relating to: the City Plan Commission; the City comprehensive plan under Wis. Stats. 66.1001; a City official map; and City zoning regulations.** *See Official Map actions, Zoning text and map amendments referenced under Municipal Code Authority above.*

(B) *Required referrals under sections of the Wisconsin Statutes **other than** Wis. Stats. § 62.23(5). The following shall be referred to the Plan Commission by the City Department, Committee, Board and/or Commission of jurisdiction after their review, report and recommendation is finalized for consideration by the Plan Commission. The Plan Commission may provide any feedback on the report, applicable goals, policies, and initiatives stated in the comprehensive plan or other planning documents to the Common Council prior to their final action.*

1. **The adoption or amendment of the City’s subdivision ordinance under Wisconsin State Statute Section 236.45(4).** *A subdivision text amendment is a change to the text in the Subdivision Ordinance, Chapter 17 of the Municipal Code. A text change could amend the technical requirements for drainage plan, it could amend the width dimension of public street, or it could amend phrases to clarify certain regulations, correct ambiguous sentences or update regulations to be consistent with Wisconsin State Statutes amendments.*
2. **Matters relating to urban redevelopment and renewal in the City required to be referred under Wisconsin State Statute - Chapter 66, Subchapter XIII.** *The Plan Commission’s responsibilities in these cases are to review the proposed use(s) and project plan boundaries to ensure consistency with the City’s comprehensive plan and other planning documents. The Plan Commission’s most recent redevelopment plan review was the Appleton Redevelopment Authority Project Plan #22 (2009) which included the Pierce Manufacturing site on South Pierce Avenue. Since 1974, the City has approved a total of 22 redevelopment project plans.*
3. **General fire limits. Wis. Stat. 62.23(9)(b).** *The Common Council may by ordinance designate general fire limits, regulate for safety and fire prevention, the construction, alteration, enlargement and repair of buildings and structures within such limits, and may designate special fire limits within the general limits, and prescribe additional regulations therein. However, no such ordinance or amendment thereto shall be adopted or become effective until after a public hearing in relation thereto, which may be held by the City Plan Commission or Council, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as a class 2 notice, under Ch. 985.*

*The City has adopted an ordinance designating general fire limits and regulations for the construction, alteration, enlargement and repair of buildings and structures within the fire limits under the following sections of the Municipal Code:*

- *Section 4-137. Fire limits designated. All property located in the CBD Central Business District, the M-1 Industrial Park District and the M-2 General Industrial District shall be considered as being within the fire limits of the City.*
  - *Section 4-138. Construction in fire limits – certain remodeling, repairs prohibited.*
  - *Section 4-139. Same – construction standards generally.*
- 4. Child welfare agencies and group homes. Wis. Stat. 48.68(3).** *Since the mid 1990's, City staff has been completing and submitted the hazard report listing a description of any specific hazards that may affect the health and safety of the residents of the residential care center for children and youth or group home at the Wisconsin Department of Children and Families.*
  - 5. Community-based residential facilities. Wis. Stat. 50.03(4)(a)3.** *Since the mid 1990's, City staff has been completing and submitting the hazard report listing a description of any specific hazards that may affect the health and safety of the residents of the community-based residential facility at the request of the Wisconsin Department of Health Services.*
  - 6. Proposed designation of a street, road, or public way, or any part thereof, wholly within the jurisdiction of the village, as a pedestrian mall. Wis. Stat. 66.0905.** *Pedestrian malls may involve one or more City streets, or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel. Creation of pedestrian mall does not constitute a discontinuance or vacation of the street, road, or public way.*
  - 7. When a housing authority is created for any City, proposed housing projects, undertaken by the City under Wisconsin State Statute 66.1211(3).** *(a) "Housing projects" includes all real and personal property, building and improvements, and community facilities acquired or constructed pursuant to a single plan either to demolish, clear, remove, alter or repair insanitary or unsafe housing or to provide safe and sanitary dwelling accommodations for persons of low income, or both. "Housing projects" includes the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other related work. (b) "Housing projects" includes all real property and personal property, building and improvements, and community facilities acquired or constructed pursuant to a single plan or undertaking to do any of the following: a. Demolish, clear, remove, alter or repair insanitary or unsafe housing for elderly persons. b. Provide safe and sanitary dwelling accommodations for elderly persons. c. Fulfill a combination of the purposes under subsection. (b) a. and b. and (c) "Housing project" includes the planning of buildings and improvements, the acquisition of property, the demolition of existing structures and the construction, reconstruction, alteration, and repair of the improvements for the purpose of providing safe and sanitary housing for elderly persons and all other work in connection with housing for elderly persons. A project shall not be considered housing for the elderly unless it contains at least 8 new or rehabilitated living units which are specifically designed for the use and occupancy of persons 62 years of age or over.*

*The Outagamie County Housing Authority was created by Outagamie County Board in 1972. Therefore, referrals under this section are not expected to be submitted to the Plan Commission at this time.*



8. **Matters relating to the establishment or termination of an architectural conservancy district under Wisconsin State Statute Section 66.1007.** *The State Historical Society recognizes Section 66.1007 as a “Historic Preservation Statute”. The role of the Appleton Historic Preservation Commission is to recommend approval of Historic Districts and the Historic Preservation Plan pursuant to the current Municipal Code.*
  
9. **Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wisconsin State Statute Section 66.1107.** *Currently, not adopted by the City of Appleton.*