



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: October 13, 2020

Common Council Meeting Date: October 21, 2020

Item: Special Use Permit #6-20 for the manufacturing of dairy products (light manufacturing)

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Messenger Property Management c/o Mike Faucett – Malcore Foods

Address/Parcel #: 300 E. Coolidge Avenue (Tax Id #31-9-0030-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for the manufacturing of dairy products (light manufacturing).

BACKGROUND

The structure was built in 1940. The property was historically used by Pneumatic Hydraulic and contains a single-story concrete block building approximately 2,000 square feet in size. There is also a gravel parking lot on site.

STAFF ANALYSIS

Project Summary: The applicant proposes to manufacture European style cheese products. The operations would include unloading milk and converting it into artisan cheese products. The interior of the building will be remodeled to accommodate the cheese manufacturing process. The applicant proposes to construct an approximately 2,680 square foot addition onto the building. The addition will provide a covered bay for the unloading of milk. An off-street paved parking lot containing 7 parking spaces will be constructed as part of this project, which will accommodate the required number of parking spaces needed for the proposed special use.

Existing Site Conditions: The existing single-story concrete block building totals approximately 2,000 square feet in size. There is also a gravel parking lot on site with no designating parking spaces. Ingress and egress to the off-street parking lot is provided by existing curb cuts on South Madison Street and East Coolidge Avenue.

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

Current Zoning: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a light manufacturing facility (manufacturing of dairy products) requires a Special Use Permit in the C-2 District. A two-thirds (2/3) vote of the Common Council is required for approval.

Special Use Permit #6-20

October 13, 2020

Page 2

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

North: C-2 General Commercial District. The adjacent land use to the north is currently multi-tenant commercial.

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

East: C-2 General Commercial District. The adjacent land use to the east is currently single-family residential.

West: C-2 General Commercial District. The adjacent land use to the west is currently commercial and light manufacturing (Malcore Foods/Arthur Bay Cheese).

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

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

Technical Review Group (TRG) Report: This item appeared on the September 22, 2020 TRG Agenda. No negative comments were received from participating departments.

Approval or Denial by Common Council:

When reviewing an application for a Special Use Permit, the City must look at the requirements and conditions found in the zoning ordinance and determine if the applicant has demonstrated that their proposed application for Special Use Permit satisfies all those requirements and conditions pursuant to Section 23-66(c)(5)c of the zoning ordinance. The 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.*”

Public comment that is based on personal opinion or speculation are not sufficient forms of evidence. All 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 (*proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services*) for granting a Special Use Permit under Section 23-66 (e) (1-8), which were found in the affirmative.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #6-20 for a dairy manufacturing facility located at 300 E. Coolidge Avenue, (Tax Id #31-9-0030-00), 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 assures the applicant understands they must follow the City's Municipal Code and all applicable State and Federal laws which they are required to follow while conducting business in the City; failure to follow City, State and Federal regulations may result in revocation of their special use permit.
2. 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 a process for review and approval of future changes to the special use in order to promote the health, safety and welfare of the City.
3. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.
 - **Substantial Evidence:** The condition notifies the applicant that Site Plan review is required for certain additions and site modifications, as required in Section 23-570, prior to issuance of building permits.
4. All activities associated with the proposed dairy manufacturing including, but not limited to, operation, storing of products, packaging, etc. must occur within a completely enclosed structure. Any future plans for outdoor storage or outdoor activities shall be submitted to the Community and Economic Development Department for review. Submittal of an application for a major or minor amendment to the Special Use Permit may be required.
 - **Substantial Evidence:** The condition notifies the applicant that all activities are to occur within the building, in compliance with their submitted plan of operation, and any proposed changes shall be presented to and reviewed by Staff.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #6-20
DAIRY MANUFACTURING FACILITY
300 EAST COOLIDGE AVENUE**

WHEREAS, Malcore Foods has applied for a Special Use Permit for a dairy manufacturing facility located at 300 E. Coolidge Avenue, also identified as Parcel Number 31-9-0030-00; and

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

WHEREAS, the City of Appleton Plan Commission held a public hearing on October 13, 2020 on Special Use Permit #6-20, 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 #6-20 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 October 21, 2020.

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 #6-20 for a dairy manufacturing facility located at 300 E. Coolidge Avenue, also identified as Parcel Number 31-9-0030-00, 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 #6-20 for a dairy manufacturing facility located at 300 E. Coolidge Avenue, also identified as Parcel Number 31-9-0030-00,

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 #6-20

- A. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - B. 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.
 - C. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.
 - D. All activities associated with the proposed dairy manufacturing including, but not limited to, operation, storing of products, packaging, etc. must occur within a completely enclosed structure. Any future plans for outdoor storage or outdoor activities shall be submitted to the Community and Economic Development Department for review. Submittal of an application for a major or minor amendment to the Special Use Permit may be required.
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.

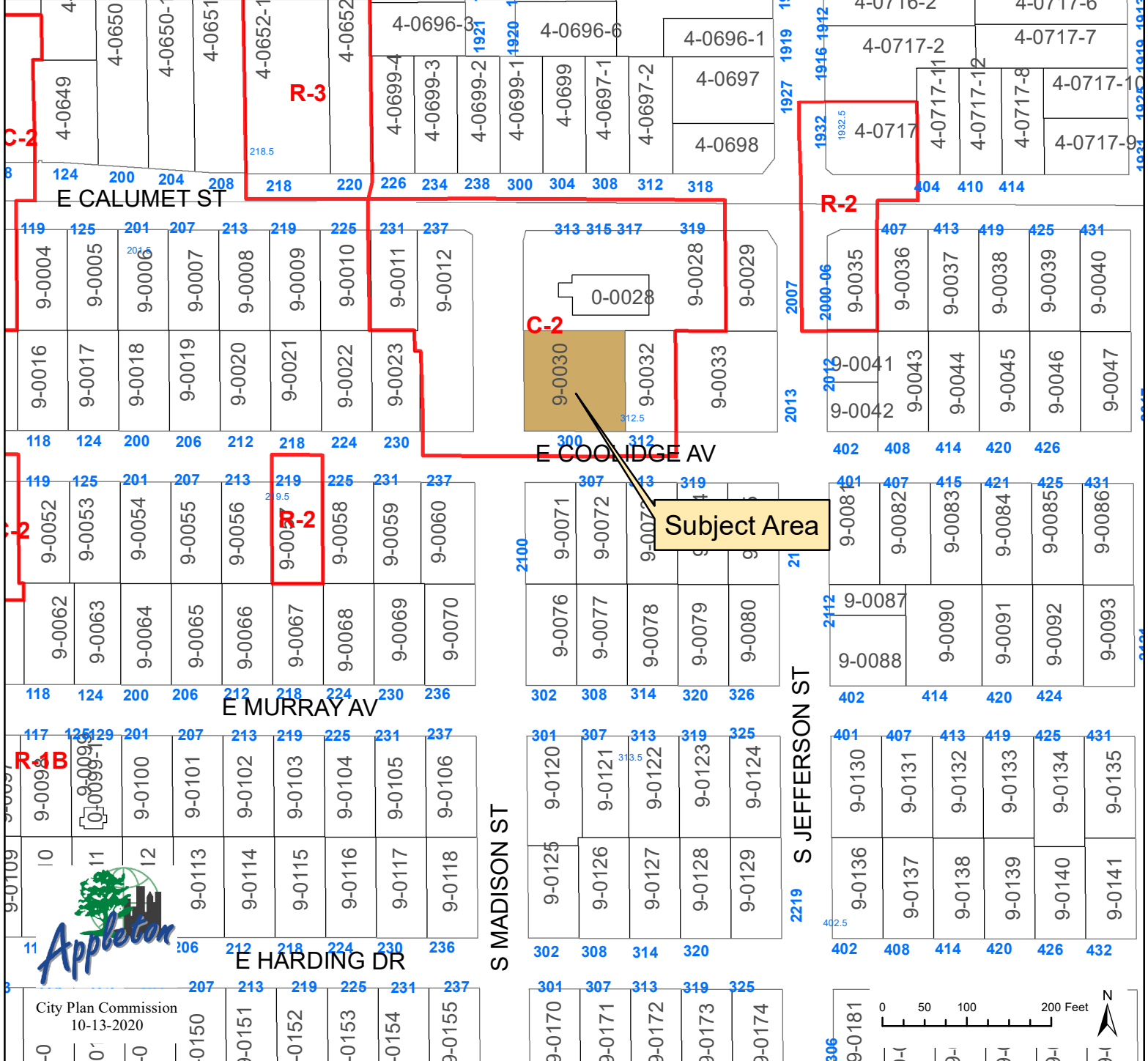
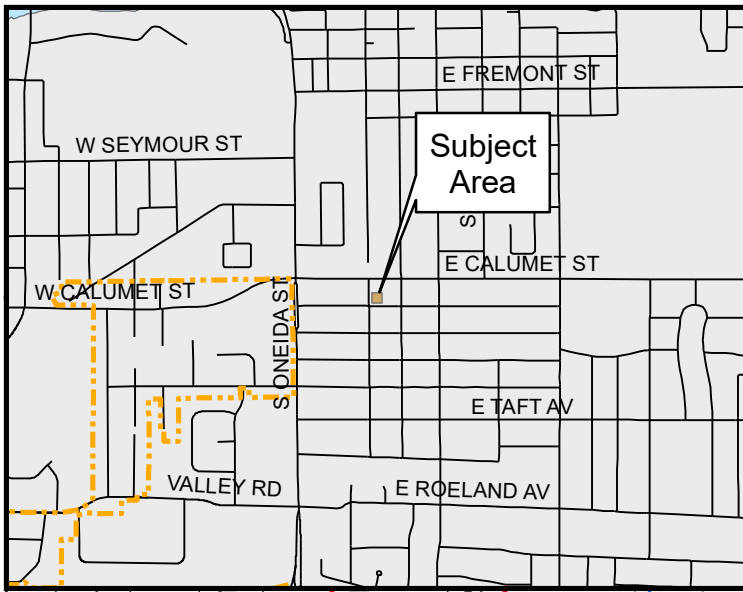
Adopted this _____ day of _____, 2020.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

300 E. Coolidge Avenue
 Special Use Permit
 Malcore Foods - Dairy Manufacturing
 Zoning Map



300 E. Coolidge Avenue
Special Use Permit
Malcore Foods - Dairy Manufacturing
Aerial Map

37

313

9-0028

9-0012

9-0028

Subject Area

S MADISON ST

9-0030

9-0032

312.5

300

312

E COOLIDGE AV

237

307

313

319



City Plan Commission
10-13-2020

2100

9-0071

9-0072

9-0073

9-0074



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Malcore Foods Inc

Years in operation: 25 years

Type of proposed establishment (detailed explanation of business):

Manufacturing of European style artisan cheese products. Operations include unloading milk and converting it into artisan cheese products.

Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	12:30PM	11:30PM
Friday	12:30PM	11:30PM
Saturday	12:30PM	11:30PM
Sunday		

Building Capacity and Storage Areas:

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: 4.00 persons

Gross floor area of the existing building(s):

2,700 S.F.

Gross floor area of the proposed building(s):

4,682 S.F.

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

No flammable materials will be stored at this location.

Odor:

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

No odors will be emanating from this plant.

Noise:

Describe the noise levels anticipated from the proposed use and all mechanical equipment:

Little noise will be emitted due to the slow speed of equipment used and amount of manual labor needed.

How will the noise be controlled?

By maintaining a low and constant speed of the equipment.

Outdoor Lighting:

Type: L.E.D.

Location: at entryways

Off-Street Parking:

Number of spaces existing on-site: unknown

Number of spaces proposed on-site: 7.00

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?

The existing curtain will need to be extended to provide extra turning for milk trucks.

Outdoor Uses:

Size: 0.00 square feet

Type and location of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

N/A

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

N/A

Type, location, size of outdoor display area(s) of merchandise for sale or other business property:

N/A

Number of Employees:

Number of existing employees: 0.00

Number of proposed employees: 4.00

Number of employees scheduled to work on the largest shift: 3.00

GENERAL NOTES

COMPLIANCE – All work of all trades shall be performed and completed in accordance with all applicable governing codes, laws, ordinances, regulations or statutes. Any contractor discovering any variance in the drawings with said code, law, ordinance, regulation or statute shall notify the owner and/or architect immediately.

SITE CONDITIONS – Each contractor shall be responsible for reviewing all drawings and site prior to bidding and for verifying all pertinent conditions, utilities, utility requirements, dimensions, extent of demolition and new construction required. Discrepancies or inaccuracies found in the drawings or existing conditions shall be reported to the project manager and/or architect immediately.

PERMITS – Each contractor shall be responsible for paying for and obtaining all necessary permits, licenses, insurance, etc. required to perform and complete their portion of the work.

DESIGN BUILD – This project will implement the 'design-build' process. Each plumbing, HVAC, and electrical contractor shall be responsible for furnishing all of their associated equipment, materials, labor, installation, etc. to perform and complete their work. It is understood by execution of a contract for the area of work, that the contractor will furnish a completed working product or assembly.

SCOPE – These drawings are diagrammatic and show the intent of the project but do not necessarily indicate all materials and methods of construction for the completion of the project. All contractors shall review all project drawings thoroughly and shall be responsible for providing all materials and methods of construction required to perform and complete their portion of the work in a timely and organized manner in accordance with the intent of these drawings prior to the project date of completion.

COORDINATION – Each contractor shall be responsible for coordinating their work with the general contractor and with other contractors. Each contractor shall verify and coordinate his work with any equipment provided by the owner prior to construction. Any situation or incident which would change or alter the work of the contractor in any way or which would prevent the contractor from performing or completing his work within his proper time frame must be reported immediately to the owner, general contractor and/or architect.

HOLES – All holes for plumbing, electrical, HVAC, piping or ductwork are to be repaired by the associated trade. Each hole shall be neatly cut and shall be only as large as necessary. Associated trade contractor shall be responsible for their holes left unrepaired and will be back charged accordingly for such repairs.

SUBMITTALS – Contractors shall provide to the owner all pertinent submittals, product data, relevant technical data, material samples, finish samples, etc. for review and approval prior to commencement of work. When not specified, the contractor may submit/ suggest materials to the owner/ architect for their review and approval.

INTERPRETATION – All requests for detailed project information, interpretation, intent, etc. must be made at least ten (10) days prior to bid date. Responses will be confirmed in writing.

CHANGES – The owner and/or architect shall have the right to make changes to the project during the progress of the work without voiding contracts. All changes must be made in writing.

DIMENSIONING – Do not scale drawings. Use written dimensions only. If clarifications or additional dimensions are required, then notify the architect immediately. Unless noted otherwise, all plan dimensions are shown to face of finished wall surface.

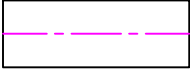
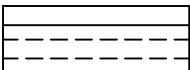
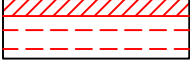

PROVISIONS – Unless noted otherwise, the owner/ General contractor shall provide temporary sanitary facilities, water, electrical, code required temporary fire extinguishers (during construction), adequate and required barricades, dust barriers, fences, safety precautions and dumpsters, and shall maintain same to be in good working order during the project.

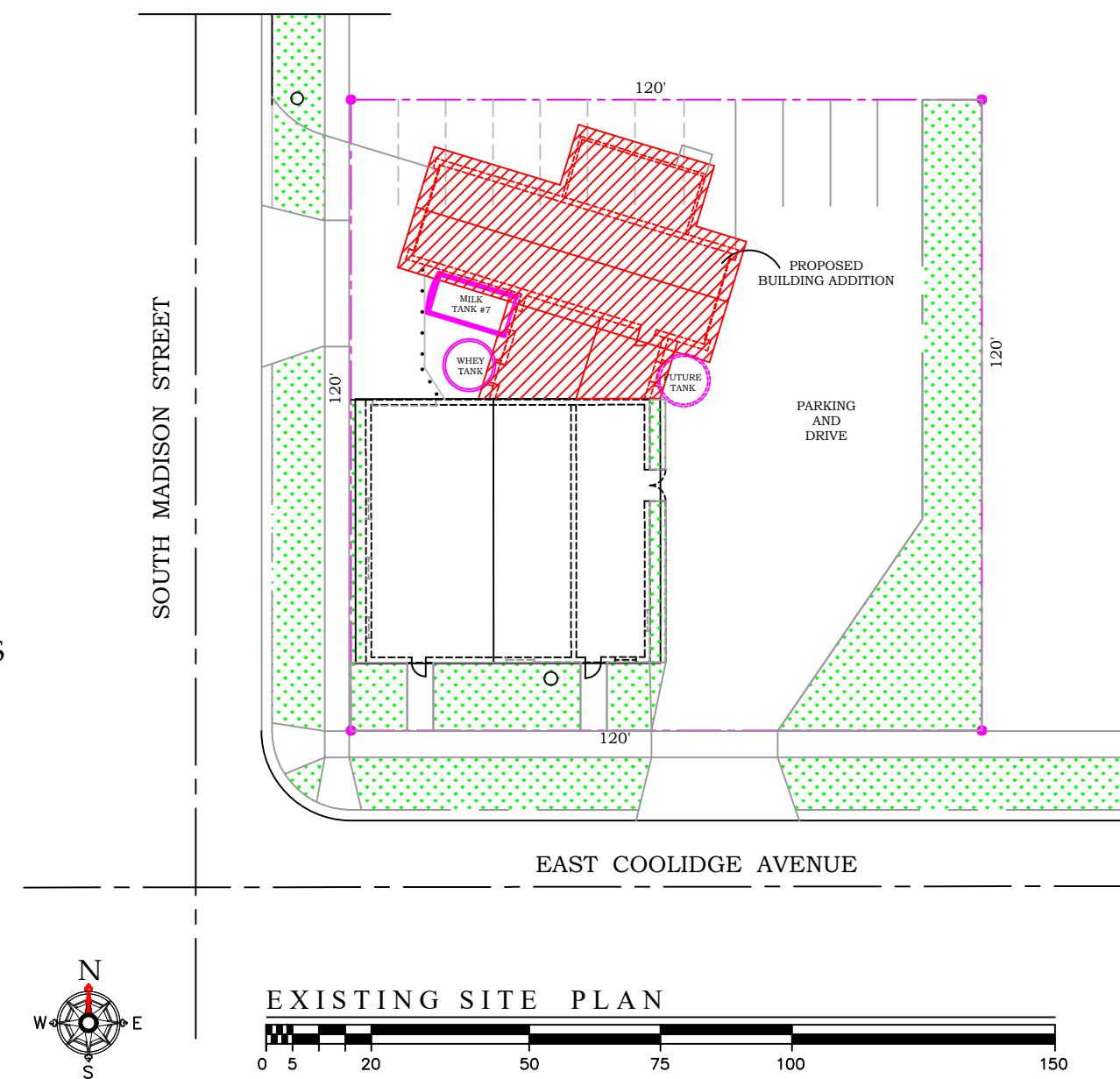
CLEANING – All contractors shall be responsible for performing and maintaining their work and equipment in an organized manner. Each contractor shall clean up and dispose of work debris at the end of each day.

QUALITY – All work by each contractor shall be performed and completed using proper and acceptable construction practices using quality materials. The owner shall have the right to reject work, or materials that are not of acceptable quality or do not conform to the intent of the project.

GUARANTEE – Unless noted otherwise, each contractor shall guarantee their work under contract against defective workmanship and/or materials for a period of not less than one year from substantial completion of their work.

**PROPOSED BUILDING ADDITION FOR:
MALCORE CHEESE PLANT
300 E. COOLIDGE AVENUE
APPLETON, WI**

-  LOT LINE
-  EXISTING CONSTRUCTION
-  NEW CONSTRUCTION
-  LANDSCAPED/LAWN AREAS



PROJECT DATA			
GOVERNING AUTHORITY	BUILDING USAGE		REMARKS
WISCONSIN DEPT. OF COMMERCE SAFETY & BUILDINGS DIVISION	CLASS OF CONSTRUCTION: VB WOOD FRAME, UNPROTECTED		AS PER TABLE 506.2 ALLOWABLE AREA IS 8,500 S.F. PLUS STREET FRONTAGE
IEBC INTERNATIONAL EXISTING BUILDING CODE -2015 IBC INTERNATIONAL BUILDING CODE - 2015	OCCUPANCY CHAPTER: SECTION 306, FACTORY GROUP "F-1", MODERATE-HAZARD		AS PER TABLE 1017.2 THE EXIT ACCESS TRAVEL DISTANCE IS 200 FEET FOR A NON-SPRINKLED BUILDING.
JURISDICTION: CITY OF APPLETON OUTAGAMIE COUNTY	AS PER TABLE 504.4 ALLOWABLE NUMBER OF STORIES IS ONE FOR TYPE "F-1" OCCUPANCY NON-SPRINKLED		
BUILDING LEVELS	CLASSIFICATION		REMARKS
FLOOR LEVEL	EXISTING	ADDITION	TOTAL
FIRST FLOOR	2,700 S.F.	1,982 S.F.	4,682 S.F.

PROJECT SCOPE:

THE EXISTING BUILDING IS A TYPE IIIB, WITH NON-COMBUSTIBLE EXTERIOR WALLS. THE NEW ADDITION WILL BE WOOD FRAME, UNPROTECTED CONSTRUCTION WHICH WILL MAKE THE ENTIRE BUILDING A TYPE VB UNPROTECTED BUILDING. IS A ONE STORY SLAB ON GRADE, NON-SPRINKLED BUILDING TO BE ALL CHEESE MAKING FACTORY. THE LAST TENANT WAS A VEHICLE REPAIR SHOP. THERE IS ONE EXISTING TOILETS THAT IS NOT UP TO TODAY'S CODES. SINCE THERE WILL BE LESS THAN 15 TOTAL OCCUPANTS IN THIS BUILDING AT ANY ONE TIME, ONE NEW CODE COMPLYING UNISEX TOILET WILL BE PROVIDED ALONG WITH A JANITORS SINK. THERE WILL BE CHANGES TO THE THE PARKING LOT AND DRIVEWAYS AS REQUIRED TO ALLOW TRUCK ENTRANCE INTO THE PROPERTY WITHOUT HAVING TO BACK INTO THE STREET.

SHEET INDEX

- A-1 COVER SHEET, SITE PLAN, PROJECT SCOPE
- A-2 EXISTING FLOOR PLAN AND EXTERIOR BUILDING ELEVATIONS
- A-3 PROPOSED SITE AND FLOOR PLAN
- A-4 FOUNDATION PLAN
- A-5 ROOF FRAMING PLAN, SECTION
- A-6 ROOM FINISH AND DOOR SCHEDULES
- A-7 WALL AND BUILDING SECTIONS
- A-8 TOILET ROOM PLANS AND DETAILS
- A-9 EXTERIOR BUILDING ELEVATIONS



ROBERT ACORD - ARCHITECT
1210 MAPLE STREET
NEENAH, WI 54956
920-729-9632 acordrj@aol.com

PROPOSED BUILDING ADDITION FOR:
MALCORE CHEESE PLANT
300 E. COOLIDGE AVENUE
APPLETON, WI

DATE
3 AUG 20

PROJECT NUMBER
20-021

SHEET
A-1

18" X 24" FORMAT



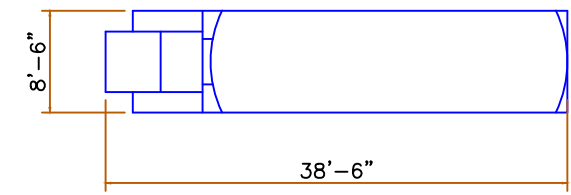
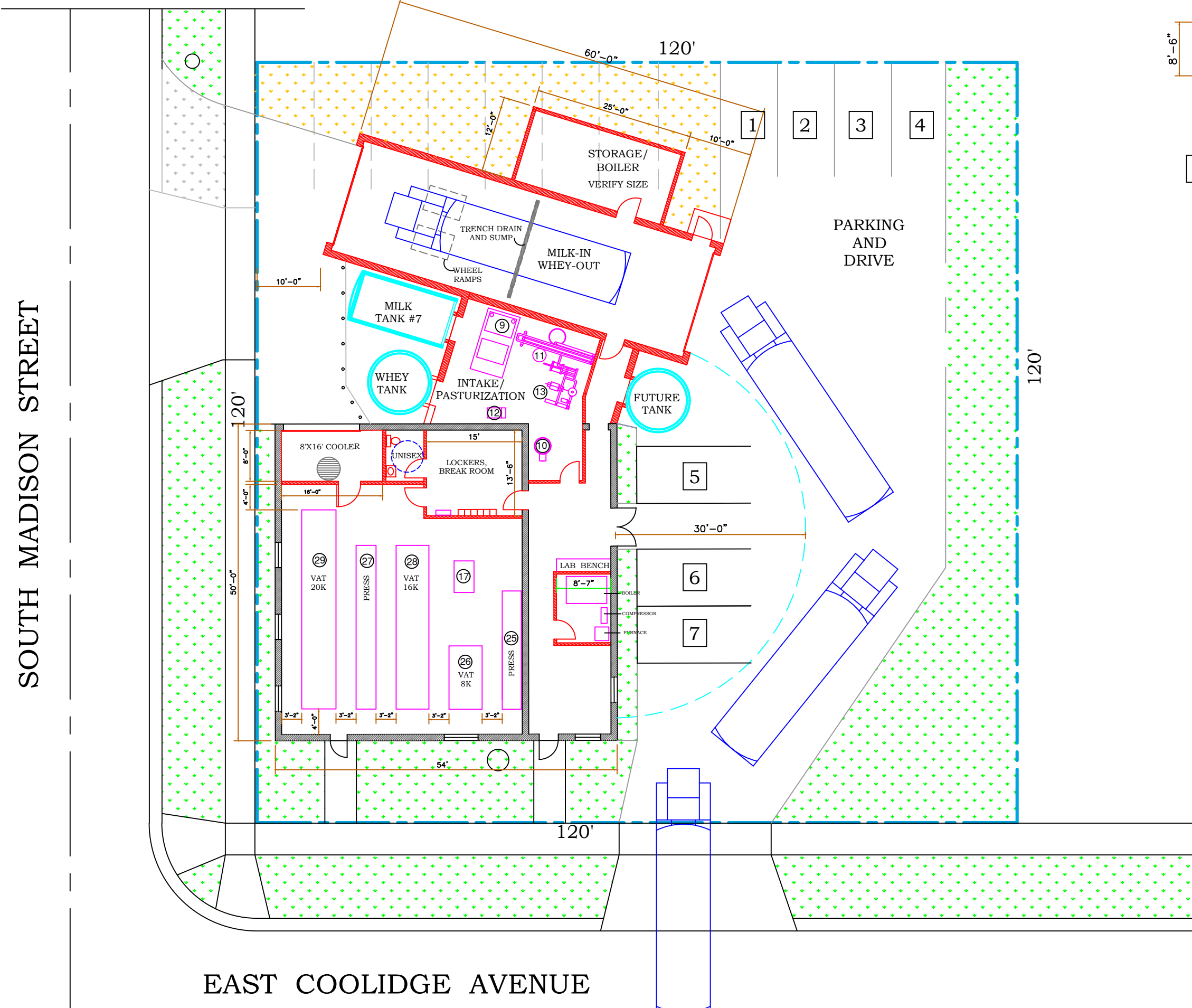
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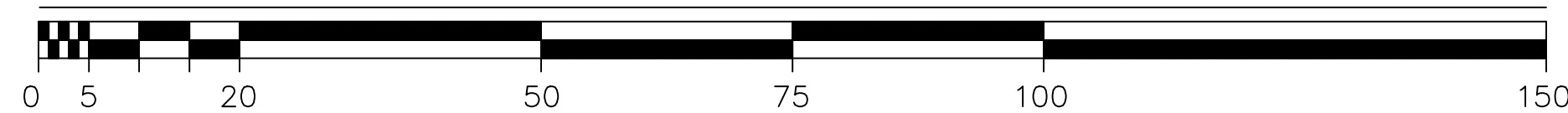
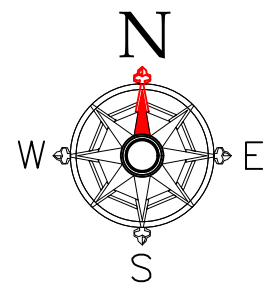
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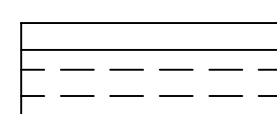
7 9' X 18' PARKING STALL

- 9 CREAM STORAGE
- 10
- 11
- 12
- 13
- 17
- 25 PRESS
- 26 VAT 8K
- 27 PRESS
- 28 VAT 16K
- 29 VAT 20K

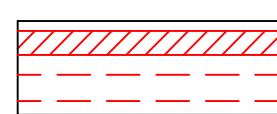
PROPOSED SITE / FLOOR PLAN



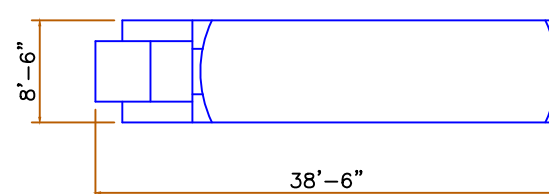
LOT LINE



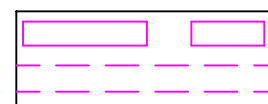
EXISTING CONSTRUCTION



NEW CONSTRUCTION



MILK TRUCK



EQUIPMENT/MACHINES



LANDSCAPED/LAWN AREAS TO REMAIN



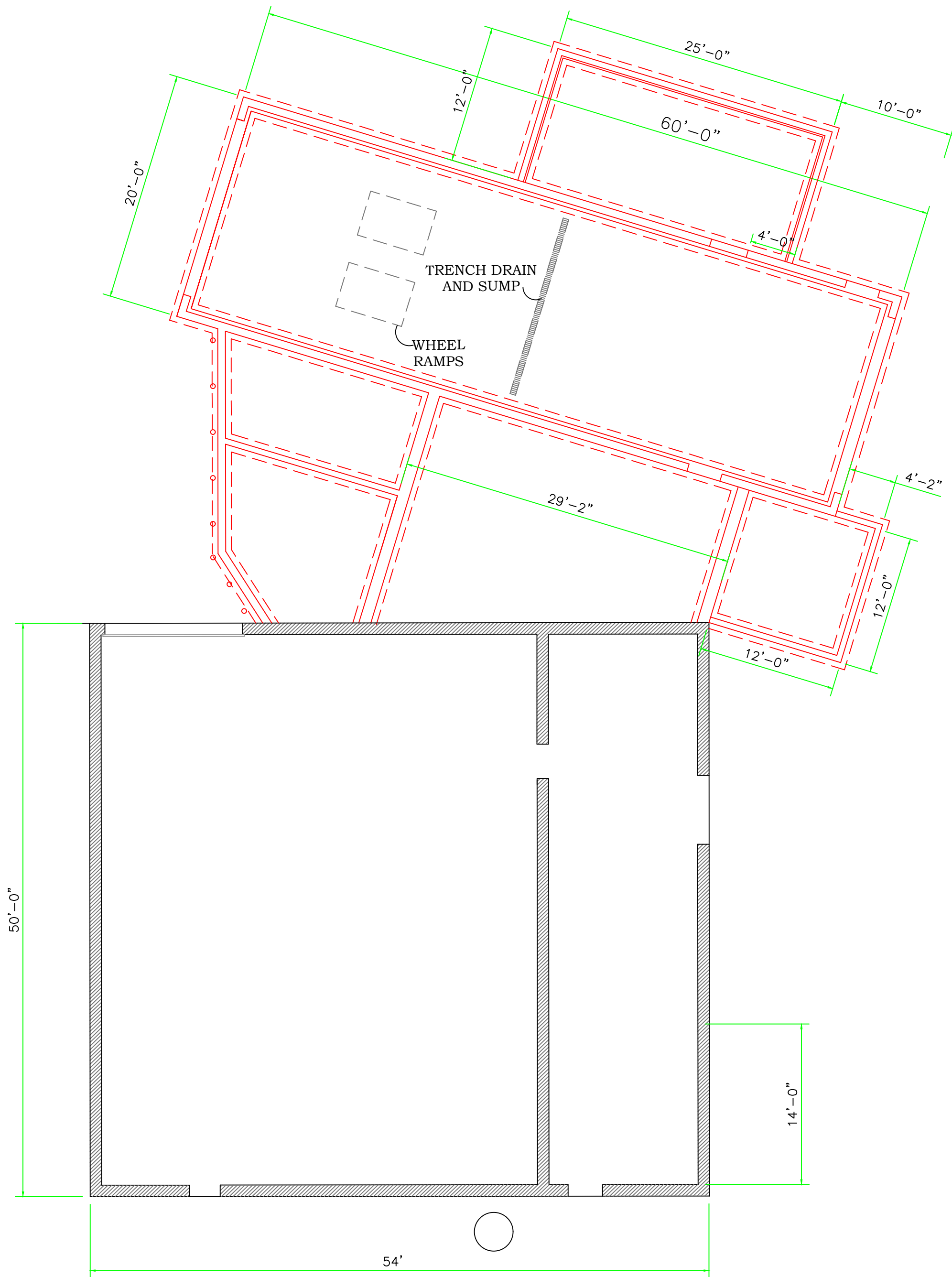
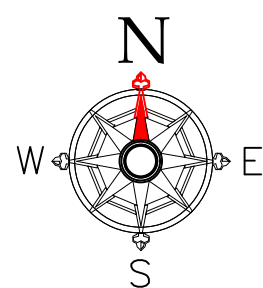
LANDSCAPED/LAWN AREAS TO BE REMOVED



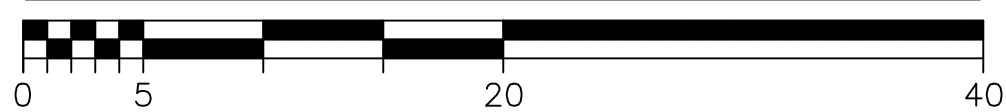
PAVED AREAS TO BE REMOVED AND LANDSCAPED

TOTAL LOT, 120' X 120' = 14,400 S.F.
 MINIMUM GREEN SPACE = 25%
 14,400 X .25 = 3,600 S.F. **REQUIRED**
 ACTUAL GREEN SPACE = 3,655 S.F.
 BUILDING: 4,682 S.F.
 ZONED C-2
 PARCEL 31-9=0030-00

1/16" = 1'-0" @ 18" X 24" FORMAT



FOUNDATION PLAN



ROBERT ACORD - ARCHITECT
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PROPOSED BUILDING ADDITION FOR:
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DATE
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SHEET
A-4



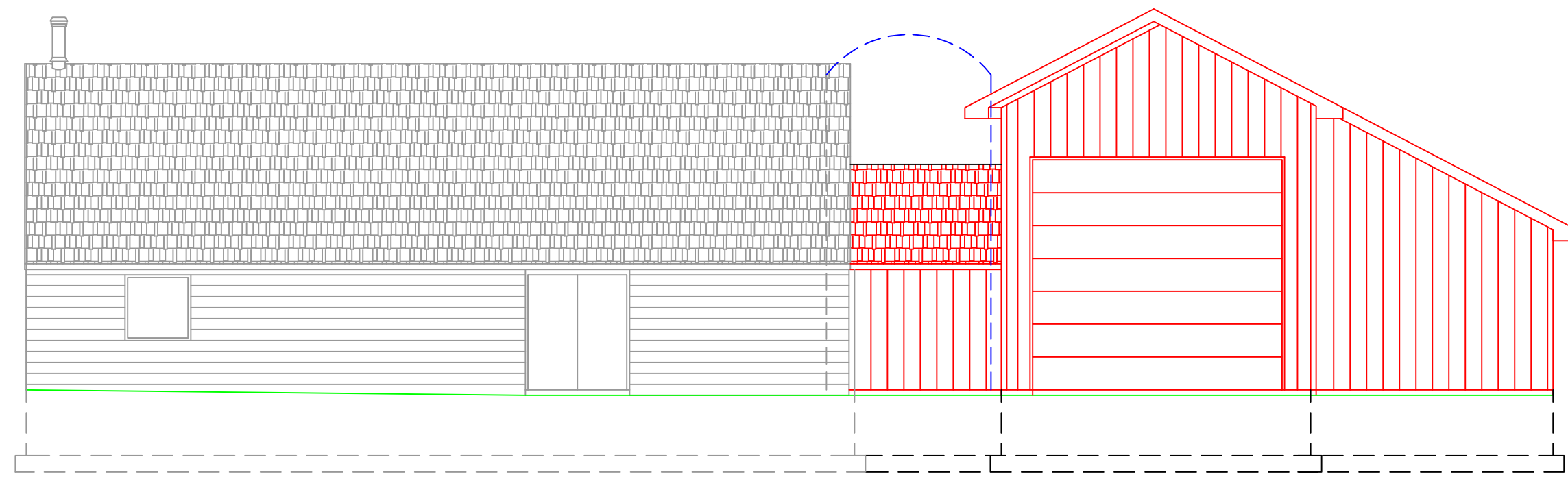
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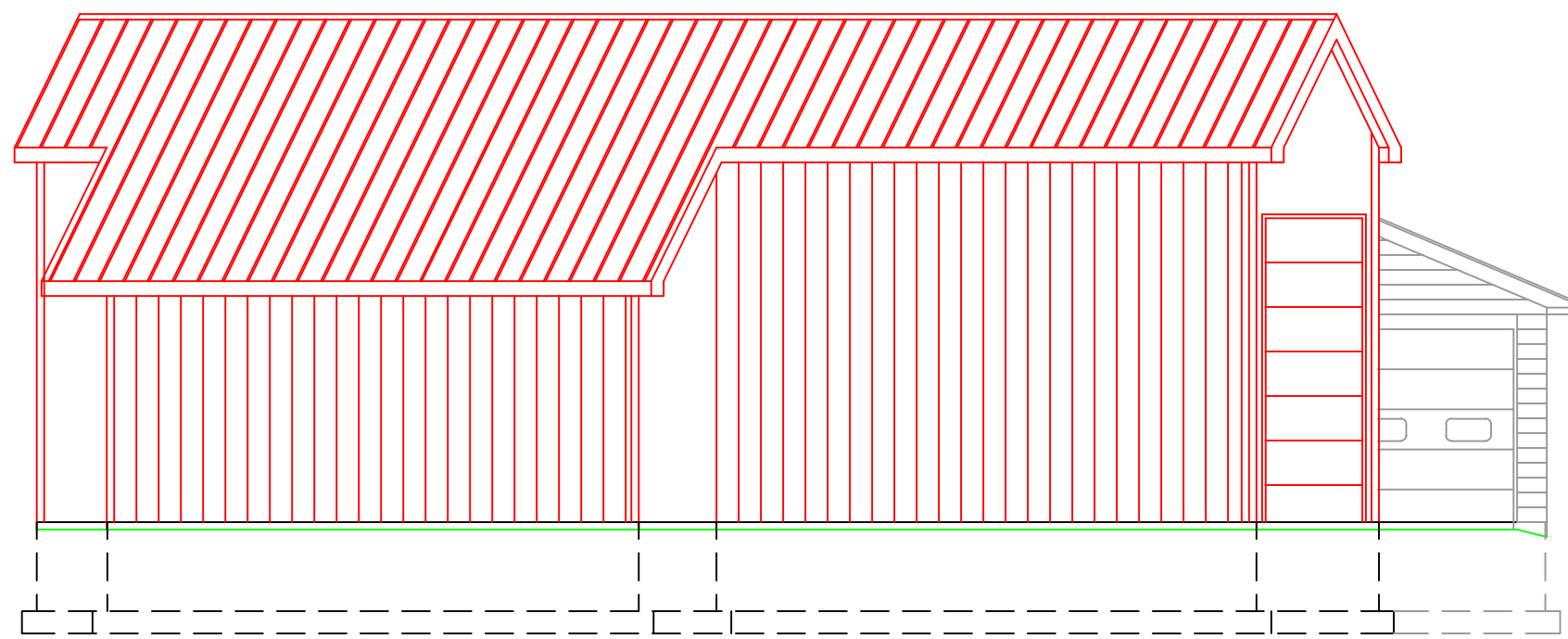
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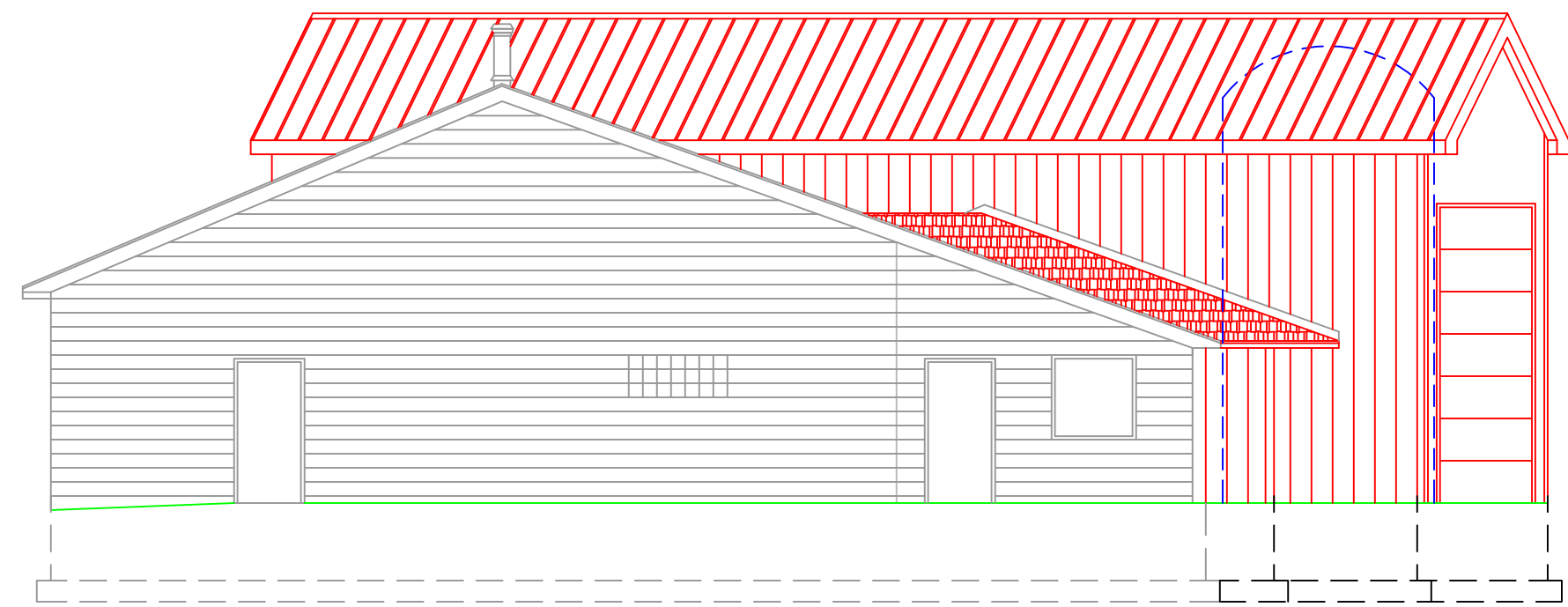
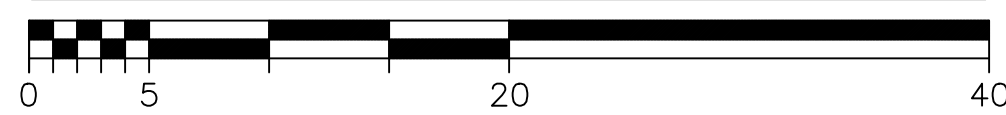
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A-9



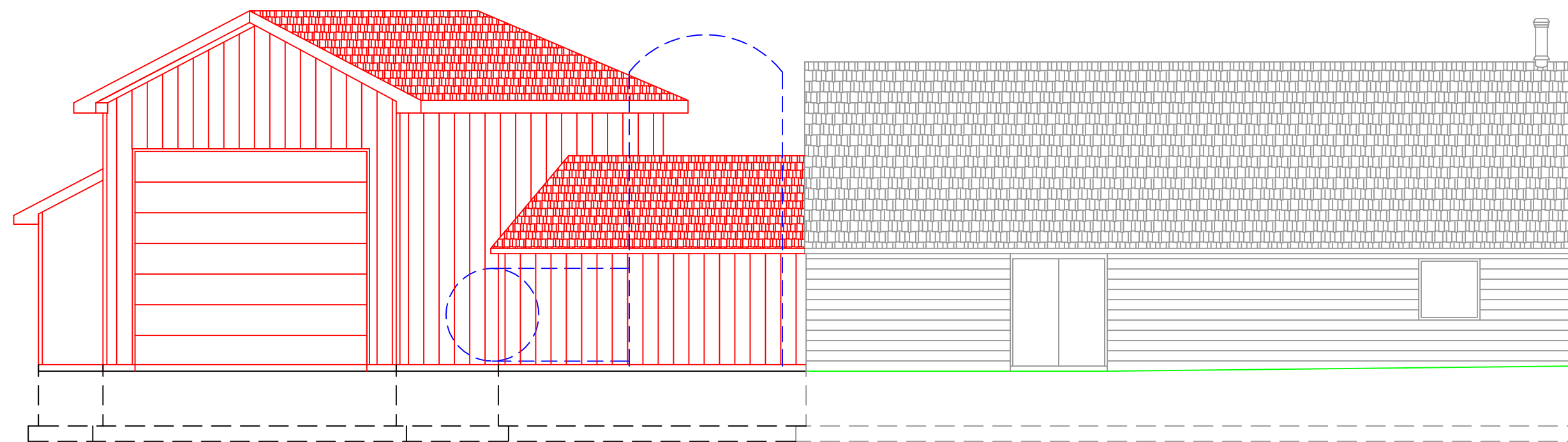
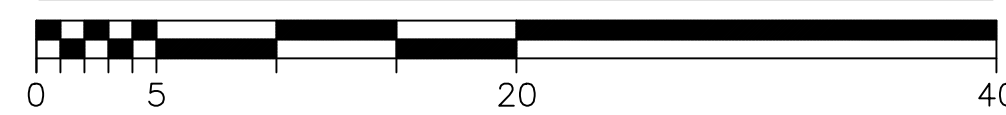
EAST ELEVATION



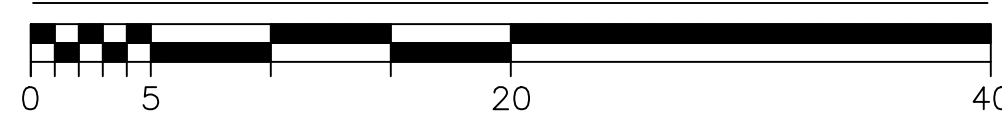
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



1/8" = 1'-0" @ 18" X 24" FORMAT