



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to
the Community and Economic Development Department,
920-832-6468.*

Tuesday, September 22, 2020

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[20-1216](#) City Plan Minutes from 9-8-20

Attachments: [City Plan Minutes 9-8-20.pdf](#)

4. Public Hearings/Apearances

[20-1217](#) Special Use Permit #5-20 for an automobile sales and display lot located at 1314 West College Avenue (Tax Id #31-5-1770-01), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #20-1219)

Attachments: [ClassIIPublicHearingNoticeNewspaper_AccessMobilityVansInc_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_AccessMobilityVansInc_SUP.pdf](#)

[20-1220](#) Rezoning #7-20 to rezone 1200 South Oneida Street (Tax Id #31-4-0418-00) and 1216 South Oneida Street (Tax Id #31-4-0420-00), including to the centerline of the adjacent right-of-way, from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, as shown on the attached maps (Associated with Action Item #20-1221)

Attachments: [InformalPublicHearingNotice_1200+1216SOneidaSt_Rezoning#7-20.pdf](#)

5. Action Items

- [20-1219](#) Request to approve Special Use Permit #5-20 for an automobile sales and display lot located at 1314 West College Avenue (Tax Id #31-5-1770-01), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_AccessMobilityVansInc_SUP_For09-22-20.pdf](#)

- [20-1221](#) Request to approve Rezoning #7-20 to rezone 1200 South Oneida Street (Tax Id #31-4-0418-00) and 1216 South Oneida Street (Tax Id #31-4-0420-00), including to the centerline of the adjacent right-of-way, from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, as shown on the attached maps

Attachments: [StaffReport_Rezoning_7-20_1200+1216SOneidaSt_For09-22-20.pdf](#)

- [20-1222](#) Request to approve the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan to create a revised common municipal boundary line between the municipalities and assign zoning classification to the properties identified for incorporation into the City of Appleton by adoption of the attached Resolution and subject to the stipulation in the attached staff report

Attachments: [StaffReport_BuchananBoundaryAdjustment_For09-22-20.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

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Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed
to the Community and Economic Development Department,
920-832-6468.*

Tuesday, September 8, 2020

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:01 p.m.

2. Roll call of membership

Present: 4 - Palm, Mayor Woodford, Fenton and Buetow

Absent: 2 - Rabec and Robins

Others present:

Alderperson Vered Meltzer, District #2

Jeff Schultz, Martenson & Eisele

3. Approval of minutes from previous meeting

[20-1158](#)

City Plan Minutes from 8-25-20

Attachments: [City Plan Minutes 8-25-20.pdf](#)

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

Motion carried by the following vote:

Aye: 4 - Palm, Mayor Woodford, Fenton and Buetow

Absent: 2 - Rabec and Robins

4. Public Hearings/Appearances

5. Action Items

[20-1159](#)

Request to approve the Third Addition to Clearwater Creek Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_3rdAddClearwaterCreek_FinalPlat_For09-08-20.pdf](#)

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

Aye: 4 - Palm, Mayor Woodford, Fenton and Buetow

Absent: 2 - Rabec and Robins

[20-1160](#)

Request to approve the dedication of land for public right-of-way for a portion of N. Green Bay Road, generally located east of the intersection of N. Green Bay Road and E. North Street (part of Tax Id #31-1-1176-00 and 31-1-0721-00) as shown on the attached maps

Attachments: [StaffReport GreenBayRd StreetDedication For09-08-20.pdf](#)

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

Aye: 4 - Palm, Mayor Woodford, Fenton and Buetow

Absent: 2 - Rabec and Robins

6. Information Items

7. Adjournment

Fenton moved, seconded by Buetow, that the meeting be adjourned at 4:06 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Palm, Mayor Woodford, Fenton and Buetow

Absent: 2 - Rabec and Robins

CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Tuesday, September 22, 2020, at 4:00 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Access Mobility Vans Inc., applicant, and Laird West LLC, owner, for property located at 1314 West College Avenue (Tax Id #31-5-1770-01) to obtain a Special Use Permit for an automobile sales and display lot. In the C-2 General Commercial District, a Special Use Permit is required for an automobile sales and display lot.

All persons interested are invited to express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to share any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at david.kress@appleton.org.

Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

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: September 8, 2020
September 15, 2020

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Tuesday, September 22, 2020, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Access Mobility Vans Inc., applicant, and Laird West LLC, owner, for property located at 1314 West College Avenue (Tax Id #31-5-1770-01) to obtain a Special Use Permit for an automobile sales and display lot. In the C-2 General Commercial District, a Special Use Permit is required for an automobile sales and display lot.
- ALDERMANIC DISTRICT: 10 – Alderperson Michael Smith

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to share any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at david.kress@appleton.org.

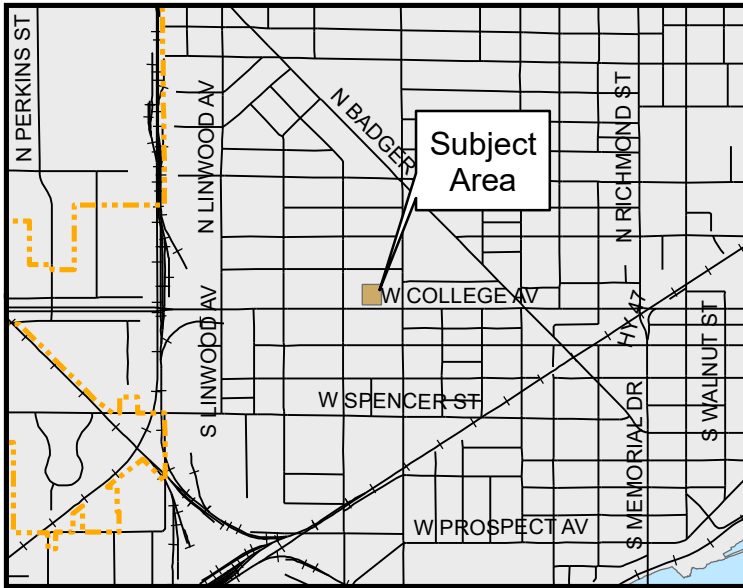
Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
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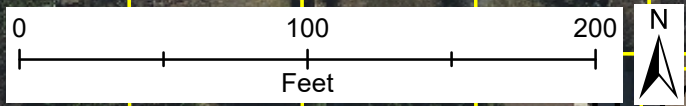
1314 West College Avenue
Special Use Permit
Automobile Sales and Display Lot
Zoning Map



1314 West College Avenue
Special Use Permit
Automobile Sales and Display Lot
Aerial Map



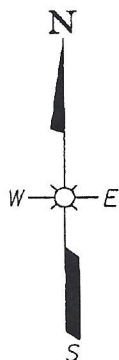
City Plan Commission
9-22-20



CERTIFIED SURVEY MAP NUMBER 5269

PART OF LOT ONE, BLOCK EIGHTY-THREE, FIFTH WARD PLAT, ALL OF LOT FIVE AND PART OF LOTS FOUR, SIX, SEVEN, EIGHT, NINE AND TEN, BLOCK 2, CLARK'S ADDITION, LOCATED IN THE NE 1/4 - SW 1/4 AND THE SE 1/4 - SW 1/4, SECTION 27, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY WISCONSIN

PARKING LOT & EASEMENT **INFORMATIONAL SHEET**



0 50' 100' 200'
SCALE: 1"=100'

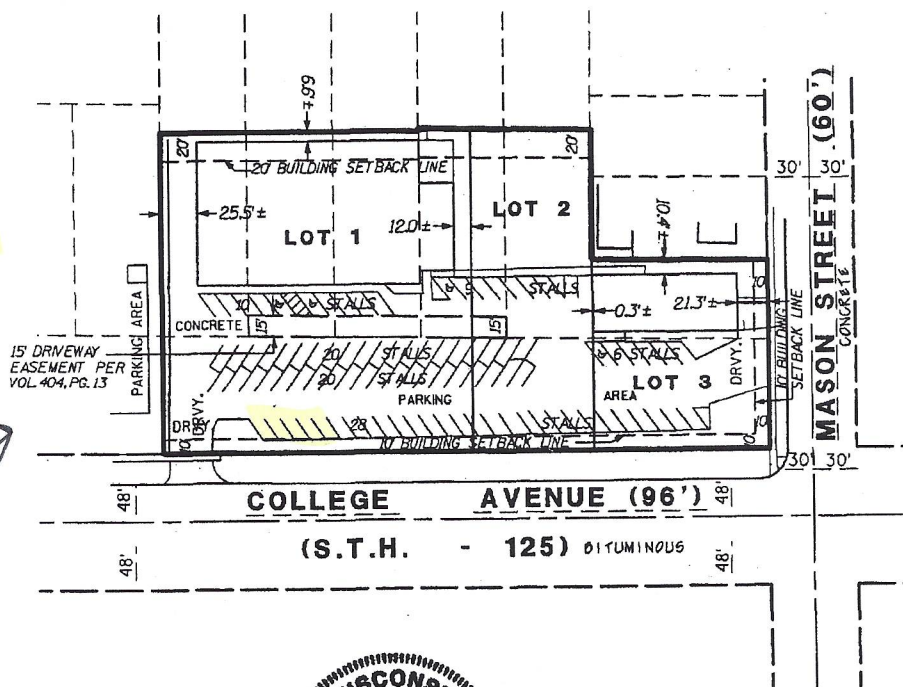
ACCESS EASEMENT:

VEHICLE ACCESS FOR LOT-2 WILL BE ALLOWED FROM LOT 1 AND LOT 3. INGRESS AND EGRESS TRAFFIC FOR ACCESS OF LOT-2 WILL BE ALLOWED THROUGH THE PARKING LOTS OF LOTS 1 AND 3 FOR PARKING AND USE OF LOT - 2.

IMPERVIOUS SURFACE

LOT 1 = 90%
LOT 2 = 52%
LOT 3 = 67%

Vehicle
Display
Area

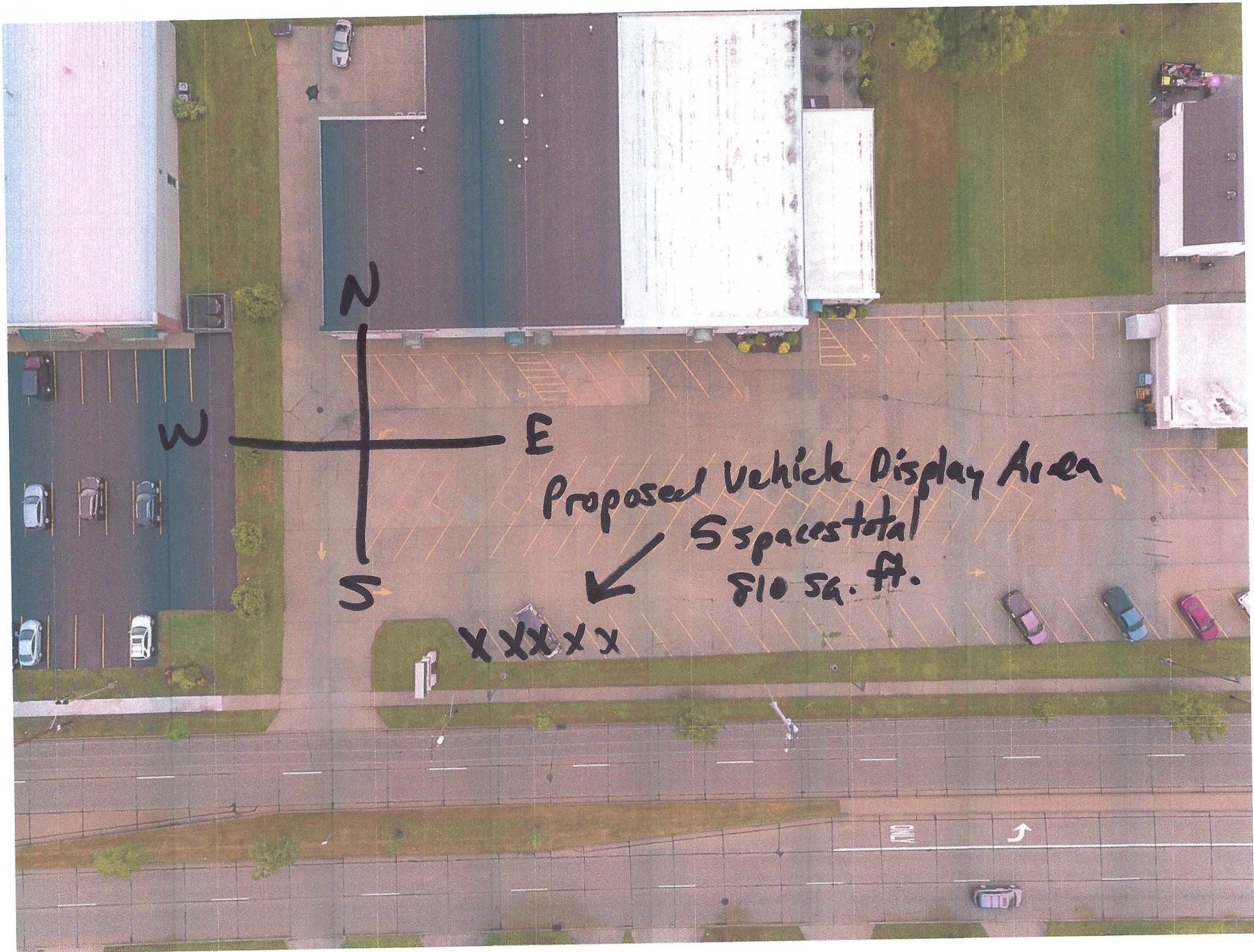


Nov 21, 2005

DATE 11-09-05	DIRECTORY NO. S3204A05
PROJECT NO. S3204A05	DRAFTED BY DH
SHEET 2 OF 4	DRAWING NAME CSM.DGN

SURVEY FOR: BERNIE LAIRD
1314 WEST COLLEGE AVENUE
APPLETON, WI 54914
PH: 920-470-4398

OMNI
ASSOCIATES
OMNI ASSOCIATES
ONE SYSTEMS DRIVE
APPLETON, WI 54914
PHONE (920) 735-6900
FAX (920) 830-6100



Proposed Vehicle Display Area
5 spaces total
810 sq. ft.

X X X X X

ArcGIS Web Map

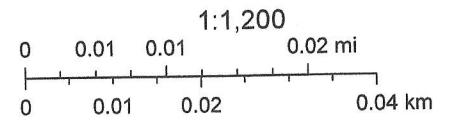


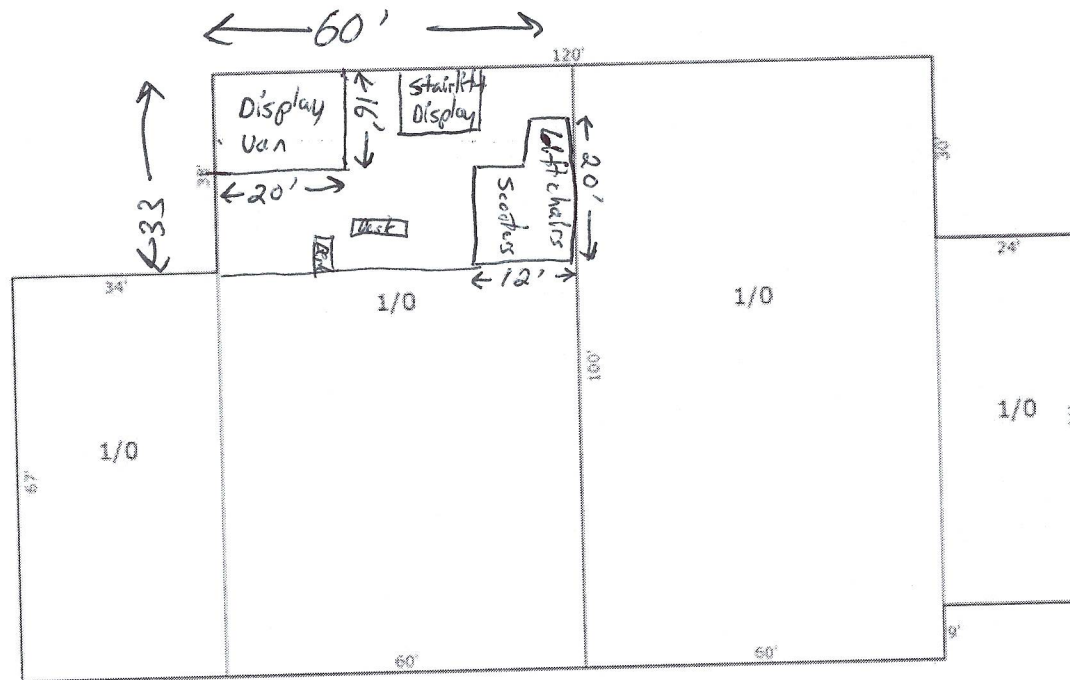
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~~8/8/18/2018/2018~~

- City Parcels
- Zoning
- Easements

Small Street Names





Sketch by: Apen Sketch

NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, September 22, 2020, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street for the following proposed rezoning request:

Rezoning Request: The City of Appleton received a request by owner, Eric Jacobson of Positive Ventures, LLC to rezone the following properties from C-2 General Commercial District to C-1 Neighborhood Mixed Use District (map attached):

- 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar) and
- 1216 South Oneida Street (Parcel Number: 31-4-0420-00) (aka Houdini's Escape Gastropub), including to the centerline of East Harrison Street, South Oneida Street and East McKinley Street.

Purpose of the Request: The owner is seeking this request to utilize the C-1 Neighborhood Mixed Use zoning district standards when planning/proposing site improvements. The C-1 Neighborhood Mixed Use District is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

ALDERMANIC DISTRICT: 11 – Alderperson Patti Coenen

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org

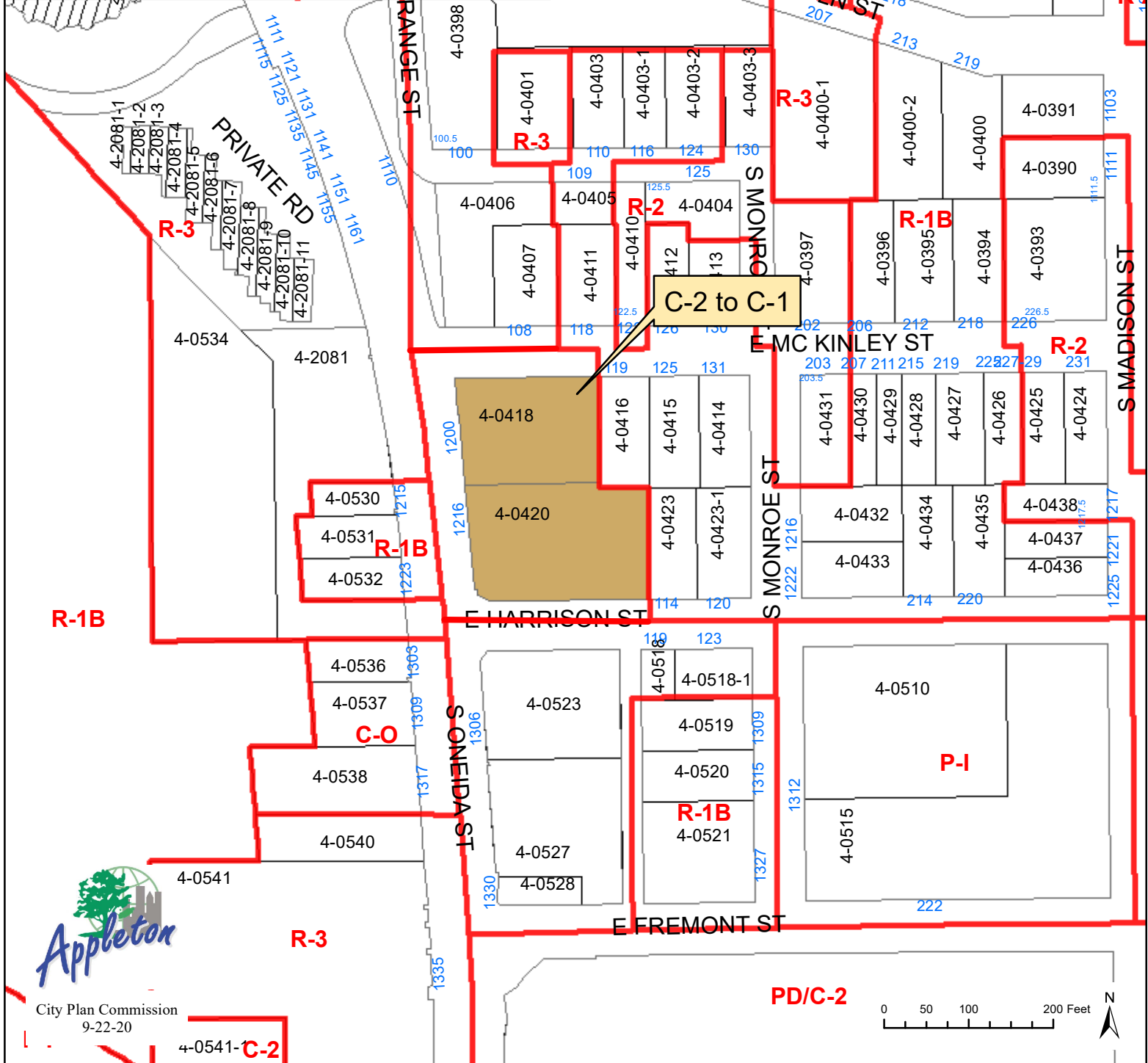
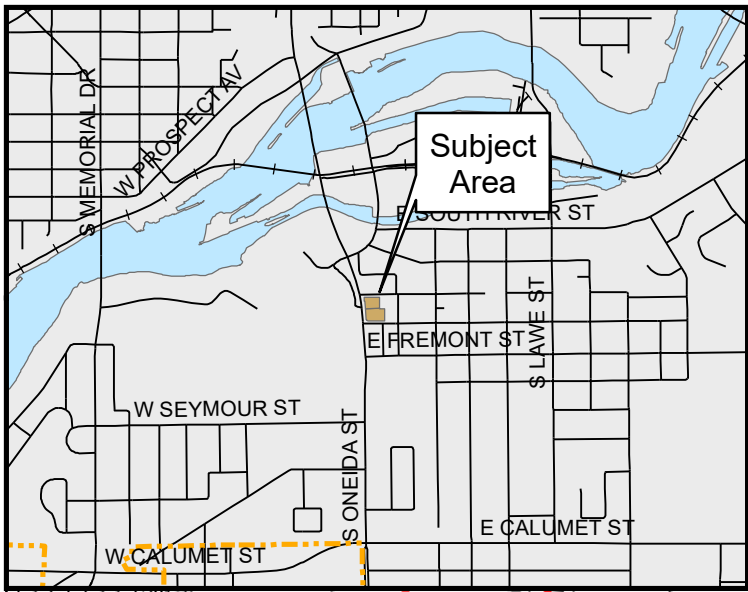
Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

CITY PLAN COMMISSION

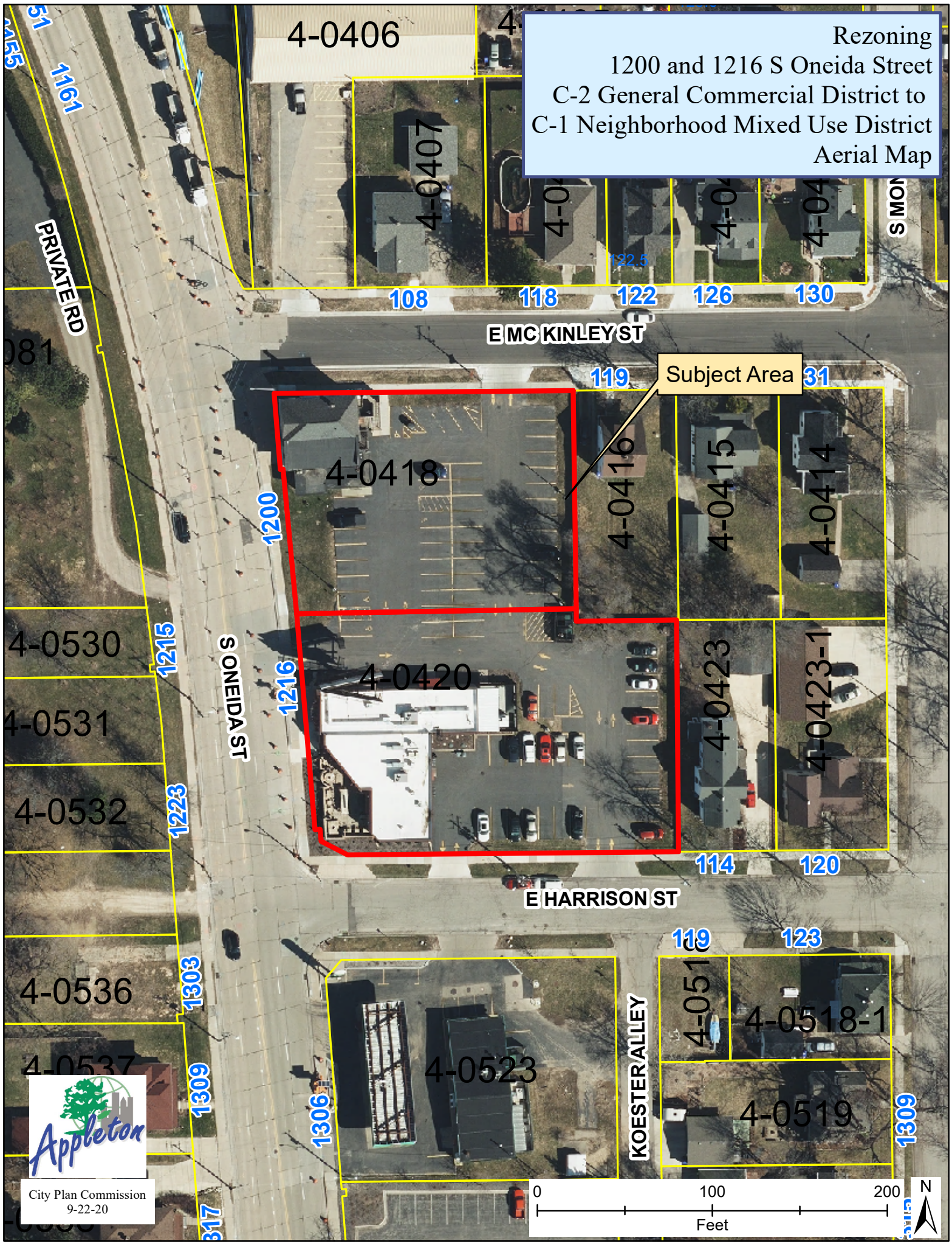
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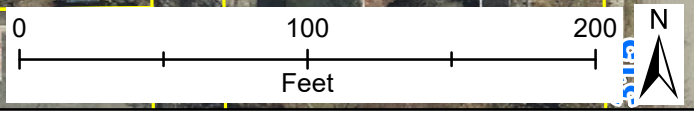
Rezoning
1200 and 1216 S Oneida Street
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Zoning Map



Rezoning
1200 and 1216 S Oneida Street
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Aerial Map



City Plan Commission
9-22-20





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: September 22, 2020

Common Council Meeting Date: October 7, 2020

Item: Special Use Permit #5-20 for an automobile sales and display lot

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner: Laird West, LLC c/o Bernie Laird

Applicant: Access Mobility Vans, Inc. c/o Charles Lubner

Address/Parcel #: 1314 West College Avenue (Tax Id #31-5-1770-01)

Petitioner's Request: The applicant is requesting a Special Use Permit for an automobile sales and display lot in conjunction with an existing professional services use (office and showroom for Access Mobility Center).

BACKGROUND

The subject area is located along West College Avenue, between North Outagamie Street and North Mason Street. The applicant already occupies a tenant space (Unit 1) within the building on the subject site. According to the applicant, Access Mobility Center has operated at this location since June 2020, with office space and a showroom for stair lifts, ramps, and other accessibility products. The sale of wheelchair accessible vans would be an additional service offered. Before obtaining a Motor Vehicle Dealer License from the Wisconsin Department of Transportation, the applicant must receive approval of a Special Use Permit.

The subject property has been zoned C-2 General Commercial District since 1993, when Common Council approved Rezoning #1-93 for numerous properties throughout the surrounding neighborhood. Certified Survey Map No. 5269 was recorded in 2006, which created the current lot configuration and established an access/parking easement with neighboring parcels to the east.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish an automobile sales and display lot on the southern portion of the subject site. As shown on the attached development plan, the applicant proposes to utilize five existing parking spaces as the display area. The existing office and showroom, which is approximately 1,980 square feet in size, would also provide the ability to perform service work on a vehicle's mobility-enhancing equipment (e.g. ramp, transfer seat, hand control, pedal extension).

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

Existing Site Conditions: The 1.12-acre site is currently developed with a multi-tenant building, which is approximately 15,742 square feet in size. The site also includes off-street parking south of the building,

Special Use Permit #5-20
September 22, 2020
Page 2

and shared parking exists on adjacent parcel #31-5-1770-02. Access is provided by curb cuts on West College Avenue and North Mason Street (via parcel #31-5-1766-00).

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

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

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

South: R-2 Two-Family District and R-1B Single-Family District. The adjacent land uses to the south are currently a mix of single-family and two-family residential.

East: C-2 General Commercial District. The adjacent land uses to the east are currently a mix of commercial uses.

West: PD/C-2 Planned Development General Commercial District #17-99. The adjacent land uses to the west are currently a mix of commercial uses.

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: These items appeared on the September 1, 2020 Technical Review Group agenda. No negative comments were received from participating departments.

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

As part of the special regulations for an automobile sales and display lot, perimeter landscaping is required pursuant to Section 23-66(h)(5) of the Municipal Code. For the subject site, a minimum 5-foot wide landscape buffer is required in the front and side yards. Based on the attached development plan drawings and maps, these dimensional requirements would be satisfied south and west of the proposed display area. An existing parking lot and building are located north of the proposed display area, and a cross access easement exists with the adjacent parcel to the east. The perimeter adjacent to the College Avenue right-of-way shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the display area frontage, and one shade tree shall be provided every 40 feet on center.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. Based on the existing "shopping center" building that is 15,742 square feet in size (per Assessor's Office records), a total of 63 parking spaces are required for the subject property. There are 80 existing parking spaces on the subject parcel and adjacent parcel #31-5-1770-02 (shared parking per CSM 5269). The proposal would result in five existing parking spaces being utilized as display area; however, the property would still exceed the minimum number of parking spaces required.

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

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #5-20 for an automobile sales and display lot located at 1314 West College Avenue (Tax Id #31-5-1770-01), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.

Substantial Evidence: Standardized condition to ensure the applicant understands the City's Municipal Code and all applicable State and Federal laws must be followed.

2. The automobile sales and display lot use is limited to the parts of parcel #31-5-1770-01 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the five identified parking spaces at the south end of the subject site. Any future expansions or deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

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

3. This Special Use Permit is needed for the automobile sales and display lot use. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

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

4. The minimum standards for an automobile sales and display lot found in Section 23-66(h)(5) of the Municipal Code shall be complied with, as applicable.

Substantial Evidence: This condition provides notice to the applicant that they are required to comply with special regulations included in the Zoning Ordinance for this particular use.

5. The perimeter landscape buffer adjacent to the College Avenue right-of-way shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the vehicle display area frontage, and one shade tree shall be provided for every 40 feet on center along the vehicle display area frontage. To allow for better growing conditions, the shrubs and tree must be planted no later than June 1, 2021.

Substantial Evidence: This condition provides specificity on one of the special regulations included in the Zoning Ordinance for this particular use.

6. Prior to displaying vehicles for sale, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.

Substantial Evidence: This condition provides notice to the applicant that a State license may also be needed prior to operating.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #5-20
AUTOMOBILE SALES AND DISPLAY LOT
1314 WEST COLLEGE AVENUE**

WHEREAS, Access Mobility Vans, Inc. has applied for a Special Use Permit for an automobile sales and display lot located at 1314 West College Avenue, also identified as Parcel Number 31-5-1770-01; and

WHEREAS, the location for the proposed automobile sales and display lot 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 September 22, 2020 on Special Use Permit #5-20, 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 #5-20 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 7, 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 #5-20 for an automobile sales and display lot located at 1314 West College Avenue, also identified as Parcel Number 31-5-1770-01, 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 #5-20 for an automobile sales and display lot located at 1314 West College Avenue, also identified as Parcel Number 31-

5-1770-01, 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 #5-20

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
 - B. The automobile sales and display lot use is limited to the parts of parcel #31-5-1770-01 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the five identified parking spaces at the south end of the subject site. Any future expansions or deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - C. This Special Use Permit is needed for the automobile sales and display lot use. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
 - D. The minimum standards for an automobile sales and display lot found in Section 23-66(h)(5) of the Municipal Code shall be complied with, as applicable.
 - E. The perimeter landscape buffer adjacent to the College Avenue right-of-way shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the vehicle display area frontage, and one shade tree shall be provided for every 40 feet on center along the vehicle display area frontage. To allow for better growing conditions, the shrubs and tree must be planted no later than June 1, 2021.
 - F. Prior to displaying vehicles for sale, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if 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.

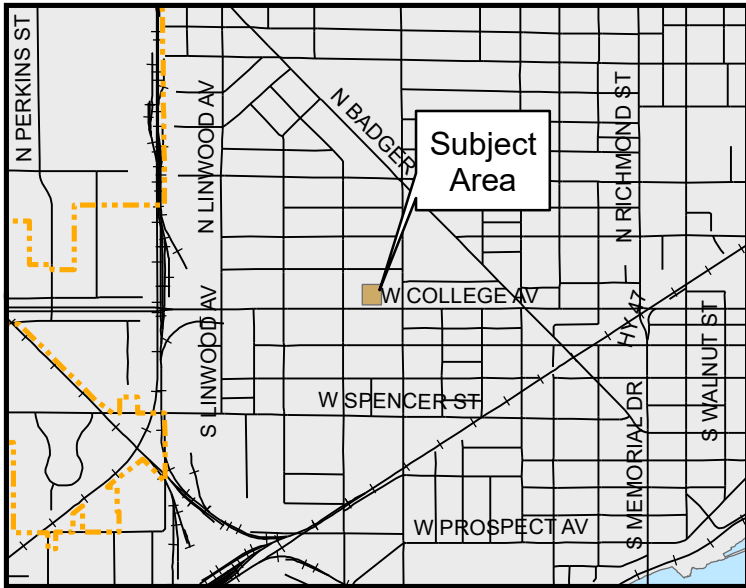
Adopted this _____ day of _____, 2020.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

1314 West College Avenue
Special Use Permit
Automobile Sales and Display Lot
Zoning Map



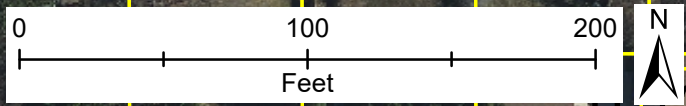
1314 West College Avenue
Special Use Permit
Automobile Sales and Display Lot
Aerial Map



Subject Area



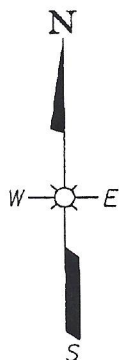
City Plan Commission
9-22-20



CERTIFIED SURVEY MAP NUMBER 5269

PART OF LOT ONE, BLOCK EIGHTY-THREE, FIFTH WARD PLAT, ALL OF LOT FIVE AND PART OF LOTS FOUR, SIX, SEVEN, EIGHT, NINE AND TEN, BLOCK 2, CLARK'S ADDITION, LOCATED IN THE NE 1/4 - SW 1/4 AND THE SE 1/4 - SW 1/4, SECTION 27, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY WISCONSIN

PARKING LOT & EASEMENT **INFORMATIONAL SHEET**



0 50' 100' 200'
SCALE: 1"=100'

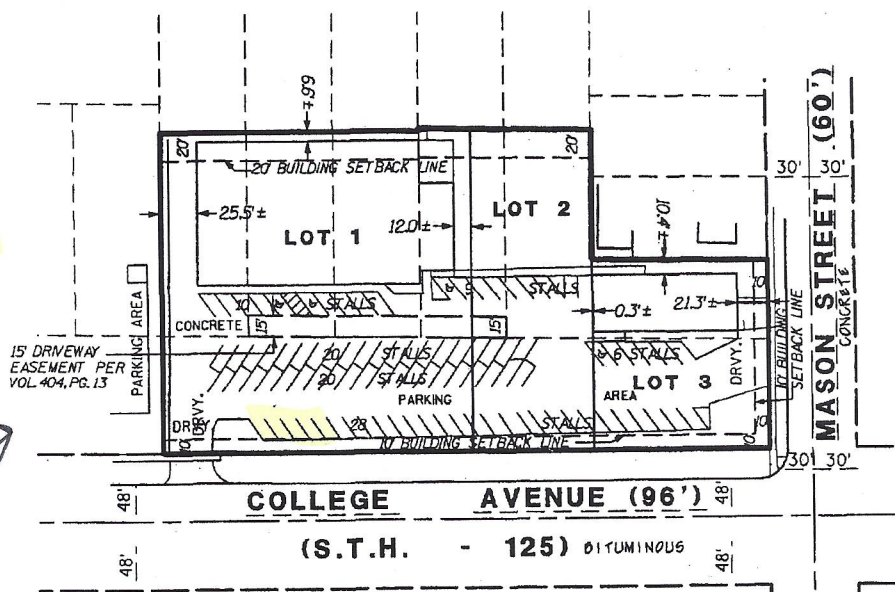
ACCESS EASEMENT:

VEHICLE ACCESS FOR LOT-2 WILL BE ALLOWED FROM LOT 1 AND LOT 3. INGRESS AND EGRESS TRAFFIC FOR ACCESS OF LOT-2 WILL BE ALLOWED THROUGH THE PARKING LOTS OF LOTS 1 AND 3 FOR PARKING AND USE OF LOT - 2.

IMPERVIOUS SURFACE

LOT 1 = 90%
LOT 2 = 52%
LOT 3 = 67%

Vehicle
Display
Area



Nov 21, 2005

DATE 11-09-05	DIRECTORY NO. S3204A05
PROJECT NO. S3204A05	DRAFTED BY DH
SHEET 2 OF 4	DRAWING NAME CSM.DGN

SURVEY FOR: BERNIE LAIRD
1314 WEST COLLEGE AVENUE
APPLETON, WI 54914
PH: 920-470-4398

OMNI
ASSOCIATES

OMNI ASSOCIATES
ONE SYSTEMS DRIVE
APPLETON, WI 54914
PHONE (920) 735-6900
FAX (920) 830-6100

ArcGIS Web Map

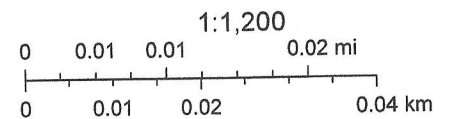


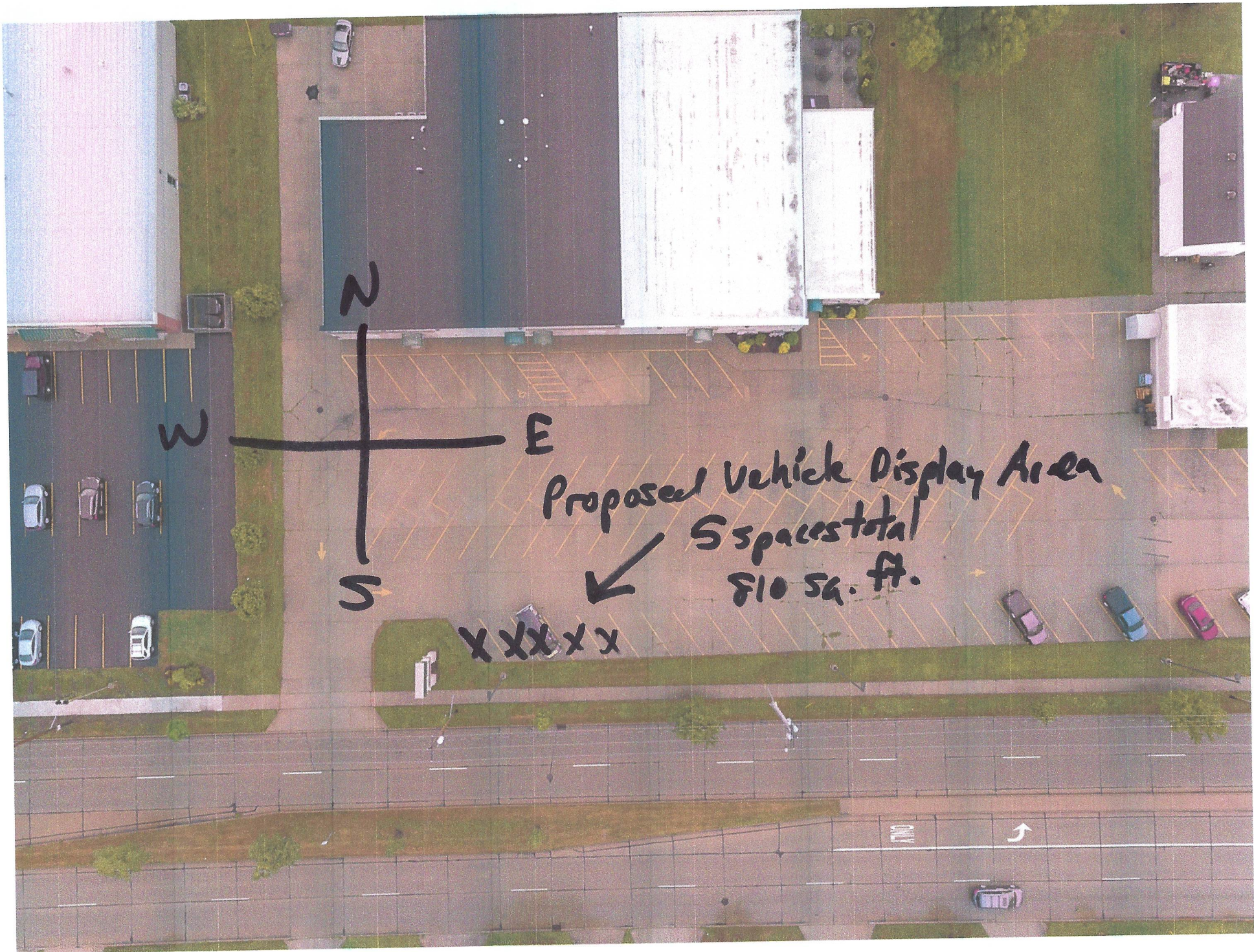
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- City Parcels
- Zoning
- Easements

Small Street Names

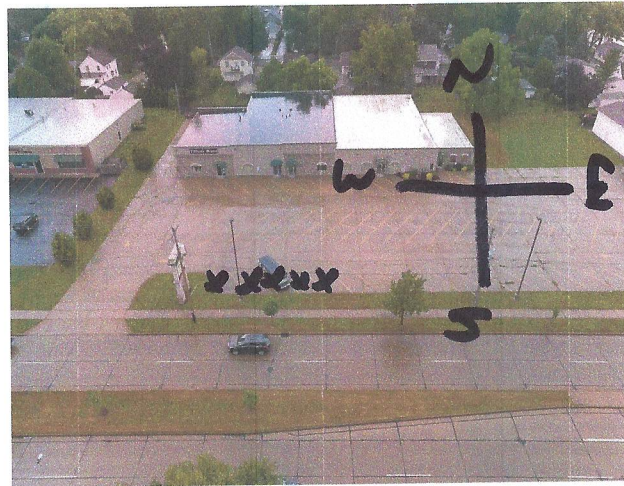
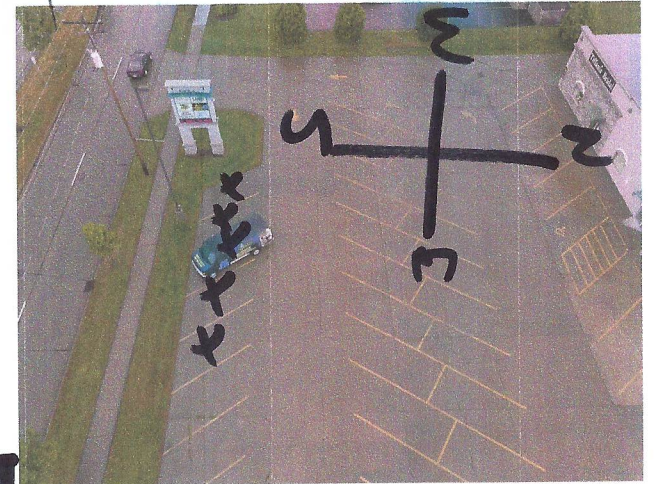




Proposed Vehicle Display Area
5 spaces total
810 sq. ft.

X X X X X

Photo taken 8/25/2020 9:00 AM



Vehicle Display Area
5 parking spaces
810 sq. ft.

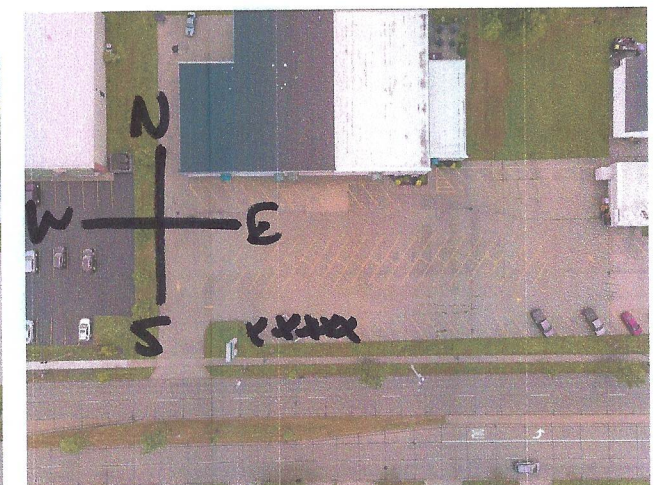
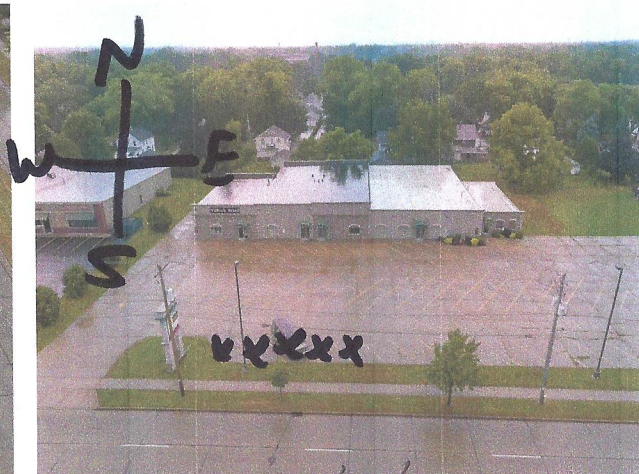
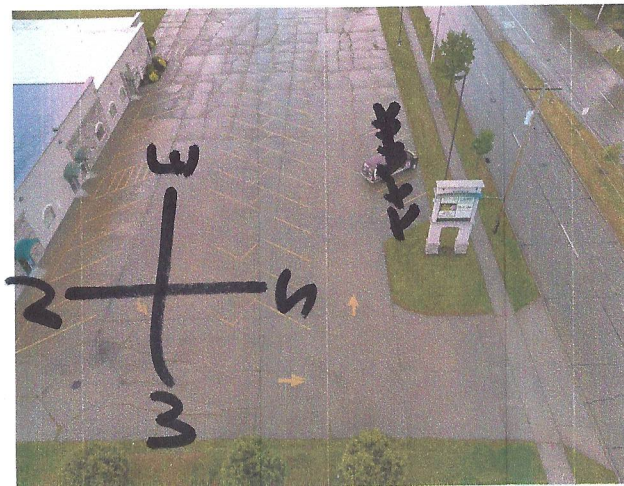
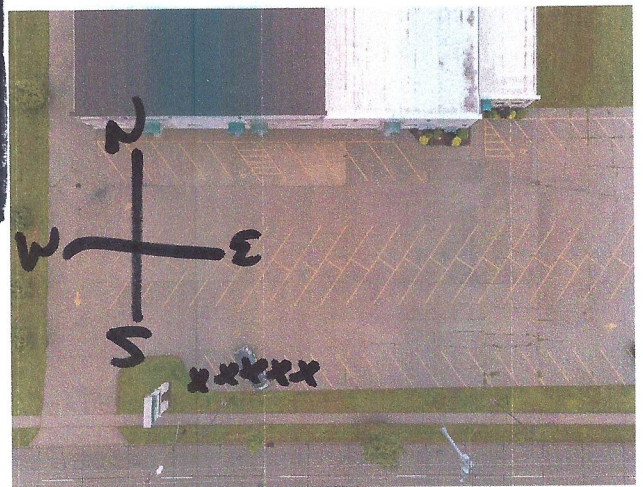
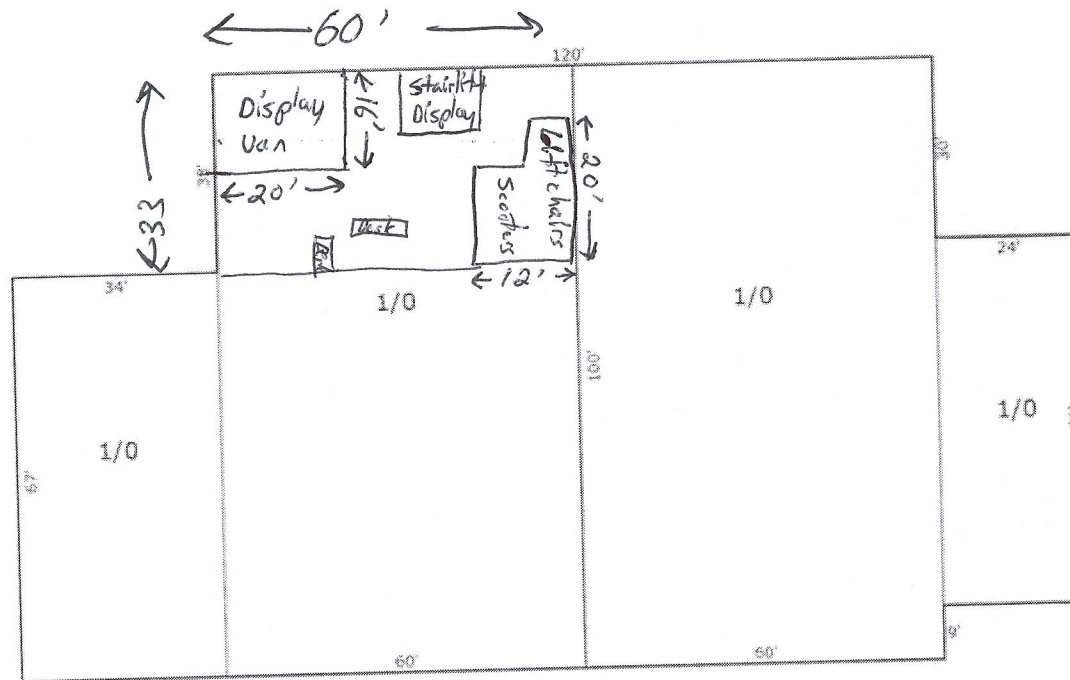
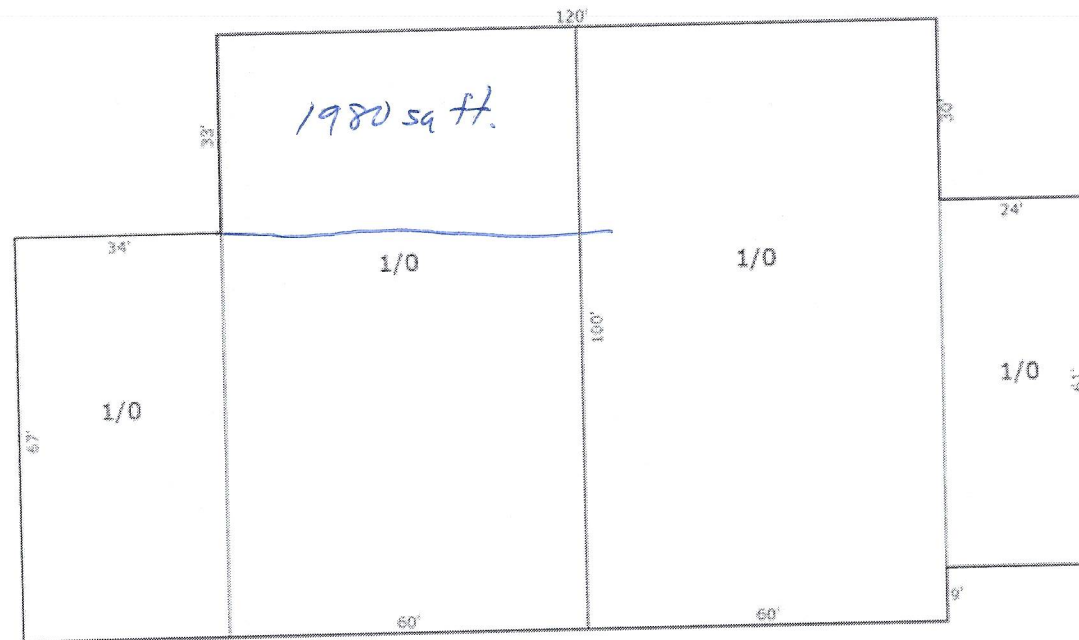


Photo Taken 8/25/2020 9:00 AM



Sketch by: Apen Sketch



Sketch by Apen Sketch



PLAN OF OPERATION AND LOCATIONAL INFORMATION

NEW/USED AUTOMOBILE SALES (more than 5 vehicles each year)

Trade Name: Access Mobility Vans

Applicant Name: Access Mobility Vans, Inc.

Building Address: 1314 W. College Ave. Unit 1

Dealer Type (check applicable boxes):

- ☒ Retail dealer of new and/or used automobiles and trucks to the general public.
- ☐ Retail dealer of new and/or used mopeds to the general public.
- ☐ Retail dealer of new and/or used motorcycles to the general public.
- ☐ Retail dealer of new and/or used boats to the general public.
- ☐ Retail dealer of new and/or used recreational vehicles to the general public.
- ☐ Wholesale auction dealer in which you hold auctions in which you display and sell automobiles and trucks owned by someone other than licensed dealers, or in which you display and auction off vehicles to the general public.
- ☐ Wholesale dealer in which you purchase and resell used vehicles to licensed dealers only, never to the public.

Indoor Building Uses (check applicable boxes):

- ☒ Office Space: Please identify the area of this space: _____ square feet.
- ☒ Vehicle Display Area (Retail to general public): Please identify the area of this space: _____ square feet.
- ☐ Service Department (check applicable services): ☐ General Maintenance Repairs (exhaust system, transmission, brakes, tires repair/installation, electrical, engine repair/tune up) ☐ Painting ☐ Body Work

Please describe other services provided within Service Department space: Our service area

will be limited to the mobility conversion portion of the vehicle (ie ramp, transfer seat, hand controls) and will exclude general vehicle maintenance. For oil changes, tune ups, etc. we will refer customers to local auto repair shops.

- ☒ Other. If other, please describe other indoor activities: Installation

of hand controls, gas pedal extensions, and other mobility enhancing equipment for disabled drivers.

Employees:Number of proposed employees: 2**Proposed Business Hours of Operation:**

Day	From	To
Monday - Friday	8:00 am	5:00 pm
Saturday	closed	
Sunday	closed	

Outdoor Uses (check applicable boxes):

☒ Vehicle Display Lot (Retail or Auctions to general public) is proposed: Please identify the area of this space:
810 square feet. Based on 5 parking spaces 9' x 18'

☐ Vehicle Display Lot (Retail to general public and/or licensed dealers) is not proposed.

☐ Other. If other, please describe other outdoor areas: _____

Outdoor Display Lot Screening/Landscaping:

Type and height of screening of plantings/fencing/gating: Existing planters and landscaping

Outdoor Music/Speakers:

Are there plans for outdoor music/Speakers? Yes _____ No ☒

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

Outdoor lighting:

Type: Existing parking lot lighting

Location: Existing parking lot

Off-street parking:

Number of customer spaces proposed: Existing parking spaces in shared lot. 68 stalls total

Number of employee spaces proposed: Existing parking spaces in shared lot 68 stalls total

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all the proposed use: No anticipated noise

B. How will the noise be controlled? No anticipated noise

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

No flammable materials on site

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

No smoke or odors will be emanated



REPORT TO PLAN COMMISSION

Plan Commission Informal Public Hearing Meeting Date: September 22, 2020

Common Council Public Hearing Meeting Date: October 21, 2020

Item: Rezoning #7-20 – 1200 and 1216 South Oneida Street from C-2 General Commercial District to C-1 Neighborhood Mixed Use District

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Property Owner / Applicant: Positive Ventures, LLC - Eric Jacobson

Address/Parcel #s: 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar) and 1216 South Oneida Street (Parcel Number: 31-4-0420-00) (aka Houdini's Escape Gastropub)

Petitioner's Request: The property owner is requesting a zoning change from C-2 General Commercial District to C-1 Neighborhood Mixed Use District. The owner is seeking this request to utilize the C-1 Neighborhood Mixed Use zoning district standards when planning/proposing site improvements to 1200 and 1216 South Oneida Street.

BACKGROUND

Special Use Permit #12-13 has been approved for a restaurant including an outdoor patio area with alcohol sales at 1216 South Oneida Street (aka Houdini's Escape Gastropub).

Special Use Permit #13-13 has been approved for a tavern including an outdoor patio area with alcohol sales at 1200 South Oneida Street (aka Images Bar).

STAFF ANALYSIS

Existing Conditions: The land area to be rezoned is currently developed with two separate buildings utilized by Houdini's Escape Gastropub (currently operating) and Images Bar with first and second floor apartment units (currently not operating and unoccupied dwelling units). Both properties share the existing off-street parking spaces.

Surrounding zoning and land uses:

North: C-2 General Commercial District and R-1B Single-Family Residential District – place of worship and residential uses

South: C-2 General Commercial District – commercial uses

East: R-1B Single-Family Residential District – residential uses

West: R-1B Single-Family Residential District and R-3 Multi-family District – undeveloped land

Proposed Zoning Classification: The C-1 Neighborhood Mixed Use District is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

Development standards (Section 23-112 – C-1 Neighborhood Mixed Use District) are as follows:

- 1) ***Minimum lot area.*** 6,000 square feet.
- 2) ***Maximum lot coverage.*** Ninety percent (90%).
- 3) ***Minimum lot width.*** 40 feet
- 4) ***Minimum front yard.*** None.
- 5) ***Minimum rear yard.*** 20 feet
- 6) ***Minimum side yard.*** None. 10 feet if abutting a residential zoned district.
- 7) ***Maximum building height.*** Sixty (60) feet.
- 8) ***Minimum off-street parking spaces:*** 1200 South Oneida Street, 10 minimum spaces and 1216 South Oneida Street, 29 minimum spaces.

The existing site improvements located on the land area to be rezoned appears to satisfy the development standards of the C-1 Neighborhood Mixed Use District, except for the building located 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar). This building has been identified as an existing non-conforming building due its encroachment (northeast corner of the building is 0.8 feet over the lot line) in the East McKinley Street right-of-way. This building can remain in its current location but will be regulated by the applicable nonconforming principal building regulations in the Appleton Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Mixed-Use designation. The proposed C-1 Neighborhood Mixed Use District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

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

Chapter 17: South Oneida Street Corridor:

*Pedestrian-Oriented Commercial - This use and character should be extended from the industrial flats (refer to the **Fox River Corridor Plan**, Chapter 13) south through the Oneida Street corridor to Calumet Street. It is typified by buildings constructed at or near the street right-of-way and oriented to the sidewalk. Ground floor uses are nearly always commercial, and residential uses may be located on upper floors or at the back of the property. This is especially appropriate where the development site extends through to the parallel street, and multifamily residential may present a better transition to lower-density residential than would the back of a commercial building.*

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and strategies stated above.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:

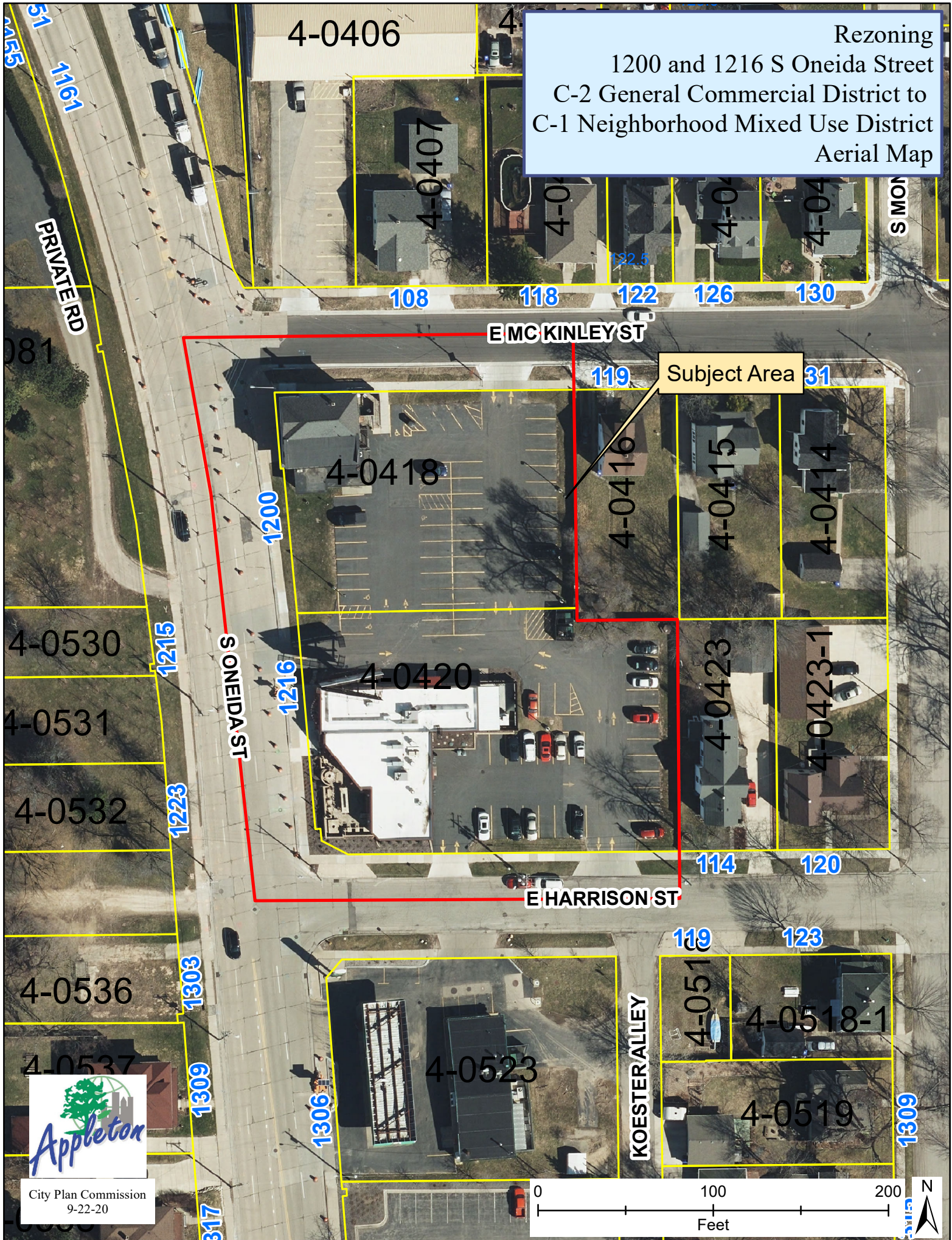
1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject properties are adequately served by the existing infrastructure and the transportation network.*
2. The effect of the proposed rezoning on surrounding uses. *A mix of Single-family, Commercial, and Public Institutional uses are already present in this area of City. The rezoning request is being made by the property owner to utilize the C-1 Neighborhood Mixed Use zoning district standards when planning/proposing site improvements to 1200 and 1216 South Oneida Street. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Technical Review Group Report (TRG): This item appeared on the September 1, 2020 TRG Agenda. No negative comments were received from participating departments.

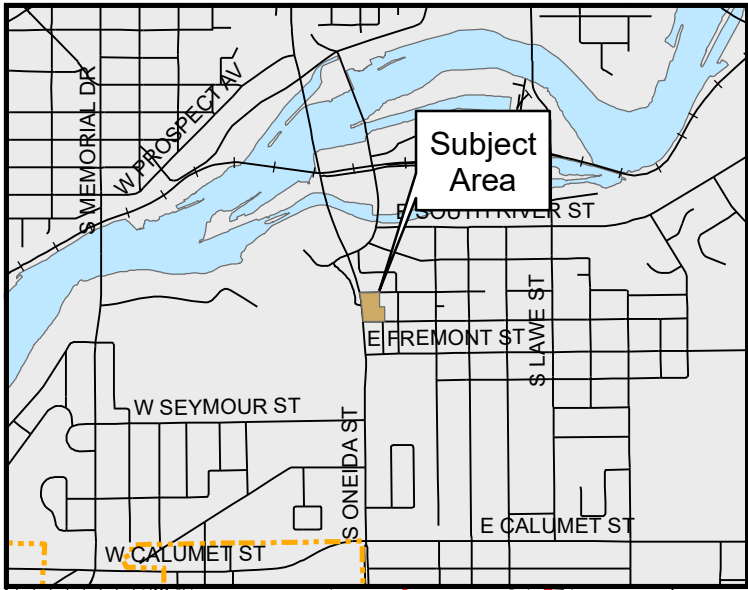
RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #7-20 to rezone 1200 (Parcel Number: 31-4-0418-00) and 1216 South Oneida Street (Parcel Number: 31-4-0420-00) including to the centerline of the adjacent right-of-way from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, as shown on the attached maps, **BE APPROVED**.

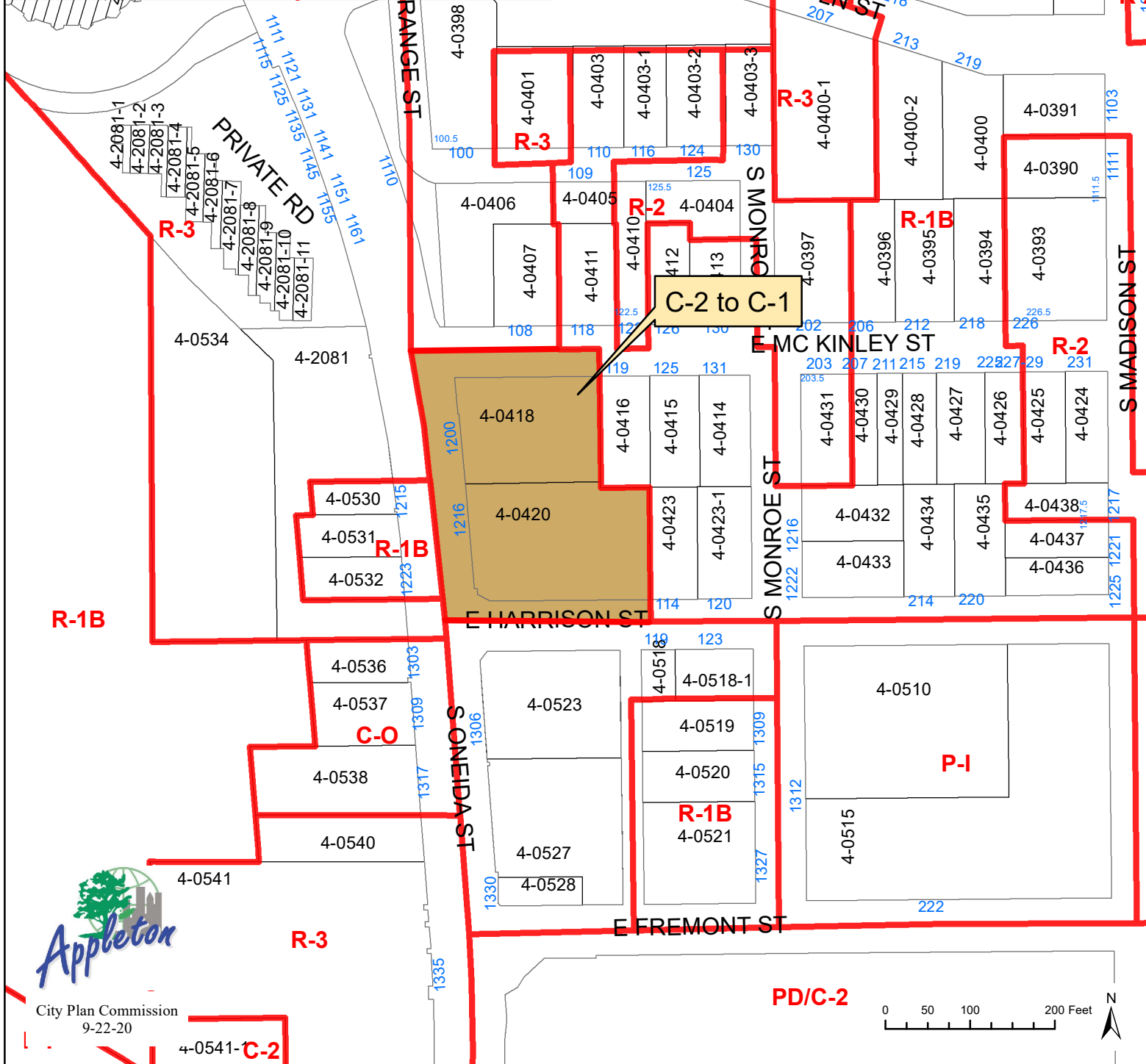
Rezoning
1200 and 1216 S Oneida Street
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Aerial Map



City Plan Commission
9-22-20

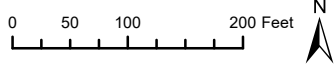


Rezoning
1200 and 1216 S Oneida Street
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Zoning Map



City Plan Commission
9-22-20

4-0541-C-2



Current Zoning District regulations for 1200 and 1216 S Oneida Street

Sec. 23-113. C-2 general commercial district.

- (a) **Purpose.** This district is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.
- (b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-2 district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> Assisted living or retirement homes. Nursing or convalescent homes. 	<ul style="list-style-type: none"> Clubs. Day care, group. Educational institutions; business, technical or vocational school. Educational institutions; college or university. Governmental facilities. Hospitals. Marina or boat landings. Museums. Places of worship. Public parks or playground. Recreation facilities; non-profit. Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building. 	<ul style="list-style-type: none"> Automobile maintenance shops. Commercial entertainment; excluding sexually-oriented establishments. Drive through facilities pursuant to §23-49. Greenhouses or greenhouse nurseries. Hotel or motels. Manufacturing, custom pursuant to §23-66(h)(16). Multi-tenant building. Offices. Painting/Craft Studio without alcohol sales. Parking lots. Personal services. Printing. Professional services. Restaurants (without alcohol). Restaurants, fast food. Retail businesses. Shopping centers. Towing businesses pursuant to §23-66(h)(15). Urban farms pursuant to 23-66(h)(17). Veterinarian clinics.

- (c) **Accessory uses.** Accessory uses in the C-2 district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-2 district.
 - (2) Residential dwellings at least ten (10) feet above the street grade of the building.
 - (3) Home occupation pursuant to §23-45.
 - (4) Outdoor storage and display pursuant to §23-46.
 - (5) Fences and walls pursuant to §23-44.
- (a) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the C-2 District.

(e) **Special uses.** Special uses in the C-2 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure. 	<ul style="list-style-type: none"> • Amusement arcades. • Any principal building that exceeds thirty-five (35) feet in height. • Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5). • Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5). • Bar or taverns pursuant to §23-66(h)(6). • Body repair and/or paint shops pursuant to §23-66(h)(4). • Bus terminals. • Car washes. • Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7). • Craft-Distillery pursuant to §23-66(h)(19). • Electronic towers pursuant to §23-66(h)(1). • Freight distribution and/or moving centers. • Gasoline sales pursuant to §23-66(h)(8). • Helicopter landing pads pursuant to §23-66(h)(9). • Indoor kennels. • Landscape business. • Manufacturing, light. • Microbrewery/ Brewpub pursuant to §23-66(h)(19). • Mobile home sales lots. • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Painting/Craft Studio with alcohol sales pursuant to §23-66(h)(6). • Parking garages. • Recycling collection points pursuant to §23-66(h)(14). • Recycling and waste recovery centers pursuant to §23-66(h)(13). • Research laboratories or testing facilities. • Restaurants with alcohol pursuant to §23-66(h)(6). • Sexually-oriented establishments pursuant to Article XII. • Shelter facility. • Tasting rooms pursuant to §23-

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		66(h)(19, 20, 21, or 21) • Towers or antennas for wireless telecommunication services, pursuant to Article XIII. • Wholesale facilities. • Winery pursuant to §23-66(h)(21).

- (f) **Site plan.** Prior to obtaining a building permit on any land in the C-2 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.
- (g) **Parking, loading, and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.
- (h) **Development standards.** The space limits applicable in the C-2 district are as follows:
- (1) **Minimum lot area.** Fourteen thousand (14,000) square feet.
 - (2) **Maximum lot coverage.** Seventy-five percent (75%).
 - (3) **Minimum lot width.** Sixty (60) feet.
 - (4) **Minimum front yard.** Ten (10) feet.
 - (5) **Minimum rear yard.** Twenty (20) feet.
 - (6) **Minimum side yard.**
 - a. None.
 - b. Ten (10) feet if abutting a residentially zoned district.
 - (7) **Maximum building height.** Thirty-five (35) feet (See §23-113 (e)).

Property Owners Requested Zoning District regulations for 1200 and 1216 S Oneida Street

Sec. 23-112. C-1 neighborhood mixed use district.

- (a) **Purpose.** The C-1 district is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.
- (b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-1 district.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse.	<ul style="list-style-type: none">• Clubs.• Day care, group.• Governmental facilities.• Museums.• Places of worship.• Public parks or playgrounds.• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.	<ul style="list-style-type: none">• Commercial entertainment; excluding sexually-oriented establishments.• Hotel or motels.• Multi-tenant building.• Offices.• Painting/Craft Studio without alcohol sales.• Personal services.• Printing.• Professional services.• Restaurants (without alcohol).• Restaurant, fast foods.• Retail businesses.• Shopping centers.• Urban farms pursuant to §23-66(h)(17).• Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight.

- (c) **Accessory uses.** Accessory uses in the C-1 district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-1 district; however, new or expanded driveways, parking lots, and loading areas shall not be located between the principal building and the front lot line.
 - (2) Residential dwellings at least ten (10) feet above the street grade of the building.
 - (3) Home occupation pursuant to §23-45.
 - (4) Outdoor storage and display pursuant to §23-46.
 - (5) Fences and walls pursuant to §23-44.
- (d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the C-1 district.

(e) **Special uses.** Special uses in the C-1 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Recreation facilities, non-profit. 	<ul style="list-style-type: none"> • Amusement arcade. • Bar or Tavern pursuant to §23-66(h)(6). • Craft-Distillery pursuant to §23-66(h)(19). • Electronic towers pursuant to §23-66(h)(1). • Manufacturing, custom pursuant to §23-66(h)(16). • Microbrewery/Brewpub pursuant to §23-66(h)(19). • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Painting/Craft Studio with alcohol pursuant to §23-66(h)(6). • Parking garages. • Recycling collection points pursuant to §23-66(h)(14). • Research laboratories or testing facilities. • Restaurants with alcohol pursuant to §23-66(h)(6). • Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21) • Tower or antenna for telecommunication services pursuant to Article XIII. • Winery pursuant to §23-66(h)(21).

(f) **Site plan.** Prior to obtaining a building permit on any land in the C-1 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.

(g) **Parking and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards; however, the number of off-street parking and loading spaces required are reduced by fifty percent (50%) for uses in the C-1 district. Landscaping requirements are set forth in §23-601, Landscaping and screening requirements.

(h) **Development standards.** The space limits applicable in the C-1 district are as follows:

(1) **Minimum lot area.** Six thousand (6,000) square feet.

(2) **Maximum lot coverage.** Ninety percent (90%).

(3) **Minimum lot width.** Forty (40) feet.

(4) **Minimum front yard.** None.

(5) **Minimum rear yard:**

a. Twenty (20) feet.

(6) **Minimum side yard:**

a. None.

b. Ten (10) feet if abutting a residentially zoned district.

(7) ***Maximum building height.*** Sixty (60) feet.

(i) ***District location.*** The C-1 district shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: September 22, 2020

Item: Intergovernmental Cooperation Agreement between the City of Appleton and Town of Buchanan to create a revised common municipal boundary line between the municipalities and assign zoning classification to the properties identified for incorporation into the City of Appleton

Common Council Public Hearing Meeting Date: October 7, 2020

Case Manager: Don Harp

STAFF ANALYSIS

Background:

- City staff met with the Town of Buchanan officials to discuss cost sharing for the Newberry Street reconstruction project planned for 2021. To avoid billing the town residents for the road improvement costs whose property fronts on Newberry Street, the Town officials raised the idea of working on an agreement with the City to adjust the common municipal boundary lines such that the parcels comprising of two municipal town islands (South side of Newberry Street, West of Hwy 441 and East of Cambridge Drive) be incorporated into the City of Appleton. As a result of these discussions, an Intergovernmental Cooperation Agreement between both municipalities was drafted and agreed to by both municipalities. (see attached DPW memo dated June 2, 2020)
- On June 1, 2020, the Town of Buchanan Town Board approved the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan.
- On June 3, 2020, the Common Council approved the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan.
- The Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan went into effect on June 5, 2020. (See attached agreement) Stipulation #4 of the agreement states that the City shall undertake the tasks required by the Wisconsin State Statutes for incorporation of the subject area (comprising the town islands) to the City Appleton.

General Information:

- The City can provide the necessary municipal services (utilities, police and fire protection etc.) to serve the area(s) proposed for incorporation.
- The area(s) proposed for incorporation is contiguous to the existing City boundaries on all sides of the subject area.

Intergovernmental Cooperation Agreement City of Appleton and Town of Buchanan
September 22, 2020
Page 2

Current and Proposed Zoning Classification and Land Uses:

Staff analyzed the Town of Buchanan and Outagamie County records, effect on surrounding land uses that exist on adjacent properties, and the Comprehensive Plan and Future Land Use Map for the City of Appleton to determine the proposed City Zoning Classification for the parcels identified in the Intergovernmental Cooperation Agreement pursuant the table below:

Parcel Description	Land Use	Town of Buchanan Zoning Classification	Proposed City of Appleton Zoning Classification
Wisconsin Central Railroad right-of-way	Railroad	Industrial	M-2 General Industrial District
Southern half of Newberry Street right-of-way	Street right-of-way	None	R-2 Two-family District to R-1B Single-family District, R-3 Multi-family District to R-1B Single-family District and R-2 Two-family District to M-2 General Industrial District
Id. #030046101	Undeveloped	Industrial	M-2 General Industrial District,
Id. #030046300	Single-family	General Agricultural	R-1A Single-family District
Id. #030046200	Single-family	General Agricultural	R-1B Single-family District
Id. #030046100	Single-family	General Agricultural	R-1B Single-family District
Id. #030046102	Single-family	General Agricultural	R-1B Single-family District
Id. #030045700	Single-family	General Agricultural	R-1B Single-family District
Id. #030045800	Single-family	General Agricultural	R-1B Single-family District
Id. #030045000	*Single-family	General Agricultural	R-1B Single-family District
Id. #030044900	*Single-family property used by Id. #030045000	General Agricultural	R-1B Single-family District
Id. #030044800	*Single-family property used by Id. #030045000	General Agricultural	R-1B Single-family District
Id. #030044300	Undeveloped	General Agricultural	R-1B Single-family District
Id. #030043900	Driveway access for Warehouse Properties, Inc., owner of adjacent property to the south	General Agricultural	M-2 General Industrial District

Public Comments Received:

1. On September 17, 2020, Ben Haupt, General Counsel, Warehouse Properties, Inc. (F/K/A Warehouse Specialists, Inc.) contacted the City indicating they would prefer Parcel Id. #030044300 (highlighted yellow in the table above) (See attached Zoning Map, Exhibit B parcel highlighted in red) be zoned M-2 General Industrial District rather than R-1B Single-family District for the follows reasons (also see email attached). Please note, Warehouse Properties, Inc. owns the adjacent parcel 31-4-5574-00, consisting of 6.12 acres of land with an industrial facility, which is currently zoned M-2 General Industrial District and located in the City of Appleton.
 - The Outlot currently abuts 3 zoning classifications - residential, industrial and planned development multi-family.
 - The Outlot is contiguous to our larger parcel that is currently zoned General Industrial, the Drive Lot is being designated as industrial, and all three parcels will then be under common use/zoning.
 - Warehouse only recently acquired the Outlot (2018) via an unsolicited offer from a broker representing the seller, as it was a landlocked parcel and no other adjoining residential property owners had interest in the property. Said another way, the parcel will never be further developed as residential as Warehouse does not plan to sell the Outlot.

Staff analysis: *Staff is recommending Parcel Id. #030044300 be zoned R-1B Single-family District based upon the following reasons:*

- **Conformance with the Future Land Use Map:** *The City of Appleton Comprehensive Plan 2010-2030 (Future Land Use Map) identifies this property as future One/Two Family land use designation. The R-1B Single-family District Zoning Classification is consistent with this designation. As a result, staff recommends the property be assigned the R-1B Single-family Zoning Classification. Staff did not recommend the property be assigned the higher intense M-2 General Industrial District because it is not consistent with the future One/Two family land use designation shown for this property. Therefore, the Future Land Use Map would need to be amended to reflect Business/Industrial land use prior to Staff recommending the parcel be rezoned to the M-2 General Industrial District.*

Amendments to the Future Land Use Map are sometimes triggered by specific development proposals with proper notifications being advertised in the newspapers and sent to the affected property owners. There are no known pending plans submitted to the Town of Buchanan or the City to develop this property. Therefore, staff did not initiate an amendment to the Future Land Use Map to change the future designation of this property from One/Two Family land use to Business/Industrial land use.

A Future Land Use Map amendment from future One/Two Family land use designation to future Business/Industrial land use designation can be initiated by the property owner. Upon receiving such request, staff would process the request and send out the proper notifications to affected property owners so they could express their views or concerns.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies the “Town Islands” for future one/two family, commercial and business/industrial uses. The proposed municipal boundary line adjustment is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 5 – Utilities and Community Services

Appleton will provide excellent public utility and community services at a reasonable cost, and will work with private utility companies to ensure quality service delivery.

OBJECTIVE 11.1 Intergovernmental Cooperation:

Maintain a positive relationship with local area governments to foster collaboration on issues of mutual concern.

Policy 11.1.1 Ensure continued discussion between Appleton and neighboring municipalities and counties, including both elected officials and department staff. Continue to partner with Outagamie, Winnebago, and Calumet counties to serve City residents in an efficient manner.

Technical Review Group Report (TRG): This item appeared on the August 18, 2020 TRG Agenda. No negative comments were received from participating departments.

FUTURE ACTIONS

After the Town and City have completed the requirements set forth in Section 66.0301(6)(c) of the State Statutes, the Common Council and Town Board must enact an ordinance to accomplish the municipal boundary change in accordance with Section 66.0301(6)(e) of the State Statutes.

RECOMMENDATION

Staff recommends the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan, **BE APPROVED** by the adoption of the attached Resolution and be subject to the following stipulation:

1. The Official Zoning Map for the City Appleton be amended on the effective date of the Ordinance that changes the boundary line between the City of Appleton and the Town of Buchanan by assigning the following zoning classification to the parcels being incorporated into the City of Appleton, including the railroad and street right-of way and shown on the attached Zoning Map (Exhibit A).
 - a. Wisconsin Central Railroad right-of-way: M-2 General Industrial District,
 - b. Southern half of Newberry Street right-of-way: R-2 Two-family District to R-1B Single-family District, R-3 Multi-family District to R-1B Single-family District and R-2 Two-family District to M-2 General Industrial District,
 - c. Parcel Id. 030046101: M-2 General Industrial District,
 - d. Parcel Id. 030046300: R-1A Single-family District,
 - e. Parcel Id. 030046200: R-1B Single-family District,
 - f. Parcel Id. 030046100: R-1B Single-family District,
 - g. Parcel Id. 030046102: R-1B Single-family District,
 - h. Parcel Id. 030045700: R-1B Single-family District,
 - i. Parcel Id. 030045800: R-1B Single-family District,
 - j. Parcel Id. 030045000: R-1B Single-family District,
 - k. Parcel Id. 030044900: R-1B Single-family District,
 - l. Parcel Id. 030044800: R-1B Single-family District,
 - m. Parcel Id. 030044300: R-1B Single-family District,
 - n. Parcel Id. 030043900: M-2 General Industrial District.



MEMO

TO: Finance Committee

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: June 2, 2020

SUBJECT: Request to approve Intergovernmental Cooperation Agreement between the City of Appleton and Town of Buchanan to create a revised common boundary line between the municipalities.

The City of Appleton is reconstructing Newberry Street from Schaefer Street to HWY 441 in 2021. This project includes properties within the Town of Buchanan. As you can see from the attached map, these town islands are not conducive to providing efficient services.

During discussions for a possible cost share for the Newberry Street reconstruction project, the idea of a boundary adjustment was raised by the Town of Buchanan. Based on those discussions, the attached Intergovernmental Agreement is proposed for your consideration. The highlights of the agreement include:

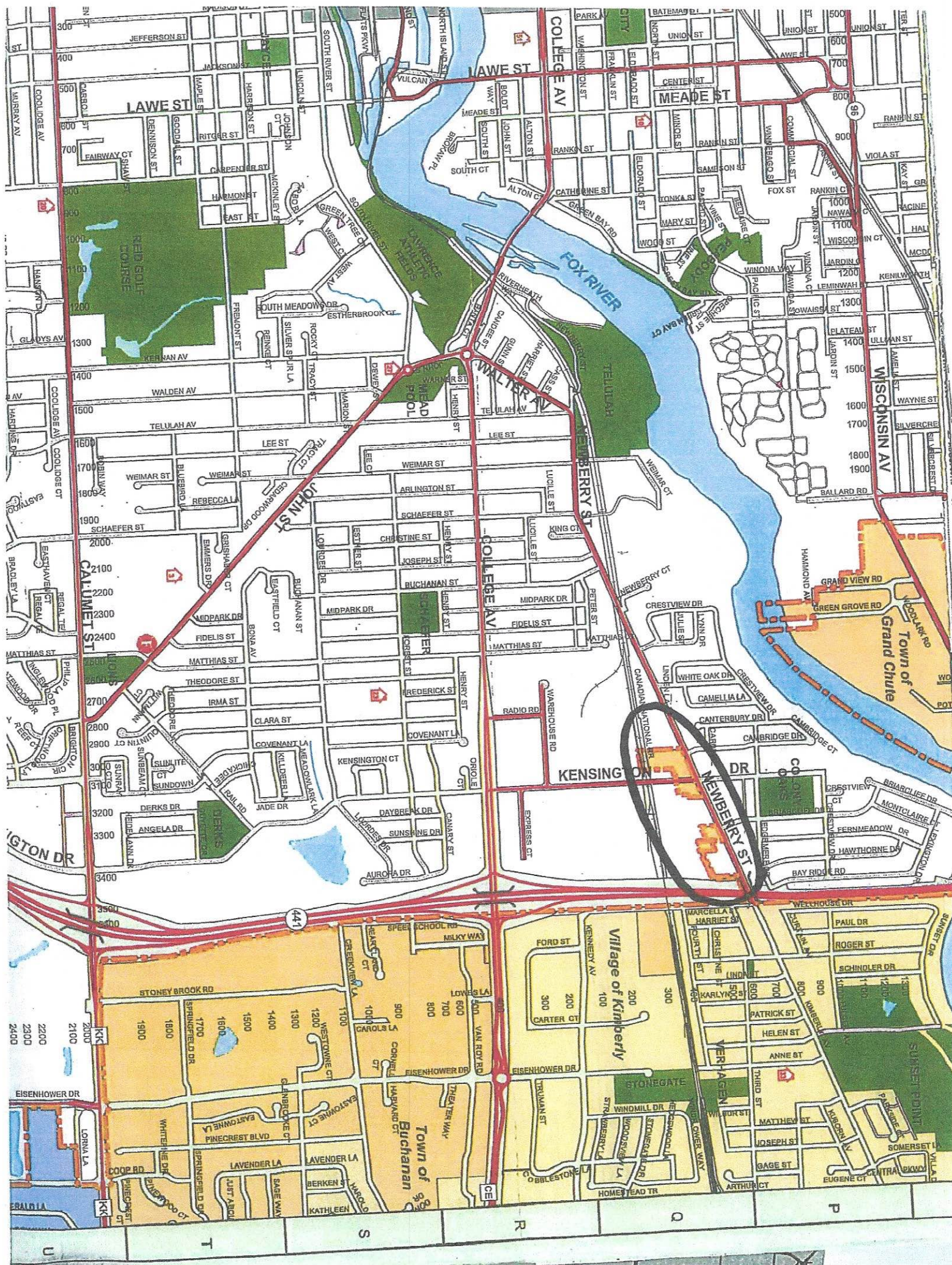
1. New boundary line would become HWY 441, eliminating the town islands.
2. The City agrees to pay annually to the Town, an amount equal to the amount of property taxes that the Town levied on the annexed territory in the year immediately prior to the annexation for a 5-year period. For reference, based on the 2019 City tax rate of \$8.35, the City would collect \$9,325 in taxes and pay to the Town of Buchanan \$3,540 based on the 2019 Town tax rate of \$3.18 to make them whole for the 2020 budget year.

In addition to the Intergovernmental Agreement, several property owners that will be annexed as part of this agreement are requesting that the City of Appleton's Sidewalk Special Assessment be waived. Staff is recommending against that request.

Staff recommends the Common Council APPROVE entering the intergovernmental cooperation agreement with the Town of Buchanan to create a revised common boundary line between the municipalities.

Attachments

C: Tony Saucerman, Finance Director



INTERGOVERNMENTAL COOPERATION AGREEMENT
between
City of Appleton and Town of Buchanan

This is an Intergovernmental Cooperation Agreement effective as of the 1st day of June, 2020 by and between the City of Appleton, a Wisconsin municipal corporation, located in Outagamie, Calumet and Winnebago counties (hereinafter "City"), and the Town of Buchanan, a body corporate and politic, located in Outagamie County, Wisconsin (hereinafter "Town").

RECITALS

WHEREAS, Wisconsin Statutes § 66.0301(6) authorizes any two municipalities whose boundaries are immediately adjacent at any point to enter into a written agreement determining all or a portion of the common boundary line between the municipalities; and

WHEREAS, § 66.0301(1)(c) provides that for purposes of §66.0301(6), municipality means any city, village, or town; and

WHEREAS, the City and Town have long recognized that intergovernmental cooperation and joint planning provide for the best use of land and natural resources, and the provisions of high quality and efficient services; and

WHEREAS, the City and Town recognize that a common boundary between the City and Town will promote the efficient provision of municipal services to citizens who reside in proximity to the common border between the City and Town; and

WHEREAS, tax parcels 030046101, 030046300, 030046200, 030046100, 030046102, 030045700, 030045800, 03004500, 030044900, 030044800, 030044300, 030043900 are currently located in the Town of Buchanan but comprise two municipal islands surrounded by the City of Appleton (hereinafter collectively "Town Islands"); and,

WHEREAS, the Town and City wish to work cooperatively and expeditiously under the authority of § 66.0301(6) to change their respective boundaries such that the parcels comprising the Town Islands become located within the City of Appleton thus eliminating the two municipal islands.

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, the receipt and sufficiency of which is mutually acknowledged, the parties agree as follows:

1. The common boundary between the City and the Town shall be the right-of-way of U.S. Highway 441.

2. That any portions of the boundary between City and Town located west of U.S. Highway 441 shall be eliminated.

3. The elimination of the portions of a boundary between the City and the Town shall include the Town Islands located west of U.S. Highway 441, located more particularly on or near Newberry Street, so that the parcels comprising the Town Islands shall become part of the City.

4. After the Town and City have completed requirements set forth in Wis. Stat. § 66.0301(6)(c), the City shall be the governing body designated to enact an ordinance to accomplish the boundary change in accordance with Wis. Stat. § 66.0301(6)(e).

5. The City agrees to pay annually to the Town, for five years, an amount equal to the amount of property taxes that the Town levied on the Town Islands' parcels, as shown by the tax roll, in the year in which the Town Islands becomes part of the City. The first annual payment shall be due on or before January 31st of the year after the Town parcels become City parcels. The remaining four annual payments shall be due on or before January 31st of each year thereafter.

6. This Agreement is intended to be solely between the City and the Town. Nothing in this Agreement accords any third party any legal or equitable rights whatsoever which may be enforced by any nonparty to this Agreement.

7. The term of this Agreement shall be ten years. Upon expiration of the agreement, all terms shall expire except that any boundary change shall remain.

8. As partial consideration for this agreement, in exchange for the Town's cooperation in adjusting the boundaries of the Town Islands, the City agrees not to pursue a cost-sharing arrangement with the Town for the Newberry Street Reconstruction Project. (The Town share of the Newberry Street Reconstruction Project cost was estimated to be \$238,062 with the project concluding in the fall of 2021.)

9. In the event that the boundary adjustment and complete elimination of the Town Islands does not occur as contemplated by this Agreement, the Town and City reserve their respective rights to cooperatively assess any parcel comprising the Town Islands, that remains in the Town, for that parcel's proportionate share of the Newberry Street Reconstruction Project costs. In such case, the Intergovernmental Agreement approved by the Buchanan Town Board on July 16, 2019, attached hereto as Exhibit A and incorporated herein in its entirety, shall

become the controlling document and project costs shall be collected as set forth therein. In addition to the foregoing, both the Town and City specifically reserve any and all other rights, including but not limited to those under § 66.0707, to specially assess Newberry Street Project costs to any parcel that does not become part of the City pursuant to this Agreement.

10. The Town and City acknowledge that time is of the essence and both parties shall work cooperatively and expeditiously to meet the requirements set forth in Wis. Stat. § 66.0301(6).

11. **Amendment.** This Agreement may be amended by written agreement by the governing bodies of both parties.

12. **Complete Agreement.** This Agreement represents the entire integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, either written or oral.

13. **Severable Provisions.** The invalidity of any part of this Agreement shall not impair or affect in any manner the validity, enforceability or effect the balance of the terms and conditions of this Agreement.

14. **Advancement of Mutual Interests.** In all matters necessary to implement this Agreement, the parties agree to seek the cooperation and approval of all relevant agencies. To the extent practicable, the parties will, where necessary to obtain such required approval, submit a single, joint request or other appropriate documents requesting the approval.

15. **Enforceability.** The Parties have entered into this Agreement under the Authority of § 66.0301 of the Wisconsin Statutes. Its enforceability will not be affected by changes in the forms of City or Town government, or changes in elected officials. The Parties agree that this Agreement be construed so as to be binding on their respective successors, agents and employees. The Parties will not challenge the provisions of the Agreement except upon breach by the other party.

16. **No Waiver.** The failure of any party to require strict performance with any provision of this Agreement will not constitute a waiver of the provision or of any of the Parties' rights under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing. A writing waiving a right must be signed by all affected parties. Waiver of one right, or release of one obligations, will not constitute waiver or release of any other right or obligation of any party. Waivers and releases will affect only the specific right or obligation waived or released and will not affect the rights or obligations of any other party that did not sign the waiver or release.

17. **Notices.** All notices required under this Agreement must be served, either personally or by certified mail, upon the Parties' respective municipal clerks. A copy of the

City of Appleton

Attest: Mary L Roberts
Printed Name: Mary L Roberts

By: [Signature]
Jacob A. Woodford, Mayor

Attest: Allison Ruppel
Printed Name: Allison Ruppel

By: [Signature]
Kami Lynch, City Clerk

Provision has been made to pay the liability
that will accrue under this contract.

[Signature]
Anthony D. Saucerman, Finance Director

City Law: A20-0249
Last Update: May 27, 2020

Approved as to form:
[Signature]
Christopher R. Behrens, City Attorney

EXHIBIT A

CITY OF APPLETON/TOWN OF BUCHANAN Newberry Street

INTERGOVERNMENTAL AGREEMENT

DATE: April 24, 2019

FOR RECONSTRUCTING NEWBERRY STREET FROM SCHAFER STREET TO HWY 441 WITH CONCRETE PAVING, SIDEWALKS AND STORMWATER MANAGEMENT

PROJECT TITLE: Newberry Street

The Town of Buchanan, hereinafter called the "Town", through its undersigned duly authorized officers or officials, hereby enters into an agreement with the City of Appleton, through its Public Works Department, hereinafter called the "City", to reconstruct Newberry Street with concrete paving, sidewalk and stormwater management.

PROPOSED IMPROVEMENT

Reconstruct Newberry Street with underground utilities in 2020 and concrete paving, curb and gutter, driveway aprons and sidewalks in 2021.

COST ESTIMATE AND PARTICIPATION

PHASE	ESTIMATED COST			
	Estimated Cost	Town	City	% Town Share
Newberry Street Frontage		909'	9941'	8.38%
Roadway	\$ 1,908,100	\$ 159,899	\$ 1,748,201	8.38%
Sidewalk	\$ 192,202	\$ 22,725	\$ 169,477.00	*
Stormwater Management	\$ 566,548	\$ 47,477	\$ 519,071	8.38%
Engineering & Inspection (5%)	\$ 95,000	\$ 7,961	\$ 87,039	8.38%
TOTAL PROJECT COST	2,761,850	238,062	2,523,788	

*Based on 909' x 5' x \$5.00/SF sidewalk

TERMS AND CONDITIONS:

1. The City of Appleton will be the lead agency for this project.
2. All plans and specifications for the improvements will be provided for Town of Buchanan's approval and records.

3. The project cost in the agreement is an estimated amount. The Town of Buchanan shall pay the City of Appleton upon completion of the project based on actual costs.
4. All driveway aprons shall be replaced with concrete.
5. Any necessary Temporary Limited Easements shall be the responsibility of the municipality in which the property resides.
6. The intersection of Kensington Drive and Newberry Street will remain 4-Way Stop controlled as part of this reconstruction project.

City of Appleton

Attest: Mary L Roberts
Printed Name: Mary L Roberts

By: Jacob A. Woodford
Jacob A. Woodford, Mayor

Attest: Alison Ruppel
Printed Name: Alison Ruppel

By: Kami L. Lynch
Kami L. Lynch, City Clerk

Provision has been made to pay the liability that will accrue under this contract.

Anthony D. Saucerman
Anthony D. Saucerman, Finance Director

Approved as to form: Christopher R. Behrens
Christopher R. Behrens, City Attorney

Town of Buchanan

Attest: Richard J. Carson
Printed Name: Richard J. Carson

By: Mark McAndrews
Mark McAndrews, Town Chairperson

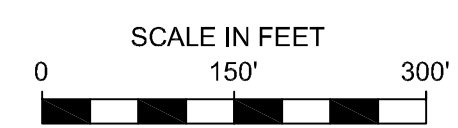
Attest: Richard J. Carson
Printed Name: Richard J. Carson

By: Cynthia Sieracki
Cynthia Sieracki, Town Clerk – Treasurer

Approved as to form:

Attorney for the Town of Buchanan
Attorney for the Town of Buchanan

ALL OF LOT 1 AND PART OF LOT OF CERTIFIED SURVEY MAP NO. 1716 AND PART OF GOVERNMENT LOTS 1, 2, 3, 4 AND 5 OF SECTION 29, TOWNSHIP 21 NORTH, RANGE 18 EAST, TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE
WISCONSIN COUNTY COORDINATE
SYSTEM, OUTAGAMIE COUNTY
H:\Acad\Annex\2020\Newberry 0610_2020

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

NEWBERRY ANNEXATION

All of Lot 1 and part of Lot 2 of Certified Survey Map No. 1716 and part of Government Lots 1, 2, 3, 4 and 5 of Section 29, Township 21 North, Range 18 East, Town of Buchanan, Outagamie County, Wisconsin, containing 8.0 Acres m/l and being further described by:

Commencing at a meander corner in the East line of Section 29 said corner located in Newberry Street (aka Kimberly Avenue, aka C.T.H. "Z") and the Northerly extension of the centerline of Marcella Street;

Thence South 00°14'00" West 35.58 feet along a Southerly extension of the East line of Section 29 to the Northeasterly extension of the Southerly line of Newberry Street;

Thence South 68°15'53" West 43.11 feet m/l along the Northeasterly extension of the Southerly line of Newberry Street to the West line of Marcella Street and being the point of beginning;

Thence continue South 68°15'53" West 365.13 feet m/l along said extension and said Southerly line to the East line of Outagamie County Certified Survey Map No.494;

Thence South 00°00'00" East 331.23 feet along the East line of Outagamie County Certified Survey Map No.494 to the Southeast corner thereof;

Thence South 68°15'53" West 380.50 feet along the Southerly line of Outagamie County Certified Survey Map No.494 to the West line thereof and also the East line of lands described in 316d105 of the Outagamie County Register of Deeds Office;

Thence North 00°00'00" East 171.76 feet m/l along the West line of Certified Survey Map No. 494, to a point lying 195.00 feet Southerly of the centerline of Newberry Street;

Thence South 68°15'53" West 131.00 feet m/l parallel to the centerline of said Newberry Street to the East line of Government Lot 3 of said Section 29;

Thence North 00°00'00" East 159.47 feet m/l along the East line of Government Lot 3 of said Section 29 to the Southerly line of Newberry Street;

Thence South 68°15'53" West 1332.61 feet m/l along the Southeasterly line of Newberry Street to its intersection with the East line Government Lot 6, said Section 29;

Thence South 00°13'19" East 570.19 feet m/l along said East line to the South line of the Wisconsin Central Railway Limited;

Thence North 83°21'14" East 260.77 feet m/l along the South line of the Wisconsin Central Railway Limited to its intersection with a line lying 150.00 feet West of and parallel to the West line of Government Lot 4;

Thence North 00°05'36" East 100.70 feet m/l along said parallel line to the North line of the Wisconsin Central Railway Limited;

Thence South 83°21'14" West 6.38 feet along the North line of the Wisconsin Central Railway Limited;

Thence North 00°05'36" East 302.28 feet m/l parallel to Kensington Drive to the Southwesterly extension of a Northerly line of Lot 2 of Certified Survey Map No. 1716;

Thence North 68°20'36" East 136.02 feet to a Northerly line of Lot 2 of Certified Survey Map No. 1716 and then along said Northerly line and also being parallel to Newberry Street to the West line of Kensington Drive;

Thence North 87°28'35" East 60.07 feet to the East line of Kensington Drive;

Thence North 83°17'14" East 160.00 feet;

Thence North 00°05'36" East 124.73 feet parallel to Kensington Drive;

Thence North 68°15'53" East 45.56 feet m/l parallel to Newberry Street to the Southwest corner of lands described In Jacket 11476, Image 14;

Thence North 00°05'36" East 181.15 feet m/l along the West line of said lands to the Southeasterly line of Newberry Street;

NEWBERRY ANNEXATION

Thence North 68°15'53" East 424.21 feet m/l along said Southeasterly line to the East line of lands described in Document No. 999489;

Thence South 00°00'43" West 208.70 feet along said East line to the Northerly line of Certified Survey Map No. 382;

Thence North 68°15'53" East 215.49 feet m/l along the North line of said Certified Survey Map No. 382 to the East line of Government Lot 3 of Section 29, Township 21 North, Range 18 East;

Thence South 00°00'00" West 122.53 feet along said East line to the extended South line of Certified Survey Map No. 494;

Thence North 68°15'53" East 101.00 feet along said extension;

Thence South 21°44'07" East 30.00 feet to a line lying 30.00 feet South of and parallel to said Certified Survey Map No. 494;

Thence North 68°15'53" East 429.33 feet m/l along said parallel line to a line lying 30.00 feet East of and parallel to Certified Survey Map No. 494;

Thence North 00°00'00" West 331.73 feet m/l along said parallel line to a line lying 30.00 feet South of and parallel to the South line of Newberry Street;

Thence North 68°15'53" East 332.79 feet m/l along said parallel line to the West line of Marcella Street;

Thence North 00°12'51" East 32.34 feet along the West line of Marcella Street to the point of beginning.

Being all of Tax parcels 030046101, 030046300, 030046200, 030046100, 030046102, 030045700, 030045800, 030043900, 030044300, 030044800, 030044900, 030045000, part of Wisconsin Central Railroad Ltd. lands adjacent to parcel 030046101 that is not currently within the City of Appleton corporate limits and that part of Kensington Drive not currently within the City of Appleton corporate limits.

RESOLUTION OF THE COMMON COUNCIL
ACCEPTING THE MODIFICATIONS TO THE BOUNDARY
WITH THE TOWN OF BUCHANAN

WHEREAS, the City of Appleton and the Town of Buchanan are municipalities with a common boundary line, and

WHEREAS, the City of Appleton and the Town of Buchanan have entered into an intermunicipal agreement to eliminate two Town of Buchanan municipal islands and specifically identify where a common boundary between the City and the Town shall be, and

WHEREAS, the City of Appleton held a public hearing on the agreement on October 7, 2020, and

WHEREAS, the City of Appleton gave notice of the pending agreement and public hearing by publishing a Class 1 Notice on September 11, 2020 and giving notice to each property owner whose property is currently located within, as well as those located immediately adjacent to, the territory whose jurisdiction will change, and

NOW, THEREFORE, the Common Council of the City of Appleton, Wisconsin, hereby approves the intermunicipal agreement between the City of Appleton and the Town of Buchanan containing the agreed-upon common boundary line pursuant to §66.0301(6) of the Wisconsin Statutes, and

RESOLVES that the agreement be accepted; and

That the City Clerk is hereby directed to notify the Clerk of the Town of Buchanan of the City's acceptance and approval of the agreement. For purposes of §66.0301(6)(e) of the Statutes, future notification of the Clerk of the passage of the ordinance modifying the

boundaries shall be given in like manner, and like notice shall be given to any person who files a written request.

Dated: October 7, 2020

Jacob A. Woodford, Mayor
City Law A20-0249

Kami Lynch, City Clerk

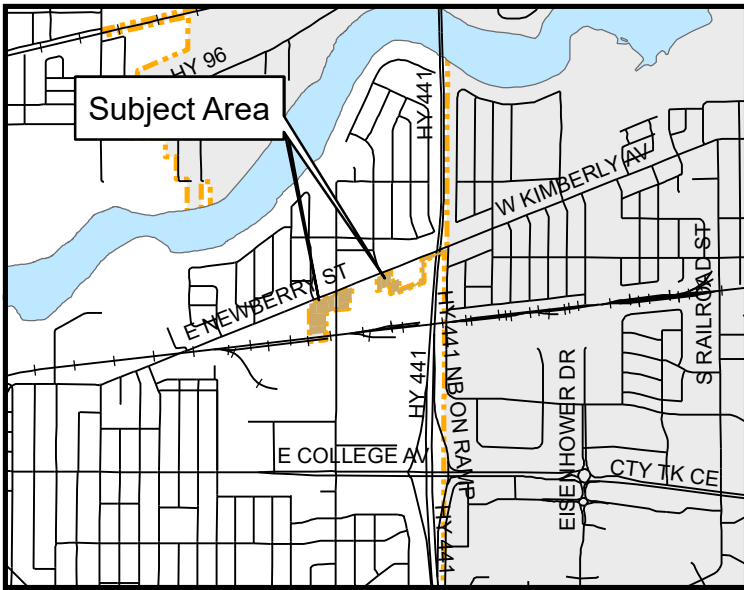


Exhibit A

Intergovernmental Cooperation Agreement
City of Appleton/Town of Buchanan
Zoning Map

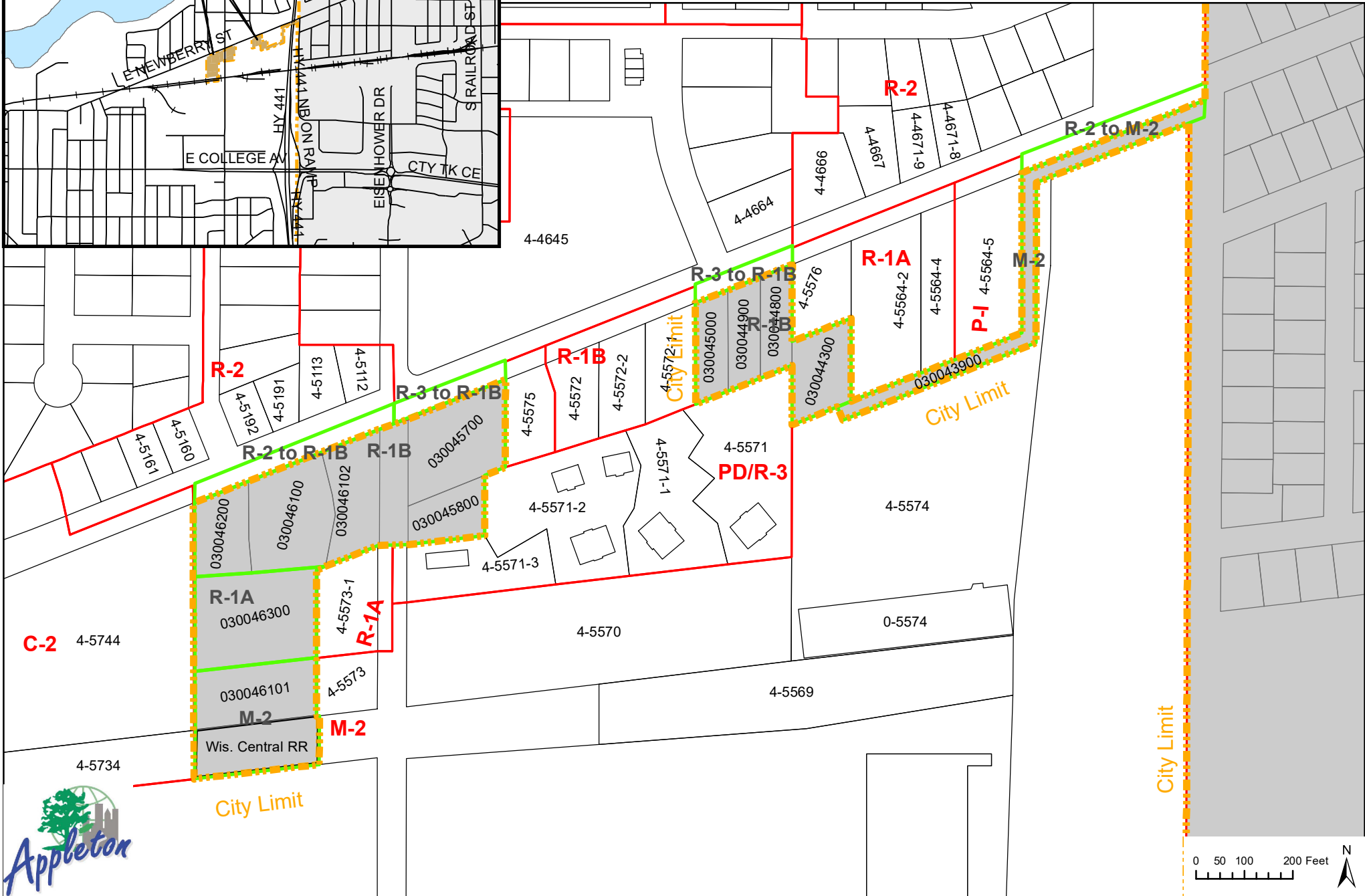
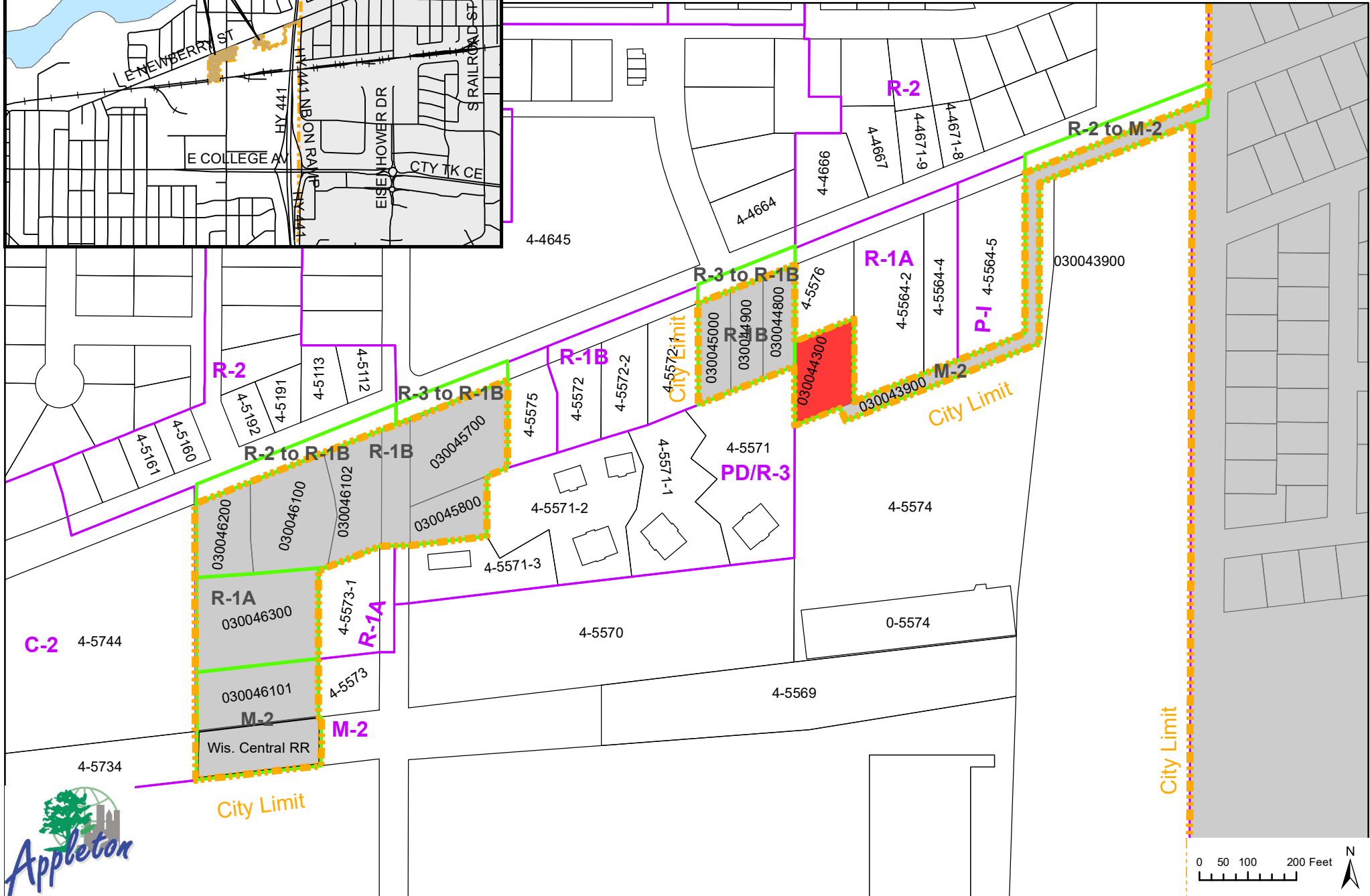


Exhibit B



9/17/2020

Good morning, Don-

Thank you for the time on the phone yesterday to discuss the letter dated September 1, 2020 regarding the boundary adjustments being made on Newberry Street, between the City of Appleton and the Town of Buchanan, to eliminate the "Town Islands".

As discussed, I represent Warehouse Properties Inc. (F/K/A Warehouse Specialists, Inc.), the entity that owns parcels 030044300, which for purposes of this email we'll call the "Outlot", and 030043900, which we'll call the "Drive Lot", each of which are currently part of the Town Islands located in the Town of Buchanan.

As mentioned on the call, Warehouse also owns the adjacent parcel 31-4-5574-00, consisting of 6.12 acres of land with an industrial facility, which is currently zoned general industrial and located in the City of Appleton. Per the letter from the City of Appleton, the current plan is to designate the Drive Lot general industrial, however, designate the Outlot Residential. Warehouse requests that the Outlot designation be changed from Residential to General Industrial based on the following factors:

1. The Outlot currently abuts 3 zoning classifications- residential, industrial and planned development multi-family.
2. The Outlot is contiguous to our larger parcel that is currently zoned General Industrial, the Drive Lot is being designated as industrial and all three parcels will then be under common use/zoning.
3. Warehouse only recently acquired the Outlot (2018) via an unsolicited offer from a broker representing the Seller, as it was a landlocked parcel and no other adjoining residential property owners had interest in the property. Said another way, the parcel will never be further developed as residential as Warehouse does not plan to sell the Outlot.

In light of the above facts, Warehouse requests that the City of Appleton rezone the Outlot to General Industrial. I have attached a drawing highlighting all parcels for reference.

Should you have any questions, or require additional information, please do not hesitate to contact me.

Best regards,

Ben

Benjamin J. Haupt

General Counsel

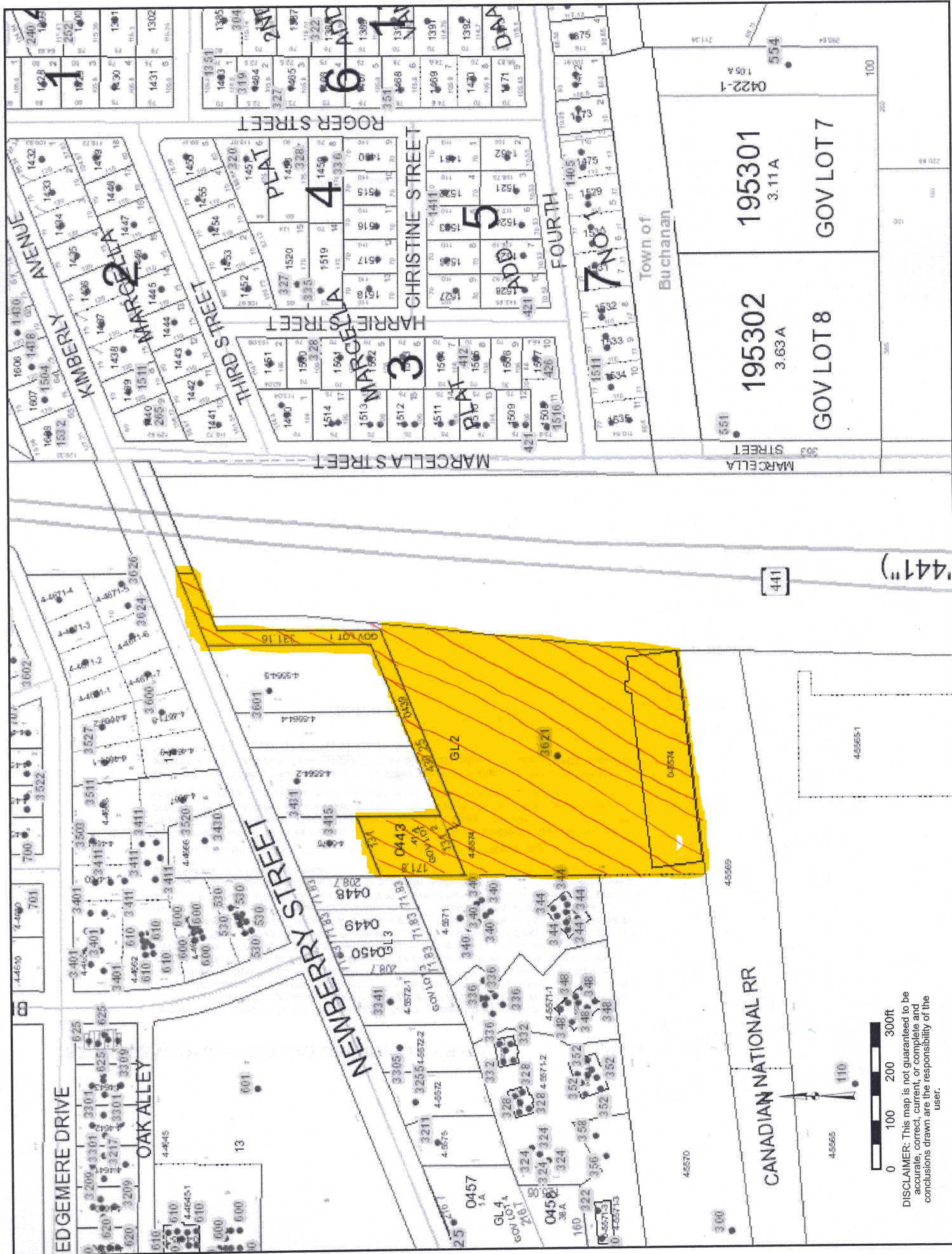
WSI

Supply Chain Solutions

920.830.5015 Office

www.wsinc.com

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.



DISCLAIMER: This map is not guaranteed to be accurate, correct, or complete and conclusions drawn are the responsibility of the user.



"...meeting community needs...enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS

Engineering Division

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6474

September 1, 2020

Dear Resident:

The City of Appleton and Town of Buchanan are cooperatively working on a boundary adjustment. The proposed new boundary will be the easterly side of STH 441, eliminating the two town islands as shown on the attached map.

The timing of the boundary adjustment is very advantageous to the properties fronting on Newberry Street for several reasons including no special assessments for the street reconstruction portion of the project, and the opportunity to connect to City sewer and water. The special assessments for the sidewalk portion of the project will still occur in accordance with the City's Special Assessment Policy.

Attached is a copy of the official notice for the public hearing regarding the boundary adjustment. We are excited to welcome these properties into the City as we believe we provide exceptional services for our residents. Please feel free to contact me if you have any questions regarding this process.

Sincerely,

Paula Vandehey, P.E.

Director of Public Works

Enclosure

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY COMMON COUNCIL

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held on Wednesday, October 7, 2020, at 7:00 P.M., in the Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, pursuant to Sec. 66.0301, Wis. Stats., for the purpose of receiving public comment on an Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan for the purpose of discussing and potentially adopting a resolution approving a written agreement to change their respective corporate boundaries such that the parcels identified as tax parcels 030046101, 030046300, 030046200, 030046100, 030046102, 030045700, 030045800, 030045000, 030044900, 030044800, 030044300, and 030043900 comprise the two municipal islands ("Town Islands") become located within the City of Appleton thus eliminating the two municipal islands located west of U.S. Highway 441, located near Newberry Street.

Also amend the Official Zoning Map by assigning the following Zoning Classifications to the sites listed below pursuant to the Appleton Zoning Code.

1. Wisconsin Central Railroad right-of-way: M-2 General Industrial District,
2. Southern half of Newberry Street right-of-way: R-2 Two-family District to R-1B Single-family District, R-3 Multi-family District to R-1B Single-family District and R-2 Two-family District to M-2 General Industrial District,
3. Parcel Id. 030046101: M-2 General Industrial District,
4. Parcel Id. 030046300: R-1A Single-family District,
5. Parcel Id. 030046200: R-1B Single-family District,
6. Parcel Id. 030046100: R-1B Single-family District,
7. Parcel Id. 030046102: R-1B Single-family District,
8. Parcel Id. 030045700: R-1B Single-family District,
9. Parcel Id. 030045800: R-1B Single-family District,
10. Parcel Id. 030045000: R-1B Single-family District,
11. Parcel Id. 030044900: R-1B Single-family District,
12. Parcel Id. 030044800: R-1B Single-family District,
13. Parcel Id. 030044300: R-1B Single-family District,
14. Parcel Id. 030043900: M-2 General Industrial District.

A copy of the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan is available upon request by electronic email from the City Clerk during regular business hours or for inspection during regular business hours at the office of the City Clerk, 6th Floor, City Hall, 100 North Appleton Street.

This notification invites you to express your views or concerns regarding the above-described request. The Common Council meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Council members via written letter, email or phone call instead of appearing in person.

Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Common Council.

Run Date: September 11, 2020

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