



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** September 26, 2017

**Common Council Meeting Date:** October 4, 2017

**Item:** Special Use Permit #9-17 for an exhibition center and outdoor plaza area with alcohol sales and consumption

**Case Manager:** Don Harp & Jessica Titel

### GENERAL INFORMATION

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**Owner:** City of Appleton

**Applicant:** Jay Schumerth, Radisson Paper Valley

**Address/Parcel #:** 355 W. Lawrence Street/Tax Id #31-2-0116-00

**Petitioner's Request:** The applicant is requesting a Special Use Permit for an exhibition center and outdoor plaza area with alcohol sales and consumption.

### BACKGROUND

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On November 25, 2015, the City of Appleton acquired the subject site for the construction of the Exhibition Center.

Common Council approved Rezoning #7-15 and *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #3-15 on March 2, 2016, which rezoned the exhibition center parcel from P Parking District and R-3 Multifamily District to CBD Central Business District and changed the change the Future Land Use Map designation from Public/Institutional and Multifamily land use to Central Business District land use.

Certified Survey Map #6-17 was approved on June 27, 2017 to combine the Jones Park parcels and the exhibition center parcel. The CSM was recorded on July 18, 2017 as CSM #7394.

Site Plan #06-17 for the Fox Cities Exhibition Center has been approved, and construction is nearing completion. Also, the applicant recently applied for a Reserve "Class B" Beer/Liquor License.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to establish alcohol sales and service at the exhibition center and outdoor plaza area on the subject site. The exhibition center totals approximately 65,000 square feet, the outdoor upper plaza area is approximately 17,000 square feet and the outdoor lower plaza is approximately 5,000 square feet. The site plan shows 6 ADA accessible parking stalls on site and other parking is provided off-site on the street and within adjacent parking ramps.

**Special Use Permit #9-17**  
**September 26, 2017**  
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**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. An exhibition center with alcohol sales and service requires a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with the exhibition center and outdoor plaza, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

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

**Outdoor Seating Area:** The applicant proposes to utilize the outdoor plaza area for alcohol sales and service, as is shown on the development plan and described in the plan of operation. The outdoor patio is located on the rooftop of the building, as the building is built into the grade/hill. There is a smaller patio area located on the east side of the building.

**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, park and residential in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently commercial uses, including the Red Parking Ramp (Midtown) and the Radisson Paper Valley Hotel.

South: CBD Central Business District, R-3 Multi-Family District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of single-family and multi-family residential uses, including the Outagamie County Justice Center.

East: PD/R-3 Planned Development/Multi-Family District and R-1C Central City Residential District. The adjacent land use to the east is currently a residential condominium development.

West: CBD Central Business District. The adjacent land uses to the west are governmental facilities, the City of Appleton Police Department and Outagamie County Courthouse.

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

*Goal 1 – Community Growth*

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

*Goal 8 – Economic Development*

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

*OBJECTIVE 9.4 Economic Development:*

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

*OBJECTIVE 9.5 Economic Development:*

*Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

*OBJECTIVE 9.6 Economic Development:*

*Create a vibrant environment that is conducive to attracting and retaining talented people.*

*POLICY 9.6.1 Economic Development:*

*Continue the City's efforts to expand and improve its amenities such as trails, parks and recreation, the Fox Cities Performing Arts Center, the Appleton Public Library, Fox Cities Exhibition Center, sporting facilities, and other cultural or civic offerings.*

*OBJECTIVE 9.7 Economic Development:*

*Work collaboratively with other municipalities, organizations, and private entities to advance the economic development of the entire region.*

*POLICY 9.7.4 Economic Development:*

*In partnership with the Fox Cities Convention & Visitors Bureau, continue to support local and regional tourism development efforts.*

*CHAPTER 14 Downtown Plan:*

*STRATEGY 2.4: Continue to support the Fox Cities Exhibition Center as a vital component of the downtown*

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

**Technical Review Group (TRG) Report:** This item was discussed at the September 5, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #9-17 for an exhibition center and outdoor plaza area with alcohol sales and consumption at 355 W. Lawrence Street (Tax Id #31-2-0116-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances and regulations, including but not limited to Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code and the liquor license issued by the City Clerk.

## RESOLUTION

### CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #9-17

**WHEREAS**, Jay Schumerth (Radisson Paper Valley), on behalf of the Fox Cities Exhibition Center, has applied for a Special Use Permit for an exhibition center and outdoor plaza area with alcohol sales and consumption at 355 W. Lawrence Street, also identified as Parcel Number 31-2-0116-00; and

**WHEREAS**, the location for the exhibition center and outdoor plaza area with alcohol sales and consumption is located in the CBD Central Business District and the proposed use is permitted by special use within this zoning district; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on September 26, 2017 on Special Use Permit #9-17 at which all those wishing to be heard were allowed to speak or present written comments and other materials presented at the public hearing; and

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

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) of the Municipal Code, and forwarded Special Use Permit #9-17 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

**WHEREAS**, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on \_\_\_\_\_, 2017 and found it to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Appleton Common Council approves Special Use Permit #9-17 for an exhibition center and outdoor plaza area with alcohol sales and consumption at 355 W. Lawrence Street, also identified as Parcel Number 31-2-0116-00 and orders as follows:

#### **CONDITIONS OF SPECIAL USE PERMIT #9-17**

1. All applicable codes, ordinances and regulations, including but not limited to Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code and the liquor license issued by the City Clerk.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Timothy M. Hanna, Mayor

ATTEST:

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

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

**Business Information:**

Name of business: Fox Cities Exhibition Center

Years in operation: new opening 11/17

Percentage of business derived from restaurant service: 0 %<sup>\*</sup>

Type of proposed establishment (detailed explanation of business):

Exhibits, trade shows, conferences

\*The FCC is an open catered facility w/no restaurant. With different caterers, there is not a simple way to quantify food revenues vs. beverage revenues. *M. Hunt*

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

Day	From	To
Week Day	6 am	2 am
Friday	6 am	2 am
Saturday	6 am	2 am
Sunday	6 am	2 am

**Building Capacity and Area:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 3228 persons inside, 4772 on plaza & 699 on patio.

Gross floor area of the existing building(s): NA

Gross floor area of the proposed building(s): 65,000 sq. ft.

**Describe Any Potential Noise Emanating From the Proposed Use:**

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

N/A

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

will follow city codes/ordinances/policies.

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

There will be 6 handicapped stalls.  
Additional parking in the ramps.

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

plaza area 17,000 sq. ft.

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

6 ft. fence around dumpster

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

Are there plans for outdoor music/entertainment? Yes  No

If yes, describe how the noise will be controlled:

staff will control noise

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

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

Day	From	To
Week Day	6:00 am	2 am
Friday	6 am	2 am
Saturday	6 am	2 am
Sunday	6 am	2 am



**Outdoor Lighting:**

Type: see attached plans

Location: see attached plans

**Off-Street Parking:**

Number of spaces existing: 0

Number of spaces proposed: 6

**Other Licensed Premises:**

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

Radisson Paper Valley  
\_\_\_\_\_  
\_\_\_\_\_

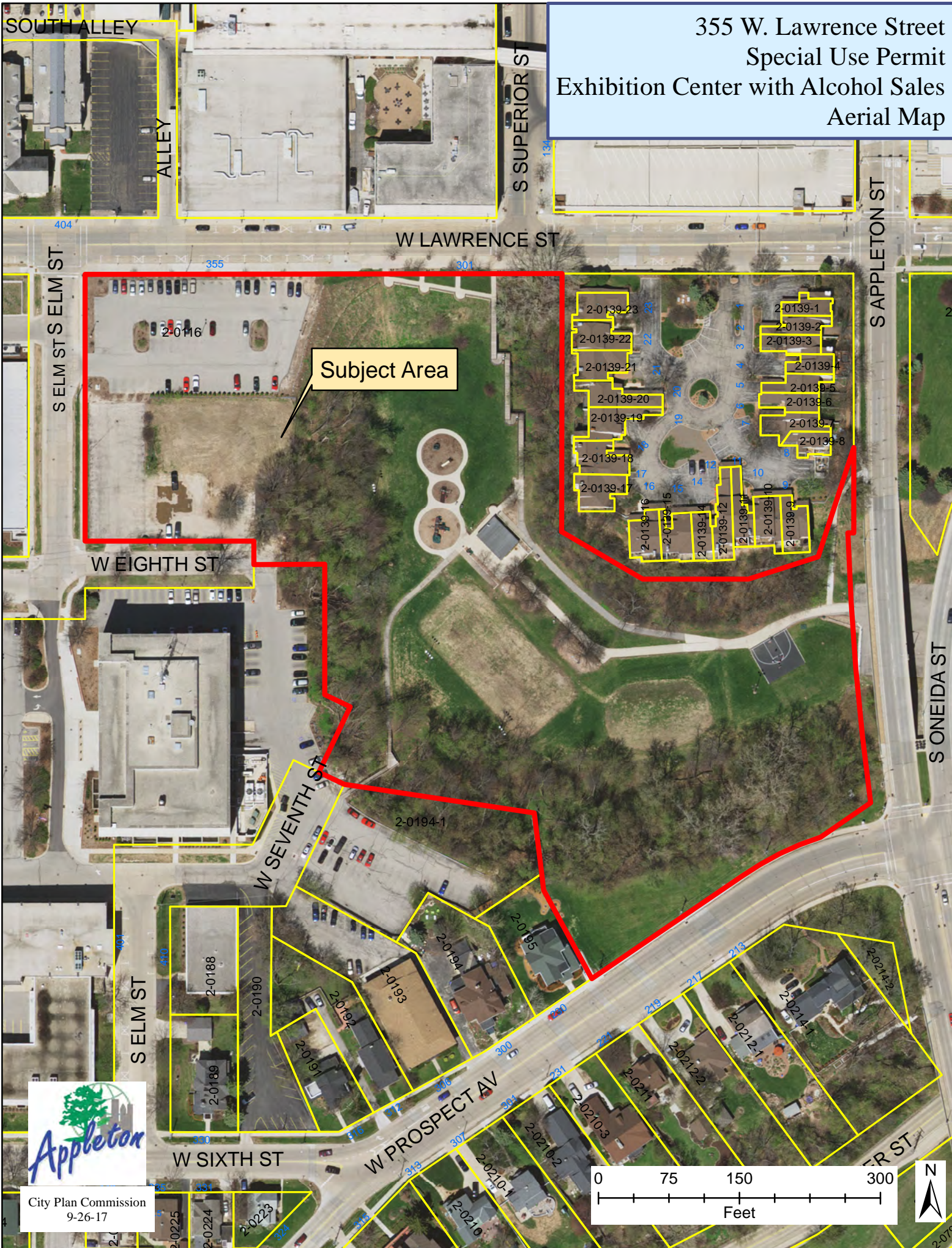
**Number of Employees:**

Number of existing employees: —

Number of proposed employees: varies with business levels

Number of employees scheduled to work on the largest shift: VARIES WITH BUSINESS LEVELS

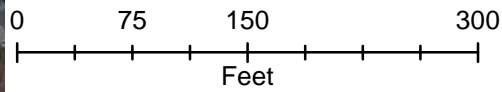
355 W. Lawrence Street  
Special Use Permit  
Exhibition Center with Alcohol Sales  
Aerial Map



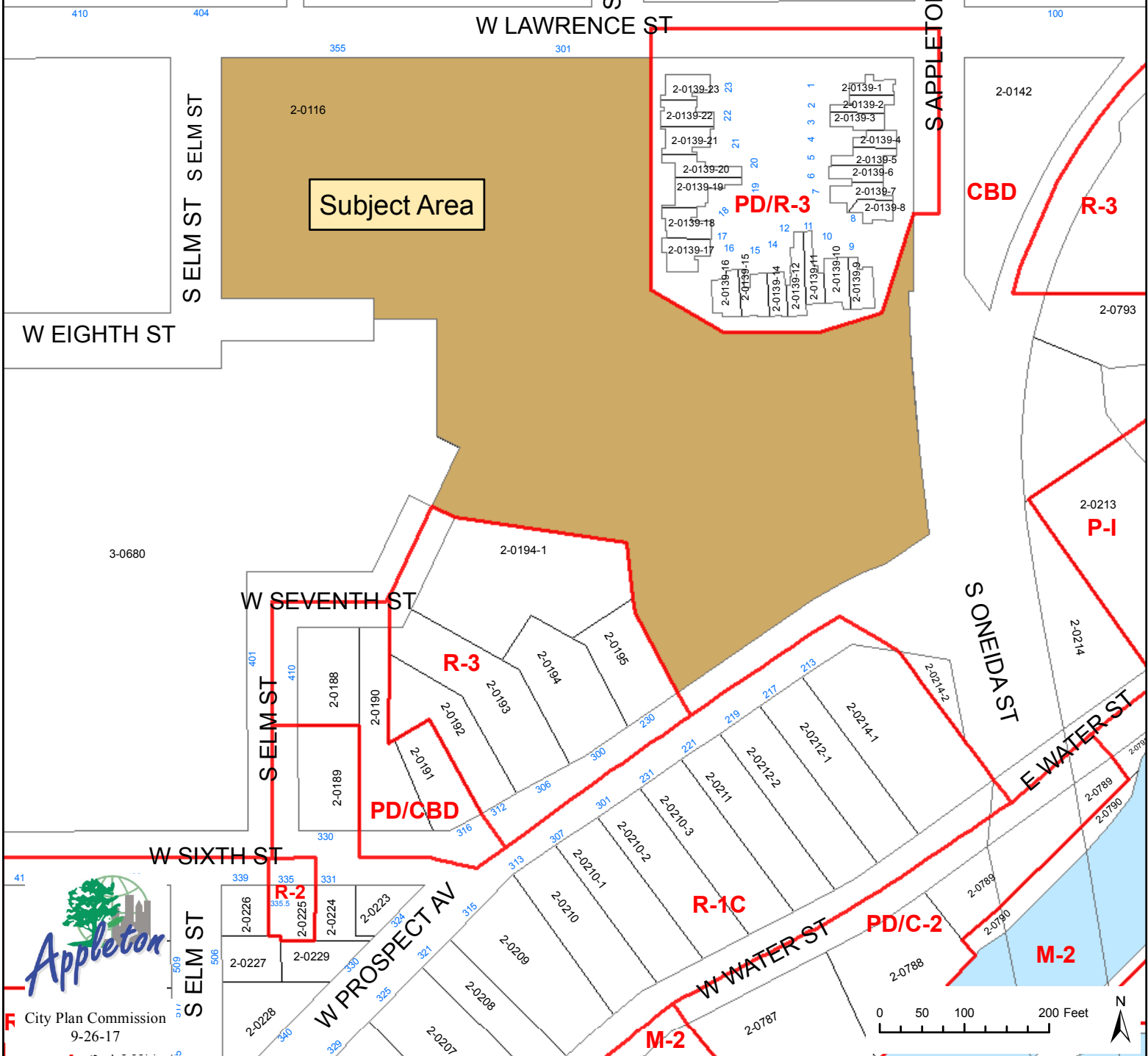
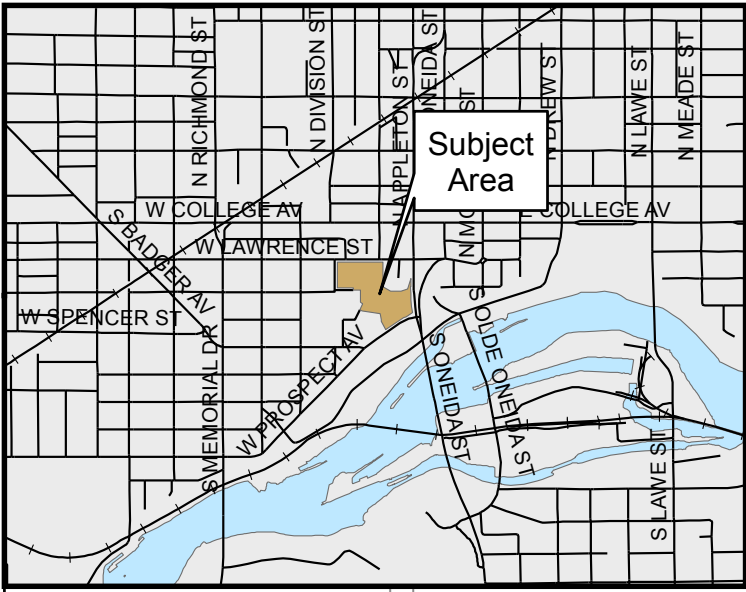
Subject Area

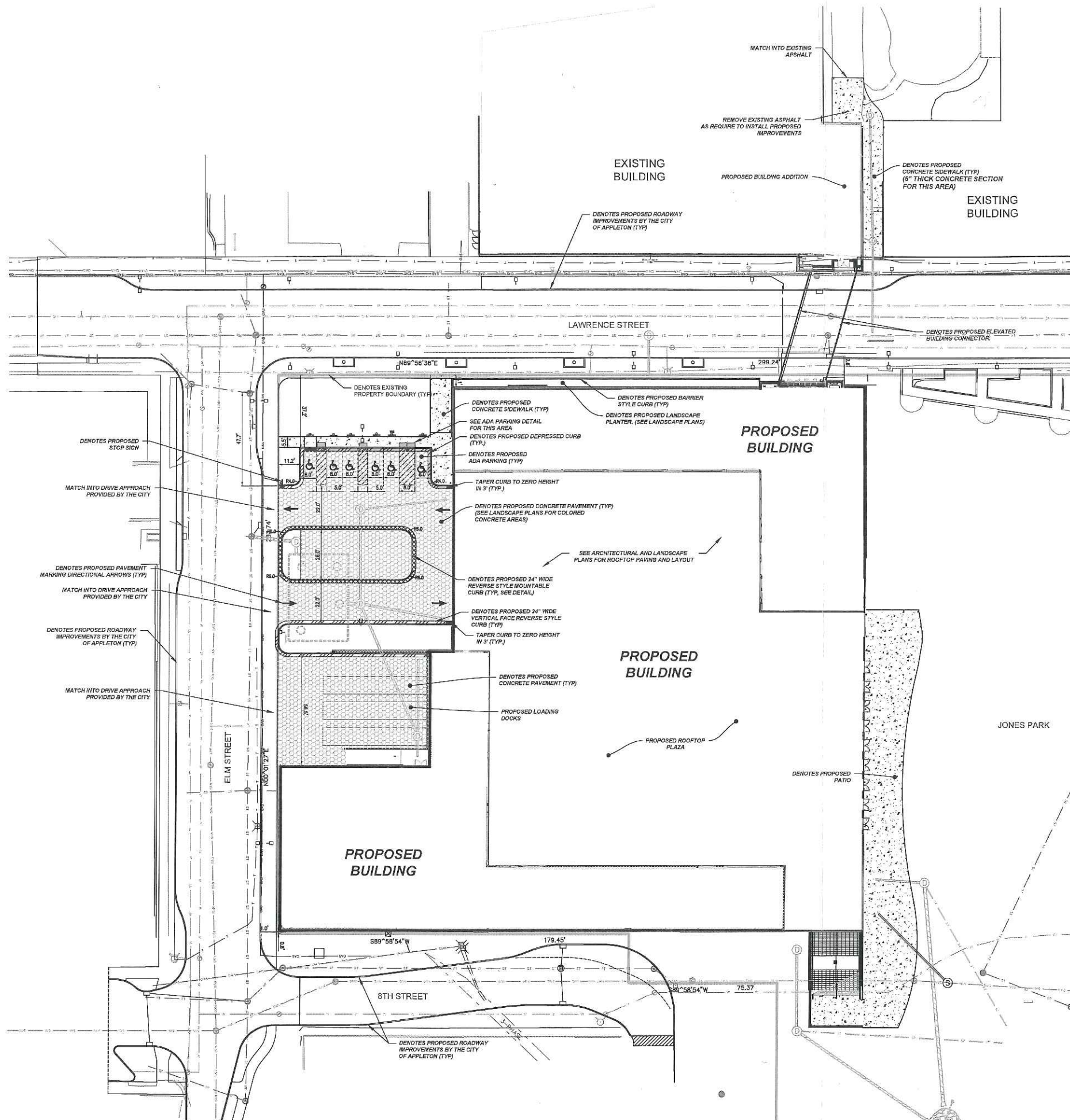


City Plan Commission  
9-26-17



355 W. Lawrence Street  
 Special Use Permit  
 Exhibition Center with Alcohol Sales  
 Zoning Map





**SITE CALCULATION TABLE**

TOTAL SITE AREA	2.019 AC
TOTAL DISTURBED AREA	4.632 AC
EXISTING IMPERVIOUS AREA	0.921 AC
PROPOSED IMPERVIOUS AREA	1.848 AC
PROPOSED GREENSPACE	0.171 AC
PROPOSED HANDICAP PARKING	6
PROPOSED TOTAL PARKING	6

**HATCH LEGEND**

	PROPOSED CONCRETE SIDEWALK
	PROPOSED CONCRETE PAVEMENT
	PROPOSED DEPRESSURED CURB
	PROPOSED TAPER CURB
	PROPOSED REVERSE STYLE CURB

**UTILITY LEGEND**

SYMBOL	DESCRIPTION
	EXISTING WATER MAIN
	PROPOSED WATER SERVICE
	EXISTING ELECTRICAL LINE
	PROPOSED ELECTRICAL LINE
	EXISTING GAS MAIN
	PROPOSED GAS MAIN
	EXISTING SANITARY SEWER
	PROPOSED SANITARY SEWER
	EXISTING STORM SEWER
	PROPOSED STORM SEWER
	OVERHEAD WIRES
	EXISTING POWER POLES
	EXISTING LIGHT POLES
	SANITARY MANHOLE
	FIRE HYDRANT
	EXISTING WATER VALVE
	PROPOSED WATER VALVE
	EXISTING STORM STRUCTURE
	PROPOSED STORM STRUCTURE
	DENOTES EMERGENCY OVERFLOW ROUTE / DRAINAGE PATH
	PROPOSED & EXISTING SPOT GRADE



IN ACCORDANCE WITH WISCONSIN STATUTE 182.0175, DAMAGE TO TRANSMISSION FACILITIES, EXCAVATOR SHALL BE SOLELY RESPONSIBLE TO PROVIDE ADVANCE NOTICE TO THE DESIGNATED "ONE CALL SYSTEM" NOT LESS THAN THREE WORKING DAYS PRIOR TO COMMENCEMENT OF ANY EXCAVATION REQUIRED TO PERFORM WORK CONTAINED ON THESE DRAWINGS, AND FURTHER, EXCAVATOR SHALL COMPLY WITH ALL OTHER REQUIREMENTS OF THIS STATUTE RELATIVE TO EXCAVATOR'S WORK.

**Zimmerman**  
ARCHITECTURAL STUDIOS, INC.  
2122 W. Mount Vernon Avenue | Milwaukee, WI 53233 | zstudio.com  
TELEPHONE (414) 475-9900  
FACSIMILE (414) 475-6562

Consultant:  
**Harwood Engineering Consultants**

Project:  
Fox Cities Exhibition Center



Location:  
Lawrence Street  
Appleton, WI 54911



Sheet:  
**SITE PLAN**

Scale: 1" = 20'

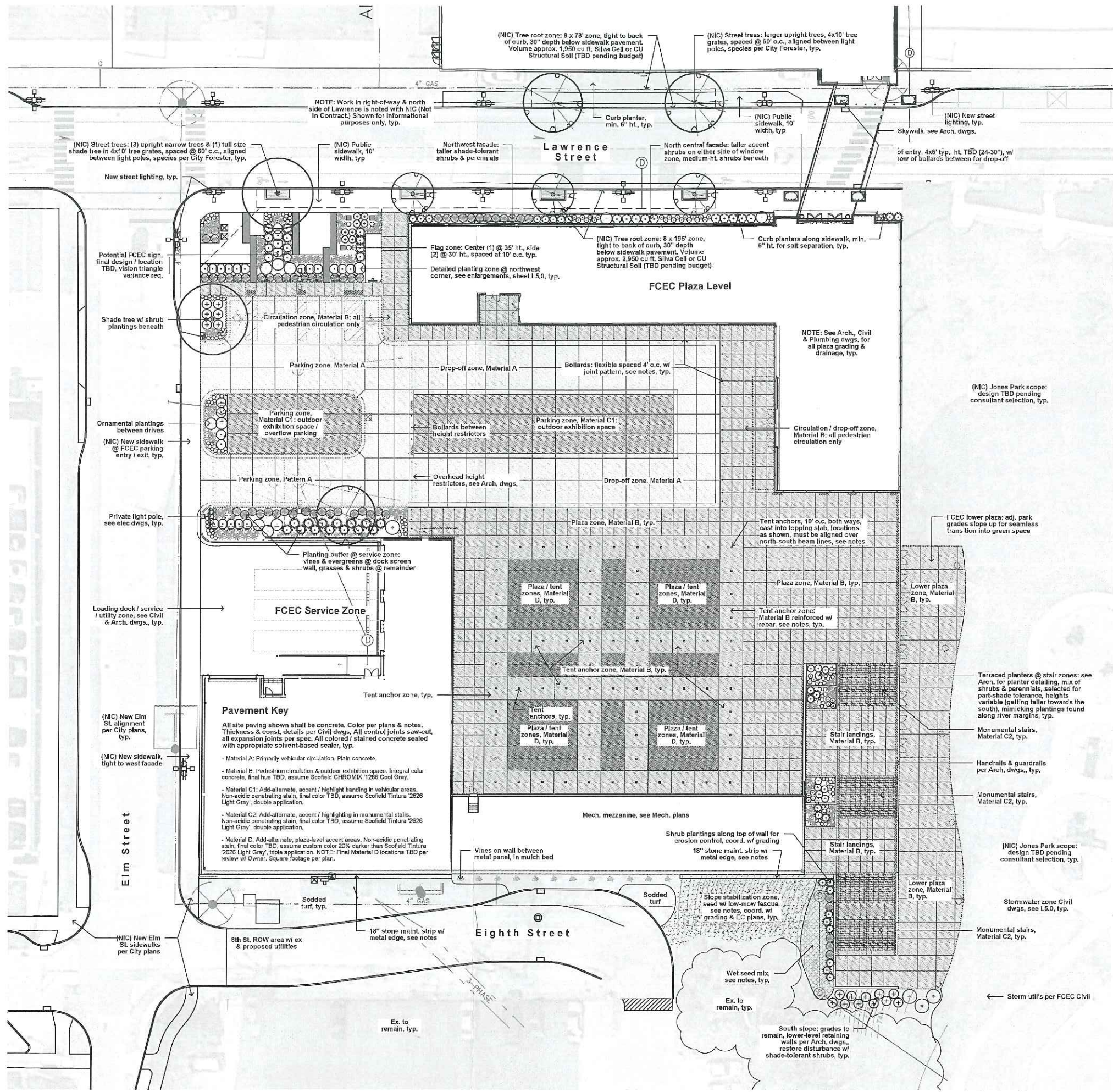
Revisions:

No.	Date	Description
02-25-17		Red Line Rev
05-25-17		Lot Line Realign

Date:  
March 17, 2016

Project No:  
160087.00

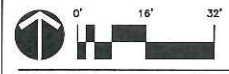
Sheet No:  
C3.0



Consultant:  
 Project:  
 Fox Cities Exhibition Center

Location:  
 Appleton, WI  
 Key Plan: Plan North

Sheet:  
 Site / Landscape Plan  
 Bid Set  
 Not For Construction



Scale:  
 1/16" = 1'-0" @ 42x30"

Revisions:

No.	Date	Description
1	05-15-17	8th Park w/
2	05-05-17	CB #63
3	07-11-17	Revised property line

Date:  
 03/17/2017  
 Project No:  
 160067.00  
 Sheet No: