



# City of Appleton

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

## Meeting Agenda - Final City Plan Commission

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Wednesday, May 22, 2024

3:30 PM

Council Chambers, 6th Floor

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

[24-0626](#) City Plan Minutes from 5-8-24

**Attachments:** [City Plan Minutes 5-8-24.pdf](#)

### 5. Public Hearing/Appearances

[24-0627](#) Special Use Permit #2-24 to establish a bar/cocktail lounge with alcohol sales and service in association with a coffeehouse located at 823 West College Avenue (Tax Id #31-3-0943-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #24-0628)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_823WCollegeAv\\_SUP#2-24.pdf](#)  
[PublicHearingNoticeNeighborhood\\_823WCollegeAv\\_SUP#2-24.pdf](#)

[24-0629](#) Special Use Permit #3-24 to establish a wholesale facility located at 1800 West College Avenue (Tax Id #31-5-1739-01), 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 #24-0630)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_1800WCollegeAve\\_SUP#3-24.pdf](#)  
[PublicHearingNoticeNeighborhood\\_1800WCollegeAve\\_SUP#3-24.pdf](#)

[24-0631](#) Rezoning #4-24 for the subject parcel located at 841 West Lawrence Street (Tax Id #31-3-0899-01), including to the centerline of the adjacent railroad line and the adjacent one-half (1/2) right-of-way of West Lawrence Street, South Badger Avenue and South Pierce Avenue, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District (Associated with Action Item #24-0632)

**Attachments:** [InformalPublicHearingNotice\\_841WLawrenceSt\\_Rezoning#4-24.pdf](#)

## 6. Action Items

[24-0628](#) Request to approve Special Use Permit #2-24 to establish a bar/cocktail lounge with alcohol sales and service in association with a coffeehouse located at 823 West College Avenue (Tax Id #31-3-0943-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_823WCollegeAv\\_SUP\\_For5-22-24.pdf](#)

[24-0630](#) Request to approve Special Use Permit #3-24 to establish a wholesale facility located at 1800 West College Avenue (Tax Id #31-5-1739-01), 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\\_1800WCollegeAve\\_SUP\\_For5-22-24.pdf](#)

[24-0632](#) Request to approve Rezoning #4-24 for the subject parcel located at 841 West Lawrence Street (Tax Id #31-3-0899-01), including to the centerline of the adjacent railroad line and the adjacent one-half (1/2) right-of-way of West Lawrence Street, South Badger Avenue and South Pierce Avenue, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District

**Attachments:** [StaffReport\\_841WLawrenceSt\\_Rezoning\\_For05-22-24.pdf](#)

## 7. Information Items

## 8. 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.*

*Any questions about items on this meeting are to be directed to Kara Homan, Director, Community Development Department at 920-832-6468.*

*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

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Wednesday, May 8, 2024

3:30 PM

Council Chambers, 6th Floor

---

1. Call meeting to order

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

2. Pledge of Allegiance

3. Roll call of membership

**Present:** 6 - Palm, Mayor Woodford, Uitenbroek, Neuberger, Fenton and Carpenter

**Excused:** 1 - Robins

*Others present:*

*Aldersperson Nate Wolff, District #12*

*Jill Hendricks, Emerald Valley Estates, LLC*

4. Approval of minutes from previous meeting

[24-0526](#)

City Plan Minutes from 4-24-24

**Attachments:** [City Plan Minutes 4-24-24.pdf](#)

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

**Motion carried by the following vote:**

**Aye:** 6 - Palm, Mayor Woodford, Uitenbroek, Neuberger, Fenton and Carpenter

**Excused:** 1 - Robins

5. Public Hearing/Appealances

[24-0527](#)

Rezoning #3-24 for the subject area generally located west of Providence Avenue and Aquamarine Avenue and north of Jasper Lane for the 8th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District (Associated with Action Item #24-0528)

**Attachments:** [InformalPublicHearingNotice\\_8thAddEmeraldValley\\_Rezoning#3-24.pdf](#)

*This public hearing was held and no one spoke.*

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

## 6. Action Items

[24-0528](#)

Request to approve Rezoning #3-24 for the subject area generally located west of Providence Avenue and Aquamarine Avenue and north of Jasper Lane for the 8th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport\\_8thAddEmeraldValley\\_Rezoning\\_For5-8-24.pdf](#)

*Proceeds to Council on June 5, 2024.*

**Fenton moved, seconded by Palm, that Rezoning #3-24 be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Mayor Woodford, Uitenbroek, Neuberger, Fenton and Carpenter

**Excused:** 1 - Robins

[24-0529](#)

Request to approve the 8th, 9th and 10th Additions to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_8-9-10AddEmeraldValley\\_PreliminaryPlat\\_For5-8-24.pdf](#)

*Proceeds to Council on June 5, 2024.*

**Neuberger moved, seconded by Fenton, that the Preliminary Plat be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Mayor Woodford, Uitenbroek, Neuberger, Fenton and Carpenter

**Excused:** 1 - Robins

## 7. Information Items

[24-0553](#)

Welcome new appointment, Richard Carpenter, to the City Plan Commission

**Attachments:** [24-0539 - Confirmation of Appointment May 1 2024.pdf](#)

Rick was welcomed to the Commission.

8. Adjournment

Fenton moved, seconded by Palm, that the meeting be adjourned at 3:35 p.m.

Roll Call. Motion carried by the following vote:

**Aye:** 6 - Palm, Mayor Woodford, Uitenbroek, Neuberger, Fenton and Carpenter

**Excused:** 1 - 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 Wednesday, May 22, 2024, at 3:30 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by David Boulanger, applicant, and Block 800 LLC, owner, to obtain a Special Use Permit to establish a coffee bar/lounge use with alcohol sales and service (Delaire's) located at 823 West College Avenue (Tax Id #31-3-0943-00). In the CBD Central Business District, a Special Use Permit is required for a bar/tavern.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community Development Department at (920) 832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org).

CITY PLAN COMMISSION  
APPLETON, WISCONSIN

COMMUNITY DEVELOPMENT DEPARTMENT  
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: May 7, 2024  
May 14, 2024

**NOTICE OF PUBLIC HEARING**  
**OF THE**  
**APPLETON CITY PLAN COMMISSION**

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, May 22, 2024, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by David Boulanger, applicant, and Block 800 LLC, owner, to obtain a Special Use Permit to establish a coffee bar/lounge use with alcohol sales and service (Delaire's) located at 823 West College Avenue (Tax Id #31-3-0943-00). In the CBD Central Business District, a Special Use Permit is required for a bar/tavern.
  
- ALDERMANIC DISTRICT: 9 – Alderperson Alex Schultz

You are being notified as a policy of the City of Appleton Community Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

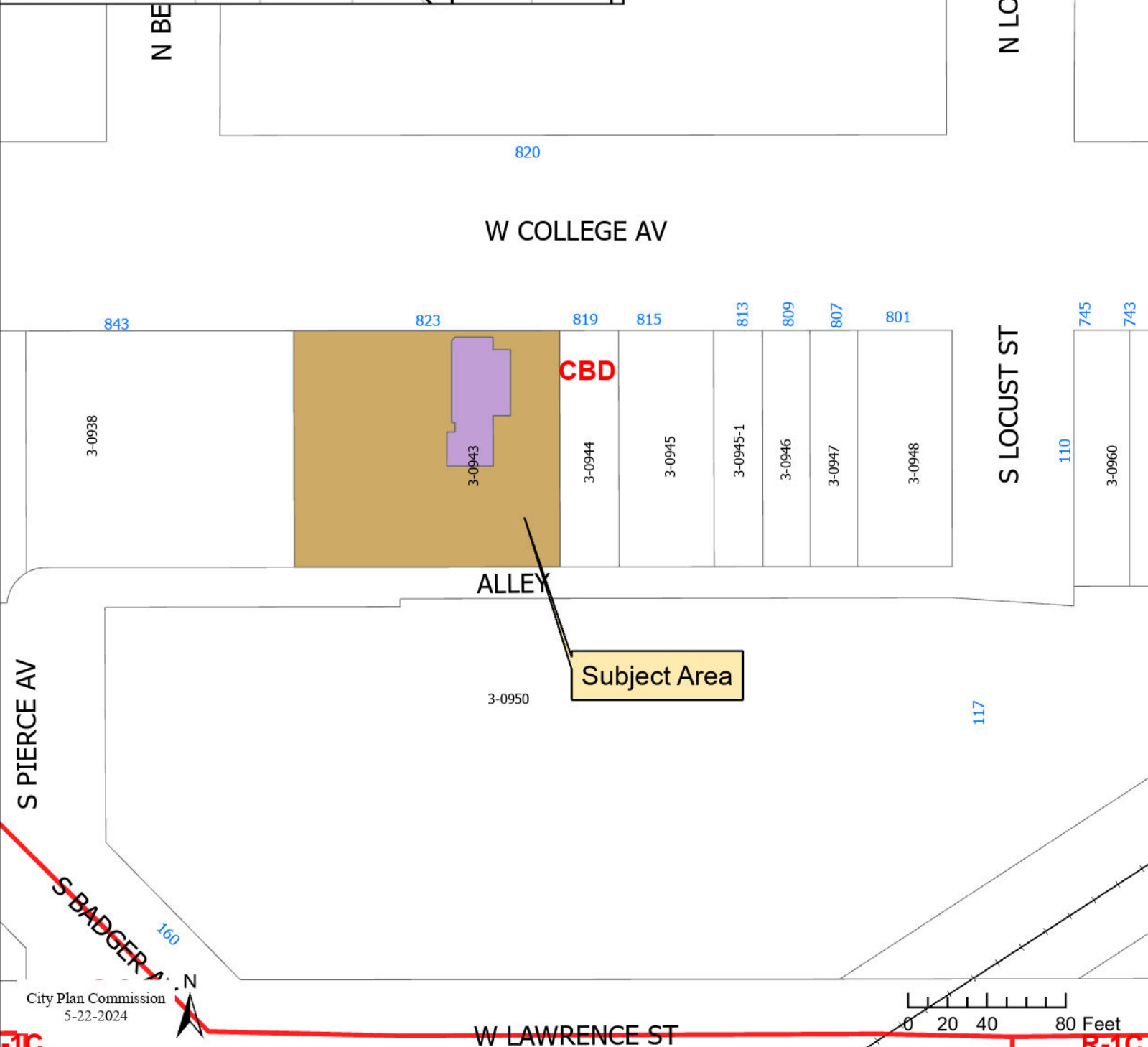
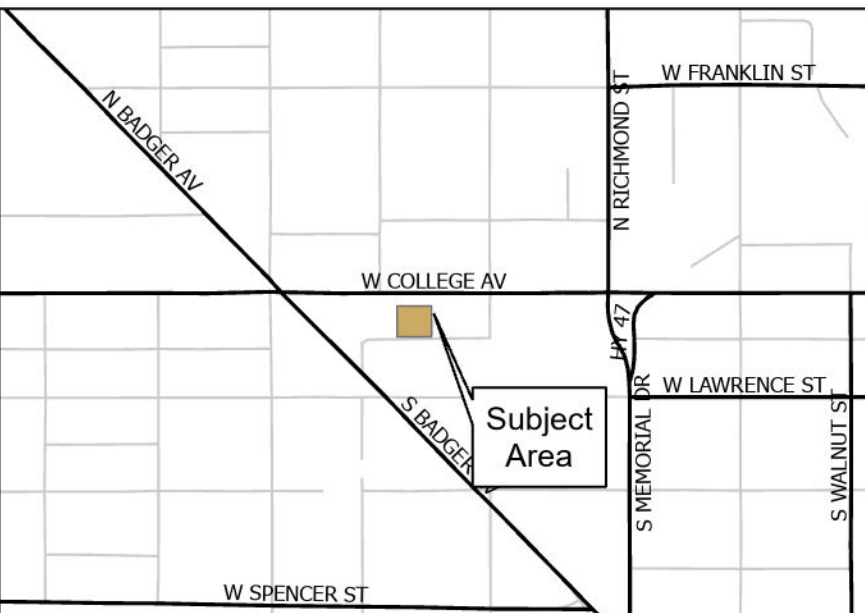
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CITY PLAN COMMISSION

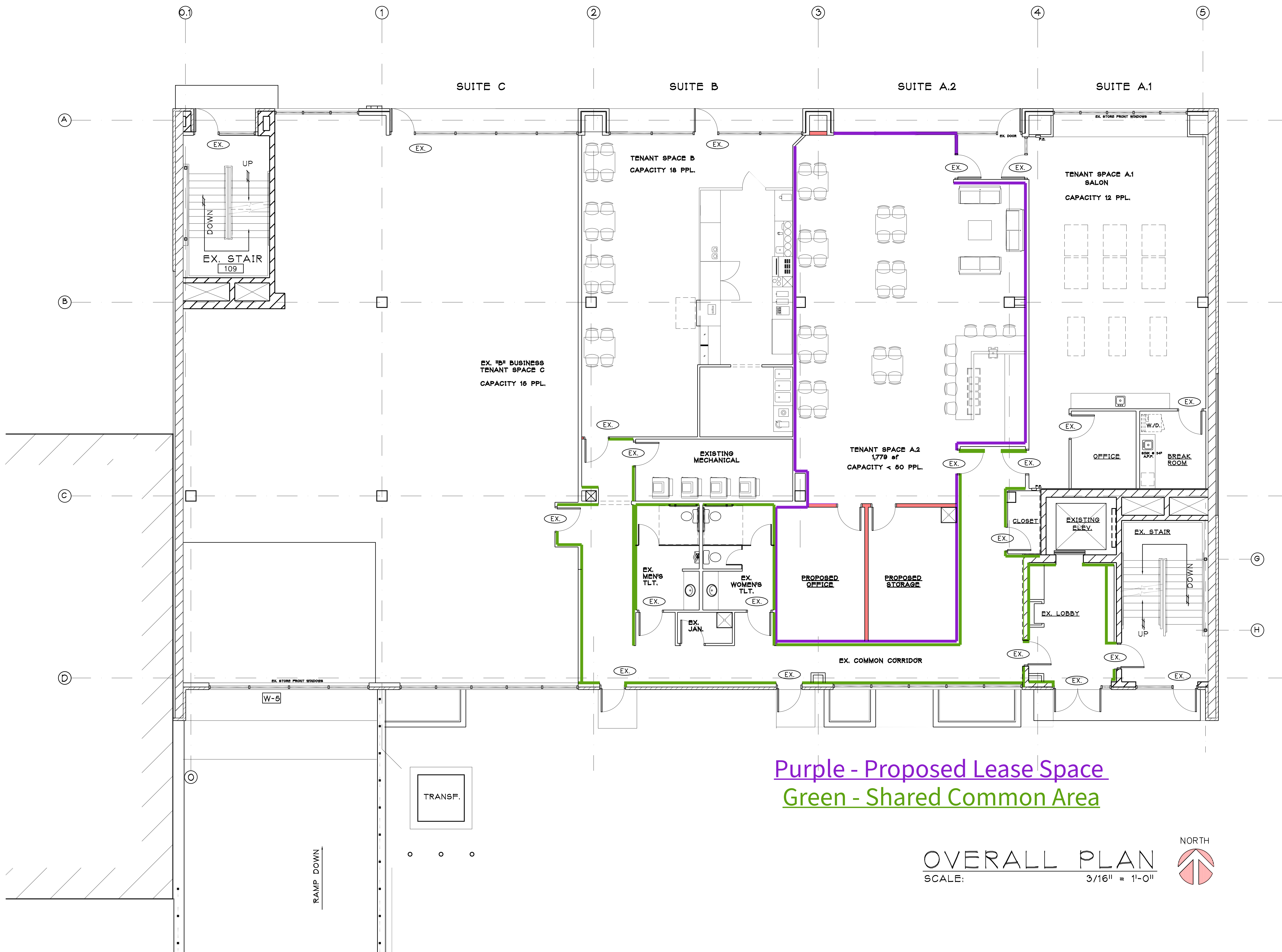
COMMUNITY DEVELOPMENT DEPARTMENT  
CITY HALL - 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
920-832-6468

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Special Use Permit  
Delaire's Coffee Bar/Lounge with  
Alcohol Sales and Service  
823 W College Avenue

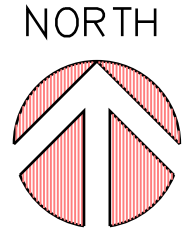






Purple - Proposed Lease Space  
 Green - Shared Common Area

**OVERALL PLAN**  
 SCALE: 3/16" = 1'-0"



**ACS**  
 Architectural &  
 Construction Services, Inc.  
 327 RANDOLPH DRIVE - SUITE C  
 APPLETON, WI 54913  
 TELE: 920-707-4226 FAX: 920-240-8072

A PROPOSED BLOCK 800 TENANT SPACE FOR,  
**DELAIRE'S, LLC**  
 APPLETON, WISCONSIN

DATE:	4-16-24
ARCH:	K. SPERL
D. BY:	.....
JOB:	.....
REV.	△

A  
 1.0

**CITY OF APPLETON**  
**NOTICE OF PUBLIC HEARING**  
**PROPOSED SPECIAL USE PERMIT**

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Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Flatline Corporation, applicant, and Wisconsin CVS Pharmacy, owner, to obtain a Special Use Permit to establish a wholesale facility (Flatline Corporation) located at 1800 West College Avenue (Tax Id #31-5-1739-01). In the C-2 General Commercial District, a Special Use Permit is required for a wholesale facility.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Lindsey Smith, Principal Planner, in the Community Development Department at (920) 832-3943 or by email at [lindsey.smith@appleton.org](mailto:lindsey.smith@appleton.org).

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APPLETON, WISCONSIN

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- ALDERMANIC DISTRICT: 10 – Alderperson Vaya Jones

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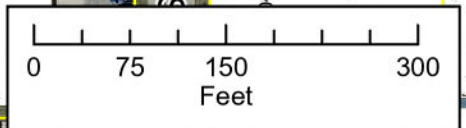
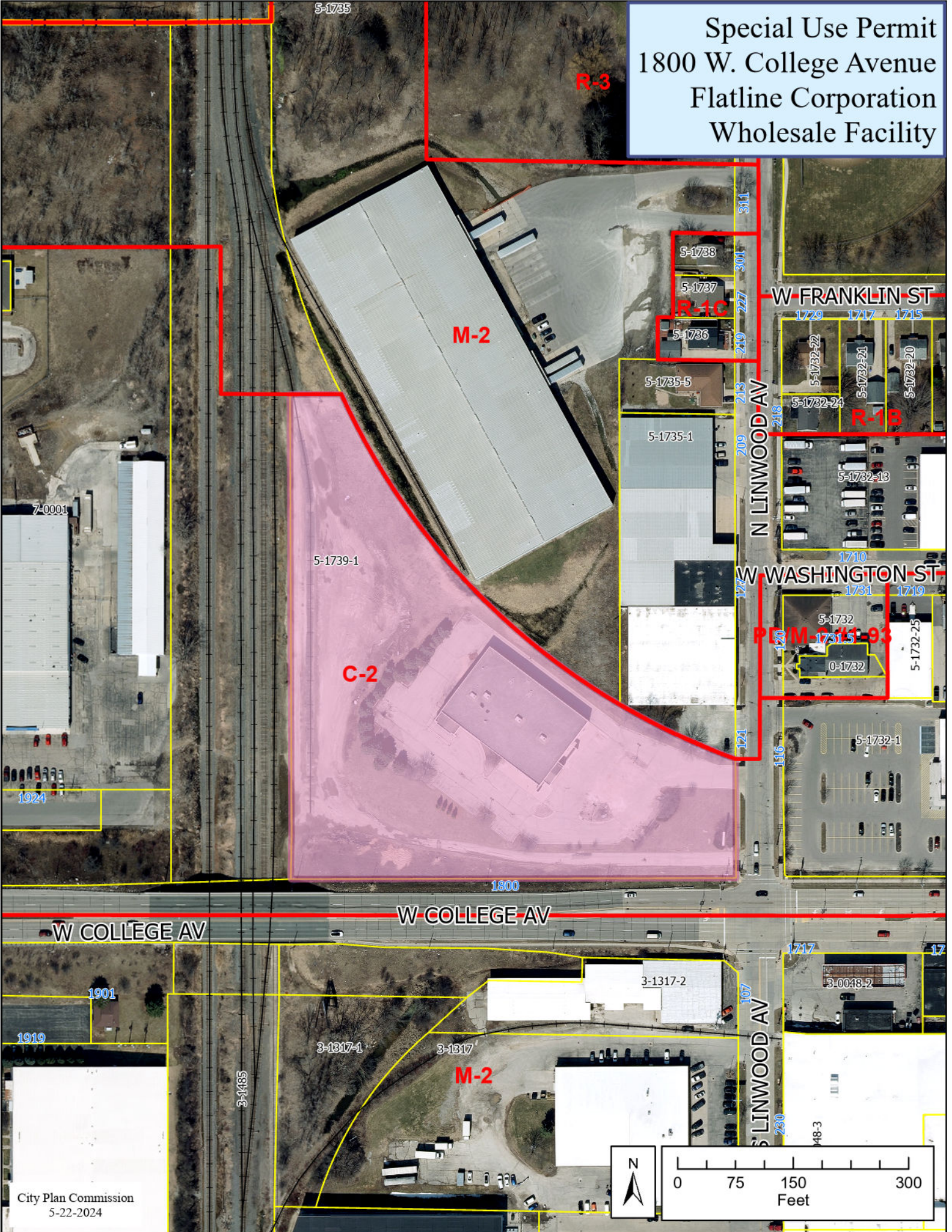
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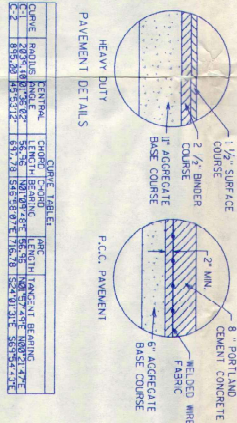
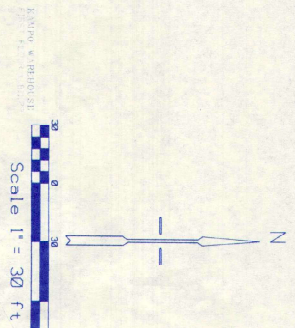
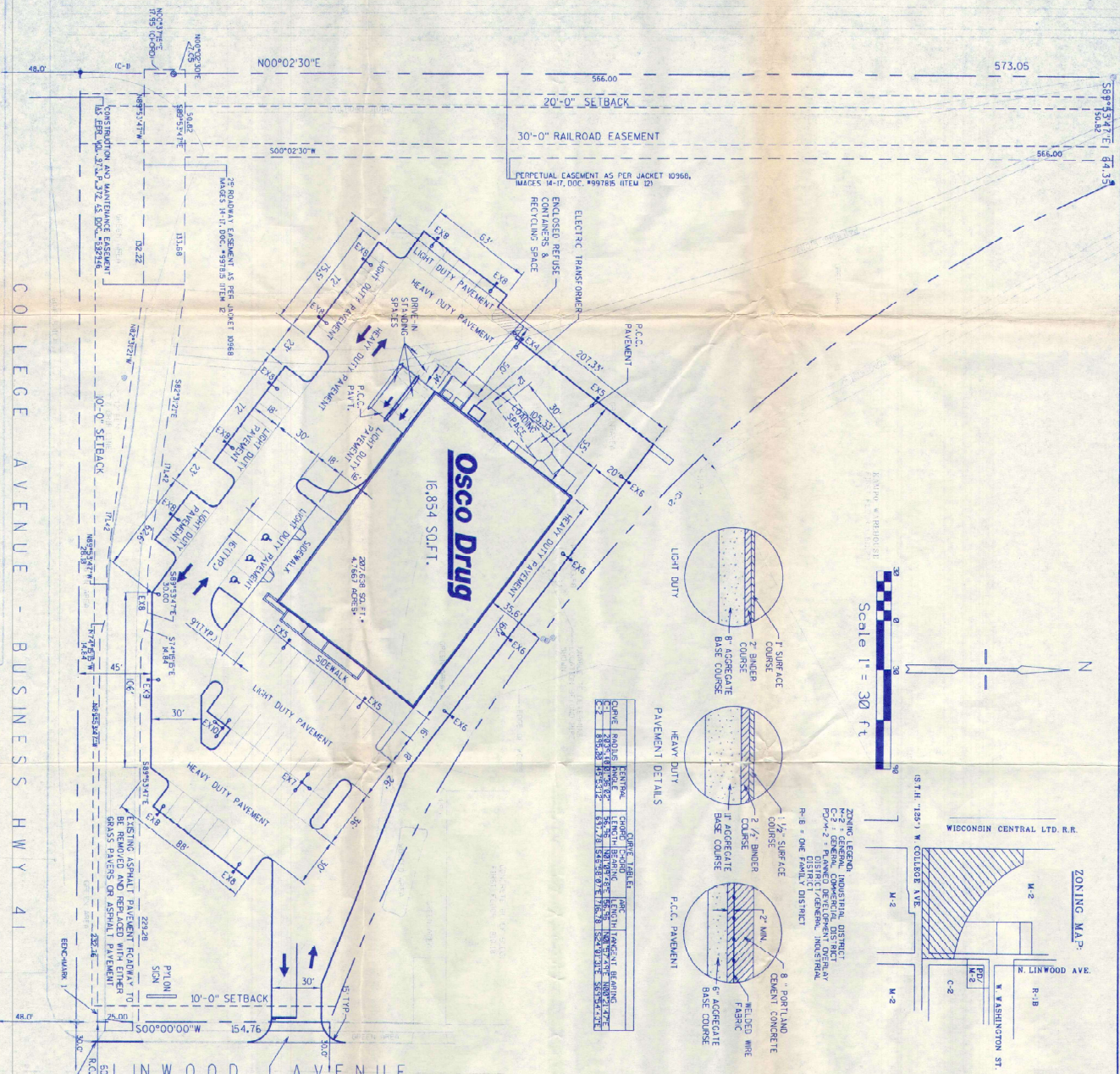
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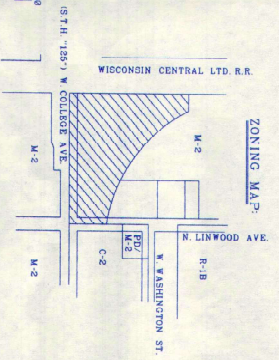
Special Use Permit  
1800 W. College Avenue  
Flatline Corporation  
Wholesale Facility







**ZONING LEGEND**  
 C-2 = GENERAL INDUSTRIAL DISTRICT  
 P-2 = PLANNED DEVELOPMENT OVERLAY DISTRICT  
 R-8 = ONE FAMILY DISTRICT



**SITE SUMMARY**

**SITE SUMMARY**  
 SITE AREA: 4.7657 ACRES  
 SITE ZONING: C-2 GENERAL INDUSTRIAL  
 BUILDING SETBACKS:  
 FRONT YARD: 10'-0" (BOTH SIDESTS)  
 REAR YARD: 20'-0"  
 SIDE YARD: 0'-0"  
 -LANDSCAPING:  
 NOT LESS THAN 5% OF PARKING LOT ISLANDS SHALL BE A MIN. OF 400 S.F. & SHALL BE A MIN. OF 7'-0" WIDE.  
 FLOOR AREA RATIO: NONE SPECIFIED  
 HEIGHT RESTRICTIONS: 35'-0" MAXIMUM  
 BUILDING SUMMARY:  
 MAIN LEVEL: 16,854 S.F.  
 MEZZANINE: C.000 S.F.  
 FLOOR AREA: 16,854 S.F.  
 OUTSIDE RECYCLING SPACE: 9 CF x 1,000 SF = 133 CF

**PARKING SUMMARY**  
 PARKING STALL SIZE: 9'-0" x 18'-0"  
 PARKING REQUIREMENTS:  
 (1) SPACE PER 200 SQ. FT. USABLE FLOOR AREA  
 (1) SPACE PER 300 SQ. FT. USABLE OFFICE FLOOR AREA  
 PARKING PROVIDED:  
 13,668 S.F. (RETAIL) x 200 = 59 STALLS  
 800 S.F. (OFFICE) x 200 = 3 STALLS  
 TOTAL: 62 STALLS  
 59 STALLS  
 3 ACCESSIBLE STALLS  
 72 TOTAL STALLS

**GENERAL NOTES**

- SEE ATTACHED ALTAZASAS LAND TITLE SURVEY FOR LEGAL DESCRIPTION OF SUBJECT PROPERTY.
- RECORD PROPERTY OWNER: KC STOCK, 670 BOWLER PROPERTIES, INC., APPLETON, WI 54915
- APPLICANT: A. EPSTEIN AND SONS INTERNATIONAL, INC., 600 WEST FULTON, CHICAGO, IL 60661-1189 (312) 454-5100 PR. (312) 559-1213 FAX (312) 559-1030
- CONTRACT PROPOSED BY: AMERICAN STORES PROPERTIES, INC., 348 EAST SOUTH TEMPLE, SALT LAKE CITY, UT 84111
- PROPERTY TO BE DEVELOPED AS A RETAIL DRUG STORE WITH FOOD MART AND PARKED LOADER SALES. CONTACT APPLICANT FOR A COMPLETE LIST OF PRODUCTS TO BE SOLD IS REQUIRED.
- SEE ATTACHED CADLANS CUTS AND INCLUDING DETAIL FOR SITE LIGHTING SPECIFICATIONS.
- NO HAZARDOUS WASTES WILL BE STORED ON SITE.
- SEE ATTACHED LIGHTING DISPERSION PLAN AND CAYLAGE CUTS FOR ADDITIONAL LIGHTING INFORMATION.
- PROPOSED LIGHTING TO ALLOW ZONE LIGHT SPILLOVER ONTO ADJACENT FRONT OR SIDE OR REAR ADJACENT PROPERTY.

Approved as noted with amendments  
 [Signature]  
 4-1-97



CONSTRAINT VISA MOUNTABLE OR NO. 10000 DURA PER CITY OF APPLETON STANDARD SHEET. COLLEGE HWY. (S.H. 160')

C-1

NO.	REVISION	DATE
1	PRELIMINARY PLAN ISSUED FOR OWNER REVIEW	01-07-96
2	REVISIONS FOR SITE PLAN REVIEW COMMENTS	07-05-96
3	REVISIONS PER CITY COMMENTS	12-21-97
4	REVISIONS TO SITE LIGHTING	3-24-17



**PRELIMINARY SITE PLAN**

**OSCO STORE**

OSCO STORE #18-0509  
 NW C. OF COLLEGE & LINWOOD  
 APPLETON, WISCONSIN

A. EPSTEIN AND SONS INTERNATIONAL

**EPSTEIN**

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**NOTICE OF PUBLIC HEARING  
OF THE  
APPLETON CITY PLAN COMMISSION**

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, May 22, 2024, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the following proposed rezoning request.

**Common Description:**

841 West Lawrence Street (Tax Id #31-3-0899-01), including to the centerline of the adjacent railroad line and including to the centerline of the adjacent street right-of-way.

**Rezoning Request:** A rezoning request has been initiated by Timothy Hales of Timber Investments LLC, owner and applicant, in the matter of amending Chapter 23 (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned C-2 General Commercial District. The owner/applicant proposes to rezone the property to R-2 Two-Family District (see attached maps). The R-2 district is intended to provide for and maintain residential areas characterized by single-family detached and two- (2-) family dwelling units. Increased densities and the introduction of two- (2-) family housing types are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood.

**Purpose of the Rezoning:** The owner is looking to rezone this property to convert it back to a two-family dwelling.

**Aldermanic District:** 9 – Alderperson Alex Schultz

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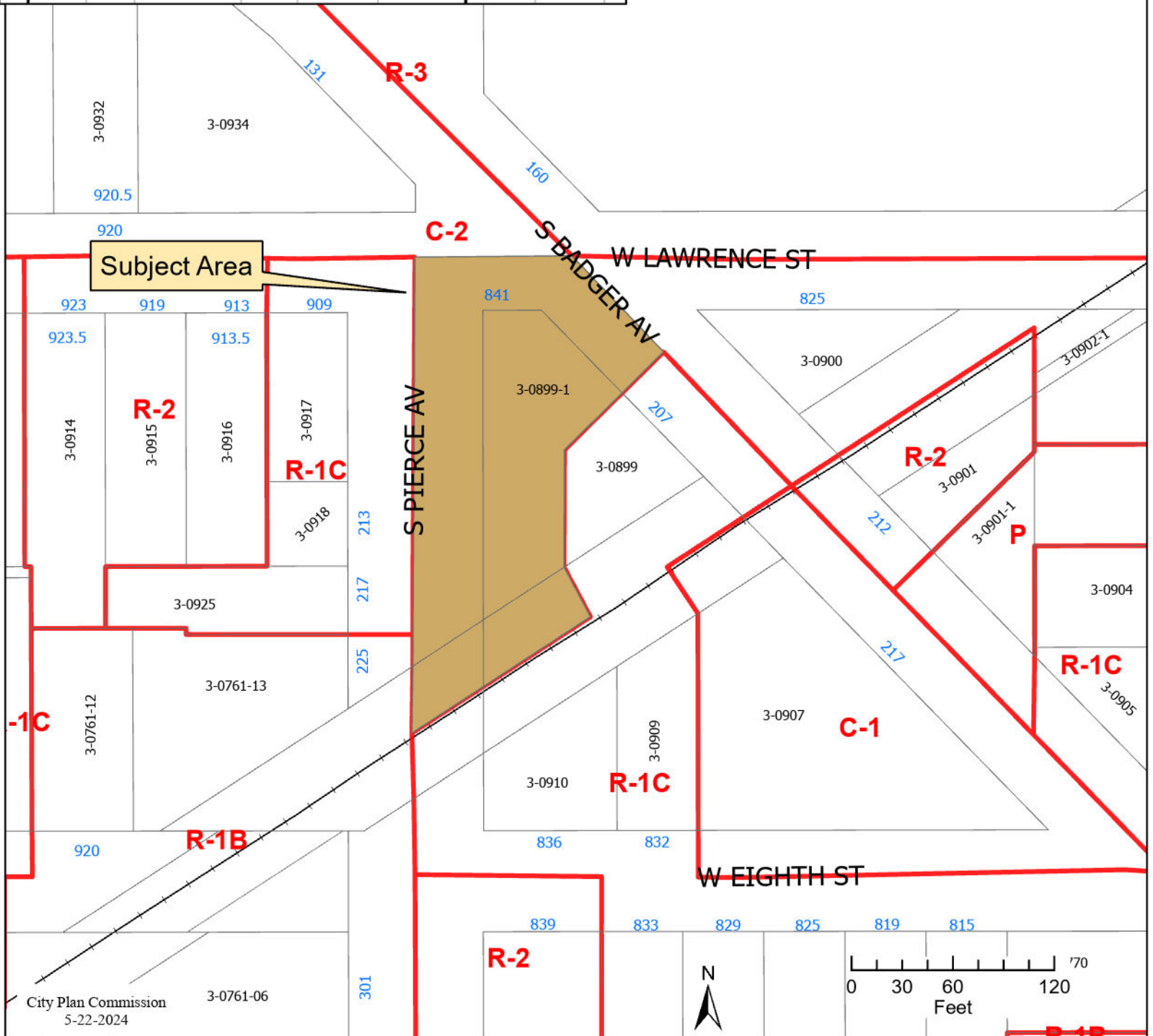
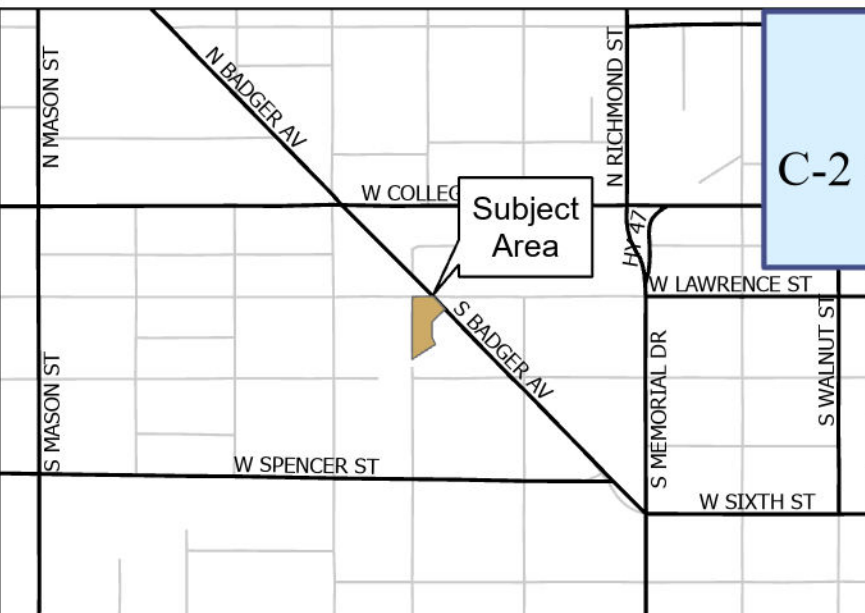
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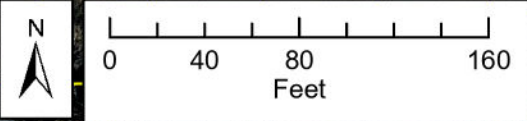
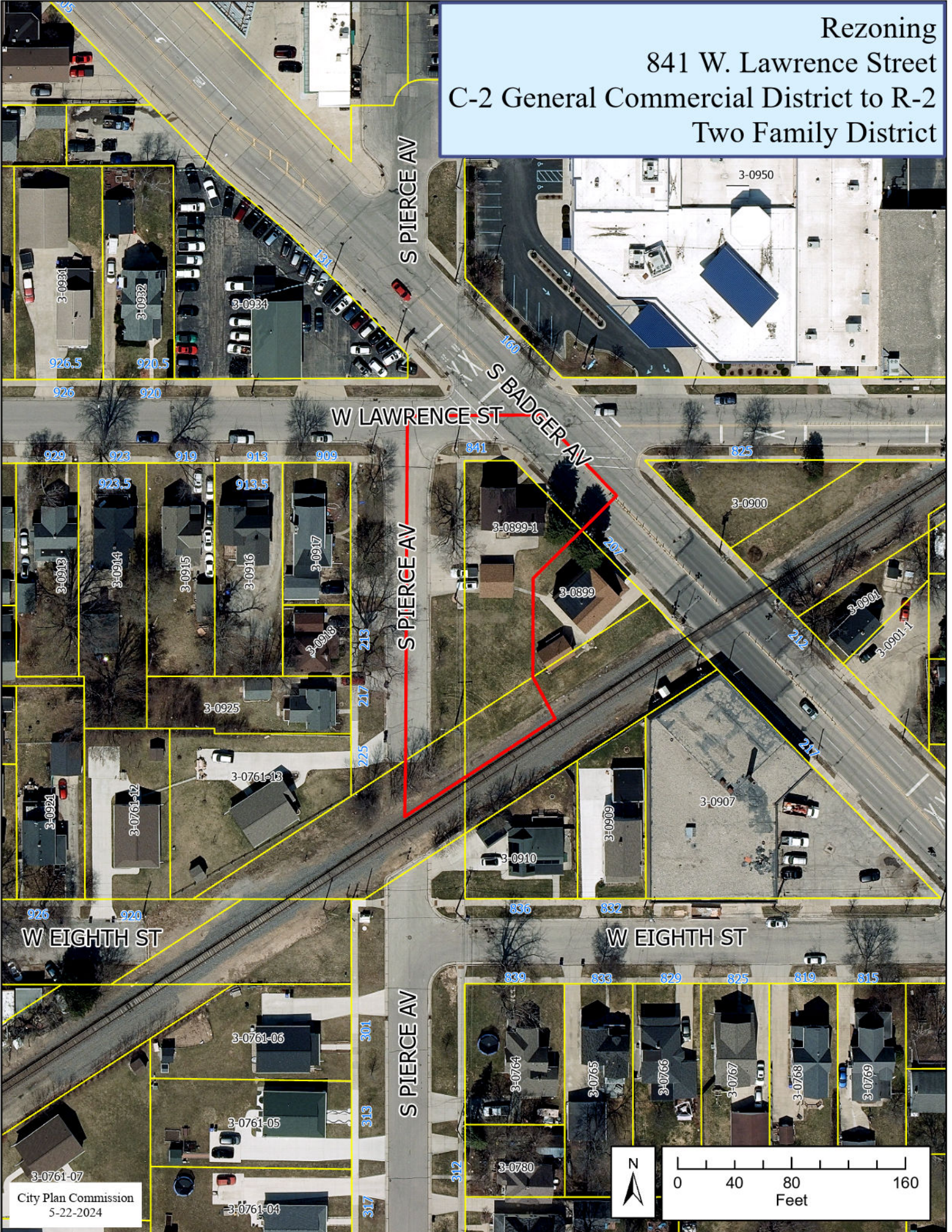
*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

# Rezoning 841 W. Lawrence Street C-2 General Commercial District to R-2 Two Family District





Rezoning  
841 W. Lawrence Street  
C-2 General Commercial District to R-2  
Two Family District







# CITY OF APPLETON

## MEMORANDUM

**Date:** May 22, 2024  
**To:** Plan Commission  
**From:** Don Harp, Principal Planner  
**Subject:** Special Use Permit #2-24 for a bar/cocktail lounge with alcohol sales and service, in association with a coffeehouse (Delaire's)

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## GENERAL INFORMATION

**Owner:** Block 800, LLC, Kip Golden

**Applicant:** David Boulanger, Delaire's

**Address/Parcel Number:** 823 West College Avenue (Tax Id #31-3-0943-00)

**Petitioner's Request:** We propose to create a unique community hub blending a cozy coffeehouse ambiance with a curated selection of artisanal spirits. Our space will offer high-quality coffee beverages alongside craft cocktails.

**Plan Commission Public Hearing Date:** May 22, 2024

**Common Council Meeting Date:** June 5, 2024

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## BACKGROUND

2019 – Site Plan #25-19 for a mixed-used commercial and multi-family residential building.

2019 – Certified Survey Map #19-19 for lot consolidation.

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## STAFF ANALYSIS

**Project Summary:** The applicant proposes to establish a bar/cocktail lounge use with alcohol sales and service, in association with a coffeehouse, which would occupy approximately 1,779 square feet of 1<sup>st</sup> floor tenant space.

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

**Outdoor Seating Area:** No outdoor alcohol sales and consumption is requested with this application.

**Existing Site Conditions:** The existing mixed used building consists of 1st floor commercial and 2<sup>nd</sup> - 4<sup>th</sup> floor 20-unit multi-family residential building totals approximately 16,201 square feet, including an eight (8) stall off-street parking lot.

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a bar/cocktail lounge with alcohol sales requires a Special Use Permit in the CBD 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: CBD Central Business District. The adjacent land use to the north is a place of worship. (Future Land Use Map recommends Central Business District for the adjacent property.)

South: CBD Central Business District. The adjacent land use to the south is the Boys & Girls Club. (Future Land Use Map recommends Central Business District for the adjacent property.)

East: CBD Central Business District. The adjacent land use to the east is commercial and 2<sup>nd</sup> floor residential apartment. (Future Land Use Map recommends Central Business District for the adjacent property.)

West: CBD Central Business District. The adjacent land use to the south is a laundromat. (Future Land Use Map recommends Central Business District for the adjacent property.)

**Appleton Comprehensive Plan 2010-2030:** Community 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.*

**Technical Review Group (TRG) Report:** This item appeared on the April 30, 2024 TRG 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.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: 1. *proper zoning district:* CBD zoning allows bars/cocktail lounges with alcohol sales and service as a special use permit; 2. *zoning district regulations:* the district regulations appear to have been satisfied pursuant to Site Plan Approval #25-19; 3. *special regulations:* stipulations 2, 3 and 4 (below) address the special regulations for bars/ cocktail lounges with alcohol sales and service; 4. *consistent with comprehensive plan and other plans:* yes, see above analysis; 5. *traffic:* the proposed use is not expected to create undue traffic congestion; 6. *landscaping and screening:* not applicable to this use, the CBD District allows 100% lot coverage; 7. *neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other commercial uses in this area of City; 8. *impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

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## RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #2-24 for a bar/cocktail lounge use with alcohol sales and service located at 823 West College Avenue (Tax Id #31-3-0943-00), 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. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premise.

*Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.*

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

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

3. The site shall be kept free of litter and debris.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

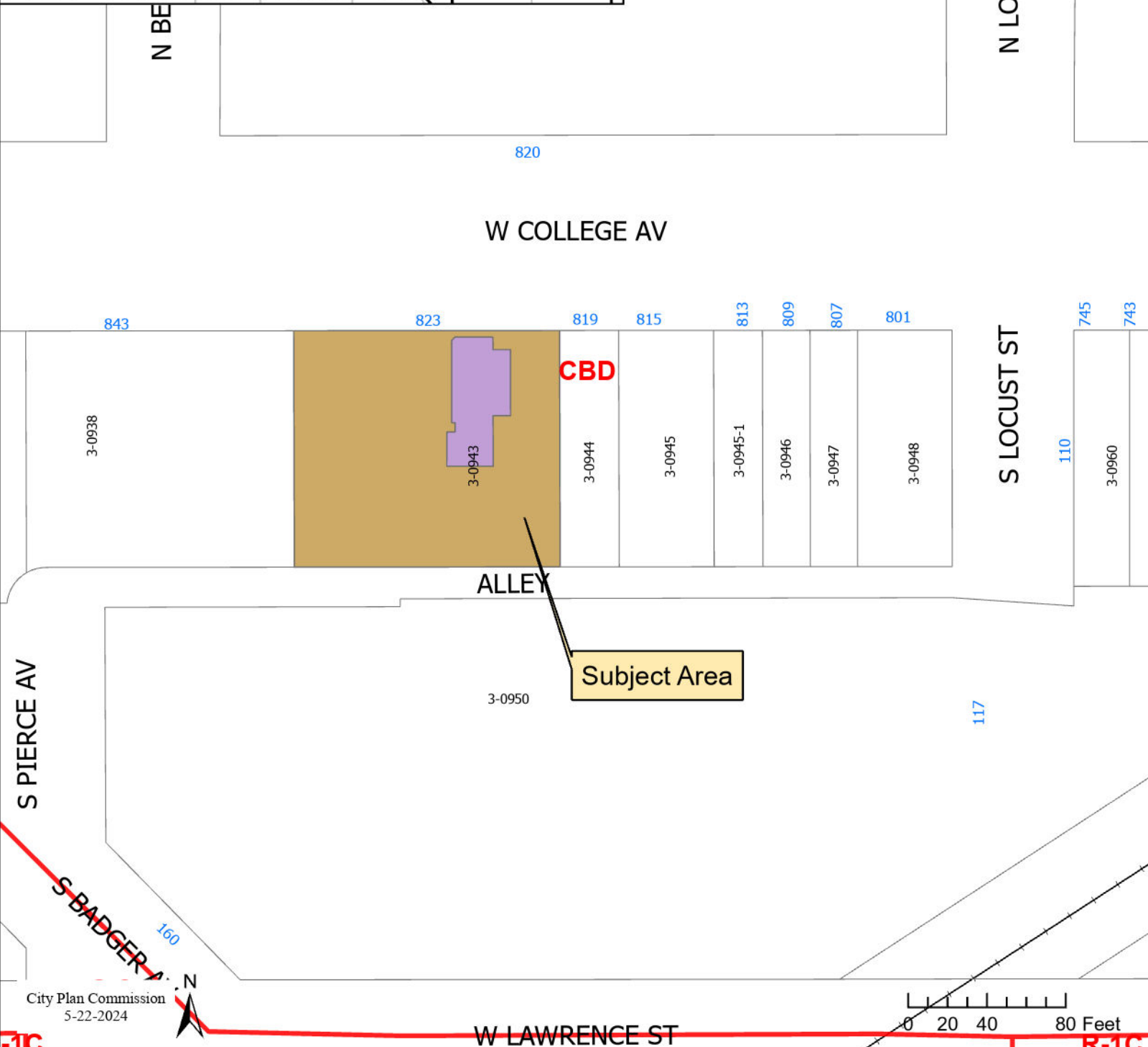
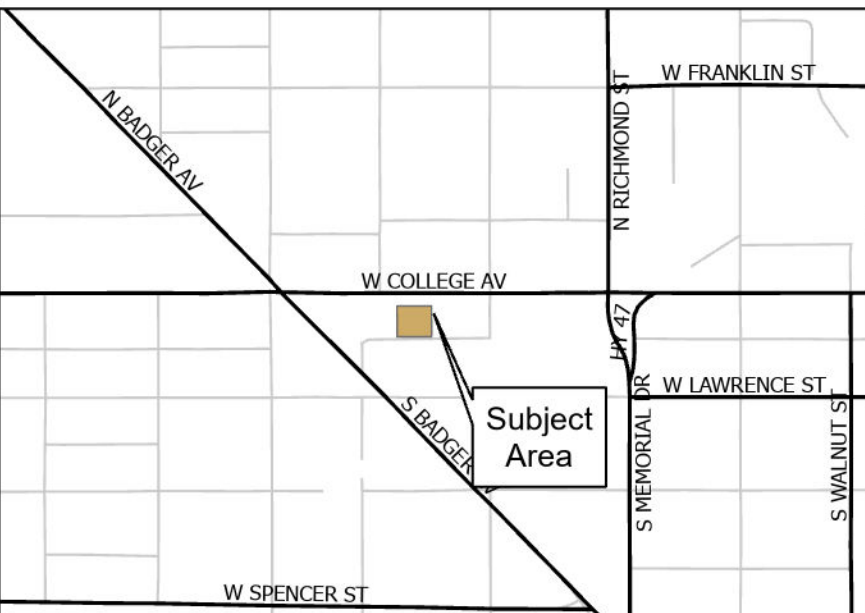
4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

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

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

Special Use Permit  
Delaire's Coffee Bar/Lounge with  
Alcohol Sales and Service  
823 W College Avenue



**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #2-24  
BAR/COCKTAIL LOUNGE  
823 WEST COLLEGE AVENUE**

**WHEREAS**, David Boulanger, Delaire’s has applied for a Special Use Permit to establish a bar/cocktail lounge, in association with a coffeehouse, located at 823 West College Avenue, also identified as Parcel Number #31-3-0943-00; and

**WHEREAS**, the proposed use is located in the CBD Central Business District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on May 22, 2024 on Special Use Permit #2-24, 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 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 #2-24 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 June 5, 2024.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Common Council, based on Community 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 #2-24 to establish a bar/cocktail lounge, in association with a coffeehouse, (Delaire’s) located at 823 West College Avenue, also identified as Parcel Number #31-3-0943-00 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #2-24 to establish a bar/cocktail lounge, in association with a coffeehouse, (Delaire’s) located at 823 West College Avenue, also identified as Parcel Number #31-3-0943-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #2-24:**

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premise.
- B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
- C. The site shall be kept free of litter and debris.
- D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
- E. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community Development Department to discuss any proposed changes.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

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

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Delaire's

Years in operation: NA

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other Coffee Bar/Lounge

Detailed explanation of proposed business activities:

Our coffee bar combines high-quality coffee and craft cocktails in a cozy atmosphere. With premium ingredients and attentive service, we aim to create a memorable experience.

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

(square feet) \_\_\_\_\_

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

(square feet) 1779 s.f.



**Occupancy Limits:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: \_\_\_\_\_ persons.

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

Day	From	To
Monday thru Thursday	10:00 am	10:00 pm
Friday	10:00 am	10:00 pm
Saturday	10:00 am	10:00 pm
Sunday	10:00 am	10:00 pm

**Production/Storage Information:**

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Proposed production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Current production of wine: \_\_\_\_\_ U.S. gallons per year
- Proposed production of wine: \_\_\_\_\_ U.S. gallons per year
- Current production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- Proposed production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- None. If none, leave the following two storage questions blank.

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

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

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_.
- None. If none, leave the following questions in this section blank.

Size: \_\_\_\_\_ square feet

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

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

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

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes \_\_\_ No

If yes, describe how the noise will be controlled:

\_\_\_\_\_

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

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

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

**NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):**

**\*\*\*\*\*Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

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

Describe the noise levels anticipated from all equipment or other mechanical sources: 60-70 decibels. This level allows for conversation without being too loud. Background music/tv set at 40-50 decibels. This adds ambiance without overpowering conversation or creating a noisy environment.

Describe how the crowd noise will be controlled inside and outside the building:  
Acoustic Design - Implementing sound absorbing materials / Music Volume Control / Staff Training / Noise Regulation Control / Layout & Furniture Arrangement.

**Off-Street Parking:**

Number of spaces existing on-site: 8 Total - 1 ADA

Number of spaces proposed on-site: 0

**Street Access:**

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?  
Adequate Street Access

**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.

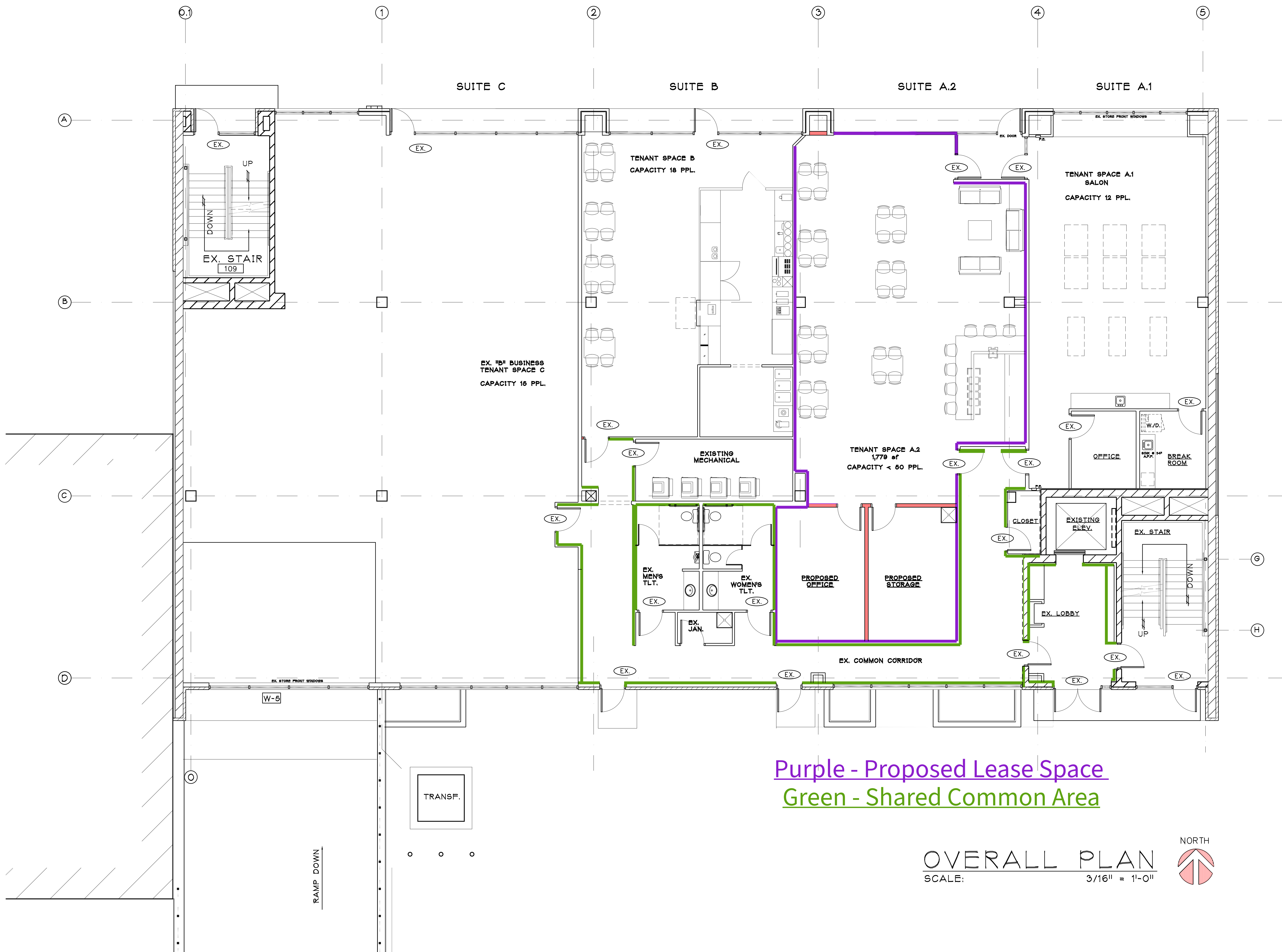
List nearby licensed premises:  
815 W College Ave - Pierri Pizza

**Number of Employees:**

Number of existing employees: 0

Number of proposed employees: 4

Number of employees scheduled to work on the largest shift: 2





# CITY OF APPLETON

## MEMORANDUM

**Date:** May 22, 2024  
**To:** Plan Commission  
**From:** Lindsey Smith, Principal Planner  
**Subject:** Special Use Permit #3-24 for a wholesale facility in the C-2 General Commercial District

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## GENERAL INFORMATION

**Owner:** Wisconsin CVS Pharmacy

**Applicant:** Flatline Corporation

**Address/Parcel Number:** 1800 West College Avenue (Tax Id #31-5-1739-01)

**Petitioner's Request:** Operation of a wholesale facility, which includes warehouse, shipping, and receiving children's novelty items for wholesale customers

**Plan Commission Public Hearing Date:** May 22, 2024

**Common Council Meeting Date:** June 5, 2024

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## BACKGROUND

1996 – Site Plan #96-51 for construction of a commercial building for pharmacy use.

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## STAFF ANALYSIS

**Project Summary:** The applicant proposes to relocate the existing Flatline Corporation Wholesale Facility to 1800 W. College Avenue. The operation of the wholesale facility includes warehousing, shipping, and receiving children's novelty items for wholesale customers. The project includes interior renovations of the existing building.

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

**Existing Site Conditions:** The site consist of a 16,854 square foot commercial building, 72 on-site parking spaces, and sufficient on-site lighting. Access to the site is on N. Linwood Drive. The commercial building has been vacant for over 12 years.

**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, a wholesale facility 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 Use:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and industrial in nature.

North: M-2 General Industrial District. The adjacent land use to the north is recycling and warehouse facilities.

South: M-2 General Industrial District. The adjacent land use to the south is retail and warehouse facility.

East: C-2 General Commercial District. The adjacent land use to the east is a grocery store, Aldi's Food Market.

West: C-2 General Commercial District. The adjacent land use to the west is retail, St. Vincent de Paul Society.

**Appleton Comprehensive Plan 2010-2030:** Community 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.*

**Technical Review Group (TRG) Report:** This item appeared on the April 30, 2024 TRG 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.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: *1. proper zoning district: C-2 zoning allows wholesale facility as a special use; 2. zoning district regulations: district*

regulations were reviewed pursuant to the attached development plan; 3. *special regulations*: not applicable to wholesale facility; 4. *consistent with comprehensive plan and other plans*: yes, see above analysis; 5. *traffic*: the proposed use is not expected to create undue traffic congestion; 6. *landscaping and screening*: not applicable to this use, changes to the existing parking are not being proposed with this request. 7. *neighborhood compatibility with predominant land uses in this area*: the proposed use is located near other commercial and industrial uses. 8. *impact on services*: the City has existing utilities and services in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

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## RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #3-24 for a wholesale facility located at 1800 West College Avenue (Tax Id #31-5-1739-01), 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.

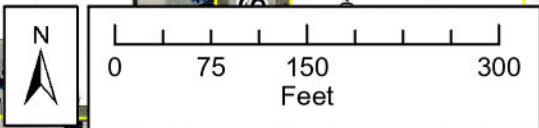
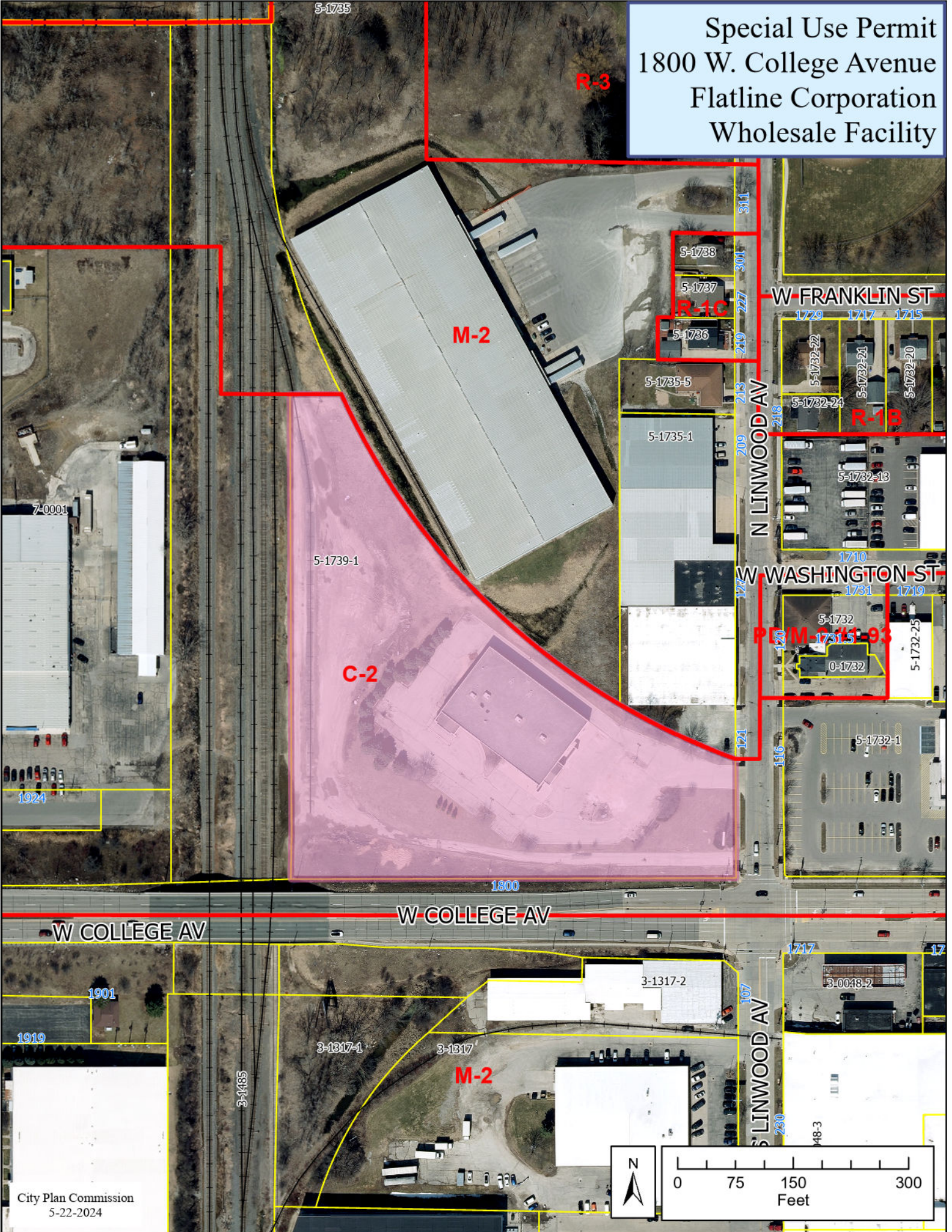
*Substantial Evidence: Standardized condition to ensure the applicant understands the City's Municipal Code and all applicable State and Federal laws must be followed.*

2. 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 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.*



Special Use Permit  
1800 W. College Avenue  
Flatline Corporation  
Wholesale Facility





**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #3-24  
WHOLESALE FACILITY  
1800 WEST COLLEGE AVENUE**

**WHEREAS**, Flatline Corporation has applied for a Special Use Permit to establish a wholesale facility located at 1800 West College Avenue, also identified as Parcel Number #31-5-1739-01; and

**WHEREAS**, the proposed use 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 May 22, 2024 on Special Use Permit #3-24, 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 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 #3-24 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 June 5, 2024.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Common Council, based on Community 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 #3-24 to establish a wholesale facility located at 1800 West College Avenue, also identified as Parcel Number #31-5-1739-01 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 #3-24 to establish a wholesale facility located at 1800 West College Avenue, also identified as Parcel Number #31-5-1739-01, 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 #3-24:**

- 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. 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 Development Department for review and approval.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST:

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

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Flatline Corporation

Years in operation: 25

Type of proposed establishment (detailed explanation of business):

Wholesale supplier of novelty toys to the amusement industry.

### Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	8:00 am	5:00 pm
Friday	8:00 am	5:00 pm
Saturday		
Sunday		

### Building Capacity and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: \_\_\_\_\_ persons

Gross floor area of the existing building(s):

16,854

Gross floor area of the proposed building(s):

no change

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

none

**Odor:**

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

none

**Noise:**

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

Any additional noise that we would create would be minimal. The only noises would come from the pick up and delivery of our products. The adjacent properties are industrial uses and the railroad, we feel that any noise that we would make would not be noticed.

How will the noise be controlled?

**Outdoor Lighting:**

Type: We would use existing lighting

Location: \_\_\_\_\_

**Off-Street Parking:**

Number of spaces existing on-site: 72

Number of spaces proposed on-site: 72

**Street Access:**

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate.

**Outdoor Uses:**

Size: none square feet

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

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

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

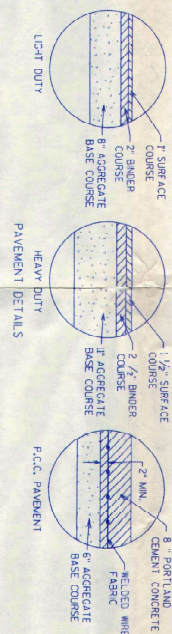
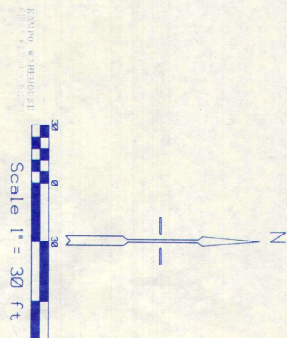
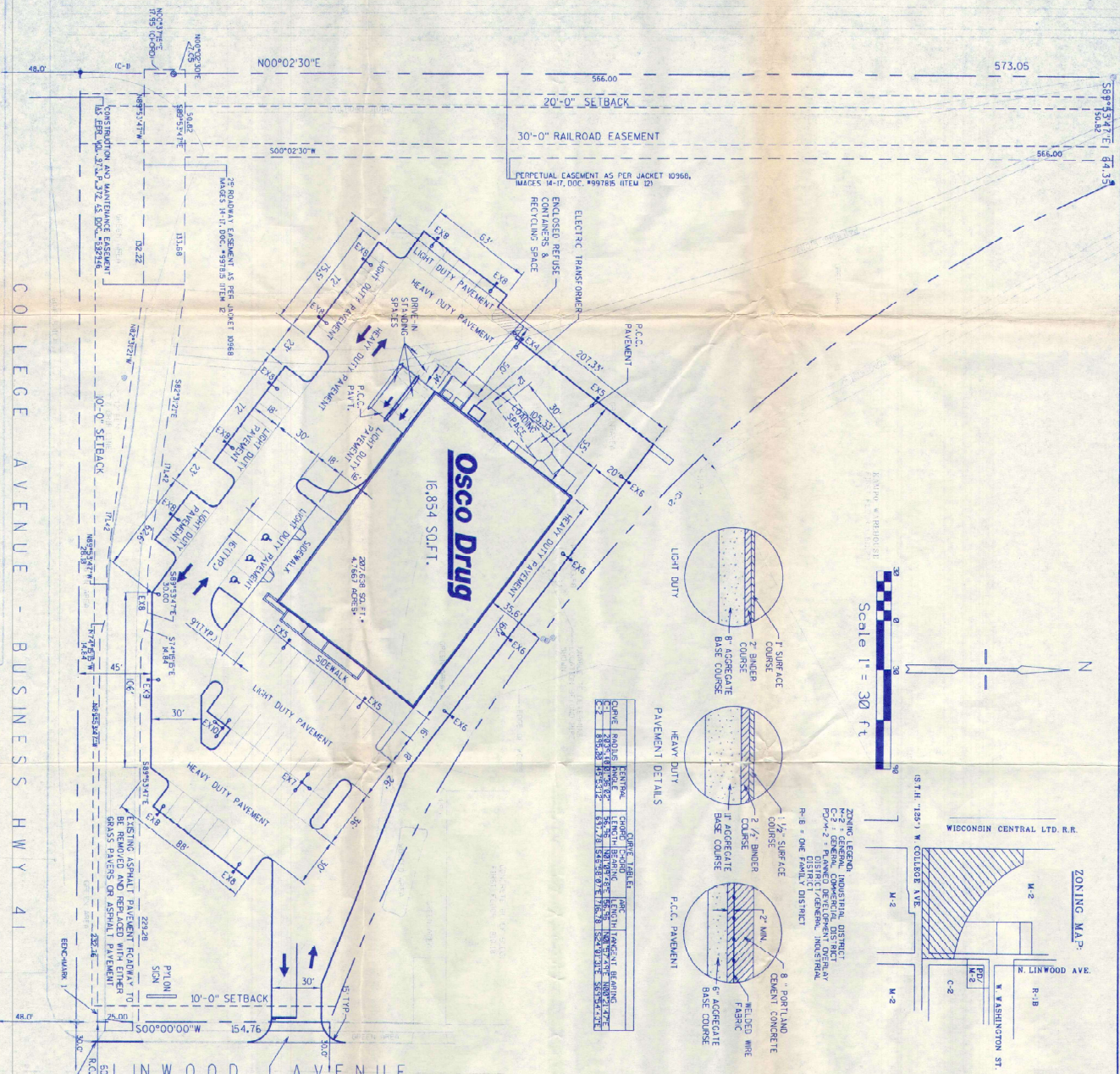
**Number of Employees:**

Number of existing employees: 12

Number of proposed employees: 12

Number of employees scheduled to work on the largest shift: 12





Code	Material	Quantity	Notes
C-1	Concrete	13,668 S.F.	13,668 S.F. - (RETAIL) x 200 - 59 STALLS
C-2	Asphalt	800 S.F.	800 S.F. - OFFICE/STALLS
C-3	Gravel	12,864 S.F.	12,864 S.F. - DRIVE IN STAND
C-4	Gravel	16,854 S.F.	16,854 S.F. - DRIVE IN STAND
C-5	Gravel	16,854 S.F.	16,854 S.F. - DRIVE IN STAND
C-6	Gravel	16,854 S.F.	16,854 S.F. - DRIVE IN STAND
C-7	Gravel	16,854 S.F.	16,854 S.F. - DRIVE IN STAND
C-8	Gravel	16,854 S.F.	16,854 S.F. - DRIVE IN STAND
C-9	Gravel	16,854 S.F.	16,854 S.F. - DRIVE IN STAND
C-10	Gravel	16,854 S.F.	16,854 S.F. - DRIVE IN STAND

**SITE SUMMARY**

**SITE SUMMARY**

**SITE AREA:** 4.7657 ACRES

**SITE ZONING:** CURRENT ZONING IS M-2 GENERAL INDUSTRIAL. PROPOSED ZONING IS C-2 GENERAL COMMERCIAL.

**BUILDING SETBACKS:** FRONT YARD: 10'-0" (BOTH SIDESTS) REAR YARD: 20'-0" SIDE YARD: 0'-0"

**LANDSCAPING:** NOT LESS THAN 5% OF PARKING LOT ISLANDS SHALL BE A MIN. OF 400 S.F. & SHALL BE A MIN. OF 7'-0" WIDE.

**FLOOR AREA RATIO:** NONE SPECIFIED

**HEIGHT RESTRICTIONS:** 35'-0" MAXIMUM

**BUILDING SUMMARY:** MAIN LEVEL 16,854 S.F. MEZZANINE C,000 S.F. FLOOR AREA 16,854 S.F.

**OUTSIDE RECYCLING SPACE:** 9 CF x 1,000 SF = 133 CF

**PARKING SUMMARY:**

**PARKING STALL SIZE:** 9'-0" x 18'-0"

**PARKING REQUIREMENTS:** (1) SPACE PER 200 SQ. FT. USABLE FLOOR AREA (2) SPACE PER 300 SQ. FT. USABLE OFFICE FLOOR AREA

**PARKING PROVIDED:** 59 STALLS TOTAL

**GENERAL NOTES**

- SEE ATTACHED ALTAZASAS LAND TITLE SURVEY FOR LEGAL DESCRIPTION OF SUBJECT PROPERTY.
- RECORD PROPERTY OWNER: KC STORE, 670 BOWLER PROPERTIES, INC., APPLETON, WI 54915
- APPLICANT: A. EPSTEIN AND SONS INTERNATIONAL, INC., 600 WEST FULTON, CHICAGO, IL 60661-1189 (312) 454-5100 PR. (312) 559-1213 FAX (312) 559-1000
- CONTRACT NUMBER: 57-ATIN-GONE-GENE-348 EAST SOUTH TEMPLE, SALT LAKE CITY, UT 84111
- PROJECT TO BE DEVELOPED AS A RETAIL DRUG STORE WITH FOOD MART AND PARKED LOADER SALES. CONTACT APPLICANT IF A COMPLETE LIST OF PRODUCTS TO BE SOLD IS REQUIRED.
- SEE ATTACHED CAD/CUTS AND INCLUDING DETAIL FOR SITE LIGHTING SPECIFICATIONS.
- NO HAZARDOUS WASTES WILL BE STORED ON SITE.
- SEE ATTACHED LIGHTING DISPERSION PLAN AND CAYLAGE CUTS FOR ADDITIONAL LIGHTING INFORMATION.
- PROPOSED LIGHTING TO ALLOW ZONE LIGHT SPILLOVER ONTO ADJACENT FRONT OF YARD OR NEIGHBORING PROPERTY.

Approved as noted with amendments  
 [Signature]  
 4.1.97



CONSTRAINT VISA REQUIRED FOR ALL CITY ORDINANCES PER CITY OF APPLETON STANDARD SPEC. COLLECT VISA (S17, 185)

C-1

No.	REVISION	DATE
1	PRELIMINARY PLAN ISSUED FOR OWNER REVIEW	01-07-96
2	REVISIONS FOR SITE PLAN REVIEW COMMENTS	07-05-96
3	REVISIONS PER CITY COMMENTS	12-21-97
4	REVISIONS TO SITE LIGHTING	3-24-17



**PRELIMINARY SITE PLAN**

**OSCO STORE**

OSCO STORE #18-0509  
 NW C. OF COLLEGE & LINWOOD  
 APPLETON, WISCONSIN

A. EPSTEIN AND SONS INTERNATIONAL

**EPSTEIN**

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# CITY OF APPLETON

## MEMORANDUM

**Date:** May 22, 2024  
**To:** Plan Commission  
**From:** David Kress, Deputy Director of Community Development  
**Subject:** Rezoning #4-24 – 841 West Lawrence Street

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## GENERAL INFORMATION

**Owner/Applicant:** Timber Investments, LLC c/o Timothy Hales

**Address/Parcel Number:** 841 W. Lawrence Street (Parcel #31-3-0899-01)

**Petitioner's Request:** The applicant proposes to rezone the subject parcel from C-2 General Commercial District to R-2 Two-Family District. The applicant is proposing to convert the building back into a two-family dwelling.

**Plan Commission Informal Hearing Meeting Date:** May 22, 2024

**Common Council Public Hearing Meeting Date:** June 19, 2024

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## BACKGROUND

According to the 1877 Appleton City Directory, this property was used as a residence at that time. The 1978 Historic Appleton Building Survey identified the use of the property as a two-family dwelling. According to Assessor's Office and building permit records, the building started being used for commercial purposes (office and storage) in the 1980s.

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## STAFF ANALYSIS

**Project Summary:** The applicant is proposing to convert the existing structure into a two-family, upper/lower duplex.

**Existing Site Conditions:** The subject parcel is approximately 9,067 square feet in size and contains a principal structure that was initially built for residential use. The property also contains a detached garage with a curb cut on Pierce Avenue.

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

North: C-2 General Commercial District and CBD Central Business District. The adjacent land uses to the north are currently institutional and commercial.

South: R-1C Central City Residential District. The adjacent land uses to the south are currently single-family residential and railroad right-of-way.

East: R-1C Central City Residential District and C-2 General Commercial District. The adjacent land uses to the east are currently single-family residential and vacant land.

West: R-1C Central City Residential District. The adjacent land uses to the west are currently single-family residential.

**Appleton Comprehensive Plan 2010-2030:** Community Development staff has reviewed this proposal and determined it is compatible with the goals and objectives found in the City's *Comprehensive Plan 2010-2030*. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

*Goal 1 – Community Growth*

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

*Goal 3 – Housing Quality, Variety, and Affordability*

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

*OBJECTIVE 5.3 Housing and Neighborhoods:*

*Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.*

*OBJECTIVE 10.5 Land Use:*

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

**Proposed Zoning Classification:** The R-2 Two-Family District is intended to provide for and maintain residential areas characterized by single-family detached and two-family dwelling units. Increased densities and the introduction of two-family housing types are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood. Per Section 23-95(g) of the Municipal Code, the development standards for the R-2 District are listed below:

- (1) Two-family dwellings (duplex) and other uses.
  - a. Minimum lot area, Single-family dwelling (detached): 6,000 square feet.
  - b. Minimum lot area, Two-family dwellings (two-story duplex): 7,000 square feet.
  - c. Minimum lot area, Two-family dwellings (single-story duplex): 9,000 square feet.
  - d. Minimum lot area, All other uses: 7,000 square feet.
  - e. Minimum lot width, Single-family dwelling: 50 feet.
  - f. Minimum lot width, All other uses: 70 feet.
  - g. Minimum front lot line setback: 20 feet (25 feet minimum on arterial street).
  - h. Minimum rear lot line setback: 25 feet.
  - i. Minimum side lot line setback: 6 feet.
  - j. Maximum lot coverage: 60%.



- k. Maximum building height: 35 feet.

**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 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 goals and objectives stated above and the Future Land Use Map, which identifies this area with a future Mixed Use designation.*
  - 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. *College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study. The zoning map amendment (C-2 General Commercial District to R-2 Two-family residential District) will help to meet the demand for housing in Appleton as specified in the market study.*
  - 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 area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
  - 2. The effect of the proposed rezoning on surrounding uses. *Single-family and two-family residential uses are already located in this area of the City. Therefore, the proposed rezoning request is unlikely to create adverse impacts for the surrounding uses.*

**Technical Review Group (TRG) Report:** This item appeared on the April 30, 2024 TRG agenda. No negative comments were received from participating departments.

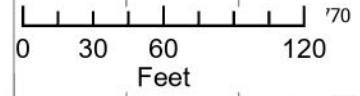
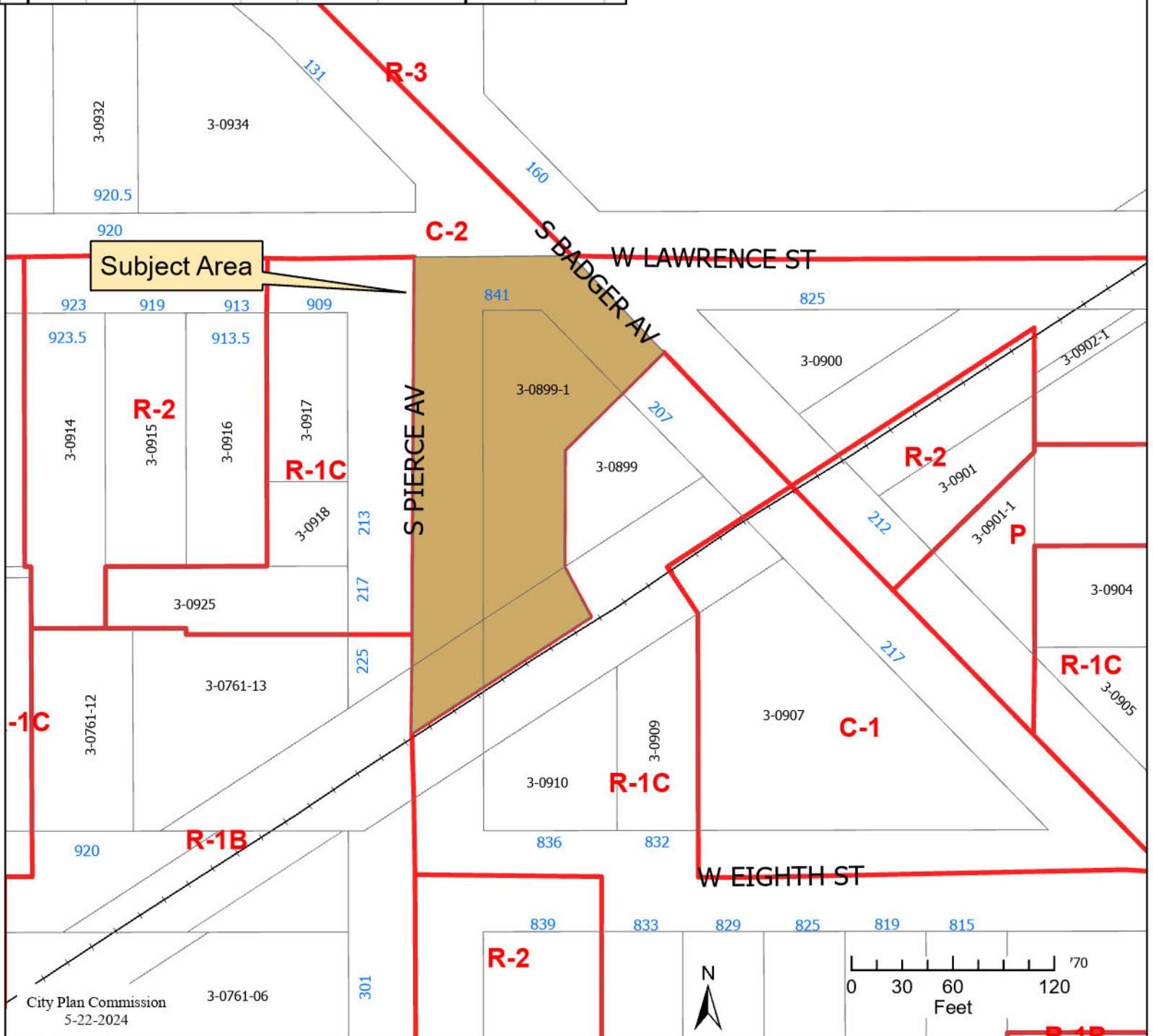
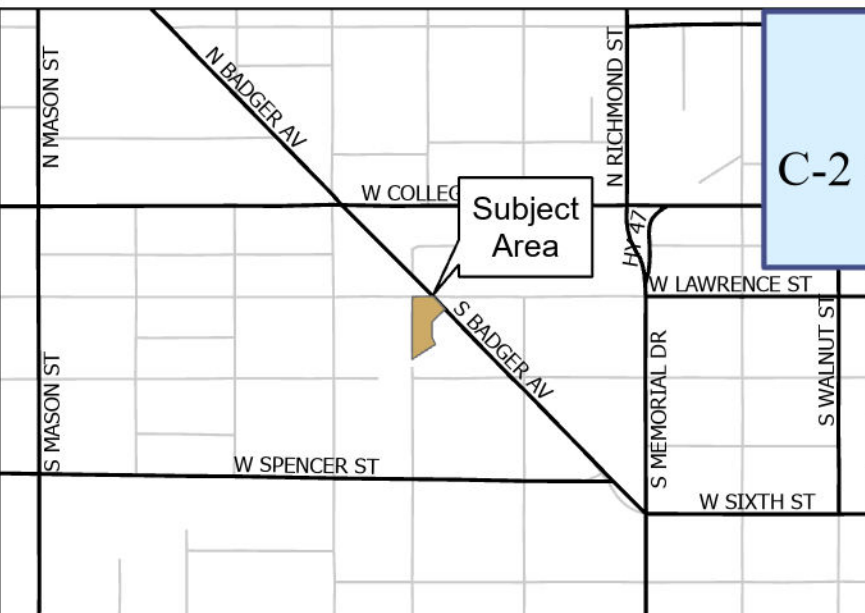
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## RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning #4-24 to rezone the subject property at 841

West Lawrence Street (Parcel #31-3-0899-01) from C-2 General Commercial District to R-2 Two-Family District, including to the centerline of existing adjacent street and railroad right-of-way, as shown on the attached maps, **BE APPROVED**.

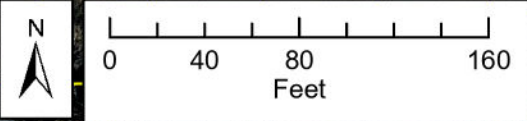
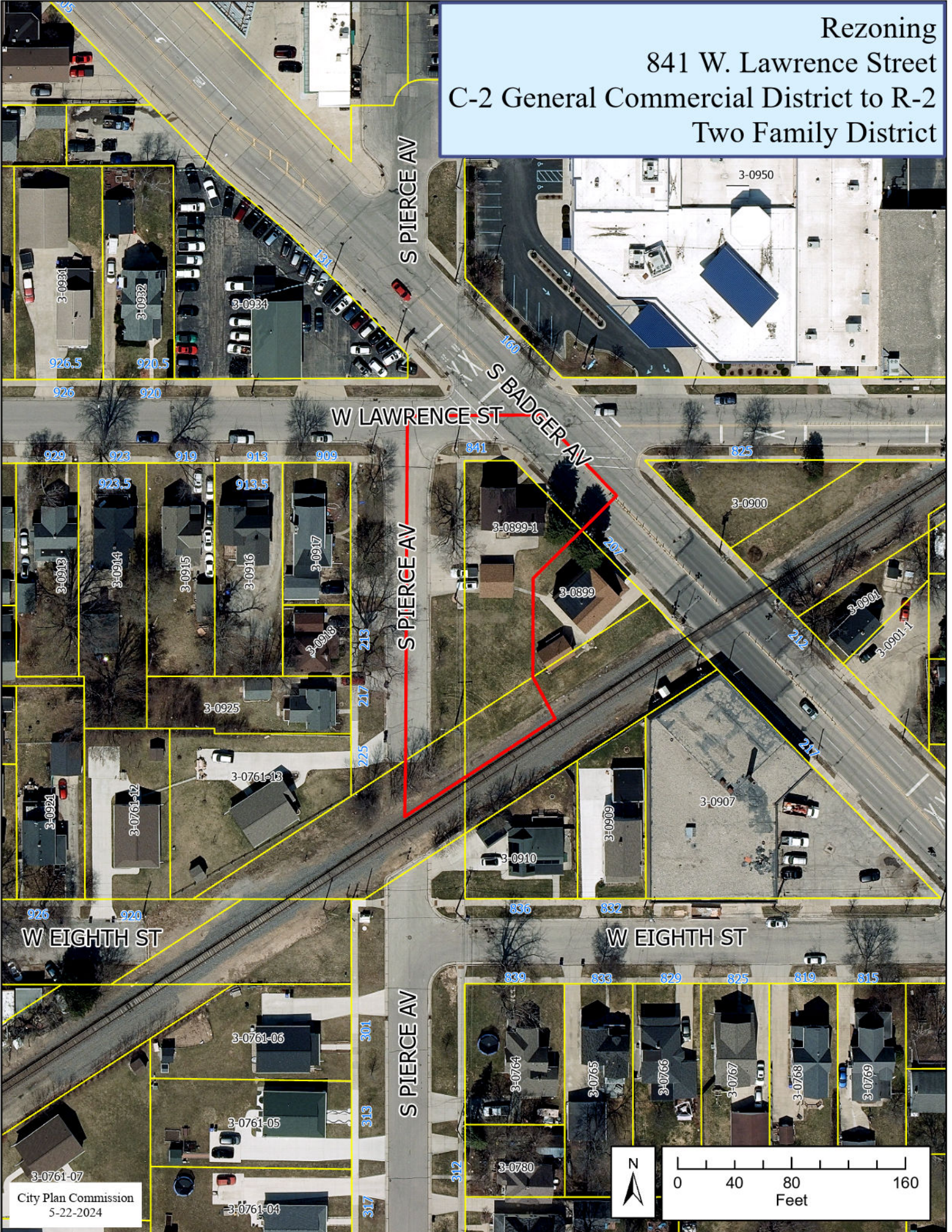
# Rezoning 841 W. Lawrence Street C-2 General Commercial District to R-2 Two Family District



R-1B



Rezoning  
841 W. Lawrence Street  
C-2 General Commercial District to R-2  
Two Family District





Rezoning #4-24

841 W. Lawrence Street

Parcel #31-3-0899-01

LEGAL DESCRIPTION:

GRAND CHUTE PLAT 3WD AS 484D121 OF LOT 1 BLK 47, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN. INCLUDING TO THE CENTERLINE OF THE ADJACENT RAILROAD LINE AND INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF WEST LAWRENCE STREET, SOUTH BADGER AVENUE AND SOUTH PIERCE AVENUE.