



# City of Appleton

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

## Meeting Agenda - Final City Plan Commission

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

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Tuesday, November 12, 2019

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting  
[19-1565](#) City Plan Minutes from 10-8-19

**Attachments:** [City Plan Minutes 10-8-19.pdf](#)

#### 4. Public Hearings/Apearances

- [19-1704](#) The street discontinuance to vacate a portion of East John Street public right-of-way generally located east of South Court (Associated with Action Item #19-1705)

**Attachments:** [InformalPublicHearingNotice\\_EJohnSt\\_StreetVacation.pdf](#)

- [19-1706](#) The street discontinuance to vacate a portion of North McDonald Street public right-of-way generally located north of East Northwood Drive (Associated with Action Item #19-1707)

**Attachments:** [InformalPublicHearingNotice\\_NMcDonaldSt\\_StreetVacation.pdf](#)

#### 5. Action Items

- [19-1705](#) Request to approve the street discontinuance to vacate a portion of East John Street public right-of-way generally located east of South Court and adopt the Initial Resolution and exhibit map

**Attachments:** [StaffReport\\_EJohnSt\\_StreetVacation\\_For11-12-19.pdf](#)

- [19-1707](#) Request to approve the street discontinuance to vacate a portion of North McDonald Street public right-of-way generally located north of East Northwood Drive and adopt the Initial Resolution and exhibit map

**Attachments:** [StaffReport\\_McDonaldStreet\\_StreetVacation\\_For11-12-19.pdf](#)

[19-1566](#)

Request to approve Minor Amendment to Special Use Permit #23-04 to allow alcohol sales and service within an outdoor patio area on the south side of the building at 519 West College Avenue (Tax Id #31-3-1004-00) 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 (No Council action required)

**Attachments:** [StaffReport DejaVu SUPMinorAmendment For11-12-19.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

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

## Meeting Minutes - Final City Plan Commission

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

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Tuesday, October 8, 2019

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

**Meeting called to order at 4:00 p.m.**

2. Roll call of membership

**Present:** 5 - Mayor Hanna, Buetow, Rabec, Alderperson Meltzer and Robins

**Excused:** 1 - Palm

*Others present:*

*Alderperson Brad Firkus, District #3*

*Kelly Koroll, Deja Vu Martini Lounge*

*Teresa Lingg, 513 W. College Avenue*

*Kolby Knuth, 513 W. College Avenue*

3. Approval of minutes from previous meeting

[19-1439](#)

City Plan Minutes from 9-24-19

**Attachments:** [City Plan Minutes 9-24-19.pdf](#)

**Rabec moved, seconded by Alderperson Meltzer, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Rabec, Alderperson Meltzer and Robins

**Excused:** 1 - Palm

4. Public Hearings/Appearances

[19-1440](#)

Special Use Permit #10-19 for an event center with alcohol sales and consumption located at 513 West College Avenue (Tax Id #31-3-1005-00), 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 #19-1441)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_The513\\_SUP.pdf](#)  
[PublicHearingNoticeNeighborhood\\_The513\\_SUP.pdf](#)

**This public hearing was held, and Kelly Koroll spoke on the item.**

[19-1442](#)

Rezoning #9-19 to rezone the area generally located at the northwest corner of West Washington Street and North Richmond Street (Tax Id #31-5-1188-00 and #31-5-1187-00), including all of the adjacent one-half (1/2) right-of-way of N. Richmond Street, W. Washington Street and Fisk Alley, as shown on the attached maps, from C-2 General Commercial District to CBD Central Business District (Associated with Action Item #19-1443)

**Attachments:** [InformalPublicHearingNotice\\_NWcorWashington+Richmond\\_Rezoning.pdf](#)

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

## 5. Action Items

[19-1441](#)

Request to approve Special Use Permit #10-19 for an event center with alcohol sales and consumption located at 513 West College Avenue (Tax Id #31-3-1005-00), 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\\_The\\_513\\_SUP\\_For10-08-19.pdf](#)

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

**Aye:** 5 - Mayor Hanna, Buetow, Rabec, Alderperson Meltzer and Robins

**Excused:** 1 - Palm

[19-1443](#)

Request to approve Rezoning #9-19 to rezone the area generally located at the northwest corner of West Washington Street and North Richmond Street (Tax Id #31-5-1188-00 and #31-5-1187-00), including all of the adjacent one-half (1/2) right-of-way of N. Richmond Street, W. Washington Street and Fisk Alley, as shown on the attached maps, from C-2 General Commercial District to CBD Central Business District

**Attachments:** [StaffReport\\_NW\\_Richmond-Washington\\_Rezoning\\_For10-08-19.pdf](#)

*Proceeds to Council on November 6, 2019.*

**Robins moved, seconded by Alderperson Meltzer, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Rabec, Alderperson Meltzer and Robins

**Excused:** 1 - Palm

## 6. Information Items

[19-1503](#)

Neighborhood Program Fall Meeting on Monday, October 28, 2019 from 6:00 - 7:30 pm at Appleton West High School, 610 N. Badger Avenue

**Attachments:** [NeighborhoodProgramFallMeeting2019\\_Flyer.pdf](#)

**This item was presented.**

## 7. Adjournment

**Buetow moved, seconded by Alderperson Meltzer, that the meeting be adjourned at 4:07 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Rabec, Alderperson Meltzer and Robins

**Excused:** 1 - Palm

**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, November 12, 2019, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering the following proposed Street Vacation (discontinuance of a portion of public street right-of-way).

**LEGAL DESCRIPTION OF AREA TO BE VACATED:**

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by:

All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning;

Thence North 00°02'19" West 60.00 feet to the North line of John Street;

Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street;

Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof;

Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.

See also attached Exhibit "A" for illustration.

**COMMON DESCRIPTION:** A portion of East John Street, east of South Court

**ALDERMANIC DISTRICT:** 4 – Alderperson Joe Martin

**PARTIAL EAST JOHN STREET VACATION REQUEST:**

A Street Vacation request has been initiated by the applicant, City of Appleton. The applicant requests to vacate and discontinue a portion of John Street (east of South Court). The area being vacated is no longer needed for public street purposes. The adjoining property owner(s) will acquire ownership to the afore-described and vacated portion of John Street right-of-way, as shown on the attached maps.

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding this matter should be directed to David Kress, Principal Planner, with the Community and Economic Development Department at 920-832-6428.

CITY PLAN COMMISSION

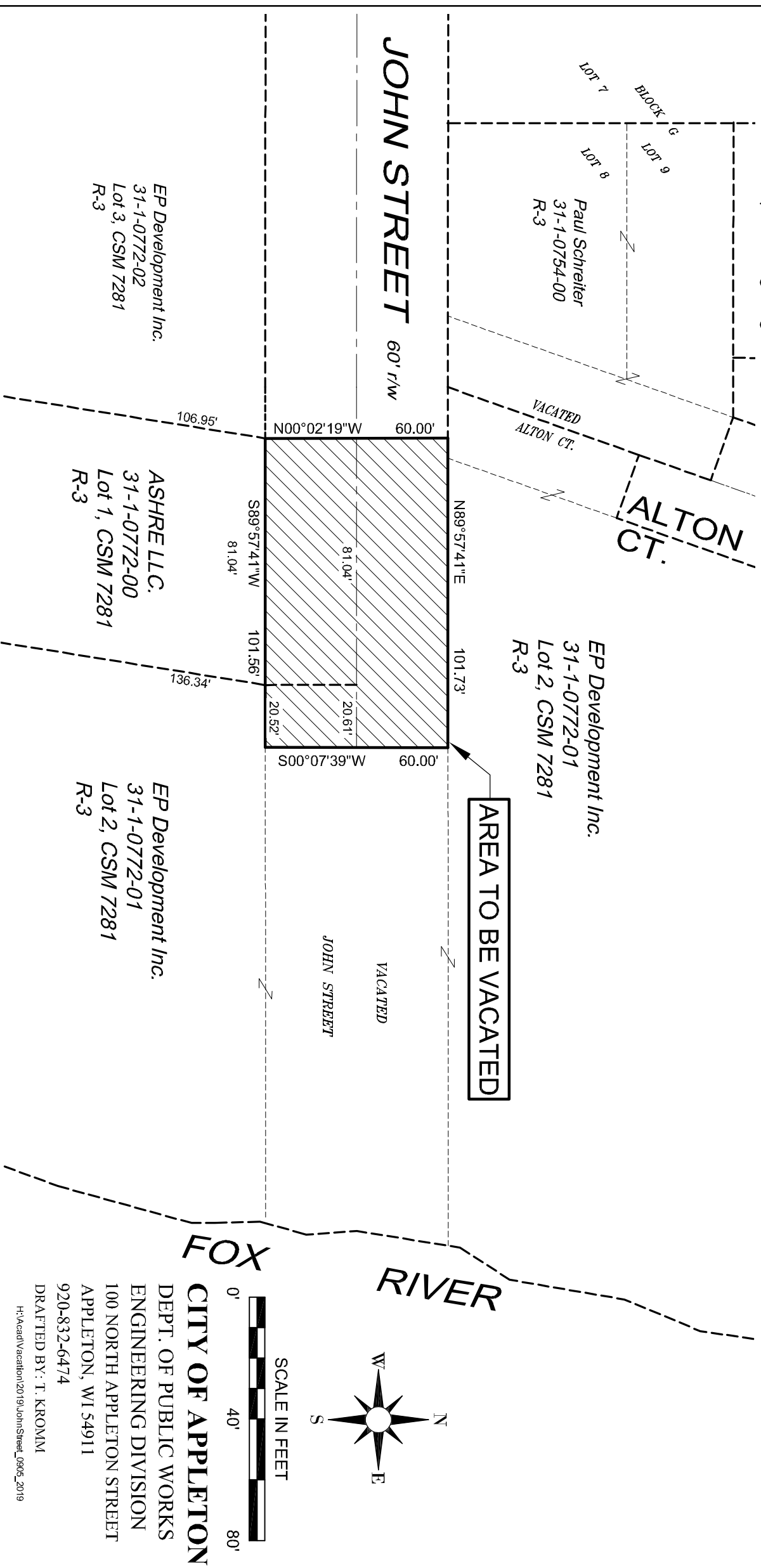
COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL – 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911  
920-832-6468

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

# EXHIBIT "A"

## LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by: All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows: Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning; Thence North 00°02'19" West 60.00 feet to the North line of John Street; Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street; Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof; Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.



**AREA TO BE VACATED**

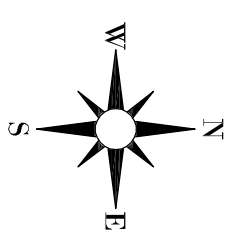
EP Development Inc.  
31-1-0772-01  
Lot 2, CSM 7281  
R-3

Paul Schreier  
31-1-0754-00  
R-3

EP Development Inc.  
31-1-0772-02  
Lot 3, CSM 7281  
R-3

ASHRE LLC.  
31-1-0772-00  
Lot 1, CSM 7281  
R-3

EP Development Inc.  
31-1-0772-01  
Lot 2, CSM 7281  
R-3

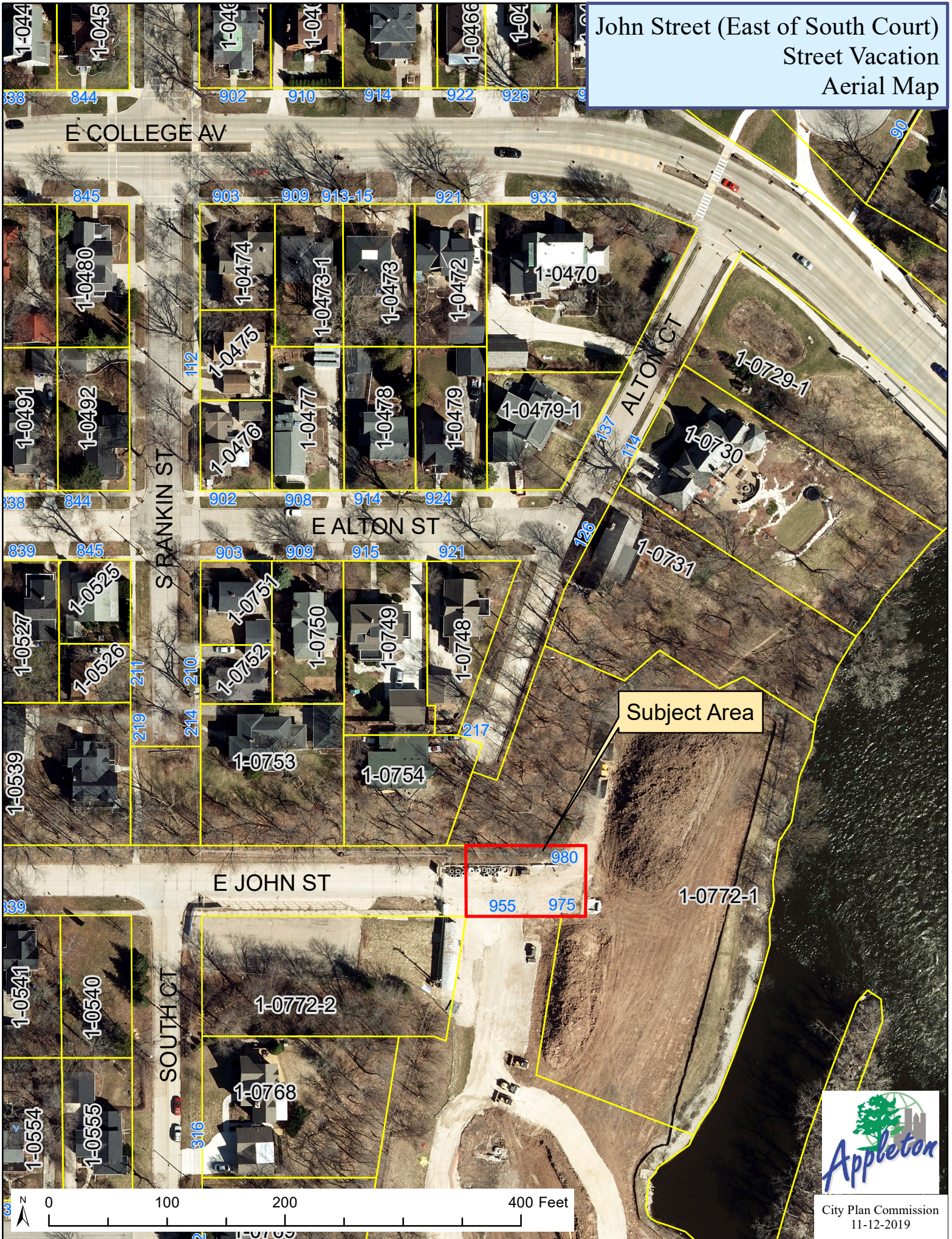


**CITY OF APPLETON**  
DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474  
DRAFTED BY: T. KROMM  
H:\Acad\Vacation\2019\JohnStreet\_0905\_2019





# John Street (East of South Court) Street Vacation Aerial Map



**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, November 12, 2019, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering the following proposed Street Vacation (discontinuance of a portion of public street right-of-way).

**LEGAL DESCRIPTION OF AREA TO BE VACATED:**

All That Part of Lot 4, Block 11, Northwood Park Plat, described in a Quit Claim Deed recorded in Volume 749 Page 399-400 as Document #601333 of the Outagamie County Register of Deeds Office, located in the Northeast Quarter of the Southwest Quarter of Section 13, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

**COMMON DESCRIPTION:** A portion of North McDonald Street, north of East Northwood Drive

**ALDERMANIC DISTRICT:** 6– Alderperson Denise Fenton

**PARTIAL NORTH MCDONALD STREET VACATION REQUEST:**

A Street Vacation request has been initiated by the applicant, City of Appleton. The applicant requests to vacate and discontinue a portion of McDonald Street (north of Northwood Drive). The area being vacated is no longer needed for public street purposes. The adjoining property owner(s) will acquire ownership to the afore-described and vacated portion of McDonald Street right-of-way, as shown on the attached maps.

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, with the Community and Economic Development Department at 920-832-6476.

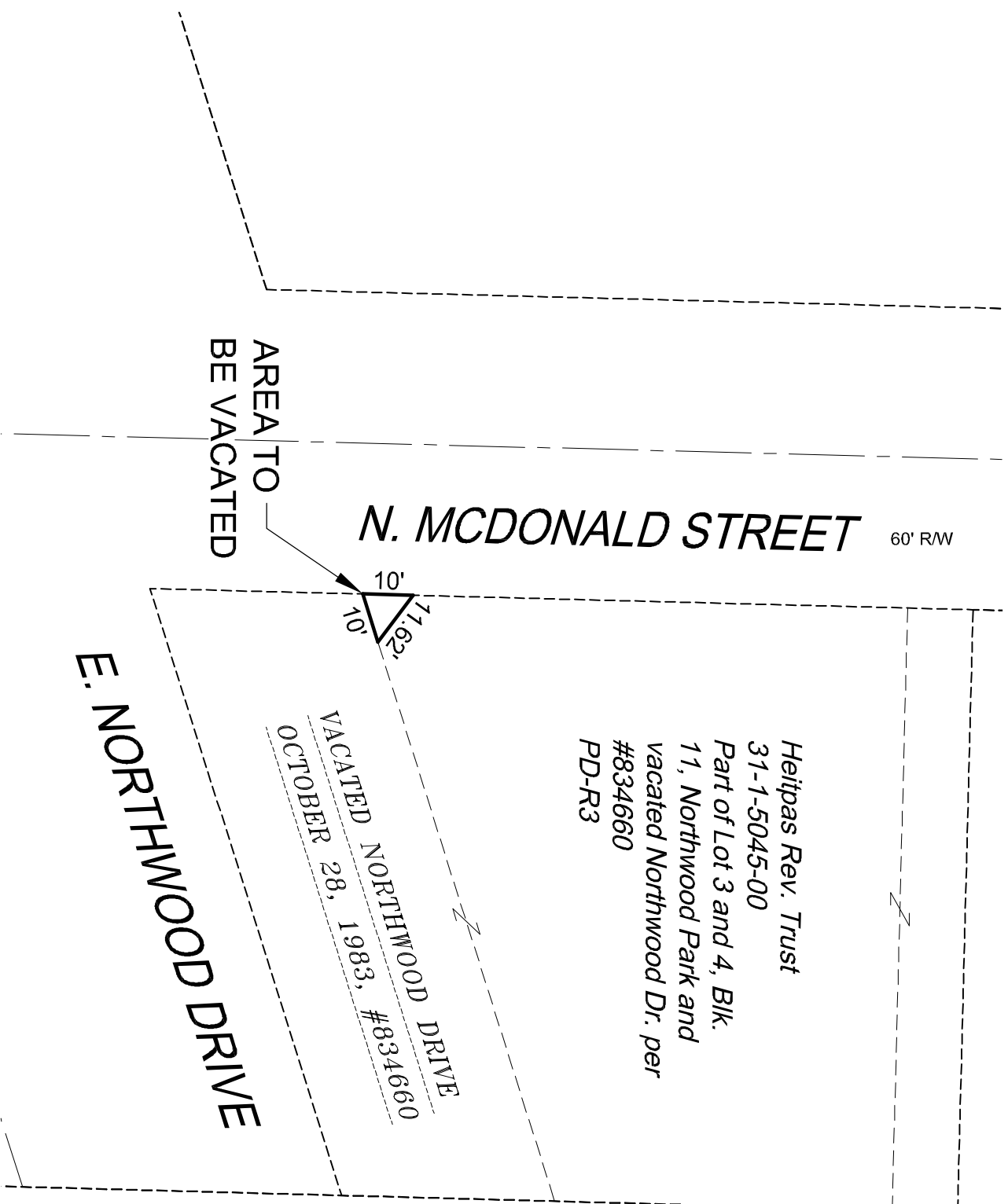
CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL – 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911  
920-832-6468

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

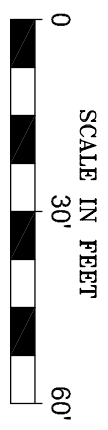
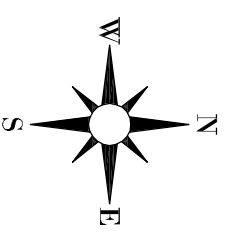
# EXHIBIT "A"

ALL THAT PART OF LOT 4, BLOCK 11, **NORTHWOOD PARK PLAT**, DESCRIBED IN A QUIT CLAIM DEED RECORDED IN VOLUME 749 PAGE 399-400 AS DOCUMENT #601333 OF THE OUTAGAMIE COUNTY REGISTER OF DEEDS OFFICE, LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



*Heitpas Rev. Trust*  
31-1-5045-00  
Part of Lot 3 and 4, Blk.  
11, Northwood Park and  
vacated Northwood Dr. per  
#834660  
PD-R3

*Appleton Memorial Park*  
31-1-6535-01  
Lot 2, CSM 6396  
P-1



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY H:\Acad\Vacation\2019\Northwood\_Dr\_McDonald\_0930\_2019

**E. NORTHWOOD DRIVE**

**AREA TO BE VACATED**

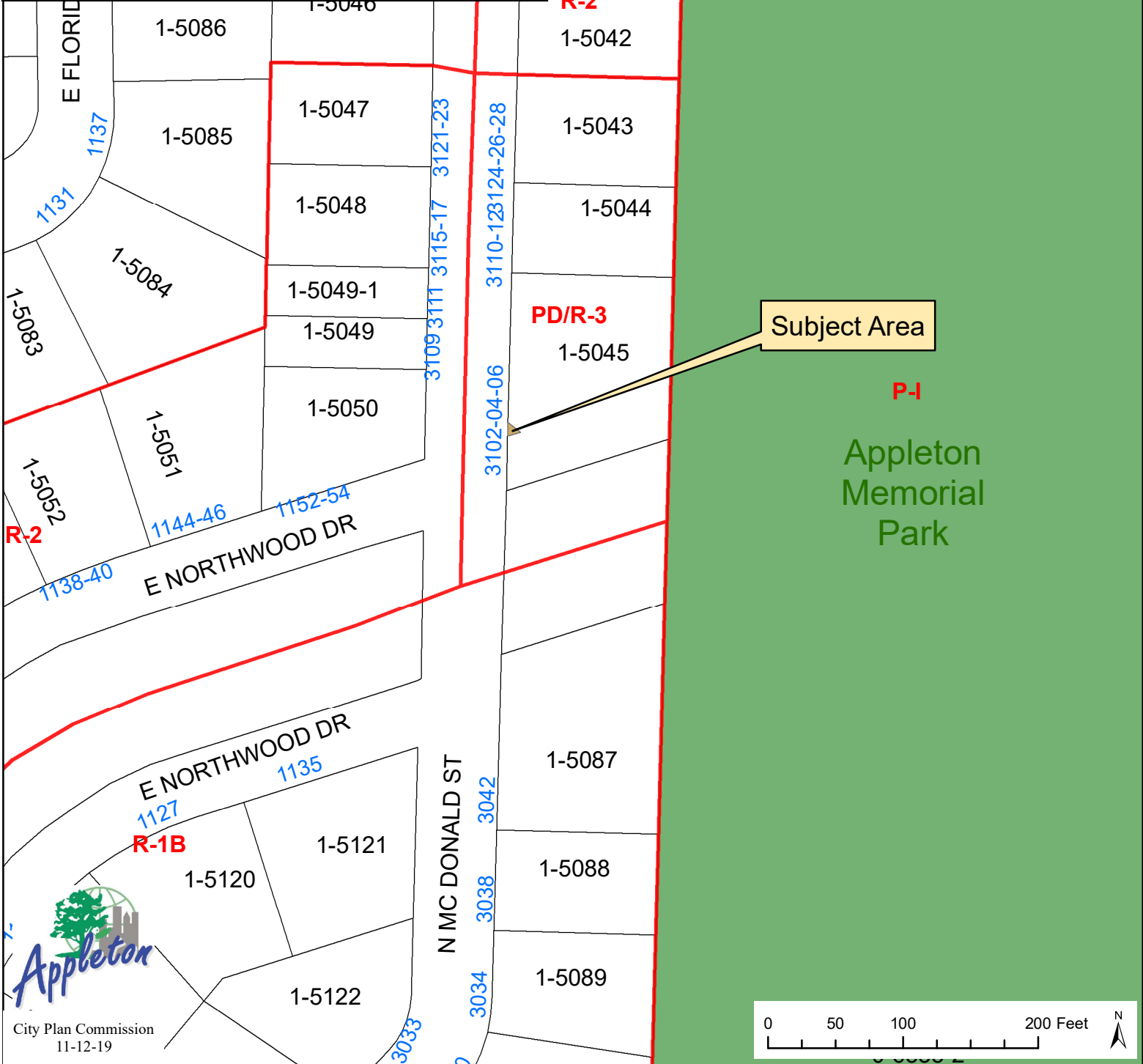
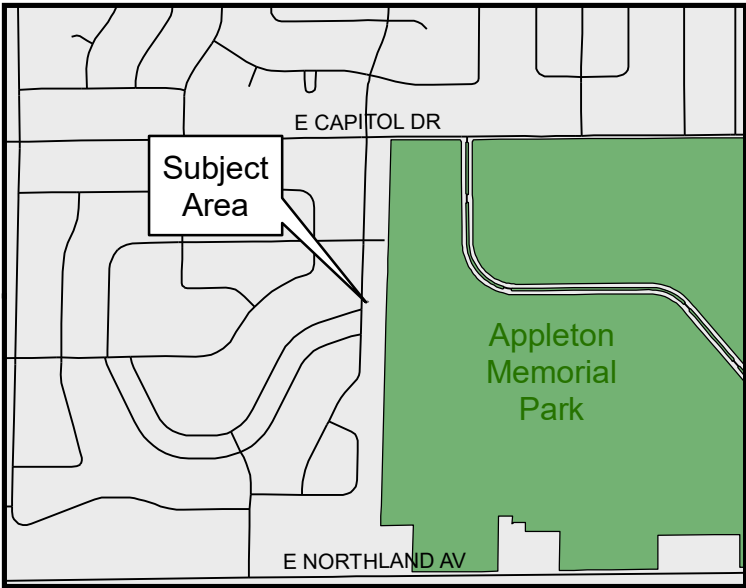
**N. MCDONALD STREET**

60' RW

**CITY OF APPLETON**

DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474  
DRAFTED BY: T. KROMM

# N. McDonald Street Street Vacation Zoning Map



3109 3111

N MC DONALD ST

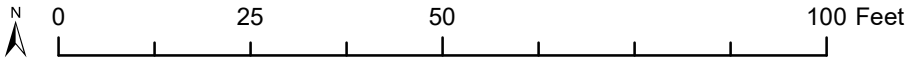
3102-04-06

1-5045



Subject Area

E NORTHWOOD DR





## REPORT TO CITY PLAN COMMISSION

**Municipal Services Committee Meeting Date:** November 11, 2019

**Plan Commission Informal Public Hearing Date:** November 12, 2019

**Common Council Meeting Date – Initial Resolution:** November 20, 2019

**Common Council Meeting Date – Public Hearing (40-day waiting period):** January 8, 2020

**Item:** Street discontinuance to vacate a portion of East John Street

**Case Manager:** David Kress

### GENERAL INFORMATION

**Owner/Applicant:** City of Appleton / Tom Kromm, Department of Public Works

**Location:** Portion of East John Street, generally located east of South Court

**Owner/Applicant's Request:** The applicant is requesting a street discontinuance to vacate a portion of East John Street east of South Court.

### BACKGROUND

On September 21, 2016, Common Council approved a Development Agreement for the surrounding area, known as Eagle Point, which identified City and developer undertakings and provided a framework for redevelopment of the property. An amendment to the Development Agreement was approved by Common Council on November 6, 2019. A residential care apartment complex was built in 2018 on parcel #31-1-0772-00 as the first phase of development. The proposal for the second phase includes a 28-person community living arrangement (CLA) on parcel #31-1-0772-01. Special Use Permit #9-19 was approved by Common Council on October 2, 2019, and the associated Site Plan #21-19 is currently under review for the proposed CLA. If vacated, the subject area would be incorporated in the second phase and utilized as a cul-de-sac.

### STAFF ANALYSIS

**Title to Vacated Street:** When vacated, the land reverts to its original source, which typically includes the parcels located adjacent to the proposed vacation area. In this case, title to the street being vacated will belong to the adjoining property owner to the north. This ownership distribution reflects what has been agreed to in the amended Development Agreement and would allow parcel #31-1-0772-00 to continue to satisfy the minimum lot width requirement for the R-3 Multi-Family District. The adjoining property owner will acquire, in its entirety, the vacated right-of-way totaling approximately 6,099 square feet, as shown on the attached map.

**Existing Public Utilities:** The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way.

**Street Right-of-Way Width:** This portion of East John Street is approximately 60 feet wide.

## Street Vacation – East John Street

November 12, 2019

Page 2

**Street Classification:** The City’s Arterial/Collector Plan Map identifies this portion of East John Street as a local street.

**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 residential in nature.

North: R-3 Multi-Family District. The adjacent land to the north is currently vacant (site of proposed CLA).

South: R-3 Multi-Family District. The adjacent land uses to the south are currently residential, including a residential care apartment complex.

East: R-3 Multi-Family District. The adjacent land to the east is currently vacant (site of proposed CLA).

West: R-3 Multi-Family District and R-1C Central City Residential District. Existing John Street right-of-way is immediately west of the subject area.

**Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future Multi-Family Residential designation. The proposed street vacation is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

*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.*

*Policy 5.3.2 Identify preferred locations and encourage urban infill and redevelopment to meet the needs of retirees and Generation X and Millennial buyers or renters, such as redevelopment sites along the Fox River Corridor, including the industrial flats, that are suited to a variety of living options.*

*OBJECTIVE 13.3 Fox River Corridor Plan:*

*Promote an economically viable mix of existing and redeveloped uses along the riverfront.*

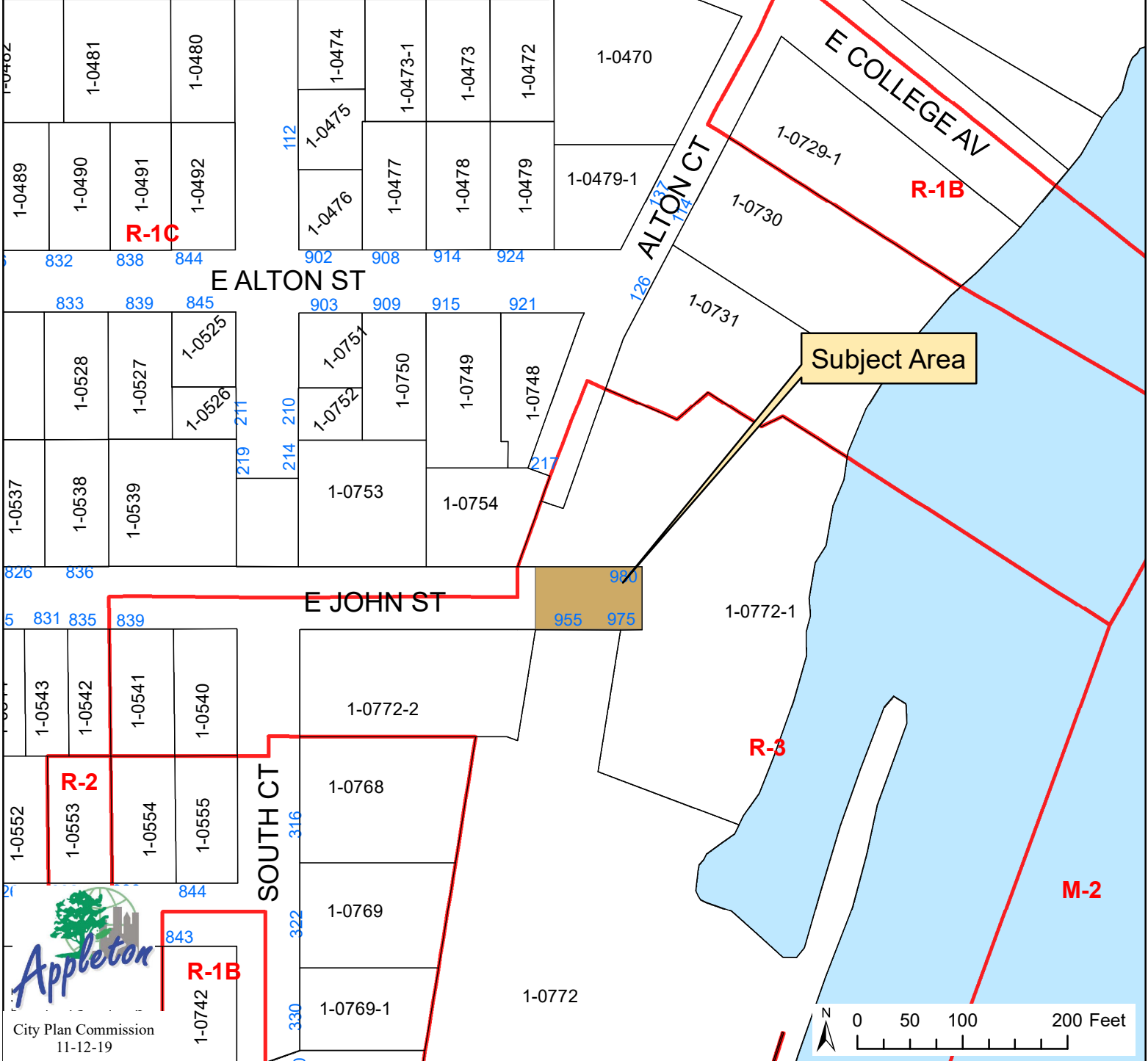
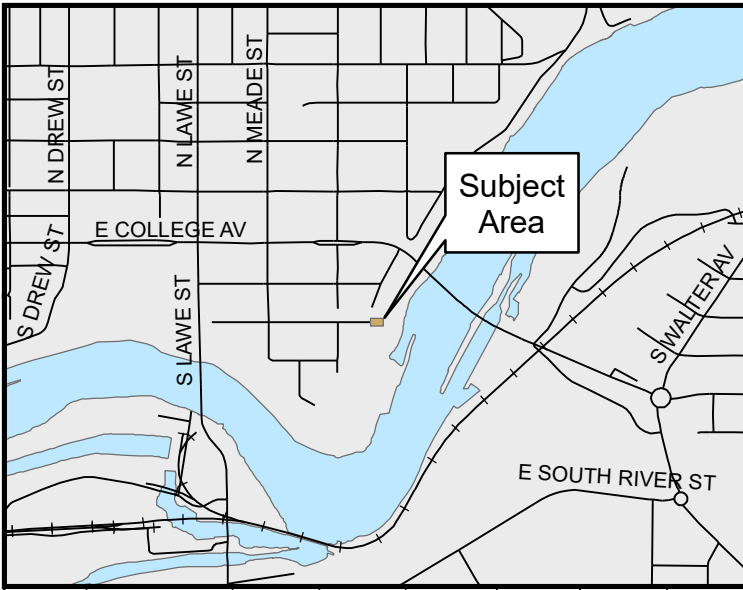
**Technical Review Group (TRG) Report:** This item was discussed at the October 1, 2019 Technical Review Group meeting.

- Department of Public Works Comments: Consider possibility of three-party street vacation agreement to clarify ultimate distribution of vacated land.

## **RECOMMENDATION**

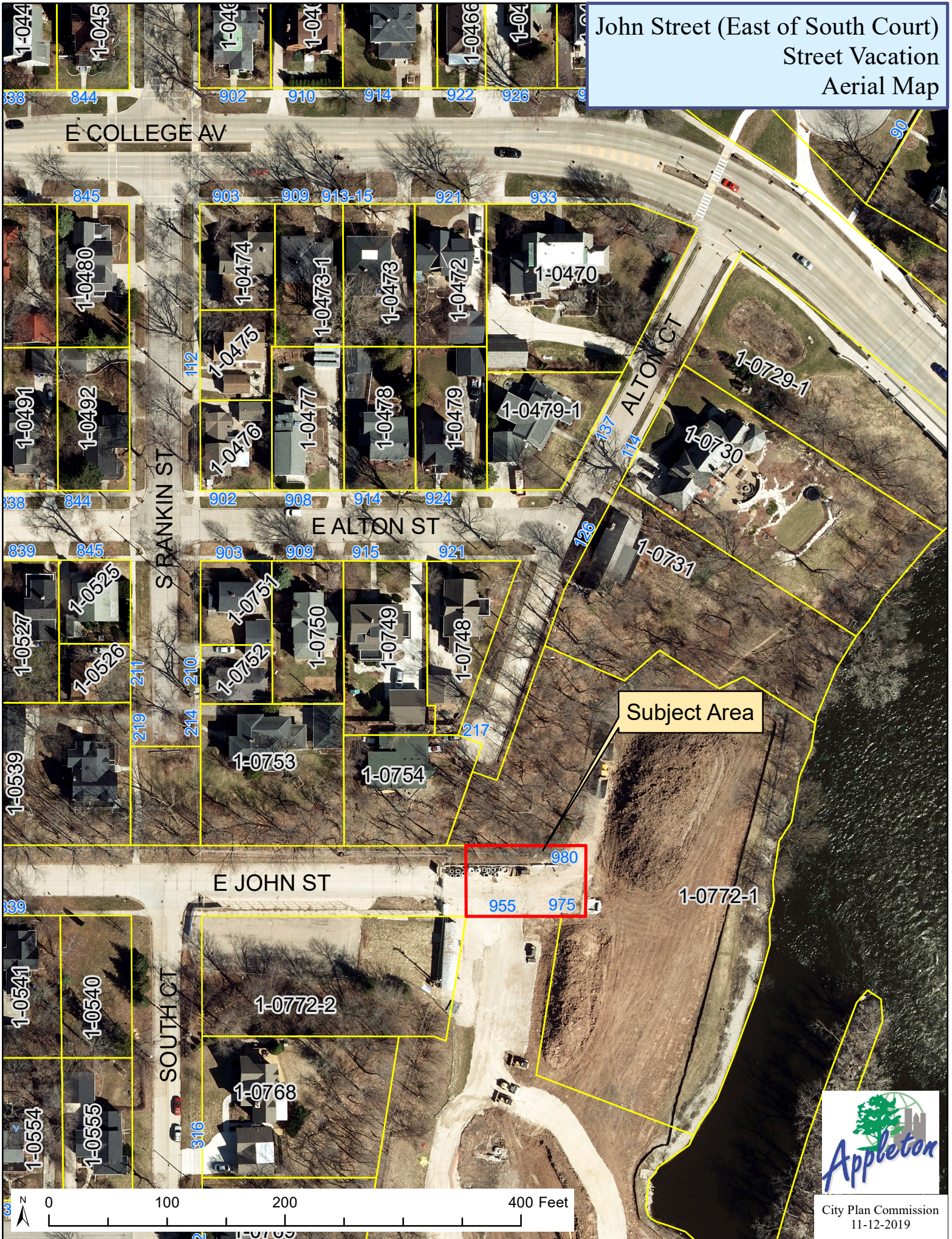
Staff recommends the discontinuance of a portion of East John Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

# John Street (East of South Court) Street Vacation Zoning Map





# John Street (East of South Court) Street Vacation Aerial Map



Subject Area



City Plan Commission  
11-12-2019

## ***INITIAL RESOLUTION***

***WHEREAS***, the public interest requires that a portion of East John Street, east of South Court, that has not previously been vacated, be vacated and discontinued,

***BE IT RESOLVED***, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of East John Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

### **LEGAL DESCRIPTION**

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by:

All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:  
Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning;  
Thence North 00°02'19" West 60.00 feet to the North line of John Street;  
Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street;  
Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof;  
Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.  
See also attached Exhibit "A" for illustration.

### **EASEMENTS**

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber-optic within the entire length and width of the above described right-of-way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading,

replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee shall also have the right to build and maintain a public trail in a mutually agreeable location within the vacated street area.

**OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA**

The adjoining property owner shall acquire ownership to the afore described and vacated portion of John Street, in its entirety and with the entire vacated portion attaching to owners property, as shown on the attached Exhibit "A" Map and more specifically as follows:

The owner of Lot 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin. Said Owner abutting the portion of vacated John Street shall acquire, in its entirety, the vacated right-of-way.

**COMMON DESCRIPTION:**

A portion of East John Street, east of South Court

***FURTHER RESOLVED***, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

***FURTHER RESOLVED***, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of East John Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

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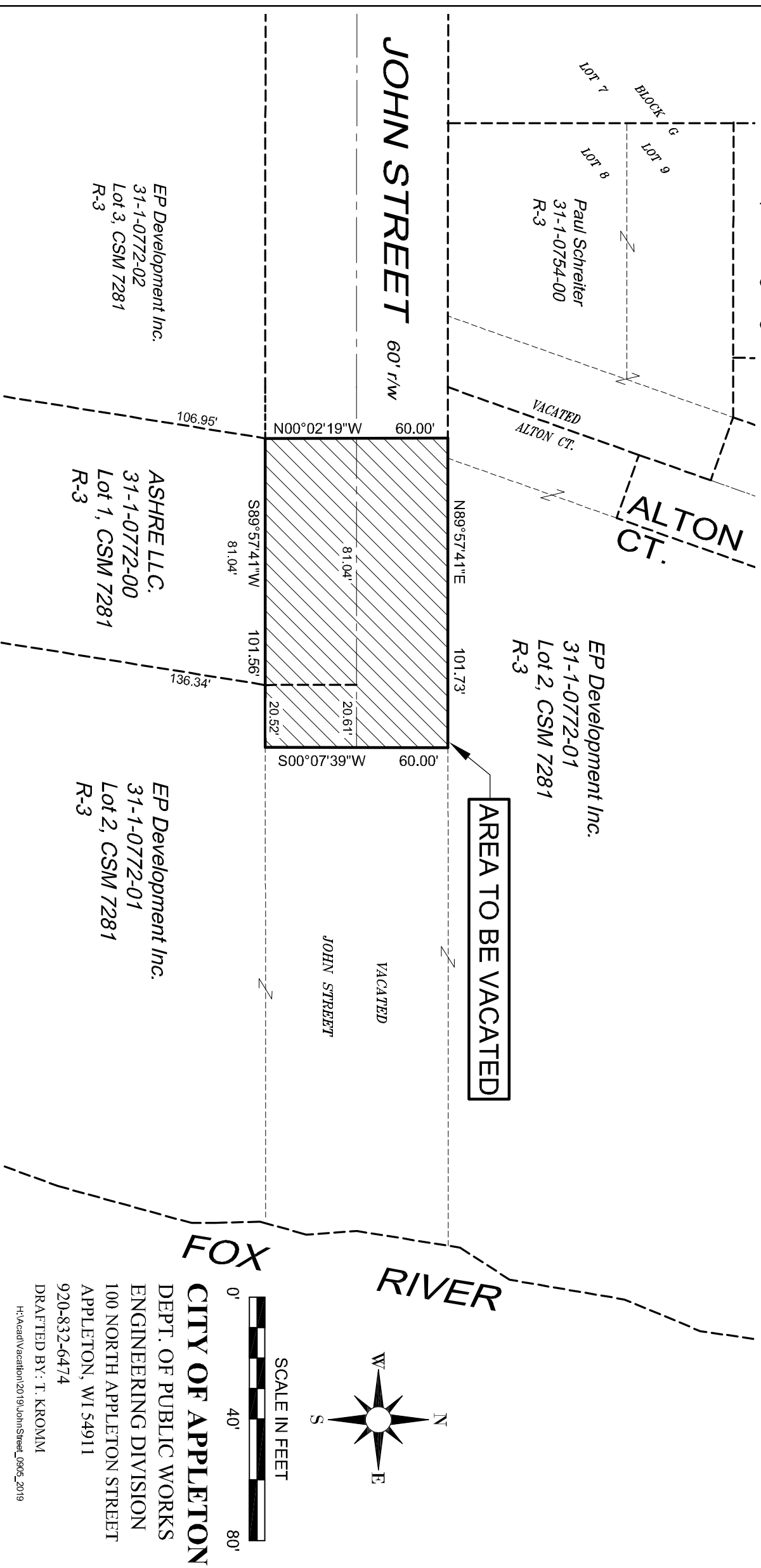
Date

City Law A19-1064  
10/29/2019

# EXHIBIT "A"

## LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by: All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows: Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning; Thence North 00°02'19" West 60.00 feet to the North line of John Street; Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street; Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof; Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.





## REPORT TO CITY PLAN COMMISSION

**Municipal Services Committee Meeting Date:** November 11, 2019

**Plan Commission Informal Public Hearing Date:** November 12, 2019

**Common Council Meeting Date – Initial Resolution:** November 20, 2019

**Common Council Meeting Date – Public Hearing (40-day waiting period):** January 8, 2020 TBD

**Item:** Vacate a portion of North McDonald Street public right-of-way

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

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**Owner/Applicant:** City of Appleton / Tom Kromm, Department of Public Works

**Street Name/Location:** Portion of North McDonald Street, generally located north of East Northwood Drive.

**Owner/Applicant's Request:** The applicant is requesting to vacate a portion of North McDonald Street right-of-way, generally located north of East Northwood Drive.

### BACKGROUND

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This street vacation is being proposed to correct an oversight that occurred when East Northwood Drive was vacated in 1983. The subject area was inadvertently left out of the legal description at the time of the original vacation. An application for a Certified Survey Map has been filed and is currently under review. The CSM will combine the previously vacated Northwood Drive right-of-way and the subject area of the proposed vacation with the existing residential lot. This will eliminate historic lot lines.

### STAFF ANALYSIS

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**Title to Vacated Street:** When vacated, the land must revert to its original source, which in this case includes the parcel located adjacent to the proposed vacation area. Consequently, title to the street being vacated will belong to the adjoining property owner. The adjoining property owner will acquire an ownership interest in the land vacated, totaling approximately 47 square feet, as shown on the attached map.

**Existing Public Utilities:** No public utilities are buried within the vacated area.

**Street Classification:** The City's Arterial/Collector Plan Map identifies this portion of North McDonald Street as a local street.

**Street Vacation – North McDonald Street**

**November 12, 2019**

**Page 2**

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

North: PD/R-3 Planned Development Multi-Family District. The adjacent property to the north is currently multi-family residential.

South: PD/R-3 Planned Development Multi-Family District. The adjacent property to the south is currently multi-family residential.

East: PD/R-3 Planned Development Multi-Family District. The adjacent property to the east is currently multi-family residential.

West: PD/R-3 Planned Development Multi-Family District. The adjacent property to the west is currently McDonald Street right-of-way.

**Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future One & Two Family Residential designation. The current use of the subject area is consistent with the current Future Land Use Map.

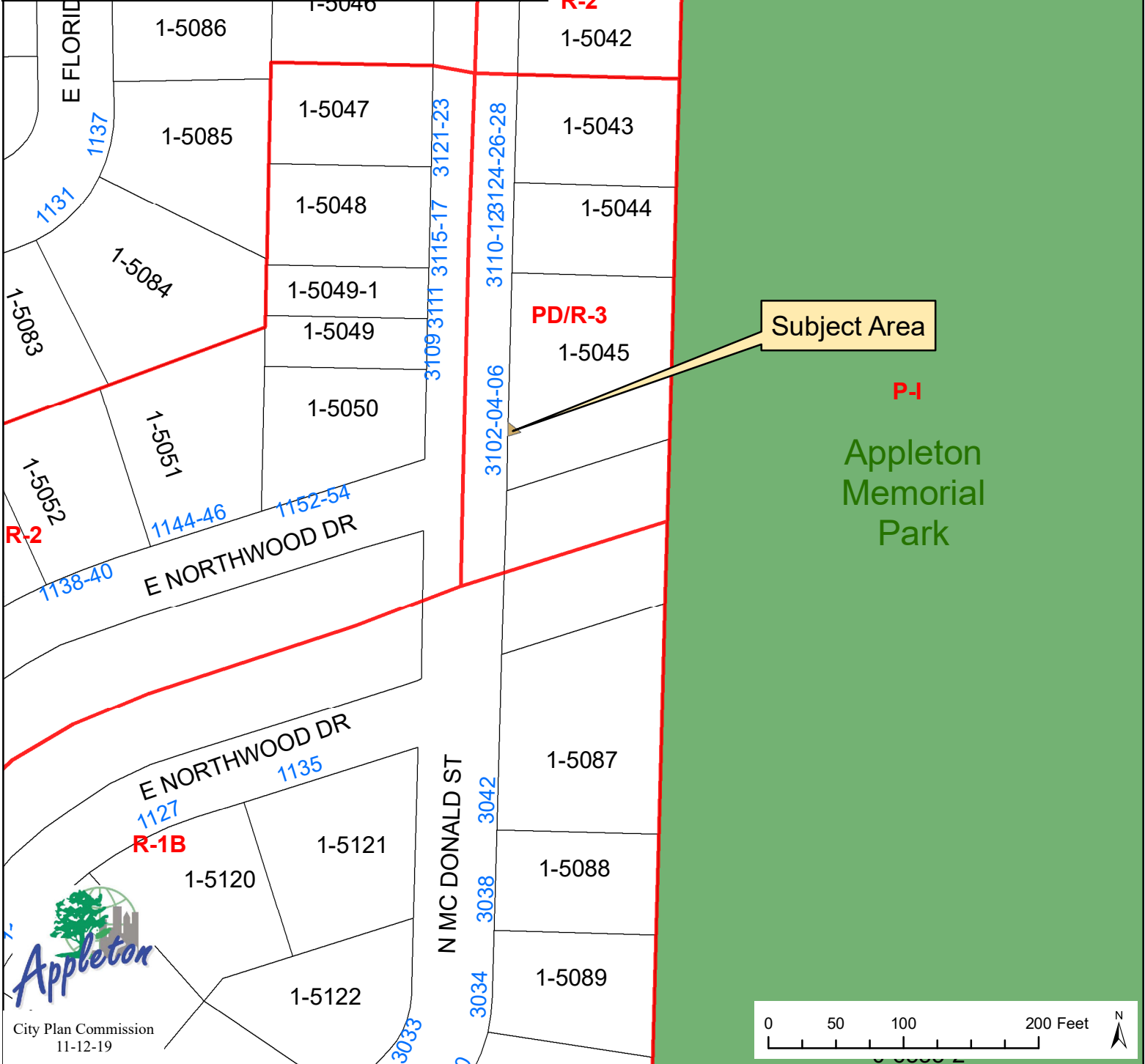
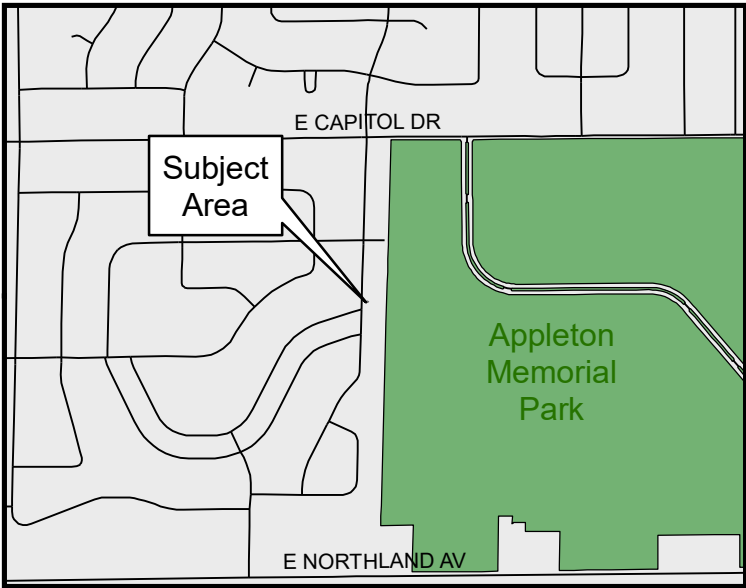
**Technical Review Group (TRG) Report:** This item was discussed at the October 22, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

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Staff recommends the discontinuance of a portion of North McDonald Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

# N. McDonald Street Street Vacation Zoning Map





3109 3111

3102-04-06

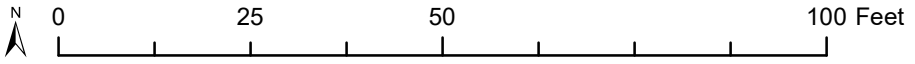
1-5045

N MC DONALD ST

E NORTHWOOD DR



Subject Area



**INITIAL RESOLUTION**

**WHEREAS**, the public interest requires that a portion of North McDonald Street, north of East Northwood Drive, that has not previously been vacated, be vacated and discontinued,

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of North McDonald Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

**LEGAL DESCRIPTION**

All That Part of Lot 4, Block 11, **Northwood Park Plat**, described in a Quit Claim Deed recorded in Volume 749 Page 399-400 as Document #601333 of the Outagamie County Register of Deeds Office, located in the Northeast Quarter of the Southwest Quarter of Section 13, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.  
See also attached Exhibit "A" for illustration.

**COMMON DESCRIPTION:**

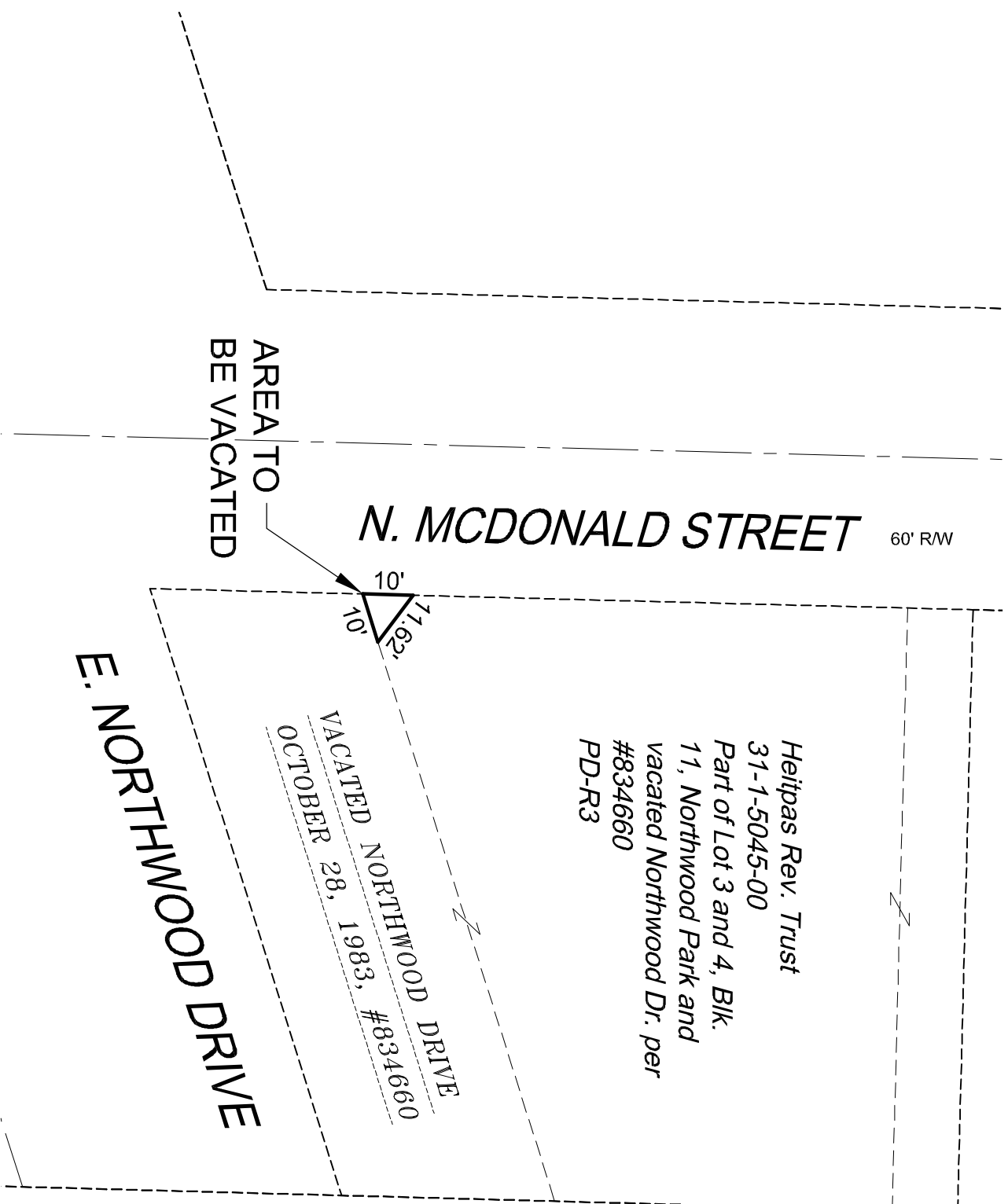
A portion of North McDonald Street, north of East Northwood Drive

**FURTHER RESOLVED**, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

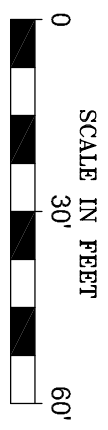
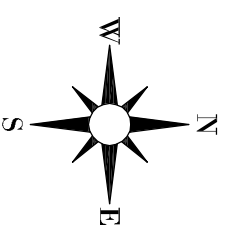
**FURTHER RESOLVED**, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of North McDonald Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

# EXHIBIT "A"

ALL THAT PART OF LOT 4, BLOCK 11, **NORTHWOOD PARK PLAT**, DESCRIBED IN A QUIT CLAIM DEED RECORDED IN VOLUME 749 PAGE 399-400 AS DOCUMENT #601333 OF THE OUTAGAMIE COUNTY REGISTER OF DEEDS OFFICE, LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



*Appleton Memorial Park*  
31-1-6535-01  
Lot 2, CSM 6396  
P-1



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY H:\Acad\Vacation\2019\Northwood\_Dr\_McDonald\_0930\_2019

**CITY OF APPLETON**

DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474  
DRAFTED BY: T. KROMM



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** November 12, 2019

**Common Council Meeting Date:** No formal action required

**Item:** Minor Amendment to Special Use Permit #23-04

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

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**Owner:** Koroll Properties, LLC c/o Kelly Koroll

**Applicant:** Déjà vu Martini Lounge c/o Kelly Koroll

**Address/Parcel #:** 519 W. College Avenue (Tax Id #31-3-1004-00)

**Petitioner's Request:** The applicant is requesting to amend Special Use Permit #23-04 to allow alcohol sales and service within an outdoor patio area on the south side of the building.

### BACKGROUND

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Special Use Permit #7-01 for a cocktail/martini lounge with alcohol sales at 519 W. College Avenue was approved by Common Council on June 6, 2001. The approval was granted with the conditions listed as follows:

1. The applicant shall apply for and receive a liquor license from the City Clerk prior to serving alcohol on the subject site.
  - *Condition satisfied. Liquor license has been issued and is current.*
2. The applicant shall submit state approved plans to the City of Appleton Inspections Division prior to issuance of a building permits.
  - *Condition satisfied.*
3. The applicant shall contact Tim Mirkes at the City of Appleton Health Department to discuss interior remodeling plans for the bar area prior to building permit issuance.
  - *Condition satisfied.*
4. All building code violations must be rectified prior to the issuance of an occupancy permit.
  - *Condition satisfied. Occupancy permit was issued.*

Minor amendment to Special Use Permit #7-01, to increase occupancy from 94 to 180 persons, was approved by the Plan Commission on May 20, 2002.

## Minor Amendment to Special Use Permit #23-04

November 12, 2019

Page 2

Special Use Permit #23-04 to expand an existing tavern with alcohol service was approved by Common Council on December 21, 2005. The approval allowed alcohol service on the second floor and was granted with the conditions listed as follows:

1. The serving and consumption of alcohol is limited to the interior ground floor and that area of the second floor identified by the submitted floor plan. Any future expansion of the building for the sale, serving and/or consumption of alcohol, will require a new Special Use Permit application to be applied for and approved.
  - *Development plan drawings included with Special Use Permit #23-04 identified the ground floor of the tavern to be approximately 4,262 square feet and the alcohol service area on the second floor to be 600 square feet, for a total area of 4,862 square feet. The applicant's request is to allow alcohol service and consumption within an outdoor patio area that is approximately 183 square feet in area. This represents an overall increase of approximately 3.8%.*
  - *On September 4, 2019, Common Council approved a street occupancy permit to allow the applicant to utilize a portion of the public alley for outdoor patio space. Special Use Permits do not regulate activities that occur within the public right-of-way; however, the amended premise description with the applicant's liquor license includes this area of public alley right-of-way to allow for alcohol service and consumption.*
2. The applicant shall apply to the City Clerk to amend the current Liquor License to include the expanded interior area of the building used for the serving and/or consumption of alcohol. Any expansion of tavern use requires approval of a premise description amendment of the existing liquor license from the Safety and Licensing Committee and Common Council.
  - *Déjà vu Martini Lounge has applied for a premise amendment for their current Liquor License. This item is was approved by the Safety and Licensing Committee on October 16, 2019 and will be placed on the November 20, 2019 Common Council agenda.*
3. All City of Appleton and State of Wisconsin Building Codes must be met.
  - *Ongoing condition. This condition continues to apply at this location.*
4. The applicant shall submit State approved plans to the City of Appleton Inspections Division prior to the issuance of any future building permits.
  - *Ongoing condition. Inspections Division will review any future building modifications to determine if State approved plans are needed.*
5. All City of Appleton Fire Code must be met, including the following stipulations of variance approval in regard to waiver of an automatic sprinkler system
  - That a complete NFPA 72 compliant alarm and detection system be installed throughout the facility prior to occupancy.
  - That the rated exit corridor leading to the rear of the building must be completed and maintained, and;
  - That the current occupancy of the building remains the same and not be increased with the

## Minor Amendment to Special Use Permit #23-04

November 12, 2019

Page 3

addition of the “private party room” on the second floor.

- *Condition satisfied. Occupancy has been issued. Fire Department staff are part of the Technical Review Group (TRG) that receives information and comments on items prior to appearing before Plan Commission. No comments were received from the Fire Department on this item.*
6. The applicant shall comply with the City of Appleton Noise Ordinances at all times.
- *Ongoing condition. This condition continues to apply at this location.*
7. That a set of plans, including equipment and finish schedules, be provided to Tim Mirkes of the City of Appleton Health Department.
- *Condition satisfied.*
8. The previously approved Special Use Permits, including stipulations of approvals for this property, are not negated by this approval.
- *Ongoing condition. This condition continues to apply at this location.*

### STAFF ANALYSIS

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**Project Summary:** Déjà vu Martini Lounge currently operates at this location. The applicant proposes to allow alcohol sales and service within an outdoor patio on the south side of the building. The applicant’s request is to allow alcohol service and consumption within an outdoor patio area that is approximately 183 square feet in area, as shown on the attached development plan.

On September 4, 2019, the Common Council approved a street occupancy permit to allow the applicant to utilize a portion of the public alley for outdoor patio space. Aside from Sidewalk Cafés, Special Use Permits do not regulate activities that occur within the public right-of-way; however, the amended premise description with the applicant’s liquor license includes this area of public alley right-of-way to allow for alcohol service and consumption.

**Existing Site Conditions:** The existing two-story building totals approximately 6,458 square feet, including residential unit on the second floor. The Central Business District zoning designation does not require on-site parking; therefore, no parking is provided on-site. Parking is available on the street and in nearby public parking ramps.

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

**Outdoor Seating Area:** The proposed outdoor patio is located south of the building. The portion of the patio that is located on private property is approximately 183 square feet. Approval has also been granted by the Municipal Services Committee to allow the applicant to utilize a portion of the public alley for outdoor patio space. The expanded outdoor area would also be enclosed with fencing. The applicant

**Minor Amendment to Special Use Permit #23-04**

**November 12, 2019**

**Page 4**

proposes to utilize the outdoor patio for alcohol sales and service, as shown on the development plan and described in the plan of operation.

**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 currently used for commercial purposes.

South: CBD Central Business District. The adjacent land use to the south is currently used for commercial purposes.

East: CBD Central Business District. The adjacent land use to the east is currently used for commercial purposes.

West: CBD Central Business District. The adjacent land use to the west is currently used for commercial purposes.

**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.*

**Zoning Ordinance Requirements:** The Central Business District zoning designation does not require on-site parking; therefore, no parking is provided on-site. Parking is available on the street and in nearby public parking ramps.

**Changes to Special Uses:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a tavern with alcohol sales and service requires a Special Use Permit in the CBD District, but Special Use Permits #7-01 and #23-04 were approved previously. This item has been referred to the Plan Commission per Section 23-66(g) of the Municipal Code, which states:

- (1) **Minor change.** Minor changes shall be submitted to and reviewed by the Plan Commission. Minor changes include:

**Minor Amendment to Special Use Permit #23-04**

**November 12, 2019**

**Page 5**

- a. Expansions of special uses of less than 10%.

*The outdoor patio, proposed at an additional 183 square feet, constitutes an expansion of less than 10%.*

- b. Other changes which keep with the general intent and character of the Special Use Permit previously issued.

*This minor amendment request is consistent with the general intent and character of Special Use Permits #7-01 and #23-04, as the subject area will continue to be used as a tavern with alcohol sales and service.*

Note: Minor amendments to an existing Special Use Permit do not require Common Council action.

**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 October 22, 2019 Technical Review Group meeting.

- **Department of Public Works Comments:** Adhere to stipulations associated with Street Occupancy Permit. Applicant shall verify ownership of the dumpsters and coordinate the installation of the proposed fencing around the dumpsters with the adjacent owners/operators.

**RECOMMENDATION**

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Staff recommends, based on the above, that Minor Amendment to Special Use Permit #23-04 for an outdoor patio with alcohol sales and service at 519 W. College Avenue (Tax Id #31-3-1004-00), as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following conditions:

1. The serving and consumption of alcohol is limited to the interior ground floor, the area of the second floor identified by the submitted floor plan and the proposed outdoor patio area, as identified on the attached development plan drawings. 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.
2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
3. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
4. The applicant shall receive approval of a Liquor License premise amendment from the City Clerk prior to serving or consuming alcohol in the outdoor seating area.



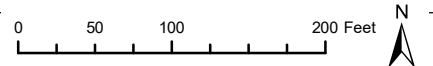
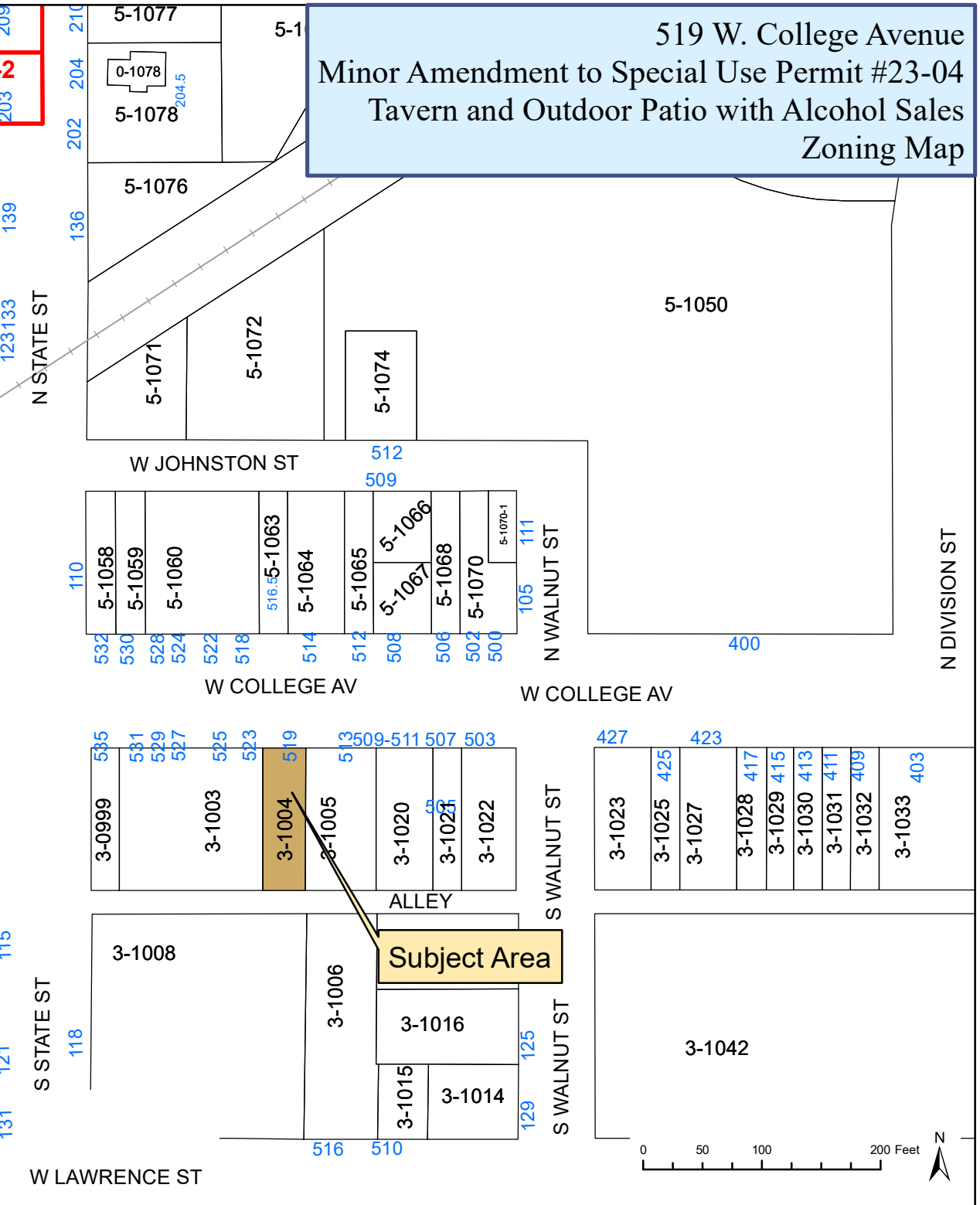
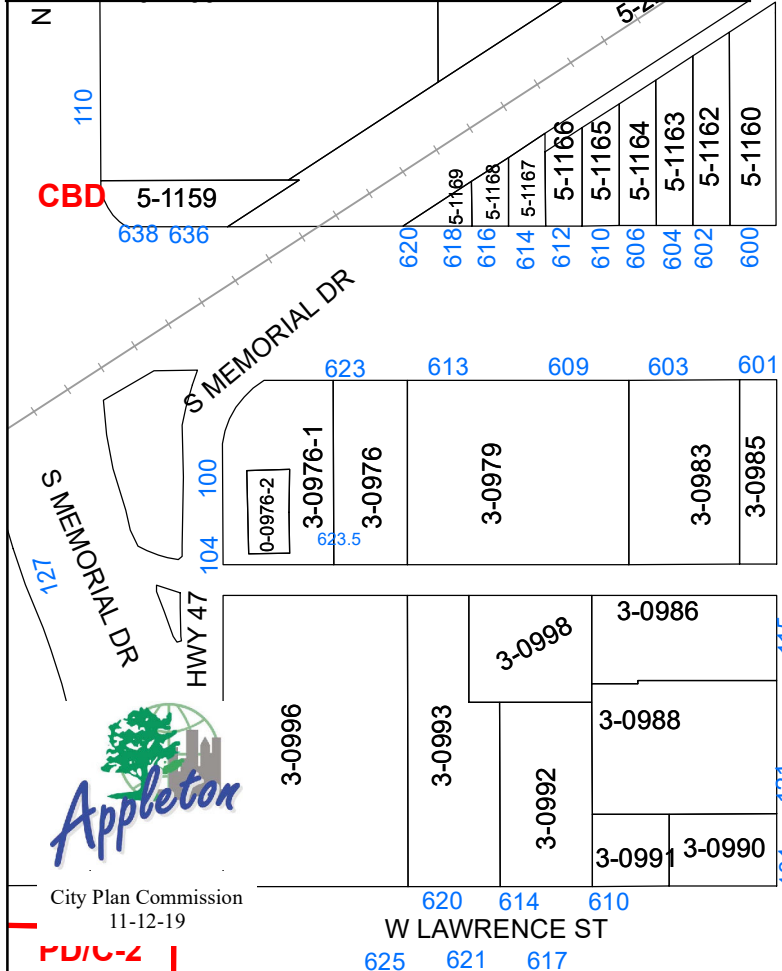
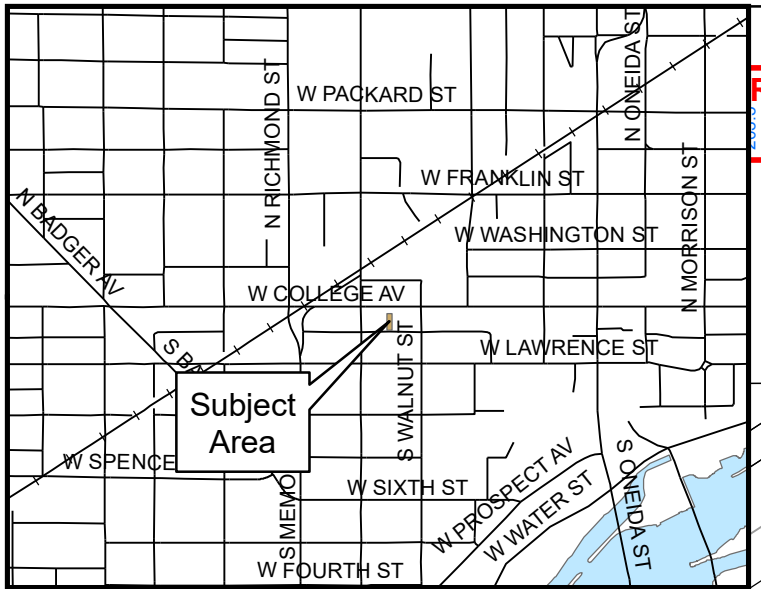
**Minor Amendment to Special Use Permit #23-04**

**November 12, 2019**

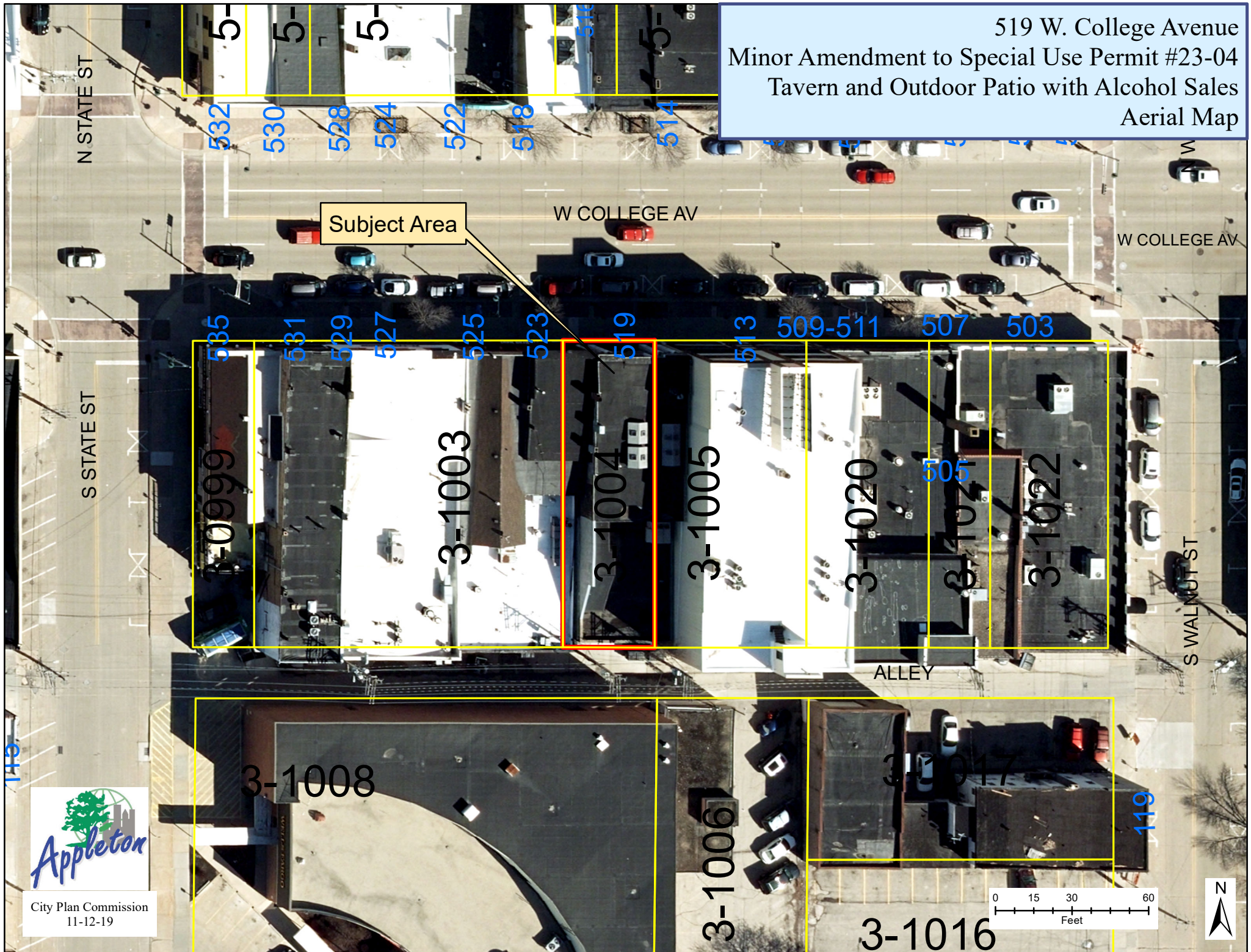
**Page 6**

5. Building permits are required from the Inspections Division for the fence surrounding the outdoor patio.
6. 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.
7. Special Use Permit #23-04, as now amended, will replace Special Use Permit #7-01 to cover the interior ground floor, the area of the second floor identified by the submitted floor plan and the proposed outdoor patio area.

519 W. College Avenue  
 Minor Amendment to Special Use Permit #23-04  
 Tavern and Outdoor Patio with Alcohol Sales  
 Zoning Map



519 W. College Avenue  
Minor Amendment to Special Use Permit #23-04  
Tavern and Outdoor Patio with Alcohol Sales  
Aerial Map



Subject Area

3-0999

3-1003

3-1004

3-1005

3-1020

3-1022

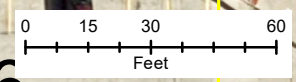
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City Plan Commission  
11-12-19



## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Deja vu Martini lounge

Years in operation: 18 years

Type of proposed establishment (detailed explanation of business):

Bar / Taverna / Restaurant

### Proposed Hours of Operation:

Day	From	To
Week Day	5:00pm	2:00 am
Friday	5:00pm	2:30 am
Saturday	3:00pm	2:30 am
Sunday	3:00pm	2:00 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: 198 persons

Gross floor area of the existing building(s):

\_\_\_\_\_

Gross floor area of the proposed building(s):

(outdoor) approx. 100 square feet

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

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_

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

Describe the noise levels anticipated from all mechanical equipment:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

How will the noise be controlled?

N/A  
\_\_\_\_\_  
\_\_\_\_\_

**Outdoor Lighting:**

Type: String lighting

Location: Back Area

**Off-Street Parking:**

Number of spaces existing: 0

Number of spaces proposed: 0

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?

No.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Outdoor Uses:**

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Type, location, size of outdoor display area(s) of merchandise for sale:

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Employees:**

Number of existing employees: 14

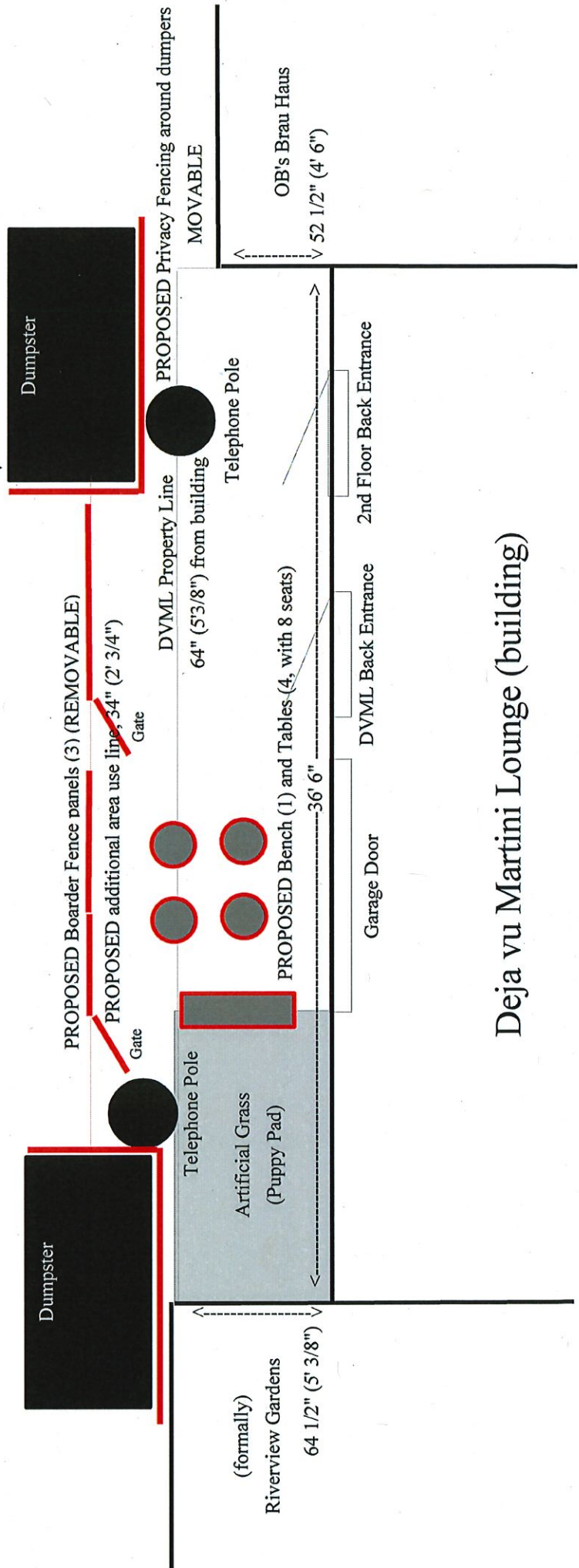
Number of proposed employees: 0

Number of employees scheduled to work on the largest shift: N/A

Wells Fargo Bank (building)

Alley Sidewalk

197" (16' 3/8")  
Clearance between dumpster and sidewalk



Deja vu Martini Lounge (building)