



City of Appleton

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

Meeting Agenda - Final-revised City Plan Commission

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

Tuesday, January 7, 2020

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[19-1934](#) City Plan Minutes from 12-10-19

Attachments: [City Plan Minutes 12-10-19.pdf](#)

4. Public Hearings/Apearances

- [19-1935](#) Special Use Permit #12-19 for a car wash located at 4029 East Calumet Street (Tax Id #31-9-5812-00), 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 #19-1936)

Attachments: [ClassIIPublicHearingNoticeNewspaper_CarWash_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_CarWash_SUP.pdf](#)

- [19-1937](#) Special Use Permit #13-19 for a restaurant with alcohol sales and consumption located at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00), 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 #19-1938)

Attachments: [ClassIIPublicHearingNoticeNewspaper_JerkJoint_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_JerkJoint_SUP.pdf](#)

[19-1939](#) Planned Development (PD) Rezoning #11-19 to rezone the subject parcels generally located east of North Richmond Street and south of West Evergreen Drive (Tax Id #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05) from Temporary AG Agricultural District and C-2 General Commercial District to PD/C-2 Planned Development General Commercial District #11-19, including the adjacent one-half (1/2) right-of-way of North Richmond Street (aka S.T.H. 47), West Evergreen Drive, North Alvin Street, and Interstate 41, as shown on the attached maps and subject to the conditions in the attached staff report, along with the attached Implementation Plan Document and Development Plan (Associated with Action Item #19-1940)

Attachments: [InformalPublicHearingNotice_EvergreenHeights_Rezoning.pdf](#)

[19-1941](#) Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-19 for the subject parcels generally located on North Erb Street, north of West Michigan Street (Tax Id #31-6-2860-00 and #31-6-2861-00) from future One and Two-Family Residential land use designation to Commercial land use designation as shown on the attached map and approve the attached Resolution (Associated with Action Item #19-1942)

Attachments: [ClassIIPublicHearingNoticeNewspaper_Aldi_CompPlanAmend.pdf](#)
[InformalPublicHearingNotice_Aldi_CompPlan+Rezoning.pdf](#)

[19-1943](#) Rezoning #12-19 to rezone the subject parcels generally located on North Erb Street, north of West Michigan Street (Tax Id #31-6-2860-00 and #31-6-2861-00), as shown on the attached maps, from R-1B Single-Family District to C-2 General Commercial District (Associated with Action Item #19-1944)

Attachments: [InformalPublicHearingNotice_Aldi_CompPlan+Rezoning.pdf](#)

5. Action Items

[19-1936](#) Request to approve Special Use Permit #12-19 for a car wash located at 4029 East Calumet Street (Tax Id #31-9-5812-00), 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_4029ECalumetSt_SUP_For1-7-20.pdf](#)
[LtrOpposingSUPRequestDercks_4029ECalumet_1-3-20.pdf](#)

[19-1938](#)

Request to approve Special Use Permit #13-19 for a restaurant with alcohol sales and consumption located at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00), 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 1619WCollege SUP For1-7-20.pdf](#)

[19-1940](#)

Request to approve Planned Development (PD) Rezoning #11-19 to rezone the subject parcels generally located east of North Richmond Street and south of West Evergreen Drive (Tax Id #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05) from Temporary AG Agricultural District and C-2 General Commercial District to PD/C-2 Planned Development General Commercial District #11-19, including the adjacent one-half (1/2) right-of-way of North Richmond Street (aka S.T.H. 47), West Evergreen Drive, North Alvin Street, and Interstate 41, as shown on the attached maps and subject to the conditions in the attached staff report, along with the attached Implementation Plan Document and Development Plan

Attachments: [StaffReport EvergreenHeights Rezoning For01-07-20.pdf](#)

[19-1942](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-19 for the subject parcels generally located on North Erb Street, north of West Michigan Street (Tax Id #31-6-2860-00 and #31-6-2861-00) from future One and Two-Family Residential land use designation to Commercial land use designation as shown on the attached map and approve the attached Resolution (Associated with Action Item #'s 19-1944 & 19-1945)

Attachments: [StaffReport Aldi CompPlan+Rezoning For1-7-20.pdf](#)

[19-1944](#)

Request to approve Rezoning #12-19 to rezone the subject parcels generally located on North Erb Street, north of West Michigan Street (Tax Id #31-6-2860-00 and #31-6-2861-00), as shown on the attached maps, from R-1B Single-Family District to C-2 General Commercial District (Associated with Action Item #'s 19-1942 & 19-1945)

Attachments: [StaffReport Aldi CompPlan+Rezoning For1-7-20.pdf](#)

[19-1945](#)

Request to approve Certified Survey Map #22-19, which crosses a plat boundary, to split the parcel located at 611 West Northland Avenue (Tax Id #31-6-7704-00) into two lots and combine existing parcels located on North Richmond Street (Tax Id #'s 31-6-7691-00 and 31-6-7692-00) and North Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-00) with the newly created parcel, subject to the conditions in the attached staff report and as shown on the attached maps (Associated with Action Item #'s 19-1942 & 19-1944)

Attachments: [StaffReport Aldi CrossingPlatBoundary For1-7-20.pdf](#)

6. Information Items**7. Adjournment**

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

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



City of Appleton

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.*

Tuesday, December 10, 2019

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:04 p.m.

2. Roll call of membership

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

Excused: 1 - Rabec

Others present:

Alderperson Brad Firkus, District #3

Alderperson Maiyoua Thao, District #7

Alderperson Alex Schultz, District #9

Jim Prosser, ThedaCare, Inc.

Tom Arquilla, ThedaCare, Inc.

Michelle Tanem, ThedaCare, Inc.

Mike Kohlbeck, McMahan Associates, Inc.

Joe Hoechst, McMahan Associates, Inc.

Ed Anderson, EUA

Maria Schmidt, Fox Valley Lutheran High School

Anika Homan, Fox Valley Lutheran High School

3. Approval of minutes from previous meeting

[19-1815](#)

City Plan Minutes from 11-26-19

Attachments: [City Plan Minutes 11-26-19.pdf](#)

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

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

Excused: 1 - Rabec

4. Public Hearings/Appearances

[19-1818](#)

Special Use Permit #11-19 for a medical office building that exceeds 60 feet in height, not to exceed 95 feet in height, located at 2500 East Capitol Drive (Tax Id #31-1-6601-01 and #31-1-6601-02), as shown on the attached maps, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #19-1819)

Attachments: [ClassIIPublicHearingNoticeNewspaper_ThedaCare_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_ThedaCare_SUP.pdf](#)

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

[19-1816](#)

Rezoning #10-19 to rezone the area generally located at officially mapped Sommers Drive north and south of officially mapped Spartan Drive (part of Tax Id #31-6-6001-04 and part of #31-6-6001-06), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from AG Agricultural District to P-I Public Institutional District (Associated with Action Item #19-1817)

Attachments: [InformalPublicHearingNotice_SommersandSpartanStormwater_Rezoning.pdf](#)

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

5. Action Items

[19-1819](#)

Request to approve Special Use Permit #11-19 for a medical office building that exceeds 60 feet in height, not to exceed 95 feet in height, located at 2500 East Capitol Drive (Tax Id #31-1-6601-01 and #31-1-6601-02), as shown on the attached maps, 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_ThedaCare_SUP_For12-10-19.pdf](#)

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

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

Excused: 1 - Rabec

[19-1817](#)

Request to approve Rezoning #10-19 to rezone the area generally located at officially mapped Sommers Drive north and south of officially mapped Spartan Drive (part of Tax Id #31-6-6001-04 and part of #31-6-6001-06), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from AG Agricultural District to P-I Public Institutional District

Attachments: [StaffReport_SommersandSpartanStormwater_Rezoning_For12-10-19.pdf](#)

Proceeds to Council on January 22, 2020.

Buetow 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, Palm, Alderperson Meltzer and Robins

Excused: 1 - Rabec

[19-1820](#)

Request to approve the dedication of land for public right-of-way for the northerly extension of Sommers Drive generally located north of Spartan Drive as shown on the attached maps and certified survey map

Attachments: [StaffReport_SommersNorthofSpartan_StreetDedication_For12-10-19.pdf](#)

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

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

Excused: 1 - Rabec

[19-1821](#)

Request to approve the dedication of land for public right-of-way for the southerly extension of Sommers Drive generally located south of Spartan Drive as shown on the attached maps and certified survey map

Attachments: [StaffReport_SommersSouthOfSpartan_StreetDedication_For12-10-19.pdf](#)

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

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

Excused: 1 - Rabec

[19-1822](#)

Request to approve the dedication of land for public right-of-way for the westerly extension of Clearfield Lane and Wentworth Lane and the southerly extension of Haymeadow Avenue, as shown on the attached maps and certified survey map

Attachments: [StaffReport_ClearfieldWentworthHaymeadow_StreetDedication_For12-10-19.pdf](#)

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

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

Excused: 1 - Rabec

[19-1823](#)

Request to approve the Evergreen Heights Annexation consisting of approximately 4.914 acres generally located east of N. Richmond Street and south of W. Evergreen Drive, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_EvergreenHeights_Annexation_For12-10-19.pdf](#)

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

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

Excused: 1 - Rabec

6. Information Items

7. Adjournment

Palm moved, seconded by Alderperson Meltzer, that the meeting be adjourned at 4:16 p.m. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Rabec

CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Tuesday, January 7, 2020, at 4:00 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Jeremie Lamine, Deep Blue Car Wash, LLC, applicant, and Rory Burton, Xceed Investments, LLC, owner, for property located at 4029 East Calumet Street (Tax Id #31-9-5812-00) to obtain a Special Use Permit for a car wash. In the C-2 General Commercial District, a Special Use Permit is required for a car wash.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Any questions regarding this matter should be directed to Jessica Titel in the Community and Economic Development Department at (920) 832-6476.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

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

RUN: December 24, 2019
December 31, 2019

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Tuesday, January 7, 2020, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Jeremie Lamine, Deep Blue Car Wash, LLC, applicant, and Rory Burton, Xceed Investments, LLC, owner, for property located at 4029 East Calumet Street (Tax Id #31-9-5812-00) to obtain a Special Use Permit for a car wash. In the C-2 General Commercial District, a Special Use Permit is required for a car wash.

- ALDERMANIC DISTRICT: 5 – Alderperson Katie Van Zeeland

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.

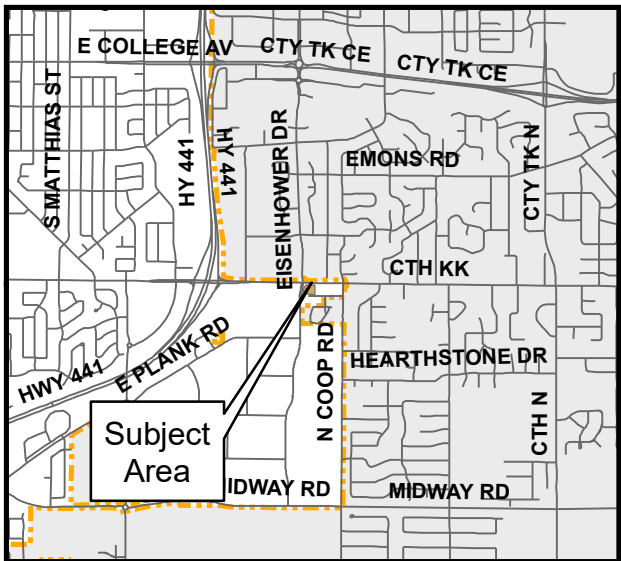
Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476.

CITY PLAN COMMISSION

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

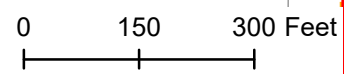
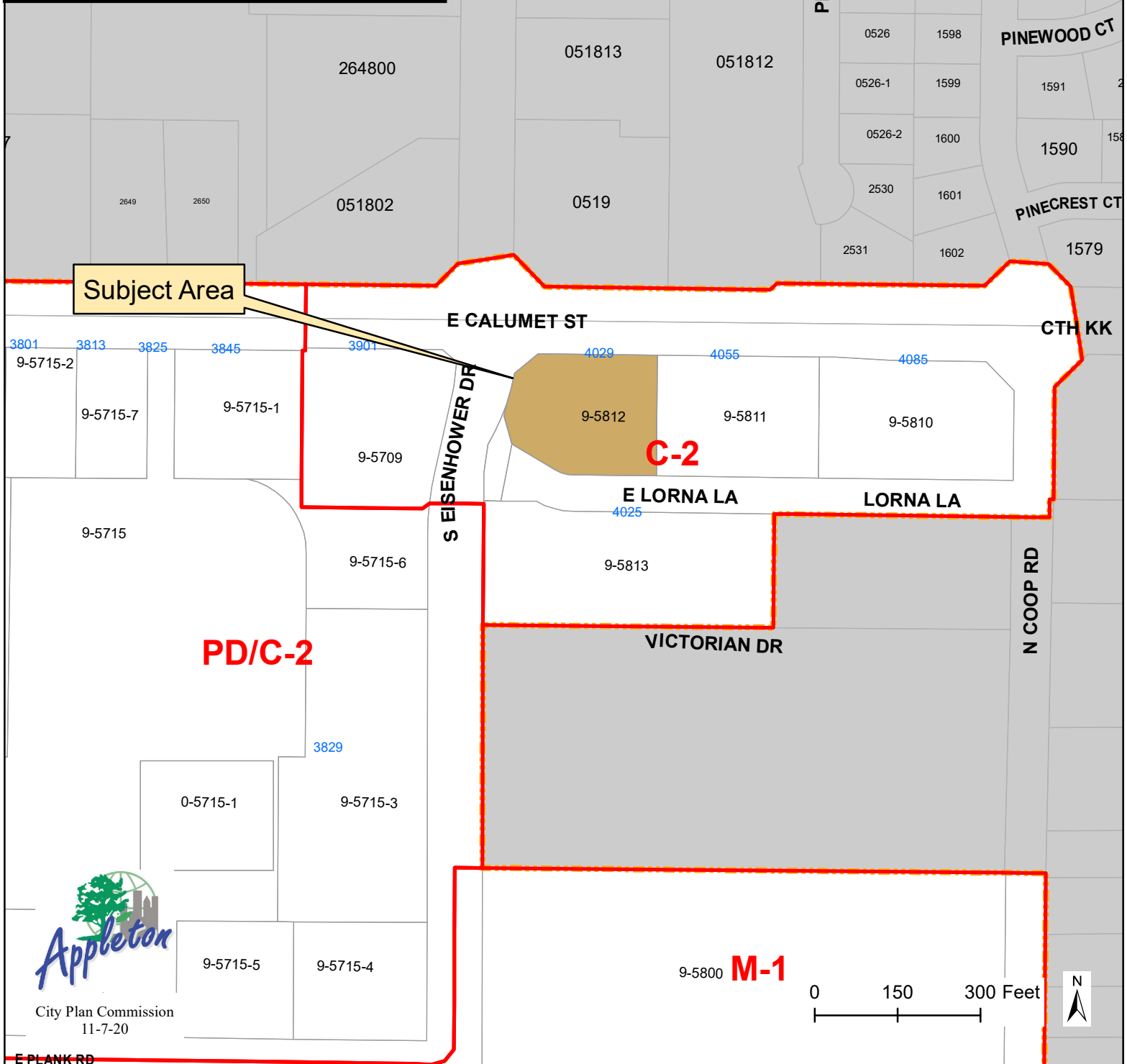
Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

4029 E. Calumet Street
Special User Permit #12-19
Car Wash
Aerial Map

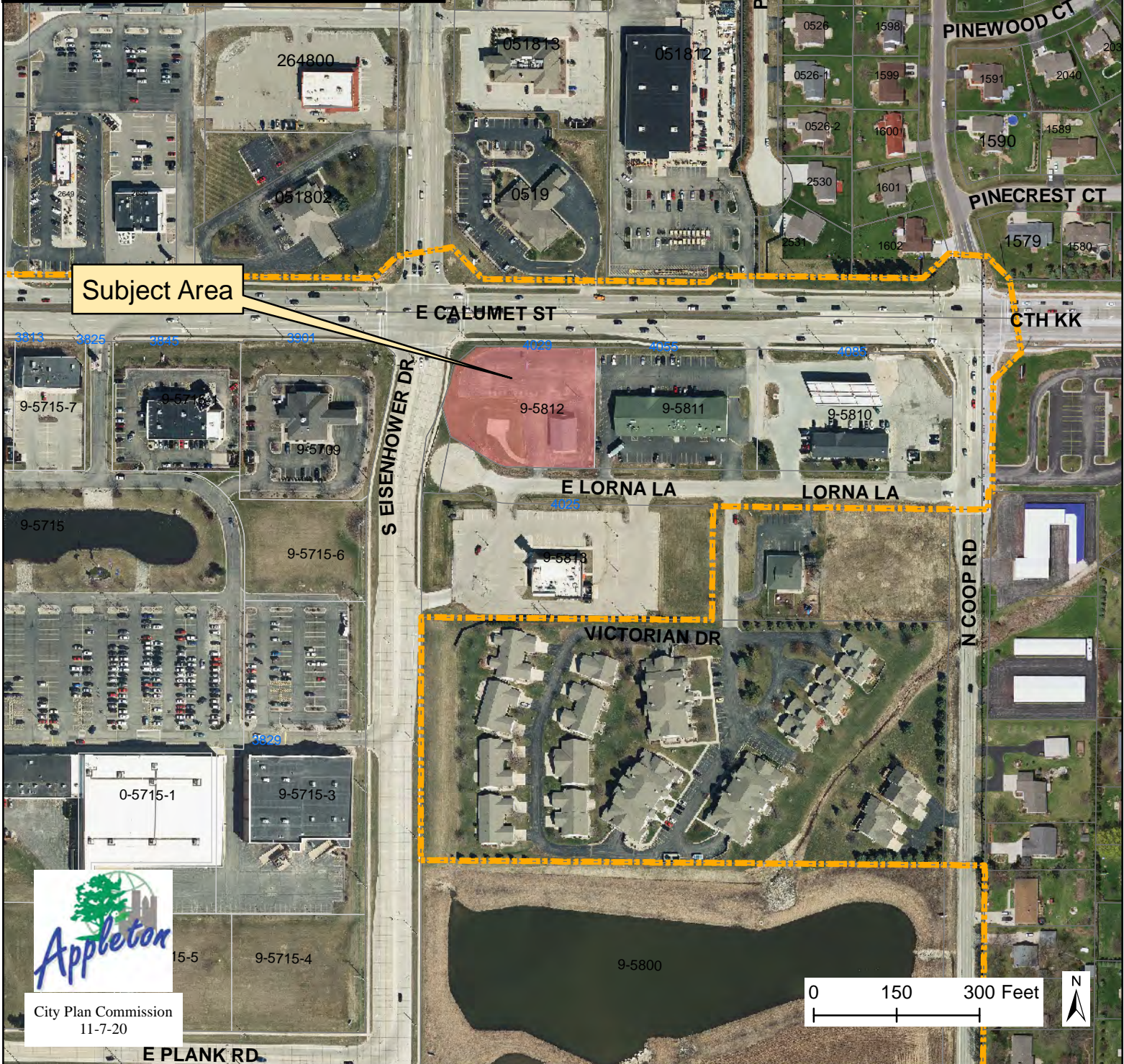
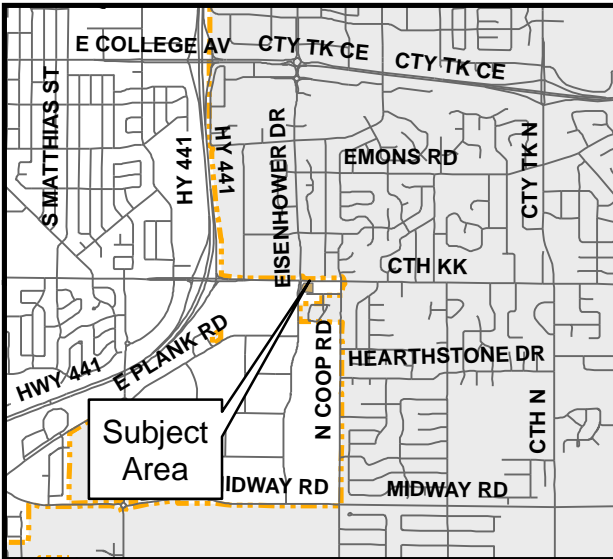


Subject Area

Subject Area



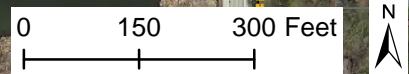
4029 E. Calumet Street
Special User Permit #12-19
Car Wash
Aerial Map



Subject Area



City Plan Commission
11-7-20



GENERAL PROJECT NOTES:

PROJECT NAME: DEEP BLUE CAR WASH, LLC
 PROPERTY ADDRESS: 4029 E CALUMET STREET
 CITY OF APPLETON, CALUMET COUNTY, WI
 TAX KEY NUMBER: 31-9-5812-00
 LEGAL DESCRIPTION: ALL OF LOT 3 OF THE KWIK TRIP PLAT AS RECORDED IN PLAT CABINET B SLIDE 163 AS DOCUMENT NO. 245114, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 4, T21N, R18E, CITY OF APPLETON, CALUMET COUNTY
 ZONING DESCRIPTION: C2-GENERAL COMMERCIAL DISTRICT
 PROPOSED USE: EXPRESS CAR WASH
 FIRE PROTECTION: NOT SPRINKLERED
 ZONING INFORMATION:

	PROVIDED	REQUIRED
LOT SIZE:	54,680 S.F.	14,000 S.F.
LOT WIDTH:	276.79'	REQ'D MIN. = 60'
BUILDING HEIGHT:	26'	MAXIMUM 35'
BUILDING SETBACKS:		
FRONT YARD:		
NORTH:	42.5'	REQ'D MIN. = 10'
WEST:	56.7', 63.9'	REQ'D MIN. = 10'
SOUTH:	55'	REQ'D MIN. = 10'
SIDE YARD:		
EAST:	84.7'	REQ'D MIN. = 0'
REAR YARD:	NO REAR YARD	REQ'D MIN. = 20'

PARKING CALCULATIONS:
 TOTAL SPACES PROVIDED = 15
 CAR WASH - 3 STALLS FOR EMPLOYEES
 GREATER THAN SIX (6) STACKING SPACES
 AUTO DETAILING - 12 PARKING STALLS (4 STALLS PER BAY)

LOADING AREA CALCULATIONS:
 ONE (1) SPACE PROVIDED

DUMPSTER & RECYCLING CALCULATIONS:
 ALL REFUSE AND RECYCLING CONTAINERS ARE STORED WITHIN THE PROPOSED BUILDING.

GENERAL SITE PLAN NOTES:

NO PRODUCTS WILL BE MANUFACTURED, SOLD, OR STORED ON SITE.
 NO HAZARDOUS MATERIALS WILL BE STORED ON SITE.
 A KNOX BOX WILL BE PROVIDED AT THE BUILDING FRONT ENTRANCE.
 EXCESS SNOW THAT CANNOT BE STORED ON SITE WILL BE HAULED AWAY.
 LANDSCAPE AREAS WILL MEET REQUIREMENTS OF THE CITY OF APPLETON ZONING ORDINANCE.
 THE EXISTING PYLON SIGN WILL BE REMOVED. PROPOSED SIGNS WILL BE MOUNTED TO THE PROPOSED BUILDING.
 THE EXISTING LED SITE LIGHTING WILL REMAIN WITH THE EXCEPTION OF ONE POLE MOUNTED FIXTURE. ADDITIONAL LED LIGHTING CONSISTING OF DECORATIVE WALL MOUNTED LIGHTING AND WALL MOUNTED SECURITY LIGHTING IS PROPOSED. LIGHTING WILL MEET REQUIREMENTS OF THE CITY OF APPLETON ZONING ORDINANCE.
 THE EXISTING PARKING LOT IS ASPHALTIC SURFACE. THE PROPOSED SURFACE WILL BE A MIXTURE OF ASPHALT AND CONCRETE PAVEMENT.

[#] SITE PLAN KEY NOTES:

1. PROPOSED OFFICE
2. PROPOSED CAR WASH BAY
3. PROPOSED MECHANICAL ROOM
4. PAY STATIONS (3 TOTAL)
5. VACUUM STALLS (6 TOTAL)
6. VEHICLE STACKING AREA
7. OFF-STREET LOADING SPACE
8. ESCAPE LANE
9. STORMWATER MANAGEMENT DEVICE



**PRELIMINARY
 CONCEPTUAL SITE PLAN
 NOT FOR CONSTRUCTION**



m:\projects\11\PROJECTS\11_NO_NUMBER\WPX\CarWash\01-Lamine Site Plan Option 2.dwg, 01 preliminary conceptual site plan, Plot Date: 12/10/2019 7:30 AM, xrefs: (parcelis.co-calumet_2019_04_clipped_x-aerial_car_wash_1_scale)

McMAHON
 ENGINEERS ARCHITECTS
 1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

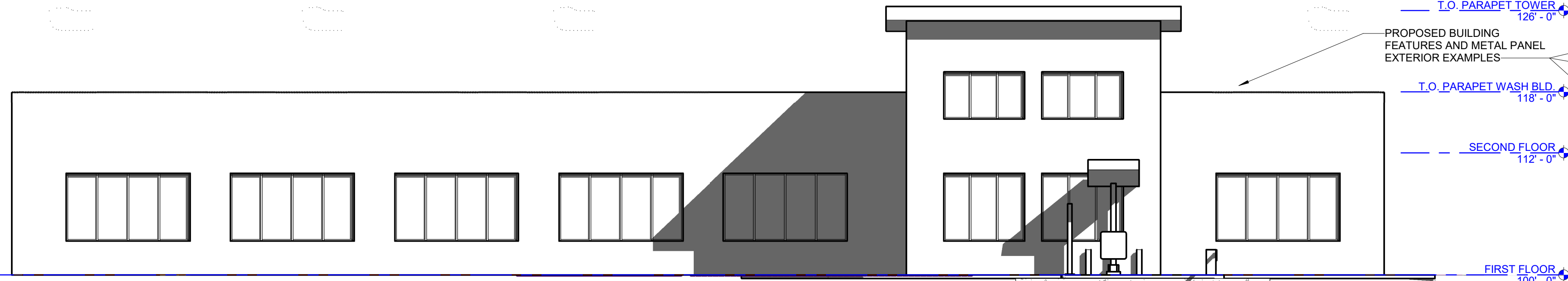
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NO.	DATE	REVISION

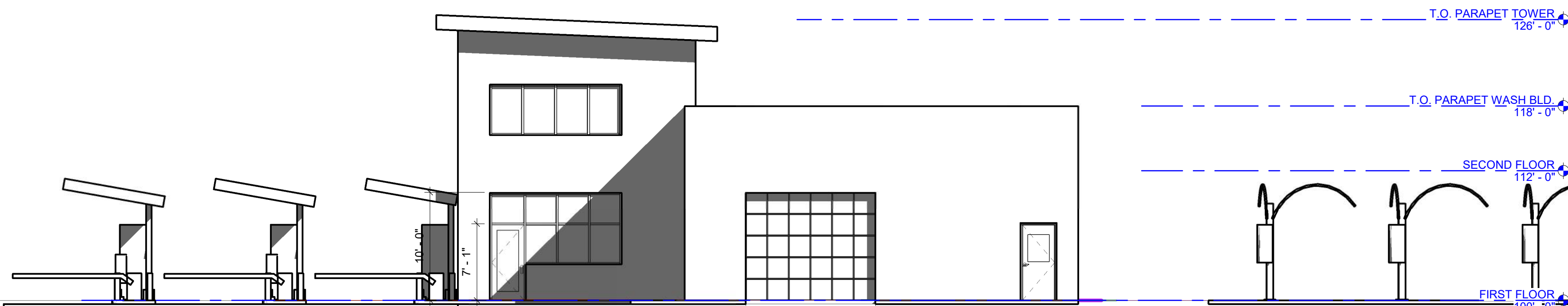
LAMINE SITE PLAN - 4029 E CALUMET STREET
 CITY OF APPLETON, CALUMET COUNTY
PRELIMINARY CONCEPTUAL SITE PLAN

DESIGNED MPK	DRAWN MPK
PROJECT NO. TBD	
DATE DEC 2019	
SHEET NO. 01	

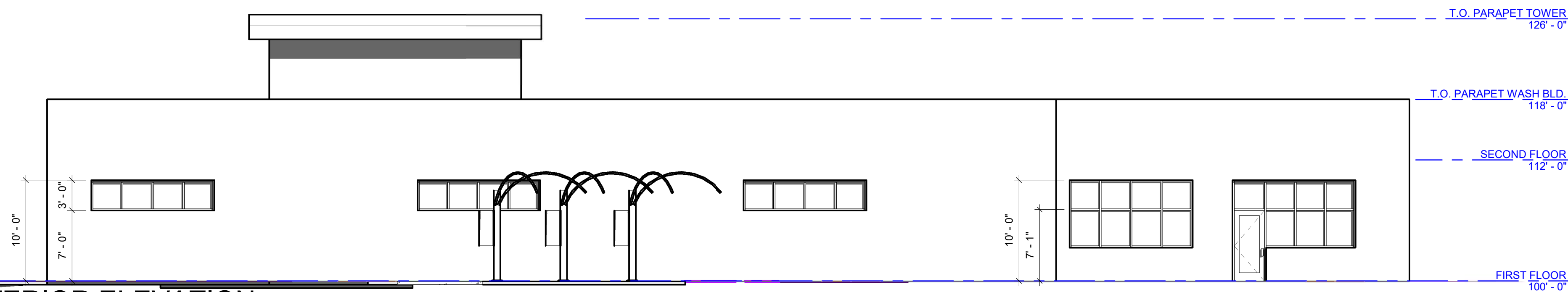
1 NORTH EXTERIOR ELEVATION
A391 1/8" = 1'-0"



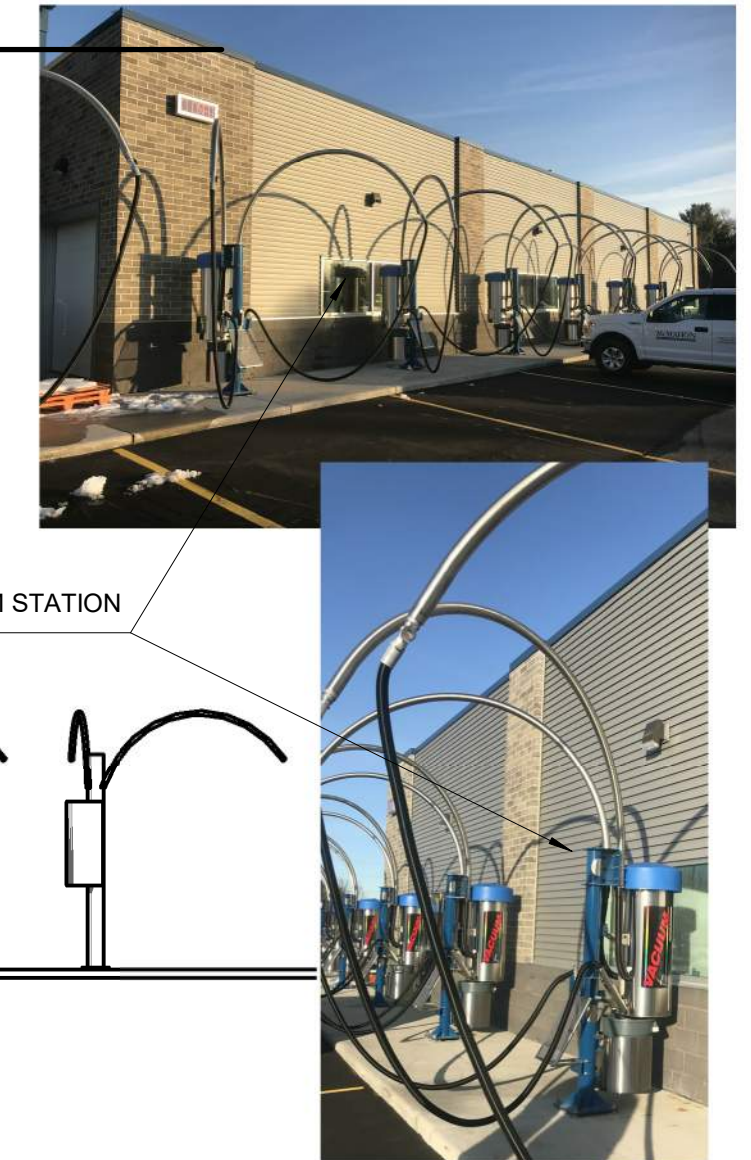
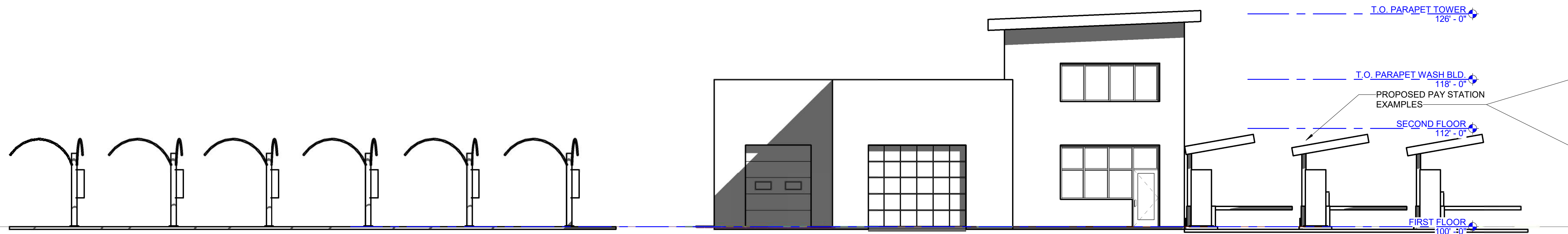
2 WEST EXTERIOR ELEVATION
A391 1/8" = 1'-0"



3 SOUTH EXTERIOR ELEVATION
A391 1/8" = 1'-0"



4 EAST EXTERIOR ELEVATION
A391 1/8" = 1'-0"



PRELIMINARY NOT FOR CONSTRUCTION

McMAHON
ENGINEERS ARCHITECTS
McMAHON ASSOCIATES, INC. E 4986
1445 WILSON AVENUE
PO BOX 1025
Merrill, WI 54957
Tel: (920) 751-4200 Fax: (920) 751-4284
www.mcmgrp.com

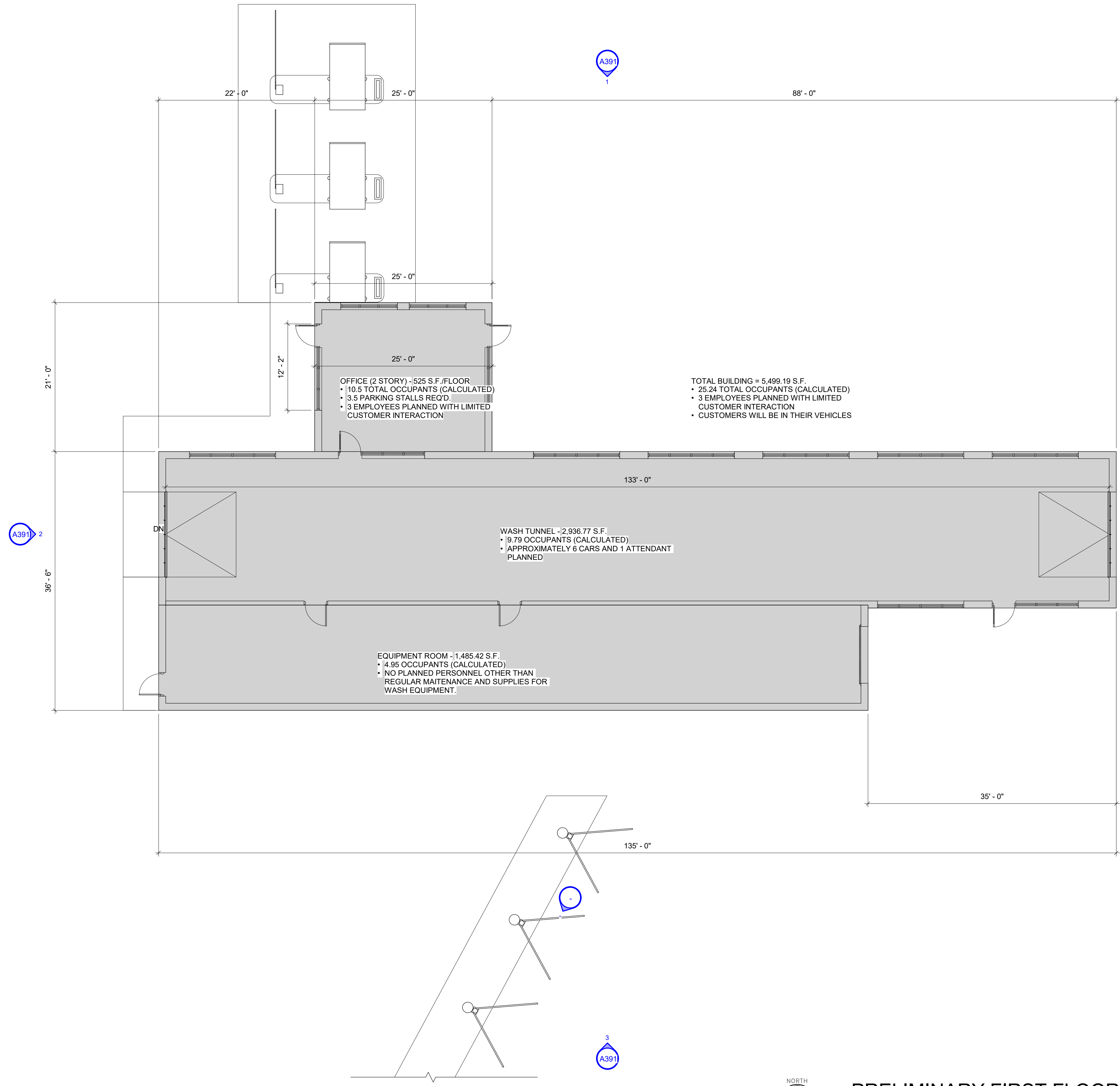
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NO.	DATE	REVISION

LAMINE SITE PLAN - 4029 E CALUMET STREET
CAR WASH CITY OF APPLETON, CALUMET COUNTY
PRELIMINARY EXTERIOR ELEVATIONS

DESIGNED	DRAWN
PROJECT NO. TBD	
DATE DECEMBER, 2019	
SHEET NO.	

A391



OFFICE (2 STORY) - 525 S.F./FLOOR
 • 10.5 TOTAL OCCUPANTS (CALCULATED)
 • 3.5 PARKING STALLS REQ'D.
 • 3 EMPLOYEES PLANNED WITH LIMITED CUSTOMER INTERACTION

TOTAL BUILDING = 5,499.19 S.F.
 • 25.24 TOTAL OCCUPANTS (CALCULATED)
 • 3 EMPLOYEES PLANNED WITH LIMITED CUSTOMER INTERACTION
 • CUSTOMERS WILL BE IN THEIR VEHICLES

WASH TUNNEL - 2,936.77 S.F.
 • 9.79 OCCUPANTS (CALCULATED)
 • APPROXIMATELY 6 CARS AND 1 ATTENDANT PLANNED

EQUIPMENT ROOM - 1,485.42 S.F.
 • 4.95 OCCUPANTS (CALCULATED)
 • NO PLANNED PERSONNEL OTHER THAN REGULAR MAINTENANCE AND SUPPLIES FOR WASH EQUIPMENT.

GENERAL PLAN NOTES

- DO NOT SCALE FROM DRAWINGS. BRING ANY DISCREPANCIES TO THE ARCHITECTS ATTENTION IMMEDIATELY.
- COORDINATE LOCATIONS AND QUANTITY OF WORK WITH MECHANICAL, ELECTRICAL, AND PLUMBING CONTRACTORS.
- ALL DIMENSIONS ARE CLEAR FROM THE FACE OF FINISHED WALL/PARTITION TO FACE OF FINISHED WALL/PARTITION OR FACE OF EXISTING WALLS ACTUAL FACE.
- ALL PIPING, CONDUIT AND RELATED MECHANICAL AND ELECTRICAL ITEMS SHALL BE CONCEALED WITHIN GYPSUM BOARD FURRING AS REQUIRED IN FINISHED AREAS WHETHER SHOWN ON DRAWINGS OR NOT, UNLESS NOTED OTHERWISE.
- PROVIDE METAL PLATE BACKING AND/OR TREATED WOOD BLOCKING IN WALLS WHERE WALL-MOUNTED EQUIPMENT IS SHOWN ON PLANS OR ELEVATIONS. VERIFY HEIGHT AND LENGTH WITH ACTUAL EQUIPMENT.
- SEE SHEET A011 & A012 FOR LIFE SAFETY PLAN AND FIRE PARTITION RATINGS.
- SHADED AREA INDICATES BUILDING ADDITION AND RENOVATION AREAS.
- CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS BEFORE CONSTRUCTION.

(X) KEYED PLAN NOTES

PRELIMINARY NOT FOR CONSTRUCTION

McMAHON
ENGINEERS ARCHITECTS
 McMAHON ASSOCIATES, INC.
 1445 PLYMOUTH AVENUE, SUITE 100
 MERRIMAN, VT 05401
 Tel: (820) 751-4200 Fax: (820) 751-4284
 www.mcmgrp.com

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NO.	DATE	REVISION

LAMINE SITE PLAN - 4029 E CALUMET STREET
 CAR WASH CITY OF APPLETON, CALUMET COUNTY
 PRELIMINARY FIRST FLOOR PLAN

DESIGNED	DRAWN
PROJECT NO.	TBD
DATE	DECEMBER, 2019
SHEET NO.	A211

CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Tuesday, January 7, 2020, at 4:00 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Fay Oliver, applicant, for property located at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (The Jerk Joint). In the C-2 General Commercial District, a Special Use Permit is required for a restaurant with alcohol sales.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Any questions regarding this matter should be directed to Don Harp in the Community and Economic Development Department at (920) 832-6466.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

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

RUN: December 24, 2019
December 31, 2019

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Tuesday, January 7, 2020, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Fay Oliver, applicant, for property located at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (The Jerk Joint). In the C-2 General Commercial District, a Special Use Permit is required for a restaurant with alcohol sales.

- ALDERMANIC DISTRICT: 9 – Alderperson Alex Schultz

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.

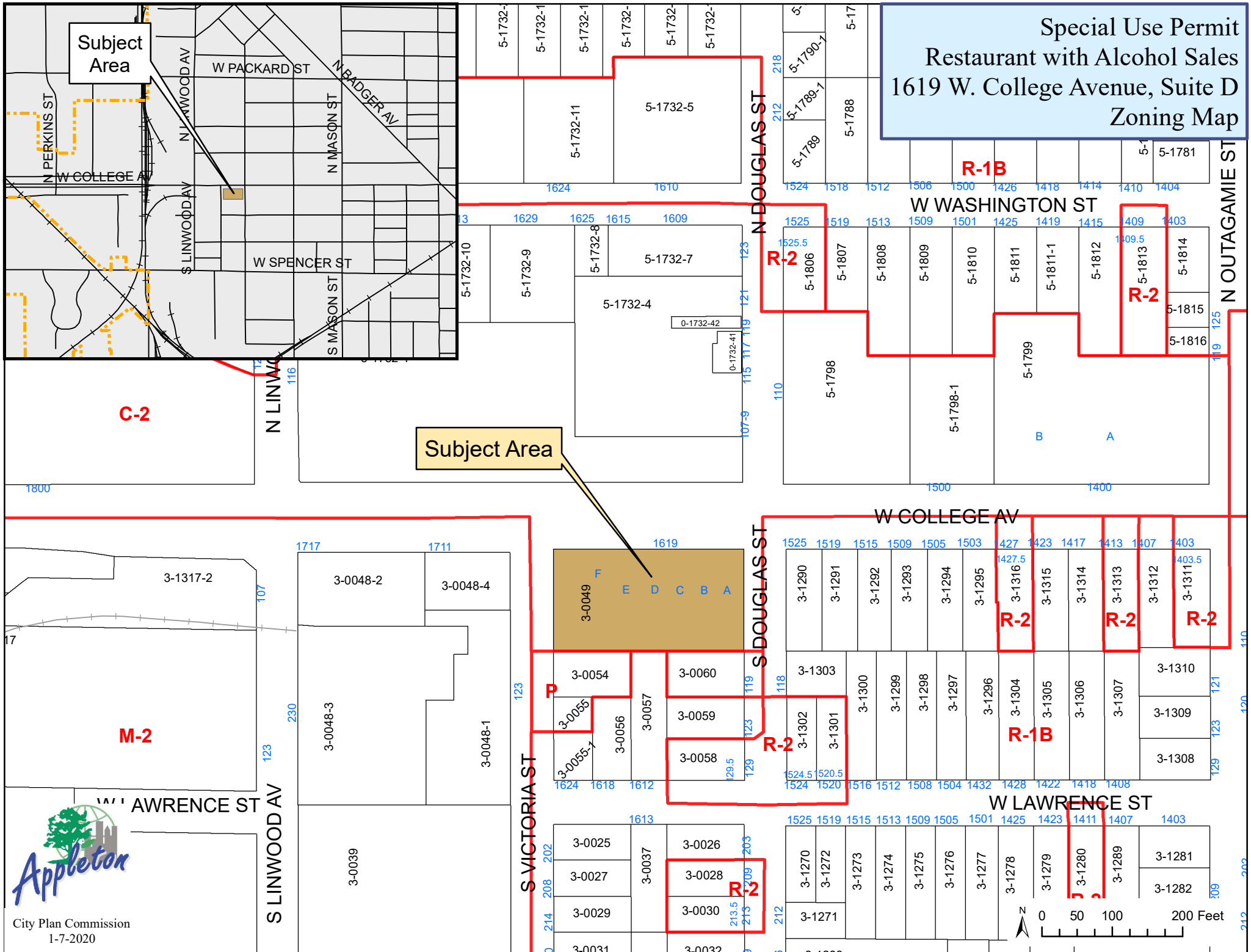
Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466.

CITY PLAN COMMISSION

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

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

Special Use Permit
 Restaurant with Alcohol Sales
 1619 W. College Avenue, Suite D
 Zoning Map



Subject Area

Subject Area



Special Use Permit
Restaurant with Alcohol Sales
1619 W. College Avenue, Suite D
Aerial Map

Subject Area



A PROPOSED TENANT REMODEL FOR, 1619 W. COLLEGE AVE. APPLETON, WISCONSIN

GENERAL NOTES

THESE DRAWINGS COVER STRUCTURAL AND GENERAL CONSTRUCTION WORK ONLY. ALL WORK SHALL COMPLY TO STATE AND LOCAL CODES WHICH MAY VARY FROM THE BUSINESS SIZE AND SHALL BE SHOWN IN A SUPPLEMENTARY DRAWING. THE CONTRACTOR SHALL FURNISH ALL MATERIALS AND LABOR TO COMPLETE THE WORK. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DIMENSIONS OF EXISTING STRUCTURE, SERVICES, UTILITIES, DEPRESSIONS AND OTHER FEATURES BEFORE THE LOCATION AND DIMENSIONS OF EXISTING STRUCTURE ARE SHOWN ON THE STRUCTURAL DRAWINGS SHALL NOT BE REVERSED WITHOUT WRITTEN APPROVAL FROM THE ARCHITECT. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND CONDITIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES. THE TYPICAL DETAILS SHOWN ON THE DRAWINGS SHALL BE UNLESS SPECIFICALLY NOTED OTHERWISE. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SAFETY DURING CONSTRUCTION.

PROJECT INFORMATION

CONSTRUCTION CLASSIFICATION
TYPE III-B

OCCUPANCY

PREVIOUS OCCUPANCY IS NOT TO BE CHANGED
NEW OCCUPANCY TO BE "B" BUSINESS (4-2 < 50 PEOPLE)

SHEET INDEX

SHEET SHEET TITLE

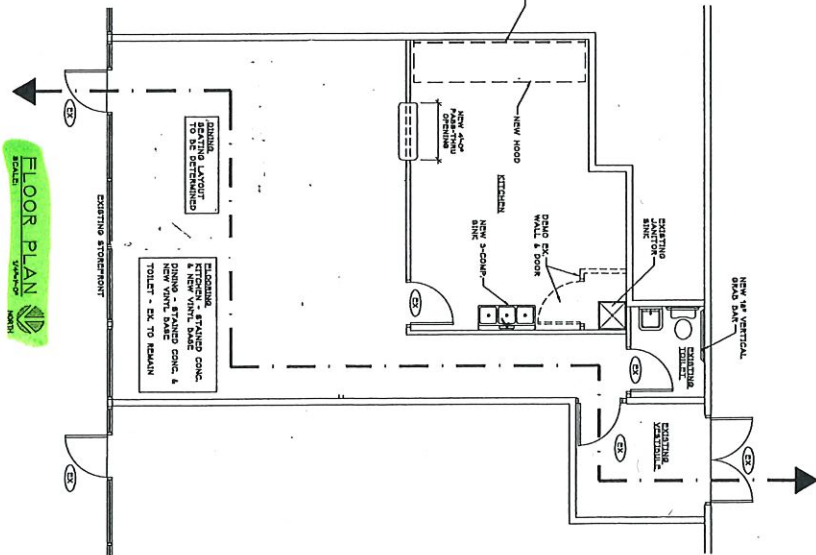
T1.0 GENERAL
T2.0 SHEET INDEX NOTES
S1.0 SITE PLAN AND ORDINANCE PLAN
A1.0 ADA DETAILS



SCHEMATIC SITE PLAN
NO SCALE

SITE PLAN IS EXISTING - NO CHANGES TO EXISTING PLAN IS PROVIDED FOR REFERENCE ONLY.

NOTE TO HAVE APPROVED/STAMPED EXISTING WALL CONSTRUCTION



FLOOR PLAN
1/8" = 1'-0"

A PROPOSED TENANT REMODEL FOR, 1619 W. COLLEGE AVE. APPLETON, WISCONSIN		 327 RANDOLPH DRIVE APPLETON, WI 54912 TEL: 920-574-2657 FAX: 920-574-2660
DATE: March 9, 2009 ARCH: L. VENT. D. BY: L. KOPPEL JOB: 1619 REV: _____	T 1.0	

THE JERK JOINT SUITE D

1619 WEST COLLEGE AVENUE,

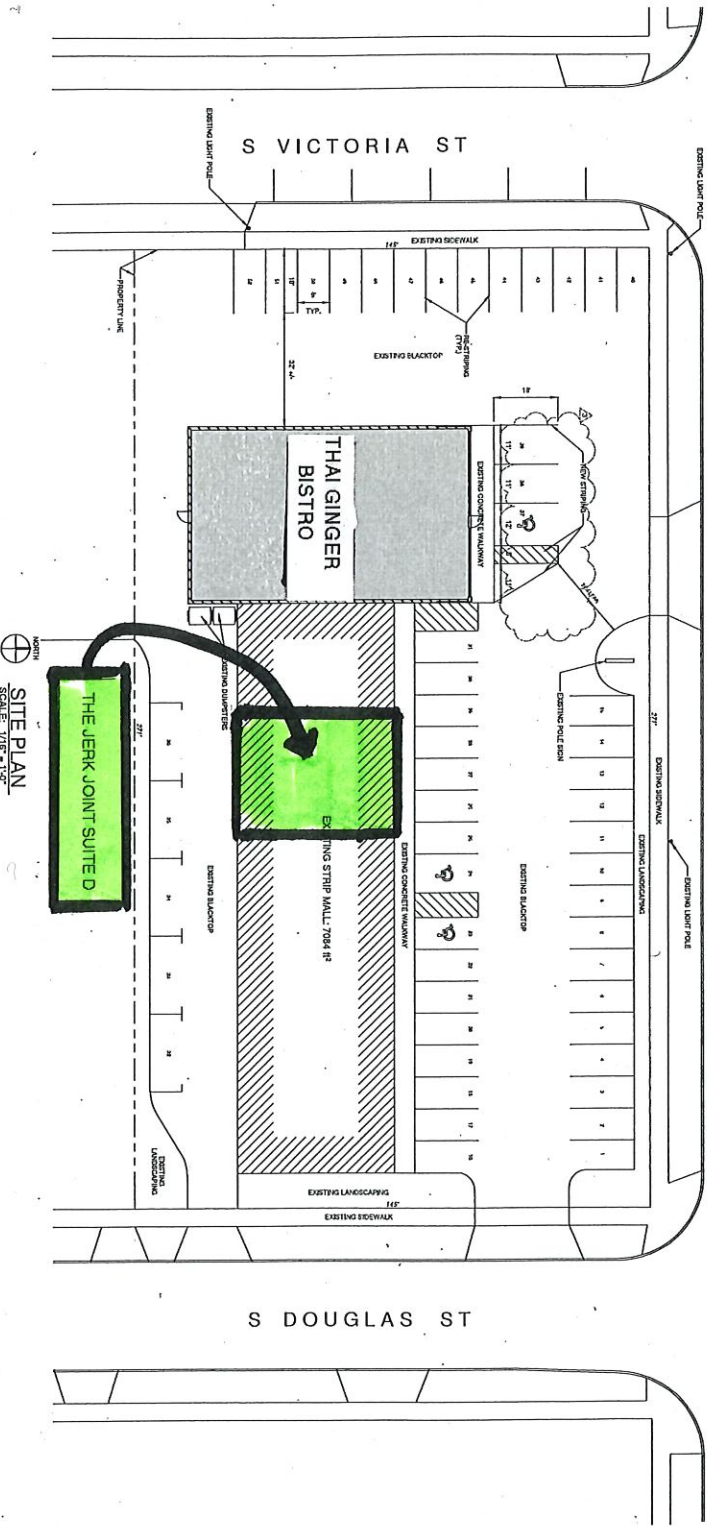
PROJECT AND CODE INFORMATION

- 2015 INTERNATIONAL BUILDING CODE WITH WISCONSIN
 - 2015 INTERNATIONAL EXISTING BUILDING CODE WITH WISCONSIN
 - 2015 INTERNATIONAL ENERGY CONSERVATION CODE WITH WISCONSIN
 - 2015 INTERNATIONAL PLUMBING FIXTURE SCHEDULE WITH WISCONSIN
 - 2015 INTERNATIONAL ROOFING SCHEDULE WITH WISCONSIN
 - 2015 INTERNATIONAL ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES
- REGULATORY AGENCIES:**
 PROJECT OWNER/CITY ADMINISTRATOR:
 PROJECT USER:
 RESTAURANT ASSOCIATION OF AZ
 PROJECT LOCATION: ALBUQUERQUE, AZ
- PERMITS REQUIRED:**
 BUILDING PERMIT
 ELECTRICAL PERMIT
 MECHANICAL PERMIT
 PLUMBING PERMIT
 ALTERATION PERMIT

NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 INTERNATIONAL BUILDING CODE WITH WISCONSIN, THE 2015 INTERNATIONAL EXISTING BUILDING CODE WITH WISCONSIN, THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE WITH WISCONSIN, THE 2015 INTERNATIONAL PLUMBING FIXTURE SCHEDULE WITH WISCONSIN, THE 2015 INTERNATIONAL ROOFING SCHEDULE WITH WISCONSIN, AND THE 2015 INTERNATIONAL ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES.

Total Existing Building Area: 4,000 sq ft + 7,084 sq ft = 11,084 sq ft
 Proposed Addition: 528 sq ft + 520 sq ft wall = 48 sq ft
 Proposed Total: 11,612 sq ft

W COLLEGE AVE



North
 SITE PLAN
 SCALE: 1/8" = 1'-0"

SHEET INDEX

- A1 SHEET INDEX
- A2 PROJECT AND CODE INFORMATION
- A3 SITE PLAN
- A4 FLOOR PLAN
- A5 RESTROOM FLOOR PLAN/FIXTURE SCHEDULE
- A6 ROOM FINISH SCHEDULE
- A7 DOOR TYPES
- A8 WALL TYPES
- A9 DOOR HEADER AND CONCRETE PAD DETAIL
- A10 TYPICAL PLUMBING FIXTURE AND DEMOLITION PLAN
- A11 EGRESS PLAN

NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, January 7, 2020, 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 following proposed planned development rezoning request:

COMMON DESCRIPTION:

Generally located east of North Richmond Street and south of West Evergreen Drive (Tax Id #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05), including land recently annexed with the “Evergreen Heights” annexation.

Planned Development (PD) Rezoning Request: A rezoning request has been initiated by the owner/applicant, Grishaber Main Street Partnership LLP, in the matter of amending Chapter Twenty-three (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 and temporary AG Agricultural District. The owner proposes to rezone the property to PD/C-2 Planned Development General Commercial District #11-19 (see attached map). A planned development overlay district is intended to encourage innovative design and a mix of uses in areas where such development could positively contribute to the physical appearance and function of land and development. Overlay districts provide supplemental regulations in addition to, but not necessarily more restrictive than the “base” or underlying zoning district regulations.

Purpose of the Request: To assign a permanent zoning classification following the “Evergreen Heights” annexation and facilitate mixed-use redevelopment of the property. The attached development plan drawings show the general location of potential buildings and other site improvements.

ALDERMANIC DISTRICT: 7 – Alderperson Maiyoua Thao

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.

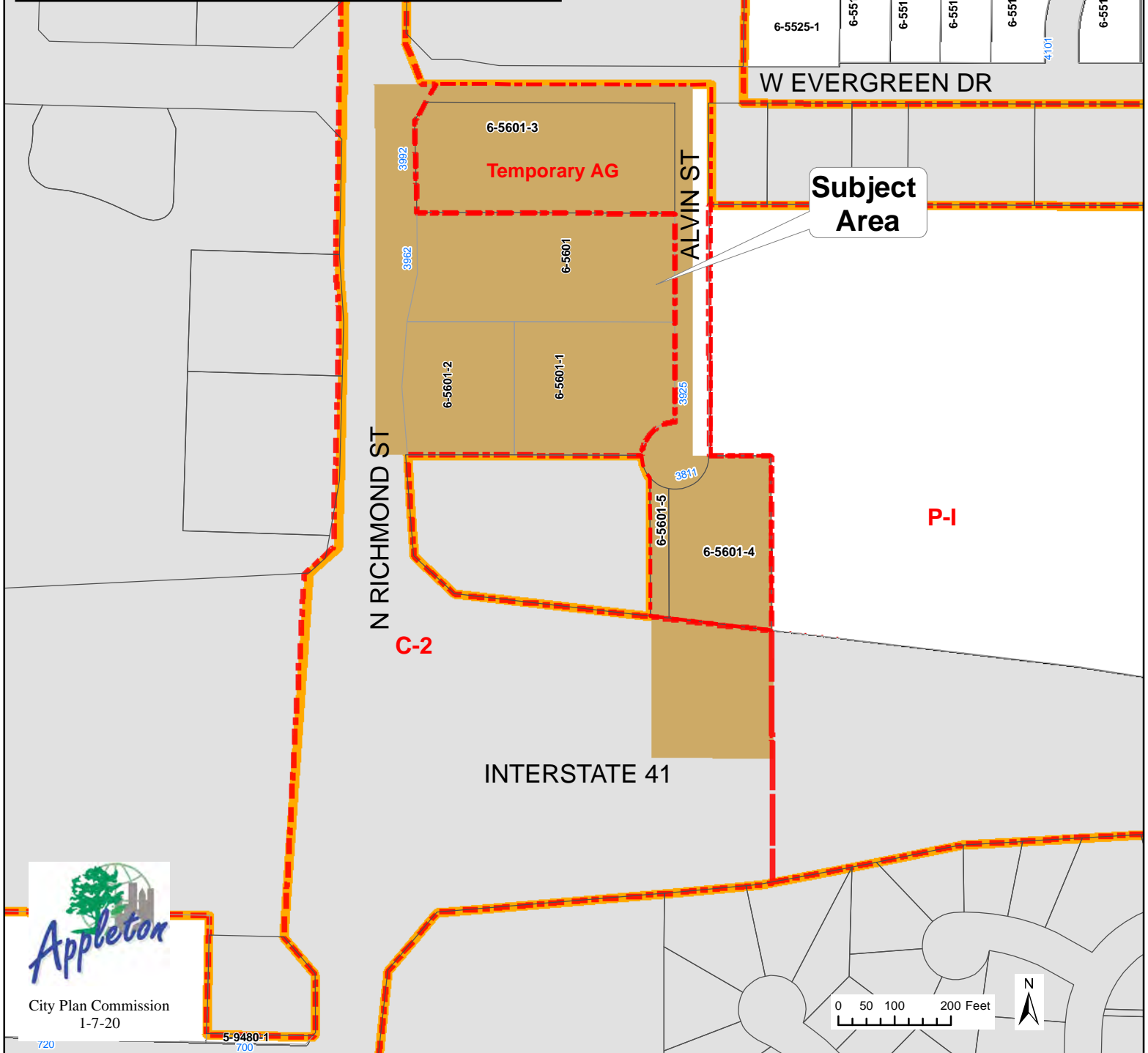
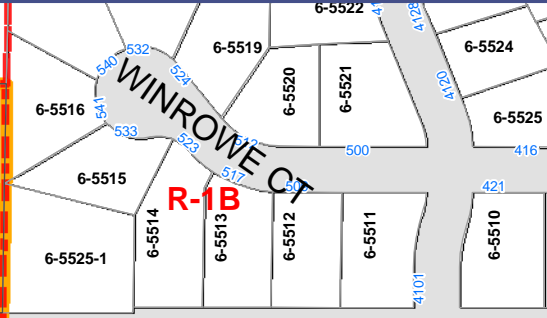
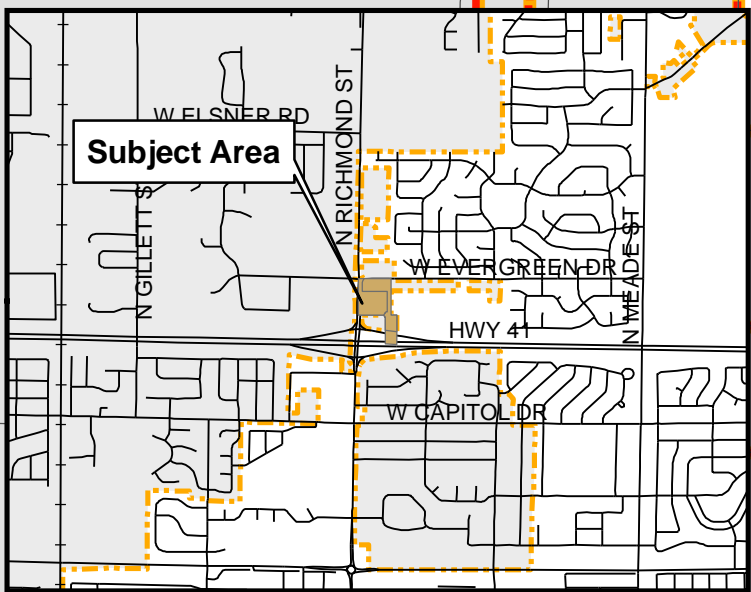
Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428.

CITY PLAN COMMISSION

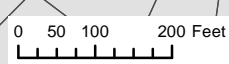
COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

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

North Richmond St & West Evergreen Dr
Rezoning
C-2 General Commercial District and
Temporary AG Agricultural District
to PD/C-2 Planned Development
General Commercial District #11-19
Zoning Map



City Plan Commission
1-7-20



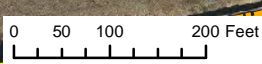
North Richmond St & West Evergreen Dr
Rezoning
C-2 General Commercial District and
Temporary AG Agricultural District
to PD/C-2 Planned Development
General Commercial District #11-19
Aerial Map



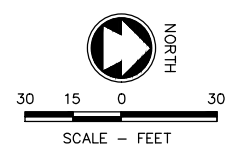
Subject Area



City Plan Commission
1-7-20



j:\projects\1032\91800555\OADD\Civil3D\Proposed Design\Concepts\2019-11-14 Phase 1\Evergreen Heights MASTER Site Layout.dwg, ctb-1 exhibit c - development complex 1 site layout, Plot Date: 12/9/2019 4:39 PM, refs: (x-exist topo grishaber_demo, x-proposed evergreen linework_revised, x-proposed alvin linework_revised, x-all points evergreen drive city topo, x-prop lines and easements)



EVERGREEN HEIGHTS DEVELOPMENT COMPLEX 1 SITE SUMMARY

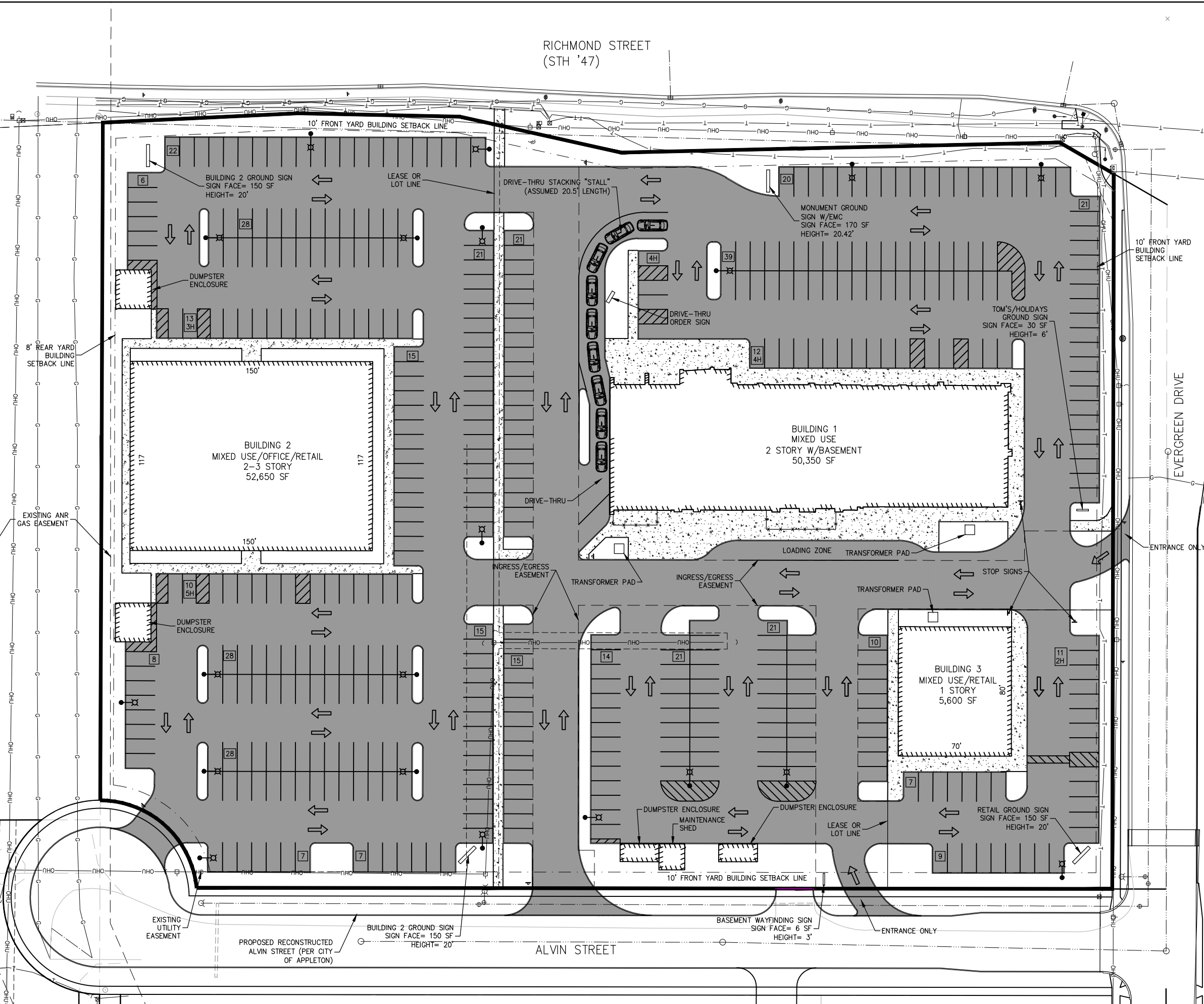
	REQUIRED*	PROVIDED
IMPERVIOUSNESS		
MIN. LOT AREA	14,000 SF	289,091 SF
PRINCIPAL/ACCESSORY BUILDING FOOTPRINT	N/A	44,243 SF
PAVEMENT FOOTPRINT	N/A	184,990 SF
SIDEWALK FOOTPRINT	N/A	19,221 SF
MAX. LOT COVERAGE	90%	85.9%
BUILDING SETBACKS		
FRONT YARD	10 FT	10 FT
SIDE YARD	0 FT	0 FT
REAR YARD	8 FT	8 FT
BUILDING HEIGHT	100 FT	100 FT
PARKING**		
TOTAL GROSS BLDG. FLOOR AREA	N/A	108,600 SF
TOTAL PARKING SPACES	435	447
TOTAL HANDICAP SPACES	9	17

*REQUIRED STANDARDS BASED ON EVERGREEN HEIGHTS IMPLEMENTATION PLAN DOCUMENT
 **1 PARKING SPACE FOR EVERY 250 SF GROSS FLOOR SPACE

DEVELOPMENT COMPLEX 1 BUILDING SUMMARY

BUILDING	USE	MAIN GROSS FLOOR AREA	TOTAL GROSS FLOOR AREA
BUILDING 1	(MIXED USE)		
		19,253 SF	19,253 SF
		17,550 SF	36,803 SF
		17,550 SF	54,353 SF
		17,550 SF	71,903 SF
		52,650 SF	124,553 SF
BUILDING 2	(MIXED USE/OFFICE/RETAIL)		
		17,550 SF	17,550 SF
		17,550 SF	35,100 SF
		17,550 SF	52,650 SF
BUILDING 3	(MIXED USE/RETAIL)		
		5,600 SF	5,600 SF
DEVELOPMENT COMPLEX 1			
		108,600 SF	108,600 SF

- [1H] HANDICAP PARKING STALL COUNT
- [20] PARKING STALL COUNT
- ▲ STOP SIGN
- LIGHT POLE



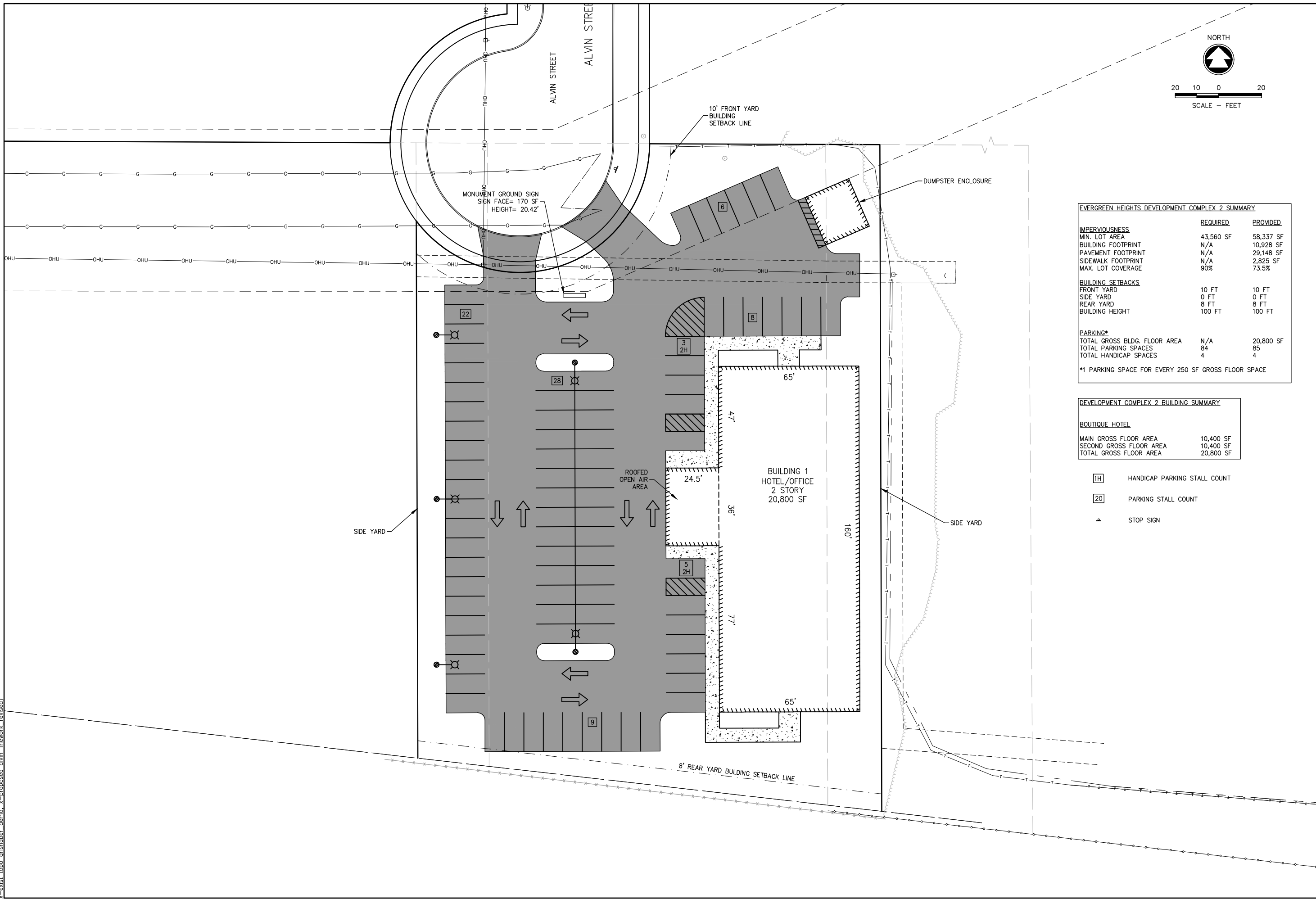
McMAHON
 ENGINEERING ARCHITECTURE
 McMAHON ASSOCIATES, INC.
 1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing P.O. BOX 1025 NEENAH, WI 54957-1025
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

NO.	DATE	REVISION

EVERGREEN HEIGHTS PLANNED DEVELOPMENT
CITY OF APPLETON, WI
EXHIBIT C - DEVELOPMENT COMPLEX 1 SITE LAYOUT

DESIGNED MCM	DRAWN MCM
PROJECT NO. G1032-9-18-00555	
DATE DEC, 2019	
SHEET NO. C1	

j:\projects\W:\PROJECTS\G1032\91800555\CADD\Civil3D\Proposed Design\Concepts\2019-11-14 Phase 1\Evergreen Heights MASTER Site Layout_Compex 2.dwg, c2 exhibit c - development complex 2 site layout, Plot Date: 12/10/2019 1:15 PM, xrefs: (x-prop lines and easements, x-exist topo gridshaber_demo, x-proposed alvin linework_revised)



EVERGREEN HEIGHTS DEVELOPMENT COMPLEX 2 SUMMARY

	REQUIRED	PROVIDED
IMPERVIOUSNESS		
MIN. LOT AREA	43,560 SF	58,337 SF
BUILDING FOOTPRINT	N/A	10,928 SF
PAVEMENT FOOTPRINT	N/A	29,148 SF
SIDEWALK FOOTPRINT	N/A	2,825 SF
MAX. LOT COVERAGE	90%	73.5%
BUILDING SETBACKS		
FRONT YARD	10 FT	10 FT
SIDE YARD	0 FT	0 FT
REAR YARD	8 FT	8 FT
BUILDING HEIGHT	100 FT	100 FT
PARKING*		
TOTAL GROSS BLDG. FLOOR AREA	N/A	20,800 SF
TOTAL PARKING SPACES	84	85
TOTAL HANDICAP SPACES	4	4

*1 PARKING SPACE FOR EVERY 250 SF GROSS FLOOR SPACE

DEVELOPMENT COMPLEX 2 BUILDING SUMMARY

BOUQUETTE HOTEL	
MAIN GROSS FLOOR AREA	10,400 SF
SECOND GROSS FLOOR AREA	10,400 SF
TOTAL GROSS FLOOR AREA	20,800 SF

- [1H] HANDICAP PARKING STALL COUNT
- [20] PARKING STALL COUNT
- ▲ STOP SIGN

McMAHON
 ARCHITECT
 1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

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NO.	DATE	REVISION

**EVERGREEN HEIGHTS PLANNED DEVELOPMENT
 CITY OF APPLETON, WI
 EXHIBIT C - DEVELOPMENT COMPLEX 2 SITE LAYOUT**

DESIGNED MCM	DRAWN MCM
PROJECT NO. G1032-9-18-00555	
DATE DEC, 2019	
SHEET NO. C2	

EXHIBIT D



CITY OF APPLETON

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Tuesday, January 7, 2020, at 4:00 P.M. in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Comprehensive Plan Future Land Use Map Amendment request.

Pursuant to Chapter 12: Implementation of the City of Appleton Comprehensive Plan 2010-2030, to consider a request by the owners, R Lewis & R Lewis LLC, and applicant, Garritt Bader with GB Real Estate Investment LLC, for the parcels located on North Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-0) to amend the Comprehensive Plan Future Land Use Map from future One and Two-Family Residential land use to Commercial land use.

A copy of the proposed amendment to the Comprehensive Plan Future Land Use Map is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Any questions regarding this matter should be directed to Jessica Titel in the Community and Economic Development Department at (920) 832-6476.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

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

RUN: December 24, 2019
December 31, 2019

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

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Tuesday, January 7, 2020, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the following proposed Comprehensive Plan Future Land Use Map Amendment and Rezoning requests.

COMMON DESCRIPTION:

Generally located on North Erb Street, north of W. Michigan Street (Tax Id #31-6-2860-00 and #31-6-2861-00)

ALDERMANIC DISTRICT: 6 – Alderperson Denise Fenton

Comprehensive Plan Future Land Use Map Amendment Request:

A Comprehensive Plan Future Land Use Map amendment request has been initiated by the owners, R Lewis & R Lewis LLC, and applicant, Garritt Bader with GB Real Estate Investment LLC, pursuant to Wisconsin State Statute 66.1001 and the City of Appleton Comprehensive Plan 2010-2030. The owners request to amend the Comprehensive Plan Future Land Use Map for:

- Parcels located on North Erb Street (Tax Id #31-6-2860-00 and #31-6-2861-00) from future One and Two-Family Residential land use to Commercial land use.

Rezoning Request:

A rezoning request has been initiated by the owners, R Lewis & R Lewis LLC, and applicant, Garritt Bader with GB Real Estate Investment LLC, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate. The owners request to rezone:

- Parcels located on North Erb Street (Tax Id #31-6-2860-00 and #31-6-2861-00), as generally described above, from R-1B Single-Family District to C-2 General Commercial District.

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.

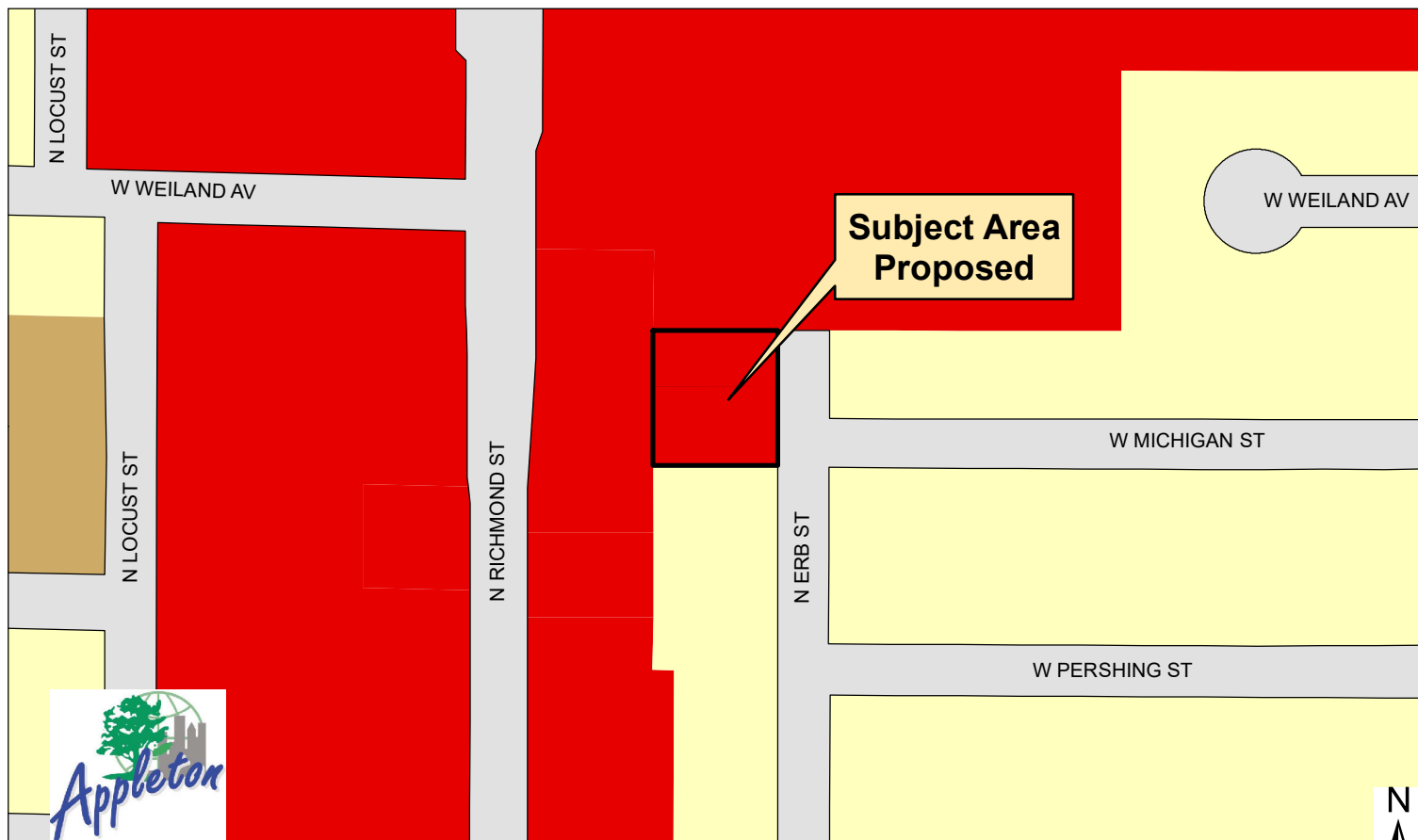
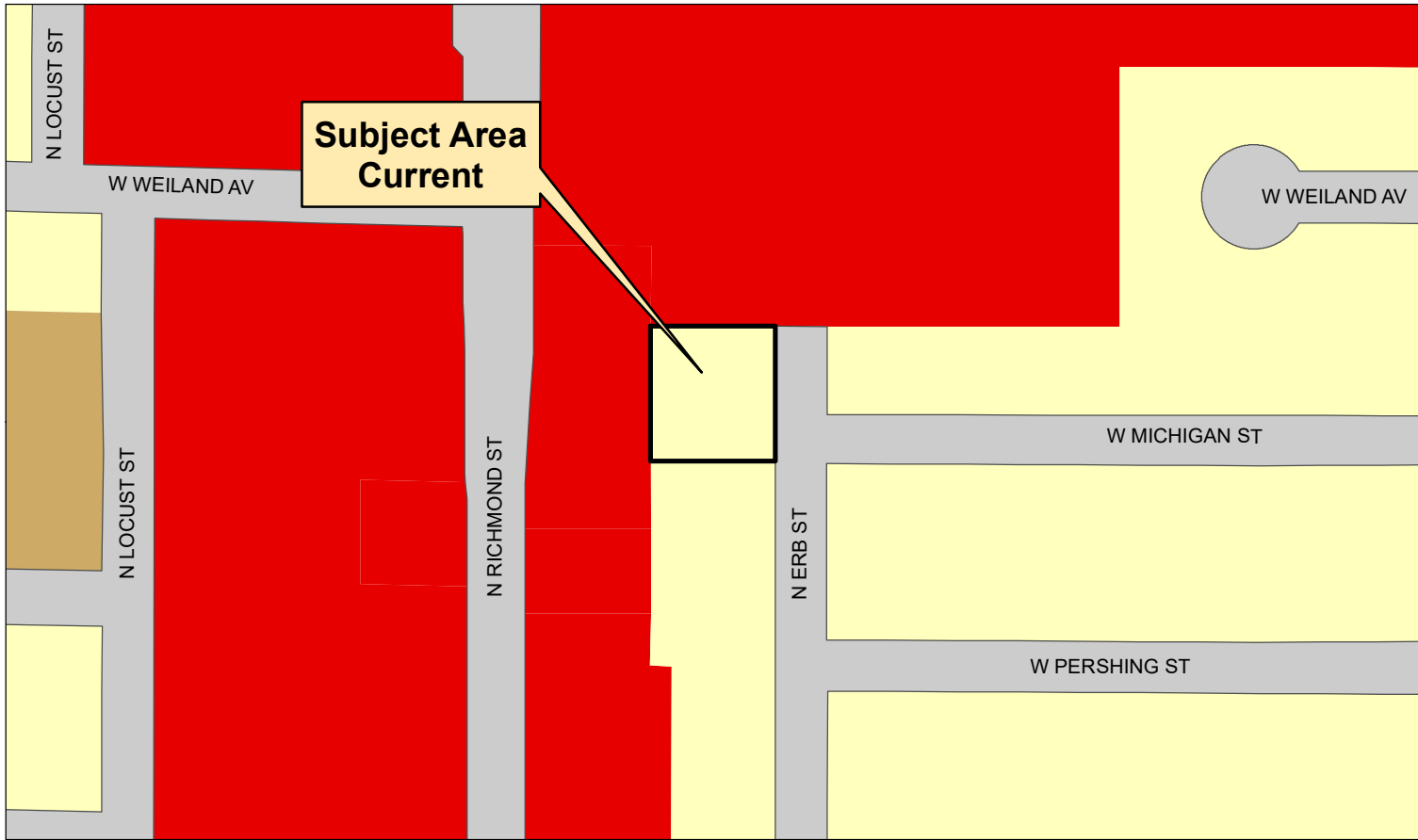
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CITY PLAN COMMISSION
APPLETON, WISCONSIN

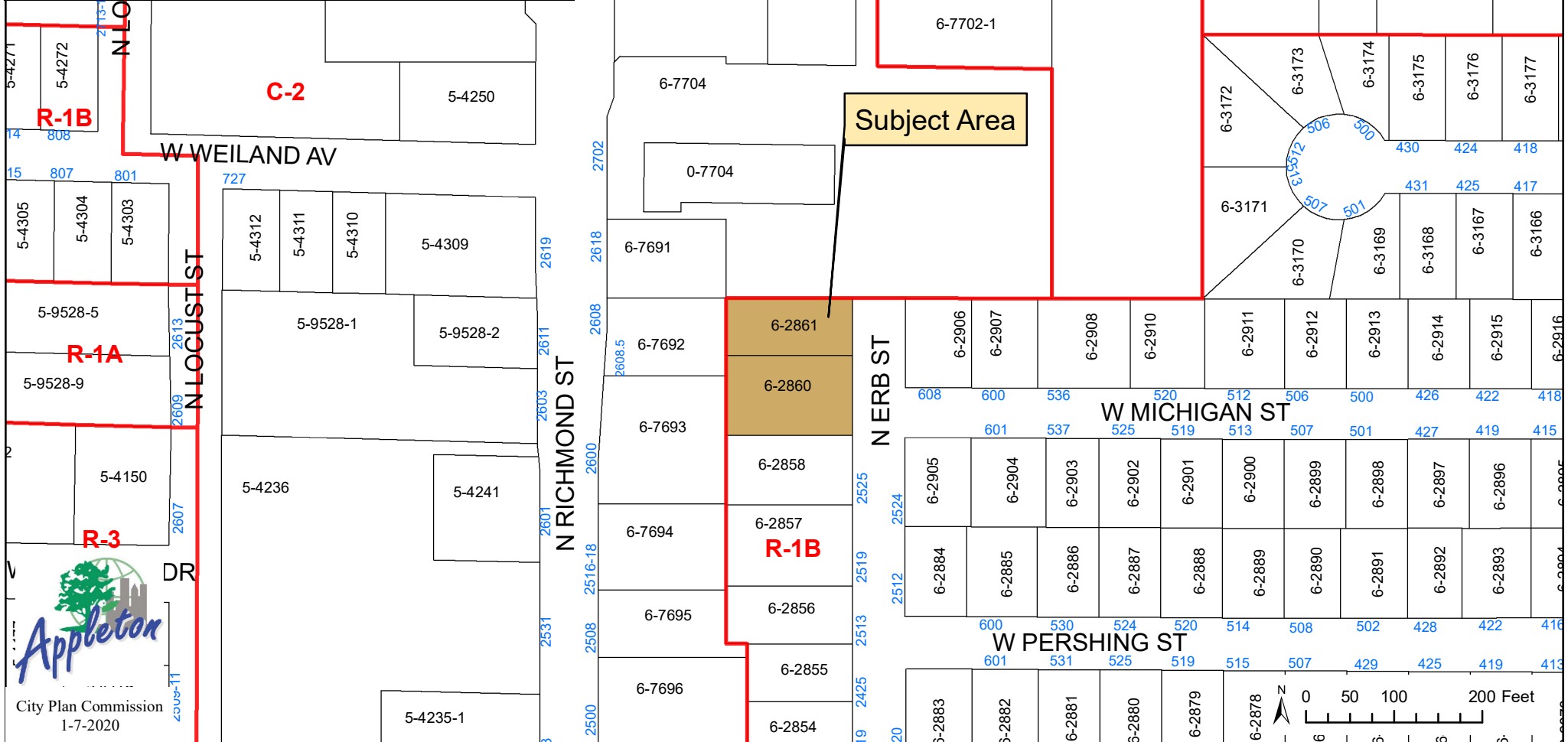
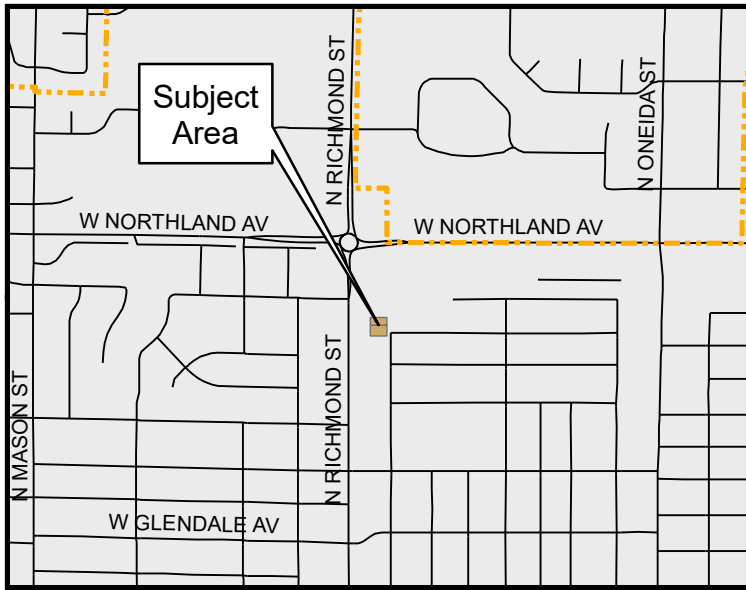
COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL – 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

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

North Erb Park
Future Land Use Map Amendment
One and Two-Family Residential to Commercial



North Erb Street Rezoning R-1B Single-Family District to C-2 General Commercial District Zoning Map



North Erb Street
Rezoning
R-1B Single-Family District to C-2 General Commercial District
Aerial Map

Subject Area

6-7691

6-7692

6-7693

6-2861

6-2860

6-2858

6-2857

6-2906

6-2907

6-2905

2619

2618

2611

2608

2603

2608.5

2600

608

600

60

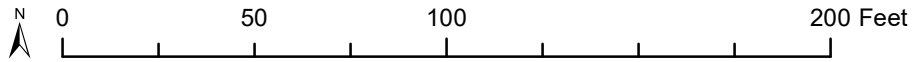
2525

2524

N RICHMOND ST

N ERB ST

W MICHIGAN ST



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

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Tuesday, January 7, 2020, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the following proposed Comprehensive Plan Future Land Use Map Amendment and Rezoning requests.

COMMON DESCRIPTION:

Generally located on North Erb Street, north of W. Michigan Street (Tax Id #31-6-2860-00 and #31-6-2861-00)

ALDERMANIC DISTRICT: 6 – Alderperson Denise Fenton

Comprehensive Plan Future Land Use Map Amendment Request:

A Comprehensive Plan Future Land Use Map amendment request has been initiated by the owners, R Lewis & R Lewis LLC, and applicant, Garritt Bader with GB Real Estate Investment LLC, pursuant to Wisconsin State Statute 66.1001 and the City of Appleton Comprehensive Plan 2010-2030. The owners request to amend the Comprehensive Plan Future Land Use Map for:

- Parcels located on North Erb Street (Tax Id #31-6-2860-00 and #31-6-2861-00) from future One and Two-Family Residential land use to Commercial land use.

Rezoning Request:

A rezoning request has been initiated by the owners, R Lewis & R Lewis LLC, and applicant, Garritt Bader with GB Real Estate Investment LLC, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate. The owners request to rezone:

- Parcels located on North Erb Street (Tax Id #31-6-2860-00 and #31-6-2861-00), as generally described above, from R-1B Single-Family District to C-2 General Commercial District.

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.

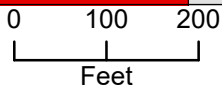
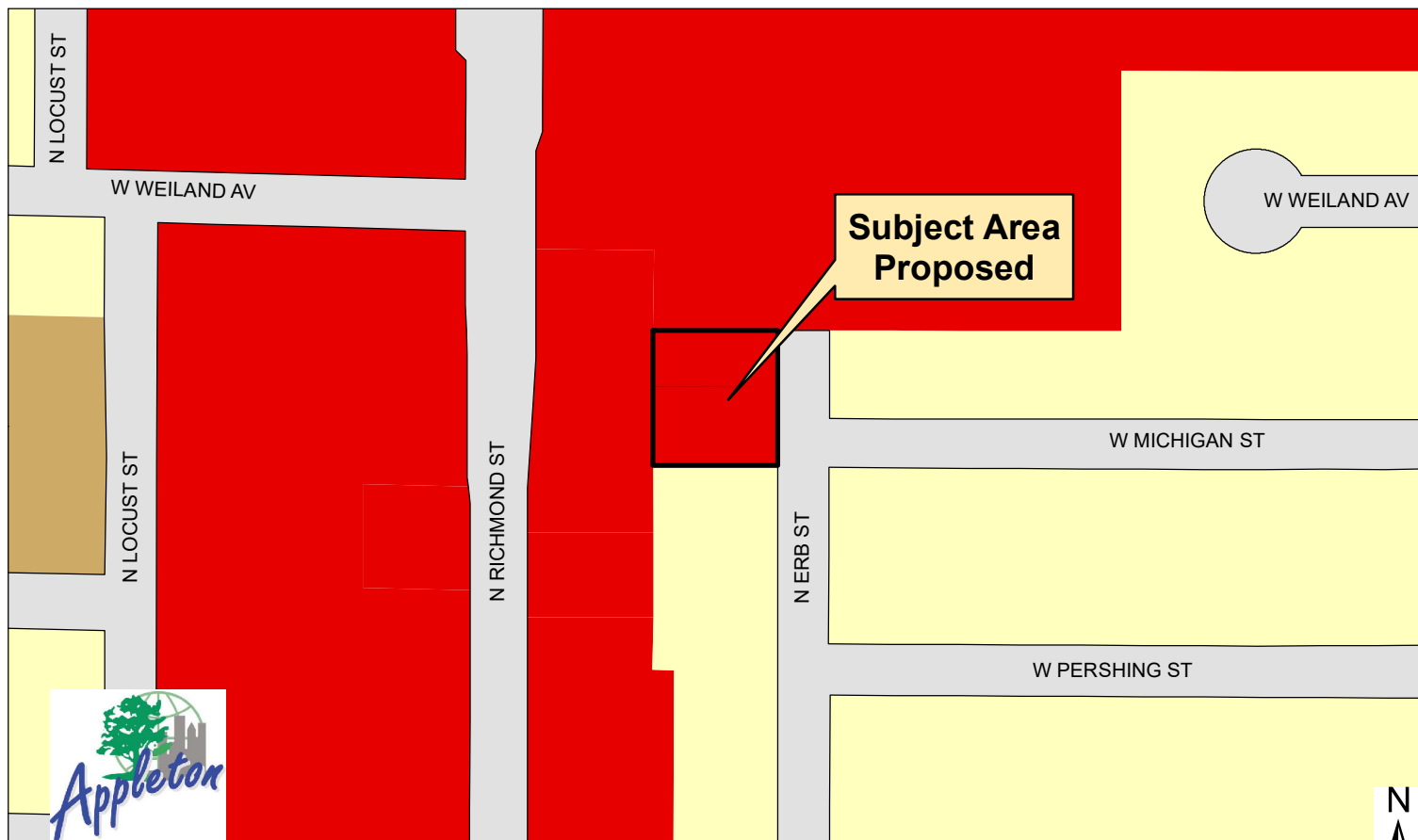
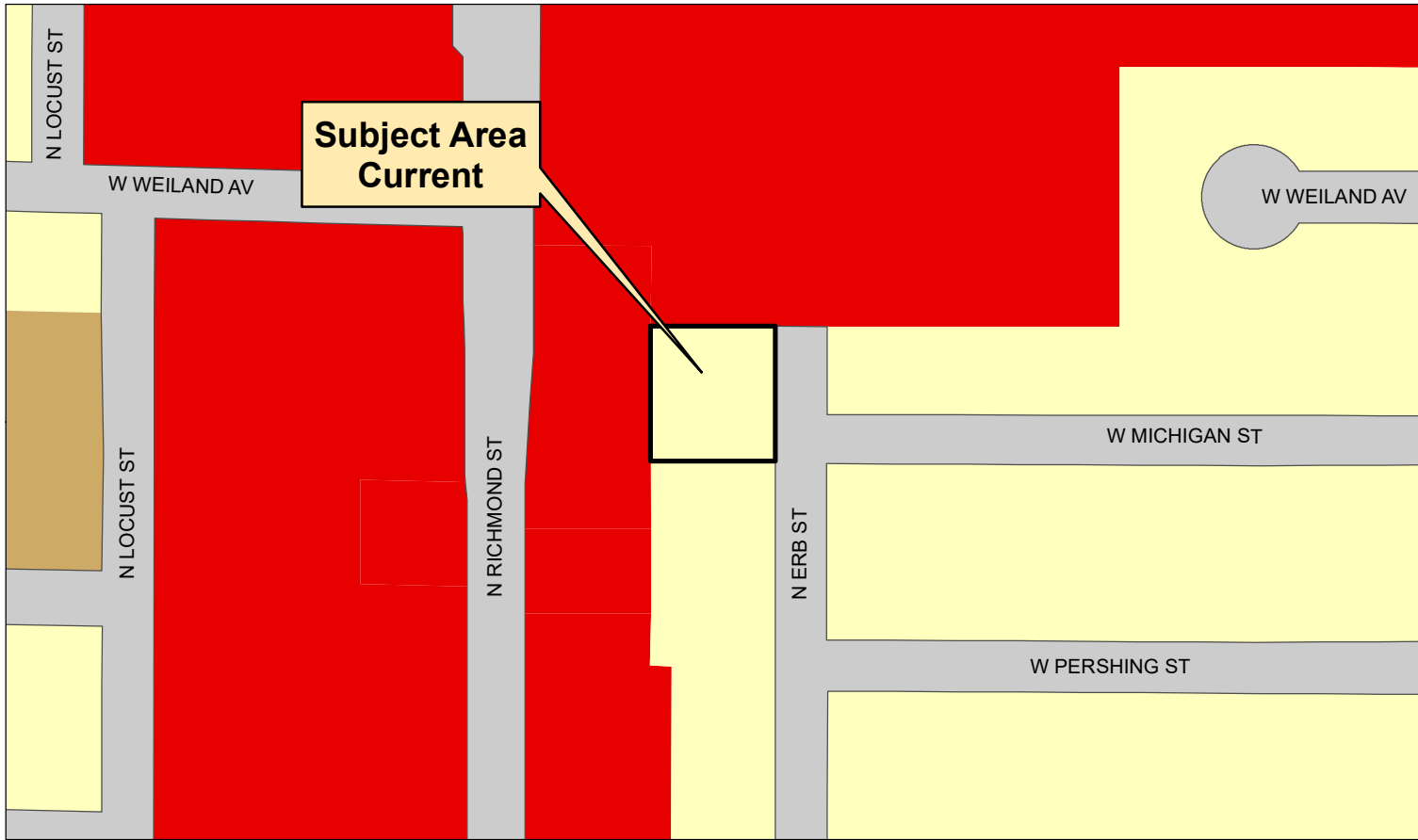
Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

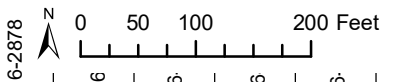
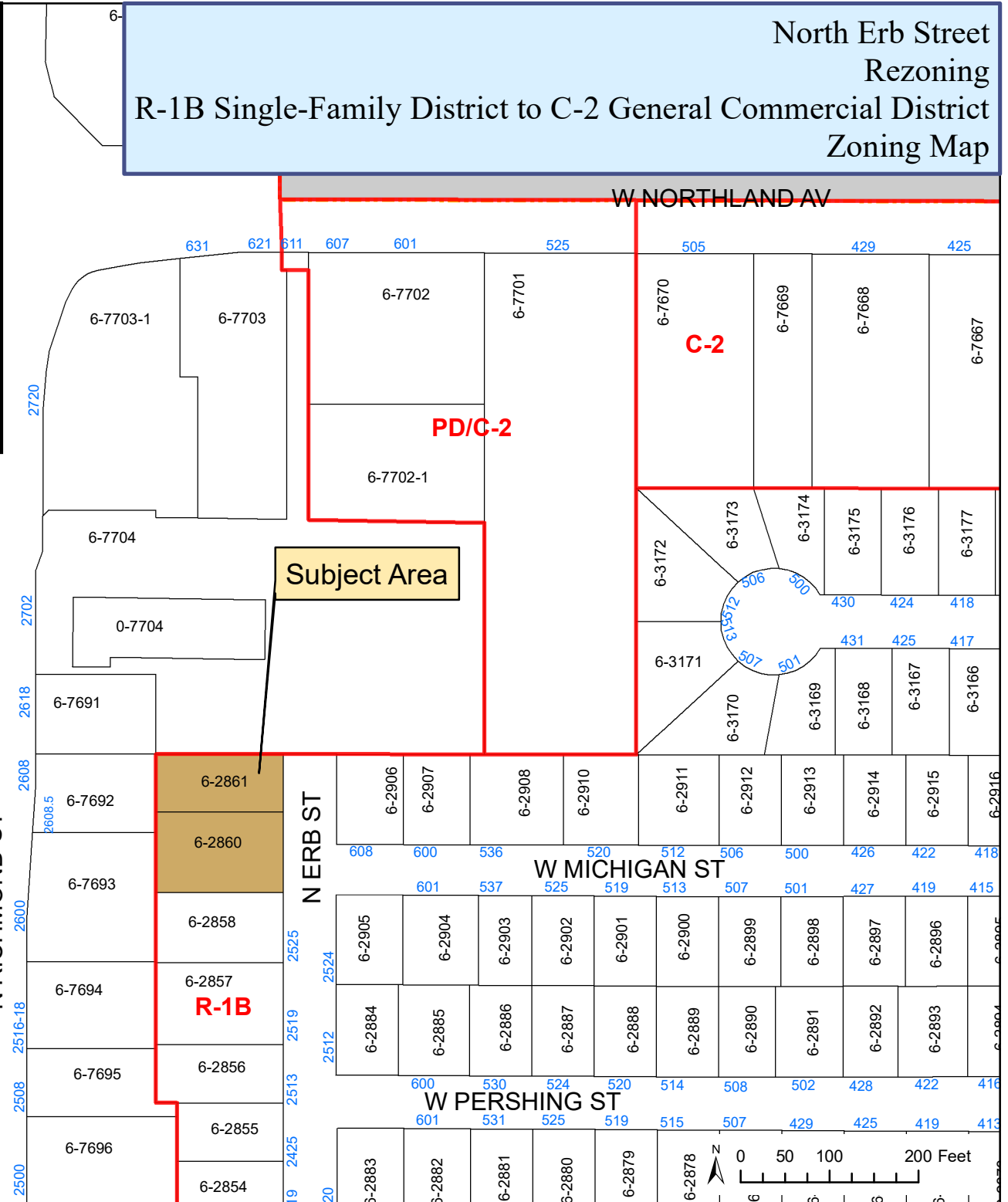
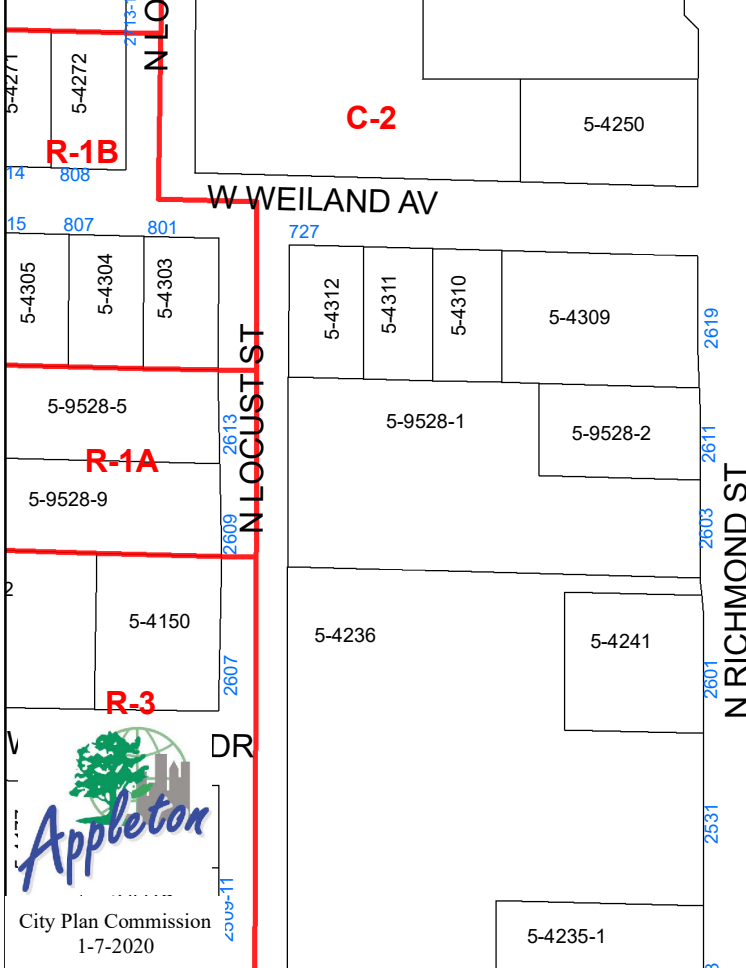
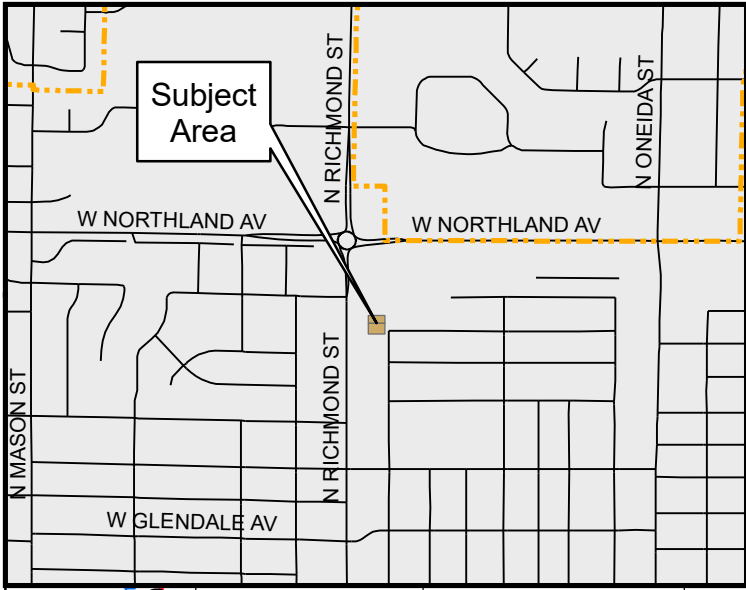
COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL – 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
(920) 832-6468

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

North Erb Park
Future Land Use Map Amendment
One and Two-Family Residential to Commercial

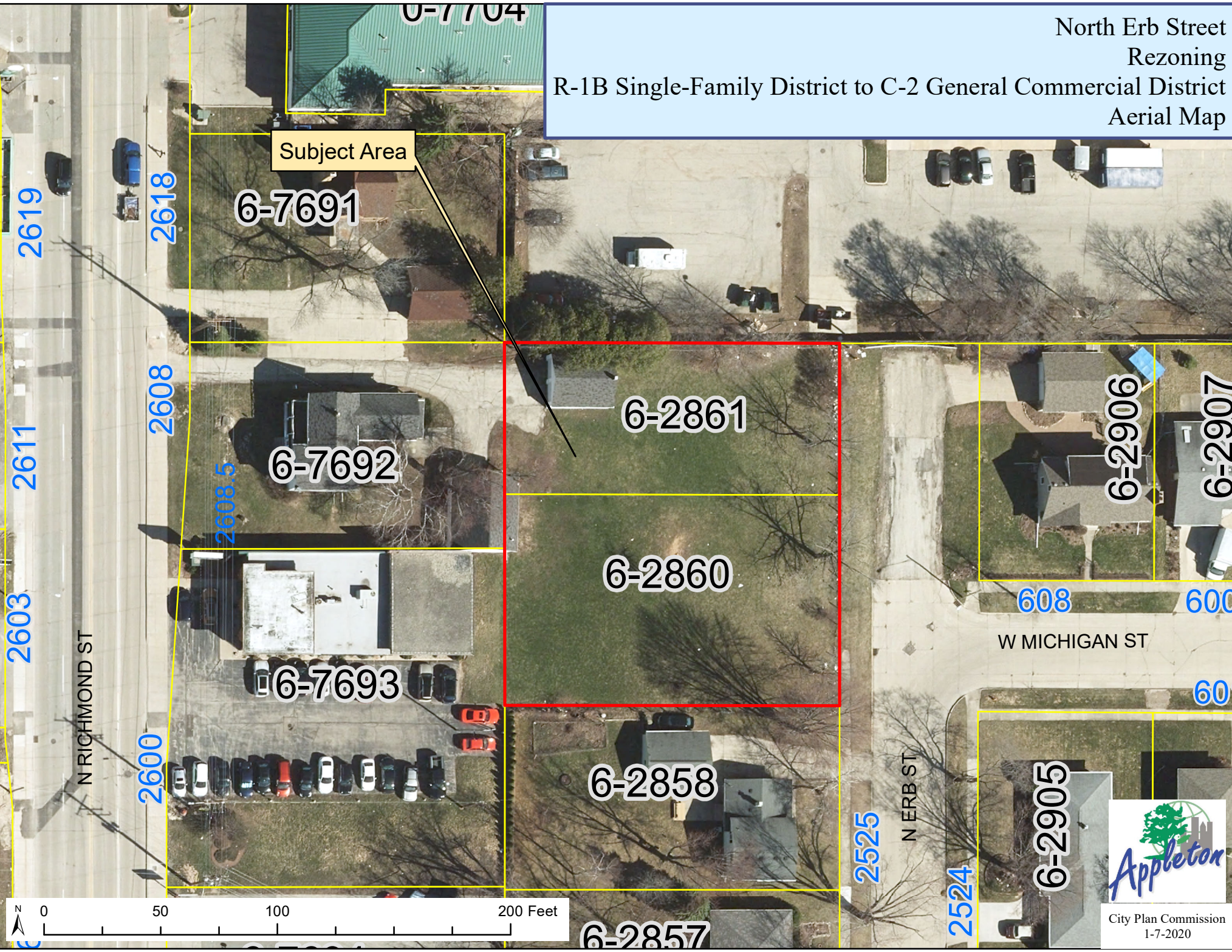


North Erb Street Rezoning R-1B Single-Family District to C-2 General Commercial District Zoning Map



North Erb Street
Rezoning
R-1B Single-Family District to C-2 General Commercial District
Aerial Map

Subject Area





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: January 7, 2020

Common Council Meeting Date: January 8, 2020

Item: Special Use Permit #12-19 for a car wash

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner: Rory Burton, Xceed Investments, LLC

Applicant: Jeremie Lamine – Deep Blue Car Wash, LLC

Address/Parcel #: 4029 E. Calumet Street (Tax Id #31-9-5812-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a car wash.

BACKGROUND

The subject site is approximately 54,680 square feet in area and is currently being used as an automobile sales lot. The property was annexed to the City with the Eisenhower Drive Annexation in 2010.

STAFF ANALYSIS

Project Summary: The applicant proposes to construct a car wash as shown on the attached conceptual plans. The existing building will remain and will serve to supplement the proposed car wash, and potential uses within the existing building may be auto detailing or self-serve dog wash. Site Plan Review, in accordance with Section 23-570, is required prior to construction of the proposed facility.

Existing Site Conditions: The site is approximately 54,680 square feet in size and is currently being used as an auto sales lot. Access is from Lorna Lane and an existing shared drive aisle with the property to the east. Lorna Lane is classified as a local street.

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a car wash requires a Special Use Permit in the C-2 District. The definition for car wash, per the Zoning Ordinance, means the use of a tract of land, building, or portion thereof, for the manual or automatic washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment. In order to permit a car wash facility, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

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

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton and the Town of Buchanan. The adjacent parcels contain commercial uses.

North: Town of Buchanan. The adjacent land use to the north is commercial.

Special Use Permit #12-19

January 7, 2020

Page 2

South: C-2 General Commercial District. The adjacent land use to the south is commercial (restaurant).

East: C-2 General Commercial District. The adjacent land uses to the east are a mix of commercial uses (multi-tenant building).

West: C-2 General Commercial District. The adjacent land use to the west is currently professional services (bank).

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

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

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) 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 December 17, 2019 Technical Review Group meeting. Discussion occurred regarding verifying the presence of a cross access easement for the existing shared drive aisle. No negative comments were received.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #12-19 for a car wash at 4029 E. Calumet Street (Tax Id #31-9-5812-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan may require a major or minor amendment

Special Use Permit #12-19

January 7, 2020

Page 3

request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

3. Once a new use has been established on this property, the use of the property for automobile sales shall expire and shall be discontinued. Future use of the property for automobile sales, or other proposed uses, shall be reviewed in accordance with applicable Zoning Code standards.
4. 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.
5. A recorded cross access easement for the existing shared drive aisle shall be provided in conjunction with the Site Plan review.
6. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.

RESOLUTION

**CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #12-19**

WHEREAS, Jeremie Lamine (Deep Blue Car Wash, LLC) has applied for a Special Use Permit for car wash located at 4029 E. Calumet Street, also identified as Parcel Number 31-9-5812-00; and

WHEREAS, the location for the proposed car wash is located in the C-2 General Commercial District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on January 7, 2020, on Special Use Permit #12-19 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) of the Municipal Code, and forwarded Special Use Permit #12-19 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2020 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #12-19 for car wash located at 4029 E. Calumet Street, also identified as Parcel Number 31-9-5812-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #12-19

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Once a new use has been established on this property, the use of the property for automobile sales shall expire and shall be discontinued. Future use of the property for automobile sales, or other proposed uses, shall be reviewed in accordance with applicable Zoning Code standards.
4. 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.

5. A recorded cross access easement for the existing shared drive aisle shall be provided in conjunction with the Site Plan review.
6. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.

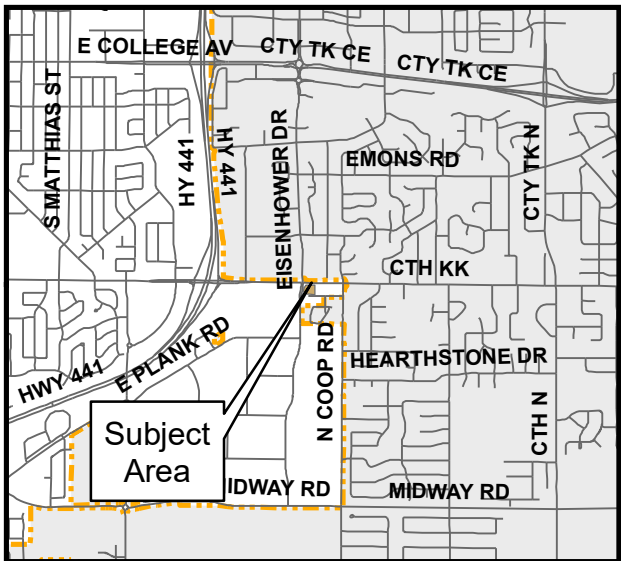
Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

ATTEST:

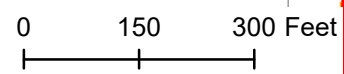
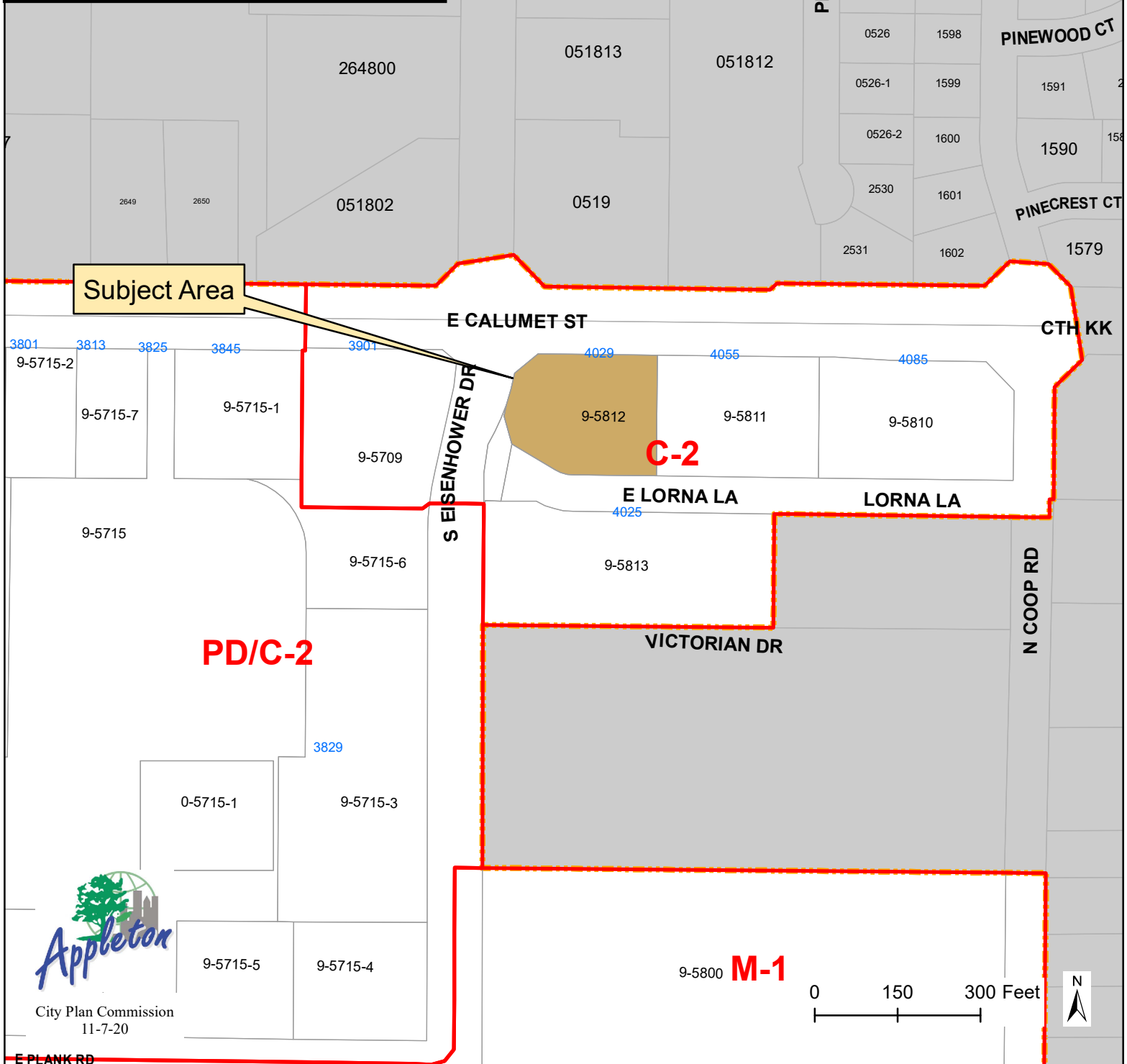
Kami Lynch, City Clerk

4029 E. Calumet Street
Special User Permit #12-19
Car Wash
Aerial Map

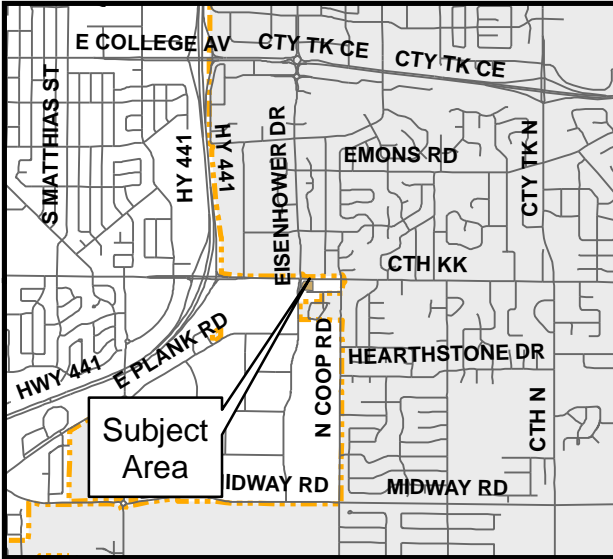


Subject Area

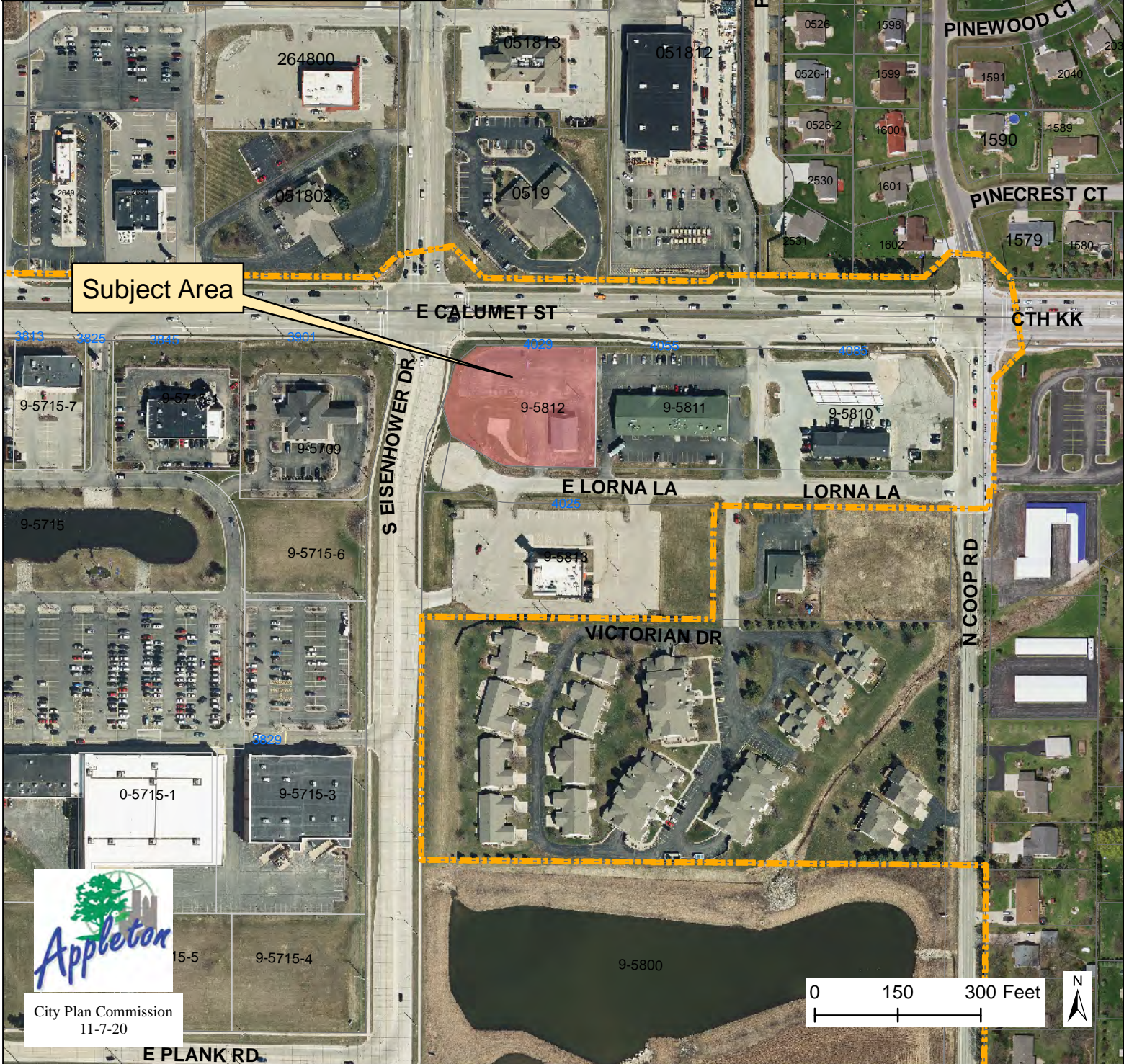
Subject Area



**4029 E. Calumet Street
Special User Permit #12-19
Car Wash
Aerial Map**



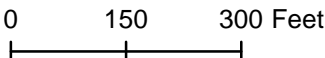
Subject Area



Subject Area



City Plan Commission
11-7-20



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Deep Blue Car Wash, LLC

Years in operation: 15 Years D.B.A. Best Car Wash, LLC

Type of proposed establishment (detailed explanation of business):

An Exterior Express Car Wash is proposed to be constructed on the parcel as shown on the included preliminary site plan. The existing building on the parcel will remain. The use of the existing building is unknown at this time but it would likely serve to supplement the proposed car wash business. The use would likely be automotive detailing.

Proposed Hours of Operation:

Day	From	To
Week Day	8:00am	8:00pm
Friday	8:00am	8:00pm
Saturday	8:00am	8:00pm
Sunday	8:00am	8:00pm

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: 26 persons

Gross floor area of the existing building(s):

2,200 square feet

Gross floor area of the proposed building(s):

Approximately 5,500 square feet

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

None

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

None

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

There will be dyers located within the building at the exit of the car wash bay. There will also be vacuums located outside of the building, along the south side of the building. Refer to the site plan included with this application.

How will the noise be controlled?

The dryers will be new state of the art dryers. The dryers will be located within the proposed building and will be mounted in a position where noise will be directed primarily into the car wash bay. The external vacuums will consist of a central vacuum system with motor(s) located within the proposed building. Hours of operation would be 8:00am-8:00pm seven days a week.

Outdoor Lighting:

Type: LED

Location: Existing outdoor lighting will remain in place with the exception of a couple light poles that will need to be relocated to accommodate building construction. Additional LED lighting and decorative lighting will be installed as needed.

Off-Street Parking:

Number of spaces existing: Used car lot

Number of spaces proposed: 15

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?

Site access is adequate. There is an ingress/egress easement that has been established with the property to the east. In addition, there is access to Lorna Lane.

A right-in/right-out access or a right-in only access from

Eisenhower Drive to Lorna Lane would be desirable but not required.

Adequate room for vehicle stacking is provided on the included site plan

Outdoor Uses:

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

None

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

None

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

None

Number of Employees:

Number of existing employees: Unknown

Number of proposed employees: 3

Number of employees scheduled to work on the largest shift: 3

GENERAL PROJECT NOTES:

PROJECT NAME: DEEP BLUE CAR WASH, LLC
 PROPERTY ADDRESS: 4029 E CALUMET STREET
 CITY OF APPLETON, CALUMET COUNTY, WI
 TAX KEY NUMBER: 31-9-5812-00
 LEGAL DESCRIPTION: ALL OF LOT 3 OF THE KWIK TRIP PLAT AS RECORDED IN PLAT CABINET B SLIDE 163 AS DOCUMENT NO. 245114, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 4, T21N, R18E, CITY OF APPLETON, CALUMET COUNTY
 ZONING DESCRIPTION: C2-GENERAL COMMERCIAL DISTRICT
 PROPOSED USE: EXPRESS CAR WASH
 FIRE PROTECTION: NOT SPRINKLERED
 ZONING INFORMATION:

	PROVIDED	REQUIRED
LOT SIZE:	54,680 S.F.	14,000 S.F.
LOT WIDTH:	276.79'	REQ'D MIN. = 60'
BUILDING HEIGHT:	26'	MAXIMUM 35'
BUILDING SETBACKS:		
FRONT YARD:		
NORTH:	42.5'	REQ'D MIN. = 10'
WEST:	56.7', 63.9'	REQ'D MIN. = 10'
SOUTH:	55'	REQ'D MIN. = 10'
SIDE YARD:		
EAST:	84.7'	REQ'D MIN. = 0'
REAR YARD:	NO REAR YARD	REQ'D MIN. = 20'

PARKING CALCULATIONS:

TOTAL SPACES PROVIDED = 15
 CAR WASH - 3 STALLS FOR EMPLOYEES
 GREATER THAN SIX (6) STACKING SPACES
 AUTO DETAILING - 12 PARKING STALLS (4 STALLS PER BAY)

LOADING AREA CALCULATIONS:

ONE (1) SPACE PROVIDED

DUMPSTER & RECYCLING CALCULATIONS:

ALL REFUSE AND RECYCLING CONTAINERS ARE STORED WITHIN THE PROPOSED BUILDING.

GENERAL SITE PLAN NOTES:

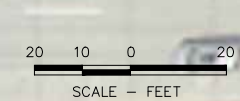
NO PRODUCTS WILL BE MANUFACTURED, SOLD, OR STORED ON SITE.
 NO HAZARDOUS MATERIALS WILL BE STORED ON SITE.
 A KNOX BOX WILL BE PROVIDED AT THE BUILDING FRONT ENTRANCE.
 EXCESS SNOW THAT CANNOT BE STORED ON SITE WILL BE HAULED AWAY.
 LANDSCAPE AREAS WILL MEET REQUIREMENTS OF THE CITY OF APPLETON ZONING ORDINANCE.
 THE EXISTING PYLON SIGN WILL BE REMOVED. PROPOSED SIGNS WILL BE MOUNTED TO THE PROPOSED BUILDING.
 THE EXISTING LED SITE LIGHTING WILL REMAIN WITH THE EXCEPTION OF ONE POLE MOUNTED FIXTURE. ADDITIONAL LED LIGHTING CONSISTING OF DECORATIVE WALL MOUNTED LIGHTING AND WALL MOUNTED SECURITY LIGHTING IS PROPOSED. LIGHTING WILL MEET REQUIREMENTS OF THE CITY OF APPLETON ZONING ORDINANCE.
 THE EXISTING PARKING LOT IS ASPHALTIC SURFACE. THE PROPOSED SURFACE WILL BE A MIXTURE OF ASPHALT AND CONCRETE PAVEMENT.

[#] SITE PLAN KEY NOTES:

1. PROPOSED OFFICE
2. PROPOSED CAR WASH BAY
3. PROPOSED MECHANICAL ROOM
4. PAY STATIONS (3 TOTAL)
5. VACUUM STALLS (6 TOTAL)
6. VEHICLE STACKING AREA
7. OFF-STREET LOADING SPACE
8. ESCAPE LANE
9. STORMWATER MANAGEMENT DEVICE



**PRELIMINARY
 CONCEPTUAL SITE PLAN
 NOT FOR CONSTRUCTION**



RADIUS = 67.00'
 DELTA = 29°55'57"
 LENGTH = 35.00'
 CHORD = 34.61'
 TANGENT = 17.91'
 CHORD BEARING = S75°21'01.5"E
 TANGENT IN = S60°23'03"E
 TANGENT OUT = N89°41'00"E

McMAHON
 ENGINEERS ARCHITECTS
 1445 McMAHON DRIVE NEENAH, WI 54956
 MAILING: P.O. BOX 1025 NEENAH, WI 54957-1025
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

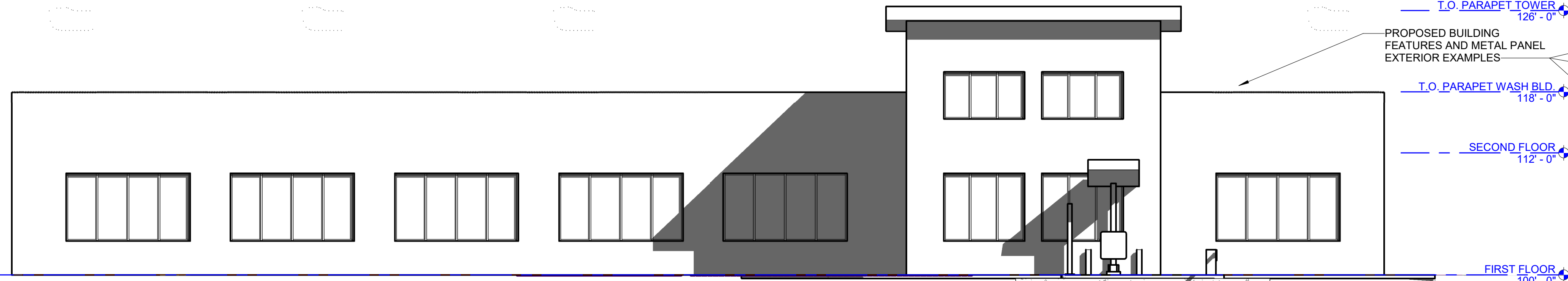
McMahon Associates, Inc. provides professional engineering, architectural, and landscape architecture services. All rights including copyright are reserved. McMahon Associates, Inc. is not responsible for any errors or omissions in this drawing or data without prior written consent by McMahon Associates, Inc.

NO.	DATE	REVISION

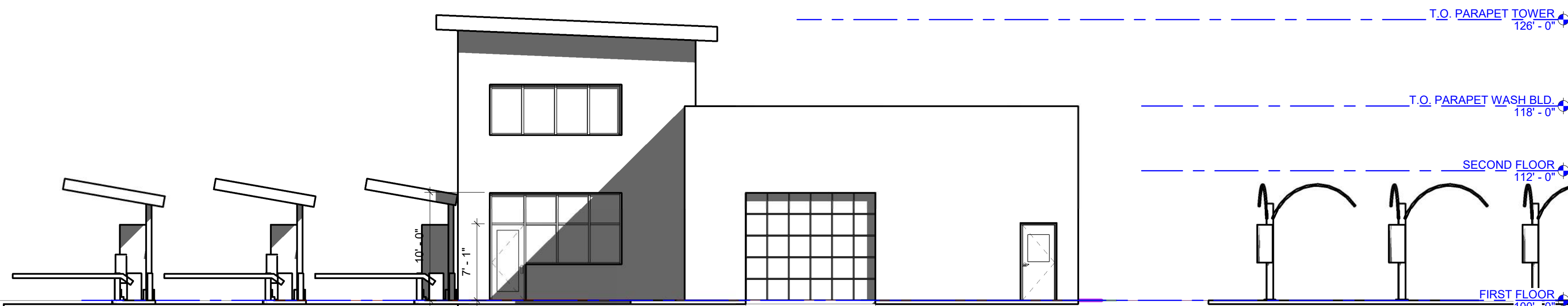
LAMINE SITE PLAN - 4029 E CALUMET STREET
 CITY OF APPLETON, CALUMET COUNTY
PRELIMINARY CONCEPTUAL SITE PLAN

DESIGNED MPK	DRAWN MPK
PROJECT NO. TBD	
DATE DEC 2019	
SHEET NO. 01	

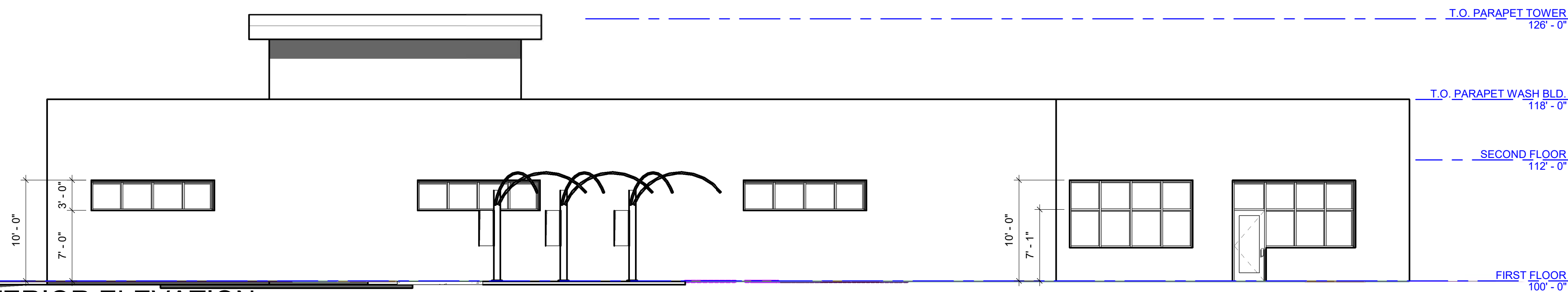
1 NORTH EXTERIOR ELEVATION
A391 1/8" = 1'-0"



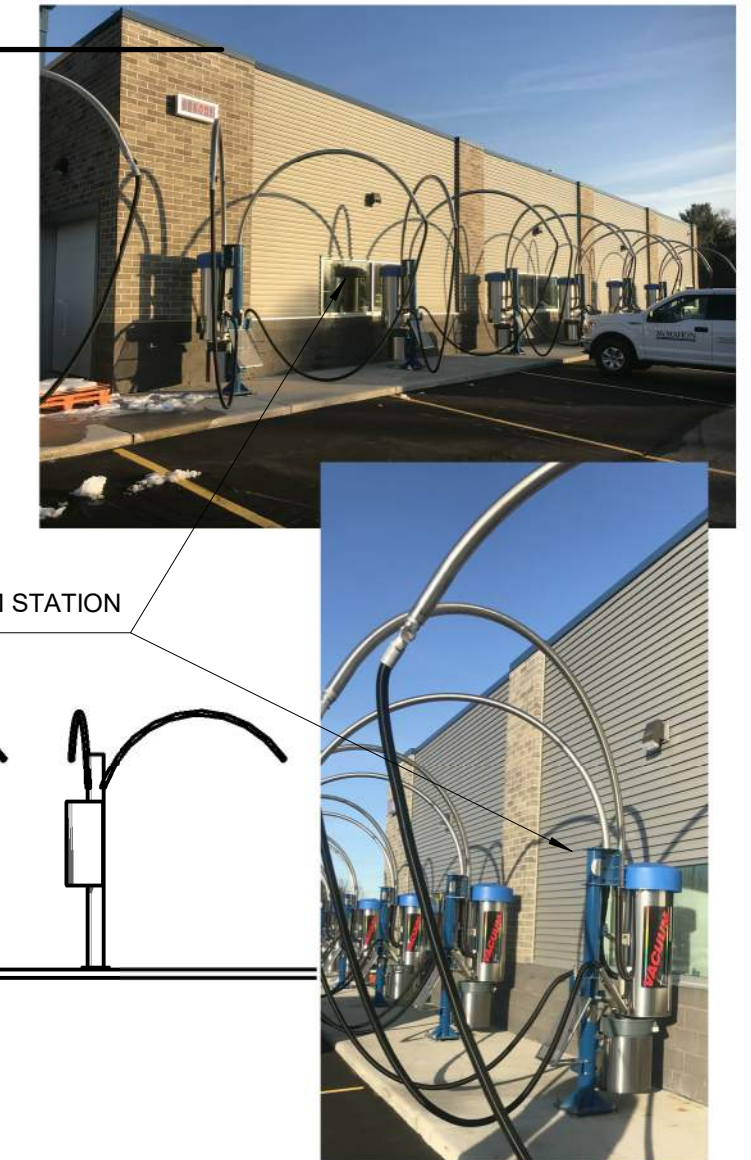
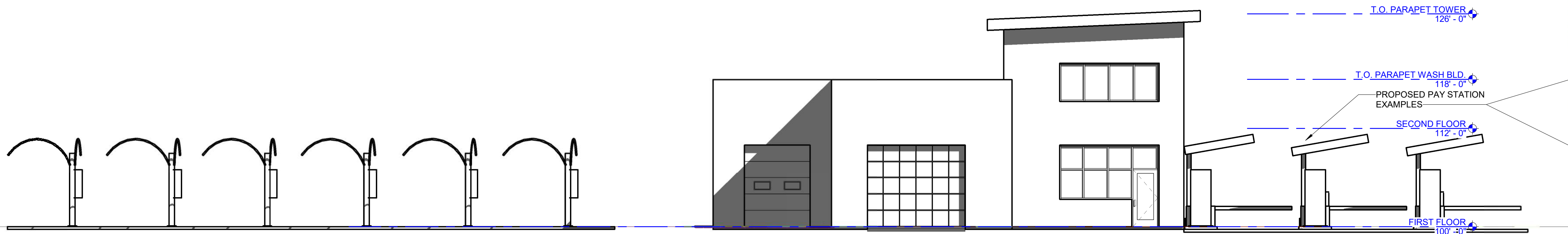
2 WEST EXTERIOR ELEVATION
A391 1/8" = 1'-0"



3 SOUTH EXTERIOR ELEVATION
A391 1/8" = 1'-0"



4 EAST EXTERIOR ELEVATION
A391 1/8" = 1'-0"



PRELIMINARY NOT FOR CONSTRUCTION

McMAHON
ENGINEERS ARCHITECTS
McMAHON ASSOCIATES, INC. E 4986
1445 WILSON AVENUE, SUITE 100
MILWAUKEE, WI 53212
Tel: (920) 751-4200 Fax: (920) 751-4284
www.mcmgrp.com

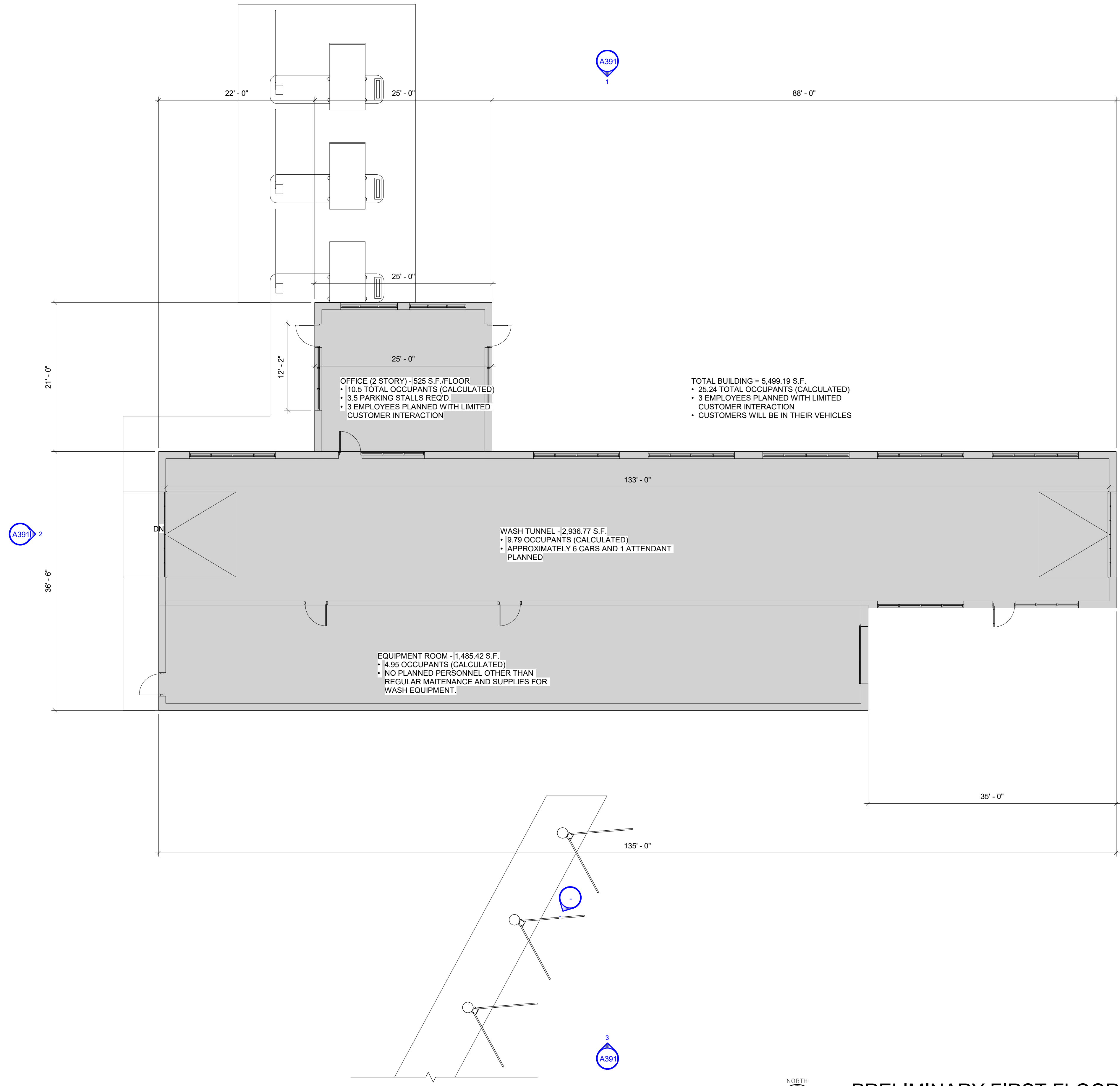
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NO.	DATE	REVISION

LAMINE SITE PLAN - 4029 E CALUMET STREET
CAR WASH CITY OF APPLETON, CALUMET COUNTY
PRELIMINARY EXTERIOR ELEVATIONS

DESIGNED	DRAWN
PROJECT NO. TBD	
DATE DECEMBER, 2019	
SHEET NO.	

A391



GENERAL PLAN NOTES

- DO NOT SCALE FROM DRAWINGS. BRING ANY DISCREPANCIES TO THE ARCHITECTS ATTENTION IMMEDIATELY.
- COORDINATE LOCATIONS AND QUANTITY OF WORK WITH MECHANICAL, ELECTRICAL, AND PLUMBING CONTRACTORS.
- ALL DIMENSIONS ARE CLEAR FROM THE FACE OF FINISHED WALL/PARTITION TO FACE OF FINISHED WALL/PARTITION OR FACE OF EXISTING WALLS ACTUAL FACE.
- ALL PIPING, CONDUIT AND RELATED MECHANICAL AND ELECTRICAL ITEMS SHALL BE CONCEALED WITHIN GYPSUM BOARD FURRING AS REQUIRED IN FINISHED AREAS WHETHER SHOWN ON DRAWINGS OR NOT, UNLESS NOTED OTHERWISE.
- PROVIDE METAL PLATE BACKING AND/OR TREATED WOOD BLOCKING IN WALLS WHERE WALL-MOUNTED EQUIPMENT IS SHOWN ON PLANS OR ELEVATIONS. VERIFY HEIGHT AND LENGTH WITH ACTUAL EQUIPMENT.
- SEE SHEET A011 & A012 FOR LIFE SAFETY PLAN AND FIRE PARTITION RATINGS.
- SHADED AREA INDICATES BUILDING ADDITION AND RENOVATION AREAS.
- CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS BEFORE CONSTRUCTION.

(X) KEYED PLAN NOTES

PRELIMINARY NOT FOR CONSTRUCTION

McMAHON ENGINEERS ARCHITECTS
 McMAHON ASSOCIATES, INC.
 1445 PLYMOUTH AVENUE, SUITE 100
 MERRIMAN, VT 05401
 Tel: (820) 751-4200 Fax: (820) 751-4264
 www.mcmgrp.com

DESIGNED	DRAWN
PROJECT NO.	TBD
DATE	DECEMBER, 2019
SHEET NO.	A211

LAMINE SITE PLAN - 4029 E CALUMET STREET
 CAR WASH CITY OF APPLETON, CALUMET COUNTY
 PRELIMINARY FIRST FLOOR PLAN

RECEIVED

JAN - 3 2020

January 2, 2020

Community & Economic Development City Hall
Attn: Jessica Titel
100 North Appleton Street
Appleton, WI 54911

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

To Whom It May Concern,

This letter is in response to the consideration of a Special Use Permit for parcel (Tax ID #31-9-5812-00) requested by Jeremie Lamine, Deep Blue Car Wash, LLC, applicant, and Rory Burton, Xceed Investments, LLC, owner for the property located at 4029 East Calumet Street.

As the neighboring property owners (Bose 1 Investments, LLC, DKS Realty Wisconsin, LLC, ESVH Investments, LLC(KK Centre TIC Group)) for the building located at 4055 E. Calumet Street, Appleton, WI we have several concerns regarding the application for a Special Use Permit. With the construction of the proposed building we feel the visibility of our property would significantly be obstructed. A key asset to the retail industry and tenants within our location. It is our belief that there is not an existing easement showing ingress and egress through our parcel and would not be in favor of allowing a new one to be drafted or implemented. It is our opinion that the local market does not seem to be underserved with car washes with Clear Water, Best Wash of Darboy, and Shiny Car, all within 1 mile of this location. Lastly, the current zoning does not allow this type of use, our suggestion would be to follow the current zoning in place and deny the request.

Sincerely,



Charlie Dercks
KK Centre TIC Group-Managing member
(920) 419-5950
Cdercks@jrossassoc.com



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: January 7, 2020

Common Council Meeting Date: January 8, 2020

Item: Special Use Permit #13-19 for a restaurant with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Caleb Hayes, Park Place Holdings, LLC (owner) / Fay Oliver, The Jerk Joint Restaurant (applicant)

Address/Parcel #: 1619 West College Avenue – Suite D (Tax Id #31-3-0049-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a restaurant with alcohol sales and consumption.

BACKGROUND

The applicant has been operating a restaurant without alcohol sales since August 2019.

Rezoning #11-03 to rezone the subject property from PD/C-2 Planned Development/General Commercial District to C-2 General Commercial District was approved by the Common Council on September 17, 2003.

The subject property was zoned to PD/C-2 Planned Development/General Commercial District with the adoption of the Zoning Ordinance and Map on May 22, 1994. There was no Implementation Plan Document filed with the City or recorded in the Outagamie County Register of Deeds' Office.

In 1970, the building on the subject property was constructed as a multi-tenant building.

STAFF ANALYSIS

Project Summary: The Jerk Joint Restaurant has operated within the subject building (Suite D) since August 2019. The applicant proposes to serve alcohol within their existing tenant space which totals approximately 1,000 square feet.

Existing Site Conditions: The existing multi-tenant building totals approximately 11,084 square feet. The required off-street parking spaces is 45 stalls. The proposed development shows 52 parking spaces.

Access is provided by curb cuts on West College Avenue, South Douglas Street and South Victoria Street.

Outdoor Alcohol Consumption Area: No outdoor alcohol sales and consumption is requested as part of this application for a Special Use Permit.

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

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and consumption requires a Special Use Permit in the C-2 District. In order to permit alcohol sales and consumption in conjunction with a restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

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 industrial, commercial and residential in nature.

North: C-2 General Commercial District. The adjacent land use to the north is currently a retail business.

South: P Parking District, R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the south are currently single-family residential uses and surface parking lots.

East: R-1B Single-Family District. The adjacent land uses to the east are currently residential uses.

West: M-2 General Industrial District. The adjacent land uses to the west are currently professional office and manufacturing uses.

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

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

Finding of Fact: Prior to the granting of any Special Use Permit, the City Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 23-66 (e) (1-6). This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative.

Technical Review Group (TRG) Report: This item was discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #13-19 for a restaurant with alcohol sales and consumption at 1619 West College Avenue, Suite D (Tax Id #31-3-0049-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. 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.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

RESOLUTION

**CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #13-19**

WHEREAS, Fay Oliver, owner of The Jerk Joint restaurant has applied for a Special Use Permit for a restaurant with alcohol sales located at 1619 West College Avenue – Suite D, and also identified as Parcel Number 31-3-0049-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and service is located in the C-2 General Commercial District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on January 7, 2020, on Special Use Permit #13-19 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, and forwarded Special Use Permit #13-19 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2020 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #13-19 for a restaurant with alcohol sales and service located at 1619 West College Avenue – Suite D, also identified as Parcel Number 31-3-0049-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #13-19

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. 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.
3. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

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

Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

**ONSITE ALCOHOL CONSUMPTION
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

Business information:

Name of Business: Jerk Joint

Years in Operation: 4 months

(Check applicable proposed business activity(s) proposed for the building or tenant space)

Restaurant Bar/Night Club Wine Bar Microbrewery Other _____

Provide detailed explanation of the type of business occupying the building or tenant space:

The establishment is a Caribbean restaurant.

Any planned remodeling of the building or tenant space proposed (please describe):

Already occupying tenant space.

Proposed Hours of Operation for Indoor Space:

Day	From	To
Week Days: Monday thru Thursday	11:30 a.m.	8:00 p.m.
Friday	11:30 a.m.	8:00 p.m.
Saturday	11:30 a.m.	8:00 p.m.
Sunday	Closed	Closed

Building capacity and area:

Anticipated maximum number of persons occupying the building or tenant space: 20 persons.

Gross floor area of the existing building or tenant space the business will occupy: 1,000 sq.ft.

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all equipment/amplified music.

N/A

B. How will the noise be controlled to comply with the Municipal Code Regulations?

N/A

Outdoor Space uses:

(Check applicable proposed area)

None Patio Sidewalk Café Deck Other _____.

Is there any alcohol service incorporated within the outdoor space? Yes ___ No ___

Are there plans for outdoor music/entertainment? Yes ___ No ___

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

Is there any food service incorporated in the outdoor patio? Yes ___ No ___

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.**

Proposed Hours of Operation for the Outdoor Space:

Day	From	To
Week Day	N/A	N/A
Friday	N/A	N/A
Saturday	N/A	N/A
Sunday	N/A	N/A

Number of Employees:

Number of Proposed Employees: 3.

Number of employees scheduled to work on the largest shift: 3

Off-street parking: 52 spaces exist on-site.

A PROPOSED TENANT REMODEL FOR,
1619 W. COLLEGE AVE.
 APPLETON,
 WISCONSIN

GENERAL NOTES

THESE DRAWINGS COVER STRUCTURAL AND GENERAL CONSTRUCTION WORK ONLY. ALL WORK SHALL COMPLY TO STATE AND LOCAL CODES WHICH MAY VARY FROM THE BUSINESS SIZE AND SHALL BE SHOWN IN A SUPPLEMENTARY DRAWING. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DIMENSIONS OF EXISTING STRUCTURAL MEMBERS, SERVICES, UTILITIES, DEPRESSIONS AND OTHER FEATURES SHOWN ON THE STRUCTURAL DRAWINGS SHALL NOT BE REMOVED WITHOUT WRITTEN APPROVAL FROM THE ARCHITECT. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND CONDITIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES. THE ARCHITECT'S DESIGN SHALL BE COMPLETE UNLESS OTHERWISE SPECIFICALLY NOTED OTHERWISE. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SAFETY DURING CONSTRUCTION.

PROJECT INFORMATION

CONSTRUCTION CLASSIFICATION
 TYPE IIIIB
 OCCUPANCY
 PREVIOUS OCCUPANCY IS NOT TO BE CHANGED
 NEW OCCUPANCY TO BE 19" BUSINESS (4-2 < 50 PEOPLE)

SHEET INDEX

T-10 GENERAL SHEET INDEX NOTES

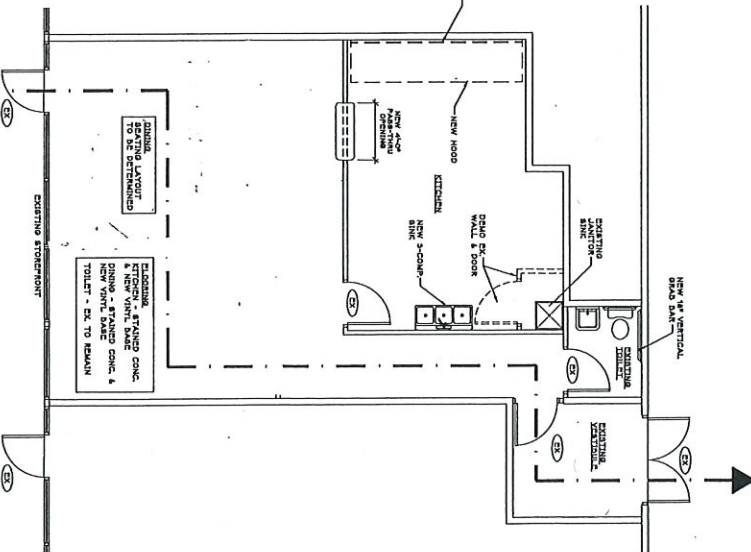
T-10 GENERAL SHEET INDEX NOTES
 SITE PLAN AND EXISTING PLAN
 ADA DETAILS



SCHEMATIC SITE PLAN

SITE PLAN IS EXISTING - NO CHANGES TO EXISTING PLAN IS PROVIDED FOR REFERENCE ONLY.

NOTE TO HAVE APPROVED/IDENTIFIED EXISTING WALL CONSTRUCTION



FLOOR PLAN

A PROPOSED TENANT REMODEL FOR, 1619 W. COLLEGE AVE. APPLETON, WISCONSIN		 TACS Architectural & Engineering 327 RANDOLPH DRIVE APPLETON, WI 54912 TEL: 920-574-2657 FAX: 920-574-2660
DATE: JANUARY 3, 2010	ARCH: L. WERT D. BY: L. WERT JOB: REST REV:	
T	1.0	

THE JERK JOINT SUITE D

1619 WEST COLLEGE AVENUE,

PROJECT AND CODE INFORMATION

- 2015 INTERNATIONAL BUILDING CODE WITH WISCONSIN
- 2015 INTERNATIONAL EXISTING BUILDING CODE WITH WISCONSIN
- 2015 INTERNATIONAL ENERGY CONSERVATION CODE WITH WISCONSIN
- 2015 INTERNATIONAL FIRE SEPARATION AND USABLE BUILDINGS AND FACILITIES

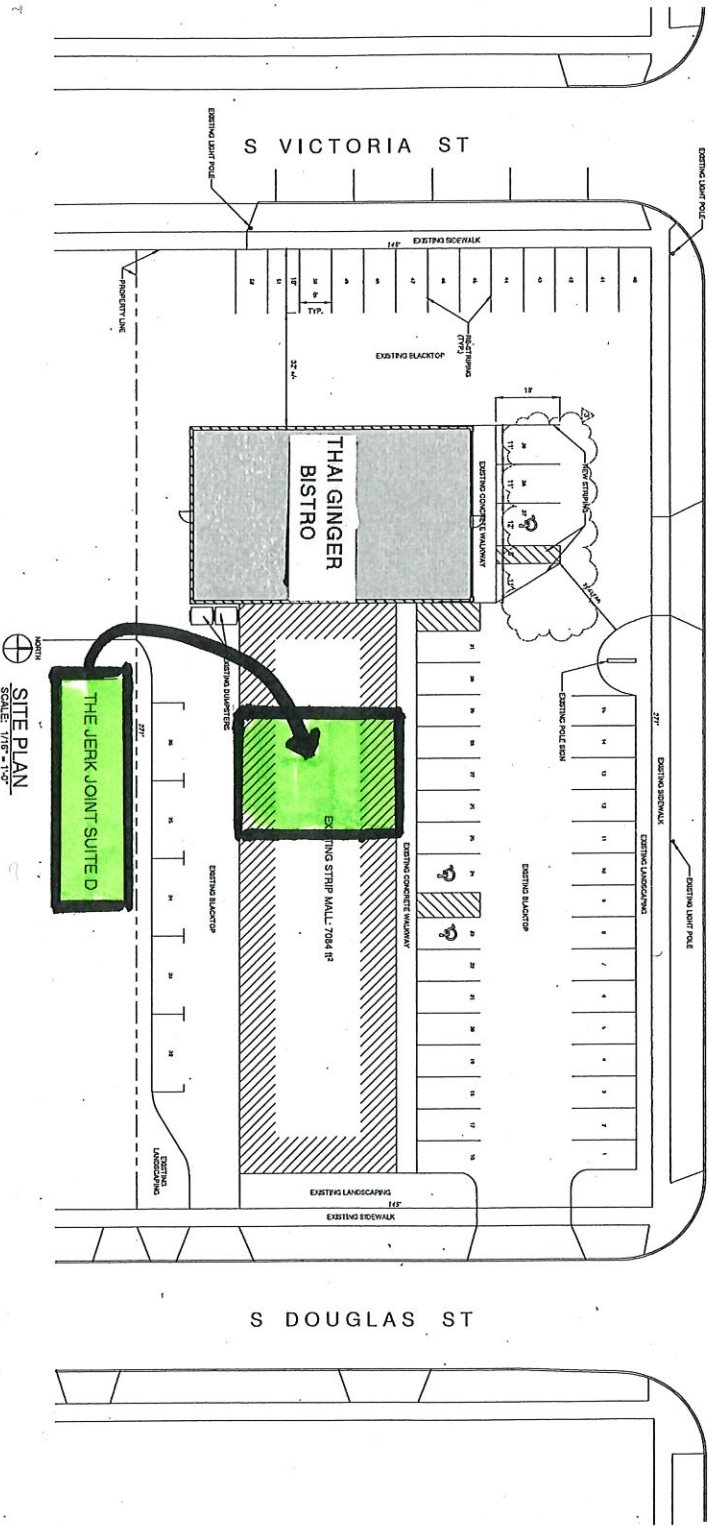
- **USE CATEGORY:** COMMERCIAL CENTER
- **PROJECT OCCUPANCY CLASSIFICATION:** RESTAURANT ASSOCIATED GROUP A2
- **PERMITTED ALTERATIONS:** ADDITION, ALTERATION
- **USE PROVISION:** NONSPRINKLER
- **NUMBER OF FLOOR LEVELS:**

TOTAL AREA: 1,000 S.F.
EXISTING AREA: 7,094 S.F.
NEW AREA: 4,000 S.F.
ALTERATION LEVEL:

NOTES:
 1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE 2015 INTERNATIONAL BUILDING CODE WITH WISCONSIN, THE 2015 INTERNATIONAL EXISTING BUILDING CODE WITH WISCONSIN, THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE WITH WISCONSIN, THE 2015 INTERNATIONAL FIRE SEPARATION AND USABLE BUILDINGS AND FACILITIES, AND ALL APPLICABLE LOCAL ORDINANCES AND REGULATIONS.

Total Existing Building Area: 4,000 SF + 7,094 SF = 11,094 SF
 Proposed Addition: 4,000 SF
 Proposed Total: 15,094 SF

W COLLEGE AVE



SHEET INDEX

- A1 SHEET INDEX
- A2 SITE PLAN
- A3 PROJECT AND CODE INFORMATION
- A4 FLOOR PLAN
- A5 RESTROOM FLOOR PLAN/FUTURE SCHEDULE
- A6 ROOM FINISH SCHEDULE
- A7 DOOR TYPES
- A8 WALL TYPES
- A9 DOOR HEADER AND CONCRETE PAD DETAIL
- A10 TYPICAL PLUMBING FUTURE AND DEMOLITION PLAN
- A11 EGRESS PLAN

Special Use Permit
Restaurant with Alcohol Sales
1619 W. College Avenue, Suite D
Aerial Map

Subject Area



048-4

S VICTORIA ST

W COLLEGE AV

S DOUGLAS ST

3-0049

3-0054

3-0055

56

3-0057

3-0060

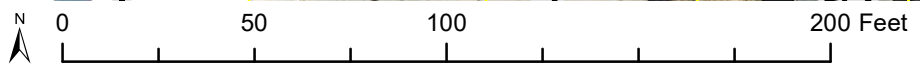
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3-1290

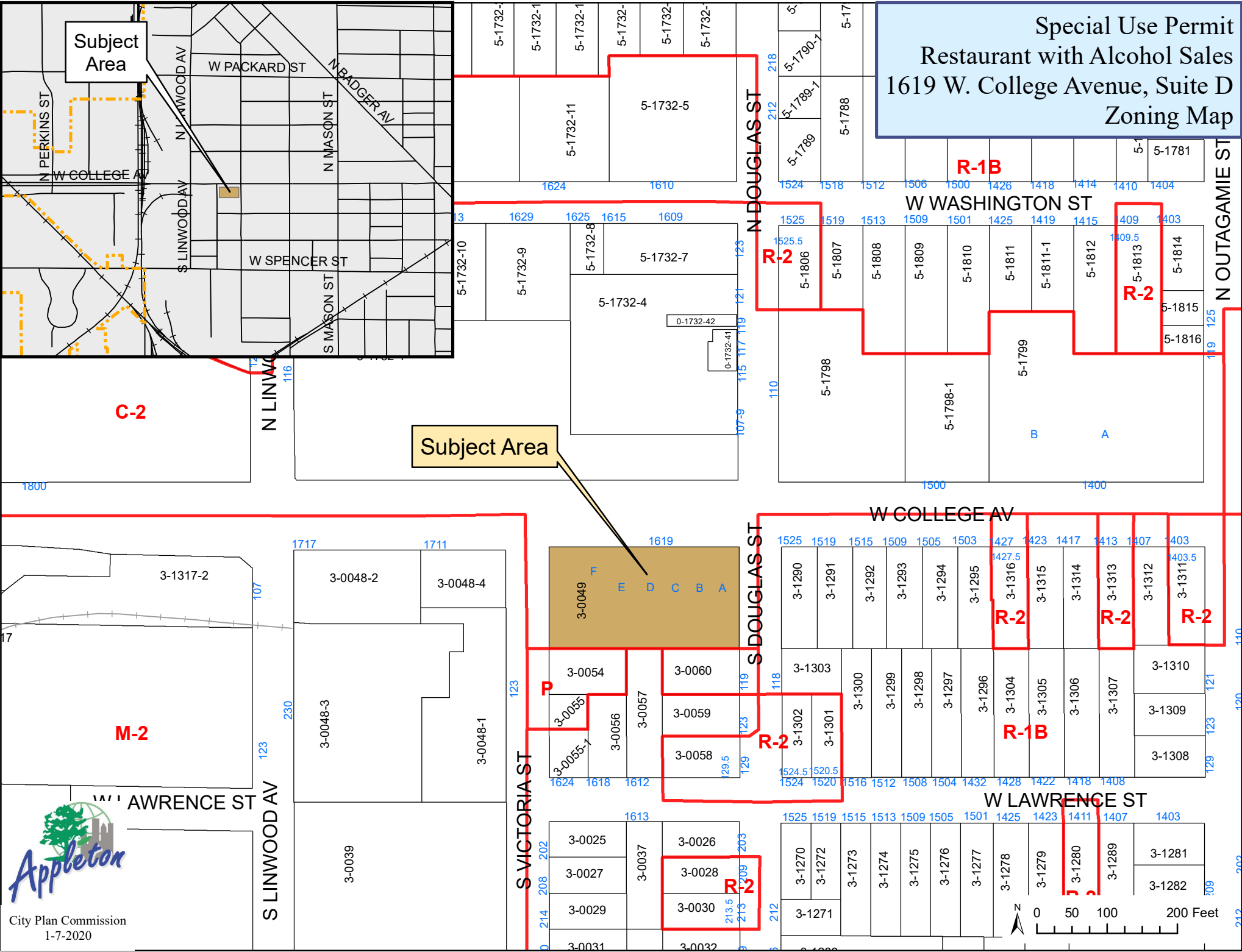
3-1303



City Plan Commission
1-7-2020



Special Use Permit
 Restaurant with Alcohol Sales
 1619 W. College Avenue, Suite D
 Zoning Map



C-2

Subject Area

M-2

R-1B

R-2

R-2

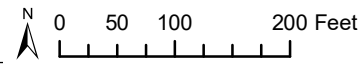
W COLLEGE AV

S DOUGLAS ST

S VICTORIA ST

W LAWRENCE ST

R-2





REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: January 7, 2020

Common Council Public Hearing Meeting Date: February 5, 2020
(Public Hearing on Rezoning)

Item: Planned Development (PD) Rezoning #11-19 – North Richmond Street and West Evergreen Drive

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Grishaber Main Street Partnership, LLP c/o Scot Grishaber

Address/Parcel: Generally located east of North Richmond Street and south of West Evergreen Drive (Tax Id #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05), including land recently annexed with the Evergreen Heights Annexation (formerly Town of Grand Chute Tax Id #101052406, #101052800, and #101052802).

Petitioner's Request: The applicant proposes to rezone the subject parcels from C-2 General Commercial District and temporary AG Agricultural District to PD/C-2 Planned Development General Commercial District #11-19. The request is being made to assign a permanent zoning classification to newly annexed land and facilitate redevelopment of the property.

BACKGROUND

On June 18, 2008, Common Council adopted Ordinance 112-08 to annex parcels #31-6-5601-00, #31-6-5601-01, and #31-6-5601-02 to the City as the Alvin Street Annexation. At that time, the newly annexed parcels were assigned a zoning classification of C-2 General Commercial District. On July 2, 2008, Common Council approved Comprehensive Plan Amendment #4-08, which changed the Future Land Use Map for the subject area from Single/Two-Family designation to Commercial designation.

On December 18, 2019, Common Council adopted Ordinance 109-19 to annex parcels #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05 to the City as the Evergreen Heights Annexation. The owner did not request a rezoning at that time, so the temporary AG Agricultural District was assigned for these three parcels. If the temporary zoning classification is not amended within 90 days, the zoning reverts to AG Agricultural District, per Section 23-65(e) of the Municipal Code.

STAFF ANALYSIS

Existing Site Conditions: The subject parcels total approximately 7.976 acres in size and are generally located at the southeast corner of Richmond Street and Evergreen Drive. Richmond Street and Evergreen Drive are classified as an arterial street and collector street, respectively, on the City's Arterial/Collector Plan. The property also has frontage on Alvin Street and Interstate 41. Currently, there are existing office buildings and associated parking on parcels #31-6-5601-00 and #31-6-5601-03, with vehicular access provided by driveways on Evergreen Drive and Alvin Street. Parcels #31-6-5601-04 and #31-6-5601-05

are developed with a metal building, as well as a gravel parking and outdoor storage area. Parcels #31-6-5601-01 and #31-6-5601-02 consist of vacant, undeveloped land.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land use to the north is currently a cemetery.

South: C-2 General Commercial District and Town of Grand Chute. The adjacent land uses to the south are currently light industrial and Interstate 41 right-of-way.

East: P-I Public Institutional District and Town of Grand Chute. The adjacent land uses to the east are currently a mix of residential and institutional uses, including a place of worship.

West: C-2 General Commercial District and Town of Grand Chute. The adjacent land uses to the west are currently a mix of commercial uses and vacant land.

Proposed Planned Development Overlay District and Ordinance Exceptions: The planned development overlay district allows an applicant to propose uses, development and density standards, and design guidelines for the subject property. Overlay districts provide supplemental regulations in addition to, but not necessarily more restrictive than the “base” or underlying zoning district regulations. The customized regulations, as identified in the attached Implementation Plan Document (IPD), were prepared by the applicant to specify standards that are unique to the overlay district. The proposed development standards for this overlay district are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 90% for each development complex.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 8 feet at the development complex perimeter.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 100 feet.

In order to promote an integrated development, exceptions to other Zoning Ordinance regulations are also requested within the boundaries of the overlay district. Exhibit B of the attached IPD summarizes the ordinance exceptions being requested for the subject property, using an underline/strikethrough format to identify the differences between the overlay district and the “base” zoning regulations.

Development Plan Summary: As proposed, the PD overlay district would facilitate the construction of four commercial buildings on the subject property. The attached development plan drawings show the general location of potential buildings and other site improvements. As illustrated, these buildings would total approximately 129,400 square feet in size, and the exterior appearance of the buildings would complement each other. Vehicular access would primarily be provided by North Alvin Street, with an

entrance only access from West Evergreen Drive as well. Further details would be determined and reviewed through the Site Plan review process prior to the issuance of a building permit by the Inspections Division.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to assign a permanent zoning classification following the Evergreen Heights Annexation and facilitate redevelopment of the property. The proposal deviates from zoning regulations regarding uses, development standards, accessory buildings and structures, off-street parking, outdoor lighting, landscaping, and signs. If approved, any future development would need to conform to the customized zoning regulations identified in the IPD, as well as other sections of the Zoning Ordinance. Section 23-151 of the Zoning Ordinance establishes criteria for designating a PD overlay district, including requirements on the amount of street frontage, size of the district, and percent of open space. It appears these criteria have been satisfied and that the application of this PD overlay district would encourage a mix of uses, contribute to the physical appearance of the area, and enhance the tax base.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with a future Commercial designation. The proposed PD/C-2 Planned Development General Commercial District #11-19 rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.5 Economic Development:

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

Policy 9.5.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

OBJECTIVE 10.5 Land Use:

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

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. 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 for future commercial uses.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject 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. *Commercial uses are already established on the subject property. Other commercial uses are also located to the south and west of the subject area, while institutional uses are located to the north and east. The closest single-family residential uses are further east along Evergreen Drive. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Sections 23-65(d)(3) and 23-151(o) has been satisfied.

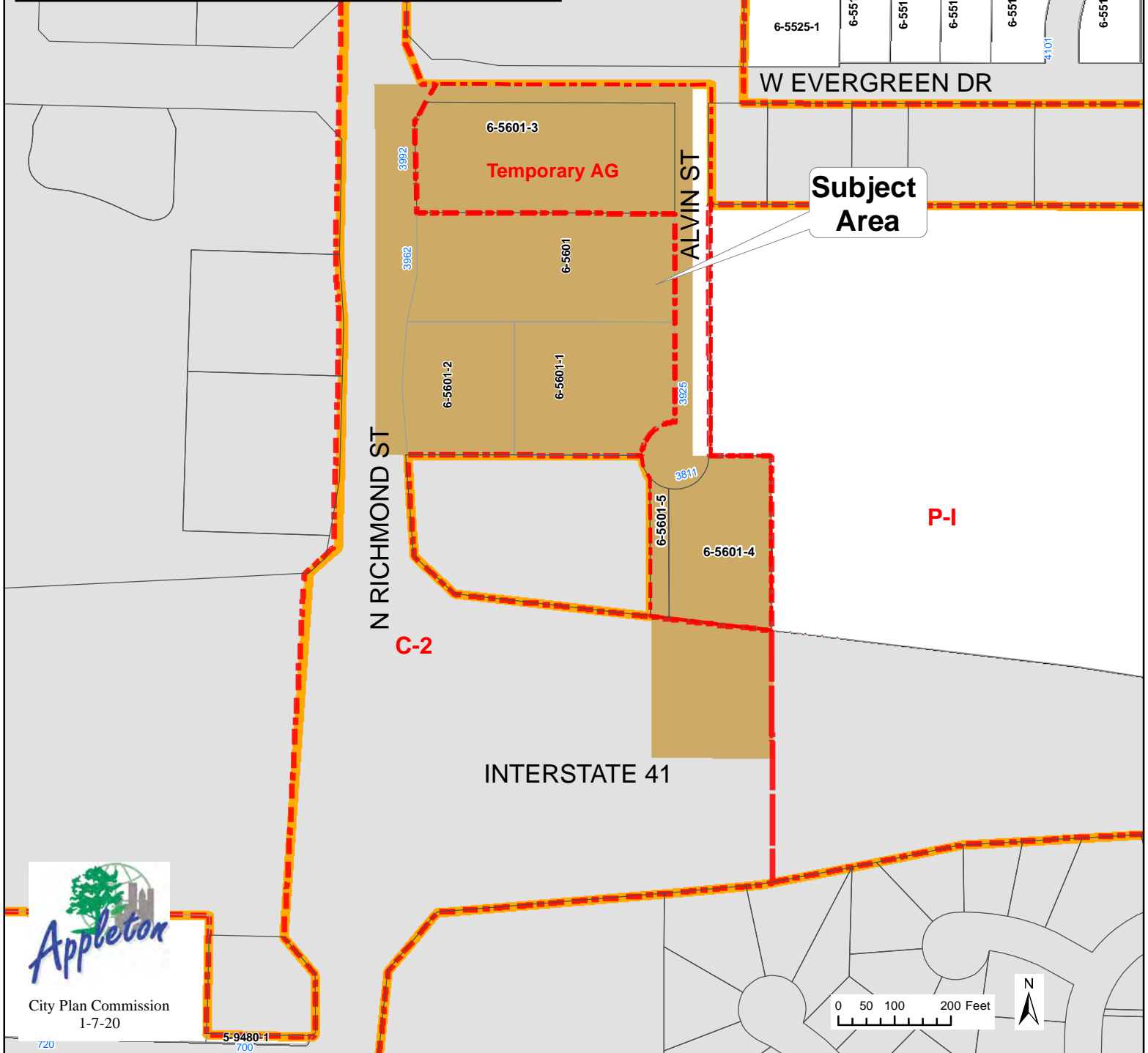
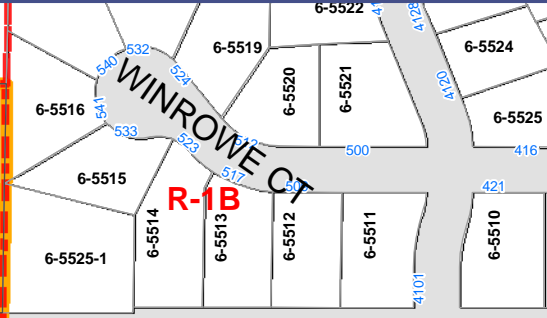
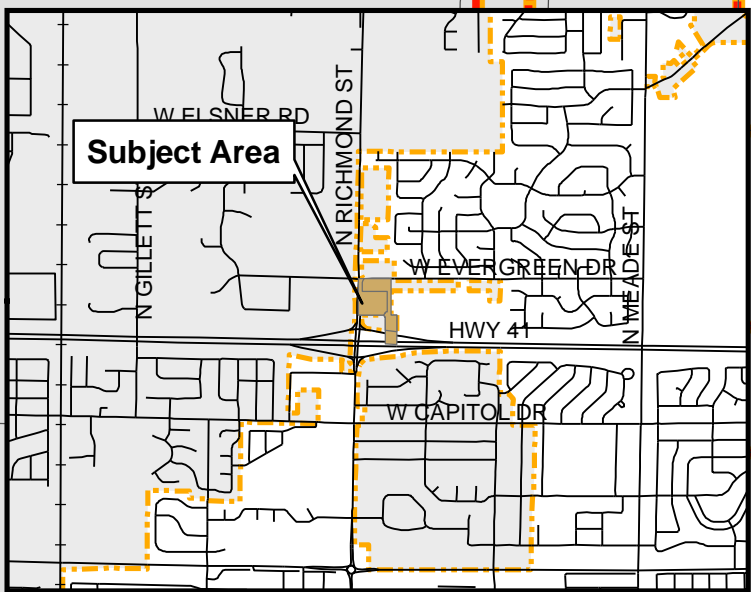
Technical Review Group (TRG) Report: This item was discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Sections 23-65(d)(3) and 23-151(o) of the Zoning Ordinance, that PD Rezoning Application #11-19 to rezone the subject parcels generally located east of North Richmond Street and south of West Evergreen Drive (Tax Id #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05) from C-2 General Commercial District and temporary AG Agricultural District to PD/C-2 Planned Development General Commercial District #11-19, along with the attached Implementation Plan Document and Development Plan, including the adjacent one-half (1/2) right-of-way of North Richmond Street (aka S.T.H. 47), West Evergreen Drive, North Alvin Street, and Interstate 41, as shown on the attached map, **BE APPROVED** subject to the following:

1. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
2. Prior to Site Plan approval, the Implementation Plan Document must be finalized, signed by all parties involved, and recorded in the Outagamie County Register of Deeds Office. The owner/applicant is responsible for recording this document.
3. Prior to issuance of Building Permits, the applicant shall apply for and receive approval of a Site Plan in accordance with Section 23-570 of the Municipal Code. This applies for each phase of development.
4. Any proposed land division or lot combination activities will need to follow the procedures identified in Chapter 17 Appleton Subdivision Ordinance.
5. Prior to recording the Implementation Plan Document, the following revisions are needed:
 - a. For sheet C2 of Exhibit C: list the required minimum lot area as 14,000 square feet; include the same note found on sheet C1 to clarify that required standards are based on Evergreen Heights Implementation Plan Document; and show the setback from the south lot line as a front yard setback.
 - b. Work with City staff to clarify the language for Section C-9 of Exhibit B that relates to Section 23-172(f)(1)(b) of the Zoning Ordinance. Introducing the words “a maximum of” would complicate the matter and give the option of planting no trees whatsoever, which is not the intent for this requirement.
 - c. Under the Platting Requirements section of the Implementation Plan Document, include a reference to Section C-14 of Exhibit B that relates to double frontage lots.
 - d. There is a disconnect between references in the body of the Implementation Plan Document and the exhibit labels. Fix the labels or references for Exhibits D and E.
 - e. Under the Words and Terms Defined section of the Implementation Plan Document, include the word “means” for each definition and replace “non-impervious” with “pervious.”

North Richmond St & West Evergreen Dr
Rezoning
C-2 General Commercial District and
Temporary AG Agricultural District
to PD/C-2 Planned Development
General Commercial District #11-19
Zoning Map



City Plan Commission
1-7-20

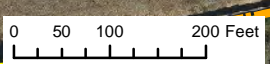
North Richmond St & West Evergreen Dr
Rezoning
C-2 General Commercial District and
Temporary AG Agricultural District
to PD/C-2 Planned Development
General Commercial District #11-19
Aerial Map



Subject Area



City Plan Commission
1-7-20



LEGAL DESCRIPTION

All of the City of Appleton parcels 31-6-5601-00, 31-6-5601-01, 31-6-5601-02, and all of the Town of Grand Chute parcels 10-1-0524-06, 10-1-0528-00, 10-1-0528-02 (to be annexed into Appleton, new parcel numbers will be provided), in the Northwest 1/4 of the Northwest 1/4 of Section 14, Town 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, Containing 347,428 square feet (7.976 acres), described as follows: Commencing at the Northwest Corner of said Section 14;

thence S89°51'46"E, 115.00 feet along the North line of said Section;

thence S30°03'49"W, 38.08 feet to the intersection of the South right-of way line of Evergreen Drive and the East right-of-way line of N. Richmond Street and the Point of Beginning;

thence S89°51'46"E, 442.21 feet along said South right-of way line to the West right-of way line of Alvin Street;

thence S00°04'20"W, 566.50 feet along said West right-of way line;

thence 276.42 feet along the arc of a 60 foot radius curve to the left having a chord of S47°38'45"E, 89.21 feet along said right-of-way line to the north line of parcel 10-1-0528-00;

thence S89°46'39"E, 106.60 feet to the east line of said parcel;

thence S00°10'04"E, 308.60 feet along said East line to the North right-of-way line of Interstate 41;

thence N83°27'37"W, 216.09 feet along said right-of-way line to the City of Appleton Corporate Limits;

thence N00°10'04"W, 248.68 feet along said Corporate Limits to the Southerly Right of Way of Alvin Street;

thence 38.83 feet on the arc of a 60 foot radius curve to the right having a chord of N18°28'16"W, 38.16 feet along said corporate limits;

thence N89°46'39"W, 419.08 feet along said corporate limits to the East right-of-way line of N. Richmond Street;

thence N02°45'12"W, 121.13 feet along said right-of-way;

thence N01°14'02"E, 100.00 feet along said right-of-way;

thence N12°32'37"E, 101.98 feet along said right-of-way;

thence N01°18'27"W, 271.65 feet along said right-of-way;

thence N30°03'49"E, 38.67 feet along said right-of-way to the point of Beginning.

Including the adjacent one-half (1/2) right-of-way of North Richmond Street (aka S.T.H. 47), West Evergreen Drive, North Alvin Street, and Interstate 41.

**IMPLEMENTATION PLAN DOCUMENT FOR
PLANNED DEVELOPMENT**

PLANNED DEVELOPMENT DESIGNATION

This Planned Development Designation, to be known as Evergreen Heights is approved this _____ day of _____, 20____ by the Common Council of the City of Appleton, Wisconsin, a Wisconsin Municipal Corporation, (hereinafter referred to as the "City") for certain real property located in Appleton and described in attached Exhibit A "Proposed PD Overlay Rezoning Map" (hereinafter referred to as the "Property"). This Implementation Plan Document for Planned Development (PD) # _____ is made and entered into by and between Grishaber Main Street Partnership, LLP (hereinafter referred to as the "Owner/Developer") and the City.

WHEREAS, Section 23-151 of the Appleton Municipal Code requires the recordation of an Implementation Plan Document for Planned Developments undertaken in the City; and

Record and return copy to:
City of Appleton
Community & Economic Development Department
100 N. Appleton Street
Appleton, WI 54911

WHEREAS, the actual Implementation Plan Document contemplated under the aforementioned Ordinance is too voluminous and cumbersome for easy recordation by the Outagamie County Register of Deeds; and

WHEREAS, the parties hereto wish to notify all interested parties of the existence of said Implementation Plan Document;

NOW, THEREFORE, in consideration of the foregoing recitals, the Owner/Developer and the City hereby notify all interested parties as follows:

1. ***Existence of Implementation Plan Document for PD # _____***. The parties hereto have entered into mutually agreeable Development and Implementation Plans for the Property. This designation establishes the general uses which shall be permitted on the property, a general development plan, a specific implementation plan and a statement of development guidelines and conditions that must be complied with by the Owner/Developer and all subsequent property owners or agents of the property owners. This designation also specifies improvements that must be made and conditions that must be fulfilled in

conjunction with this designation by the Owner/Developer.

2. **Location of Implementation Plan Document.** The Implementation Plan Document for PD # _____ approved by Appleton Common Council action on _____, 20____ and executed by the parties on the date of filing with the Outagamie County Register of Deeds' office is on file with the Appleton Community and Economic Development Department, 100 North Appleton Street, Appleton, WI, and is subject to review and reproduction by all interested parties upon request.
3. **Subsequent Purchasers.** A Planned Development (PD) is a zoning overlay district under the City of Appleton Zoning Ordinance. The Implementation Plan Document exists for Planned Developments (PDs) under this zoning category and are covenants that run with the land. Accordingly, all future purchasers of property zoned PD should become familiarized with the individual requirements attached to that specific property.
4. **Amendments to the Recorded Development Plans and Implementation Plan Document.** Pursuant to Section 23-151 of the Appleton Municipal Code, major changes in a PD require approval by the Common Council and subsequent recording of the amendment. The Community and Economic Development Director may approve Minor Amendments.
5. **Development Guidelines and Conditions.** The Development Guidelines and Conditions include, but are not limited to, the following:

A. **ALLOWED LAND USES**

1. The land uses as listed below are allowed in PD # _____.
 - See Sections C-1 and C-2 of Exhibit B "Evergreen Heights PD Summary Sheet" (hereafter referred to as "Exhibit B")
2. In addition to the land uses allowed in the underlying district, the following land uses are consistent with the land use regulation exception criteria established by Appleton Municipal Code Section 23-151 and are allowed land uses in PD # _____.
 - None

B. **DEVELOPMENT STANDARDS**

1. **Principal Use** – All principal uses, buildings and structures shall comply with the minimum development standards lot area, lot width, front, rear and side yard setbacks, building height, other requirements (excluding maximum lot coverage) of the underlying zoning district of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

Development Standard Ordinance Exceptions:

Principal use standards apply to each development complex in Exhibit C independent of each other and as if each development complex is a single parcel. See Section C-3 of Exhibit B for ordinance exceptions.

2. **Accessory uses, building and structures** – All Accessory uses, buildings and structures shall comply with the development standards (front, rear and side yard setbacks, building height and other requirements) of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

Development Standard Ordinance Exceptions:

- Accessory use, building, and structure standards apply to lots within Development Complexes 1 and 2 depicted in Exhibit C. Standards in Development Complex 1 are independent of standards in Development Complex 2. See Sections C-4, C-5, and C-6 of Exhibit B for ordinance exceptions.
3. **Off-Street Parking and Loading Standards** – All uses established, expanded, change in use shall provide off-street parking space(s), stacking space(s) and loading space(s) in accordance with the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Off-Street Parking and Loading Standard Ordinance Exceptions:

Off-street parking standards apply to lots within Development Complexes 1 and 2 depicted in Exhibit C. Standards in Development Complex 1 are independent of standards in Development Complex 2. See Section C-7 of Exhibit B for ordinance exceptions.

4. **Outdoor Lighting Standards** – All outdoor lighting shall comply with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Outdoor Lighting Standard Ordinance Exceptions:

Lighting standards apply to Development Complexes 1 and 2 depicted in Exhibit C independent of each other and apply to lots within the development complexes. See Section C-8 of Exhibit B for ordinance exceptions.

5. **Landscaping Standards** – Landscaping improvements shall be required as part of any site plan. Landscaping shall conform with the requirements of the City's Landscape Standards, including but not limited to, plantings around the parking/driveway areas, the dumpster enclosures, and the base of the ground signs. A detailed Landscape Plan shall be prepared and submitted to the Community and Economic Development Department as part of the Site Plan Review and approval process pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically

identified as an ordinance exception. (See below)

Landscaping Standard Ordinance Exceptions:

Landscape standards apply to lots within Development Complexes 1 and 2 depicted in Exhibit C. Standards in Development Complex 1 are independent of standards in Development Complex 2. See Sections C-9 and C-10 of Exhibit B for ordinance exceptions.

6. **Sign Standards** – All signs shall comply with the Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Sign Standard Ordinance Exceptions:

Sign standards apply to lots within Development Complexes 1 and 2 depicted in Exhibit C. Standards in Development Complex 1 are independent of standards in Development Complex 2. See Sections C-11, C-12, and C-13 of Exhibit B for ordinance exceptions. Examples of potential signs are provided in Exhibit D.

7. **Design Standards** – The exterior building materials and colors of all buildings shall be compatible and consistent with the materials and colors described below. Any future buildings, building additions or building alterations shall be compatible with this theme and the building materials listed below. Samples of the exterior building materials and colors or color renderings of the exterior of the building(s) are required to be submitted to the Community and Economic Development Department as part of the Site Plan Review and approval process. Examples of materials and colors is provided in Exhibit E.

- Roofing type: Roofing can be flat or pitched and use standing seam metal, single ply membrane or metal shingles, or architectural grade laminated shingles.
- Type of soffit and fascia:
 - Soffit: Plaster, EIFs or metal panel with concealed fasteners
 - Fascia: Plaster, EIFs, ACM panels, wood type panels, stone, brick
- Type of window trim: Aluminum frames, tint glass, no reflective glass
- Type of exterior doors: Anodized aluminum with full glass panels.
- Exterior wall (north, south, east, west elevations) type: High quality materials such as brick, stone, stucco, EIFs, ground faced masonry, wood appearance type panels, and ACM panels.
 - Maximum 50% EIFs or stucco
 - Minimum 30% Natural materials – brick, stone, ground faced masonry (at public entry elevations)
 - Maximum 50% ACM panels
 - Not allowed: Vinyl or steel lap siding, plywood
- Colors: Earth tones for 80% of visible materials

8. **Designated Open Space Areas** – Open Space Areas may either be passive or active in nature and shall fully complement the Property. Such open space may take the form of required building setbacks and landscaped green space.

PD # _____ shall provide permanent open space areas equivalent to the following percent of gross lot area, unless customized standards are authorized or specifically identified as an ordinance exception.

Percent of gross acreage

- Planned commercial development: 10%

The permanent open space areas shown on Exhibit C “Evergreen Heights Planned Development” attached, which demonstrates approximately 10% open space, shall remain open and free from all improvements except for landscaping, utility work, and access or other elements.

Open Space Standard Ordinance Exceptions: N/A

9. **Dwelling Unit Density of Development** – Dwelling Unit densities of development are indicated on Exhibit C and represent the maximum permitted dwelling units in PD# _____, unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Density Standard Ordinance Exceptions: N/A

10. **Site Plan Review** is required for PD# _____ prior to the issuance of building permits pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.

11. **Words and Terms Defined** – All words and terms wherever they occur in this Implementation Plan Document for PD # _____, shall be defined and interpreted in accordance with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.

- Perimeter lot line – a lot line abutting a non- PD # _____ parcel or public right-of-way
- Internal lot line – all other lot lines within Development Complex 1 or 2.
- Perimeter parking lot buffer zone width – a non-impervious area between the parking stall pavement and the perimeter lot line.
- Interior parking lot landscape area – a non-impervious area adjacent to parking stalls that is outside of the perimeter parking lot landscape buffer zone width.

12. **Nonconformity** – Any existing building, structure or characteristic and any existing use within PD # _____ not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations provided in Chapter 23, Appleton Zoning Code as now in effect or hereafter amended with respect to nonconforming structures, uses and characteristics.

- C. **PLATTING REQUIREMENTS** – No person, firm or corporation shall combine lots, adjust lot lines, or divide any land within the jurisdictional limits of these regulations which results in a lot combination, lot line adjustment, subdivision, minor land division, or a replat as defined herein; no such lot combination, lot line adjustment, subdivision, minor land division, or replat, as defined herein shall be entitled to recording and no street shall be laid or public improvement made to land without compliance with all requirements of Chapter 17 of the

Municipal Code.

D. **INSTALLATION OF REQUIRED IMPROVEMENTS** – The installation of all required improvements including but not limited to stormwater, streets, sidewalks, bike paths, water systems, sewer systems, fire protection, utilities shall be in accordance with all applicable City Appleton regulations.

E. **GENERAL PROVISIONS**

1. **Enforcement**

The provisions of the Evergreen Heights Planned Development designation and the development plan relating to the use of the land shall be effective and in force unless so amended as required by the Appleton Municipal Code Section 23-151.

2. **Breach of Provisions of PD Designation**

If at any time any provision or requirements stated in the Evergreen Heights Planned Development designation have been breached by the Owner/Developer, the City may withhold approval of any or all platting or the issuance of any or all grading or building permits or occupancy permits applied for on the property, until such breach has been remedied.

3. **Binding Effect**

This Evergreen Heights Planned Development designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the Appleton Municipal Code Section 23-151. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. **Entire Designation**

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to Evergreen Heights PD# [REDACTED], except as modified by subsequent action of the Appleton Common Council in accordance with procedures set forth in the Appleton Municipal Code Section 23-151 to amend planned developments, and except that nothing contained herein shall be construed as waiving any requirements of the Appleton Municipal Code or other regulations otherwise applicable to the development of the Property.

5. **Period of Validity**

The Implementation Plan and Development Plan (Exhibit(s) A, B, and C) as approved by the Common Council shall remain valid for a period of ten (10) years during which time a building permit must be applied for and received. If the applicant does not apply for and receive a building permit within ten (10) years from the date of Common Council approval of PD overlay district PD# [REDACTED], Development Plan and Implementation Plan Document (IPD), the Development Plan and Implementation Plan Document (IPD) will constitute abandonment of the PD overlay district and related approvals, and any assumed

development rights over that allowed through the underlying zoning district and shall be subject to the regulations in Section 23-151, Proof of validity and expiration of plans, of this chapter.

6. **Recording of Development Plan and Implementation Plan Document (IPD)**

This designation must be signed by both the City and the Owner/Developer and must be recorded by the Grishaber Main Street Partnership, LLP in the Outagamie Register of Deeds' Office and a recorded copy of the Development Plan and Implementation Plan Document (IPD) shall be provided to the Community and Economic Development Department. This constitutes approval of the Development Plan and Implementation Plan Document (IPD), conditions applied, modifications and any density premiums, which may be granted, and exceptions, if any, to the plan shown in the application ordered by the Common Council.

Dated this _____ day of _____, 20__.

By: _____
Owner

Title:

By: _____
Owner

Title:

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__, the above named _____, and _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires _____

The above Implementation Plan for **PD #** _____ was drafted by the undersigned at the request of the Property Owner.

Joe Hoechst
Joe Hoechst
McMAHON Associates, Inc.

12-10-19
Date

Approved as to form:

CITY OF APPLETON, a Wisconsin Municipal Corporation

Appleton City Attorney

By: _____
Mayor

Attest: _____
City Clerk

STATE OF WISCONSIN)
)ss
COUNTY OF OUTAGAMIE)

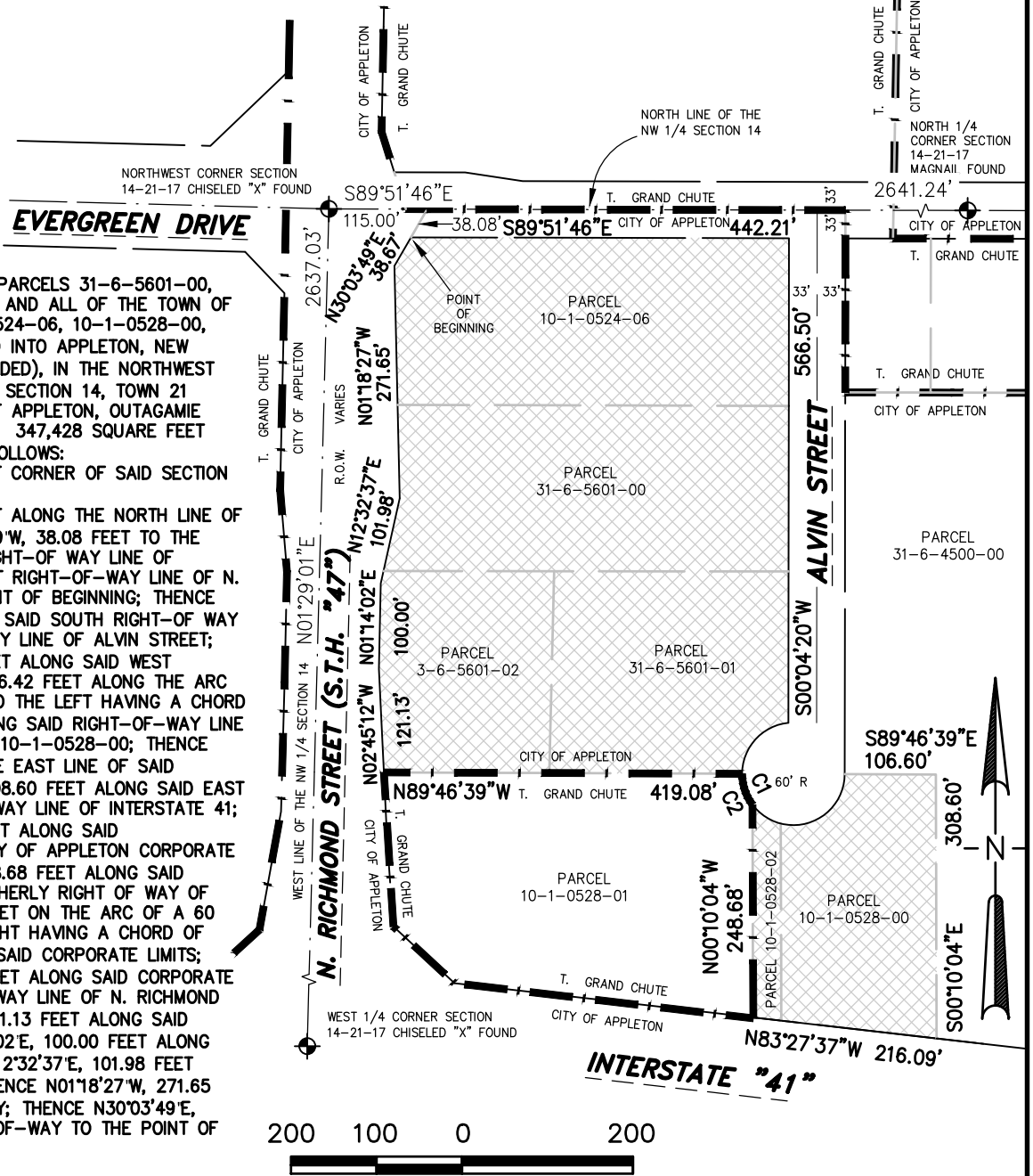
Personally came before me this _____ day of _____, 20____, the above-named Mayor of City of Appleton, and City Clerk of City of Appleton, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires _____

EXHIBIT A: PROPOSED PD OVERLAY REZONING MAP AFTER GRISHABER MAIN STREET PARTNERSHIP LLC ANNEXATION TO THE CITY OF APPLETON

PROPERTY DESCRIPTION

ALL OF THE CITY OF APPLETON PARCELS 31-6-5601-00, 31-6-5601-01, 31-6-5601-02, AND ALL OF THE TOWN OF GRAND CHUTE PARCELS 10-1-0524-06, 10-1-0528-00, 10-1-0528-02 (TO BE ANNEXED INTO APPLETON, NEW PARCEL NUMBERS WILL BE PROVIDED), IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWN 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 347,428 SQUARE FEET (7.976 ACRES), DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14;
THENCE S89°51'46"E, 115.00 FEET ALONG THE NORTH LINE OF SAID SECTION; THENCE S30°03'49"W, 38.08 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF WAY LINE OF EVERGREEN DRIVE AND THE EAST RIGHT-OF-WAY LINE OF N. RICHMOND STREET AND THE POINT OF BEGINNING; THENCE S89°51'46"E, 442.21 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE WEST RIGHT-OF WAY LINE OF ALVIN STREET; THENCE S00°04'20"W, 566.50 FEET ALONG SAID WEST RIGHT-OF WAY LINE; THENCE 276.42 FEET ALONG THE ARC OF A 60 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD OF S47°38'45"E, 89.21 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE NORTH LINE OF PARCEL 10-1-0528-00; THENCE S89°46'39"E, 106.60 FEET TO THE EAST LINE OF SAID PARCEL; THENCE S00°10'04"E, 308.60 FEET ALONG SAID EAST LINE TO THE NORTH RIGHT-OF-WAY LINE OF INTERSTATE 41; THENCE N83°27'37"W, 216.09 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE CITY OF APPLETON CORPORATE LIMITS; THENCE N00°10'04"W, 248.68 FEET ALONG SAID CORPORATE LIMITS TO THE SOUTHERLY RIGHT OF WAY OF ALVIN STREET; THENCE 38.83 FEET ON THE ARC OF A 60 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD OF N18°28'16"W, 38.16 FEET ALONG SAID CORPORATE LIMITS; THENCE N89°46'39"W, 419.08 FEET ALONG SAID CORPORATE LIMITS TO THE EAST RIGHT-OF-WAY LINE OF N. RICHMOND STREET; THENCE N02°45'12"W, 121.13 FEET ALONG SAID RIGHT-OF-WAY; THENCE N01°14'02"E, 100.00 FEET ALONG SAID RIGHT-OF-WAY; THENCE N12°32'37"E, 101.98 FEET ALONG SAID RIGHT-OF-WAY; THENCE N01°18'27"W, 271.65 FEET ALONG SAID RIGHT-OF-WAY; THENCE N30°03'49"E, 38.67 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING.



BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, WHICH BEARS N89°51'46"E PER THE OUTAGAMIE COUNTY COORDINATE SYSTEM.

FOR: -GRISHABER MAIN STREET PARTNERSHIP
-501 N. WESTHILL BLVD.
-APPLETON, WI 54915

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	276.42'	60.00'	263°57'30"	S 47°38'45" E	89.21'	S 84°20'00" W	N 00°22'30" E
C2	38.83'	60.00'	37°04'55"	N 18°28'16" W	38.16'	S 00°04'12" W	S 37°00'43" E

**Exhibit B
Evergreen Heights
PD Summary Sheet**

Date: 12-10-19

A. Planned Development History: PD/C-2 # _____ Evergreen Heights (Implementation Plan Document Recorded # _____).

B. Summary: The Evergreen Heights Planned Development contains six parcels totaling approximately 7.98 acres.

Complex 1 (6.64 acres)

- _____ (formerly 101052406)
- 31-6-5601-00
- 31-6-5601-01
- 31-6-5601-02

Complex 2 (1.34 acres)

- _____ (formerly 101052800)
- _____ (formerly 101052802)

C. Customized PD Regulations: The following identifies the Zoning Ordinance and Subdivision Ordinance exceptions. Unless specified below, all other regulations of Chapter 23 Appleton Zoning Ordinance and Chapter 17 Appleton Subdivision Ordinance, as now in effect or hereafter amended, apply to the subject property. The text to be added is underlined. The text to be deleted is identified by ~~strikethrough~~. Where “development complex” applies, it shall mean the areas as depicted on Exhibit C of the IPD.

1. **Permitted Uses:** Any uses as listed in Sec. 23-113(b) except as amended below.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted living or retirement homes. • Nursing or convalescent homes. 	<ul style="list-style-type: none"> • Clubs. • Day care, group. • Educational institutions; business, technical or vocational school. • Educational institutions; college or university. • Governmental facilities. • Hospitals. • Marina or boat landings. • Museums. • Places of worship. • Public parks or playground. • Recreation facilities; non-profit. • Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building. 	<ul style="list-style-type: none"> • Automobile maintenance shops. • Commercial entertainment; excluding sexually-oriented establishments. • Drive through facilities pursuant to §23-49. • Greenhouses or greenhouse nurseries. • Hotel or motels. • Manufacturing, custom pursuant to §23-66(h)(16). • Multi-tenant building. • Offices. • Parking lots. • Personal services. • Printing. • Professional services.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<ul style="list-style-type: none"> • Restaurants with alcohol pursuant to §23-66(h)(6). • Restaurants (without alcohol). • Restaurants, fast food. • Retail businesses. • Shopping centers. • Towing businesses pursuant to §23-66(h)(15). • Urban farms pursuant to 23-66(h)(17). • Veterinarian clinics.

2. **Special Uses:** Any uses as listed in Sec. 23-113(e) except as amended below.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure. 	<ul style="list-style-type: none"> • Amusement arcades. • Any principal building that exceeds thirty five (35) feet in height. • Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5). • Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5). • Bar or taverns pursuant to §23-66(h)(6). • Body repair and/or paint shops pursuant to §23-66(h)(4). • Bus terminals. • Car washes. • Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7). • Electronic towers pursuant to §23-66(h)(1) • Freight distribution and/or moving centers. • Gasoline sales pursuant to §23-66(h)(8). • Helicopter landing pads pursuant to §23-66(h)(9). • Indoor kennels. • Landscape business. • Manufacturing, light. • Microbreweries. • Mobile home sales lots. • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Parking garages. • Personal storage facility (self storage/mini warehouse), including outdoor storage areas for recreational vehicles pursuant to

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		<p>§23-66(h)(18).</p> <ul style="list-style-type: none"> • Recycling collection points pursuant to §23-66(h)(14). • Recycling and waste recovery centers pursuant to §23-66(h)(13). • Research laboratories or testing facilities. • Restaurants with alcohol pursuant to §23-66(h)(6). • Sexually-oriented establishments pursuant to Article XII. • Shelter facility. • Towers or antennas for wireless telecommunication services, pursuant to Article XIII. • Wholesale facilities.

3. **Principal Building Development:** Principal building development standards apply as listed in Sec. 23-113(h) except as amended below.

(1) Minimum lot area. Fourteen thousand (14,000) square feet.

(2) Maximum lot coverage. ~~Seventy five percent (75%).~~ Ninety percent (90%) for each development complex.

(3) Minimum lot width. Sixty (60) feet.

(4) Minimum front yard. Ten (10) feet.

(5) Minimum rear yard. ~~Twenty (20) feet.~~ Eight (8) feet at the development complex perimeter only.

(6) Minimum side yard.

a. None.

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

(7) Maximum building height. ~~Thirty five (35) feet (See §23-113 (e)).~~ One hundred (100) feet.

4. **Accessory Uses, Buildings and Structures:** Accessory building and structure regulations apply as listed in Sec. 23-43(f) except as amended below.

(2) Non-residential districts:

e. When not attached to the principal building, accessory buildings and/or structures, except for parking lots and driveways shall be prohibited in the front yard, unless otherwise stated ~~in this chapter~~ below. In Development Complex 1, maintenance sheds and dumpster enclosures may be located along Alvin Street frontage, with a minimum setback of ten (10) feet from the right-of-way lot line. In Development Complex 2, maintenance sheds and dumpster enclosures may be located along Interstate 41 frontage, with a minimum setback of ten (10) feet from the right-of-way line.

5. **Refuse Containers and Dumpster Enclosures:** Refuse container and dumpster enclosure regulations apply as listed in Sec. 23-47 except as amended below.
 - (a) Refuse containers and dumpster enclosures of appropriate size are required for all non-residential and multifamily properties. These are required to be located outside of the street right-of-way and front yard, except along Alvin Street in Development Complex 1 and along Interstate 41 in Development Complex 2. Refuse containers and dumpster enclosures shall be designed for front end loading trucks.

6. **Drive Through Facility:** Drive through facility regulations apply as listed in Sec. 23-49 except as amended below.
 - (a) Location. Drive through facilities shall not be located in the front of the principal building, but maneuvering and stacking can occur in front of the principal building.

7. **Off-Street Parking and Loading:** Off-street parking and loading standards apply as listed in Sec. 23-172 except as amended below.
 - (m) Required spaces for ~~specific~~ any uses. All vehicles ~~connected with the following uses~~ shall be accommodated for on the property, and in addition to the requirements stated below unless otherwise stated in this chapter. Additional parking as determined by the Community and Economic Development Director may be required to meet these standards. The table on the following page identifies the minimum number of off-street parking spaces to be provided is one (1) space for each two hundred fifty (250) square feet of gross floor area. This standard applies to each lot within Development Complex 1 and 2. If a lot cannot satisfy this requirement, parking agreements shall be in place between internal lots to allow shared parking.

8. **Outdoor Lighting:** Outdoor lighting regulations apply as listed in Sec. 23-53 except as amended below.
 - (g) Light trespass. All areas containing outdoor lighting (except public street lighting) shall limit light trespass onto adjacent property, when measured at any point along a property line, to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim or a combination of these or other factors. The requirements below only apply at the perimeter of each development complex. Light trespass requirements do not apply to internal lot lines within Development Complex 1 and 2.

<i>District Adjoining Subject Property</i>	<i>Maximum Light Spillage to Adjoining Lots Measured in Foot-candles</i>
AG, R-1A, R-1B, R-1C, R-2, R-3, P-I, NC, C-O, TND	0.20
C-1, C-2, CBD, P, M-1, M-2	0.50

9. **Interior Landscaping:** Interior parking lot landscaping regulations apply as listed in Sec. 23-172(f) except as amended below.

- (1) All parking lots designed for twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.
- a. ~~Five percent (5%)~~ Three percent (3%) of the minimum square footage of the paved area of the off-street parking lot shall be devoted to interior landscape islands.
 1. The landscape islands shall contain a minimum of ~~one hundred sixty (160)~~ one hundred (100) square feet.
 - b. The primary plant materials shall be shade or ornamental trees with ~~at least a maximum of one (1) shade tree for every one hundred sixty (160)~~ two hundred (200) square feet of interior landscape island area.
 - c. The interior landscape islands shall be dispersed throughout the off-street parking lot to the satisfaction of the Community and Economic Development Director.

10. **Perimeter Landscaping:** Perimeter parking lot landscaping regulations apply as listed in Sec. 23-172(g) except as amended below.

When the Zoning District is:	Location is:	A Minimum Perimeter Landscape Buffer	Perimeter Landscaping Materials
C-O, M-1, M-2, P-I	Abutting R-1A, R-1B, R-1C, R-2, or R-3 zoned lot in the rear and/or side yard	Fifteen (15) feet in width	Minimum five (5) foot high staggered row of evergreens at the time of planting, to provide an opaque screen OR The property owner may request a waiver from the Community and Economic Development Director to reduce the minimum perimeter landscape strip by 50% and provide a minimum six (6) foot high alternating board on board fence with landscaping, with the landscaping facing the adjacent property.
C-1, C-2, CBD, AG, P, NC	Abutting R-1A, R-1B, R-1C, R-2, or R-3 zoned lot in the rear and/or side yard	Ten (10) feet in width	
C-O, C-1, C-2, M-1, M-2, P-I, CBD, AG, P, NC PD/C-2	Abutting <u>R-1A, R-1B, R-1C, R-2, R-3, C-O, C-1, C-2, M-1, M-2, P-I, CBD, AG, P or NC</u> zoned lot in the rear and/or side yard	Five (5) feet in width	One (1) deciduous shade tree or ornamental tree shall be planted <u>on average</u> for every fifty (50) feet on center . Trees can be provided in cooperation with adjacent property. <u>Adequate spacing of trees shall be determined during Site Plan Review. This requirement only applies at the perimeter of each development complex; however, the existing high-pressure gas main easement may impact where trees can be planted. Perimeter landscaping requirements do not apply to internal lot lines within Development Complex 1 and 2.</u>
C-O, C-1, C-2, M-1,	Across the street from R-1A, R-1B, R-1C, R-2 or R-3 zoned lot	Eight (8) feet in width	One (1) deciduous shade tree or ornamental tree shall be planted for every forty (40) feet on center the property abuts a dedicated public street plus a two (2) to three (3) feet

When the Zoning District is:	Location is:	A Minimum Perimeter Landscape Buffer	Perimeter Landscaping Materials
M-2, CBD, P-I, AG, P, NC		adjacent to the right of way	high staggered row of evergreens at the time of planting shall be provided across 80% of the frontage of the parking lot excluding driveways to provide an opaque screen.
C-O, C-1, C-2, P-I, M-1, M-2, CBD, AG, P, NC <u>PD/C-2</u>	Across the street from <u>R-1A, R-1B, R-1C, R-2, R-3</u> C-O, C-1, C-2, P, NC, M-1, AG, CBD, P-I or M-2 zoned lot	Eight (8) <u>Five (5)</u> feet in width adjacent to the right of way	One (1) deciduous shade tree or ornamental tree shall be planted <u>on average</u> for every forty (40) <u>fifty (50)</u> feet on-center the property abuts a dedicated public street plus a two (2) to three (3) feet high staggered row of evergreens and/or deciduous shrubs at the time of planting shall be provided across 80% <u>fifty percent (50%)</u> of the frontage of the parking lot excluding driveways to provide an opaque screen. <u>Driveway width is not included when determining the amount of frontage. Adequate spacing of trees shall be determined during Site Plan Review.</u>

11. **Number of Signs:** Sign standards apply as listed in Sec. 23-522 except as amended below.

- (b) Two (2) ground signs. Two (2) ground signs may be permitted ~~if a parcel has a second street frontage~~ for each detached principal building subject to the following regulations:
 - (1) ~~For corner lots, each street frontage must be at least two hundred (200) feet before two (2) signs are allowed;~~
 - (2) ~~Double frontage lots must have at least three hundred (300) feet of lot depth.~~
 - (3) ~~Maximum size of the two (2) signs are one hundred eighteen (118) square feet for the primary sign and thirty two (32) square feet for the secondary sign shall not exceed a combined total of three hundred (300) square feet for each building.~~
 - (4) In no case will two (2) ground signs be allowed on the same street frontage for the same business or parcel.

12. **Sign Face Calculation:** Sign standards apply as listed in Sec. 23-523 except as amended below.

- (a) Ground signs. The maximum area of a ground sign shall not exceed ~~one hundred fifty (150)~~ two hundred (200) square feet per sign face.

13. **Sign Setback and Clearance:** Sign standards apply as listed in Sec. 23-525 except as amended below.

- (c) Within fifteen (15) feet of right-of-way. A ground sign, any part of which is closer than fifteen (15) feet to the right-of-way, shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height above the grade at the right-of-way line, except as described below. In Development Complex 1, any part of a ground sign may be placed closer than

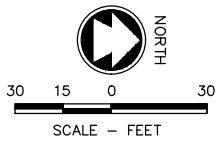
fifteen (15) from the Richmond Street right-of-way, but no closer than ten (10) feet, provided the sign is located a minimum of one hundred fifty (150) feet from the nearest intersection measured along the right-of-way line. In Development Complex 2, any part of a ground sign may be placed closer than fifteen (15) from the Alvin Street right-of-way, but no closer than ten (10) feet.

14. **Lot Configuration:** Lot design standards apply as listed in Sec. 17-26(c) except as amended below.

(2) Double frontage lots shall ~~not be permitted except as required by the Common Council where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation. A planting screen easement of at least twenty (20) feet, and across which there shall be no right of access, may be required along the line of lots abutting such traffic arterials or other inharmonious use.~~

D. Architectural Design Standards: Refer to the Implementation Plan Document for architectural design standards for building exteriors.

j:\projects\G1032\G1800555\OADD\Civil3D\Proposed Design\Concepts\2019-11-14 Phase 1\Evergreen Heights MASTER Site Layout.dwg, c1b-1 exhibit c - development complex 1 site layout, Plot Date: 12/9/2019 4:39 PM, refs: (x-exist topo grishaber_demo, x-proposed evergreen_linework_revised, x-proposed alvin_linework_revised, x-all_points_evergreen_drive_city_topo, x-prop_lines_and_easements)

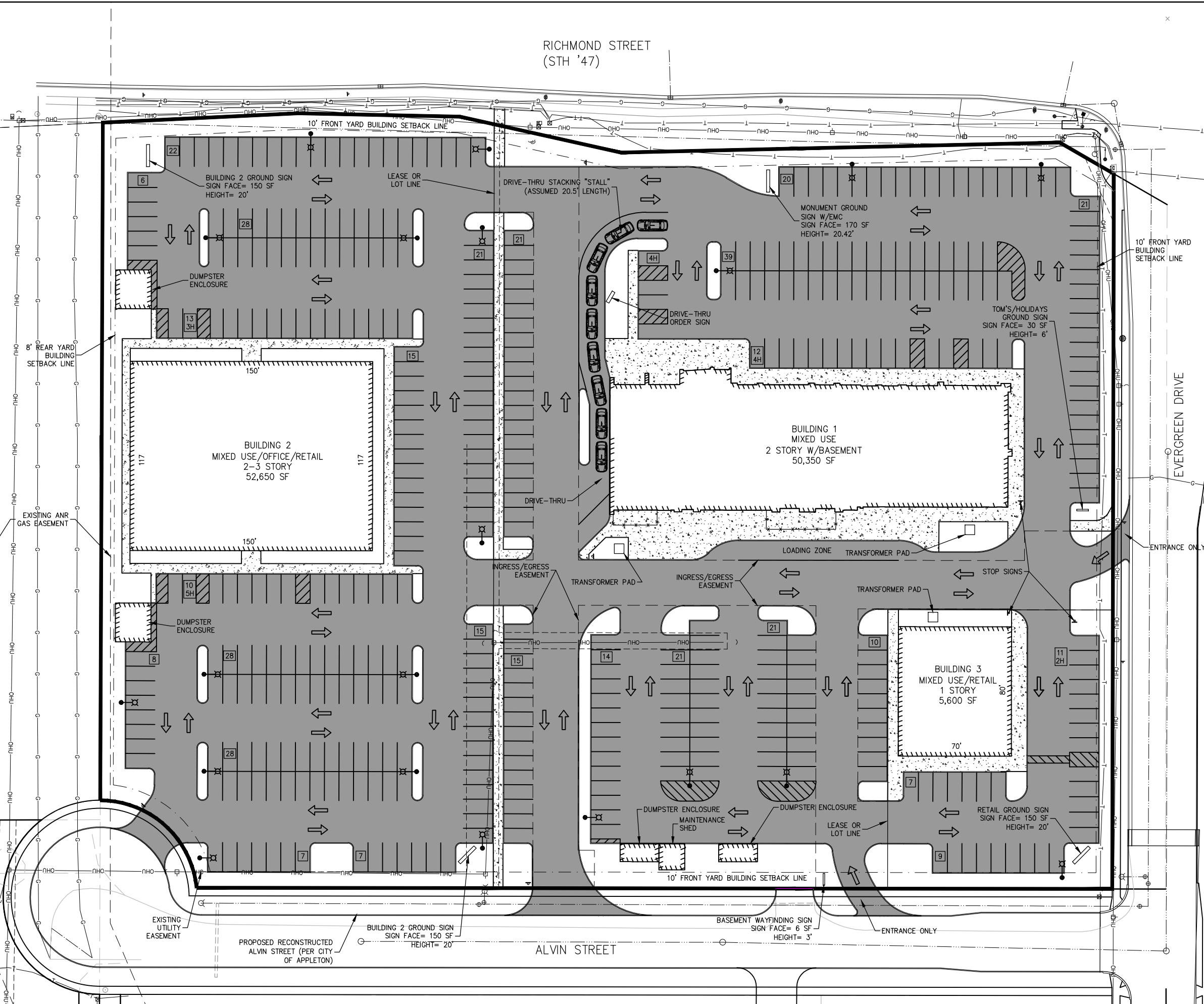


	REQUIRED*	PROVIDED
IMPERVIOUSNESS		
MIN. LOT AREA	14,000 SF	289,091 SF
PRINCIPAL/ACCESSORY BUILDING FOOTPRINT	N/A	44,243 SF
PAVEMENT FOOTPRINT	N/A	184,990 SF
SIDEWALK FOOTPRINT	N/A	19,221 SF
MAX. LOT COVERAGE	90%	85.9%
BUILDING SETBACKS		
FRONT YARD	10 FT	10 FT
SIDE YARD	0 FT	0 FT
REAR YARD	8 FT	8 FT
BUILDING HEIGHT	100 FT	100 FT
PARKING**		
TOTAL GROSS BLDG. FLOOR AREA	N/A	108,600 SF
TOTAL PARKING SPACES	435	447
TOTAL HANDICAP SPACES	9	17

*REQUIRED STANDARDS BASED ON EVERGREEN HEIGHTS IMPLEMENTATION PLAN DOCUMENT
 **1 PARKING SPACE FOR EVERY 250 SF GROSS FLOOR SPACE

BUILDING 1 (MIXED USE)	
BASEMENT GROSS FLOOR AREA	19,253 SF
MAIN GROSS FLOOR AREA	19,253 SF
SECOND GROSS FLOOR AREA	11,844 SF
TOTAL GROSS FLOOR AREA	50,350 SF
BUILDING 2 (MIXED USE/OFFICE/RETAIL)	
MAIN GROSS FLOOR AREA	17,550 SF
SECOND GROSS FLOOR AREA	17,550 SF
THIRD GROSS FLOOR AREA	17,550 SF
TOTAL GROSS FLOOR AREA	52,650 SF
BUILDING 3 (MIXED USE/RETAIL)	
MAIN GROSS FLOOR AREA	5,600 SF
DEVELOPMENT COMPLEX 1	
TOTAL GROSS BLDG. FLOOR AREA	108,600 SF

- 1H HANDICAP PARKING STALL COUNT
- 20 PARKING STALL COUNT
- ▲ STOP SIGN
- LIGHT POLE



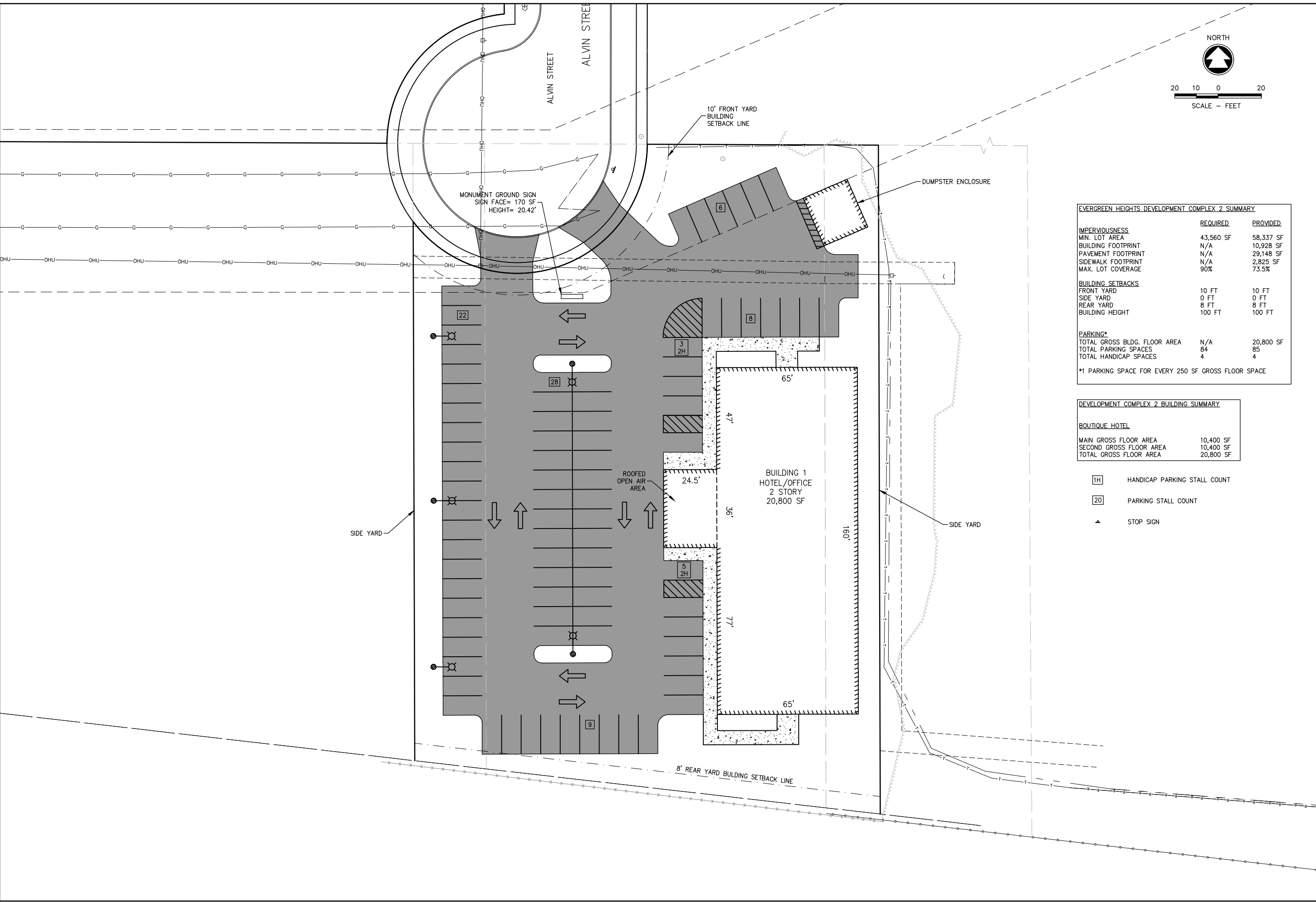
McMAHON
 ENGINEERS ARCHITECTS
 McMAHON ASSOCIATES, INC.
 1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing P.O. BOX 1025 NEENAH, WI 54957-1025
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

NO.	DATE	REVISION

EVERGREEN HEIGHTS PLANNED DEVELOPMENT
 CITY OF APPLETON, WI
EXHIBIT C - DEVELOPMENT COMPLEX 1 SITE LAYOUT

DESIGNED	MCM	DRAWN	MCM
PROJECT NO.	G1032-9-18-00555		
DATE	DEC, 2019		
SHEET NO.	C1		

j:\projects\W:\PROJECTS\G1032\91800555\CADD\Civil3D\Proposed Design\Concepts\2019-11-14 Phase 1\Evergreen Heights MASTER Site Layout_C2.dwg, c2 exhibit c - development complex 2 site layout, Plot Date: 12/10/2019 1:15 PM, xrefs: (x-prop lines and easements, x-exist topo gridshaber_demo, x-proposed alvin linework_revised)



EVERGREEN HEIGHTS DEVELOPMENT COMPLEX 2 SUMMARY

	REQUIRED	PROVIDED
IMPERVIOUSNESS		
MIN. LOT AREA	43,560 SF	58,337 SF
BUILDING FOOTPRINT	N/A	10,928 SF
PAVEMENT FOOTPRINT	N/A	29,148 SF
SIDEWALK FOOTPRINT	N/A	2,825 SF
MAX. LOT COVERAGE	90%	73.5%
BUILDING SETBACKS		
FRONT YARD	10 FT	10 FT
SIDE YARD	0 FT	0 FT
REAR YARD	8 FT	8 FT
BUILDING HEIGHT	100 FT	100 FT
PARKING*		
TOTAL GROSS BLDG. FLOOR AREA	N/A	20,800 SF
TOTAL PARKING SPACES	84	85
TOTAL HANDICAP SPACES	4	4

*1 PARKING SPACE FOR EVERY 250 SF GROSS FLOOR SPACE

DEVELOPMENT COMPLEX 2 BUILDING SUMMARY

BOUQUETTE HOTEL	
MAIN GROSS FLOOR AREA	10,400 SF
SECOND GROSS FLOOR AREA	10,400 SF
TOTAL GROSS FLOOR AREA	20,800 SF

- [1H] HANDICAP PARKING STALL COUNT
- [20] PARKING STALL COUNT
- ▲ STOP SIGN

McMAHON
 ARCHITECT
 1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

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NO.	DATE	REVISION

**EVERGREEN HEIGHTS PLANNED DEVELOPMENT
 CITY OF APPLETON, WI
 EXHIBIT C - DEVELOPMENT COMPLEX 2 SITE LAYOUT**

DESIGNED MCM	DRAWN MCM
PROJECT NO. G1032-9-18-00555	
DATE DEC, 2019	
SHEET NO. C2	

EXHIBIT D



EXHIBIT D



SIGN SPECIFICATIONS

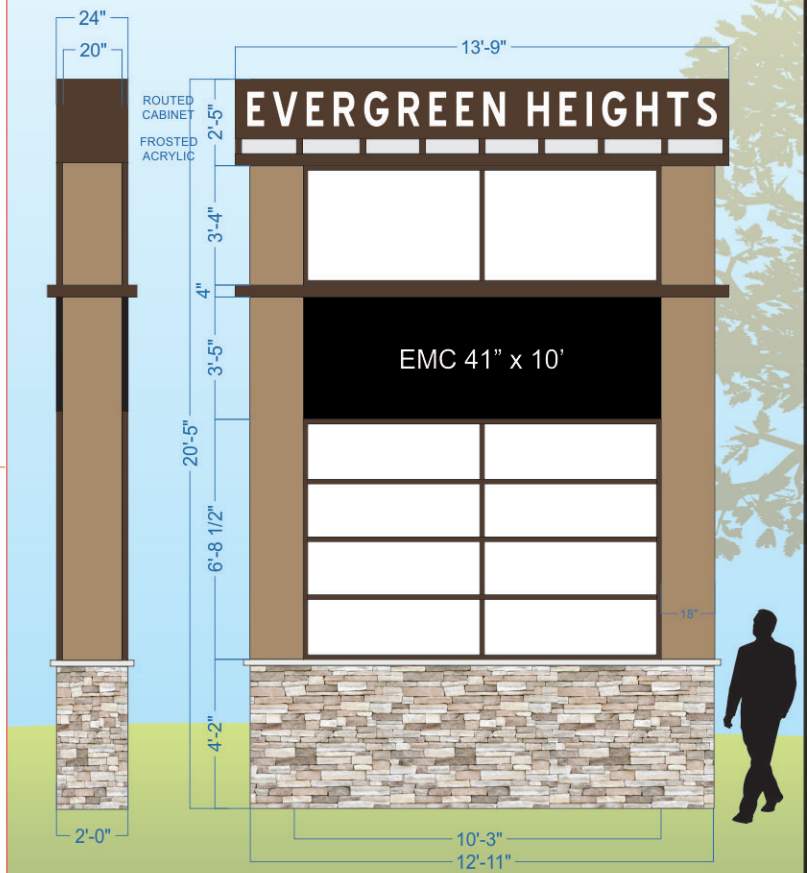
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 - SIDES:** D/F
 - SIGNAGE:** TENANT MONUMENT W/EMC
 - LIGHTING:** LED (WHITE)
 - FACES:** POLYCARBONATE
 - GRAPHICS:** FULL COLOR W/LAM
- INSTRUCTION:** PRODUCE & INSTALL

EXHIBIT E

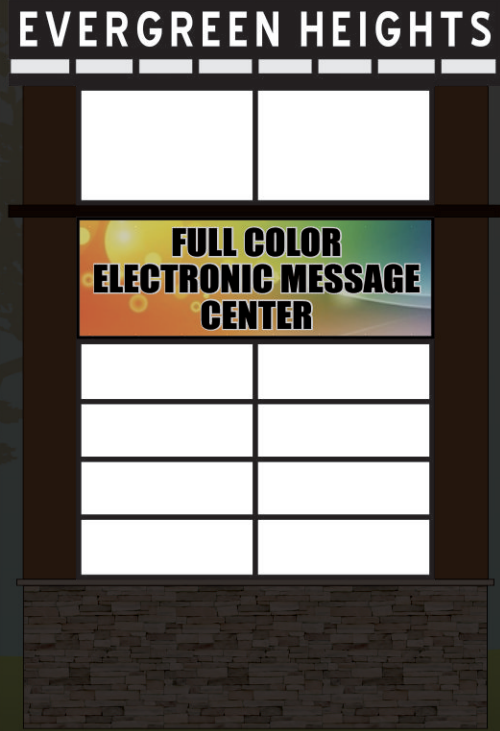
- Full Color Graphics
- Paint - TBD
- Paint - TBD

- Vector Logo Required
*PLEASE NOTE: If clean vector art can not be provided by client, a design charge may be applied to cost of project.
- Presite Required

SIDE VIEW



NIGHT VIEW



1125D W. Tuckaway Ln.
Menasha, WI 54952
T: 920-378-3515
F: 920-221-3243
FoxCitiesSign.com
Sales@FoxCitiesSign.com



PROJECT NO: 3766.1b
Client: Evergreen Heights
Signage: Monument
Job Location: Evergreen/
Richmond St. Appleton

Salesperson: Sarah
Date: 11-20-2018
Artist: Dana

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Color Approval Required

Client Approval: _____

Date: _____

WORKING DESIGN FINAL DESIGN



Ask Us About The Latest Energy Efficient Options!

*Proof is an approximate simulation that may vary from final production

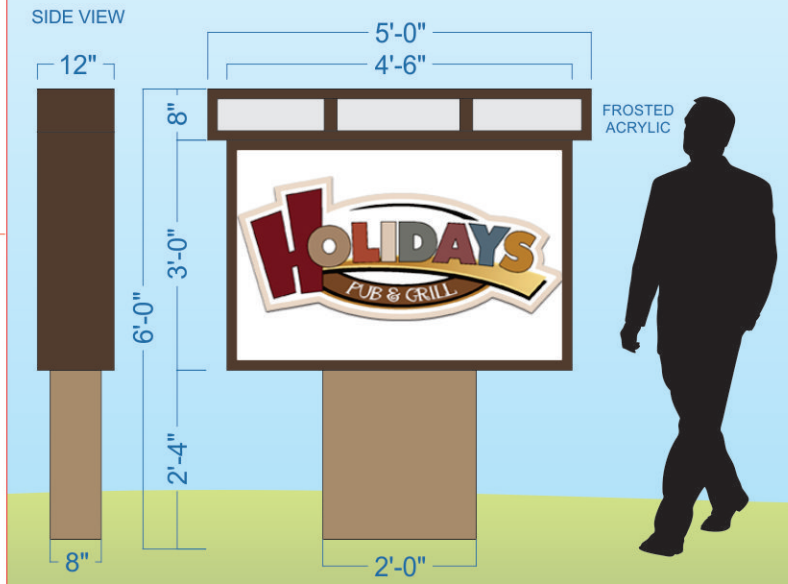
SIGN SPECIFICATIONS

- QUANTITY:** 6-8
 - SIDES:** D/F
 - SIGNAGE:** TENANT MONUMENTS
 - LIGHTING:** LED (WHITE)
 - FACES:** POLYCARBONATE
 - GRAPHICS:** FULL COLOR W/LAM
- INSTRUCTION:** PRODUCE & INSTALL

EXHIBIT E

- Full Color Graphics
- Paint - TBD
- Paint - TBD

- Vector Logo Required
*PLEASE NOTE: If clean vector art can not be provided by client, a design charge may be applied to cost of project.
- Presite Required



NIGHT VIEW



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Menasha, WI 54952
T: 920-378-3515
F: 920-221-3243
FoxCitiesSign.com
Sales@FoxCitiesSign.com



PROJECT NO: 3766.2
Client: Evergreen Heights
Signage: Monument
Job Location: Evergreen/
Richmond St. Appleton

Salesperson: Sara
Date: 11-26-2018
Artist: Dana

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Color Approval Required

Client Approval:

Date:

WORKING DESIGN FINAL DESIGN



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*Proof is an approximate simulation that may vary from final production

SIGN SPECIFICATIONS

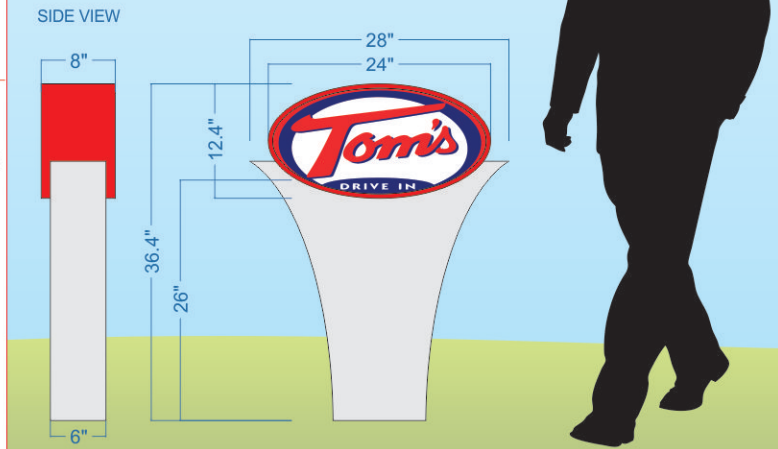
- QUANTITY:** 1
- SIDES:** D/F
- SIGNAGE:** TENANT MONUMENT
- LIGHTING:** LED (WHITE)
- FACES:** POLYCARBONATE
- GRAPHICS:** FULL COLOR W/LAM

INSTRUCTION: PRODUCE & INSTALL

EXHIBIT E

-  Full Color Graphics
-  Paint - Red
-  Paint - Metallic with Gloss Coat

- Vector Logo Required
*PLEASE NOTE: If clean vector art can not be provided by client, a design charge may be applied to cost of project.
- Presite Required



NIGHT VIEW



1125D W. Tuckaway Ln.
Menasha, WI 54952
T: 920-378-3515
F: 920-221-3243
FoxCitiesSign.com
Sales@FoxCitiesSign.com



PROJECT NO: 3766.3
Client: Evergreen Heights
Signage: Monument
Job Location: Evergreen/
Richmond St. Appleton

Salesperson: Sara
Date: 11-26-2018
Artist: Dana

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_____ Color Approval Required

Client Approval:

Date:

WORKING DESIGN FINAL DESIGN



Ask Us About The Latest Energy Efficient Options!

*Proof is an approximate simulation that may vary from final production



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: January 7, 2020

Common Council Public Hearing Meeting Date: February 19, 2020
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-19 and Rezoning #12-19

Case Manager: Jessica Titel

GENERAL INFORMATION

Owners: R. Lewis & R. Lewis, LLC

Applicant: Garritt Bader – GB Real Estate Investments, LLC.

Address/Parcel: N. Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-00)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designations to the Commercial designation for the subject area. In conjunction with this request, the applicant is also proposing to rezone the subject area from R-1B Single-Family District to C-2 General Commercial District. The requests are being made to accommodate a proposed grocery store.

BACKGROUND

The subject parcels are currently undeveloped and are part of the Northview Subdivision Plat that was recorded in 1958. A razing permit for the previous accessory building was issued in 2017.

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The *Comprehensive Plan* document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

A Certified Survey Map (CSM) was submitted in conjunction with the *Comprehensive Plan Amendment and Rezoning* requests. The CSM would create a new lot for the grocery store development by splitting the main parcel (Tax Id #31-6-7704-00) into two lots and combining existing parcels (Tax Id #'s 31-6-7691-00 and 31-6-7692-00) and the subject parcels with the newly created grocery store parcel. CSMs are typically administratively reviewed and approved by City staff, but because it crosses a plat boundary, the CSM must be approved by Plan Commission and Common Council. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, since the subject land area is currently in a different zoning district than other parcels within the proposed CSM, a rezoning is necessary prior to CSM approval.

There is a small area of land located at 611 W. Northland Avenue (Tax Id #31-6-7704-00) that is currently zoned PD/C-2 West Northland Avenue Planned Development District A-95 and B-99 that is adjacent to Northland Avenue and part of the proposed CSM. This area will not be rezoned to C-2 because it is an existing condition and would create a nonconforming sign if removed from the PD zoning district. The two existing zoning districts on parcel #31-6-7704-00 will remain as is. An Implementation Plan Document has been recorded that regulates land use within the Planned Development area and includes this small area of land.

Site Plan #27-19 for a proposed Aldi store on the subject area was submitted for review. Approval of the comprehensive plan amendment, rezoning and CSM is needed prior to Site Plan approval.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The subject parcels are currently undeveloped. Combined, the subject land area totals approximately 13,404 square feet.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – C-2 General Commercial District
Future Land Use Designation – Commercial
Current Land Use – Commercial

South: Zoning – R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-family dwellings

East: Zoning – R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-family dwellings

West: Zoning – C-2 General Commercial District
Future Land Use Designation – Commercial
Current Land Use – Commercial and vacant, undeveloped parcel

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject land area is necessitating the change to Commercial designation. Area to the north and west is already shown as Commercial designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Commercial designation to the east.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient

manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 9.5: Economic Development:

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

OBJECTIVE 10.1 Land Use:

Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

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 purpose of the C-2 General Commercial District is to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public. The development standards for the C-2 District are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 35 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to reconfigure lot lines (via CSM), add additional developable land to adjacent parcels and accommodate a proposed grocery store development, which is an allowable use in the C-2 General Commercial District. Future development on

the subject parcels would need to conform to the C-2 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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. 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. *If Future Land Use Map Amendment #2-19 is approved, to identify this area for future commercial uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning. The applicant has submitted a Traffic Impact Analysis to the Department of Public Works for review. The Department of Public Works is satisfied with the recommendations and conclusions presented in the TIA.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial uses are already located along W. Northland Avenue and N. Richmond Street. The proposed amendment would allow for additional commercially zoned land to accommodate the proposed grocery store. Perimeter parking lot landscape buffers will be reviewed in accordance with Zoning Ordinance requirements at the time of Site Plan review. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-19 & Rezoning #12-19

January 7, 2020

Page 5

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #2-19 is approved.

Technical Review Group (TRG) Report: These items were discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-19 from One and Two-Family Residential designation to Commercial designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #12-19 to rezone the subject land area located at N. Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-00) from R-1B Single-Family District to C-2 General Commercial District, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #12-19 and CSM #22-19 (separate agenda item) will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-19 to accurately reflect the change in future land use, zoning classification and proposed lot configuration.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on January 7, 2020, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-19) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on January 7, 2020; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property on the Future Land Use Map from (One and Two-Family Residential Use) to (Commercial Use).

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

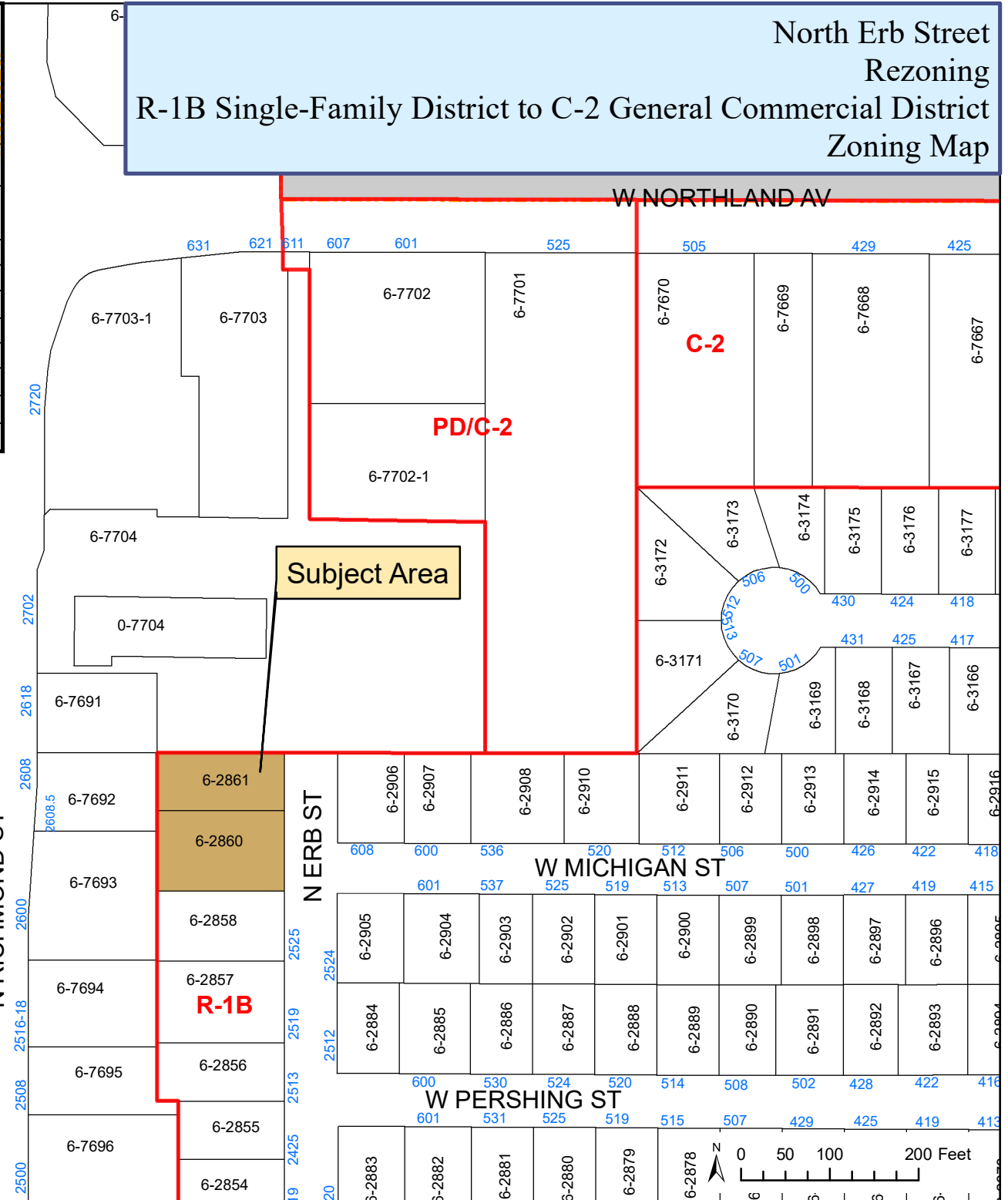
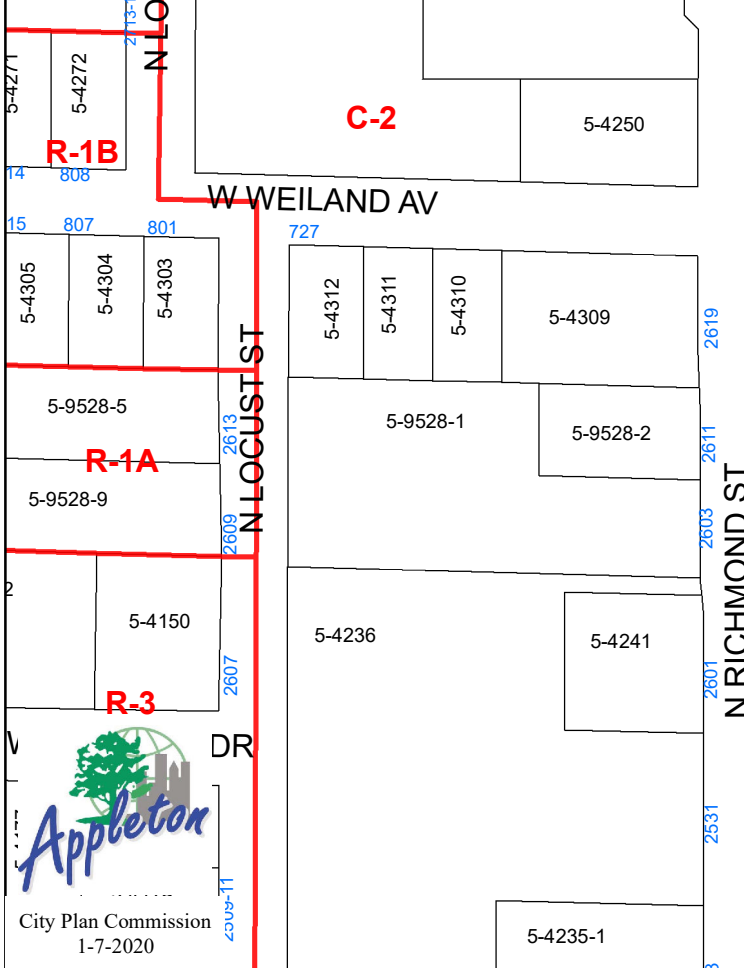
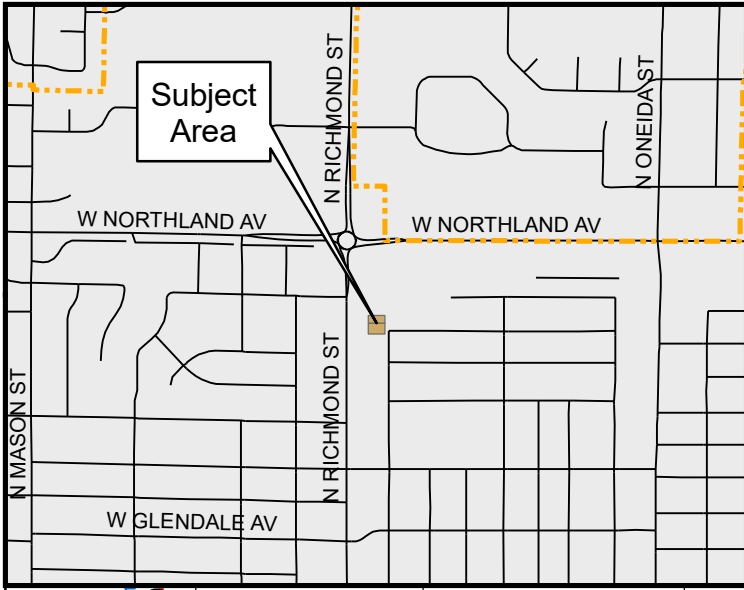
Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

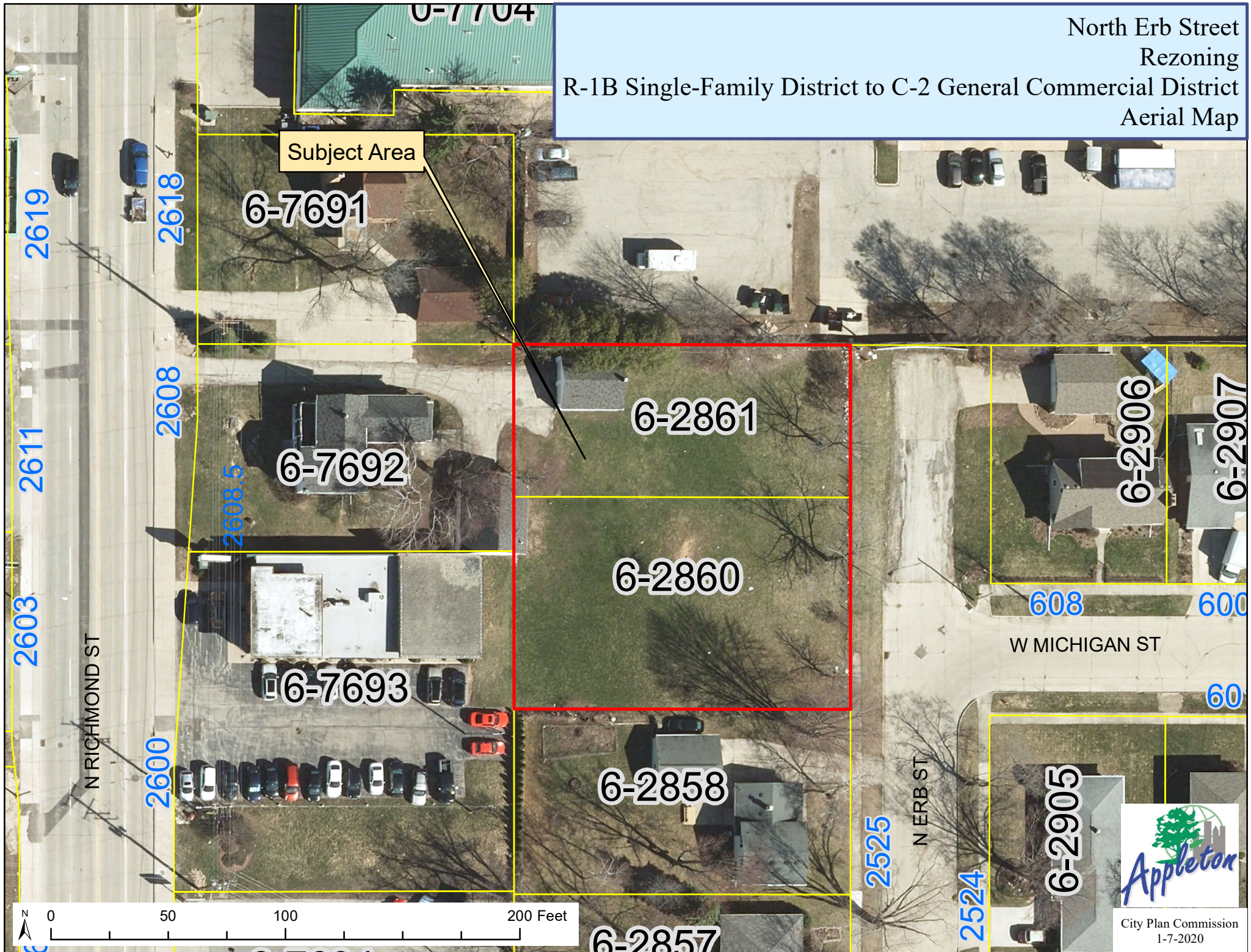
ATTEST:

Kami Lynch, City Clerk

North Erb Street Rezoning R-1B Single-Family District to C-2 General Commercial District Zoning Map



North Erb Street
Rezoning
R-1B Single-Family District to C-2 General Commercial District
Aerial Map



Subject Area

6-7691

6-7692

6-7693

6-2861

6-2860

6-2858

6-2857

6-2906

6-2907

6-2905

2619

2618

2611

2608

2603

2608.5

2600

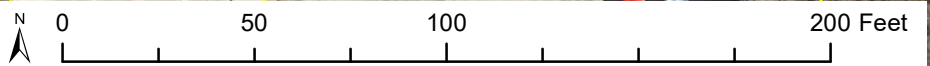
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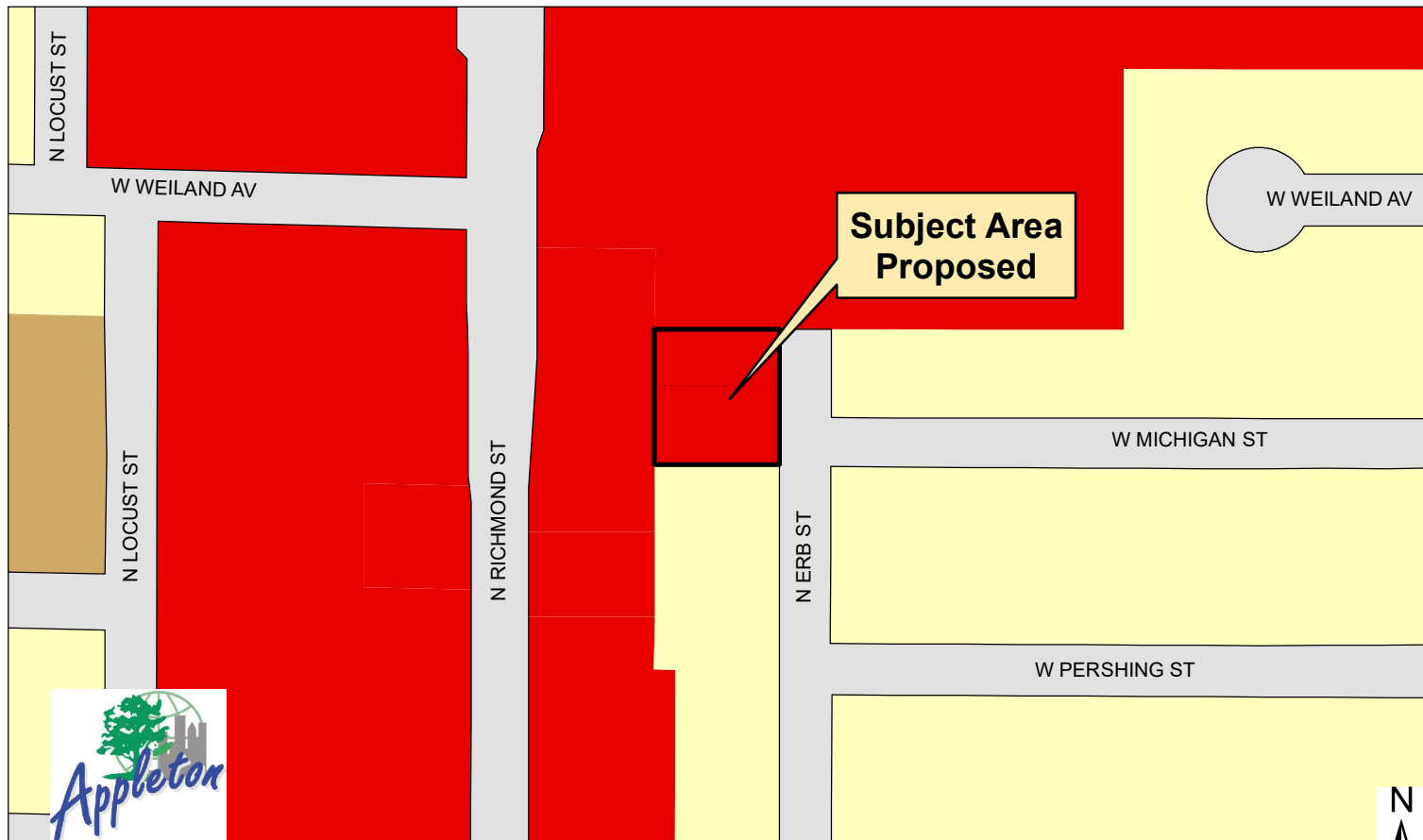
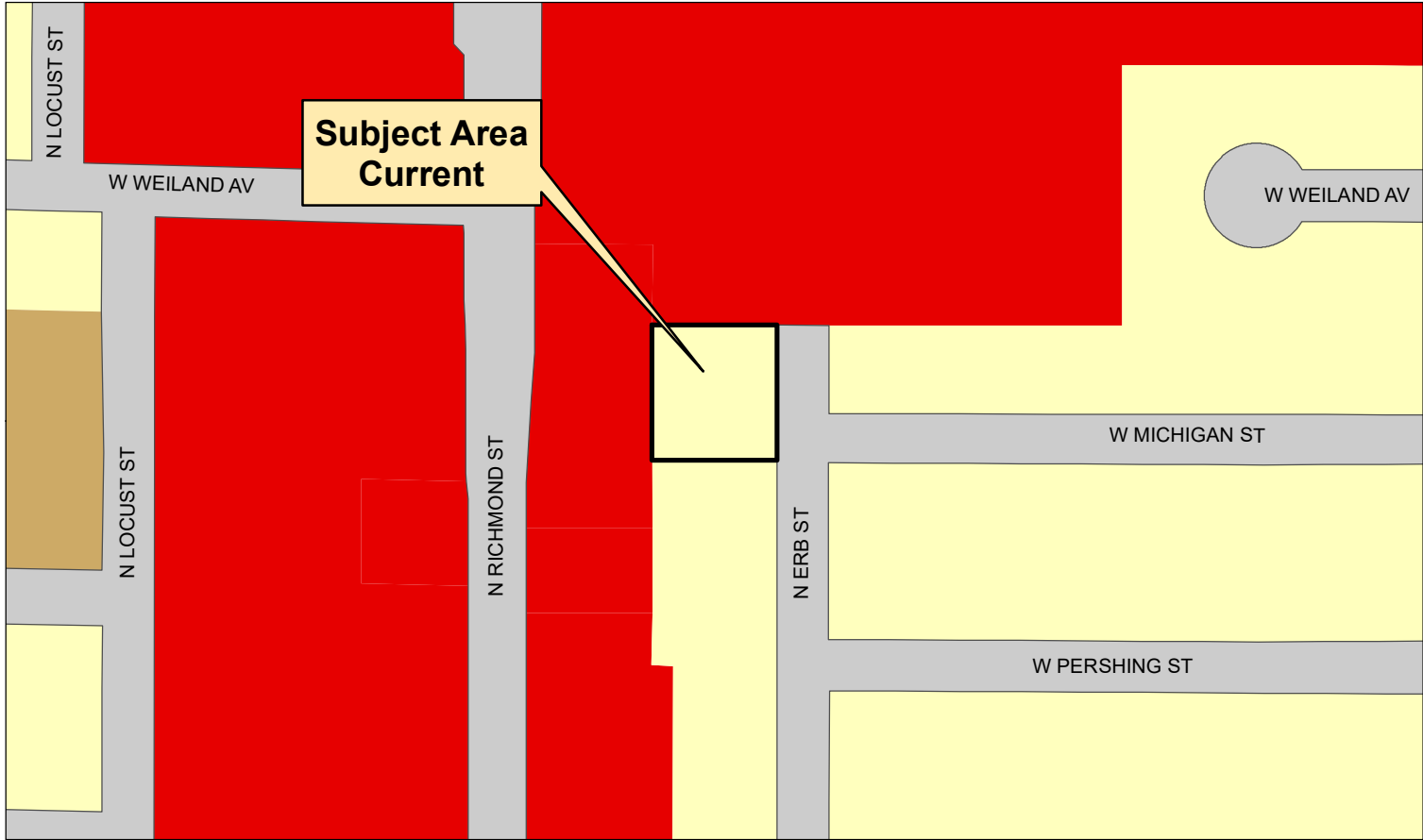
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North Erb Park
Future Land Use Map Amendment
One and Two-Family Residential to Commercial





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: January 7, 2020

Common Council Public Hearing Meeting Date: February 19, 2020
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-19 and Rezoning #12-19

Case Manager: Jessica Titel

GENERAL INFORMATION

Owners: R. Lewis & R. Lewis, LLC

Applicant: Garritt Bader – GB Real Estate Investments, LLC.

Address/Parcel: N. Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-00)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designations to the Commercial designation for the subject area. In conjunction with this request, the applicant is also proposing to rezone the subject area from R-1B Single-Family District to C-2 General Commercial District. The requests are being made to accommodate a proposed grocery store.

BACKGROUND

The subject parcels are currently undeveloped and are part of the Northview Subdivision Plat that was recorded in 1958. A razing permit for the previous accessory building was issued in 2017.

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The *Comprehensive Plan* document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

A Certified Survey Map (CSM) was submitted in conjunction with the *Comprehensive Plan Amendment and Rezoning* requests. The CSM would create a new lot for the grocery store development by splitting the main parcel (Tax Id #31-6-7704-00) into two lots and combining existing parcels (Tax Id #'s 31-6-7691-00 and 31-6-7692-00) and the subject parcels with the newly created grocery store parcel. CSMs are typically administratively reviewed and approved by City staff, but because it crosses a plat boundary, the CSM must be approved by Plan Commission and Common Council. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, since the subject land area is currently in a different zoning district than other parcels within the proposed CSM, a rezoning is necessary prior to CSM approval.

There is a small area of land located at 611 W. Northland Avenue (Tax Id #31-6-7704-00) that is currently zoned PD/C-2 West Northland Avenue Planned Development District A-95 and B-99 that is adjacent to Northland Avenue and part of the proposed CSM. This area will not be rezoned to C-2 because it is an existing condition and would create a nonconforming sign if removed from the PD zoning district. The two existing zoning districts on parcel #31-6-7704-00 will remain as is. An Implementation Plan Document has been recorded that regulates land use within the Planned Development area and includes this small area of land.

Site Plan #27-19 for a proposed Aldi store on the subject area was submitted for review. Approval of the comprehensive plan amendment, rezoning and CSM is needed prior to Site Plan approval.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The subject parcels are currently undeveloped. Combined, the subject land area totals approximately 13,404 square feet.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – C-2 General Commercial District
Future Land Use Designation – Commercial
Current Land Use – Commercial

South: Zoning – R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-family dwellings

East: Zoning – R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-family dwellings

West: Zoning – C-2 General Commercial District
Future Land Use Designation – Commercial
Current Land Use – Commercial and vacant, undeveloped parcel

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject land area is necessitating the change to Commercial designation. Area to the north and west is already shown as Commercial designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Commercial designation to the east.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient

manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 9.5: Economic Development:

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

OBJECTIVE 10.1 Land Use:

Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

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 purpose of the C-2 General Commercial District is to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public. The development standards for the C-2 District are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 35 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to reconfigure lot lines (via CSM), add additional developable land to adjacent parcels and accommodate a proposed grocery store development, which is an allowable use in the C-2 General Commercial District. Future development on

the subject parcels would need to conform to the C-2 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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. 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. *If Future Land Use Map Amendment #2-19 is approved, to identify this area for future commercial uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning. The applicant has submitted a Traffic Impact Analysis to the Department of Public Works for review. The Department of Public Works is satisfied with the recommendations and conclusions presented in the TIA.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial uses are already located along W. Northland Avenue and N. Richmond Street. The proposed amendment would allow for additional commercially zoned land to accommodate the proposed grocery store. Perimeter parking lot landscape buffers will be reviewed in accordance with Zoning Ordinance requirements at the time of Site Plan review. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-19 & Rezoning #12-19

January 7, 2020

Page 5

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #2-19 is approved.

Technical Review Group (TRG) Report: These items were discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-19 from One and Two-Family Residential designation to Commercial designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #12-19 to rezone the subject land area located at N. Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-00) from R-1B Single-Family District to C-2 General Commercial District, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #12-19 and CSM #22-19 (separate agenda item) will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-19 to accurately reflect the change in future land use, zoning classification and proposed lot configuration.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on January 7, 2020, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-19) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on January 7, 2020; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property on the Future Land Use Map from (One and Two-Family Residential Use) to (Commercial Use).

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

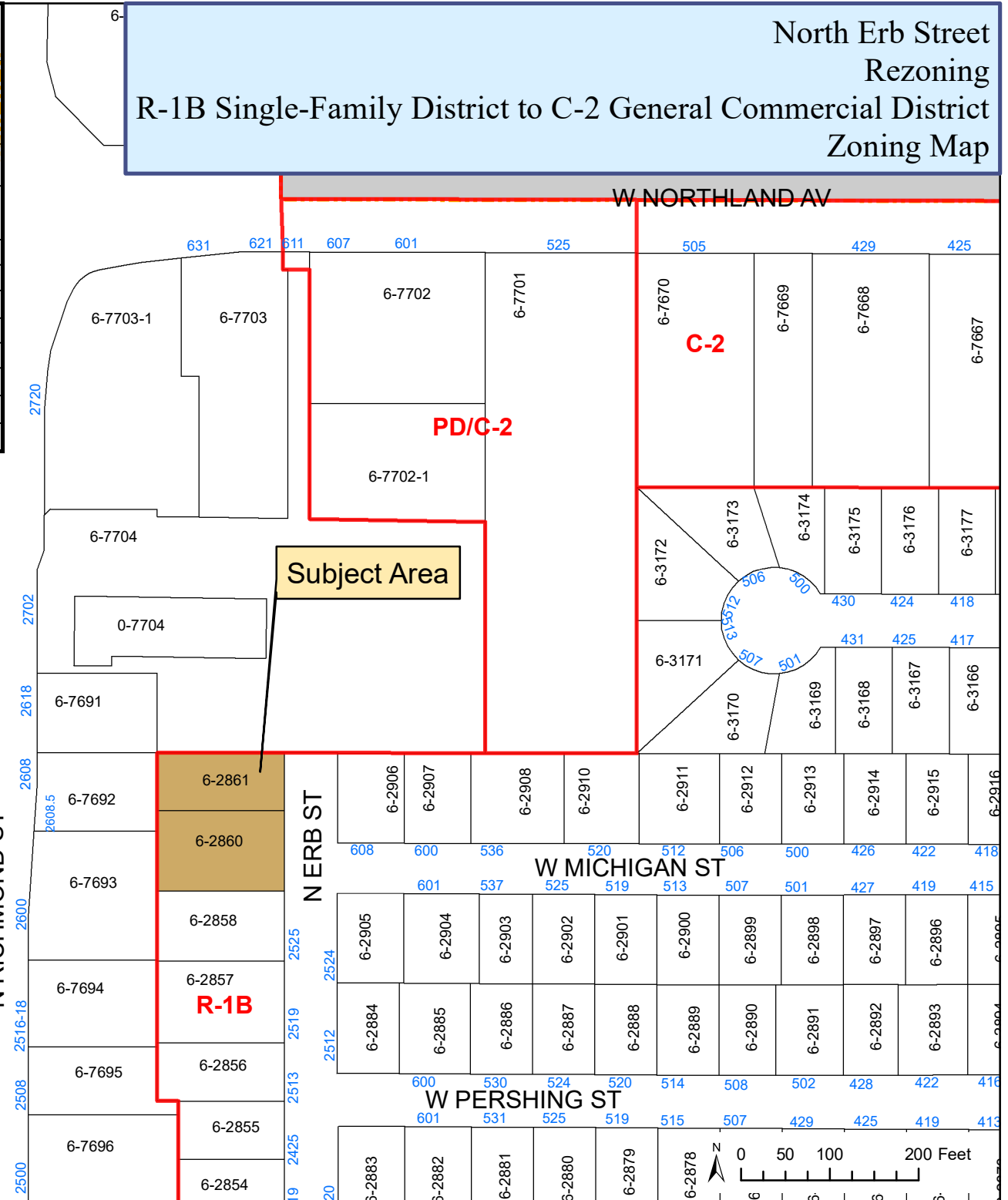
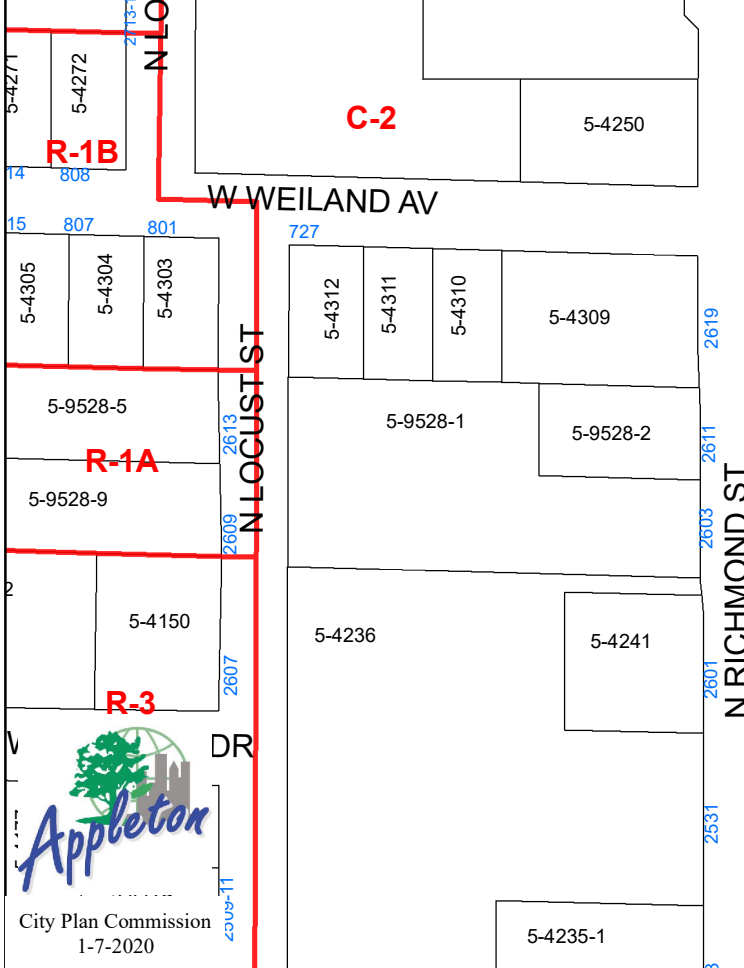
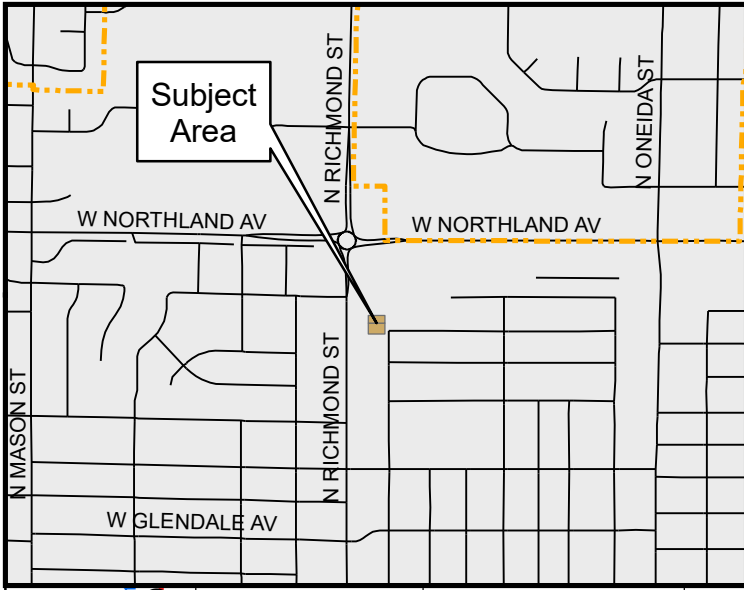
Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

North Erb Street Rezoning R-1B Single-Family District to C-2 General Commercial District Zoning Map



North Erb Street
Rezoning
R-1B Single-Family District to C-2 General Commercial District
Aerial Map

Subject Area

6-7691

6-7692

6-7693

6-2861

6-2860

6-2858

6-2857

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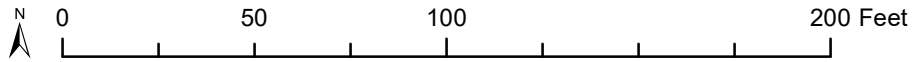
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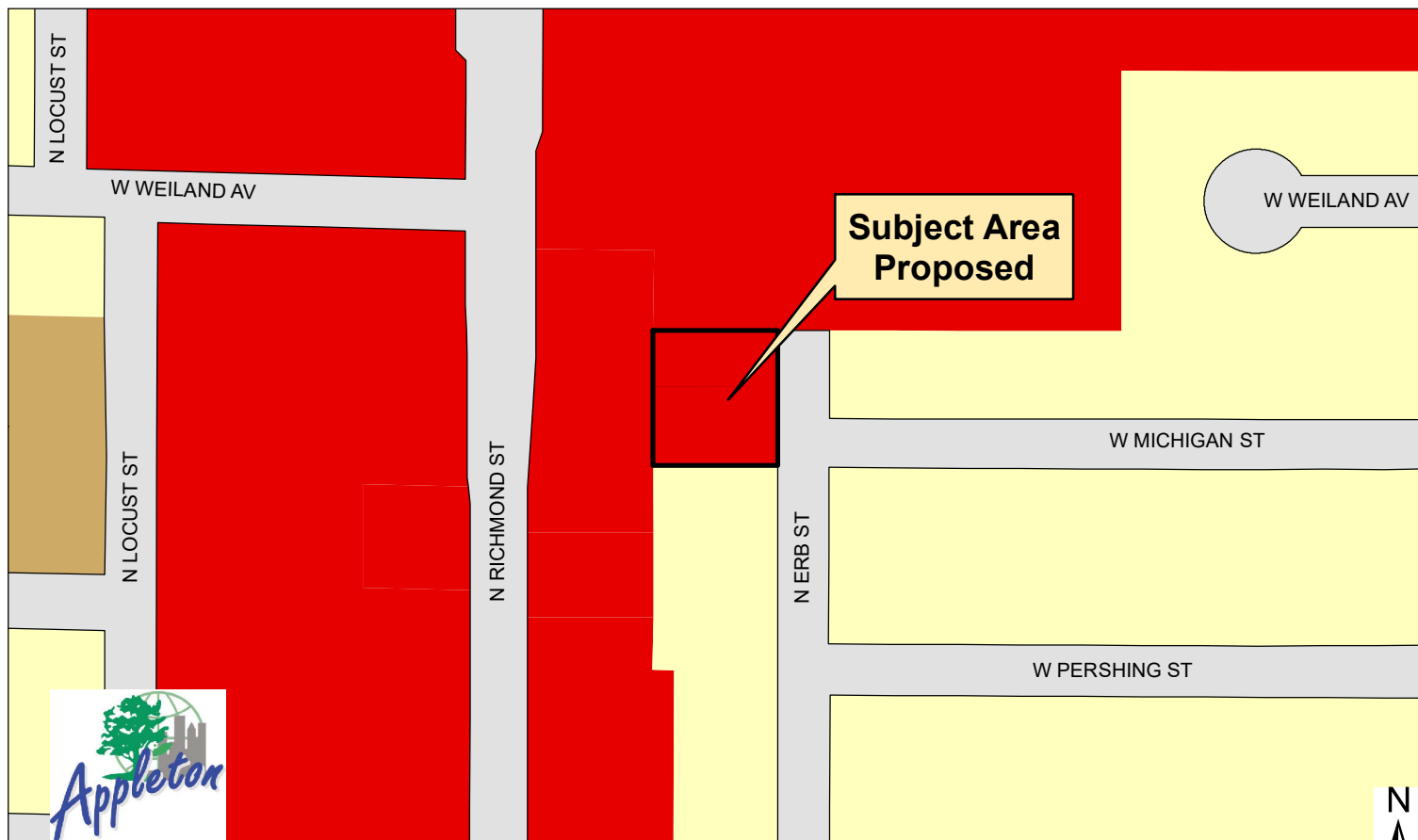
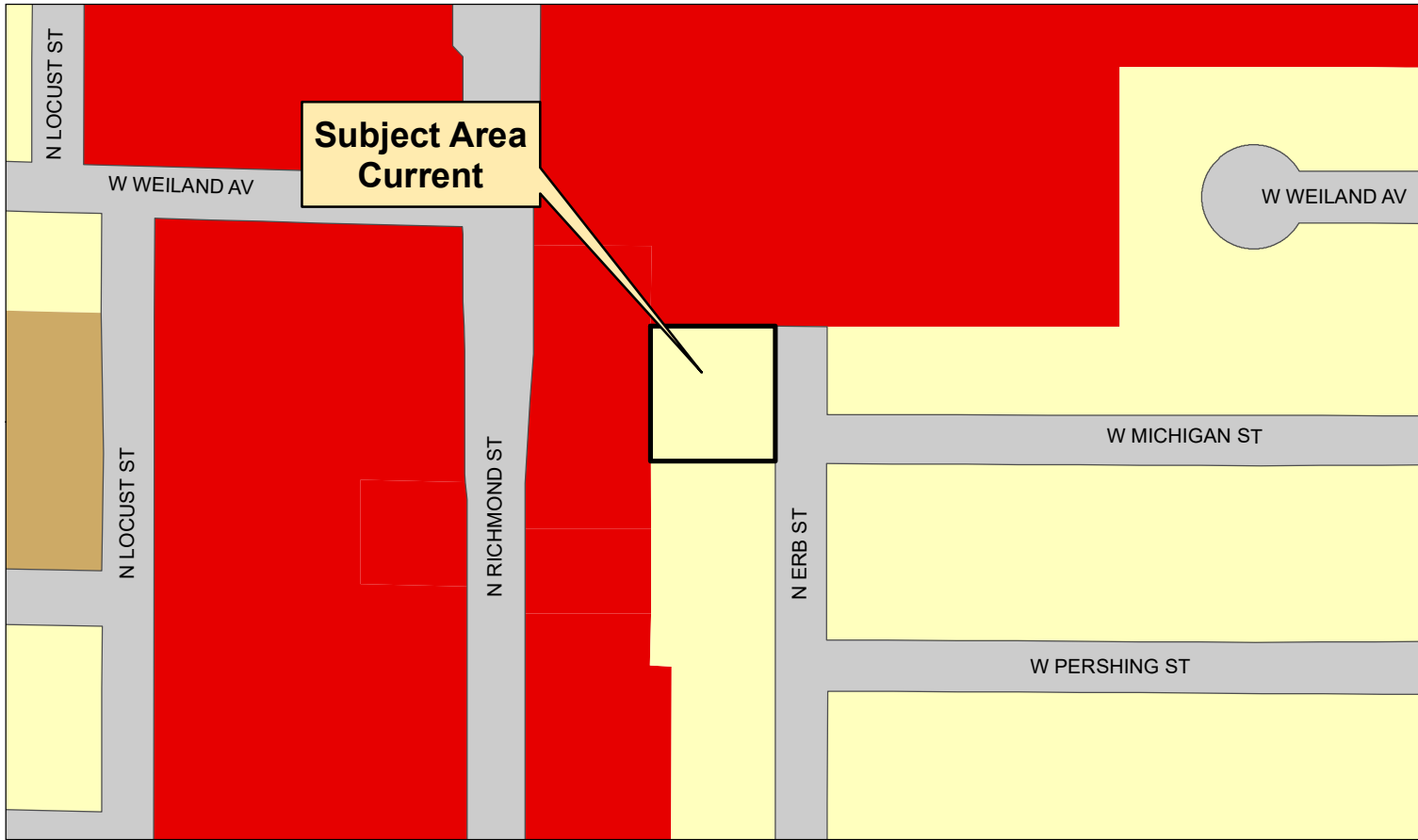
N RICHMOND ST

N ERB ST

W MICHIGAN ST



North Erb Park
Future Land Use Map Amendment
One and Two-Family Residential to Commercial





REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 7, 2020

Common Council Meeting Date: February 19, 2020 (same meeting as Comprehensive Plan Amendment #2-19 and Rezoning #12-19)

Item: Certified Survey Map #22-19

Case Manager: Jessica Titel

GENERAL INFORMATION

Owners: R. Lewis & R. Lewis, LLC and R. Lewis & R. Lewis II, LLC

Applicant: Garritt Bader – GB Real Estate Investments, LLC

Address/Parcel: North Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-00), North Richmond Street (Tax Id #'s 31-6-7692-00 and 31-6-7691-00) and 611 W. Northland Avenue (Tax Id #31-6-7704-00)

Petitioner's Request: The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The CSM will create a new lot for a new grocery store by splitting the main parcel (Tax Id #31-6-7704-00) into two lots and combining existing parcels (Tax Id #'s 31-6-7691-00, 31-6-7692-00, 31-6-2860-00 and 31-6-2861-00) with the newly created grocery store parcel.

BACKGROUND

Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcels #31-6-2860-00 and #31-6-2861-00 were included in the Northview Subdivision Plat, and the remaining parcels were created via Certified Survey Map. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

There is a small area of land located at 611 W. Northland Avenue (Tax Id #31-6-7704-00) that is currently zoned PD/C-2 West Northland Avenue Planned Development District A-95 and B-99 that is adjacent to Northland Avenue and part of the proposed CSM. This area will not be rezoned to C-2 because it is an existing condition and would create a nonconforming sign if removed from the PD zoning district. The two existing zoning districts on proposed Lot 2 will remain as is. An Implementation Plan Document has been recorded that regulates land use within the Planned Development area and includes this small area of land.

Comprehensive Plan Amendment #2-19, to amend the Future Land Use Map from One and Two-Family Residential designation to Commercial designation for parts of the subject area, is also being presented at this January 7, 2020 Plan Commission meeting. Rezoning #12-19, to rezone parts of the subject area from R-1B Single-Family District to C-2 General Commercial District, is also being presented at this January 7, 2020 Plan Commission meeting. Both items need to be approved in order for the CSM to be approved.

Certified Survey Map #22-19

January 7, 2020

Page 2

Site Plan #27-19 for a new Aldi's store on proposed Lot 1 has been submitted for review. Approval of Comprehensive Plan Amendment #2-19, Rezoning #12-19 and Certified Survey Map #22-19 is needed prior to Site Plan approval.

STAFF ANALYSIS

Existing Conditions: Currently, parcel #31-6-2860-00, #31-6-2861-00, #31-6-7692-00 and #31-6-7691-00) are vacant. Parcel #31-6-7704-00 is developed with two multi-tenant retail/commercial buildings with associated off-street parking lots. The total land area included in the CSM is 4.04 acres. Proposed Lot 1 is 110,357 square feet, and proposed Lot 2 is 65,549 square feet.

Subdivision Ordinance Requirements: Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the C-2 General Commercial District, the minimum lot width is 60 feet and the minimum lot area is 14,000 square feet, per Section 23-113(h) of the Municipal Code. Proposed Lot 1 satisfies these lot development standards. Proposed Lot 2 satisfies the width requirements when measured south of the access drive. The narrow strip of land that attaches to Northland Avenue is an existing condition and will remain with the proposed CSM. The CSM was also found to comply with setback standards.

Existing parcel #31-6-7704-00 has a lot coverage of 88% impervious surface, which is considered legal nonconforming. After the proposed CSM, Lot 2 will have a lot coverage of approximately 92%. Because the existing lot coverage is nonconforming, the creation of the CSM cannot increase the degree of nonconformity on proposed Lot 2. In this case, splitting off the west "half" of the property causes the lot coverage on the remnant lot (proposed Lot 2) to increase to 92%. The applicant has applied for a variance request to allow the 92% lot coverage on proposed Lot 2.

Future development on Lot 1 shall adhere to the maximum lot coverage standard of 75% listed in Zoning Code 23-113(h). Section 23-172(g)(5) allows the side and/or rear minimum perimeter landscape buffer to be waived if a cross access easement between adjacent property owners is recorded. Staff will request the cross access easements be shown on the CSM.

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

North: C-2 General Commercial District and PD/C-2 West Northland Avenue Planned Development District A-95 and B-99. The adjacent land uses to the north are currently a mix of commercial and office.

South: C-2 General Commercial District and R-1B Single-Family District. The adjacent land uses to the south are currently single-family residential and commercial.

East: PD/C-2 West Northland Avenue Planned Development District A-95 and B-99 and R-1B Single-Family District. The adjacent land uses to the east are currently single-family residential and a mix of commercial.

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

Appleton Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial use shown on the City's *Comprehensive Plan 2010-2030 Future Land Use Map*, as long as Comprehensive Plan Amendment #2-19 is approved.

Technical Review Group (TRG) Report: This item was discussed at the December 17, 2019 Technical Review Group meeting. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

Based on the above, staff recommends that Certified Survey Map #22-19, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. Variance to request to exceed lot coverage maximum on Lot 2 has been submitted. Variance shall be granted or a plan for additional green space for Lot 2 shall be submitted for staff review and approval prior to approval of the CSM.
2. Development of Lot 1 will need to meet current Zoning Code standards, including a maximum lot coverage of 75%.
3. Drainage Plan requirement deferred until time of Site Plan submittal.
4. Show 10-foot water main easement per Document #877418.
5. Reference Ingress Egress Easement Document #1154109 on Sheet 1 of the CSM.
6. Cross access easement is needed over the narrow strip of land that abuts Northland Avenue to allow for access to Lot 1 through the existing drive lane. Please update Sheet of the CSM.
7. A "north/south" cross access easement is needed along the common lot line between Lots 1 and 2 to allow for traffic flow between parcels.
8. A statement that conforms substantially to the following shall be included on the CSM:

This Certified Survey Map is a (portion or all) of tax parcel number ____.

The property owner(s) of record is/are ____.

This Certified Survey Map is contained wholly within the property described in the following recorded instrument(s) ____.

9. Comprehensive Plan Amendment #2-19, to amend the Future Land Use Map from One and Two-Family Residential designation to Commercial designation, must be approved by Common Council.
10. Rezoning #12-19, to rezone parcels #31-6-2860-00 and #31-6-2861-00 from R-1B Single-Family District to C-2 General Commercial District, must be approved by Common Council.

Certified Survey Map #22-19

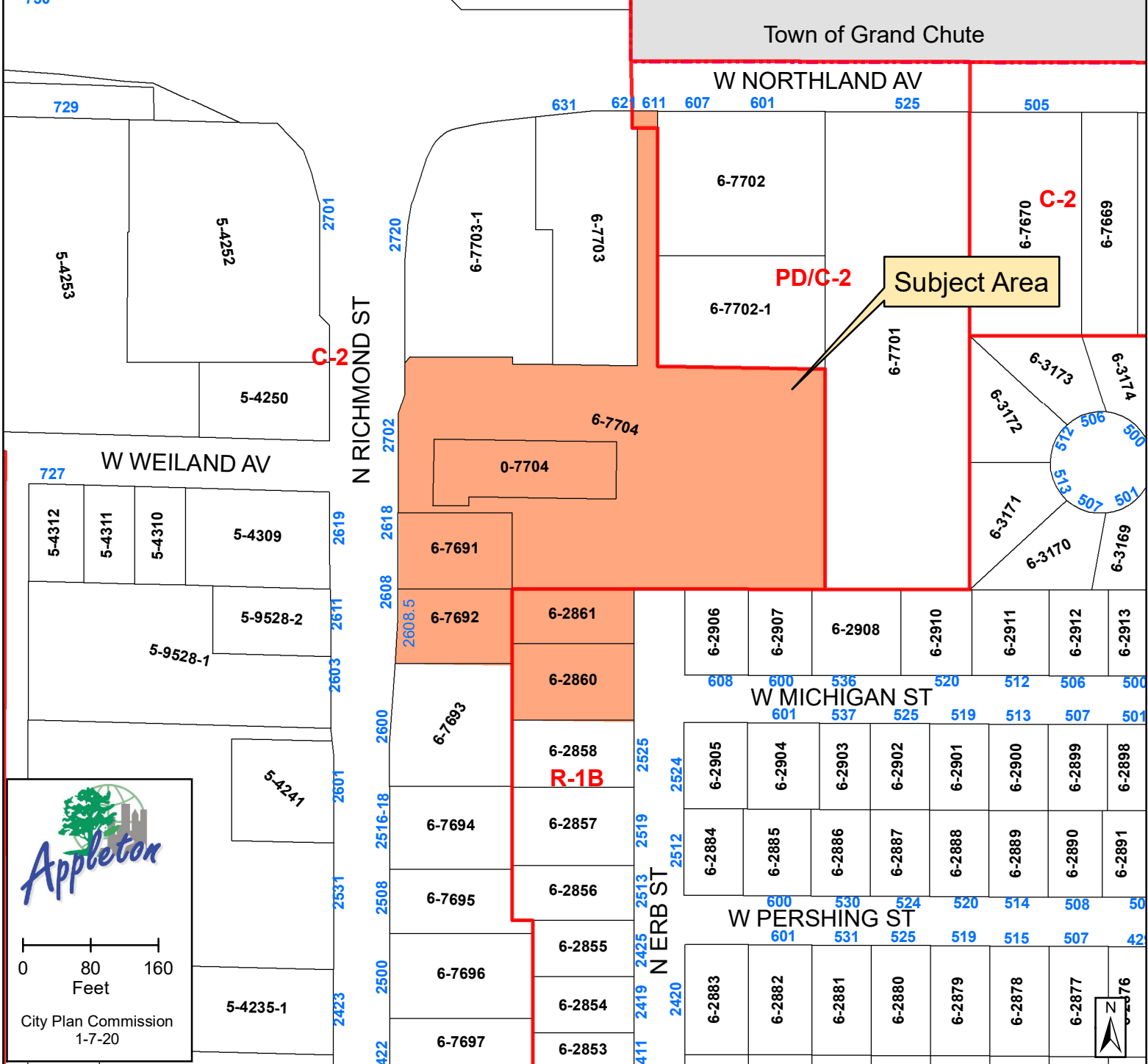
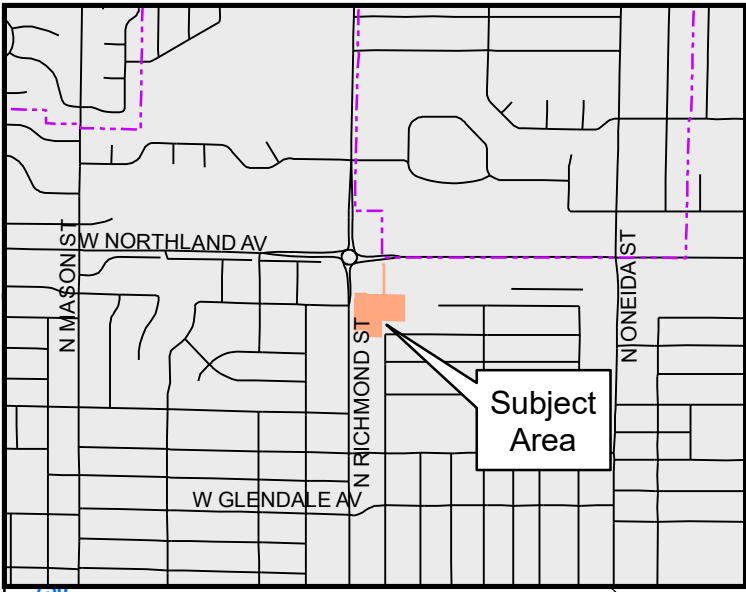
January 7, 2020

Page 4

11. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.
12. Illustrate on the CSM, all current driveways, entrances and/or access points to the property.
13. All newly placed monuments shall be at least 24” in length, per Municipal Code.
14. List the outside diameter of iron pipes found and/or set in the legend.
15. Illustrate the existing public water main that crosses through the property.
16. Illustrate the entire water main easement that crosses through the southern portion of the property.
17. Add tax certificates to the CSM.
18. The Outagamie County Register of Deeds Office requires a 3” x 3” open area at the top right hand corner of the cover sheet. Revise Sheet 1 of the C.S.M. or add a blank cover sheet to the C.S.M. Verify this condition with the Registers Office.
19. All 2019 taxes will need to be paid in full for all parcels involved for Finance approval.

NOTE: Certified Survey Map #22-19 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-19 and Rezoning #12-19 to accurately reflect the changes in future land use designation and zoning classification.

611 W. Northland Avenue
 Certified Survey Map #22-19
 Crosses Plat Boundary
 Zoning Map



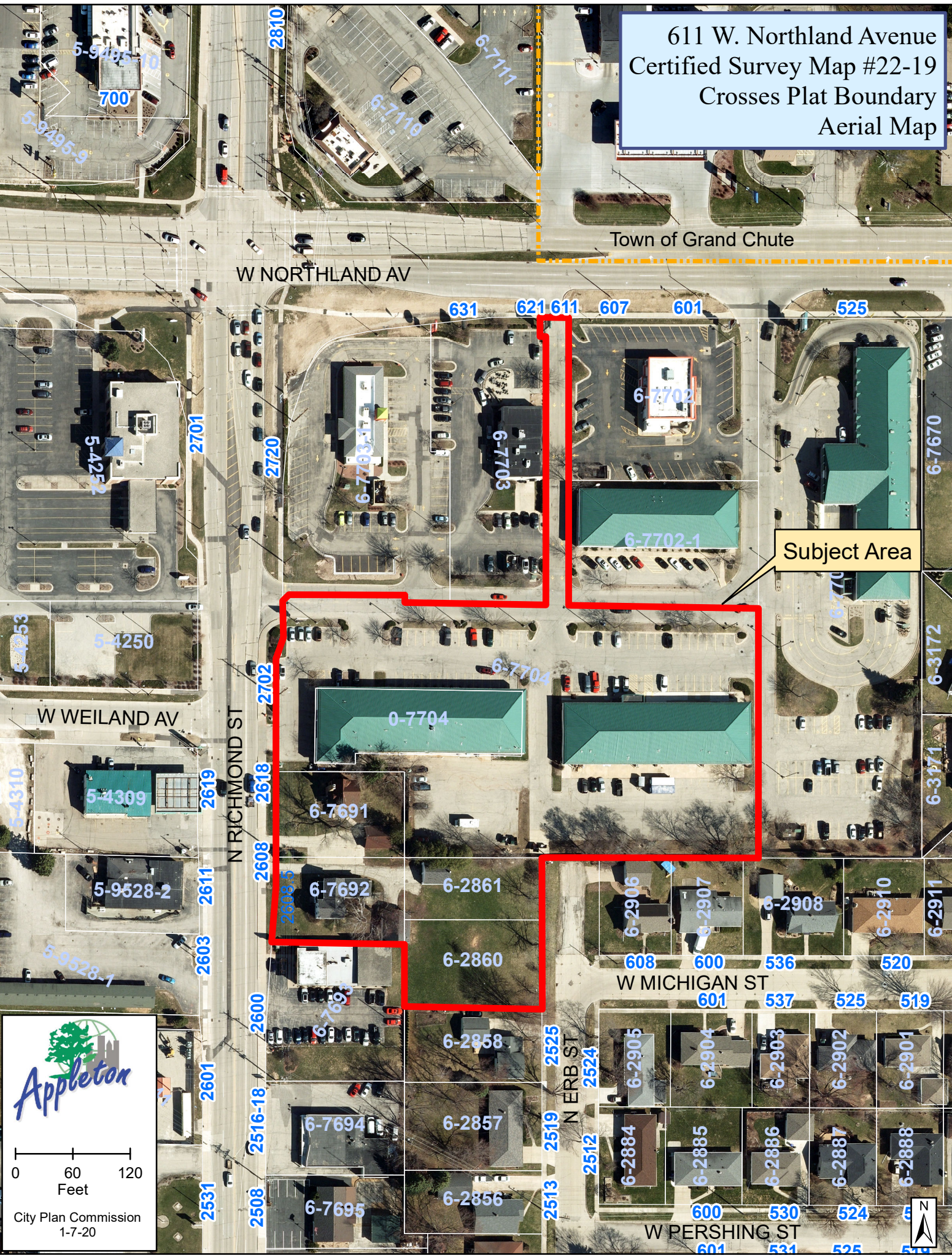
Appleton

City Plan Commission
 1-7-20

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611 W. Northland Avenue
Certified Survey Map #22-19
Crosses Plat Boundary
Aerial Map



Town of Grand Chute

W NORTHLAND AV

Subject Area

W WEILAND AV

W MICHIGAN ST

W PERSHING ST

0 60 120
Feet
City Plan Commission
1-7-20



CERTIFIED SURVEY MAP NO. _____

Being the North 27 feet of Lot 9 and all of Lots 10 and 11 of Block 1 of Northview Plat, a part of Certified Survey Map No. 2570 and additional lands in the Northwest 1/4 of the Northwest 1/4 of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin

COUNTY TRUNK HIGHWAY "OO"

NW CORNER, NW 1/4 SEC. 23, T21N, R17E (FOUND MON. W/ CHISELED CROSS) N=571,552.87; E=825,056.61
 (VARIABLE PUBLIC R.O.W.) S89°50'40"E 2618.49' ((R) N88°39'30"E)
 NE CORNER, NW 1/4 SEC. 23, T21N, R17E (FOUND MON. W/ CHISELED CROSS)

NORTH RICHMOND STREET
 STATE TRUNK HIGHWAY "47"

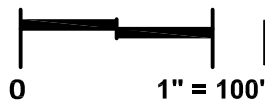
WEST LINE OF THE NW 1/4 SEC. 23, T21N, R17E
 S00°01'35"W 2638.27'
 ((D) S01°26'49"E)

WEST NORTHLAND AVENUE

LEGEND:
 - Denotes Found 1" Iron Pipe
 - Denotes Found Mag Nail
 - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
 - Denotes Found Rail Road Spike
 - Denotes Found Chiseled Cross
 - Denotes "Recorded As"

30.00'
 S89°50'40"E
 ((R) N88°39'30"E)
 20.00'
 N00°00'50"E
 ((R) N01°29'00"W)
 6.00'
 N89°59'10"W
 ((R) S88°31'00"W)

GRAPHICAL SCALE (FEET)



TAX KEY #316770300

TAX KEY #316770301
 LOT 1
 C.S.M. NO. 1926

((R) S01°27'52"E)
 S00°01'58"W

((R) N43°35'49"E)
 N45°05'39"E

8.02'
 S89°50'40"E

N00°07'51"E
 38.94'

N19°10'53"E
 23.47'

120.69'

7.76'

147.28'

S89°03'47"E

8.02'

N00°07'51"E

38.94'

N19°10'53"E

23.47'

120.69'

7.76'

147.28'

S89°03'47"E

8.02'

N00°07'51"E

38.94'

N19°10'53"E

23.47'

120.69'

7.76'

147.28'

LOT 1
 110,357 SQ. FT.
 2.5334 ACRES

SANITARY SEWER EASEMENT
 PER DOC. 561895, 561896 &
 627302

BUILDING WALL
 0.1' SOUTH OF
 PROPERTY LINE

EXISTING BUILDING

N00°01'58"E
 67.30'
 ((P) N00°10"E)

(REMNANT) LOT 9

UNPLATTED LANDS
 TAX KEY # 316769300

SW CORNER, NW 1/4 SEC. 23, T21N, R17E
 (FOUND MON. W/ CHISELED CROSS)

33'

33'

33'

33'

P.O.B.

10' TEMPORARY LIMITED
 EASEMENT PER CSM 2570 &
 CSM 1926 & DOC. 1073501

TAX KEY #316770200

LOT 2
 C.S.M. NO. 1925

TAX KEY #316770201

EXISTING BUILDING

7.5'

60.7'

198.03'

S89°03'47"E

18'

102.3'

260.66'

S00°00'50"W

158.00'

222.00'

N89°53'57"W

225.43'

EXISTING BUILDING

LOT 1 LOT 2 LOT 3

BLOCK 4 NORTHVIEW PLAT

MICHIGAN STREET

30'

30'

30'

30'

30'

95'
 S00°00'50"W
 95.00'

INGRESS & EGRESS
 EASEMENT PER
 CSM 2570 & CSM 1926

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

36'

WEILAND AVENUE

(VARIABLE PUBLIC R.O.W.)

N00°02'06"E 238.73'

40.9'

29.0'

16.2'

15.8'

20 WATER MAIN EASEMENT PER CSM 2570 & CSM 1926

97.9'

3.43'

158.00'

20'

30'

30'

30'

30'

30'

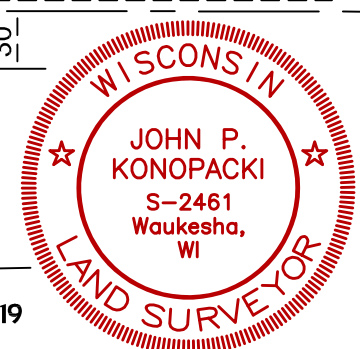
30'

30'

30'

30'

FOUND 3/4" IRON ROD 0.64' NORTH



DECEMBER 9, 2019

Prepared By:
PINNACLE ENGINEERING GROUP
 20725 WATERTOWN ROAD I SUITE 100
 BROOKFIELD, WI 53186
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#1517.00
 SHEET 1 OF 4

CERTIFIED SURVEY MAP NO. _____

Being the North 27 feet of Lot 9 and all of Lots 10 and 11 of Block 1 of Northview Plat, a part of Certified Survey Map No. 2570 and additional lands in the Northwest 1/4 of the Northwest 1/4 of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided the North 27 feet of Lot 9 and all of Lots 10 and 11 of Block 1 of Northview Plat, as recorded in the Register of Deeds office for Outagamie County as Document No. 506378, and a part of Certified Survey Map No. 2570, as recorded in the Register of Deeds office for Outagamie County as Document No. 1192339, and additional lands in the Northwest 1/4 of the Northwest 1/4 of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northwest 1/4 of said Section 23;
Thence South 89°50'40" East along the north line of said Northwest 1/4, 716.63 feet;
Thence South 00°00'50" West, 95.00 feet to the south right of way line of West Northland Avenue - County Trunk Highway "OO";
Thence North 89°50'40" West along said south right of way line, 368.50 feet to the northeast corner of Certified Survey Map No. 2570 and the Point of Beginning;

Thence South 00°00'50" West along the east line of Certified Survey Map No. 2570, 300.30 feet to a north line of said Certified Survey Map;
Thence South 89°03'47" East along said north line, 198.03 feet to an east line of said Certified Survey Map;
Thence South 00°00'50" West along said east line, 260.66 feet to the south line of said Certified Survey Map and the north line of Northview Plat, a recorded subdivision;
Thence North 89°53'57" West along said south line, 225.43 feet to the west right of way line of Erb Street;
Thence South 00°01'58" West along said west right of way line, 158.00 feet;
Thence North 89°53'57" West, 144.12 feet to the west line of said Northview Plat;
Thence North 00°01'58" East along said west line, 67.30 feet;
Thence North 89°53'57" West, 137.82 feet to the east right of way line of North Richmond Street - State Trunk Highway "47";
Thence North 03°47'06" East along said east right of way line, 59.24 feet;
Thence North 00°02'06" East along said east right of way line, 238.73 feet;
Thence North 19°10'53" East along said east right of way line, 23.47 feet;
Thence North 00°07'51" East along said east right of way line, 38.94 feet to the north line of said Certified Survey Map No. 2570;
Thence North 45°05'39" East along said north line, 8.02 feet;
Thence South 89°50'40" East along said north line, 120.69 feet;
Thence South 00°01'58" West, 7.76 feet to the south line of Lot 1 of Certified Survey Map No. 1926;
Thence South 89°03'47" East along said south line, 147.28 feet to the east line of said Lot 1;
Thence North 00°00'50" East along said east line, 279.99 feet;
Thence North 89°59'10" West along said east line, 6.00 feet;
Thence North 00°00'50" East along said east line, 20.00 feet to the aforesaid south right of way line of West Northland Avenue;
Thence South 89°50'40" East along said south right of way line, 30.00 feet to the Point of Beginning.

Containing 175,906 Square Feet (4.0382 Acres) of land more or less.

That I have made such survey, land division and map by the direction of R. Lewis & R. Lewis LLC owner of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Appleton Land Division Ordinance in surveying, mapping and dividing the land with in the certified survey map.

Date: DECEMBER 9, 2019

Prepared for:
R. LEWIS & R. LEWIS LLC
PO BOX 22190
GREEN BAY, WI 54305

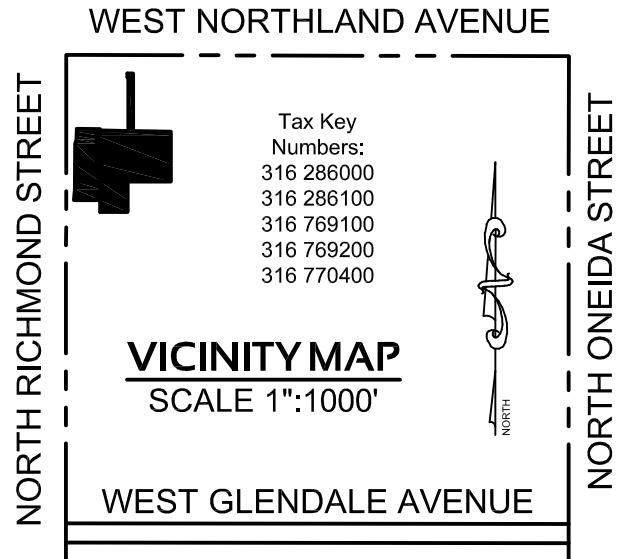
Prepared By:

PINNACLE ENGINEERING GROUP

20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888



John P. Konopacki
Professional Land Surveyor S-2461



Tax Key
Numbers:
316 286000
316 286100
316 769100
316 769200
316 770400

VICINITY MAP
SCALE 1":1000'

WEST GLENDALE AVENUE

CERTIFIED SURVEY MAP NO. _____

Being the North 27 feet of Lot 9 and all of Lots 10 and 11 of Block 1 of Northview Plat, a part of Certified Survey Map No. 2570 and additional lands in the Northwest 1/4 of the Northwest 1/4 of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin

OWNER'S CERTIFICATE

R. Lewis & R. Lewis LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described on this certified survey map to be surveyed, divided and mapped as represented on this certified survey map.

R. Lewis & R. Lewis LLC, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Appleton

IN WITNESS WHEREOF, the said R. Lewis & R. Lewis LLC has caused these presents to be signed by _____ (name - print), _____ (title), at (city) _____, _____ County, Wisconsin, on this _____ day of _____, 20____.

In the presence of: R. Lewis & R. Lewis LLC

Name (signature) - Title

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20____, (name) _____ (title) _____, of the above named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such _____ (title) of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability, by its authority.

Notary Public
Name: _____
State of Wisconsin
My Commission Expires: _____

CONSENT OF CORPORATE MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described in the foregoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said _____, has caused these presents to be signed by _____, its President, and its corporate seal to be hereunto affixed this _____ day of _____, 20____.

Date

President

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20____, _____, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

Notary Public
Name: _____
State of Wisconsin
My Commission Expires: _____



DECEMBER 9, 2019

CERTIFIED SURVEY MAP NO. _____

Being the North 27 feet of Lot 9 and all of Lots 10 and 11 of Block 1 of Northview Plat, a part of Certified Survey Map No. 2570 and additional lands in the Northwest 1/4 of the Northwest 1/4 of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Appleton on this _____ day of _____, 20__.

Date

Chairman

Date

Secretary

COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of Appleton, Wisconsin, on this _____ day of _____, 20__.

Date

Timothy Hanna, Mayor

Date

Kami Lynch, City Clerk

NOTES:

- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- Right of Way widths and locations are based on Certified Survey Map No. 2570 and Transportation Project Plat No. 6240-26-21-4.02 recorded as Document No. 2034961.
- Bearings referenced to Outagamie County Coordinate System, 83/91 Adjustment. The north line of the Northwest 1/4 of Section 23, Township 21 North, Range 17 East has a bearing of S89°50'40"E. Certified Survey Map No. 2570 references the north line as N88°39'30"E.



DECEMBER 9, 2019