



City of Appleton

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

Meeting Agenda City Plan Commission

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

Monday, May 11, 2015

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[15-720](#) City Plan Minutes from 4-27-15

Attachments: [City Plan Minutes 4-27-15.pdf](#)

4. Public Hearings/Apearances

- [15-721](#) Special Use Permit #3-15 for a personal storage use located on North Ballard Road, 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 (Associated with Action Item #15-722)

5. Action Items

- [15-722](#) Request to approve Special Use Permit #3-15 for a personal storage use located on North Ballard Road, 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

Attachments: [SUP #3-15 Staff Review.pdf](#)

- [15-725](#) Request to approve Extraterritorial Final Plat for White Hawk Meadows North 2 located in the Town of Grand Chute as shown on the attached maps

Attachments: [Extra Final Plat White Hawk Meadows Grand Chute.pdf](#)

[15-723](#)

Approve Minor Amendment to Special Use Permit #18-05 for a restaurant with an outdoor seating area with alcohol sales, service and consumption, as shown on the attached map and per attached plan of operation, to run with the land at 733 W. College Avenue subject to the conditions in the attached staff report (No Council action required)

Attachments: [Minor Amendment SUP #18-05 Staff Review.pdf](#)

[15-724](#)

Request to approve Minor Amendment to Special Use Permit #5-12 for an urban farm and recreation facility located at 1101 S. Oneida Street as shown on the attached maps and per attached urban farm management plan subject to the conditions in the attached staff report (Council action required to satisfy condition of approval from 2012)

Attachments: [StaffReport_RiverviewGardens_SUPMinorAmendment_For05-11-15.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
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Meeting Minutes - Final City Plan Commission

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

Monday, April 27, 2015

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

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

2. Roll call of membership

Present: 6 - Dukelow, Carpiaux, Priddis, Buetow, Konetzke and Uslabar

Excused: 1 - Mayor Hanna

Others present:

Abigail Nommensen, 506 Smith St., Waupaca WI 54981

Katarina Vucinic, 7406 Guhl Rd., Fremont WI 54960

Kayla Knutan, Fox Valley Lutheran High School

Jennifer Stephany, Appleton Downtown Inc.

3. Approval of minutes from previous meeting

[15-610](#)

City Plan Minutes from 4-6-15

Attachments: [City Plan Minutes 4-6-15.pdf](#)

Carpiaux moved, seconded by Uslabar, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 5 - Dukelow, Carpiaux, Priddis, Buetow and Uslabar

Excused: 1 - Mayor Hanna

Abstained: 1 - Konetzke

4. Public Hearings/Appearances

- [15-611](#) Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-206(b)(7) Official Maps and Revisions (Associated with Action Item #15-615)

This Appearance was presented.

5. Action Items

- [15-612](#) Request to approve the Appleton Downtown, Inc. request for installation of twenty-one (21) interchangeable banners on light poles, which would hang in the public right-of-way a minimum of eight (8) feet above the sidewalk, along College Avenue between Badger Avenue and Drew Street pending approval by the Municipal Services Committee

Attachments: [StaffReport_ADI_BannerRequest_For04-27-15.pdf](#)

Priddis moved, seconded by Konetzke, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 6 - Dukelow, Carpiaux, Priddis, Buetow, Konetzke and Uslabar

Excused: 1 - Mayor Hanna

- [15-648](#) Request to approve the Second Addition to Emerald Valley Final Plat subject to the attached conditions

Attachments: [2nd Add Emerald Valley Final Plat Staff Review.pdf](#)

Konetzke moved, seconded by Carpiaux, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 6 - Dukelow, Carpiaux, Priddis, Buetow, Konetzke and Uslabar

Excused: 1 - Mayor Hanna

6. Information Items

15-615

Request to approve the proposed Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code, Section 23-206 (b)(7) Official Maps and Revisions as identified in the attached staff report

Attachments: [Staff Report ZO Floodplain Text&Map Amendment.pdf](#)

Proceeds to Council on May 20, 2015.

**Buetow moved, seconded by Uslabar, that the Report Action Item be approved.
Roll Call. Motion carried by the following vote:**

Aye: 6 - Dukelow, Carpiaux, Priddis, Buetow, Konetzke and Uslabar

Excused: 1 - Mayor Hanna

15-616

Organizational Matters:

1. Elect a Vice-Chair
2. Set Meeting Date and Time
3. Designate a Contact Person

Josh Dukelow will be the Vice-Chair.

The City Plan Commission will meet at 4:00 p.m. on Mondays the week following Council.

Karen Harkness will be the Contact Person.

This Presentation was received and filed.

7. Adjournment

Carpiaux moved, seconded by Konetzke, that the meeting be adjourned at 4:15 p.m. Roll Call. Motion carried by the following vote:

Aye: 6 - Dukelow, Carpiaux, Priddis, Buetow, Konetzke and Uslabar

Excused: 1 - Mayor Hanna



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: May 11, 2015

Common Council Meeting Date: May 20, 2015

Item: Special Use Permit #3-15 for Personal Storage

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: CJW Properties, LLC; Chris Winter, agent

Address/Parcel #: North Ballard Road (31-1-6640-02 & 31-1-6726-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a personal storage use.

BACKGROUND

The subject site is approximately 1.5 acres in size and is currently vacant land. It consists of two landlocked parcels located east of 3000 and 3030 North Ballard Road. The property has a zoning designation of C-2 General Commercial District. A personal storage use requires a Special Use Permit in the C-2 District.

STAFF ANALYSIS

The definition for personal storage, per the Zoning Ordinance, means the primary use of a building containing individual, compartmentalized and controlled access spaces, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property.

The applicant proposes to construct a personal storage facility as shown on the attached Development and Operation Plans. The approximately 36 individual storage units will be accessed from the exterior of the building, which will be designed to allow tenants to directly access their space. A Certified Survey Map will be completed to combine the subject parcels. Access from Ballard Road to the site will be via easements through the properties to the west. Utility easements will be required in order to serve the site with utilities.

Surrounding zoning and land uses:

North: PD/R-3 Planned Development/Multi-Family Residential – Apartments

South: C-2 General Commercial District – Commercial use

West: C-2 General Commercial District – Commercial use

East: M-1 Industrial Park District – Manufacturing use

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan which designates the northern parcel for future multi-family uses and the southern parcel for business/industrial uses. Staff will recommend that the Future Land Use Map be revised to show the northern parcel being consistent with the historical and expected future commercial and industrial uses in this area. The proposed use is consistent with the purpose and intent of the C-2 General Commercial District which allows for a mix of commercial and residential uses and is consistent with the following goals and objectives of the 2010-2030 Comprehensive Plan:

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)

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** (Chapter 9)

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

Finding of Fact: 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 Report (TRG): This item was discussed at the April 21, 2015 Technical Review Group meeting. No negative comments were received.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #3-15 for a personal storage use located on North Ballard Road, as shown on the attached maps and per attached plan of operation **BE APPROVED** to run with the land subject to the following conditions:

1. All applicable Codes, Ordinances and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Site Plan review and approval will be required prior to Building Permits being issued.
3. A Certified Survey Map will be required to combine the subject parcels into one lot.

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: CTW Properties, LLC - applicant

Years in operation: New (new operating LLC to be created)

Type of proposed establishment (detailed explanation of business):

1 large storage unit supplemented by mini-storage
units. Heated large unit, cold smaller units.
Truck traffic to be very minimal.

Proposed Hours of Operation: mini-storage during daylight.
Large storage typical business hours.

Day	From	To
Week Day	8:00 Am	5:00 pm
Friday	"	"
Saturday	"	"
Sunday	"	"

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: _____ persons

Gross floor area of the existing building(s):

0

Gross floor area of the proposed building(s):

Approximately 23,000 SF when fully completed.

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:

None

How will the noise be controlled?

N/A

Outdoor Lighting:

Type: _____

Location: Building only, per city code, submitted w/site plan.

Off-Street Parking:

Number of spaces existing: 0

Number of spaces proposed: 0

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

Yes, by easement from adjacent properties
fronting Ballard Road.

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

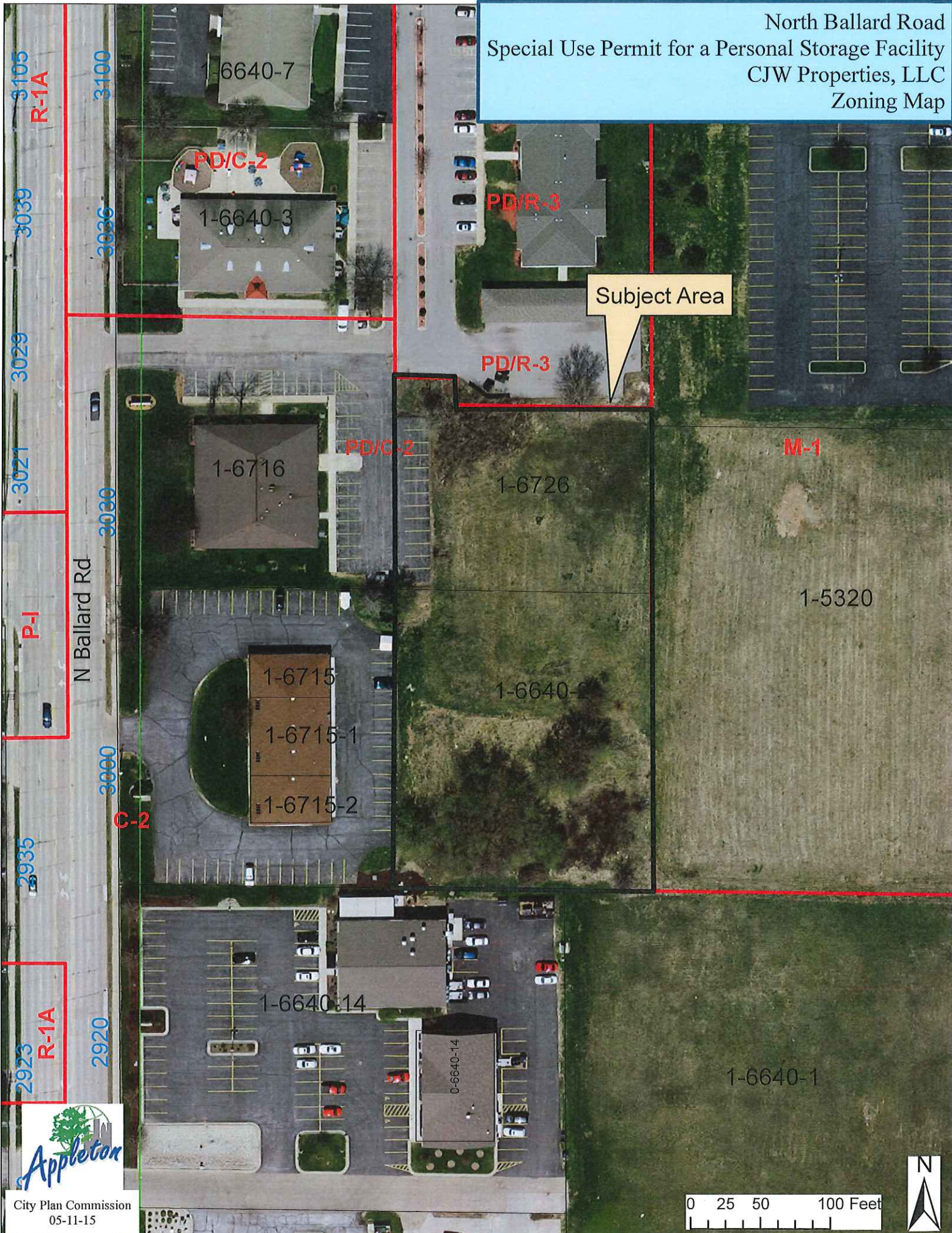
Number of Employees:

Number of existing employees: 0

Number of proposed employees: 0

Number of employees scheduled to work on the largest shift: 0

North Ballard Road
Special Use Permit for a Personal Storage Facility
CJW Properties, LLC
Zoning Map





REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 11, 2015

Common Council Meeting Date: May 20, 2015

Item: Extraterritorial Final Plat / White Hawk Meadows
North 2 - Town of Grand Chute

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Glen Scherwinski, Rubble Development, LLC - applicant/owner

Address/Parcel #: East of North Lynndale Drive (C.T.H. "A") Town of Grand Chute; 101030600

Petitioner's Request: The applicant is proposing to subdivide property under the Town's RSF zoning district for residential development. The area of this final plat is 14.1181 acres which will be divided into 35 lots.

BACKGROUND

The Final Plat must also be reviewed and approved by the Town of Grand Chute and Outagamie County.

The Preliminary Plat was originally approved by the Plan Commission and the Common Council in 2007. Per the Subdivision Ordinance, if a Final Plat is not approved within 36 months of the Preliminary Plat, the approval is no longer valid, and the process must be repeated. The owner did not complete the process within this timeframe and, subsequently, resubmitted the plat. The resubmitted Preliminary Plat was approved by the Common Council on June 18, 2014. The Common Council approved the Final Plat for the first phase on August 6, 2014.

STAFF ANALYSIS

Existing Conditions: This is undeveloped land located in the Town of Grand Chute, east of North Lynndale Drive (C.T.H. "A").

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the Town of Grand Chute. The uses are generally of a residential nature.

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan and determined this proposed subdivision is outside the City of Appleton's growth area.

Review Criteria: The Community Development staff has reviewed the Extraterritorial Final Plat in accordance with the City of Appleton Zoning Ordinance requirements for single-family residential developments. The lot sizes and lot widths for the lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements.

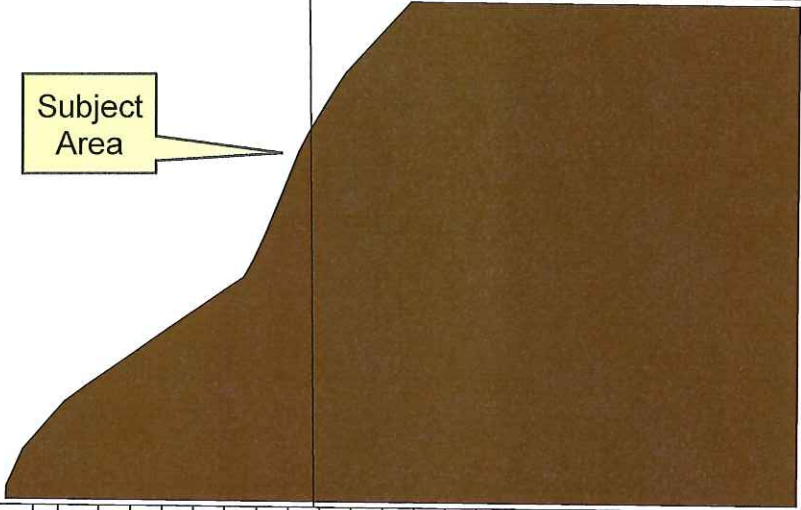
Technical Review Group Report (TRG): This item was reviewed by members of the Technical Review Group. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Extraterritorial Final Plat – White Hawk Meadows North 2 located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED**.

White Hawk Meadows North
Extraterritorial Final Plat
Town of Grand Chute
Location Map

Subject
Area



Barley Way

Noelle La

Sophia La

Bull Rush Dr

White Hawk Dr

C.T.H. A

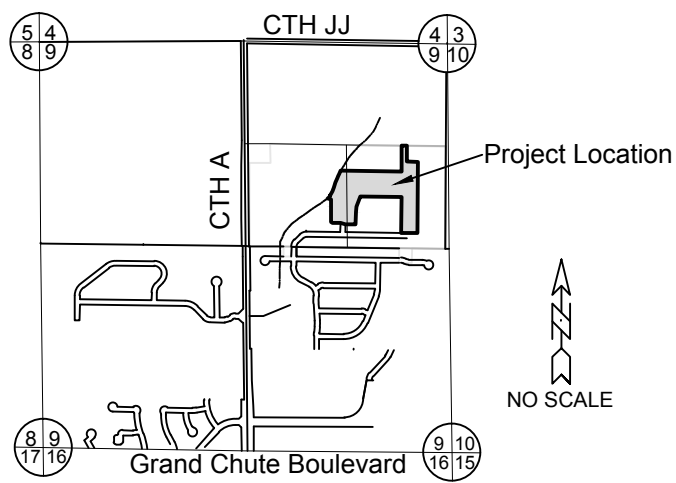
Canadian Nat'l RR

Grand Chute Blvd



LOCATION MAP

NE 1/4 SEC 9, T 21 N, R 17 E,
TOWN OF GRAND CHUTE
OUTAGAMIE COUNTY, WI



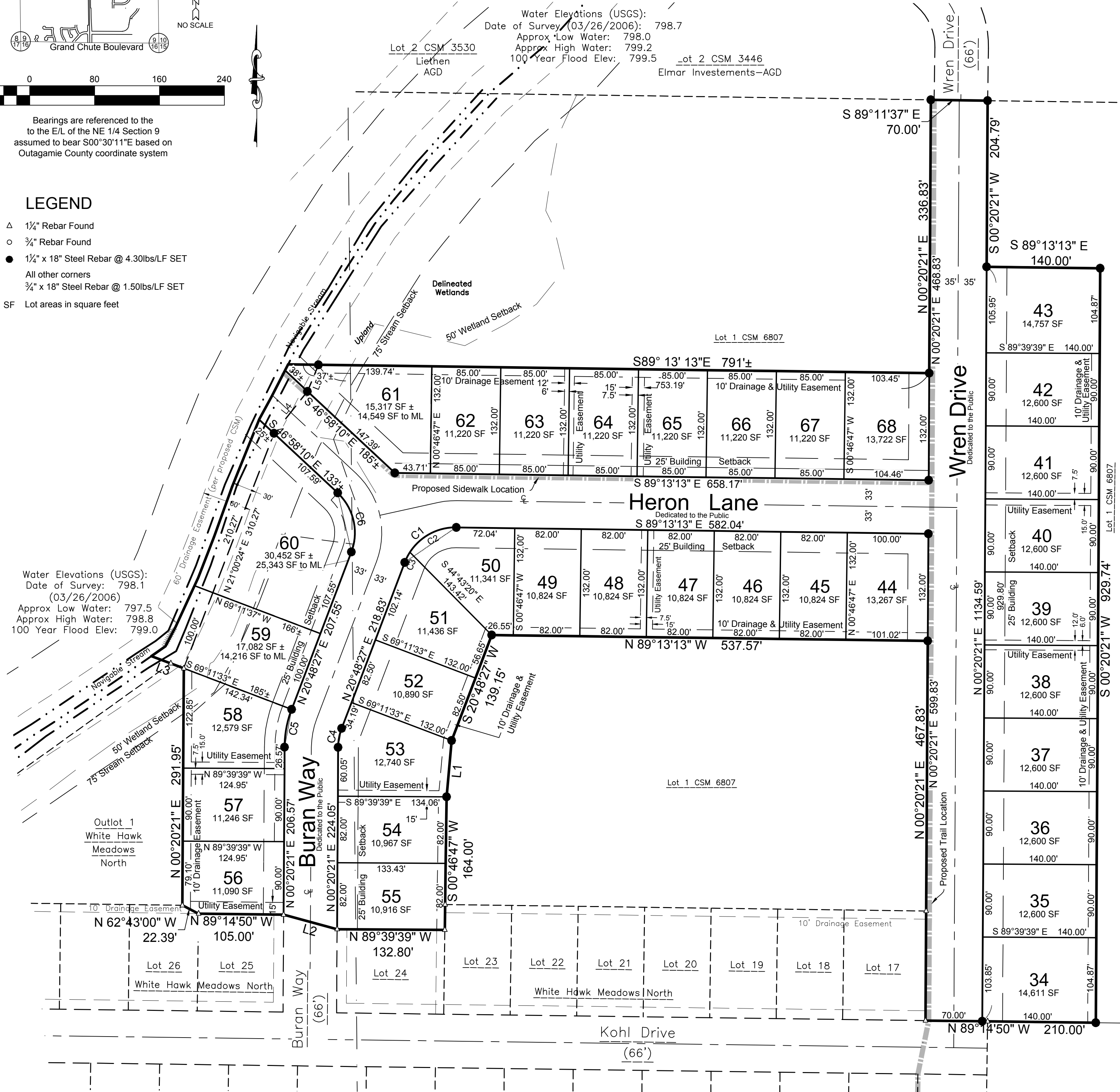
Bearings are referenced to the
to the E/L of the NE 1/4 Section 9
assumed to bear S00°30'11"E based on
Outagamie County coordinate system

LEGEND

- △ 1/4" Rebar Found
- 3/4" Rebar Found
- 1/4" x 18" Steel Rebar @ 4.30lbs/LF SET
- All other corners
- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot areas in square feet

White Hawk Meadows North 2

Part of Lot 1, CSM 6807, being part of Part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4 of Section 9, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.



Special Town of Grand Chute Restriction

This subdivision Final Plat is subject to all of the requirements of Section 6.16 (E) Municipal Code of the Town of Grand Chute. The subdivider, for himself / itself, and his / its assigns, shall be responsible for all municipal improvements, including graveled and blacktopped streets, graveled road shoulders, sewer and water, curb and gutter if determined necessary by the Town of Grand Chute Board of Supervisors, sewer lift stations when determined necessary by the Town of Grand Chute Board of Supervisors, storm sewers when determined necessary by the Town of Grand Chute Board of Supervisors, dedicated and open clear water drainage easements, landscaping and street lighting. Pursuant to Section 6.16 (E) Municipal Code of the Town of Grand Chute, the Town of Grand Chute reserves the right to withhold building permits for this subdivision if the above stated municipal improvements have not been completed in a timely and orderly fashion by the subdivider / owner, according to the terms and conditions of 6.16 (E). That, in addition, all subdividers and property owners are put on notice that a three hundred dollar (\$350.00) hookup contribution charge for sewer services may be payable by each lot within the platted subdivision to the Town of Grand Chute Sanitary District for sewer services. Furthermore, where decorative street lighting is requested by the owner / subdivider, the difference in cost between regular street lighting and decorative street lighting will be assessed annually to property owners within the subdivided areas, on an annual cost basis as incurred by the Town of Grand Chute, plus the Town of Grand Chute's annual interest charge; the Town of Grand Chute shall be responsible only for base and regular street lighting costs at intersections and cul-de-sacs, with any excess lighting costs as requested by the subdivider or property owners being assessed directly to the abutting property owners.

Impact Fee Note

There is an impact fee due on each lot in accordance with Chapter 330 Impact Fees of the Town Code of Ordinances and as listed on the most current Town of Grand Chute Impact Fee Schedule.

Wetlands Notes

Wetland shown on map are from the Wetlands Determination & Delineation Report, performed by Brian Bates, dated August 29, 2003.

Disturbing or filling of wetland will not be allowed with out state and local permits.

Conservation Easement

The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state precluding future or additional development.

Stormwater Facility Maintenance Note

Maintenance of all drainage ways, including easements as indicated on the plat and along side and rear lot lines which convey storm water runoff as indicated on the Drainage Plan, and associated structures within the subdivision or serving the subdivision is the sole responsibility of the property owners of the subdivision unless noted on the plan.

Upon failure of the property owners to perform Maintenance of the drainage ways and associated structures, the township retains the right to perform maintenance and/or repairs and shall be equally assessed to each property of the subdivision.

Unless otherwise noted, a drainage easement exists upon all existing navigable streams between the meander lines as shown.

Outlot 1 Ownership and Maintenance Note

- Lots 25-30 have an 1/10 share of Outlot 1, White Hawk Meadows North. 4/10 share of Outlot 1. The remnant 4/10 share of Outlot 1, White Hawk Meadows North, will be divided equally among proposed Lots 56-59 of White Hawk Meadows North 2.
- Maintenance of Detention Pond on Outlot 1 will be in accordance with the Operation Maintenance Agreement for the Subdivision.

Geotechnical Study Statement

A Report of Geotechnical Exploration, RVT #AG03-205, dated October 27, 2003 is on file. This report makes general recommendations based on site conditions for pavements and foundations.

Access Restriction Note:

Lots 44 and 68 will not be granted access on to Wren Drive.

Notes

- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.
- All homes constructed in the Flood Fringe must meet the County flood proofing standards or a LOMA is obtained from FEMA prior to building permit being issued.
- Lots 50-54, and 56-63 and 27-33, are located within 300 feet of a navigable stream and will require Shoreland Zoning Permit from the Outagamie County planning office.

Northeast Corner
Section 9, T21N, R17E
Masonry Nail Found

James R. Sehloff, PLS 2692

Date

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration



File: 2968Final-Ph2.dwg
Date: 04/22/2015
Drafted By: Jim
Sheet: 1 of 2



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro

White Hawk Meadows North 2

Part of Lot 1, CSM 6807, being part of Part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4 of Section 9, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.

Surveyor's Certificate

I, James R. Sehloff, Professional Land Surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Grand Chute and Outagamie County, and under the direction of Rubble Development, LLC, owner of said land, I have surveyed divided and mapped White Hawk Meadows North 2; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is Part of Lot 1, CSM 6807, being part of Part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northeast 1/4 of Section 9, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 614,986 Square Feet (14.1181 Acres) of land, more or less, including the lands between the meander line and the centerline of a navigable stream described as follows:

Commencing at the East 1/4 corner of Section 9; thence along the East line of the Northeast 1/4 of said Section 9, N00°30'11"W, 199.05 feet; thence N89°14'50"W, 412.78 feet to the point of beginning; thence, continuing, N89°14'50"W, 210.00 feet, to the Southeast corner of Lot 17 of White Hawk Meadows North; thence, along the East line of said Lot 17 and the extension thereof, N00°20'21"E, 467.83 feet; thence N89°13'13"W, 537.57 feet; thence, S20°48'27"W, 139.15 feet; thence S05°06'32"W, 69.59 feet; thence S00°46'47"W, 164.00 feet to the Northeast corner of Lot 24 of said White Hawk Meadows North; thence, along the North line of said Lot 24, N89°39'39"W, 132.80 feet tot he Easterly right of way line of Buran Way; thence N74°49'38"W, 68.28 feet to the Westerly right of way of said Buran Way; thence, along the North line of Lot 25 of said White Hawk Meadows North, N89°14'50"W, 105.00 feet to a point on the Northerly line of Lot 26 of said White Hawk Meadows North; thence along said Northerly line of Lot 26, N62°43'00"W, 22.39 to the Southeast corner of Outlot 1 of said White Hawk Meadows North; thence, along the East line of said Outlot1, N00°20'21"E, 291.95' to a meander corner being S69°11'33"E, 43 feet more or less from the center line of a navigable stream; thence, along a meander line, N21°00'02"E, 310.27 feet to a meander corner being S46°58'10"E, 25 feet more or less from said centerline; thence, continuing along said meander line N38°38'26"E, 66.19 feet to a meander corner being S46°58'10"E, 38 feet more or less from said centerline; thence, continuing along said meander line N22°26'45"E, 35.40 feet to a meander corner being S89°13'13"E, 37 feet more or less from said centerline; thence, S89°13'13"E, 753.19 feet; thence N00°20'21"E, 336.83 feet to the Southerly right of way line of Wren Drive; thence along the said Southerly right of way line, S89°11'37"E, 70.00 feet; thence S00°20'21"W, 204.79 feet; thence S89°13'13"E, 140.00 feet; thence S00°20'21"W, 929.74 feet to the point of beginning, subject to all easements and restrictions of record.

Given under my hand this ____ day of _____, ____.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

Owner's Certificate of Dedication

Rubble Development, 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 plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Rubble Development, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

Outagamie County Planning and Zoning Committee
Town of Grand Chute
City of Appleton
Department of Administration

Dated this ____ day of _____, 20 ____.

In the presence of: Rubble Development, LLC

By _____

print name _____

Title _____

State of Wisconsin)

____ County) ss

Personally came before me this ____ day of _____, 20 ____, the above owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

____ My Commission Expires _____

Notary Public, Wisconsin.

Utility Easement Provisions

An easement for electric, natural gas , and communications service is hereby granted by

Rubble Development, LLC, Grantor, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Rubble Development, LLC

Glen Scherwinski, Member Date

Town Board Approval Certificate

Resolved, that the plat of White Hawk Meadows North 2 in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owner, is hereby approved by the Town Board of the Town of Grand Chute.

Chairman Date

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Grand Chute.

Clerk Date

Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the Town of Grand Chute and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

Town Treasurer Date

County Treasurer Date

City of Appleton Approval (Extraterritorial)

Resolved, that the plat of White Hawk Meadows North 2 in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owner, is hereby approved by the Common Council of the City of Appleton.

Mayor Date

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

Clerk Date

County Planning Agency Approval Certificate

Resolved, that the plat of White Hawk Meadows North 2 in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owner, is hereby approved by Outagamie County.

County Zoning Administrator Date

This Final Plat is contained wholly within the property described in the following recorded instruments:

the property owner of record: Rubble Development, LLC Recording Information: Doc No. 1999196 Parcel Number(s): Part of 101-0306-00

LINE TABLE		
Line	Bearing	Length
L1	S 05°06'32" W	69.59'
L2	N 74°49'38" W	68.28'
L3	S 69°11'33" E	43'±
L4	N 38°38'26" E	66.19'
L5	N 22°26'45" E	35.40'

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	67.00'	N 55°47'37" E	76.83'	81.82'	69°58'19"	N 20°48'28" E	S 89°13'13" E
C2	67.00'	N 61°47'18" E	64.95'	67.80'	57°58'57"	N 32°47'50" E	S 89°13'13" E
C3	67.00'	N 26°48'09" E	13.99'	14.02'	11°59'22"	N 20°48'28" E	N 32°47'50" E
C4	67.00'	N 10°34'24" E	23.81'	23.94'	20°28'06"	N 00°20'21" E	N 20°48'27" E
C5	133.00'	S 10°34'24" W	47.26'	47.51'	20°28'06"	N 20°48'27" E	N 00°20'21" E
C6	67.00'	S 13°04'52" E	74.72'	79.26'	67°46'37"	S 46°58'10" E	S 20°48'27" W

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20 ____

Department of Administration



File: 2968Final-Ph2.dwg
Date: 03/26/2015
Drafted By: Jim
Sheet: 2 of 2



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS

1811 Racine Street, Menasha, WI 54952
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REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 11, 2015

Common Council Meeting Date: No formal action required.

Item: Spats - Minor Amendment to Special Use Permit #18-05 to expand the existing outdoor seating by 320 square feet with alcohol sales, service and consumption.

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Bill and Julie Neubert, Theadocia, LLC, owner/applicant

Address/Parcel #: 733 West College Avenue/31-3-0963-01

Petitioner's Request: The applicant is requesting a Minor Amendment to Special Use Permit #18-05 to expand the existing outdoor seating area for placement of tables and chairs within two existing parking spaces on the west side of the existing outdoor patio area with alcohol sales, service and consumption.

BACKGROUND

Special Use Permit #18-05 was approved for the restaurant and an outdoor patio area with alcohol sales at this location by the Plan Commission on August 8, 2005, and approved by the Common Council on August 17, 2005 subject to the following:

1. The serving and consumption of alcohol is limited to the interior ground floor and the outdoor seating area (west side of building) identified by the submitted floor plan/development plan. Any future expansions beyond the interior ground floor and the outdoor seating area (west side of building) identified by the submitted floor plan/development plan for the serving and/or consumption of alcohol may require a new Special Use Permit application to be applied for and approved.
 - *On-going condition.*
2. The off-street parking lot shall be striped in accordance with the development plan prior to issuance of a Certificate of Occupancy for the outdoor seating area.
 - *The parking lot is striped. Condition satisfied.*
3. All City of Appleton and State of Wisconsin Building Codes must be met.
 - *On-going condition.*

Minor Amendment Special Use Permit #18-05

May 11, 2015

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4. The applicant shall apply for and receive a building permit from the City of Appleton Inspections Division prior to commencing construction on the outdoor seating area (west side of building) and the fence enclosure.
 - *Condition satisfied.*
5. All City of Appleton Fire Codes must be met, and a fire inspection must be conducted prior to issuance of an Occupancy Permit for the outdoor seating area.
 - *Condition satisfied.*
6. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - *On-going condition.*
7. All Noise Ordinances shall be adhered to at all times.
 - *On-going condition.*
8. The applicant shall apply to the City Clerk to amend the current Liquor License to include the expansion area (outdoor seating with alcohol sales) used for the serving and/or consumption of alcohol. Any expansion of the tavern with alcohol sales requires approval of a premise description amendment of the existing liquor license from the Safety and Licensing Committee and Common Council.
 - *On-going condition.*

STAFF ANALYSIS

Existing Site Conditions: The property is developed with an existing restaurant/outdoor patio area that currently holds a “Class B” Beer/Liquor License which allows alcoholic beverages to be sold and consumed on the premises.

Operational Information for the Restaurant/Outdoor Seating Area: An operational plan is attached to the staff report. The use of the property is shown on the Development Plan.

- A 4-foot high rope will surround the exposed sides of the proposed outdoor seating area, and licensed bartending staff will monitor this area.

Minor Amendment Special Use Permit #18-05

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Surrounding Zoning and Land Uses:

North: CBD Central Business District – Retail Business
South: CBD Central Business District – Surface Parking Lot
West: CBD Central Business District – Retail Business
East: CBD Central Business District – Restaurant with Alcohol Sales

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan which indicates this area is appropriate for commercial uses as part of the Central Business District.

Overall Community Goals

- **9.3. Objective:** Ensure the continued vitality of downtown and the City's neighborhood commercial districts. (Chapter 9 – Economic Development)
- **Goal 1 – Community Growth** (Chapter 10 – Land Use)
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.

Off-Street Parking Requirements: Off-street parking spaces do not apply to uses within the Central Business District zoning district. However, the owner will need to designate an alternative handicapped parking space on the subject site when tables and chairs occupy the existing handicapped parking space adjacent to the College Avenue sidewalk.

Ordinance Requirements: This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, which states:

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

- a. Expansions of special uses of less than ten (10) percent.

The proposed 320 square foot outdoor seating area constitutes less than 10% expansion.

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

This minor amendment request is consistent with the general intent and character of Special Use Permit #18-05, as the subject site will continue to be used for a restaurant and outdoor seating area with alcohol sales and consumption.

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

Minor Amendment Special Use Permit #18-05

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Finding of Fact: 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):

Health Department Comments:

Tableware may be placed on tables after a customer is seated. Do not pre-set tableware. Food must be covered to protect it from potential contamination from the time it leaves the kitchen until it is delivered to the outdoor seating area. Light music is planned for the area. Sound levels may not exceed the noise limitations set forth in Municipal Code Section 12-81.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #18-05, for a restaurant with an outdoor seating area with alcohol sales, service and consumption, as shown on the attached map and per attached plan of operation, **BE APPROVED** to run with the land at 733 West College Avenue subject to the following conditions:

1. The serving and consumption of alcohol is limited to the interior ground floor and the outdoor seating area (west side of building) identified by the submitted floor plan/development plan. Any future expansions beyond the interior ground floor and the outdoor seating area (west side of building) identified by the submitted floor plan/development plan for the serving and/or consumption of alcohol may require a new Special Use Permit application to be applied for and approved.
2. All City of Appleton and State of Wisconsin Building Codes must be met.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All Noise Ordinances shall be adhered to at all times.
5. The applicant shall apply to the City Clerk to amend the current Liquor License to include the expansion area (outdoor seating with alcohol sales) used for the serving and/or consumption of alcohol. Any expansion of the tavern with alcohol sales requires approval of a premise description amendment of the existing liquor license from the Safety and Licensing Committee and Common Council.

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

Business Information:

Name of business: 5 Pats

Years in operation: 15

Percentage of business derived from restaurant service: 100 %

Type of proposed establishment (detailed explanation of business):

Restaurant

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	11 Am	9 PM
Friday	11 AM	10 PM
Saturday	11 Am	10 PM
Sunday	3 PM	9 AM

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 150 persons

Gross floor area of the existing building(s): 2336 sq Ft

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

Describe Any Potential Noise Emanating From the Proposed Use:

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

Light Dinner Music

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

By staff

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

NA

Outdoor Uses:

Location, type, size and design of outdoor facilities:

West of Existing Patio

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

4ft High Roped in + monitored by Licensed Bartender Staff

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

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

If yes, describe how the noise will be controlled:

By staff

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

Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day	11 AM	9 PM
Friday	11 AM	10 PM
Saturday	11 AM	10 PM
Sunday	3 PM	9 PM

Outdoor Lighting:Type: on Building + PolesLocation: shops**Off-Street Parking:**Number of spaces existing: Number of spaces proposed: **Other Licensed Premises:**

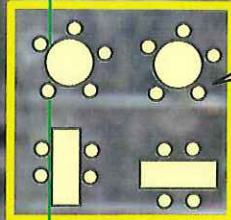
The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

Frank'sDrug PO**Number of Employees:**Number of existing employees: 15-20Number of proposed employees: 15-20Number of employees scheduled to work on the largest shift: 15

W. College Avenue

733 West College Avenue - Spats
Minor Amendment to Special Use Permit #18-05
Outdoor seating area with
Alcohol Sales/Consumption



Proposed 320 s.f. outdoor seating area
with alcohol sales/consumption in conjunction
with live music events and other special occasions.



ADA Parking Space

CBD



City Plan Commission
05-11-15

0 5 10 Feet





REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 11, 2015

Common Council Meeting Date: May 20, 2015

Item: Minor Amendment Special Use Permit #5-12

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Riverview Gardens, Inc. c/o Jane Van Auken

Address/Parcel #: 1101 South Oneida Street (Tax Id #31-4-0922-00 and #31-4-0534-00)

Petitioner's Request: The applicant is requesting to amend Special Use Permit #5-12, for an urban farm and recreation facility to include a hydroponic greenhouse at this location.

BACKGROUND

Special Use Permit #5-12 for an urban farm and recreation facility, non-profit (public picnic areas and trails) at 1101 South Oneida Street was approved by the Common Council on July 18, 2012. The approval was granted with twenty (20) conditions listed as follows:

1. Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 am and 8:00 pm every day of the week. (see section 1.15.2 of Urban Farm Management Plan)
 - *Ongoing condition. This condition continues to apply at this location. The section to reference from the Urban Farm Management Plan is actually section 1.15.3.*
2. The operating of mechanical equipment or motor vehicle, including but not limited to lawn mowers, roto-tillers, garden tractors, motorized weed trimmers, "farm tractor", "all terrain vehicle" or any similar device, necessary for the maintenance of property shall only take place between the hours of 7:00 am and 8:00 pm standard time or daylight saving time when in effect with the exception of snow removal equipment. (see section 1.15.2 and 1.18.1 of Urban Farm Management Plan)
 - *Ongoing condition. This condition continues to apply at this location.*
3. All seed and fertilizer shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
 - *Ongoing condition. This condition continues to apply at this location.*
4. The urban farm use must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.

Minor Amendment Special Use Permit #5-12

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- *Ongoing condition. This condition continues to apply at this location.*
5. One identification sign is permitted not exceeding eight (8) feet in height or forty-eight (48) square feet per sign face, and shall be subject to other applicable provisions of ARTICLE XIV - SIGNS including, but not limited to, setback and clearance standards.
- *On August 18, 2014, the Board of Zoning Appeals voted to approve variance requests to remove an existing legal nonconforming sign (for Riverview Country Club) and replace it with a new sign. The new sign would be off-premises and located on a property zoned R-3 Multi-Family District. The new identification sign at the South Oneida Street entrance was completed in August 2014 to display logos for Riverview Gardens and Stone Cellar.*
6. No growing of fruits, vegetables, flowers and other plant and herb products shall occur within twenty-five (25) feet of the property line around the permitted of the subject property.
- *This planting area setback continues to apply for outdoor planting. As stated in section 1.5.1 of the Urban Farm Management Plan, all proposed hoophouse structures will be in excess of 100 feet from any property line. The proposed hydroponic greenhouse, introduced in this request, would be used for growing plants within an enclosed building. It would be built over the existing swimming pool, which is located near the property line shared with the condominium to the east. The proposed hydroponic greenhouse will need to comply with applicable zoning district development standards or pursue a variance, if necessary.*
7. All buildings, including but not limited to, tool sheds, rest-room facilities, composting toilets, and planting preparation houses, hoophouses and greenhouses may have a combined area of all buildings and structures shall not exceed twenty-five (25) percent of the lot area.
- *Ongoing condition. This condition continues to apply at this location. As described in section 1.17.4 of the Urban Farm Management Plan, existing and proposed buildings will have a combined area of approximately 91,178 square feet, or 2.95% of the lot area. This represents an increase of 7,776 square feet (the estimated area of the proposed hydroponic greenhouse) from the Urban Farm Management Plan submitted in 2012.*
8. Composting and waste management must be managed according to the farm management plan. Compost material is limited only to the materials generated on-site and must be maintained on-site. Compost materials from the garden or gardeners shall be stored in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure). Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties. (see section 1.20.1 and 1.22.1 thru 1.22.5 of Urban Farm Management Plan)
- *Ongoing condition. This condition continues to apply at this location.*
9. Fences are permitted as regulated in the underlying district unless otherwise authorized and stipulated by the Special Use Permit.
- *Ongoing condition. This condition continues to apply at this location.*

Minor Amendment Special Use Permit #5-12

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10. The site must be designed so that water and fertilizers will not drain onto adjacent property or into the city's waste water system.
 - *Ongoing condition. This condition continues to apply at this location.*
11. The owner shall conduct the urban farm operation in accordance with the Urban Farm Management Plan dated June 21, 2012.
 - *See the attached Urban Farm Management Plan, which was updated April 30, 2015. Changes from the 2012 version are underlined.*
12. The urban farm operation and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the urban farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.
 - *Ongoing condition. This condition continues to apply at this location.*
13. The owner/applicant shall apply for and receive approval of a site plan from the Community and Economic Development Department prior to the construction or issuance of a building permit for any hoophouse.
 - *According to the applicant, 20 of the 30 hoophouses have been completed thus far. Site Plan #12-25, for 10 hoophouses, was approved on October 12, 2012, and a corresponding building permit was issued that same month. Another building permit was issued for 11 hoophouses on August 12, 2013. Future hoophouse and greenhouse construction shall follow the process described in the condition above.*
14. The owner/applicant shall apply for and receive a building permit from the Inspections Division prior to the construction of any hoophouse on the subject property.
 - *Ongoing condition. This condition continues to apply at this location.*
15. The owner/applicant shall contact the Police Department to discuss how Crime Prevention Through Environmental Design (CPTED) measures can improve and enhance this use (this includes items such as security measures, outdoor lighting, etc.). Prior to the issuance of an Occupancy Permit from the Inspections Division the owner/applicant shall contact Dennis Weyenberg with the Police Department at (920) 832-5501.
 - *Police Department staff have been and will continue to be involved in the site plan review process as the subject property develops. This presents an opportunity to discuss CPTED measures.*
16. All applicable City of Appleton Fire Codes must be met, and a fire inspection must be conducted prior to issuance of an Occupancy Permit from the Inspections Division.

Minor Amendment Special Use Permit #5-12

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- *Ongoing condition. This condition continues to apply at this location.*
17. All applicable City of Appleton Building and State of Wisconsin Building Codes must be met, and a final inspection must be conducted prior to issuance of an Occupancy Permit from the Inspections Division.
- *Ongoing condition. This condition continues to apply at this location.*
18. All City, State of Wisconsin and Federal laws, regulations and ordinances shall be complied with and all necessary permits and licenses shall be secured by the owner/applicant prior to issuance of an Occupancy Permit from the Inspections Division.
- *Ongoing condition. This condition continues to apply at this location.*
19. The urban farm operation shall be subject to periodic inspections by City staff to assure compliance with conditions of approval and requirements of applicable City Ordinances.
- *Ongoing condition. This condition continues to apply at this location.*
20. This Special Use Permit will be reviewed by the Plan Commission and Common Council in the spring of 2015 for the purpose of reviewing the Urban Farm Management Plan and status update of the urban farm operation from Riverview Gardens. At that time Plan Commission and Common Council may consider modifications to the conditions of approval.
- *Given the timing of the applicant's submittal, the requested minor amendment to Special Use Permit #5-12 will satisfy this condition, as it presents an opportunity to review the updated Urban Farm Management Plan. Plan Commission will review and take action on this item. Although minor amendments to an existing Special Use Permit do not require Common Council action, to satisfy the condition above, this item will appear before Common Council as well.*

STAFF ANALYSIS

Existing Site Conditions: The subject site consists of approximately 72 acres, which were formerly occupied by the Riverview Country Club. Riverview Gardens has operated at this location for nearly three years. Their urban farm includes planting areas and hoopouses used for growing and harvesting of fruits, vegetables, herbs, and nuts, as well as a publicly-accessible trail system and community center.

Operational Information: The applicant's updated Urban Farm Management Plan is attached to the staff report. Changes from the 2012 version are underlined.

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

Minor Amendment Special Use Permit #5-12

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North: R-1B Single-Family District and PD/C-2 Planned Development General Commercial District. The adjacent land uses to the north are currently a mix of single-family residential and private open space, including Fox River Navigational System Authority property.

South: R-1B Single-Family District and P-I Public Institutional District. The adjacent land uses to the south are currently a mix of single-family residential and institutional, including a place of worship and school.

East: R-3 Multi-Family District, C-O Commercial Office District, and C-2 General Commercial District. The adjacent land uses to the east are currently a mix of multi-family residential and commercial uses.

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

Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed this proposal and determined it is compatible with the agricultural and private open space uses 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 8 – Economic Development

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

OBJECTIVE 6.3 Transportation:

Create an environment that is safe and conducive to walking and bicycling throughout the entire city.

OBJECTIVE 8.1 Agricultural, Natural, Historic, and Cultural Resources:

Maintain the viability of the regional agricultural sector that provides locally-grown food for residents and raw materials for Appleton's food processing and other businesses.

Policy 8.1.2 Support programs that connect farmers and consumers to bring locally-grown food into the community through actions such as working with the Community Garden Partnership and other organizations to provide locations for community gardens and education on gardening.

Policy 8.1.3 Pursue economic development initiatives that seek to retain and expand Appleton's existing food processing and agriculture-related businesses, and to attract new ones that provide a market for regional agricultural products.

OBJECTIVE 10.4 Land Use:

Provide leadership in sustainability and continue to strive to incorporate sustainability into City planning and operations.

Ordinance Requirements: This item has been referred to the Plan Commission per Section 23-66(g) of the Zoning Ordinance, which states:

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

Minor Amendment Special Use Permit #5-12

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- a. Expansions of special uses of less than ten percent (10%).

In 2012, the Urban Farm Management Plan stated that the combined area of all buildings and structures would be 83,402 square feet. This included 30 proposed hoophouses totaling 57,600 square feet and 25,802 square feet of existing buildings.

The updated Urban Farm Management Plan states that the combined area of all buildings and structures will be 91,178 square feet. The change from 2012 accounts for the proposed hydroponic greenhouse at 7,776 square feet, which is an expansion of less than ten percent.

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

This minor amendment request is consistent with the general intent and character of Special Use Permit #5-12, as the subject site will continue to be used for an urban farm and recreation facility.

Note: Although minor amendments to an existing Special Use Permit only require action by Plan Commission, to satisfy a condition of approval from 2012, this item will also appear before Common Council.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-6) and 23-66(h)(17)(l)(i-vi), which were found in the affirmative.

Technical Review Group (TRG) Report: This item was circulated via email, as the May 5, 2015 Technical Review Group meeting was cancelled.

- Department of Public Works Comments: If the use of the proposed hydroponic greenhouse is “agricultural or farming,” then the facility is exempt from the Wisconsin Building Code. If the facility would be used for public occupancy or open to the general public, then the Wisconsin Building Codes would apply, particularly for life safety requirements.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #5-12 for an urban farm and recreation facility located at 1101 South Oneida Street, as shown on the attached maps and per attached urban farm management plan, **BE APPROVED** subject to the following conditions:

1. Retail sales of plants and produce grown on-site and other public use of the urban farm may occur between the hours of 8:00 am and 8:00 pm every day of the week. (see section 1.15.3 of Urban Farm Management Plan)
2. The operating of mechanical equipment or motor vehicle, including but not limited to lawn mowers, roto-tillers, garden tractors, motorized weed trimmers, “farm tractor”, “all-terrain vehicle” or any similar device, necessary for the maintenance of property shall only take place between the hours of 7:00 am and 8:00 pm standard time or daylight saving time when in effect

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with the exception of snow removal equipment. (see section 1.15.2 and 1.18.1 of Urban Farm Management Plan)

3. All seed and fertilizer shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
4. The urban farm use must comply with Americans with Disabilities Act design standards for accessible entrance routes and accessible routes between its different components and must follow universal design principles whenever possible.
5. One identification sign is permitted not exceeding eight (8) feet in height or forty-eight (48) square feet per sign face, and shall be subject to other applicable provisions of ARTICLE XIV - SIGNS including, but not limited to, setback and clearance standards.
6. No outdoor growing of fruits, vegetables, flowers and other plant and herb products shall occur within twenty-five (25) feet of the property line around the perimeter of the subject property.
7. The proposed hydroponic greenhouse will need to comply with applicable zoning district development standards or pursue a variance, if necessary.
8. The combined area of all buildings and structures, including but not limited to tool sheds, rest-room facilities, composting toilets, and planting preparation houses, hoopouses and greenhouses, shall not exceed twenty-five (25) percent of the lot area.
9. Composting and waste management must be managed according to the farm management plan. Compost material is limited only to the materials generated on-site and must be maintained on-site. Compost materials from the garden or gardeners shall be stored in a manner that is not visible from adjacent property (shielded from view by shrubbery or an enclosure). Composting shall be conducted in a manner that controls odor, prevents infestation, and minimizes runoff into waterways and onto adjacent properties. (see section 1.20.1 and 1.22.1 thru 1.22.5 of Urban Farm Management Plan)
10. Fences are permitted as regulated in the underlying district unless otherwise authorized and stipulated by the Special Use Permit.
11. The site must be designed so that water and fertilizers will not drain onto adjacent property or into the city's waste water system.
12. The owner shall conduct the urban farm operation in accordance with the Urban Farm Management Plan dated April 30, 2015.
13. The urban farm operation and their owners, lessees, employees, volunteers, and visitors must comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the urban farm premises. Site users may not use materials such as inappropriate fill that introduce heavy metals or other harmful contaminants to garden or farm sites. Site users may use pesticides only to the extent permitted by law.

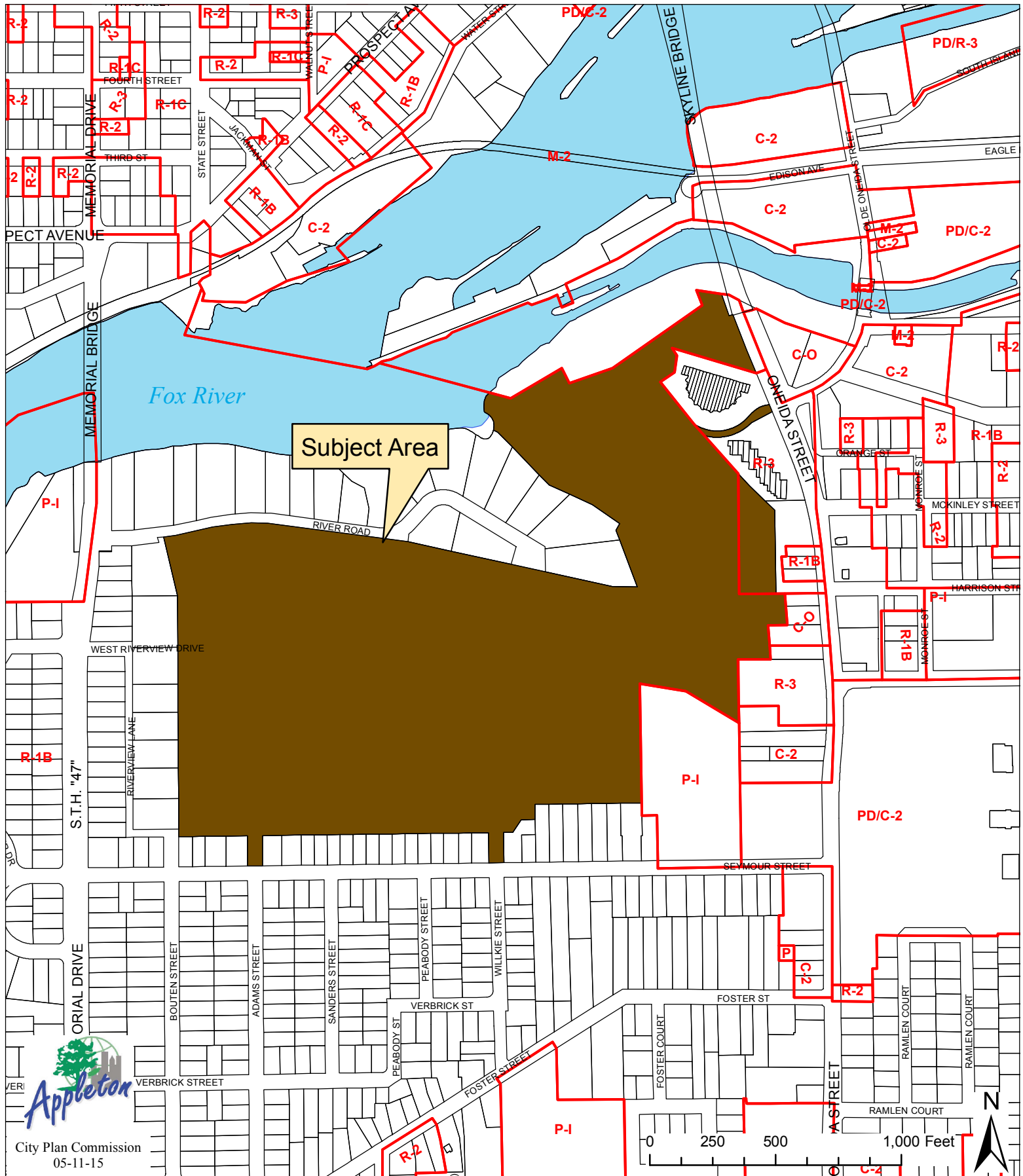
Minor Amendment Special Use Permit #5-12

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14. The owner/applicant shall apply for and receive approval of a site plan from the Community and Economic Development Department prior to the construction or issuance of a building permit for any hoophouse or greenhouse.
15. The owner/applicant shall apply for and receive a building permit from the Inspections Division prior to the construction of any hoophouse or greenhouse on the subject property. If a greenhouse would be used for public occupancy or open to the general public, then the Wisconsin Building Code would apply, particularly for life safety requirements.
16. All applicable City of Appleton Fire Codes must be met, and a fire inspection must be conducted prior to issuance of an Occupancy Permit from the Inspections Division.
17. All applicable City of Appleton Building and State of Wisconsin Building Codes must be met, and a final inspection must be conducted prior to issuance of an Occupancy Permit from the Inspections Division.
18. All City, State of Wisconsin and Federal laws, regulations and ordinances shall be complied with and all necessary permits and licenses shall be secured by the owner/applicant prior to issuance of an Occupancy Permit from the Inspections Division.
19. The urban farm operation shall be subject to periodic inspections by City staff to assure compliance with conditions of approval and requirements of applicable City Ordinances.

1101 South Oneida Street
Minor Amendment to Special Use Permit #5-12
Urban Farm and Recreation Facility
Zoning Map



RECEIVED

APR 30 2015

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

Special Use Permit Application

Urban Farm and Non-Profit Recreational Use

Prepared for the City of Appleton, June 2012

Updated: April 30, 2015



RIVERVIEW GARDENS

72 acres with a mission

1101 S. Oneida St.
Appleton, WI 54915
(920) 733-2354

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 - 1.2. Surrounding Streets, Zoning, Properties, and Structures
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 - 1.24. Planting Area and Plant Types
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 - 1.29. Security
2. *Survey Map*
3. *Zone Map* and Key
4. Legal Description

1. Urban Farm Management Plan

1.1. Overview

- 1.1.1. Riverview Gardens is a financially self-sustaining social enterprise focused on job training for people in need in a park-like setting in downtown Appleton.
- 1.1.2. Riverview Gardens will undertake sustainable agricultural production on the site of the former Riverview Country Club in Appleton, Wisconsin. Much of the property will be used for biomass production, arbo-forestry, planting beds, and hoophouse agricultural production.
- 1.1.3. Riverview Gardens will use buildings and equipment in a similar manner to Riverview Country Club.
- 1.1.4. The existing trail system will be extended to approximately two miles of trails will include fourteen picnic areas open for public daytime non-profit recreational use.

1.2. Surrounding Streets, Zoning, Properties, and Structures

- 1.2.1. The Riverview Gardens property is bounded primarily by Single Family Residential properties on W. River Rd., S. Riverview Ln., W. Seymour St. and both Single Family and Multi-Family Residential on S. Oneida St. and S. Olde Oneida St. The property is also adjacent to the Fox River, U.S. Government Lock and Dam property, Fox Valley Nursery, ManorCare Health Services, and Riverview Lutheran Church and School. The *Survey Map* offers more detail of the surrounding streets, zoning, and adjacent properties.

1.3. Property Lines and Dimensions

- 1.3.1. 70.98 acres of property are included in this Special Use Permit. Please see the *Survey Map* for detailed property lines, special use delineation, and property dimensions.

1.4. Existing Buildings

- 1.4.1. The Riverview Community Center will be housed in the existing 16,362 sq. ft. Riverview Country Club Clubhouse as seen on the *Zone Map*. The Riverview Community Center will be used for weddings, meetings, recitals, community gatherings, and office space, similar to use during the time of Riverview Country Club. The kitchen will be used both for food processing of produce grown on site and as a restaurant. Applicable State and City licenses will be obtained before the kitchen is used in this manner.
- 1.4.2. The Garden Center will be used for equipment maintenance, produce washing and storage, office space, and employee break room. This 3600 sq. ft. building, located on the southern part of property as seen on the *Zone Map*, was used for similar purposes as the Riverview Country Club Grounds Shop.
- 1.4.3. The other three existing garages and sheds on property are labeled as Storage Buildings A, B, and C on the *Zone Map* and have areas of 960 sq. ft., 864 sq. ft., and 480 sq. ft., respectively. They will be used as they were by the Riverview Country Club to store equipment and tools.
- 1.4.4. As part of Riverview Garden's (RVG) initiative to fully utilize the property and maximize job training opportunities, RVG plans to add a permanent hydroponic greenhouse structure over the existing swimming pool providing a controlled

environment for year round growth. The greenhouse will be connected to the existing bath house which will be updated to serve as a packing area for harvested goods prior to distribution. The increased production will generate additional revenue towards financial sustainability. (see attached model)

The existing bath house is 2088 SF and the cabana is 1224 SF

- 1.4.5. Existing buildings occupy 25,802 sq. ft. of property. Proposed structures are listed in *1.17 Proposed Buildings and Structures*. See *1.17.4* for a summation of total existing and proposed building square footage compared to lot size.

1.5. Yard Setbacks

- 1.5.1. The Riverview Gardens property has limited direct road frontage. As seen on the *Survey Map*, all existing buildings comply with building yard setback limits, as they were with Riverview Country Club. As seen on the *Zone Map*, all proposed hoophouse structures will be in excess of 100 feet from any property line. The pool house deck area has 0 set-back from side yards.
- 1.5.2. Of the front, side, and rear yard agricultural planting setbacks that apply throughout the Riverview Gardens property line, the rear yard 25 foot setback is the most restrictive. No agricultural planting will take place within a uniform buffer zone of 25 feet from the property line, as seen on the *Zone Map*.

1.6. Parking

- 1.6.1. The maximum anticipated number of staff members and volunteers present at once at the Riverview Gardens and Riverview Community Center is 60. Due to the capacity of the Riverview Community Center, a maximum of 260 visitors are expected during special events in the Gardens or the Community Center. There are 138 parking spaces in total at the Riverview Gardens property.
- 1.6.2. The main parking lots are at 1101 S. Oneida St, as seen on the *Zone Map*. The primary lot has 95 parking stalls and the adjacent overflow lot has 38 parking stalls. These are the same lots previously used by staff and guests of Riverview Country Club.
- 1.6.3. Five staff-only parking stalls exist at 242 W. Seymour Street. This location, as seen on the *Zone Map*, is consistent with use by the Riverview Country Club.
- 1.6.4. A designated bicycle parking space exists at 242 W. Seymour St. A 12' metal bike rack is placed on existing asphalt pavement outside the Garden Center.
- 1.6.5. Please see *1.12 Driveways* for parking ingress and egress and *1.13 Snow Storage* for more information on parking area snow removal.

1.7. Existing Trees, Shrubs, and Grasses

- 1.7.1. Existing trees and shrubs from Riverview Country Club will be maintained except where they are in danger of falling and causing damage or they are an invasive species.
- 1.7.2. Existing plant types and future plant types have been categorized into four zones listed in *1.24 Planting Area and Plant Types*. These plant zones and an aerial photograph displaying existing plants are visible on the *Zone Map*.

1.8. Refuse Containers and Enclosures

- 1.8.1. Inorganic waste and recyclable materials will be disposed in their respective dumpsters located at the Riverview Community Center. The existing dumpsters are at

the same location as the former Riverview Country Club, as shown on the *Zone Map*, and are entirely enclosed by an existing privacy fence.

- 1.8.2. The existing enclosure around the Riverview Community Center refuse containers.



1.9. Signage

- 1.9.1. The primary sign for Riverview Gardens will be located at the intersection of S. Oneida St. and S. Olde Oneida St, the same site as the existing sign for Riverview Country Club as seen on the *Zone Map*. The proposed sign will professionally display the Riverview Gardens logo along with Stone Cellar's logo and will not exceed the height or width of the old sign. New sign completed in August of 2014.
- 1.9.3. Old Riverview Country Club main sign at S. Oneida St. and S. Olde Oneida St.



- 1.9.4. Secondary on-site signage will adequately mark the trail system and parking lots and will provide direction throughout the property.

1.10. Exterior Lighting Fixtures

- 1.10.1. The Garden Center, Pump House, and Storage Building B are each lit by one downward-pointing external lighting fixture. The Riverview Community Center main parking lot is lit by two downward-pointing external lighting fixtures. These exterior light fixtures were installed and used by Riverview Country Club. Riverview Gardens presently has no plans for additional external lighting fixtures.

1.11. Fences and Retaining Walls

- 1.11.1. An existing 6' high chain link fence with privacy slats runs 310' surrounding the former Riverview Country Club Pool and Cabana area. A privacy fence surrounds the

dumpster and recycling area outside the Riverview Community Center as seen in photo 1.8.2. There are no proposed future fences. Existing fence to remain.

- 1.11.2. There are no retaining walls on the Riverview Gardens property. There are no proposed future retaining walls.

1.12. Driveways

- 1.12.1. The primary existing entranceway of Riverview Gardens is at the intersection of S. Olde Oneida St. and S Oneida St. As seen on the *Survey Map*, the main driveway runs directly into S. Olde Oneida and provides ingress and egress to and from the primary parking lots and Riverview Community Center. See 1.11.2 for a photo of the main driveway intersection.
- 1.12.2. An existing secondary entrance to Riverview Gardens is located at 242 W. Seymour St. As seen on the *Survey Map*, a short driveway leads from W. Seymour between residential lots and leads to a small staff-only parking lot at the Garden Center.
- 1.12.3. An existing secondary entrance to Riverview Gardens is located on S. Onieda St. through an adjacent property as displayed on the *Survey Map*. This gravel drive has an existing cement driveway apron and goes from S. Oneida St. towards the asphalt path leading to Storage Buildings B and C. The entrance is used for landscape and commercial vehicle deliveries to the Garden Center to reduce the impact of otherwise travelling through residential neighborhoods.
- 1.12.4. Existing secondary entrance and adjacent properties on S. Oneida St.



1.13. Snow Storage

- 1.13.1. Snow storage areas adjacent to all driveways and parking lots will be consistent with previous use by Riverview Country Club to maintain plant health and vehicular circulation. Please see the *Zone Map* for specific snow storage locations.

1.14. General Landscaping Concept

- 1.14.1. See 1.24 *Planting Area and Plant Types* for a description of current and future planting areas related to landscaping.

1.15. Hours of Operation

- 1.15.1. The two mile trail system on property will be open from sunrise to sunset for public daytime use. The trails will open no earlier than Fall of 2012. More information about the trails is included in 1.23.1 *Public Programs* and a full trail map is shown on the *Zone Map*.

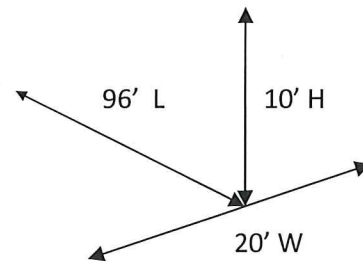
- 1.15.2. Staff and volunteers will operate between 7 am-9 pm, using no mechanical equipment outside the hours of 7 am-8 pm. See 1.18 *Vehicles, Equipment...* for more information on equipment use.
- 1.15.3. Distribution and retail sales of products will occur within the hours of 8 am-8 pm.
- 1.15.4. Riverview Community Center has yet to formalize a business plan, but will be open for events in hours consistent with use by Riverview Country Club.

1.16. Employees

- 1.16.1. Up to 60 staff members and volunteers are expected daily at Riverview Gardens and Riverview Community Center and will be active from 7am -9pm as described in 1.15 *Hours of Operation*.
- 1.16.2. All activities and volunteers on the Riverview site will be supervised by the Riverview Gardens Management.

1.17. Proposed Buildings and Structures

- 1.17.1. Hoophouses are frame structures covered by 6 mil greenhouse plastic membrane. Hoophouses at Riverview Gardens will be 20'W x 96'L x 10'H (1,920 sq. ft. land area, 15,079 cu. ft. interior volume) and will be used solely for agricultural production. Riverview Gardens will apply for appropriate city permits before construction begins.
- 1.17.2. An example of a 20' x 96' x 10' hoophouse structure in Appleton with a 3' compost and mulch pile on the side.



- 1.17.3. Starting in 2012, Riverview Gardens proposes to build 10 hoophouses per year for the next three years. The location and proposed year of each of these hoophouses is shown on the *Zone Map*. There will be grasses, shrubs, and trees with maturity heights of 3' to 10' to 70' as dense visual screening in Zones 4 and 2 between the proposed hoophouse locations and surrounding properties.
- 1.17.4. Existing buildings occupy 25,802 sq. ft. of the Riverview Gardens property. Completion of 30 hoophouses will add 57,600 sq. ft. of structures to the property. In total, buildings will compose 91,178 sq. ft., or 2.95% of the 3,091,900 sq. ft property. Note: Original calculation included bathhouse and cabana building. The hydroponic greenhouse will add 7776 SF. 20 hoophouses have been completed to date.

1.18. Vehicles, Equipment, Tools, Materials, and Fuel Storage

- 1.18.1. Non-snow removal equipment will not be used outside the hours 7 am-8 pm. The type of equipment used at Riverview Gardens will be consistent with equipment used at Riverview Country Club.

1.18.2. Anticipated use of vehicles and equipment throughout the year.

Equipment	Intended Use
Utility carts	Used daily throughout the year
Lawn mowers	Used daily in the summer
Motorized weed trimmers	Used daily in the summer
Roto-tillers	Used daily in the spring and fall
Small tractor	Used occasionally in spring, summer, and fall
Plows and snow blowers	Used during the winter as necessary

1.18.3. Gardening tools, maintenance tools, utility vehicles, and machinery will be stored in the garages and sheds on property labeled as Storage Buildings A-C on the *Zone Map*. Tool, machine, and fuel will be stored in the maintenance garage in the Garden Center. Plants, planting materials, and produce will be stored in the Garden Center.

1.19. Pesticide and Fertilizer Use

1.19.1. Riverview Gardens will not apply any chemicals or pesticides.

1.20. Use of Manure and Agricultural Waste

1.20.1. All organic waste generated by agricultural use will be composted on-site. Compost will be spread in growing areas on the site. See *1.22 Composting and Waste Management* for more information on composting.

1.21. Land Disturbing Activity

1.21.1. Riverview Gardens will not participate in any land-disturbing activity that will result in increased erosion on the site. Soil will only be disturbed during the planting processes.

1.22. Composting and Waste Management

1.22.1. All organic waste generated by agricultural use will be composted on-site in two locations on the Riverview Gardens property, as displayed on the *Zone Map*. Most composting of large brush, yard waste, and organic material will take place on a concrete pad and dividers used by Riverview Country Club for the same purpose. Composting will also take place between and inside hoopouses.

1.22.2. The original concrete composting site on property is well-screened from all surrounding properties by dense forest. Composting between hoopouses will not exceed 3' high, allowing the compost to be well screened by 3' grasses as well as newly-planted rows of trees and shrubs with maturity heights above 10', as described in *1.17 Proposed Buildings and Structures*.

1.22.3. Concrete divisions at the existing wooded compost site.



- 1.22.4. A ratio of 3 parts brown materials to 1 part green materials will be maintained in order to create an aerobic, nuisance-free and odor-free compost operation. All materials being composted will be covered with mulch in order to avoid attracting animal pests and generating unwanted odors. Compost will be turned as needed in order to maintain an aerobic environment and proper C:N ratios in excess of 20:1.
- 1.22.5. Inorganic waste and recyclable materials will be disposed of in commercial bins located at the Riverview Community Center as described in *1.8 Refuse Containers and Enclosures*.

1.23. Public Programs and Public Non-Profit Recreational Use

- 1.23.1. A trail system and fourteen picnic areas will be open for public, non-profit recreational use throughout the year. The trails will be open from sunrise to sunset. Two miles of trails will connect the east (Oneida St.), south (W. Seymour St.), southwest (Riverview Ln.), and northwest (River Rd.) sides of property as shown on the *Zone Map*. Existing trails on the property are 8' wide asphalt trails. New trails, as shown on *Zone Map*, will be laid as wood mulch until they can be covered in asphalt.
- 1.23.2. Riverview Gardens and Riverview Community Center will host public and community events such as meetings, weddings, recitals, educational programming, and other events onsite. The use of the property and Community Center building will be similar to the previous use by Riverview Country Club.
- 1.23.3. All agricultural utility buildings at Riverview Gardens will be closed to the public.

1.24. Planting Area and Plant Types

- 1.24.1. A majority of the acreage at Riverview Gardens will be used for agricultural activities. The existing and future planting has been divided into four agricultural zones as shown on the *Zone Map*.
 - 1.24.1.1. Zone 1 (green): Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes.
 - 1.24.1.2. Zone 2 (yellow): Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, deciduous bushes *and* fruit and nut producing trees, bushes, ground cover, and perennial herbs.
 - 1.24.1.3. Zone 3 (orange): Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes. Fruit and nut producing trees, bushes, ground cover, perennial herbs *and* annual fruits, vegetables, and herbs.
 - 1.24.1.4. Zone 4 (red): Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes. Fruit and nut producing trees, bushes, ground cover, and perennial herbs. Annual fruits, vegetables, and herbs *and* hoopouses.

1.25. Restrooms and Sanitary Facilities

- 1.25.1. The Riverview Community Center (1101 S. Oneida St.) has two sets of male and female restrooms and one unisex single occupancy restroom. The Garden Center contains two unisex single occupancy restrooms. The locker room associated with the pool has one set of male and female restrooms.

1.26. Produce Cleaning and Preparation

- 1.26.1. Produce grown on site will be cleaned in the Riverview Garden Center using City of Appleton water.
- 1.26.2. Produce grown on site will be cleaned and prepared in the kitchen of the Riverview Community Center.

1.27. Sales Area

- 1.27.1. Currently, Riverview Gardens has not finalized plans for sales to the public, although Commercial Zoning for sales will be pursued on adjacent S. Oneida St. properties seen on the *Survey Map* and in the photo in 1.12.4. Sales will also occur at the Riverview Community Center.

1.28. Water Sources

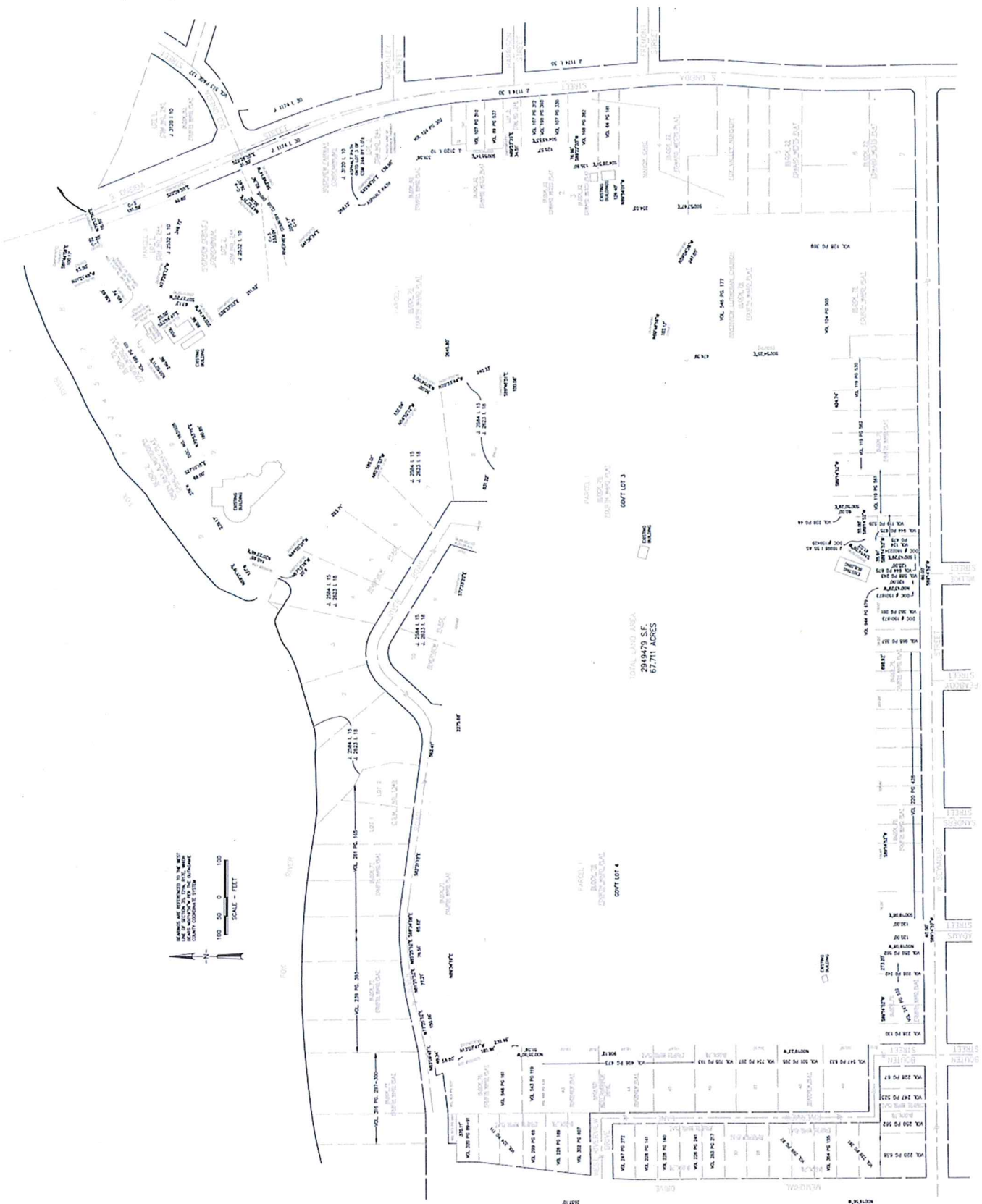
- 1.28.1. Two water sources will be used for agricultural production;
 - 1.28.1.1. City of Appleton water from the Garden Center will be used for washing produce and watering nursery plants.
 - 1.28.1.2. An existing well and pumphouse in the southwest corner of the property feeds an underground irrigation system for Riverview Gardens. The well and pump were installed and used for irrigation by Riverview Country Club. The well water is not certified as potable and will not be used to clean produce.
 - 1.28.1.3. The existing 224 sq. ft. pump house (with well inside) is screened on the back side by 12' evergreens.



1.29. Security

- 1.29.1. Buildings will be locked when not in use. Tools and machinery will be properly stored and locked when not in use. All agricultural utility buildings will be closed to the public.
- 1.29.2. The Riverview Community Center is equipped with an alarmed security system. A similar alarmed security system is proposed for the Garden Center.

2. Survey Map




















3. Zone Map

Note: Hydroponic Greenhouse will be built over the existing pool



3.1. Zone Map Key

	Zone 1 - Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes.
	Zone 2 - Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, deciduous bushes <i>and</i> fruit and nut producing trees, bushes, ground cover, and perennial herbs.
	Zone 3 - Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes. Fruit and nut producing trees, bushes, ground cover, perennial herbs <i>and</i> annual fruits, vegetables, and herbs.
	Zone 4 - Native grasses, prairie plantings, existing trees, existing ground cover, deciduous trees, and deciduous bushes. Fruit and nut producing trees, bushes, ground cover, and perennial herbs. Annual fruits, vegetables, and herbs <i>and</i> hoophouses.
	Existing Buildings (7) – 1.4 <i>Existing Buildings</i> Riverview Community Center – Public events, community gatherings, office space. Garden Center – Equipment maintenance, produce washing and storage, office space. Storage Buildings (A, B, C) – Machine, equipment, and supplies storage. Well and Pump House – Well-water source. Pool and Cabana – Proposed Hydroponic Greenhouse in 2015
	Proposed Hoophouses 2013 (10) – 1.17 <i>Proposed Buildings and Structures</i> North/East Group
	Proposed Hoophouses 2014 (10) – 1.17 <i>Proposed Buildings and Structures</i> North/West Group
	Proposed Hoophouses (10) hoophouses for future development South Group
	Composting Areas (2) – 1.22 <i>Composting and Waste Management</i> Existing Compost Site, Hoophouse Site
	Driveway/Ingress/Egress (3) – 1.12 <i>Driveways</i> Main Oneida Entrance, Secondary Oneida Entrance, Secondary Seymour Entrance
	Parking (3) – 1.6 <i>Parking</i> Main Parking Lot, Overflow Parking, Staff Parking
	Snow Storage (11) – 1.13 <i>Snow Storage</i> Primary Entrance, Primary Parking Lot, Seymour Entrance, Seymour Staff Parking
	Existing Asphalt Trails – 1.23.1 <i>Public Programs and Non-Profit Recreational Use</i>
	New Trails – 1.23.1 <i>Public Programs and Non-Profit Recreational Use</i>
	Picnic Areas (14) – 1.23.1 <i>Public Programs and Non-Profit Recreational Use</i>
	Fences (2) – 1.11 <i>Fences and Retaining Walls</i> Pool/Cabana, Dumpster Screening
	25' Property Buffer – 1.5 <i>Yard Setbacks</i> No planting zone.

4. Legal Description

4.1. American Land Title Survey, McMahon Group, Neenah, 12-16-2011

All of Block Eighty-three (83), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 124 of Deeds, page 302, Volume 513 of Deeds, page 137, Jacket 1174, Image 30, Jacket 2332, Image 10, Certified Survey Map No. 244, recorded in Volume 2 of Certified Survey Maps on page 244, and Certified Survey Map No. 245 recorded in Volume 2 of Certified Survey Maps on page 245, and Jacket 3120, Image 10.

All that part of Lots Three (3) and Four (4), in Block Twenty-two (22), of EDWARD WEST'S PLAT, City of Appleton, Wisconsin, according to the recorded Assessor's Map of said City, described as follows:

Commencing at the Southwest corner of said Lot 3 and run thence South along the West line of said Lot 4, a distance of 75 feet; thence East to the Southwest corner of the lands as described in Volume 64 of Deeds, page 181; thence North along the West line of the lands as described in Volume 64 of Deeds, page 181 and Volume 168 of Deeds, page 382, to the Northwest corner of said Lot 3; thence West along the North line of said Lot 3, to the Northwest corner of said Lot 3; thence South along the West line of said Lot 3 to the place of beginning.

in Block Twenty-two (22), EDWARD WEST'S PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 107 of Deeds, page 310; Volume 89 of Deeds, page 537 and further excepting the North 40 feet of the East 120 feet of said Lot 1, and less Jacket 1174, image 30 and less Certified Survey Map No. 244 recorded in Volume 2 of Certified Survey Maps on page 244.

Lot Two (2), in Block Twenty-two (22), EDWARD WEST'S PLAT, City of Appleton, Outagamie County, Wisconsin, according to the Recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 107 of Deeds, page 312, Volume 198 of Deeds, page 350 and Volume 107 of Deeds, page 330 and Jacket 1174, Image 30.

All of Block Seventy-five (75), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 198 of Deeds, page 101; Jacket 1174, Image 30; Jacket 2532, Image 10; Jacket 2584, Image 15; Certified Survey Map No. 245; and Certified Survey Map No. 245.

All that part of Lot Nine (9), in Block Two (2), GREEN BAY AND MISSISSIPPI CANAL COMPANY PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, as described in Volume 195 of Deeds, page 207.

All of Block Seventy-seven (77), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 239 of Deeds, page 393; Volume 281 of Deeds, page 185; Volume 316 of Deeds, page 297; Volume 320 of Deeds, page 89; Volume 548 of Records, page 161; Volume 912 of Records, page 665; and Jacket 2623, Image 18.

All of Block Seventy-eight (78), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 220 of Deeds, page 428; Volume 247 of Deeds, page 272; Volume 247 of Deeds, page 523; Volume 247 of Deeds, page 532; Volume 221 of Deeds, page 538; Volume 250 of Deeds, page 552; Volume 228 of Deeds, page 67; Volume 228 of Deeds, page 130; Volume 228 of Deeds, page 140; Volume 228 of Deeds, page 141; Volume 228 of Deeds, page 189; Volume 228 of Deeds, page 241; Volume 228 of Deeds, page 242; Volume 228 of Deeds, page 261; Volume 283 of Deeds, page 217; Volume 289 of Deeds, page 65; Volume 299 of Deeds, page 87; Volume 320 of Deeds, page 89; Volume 324 of Deeds, page 111; Volume 354 of Deeds, page 155; Volume 496 of Deeds, page 473; Volume 501 of Deeds, page 295; Volume 543 of Records, page 119; Volume 547 of Records, page 633; Volume 548 of Records, page 191; Volume 705 of Records, page 193; Volume 734 of Records, page 297; Volume 302 of Deeds, page 607; Volume 498 of Deeds, page 435 and as Document No. 1620575, AND ALSO except that portion subdivided as Riverview Plat.

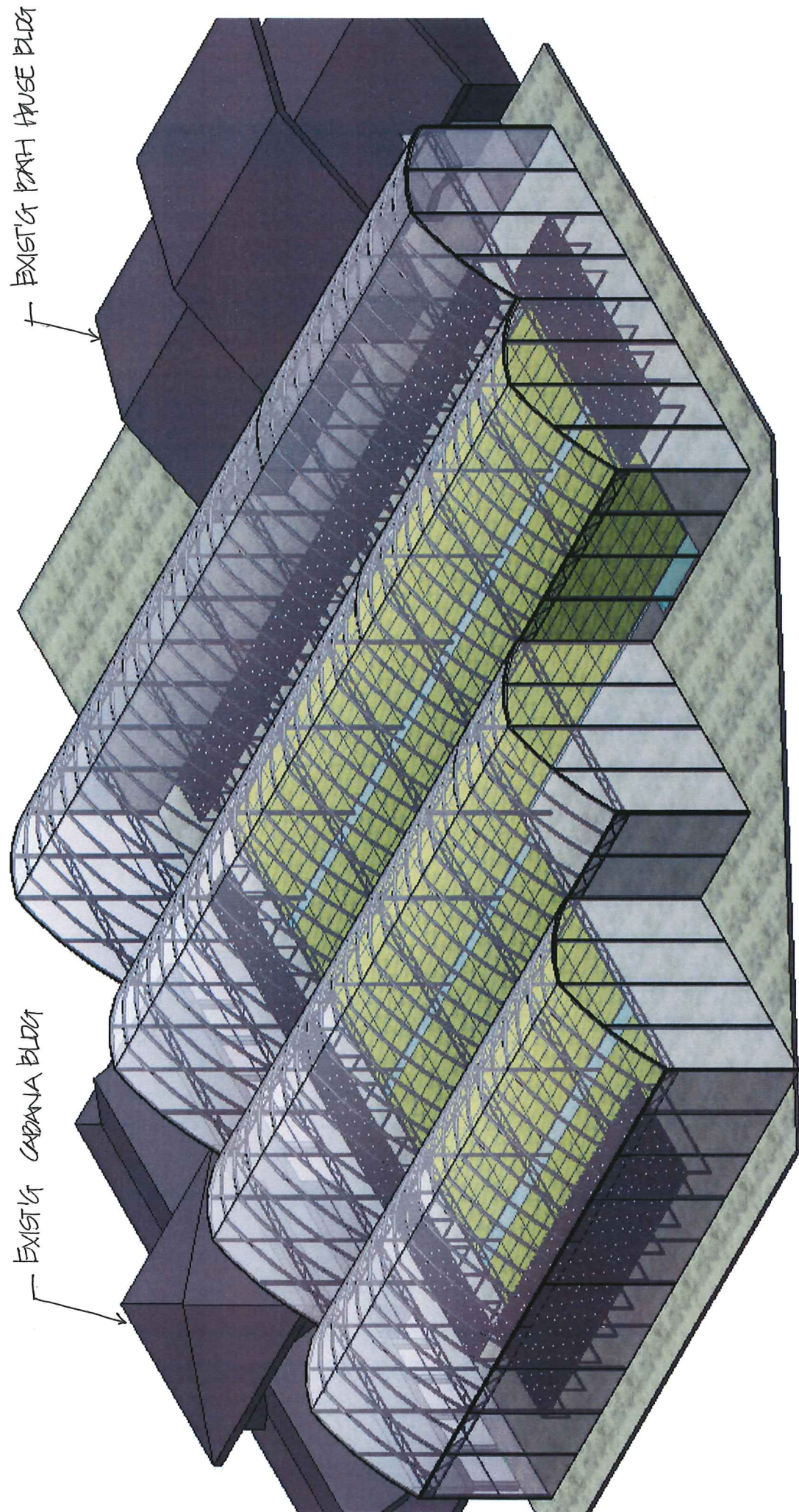
All of Block Seventy-six (76), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City, excepting therefrom the premises described in Volume 220 of Deeds, page 428; Volume 228 of Deeds, page 44; Volume 383 of Deeds, page 261; Volume 546 of Records, page 177; Volume 124 of Deeds, page 475; Volume 119 of Deeds, page 529; Volume 119 of Deeds, page 561; Volume 119 of Deeds, page 562; Volume 119 of Deeds, page 563; Volume 124 of Deeds, page 505; Volume 128 of Deeds, page 369; Volume 944 of Records, page 679; Volume 944 of Records, page 675; Volume 965 of Records, page 357; Jacket 2623, Image 18 and Jacket 16998, Image 55, as Document No. 159429.

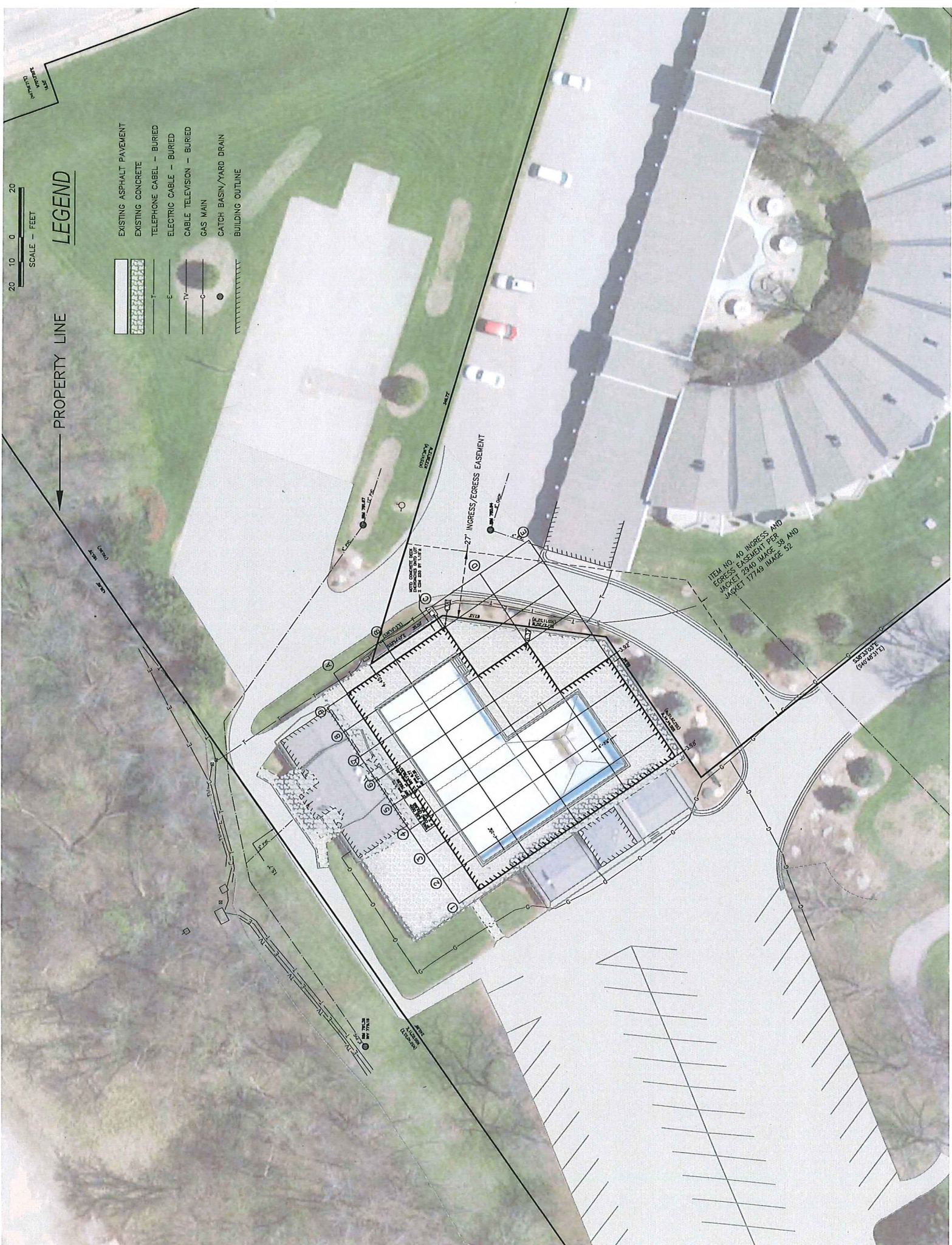
A parcel of land located in Block Seventy-six (76), FOURTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, according to the Recorded Assessor's Map of said City, more fully described as follows: Commencing at the West 1/4 corner stone of said Section; thence due South along the West line of the Southwest 1/4 of said Section, 1258.67 feet (recorded as 1258.60 feet) to the North line of Seymour Street extended to the West; thence North 89°34' East along the North line of Seymour Street, 1709.20 feet (recorded as 1709.80 feet) to the Southeast corner of lands as described in Volume 588 of Deeds, page 243, the point of beginning; thence North 02°5' West along the East line of said described parcel, 110.00 feet to the Southeast corner of said described lands; thence South 89°34' West along the North line of said described parcel, 60.00 feet to the Northwest corner of said described parcel; thence South 07°26' East, along the West line of said described parcel, 110.00 feet to the Southwest corner of said described parcel and the North line of Seymour Street; thence North 89°34' East along the North line of Seymour Street, 80.00 feet to the Southeast corner of said described parcel, the point of beginning. LESS the East 6.23 feet thereof, being in Section Thirty-five (35), Township Twenty-one (21) North, Range Seventeen (17) East.

PARCEL 11:

Lot One (1) of Certified Survey Map No. 244, filed in the office of the Register of Deeds for Outagamie County, Wisconsin, in Volume 2 of Certified Survey Maps on page 244, as Document No. 793571, being part of Blocks 75 and 83, Fourth Ward Plat and part of Lot 1, Block 22, Edward West's Plat, located in the Northeast 1/4 and Northwest 1/4 and the Southeast 1/4 of Section Thirty-five (35), Township Twenty-one (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin.

Together with a perpetual easement for ingress and egress as described in Easement recorded in Jacket 2532, Image 12, as Document No. 791226; and together with a non-exclusive easement for ingress and egress over and across that particular ingress and egress easement reserved in Declaration of Condominium for Riverview Circle I Condominium recorded in Jacket 2840, Image 38-48, as Document No. 735897. The exact location of which is more particularly set forth on Exhibit "A" of said Declaration of Condominium.





20 10 0 20
SCALE - FEET

LEGEND

PROPERTY LINE

- EXISTING ASPHALT PAVEMENT
- EXISTING CONCRETE
- TELEPHONE CABLE - BURIED
- ELECTRIC CABLE - BURIED
- CABLE TELEVISION - BURIED
- GAS MAIN
- CATCH BASIN/YARD DRAIN
- BUILDING OUTLINE

ITEM NO. 40 INGRESS AND EGRESS EASEMENT PER JACKET 2840 IMAGE 39 AND JACKET 17749 IMAGE 52

27' INGRESS/EGRESS EASEMENT