



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, June 22, 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

[15-1028](#) City Plan Minutes from 6-8-15

Attachments: [City Plan Minutes 6-8-15.pdf](#)

4. Public Hearings/Apearances

[15-1029](#) Special Use Permit #5-15 for a 105-foot monopole wireless telecommunication tower with related ground equipment located at 1610 W. Wisconsin Avenue, as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report (Associated with Action Item #15-1031)

[15-1030](#) Special Use Permit #6-15 for a restaurant with alcohol sales at 1000 W. Wisconsin Avenue, Unit #3, 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 #15-1032)

5. Action Items

[15-1031](#) Request to approve Special Use Permit #5-15 for a 105-foot monopole wireless telecommunication tower with related ground equipment located at 1610 W. Wisconsin Avenue, as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report

Attachments: [SUP #5-15 Staff Review.pdf](#)

[15-1032](#)

Request to approve Special Use Permit #6-15 for a restaurant with alcohol sales at 1000 W. Wisconsin Avenue, Unit #3, 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 #6-15 Staff Review.pdf](#)

[15-967](#)

Resolution #8-R-15 - Dalton/Meltzer

"Whereas, the City of Appleton approved amended language to allow for the keeping of honeybees on areas zoned Public Institution in 2011, and areas zoned Urban Farm in 2013,

Whereas, there have been no reported incidents or problems related to the maintained honeybee populations,

Now, Therefore, Be it Resolved, the Appleton Municipal Code 3-52 be amended to include the following language:

"All zoned areas may, with the Health Officer's written consent, maintain up to 5 hives" and approved Beekeeping Permit requirements."

Attachments: [Reso 8-R-15 Staff Review.pdf](#)

Legislative History

6/8/15 City Plan Commission held

6. Information Items

7. Adjournment

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

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



City of Appleton

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

Meeting Minutes - Final City Plan Commission

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

Monday, June 8, 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, Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

Others present:

Chris Cleary, Martenson & Eisele

Jay Plamann, Jim's Place, 223 E. College Avenue

3. Approval of minutes from previous meeting

[15-950](#)

City Plan Minutes from 5-11-15

Attachments: [City Plan Minutes 5-11-15.pdf](#)

**Konetzke moved, seconded by Uslabar, that the Minutes be approved. Roll
Call. Motion carried by the following vote:**

Aye: 6 - Dukelow, Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

4. Public Hearings/Appearances

[15-951](#)

Special Use Permit #4-15 for a tavern and outdoor patio with alcohol sales and consumption, at 223 E. College Avenue, 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 #15-952)

This Appearance was presented.

5. Action Items

[15-952](#)

Request to approve Special Use Permit #4-15 for a tavern and outdoor patio with alcohol sales and consumption, at 223 E. College Avenue, 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 #4-15 Staff Review.pdf](#)

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

Aye: 6 - Dukelow, Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

[15-953](#)

Request to approve Extraterritorial Final Plat for Forest View Estates located in the Town of Grand Chute as shown on the attached maps

Attachments: [StaffReport_ForestViewEstates_FinalPlat_For06-08-15.pdf](#)

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

Aye: 6 - Dukelow, Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

6. Information Items

[15-967](#)

Resolution #8-R-15 - Dalton/Meltzer

"Whereas, the City of Appleton approved amended language to allow for the keeping of honeybees on areas zoned Public Institution in 2011, and areas zoned Urban Farm in 2013,

Whereas, there have been no reported incidents or problems related to the maintained honeybee populations,

Now, Therefore, Be it Resolved, the Appleton Municipal Code 3-52 be amended to include the following language:

"All zoned areas may, with the Health Officer's written consent, maintain up to 5 hives" and approved Beekeeping Permit requirements."

Dukelow moved, seconded by Konetzke, that the Report Action Item be held until the next meeting. Roll Call. Motion carried by the following vote:

Aye: 6 - Dukelow, Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

7. Adjournment

Uslabar moved, seconded by Konetzke, that the meeting be adjourned at 4:45 p.m. Roll Call. Motion carried by the following vote:

Aye: 6 - Dukelow, Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 22, 2015

Common Council Meeting Date: July 1, 2015

Item: Special Use Permit #5-15 for a Wireless Telecommunication Tower

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: MTW of Appleton, Inc., Owner - Mike Thiel, President
Peter Schau (representing Central States Tower III, LLC), Applicant

Address/Parcel #: 1610 West Wisconsin Avenue (31-5-9538-02)

Petitioner's Request: The applicant is requesting a Special Use Permit for the construction and operation of a new 100-foot tall (105-feet with lightning rod) monopole tower to host new Verizon Wireless panel antennas and equipment at the 85 foot centerline, ground equipment cabling through the center of the monopole connecting to a new 11'6" x 25' 5 1/2" prefabricated equipment shelter near the base of the monopole within a 50' x 60' fenced compound all per plan.

STAFF ANALYSIS

Existing Site Conditions: The subject property is zoned C-2, General Commercial District. Per the City of Appleton Zoning Ordinance, wireless telecommunication towers require a Special Use Permit in the C-2 General Commercial District. The subject property is currently occupied by an auto sales lot, auto body and paint shop and towing business. An open area of the lot exists in the northern portion of the subject site.

Special Use Permit: The proposed wireless telecommunication facility is to be located in the northeastern portion of the site in an area approximately 3,000 square feet in size (See Attached Development Plan). The applicant is proposing to construct a 100-foot monopole wireless telecommunication tower and associated ground equipment. The proposed location of the tower and ground equipment meet the minimum setback standards in the C-2 District. The proposed tower and ground equipment will be enclosed within a chain-link fence enclosure.

Zoning Code Article XIII Sec. 23-424 (i)(1)(2) requires a 4-foot wide landscape buffer of plant materials around the wireless telecommunication facility. The applicant has included this buffer in their proposal. Residential properties are located approximately 70 feet north of the tower location separated from the proposed site by West Kamps Avenue.

The applicant is proposing a new telecommunication tower as opposed to co-locating on an existing tower or structure. The Zoning Code requires the applicant to demonstrate why co-location of their wireless telecommunication equipment was not chosen as an alternative to constructing a new tower. The applicant submitted a letter from Mustafa Siamof, RF Engineer for Verizon Wireless describing the reasons for constructing a new tower over co-locating on an existing tower or structure (See Attached Letter).

State Statute Revision (2013): In 2013, the State of Wisconsin revised statutes regarding local requirements for mobile towers. Local governments can no longer regulate a number of aspects of tower construction, including but not limited to:

- Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.
- Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- Prohibit the placement of emergency power systems.
- Limit the duration of any permit that is granted.
- Limit the height of a mobile service support structure to under 200 feet.

Surrounding Zoning and Land Uses:

North:	Zoning:	R-1B Single-Family Residential
	Land Use(s):	Single-family house
South:	Zoning:	C-2 General Commercial
	Land Use(s):	Contractor's office
West:	Zoning:	C-2 General Commercial
	Land Use(s):	Retail
East:	Zoning:	C-2 General Commercial
	Land Use(s):	Auto sales; Apartment building

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan which indicates this area is appropriate for a wireless telecommunication tower and associated ground equipment. The proposed Special Use Permit for the subject parcel is consistent with the following goal 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.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6) and Article XIII of the Zoning Code, which were found in the affirmative.

Technical Review Group Report (TRG): This item was discussed at the June 2, 2015 Technical Review Group meeting. No negative comments were received.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #5-15 for a wireless telecommunication tower and associated ground equipment, **BE APPROVED**, subject to the following conditions:

1. A Site Plan Review application must be submitted and approved by the Community and Economic Development Department prior to building permits being issued for the construction of the proposed wireless telecommunication facility.
2. The approved security fencing with privacy slats and landscaping as described above must be maintained so as to fully screen the wireless telecommunication equipment and the base of the tower. The land owner is responsible for ensuring that screening is maintained.

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: N/A-Unmanned Mobile Service Support Structure & Mobile Service Facility

Years in operation: N/A

Type of proposed establishment (detailed explanation of business):

Unmanned Mobile Service Support Structure & Mobile Service Facility

Proposed Hours of Operation: Equipment will operate 24/7/365

Day	From	To
Week Day		
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: N/A persons

Gross floor area of the existing building(s):

N/A

Gross floor area of the proposed building(s):

294 sf-Unmanned Equipment Shelter

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:

Unmanned Mobile Service Support Structure & Mobile Service Facility will not produce any smoke or odors

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

HVAC Equipment serving prefabricated equipment shelter-low level noise when operational.

Backup NG/LP Power Generator-Avg 72 dba at 23' (full load). Runs intermittently when tested or in the case

How will the noise be controlled?

HVAC Equipment-No Noise Controls necessary.

Backup NG/LP Power Generator-Generator is equipped with Level 2 sound attenuating enclosure and critical
a grade muffler.

Outdoor Lighting:

Type: Exterior wall mounted LED light fixture.

Location: Adjacent to man door on prefabricated shelter.

Off-Street Parking:

Number of spaces existing: No Change

Number of spaces proposed: No Change

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?

Existing street access from public way is adequate.

Outdoor Uses:

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

N/A

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

6' tall perimeter chain link fence surrounded by landscape buffer of +/-6' tall arborvitae planted 10' on
center per enclosed landscaping plan.

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

N/A

Number of Employees:

Number of existing employees: N/A

Number of proposed employees: N/A

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



Via: USPS Priority Mail

Mr. Michael Theil
President
MTW of Appleton, Inc.
5 Mulberry Court
Appleton, WI 54913

March 3, 2015

Re: Central States Tower III, LLC-Proposed Wireless Communications Facility/MTW of Appleton, Inc. Property-1610 W. Wisconsin Avenue, Appleton, WI 54913.

Parcel ID: 315953802

Dear Mike,

Please acknowledge this letter below as evidence of your consent for Ton 80 Realty Services, Inc. to file any and all necessary zoning, building, erosion control, and any other governmental use or permit applications required with the applicable jurisdictions and agencies for the installation and operation of a wireless communications tower facility and equipment upon the above referenced property by Central States Tower III, LLC ("CST") as your tenant, and Verizon Wireless as CST's prospective subtenant, on your behalf as the fee owner of the property.

Thank you for all of your time and assistance in the matter.

Best regards,

A handwritten signature in black ink, appearing to read "PA SC", is written over the "Best regards," text.

Peter Schau
On behalf of Central States Tower III, LLC
and Verizon Wireless

Acknowledged this TH30 day of
MARCH, 2015


A large, stylized handwritten signature in black ink, appearing to read "Michael Theil", is written over the printed name and title.

Michael Theil
President
MTW of Appleton, Inc.
f/k/a Sarge's A-1 Rentals, Inc.

[illegible]

1. I am an adult resident of the State of Wisconsin and serve as RF Engineer at Verizon Wireless.

3. This sworn statement is made pursuant to Wis. Stat. §66.0404(2)(b)6.


Mustafa Siamof

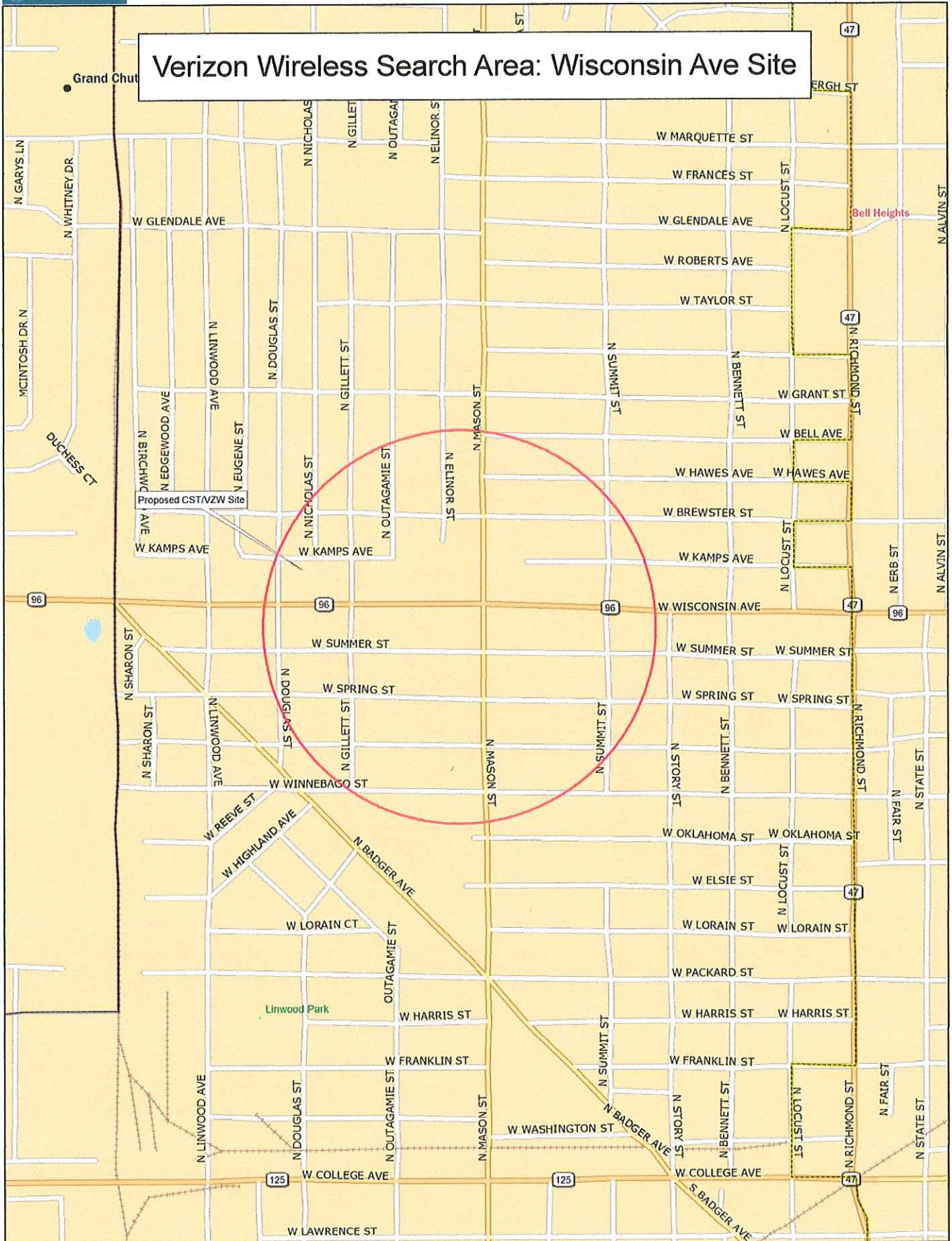
Christina Leonoff

Notary Public, State of Wisconsin

My commission: 10-23-2016



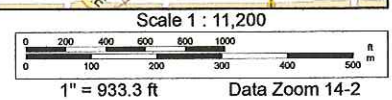
Verizon Wireless Search Area: Wisconsin Ave Site



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www.delorme.com



April 27, 2015

Mr. Yuri Dobrowolsky
Director of Construction
Central States Tower
323 South Hale Street, Suite 100
Wheaton, IL 60187

RE: Proposed 100 ft Sabre Monopole for Wisconsin Ave, WI

Dear Mr. Dobrowlosky,

Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 90 mph with no ice and 40 mph with 1/2" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

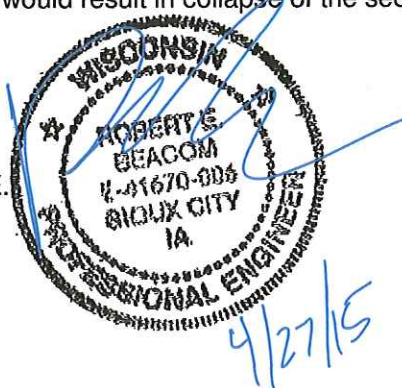
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one of the monopole shaft sections. This would result in a buckling failure mode, where the steel shaft would bend beyond its elastic limit (beyond the point where the shaft would return to its original shape upon removal of the wind load).

Therefore, the overall effect of an extreme wind event would be localized buckling of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the shaft will buckle at the location of the highest combined stress ratio in the upper portion of the monopole. This would result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing upon itself. **Please note that this letter only applies to a monopole designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this would result in collapse of the section above, within a radius equal to 34 feet.

Sincerely,

Robert E. Beacom, P.E.
Design Engineer II



TOWAIR Determination Results

A routine check of the coordinates, heights, and structure type you provided indicates that this structure does not require registration.

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

PASS SLOPE(100:1): NO FAA REQ-RWY MORE THAN 10499 MTRS & 6577.88 MTRS (6.57789 KM) AWAY

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	44-16-7.00N	088-30-46.00W	OUTAGAMIE COUNTY RGNL	OUTAGAMIE APPLETON, WI	261.6	2439.0

PASS SLOPE(100:1): NO FAA REQ-RWY MORE THAN 10499 MTRS & 6551.67 MTRS (6.55170 KM) AWAY

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	44-15-11.00N	088-30-27.00W	OUTAGAMIE COUNTY RGNL	OUTAGAMIE APPLETON, WI	261.6	2439.0

Your Specifications

NAD83 Coordinates

Latitude	44-16-25.7 north
Longitude	088-25-50.5 west

Measurements (Meters)

Overall Structure Height (AGL)	32
Support Structure Height (AGL)	30.5
Site Elevation (AMSL)	249.8

Structure Type

MTOWER - Monopole

Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

A map of the 'Subject Area' in Northland, Wisconsin. The map shows a grid of streets. A callout box labeled 'Subject Area' points to a specific location. To the left, a blue dashed line indicates the 'CITY LIMITS'. Surrounding areas are labeled 'Northland', 'Wisconsin', 'Badger', 'Mason', and 'College'. The map also shows various street names and a network of roads.



0 50 100 200 Feet





Subject Area

Kamps Av

Nicholas St

Douglas St

Outagamie St

W Wisconsin Av

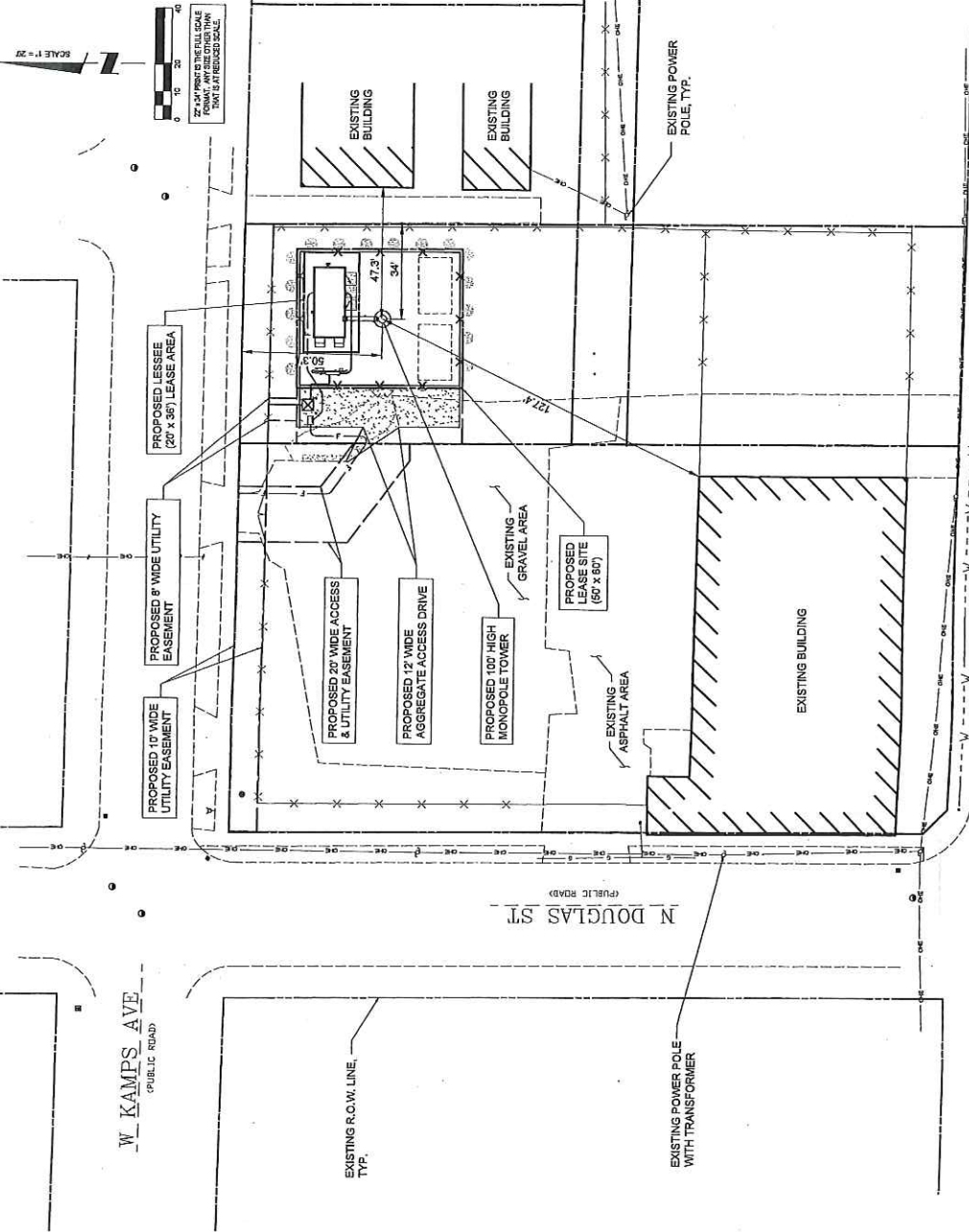


City Plan Commission
6-22-15

0 15 30 60 Feet



- LEGEND**
- 1" X 18" IRON PIPE SET
 - REBAR FOUND
 - 6" NAIL SET
 - COUNTY MONUMENT FOUND
 - EXISTING POWER POLE
 - GAS METER
 - GAS VALVE
 - LIGHT POLE
 - FIRE HYDRANT
 - MANHOLE
 - STORM INLET (ROUND)
 - STORM INLET (SQUARE)
 - METAL POST
 - FLAG/MARKER
 - OVERHEAD ELECTRIC
 - BURIED GAS
 - WATER MAIN
 - PROPERTY LINE



MERIDIAN
SURVEYING, LLC

8774 Firelane 1
Menasha, WI 54952

Office: 920-593-0881
Fax: 920-273-6037

SURVEY PERFORMED BY:

MERIDIAN
SURVEYING, LLC

8774 Firelane 1
Menasha, WI 54952

Office: 920-593-0881
Fax: 920-273-6037



City Plan Commission
06-22-15

1610 West Wisconsin Avenue - Central State Tower III, LLC
Special Use Permit
Tower for Wireless Telecommunication Services

(CST)

CENTRAL STATES TOWER III, LLC

TERRA
CONSULTING GROUP, LTD.

600 Bluffs Highway
P.O. Box 847
P.O. Box 847
P.O. Box 847
P.O. Box 847

NO.	DATE	DESCRIPTION
1	04/07/15	UPDATE FOR A LESSEE ENTRY
2	02/02/15	UPDATE WITH SITE AC COMMENTS
3	01/16/15	ISSUED FOR REVIEW
4	01/16/15	ISSUED FOR REVIEW
5	01/16/15	ISSUED FOR REVIEW

WI-00-5059
WISCONSIN
AVENUE

1610 W WISCONSIN AVE
APPLETON, WI 54914

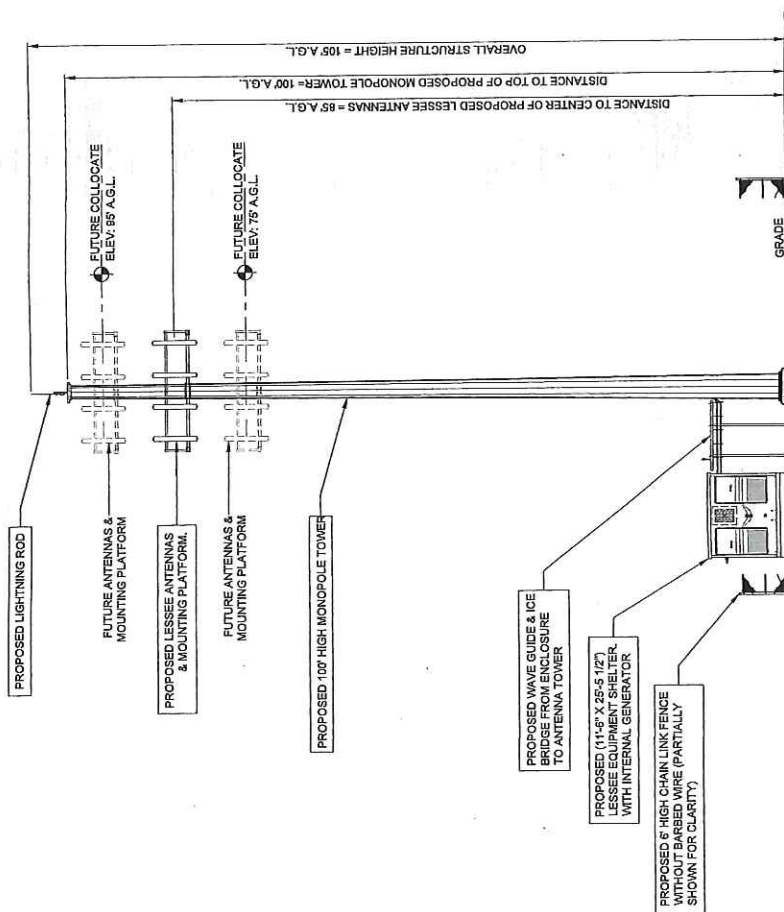
DRAWN BY:	BTE
CHECKED BY:	TWZ
DATE:	01/16/15
PROJECT #:	04-151

SHEET TITLE
LOCATION PLAN

SHEET NUMBER
LP

1610 West Wisconsin Avenue - Central State Tower III, LLC
Special Use Permit
Tower for Wireless Telecommunication Services

1 SITE ELEVATION
SCALE: 1/8" = 1'-0"



SCALE: 1/8" = 1'-0"
20' APPROXIMATE SCALE
FOR ALL DIMENSIONS
UNLESS OTHERWISE NOTED
THIS IS A REDUCED SCALE



CENTRAL STATES TOWER III, LLC

TERRA
CONSULTING GROUP, LTD.
600 Baseline Highway
Park Ridge, IL 60068
Ph: 847/698-6400
Fax: 847/698-6401



NO.	DATE	BY	DESCRIPTION
10	01/16/15	BTE	ISSUED FOR REVIEW
9	02/03/15	BTE	UPDATE WITH SITE AC COMMENTS
8	04/07/15	TJS	UPDATE ECHA & LESSEE ENTRY

WI-00-5059
WISCONSIN
AVENUE

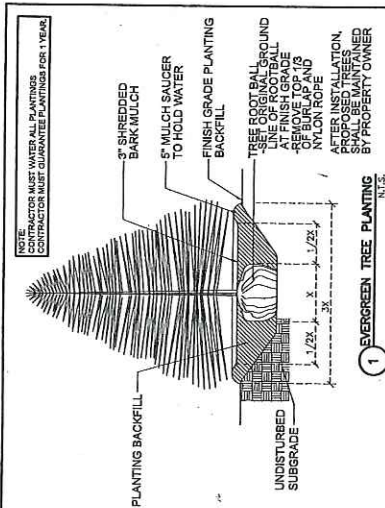
1610 W WISCONSIN AVE
APPLETON, WI 54914

DRAWN BY:	BTE
CHECKED BY:	TJZ
DATE:	01/16/15
PROJECT #:	34-151

SHEET TITLE	SITE ELEVATION
SHEET NUMBER	ANT-1

GENERAL LANDSCAPE NOTES

1. PRUNE NEWLY INSTALLED SHRUBS. WORK SHALL BE DONE BY EXPERIENCED PERSONNEL TO THE ACCEPTED HORTICULTURAL AND ARBORICULTURAL STANDARDS. PRUNING SHALL BE DONE TO MAINTAIN THE GENERAL SHAPE OF THE SHRUB TYPE. DO NOT USE HEDGE SHEARS.
2. ALL PLANTING STOCK SHALL BE NURSERY-GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICE. PLANTS SHALL BE FREE OF DISEASE, INSECTS, AND DEFECTS SUCH AS KNOTS, SUNSCALD, INJURIES, AND OTHER DEFECTS. PLANTS SHALL BE VIGOROUS AND UNIFORM GROWTH TYPICAL OF THE SPECIES AND VARIETY, WELL-FORMED, FREE FROM IRREGULARITIES, WITH THE MINIMUM QUALITY AND SIZE CONFORMING TO AMERICAN STANDARD FOR NURSERY STOCK.
3. GUARANTEE: WARRANT ALL PLANT MATERIAL TO BE TRUE TO BOTANICAL NAME AND SPECIFIED SIZE. AFTER COMPLETION OF PLANTING, ALL PLANT MATERIALS SHALL BE WARRANTED AGAINST DEFECTS, INCLUDING DEATH AND UNSATISFACTORY GROWTH FOR A WARRANTY PERIOD OF ONE YEAR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING ANY PLANTS THAT DIE OR ARE DAMAGED BY OTHERS OR UNUSUAL PHENOMENA RESULTING FROM NEGLECT OR ABUSE. DAMAGE BY OTHERS OR UNUSUAL PHENOMENA SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTORS SHALL BE RESPONSIBLE FOR REPLACING ANY PLANTS THAT DIE OR ARE DAMAGED BY OTHERS OR UNUSUAL PHENOMENA RESULTING FROM NEGLECT OR ABUSE. DAMAGE BY OTHERS OR UNUSUAL PHENOMENA SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTORS SHALL BE RESPONSIBLE FOR REPLACING ANY PLANTS THAT DIE OR ARE DAMAGED BY OTHERS OR UNUSUAL PHENOMENA RESULTING FROM NEGLECT OR ABUSE. DAMAGE BY OTHERS OR UNUSUAL PHENOMENA SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. MULCHING SHALL BE DONE WITHIN 48 HOURS AFTER PLANTING. MULCH SHRUB BEDS TO A UNIFORM DEPTH OF THREE INCHES. MULCH SHALL BE CLEAN, COMPOSTED PINE BARK MULCH FREE OF FOREIGN MATERIAL AND LARGE PIECES OVER THREE INCHES LONG. DO NOT MULCH TREE AND SHRUB PLANTING PITS.
5. TOPSOIL SHALL CONSIST OF FERTILE NATURAL LOAM, CONTAINING A LIBERAL AMOUNT OF HUMUS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL. IT SHALL BE FREE OF ADMIXTURES OF SUBSOIL AND FREE OF GRASS, GRASS ROOTS, STICKS AND OTHER EXTRANEEOUS MATTER, AND SHALL NOT BE USED FOR PLANTING OPERATIONS WHILE IN A FROZEN OR MUDDY CONDITIONS.
6. REPAIR ALL TURF AREAS BY SEEDING. SEEDING INSTALLATION SHALL BE EXECUTED ONLY AFTER ALL FINISH GRADING HAS BEEN COMPLETED. NO SEEDING WORK SHALL BE DONE PAST SEPTEMBER 15, UNLESS APPROVED BY THE OWNER'S REPRESENTATIVE. EXISTING TURF OR BE A 50/50 MIX OF CERTIFIED SEEDING BLEND OF BLUEGRASS AND CRYSTAL BERMUDA. SEEDING MIX SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO PLANTING. SEEDING SHALL BE APPLIED AT A MINIMUM RATE OF 120 POUNDS PER ACRE. FUTERRA BLANKET OR EQUAL SHALL BE USED FOR EROSION CONTROL MULCH WHERE NECESSARY IN LIEU OF HYDRO MULCH.



CENTRAL STATES TOWER III, LLC

TERRA
600 Busse Highway
Park Ridge, IL 60068
Tel: 847/698-6400
Fax: 847/698-6401

NO. 1
2
3
4
5
6
7/8

DESCRIPTION
ISSUED FOR REVIEW
UPDATE WITH SITE AC COMMENTS
UPDATE ECR & LESSEE ENTRY

DATE
01/16/15
02/02/15
04/07/15

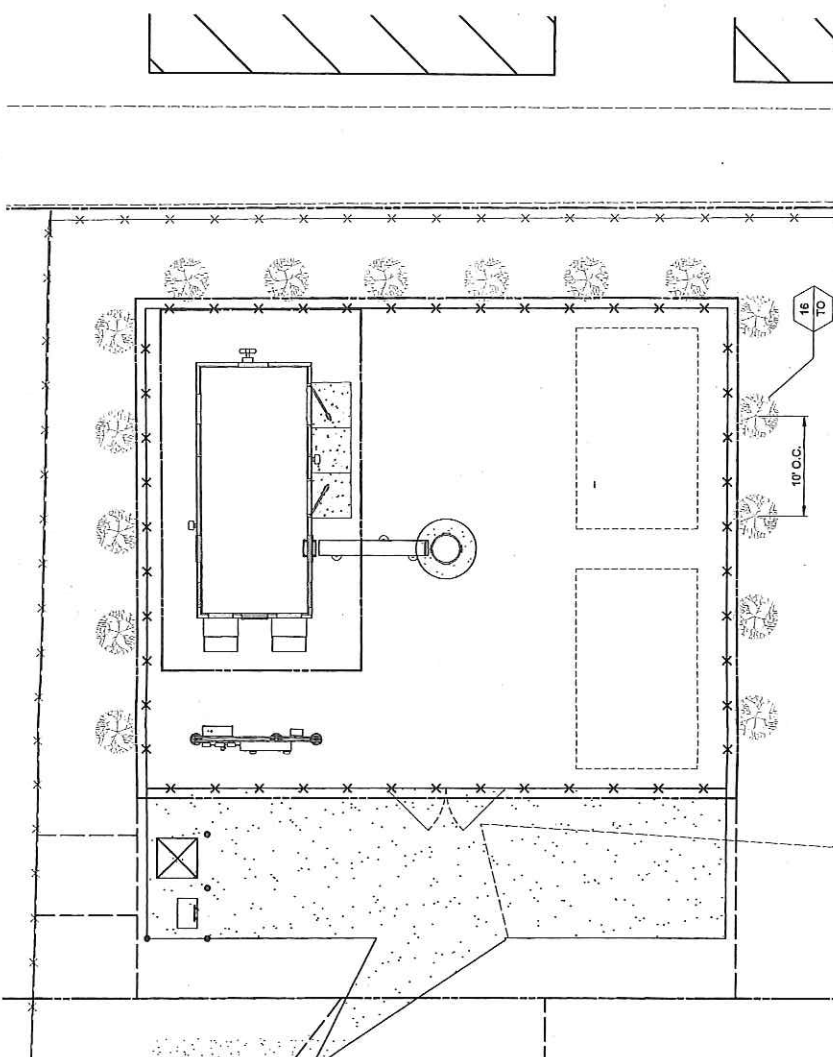
BY
BTE
BTE
TJS

WI-00-5059
WISCONSIN AVENUE
1610 W WISCONSIN AVE
APPLETON, WI 54911

DRAWN BY: B
CHECKED BY: T
DATE: 9/16/15
PROJECT #: 50-1

SHEET TITLE
LANDSCAPE PLAN

SHEET NUMBER
L-1



PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	COMMENTS
TO	THUJA OCCIDENTALIS	AMERICAN ARBORVITAE	16	8 FT. HT. MIN.	B & B (BAILED & BURLAPPED)

(IF NOT ARBORVITAE (MOST COMMON) REFER TO "DURR'S HARDY" LANDSCAPE BOOK AND/OR INTERNET SEARCH ENGINE FOR SYMBOL, BOTANICAL COMMON NAME. REMOVE THIS NOTE WHEN DONE)



1610 West Wisconsin Avenue - Central State Tower III, LLC
Special Use Permit
Tower for Wireless Telecommunication Services



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 22, 2015

Common Council Meeting Date: July 1, 2015

Item: Special Use Permit #6-15 for a restaurant with alcohol sales

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Property owner: Bell Heights Development - Jim Smith, Managing Partner
Applicant: Guang Hai Chen

Building Address/Parcel #: 1000 West Wisconsin Avenue / 31-5-2676-00

Tenant Suite Address #: Unit #3

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

BACKGROUND

Site Plan #01-58 was approved for the construction of the existing multi-tenant building and parking lot.

STAFF ANALYSIS

Existing Site Conditions: The existing building is 27,535 square feet in area. The proposed restaurant with alcohol sales occupies 2,100 square feet of the existing building. Adequate parking exists on the north and south sides of the building for the existing tenants, and two (2) curb cuts exist on West Wisconsin Avenue and Kamps Avenue.

Zoning Ordinance Requirements: In order to obtain a Special Use Permit for alcohol sales and consumption in conjunction with the proposed restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision. This request will not increase existing building area or tenant capacity and, therefore, does not require additional off-street parking spaces because the intensity of the use remains the same.

Operational Information: See attached Plan of Operation and Locational Information.

Surrounding Zoning and Land Uses:

North: R-1B – Single-Family District, Single-Family Residential
South: C-2 – General Commercial District, Commercial and Single-Family Residential
West: C-2 – General Commercial District, Commercial
East: C-2 – General Commercial District, Commercial

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for commercial. The proposed zoning classification is consistent with the City's Comprehensive Plan and is consistent with the purpose and intent of the C-2 General Commercial District.

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.

Findings: This business is located within a building along a major corridor of the City that contains existing retail, professional and personal services. This request serves to expand the range of goods and services provided in the area and facilities continued viability of the commercial corridor.

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

Technical Review Group Report (TRG): This item was reviewed at the June 2, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #6-15 for a restaurant with alcohol sales, **BE APPROVED**, to run with the land, subject to the following conditions:

1. The serving and consumption of alcohol is limited to the interior ground floor of the tenant space identified in blue highlight on the Development Plan dated 6-22-15.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.

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

Business Information:

Name of business: Min Du Buffet

Years in operation: new

Percentage of business derived from restaurant service: 90 %

Type of proposed establishment (detailed explanation of business):

chinese buffet.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	10:30 AM	10:00 PM
Friday	↓	↓
Saturday	↓	↓
Sunday	↓	↓

Serve Alcohol till
9:00pm

Building Capacity and Area:

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

Gross floor area of the existing building(s): 2100 s.f. (Unit Area) Dining Area 820 s.f.

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

Describe Any Potential Noise Emanating From the Proposed Use:

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

None no noise anticipated

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

staff

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

staff

Outdoor Uses:

Location, type, size and design of outdoor facilities:

N/A

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

N/A

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

Are there plans for outdoor music/entertainment? Yes ☐ No ☒

If yes, describe how the noise will be controlled:

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

Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

Outdoor Lighting:Type: Cut off FixturesLocation: Building Parking lot.**Off-Street Parking:**Number of spaces existing: 127Number 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:

N/A

_____**Number of Employees:**

Number of existing employees: _____

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

1000 West Wisconsin Avenue #3
Special Use Permit
Restaurant with Alcohol
Zoning Map

Subject Area

Subject Area

Appleton

City Plan Commission
06-22-15

0 50 100 200 Feet

A horizontal number line with tick marks at 0, 2, 4, 6, 8, and 10. A red dot is placed at the tick mark for 2.

1000 West Wisconsin Avenue #3
Special Use Permit
Restaurant with Alcohol
Zoning Map



Kamps Av

Subject Area

1000

914

W Wisconsin Av

17 1013 1009 1003

919

Story St

5-0578

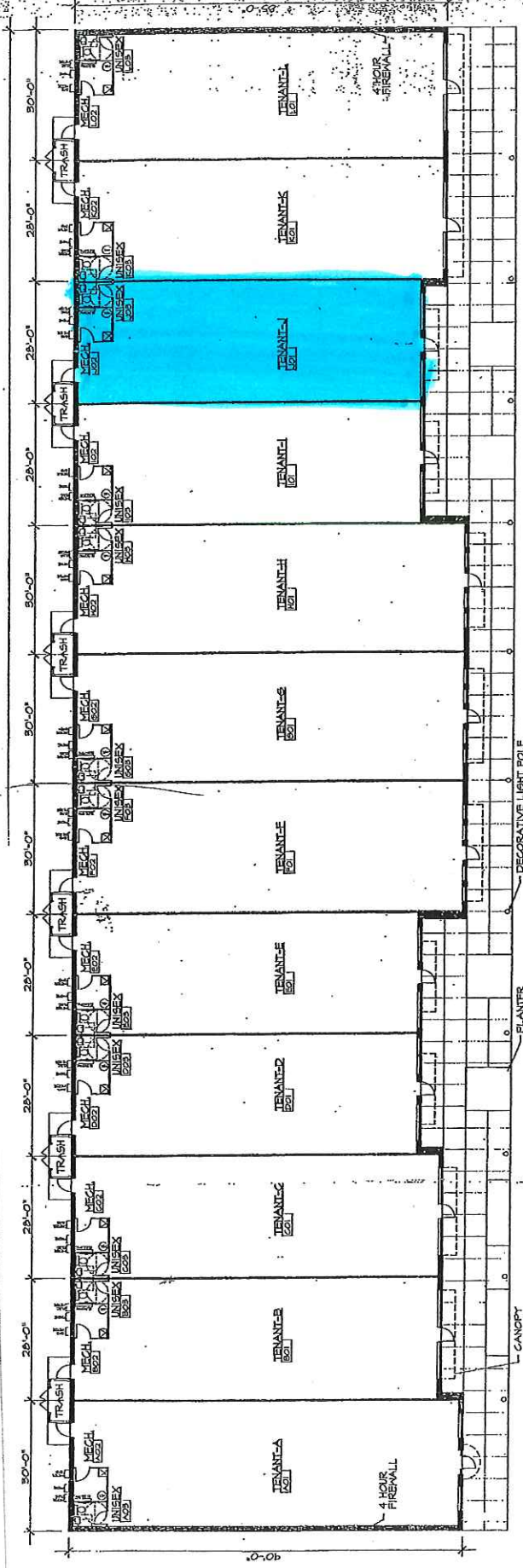
1215



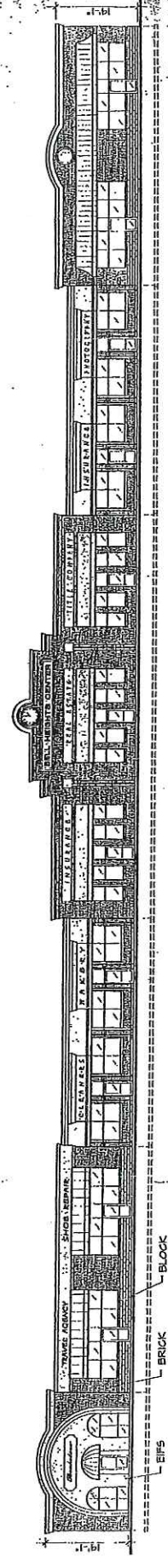
City Plan Commission
06-22-15

0 15 30 60 Feet





FLOOR PLAN
3/32' = 1'-0"



SOUTH ELEVATION
3/32' = 1'-0"

1000 West Wisconsin Avenue #3
Special Use Permit
Restaurant with Alcohol





REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 8, 2015 *held*
June 22, 2015

Item: Resolution #8-R-15 - Dalton/Meltzer

Case Manager: Don Harp

BACKGROUND

At the June 8, 2015 Plan Commission meeting, staff was asked to provide the current beekeeping requirements of the Municipal Code in response to Resolution #8-R-15 - Dalton/Meltzer, which is as follows:

Resolution #8-R-15 - Dalton/Meltzer

"Whereas, the City of Appleton approved amended language to allow for the keeping of honeybees on areas zoned Public Institution in 2011, and areas zoned Urban Farm in 2013,

Whereas, there have been no reported incidents or problems related to the maintained honeybee populations,

Now, Therefore, Be it Resolved, the Appleton Municipal Code 3-52 be amended to include the following language:

"All zoned areas may, with the Health Officer's written consent, maintain up to 5 hives" and approved Beekeeping Permit requirements."

STAFF ANALYSIS

Current Zoning Ordinance Standard/Regulations for Beekeeping:

The current Chapter 23 Zoning Ordinance language does not address the issue of beekeeping within the City of Appleton. All requirements are specified under Chapter 3 Animals.


Current Municipal Code Standard/Regulations for Beekeeping:

The only reference to beekeeping or honeybee hives is located under Chapter 3 Animals, which reads as follows:

Sec. 3-52. Restricted species.

- (b) Upon obtaining a permit issued by the Health Department, up to five (5) honeybee hives may be maintained by a permit holder within areas zoned P-I, Public Institutional District; or, a permit holder may maintain three (3) honeybee hives per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.

Current Beekeeping Requirements and Permit Application:

	HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911 Telephone: 920-832-6429 Fax: 920-832-5853 APIARY PERMIT APPLICATION Effective Date May 1, 2015
PLEASE PRINT	
Date of Application: _____	Anticipated Start Date _____
Applicant Information:	Aplary Information:
Name: _____	Number of Hives: _____
Address: _____	Location of Hive or Hives: _____
City/State/ZIP: _____	Address: _____
Telephone #: _____	City/State/ZIP: _____
E-mail Address: _____	Person in Charge of Aplary: _____

Activity Code	Permit Description	Fee
141	Preinspection Fee: Now Aplary	\$145.00
142	Aplary Permit (Separate Permit Required for each aplary on a Property)	\$59.00

NOTE: The Preinspection Fee is Non-Refundable

Total Amount Due \$ _____

Provide a sketch of the property and the location where the hive or hives will be kept. Include hive distances from property lines, neighboring dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment. Indicate watering location. Indicate flyway barrier location, material and height. Provide documentation of training as a Beekeeper.

Name of Applicant (Print) _____

Signature of Applicant _____ Date _____

Drivers License Number _____

MAKE CHECK OR MONEY ORDER PAYABLE TO CITY OF APPLETON
 SUBMIT APPLICATION AND FEE TO APPLETON HEALTH DEPT.
 100 N APPLETON ST
 APPLETON WI 54911-4799

OFFICE USE	
Date letter sent to property owners within 200 feet of center of proposed aplary _____	
Written Objections Received (attach) _____	Written Objection Deadline _____
Inspector Signature _____	Date _____
Aplary Start Date _____	
Establishment Number (COA#) _____	
License Year _____	Expires June 30, Year _____ Assigned Inspector _____
Amount Paid \$ _____	Check # _____ Account Name: _____

BEEKEEPING PERMIT REQUIREMENTS
(Ref. 3-52 Appleton Municipal Code)

DEFINITIONS:

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPING means intentionally creating, fostering or maintaining a colony of honeybees.

BEEKEEPER means a person who owns or has charge of one or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having, one queen and at times many drones, including brood, combs, honey and the receptacle inhabited by the bees.

HONEY BEE means all life stages of the common domestic honeybee, *Apis mellifera* species.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. GENERALLY.

No person shall keep honeybees in the city without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one-year from July 1 through June 30, and may be renewed annually, except that a permit initially issued during the period beginning March 1 and ending on June 30 expires on June 30 the following year.

2. APPLICATION FOR PERMIT

Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Department and shall contain such information which the Department may prescribe and require and shall be accompanied by payment of the applicable fee.

(a). NEIGHBORHOOD APPROVAL REQUIRED.

Before a permit is issued for the keeping of bees, the following process shall be followed:

1. When a permit is applied for, all property owners within a circular area having a radius of 200 feet, centered on the premises for which a permit has been requested, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.
2. Property owners shall have 14 working days to file a written objection to the Health Officer if they object to the granting of a permit.
3. Upon receipt of a written objection, the matter shall be placed on the Agenda for the Board of Health to be reviewed at the next regular meeting. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. The Board shall make a recommendation to the Common Council regarding approval of said permit.

(b). INSPECTION OF APIARY

Prior to populating the hive or hives, an inspection shall be conducted to ensure compliance with all of the following provisions:

1. ***Up to five (5) honeybee hives may be maintained by a permit holder within areas zoned P-1, Public Institutional District; or, a permit holder may maintain three (3) honeybee hives per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.***
2. All colonies shall be kept in hives with removable frames, which shall be maintained in sound and usable condition.
3. Each apiary shall have the owner's name and address legibly displayed in a prominent place in the apiary. All hives shall be permanently marked with the owners name and address, if located off the property under control of the hive owner.
4. A 6-foot high closed fence, or closed hedge, a building, or other solid flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the hives and the rear and side property lines for all hives located within 30 feet of the property line. A flyway barrier is not needed if the bee hive or hives are kept at least 10 feet off the ground. *Health Officer discretion will be used regarding the need for physical barriers.*

5. A continuous supply of water shall be located on the property where hives are kept, be located near the hive or hives, and be located within the enclosures and flyway barriers. The water source shall be designed to allow bees to access water by landing on a hard surface. This provision is not required during the winter.

6. All hives and related structures that form the apiary shall be located a minimum of 30 feet from the front property line and 10 feet from all other property lines. Hives may not be located in the front yard of any lot.

7. Hives shall be located a minimum of 50 feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.

3. APIARY MAINTENANCE

(a). Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most recent permit holder.

(b). In any instance in which a colony exhibits aggressive or swarming behavior, it shall be the duty of the beekeeper to destroy or re-queen the hive. Queens shall be selected from stock bred for gentleness and non-swarming characteristics. Aggressive behavior is any instance in which unusual characteristics such as stinging or attacking humans or animals without provocation occurs.

(c). The provisions of Sections 3-15 (a), Appleton Municipal Code, do not apply to beekeeping.

4. RIGHT OF ENTRY.

(a). The Health Officer, or his or her designee, may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this section.

(b). If the Health Officer, or his or her designee, finds any hive kept in violation of these requirements, he or she may order the violation corrected within 30 days. If the permit holder fails to correct the violation within 30 days, the hive in violation may be destroyed and/or removed from the municipality by the Health Officer, or his or her designee, and the cost thereof shall be charged back to the property owner as a special charge pursuant to Wis. Stat. § 66.0627.

5. SUSPENSION OR REVOCATION OF PERMIT

The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

6. APPEALS

Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

Approved at the March 2, 2011 Board of Health meeting.

Approved at the March 2, 2011 Common Council meeting.

Amended 3-29-13 to include the 3-20-13 Council approval of beehives at urban farms

Analysis:

The placement of bee hives is addressed through the beekeeping permit process currently in place in Chapter 3 Animals. The existing standards of the permit process provide neighborhood protection through setbacks and limitations on the number of bee hives. Neighboring property owners are notified when a permit has been submitted and the site is evaluated by the Health Department regarding appropriate locations for bee hive placement prior to issuance of a beekeeping permit.

The resolution proposes that all zoned areas, which means every property in the City, may maintain bee hives. A change like this warrants consideration by Health Department staff who has proper knowledge and experience.

Conclusion:

Chapter 3 Animals refers to the Health Department's current processing of beekeeping requests. Amending Chapter 23 Zoning Ordinance to establish standards that have already been established in the permit process outlined above pursuant to Chapter 3 Animals would be confusing and redundant. Health Department staff, as the administrators of the animal code, has specific training and expertise in the management of public health and safety issues.

RECOMMENDATION

Based on this analysis, staff recommends Resolution #8-R-15 – Dalton/Melter, **BE REFERRED** to the Board of Health for further review and consideration of text amendments to Chapter 3 Animals related to Beekeeping of the Municipal Code, if necessary.