



# 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, August 24, 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  
[15-1365](#) City Plan Minutes from 8-10-15

**Attachments:** [City Plan Minutes 8-10-15.pdf](#)

#### 4. Public Hearings/Apearances

- [15-1366](#) Special Use Permit #11-15 for alcohol sales and service for on-site consumption in conjunction with an existing day spa, at 1024 S. Olde Oneida Street, 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 #15-1367)

#### 5. Action Items

- [15-1367](#) Request to approve Special Use Permit #11-15 for alcohol sales and service for on-site consumption in conjunction with an existing day spa, at 1024 S. Olde Oneida Street, 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 #11-15 Staff Review.pdf](#)

[15-1368](#)

Request to approve Minor Amendment to Special Use Permit #4-15 for a tavern with an outdoor seating area with alcohol sales, service and consumption (change the depth of the outside area from 14 feet to 30 feet to match the approved liquor license description), as shown on the attached map and per attached plan of operation, to run with the land at 223 E. College Avenue subject to the conditions in the attached staff report (No Council action required)

**Attachments:** [Minor Amendment SUP #4-15 Staff Review.pdf](#)

**6. Information Items**

**7. Adjournment**

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

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



# City of Appleton

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

## Meeting Minutes - Final City Plan Commission

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

---

Monday, August 10, 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

*Mayor Hanna arrived at 4:02 p.m.*

*P. Vandehey sat on the Commission for this meeting (in place of R. Buetow).*

**Present:** 5 - Mayor Hanna, Buetow, Konetzke, Usabar and Priddis

**Excused:** 1 - Dukelow

*Others present:*

*Aldersperson Christine Williams, District #10*

*Aldersperson Jeff Jirschele, District #15*

*Rev. April Kain-Breese, Unity (Church) of Appleton*

*Rob Heil, 1725 S. Carpenter Street, Appleton*

*Tom Schneider, TSS Property Management/Child's Choice Learning Center*

*John Palukowski, Board President, Unity of Appleton*

3. Approval of minutes from previous meeting

[15-1287](#)

City Plan Minutes from 7-20-15

**Attachments:** [City Plan Minutes 7-20-15.pdf](#)

**Usabar moved, seconded by Priddis, that the Minutes be approved. Roll Call.**

**Motion carried by the following vote:**

**Aye:** 4 - Buetow, Konetzke, Usabar and Priddis

**Excused:** 2 - Dukelow and Mayor Hanna

4. **Public Hearings/Apearances**

[15-1288](#)

Special Use Permit #9-15 for a community hall and restaurant with outdoor seating with alcohol sales and service, at 1804 S. Lawe Street, 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 #15-1289)

**This Appearance was presented.**

[15-1290](#)

Special Use Permit #10-15 for a restaurant with alcohol sales and service, at 338 W. 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 #15-1291)

**This Appearance was presented.**

## 5. Action Items

[15-1289](#)

Request to approve Special Use Permit #9-15 for a community hall and restaurant with outdoor seating with alcohol sales and service, at 1804 S. Lawe Street, 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 #9-15 Staff Review.pdf](#)

*Aldersperson Konezke amended the motion to preclude alcohol sales and service on the front side (outside) of the building should the applicant ask for this additional space in the future. Vandehey seconded the amendment. Amendment failed 1-Konezke/4-Mayor Hanna, Priddis, Uslabar, Vandehey*

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

**Aye:** 5 - Mayor Hanna, Buetow, Konezke, Uslabar and Priddis

**Excused:** 1 - Dukelow

[15-1291](#)

Request to approve Special Use Permit #10-15 for a restaurant with alcohol sales and service, at 338 W. 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 #10-15 Staff Review.pdf](#)

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

**Aye:** 5 - Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

**Excused:** 1 - Dukelow

**6. Information Items**

**7. Adjournment**

**Vandehey moved, seconded by Mayor Hanna, that the meeting be adjourned at 4:40 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

**Excused:** 1 - Dukelow



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** August 24, 2015

**Common Council Meeting Date:** September 2, 2015

**Item:** Special Use Permit #11-15 for a Day Spa with Alcohol Sales and Service

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** Lacy Hardy, owner/applicant

**Address/Parcel #:** 1024 South Olde Oneida Street / 31-4-0399-00

**Petitioner's Request:** The applicant is requesting a Special Use to permit the sale and service of alcohol for on-site consumption in conjunction within an existing day spa.

### BACKGROUND

On August 3, 2015, the applicant filed a Class B Beer/Class C Wine license with the City Clerk's Office. A liquor license has been applied for and was held at the August 12, 2015 Safety and Licensing Committee meeting.

### STAFF ANALYSIS

**Existing Site Conditions:** The property is developed with an existing building and off-street surface and garage parking. This request will not increase the building footprint, business 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:** The Sunflower Spa has been in operation at this location for the past 11 years. No changes to the operation will occur except for the addition of alcohol service for customers of the spa. See attached Plan of Operation and Locational Information.

**Proposed Outdoor Area:** A proposed outdoor area with alcohol sales and service (approximately 35' x 15') is located on a patio/deck on the top floor of the building, accessible from inside the building only.

**Off-Street Parking Requirements:** The off-street parking requirements are satisfied.

**Ordinance Requirements:** In order to permit the sale of alcohol for on-site consumption in conjunction with an existing day spa, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A 2/3 vote of the Common Council is required for approval.

## Special Use Permit #11-15

August 24, 2015

Page 2

### Surrounding Zoning and Land Uses:

North: C-2 General Commercial District – Commercial uses

South: R-1B Single-family District and R-3 Multi-family District – Residential uses

West: C-O Commercial Office District – Commercial office uses

East: R-3 Multi-family District – Residential uses

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area to be used for mixed use purposes. 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.
- **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.

### Economic Development Element

- 9.1 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.
- 9.1.2 Work with the existing business community to help identify and tap opportunities for expansion.

**Findings:** This expansion of service is consistent with the above-mentioned goals and objectives and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages to enhance the spa experience of patrons.

**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, as long as all stipulations are satisfied. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested conditions of approval, the proposed sale and service of alcoholic beverages at the existing day spa should not result in increased safety or noise issues, above that expected in a commercial zoning district.

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

**RECOMMENDATION**

---

Staff recommends, based on the above, that Special Use Permit #11-15 for a day spa with alcohol sales and service, **BE APPROVED**, to run with the land, subject to the following conditions:

1. 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.
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. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

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

**Business Information:**

Name of business: Sunflower Spa LLC

Years in operation: 11

Percentage of business derived from restaurant service: 0 %

Type of proposed establishment (detailed explanation of business):

Day spa

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

Day	From	To
Week Day	9	9
Friday	9	9
Saturday	9	6
Sunday	<del>closed</del>	

**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): 4500

Gross floor area of the proposed building(s): 4500

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

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

None

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

NO noise

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

Yes, there is a few businesses that use the space as well. Have not had any problems.

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

Rooftop patio

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

Fence

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:

shut down @ 9 PM

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	9	9
Friday	9	9
Saturday	9	6
Sunday	closed	

**Outdoor Lighting:**

Type: Yes

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

**Off-Street Parking:**

Number of spaces existing: 10

Number of spaces proposed: ~~75~~

**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:

Stone Celler  
Comedy Club  
Riverside

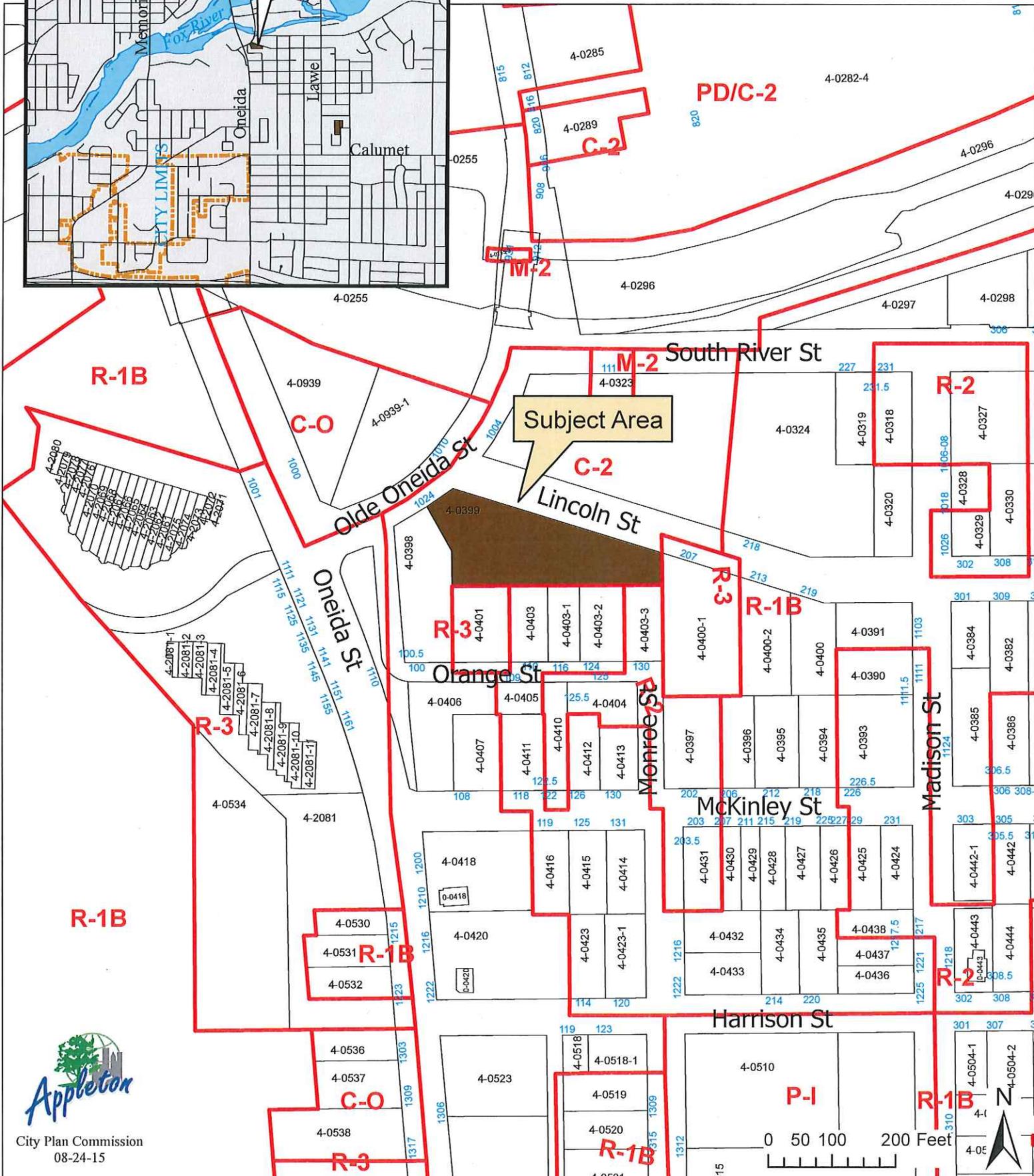
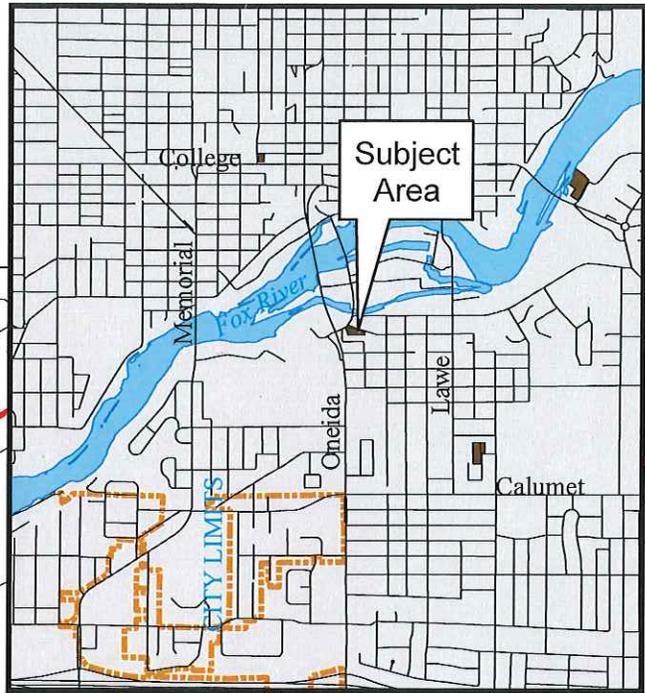
**Number of Employees:**

Number of existing employees: 4

Number of proposed employees: 4

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

1024 South Olde Oneida Street  
 Special Use Permit for a Day Spa  
 with Alcohol Sales and Service  
 Zoning Map



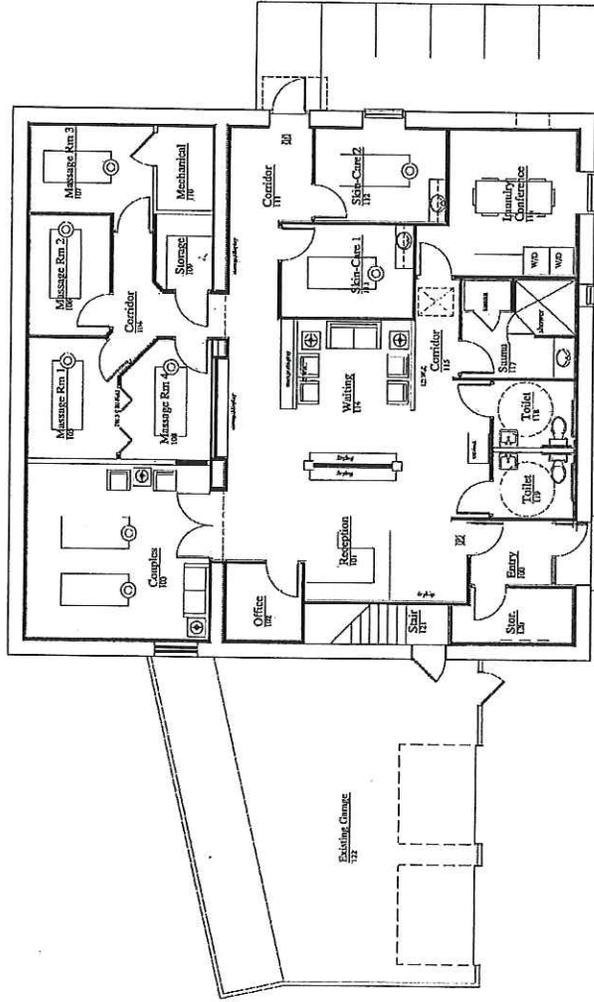
06.06.2008  
STATE REVIEW

TOM W. WEIKLFOHN, III AIA  
ARCHITECT  
113 South Main Street  
Fond du Lac, Wisconsin  
P (920) 923-3163

Remodeling for Lacy Hardy  
**Sunflower Spa**  
1024 South Olde Oneida Street  
Appleton, WI

2008.11

4 of 4

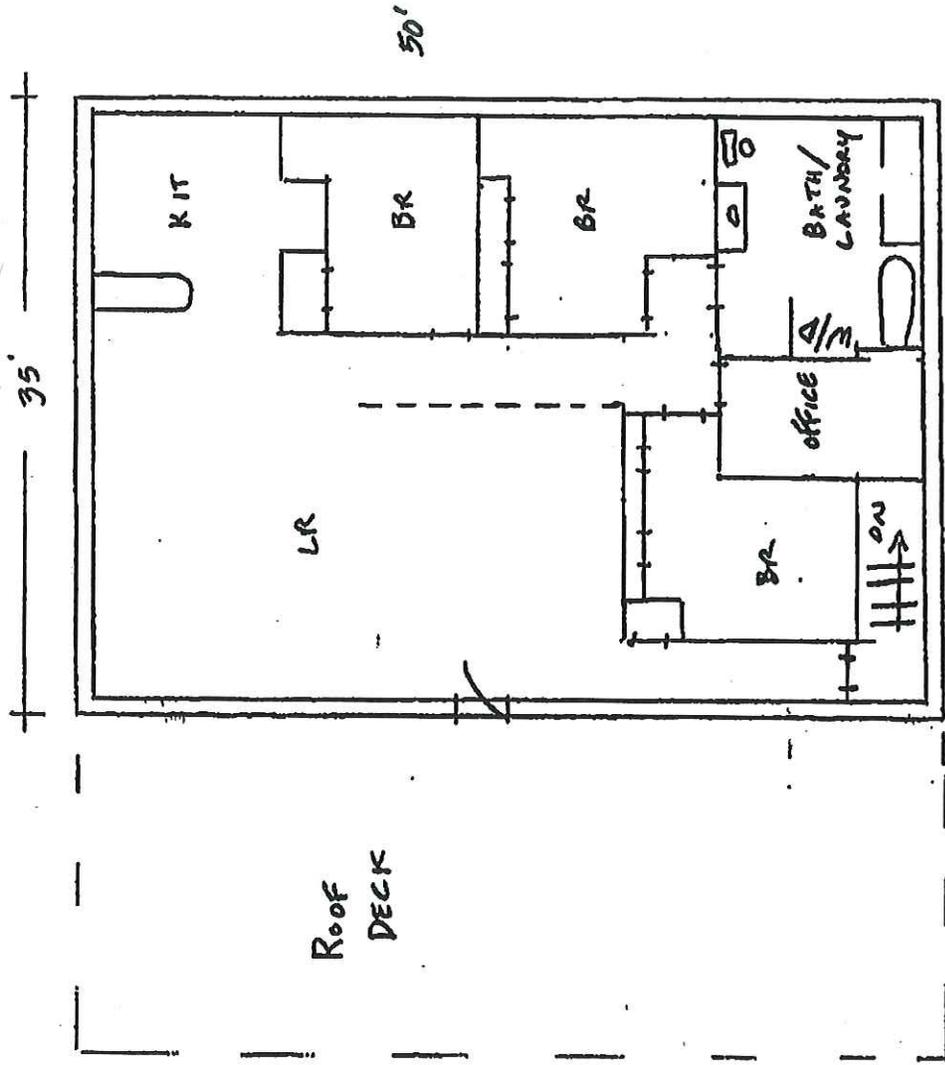


Proposed Furniture Plan  
1/4" = 1'-0"  
North

Field Verify Any & All Construction w/ Owner

1024 South Olde Oneida Street  
Special Use Permit for a Day Spa  
with Alcohol Sales and Service





SECOND FLOOR

1024 South Olde Oneida Street  
 Special Use Permit for a Day Spa  
 with Alcohol Sales and Service





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 24, 2015

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

**Item:** Minor Amendment to Special Use Permit #4-15 for a tavern and outdoor patio with alcohol sales and consumption

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** Jay J. Plamann, property owner/applicant

**Building Address/Parcel #:** 223 East College Avenue / 31-2-0022-00

**Petitioner's Request:** The applicant is requesting a Minor Amendment to Special Use Permit #4-15 to change the depth of the outside area from 14 feet to 30 feet to match the approved liquor license description.

### BACKGROUND

Jim's Place tavern has operated at this location for the past 18 years. Special Use Permit #4-15 was approved for the tavern and an outdoor patio area with alcohol sales and consumption at this location by the Plan Commission on June 8, 2015, and approved by the Common Council on June 17, 2015 subject to the following:

1. Any deviations from the approved Development Plan or Operational Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
2. The applicant shall submit plans to the Community and Economic Development Department for the outdoor patio fencing for review and approval by staff prior to commencing outdoor alcohol sales and consumption.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances, and regulations, including but not limited to, Fire and Building Codes and the Health and Noise Ordinances, shall be complied with.

### STAFF ANALYSIS

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

## Minor Amendment Special Use Permit #4-15

August 24, 2015

Page 2

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

- The patio area will be defined with built-in planter boxes.

### Surrounding Zoning and Land Uses:

- North: Zoning: CBD, Central Business District  
Current Land Use – Retail
- South: Zoning: CBD, Central Business District  
Current Land Use – YMCA
- East: Zoning: CBD, Central Business District  
Current Land Use – YMCA & Retail
- West: Zoning: CBD, Central Business District  
Current Land Use – Retail

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area to be used for Central Business District uses. The proposed zoning classification is consistent with the City's Comprehensive Plan and is consistent with the purpose and intent of the CBD Central Business 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.

**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 expansion of the outdoor patio 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 #4-15, as the subject site will continue to be used for a tavern and outdoor seating area with alcohol sales and consumption.*

**Minor Amendment Special Use Permit #4-15**

**August 24, 2015**

**Page 3**

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

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

**RECOMMENDATION**

---

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #4-15, for a tavern 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 subject to the following conditions:

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

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

Business information:

Name of Business: Jims Place

Years in operation: 18

Percentage of business derived from restaurant service: 0 %

Type of the proposed establishment (detailed explanation of business): \_\_\_\_\_

ADD AN OUTDOOR PATIO APPROX. 25' x 30'  
FENCED IN LOCATED UNDER UPSTAIRS OVERHANG

Hours of Operation: 4- Close Days of Operation: 6

Noise, crowd, parking lot control methods: WE DONT USE LOUD  
MUSIC, SO NOT AN ISSUE. DOOR/BARRIER ON WEEKENDS

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: 99 persons.

Outdoor uses:

Location, type, size and design of outdoor facilities: APPROXIMATELY ~~20' x 25'~~ 30' x 25'  
~~LOCATED UNDER UPSTAIRS OVERHANG~~ w/ 9' FT FENCING, REMOVABLE

Type and height of screening: plantings/fencing/gating ~~4' SLAT FENCING~~ 4' SLAT FENCING

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

Hours of Operation: 4PM - CLOSE Days of Operation: MON - SAT

Are there plans for outdoor music/entertainment? Yes  No

If yes, describe soundproofing measures: WILL HAVE ACOUSTIC ONLY  
~~ACUSTIC ONLY~~

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

Outdoor lighting:

Type: STRING LIGHTS

Location: FROM OVERHANG

**Off-street parking:**

Number of spaces provided 5.

**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 taverns: WOODEN NICKEL, DR. JENYCS

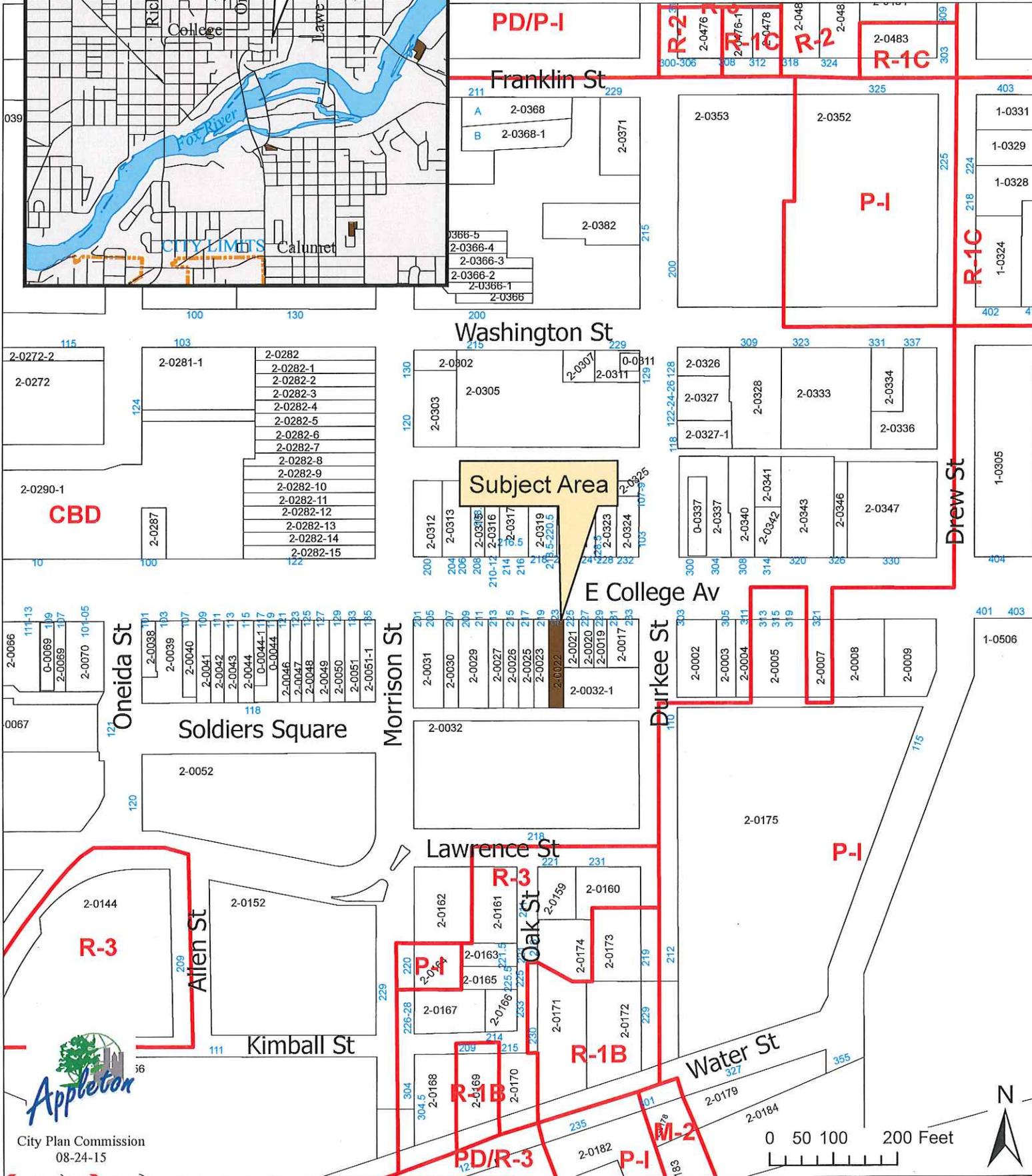
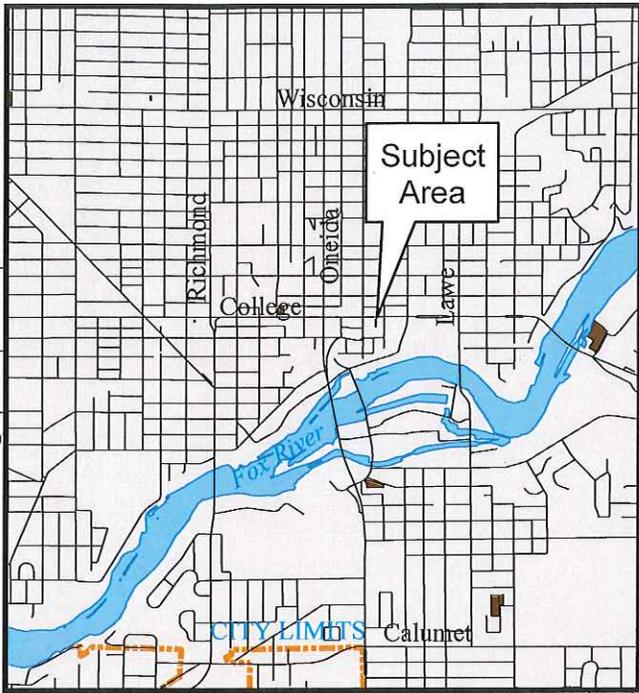
---

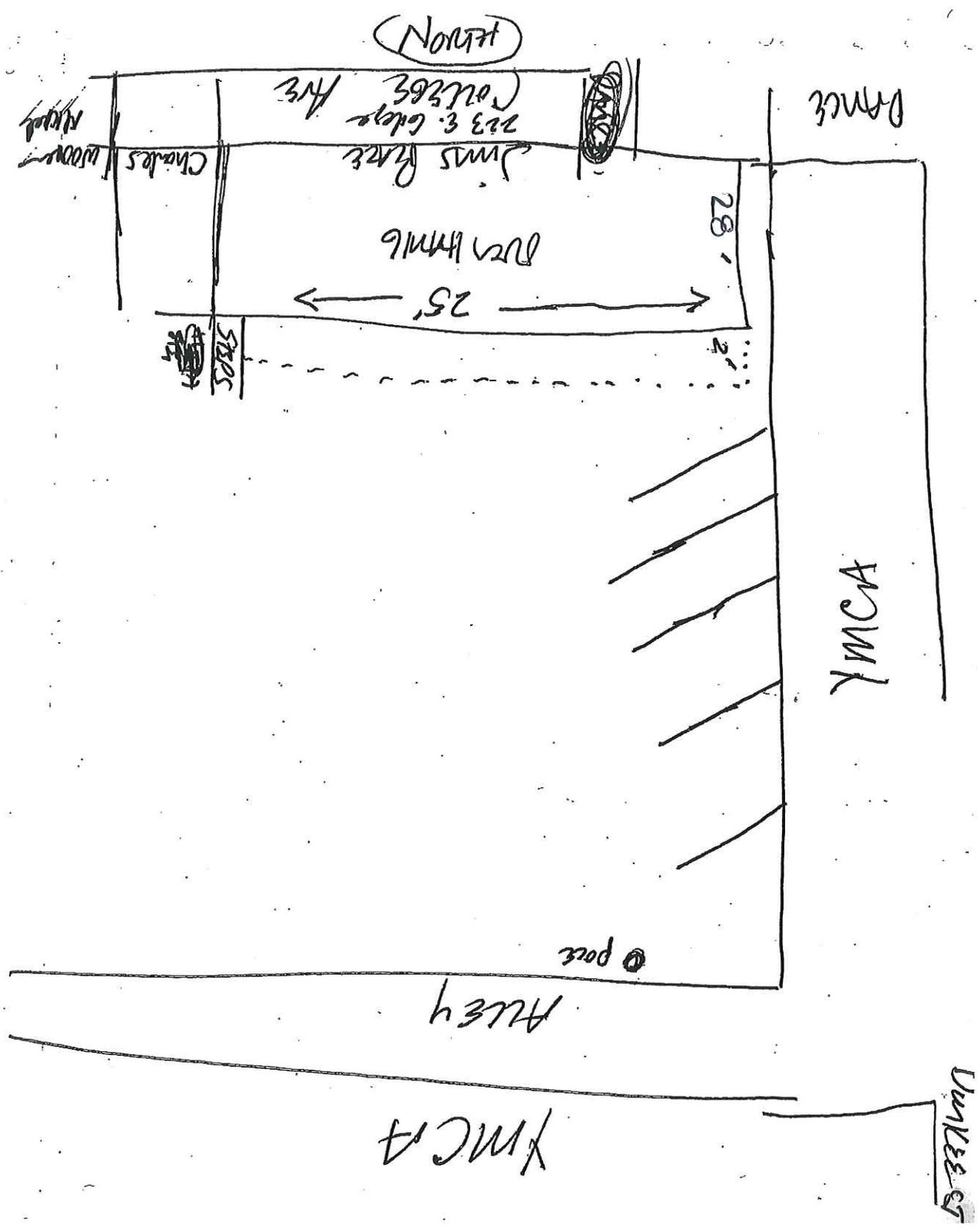
**Amusement Devices:**

Number of video games: \_\_\_\_\_ Pool Tables: 0

Other amusement devices: 2 DART BOARDS

223 East College Avenue  
 Minor Amendment to Special Use Permit #4-15 - Jim's Place  
 Tavern and Outdoor Patio Area with Alcohol Sales  
 Zoning Map





223 East College Avenue  
 Minor Amendment to Special Use Permit #4-15 - Jim's Place  
 Tavern and Outdoor Patio Area with Alcohol Sales