



City of Appleton

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

Meeting Agenda - Final City Plan Commission

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

Tuesday, June 13, 2017

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[17-813](#) City Plan Minutes from 5-23-17

Attachments: [City Plan Minutes 5-23-17.pdf](#)

4. Public Hearings/Appealances

[17-817](#) Special Use Permit #6-17 for an essential services facility (utility substation) and electronic tower located at 419 E. Winnebago Street (Tax Id #31-1-0108-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #17-818)

[17-819](#) Rezoning #3-17 for the Fourth Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District (Associated with Action Item #17-820)

5. Action Items

[17-818](#) Request to approve Special Use Permit #6-17 for an essential services facility (utility substation) and electronic tower located at 419 E. Winnebago Street (Tax Id #31-1-0108-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport_WeEnergiesWinnebagoSt_SUP_For06-13-17.pdf](#)

- [17-820](#) Request to approve Rezoning #3-17 for the Fourth Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_Rezoning #3-17_FourthAddtoEmeraldValley.pdf](#)

- [17-821](#) Request to approve the Fourth Addition to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_Preliminary Plat_FourthAddtoEmeraldValley.pdf](#)

- [17-822](#) Request to approve Minor Amendment to Special Use Permit #11-05 to allow alcohol consumption within a 265 square foot outdoor area along the east side of the building located at 1350 W. College Avenue (Tax Id #31-5-1775-00) as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (No Council action required)

Attachments: [Staff Report_SUP #11-05 Amendment Tandem Wine & Beer.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

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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.*

Tuesday, May 23, 2017

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:03 p.m.

2. Roll call of membership

Present: 5 - Buetow, Uslabar, Rabec, Martin and Palm

Excused: 1 - Mayor Hanna

Others present:

Jim Scandin, 9 Lawrence Court

Lucy Lonadier, Tempest Coffee

Stephan Witchell, Tempest Coffee

Chester & Linda Kamark, 418 N. Camellia Lane

Jared & Jennifer Trickey, 424 N. Camellia Lane

Genevieve Rabec, 821 N. Division Street

London Rabec, 821 N. Division Street

Brian Tomaszewski, M.T. Pockets, 2906 E. Newberry Street

Katie Forman, Board & Brush Creative Studio

Nate Jochman, 2828 E. Newberry Street

3. Approval of minutes from previous meeting

[17-749](#)

City Plan Minutes from 5-8-17

Attachments: [City Plan Minutes 5-8-17.pdf](#)

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

Motion carried by the following vote:

Aye: 5 - Buetow, Uslabar, Rabec, Martin and Palm

Excused: 1 - Mayor Hanna

4. Public Hearings/Appearances

[17-750](#) Special Use Permit #4-17 to allow alcohol sales and service in conjunction with a woodworking studio located at 109 North Durkee Street (Tax Id #31-2-0325-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #17-751)

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

[17-752](#) Special Use Permit #5-17 to allow alcohol sales and service in conjunction with an existing restaurant and outdoor patio located at 181 South Riverheath Way (Tax Id #31-4-0828-06), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #17-753)

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

[17-754](#) Rezoning #2-17 to rezone 301 West Lawrence Street (Jones Park) (Tax Id #31-2-0119-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from P-I Public Institutional District to CBD Central Business District (Associated with Action Item #17-755)

This public hearing was held, and one person spoke on the item.

5. Action Items

[17-751](#) Request to approve Special Use Permit #4-17 to allow alcohol sales and service in conjunction with a woodworking studio located at 109 North Durkee Street (Tax Id #31-2-0325-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport SpecialUsePermit #4-17 Board&Brush.pdf](#)

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

Aye: 5 - Buetow, Uslabar, Rabec, Martin and Palm

Excused: 1 - Mayor Hanna

[17-753](#)

Request to approve Special Use Permit #5-17 to allow alcohol sales and service in conjunction with an existing restaurant and outdoor patio located at 181 South Riverheath Way (Tax Id #31-4-0828-06), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport_TempestCoffeeCollective_SUP_For05-23-17.pdf](#)

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

Aye: 5 - Buetow, Uslabar, Rabec, Martin and Palm

Excused: 1 - Mayor Hanna

[17-643](#)

Request to approve Special Use Permit #3-17 to conform an existing bar and restaurant and add a new outdoor patio with alcohol sales and consumption located at 2906 East Newberry Street (Tax Id #31-4-4317-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport_SpecialUsePermit #3-17_MT Pockets_For 5-23-17.pdf](#)
 [PublicCommentLetter#1_MTPockets_SUP.pdf](#)
 [PublicCommentLetter#2_MTPockets_SUP.pdf](#)

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

Aye: 5 - Buetow, Uslabar, Rabec, Martin and Palm

Excused: 1 - Mayor Hanna

[17-756](#)

Request to approve the dedication of land for public right-of-way for N. Wayne Street as shown on the attached maps

Attachments: [StaffReport_WayneSt_StreetDedication_For05-23-17.pdf](#)

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

Aye: 5 - Buetow, Uslabar, Rabec, Martin and Palm

Excused: 1 - Mayor Hanna

6. Information Items

[17-755](#)

Request to approve Rezoning #2-17 to rezone 301 West Lawrence Street (Jones Park) (Tax Id #31-2-0119-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from P-I Public Institutional District to CBD Central Business District

Attachments: [StaffReport Rezoning #2-17 JonesPark.pdf](#)

Proceeds to Council on June 21, 2017.

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

Aye: 5 - Buetow, Uslabar, Rabec, Martin and Palm

Excused: 1 - Mayor Hanna

[17-791](#)

Appointment of Adrienne Palm to City Plan Commission

Attachments: [APPT TO PLAN COMM ADRIENNE PALM BIO VACATED TERM 051717.pdf](#)

This Presentation was presented.

7. Adjournment

Uslabar moved, seconded by Martin, that the meeting be adjourned at 4:36 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Buetow, Uslabar, Rabec, Martin and Palm

Excused: 1 - Mayor Hanna



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 13, 2017

Common Council Meeting Date: June 21, 2017

Item: Special Use Permit #6-17 for an essential services facility (utility substation) and electronic tower

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Wisconsin Electric Power Company (We Energies) c/o Matthew Miller

Address/Parcel #: 419 East Winnebago Street (Tax Id #31-1-0108-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for an essential services facility (utility substation) and electronic tower.

BACKGROUND

The applicant's 0.75-acre site is located south of East Winnebago Street and east of North Drew Street, directly adjacent to the railroad right-of-way. An existing utility (electric) substation is currently located immediately east of the subject area. The applicant proposes to replace the existing 34.5 kV–4 kV electric substation on the neighboring site (parcel #31-1-0114-00) with a new 34.5 kV–12 kV electric substation on the subject site. This is part of a larger effort to convert the aging 4 kV system to the modern 12 kV standard. The initial phases of the conversion included the construction of a new 12 kV substation on Northland Avenue and the retirement/removal of the 4 kV substations at Northland Avenue and Wisconsin Avenue.

STAFF ANALYSIS

Project Summary: The applicant proposes to raze the existing buildings and establish an essential services facility (utility substation) and electronic tower on the subject site. Equipment, including transformers, a metal-clad power distribution center, and 75-foot lightning mast, will be enclosed in a fenced area and screened by landscaping, as shown on the attached development plan. The antennas on the lightning mast (electronic tower) are needed for communication between We Energies sites only; no other companies are allowed to co-locate. Two driveways are proposed on East Winnebago Street, with the western-most being the primary entrance. The final grade within the substation yard will be crushed aggregate.

Existing Site Conditions: The site is currently developed with two buildings, with a combined area of approximately 5,220 square feet. According to Assessor's Office records, both buildings were constructed in 1920. Concrete supports that once held above ground tanks for a gas distribution company also remain on the property. The site also includes paved and gravel areas that have been used for off-street parking. Access is currently provided by one curb cut on East Winnebago Street.

Zoning Ordinance Requirements: The subject property has a zoning designation of M-2 General Industrial District. Per Section 23-132(e) of the Municipal Code, an essential services facility (utility substation) and electronic tower require a Special Use Permit in the M-2 District. The definition of essential services, per the Zoning Ordinance, means overhead or underground electrical, gas, steam or water transmission or distribution systems, and collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or systems as are required for the protection of public health, safety or general welfare, including: utility substations, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables and similar improvements. An electronic tower, per the Zoning Ordinance, means radio, television, broadcasting tower or station, microwave and other electronic transmission or receiving tower in excess of 60 feet (from ground level) in height. Electronic towers shall not include wireless telecommunication towers or facilities. In order to permit an essential services facility (utility substation) and electronic tower, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Pursuant to Sections 23-66(h)(1) and 23-66(h)(2) of the Municipal Code, there are minimum standards that apply to electronic towers and utility substations. Based on the attached development plan, all identified buildings and equipment would be located outside of any required setbacks, a fence enclosure and landscaping would prevent unauthorized access and provide visual screening, and noise levels would not exceed 60 decibels at any lot line of the subject property. While landscaping is already proposed along the west side of the subject site, given that residential properties are also located across the street, a stipulation is drafted requiring landscaping along the north side of the subject site as well. Therefore, the minimum standards would be met, as long as all stipulations are satisfied. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

The legal description for the subject area includes multiple lots, and as a result, historic lot lines still remain. Since the proposed development crosses these historic lot lines, a lot combination via Certified Survey Map (CSM) will be needed.

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

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

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

South: M-2 General Industrial District. Railroad right-of-way is immediately south of the subject property.

East: M-2 General Industrial District. The adjacent land uses to the east are currently a mix of industrial uses, including an existing utility substation.

West: R-2 Two-Family District and R-1C Central City Residential District. The adjacent land uses to the west are currently a mix of two-family and single-family residential.

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

Goal 5 – Utilities and Community Services

Appleton will provide excellent public utility and community services at a reasonable cost, and will work with private utility companies to ensure quality service delivery.

OBJECTIVE 7.2 Utilities and Community Facilities:

Ensure that municipal services and utilities, as well as privately distributed energy sources are delivered in a safe and sustainable manner.

OBJECTIVE 10.2 Land Use:

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

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6), 23-66(h)(1), and 23-66(h)(2) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the May 23, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #6-17 for an essential services facility (utility substation) and electronic tower at 419 East Winnebago Street (Tax Id #31-1-0108-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
2. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
4. The minimum standards for an electronic tower found in Section 23-66(h)(1) of the Municipal Code shall be complied with, as applicable.
5. If electrical interference occurs after the lightning mast with antennas (electronic tower) begins operation or if interference is anticipated, the applicant shall provide appropriate steps to eliminate

said interference.

6. Along the west and north side of the site, except where gates are shown, minimum landscaping shall consist of at least one row of evergreen trees or shrubs, at least four feet high at the time of planting, which are spaced not more than 10 feet apart and planted within 25 feet of the site boundary.
7. The minimum standards for a utility substation found in Section 23-66(h)(2) of the Municipal Code shall be complied with, as applicable.
8. A security fence around the perimeter of the transformers, power distribution center, lightning mast with antennas, and other related equipment shall be continuously maintained to provide for visual screening and safety.
9. The level of noise emanating from the utility substation shall not exceed 60 decibels measured at any lot line of the subject property.
10. The driveways accessing the subject site shall be paved from the lot line and up to the entrance gates of the utility substation compound to be compatible with adjacent paved driveway surfaces and to control dust, drainage, and weeds.
11. Approval is needed from the Appleton Redevelopment Authority, as the subject property is within the boundaries of Appleton Redevelopment Project Area #21.
12. The legal description for the subject area includes multiple lots, and as a result, historic lot lines still remain. Since the proposed development crosses these historic lot lines, a lot combination via Certified Survey Map is needed.
13. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

RESOLUTION
CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #6-17

WHEREAS, Wisconsin Electric Power Company (We Energies) has applied for a Special Use Permit for a an essential services facility (utility substation) and electronic tower located at 419 East Winnebago Street, also identified as Parcel Number(s) 31-1-0108-00; and

WHEREAS, the location for the proposed essential services facility (utility substation) and electronic tower is located in the M-2 General Industrial District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 13, 2017, on Special Use Permit #6-17 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6), 23-66(h)(1), and 23-66(h)(2) of the Municipal Code, and forwarded Special Use Permit #6-17 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2017 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #6-17 for an essential services facility (utility substation) and electronic tower located at 419 East Winnebago Street, also identified as Parcel Number(s) 31-1-0108-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #6-17

1. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
2. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.

4. The minimum standards for an electronic tower found in Section 23-66(h)(1) of the Municipal Code shall be complied with, as applicable.
5. If electrical interference occurs after the lightning mast with antennas (electronic tower) begins operation or if interference is anticipated, the applicant shall provide appropriate steps to eliminate said interference.
6. Along the west and north side of the site, except where gates are shown, minimum landscaping shall consist of at least one row of evergreen trees or shrubs, at least four feet high at the time of planting, which are spaced not more than 10 feet apart and planted within 25 feet of the site boundary.
7. The minimum standards for a utility substation found in Section 23-66(h)(2) of the Municipal Code shall be complied with, as applicable.
8. A security fence around the perimeter of the transformers, power distribution center, lightning mast with antennas, and other related equipment shall be continuously maintained to provide for visual screening and safety.
9. The level of noise emanating from the utility substation shall not exceed 60 decibels measured at any lot line of the subject property.
10. The driveway accessing the subject site shall be paved from the lot line and up to the entrance gates of the utility substation compound to be compatible with adjacent paved driveway surfaces and to control dust, drainage, and weeds.
11. Approval is needed from the Appleton Redevelopment Authority, as the subject property is within the boundaries of Appleton Redevelopment Project Area #21.
12. The legal description for the subject area includes multiple lots, and as a result, historic lot lines still remain. Since the proposed development crosses these historic lot lines, a lot combination via Certified Survey Map is needed.
13. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Adopted this _____ day of _____, 2017.


Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

Map Details:

- Streets:** E Winnebago St, E Hancock St, E Atlantic St, N Drew St, N Bateman St, N Union St.
- Zoning Districts:** R-1C, R-1B, R-1, R-2, M-2, PD/R-3, CB.
- Subject Area:** A yellow box labeled "Subject Area" points to lot 1-0108, which is part of a larger brown-shaded area.
- Scale:** 0 to 200 Feet.
- North Arrow:** Located in the bottom right corner.
- Lot Numbers:** Various lot numbers are shown, including 1-0103, 1-0106, 1-0107, 1-0109, 1-0110, 1-0111, 1-0112, 1-0113, 1-0133, 1-0297, 1-0232, 1-0231, 1-0229, 1-0233, 1-0234, 1-0235, 1-0236, 1-0237, 1-0238, 1-0240, 1-0239, 1-0145, 1-0144, 1-0143, 1-0146, 1-0156, 1-0157, 1-0155, 1-0154, 1-0159, 1-0158, 1-0153, 1-0152, 1-0151, 1-0150, 1-0149, 1-0148, 1-0147, 1-0146, 1-0145, 1-0144, 1-0143, 1-0142, 1-0141, 1-0140, 1-0139, 1-0138, 1-0137, 1-0136, 1-0135, 1-0134, 1-0133, 1-0132, 1-0131, 1-0130, 1-0129, 1-0128, 1-0127, 1-0126, 1-0125, 1-0124, 1-0123, 1-0122, 1-0121, 1-0120, 1-0119, 1-0118, 1-0117, 1-0116, 1-0115, 1-0114, 1-0113, 1-0112, 1-0111, 1-0110, 1-0109, 1-0108, 1-0107, 1-0106, 1-0105, 1-0104, 1-0103, 1-0102, 1-0101, 1-0100, 1-0099, 1-0098, 1-0097, 1-0096, 1-0095, 1-0094, 1-0093, 1-0092, 1-0091, 1-0090, 1-0089, 1-0088, 1-0087, 1-0086, 1-0085, 1-0084, 1-0083, 1-0082, 1-0081, 1-0080, 1-0079, 1-0078, 1-0077, 1-0076, 1-0075, 1-0074, 1-0073, 1-0072, 1-0071, 1-0070, 1-0069, 1-0068, 1-0067, 1-0066, 1-0065, 1-0064, 1-0063, 1-0062, 1-0061, 1-0060, 1-0059, 1-0058, 1-0057, 1-0056, 1-0055, 1-0054, 1-0053, 1-0052, 1-0051, 1-0050, 1-0049, 1-0048, 1-0047, 1-0046, 1-0045, 1-0044, 1-0043, 1-0042, 1-0041, 1-0040, 1-0039, 1-0038, 1-0037, 1-0036, 1-0035, 1-0034, 1-0033, 1-0032, 1-0031, 1-0030, 1-0029, 1-0028, 1-0027, 1-0026, 1-0025, 1-0024, 1-0023, 1-0022, 1-0021, 1-0020, 1-0019, 1-0018, 1-0017, 1-0016, 1-0015, 1-0014, 1-0013, 1-0012, 1-0011, 1-0010, 1-0009, 1-0008, 1-0007, 1-0006, 1-0005, 1-0004, 1-0003, 1-0002, 1-0001.


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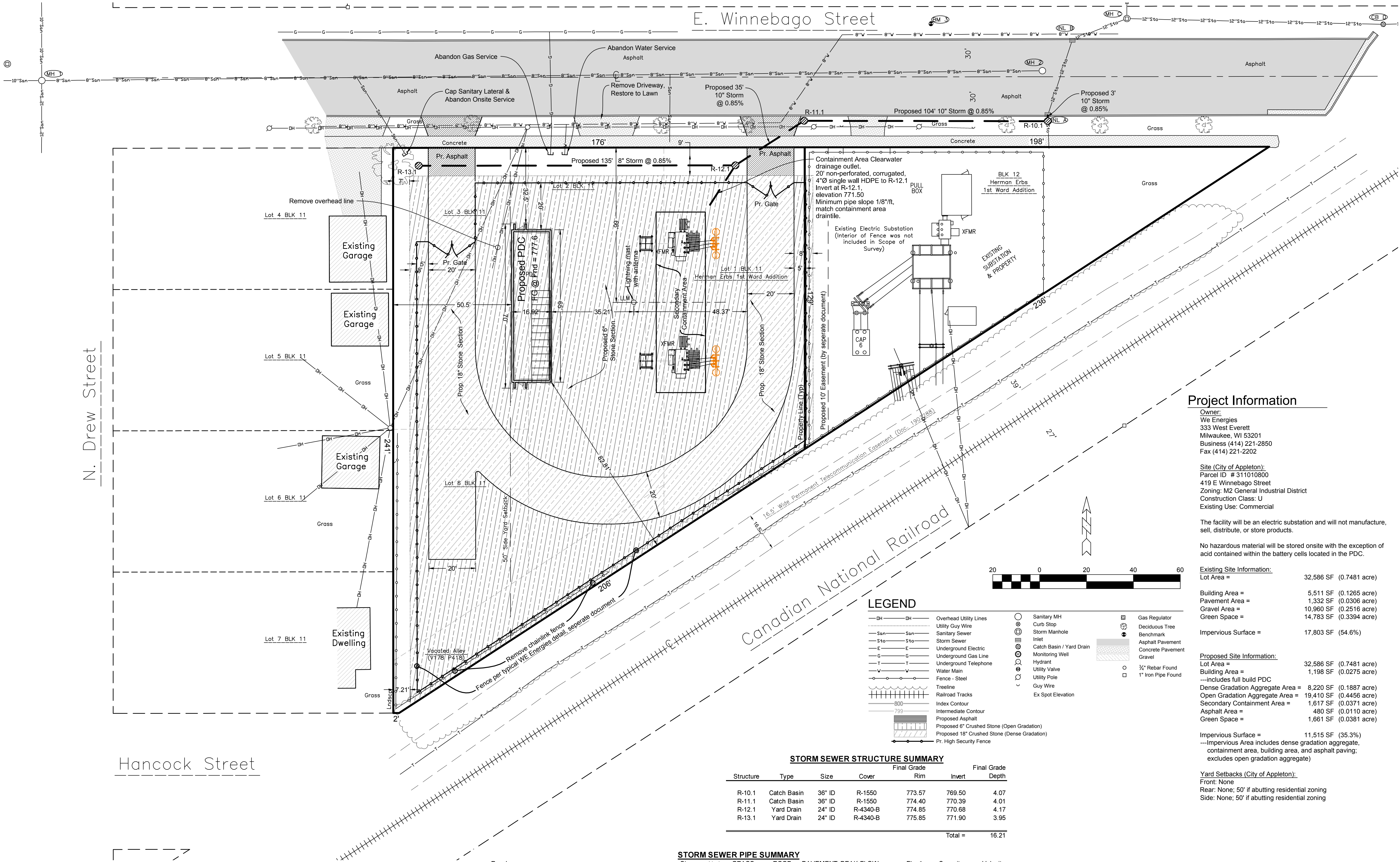
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419 East Winnebago Street
Special Use Permit
Essential Services Facility
(Utility Substation) and Electronic Tower
Aerial Map



City Plan Commission
6-13-17



STORM SEWER PIPE SUMMARY														
Reach		US Inv	DS Inv	Length	Slope	Size	Node	GRASS	ROOF	PAVEMENT	PEAK FLOW	Flow* (cfs)	Capacity (cfs)	Velocity (ft/s)
US	DS					(in)	Drop	AREA (SF)	AREA (SF)	AREA (SF)	GPM			
R-10.1	A	769.50	769.48	3	0.0085	10	0.00	0	0	0	0	1.88	2.19	4.0
R-11.1	R-10.1	770.39	769.50	104	0.0085	10	0.00	0	0	0	0	1.88	2.19	4.0
R-12.1	R-11.1	770.68	770.39	35	0.0085	10	0.00	2007	521	15250	509	1.88	2.19	4.0
R-13.1	R-12.1	771.90	770.75	135	0.0085	8	0.00	3537	1530	7854	335	0.75	1.21	3.5
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Project Information

Owner:
We Energies
333 West Everett
Milwaukee, WI 53201
Business (414) 221-2850
Fax (414) 221-2202

Site (City of Appleton):
Parcel ID # 311010800
419 E Winnebago Street
Zoning: M2 General Industrial District
Construction Class: U
Existing Use: Commercial

The facility will be an electric substation and will not manufacture, sell, distribute, or store products.

No hazardous material will be stored onsite with the exception of acid contained within the battery cells located in the PDC.

Existing Site Information:
Lot Area = 32,586 SF (0.7481 acre)

Building Area = 5,511 SF (0.1265 acre)
Pavement Area = 1,332 SF (0.0306 acre)
Gravel Area = 10,960 SF (0.2516 acre)
Green Space = 14,783 SF (0.3394 acre)

Impervious Surface = 17,803 SF (54.6%)

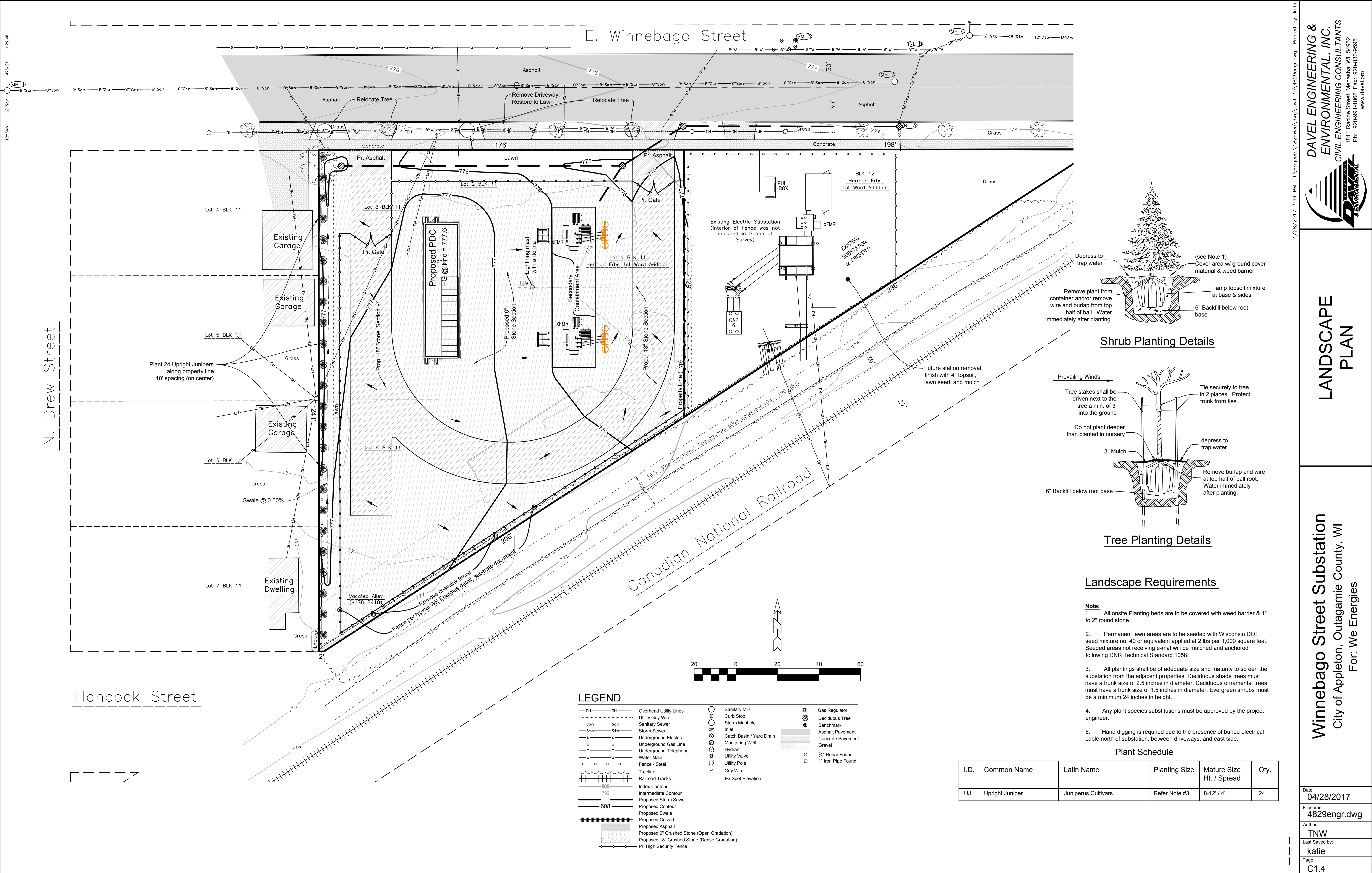
Proposed Site Information:
Lot Area = 32,586 SF (0.7481 acre)
Building Area = 1,198 SF (0.0275 acre)
---includes full build PDC
Dense Gradation Aggregate Area = 8,220 SF (0.1887 acre)
Open Gradation Aggregate Area = 19,410 SF (0.4456 acre)
Secondary Containment Area = 1,617 SF (0.0371 acre)
Asphalt Area = 480 SF (0.0110 acre)
Green Space = 1,661 SF (0.0381 acre)

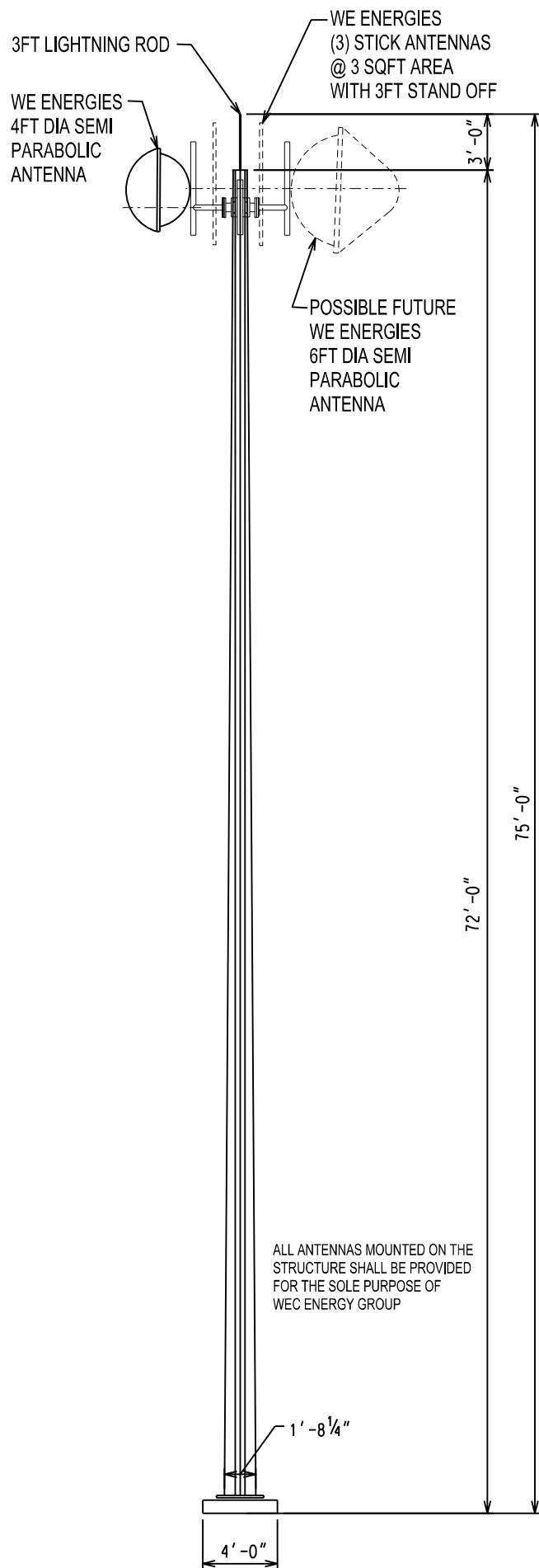
Impervious Surface = 11,515 SF (35.3%)
---Impervious Area includes dense gradation aggregate, containment area, building area, and asphalt paving; excludes open gradation aggregate)

Yard Setbacks (City of Appleton):
Front: None
Rear: None; 50' if abutting residential zoning
Side: None; 50' if abutting residential zoning

SHEET INDEX:

Sheet	Page
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Drainage and Grading Plan	C1.2
Erosion & Sediment Control Plan	C1.3
Landscape Plan	C1.4
Construction Details	C2.1
Erosion Control Details	C2.2





DESIGN MODEL - 4-28-17
LIGHTNING MAST WITH
RADIO EQUIP POLE - 72FT
WINNEBAGO SUBSTATION



Example Substation
Northland Substation from Southwest
(Photo taken 05/01/17)



Example Substation
Northland Substation from Northwest
(Photo taken 05/01/17)



Example Substation
Northland Substation from North
(Photo taken 05/01/17)



Example Substation
Northland Substation from Southeast
(Photo taken 05/01/17)

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information: Wisconsin Electric Power Company d/b/a We Energies
 Name of business: Winnebago Street Substation
 Years in operation: 100+

Type of proposed establishment (detailed explanation of business):

New 34.5KV-12KV electric substation replacing
 existing 34.5KV-4KV Winnebago Substation
 located immediately to the east

Proposed Hours of Operation: None; Occupied only for maintenance

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

or during
 unplanned
 events.

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 NA; Space is not an occupiable building.

Gross floor area of the existing building(s):

Approximately 5,500 sf; All will be demolished prior to construction

Gross floor area of the proposed building(s):

Power Distribution Center (PDC) area is approx 975 sf

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

None

Much of this is covered by equipment

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:

Maximum noise levels for each transformer
are 65dB; Maximum noise occurs
with both transformers on at highest capacity

How will the noise be controlled? (typically during extended periods
of hot weather)

Maximum noise levels are 52.3dB at the
property boundary (summary calculations attached).

Outdoor Lighting:

Type: Downward-shining exterior flood lighting

Location: Above the two entry doors of the PDC and on
the lightning mast/ antenna pole

Off-Street Parking:

Number of spaces existing: Unspecified

Number of spaces proposed: None

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?

Replace single curb cut drive into parcel
with two drives as shown on the Site Plan.

Western-most gate will be primary. Second
gate to be utilized only during major
maintenance or large equipment replacement
projects.

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; Equipment and materials may be temporarily stored at the site during maintenance or repair activities

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

No-cut, no-climb high-security fence per standard WeEnergies design (details attached).

Landscaping adjacent to properties to west and consistent with existing landscaping to north (see Landscape Plan).

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

None

Number of Employees:

Number of existing employees: Unknown - Prior owner is occupying site until June 30.

Number of proposed employees: None

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

Once constructed, the substation will be unmanned except for scheduled maintenance and unscheduled repairs.

PLAN OF OPERATION

WINNEBAGO STREET SUBSTATION

Overview: Wisconsin Electric Power Company, under the trade name We Energies, is proposing to build a new electric distribution substation in the City of Appleton, which we refer to as Winnebago Street Substation. It will replace an existing substation of a similar name (Winnebago Substation). This electric distribution substation takes high voltage electricity from 34.5 kV sub-transmission lines and decreases or “steps down” the voltage to 12 kV. 12 kV feeders from Winnebago Street Substation will be used to deliver electricity to area homes and businesses.

Significant portions of the City of Appleton are currently fed from 4 kV distribution lines extended from six 34.5 to 4 kV substations located throughout the City. The existing 4 kV substations and equipment are nearing the end of their design life. As part of We Energies’ “Deliver the Future” plan, we intend to address all of the 4 kV facilities in Appleton within the next four to five years.

Construction of the new Winnebago Street Substation, which will replace the existing substation located just east of the project site, is the next step in converting the City of Appleton 4 kV system to operate at 12 kV. (The initial phases of the conversion included the construction of Northland Substation on Northland Avenue, retirement/removal of the 4 kV substations at Northland Avenue and Wisconsin Avenue, and line conversion/rebuild projects in the areas of those substations.) The new substation will include modern technology, such as microprocessor-based protective devices and other equipment which will allow remote substation control and monitoring.

As the conversion proceeds, significant portions of the area’s distribution poles and overhead conductors will be replaced. The rebuilt poles and overhead conductor will be more resilient to weather events.

Ultimately, converting the distribution system to 12 kV operation will increase reliability, decrease maintenance, and provide for future growth. When the entire Appleton 4 kV conversion project is completed, we expect to make several of the retired 4 kV substation sites available for sale or redevelopment.

Site Summary: The new substation will consist of two 20 MVA transformer s with eight 12 kV feeders.

The approximate one acre substation parcel will have equipment enclosed in a fenced yard, approximately 175 feet in the east-west direction by 130-240 feet in the north-south direction, or 0.75 acres. In addition to the transformers, the substation yard will also include the following equipment: a pre-assembled, metal-clad power distribution center (“PDC”); high voltage switches and reclosers; high voltage bus equipment; one lightning mast (with antennas for substation control and monitoring); and other associated equipment and structures. Antennas are needed for communication between We Energies sites only, no other companies are allowed to

co-locate. The PDC switchgear houses indoor type circuit breakers and associated controls along with other electrical equipment and instruments. The PDC and other pole-type structures will be a neutral gray color, either painted or galvanized steel.

Downward shining exterior flood lighting will be located above the two entry doors of the PDC and on both lightning masts. The lights will operate as motion-controlled or manually as necessary for construction, security, and maintenance purposes. Security fencing will surround the substation yard - 7'6" in height, using "no-cut" expanded metal fencing material. For additional safety and security, 12" of barbed wire will also be strung at the top of the fence. There will be one sign, identifying the substation and emergency contact information. The sign is expected to be 24" by 32" and will be hung on the fence adjacent to the northwest entrance gate.

Two gates will be installed on the north side of the substation fencing. Access to the substation will occur primarily from the western-most entrance off of Winnebago Street. The second gate is needed to allow larger vehicles to pull completely through the station and to access all major equipment. The final grade within the substation yard will be crushed aggregate. The substation driveway will be gravel inside of the substation with asphalt pavement present outside of the substation fence and adjacent to Winnebago Street.

Construction: Construction of the substation is expected to begin in the fall of 2017, with the primary construction activities completed by the spring of 2018. Limited site restoration activities may not be completed until later in 2018, depending upon weather and the timing for demolition of the old, adjacent substation. Materials and equipment will be delivered directly to the site, by truck, periodically during the periods of construction. Construction activity will occur Monday through Friday, 7:00 a.m. to 5:00 p.m. and as needed on Saturdays 7:00 a.m. to 5:00 p.m. During construction, dust controls will be utilized as needed. Additionally, measures will be taken to keep Winnebago Street clear of construction-related debris. Refuse, generated from the construction activity, will be removed from the site regularly during construction and completely after construction.

Operation: After the substation is placed in-service, the substation will be an unmanned facility. No permanent employees will be located or report to the substation on a daily basis. Employees may access the substation for routine maintenance (non-emergency), normally between the hours of 7:00 a.m. and 5:00 p.m. In addition, substation inspections are performed quarterly by a one or two person crew. In the unlikely event of an emergency, employees may report to the station as necessary. The employees performing maintenance and inspections of the substation typically drive light vans or pick-up trucks. The normal operation of the substation will not produce any future refuse or contaminants to the environment.

Winnebago Street Substation Project Summary

Project Description:

Construction of a new 34.5-12 kV electric distribution substation to replace the current Winnebago Substation and support voltage conversion of the surrounding line distribution area from 4kV to 12kV.

This is the next phase in a series of planned projects to fully convert the City of Appleton's aging 4kV system to operate at the modern 12kV standard.

Project Drivers:

- The existing 4kV substation and equipment is nearing the end of its design life.
- The transformer and switchgear at the existing Winnebago SS is more than 50 years old.
- A large percentage of poles in the distribution area served by this substation are more than 40 years old, many of them more than 50 or even 60 years old.
- Converting the distribution system to 12kV operation will provide for the installation of modern technology that will allow remote substation control and monitoring, increase reliability, and increase capacity to provide for future growth.

New Substation construction overview:

- Construction equipment and layout will be very similar to Northland Substation, constructed on Northland Avenue in 2015/2016.
- We Energies has purchased an approximate 0.75-acre land parcel just west of the existing Winnebago Substation.
- The land consists of a single parcel currently zoned M-2. This zoning is consistent with the City's 2010-2013 Comprehensive Plan, and We Energies does not anticipate a revision to the parcel zoning as part of this project.
- Buildings and other structures currently on the property will be demolished in preparation for substation construction.
- We plan to utilize the majority of the property for the new substation. Once the new substation is constructed, the old adjacent substation will be demolished, and that property (approximately 0.3 acres) would be available for future redevelopment.
- The substation will include installation of two 20MVA transformers, an enclosed power distribution center (PDC), and a lightning mast.
- The substation will occupy an area of approximately 175 feet east to west by 130 to 240 feet north to south and will be surrounded by a 7' 6" "no-cut" expanded metal fence with an additional 12" of barbed wire at the top.
- Modern substation design significantly limits the amount of above-ground construction compared to older substation designs, resulting in improved aesthetics. We Energies will also provide a detailed landscaping plan for this project to assist in this effort.
- Two drives will access the substation, both from Winnebago Street. The western-most drive will be the primary entrance.

Associated line distribution work to be performed concurrently:

- Poles, transformers, overhead conductors, and other service equipment in the surrounding area will also be replaced as part of the broader conversion project.
- This work is currently underway.

Project Schedule:

- We Energies will seek necessary approvals and permits in the spring and summer of 2017 and anticipates beginning construction in the fall of 2017.
- Construction would be complete by mid-2018, with demolition of the existing substation to follow, and be completed by the end of 2018.

Communication Plan:

- We Energies plans contacts with nearby residents that include door to door visits in the immediate vicinity of the planned station and directed mailings that include project contact information to those impacted by the related line work.

04/28/17

Proposed Winnebago Street Substation
We Energies
419 E Winnebago Street, Appleton WI
Property Legal Description

All of Lots One (1), Two (2), Three (3), and Eight (8), in Block Eleven (11), HERMAN ERB'S 1ST WARD ADDITION, City of Appleton, Outagamie county, Wisconsin, according to recorded Assessor's Plat of said City AND that part of the Northwesternly 1/2 vacated alley lying Southeasterly of Lot 2 and 8, in said Block 11, All being located in the Northeast 1/4 of Section 26, township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

05/04/17

Proposed We Energies Winnebago Street Substation
Calculated Noise Level¹ at Property Line in Decibels (dB)

Reference Property Line	Two Transformer Configuration Noise Level (dB)
North	50.12
South	47.28 ²
East	50.04
West	42.81
Worst Case	50.12 ³

Notes:

- ¹ – All calculations assume a 65 dB noise level from each transformer, the maximum acceptable noise limit per the manufacturer's performance specifications for this model of transformer.
- ² – The property is bounded by railroad property to the south.
- ³ – Calculated noise level with both transformers operating at 65 dB (highest allowed noise level per specification) at north property line.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 13, 2017

Common Council Public Hearing Meeting Date: July 19, 2017 (Public Hearing on Rezoning)

Item: Rezoning #3-17 – 4th Addition to Emerald Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Address/Parcel #: Providence Avenue / Part of 31-1-7600-00

Petitioner's Request: The owner/applicant is requesting a zoning change from AG Agricultural District to R-1B Single-Family District to construct the fourth phase of Emerald Valley subdivision.

BACKGROUND

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

STAFF ANALYSIS

Proposed Zoning Classification: The purpose of the R-1B Single-Family Residential District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium-sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Existing Conditions: The portion of the lot to be rezoned is currently undeveloped and zoned AG Agricultural District.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 – R-1B Single-Family Residential District) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*
- Minimum lot width: Fifty (50) feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*

Surrounding zoning and land uses:

North: R-1B Single-Family Residential District and AG Agricultural District – residential uses and undeveloped land
South: R-1B Single-Family Residential District – residential uses
East: R-1B Single-Family Residential District – residential uses
West: AG Agricultural District – undeveloped land

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses.

Overall Community Goals

Goal 1 – Community Growth (Chapter 10)

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: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on the subject site after the platting process has been completed.

Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5)

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

Findings: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on subject site after the platting process has been completed. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels.

5.1 OBJECTIVE: *Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.*

5.3 OBJECTIVE: *Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.*

Findings: The request is consistent with these objectives because the single-family zoning classification will allow the subject site to be developed with residential housing units. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels. The proposal is compatible with the existing single-family dwellings development on adjacent properties.

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

6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods.

6.3.5 Continue to implement the City's On-Street Bike Lane Plan and the Sidewalk Installation Policy as approved by the Common Council to ensure multi-modal transportation opportunities.

Findings: The proposed development will be a continuation of the lot-block pattern and straight street patterns previously established by the earlier phases of Emerald Valley Subdivision. As new homes are built, new sidewalk segments will be installed in this area of the City. Once all sidewalk segments are connected together, opportunities for walking to services, schools, and parks and transit will exist in the area of the City. These objectives and policies appear to be met.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

Findings: The anticipated development is consistent with this objective and policy, as adequate public infrastructure exists in this area of the City.

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

10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

Findings: The proposed development will be contiguous to an existing residential area which can be efficiently served by connecting to existing public infrastructure located in this area of the City.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Single-family uses are already present to the north and east of the subject site. The rezoning request is being made to accommodate the 4th phase of this residential subdivision which will expand this residential neighborhood. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

Technical Review Group Report (TRG): This item was discussed at the May 23, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

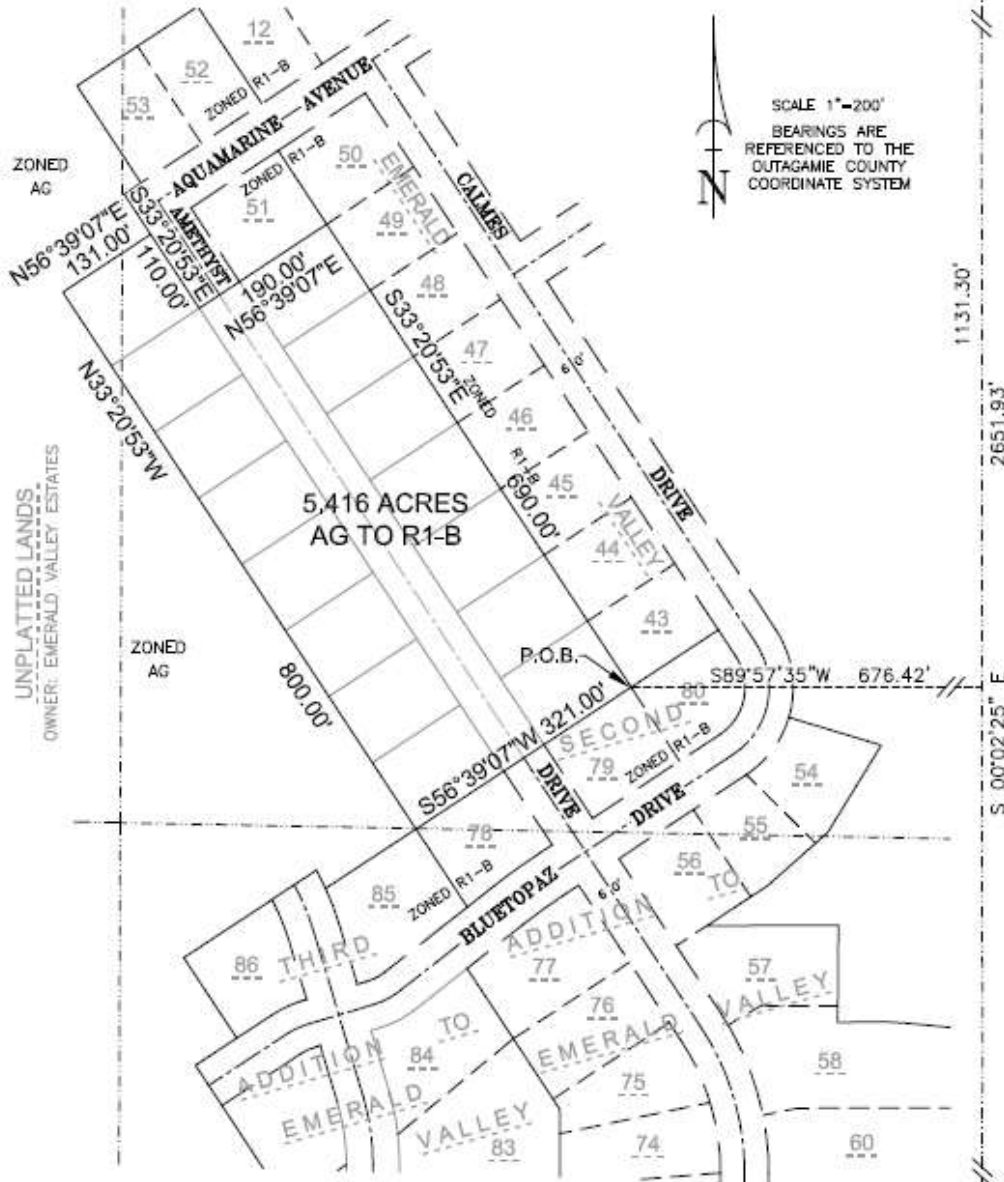
Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-17 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

REZONING REFERENCE MAP

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF
THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

EAST 1/4 CORNER
SECTION 6
T21N, R18E

SCALE 1"=200'
BEARINGS ARE
REFERENCED TO THE
OUTAGAMIE COUNTY
COORDINATE SYSTEM



Martenson & Eisele, Inc.

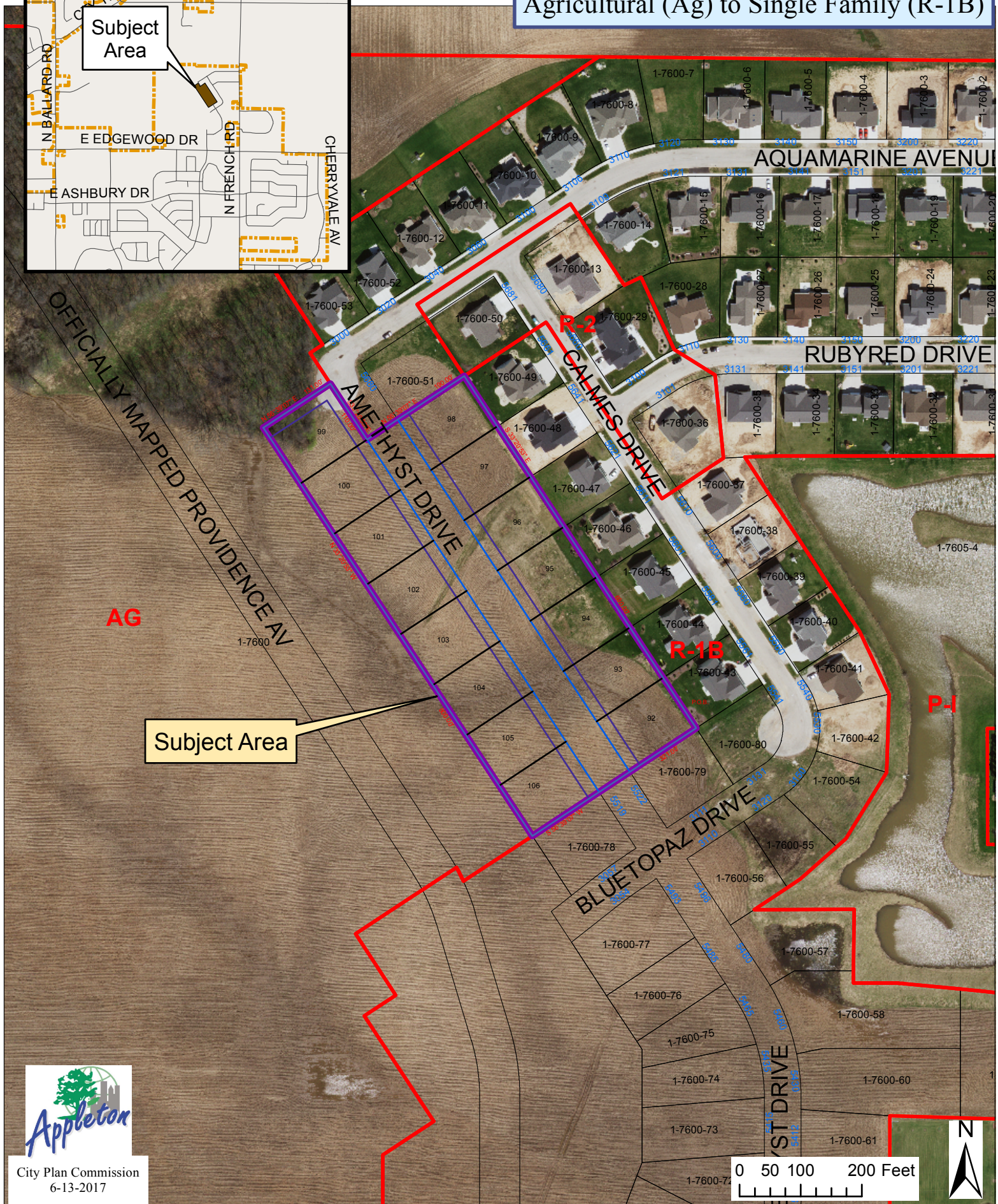
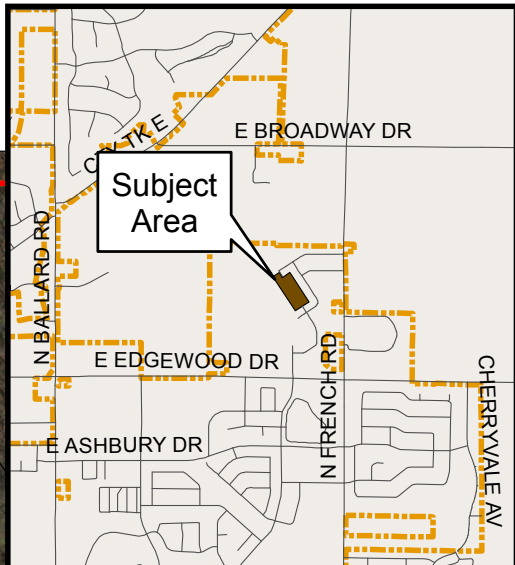


1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920,731,0381 1,800,236,0381

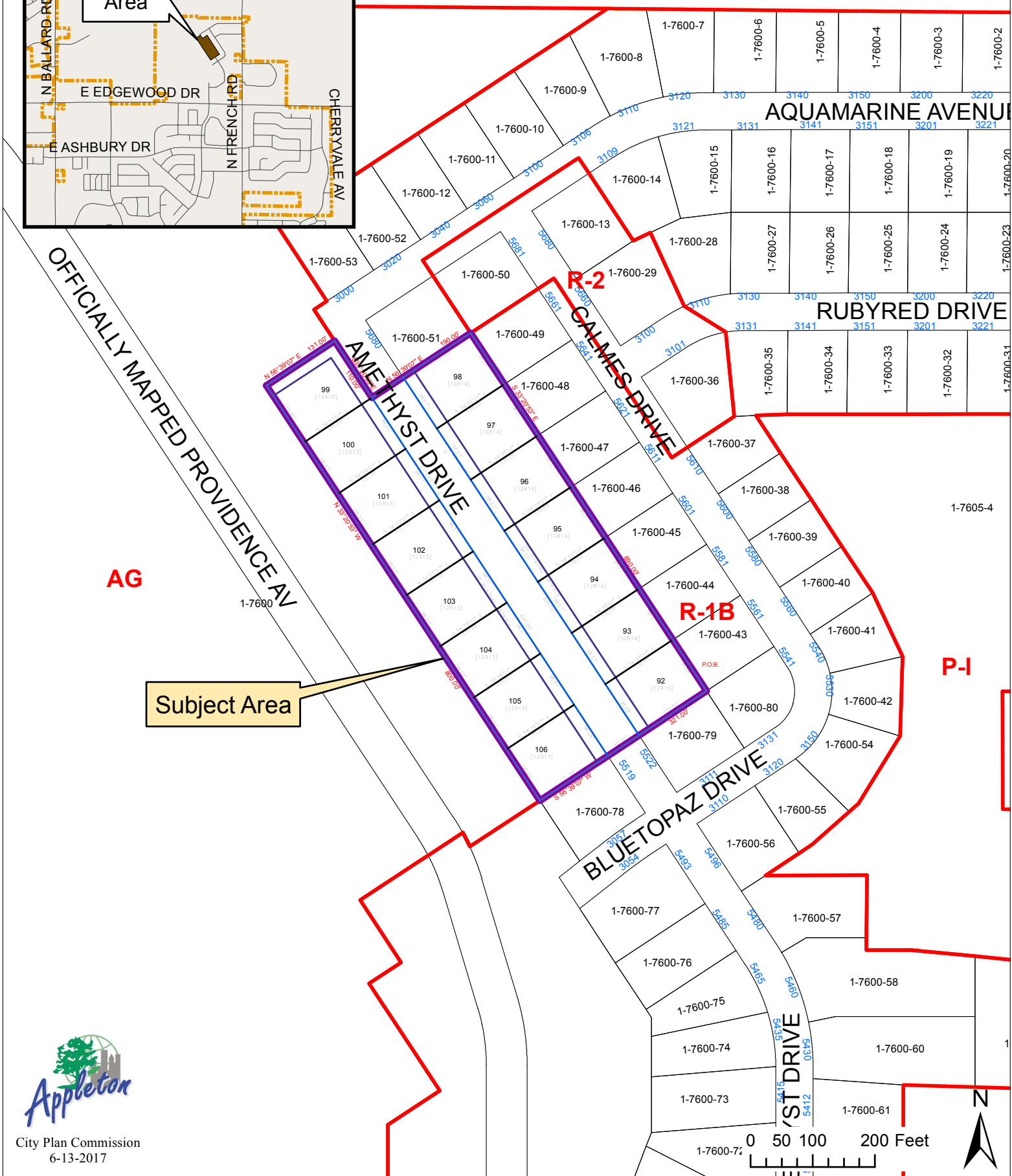
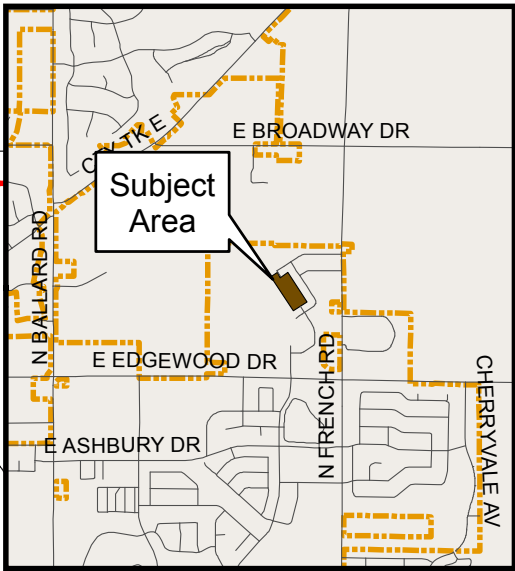
Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0534-005
FILE 1-0534-005rezone.dwg
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

Rezoning
4th Addition to Emerald Valley
Agricultural (Ag) to Single Family (R-1B)



Rezoning
4th Addition to Emerald Valley
Agricultural (Ag) to Single Family (R-1B)





REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 13, 2017

Common Council Meeting Date: July 19, 2017

Item: Preliminary Plat – Fourth Addition to Emerald Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Address/Parcel #: Providence Avenue / Part of 31-1-7600-00

Petitioner's Request: The owner/applicant is proposing to subdivide property under a multi-phased approach.

BACKGROUND

The Final Plat for the Third Addition to Emerald Valley consisting of 11 residential lots was approved by the Common Council on May 3, 2017.

The Final Plat for the Second Addition to Emerald Valley consisting of 28 residential lots was approved by the Common Council on September 17, 2014.

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

STAFF ANALYSIS

Existing Conditions: The portion of the lot to be subdivided is currently undeveloped and zoned AG Agricultural District. Rezoning #3-17 for subject site is also being presented at this June 13, 2017 Plan Commission meeting to rezone the site from AG to R-1B. The 5.416 acre area will be divided into fifteen (15) single family lots.

Zoning Ordinance Review Criteria: R-1B lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.

- *The proposed average lots size is 13,000 square feet. All lots exceed this requirement.*
- Minimum lot width: Fifty (50) feet.
 - *The proposed lots average lot width is 98 feet. All lots exceed this requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback had been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, and no variances have been requested.

Access and Traffic: The primary vehicular access to this phase is via French Road and Providence Avenue, which connects Aquamarine Avenue to Amethyst Drive and Bluetopaz Drive to Amethyst Drive. The full 60 foot road right-of-way for width of Amethyst Drive will be dedicated to the City with the Final Plat.

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 and agricultural in nature.

2010-2030 Comprehensive Plan: Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential uses shown on the City's 2010-2030 Comprehensive Plan Future Land Use Map.

Parks and Open Space: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code have been waived in exchange for parkland as illustrated in the current Emerald Valley Development Agreement.

Technical Review Group Report (TRG): This item was discussed at the May 23, 2017 Technical Review Group Report meeting.

Department of Public Works Comments:

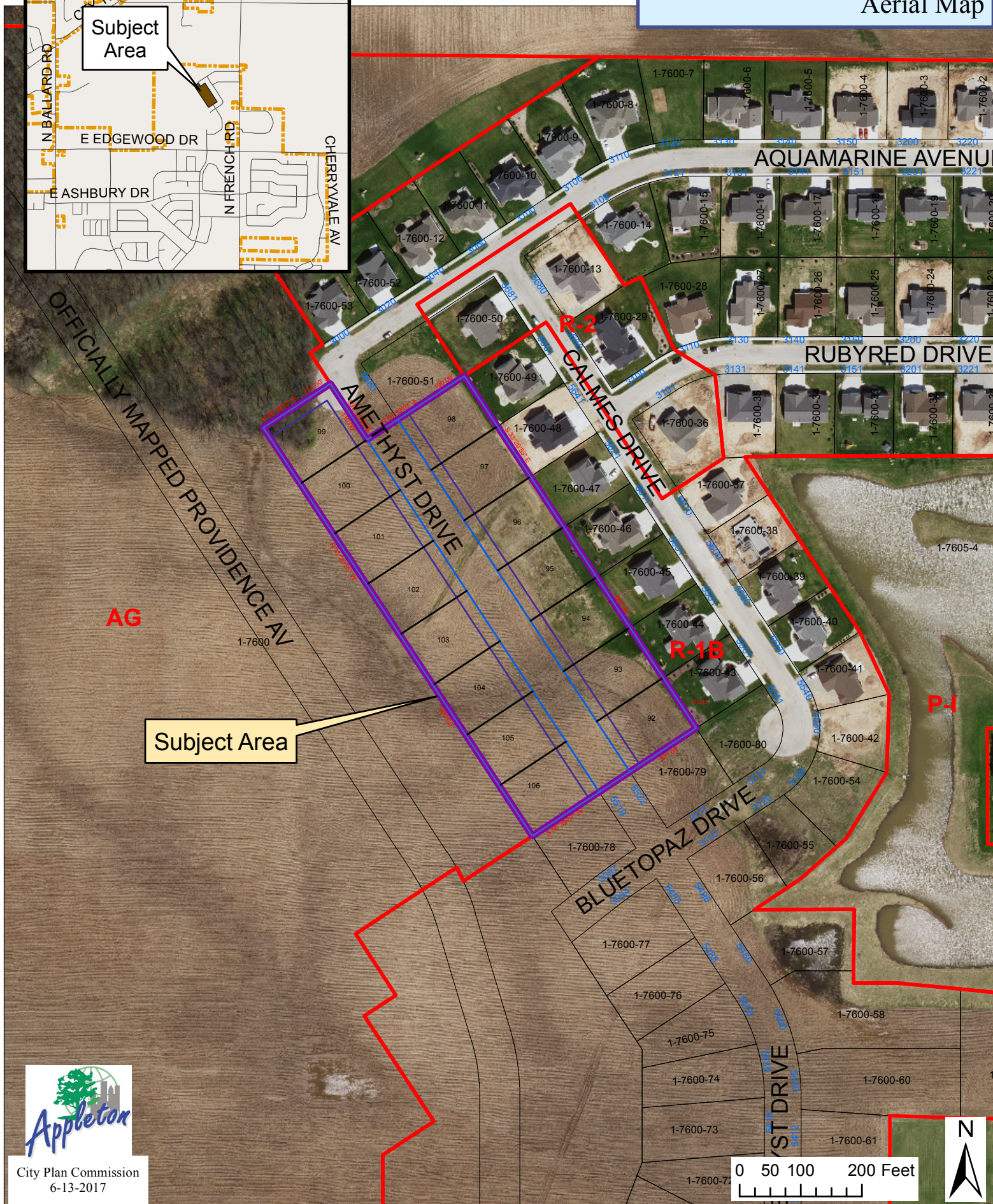
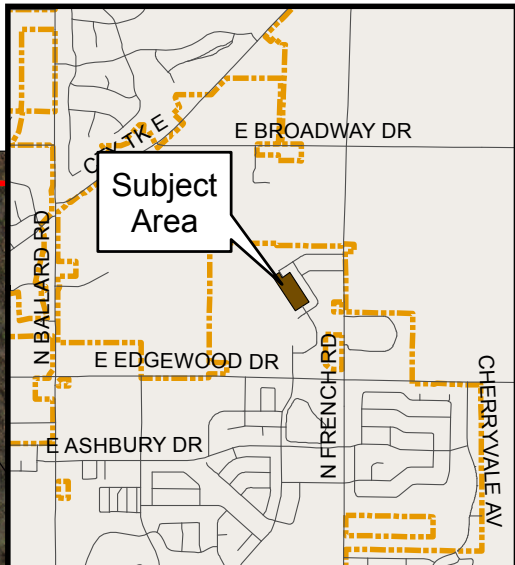
- A Development Agreement will be required as part of the Final Platting process.

RECOMMENDATION

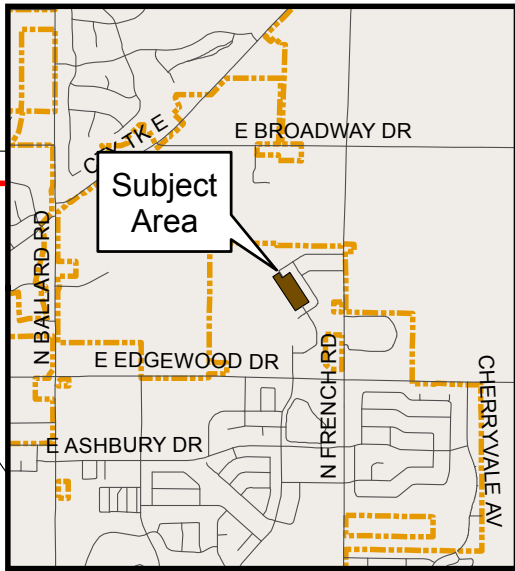
The Fourth Addition to Emerald Valley Preliminary Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.
2. The owner/applicant shall submit to the City Engineering Division for review and approval information showing how storm sewer/drainage will be developed to accommodate the proposed phasing, prior to City signatures being affixed to the Final Plat.
3. All easements, including but not limited to, storm sewers, utility, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer.
4. All easements, including but not limited to, storm sewers, utility, and drainage that are required by separate document outside of the boundaries of the Final Plat shall be reviewed and approved by the City Engineer prior to City signatures being affixed by the Final Plat.
5. A Development Agreement being made and entered into by and between the City of Appleton and the applicant/owner, and any amendments related thereto, prior to the issuance of any permit to commence construction of any public improvement.
6. The Preliminary Plat and Rezoning #3-17 being acted on at the same Common Council meeting.

4th Addition to Emerald Valley
Preliminary Plat
Aerial Map



4th Addition to Emerald Valley Preliminary Plat Zoning Map



Subject Area

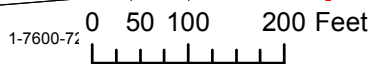
Subject Area

1-7600

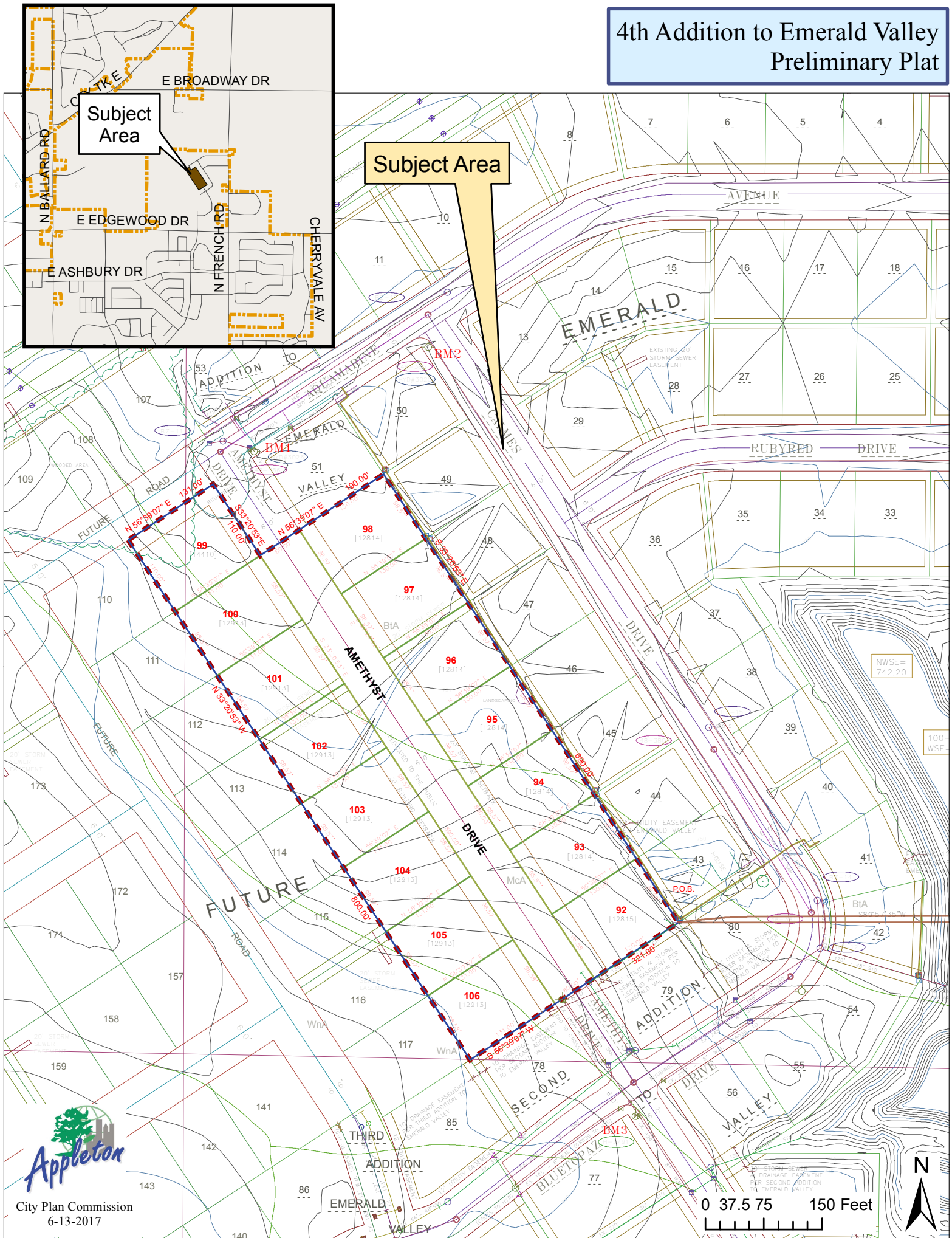
R-2

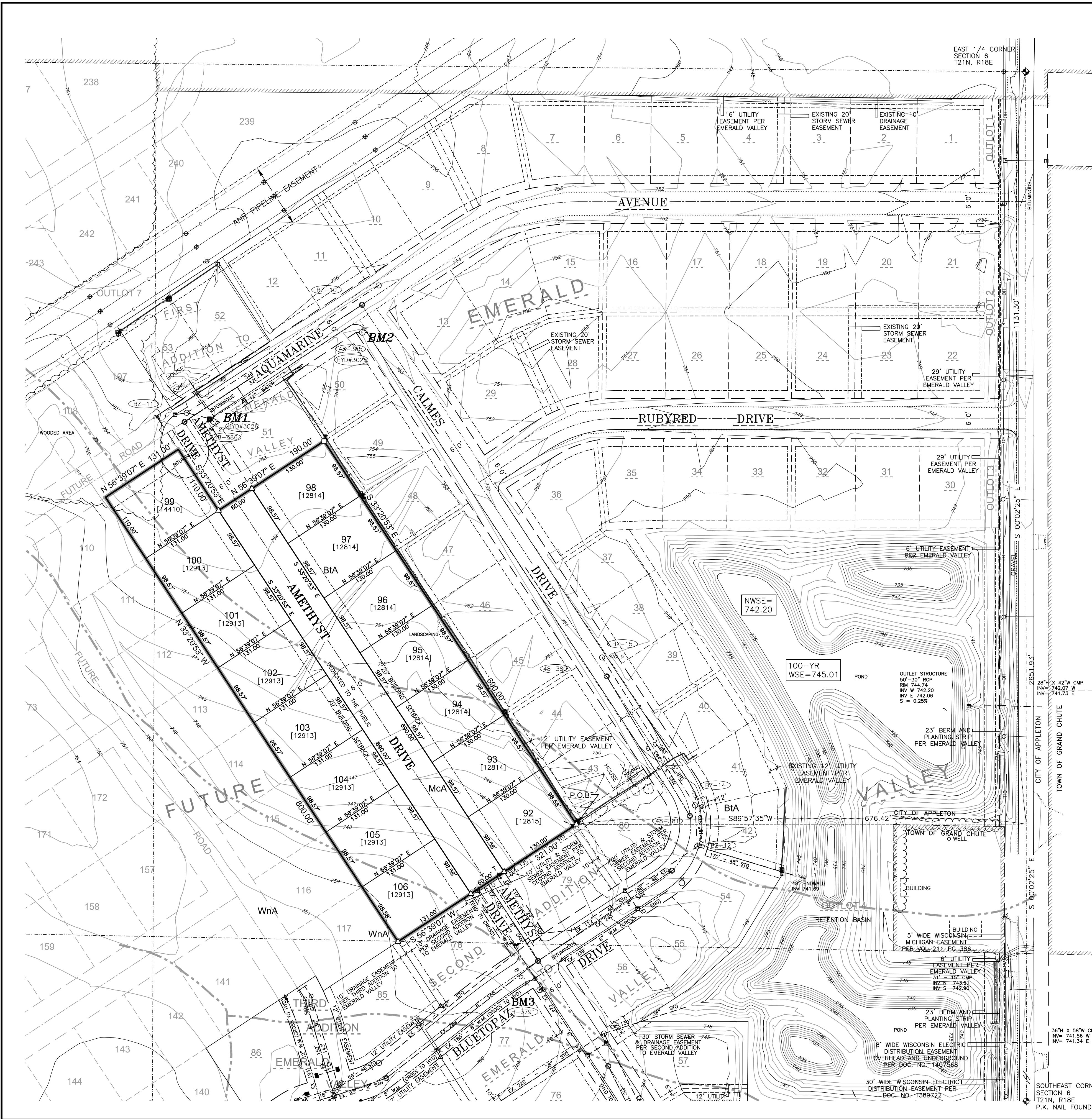
R-1B

P-I

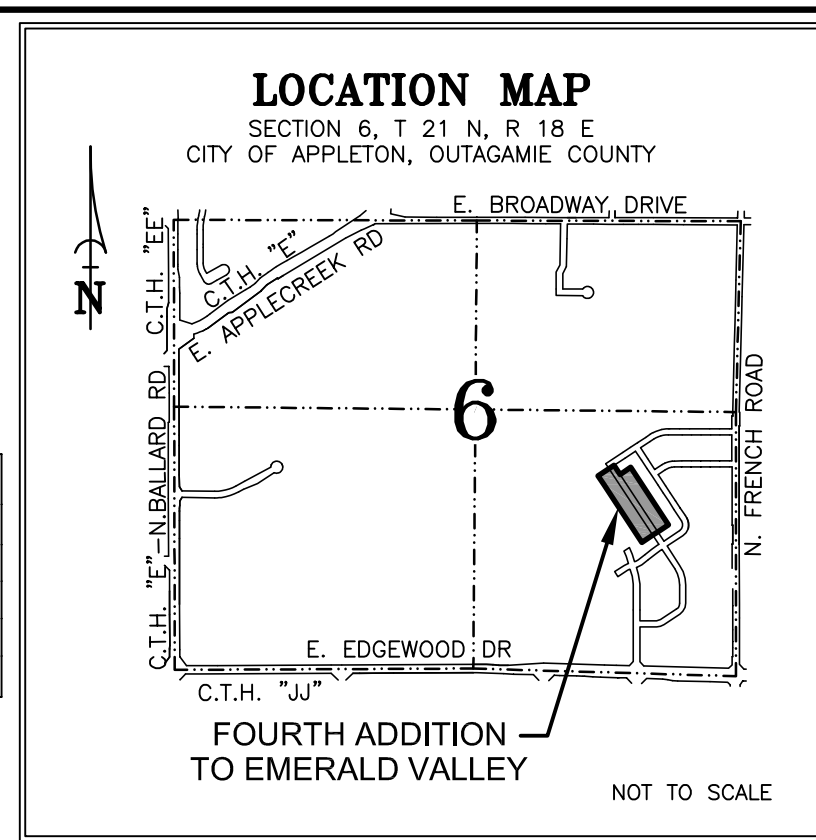


4th Addition to Emerald Valley Preliminary Plat





BENCHMARK DATA		
I.D.	DESCRIPTION:	ELEVATION:
BM1	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3026	755.95
BM2	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3025	756.95
BM3	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3791	752.64
BENCHMARKS ARE ON CITY OF APPLETON DATUM		



SUPPLEMENTARY DATA		
GROSS AREA	[235,900 SQ.FT.]	5.416 ACRES
ROAD AREA	[41,400 SQ.FT.]	0.950 ACRES
NET SUBDIVISION AREA	[194,500 SQ.FT.]	4.465 ACRES
LINEAL FEET OF ROAD	696	LINEAL FT.
AVERAGE LOT SIZE	131,000	SQ.FT.
TYPICAL LOT SIZE	130' x 100'	
NUMBER OF LOTS	15	
PRESENT ZONING	AG	
FUTURE ZONING	R1-B	
LOT AREA MINIMUM	6,000	SQ.FT.
FRONT YARD SETBACK	20	FT.
SIDE YARD SETBACK	6	FT.
REAR YARD SETBACK	25	FT.
MINIMUM LOT WIDTH	50	FT.

SOIL TYPES LOCATED WITHIN SUBDIVISION	
BtA	BRIGGSVILLE SILT LOAM
McA	MANAWA SILTY CLAY LOAM
WnA	WINNECONNE SILTY CLAY LOAM

OWNER AND DEVELOPER
BOB DEBRUIN
EMERALD VALLEY ESTATES, LLC
2100 FREEDOM ROAD
LITTLE CHUTE, WI 54140
PHONE: 920-731-8111

OBJECTING AND APPROVING AUTHORITIES
DEPARTMENT OF ADMINISTRATION
CITY OF APPLETON

NOTES
THE OWNER/SUBDIVIDER HAS NOTICE OR KNOWLEDGE OF ANY ENVIRONMENTAL PROBLEM (THE EXISTENCE OF HAZARDOUS OR TOXIC SUBSTANCES) OF ANY SORT ON THE PROPERTY BEING TRANSFERRED. THE OWNER/SUBDIVIDER UNDERSTANDS THAT IT WILL PAY FOR ANY COSTS TO REMEDY ANY ENVIRONMENTAL PROBLEMS ENCOUNTERED DURING CONSTRUCTION OF ANY OF THE PUBLIC IMPROVEMENTS REQUIRED BY THE CITY ON THE PLAT OR IN THE DEVELOPER'S AGREEMENT. THE OWNER/SUBDIVIDER UNDERSTANDS THAT THEY SHALL BE INDIVIDUALLY RESPONSIBLE FOR ANY ENVIRONMENTAL PROBLEM FOUND ON THE LAND, TRANSFERRED TO THE CITY ON THE PLAT DURING THE CONSTRUCTION OF ROADS OR OTHER DEDICATIONS AND AGREE TO HOLD THE CITY HARMLESS UNTIL CONSTRUCTION, INSTALLATION OR GRADING IS COMPLETE.

A DRAINAGE PLAN HAS BEEN FILED WITH THE DEPARTMENT OF PLANNING, ZONING & SANITATION OFFICE. MAINTENANCE OF ALL DRAINAGE WAYS AND ASSOCIATED STRUCTURES WITHIN THE SUBDIVISION OR SERVING THE SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION.

UPON FAILURE OF THE PROPERTY OWNERS TO PERFORM MAINTENANCE OF THE DRAINAGE WAYS AND ASSOCIATED STRUCTURES, THE CITY RETAINS THE RIGHT TO PERFORM MAINTENANCE AND/OR REPAIRS WHICH SHALL BE EQUALLY ASSESSED AMONGST THE PROPERTY OWNERS OF THE SUBDIVISION WITH A DRAINAGE COVENANT.

LOT LINE GRADES ESTABLISHED BY THE DRAINAGE PLAN FOR THIRD ADDITION TO EMERALD VALLEY ARE MANDATORY. IT IS THE RESPONSIBILITY OF THE LOT OWNER TO COMPLY WITH THESE ESTABLISHED ELEVATIONS.

UTILITY EASEMENTS, LOCATIONS AND WIDTHS WILL BE SHOWN ON THE FINAL PLAT.

CONTOURS ARE ONE FOOT INTERVALS AND BASED ON CITY OF APPLETON DATUM.

LEGAL DESCRIPTION
PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 676.42 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, A DISTANCE 800.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE OF AMETHYST DRIVE, A DISTANCE OF 110.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, ALONG THE SOUTH LINE OF THE FIRST ADDITION TO EMERALD VALLEY, A DISTANCE OF 190.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WEST LINE OF EMERALD VALLEY, A DISTANCE OF 690.00 FEET TO THE POINT OF BEGINNING. CONTAINING 235,900 SQUARE FEET (5.416 ACRES).

SURVEYOR'S CERTIFICATE
I, GARY A. ZAHNINGER, HEREBY CERTIFY THAT THIS PRELIMINARY PLAT IS A CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND FEATURES, AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE CITY OF APPLETON SUBDIVISION ORDINANCE.

DATED THIS THE 16TH DAY OF MAY, 2017

GARY A. ZAHNINGER, PROFESSIONAL LAND SURVEYOR NO. S-2098

TOPOGRAPHIC LEGEND	
	CONTOUR W/ ELEVATION
	SOIL BORING
	INFILTRATION SOIL BORING
	TOPSOIL DEPTH
	CONIFEROUS TREE
	DECIDUOUS TREE
	EXIST. WOODS LINE
	MAPPED WETLANDS
	OVERHEAD POWER LINES
	UNDERGROUND ELECTRIC
	UNDERGROUND TELEPHONE
	UNDERGROUND GAS
	UNDERGROUND CABLE TV
	EXIST. FENCE LINE
	SIGN
	EXIST. HYDRANT
	POWER POLE
	GUY
	LIGHT POLE
	TELEPHONE PEDESTAL
	ELECTRIC PEDESTAL
	CABLE PEDESTAL
	WATER VALVE
	GAS VALVE
	WATER STOP BOX
	EXIST. STORM MANHOLE
	STORM INLET
	YARD DRAIN
	EXIST. SANITARY MANHOLE
	EXIST. SAN. SEWER
	EXIST. SDO SEWER
	EXIST. WATER MAIN
	EXIST. SPOT ELEVATION
	1' x 24' IRON PIPE FOUND
	1-1/4' IRON PIPE FOUND

Martenson & Eisele, Inc.
1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

APPROVED	GAZ
CHECKED	GAZ
DRAWN BY	A. Sedlar
NO.	DATE

FOURTH ADDITION TO EMERALD VALLEY
PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, AND
THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4,
SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

SCALE	DATE
1" = 80'	MAY 2017
COMPUTER FILE	
1-0534-005pp.dwg	
DRAWING NO.	
1-0534-005	



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 13, 2017

Common Council Meeting Date: No formal action required

Item: Tandem Wine & Beer - Minor Amendment to Special Use Permit #11-05 to allow alcohol consumption within a 265 square foot outdoor area along the east side of the building

Case Manager: Don Harp

GENERAL INFORMATION

Applicant: George Koenig, Tandem Wine & Beer

Address/Parcel #: 1350 West College Avenue/31-5-1775-00

Petitioner's Request: The applicant is requesting a Minor Amendment to Special Use Permit #11-05 to allow alcohol consumption within a 265 square foot outdoor area along the east side of the building.

BACKGROUND

Special Use Permit #11-05 was approved for Retail Wine and Food Sales with Alcohol Service (wine tasting) by the Plan Commission on June 20, 2005, and approved by the Common Council on July 6, 2005 subject to the following:

1. The serving and consumption of alcohol is limited to that section of floor area identified on the submitted development plan only. Any future expansion of the building or floor areas for the serving and/or consumption of alcohol will require a new Special Use Permit application to be applied for and approved.
 - *On-going condition.*
2. The applicant shall apply to the City Clerk to amend the current Liquor License, or obtain a more applicable liquor license, to include that floor area proposed for consumption of alcohol. Any expansion of that area proposed for alcohol consumption requires approval of or amendment to the liquor license from the Safety and Licensing Committee and Common Council.
 - *On-going condition.*
3. All City of Appleton and State of Wisconsin Building Codes must be met.
 - *On-going condition.*
4. All City of Appleton Fire Codes must be met.
 - *On-going condition.*

STAFF ANALYSIS

Existing Site Conditions: The property is developed with an existing retail wine and beer store with wine bar and currently holds a “Class B” Beer/Liquor License which allows alcoholic beverages to be sold and consumed on the premises.

Outdoor Alcohol Consumption Area: The proposed outdoor area consists of the following operation details: (see attached operational plan)

- Location: East side of building.
- The alcohol will be served inside the building and be brought outside by the customer.
- The outdoor area will be delineated with a 6-foot high fence constructed on the north side and plantings along the east side and portion of the south side.
- Surface material consists of existing grass.
- A ramp will be installed from the glass door.
- The outdoor area will be utilized during the hours of operation: Monday, Tuesday, Wednesday, and Thursday – 4:00 p.m. to 9:00 p.m., Friday – 4:00 p.m. to 9:00 p.m. and Saturday – 2:00 p.m. to 9:00 p.m.

Surrounding Zoning and Land Uses:

North: R-2 Two-family District – Two Family Residential

R-1B Single-family District – Residential

South: R-1B Single-family District – Residential

West: C-2 General Commercial District – Retail Business

East: C-2 General Commercial District – Office/Retail Business

2010-2030 Comprehensive Plan: The Community and Economic Development staff has reviewed the City’s 2010-2030 Comprehensive Plan which indicates this area is appropriate for commercial uses as part of the general commercial district.

Overall Community Goals

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

9.5 OBJECTIVE: *Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

Off-Street Parking Requirements: No increase in occupancy or building floor area is proposed with this request. Therefore, no additional off-street parking spaces are required pursuant to the Planned Development Overlay requirements that apply to the subject site.

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 265 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 #11-05, as the subject site will continue to be used for a retail wine and beer store with wine bar with alcohol sales and consumption.

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.

According to the applicant's proposed development plan, the plan delineates the proposed outdoor area with alcohol consumption with a 6-foot high fence constructed on the north side and plantings along the east side and portion of the south side. The proposed use does not appear to be incompatible with the neighborhood character/commercial corridor, purpose and intent of the Zoning Ordinance and General Commercial District or the 2010-2030 Comprehensive Plan. Conditions are drafted for this request to offset any potential impacts to the public interest (welfare or well-being of the general public).

Technical Review Group (TRG): This item was discussed at the May 23, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #11-05, for an outdoor seating area with alcohol consumption, as shown on the attached map and per attached plan of operation, **BE APPROVED** to run with the land at 1350 West College Avenue subject to the following conditions:

Minor Amendment to Special Use Permit #11-05

June 13, 2017

Page 4

1. The serving and consumption of alcohol is limited to the interior ground floor and the outdoor seating area (east side of building) identified by the submitted development plans. Any future expansions beyond the interior ground floor and the outdoor seating area (east side of building) identified by the submitted development plans for the serving and/or consumption of alcohol may require a new Special Use Permit application to be applied for and approved.
2. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
3. All City of Appleton and State of Wisconsin Building and Fire Codes must be met.
4. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
5. All Noise Ordinances shall be adhered to at all times.
6. The applicant shall apply to the City Clerk to amend the current Liquor License to include the outdoor seating with alcohol consumption located on the east side of the building.
7. The applicant shall apply for a building permit from the Inspections Division prior to the installation of the 6 foot fence.

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

Business Information:

Name of business: Tandem Wine & Beer

Years in operation: 1 year 8 mos

Percentage of business derived from restaurant service: 2 %

Type of proposed establishment (detailed explanation of business):

Tandem Wine and Beer LLC is a retail outlet for wine, beer and spirits. In addition we operate a small wine bar in the interior rear space. We propose to allow customers to consume alcohol outside.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day <u>MTWRF</u>	<u>11 AM</u>	<u>9 PM</u>
Friday	<u>11 AM</u>	<u>9 PM</u>
Saturday	<u>11 AM</u>	<u>9 PM</u>
Sunday	<u>11 AM</u>	<u>9 PM</u>

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: 15 persons

Gross floor area of the existing building(s): 2700 Square feet

Gross floor area of the proposed building(s): 265 Square feet
OUTDOOR AREA

Describe Any Potential Noise Emanating From the Proposed Use:

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

N/A

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

*Proposed 6 ft fence on N. Side of
Seating area to control noise related
to residential overlay*

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:

*one 6 ft fence @ side and ramp from door to designated
outdoor area.*

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

*Boundary fence - propose planting of bushes for demarcation of space on @ side.
No serving outside - Request Permit to allow carry out

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 <i>MTWRF</i>	<i>4 PM</i>	<i>9 PM</i>
Friday	<i>4 PM</i>	<i>9 PM</i>
Saturday	<i>2 PM</i>	<i>9 PM</i>
Sunday		

Outdoor Lighting:

Type: Security light - above door

Location: above door exterior

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:

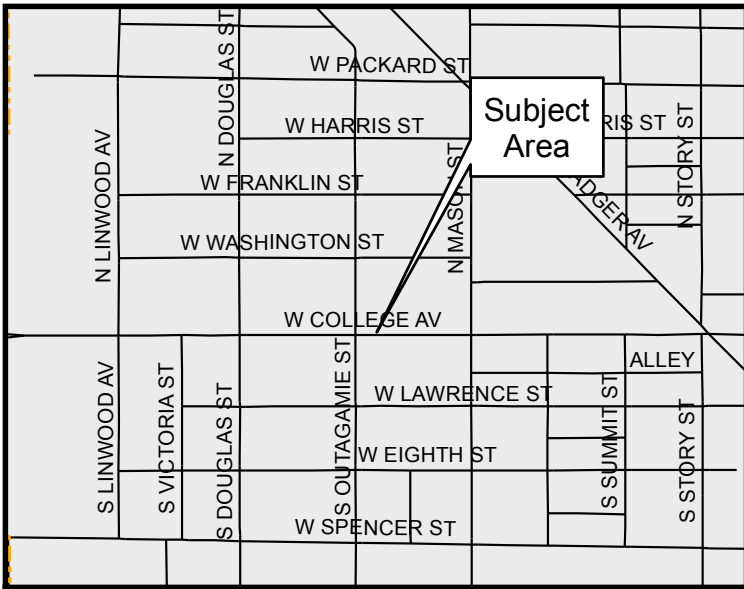
None

Number of Employees:

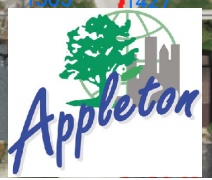
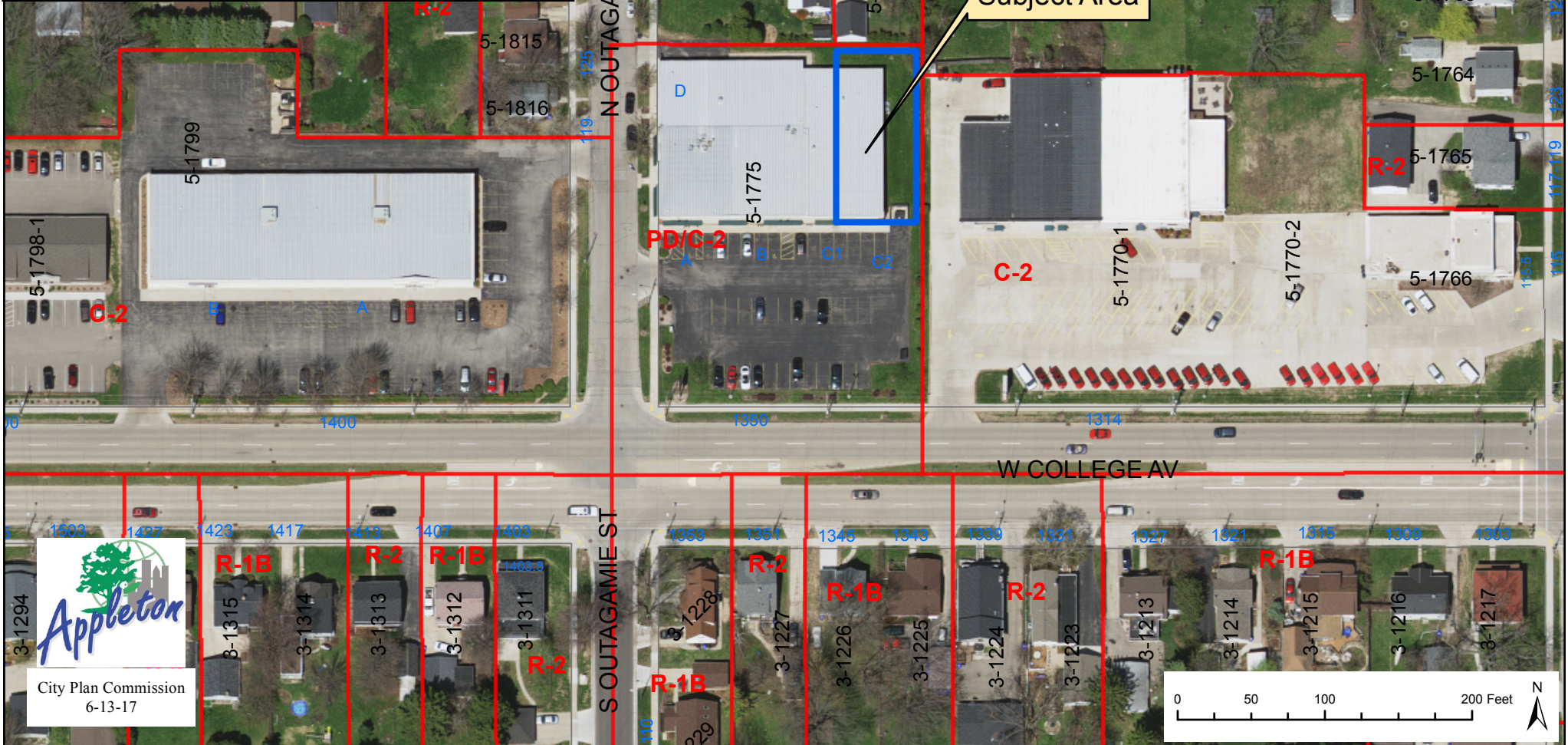
Number of existing employees: 6

Number of proposed employees: 6

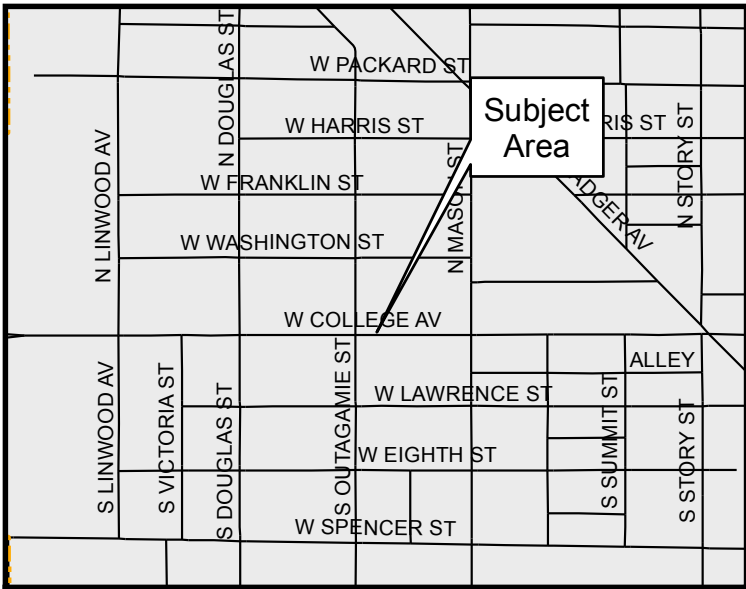
Number of employees scheduled to work on the largest shift: 3



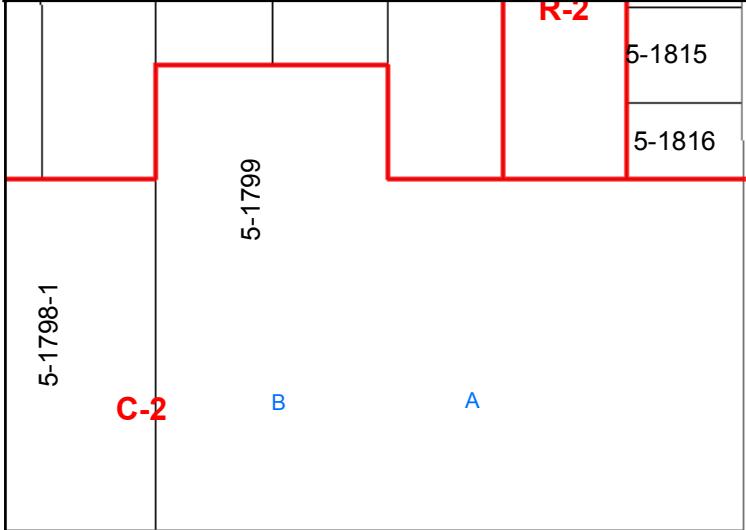
Minor Amendment to SUP #11-05
Tandem Wine and Beer
1350 West College Ave
Outdoor Area with Alcohol Consumptions



City Plan Commission
6-13-17

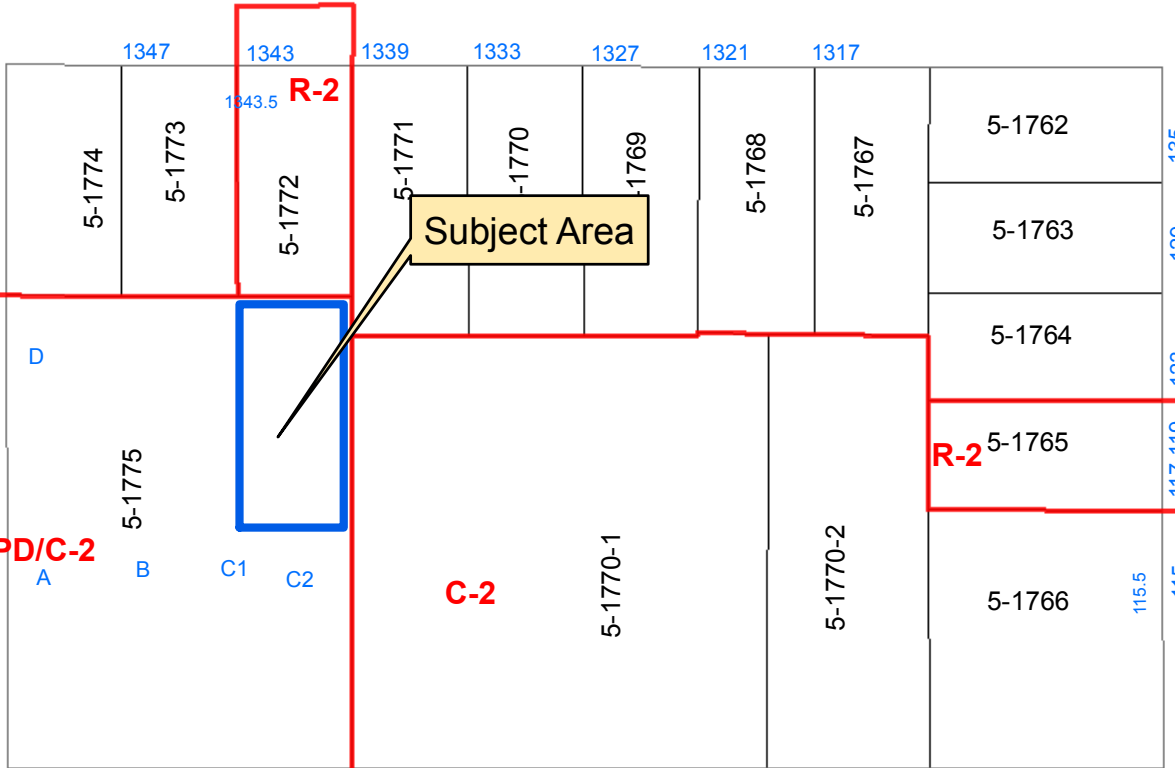
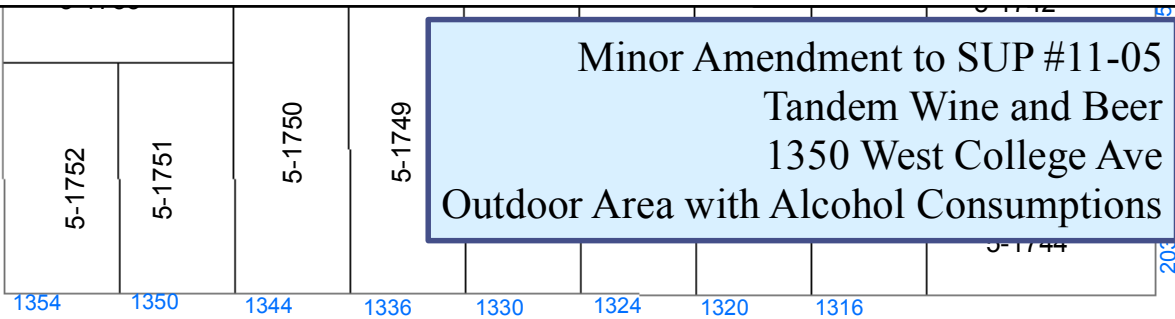


Minor Amendment to SUP #11-05
Tandem Wine and Beer
1350 West College Ave
Outdoor Area with Alcohol Consumptions

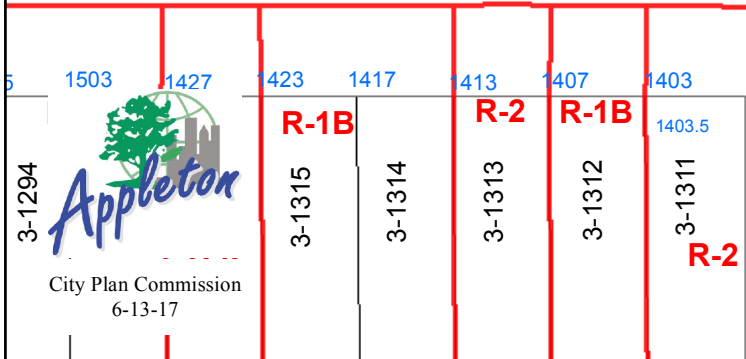


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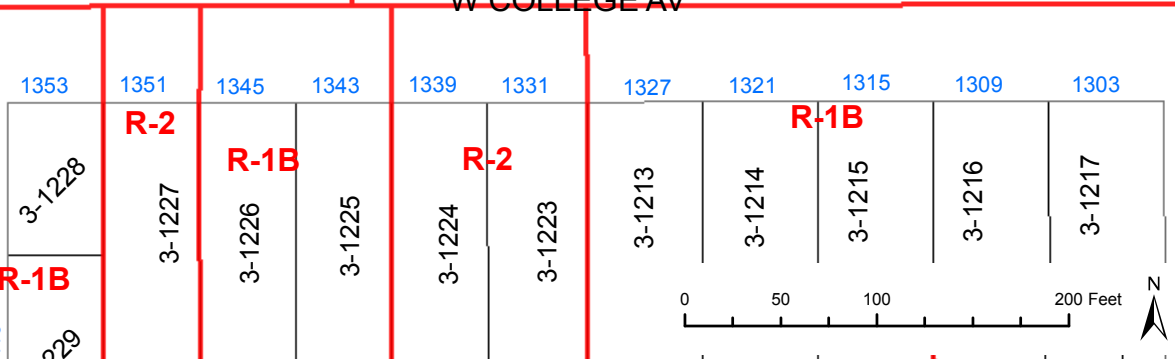
S OUTAGAMIE ST



Subject Area



S OUTAGAMIE ST



W COLLEGE AV

[illegible]

Minor Amendment to SUP #11-05
 Tandem Wine and Beer
 1350 West College Ave
 Outdoor Area with Alcohol Consumptions

