



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 12, 2018

4:00 PM

Council Chambers, 6th Floor

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

[18-0826](#) City Plan Minutes from 5-8-18

Attachments: [City Plan Minutes 5-8-18.pdf](#)

4. Public Hearings/Apearances

[18-0827](#) Street renaming of N. Wilmer Avenue to N. Wilmer Street (suffix only) as shown on the attached maps and file the attached Affidavit of Correction (Associated with Action Item #18-0828)

Attachments: [InformalPublicHearingNotice_WilmerAvToSt_StreetRenaming.pdf](#)

[18-0829](#) Rezoning #6-18 to rezone 1236 E. Pacific Street (Tax Id #31-1-1067-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-1B Single-Family District and C-2 General Commercial District to R-1B Single-Family District (Associated with Action Item #18-0830)

Attachments: [InformalPublicHearingNotice_RiversideCemetery_Rezoning.pdf](#)

[18-0831](#) Special Use Permit #2-18 for a non-profit recreational facility within the R-1B Zoning District at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00), 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 #18-0833)

Attachments: [ClassIIPublicHearingNoticeNewspaper_AppletonCemeteryAssociation_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_RiversideCemetery_SUP.pdf](#)

[18-0835](#) Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 persons at 2302 E. Glenhurst Lane (Tax Id #31-1-6501-00), to run with the land, with an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)(a) of the Zoning Ordinance, as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #18-0836)

Attachments: [ClassIIPublicHearingNoticeNewspaper_CenturyOaks-87_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_CenturyOaks-87_SUP.pdf](#)

[18-0837](#) Special Use Permit #4-18 to conform an existing tavern and add a new outdoor patio area with alcohol sales and consumption located at 317 N. Appleton Street (Tax Id #31-2-0493-00), 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 #18-0838)

Attachments: [ClassIIPublicHearingNoticeNewspaper_Missfits_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_Missfits_SUP.pdf](#)

5. Action Items

[18-0828](#) Request to approve street renaming of N. Wilmer Avenue to N. Wilmer Street (suffix only) as shown on the attached maps and file the attached Affidavit of Correction

Attachments: [StaffReport_WilmerAvToSt_StreetRenaming_For06-12-18.pdf](#)

[18-0830](#) Request to approve Rezoning #6-18 to rezone 1236 E. Pacific Street (Tax Id #31-1-1067-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-1B Single-Family District and C-2 General Commercial District to R-1B Single-Family District

Attachments: [StaffReport_RiversideCemetery_Rezoning_For06-12-18.pdf](#)

[18-0833](#) Request to approve Special Use Permit #2-18 for a non-profit recreational facility within the R-1B Zoning District at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00), 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_RiversideCemetery_SUP_For06-12-18.pdf](#)

[18-0836](#)

Request to approve Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 persons at 2302 E. Glenhurst Lane (Tax Id #31-1-6501-00), to run with the land, with an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)(a) of the Zoning Ordinance, as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport CenturyOaks-87 SUP For06-12-18.pdf](#)

[18-0838](#)

Request to approve Special Use Permit #4-18 to conform an existing tavern and add a new outdoor patio area with alcohol sales and consumption located at 317 N. Appleton Street (Tax Id #31-2-0493-00), 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 MissfitsTavern SUP For 6-12-18.pdf](#)

6. Information Items

7. Adjournment

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

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



City of Appleton

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

Meeting Minutes - Final City Plan Commission

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

Tuesday, May 8, 2018

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

Deputy City Attorney Chris Behrens acted in place of Commissioner Adrienne Palm.

Present: 4 - Mayor Hanna, Buetow, Uslabar and Palm

Excused: 2 - Rabec and Lobner

*Others present:
Paul Hoffman, One Lawrence Street, LLC
Steve Wille, Hoffman
Mark Boehlke, Hoffman
Dorothy Warren, 3 Lawrence Court
Morgan Gerseth, Xavier High School
Gretchen Orther, Xavier High School*

3. Approval of minutes from previous meeting

[18-0645](#)

City Plan Minutes from 4-24-18

Attachments: [City Plan Minutes 4-24-18.pdf](#)

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

Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Uslabar and Palm

Excused: 2 - Rabec and Lobner

4. Public Hearings/Appearances

[18-0646](#)

Rezoning #5-18 for 209 S. Allen Street (Tax Id #31-2-0144-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-3 Multi-Family District to CBD Central Business District (Associated with Action Item #18-0647)

Attachments: [InformalPublicHearingNotice_209SAllenSt_Rezoning.pdf](#)

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

5. Action Items

6. Information Items

[18-0647](#)

Request to approve Rezoning #5-18 for 209 S. Allen Street (Tax Id #31-2-0144-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-3 Multi-Family District to CBD Central Business District

Attachments: [StaffReport_209SAllenSt_Rezoning_For05-08-18.pdf](#)

Proceeds to Council on June 6, 2018.

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

Aye: 4 - Mayor Hanna, Buetow, Uslabar and Palm

Excused: 2 - Rabec and Lobner

[18-0648](#)

The City Plan Commission initiate the street renaming of N. Wilmer Avenue to N. Wilmer Street and direct staff to schedule an informal public hearing and action item at a future meeting

Attachments: [MemoFromDPW_WilmerAvToSt_AffidavitOfCorrection.pdf](#)

[Wilmer Suffix Zoning Map.pdf](#)

[Wilmer Suffix Aerial Map.pdf](#)

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

Aye: 4 - Mayor Hanna, Buetow, Uslabar and Palm

Excused: 2 - Rabec and Lobner

7. Adjournment

Uslabar moved, seconded by Buetow, that the meeting be adjourned at 4:11 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Uslabar and Palm

Excused: 2 - Rabec and Lobner

NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

NOTICE IS HEREBY GIVEN THAT the City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, June 12, 2018, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed street name change:

CURRENT STREET NAME: North Wilmer Avenue (per Replat of Part of Ullman's Addition)

PROPOSED STREET NAME: North Wilmer Street

Street Renaming Request: A street renaming request has been initiated by the City Plan Commission per the recommendation of the City of Appleton, Department of Public Works for North Wilmer Avenue (see attached map). At the informal public hearing, the City Plan Commission will consider a request for a street name change from North Wilmer Avenue to North Wilmer Street. The proposed change is for the suffix only and is intended to establish a consistent street name for the property owners, United States Postal Service, City of Appleton, and others to use moving forward.

ALDERMANIC DISTRICT: 2 – Alderperson Vered Meltzer

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

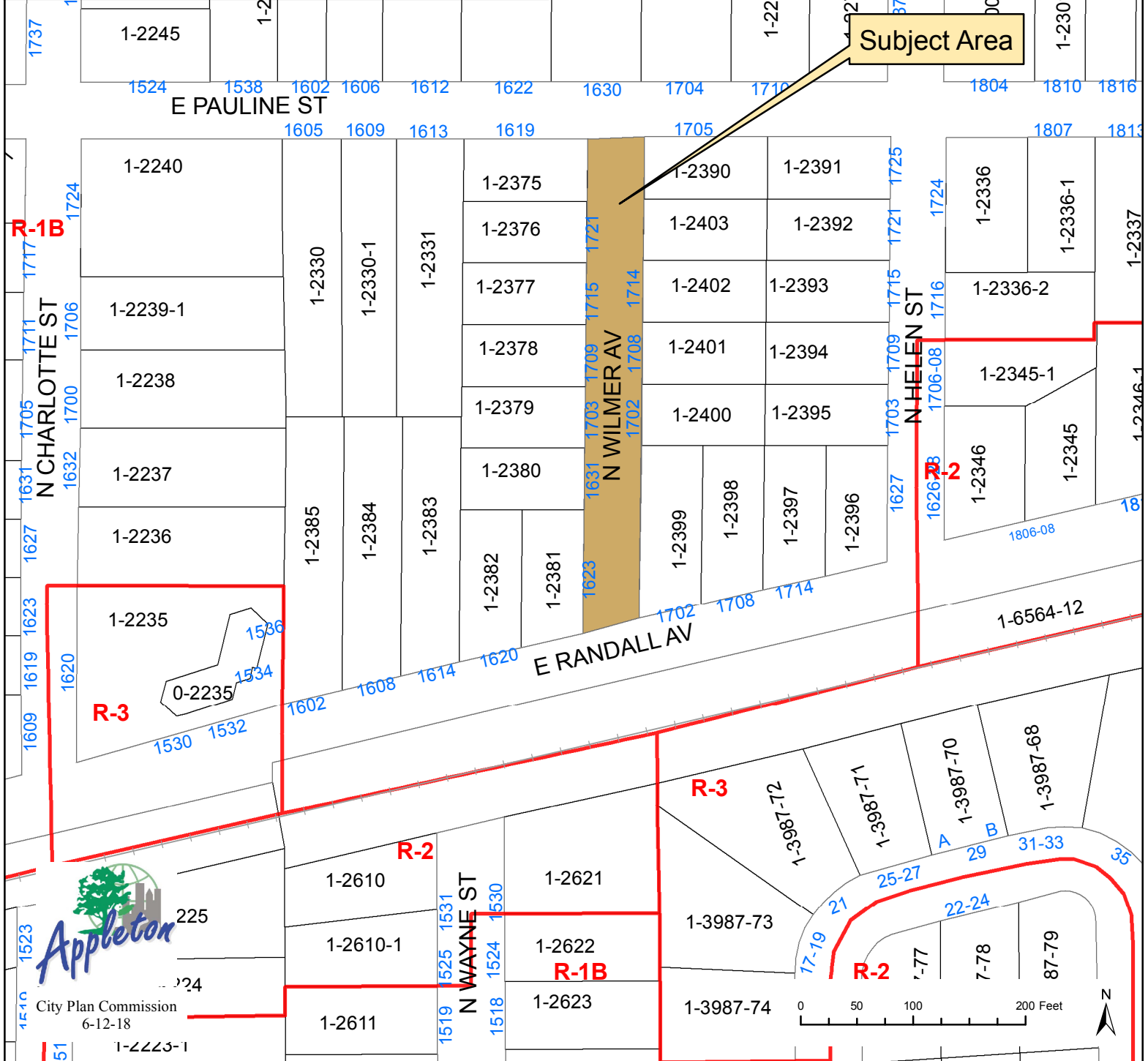
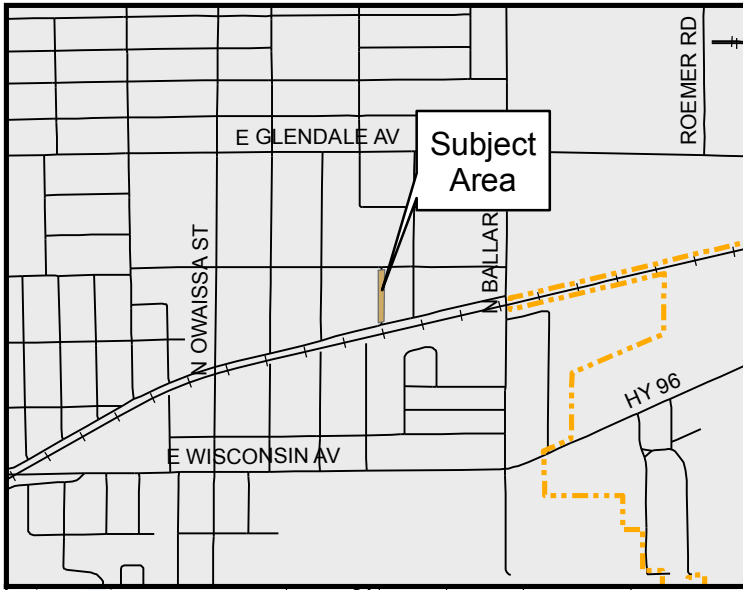
Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428.

CITY PLAN COMMISSION

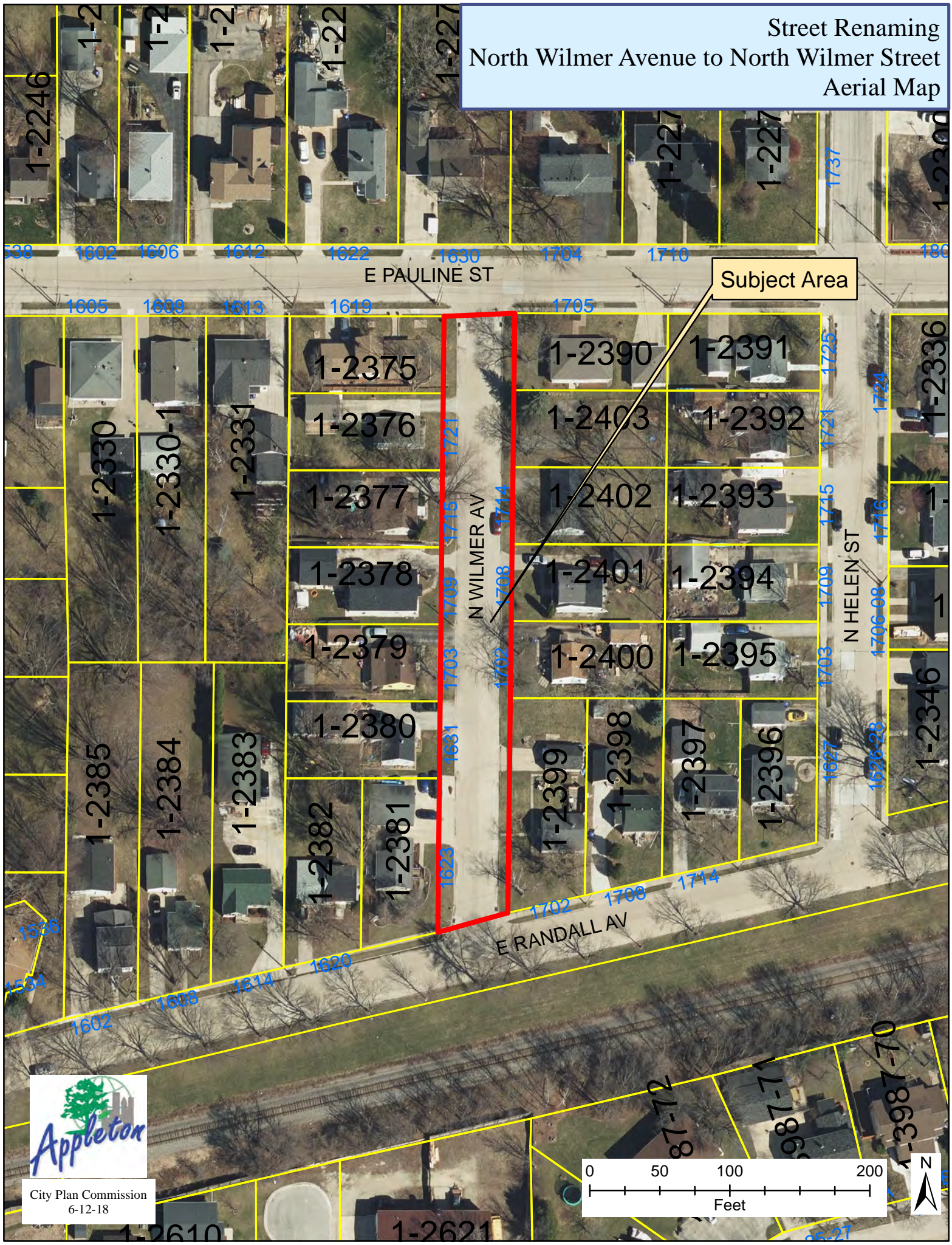
COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

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

Street Renaming North Wilmer Avenue to North Wilmer Street Zoning Map



Street Renaming
North Wilmer Avenue to North Wilmer Street
Aerial Map



City Plan Commission
6-12-18



"...meeting community needs...enhancing quality of life."

MEMO

TO: Members of the City of Appleton Plan Commission

FROM: Ross Buetow, Deputy Director of Public Works / City Engineer

DATE: April 23, 2018

SUBJECT: **Proposed street name modification (Affidavit of Correction)**

As part of ongoing property records updates by City GIS staff, an issue has been identified related to an officially platted street name that is inconsistent with the name being used by the nine residents of the street and also the U.S. Postal Service. According to the Ullman's Addition Replat, the official name of the street in question is **Wilmer Avenue**, however, the residents and post office have been using **Wilmer Street** since the time this replat was recorded.

After discussing the issue with several City departments, we feel the simplest solution is to prepare an Affidavit of Correction to officially change the street name to **Wilmer Street**. By doing so, the property owners, post office, City of Appleton and emergency responders will all be using a consistent street name moving forward. This solution will also avoid the inconvenience for property owners to officially change their addresses on all of their personal documents and records.

Thank you for your consideration of this request.

(Attachments)

NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, June 12, 2018, at 4:00 PM, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed rezoning request:

COMMON DESCRIPTION:

1236 E. Pacific Street (Tax Id #31-1-1067-00)

The owner and applicant, Appleton Cemetery Association, is requesting to rezone Property Tax Id #31-1-1067-00 (1236 E. Pacific Street) from R-1B Single-Family District and C-2 General Commercial District to R-1B Single-Family District. The R-1B District is intended 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.

Purpose of the Request: To remove the C-2 General Commercial Zoning District and provide for consistent R-1B Single-Family residential zoning for the entire parcel.

ALDERMANIC DISTRICT: 2 – Alderperson Vered Meltzer

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

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

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
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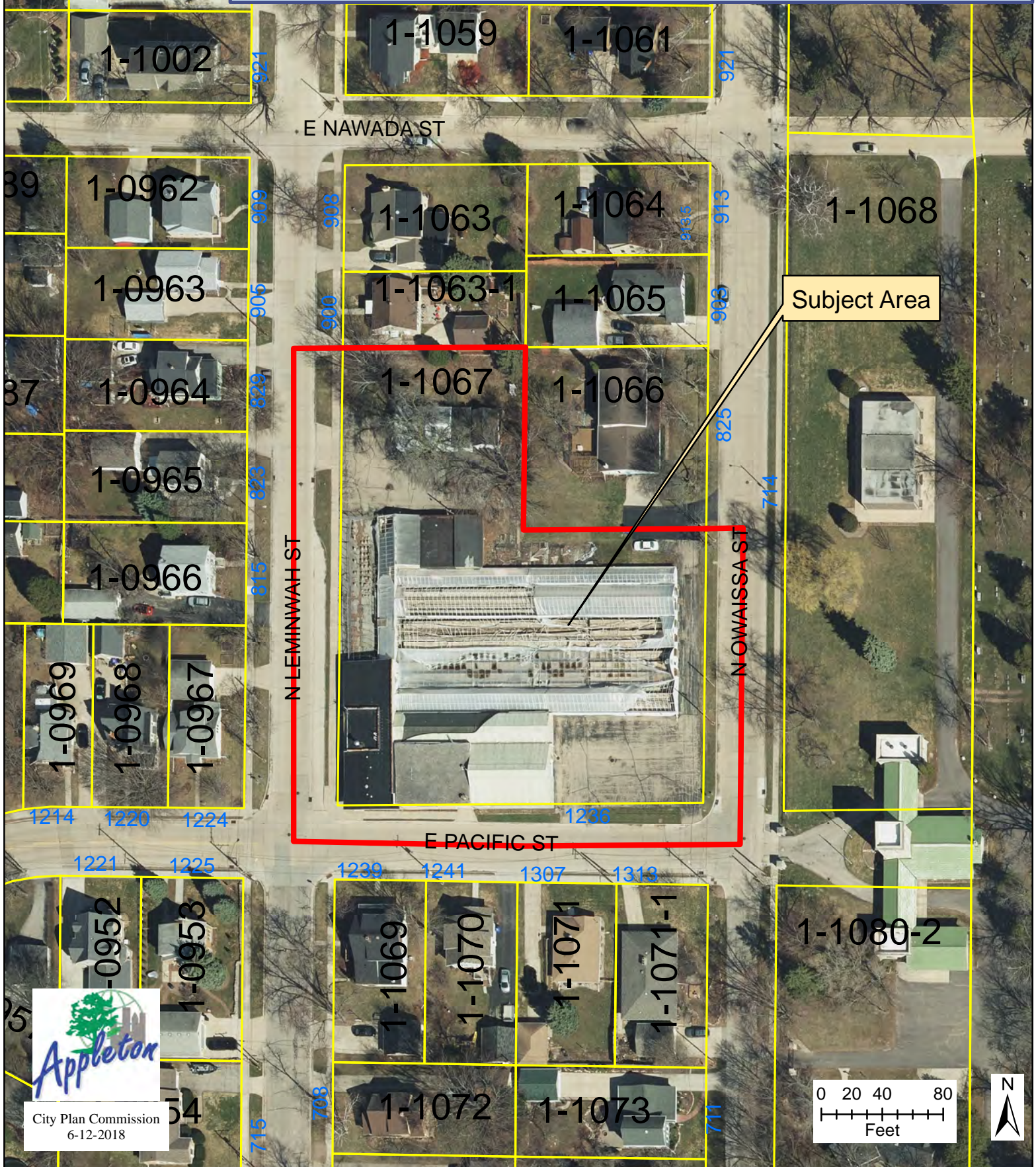
A map of the 'Subject Area' in Madison, Wisconsin. The map shows a grid of streets including N MEADE ST, N LAWE ST, N MEADE ST, E WISCONSIN, E PACIFIC ST, E COLLEGE AV, and E NEWBERRY ST. A callout box labeled 'Subject Area' points to a small brown-shaded rectangular area located between E WISCONSIN and E PACIFIC ST, and between N MEADE ST and N LAWE ST. The Wisconsin River is shown flowing through the area, and a dashed orange line indicates the location of Highway 96 (HY 96).

The map displays a residential neighborhood with various zoning districts and property lots. The 'Subject Area' is highlighted in a yellow box, located near the intersection of E NAWADA ST and N LEMIN WAH ST. The map shows several streets, including E NAWADA ST, E PACIFIC ST, E POPEL ST, N WINONA WAY, N LEMIN WAH ST, and N OWAISSA ST. The map also shows the Appleton City Plan Commission logo and the date 6-12-2018.

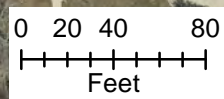
Streets: E NAWADA ST, E PACIFIC ST, E POPEL ST, N WINONA WAY, N LEMIN WAH ST, N OWAISSA ST.

Property Lots: 1-1004, 1-1003, 1-1002, 1-1058, 1-1060, 1-1059, 1-1061, 1-1068, 1-1063, 1-1064, 1-1067, 1-1066, 1-1065, 1-1069, 1-1070, 1-1071, 1-1072, 1-1073, 1-1074, 1-1075, 1-1076, 1-1077, 1-1078, 1-1080, 1-1081, 1-1082, 1-1083, 1-1084, 1-1085, 1-1086, 1-1087, 1-1088, 1-1089, 1-1090, 1-1091, 1-1092, 1-1093, 1-1094, 1-1095, 1-1096, 1-1097, 1-1098, 1-1099, 1-1100, 1-1101, 1-1102, 1-1103, 1-1104, 1-1105, 1-1106, 1-1107, 1-1108, 1-1109, 1-1110, 1-1111, 1-1112, 1-1113, 1-1114, 1-1115, 1-1116, 1-1117, 1-1118, 1-1119, 1-1120, 1-1121, 1-1122, 1-1123, 1-1124, 1-1125, 1-1126, 1-1127, 1-1128, 1-1129, 1-1130, 1-1131, 1-1132, 1-1133, 1-1134, 1-1135, 1-1136, 1-1137, 1-1138, 1-1139, 1-1140, 1-1141, 1-1142, 1-1143, 1-1144, 1-1145, 1-1146, 1-1147, 1-1148, 1-1149, 1-1150, 1-1151, 1-1152, 1-1153, 1-1154, 1-1155, 1-1156, 1-1157, 1-1158, 1-1159, 1-1160, 1-1161, 1-1162, 1-1163, 1-1164, 1-1165, 1-1166, 1-1167, 1-1168, 1-1169, 1-1170, 1-1171, 1-1172, 1-1173, 1-1174, 1-1175, 1-1176, 1-1177, 1-1178, 1-1179, 1-1180, 1-1181, 1-1182, 1-1183, 1-1184, 1-1185, 1-1186, 1-1187, 1-1188, 1-1189, 1-1190, 1-1191, 1-1192, 1-1193, 1-1194, 1-1195, 1-1196, 1-1197, 1-1198, 1-1199, 1-1200, 1-1201, 1-1202, 1-1203, 1-1204, 1-1205, 1-1206, 1-1207, 1-1208, 1-1209, 1-1210, 1-1211, 1-1212, 1-1213, 1-1214, 1-1215, 1-1216, 1-1217, 1-1218, 1-1219, 1-1220, 1-1221, 1-1222, 1-1223, 1-1224, 1-1225, 1-1226, 1-1227, 1-1228, 1-1229, 1-1230, 1-1231, 1-1232, 1-1233, 1-1234, 1-1235, 1-1236, 1-1237, 1-1238, 1-1239, 1-1240, 1-1241, 1-1242, 1-1243, 1-1244, 1-1245, 1-1246, 1-1247, 1-1248, 1-1249, 1-1250, 1-1251, 1-1252, 1-1253, 1-1254, 1-1255, 1-1256, 1-1257, 1-1258, 1-1259, 1-1260, 1-1261, 1-1262, 1-1263, 1-1264, 1-1265, 1-1266, 1-1267, 1-1268, 1-1269, 1-1270, 1-1271, 1-1272, 1-1273, 1-1274, 1-1275, 1-1276, 1-1277, 1-1278, 1-1279, 1-1280, 1-1281, 1-1282, 1-1283, 1-1284, 1-1285, 1-1286, 1-1287, 1-1288, 1-1289, 1-1290, 1-1291, 1-1292, 1-1293, 1-1294, 1-1295, 1-1296, 1-1297, 1-1298, 1-1299, 1-1300, 1-1301, 1-1302, 1-1303, 1-1304, 1-1305, 1-1306, 1-1307, 1-1308, 1-1309, 1-1310, 1-1311, 1-1312, 1-1313, 1-1314, 1-1315, 1-1316, 1-1317, 1-1318, 1-1319, 1-1320, 1-1321, 1-1322, 1-1323, 1-1324, 1-1325, 1-1326, 1-1327, 1-1328, 1-1329, 1-1330, 1-1331, 1-1332, 1-1333, 1-1334, 1-1335, 1-1336, 1-1337, 1-1338, 1-1339, 1-1340, 1-1341, 1-1342, 1-1343, 1-1344, 1-1345, 1-1346, 1-1347, 1-1348, 1-1349, 1-1350, 1-1351, 1-1352, 1-1353, 1-1354, 1-1355, 1-1356, 1-1357, 1-1358, 1-1359, 1-1360, 1-1361, 1-1362, 1-1363, 1-1364, 1-1365, 1-1366, 1-1367, 1-1368, 1-1369, 1-1370, 1-1371, 1-1372, 1-1373, 1-1374, 1-1375, 1-1376, 1-1377, 1-1378, 1-1379, 1-1380, 1-1381, 1-1382, 1-1383, 1-1384, 1-1385, 1-1386, 1-1387, 1-1388, 1-1389, 1-1390, 1-1391, 1-1392, 1-1393, 1-1394, 1-1395, 1-1396, 1-1397, 1-1398, 1-1399, 1-1400, 1-1401, 1-1402, 1-1403, 1-1404, 1-1405, 1-1406, 1-1407, 1-1408, 1-1409, 1-1410, 1-1411, 1-1412, 1-1413, 1-1414, 1-1415, 1-1416, 1-1417, 1-1418, 1-1419, 1-1420, 1-1421, 1-1422, 1-1423, 1-1424, 1-1425, 1-1426, 1-1427, 1-1428, 1-1429, 1-1430, 1-1431, 1-1432, 1-1433, 1-1434, 1-1435, 1-1436, 1-1437, 1-1438, 1-1439, 1-1440, 1-1441, 1-1442, 1-1443, 1-1444, 1-1445, 1-1446, 1-1447, 1-1448, 1-1449, 1-1450, 1-1451, 1-1452, 1-1453, 1-1454, 1-1455, 1-1456, 1-1457, 1-1458, 1-1459, 1-1460, 1-1461, 1-1462, 1-1463, 1-1464, 1-1465, 1-1466, 1-1467, 1-1468, 1-1469, 1-1470, 1-1471, 1-1472, 1-1473, 1-1474, 1-1475, 1-1476, 1-1477, 1-1478, 1-1479, 1-1480, 1-1481, 1-1482, 1-1483, 1-1484, 1-1485, 1-1486, 1-1487, 1-1488, 1-1489, 1-1490, 1-1491, 1-1492, 1-1493, 1-1494, 1-1495, 1-1496, 1-1497, 1-1498, 1-1499, 1-1500, 1-1501, 1-1502, 1-1503, 1-1504, 1-1505, 1-1506, 1-1507, 1-1508, 1-1509, 1-1510, 1-1511, 1-1512, 1-1513, 1-1514, 1-1515, 1-1516, 1-1517, 1-1518, 1-1519, 1-1520, 1-1521, 1-1522, 1-1523, 1-1524, 1-1525, 1-1526,

1236 E. Pacific Street
Rezoning
R-1B Single Family District and C-2 General Commercial District to
R-1B Single Family District
Aerial Map



City Plan Commission
6-12-2018



CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Tuesday, June 12, 2018, at 4:00 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-93 of the Appleton Municipal Code, to consider a request by Appleton Cemetery Association, owner/applicant, for property located at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00) to obtain a Special Use Permit for a non-profit recreational facility (green space and reflection/meditation garden) serving Riverside Cemetery. In the R-1B Single-Family District, a Special Use Permit is required for a non-profit recreational facility (green space and reflection/meditation garden).

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

CITY PLAN COMMISSION
APPLETON, WISCONSIN

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

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

RUN: May 29, 2018
June 5, 2018

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Tuesday, June 12, 2018, at 4:00 PM, or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-93 of the Appleton Municipal Code, to consider a request by Appleton Cemetery Association, owner/applicant, for property located at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00) to obtain a Special Use Permit for a non-profit recreational facility (green space and reflection/meditation garden) serving Riverside Cemetery. In the R-1B Single-Family District, a Special Use Permit is required for a non-profit recreational facility (green space and reflection/meditation garden).

- ALDERMANIC DISTRICT: 2 – Alderperson Vered Meltzer

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CITY HALL - 100 NORTH APPLETON STREET
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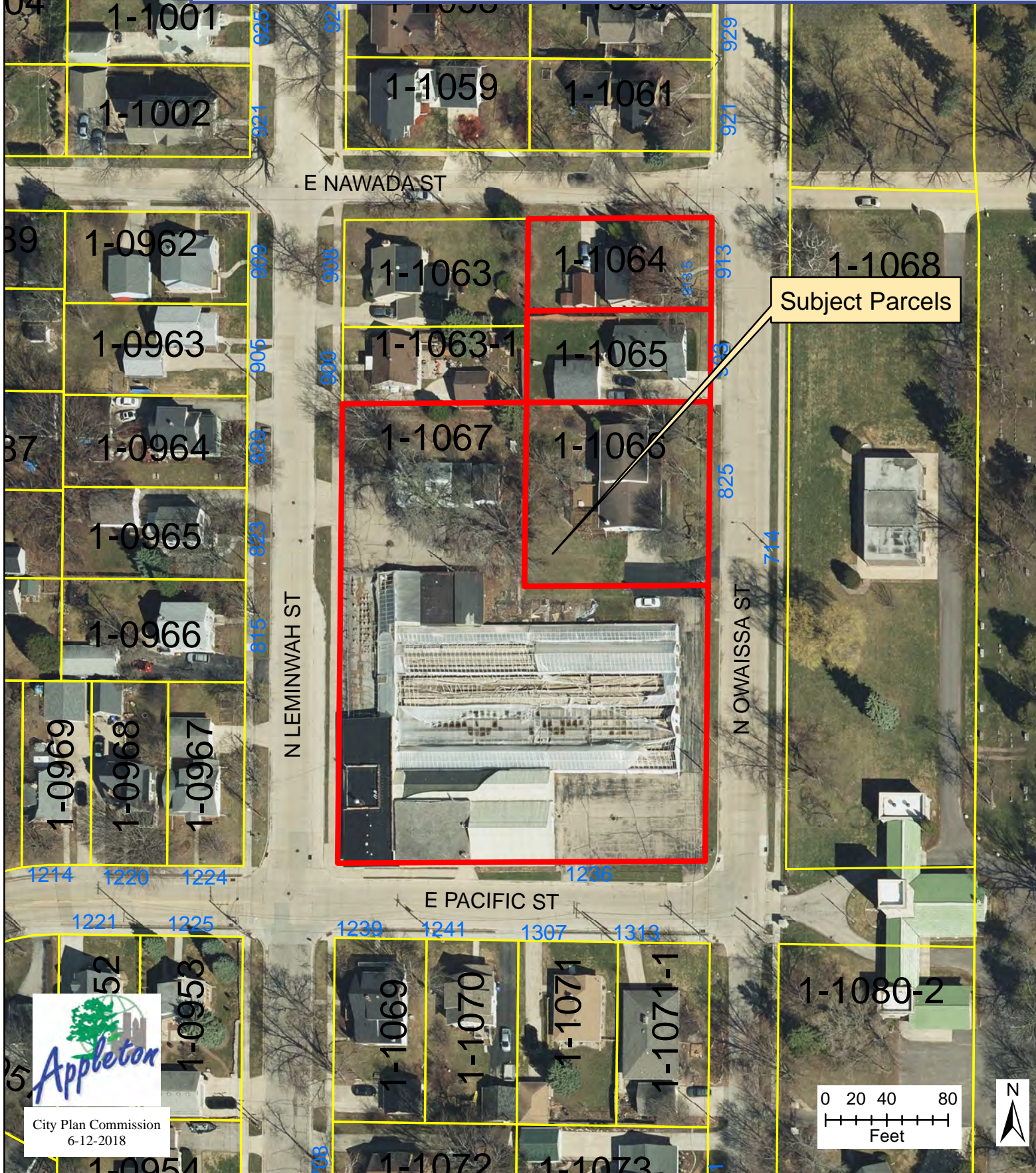
Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Subject Parcels

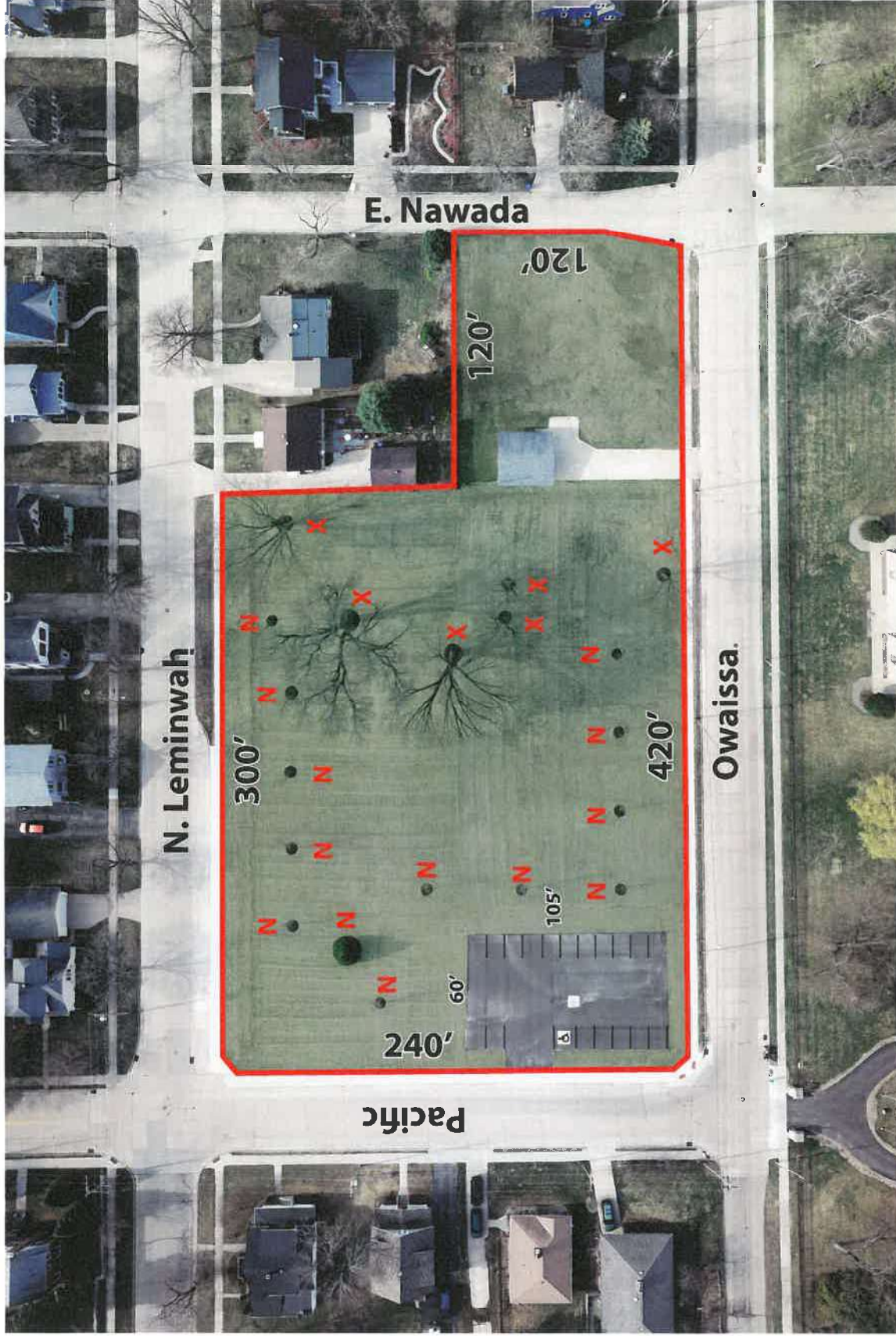
Subject Parcels



1236 E. Pacific Street, 825 N. Owaissa Street, 903 N. Owaissa Street and
913 N. Owaissa Street
Special Use Permit
Riverside Cemetery - Recreational Facility, Non-Profit
Zoning Map



City Plan Commission
6-12-2018



N = New Trees
X = Existing Trees

CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Tuesday, June 12, 2018, at 4:00 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-52, 23-66, and 23-96 of the Appleton Municipal Code, to consider a request by Century Oaks on Ballard, LLC, owner/applicant, for property located at 2302 East Glenhurst Lane (Tax Id #31-1-6501-00) to obtain a Special Use Permit for a community living arrangement (CLA) serving 87 persons. This request would replace the owner/applicant's previous request, which was for a CLA serving 80 persons. In the R-3 Multi-Family District, a Special Use Permit is required for a CLA serving 16 or more persons. In addition, the Special Use Permit would provide an exception to allow the total capacity of all CLAs in Aldermanic District 13 to exceed 1% of the district's total population, as required by Section 23-52 of the Appleton Municipal Code.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Any questions regarding this matter should be directed to David Kress in the Community and Economic Development Department at (920) 832-6428.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

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

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

RUN: May 29, 2018
June 5, 2018

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Tuesday, June 12, 2018, at 4:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-52, 23-66, and 23-96 of the Appleton Municipal Code, to consider a request by Century Oaks on Ballard, LLC, owner/applicant, for property located at 2302 East Glenhurst Lane (Tax Id #31-1-6501-00) to obtain a Special Use Permit for a community living arrangement (CLA) serving 87 persons. This request would replace the owner/applicant's previous request, which was for a CLA serving 80 persons. In the R-3 Multi-Family District, a Special Use Permit is required for a CLA serving 16 or more persons. In addition, the Special Use Permit would provide an exception to allow the total capacity of all CLAs in Aldermanic District 13 to exceed 1% of the district's total population, as required by Section 23-52 of the Appleton Municipal Code.
- ALDERMANIC DISTRICT: 13 – Alderperson Kyle Lobner

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

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

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P-I

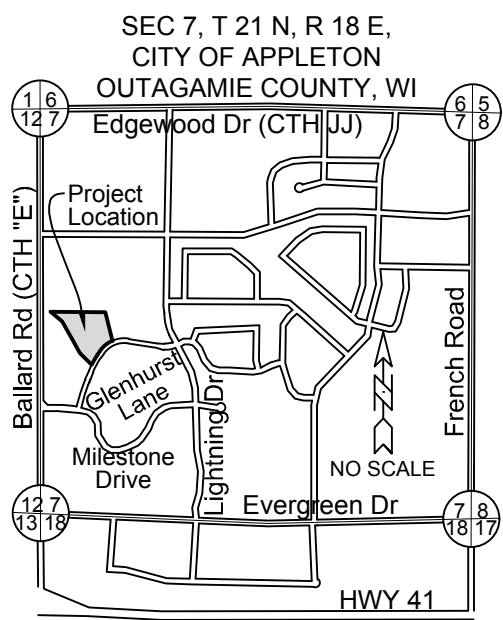


2302 East Glenhurst Lane
Special Use Permit
Community Living Arrangement
Aerial Map



City Plan Commission
6-12-2018

LOCATION MAP



Work within the TransCanada right-of-way will be performed in accordance with TransCanada procedures to protect the safety of TransCanada facilities. The following guidelines, although not inclusive, are provided in order to accommodate your request and protect our pipelines and facilities:

1. No ground disturbance shall be made within TransCanada' right of way or within 25 ft., measured at right angles, of our pipeline(s) except in the presence of our company representative.

2. Notice of at least seventy-two (72) hours in advance of construction must be provided. The Owner must contact the following TransCanada field representatives:

Name: Matt Hischke: 715-460-4042

TransCanada will arrange for a representative to be on site when work is occurring on or near the Right of Way area, or within 25' of the pipelines. After hours call 1-800-447-8066.

3. The Owner and all contractors must hydro-vac or hand expose TransCanada' buried pipeline(s) prior to use of mechanical equipment within 15ft. of the pipeline(s).

4. No sidecutters may be used.

5. No part of powered equipment shall come within three ft of TransCanada' pipelines, or according to applicable State or Federal requirements.

6. No bucket, any attachment or load may be swung over TransCanada' pipeline(s) where there is less than 24" of cover.

7. In the event of equipment crossings outside of existing road right of way or wherever our technician determines that inadequate cover exists, the contractor shall install and maintain temporary crossings of TransCanada' pipeline(s) at location(s) specified by TransCanada and that are/is perpendicular to TransCanada' pipeline(s). A minimum of four (4) feet of total cover over TransCanada' pipeline(s) is required. If fill is required to obtain the minimum cover, a suitable material (preferably a bank run gravel material, or a combination of wooden mats and bank run gravel, or a TransCanada approved "Portable Land Bridge") will be placed on the existing surface of the ground over the pipeline(s) from a point fifteen (15) feet ahead of the pipeline crossing to a point fifteen (15) feet beyond the pipeline crossing. The crossing area should be a minimum of twenty (20) feet wide so as to adequately bear the crossing weights of the heavy equipment. All vehicular traffic will cross TransCanada' pipeline(s) at these designated locations only.

8. The applicable state one-call system must be contacted at 811 in accordance with its advance notification requirements prior to any ground disturbance.

9. Should it be necessary for a TransCanada employee/representative to enter the excavation to inspect its pipeline(s), the excavation at the crossing shall be sloped in accordance with the requirements of the Occupational Safety and Health Administration.

Project Information

Building

Occupancy Classification: Institutional - 12 - 1 Story
Construction Classification: Type VA (5A), Wood Frame Protected, Fully Sprinklered
Number of future employees: 20+
Gross Floor Area: 58,203 sq. ft. (single story)
No basement or below grade space

Use:

Class C community based residential facility (CBRF) with 45 Units (Main structure) and 23 units (Addition) and licensed for 87 persons.

Site Information

Proposed Assisted Living Facility
2302 E Glenhurst Lane
Parcel # 311650100
Zoning: R-3 Multi-family

Total Development Impervious Area = 40.9% (118,756 SF)
Proposed Disturbed Area = 232,000± SF

Building coverage 58,203 SF
Parking and Drives 60,553 SF
Lawn and Landscaping 171,585 SF
Total Site Area 290,341 SF (6.6653 Acres)

Contractor shall comply with all conditions of the WDNR general permit for wetland disturbance.

Parking

Requirements:
1 space for every 3 residents = 29 stalls required

Stalls Provided:
50 proposed stalls + 3 Handicap stalls

Parking lot striping shall be 4" painted yellow or white.

No Hazardous materials will be stored on the site. No outdoor storage is proposed

Snow storage shall be located beyond curb in lawn areas per plan.

Owner

Century Oaks On Ballard, LLC
PO Box 421
Neenah, WI 54956
Phone: (920) 725-6304
Fax: (920) 725-6304

Architect:

GH GRUNWALDT & HALVERSON
Architects Engineers
3113 MacArthur Way Plover, WI 54467
715 344-8647 www.grunwaldthalverson.com

LEGEND

—CATV— CATV	○ Sanitary MH / Tank / Base	□ CATV Pedestal
—San— San	○ Clean Out / Curb Stop / Pull Box	□ Gas Regulator
—Sto— Sto	○ Storm Manhole	□ Sign
—E— E	○ Inlet	○ Post / Guard Post
—G— G	○ Catch Basin / Yard Drain	○ Deciduous Tree
—T— T	○ Hydrant	○ Coniferous Tree
—W— W	○ Utility Valve	○ Bush / Hedge
—VL— VL	○ Utility Meter	○ Soil Boring
—WL— WL	○ Light Pole / Signal	○ Benchmark
—Culvert— Culvert	○ Electric Pedestal	
—Index Contour— Index Contour	○ Telephone Pedestal	
—Intermediate Contour— Intermediate Contour	○ Ex Spot Elevation	
—Proposed Building— Proposed Building		
—Proposed Asphalt— Proposed Asphalt		
—Proposed Concrete— Proposed Concrete		

REVISION
2018-05-14

Century Oaks Phase II

City of Appleton, Outagamie County, WI
For: Century Oaks, LLC



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

Project Number: 4186.2
12-07-2015

Page
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CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Tuesday, June 12, 2018, at 4:00 P.M. in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by Hollyann Strunc, owner of the property located at 317 N. Appleton Street (Tax Id #31-2-0493-00) to obtain a Special Use Permit to conform and expand Missfits Tavern with an outdoor seating area along the south side of the building with alcohol sales and consumption. In the CBD Central Business District, a Special Use Permit is required for a tavern.

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

CITY PLAN COMMISSION
APPLETON, WISCONSIN

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

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RUN: May 29, 2018
June 5, 2018

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

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- ALDERMANIC DISTRICT: 1 – Alderperson William Siebers

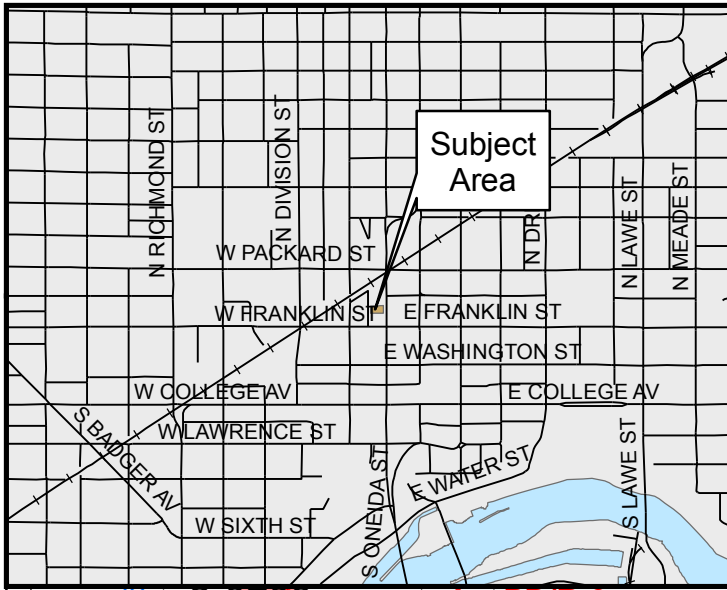
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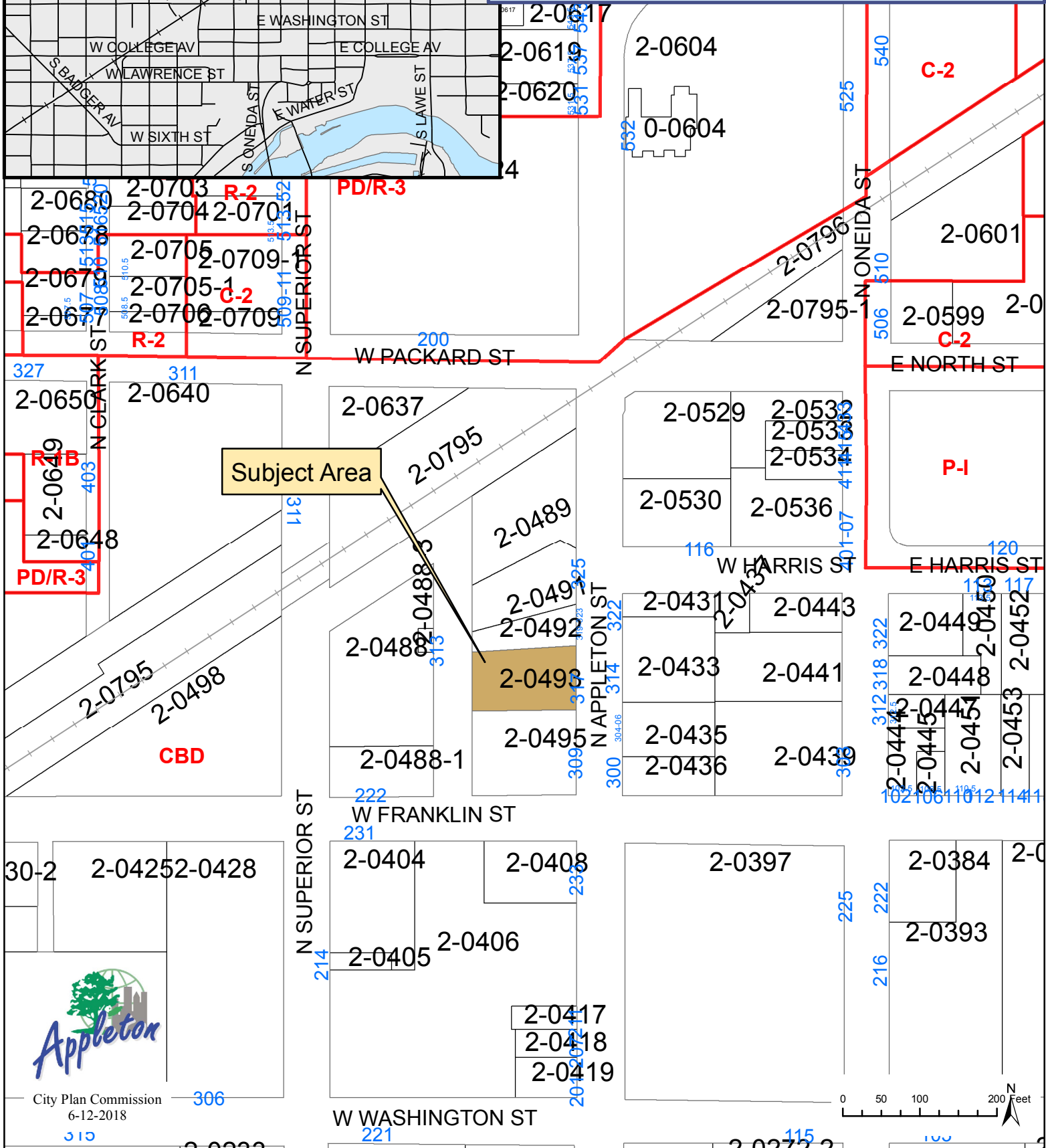
CITY PLAN COMMISSION

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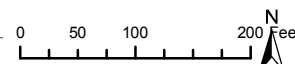
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317 N. Appleton Street
 Special Use Permit
 To conform and expand an existing tavern with
 an outdoor seating area
 Missfits Tavern
 Zoning Map



City Plan Commission
 6-12-2018





Mi T Fence LLC
W3206 Greiner Rd.
Appleton, WI 54913
920-731-6645
MitFence.com
Info@mitfence.com

PROPOSAL/CONTRACT

Page 1
05/16/2018

Customer Information:

Missfits Tavern
317 N Appleton St
Appleton, WI 54911

Job Information:

Customer contact: 503-833-2380
missfits317@gmail.com

Notes:

Furnish and install 56' of 4' high cedar fencing. Includes one 4' gate.

\$2292.42

All posts concreted

Alternate with driven posts. \$1964.66

2 3/8" X 8' SS20 PIPE POST
8' 2X4 CEDAR STRINGER
4' 1X6 DOG EAR CEDAR BOARD
2 3/8" DIE-CAST ALUMINUM DOME CAP
END WOOD POST ADAPTER
LINE WOOD POST ADAPTER
8d. GALVANIZED NAIL

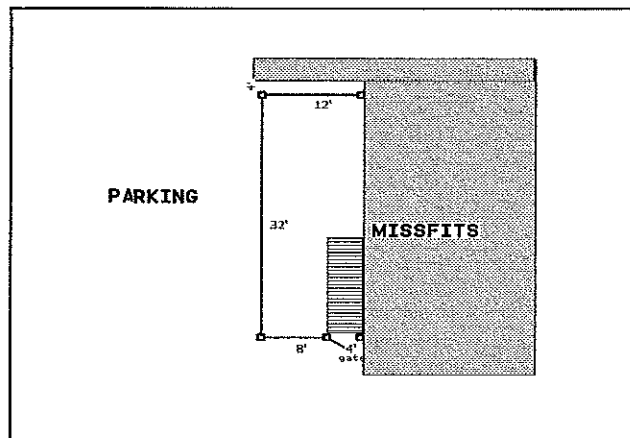
Mi T Fence warrants to the original purchaser that all materials and labor will be free from defects that would affect the structural strength of the fence for a period of (3) years and Mi T Fence has the option to repair or replace any defective materials. An extended warranty period of (10) years on Materials Only is granted to the original purchaser. These products being All Red or White Cedar lumber. Other products will be covered by Manufacturers Limited Warranty. MI T FENCE IS NOT RESPONSIBLE FOR DAMAGE CAUSED BY NEGLIGENCE VANDALISM, WASHOUTS, FROST, NATURAL DISASTERS, ACT OF GOD, OR NATURAL AGING PROCESS OF LUMBER SUCH AS SPLITS AND WEATHER CHECKS UNLESS IT EFFECTS THE STRUCTURAL STRENGTH OF THE FENCE.

Mi T Fence LLC shall advise the customer as to local zoning regulations but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. Mi T Fence LLC will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstance does Mi T Fence LLC assume any responsibility concerning property lines or in any way guarantee their accuracy. If property pins cannot be located it is recommended that the customer have the property surveyed.

MI T FENCE LLC WILL ASSUME THE RESPONSIBILITY FOR HAVING UNDERGROUND UTILITIES LOCATED AND MARKED.

However, Mi T Fence LLC assumes no responsibility for unmarked sprinkler lines, or any other unmarked buried lines or objects. The customer will assume all liability for any damage caused by directing Mi T Fence LLC to dig in the immediate vicinity of known utilities.

Additional charges for any extra work not covered in this



contract that was requested by the customer will also be added. The full amount of this contract along with any additional charges will become payable upon completion of all work whether or not it has been invoiced. CANCELLATION OF CONTRACT WILL RESULT IN A 25% PERCENT RESTOCKING FEE ON ANY SPECIAL ORDER MATERIALS.

COMPLETED FENCE PAYMENT SHALL BE MADE UPON COMPLETION UNLESS PREVIOUS PAYMENT ARRANGEMENTS WERE MADE PRIOR TO AND IN ADVANCE.

A FINANCE CHARGE of 1 1/2% per month (or a minimum of \$1.00), which is an annual percentage rate of 18%, shall be applied to accounts that are not paid within 10 days after completion of any work invoiced. All materials will remain the property of Mi T Fence LLC until all invoices pertaining to this job are paid in full. The customer agrees to pay all interest and any costs incurred in the collection of this debt.

Approved & Accepted for Customer:

Contract Amount: \$ 2292.42

Down Payment: \$ 1145.00

Balance Due on Completion \$ 1147.42

Customer

Date

Accepted for Mi T Fence LLC:

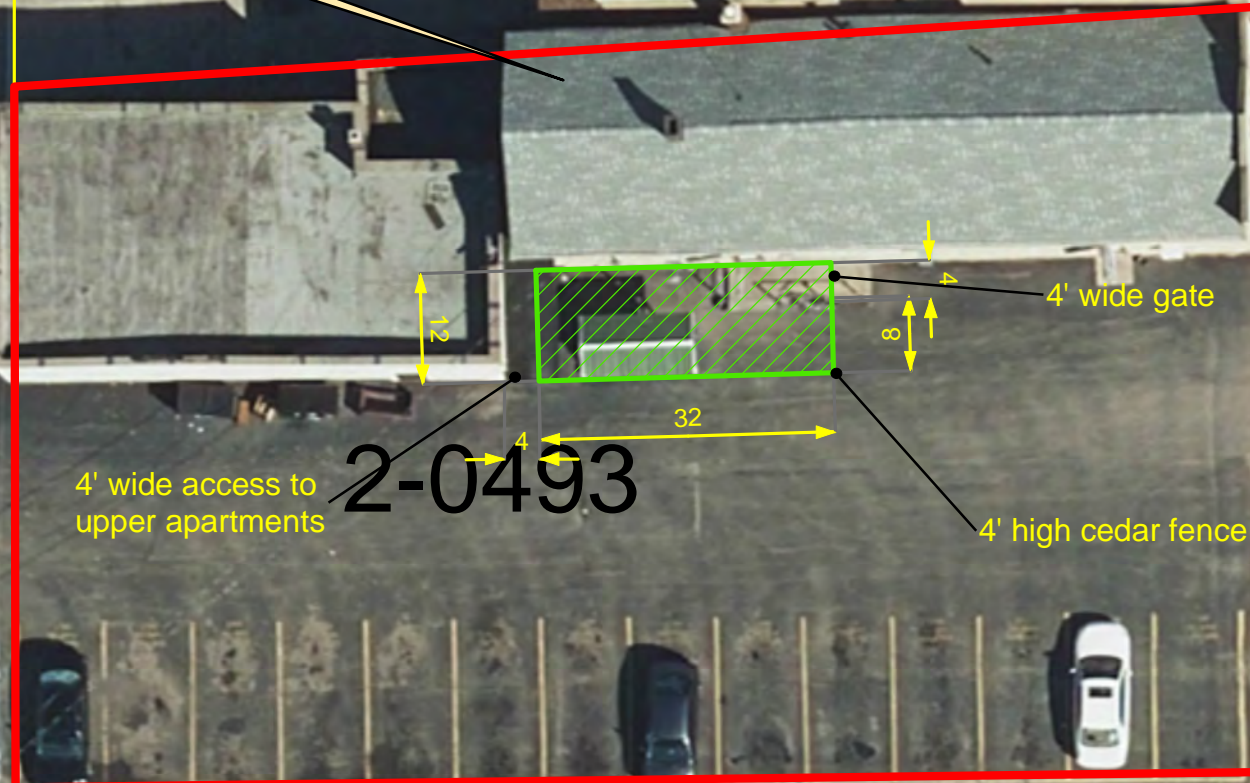
Mike Talbot

Date

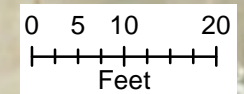
317 N. Appleton Street
Special Use Permit
Missfits Tavern
Aerial Map

To conform and expand an existing tavern with an outdoor seating area

Subject Area



City Plan Commission
6-12-2018





REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: June 12, 2018

Common Council Meeting Date: June 20, 2018

Item: Street Renaming – North Wilmer Avenue to North Wilmer Street

Case Manager: David Kress

GENERAL INFORMATION

Location: Generally located south of East Pauline Street and north of East Randall Avenue

Proposed Street Name Change: The proposed change is for the suffix only, from North Wilmer Avenue to North Wilmer Street.

BACKGROUND

In 1998, Common Council approved street renaming procedures and standards, which are being utilized for this proposed street name change. In this case, Plan Commission initiated the street renaming at their May 8, 2018 meeting and directed staff to schedule an informal public hearing on the proposed street name change. The necessary notices were prepared and sent, and this meeting includes the informal public hearing that is required for a street renaming. Plan Commission makes a recommendation to the Common Council who will make the final decision on the street renaming.

As described in an attached memo from Ross Buetow, City Engineer, the current street name – North Wilmer Avenue – is shown on the Replat of Part of Ullman's Addition, which was recorded in 1947. However, the United States Postal Service has been using North Wilmer Street, and as a result, some residents and online mapping tools (e.g. Google Maps) have done the same. Therefore, the proposed change is for the suffix only and is intended to establish a consistent street name. If approved, an Affidavit of Correction will be the instrument used to record the street name change.

STAFF ANALYSIS

Affected Properties: Notices announcing the informal public hearing were sent to the property owners whose street addresses are subject to change and other nearby property owners, pursuant to the 1998 procedures. According to City data, the following nine properties would be subject to an address change:

Property Owner	Existing Address	Proposed Address
Henry Stichart	1623 North Wilmer Avenue	1623 North Wilmer Street
Chad Hohn and Julie Younker	1631 North Wilmer Avenue	1631 North Wilmer Street
Robin Voigt	1702 North Wilmer Avenue	1702 North Wilmer Street
Annette Vandenheuvel	1703 North Wilmer Avenue	1703 North Wilmer Street
Peter and Jade Hoffmann	1708 North Wilmer Avenue	1708 North Wilmer Street
James and Kathy Van Boxtel	1709 North Wilmer Avenue	1709 North Wilmer Street
Warmbrunn Revocable Trust	1714 North Wilmer Avenue	1714 North Wilmer Street
Susan Gabrielson	1715 North Wilmer Avenue	1715 North Wilmer Street
Luke Chandonais	1721 North Wilmer Avenue	1721 North Wilmer Street

Street Renaming – North Wilmer Avenue to North Wilmer Street

June 12, 2018

Page 2

Street Renaming Criteria: According to the 1998 street renaming standards, if over 50% of the property owners with an affected address object to the street name change, the proposed street renaming shall be automatically denied. Per Section 23-22 of the Municipal Code, owner means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot. At the time of preparing this staff report, no objections have been received from property owners with an affected address.

Also, the proposed street name change appears compatible with the City's street name standards for new streets and Section 17-25(e) of the Municipal Code.

Street Classification: The City's Arterial/Collector Plan Map identifies this portion of right-of-way as a local street.

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 in nature.

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

South: R-2 Two-Family District and R-1B Single-Family District. Railroad right-of-way is located south of the subject area.

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

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

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future one and two-family residential uses. The proposed street renaming is consistent with the following objective from the *Comprehensive Plan 2010-2030*.

OBJECTIVE 11.2 Intergovernmental Cooperation:

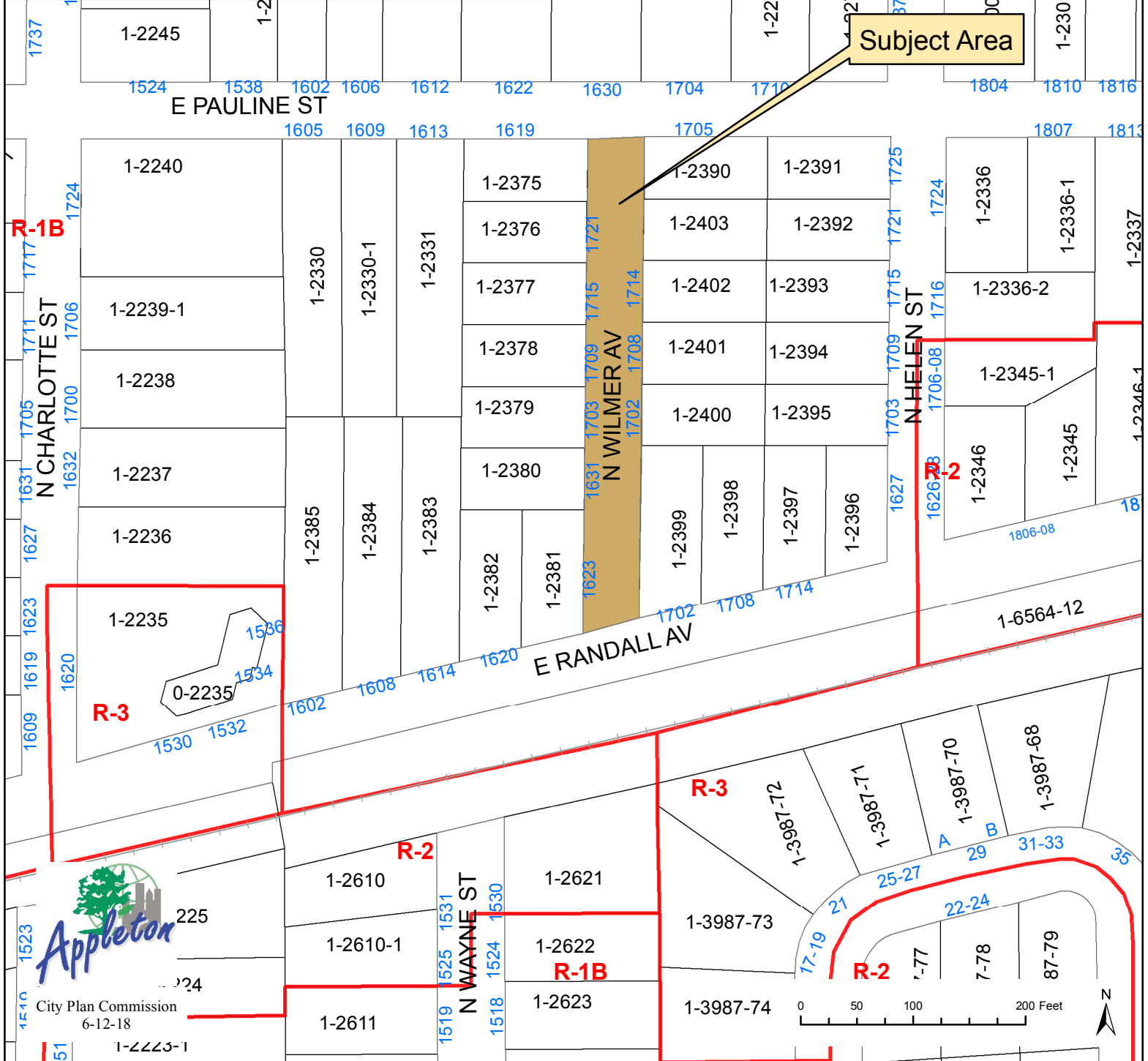
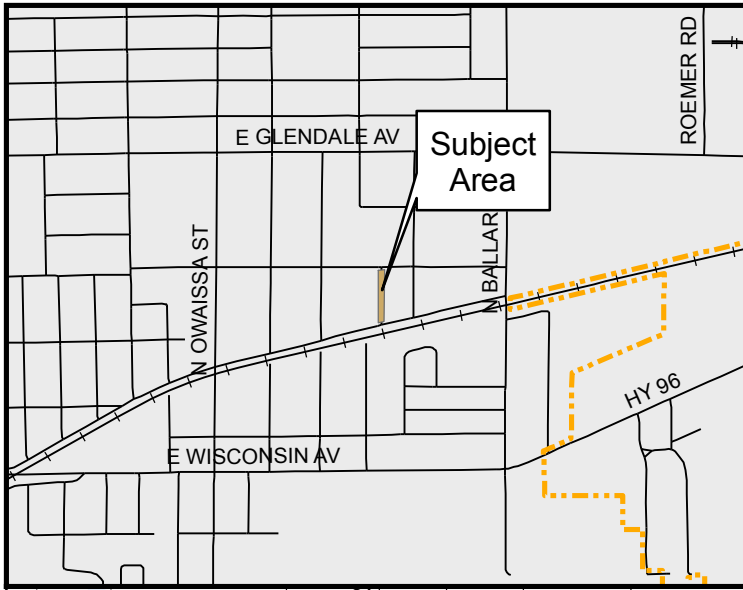
Work with the State of Wisconsin, federal agencies, and other agencies and organizations on issues of concern to the City of Appleton.

Technical Review Group (TRG) Report: This item was discussed at the May 22, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

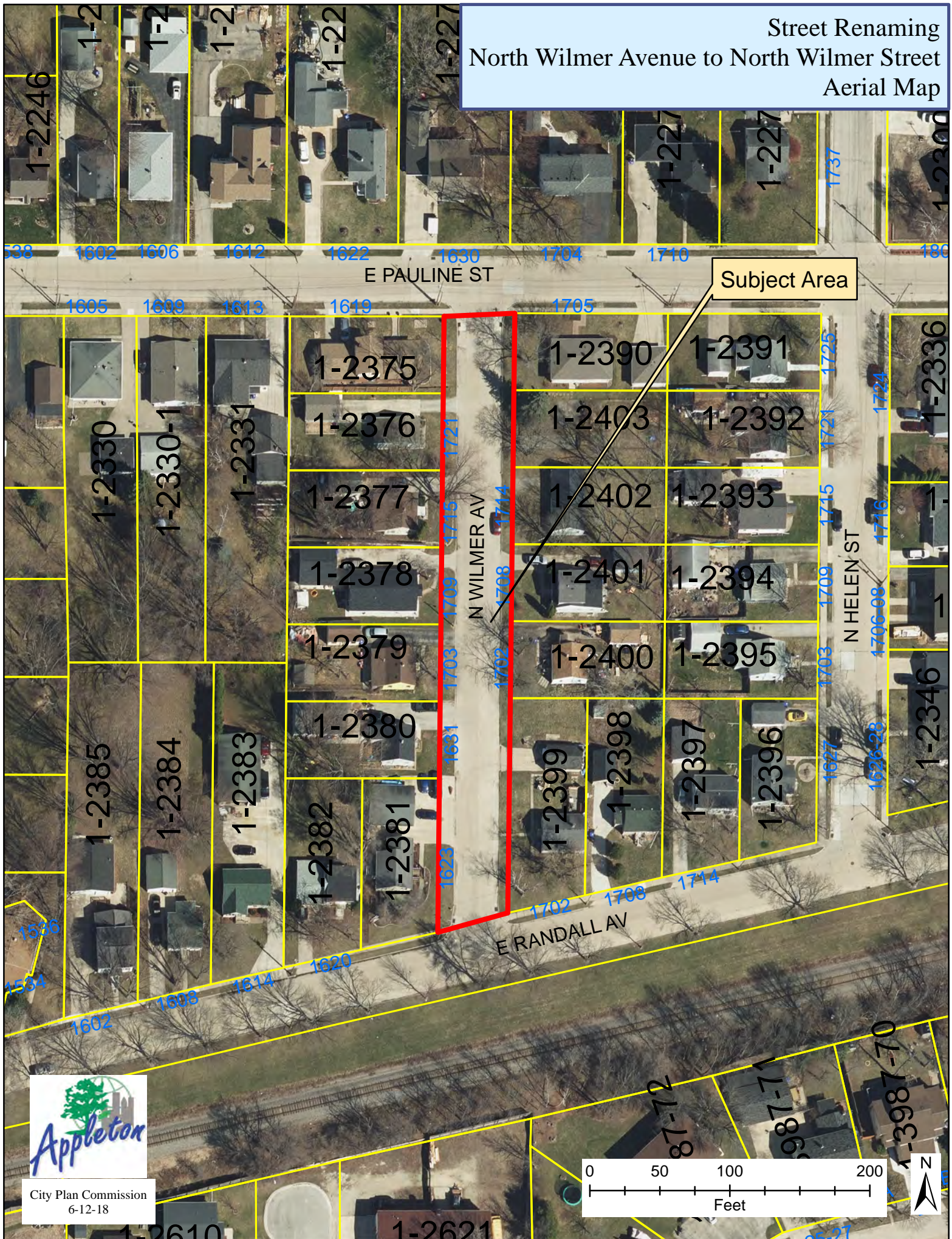
RECOMMENDATION

Pending public comments, staff recommends the street renaming, from North Wilmer Avenue to North Wilmer Street, **BE APPROVED**.

Street Renaming North Wilmer Avenue to North Wilmer Street Zoning Map



Street Renaming
North Wilmer Avenue to North Wilmer Street
Aerial Map



City Plan Commission
6-12-18





MEMO

TO: Members of the City of Appleton Plan Commission

FROM: Ross Buetow, Deputy Director of Public Works / City Engineer

DATE: April 23, 2018

SUBJECT: **Proposed street name modification (Affidavit of Correction)**

As part of ongoing property records updates by City GIS staff, an issue has been identified related to an officially platted street name that is inconsistent with the name being used by the nine residents of the street and also the U.S. Postal Service. According to the Ullman's Addition Replat, the official name of the street in question is **Wilmer Avenue**, however, the residents and post office have been using **Wilmer Street** since the time this replat was recorded.

After discussing the issue with several City departments, we feel the simplest solution is to prepare an Affidavit of Correction to officially change the street name to **Wilmer Street**. By doing so, the property owners, post office, City of Appleton and emergency responders will all be using a consistent street name moving forward. This solution will also avoid the inconvenience for property owners to officially change their addresses on all of their personal documents and records.

Thank you for your consideration of this request.

(Attachments)

Document Number

AFFIDAVIT OF CORRECTION

Pursuant to s.236.295(1) (a), Wis. Stats., I, Thomas M. Kromm, Wisconsin Professional Land Surveyor, S-2062, hereby certify that the REPLAT OF PART OF ULLMAN'S ADDITION, recorded in Volume 13 of Plats on Pages 14 as Document number 403249, Outagamie County Registry, located in the City of Appleton, Outagamie County, Wisconsin, shows a street name of "N. Wilmer Avenue" between Block 1 and Block 2 of said Plat.

The name of the street shown in the above described Plat shall be changed to "N. WILMER STREET".

A copy of the original document, in part, is attached to this Affidavit and incorporated herein by reference.

Dated this 1st day of February

Signed: Thomas M Kromm
Thomas M. Kromm, City Surveyor

Record and return to:

City of Appleton
City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

State of Wisconsin)

Outagamie County)

Personally came before me this 1st day of Feb., 2018

Wendy L. Kromm
Notary Public, State of Wisconsin
My commission is/expires: 3/13/20

CITY OF APPLETON APPROVAL:

Approved by the City of Appleton on this _____ day of _____, 2018.

APPROVED AS TO FORM:

James P. Walsh, City Attorney

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REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 12, 2018

Common Council Public Hearing Meeting Date: July 18, 2018 (Public Hearing on Rezoning)

Item: Rezoning #6-18 – Riverside Cemetery

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Appleton Cemetery Association

Address/Parcel #: 1236 E. Pacific Street / #31-1-1067-00

Petitioner's Request: The applicant is requesting a zoning change from R-1B Single-Family District and C-2 General Commercial District to R-1B Single-Family District to provide for consistent R-1B Single-Family residential zoning for the entire parcel.

BACKGROUND

The subject property was previously used as a commercial greenhouse. The cemetery purchased the property and demolished the structures in 2017. A small parking lot was retained and re-paved for cemetery use.

The property is being proposed to be used by the cemetery as a non-profit recreational facility to include a reflection/meditation garden, open space and parking for use by visitors to the cemetery and the public. The property owner has also filed an application for Special Use Permit #2-18.

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 area to be rezoned is currently being used as open space and a small parking lot serving Riverside Cemetery and is zoned R-1B Single-Family District and C-2 General Commercial 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 existing lot exceeds this requirement. The lot is 57,609 square feet.*
- Minimum lot width: Fifty (50) feet.
 - *The existing lot exceeds 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.
 - *No structures proposed at this time. Required setbacks for any future structures will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *No structures proposed at this time. Required setbacks for any future structures will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *The existing lot exceeds this requirement.*

Surrounding zoning and land uses:

North: R-1B Single-Family District – Single-family homes

South: R-1B Single-Family District – Single-family homes

East: R-1B Single-Family District – Riverside Cemetery

West: R-1B Single-Family District – Single-family homes

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. The proposed R-1B Single-Family District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth: Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

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

OBJECTIVE 10.1 Land Use:

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

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.

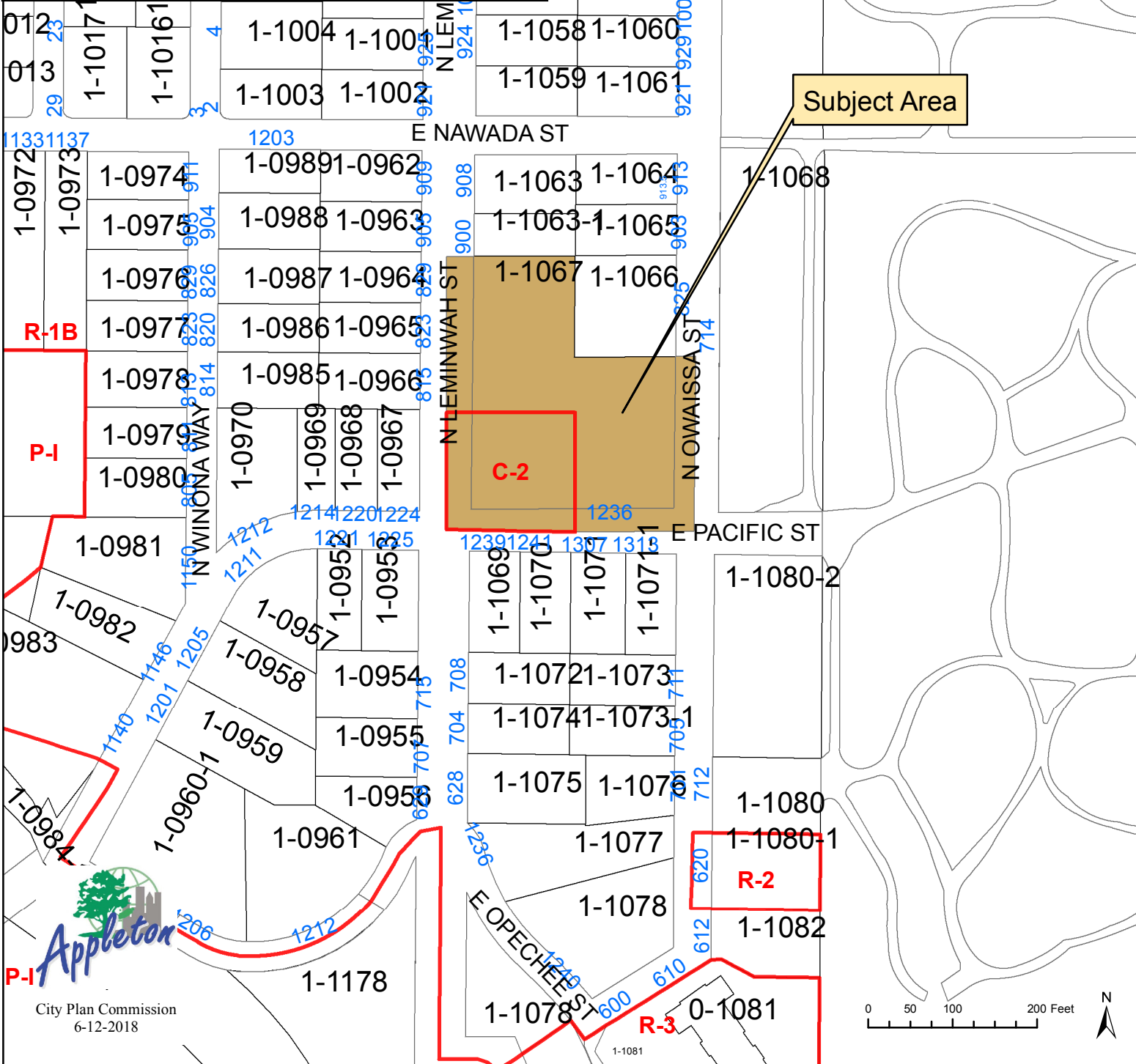
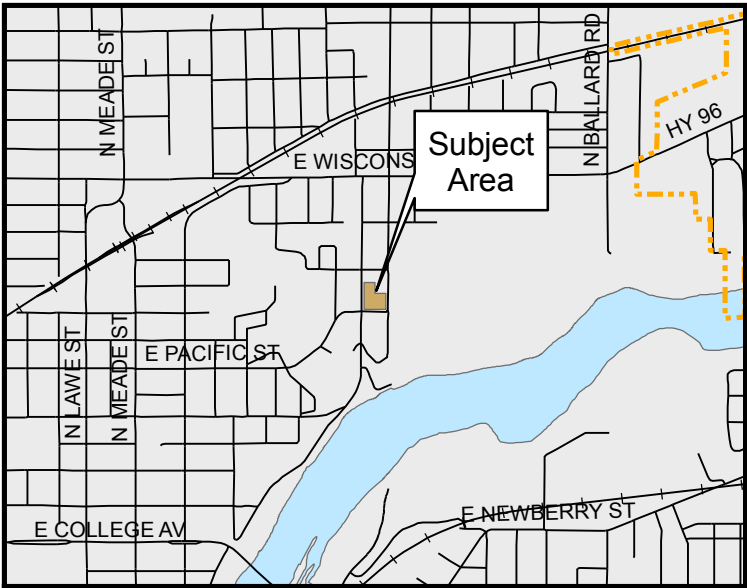
- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above and the Future Land Use map.*
 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, south and west of the subject site. The rezoning request is being made to provide for consistent R-1B Single-Family residential zoning for the entire parcel. The property will be used as a reflection/meditation garden, open space and parking for use by visitors to the cemetery and the public. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Technical Review Group Report (TRG): This item was discussed at the May 22, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

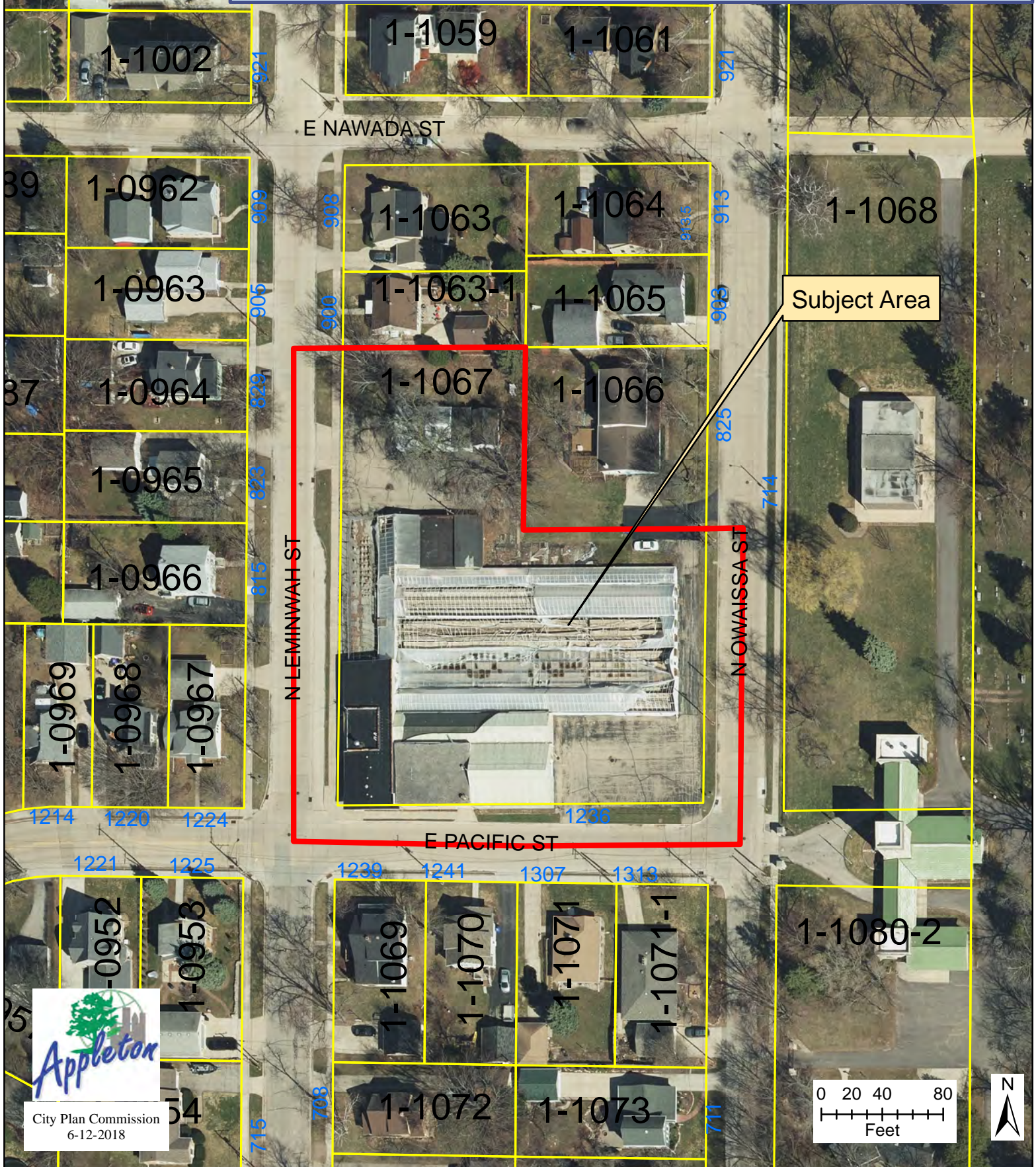
RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #6-18 to rezone the subject property from R-1B Single-Family District and C-2 General Commercial District to R-1B Single-Family District, including to the centerline of the adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

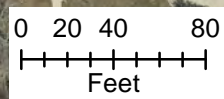
1236 E. Pacific Street
Rezoning
R-1B Single Family District and
C-2 General Commercial District to
R-1B Single Family District
Zoning Map



1236 E. Pacific Street
Rezoning
R-1B Single Family District and C-2 General Commercial District to
R-1B Single Family District
Aerial Map



City Plan Commission
6-12-2018



Legal Description

1236 E. Pacific Street

Tax Id: 31-1-1067-00

HARRIMANS LAWSBURG PLAT 1WD LOTS 5, 7, 9, 10, 11, 12, 13 and 14 BLK 60, including all of the adjacent one-half (1/2) right-of-way of North Leminwah Street, East Pacific Street and North Owaissa Street.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 12, 2018

Common Council Meeting Date: July 18, 2018 (in conjunction with Rezoning #6-18)

Item: Special Use Permit #2-18 for a non-profit recreational facility within the R-1B Zoning District

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Appleton Cemetery Association

Address/Parcel #: 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a non-profit recreational facility (green space, reflection/meditation garden and parking) serving Riverside Cemetery.

BACKGROUND

The subject property was previously used as a commercial greenhouse. The cemetery purchased the property and demolished the structures in 2017. An existing garage remains and a small parking lot was retained and re-paved for cemetery use.

The property is being proposed to be used by the cemetery as a non-profit recreational facility to include a reflection garden, open space and parking for use by visitors to the cemetery and the public.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a non-profit recreational facility to include a reflection garden, open space and parking for use by visitors to the cemetery and the public on the subject site. The property also contains a garage that will be used to house equipment and materials for the facility. Off-street parking is provided on the subject site.

Zoning Ordinance Requirements: The subject property has a zoning designation of R-1B Single-Family District and C-2 General Commercial District. A separate rezoning request has been filed (Rezoning #6-18) to rezone the entire property to provide for consistent R-1B Single-Family residential zoning for the entire parcel. Per Zoning Code Section 23-93(e), a Special Use Permit is required for a non-profit recreational facility within the R-1B district. 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.

Special Use Permit #2-18

June 12, 2018

Page 2

The property contains a garage that will be used to house equipment and materials for maintenance of the facility. The structure is non-conforming because it does not meet the required side yard setback along the south side of the structure. Zoning Code Section 23-66(e)(1) allows the Plan Commission to waive the development standards for existing, non-conforming structures. Approval of this Special Use Permit would allow the existing garage (accessory structure) to remain on the property.

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 residential and public/institutional in nature.

North: R-1B Single-Family District. The adjacent land use is single-family residential.

South: R-1B Single-Family District. The adjacent land use is single-family residential.

East: R-1B Single-Family District. The adjacent land use is Riverside Cemetery.

West: R-1B Single-Family District. The adjacent land use is single-family residential.

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

Goal 1 – Community Growth: Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

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

OBJECTIVE 10.1 Land Use:

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

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-6) 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 22, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #2-18 for a non-profit recreational facility within the R-1B Zoning District at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances and regulations, including but not limited to Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions or additions to the non-profit recreational facility 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. Perimeter parking lot landscaping shall be provided along the east, west and south side of the parking lot. A landscape plan shall be provided and approved by Staff prior to installation of the parking lot perimeter landscaping.
5. Parking spaces shall be striped in accordance with the dimensional requirements provided in Section 23-172(e).
6. Waive the required accessory building side yard setback along the south side of the existing non-conforming garage per Zoning Code Section 23-66(e)(1).

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #2-18

WHEREAS, Riverside Cemetery Association has applied for a Special Use Permit for a non-profit recreational facility (green space, reflection/meditation garden and parking) located at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00); and

WHEREAS, the location for the proposed non-profit recreational facility is located in the R-1B Single-Family Residential 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 12, 2018 on Special Use Permit #2-18 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 Section 23-66(e)(1-6) of the Municipal Code, and forwarded Special Use Permit #2-18 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 _____, 2018 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #2-18 for a non-profit recreational facility (green space, reflection/meditation garden and parking) located at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00) and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #2-18

1. All applicable codes, ordinances and regulations, including but not limited to Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions or additions to the non-profit recreational facility 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. Perimeter parking lot landscaping shall be provided along the east, west and south side of the parking lot. A landscape plan shall be provided and approved by Staff prior to installation of the parking lot perimeter landscaping.
5. Parking spaces shall be striped in accordance with the dimensional requirements provided in Section 23-172(e).
6. Waive the required accessory building side yard setback along the south side of the existing non-conforming garage per Zoning Code Section 23-66(e)(1).

Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

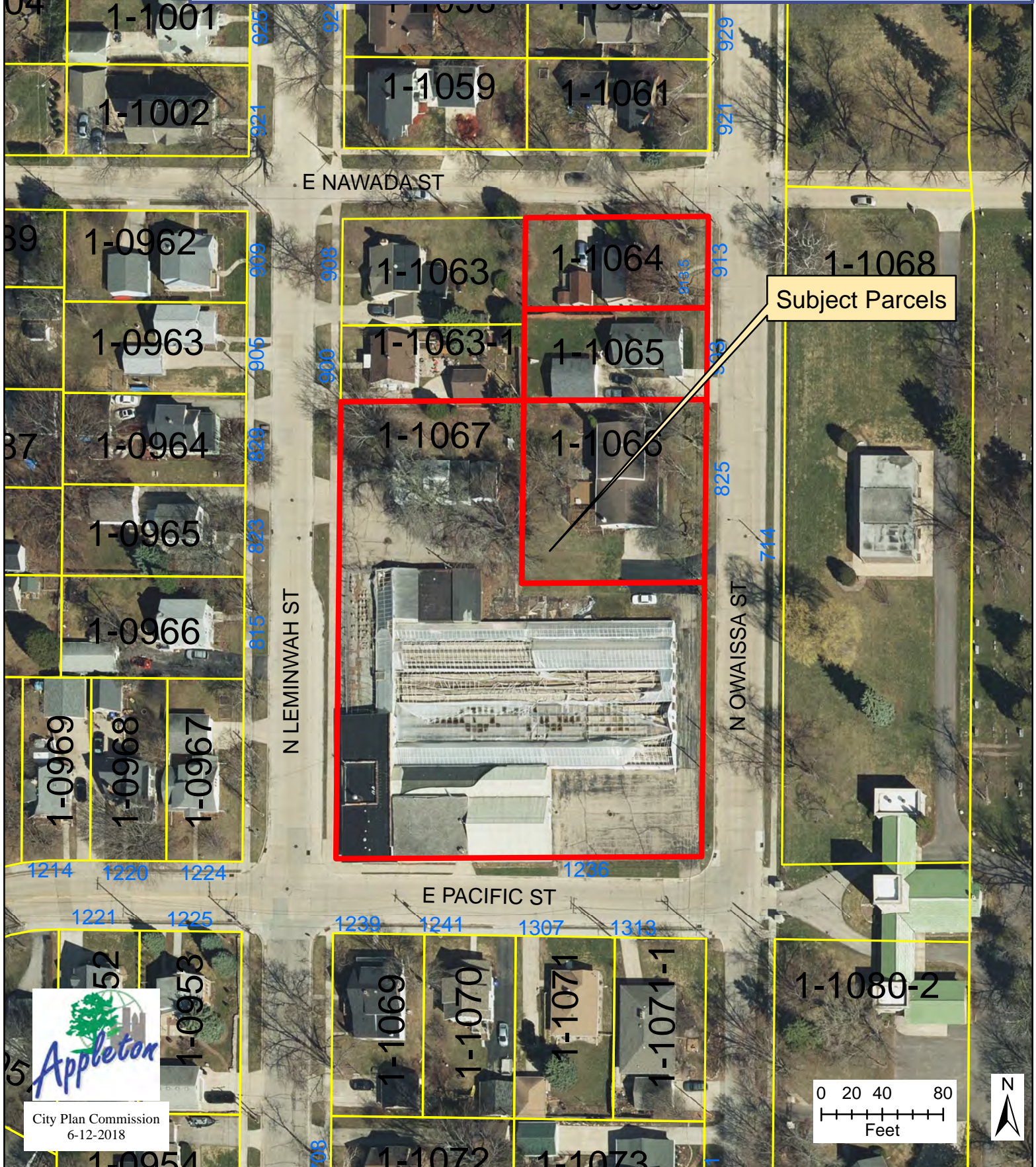
Subject Parcels

Subject Parcels



Appleton

1236 E. Pacific Street, 825 N. Owaissa Street, 903 N. Owaissa Street and
913 N. Owaissa Street
Special Use Permit
Riverside Cemetery - Recreational Facility, Non-Profit
Zoning Map



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of Business: Appleton Cemetery Association

Years in operation: 148

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

The applicant's business is a non-profit cemetery, and the proposed facility is a recreational facility, non-profit, to be used as a green space and reflection/meditation garden for members of the applicant's non-profit and members of the public.

Proposed Hours of Operation:

Day	From	To
Week Day	Sunrise	Sunset
Friday	Sunrise	Sunset
Saturday	Sunrise	Sunset
Sunday	Sunrise	Sunset

Building capacity and area:

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

Gross floor area of the existing building(s): 720 square foot garage to be used as accessory building to house equipment and materials for facility.

Gross floor area of the proposed building (s): 13,500 square feet, accessory lot to be used as parking for facility.

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

None

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

None

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment: None, other than
lawn care equipment when used for grounds keeping of facility.

B. How will the noise be controlled? Normal muffling

Outdoor lighting:

Type: None currently

Location: _____

Off-street parking:

Number of spaces existing: 20.

Number of spaces proposed: 20 total.

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?

Street access is adequate.

Outdoor uses:

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale: None

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

Type location, size of outdoor display area(s) of merchandise for sales: None

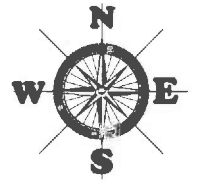
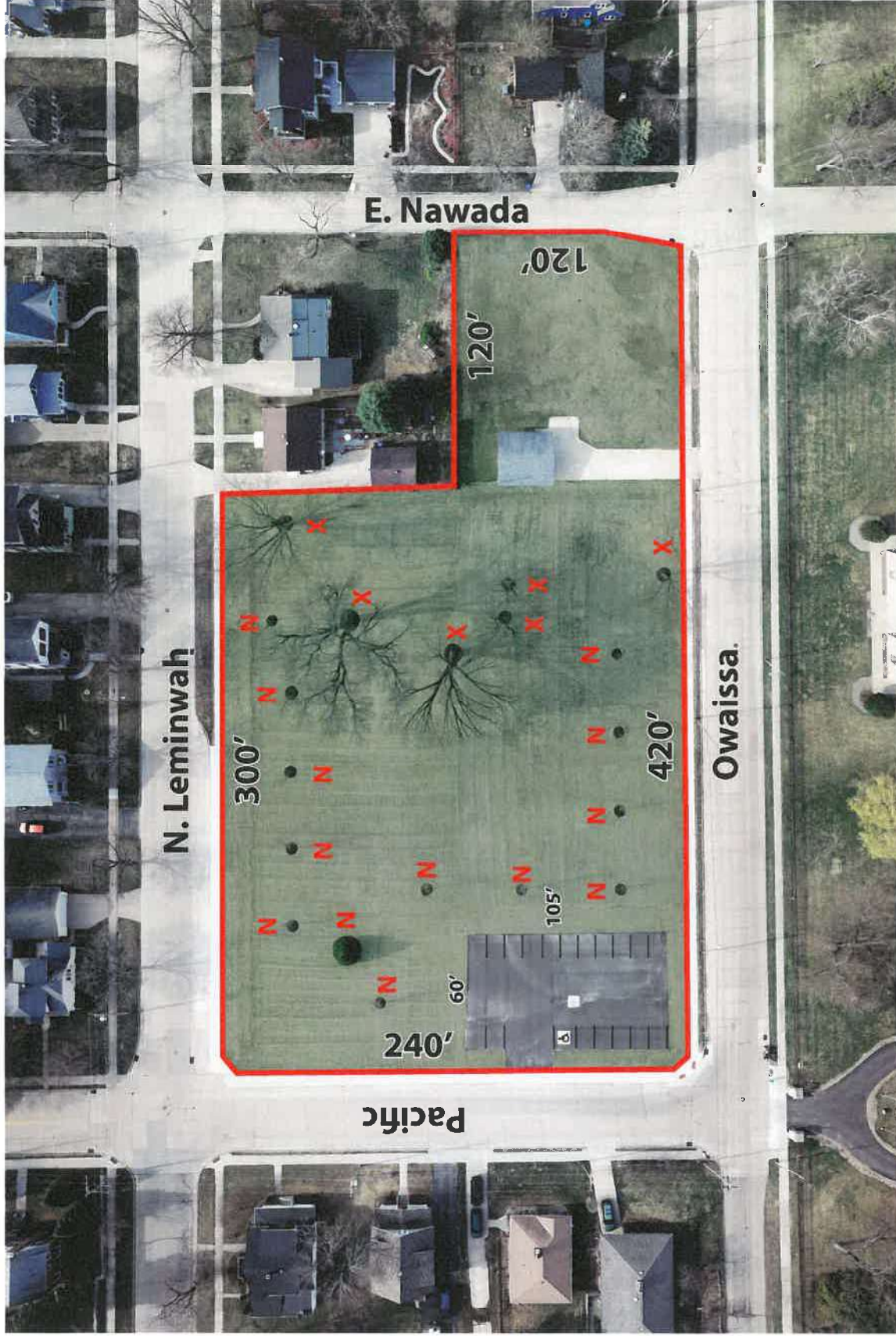
Number of Employees:

Number of Existing Employees: 5

Number of Proposed Employees: N/A

Number of Employees scheduled to work on the largest shift: see below

Employees will only be performing maintenance and grounds keeping at facility, as needed. No employee will be there full-time.



N = New Trees
X = Existing Trees



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 12, 2018

Common Council Meeting Date: June 20, 2018

Item: Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 persons and an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)(a) of the Zoning Ordinance, which states "The total capacity of all CLAs within any aldermanic district may not exceed one percent (1%) of the total population of that aldermanic district."

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Century Oaks on Ballard, LLC c/o Paul Moran

Address/Parcel #: 2302 East Glenhurst Lane (Tax Id #31-1-6501-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a community living arrangement (CLA) serving 87 persons and an exception to the one percent (1%) total capacity limit of all CLAs in Aldermanic District 13, as required per Section 23-52 of the Zoning Ordinance.

BACKGROUND

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-15 and Rezoning #4-15 were approved by Common Council on November 18, 2015. These items changed the Future Land Use Map designation from Commercial to Multi-Family Residential and the zoning classification from C-O Commercial Office District to R-3 Multi-Family District for the subject site.

Special Use Permit #16-15 for a CLA serving 80 persons, with an exception to the Aldermanic District 13 CLA capacity limitation, was approved by Common Council on December 16, 2015. If approved, this request would replace the applicant's previous request, resulting in an overall increase of seven persons.

Site Plan #38-15 for the existing building and parking lot was approved on December 18, 2015. Century Oaks has operated the existing CLA on the subject site since construction was completed in 2016.

STAFF ANALYSIS

Project Summary: The applicant proposes to expand the existing community-based residential facility, considered a CLA under the Zoning Ordinance, on the subject site. The proposed building addition would be approximately 16,957 square feet, bringing the total building area to approximately 58,203 square feet. As shown on the development plan, the proposed building addition would include additional units, common space, and an office. Its exterior would be similar in appearance to the existing building. Seven additional parking spaces are proposed, with vehicular access from existing curb cuts on East Glenhurst Lane.

Operational Information: Century Oaks is licensed by the State of Wisconsin as a Class “C” community-based residential facility. A plan of operation is attached to the Staff Report.

Existing Site Conditions: The existing building is approximately 41,246 square feet in size. The 6.67-acre site also includes an off-street parking lot east of the building. The property has frontage along East Glenhurst Lane, which is classified as a local street on the City’s Arterial/Collector Plan.

Changes to Special Uses: The applicant’s previous request, Special Use Permit #16-15, was for a CLA serving 80 persons. The applicant’s current request, Special Use Permit #3-18, is for a CLA serving 87 persons. While the proposed increase is less than 10%, typically deemed a “minor change,” a new Special Use Permit is needed for an exception to the aldermanic district capacity limitation. If approved, Special Use Permit #3-18 will replace Special Use Permit #16-15.

Zoning Ordinance Requirements: CLAs require a Special Use Permit in the R-3 Multi-Family District provided one of the following is met:

- The facility capacity is 16 or more persons (per Section 23-96(e) of the Municipal Code).
- The total capacity of all CLAs in an aldermanic district has and will by the inclusion of a new CLA exceed 1% of such district population (per Section 23-52(b)(2)(a) of the Municipal Code).
- The total capacity of all CLAs in the City has and will by the inclusion of a new CLA exceed 1% of the total City population (per Section 23-52(b)(2)(b) of the Municipal Code).

Based on the applicant’s proposal, two of these conditions are met. Listed below are details explaining how the subject CLA relates to these Zoning Ordinance requirements and Aldermanic District 13.

- The proposed licensed capacity of the subject CLA is 87 persons.
- The population of the aldermanic district is 4,796 people (2010 census).
- Maximum licensed CLA capacity (1% of the aldermanic district population) is 47 persons.
- Current approved capacity of all CLAs in the aldermanic district is 266 persons (including the applicant’s previous request).
- The subject CLA will elevate the approved CLA capacity of the aldermanic district to 273 persons.
- The proposed capacity of the subject CLA will exceed the allowed 1% district capacity.
- An exception to the capacity limit of all CLAs in the aldermanic district may be granted at the discretion of the City by a Special Use Permit.

It is important to note the population of the City is approximately 72,623 people (2010 census). One percent of the total City population is 726. The approved capacity of all CLAs in the City is 540, and the subject CLA will elevate the approved CLA capacity of the City to 547. The proposed capacity of the subject CLA will not exceed the 1% City capacity.

The capacity limits were set by the Wisconsin legislature in 1978 and are intended to preserve the established character of a neighborhood and community.

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

Special Use Permit #3-18
June 12, 2018
Page 3

North: PD/R-3 Planned Development Multi-Family District and C-2 General Commercial District. The adjacent land uses to the north are currently a mix of multi-family residential and commercial uses, including an office building.

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

East: C-O Commercial Office District. The adjacent land to the east is currently vacant.

West: C-O Commercial Office District and R-3 Multi-Family District. The adjacent land uses to the west are currently a City stormwater pond and multi-family residential, including a community living arrangement.

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

Goal 1 – Community Growth

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

Goal 3 – Housing Quality, Variety, and Affordability

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.

OBJECTIVE 5.3 Housing and Neighborhoods:

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.

OBJECTIVE 10.1 Land Use

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

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) of the Zoning Ordinance, 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 22, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 persons at 2302 East Glenhurst Lane (Tax Id #31-1-6501-00), as shown on

Special Use Permit #3-18

June 12, 2018

Page 4

the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, with an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)(a) of the Zoning Ordinance, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan may require a major or minor amendment 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. 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.
5. Prior to the issuance of a Certificate of Occupancy, the operator of the CLA shall provide the Inspections Supervisor with a copy of a valid license from the Wisconsin Department of Health Services.
6. Special Use Permit #3-18 will replace Special Use Permit #16-15.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #3-18

WHEREAS, Century Oaks on Ballard, LLC has applied for a Special Use Permit for a community living arrangement (CLA) serving 87 persons and an exception to the Aldermanic District 13 CLA capacity limitation located at 2302 East Glenhurst Lane, also identified as Parcel Number 31-1-6501-00; and

WHEREAS, the location for the proposed community living arrangement is located in the R-3 Multi-Family 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 12, 2018, on Special Use Permit #3-18 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-52(b)(2)(a) of the Municipal Code, and forwarded Special Use Permit #3-18 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 _____, 2018 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 persons and an exception to the Aldermanic District 13 CLA capacity limitation located at 2302 East Glenhurst Lane, also identified as Parcel Number 31-1-6501-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #3-18

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. 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. 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.
5. Prior to the issuance of a Certificate of Occupancy, the operator of the CLA shall provide the Inspections Supervisor with a copy of a valid license from the Wisconsin Department of Health Services.
6. Special Use Permit #3-18 will replace Special Use Permit #16-15.

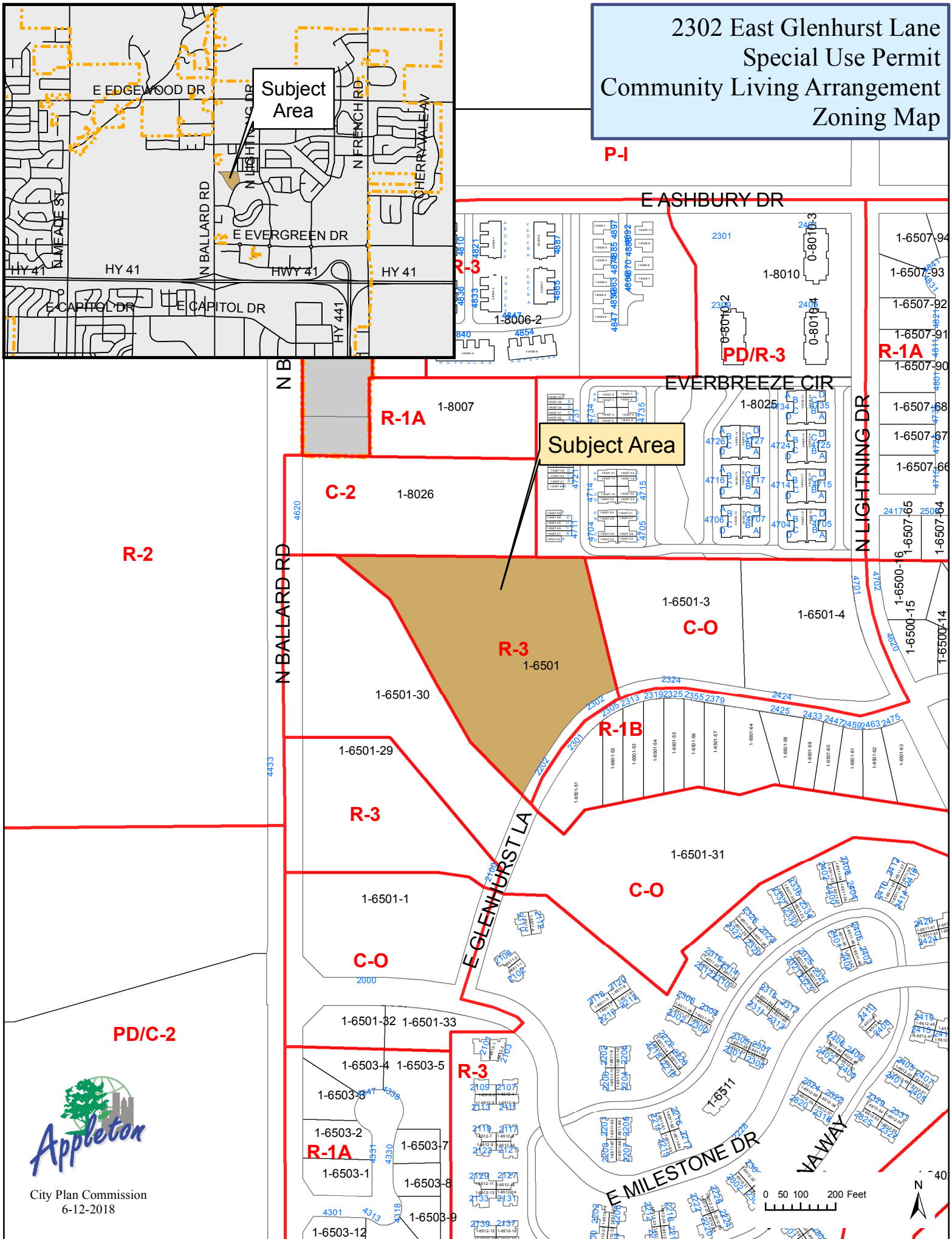
Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

2302 East Glenhurst Lane
Special Use Permit
Community Living Arrangement
Zoning Map



City Plan Commission
6-12-2018

0 50 100 200 Feet



2302 East Glenhurst Lane
Special Use Permit
Community Living Arrangement
Aerial Map

Subject Area

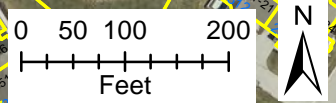
NBALLARD RD

E GLENHURST LA

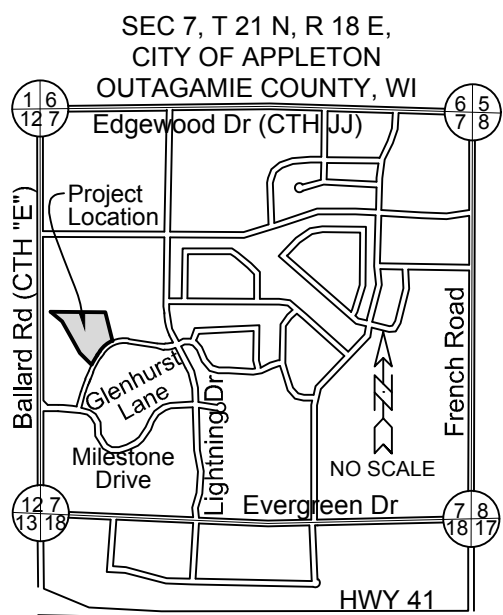
E MILESTONE DR



City Plan Commission
6-12-2018



LOCATION MAP



Work within the TransCanada right-of-way will be performed in accordance with TransCanada procedures to protect the safety of TransCanada facilities. The following guidelines, although not inclusive, are provided in order to accommodate your request and protect our pipelines and facilities:

1. No ground disturbance shall be made within TransCanada' right of way or within 25 ft., measured at right angles, of our pipeline(s) except in the presence of our company representative.

2. Notice of at least seventy-two (72) hours in advance of construction must be provided. The Owner must contact the following TransCanada field representatives:

Name: Matt Hischke: 715-460-4042

TransCanada will arrange for a representative to be on site when work is occurring on or near the Right of Way area, or within 25' of the pipelines. After hours call 1-800-447-8066.

3. The Owner and all contractors must hydro-vac or hand expose TransCanada' buried pipeline(s) prior to use of mechanical equipment within 15ft. of the pipeline(s).

4. No sidecutters may be used.

5. No part of powered equipment shall come within three ft of TransCanada' pipelines, or according to applicable State or Federal requirements.

6. No bucket, any attachment or load may be swung over TransCanada' pipeline(s) where there is less than 24" of cover.

7. In the event of equipment crossings outside of existing road right of way or wherever our technician determines that inadequate cover exists, the contractor shall install and maintain temporary crossings of TransCanada' pipeline(s) at location(s) specified by TransCanada and that are/is perpendicular to TransCanada' pipeline(s). A minimum of four (4) feet of total cover over TransCanada' pipeline(s) is required. If fill is required to obtain the minimum cover, a suitable material (preferably a bank run gravel material, or a combination of wooden mats and bank run gravel, or a TransCanada approved "Portable Land Bridge") will be placed on the existing surface of the ground over the pipeline(s) from a point fifteen (15) feet ahead of the pipeline crossing to a point fifteen (15) feet beyond the pipeline crossing. The crossing area should be a minimum of twenty (20) feet wide so as to adequately bear the crossing weights of the heavy equipment. All vehicular traffic will cross TransCanada' pipeline(s) at these designated locations only.

8. The applicable state one-call system must be contacted at 811 in accordance with its advance notification requirements prior to any ground disturbance.

9. Should it be necessary for a TransCanada employee/representative to enter the excavation to inspect its pipeline(s), the excavation at the crossing shall be sloped in accordance with the requirements of the Occupational Safety and Health Administration.

Project Information

Building

Occupancy Classification: Institutional - 12 - 1 Story
Construction Classification: Type VA (5A), Wood Frame Protected, Fully Sprinklered
Number of future employees: 20+
Gross Floor Area: 58,203 sq. ft. (single story)
No basement or below grade space

Use:

Class C community based residential facility (CBRF) with 45 Units (Main structure) and 23 units (Addition) and licensed for 87 persons.

Site Information

Proposed Assisted Living Facility
2302 E Glenhurst Lane
Parcel # 311650100
Zoning: R-3 Multi-family

Total Development Impervious Area = 40.9% (118,756 SF)
Proposed Disturbed Area = 232,000± SF

Building coverage 58,203 SF
Parking and Drives 60,553 SF
Lawn and Landscaping 171,585 SF
Total Site Area 290,341 SF (6.6653 Acres)

Contractor shall comply with all conditions of the WDNR general permit for wetland disturbance.

Parking

Requirements:
1 space for every 3 residents = 29 stalls required

Stalls Provided:
50 proposed stalls + 3 Handicap stalls

Parking lot striping shall be 4" painted yellow or white.

No Hazardous materials will be stored on the site. No outdoor storage is proposed

Snow storage shall be located beyond curb in lawn areas per plan.

Owner

Century Oaks On Ballard, LLC
PO Box 421
Neenah, WI 54956
Phone: (920) 725-6304
Fax: (920) 725-6304

Architect:

GH GRUNWALDT & HALVERSON
Architects Engineers
3113 MacArthur Way Plover, WI 54467
715 344-8647 www.grunwaldthalverson.com

LEGEND

—CATV— CATV	Underground Cable TV	○	Sanitary MH / Tank / Base	□	CATV Pedestal
—San— San	Sanitary Sewer	○	Clean Out / Curb Stop / Pull Box	□	Gas Regulator
—Sto— Sto	Storm Sewer	○	Storm Manhole	□	Sign
—E— E	Underground Electric	○	Inlet	○	Post / Guard Post
—G— G	Underground Gas Line	○	Catch Basin / Yard Drain	○	Deciduous Tree
—T— T	Underground Telephone	○	Hydrant	○	Coniferous Tree
—W— W	Water Main	○	Utility Valve	○	Bush / Hedge
—VL— VL	Wetlands	○	Utility Meter	○	Soil Boring
—TL— TL	Treeline	○	Light Pole / Signal	○	Benchmark
—C— C	Culvert	○	Electric Pedestal	○	
—800—	Index Contour	○	Telephone Pedestal	○	
—799—	Intermediate Contour	○	Ex Spot Elevation	○	
—800—	Proposed Building	○		○	
—799—	Proposed Asphalt	○		○	
—800—	Proposed Concrete	○		○	

REVISION
2018-05-14

Century Oaks Phase II

City of Appleton, Outagamie County, WI
For: Century Oaks, LLC

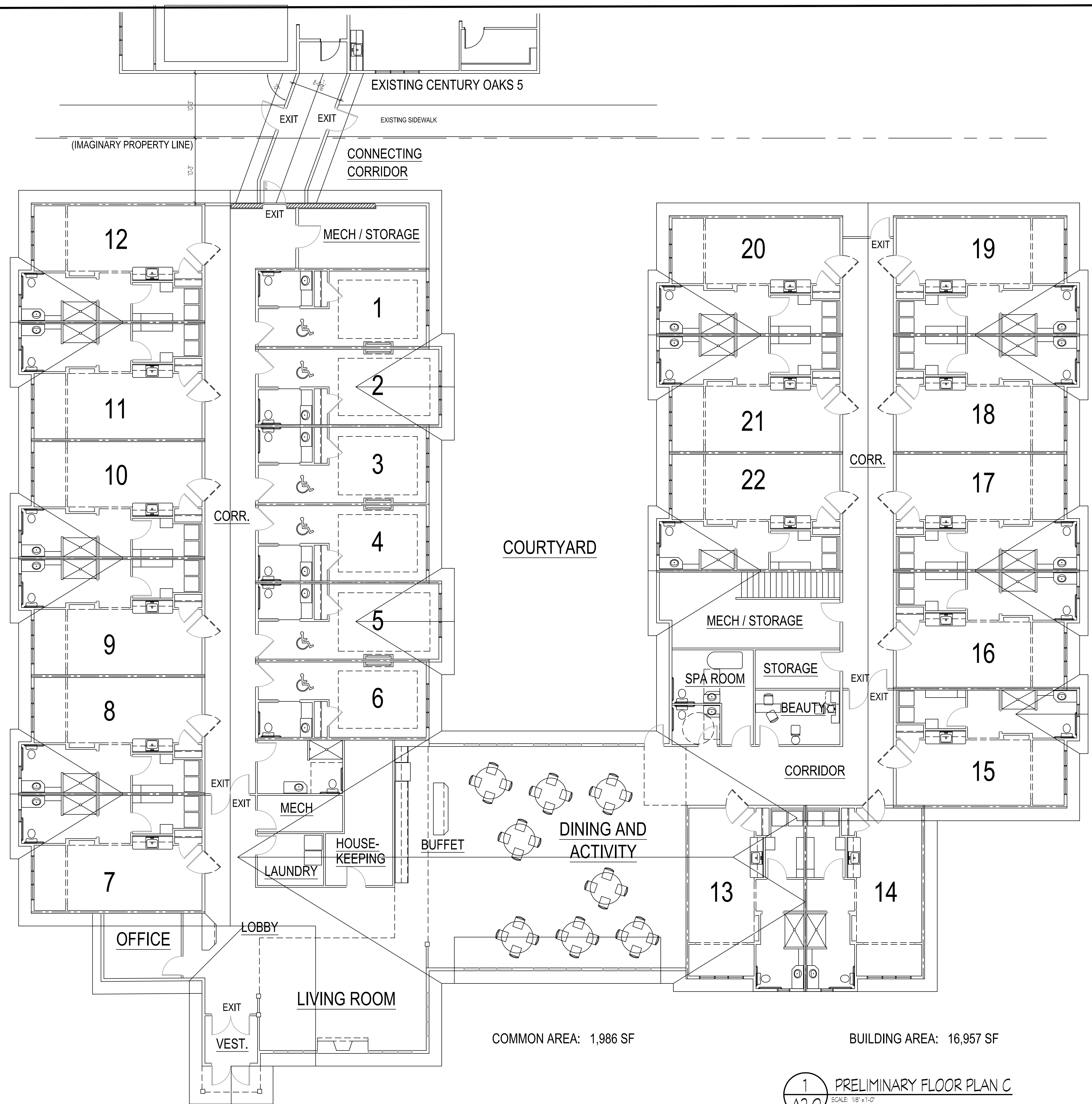


SITE PLAN
DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro

Project Number: 4186.2
12-07-2015

Page
C1.0

5/14/2018 10:59 AM J:\Projects\4186cen\dwg\Civil_3D\4186.2engr.dwg Printed by: tim



COMMON AREA: 1,986 SF

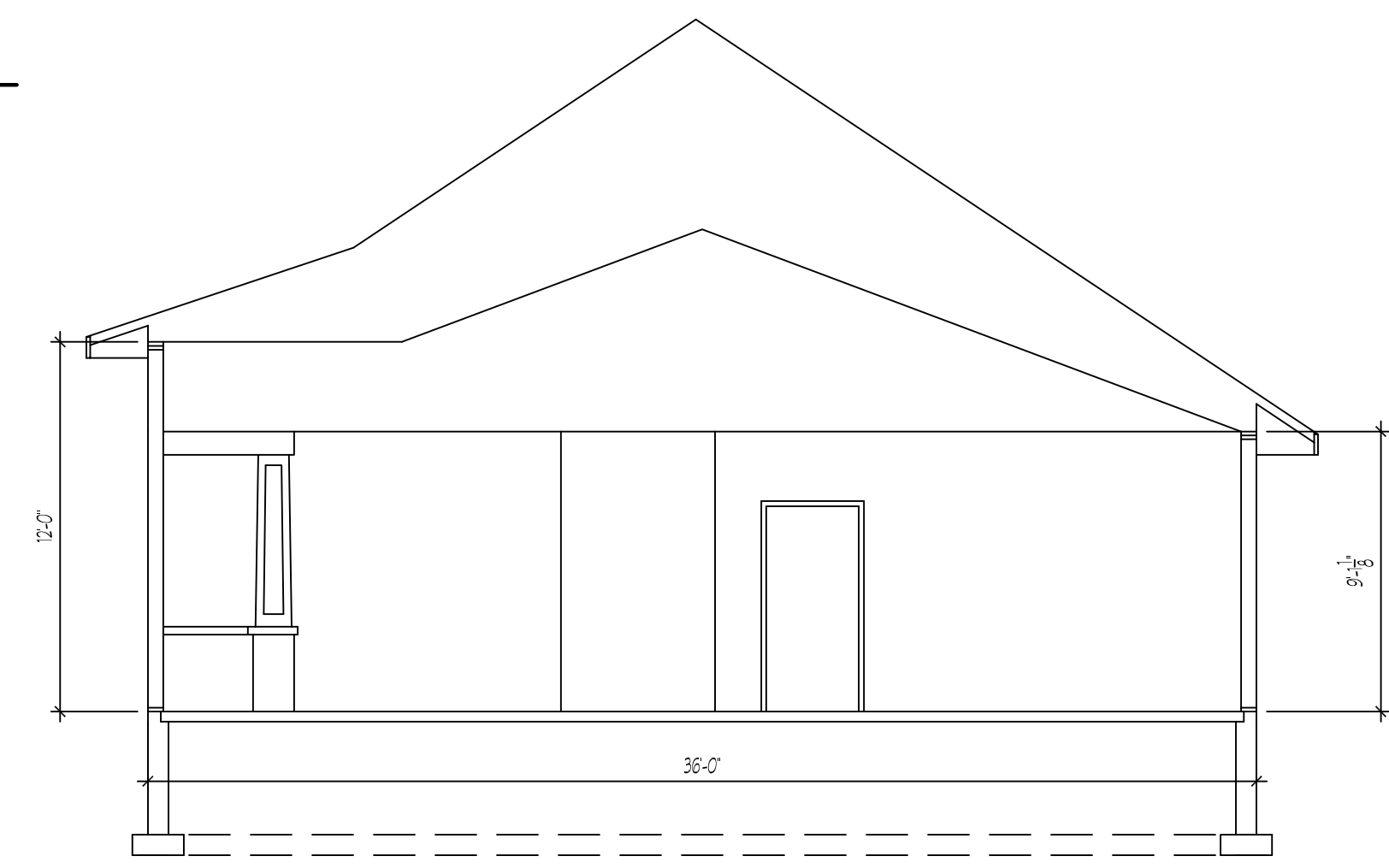
BUILDING AREA: 16,957 SF

1
A2.0
PRELIMINARY FLOOR PLAN C
SCALE: 1/8" = 1'-0"

REVISIONS	BY
△ -	-
PRELIMINARY FLOOR PLAN C	
PROPOSED 22-BED CBRF ADDITION TO CENTURY OAKS HOMES APPLETON, WISCONSIN	
CENTURY OAKS HOMES P.O. BOX 421 NEENAH, WISCONSIN 54957	
GH GRUNWALDT & HALVERSON Architects Engineers 3113 MacArthur Way Plover, WI 54467 715 344-8647 www.grunwaldthalverson.com	
DRAWN: PJD	
CHECKED: TWG	
DATE: 05/09/2018	
SCALE: AS NOTED	
JOB NO.: 18020	
SHEET A2.0 OF - SHEETS	



3 ALTERNATE SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



5 PRELIMINARY SECTION THRU DINING ROOM
SCALE: 3/16" = 1'-0"



3 ALTERNATE NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



2 PRELIMINARY NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



1 PRELIMINARY SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

REVISIONS		BY
1	-	-

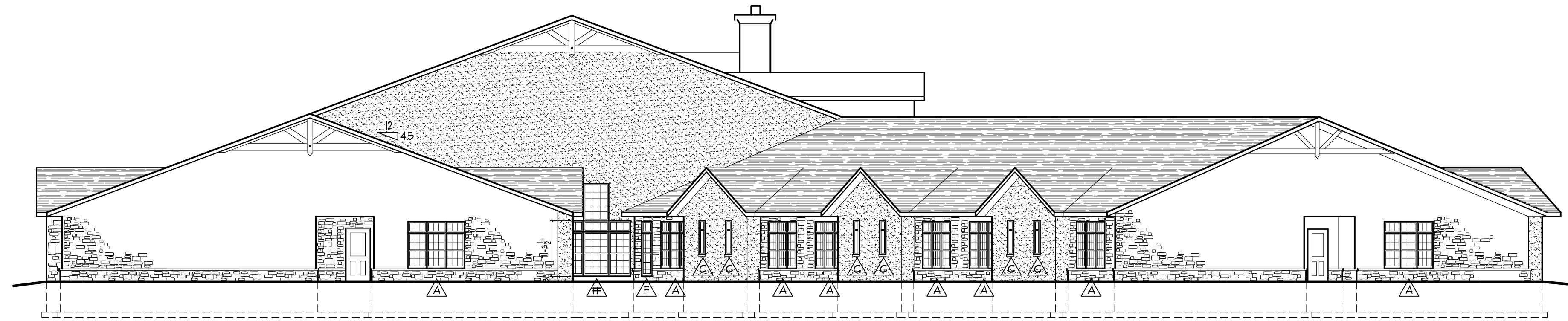
PROPOSED 20-BED CBRF ADDITION TO
CENTURY OAKS HOMES
APPLETON, WISCONSIN

CENTURY OAKS HOMES
P.O. BOX 421
NEENAH, WISCONSIN 54957

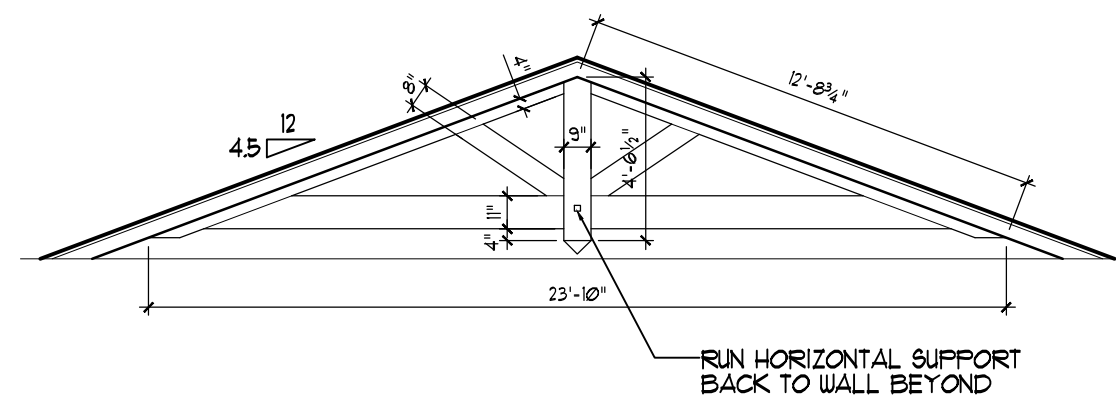
GH GRUNWALDT & HALVERSON
Architects | Engineers
3113 MacArthur Way Plover, WI 54467
715 344-8647 www.grunwaldthalverson.com

DRAWN:	PJD
CHECKED:	TWG
DATE:	05/08/2016
SCALE:	AS NOTED
JOB NO.:	18020
SHEET	
A3.0	
OF - SHEETS	



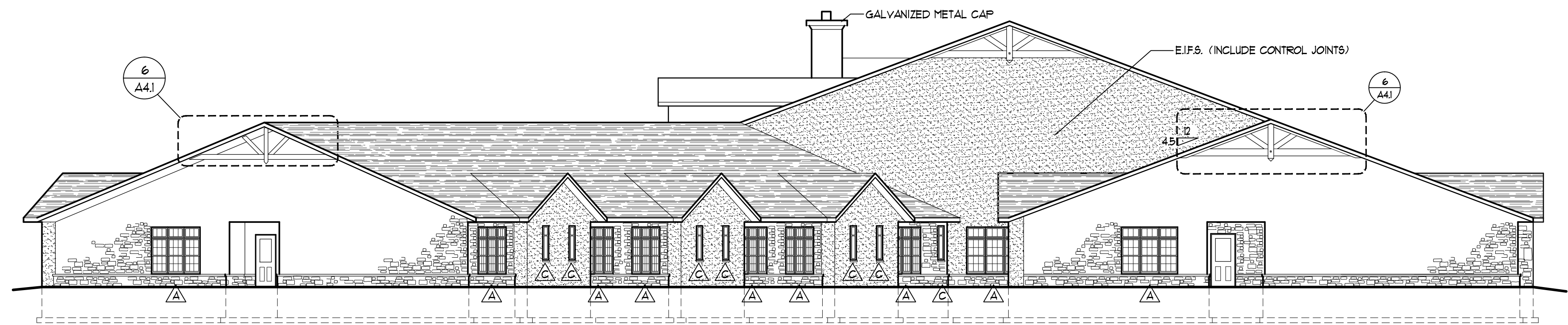


4 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

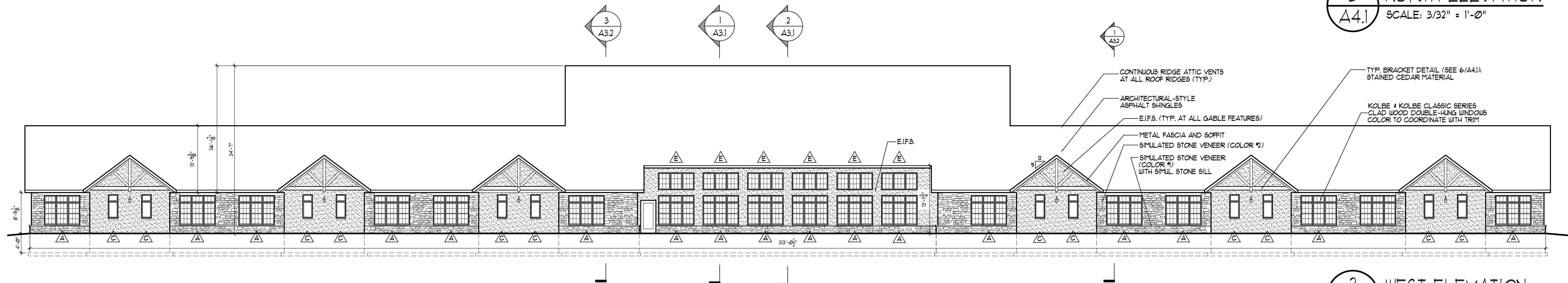


NOTE: GABLE BRACKETS TO BE FIELD-CONSTRUCTED OF 2x CEDAR MATERIAL, STAINED TO COORDINATE WITH EXTERIOR

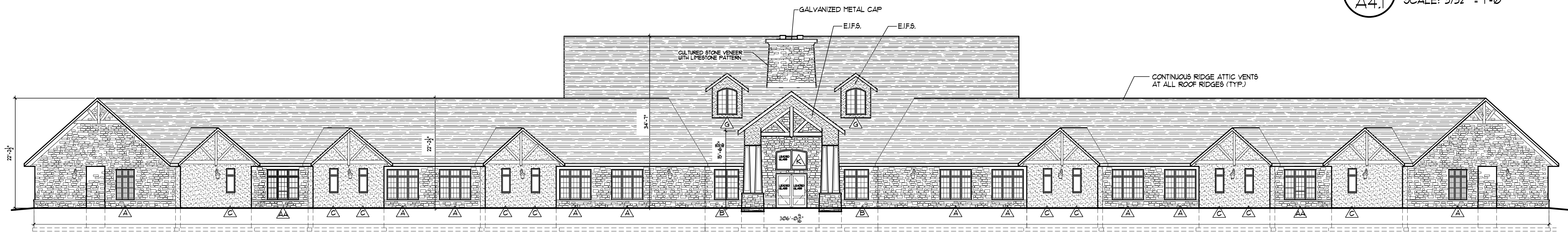
6 GABLE BRACKETS
SCALE: 3/16" = 1'-0"



3 NORTH ELEVATION
SCALE: 3/32" = 1'-0"



2 WEST ELEVATION
SCALE: 3/32" = 1'-0"



1 EAST ELEVATION
SCALE: 3/32" = 1'-0"

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Century Oaks on Ballard, LLC

Years in operation: 28

Type of proposed establishment (detailed explanation of business):

CBRF, being an expansion of existing facility.

Proposed Hours of Operation:

Day	From	To
Week Day	24 hours a day, 7 days a week	
Friday		
Saturday		
Sunday		

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 280 persons

THE ADDITION WILL ACCOMMODATE 73 MAXIMUM OCCUPANTS FOR A STRUCTURE TOTAL OF 280.

Gross floor area of the existing building(s):

41,246 SF

Gross floor area of the proposed building(s):

16,957 SF

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

None

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

None

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

Minimal noise for outdoor condensing units.

How will the noise be controlled?

Units to be located in building interior courtyard.

Outdoor Lighting:

Type: 25' Lithonia to match existing parking lot lights if required (site plan review process)

Location: parking stalls

Off-Street Parking:

Number of spaces existing: 46

Number of spaces proposed: 7

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?

No additional access is proposed, will utilize the existing driveway.

Outdoor Uses:

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

None

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

None

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

None

Number of Employees:

Number of existing employees: 50 FULL AND PART TIME

Number of proposed employees: 7 ADDED EMPLOYEES

Number of employees scheduled to work on the largest shift: 10 WITH THE NEW ADDITION



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 12, 2018

Common Council Meeting Date: June 20, 2018

Item: Special Use Permit #4-18 to conform and expand an existing tavern with an outdoor patio area with alcohol sales and consumption

Case Manager: Don Harp

GENERAL INFORMATION

Owner: James Strunc c/o Hollyann Strunc

Applicant: Missfits Tavern, Hollyann Strunc

Address/Parcel #: 317 North Appleton Street (Tax Id #31-2-0493-00)

Petitioner's Request: The applicant is requesting a Special Use Permit to conform and expand an existing tavern with an outdoor patio area with alcohol sales and consumption.

BACKGROUND

On June 6, 2018, the Common Council approved the Liquor License Premise Description Amendment for alcohol consumption within the outdoor patio area located on the south side of the existing building.

STAFF ANALYSIS

Existing Site Conditions: The site consists of the existing tavern and surface parking lot.

Zoning Ordinance Requirements: In order to obtain a Special Use Permit to conform an existing bar and add a new outdoor patio with alcohol sales and consumption, the City Plan Commission makes a recommendation to the Common Council which makes the final decision on whether to approve, approve with conditions or deny the request. The Special Use Permit will conform the existing bar and allow for an expansion of the sale and consumption of alcohol to an outdoor patio area.

Operational Information: The attached Plan of Operation states the business hours are 10:00 a.m.-2:00 a.m., Sunday-Thursday, and from 10:00 a.m.-2:30 a.m. on Friday and Saturday for the indoor space. The business hours that the patio will be open are the same as the indoor business hours. The tavern capacity is 91 persons. The building capacity will not be increased with the addition of the outdoor patio area.

Indoor Alcohol Sales and Consumption Area: The existing first floor of the building.

Outdoor Alcohol Consumption Area: The proposed outdoor patio will be approximately 12' x 32' (384 square feet), enclosed with a four (4) foot high fence enclosing an area located adjacent to the southern wall of the building. The City Noise Ordinance must be adhered to at all times.

Special Use Permit #4-18
June 12, 2018
Page 2

Zoning Ordinance Requirements: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, bars with alcohol sales and service require a Special Use Permit in the CBD District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Operational Information: A plan of operation for this use 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 commercial in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses.

South: CBD Central Business District. The adjacent land use to the south is currently a surface parking lot.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses and a place of worship.

West: CBD Central Business District. The adjacent land use to the west is currently a surface parking lot.

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 9.5 Economic Development:

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

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

The applicant's proposed plan of operation does not appear to be incompatible with the neighborhood character, purpose and intent of the Zoning Ordinance and Central Business District or the *Comprehensive Plan 2010-2030*. 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) Report: This item was discussed at the May 22, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

Written Public Comments: No questions, concerns, or comments have been received from the surrounding neighborhood.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #4-18 to conform and expand an existing tavern with an outdoor patio area with alcohol sales and consumption located at 317 North Appleton Street, as shown on the attached maps and per attached plan of operation along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code. The applicant shall receive approval of a Liquor License amendment from the City Clerk prior to serving or consuming alcohol within the outdoor patio area.
3. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
4. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.

RESOLUTION
CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #4-18

WHEREAS, Hollyann Strunc, owner of Missfits Tavern, has applied for a Special Use Permit to conform and expand an existing tavern with an outdoor seating area with alcohol sales and consumption located at 317 North Appleton Street, also identified as Parcel Number 31-2-0493-00; and

WHEREAS, the location of the existing tavern and proposed outdoor seating area with alcohol sales and consumption is located in the CBD Central Business District and the existing tavern use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 12, 2018 on Special Use Permit #4-18 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(6) of the Municipal Code, and forwarded Special Use Permit #4-18 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 _____, 2018 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #4-18 to conform and expand an existing tavern with an outdoor seating area with alcohol sales and consumption located at 317 N. Appleton Street, also identified as Parcel Number 31-2-0493-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #4-18

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code. The applicant shall receive approval of a Liquor License amendment from the City Clerk prior to serving or consuming alcohol within the outdoor patio area.

3. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
4. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.

Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

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

Business Information:

Name of business: Missfits Tavern

Years in operation: 2

Percentage of business derived from restaurant service: 0 %

Type of proposed establishment (detailed explanation of business):

Small tavern serving alcoholic beverages to
customers.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	10 AM	2 AM
Friday	10 AM	2:30 AM
Saturday	10 AM	2:30 AM
Sunday	10 AM	2 AM

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 91 persons

Gross floor area of the existing building(s): 1200 SQ FT

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

Describe Any Potential Noise Emanating From the Proposed Use:

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

LOW noise levels from constructing fence.
Once installed, back to normal.

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

It will be regulated by the bartender.

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

It will be regulated by the bartender.

Outdoor Uses:

Location, type, size and design of outdoor facilities:

Side of building, fenced in area w/ gate (12 x 32)

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

Cedar wood fence 4' tall w/ one gate.

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	10 AM	2 AM
Friday	10 AM	2:30 AM
Saturday	10 AM	2:30 AM
Sunday	10 AM	2 AM

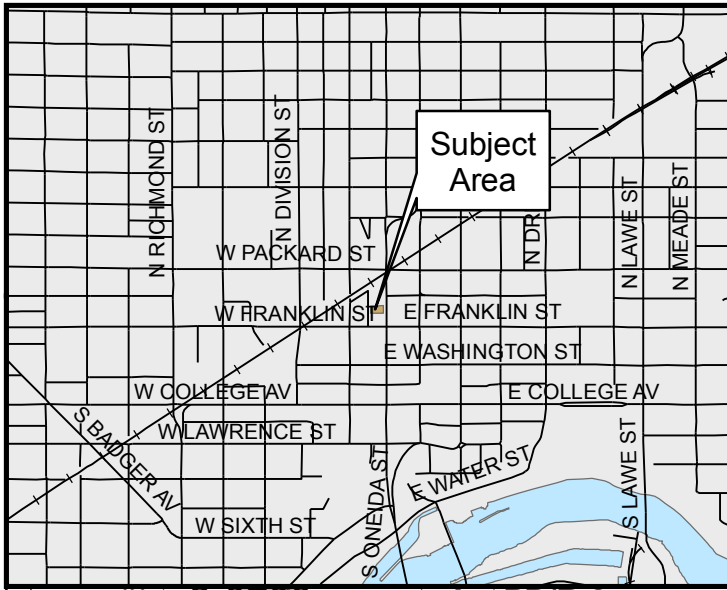
Outdoor Lighting:Type: noneLocation: -**Off-Street Parking:**Number of spaces existing: 15Number of spaces proposed: -**Other Licensed Premises:**

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.

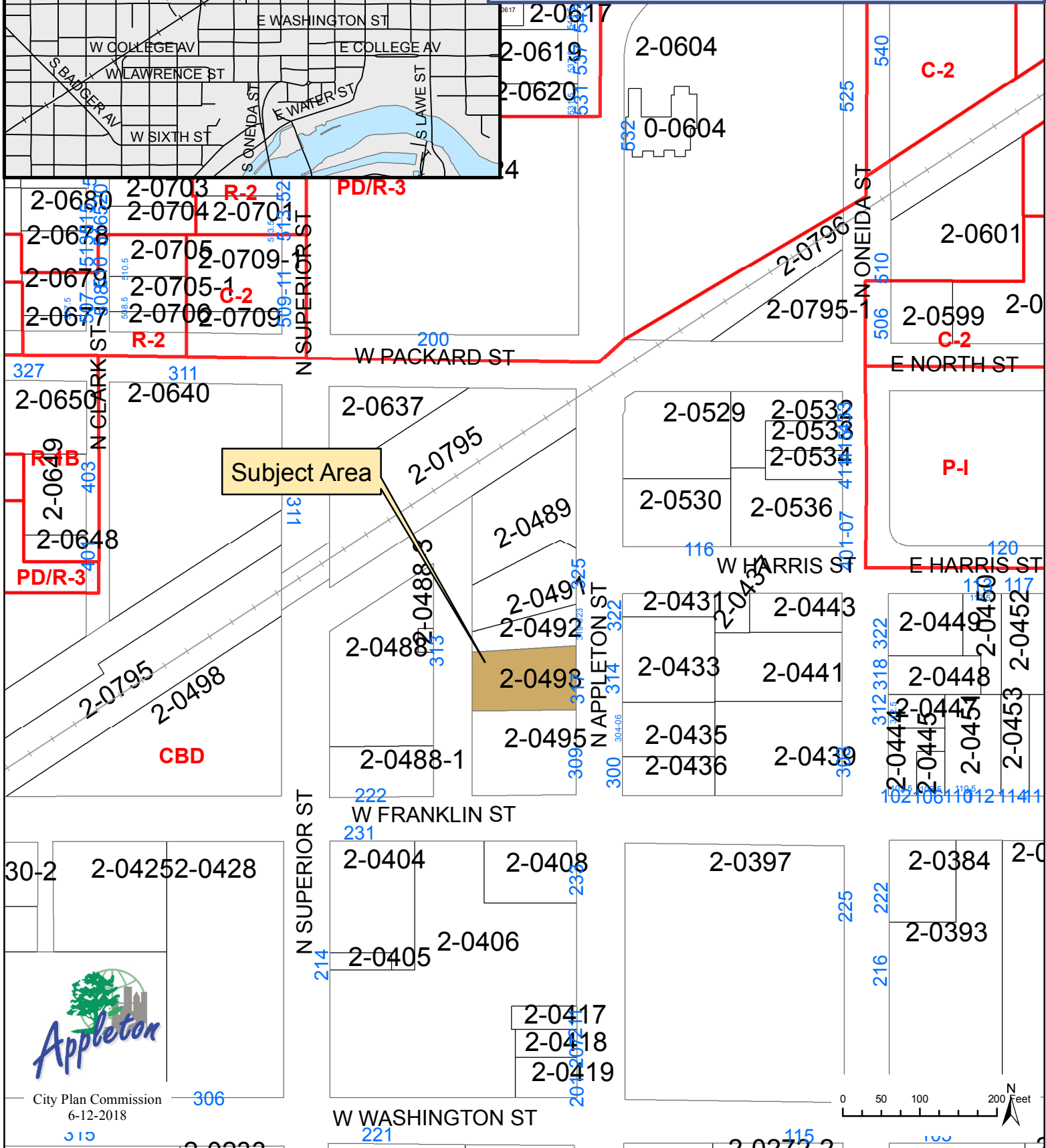
List nearby licensed premises:

Mission Church across Appleton St

Number of Employees:Number of existing employees: 3Number of proposed employees: -Number of employees scheduled to work on the largest shift: 2



317 N. Appleton Street
 Special Use Permit
 To conform and expand an existing tavern with
 an outdoor seating area
 Missfits Tavern
 Zoning Map



City Plan Commission
 6-12-2018

317 N. Appleton Street
Special Use Permit
Missfits Tavern
Aerial Map

To conform and expand an existing tavern with an outdoor seating area

Subject Area

313

N KALATA PL

4' wide access to
upper apartments

2-0493

12

32

4

8

4' wide gate

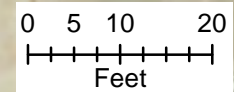
4' high cedar fence

317

N APPLETON ST



City Plan Commission
6-12-2018





Mi T Fence LLC
W3206 Greiner Rd.
Appleton, WI 54913
920-731-6645
MitFence.com
Info@mitfence.com

PROPOSAL/CONTRACT

Page 1
05/16/2018

Customer Information:

Missfits Tavern
317 N Appleton St
Appleton, WI 54911

Job Information:

Customer contact: 503-833-2380
missfits317@gmail.com

Notes:

Furnish and install 56' of 4' high cedar fencing. Includes one 4' gate.

\$2292.42

All posts concreted

Alternate with driven posts. \$1964.66

2 3/8" X 8' SS20 PIPE POST
8' 2X4 CEDAR STRINGER
4' 1X6 DOG EAR CEDAR BOARD
2 3/8" DIE-CAST ALUMINUM DOME CAP
END WOOD POST ADAPTER
LINE WOOD POST ADAPTER
8d. GALVANIZED NAIL

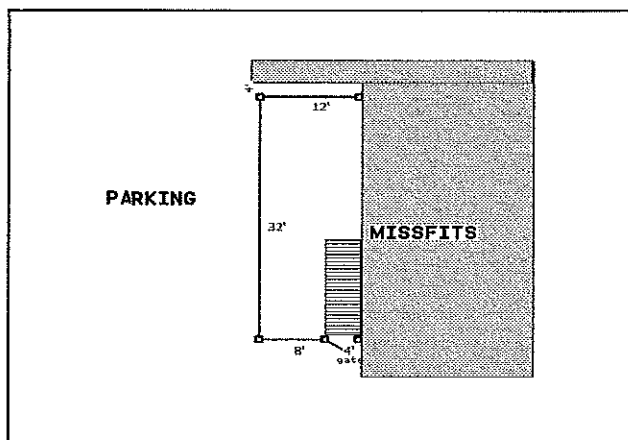
Mi T Fence warrants to the original purchaser that all materials and labor will be free from defects that would affect the structural strength of the fence for a period of (3) years and Mi T Fence has the option to repair or replace any defective materials. An extended warranty period of (10) years on Materials Only is granted to the original purchaser. These products being All Red or White Cedar lumber. Other products will be covered by Manufacturers Limited Warranty. MI T FENCE IS NOT RESPONSIBLE FOR DAMAGE CAUSED BY NEGLIGENCE VANDALISM, WASHOUTS, FROST, NATURAL DISASTERS, ACT OF GOD, OR NATURAL AGING PROCESS OF LUMBER SUCH AS SPLITS AND WEATHER CHECKS UNLESS IT EFFECTS THE STRUCTURAL STRENGTH OF THE FENCE.

Mi T Fence LLC shall advise the customer as to local zoning regulations but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. Mi T Fence LLC will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstance does Mi T Fence LLC assume any responsibility concerning property lines or in any way guarantee their accuracy. If property pins cannot be located it is recommended that the customer have the property surveyed.

MI T FENCE LLC WILL ASSUME THE RESPONSIBILITY FOR HAVING UNDERGROUND UTILITIES LOCATED AND MARKED.

However, Mi T Fence LLC assumes no responsibility for unmarked sprinkler lines, or any other unmarked buried lines or objects. The customer will assume all liability for any damage caused by directing Mi T Fence LLC to dig in the immediate vicinity of known utilities.

Additional charges for any extra work not covered in this



contract that was requested by the customer will also be added. The full amount of this contract along with any additional charges will become payable upon completion of all work whether or not it has been invoiced. CANCELLATION OF CONTRACT WILL RESULT IN A 25% PERCENT RESTOCKING FEE ON ANY SPECIAL ORDER MATERIALS.

COMPLETED FENCE PAYMENT SHALL BE MADE UPON COMPLETION UNLESS PREVIOUS PAYMENT ARRANGEMENTS WERE MADE PRIOR TO AND IN ADVANCE.

A FINANCE CHARGE of 1 1/2% per month (or a minimum of \$1.00), which is an annual percentage rate of 18%, shall be applied to accounts that are not paid within 10 days after completion of any work invoiced. All materials will remain the property of Mi T Fence LLC until all invoices pertaining to this job are paid in full. The customer agrees to pay all interest and any costs incurred in the collection of this debt.

Approved & Accepted for Customer:

Customer Date

Accepted for Mi T Fence LLC:

Mike Talbot Date

Contract Amount: \$ 2292.42

Down Payment: \$ 1145.00

Balance Due on Completion \$ 1147.42