



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://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, July 10, 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

[18-1010](#) City Plan Minutes from 6-26-18

**Attachments:** [City Plan Minutes 6-26-18.pdf](#)

#### 4. Public Hearings/Appealances

[18-1011](#) Special Use Permit #5-18 for an outdoor seating area with alcohol sales and consumption located at 218-220 W. College Avenue (Tax Id #31-2-0257-00), 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 #18-1012)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_Mondo\\_SUP.pdf](#)  
[PublicHearingNoticeNeighborhood\\_Mondo\\_SUP.pdf](#)

[18-1013](#) Rezoning #8-18 to rezone 3226 N. Ballard Road (Tax Id #31-1-6718-00), including to the midpoint of the adjacent road right-of-way, as shown on the attached maps, from R-1A Single-Family District to C-2 General Commercial District (Associated with Action Item #18-1014)

**Attachments:** [InformalPublicHearingNotice\\_3226NBallardRd\\_Rezoning.pdf](#)

#### 5. Action Items

- [18-1012](#) Request to approve Special Use Permit #5-18 for an outdoor seating area with alcohol sales and consumption located at 218-220 W. College Avenue (Tax Id #31-2-0257-00), 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 220College SUP For07-10-18.pdf](#)

- [18-1014](#) Request to approve Rezoning #8-18 to rezone 3226 N. Ballard Road (Tax Id #31-1-6718-00), including to the midpoint of the adjacent road right-of-way, as shown on the attached maps, from R-1A Single-Family District to C-2 General Commercial District

**Attachments:** [StaffReport 3226NBallard Rezoning For07-10-18.pdf](#)

- [18-1015](#) Request to approve Minor Amendment to Special Use Permit #33-05 to allow alcohol sales and service within an expanded outdoor patio south of the existing restaurant at 2639 S. Oneida Street (Tax Id #31-8-1513-00) as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (No Council action required)

**Attachments:** [StaffReport WildersBistro SUPMinorAmendment For07-10-18.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](http://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, June 26, 2018

4:00 PM

Council Chambers, 6th Floor

---

1. Call meeting to order

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

2. Roll call of membership

**Present:** 4 - Mayor Hanna, Buetow, Uslabar and Lobner

**Excused:** 2 - Rabec and Palm

*Others present:*

*Joe Sargent, Appleton Area School District*

*Jill Hendricks, B&H Properties Inc.*

*Dan Voissem, Trimax*

3. Approval of minutes from previous meeting

[18-0944](#)

City Plan Minutes from 6-12-18

**Attachments:** [City Plan Minutes 6-12-18.pdf](#)

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

**Motion carried by the following vote:**

**Aye:** 4 - Mayor Hanna, Buetow, Uslabar and Lobner

**Excused:** 2 - Rabec and Palm

4. Public Hearings/Appearances

[18-0945](#)

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-18 for a portion of the subject parcel located at W. Reeve Street (Tax Id #31-5-1463-00) from future Industrial land use designation to Public/Institutional land use designation as shown on the attached map and approve the attached Resolution (Associated with Action Item #18-0946)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper Reeve St CompPlanAmend.pdf](#)  
[InformalPublicHearingNoticeNeighborhood AASD CompPlan+Rezoning.pdf](#)

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

[18-0947](#)

Rezoning #7-18 for a portion of the subject parcel located at W. Reeve Street (Tax Id #31-5-1463-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from P Parking District to P-I Public Institutional District (Associated with Action Item #18-0948)

**Attachments:** [InformalPublicHearingNoticeNeighborhood AASD CompPlan+Rezoning.pdf](#)

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

## 5. Action Items

[18-0949](#)

Request to approve the Cherryvale Meadows Preliminary Plat as shown on the attached maps and subject to the attached conditions

**Attachments:** [StaffReport CherryvaleMeadows PrePlat For06-26-18.pdf](#)

**Lobner 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 Lobner

**Excused:** 2 - Rabec and Palm

## 6. Information Items

[18-0946](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-18 for a portion of the subject parcel located at W. Reeve Street (Tax Id #31-5-1463-00) from future Industrial land use designation to Public/Institutional land use designation as shown on the attached map and approve the attached Resolution

**Attachments:** [StaffReport AASD CompPlan+Rezoning For06-26-18.pdf](#)

*Proceeds to Council on August 1, 2018.*

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



**Aye:** 4 - Mayor Hanna, Buetow, Uslabar and Lobner

**Excused:** 2 - Rabec and Palm

[18-0948](#)

Request to approve Rezoning #7-18 for a portion of the subject parcel located at W. Reeve Street (Tax Id #31-5-1463-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from P Parking District to P-I Public Institutional District

**Attachments:** [StaffReport AASD CompPlan+Rezoning For06-26-18.pdf](#)

*Proceeds to Council on August 1, 2018.*

**Lobner 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 Lobner

**Excused:** 2 - Rabec and Palm

7. Adjournment

**Uslabar moved, seconded by Lobner, that the meeting be adjourned at 4:06 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Mayor Hanna, Buetow, Uslabar and Lobner

**Excused:** 2 - Rabec and Palm

**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, July 10, 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 David Oliver of Mondo Wine Bar & Retail, applicant, for property located at 218-220 West College Avenue (Tax Id #31-2-0257-00) to obtain a Special Use Permit for an outdoor seating area with alcohol sales and consumption. In the CBD Central Business District, a Special Use Permit is required for a wine bar with indoor or outdoor alcohol sales.

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  
APPLETON, WISCONSIN 54911-4799  
(920) 832-6468

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

RUN: June 26, 2018  
July 3, 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, July 10, 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 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by David Oliver of Mondo Wine Bar & Retail, applicant, for property located at 218-220 West College Avenue (Tax Id #31-2-0257-00) to obtain a Special Use Permit for an outdoor seating area with alcohol sales and consumption. In the CBD Central Business District, a Special Use Permit is required for a wine bar with indoor or outdoor alcohol sales.
  
- ALDERMANIC DISTRICT: 1 – Alderperson William Siebers

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.

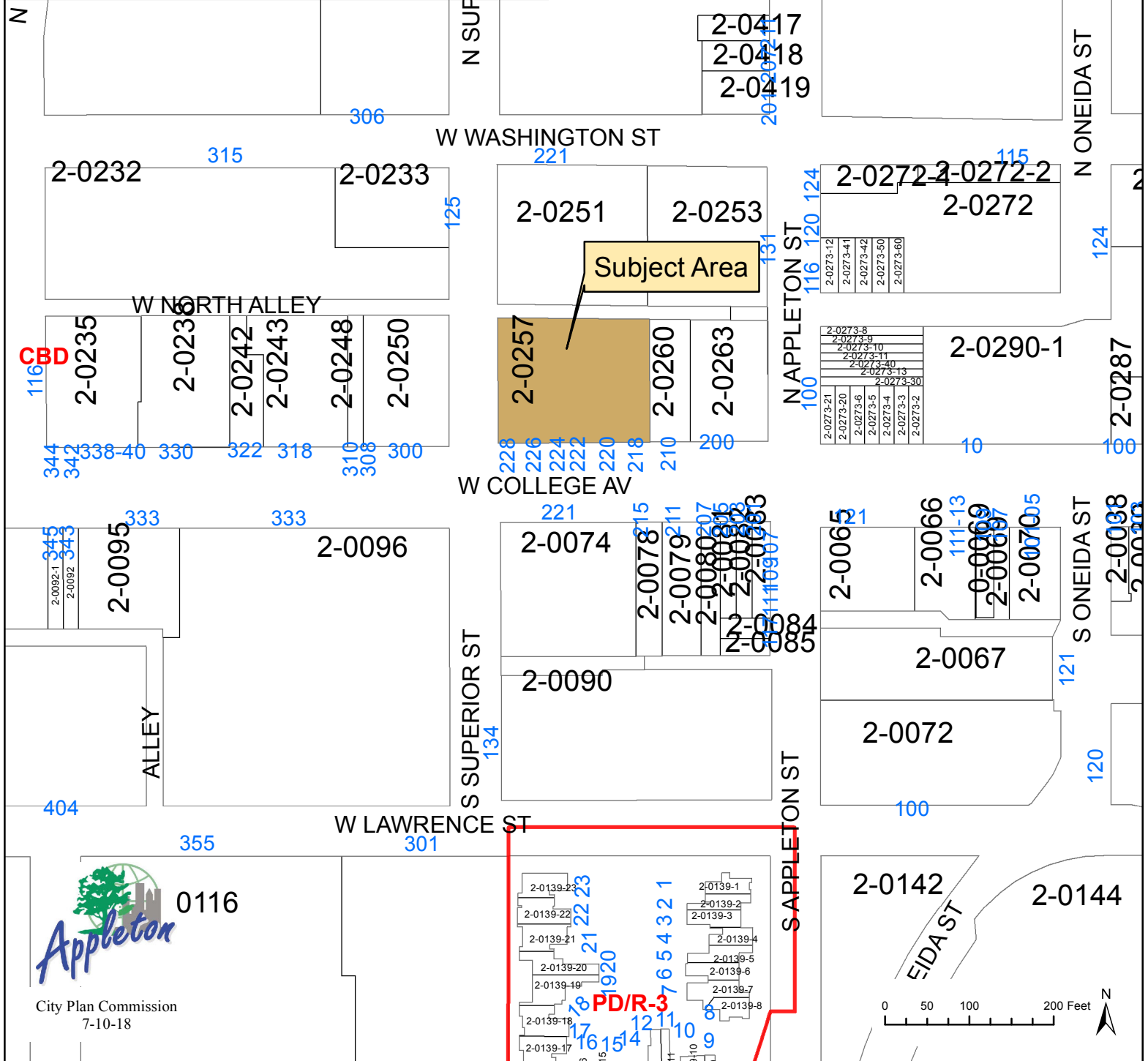
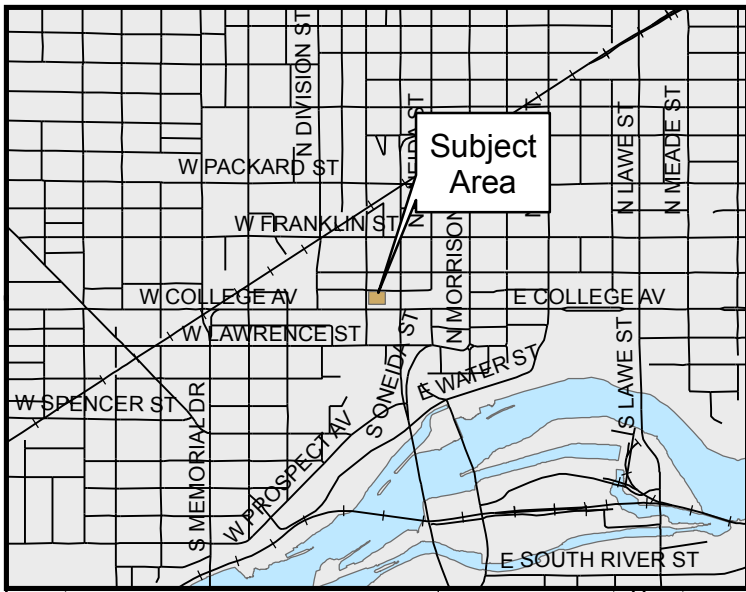
Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466.

CITY PLAN COMMISSION

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

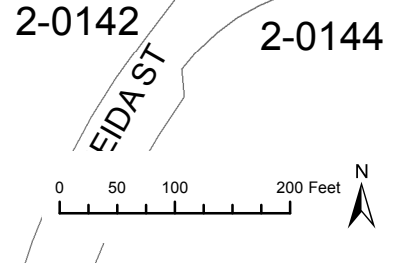
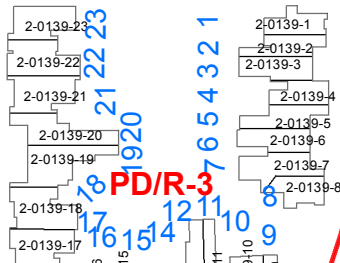
*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

Special Use Permit  
Outdoor Wine Bar associated with  
Mondo Wine Bar  
218-220 West College Avenue  
Zoning Map



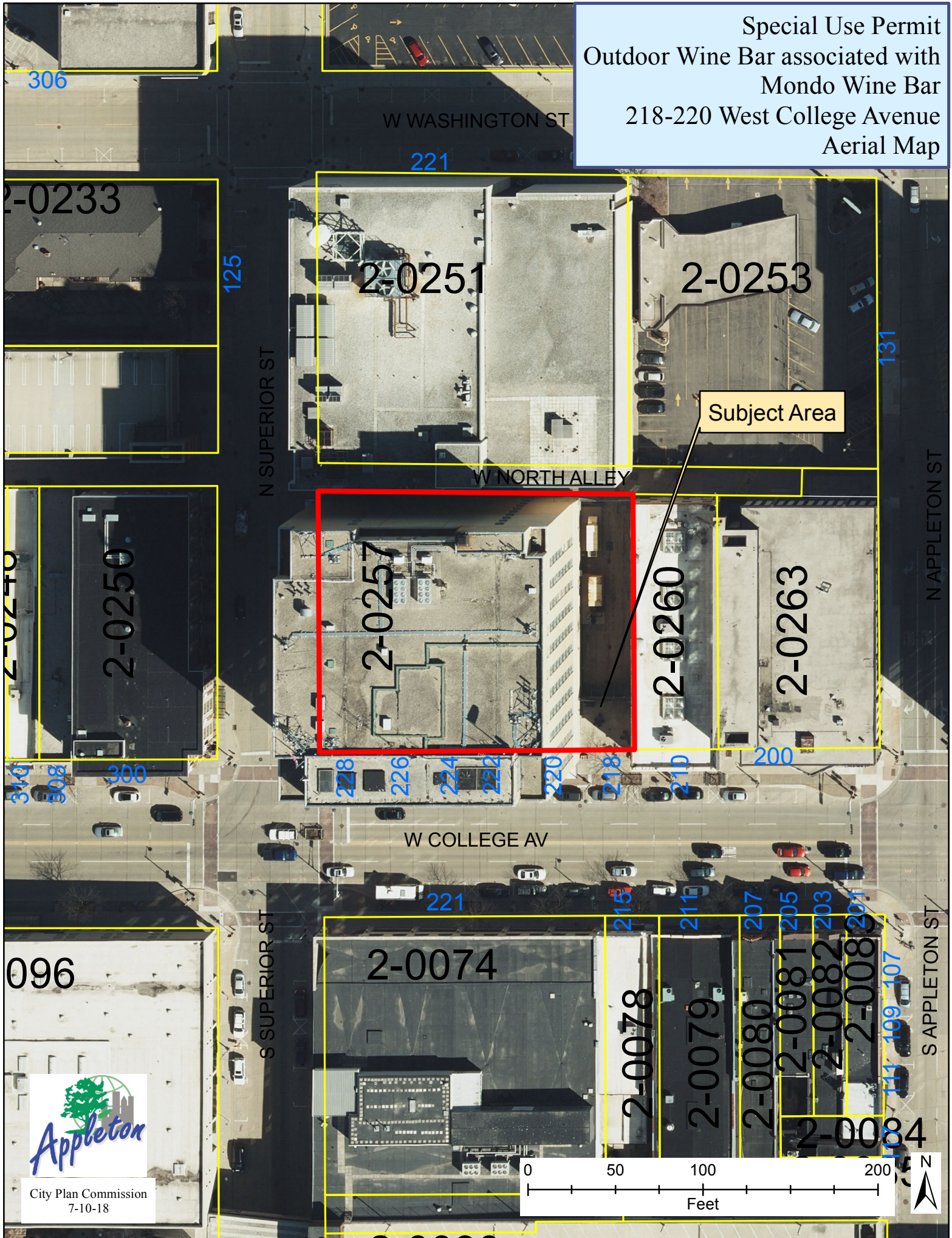
City Plan Commission  
7-10-18

0116





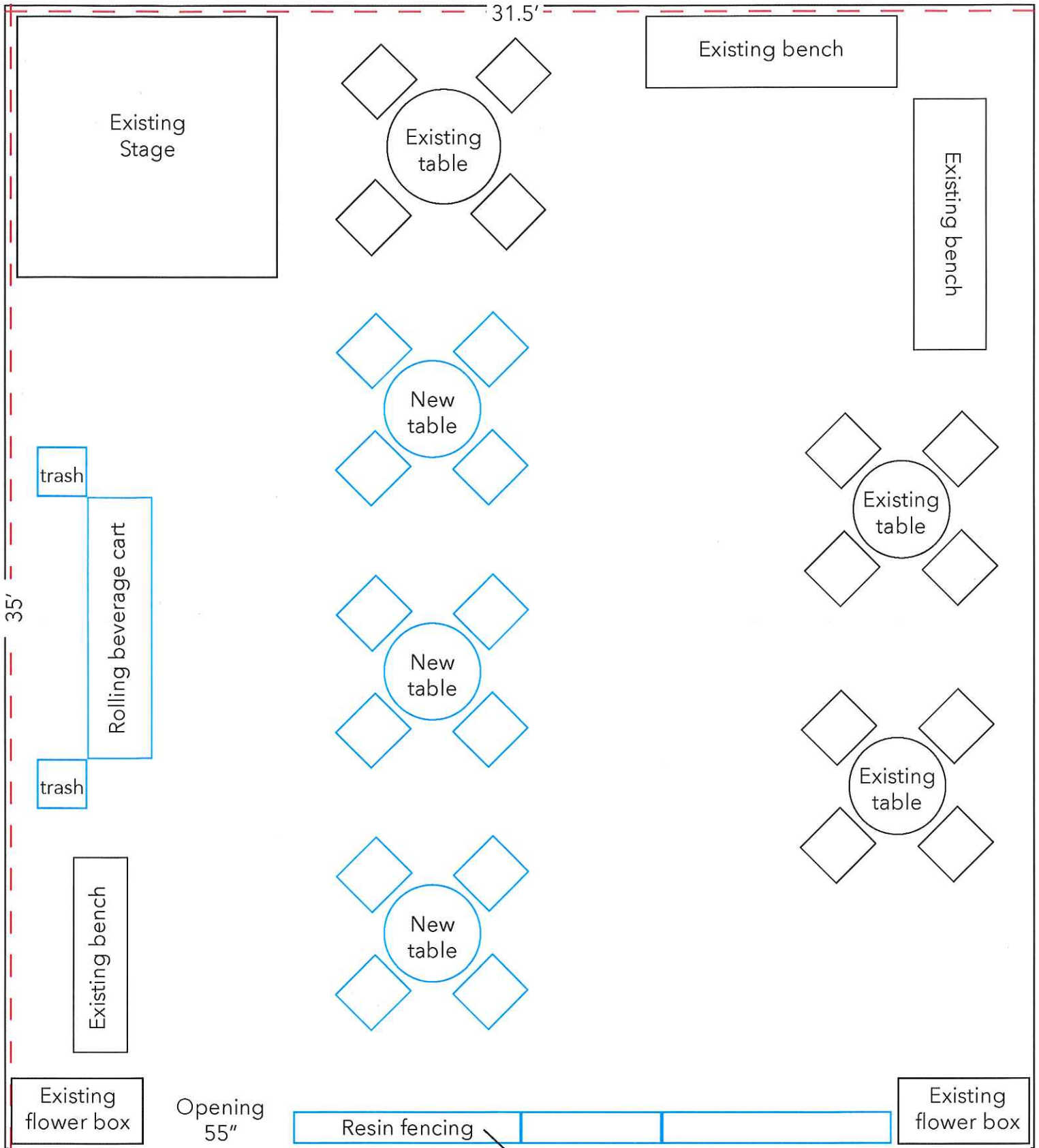
Special Use Permit  
Outdoor Wine Bar associated with  
Mondo Wine Bar  
218-220 West College Avenue  
Aerial Map



City Plan Commission  
7-10-18



Existing chain link fence with slats



College Avenue



**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, July 10, 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 rezoning request:

**COMMON DESCRIPTION:**

3226 N. Ballard Road (Tax Id #31-1-6718-00)

**Rezoning Request:** A rezoning request has been initiated by the owner, Konietzki Holdings LLC, and applicant, Mach IV Engineering & Surveying LLC, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned R-1A Single-Family District. The owner/applicant proposes to rezone the property to C-2 General Commercial District (see attached map). The C-2 District is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.

**Purpose of the Request:** The owner/applicant proposes to establish zoning that is consistent with surrounding properties and allows for a future multi-tenant commercial facility.

**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 Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476.

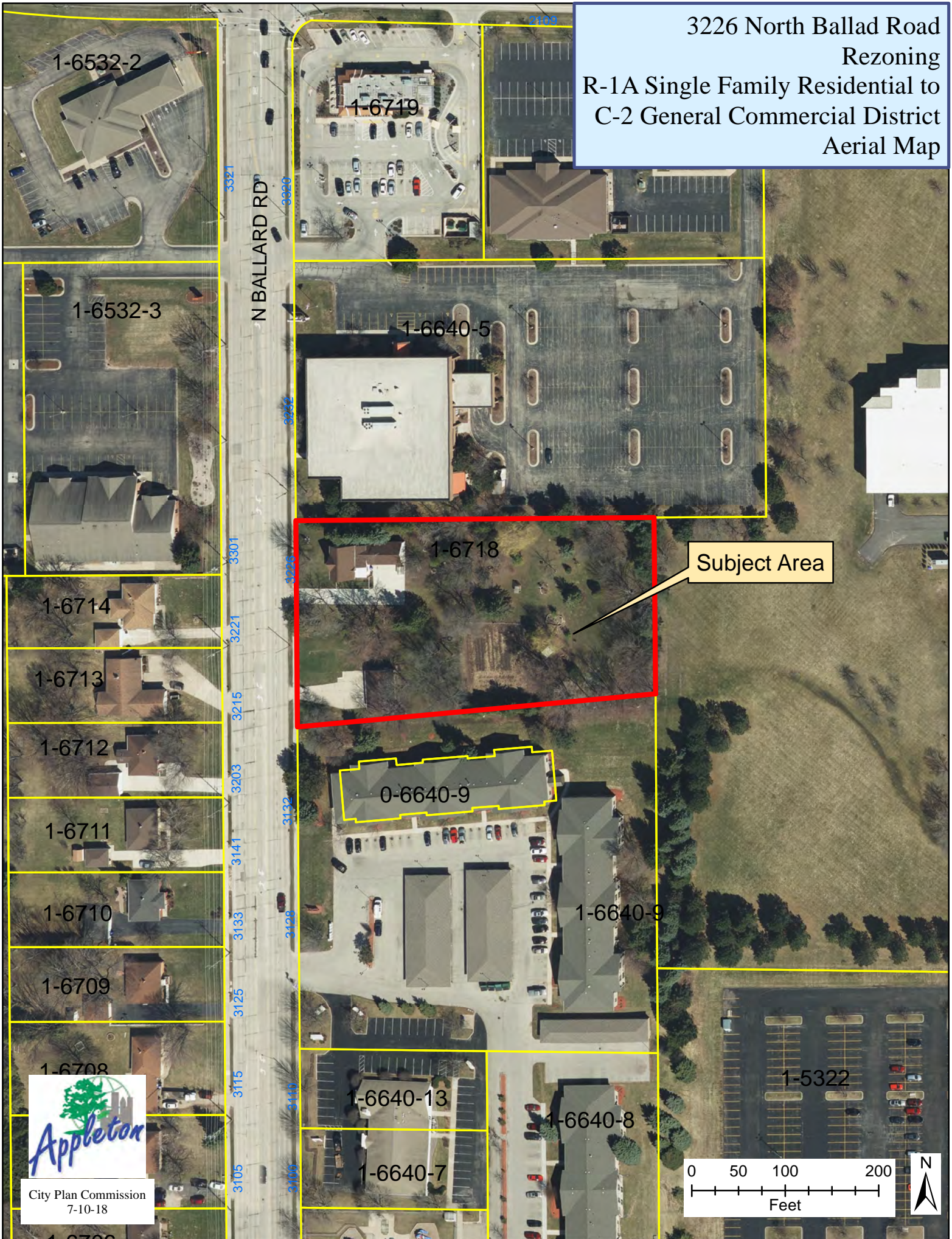
CITY PLAN COMMISSION

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

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



3226 North Ballard Road  
Rezoning  
R-1A Single Family Residential to  
C-2 General Commercial District  
Aerial Map





\_\_\_\_\_





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** July 10, 2018

**Common Council Meeting Date:** July 18, 2018

**Item:** Special Use Permit #5-18 for an outdoor seating area with alcohol sales and service

**Case Manager:** Don Harp

### GENERAL INFORMATION

---

**Owner:** 222 Building, LLC c/o John Pfefferle

**Applicant:** Mondo Wine Bar & Retail c/o David Oliver

**Address/Parcel #:** 218-220 West College Avenue (Tax Id #31-2-0257-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for an outdoor seating area with alcohol sales and consumption. The proposed outdoor area is an extension of Mondo Wine Bar and Retail.

### BACKGROUND

---

The Common Council approved Special Use Permit #11-17 for Mondo Wine Bar and Retail, including a sidewalk café with alcohol sales on November 1, 2017. If approved, this request would not replace the applicant's previous Special Use Permit.

The Common Council approved a premise description amendment for the area described in this special use permit to the Reserve Beer/Liquor License application for Mondo Wine Bar and Retail on June 20, 2018 because the subject area was not described in the previously approve license.

### STAFF ANALYSIS

---

**Existing Site Conditions:** The site is currently developed with an existing building that is approximately 242,902 square feet in size. The building was originally constructed in 1951. The site also includes a semi enclosed privately owned public space and an off-street surface parking lot.

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, wine bars and outdoor seating with alcohol sales and service require a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with the proposed outdoor seating area, 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.

**Project Summary:** The applicant proposes to establish an outdoor seating area with alcohol sales and consumption within the privately owned public space located on the lot with the 222 Building and adjacent to the Copper Rock Coffee building. The proposed outdoor seating area with alcohol sales and consumption is an extension of operations for Mondo Wine Bar and Retail located at 220 West College Avenue. The privately owned public space per application materials will be shared between Mondo Wine Bar and Retail and Appleton Downtown Incorporated (ADI).

The following is a summary of the proposed operational details for the outdoor seating area with alcohol sales:

- A licensed bartender will serve alcoholic beverages to the customers within the outdoor seating area. All transactions will occur within the outdoor seating area.
- A licensed bartender will be present within the outdoor seating area at all times to monitor customer activities during hours of operation.
- Staff from inside Mondo Wine Bar and Retail will replenish products for sale so the bartender on duty does not leave the outdoor seating area.
- A three (3) foot high decorative fence will be installed on the subject property adjacent to the College Avenue sidewalk.
- Surface material consists of existing asphalt pavement.
- The hours of operation: Weekdays 4 p.m. – 9 p.m., Friday noon – 9 p.m., Saturday 10 a.m. – 9 p.m. and Sunday noon – 6 p.m.

**Operational Information:** The proposed Plan of Operation for the existing wine bar and proposed outdoor seating area 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 uses to the south are currently a mix of commercial uses.

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

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

**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*.

*Chapter 14 Downtown Plan - Strategy 1.6: Add additional flexible outdoor space throughout the downtown area*

- A. Identify specific locations and arrangements of outdoor seating and supportive outdoor furnishings which enhance the pedestrian experience.*
- B. Review policies in place, identify barriers, and plan to adjust/remove barriers to encourage private businesses to add additional outdoor spaces including but not limited to outdoor seating, decks, patios, rooftop space, and sidewalk cafés.*

*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). 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 outdoor seating area with alcoholic sales/consumption does not appear to be incompatible with the neighborhood character, purpose and intent of the Zoning Ordinance and Central Business District or the 2010-2030 Comprehensive Plan. Conditions are drafted for this request to offset any potential impacts to the public interest (welfare or well-being of the general public).

**Technical Review Group (TRG) Report:** This item was discussed at the June 19, 2018 Technical Review Group meeting. The outdoor seating is not accessed from, nor adjacent to, the existing wine bar; therefore, it's recommended a licensed bartender be present in the outdoor seating area when alcoholic beverages are being served and consumed by customers. The occupant load for this proposed use will be determined by the Appleton Fire Department in accordance with the anticipated use per the IFC 1004.8 prior to the applicant occupying the outdoor space.

**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 #5-18 for Mondo Wine Bar and Retail, for an outdoor seating area with alcohol sales and consumption located at 218-220 West College Avenue, also identified as Parcel Number 31-2-0257-00, 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. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
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.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
6. The outdoor area shall be monitored and supervised by staff at all times when alcohol is being served and consumed.
7. The consumption of alcohol shall be limited to the area within the confines of the existing fence, flower box planters, building walls and proposed fence.

**RESOLUTION**  
**CITY OF APPLETON**  
**RESOLUTION APPROVING SPECIAL USE PERMIT #5-18**

**WHEREAS**, David Oliver, Mondo Wine Bar and Retail has applied for a Special Use Permit for an outdoor seating area with alcohol sales and consumption located at 218-220 West College Avenue, also identified as Parcel Number 31-2-0257-00; and

**WHEREAS**, the location for the proposed outdoor seating with alcohol sales and consumption is located in the CBD Central Business 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 July 10, 2018 on Special Use Permit #5-18 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 #5-18 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 #5-18 for Mondo Wine Bar and Retail regarding an outdoor seating area with alcohol sales and consumption located at 218-220 West College Avenue, also identified as Parcel Number 31-2-0257-00, and orders as follows:

**CONDITIONS OF SPECIAL USE PERMIT #5-18**

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 applicant shall receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
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.
5. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
6. The outdoor area shall be monitored and supervised by staff at all times when alcohol is being served and consumed.
7. The consumption of alcohol shall be limited to the area within the confines of the existing fence, flower box planters, building walls and proposed fence.

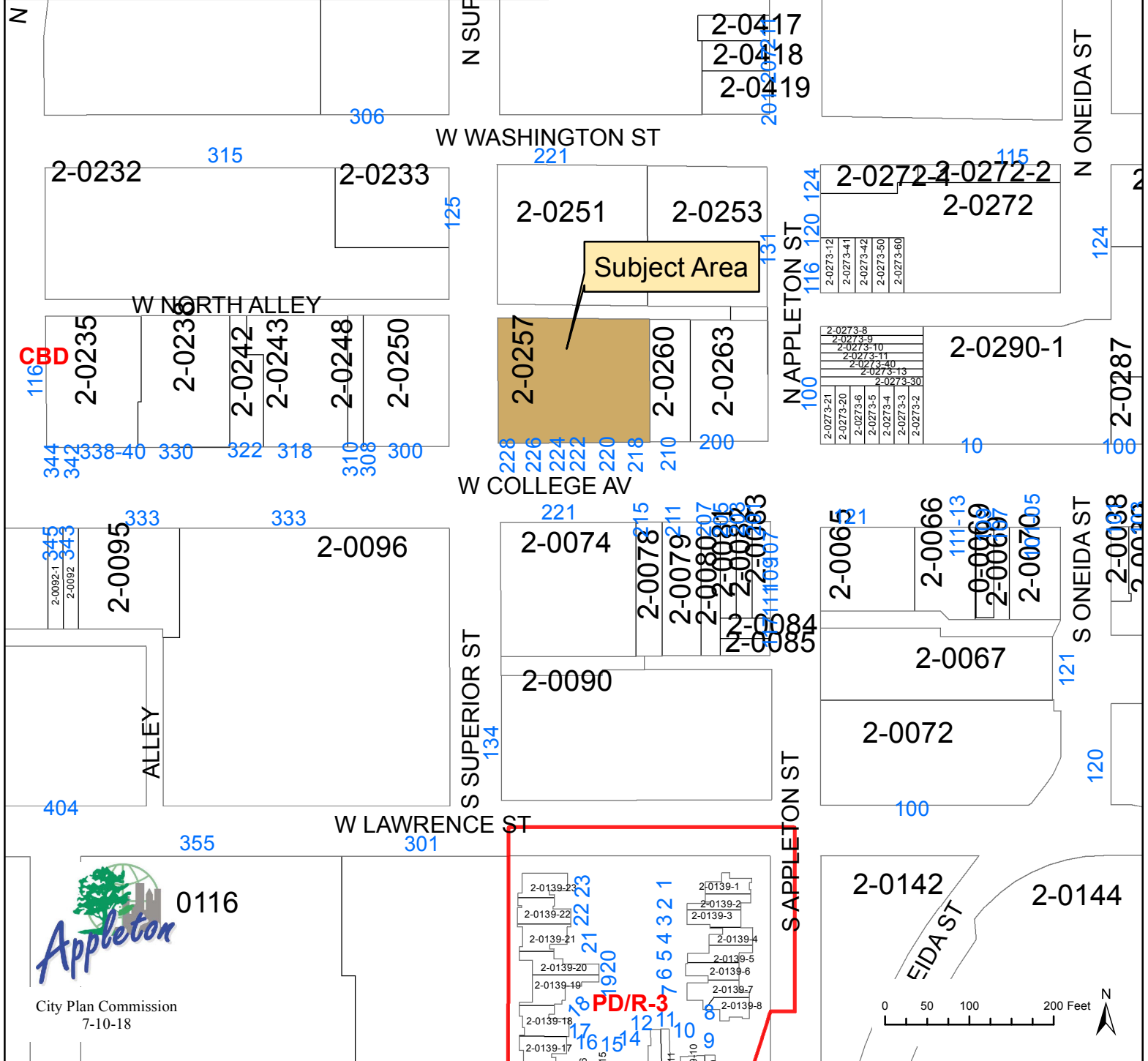
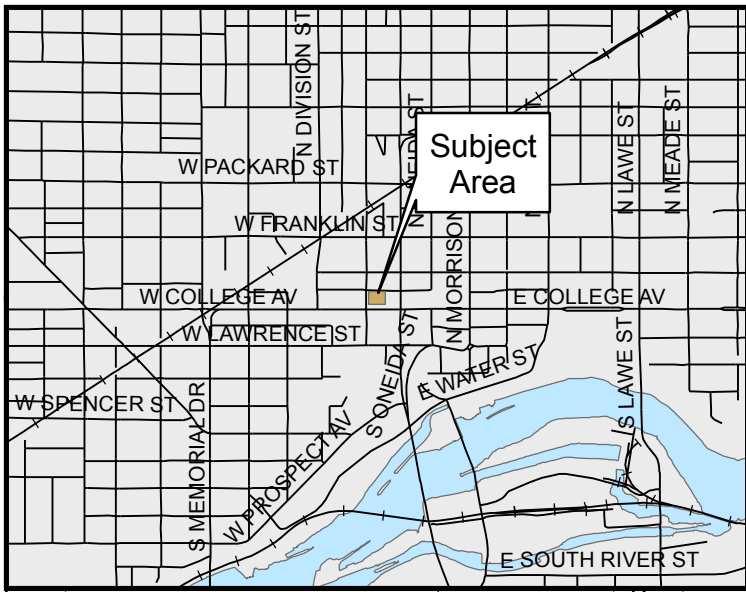
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Timothy M. Hanna, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk

Special Use Permit  
Outdoor Wine Bar associated with  
Mondo Wine Bar  
218-220 West College Avenue  
Zoning Map



City Plan Commission  
7-10-18

0116

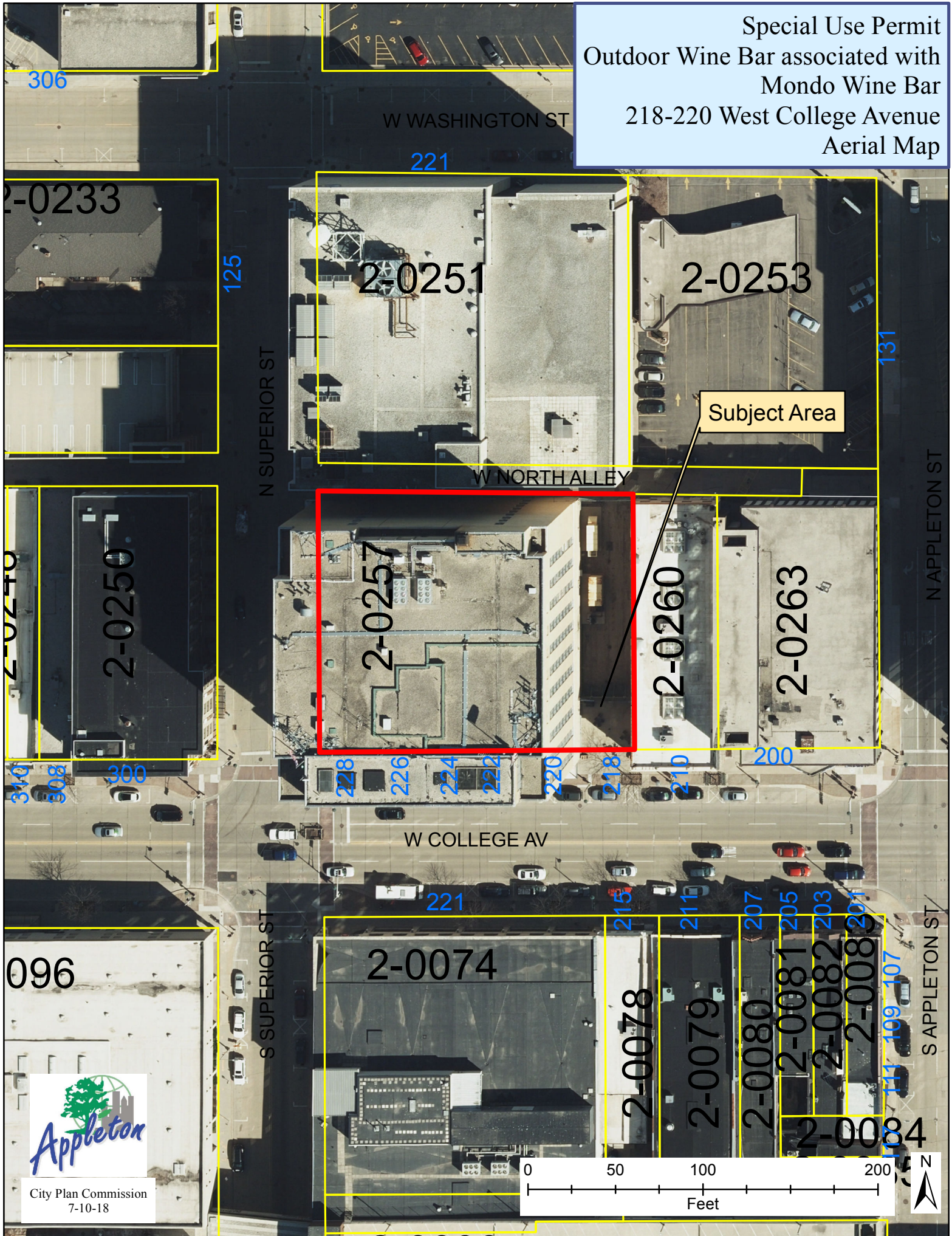
Subject Area

Subject Area

PD/R-3



Special Use Permit  
Outdoor Wine Bar associated with  
Mondo Wine Bar  
218-220 West College Avenue  
Aerial Map





**ONSITE ALCOHOL CONSUMPTION  
PLAN OF OPERATION AND LOCATIONAL INFORMATION**

**Business information:**

Name of Business: Mondo Wine Bar & Retail

Years in operation: <1

Type of the proposed establishment (detailed explanation of business): Outside patio space serving beer and wine.

**Proposed Hours of Operation for the Indoor Space:**

Day	From	To
Week Day	3pm	10pm
Friday	3pm	10pm
Saturday	10am	10pm
Sunday	12pm	6pm

**Posted capacity:**

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

Gross floor area of the existing building(s): 1,315 square feet

Gross floor area of the proposed building(s): 1,100

Crowd control methods: Temporary cafe fencing

**Describe any potential noise emanating from the proposed use:**

A. Describe the noise levels anticipated from all equipment: We do not anticipate any equipment noise as there will be no machinery or electronic coolers.

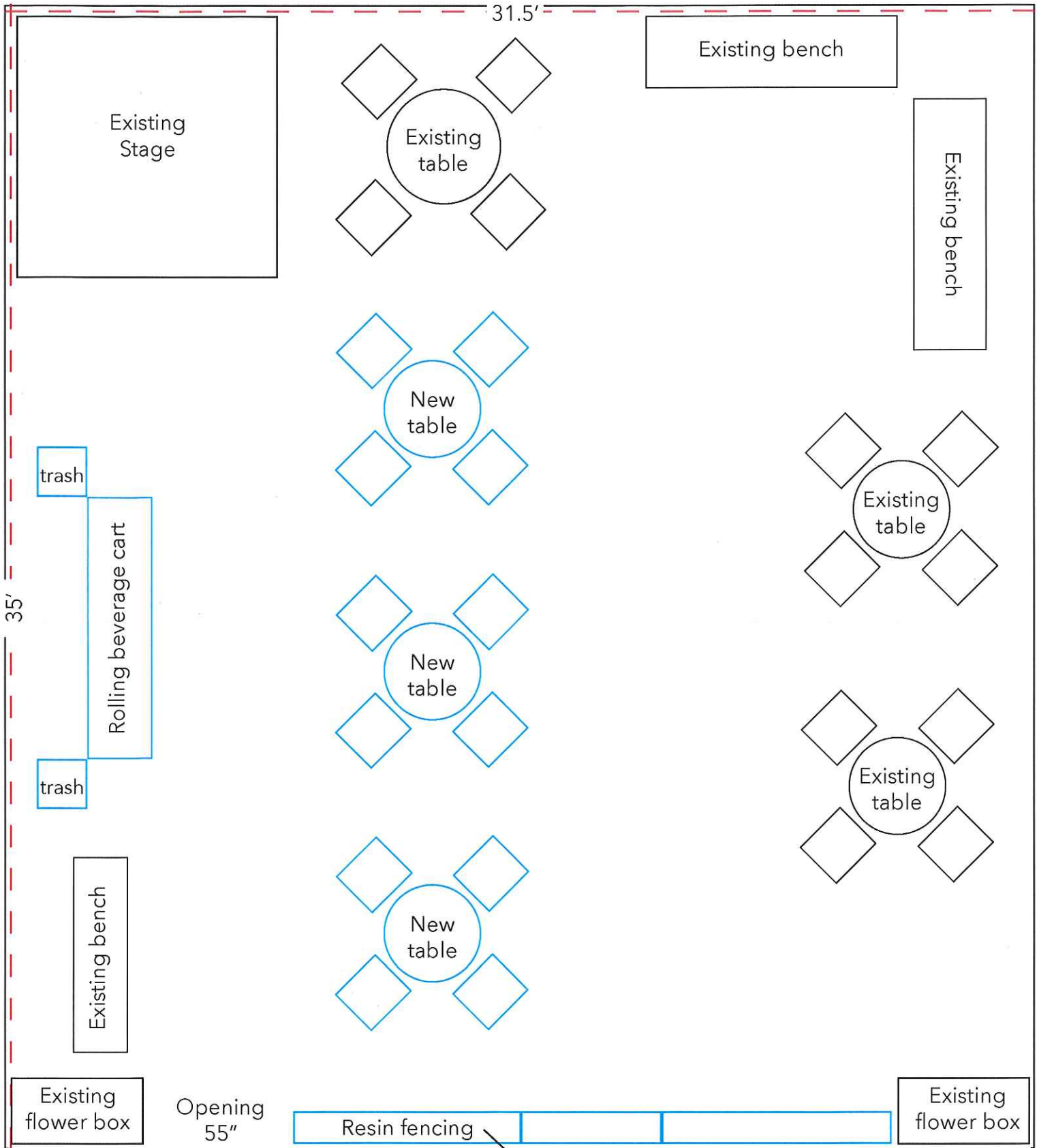
B. How will the noise be controlled? Noise will be minimal as we will not have amplified music aside from occasional special events.

**Outdoor uses:**

Location, type, size and design of outdoor facilities: The parklet between the 222 Building and the Copper Rock. Enclosed on 2 sides by buildings and the back by a fence. The dimensions are 31'6" x 35'.

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

Existing chain link fence with slats



College Avenue









## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** July 10, 2018

**Common Council Public Hearing Meeting Date:** August 1, 2018 (Public Hearing on Rezoning)

**Item:** Rezoning #8-18 – 3226 N. Ballard Road

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

**Owner/Applicant:** Konietzki Holdings, LLC / Joel Ehrfurth – Mach IV Engineering & Surveying, LLC

**Address/Parcel #:** 3226 N. Ballard Road (Tax Id #31-1-6718-00)

**Petitioner's Request:** The applicant proposes to rezone the subject parcel from R-1A Single-Family District to C-2 General Commercial District for the subject parcel. The request is being made to facilitate a multi-tenant commercial development.

### BACKGROUND

The property was annexed into the City of Appleton in 1978. The applicant's site consists of a 1.8 acre lot. The site is currently developed with a 1,856 square foot, single-family dwelling that was built in 1920. The parcel also includes a 1,040 square foot detached garage. A Certified Survey Map for the subject parcel was recorded in 2012 to combine two existing parcels.

### STAFF ANALYSIS

**Proposed Zoning Classification:** The purpose of the C-2 District is intended to provide for businesses which serve city and regional markets, provide goods and services to other businesses as well as consumers, provide services to automobiles and serve the traveling public.

***Parking, loading, and landscape standards.*** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.

***Development standards.*** The space limits applicable in the C-2 District are as follows:

- (1) ***Minimum lot area.*** Fourteen thousand (14,000) square feet.
- (2) ***Maximum lot coverage.*** Seventy-five percent (75%).
- (3) ***Minimum lot width.*** Sixty (60) feet.

(4) **Minimum front yard.** Ten (10) feet.

(5) **Minimum rear yard.** Twenty (20) feet.

(6) **Minimum side yard.**

a. None.

b. Ten (10) feet if abutting a residentially zoned district.

(7) **Maximum building height.** 35 feet.

**Surrounding Zoning Classification and Land Uses:**

North: C-2 General Commercial District. The adjacent land use to the north is currently a professional office building.

South: PD/R-3 Planned Development Multi-Family District. The adjacent land use to the south is currently a multi-family residential building (Village Park Apartments).

East: M-1 Industrial Park District. The adjacent land use to the east is currently a professional office building (Integrity Insurance)

West: PD/C-2 Planned Development General Commercial District and R-1A Single-Family District. The adjacent land uses to the west currently include professional office buildings and single-family residential.

**Zoning Ordinance Review Criteria:** A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to accommodate a future multi-tenant commercial development, which is permitted in the C-2 General Commercial District. The existing site appears to satisfy the development standards for the C-2 District listed above. If approved, any future development would need to conform to the C-2 District zoning regulations and other sections of the Zoning Ordinance. Ultimately, any new building would require Site Plan review and approval, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future commercial uses. The proposed C-2 General Commercial 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 (Chapter 10)*

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

*OBJECTIVE 10.1 Land Use:*

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

*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.*

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Appleton 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 this zoning ordinance. 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 (1) of the following:

1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton.

***Findings:*** *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives stated above and the future land use map which shows this area of the City as future commercial use.*

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 proposed rezoning to C-2 District should not have a significant impact on traffic.*



2. The effect of the proposed rezoning on surrounding uses. *A mix of commercial uses are already located within this neighborhood. The proposed amendment will allow for a multi-tenant commercial development to be built on this property.*

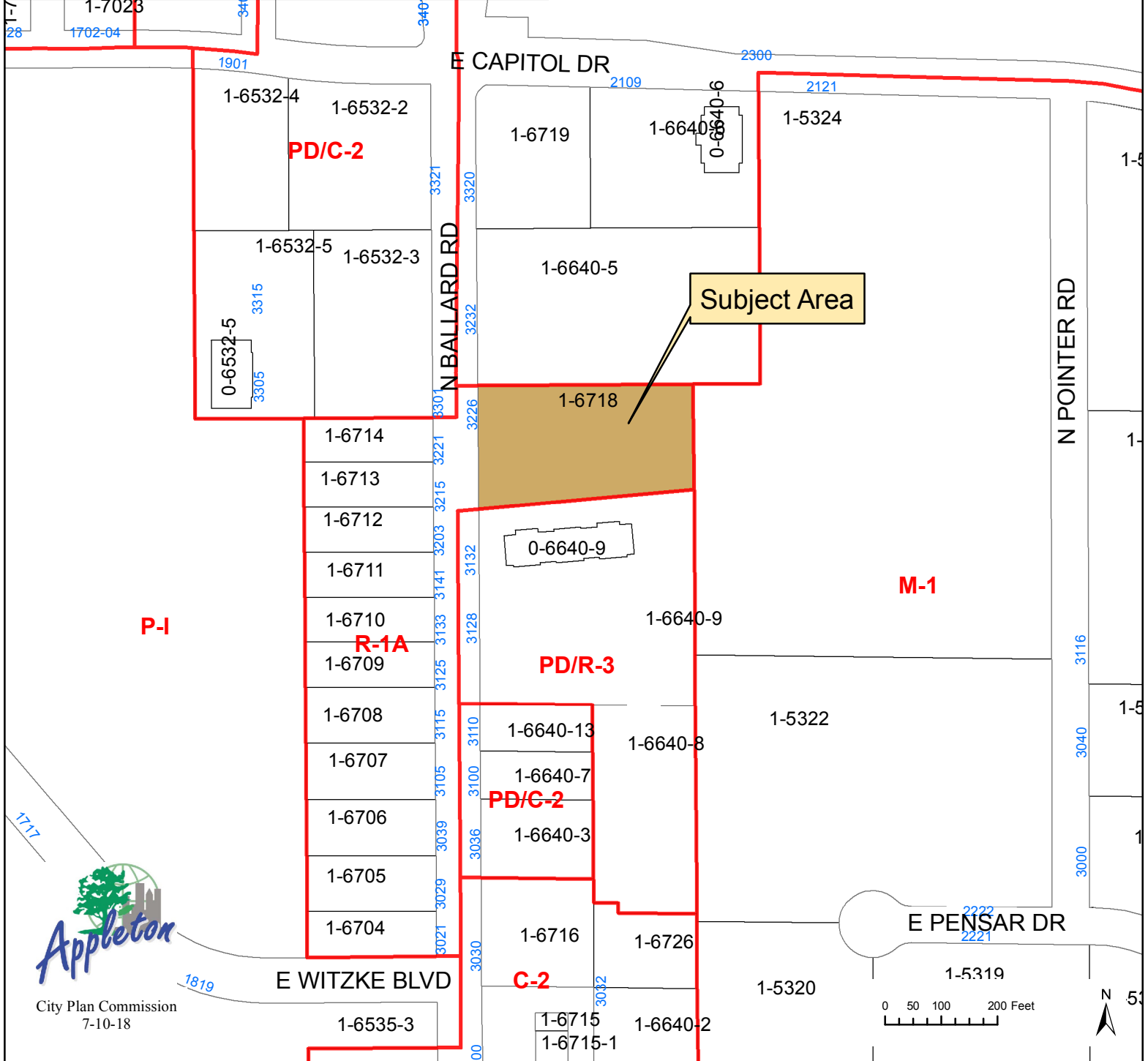
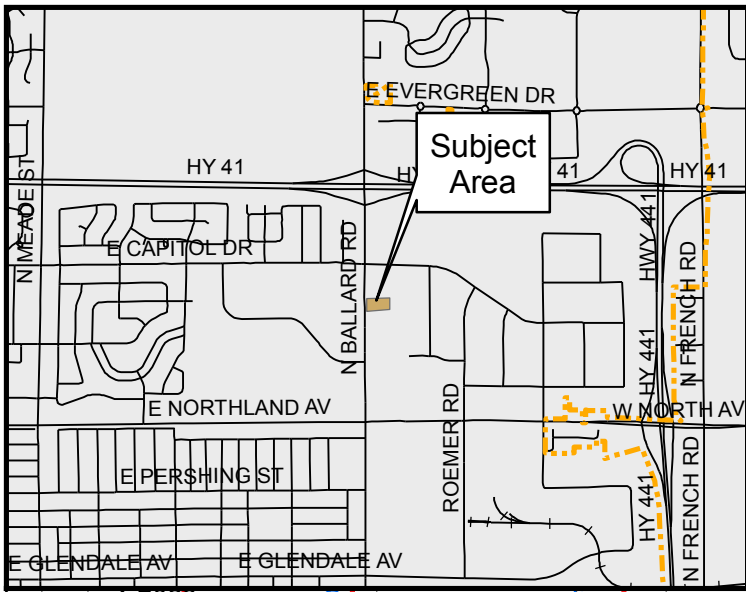
**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

**Technical Review Group (TRG) Report:** This item was discussed at the June 19, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

### **RECOMMENDATION**

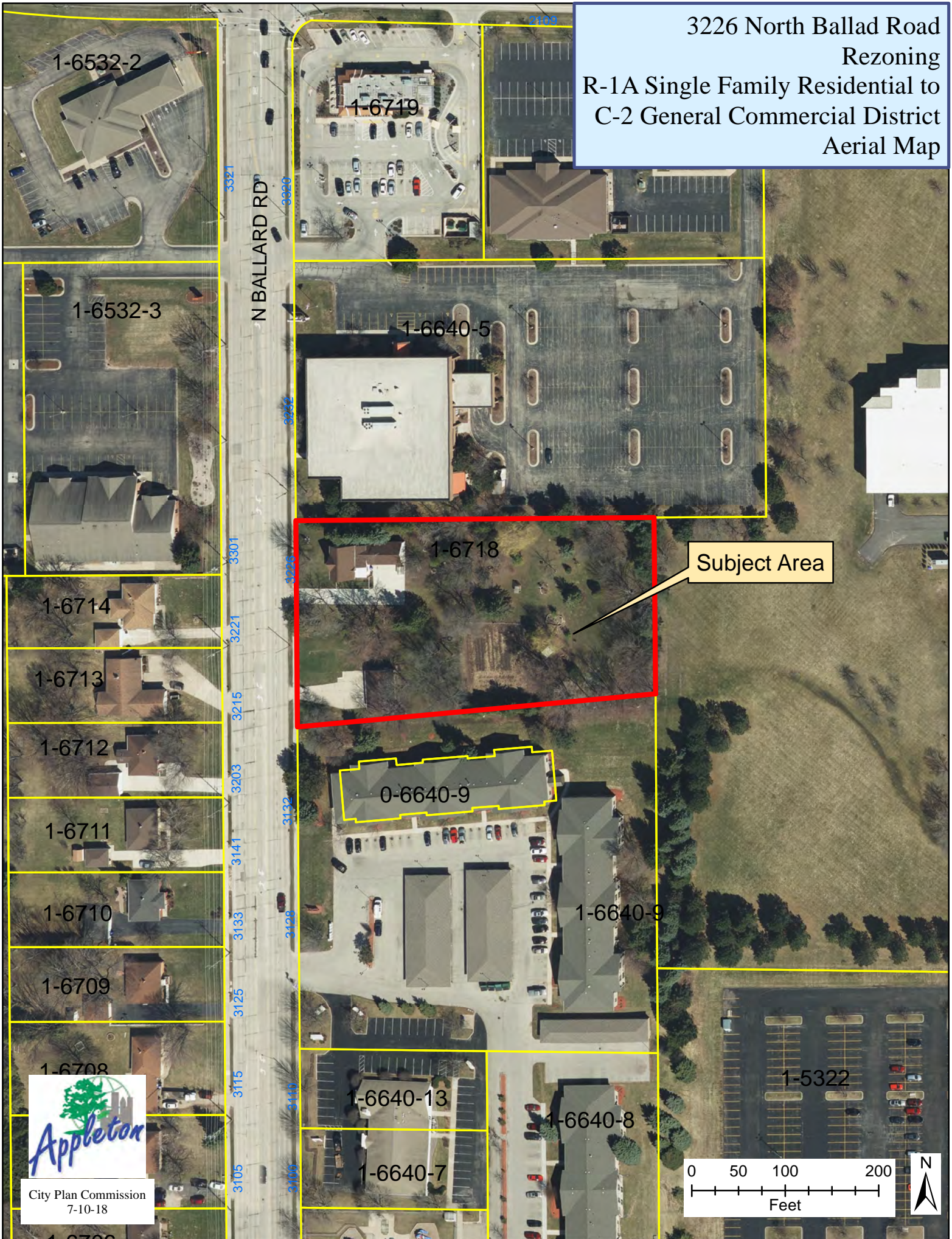
Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #8-18 to rezone the subject site located at 3226 N. Ballard Road (Tax Id #31-1-6718-00) from R-1A Single-Family District to C-2 General Commercial District, including to the midpoint of the adjacent road right-of-way and as shown on the attached map, **BE APPROVED**.

3226 North Ballard Road  
Rezoning  
R-1A Single Family Residential to  
C-2 General Commercial District  
Zoning Map





3226 North Ballard Road  
Rezoning  
R-1A Single Family Residential to  
C-2 General Commercial District  
Aerial Map





**Legal Description, Parcel #31-1-6718-00**

Lot One (1), Certified Survey Map No. 6400 filed in the Office of the Register of Deeds for Outagamie County, Wisconsin, on February 21, 2012, in Volume 38 on Page 6400, as Document No. 1936688, being part of the Fractional Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 18, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, including all of the adjacent one-half right-of-way of Ballard Road.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** July 10, 2018

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

**Item:** Minor Amendment to Special Use Permit #33-05

**Case Manager:** David Kress

### GENERAL INFORMATION

---

**Owner:** H & S Investment Group, LLC c/o Roger Hager

**Applicant:** Wilder's Bistro c/o Terrance Wilder

**Address/Parcel #:** 2639 South Oneida Street (Tax Id #31-8-1513-00)

**Petitioner's Request:** The applicant is requesting to amend Special Use Permit #33-05 to allow alcohol sales and service within an expanded outdoor patio south of the existing restaurant.

### BACKGROUND

---

Special Use Permit #13-00 for a restaurant with alcohol sales at 2639 South Oneida Street was approved by Common Council on September 20, 2000. The approval was granted with one condition listed as follows:

1. Site Plan Review approval is required, and all standard elements including parking lot landscaping, buffers, driveway closure, and sidewalks must be met prior to issuance of building permits.
  - *Condition satisfied. Site Plan #00-41 was approved on March 5, 2001 and subsequent building permits were issued for Sergio's Restaurant and the parking lot serving the site.*

Special Use Permit #33-05 to expand an existing restaurant by allowing outdoor seating with alcohol service at 2639 South Oneida Street was approved by Common Council on December 21, 2005. The approval was granted with five conditions listed as follows:

1. The serving and consumption of alcohol is limited to the interior ground floor of the existing restaurant and the outdoor patio area (south side of building) as identified by the development plan. Any future expansions into additional building space or outdoor areas not identified by the development plan, for the serving and/or consumption of alcohol, will require a new Special Use Permit application to be applied for and approved.
  - *Development plan drawings included with Special Use Permit #33-05 identified the interior of the restaurant and outdoor patio to be approximately 8,868 square feet and 656 square feet, respectively, for a total area of 9,524 square feet. The applicant's request is to expand the existing outdoor patio located south of the building by an additional 625 square feet, which represents an overall increase of approximately 6.6%.*

## Minor Amendment to Special Use Permit #33-05

July 10, 2018

Page 2

2. The owner/applicant is encouraged to contact and meet with representatives from the Appleton Police Department (Pat DeWall or Carlos delPlaine) and the Appleton Fire Department (Vernon Green) to insure that both Police and Fire requirements and concerns are being addressed prior to issuance of building permits.
  - *Police Department and Fire Department staff are part of the Technical Review Group (TRG) that receives information and comments on items prior to appearing before Plan Commission. No comments were received from either department on this item.*
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.
  - *Ongoing condition. This condition continues to apply at this location.*
4. All Noise Ordinances shall be adhered to at all times.
  - *Ongoing condition. This condition continues to apply at this location.*
5. The applicant shall apply to the City Clerk to amend the current Liquor License to include the expansion area (outdoor seating) used for the serving and/or consumption of alcohol. Any expansion of a restaurant with alcohol sales requires approval of a premise description amendment of the existing liquor license from the Safety and Licensing Committee and Common Council.
  - *Wilder's Bistro has applied for a premise amendment for their current Liquor License. This item is on track to appear before the Safety and Licensing Committee on July 11, 2018 and Common Council on July 18, 2018.*

## **STAFF ANALYSIS**

---

**Project Summary:** Wilder's Bistro has already operated at the subject area, located near the intersection of South Oneida Street and West Valley Road, for seven months. The applicant proposes to allow alcohol sales and service within an expanded outdoor patio south of the existing restaurant. The proposal would increase the outdoor patio by approximately 625 square feet and install an additional door to the interior, as shown on the attached development plan.

**Existing Site Conditions:** The existing multi-tenant building totals approximately 37,840 square feet, including the other commercial uses on-site. The roughly 3.6-acre site also includes off-street parking west, south, and east of the building. Access is provided by curb cuts on South Oneida Street and cross access with properties to the south.

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

**Outdoor Seating Area:** The existing outdoor patio located south of the building is approximately 656 square feet, and the proposal would increase its size by approximately 625 square feet. The expanded outdoor area would also be enclosed with a concrete/wood fence that is six feet in height. The applicant

## **Minor Amendment to Special Use Permit #33-05**

**July 10, 2018**

**Page 3**

proposes to utilize the expanded outdoor patio for alcohol sales and service, as is shown on the development plan and described in the plan of operation.

**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.

North: C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial uses.

South: C-2 General Commercial District. The adjacent land uses to the south are currently a mix of commercial uses, including a gasoline station and car wash.

East: PD/C-2 Planned Development General Commercial District. The adjacent land uses to the east are currently a mix of commercial uses.

West: R-3 Multi-Family District. The adjacent land uses to the west are currently multi-family residential.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial 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 10.5 Land Use:**

*Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.*

### **Chapter 17: South Oneida Street Corridor Plan, General Plan:**

*Land Uses – The general commercial designation is recommended for an area beginning at the intersection of South Oneida Street and Calumet Street, and extending south to Midway Road. The general commercial area may be characterized as typical suburban commercial strips including both office and retail or service uses. Development may consist of freestanding buildings or multi-tenant buildings.*

## Minor Amendment to Special Use Permit #33-05

July 10, 2018

Page 4

**Zoning Ordinance Requirements:** Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the subject property has historically functioned as a “shopping center” use, per Assessor’s Office and building permit records. The proposed expansion of the outdoor patio will not increase the gross floor area of the existing multi-tenant building. Therefore, the number of parking spaces required for the subject property remains the same at 152 parking spaces. Even with three existing parking spaces being eliminated for the applicant’s request, the 175 remaining parking spaces provided exceeds the required amount.

**Changes to Special Uses:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the C-2 District, but Special Use Permits #13-00 and #33-05 were approved previously. This item has been referred to the Plan Commission per Section 23-66(g) of the Municipal Code, which states:

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

- a. Expansions of special uses of less than 10%.

*The expanded outdoor patio, proposed at an additional 625 square feet, constitutes an expansion of less than 10%.*

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

*This minor amendment request is consistent with the general intent and character of Special Use Permits #13-00 and #33-05, as the subject area will continue to be used as a restaurant and outdoor seating area with alcohol sales and service.*

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

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(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 June 19, 2018 Technical Review Group meeting.

- **Inspections Division Comments:** Building permits are required for the fence surrounding the outdoor patio and the opening (door) in the exterior wall.

## **RECOMMENDATION**

Staff recommends, based on the above, that Minor Amendment to Special Use Permit #33-05 for an existing restaurant and expanded outdoor patio with alcohol sales and service at 2639 South Oneida Street



**Minor Amendment to Special Use Permit #33-05**

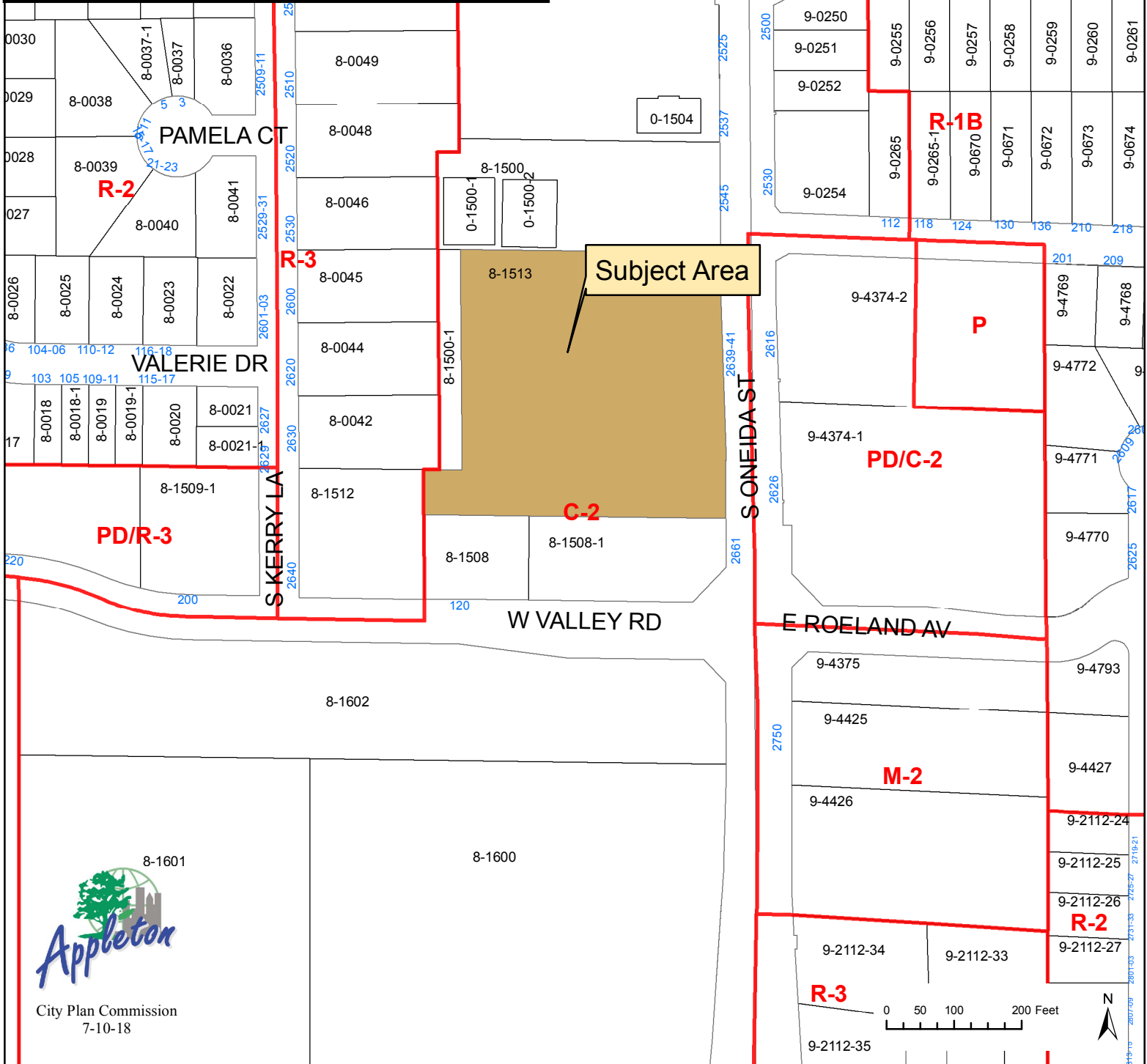
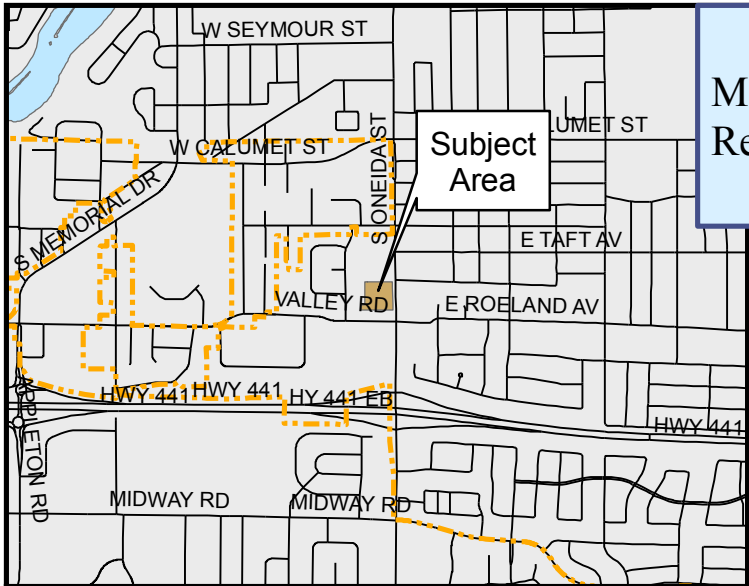
**July 10, 2018**

**Page 5**

(Tax Id #31-8-1513-00), as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following conditions:

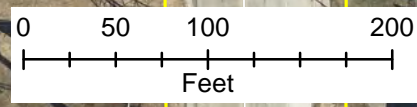
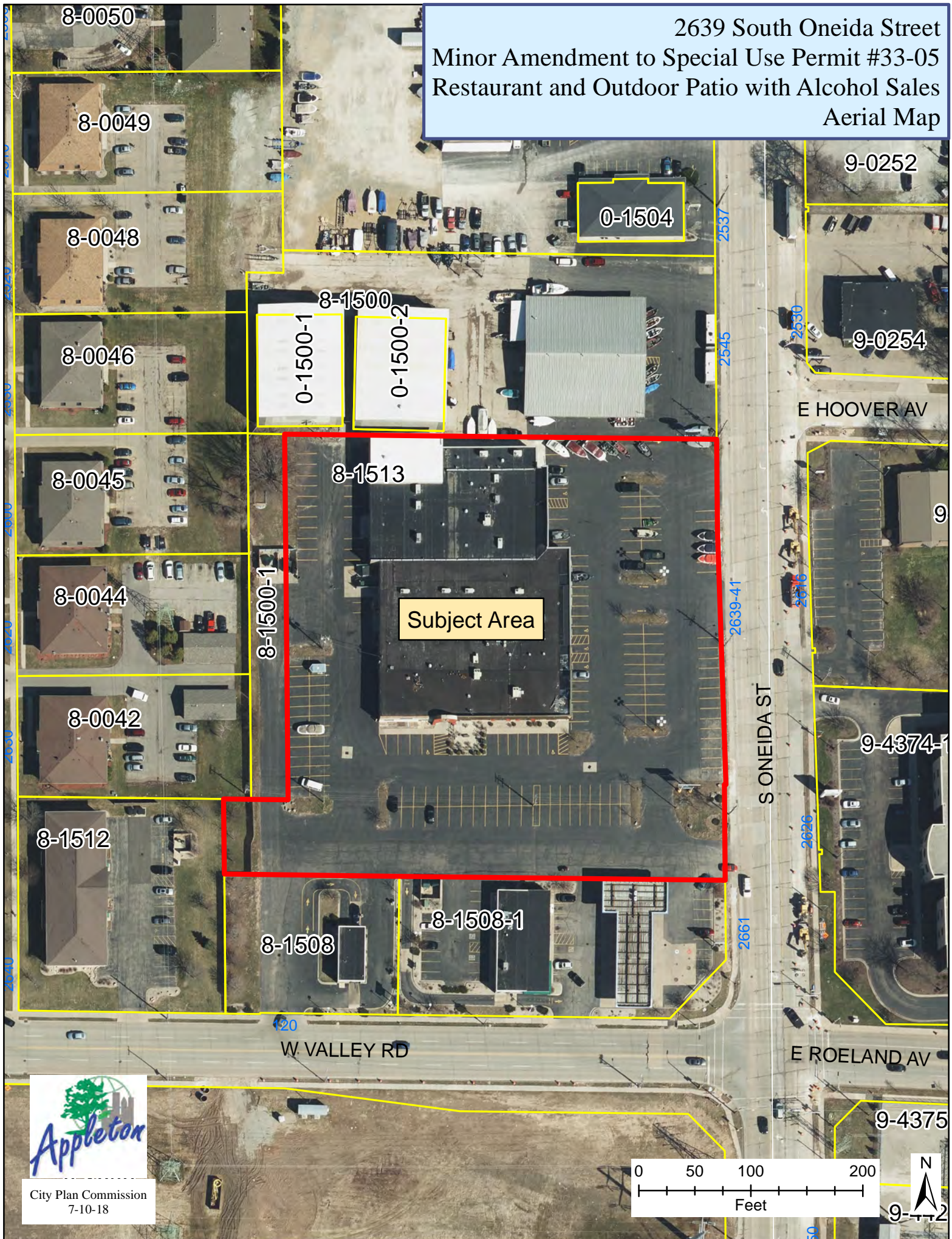
1. The serving and consumption of alcohol is limited to the interior ground floor of the existing restaurant and outdoor patio area, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
3. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
4. The applicant shall receive approval of a Liquor License premise amendment from the City Clerk prior to serving or consuming alcohol in the expanded outdoor seating area.
5. Building permits are required from the Inspections Division for the fence surrounding the outdoor patio and the opening (door) in the exterior wall.
6. 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.
7. The subject site already exceeds the maximum 75% lot coverage in the C-2 General Commercial District. In order to prevent an increase in lot coverage, the amount of pervious surface area removed for the expanded outdoor patio, if any, needs to be replaced somewhere else on the site.
8. Special Use Permit #33-05, as now amended, will replace Special Use Permit #13-00 to cover the interior ground floor of the restaurant and outdoor patio in its entirety.

2639 South Oneida Street  
 Minor Amendment to Special Use Permit #33-05  
 Restaurant and Outdoor Patio with Alcohol Sales  
 Zoning Map

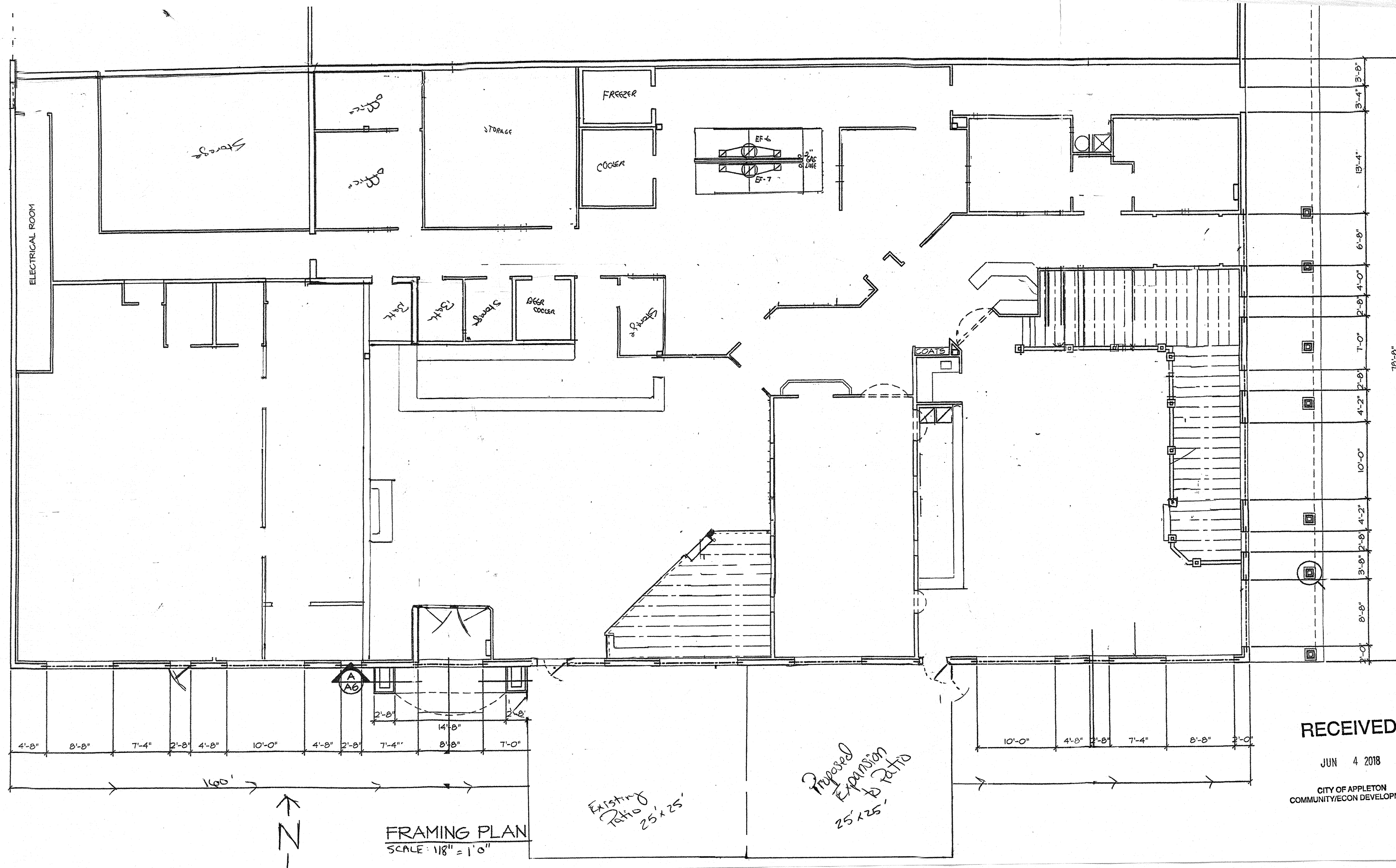




2639 South Oneida Street  
Minor Amendment to Special Use Permit #33-05  
Restaurant and Outdoor Patio with Alcohol Sales  
Aerial Map







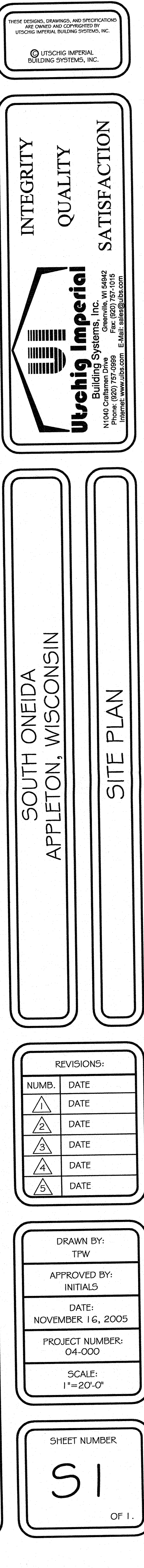
RECEIVED

JUN 4 2018

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT



This drawing, originally included in Special Use Permit #33-05, is intended to show general site conditions and separation between tenant spaces. See drawing dated June 4, 2018 for location and dimensions of expanded outdoor patio area, as well as internal floor plan for Wilder's Bistro.



# SITE PLAN

REVISIONS:	
NUMB.	DATE
1	DATE
2	DATE
3	DATE
4	DATE
5	DATE

DRAWN BY: TPW
APPROVED BY: INITIALS
DATE: NOVEMBER 16, 2005
PROJECT NUMBER: 04-000
SCALE: 1"=20'-0"

SHEET NUMBER

SI

OF 1.



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

**Business Information:**

Name of business: WILDER'S BISTRO

Years in operation: 7 MONTHS

Percentage of business derived from restaurant service: 80 %

Type of proposed establishment (detailed explanation of business):

IT IS A FULL SERVICE BISTRO WITH A 10 PERSON  
BAR AREA. I AM REQUESTING ALCOHOL SERVICE ON  
THE PATIO THAT WILL SEAT ABOUT 30 PEOPLE.

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

Day	From	To
Week Day	11:00 AM	9:00 PM
Friday	11:00 AM	10:00 PM
Saturday	11:00 AM	10:00 PM
Sunday	11:00 AM	9:00 PM

**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: 175 persons

Gross floor area of the existing building(s): 7000 Sq ft.

Gross floor area of the proposed building(s): 700 Sq ft.

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

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

---

---

---

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

THERE WILL BE A PRIVACY WALL AND STAFF AND  
MANAGEMENT OUT THERE CONSTANTLY TO KEEP THE  
NOISE UNDER CONTROL

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

MANAGEMENT AND STAFF WILL MONITOR ACTIVITY IN  
THE PARKING LOT

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

Outdoor patio 700 sq ft additional

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

Concrete & Wood 6' tall overall

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:

THERE WILL BE A FEW SPEAKERS PLAYING SOFT MUSIC CONTROLLED BY ME.

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

**Proposed Hours of Operation for Outdoor Uses:** SAME AS THE RESTAURANT

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

**Outdoor Lighting:**

Type: Poles, wall packs, indirect lighting  
Location: in patio, on buildings, and in lot.

**Off-Street Parking:**

Number of spaces existing: 100+  
Number of spaces proposed: ~~same~~ No change

**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:

---

---

---

**Number of Employees:**

Number of existing employees: 30  
Number of proposed employees: SAME  
Number of employees scheduled to work on the largest shift: 15-18