



# 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.*

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Tuesday, October 8, 2019

4:00 PM

Council Chambers, 6th Floor

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

[19-1439](#) City Plan Minutes from 9-24-19

**Attachments:** [City Plan Minutes 9-24-19.pdf](#)

#### 4. Public Hearings/Apearances

[19-1440](#) Special Use Permit #10-19 for an event center with alcohol sales and consumption located at 513 West College Avenue (Tax Id #31-3-1005-00), 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 #19-1441)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_The513\\_SUP.pdf](#)  
[PublicHearingNoticeNeighborhood\\_The513\\_SUP.pdf](#)

[19-1442](#) Rezoning #9-19 to rezone the area generally located at the northwest corner of West Washington Street and North Richmond Street (Tax Id #31-5-1188-00 and #31-5-1187-00), including all of the adjacent one-half (1/2) right-of-way of N. Richmond Street, W. Washington Street and Fisk Alley, as shown on the attached maps, from C-2 General Commercial District to CBD Central Business District (Associated with Action Item #19-1443)

**Attachments:** [InformalPublicHearingNotice\\_NWcorWashington+Richmond\\_Rezoning.pdf](#)

#### 5. Action Items

- [19-1441](#) Request to approve Special Use Permit #10-19 for an event center with alcohol sales and consumption located at 513 West College Avenue (Tax Id #31-3-1005-00), 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 of Common Council required for approval)

**Attachments:** [StaffReport The 513 SUP For10-08-19.pdf](#)

- [19-1443](#) Request to approve Rezoning #9-19 to rezone the area generally located at the northwest corner of West Washington Street and North Richmond Street (Tax Id #31-5-1188-00 and #31-5-1187-00), including all of the adjacent one-half (1/2) right-of-way of N. Richmond Street, W. Washington Street and Fisk Alley, as shown on the attached maps, from C-2 General Commercial District to CBD Central Business District

**Attachments:** [StaffReport NW Richmond-Washington Rezoning For10-08-19.pdf](#)

## 6. Information Items

- [19-1503](#) Neighborhood Program Fall Meeting on Monday, October 28, 2019 from 6:00 - 7:30 pm at Appleton West High School, 610 N. Badger Avenue

**Attachments:** [NeighborhoodProgramFallMeeting2019\\_Flyer.pdf](#)

## 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.*

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Tuesday, September 24, 2019

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

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

2. Roll call of membership

**Present:** 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

**Absent:** 2 - Palm and Robins

*Others present:*

*Alderperson Brad Firkus, District #3*

*Alderperson Maiyoua Thao, District #7*

*Jennifer Thompson, Eagle Point Senior Living*

*Alan Theobald, Iconica*

*Michael Kabat, 200 E. Bluewater Way*

*Jacqueline Kabat, 200 E. Bluewater Way*

*Colin Cassady, The Alexander Company*

3. Approval of minutes from previous meeting

[19-1405](#)

City Plan Minutes from 8-27-19

**Attachments:** [City Plan Minutes 8-27-19.pdf](#)

**Rabec moved, seconded by Alderperson Meltzer, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

**Absent:** 2 - Palm and Robins

4. Public Hearings/Appearances

[19-1406](#)

Special Use Permit #9-19 for a community living arrangement (CLA) serving 28 persons at 975 East John Street (Tax Id #31-1-0772-01), to run with the land, with an exception to the Aldermanic District 4 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 #19-1407)

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

**This public hearing was held, and Colin Cassady spoke on the item.**

[19-1408](#)

Rezoning #8-19 to rezone the area generally located east of Haymeadow Avenue and south of Spartan Drive (part of Tax Id #31-6-6201-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from AG Agricultural District and PD/R-2 Planned Development Two-Family District to PI Public Institutional District (Associated with Action Item #19-1409)

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

**This public hearing was held, and Michael Kabat spoke on the item.**

## 5. Action Items

[19-1407](#)

Request to approve Special Use Permit #9-19 for a community living arrangement (CLA) serving 28 persons at 975 East John Street (Tax Id #31-1-0772-01), to run with the land, with an exception to the Aldermanic District 4 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 of Common Council required for approval)

**Attachments:**     [StaffReport\\_EaglePointLotTwo\\_SUP\\_For09-24-19.pdf](#)

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

**Aye:** 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

**Absent:** 2 - Palm and Robins

[19-1409](#)

Request to approve Rezoning #8-19 to rezone the area generally located east of Haymeadow Avenue and south of Spartan Drive (part of Tax Id #31-6-6201-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from AG Agricultural District and PD/R-2 Planned Development Two-Family District to PI Public Institutional District

**Attachments:** [StaffReport\\_HaymeadowStormwater\\_Rezoning\\_For09-24-19.pdf](#)

*Proceeds to Council on October 16, 2019.*

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

**Aye:** 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

**Absent:** 2 - Palm and Robins

[19-1410](#)

Request to approve the dedication of land for public right-of-way for a portion of Spartan Drive generally located east of Haymeadow Avenue (part of Tax Id #31-6-6200-00 and #31-6-6201-00), as shown on the attached maps

**Attachments:** [StaffReport\\_SpartanEastofHaymeadow\\_PubDedic\\_For09-24-19.pdf](#)

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

**Aye:** 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

**Absent:** 2 - Palm and Robins

## 6. Information Items

## 7. Adjournment

**Alderperson Meltzer moved, seconded by Buetow, that the meeting be adjourned at 4:14 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

**Absent:** 2 - Palm and Robins

**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, October 8, 2019, 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 Teresa Lingg, applicant, and Cindy Sahotsky, owner, for property located at 513 West College Avenue (Tax Id #31-3-1005-00) to obtain a Special Use Permit for an event center with alcohol sales and consumption (The 513). In the CBD Central Business District, a Special Use Permit is required for an event center with alcohol sales and consumption.

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: September 24, 2019  
October 1, 2019

**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, October 8, 2019, 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 Teresa Lingg, applicant, and Cindy Sahotsky, owner, for property located at 513 West College Avenue (Tax Id #31-3-1005-00) to obtain a Special Use Permit for an event center with alcohol sales and consumption (The 513). In the CBD Central Business District, a Special Use Permit is required for an event center with alcohol sales and consumption.
- ALDERMANIC DISTRICT: 11 – Alderperson Patti Coenen

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.

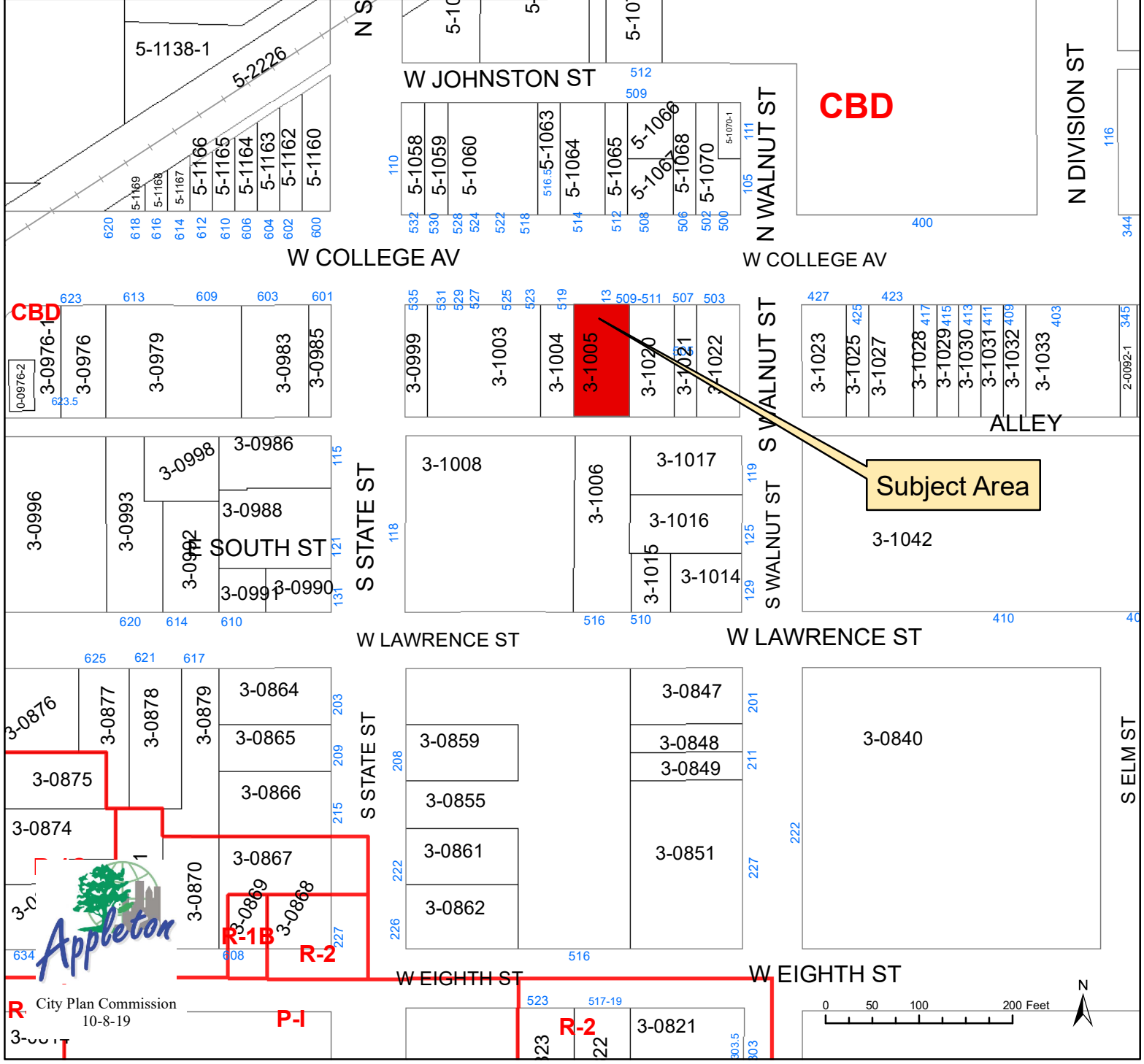
Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476.

CITY PLAN COMMISSION

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

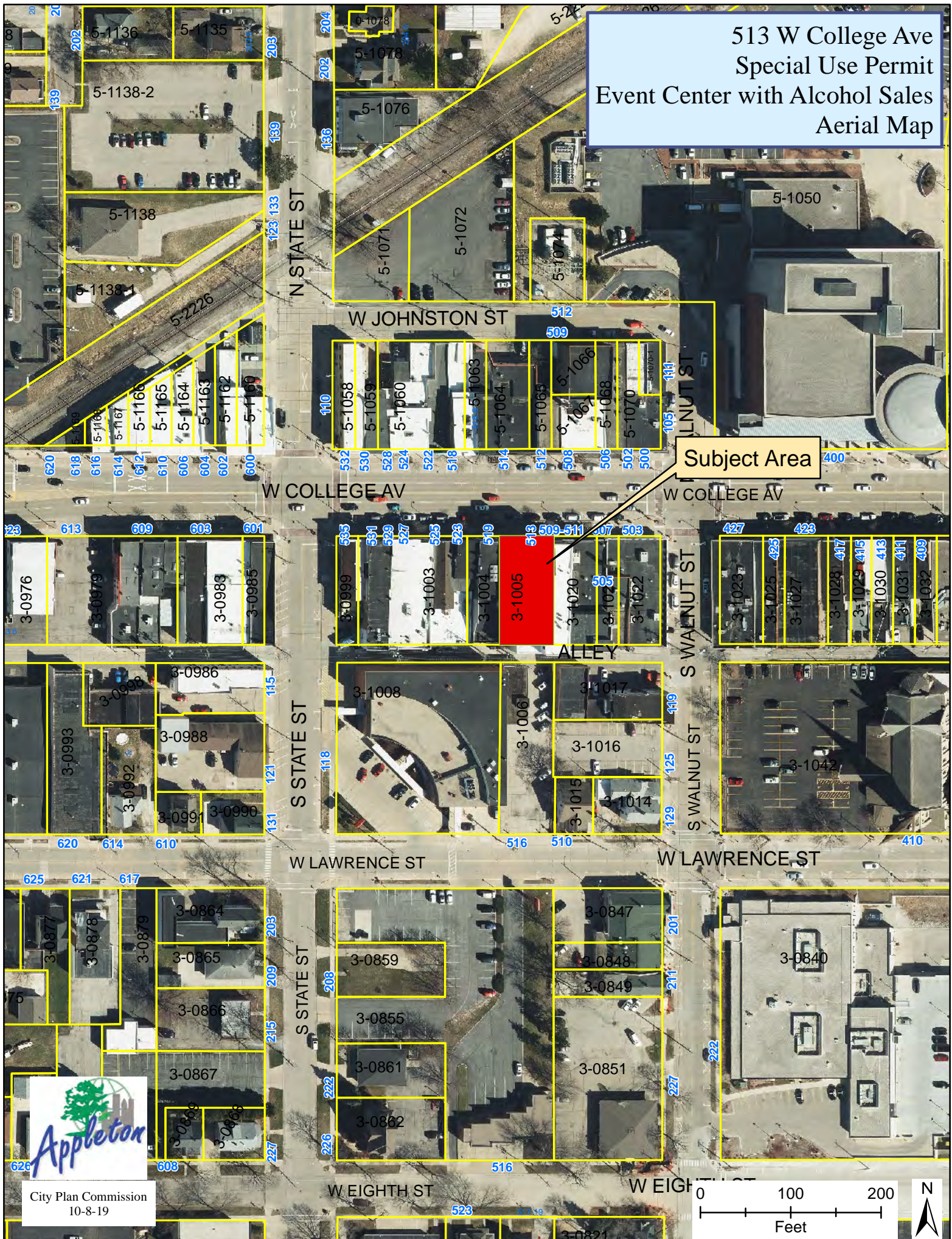
*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

513 W College Ave  
Special Use Permit  
Event Center with Alcohol Sales  
Zoning Map





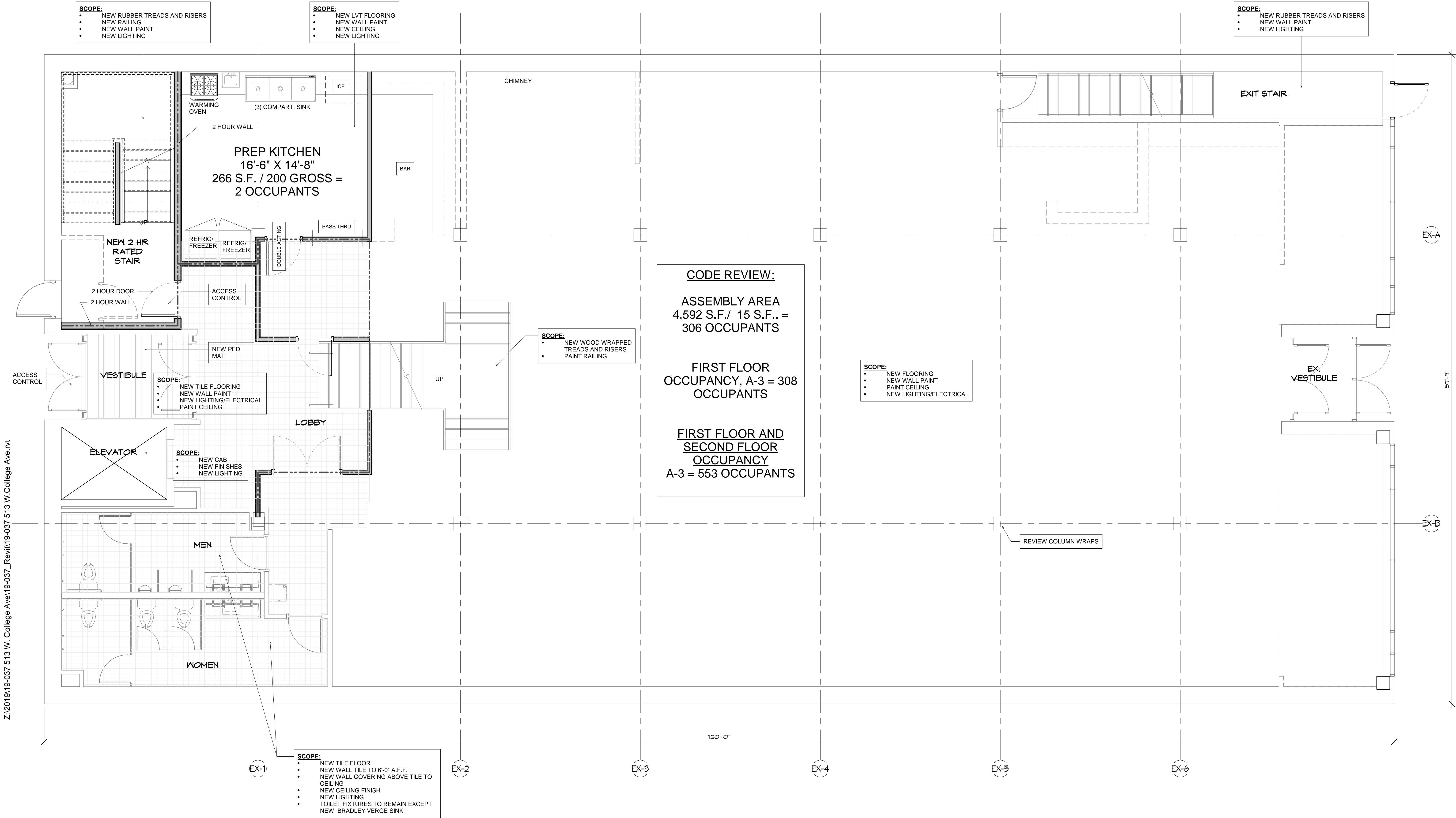
513 W College Ave  
Special Use Permit  
Event Center with Alcohol Sales  
Aerial Map



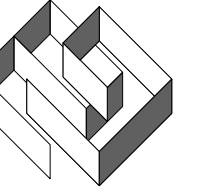
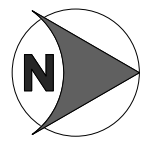


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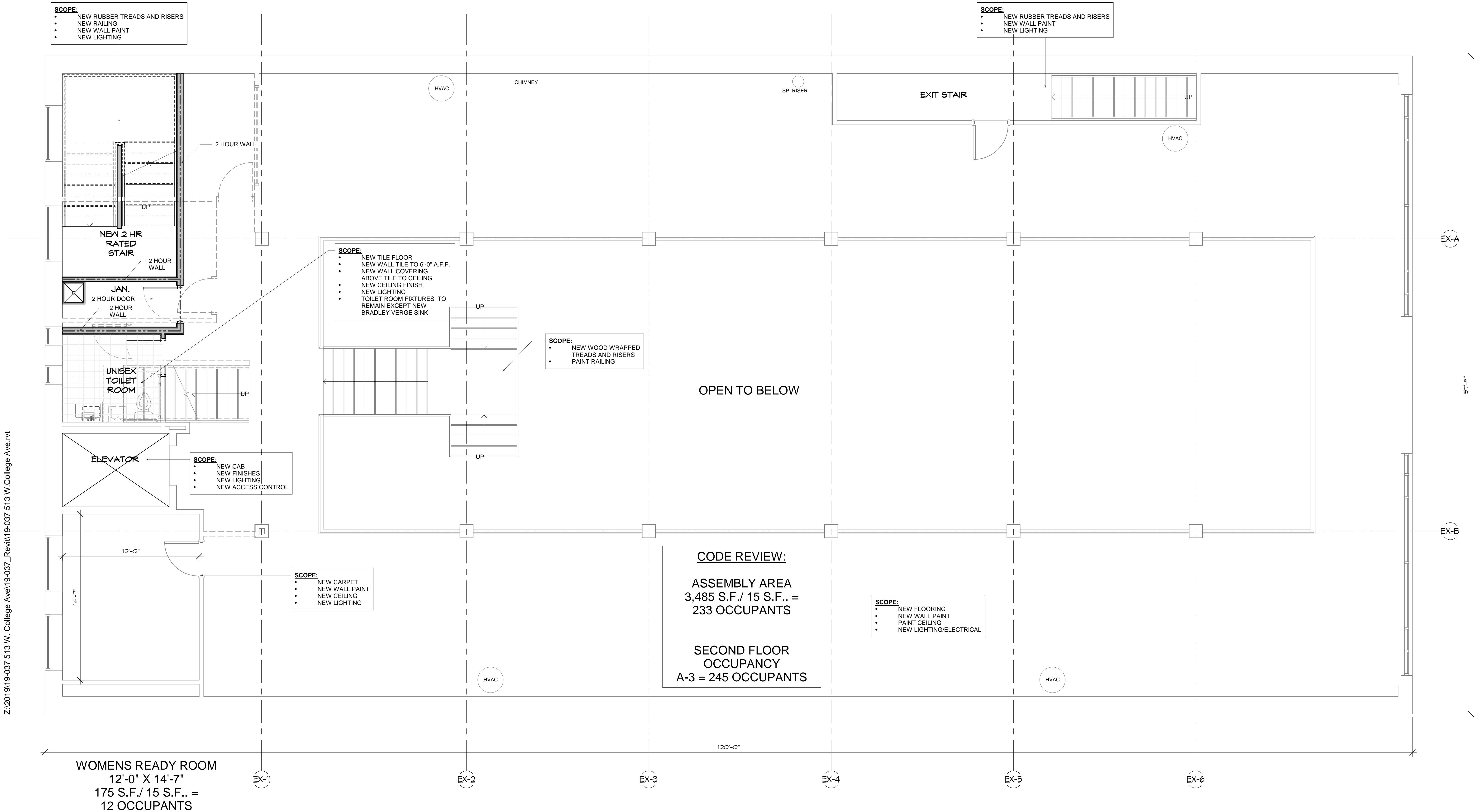


1 FIRST FLOOR PLAN  
A-1.1 1/4" = 1'-0"



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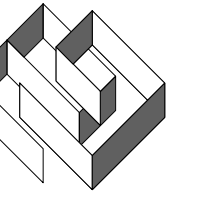
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1/4" = 1'-0"

**SECOND FLOOR PLAN**

**N**



**NOTICE OF INFORMAL PUBLIC HEARING**  
**OF THE**  
**APPLETON CITY PLAN COMMISSION**

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, October 8, 2019 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:**

Generally located at the northwest corner of West Washington Street and North Richmond Street (Tax Id #31-5-1188-00 and #31-5-1187-00)

**Rezoning Request:** A rezoning request has been initiated by the owners, Appleton West End Realty Ltd. and Gerald Engel Trust, et al, and applicant, Dennis Jochman of Bechard Group, 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 C-2 General Commercial District. The owners/applicant propose to rezone the property to CBD Central Business District (see attached map). The CBD District is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

**Purpose of the Rezoning:** The owners/applicant propose to construct a building to be used for professional services with a drive through.

**ALDERMANIC DISTRICT:** 10 – Alderperson Christine Williams

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.

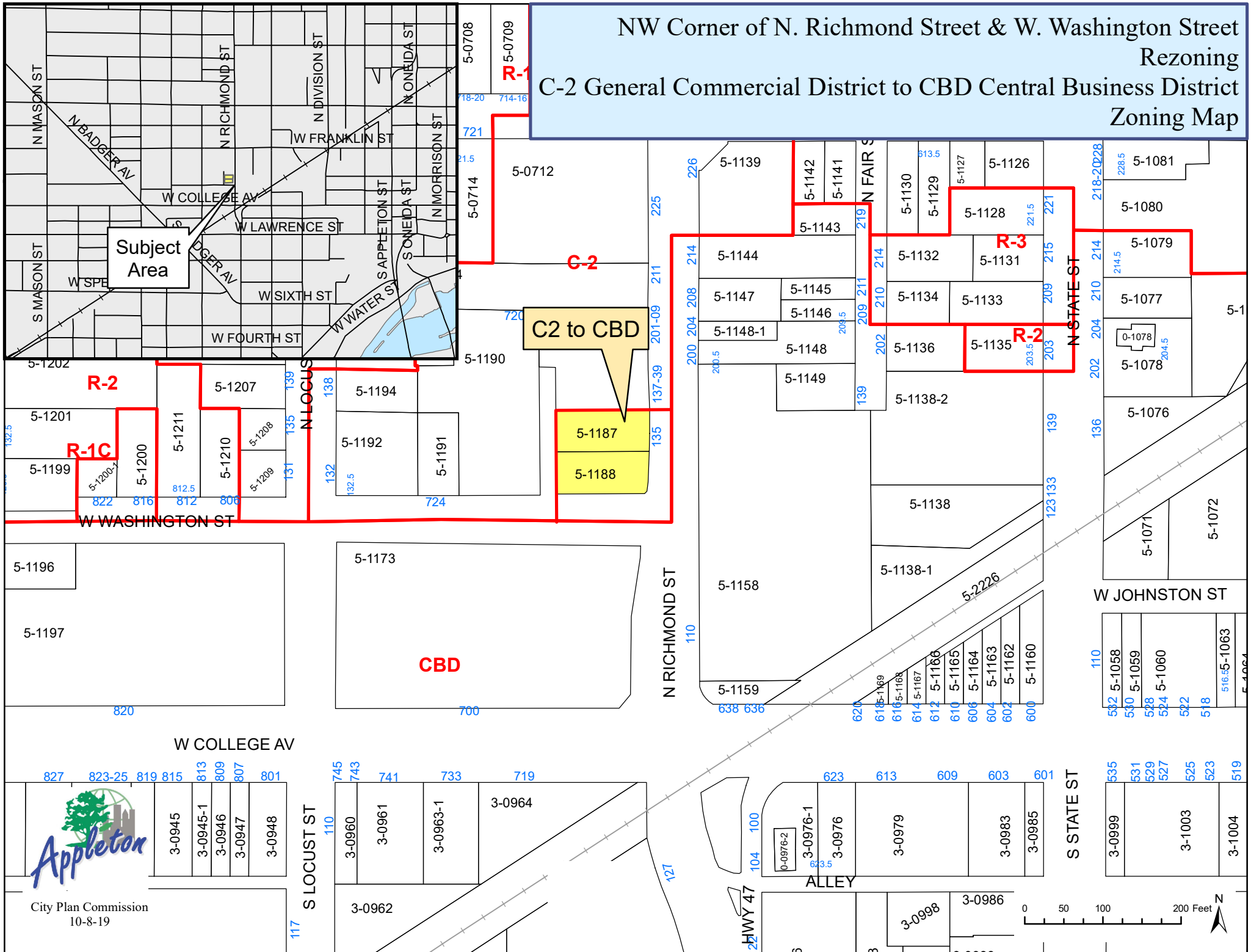
Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476.

CITY PLAN COMMISSION

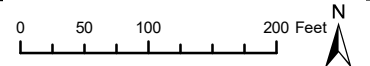
COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL - 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
920-832-6468

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

NW Corner of N. Richmond Street & W. Washington Street  
 Rezoning  
 C-2 General Commercial District to CBD Central Business District  
 Zoning Map



City Plan Commission  
 10-8-19





NW Corner of N. Richmond Street & W. Washington Street  
Rezoning  
C-2 General Commercial District to CBD Central Business District  
Aerial Map



City Plan Commission  
10-8-19





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** October 8, 2019

**Common Council Meeting Date:** October 16, 2019

**Item:** Special Use Permit #10-19 for an event center with alcohol sales and service

**Case Manager:** Jessica Titel

### **GENERAL INFORMATION**

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**Owner:** Cindy Sahotsky – Riverview Gardens

**Applicant:** Teresa Lingg

**Address/Parcel #:** 513 W. College Avenue (Tax Id #31-3-1005-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with an event center.

### **BACKGROUND**

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The subject area includes a 4-story building that was built in 1922. The building has been occupied by a number of retail, commercial, and office uses over the years. Most recently, the building has been occupied by Riverview Gardens and used as retail and office space.

The Common Council approved a Special Use Permit on April 4, 2007 for a banquet facility with alcohol sales. That use was never established in this building.

The applicant has yet to apply for a Liquor License but intends to do so after action is taken on this Special Use Permit request.

### **STAFF ANALYSIS**

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**Project Summary:** The applicant proposes to establish an event center with alcohol sales and service on the subject site, which would occur on the first and second floors of the existing building. The first floor has approximately 4,592 square feet of assembly space, and the second floor has approximately 3,485 square feet of assembly area. The submitted plans indicate the total occupancy for the first and second floors is 553 occupants.

**Existing Site Conditions:** The existing 4-story commercial building totals approximately 24,700 square feet. The lot is 7,115 square feet in area. Twenty-eight off-site parking spaces are provided on a separate parcel on the south side of the alley (516 W. Lawrence Street) that is under the same ownership. No on-site or off-site parking spaces are required to be provided in the Central Business District.

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, an event center with alcohol sales and

## **Special Use Permit #10-19**

**October 8, 2019**

**Page 2**

service requires a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with the proposed event center, 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 is attached to the Staff Report.

**Outdoor Seating Area:** No outdoor alcohol sales and service is requested with this application for a Special Use Permit.

**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 in nature.

North: CBD Central Business District. The adjacent land use to the north is currently used for commercial purposes.

South: CBD Central Business District. The adjacent land use to the south is currently used for parking and commercial purposes.

East: CBD Central Business District. The adjacent land use to the east is currently used for commercial purposes.

West: CBD Central Business District. The adjacent land uses to the west are currently used for commercial purposes.

**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 10.5 Land Use:**

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



*Chapter 14 – Downtown Plan*

*Initiative 2.3: Create new venues for arts and entertainment activities in the downtown.*

**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 September 17, 2019 Technical Review Group meeting. The following comment was provided by the Fire Department: The recently installed fire sprinkler system will need to be activated before capacity can exceed 99 persons.

**RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #10-19 for an event center with alcohol sales and service at 513 W. College Avenue (Tax Id #31-3-1005-00), 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 apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.
3. The serving and consumption of alcohol is limited to the first and second floors, as identified on the attached development plan drawings. Any future expansions for the serving and/or consumption of alcohol, beyond the current limits of this area, 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 recently installed fire sprinkler system will need to be activated before capacity can exceed 99 persons.

**RESOLUTION**  
**CITY OF APPLETON**  
**RESOLUTION APPROVING SPECIAL USE PERMIT #10-19**

**WHEREAS**, Teresa Lingg, The 513, has applied for a Special Use Permit for an event center with alcohol sales and consumption located at 513 West College Avenue, also identified as Parcel Number(s) 31-3-1005-00; and

**WHEREAS**, the location for the proposed event center 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 October 8, 2019, on Special Use Permit #10-19 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 #10-19 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 \_\_\_\_\_, 2019 and found it to be acceptable.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Appleton Common Council approves Special Use Permit #10-19 for an event center with alcohol sales and consumption located at 513 West College Avenue, also identified as Parcel Number(s) 31-3-1005-00 and orders as follows:

**CONDITIONS OF SPECIAL USE PERMIT #10-19**

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 apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premises.
3. The serving and consumption of alcohol is limited to the first and second floors, as identified on the attached development plan drawings. Any future expansions for the

serving and/or consumption of alcohol, beyond the current limits of this area, 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 recently installed fire sprinkler system will need to be activated before capacity can exceed 99 persons.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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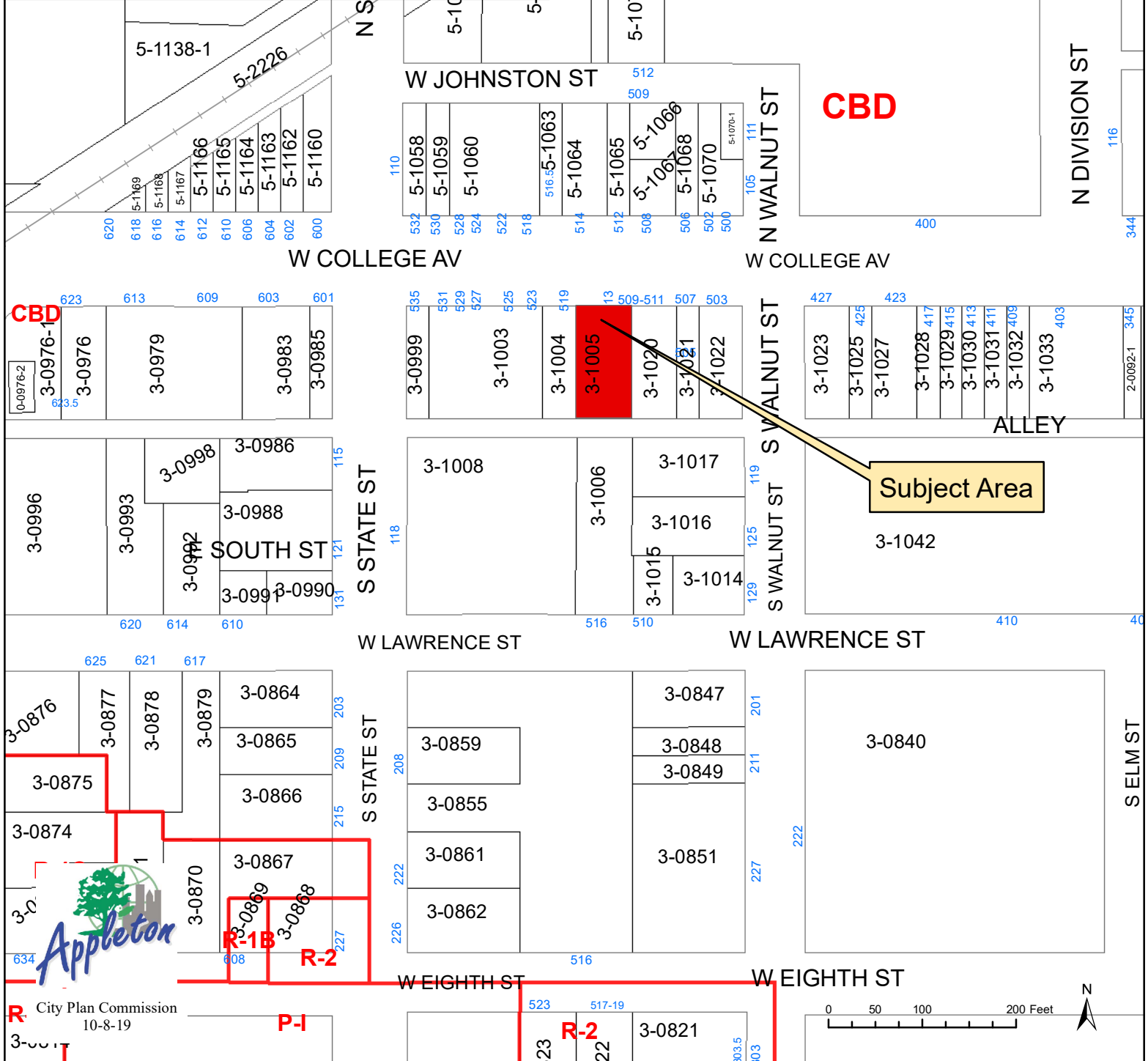
Timothy M. Hanna, Mayor

ATTEST:

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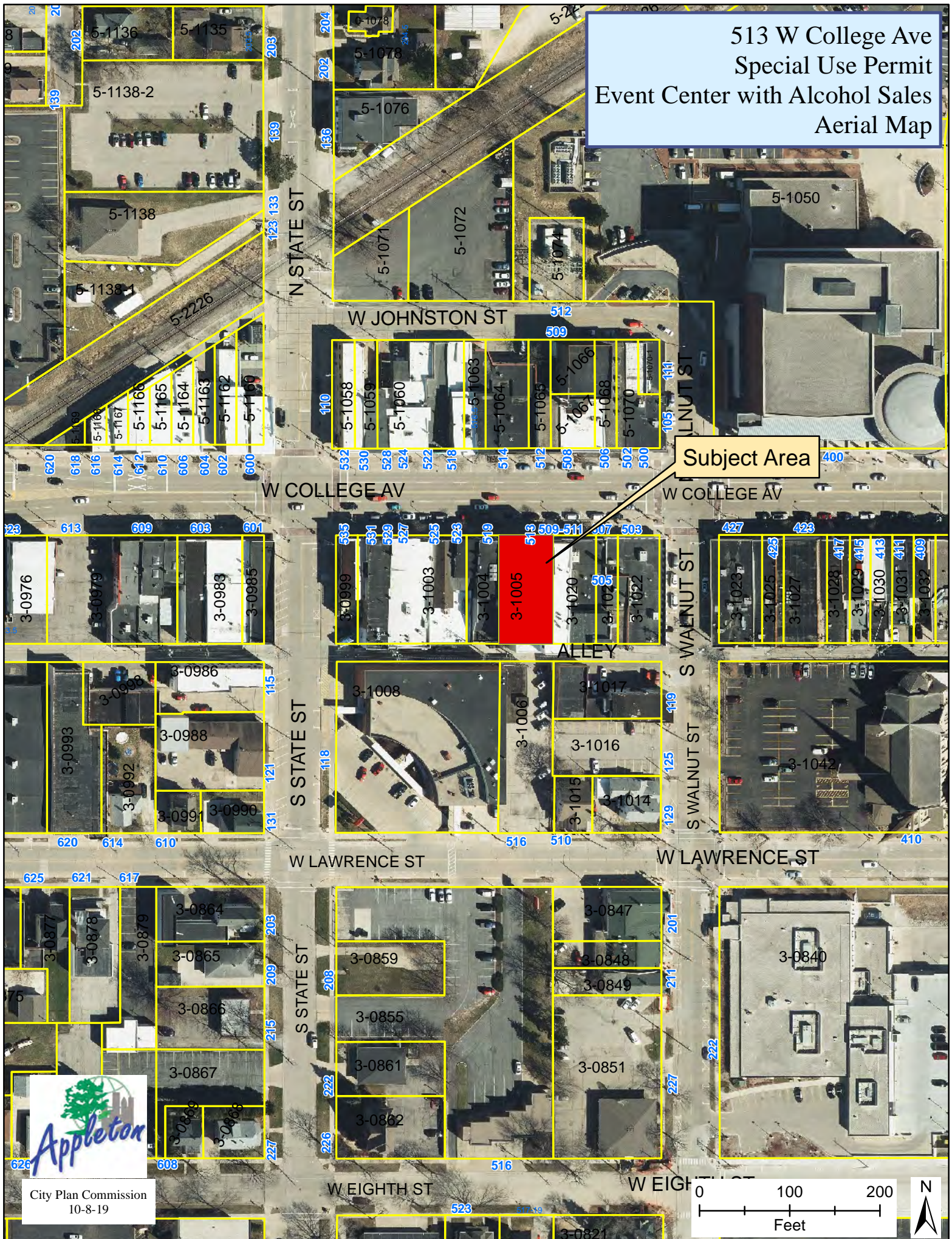
Kami Lynch, City Clerk

513 W College Ave  
Special Use Permit  
Event Center with Alcohol Sales  
Zoning Map





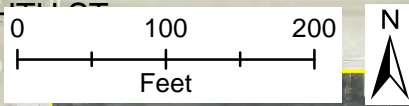
513 W College Ave  
Special Use Permit  
Event Center with Alcohol Sales  
Aerial Map



Subject Area



City Plan Commission  
10-8-19





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

Business Information:

Name of business: The 513

Years in operation: —

Percentage of business derived from restaurant service: — %

Type of proposed establishment (detailed explanation of business):

Event space will be leased out for  
weddings, corporate events, fundraisers,  
and concerts. Majority of the revenue will come  
from the rental fees.

Proposed Hours of Operation for Indoor Uses: each week will vary based on  
events and  
hours will  
be as needed  
based on  
events.

Day	From	To
Week Day	6:00 pm	12:00 am
Friday	12:00 pm	12:00 am
Saturday	12:00 pm	12:00 am
Sunday	12:00 pm	10:00 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: — persons

Gross floor area of the existing building(s): 6,889 sf

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:

Noise may be produced by music or  
bands performing within the building.

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

All areas will be closely monitored by the event coordinator and staff to ensure noise levels do not exceed acceptable levels.

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

No events are expected to be held in the building's private parking lot, however, the parking lot will also be overseen by the coordinator. If individuals do create a disturbance during their walk to the building, a staff member will see to it that the disturbance is stopped immediately.

Location, type, size and design of outdoor facilities:

N/A

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

N/A

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

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

If yes, describe how the noise will be controlled:

N/A

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

Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day	—	—
Friday	—	—
Saturday	—	—
Sunday	—	—

**Outdoor Lighting:**

Type: None

Location: —

**Off-Street Parking:**

Number of spaces existing: 28

Number of spaces proposed: —

**Other Licensed Premises:**

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

Fres. Victoria's, Deja Vu

\_\_\_\_\_  
\_\_\_\_\_

**Number of Employees:**

Number of existing employees: 3

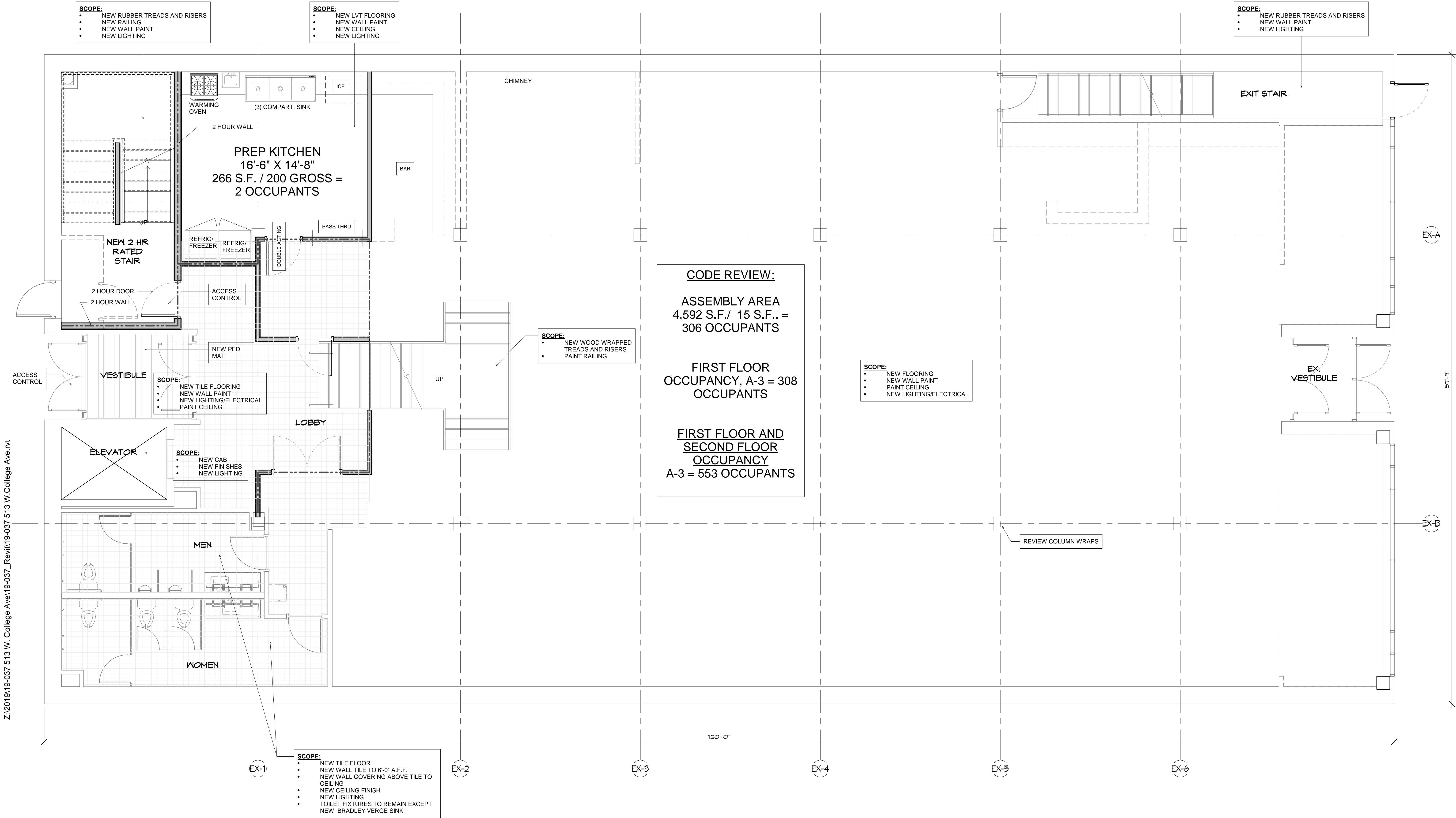
Number of proposed employees: 7

Number of employees scheduled to work on the largest shift: 4

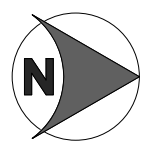


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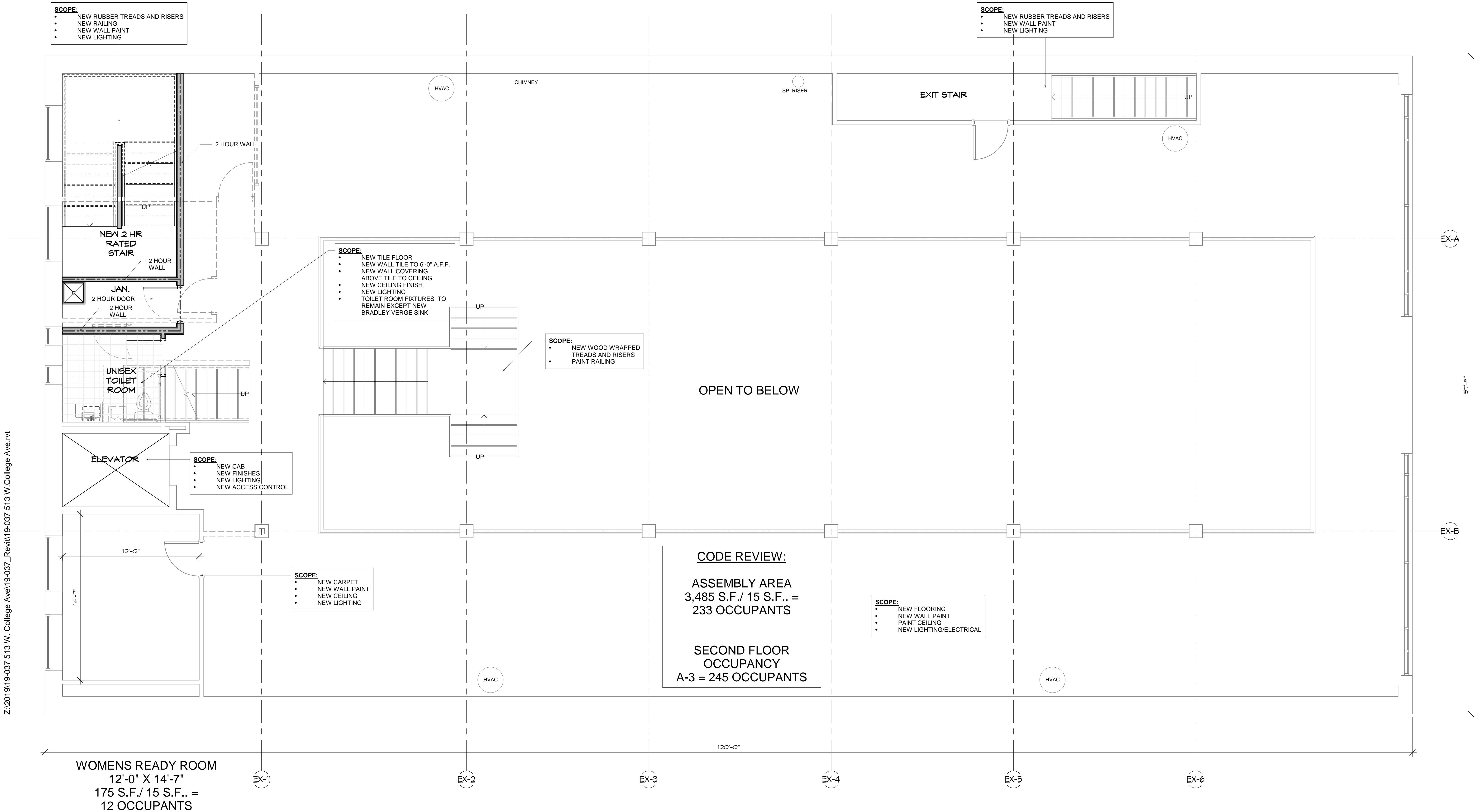


1 FIRST FLOOR PLAN  
A-1.1 1/4" = 1'-0"



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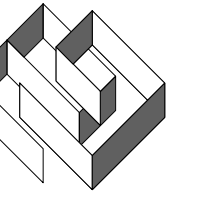
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1  
A-1.2  
1/4" = 1'-0"

**SECOND FLOOR PLAN**

**N**





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** October 8, 2019

**Common Council Public Hearing Meeting Date:** November 6, 2019  
(Public Hearing on Rezoning)

**Item:** Rezoning #9-19 – NW Corner of North Richmond Street & West Washington Street (N. Richmond Street)

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

**Owners:** Appleton West End Real Estate (Tax Id #31-5-1188-00) and Gerald Engel Trust, ET AL (Tax Id #31-5-1187-00)

**Applicant:** Dennis Jochman – Bechard Group, Inc.

**Address/Parcel:** N. Richmond Street (Tax Id #'s 31-5-1188-00 and 31-5-1187-00)

**Petitioner's Request:** The applicant is requesting a zoning change from C-2 General Commercial District to CBD Central Business District to facilitate the construction of a building to be used for professional services with a drive-through.

### BACKGROUND

The subject area includes two parcels that are currently undeveloped. The northern parcel (Tax Id #31-5-1187-00) previously contained a single-family home. The home was razed in 2011. The southern parcel (Tax Id #31-5-1188-00) currently contains a paved area and may be used periodically for surface parking. The home that was previously located on this parcel was razed in 1971.

The applicant has also filed an application for a Certified Survey Map to combine the two parcels into one parcel.

### STAFF ANALYSIS

**Existing Site Conditions:** The subject parcels are approximately 12,830 square feet in size and located at the northwest corner of West Washington Street and North Richmond Street. Fisk Alley also runs along the west side of the property. Richmond Street is classified as an arterial street and Washington Street is classified as a local street on the City's Arterial/Collector Plan. Currently, the subject property is undeveloped with a portion of paved area.

#### **Surrounding Zoning Classification and Land Uses:**

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

South: CBD Central Business District. The adjacent land use to the south is currently retail.

East: CBD Central Business District. The adjacent land use to the east is currently commercial (restaurant)

West: C-2 General Commercial District. The adjacent land use to the west is currently public right-of-way (Fisk Alley) and commercial (parking lot).

**Proposed Zoning Classification:** The purpose of the CBD Central Business District is to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Per Section 23-114(i) of the Municipal Code, the development standards for the CBD District are listed below:

- 1) **Minimum lot area:** 2,400 square feet.
- 2) **Maximum lot coverage:** 100%.
- 3) **Minimum lot width:** 20 feet.
- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:**
  - a. None.
  - b. 10 feet when abutting a residentially-zoned district.
- 6) **Minimum side yard:**
  - a. None.
  - b. 10 feet when abutting a residentially-zoned district.
- 7) **Maximum building height:** 200 feet.

**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 professional services use with an associated drive-through, which is permitted in the CBD Central Business District. The CBD District provides flexible development standards that support efficient use of the limited land area, infill developments and more dense development patterns that are encouraged within the downtown (Central Business District) area. The existing site appears to satisfy the development standards for the CBD District.

A professional service use with a drive through is a permitted use in the CBD Central Business District. Any future development would need to conform to the CBD District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, 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 Central Business District uses. The proposed CBD Central Business District zoning classification 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 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.*

**OBJECTIVE 10.2 Land Use:**

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

**OBJECTIVE 10.5 Land Use:** *Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.*

**Chapter 14 – Downtown Plan**

- *Initiative 4.6: Create opportunities for smaller offices and business services to locate downtown, including north of College Avenue.*
- *Initiative 4.8: Support private sector efforts to redevelop and invest in downtown.*

**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. 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 goals and objectives stated above and the Future Land Use Map, which identifies this area for future central business district uses.*
  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. *A variety of commercial uses are already located adjacent to the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

**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 September 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

**Petitioner's Request:** The application submitted for this rezoning request included the following statement: *"Rezoning will not be implemented until after the transfer of both lots to new and same ownership."*

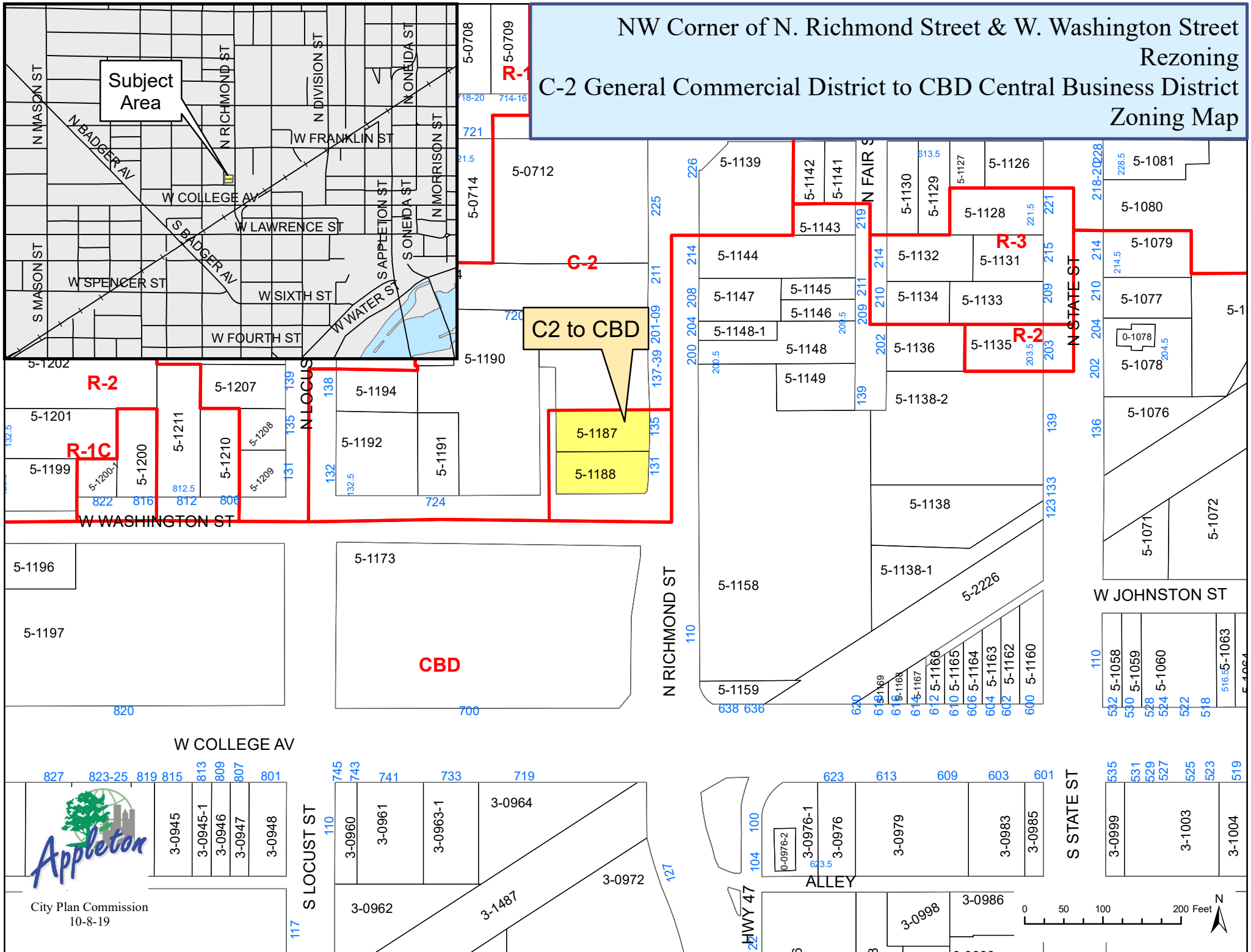
The above statement is the applicant's request. A rezoning is not conditional and if the Common Council approves the applicant's rezoning request, the rezoning will be binding.

## **RECOMMENDATION**

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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 #9-19 to rezone the subject parcels located at N. Richmond Street (Tax Id #'s 31-5-1188-00 and 31-5-1187-00) from C-2 General Commercial District to CBD Central Business District, including all of the adjacent one-half (1/2) right-of-way of North Richmond Street, West Washington Street and Fisk Alley, as shown on the attached map, **BE APPROVED.**

NW Corner of N. Richmond Street & W. Washington Street  
 Rezoning  
 C-2 General Commercial District to CBD Central Business District  
 Zoning Map



City Plan Commission  
 10-8-19



NW Corner of N. Richmond Street & W. Washington Street  
Rezoning  
C-2 General Commercial District to CBD Central Business District  
Aerial Map





## Legal Description

Tax Id #'s 31-5-1187-00 and 31-5-1188-00

Lot 5 and 6 in Block 31, Fifth Ward Plat, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessors Plat of said City, less Doc. No.1464659 and less Doc. No.1434640 for street right-of-way. Including all of the adjacent one-half (1/2) right-of-way of North Richmond Street, West Washington Street and Fisk Alley.

# Neighborhood Program Fall Meeting



The Neighborhood Program Fall Meeting is intended to be an informal, “roundtable” discussion among representatives from the 20 registered neighborhoods within the City. Whether you are interested in strengthening social bonds, watching out for children and the elderly, keeping the area looking good, pursuing enhancement projects, or other neighborhood initiatives, this meeting will provide an opportunity to ask questions and share experiences. Please be prepared to share a brief update on your recent neighborhood activities.

## Highlights include:

- Update from Rebuilding Together Fox Valley
- Details on West Appleton Neighborhood's formation, events, and survey
- Insight from guest speakers
- Peer review, success stories among neighborhoods

**An opportunity for people who care about their neighborhoods to exchange ideas and learn from one another.**

Participants must reside in a neighborhood registered through the City's Neighborhood Program (20 already registered). To register your neighborhood, contact Community & Economic Development Dept. at (920) 832-6468. It is helpful, but not required, that you participate with at least one other person from your neighborhood.

**TO JOIN:** RSVP online at <http://www.appleton.org/residents/neighborhood-program>

**DATE:** Monday, October 28, 2019      **TIME:** 6:00-7:30 p.m.

**LOCATION:** Appleton West High School, 610 N. Badger Avenue

