



City of Appleton

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

Meeting Agenda - Final City Plan Commission

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

Tuesday, June 23, 2020

4:00 PM

Council Chambers, 6th Floor

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

[20-0738](#) City Plan Minutes from 2-25-20

Attachments: [City Plan Minutes 2-25-20.pdf](#)

4. Public Hearings/Apearances

[20-0739](#) Special Use Permit #4-20 for a sidewalk cafe and restaurant (deli) with alcohol sales and consumption located at 222 East College Avenue (Tax Id #31-2-0321-00), 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 #20-0740)

Attachments: [ClassIIPublicHearingNoticeNewspaper_222ECollgeAve_SUP#4-20.pdf](#)
[PublicHearingNoticeNeighborhood_222ECollgeAve_SUP#4-20.pdf](#)

[20-0741](#) Rezoning #4-20 to rezone the Plamann Park Annexation, formerly part of the Town of Grand Chute, located east of Meade Street and south of Broadway Drive, including to the centerline of the adjacent Meade Street, Broadway Drive, and Ballard Road right-of-way from Temporary AG Agricultural District, R-1A Single-Family District, and R-1B Single-Family District to P-I Public Institutional District as shown on the attached maps (Associated with Action Item #20-0742)

Attachments: [InformalPublicHearingNotice_PlamannParkAnnex_Rezoning#4-20.pdf](#)

5. Action Items

- [20-0740](#) Request to approve Special Use Permit #4-20 for a sidewalk cafe and restaurant (deli) with alcohol sales and consumption located at 222 East College Avenue (Tax Id #31-2-0321-00), 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 222ECollegeAve SUP For06-23-20.pdf](#)

- [20-0742](#) Request to approve Rezoning #4-20 to rezone the Plamann Park Annexation, formerly part of the Town of Grand Chute, located east of Meade Street and south of Broadway Drive, including to the centerline of the adjacent Meade Street, Broadway Drive, and Ballard Road right-of-way from Temporary AG Agricultural District, R-1A Single-Family District, and R-1B Single-Family District to P-I Public Institutional District as shown on the attached maps

Attachments: [StaffReport PlamannPark Rezoning For06-23-20.pdf](#)

- [20-0743](#) Request to approve the Extraterritorial Final Plat for Investors Park located in the Town of Grand Chute as shown on the attached maps

Attachments: [StaffReport InvestorsPark Final Plat For06-23-20.pdf](#)

- [20-0744](#) Elect a Vice Chair

- [20-0745](#) Set Meeting Day and Time

- [20-0759](#) Designate a Contact Person

6. Information Items

7. Adjournment

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

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



City of Appleton

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Meeting Minutes - Final City Plan Commission

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

Tuesday, February 25, 2020

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

Deputy City Attorney Chris Behrens acted in place of Commissioner Sabrina Robins.

Present: 4 - Mayor Hanna, Buetow, Alderperson Meltzer and Robins

Excused: 1 - Rabec

Absent: 1 - Palm

Others present:

Alderperson Brad Firkus, District #3

Alderperson Joe Martin, District #4

*William J. Wetzel Jr., College Ave Legacy, LLC & WAAM Enterprises, LLC d/b/a
ACOCA Coffee*

Tom Thorne, N1450 Wildwood Drive, Greenville

Tony Kubek, W6129 Pilgrim Street, Appleton

3. Approval of minutes from previous meeting

[20-0236](#)

City Plan Minutes from 2-11-20

Attachments: [City Plan Minutes 2-11-20.pdf](#)

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

Aye: 4 - Mayor Hanna, Buetow, Alderperson Meltzer and Robins

Excused: 1 - Rabec

Absent: 1 - Palm

4. Public Hearings/Appearances

[20-0237](#)

Special Use Permit #1-20 for a restaurant and sidewalk cafe with alcohol sales and service located at 500 West College Avenue (Tax Id #31-5-1070-00), 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 #20-0238)

Attachments: [ClassIIPublicHearingNoticeNewspaper_ACOCACoffee_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_ACOCACoffee_SUP.pdf](#)

This public hearing was held, and William Wetzel Jr. spoke on the item.

[20-0239](#)

Proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Sec. 23-21 Purpose, Sec. 23-22 Words and Terms Defined, Sec. 23-35 Transition Rules, Sec. 23-42 Nonconforming Buildings, Structures, Uses and Lots, Sec. 23-44 Fences and Walls, Sec. 23-50 Dimensional Exceptions and Modifications, Sec. 23-63 Board of Appeals, Sec. 23-65 Zoning Amendments, Sec. 23-66 Special Use Permits, Sec. 23-67 Variances, Sec. 23-91 AG Agricultural District, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District, Sec. 23-112 C-1 Neighborhood Commercial District, Sec. 23-113 C-2 General Commercial District, Sec. 23-114 CBD Central Business District, Sec. 23-131 M-1 Industrial Park District, Sec. 23-132 M-2 General Industrial District, Sec. 23-172 Off-Street Parking and Loading Standards, Sec. 23-422 Special Use Permit Requirements, Sec. 23-570 Site Plan Review and Approval, and Sec. 23-601 Landscaping and Screening Standards, as identified in the attached document (Associated with Action Item #20-0240)

Attachments: [InformalPublicHearingNotice_ZOTextAmendments_2020.pdf](#)

This public hearing was held. Tony Kubek spoke on the item and submitted emails in regards to the distillery regulations.

5. Action Items

[20-0238](#)

Request to approve Special Use Permit #1-20 for a restaurant and sidewalk cafe with alcohol sales and service located at 500 West College Avenue (Tax Id #31-5-1070-00), 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_ACOCACoffee_SUP_For02-25-20.pdf](#)

Aldersperson Meltzer 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, Aldersperson Meltzer and Robins

Excused: 1 - Rabec

Absent: 1 - Palm

[20-0240](#)

Request to approve proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Sec. 23-21 Purpose, Sec. 23-22 Words and Terms Defined, Sec. 23-35 Transition Rules, Sec. 23-42 Nonconforming Buildings, Structures, Uses and Lots, Sec. 23-44 Fences and Walls, Sec. 23-50 Dimensional Exceptions and Modifications, Sec. 23-63 Board of Appeals, Sec. 23-65 Zoning Amendments, Sec. 23-66 Special Use Permits, Sec. 23-67 Variances, Sec. 23-91 AG Agricultural District, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District, Sec. 23-112 C-1 Neighborhood Commercial District, Sec. 23-113 C-2 General Commercial District, Sec. 23-114 CBD Central Business District, Sec. 23-131 M-1 Industrial Park District, Sec. 23-132 M-2 General Industrial District, Sec. 23-172 Off-Street Parking and Loading Standards, Sec. 23-422 Special Use Permit Requirements, Sec. 23-570 Site Plan Review and Approval, and Sec. 23-601 Landscaping and Screening Standards, as identified in the attached document

Attachments: [StaffReport_TextAmendment_2020Bundle_For02-25-20.pdf](#)
[EmailsSubmittedAtPCMTg_ProposedDistilleryRegs_ZoningCode.pdf](#)

Proceeds to Council on March 18, 2020.

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

Aye: 4 - Mayor Hanna, Buetow, Aldersperson Meltzer and Robins

Excused: 1 - Rabec

Absent: 1 - Palm

[20-0241](#)

Request to approve the dedication of land for public right-of-way for a portion of West Lawrence Street and a portion of South Appleton Street, generally located south and east of their intersection (part of Tax Id #31-2-0142-00), as shown on the attached maps

Attachments: [StaffReport_LawrenceStAppletonSt_StreetDedication_For02-25-20.pdf](#)

Buetow 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, Alderperson Meltzer and Robins

Excused: 1 - Rabec

Absent: 1 - Palm

6. Information Items

7. Adjournment

Buetow moved, seconded by Alderperson Meltzer, that the meeting be adjourned at 4:27 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Alderperson Meltzer and Robins

Excused: 1 - Rabec

Absent: 1 - 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, June 23, 2020, 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 9-262(b)(3), 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by Bob Wall, applicant, for property located at 222 East College Avenue (Tax Id #31-2-0321-00) to obtain a Special Use Permit for a sidewalk café and restaurant with alcohol sales and consumption (Green Gecko Grocer & Deli). In the CBD Central Business District, a Special Use Permit is required for a sidewalk café and restaurant (deli) with alcohol sales and consumption.

All persons interested are invited to express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to share any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org.

Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

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 9, 2020
June 16, 2020

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Tuesday, June 23, 2020, 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 9-262(b)(3), 23-66 and 23-114 of the Appleton Municipal Code, to consider a request by Bob Wall, applicant, for property located at 222 East College Avenue (Tax Id #31-2-0321-00) to obtain a Special Use Permit for a sidewalk café and restaurant with alcohol sales and consumption (Green Gecko Grocer & Deli). In the CBD Central Business District, a Special Use Permit is required for a sidewalk café and restaurant (deli) with alcohol sales and consumption.
- 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 express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org.

Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

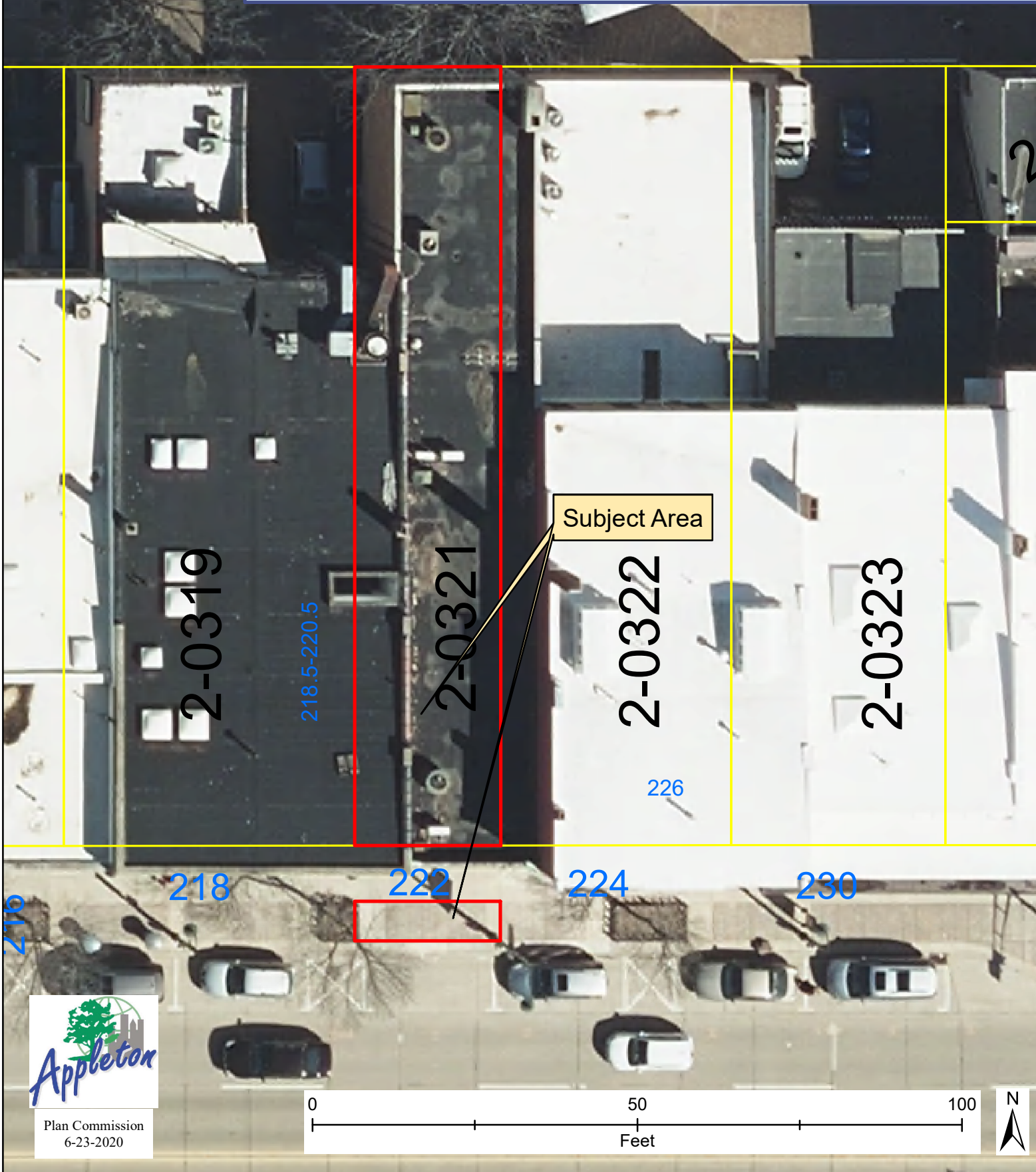
CITY PLAN COMMISSION

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
On-Site Alcohol Sales and Consumption, include the Sidewalk Cafe
Green Gecko Grocer
222 E College Avenue
Aerial Map

E JOHNSTON



Plan Commission
6-23-2020

Zoning Map

A map showing the intersection of E College Ave and S Lave St. A red 'X' marks the location of the building at the intersection. The map also shows N Mead St and a body of water to the south.

216
N DURKEE ST

P-I

E WASHINGTON ST

	2-0282
	2-0282-1
	2-0282-2
	2-0282-3
	2-0282-4
	2-0282-5
	2-0282-6
	2-0282-7
CBD	2-0282-8
	2-0282-9
	2-0282-10
	2-0282-11
	2-0282-12
	2-0282-13
	2-0282-14
	2-0282-15

CBD

2-0044-115
0-0044-117
0-0044-119
2-0046-121
2-0047-123
2-0048-125
2-0049-127
2-0050-129
2-0051-133
2-0051-135

S MORRISON ST

2-0302	215
03	2-0305

Subject Area

2000	2-0312
2004	2-0313
2006	
2008	2-0315
2010	2-0316
2012	
2014	2-0317
2016	
2018	2-0319
2020	2-0321
2022	2-0322
2024	2-0323
2026	2-0324
2028	

E COLLEGE AV

2-0031	
	2-0027 ²¹
	2-0026 ²¹
	2-0025 ²¹
	2-0023 ²¹
	2-0022 ²²
	2-0022 ²²
	2-0022 ²²
	2-0021 ²³
	2-0021 ²³
	2-001 ²³

2-0032

2-0326	
2-0327	2-0333

0-0337
2-0337
2-0340
2-0342
2-0343
2-0346

2-0002	303
2-0003	305
2-0004	311
2-0005	313 315 319
2-0007	321
2-0008	

P-I

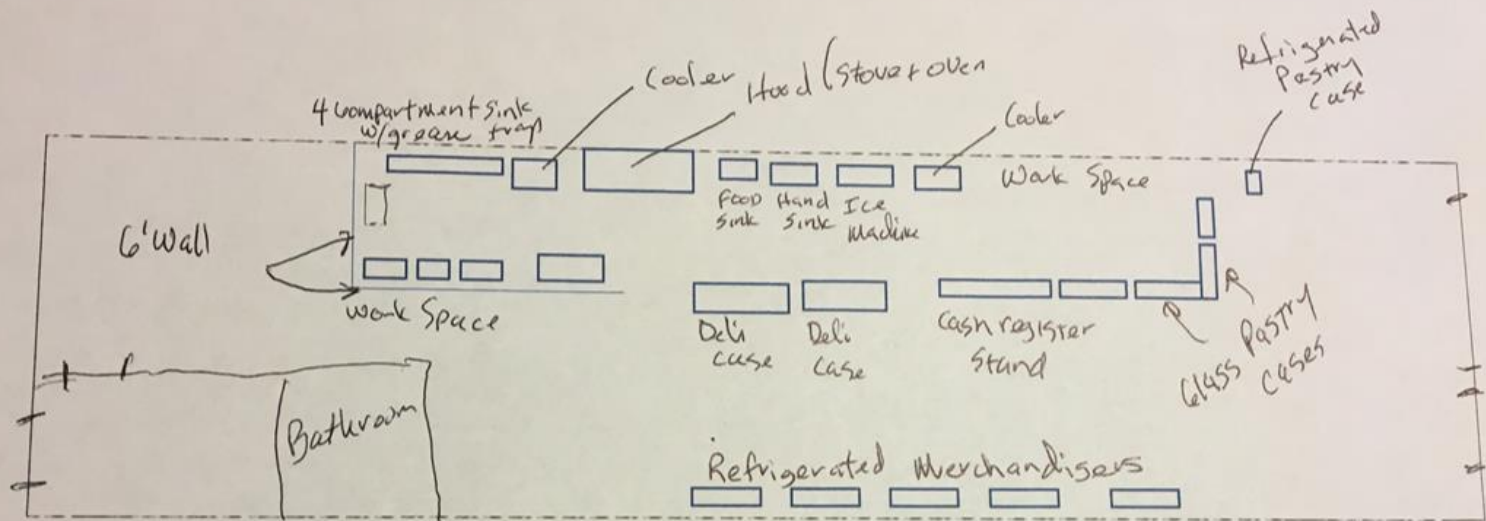
2-0175

0 50 100 200 Feet



Plan Commission
6-23-2020

R-3



Green Cedar Grocer & Deli
 222 E. College Avenue

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, June 23, 2020, 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 following proposed rezoning request:

COMMON DESCRIPTION:

Parcels #101002000, #101000100, #101002800, #101002400, #101005200, #101004800, #101002200, #101000400, #101000600, #101000200, #101001000, #101000300, #101001500, #101001900, #101001600, and #101000700 included in the “Plamann Park” annexation, located east of Meade Street and south of Broadway Drive.

Rezoning Request: A rezoning request has been initiated by the City Plan Commission, 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 has been zoned temporary AG Agricultural District following annexation. A portion of Meade Street right-of-way, currently zoned R-1A Single-Family District, and a portion of Ballard Road right-of-way, currently zoned R-1B Single-Family District, are also included in this request. Pursuant to Sections 23-65(d)(1) and 23-65(e) of the Municipal Code, the City Plan Commission proposes to rezone the property to a permanent zoning classification of P-I Public Institutional District (see attached map). The P-I district is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties.

Purpose of the Request: To assign a permanent zoning classification following the “Plamann Park” annexation and allow the property to continue to function as a County Park.

ALDERMANIC DISTRICT: 7 – Alderperson Maiyoua Thao

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at david.kress@appleton.org.

Alternatively, you can also contact the Mayor’s Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

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.

Temporary AG Agricultural District, R-1A Single-Family District,
and R-1B Single-Family District to P-I Public Institutional District

Temporary AG Agricultural District, R-1A Single-Family District,
and R-1B Single-Family District to P-I Public Institutional District

Subject Area

P-I

1-8-2019

P-I



R-1A
6-6151

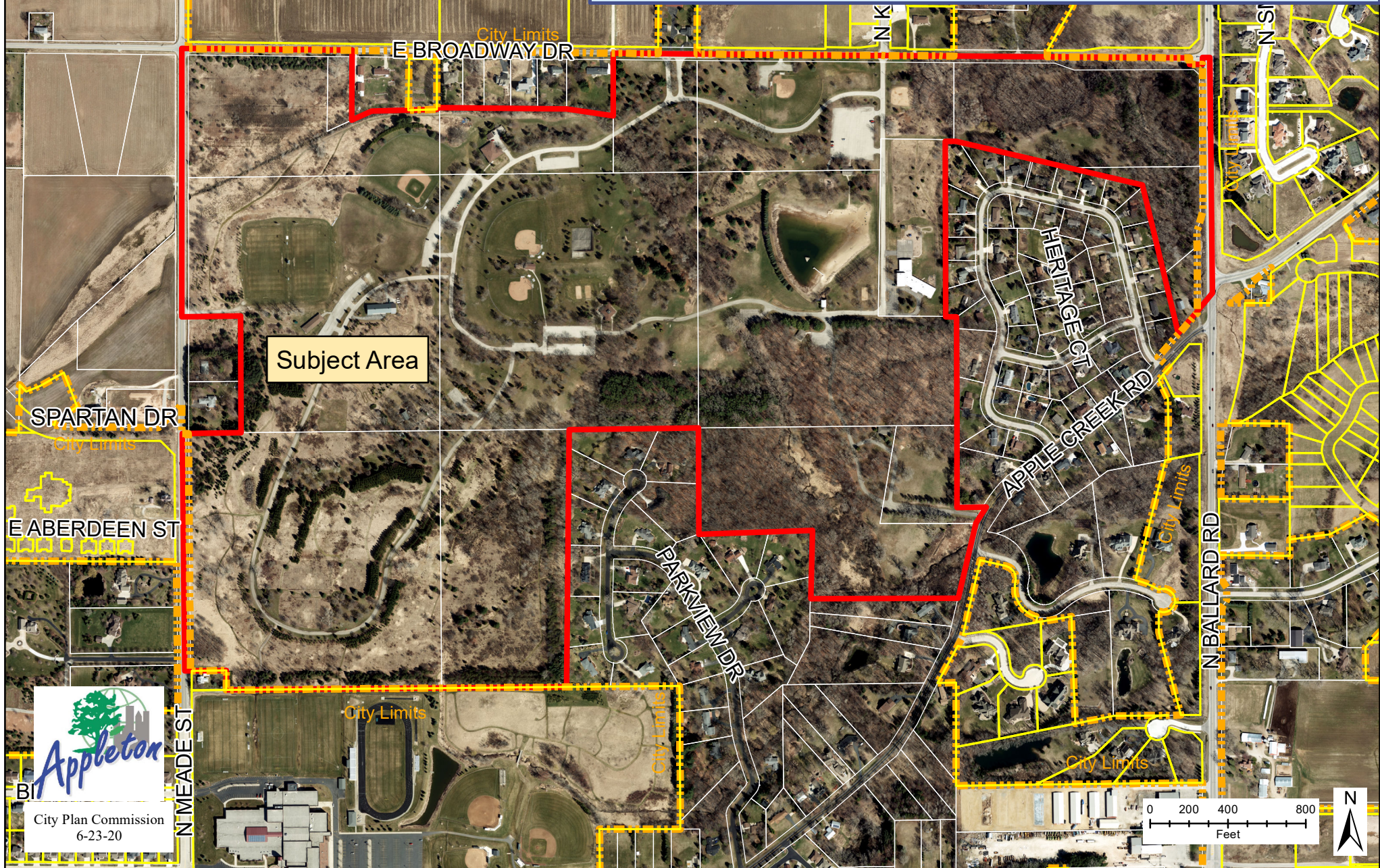
P-I

R-1A

0 200 400 800 Feet

City Plan Commission
6-23-20

Plamann Park Annexation
Rezoning
Temporary AG Agricultural District, R-1A Single-Family District,
and R-1B Single-Family District to P-I Public Institutional District
Aerial Map





REPORT TO PLAN COMMISSION

Plan Commission Public Hearing Date: June 23, 2020

Common Council Meeting Date: July 1, 2020

Item: Special Use Permit #4-20 for a sidewalk café and restaurant with alcohol sales and consumption located at 222 East College Avenue

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: DDCC Holdings, LLC (owner) / Robert Wall, Green Gecko Enterprises, LLC (applicant)

Address/Parcel #: 222 East College Avenue – (Tax Id #31-2-0321-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a sidewalk café and restaurant with alcohol sales and consumption.

BACKGROUND

This space was most recently occupied by Surfin Bird Skate Shop (retail use).

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a grocery store including a sidewalk café and restaurant (deli) with alcohol sales and service/consumption on the subject site. The proposed sidewalk café will be located within the amenity strip along College Avenue directly in front of the building. The proposed establishment will occupy the first floor of the building (2,700 square feet) and approximately 100 square feet of the amenity strip for the sidewalk cafe. The basement will be utilized for storage of business goods.

Operational Information: A plan of operation is attached to the staff report.

Existing Site Conditions: The existing two-story multi-tenant building totals approximately 5,400 square feet. The second floor consists of two office suites with the proposed Green Gecko, Grocer Deli occupying the first floor and utilizing the basement for storage. No off-street parking is provided on site, which is allowable in the CBD Central Business District.

Outdoor Alcohol Consumption Area: A sidewalk café with alcohol sales and consumption is proposed within the amenity strip along College Avenue directly in front of 222 East College Avenue. A Special Use Permit is required for this proposed use per Chapter 9 of the Municipal Code

Current Zoning: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a restaurant (deli) with alcohol sales and service requires a Special Use Permit in the CBD District. A two-thirds (2/3) vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west).

North: CBD Central Business District. The adjacent land use to the north is currently a place of worship.

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.

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 4 Downtown Development and Business Retention:

Strategy 4.8 – Support private sector efforts to redevelop and invest in downtown.

Technical Review Group (TRG) Report: This item appeared on the June 2, 2020 TRG Agenda. No negative comments were received from participating departments.

- The Department of Public Works recommended condition number three (3) be added to the staff report.

Ordinance Requirements and Substantial Evidence Regarding Conditions of Approval:

When reviewing an application for a Special Use Permit, the City must look at the requirements and conditions found in the zoning ordinance and determine if the applicant has demonstrated that their proposed application for Special Use Permit satisfies all those requirements and conditions pursuant to Section 23-66(c)5c. of the zoning ordinance. The Plan Commission and Common Council must provide **substantial evidence** supporting their decision to approve, approve with conditions or deny the Special Use Permit. Substantial evidence means *“facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a special use permit and that reasonable persons would accept in support of a conclusion.”*

Public comment that is based on personal opinion or speculation are not sufficient forms of evidence. All requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards (*proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services*) for granting a Special Use Permit under Section 23-66 (e) (1-8), which were found in the affirmative.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #4-20 for a sidewalk café and restaurant with alcohol sales and consumption located at 222 East College Avenue, (Tax Id #31-2-0321-00), per attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises and within the sidewalk café area.
 - **Substantial Evidence:** This condition provides notice to the applicant that they are required to apply for a liquor license from the City Clerk’s office prior to serving alcohol inside the building located at 222 East College Avenue in order to comply with Municipal Code and General Policy Statement on Beer/Liquor Licensing.

2. The applicant shall comply with the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
 - **Substantial Evidence:** This condition provides notice to the applicant that they are required to follow the standards for serving alcohol in the City of Appleton in order to promote the health, safety and general welfare of the City.
3. The applicant shall apply for and receive approval of a Street Occupancy permit from the Common Council, prior to placing tables and chairs in the sidewalk café area.
 - **Substantial Evidence:** This condition provides notice to the applicant that they are required to apply for a street occupancy permit from the Department of Public Works office prior to placing tables and chairs in the sidewalk café area directly in front of 222 East College Avenue in order to comply with Municipal Code.
4. The premises and sidewalk café area shall be kept free of litter and debris.
 - **Substantial Evidence:** This requirement assures the applicant understands they must keep the premises free of litter and debris at all times in order to promote the health, safety, comfort and general welfare of the City.
5. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - **Substantial Evidence:** This condition assures the applicant understands they must follow the City's Municipal Code and all applicable State and Federal laws which they are required to follow while conducting business in the City; failure to follow City, State and Federal regulations may result in revocation of their special use permit to serve alcohol.
6. The applicant shall have twelve (12) months from the issuance of the Special Use Permit (SUP) to obtain a liquor license and commence use of the tenant space located at 222 East College Avenue, or Special Use Permit #4-20 will expire.
 - **Substantial Evidence:** Standardized condition to encourage the applicant to proceed with applying for and obtaining the appropriate liquor license in a timely manner.
7. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

- **Substantial Evidence:** Standardized condition that establishes a process for review and approval of future changes to the special use in order to promote the health, safety and welfare of the City.

CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #4-20
RESTAURANT AND SIDEWALK CAFÉ WITH ALCOHOL SALES AND CONSUMPTION
222 EAST COLLEGE AVENUE

WHEREAS, Robert Wall, owner/applicant of the Green Gecko Grocer & Deli has applied for a Special Use Permit for a restaurant and sidewalk café with alcohol sales and consumption located at 222 East College Avenue, and also identified as Parcel Number 31-2-0321-00; and

WHEREAS, the location for the proposed restaurant with alcohol sales and consumption is located in the CBD Central Business District, and the proposed use may be permitted by special use permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the location for the proposed sidewalk café with alcohol sales and consumption is located in the amenity strip along College Avenue directly in front of 222 East College Avenue, and the proposed use may be permitted by special use permit pursuant to Chapter 9 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 23, 2020 on Special Use Permit #4-20 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 reviewed and considered the Community and Economic Development Department's staff report and recommendation and other spoken and written evidence and testimony 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)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5)c. of the Municipal Code, and forwarded Special Use Permit #4-20 to the City of Appleton Common Council with a favorable conditional 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 July 1, 2020; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department's staff report and recommendation and other spoken and written evidence and testimony presented at the public hearing, the Common Council meeting, and having considered the recommendation of the City of Appleton Plan Commission, that the Common Council:

1. Determines all standards listed in Sections 23-66(e)(1-8) are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #4-20 for a sidewalk café and restaurant with alcohol sales and consumption located at 222 East College Avenue, also identified as

Parcel Number #31-2-0321-00 based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #4-20 for a sidewalk café and restaurant with alcohol sales and consumption located at 222 East College Avenue, also identified as Parcel Number #31-2-0321-00 subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and are based on substantial evidence:

CONDITIONS OF APPROVAL: SPECIAL USE PERMIT #4-20

- A. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises and within the sidewalk café area.
 - B. The applicant shall comply with the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.
 - C. The applicant shall apply for and receive approval of a Street Occupancy permit from the Common Council, prior to placing tables and chairs in the sidewalk café area.
 - D. The premises and sidewalk café area shall be kept free of litter and debris.
 - E. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - F. The applicant shall have twelve (12) months from the issuance of the Special Use Permit (SUP) to obtain a liquor license and commence use of the tenant space located at 222 East College Avenue, or Special Use Permit #4-20 will expire.
 - G. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
4. The City Clerk's Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division and any other interested party.

Adopted this 1st day of July 2020.

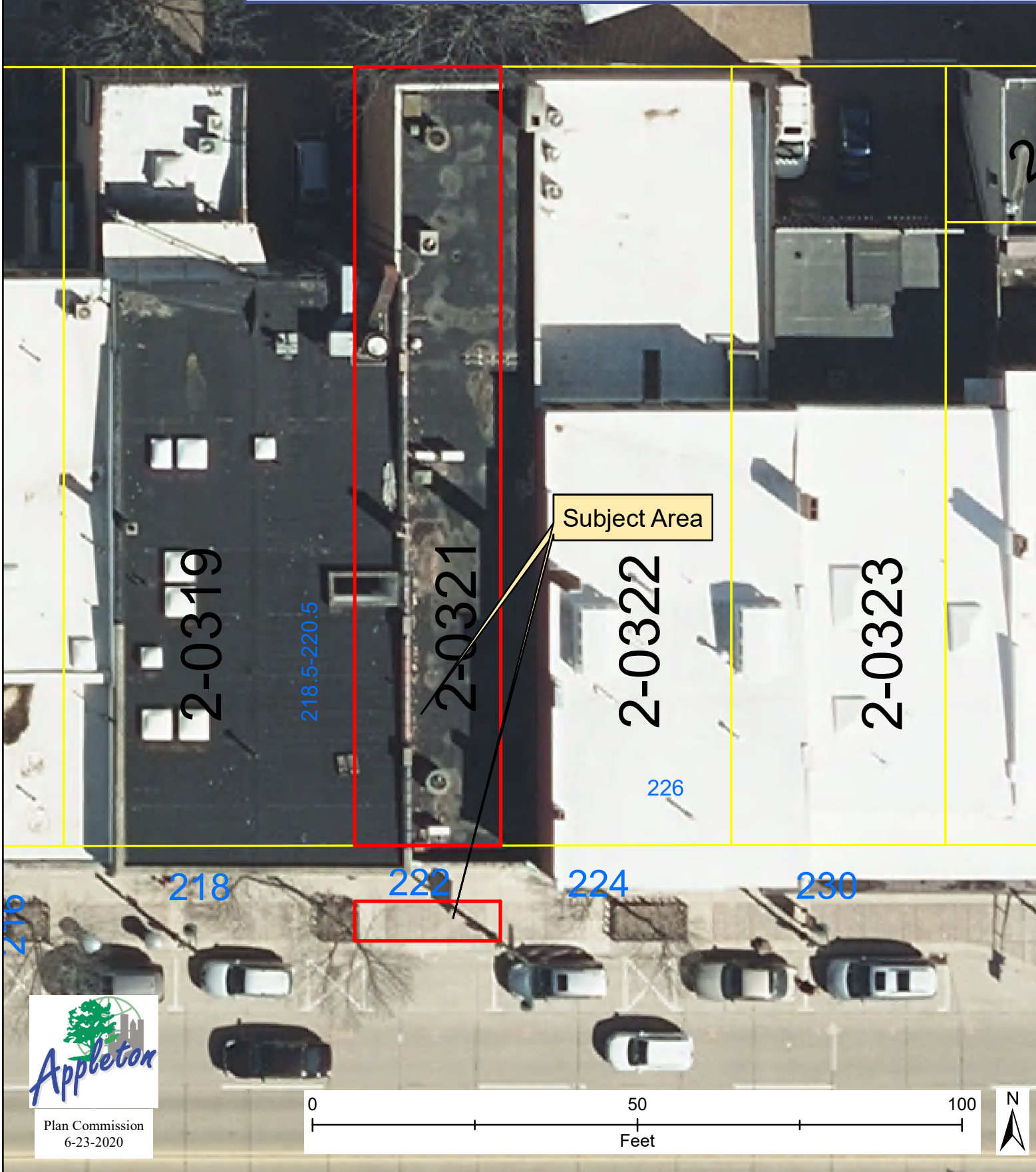
Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

Special Use Permit
On-Site Alcohol Sales and Consumption, include the Sidewalk Cafe
Green Gecko Grocer
222 E College Avenue
Aerial Map

E JOHNSTON



Zoning Map

A map showing the intersection of E College Ave and S Lave St. A red 'X' marks the location of the building. The map also shows N Mead St and a body of water to the south.

216
N DURKEE ST

P-I

E WASHINGTON ST

	2-0282
	2-0282-1
	2-0282-2
	2-0282-3
	2-0282-4
	2-0282-5
	2-0282-6
	2-0282-7
CBD	2-0282-8
	2-0282-9
	2-0282-10
	2-0282-11
	2-0282-12
	2-0282-13
	2-0282-14
	2-0282-15

CBD

2-0044-115
0-0044-117
0-0044-119
2-0046-121
2-0047-123
2-0048-125
2-0049-127
2-0050-129
2-0051-133
2-0051-135

S MORRISON ST

2-0302	215
03	2-0305

Subject Area

2000	2-0312
2004	2-0313
2006	
2008	2-0315
2010	2-0316
2012	
2014	2-0317
2016	
2018	2-0319
2020	2-0321
2022	2-0322
2024	2-0323
2026	2-0324
2028	
2030	

E COLLEGE AV

2-0031	
2-002721	
2-002621	
2-002521	
2-002321	
2-002222	
2-002221	2-0032-1
2-002221	
2-002221	
2-002221	
2-002221	

2-0032

2-0326	
2-0327	2-0333

0-0337
2-0337
2-0340
2-0342
2-0343
2-0346

2-0002	30
2-0003	30
2-0004	31
2-0005	31
2-0007	32
2-0008	

P-I

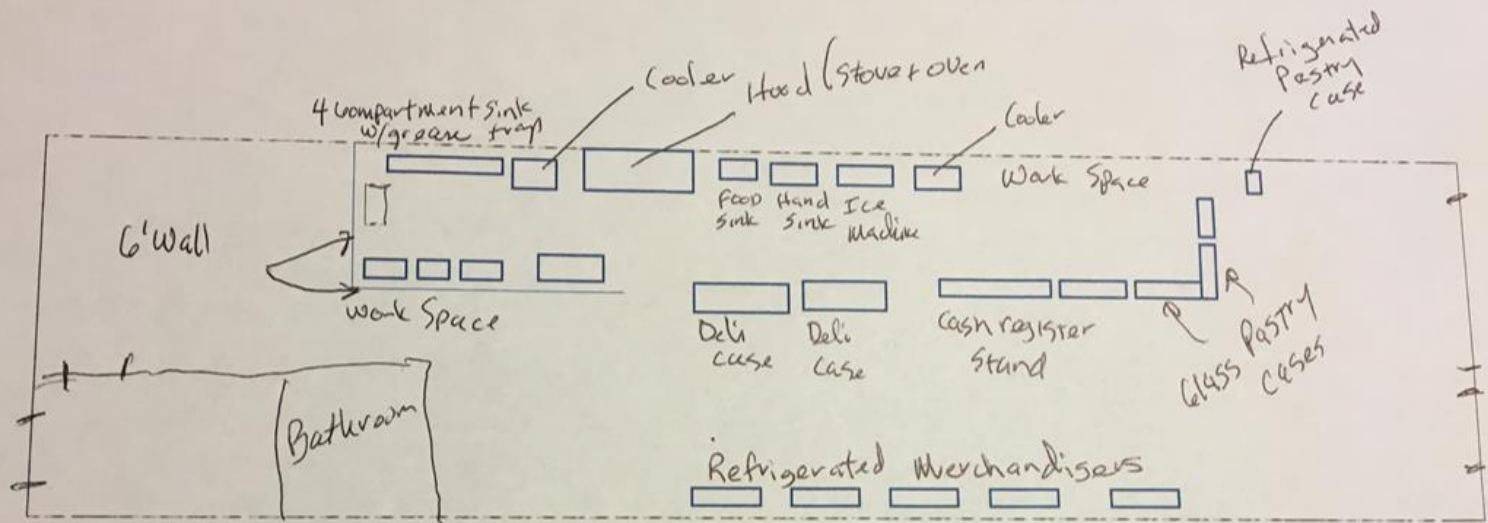
2-0175

0 50 100 200 Feet



Plan Commission
6-23-2020

R-3



Green Gecko Grocer & Deli
 222 E. College Avenue

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: Green Gecko, Enterprises, LLC

Years in operation: New establishment at this location

(Check applicable proposed business activity(s) proposed for the premises)

X Restaurant

- ☐ Tavern/Night Club/Wine Bar
- ☐ Painting/Craft Studio
- ☐ Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- ☐ Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- ☐ Winery (manufacturing of wine)
- ☐ Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- ☐ Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- ☐ Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

X Other: Grocer & Deli

Detailed explanation of proposed business activities:

Retail sales of Food & Beverages for one & off site consumption

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 5,400 sq.ft.

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet): 1st floor occupancy = 2,700 sq.ft. including ±100 sq.ft. outdoor sidewalk cafe

Occupancy limits:

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: TBD persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	7 a.m.	7 p.m.
Friday	7 a.m.	7 p.m.
Saturday	7 a.m.	7 p.m.
Sunday	7 a.m.	7 p.m.

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- ☐ Current production of fermented malt beverages: _____ U.S. gallons per year
- ☐ Proposed production of fermented malt beverages: _____ U.S. gallons per year
- ☐ Current production of wine: _____ U.S. gallons per year
- ☐ Proposed production of wine: _____ U.S. gallons per year
- ☐ Current production of intoxicating liquor: _____ proof gallons per year
- ☐ Proposed production of intoxicating liquor: _____ proof gallons per year

X None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Outdoor Space Uses:

(Check applicable outdoor space uses)

☐ Patio

☐ Deck

X Sidewalk Café

☐ Other _____.

☐ None. If none, leave the following questions in this section blank.

Size: ±100 square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

☐ Fencing ☐ Landscaping ☐ Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes X No ____

If yes, please describe: We would like to allow alcohol consumption

Are there plans for outdoor music/entertainment? Yes ____ No X

If yes, describe how the noise will be controlled:

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

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday	4 p.m.	7 p.m.
Friday	4 p.m.	7 p.m.
Saturday	4 p.m.	7 p.m.
Sunday	4 p.m.	7 p.m.

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

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

Negligible

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

Negligible

Off-Street Parking:

Number of spaces existing on-site: 0

Number of spaces proposed on-site: 0

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

NO

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:

Wooden Nickel, Antojitos, Jeckyl's

Number of Employees:

Number of existing employees: 0

Number of proposed employees: 4

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



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 23, 2020

Common Council Public Hearing Meeting Date: July 15, 2020 (Public Hearing on Rezoning)

Item: Rezoning #4-20 – Plamann Park

Case Manager: David Kress

GENERAL INFORMATION

Owner: Outagamie County c/o Kara Homan, Development & Land Services Director

Applicant: City of Appleton Plan Commission (Committee of the Whole)

Address/Parcel: Generally located east of Meade Street and south of Broadway Drive (Tax Id #31-1-9314-00, #31-1-9314-01, #31-1-9314-02, #31-1-9314-03, #31-1-9314-04, #31-1-9314-05, #31-1-9314-06, #31-1-9314-07, #31-1-9314-08, #31-1-9314-09, #31-1-9314-10, #31-1-9314-11, #31-1-9314-12, #31-1-9314-13, #31-1-9314-14, and #31-1-9314-15, formerly assigned Tax Id numbers in the Town of Grand Chute)

Petitioner's Request: To assign a permanent zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to P-I Public Institutional District. A portion of Meade Street right-of-way, currently zoned R-1A Single-Family District, and a portion of Ballard Road right-of-way, currently zoned R-1B Single-Family District, are also included in this request. The request is being made to assign a zoning classification following the "Plamann Park" annexation and allow the property to continue to function as a County Park.

BACKGROUND

On March 4, 2020, Common Council approved a Pre-Annexation Agreement between the City of Appleton and Outagamie County for the subject property (Plamann Park). As described in the Pre-Annexation Agreement, the property will continue to function as a County Park for the foreseeable future, and sewer and water infrastructure is to be constructed within/through the subject area. The agreement also anticipates assigning a zoning classification of P-I Public Institutional District.

On June 3, 2020, Common Council adopted Ordinance 76-20, to annex the subject area from the Town of Grand Chute to the City of Appleton. The property was officially annexed to the City on June 9, 2020. During review of the Plamann Park Annexation, Committee of the Whole (conducting business for Plan Commission) initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District.

STAFF ANALYSIS

Existing Site Conditions: The subject parcels are approximately 260 acres in size and located south of Broadway Drive, between Meade Street and Ballard Road. Broadway Drive is classified as a collector

street on the City's Arterial/Collector Plan, and Meade Street and Ballard Road are classified as arterial streets. Currently, the property is utilized as Plamann Park, which includes trails and open space, athletic facilities, a school building, children's farm, swimming pond, disc golf course, and other park activities and structures. An internal roadway network connects the various park features.

Surrounding Zoning Classification and Land Uses:

North: R-1B Single-Family District, AG Agricultural District, and Town of Grand Chute. The adjacent land uses to the north are currently a mix of residential and agricultural uses.

South: P-I Public Institutional District and Town of Grand Chute. The adjacent land uses to the south are currently a mix of residential and institutional uses, including Fox Valley Lutheran High School.

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

West: R-1B Single-Family District, R-3 Multi-Family District, and Town of Grand Chute. The adjacent land uses to the west are currently a mix of residential and agricultural uses.

Proposed Zoning Classification: The purpose of the P-I Public Institutional District is to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties. Per Section 23-100(h) of the Municipal Code, the development standards for the P-I District are listed below:

- 1) ***Minimum lot area:*** None.
- 2) ***Maximum lot coverage:*** 70%.
- 3) ***Minimum lot width:*** None.
- 4) ***Minimum front yard:*** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 5) ***Minimum rear yard:*** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 6) ***Minimum side yard:*** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 7) ***Maximum building height:*** 60 feet.

Zoning Ordinance Review Criteria: Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The comprehensive plan of the City.

In this case, the Committee of the Whole (conducting business for Plan Commission) initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the P-I District zoning regulations listed above and other applicable sections of the Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future Public Parks and Open Space uses. The proposed P-I Public Institutional District is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 5 – Utilities and Community Services

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

Goal 7 – Agricultural, Natural, and Cultural Resources

Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents.

OBJECTIVE 8.2 Agriculture, Natural, Historic, and Cultural Resources:

Preserve important natural features and enhance environmental quality throughout the community in order to secure economic, recreational, and health benefits for area residents.

OBJECTIVE 11.1 Intergovernmental Cooperation:

Maintain a positive relationship with local area governments to foster collaboration on issues of mutual concern.

Policy 11.1.1 Ensure continued discussion between Appleton and neighboring municipalities and counties, including both elected officials and department staff. Continue to partner with Outagamie, Winnebago, and Calumet counties to serve City residents in an efficient manner.

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 Public Parks and Open Space 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. *City sanitary sewer and water infrastructure is already installed east of the subject property. As described in the Pre-Annexation Agreement, sewer and water infrastructure is to be installed through the property from Ballard Road to Meade Street and Broadway Drive, with construction anticipated in 2021.*
 2. The effect of the proposed rezoning on surrounding uses. *The use of the property is expected to remain the same. As described in the Pre-Annexation Agreement, the property will continue to function as a County Park for the foreseeable future. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

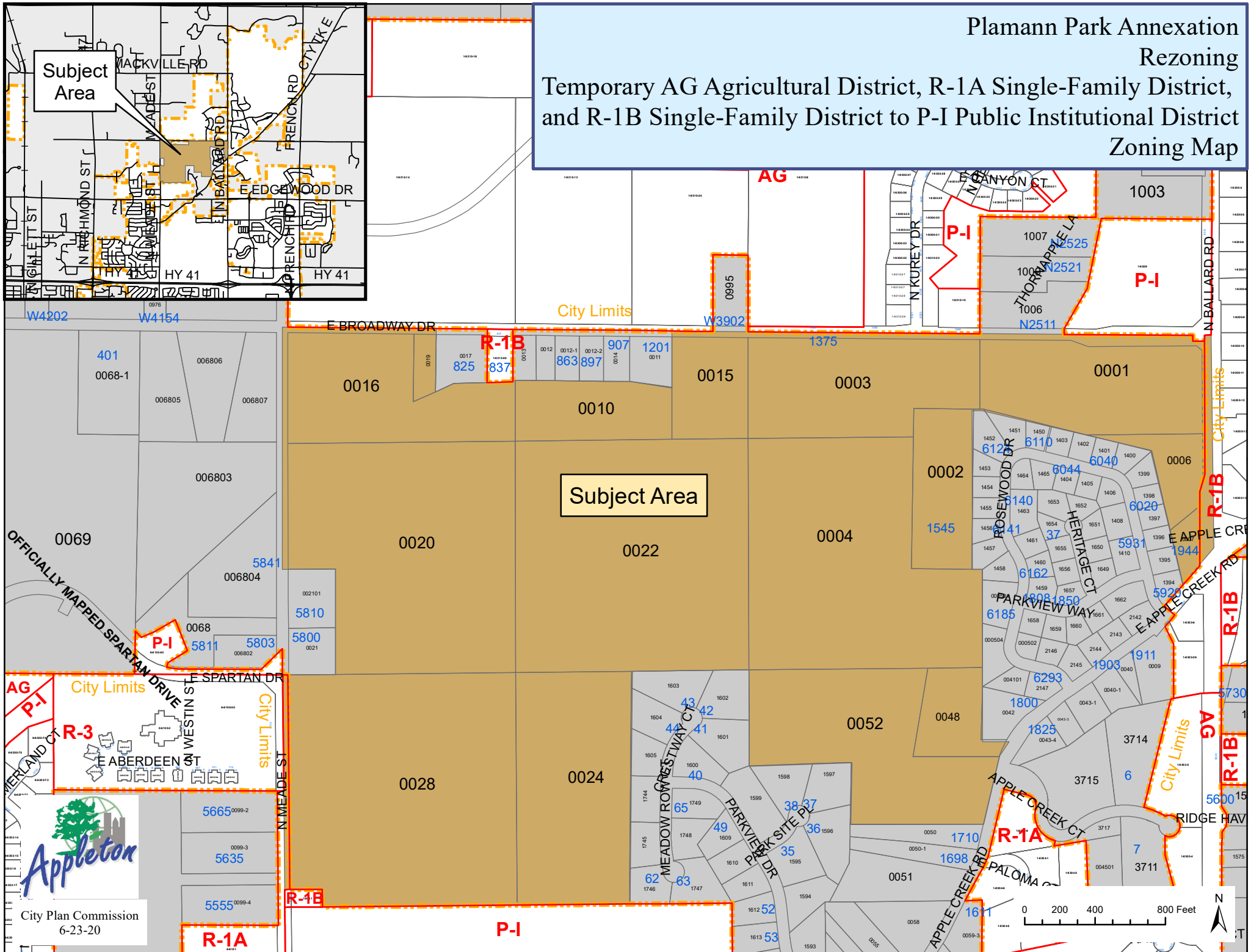
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item appeared on the April 21, 2020 Technical Review Group agenda. No negative comments were received from participating departments.

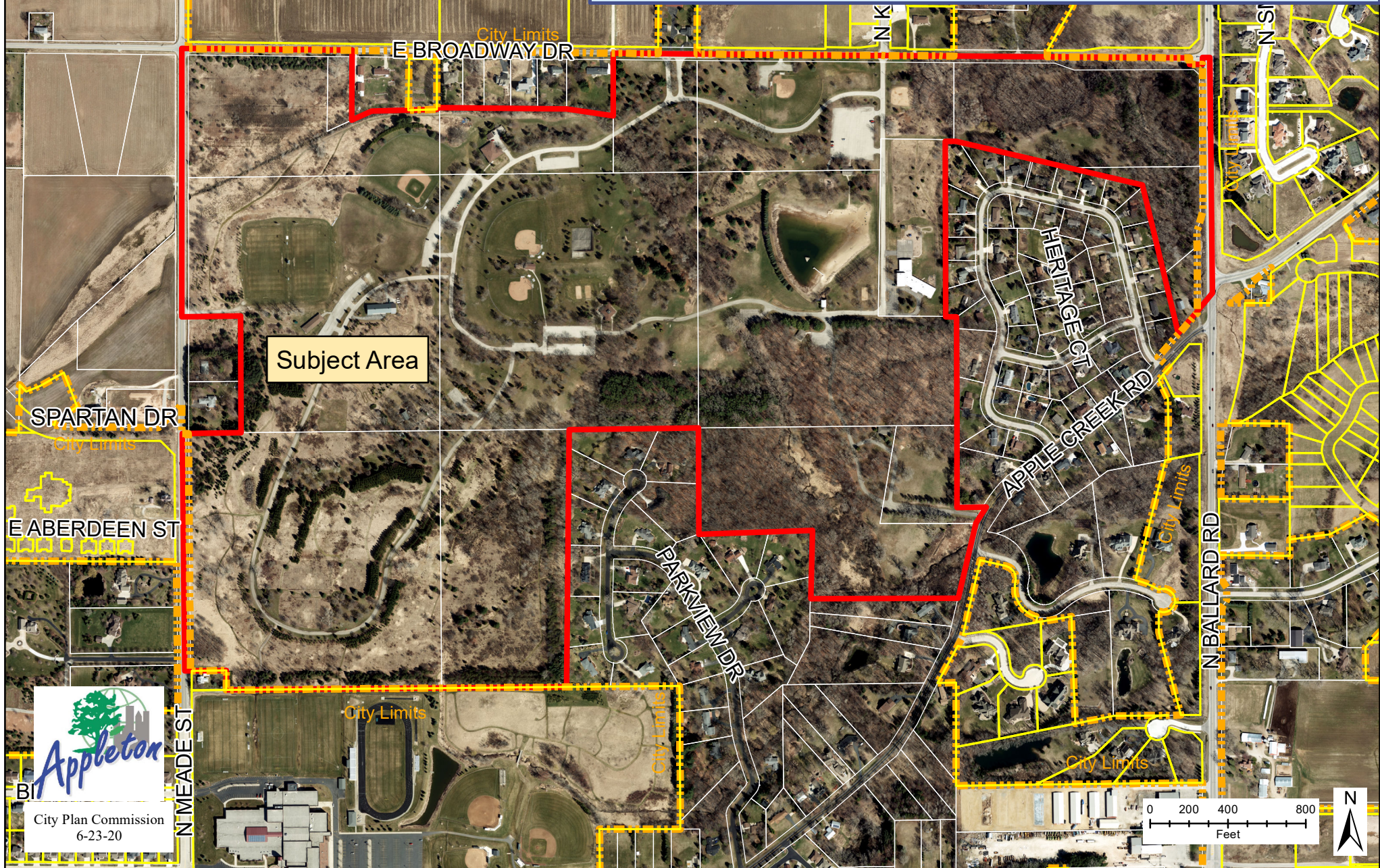
RECOMMENDATION

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 #4-20 to rezone the subject parcels located east of Meade Street and south of Broadway Drive (Tax Id #31-1-9314-00, #31-1-9314-01, #31-1-9314-02, #31-1-9314-03, #31-1-9314-04, #31-1-9314-05, #31-1-9314-06, #31-1-9314-07, #31-1-9314-08, #31-1-9314-09, #31-1-9314-10, #31-1-9314-11, #31-1-9314-12, #31-1-9314-13, #31-1-9314-14, and #31-1-9314-15) from temporary AG Agricultural District, R-1A Single-Family District, and R-1B Single-Family District to P-I Public Institutional District, including to the centerline of the adjacent Meade Street, Broadway Drive, and Ballard Road right-of-way, as shown on the attached map, **BE APPROVED**.

Plamann Park Annexation Rezoning Temporary AG Agricultural District, R-1A Single-Family District, and R-1B Single-Family District to P-I Public Institutional District Zoning Map



Plamann Park Annexation
Rezoning
Temporary AG Agricultural District, R-1A Single-Family District,
and R-1B Single-Family District to P-I Public Institutional District
Aerial Map



Subject Area



City Plan Commission
6-23-20

PARCEL: 101002000, 101000100, 101002800, 101002400, 101005200, 101004800, 101002200, 101000400, 101000600, 101000200, 101001000, 101000300, 101001500, 101001900, 101001600 and 101000700

Owner: Outagamie County

Document #640137, #689506, #485497, #558416 and #485540

Description of lands to be rezoned from temporary AG Agricultural District, R-1A Single-Family District, and R-1B Single-Family District to P-I Public Institutional District:

Part of the Fractional Northwest Quarter (NW ¼), the Fractional Northeast Quarter (NE ¼), the North One-Half (N ½) of the Southeast Quarter (SE ¼) and the North One-Half (N ½) of the Southwest Quarter (SW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin containing 264 Acres of land more or less and described as follows:

Commencing at the Northwest corner of said Section 1 and being the point of beginning;

Thence South 89°22'34" East 876.10 feet coincident with the North line of the Fractional NW ¼ of said Section 1 to the Northeast corner of lands described in Volume 965 on Page 249 as Document No.689506 of the Outagamie County Register of Deeds Office;

Thence South 00°37'26" West 359.84 feet coincident with the East line of lands described in Volume 965 on Page 249 as Document No.689506 of the Outagamie County Register of Deeds Office;

Thence North 65°34'26" East 114.28 feet (recorded as N.65°32'E. 114.28 feet);

Thence North 88°29'26" East 335.01 feet (recorded as N.88°19'45"E. 335.00 feet);

Thence North 00°00'34" West 10.00 feet (recorded as N.00°10'15"W. 10.00 feet);

Thence South 89°22'34" East 666.37 feet (recorded as S.89°32'15"E. 666.00 feet);

Thence South 81°18'26" East 242.20 feet (recorded as S.81°29'15"E. 242.1 feet);

Thence North 00°02'58" West 323.00 feet (recorded as being the W/L of the E. 18.57 Acres of the NW ¼ Section 1) to the North line of the Fractional NW ¼ of Section 1;

Thence South 89°22'34" East 432.33 feet coincident with the North line of the Fractional NW ¼ of said Section 1 to the N ¼ Corner of said Section 1;

Thence South 89°33'20" East 2530.56 feet coincident with the North line of the Fractional NE ¼ of said Section 1 to the City of Appleton Corporate limits;

Thence South 00°26'40" West 33.00 feet coincident with the existing City of Appleton corporate limits;

Thence South 89°33'20" East 67.44 feet coincident with the existing City of Appleton corporate limits;

Thence South 00°06'49" East 755.52 feet coincident with the existing City of Appleton corporate limits;

Thence South 16°35'03" West 104.41 feet coincident with the existing City of Appleton corporate limits;

Thence South 00°06'49" East 412.49 feet coincident with the existing City of Appleton corporate limits to the Northwesterly line of Apple Creek Road;

Thence South 40°42'35" West 149.73 feet coincident with the Northwesterly line of Apple Creek Road to the most Easterly corner of Lot 1 of Parkview Terrace;

Thence North 13°31'25" West 783.40 feet, (recorded as North 12°45' West 783.40 feet) coincident with the Easterly line of Parkview Terrace to the most Easterly corner of Lot 7 of Parkview Terrace;

Thence North 76°49'25" West 984.00 feet, (recorded as North 76°03' West 984.00 feet) coincident with the Northerly line of Parkview Terrace and then the First Addition to Parkview Terrace to the Northwest corner of Lot 18 of the First Addition to Parkview Terrace;

Thence South 89°52'35" West 56.24 feet, (recorded as North 89°21' West 56.24 feet) coincident with the Northerly line of the First Addition to Parkview Terrace to the Northwest corner of Lot 19 of the First Addition to Parkview Terrace;

Thence South 00°07'25" East 902.00 feet, (recorded as South 00°39' West 902.0 feet) coincident with the West line of the First Addition to Parkview Terrace to the Southwest corner of Lot 24 of the First Addition to Parkview Terrace;

Thence North 89°52'35" East 56.24 feet, (recorded as South 89°21' East 56.24 feet) coincident with the South line of Lot 24 of the First Addition to Parkview Terrace;

Thence South 00°10' East 553.10 feet, coincident with the West line of the First Addition to Parkview Terrace and the extension thereof to the Northwest corner of the NE ¼ of the SE ¼ of Section 1, T.21N., R.17E, as surveyed and monumented;

Thence South 00°04' East 426.00 feet to the Southwest corner of a parcel of land in the North 3.5 Acres of the NE ¼ of the SE ¼ of said Section 1 as described in a Warranty Deed recorded as Document Number 2108886 of the Outagamie County Register of Deeds Office;

Thence North 89°56' East 150.09 feet coincident with the South line of a parcel of land in the North 3.5 Acres of the NE ¼ of the SE ¼ of said Section 1 as described in a Warranty Deed recorded as Document Number 2108886 of the Outagamie County Register of Deeds Office to the Westerly line of Apple Creek Road;

Thence South 33°16'52" West 96.32 feet coincident with the Westerly line of Apple Creek Road;

Thence South 13°08'49" West 398.20 feet coincident with the Westerly line of Apple Creek Road to the North line of Certified Survey Map No.4591;

Thence South 89°52'16" West 757.26 feet coincident with the North line of Certified Survey Map No.4591 to the Northwest corner thereof and also the East line of Parkview South;

Thence North 01°11'22" East 350.75 feet coincident with the East line of Parkview South;

Thence South 88°01'22" West 584.84 feet coincident with a North line of Parkview South;

Thence North 00°12'38" West 547.40 feet coincident with a East line of Parkview South;

Thence South 89°18'09" West 663.15 feet coincident with the North line of Parkview South to the Northwest corner thereof;

Thence South 00°33'39" West 1323.45 feet coincident with the West line of Parkview South and the First Addition to Parkview South to the South line of the N ½ of the Southwest ¼ of said Section 1;

Thence South 89°28'34" West 1749.24 feet coincident with the South line of the N ½ of the Southwest ¼ of said Section 1 to a point 217.70 feet North 89°28'34" East of the West line of the Southwest ¼ of said Section 1;

Thence North 00°29'48" West 100.00 feet;

Thence South 89°28'34" West 184.70 feet to the East line of Meade Street (33 foot ½ r/w);

Thence North 00°29'48" West 1221.15 feet coincident with the East line of Meade Street to the North line of the Southwest ¼ of said Section 1;

Thence North 89°23'14" East 270.30 feet coincident with the North line of the Southwest ¼ of said Section 1 to the Southeast corner of Certified Survey Map No.6277;

Thence North 00°04'54" West 600.00 feet coincident with the East line of Certified Survey Map No.6277 to the Northeast corner thereof;

Thence South 89°23'14" West 302.43 feet coincident with the North line of Certified Survey Map No.6277 to the West line of the Fractional Northwest ¼ of said Section 1;

Thence North 00°00'05" East 1379.00 feet coincident with the West line of the Fractional Northwest ¼ of said Section 1 to the Northwest corner thereof and being the point of beginning.

Including all of the adjacent one-half (1/2) right of way of Meade Street and Ballard Road (aka C.T.H. "EE") that is not included within the above described lands.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 23, 2020

Common Council Meeting Date: July 1, 2020

Item: Extraterritorial Final Plat – Investors Park – Town of Grand Chute

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: ABS 1, LLC

Applicant: Bryan Pfeffer – Robert E. Lee & Associates

Address/Parcel #: Generally located north of Interstate Highway 41, east of North Gillett Street and south of planned extension of Evergreen Drive in the Town of Grand Chute – Tax Id #10-1-0625-02

Petitioner's Request: The applicant is proposing to subdivide property under Town's CP and AGD zoning districts for commercial development. The area is 17.683 acres, which will be divided into five lots (3 lots and 2 outlots).

BACKGROUND

The subject area is within the City's extraterritorial plat approval jurisdiction, which includes the unincorporated area within three miles of the City, as described in the Subdivision Ordinance. The Preliminary Plat must also be reviewed and approved by the Town of Grand Chute and Outagamie County. The Preliminary Plat appeared before the Town Board on May 5, 2020 and the May 12, 2020 Outagamie County Zoning Committee meeting. The Preliminary Plat was approved by Common Council on May 20, 2020. The Final Plat must also be reviewed and approved by the Town of Grand Chute and Outagamie County.

STAFF ANALYSIS

Existing Conditions: This is undeveloped land located in the Town of Grand Chute, generally located north of Interstate Highway 41, east of North Gillett Street and south of planned extension of Evergreen Drive. Floodplain and delineated wetlands exist on the property. Access to the development will be obtained from extended Evergreen Drive and planned Investors Court. Access to Interstate Highway 41 is restricted pursuant to the access restriction clause identified on the plat

Comparison between Final Plat and Preliminary Plat: The Final Plat is similar to the Preliminary Plat in terms of its general configuration.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the Town of Grand Chute. The nearby uses are generally residential and commercial in nature. The surrounding zoning is the County's AGD General Agricultural District and CP Planned Commercial District.

Extraterritorial Final Plat – Investors Park – Town of Grand Chute

June 23, 2020

Page 2

Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed the City's *Comprehensive Plan 2010-2030* and determined this proposed subdivision is outside the City of Appleton's growth area.

Review Criteria: Community & Economic Development staff has reviewed the Extraterritorial Final Plat in accordance with the City of Appleton Zoning Ordinance requirements for commercial developments. The lot sizes and lot widths for the lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements for commercial developments.

Technical Review Group (TRG) Report: This item was included on the June 2, 2020 Technical Review Group agenda. No negative comments were received from participating departments.

RECOMMENDATION

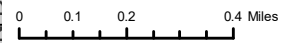
Based on the above, staff recommends that the Extraterritorial Final Plat – Investors Park, located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED**.

Extraterritorial Final Plat
Investors Park
Town of Grand Chute

Subject Area



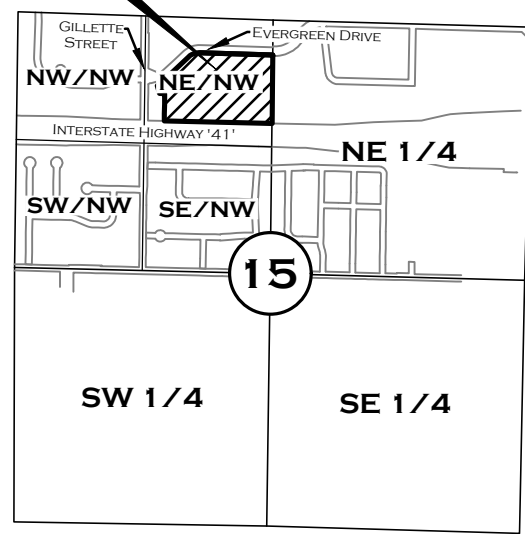
Plan Commission
6-23-2020



Extraterritorial Final Plat
Investors Park
Town of Grand Chute

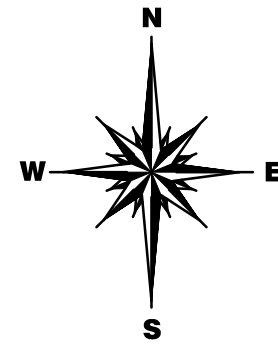


THIS PLAT



LOCATION SKETCH

NOT TO SCALE

SCALE: 1" = 80'
0' 40' 80' 160'

BEARINGS ARE BASED ON THE OUTAGAMIE COUNTY COORDINATE SYSTEM. THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 15 BEARS N88°06'41"W.

NORTHWEST CORNER
SECTION 15, T21N R17E
BERNTSEN MONUMENT
FOUNDNORTH 1/4 CORNER
SECTION 15, T21N R17E
BERNTSEN MONUMENT
FOUND

INVESTORS PARK

ALL OF LOT 1, VOLUME 30, CERTIFIED SURVEY MAPS, PAGE 5333,
MAP NUMBER 5333, DOCUMENT NUMBER 1705908,
BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4,
SECTION 15, TOWNSHIP 21 NORTH, RANGE 17 EAST
TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN

TRANS 233.05 - ACCESS RESTRICTION CLAUSE:

AS OWNER, I HEREBY RESTRICT ALL LOTS AND BLOCKS, IN THAT NO OWNER, POSSESSOR, USER, NOR LICENSEE, NOR OTHER PERSON SHALL HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS OR EGRESS WITH INTERSTATE 41, AS SHOWN ON THE PLAT. IT BEING EXPRESSLY INTENDED THAT THIS RESTRICTION SHALL CONSTITUTE A RESTRICTION FOR THE BENEFIT OF THE PUBLIC ACCORDING TO S. 236.293, STATS., AND SHALL BE ENFORCEABLE BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION

TRANS 233.08 - HIGHWAY SETBACK:

NO IMPROVEMENTS OR STRUCTURES ARE ALLOWED BETWEEN THE RIGHT OF WAY LINE AND THE HIGHWAY SETBACK LINE. IMPROVEMENTS AND STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO, SIGNS, PARKING AREAS, DRIVEWAYS, WELLS SEPTIC SYSTEMS, DRAINAGE FACILITIES, BUILDINGS AND RETAINING WALLS. IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION IS FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN SECTION 236.3293, WISCONSIN STATUTES, AND SHALL BE ENFORCEABLE BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION OR ITS ASSIGNS. CONTACT THE WISCONSIN DEPARTMENT OF TRANSPORTATION FOR MORE INFORMATION. THE PHONE NUMBER MAY BE OBTAINED BY CONTACTING THE COUNTY HIGHWAY DEPARTMENT.

TRANS 233.105 - NOISE NOTATION:

THE LOTS OF THIS LAND DIVISION MAY EXPERIENCE NOISE AT LEVELS EXCEEDING THE LEVELS IN S. TRANS 405.04, TABLE 1. THESE LEVELS ARE BASED ON FEDERAL STANDARDS. OWNERS OF THESE LOTS ARE RESPONSIBLE FOR ABATING NOISE SUFFICIENT TO PROTECT THESE LOTS.

PUBLIC TRUST INFORMATION:

ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.

TOWN OF GRAND CHUTE SIDEWALK NOTE:

THE TOWN OF GRAND CHUTE REQUIRES A FIVE FOOT WIDE CONCRETE SIDEWALK BE INSTALLED ON ALL SIDES OF INVESTOR COURT. THE FIVE FOOT WIDE CONCRETE SIDEWALK ADJACENT TO LOT 1 AND OUTLOT 1 IS REQUIRED TO BE INSTALLED CONCURRENTLY WITH THE CONSTRUCTION OF INVESTORS COURT. THE FIVE FOOT WIDE CONCRETE SIDEWALK ADJACENT TO LOTS 2 AND 3 IS REQUIRED TO BE INSTALLED BY THE DEVELOPER OR FUTURE OWNER PRIOR TO OCCUPANCY OF EACH LOT.

SPECIAL TOWN OF GRAND CHUTE RESTRICTION:

THE FINAL PLAT IS SUBJECT TO ALL OF THE REQUIREMENTS OF S 475-15E OF THE CODE OF THE TOWN OF GRAND CHUTE. THE SUBDIVIDER, FOR HIMSELF AND HIS ASSIGNS, SHALL BE RESPONSIBLE FOR ALL MUNICIPAL IMPROVEMENTS, INCLUDING ASPHALT SURFACE STREETS, CURB AND GUTTER, SEWER AND WATER, STORM SEWERS, DEDICATED CLEAR WATER DRAINAGE EASEMENTS AND STREET LIGHTS. PURSUANT TO S 475-15E OF THE CODE OF THE TOWN OF GRAND CHUTE, THE TOWN OF GRAND CHUTE RESERVES THE RIGHT TO WITHHOLD BUILDING PERMITS FOR THIS SUBDIVISION IF THE ABOVE-STATED MUNICIPAL IMPROVEMENTS HAVE NOT BEEN COMPLETED BY THE SUBDIVIDER ACCORDING TO THE TERMS AND CONDITIONS OF S 475-15E. UTILITY CONNECTION FEES (AS LISTED ON THE TOWN FEE SCHEDULE) FOR SEWER, WATER AND STORM SERVICES SHALL BE PAYABLE BY EACH LOT WITHIN THE PLATTED SUBDIVISION TO THE TOWN OF GRAND CHUTE SANITARY DISTRICTS.

IMPACT FEE NOTE:

THERE IS AN IMPACT FEE DUE ON EACH LOT IN ACCORDANCE WITH CHAPTER 330 IMPACT FEES OF THE TOWN CODE OF ORDINANCES AND AS LISTED ON THE MOST CURRENT TOWN OF GRAND CHUTE IMPACT FEE SCHEDULE.

LOT GRADING, STAKING AND EASEMENTS:

- THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE PROPERTY OWNER AND MAINTAINED BY THE ADJUTING PROPERTY OWNERS TO PROVIDE FOR ADEQUATE DRAINAGE OF SURFACE WATER AS ESTABLISHED ON DRAINAGE PLAN.
- NO POLES, PEDESTALS, TRANSFORMERS OR BURIED CABLE ARE TO BE PLACED WITHIN TWO (2) FEET OF ANY SURVEY STAKE, OR PLACED SO AS TO OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. ANY DISTURBANCE OF A SURVEY STAKE BY ANY PERSON IS A VIOLATION OF S236.32 WIS. STATS.
- UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE UTILITY PROVIDERS HAVING THE RIGHT TO SERVE THE AREA.

STORMWATER FACILITY AND MAINTENANCE NOTE:

MAINTENANCE OF ALL DRAINAGE WAYS, INCLUDING EASEMENTS AS INDICATED ON THE PLAT AND ALONG SIDE AND REAR LOT LINES THAT CONVEY STORMWATER RUNOFF IN ACCORDANCE WITH THE APPROVED DRAINAGE PLAN, AND ASSOCIATED STRUCTURES WITHIN THE LAND DIVISION OR SERVING THE LAND DIVISION, IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE LAND DIVISION, UNLESS NOTED ON THE PLAN. UPON FAILURE OF THE PROPERTY OWNERS TO PERFORM MAINTENANCE OF THE DRAINAGE WAYS AND ASSOCIATED STRUCTURES WITHIN THE LAND DIVISION OR SERVING THE LAND DIVISION, THE TOWN OF GRAND CHUTE AND/OR OUTAGAMIE COUNTY RETAINS THE RIGHT TO PERFORM MAINTENANCE AND/OR REPAIRS. THE PAYMENT OF THE MAINTENANCE AND REPAIRS SHALL BE ASSESSED IN EQUAL AMOUNTS TO THE OWNERS OF ALL PROPERTY IN THE LAND DIVISION, OR, WHERE THE CAUSER CAN BE SPECIFICALLY IDENTIFIED, THE PAYMENT SHALL BE ASSESSED TO THE PROPERTY OWNER.

UNLESS OTHERWISE NOTED, A DRAINAGE EASEMENT EXIST UPON ALL EXISTING NAVIGABLE STREAMS, BETWEEN THE MEANDER LINES AS SHOWN.

NO STRUCTURES, FENCES OR PLANTINGS OTHER THAN GRASSES SHALL BE ALLOWED WITHIN THE DRAINAGE EASEMENTS HEREIN SET FORTH.

VISION CORNER EASEMENT RESTRICTION:

WITHIN THE VISION CORNER EASEMENT DESCRIBED HEREIN, VISUAL OBSTRUCTIONS, INCLUDING BUT NOT LIMITED TO STRUCTURES, PARKING, FENCING, SIGNS OR VEGETATION, SHALL NOT EXCEED 30 INCHES IN HEIGHT ABOVE CENTERLINE ELEVATION OF ADJUTING PUBLIC ROADS. THE RESTRICTION IS FOR THE BENEFIT OF THE PUBLIC AND SHALL BE ENFORCEABLE BY THE TOWN OF GRAND CHUTE.

LEGEND:

- EXISTING 3/4" IRON ROD
- EXISTING 1" IRON PIPE
- RECORDED COUNTY MONUMENT
- SET 2.375" OUTSIDE DIA. X 30" IRON PIPE MIN. WT. 3.65 LB./LIN. FT.
- INDICATES NO ACCESS ONTO INTERSTATE HIGHWAY '41'
- ALL OTHER LOT CORNERS MARKED WITH A 1.125" OUTSIDE DIA X 18" IRON PIPE WEIGHING 1.38 LB./LIN. FT.
- WETLANDS FIELD DELINEATED BY MCMAHON GROUP ON 10/14/15
- FLOODWAY PER NFIP FIRM PANEL #550087C0316D DATED JULY 22, 2010
- FLOODPLAIN PER NFIP FIRM PANEL #550087C0316D DATED JULY 22, 2010

NOTES:

ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST HUNDREDTH OF A FOOT AND COMPUTED TO THE NEAREST HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST THREE SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.

WATER ELEVATIONS:

DATE OF SURVEY: 790.7'
APPROXIMATE HIGH WATER: 792.0'
ELEVATIONS ARE REFERENCE TO U.S.G.S. (NAVD 88)
BENCHMARK: W1 HMP DESIGNATION GRAND CHUTE C GPS
PID D6095, ELEVATION = 835.73'

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____

Department of Administration

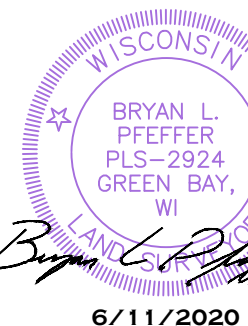


DRAFTED BY: BRYAN L. PFEFFER



ROBERT E. LEE & ASSOCIATES, INC.
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES
1250 CENTENNIAL CENTRE BOULEVARD HOBART, WI 54155
920-662-9641 WWW.RELEINC.COM

R:\4700\4737\4737090\DWG\4737090FINAL_PLAT.DWG



6/11/2020

INVESTORS PARK

ALL OF LOT 1, VOLUME 30, CERTIFIED SURVEY MAPS, PAGE 5333,
MAP NUMBER 5333, DOCUMENT NUMBER 1705908,
BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4,
SECTION 15, TOWNSHIP 21 NORTH, RANGE 17 EAST
TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, BRYAN L. PFEFFER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT BY THE ORDER AND UNDER THE DIRECTION OF ABS 1, LLC, I HAVE SURVEYED, DIVIDED AND MAPPED A PARCEL OF LAND BEING ALL OF LOT 1, VOLUME 30, CERTIFIED SURVEY MAPS, PAGE 5333, MAP NUMBER 5333, DOCUMENT NUMBER 1705908, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, SECTION 15, TOWNSHIP 21 NORTH, RANGE 17 EAST, TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN.

SAID PARCEL CONTAINS 770,273 SQUARE FEET (17.683 ACRES) OF LAND MORE OR LESS.

THAT THE WITHIN MAP IS A TRUE AND CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES IN THE SURVEYING, DIVIDING AND MAPPING OF THE SAME.

BRYAN L. PFEFFER PLS #2924 DATE
ROBERT E. LEE & ASSOCIATES, INC.

OWNER'S CERTIFICATE OF DEDICATION

ABS 1, LLC, A LIMITED LIABILITY COMPANY DULY ORGANIZED AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS THE PROPERTY OWNER, DOES HEREBY CERTIFY THAT SAID LIMITED LIABILITY COMPANY CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS PLAT.

ABS, LLC, DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

TOWN OF GRAND CHUTE
CITY OF APPLETON
OUTAGAMIE COUNTY AGRICULTURE, EXTENSION EDUCATION, ZONING AND LAND CONSERVATION COMMITTEE
DEPARTMENT OF ADMINISTRATION
DEPARTMENT OF TRANSPORTATION

DATED THIS ____ DAY OF ____, 2020.

IN THE PRESENCE OF ABS 1, LLC

BY _____

PRINT NAME _____

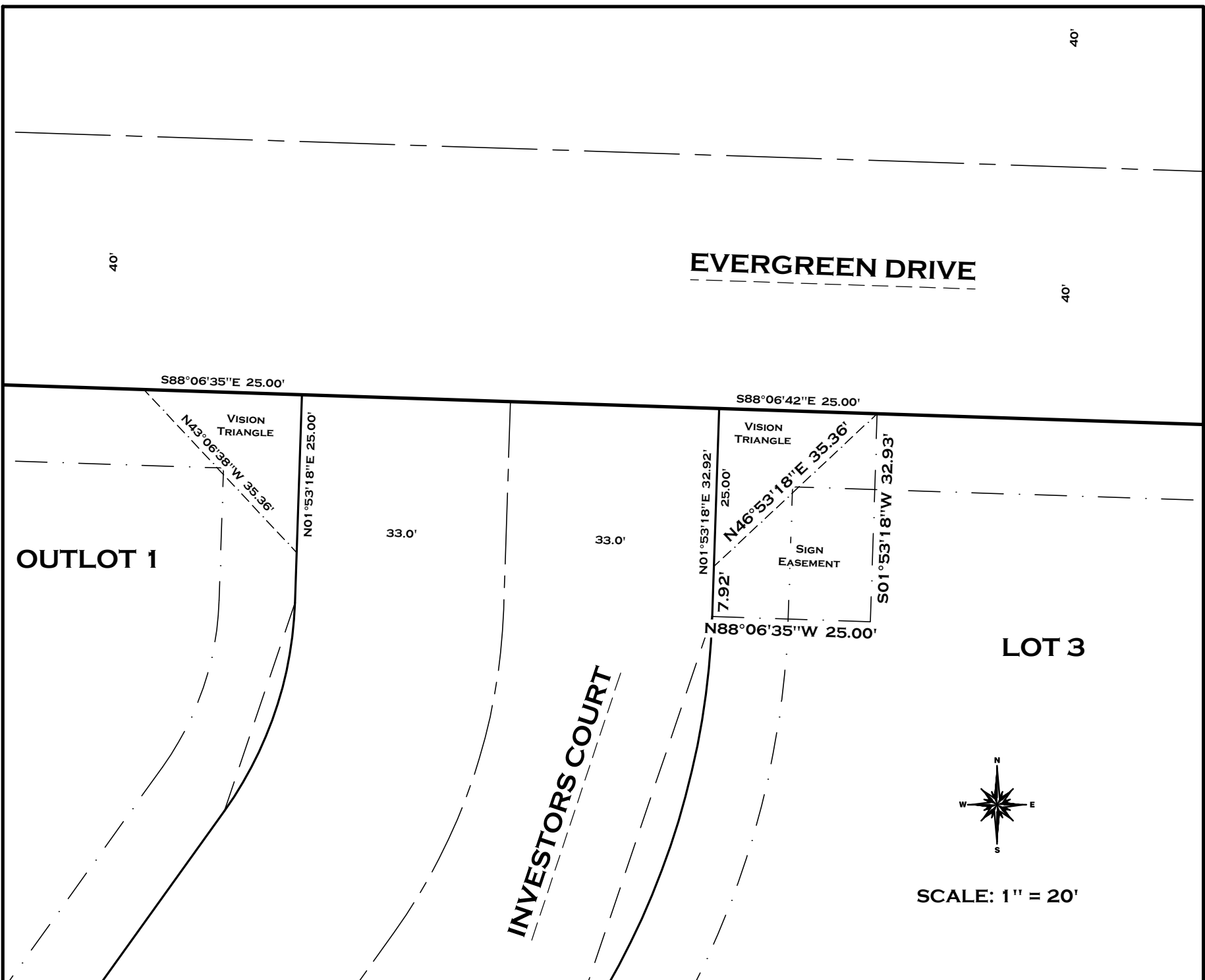
TITLE _____ DATE _____

STATE OF WISCONSIN) COUNTY) SS

PERSONALLY CAME BEFORE ME THIS ____ DAY OF ____, 2020, THE ABOVE NAMED PROPERTY OWNER(S) TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, WISCONSIN MY COMMISSION EXPIRES _____

SIGN EASEMENT AND VISION CORNER DETAIL:



UTILITY EASEMENT PROVISIONS:

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY

ABS 1, LLC, GRANTOR, TO

WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN GAS, LLC, WISCONSIN CORPORATIONS DOING BUSINESS AS WE ENERGIES, GRANTEE.

WISCONSIN BELL INC., D/B/A/ AT&T WISCONSIN, A WISCONSIN CORPORATION, GRANTEE, AND

SPECTRUM, GRANTEE

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE, REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER, UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "UTILITY EASEMENT AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS WITHIN AND BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS, THERON, OR ON ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE GRANTEEES AGREE TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH ENTRY BY THE GRANTEEES OR THEIR AGENTS. THIS RESTORATION, HOWEVER, DOES NOT APPLY TO THE INITIAL INSTALLATION OF SAID UNDERGROUND AND/OR ABOVE GROUND ELECTRIC FACILITIES, NATURAL GAS FACILITIES, OR TELEPHONE AND CABLE TV FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY TIME PURSUANT TO THE RIGHTS HEREIN GRANTED. STRUCTURES SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT AREAS" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES WITHOUT WRITTEN CONSENT OF GRANTEEES.

THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH	TANGENT BEARING
C1	9°55'58"	240.00'	41.61'	N51°48'28"E	41.55'	N56°46'27"E
C2	45°02'56"	160.00'	125.80'	N69°21'57"E	122.58'	S88°06'35"E
C3	33°42'09"	60.00'	35.29'	S18°44'22.5"W	34.79'	S01°53'18"W
C4	234°48'41"	58.00'	237.70'	S81°48'53.5"E	102.98'	S35°35'27"W
C5	10°42'17"	58.00'	10.84'	S30°14'19"W	10.82'	S35°35'27"W
C6	125°19'16"	58.00'	126.86'	S37°46'27"E	103.04'	S24°53'11"W
C7	98°47'08"	58.00'	100.00'	N30°10'21"E	88.07'	N79°33'55"E
C8	54°48'41"	60.00'	57.40'	N08°11'06.5"E	55.23'	N19°13'13"W
C9	21°07'38"	60.00'	22.12'	N08°39'24"W	22.00'	N01°54'24"E
C10	33°41'03"	60.00'	35.28'	N18°44'55.5"E	34.77'	N35°35'27"E
C11	33°42'09"	126.00'	74.12'	N18°44'22.5"E	73.05'	N35°35'27"E
C12	67°26'31"	82.00'	96.52'	N77°21'32.5"W	91.04'	N43°38'17"W
C13	89°24'58"	137.00'	213.80'	N46°41'16"E	192.76'	S88°36'15"E

LINE TABLE

LINE #	LENGTH	DIRECTION
L1	32.93'	S01°53'18"W
L2	32.93'	N01°53'18"E

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20

Department of Administration



6/11/2020

TOWN OF GRAND CHUTE CERTIFICATE

APPROVED BY THE TOWN OF GRAND CHUTE THIS ____ DAY OF ____, 2020.

DAVID SCHOWALTER DATE ANGIE CAIN DATE
CHAIRPERSON TOWN CLERK

CITY OF APPLETON CERTIFICATE:

APPROVED BY THE COMMON COUNCIL TO THE CITY OF APPLETON THIS ____ DAY OF ____, 2020.

JAKE WOODFORD DATE KAMI LYNCH DATE
MAYOR CITY CLERK

OUTAGAMIE COUNTY CERTIFICATE

APPROVED BY THE OUTAGAMIE COUNTY AGRICULTURE, EXTENSION EDUCATION, ZONING AND LAND CONSERVATION COMMITTEE

THIS ____ DAY OF ____, 2020.

STEVE SWANSON
ZONING ADMINISTRATOR

TOWN OF GRAND CHUTE TREASURER'S CERTIFICATE:

I, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE TOWN OF GRAND CHUTE, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNREDEEMED TAX SALES AND UNPAID TAXES, OR SPECIAL ASSESSMENTS ON AND OF THE LAND INCLUDED IN THIS PLAT.

JULIE WAHLEN DATE
TOWN OF GRAND CHUTE TREASURER

OUTAGAMIE COUNTY TREASURER'S CERTIFICATE:

I, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF OUTAGAMIE COUNTY, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNREDEEMED TAX SALES AND UNPAID TAXES, OR SPECIAL ASSESSMENTS ON AND OF THE LAND INCLUDED IN THIS PLAT.

TRENTON WOELFUL DATE
OUTAGAMIE COUNTY TREASURER



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1250 CENTENNIAL CENTRE BOULEVARD HOBART, WI 54155
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