

REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: January 7, 2020

Common Council Public Hearing Meeting Date: February 5, 2020 (Public Hearing on Rezoning)

Item: Planned Development (PD) Rezoning #11-19 – North Richmond

Street and West Evergreen Drive

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Grishaber Main Street Partnership, LLP c/o Scot Grishaber

Address/Parcel: Generally located east of North Richmond Street and south of West Evergreen Drive (Tax Id #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05), including land recently annexed with the Evergreen Heights Annexation (formerly Town of Grand Chute Tax Id #101052406, #101052800, and #101052802).

Petitioner's Request: The applicant proposes to rezone the subject parcels from C-2 General Commercial District and temporary AG Agricultural District to PD/C-2 Planned Development General Commercial District #11-19. The request is being made to assign a permanent zoning classification to newly annexed land and facilitate redevelopment of the property.

BACKGROUND

On June 18, 2008, Common Council adopted Ordinance 112-08 to annex parcels #31-6-5601-00, #31-6-5601-01, and #31-6-5601-02 to the City as the Alvin Street Annexation. At that time, the newly annexed parcels were assigned a zoning classification of C-2 General Commercial District. On July 2, 2008, Common Council approved Comprehensive Plan Amendment #4-08, which changed the Future Land Use Map for the subject area from Single/Two-Family designation to Commercial designation.

On December 18, 2019, Common Council adopted Ordinance 109-19 to annex parcels #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05 to the City as the Evergreen Heights Annexation. The owner did not request a rezoning at that time, so the temporary AG Agricultural District was assigned for these three parcels. If the temporary zoning classification is not amended within 90 days, the zoning reverts to AG Agricultural District, per Section 23-65(e) of the Municipal Code.

STAFF ANALYSIS

Existing Site Conditions: The subject parcels total approximately 7.976 acres in size and are generally located at the southeast corner of Richmond Street and Evergreen Drive. Richmond Street and Evergreen Drive are classified as an arterial street and collector street, respectively, on the City's Arterial/Collector Plan. The property also has frontage on Alvin Street and Interstate 41. Currently, there are existing office buildings and associated parking on parcels #31-6-5601-00 and #31-6-5601-03, with vehicular access provided by driveways on Evergreen Drive and Alvin Street. Parcels #31-6-5601-04 and #31-6-5601-05

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are developed with a metal building, as well as a gravel parking and outdoor storage area. Parcels #31-6-5601-01 and #31-6-5601-02 consist of vacant, undeveloped land.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land use to the north is currently a cemetery.

South: C-2 General Commercial District and Town of Grand Chute. The adjacent land uses to the south are currently light industrial and Interstate 41 right-of-way.

East: P-I Public Institutional District and Town of Grand Chute. The adjacent land uses to the east are currently a mix of residential and institutional uses, including a place of worship.

West: C-2 General Commercial District and Town of Grand Chute. The adjacent land uses to the west are currently a mix of commercial uses and vacant land.

Proposed Planned Development Overlay District and Ordinance Exceptions: The planned development overlay district allows an applicant to propose uses, development and density standards, and design guidelines for the subject property. Overlay districts provide supplemental regulations in addition to, but not necessarily more restrictive than the "base" or underlying zoning district regulations. The customized regulations, as identified in the attached Implementation Plan Document (IPD), were prepared by the applicant to specify standards that are unique to the overlay district. The proposed development standards for this overlay district are listed below:

- 1) *Minimum lot area*: 14,000 square feet.
- 2) *Maximum lot coverage*: 90% for each development complex.
- 3) Minimum lot width: 60 feet.
- 4) *Minimum front yard:* 10 feet.
- 5) *Minimum rear yard:* 8 feet at the development complex perimeter.
- 6) Minimum side yard:
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) Maximum building height: 100 feet.

In order to promote an integrated development, exceptions to other Zoning Ordinance regulations are also requested within the boundaries of the overlay district. Exhibit B of the attached IPD summarizes the ordinance exceptions being requested for the subject property, using an underline/strikethrough format to identify the differences between the overlay district and the "base" zoning regulations.

Development Plan Summary: As proposed, the PD overlay district would facilitate the construction of four commercial buildings on the subject property. The attached development plan drawings show the general location of potential buildings and other site improvements. As illustrated, these buildings would total approximately 129,400 square feet in size, and the exterior appearance of the buildings would complement each other. Vehicular access would primarily be provided by North Alvin Street, with an

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entrance only access from West Evergreen Drive as well. Further details would be determined and reviewed through the Site Plan review process prior to the issuance of a building permit by the Inspections Division.

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 assign a permanent zoning classification following the Evergreen Heights Annexation and facilitate redevelopment of the property. The proposal deviates from zoning regulations regarding uses, development standards, accessory buildings and structures, off-street parking, outdoor lighting, landscaping, and signs. If approved, any future development would need to conform to the customized zoning regulations identified in the IPD, as well as other sections of the Zoning Ordinance. Section 23-151 of the Zoning Ordinance establishes criteria for designating a PD overlay district, including requirements on the amount of street frontage, size of the district, and percent of open space. It appears these criteria have been satisfied and that the application of this PD overlay district would encourage a mix of uses, contribute to the physical appearance of the area, and enhance the tax base.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with a future Commercial designation. The proposed PD/C-2 Planned Development General Commercial District #11-19 rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

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 9.5 Economic Development:

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

Policy 9.5.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

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.

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 commercial 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. Commercial uses are already established on the subject property. Other commercial uses are also located to the south and west of the subject area, while institutional uses are located to the north and east. The closest single-family residential uses are further east along Evergreen Drive. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.

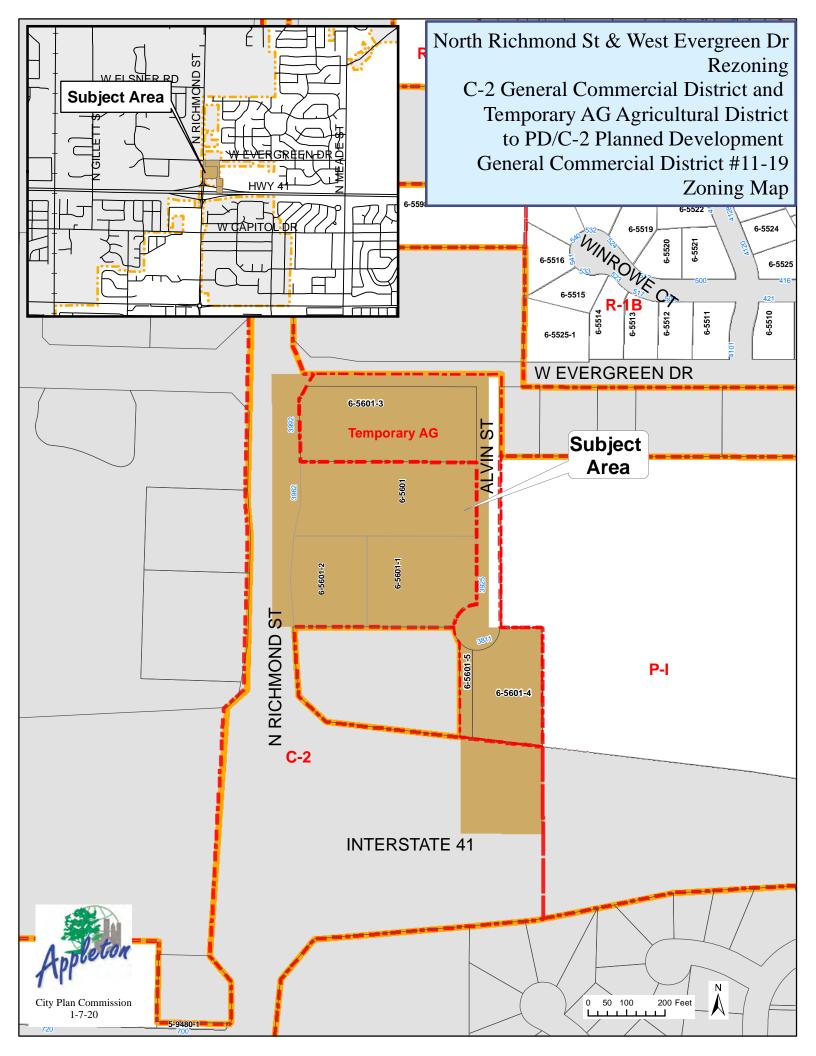
Review Criteria: Based upon the above analysis, it would appear the criteria established by Sections 23-65(d)(3) and 23-151(o) has been satisfied.

Technical Review Group (TRG) Report: This item was discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION_

Staff recommends, based upon the standards for zoning map amendments as required by Sections 23-65(d)(3) and 23-151(o) of the Zoning Ordinance, that PD Rezoning Application #11-19 to rezone the subject parcels generally located east of North Richmond Street and south of West Evergreen Drive (Tax Id #31-6-5601-00, #31-6-5601-01, #31-6-5601-02, #31-6-5601-03, #31-6-5601-04, and #31-6-5601-05) from C-2 General Commercial District and temporary AG Agricultural District to PD/C-2 Planned Development General Commercial District #11-19, along with the attached Implementation Plan Document and Development Plan, including the adjacent one-half (1/2) right-of-way of North Richmond Street (aka S.T.H. 47), West Evergreen Drive, North Alvin Street, and Interstate 41, as shown on the attached map, **BE APPROVED** subject to the following:

- 1. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.
- 2. Prior to Site Plan approval, the Implementation Plan Document must be finalized, signed by all parties involved, and recorded in the Outagamie County Register of Deeds Office. The owner/applicant is responsible for recording this document.
- 3. Prior to issuance of Building Permits, the applicant shall apply for and receive approval of a Site Plan in accordance with Section 23-570 of the Municipal Code. This applies for each phase of development.
- 4. Any proposed land division or lot combination activities will need to follow the procedures identified in Chapter 17 Appleton Subdivision Ordinance.
- 5. Prior to recording the Implementation Plan Document, the following revisions are needed:
 - a. For sheet C2 of Exhibit C: list the required minimum lot area as 14,000 square feet; include the same note found on sheet C1 to clarify that required standards are based on Evergreen Heights Implementation Plan Document; and show the setback from the south lot line as a front yard setback.
 - b. Work with City staff to clarify the language for Section C-9 of Exhibit B that relates to Section 23-172(f)(1)(b) of the Zoning Ordinance. Introducing the words "a maximum of" would complicate the matter and give the option of planting no trees whatsoever, which is not the intent for this requirement.
 - c. Under the Platting Requirements section of the Implementation Plan Document, include a reference to Section C-14 of Exhibit B that relates to double frontage lots.
 - d. There is a disconnect between references in the body of the Implementation Plan Document and the exhibit labels. Fix the labels or references for Exhibits D and E.
 - e. Under the Words and Terms Defined section of the Implementation Plan Document, include the word "means" for each definition and replace "non-impervious" with "pervious."





LEGAL DESCRIPTION

All of the City of Appleton parcels 31-6-5601-00, 31-6-5601-01, 31-6-5601-02, and all of the Town of Grand Chute parcels 10-1-0524-06, 10-1-0528-00, 10-1-0528-02 (to be annexed into Appleton, new parcel numbers will be provided), in the Northwest 1/4 of the Northwest 1/4 of Section 14, Town 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, Containing 347,428 square feet (7.976 acres), described as follows: Commencing at the Northwest Corner of said Section 14;

thence S89°51′46″E, 115.00 feet along the North line of said Section;

thence S30°03'49"W, 38.08 feet to the intersection of the South right-of way line of Evergreen Drive and the East right-of-way line of N. Richmond Street and the Point of Beginning;

thence S89°51′46″E, 442.21 feet along said South right-of way line to the West right-of way line of Alvin Street; thence S00°04′20″W, 566.50 feet along said West right-of way line;

thence 276.42 feet along the arc of a 60 foot radius curve to the left having a chord of S47°38′45″E, 89.21 feet along said right-of-way line to the north line of parcel 10-1-0528-00;

thence S89°46'39"E, 106.60 feet to the east line of said parcel;

thence S00°10′04″E, 308.60 feet along said East line to the North right-of-way line of Interstate 41;

thence N83°27'37"W, 216.09 feet along said right-of-way line to the City of Appleton Corporate Limits;

thence N00°10′04″W, 248.68 feet along said Corporate Limits to the Southerly Right of Way of Alvin Street;

thence 38.83 feet on the arc of a 60 foot radius curve to the right having a chord of N18°28′16″W, 38.16 feet along said corporate limits;

thence N89°46′39″W, 419.08 feet along said corporate limits to the East right-of-way line of N. Richmond Street;

thence N02°45'12"W, 121.13 feet along said right-of-way;

thence N01°14′02″E, 100.00 feet along said right-of-way;

thence N12°32′37″E, 101.98 feet along said right-of-way;

thence N01°18'27"W, 271.65 feet along said right-of-way;

thence N30°03'49"E, 38.67 feet along said right-of-way to the point of Beginning.

Including the adjacent one-half (1/2) right-of-way of North Richmond Street (aka S.T.H. 47), West Evergreen Drive, North Alvin Street, and Interstate 41.

IMPLEMENTATION PLAN DOCUMENT FOR PLANNED DEVELOPMENT

PLANNED DEVELOPMENT DESIGNATION

This Planned Development Designation, to be known as				
Evergreen Heights is approved this day				
of by the Common				
Council of the City of Appleton, Wisconsin, a Wisconsin				
Municipal Corporation, (hereinafter referred to as the				
"City") for certain real property located in Appleton and				
described in attached Exhibit A "Proposed PD Overlay				
Rezoning Map" (hereinafter referred to as the				
"Property"). This Implementation Plan Document for				
Planned Development (PD) # is made and				
entered into by and between Grishaber Main Street				
Partnership, LLP (hereinafter referred to as the				
"Owner/Developer") and the City.				

WHEREAS, Section 23-151 of the Appleton Municipal Code requires the recordation of an Implementation Plan Document for Planned Developments undertaken in the City; and

WHEREAS, the actual Implementation Plan Document contemplated under the aforementioned Ordinance is too voluminous and cumbersome for easy recordation by the Outagamie County Register of Deeds; and

Record and return copy to:

City of Appleton Community & Economic Development Department 100 N. Appleton Street Appleton, WI 54911

WHEREAS, the parties hereto wish to notify all interested parties of the existence of said Implementation Plan Document;

NOW, THEREFORE, in consideration of the foregoing recitals, the Owner/Developer and the City hereby notify all interested parties as follows:

1. **Existence of Implementation Plan Document for PD #**_____. The parties hereto have entered into mutually agreeable Development and Implementation Plans for the Property. This designation establishes the general uses which shall be permitted on the property, a general development plan, a specific implementation plan and a statement of development guidelines and conditions that must be complied with by the Owner/Developer and all subsequent property owners or agents of the property owners. This designation also specifies improvements that must be made and conditions that must be fulfilled in

conjunction with this designation by the Owner/Developer.

2.	Location of Implementation Plan Document. The Implementation Plan Document for PD
	# approved by Appleton Common Council action on
	20 and executed by the parties on the date of filing with the Outagamie County Register
	of Deeds' office is on file with the Appleton Community and Economic Development
	Department, 100 North Appleton Street, Appleton, WI, and is subject to review and
	reproduction by all interested parties upon request.

- 3. **Subsequent Purchasers**. A Planned Development (PD) is a zoning overlay district under the City of Appleton Zoning Ordinance. The Implementation Plan Document exists for Planned Developments (PDs) under this zoning category and are covenants that run with the land. Accordingly, all future purchasers of property zoned PD should become familiarized with the individual requirements attached to that specific property.
- 4. Amendments to the Recorded Development Plans and Implementation Plan Document. Pursuant to Section 23-151 of the Appleton Municipal Code, major changes in a PD require approval by the Common Council and subsequent recording of the amendment. The Community and Economic Development Director may approve Minor Amendments.
- 5. **Development Guidelines and Conditions**. The Development Guidelines and Conditions include, but are not limited to, the following:

A. ALLOWED LAND USES

- 1. The land uses as listed below are allowed in PD #
 - See Sections C-1 and C-2 of Exhibit B "Evergreen Heights PD Summary Sheet" (hereafter referred to as "Exhibit B")
- 2. In addition to the land uses allowed in the underlying district, the following land uses are consistent with the land use regulation exception criteria established by Appleton Municipal Code Section 23-151 and are allowed land uses in PD #____:
 - None

B. **DEVELOPMENT STANDARDS**

1. Principal Use – All principal uses, buildings and structures shall comply with the minimum development standards lot area, lot width, front, rear and side yard setbacks, building height, other requirements (excluding maximum lot coverage) of the underlying zoning district of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

Development Standard Ordinance Exceptions:

Principal use standards apply to each development complex in Exhibit C independent of each other and as if each development complex is a single parcel. See Section C-3 of Exhibit B for ordinance exceptions.

 Accessory uses, building and structures – All Accessory uses, buildings and structures shall comply with the development standards (front, rear and side yard setbacks, building height and other requirements) of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

Development Standard Ordinance Exceptions:

- Accessory use, building, and structure standards apply to lots within Development Complexes 1 and 2 depicted in Exhibit C. Standards in Development Complex 1 are independent of standards in Development Complex 2. See Sections C-4, C-5, and C-6 of Exhibit B for ordinance exceptions.
- 3. Off-Street Parking and Loading Standards All uses established, expanded, change in use shall provide off-street parking space(s), stacking space(s) and loading space(s) in accordance with the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Off-Street Parking and Loading Standard Ordinance Exceptions:

Off-street parking standards apply to lots within Development Complexes 1 and 2 depicted in Exhibit C. Standards in Development Complex 1 are independent of standards in Development Complex 2. See Section C-7 of Exhibit B for ordinance exceptions.

4. **Outdoor Lighting Standards** – All outdoor lighting shall comply with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Outdoor Lighting Standard Ordinance Exceptions:

Lighting standards apply to Development Complexes 1 and 2 depicted in Exhibit C independent of each other and apply to lots within the development complexes. See Section C-8 of Exhibit B for ordinance exceptions.

5. Landscaping Standards – Landscaping improvements shall be required as part of any site plan. Landscaping shall conform with the requirements of the City's Landscape Standards, including but not limited to, plantings around the parking/driveway areas, the dumpster enclosures, and the base of the ground signs. A detailed Landscape Plan shall be prepared and submitted to the Community and Economic Development Department as part of the Site Plan Review and approval process pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Landscaping Standard Ordinance Exceptions:

Landscape standards apply to lots within Development Complexes 1 and 2 depicted in Exhibit C. Standards in Development Complex 1 are independent of standards in Development Complex 2. See Sections C-9 and C-10 of Exhibit B for ordinance exceptions.

6. **Sign Standards** – All signs shall comply with the Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Sign Standard Ordinance Exceptions:

Sign standards apply to lots within Development Complexes 1 and 2 depicted in Exhibit C. Standards in Development Complex 1 are independent of standards in Development Complex 2. See Sections C-11, C-12, and C-13 of Exhibit B for ordinance exceptions. Examples of potential signs are provided in Exhibit D.

- 7. Design Standards The exterior building materials and colors of all buildings shall be compatible and consistent with the materials and colors described below. Any future buildings, building additions or building alterations shall be compatible with this theme and the building materials listed below. Samples of the exterior building materials and colors or color renderings of the exterior of the building(s) are required to be submitted to the Community and Economic Development Department as part of the Site Plan Review and approval process. Examples of materials and colors is provided in Exhibit E.
 - Roofing type: Roofing can be flat or pitched and use standing seam metal, single ply membrane or metal shingles, or architectural grade laminated shingles.
 - Type of soffit and fascia:
 - Soffit: Plaster, EIFs or metal panel with concealed fasteners
 - o Fascia: Plaster, EIFs, ACM panels, wood type panels, stone, brick
 - Type of window trim: Aluminum frames, tint glass, no reflective glass
 - Type of exterior doors: Anodized aluminum with full glass panels.
 - Exterior wall (north, south, east, west elevations) type: High quality materials such as brick, stone, stucco, EIFs, ground faced masonry, wood appearance type panels, and ACM panels.
 - Maximum 50% EIFs or stucco
 - Minimum 30% Natural materials brick, stone, ground faced masonry (at public entry elevations)
 - Maximum 50% ACM panels
 - Not allowed: Vinyl or steel lap siding, plywood
 - Colors: Earth tones for 80% of visible materials
- 8. **Designated Open Space Areas** Open Space Areas may either be passive or active in nature and shall fully complement the Property. Such open space may take the form of required building setbacks and landscaped green space.

PD #____ shall provide permanent open space areas equivalent to the following percent of gross lot area, unless customized standards are authorized or specifically identified as an ordinance exception.

Percent of gross acreage

Planned commercial development: 10%

The permanent open space areas shown on Exhibit C "Evergreen Heights Planned Development" attached, which demonstrates approximately 10% open space, shall remain open and free from all improvements except for landscaping, utility work, and access or other elements.

Open Space Standard Ordinance Exceptions: N/A

9. **Dwelling Unit Density of Development** – Dwelling Unit densities of development are indicated on Exhibit C and represent the maximum permitted dwelling units in PD#____, unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Density Standard Ordinance Exceptions: N/A

- 10. **Site Plan Review** is required for PD#____ prior to the issuance of building permits pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.
- 11. Words and Terms Defined All words and terms wherever they occur in this Implementation Plan Document for PD # _____, shall be defined and interpreted in accordance with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.
 - Perimeter lot line a lot line abutting a non-PD # parcel or public right-of-way
 - Internal lot line all other lot lines within Development Complex 1 or 2.
 - Perimeter parking lot buffer zone width a non-impervious area between the parking stall pavement and the perimeter lot line.
 - Interior parking lot landscape area a non-impervious area adjacent to parking stalls that is outside of the perimeter parking lot landscape buffer zone width.
- 12. **Nonconformity** Any existing building, structure or characteristic and any existing use within PD #____ not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations provided in Chapter 23, Appleton Zoning Code as now in effect or hereafter amended with respect to nonconforming structures, uses and characteristics.
- C. PLATTING REQUIREMENTS No person, firm or corporation shall combine lots, adjust lot lines, or divide any land within the jurisdictional limits of these regulations which results in a lot combination, lot line adjustment, subdivision, minor land division, or a replat as defined herein; no such lot combination, lot line adjustment, subdivision, minor land division, or replat, as defined herein shall be entitled to recording and no street shall be laid or public improvement made to land without compliance with all requirements of Chapter 17 of the

Municipal Code.

D. **INSTALLATION OF REQUIRED IMPROVEMENTS** – The installation of all required improvements including but not limited to stormwater, streets, sidewalks, bike paths, water systems, sewer systems, fire protection, utilities shall be in accordance with all applicable City Appleton regulations.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the <u>Evergreen Heights</u> Planned Development designation and the development plan relating to the use of the land shall be effective and in force unless so amended as required by the Appleton Municipal Code Section 23-151.

2. Breach of Provisions of PD Designation

If at any time any provision or requirements stated in the Evergreen Heights Planned Development designation have been breached by the Owner/Developer, the City may withhold approval of any or all platting or the issuance of any or all grading or building permits or occupancy permits applied for on the property, until such breach has been remedied.

3. Binding Effect

This <u>Evergreen Heights</u> Planned Development designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the Appleton Municipal Code Section 23-151. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to Evergreen Heights PD#_____, except as modified by subsequent action of the Appleton Common Council in accordance with procedures set forth in the Appleton Municipal Code Section 23-151 to amend planned developments, and except that nothing contained herein shall be construed as waiving any requirements of the Appleton Municipal Code or other regulations otherwise applicable to the development of the Property.

5. Period of Validity

The Implementation Plan and Development Plan (Exhibit(s) A, B, and C) as approved by the Common Council shall remain valid for a period of ten (10) years during which time a building permit must be applied for and received. If the applicant does not apply for and receive a building permit within ten (10) years from the date of Common Council approval of PD overlay district PD#_____, Development Plan and Implementation Plan Document (IPD), the Development Plan and Implementation Plan Document (IPD) will constitute abandonment of the PD overlay district and related approvals, and any assumed

development rights over that allowed through the underlying zoning district and shall be subject to the regulations in Section 23-151, Proof of validity and expiration of plans, of this chapter.

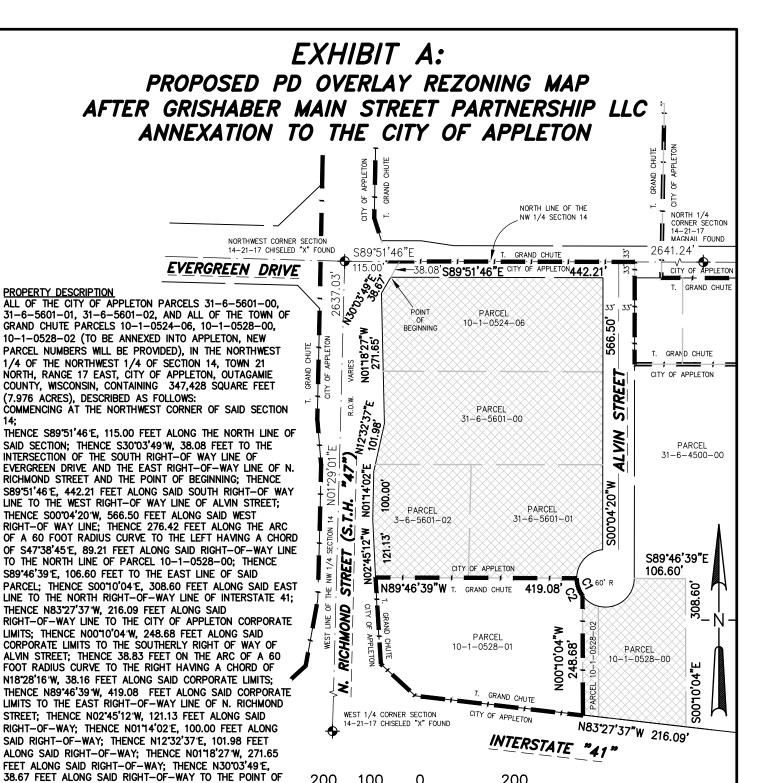
6. Recording of Development Plan and Implementation Plan Document (IPD)

This designation must be signed by both the City and the Owner/Developer and must be recorded by the <u>Grishaber Main Street Partnership</u>, <u>LLP</u> in the <u>Outagamie</u> Register of Deeds' Office and a recorded copy of the Development Plan and Implementation Plan Document (IPD) shall be provided to the Community and Economic Development Department. This constitutes approval of the Development Plan and Implementation Plan Document (IPD), conditions applied, modifications and any density premiums, which may be granted, and exceptions, if any, to the plan shown in the application ordered by the Common Council.

Dated this	day of		, 20	
	By: Title: By: Title:	Owner		_
STATE OF WISCONSIN COUNTY OF Personally came before me named the persons who executed to and for the purposes therein	this day of , and he foregoing instrume	ent and acknowledg	, 20 , to me ged the same in	_, the above known to be the capacity
		State of Wisconsin expires		
The above Implementation F the Property Owner. Joe Hoechst McMAHON Associates, Inc.		vas drafted by the u -1⊙-1 વ	indersigned at tl	ne request of

Approved as to form:	CITY OF APPLETON, a Wisconsin Municipal Corporation
Appleton City Attorney	By: Mayor
	Attest: City Clerk
STATE OF WISCONSIN))ss
COUNTY OF OUTAGAMIE)
Mayor of City of Appleton, and	s day of, 20, the above-named City Clerk of City of Appleton, to me known to be the persons who ment and acknowledged the same in the capacity and for the
	Notary Public, State of Wisconsin My Commission expires

BEGINNING.



BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, WHICH BEARS N89°51'46"E PER THE OUTAGAMIE COUNTY COORDINATE SYSTEM.

FOR: -GRISHABER MAIN STREET PARTNERSHIP -501 N. WESTHILL BLVD. -APPLETON, WI 54915

CURVE	ARC LENGIH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT BEARING-IN	
C1	276.42'	60.00'	263°57'30"	S 47°38'45" E	89.21'	S 84°20'00" W	N 00°22'30" E
C2	38.83'	60.00'	37°04'55"	N 18°28'16" W	38.16'	S 00°04'12" W	S 37°00'43" E

100

0

SCALE - FEET

200



Project No. <u>G1032 91800555</u> Date <u>DEC, 2019</u> Scale <u>1"=200"</u> Drawn By_ _Field Book_

200

1445 McMAHON DRIVE NEENAH, WI 54956 Mailing: P.O.BOX 1025 NEENAH, WI 54957-1025 Tel: (920) 751-4200 Fax: (920) 751-4284

File <u>Z</u>

Exhibit B Evergreen Heights PD Summary Sheet

Daw. 14-10-17	Date:	12-	10.	-19
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A.	Planned Development History:	PD/C-2 #	Evergreen Heights (Implementation Plan
	Document Recorded #).	

B. Summary: The Evergreen Heights Planned Development contains six parcels totaling approximately 7.98 acres.

Complex 1 (6.64 acres)

- _____ (formerly 101052406)
- 31-6-5601-00
- 31-6-5601-01
- 31-6-5601-02

Complex 2 (1.34 acres)

- ______(formerly 101052800)______(formerly 101052802)
- C. Customized PD Regulations: The following identifies the Zoning Ordinance and Subdivision Ordinance exceptions. Unless specified below, all other regulations of Chapter 23 Appleton Zoning Ordinance and Chapter 17 Appleton Subdivision Ordinance, as now in effect or hereafter amended, apply to the subject property. The text to be added is <u>underlined</u>. The text to be deleted is identified by <u>strikethrough</u>. Where "development complex" applies, it shall mean the areas as depicted on Exhibit C of the IPD.
 - 1. **Permitted Uses:** Any uses as listed in Sec. 23-113(b) except as amended below.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
Assisted living or retirement	• Clubs.	Automobile maintenance shops.
homes.	 Day care, group. 	• Commercial entertainment;
 Nursing or convalescent homes. 	• Educational institutions; business,	excluding sexually-oriented
	technical or vocational school.	establishments.
	 Educational institutions; college or 	Drive through facilities pursuant
	university.	to §23-49.
	 Governmental facilities. 	• Greenhouses or greenhouse
	 Hospitals. 	nurseries.
	 Marina or boat landings. 	Hotel or motels.
	 Museums. 	Manufacturing, custom pursuant
	 Places of worship. 	to §23-66(h)(16).
	 Public parks or playground. 	 Multi-tenant building.
	 Recreation facilities; non-profit. 	Offices.
	Registered historic places open to	Parking lots.
	the public and having retail space	 Personal services.
	occupying not more than 10% of	Printing.
	the gross floor area of the building.	Professional services.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		 Restaurants with alcohol pursuant to §23-66(h)(6). Restaurants (without alcohol). Restaurants, fast food. Retail businesses. Shopping centers. Towing businesses pursuant to §23-66(h)(15). Urban farms pursuant to 23-66(h)(17).
		Veterinarian clinics.

2. Special Uses: Any uses as listed in Sec. 23-113(e) except as amended below.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
• None.	Educational institutions; elementary school, junior high school or high school. Essential services. Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure.	 Amusement arcades. Any principal building that exceeds thirty five (35) feet in height. Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to \$23-66(h)(5). Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to \$23-66(h)(6). Bar or taverns pursuant to \$23-66(h)(6). Body repair and/or paint shops pursuant to \$23-66(h)(4). Bus terminals. Car washes. Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to \$23-66(h)(7). Electronic towers pursuant to \$23-66(h)(7). Electronic towers pursuant to \$23-66(h)(1). Freight distribution and/or moving centers. Gasoline sales pursuant to \$23-66(h)(8). Helicopter landing pads pursuant to \$23-66(h)(9). Indoor kennels. Landscape business. Manufacturing, light. Microbreweries. Mobile home sales lots. Outdoor commercial entertainment pursuant to \$23-66(h)(11). Parking garages. Personal storage facility (self storage/mini-warehouse), including outdoor storage areas for recreational vehicles pursuant to

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		\$23-66(h)(18). Recycling collection points pursuant to \$23-66(h)(14). Recycling and waste recovery centers pursuant to \$23-66(h)(13). Research laboratories or testing facilities. Restaurants with alcohol pursuant to \$23-66(h)(6). Sexually-oriented establishments pursuant to Article XII. Shelter facility. Towers or antennas for wireless telecommunication services, pursuant to Article XIII. Wholesale facilities.

- 3. *Principal Building Development:* Principal building development standards apply as listed in Sec. 23-113(h) except as amended below.
 - (1) Minimum lot area. Fourteen thousand (14,000) square feet.
 - (2) Maximum lot coverage. Seventy-five percent (75%). Ninety percent (90%) for each development complex.
 - (3) Minimum lot width. Sixty (60) feet.
 - (4) Minimum front yard. Ten (10) feet.
 - (5) Minimum rear yard. Twenty (20) feet. Eight (8) feet at the development complex perimeter only.
 - (6) Minimum side yard.
 - a. None.
 - b. Ten (10) feet if abutting a residentially zoned district.
 - (7) Maximum building height. Thirty-five (35) feet (See §23-113 (e)). One hundred (100) feet.
- 4. *Accessory Uses, Buildings and Structures:* Accessory building and structure regulations apply as listed in Sec. 23-43(f) except as amended below.
 - (2) Non-residential districts:
 - e. When not attached to the principal building, accessory buildings and/or structures, except for parking lots and driveways shall be prohibited in the front yard, unless otherwise stated in this chapter below. In Development Complex 1, maintenance sheds and dumpster enclosures may be located along Alvin Street frontage, with a minimum setback of ten (10) feet from the right-of-way lot line. In Development Complex 2, maintenance sheds and dumpster enclosures may be located along Interstate 41 frontage, with a minimum setback of ten (10) feet from the right-of-way line.

- 5. *Refuse Containers and Dumpster Enclosures:* Refuse container and dumpster enclosure regulations apply as listed in Sec. 23-47 except as amended below.
 - (a) Refuse containers and dumpster enclosures of appropriate size are required for all non-residential and multifamily properties. These are required to be located outside of the street right-of-way and front yard, except along Alvin Street in Development Complex 1 and along Interstate 41 in Development Complex 2. Refuse containers and dumpster enclosures shall be designed for front end loading trucks.
- 6. *Drive Through Facility:* Drive through facility regulations apply as listed in Sec. 23-49 except as amended below.
 - (a) Location. Drive through facilities shall not be located in the front of the principal building, but maneuvering and stacking can occur in front of the principal building.
- 7. *Off-Street Parking and Loading:* Off-street parking and loading standards apply as listed in Sec. 23-172 except as amended below.
 - (m)Required spaces for specific any uses. All vehicles connected with the following uses shall be accommodated for on the property, and in addition to the requirements stated below unless otherwise stated in this chapter. Additional parking as determined by the Community and Economic Development Director may be required to meet these standards. The table on the following page identifies the minimum number of off-street parking spaces to be provided is one (1) space for each two hundred fifty (250) square feet of gross floor area. This standard applies to each lot within Development Complex 1 and 2. If a lot cannot satisfy this requirement, parking agreements shall be in place between internal lots to allow shared parking.
- 8. *Outdoor Lighting:* Outdoor lighting regulations apply as listed in Sec. 23-53 except as amended below.
 - (g) Light trespass. All areas containing outdoor lighting (except public street lighting) shall limit light trespass onto adjacent property, when measured at any point along a property line, to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim or a combination of these or other factors. The requirements below only apply at the perimeter of each development complex. Light trespass requirements do not apply to internal lot lines within Development Complex 1 and 2.

District Adjoining Subject Property	Maximum Light Spillage to Adjoining Lots Measured in Foot-candles
AG, R-1A, R-1B, R-1C, R-2, R-3, P-I, NC, C-O, TND	0.20
C-1, C-2, CBD, P, M-1, M-2	0.50

9. *Interior Landscaping:* Interior parking lot landscaping regulations apply as listed in Sec. 23-172(f) except as amended below.

- (1) All parking lots designed for twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.
 - a. Five percent (5%) Three percent (3%) of the minimum square footage of the paved area of the off-street parking lot shall be devoted to interior landscape islands.
 - 1. The landscape islands shall contain a minimum of one hundred sixty (160) one hundred (100) square feet.
 - b. The primary plant materials shall be shade or ornamental trees with at least a maximum of one (1) shade tree for every one hundred sixty (160) two hundred (200) square feet of interior landscape island area.
 - c. The interior landscape islands shall be dispersed throughout the off-street parking lot to the satisfaction of the Community and Economic Development Director.
- 10. *Perimeter Landscaping:* Perimeter parking lot landscaping regulations apply as listed in Sec. 23-172(g) except as amended below.

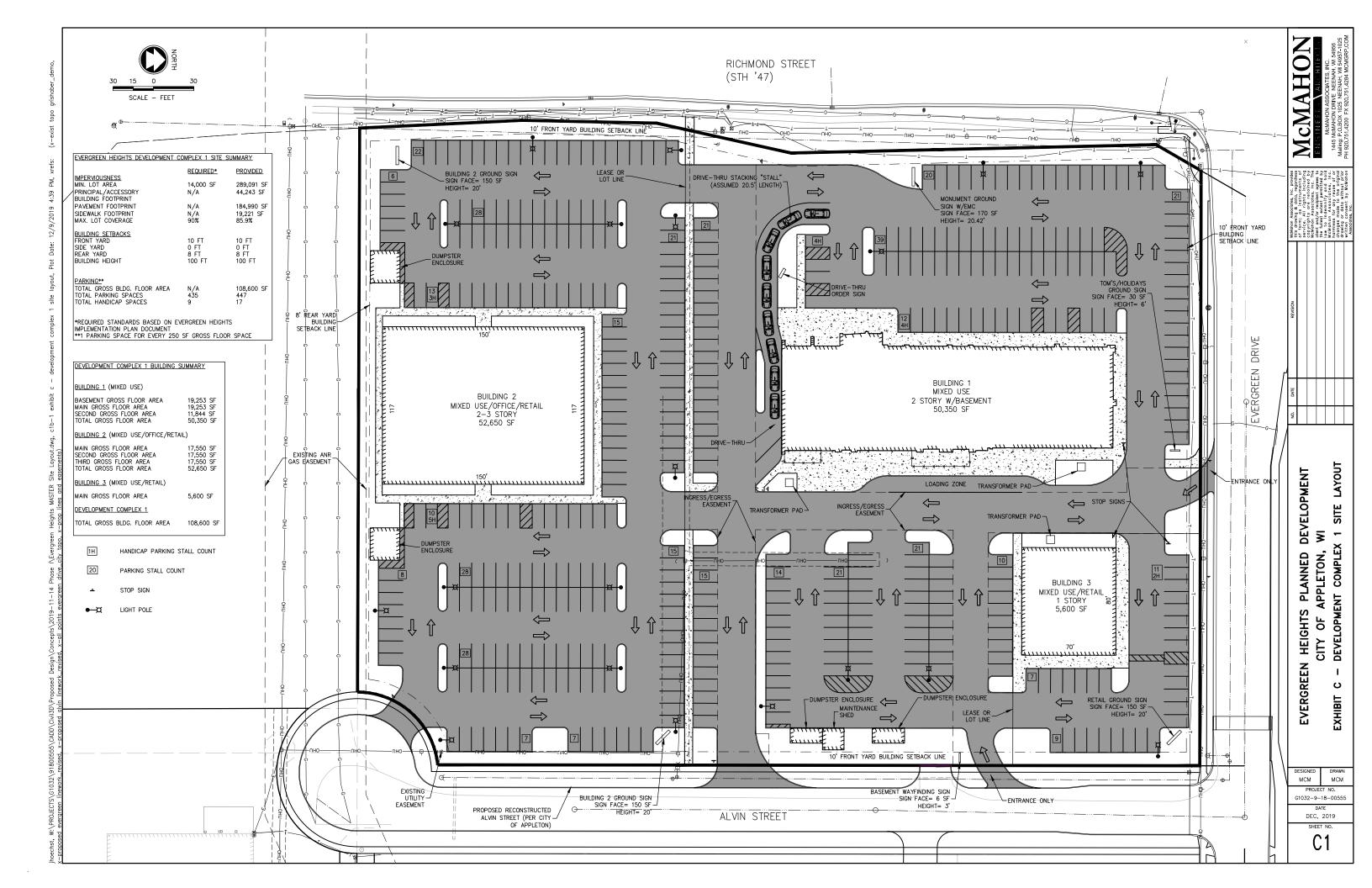
When the Zoning District is:	Location is:	A Minimum Perimeter Landscape Buffer	Perimeter Landscaping Materials
C O, M 1, M 2, P I	Abutting R 1A, R 1B, R 1C, R 2, or R 3 zoned lot in the rear and/or side yard	Fifteen (15) feet in width	Minimum five (5) foot high staggered row of evergreens at the time of planting, to provide an opaque screen OR The property owner may request a
C 1, C 2, CBD, AG, P,	Abutting R 1A, R 1B, R 1C, R 2, or R 3 zoned lot in the rear and/or side yard	Ten (10) feet in width	waiver from the Community and Economic Development Director to reduce the minimum perimeter landscape strip by 50% and provide a minimum six (6) foot high alternating board on board fence with landscaping, with the landscaping facing the adjacent property.
C O, C 1, C 2, M 1, M 2, P I, CBD, AG, P, NC PD/C-2	Abutting R-1A, R-1B, R-1C, R-2, R-3, C-0, C-1, C-2, M-1, M-2, P-I, CBD, AG, P or NC zoned lot in the rear and/or side yard	Five (5) feet in width	One (1) deciduous shade tree or ornamental tree shall be planted on average for every fifty (50) feet on eenter. Trees can be provided in cooperation with adjacent property. Adequate spacing of trees shall be determined during Site Plan Review. This requirement only applies at the perimeter of each development complex; however, the existing high-pressure gas main easement may impact where trees can be planted. Perimeter landscaping requirements do not apply to internal lot lines within Development Complex 1 and 2.
CO, C1, C2, M1,	Across the street from R 1A, R 1B, R 1C, R 2 or R 3 zoned lot	Eight (8) feet in width	One (1) deciduous shade tree or ornamental tree shall be planted for every forty (40) feet on center the property abuts a dedicated public street plus a two (2) to three (3) feet

When the Zoning District is:	Location is:	A Minimum Perimeter Landscape Buffer	Perimeter Landscaping Materials
M 2, CBD, P I, AG, P, NC		adjacent to the right of way	high staggered row of evergreens at the time of planting shall be provided across 80% of the frontage of the parking lot excluding driveways to provide an opaque screen.
C O, C 1, C 2, P I, M-1, M 2, CBD, AG, P, NC PD/C-2	Across the street from R-1A, R-1B, R-1C, R-2, R-3 C-0, C-1, C-2, P, NC, M-1, AG, CBD, P-I or M-2 zoned lot	Eight (8) Five (5) feet in width adjacent to the right of way	One (1) deciduous shade tree or ornamental tree shall be planted on average for every forty (40) fifty (50) feet on center the property abuts a dedicated public street plus a two (2) to three (3) feet high staggered row of evergreens and/or deciduous shrubs at the time of planting shall be provided across 80% fifty percent (50%) of the frontage of the parking lot excluding driveways to provide an opaque screen. Driveway width is not included when determining the amount of frontage. Adequate spacing of trees shall be determined during Site Plan Review.

- 11. Number of Signs: Sign standards apply as listed in Sec. 23-522 except as amended below.
 - (b) Two (2) ground signs. Two (2) ground signs may be permitted if a parcel has a second street frontage for each detached principal building subject to the following regulations:
 - (1) For corner lots, each street frontage must be at least two hundred (200) feet before two (2) signs are allowed;
 - (2) Double frontage lots must have at least three hundred (300) feet of lot depth.
 - (3) Maximum size of the two (2) signs are one hundred eighteen (118) square feet for the primary sign and thirty two (32) square feet for the secondary sign shall not exceed a combined total of three hundred (300) square feet for each building.
 - (4) In no case will two (2) ground signs be allowed on the same street frontage for the same business or parcel.
- 12. Sign Face Calculation: Sign standards apply as listed in Sec. 23-523 except as amended below.
 - (a) Ground signs. The maximum area of a ground sign shall not exceed one hundred fifty (150) two hundred (200) square feet per sign face.
- 13. *Sign Setback and Clearance:* Sign standards apply as listed in Sec. 23-525 except as amended below.
 - (c) Within fifteen (15) feet of right-of-way. A ground sign, any part of which is closer than fifteen (15) feet to the right-of-way, shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height above the grade at the right-of-way line, except as described below. In Development Complex 1, any part of a ground sign may be placed closer than

fifteen (15) from the Richmond Street right-of-way, but no closer than ten (10) feet, provided the sign is located a minimum of one hundred fifty (150) feet from the nearest intersection measured along the right-of-way line. In Development Complex 2, any part of a ground sign may be placed closer than fifteen (15) from the Alvin Street right-of-way, but no closer than ten (10) feet.

- 14. *Lot Configuration:* Lot design standards apply as listed in Sec. 17-26(c) except as amended below.
 - (2) Double frontage lots shall not be permitted except as required by the Common Council where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation. A planting screen easement of at least twenty (20) feet, and across which there shall be no right of access, may be required along the line of lots abutting such traffic arteries or other inharmonious use.
- **D.** Architectural Design Standards: Refer to the Implementation Plan Document for architectural design standards for building exteriors.



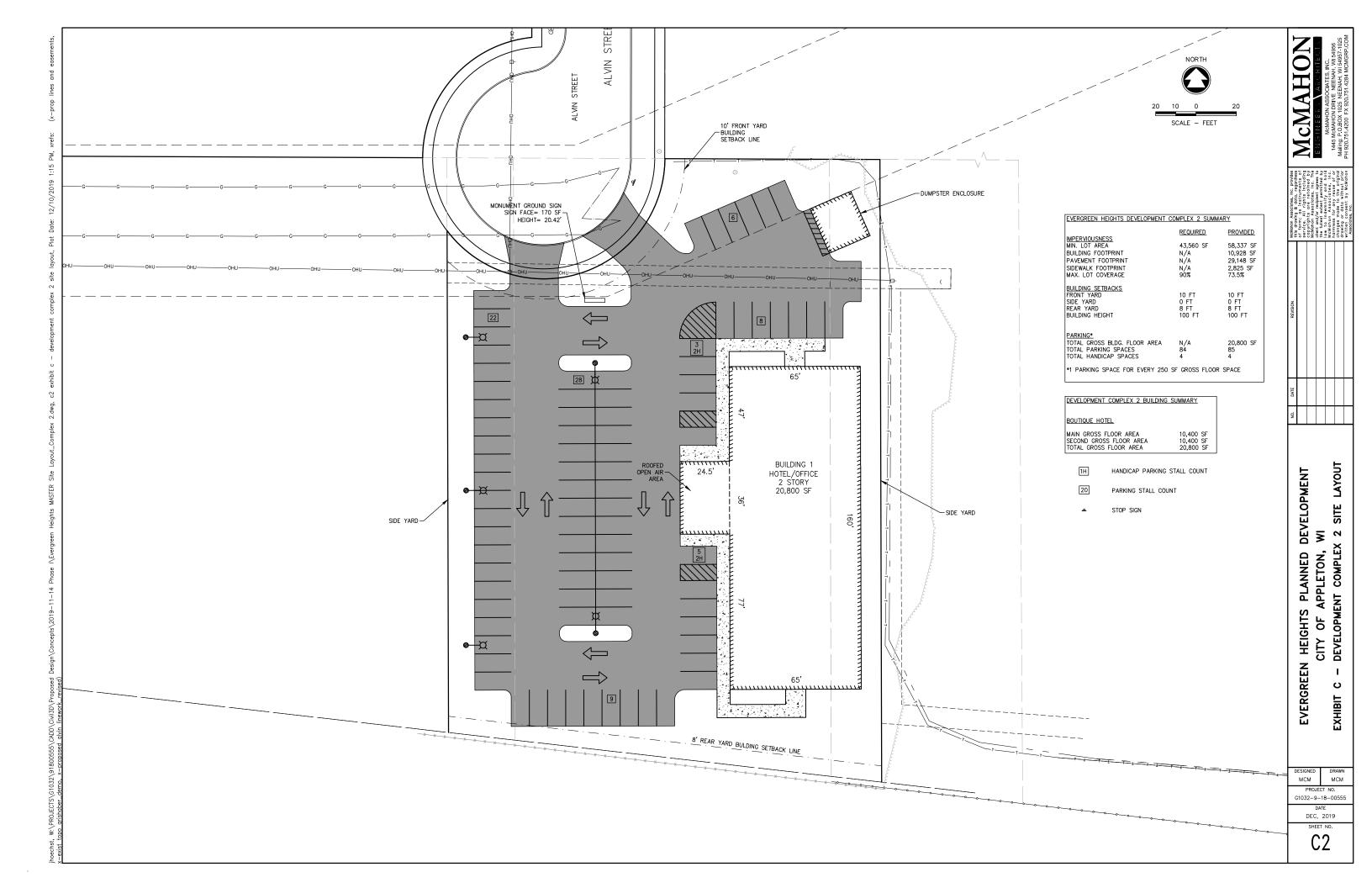
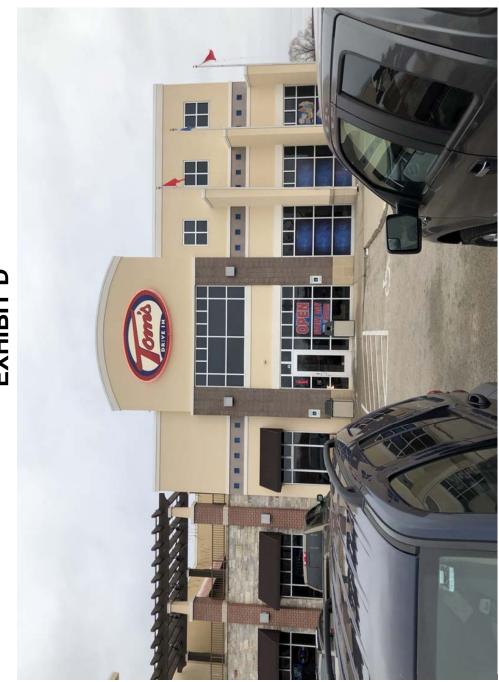
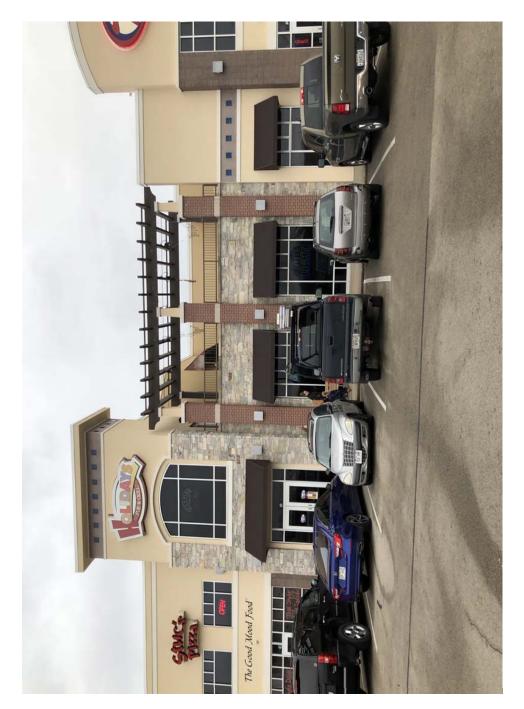


EXHIBIT D



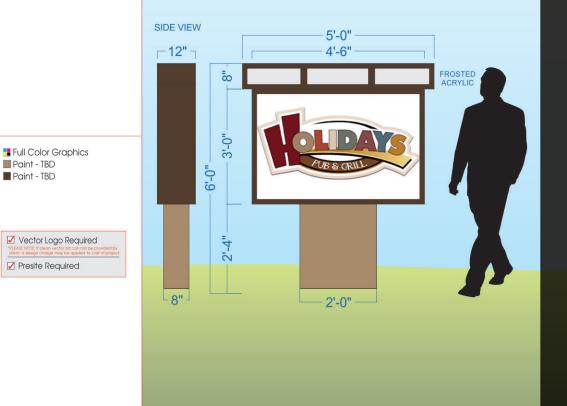






SIGN SPECIFICATIONS **QUANTITY: 6-8** SIDES: D/F SIGNAGE: TENANT MONUMENTS LIGHTING: LED (WHITE) FACES: POLYCARBONATE GRAPHICS: FULL COLOR W/LAM **INSTRUCTION: PRODUCE & INSTALL**

EXHIBIT E



NIGHT VIEW • • • • • • • • • • • • • •





✓ WORKING DESIGN

☐ FINAL DESIGN

Going Green?

Ask Us About The Latest **Energy Efficient Options!**

*Proof is an approximate simulation that may vary from final production

SIGN SPECIFICATIONS **NIGHT VIEW QUANTITY: 1** SIDES: D/F SIGNAGE: TENANT MONUMENT LIGHTING: LED (WHITE) FACES: POLYCARBONATE GRAPHICS: FULL COLOR W/LAM **INSTRUCTION: PRODUCE & INSTALL** 1125D W. Tuckaway Ln. Menasha, WI 54952 **EXHIBIT E** T:920-378-3515 F:920-221-3243 FoxCitiesSign.com Sales@FoxCitiesSign.com in PROJECT NO: 3766.3 Client: Evergreen Heights Signage: Monument Job Location: Evergreen/ Richmond St. Appleton Salesperson: Sara Date: 11-26-2018 SIDE VIEW Artist: Dana 28" - 8" -24" Full Color Graphics Paint - Red Paint - Matallic with Gloss Coat © 2017 Fox Cities Sign & Lighting Services, LLC This drawing is a property of Fox Cities Sign & Lighting Services, LLC. The borrower agrees it shall not be produced, copied, or disposed of directly 36. or indirectly, nor used for any purpose without permission. Failure to comply will result in compensation to Fox Cities Sign & Lighting ✓ Vector Logo Required Services, LLC for design time and effort. ✓ Presite Required Color Approval Required Client Approval: 6"-• • • • • • • • • • • • • • ✓ WORKING DESIGN ■ FINAL DESIGN Going Green? Ask Us About The Latest **Energy Efficient Options!** *Proof is an approximate simulation that may vary from final production