



# 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.*

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Wednesday, July 28, 2021

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[21-1038](#) City Plan Minutes from 7-14-21

**Attachments:** [City Plan Minutes 7-14-21.pdf](#)

4. **Public Hearings/Apearances**

[21-1039](#) Rezoning #9-21 to rezone the M&J Weyenberg Properties, LLC Annexation, formerly part of the Town of Grand Chute (Parcel #101157102), generally located at the southeast corner of Ballard Road and Ridge Haven Lane, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District (Associated with Action Item #21-1040)

**Attachments:** [InformalPublicHearingNotice WeyenbergAnnexation Rezoning#9-21.pdf](#)

5. **Action Items**

[21-1040](#) Request to approve Rezoning #9-21 to rezone the M&J Weyenberg Properties, LLC Annexation, formerly part of the Town of Grand Chute (Parcel #101157102), generally located at the southeast corner of Ballard Road and Ridge Haven Lane, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport\\_M&JWeyenbergAnnex\\_Rezoning\\_For07-28-21.pdf](#)

6. **Information Items**

7. Adjournment

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

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



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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.*

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Wednesday, July 14, 2021

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

**Meeting called to order at 3:30 p.m.**

2. Roll call of membership

**Present:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

*Others present:*

*Gerald Weyenberg, M&J Weyenberg Properties*

3. Approval of minutes from previous meeting

[21-0952](#)

City Plan Minutes from 6-23-21

**Attachments:** [City Plan Minutes 6-23-21.pdf](#)

**Fenton moved, seconded by Palm, that the Minutes be approved. Roll Call.  
Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

4. Public Hearings/Appearances

[21-0953](#)

Special Use Permit #2-21 for a restaurant with alcohol sales and service located at 205 North Richmond Street (Tax Id #31-5-1184-00), 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 #21-0954)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper JimmysChickenAndFish\\_SUP #2-21.pdf](#)  
[PublicHearingNoticeNeighborhood JimmysChickenAndFish\\_SUP#2-21.pdf](#)

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

## 5. Action Items

[21-0954](#)

Request to approve Special Use Permit #2-21 for a restaurant with alcohol sales and service located at 205 North Richmond Street (Tax Id #31-5-1184-00), 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 JimmysChickenAndFish\\_SUP For07-14-21.pdf](#)  
[EmailFromMegynBera\\_07-09-21.pdf](#)

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

**Aye:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

[21-0955](#)

Request to approve the M&J Weyenberg Properties, LLC Annexation consisting of approximately 1.696 acres generally located at the southeast corner of Ballard Road and Ridge Haven Lane, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport M&JWeyenbergProperties Annexation For07-14-21.pdf](#)  
[DOA Annexation Review Letter\\_14409\\_7-14-21.pdf](#)

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

**Aye:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

[21-0956](#)

Request to approve Certified Survey Map #10-21, which crosses a plat boundary, to combine two existing parcels, 6600 North Ballard Road (Tax Id #31-1-9203-09) and North Tiburon Lane (Tax Id #31-1-9203-10), into one new parcel as shown on the attached maps

**Attachments:**     [StaffReport 6600 N Ballard CSMCrossingPlatBoundary For07-14-21.pdf](#)

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

**Aye:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

## 6. Information Items

## 7. Adjournment

**Fenton moved, seconded by Buetow, that the meeting be adjourned at 3:38 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

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

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Wednesday, July 28, 2021, at 3:30 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed rezoning request:

**COMMON DESCRIPTION:**

Ridge Haven Lane (Parcel 101157102) included in the “M&J Weyenberg Properties, LLC” Annexation, generally located at the southeast corner of Ballard Road and Ridge Haven Lane

**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. 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 R-1B Single-Family District (see attached map). The R-1B district is intended to provide for, and maintain, residential areas characterized predominately by single family detached dwellings on larger sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential land uses.

**Purpose of the Request:** To assign a permanent zoning classification following the “M&J Weyenberg Properties, LLC” Annexation and allow the property to be developed as single-family residential.

**ALDERMANIC DISTRICT:** 13 – Alderperson Sheri Hartzheim

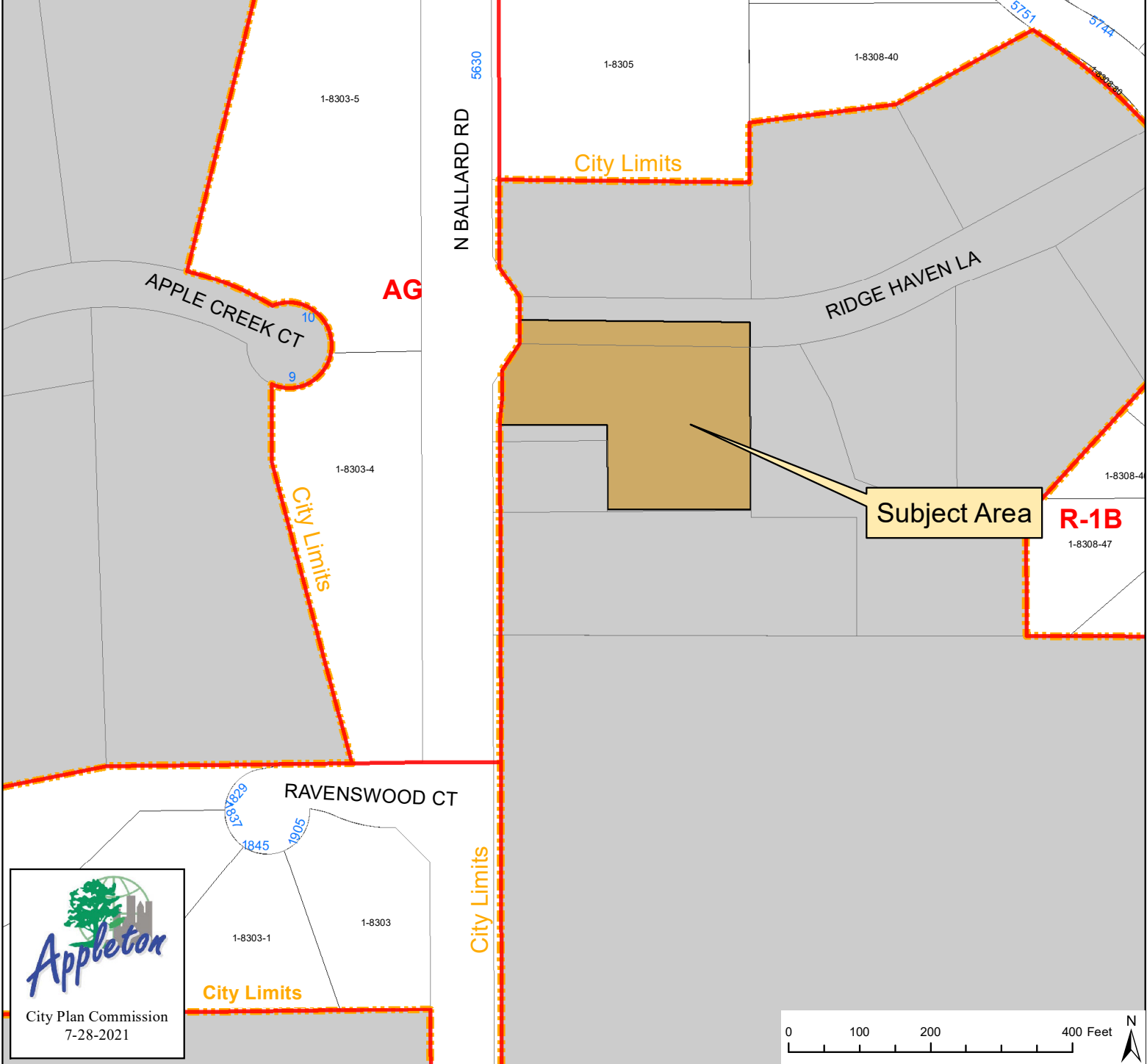
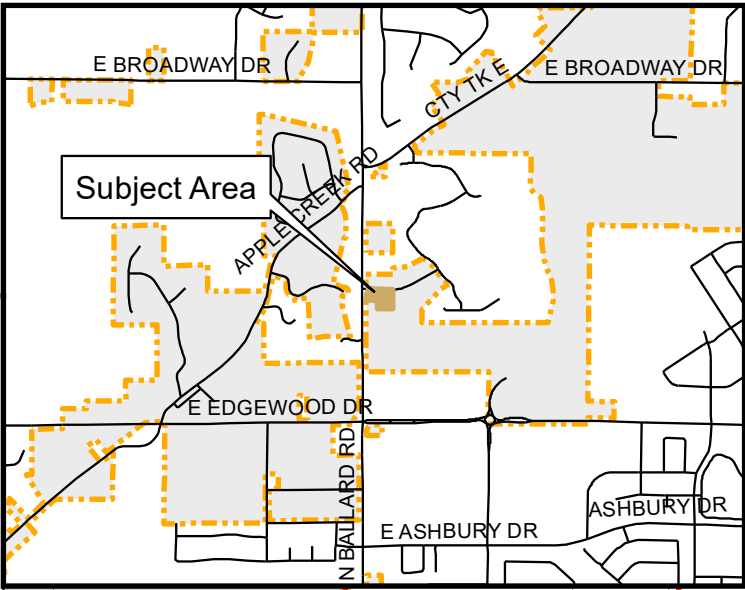
You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org).

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.*

M & J Weyenberg Annexation  
Rezoning  
Temporary Ag Agricultural to R-1B  
Single-family Residential District





M & J Weyenberg Annexation  
Rezoning  
Temporary Ag Agricultural to R-1B  
Single-family Residential District



Subject Area

City Limits

N BALLARD RD

N OSPREY DR

RIDGE HAVEN LA

APPLE CREEK CT

RAVENSWOOD CT

City Limits

City Limits

Appleton  
City Plan Commission  
7-28-2021





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting:** July 28, 2021

**Common Council Public Hearing Meeting:** August 18, 2021

**Item:** Rezoning #9-21 - M&J Weyenberg Properties, LLC Annexation

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

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**Owner:** M&J Weyenberg Properties, LLC – Gerald M. Weyenberg

**Petitioner:** City of Appleton Plan Commission

**Tax Id Number:** Town of Grand Chute Parcel #101157102

**Petitioner's Request:** To assign permanent zoning classification to newly annexed property pursuant to Section 23-65(e) of the Zoning Ordinance and Annexation Petition from Temporary AG Agricultural District to R-1B Single-family District.

### BACKGROUND

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The subject property was included in the M&J Weyenberg Properties, LLC Annexation that was approved by the Plan Commission on July 14, 2021 and by the Common Council on July 21, 2021. The subject property was officially annexed to the City on July 27, 2021 at 12:01 a.m.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification per Section 23-65(e) of the Municipal Code. The Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1B Single-family District at the July 14, 2021 meeting.

### STAFF ANALYSIS

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**Existing Conditions:** The subject parcel is approximately 1.696 acres in size. Currently, the subject property is vacant/undeveloped land.

**Proposed Zoning Classification:** The purpose of the R-1B Single-family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 50%.
- 3) **Minimum lot width:** 50 feet.
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street)
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

**Surrounding Zoning Classification and Land Uses:**

North: Town of Grand Chute. The adjacent land use to the north is currently developed as single-family residential.

South: Town of Grand Chute. The adjacent land use to the south is currently developed as single-family residential.

East: Town of Grand Chute. The adjacent land use to the east is currently developed as single-family residential.

West: City of Appleton. AG Agricultural District. The adjacent land use to the west is currently developed as single-family residential and Ballard Road.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed rezoning is consistent with the following goals and objectives of the *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.*

**Rezoning #9-21 - M&J Weyenberg Properties, LLC Annexation**  
**July 28, 2021**  
**Page 3**

*OBJECTIVE 5.3 Housing and Neighborhoods:*

*Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.*

*Policy 5.3.3 Plan for a supply of developable land suitable for residential development.*

*OBJECTIVE 10.1 Land Use:*

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

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. 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 site as future one and two-family residential land use.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
  3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *It was determined during the annexation process for the M&J Weyenberg Properties, LLC Annexation that the City can provide the needed municipal services to serve the subject site.*



2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already established adjacent to the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

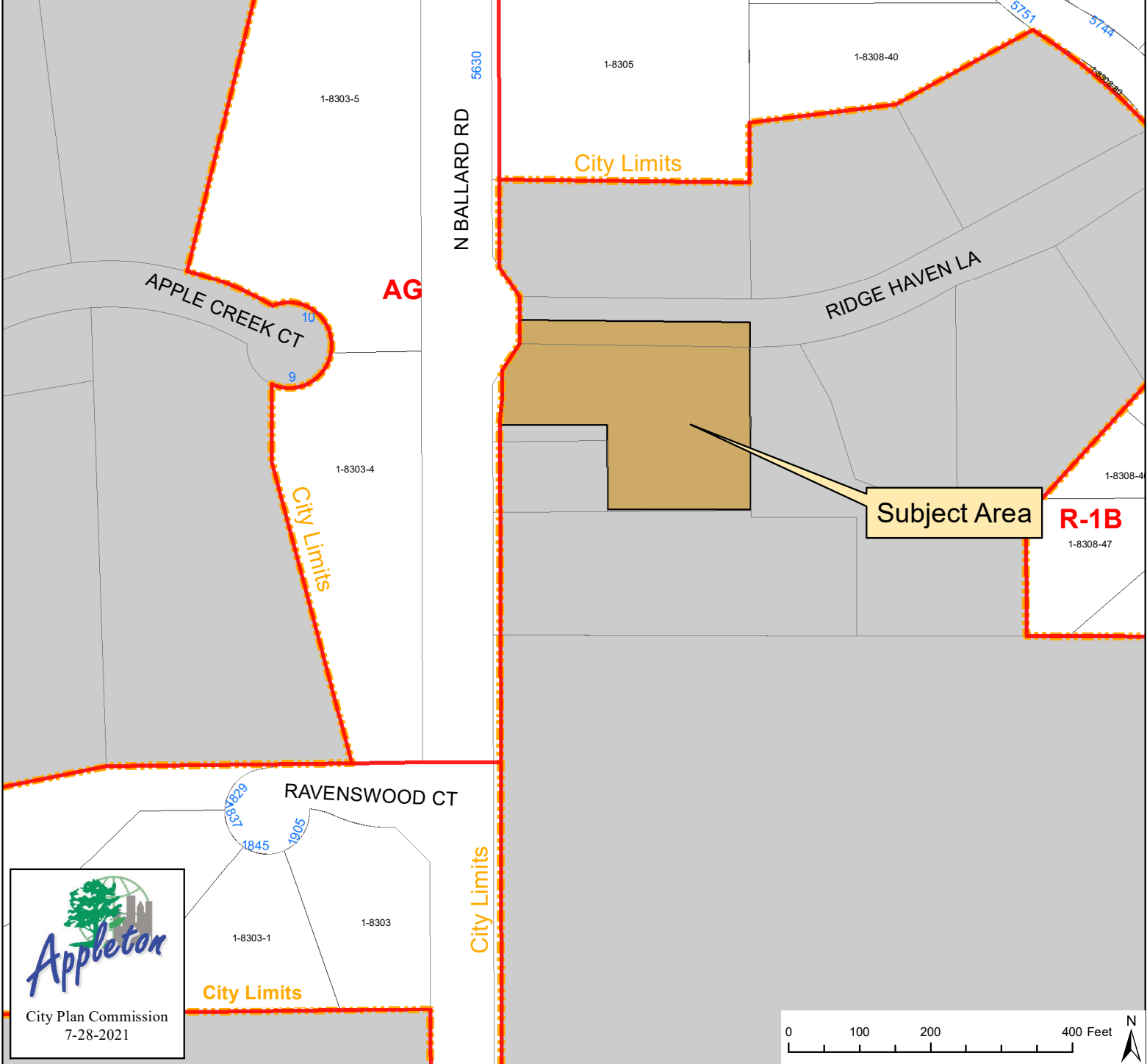
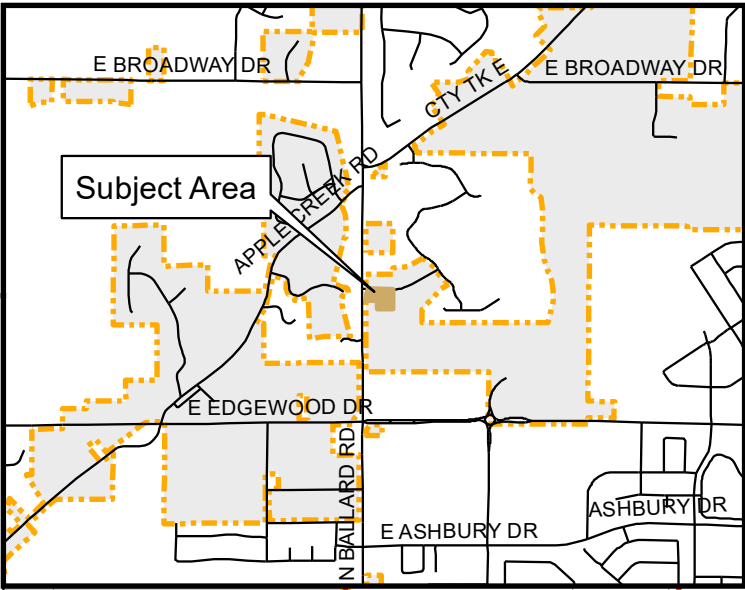
**Technical Review Group (TRG) Report:** This item appeared on the July 6, 2021 TRG Agenda. No negative comments were received from participating departments.

### **RECOMMENDATION**

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Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning #9-21 to rezone the subject site from Temporary AG Agricultural District to R-1B Single-family District, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

M & J Weyenberg Annexation  
Rezoning  
Temporary Ag Agricultural to R-1B  
Single-family Residential District





M & J Weyenberg Annexation  
Rezoning  
Temporary Ag Agricultural to R-1B  
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