



# 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, November 10, 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  
[21-1551](#) City Plan Minutes from 10-27-21

**Attachments:** [City Plan Minutes 10-27-21.pdf](#)

#### 4. Public Hearings/Apearances

- [21-1552](#) Special Use Permit #3-21 for a paint/craft studio with alcohol sales and service located at 550 North Morrison Street, Unit D - Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), 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 #21-1553)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_550NMorrisonSt\\_SUP#3-21.pdf](#)  
[PublicHearingNoticeNeighborhood\\_550NMorrisonSt\\_SUP#3-21.pdf](#)

- [21-1554](#) Rezoning #13-21 to rezone the Spartan Drive (Right-of-Way) Annexation, formerly part of the Town of Grand Chute, consisting of approximately 3.9468 acres generally located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District (Associated with Action Item #21-1555)

**Attachments:** [InformalPublicHearingNotice\\_SpartanDrROWAnnex\\_Rezoning#13-21.pdf](#)

#### 5. Action Items

[21-1553](#) Request to approve Special Use Permit #3-21 for a paint/craft studio with alcohol sales and service located at 550 North Morrison Street, Unit D - Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), 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

**Attachments:** [StaffReport PaintCraft Studio SUP For11-10-21.pdf](#)

[21-1555](#) Request to approve Rezoning #13-21 to rezone the Spartan Drive (Right-of-Way) Annexation, formerly part of the Town of Grand Chute, consisting of approximately 3.9468 acres generally located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District

**Attachments:** [StaffReport SpartanDrive Annex Rezoning For11-10-21.pdf](#)

[21-1556](#) Request to approve the Extraterritorial Preliminary Plat for Center Valley at 3800 located in the Town of Grand Chute as shown on the attached maps

**Attachments:** [StaffReport CenterValleyat3800 PrePlat For11-10-21.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.*



# City of Appleton

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

## Meeting Minutes - Final-revised 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, October 27, 2021

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

**Meeting called to order by Chair Mayor Woodford at 3:30 p.m.**

2. Roll call of membership

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

**Excused:** 1 - Robins

3. Approval of minutes from previous meeting

[21-1446](#)

City Plan Minutes from 10-13-21

**Attachments:** [City Plan Minutes 10-13-21.pdf](#)

**Fenton moved, seconded by Palm, that the Minutes be approved. Roll Call.**

**Motion carried by the following vote:**

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

**Excused:** 1 - Robins

4. **Public Hearings/Appearances**

[21-1447](#)

Rezoning #11-21 to rezone the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation, formerly part of the Town of Grand Chute, consisting of approximately 12.6622 acres generally located east of North Ballard Road and north of East Edgewood Drive, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District (Associated with Action Item #21-1448)

**Attachments:** [InformalPublicHearingNotice\\_Lightning Drive JJAnnex Rezoning#11-21.pdf](#)

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

[21-1449](#)

Rezoning #12-21 to rezone the Ziegler Mackville Road & EE Annexation, formerly part of the Town of Center, consisting of approximately 1.4407 acres located at N2883 County Road EE, the southwest corner of North Ballard Road and East Mackville Road, including to the centerline of the adjacent N. Ballard Road right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District (Associated with Action Item #21-1450)

**Attachments:** [InformalPublicHearingNotice Ziegler MackvilleRd EEAnnex Rezoning#12-21.pdf](#)

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

## 5. Action Items

[21-1448](#)

Request to approve Rezoning #11-21 to rezone the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation, formerly part of the Town of Grand Chute, consisting of approximately 12.6622 acres generally located east of North Ballard Road and north of East Edgewood Drive, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District

**Attachments:** [StaffReport LightningDrive JJAnnex Rezoning For10-27-21.pdf](#)

*Proceeds to Council on November 17, 2021.*

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

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

**Excused:** 1 - Robins

[21-1450](#)

Request to approve Rezoning #12-21 to rezone the Ziegler Mackville Road & EE Annexation, formerly part of the Town of Center, consisting of approximately 1.4407 acres located at N2883 County Road EE, the southwest corner of North Ballard Road and East Mackville Road, including to the centerline of the adjacent N. Ballard Road right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport Ziegler MackvilleRd EEAnnex Rezoning For10-27-21.pdf](#)

*Proceeds to Council on November 17, 2021.*

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

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

**Excused:** 1 - Robins



[21-1451](#)

Request to approve the Spartan Drive (Right-of-Way) Annexation consisting of approximately 3.9468 acres generally located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport\\_SpartanDr\\_Annexation\\_For10-27-21.pdf](#)  
[WI DOA SpartanDrROWAnnex\\_ReviewLetter.pdf](#)

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

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

**Excused:** 1 - Robins

**6. Information Items**

**7. Adjournment**

**Palm moved, seconded by Dane, that the meeting be adjourned at 3:35 p.m. Roll Call. Motion carried by the following vote:**

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

**Excused:** 1 - Robins

**CITY OF APPLETON**  
**NOTICE OF PUBLIC HEARING**  
**PROPOSED SPECIAL USE PERMIT**

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, November 10, 2021, at 3:30 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Timasha Thornton, applicant, and Alan Ament, owner, for property located at 550 North Morrison Street, Unit D - Room #3, 4, 5, and 6 (Tax Id #31-2-0586-00) to obtain a Special Use Permit for a painting/craft studio with alcohol sales and consumption (Tee Tees Nachos). In the C-2 General Commercial District, a Special Use Permit is required for a painting/craft studio with alcohol sales and consumption.

A painting/craft studio with alcohol sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.

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  
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: October 26, 2021  
November 2, 2021

**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 Wednesday, November 10, 2021, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Timasha Thornton, applicant, and Alan Ament, owner, for property located at 550 North Morrison Street, Unit D - Room #3, 4, 5, and 6 (Tax Id #31-2-0586-00) to obtain a Special Use Permit for a painting/craft studio with alcohol sales and consumption (Tee Tees Nachos). In the C-2 General Commercial District, a Special Use Permit is required for a painting/craft studio with alcohol sales and consumption.

A painting/craft studio with alcohol sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.

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. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org).

CITY PLAN COMMISSION

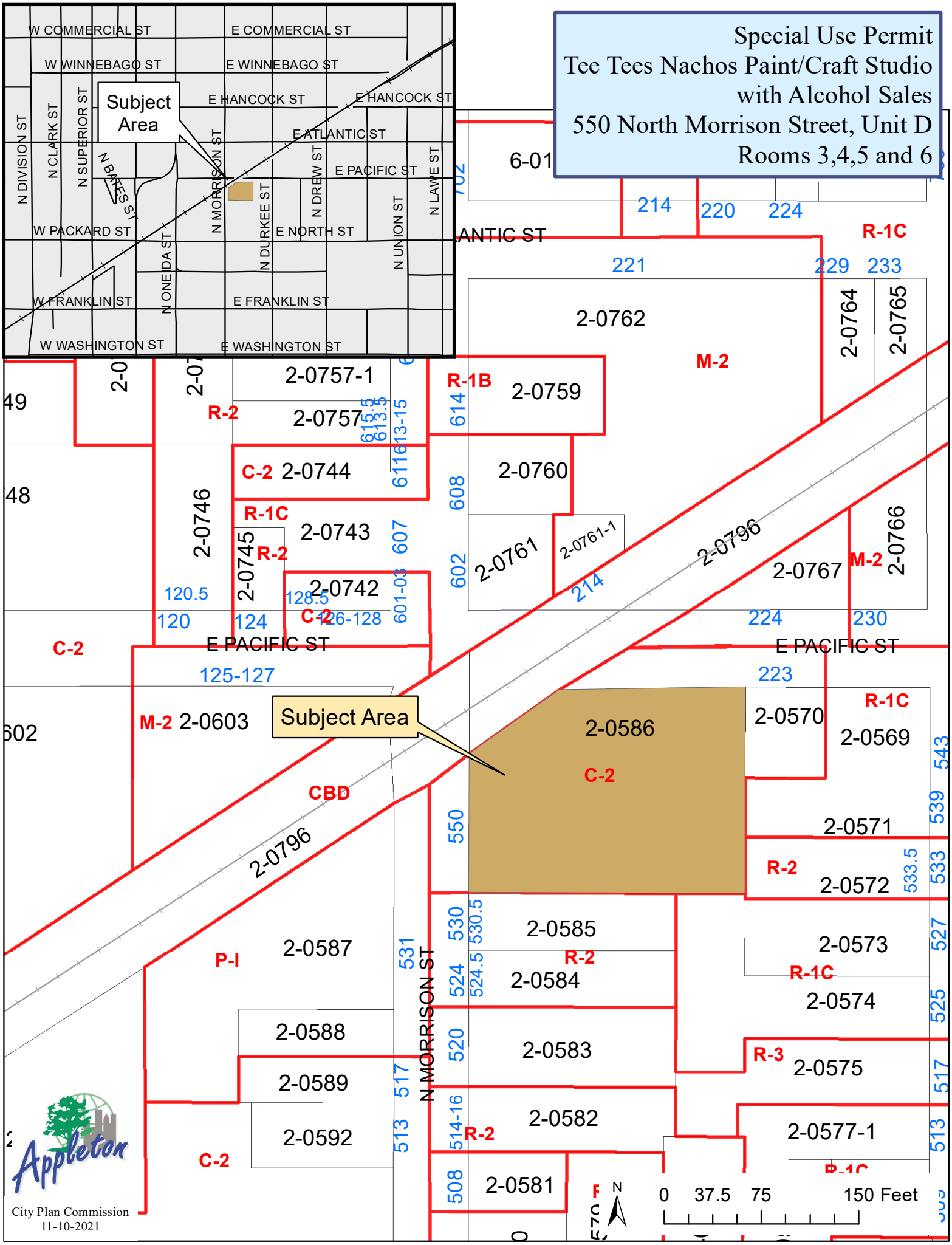
COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL - 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
920-832-6468

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

Special Use Permit  
 Tee Tees Nachos Paint/Craft Studio  
 with Alcohol Sales  
 550 North Morrison Street, Unit D  
 Rooms 3,4,5 and 6

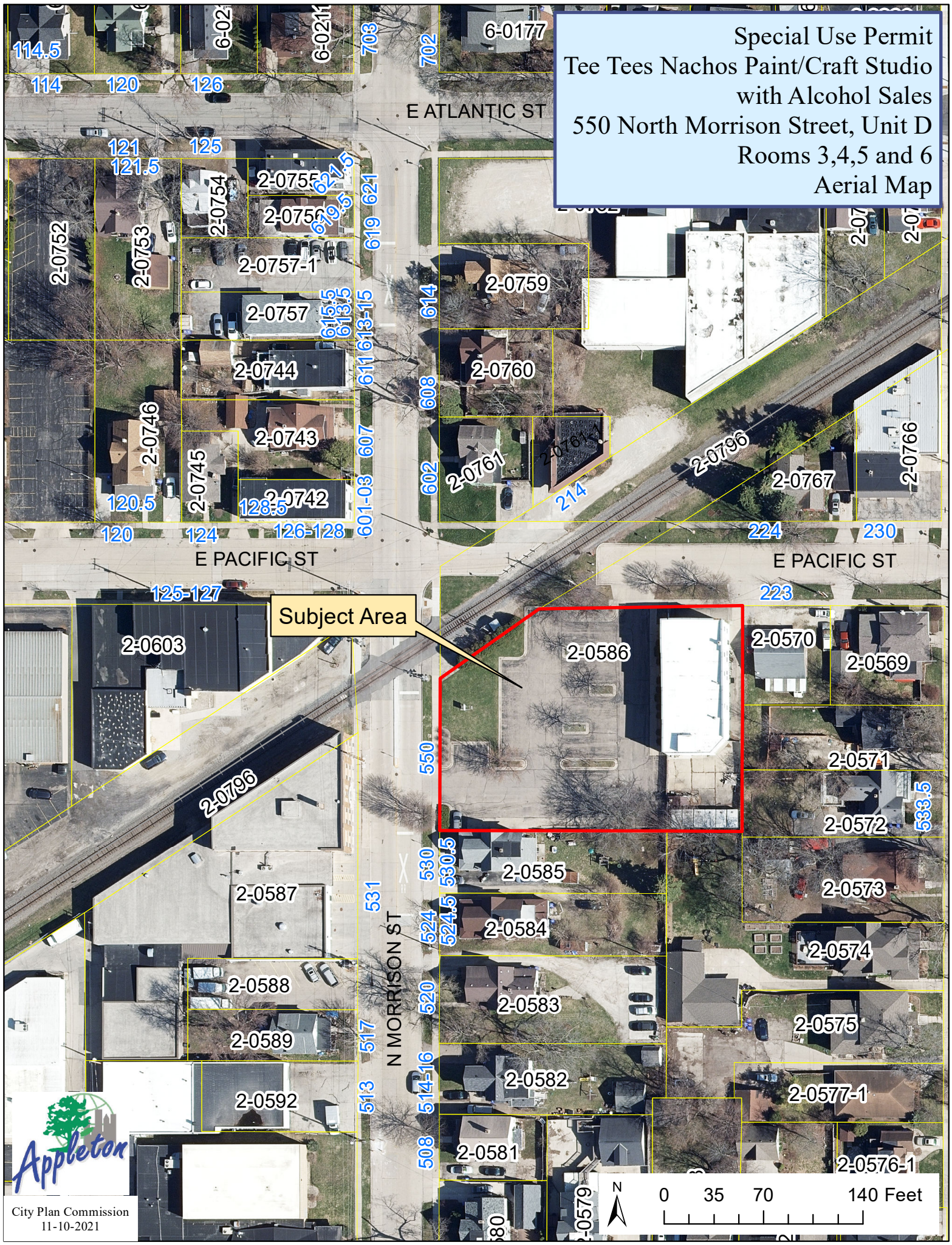
Subject Area

Subject Area





Special Use Permit  
 Tee Tees Nachos Paint/Craft Studio  
 with Alcohol Sales  
 550 North Morrison Street, Unit D  
 Rooms 3,4,5 and 6  
 Aerial Map

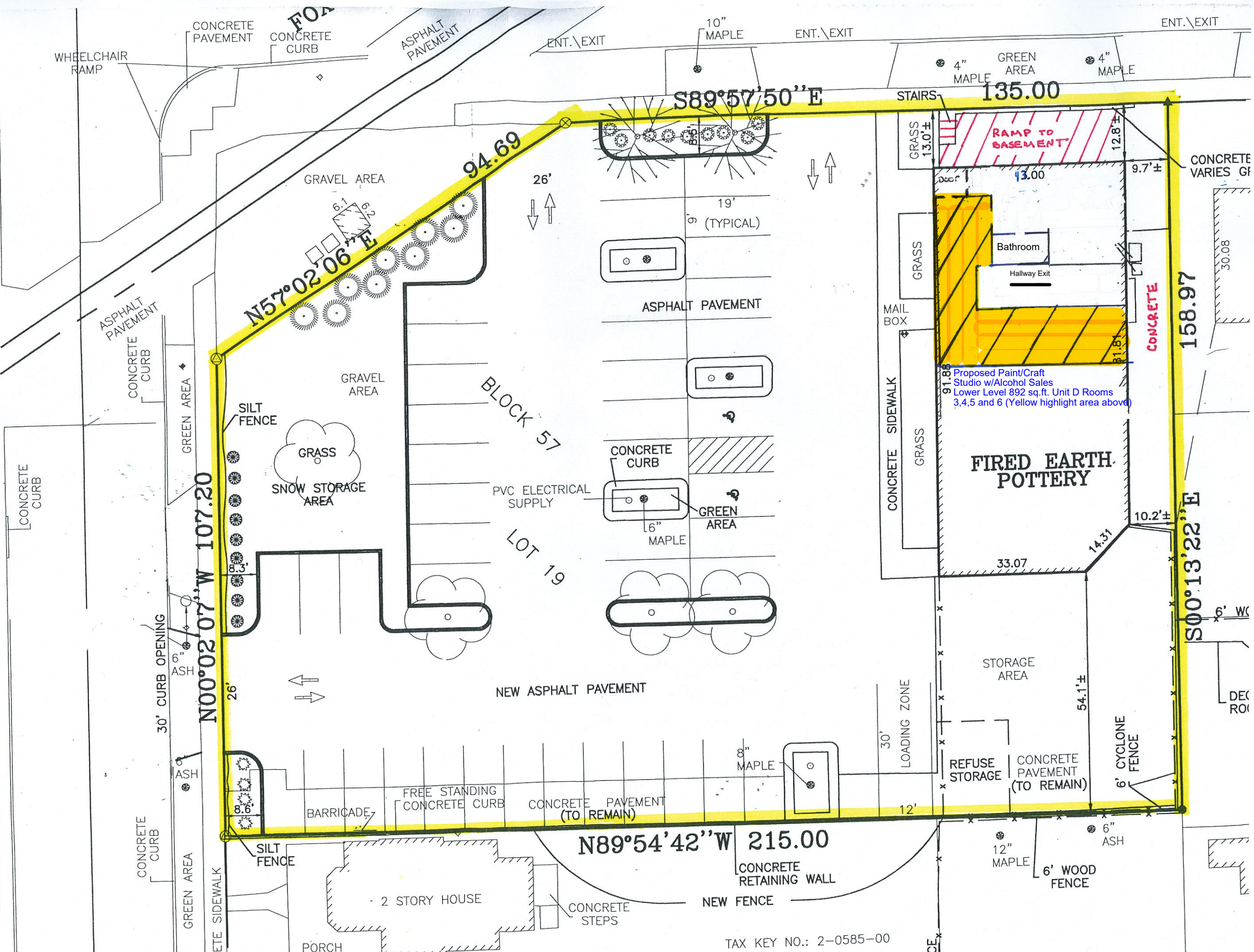


Subject Area



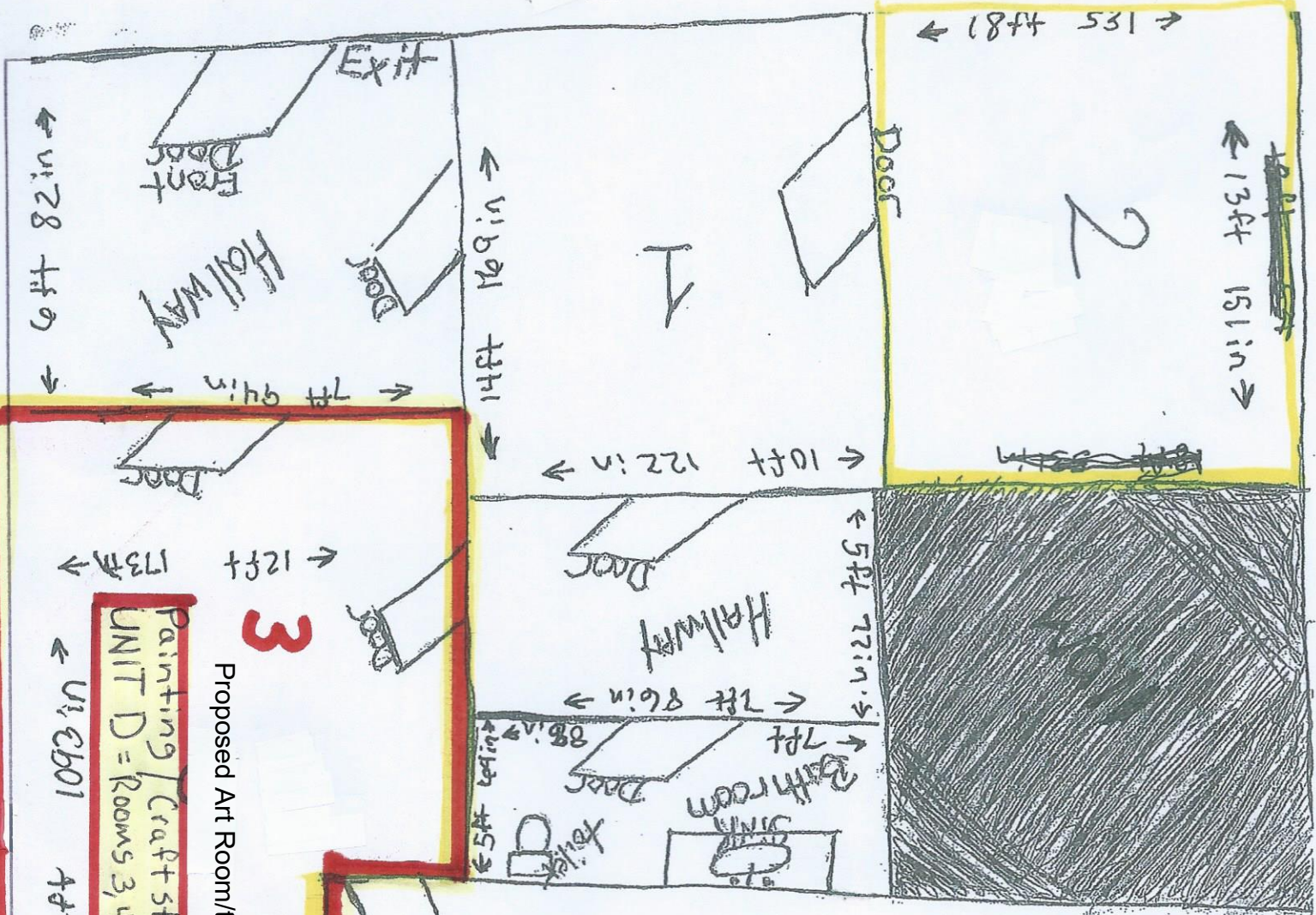


**MORRISON STREET (60')**  
CONCRETE PAVEMENT (FAIR CONDITION) PUBLIC ROADWAY

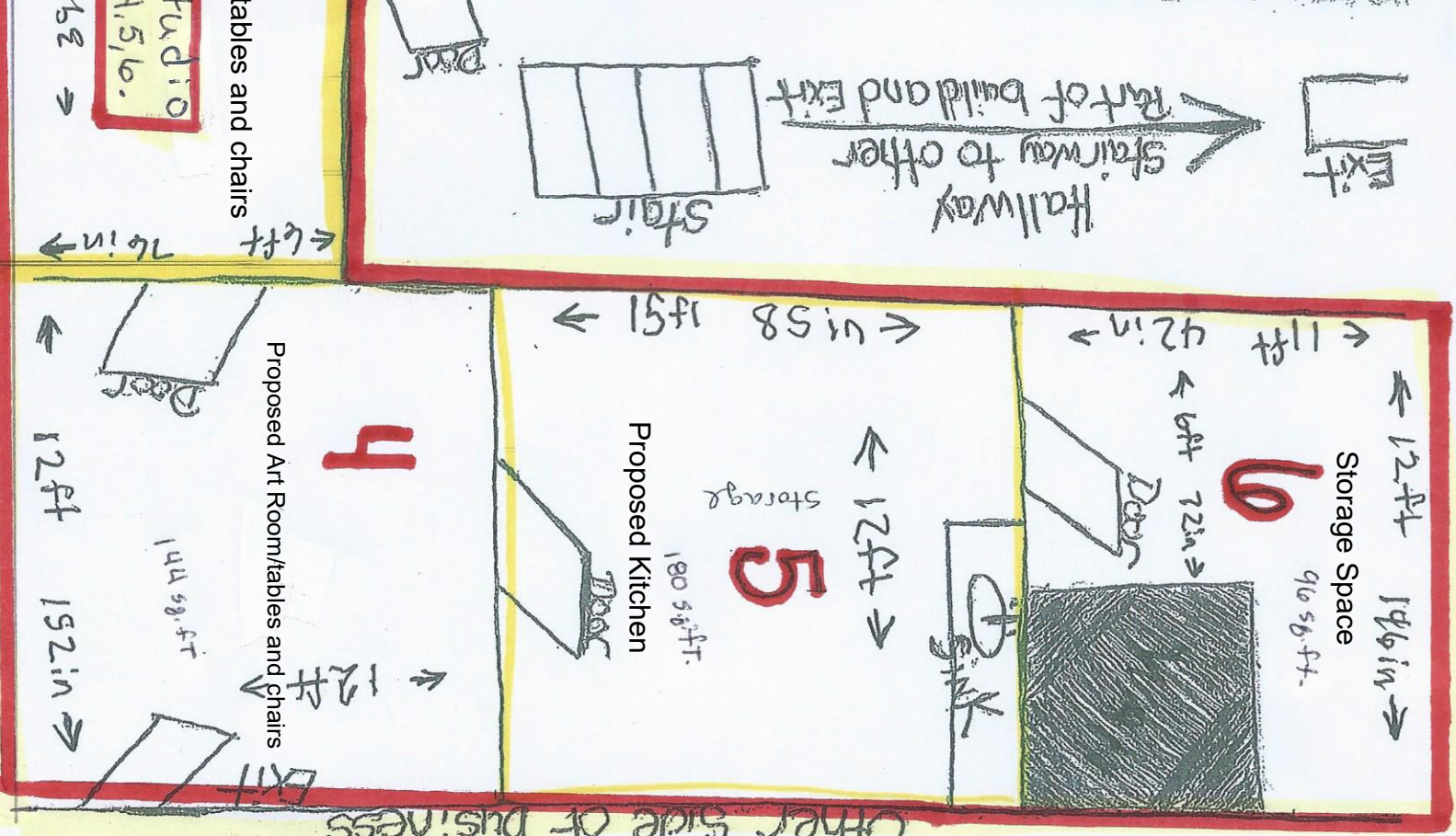


TAX KEY NO.: 2-0585-00





E



Other side of business



**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, November 10, 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:**

Part of Town of Grand Chute parcel number 101006900, included in the “Spartan Drive (Right-of-Way) Annexation”, generally located west of N. Meade Street, connecting existing E. Spartan Drive right-of-way to the west and east.

**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 was 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 the zoning classification of P-I Public Institutional District (see attached map). The P-I District is intended to provide for public and institutional uses (public roads/infrastructure) 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 zoning classification following the “Spartan Drive (Right-of-Way) Annexation” and facilitate future construction of a street officially mapped as Spartan Drive and an associated stormwater pond.

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 Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476 or by email at [jessica.titel@appleton.org](mailto:jessica.titel@appleton.org).

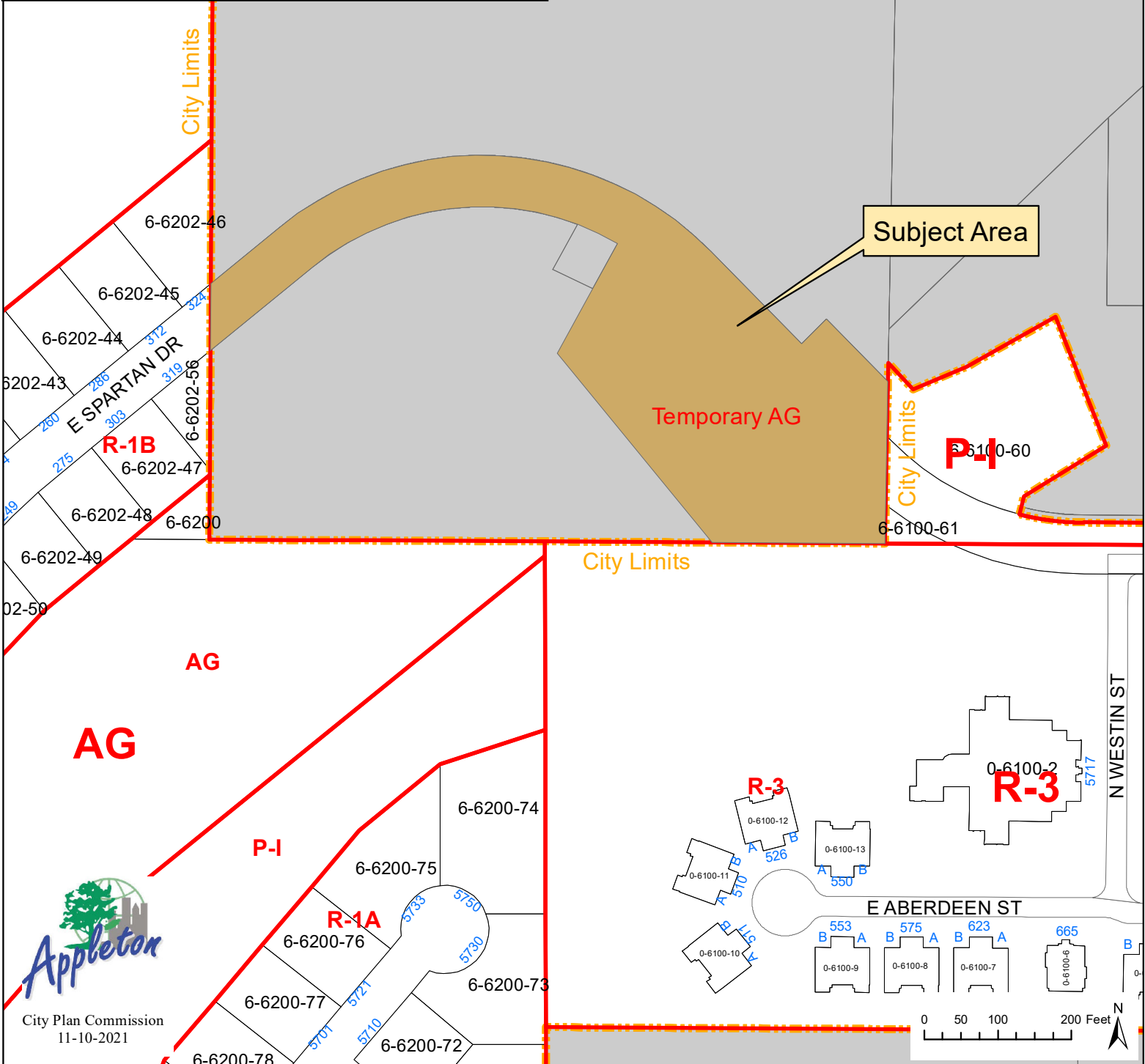
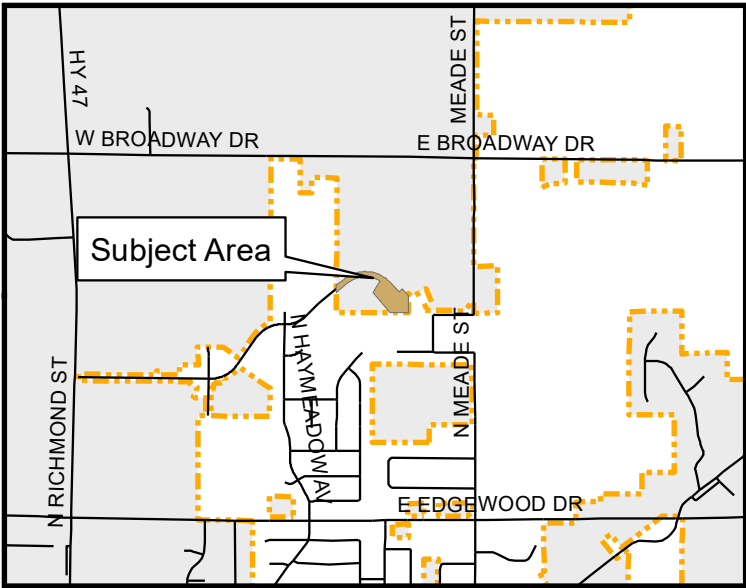
CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL - 100 NORTH APPLETON STREET  
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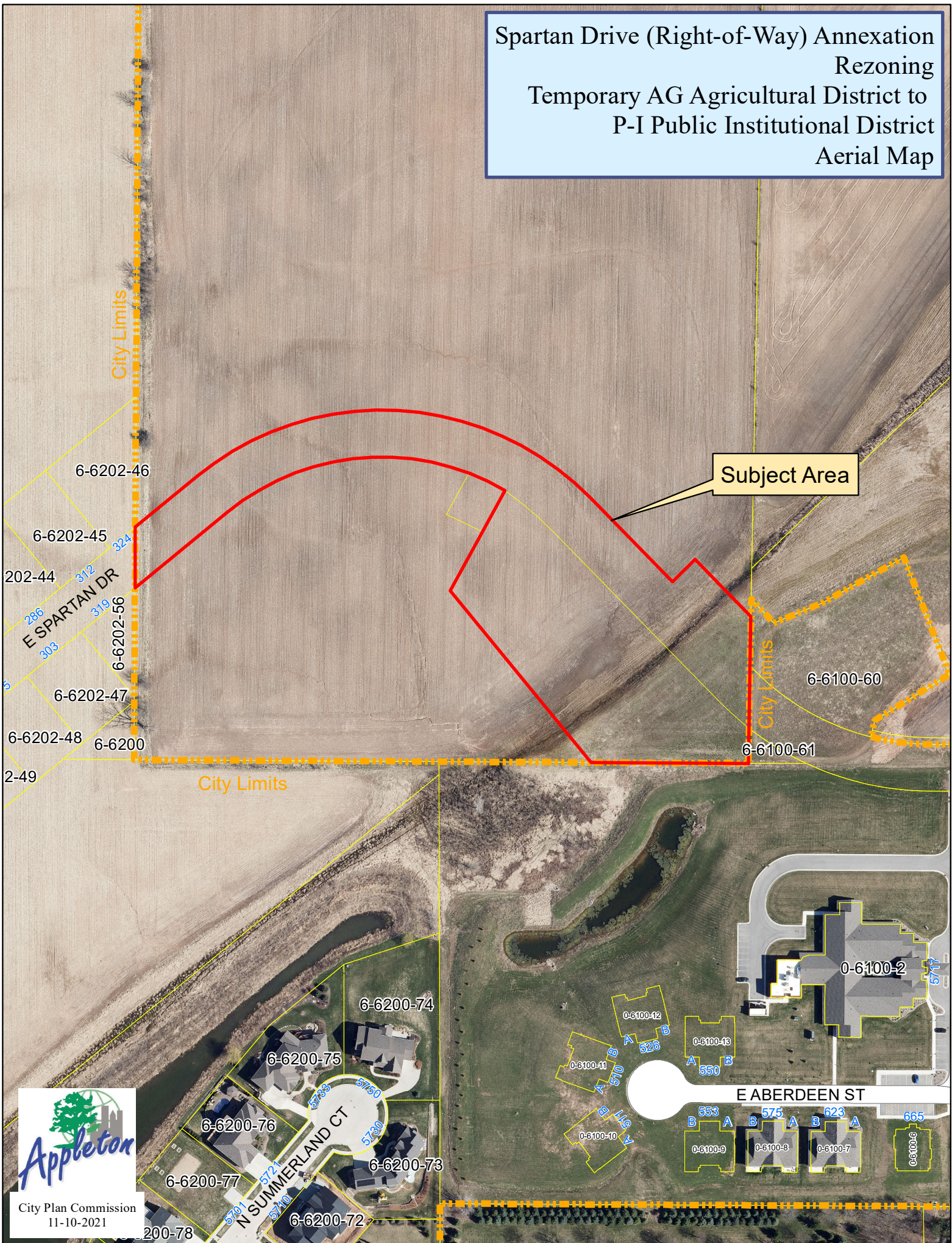


Spartan Drive (Right-of-Way) Annexation  
 Rezoning  
 Temporary AG Agricultural District to  
 P-I Public Institutional District  
 Buffer Map





Spartan Drive (Right-of-Way) Annexation  
Rezoning  
Temporary AG Agricultural District to  
P-I Public Institutional District  
Aerial Map



Subject Area



City Plan Commission  
11-10-2021





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** November 10, 2021

**Common Council Meeting Date:** November 17, 2021

**Item:** Special Use Permit #3-21 for Paint/Craft Studio With Alcohol Sales

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

### **GENERAL INFORMATION**

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**Owner:** Alan Ament

**Applicant:** Timasha Thornton, Tee Tees Nachos, paint/craft studio with alcohol sales

**Address/Parcel #:** 550 North Morrison Street, Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for a paint/craft studio with alcohol sales.

### **BACKGROUND**

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On March 18, 2020, the Common Council adopted ordinances 24-20 - 57-20 related to Chapter 23 of the Zoning Ordinance relating to allowing paint/craft studios with alcohol sales by Special Use Permit in the CBD Central Business District, C-2 General Commercial District and C-1 Neighborhood Mixed Use District.

*Painting/Craft Studio with alcohol sales* means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.

On October 8, 2021, the applicant applied for and filed a Class B Beer license with the City Clerk's Office.

### **STAFF ANALYSIS**

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**Project Summary:** The applicant proposes to establish a painting/craft studio with alcohol sales. The proposed painting/craft studio with alcohol sales will occupy approximately 892 feet in a lower level tenant space (Unit D, Rooms 3, 4, 5, and 6) of the existing building. The operations of the business will primarily focus on the production of arts and crafts, and the service of beer is offered as an additional amenity (customers are not required to purchase alcohol). The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers).

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

**Outdoor Seating Area:** No outdoor alcohol sales and service is requested with this application.

**Special Use Permit # 3-21**  
**November 10, 2021**  
**Page 2**

**Existing Site Conditions:** The existing multi-tenant building totals approximately 17,800 square feet, including other lower level, first and second floor commercial uses. The 32,288 square foot site also includes a 43 stall off-street parking lot. Access is provided by curb cuts on North Morrison Street and East Pacific Street.

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a paint/craft studio with alcohol sales requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds 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). The uses are generally commercial and residential in nature.

**North:** R-1C Central City Residential District and CBD Central Business District. The adjacent land uses to the north are currently a mix and single-family residential and the railroad.

**South:** R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of single and two-family residential.

**East:** C-2 General Commercial District, R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the east are currently a mix of single and two-family residential.

**West:** CBD Central Business District and P-I Public Institutional District. The adjacent land uses to the west are Appleton Area School District facility office building and railroad tracks.

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

**Technical Review Group (TRG) Report:** This item appeared on the October 19, 2021 TRG agenda. No negative comments were received from participating departments.

**Zoning Ordinance Requirements and Substantial Evidence:** When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, 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." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a shopping center building, per Assessor's Office records. The proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant's request.

**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) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers). With the implementation of proposed stipulations of approval, the proposed use is not expected to cause or aggravate any problems in the neighborhood created by the sale of alcohol such as disturbance of the peace, excessive loud noises, traffic violations, or impact on city services.

## **RECOMMENDATION**

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Staff recommends, based on the above analysis, that Special Use Permit #3-21 for a paint/craft studio with alcohol sales located at 550 North Morrison Street Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00) as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

*Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.*

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

3. The site shall be kept free of litter and debris.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

4. 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 is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*

5. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

6. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.

*Substantial Evidence: This condition provides notice to the applicant that alcohol can only be consumed by customers when they paint and/or make crafts which is specified in the definition term for "Painting/Craft Studio with alcohol sales" pursuant to Section 23-22 of the Zoning Ordinance.*

7. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.*

**CITY OF APPLETON**  
**RESOLUTION FOR SPECIAL USE PERMIT #3-21**  
**PAINT/CRAFT STUDIO WITH ALCOHOL SALES**  
**550 NORTH MORRISON STREET, UNIT D – LOWER LEVEL ROOMS 3, 4, 5 and 6**

**WHEREAS**, Timasha Thornton has applied for a Special Use Permit for Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00); and

**WHEREAS**, the location for the proposed Paint/Craft Studio with Alcohol Sales is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code. As defined by Chapter 23 of the Municipal Code, a Painting/Craft Studio with Alcohol Sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on November 10, 2021 on Special Use Permit #3-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials 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, as well as 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) of the Municipal Code and forwarded Special Use Permit #3-21 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 November 17, 2021.

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

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-21 for a Paint/Craft Studio with alcohol sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), 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 #3-21 for a Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

**CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #3-21**

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
  - C. The site shall be kept free of litter and debris.
  - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - E. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
  - F. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.
  - G. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

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



## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business information:

Name of business: TEE TEES NACHOS LLC

Years in operation: New Business

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

- 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.
- Other \_\_\_\_\_

Detailed explanation of proposed business activities:

Proposed to operate a painting/craft studio with alcohol sales by providing customers instruction in the art of painting and/or making crafts and offering customers the opportunity to purchase alcoholic beverages for consumption on-site while they paint and/or make crafts.

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

(square feet) 892 sq.ft. Unit D, Lower Level of Building Unit D, Room# 3,4,5 and 6. See floor plan

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

(square feet) Same as existing, no change

**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: \_\_\_\_\_ persons.

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

Day	From	To
Monday thru Thursday	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	N/A	N/A

**Production/Storage information:**

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

- Current production of fermented malt beverages: N/A U.S. gallons per year
- Proposed production of fermented malt beverages: N/A U.S. gallons per year
- Current production of wine: N/A U.S. gallons per year
- Proposed production of wine: N/A U.S. gallons per year
- Current production of intoxicating liquor: N/A proof gallons per year
- Proposed production of intoxicating liquor: N/A proof gallons per year
- 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:

Not Applicable to the proposed use.

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

Not Applicable to the proposed use.

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_.

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

Size: \_\_\_\_\_ 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  No

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes  No

If yes, describe how the noise will be controlled:

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

**Proposed Hours of Operation for Outdoor Space:**

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

**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:  
The noise level will be a medium level

Describe how the crowd noise will be controlled inside and outside the building:  
by posting signs in and out the building, as well as reminding by staff

**Off-Street Parking:**

Number of spaces existing on-site: 43.00

Number of spaces proposed on-site: 0.00

**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?

Existing driveway access is from North Morrison Street and Pacific Street. No accesses improvements are proposed with this request.

**Other Licensed Premises:**

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

List nearby licensed premises:

**Number of Employees:**

Number of existing employees: 4

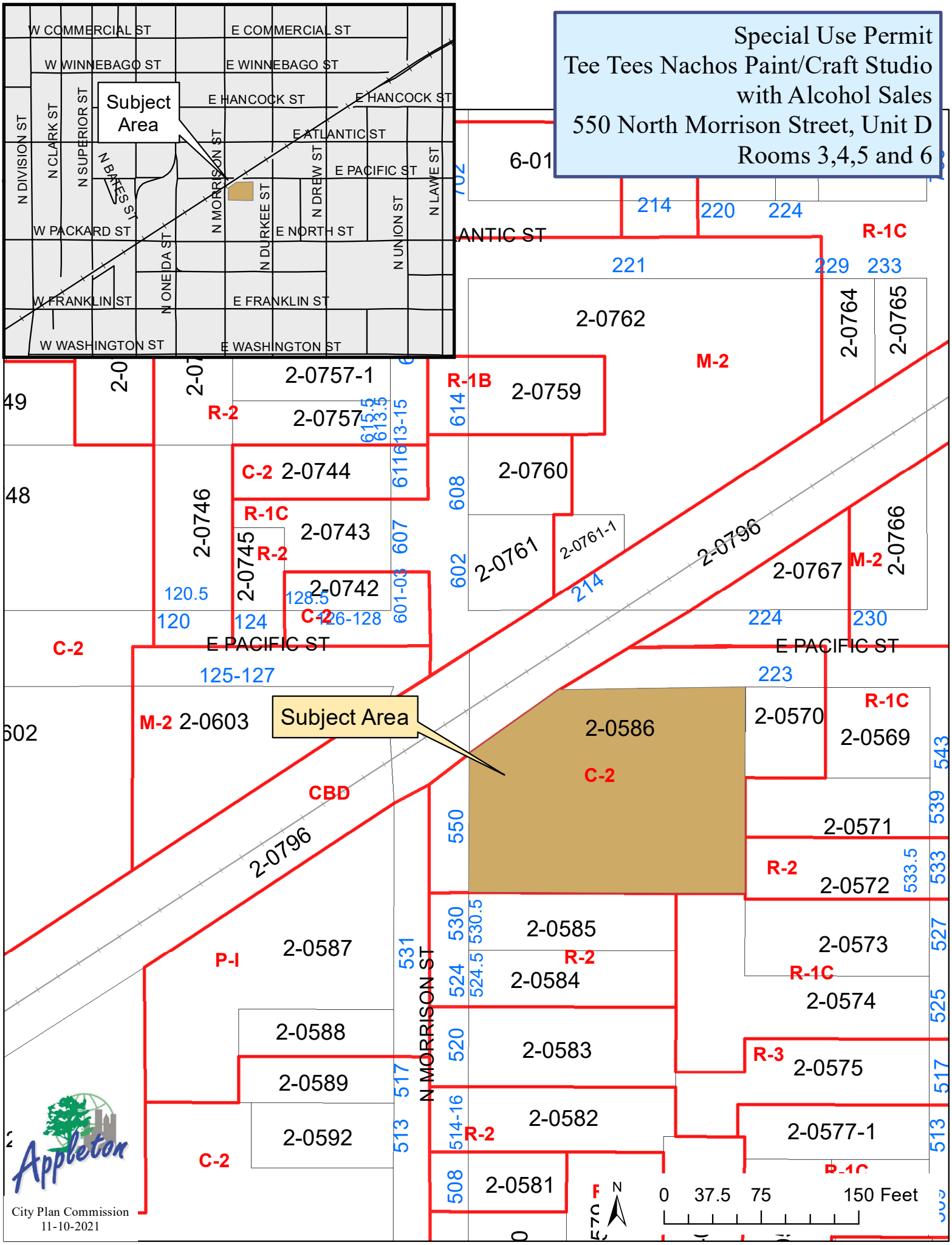
Number of proposed employees: 2

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

Special Use Permit  
 Tee Tees Nachos Paint/Craft Studio  
 with Alcohol Sales  
 550 North Morrison Street, Unit D  
 Rooms 3,4,5 and 6

Subject Area

Subject Area



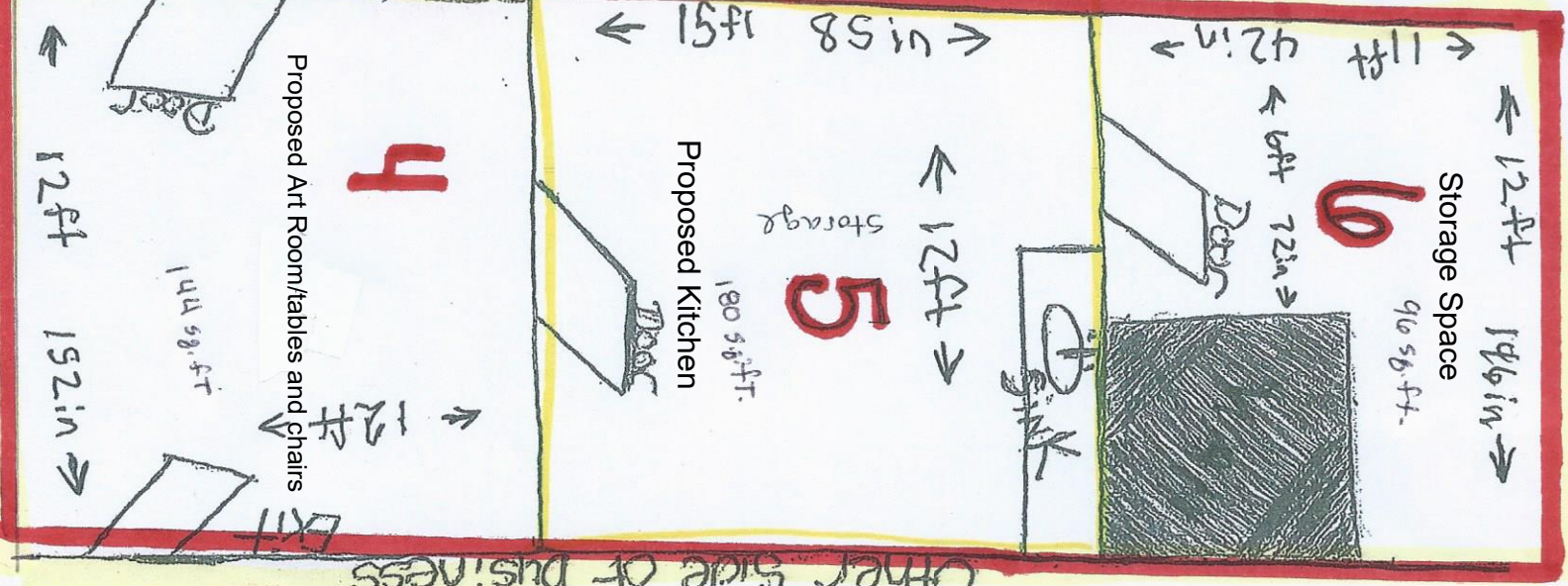
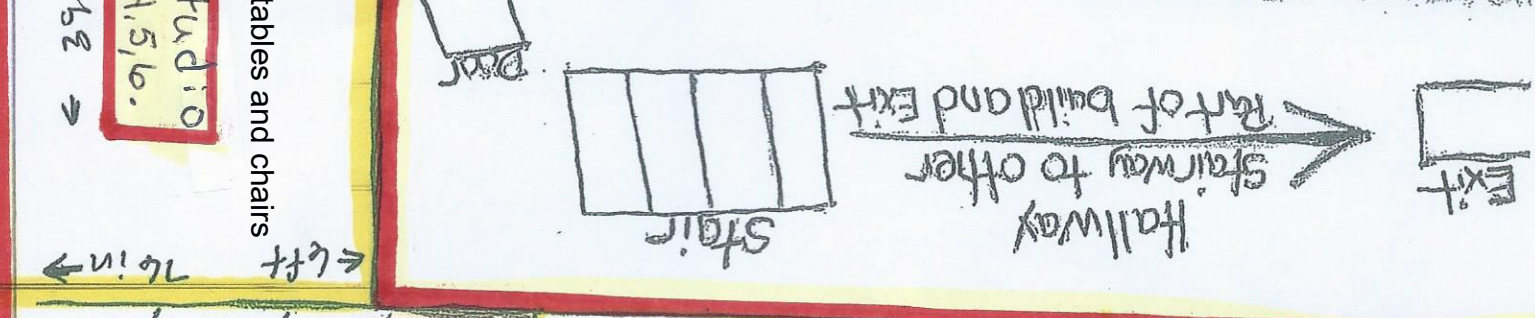
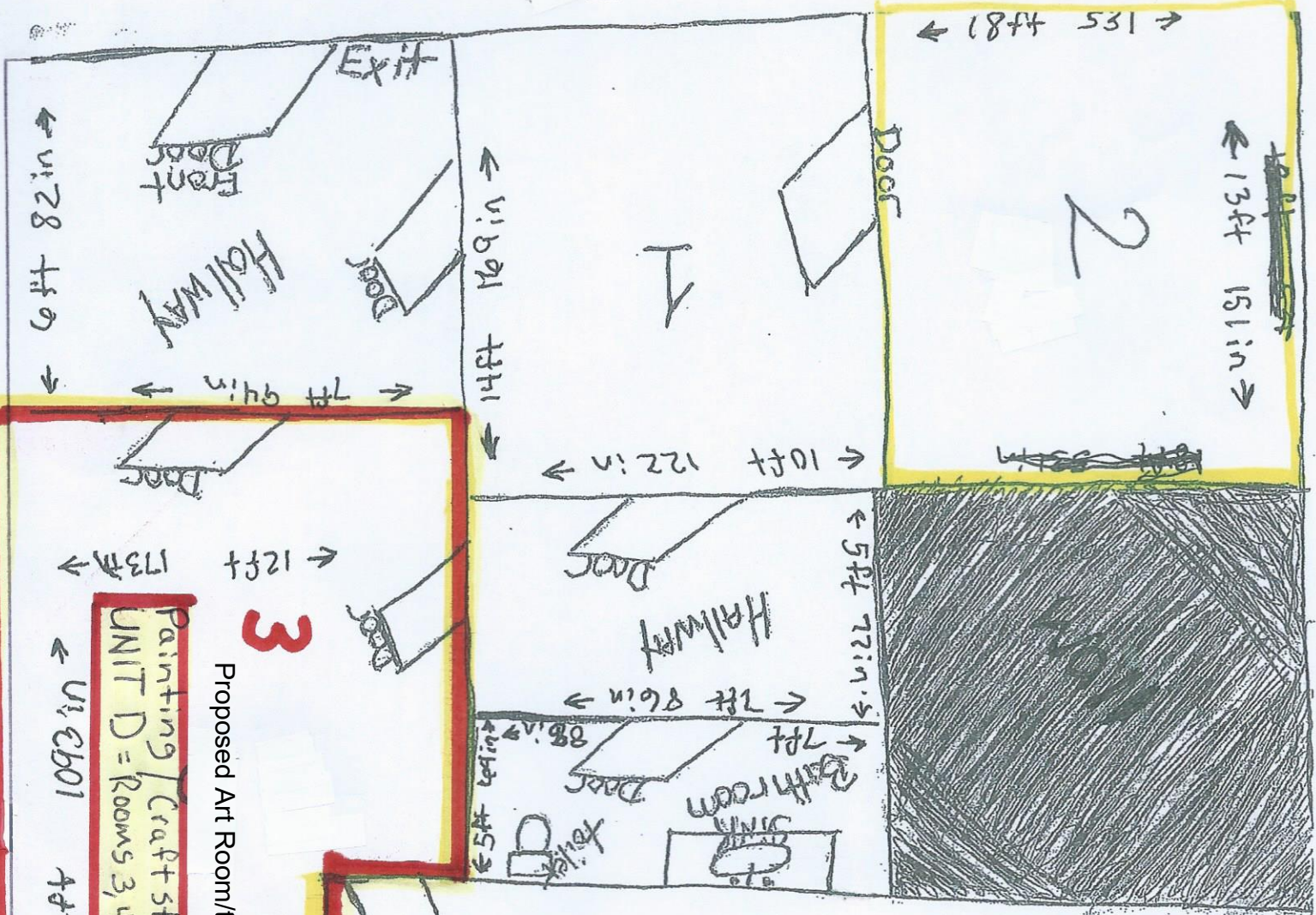












Other side of business

E

W





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** November 10, 2021

**Common Council Public Hearing Meeting Date:** December 1, 2021

**Item:** Rezoning #13-21 – Spartan Drive (Right-of-Way) Annexation

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Owner:** City of Appleton

**Applicant/Petitioner:** City of Appleton Plan Commission

**Parcel Numbers/Location:** Tax Id #31-6-6100-62. The subject property is located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east.

**Petitioner's Request:** To assign a 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. The request is being made to facilitate future construction of a street officially mapped as Spartan Drive with associated utilities and a stormwater pond.

### BACKGROUND

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On October 27, 2021, the Plan Commission recommended approval of the Spartan Drive (Right-of-Way) Annexation. During review of the annexation, the Plan Commission initiated the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

On March 5, 2008, Common Council adopted Ordinance 51-08, which amended the City's Official Map to officially map the location of an east-west roadway to be known as Spartan Drive.

On November 3, 2021, the Common Council will take action on Spartan Drive (Right-of-Way) Annexation Ordinance. It is anticipated the property will be officially annexed to the City on November 9, 2021 at 12:01 a.m.

### STAFF ANALYSIS

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**Existing Site Conditions:** The subject parcel is approximately 3.9468 acres in size. Future construction of a street officially mapped as Spartan Drive and an associated stormwater pond is anticipated.

**Street Classification:** Spartan Drive is classified as a collector street on the City's Arterial/Collector Plan.

## Rezoning #13-21 – Spartan Drive Annexation

November 10, 2021

Page 2

### Surrounding Zoning Classification and Land Uses:

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

South: R-3 Multi-Family District & Town of Grand Chute. The adjacent land uses to the south are currently a mix of multi-family residential uses, including a community-based residential facility, and agriculture.

East: P-I Public Institutional District. The adjacent land use to the east is currently undeveloped and planned for a future City-owned stormwater management facility.

West: R-1B Single-Family District. The adjacent land use to the west is currently single-family residential (Clearwater Creek Subdivision).

**Proposed Zoning Classification:** The purpose of the P-I Public Institutional District is to provide for public and institutional uses (roads/utilities) 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 rezoning 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 Plan Commission initiated a rezoning for the subject property from temporary AG Agricultural District to the 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

## **Rezoning #13-21 – Spartan Drive Annexation**

**November 10, 2021**

**Page 3**

development would need to conform to the P-I District zoning regulations listed above and other sections of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future One and Two-Family Residential uses. The proposed future construction of a street is consistent with the Future Land Use Map, which identifies the location of officially mapped Spartan Drive. 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 4 – Transportation*

*Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.*

### *OBJECTIVE 6.1 Transportation:*

*Plan for the safe and efficient movement of vehicles on local and regional roads.*

### *OBJECTIVE 6.8 Transportation:*

*Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.*

### *OBJECTIVE 7.5 Utilities and Community Facilities:*

*Implement effective stormwater management practices.*

**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 officially mapped Spartan Drive.*
  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.

## Rezoning #13-21 – Spartan Drive Annexation

November 10, 2021

Page 4

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 infrastructure is already installed along the initial segment of Spartan Drive to the west. Stormwater pond, sewer, and water infrastructure will be included with the future construction of Spartan Drive.*
  2. The effect of the proposed rezoning on surrounding uses. *The location of an east-west roadway to be known as Spartan Drive was officially mapped in 2008. The recent annexation and subsequent rezoning will allow for future construction of a street and associated stormwater pond. 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.

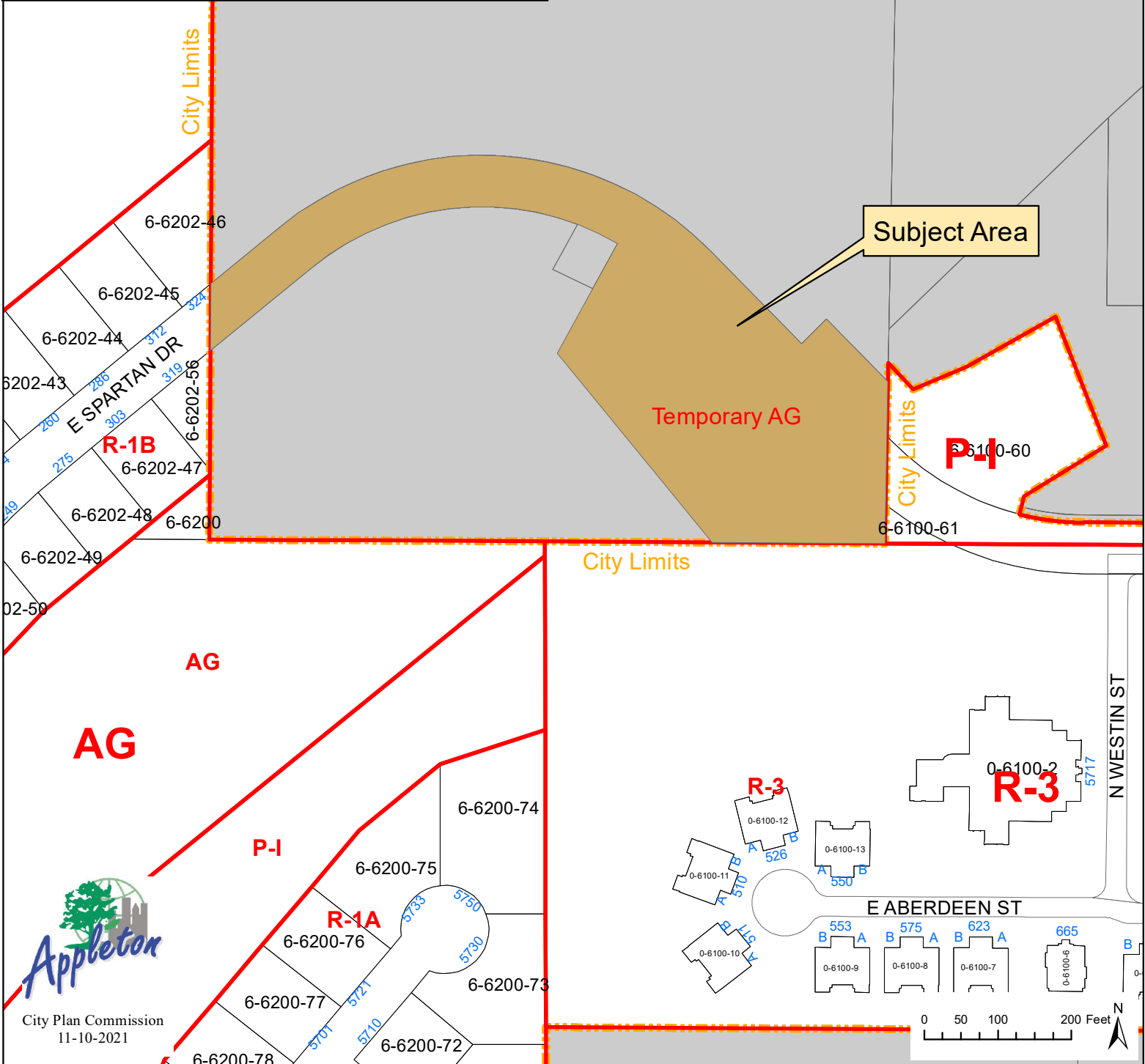
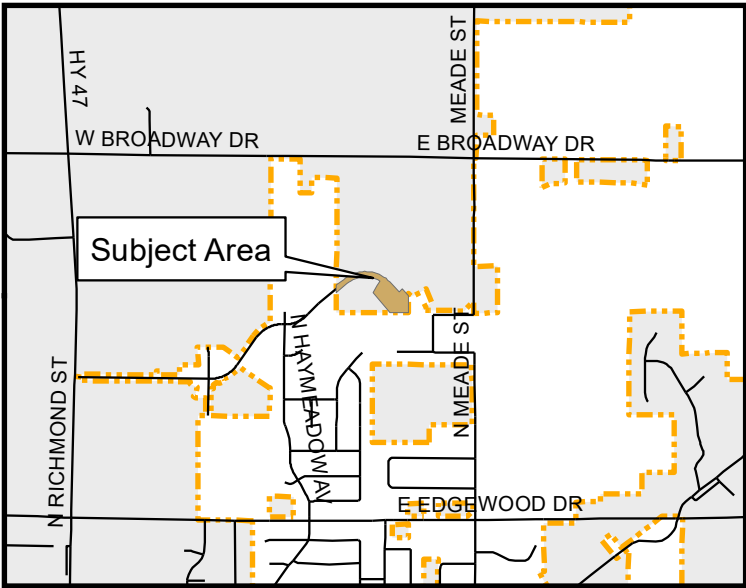
**Technical Review Group (TRG) Report:** This item appeared on the October 5, 2021 TRG Agenda. No negative comments were received from participating departments.

### **RECOMMENDATION**

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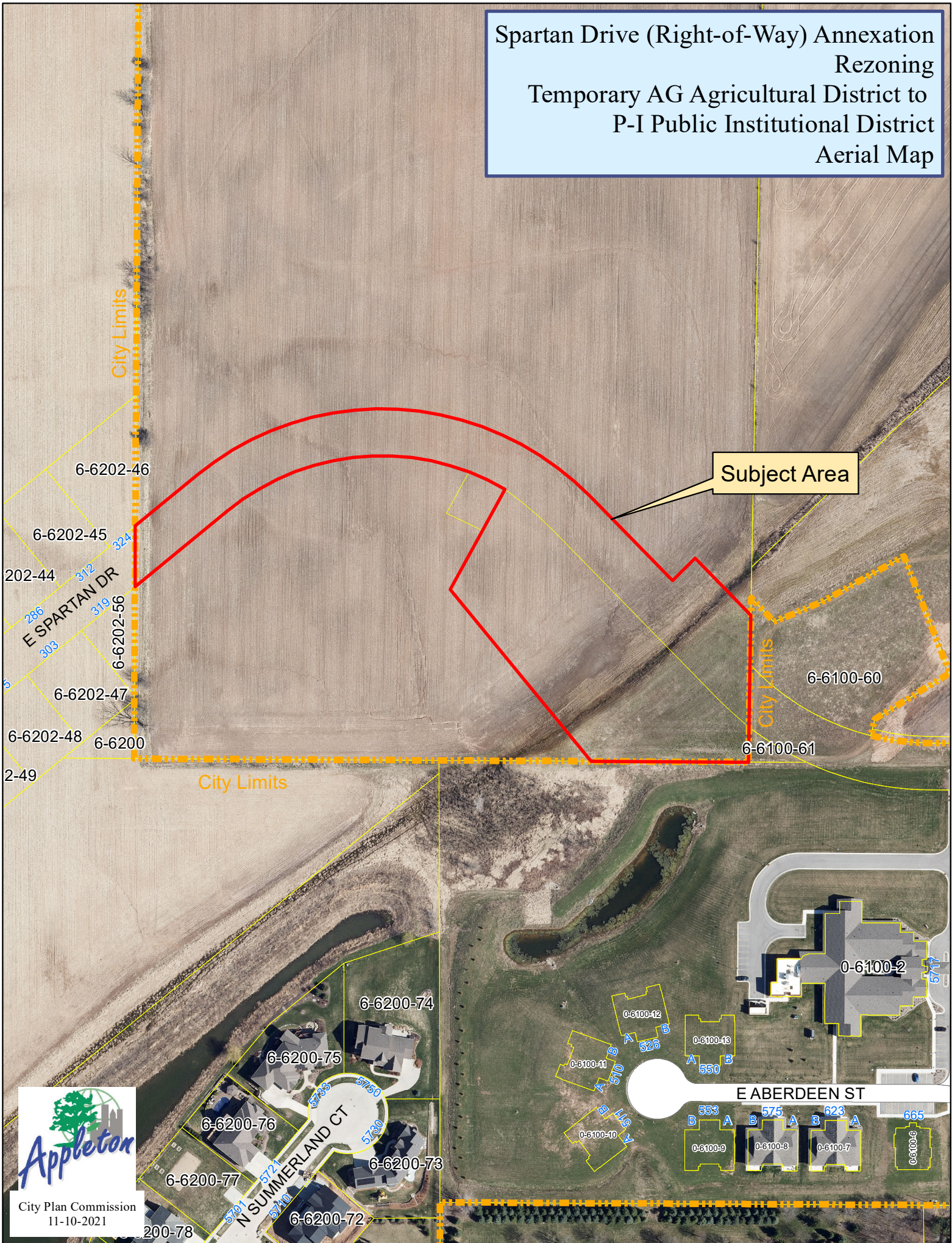
Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #13-21 to rezone the Spartan Drive Annexation area from temporary AG Agricultural District to P-I Public Institutional District as shown on the attached maps, **BE APPROVED**.

Spartan Drive (Right-of-Way) Annexation  
 Rezoning  
 Temporary AG Agricultural District to  
 P-I Public Institutional District  
 Buffer Map





Spartan Drive (Right-of-Way) Annexation  
Rezoning  
Temporary AG Agricultural District to  
P-I Public Institutional District  
Aerial Map



Subject Area



City Plan Commission  
11-10-2021





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** November 10, 2021

**Common Council Meeting Date:** November 17, 2021

**Item:** Extraterritorial Preliminary Plat – Center Valley at 3800 – Town of Grand Chute

**Case Manager:** Don Harp

### GENERAL INFORMATION

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**Owner:** Greene Development Appleton, Jim Greene

**Applicant:** Robert E. Lee & Associates, Troy Hewitt

**Address/Parcel #:** Generally located at the northeast corner of the intersection of Interstate Highway 41 and Wisconsin Avenue (S.T.H. 96) in the Town of Grand Chute – Tax Id #s 101091300 and 101091303.

**Petitioner's Request:** The applicant is proposing to subdivide property under Town's CR – Regional Commercial District zoning district for commercial development. The platted area is 19.379 acres, which will be divided into six (6) lots.

### BACKGROUND

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The subject area is within the City's extraterritorial plat approval jurisdiction, which includes the unincorporated area within three miles of the City or where extraterritorial jurisdictions overlap; the overlapping area is divided by a line whose points are equidistant from the boundaries of each municipality. This plat is located with the three-mile extraterritorial plat approval jurisdiction limit.

### STAFF ANALYSIS

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**Purpose of Extraterritorial Plat Approval:** The purpose of extraterritorial plat approval jurisdiction is to help the City influence the development pattern of areas outside the City boundaries that may be annexed to the City in the future. The current Intermunicipal Boundary Agreement with the Town of Grand Chute indicates the subject site is located outside of the City's annexation area.

**Existing Conditions:** The subject site is developed with WG&R Furniture (Lot 5) and REI Co-op (Lot 1). No buildings exist on proposed Lots 2, 3, 4 and 6. Access to the development will be obtained from Westhill Boulevard.

**Surrounding Land Uses:** The surrounding area is under the jurisdiction of the Town of Grand Chute. The nearby uses are generally commercial in nature.

**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.

**Extraterritorial Preliminary Plat – Center Valley at 3800 – Town of Grand Chute**  
**November 10, 2021**  
**Page 2**

**Review Criteria:** Community & Economic Development staff has reviewed the Extraterritorial Preliminary 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 October 19, 2021 Technical Review Group agenda. No negative comments were received from participating departments.

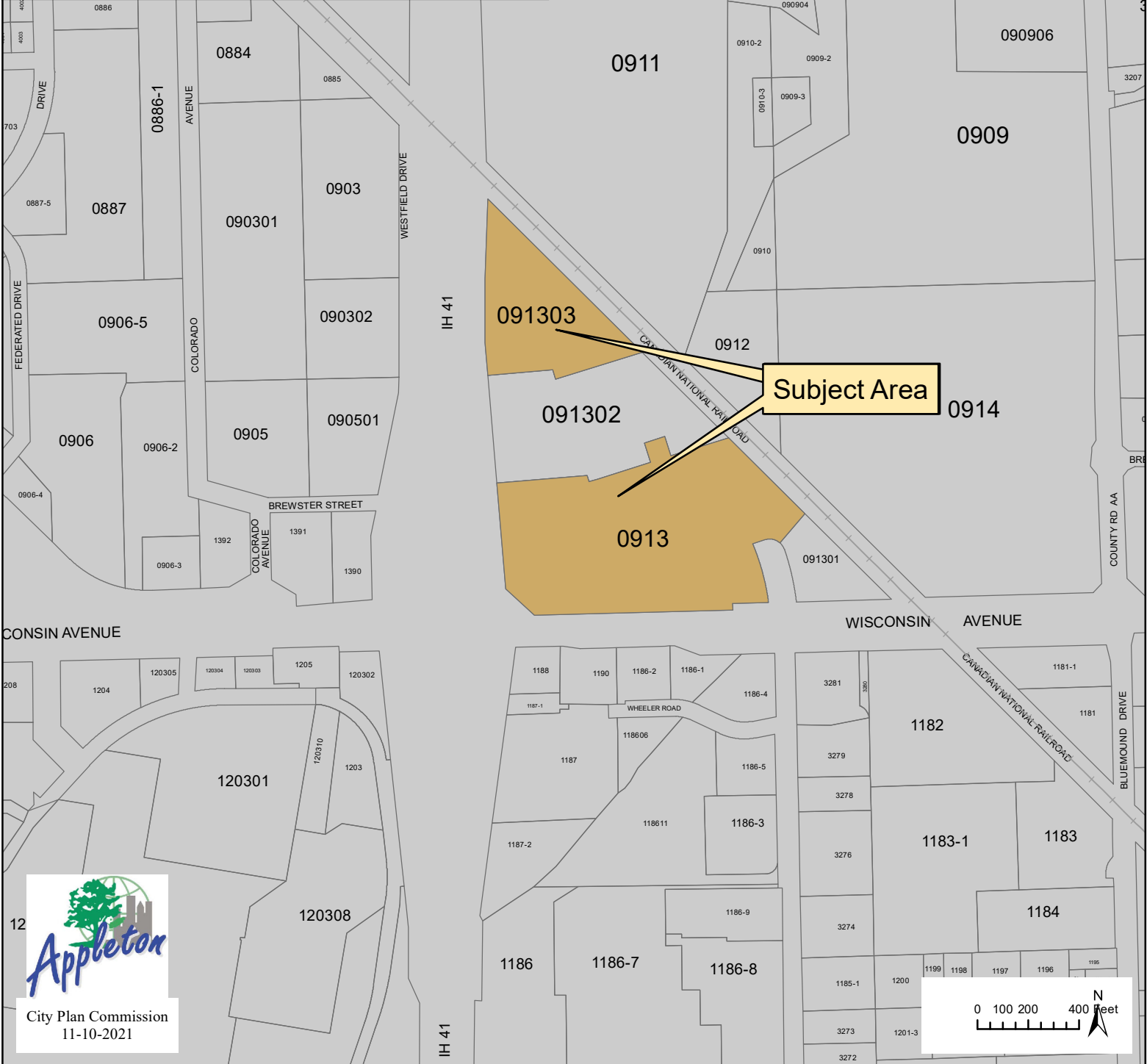
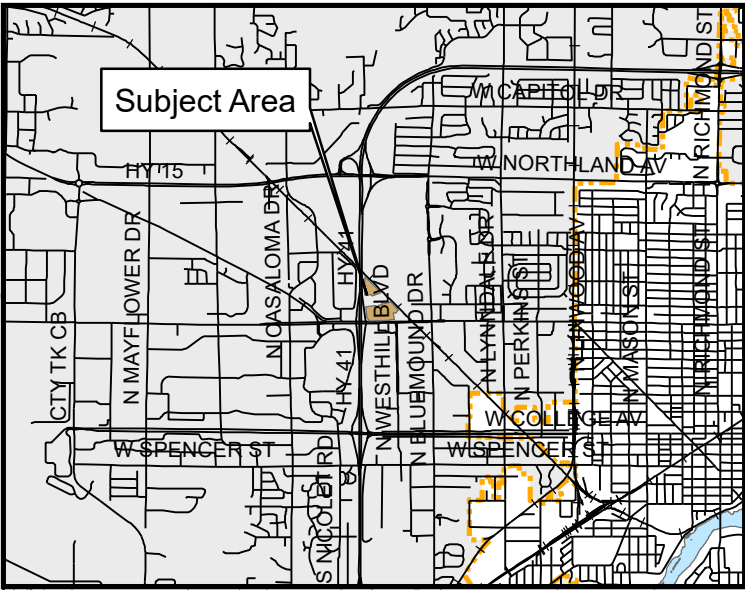
**RECOMMENDATION**

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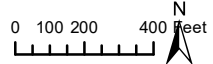
Based on the above, staff recommends that the Center Valley at 3800 Extraterritorial Preliminary Plat, located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED**.



Extraterritorial Preliminary Plat  
Center Valley At 3800  
Town of Grand Chute  
Vicinity Map



City Plan Commission  
11-10-2021





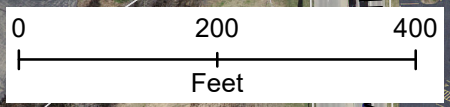
Extraterritorial Preliminary Plat  
Center Valley At 3800  
Town of Grand Chute  
Aerial Map



Subject Area



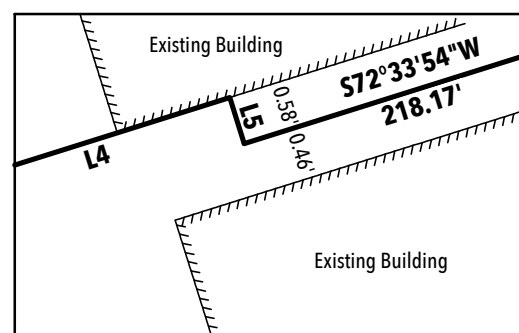
City Plan Commission  
11-10-2021





# CENTER VALLEY AT 3800

ALL OF LOT 1 AND ALL OF LOT 3 OF VOLUME 47 OF CERTIFIED SURVEY MAPS, PAGE 7676, MAP NUMBER 7676, DOCUMENT NUMBER 2152310, BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, ALL LOCATED IN SECTION 20, TOWNSHIP 21 NORTH, RANGE 17 EAST, TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN



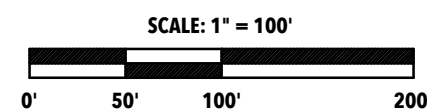
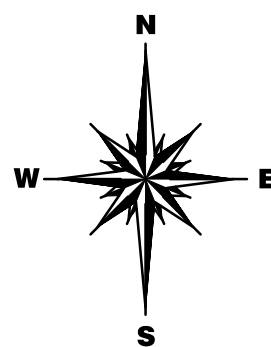
**Detail**  
Not to Scale

**Line Table**

Line #	Length	Direction
L1	53.11'	N72°35'57"E
L2	25.00'	N01°30'10"W
L3	24.75'	N17°26'06"W
L4	35.42'	S72°33'54"W
L5	0.67'	N17°26'06"W
L6	38.96'	S17°26'06"E
L7	25.51'	N33°58'18"E
L8	21.13'	N03°04'35"E
L9	44.29'	S75°25'29"W

**Curve Table**

Curve #	Delta	Radius	Length	Chord	Tangent	Second
					Bearing	Tangent Bearing
C1	58°08'56"	60.50'	61.40'	N78°19'36"W	58.80'	N49°15'08"W
C2	15°11'32"	910.00'	241.29'	N15°06'51"W	240.58'	N07°31'05"W
						N22°42'37"W



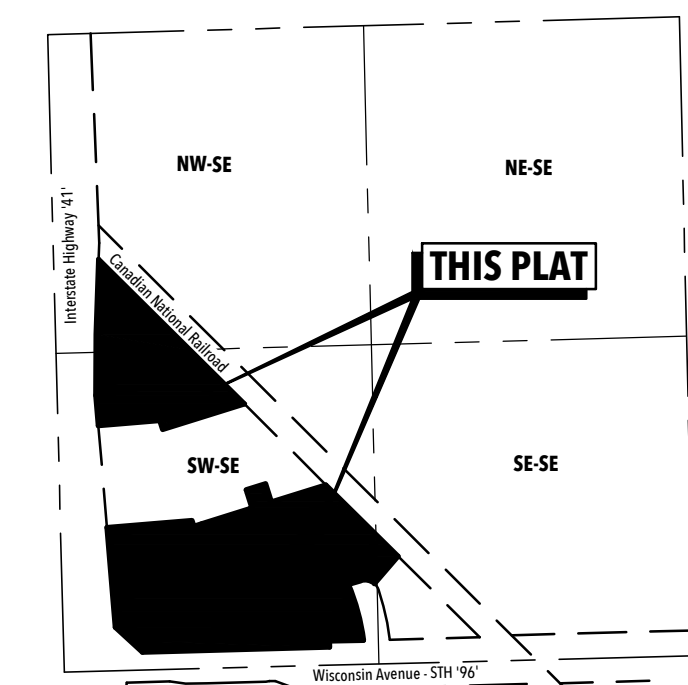
**LEGEND**

- County PLSS Monument
- Existing 1" Iron Pipe
- ✱ Existing 1/2" Iron Rod
- All other lot corners marked with a 1.125" outside dia x 18" iron pipe weighing 1.38 lbs/lin. ft.

Bearings are referenced to the Outagamie County Coordinate System. The south line of the Southeast 1/4 bears N88°29'50"E.

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.



Southeast 1/4 of Section 20  
T21N-R17E  
Outagamie County, Wisconsin  
Not to Scale  
**LOCATION SKETCH**

SHEET 1 OF 1

**OWNER**  
Greene Development Appleton  
900 Challenger Drive  
Green Bay, WI 54311

**SURVEYOR**  
Troy E. Hewitt  
Professional Land Surveyor #2831  
Robert E. Lee & Associates, Inc.  
1250 Centennial Centre Boulevard  
Hobart, WI 54155

**PARCEL ID**  
101091300  
101091303

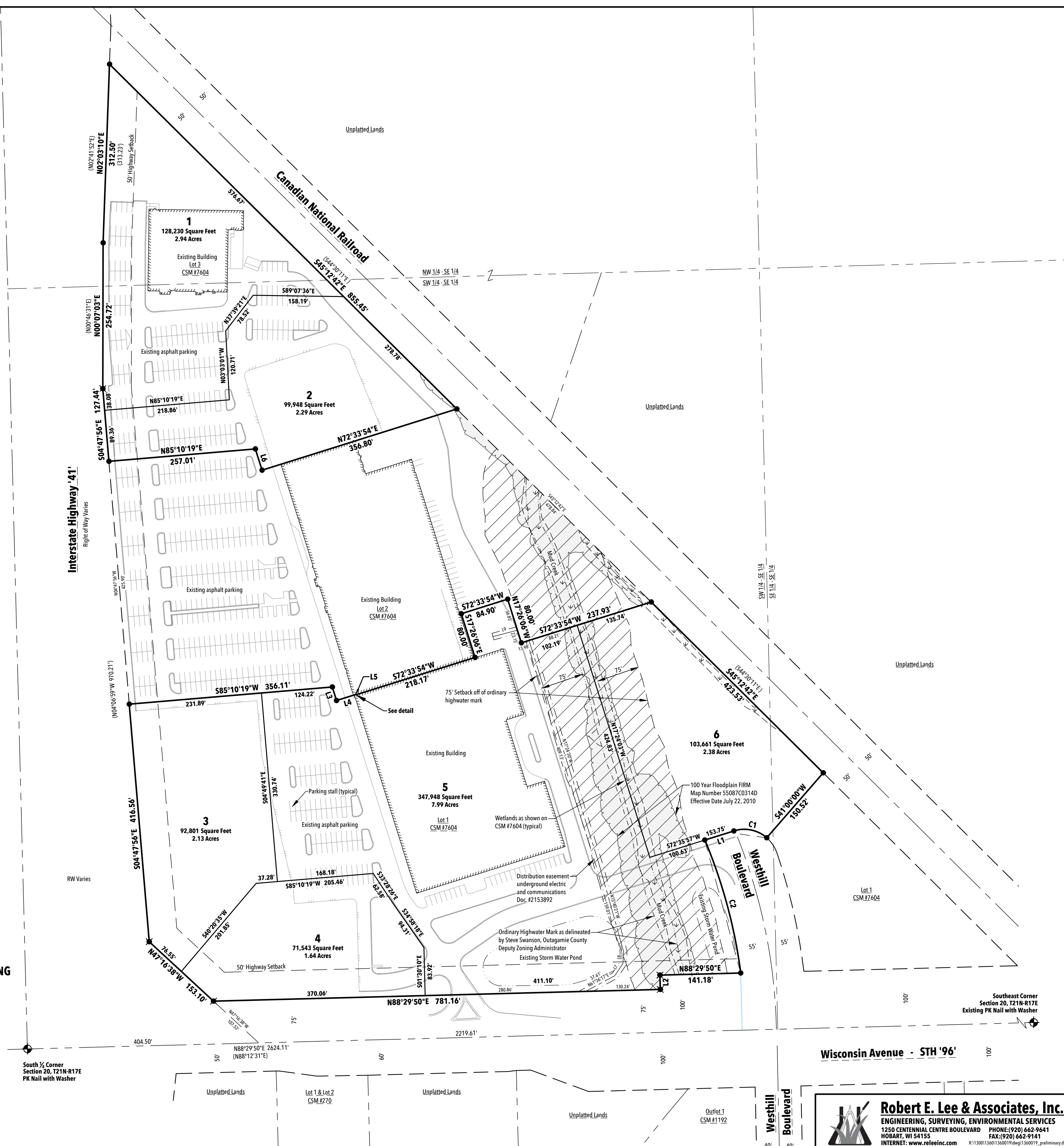
**ZONING**  
CR - Regional Commercial District

**MINIMUM LOT AREA AS PLATTED**  
1.64 Acres

**NUMBER OF LOTS**  
6 Lots

**PLATTED AREA**  
844,131 Square Feet  
19.379 Acres

**APPROVING & OBJECTING AUTHORITIES**  
Town of Grand Chute  
City of Appleton  
Outagamie County  
Department of Administration



Wisconsin Avenue - STH '96'

**Robert E. Lee & Associates, Inc.**  
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
1250 CENTENNIAL CENTRE BOULEVARD  
HOBART, WI 54155  
INTERNET: www.releinc.com  
PHONE: (920) 662-9641  
FAX: (920) 662-9141  
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