



# 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, January 12, 2022

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  
[21-1745](#) City Plan Minutes from 12-8-21

**Attachments:** [City Plan Minutes 12-8-21.pdf](#)

#### 4. Public Hearings/Apearances

- [21-1746](#) Special Use Permit #4-21 for a restaurant with alcohol sales and consumption located at 1016 East Pacific Street (Tax Id #31-1-0843-00), 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 #21-1747)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper AlpineSwift SUP#4-21.pdf](#)  
[PublicHearingNoticeNeighborhood AlpineSwift SUP#4-21.pdf](#)

- [21-1748](#) Special Use Permit #5-21 for an indoor recreation use with alcohol sales and consumption located at 2009/2011 North Richmond Street (Tax Id #31-5-2326-00), 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 #21-1749)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper TheBreakingPoint SUP#5-21.pdf](#)  
[PublicHearingNoticeNeighborhood TheBreakingPoint SUP#5-21.pdf](#)

#### 5. Action Items

[21-1747](#) Request to approve Special Use Permit #4-21 for a restaurant with alcohol sales and consumption located at 1016 East Pacific Street (Tax Id #31-1-0843-00), 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 AlpineSwift SUP For01-12-22.pdf](#)

[21-1749](#) Request to approve Special Use Permit #5-21 for an indoor recreation use with alcohol sales and consumption located at 2009/2011 North Richmond Street (Tax Id #31-5-2326-00), 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 Breaking Point SUP For01-12-22.pdf](#)

[21-1750](#) Request to approve the Stone Ridge Estates West Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport StoneRidgeEstatesWest PreliminaryPlat For01-12-22.pdf](#)

[21-1751](#) Request to approve the Extraterritorial Final Plat for Center Valley at 3800 located in the Town of Grand Chute as shown on the attached maps

**Attachments:** [StaffReport CenterValleyat3800 FinalPlat For 01-12-22.pdf](#)

[21-1752](#) Request to approve the dedication of land for public right-of-way for Spartan Drive, generally located 600' east of Haymeadow Avenue to 800' west of Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, (part of Tax Id #31-6-6100-62), as shown on the attached maps

**Attachments:** [StaffReport SpartanDrive StreetDedication For01-12-22.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

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Appleton, WI 54911-4799  
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## Meeting Minutes - Final City Plan Commission

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to the Community and Economic Development Department,  
920-832-6468.*

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Wednesday, December 8, 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 3:34 p.m.**

2. Roll call of membership

**Present:** 4 - Mayor Woodford, Fenton, Buetow and Dane

**Excused:** 1 - Uitenbroek

**Absent:** 2 - Palm and Robins

*Others present:*

*Aldersperson Bill Siebers, District #1*

*Aldersperson Sheri Hartzheim, District #13*

*Jynitna Lewis, 550 N. Morrison Street*

*Timasha Thornton, 550 N. Morrison Street*

*Nancy Jones, 1125 N. Briarcliff Drive*

*Emma Reiser, 531 N. Ida Street*

*Nick Ross, 933 E. Pacific Street*

3. Approval of minutes from previous meeting

[21-1659](#)

City Plan Minutes from 11-10-21

**Attachments:** [City Plan Minutes 11-10-21..pdf](#)

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

**Motion carried by the following vote:**

**Aye:** 4 - Mayor Woodford, Fenton, Buetow and Dane

**Excused:** 1 - Uitenbroek

**Absent:** 2 - Palm and Robins

4. Public Hearings/Appearances

**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 (2/3 vote of Common Council required for approval)

**Attachments:**     [StaffReport\\_PaintCraft Studio\\_SUP\\_For11-10-21.pdf](#)  
                                 [StaffReport\\_PaintCraft Studio\\_SUP\\_For12-8-21.pdf](#)

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

**Aye:** 4 - Mayor Woodford, Fenton, Buetow and Dane

**Excused:** 1 - Uitenbroek

**Absent:** 2 - Palm and Robins

**6. Information Items**

**7. Adjournment**

**Fenton moved, seconded by Buetow, that the meeting be adjourned at 3:56 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 4 - Mayor Woodford, Fenton, Buetow and Dane

**Excused:** 1 - Uitenbroek

**Absent:** 2 - Palm and Robins



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

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, January 12, 2022, 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 Adam Marty, applicant, and SNP Enterprises LLC, owner, for property located at 1016 East Pacific Street (Tax Id #31-1-0843-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Alpine Swift). In the C-2 General Commercial District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.

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 David Kress, Principal Planner, in the Community and Economic Development Department at (920) 832-6428 or by email at [david.kress@appleton.org](mailto:david.kress@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: December 28, 2021  
January 4, 2022

**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, January 12, 2022, 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 Adam Marty, applicant, and SNP Enterprises LLC, owner, for property located at 1016 East Pacific Street (Tax Id #31-1-0843-00) to obtain a Special Use Permit for a restaurant with alcohol sales and consumption (Alpine Swift). In the C-2 General Commercial District, a Special Use Permit is required for a restaurant with alcohol sales and consumption.
  
- ALDERMANIC DISTRICT: 2 – Alderperson Vered Meltzer

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.

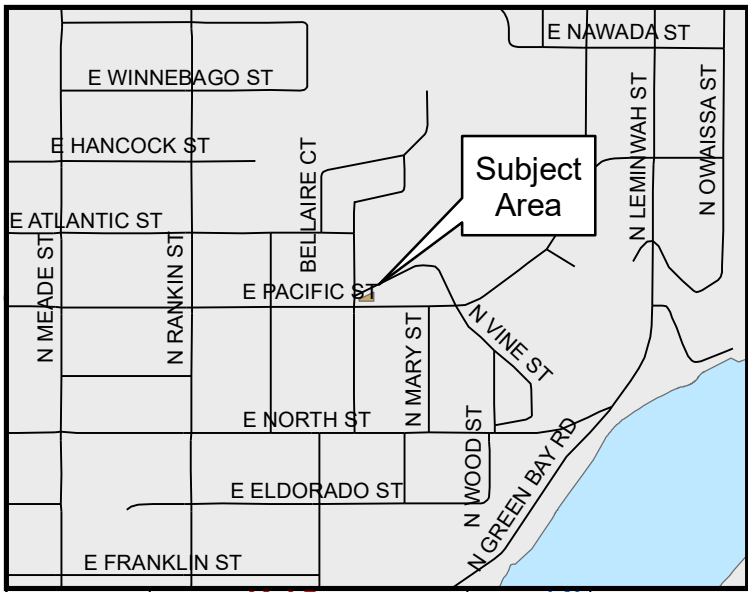
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1016 East Pacific Street  
Special Use Permit  
Restaurant with Alcohol Sales  
Zoning Map









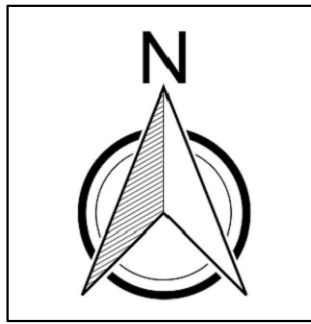
# SITE PLAN

1016 E Pacific Street  
Appleton, WI 54911

Parcel ID: 31-1-0843-00

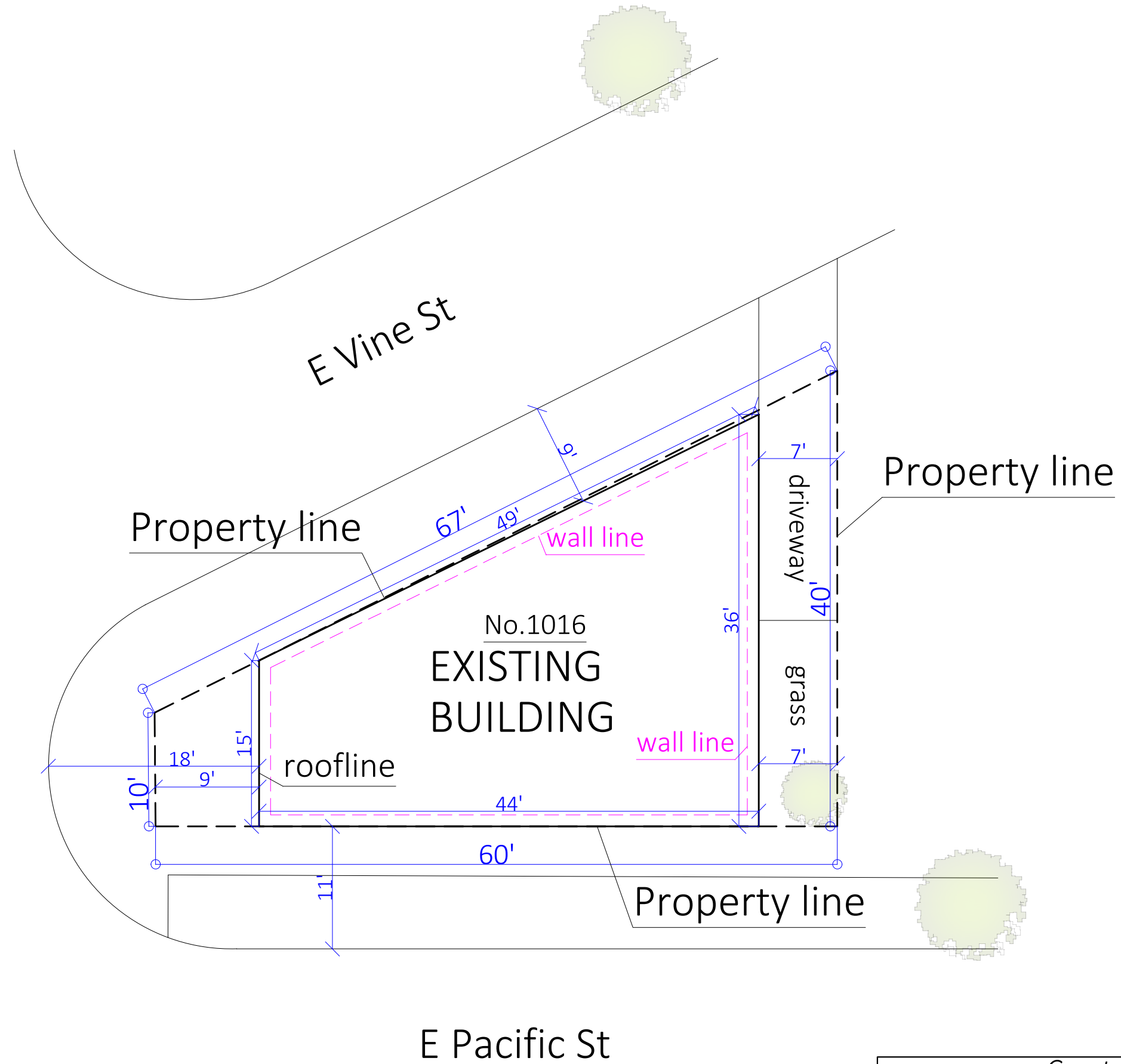
Lot area: 0.03 Acres

Plot Size: 11"x17"



scale 1"=10'

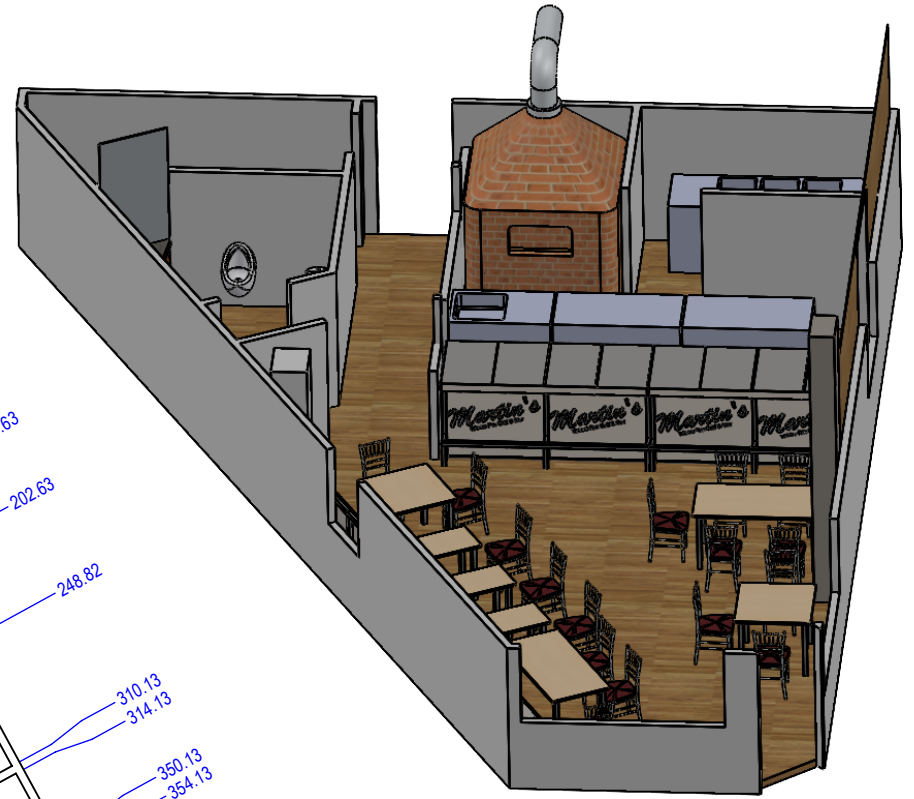
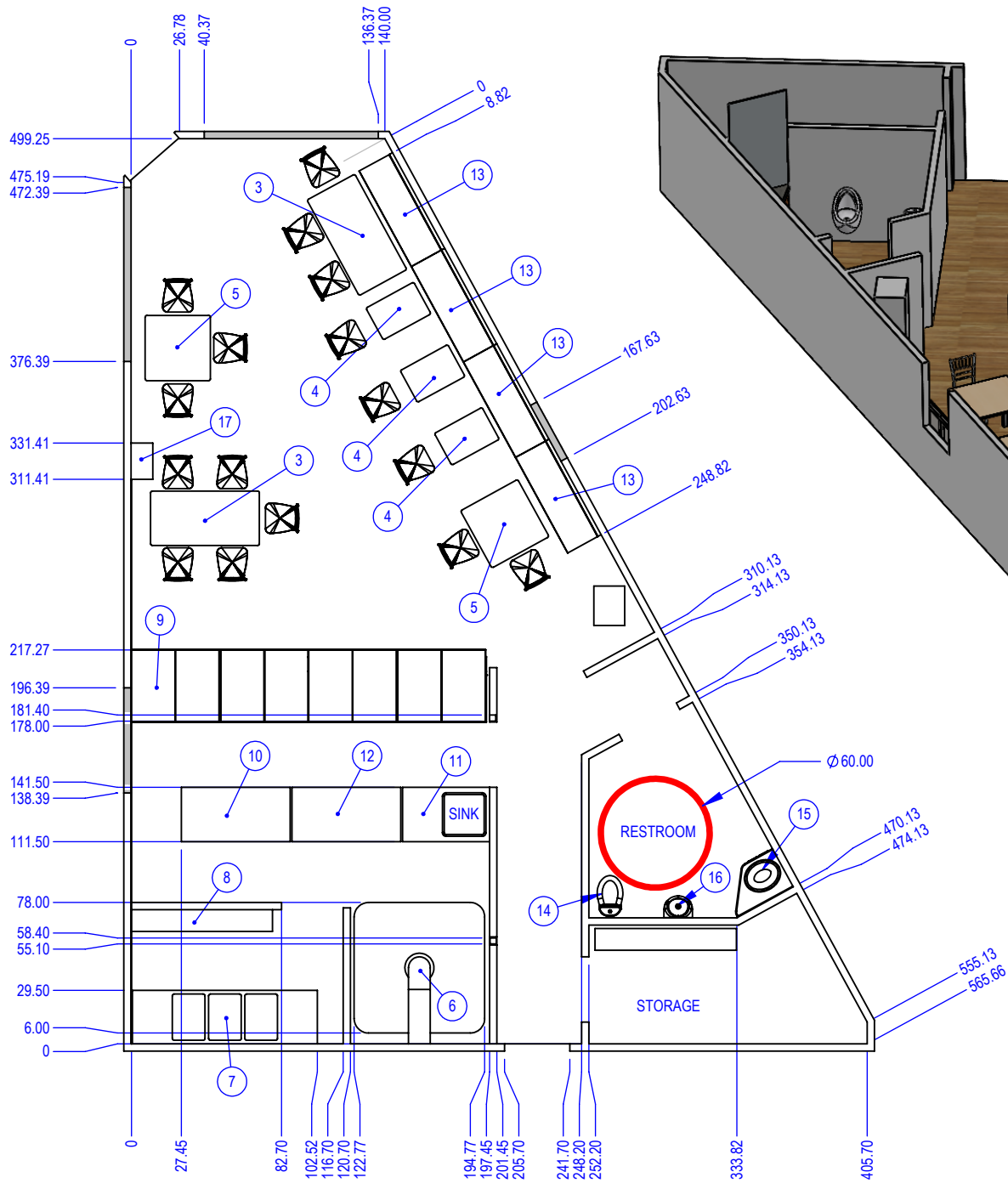
N Tonka St



Created by:



ITEM NO.	DESCRIPTION	
1	FLOOR BASE	1
2	WALLS	1
3	TABLE ASSEMBLY 60X30	2
4	TABLE ASSEMBLY 30X20	3
5	TABLE ASSEMBLY 36X36	2
6	OVEN	1
7	TRIPPLE SINK	1
8	SHELVING	2
9	BAR ASSEMBLY	1
10	WORK TABLE - 60 X 30	1
11	WORK TABLE - 48 X 30	1
12	COOLER - 60 X 30	1
13	BENCH ASSEMBLY	2
14	TOILET	1
15	BATHROOM SINK	1
16	URINAL	1
17	AIR DUCT	1
18	WOOD PANEL WALL	1



**JD Industries LLC**  
 4330 Zane Ave N.  
 Crystal, MN 55422  
 justin@jd-industries.com

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Unless Otherwise Stated:  
 Linear Tol.: ±0.005", Angular Tol.: 1°  
 Surface Finish: 0.8µm  
 All Dimensions: INCHES



Third Angle

**Title** Building Assembly  
**Assembly:**  
**Location:** D:\OneDrive\Solidworks\Martin's\FloorPlan\

**Part No.:** NA

**Scale:** 1:90  
**Sheet:** 1 of 1  
**Sheet Size:** A4

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**Finish:**  
**Color:**

**Client:**  
**Updated:** 10/13/2021  
**Drawn By:** justin  
**Drawn Date:** 8/20/2021  
**Revision:** 0

**CITY OF APPLETON**  
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**PROPOSED SPECIAL USE PERMIT**

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Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Courtney Hayden, applicant, and Craig Weborg, owner, for property located at 2009/2011 North Richmond Street (Tax Id #31-5-2326-00) to obtain a Special Use Permit for an indoor recreation use with alcohol sales and consumption (The Breaking Point). In the C-2 General Commercial District, a Special Use Permit is required for an indoor recreation use that also includes alcohol sales and consumption.

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).

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- ALDERMANIC DISTRICT: 12 – Alderperson Nate Wolff

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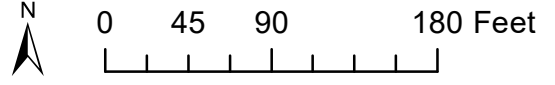
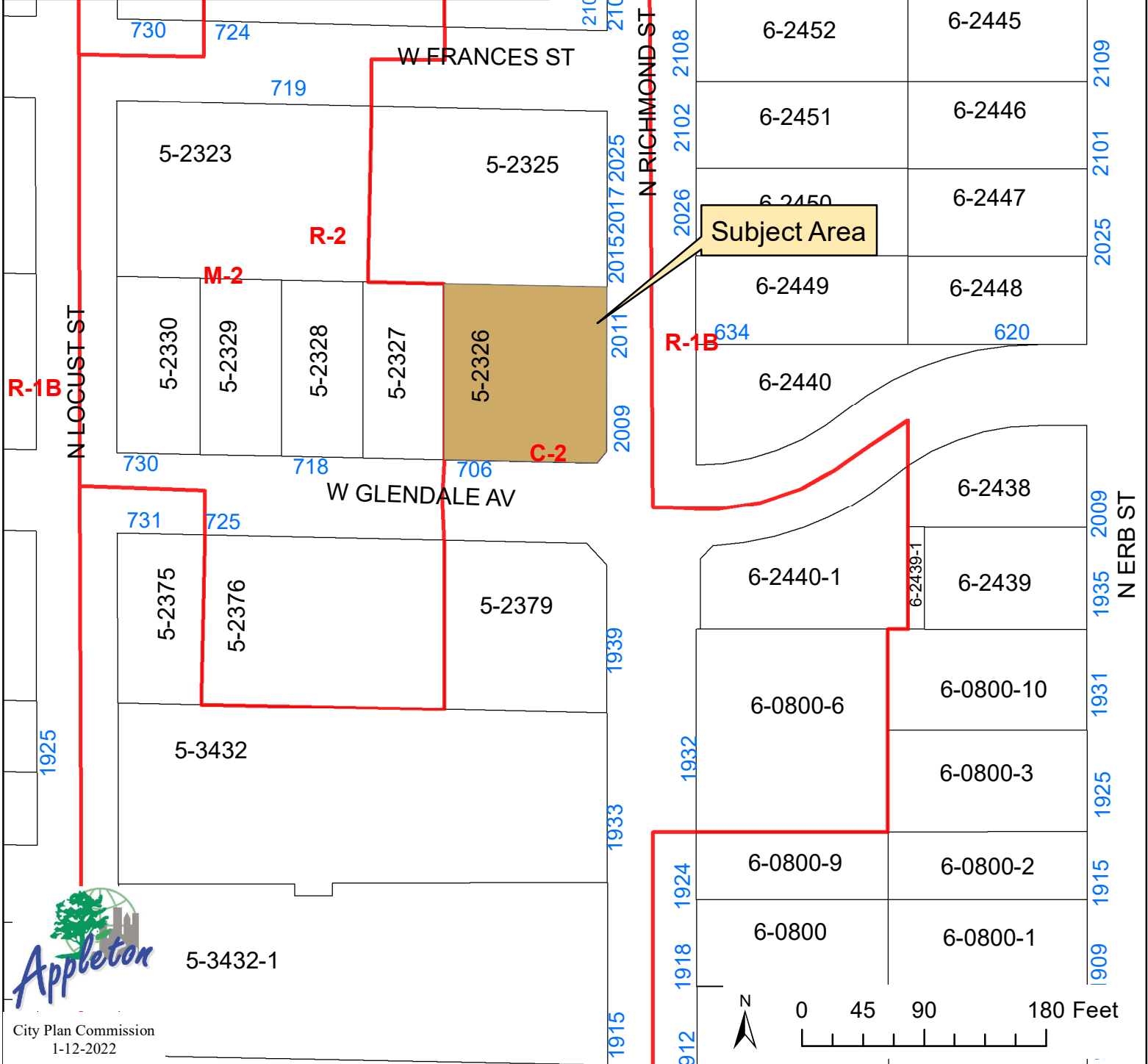
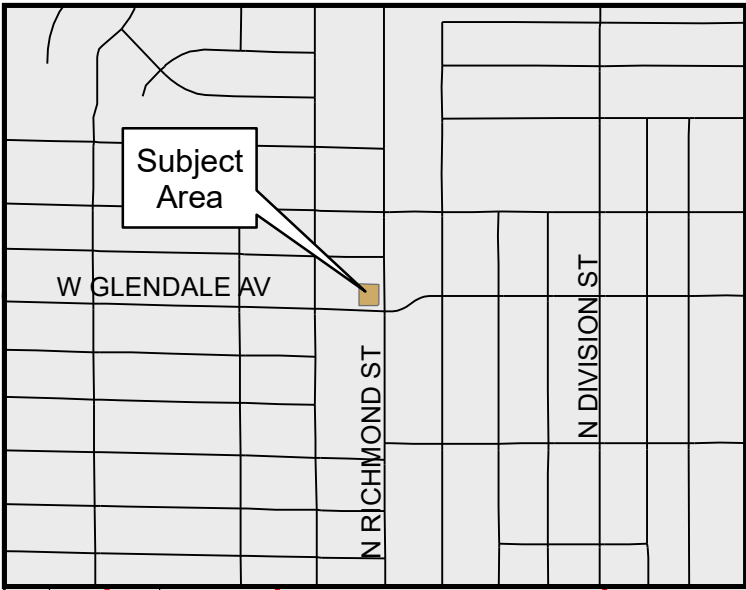
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Special Use Permit  
Alcohol Sales and Consumption  
The Breaking Point  
2009 & 2011 N. Richmond Street  
Zoning Map

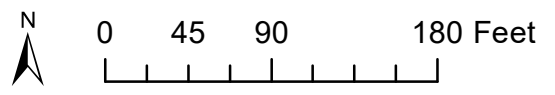




Special Use Permit  
 Alcohol Sales and Consumption  
 The Breaking Point  
 2009 & 2011 N. Richmond Street  
 Aerial Map

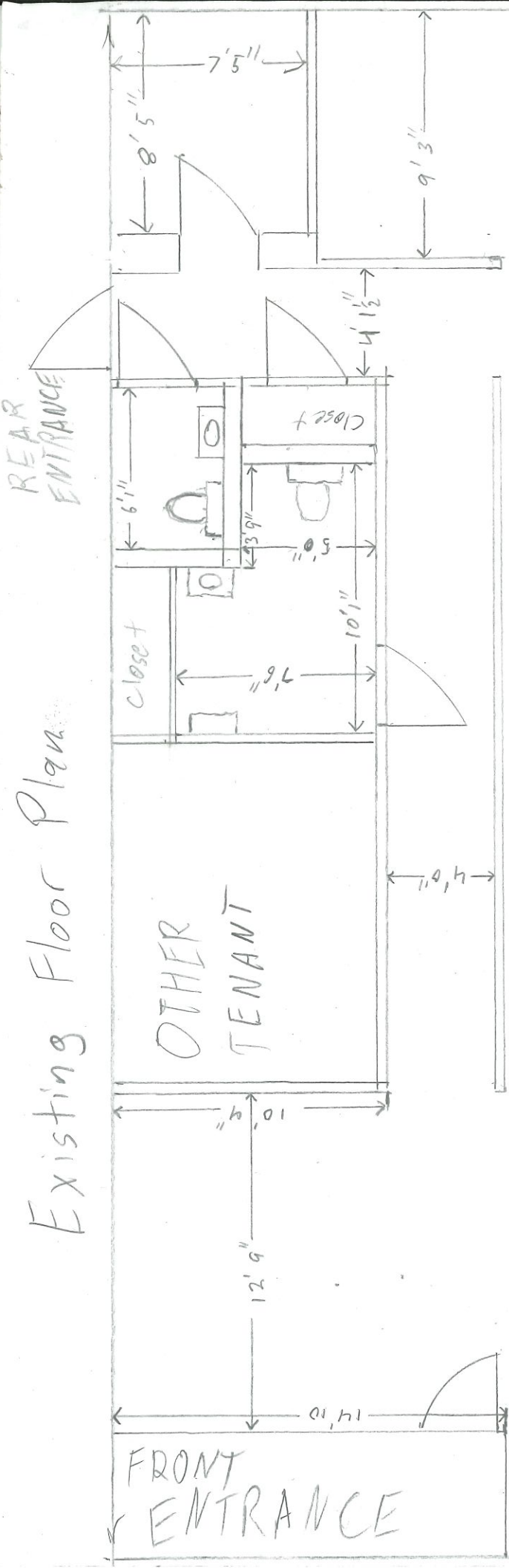


Subject Area

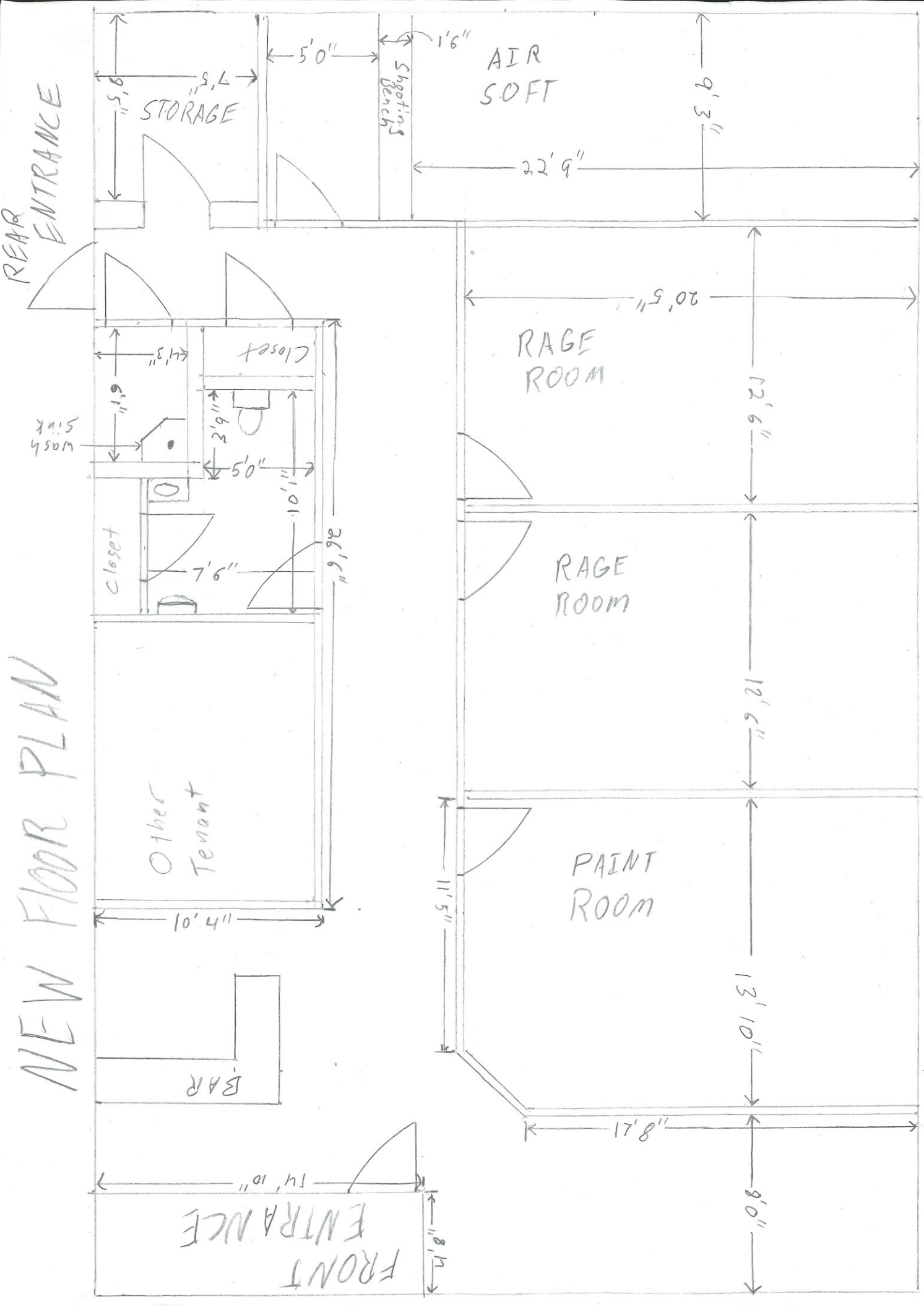




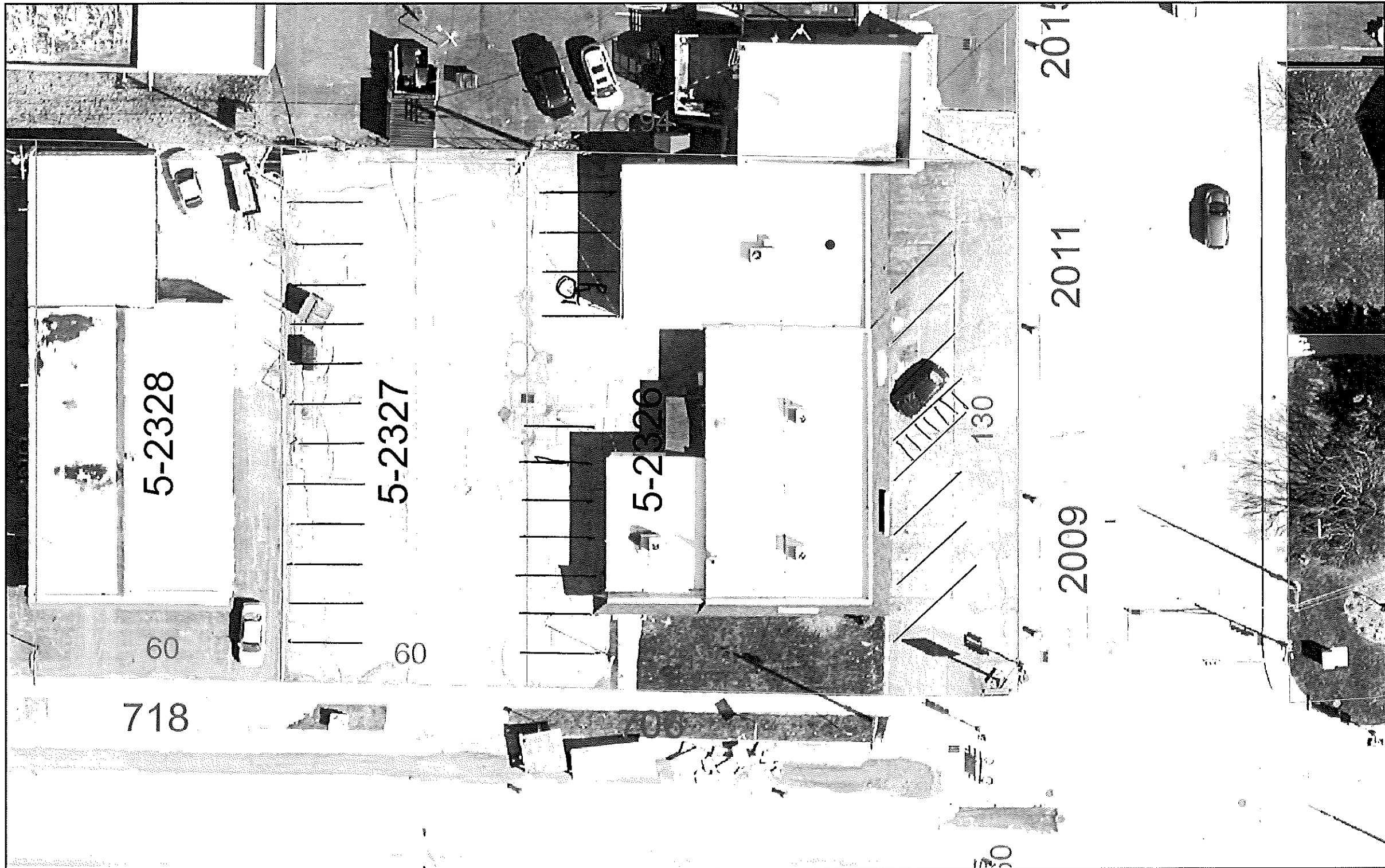
# Existing Floor Plan



# NEW FLOOR PLAN



# ArcGIS Web Map



11/29/2021, 10:39:01 AM

 City Limits  City Parcels  Easements

1:564  
0 0 0.01 0.01 mi  
0 0.01 0.01 0.02 km



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** January 12, 2022

**Common Council Meeting Date:** January 19, 2022

**Item:** Special Use Permit #4-21 for restaurant with alcohol sales and service

**Case Manager:** David Kress, Principal Planner

### **GENERAL INFORMATION**

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**Owner:** SNP Enterprises, LLC

**Applicant:** Alpine Swift c/o Adam Marty

**Address/Parcel #:** 1016 East Pacific Street (Tax Id #31-1-0843-00)

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

### **BACKGROUND**

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The subject area is located at the northeast corner of East Pacific Street and North Tonka Street. Based on Assessor's Office records, personal services (photography studio) was the previous use of the property. The applicant recently applied for a Liquor License that includes Class B beer and Class C wine, which is on track to go to Safety and Licensing Committee on January 12<sup>th</sup> and Common Council on January 19<sup>th</sup>.

On November 15, 2021, the Board of Zoning Appeals approved a variance for the subject property. The variance allows a restaurant with an occupancy of 30 persons to provide no off-street parking. A variance was previously approved by the Board of Zoning Appeals on August 20, 2007 to allow a photography studio at this location with one off-street parking space.

### **STAFF ANALYSIS**

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**Project Summary:** The applicant proposes to establish a restaurant with alcohol sales and service on the subject site, which would occupy the existing building that is approximately 1,008 square feet in size. Based on the attached development plan, this request will not increase existing building area. Per the Inspections Division, 30 persons (including staff) would be the maximum number of occupants for the space.

**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.

**Existing Site Conditions:** The existing single-story building totals approximately 1,008 square feet on the ground floor. The 0.03-acre site also includes a paved driveway east of the building, with a curb cut on East Vine Street.

**Special Use Permit #4-21**  
**January 12, 2022**  
**Page 2**

**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 restaurant with alcohol sales and service 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 residential in nature.

North: R-1C Central City Residential District. The adjacent land uses to the north are currently single-family residential.

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 duplexes and single-family residential.

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

West: R-1C Central City Residential District. The adjacent land uses to the west are currently single-family residential.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with goals and objectives found in the City's *Comprehensive Plan 2010-2030*. 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.*

*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.*

*Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:*

*Strategy 3.3 – Promote development of neighborhood serving businesses and amenities to meet the basic shopping and service needs of downtown and nearby residents.*

**Technical Review Group (TRG) Report:** This item appeared on the December 7, 2021 TRG agenda.

- Inspections Division Comments: Had a chance to work with the applicant on total occupants. We determined based on code allowances that 30 would be the maximum for the space. That number includes his staff.
- Police Department Comments: There is parking available on Pacific Street eastbound and one side of Tonka Street and Vine Street; however, they will need to be aware of the possibility of patrons parking too close to driveways. On-street parking rules are as follows: Must be within one foot of the curb; Must stay four feet away from the driveway apron; Must have two feet between cars; Must be ten feet away from fire hydrant; Must be fifteen feet from a crosswalk.

**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, however, the Board of Zoning Appeals approved a variance that allows a restaurant with an occupancy of 30 persons to provide no off-street parking. Therefore, 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.

## **RECOMMENDATION**

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Staff recommends, based on the above analysis, that Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street (Tax Id #31-1-0843-00), 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 ground floor of the building, as identified on the attached development 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. This Special Use Permit is needed for 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 #4-21  
RESTAURANT WITH ALCOHOL  
1016 EAST PACIFIC STREET**

**WHEREAS**, Adam Marty, Alpine Swift, has applied for a Special Use Permit for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00; and

**WHEREAS**, the location for the proposed restaurant with alcohol sales and service 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; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 12, 2022 on Special Use Permit #4-21, 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 #4-21 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 January 19, 2022.

**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 #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-0843-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #4-21 for a restaurant with alcohol sales and service located at 1016 East Pacific Street, also identified as Parcel Number 31-1-

0843-00, 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 #4-21**

- 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 ground floor of the building, as identified on the attached development 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. This Special Use Permit is needed for 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.

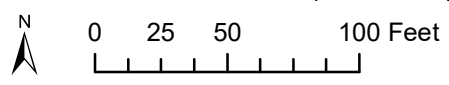
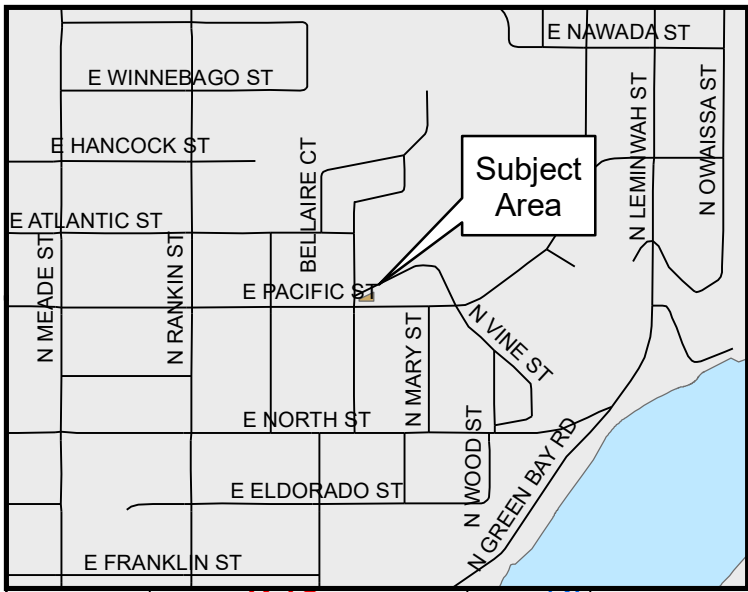
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

1016 East Pacific Street  
 Special Use Permit  
 Restaurant with Alcohol Sales  
 Zoning Map









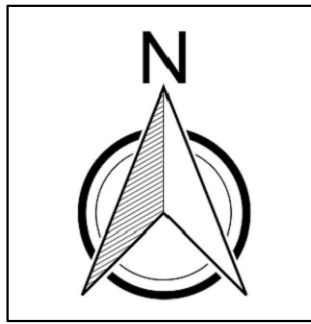
# SITE PLAN

1016 E Pacific Street  
Appleton, WI 54911

Parcel ID: 31-1-0843-00

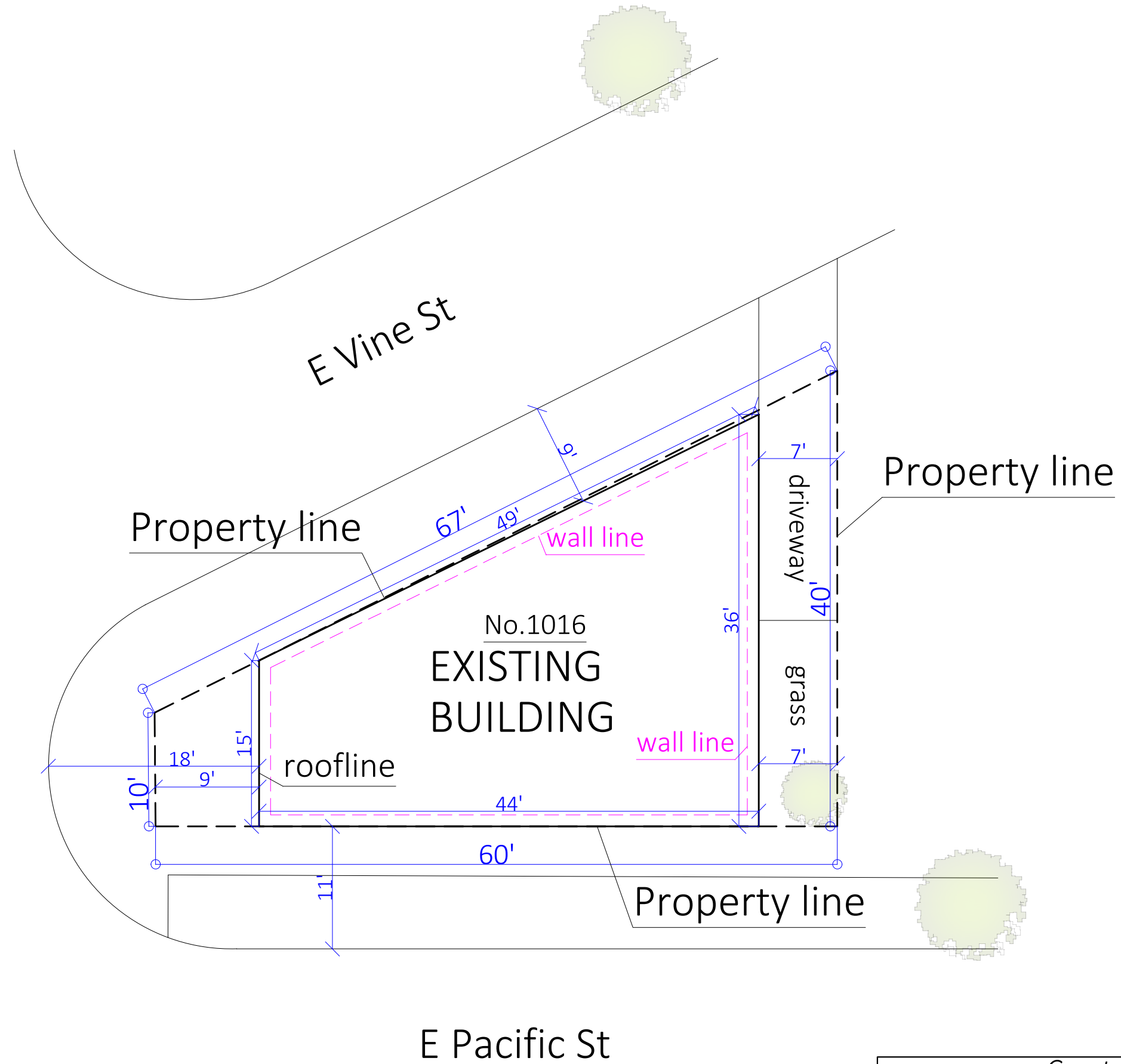
Lot area: 0.03 Acres

Plot Size: 11"x17"



scale 1"=10'

N Tonka St

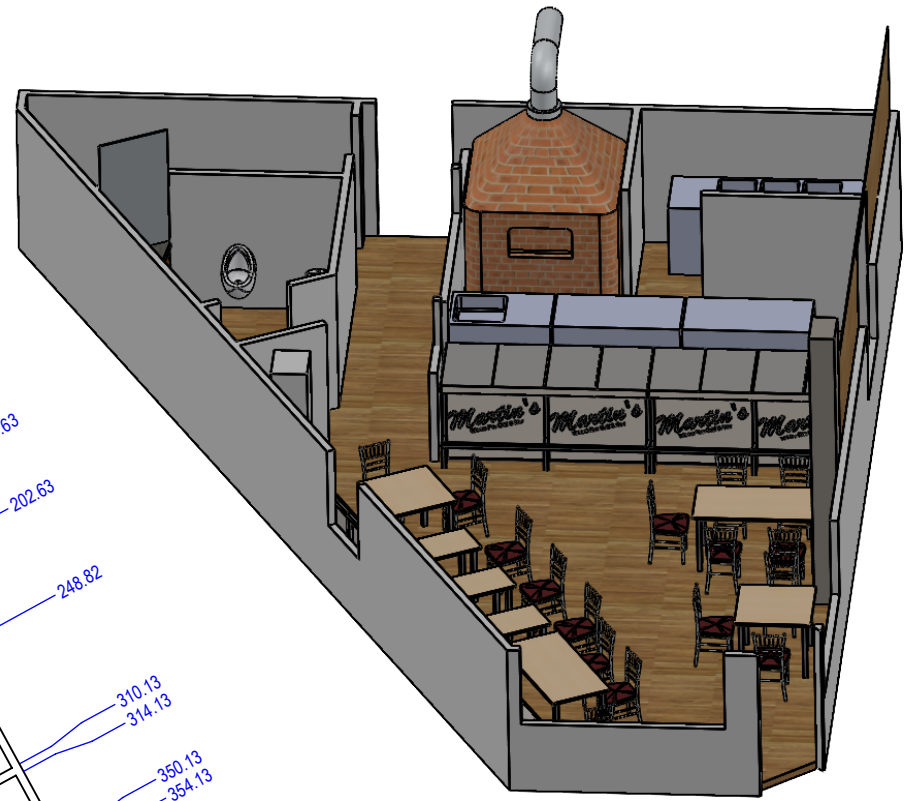
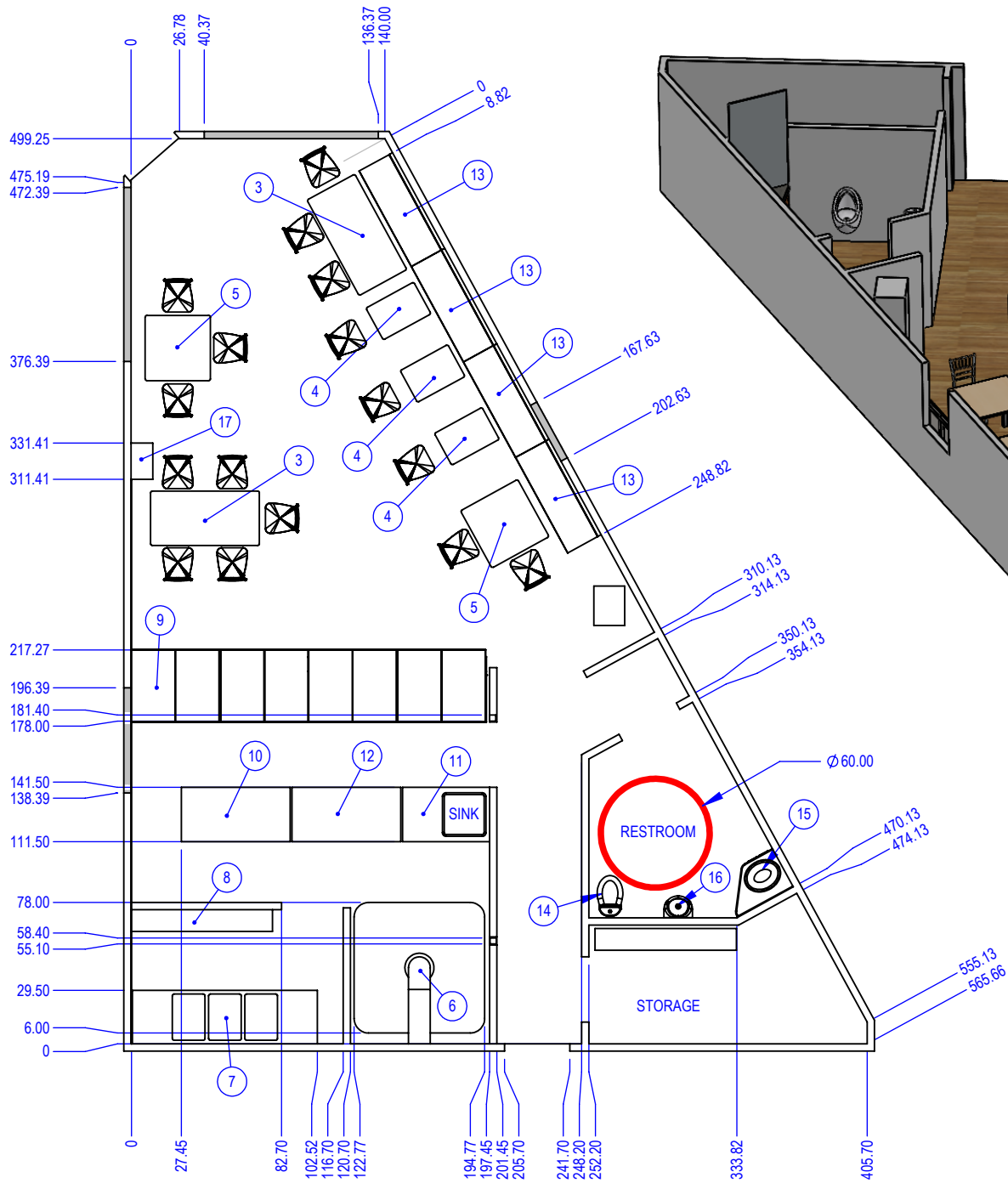


E Pacific St

Created by:



ITEM NO.	DESCRIPTION	
1	FLOOR BASE	1
2	WALLS	1
3	TABLE ASSEMBLY 60X30	2
4	TABLE ASSEMBLY 30X20	3
5	TABLE ASSEMBLY 36X36	2
6	OVEN	1
7	TRIPPLE SINK	1
8	SHELVING	2
9	BAR ASSEMBLY	1
10	WORK TABLE - 60 X 30	1
11	WORK TABLE - 48 X 30	1
12	COOLER - 60 X 30	1
13	BENCH ASSEMBLY	2
14	TOILET	1
15	BATHROOM SINK	1
16	URINAL	1
17	AIR DUCT	1
18	WOOD PANEL WALL	1



**JD Industries LLC**  
 4330 Zane Ave N.  
 Crystal, MN 55422  
 justin@jd-industries.com

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Unless Otherwise Stated:  
 Linear Tol.: ±0.005", Angular Tol.: 1°  
 Surface Finish: 0.8µm  
 All Dimensions: INCHES

Scale: 1:90  
 Sheet: 1 of 1  
 Sheet Size: A4



Third Angle  
 Config: Default  
 Weight: 70108.0  
 65

Title **Building Assembly**  
 Assembly:  
 Location: D:\OneDrive\Solidworks\Martin's\FloorPlan\

Part No.: **NA**

Client:  
 Updated: 10/13/2021  
 Drawn By: justin  
 Drawn Date: 8/20/2021  
 Revision: 0

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business information:

Name of business: Alpine Swift

Years in operation: 0

(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:

We propose to open a community based restaurant serving Pizza, Shareables, Salads and dessert. We plan to be open 4 days a week serving Beer and wine only.

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

(square feet) 1000

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

(square feet) 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: 30 persons.

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

Day	From	To
Monday thru Thursday	4 pm	9 pm
Friday	4 pm	10 pm
Saturday	4 pm	10 pm
Sunday	Closed	Closed

**Production/Storage information:**

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

- Current production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Proposed production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Current production of wine: \_\_\_\_\_ U.S. gallons per year
- Proposed production of wine: \_\_\_\_\_ U.S. gallons per year
- Current production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- Proposed production of intoxicating liquor: \_\_\_\_\_ proof gallons per year
- None. If none, leave the following 2 storage questions blank.

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

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

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

- Patio
- Deck
- 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:

A minimal exhaust fan noise

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

Staff will monitor crowd noise levels inside and outside premises.

**Off-Street Parking:**

Number of spaces existing on-site: 1

Number of spaces proposed on-site: 1

**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?

yes, street access is adequate to minimize impacts on traffic flow.

**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:

None

**Number of Employees:**

Number of existing employees: 1

Number of proposed employees: 5

Number of employees scheduled to work on the largest shift: 5



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** January 12, 2022

**Common Council Meeting Date:** January 19, 2022

**Item:** Special Use Permit #5-21 for an indoor recreational use with alcohol sales and consumption

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

### GENERAL INFORMATION

---

**Owner:** CNR, LLC c/o Craig Weborg

**Applicant:** The Breaking Point c/o Courtney Hayden

**Address/Parcel #:** 2009 & 2011 N. Richmond Street (Tax Id #31-5-2326-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for an indoor recreational use with alcohol sales and consumption.

### BACKGROUND

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The building was constructed in 1947 and the property contains a multi-tenant building with an off-street parking lot.

### STAFF ANALYSIS

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**Project Summary:** The applicant proposes to establish an indoor recreational use with alcohol sales and service on the subject site, which would occupy approximately 2,400 square feet of the existing multi-tenant building. The uses include rage rooms, splatter room, air soft target shooting and a small bar area.

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

**Existing Site Conditions:** The 15,571 square foot site is currently developed with a multi-tenant building, which is approximately 5,856 square feet in size. The site provides off-street parking on the east and west sides of the building, including parking provided on the adjacent parcel (Tax Id #31-5-2327-00). Access is provided by curb cuts on North Richmond Street and West Glendale Avenue.

**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, an indoor recreational use that also includes alcohol sales and consumption 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.

## Special Use Permit #5-21

January 12, 2022

Page 2

North: C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial uses.

South: C-2 General Commercial District. The adjacent land uses to the south are currently a mix of commercial uses.

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

West: M-2 General Industrial District. The adjacent land uses to the west are currently a mix of commercial uses.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030 Future Land Use Map*. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

### *Goal 1 – Community Growth*

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

### *Goal 8 – Economic Development*

*Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

### *OBJECTIVE 9.4 Economic Development:*

*Ensure the continued vitality of downtown and the City's neighborhood commercial districts.*

### *OBJECTIVE 10.5 Land Use:*

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

**Technical Review Group (TRG) Report:** These items appeared on the December 7, 2021 Technical Review Group agenda. The following comments were received from participating departments and have been incorporated into the Conditions of Approval:

- Police Department: *Ensure the applicant is willing/able to comply with our noise ordinances with their proposed business plan, specifically "Sec. 12-87. Radio or other electric sound amplification device – prohibited. No person or business may use a radio or other similar electric sound amplification device so that sound emitting from said radio or amplification device is audible under normal conditions from a distance of seventy-five (75) or more feet."*
- Fire Department: *Please note the occupant loads provided by the applicant have not been verified through review by a representative of a Fire Department. We recommend the applicant supply the FD with a WI occupant worksheet when they want these numbers posted, as required in the Municipal Ordinance, whenever food & drink is served. Appleton Fire will print the sign for posting.*

**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.

**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.

## **RECOMMENDATION**

Staff recommends, based on the above analysis, that Special Use Permit #5-21 for an indoor recreation use with alcohol sales and consumption located at 2009 & 2011 North Richmond Street (Tax Id #31-5-2326-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.

*Substantial Evidence: Standardized condition to ensure the applicant understands the City's Municipal Code and all applicable State and Federal laws must be followed.*

2. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the indoor recreational use. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

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

3. 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.*

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

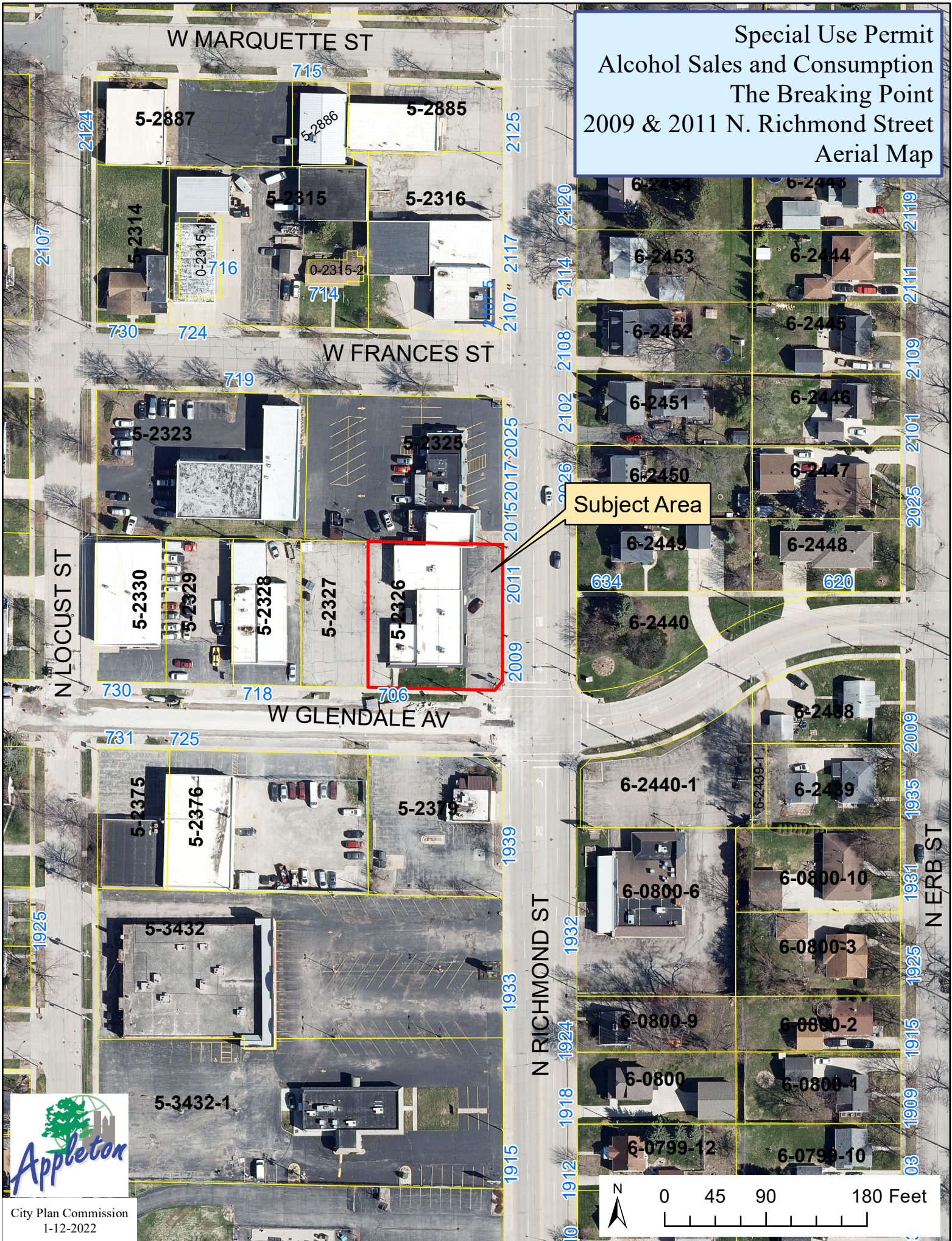
*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.*







Special Use Permit  
 Alcohol Sales and Consumption  
 The Breaking Point  
 2009 & 2011 N. Richmond Street  
 Aerial Map





**RESOLUTION**

**CITY OF APPLETON  
RESOLUTION APPROVING SPECIAL USE PERMIT #5-21**

**WHEREAS**, Courtney Hayden, owner of The Breaking Point has applied for a Special Use Permit to allow alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, and

**WHEREAS**, the location for the proposed indoor recreational use with alcohol sales and service 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; and

**WHEREAS**, the City of Appleton Plan Commission held a public hearing on January 12, 2022 on Special Use Permit #5-21 at which all those wishing to be heard were allowed to speak or present written comments and other materials presented at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation and other spoken and written evidence and testimony presented at the public hearing; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #5-21 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 January 19, 2022.

**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 in Sections 23-66(e)(1-8) are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #5-21 for alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, 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 #5-21 for alcohol sales and consumption on the premises located at 2009 & 2011 N. Richmond Street, and also identified as Parcel Number 31-5-2326-00, subject to the following conditions:

**CONDITIONS OF SPECIAL USE PERMIT #5-21:**

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
  - B. This Special Use Permit is needed for the on-site alcohol sales and consumption, not the indoor recreational use. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
  - C. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
  - D. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
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 19<sup>th</sup> day of January 2022.

---

Jacob A. Woodford, Mayor

ATTEST:

---

Kami Lynch, City Clerk

**PLAN OF OPERATION AND LOCATIONAL INFORMATION**

**Business Information:**

Name of business: The Breaking Point LLC

(Check applicable proposed business activity(s) proposed for the building or tenant space)

- Restaurant
- Bar/Night Club
- Wine Bar
- Microbrewery
- Other amusement

Years in operation: 2 years

Percentage of business derived from food service: 0 %

Type of proposed establishment (detailed explanation of business operations):

amusement  
2 rage rooms  
1 paint splatter room, air soft target shooting  
small beer/seltzer bar

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

Day	From	To
Week Days Monday thru Thursday	4pm	9pm
Friday	4pm	11pm
Saturday	11am	11pm
Sunday	closed	

**Building Capacity and Area:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 16-18 persons

Gross floor area of the existing building(s): 2,400

Gross floor area of the proposed building(s): 2,400



**Describe Any Potential Noise Emanating From the Proposed Use:**

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

Mostly evening hrs (4pm-9pm)  
On a noise scale from 1-10, I'd rate  
our noise level a 5.

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

no anticipated outside crowds  
Inside gatherings will be kept  
to minimum

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

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

**Outdoor Space Uses:**

(Check applicable proposed area)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_
- None

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 service incorporated within the outdoor space? Yes \_\_\_ No \_\_\_

Are there plans for outdoor music/entertainment? Yes \_\_\_ No \_\_\_

If yes, describe how the noise will be controlled:

\_\_\_\_\_

Is there any food service incorporated within the outdoor space? Yes \_\_\_ No \_\_\_

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

Day	From	To
Week Days: 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.**

**Off-Street Parking:**

Number of spaces existing: 30

Number of spaces proposed: 30

**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:

~~Bark at the Moon - dog grooming~~  
~~Just Pets - pet store~~

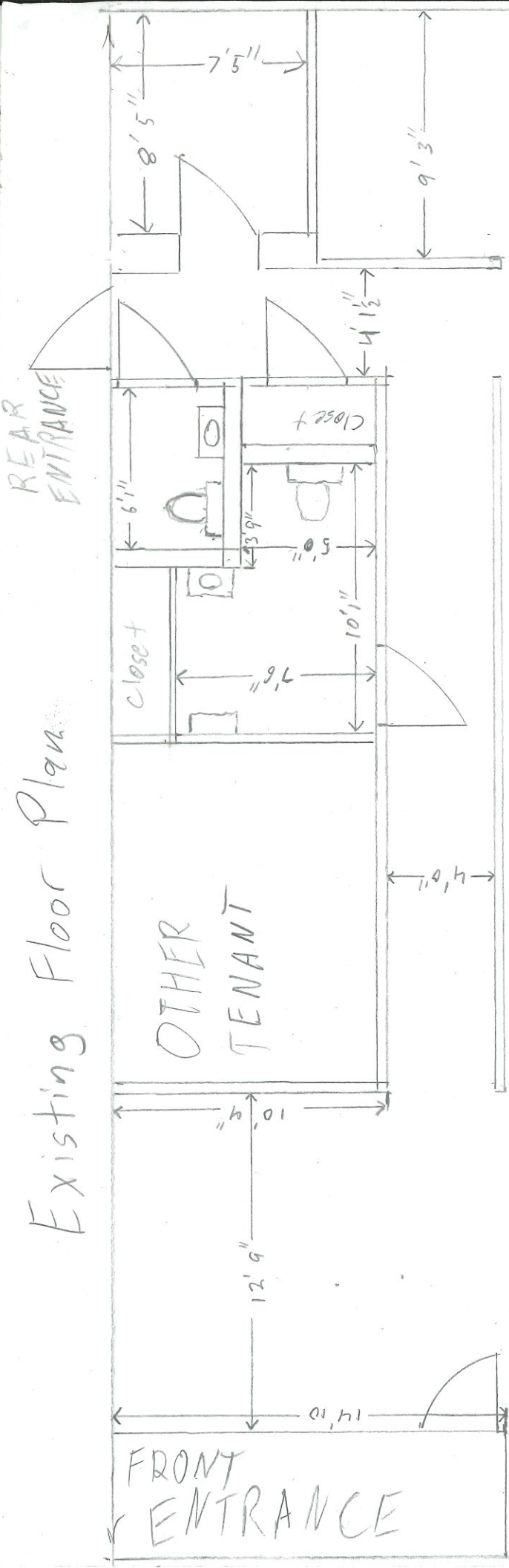
**Number of Employees:**

Number of existing employees: 4

Number of proposed employees: 4

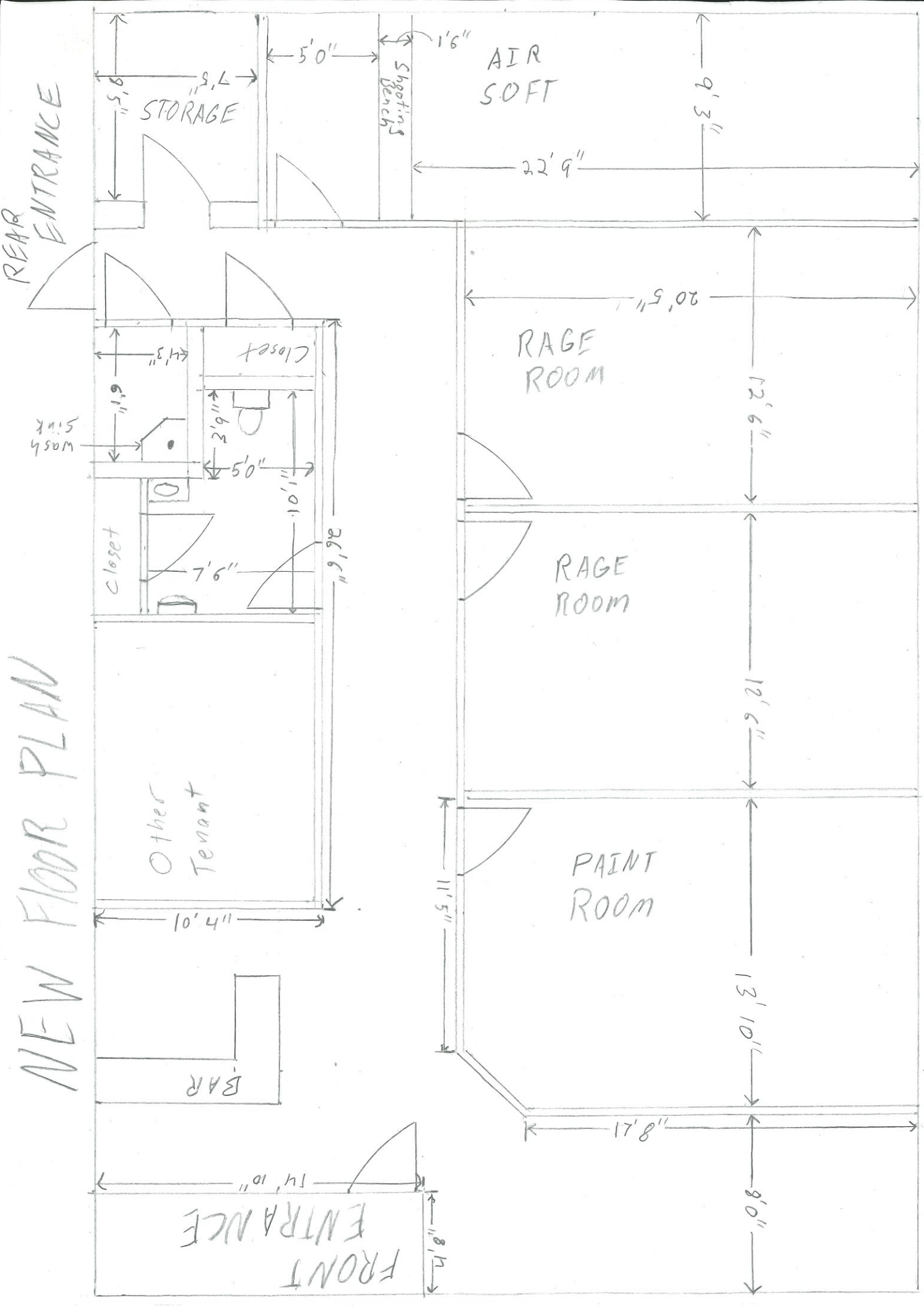
Number of employees scheduled to work on the largest shift: 4

# Existing Floor Plan

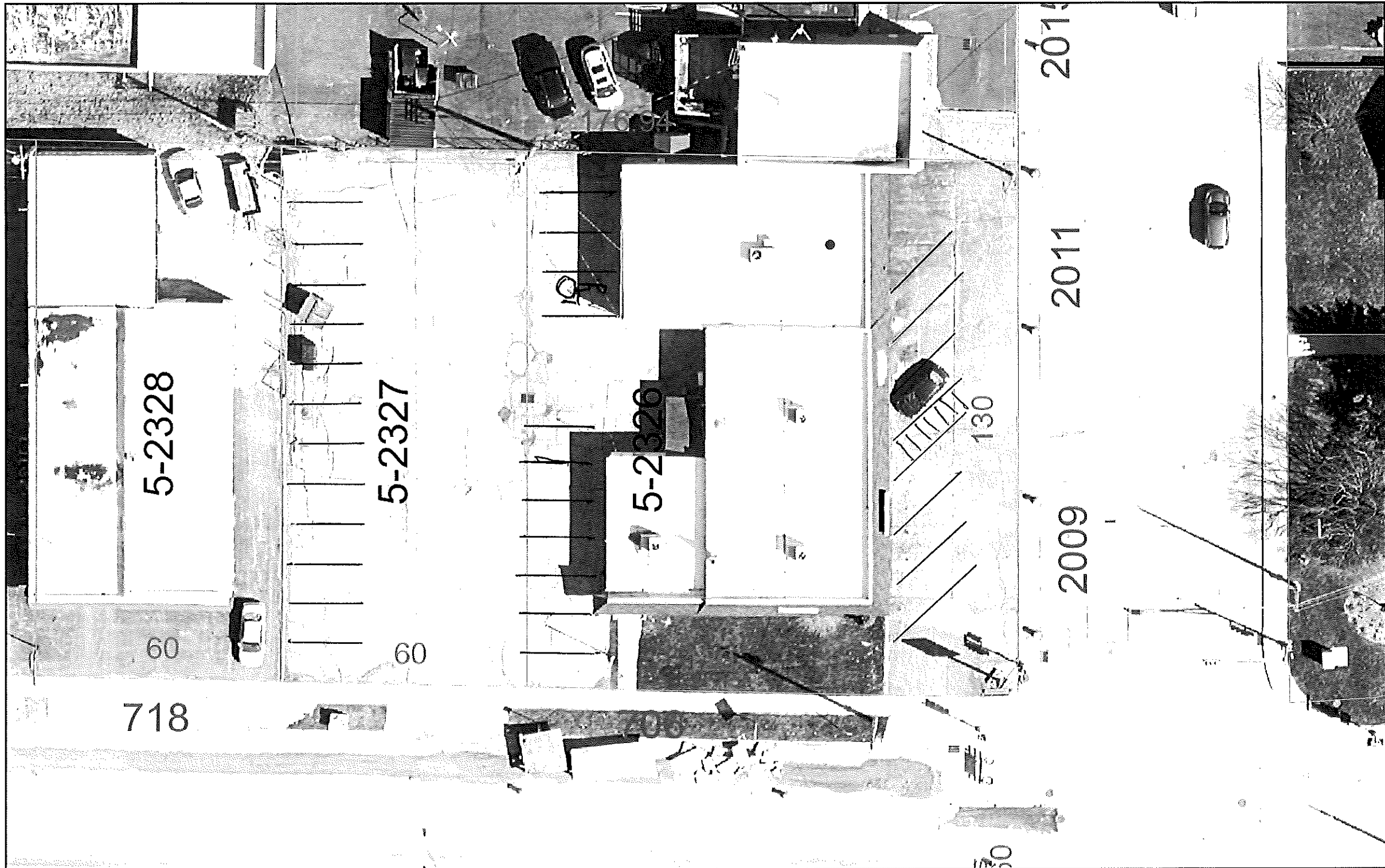




# NEW FLOOR PLAN

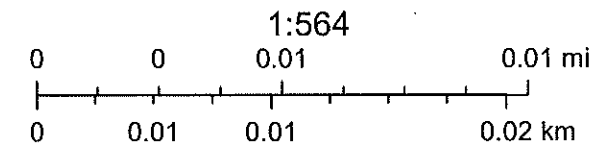


# ArcGIS Web Map



11/29/2021, 10:39:01 AM

 City Limits  City Parcels  Easements





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** January 12, 2022

**Common Council Meeting Date:** January 19, 2022

**Item:** Preliminary Plat – Stone Ridge Estates West

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

### GENERAL INFORMATION

**Applicant:** Michael J. Frank, Schuler & Associates, Inc.

**Owner:** Cypress Homes, Inc.

**Address/Parcel #:** N. Haymeadow Avenue (Tax Id #31-6-5802-02). The subject property is located south of East Clearfield Lane and west of North Haymeadow Avenue.

**Petitioner's Request:** The owner/applicant is proposing to subdivide property for single-family residential development.

### BACKGROUND

On June 19, 2019, Common Council adopted Ordinance 68-19, to annex the subject area from the Town of Grand Chute to the City of Appleton. The subject property was officially annexed to the City on June 25, 2019 at 12:01 a.m.

On July 24, 2019, the Common Council approved the request to rezone the subject property from Temporary AG Agricultural District to R-1B Single-Family District.

CSM #20-19 created the subject parcel and was approved by staff on January 2, 2020. The dedication of public right-of-way for North Haymeadow Avenue (adjacent to the subject property) was approved by the Common Council on December 18, 2019.

### STAFF ANALYSIS

**Existing/Proposed Conditions:** The subject area to be subdivided is currently undeveloped. Stone Ridge Estates West consists of 3.88 acres and will be divided into ten (10) single-family lots.

**Zoning Ordinance Review Criteria:** R-1B Single-Family District lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed average lot size is 15,904 square feet. All lots exceed this minimum requirement.*



**Preliminary Plat – Stone Ridge Estates West**

**January 12, 2022**

**Page 2**

- Minimum lot width: Fifty (50) feet.
  - *All lots exceed this minimum requirement, with exception of Lot 8. Please see the “Compliance with Appleton Subdivision Regulations” section below. The applicant has requested a Modification of Regulations per Section 17-3(f) of the Subdivision Code. Lot 8 meets the minimum lot width standard at the building setback line.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback has been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton Subdivision Regulations, except for the code sections listed below.

Proposed lot width for Lot 8 is 40 feet at the right-of-way line, 50 feet is required per Section 17-3(c)(6) and Section 23-93(g)(3) of the Municipal Code. The modification allows for a reduction of lot width at the right-of-way line from 50 feet to 40 feet. *Note: Per Section 23-22, lot width for a lot abutting a cul-de-sac or curved street is measured at the front setback line. Due to the existing angled alignment of Haymeadow Avenue, Lot 8 is shaped similar to a lot adjacent to a cul-de-sac. Lot 8 is 90 feet wide at the 20 foot front setback line and complies with all other applicable development standards.*

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

- (1) The modification is due to physical features of the site or its location.
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship.
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

**Access and Traffic:** The primary vehicular access to Stone Ridge Estates West is via North Haymeadow Avenue and East Stratford Lane. The road right-of-way for proposed East Stratford Lane will be dedicated to the City with the Final Plat.

**Preliminary Plat – Stone Ridge Estates West**

**January 12, 2022**

**Page 3**

**Surrounding Zoning and Land Uses:**

North: R-1B Single Family Residential. The adjacent land use to the north is currently residential.

South: Town of Grand Chute. The adjacent land use to the south is currently agriculture.

East: R-1A Single Family Residential. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

**2010-2030 Comprehensive Plan:** Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential use shown on the City's 2010-2030 Comprehensive Plan 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 3 – Housing Quality, Variety, and Affordability*

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

*OBJECTIVE 10.1 Land Use:*

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

*OBJECTIVE 10.4 Land Use:*

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Parks and Open Space:** The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to the City signing the Final Plat. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

**Technical Review Group Report (TRG):** This item appeared on the December 7, 2021 TRG Agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

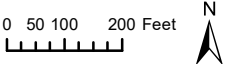
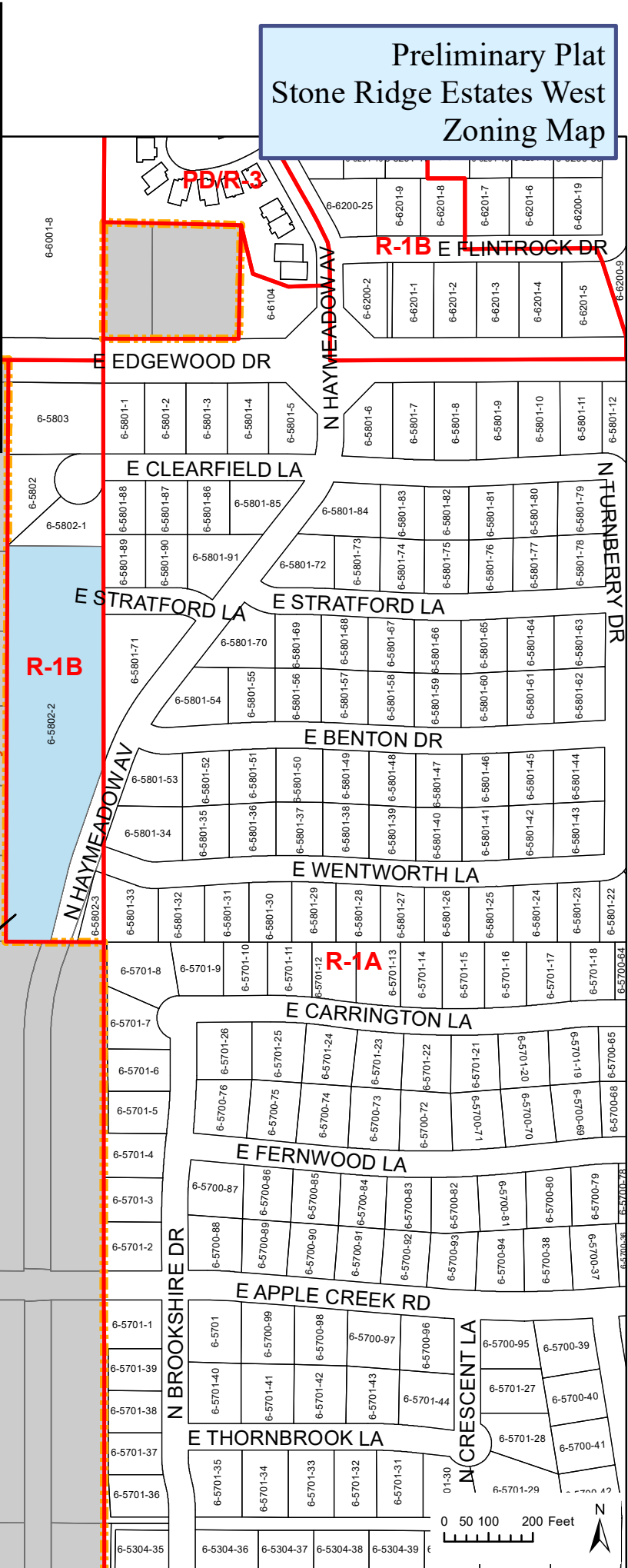
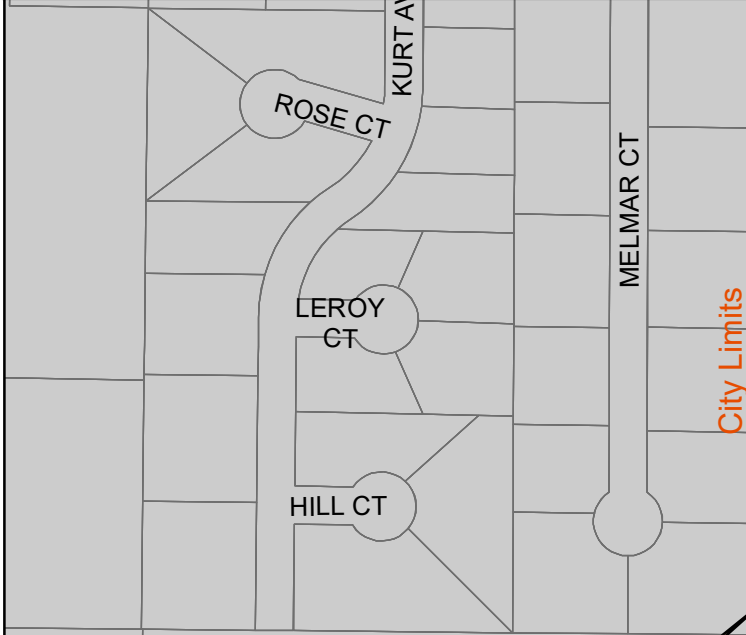
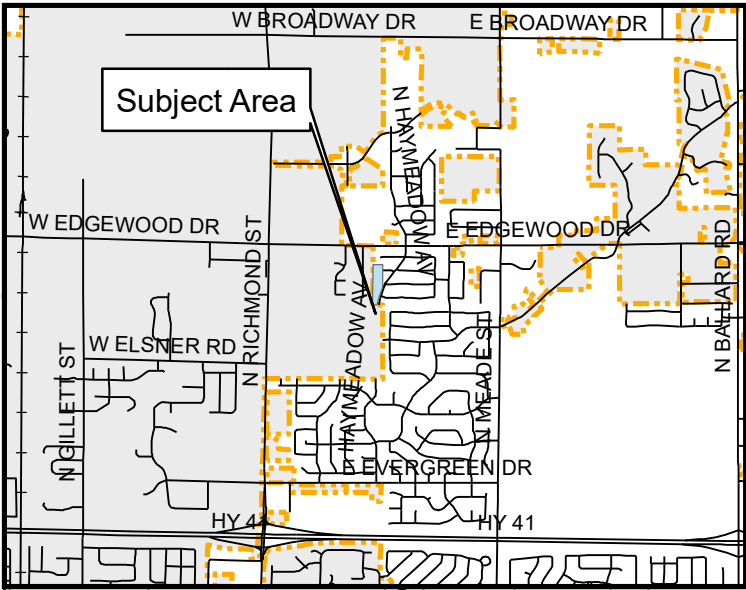
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The Preliminary Plat for Stone Ridge Estates West, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Prior to City signatures being affixed to the Final Plat, park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.
2. Grant relief from the minimum lot width requirements for proposed Lot 8, per Section 17-3(f) of the Municipal Code and as stated in the staff report.
3. List the benchmark reference datum.
4. The following note shall be added to the Final Plat: *Lots 11 and 12 contain a private storm water pond. No building permits will be issued for these lots during the time period that the pond occupies the lots. Issuance of any future building permits for lot 11 and lot 12 will not occur until such time as the private pond is removed, and alternate facilities constructed as part of a city-approved revision to the stormwater management plan for this plat.*
5. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
6. A Stormwater Permit Application, Stormwater Management Plan and Engineering Plans have been submitted for review. Technical review comments have been provided to the consultant and all such comments must be addressed on the Final Plat.
7. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
8. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.



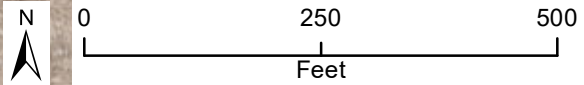
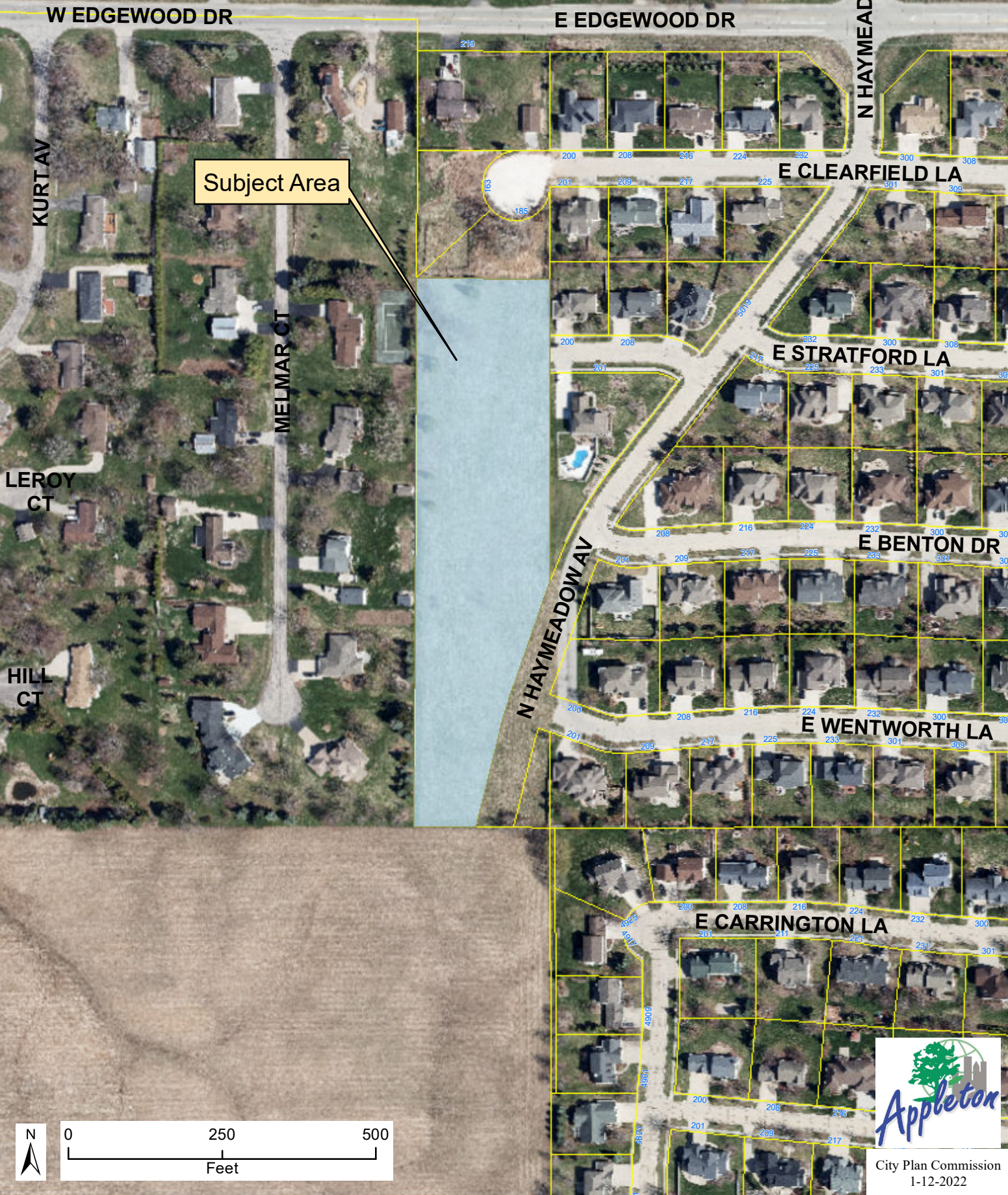
# Preliminary Plat Stone Ridge Estates West Zoning Map





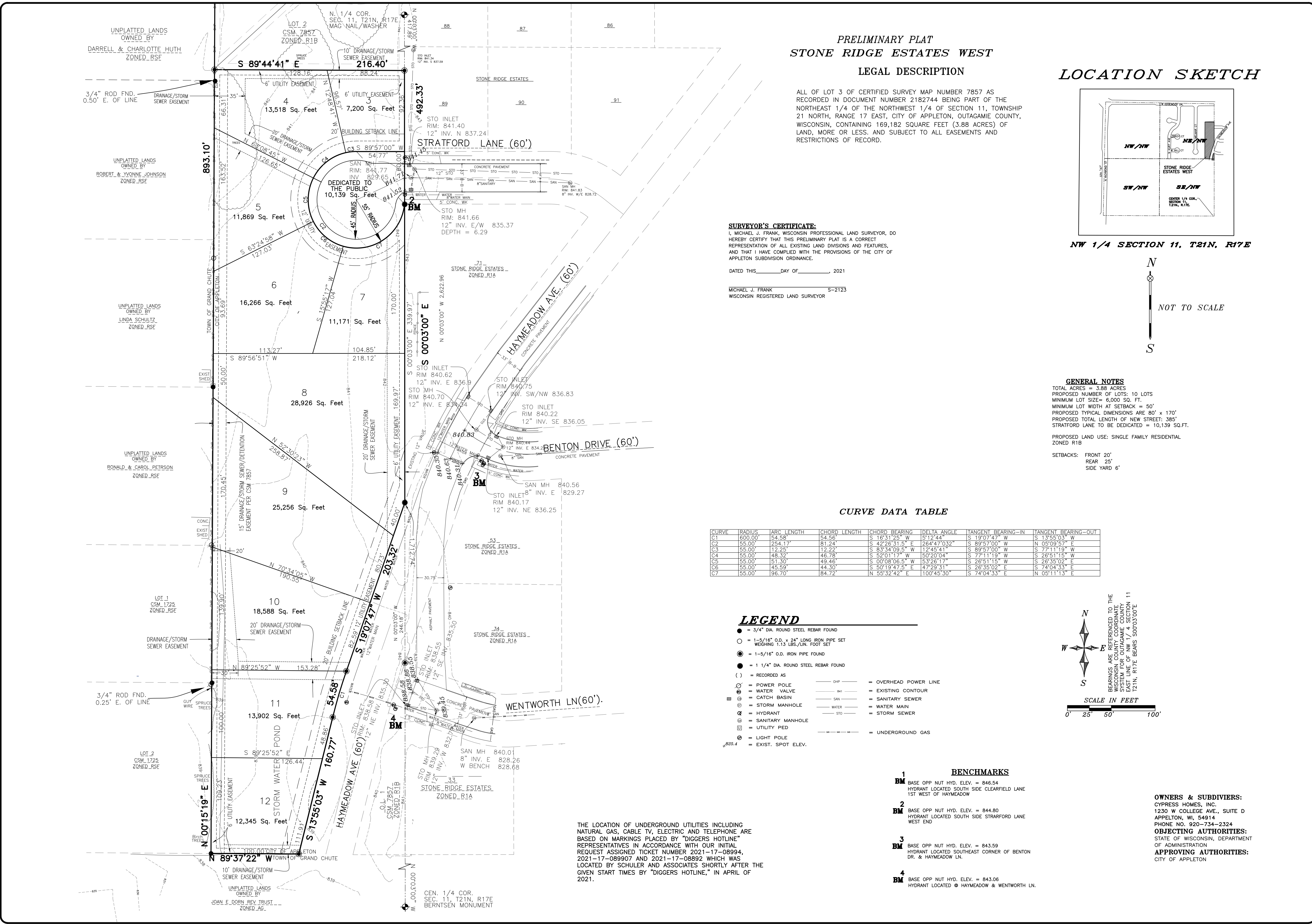
Preliminary Plat  
Stone Ridge Estates West  
Aerial Map

Subject Area



City Plan Commission  
1-12-2022

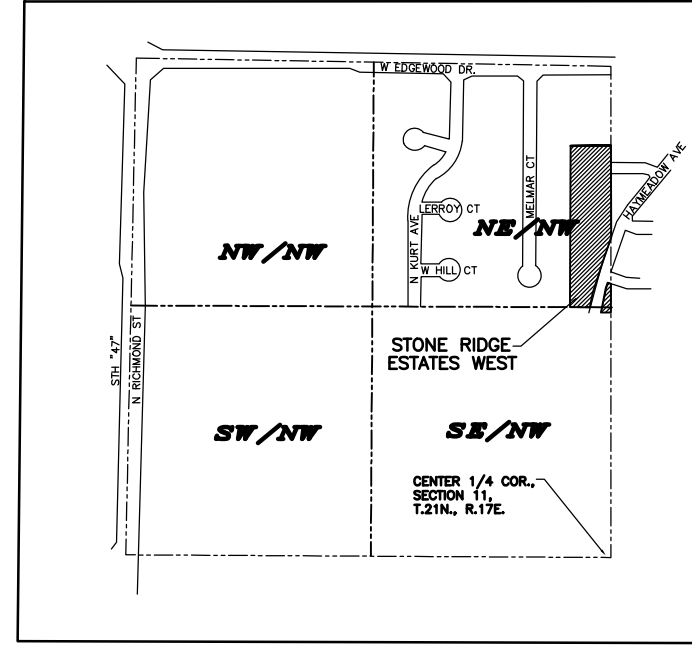




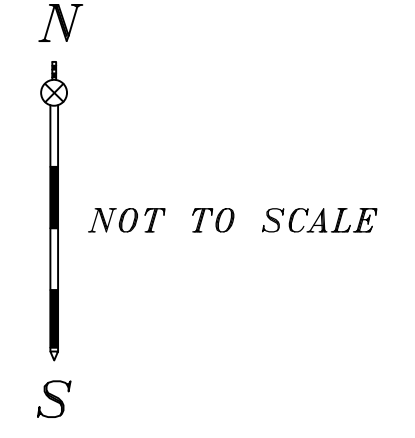
**PRELIMINARY PLAT**  
**STONE RIDGE ESTATES WEST**  
**LEGAL DESCRIPTION**

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 169,182 SQUARE FEET (3.88 ACRES) OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

**LOCATION SKETCH**



NW 1/4 SECTION 11, T21N, R17E



**SURVEYOR'S CERTIFICATE:**  
 I, MICHAEL J. FRANK, WISCONSIN PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PRELIMINARY PLAT IS A CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND FEATURES, AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE CITY OF APPLETON SUBDIVISION ORDINANCE.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

MICHAEL J. FRANK S-2123  
 WISCONSIN REGISTERED LAND SURVEYOR

**GENERAL NOTES**

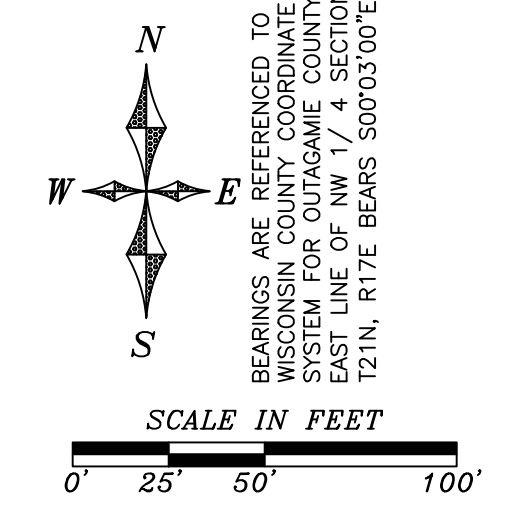
- TOTAL ACRES = 3.88 ACRES
- PROPOSED NUMBER OF LOTS: 10 LOTS
- MINIMUM LOT SIZE = 6,000 SQ. FT.
- MINIMUM LOT WIDTH AT SETBACK = 50'
- PROPOSED TYPICAL DIMENSIONS ARE 80' x 170'
- PROPOSED TOTAL LENGTH OF NEW STREET: 385'
- STRATFORD LANE TO BE DEDICATED = 10,139 SQ.FT.
- PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL ZONED R1B
- SETBACKS: FRONT 20'
- REAR 25'
- SIDE YARD 6'

**CURVE DATA TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	600.00'	54.58'	84.56'	S 16°51'25" W	5°12'44"	S 19°07'47" W	S 13°55'03" W
C2	55.00'	254.17'	81.24'	S 42°20'31" E	284°47'03" E	S 89°57'00" W	N 02°09'57" E
C3	55.00'	12.25'	12.22'	S 83°34'09.5" W	12°45'41"	S 89°57'00" W	S 77°11'19" W
C4	55.00'	48.32'	46.78'	S 52°01'17" W	50°20'04"	S 77°11'19" W	S 26°51'15" W
C5	55.00'	51.30'	49.46'	S 02°08'06.5" W	53°28'17"	S 26°51'15" W	S 26°35'02" E
C6	55.00'	45.59'	44.30'	S 50°19'47.5" E	47°29'31"	S 26°35'02" E	S 74°04'33" E
C7	55.00'	96.70'	84.72'	N 55°32'42" E	100°45'30"	S 74°04'33" E	N 05°11'13" E

**LEGEND**

- = 3/4" DIA. ROUND STEEL REBAR FOUND
- = 1-5/16" O.D. x 24" LONG IRON PIPE SET WEIGHING 1.13 LBS./LIN. FOOT SET
- = 1-5/16" O.D. IRON PIPE FOUND
- = 1 1/4" DIA. ROUND STEEL REBAR FOUND
- ( ) = RECORDED AS
- ⊙ = POWER POLE
- ⊕ = WATER VALVE
- ⊗ = CATCH BASIN
- ⊙ = STORM MANHOLE
- ⊙ = HYDRANT
- ⊙ = SANITARY MANHOLE
- ⊙ = UTILITY PED
- ⊙ = LIGHT POLE
- ⊙ = EXIST. SPOT ELEV.
- OHP — = OVERHEAD POWER LINE
- EX — = EXISTING CONTOUR
- SAN — = SANITARY SEWER
- WATER — = WATER MAIN
- STO — = STORM SEWER
- — — = UNDERGROUND GAS



**BENCHMARKS**

- 1** BM BASE OPP NUT HYD. ELEV. = 846.54  
HYDRANT LOCATED SOUTH SIDE CLEARFIELD LANE 1ST WEST OF HAYMEADOW
- 2** BM BASE OPP NUT HYD. ELEV. = 844.80  
HYDRANT LOCATED SOUTH SIDE STRATFORD LANE WEST END
- 3** BM BASE OPP NUT HYD. ELEV. = 843.59  
HYDRANT LOCATED SOUTHEAST CORNER OF BENTON DR. & HAYMEADOW LN.
- 4** BM BASE OPP NUT HYD. ELEV. = 843.06  
HYDRANT LOCATED @ HAYMEADOW & WENTWORTH LN.

**OWNERS & SUBDIERS:**  
 CYPRESS HOMES, INC.  
 1230 W COLLEGE AVE., SUITE D  
 APPLETON, WI, 54914  
 PHONE NO. 920-734-2324  
**OBJECTING AUTHORITIES:**  
 STATE OF WISCONSIN, DEPARTMENT OF ADMINISTRATION  
**APPROVING AUTHORITIES:**  
 CITY OF APPLETON

THE LOCATION OF UNDERGROUND UTILITIES INCLUDING NATURAL GAS, CABLE TV, ELECTRIC AND TELEPHONE ARE BASED ON MARKINGS PLACED BY "DIGGERS HOTLINE" REPRESENTATIVES IN ACCORDANCE WITH OUR INITIAL REQUEST ASSIGNED TICKET NUMBER 2021-17-08994, 2021-17-08997 AND 2021-17-08892 WHICH WAS LOCATED BY SCHULER AND ASSOCIATES SHORTLY AFTER THE GIVEN START TIMES BY "DIGGERS HOTLINE," IN APRIL OF 2021.

**REVISIONS**


**SCHULER & ASSOCIATES, INC.**  
 LAND SURVEYORS & ENGINEERS  
 2711 N. MASON STREET, Suite F APPLETON, WI 54914 (920) 734-9107

**PRELIMINARY PLAT**  
**STONE RIDGE ESTATES WEST**  
 CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.  
 FOR: CYPRESS HOMES, INC.  
 1230 W. COLLEGE AVE., STE D  
 APPLETON, WI 54914

**DRAWN**  
MLF

**DATE**  
11-8-21

**SCALE**

**JOB NO.**  
4548

**SHEET**  
1





**APPLICATION FOR SUBDIVISION ORDINANCE  
CHAPTER 17, MODIFICATION OF REGULATIONS**

Community and Economic Development Department  
100 N. Appleton St. PH: 920-832-6468  
Appleton, WI 54911 FAX: 920-832-5994

RECEIVED

Dept. of Community & Economic Development

11-24-21

Stamp date received

PROPERTY OWNER		APPLICANT (owner's agent)	
Name Cypress Homes, Inc.		Name Jeff Rustick (Schuler & Associates, Inc.)	
Mailing Address 1230 W. College Avenue, Suite D Appleton, WI 54914		Mailing Address 2711 N. Mason Street, Suite F Appleton, WI 54914	
Phone (920) 734-2324	Fax	Phone (920) 734-9701	Fax
E-mail Shannon@callcypresshomes.com		E-mail jtr@schulerassociates.net	

PROPERTY INFORMATION		
Property Tax # (31-0-0000-00) 31-6-5802-02		
Site Address/Location N. Haymeadow Avenue		
Modification Request Submitted To: (check applicable box)		
<input checked="" type="checkbox"/> Common Council		
<input type="checkbox"/> Director of Public Works		
Current Zoning: R-1B	Proposed Zoning: R-1B	Proposed Average lot area: 16,000 sf
Current Uses: Vacant	Proposed Uses: Single Family Subdivision	Proposed Average Lot dimensions: 84' x 190'

**THIS REQUEST IS FOR A MODIFICATION UNDER THE TERMS OF SECTION(S) OF THE SUBDIVISION ORDINANCE.**

Section 17-26 (b)(1), 50' Required Lot Width per Section 23-93 (g)(3) for Lot 8. It is proposed to allow Lot 8 to have 40 feet of public street frontage.

X 11/24/21 X [Signature] Shannon Meyer, President  
Date Owner/Agent Signature (Agents must provide written proof of authorization)

OFFICE USE ONLY			
FILE # <u>N/A</u>	Application Complete <u>Jessica Tittel</u>	<u>11/24/21</u>	Date Filed <u>12/22/21</u>
Fee \$0 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.			



## ADDITIONAL INFORMATION

The land to be subdivided is an infill site with fully developed property to the east (City of Appleton) and west (Town of Grand Chute). The locations of the streets that are to be extended into the property were pre-determined by others and make for somewhat atypical lots, although all but Lot 8 meet the requirements of the subdivision ordinance. The only modification required for Lot 8 is to allow 40 feet of width at the street right-of-way while the ordinance requires 50 feet. The lot is 90 feet wide at the 20 foot building setback, so widens quickly and has an area of 28,298 square feet.

1. The hardship in this situation is created by the shape of the property and the location of officially mapped Haymeadow Avenue. This is an infill site with limited options to subdivide efficiently.
2. By allowing the modification, only Lot 8 will deviate from the subdivision ordinance. If technical conformance with the ordinance was imposed on Lot 8, there would be a negative impact on Lot 9 without any true benefit to Lot 8.
3. The modification conforms to the general intent of the subdivision ordinance as Lot 8 is more than large enough to allow the construction of a typical home. The modification is not detrimental to the public interest, more particularly as follows:
  - The modification promotes the general welfare by allowing the establishment of quality home sites.
  - A house of size and value consistent with those in the immediate neighborhood can be constructed on the lot, protecting the property values of others.
  - This modification allows an appropriate use of the land considering the limitations of possible lot configurations.
  - The modification allows an orderly layout of the land in a functional subdivision configuration. Increasing Lot 8 frontage would negatively impact other lots without improving the condition of Lot 8.
  - Lot 8 will have adequate and convenient access to Haymeadow Avenue like any other subdivision lot.
  - Sewer and water service is readily available from Haymeadow Avenue. The lot is of adequate size to allow access to light and air.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** January 12, 2022

**Common Council Meeting Date:** January 19, 2022

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

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

### 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 Extraterritorial Preliminary Plat for Center Valley at 3800 was approved by the Plan Commission on November 10, 2021 and by the Common Council on November 17, 2021.

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.

**Extraterritorial Final Plat – Center Valley at 3800 – Town of Grand Chute**

**January 12, 2022**

**Page 2**

**Comparison Between Final Plat and Preliminary Plat:** The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

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

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

**Technical Review Group (TRG) Report:** This item was included on the December 7, 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 Final Plat, located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED**.





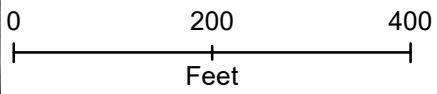
Extraterritorial Final Plat  
Center Valley At 3800  
Town of Grand Chute  
Aerial Map



Subject Area



City Plan Commission  
1-12-2022





# 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

## SURVEYOR'S CERTIFICATE

I, Troy E. Hewitt, Professional Land Surveyor, hereby certify that by the order and under the direction of the owners listed hereon, I have surveyed, divided and mapped a parcel of land being 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 Southeast 1/4, part of the Southwest 1/4 of the Southeast 1/4, and part of the Southeast 1/4 of the Southeast 1/4, all located in Section 20, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.

Said parcel contains 844,130 Square Feet (19.379 Acres) of land more or less. Subject to easements and restrictions of record.

That the within map is a true and correct representation of the exterior boundaries of the land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes in the surveying, dividing and mapping of the same.

Troy E. Hewitt PLS #2831 Date  
ROBERT E. LEE & ASSOCIATES, INC.

## OWNER'S CERTIFICATE

Greene Development-Appleton, LLC, a limited liability corporation duly organized and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability caused the land described on this plat to be surveyed, divided and mapped as represented on this plat.

Greene Development-Appleton, LLC does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

TOWN OF GRAND CHUTE  
CITY OF APPLETON  
OUTAGAMIE COUNTY DEVELOPMENT AND LAND SERVICES  
DEPARTMENT OF ADMINISTRATION

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

STATE OF WISCONSIN) COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, the above named officer of said limited liability company to me known to be the persons who executed the foregoing instrument and to me known to be such officer of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

\_\_\_\_\_, Notary Public,  
\_\_\_\_\_, Wisconsin

My commission expires \_\_\_\_\_

## UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, communications, water, sanitary and storm sewer service is hereby granted by

GREENE DEVELOPMENT APPLETON, Grantor, to

WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, Grantee,

AT&T, Grantee,  
TIME WARNER CABLE, Grantee  
TOWN OF GRAND CHUTE, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, water, sanitary and storm sewer, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantee agrees to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, water facilities, sanitary and storm sewer facilities or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantee's facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantee. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

## TOWN OF GRAND CHUTE CERTIFICATE

Approved by the Town of Grand Chute this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Jason Van Eperen Date  
Chairperson

## CITY OF APPLETON CERTIFICATE

Approved by the Common Council of the City of Appleton this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Jake Woodford Date  
Mayor

## OUTAGAMIE COUNTY CERTIFICATE

Approved by the Outagamie County Agriculture, Extension Education, Zoning and Land Conservation Committee

this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Jason Pausma Date  
Senior Planner

## TOWN OF GRAND CHUTE TREASURER'S CERTIFICATE

I, being the duly elected, qualified and acting Treasurer of the Town of Grand Chute, do hereby certify that in accordance with the records in my office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

Julie Wahlen Date  
Town of Grand Chute Treasurer

## OUTAGAMIE COUNTY TREASURER'S CERTIFICATE

I, being the duly elected, qualified and acting Treasurer of Outagamie County, do hereby certify that in accordance with the records in my office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

Trenton Woelfel Date  
Outagamie County Treasurer

## TRANS 233.05 - ACCESS RESTRICTION CLAUSE

As Owner, I hereby restrict all lots and blocks (except existing driveway on Lot 5), in that no owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with IH 41 or STH 96, as shown on the plat; it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to s. 236.293, Stats., and shall be enforceable by the Wisconsin Department of Transportation

## TRANS 233.08 - HIGHWAY SETBACK

No improvements or structures are allowed between the right of way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.

## PUBLIC TRUST INFORMATION

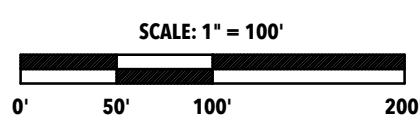
Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, Section 1, of the State Constitution.

Curve #	Delta	Radius	Length	Chord Direction	Chord Length	Tangent Bearing	Second Bearing
C1	58°08'56"	60.50'	61.40'	N78°19'36"W	58.80'	N49°15'08"W	S72°35'57"W
C2	15°11'32"	910.00'	241.29'	S15°06'51"E	240.58'	N07°31'05"W	N22°42'37"W

Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction
L1	53.11'	S72°35'57"W	L6	38.96'	N17°26'06"W
L2	25.00'	S01°30'10"E	L7	25.51'	N33°58'18"E
L3	24.75'	S17°26'06"E	L8	21.13'	N03°04'35"E
L4	35.42'	N72°33'54"E	L9	44.29'	S75°25'29"W
L5	0.67'	S17°26'06"E			

## LEGEND

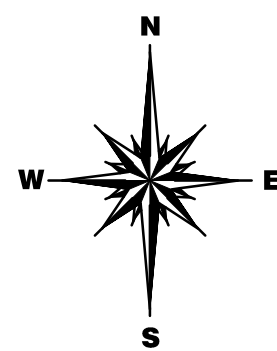
- County PLSS Monument
- Existing 1" Iron Pipe
- Existing 3/4" Iron Rod
- Wetlands delineated by Martenson & Eisele, Inc. and concurred by the DNR on 12/14/16
- 75' Setback from ordinary high water mark
- 100 Year Floodplain per FIRM Map Number 55087C0314D Effective Date July 22, 2010
- No Access
- Floodplain Cross Section
- 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.

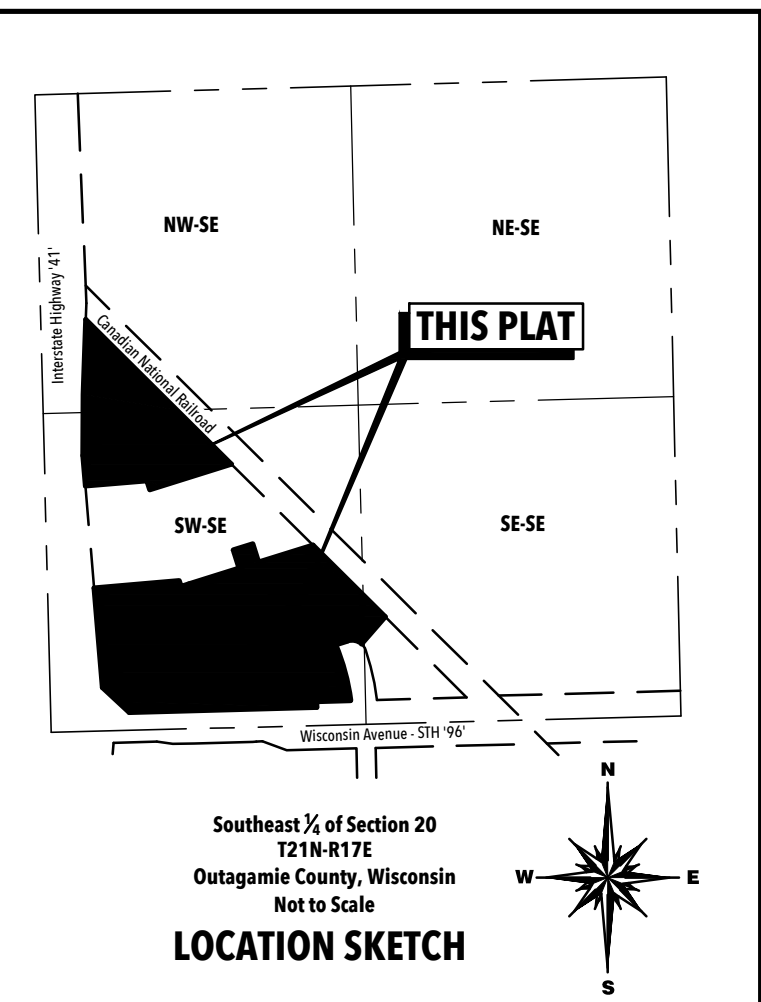
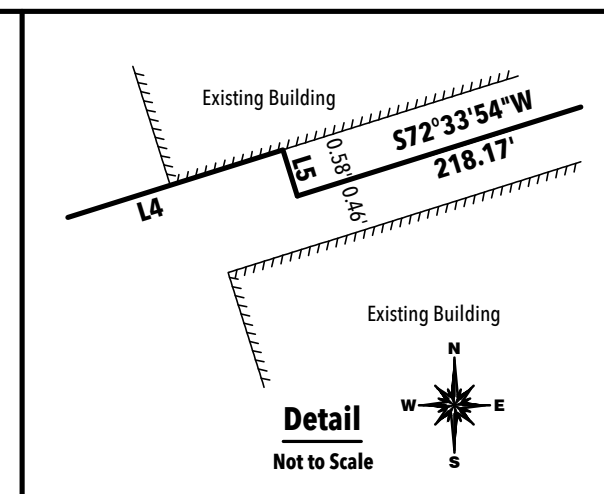
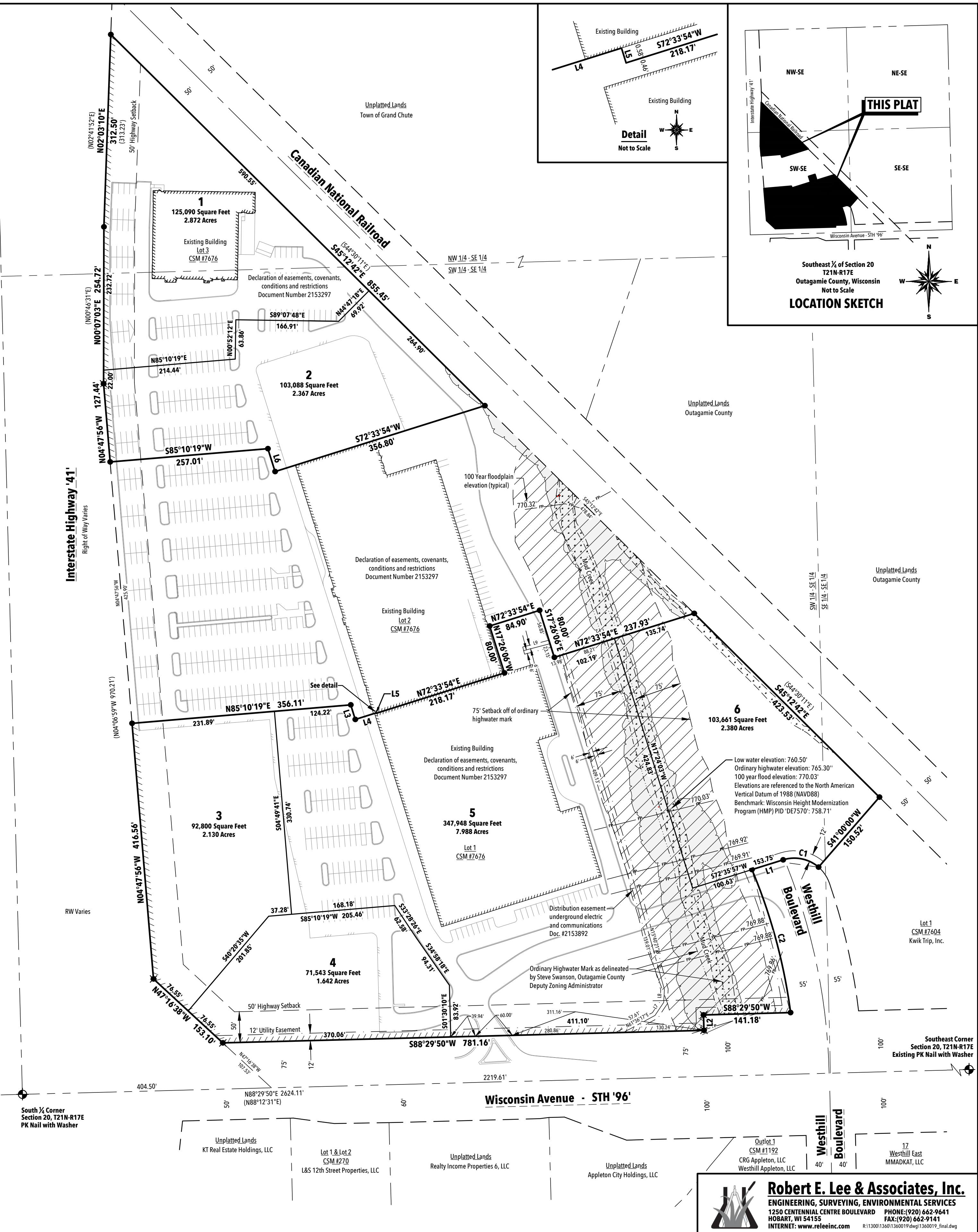
All angular measurements have been made to the nearest three seconds and computed to the nearest half second.



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

Certified \_\_\_\_\_, 20 \_\_\_\_\_

Department of Administration





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** January 12, 2022

**Common Council Meeting Date:** January 19, 2022

**Item:** Dedication of Public Right-of-Way for Spartan Drive

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

### GENERAL INFORMATION

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**Owner/Applicant:** City of Appleton c/o Tom Kromm, Department of Public Works

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

**Petitioner's Request:** The applicant is requesting a dedication of land for public right-of-way for Spartan Drive.

### BACKGROUND

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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 adopted the Spartan Drive (Right-of-Way) Annexation Ordinance. The property was officially annexed to the City on November 9, 2021 at 12:01 a.m.

The owner/applicant has submitted a Certified Survey Map (CSM) to create one outlot and dedicate the subject area for public roadway purposes. A future stormwater pond is anticipated on Outlot 1. The CSM, currently under review, is subject to the acceptance of the public right-of-way dedication by Plan Commission and Common Council.

### STAFF ANALYSIS

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**Public Right-of-Way Dedication:** Approximately 98,888 square feet (2.2701 acres) of land is included in the proposed right-of-way dedication. The right-of-way width for this portion of Spartan Drive will be 70 feet wide. The right-of-way widens out on the east end of the subject area to accommodate a drainage structure that is anticipated in this area.

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

**Official Street Map:** The proposed right-of-way dedication is generally consistent with the City of Appleton Official Street Map.



## Street Dedication – Spartan Drive

January 12, 2022

Page 2

### Surrounding Zoning Classification and Land Uses:

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

South: P-I Public Institutional District & Town of Grand Chute. The adjacent land use to the south is currently agriculture and planned for a future City-owned stormwater management facility.

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).

**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 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.*

**Technical Review Group (TRG) Report:** This item was placed on the December 21, 2021 Technical Review Group agenda. No negative comments were received from participating departments.

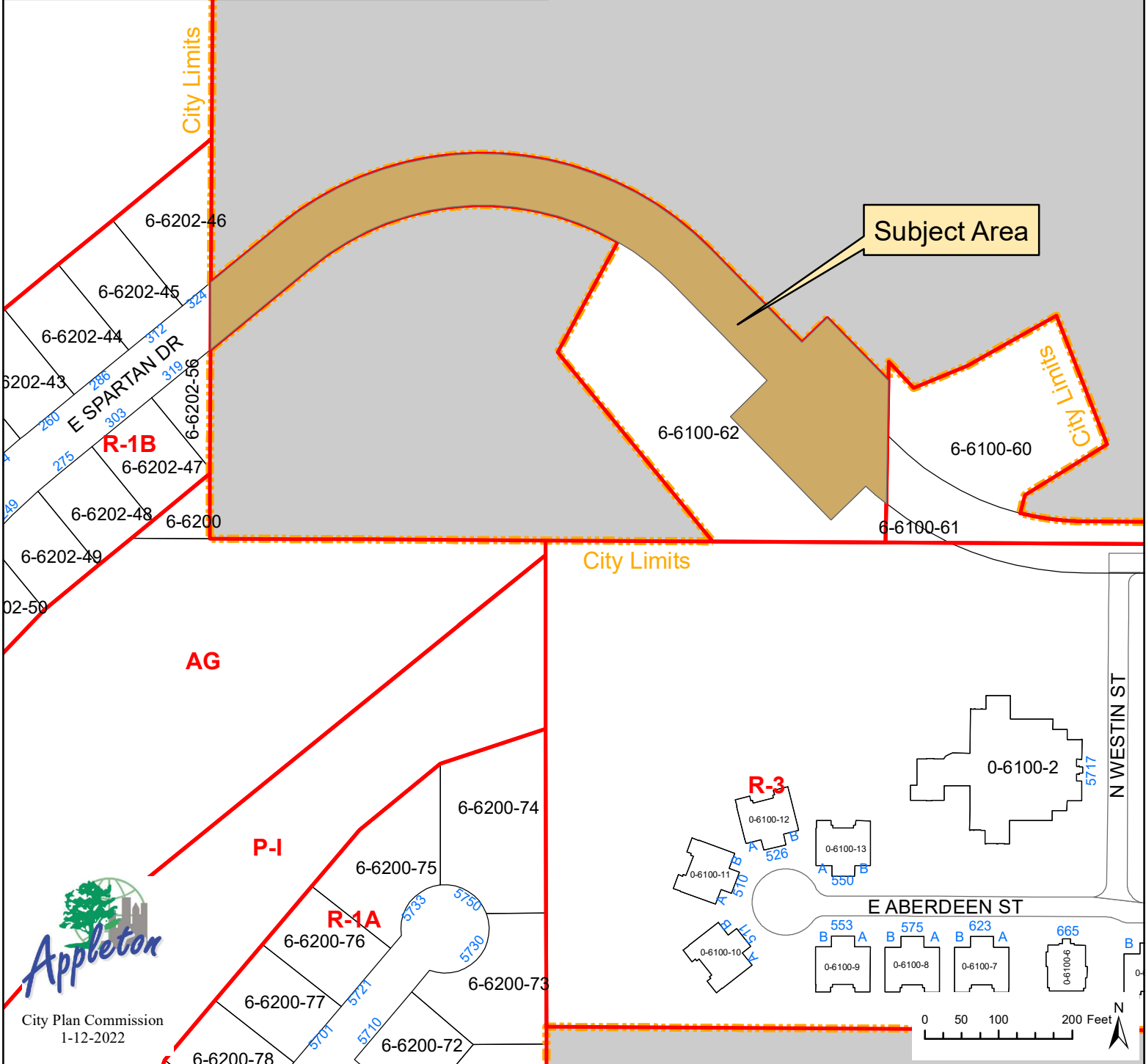
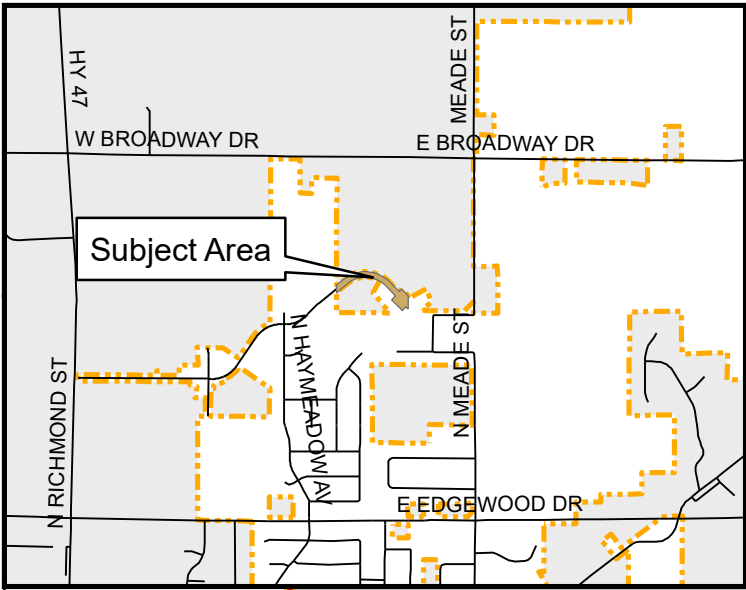
### **RECOMMENDATION**

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Staff recommends the dedication of land for public right-of-way for Spartan Drive, as shown on the attached maps, **BE APPROVED**.



# Spartan Drive Street Right-of-Way Dedication Zoning Map



Subject Area

City Limits

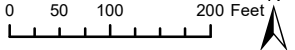
City Limits

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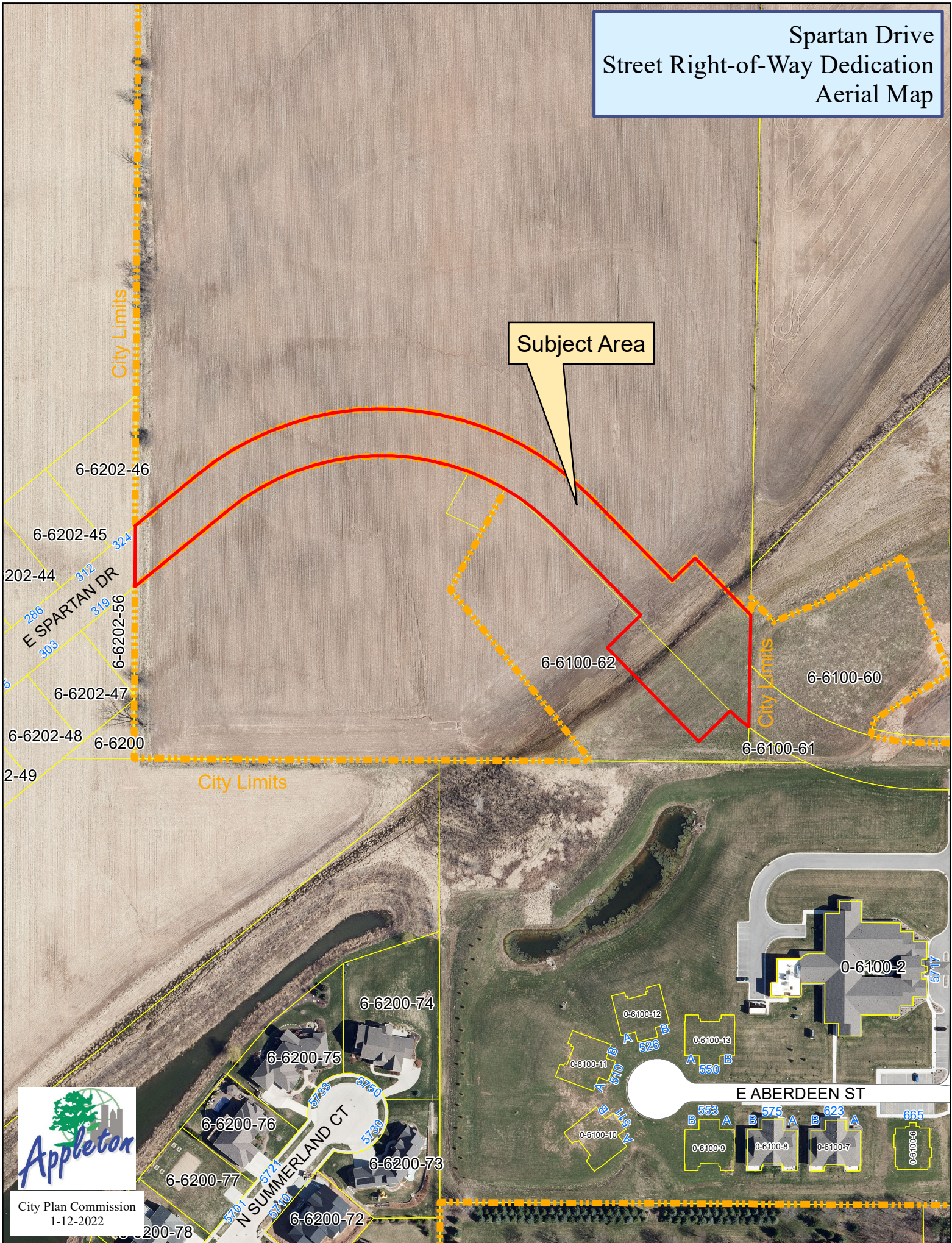
City Plan Commission  
1-12-2022





# Spartan Drive Street Right-of-Way Dedication Aerial Map

Subject Area



City Plan Commission  
1-12-2022





# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Part of Lot 1 of Certified Survey Map No. 4027 filed in Volume 22 of Certified Survey Maps on Page 4027 as Document No.1402877, located in the South ½ of the Fractional Northeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

## SURVEYOR'S CERTIFICATE:

Part of Lot 1 of Certified Survey Map No. 4027 filed in Volume 22 of Certified Survey Maps on Page 4027 as Document No.1402877, located in the South ½ of the Fractional Northeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 3.9468 Acres (171,926 sq. ft.) of land and being described by:

SHEET 2 OF 3

Commencing at the East ¼ corner of said Section 2;  
Thence North 89°40'21" West 839.03 feet coincident with the South line of the Fractional NE ¼ of said Section 2 to the point of beginning;  
Thence continue North 89°40'21" West 234.71 feet along the South line of the Fractional NE ¼ of said Section 2;  
Thence North 39°21'44" West 331.88 feet;  
Thence North 28°42'55" East 170.75 feet;  
Thence Westerly 443.68 feet along the arc of a curve to the left having a radius of 365.00 feet and the chord of which bears South 85°27'40" West 416.86 feet;  
Thence South 50°38'16" West 177.69 feet;  
Thence North 00°19'45" East 90.97 feet;  
Thence North 50°38'16" East 119.60 feet;  
Thence Easterly 644.99 feet along the arc of a curve to the right having a radius of 435.00 feet and the chord of which bears South 86°53'06" East 587.51 feet;  
Thence South 44°24'28" East 175.81 feet;  
Thence North 45°35'32" East 47.78 feet;  
Thence South 44°24'28" East 119.08 feet;  
Thence South 01°03'01" West 219.70 feet to the point of beginning.  
Said lands subject to all easements and restrictions of record.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying, dividing and mapping the same. That this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

Dated this 8<sup>th</sup> day of December, 2021.

*Thomas M Kromm*

Wisconsin Professional Land Surveyor: Thomas M. Kromm



This Certified Survey Map is all of tax parcel 31-6-6100-62.  
This Certified Survey Map is Zoned AG.

This Certified Survey Map is contained within the property described in the following recorded instrument:  
Document No.2244630.

The property owner of record is the City of Appleton.



