



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.*

Wednesday, October 26, 2022

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[22-1343](#) City Plan Minutes from 10-12-22

Attachments: [City Plan Minutes 10-12-22.pdf](#)

4. **Public Hearings/Apearances**

[22-1344](#) Special Use Permit #12-22 for a bar/tavern located at 2310 W. College Avenue, Unit C (Tax Id #31-7-0025-00), as shown on the attached materials 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 #22-1345)

Attachments: [ClassIIPublicHearingNoticeNewspaper_2310WCollegeAv_SUP#12-22.pdf](#)
[PublicHearingNoticeNeighborhood_2310WCollegeAv_SUP#12-22.pdf](#)

5. **Action Items**

[22-1345](#) Request to approve Special Use Permit #12-22 for a bar/tavern located at 2310 W. College Avenue, Unit C (Tax Id #31-7-0025-00), as shown on the attached materials 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_2310WCollegeAv_SUP_For10-26-22.pdf](#)

[22-1346](#) Request to approve a modification of regulations to Chapter 17 Subdivisions of the Municipal Code relating to Sections 17-26(c)(2) and 17-26(g) for 737 E. South River Street (Tax Id #31-4-0798-01 and #31-4-0798-03)

Attachments: [StaffReport_737ESouthRiverSt_ModificationOfRegulations_For10-26-22.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

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final City Plan Commission

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

Wednesday, October 12, 2022

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

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

2. Roll call of membership

Present: 5 - Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Excused: 2 - Palm and Robins

*Others present:
Ryan Skaar, FOME
Hannah Skaar, FOME*

3. Approval of minutes from previous meeting

[22-1245](#)

City Plan Minutes from 9-28-22

Attachments: [City Plan Minutes 9-28-22.pdf](#)

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

Aye: 5 - Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Excused: 2 - Palm and Robins

4. **Public Hearings/Appearances**

[22-1246](#)

Special Use Permit #11-22 for a restaurant with alcohol sales and service and associated outdoor area located at 2821 N. Ballard Road (Tax Id #31-1-6536-00), as shown on the attached materials 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 #22-1247)

Attachments: [ClassIIPublicHearingNoticeNewspaper_2821NBallardRd_SUP#11-22.pdf](#)
[PublicHearingNoticeNeighborhood_2821NBallardRd_SUP#11-22.pdf](#)

This public hearing was held, and Hannah Skaar stated she was present to answer any questions.

5. Action Items

[22-1247](#)

Request to approve Special Use Permit #11-22 for a restaurant with alcohol sales and service and associated outdoor area located at 2821 N. Ballard Road (Tax Id #31-1-6536-00), as shown on the attached materials 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_2821NBallardRd_SUP_For10-12-22.pdf](#)

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

Aye: 5 - Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Excused: 2 - Palm and Robins

[22-1133](#)

Request to approve the Trail View Estates South 3 Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_TrailViewEstatesSouth3_FinalPlat_For10-12-22.pdf](#)

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

Aye: 5 - Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Excused: 2 - Palm and Robins

6. Information Items

7. Adjournment

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

Aye: 5 - Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Excused: 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, October 26, 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 Lisa Pitts, applicant, and J.D. Boettcher & Company LLC, owner, for property located at 2310 West College Avenue, Unit C (Tax Id #31-7-0025-00) to obtain a Special Use Permit for a bar/tavern (Pillow Talk N Wine). In the C-2 General Commercial District, a Special Use Permit is required for a bar/tavern.

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.

CITY PLAN COMMISSION
APPLETON, WISCONSIN

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

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

RUN: October 11, 2022
October 18, 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, October 26, 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 Lisa Pitts, applicant, and J.D. Boettcher & Company LLC, owner, for property located at 2310 West College Avenue, Unit C (Tax Id #31-7-0025-00) to obtain a Special Use Permit for a bar/tavern (Pillow Talk N Wine). In the C-2 General Commercial District, a Special Use Permit is required for a bar/tavern.

- ALDERMANIC DISTRICT: 10 – Alderperson Vaya Jones

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.

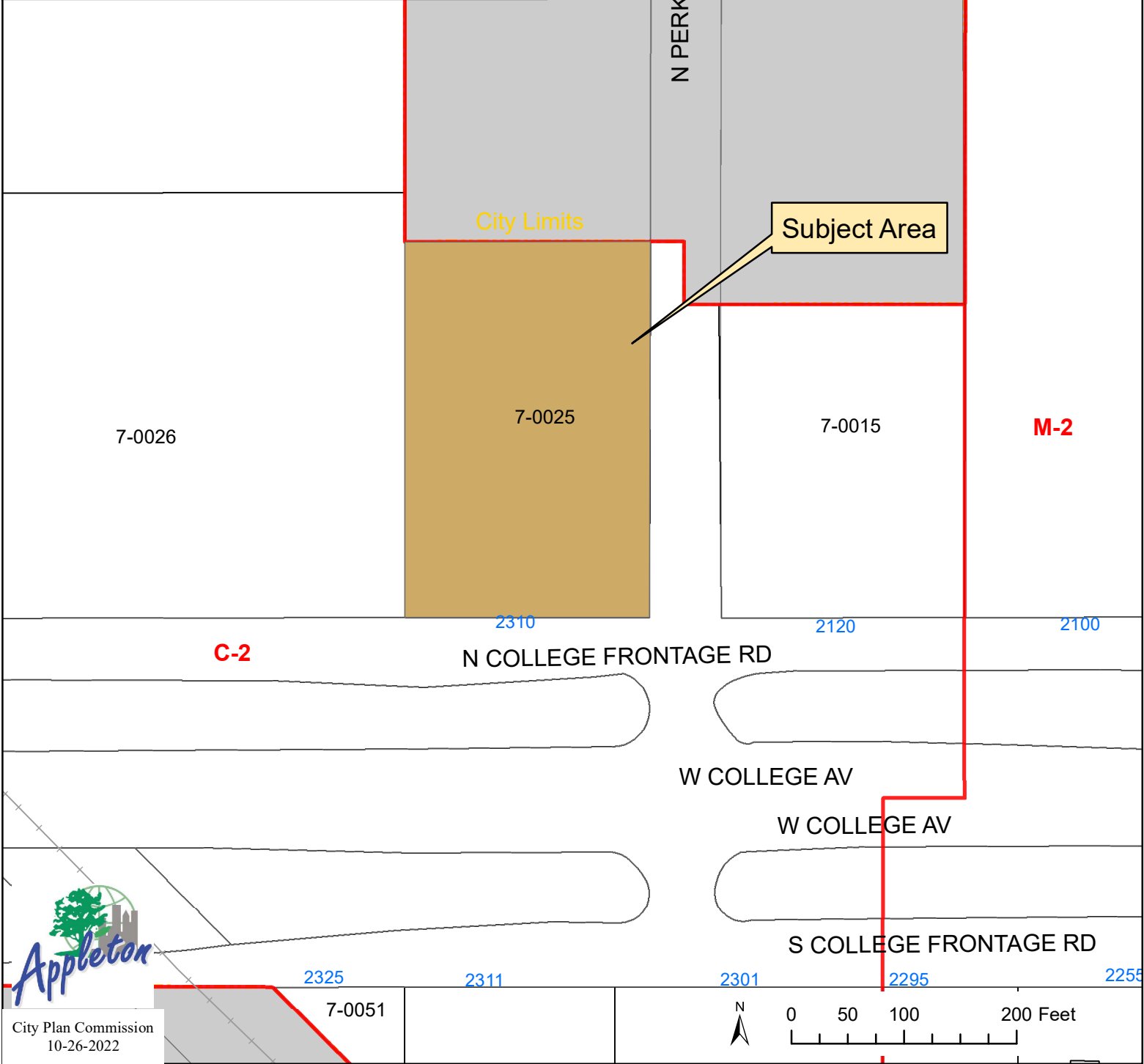
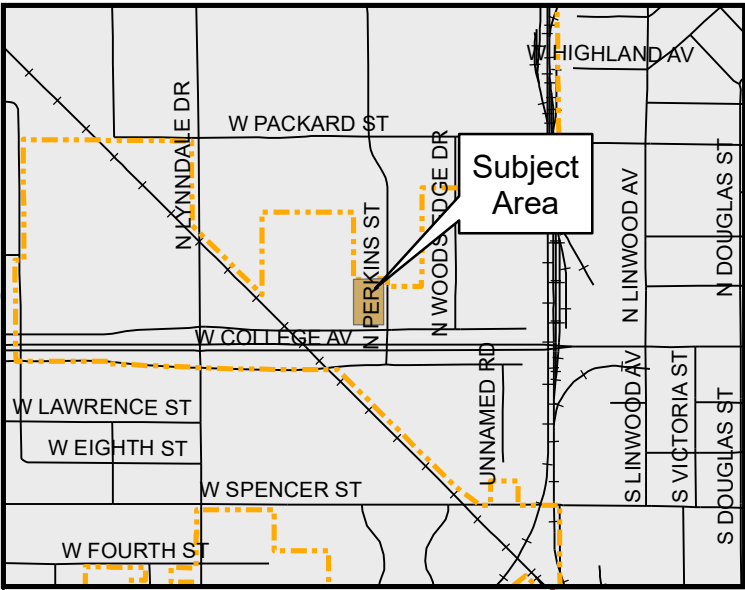
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CITY PLAN COMMISSION

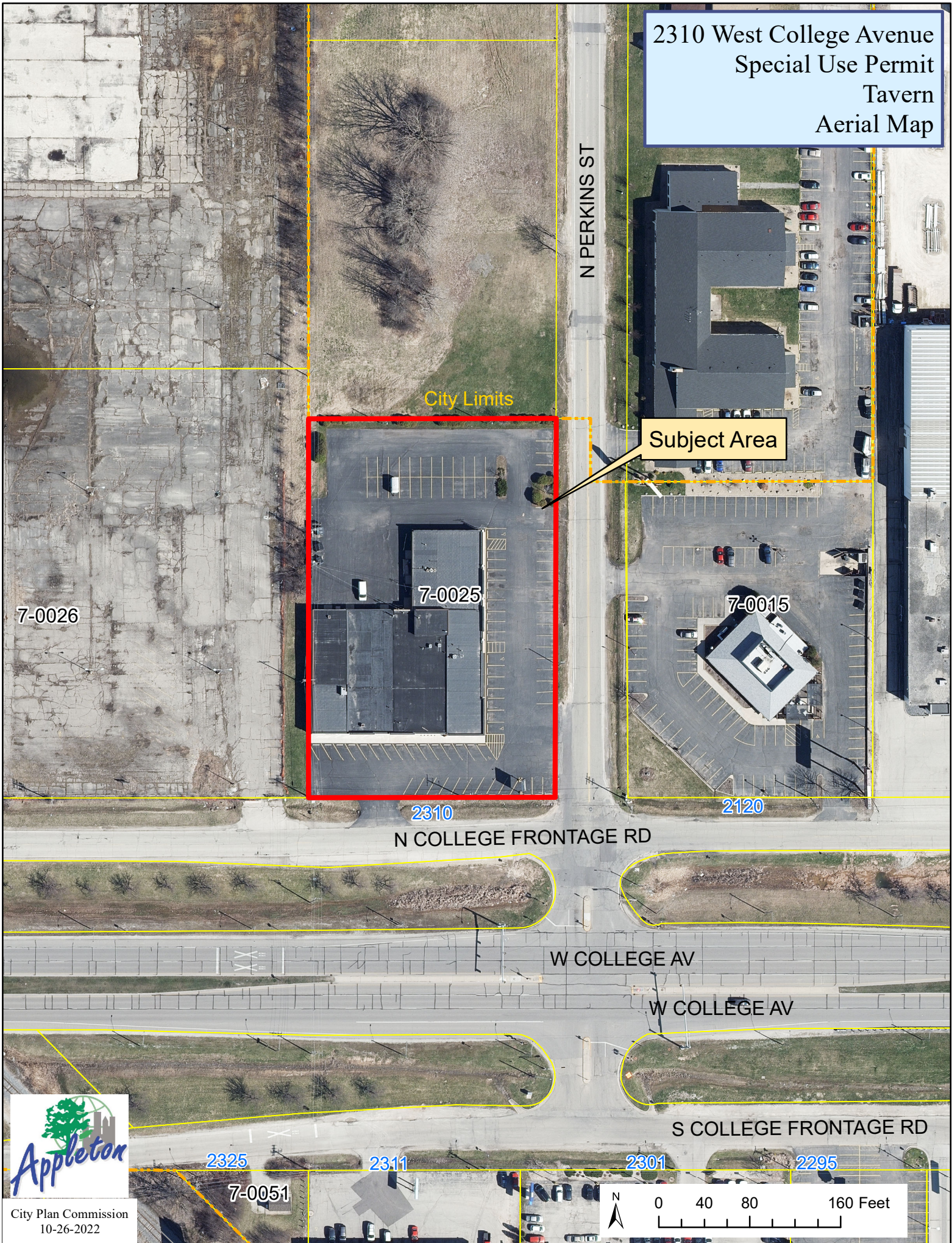
COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

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

2310 West College Avenue
Special Use Permit
Tavern
Zoning Map



2310 West College Avenue
Special Use Permit
Tavern
Aerial Map



City Limits

Subject Area

7-0026

7-0025

7-0015

2310

2120

N COLLEGE FRONTAGE RD

W COLLEGE AV

W COLLEGE AV

S COLLEGE FRONTAGE RD

2325

2311

2301

2295

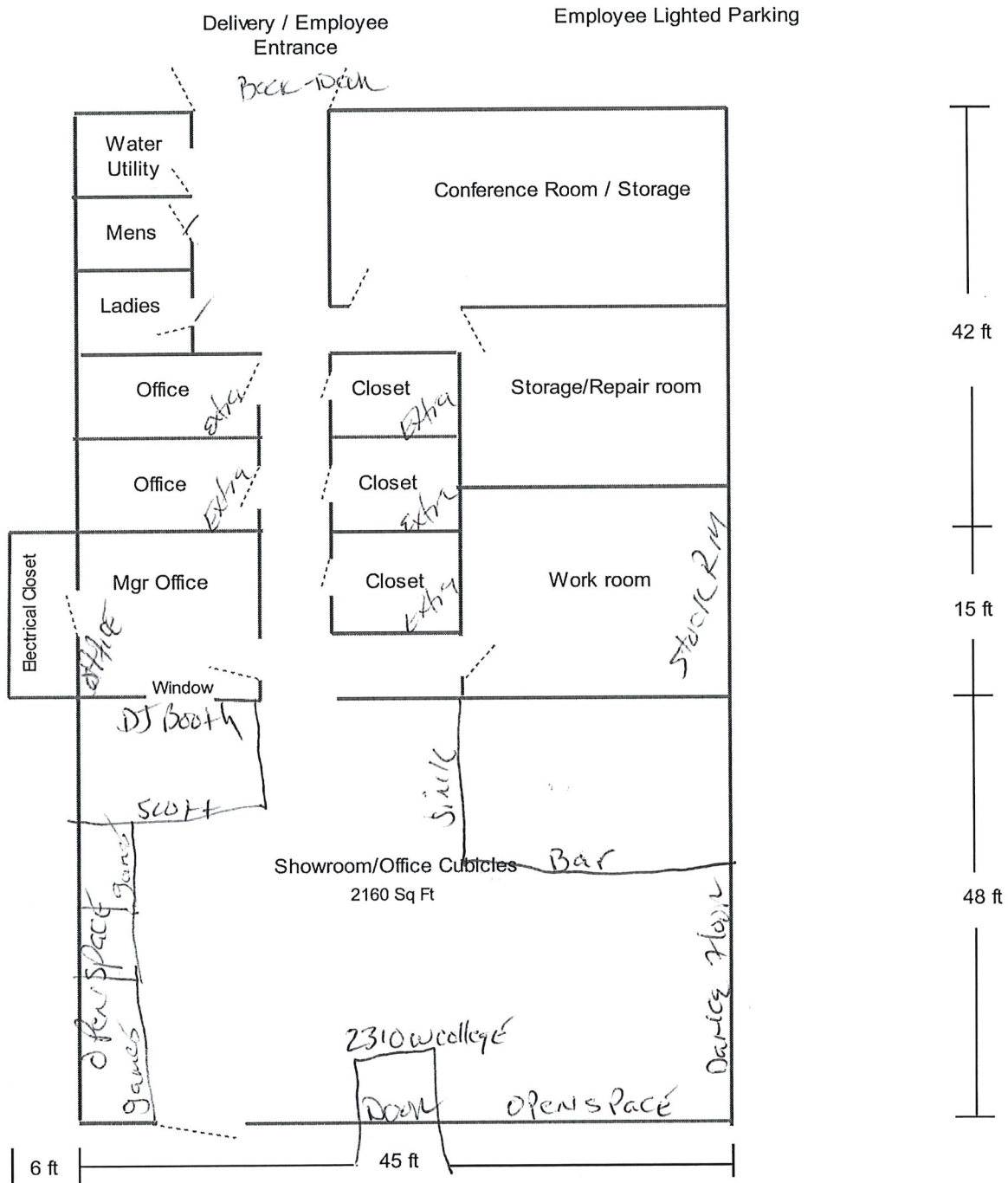
7-0051



0 40 80 160 Feet



The Boettcher Building
2310 W. College Ave, Appleton, WI 54914
Suitable for Retail, Office, Wholesale Zoned C-2
Suite C Schematic 4815 Square Feet
 (Measurements are approximate, drawing is not to scale)



26 Lighted Angle Parking Spaces in Front of Bldg (total spaces 89)

There will also be pool table,
 & a dart board.
 seating will be located at the
 Bar, and games?



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: October 26, 2022

Common Council Meeting Date: November 2, 2022

Item: Special Use Permit #12-22 for a bar/tavern

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner: J.D. Boettcher & Company, LLC (Jeffrey Boettcher)

Applicant: Pillow Talk N Wine, LLC (Lisa Pitts)

Address/Parcel Number: 2310 West College Avenue, Unit C (Tax Id #31-7-0025-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a bar/tavern.

BACKGROUND

The subject area, located near the intersection of West College Avenue and North Perkins Street, is a middle unit in a multi-tenant building. Based on Assessor's Office records, personal/professional services and retail business (pharmacy) was the previous use of the tenant space. The applicant recently applied for a Liquor License that includes Class B beer and Reserve Class B liquor, which is on track to go to Safety and Licensing Committee on October 26th and Common Council on November 2nd.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a bar/tavern on the subject site, which would occupy approximately 4,815 square feet in the existing building. Based on the attached development plan, this request will not increase existing building area. Per the Inspections Division, the proposed layout and dimensions would allow a preliminary total of approximately 99 occupants for the subject tenant 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 multi-tenant building totals approximately 20,184 square feet, including other commercial uses in ground floor units. The 1.67-acre site also includes off-street parking north, east, and south of the building. Vehicular access is provided by curb cuts on North Perkins Street and the College Avenue frontage road.

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 bar/tavern requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common

Special Use Permit #12-22
October 26, 2022
Page 2

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 and Town of Grand Chute. The uses are generally commercial in nature.

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

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

East: C-2 General Commercial District and Town of Grand Chute. The adjacent land uses to the east are currently a mix of commercial uses, including a restaurant with alcohol sales and service.

West: C-2 General Commercial District. The adjacent land use to the west is currently vacant, undeveloped land.

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.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would

accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a “shopping center” use, per Assessor’s Office records. While the proposal would result in a change in tenancy, the nature and intensity of the use remains unchanged, as the proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant’s request.

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

Technical Review Group (TRG) Report: This item appeared on the October 4, 2022 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #12-22 for a bar/tavern located at 2310 West College Avenue, Unit C (Tax Id #31-7-0025-00), 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.

Special Use Permit #12-22

October 26, 2022

Page 4

5. The bar/tavern use is limited to the interior ground floor of the tenant space, 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 the bar/tavern use. 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 #12-22
BAR/TAVERN
2310 WEST COLLEGE AVENUE, UNIT C**

WHEREAS, Lisa Pitts, Pillow Talk N Wine LLC, has applied for a Special Use Permit for a bar/tavern located at 2310 West College Avenue, Unit C, also identified as Parcel Number 31-7-0025-00; and

WHEREAS, the location for the proposed bar/tavern 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 October 26, 2022 on Special Use Permit #12-22, 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 #12-22 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on November 2, 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 #12-22 for a bar/tavern located at 2310 West College Avenue, Unit C, also identified as Parcel Number 31-7-0025-00, 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 #12-22 for a bar/tavern located at 2310 West College Avenue, Unit C, also identified as Parcel Number 31-7-0025-00, 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 #12-22

- 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 bar/tavern use is limited to the interior ground floor of the tenant space, 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 the bar/tavern use. 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.

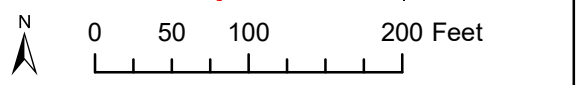
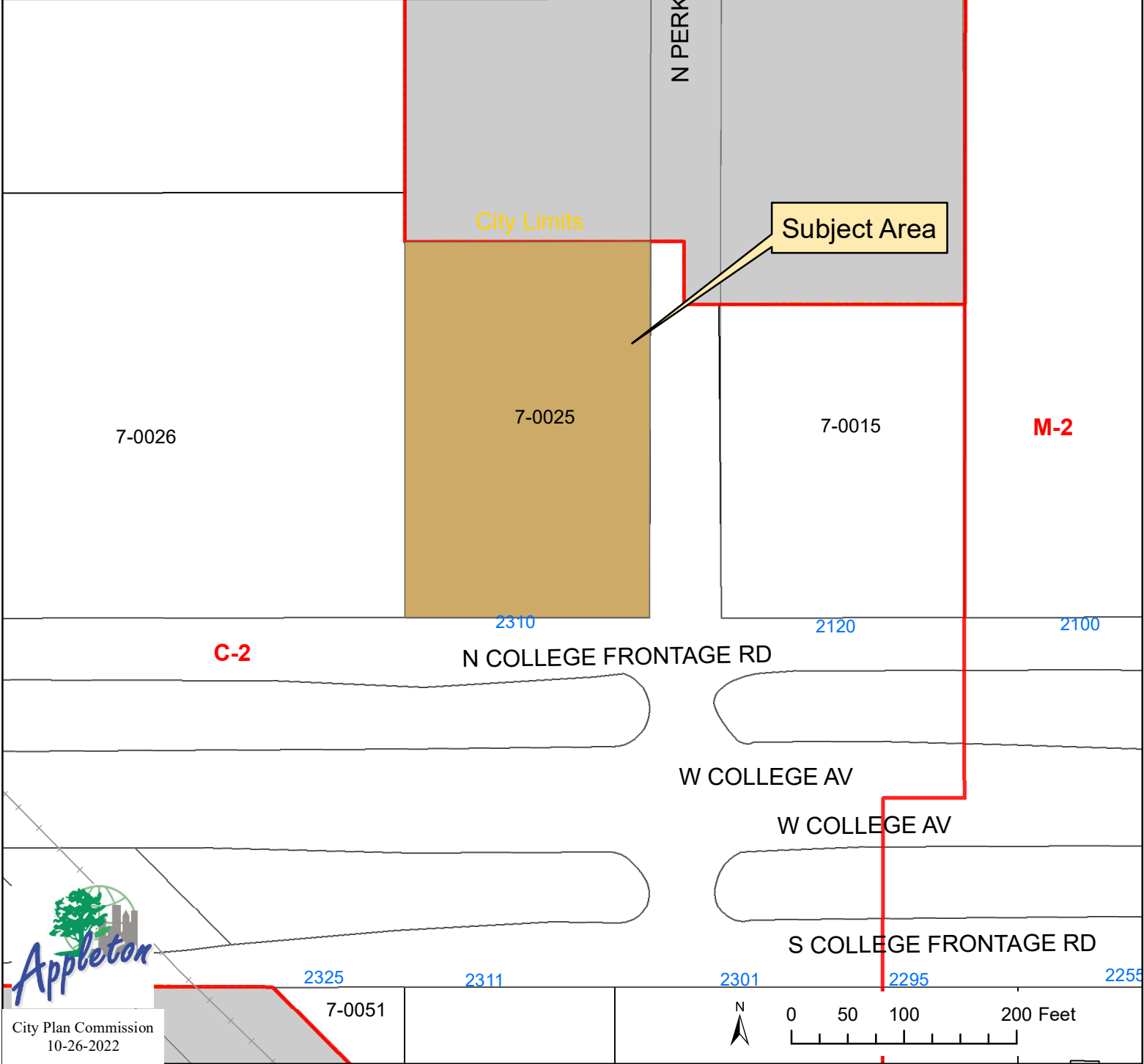
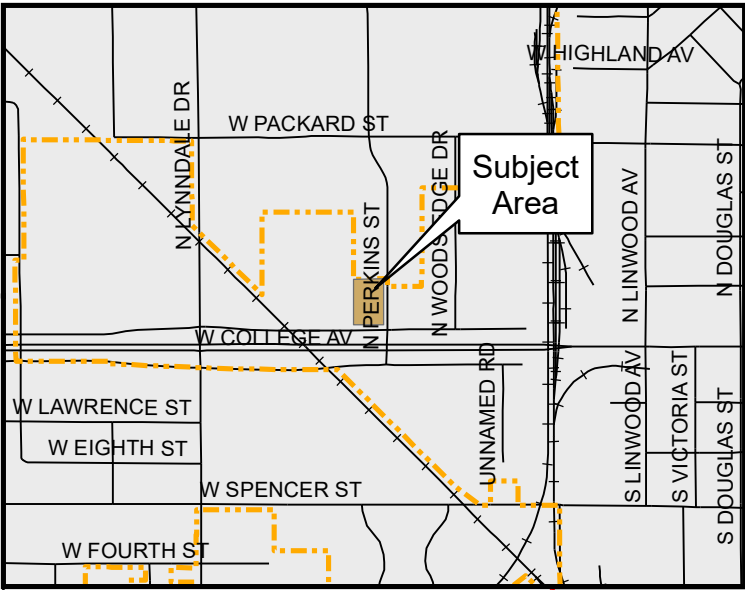
Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

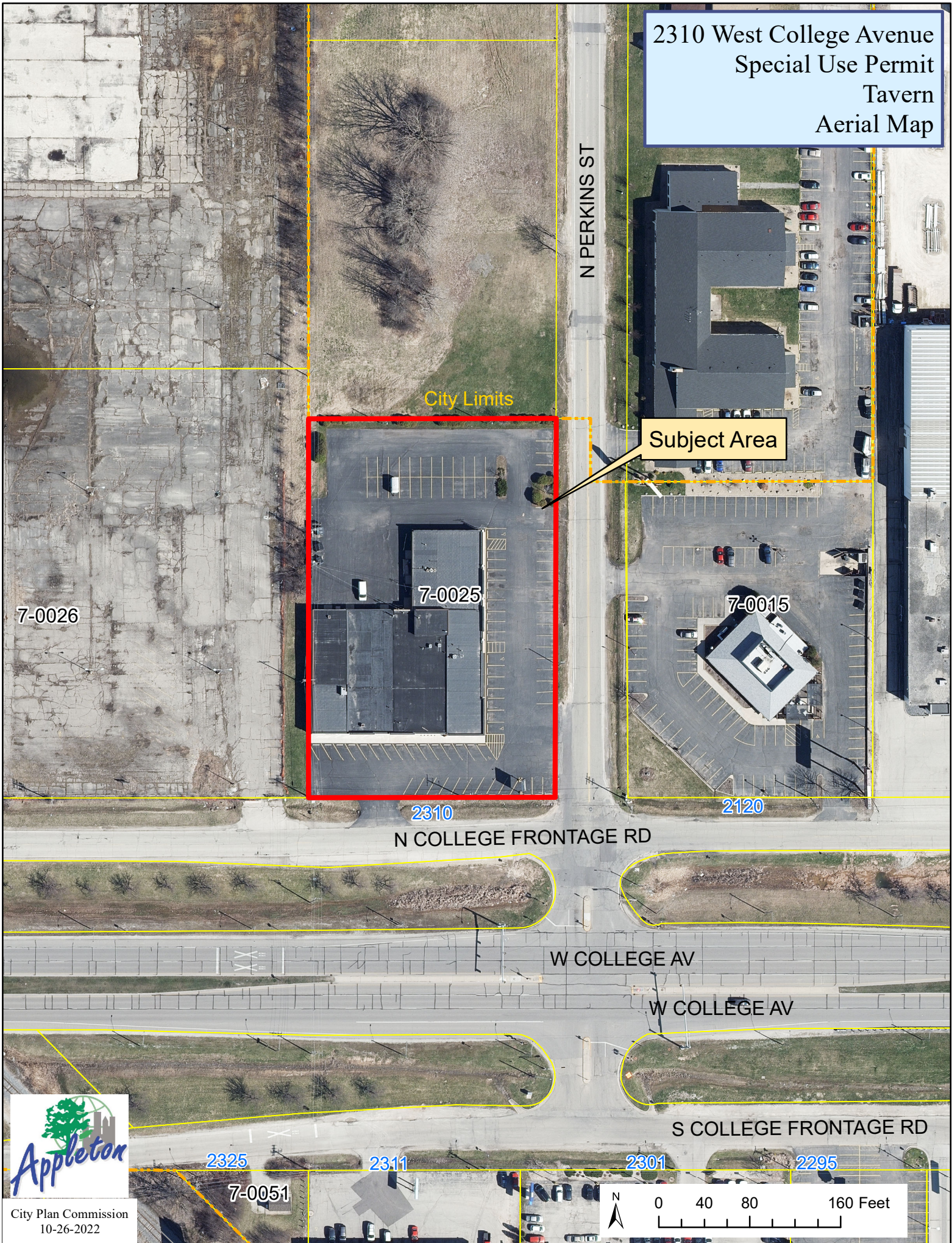
ATTEST:

Kami Lynch, City Clerk

2310 West College Avenue
Special Use Permit
Tavern
Zoning Map



2310 West College Avenue
Special Use Permit
Tavern
Aerial Map



City Limits

Subject Area

7-0026

7-0025

7-0015

2310

2120

N COLLEGE FRONTAGE RD

W COLLEGE AV

W COLLEGE AV

S COLLEGE FRONTAGE RD

2325

2311

2301

2295

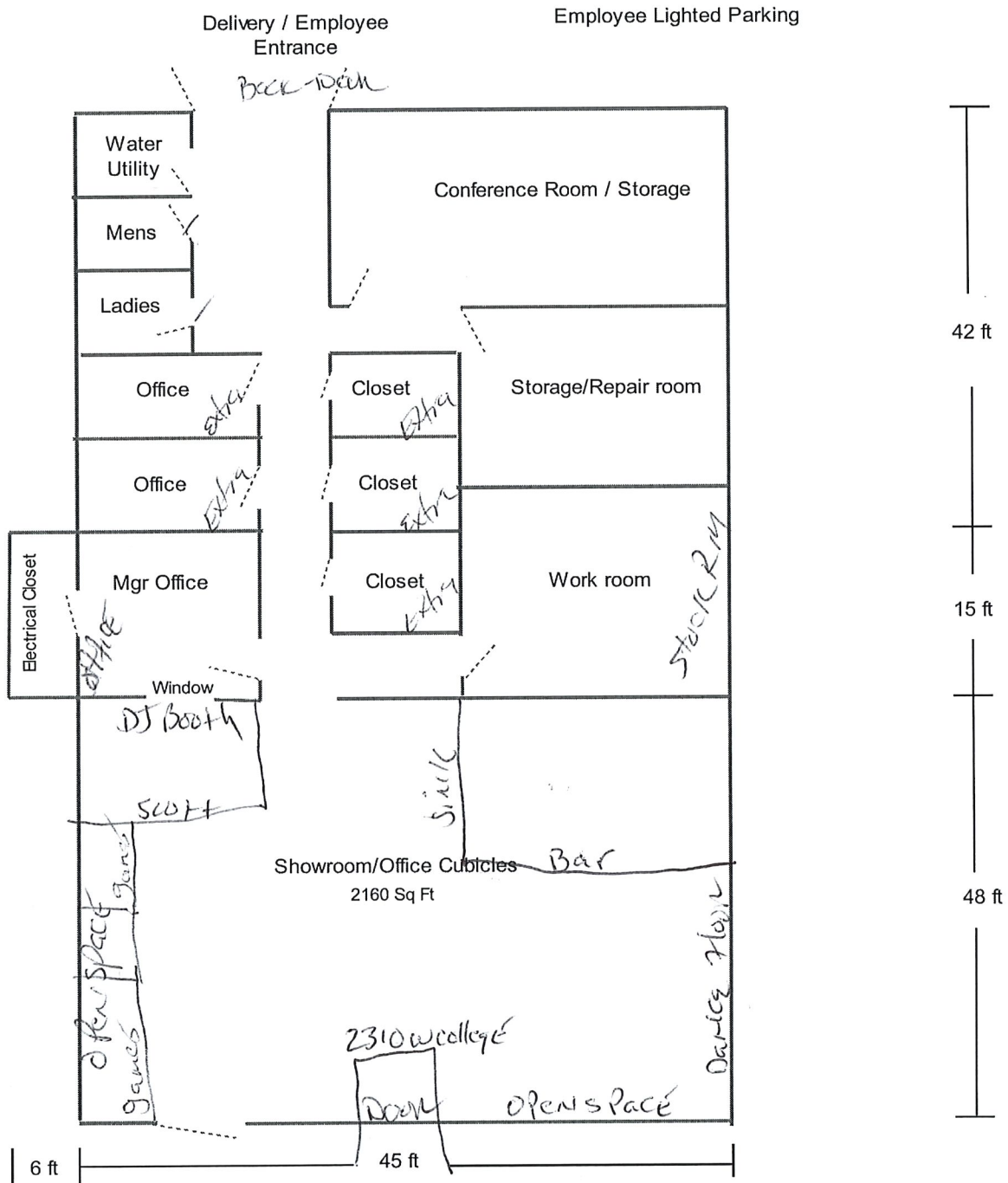
7-0051



0 40 80 160 Feet



The Boettcher Building
2310 W. College Ave, Appleton, WI 54914
Suitable for Retail, Office, Wholesale Zoned C-2
Suite C Schematic 4815 Square Feet
 (Measurements are approximate, drawing is not to scale)



26 Lighted Angle Parking Spaces in Front of Bldg (total spaces 89)

There will also be pool table,
 & a dart board.
 seating will be located at the
 Bar, and games?

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: Pillow Talk & Wine LLC

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:

social club gatherings
to drink & Talk & Dance, play Narts

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

(square feet) 4815 sq ft

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

(square feet) 4815 sq ft

Occupancy limits:

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

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	6 pm	2 AM
Friday	6 pm	2 AM
Saturday	6 pm	2 AM
Sunday	6 pm	2 AM

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:

N/A

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

N/A

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:

N/A

Are there plans for outdoor music/entertainment? Yes ___ No

If yes, describe how the noise will be controlled:

N/A

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	N/A	
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:

OS, speakers

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

Music will be controlled by OS. Inside
& Staff will monitor NOISES.

Off-Street Parking:

Number of spaces existing on-site: 89

Number of spaces proposed on-site: 89

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?

N/A

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:

Mass Xlickel pizza
Mealed pot
Quinito-Sol

Number of Employees:

Number of existing employees: 1

Number of proposed employees: 8

Number of employees scheduled to work on the largest shift: 8



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 26, 2022

Common Council Meeting Date: November 2, 2022

Item: Modification of Subdivision Ordinance Regulations Request –
737 E. South River Street

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Brandon Wentland

Address/Parcel Number: 737 East South River Street (Tax Id #31-4-0798-01 and #31-4-0798-03)

Petitioner's Request: The applicant is requesting a modification of regulations involving Sections 17-26(c)(2) and 17-26(g) of the Municipal Code. These code sections relate to lot frontage and lot proportions, respectively.

BACKGROUND

Certified Survey Map (CSM) #1-18 was administratively approved on February 6, 2018 and subsequently recorded in the Outagamie County Register of Deeds Office as CSM 7503 on March 13, 2018. This CSM subdivided a larger, 2.07-acre property into three lots. The applicant has since purchased all three lots. The applicant is proposing to combine two of these adjacent lots into one lot, thereby re-establishing a double frontage lot with irregular proportions. Prior to CSM 7503 being recorded, the subject area involved in this request was part of the same parcel.

A new CSM must be submitted in order to combine parcels #31-4-0798-01 and #31-4-0798-03. CSMs are administratively reviewed and approved by City staff. However, the modification of regulations requires Common Council action before staff review can proceed.

STAFF ANALYSIS

Existing Conditions: Currently, parcel #31-4-0798-01 is developed with a single-family dwelling, attached garage, and paved driveway. Parcel #31-4-0798-03 is currently undeveloped and approximately 0.59 acres in size. Both parcels have a zoning designation of R-1B Single-Family District. Sanitary sewer, storm sewer, and drainage easements are also present, as shown on the attached map. If combined, the new lot would be approximately 1.46 acres in size.

Subdivision Ordinance Requirements: Per Section 17-26(c)(2) of the Municipal Code, double frontage lots shall not be permitted except as required by Common Council where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation. The definition for double frontage lot, per the Subdivision Ordinance, means an interior lot having frontage on the front and on the rear of the lot. The proposed lot combination would create a double frontage lot, having frontage on East South River Street and East Arbor Lane. However, this appears to be a situation where re-establishing a double frontage lot is acceptable, given that a double

Modification of Regulations – 737 E. South River Street

October 26, 2022

Page 2

frontage lot existed on this site prior to 2018. Also, there are other double frontage lots nearby, such as parcels #31-4-0800-00, #31-4-0778-00, and #31-4-0792-02.

Per Section 17-26(g) of the Municipal Code, excessive lot depth in relation to width shall be avoided. A proportion of two length to one width shall normally be considered a desirable maximum for lot widths of 60 feet or more. Lot depth is measured from the front lot line to the rear lot line, and in the case of a double frontage lot, there is no rear lot line. The proposed lot combination, while somewhat irregular in shape, would have proportions that are approximately five length to one width. However, similar proportions existed on this site prior to the CSM being recorded in 2018. Also, there are other lots nearby with substantial lot depth relative to width, such as parcels #31-4-0798-00, #31-4-0799-00, and #31-4-0818-00.

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, as well as the applicant's written justification for the requested modifications, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

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 and institutional in nature.

North: P-I Public Institutional District. The adjacent land uses to the north are currently institutional, including a place of worship use.

South: R-1B Single-Family District. The adjacent land uses to the south are currently a mix of vacant, undeveloped land and single-family residential.

East: R-1B Single-Family District. The adjacent land uses to the east are currently a mix of vacant, undeveloped land and single-family residential.

West: R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the west are currently a mix of vacant, undeveloped land and single-family residential.

Appleton Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map.

Additional Comments: While not proposed, it should be noted that combining the lots would give the ability to construct an accessory building and/or structure on the undeveloped portion of the subject area

Modification of Regulations – 737 E. South River Street

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Page 3

(currently parcel #31-4-0798-03), subject to Section 23-43 of the Municipal Code. Below is a dimensional modification from the Zoning Ordinance that pertains specifically to double frontage lots.

- Section 23-50(d)(4) – Where a lot is a double frontage lot, any detached accessory structure may be permitted in the yard opposite the front yard from which the principal structure is addressed. Furthermore, the accessory structure shall meet the front yard and side yard setback requirement of the principal structure.

Technical Review Group (TRG) Report: This item appeared on the October 4, 2022 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the modification of Subdivision Ordinance regulations request, to combine parcels #31-4-0798-01 and #31-4-0798-03 on East South River Street and East Arbor Lane, as shown on the attached maps, **BE APPROVED**.

NOTE: If approved, this action pertains to the modification of regulations request only. A new CSM would still need to be submitted, reviewed, and approved by City staff in order to combine the subject parcels.

737 E. South River Street
Modification of Subdivision
Ordinance Regulations
Aerial Map

E SOUTH RIVER ST

4-0799

4-0798-1

4-0798

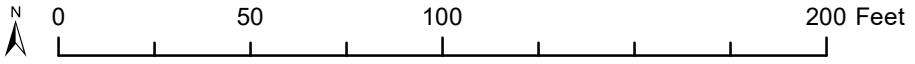
4-0796

Subject Area

4-0798-3

4-2023

4-0798-4



City Plan Commission
10-26-22

Written Justification For Requested Modifications

Dear Planning Commission -

We are seeking your approval to combine our primary residence with parcel 314079803; please see the exhibit with the file name "Survey Map - Proposed Layout.pdf" for reference. We believe that this exception is appropriate because of three primary reasons:

1. Continuity

Originally owned by the Gelbke family, who stewarded this unique ravine property for nearly a hundred years. During that time, they owned a tree farm, and the property has a diverse variety of tree species over 50+ years old. Please see the exhibit with the file name "Survey Map - Prior to 2018.pdf" to see the original parcel layout.

In 2018 the lot was split into three parcels. Please see the exhibit with the file name "Survey Map - Current Layout.pdf".

We believe this history, unique topography, and forest are special and unique, a small part of what makes Appleton great.

When we purchased the house, our vision was to maintain the unique look and feel of the property that their family had maintained for so long; for this reason, we purchased this adjacent lot and house simultaneously.

It is our goal to reverse the parcel separation that was made four short years ago to be consistent with how this property was for nearly 100 years.

2. Unique Typography

The property is connected to the glacially created ravine from E McKinley St to Peabody park. The ravine constraints how the lot lines are drawn and buildings are placed. This creates unique parcel shapes that differ from the traditional square/rectangle parcels in other parts of Appleton.

3. Traffic

Although South River Street has signage for 25 mph, people frequently speed on this road. This is one of the reasons you can see a cop at First Congregational United Church of Christ every week. It also has a very high volume of traffic for a residential street.

We desire to use Arbor Lane as the primary place our young family plays, bikes, etc.

Thank you for your time and consideration of this request.

Brandon Wentland
920-277-9449
brandonwentland@gmail.com

Additional Questions & Answers

“What physical features of the site (steep topography, environmental features, wetlands, restricted access etc.) or its location (make use of an infill site, located adjacent to lakes or rivers) apply only to the property that the create the hardship?”

The lot and parcel are a part of the glacially created ravine that runs from E McKinley St to Peabody park. The grade is steep, and there is an easement for water drainage through the naturally created low point in this area.

“Would granting the proposed modification be the least deviation from this ordinance which will mitigate the hardship? “

Yes, we believe so.

“Would the modification be detrimental to the public interest and is the modification in keeping with the general spirit and intent of the subdivision ordinance? (The public interest includes the interests of the public at large, not just that of nearby property owners)”

The densely wooded ravine this property is a part of is roughly 19 acres. We believe that aesthetically and environmentally, this is unique and beneficial to all residents of Appleton. This is one of the reasons we feel that houses in surrounding this block sell for a higher value than others just a bit away.

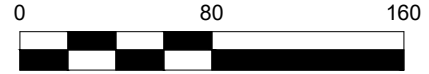
This property is home to various wildlife, such as deer, owls, and foxes.

Having dense forest in this area helps with erosion and flooding as this area is the main drainage into the Fox River.

Exhibit

Survey Map - Prior to 2018

737 E. South River Street, City of Appleton, prior to 2018 Certified Survey Map.



Bearings are referenced to the West of Government Lot 2, Section 36, T21N, R17E, bearing N00°08'02"W, base on the Outagamie County Coordinate System.

LINE TABLE		
Line	Bearing	Length
L1	N 05°15'57" W	61.98'
L2	S 25°23'39" E	64.55'
L3	S 33°54'49" E	47.65'
L4	S 58°56'23" W	10.50'

AREA

90,018 SF
2.0665 ac

CURVE TABLE					
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	54.00'	S 28°01'19" W	86.32'	100.01'	106°06'59"



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

File: 5111Ex1.dwg
Date: 09/20/2022
Drafted By: Jim
Sheet: 1 of 1

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Recorded

March 13, 2018 11:10 AM

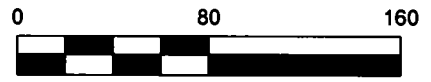
OUTAGAMIE COUNTY
SARAH R VAN CAMP
REGISTER OF DEEDS

Fee Amount: \$30.00
Total Pages: 4

Certified Survey Map No. 1503

Part of Block 41 Edward West Plat, Forth Ward, being part of Government Lot 2, Section 36, T21N R17E, the City of Appleton, Outagamie County, Wisconsin.

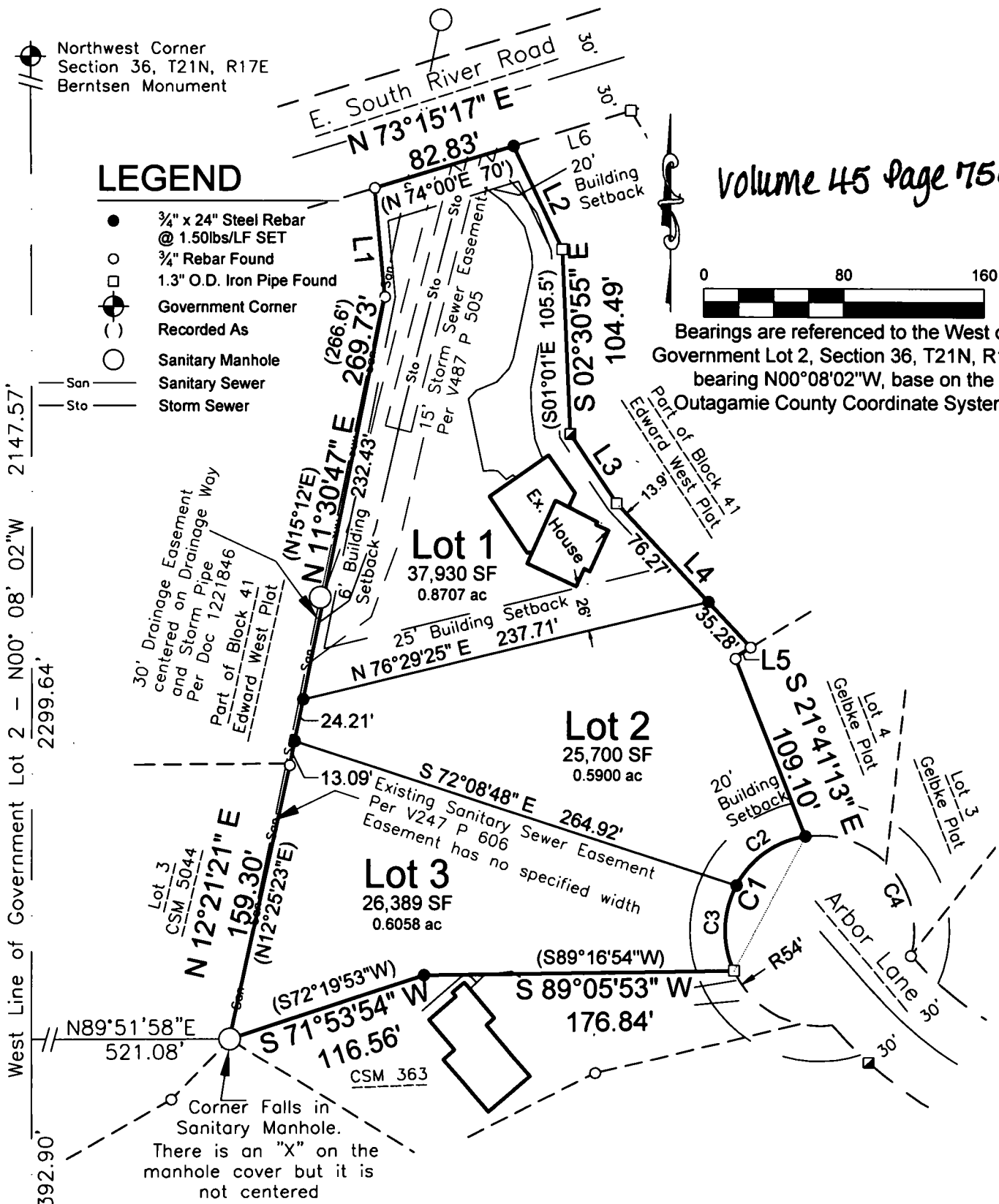
Volume 45 Page 1503



Bearings are referenced to the West of Government Lot 2, Section 36, T21N, R17E, bearing N00°08'02"W, base on the Outagamie County Coordinate System.

LEGEND

- 3/4" x 24" Steel Rebar @ 1.50lbs/LF SET
- 3/4" Rebar Found
- 1.3" O.D. Iron Pipe Found
- ⊙ Government Corner Recorded As
- Sanitary Manhole
- San Sanitary Sewer
- Sto Storm Sewer



Northwest Corner Section 36, T21N, R17E Berntsen Monument

San
Sto

2147.57'
2299.64'
392.90'

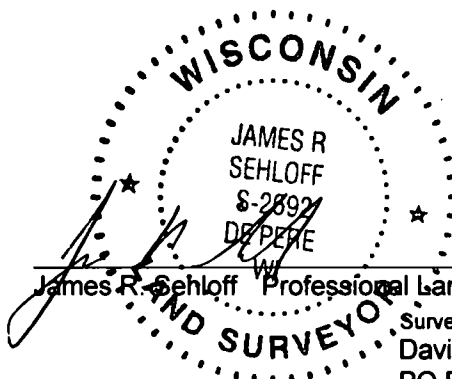
West Line of Government Lot 2 - N00°08'02"W

521.08'
159.30'

West 1/4 Corner Section 36, T21N, R17E Berntsen Monument



Davel Engineering & Environmental, Inc.
Civil Engineers and Land Surveyors
1811 Racine Street
Menasha, Wisconsin
Ph. 920-991-1866, Fax 920-830-9595



James R. Sehloff Professional Land Surveyor No. S-2692 Date

Survey for:
David Gelbke
PO Box 561
Egg Harbor Wi 54209

File: 5111CSM.dwg
Date: 02/11/2018
Drafted By: jim
Sheet: 1 of 4

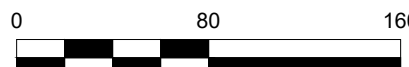
Certified Survey Map No. _____

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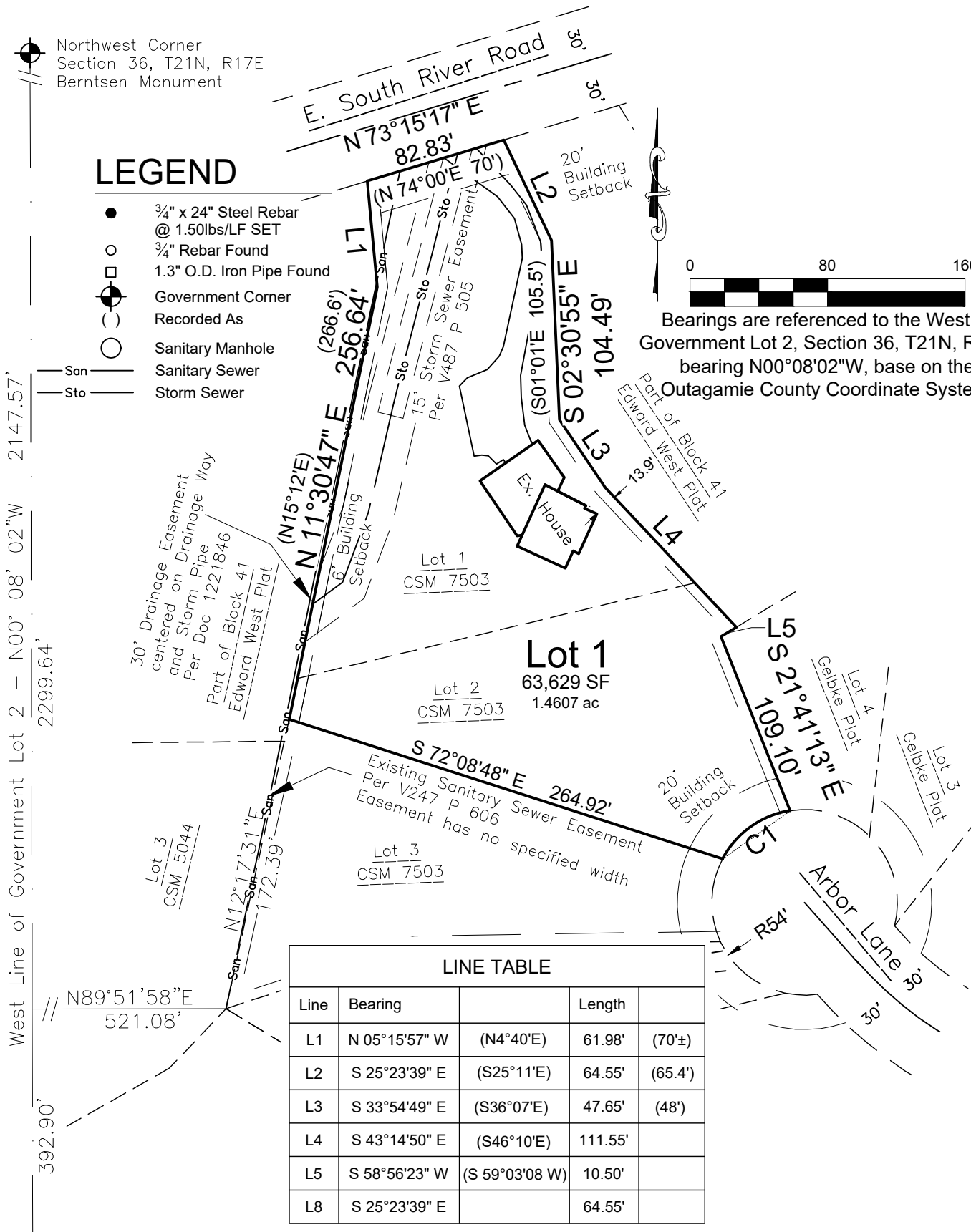
Northwest Corner
Section 36, T21N, R17E
Berntsen Monument

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Line	Bearing		Length	
L1	N 05°15'57" W	(N4°40'E)	61.98'	(70'±)
L2	S 25°23'39" E	(S25°11'E)	64.55'	(65.4')
L3	S 33°54'49" E	(S36°07'E)	47.65'	(48')
L4	S 43°14'50" E	(S46°10'E)	111.55'	
L5	S 58°56'23" W	(S 59°03'08 W)	10.50'	
L8	S 25°23'39" E		64.55'	

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	54.00'	S 54°33'04" W	48.24'	50.01'	53°03'30"

West 1/4 Corner
Section 36, T21N, R17E
Berntsen Monument



James R. Sehloff Professional Land Surveyor No. S-2692 Date

Survey for:
Brandon Wentland
737 E South River St
Appleton, WI 54915

File: 5111CSM.dwg
Date: 09/20/2022
Drafted By: Jim
Sheet: 1 of 4