



# CITY OF RIPON

100 Jackson Street \* Ripon, WI 54971-1396

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**PLAN COMMISSION MEETING  
WEDNESDAY, APRIL 17<sup>th</sup>, 2024  
CONFERENCE ROOM, CITY HALL  
7:00 p.m.**

Call to order/roll call

Approval of agenda

Approve meeting minutes – March 20<sup>th</sup>, 2024

Action items

1. CSM – BVC North LLC – RIP-16-14-16-16-020-10/428 E OSHKOSH ST
2. Review of Sidewalk Use and Outdoor Café Ordinances

Project updates and staff reports

Agenda items for future meetings

Adjourn

# PLAN COMMISSION MEETING

## March 20<sup>th</sup>, 2024

Present: Grant, Splitt, Denkert, Iverson

Absent: Hutton, Boscaljon, Poppy

Others: City Administrator Sonntag, City Attorney Wurtz, Building Inspector Leahy, Dennis Green, David Hahn, Hason Daye, Kristi Martin,

Mayor Grant called the meeting to order at 7:00 p.m.

### **Approval of Agenda**

Splitt moved and Denkert seconded a motion to approve the agenda. Motion carried.

### **Approve Meeting Minutes**

Iverson moved and Splitt seconded a motion to approve minutes from February 21<sup>st</sup>, 2024. Motion carried.

### **Action Items**

CSM (Extraterritorial) – Badtke – N7371 Radio Rd.

The Commission reviewed an exterritorial CSM to separate a housing lot from a larger farm parcel at N7371 Radio Rd. Denkert moved and Splitt seconded a motion to approve the CSM for N7371 Radion Rd. Motion carried.

Public Hearing – Conditional Use Permit – Hahn Logistics LLC – Hall Street Parcel: RIP-16-14-22-08-005-00

Mayor Grant called the public hearing open at 7:04 p.m. The applicant, David Hahn, discussed his plan for trailer storage and the addition of a cold storage building. Engineer, Jason Daye, discussed the added landscaping and use of recycled asphalt at the site. Kristi Martin at 175 Douglas St. spoke in support of the business. An unidentified neighboring property owner registered support for the plan. Mayor Grant closed the public hearing at 7:08 p.m. The Commission reviewed plans, including the building and site plan. The committee reviewed a letter from City Attorney Wurtz that stated the CUP application establishes a principal use with the construction of a building, and recommended a motion that included the condition that all trailers shall be parked on the upgraded surface. Sonntag reviewed compliance with the required stormwater, floodplain, and zoning codes. The Commission discussed requiring asphalt pavement for the apron and driveway as required in the zoning code. After discussion, Splitt moved and Denkert seconded a motion to approve the Conditional Use Permit for Hahn Logistics LLC at Hall Street Parcel: RIP-16-14-22-08-005-00 for a business or commercial use the principally serves industrial needs and activities with trailer and cold storage with the condition that all trailers only be parked on the proposed upgraded surface and the requirement that the apron and driveway be paved asphalt to the parking area transition. Motion carried.

### **Project Updates and Staff Reports**

None.

### **Agenda Items for Future Meetings**

Splitt requested downtown sidewalk and street café ordinances be reviewed.

With no further business, Splitt moved and Denkert seconded a motion to adjourn. Motion carried. Mayor Grant declared the meeting adjourned at 7:37 p.m.

DRAFT

**COPY**

# CERTIFIED SURVEY MAP

## FOR BVC NORTH LLC

A PART OF LOT 2, OF NEWTOWN RESURVEY, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 16, T. 16 N.-R. 14 E., CITY OF RIPON, FOND DU LAC COUNTY, WISCONSIN.

PART OF LOTS 1-2  
PARKWAY TERRACE  
PART OF LOT 2  
NEWTOWN'S RESURVEY  
OWNER: Parkway Terrace LLC

Newton's Resurvey  
Owner: State of Wisconsin  
Department of Transportation

LOT 2  
CSM #6976  
VOL. 49, PG. 82

LOT 1  
CSM #6976  
VOL. 49, PG. 82

LOT 1  
CSM #1850  
VOL. 10, PG. 189  
CONCRETE

STATE OF WI, DEPT. OF TRANSPORTATION  
(RIGHT-OF-WAY WIDTH VARIES)

W. LINE - E 1/2 - SE 1/4 - SEC. 16-16-14

N89°31'02"E 150.00'

249.99'  
124.99'

N00°40'27"E  
125.00'

GRAVEL

GRAVEL

LOT 1  
0.861 acres  
37,491 Sq. Ft.

WOOD FENCE

CONCRETE

EXISTING METAL BUILDING

P.O.B.  
S89°31'02"W 150.00'

CONCRETE SIDEWALK

GRAVEL

CENTERLINE  
"AS TRAVELED"

1326.81'  
S89°31'02"W

SW COR. - SE 1/4  
SEC. 16-16-14  
(CAST ALUMINUM  
MONUMENT FOUND)

S. LINE - SE 1/4 - SEC. 16-16-14  
50.77' 1276.04' 2653.62'

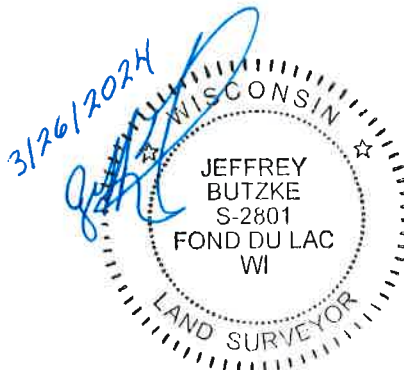
EAST OSHKOSH STREET  
(RIGHT-OF-WAY WIDTH VARIES)

P.O.C.  
SE COR. - SE 1/4  
SEC. 16-16-14  
(CAST ALUMINUM  
MONUMENT FOUND)

TAX PARCEL NUMBER:  
RIP-16-14-16-16-020-10

### LEGEND

- - 3/4" x 18" REBAR SET WEIGHING 1.50 LBS/FT.
- - 3/4" IRON ROD FOUND.
- ▲ - 1" IRON PIPE FOUND.
- - 1 1/2" IRON PIPE FOUND.
- ⊕ - CAST ALUMINUM MONUMENT FOUND.



**SURVEYOR:**  
JEFFREY S. BUTZKE  
N3756 HICKORY ROAD  
FOND DU LAC, WI 54937

**OWNER:**  
BVC NORTH LLC  
719 LIBERTY STREET  
RIPON, WI 54971

NORTH POINT REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, FOND DU LAC COUNTY. THE SOUTH LINE OF THE SOUTHEAST QUARTER, SECTION 16, T. 16 N.-R. 14 E., HAS A BEARING OF S89°-31'-02"W.



SCALE SHEET 1 OF 3 SHEETS FEET



PROJECT NO. 230018

Surveying, LLC

N3756 Hickory Road | Fond du Lac, WI 54937

**CERTIFIED SURVEY MAP**

A PART LOT 2 OF NEWTON'S RESURVEY, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 16, T. 16 N.-R. 14 E., CITY OF RIPON, FOND DU LAC COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE**

I, Jeffrey S. Butzke, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped a parcel of land described below.

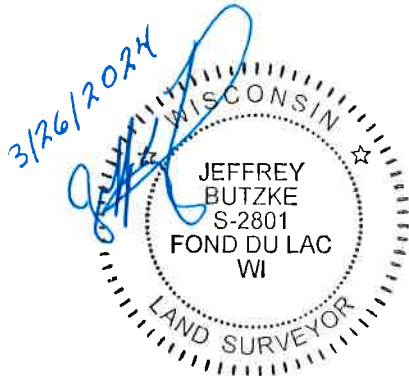
That I have made such Certified Survey Map under the direction of BVC North LLC of a parcel of land being bounded and described as follows:

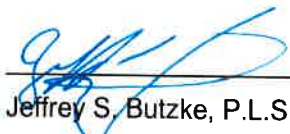
A part of Lot 2, of Newton's Resurvey, being a part of the Southeast 1/4 of the Southeast 1/4, Section 16, T. 16 N.-R. 14 e., City of Ripon, Fond du Lac County, Wisconsin, and being more particularly described as follows:

Commencing at the Southeast corner of the Southeast 1/4, said Section 16; thence South 89°-31'-02" West along the South line of the Southeast 1/4, said Section 16, 1276.04 feet; thence North 00°-40'-27" East along the East right-of-way line of those lands currently owned by the State of Wisconsin, Department of Transportation, said lands being the former right-of-way of the Chicago, Minneapolis, St. Paul and Pacific Railroad, 33.00 feet to a point on the North right-of-way line of East Oshkosh Street and to the **point of beginning**; thence continuing North 00°-40'-27" East along said right-of-way, 249.99 feet; thence North 89°-31'-02" East, 150.00 feet; thence South 00°-40'-27" West, 249.99 feet to a point on said North right-of-way line of East Oshkosh Street; thence South 89°-31'-02" West along said North right-of-way line, 150.00 feet to the point of beginning and containing 0.861 acres (37,491 Sq. Ft.) more or less and being subject to all easements and restrictions of record.

That such is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and the Subdivision Ordinance of the City of Ripon and Fond du Lac County in surveying, dividing and mapping the same.



  
Jeffrey S. Butzke, P.L.S. No. S-2801  
Compass Surveying, LLC  
Fond du Lac, Wisconsin 54937  
Project Number: 230018

**CERTIFIED SURVEY MAP**

A PART LOT 2 OF NEWTON'S RESURVEY, BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 16, T. 16 N.-R. 14 E., CITY OF RIPON, FOND DU LAC COUNTY, WISCONSIN.

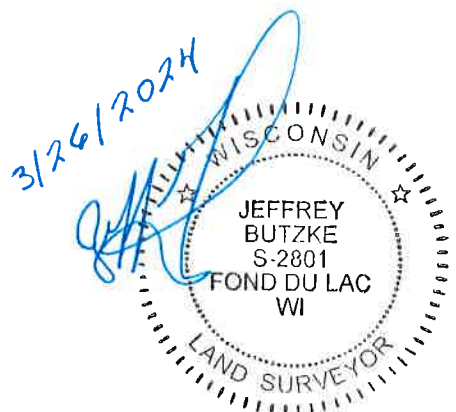
**CITY OF RIPON TOWN BOARD CERTIFICATE**

STATE OF WISCONSIN )  
FOND DU LAC COUNTY ) SS

This Certified Survey Map along with the resulting lot has been approved by the City Council of the City of Ripon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Theodore Grant, Mayor  
(City of Ripon)

\_\_\_\_\_  
Naomi Miller, City Clerk  
(City of Ripon)



## **Chapter 6.34 OUTDOOR SERVICE/BEER GARDENS AND SIDEWALK CAFES FOR LICENSED PREMISES**

### **6.34.010 Introduction and definitions.**

No holder of a "Class B," Class "B" and/or "Class C" license may operate under said license(s) in any outdoor area, whether or not said outdoor area was included in a description of the premises, without first having obtained the permission of the common council subject to the conditions of this section. Approval under this subsection by the common council shall result in the outdoor area becoming a part of the description of the premises, with said outdoor area also being subject to all state and city laws, rules, regulations, and lawful orders governing "Class B," Class "B" and/or "Class C" premises. As used in this subsection:

"Outdoor area" shall mean an area, whether or not enclosed by a roof, which is open to the elements, and which is not constructed for year-round use.

"Outdoor premises" shall mean a licensed premise located in an outdoor area.

(Ord. No. 1367, 6-8-2010)

### **6.34.015 Reserved.**

Editor's note(s)—Ord. No. 1447, adopted Oct. 14, 2014, repealed § 6.34.015, which pertained to prohibited (underage persons under the influence) and derived from Ord. No. 1408, adopted Nov. 26, 2012. The user's attention is directed to § 12.34.015, "Underage persons," for similar provisions.

### **6.34.020 Application.**

Application for an outdoor extension of a "Class B," Class "B" and/or "Class C" license shall be made to the city clerk on forms furnished by the city clerk. The application shall include a map describing the outdoor area sought to be included within the description of the licensed premises. In the event that such map is omitted and the "Class B," Class "B" and/or "Class C" license is granted and issued, said license shall not be deemed to include an outdoor area within the description of the licensed premises.

(Ord. No. 1367, 6-8-2010)

### **6.34.030 Requirements.**

Outdoor premises approved under this section are subject to the following requirements:

- A. Outdoor premises may be permitted only on properties located in B-1 Central Business District; B-2 Highway Business District and PUD Planned Unit Development zoning districts as those terms are defined in the Chapter 20, Zoning, subject to the conditional site plan review requirement of Chapter 20.
- B. Outdoor premises shall not be located in any actual or required yard area that directly abuts an adjoining property used for residential purposes, unless the following additional conditions are met:
  1. Provide a twenty-foot buffer between outdoor premises and the adjoining lot containing the residential use;

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2. Provide a privacy fence six feet in height completely surrounding the outdoor premises.
  - C. Outdoor premises shall be completely surrounded by an attractive wall, fence, or barrier at least four feet in height. These outdoor premises may be surfaced with materials that provide a durable and stable foundation, such as decking materials, paver bricks, or other approved hard surfaces. Gravel and similar loose materials are prohibited for use as outdoor premises surfacing.
  - D. If the outdoor premises are located in the front yard of the licensed premises, it shall be completely surrounded by an attractive wall or fence (not height restricted)
  - E. If an outdoor service/beer garden does not qualify as a restaurant which derives more than fifty percent of its gross business revenue from the sale of food, then any access or entry to the outdoor premises shall only occur through the main building of the premises.
  - F. The outdoor premises shall only be used for serving food and alcohol and no part of said area shall be used for recreational activities, including, but not limited to, volleyball, horseshoes, darts, and softball.
  - G. Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.
  - H. Noise from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed eighty-five db from seven a.m. to nine p.m. and seventy-five db from nine p.m. until closing.
  - I. Three or more noise complaints filed against the owner of an outdoor premises during a license period (July 1 to June 30), and verified by the police department, shall constitute sufficient grounds to revoke the outdoor premises permit granted under this section, subject to the hearing requirement under Section 6.36.090.

(Ord. No. 1367, 6-8-2010; Ord. No. 1369, 6-28-2010; Ord. No. 1370, 8-23-2010; Ord. No. 2023-1534, 11-14-2023)

#### **6.34.040 Sidewalk cafes.**

Outdoor premises may be located on public sidewalks, subject to approval by the common council. In addition to the requirements listed as [Section] 6.34.030, Requirements, of this chapter, sidewalk cafes shall comply with the following requirements:

- A. Sidewalk cafes may be permitted only on properties located in B-1 Central Business zoning districts as that term is defined in Chapter 20, Zoning. Notwithstanding the requirements of Subsection 6.34.030(4) of this chapter, the barrier surrounding the sidewalk cafe shall be no lower than two feet nor higher than three feet.
- B. Sidewalk cafes shall be limited to those licensees who derive more than fifty percent of their gross business revenue from the sale of food.
- C. Liability insurance naming the city as an unrestricted additional insured on the sidewalk cafe owner's insurance policy for the licensed sidewalk cafe site will be required, including insurance to cover liquor liability, to the extent specified by and on forms approved by the city attorney's office.
- D. Each sidewalk cafe serving alcohol beverages shall be responsible for policing the area of the sidewalk cafe to be sure that customers are of the legal drinking age and that alcohol beverages are not removed from the premises. All service in the sidewalk cafe (beverage and food) shall stop no later than ten-thirty p.m.
- E. Sidewalk cafes shall not be placed within five feet of a curb and shall allow for a minimum of three feet of open and unobstructed sidewalk.



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(Ord. No. 1367, 6-8-2010; Ord. No. 1370, 8-23-2010; Ord. No. 1527, 7-11-2023)

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(Supp. No. 61)

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## Chapter 6.35 STREET CAFÉS

### 6.35.010 Street cafés.

Street cafés may be permitted, subject to approval by the Plan Commission as outlined herein, and shall be limited to those licensees or entities who derive more than fifty percent of their gross business revenue from the sale of food. Street cafés shall comply with the following requirements:

- A. Street cafés must be located on Watson Street in the 100, 200 or 300 block, limited to one per block, and no more than two parking spaces per block.
- B. Street cafés are required to have a barrier. The barrier surrounding the street café shall be no lower than three feet nor higher than four feet.
- C. Each street café serving alcohol beverages shall be responsible for policing the area of the street café to be sure customers are of the legal drinking age and that alcoholic beverages are not removed from the premises.

(Ord. No. 1469, 8-27-2018)

### 6.35.020 Street café application and review process.

- A. Application.
  - (a) The following applicants are eligible to apply for the installation of street café within the public right-of-way:
    1. Ground floor business owners.
    2. Fronting property owners.
    3. Other applicants considered on a case by case basis.
  - (b) Pre-application Meeting. Applicant shall schedule an appointment with the Building Inspector to verify the viability of the location and proposed elements.
  - (c) The following shall be included in the application with the City's Revocable Occupancy/Street Privilege Permit Application forms:
    1. A letter requesting the street café and an initial site plan showing the footprint/outline of the proposed Street Café, including dimensions of street café, property lines, existing sidewalk width, existing parking stalls/alignment and all existing sidewalk furniture and obstructions; e.g. fire hydrants, utility poles, parking meters, street trees, etc.
    2. Type(s) of elements being proposed to be placed on the street café; e.g. tables and chairs, benches, planters/landscaping, bicycle parking, etc.
    3. Final dimensioned site plan, including all details, finishes, plant species, furniture types, etc.
    4. Maintenance details, including access panels and how drainage will be provided along the existing gutter.
    5. A description of how the proposed street café meets each of the criteria set forth in Section 6.35.040.

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6. Provide documentation of support from adjacent property/business owners.
    - a. Letters of support from more than fifty percent of the property owners on the potential Street Café's block; and
    - b. Letters of support from adjacent property owners.
  7. A nonrefundable application fee of two hundred dollars , payable to the city of Ripon.
- B. Review Process.
- (a) Application shall be submitted to the city administrator to be reviewed by the director of public works, the chief of police, the ems chief, the fire chief, and the utility manager for consideration and recommendation based on the following criteria:
    1. Meets established design criteria of Section 6.35.040.
    2. Enhancement of streetscape quality.
    3. Location (Street café is likely to be well used and active).
    4. Community support.
    5. Maintenance plan.
  - (b) Upon a review by the city officials, the city administrator shall forward the request for a street café to the plan commission.

(Ord. No. 1469, 8-27-2018)

### **6.35.030 Street café approval process.**

- A. The plan commission shall review the final detailed site plan and maintenance details. Applicant shall submit the following information and fees to the plan commission for permit issuance:
  - i. The city of Ripon must be listed as an additional insured endorsement to the insurance policy with general liability coverage of not less than two million dollars.
  - ii. A permit fee pursuant to the revocable occupancy/street privilege permit requirements of the city of Ripon.
- B. The plan commission may issue a revocable occupancy/street privilege permit for the approved street café (subject to annual renewal).

(Ord. No. 1469, 8-27-2018)

### **6.35.040 Street café appropriate seasonal, location, and design criteria.**

- A. The proposed street café shall be permitted from April 15th through October 31st, unless the applicant can demonstrate that the street café will not be a hazard for snow plows or vehicles.
- B. The proposed street café site shall be located at least one parking spot in from a corner or protected by a bollard, sidewalk bump-out, or other similar feature, if located at the corner.
- C. The proposed street has parking lanes that will not become a tow away lane, and the street café and appurtenances thereof shall be a minimum of two feet from the nearest edge of traveled way, as determined by the director of public works.
- D. The proposed street has a street grade of no greater than five percent.

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Created: 2024-04-12 10:18:39 [EST]

(Supp. No. 61)

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- E. Street café decking must be flush with the curb and may not have more than a one-half-inch gap from the curb. If this is impossible, the street café must be ADA accessible. A minimum thirty-six-inch ADA accessible entryway to the street café must be maintained for all street cafés.
  - F. The platform should allow for easy access underneath the platform and curbside drainage may not be impeded. A gap of six inches should be maintained between the body of the deck and the curb, to facilitate the movement of water.
  - G. Street cafés shall be required to have reflective tape, soft hit posts, wheel stops, and depending on the proposed location, may also require edging such as planters, railing or cables.
    - a. Any edge shall be visually permeable.
    - b. If cables are used, vertical spacing between cables may not exceed six inches.
  - H. All rails must be capable of withstanding a two hundred-pound horizontal force.
  - I. Platforms shall not exceed a two-percent cross slope.
  - J. Street cafés shall not be allowed in front of a fire hydrant, or over a manhole or public utility valve or cover.
  - K. All elements of the above mentioned street cafés shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of city of Ripon building code, The Americans with Disabilities Act (ADA), and the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(Ord. No. 1469, 8-27-2018)

### **6.35.050 Street café installation.**

- A. At least ten business days prior to beginning installation of the street café, contact the director of public works department to schedule a time to meet the building inspector in the field to review the site.
- B. The director of public works will issue a notice to proceed after the field review of the site and plans.
- C. The applicant shall post temporary no-parking signs in the spaces approved for the street café for a minimum of seventy-two hours before installation.
- D. The applicant shall install the soft-hit posts and wheel stops per the plan prior to installation.
- E. The street café sponsor is encouraged to take before and after pictures of the street café location.
- F. Installation shall be completed within thirty calendar days of the notice to proceed.
- G. The work site shall be clean and safe and no obstructions shall be left in the street, sidewalk, or adjacent parking spaces. Thought shall be put into the construction and installation phasing to assure these requirements are met each day.
- H. Notify the director of public works and building inspector within five business days of the anticipated completion of the street Café installation for a final field review to verify the Street Café was built according to the approved plans and application materials.

(Ord. No. 1469, 8-27-2018)

### **6.35.060 Street café maintenance and removal.**

- A. Street café sponsors are responsible for keeping the street café in the condition of the approved plans and application materials. Maintenance shall be performed according to the approved maintenance plan, and conditions on the approved permit, and any directives given by the director of public works. Any directives

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given by the director of public works shall be addressed to the satisfaction of the inspector within seventy-two hours.

- B. The city of Ripon reserves the right to revoke a permit for a street café at any time.
- C. The street café sponsor is responsible for removal of the street café, whether the removal of the street café is initiated by the sponsor or the city. A street café shall be removed within five business days of the request for removal from the city or October 31st, whichever comes first. Failure of the sponsor to remove the street café in a timely basis will result in the city performing the work and assessing the cost as a special assessment against the property.
- D. The city reserves the right to remove a street café for public safety emergencies with little or no notice. Once a street café is removed, it may not be reinstalled without a new approved application.

(Ord. No. 1469, 8-27-2018)