



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, May 26, 2021

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[21-0694](#) City Plan Minutes from 5-12-21

Attachments: [City Plan Minutes 5-12-21.pdf](#)

4. Public Hearings/Apearances

5. Action Items

- [21-0695](#) Request to approve the First Addition to Broadway Hills Estates Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_FinalPlat_1stAddBroadwayHillsEstates_For5-26-21.pdf](#)

6. Information Items

7. Adjournment

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

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



City of Appleton

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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, May 12, 2021

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

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

2. Roll call of membership

Commissioner Dane arrived at 3:33 p.m.

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

Excused: 1 - Robins

Others present:

Joe Truehart, Hoffman Planning, Design & Construction

Mike Kohlbeck, McMahon Associates, Inc.

3. Approval of minutes from previous meeting

[21-0588](#)

City Plan Minutes from 4-13-21

Attachments: [City Plan Minutes 4-13-21.pdf](#)

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

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

Excused: 1 - Robins

Absent: 1 - Dane

4. Public Hearings/Appearances

[21-0589](#)

Rezoning #4-21 to rezone 15 parcels in the area generally located south of Lawrence Street, west of Durkee Street, north of Water Street, and east of Morrison Street (Tax Id #31-2-0159-00, #31-2-0160-00, #31-2-0161-00, #31-2-0163-00, #31-2-0164-00, #31-2-0165-00, #31-2-0166-00, #31-2-0167-00, #31-2-0168-00, #31-2-0169-00, #31-2-0170-00, #31-2-0171-00, #31-2-0172-00, #31-2-0173-00, and #31-2-0174-00), including to the centerline of the adjacent South Morrison Street, East Lawrence Street, South Durkee Street, East Water Street, East Kimball Street, and South Oak Street right-of-way, as shown on the attached maps, from R-1B Single-Family District, R-3 Multi-Family District, and P-I Public Institutional District to CBD Central Business District (Associated with Action Item #21-0590)

Attachments: [InformalPublicHearingNotice_USVenture_Rezoning#4-21.pdf](#)

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

[21-0591](#)

The street discontinuance to vacate portions of South Oak Street and East Kimball Street public right-of-way, generally located south of East Lawrence Street and east of South Morrison Street, subject to the condition in the attached staff report, and adopt the Initial Resolution and exhibit map (Associated with Action Item #21-0592)

Attachments: [InformalPublicHearingNotice_OakStKimballSt_StreetVacation.pdf](#)

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

5. Action Items

[21-0590](#)

Request to approve Rezoning #4-21 to rezone 15 parcels in the area generally located south of Lawrence Street, west of Durkee Street, north of Water Street, and east of Morrison Street (Tax Id #31-2-0159-00, #31-2-0160-00, #31-2-0161-00, #31-2-0163-00, #31-2-0164-00, #31-2-0165-00, #31-2-0166-00, #31-2-0167-00, #31-2-0168-00, #31-2-0169-00, #31-2-0170-00, #31-2-0171-00, #31-2-0172-00, #31-2-0173-00, and #31-2-0174-00), including to the centerline of the adjacent South Morrison Street, East Lawrence Street, South Durkee Street, East Water Street, East Kimball Street, and South Oak Street right-of-way, as shown on the attached maps, from R-1B Single-Family District, R-3 Multi-Family District, and P-I Public Institutional District to CBD Central Business District

Attachments: [StaffReport_USVenture_Rezoning_For05-12-21.pdf](#)

Proceeds to Council on June 2, 2021.

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

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

Excused: 1 - Robins

[21-0592](#)

Request to approve the street discontinuance to vacate portions of South Oak Street and East Kimball Street public right-of-way, generally located south of East Lawrence Street and east of South Morrison Street, subject to the condition in the attached staff report, and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_OakStKimballSt_StreetVacation_For05-12-21.pdf](#)

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

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

Excused: 1 - Robins

[21-0593](#)

Request to approve the dedication of land for public right-of-way for East Lawrence Street, generally located south and east of the intersection of Morrison Street and Lawrence Street (part of Tax Id #31-2-0162-00, #31-2-0161-00, #31-2-0159-00, and #31-2-0160-00), as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_LawrenceEastOfMorrison_StreetDedication_For05-12-21.pdf](#)

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

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

Excused: 1 - Robins

[21-0594](#)

Elect Vice Chair

Commissioner Fenton was elected as Vice-Chair.

Buetow nominated Fenton to be the Vice Chair. No other nominations were received. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Robins

6. Information Items

[21-0595](#)

Confirm Meeting Date & Time

The City Plan Commission will continue to meet at 3:30 p.m. on Wednesdays of the week following Council.

[21-0596](#)

Designate Contact Person

Director Karen Harkness will continue to be the designated Contact Person.

[21-0597](#)

Virtual Neighborhood Program Spring Meeting on Thursday, May 20, 2021 from 6:00 - 7:30 p.m.

Attachments: <https://www.appleton.org/residents/neighborhood-program>

This item was presented.

7. Adjournment

Uitenbroek moved, seconded by Fenton, that the meeting be adjourned at 3:43 p.m. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Robins



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 26, 2021

Common Council Meeting Date: June 2, 2021

Item: Final Plat – 1st Addition to Broadway Hills Estates

Case Manager: Don Harp

GENERAL INFORMATION

Owner: North Appleton Properties, LLC – Gregory Gauerke – Member

Consulting Engineering Firm: Davel Engineering & Environmental, Inc. (James R. Sehloff, P.L.S.)

Location: The subject property is located on the west side of French Road at a distance of approximately 1,400 feet north of the intersection of French Road and Broadway Drive.

Tax Id Number: City Parcel #31-1-9210-14 (formerly Town of Freedom Parcel #090-0855-00)

Petitioner's Request: The applicant is proposing to subdivide the subject property into seven (7) single-family residential lots. (Phase 2 of Broadway Hills Estates)

BACKGROUND

The Preliminary Plat for 1st Addition to Broadway Hills Estates was approved by the Plan Commission on March 9, 2021 and by the Common Council on April 7, 2021. The Common Council granted relief to the following regulation: 1) The two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code for Lots 23 and 24. Proposed Lots 23 and 24 exceed the 2 depth to 1 width ratio (Lot 23 = 2.4 to 1 and Lot 24 = 4.2 to 1).

The subject property was rezoned from Temporary AG Agricultural District to R-1B Single-family District per Rezoning #3-21 which was approved by the Common Council on April 7, 2021.

The subject property was included in the 1st Addition to Broadway Hills Estates Annexation which was officially annexed to the City on March 9, 2021.

The Final Plat for Broadway Hills Estates (Phase 1) was approved by the Plan Commission on August 25, 2020 and by the Common Council on September 2, 2020. Phase 1 consisted of 20 single-family residential lots with an average size of 1.58 acres and 2 outlots for stormwater ponds.

STAFF ANALYSIS

Existing Conditions: The subject property is agricultural land with a building that is approximately 3,200 square feet in area. At the preliminary plat stage, staff indicated the existing building located on proposed Lot 24 will remain on site. Based upon information provided by the property owner (developer), building permit #2020-116 was issued on December 14, 2020 by Town of Freedom Building Inspector to allow this building to be placed at this location. Buildings lawfully existing at the time of annexation to the City may remain at their current location, although the use, size, and/or location does not conform to the provisions of the Municipal Code. As a result, this existing building (approximate size: 40' x 80' (3,200 square feet in area) is deemed to be a legal, nonconforming building due to its size and agricultural storage use of farming equipment and bales of hay per building permit #2020-116. The applicable provisions of Section 23-42 Nonconforming buildings, structures, uses and lots of the Municipal Code apply to this building. Prior to the issuance of building permit for a residential dwelling on Lot 24, the Inspections Division will ensure all applicable Municipal Code regulations are satisfied as it relates to location standards between a proposed residential dwelling and this existing building.

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.

Broadway Hills Estates Concept Plan: The lot and road layout shown on the Final Plat is generally consistent with Broadway Hills Estates Concept Master Plan dated April 21, 2020 which is on file with the City.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 R-1B Single-family District of the Municipal Code) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots range in size from 47,625 square feet (1.09 acres) to 354,635 square feet (8.14 acres). The average lot size for Lots 21-23 and 25-27 is 52,000 square feet (1.19 acres) with Lot 24 being the largest at 354,635 square feet (8.14 acres). All proposed lots satisfy this minimum requirement.*
 - *Phase 1 of the Broadway Hills Estates Development located to the south consisted of 20 single-family residential lots with an average size of 1.58 acres.*
- Minimum lot width: Fifty (50) feet.
 - *The lot width dimension for the proposed lots range from 80 feet to 217 feet wide. All proposed lots satisfy this minimum requirement.*

- Minimum front, side, and rear yard setbacks (principal uses): Twenty (20) foot front yard [twenty-five (25) foot minimum on arterial street (French Road)], Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required setbacks for buildings and structures 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:

- On April 7, 2021, the Common Council granted relief at the Preliminary Plat approval stage for the following regulation: 1) The two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code for Lots 23 and 24.
- Fritz Court is 500 feet in length, which satisfies Section 17-25(g) of the Subdivision Ordinance.

Access and Traffic: Vehicular access to the subject lots is provided by North French Road, which connects to proposed Fritz Court.

Surrounding Zoning Classification and Land Uses:

North: Town of Freedom. The adjacent land use to the north is currently residential and agricultural land.

South: City of Appleton - R-1B Single-Family District. The adjacent land use to the south is currently being developed as single-family residential (Broadway Hills Estates).

East: Town of Freedom. The adjacent land uses to the east are currently a mix of single-family residential and agricultural uses.

West: City of Appleton - AG Agricultural District. City of Appleton sanitary sewer and water easement parcel.

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

Final Plat – 1st Addition to Broadway Hills Estates
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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.

OBJECTIVE 5.3 Housing and Neighborhoods:

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

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

OBJECTIVE 10.1 Land Use:

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

Parks and Open Space: Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication 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 for a total of \$2,100.

Technical Review Group (TRG) Report: This item appeared on the May 4, 2021 TRG Agenda. No negative comments were received from participating departments. The Final Plat was filed with the City Clerk on May 11, 2021.

Review and Decision by Plan Commission: The Plan Commission shall, within 30 days of the date of the filing of Final Plat with the City Clerk, recommend approval, conditional approval or denial of the plat to the Common Council, unless time is extended by agreement in writing between the City and Owner.

Review and Decision by Common Council: The Common Council shall, after receipt of the Plan Commission recommendation and within 60 days of the date of the filing of Final Plat with the City Clerk, approve, approve with conditions or deny the plat, unless time is extended by agreement in writing between the City and Owner.

RECOMMENDATION

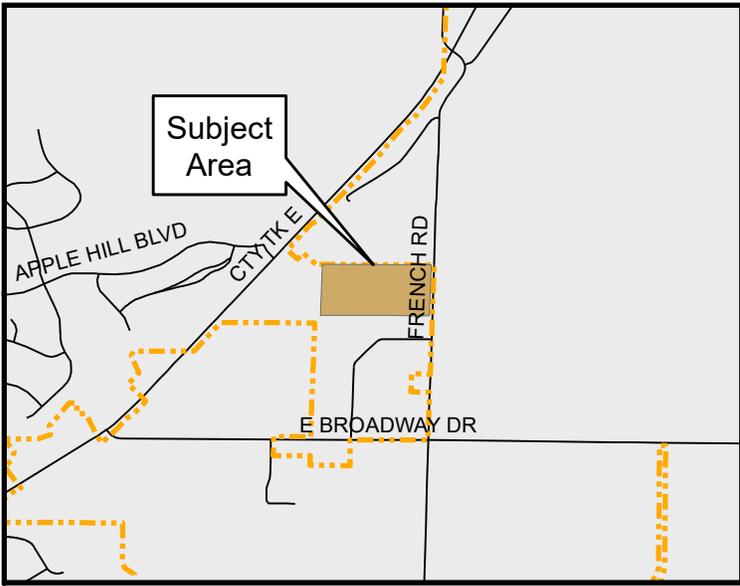
Staff recommends, based upon the above analysis, the 1st Addition to Broadway Hill Estates Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
2. 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.

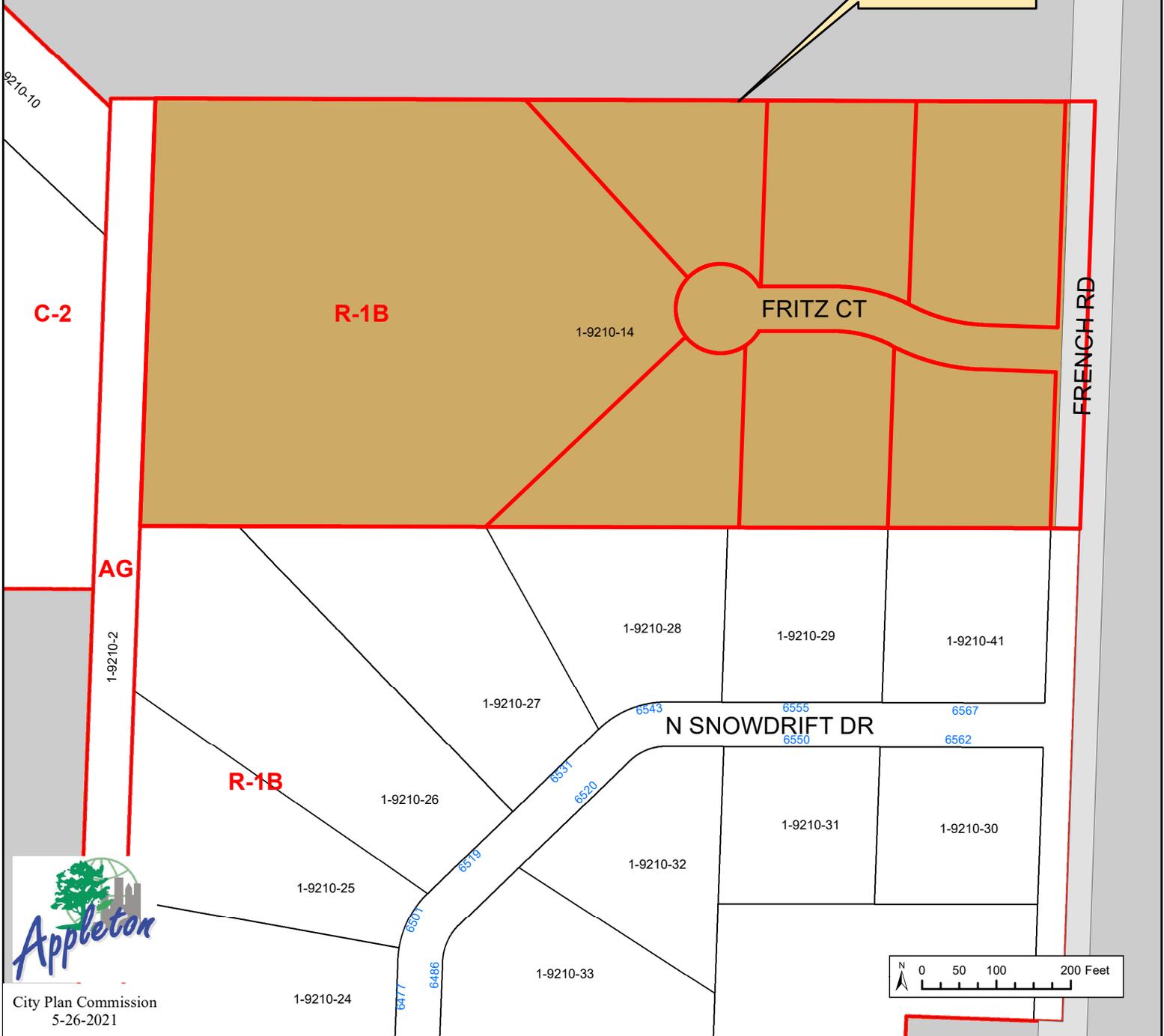
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3. The following street within the Final Plat is to be classified as follows:
 - a. Fritz Court: Local Street
4. Show and label a 50-foot Wetland Protective Area Setback associated with the wetland at the rear of Lot 24.
5. Prior to City signatures 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 for a total of \$2,100.
6. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.

Final Plat
First Addition to Broadway Hills Estates
Zoning Map

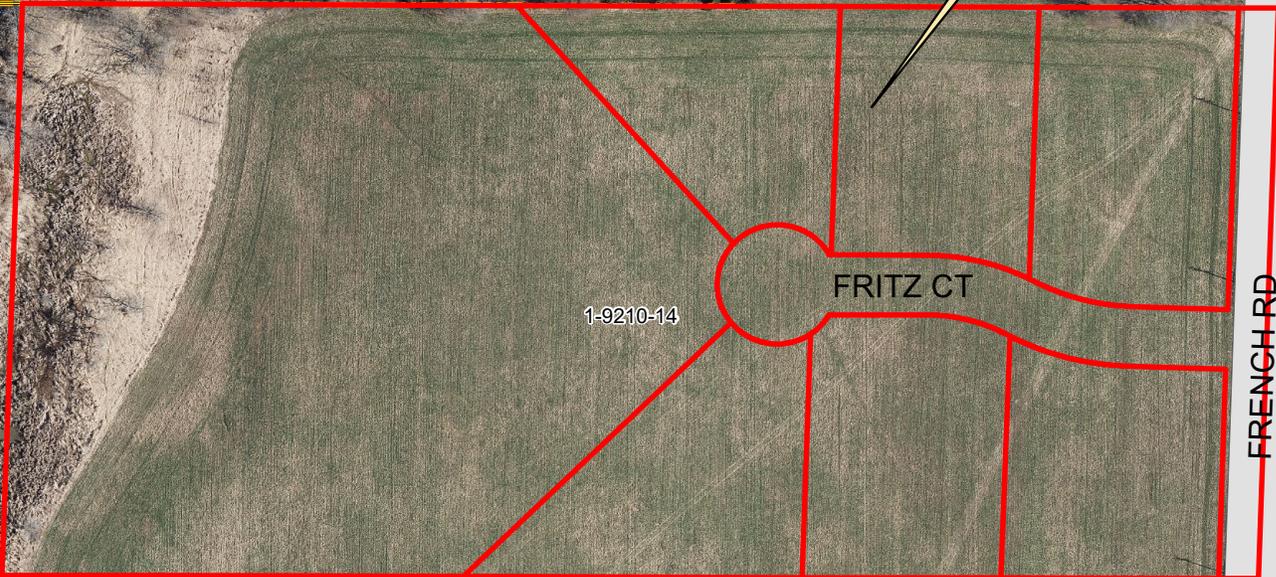


Subject Area



Final Plat
First Addition to Broadway Hills Estates
Aerial Map

Subject Area



E APPLE CREEK RD

9210-10

1-9210-2

1-9210-14

FRITZ CT

FRENCH RD

1-9210-28

1-9210-29

1-9210-41

1-9210-27

6543

6555

6567

N SNOWDRIFT DR

6550

6562

1-9210-26

1-9210-33

1-9210-31

1-9210-30

1-9210-32

1-9210-25

6501

6486

1-9210-24

6477

644

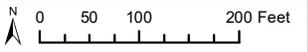
1-9210-39

6377

1-9210-34

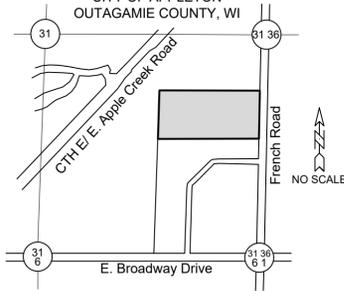


City Plan Commission
5-26-2021



LOCATION MAP

SE1/4 SEC 31, T 22 N, R 18 E,
CITY OF APPLETON
OUTAGAMIE COUNTY, WI



First Addition to Broadway Hills Estates

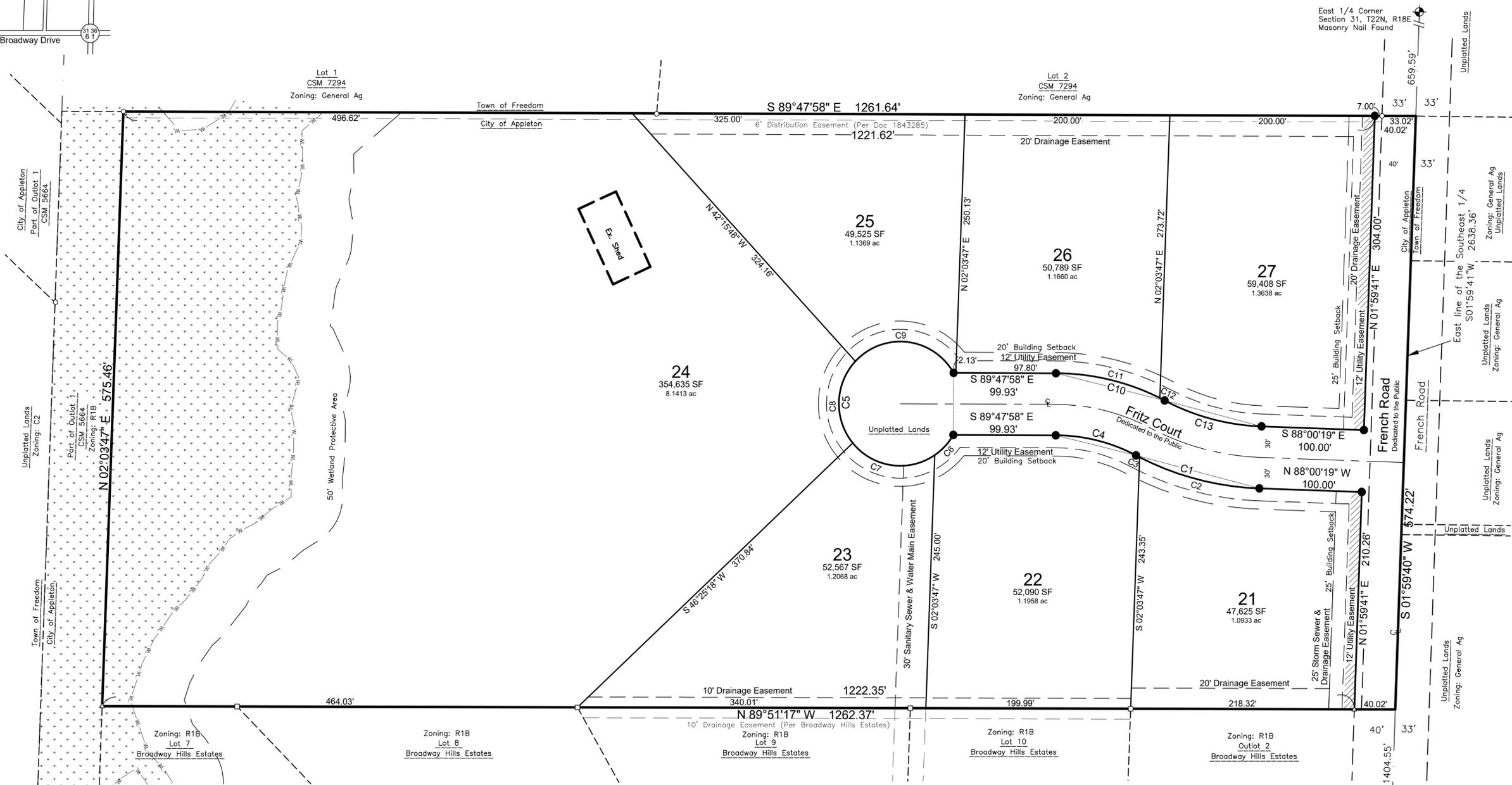
Part of the Northeast 1/4 of the Southeast 1/4 of Section 31,
Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

There are no objections to this plat with respect to
Sees. 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



Wetland Protected Area:

The following requirements apply as excerpted from City of Appleton Municipal Code 20-312(f):

(3) The following requirements shall be met:

- a. Impervious surfaces shall be kept out of the protective area entirely or [as may be approved by the City of Appleton] to the maximum extent practicable.
- b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. (Subject to the issuance of all applicable permit), nonvegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
- c. Best management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.
- (5) Protective areas do not apply to:
 - d. Post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a [Stormwater Management Practice that has been approved by the City of Appleton], except to the extent that vegetative ground cover is necessary to maintain bank stability.

Access Restriction Note:

As owners, we hereby restrict Lot 21 and Lot 27 in that no owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with French Road, as shown on the plat; it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to Section 236.293, Wisconsin State Statutes, and shall be enforceable by the City of Appleton.

CURVE TABLE						
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in / Tangent Bearing-out
C1	280.00'	N 75°09'18" W	124.55'	125.60'	25°42'03"	N 88°00'19" W / N 62°18'17" W
C2	280.00'	S 75°33'09" E	120.76'	121.71'	24°54'21"	S 88°00'19" E / S 63°05'59" E
C3	280.00'	S 62°42'08" E	3.89'	3.89'	0°47'42"	S 63°05'59" E / S 62°18'17" E
C4	170.00'	S 76°03'07" E	80.80'	81.58'	27°29'41"	N 89°47'58" W / N 62°18'17" W
C5	60.00'	N 00°12'02" E	60.00'	314.16'	300°00'00"	S 30°12'02" W / S 29°47'58" E
C6	60.00'	S 43°00'11" W	26.59'	26.81'	25°36'18"	S 30°12'02" W / S 55°48'20" W
C7	60.00'	N 81°43'37" W	81.02'	88.94'	84°56'05"	S 55°48'20" W / N 39°15'35" W
C8	60.00'	N 01°56'09" E	79.04'	86.28'	82°23'27"	N 39°15'35" W / N 43°07'52" E
C9	60.00'	S 83°20'03" E	96.51'	112.12'	107°04'10"	N 43°07'52" E / S 29°47'58" E
C10	230.00'	S 76°03'07" E	109.32'	110.37'	27°29'41"	S 89°47'58" E / S 62°18'17" E
C11	230.00'	S 76°42'53" E	104.14'	105.05'	26°10'09"	S 89°47'58" E / S 63°37'49" E
C12	230.00'	S 62°58'03" E	5.32'	5.32'	1°19'32"	S 63°37'49" E / S 62°18'17" E
C13	220.00'	S 75°09'18" E	97.86'	98.68'	25°42'03"	S 62°18'17" E / S 88°00'19" E



Bearings are referenced to the East line of the Southeast 1/4, Section 31, T22N, R18E, assumed to bear S01°59'40"W, base on the Outagamie County Coordinate System.

Southeast Corner Section 31, T22N, R18E
Masonry Nail Found

File: 6405Final.dwg
Date: 05/13/2021
Drafted By: jim
Sheet: 1 of 2
Revision Date: May 13, 2021

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
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James R. Sehloff, Professional Land Surveyor 2692 Date _____

