



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 7, 2020

Common Council Meeting Date: July 15, 2020

Item: Trail View Estates South Annexation

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Emerald Valley Estates, LLC c/o Robert De Bruin

Address/Parcel: Tax Id #101164606 in the Town of Grand Chute. The subject property is located between French Road and Cherryvale Avenue, south of the creek/trail corridor.

Petitioner's Request: Owner is requesting direct annexation by unanimous approval pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Grand Chute, Outagamie County.

Purpose for Annexation: To allow for future subdivision development on the subject property and adjacent parcels already in the City, which are also owned by the petitioner.

Population of Such Territory: 0

Annexation Area: 5.8958 acres m/l

BACKGROUND

On March 16, 1992, the City of Appleton and the Town of Grand Chute agreed to and entered into an Intermunicipal Boundary Agreement pursuant to Section 66.027 and 66.30 of the Wisconsin State Statutes for the purpose of defining and expanding the provision of governmental services, including water and sewer services, by establishing the City's growth area and establishing provisions for annexation of land within the Town of Grand Chute to the City of Appleton.

Neighboring parcels #31-1-7513-00 and #31-1-6410-00, which are also owned by the petitioner, were annexed to the City of Appleton in 1997 and 2011, respectively. Parcel #31-1-7513-00 is currently zoned R-2 Two-Family District, and parcel #31-1-6410-00 is currently zoned R-3 Multi-Family District. Future development is anticipated on the subject property and these adjacent parcels; however, the zoning for the broader development area still needs to be determined through a separate rezoning action.

Before Common Council approves the annexation ordinance, the City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee

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on June 19, 2020, so this requirement will be satisfied prior to Common Council taking action at their July 15, 2020 meeting.

STAFF ANALYSIS

The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- The area proposed for annexation is contiguous to the existing City boundary. The subject property connects to the City of Appleton at adjacent properties located along French Road and Cherryvale Avenue.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- The City of Appleton and Village of Little Chute entered into an Intergovernmental Cooperation Agreement in 2013 in order to provide sewer and water to the Cherryvale Avenue area. This area is unique because it is in the City, but receives sewer and water services from the Village. On May 6, 2020, Common Council approved an amended agreement to comply with Public Service Commission of Wisconsin requirements.
- Currently, the property consists of vacant, undeveloped land.
- The owner is not requesting that the Plan Commission initiate a rezoning for the subject property, so the temporary AG Agricultural District will be assigned. If the temporary zoning classification is not amended within 90 days, the zoning will revert to AG Agricultural District. A rezoning application that includes the subject property and adjacent parcels is anticipated.

Surrounding Zoning Classification and Land Uses:

North: R-2 Two-Family District and NC Nature Conservancy District. The adjacent land uses to the north are currently a mix of agricultural and public open space, including the Apple Creek corridor and recreational trail.

South: R-3 Multi-Family District. The adjacent land uses to the south are currently agricultural.

East: R-3 Multi-Family District. The adjacent land uses to the east are currently agricultural.

West: Town of Grand Chute. The adjacent land uses to the west are currently a mix of residential uses.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future Multi-Family Residential uses. The proposed annexation is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

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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.

Goal 3 – Housing Quality, Variety, and Affordability

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

OBJECTIVE 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.

OBJECTIVE 10.4 Land Use:

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

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

Technical Review Group (TRG) Report: This item appeared on the June 16, 2020 Technical Review Group agenda. No negative comments were received from participating departments.

FUTURE ACTIONS

Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. In this case, the owner is not requesting that the Plan Commission initiate a rezoning for the subject property, so the temporary AG Agricultural District will be assigned. Permanent zoning will be determined at a later date. A rezoning application for the broader development area is anticipated and would be processed in accordance with Section 23-65(d) Zoning Map Amendments, which includes action by Plan Commission and Common Council. A Comprehensive Plan amendment may be processed in conjunction with a rezoning request in order to establish a uniform Future Land Use Map designation for the subject property and adjacent parcels.

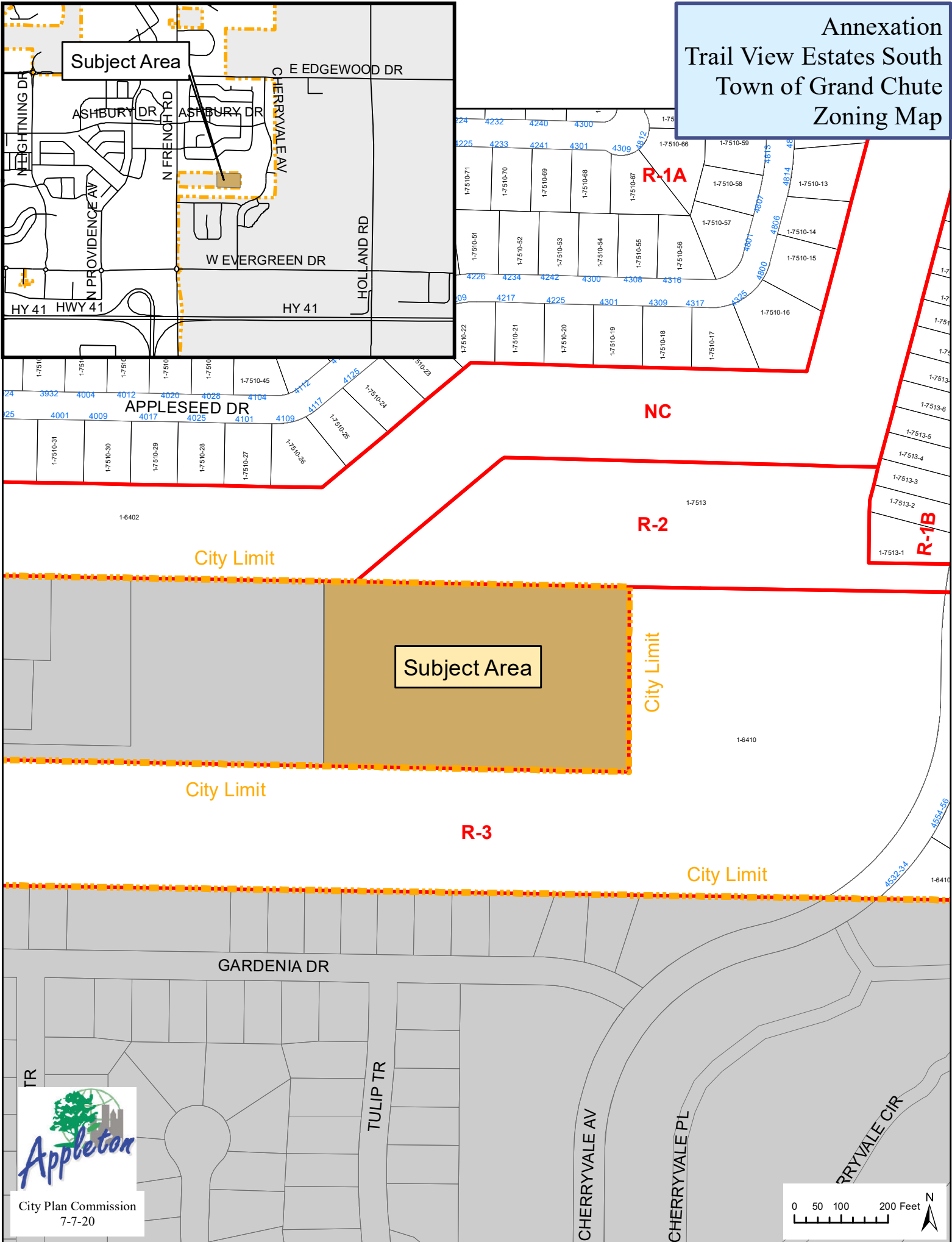
Review and approval of a Preliminary Plat and Final Plat will be needed to subdivide the property. Each of these items requires action by Plan Commission and Common Council.

RECOMMENDATION

Staff recommends that the Trail View Estates South Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission assign a zoning classification of temporary AG Agricultural District for the subject property, pursuant to Section 23-65(e) of the Municipal Code.

Annexation Trail View Estates South Town of Grand Chute Zoning Map



Annexation
Trail View Estates South
Town of Grand Chute
Aerial Map

APPLESEED DR

Subject Area

City Limit

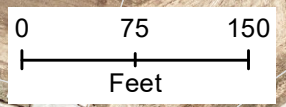
City Limit

City Limit



City Plan Commission
7-7-20

GARDENIA DR





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scale map to the City of Appleton, Outagamie County, Wisconsin.


All of Outlot 1, Certified Survey Map 7878, filed in the office of the Register of Deeds for Outagamie County, Wisconsin, on March 27, 2020 as Document No. 2187534, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 08, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 256,819 Square feet (5.8958 Acres) of land.

Area of lands to be annexed contains 5.8958 acres m/l.

Tax Parcel numbers of lands to be annexed: 101164606.

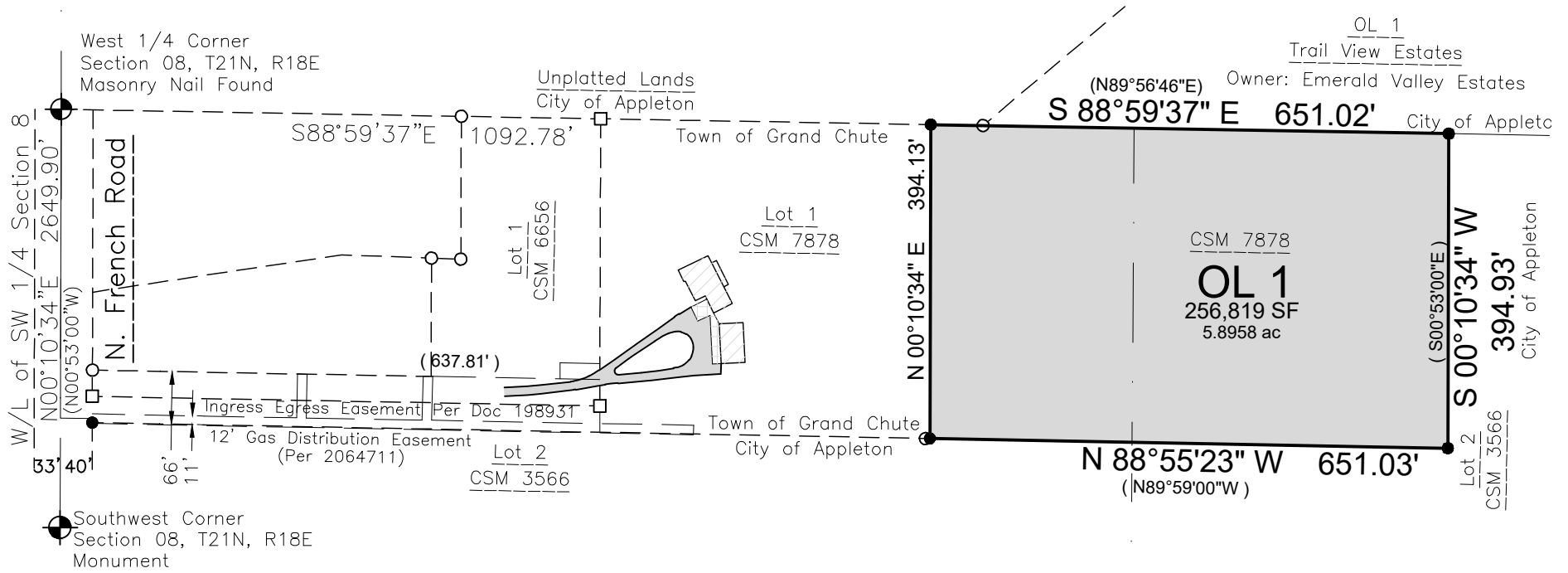
The current population of such territory is 0.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	Emerald Valley Estates LLC	6/15/2020	2100 N. Freedom Road, Suite A Little Chute, WI 54140
Robert De Bruin, Member, Emerald Valley Estates LLC			

Annexation Exhibit

All of Outlot 1, Certified Survey Map 7878, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 08, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin,



Bearings are referenced to the West line of the Southwest 1/4, Section 08, T21N, R18E, assumed to bear N00°10'34"E, base on the Outagamie County Coordinate System.



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

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Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

File: 6025Annex.dwg
Date: 06/04/2020
Drafted By: jim
Sheet: Exhibit