



## REPORT TO COMMON COUNCIL

**Common Council Meeting Date:** June 3, 2020

**Item:** Plamann Park Annexation

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

### GENERAL INFORMATION

**Owner/Applicant:** Outagamie County c/o Kara Homan, Development & Land Services Director

**Address/Parcel:** Tax Id #101002000, #101000100, #101002800, #101002400, #101005200, #101004800, #101002200, #101000400, #101000600, #101000200, #101001000, #101000300, #101001500, #101001900, #101001600, and #101000700 in the Town of Grand Chute. The subject property is located east of Meade Street and south of Broadway Drive.

**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 the installation of sewer and water infrastructure to and through the subject property (Plamann Park).

**Population of Such Territory:** 0

**Annexation Area:** 264 acres m/l

### BACKGROUND

This item would typically go to Plan Commission for review and a recommendation. However, to help prevent the spread of COVID-19, standing committees will not meet and Common Council will conduct business as Committee of the Whole.

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.

On March 4, 2020, Common Council approved a Pre-Annexation Agreement between the City of Appleton and Outagamie County for the subject property (Plamann Park). As described in the Pre-Annexation Agreement, the property will continue to function as a County Park for the foreseeable future, and sewer and water infrastructure is to be constructed within/through the subject area. The agreement also anticipates assigning a zoning classification of P-I Public Institutional District.

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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 on May 4, 2020, so this requirement will be satisfied prior to Common Council taking action at their June 3, 2020 meeting.

**STAFF ANALYSIS**

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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 Broadway Drive, Ballard Road, and adjacent properties located along Meade Street and Broadway Drive.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- City sanitary sewer and water infrastructure is already installed east of the subject property. As described in the Pre-Annexation Agreement, sewer and water infrastructure is to be installed through the property from Ballard Road to Meade Street and Broadway Drive, with construction anticipated in 2021. Annexation to the City of Appleton is required before the subject property could connect to the City sewer and water.
- Currently, the property is utilized as Plamann Park, which includes trails and open space, athletic facilities, a school building, children's farm, swimming pond, disc golf course, and other park activities and structures. An internal roadway network connects the various park features.
- The owner is requesting that the City Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. The temporary zoning classification must be made permanent in accordance with Section 23-65(d), Zoning Map Amendments, within 90 days, or the zoning will revert to AG Agricultural District.

**Surrounding Zoning Classification and Land Uses:**

North: R-1B Single-Family District, AG Agricultural District, and Town of Grand Chute. The adjacent land uses to the north are currently a mix of residential and agricultural uses.

South: P-I Public Institutional District and Town of Grand Chute. The adjacent land uses to the south are currently a mix of residential and institutional uses, including Fox Valley Lutheran High School.

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

West: R-1B Single-Family District, R-3 Multi-Family District, and Town of Grand Chute. The adjacent land uses to the west are currently a mix of residential and agricultural uses.

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

*Goal 5 – Utilities and Community Services*

*Appleton will provide excellent public utility and community services at a reasonable cost, and will work with private utility companies to ensure quality service delivery.*

*Goal 7 – Agricultural, Natural, and Cultural Resources*

*Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents.*

**OBJECTIVE 8.2 Agriculture, Natural, Historic, and Cultural Resources:**

*Preserve important natural features and enhance environmental quality throughout the community in order to secure economic, recreational, and health benefits for area residents.*

**OBJECTIVE 11.1 Intergovernmental Cooperation:**

*Maintain a positive relationship with local area governments to foster collaboration on issues of mutual concern.*

*Policy 11.1.1 Ensure continued discussion between Appleton and neighboring municipalities and counties, including both elected officials and department staff. Continue to partner with Outagamie, Winnebago, and Calumet counties to serve City residents in an efficient manner.*

**Technical Review Group (TRG) Report:** This item appeared on the April 21, 2020 Technical Review Group agenda.

- Fire Department Comments: It is anticipated that the property will continue to function as a County Park for the foreseeable future. If this property were ever developed into one or two-family homes, the Fire Department would be concerned about achieving proper rescue-response times per NFPA. In that scenario, a development agreement requiring early-warning smoke alarms or automatic fire sprinklers may be necessary.

**FUTURE ACTIONS**

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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. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan

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Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The comprehensive plan of the City.

The owner is requesting that Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council.

The petition for annexation and exhibit map identify land to be dedicated as public right-of-way for Meade Street and Broadway Drive. It is anticipated that this will be accomplished by a corresponding deed transfer. The City Attorney's Office will prepare the necessary documents. This approach is also described in the Pre-Annexation Agreement.

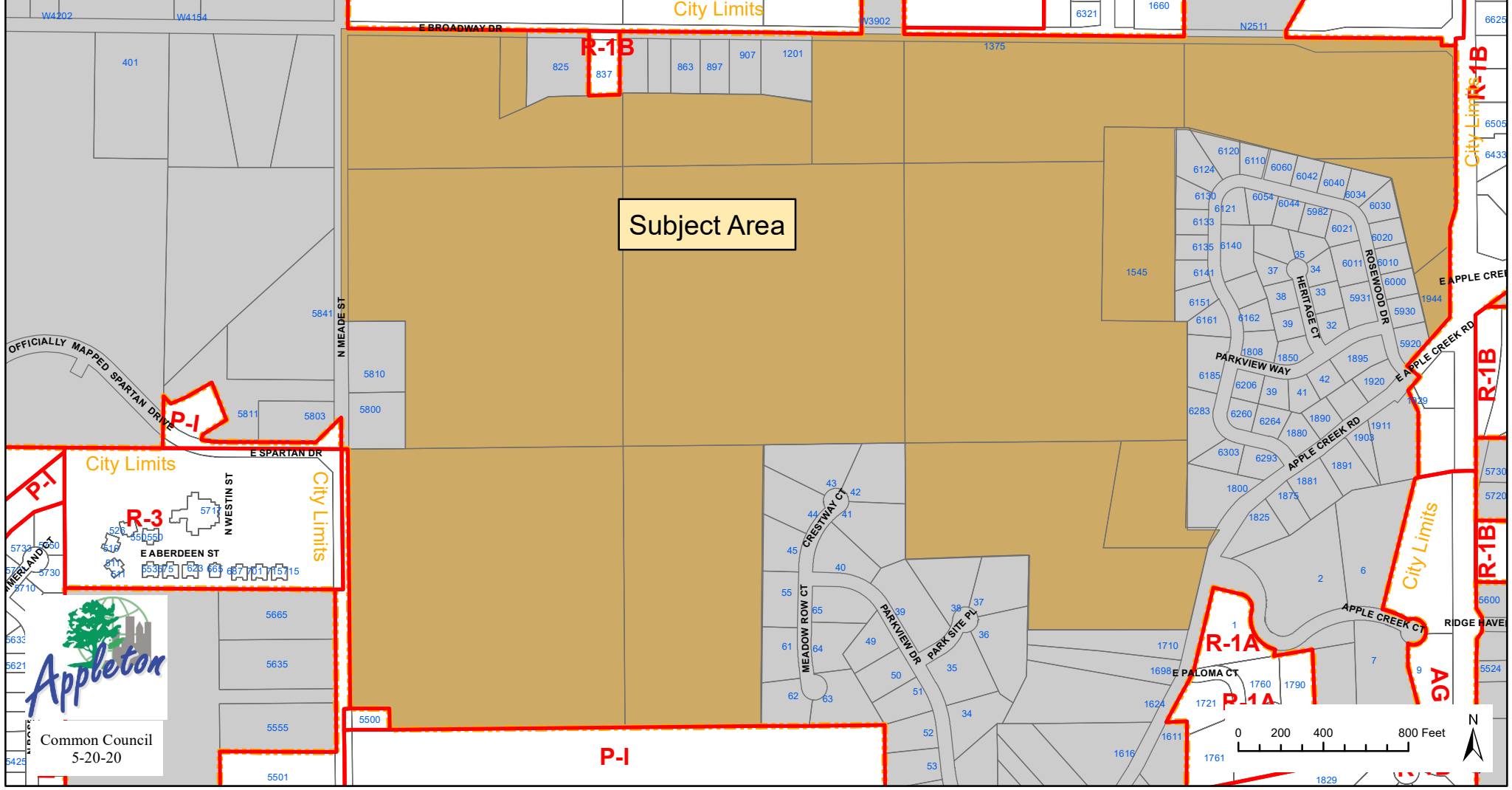
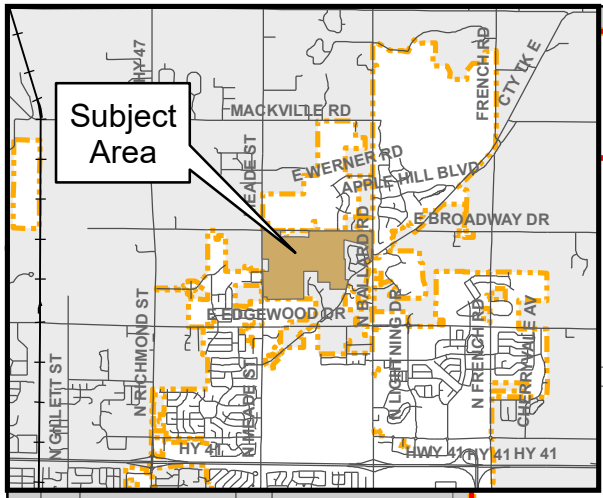
**RECOMMENDATION**

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Staff recommends that the Plamann Park Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission initiate the rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District, pursuant to Section 23-65(d)(1) of the Municipal Code.

# Annexation Plamann Park Town of Grand Chute Zoning Map

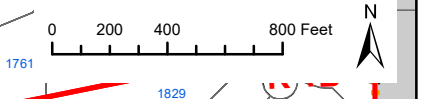


**City Limits**

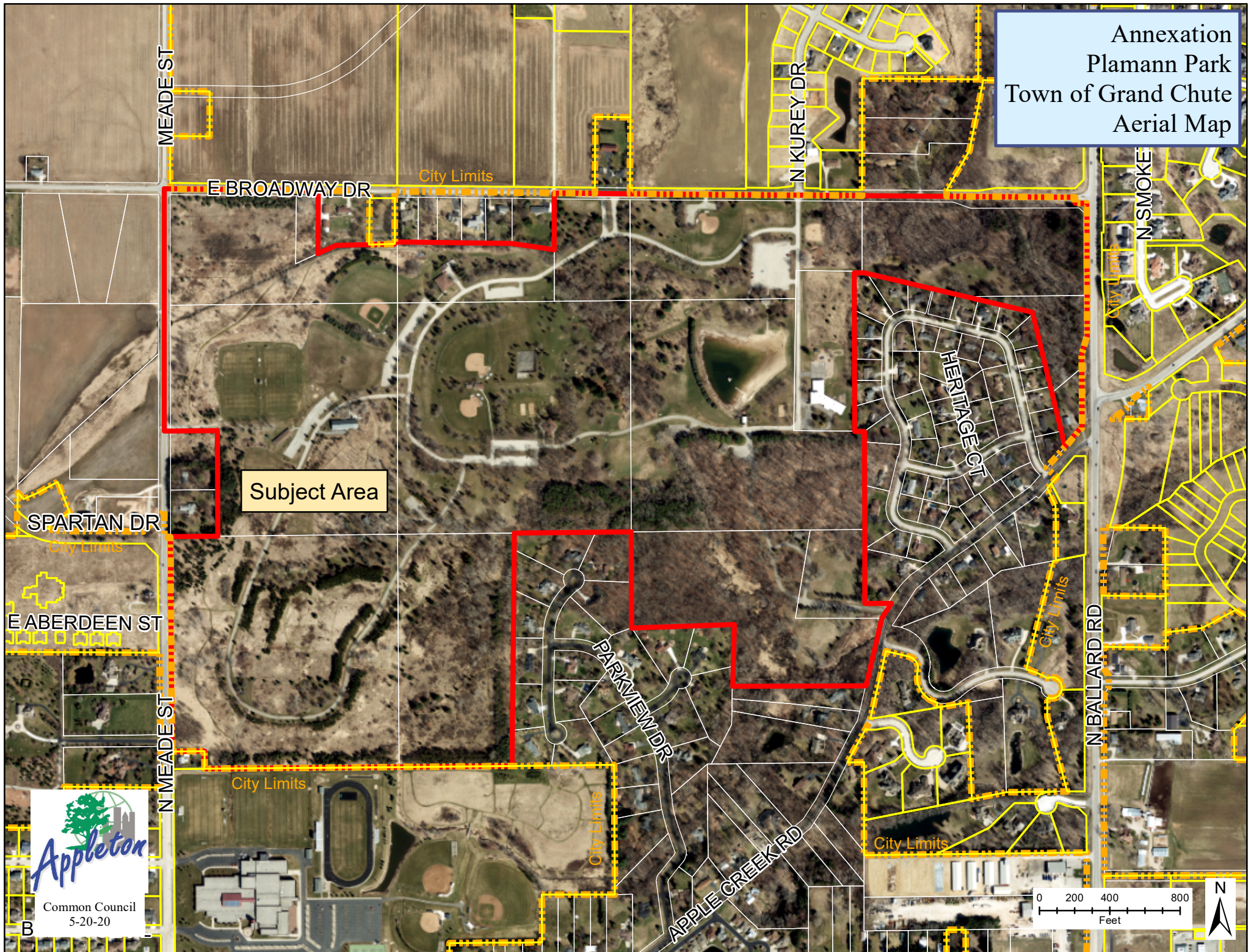
**R-3**

**City Limits**

Common Council  
5-20-20



Annexation  
Plamann Park  
Town of Grand Chute  
Aerial Map



Subject Area

City Limits

City Limits

City Limits

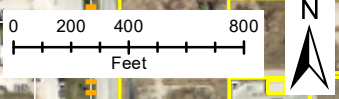
City Limits

City Limits



Common Council  
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**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.

Part of the Fractional Northwest Quarter (NW  $\frac{1}{4}$ ), the Fractional Northeast Quarter (NE  $\frac{1}{4}$ ), the North One-Half (N  $\frac{1}{2}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) and the North One-Half (N  $\frac{1}{2}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin containing 264 Acres of land more or less and described as follows:

Commencing at the Northwest corner of said Section 1 and being the point of beginning;  
Thence South  $89^{\circ}22'34''$  East 876.10 feet coincident with the North line of the Fractional NW  $\frac{1}{4}$  of said Section 1 to the Northeast corner of lands described in Volume 965 on Page 249 as Document No.689506 of the Outagamie County Register of Deeds Office;  
Thence South  $00^{\circ}37'26''$  West 359.84 feet coincident with the East line of lands described in Volume 965 on Page 249 as Document No.689506 of the Outagamie County Register of Deeds Office;  
Thence North  $65^{\circ}34'26''$  East 114.28 feet (recorded as N. $65^{\circ}32'E$ . 114.28 feet);  
Thence North  $88^{\circ}29'26''$  East 335.01 feet (recorded as N. $88^{\circ}19'45''E$ . 335.00 feet);  
Thence North  $00^{\circ}00'34''$  West 10.00 feet (recorded as N. $00^{\circ}10'15''W$ . 10.00 feet);  
Thence South  $89^{\circ}22'34''$  East 666.37 feet (recorded as S. $89^{\circ}32'15''E$ . 666.00 feet);  
Thence South  $81^{\circ}18'26''$  East 242.20 feet (recorded as S. $81^{\circ}29'15''E$ . 242.1 feet);  
Thence North  $00^{\circ}02'58''$  West 323.00 feet (recorded as being the W/L of the E. 18.57 Acres of the NW  $\frac{1}{4}$  Section 1) to the North line of the Fractional NW  $\frac{1}{4}$  of Section 1;  
Thence South  $89^{\circ}22'34''$  East 432.33 feet coincident with the North line of the Fractional NW  $\frac{1}{4}$  of said Section 1 to the N  $\frac{1}{4}$  Corner of said Section 1;  
Thence South  $89^{\circ}33'20''$  East 2530.56 feet coincident with the North line of the Fractional NE  $\frac{1}{4}$  of said Section 1 to the City of Appleton Corporate limits;  
Thence South  $00^{\circ}26'40''$  West 33.00 feet coincident with the existing City of Appleton corporate limits;  
Thence South  $89^{\circ}33'20''$  East 67.44 feet coincident with the existing City of Appleton corporate limits;  
Thence South  $00^{\circ}06'49''$  East 755.52 feet coincident with the existing City of Appleton corporate limits;  
Thence South  $16^{\circ}35'03''$  West 104.41 feet coincident with the existing City of Appleton corporate limits;  
Thence South  $00^{\circ}06'49''$  East 412.49 feet coincident with the existing City of Appleton corporate limits to the Northwesterly line of Apple Creek Road;

Thence South 40°42'35" West 149.73 feet coincident with the Northwesterly line of Apple Creek Road to the most Easterly corner of Lot 1 of Parkview Terrace;

Thence North 13°31'25" West 783.40 feet, (recorded as North 12°45' West 783.40 feet) coincident with the Easterly line of Parkview Terrace to the most Easterly corner of Lot 7 of Parkview Terrace;

Thence North 76°49'25" West 984.00 feet, (recorded as North 76°03' West 984.00 feet) coincident with the Northerly line of Parkview Terrace and then the First Addition to Parkview Terrace to the Northwest corner of Lot 18 of the First Addition to Parkview Terrace;

Thence South 89°52'35" West 56.24 feet, (recorded as North 89°21' West 56.24 feet) coincident with the Northerly line of the First Addition to Parkview Terrace to the Northwest corner of Lot 19 of the First Addition to Parkview Terrace;

Thence South 00°07'25" East 902.00 feet, (recorded as South 00°39' West 902.0 feet) coincident with the West line of the First Addition to Parkview Terrace to the Southwest corner of Lot 24 of the First Addition to Parkview Terrace;

Thence North 89°52'35" East 56.24 feet, (recorded as South 89°21' East 56.24 feet) coincident with the South line of Lot 24 of the First Addition to Parkview Terrace;

Thence South 00°10' East 553.10 feet, coincident with the West line of the First Addition to Parkview Terrace and the extension thereof to the Northwest corner of the NE ¼ of the SE ¼ of Section 1, T.21N., R.17E, as surveyed and monumented;

Thence South 00°04' East 426.00 feet to the Southwest corner of a parcel of land in the North 3.5 Acres of the NE ¼ of the SE ¼ of said Section 1 as described in a Warranty Deed recorded as Document Number 2108886 of the Outagamie County Register of Deeds Office;

Thence North 89°56' East 189.60 feet (recorded as East 167 feet) coincident with the South line of a parcel of land in the North 3.5 Acres of the NE ¼ of the SE ¼ of said Section 1 as described in a Warranty Deed recorded as Document Number 2108886 of the Outagamie County Register of Deeds Office to the Centerline of Apple Creek Road;

Thence South 33°16'52" West 112.18 feet coincident with the centerline of Apple Creek Road;

Thence South 13°08'49" West 384.56 feet coincident with the centerline of Apple Creek Road to the North line of Certified Survey Map No.4591;

Thence South 89°52'16" West 791.17 feet coincident with the North line of Certified Survey Map No.4591 to the Northwest corner thereof and also the East line of Parkview South;

Thence North 01°11'22" East 350.75 feet coincident with the East line of Parkview South;

Thence South 88°01'22" West 584.84 feet coincident with a North line of Parkview South;

Thence North 00°12'38" West 547.40 feet coincident with a East line of Parkview South;

Thence South 89°18'09" West 663.15 feet coincident with the North line of Parkview South to the Northwest corner thereof;

Thence South 00°33'39" West 1323.45 feet coincident with the West line of Parkview South and the First Addition to Parkview South to the South line of the N ½ of the Southwest ¼ of said Section 1;

Thence South 89°28'34" West 1749.24 feet coincident with the South line of the N ½ of the Southwest ¼ of said Section 1 to a point 217.70 feet North 89°28'34" East of the West line of the Southwest ¼ of said Section 1;

Thence North 00°29'48" West 100.00 feet;

Thence South 89°28'34" West 184.70 feet to the East line of Meade Street (33 foot ½ r/w);

Thence North 00°29'48" West 1221.15 feet coincident with the East line of Meade Street to the North line of the Southwest ¼ of said Section 1;

Thence North 89°23'14" East 270.30 feet coincident with the North line of the Southwest ¼ of said Section 1 to the Southeast corner of Certified Survey Map No.6277;

Thence North 00°04'54" West 600.00 feet coincident with the East line of Certified Survey Map No.6277 to the Northeast corner thereof;

Thence South 89°23'14" West 302.43 feet coincident with the North line of Certified Survey Map



No.6277 to the West line of the Fractional Northwest ¼ of said Section 1;  
 Thence North 00°00'05" East 1379.00 feet coincident with the West line of the Fractional Northwest ¼  
 of said Section 1 to the Northwest corner thereof and being the point of beginning.

LESS AND EXCEPTING ALL THAT PART OF THE AFORE DESCRIBED LANDS CONTAINED  
 WITHIN THE APPLE CREEK ROAD RIGHT OF WAY.

THE PETITIONERS HEREBY AGREE TO DEDICATE A PORTION OF LAND AS PUBLIC  
 RIGHT OF WAY BEING DESCRIBED AS FOLLOWS:

The North 40 feet of the above described land area that is adjacent to the North line of the Fractional  
 Northwest Quarter (NW ¼) and the Fractional Northeast Quarter (NE ¼) of Section One (1), Township  
 Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County,  
 Wisconsin

AND

The West 40 feet of the above described land area that is adjacent to the West line of the Fractional  
 Northwest Quarter (NW ¼) and the Southwest Quarter (SW ¼) of Section One (1), Township Twenty-  
 One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin.

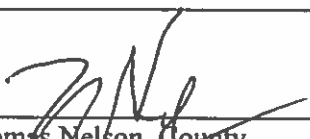
Area of lands to be annexed contains 264 acres m/l.

Tax Parcel numbers of lands to be annexed: 101002000, 101000100, 101002800, 101002400, 101005200,  
 101004800, 101002200, 101000400, 101000600, 101000200, 101001000, 101000300, 101001500,  
 101001900, 101001600, and 101000700.

The current population of such territory is 0.

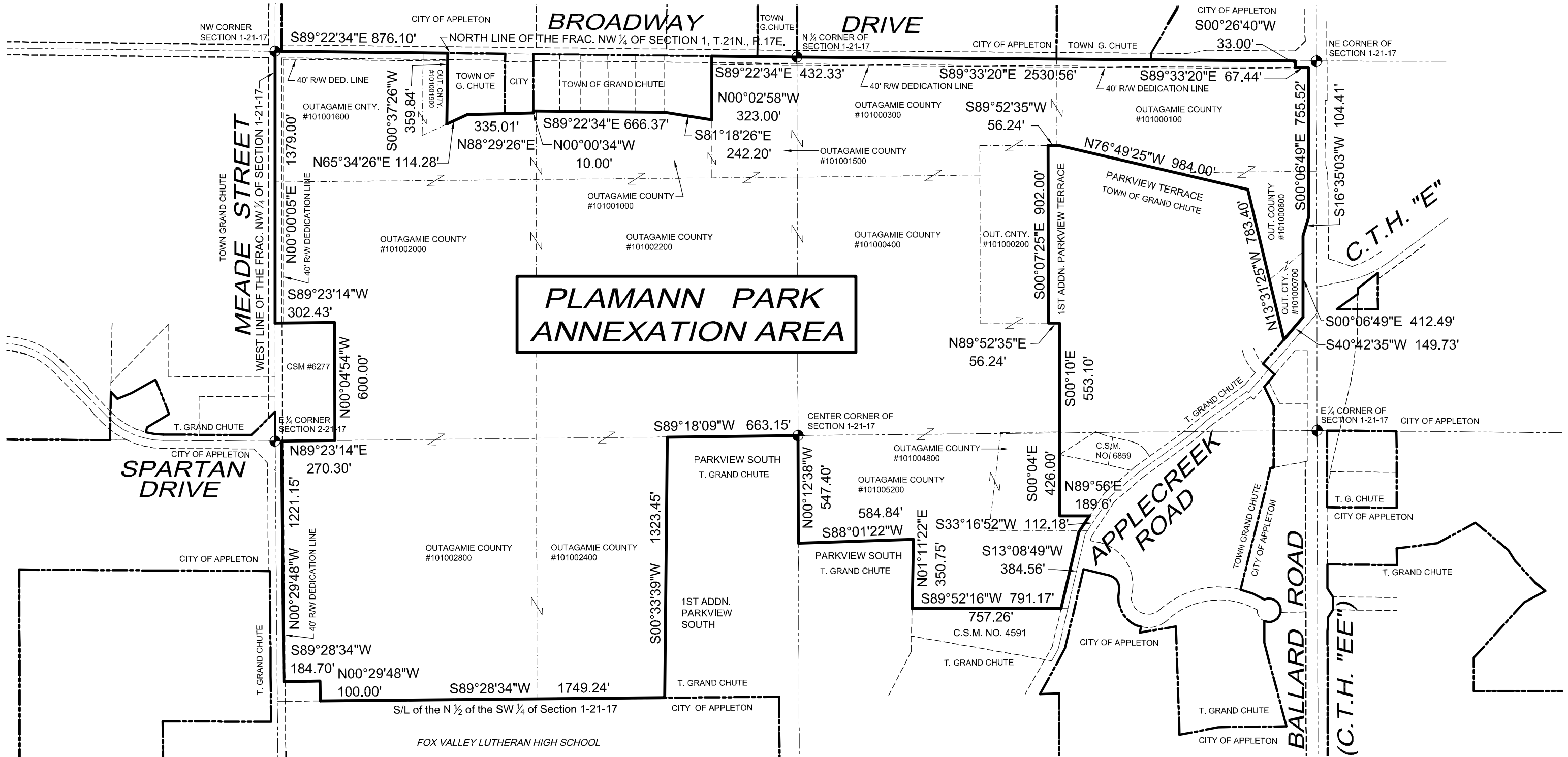
We, the undersigned, elect that this annexation shall take effect to the full extent consistent with  
 outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

We further respectfully request that the City Plan Commission initiate a rezoning for the subject property,  
 from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional  
 District.

| Signature of Petitioner   | Owner               | Date of Signing | Address of Petitioner (Include Zip Code)   |
|---|---------------------|-----------------|--|
|  | Outagamie<br>County | 4.13.20         | 320 S. Walnut Street<br>Appleton, WI 54911 |
| Thomas Nelson, County<br>Executive, Outagamie County                                |                     |                 |  |

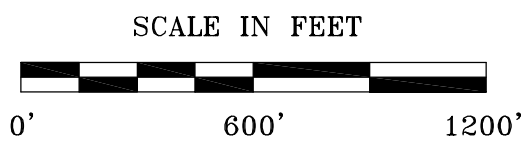
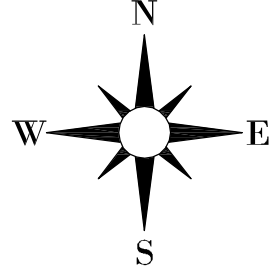
# EXHIBIT "A"

Part of the Fractional Northwest Quarter (NW ¼), the Fractional Northeast Quarter (NE ¼), the North One-Half (N ½) of the Southeast Quarter (SE ¼) and the North One-Half (N ½) of the Southwest Quarter (SW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin.



**PLAMANN PARK  
ANNEXATION AREA**

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, WEST LINE OF SW 1/4 SECTION 1, T.21N., R.17E.; WHICH BEARS N00°29'48"W  
H:\Acad\Annex\2019\Plamann Park\_2019



**CITY OF APPLETON**  
DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
DRAFTED BY: T. KROMM