



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: February 23, 2021

Common Council Meeting Date: March 3, 2021

Anticipated Date Annexation Effective: March 9, 2021 at 12:01 a.m.

Item: 1st Addition to Broadway Hills Estates Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

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

Town Where Property is Located: Town of Freedom

Parcel Number: 090-0855-00

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

Purpose for Annexation: To allow for the future development of a single-family subdivision.

Population of Such Territory: 0

Annexation Area: 16.6454 acres m/l

BACKGROUND

On December 31, 2003, the City of Appleton and the Town of Freedom agreed to and entered into an initial 50 year Intermunicipal Cooperation Agreement pursuant to Section 66.0301, 66.0305 and 66.0225 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 Freedom to the City of Appleton.

The Broadway Hills Estates Annexation (39.427 acres m/l) was approved by the Plan Commission on July 7, 2020 and by the Common Council on July 15, 2020. The Broadway Hills Estates Annexation is located directly south of this annexation request and was officially annexed to the City on July 21, 2020.

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On September 2, 2020, the Final Plat for Broadway Hills Estates located directly south of this annexation was approved by the Common Council. This plat divided the 39.72 acre property into 20 single-family residential lots and 2 outlots for stormwater ponds.

On February 10, 2021, the Wisconsin Department of Administration (DOA) issued their review letter and has determined the proposed 1st Addition to Broadway Hills Estates Annexation is in the public interest per Wisconsin State Statute 66.0217 (6), and the City can provide the needed municipal services to the annexation area. As a result, the Common Council may act on this request at their March 3, 2021 meeting. (See attached)

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 located to the west and south of the annexation area.
- Annexation of the site in question is consistent with the Intermunicipal Cooperation Agreement with the Town of Freedom.
- City sanitary sewer and water infrastructure is already installed along Broadway Drive and within an easement along the west side of annexation area. Annexation to the City of Appleton is required before the subject property could connect to the City sewer and water.
- The owner is requesting the City Plan Commission initiate a rezoning application for the annexation area from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District. This request is anticipated to be scheduled for an informal public hearing at the March 9, 2021 Plan Commission meeting. 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.
- It has come to the City's attention, a metal storage building (approximate size 40 ft. x 80 ft.) was moved from its original location (City of Appleton Parcel Id Number 1-9210-39, Lot 20 of Broadway Hills Estates) and placed on the parcel identified in this annexation request (Town of Freedom Parcel Id Number 090-0855-00). Based upon information provided by the property owner, building permit #2020-116 was issued on December 14, 2020 by Town of Freedom Building Inspector to allow this building to be moved and placed on Parcel Id Number 090-0855-00. Buildings lawfully existing at the time of annexation to the City may be continued, although the use, size, or location does not conform to the provisions of the Municipal Code. As a result, this metal storage building will be deemed a legal, nonconforming building (size and agricultural storage of farming equipment and bales of hay) and the applicable provisions of Section 23-42 Nonconforming buildings, structures, uses and lots of the Municipal Code shall apply to specific nonconforming circumstances.

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. The proposed annexation is consistent with the following goals and objectives of the *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.

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.

Technical Review Group (TRG) Report: This item appeared on the February 2, 2021 TRG Agenda. No negative comments were received from participating departments.

FUTURE ACTIONS

- Per Section 23-65(e) of the Municipal Code, a temporary zoning classification of AG Agricultural District is assigned to newly annexed territory, with the permanent rezoning process taking place after the subject site has been annexed to the City. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission.

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- The Plan 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 owners are requesting that Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family 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.
- Review and approval of a Preliminary Plat and Final Plat will be needed to subdivide the subject site. Each of these items requires action by Plan Commission and Common Council.

RECOMMENDATION

Staff recommends that the 1st Addition to Broadway Hills Estates 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 R-1B Single-Family District, pursuant to Section 23-65(d)(1) of the Municipal Code.



TONY EVERS

GOVERNOR

JOEL BRENNAN

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

February 10, 2021

PETITION FILE NO. 14366

KAMI LYNCH, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911-4702

COLLEEN LAHA, CLERK
TOWN OF FREEDOM
W2004 COUNTY RD S
FREEDOM, WI 54131-7502

Subject: FIRST ADDITION TO BROADWAY HILLS ESTATES ANNEXATION

The proposed annexation submitted to our office on January 22, 2021, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city...." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF APPLETON**, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14366 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2440>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

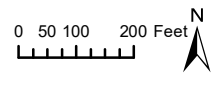
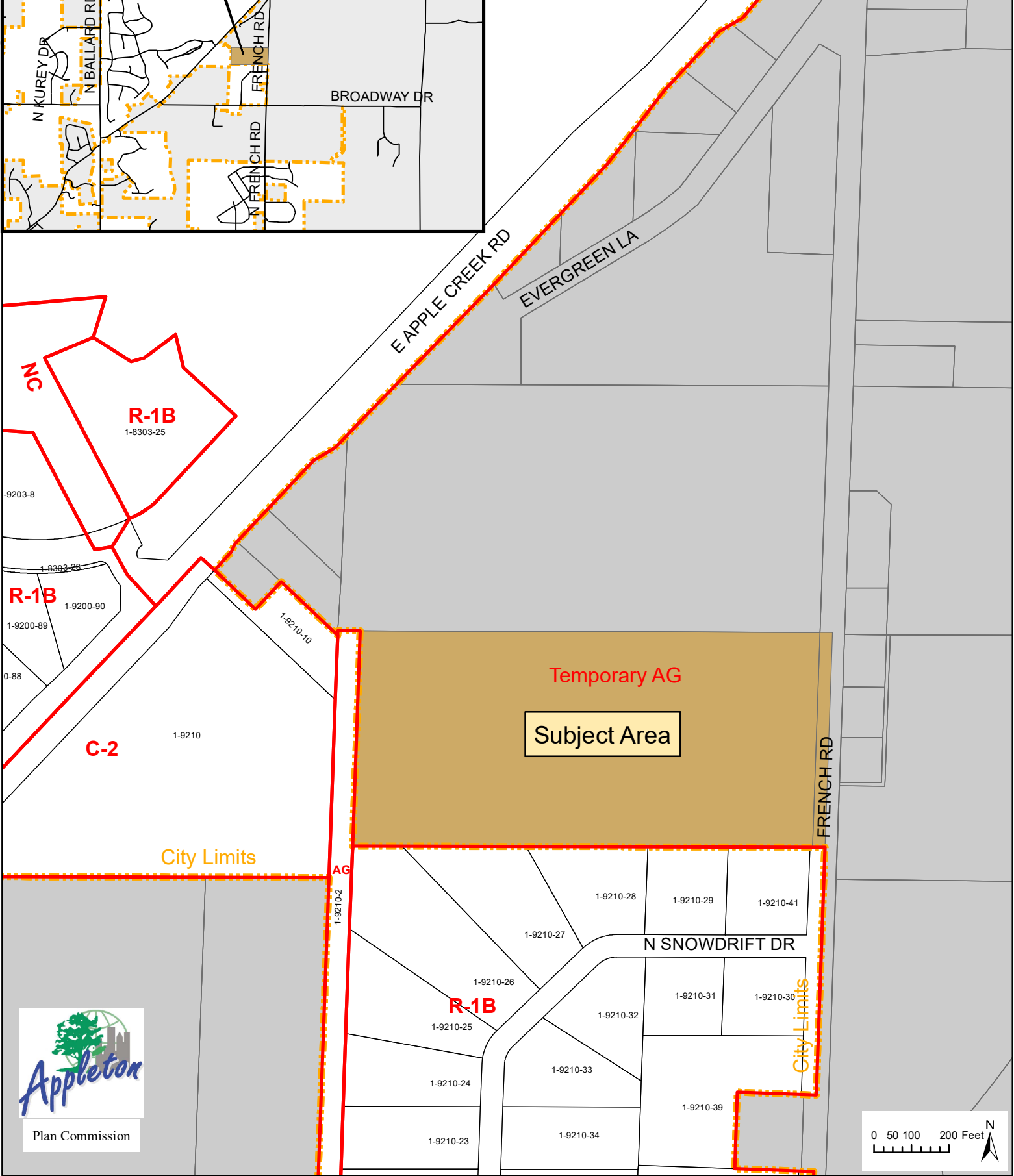
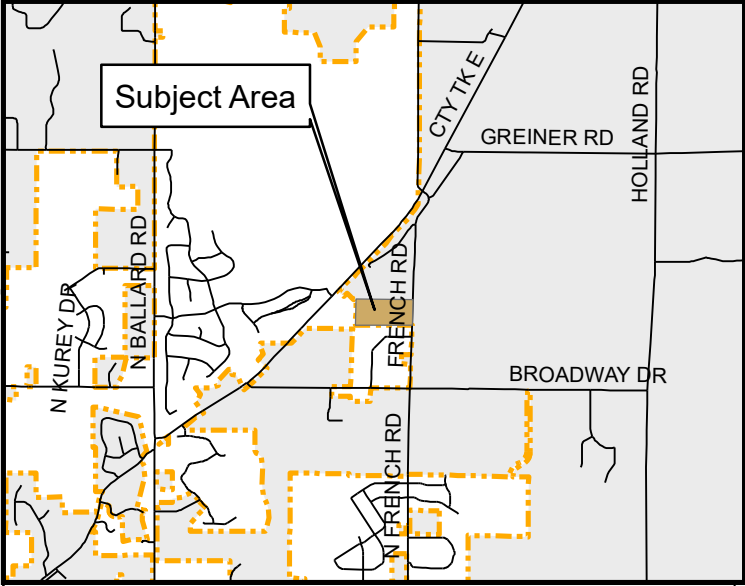
Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke". The signature is fluid and cursive.

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

Annexation (Town of Freedom)
Broadway Hills Estates 1st Addition
Temporary AG Agricultural District
Zoning Map



Annexation (Town of Freedom)
Broadway Hills Estates 1st Addition
Temporary AG Agricultural District
Aerial Map

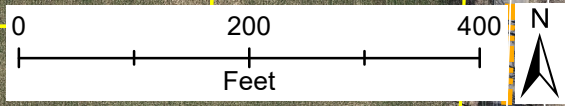
Subject Area

FRENCH RD

N SNOWDRIFT DR



Plan Commission





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

I/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 Freedom, 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 Northeast 1/4 of the Southeast 1/4 of Section 31, Township 22 North, Range 18 East, Town of Freedom, Outagamie County, Wisconsin, containing 725,074 Square Feet (16.6454 Acres) of land described as follows:


Commencing at the East 1/4 corner of Section 31; thence, along the East line of the Southeast 1/4 of said Section 31, S01°59'40"W, 659.59 feet to the point of beginning; thence, continuing along said East line, S01°59'40"W, 574.22 feet to the Northeast corner of Broadway Hills Estates; thence, along the North line of said Broadway Hills Estates, N89°51'17"W, 1262.37 feet to the East line of Outlot 1, Certified Survey Map, 5664; thence, along said East line, N02°03'47"E, 575.46 feet to the South line of Certified Survey Map 7294; thence, along said South line, S89°47'58"E, 1261.64 feet to the point of beginning, subject to all easements, and restrictions of record.

I/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.

I/We understand the subject property will be assigned a temporary zoning classification of AG Agricultural District, pursuant to Section 23-65(e)(3) of the Appleton Zoning Ordinance.

I/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 R-1B Single-Family District.

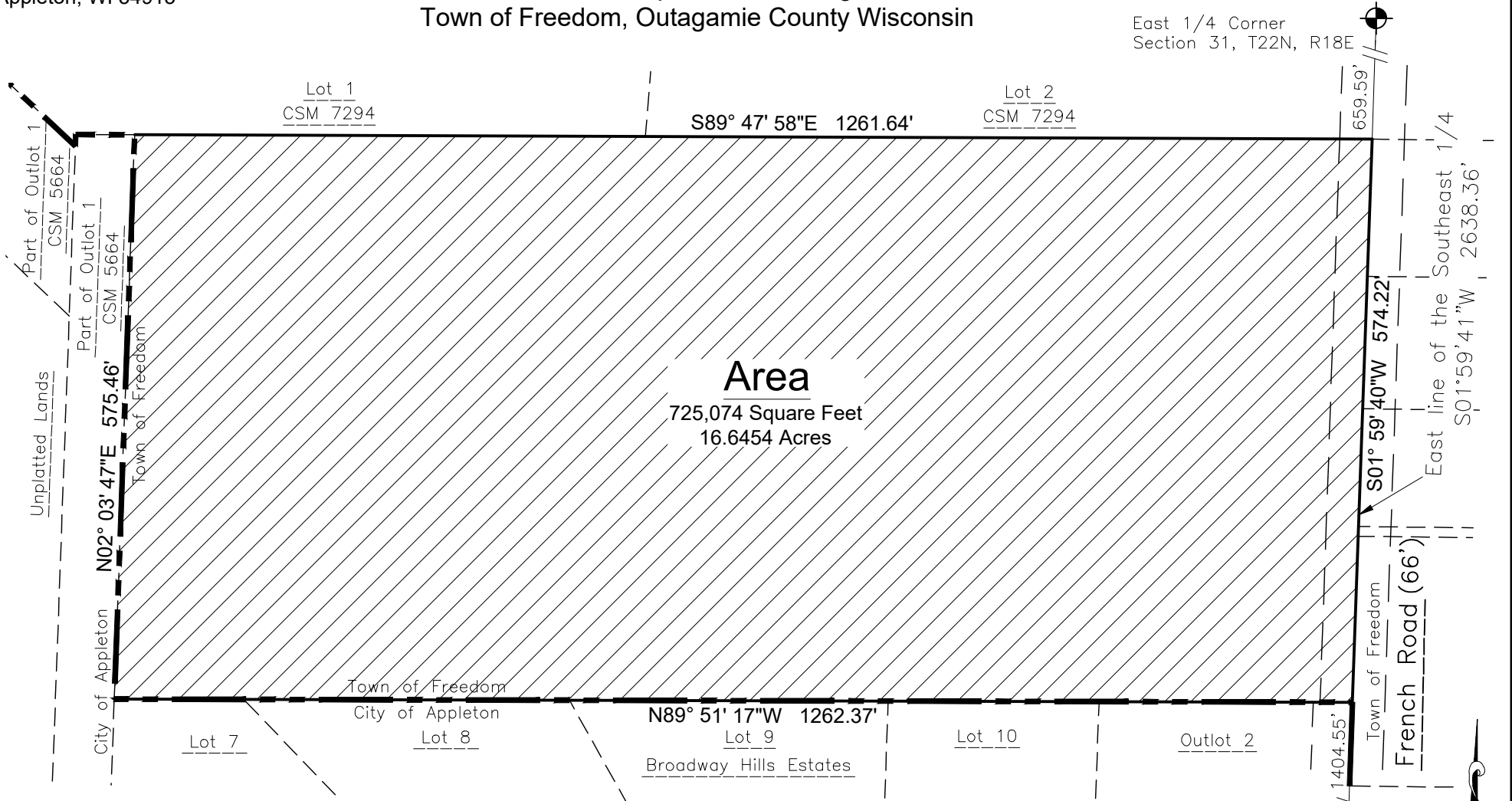
Area of lands to be annexed contains 16.6454 acres m/l. Tax Parcel number of lands to be annexed: 090-0855-00. The current population of such territory is 0.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	North Appleton Properties, LLC Gregory Gaukerke, Member	1-11-21	4226 E. Appleseed Drive Appleton, WI 54913
Gregory Gaukerke, Member			

Owner/Developer:
 North Appleton Properties, LLC
 C/O Greg Gauerke
 4226 E. Applesseed Dr.
 Appleton, WI 54913

Annexation Exhibit

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



East 1/4 Corner
 Section 31, T22N, R18E

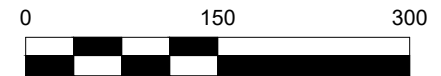
Southeast Corner
 Section 31, T22N, R18E



Lands to be Annexed to the
 City of Appleton



Existing Municipal Boundary



Bearings are referenced to the East line of the
 Northeast 1/4, Section 31, T22N, R18E,
 bearing S01°59'41"W, base on the
 Outagamie County Coordinate System.



**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: 6405Annex.dwg
 Date: 12/08/2020
 Drafted By: jim
 Sheet: Exhibit