



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 21, 2019

Common Council Meeting Date: July 10, 2019 (same meeting as Comprehensive Plan Amendment #1-19 and Rezoning #5-19)

Item: Certified Survey Map #7-19

Case Manager: David Kress

GENERAL INFORMATION

Owners: East Side Properties, LLC, Dougherty Properties, LLC, and Appleton Cemetery Association

Applicant: Carow Land Surveying Co., Inc. c/o Bob Reider

Address/Parcel: 1405 East Wisconsin Avenue (Tax Id #31-1-1043-00), 1206 North Plateau Street (Tax Id #31-1-1044-00), 1200 North Plateau Street (Tax Id #31-1-1045-01), and East Wisconsin Avenue (Tax Id #31-1-1216-00)

Petitioner's Request: The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The CSM would reconfigure lot lines and attach additional land area to parcel #31-1-1043-00.

BACKGROUND

Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcels #31-1-1043-00, #31-1-1044-00, and #31-1-1045-01 were included in the Harriman's Lawsburg Plat, and parcel #31-1-1216-00 was included in the First Ward Plat. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

Comprehensive Plan Amendment #1-19, to amend the Future Land Use Map from Public/Institutional and One and Two-Family Residential designation to Commercial designation for parts of the subject area, is also being presented at this May 21, 2019 Plan Commission meeting. Rezoning #5-19, to rezone parts of the subject area from R-1B Single-Family District to C-2 General Commercial District, is also being presented at this May 21, 2019 Plan Commission meeting. Both items need to be approved in order for the CSM to be approved.

Site Plan #11-19 for a parking lot expansion project on proposed Lot 1 was submitted for review. Approval of Comprehensive Plan Amendment #1-19, Rezoning #5-19, and Certified Survey Map #7-19 is needed prior to Site Plan approval.

STAFF ANALYSIS

Existing Conditions: Currently, parcel #31-1-1043-00 is developed with a restaurant building, off-street parking lot, and detached garage that encroaches onto parcel #31-1-1044-00. Parcels #31-1-1045-01 and

Certified Survey Map #7-19

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#31-1-1044-00 are each developed with a single-family dwelling and detached garage. Parcel #31-1-1216-00 is currently undeveloped. The total land area included in the CSM is 3.76 acres. If approved, proposed Lot 1 would increase by approximately 10,836 square feet, with land coming from proposed Lots 2, 3, and 4.

Subdivision Ordinance Requirements: Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the C-2 General Commercial District, the minimum lot width is 60 feet and the minimum lot area is 14,000 square feet, per Section 23-113(h) of the Municipal Code. Proposed Lot 1 satisfies these lot development standards. For the R-1B Single-Family District, the minimum lot width is 50 feet and the minimum lot area is 6,000 square feet, per Section 23-93(g) of the Municipal Code. Proposed Lots 2, 3, and 4 satisfy these lot development standards. The CSM was also found to comply with other Zoning Ordinance requirements, such as lot coverage and setback standards and those altered through a variance granted in 2011. In addition, the CSM would eliminate the detached garage encroachment that currently exists.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial, residential, and institutional in nature.

North: C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial and residential.

South: R-1B Single-Family District. The adjacent land uses to the south are currently single-family residential and a cemetery.

East: R-1B Single-Family District. The adjacent land to the east is currently vacant, undeveloped land.

West: C-2 General Commercial District and R-1B Single-Family District. The adjacent land uses to the west are currently a mix of commercial and residential.

Appleton Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial, Public/Institutional, and One and Two-Family Residential uses shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map, as long as Comprehensive Plan Amendment #1-19 is approved.

Technical Review Group (TRG) Report: This item was discussed at the April 16, 2019 Technical Review Group meeting. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

Based on the above, staff recommends that Certified Survey Map #7-19, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. The buildings shown on the map need to be referenced to the nearest adjacent lot lines, pursuant to Section 17-17(a)(6) of the Municipal Code.

Certified Survey Map #7-19

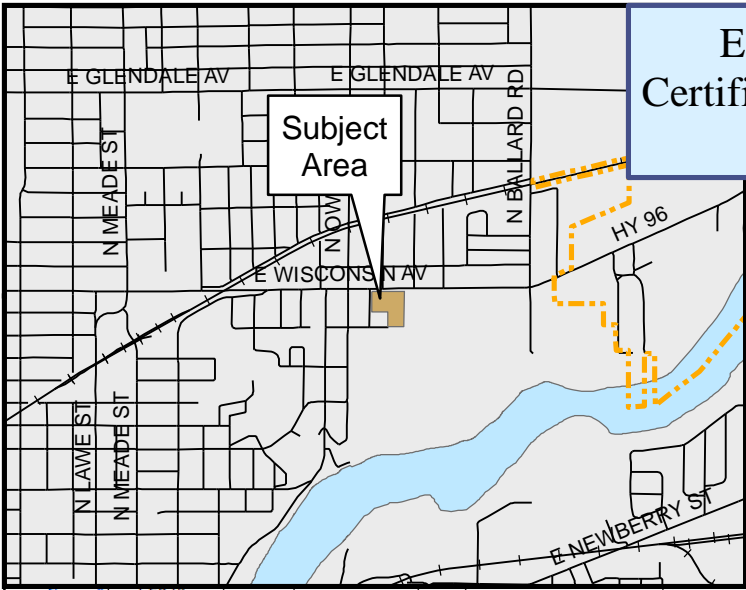
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2. Per §236.20(2)(b) of the Wisconsin Statutes, show the outside diameter (or i.d.) of iron pipes found and/or set.
3. Per §236.34(1)(dm) of the Wisconsin Statutes, provide mortgagees' certificates, if applicable.
4. Deeds will need to be recorded from Dougherty Properties, LLC to East Side Properties, LLC for those portions of parcels #31-1-1044-00 and #31-1-1045-01; and from the Appleton Cemetery Association to East Side Properties, LLC for the portion of parcel #31-1-1216-00.
5. Drainage Plan requirement deferred until time of Site Plan submittal.
6. The total acreage listed on the application form does not match the information shown on the CSM. Revise as necessary.
7. Under the Cemetery Association Owner's Certificate, revise the member name ("Mike Christensen" appears to be carryover from a different project).
8. Comprehensive Plan Amendment #1-19, to amend the Future Land Use Map from Public/Institutional and One and Two-Family Residential designation to Commercial designation, must be approved by Common Council.
9. Rezoning #5-19, to rezone part of parcels #31-1-1044-00, #31-1-1045-01, and #31-1-1216-00 from R-1B Single-Family District to C-2 General Commercial District, must be approved by Common Council.

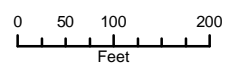
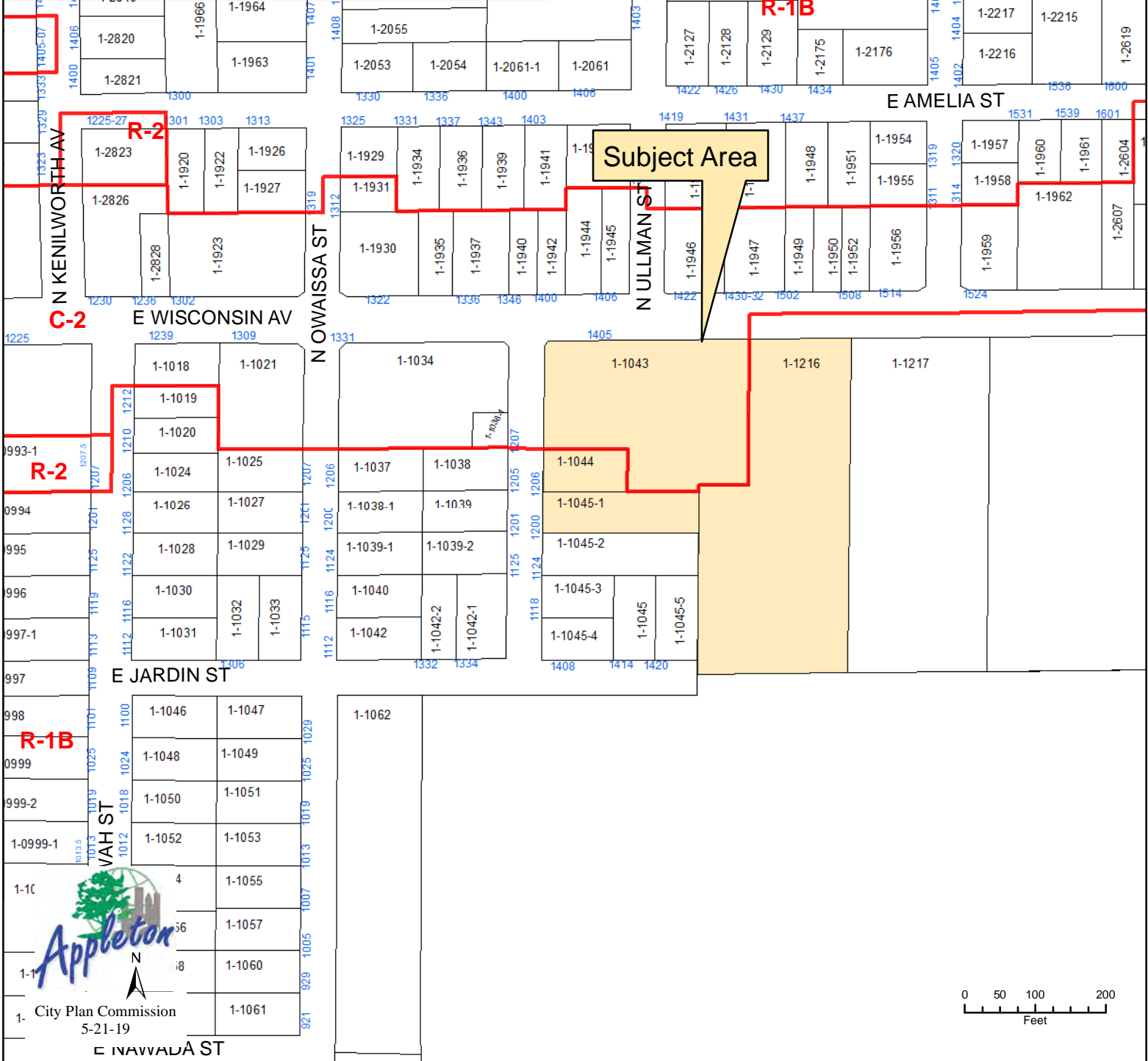
NOTE: Certified Survey Map #7-19 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-19 and Rezoning #5-19 to accurately reflect the changes in future land use designation and zoning classification.

East Wisconsin Avenue and North Plateau Street Certified Survey Map #7-19 - Crosses Plat Boundary Zoning Map



Subject Area

Subject Area



City Plan Commission
5-21-19

INAVADA ST

East Wisconsin Avenue and North Plateau Street
Certified Survey Map #7-19 - Crosses Plat Boundary
Aerial Map



Subject Area

RECEIVED

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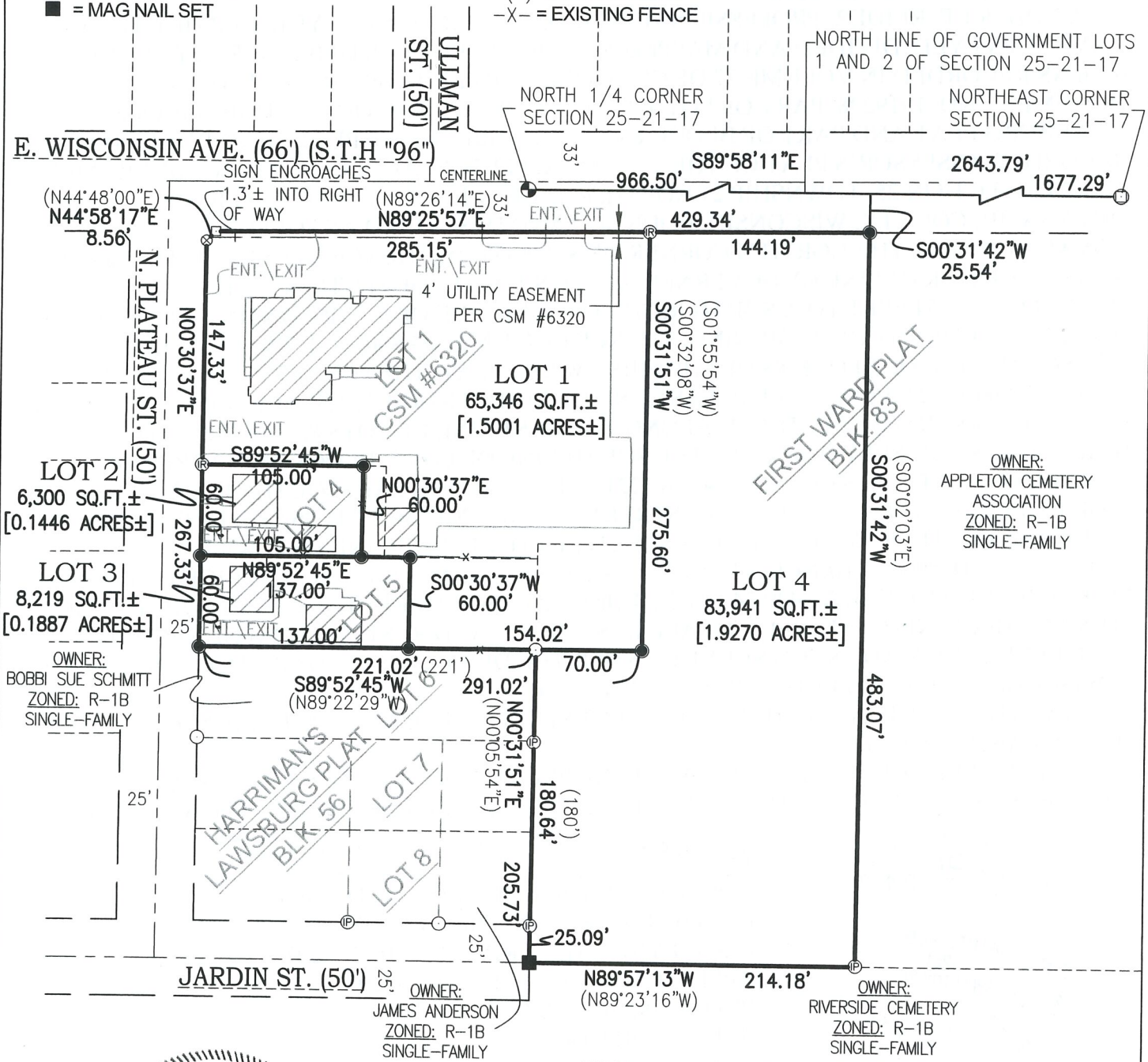
CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOT 1 CERTIFIED SURVEY MAP 6320 AS RECORDED IN VOLUME 37 OF CERTIFIED SURVEY MAPS ON PAGE 6320 AS DOCUMENT NO. 1919298, PART OF LOT 4 AND ALL OF LOT 5, BLOCK 56, HARRIMAN'S LAWSBURG PLAT AND PART OF BLOCK 83 OF THE FIRST WARD PLAT, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON, ALL LOCATED IN GOVERNMENT LOT 2 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY

LEGEND:

- = 1" X 24" I.D. IRON PIPE WITH CAROW CAP SET, WEIGHING 1.13 LBS. PER LIN. FT.
- = 1 1/4" I.D. IRON PIPE FOUND
- Ⓜ = 3/4" IRON REBAR FOUND
- Ⓟ = 1" IRON PIPE FOUND
- = MAG NAIL SET
- = MAG NAIL FOUND
- ⊗ = CUT CROSS FOUND
- ⊕ = SURVEY NAIL FOUND
- ⊙ = BRASS MONUMENT
- () = RECORDED AS
- X- = EXISTING FENCE

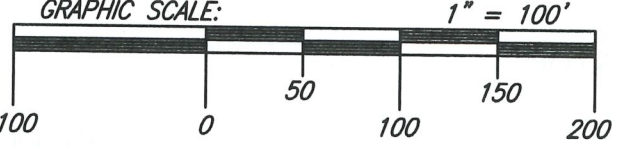


Robert F. Reider 4-3-19

ROBERT F. REIDER, PLS-1251 DATED
CAROW LAND SURVEYING CO., INC.
615 N. LYNNDAL DR., P.O. BOX 1297
APPLETON, WISCONSIN 54912-1297
PHONE: (920)731-4168
A1158-19 DATED: 4-3-2019
DRAFTED BY: MCR

OWNER: EAST SIDE PROPERTIES LLC, DOUGHERTY PROPERTIES LLC & APPLETON CEMETERY ASSOCIATION
ZONED: C-2 GENERAL COMMERCIAL DISTRICT & R-1B SINGLE FAMILY DISTRICT
PARCEL ID: 31-1-1043-00, 31-1-1044-00, 31-1-1045-01 & 31-1-1216-00

NORTH IS REFERENCED TO THE NORTH LINE OF GOVERNMENT LOTS 1 AND 2 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN WHICH BEARS S89°58'11"E PER THE WISCONSIN COUNTY COORDINATE SYSTEM (OUTAGAMIE COUNTY)



RECEIVED

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6320 AS RECORDED IN VOLUME 37 OF CERTIFIED SURVEY MAPS ON PAGE 6320 AS DOCUMENT NO. 1919298, PART OF LOT 4 AND ALL OF LOT 5, BLOCK 56, HARRIMAN'S LAWSBURG PLAT AND PART OF BLOCK 83 OF THE FIRST WARD PLAT, ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON, ALL LOCATED IN GOVERNMENT LOT 2 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, ROBERT F. REIDER, PROFESSIONAL WISCONSIN LAND SURVEYOR, CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6320 AS RECORDED IN VOLUME 37 OF CERTIFIED SURVEY MAPS ON PAGE 6320 AS DOCUMENT NO. 1919298, PART OF LOT 4 AND ALL OF LOT 5, BLOCK 56, HARRIMAN'S LAWSBURG PLAT AND PART OF BLOCK 83 OF THE FIRST WARD PLAT, ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON, ALL LOCATED IN GOVERNMENT LOT 2 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH ¼ CORNER OF SECTION 25; THENCE S89°58'11"E, 966.50 FEET ALONG THE NORTH LINE OF GOVERNMENT LOTS 1 AND 2 OF SECTION 25; THENCE S00°31'42"W, 25.54 FEET TO A SOUTH RIGHT-OF-WAY LINE OF E. WISCONSIN AVENUE (S.T.H. "96") AND THE POINT OF BEGINNING; THENCE CONTINUING S00°31'42"W, 483.07 FEET TO THE SOUTH LINE OF BLOCK 83 OF THE FIRST WARD PLAT; THENCE N89°57'13"W, 214.18 FEET ALONG SAID SOUTH LINE TO THE EAST END OF JARDIN STREET; THENCE N00°31'51"E, 205.73 FEET ALONG SAID EAST END AND ALONG THE EAST LINE OF LOTS 8, 7 AND 6, BLOCK 56, HARRIMAN'S LAWSBURG PLAT TO THE SOUTH LINE OF LOT 5, BLOCK 56, HARRIMAN'S LAWSBURG PLAT; THENCE S89°52'45"W, 221.02 FEET ALONG SAID SOUTH LINE TO THE EAST RIGHT-OF-WAY LINE OF N. PLATEAU STREET; THENCE N00°30'37"E, 267.33 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO A SOUTH RIGHT-OF-WAY LINE OF E. WISCONSIN AVENUE (S.T.H. "96"); THENCE N44°58'17"E, 8.56 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE N89°25'57"E, 429.34 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY UNDER THE DIRECTION OF MARK DOUGHERTY, 1405 E. WISCONSIN AVE., APPLETON, WISCONSIN 54911.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCES OF THE CITY OF APPLETON.



Robert F. Reider 4-3-19
ROBERT F. REIDER, PLS-1251 DATED
CAROW LAND SURVEYING CO., INC.
615 N. LYNNDALE DRIVE, P.O. BOX 1297
APPLETON, WISCONSIN 54912-1297
PHONE: (920)731-4168
A1158-19 (RFR) 4-3-2019

TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LAND INCLUDED ON THIS CERTIFIED SURVEY MAP.

CITY TREASURER DATED _____ COUNTY TREASURER DATED _____

CITY APPROVAL:

APPROVED BY THE CITY OF APPLETON ON THIS _____ DAY OF _____, 20____.

MAYOR CITY CLERK

CERTIFIED SURVEY MAP NO. _____

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LIMITED LIABILITY COMPANY OWNER'S CERTIFICATE

EAST SIDE PROPERTIES, LLC AND DOUGHERTY PROPERTIES, LLC, WISCONSIN LIMITED LIABILITY COMPANIES, AS OWNER, DOES HEREBY CERTIFY THAT SAID LIMITED LIABILITY COMPANIES CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

EAST SIDE PROPERTIES, LLC AND DOUGHERTY PROPERTIES, LLC C, DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF APPLETON.

IN WITNESS WHEREOF, THE SAID, EAST SIDE PROPERTIES, LLC AND DOUGHERTY PROPERTIES, LLC., HAS CAUSED THESE PRESENT TO BE SIGNED BY MARK W. DOUGHERTY ON THIS _____ DAY OF _____, 20____.
BY: EAST SIDE PROPERTIES, LLC, AND DOUGHERTY PROPERTIES, LLC

MARK W. DOUGHERTY, MEMBER

STATE OF WISCONSIN)
) SS
COUNTY OF OUTAGAMIE)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 20____,
MARK W. DOUGHERTY, MEMBER OF THE ABOVE NAMED LIMITED LIABILITY COMPANIES, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH MEMBER OF SAID LIMITED LIABILITY COMPANIES, AND ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT AS SUCH MEMBER AS THE DEED OF SAID LIMITED LIABILITY COMPANIES, BY ITS AUTHORITY,

NOTARY PUBLIC
MY COMMISSION EXPIRES _____.



Robert F. Reider 4-3-19

ROBERT F. REIDER, PLS-1251 DATED
CAROW LAND SURVEYING CO., INC.
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