



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 22, 2019

Common Council Meeting Date: February 6, 2019

Item: Lucht Annexation (E. Broadway Drive)

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Kevin and Shana Lucht

Address/Parcel: Tax Id #101001800 in the Town of Grand Chute. The subject property is located north of Plamann Park, between North Meade Street and North Ballard Road.

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 a future single-family residence to be connected to the City water system.

Population of Such Territory: 0

Annexation Area: 1.0 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.

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 January 9, 2019, so this requirement will be satisfied prior to Common Council taking action at their February 6, 2019 meeting.

STAFF ANALYSIS

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

Lucht Annexation

January 22, 2019

Page 2

- The area proposed for annexation is contiguous to the existing City boundary. The subject property connects to the City of Appleton at the East Broadway Drive right-of-way.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- City water infrastructure is already installed within the East Broadway Drive right-of-way. Annexation to the City of Appleton would be required before the subject property could connect to the City water.
- Currently, the subject property consists of vacant, undeveloped land.
- Sanitary sewer service is not currently available by the City of Appleton.
- 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 R-1B Single-Family 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: AG Agricultural District. The adjacent land use to the north is currently agricultural.

South: Town of Grand Chute. The adjacent land use to the south is currently park land (Plamann Park).

East: Town of Grand Chute. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future One and Two-Family Residential uses. 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.

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.

5.1 OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

5.3 OBJECTIVE: 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.

Technical Review Group (TRG) Report: This item was discussed at the January 2, 2019 Technical Review Group meeting. No negative comments were received from participating departments. Discussion included the determination that the City would also annex the adjacent East Broadway Drive right-of-way and request dedication of the adjacent right-of-way.

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. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. 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 owner is 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.
- It is anticipated that a quit claim deed to dedicate the East Broadway Drive right-of-way will be submitted to the City by the owners. The City Attorney's Office has prepared the necessary documents.

RECOMMENDATION

Staff recommends that the Lucht Annexation (E. Broadway Drive), 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.



**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 Grand Chute, Outagamie County, Wisconsin, petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

A parcel of land located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.00 Acres of land, more or less and described as follows:

- Commencing at the Northwest corner of said Section 1;
- Thence South 89°22'34" East 1,168.10 feet (recorded as S.89°27'E. 1,168.10 feet) along the North line of the Fractional NW ¼ of said Section 1 to the point of beginning;
- Thence continue South 89°22'34" East 143.0 feet (recorded as S.89°27'E. 143.0 feet) along the North line of the Fractional NW ¼ of said Section 1 to the Northwest corner of lands described in Volume 757 of Records, page 296;
- Thence South 00°00'34" East 299.0 feet (recorded as S.00°03'E. 299.0 feet) along the West line of lands described in Volume 757 of Records, page 296 and along the West line of said lands extended;
- Thence South 88°29'26" West 146.41 feet (recorded as S.88°27'W. 146.40 feet);
- Thence North 00°37'26" East 304.43 feet (recorded as N.00°35'E. 304.44 feet) to the point of beginning.

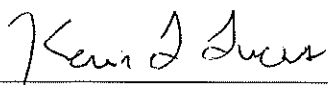
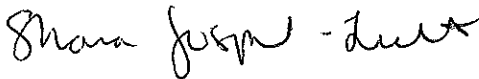
I/We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

I/We 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 1.0 acres m/l.

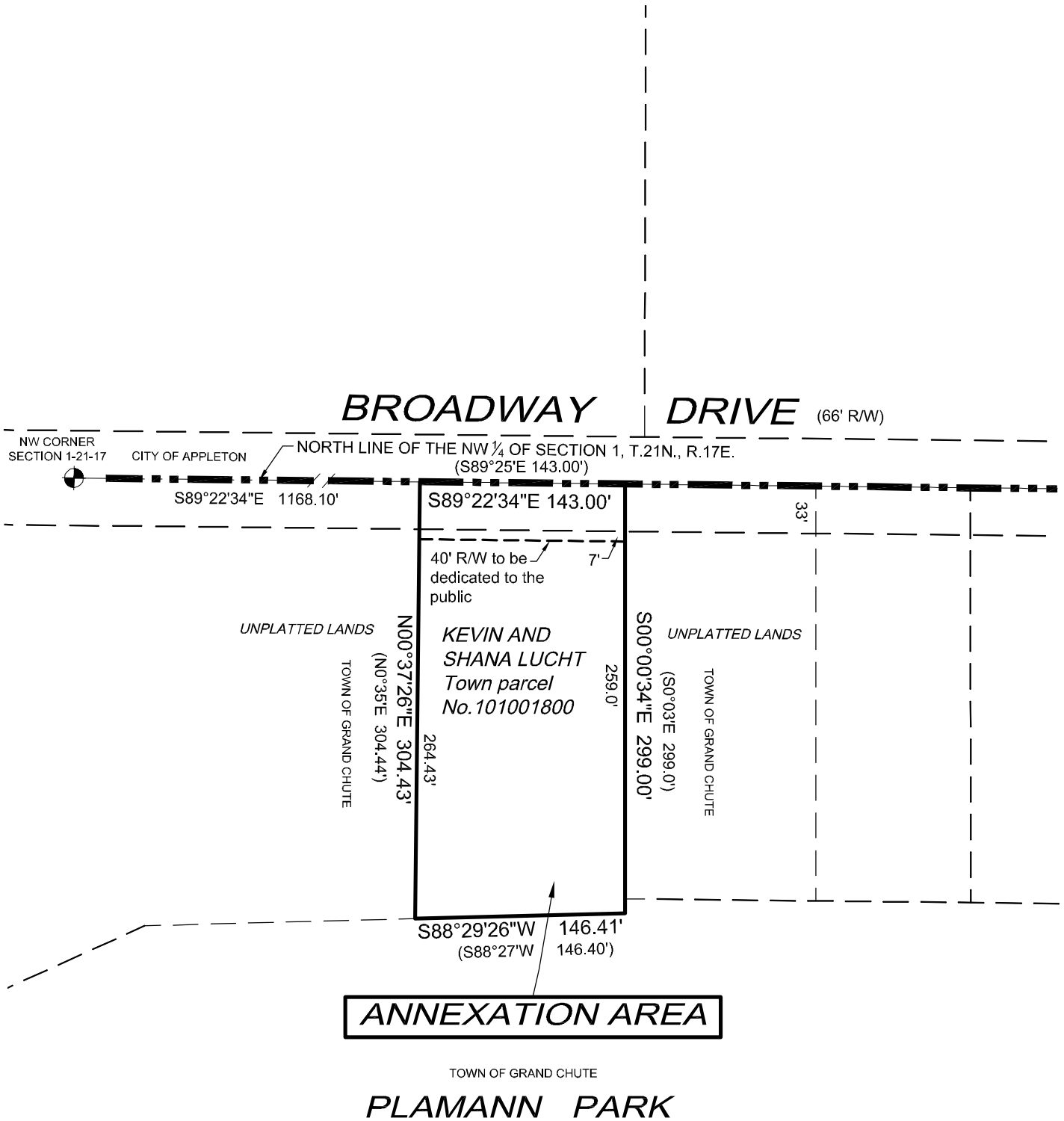
Tax Parcel numbers of lands to be annexed: 101001800.

The current population of such territory is 0.

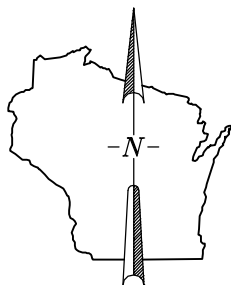
Signature of Petitioner	Owner	Date of Signing	Address of Petitioner
 Kevin Lucht	Kevin Lucht	1-4-19	1024 E. Lindbergh Street Appleton, WI 54911
 Shana Joseph-Lucht	Shana Joseph-Lucht	1/4/19	1024 E. Lindbergh Street Appleton, WI 54911

ANNEXATION EXHIBIT

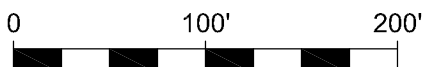
A part of Fractional Northwest $\frac{1}{4}$ of Section 1, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF NW $\frac{1}{4}$ SECTION 1, T.21N., R.17E.; recorded to bear N89°22'34"W
 H:\Acad\Annex\2019\Lucht_Broadway_Dr_1228_2018



SCALE IN FEET



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM

LUCHT ANNEXATION

PARCEL: 101001800

Owner: Kevin Lucht and Shana Lucht

Document #2145904

ANNEXATION DESCRIPTION:

A parcel of land located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.00 Acres of land, more or less and described as follows:

Commencing at the Northwest corner of said Section 1;

Thence South 89°22'34" East 1,168.10 feet (recorded as S.89°27'E. 1,168.10 feet) along the North line of the Fractional NW ¼ of said Section 1 to the point of beginning;

Thence continue South 89°22'34" East 143.0 feet (recorded as S.89°27'E. 143.0 feet) along the North line of the Fractional NW ¼ of said Section 1 to the Northwest corner of lands described in Volume 757 of Records, page 296;

Thence South 00°00'34" East 299.0 feet (recorded as S.00°03'E. 299.0 feet) along the West line of lands described in Volume 757 of Records, page 296 and along the West line of said lands extended;

Thence South 88°29'26" West 146.41 feet (recorded as S.88°27'W. 146.40 feet);

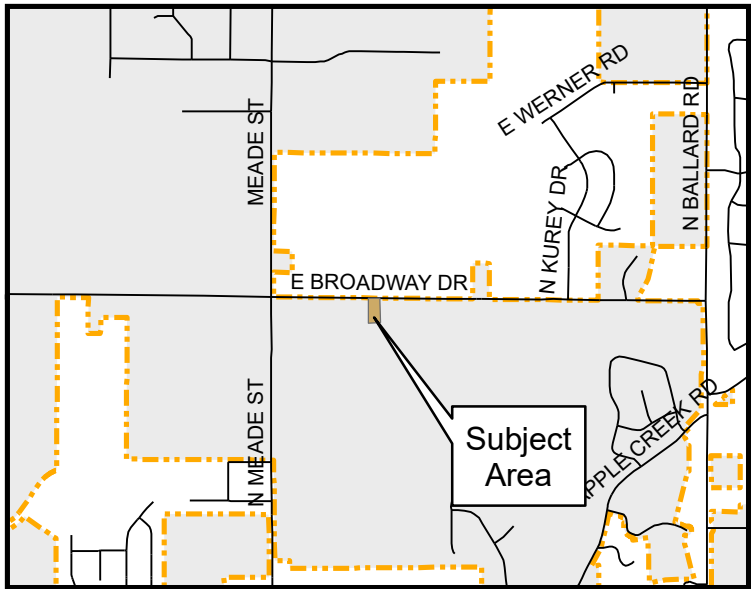
Thence North 00°37'26" East 304.43 feet (recorded as N.00°35'E. 304.44 feet) to the point of beginning.

AS A CONDITION OF ANNEXATION THE ABOVE LISTED OWNERS HEREBY AGREE TO DEDICATE A PORTION OF LAND AS PUBLIC RIGHT OF WAY BEING DESCRIBED AS FOLLOWS:

The North 40 feet of lands described in a Warranty Deed, recorded as Document #2145904, located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin.

Annexation
Lucht Property
Town of Grand Chute
Zoning Map

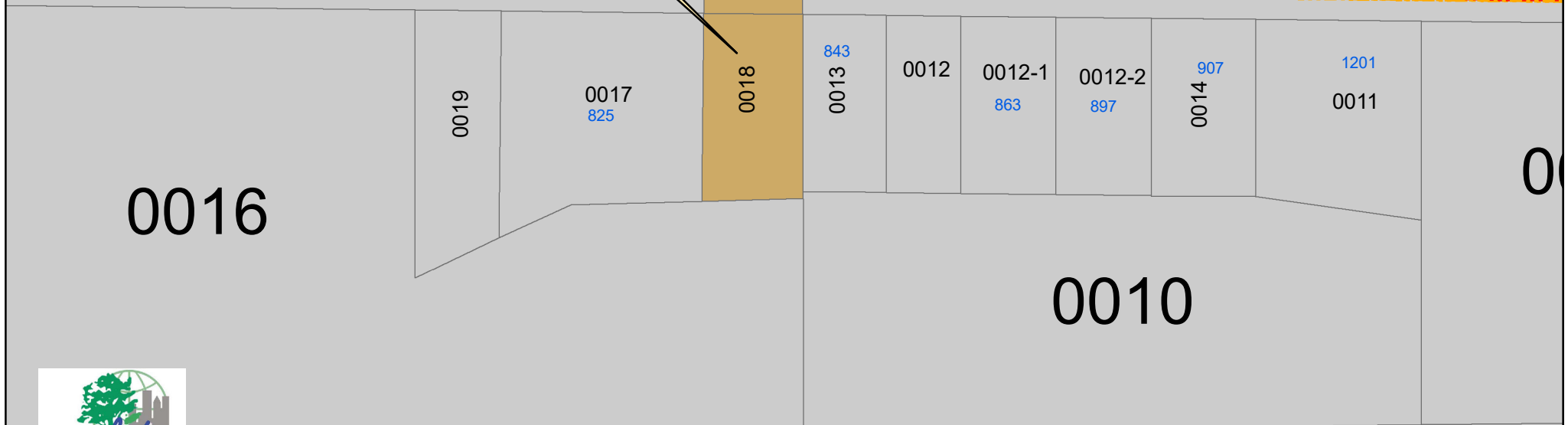
1-9310-13



AG

Subject Area

E BROADWAY DR



City Plan Commission
1-22-19



Annexation
Lucht Property
Town of Grand Chute
Aerial Map

Subject Area

E BROADWAY DR



City Plan Commission
1-22-19

