



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 13, 2021

Common Council Meeting Date: November 3, 2021

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

Item: Petition for Direct Annexation by Unanimous Approval Where Owners/Electors Reside – Ziegler Mackville Road & EE Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner(s)/Elector(s): Philip C. and Beverly M. Ziegler

Address/Town Where Property is Located: N2883 County Road EE - Town of Center

Parcel Number: 040097800 - Town of Center

Petitioner's Request: The Owner(s)/Elector(s) are requesting direct annexation by unanimous approval where they reside pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Center, Outagamie County.

Purpose for Annexation: To allow the existing single-family residence to be connected to the City water system.

Population of Such Territory: 2

Annexation Area: 1.4407 acres m/l

BACKGROUND

The annexation petition for direct annexation by unanimous approval where owners and electors reside was filed with the City Clerk's office on September 15, 2021. State Statutes does require that the Department of Administration (DOA) review all annexation petitions within a county having a population of 50,000 or more to determine if the petition is in the public interest. 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 September 17, 2021, so this requirement will be satisfied prior to Common Council taking action at their November 3, 2021 meeting.

STAFF ANALYSIS

City staff completed the Annexation Feasibility Study for this annexation request and identified the following:

- The City of Appleton does not have a boundary agreement with the Town of Center.
- In the absence of a boundary agreement, property tax payment to the Town of Center is required. In accordance with Wisconsin State Statute Section 66.0217(14), the City of Appleton is required to pay annually to the town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wisconsin State Statute Section 70.65, in the year in which the annexation is final.
- The subject property is developed with the single-family residence.
- The subject property is located within City's Growth Area Boundary.
- The City can provide necessary City services, including but not limited to water, police, fire, garbage/recycling to the subject property. However, City sanitary sewer and storm sewer main extensions would be required to serve this property. The City currently does not have these utility extensions included in the 5-year plan or budget. The subject property will continue to use its on-site private septic system (in-ground gravity system).
- The City has a 16-inch water main already installed along the west side of Ballard Road. Approval of the annexation is required before the subject property could connect to the City water.
- The area proposed for annexation is contiguous to the existing City boundary located to the east of the annexation area. The subject property connects to the City of Appleton at the Ballard Road right-of-way.
- The owner is requesting the City Plan Commission initiate a rezoning application for the annexation area from temporary AG Agricultural District to a zoning classification of R-1B Single-Family District.

Surrounding Zoning Classification and Land Uses:

North: Town of Center. General Agricultural District, the adjacent land use to the north is currently agricultural land.

South: Town of Center. General Agricultural District, the adjacent land use to the south is currently developed as single-family residential.

Ziegler Mackville Road & EE Annexation
October 13, 2021
Page 3

West: Town of Center. General Agricultural District, the adjacent land use to the west is currently developed as single-family residential.

East: City of Appleton. R-1B Single-family District, the adjacent land use to the east is currently undeveloped but subdivided for single-family residential.

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 September 21, 2021 TRG Agenda. No negative comments were received from participating departments.

Fire Department Comments: Projected response capability to this address will become similar with adjacent development, across Ballard Road, sometimes referred to as Apple Hill Farms. Also, note that Appleton and Grand Chute have a mutual aid agreement, so if this property comes into Appleton, Grand Chute might also respond, depending on circumstances. Appleton Fire recommends to this property owner, because of potential for long emergency response times (due to travel distance), either a monitored smoke alarm system or residential fire sprinklers, similar as with Apple Hill Farms. Appleton Fire will not require that.

City Clerk Comments: Under the advice of the Legislative Technology Services Bureau, it is advised to wait on this annexation until after the redistricting process is complete and a new ward plan is in place. Therefore, the annexation ordinance will appear on the November 3, 2021 Common Council meeting agenda.

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 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.
- 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 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. This request is anticipated to be scheduled for an informal public hearing at the October 27, 2021 Plan Commission meeting.

RECOMMENDATION

Staff recommends that the Ziegler Mackville Road & EE 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 the 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>

October 04, 2021

PETITION FILE NO. 14442

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

AMY L OLSON, CLERK
TOWN OF CENTER
N3990 STATE ROAD47
APPLETON, WI 54913-8484

Subject: ZIEGLER MACKVILLE ROAD & EE ANNEXATION

The proposed annexation submitted to our office on September 17, 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 14442 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=2516>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

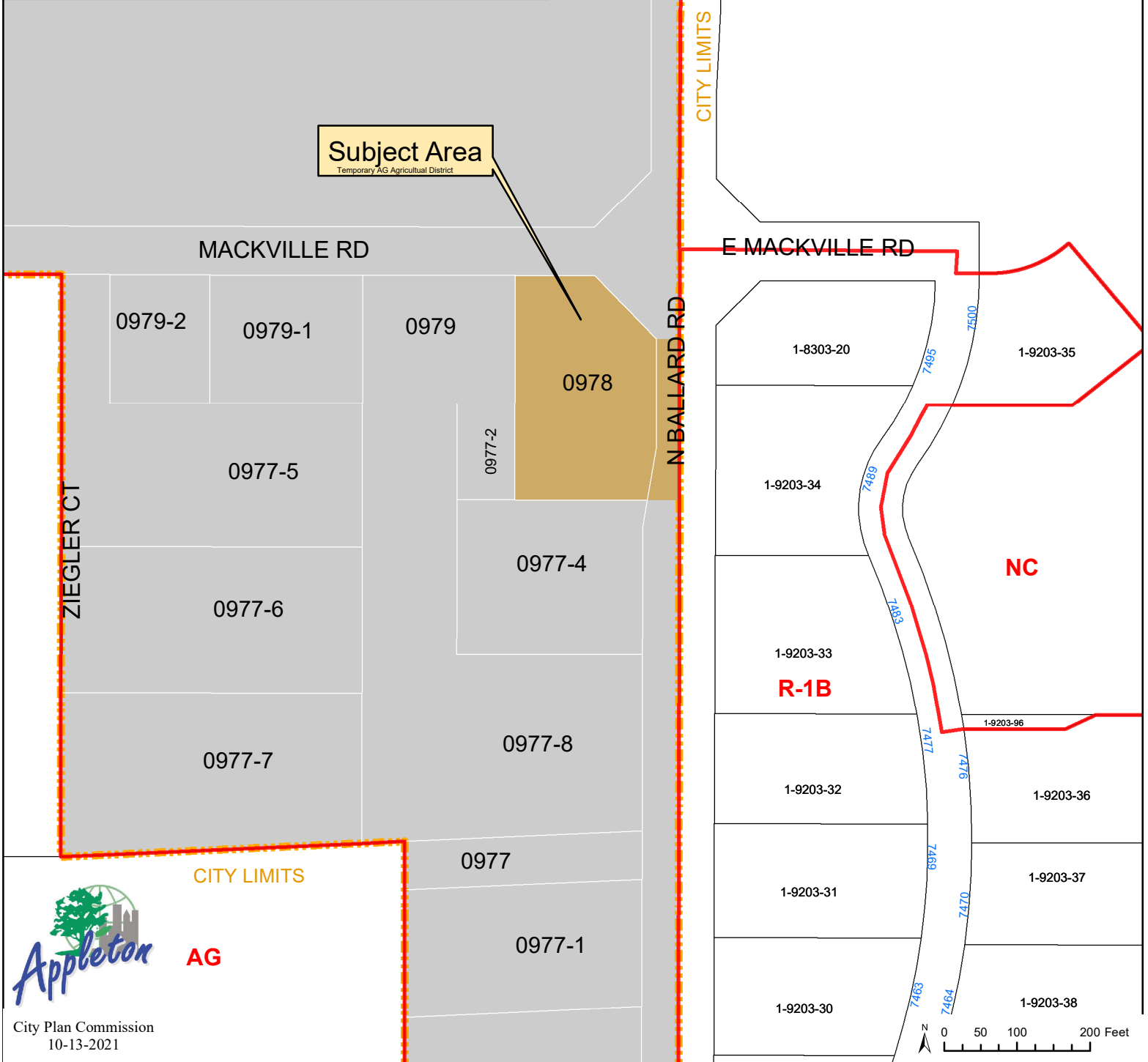
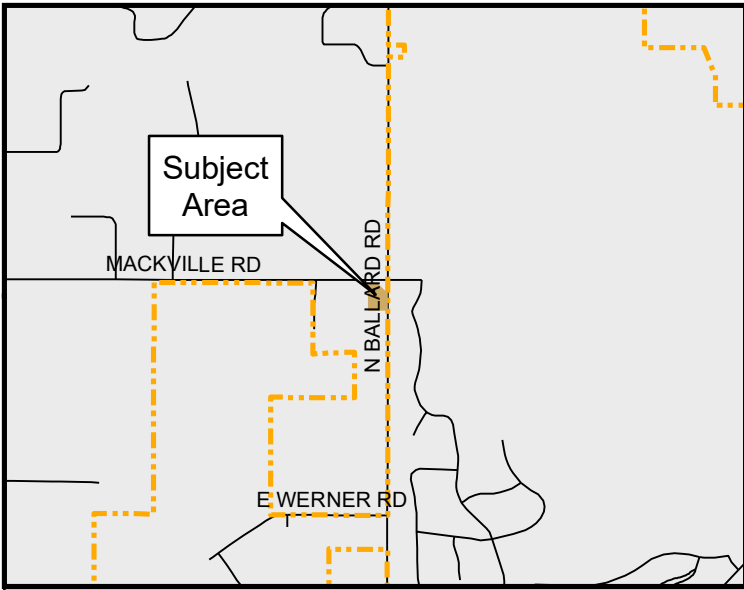
Sincerely,

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
Ziegler Mackville Road & EE
Town of Center
Zoning Map
Temporary AG Agricultural



Subject Area
Temporary AG Agricultural District



Annexation
Ziegler Mackville Road & EE
Town of Center
Aerial Map

MACKVILLE RD

E MACKVILLE RD

CITY LIMITS

0979

Subject Area

0978

0977-2

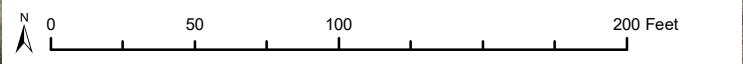
N BALLARD RD

1-920

0977-4



City Plan Commission
10-13-2021





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE ELECTORS RESIDE IN TERRITORY**

We, the undersigned, constituting all of the owners of the real property and all of the electors that reside in the following territory of the Town of Center, 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 scaled map to the City of Appleton, Outagamie County, Wisconsin.

A part of the Northeast ¼ of the Northeast ¼ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin, containing 62,759 Square Feet 1.4407 acres of land and being further described as follows:

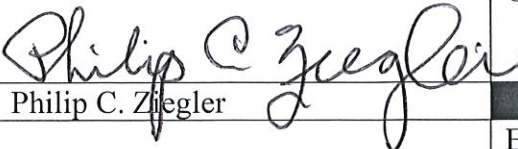
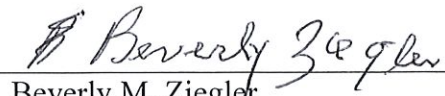
Commencing at the Northeast corner of said Section 36;
 Thence South 00°06'21" West 117.18 feet coincident with the East line of the Northeast ¼ of said Section 36 to the point of beginning;
 Thence continue South 00°06'21" West 222.82 feet coincident with the East line of the Northeast ¼ of said Section 36 to the South line of lands described in Warranty Deed Document No.679131 of the Outagamie County Register of Deeds Office;
 Thence North 89°51'03" West 225.00 feet coincident with the South line of lands described in Warranty Deed Document No.679131 of the Outagamie County Register of Deeds Office;
 Thence North 00°06'21" East 307.00 feet coincident with the West line of lands described in Warranty Deed Document No.679131 and then the West line of lands described in Warranty Deed Document No.544576 to the South line of Mackville Road.
 Thence South 89°51'03" East 107.95 feet coincident with the South line of Mackville Road to a highway vision corner;
 Thence South 44°49'45" East 119.00 feet coincident with said highway vision corner to the West line of Ballard Road (aka C.T.H. "EE");
 Thence South 89°51'03" East 33.00 feet to the point of beginning.

Town of Center Tax Parcel to be annexed: 040097800.

The current population of such territory is 2. The number of electors that reside on the land to be annexed is 2.

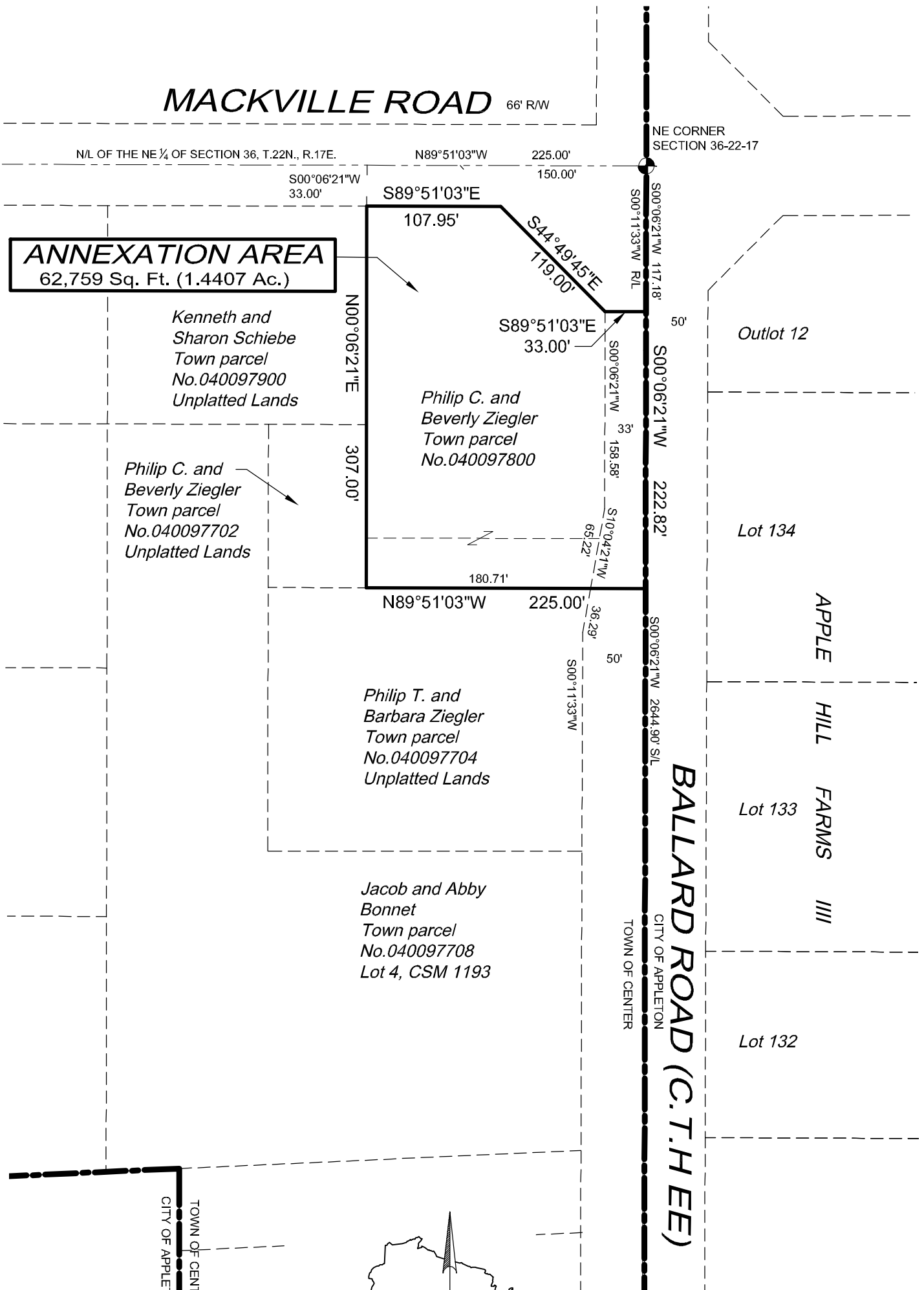
We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

We further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to a zoning classification of R-1B Single-family District.

Signature of Petitioner	Owner/Elector	Date of Signing	Address of Petitioner (Include Zip Code)
 Philip C. Ziegler	Owner/Elector	9/14/21	N2883 County Rd EE Appleton, WI 54913
 Beverly M. Ziegler	Elector	9/14/21	N2883 County Rd EE Appleton, WI 54913

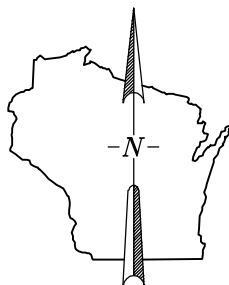
ANNEXATION EXHIBIT

A part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin.

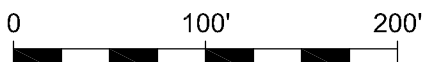


BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF NE $\frac{1}{4}$ SECTION 36, T.22N., R.17E.; recorded to bear N89°51'03"W

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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