



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to  
the Community and Economic Development Department,  
920-832-6468.*

---

Wednesday, December 14, 2022

3:30 PM

Council Chambers, 6th Floor

---

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting  
[22-1520](#) City Plan Minutes from 11-9-22

**Attachments:** [City Plan Minutes 11-9-22.pdf](#)

#### 4. Public Hearings/Apearances

- [22-1521](#) Rezoning #5-22 for the subject parcel located at 1208 N. Oneida Street (Tax Id #31-6-0329-00), including the adjacent one-half (1/2) right-of-way of N. Oneida Street, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District (Associated with Action Item #22-1522)

**Attachments:** [InformalPublicHearingNotice 1208NOneidaSt Rezoning#5-22.pdf](#)

- [22-1523](#) The street discontinuance to vacate portions of Appleton Street, Pacific Street, and Oneida Street public right-of-way, generally located north of Packard Street and south of Atlantic Street, subject to the condition in the attached staff report, and adopt the Initial Resolution and exhibit maps (Associated with Action Item #22-1524)

**Attachments:** [InformalPublicHearingNotice AppletonStPacificStOneidaSt StreetVacation.pdf](#)

- [22-1525](#) Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-205(b) (2) General provisions; Official maps and revisions; Official maps based on other studies related to LOMR - Case #21-05-2374P, as identified in the attached staff report (Associated with Action Item #22-1526)

**Attachments:** [NoticeofInformalPublicHearing AmendFloodplainOrd LOMR 21-05-2374P 202](#)

#### 5. Action Items

[22-1522](#) Request to approve Rezoning #5-22 for the subject parcel located at 1208 N. Oneida Street (Tax Id #31-6-0329-00), including the adjacent one-half (1/2) right-of-way of N. Oneida Street, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District

**Attachments:** [StaffReport\\_1208NOneidaSt\\_Rezoning\\_For12-14-22.pdf](#)

[22-1524](#) Request to approve the street discontinuance to vacate portions of Appleton Street, Pacific Street, and Oneida Street public right-of-way, generally located north of Packard Street and south of Atlantic Street, subject to the condition in the attached staff report, and adopt the Initial Resolution and exhibit maps

**Attachments:** [StaffReport\\_AppletonStPacificStOneidaSt\\_StreetVacation\\_For12-14-22.pdf](#)

[22-1526](#) Request to approve Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-205(b)(2) General provisions; Official maps and revisions; Official maps based on other studies related to LOMR - Case #21-05-2374P, as identified in the attached staff report

**Attachments:** [StaffReport\\_AmendFloodplainOrd\\_NorthEdgewoodEst\\_LOMR\\_For12-14-22.pdf](#)

[22-1527](#) Request to approve Certified Survey Map #30-22, which crosses a plat boundary, for 1201 Banta Court and 1100 E. South River Street (Tax Id #31-4-0279-00, 31-4-0279-01, 31-4-0805-00, 31-4-0819-00, 31-4-0820-00, 31-4-0823-00 & 31-4-0823-01) to combine the 7 existing parcels as shown on the attached map and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_WhitingField-BantaBowl\\_CrossingPlatBoundary\\_For12-14-22.pdf](#)

## 6. Information Items

[22-1579](#) Proposed Draft Text Amendments to Chapter 17 Subdivision Ordinance of the Municipal Code

**Attachments:** [StaffReport\\_DraftTextAmendment\\_ParklandAndTrails\\_For12-14-22.pdf](#)

[FINAL 2022 Fee in Lieu Baker Tilly.pdf](#)

## 7. Adjournment

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed  
to the Community and Economic Development Department,  
920-832-6468.*

---

Wednesday, November 9, 2022

3:30 PM

Council Chambers, 6th Floor

---

1. Call meeting to order

**Meeting called to order by Chair Mayor Woodford at 3:31 p.m.**

2. Roll call of membership

**Present:** 5 - Robins, Mayor Woodford, Fenton, Buetow and Dane

**Excused:** 2 - Palm and Uitenbroek

*Others present:*

*Aldersperson Katie Van Zeeland, District #5*

*Christian Cabrera, Bergmann Associates*

3. Approval of minutes from previous meeting

[22-1440](#)

City Plan Minutes from 10-26-22

**Attachments:** [City Plan Minutes 10-26-22.pdf](#)

**Fenton moved, seconded by Dane, that the Minutes be approved. Roll Call.**

**Motion carried by the following vote:**

**Aye:** 5 - Robins, Mayor Woodford, Fenton, Buetow and Dane

**Excused:** 2 - Palm and Uitenbroek

4. **Public Hearings/Appearances**

[22-1441](#)

Special Use Permit #13-22 for gasoline sales and a car wash use located at 1935 E. Calumet Street (Tax Id #31-9-1115-00), as shown on the attached materials and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #22-1442)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_1935ECalumetSt\\_SUP#13-22.pdf](#)  
[PublicHearingNoticeNeighborhood\\_1935ECalumetSt\\_SUP#13-22.pdf](#)

This public hearing was held, and no one spoke on the item.

## 5. Action Items

[22-1442](#)

Request to approve Special Use Permit #13-22 for gasoline sales and a car wash use located at 1935 E. Calumet Street (Tax Id #31-9-1115-00), as shown on the attached materials and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_Circle K-Holiday Gas Station+Car Wash\\_SUP\\_For11-9-22.pdf](#)  
[Doug Gordon Email 11-5-22.pdf](#)  
[Steve Winter Email 11-7-22.pdf](#)  
[Kaiti Abbott + Danny Damiani Email 11-7-22.pdf](#)

*Staff received emails from Doug Gordon, Steve Winter, and Kaiti Abbott & Danny Damiani expressing concerns about the proposed Special Use Permit. The emails were distributed to the Plan Commission members at the meeting and are attached.*

**Buetow moved, seconded by Robins, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Robins, Mayor Woodford, Fenton, Buetow and Dane

**Excused:** 2 - Palm and Uitenbroek

## 6. Information Items

## 7. Adjournment

**Fenton moved, seconded by Robins, that the meeting be adjourned at 3:43 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Robins, Mayor Woodford, Fenton, Buetow and Dane

**Excused:** 2 - Palm and Uitenbroek

**NOTICE OF INFORMAL PUBLIC HEARING**  
**OF THE**  
**APPLETON CITY PLAN COMMISSION**

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Wednesday, December 14, 2022, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street for the following proposed rezoning request:

**Proposed Rezoning Request:** The applicant, Jim Fletcher, is requesting to rezone Property Tax Id #31-6-0329-00 located at 1208 North Oneida Street, including the adjacent one-half (1/2) right-of-way, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District.

**Reason for the Rezoning Request:** The applicant states: “The property is an older house currently set up with a kitchen, bath, 2 bedrooms and living area on the first floor and 2<sup>nd</sup> floor. We request rezoning back to R-2 in order to make repairs and renovate the property to a modern, affordable rent, 2 unit property. The property accommodates parking for 2 units and we feel this would have a positive economical impact for the city.”

**ALDERMANIC DISTRICT:** 1 – Alderperson William Siebers

You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

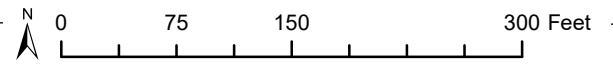
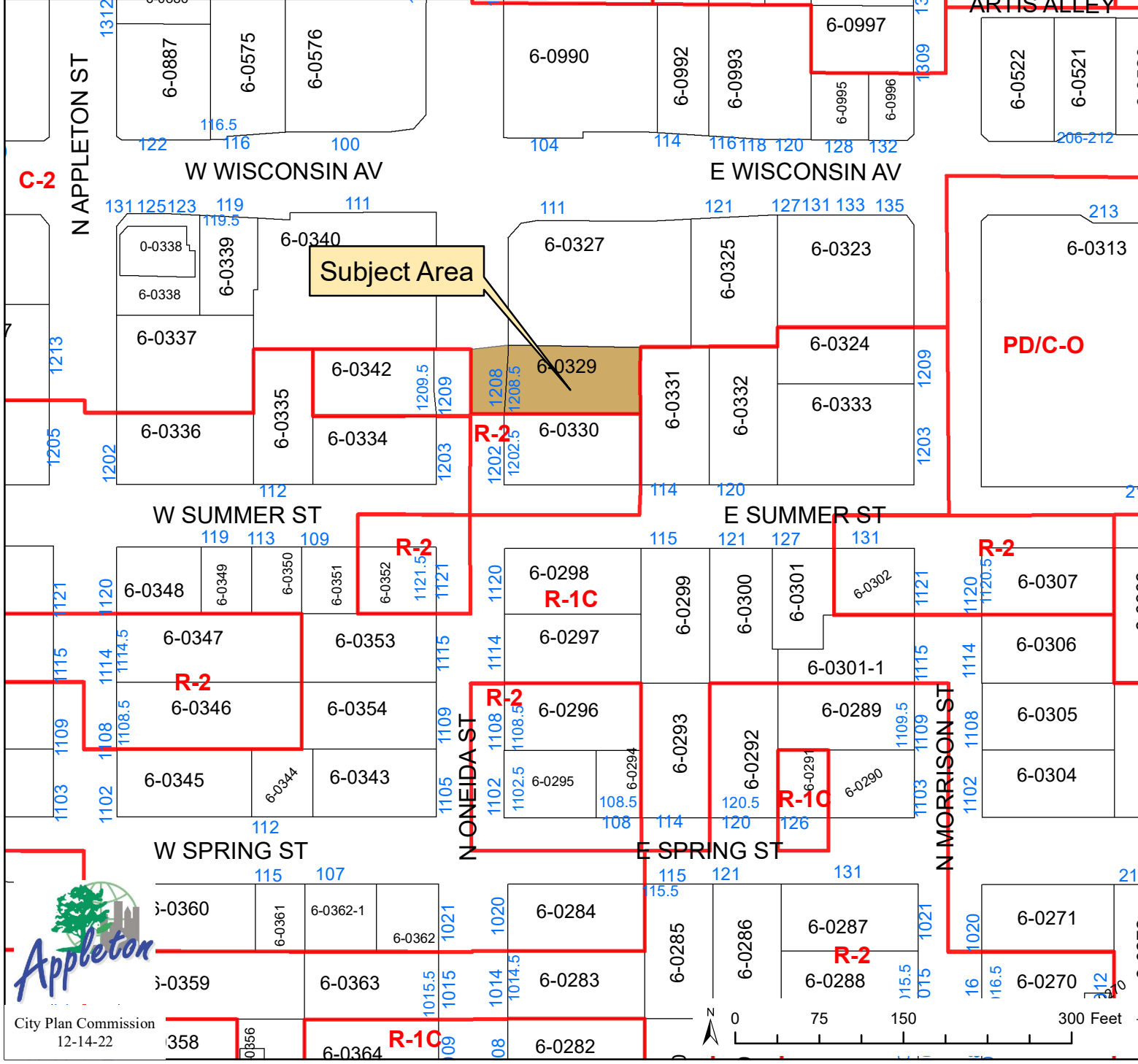
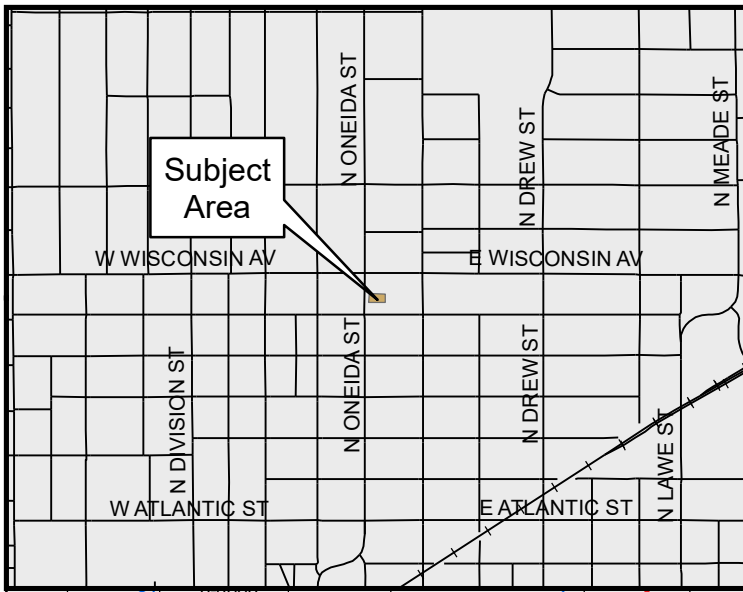
Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org).

CITY PLAN COMMISSION

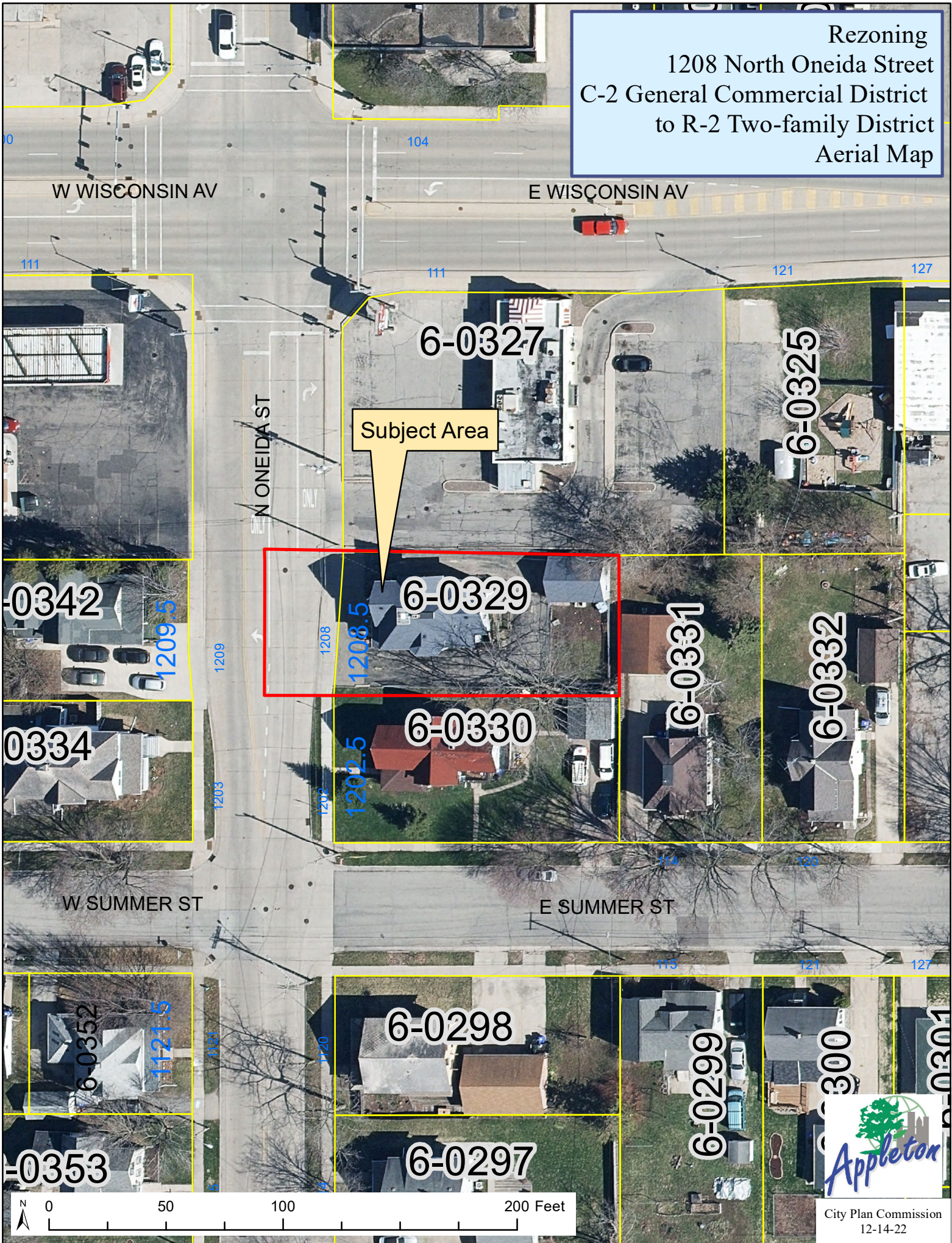
COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL - 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
920-832-6468

*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

Rezoning  
 1208 North Oneida Street  
 C-2 General Commercial District  
 to R-2 Two-family District  
 Zoning Map



Rezoning  
1208 North Oneida Street  
C-2 General Commercial District  
to R-2 Two-family District  
Aerial Map



Subject Area

6-0327

6-0325

6-0342

1209.5

6-0329

1208.5

6-0331

6-0332

6-0334

1209

1208

6-0330

1202.5

1203

1206

W SUMMER ST

E SUMMER ST

114

125

6-0352

1121.5

6-0298

1120

6-0299

6-0300

6-0301

6-0353

6-0297

0 50 100 200 Feet



City Plan Commission  
12-14-22





**NOTICE OF INFORMAL PUBLIC HEARING**  
**OF THE**  
**APPLETON CITY PLAN COMMISSION**

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Wednesday, December 14, 2022, at 3:30 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering the following proposed Street Vacation (discontinuance of a portion of public street right-of-way).

**LEGAL DESCRIPTION OF AREA TO BE VACATED:**

A part of Oneida Street abutting the West side of Block Sixty-Eight (68) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,361 square feet of land and being further described by: Commencing at the Northeast corner of Pacific Street and Oneida Street, said point also being the Southwest corner of Block 68 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning; Thence South 89°55'06" West 5.70 feet along the Westerly extension of the North line of Pacific Street; Thence Northwesterly 4.73 feet along the arc of a curve to the right having a radius of 4.00 feet and the chord of which bears North 56°12'19" West 4.46 feet; Thence Northwesterly 27.81 feet along the arc of a curve to the left having a radius of 108.00 feet and the chord of which bears North 29°42'19" West 27.73 feet; Thence Northerly 12.65 feet along the arc of a curve to the right having a radius of 11.00 feet and the chord of which bears North 04°08'10" West 11.96 feet; Thence Northerly 70.91 feet along the arc of a curve to the left having a radius of 228.50 feet and the chord of which bears North 19°55'06" East 70.63 feet to the East line of Oneida Street; Thence South 00°01'51" West 104.90 feet along the East line of Oneida Street and being coincident with the West line of said Block 68 to the point of beginning.

AND

A part of Pacific Street abutting the North side of Block Fifty-Nine (59) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,832 square feet of land and being further described by: Commencing at the Southwest corner of Pacific Street and Oneida Street, said point also being the Northeast corner of Block 59 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning; Thence South 89°55'06" West 111.86 feet along the South line of Pacific Street and being coincident with the North line of said Block 59; Thence Easterly 102.16 feet along the arc of a curve to the left having a radius of 182.00 feet and the chord of which bears North 69°14'08" East 100.82 feet; Thence Southeasterly 24.35 feet along the arc of a curve to the right having a radius of 11.00 feet and the chord of which bears South 63°25'02" East 19.68 feet to the Northerly extension of the West line of Oneida Street; Thence South 00°00'36" West 26.78 feet coincident with the Northerly extension of the West line of Oneida Street to the point of beginning.

AND

A part of Pacific Street and Appleton Street, also being formerly known as a part of Lot Twelve (12), Thirteen (13) and Fourteen (14) of Block Fifty-Nine (59) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 445 square feet of land and being further described by: Commencing at the Northwest corner of Block 59 of the APPLETON PLAT (aka Second Ward Plat); Thence South 00°02'57" East 115.69 feet coincident with the West line of said Block 59 to the point of beginning; Thence North 00°02'57" West 0.33 feet coincident with the West line of said Block 59;

Thence Northeasterly 117.59 feet along the arc of a curve to the right having a radius of 90.00 feet and the chord of which bears North 37°22'50" East 109.40 feet to the existing Southeasterly line of Pacific Street per A.O.D.

Document No.778217;

Thence South 51°15'47" West 71.53 feet (recorded as North 50°27'24" East 71.53 feet) coincident with Southeast line of Pacific Street per A.O.D. Document No.778217;

Thence South 14°01'58" West 43.81 feet (recorded as North 12°57'24" East 43.81 feet) coincident with Southeast line of Pacific Street and the East line of Appleton Street per A.O.D. Document No.779003 to the West line of Block 59 and the point of beginning.

AND

A part of Pacific Street and Appleton Street abutting the South side of Block Sixty-Seven (67) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 3,843 square feet of land and being further described by:

Commencing at the Northeast corner of Pacific Street and Appleton Street, said point also being the Southwest corner of Block 67 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning;

Thence North 89°55'06" East 165.28 feet along the North line of Pacific Street and being coincident with the South line of said Block 67;

Thence South 74°55'40" West 117.97 feet;

Thence Southwesterly 57.49 feet along the arc of a curve to the left having a radius of 150.00 feet and the chord of which bears South 63°56'53" West 57.14 feet to the Southerly extension of the West line of Block 67;

Thence North 00°02'19" West 55.54 feet coincident with the Southerly extension of the West line of Block 67 to the point of beginning.

AND

A part of Pacific Street and Oneida Street also being formerly known as a part of Lot Seven (7) and Lot Eight (8) of Block Sixty-Seven (67) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,433 square feet of land and being further described by:

Commencing at the Northeast corner of Pacific Street and Appleton Street, said point also being the Southwest corner of Block 67 of the APPLETON PLAT (aka Second Ward Plat);

Thence North 89°55'06" East 166.83 feet along the North line of Pacific Street and being coincident with the South line of said Block 67 to the Southwest corner of Lot 7 of said Block 67 and being the point of beginning;

Thence North 51°30'19" East 128.76 feet (recorded as North 50°26'53" East 128.73 feet) to a point on the North line of said Lot 7 being 16.99 feet West of the Northeast corner thereof;

Thence North 13°33'47" East 72.61 feet (recorded as North 14°40'01" East 72.61 feet) to a point on the West line of Oneida Street (as platted) said point being 150.56 feet (recorded as 150.56 feet) North of the Southeast corner of said Block 67;

Thence Southwesterly 202.92 feet along the arc of a curve to the right having a radius of 155.00 feet and the chord of which bears South 37°25'22" West 188.74 feet;

Thence South 74°55'40" West 3.22 feet to the point of beginning.

See also attached Exhibit "A" for illustration.

**COMMON DESCRIPTION:** Portions of Appleton Street, Pacific Street, and Oneida Street, generally located north of Packard Street and south of Atlantic Street.

**ALDERMANIC DISTRICT:** 1 – Alderperson William Siebers

**PARTIAL STREET VACATION REQUEST:**

A Street Vacation request has been initiated by the applicant, City of Appleton. The applicant requests to vacate and discontinue portions of Appleton Street, Pacific Street, and Oneida Street. The area being vacated is no longer needed for public street purposes. The adjoining property owner(s) will acquire ownership to the afore-described and vacated portions of Appleton Street, Pacific Street, and Oneida Street right-of-way, as shown on the attached maps.

**ZONING DISTRICT BOUNDARIES:**

Per Section 23-39 of the Municipal Code, zoning district boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines. In this case, the centerlines will change due to the proposed street vacation. Therefore, it is the intent of the City of Appleton that existing zoning district boundaries located in the public right-of-way will be amended accordingly. The public right-of-way at the intersection of Appleton Street and Pacific Street, from PD/R-3 Planned Development Multi-Family District to R-1C Central City Residential District. The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to PD/R-3 Planned Development Multi-Family District. The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to C-2 General Commercial District.

Proposed changes to the zoning district boundaries would occur in the public right-of-way only. Nearby privately-owned parcels are not involved in the proposed zoning changes.

See also attached Exhibit “B” for illustration.

**PURPOSE OF NOTIFICATION:**

You are being notified as a policy of the City of Appleton Community and Economic Development Department. All person interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at [david.kress@appleton.org](mailto:david.kress@appleton.org).

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL – 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911  
920-832-6468

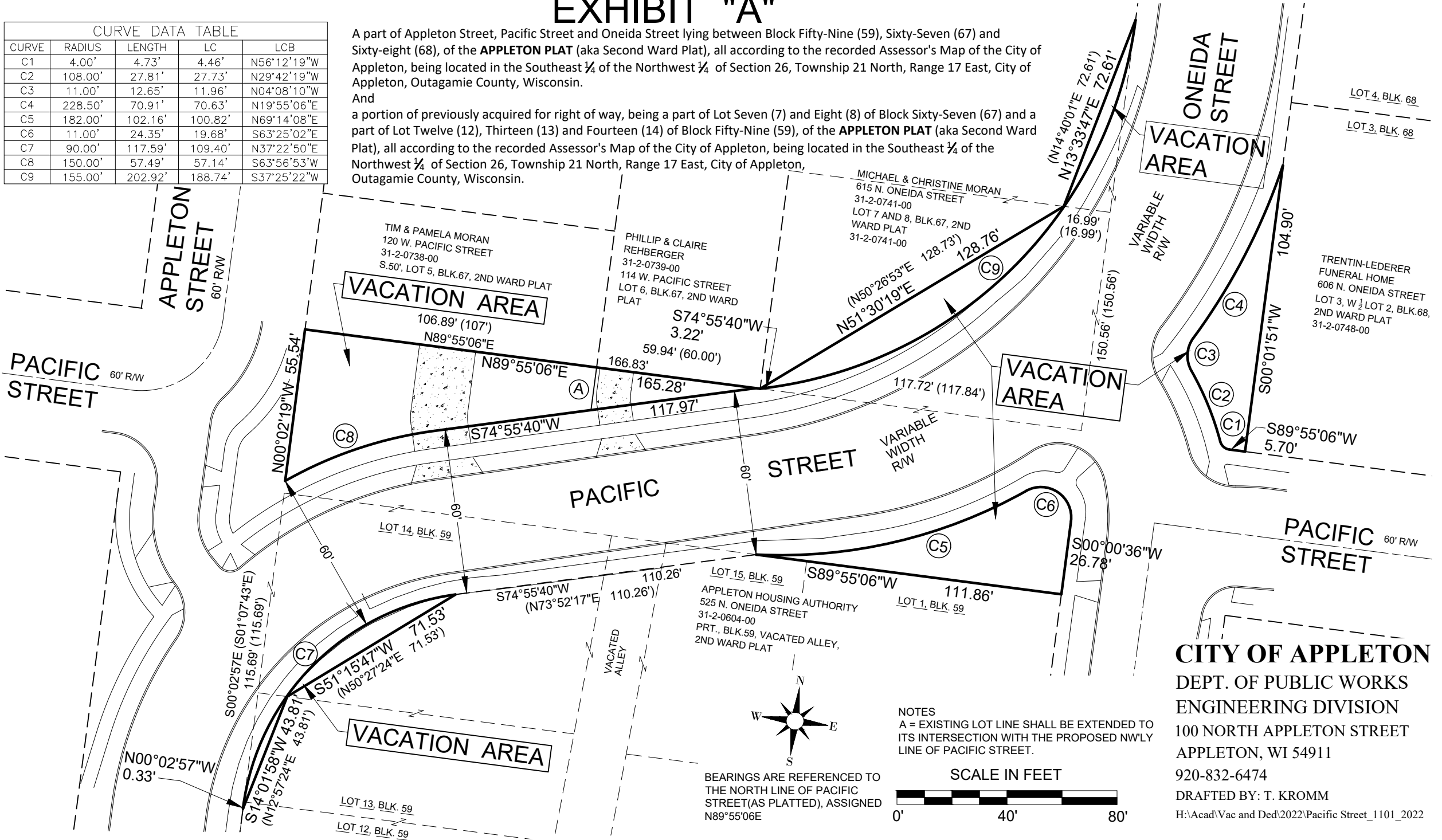
*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

# EXHIBIT "A"

CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	4.00'	4.73'	4.46'	N56°12'19"W
C2	108.00'	27.81'	27.73'	N29°42'19"W
C3	11.00'	12.65'	11.96'	N04°08'10"W
C4	228.50'	70.91'	70.63'	N19°55'06"E
C5	182.00'	102.16'	100.82'	N69°14'08"E
C6	11.00'	24.35'	19.68'	S63°25'02"E
C7	90.00'	117.59'	109.40'	N37°22'50"E
C8	150.00'	57.49'	57.14'	S63°56'53"W
C9	155.00'	202.92'	188.74'	S37°25'22"W

A part of Appleton Street, Pacific Street and Oneida Street lying between Block Fifty-Nine (59), Sixty-Seven (67) and Sixty-eight (68), of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast ¼ of the Northwest ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

And a portion of previously acquired for right of way, being a part of Lot Seven (7) and Eight (8) of Block Sixty-Seven (67) and a part of Lot Twelve (12), Thirteen (13) and Fourteen (14) of Block Fifty-Nine (59), of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast ¼ of the Northwest ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

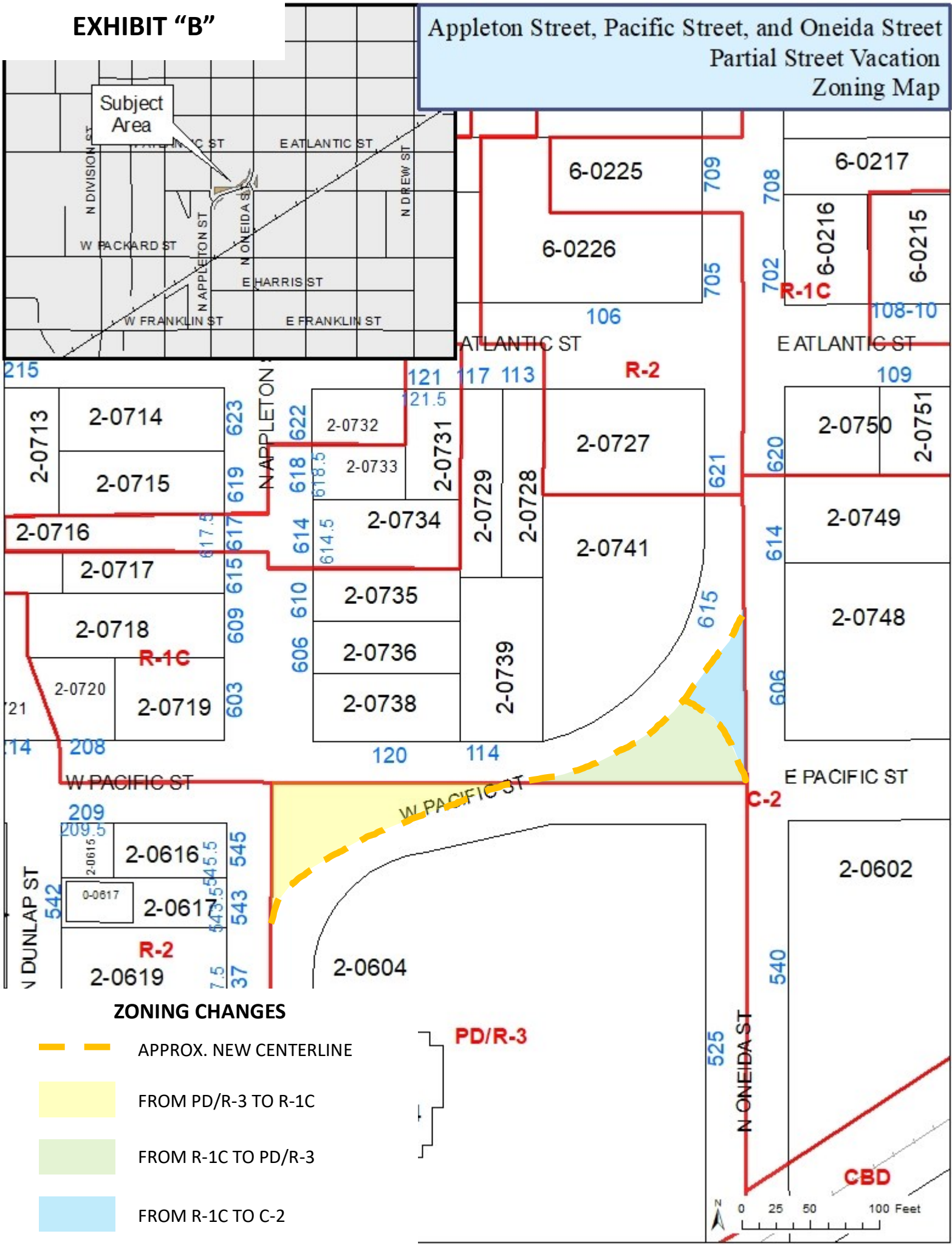


**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
 DRAFTED BY: T. KROMM  
 H:\Acad\Vac and Ded\2022\Pacific Street\_1101\_2022

**EXHIBIT "B"**

**Appleton Street, Pacific Street, and Oneida Street  
Partial Street Vacation  
Zoning Map**

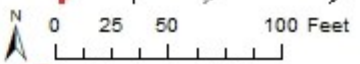
Subject Area



**ZONING CHANGES**

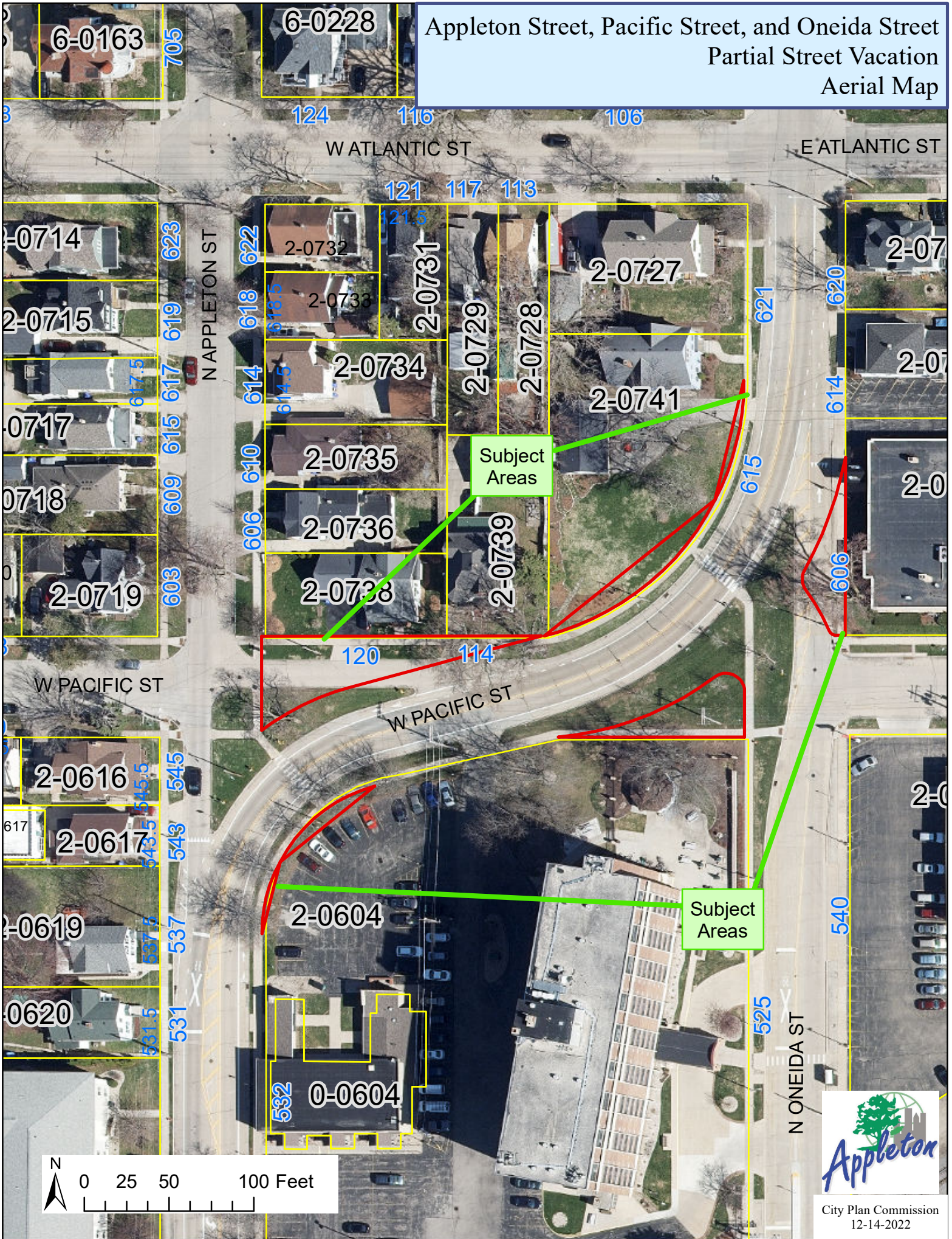
- APPROX. NEW CENTERLINE
- FROM PD/R-3 TO R-1C
- FROM R-1C TO PD/R-3
- FROM R-1C TO C-2

**PD/R-3**



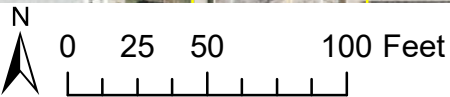
**CBD**

# Appleton Street, Pacific Street, and Oneida Street Partial Street Vacation Aerial Map



Subject Areas

Subject Areas



City Plan Commission  
12-14-2022

**NOTICE OF INFORMAL PUBLIC HEARING**  
**OF THE**  
**APPLETON CITY PLAN COMMISSION**

**NOTICE IS HEREBY GIVEN** of an Informal Public Hearing to be held before the City Plan Commission in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, December 14, 2022 at 3:30 P.M., or as soon thereafter as can be heard, for the purpose of amending Article X of Chapter 23 of the Municipal Code relating to Floodplain Zoning that is required by state and federal law.

The City of Appleton is considering amending Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to LOMR – Case #21-05-2374P.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. You may also address the Plan Commission by letter at the address below. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

A copy of the proposed map amendment and text amendment to Chapter 23 of the Zoning Ordinance is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

A copy of the proposed Floodplain Zoning Ordinance amendment materials are available by contacting Pete Neuberger, P.E., Project Engineer in the Department of Public Works at 920-832-6474 or by email at [peter.neuberger@appleton.org](mailto:peter.neuberger@appleton.org) or by contacting Don Harp, Principal Planner in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org).

CITY PLAN COMMISSION  
APPLETON, WISCONSIN

COMMUNITY AND ECONOMIC DEVELOPMENT  
DEPARTMENT  
CITY HALL - 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
(920) 832-6468

*Reasonable accommodations for persons with disabilities will be made upon request and if feasible*

## PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended to be deleted is ~~strikethrough~~.

### ARTICLE X. FLOODPLAIN ZONING

#### DIVISION 1. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS.

##### Sec. 23-205. General provisions.

(b) *Official maps and revisions.* The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Division 8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Public Works, City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

- (2) *Official maps based on other studies.* Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
- a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.
  - b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
  - c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.
  - d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.
  - e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.



- f. LOMR – Case #21-05-2374P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek Northeast Cross Section H through I, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective January 27, 2023. This reflects changes along Apple Creek Northeast from approximately 700 feet downstream of Rubyred Drive to approximately 350 feet downstream of French Road.
- ~~f.~~ g. CLOMR – Case #21-05-3029R. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to approximately 500 feet upstream of Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective November 1, 2021.
- ~~g.~~ h. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:
1. Map dated July 2007 and titled “Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow” (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).
  2. Floodway data table dated 8/28/2007 and titled “Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton”.
  3. Flood profiles dated 7/10/2007 and titled “Figure 3, Maximum Water Surface Profiles” (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.
- ~~g.~~ i. Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** December 14, 2022

**Common Council Public Hearing Meeting Date:** January 18, 2023

**Item:** Rezoning #5-22 – 1208 North Oneida Street from C-2 General Commercial District to R-2 Two-family District

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

---

**Owner:** Little Angel Child Care, Inc.

**Applicant:** Jim Fletcher, RE/MAX 24/7 Commercial Real Estate c/o Reed Asset Management, LLC

**Address/Parcel:** 1208 North Oneida Street (Tax Id #31-6-0329-00)

**Petitioner's Request:** "The property is an older house currently set up with a kitchen, bath, 2 bedrooms and living area on the first floor and 2<sup>nd</sup> floor. We request rezoning back to R-2 in order to make repairs and renovate the property to a modern, affordable rent, 2 unit property. The property accommodates parking for 2 units and we feel this would have a positive economical impact for the city."

### BACKGROUND

---

The building was originally constructed as an upper/lower two-family dwelling in 1898 per City Assessor records.

Rezoning #25-85 was approved by the Common Council on August 2, 1985 to rezone the property from C-3 Wisconsin Avenue District to C-2 General Commercial District. The purpose of the rezoning was to allow the first floor dwelling unit to be converted into a retail space. Subsequently, the second floor apartment continued to be rented, but no City permits were applied for to convert the first floor dwelling unit into a retail space.

Building Permit B89-#0753 was approved by the Inspection Division on August 1, 1989 to allow the first floor dwelling unit to be remodeled and used as a commercial day care facility "Little Angel Child Care". The second floor apartment continued to be occupied. Pursuant to the C-2 zoning district standards, the commercial day care facility was considered the principal use of the property, and the second floor dwelling unit was considered an accessory use of the property.

Little Angel Child Care was licensed and certified by the Wisconsin Department of Health Services Department (2003 data) to provide child care services up to 16 children per license number 1006495 for Little Angel Child Care Inc. This child day care facility is not currently in operation.

The applicant proposes to change the 1<sup>st</sup> floor commercial space back to a residential dwelling unit, while maintaining the 2<sup>nd</sup> floor dwelling unit. The applicant applied for variances in anticipation of submitting this rezoning request. The Board of Zoning Appeals approved variances for the front yard setback and

minimum lot width standards listed in the R-2 Two-family District on October 17, 2022. The variances were needed in order for the building and lot width to comply with the R-2 Two-family District minimum development standards as stated in Section 23-95(g)(1)f. and g. of the Zoning Ordinance.

### **STAFF ANALYSIS**

---

**Existing Site Conditions:** Currently, the parcel is developed with a two-story building, detached garage and a paved driveway used for off-street parking.

**Surrounding Zoning Classification and Land Uses:** A variety of uses can be found in this area of the City, including retail, restaurant and service type business, and residential (single/two family) uses.

North: C-2 General Commercial District. The adjacent land use to the north is currently a restaurant.

South: R-2 Two-Family District. The adjacent land use to the south is currently an upper/lower two-family dwelling.

East: R-1C Central City Residential District. The adjacent land use to the east is currently single-family residential.

West: R-2 Two-Family District. The adjacent land use to the west is currently an upper/lower two-family dwelling.

**Proposed Zoning Classification:** The R-2 District is intended to provide for and maintain residential areas characterized by single-family detached and two-family dwelling units. Increased densities and the introduction of two-family housing types are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood. The development standards for the R-2 District are listed below:

- 1) **Minimum lot area:** 7,000 square feet (two-story duplex).
- 2) **Maximum lot coverage:** 60%.
- 3) **Minimum lot width:** 70 feet. \*Variance approved, 60.11 feet.
- 4) **Minimum front yard:** 20 feet. \*Variance approved, 18.7 feet.
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

**Zoning Ordinance Review Criteria:** A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to allow the applicant to change the use from 1<sup>st</sup> floor commercial to a residential dwelling unit. As a result, the building would be classified as an upper/lower two-family dwelling unit after all applicable municipal codes have been satisfied. If the rezoning request is approved, the R-2 District zoning regulations, variance approvals and other applicable sections of the Zoning Ordinance would apply to the subject site.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Future Land Use Map identifies the subject site and block as future mixed use. The proposed rezoning is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030* and the residential mixed-use designation pursuant to Chapter 15 Wisconsin Avenue Corridor Plan.

*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.*

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

*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.*

*OBJECTIVE 10.4 Land Use:*

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

*Chapter 15: Wisconsin Avenue Corridor Plan:*

*Residential Mixed-Use - As with the pedestrian-oriented commercial category, areas identified for residential mixed-use may contain both commercial and residential uses. Here, however, residential uses should dominate. Buildings may be entirely residential, or incorporate a lesser area of commercial space. The intent of this district is to help to concentrate commercial activity into other areas, where it may cluster and create beneficial relationships between neighboring businesses. The area designated as residential mixed-use is thought to include parts of the Wisconsin Avenue corridor where the demand for commercial space is not very strong. High-density residential uses in these areas can offer property owners the opportunity to profitably redevelop their land and create additional households to support commercial businesses in the corridor.*

**College North Neighborhood Plan – Chapter 4: Market Study 2020-2030:** The average annual housing need is about 301 units per the market study. The change of use from 1<sup>st</sup> floor commercial to a

residential dwelling unit helps to meet the demand for housing in Appleton as specified in the market study.

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
  1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and Chapter 15 Wisconsin Avenue Corridor Plan which identifies this area for residential mixed-use.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development. *The City of Appleton's College North Neighborhood Plan – Chapter 4: Market Study 2020-2030 indicates an average of 301 housing units is needed annually.*
  3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
  2. The effect of the proposed rezoning on surrounding uses. *A variety of uses can be found in the area of the City, including retail, restaurant and service business, and residential (single/two family) uses. The proposed rezoning would allow the owner to obtain the necessary building permits to change the use of the 1<sup>st</sup> floor from a day care facility to a residential dwelling unit and will allow the building to be classified as an upper/lower two-family dwelling unit. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

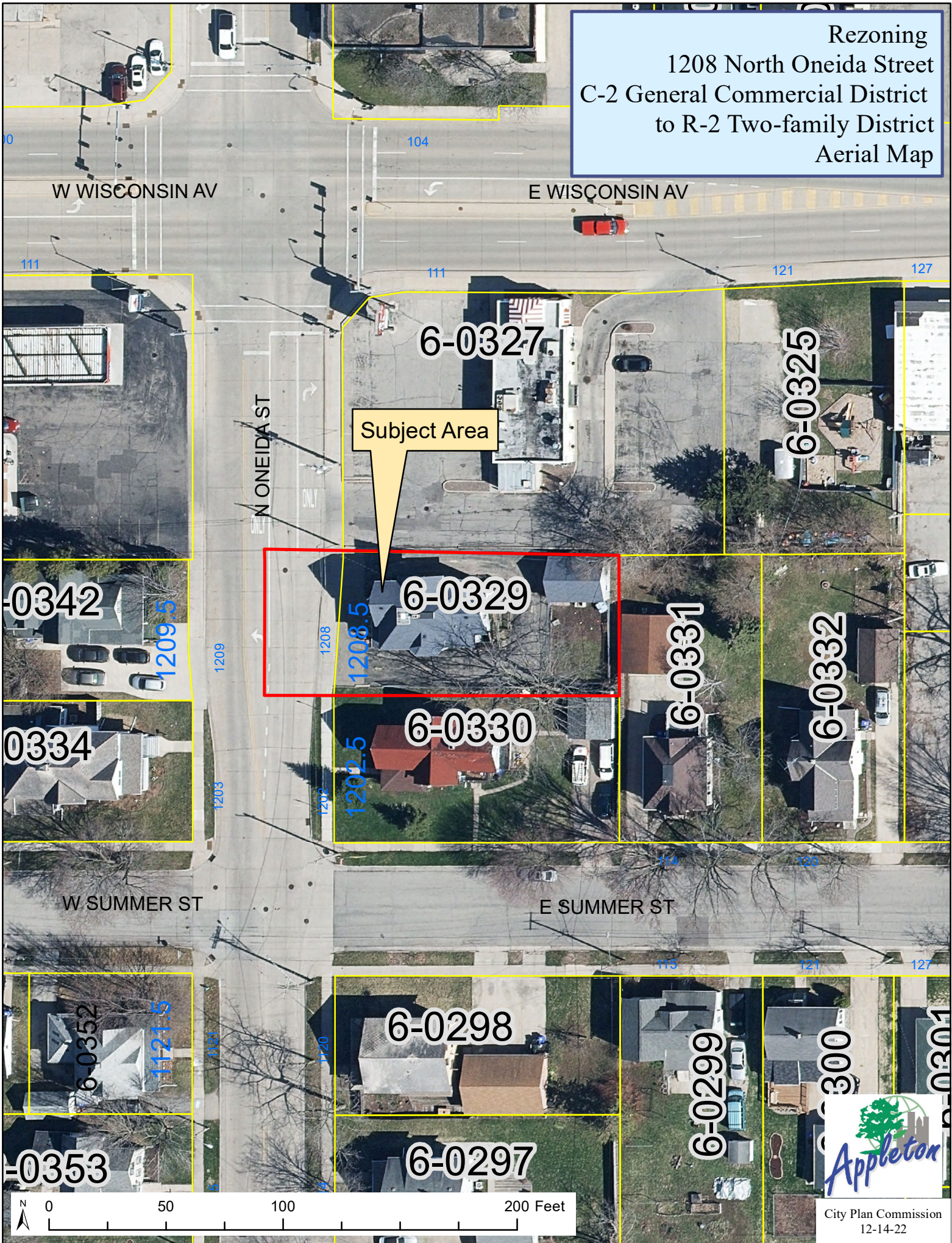
**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

**Technical Review Group (TRG) Report:** This item appeared on the November 22, 2022 TRG agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #5-22 to rezone the subject parcel located at 1208 North Oneida Street (Tax Id #31-6-0329-00) from C-2 General Commercial District to R-2 Two-family District, including the adjacent one-half (1/2) right-of-way of North Oneida Street, as shown on the attached map, **BE APPROVED**.

Rezoning  
1208 North Oneida Street  
C-2 General Commercial District  
to R-2 Two-family District  
Aerial Map



Subject Area

6-0327

6-0325

6-0342

6-0329

6-0331

6-0332

6-0334

6-0330

W SUMMER ST

E SUMMER ST

6-0352

6-0298

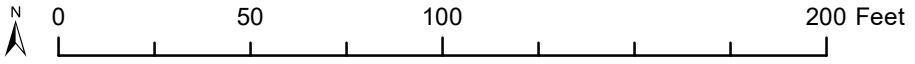
6-0299

6-0300

6-0353

6-0297

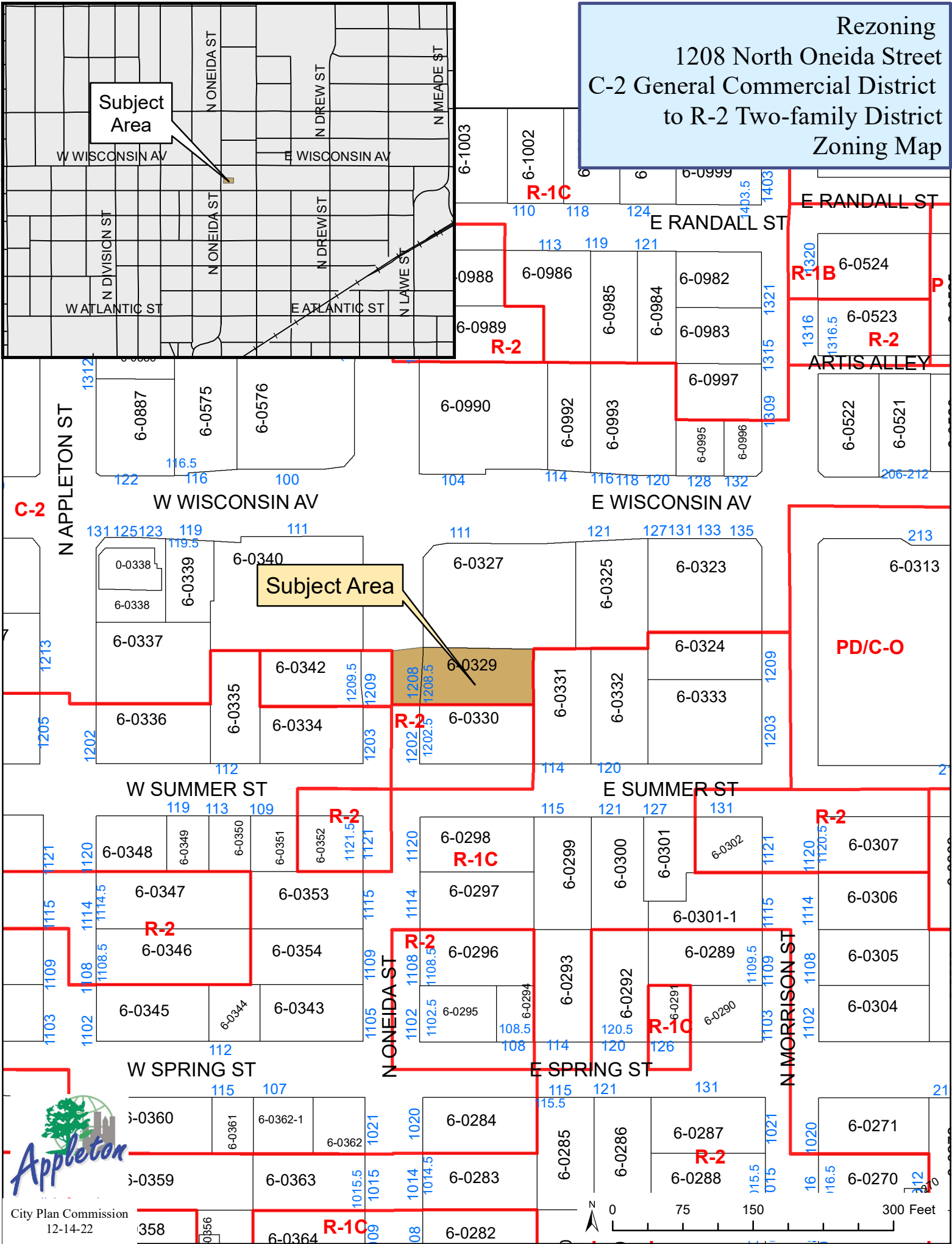
6-0301



Rezoning  
1208 North Oneida Street  
C-2 General Commercial District  
to R-2 Two-family District  
Zoning Map

Subject Area

Subject Area







LEGAL DESCRIPTION OF 1208 N. ONEIDA STREET

DAVID KIMBALLS ADDN 6W D N60FT OF LOT 5 BLK 19 LESS DOC #1873750 FOR  
R/W, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN AND INCLUDING TO  
THE MIDPOINT OF THE ADJACENT RIGHT-OF-WAY. TAX ID NUMBER 31-6-0329-00.



## REPORT TO CITY PLAN COMMISSION

**Municipal Services Committee Meeting Date:** December 12, 2022

**Plan Commission Informal Public Hearing Date:** December 14, 2022

**Common Council Meeting Date – Initial Resolution:** December 21, 2022

**Common Council Meeting Date – Public Hearing (40-day waiting period):** February 1, 2023

**Item:** Street discontinuance to vacate portions of Appleton Street, Pacific Street, and Oneida Street

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

### GENERAL INFORMATION

**Owner/Applicant:** City of Appleton / Tom Kromm, Department of Public Works

**Location:** Portions of Appleton Street, Pacific Street, and Oneida Street, generally located north of Packard Street and south of Atlantic Street

**Owner/Applicant's Request:** The applicant is requesting a street discontinuance to vacate portions of Appleton Street, Pacific Street, and Oneida Street right-of-way.

### BACKGROUND

In summer 2022, the configuration of intersections changed near the “S-curve” between Appleton Street and Oneida Street. These changes occurred as part of the broader Appleton Street reconstruction project. Through this project, the street and sidewalk alignment were adjusted. As a result, the areas proposed for vacation are no longer needed for public right-of-way.

Per Section 23-39 of the Municipal Code, zoning district boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines. In this case, the centerlines would change due to the proposed street vacation. Therefore, it is proposed that existing zoning district boundaries located in the public right-of-way will be amended accordingly, as illustrated on the attached Exhibit “B” map.

### STAFF ANALYSIS

**Title to Vacated Street:** When vacated, the land reverts to its original source, which in this case includes the parcels located adjacent to the proposed vacation areas. Consequently, title to the portions of street being vacated would belong to the adjoining property owners. The owner of parcel #31-2-0748-00 would acquire a vacated part of Oneida Street right-of-way totaling approximately 1,361 square feet. The owner of parcel #31-2-0604-00 would acquire vacated parts of Pacific Street and Appleton Street right-of-way totaling approximately 2,277 square feet. The owner of parcel #31-2-0738-00 would acquire a vacated part of Pacific Street and Appleton Street right-of-way totaling approximately 3,386 square feet. The

## **Street Vacation – Appleton Street, Pacific Street, and Oneida Street**

**December 14, 2022**

**Page 2**

owner of parcel #31-2-0739-00 would acquire a vacated part of Pacific Street and Appleton Street right-of-way totaling approximately 457 square feet. The owner of parcel #31-2-0741-00 would acquire a vacated part of Pacific Street and Oneida Street right-of-way totaling approximately 1,433 square feet. Combined, the proposed street vacation areas total approximately 8,914 square feet.

**Existing Public Utilities:** The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way.

**Street Right-of-Way Width:** As shown on the attached map, the proposal maintains a width of approximately 60 feet for the remaining public right-of-way.

**Street Classification:** The City's Arterial/Collector Plan Map identifies these portions of Appleton Street, Pacific Street, and Oneida Street as collector streets.

**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 residential and commercial in nature.

North: R-1C Central City Residential District. The adjacent land uses to the north are currently single-family residential.

South: PD/R-3 Planned Development Multi-Family District. The adjacent land uses to the south are currently multi-family residential.

East: C-2 General Commercial District. The adjacent land uses to the east are currently a mix of commercial uses.

West: R-1C Central City Residential District and R-2 Two-Family District. The adjacent land uses to the west are currently a mix of single-family and two-family residential.

**Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with future One and Two-Family Residential, Multi-Family Residential, and Mixed Use designations. The proposed street vacation is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

*OBJECTIVE 6.8 Transportation:*

*Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.*

*Policy 6.8.3 Design neighborhood streets that will serve local transportation needs, enhance safety and livability, and improve neighborhood quality.*

**Technical Review Group (TRG) Report:** This item appeared on the November 22, 2022 TRG agenda. No negative comments were received from participating departments.

## Street Vacation – Appleton Street, Pacific Street, and Oneida Street

December 14, 2022

Page 3

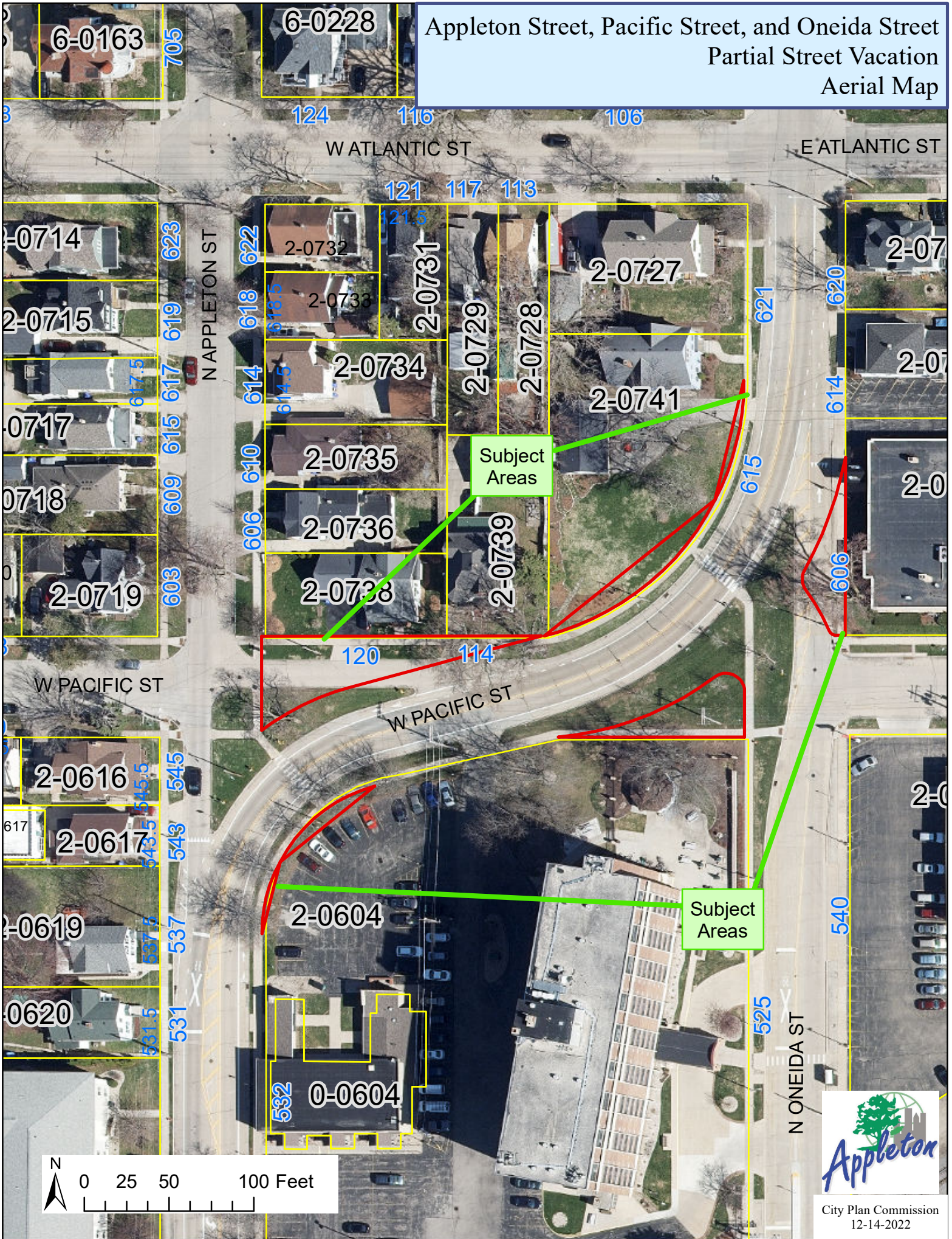
### RECOMMENDATION

---

Staff recommends the discontinuance of portions of Appleton Street, Pacific Street, and Oneida Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED** subject to the following condition:

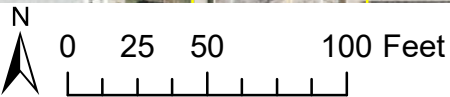
1. The existing zoning district boundaries, currently located in the public right-of-way, shall be amended to align with the changes in street centerlines. The necessary zoning changes are described below and illustrated on the attached Exhibit “B” map. The public right-of-way at the intersection of Appleton Street and Pacific Street, from PD/R-3 Planned Development Multi-Family District to R-1C Central City Residential District. The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to PD/R-3 Planned Development Multi-Family District. The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to C-2 General Commercial District.

# Appleton Street, Pacific Street, and Oneida Street Partial Street Vacation Aerial Map



Subject Areas

Subject Areas



City Plan Commission  
12-14-2022

## **INITIAL RESOLUTION**

**WHEREAS**, the public interest requires that portions of Appleton Street, Pacific Street, and Oneida Street, that have not previously been vacated, be vacated and discontinued,

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that portions of Appleton Street, Pacific Street, and Oneida Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

### **LEGAL DESCRIPTION**

A part of Oneida Street abutting the West side of Block Sixty-Eight (68) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,361 square feet of land and being further described by:

Commencing at the Northeast corner of Pacific Street and Oneida Street, said point also being the Southwest corner of Block 68 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning;

Thence South 89°55'06" West 5.70 feet along the Westerly extension of the North line of Pacific Street;

Thence Northwesterly 4.73 feet along the arc of a curve to the right having a radius of 4.00 feet and the chord of which bears North 56°12'19" West 4.46 feet;

Thence Northwesterly 27.81 feet along the arc of a curve to the left having a radius of 108.00 feet and the chord of which bears North 29°42'19" West 27.73 feet;

Thence Northerly 12.65 feet along the arc of a curve to the right having a radius of 11.00 feet and the chord of which bears North 04°08'10" West 11.96 feet;

Thence Northerly 70.91 feet along the arc of a curve to the left having a radius of 228.50 feet and the chord of which bears North 19°55'06" East 70.63 feet to the East line of Oneida Street;

Thence South 00°01'51" West 104.90 feet along the East line of Oneida Street and being coincident with the West line of said Block 68 to the point of beginning.

AND

A part of Pacific Street abutting the North side of Block Fifty-Nine (59) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter

(SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,832 square feet of land and being further described by:

Commencing at the Southwest corner of Pacific Street and Oneida Street, said point also being the Northeast corner of Block 59 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning;

Thence South 89°55'06" West 111.86 feet along the South line of Pacific Street and being coincident with the North line of said Block 59;

Thence Easterly 102.16 feet along the arc of a curve to the left having a radius of 182.00 feet and the chord of which bears North 69°14'08" East 100.82 feet;

Thence Southeasterly 24.35 feet along the arc of a curve to the right having a radius of 11.00 feet and the chord of which bears South 63°25'02" East 19.68 feet to the Northerly extension of the West line of Oneida Street;

Thence South 00°00'36" West 26.78 feet coincident with the Northerly extension of the West line of Oneida Street to the point of beginning.

AND

A part of Pacific Street and Appleton Street, also being formerly known as a part of Lot Twelve (12), Thirteen (13) and Fourteen (14) of Block Fifty-Nine (59) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 445 square feet of land and being further described by:

Commencing at the Northwest corner of Block 59 of the APPLETON PLAT (aka Second Ward Plat);

Thence South 00°02'57" East 115.69 feet coincident with the West line of said Block 59 to the point of beginning;

Thence North 00°02'57" West 0.33 feet coincident with the West line of said Block 59;

Thence Northeasterly 117.59 feet along the arc of a curve to the right having a radius of 90.00 feet and the chord of which bears North 37°22'50" East 109.40 feet to the existing Southeasterly line of Pacific Street per A.O.D. Document No.778217;

Thence South 51°15'47" West 71.53 feet (recorded as North 50°27'24" East 71.53 feet) coincident with Southeast line of Pacific Street per A.O.D. Document No.778217;

Thence South 14°01'58" West 43.81 feet (recorded as North 12°57'24" East 43.81 feet) coincident with Southeast line of Pacific Street and the East line of Appleton Street per A.O.D. Document No.779003 to the West line of Block 59 and the point of beginning.

AND

A part of Pacific Street and Appleton Street abutting the South side of Block Sixty-Seven (67) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County,



Wisconsin, containing 3,843 square feet of land and being further described by:  
Commencing at the Northeast corner of Pacific Street and Appleton Street, said point also being the Southwest corner of Block 67 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning;  
Thence North 89°55'06" East 165.28 feet along the North line of Pacific Street and being coincident with the South line of said Block 67;  
Thence South 74°55'40" West 117.97 feet;  
Thence Southwesterly 57.49 feet along the arc of a curve to the left having a radius of 150.00 feet and the chord of which bears South 63°56'53" West 57.14 feet to the Southerly extension of the West line of Block 67;  
Thence North 00°02'19" West 55.54 feet coincident with the Southerly extension of the West line of Block 67 to the point of beginning.

AND

A part of Pacific Street and Oneida Street also being formerly known as a part of Lot Seven (7) and Lot Eight (8) of Block Sixty-Seven (67) of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,433 square feet of land and being further described by:

Commencing at the Northeast corner of Pacific Street and Appleton Street, said point also being the Southwest corner of Block 67 of the APPLETON PLAT (aka Second Ward Plat);

Thence North 89°55'06" East 166.83 feet along the North line of Pacific Street and being coincident with the South line of said Block 67 to the Southwest corner of Lot 7 of said Block 67 and being the point of beginning;

Thence North 51°30'19" East 128.76 feet (recorded as North 50°26'53" East 128.73 feet) to a point on the North line of said Lot 7 being 16.99 feet West of the Northeast corner thereof;

Thence North 13°33'47" East 72.61 feet (recorded as North 14°40'01" East 72.61 feet) to a point on the West line of Oneida Street (as platted) said point being 150.56 feet (recorded as 150.56 feet) North of the Southeast corner of said Block 67;

Thence Southwesterly 202.92 feet along the arc of a curve to the right having a radius of 155.00 feet and the chord of which bears South 37°25'22" West 188.74 feet;

Thence South 74°55'40" West 3.22 feet to the point of beginning.

See also attached Exhibit "A" for illustration.

### **EASEMENTS**

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber- optic within the entire length and width of the afore described right of way

areas.

It is further agreed that this easement shall be a permanent easement. It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize, and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing, or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel, and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs, and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

#### **OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA**

It is the intent of the City of Appleton that the existing common lot line between Lot 5 and 6 of said Block 67 be extended in a Southerly direction to its intersection with the proposed Northwesterly line of Pacific Street. The remaining areas of vacated street right of way are intended to accrue to the sole abutting landowner.

#### **ZONING DISTRICT BOUNDARIES**

Per Section 23-39 of the Municipal Code, zoning district boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines. In this case, the centerlines will change due to the proposed street vacation. Therefore, it is the intent of the City of Appleton that existing zoning district boundaries located in the public right-of-way will be amended accordingly.

The public right-of-way at the intersection of Appleton Street and Pacific Street, from PD/R-3 Planned Development Multi-Family District to R-1C Central City Residential District.

The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to PD/R-3 Planned Development Multi-Family District.

The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to C-2 General Commercial District.

See also attached Exhibit "B" for illustration.

#### **COMMON DESCRIPTION:**

Portions of Appleton Street, Pacific Street, and Oneida Street, generally located north of Packard Street and south of Atlantic Street

**FURTHER RESOLVED**, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

**FURTHER RESOLVED**, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said parts of Appleton Street, Pacific Street, and Oneida Street, title to the above-described streets shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

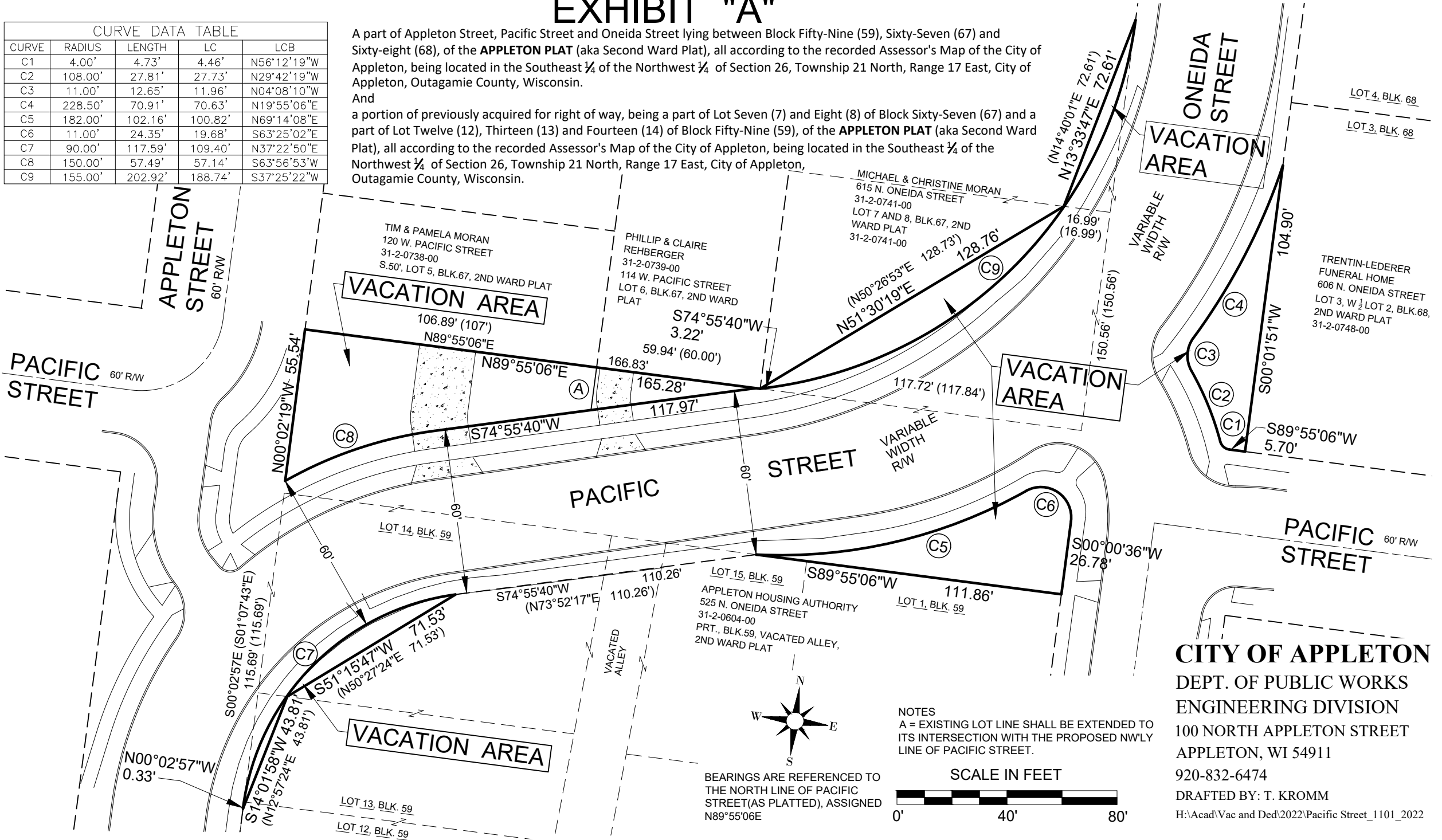
Date: \_\_\_\_\_

# EXHIBIT "A"

CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	4.00'	4.73'	4.46'	N56°12'19"W
C2	108.00'	27.81'	27.73'	N29°42'19"W
C3	11.00'	12.65'	11.96'	N04°08'10"W
C4	228.50'	70.91'	70.63'	N19°55'06"E
C5	182.00'	102.16'	100.82'	N69°14'08"E
C6	11.00'	24.35'	19.68'	S63°25'02"E
C7	90.00'	117.59'	109.40'	N37°22'50"E
C8	150.00'	57.49'	57.14'	S63°56'53"W
C9	155.00'	202.92'	188.74'	S37°25'22"W

A part of Appleton Street, Pacific Street and Oneida Street lying between Block Fifty-Nine (59), Sixty-Seven (67) and Sixty-eight (68), of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast ¼ of the Northwest ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

And a portion of previously acquired for right of way, being a part of Lot Seven (7) and Eight (8) of Block Sixty-Seven (67) and a part of Lot Twelve (12), Thirteen (13) and Fourteen (14) of Block Fifty-Nine (59), of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast ¼ of the Northwest ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
 DRAFTED BY: T. KROMM  
 H:\Acad\Vac and Ded\2022\Pacific Street\_1101\_2022





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Public Hearing Date:** December 14, 2022

**Common Council Public Hearing Date:** January 18, 2023

**Item:** Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) f. thru i. Official maps based on other studies related to LOMR – Case No. 21-05-2374P

**Staff Contact:** Peter Neuberger, P.E., Department of Public Works, Engineering Division

**Report Prepared by:** Don Harp, Principal Planner

### GENERAL INFORMATION

---

**Staff Contact/Petitioner:** Peter Neuberger, P.E., Department of Public Works, Engineering Division

**LOMR Case No.** 21-05-2374P

**Affected Parcels:** 31-1-7608-00, 31-1-7608-37 thru 45, 31-1-7608-47, 31-1-7610-01, 31-1-7610-02, 31-1-7610-24, 31-1-7610-30, 31-1-7610-31, and 31-1-7612-20 thru 27.

**Petitioner's Request:** Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) f. thru i. Official maps based on other studies related to LOMR – Case No. 21-05-2374P

### BACKGROUND/ANALYSIS

---

On July 13, 2022, the Department of Public Works, Engineering Division sent letters to the property owners who own property within the subject area pursuant to Letter of Map Revision (LOMR) Case No. 21-05-2374P.

On September 16, 2022, the City received notification from the Federal Emergency Management Agency (FEMA) that Flood Insurance Rate Map (FIRM) Panel No. 55087C0328D for Outagamie County (see attached) was revised and will go into effect January 27, 2023 by Letter of Map Revision (LOMR). The revisions to this panel were based on additional study performed by Davel Engineering and Environmental, Inc. "Davel" for the incorporated areas in the City of Appleton along Apple Creek Northeast. Davel's Letter of Map Revision (LOMR) revises the FIRM to reflect North Edgewood Estates, a residential subdivision consisting of approximately 45 single-family home sites and accessory structures along Apple Creek Northeast.

**Floodplain Zoning Amendment Chapter 23 Zoning Ordinance**  
**December 14, 2022**  
**Page 2**

The LOMR area is located from a point approximately 330 feet downstream (southeast) of French Road to a point approximately 3,140 feet downstream (southeast) of French Road. As a result of the LOMR, the regulatory floodway will widen and narrow at various locations within the area of revision.

The LOMR will also result in:

1. Increases and decreases in the 1-percent-annual-chance water-surface elevations, with increases ranging from 0 feet to 0.35 feet, and decreases ranging from 0 feet to 0.20 feet, and
2. Widening and narrowing of the 1-percent-annual-chance floodplain.

**Technical Review Group (TRG) Report:** This item appeared on the October 18, 2022 TRG agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

---

Pending public comments, staff recommends the proposed amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code, Section 23-205 (b) (2) f. thru i. Official maps based on other studies, as attached, **BE APPROVED**.

## PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended to be deleted is ~~strikethrough~~.

### ARTICLE X. FLOODPLAIN ZONING

#### DIVISION 1. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS.

##### Sec. 23-205. General provisions.

(b) *Official maps and revisions.* The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Division 8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Public Works, City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

- (2) *Official maps based on other studies.* Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
- a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.
  - b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
  - c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.
  - d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.
  - e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.



- f. LOMR – Case #21-05-2374P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek Northeast Cross Section H through I, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective January 27, 2023. This reflects changes along Apple Creek Northeast from approximately 700 feet downstream of Rubyred Drive to approximately 350 feet downstream of French Road.
- ~~f.~~ g. CLOMR – Case #21-05-3029R. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to approximately 500 feet upstream of Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective November 1, 2021.
- ~~g.~~ h. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:
1. Map dated July 2007 and titled “Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow” (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).
  2. Floodway data table dated 8/28/2007 and titled “Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton”.
  3. Flood profiles dated 7/10/2007 and titled “Figure 3, Maximum Water Surface Profiles” (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.
- ~~g.~~ i. Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.



# Federal Emergency Management Agency

Washington, D.C. 20472

**September 16, 2022**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Jake Woodford  
Mayor, City of Appleton  
100 North Appleton Street  
Appleton, WI 54911

IN REPLY REFER TO:

Case No.: 21-05-2374P  
Follows Conditional  
Case No.: 19-05-10161R  
Community Name: City of Appleton, WI  
Community No.: 555542  
Effective Date of  
This Revision: **January 27, 2023**

Dear Mayor Woodford:

The Flood Insurance Study Report and Flood Insurance Rate Map for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Chicago, Illinois, at (312) 408-5500, or the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Sincerely,

Patrick "Rick" F. Sacbabit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

List of Enclosures:

Letter of Map Revision Determination Document  
Annotated Flood Insurance Rate Map  
Annotated Flood Insurance Study Report

cc: Executive Thomas M. Nelson  
Outagamie County, County Administration Building

Paula Vandehey  
Director of Public Works  
City of Appleton

Steve Swanson  
Zoning Administrator  
Outagamie County

Brian Cunningham  
Wisconsin Department of Natural Resources  
State NFIP Coordinator

Mitchell D. Bauer, P.E.  
Project Engineer  
Davel Engineering & Environmental, Inc.

Follows Conditional Case No.: 19-05-0161R



## Federal Emergency Management Agency

Washington, D.C. 20472

### LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of Appleton Outagamie County Wisconsin	BRIDGE FILL	FLOODWAY 1D HYDRAULIC ANALYSIS UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 555542		
IDENTIFIER	North Edgewood Estates	APPROXIMATE LATITUDE & LONGITUDE: 44.321, -88.349 SOURCE: Other      DATUM: NAD 83	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM*      NO.: 55087C0328D      DATE: July 22, 2010		DATE OF EFFECTIVE FLOOD INSURANCE STUDY: January 20, 2016 PROFILE: 14P FLOODWAY DATA TABLE: 11	

Enclosures reflect changes to flooding sources affected by this revision.  
\* FIRM - Flood Insurance Rate Map

#### FLOODING SOURCE(S) & REVISED REACH(ES)

Apple Creek Northeast - From approximately 700 feet downstream of Rubyred Drive to approximately 350 feet downstream of N. French Road.

#### SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Apple Creek Northeast	BFEs*	BFEs	YES	YES
	Zone AE	Zone AE	YES	YES
	Zone X (shaded)	Zone X (shaded)	YES	YES
	Floodway	Floodway	YES	YES

\* BFEs - Base (1-percent-annual-chance) Flood Elevations

#### DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbbit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

21-05-2374P

102-I-A-C



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

**OTHER COMMUNITIES AFFECTED BY THIS REVISION**

**CID Number:** 550302      **Name:** Unincorporated Areas of Outagamie County, Wisconsin

**AFFECTED MAP PANELS**

**AFFECTED PORTIONS OF THE FLOOD INSURANCE STUDY REPORT**

TYPE: FIRM\*    NO.: 55087C0328D    DATE: July 22, 2010

DATE OF EFFECTIVE FLOOD INSURANCE STUDY: January 20, 2016  
PROFILE(S): 14P  
FLOODWAY DATA TABLE: 11

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

  
 Patrick "Rick" F. Sacbbit, P.E., Branch Chief  
 Engineering Services Branch  
 Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

### COMMUNITY INFORMATION

#### APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

#### COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacibit".

Patrick "Rick" F. Sacibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent-annual-chance floodplain to reflect the placement of fill. However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any structure placed within the subject area be elevated to or above the Base (1-percent-annual-chance) Flood Elevation.


We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mary Beth Caruso  
Director, Mitigation Division  
Federal Emergency Management Agency, Region V  
536 South Clark Street, Sixth Floor  
Chicago, IL 60605  
(312) 408-5500

### STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

  
Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

21-05-2374P

102-I-A-C



Federal Emergency Management Agency  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

**PUBLIC NOTIFICATION OF REVISION**

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at [https://www.floodmaps.fema.gov/fhm/bfe\\_status/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp)

LOCAL NEWSPAPER

Name: *Post Crescent*

Dates: September 23, 2022 and September 30, 2022

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

FLOODING SOURCE		FLOODWAY					1-PERCENT-ANNUAL-CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD 88)			
CROSS SECTION	DISTANCE	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	WIDTH REDUCED FROM PRIOR STUDY (FEET)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE	
APPLE CREEK NORTH OVERLAND FLOW	793 <sup>1</sup>	126	95	5.0	0.0	739.3	739.3	739.3	0.0	
APPLE CREEK NORTHEAST	424 <sup>2</sup>	117	219	4.2	0	721.2	721.2	721.2	0.0	
A	1,892 <sup>2</sup>	211	334	2.7	0	724.5	724.5	724.5	0.0	
B	2,787 <sup>2</sup>	360	459	2.0	0	726.0	726.0	726.0	0.0	
C	3,600 <sup>2</sup>	271	418	2.2	0	728.2	728.2	728.2	0.0	
D	6,058 <sup>2</sup>	277	809	1.1	423	731.2	731.2	731.2	0.0	
E	7,680 <sup>2</sup>	206	262	3.5	43	736.3	736.3	736.3	0.0	
F	8,585 <sup>2</sup>	181	202	1.8	0	737.9	737.9	737.9	0.0	
G	9,015 <sup>2</sup>	148	146	2.5	65	739.0	739.0	739.0	0.0	
H	10,658 <sup>2</sup>	190	97	3.8	0	742.1	742.1	742.1	0.0	
I	11,717 <sup>2</sup>	192	226	1.6	0	745.4	745.4	745.4	0.0	
J	12,497 <sup>2</sup>	312	444	0.5	0	750.6	750.6	750.6	0.0	
K	13,237 <sup>2</sup>	126	251	0.9	89	751.1	751.1	751.1	0.0	
L	14,445 <sup>2</sup>	42	51	4.3	0	755.7	755.7	755.7	0.0	
M	14,579 <sup>2</sup>	170	1,640	0.3	0	760.2	760.2	760.2	0.0	
N	16,357 <sup>2</sup>	42	27	2.8	0	761.3	761.3	761.3	0.0	
O										
APPLE CREEK OVERLAND FLOW	297 <sup>2</sup>	234	403	2.4	121	757.9	757.9	757.9	0.0	
A	1093 <sup>2</sup>	155	211	4.6	0	765.0	765.0	765.0	0.0	
B										

<sup>1</sup> FEET ABOVE CONFLUENCE WITH APPLE CREEK NORTHEAST, <sup>2</sup> FEET ABOVE CONFLUENCE WITH APPLE CREEK

**REVISED TO REFLECT LOMR**

**EFFECTIVE: January 27, 2023**

**FLOODWAY DATA**

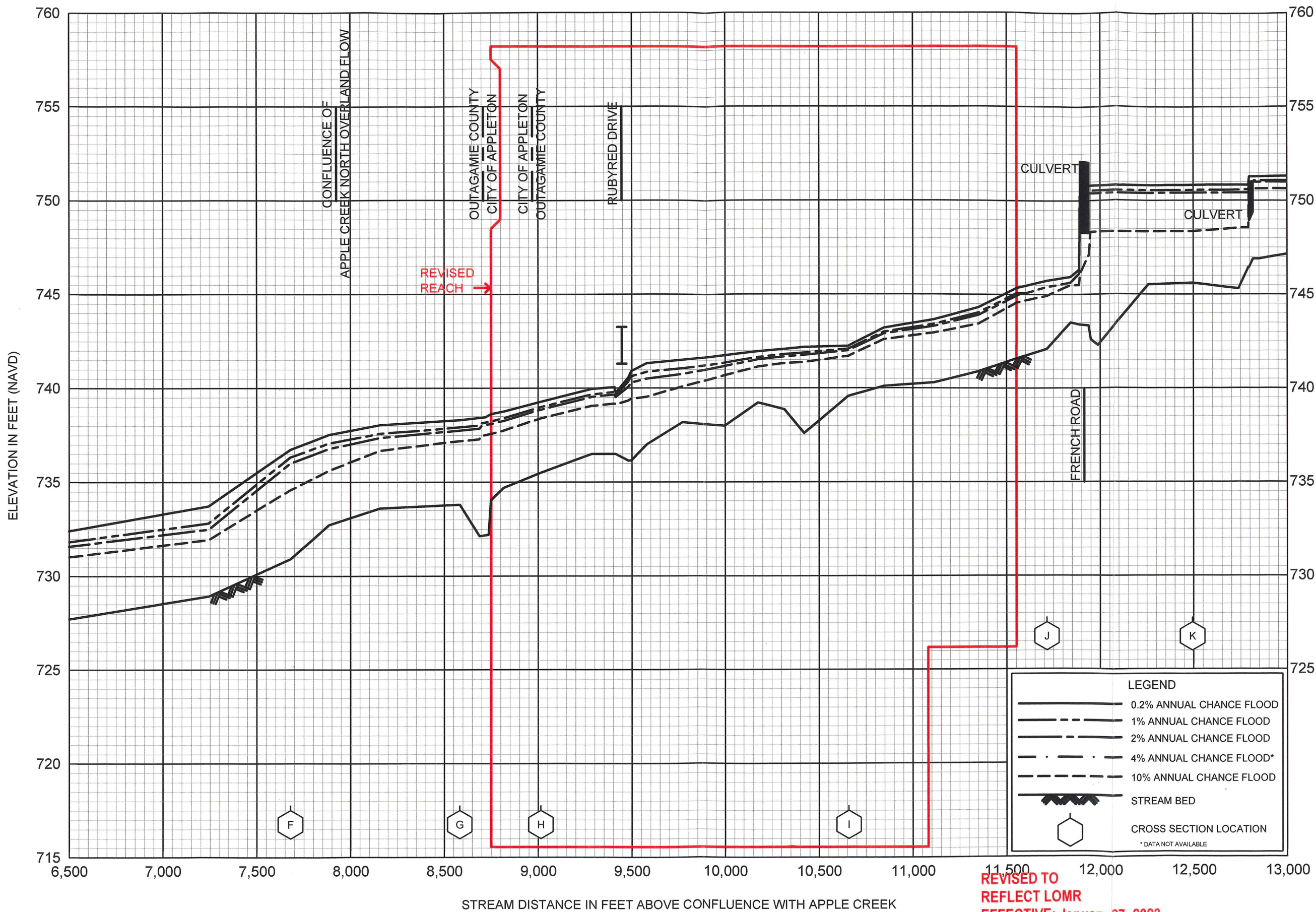
FEDERAL EMERGENCY MANAGEMENT AGENCY

**OUTAGAMIE COUNTY, WI AND INCORPORATED AREAS**

APPLE CREEK NORTH OVERLAND FLOW - APPLE CREEK NORTHEAST - APPLE CREEK OVERLAND FLOW

**TABLE 11**





FLOOD PROFILES  
APPLE CREEK NORTHEAST

FEDERAL EMERGENCY MANAGEMENT AGENCY  
OUTAGAMIE COUNTY, WI  
AND INCORPORATED AREAS

**Without Base Flood Elevation (BFE)**  
Zone A, V, A99

**With BFE or Depth**  
Zone AE, AO, AH, VE, AP

**Regulatory Floodway**

**0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile**  
Zone X

**Future Conditions 1% Annual Chance Flood Hazard**  
Zone X

**Area with Reduced Flood Risk due to Levee**  
See Notes, Zone X

**SPECIAL FLOOD HAZARD AREAS**

**OTHER AREAS OF FLOOD HAZARD**

**SCALE**

Map Projection:  
NAD 1983 UTM Zone 16N;  
Western Hemisphere, Vertical Datum: NAVD 88

1 inch = 500 feet

0 250 500 1,000 Feet

0 75 150 300 Meters

**NATIONAL FLOOD INSURANCE PROGRAM**  
FLOOD INSURANCE RATE MAP  
OUTAGAMIE COUNTY, WISCONSIN  
and Incorporated Areas

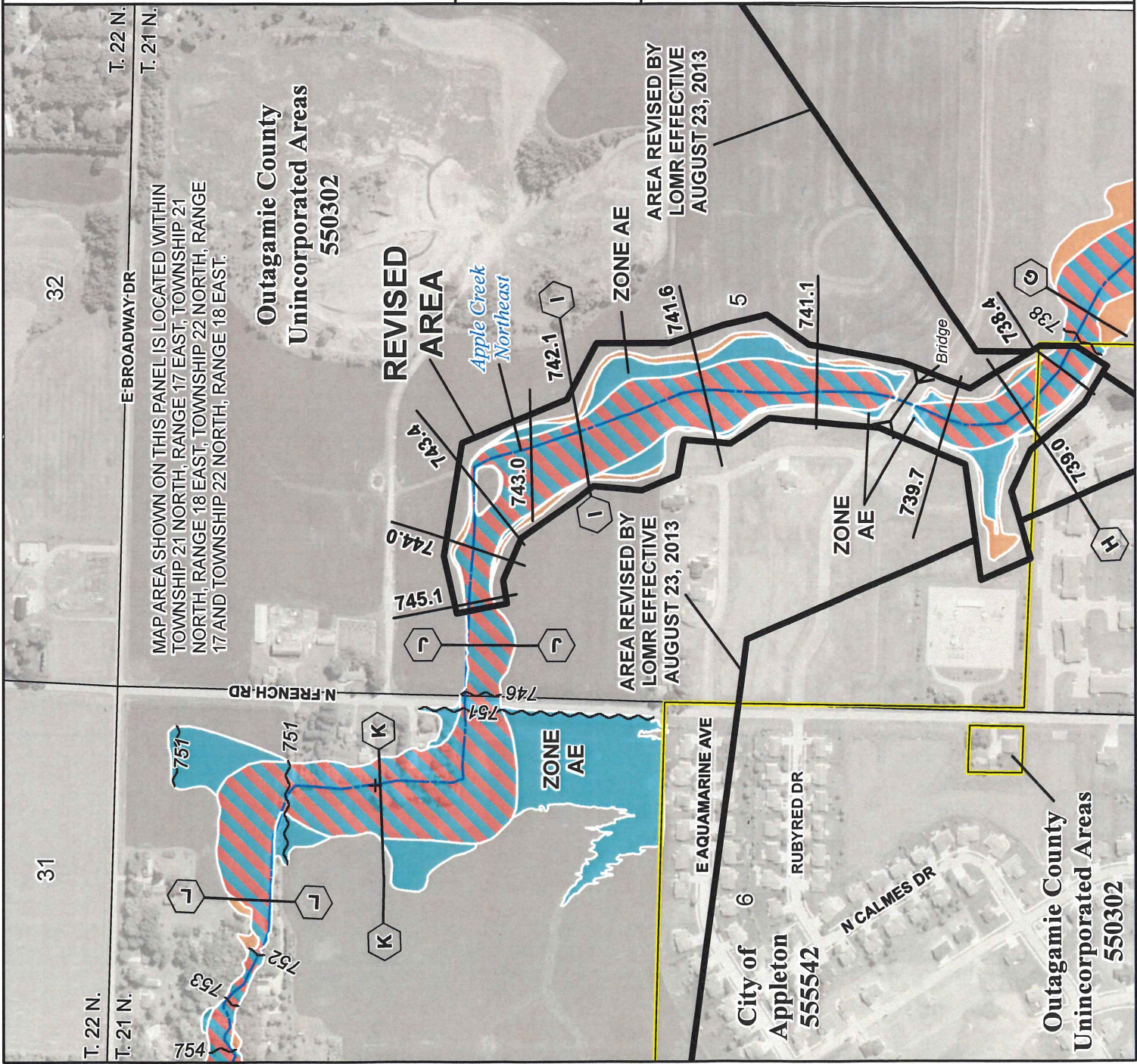
**FEMA**

**328 of 500**

Panel Contains:  
COMMUNITY NUMBER 555542  
APPLETON, CITY OF OUTAGAMIE COUNTY 550302

**REVISOR TO REFLECT LOMR EFFECTIVE: January 27, 2023**

VERSION NUMBER 2.1.3.0  
MAP NUMBER 55087C0328D  
EFFECTIVE DATE JULY 22, 2010





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** December 14, 2022

**Common Council Meeting Date:** December 21, 2022

**Item:** Certified Survey Map #30-22

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

---

**Owner:** Lawrence University c/o Joseph King

**Applicant:** Rettler Corporation c/o Andrew Cofran

**Address/Parcel:** 1201 Banta Court & 1100 E. South River Street (Tax Id #'s 31-4-0279-00, 31-4-0279-01, 31-4-0805-00, 31-4-0819-00, 31-4-0820-00, 31-4-0823-00 & 31-4-0823-01)

**Petitioner's Request:** The applicant is requesting approval of a 1-Lot Certified Survey Map (CSM) that crosses a plat boundary.

### BACKGROUND

---

Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcel #'s 31-4-0823-00 and 31-4-0823-01 were included in Certified Survey Map #7203, parcel #31-4-0805-00 was included in the Edward West plat, parcel #'s 31-4-0279-00 and 31-4-0279-01 are in the Westwood plat and parcel #'s 31-4-0819-00 and 31-4-0820-00 were included in the Fourth 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.

This CSM will combine the seven existing parcels to accommodate existing and future site improvements.

### STAFF ANALYSIS

---

**Existing Conditions:** The parcels currently contain athletic facilities and associated accessory structures (Alexander Gym, Whiting Field and Banta Bowl) that are used by Lawrence University. All parcels have a zoning designation of P-I Public Institutional District. The total land area included in the CSM is approximately 34.286 acres.

**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 P-I Public Institutional District, there is no minimum required lot area or lot width, per Section 23-100(h) of the Municipal Code. Proposed lot satisfies the lot development standards.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton and includes a mix of uses.

## Certified Survey Map #30-22

December 14, 2022

Page 2

North: P-I Public Institutional District. The adjacent land uses to the north are currently railroad right-of-way and the Newberry recreation trail.

South: PD/R-3 Planned Development Multi-Family District, P-I Public Institutional District PD/C-O Planned Development Commercial Office District, R-1B Single Family District, R-2 Two-Family District and C-2 General Commercial District. The adjacent land uses to the south are currently multi-family, office, single family, two-family and commercial.

East: P-I Public Institutional District. The adjacent land use to the east is currently public right-of-way.

West: P-I Public Institutional District. The adjacent land to the west is currently undeveloped.

**Appleton Comprehensive Plan 2010-2030:** Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Public-Institutional designation shown on the City's *Comprehensive Plan 2010-2030 Future Land Use Map*.

**Technical Review Group (TRG) Report:** This item appeared on the November 22, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

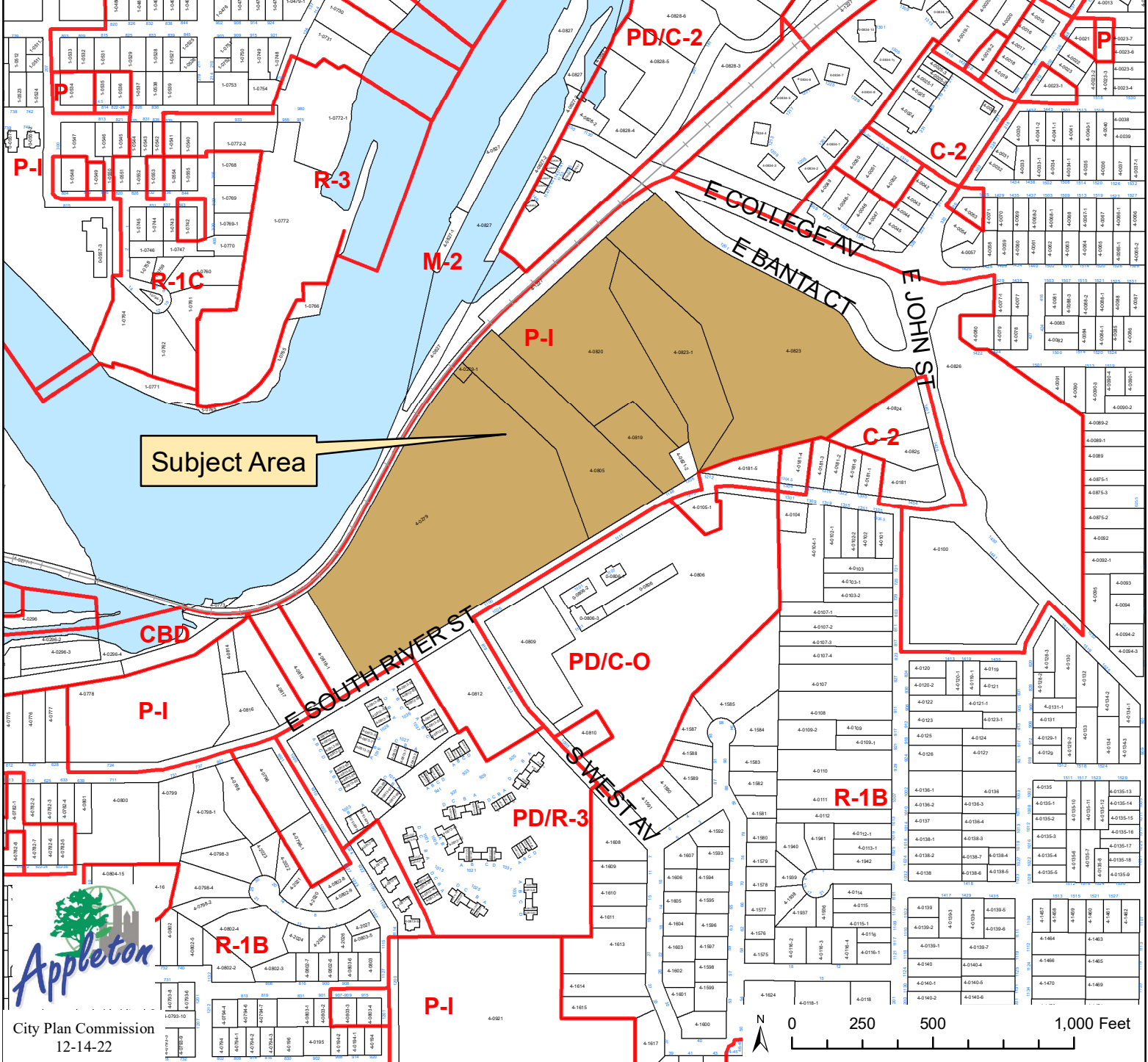
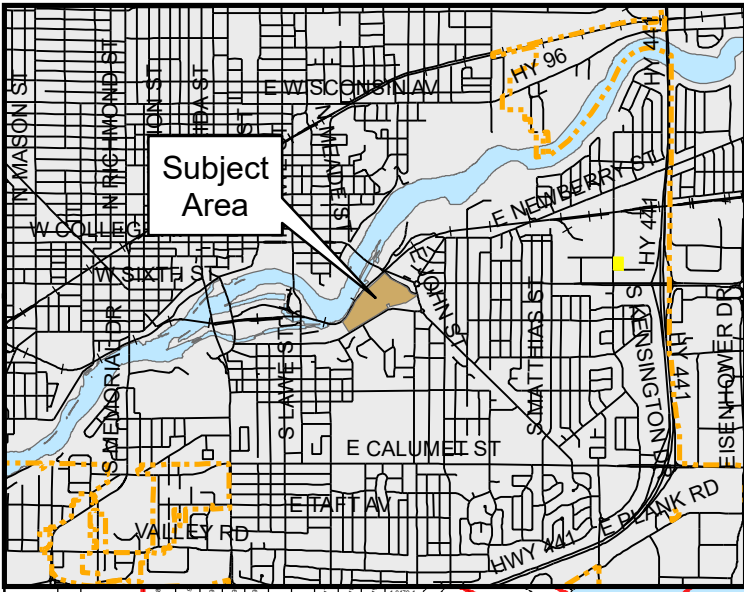
### **RECOMMENDATION**

---

Based on the above, staff recommends that Certified Survey Map #30-22, as shown on the attached map, **BE APPROVED** subject to the following conditions:

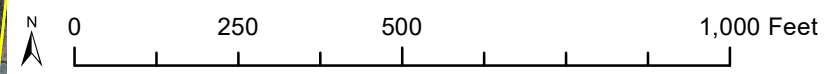
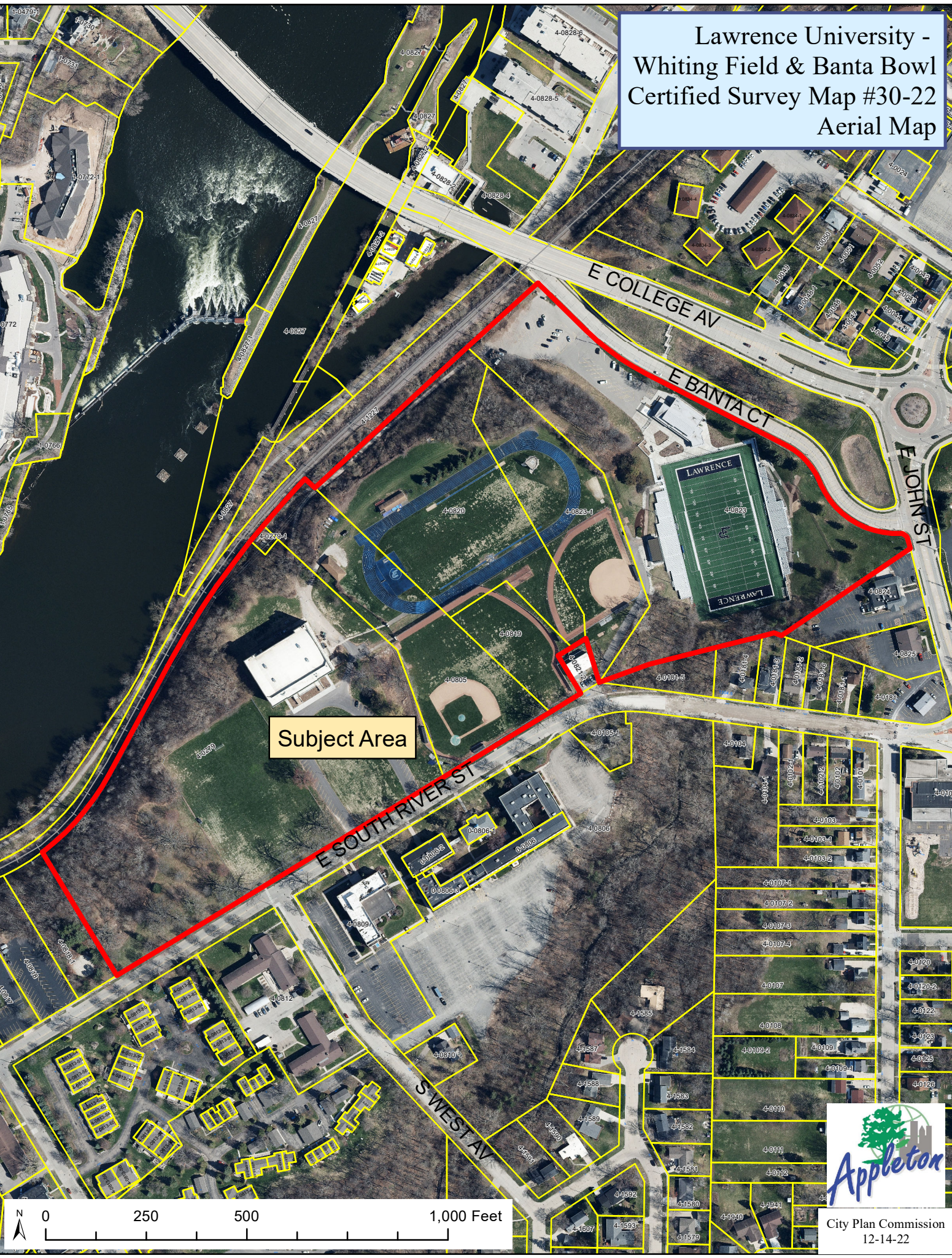
1. The Banta Court right of way is shown incorrectly at the most Easterly point of the C.S.M., revise as necessary. C.S.M. #7203 also shows this right of way incorrectly. If you believe that the right of way is shown correctly please provide reference material that supports your belief.
2. Remove all the references to parcel #4-821-2 that are contained within the surveyor's certificate and within the abbreviated descriptions at the top of each sheet. A title document reference for this parcel may be added in place of the parcel number if so desired.
3. Add the words "per the Assessor's Map of the City of Appleton" after every instance of the legal descriptions that end with the words "FOURTH WARD PLAT (AKA EDWARD WEST'S FOURTH WARD PLAT)".
4. Add the words, Lot 1 and Outlot 2 of Certified Survey Map No.7203 to every area of the legal descriptions.
5. Remove the word dedicated from the owner's certificate or identify what is being dedicated.
6. The intent of City code 17-17(4) is to list the title documents used to delineate the exterior boundary of the proposed Certified Survey Map. On sheet 6 the paragraph that starts with "This Certified Survey Map is contained wholly within the property described in the following recorded instruments:" should contain only the title documents used to delineate the exterior boundary of the proposed Certified Survey Map. Remove all Plat document references in this paragraph. Relocate the documents to the paragraph below if so desired.
7. Per State Statute 236.34(1), This C.S.M. crosses the exterior boundary of a recorded subdivision and does not meet the minimum required monumentation, as detailed in Chapter 236.34.

# Lawrence University - Whiting Field & Banta Bowl Certified Survey Map #30-22 Zoning Map



Lawrence University -  
Whiting Field & Banta Bowl  
Certified Survey Map #30-22  
Aerial Map

Subject Area



OUTAGAMIE COUNTY CERTIFIED SURVEY MAP# \_\_\_\_\_

LEGAL DESCRIPTION

CERTIFIED SURVEY MAP FOR LAWRENCE UNIVERSITY OF WISCONSIN, BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

BASE FOR BEARING

IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 36, T21N R17E, RECORDED TO BEAR N 89°36'04" W USING OUTAGAMIE COUNTY COORDINATES.



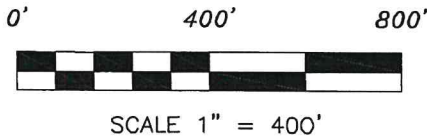
SURVEY NOTE

OUT LOT 1 MUST BE CONVEYED WITH LOT 1 IN ANY TRANSFER OF PROPERTY AS SHOWN ON CSM #7203

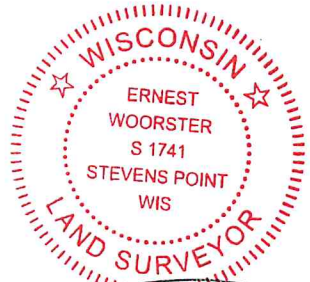
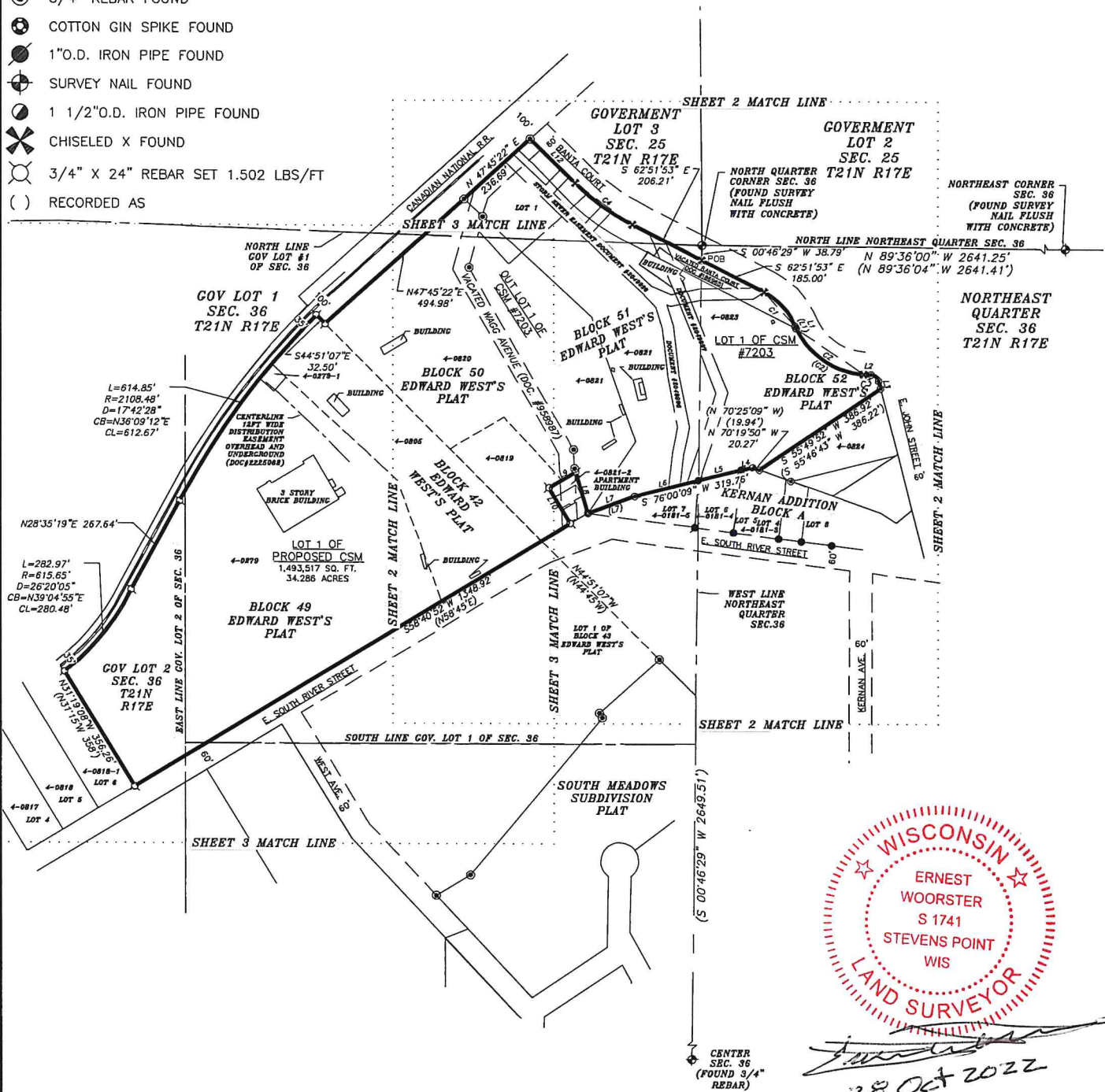
AREA OF IMPERVIOUS SURFACE:  
309,700 SQUARE FEET  
21% OF LOT 1, OUT LOT 1, & LOT 2

LEGEND

- 5/8" REBAR FOUND
- ⊙ 3/4" REBAR FOUND
- ⊙ COTTON GIN SPIKE FOUND
- ⊙ 1" O.D. IRON PIPE FOUND
- ⊙ SURVEY NAIL FOUND
- ⊙ 1 1/2" O.D. IRON PIPE FOUND
- ⊙ CHISELED X FOUND
- ⊙ 3/4" X 24" REBAR SET 1.502 LBS/FT
- ( ) RECORDED AS



SPACE RESERVED FOR RECORDING INFORMATION



*Ernest Woorster*  
28 Oct 2022

**RETTLER** LAND SURVEY DIVISION  
corporation PROFESSIONAL LAND SURVEYOR  
3317 Business Park Drive, Stevens Point, WI 54482  
Telephone: 715-341-2633, Fax: 715-341-0431  
email: info@rettler.com, website: www.rettler.com  
ERNEST WOORSTER PLS #1741  
715-341-2633

THIS INSTRUMENT WAS DRAFTED BY ANDREW COFRAN AND DRAWN BY ANDREW COFRAN  
JOB # 21.067 SHEET 1 OF 7 SHEETS

OUTAGAMIE COUNTY CERTIFIED SURVEY MAP#

LEGAL DESCRIPTION

CERTIFIED SURVEY MAP FOR LAWRENCE UNIVERSITY OF WISCONSIN, BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

BASE FOR BEARING

IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 36, T21N R17E, RECORDED TO BEAR N 89°36'04" W USING OUTAGAMIE COUNTY COORDINATES.



SURVEY NOTE

OUT LOT 1 MUST BE CONVEYED WITH LOT 1 IN ANY TRANSFER OF PROPERTY AS SHOWN ON CSM #7203

AREA OF IMPERVIOUS SURFACE:  
309,700 SQUARE FEET  
21% OF LOT 1, OUT LOT 1, & LOT 2



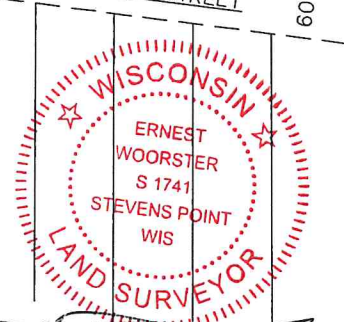
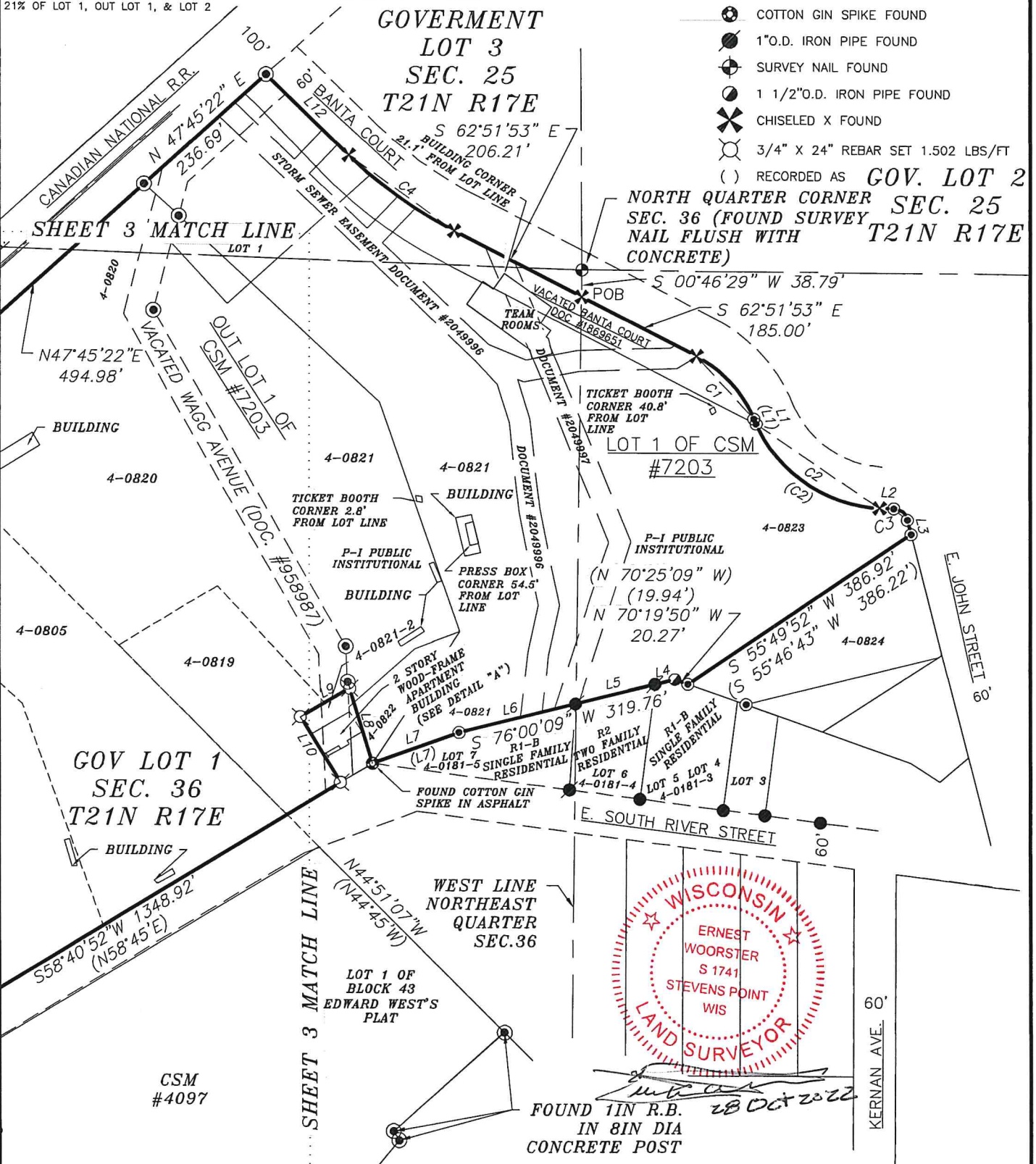
SCALE 1" = 200'

GOVERNMENT  
LOT 3  
SEC. 25  
T21N R17E

SPACE RESERVED FOR RECORDING INFORMATION  
LEGEND

- 5/8" REBAR FOUND
- ⊙ 3/4" REBAR FOUND
- ⊗ COTTON GIN SPIKE FOUND
- ⊖ 1" O.D. IRON PIPE FOUND
- ⊕ SURVEY NAIL FOUND
- ⊙ 1 1/2" O.D. IRON PIPE FOUND
- ⊗ CHISELED X FOUND
- ⊗ 3/4" X 24" REBAR SET 1.502 LBS/FT

( ) RECORDED AS GOV. LOT 2  
NORTH QUARTER CORNER SEC. 25  
SEC. 36 (FOUND SURVEY  
NAIL FLUSH WITH  
CONCRETE) T21N R17E



FOUND 1IN R.B.  
IN 8IN DIA  
CONCRETE POST

*Ernest Woorster*  
28 Oct 2022

**RETTLER** LAND SURVEY DIVISION  
corporation PROFESSIONAL LAND SURVEYOR  
3317 Business Park Drive, Stevens Point, WI 54482  
Telephone: 715-341-2633, Fax: 715-341-0431  
email: info@rettler.com, website: www.rettler.com

ERNEST WOORSTER PLS #1741  
715-341-2633

THIS INSTRUMENT WAS DRAFTED BY ANDREW COFRAN  
AND DRAWN BY ANDREW COFRAN

JOB # 21.067 SHEET 2 OF 7 SHEETS





OUTAGAMIE COUNTY CERTIFIED SURVEY MAP# \_\_\_\_\_

LEGAL DESCRIPTION

CERTIFIED SURVEY MAP FOR LAWRENCE UNIVERSITY OF WISCONSIN, BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

BASE FOR BEARING

IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 36, T21N R17E, RECORDED TO BEAR N 89°36'04" W USING OUTAGAMIE COUNTY COORDINATES.

SURVEY NOTE

OUT LOT 1 MUST BE CONVEYED WITH LOT 1 IN ANY TRANSFER OF PROPERTY AS SHOWN ON CSM #7203

AREA OF IMPERVIOUS SURFACE:  
309,700 SQUARE FEET  
21% OF LOT 1, OUT LOT 1, & LOT 2

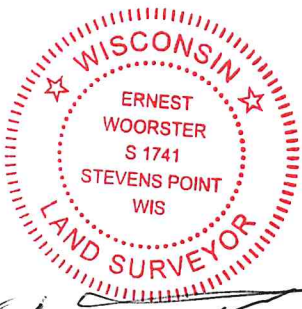
LEGEND

- 5/8" REBAR FOUND
- ⊙ 3/4" REBAR FOUND
- ⊗ COTTON GIN SPIKE FOUND
- ⊘ 1" O.D. IRON PIPE FOUND
- ⊕ SURVEY NAIL FOUND
- ⊖ 1 1/2" O.D. IRON PIPE FOUND
- ⊗ CHISELED X FOUND
- ⊗ 3/4" X 24" REBAR SET 1.502 LBS/FT
- ( ) RECORDED AS

SPACE RESERVED FOR RECORDING INFORMATION

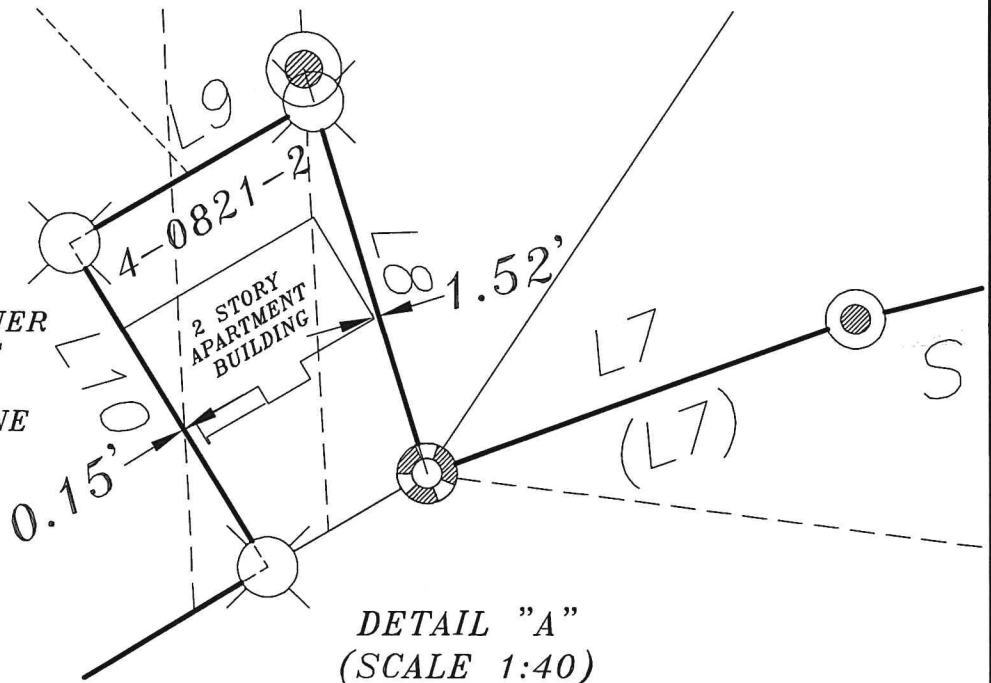
LINE	BEARING	DISTANCE
L1	S 24°22'38" E	8.04
(L1)	(S 23°15'53" E)	(7.92')
L2	S 88°25'49" E	20.27'
L3	S 14°16'39" E	21.33'
L4	S 76°00'09" W	29.62'
L5	S 76°00'09" W	118.04'
L6	S 76°00'09" W	172.10'
L7	S 70°00'48" W	132.21'
(L7)	(S 70°00'09" W)	(132.29')
L8	N 16°47'18" W	113.03'
L9	S 59°39'18" W	82.01'
L10	S 31°19'08" E	110.00'
L11	S 45°39'59" E	165.75'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	175.51'	124.66'	122.06'	S 42°30'58" E	40°41'49"
C2	206.50'	225.40'	214.38'	S 55°38'40" E	62°32'28"
(C2)	(206.50')	(225.62')	(214.56')	(S 55°39'48" E)	(62°35'58")
C3	20.00'	27.72'	25.55'	S 50°24'12" E	79°24'20"
C4	624.55'	187.47'	186.77'	S 54°15'56" E	17°11'55"



*Andrew Cofran*  
28 Oct 2022

BUILDING CORNER  
ENCROACHES  
0.15' OVER  
PROPERTY LINE



DETAIL "A"  
(SCALE 1:40)

## CERTIFIED SURVEY MAP #

CERTIFIED SURVEY MAP FOR LAWRENCE UNIVERSITY OF WISCONSIN, BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

### SURVEYOR'S CERTIFICATE

I, ERNEST WOORSTER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT BY THE DIRECTION OF LAWRENCE UNIVERSITY OF WISCONSIN, I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING DESCRIBED PARCEL OF LAND.

A PARCEL OF LAND CONTAINING 1,493,517 SQUARE FEET ( 34.286 ACRES ) BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

THE EXTERIOR BOUNDARY OF SAID LAND IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 21 EAST;

THENCE S 00°46'29" W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36, 38.79', TO THE SOUTH RIGHT OF WAY OF BANTA COURT, AND THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE S 62°51'53" E, ALONG SAID SOUTH RIGHT OF WAY, 185.00';

THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY, 124.66' ALONG THE ARC OF A CURVE, CENTER WHICH LIES TO THE SOUTHWEST, RADIUS OF 175.51', CHORD WHICH BEARS S 42°30'58" E, 122.06';

THENCE S 24°22'38" E, ALONG SAID SOUTH RIGHT OF WAY, 8.04';

THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY, 225.40' ALONG THE ARC OF A CURVE, CENTER WHICH LIES TO THE NORTHEAST, RADIUS OF 206.50', CHORD WHICH BEARS S 55°38'40" E, 214.38';

THENCE S 88°25'49" E, 20.27', ALONG THE SAID NORTH RIGHT OF WAY;

THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY, 27.72' ALONG THE ARC OF A CURVE, CENTER WHICH LIES TO THE SOUTHWEST, RADIUS OF 20.00', CHORD WHICH BEARS S 50°24'12" E, 25.55', TO THE WEST RIGHT OF WAY OF EAST JOHN STREET;

THENCE S 14°16'39" E, 21.33' ALONG SAID WEST RIGHT OF WAY;

THENCE S 55°49'52" W, 386.92' TO THE NORTH LINE OF KERNAN ADDITION, BLOCK A;

THENCE N 70°19'50" W, 20.27' ALONG SAID NORTH LINE;

THENCE S 76°00'09" W, 319.76' ALONG SAID NORTH LINE;

THENCE S 70°00'48" W, 132.21' ALONG SAID NORTH LINE, TO THE SOUTHEAST CORNER OF PARCEL# 4-0821-2, SAID POINT BEING ON THE NORTH RIGHT OF WAY OF EAST SOUTH RIVER STREET MARKED BY A FOUND COTTON GIN SPIKE;

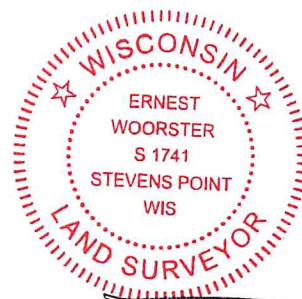
THENCE N 16°47'18" W, 113.03' ALONG THE EAST LINE OF SAID PARCEL TO THE NORTHEAST CORNER THEREOF;

THENCE S 59°39'18" W, 82.01' ALONG THE NORTH LINE OF SAID PARCEL TO THE NORTHWEST CORNER THEREOF;

THENCE S 31°19'08" E, 110.00' ALONG THE WEST LINE OF SAID PARCEL THE SOUTHWEST CORNER THEREOF AND A POINT ON THE NORTH RIGHT OF WAY OF EAST SOUTH RIVER STREET;

THENCE S 58°40'52" W, 1348.92' ALONG THE SAID NORTH RIGHT OF WAY TO A POINT ON THE NORTH RIGHT OF WAY OF E. SOUTH RIVER STREET, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 6 OF BLOCK 49 OF THE 4<sup>TH</sup> WARD PLAT (AKA EDWARD WEST'S PLAT);

THENCE N 31°19'08" W 356.26' ALONG THE EAST LINE OF SAID LOT 6 TO THE NORTHEAST CORNER THEREOF AND A POINT ON THE SOUTHERLY RIGHT OF WAY OF CANADIAN NATIONAL RAILROAD, SAID POINT ALSO BEING A POINT ON A 615.65' RADIUS CURVE TO THE LEFT WITH A CHORD BEARING N 39°04'55" E, 280.48';



*Ernest Woorster*  
28 Oct 2022

## CERTIFIED SURVEY MAP #

CERTIFIED SURVEY MAP FOR LAWRENCE UNIVERSITY OF WISCONSIN, BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING (5) FIVE COURSES;

THENCE 282.97' ALONG THE ARC OF SAID CURVE;

THENCE N 28°35'19" E, 267.64' TO A POINT TANGENT TO A 2108.48' RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING N 36°09'12" E, 612.67';

THENCE 614.85' ALONG THE ARC OF SAID CURVE TO AN ANGLE POINT;

THENCE S 44°51'07" E, 32.50';

THENCE N 47°45'22" E, 494.98' TO A REBAR FOUND AND SHOWN ON CSM #7203 ON FILE (VOLUME 43 AND PAGE 7203) WITH OUTAGAMIE REGISTER OF DEEDS;

THENCE N 47°45'22" E, ALONG SAID CSM, 236.69' TO THE SOUTH RIGHT OF WAY OF BANTA COURT;

THENCE S 45°39'59" E, 165.75' ALONG THE SAID SOUTH RIGHT OF WAY;

THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY, 187.47' ALONG THE ARC OF A CURVE, CENTER WHICH LIES TO THE NORTHEAST, RADIUS OF 624.55', CHORD WHICH BEARS S 54°15'56" E, 186.77';


THENCE S 62°51'53" E, 206.21' ALONG THE SAID SOUTH RIGHT OF WAY TO THE POINT OF BEGINNING, THERE TERMINATING.

THAT I HAVE COMPLIED FULLY WITH THE CURRENT PROVISIONS OF CHAPTER A-E7, AND OF CHAPTER 236.34 OF THE REVISED WISCONSIN STATUTES, AND THE SUBDIVISION ORDINANCE OF THE CITY OF APPLETON IN SURVEYING, DIVIDING, AND MAPPING SAME.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY OF THE LANDS SURVEYED AND MAPPED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS SURVEY IS SUBJECT TO ROADWAYS, EASEMENTS, AND RESERVATIONS, OF RECORD.

CERTIFIED THIS 27TH DAY OF OCTOBER, 2022

SIGNED:   
ERNEST WOORSTER PLS #1741



THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS: DOC #194 - FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT), DOC. #1792143, DOC. #2225068, DOC. #958987, DOC. #263610 WESTWOOD PLAT VOLUME A, PAGE 41, DOC. #255955, DOC. #511106 AS RECORDED IN VOLUME 504 ON PAGE 301, AND DOC. #1869651 COVERING PARCEL #'S 4-0821, 4-0822, AND 4-0823 WHICH IS OWNED BY LAWRENCE UNIVERSITY OF WISCONSIN.

OTHER DOCUMENTS USED AS REFERENCE IN PERFORMING THIS SURVEY: DOC #512270 - SOUTH MEADOWS PLAT, DOC #122590 - KERNAN ADDITION, DOC #1418629 - CSM #4097, AND DOC #2076746 - CSM #7203.

**CERTIFIED SURVEY MAP # \_\_\_\_\_**

CERTIFIED SURVEY MAP FOR LAWRENCE UNIVERSITY OF WISCONSIN, BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

APPROVED BY THE CITY OF APPLETON ON THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
JACOB A. WOODFORD, MAYOR

\_\_\_\_\_  
KAMI LYNCH, CITY CLERK

**CITY OF APPLETON FINANCE CERTIFICATE**

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OF UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
JERI OHMAN, DIRECTOR OF FINANCE

**OUTAGAMIE COUNTY TREASURER'S CERTIFICATE**

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OF UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
OUTAGAMIE COUNTY TREASURER'S REPRESENTATIVE

**OWNER'S CERTIFICATE**

AS OWNER OF LOT 1, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED IN THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP. I ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY SECTION 236.34 OF THE REVISED WISCONSIN STATUTES TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION.

CITY OF APPLETON  
COUNTY OF OUTAGAMIE

\_\_\_\_\_  
LAWRENCE UNIVERSITY OF WI REPRESENTATIVE

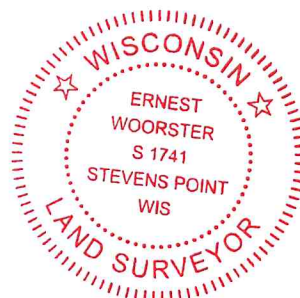
\_\_\_\_\_  
DATE

STATE OF WISCONSIN  
( SS )  
OUTAGAMIE COUNTY

PERSONALLY APPEARED BEFORE ME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022. THE ABOVE NAMED OWNER TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
COUNTY, \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_



*[Handwritten Signature]*  
22 OCT 2022



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** December 14, 2022

**Item:** Informational Presentation of Draft Subdivision Ordinance Text Amendments – Chapter 17 of the Municipal Code  
Article I In General: Section 17-3  
Article II Plats: Section 17-4  
Article V Dedications and Reservations: Sections 17-29, 17-30, 17-31, 17-32, 17-33, 17-34, and 17-35

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

### **BACKGROUND AND PURPOSE**

---

The Subdivision Ordinance (Chapter 17 of the Municipal Code) was last amended in 2010. Staff from multiple City departments have been working collaboratively to review and update various sections throughout this chapter. This will be an ongoing effort, and the information below/attached represents the first bundle of proposed text amendments. The primary objectives for these proposed amendments are listed below.

- Incorporate recommendations from the “Fee In Lieu of Land Dedication and Public Facility Needs Assessment” completed by Baker Tilly.  
*The Parks, Recreation, and Facilities Management Department contracted with Baker Tilly to prepare this report, which serves as the basis for the land dedication (square feet per dwelling unit) and fee in lieu of dedication (dollars per dwelling unit) numbers included in the proposed text amendments. This item was approved by Common Council on December 7, 2022.*
- Simplify and clarify expectations for the land dedication process.
- Include trails in the dedication process and aid in the implementation of the Trails Master Plan.
- Comply with applicable requirements of 2017 Wisconsin Act 243, particularly Section 236.45(6) of the Wisconsin State Statutes.

In addition to the objectives outlined above, Community and Economic Development Department staff took into account recommendations from the City of Appleton *Comprehensive Plan 2010-2030*. Listed below are related excerpts.

**OBJECTIVE 6.3 Transportation:**

*Create an environment that is safe and conducive to walking and bicycling throughout the entire city.*

*Policy 6.3.1 Continue to prioritize bicycle and pedestrian improvement projects that make destinations more accessible, including but not limited to greater connectivity between important destinations within the community, and to regional bicycle and pedestrian networks.*

*Policy 6.3.7 Support implementation of the City’s Trail Master Plan in order to create a comprehensive network of well linked bike lanes and off-street trails.*

**OBJECTIVE 9.6 Economic Development:**

Create a vibrant environment that is conducive to attracting and retaining talented people.

*Policy 9.6.1 Continue the City's efforts to expand and improve its amenities such as trails, parks and recreation, the Fox Cities Performing Arts Center, the Appleton Public Library, Fox Cities Exhibition Center, sporting facilities, and other cultural or civic offerings.*

**OBJECTIVE 10.3 Land Use:**

Support future changes to zoning and other regulatory tools which are necessary to achieve the type of urban form and development reflective of smart growth principles, including support for "complete" neighborhoods (neighborhoods where residents can meet the majority of their daily needs on foot and by bicycle) throughout the City and in growth areas.

*Policy 10.3.5 Plan for park amenities in complete neighborhoods and integrate into existing neighborhoods.*

**OBJECTIVE 18.2 Park and Recreation:**

Continue to work with land developers and municipalities to acquire new park land through dedication or other means, as new development occurs.

*Policy 18.2.1 Continue park land and trail dedication, or fee-in-lieu-of land dedication requirements for all new residential development. Additional land should be required for new development in the north, far southeast, and southwest parts of Appleton and its future growth area.*

**OBJECTIVE 18.3 Park and Recreation:**

Develop the City's park system as an interconnected network of sites linked by greenways and trails.

*Policy 18.3.2 Implement the recommendations contained within the 2016 Appleton Trails Master Plan.*

**PROPOSED TEXT AMENDMENTS**

---

Text amendments initiated directly by Plan Commission will be processed in accordance with Sections 62.23(5) and 236.45(4) of the Wisconsin State Statutes. This process would include future review and action by Plan Commission (after informal hearing), as well as review and action by Common Council (after public hearing).

Staff offers the following draft text amendments. The text recommended to be added is underlined. The text recommended for deletion is identified by ~~striketrough~~. Staff commentary is identified in *blue italics* to provide insight regarding that specific amendment/change. The language below can be modified upon direction of the Plan Commission.

**Sec. 17-3. General provisions.**

(d) ***Dedication and reservation of lands.*** Streets, Highways, Trails, Parks, Drainageways, Stormwater Facilities, and Floodplain. Whenever a tract of land to be divided or developed within the jurisdiction of this ordinance encompasses all or any part of a street, highway, trail, park, drainageway, stormwater facility, floodplain, or other public way which has been designated on the a duly adopted municipal or regional official map, comprehensive plan, or other plan officially adopted by is

~~in any way determined to be such by the Plan Commission or~~ Common Council, said public way shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan ~~or component~~ and as set forth in this ordinance.

#### **Sec. 17-4. Preplatting requirements.**

(a) ***Preplatting conference.*** Prior to submitting an application for the approval of a Preliminary Plat within the corporate limits, the subdivider shall schedule a preplatting conference with the City Engineer or ~~his or her~~ their designee. The purpose of the preplatting conference is to provide an opportunity for communication between the ~~developer~~ subdivider and City staff, regarding the purpose and objectives of these regulations, the Official Map, ~~e~~Comprehensive plan, Comprehensive Outdoor Recreation Plan, Trails Master Plan, zoning regulations, erosion control and stormwater management practices, neighborhood plans, and duly adopted plan implementation devices of the City, and to otherwise assist the subdivider in planning the development. The subdivider will receive information regarding required procedures.

- (1) The City staff involved in the preplatting conference shall include, but not be limited to, representatives from the Department of Public Works, Community and Economic Development Department, Parks, Recreation and Facilities Management Department, and Fire Department.

(b) ***Required information.*** The following information shall be submitted to the City Engineer or ~~his or her~~ their designee prior to the preplatting conference:

- (1) The scaled sketch plan shall show:
  - a. The title, scale, north point, and date;
  - b. The boundaries of the property to be subdivided;
  - c. Natural characteristics such as drainage, wetlands, steep slopes, hills, ridges, floodplains, environmentally sensitive lands, and wooded areas;
  - d. Development characteristics such as surrounding streets, existing structures, and available utilities;
  - e. The proposed layout of streets, blocks, and lots;
  - f. The proposed location of business, parkland, trails, and other nonresidential areas;
  - g. Existing easements and covenants affecting the property; and
  - h. Where site conditions permit, any tract subdivided into parcels containing one (1) or more acres shall be arranged to allow future resubdivision of any parcels into smaller lots.
- (2) The scaled location sketch shall show the relationship of the proposed subdivision to:
  - a. Traffic arterials;
  - b. Schools, parks, playgrounds, trails, and other community facilities;
  - c. Churches and retail facilities;
  - d. Public transportation;
  - e. Local zoning districts; and
  - f. Existing plats.

(Code 1965, §21.16, Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)



- (3) The subdivider shall indicate how they propose to accommodate parkland and/or trail needs in a manner that is consistent with §17-29.

*Comments: Listed the City departments to be involved in preliminary platting discussions, as noted above. Clarified that park/trail needs are items to be evaluated during the pre-submittal process.*

**Sec. 17-29. Dedication of public parks and other public sites and open spaces.**

~~(a) **Purpose.** In order~~ The requirements of this section are established to ensure that adequate parks, open spaces, and sites for other public uses ~~may be~~ are properly located and preserved as the community develops, ~~and in order~~ This section has also been established to ensure that the cost of providing park and recreation sites and facilities necessary to serve the additional families people brought into the community by subdivision development may be most equitably apportioned on the basis of the additional need created by the individual subdivision or minor land division development, the following provisions are established: The requirements shall apply to all lands proposed for all residential development.

(b) **Applicability.** Any subdivision or minor land division (certified survey map) approval which enables the creation of additional dwelling units, and that has not already been subject to the requirements of this section, shall require compliance with the parkland and/or trail dedication and fee in lieu of dedication requirements included in this section.

(c) **Exception.** Reconfiguration of existing lots and redevelopment which does not create new, additional lots shall not be subject to the provisions of this section. Zoning districts not listed in the tables under §17-29(e)(1) and §17-29(f)(1) are exempt from the provisions of this section.

(d) **Conformance with adopted ordinances and planning documents.** The location, size, standards, and recommendations related to parkland and/or trail dedication and fee in lieu of parkland and/or trail dedication shall be consistent with the following adopted city documents: Official Map, Comprehensive Plan, Comprehensive Outdoor Recreation Plan, Trails Master Plan, and/or other document officially adopted by Common Council.

*Comments: Created the paragraph above regarding consistency with municipal plans in order to comply with 2017 Wisconsin Act 243, particularly Section 236.45(6) of the Wisconsin State Statutes.*

~~(a) **Reservation of potential sites.** In the design of the subdivision or minor land division, consideration shall be given to the adequate provision of and correlation with such public sites or open areas. Where it is determined by the Plan Commission that a portion of that subdivision or minor land division is required for such public sites or open spaces, the subdivider may be required to reserve such area for a period not to exceed three (3) years, after which the City shall either acquire the property or release the reservation.~~

~~(b)~~ (c) **Dedication of sites Parkland and/or trail dedication.** Within the corporate limits of the City, the subdivider shall dedicate land to provide for park, trail, and/or recreation needs in accordance with the adopted ordinances and planning documents described in subsection (d) above.

(1) Within the corporate limits of the City, the subdivider shall provide and dedicate to the public either a minimum of five (5) acres of land to provide for park and recreation needs of the community as required by the adopted comprehensive plan or as determined by the Plan Commission in conjunction with the subdivider and in **Dedication area calculation.** The dedication to the public shall be a minimum of three (3) acres or an amount of land to be determined in accordance with the zoning classification intended for each lot in the subdivision as specified in the following table, whichever is greater.:

<i>Types of Dwelling Units and Zones</i>	<i>Percent Allocation of Total Gross Residential Acreage</i>
R-1A zone, one family	5
R-1B and R-1C zone, one family	6
R-2 zone, two family	8

R-3 zone, apartment	42
PD (Planned Development Overlay—Residential)	42

<u>Zoning District</u>	<u>Land Dedication (per dwelling unit)</u>
R-1A, R-1B, R-1C, and R-2	800 square feet
R-3, PD, and TND	650 square feet

*Comments: Changed the land dedication amount as shown above based on the “Public Facility Needs Assessment” completed by Baker Tilly and approved by Common Council on December 7, 2022. The Baker Tilly report included irregular numbers (789.11 square feet for single-family and 667.26 square feet for multi-family), so the numbers above were rounded up and down, respectively. Adjusted from a minimum of five acres to a minimum of three acres based on direction from the Parks, Recreation, and Facilities Management Department. Streamlined the table above to improve usability.*

- (2) **Dedication consultation and land evaluation.** The location, suitability, and dimensions of the land to be dedicated shall be determined in consultation between the subdivider and appropriate City departments (see §17-4), prior to submission of the preliminary plat or certified survey map. The land to be dedicated must be free of wetlands, floodplain, or other limitations that would prevent the land from being used for parkland purposes, unless this requirement is waived by the Director of Parks, Recreation and Facilities Management or their designee.
- a. Factors used in evaluating the adequacy of land to be dedicated shall include, but not be limited to, size, shape, topography, geography, tree cover, access, and location of people to be served.
  - b. Stormwater ponds may be located within the land to be dedicated, but pond square footage shall not count toward the dedication requirement unless designed and constructed to serve as a park amenity, as determined by the Director of Parks, Recreation and Facilities Management or their designee.

*Comments: Identified factors above to be considered when evaluating the feasibility of land for dedication, with the goal of having land dedicated that is usable for park development and programming purposes.*

- (3) **Reservation of additional land.** Where the adopted ordinances and planning documents described in §17-29(d) call for a larger amount of land than the subdivider is required to dedicate, the land needed beyond the minimum amount shall be reserved for subsequent purchase by the City. Such acquisition must occur within three (3) years from the date of approval of the final plat or certified survey map, unless the timing or other details regarding the conveyance are modified by the development agreement. If such acquisition does not occur within the specified time period, the City shall release the reservation.
- ~~(2) Where such dedication is not feasible or is not compatible with the comprehensive plan, the subdivider shall in lieu thereof pay to the City a fee according to the zoning classification intended for each lot in the subdivision as specified in the following table:~~

<u>Types of Dwelling Units and Zones</u>	<u>In-Lieu of Payment (per unit)</u>
R-1A zone, one family	\$300.00
R-1B zone, one family	\$300.00
R-1C zone, one family	\$300.00
R-2 zone, two family	\$200.00
R-3 zone, apartment	\$150.00
PD (Planned Development Overlay—Residential)	\$150.00

~~(3) Such fees shall be held in a nonlapsing fund to be used exclusively for immediate or future site acquisition or capital improvement.~~

(e) ~~(f) **Proportionate payment in lieu of parkland and/or trail dedication.** Where such dedication is not feasible or is not consistent compatible with the comprehensive plan adopted ordinances and planning documents described in subsection (d) above, the subdivider landowner shall, in lieu thereof, pay to the City a fee equivalent to the value of the required dedication. Such fee should be distributed and paid as follows:~~

~~(1) **Fee amount.** In lieu of parkland and/or trail dedication, the landowner shall pay to the City a fee according to the zoning classification of each lot as specified in the following table:~~

<u>Zoning District</u>	<u>In Lieu Payment (per dwelling unit)</u>
<u>R-1A, R-1B, R-1C, and R-2</u>	<u>\$1,100.00</u>
<u>R-3, PD, and TND</u>	<u>\$900.00</u>

*Comments: Changed the fees as shown above based on the "Public Facility Needs Assessment" completed by Baker Tilly and approved by Common Council on December 7, 2022. The Baker Tilly report included irregular numbers (\$1,097.29 for single-family and \$927.83 for multi-family), so the numbers above were rounded up and down, respectively. Repositioned and streamlined the table above to improve usability.*

~~(1) No payment shall be required for a lot created by the subdivision of land under this ordinance on which a residential structure already exists, or which is a residential parcel in excess of one hundred twenty (120) acres and not intended for immediate sale or other conveyance.~~

~~(2) (2) **Fee collection.** The required payment shall be made before the certification of approval may be affixed to the Final Plat by the landowner upon the issuance of a building permit for individual lots.~~

*Comments: Revised the paragraph above regarding the timing for fee payment in order to comply with 2017 Wisconsin Act 243, particularly Section 236.45(6) of the Wisconsin State Statutes.*

~~(3) **Fee deposit.** Such fees shall be deposited and held in a nonlapsing fund to be used exclusively for immediate or future site acquisition or capital improvement.~~

~~(3) (4) **Further division of land.** After the Final Plat has been recorded, no If a lot or parcel may be is further divided, by replat, or conveyance as defined in W.S.A. §706.01(3), and no building permit may be issued, unless: payment of the fee as specified in this section must be made, upon issuance of a building permit, for each additional undeveloped lot or parcel created by the land division.~~

~~a. Such further division has been approved by the Plan Commission as being in accordance with the purpose of this ordinance and with the purposes of W.S.A. Chapter 236;~~

~~b. Payment of the fee as specified in §17-28(3) shall be made for each additional lot or parcel created by the division; and~~

~~e. The proportionate payment in lieu of dedication as set forth in this section shall be paid for all certified survey maps, and the Register of Deeds of the county in which the land is located shall not accept a certified survey map for record unless the map has been approved by the Common Council.~~

~~(g) **Provision of land for trails.** The following requirements are included in this chapter to recognize the importance of trails within and between developments. Trails provide access to parks, open spaces, and other community destinations.~~

~~(1) Within the corporate limits of the City, the subdivider shall provide land for trail needs in accordance with the adopted ordinances and planning documents described in subsection (d) above. The location, suitability, and dimensions shall be determined in consultation between the subdivider and appropriate City departments (see~~

§17-4), prior to submission of the preliminary plat or certified survey map. The following factors and criteria shall be considered:

- a. A subdivision and/or minor land division adjacent to an existing trail shall provide connection(s) to said trail.
  - b. A subdivision and/or minor land division in an area identified with a proposed trail, per the Trails Master Plan, shall accommodate future trail placement using outlot(s) dedicated to the public and/or widened street right-of-way. In limited cases, the use of easements may also be considered.
  - c. Outlots dedicated to the public for trail purposes shall be exempt from any dimensional standards on lot width and lot area found in Chapter 23, Zoning of the Municipal Code and from lot design standards found in §17-26. These outlots must be noted as such on the Final Plat or Certified Survey Map.
  - d. Exact trail placement and configuration is adaptable, based on site features at the time of subdividing. The location and dimensions of land needed for a trail shall reasonably accommodate development of the property. To allow for trail pavement, clearances, and other amenities, a corridor width of twenty (20) feet will be considered typical.
  - e. Unless otherwise agreed upon, the City is responsible for design, construction, and maintenance of trails after the land is dedicated or transferred to the City.
  - f. Rules governing trail use are found in Chapter 13, Parks and Recreation of the Municipal Code.
- (2) The area of the outlot(s) and/or widened street right-of-way dedicated for trail purposes shall be counted toward the parkland dedication requirement as specified in §17-29(e).

*Comments: Created the section above to include trails in the dedication process and aid in the implementation of the Trails Master Plan.*

~~(d)~~ (h) **Determination of feasibility.** The determination as to the feasibility of dedication shall be made by the Common Council City Plan Commission. When dedication to the public is proposed for a certified survey map, the acceptance of the dedication must be approved by Common Council before administrative approval of the certified survey map. (Code 1965, §21.13(1)(c); Ord 55-94, §1, 4-20-94; Ord 67-94, §1, 6-18-94, Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06; Ord 44-09, §1, 3-10-09)

### **Sec. 17-30. Identification of dedicated areas.**

All areas to be dedicated to the public for ~~except~~ streets shall be clearly identified as such on the Final Plat or Certified Survey Map. All other areas to be dedicated for public use shall be clearly identified on the Final Plat or Certified Survey Map, with its intended purpose noted. (Code 1965, §21.13(1)(d), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

### **Sec. 17-31. Reservation of ~~road~~ street widths.**

Minimum street right-of-way widths are identified in §17-25. Any street ~~Road~~ widths requested in excess of the minimum primary arterial rights of way established in this ordinance are required to requirements must be reserved as specified in §17-29(e)(3). (Code 1965, §21.13(2)(a), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

### **Sec. 17-32. Reservation of public sites.**

Where sites for parks, schools, playgrounds or other public uses except streets, ~~as shown in the comprehensive plan,~~ are located within the subdivision or minor land division area, the Common Council shall require that the sites be reserved by the

subdivider ~~for a period of two (2) years from the date of approval of the Final Plat as specified in §17-29(e)(3). If the a government agency, other than the City, concerned passes a resolution expressing its intent to acquire the land so to be reserved, the reservation process and time period specified in §17-29(e)(3) shall apply be extended for an additional six (6) months. Public reservations shall be clearly identified on the plat; e.g., “Reserved for Public School Site”. The Council may by resolution waive any reservation so required.~~

(Code 1965, §21.13(2)(b), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

### **Sec. 17-33. Private reservations.**

Reservation of areas for the exclusive use of the occupants of a subdivision may be permitted by the Common Council when such reservations will not be contrary to the public health, safety, morals or general welfare, and such areas shall be clearly identified on the preliminary and final plats or certified survey maps as private reservations.

(Code 1965, §21.13(2)(c), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

### **Sec. 17-34. Right of refusal.**

The number, size and location of all dedications, reservations or easements shall be subject to approval, and the Common Council shall ascertain that the proposed sites are suitable for the proposed uses. The Council retains the right to refuse any dedication. Upon refusal, an alternative parkland and/or trail dedication or payment in lieu of dedication shall occur.

(Code 1965, §21.13(3), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

### **Sec. 17-35. ~~Accomplishment~~ Acceptance of dedication.**

When a final plat of a subdivision located in the City has been approved by the Common Council and all other required approvals are obtained and the plat is recorded, that approval constitutes acceptance for the purpose designated on the plat of all lands shown in the plat as dedicated to the public, including street dedications. This also applies to certified survey maps following the process described in §17-29(h).

(Code 1965, §21.13(4), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

## **RECOMMENDATION**

---

Staff recommends the Plan Commission review the draft text amendments included in this report, discuss and receive public input on the proposed changes, and direct staff to make any revisions and prepare the necessary public hearing notices for Subdivision Ordinance text amendments to Section 17-3 General Provisions, Section 17-4 Preplatting Requirements, Section 17-29 Dedication of Public Sites and Open Spaces, Section 17-30 Identification of Dedicated Areas, Section 17-31 Reservation of Road Widths, Section 17-32 Reservation of Public Sites, Section 17-33 Private Reservations, Section 17-34 Right of Refusal, and Section 17-35 Accomplishment of Dedication.

# **CITY OF APPLETON**

Appleton, Wisconsin

## **FEE-IN-LIEU OF LAND DEDICATION AND PUBLIC FACILITY NEEDS ASSESSMENT**

Baker Tilly US, LLP  
4807 Innovate Lane  
P.O. Box 7398  
Madison, WI 53707-7398  
608 249 6622  
800 362 7301

Dated: March 7, 2022

## Table of Contents

---

	<u>Page No.</u>
Executive Summary	1 – 2
Introduction	3
Section A – Statutory Requirements	4
Section B – Compliance with Wisconsin Fee in Lieu of Land Dedication	5 – 6
Section C – Fee Calculation and Land Dedication Requirements	7 – 10
Appendix A	11 - 12

## Executive Summary

The purpose of this project was to evaluate and update the City's current fee-in-lieu of land dedication under Wisconsin Statute, Chapter 236, and Section 236.45 Local Subdivisions Requirements. If a municipality charges a fee-in-lieu of land dedication in accordance with Wisconsin State Statute 236.45(6) (am), the municipality must follow the procedures under s. 66.0617 (3) to (5) and meet the requirements under s. 66.0617 (6) to (10).

According to the City of Appleton's (the "City") 2019-2023 Comprehensive Outdoor Recreation Plan (page 14), the City is expecting to have population growth of 3.0% every decade. This anticipated growth will require additions to the City's parkland and park facilities. A fee-in-lieu of land dedication will continue to assist in financing the acquisition or initial improvement of land for public parks.

The City currently charges a fee in lieu of land dedication as established by the following ordinance:

*Appleton, WI Municipal Code, Sec. 17-29. Ordinance No. 44-09, 3-10-2009*

Per the City, they have not updated the fee-in-lieu of land dedication since 2009.

This document serves as a summary of Baker Tilly's analysis of the City's existing fee-in-lieu of land dedication. It also serves to satisfy the statutory obligations as outlined in Wisconsin Statute 66.0617 and Wisconsin Statute 236.45 to update its existing fees and public facility needs assessment. The primary resources used in this development of this study include:

- > The City used the *The City of Appleton 2019-2023 Comprehensive Outdoor Recreation* (the Plan) as the facility needs assessment.
- > *The City of Appleton 2019-2023 Comprehensive Outdoor Recreation* (the Plan) as prepared by Rettler Corporation adopted on September 18, 2019. See the acknowledgements section of the Plan for those that were involved in its creation. The Plan is located on the City's website. <https://appletonparkandrec.org/wp-content/uploads/2020/03/FINAL-Appleton-CORP-2019.pdf>
- > *The park inventory listing as provided by the City*. This document was compiled by the City from the Plan. Refer to Appendix A.
- > *The land cost as provided by the City*. The land cost is based on the City-wide average cost of unimproved land acquisition based on recent land sales and the cost to improve the land for public parks. Per s. 236.45(6)(ac), "improvement for public parks" means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes." The average of four recent sales was used to determine an average cost per acre. The four sales include the following:

Tax Municipality	Close Date	Price	Acres Est	\$/Acre	Comments
City of Appleton	3/1/2021	\$149,900	2.81	\$53,345	single building site w/public water & sewer
City of Appleton	10/2/2020	\$161,405	2.74	\$58,907	single building site w/public water & sewer
City of Appleton	12/23/2020	\$158,500	2.68	\$59,142	single building site w/public water & sewer
City of Appleton	10/5/2020	\$142,500	2.01	\$70,896	single building site w/public water & sewer
			<b>average</b>	<b>\$60,572</b>	



## Executive Summary (cont.)

---

- > *U.S. Census data 2019 5-year estimates* related to persons-per-household per dwelling unit type.

<https://data.census.gov/cedsci/table?t=Housing&g=1600000US5502375&tid=ACSDP5Y2019.DP04&hidePreview=true>

This study should be read in conjunction with these resources. We provide no assurance on the accuracy of the resources used to develop this study.

## Introduction

---

As previously stated in the Executive Summary, the City expects to experience population growth through 2030. Planning responsibly for new growth within a community is one of many challenges facing local governments. Effective accommodation of this development requires additional park land to accommodate growth as well as the construction and upgrade of public facilities and infrastructure to serve new residents.

It is common that during the construction and upgrade of public infrastructure, many residents and businesses that will occupy the newly developed areas of the community may not yet be present. The purchase of land and the development of land often precedes the inhabiting of the property. While this may be an obvious fact, it holds important consequence for the public financing of new development. In order to apportion the public costs of new development fairly and responsibly, some measures must be undertaken to ensure that the entire cost of accommodating new development is not born solely by the current residents of the municipality. One such measure to accomplish this goal is the use of a fee-in-lieu of land dedication to offset the initial cost to local taxpayers of satisfying the additional demand on the public infrastructure and park land.

## Section A – Statutory Requirements

---

A fee-in-lieu of land dedication must follow the requirements of Wisconsin State Statute Chapter 236 – Platting Lands and Recording and Vacating Plats. See the requirements below.

In addition, if a municipality charges a fee-in-lieu of land dedication in accordance with Wisconsin State Statute 236.45(6) (am), the municipality must follow the procedures under s. 66.0617 (3) to (5) and meet the requirements under s. 66.0617 (6) to (10). The City understands these requirements.

### Wisconsin State Statute Chapter 236.45(6) – Requirements for Approval Conditions

- > *Per Subsection(6)(ac), “Improvement of land for public parks” means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes.*

Based on the definition above, only allowable costs are included in the fee-in-lieu of land dedication.

- > *Per Subsection (6)(b), any land dedication, easement, or other public improvement or fee for the acquisition or initial improvement of land for a public park that is required by a municipality, town, or county as a condition of approval under this chapter must bear a rational relationship to a need for the land dedication, easement, or other public improvement, parkland acquisition or initial improvement fee resulting from the subdivision or other division of land and must be proportional to the need.*

The City is meeting this requirement. The City is providing a service level of 6.99 acres per 1,000 residents. See Appendix A.

- > *Per Subsection (6)(c), If a subdivision ordinance of a municipality, town, or county requires, as a condition of approval under this chapter, that a subdivider dedicate land for public park, the municipality, town or county may offer the subdivider the option of either dedicating land consistent with the municipality’s, town’s or county’s park plan and comprehensive plan or paying a fee or other charge under par (am) in lieu of the dedication. If the subdivider elects to pay a fee or other charge under the paragraph, the fee or other charge is payable by the landowner to the municipality, town, or county upon issuance of a building permit by the municipality, town, or county. If the subdivider elects to dedicate land under this paragraph, unless the municipality, town, or county agrees otherwise, the subdivider only may dedicate land that is consistent with the municipality’s, town’s or county’s park plan and comprehensive plan.*

See Section C for the fee-in-lieu of land dedication fee calculation and the land dedication square footage requirements. If land dedication is selected, the City’s land dedication standard is 423.66 square feet per person. See the assumptions and calculations in Section C.

NOTE: The fee-in-lieu of land dedication requirements outlined in this section are subject to change by the legislature at any time. Refer to the state statute for the statutory requirements.

## Section B – Compliance with Wisconsin Fee-in-lieu of Land Dedication Requirements

---

### Fee-In-Lieu of Land Dedication Process

See Wisconsin State Statute 66.0617 for the detailed process. In addition, if a municipality charges a fee-in-lieu of land dedication in accordance with Wisconsin State Statute 236.45(6), the municipality must follow the procedures under s. 66.0617 (3) to (5) and meet the requirements under s. 66.0617 (6) to (10).

The process followed and information utilized in the development of the fee-in-lieu of land dedication is summarized below:

- Requires a Public Hearing (s. 66.0617 (3)):
  - Class 1 notice under Chapter 985
  - Provide copy of proposed ordinances
  - Provide public facilities needs assessment
- Based on a Public Facilities Needs Assessment (s. 66.0617 (4)):
  - Inventory of existing facilities, including deficiencies
  - Identification of new public facilities
  - Estimated (or actual) capital cost of new public facilities
  - Effect of recovering capital costs on affordable housing
  - Available for public inspection and copying in the office of the clerk at least 20 days before hearing
- Establish Accounting Requirements:
  - Use of funds restricted
  - Subject to refund
- Specify Appeal Procedure (s. 66.0617 (10))

## Section B – Compliance with Wisconsin Fee-in-lieu of Land Dedication Requirements (cont.)

---

### Imposition of the Fee-in-lieu of Land Dedication

The park fee-in-lieu of land dedication will be due upon issuance of a building permit.

### Wisconsin State Statute Section 66.0617(7) – Low-Cost Housing

In general, the level of the fees in relation to average housing cost should not impede the affordability of low-cost housing. For example, including the proposed single-family fee-in-lieu of land dedication of \$1,115, in a typical 30-year mortgage at 3% interest would equate to an additional monthly payment of \$4.85. According to Zillow, the median home price in Appleton is \$204,832 (a). Assuming a down payment of 20%, the average monthly mortgage payment would be \$691. The fee-in-lieu would be 0.7% of the monthly payment. In addition, if the owner of a multifamily dwelling were to include the proposed multi-family fees of \$943 in a mortgage with the same terms, the additional monthly payment would be \$3.98 or 0.4% of the monthly payment.

Information from the 2015-2019 US Census showed that the City of Appleton's median household income was \$58,112 (2019 dollars). Wisconsin's median household income was \$61,747 (2019 dollars).

(a) <https://www.zillow.com/appleton-wi/home-values/>

### Updates to the Report

The fee-in-lieu of land dedication should be evaluated for adjustment at least every five years to account for increases / decreases in raw land costs, grading and utilities. The City may also wish to adjust the fee periodically based on the Engineering News Record Municipal Cost Index. This will allow for changes in growth, project costs, estimates or other projects to be incorporated into the fees. See assumptions for recommendations.

## Section C – Fee Calculation and Land Dedication Requirements

---

### Assumptions

- > The fee in lieu of parkland dedication was last updated in 2009.

The City's current 2019-2023 Comprehensive Outdoor Recreation Plan (the Plan) was used as the basis for this study. This Plan was approved on September 18, 2019. As noted in the Plan, "A growing body of research provides evidence of the importance of parks, open space, and leisure programming to the environmental, social, and economic health of Communities." The plan also supports the guidelines established in the City of Appleton 2010-2030 Comprehensive Plan. Both plans can be found on the City website.

<https://appletonparkandrec.org/wp-content/uploads/2020/03/FINAL-Appleton-CORP-2019.pdf>

<https://www.appleton.org/government/planning/city-of-appleton-comprehensive-plan-2010-2030>
- > According to the City, 2020 Census data indicate the 2020 population estimate for the City is 75,644, which is an increase of approximately 3,021 since the 2010 U.S. Census (72,623 population) or a 4.1% increase. <https://www.census.gov/quickfacts/appletoncitywisconsin>
- > The City's fee-in-lieu of land dedication standard is based on 529.08 acres of parkland. This is comprised of 242.06 acres of community parks, 178.32 acres of neighborhood parks and 108.70 acres of special use parks such as Houdini Plaza and Reid Golf Course.
- > The land costs to calculate the fee-in-lieu of land dedication is based on the City-wide average cost of land acquisition and "improvements of land for public park costs" as allowed for under Chapter 236. Recent raw land sales with utility improvements show the average cost per acre is \$60,572. This is also referenced on Page 1.
- > Park development fees will not be assessed to nonresidential land uses as park usage is primarily residential in this community.
- > The Park & Open Space standards can be found in the City of Appleton 2019-2023 Comprehensive Outdoor Recreation Plan.
- > For purposes of this analysis, it is assumed that there will be an average of 2.59 persons per household for single-family housing units and 2.19 persons per household for duplex and multifamily housing units as per recent census data.

## Section C – Fee Calculation and Land Dedication Requirements (cont.)

---

### Assumptions (cont.)

- > The fee-in-lieu of land dedication standard used for consideration in this study is comprised of “active-parks” of 529.08 acres. While the type of land dedicated by developers is typically used for the development of active use parks, such use is not required. The city is currently providing 6.99 acres of parkland per 1,000 residents using the 2020 population of 75,644. The calculation is  $(529.08 / 75,644) * 1,000 = 6.99$ .
- > The City’s land dedication requirement is 304.67 square feet per person. This is computed as follows:  $(6.99 \text{ acres} * 43,560 \text{ square feet in an acre}) / 1,000 = 304.67 \text{ square foot per person}$ . This is then multiplied by the persons per household to determine the land dedication square footage.

### Recommendation

The City should consider whether its existing fee-in-lieu of land dedication fee should be updated with the fees identified and explained on the following pages.

Section C – Fee Calculation and Land Dedication Requirements (cont.)

Fee Summary

Dwelling Unit Type	1 (A) Persons per Household	2 Cost per Person	3 (1*2) Fee
Single Family	2.59	\$ 423.66	\$ 1,097.29
Multi-Family	2.19	\$ 423.66	\$ 927.83
<b>Standards:</b>			
Cost standard per acre			<u>\$ 60,572</u> B
Parkland acres per 1,000 residents			<u>6.99</u> C
<b>Cost per Person:</b>			
	Cost standard per acre		\$ 60,572 B
	Multiplied by: acres per person		<u>0.0069943</u> per above
	Cost per person		<u>\$ 423.66</u>
A) Source: U.S. Census Bureau			
B) Per the City of Appleton - based recent land sales w/utilities			
C) Per the City of Appleton CORP			



**Section C – Fee Calculation and Land Dedication Requirements (cont.)**

**Land Dedication**

If land dedication is selected versus paying a fee-in-lieu of land dedication, the following land dedication square footage applies and will be applied prior to the Final Plat:

<b>Land Dedication Requirement</b>			
<b>Dwelling Unit Type</b>	<b>1 (A) Persons per Household</b>	<b>2 Square Foot per Person</b>	<b>3 (1*2) Land Dedication Square Footage</b>
Single Family	2.59	304.67	789.11
Multi-Family	2.19	304.67	667.26
<b>Standards:</b>			
Square feet per acre			<u>43,560</u>
Parkland acres per 1,000 residents			<u>6.99</u> B
<b>Square Foot per Person:</b>			
Parkland acres per person (7.11 / 1,000)			0.006994 B
Multiplied by: Square feet per acre			<u>43,560</u> per above
		Square feet per person	<u>304.67</u>
A) Source: U.S. Census Bureau			
B) Per the City of Appleton			

**APPENDIX A**

	<u>Park</u>	<u>Park Type</u>	<u>Acres</u>
<b><u>Included In Park Improvement Calculation</u></b>			
1	Appleton Memorial (AMP)	Community	140.10
2	Erb	Community	27.75
3	Pierce	Community	34.91
4	Telulah	Community	39.30
	Subtotal		<u>242.06</u>
1	Alicia	Neighborhood	12.00
2	Arbutus	Neighborhood	3.44
3	City	Neighborhood	8.00
4	Colony Oaks	Neighborhood	7.88
5	Derks	Neighborhood	9.07
6	Einstein	Neighborhood	6.60
7	Ellen Kort Peace	Neighborhood	3.38
8	Green Meadows	Neighborhood	5.60
9	Highview	Neighborhood	12.59
10	Hoover	Neighborhood	11.60
11	Jaycee	Neighborhood	4.00
12	Jones	Neighborhood	5.75
13	Kiwanis	Neighborhood	6.50
14	Linwood	Neighborhood	9.50
15	Lions	Neighborhood	4.40
16	Lutz	Neighborhood	2.70
17	Mead	Neighborhood	8.50
18	Lundgaard	Neighborhood	7.02
19	Peabody	Neighborhood	16.20
20	Pioneer	Neighborhood	0.52
21	Providence	Neighborhood	3.33
22	Schaefer	Neighborhood	6.40
23	Summit	Neighborhood	5.49
24	Veterans	Neighborhood	2.00
25	Vosters	Neighborhood	5.10
26	Vulcan Heritage	Neighborhood	2.05
27	Woodland	Neighborhood	8.70
	Subtotal		<u>178.32</u>
1	Houdini Plaza	Special Areas	1.00
2	Reid Golf Course	Special Areas	107.60
3	Union Springs	Special Areas	0.10
	Subtotal		<u>108.70</u>
	<b>Total Park Acreage</b>		<b><u>529.08</u></b>
	2020 Population		75,644
	Parkland per 1,000 residents		6.99