



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: May 24, 2023

Common Council Public Hearing Meeting Date: June 21, 2023

Item: Rezoning #2-23 – Baldeagle Drive & Providence Avenue (Right-of-Way) Annexation

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: City of Appleton

Applicant/Petitioner: City of Appleton Plan Commission

Parcel Numbers/Location: 31-1-8301-11 (formerly Town of Grand Chute Parcel #101158298) and Part of 101157000 (formerly Town of Grand Chute), included in the “Baldeagle Drive & Providence Avenue (Right-of-Way) Annexation,” located in the vicinity of North Lightning Drive to extend Baldeagle Drive and Providence Avenue to connect with future Lightning Drive.

Petitioner’s Request: To assign a zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to P-I Public Institutional District. The request is being made to facilitate future construction to extend Baldeagle Drive and Providence Avenue to connect with officially mapped Lightning Drive with associated utilities and stormwater management facilities.

BACKGROUND

On May 3, 2023, the Common Council approved the Baldeagle Drive & Providence Avenue (Right-of-Way) Annexation Ordinance. The property was officially annexed to the City on May 9, 2023 at 12:01 a.m.

On April 26, 2023, the Plan Commission recommended approval of the Baldeagle Drive & Providence Avenue (Right-of-Way) Annexation. During review of the annexation, the Plan Commission initiated the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

Officially mapped Lightning Drive from Edgewood Drive to Broadway Drive and officially mapped Providence Avenue from Lightning Drive to East Edgewood Drive went into effect on May 3, 2012 via Ordinance No. 36-12.

The southern portion of future Lightning Drive from East Edgewood Drive to approximately Providence Avenue was annexed to the City on November 9, 2021.

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STAFF ANALYSIS

Existing Site Conditions: The subject area is approximately 1.63 acres in size. The subject property is currently undeveloped agriculture. The City is planning to install sanitary sewer, storm sewer, and water infrastructure and extend Baldeagle Drive and Providence Avenue to connect with future Lightning Drive. The City is also planning to construct a stormwater pond within the annexation area.

Street Classification: Future Providence Avenue is classified as a collector street on the City's Arterial/Collector Plan. Future Baldeagle Drive is classified as a collector street on the City's Arterial/Collector Plan.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. AGD – General Agricultural District. The adjacent land use to the north is currently agricultural land.

South: City of Appleton. P-I Public Institutional District and Town of Grand Chute. AGD – General Agricultural District. The adjacent land use to the south is currently agricultural land.

West: City of Appleton. P-I Public Institutional District and R-1B Single-family District. The adjacent land use to the west is currently public right-of-way.

East: City of Appleton. P-I Public Institutional District, AG Agricultural District and Town of Grand Chute. AGD – General Agricultural District. The adjacent land use to the east is currently agricultural land and public right-of-way.

Proposed Zoning Classification: The purpose of the P-I Public Institutional District is to provide for public and institutional uses (roads/utilities) and buildings utilized by the community and to provide open space standards where necessary for the protection of adjacent residential properties. Per Section 23-100(h) of the Municipal Code, the development standards for the P-I District are listed below:

- 1) **Minimum lot area:** None.
- 2) **Maximum lot coverage:** 70%.
- 3) **Minimum lot width:** None.
- 4) **Minimum front yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 5) **Minimum rear yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 6) **Minimum side yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 7) **Maximum building height:** 60 feet.

Zoning Ordinance Review Criteria: Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with rezoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan

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Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The Comprehensive Plan of the City.

In this case, the Plan Commission initiated a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the P-I District zoning regulations listed above and other sections of the Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as Officially Mapped Providence Avenue, One/Two Family Residential and Mixed Use. The proposed rezoning is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 4 – Transportation

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

OBJECTIVE 6.1 Transportation:

Plan for the safe and efficient movement of vehicles on local and regional roads.

OBJECTIVE 6.8 Transportation:

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

OBJECTIVE 7.5 Utilities and Community Facilities:

Implement effective stormwater management practices.

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:

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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 the Future Land Use Map, which identifies this area for officially mapped Providence Drive, other roads, and a stormwater pond.*
 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.
 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. *City infrastructure will be installed along the construction of future Lightning Drive. Stormwater pond, sewer, and water infrastructure will be included with the future construction of Lightning Drive and the subject area.*
 2. The effect of the proposed rezoning on surrounding uses. *Officially mapped Lightning Drive from Edgewood Drive to Broadway Drive and officially mapped Providence Avenue from Lightning Drive to Edgewood Drive went into effect on May 3, 2012 via Ordinance No. 36-12. The recent annexation will allow for the future extension of Baldeagle Drive and Providence Avenue to connect with future Lightning Drive, along with associated stormwater pond, sewer, and water infrastructure within the annexation area. 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 March 21, 2023 TRG Agenda. No negative comments were received from participating departments.

Future Actions: It is anticipated that a Certified Survey Map (CSM) will be prepared to reconfigure lot lines and dedicate public right-of-way. The dedication of land for public right-of-way for Baldeagle Drive and Providence Avenue requires action by Plan Commission and Common Council. CSMs are administratively reviewed and approved by City staff.

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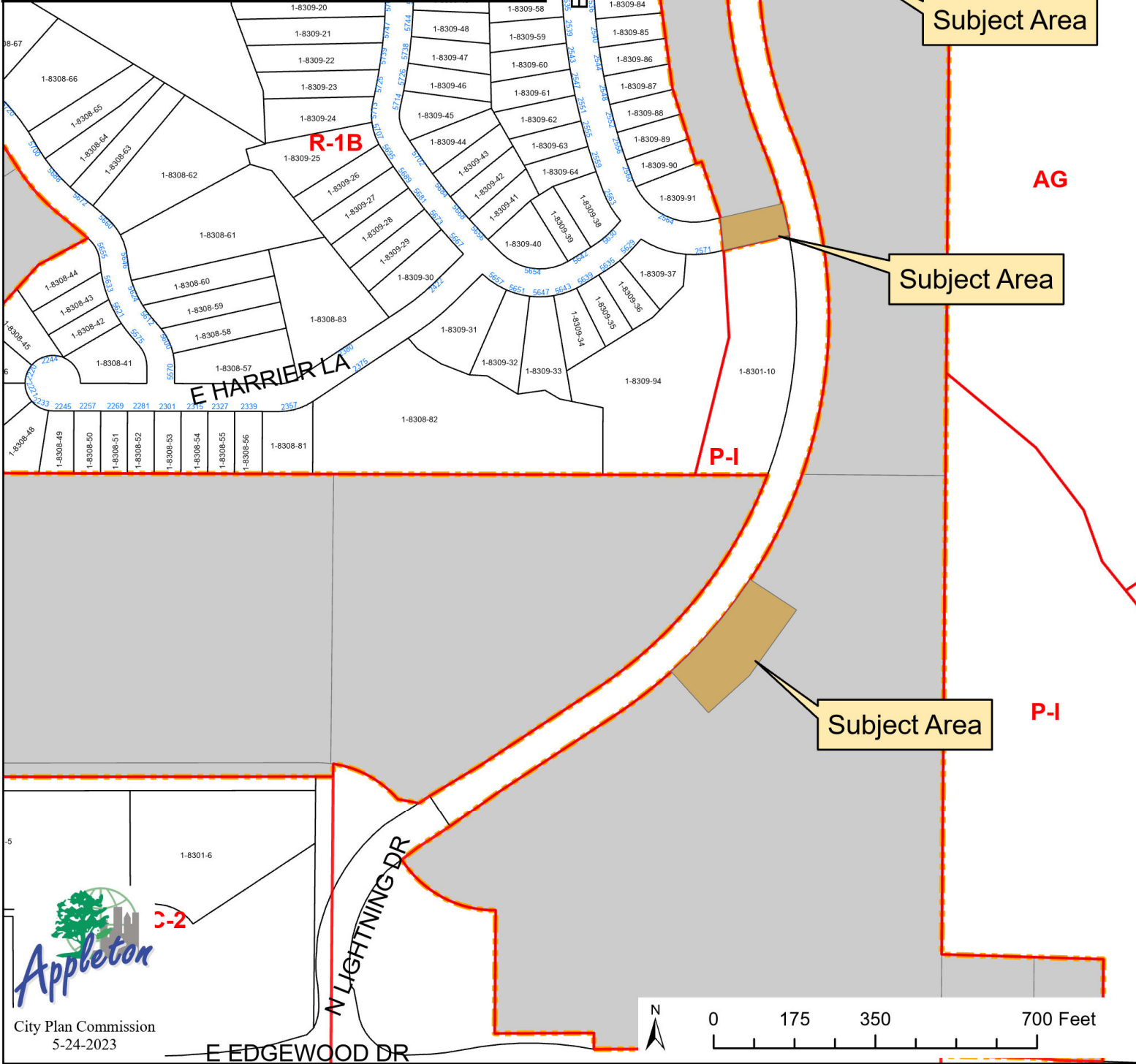
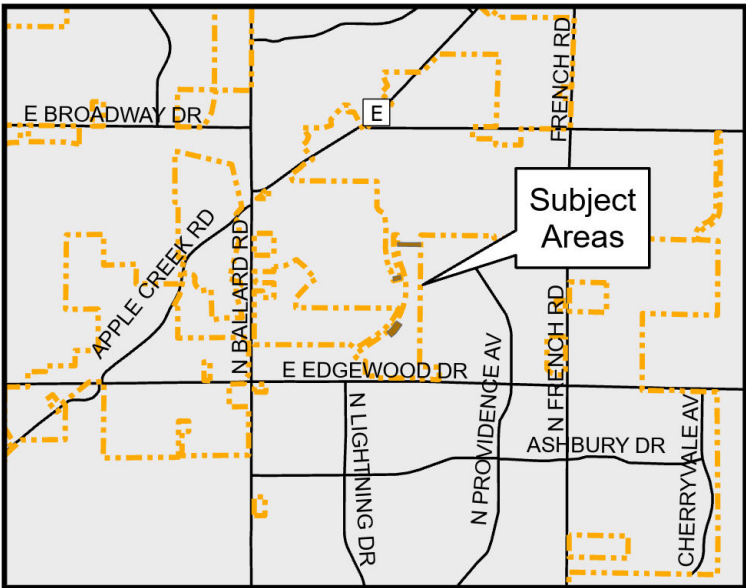
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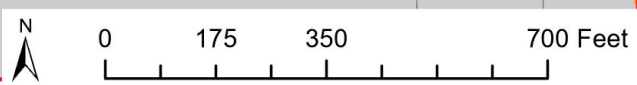
RECOMMENDATION

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 #2-23 to rezone the Baldeagle Drive & Providence Avenue (Right-of-Way) Annexation area from temporary AG Agricultural District to P-I Public Institutional District as shown on the attached maps, **BE APPROVED**.

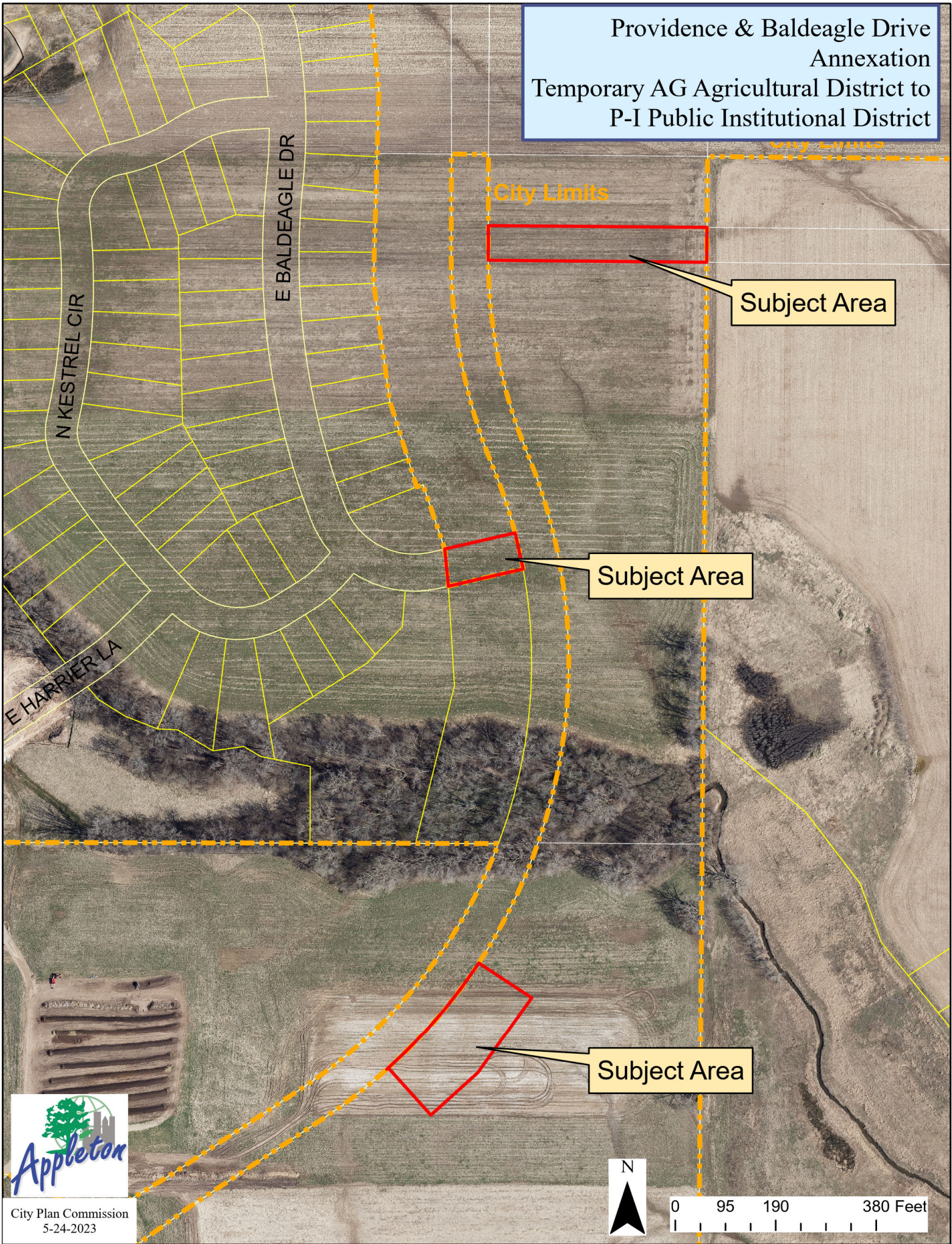
Providence & Baldeagle Drive
Annexation
Temporary AG Agricultural District
to P-I Public Institutional District



City Plan Commission
5-24-2023



Providence & Baldeagle Drive
Annexation
Temporary AG Agricultural District to
P-I Public Institutional District



Subject Area

Subject Area

Subject Area



City Plan Commission
5-24-2023



0 95 190 380 Feet

ANNEXATION EXHIBIT "A"

Part of the Fractional Southwest 1/4 of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin.

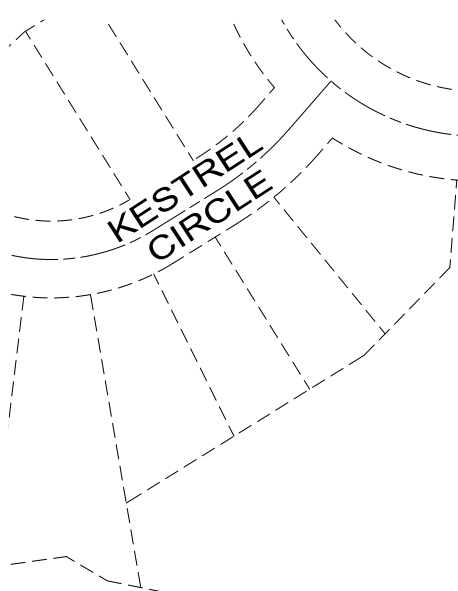
CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	1035.00'	263.34'	262.63'	N40°36'48"E
C2	965.00'	70.02'	70.00'	S12°35'31"E
C3	965.00'	7.83'	7.83'	N00°05'59"W

SCALE IN FEET



0' 150' 300'

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL SW 1/4 SECTION 6, T.21N., R. 18E.; WHICH BEARS N89°44'38"E
H:\Acad\Annex\2023\Providence_Baldeagle_Pond_2023

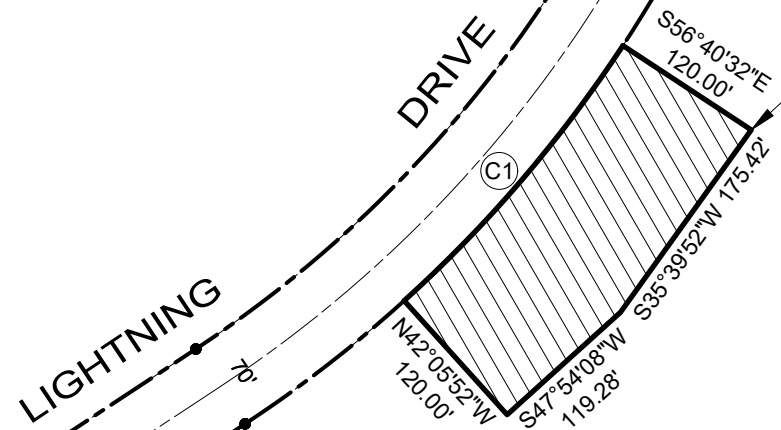


Outlot 4 Apple Ridge
Outlot 10 Apple Ridge 2

CITY OF APPLETON
TOWN OF GRAND CHUTE

Lynn Wenzel, Steven Petersen, Karen Petersen and Mark Petersen
Parcel No. 101158200
Unplatted Lands
E. 80 rods of the S.45 Ac of SW 1/4 less lands sold, Section 6, T21N, R18E, Town of Grand Chute

Lynn Wenzel, Steven Petersen, Karen Petersen and Mark Petersen
Parcel No. 101158200
Unplatted Lands
E. 80 rods of the S.45 Ac of SW 1/4 less lands sold, Section 6, T21N, R18E, Town of Grand Chute



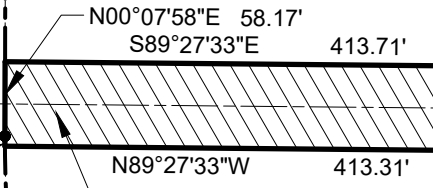
SW CORNER OF SECTION 6, T21N, R18E
CHISEL X, MH

S 1/4 COR. SECTION 6, T 21 N, R 18 E
MAG NAIL

South line of the Fractional SW 1/4, Section 6, T21N, R18E, S89°44'38"W 2996.27'

CENTER OF SECTION 6, T 21 N, R 18 E, TOP OF MON. GONE, FOUND BASE

TOWN OF GRAND CHUTE
CITY OF APPLETON



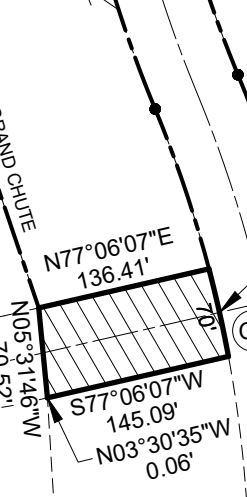
FUTURE PROVIDENCE AVENUE
27,293 Sq. Ft.
0.6266 Ac.

Apple Tree Appleton Four LLC
Parcel No. 101157000
Unplatted Lands
NE/SW, less lands annexed to City of Appleton, Section 6, T21N, R18E, Town of Grand Chute

TOWN OF GRAND CHUTE
CITY OF APPLETON
CITY OF GRAND CHUTE

East line of the Fractional SW 1/4, Section 6, T21N, R18E, N00°27'14"E 2599.64'

OFFICIALLY MAPPED PROVIDENCE AVENUE



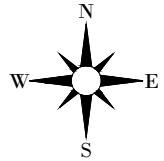
FUTURE BALDEAGLE DRIVE
9,882 Sq. Ft.
0.2269 Ac.

Apple Tree Appleton Four LLC
Parcel No. 31-1-8301-10
Unplatted Lands

TOWN OF GRAND CHUTE
CITY OF APPLETON

FUTURE POND
33,825 Sq. Ft.
0.7765 Ac.

TOWN OF GRAND CHUTE
CITY OF APPLETON



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

EXHIBIT "B"

LIGHTNING DRIVE

Pond

PARCEL: 101158298

Owner: City of Appleton

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 33,825 Square Feet (0.7765 Acres) of land and being further described as follows:

Commencing at the South ¼ corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW ¼ of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 54°21'43" East 127.60 feet;

Thence North 56°36'28" East 300.625 feet;

Thence Northeasterly 157.26 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears North 52°15'18" East 157.10 feet to the point of beginning;

Thence continue Northeasterly 263.34 feet along the arc of a curve to the left having a radius of 1035.00 feet and the chord of which bears North 40°36'48" East 262.63 feet;

Thence South 56°40'32" East 120.00 feet;

Thence South 35°39'52" West 175.42 feet;

Thence South 47°54'08" West 119.28 feet;

Thence North 42°05'52" West 120.00 feet to the point of beginning.

Baldeagle right of way

PARCEL: Part of 101157000

Owner: City of Appleton

A part of the Northeast ¼ of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 9,882 Square Feet (0.2269 Acres) of land and being further described as follows:

Commencing at the South ¼ corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW ¼ of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 33°23'32" West 80.00 feet;

Thence North 58°51'13" East 127.60 feet;

Thence North 56°36'28" East 300.63 feet;

Thence Northeasterly 1130.48 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 23°02'50" East 1066.94 feet to the point of beginning;

Thence South 77°06'07" West 145.09 feet to the Southeast end of Baldeagle Drive according to Apple Ridge 2;

Thence North 03°30'35" West 0.06 feet coincident with the East line of Apple Ridge 2;

Thence North 05°31'46" West 70.52 feet coincident with the East line of Apple Ridge 2 to the Northeast end of Baldeagle Drive;

Thence North 77°06'07" East 136.41 feet;

Thence Southerly 70.02 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South 12°35'31" East 70.00 feet to the point of beginning.

Providence right of way

PARCEL: Part of 101157000

Owner: City of Appleton

A part of the Northeast ¼ of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 27,293 Square Feet (0.6266 Acres) of land and being further described as follows:

EXHIBIT "B"

LIGHTNING DRIVE

Commencing at the South $\frac{1}{4}$ corner of said Section 6;
Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;
Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;
Thence North 54°21'43" East 127.60 feet;
Thence North 56°36'28" East 300.63 feet;
Thence Northerly 1429.04 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North 17°03'12" East 1318.20 feet;
Thence Northerly 373.38 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North 11°25'01" West 371.05 feet to the point of beginning;
Thence continue Northerly 7.83 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North 00°05'59" West 7.83 feet;
Thence North 00°07'58" East 58.17 feet;
Thence South 89°27'33" East 413.71 feet to the East line of the Fractional Southwest $\frac{1}{4}$ of said Section 6;
Thence South 00°27'14" West 66.00 feet coincident with the East line of the Fractional Southwest $\frac{1}{4}$ of said Section 6;
Thence North 89°27'33" West 413.31 feet to the point of beginning.