



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 22, 2023

Common Council Meeting Date: April 5, 2023

Anticipated Date Annexation Effective: April 11, 2023 at 12:01 a.m.

Item: Petition for Direct Annexation by Unanimous Approval Where No Owners/Electors Reside – Seville Properties Ballard & Werner Road Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Seville Properties, LLC - Ryan P. Radue, President/Chief Executive Officer

Address/Town Where Property is Located: N2751 County Rd EE - Appleton, WI 54913 – Town of Center

Parcel Number: 040098200- Town of Center

Petitioner's Request: The owner is requesting direct annexation by unanimous approval where no owners/electors reside pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Center, Outagamie County.

Purpose for Annexation: Pursuant to the annexation feasibility study, the owner would like to develop the property into residential uses with a variety of densities. The anticipated housing may be a mix of apartments, townhomes, duplexes, and single-family homes. They desire to develop the property by connecting to City utilities.

Population of Such Territory: 0

Annexation Area: 39.913 acres m/l

BACKGROUND

The annexation petition was filed with the City Clerk's office on February 13, 2023. State Statutes does require that the Department of Administration (DOA) review all annexation petitions within a county having a population of 50,000 or more to determine if the petition is in the public interest. On March 10, 2023, the City received correspondence from the DOA indicating they do not object or require any changes to the proposed annexation. (See attached)

STAFF ANALYSIS

Annexation Feasibility Study Form: The following is summary of City staff comments from the Annexation Feasibility Study for this annexation:

- The City of Appleton does not have a boundary agreement with the Town of Center.
- In the absence of a boundary agreement, property tax payment to the Town of Center is required. In accordance with Wisconsin State Statute Section 66.0217(14), the City of Appleton is required to pay annually to the Town, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wisconsin State Statute Section 70.65, in the year in which the annexation is final. Outagamie County records indicated the 2022 tax bill was \$1,376.12. The City will pay the 5-year tax compensation to the Town of Center.
- The subject property is developed with the single-family residence and agricultural buildings/structures. It is anticipated these buildings will be demolished.
- The subject property is located within the City's Growth Area Boundary.
- The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Multifamily residential.
- The owner is requesting the City Plan Commission initiate a rezoning application for the annexation area from temporary AG Agricultural District to a zoning classification of R-3 Multifamily residential District.
- The current City of Appleton proposed Park Acquisition Map identifies a need for the City to acquire land for a neighborhood park within or near the annexation area. (See attached map)
- The City can provide necessary City services, including but not limited to, sanitary sewer, water, police, fire, and garbage/recycling to the subject property. However, City storm sewer main extensions would be required to serve this property. In addition, it is possible a new lift station and/or force main may also be needed, but this depends on how the property is developed. A development/feasibility plan has not been submitted for City review; cost estimates have not been calculated.
- The following utilities are installed in this area of the City: 1) A 16-inch water main exists along the west side of Ballard Road, 2) A 12-inch water main exists along the south side of Werner Road, 3) Sanitary main exists down the centerline of Werner Road.

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- The area proposed for annexation is contiguous to the existing City boundary on the north, south, west and east sides.
- The subject property is adjacent to Werner Road and Ballard Road right-of-way. Access to Ballard Road is under the authority of Outagamie County Highway Department. Access to Werner Road would be under the authority of City of Appleton.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Multifamily residential. The proposed annexation and future zoning map amendment (Temporary AG Agricultural District to R-3 Multifamily residential District) are consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 3 – Housing Quality, Variety, and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

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.

College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study. The proposed annexation and future zoning map amendment (Temporary AG Agricultural District to R-3 Multifamily residential District) will help to meet the demand for housing in Appleton as specified in the market study.

The Appleton Comprehensive Outdoor Recreation Plan (CORP) 2019-2023: Page 74 references the need to acquire and develop parkland in the “far northern areas of the city”. There are also recommendations in the CORP, Page 60, that state residents should not be more than ¼ to ½ mile away from neighborhood park amenities. The current City of Appleton proposed Park Acquisition Map has identified a need for the City to acquire land for a neighborhood park within or near the annexation area. Discussions about implementing the CORP recommendations will take place at the concept plan review stage between City staff and the property owner/developer.

City of Appleton Trails Master Plan (January 2017): The City of Appleton Trails Master Plan proposed network map identifies a proposed trail along the west side of Ballard Road adjacent to subject site. In addition, a proposed on-street bike lane is proposed along the east side of Ballard Road. (See attached map)

City of Appleton On-Street Bike Lane Plan (September 15, 2010): The proposed bicycle network Map 7A identifies a proposed trail route along Werner Road which heads east to Ballard Road and west to Kurey Drive. (See attached map)

Surrounding Zoning Classification and Land Uses:

North: City of Appleton. AG Agricultural District, the adjacent land use to the north is currently agricultural land.

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

South: City of Appleton. R-1A Single-family District and R-3 Multi-family District, the adjacent land uses to the south are currently City water tower, single-family residential and undeveloped land.

West: City of Appleton. AG Agricultural District and R-1B Single-family District, the adjacent land uses to the west are currently agricultural land and single-family residential.

East: City of Appleton. R-1B Single-family District, the adjacent land uses to the east are currently single-family residential and undeveloped single-family lots.

Technical Review Group (TRG) Report: This item appeared on the February 28, 2023 TRG Agenda. No negative comments were received from participating departments. The future action section captures items discussed at this meeting, in addition to the staff analysis section.

FUTURE ACTIONS

- Per Section 23-65(e) of the Municipal Code, a temporary zoning classification of AG Agricultural District is assigned to newly annexed territory, with the rezoning process taking place after the subject site has been annexed to the City. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission.
- The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

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- The existing land uses within the territory to be annexed;
 - The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
 - The Comprehensive Plan of the City.
- The owners are requesting that Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to zoning classification of R-3 Multifamily District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. This request is anticipated to be scheduled for an informal public hearing at the April 26, 2023 Plan Commission meeting.
 - Additional right-of-way dedication may be anticipated for Werner Road and Ballard Road to accommodate future plans to convert Ballard Road to an urbanized street with anticipated bike lanes, sidewalks, traffic lanes, center turn lane, and curb and gutter and Werner Road converted to an urbanized street with anticipated trail, sidewalks, traffic lanes, and curb and gutter.
 - Concept plan/pre-plat conference will be required between City and the owner/developer prior to the submittal of a Certified Survey Map (CSM), Preliminary Plat and/or Final Plat.
 - The current Subdivision Ordinance requires a pre-plat conference between City staff and the property owner/developer prior to submittal of a CSM or preliminary plat. At the pre-plat conference, City staff will review and comment on the concept plan, including but limited to, the City's desire to acquire parkland on the subject site, extension/design of City storm sewer main, stormwater management, other civil engineering matters, road/driveway access to the property, review of City plans, zoning and future road/trail connectivity to adjacent properties, and emergency service regulations.

RECOMMENDATION

Staff recommends that the Seville Properties Ballard & Werner Road Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission initiate the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of R-3 Multifamily District which is consistent with the *Comprehensive Plan 2010-2030*, pursuant to Section 23-65(d)(1) of the Municipal Code.



TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY-DESIGNEE

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

March 10, 2023

PETITION FILE NO. 14569

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

AMY L OLSON, CLERK
TOWN OF CENTER
N3990 STATE ROAD 47
APPLETON, WI 54913-8484

Subject: SEVILLE PROPERTIES ANNEXATION

The proposed annexation submitted to our office on February 21, 2023, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the City of Appleton, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14569 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

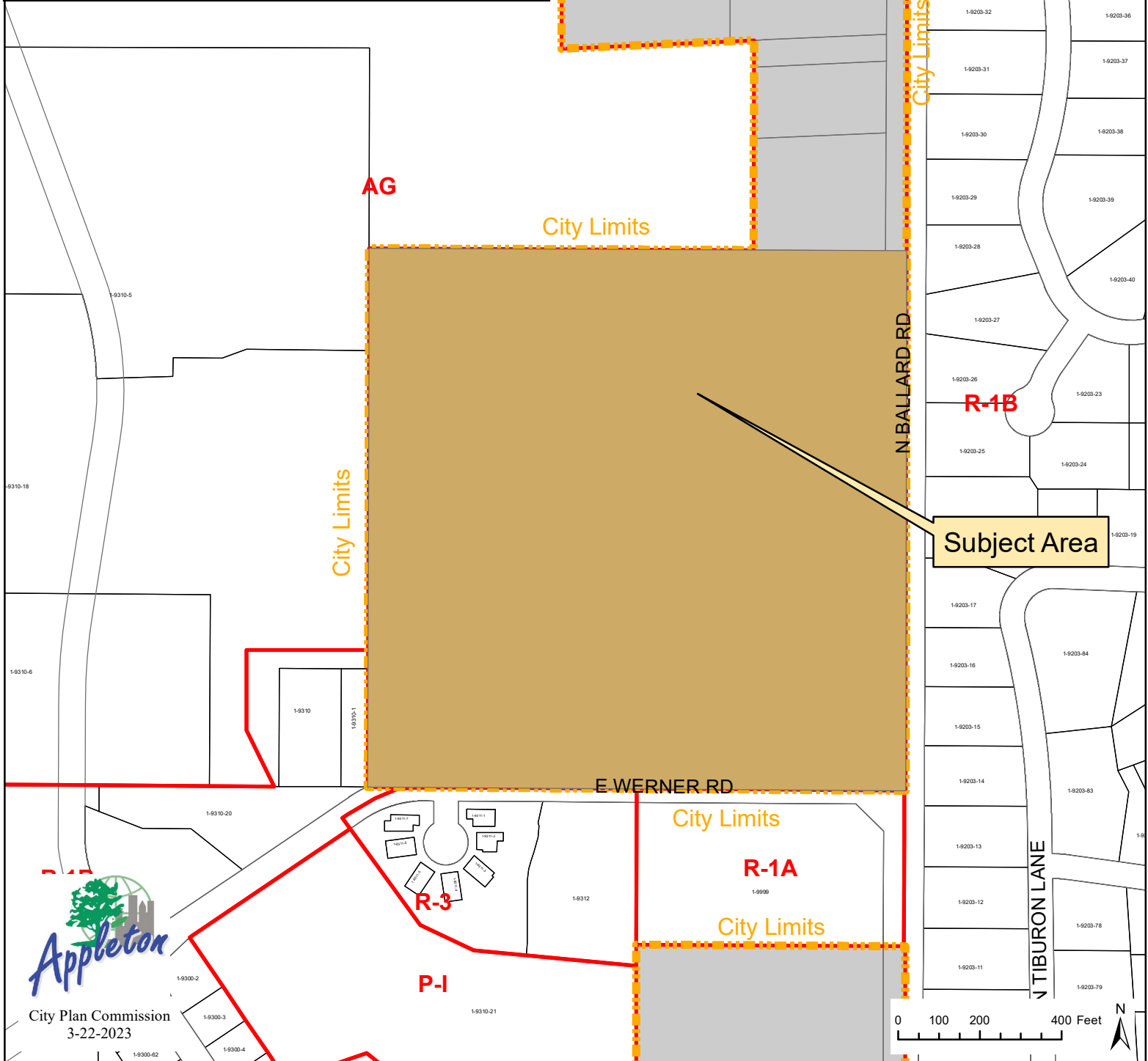
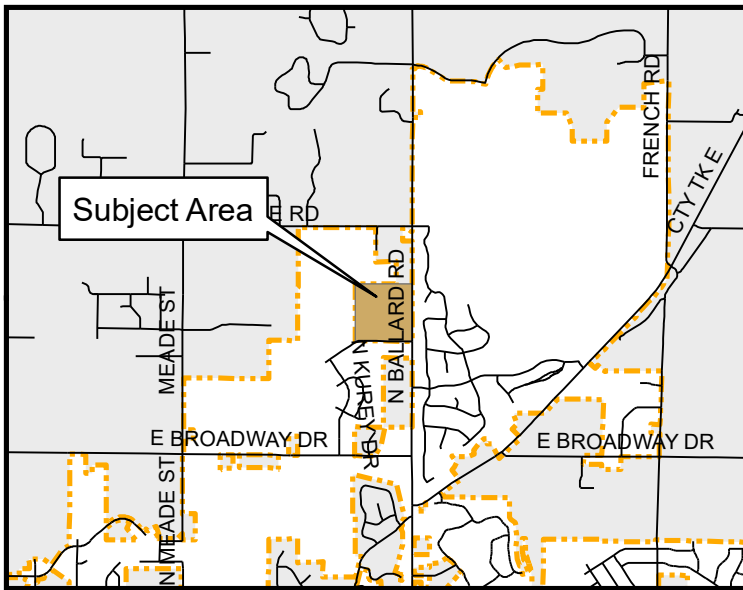
The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2643>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

Seville Properties Ballard & Werner Road Anneation - Town of Center Zoning Map





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

I/We, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Center, Outagamie County, Wisconsin, lying contiguous to the City of Appleton petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

Legal description of proposed territory to be annexed:

The Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, Township 22 North, Range 17 East, Town of Center, Outagamie County, Wisconsin, containing 39.913 Acres of land and being further described as follows:
Commencing at the East Quarter (E $\frac{1}{4}$) corner of said Section 36 and being the point of beginning;
Thence North $89^{\circ}36'25''$ West 1316.61 feet coincident with the South line of the NE $\frac{1}{4}$ of Section 36;
Thence North $00^{\circ}08'57''$ East 1319.65 feet coincident with the West line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36;
Thence South $89^{\circ}43'44''$ East 1315.59 feet coincident with the North line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36;
Thence South $00^{\circ}06'21''$ West 1322.45 feet coincident with the East line of the Northeast $\frac{1}{4}$ of Section 36 to the point of beginning.


Containing a total of 39.913 acres.

Town of Center Tax Parcel to be annexed: 040098200.

The current population of such territory is 0.

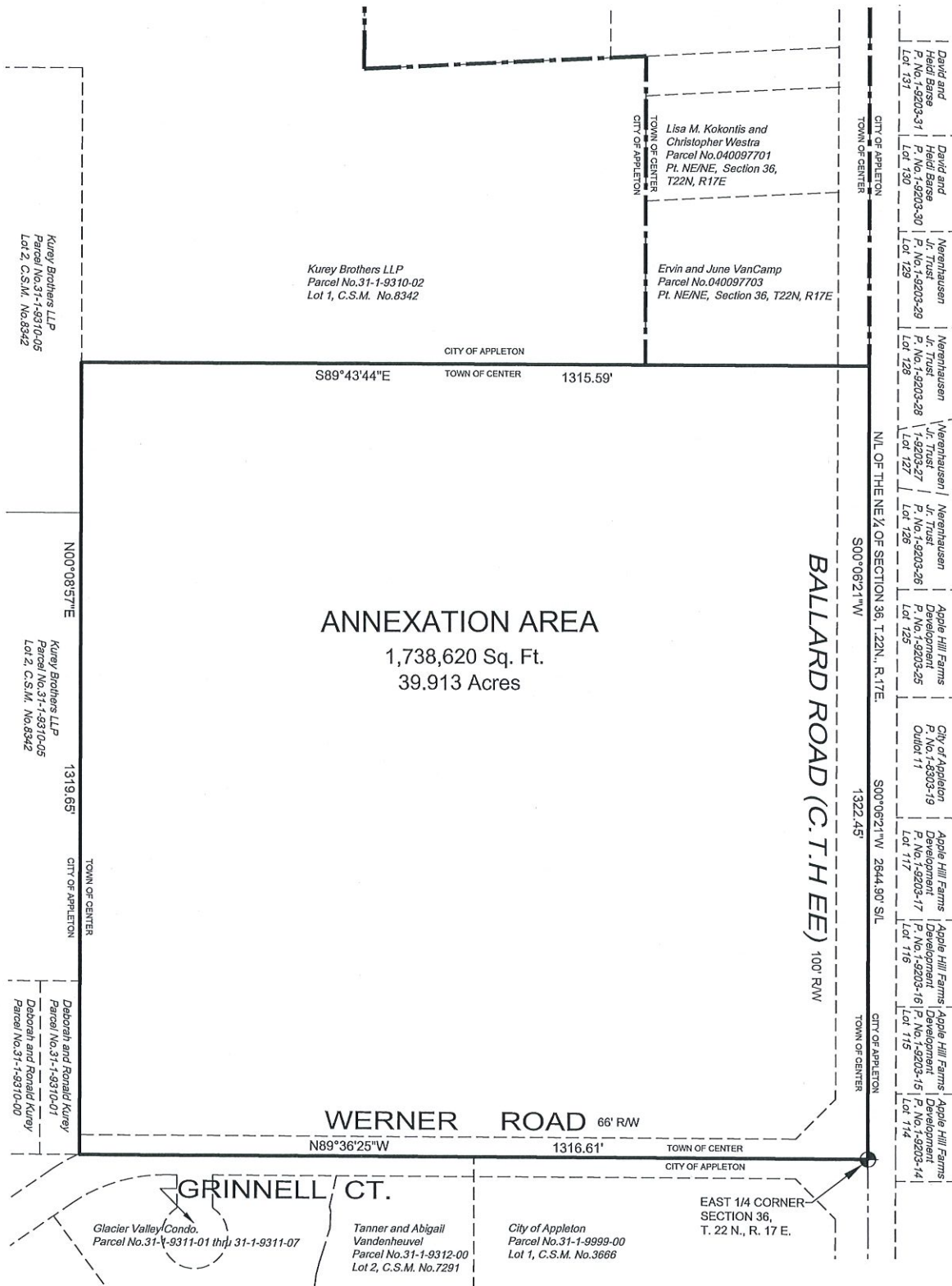
I/We further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to a zoning classification of R-3 Multifamily District which is consistent with the current *Comprehensive Plan 2010-2030* Future Land Use Map.

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

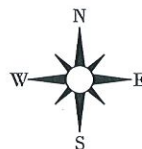
Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	Seville Properties, LLC Ryan P. Radue, President/Chief Executive Officer (Registered Agent)	2-10-23	2585 S. Broadway Green Bay, WI 54304- 5365
Ryan P. Radue			

ANNEXATION

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4),
Section 36, Township 22 North, Range 17 East, Town of Center,
Outagamie County, Wisconsin.



BEARINGS ARE REFERENCED TO THE
WISCONSIN COUNTY COORDINATE
SYSTEM, OUTAGAMIE COUNTY, EAST LINE
OF THE NE 1/4 SECTION 36, T.22N., R.17E.;
WHICH BEARS N00°06'21"E
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CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM