

REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: July 26, 2023

Common Council Meeting Date: August 2, 2023

Item: Preliminary Plat – Southpoint Commerce Park Plat No. 4

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: City of Appleton

Applicant: Tom Kromm, City Surveyor

Location: Land area bounded by Eisenhower Drive, Midway Road, and Coop Road

Parcel Numbers: 31-9-5900-00 and 31-9-5800-00

BACKGROUND

The property was annexed to the City through the Southeast Industrial Park Annexation #4 that became effective in December of 1999.

On March 19, 2003, Southpoint Commerce Park Plat No. 1 (47 acres) was approved by the Common Council. This phase created 13 lots and 1 outlot.

On August 3, 2005, Southpoint Commerce Park Plat No. 2 (67.9 acres) was approved by the Common Council. This phase created 12 lots and 1 outlot.

On May 3, 2006, Southpoint Commerce Park Plat No. 3 (27.8 acres) was approved by the Common Council. This phase created 12 lots.

On June 28, 2023, the Plan Commission recommended approval of Resolution No. 23-CPC-01 designating the proposed district boundaries and approving the Project Plan for Tax Incremental Financing District #13 in Southpoint Commerce Park.

On July 19, 2023, a press event was held to announce the City's intention to designate approximately 32 acres of the Southpoint Commerce Park Plat No. 4 as a conservancy/public park. The proposed parkland dedication consists of Lot 13 (conservancy park consisting of mixed hardwoods for potential low-impact activities like hiking, biking, and cross-country skiing) and Outlot 2 (future construction of a trailhead and public trail).

On July 19, 2023, Resolution #8-R-26 Creating Appleton Conservancy Park was introduced at the Common Council Meeting and referred to Plan Commission. Condition #1 in the staff recommendation is associated to the resolution and the following action item 23-0904. The filing and recording of the

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Southpoint Commerce Park Plat No. 4 will statutorily dedicate this land to the public for parkland, trail and trailhead use.

STAFF ANALYSIS

Existing Conditions: The subject site is agricultural land with a wooded wetland and an existing stormwater management pond. The land area is 117.379 acres.

Proposed Conditions: The Preliminary Plat for Southpoint Commerce Park Plat No. 4 subdivides the land area into the following lots:

- Lots 1 through 12 will be marketed for industrial park development.
- Lot 13 (wooded wetland) will be "dedicated to the public for parkland" on the Final Plat.
- Outlot 1 is an existing stormwater management pond.
- Outlot 2 will be "dedicated to the public for parkland/trailhead/trail" on the Final Plat.

Zoning District Classification: M-1 Industrial Park District

Zoning Ordinance Review Criteria: M-1 Industrial Park District lot development standards (Section 23-93) are as follows:

- Minimum lot area: One (1) acre.
 - The proposed lot size ranges from 1.878 acres to 32.535 acres. All lots/outlots exceed the minimum lot area requirement.
- Minimum lot width: One hundred fifty (150) feet.
 - All lots exceed this minimum requirement.
- Minimum front, side and rear yard setbacks: Forty (40) foot front yard, Twenty-five (25) foot side yard, and Twenty-five (25) foot rear yard. Fifty (50) foot side and rear yard, if abutting a residentially-zoned district.
 - Required front yard setback has been shown on the Preliminary Plat. Required setbacks will be reviewed through the site plan and building permit review process.
- Maximum building height: Sixty (60) feet.
 - o This will be reviewed through the site plan and building permit review process.

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- Maximum lot coverage. Ninety percent (90%).
 - o This will be reviewed through the site plan and building permit review process.

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations.

Access and Traffic:

- Vehicular access to Southpoint Commerce Park Plat No. 4 is via Eisenhower Drive, Endeavor Drive, Vantage Drive, Coop Road, and Inspire Court.
- The proposed public right-of-way (Endeavor Drive, Vantage Drive and Inspire Court) within the subdivision will be dedicated to the City with the Final Plat.
- Access to County Trunk "AP" (Midway Road) is not allowed for Lots 12 and 13.

Surrounding Zoning and Land Uses:

North: Village of Harrison Zoning – Multi-family residential use

South: Village of Harrison Zoning – Agricultural use

East: Village of Harrison Zoning – Single-family residential uses

West: City of Appleton Zoning, M-1 Industrial Park District – Industrial uses

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Business/Industrial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map and Resolution #8-R-23 Creating Appleton Conservancy Park. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Chapter 4: Overall Community Goals Goal 1 – 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 8 – Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

Chapter 9: Economic Development

Objective 9.2 – Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.

Policy 9.5.1 – Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

Policy 9.5.2 – Proactively acquire property targeted for redevelopment and develop a land bank to assist in property assembly with a focus on corridors, the downtown, and areas identified as business/industrial on the Future Land Use Map.

Chapter 10: Land Use

Objective 10.1 – Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Objective 10.4 - 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 10.4.3 – Promote commercial and industrial development which is compatible with nearby residential areas.

Chapter 18 Park and Recreation Mater Plan

18.1 OBJECTIVE: Identify land for acquisition, or opportunities to share facilities, to provide adequate access to parks in developed parts of Appleton where there are no existing parks.

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

18.6 OBJECTIVE: Plan, design, and develop additional parks and recreational facilities that meet current and emerging needs of the community.

City of Appleton Trails Master Plan (January 2017): The City of Appleton Trails Master Plan proposed network map identifies a proposed trail between Eisenhower Drive and Coop Road located within the proposed Southpoint Commerce Park Plat No. 4.

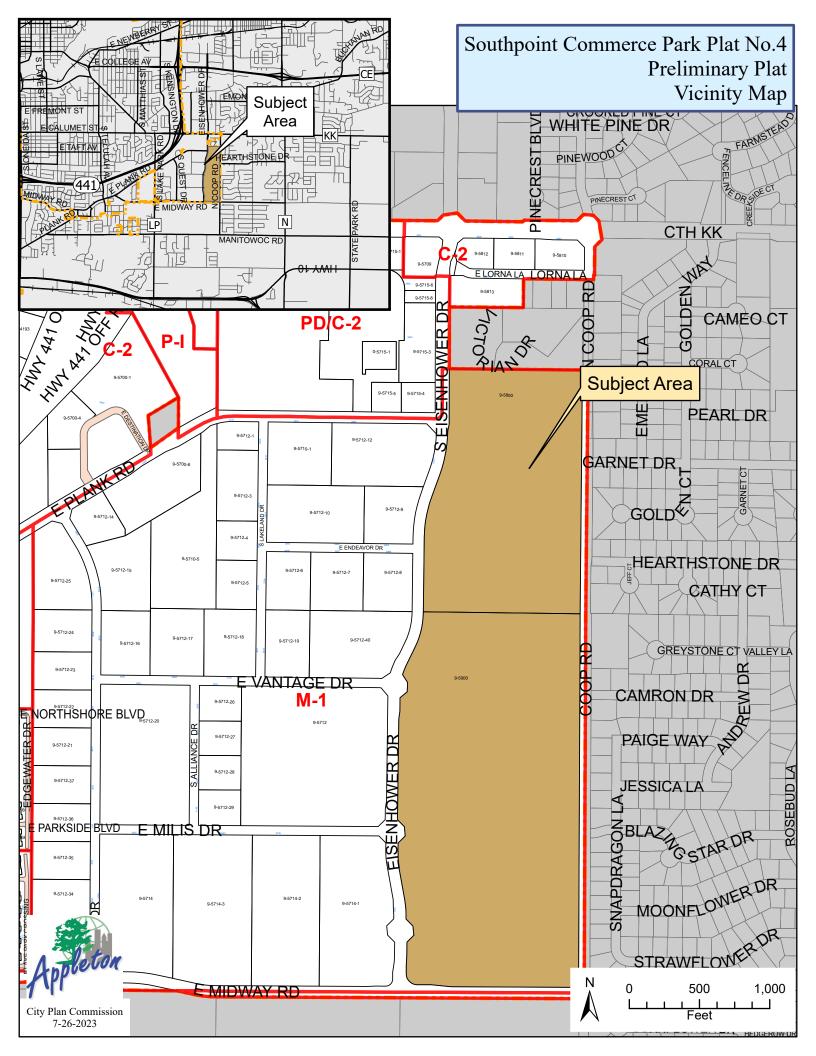
Technical Review Group (TRG) Report: This item appeared on the July 5, 2023 TRG Agenda. No negative comments were received from participating departments.

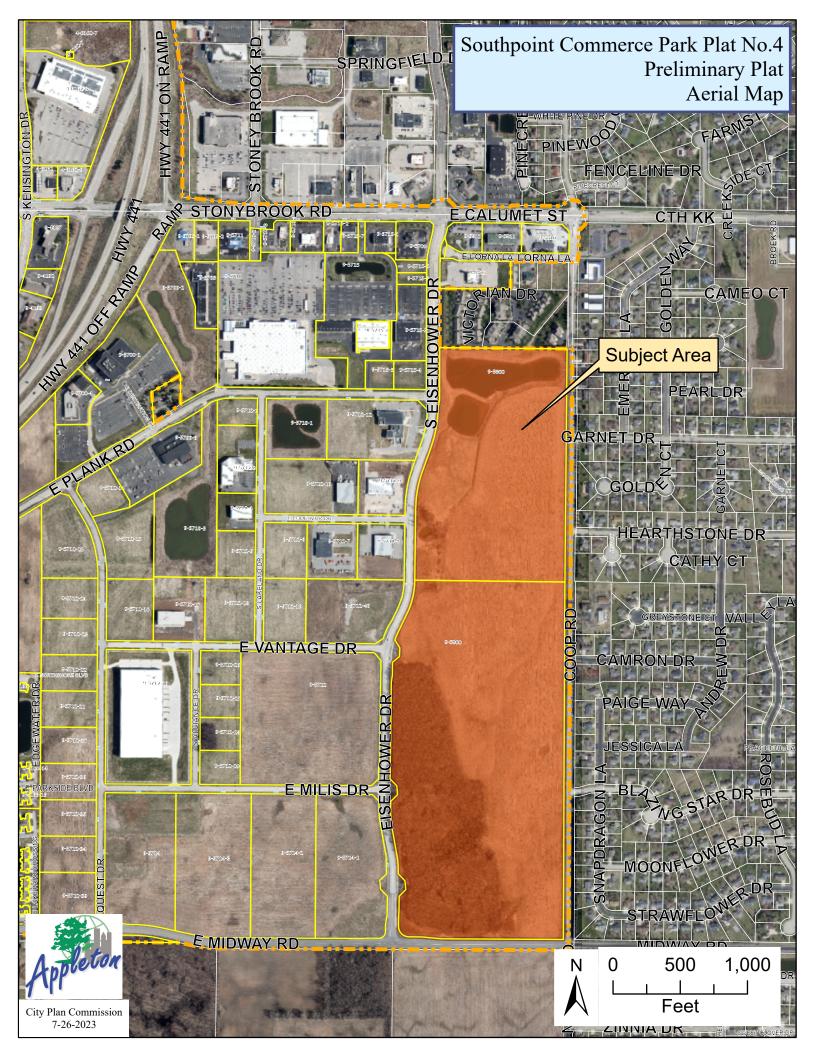
RECOMMENDATION

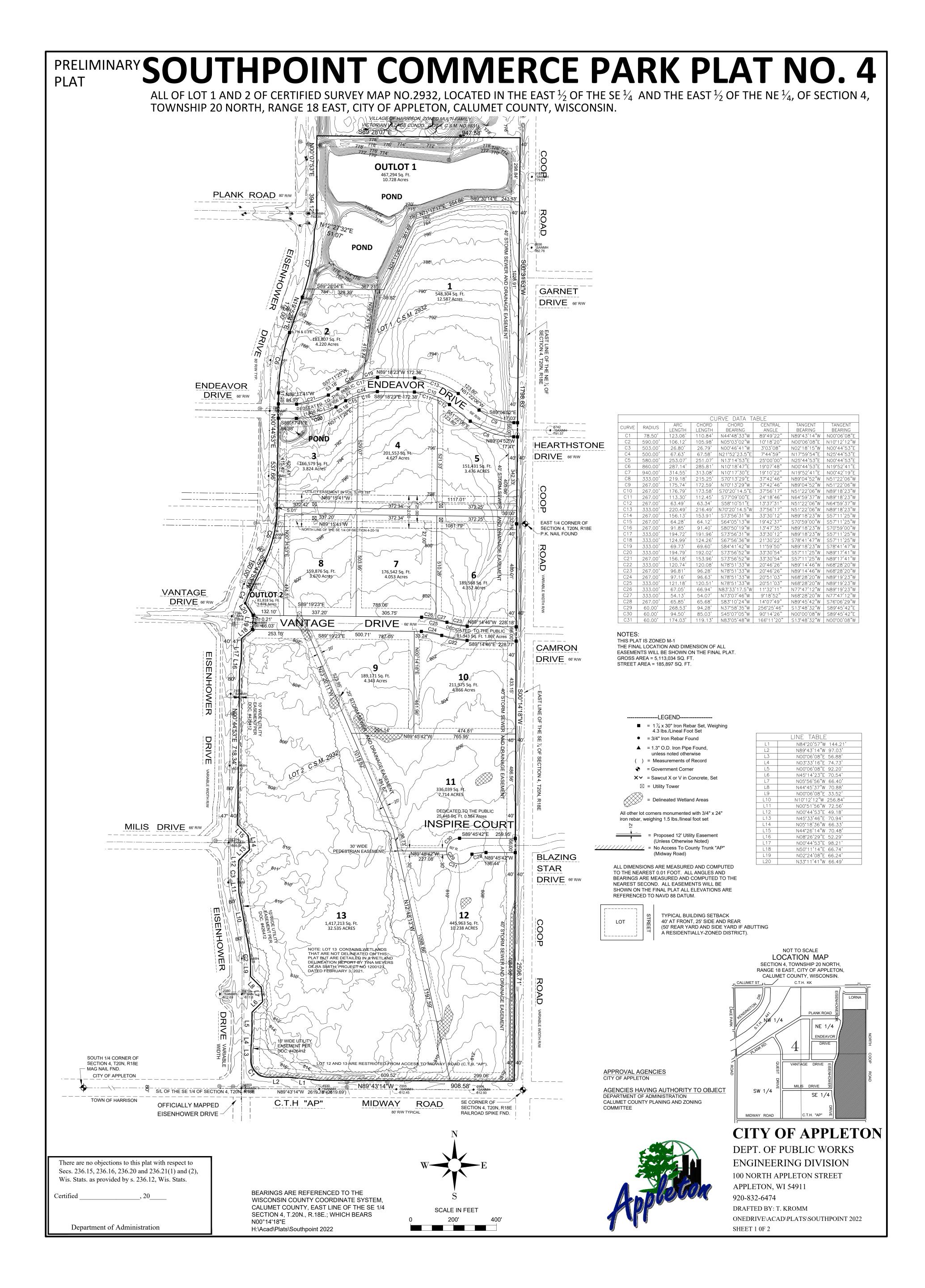
The Preliminary Plat for Southpoint Commerce Park Plat No. 4 **BE APPROVED** subject to the following conditions and as shown on the attached maps:

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- 1. On the Final Plat show the following:
 - Change Lot 13 to Outlot 3. Identify Outlot 3 being dedicated to the public for parkland purpose, "Dedicated to the public for parkland".
 - Identify Outlot 2 being dedicated to the public for parkland/trailhead/trail purposes, "Dedicated to the public for parkland/trailhead/trail".
- 2. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.







PRELIMINARY SOUTHPOINT COMMERCE PARK PLAT NO. 4

ALL OF LOT 1 AND 2 OF CERTIFIED SURVEY MAP NO.2932, LOCATED IN THE EAST $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ AND THE EAST $\frac{1}{2}$ OF THE NE $\frac{1}{4}$, OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:	SANITARY SEWER, WATERMAIN, STORM SEWER AND DRAINAGE EASEMENT PROVISIONS
I, Thomas M. Kromm, Wisconsin Professional Land Surveyor, certify that I have surveyed divided, and mapped under the direction of the City of Appleton, All of Lot One (1) and Lot Two (2) of Certified Survey Map Number 2932, located in the East One-half (E ½) of the Southeast Quarter (SE ¼) and the East One-half (E ½) of the Northeast Quarter (NE ¼) of Section 4, Township Twenty (20) North, Range Eighteen (18) East, in the City of Appleton, Calumet County, Wisconsin, containing 5,113,024 Square Feet (117.379 Acres) of land. Said lands subject to all	An easement for sanitary sewer, watermain, storm sewer and drainage easement is hereby granted by: THE CITY OF APPLETON, Grantor, to
	THE CITY OF APPLETON, Grantee,
easements and restrictions of record. That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying, dividing and mapping the same. That this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.	1. Purpose: The purpose of this easement for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize and repair a sanitary sewer, storm sewer and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said sanitary sewer and storm sewer that occurs outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
Dated this day of , 2023.	2. Access: Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
Dated this day of	3. Buildings or Other Structures: Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "sanitary sewer easement, storm sewer easement, drainage easement and watermain easement".
Wisconsin Professional Land Surveyor Thomas M. Kromm	4. Elevation: The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered by more than 4 inches without the written consent of grantee.
CORPORATE OWNER'S CERTIFICATE OF DEDICATION	5. Restoration: Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is reasonably possible, to the prior existing condition
The City of Appleton, a Wisconsin municipal corporation duly established and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said municipal corporation caused the land described in this plat to be surveyed, divided, mapped and dedicated as represented on this plat.	when conducting all future maintenance, resizing or repair activities. Grantor shall be responsible for all surface restoration. 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, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein.
The City of Appleton, does further certify that this plat is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection:	6. Notification: Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable times.
City of Appleton Department of Administration Calumet County	7. Drainage easements are conveyance paths for storm water. The placement of fill in a drainage easement, which interferes with the flow or changes to the shape of the drainage easement by the lot owner or his agent, is prohibited. Upon failure of lot owner's to maintain said drainage ways and easements as designed; the City of Appleton retains the right to perform maintenance and or repairs. The payment of said maintenance and or repairs shall be equally
In Witness Whereof, said City of Appleton has caused these presents to be signed by its Mayor, and countersigned by its City Clerk, at Appleton Wisconsin, and its corporate seal to be hereunto affixed on this day of, 2023.	assessed to the adjacent lot owners. 8. The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
Jacob A. Woodford, Mayor Kami Lynch, City Clerk	Jacob. A. Woodford, Mayor Kami Lynch, City Clerk
State of Wisconsin)) SS	
Calumet County)	UTILITY EASEMENT PROVISIONS
Personally came before me thisday of, 2023. Jacob A. Woodford, Mayor, and Kami Lynch, City Clerk of the above named municipal corporation to me known to be the persons who executed the foregoing instrument and to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of such corporation, by its authority.	An easement for electric and communications service is hereby granted by The City of Appleton, Grantor, to
	WE-ENERGIES ELECTRIC AND GAS SBC WISCONSIN TIME WARNER CABLE Grantees,
Notary Public My commission expires	Their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy for such purposes as the same is now or may hereafter be used and for sounds and signals, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the
COMMON COUNCIL RESOLUTION	right to install service connections upon, across within and beneath the surface of each lot to serve improvements thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required, incidental to the rights herein given, and the right to enter upon
Resolved, that the plat of SOUTHPOINT COMMERCE PARK PLAT NO. 4, in the City of Appleton, is hereby approved by the Common Council of the City of Appleton.	the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communication facilities or to any trees, brush or roots which may be
Date: Signed:	removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade
I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Appleton.	of the subdivided property shall not be altered by more than four inches without the written consent of grantees.
Date: Signed	The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
City Clerk	Jacob A. Woodford, Mayor Kami Lynch, City Clerk
CERTIFICATE OF FINANCE OFFICER	
I,, being the duly qualified and acting treasurer of the City of Appleton, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of on any of the land included in the plat of SOUTHPOINT COMMERCE PARK PLAT NO. 4.	Revised this
Date: Jeri A. Ohman, Director of Finance	
COUNTY TREASURER'S CERTIFICATE	
State of Wisconsin))SS	
Calumet County)	
I,, being the duly elected, qualified and acting treasurer of the County of Calumet, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or unpaid special assessments as of affecting the lands included in the plat of SOUTHPOINT COMMERCE PARK PLAT NO. 4.	
Date: County Treasurer	

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _______, 20____

Department of Administration



CITY OF APPLETON

DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
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APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM
ONEDRIVE\ACAD\PLATS\SOUTHPOINT 2022
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