



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** December 13, 2023

**Common Council Meeting Date:** December 20, 2023

**Item:** Certified Survey Map #19-23

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

### GENERAL INFORMATION

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**Owner:** BVH Investments, LLC

**Applicant:** Keith Walenski, Professional Wisconsin Land Surveyor, Harris & Associates, Inc.

**Address/Parcels:** 1741 North Richmond Street (Tax Id's #31-5-2548-00 and #31-5-3265-00)

**Petitioner's Request:** The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The CSM would combine two properties into one lot.

### BACKGROUND

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CSMs are generally administratively reviewed and approved by City staff. However, the subject parcels were originally platted in different plats.

- Parcel #31-5-2548-00 is included in the Bell Heights Addition, Block 26.
- Parcel #31-5-3265-00 is included in the Hall-Heenan Plat, Block 10.

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.

### STAFF ANALYSIS

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**Existing Conditions:** Currently, parcels #31-5-2548-00 and #31-5-3265-00 are developed with an existing automobile repair business. All parcels have a zoning designation of C-2 General Commercial District. The combined lot area is 28,885 square feet.

**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 C-2 General Commercial District, the minimum lot width is 60 feet, and the minimum lot area is 14,000 square feet, per Section 23-113(h) of the Municipal Code. Proposed Lot 1 satisfies these lot development standards.

**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 commercial and residential in nature.

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

South: C-2 General Commercial District. The adjacent land use to the south is currently residential.

East: R-1C Central City Residential District and R-2 Two-family District. The adjacent land uses to the east are currently a mix of single/two family uses.

West: C-2 General Commercial District and R-1B Single-Family District. The adjacent land uses to the west are currently a mix of commercial and single-family residential uses.

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

**Technical Review Group (TRG) Report:** This item appeared on the November 21, 2023 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

## **RECOMMENDATION**

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Based on the above, staff recommends that Certified Survey Map #19-23, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. Delete and revise the front and rear building setback data near the top of Sheet 1 of 3 as follows:

Front building setback: 10 feet minimum.

Rear building setback: 20 feet minimum.

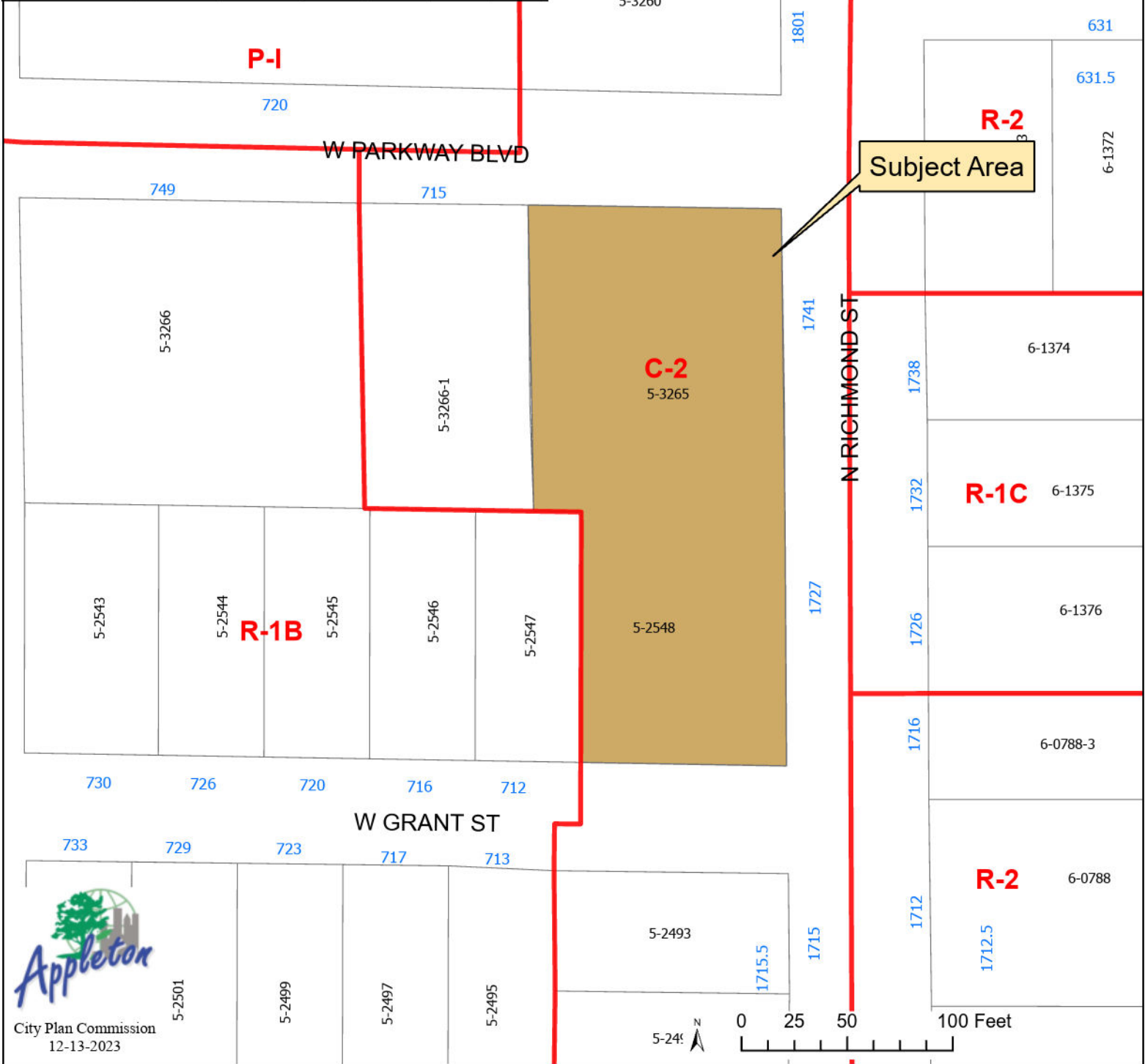
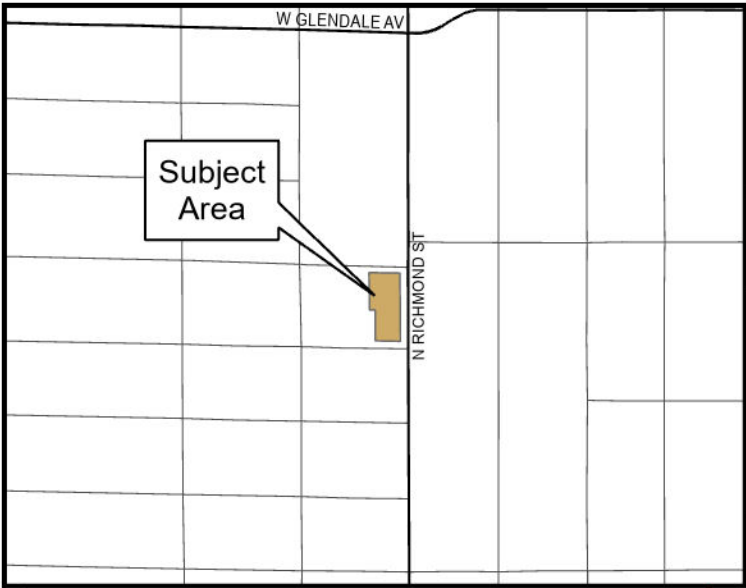
It is important to note: The side building setback does not apply to this proposed lot.

2. State Statute 236.34(1)(dm). This CSM crosses the exterior boundary of a recorded subdivision and does not meet the minimum required monumentation. The exterior boundary and block corner monuments set as part of the survey shall be the same as a subdivision plat, revise as necessary.
3. State Statute 236.20 (2) (b). Show the outside diameter of iron pipes found and or set.
4. Subdivision Code Section 17-17(a) 6. Provide front yard, side yard and rear yard setback distances for the existing buildings shown on the map.
5. Relabel "Common Council Resolution" to "City of Appleton Approval Certificate" on Sheet 2 of 3.

Certified Survey Map #19-23  
 1741 North Richmond Street  
 (Crosses a Plat Boundary Line)

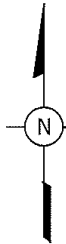
Subject Area

Subject Area



**OUTAGAMIE COUNTY CERTIFIED SURVEY MAP**  
 Lot 1, Block 10, HALL HEENEN PLAT, Lot 30, Lot 31 less the South 3 feet thereof, Block 26, BELL HEIGHTS ADDITION and part of the Northeast 1/4 of the Southeast 1/4, Section 22, T21N, R17E, City of Appleton, Outagamie County, Wisconsin.

Zoned C2-Commercial District.  
 Front building setback - 20 feet  
 Side building setback (residential - 15 feet)  
 Rear building setback (residential - 15 feet)



North is referenced to the E/L of the SE 1/4, Section 22-21-17, recorded to bear S00°15'27"E per Wisconsin Coordinate System, Outagamie County.

EAST 1/4 CORNER  
 SEC. 22-21-17  
 (FOUND CUT CROSS)

PARKWAY BOULEVARD

841.92'

**LEGEND**

- = 3/4" x 24" REBAR SET WEIGHING 1.502 LBS./LIN. FT.
- ⊙ = 1" IRON PIPE FOUND
- = 3/4" REBAR FOUND
- X = MASONRY NAIL SET
- ( ) = RECORDED AS

HALL HEENEN

PLAT

BLOCK

10

LOT 2

OWNERS: DANIEL & LUCIA STRONG



1PF 0.24' WEST OF ACTUAL CORNER

N00°15'27"W  
 144.98'

N88°33'57"W  
 22.50'

**LOT 1**

AREA = 28,885 SQ. FT.  
 0.66 ACRES

LOT 29  
 OWNERS: AUDRA MARTINATTIS REV TRUST

BLOCK

BELL HEIGHTS

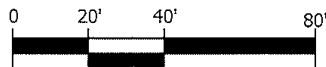
*Keith W. Walenski 10-1-23*

KEITH W. WALENSKI P.L.S. - 2292

Date

25'

GRANT STREET



1 inch = 40 ft.

**HARRIS & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS AND LAND SURVEYORS  
 2718 NORTH MEADE ST.  
 APPLETON, WI 54911  
 TEL: (920) 733-8377  
 FAX: (920) 733-4731  
 WWW.HARRISING.NET

SE CORNER  
 SEC. 22-21-17  
 (INTERSECTION ON MH)

**OUTAGAMIE COUNTY CERTIFIED SURVEY MAP**

Lot 1, Block 10, HALL HEENEN PLAT, Lot 30, Lot 31 less the South 3 feet thereof, Block 26, BELL HEIGHTS ADDITION and part of the Northeast 1/4 of the Southeast 1/4, Section 22, T21N, R17E, City of Appleton, Outagamie County, Wisconsin.

**SURVEYOR'S CERTIFICATE**

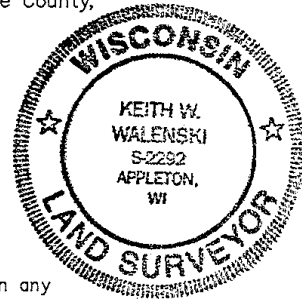
I Keith W. Walenski, Professional Wisconsin Land Surveyor, hereby certify that I have surveyed, combined and mapped Lot 1, Block 10, HALL-HEENAN PLAT, Lot 31 Less the South 3 feet and all of Lot 30 Block 26, BELL HEIGHTS ADDITION and part of the Northeast 1/4 of the Southeast 1/4, Section 22, T21N, R17E, City of Appleton, Outagamie County, Wisconsin, described as follows: Commencing at the East 1/4 corner of said Section 22; thence S00°15'27"E along the East line of the Southeast 1/4, 841.92 feet; thence N88°44'34"W, 33.01 feet to the point of Beginning; thence S00°15'27"E along the West line of Richmond Street, 263.03 feet; thence N88°51'44"W along the North line of Grant Street, 97.43 feet; thence N00°15'27"W along the West line of Lots 30 and 31, Block 26, BELL HEIGHTS ADDITION, 118.18 feet to the Northwest corner of Lot 29 of said plat; thence N88°33'57"W, along the North line of said Lot 29, 22.50 feet; thence N00°15'27"W, 144.98 feet; thence S88°44'34"E along the South line of Parkway Boulevard, 119.93 feet to the point of beginning, containing 28,885 sq. ft. (0.66 Acres).

That I have made such survey, land combination and map as shown hereon, under the direction of BVH Investments, LLC.

That this map is a correct representation of the exterior boundary lines of the land surveyed and the combination of that land.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Subdivision regulations of the City of Appleton, Outagamie County, Wisconsin, in surveying, combining and mapping the same.

*Keith W. Walenski* 11-1-23  
Keith W. Walenski P.L.S. Date



**TREASURER'S CERTIFICATE**

I hereby Certified that there are no unpaid taxes or unpaid special assessments on any of the lands included in this Certified Survey Map.

\_\_\_\_\_  
Finance Director, City of Appleton Date

\_\_\_\_\_  
Outagamie County Treasurer Date

**COMMON COUNCIL RESOLUTION**

This Certified Survey Map was approved by the City of Appleton on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor: Jake Woodford Date

\_\_\_\_\_  
City Clerk: Kami Lynch Date

**OUTAGAMIE COUNTY CERTIFIED SURVEY MAP**

Lot 1, Block 10, HALL HEENEN PLAT, Lot 30, Lot 31 less the South 3 feet thereof, Block 26, BELL HEIGHTS ADDITION and part of the Northeast 1/4 of the Southeast 1/4, Section 22, T21N, R17E, City of Appleton, Outagamie County, Wisconsin.

LIMITED LIABILITY COMPANY OWNER'S CERTIFICATE

BVH Investments, LLC., a limited liability company duly organized and existing under and by the virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described to be surveyed, combined and mapped as shown and represented hereon.

BVH Investments, LLC., does further certify that this Certified Survey Map is required by S.236.10 or S.236.12 of the Wisconsin Statutes be submitted to the City of Appleton for approval or objection.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Representative Date

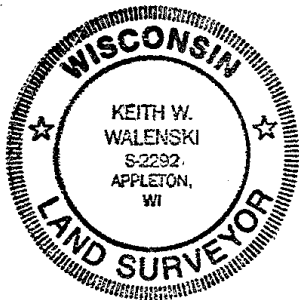
State of Wisconsin )  
                          ) ss  
Outagamie County )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
the above named person to me known to be a Spirit Investments LLC. representative who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public My commission expires \_\_\_\_\_

GENERAL NOTES:

- 1. This CSM is all of tax parcel Nos. 315326500 & 315254800.
- 2. This CSM is contained wholly within the property described in Document No. 2265638.
- 3. The Land contained within this CSM is zoned C2-Commercial District.
- 4. The property owner of record is BVH Investments, LLC.



*Keith W Walenski* 11-1-23  
Keith W. Walenski P.L.S. Date