



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: April 26, 2023

Common Council Meeting Date: May 3, 2023

Anticipated Date Annexation Effective: May 9, 2023 at 12:01 a.m.

Item: Petition for Direct Annexation by Unanimous Approval Where No Electors Reside – Baldeagle Drive & Providence Avenue (Right-of-Way) Annexation

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: City of Appleton

Initiated by: Department of Public Works - Engineering Division

Town Where Property is Located: Town of Grand Chute

Parcel Numbers: 101158298 and Part of 101157000 - Town of Grand Chute

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

Purpose for Annexation: To allow the City of Appleton to extend a public street, utilities and construct a stormwater pond within the territory proposed for annexation.

Population of Such Territory: 0

Annexation Area: 1.63 acres m/l

BACKGROUND

On March 16, 1992, the City of Appleton and the Town of Grand Chute agreed to and entered into an Intermunicipal Boundary Agreement pursuant to Section 66.027 and 66.30 of the Wisconsin State Statutes for the purpose of defining and expanding the provision of governmental services, including water and sewer services, by establishing the City's growth area and establishing provisions for annexation of land within the Town of Grand Chute to the City of Appleton.

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Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive and officially mapped Providence Avenue from Lightning Drive to Broadway 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.

The annexation petition for direct annexation by unanimous approval where no electors reside was filed with the City Clerk's office on March 30, 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. The City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on April 3, 2023, so this requirement will be satisfied prior to Common Council taking action at their May 3, 2023 meeting.

STAFF ANALYSIS

The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- The City of Appleton does have a boundary agreement with the Town of Grand Chute.
- The subject property is undeveloped agricultural land.
- The subject property is located within the City's Growth Area Boundary.
- 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. This will be a multi-year project starting in 2024.
- The area proposed for annexation is contiguous to the existing City boundary.
- Future Providence Avenue is classified as a collector street on the City's Arterial/Collector Plan. Future Baldeagle Drive is classified as a local street on the City's Arterial/Collector Plan.
- 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 P-I Public Institutional District.

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.

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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.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the annexation area as Officially Mapped Providence Avenue, One/Two Family Residential and Mixed Use. The proposed annexation is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*. The next time staff initiates amendments to the future land use map, the City limit line will be amended to reflect the exterior boundary line of this annexation.

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.

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

- 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:
 - The existing land uses within the territory to be annexed;

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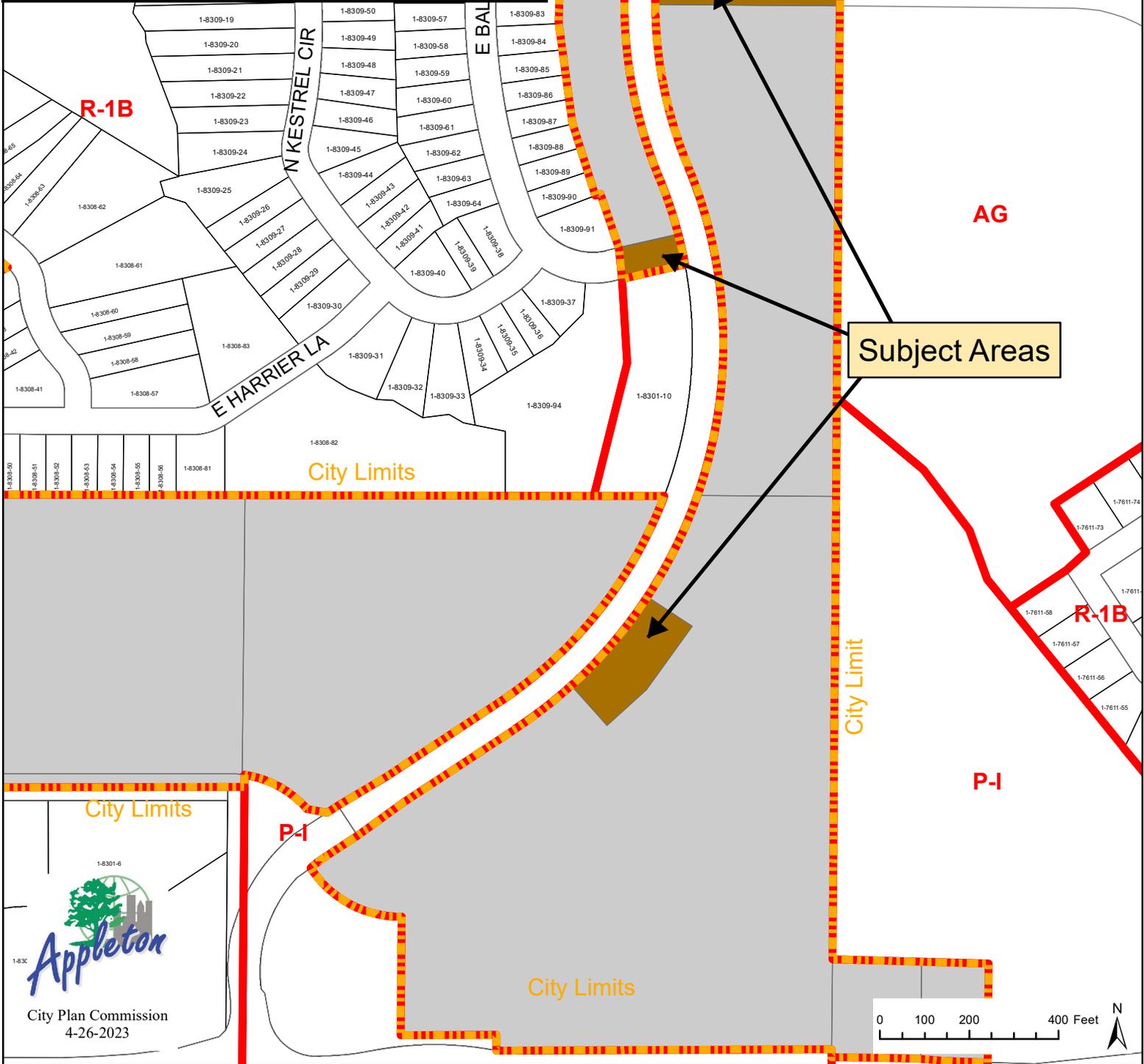
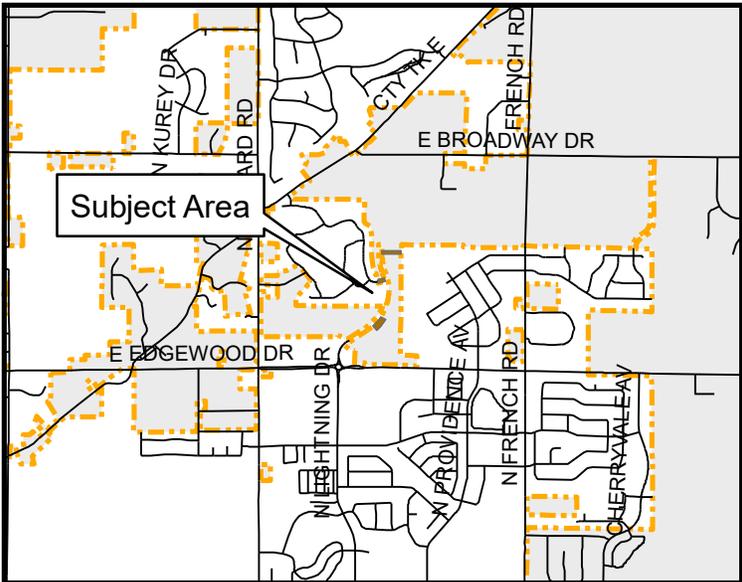
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The Comprehensive Plan of the City.
- The owner is requesting that Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission 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 May 24, 2023 Plan Commission meeting.
- 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.

RECOMMENDATION

Staff recommends that the Baldeagle Drive and Providence Avenue (Right-of-Way) 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 P-I Public Institutional District, pursuant to Section 23-65(d)(1) of the Municipal Code.

Annexation Providence Avenue & Baldeagle Drive Annexation - Town of Grand Chute Zoning Map



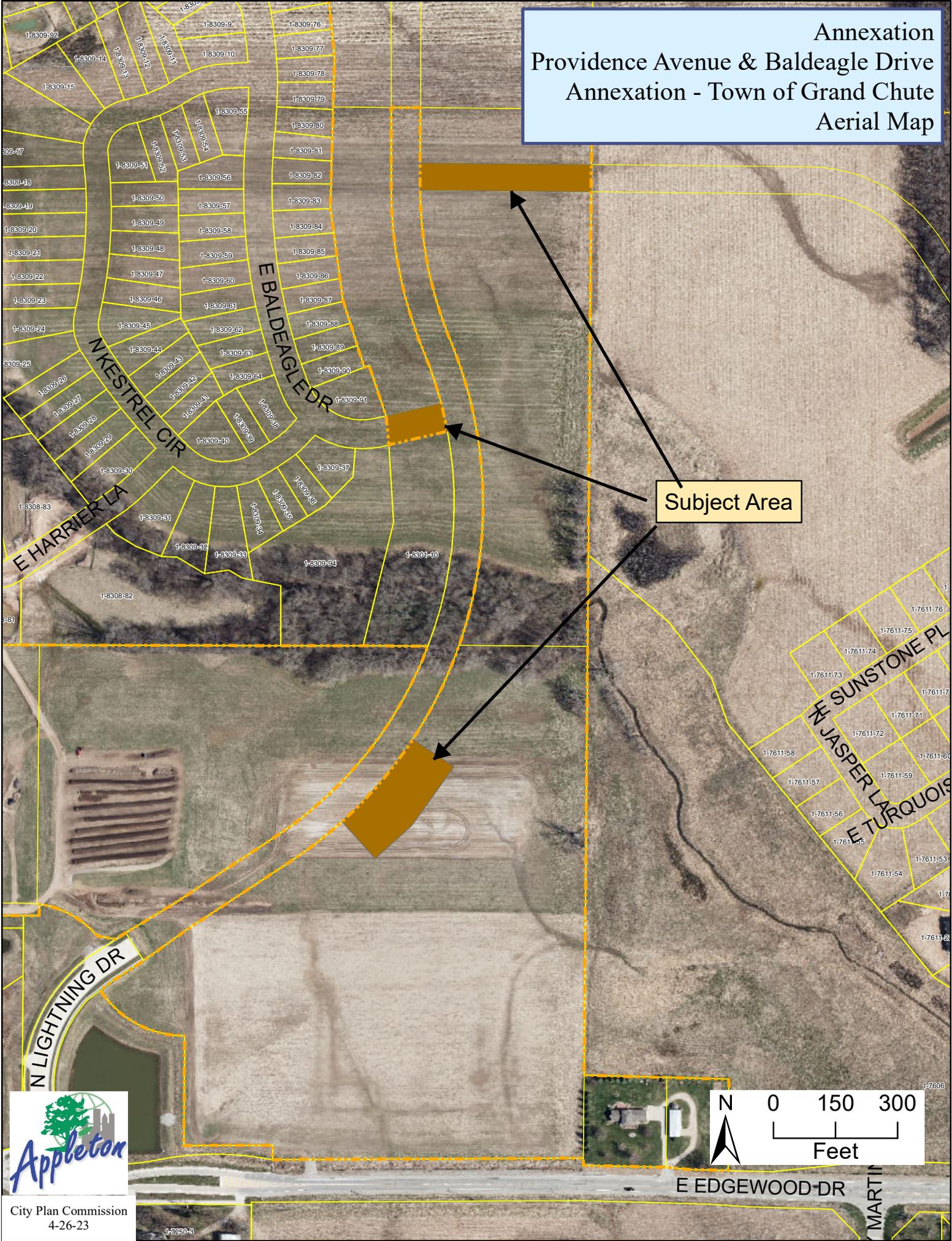
City Limits

Appleton

City Plan Commission
4-26-2023



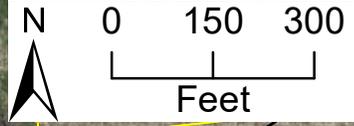
Annexation
Providence Avenue & Baldeagle Drive
Annexation - Town of Grand Chute
Aerial Map



Subject Area



City Plan Commission
4-26-23



E EDGEWOOD DR



**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 Grand Chute, 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.

Pond

PARCEL: Part of 101158298

Owner: City of Appleton

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 33,825 Square Feet (0.7765 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ 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 $54^{\circ}21'43''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ 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 $52^{\circ}15'18''$ 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 $40^{\circ}36'48''$ East 262.63 feet;

Thence South $56^{\circ}40'32''$ East 120.00 feet;

Thence South $35^{\circ}39'52''$ West 175.42 feet;

Thence South $47^{\circ}54'08''$ West 119.28 feet;

Thence North $42^{\circ}05'52''$ 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 $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 9,882 Square Feet (0.2269 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ 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 $33^{\circ}23'32''$ 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, Town of Grand Chute, Outagamie County, Wisconsin, containing 27,293 Square Feet (0.6266 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 300.63 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 ¼ of said Section 6;

Thence South 00°27'14" West 66.00 feet coincident with the East line of the Fractional Southwest ¼ of said Section 6;

Thence North 89°27'33" West 413.31 feet to the point of beginning.

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.

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 P-I Public Institutional.

Area of lands to be annexed contains 1.63 acres m/l.

Tax Parcel number of lands to be annexed: 101158298 and part of 101157000.

The current population of such territory is 0.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	City of Appleton		100 N. Appleton Street Appleton, WI 54911
Jacob A. Woodford, Mayor City of Appleton			

N:\PLANNING\Word\Applications\Annexations\Application Materials for Direct Annexation - No Electors Reside\Petition - Unanimous - No electors.doc

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.

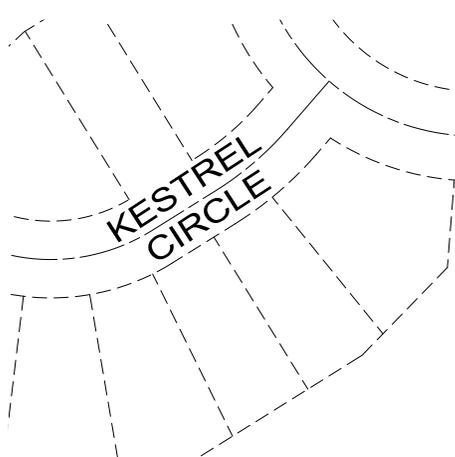
CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	1035.00'	263.34'	262.63'	N40°36'48"E
C2	965.00'	70.02'	70.00'	S12°35'31"E
C3	965.00'	7.83'	7.83'	N00°05'59"W

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

DRIVE

LIGHTNING

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

OFFICIALLY
MAPPED
PROVIDENCE
AVENUE

**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

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

N77°06'07"E
136.41'

N05°31'46"W
70.52'

S77°06'07"W
145.09'

N03°30'35"W
0.06'

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

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

N56°40'32"E
120.00'

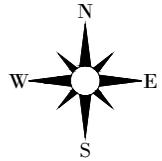
N42°54'08"W
120.00'

S47°54'08"W
119.28'

S33°39'52"W
175.42'

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

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