

## **REPORT TO CITY PLAN COMMISSION**

Plan Commission Meeting Date: August 10, 2022

**Common Council Meeting Date:** August 17, 2022

**Item:** Certified Survey Map #23-22

Case Manager: David Kress, Principal Planner

#### **GENERAL INFORMATION**

Owners: Benjamin & Laura Paton, Steven Parker, and Carrie Mader

**Applicant:** Schuler & Associates c/o Michael Frank

Address/Parcel: 1730 South Matthias Street and 2616 East John Street (Tax Id #31-4-4699-00, #31-4-

5269-00, and #31-4-5268-00)

**Petitioner's Request:** The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The CSM would eliminate parcel #31-4-5269-00 and attach its land area to parcels #31-4-4699-00 and #31-4-5268-00.

#### **BACKGROUND**

Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcel #31-4-4699-00 was included in the Lang Plat (recorded in 1962), and parcels #31-4-5269-00 and #31-4-5268-00 were included in the Apple Orchard Plat (recorded in 1975). 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.

Currently, parcel #31-4-5269-00 is approximately 10,200 square feet in size. If the CSM is approved, parcels #31-4-4699-00 and #31-4-5268-00 would split this land area and each increase by approximately 5,100 square feet.

#### **STAFF ANALYSIS**

**Existing Conditions:** Currently, parcel #31-4-4699-00 is developed with a single-family dwelling. Parcel #31-4-5269-00 features a paved driveway that previously served a detached garage that was associated with neighboring parcel #31-4-5264-00 (garage demolished in 1982). Parcel #31-4-5268-00 is developed with a single-family dwelling and detached garage. All parcels have a zoning designation of R-1B Single-Family District. The total land area included in the CSM is approximately 0.97 acres.

**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 R-1B Single-Family District, the minimum lot width is 50 feet and the minimum lot area is 6,000 square feet, per Section 23-93(g) of the Municipal Code. Proposed Lots 1 and 2 satisfy these lot development standards.

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**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 residential and public/institutional in nature.

North: R-1B Single-Family District. The adjacent land uses to the north are currently single-family residential.

South: P-I Public Institutional District. The adjacent land use to the south is currently a public park (Lions Park).

East: R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the east are currently a mix of single-family residential and duplexes.

West: R-1B Single-Family District and P-I Public Institutional District. The adjacent land uses to the west are currently a governmental facility (Fire Station 2) and a public park (Lions Park).

**Appleton Comprehensive Plan 2010-2030:** Community & Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map.

**Technical Review Group (TRG) Report:** This item appeared on the July 19, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

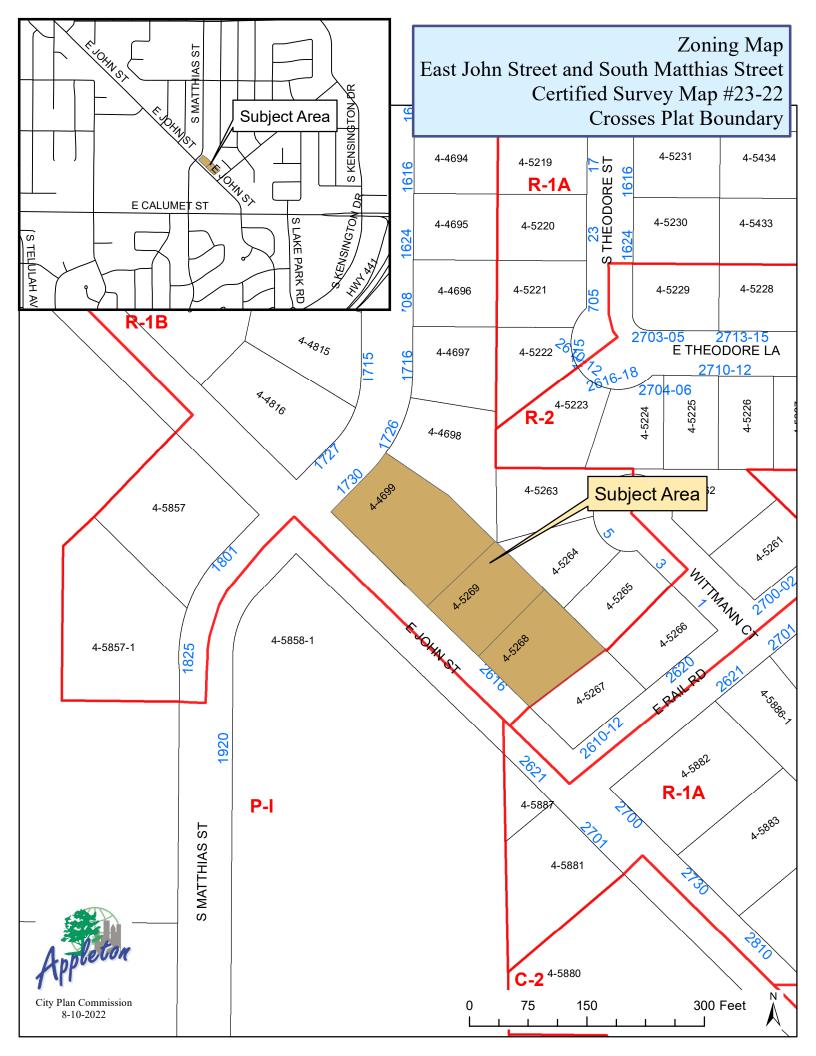
#### RECOMMENDATION

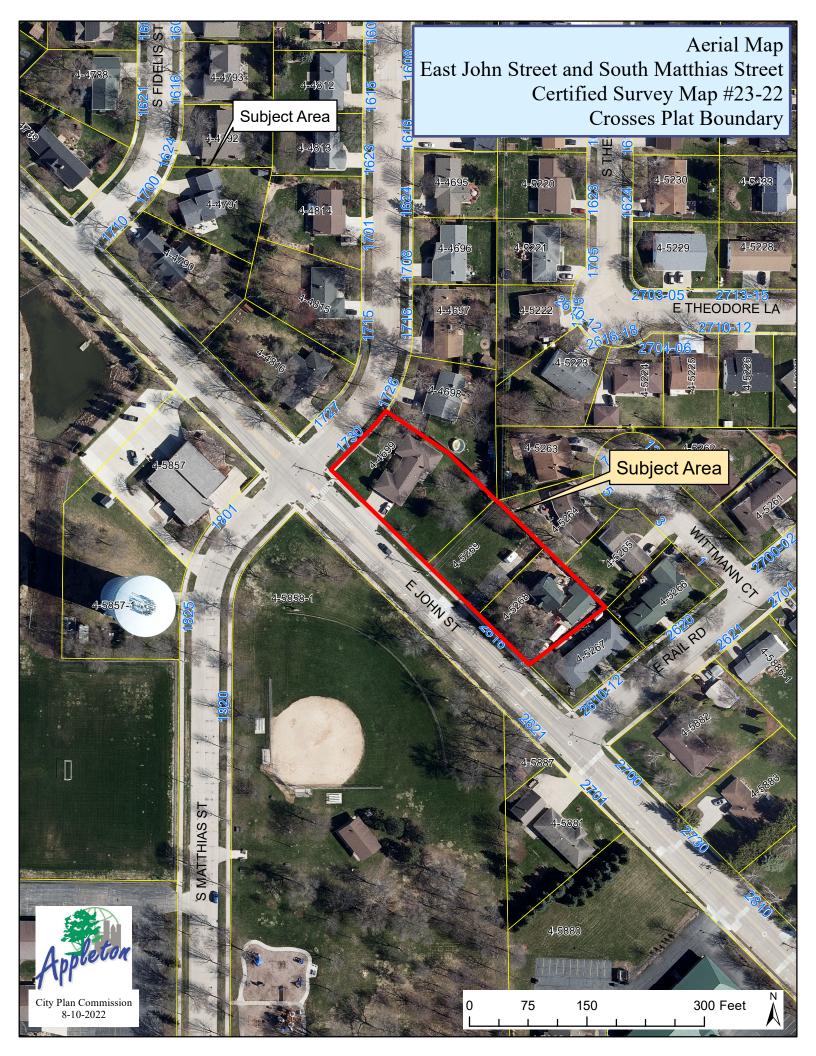
Based on the above, staff recommends that Certified Survey Map #23-22, as shown on the attached map, **BE APPROVED** subject to the following conditions:

- 1. On sheet 2, a property owner last name is spelled incorrectly. "Payton" should be Paton. Revise as necessary.
- 2. On sheet 1, some existing zoning labels are incorrect. All properties labeled as R-1A are actually zoned R-1B. Revise as necessary.
- 3. At the top of sheets 2 and 3 and under the Surveyor's Certificate, there is a typo in "... and governmnt lot 1 ..." Revise to spell 'government' correctly.
- 4. Under the Surveyor's Certificate, there is a typo in "... line of Mathias St.; thence ..." Revise to spell 'Matthias' correctly.
- 5. Under the Surveyor's Certificate, a parenthesis is missing in "... 96.55 feet (recorded as south 57 degrees 38 minutes east 96.63 feet, along the ..." Revise to clarify the recorded as information.
- 6. Under the Owner's Certificate, a property owner first name is spelled incorrectly. "Bejamin" should be Benjamin. Revise as necessary.

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- 7. Outstanding water account for 1730 S. Matthias Street will need to be paid in full for Finance Department approval.
- 8. Provide offset distances to the exterior boundary for the existing structures shown on the CSM.
- 9. This CSM crosses the exterior boundary of a Plat, revise the CSM to meet the minimum requirements of §236.34(1)(dm) of the Wisconsin Statutes.
- 10. Provide the diameter of found 2" iron pipe monuments (i.d. or o.d.).
- 11. The Drainage Plan requirement for this CSM is waived.
- 12. Each of the parcels is under different ownership, so that will need to be addressed before the Assessor's Office can delete parcel #31-4-5269-00. Deed documents will need to be recorded in the Outagamie County Register of Deeds Office for the transfer of property from parcel #31-4-5269-00 (Steven Parker) to parcels #31-4-4699-00 (Benjamin & Laura Paton) and #31-4-5268-00 (Carrie Mader).



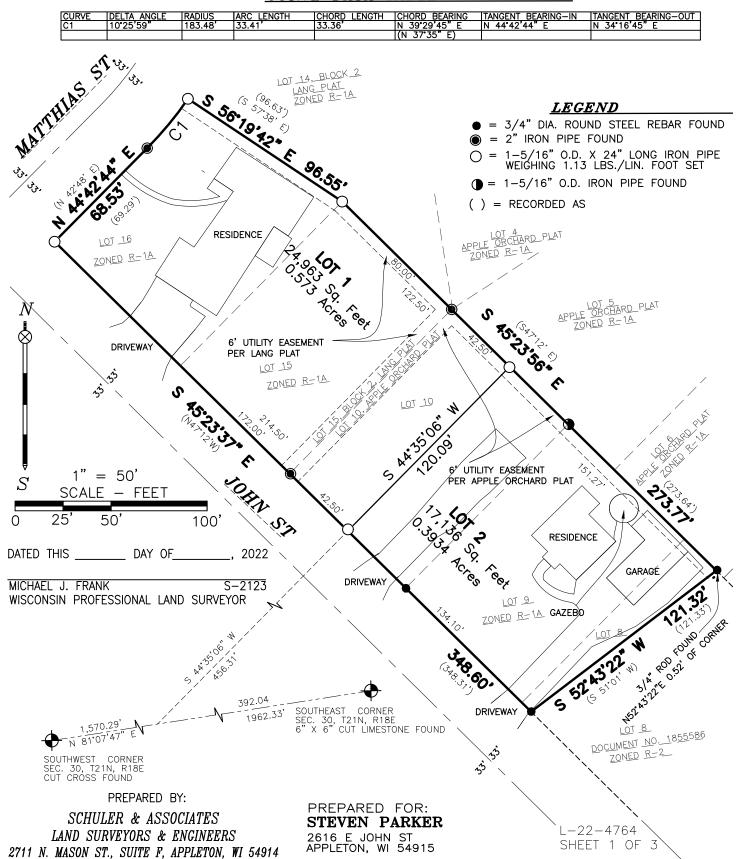


# CERTIFIED SURVEY MAP NO.

ALL OF LOTS 15 AND 16, BLOCK 2, LANG PLAT AND ALL OF LOTS 9 AND 10 AND PART OF LOT 8 OF APPLE ORCHARD PLAT, BEING LOCATED IN GOVERNMENT LOT 8 IN SECTION 29 AND GOVERNMENT LOT 1, SECTION 30, TOWNSHIP 21 NORTH, RANGE 18 EAST, CIT Y OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM FOR OUTAGAMIE COUNTY SOUTH LINE SECTION 30, T21N, R18E, BEARS N81°07'47"E

#### CURVE DATA TABLE



| CERTIFIED |  |
|-----------|--|
|           |  |
|           |  |
|           |  |

ALL OF LOTS 15 AND 16, BLOCK 2, LANG PLAT AND ALL OF LOTS 9, 10, AND PART OF LOT 8, APPLE ORCHARD PLAT, BEING LOCATED IN GOVERNMENT LOT 8, SECTION 29 AND GOVERNMNT LOT 1 IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

#### **SURVEYOR'S CERTIFICATE:**

I, MICHAEL J. FRANK, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND, MAPPED, UNDER THE DIRECTION OF THE OWNERS OF SAID LAND, ALL OF LOTS 15 AND 16, BLOCK 2, LANG PLAT AND ALL OF LOTS 9, 10, AND PART OF LOT 8, APPLE ORCHARD PLAT, BEING LOCATED IN GOVERNMENT LOT 8, SECTION 29 AND GOVERNMNT LOT 1 IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN AND BEING DESCRIBED AS FOLLOWS.

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 16, BLOCK 2, LANG PLAT; THENCE NORTH 44 DEGREES 42 MINUTES 44 SECONDS EAST 68.53 FEET (RECORDED AS NORTH 42 DEGREES 48 MINUTES EAST 69.29 FEET), ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MATHIAS ST.; THENCE NORTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE, 33.41 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 183.48 FEET AND A CHORD THAT BEARS NORTH 39 DEGREES 29 MINUTES 45 SECONDS EAST (RECORDED AS NORTH 37 DEGREES 35 MINUTES EAST) 33.36 FEET; THENCE SOUTH 56 DEGREES 19 MINUTES 42 SECOND EAST 96.55 FEET (RECORDED AS SOUTH 57 DEGREES 38 MINUTES EAST 96.63 FEET, ALONG THE NORTHEASTERLY LINE OF SAID LOT 16; THENCE SOUTH 45 DEGREES 23 MINUTES 56 SECONDS EAST 273.77 FEET (RECORDED AS SOUTH 47 DEGREES 12 MINUTES EAST 273.64 FEET), ALONG THE NORTHEASTERLY LINE OF SAID LOT 15, LANG PLAT AND ALONG THE NORTHEASTERLY LINE OF LOTS 10, 9 AND 8, APPLE ORCHARD PLAT; THENCE SOUTH 52 DEGREES 43 MINUTES 22 SECONDS WEST 121.32 FEET( RECORDED AS SOUTH 51 DEGREES 01 MINUTE WEST 121.33 FEET), ALONG THE NORTHWESTERLY LINE OF LANDS DESCRIBED IN DOCUMENT NUMBER 1855586; THENCE NORTH 45 DEGREES 23 MINUTES 37 SECONDS WEST 348.60 FEET (RECORDED AS NORTH 47 DEGREES 12 MINUTES WEST 348.31 FEET), ALONG THE NORTH EASTERLY RIGHT-OF-WAY LINE OF JOHN ST. TO THE POINT OF BEGINNING, CONTAING 42,099 SQUARE FEET (0.966 ACRES) OF LAND, MORE OR LESS AND SUBJECT TO ALL EASEMENT AND RESTRICTIONS OF RECORD.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND.

|  |                  |                | HAPTER 236.34 OF THE WISC<br>/EYING, DIVIDING, AND MAPF |                              |
|--|------------------|----------------|---|------------------------------|
| DATED THIS                                   | DAY OF           |                | , 2022  |                              |
| MICHAEL J. FRANK<br>WISCONSIN PROFESSO       | NAL LAND SURVEYO | R S-2123       |   |                              |
| CITY OF APPLETON APP<br>APPROVED BY THE CITY |                  | THIS           | DAY OF  | , 2022                       |
| JACOB A. WOODFORD,                           | MAYOR            | DATE           | KAMI LYNCH, CITY CLERK                                  | DATE                         |
| TREASURER'S CERTIFIC                         | CATE:            |                |   |                              |
| WE HEREBY CERTIFY T<br>IN THIS CERTIFIED SUR |                  | JNPAID TAXES ( | OR SPECIAL ASSESSMENTS (                                | ON ANY OF THE LANDS INCLUDED |
| COUNTY TREASURER                             | DA               | ATE            | CITY TREASURER  | DATE                         |

THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED DOCUMENT NUMBERS 2079307, 2103453, AND 2247013.

THIS CERTIFIED SURVEY MAP IS ALL OF TAX PARCEL NUMBER 31-4-4699-00, 31-4-5268-00, AND 31-4-5269-00, THE PROPERTY OWNER OF RECORD ARE BENJAMIN N. PAYTON, LAURA PATON, STEVEN T. PARKER, AND CARRIE MADER.

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|  | AND ALL OF LOTS 9, 10, AND PART OF LOT 8, APPLE ORCHARD PLAT, BEIN 9 AND GOVERNMNT LOT 1 IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 18 ITY, WISCONSIN.                            |    |
|--|--|----|
| OWNER'S CERTIFICATE:   |  |    |
| SURVEYED, DIVIDED, AND MAPPED AS REPRES  | WE CAUSED THE LANDS ON THIS CERTIFIED SURVEY MAP TO BE SENTED ON THIS MAP. WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED E FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF APPLETON. | ŝΥ |
| BEJAMIN N. PATON   | LAURA PATON  |    |
| STATE OF WISCONSIN) ssCOUNTY)  |  |    |
| PERSONALLY CAME BEFORE ME THIS<br>PATON AND LAURA PATON, TO ME KNOWN TO<br>ACKNOWLEDGE THE SAME. | DAY OF, 2022, THE ABOVE NAMED, BENJAMIN<br>BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND  | N. |
| NOTARY PUBLIC, CO., WISCONS  | SIN  |    |
| MY COMMISSION EXPIRES  |  |    |
| OWNER'S CERTIFICATE:   |  |    |
| SURVEYED, DIVIDED, AND MAPPED AS REPRES  | WE CAUSED THE LANDS ON THIS CERTIFIED SURVEY MAP TO BE SENTED ON THIS MAP. WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED E FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF APPLETON. | βY |
| STEVEN T. PARKER   | CARRIE MADER   |    |
| STATE OF WISCONSIN) ssCOUNTY)  |  |    |
| PERSONALLY CAME BEFORE ME THISPARKER AND CARRIE MADER, TO ME KNOWN ACKNOWLEDGE THE SAME.         | DAY OF, 2022, THE ABOVE NAMED, STEVEN T.<br>I TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AN   | D  |
| NOTARY PUBLIC, CO., WISCONS  | SIN  |    |
| MY COMMISSION EXPIRES  |  |    |