



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** October 13, 2021

**Common Council Meeting Date:** November 3, 2021

**Anticipated Date Annexation Effective:** November 9, 2021 at 12:01 a.m.

**Item:** Petition for Direct Annexation by Unanimous Approval Where No Electors Reside – Lightning Drive & C.T.H JJ (Right-of-Way) Annexation

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

### GENERAL INFORMATION

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**Owner:** City of Appleton

**Initiated by:** Department of Public Works - Engineering Division

**Town Where Property is Located:** Town of Grand Chute

**Parcel Numbers:** Part of 101157000 and 101158200 - 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:** 12.6622 acres m/l

### BACKGROUND

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Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive went into effect on October 23, 2001.

The annexation petition for direct annexation by unanimous approval where no electors reside was filed with the City Clerk's office on September 17, 2021. 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

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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 September 21, 2021, so this requirement will be satisfied prior to Common Council taking action at their November 3, 2021 meeting.

**STAFF ANALYSIS**

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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 and developed with a stormwater pond, public roads, and underground utilities.
- 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, extend Lightning Drive to the north, and construct a stormwater pond within the annexation area. This will be a multiyear project starting in 2022.
- The area proposed for annexation is contiguous to the existing City boundary on all sides of the annexation area.
- Future Lightning Drive is classified as a collector 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, the adjacent land use to the south is currently developed as single-family residential, agricultural buildings, and undeveloped land.

West: City of Appleton. C-2 General Commercial District and R-1B Single-family District, the adjacent land use to the west is currently undeveloped commercial and single-family residential land.

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West: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the west is currently agricultural land.

East: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the east is currently agricultural land.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the annexation area as Officially Mapped Lightning Drive, Ponds/Water, Public Institutional, One/Two Family Residential and Agricultural/Private Open Space. 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 August 31, 2021 TRG Agenda. No negative comments were received from participating departments.

**City Clerk Comments:** Under the advice of the Legislative Technology Services Bureau, it is advised to wait on this annexation until after the redistricting process is complete and a new ward plan is in place. Therefore, the annexation ordinance will appear on the November 3, 2021 Common Council meeting agenda.

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### FUTURE ACTIONS

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- 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;
  - 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 October 27, 2021 Plan Commission meeting.

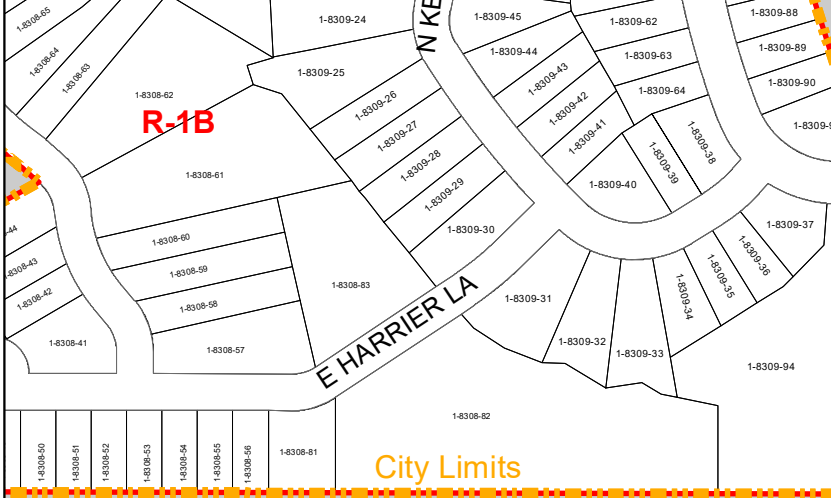
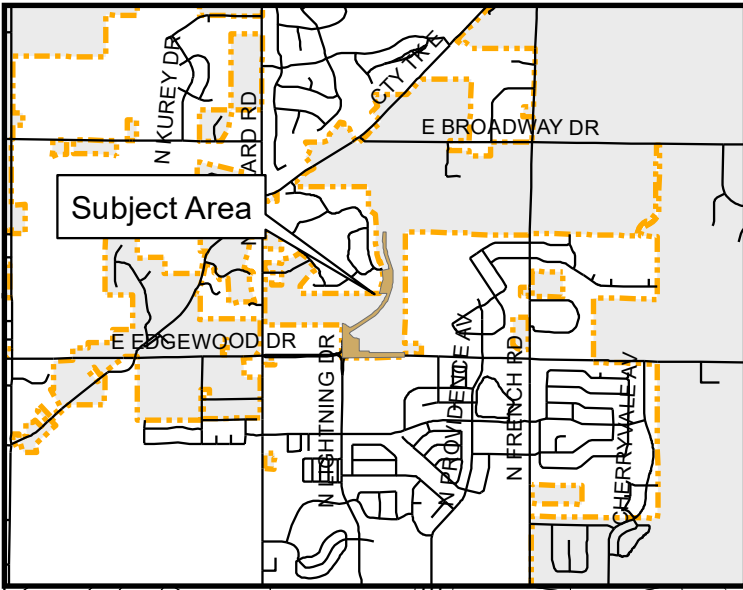
### RECOMMENDATION

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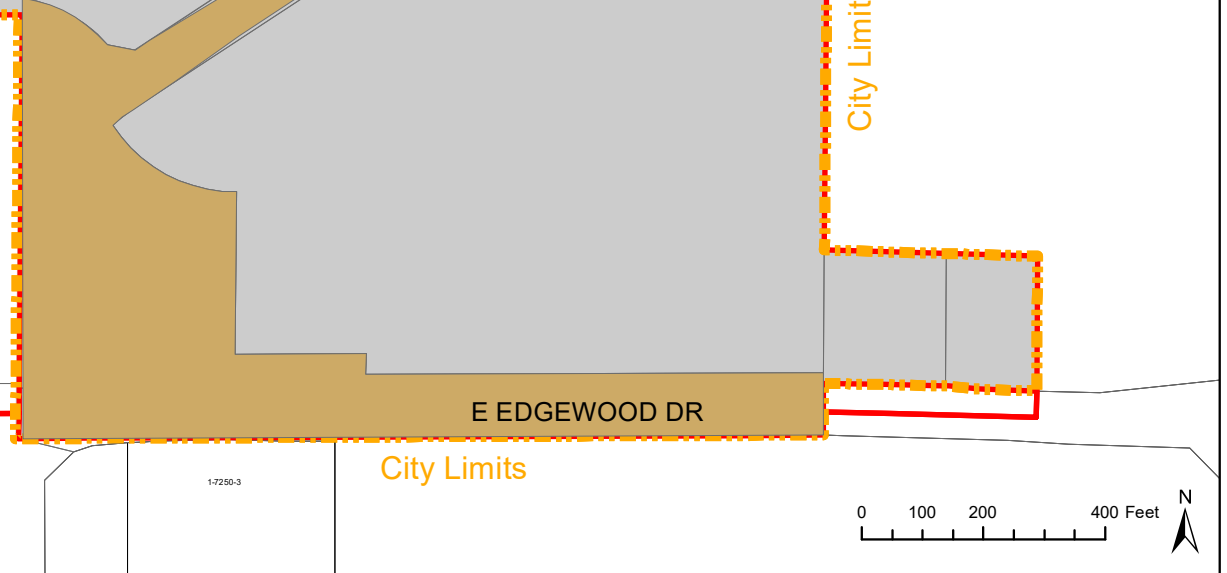
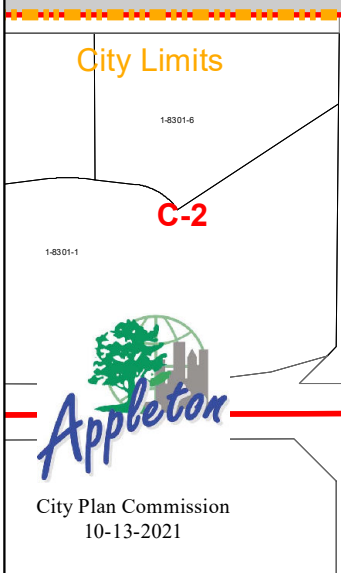
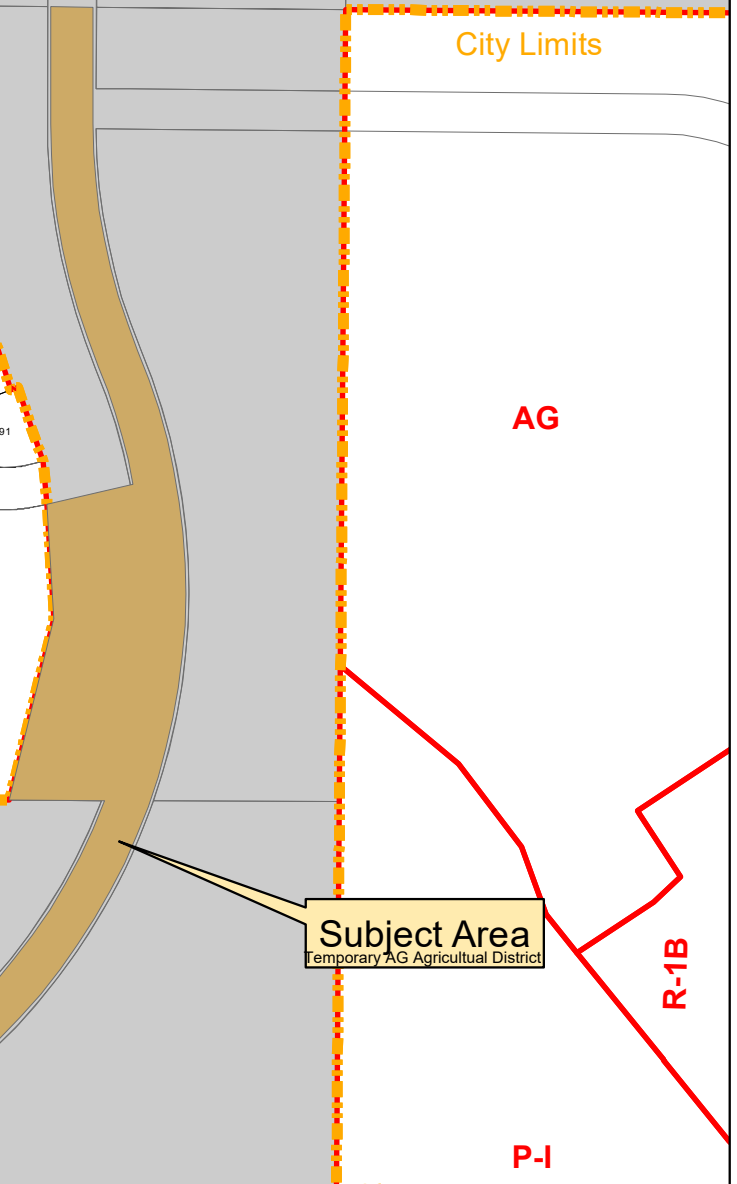
Staff recommends that the Lightning Drive & C.T.H JJ (Right-of-Way) Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

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 Lightning Drive & C.T.H. JJ (Right-of-Way) Town of Grand Chute Zoning Map

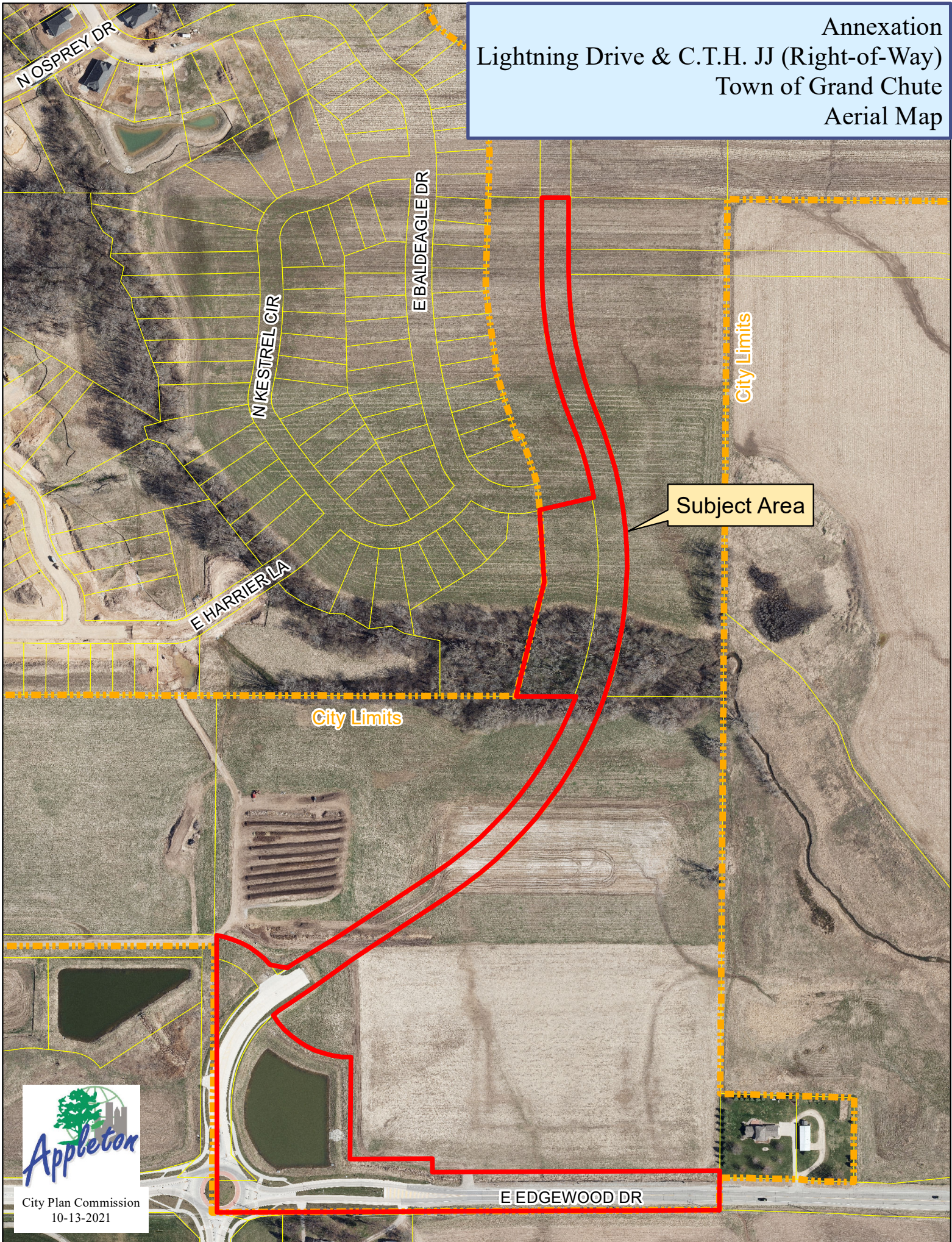


Temporary AG Agricultural District





Annexation  
Lightning Drive & C.T.H. JJ (Right-of-Way)  
Town of Grand Chute  
Aerial Map



City Plan Commission  
10-13-2021

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, 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.

A part of the Fractional Southwest  $\frac{1}{4}$  of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 551,568 Square Feet 12.6622 acres of land and being further described as follows:

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

Thence South  $00^{\circ}15'22''$  West 41.25 feet coincident with the current City of Appleton corporate limits;

Thence South  $89^{\circ}44'38''$  West 1,312.94 feet coincident with the current City of Appleton corporate limits;

Thence North  $00^{\circ}09'19''$  West 695.75 feet coincident with the current City of Appleton corporate limits to the Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02;;

Thence North  $00^{\circ}27'27''$  East 27.61 feet coincident with said Westerly boundary of Transportation Project Plat No: 0000-0G-17-4.02 to a North line thereof;

Thence Southeasterly 162.67 feet along the arc of a curve to the right having a radius of 230.00 feet and the chord of which bears South  $61^{\circ}16'46''$  East 159.30 feet coincident with the boundary of Transportation Project Plat

No: 0000-0G-17-4.02;

Thence South  $79^{\circ}18'14''$  East 46.36 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;

Thence North  $56^{\circ}36'28''$  East 28.01 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;

Thence North  $58^{\circ}51'13''$  East 127.60 feet;

Thence North  $56^{\circ}36'28''$  East 300.63 feet;

Thence Northeasterly 602.86 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North  $38^{\circ}42'38''$  East 593.11 feet;

Thence North  $89^{\circ}51'14''$  West 156.83 feet to the Southeast corner of Outlot 10 of Apple Ridge 2;

Thence North  $13^{\circ}52'54''$  East 307.18 feet coincident with the East line of Outlot 10 of Apple Ridge 2;

Thence North  $03^{\circ}30'35''$  West 188.39 feet coincident with the East line of Outlot 10 of Apple Ridge 2 to the Southerly line of Baldeagle Drive;

Thence North  $76^{\circ}55'16''$  East 145.11 feet;

Thence Northwesterly 201.39 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North  $16^{\circ}31'22''$  West 201.02 feet;

Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears North  $11^{\circ}11'03''$  West 406.21 feet;

Thence North  $00^{\circ}07'58''$  East 192.71 feet to the North line of the Fractional SW  $\frac{1}{4}$  of said Section 6;

Thence South  $89^{\circ}27'19''$  East 70.00 feet coincident with the North line of the Fractional SW  $\frac{1}{4}$  of said Section 6;

Thence South 00°07'58" West 192.20 feet;  
 Thence Southerly 381.21 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears South 11°11'03" East 378.74 feet;  
 Thence Southerly 1,429.04 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears South 17°03'12" West 1,318.20 feet;  
 Thence South 56°36'28" West 300.63 feet;  
 Thence South 54°21'43" West 127.60 feet;  
 Thence South 56°36'28" West 85.86 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;  
 Thence Southwesterly 41.28 feet along the arc of a curve to the left having a radius of 310.00 feet and the chord of which bears South 52°49'13" West 41.25 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;  
 Thence Southeasterly 241.12 feet along the arc of a curve to the left having a radius of 238.50 feet and the chord of which bears South 61°43'30" East 230.98 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;  
 Thence South 00°28'26" West 266.19 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;  
 Thence North 89°44'38" East 214.97 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;  
 Thence South 00°28'26" West 35.00 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02;  
 Thence North 89°44'38" East 751.25 feet coincident with the boundary of Transportation Project Plat No: 0000-0G-17-4.02 to the East line of the Fractional SW ¼ of said Section 6;  
 Thence South 00°27'14" West 61.25 feet coincident with the East line of the Fractional SW ¼ of said Section 6 to the point of beginning.


Part of Tax Parcel numbers of lands to be annexed: #101157000 and #101158200.

I, 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 further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

Area of lands to be annexed contains 12.6622 acres.

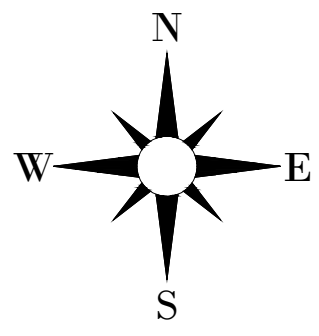
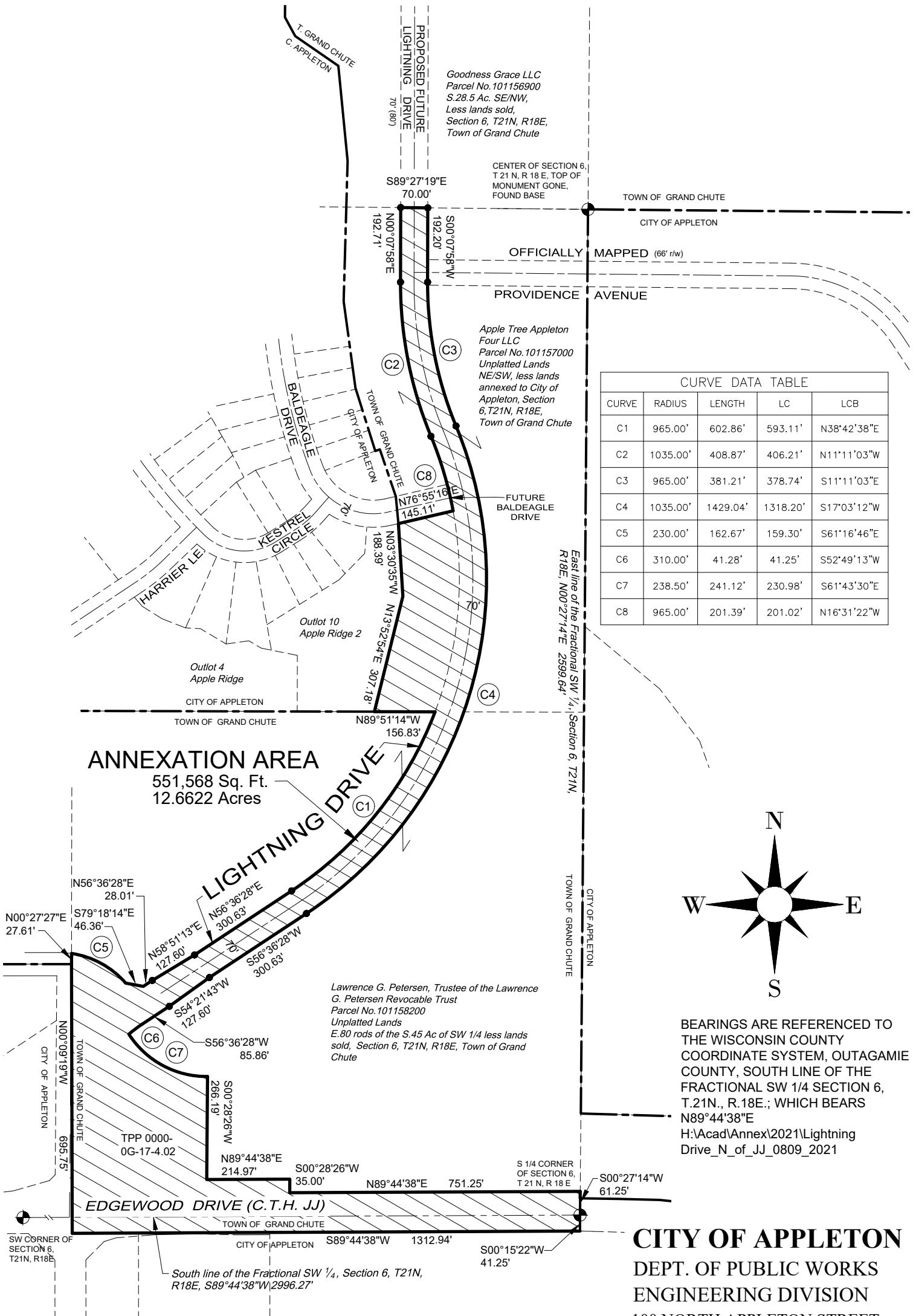
The current population of such territory is 0.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	City of Appleton	9.9.2021	100 N. Appleton Street Appleton, WI 54911
Jacob A. Woodford, Mayor City of Appleton			



# ANNEXATION EXHIBIT

Part of the Fractional Southwest 1/4 of Section 6, Township 21 North,  
Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin.



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  
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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