



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final-revised City Plan Commission

*Any questions about items on this meeting are to be directed to
the Community and Economic Development Department,
920-832-6468.*

Tuesday, February 12, 2019

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[19-0155](#) City Plan Minutes from 1-22-19

Attachments: [City Plan Minutes 1-22-19.pdf](#)

4. Public Hearings/Apearances

- [19-0156](#) The street discontinuance to vacate a portion of East Pacific Street public right-of-way located east of North Owaissa Street (Associated with Action Item #19-0157)

Attachments: [InformalPublicHearingNotice_PacificStreetVacation.pdf](#)

- [19-0158](#) Rezoning #1-19 for the Spartan Drive at Meade Street Annexation, formerly part of Town of Grand Chute, located on North Meade Street, between E. Edgewood Drive and E. Broadway Drive (Tax Id #31-6-6100-60, formerly part of Grand Chute Tax Id #101006800 and part of #101006802), including to the centerline of the adjacent Meade Street right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District (Associated with Action Item #19-0159)

Attachments: [InformalPublicHearingNotice_SpartanDrMeadeSt_Rezoning.pdf](#)

- [19-0161](#) Rezoning #2-19 for the Lucht (E. Broadway Drive) Annexation, formerly part of Town of Grand Chute, located on East Broadway Drive, north of Plamann Park, between N. Meade Street and N. Ballard Road (Tax Id #31-1-9313-00, formerly Grand Chute Tax Id #101001800), including to the centerline of the adjacent Broadway Drive right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District (Associated with Action Item #19-0162)

Attachments: [InformalPublicHearingNotice_LuchtAnnex_Rezoning.pdf](#)

[19-0163](#) Rezoning #3-19 for the subject parcels located on East Glenhurst Lane (Tax Id #31-1-6501-03 and #31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat), including all of the adjacent one-half (1/2) right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached maps, from C-O Commercial Office District to R-3 Multi-Family District (Associated with Action Item #19-0164)

Attachments: [InformalPublicHearingNotice_GlenhurstLane_Rezoning.pdf](#)

[19-0165](#) Rezoning #4-19 for the subject parcels located on South Lawe Street and East Newberry Street (Tax Id #31-4-0296-01, #31-4-0296-02, #31-4-0296-03, and #31-4-0296-04), including to the centerline of the adjacent railroad line and canal, the adjacent one-half (1/2) right-of-way of South Lawe Street, and all of the adjacent East Newberry Street right-of-way, as shown on the attached maps, from PD/C-2 Planned Development General Commercial District #9-10, M-2 General Industrial District, R-2 Two-Family District, R-1B Single-Family District, and P-I Public Institutional District to CBD Central Business District (Associated with Action Item #19-0166)

Attachments: [InformalPublicHearingNotice_FRNSAVisitorsCenter_Rezoning.pdf](#)

5. Action Items

[19-0157](#) Request to approve the street discontinuance to vacate a portion of East Pacific Street public right-of-way located east of North Owaissa Street and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_PacificSt_StreetVacation_For2-12-19.pdf](#)

[19-0159](#) Request to approve Rezoning #1-19 for the Spartan Drive at Meade Street Annexation, formerly part of Town of Grand Chute, located on North Meade Street, between E. Edgewood Drive and E. Broadway Drive (Tax Id #31-6-6100-60, formerly part of Grand Chute Tax Id #101006800 and part of #101006802), including to the centerline of the adjacent Meade Street right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District

Attachments: [StaffReport_SpartanDrMeadeSt_Rezoning_For02-12-19.pdf](#)

[19-0162](#) Request to approve Rezoning #2-19 for the Lucht (E. Broadway Drive) Annexation, formerly part of Town of Grand Chute, located on East Broadway Drive, north of Plamann Park, between N. Meade Street and N. Ballard Road (Tax Id #31-1-9313-00, formerly Grand Chute Tax Id #101001800), including to the centerline of the adjacent Broadway Drive right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_LuchtAnnex_Rezoning_For02-12-19.pdf](#)

[19-0164](#)

Request to approve Rezoning #3-19 for the subject parcels located on East Glenhurst Lane (Tax Id #31-1-6501-03 and #31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat), including all of the adjacent one-half (1/2) right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached maps, from C-O Commercial Office District to R-3 Multi-Family District

Attachments: [StaffReport GlenhurstLane Rezoning For02-12-19.pdf](#)

[19-0166](#)

Request to approve Rezoning #4-19 for the subject parcels located on South Lawe Street and East Newberry Street (Tax Id #31-4-0296-01, #31-4-0296-02, #31-4-0296-03, and #31-4-0296-04), including to the centerline of the adjacent railroad line and canal, the adjacent one-half (1/2) right-of-way of South Lawe Street, and all of the adjacent East Newberry Street right-of-way, as shown on the attached maps, from PD/C-2 Planned Development General Commercial District #9-10, M-2 General Industrial District, R-2 Two-Family District, R-1B Single-Family District, and P-I Public Institutional District to CBD Central Business District

Attachments: [StaffReport FRNSAVisitorsCenter Rezoning For02-12-19.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed
to the Community and Economic Development Department,
920-832-6468.*

Tuesday, January 22, 2019

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:04 p.m.

2. Roll call of membership

Deputy City Attorney Chris Behrens acted in place of Mayor Tim Hanna.

Present: 4 - Mayor Hanna, Buetow, Palm and Lobner

Absent: 2 - Uslabar and Rabec

3. Approval of minutes from previous meeting

[19-0062](#)

City Plan Minutes from 1-8-19

Attachments: [City Plan Minutes 1-8-19.pdf](#)

Buetow moved, seconded by Palm, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Palm and Lobner

Absent: 2 - Uslabar and Rabec

4. Public Hearings/Appearances

5. Action Items

[19-0063](#)

Request to approve the Spartan Drive at Meade Street Annexation located west of N. Meade Street, between E. Edgewood Drive and E. Broadway Drive, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_SpartanDrMeadeSt_Annexation_For01-22-19.pdf](#)

Buetow moved, seconded by Palm, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Palm and Lobner

Absent: 2 - Uslabar and Rabec

[19-0064](#)

Request to approve the Lucht Annexation (E. Broadway Drive) located north of Plamann Park, between N. Meade Street and N. Ballard Road, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_Lucht_Annexation_For01-22-19.pdf](#)

Palm moved, seconded by Buetow, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Palm and Lobner

Absent: 2 - Uslabar and Rabec

[19-0071](#)

Request to approve the dedication of land for public right-of-way for the alley located north of Wisconsin Avenue between N. Morrison Street and N. Durkee Street (northern limits of the parcels at 208 & 218 E. Wisconsin Avenue - portion of Tax Id #'s 31-6-0521-00 and 31-6-0520-00), as shown on the attached maps

Attachments: [StaffReport_Wisconsin-Morrison_AlleyDedication_For1-22-19.pdf](#)

Palm moved, seconded by Buetow, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Palm and Lobner

Absent: 2 - Uslabar and Rabec

6. Information Items

7. Adjournment

Palm moved, seconded by Buetow, that the meeting be adjourned at 4:11 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Palm and Lobner

Absent: 2 - Uslabar and Rabec

NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, February 12, 2019, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering the following partial Street Vacation (discontinuance of a portion of public street right-of-way).

DESCRIPTION OF AREA TO BE VACATED:

All that part of Pacific Street (f/k/a Brucke Street) described as follows: A strip of land 46.7 feet in width and 123.5 feet more or less in length, containing 5,767 square feet of land more or less, bounded on the West by the East line of Owaissa Street, bounded on the East by Riverside Cemetery, bounded on the North by Block 61 of HARRIMAN'S LAWSBURG PLAT and bounded on the South by Block 63 of HARRIMAN'S LAWSBURG PLAT, all according to the recorded Assessors Map of the City of Appleton, being located in Government Lot 2 lying North of the Fox River, Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

ALDERMANIC DISTRICT: 2 – Alderperson Vered Meltzer

EXISTING

CONDITIONS: The subject area is being used as a driveway entrance for Riverside Cemetery, including the stone structure housing a chapel and office space for cemetery operations.

PROPOSAL: The land being vacated is no longer needed for public street purposes by the City. As a result, this partial street vacation request for East Pacific Street has been initiated by Thomas Kromm, City Surveyor with the City of Appleton Department of Public Works Engineering Division.

The adjoining property owner (Appleton Cemetery Association – Riverside Cemetery) will acquire ownership to the afore-described portion of East Pacific Street right-of-way, as shown on the attached maps.

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding this matter should be directed to Don Harp, Principal Planner, with the Community and Economic Development Department at 920-832-6466.

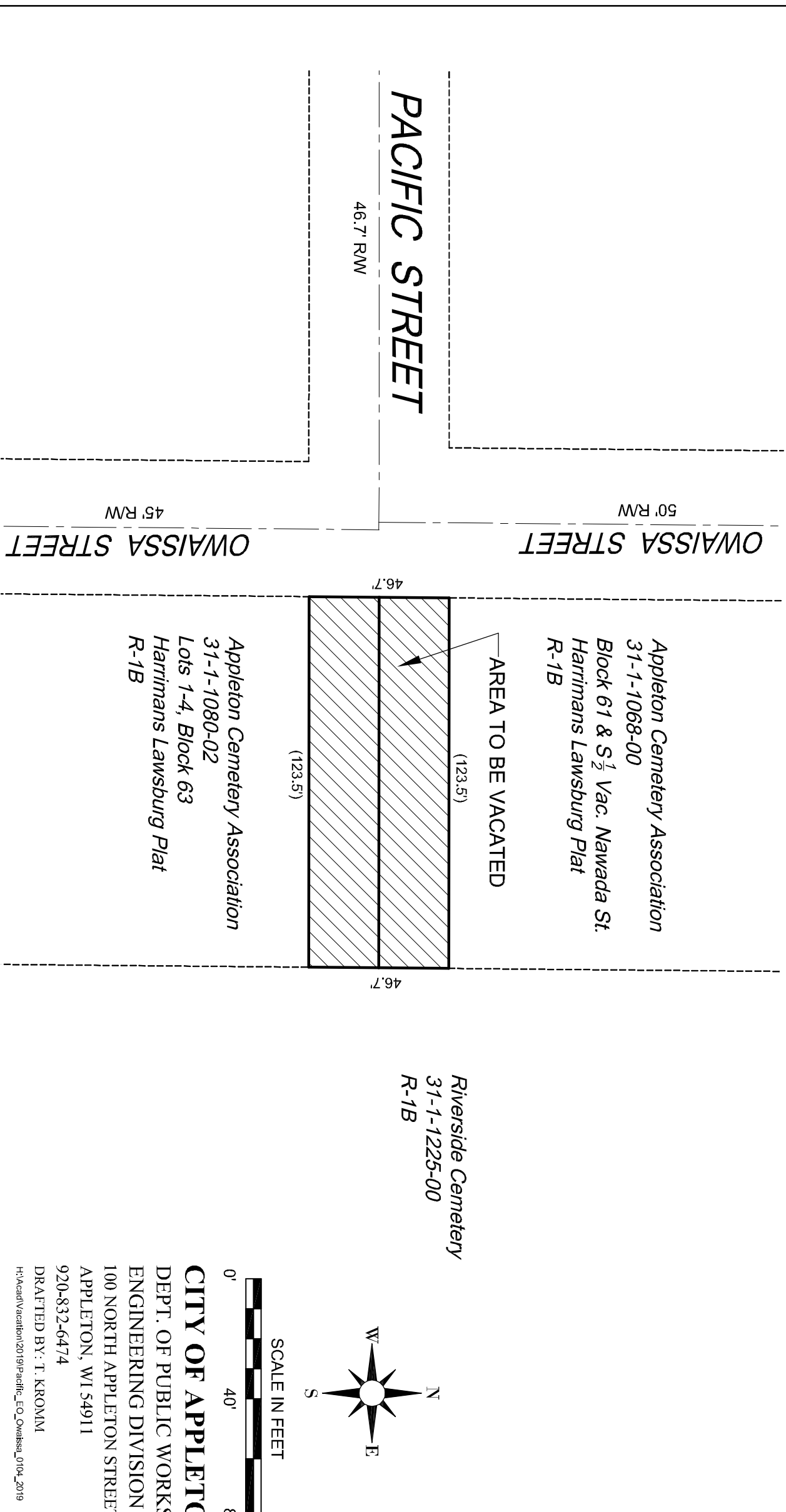
CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL – 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911
920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

EXHIBIT

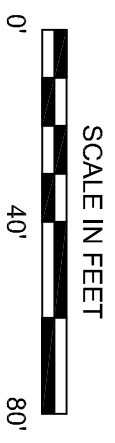
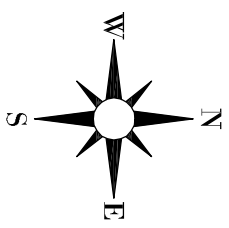
ALL THAT PART OF PACIFIC STREET (FKA BRUKE STREET) DESCRIBED AS FOLLOWS: A STRIP OF LAND 46.7 FEET IN WIDTH AND 123.5 FEET MORE OR LESS IN LENGTH, CONTAINING 5,767 SQUARE FEET OF LAND MORE OR LESS, BOUNDED ON THE WEST BY THE EAST LINE OF OWAISSA STREET, BOUNDED ON THE EAST BY RIVERSIDE CEMETERY, BOUNDED ON THE NORTH BY BLOCK 61 OF HARRIMAN'S LAWSBURG PLAT AND BOUNDED ON THE SOUTH BY BLOCK 63 OF HARRIMAN'S LAWSBURG PLAT. ALL ACCORDING TO THE RECORDED ASSESSORS MAP OF THE CITY OF APPLETON, BEING LOCATED IN GOVERNMENT LOT 2 LYING NORTH OF THE FOX RIVER, SECTION 25, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



Appleton Cemetery Association
 31-1-1068-00
 Block 61 & S $\frac{1}{2}$ Vac. Nawada St.
 Harrimans Lawsburg Plat
 R-1B

Appleton Cemetery Association
 31-1-1080-02
 Lots 1-4, Block 63
 Harrimans Lawsburg Plat
 R-1B

Riverside Cemetery
 31-1-1225-00
 R-1B



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474

DRAFTED BY: T. KROMM
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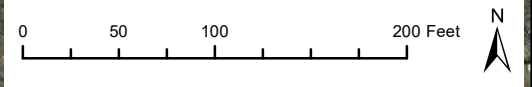
Pacific Street (East of Owaissa Street)
Street Vacation
Aerial Map



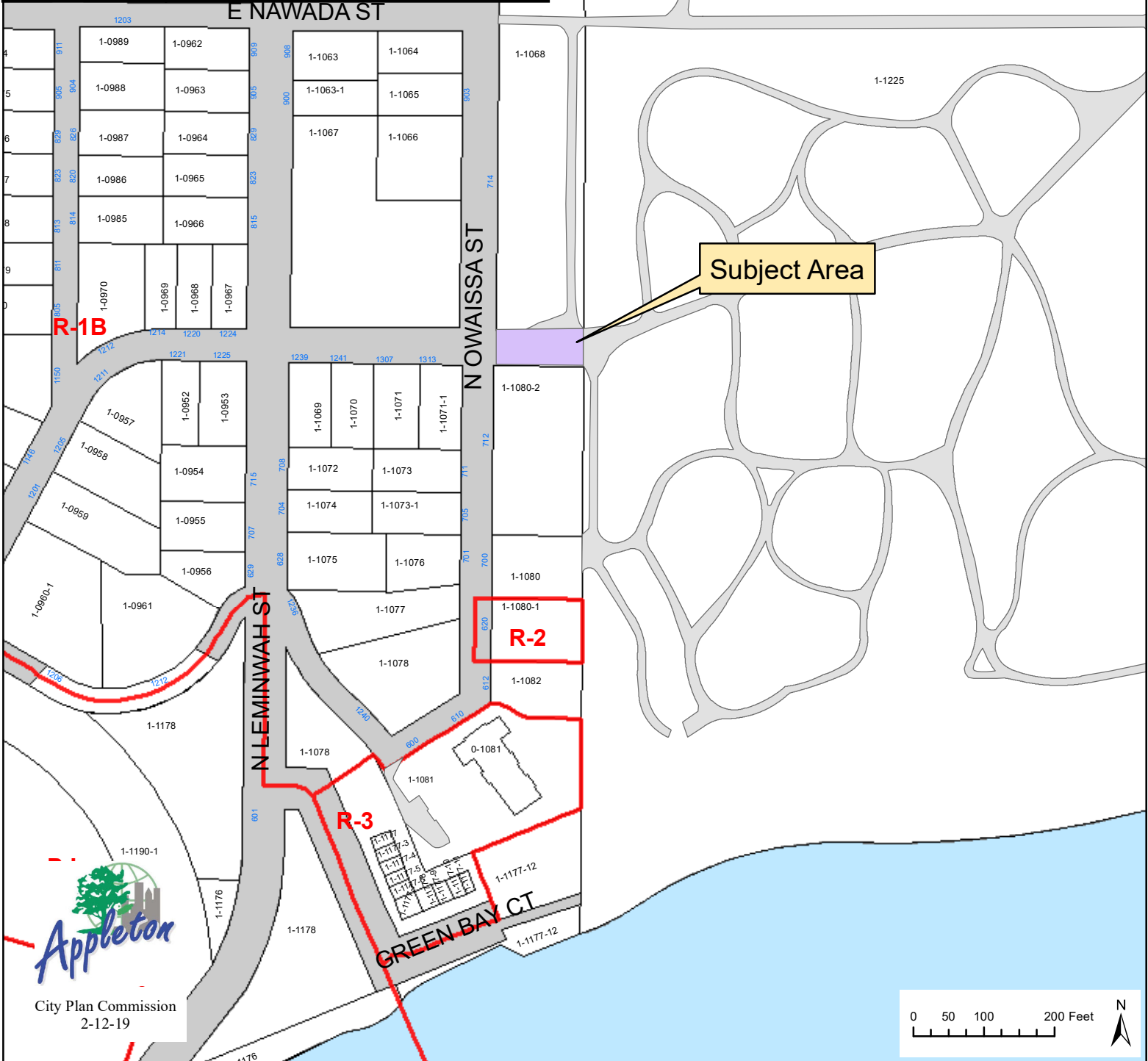
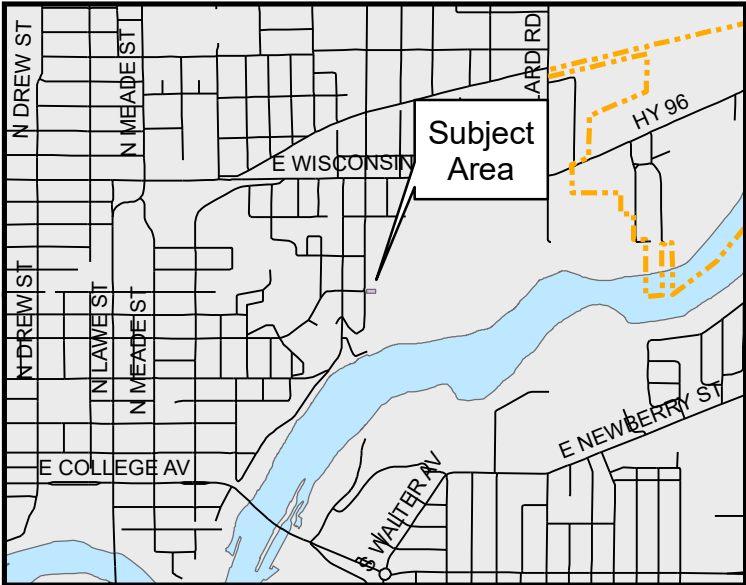
Subject Area



City Plan Commission
2-12-19



Pacific Street (East of Owaissa Street) Street Vacation Zoning map



NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, February 12, 2019, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed rezoning request:

COMMON DESCRIPTION:

Part of parcel #101006800 and part of parcel #101006802 included in the “Spartan Drive at Meade Street” annexation, located west of North Meade Street, between East Edgewood Drive and East Broadway Drive.

Rezoning Request: A rezoning request has been initiated by the City Plan Commission, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which will be zoned temporary AG Agricultural District following annexation. Pursuant to Sections 23-65(d)(1) and 23-65(e) of the Municipal Code, the City Plan Commission proposes to rezone the property to a permanent zoning classification of P-I Public Institutional District (see attached map). The P-I District is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties.

Purpose of the Request: To assign a permanent zoning classification following the “Spartan Drive at Meade Street” annexation and facilitate future construction of a street officially mapped as Spartan Drive and an associated stormwater pond.

ALDERMANIC DISTRICT: 7 – Alderperson Kathleen Plank

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

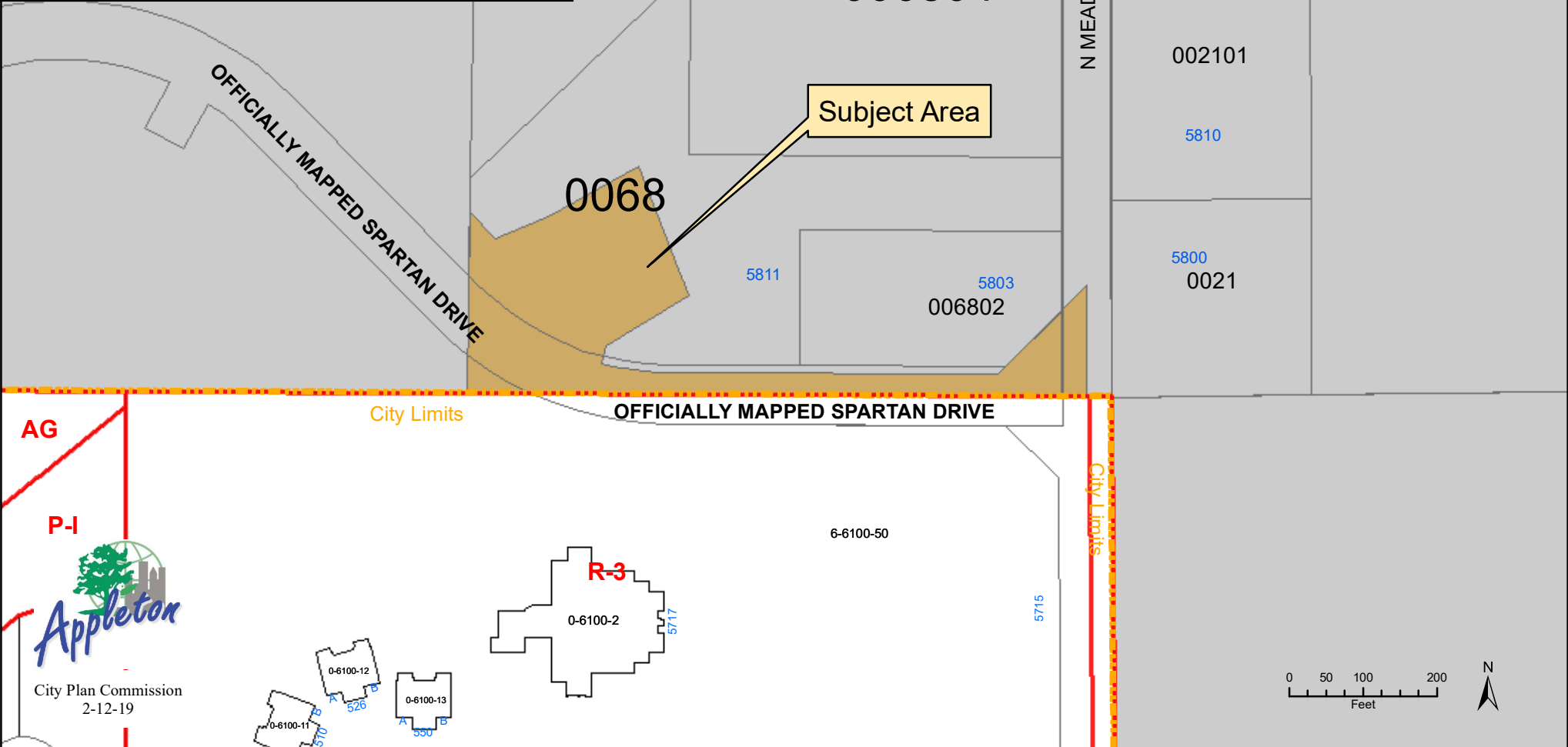
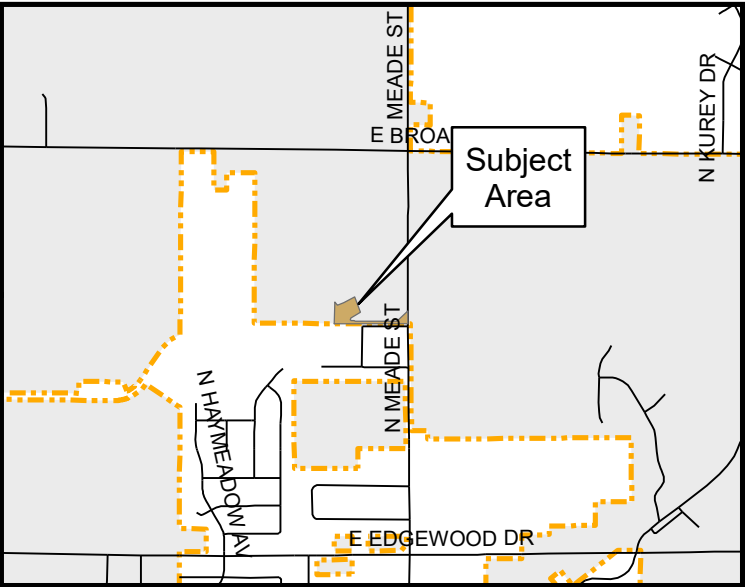
Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

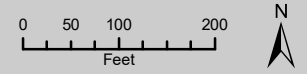
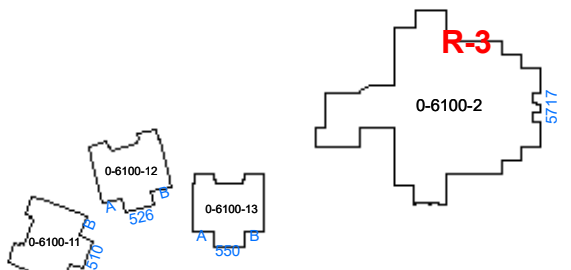
Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Spartan Drive at Meade Street Annexation
Rezoning
Temporary AG Agricultural District
to P-I Public Institutional District
Zoning Map



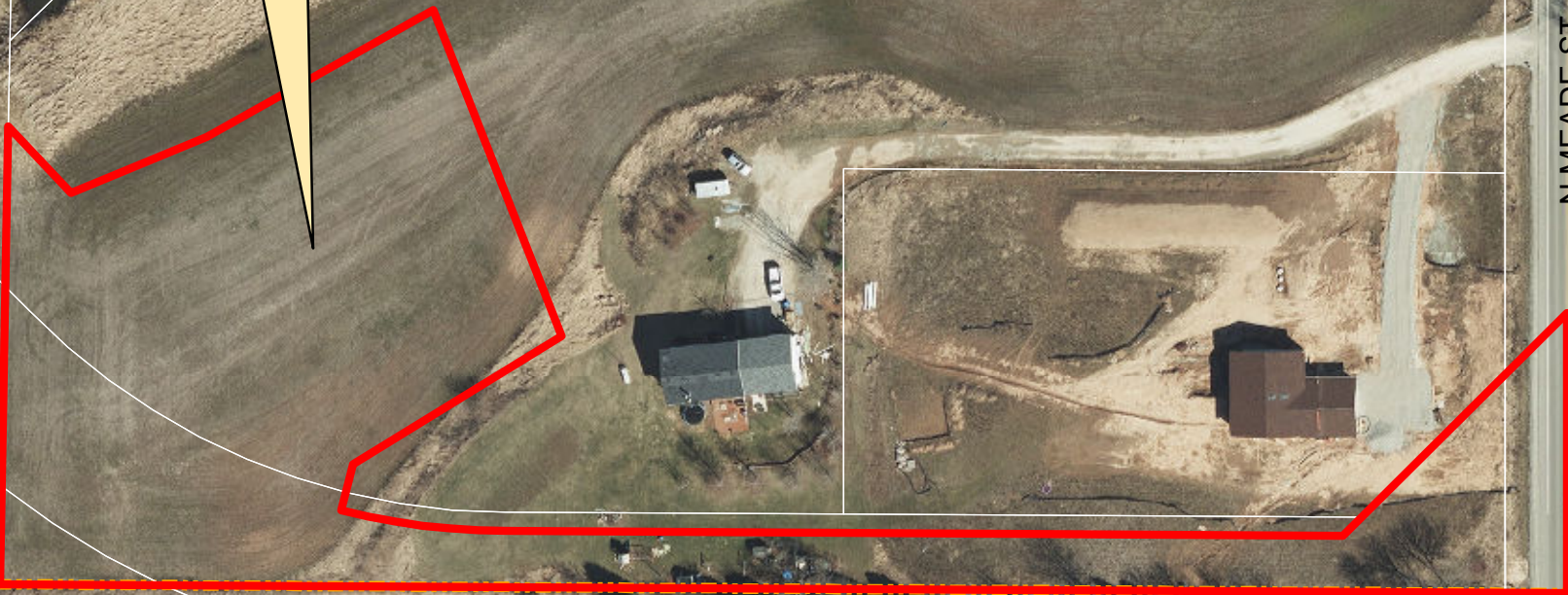
AG

P-I



Spartan Drive at Meade Street Annexation
Rezoning
Temporary AG Agricultural District
to P-I Public Institutional District
Aerial Map

Subject Area



City Limits

E SPARTAN DR

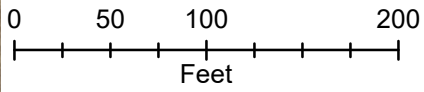
N MEADE ST

N WESTIN ST



City Plan Commission
2-12-19

6-6100-50



NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, February 12, 2019, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed rezoning request:

COMMON DESCRIPTION:

Parcel #101001800 included in the “Lucht (E. Broadway Drive)” annexation, located north of Plamann Park, between N. Meade Street and N. Ballard Road.

Rezoning Request:

A rezoning request has been initiated by the City Plan Commission, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which will be zoned temporary AG Agricultural District following annexation. A portion of E. Broadway Drive right-of-way, currently zoned temporary AG Agricultural District, is also included this request. Pursuant to Sections 23-65(d)(1) and 23-65(e) of the Municipal Code, the City Plan Commission proposes to rezone the property to a permanent zoning classification of R-1B Single-Family District (see attached map). The R-1B District is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Purpose of the Request: To assign a permanent zoning classification following the “Lucht (E. Broadway Drive)” annexation and facilitate a future single-family residence.

ALDERMANIC DISTRICT: 7 – Alderperson Kathy Plank

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Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476.

CITY PLAN COMMISSION

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CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

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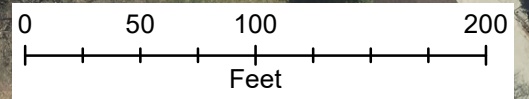
Lucht Annexation
Rezoning
Temporary AG Agricultural district to R-1B Single-Family District
Aerial Map

Subject Area

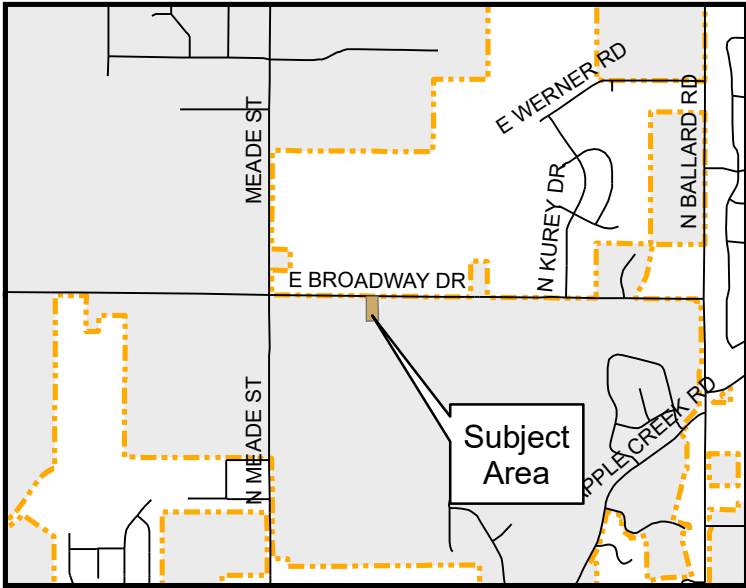
E BROADWAY DR



City Plan Commission
2-12-19



Lucht Annexation
Rezoning
Temporary AG Agricultural district to R-1B Single-Family District
Zoning Map



Subject Area

AG

E BROADWAY DR

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City Plan Commission
2-12-19



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COMMON DESCRIPTION:

E. Glenhurst Lane (Tax Id #31-1-6501-03 and 31-1-6501-04) - Apple Creek Center Lots 3 & 4, located west of N. Lightning Drive

Rezoning Request: A rezoning request has been initiated by the owner, Doctors Properties, LLC, and applicant, Hung-Liang Chou, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned C-O Commercial Office District. The owner/applicant proposes to rezone the property to R-3 Multi-Family District (see attached map). The R-3 District is intended to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses.

Purpose of the Request: The owner/applicant proposes to construct a future multi-family development.

ALDERMANIC DISTRICT: 13 – Alderperson Kyle Lobner

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

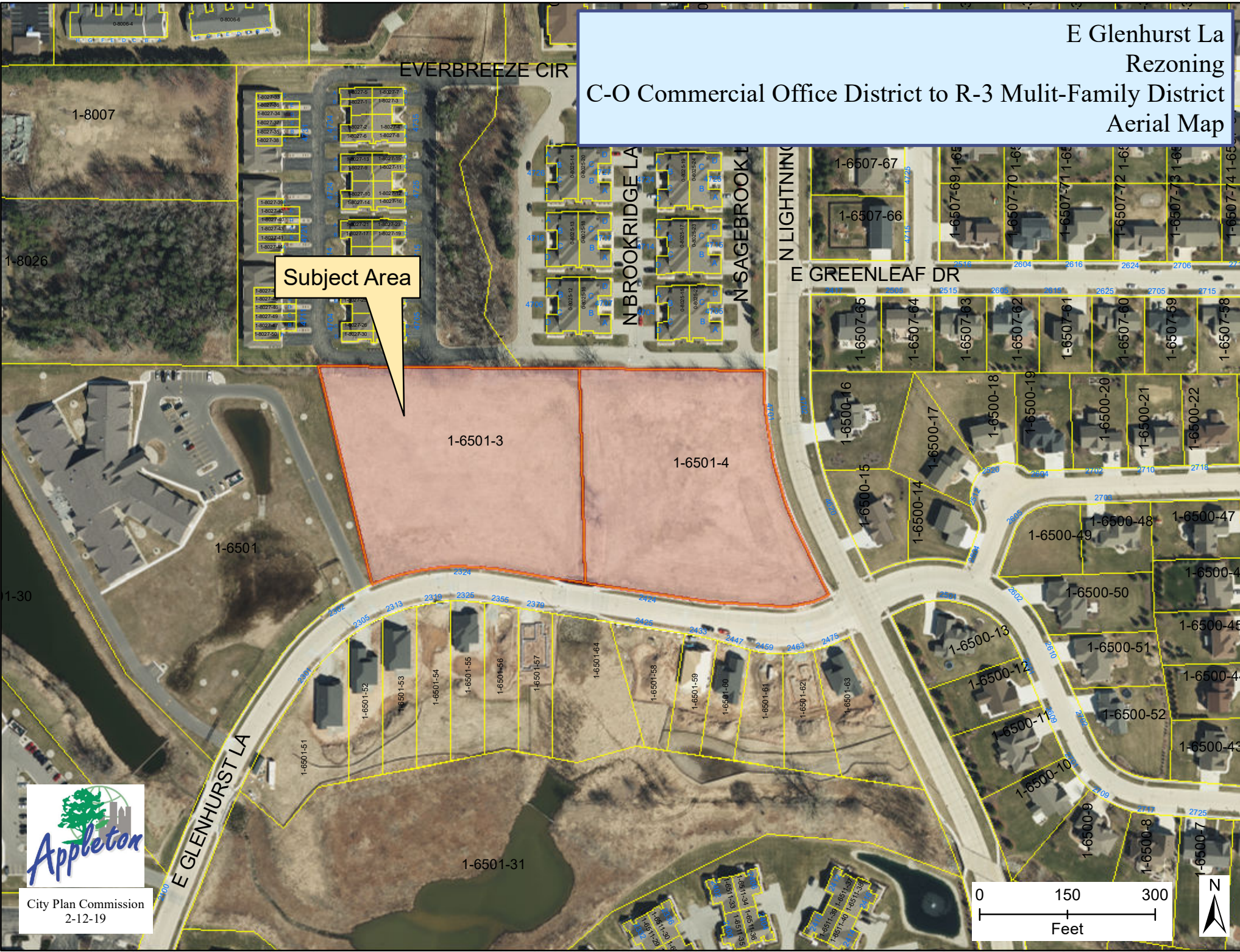
Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476.

CITY PLAN COMMISSION

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CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

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E Glenhurst La Rezoning C-O Commercial Office District to R-3 Mult-Family District Aerial Map

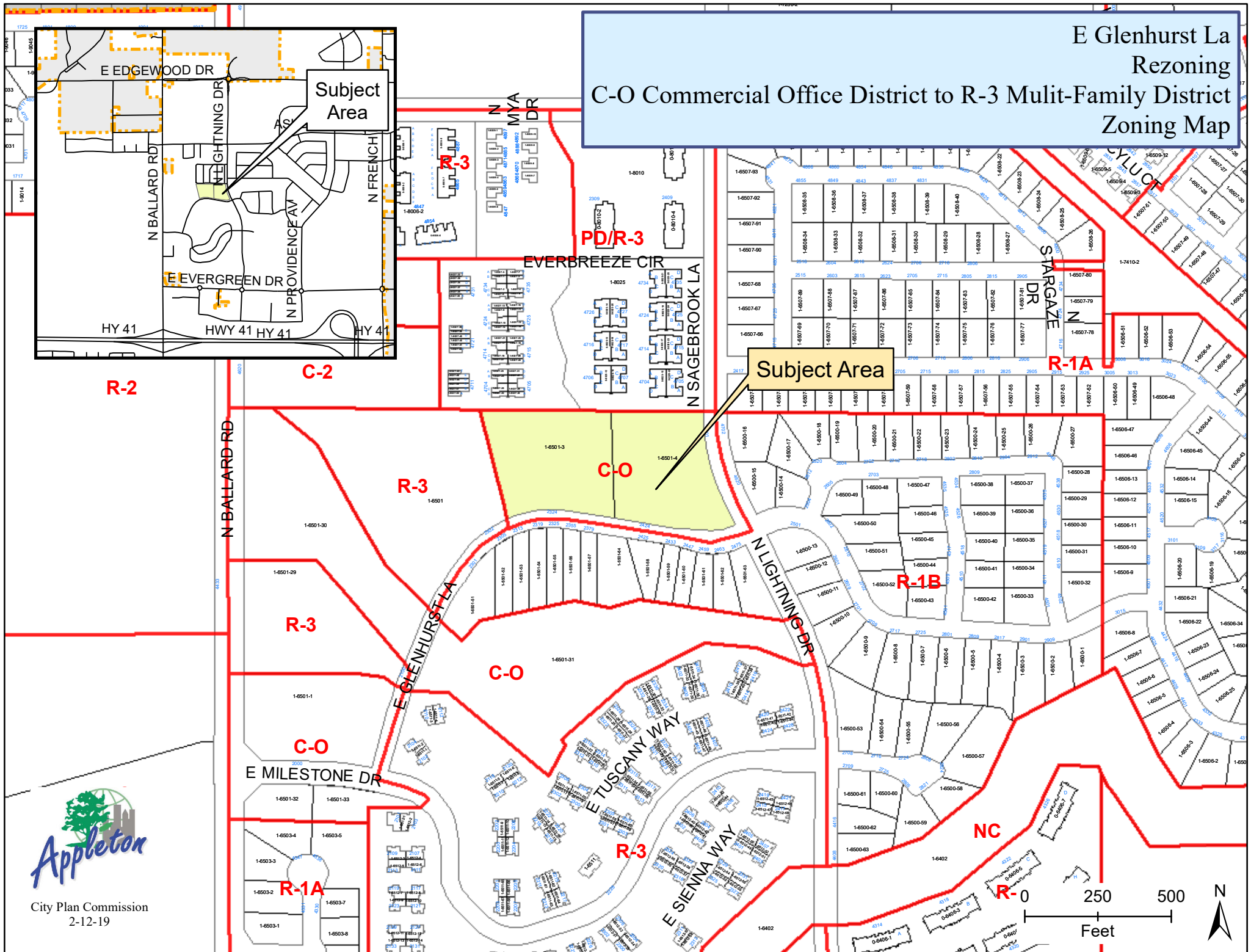
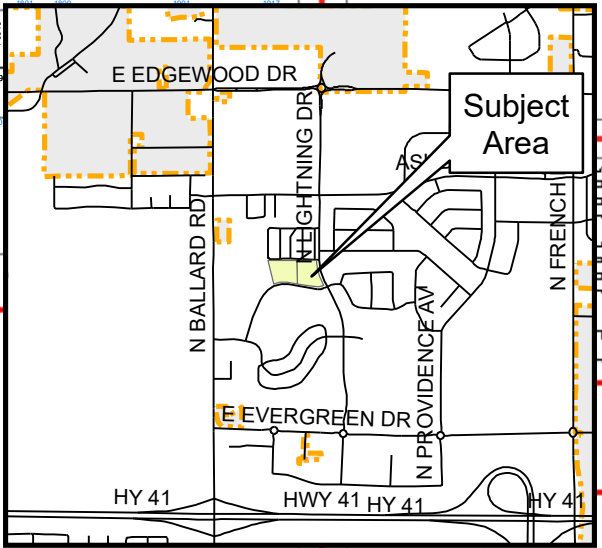


Subject Area

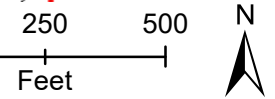


City Plan Commission
2-12-19

E Glenhurst La Rezoning C-O Commercial Office District to R-3 Mult-Family District Zoning Map



City Plan Commission
2-12-19



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The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, February 12, 2019, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed rezoning request:

COMMON DESCRIPTION:

Generally located east of South Lawe Street and north of East Newberry Street (Tax Id #31-4-0296-01, #31-4-0296-02, #31-4-0296-03, and #31-4-0296-04).

Rezoning Request: A rezoning request has been initiated by the owners, Eagle Flats LLC, State of Wisconsin, and Fox River Navigational System Authority, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned PD/C-2 Planned Development General Commercial District #9-10 and M-2 General Industrial District. The adjacent Newberry Street right-of-way, currently zoned R-2 Two-Family District, R-1B Single-Family District, and P-I Public Institutional District, is also included this request. The owners propose to rezone the property to CBD Central Business District (see attached map). The CBD District is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

Purpose of the Request: The owners propose to establish zoning that is uniform for all four subject lots and allows for future mixed-use development.

ALDERMANIC DISTRICT: 4 – Alderperson Joe Martin

You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to appear before the Appleton City Plan Commission, and you will be given an opportunity to express your views or concerns regarding the above-described request. You may also address the City Plan Commission by letter at the address below. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

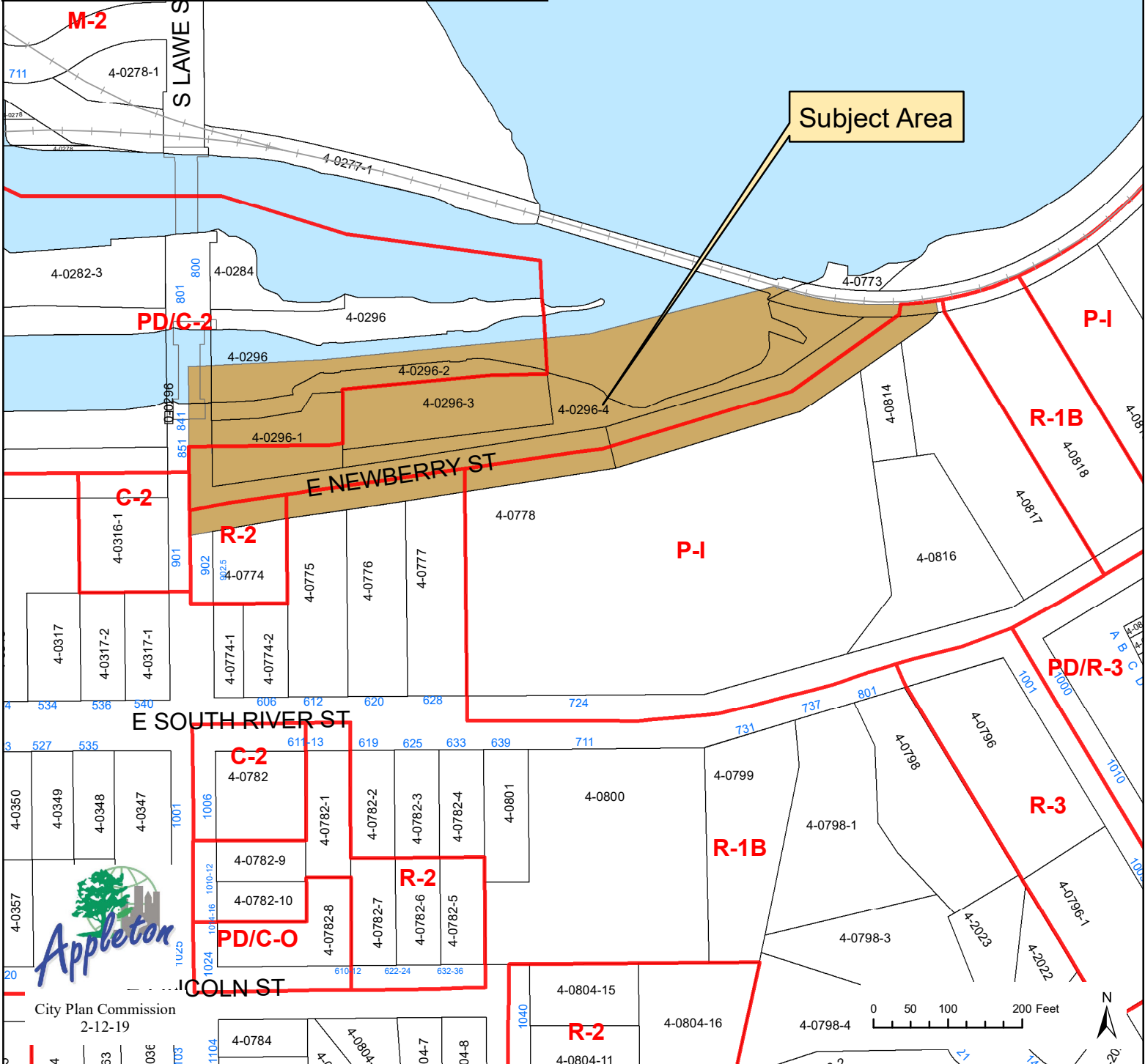
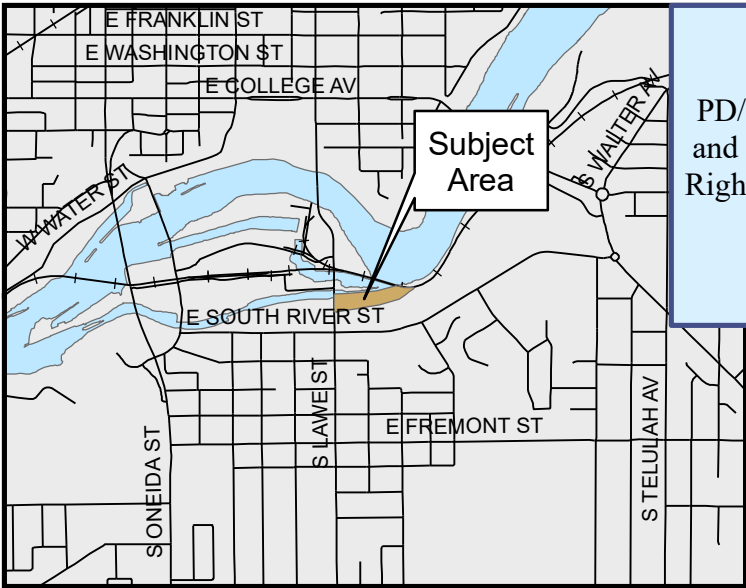
Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

South Lawe Street & East Newberry Street
Rezoning
PD/C-2 Planned Development General Commercial District #9-10
and M-2 General Industrial District, including the Newberry Street
Right-Of-Way from R-2 Two-Family District, R-1B Single-Family
District, and P-I Public Institutional District
to CBD Central Business District
Zoning Map



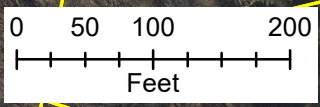
South Lawe Street & East Newberry Street
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PD/C-2 Planned Development General Commercial District #9-10
and M-2 General Industrial District, including the Newberry Street
Right-Of-Way from R-2 Two-Family District, R-1B Single-Family
District, and P-I Public Institutional District
to CBD Central Business District
Aerial Map



Subject Area



City Plan Commission
2-12-19





REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: February 12, 2019

Municipal Services Committee Meeting Date: February 11, 2019

Common Council Meeting Date-Initial Resolution: February 20, 2019
Public Hearing Date: April 3, 2019

Item: Street Discontinuance to vacate a portion of East Pacific Street, east of North Owaissa Street

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: City of Appleton / Tom Kromm, City Surveyor - Department of Public Works

Street Name/Location: Portion of East Pacific Street, east of North Owaissa Street

Owner/Applicant's Request: The area being vacated is no longer needed for public street purposes by the City. This land is being used as a driveway entrance for Riverside Cemetery, including the stone structure housing a chapel and office space for cemetery operations.

BACKGROUND

The Harriman's Lawsburg Plat dated 1886 dedicated this land for a public street. This section of public right-of-way has not been improved as a public street.

As part of an on-going process to review and analyze dedicated public right-of-way in the City of Appleton that may no longer serve a right-of-way need, this unimproved section of East Pacific Street was identified for vacation.

STAFF ANALYSIS

Title to Vacated Street: As a result, when vacated, the land must revert to its original source, which in this case are the parcels located to the north and south of the proposed vacation. Consequently, title to the street being vacated will belong to the adjoining property owner(s) and will acquire an ownership interest in land vacated as shown on the attached map.

Public Utilities: No public utilities are buried within the vacated area.

Street Right-of-Way Width: This portion of East Pacific Street is approximately 46.7 feet wide.

Street Classification/Driveway Access: The City's Arterial Map identifies this portion of East Pacific Street as a local street.

Existing Conditions: The vacated area is being used as a driveway entrance for Riverside Cemetery, including the stone structure housing a chapel and office space for cemetery operations.

Street Vacation - East Pacific Street
February 12, 2019
Page 2

Surrounding Zoning and Land Uses:

North: R-1B, Single Family District – Cemetery
South: R-1B, Single Family District – Cemetery
East: R-1B, Single Family District – Cemetery
West: R-1B, Single Family District – Non-profit recreational facility (green space and reflection/meditation garden) serving Riverside Cemetery and Single-family residential

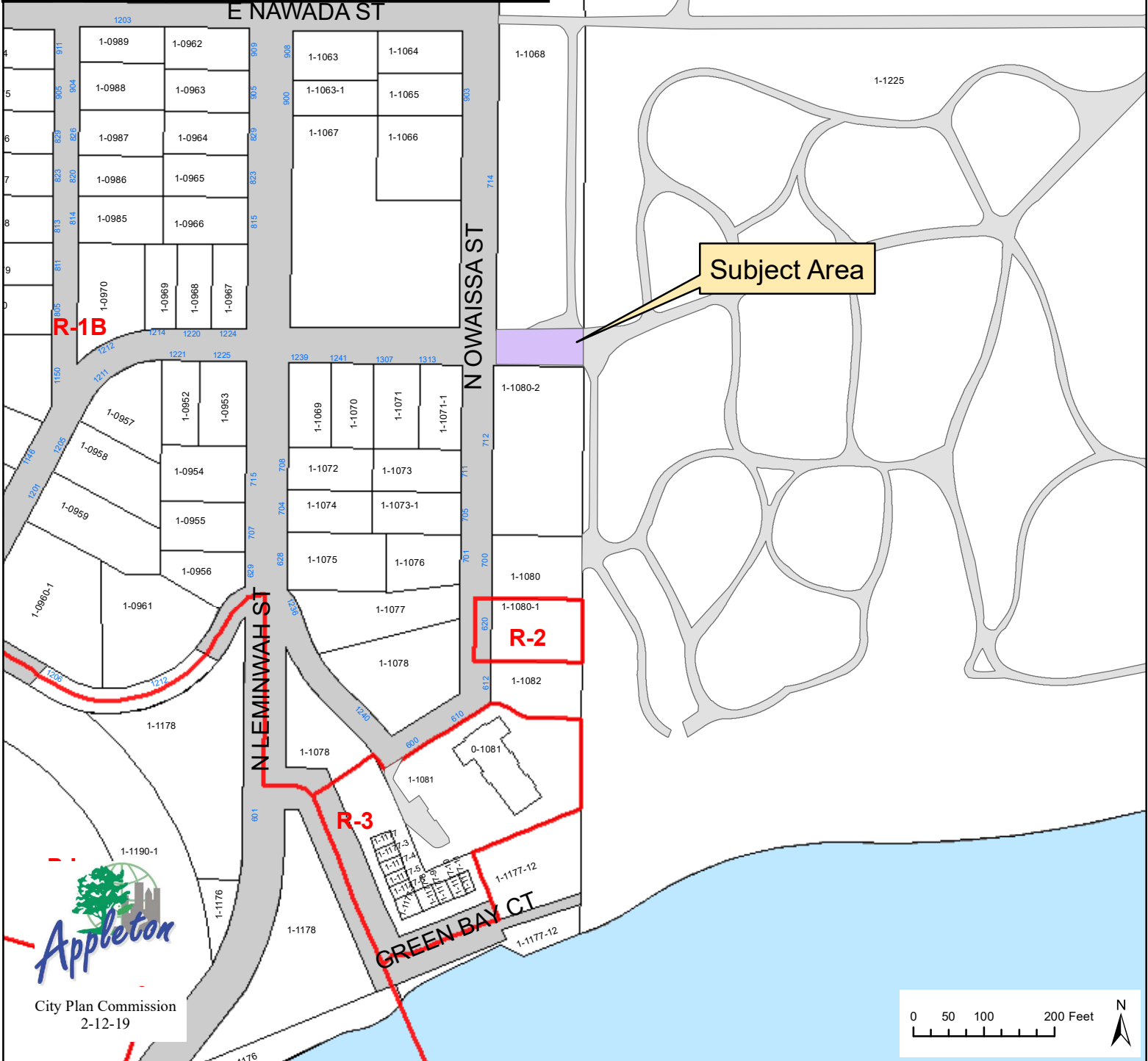
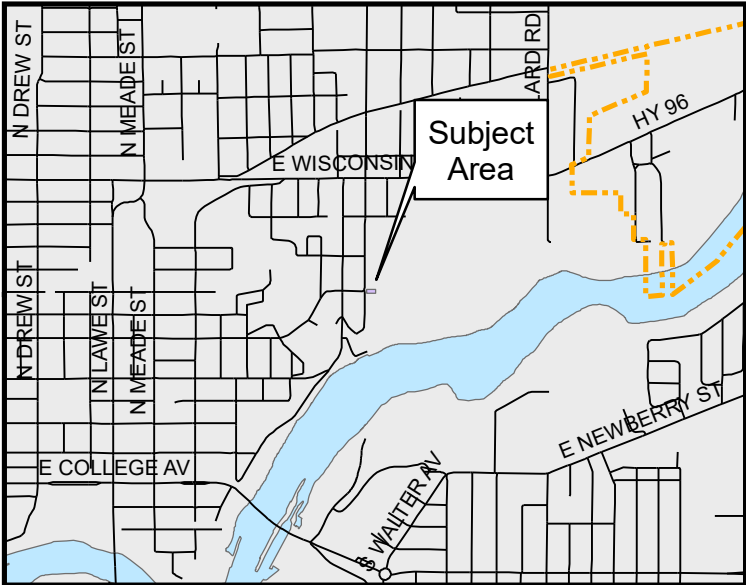
2010-2030 Comprehensive Plan: The City of Appleton 2010-2030 Comprehensive Plan identifies this area for future Public/Institutional. The current use of the subject area is consistent with the current Future Land Use Map.

Technical Review Group Report (TRG): This item was discussed at the January 22, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the Initial Resolution and exhibit map for the partial vacation of East Pacific Street public right-of-way, **BE APPROVED**.

Pacific Street (East of Owaissa Street) Street Vacation Zoning map



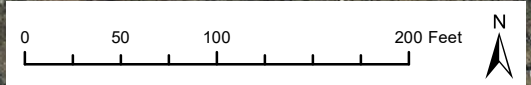
Pacific Street (East of Owaissa Street)
Street Vacation
Aerial Map



Subject Area



City Plan Commission
2-12-19



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of East Pacific Street, east of North Owaissa Street, that has not previously been vacated, be vacated and discontinued,

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of East Pacific Street, east of North Owaissa Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

LEGAL DESCRIPTION:

All that part of Pacific Street (fka Brucke Street) described as follows: A strip of land 46.7 feet in width and 123.5 feet more or less in length, containing 5,767 square feet of land more or less, bounded on the West by the East line of Owaissa Street, bounded on the East by Riverside Cemetery, bounded on the North by Block 61 of **HARRIMAN'S LAWSBURG PLAT** and bounded on the South by Block 63 of **HARRIMAN'S LAWSBURG PLAT**, all according to the recorded Assessors Map of the City of Appleton, being located in Government Lot 2 lying North of the Fox River, Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.
See also attached Exhibit "A" for illustration.

COMMON DESCRIPTION:

East Pacific Street, east of North Owaissa Street (Riverside Cemetery entrance)

FURTHER RESOLVED, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

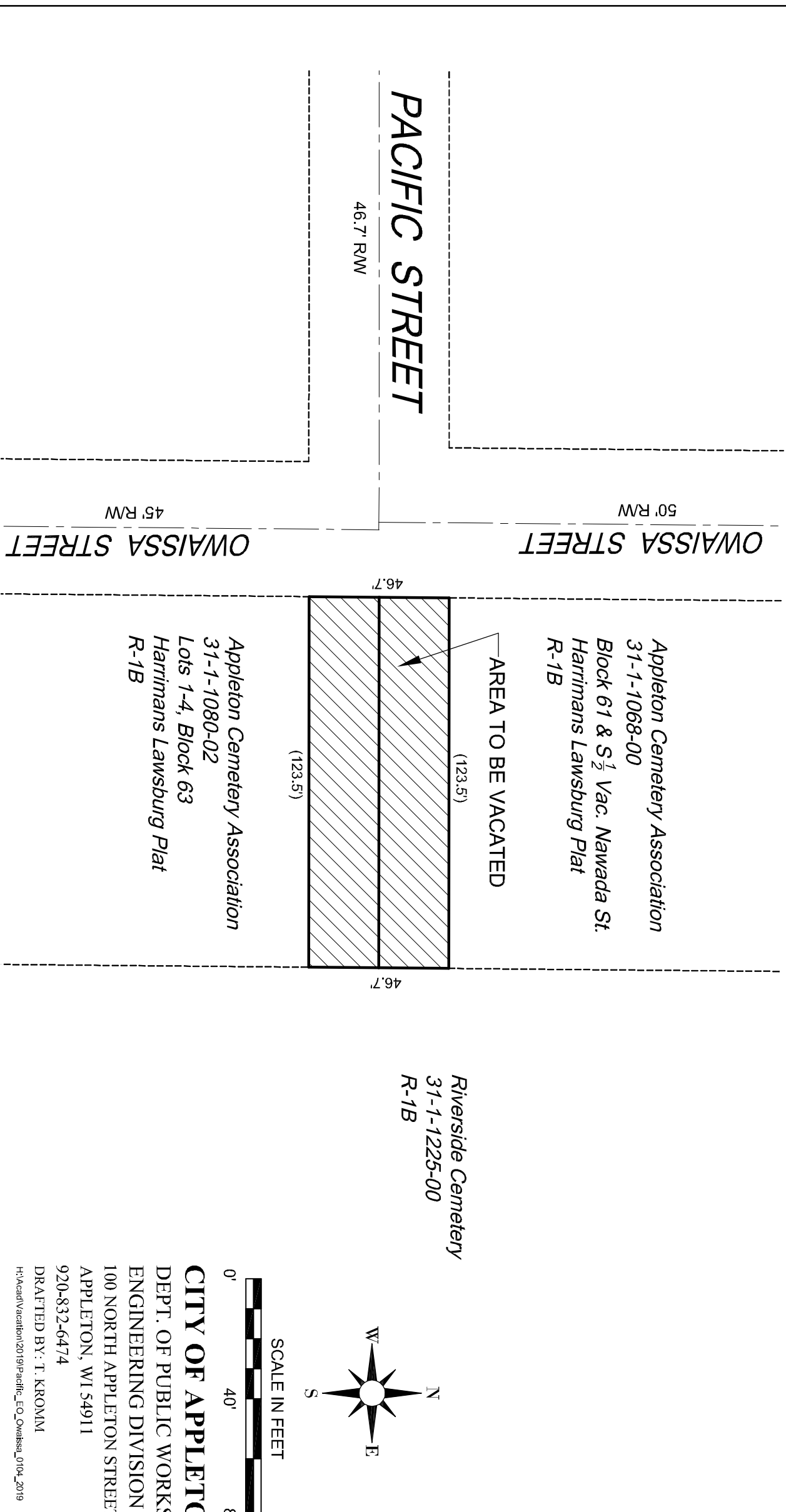
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of East Pacific Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

Date
City Law: A18-0936

Christopher W. Croatt, Chair

EXHIBIT

ALL THAT PART OF PACIFIC STREET (FKA BRUKE STREET) DESCRIBED AS FOLLOWS: A STRIP OF LAND 46.7 FEET IN WIDTH AND 123.5 FEET MORE OR LESS IN LENGTH, CONTAINING 5,767 SQUARE FEET OF LAND MORE OR LESS, BOUNDED ON THE WEST BY THE EAST LINE OF OWAISSA STREET, BOUNDED ON THE EAST BY RIVERSIDE CEMETERY, BOUNDED ON THE NORTH BY BLOCK 61 OF HARRIMAN'S LAWSBURG PLAT AND BOUNDED ON THE SOUTH BY BLOCK 63 OF HARRIMAN'S LAWSBURG PLAT. ALL ACCORDING TO THE RECORDED ASSESSORS MAP OF THE CITY OF APPLETON, BEING LOCATED IN GOVERNMENT LOT 2 LYING NORTH OF THE FOX RIVER, SECTION 25, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



PACIFIC STREET

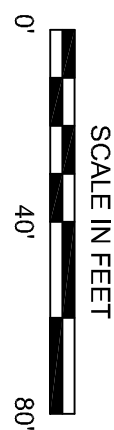
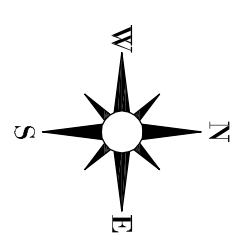
OWAISSA STREET

OWAISSA STREET

Appleton Cemetery Association
 31-1-1068-00
 Block 61 & S $\frac{1}{2}$ Vac. Nawada St.
 Harrimans Lawsburg Plat
 R-1B

Appleton Cemetery Association
 31-1-1080-02
 Lots 1-4, Block 63
 Harrimans Lawsburg Plat
 R-1B

Riverside Cemetery
 31-1-1225-00
 R-1B



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474

DRAFTED BY: T. KROMM
 H:\Acad\Vacation\2019\Pacific_EO_Owaissa_0104_2019



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: February 12, 2019

Common Council Public Hearing Meeting Date: March 6, 2019 (Public Hearing on Rezoning)

Item: Rezoning #1-19 – Spartan Drive at Meade Street

Case Manager: David Kress

GENERAL INFORMATION

Owner: City of Appleton

Applicant: City of Appleton Plan Commission

Address/Parcel: North Meade Street (Tax Id #31-6-6100-60, formerly part of Town of Grand Chute Tax Id #101006800 and part of Town of Grand Chute Tax Id #101006802)

Petitioner's Request: To assign a permanent zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to P-I Public Institutional District. The request is being made to facilitate future construction of a street officially mapped as Spartan Drive and an associated stormwater pond.

BACKGROUND

On March 5, 2008, Common Council adopted Ordinance 51-08, which amended the City's Official Map to officially map the location of an east-west roadway to be known as Spartan Drive. The public right-of-way dedication for part of Spartan Drive, located immediately south of the subject area, was approved by Common Council on September 21, 2016 and formalized with the recording of Certified Survey Map 7356.

On February 6, 2019, Common Council adopted Ordinance 3-19, to annex the subject area from the Town of Grand Chute to the City of Appleton. The property was officially annexed to the City on February 12, 2019 at 12:01 a.m. During review of the Spartan Drive at Meade Street Annexation, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District.

STAFF ANALYSIS

Existing Site Conditions: The subject parcel is approximately 2.0388 acres in size and located west of North Meade Street, between East Edgewood Drive and East Broadway Drive. North Meade Street is classified as an arterial street on the City's Arterial/Collector Plan. Spartan Drive is classified as a future collector street. Currently, the subject property consists of vacant, undeveloped land.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land uses to the north are currently single-family residential.

South: R-3 Multi-Family District. The adjacent land uses to the south are currently a mix of multi-family residential uses, including a community-based residential facility.

East: Town of Grand Chute. The adjacent land uses to the east are currently single-family residential and Plamann Park.

West: Town of Grand Chute. The adjacent land uses to the west are currently agricultural.

Proposed Zoning Classification: The purpose of the P-I Public Institutional District is to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties. Per Section 23-100(h) of the Municipal Code, the development standards for the P-I District are listed below:

- 1) **Minimum lot area:** None.
- 2) **Maximum lot coverage:** 70%.
- 3) **Minimum lot width:** None.
- 4) **Minimum front yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 5) **Minimum rear yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 6) **Minimum side yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 7) **Maximum building height:** 60 feet.

Zoning Ordinance Review Criteria: Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. 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.

In this case, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the P-I District zoning regulations listed above and other sections of the Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future One and Two-Family Residential uses. The proposed future construction of a street is consistent with the Future Land Use Map, which identifies the location of officially mapped Spartan Drive. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

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.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area for officially mapped Spartan Drive.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).

4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *City water infrastructure is already installed along North Meade Street. It is anticipated that sewer and water infrastructure will be included with the future construction of Spartan Drive.*
 2. The effect of the proposed rezoning on surrounding uses. *The location of an east-west roadway to be known as Spartan Drive was officially mapped in 2008. The recent annexation and subsequent rezoning will allow for future construction of a street and associated stormwater pond. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

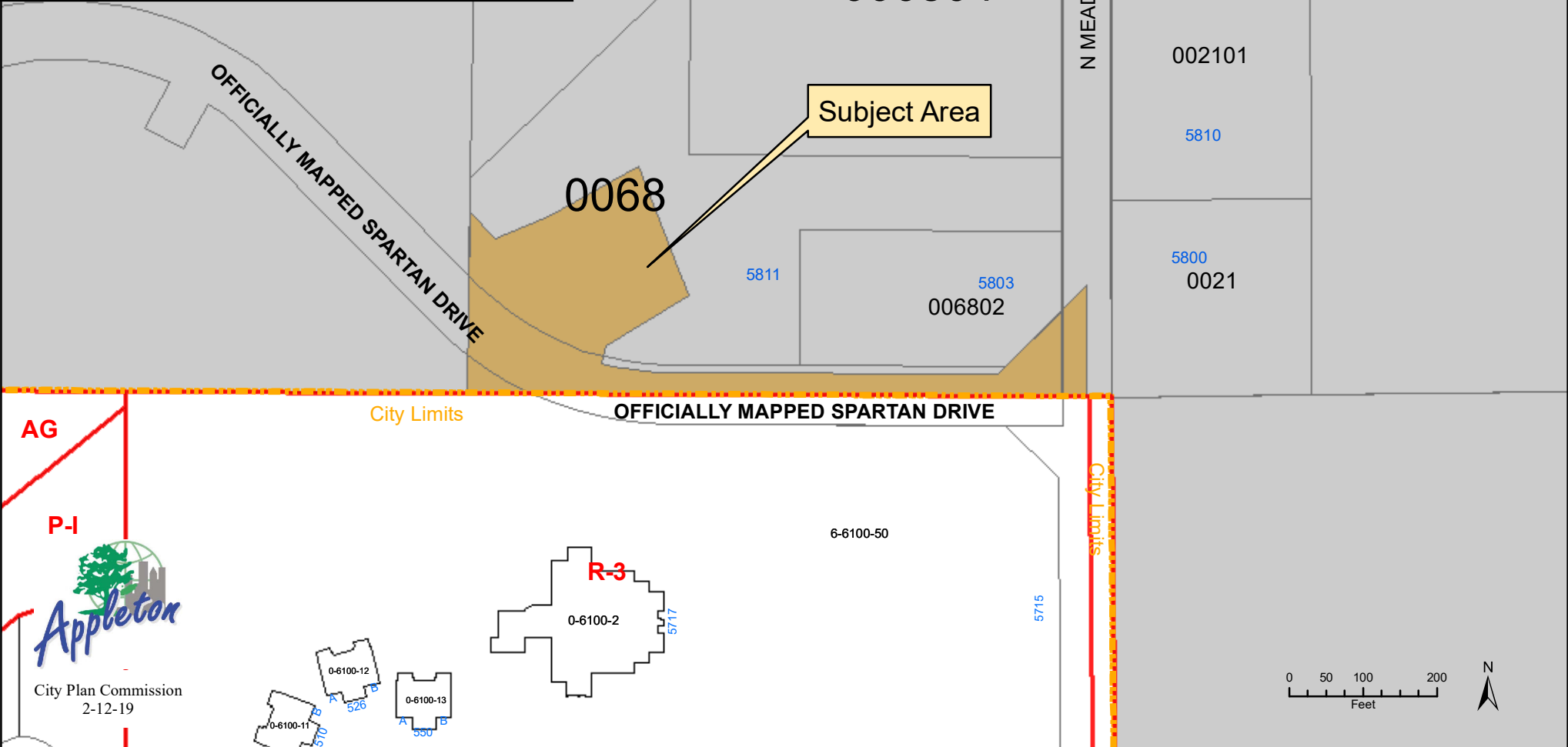
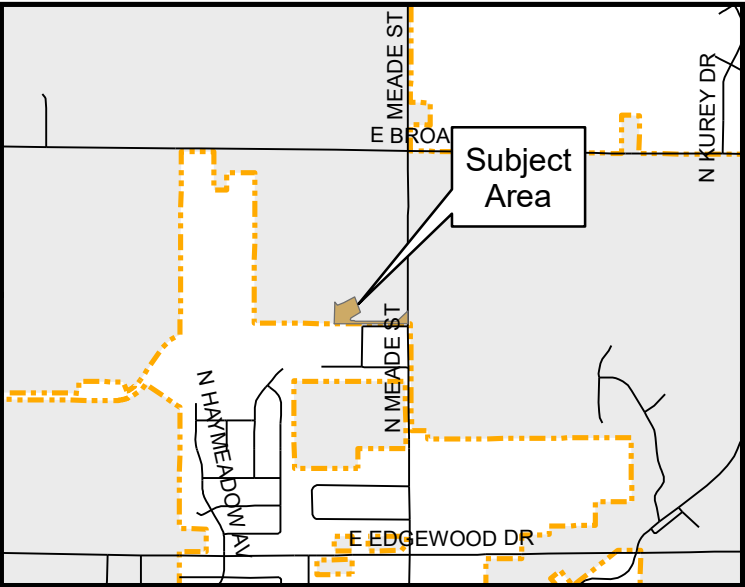
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item was discussed at the December 18, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

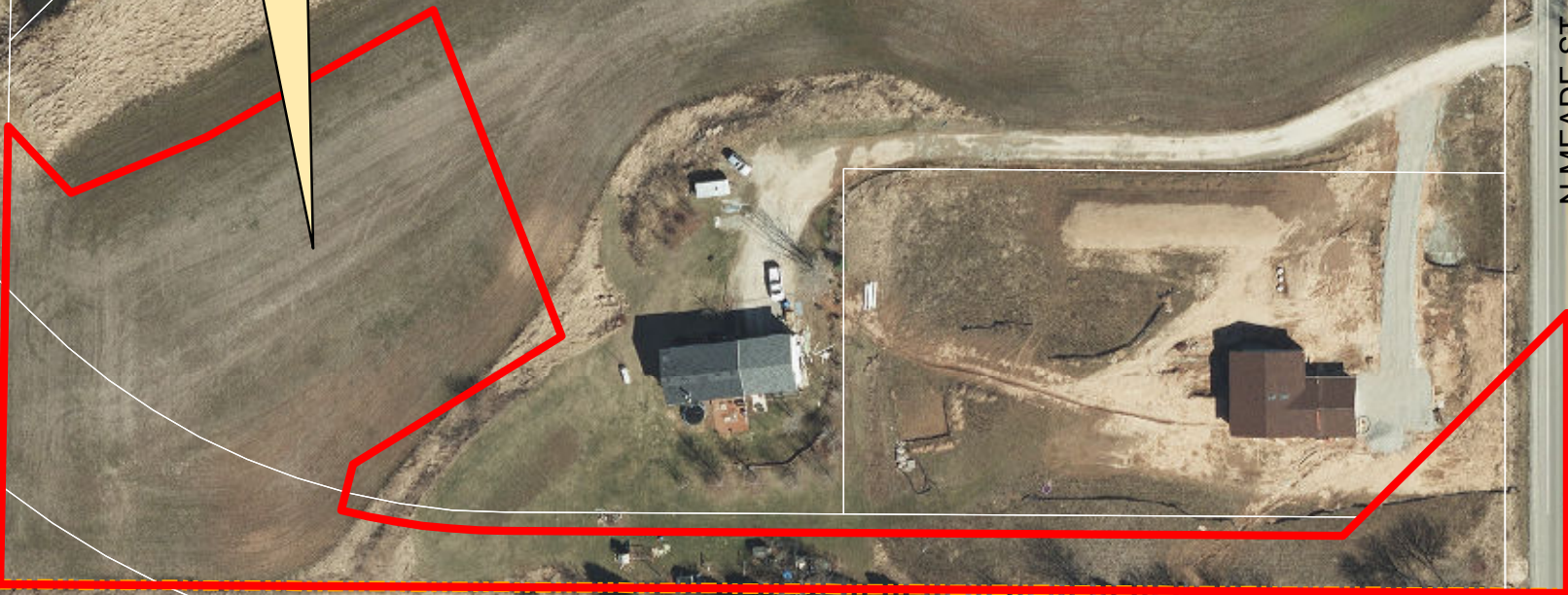
Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-19 to rezone the subject parcel located on North Meade Street (Tax Id #31-6-6100-60, formerly part of Town of Grand Chute Tax Id #101006800 and part of Town of Grand Chute Tax Id #101006802) from temporary AG Agricultural District to P-I Public Institutional District, including to the centerline of the adjacent Meade Street right-of-way and as shown on the attached map, **BE APPROVED**.

Spartan Drive at Meade Street Annexation
Rezoning
Temporary AG Agricultural District
to P-I Public Institutional District
Zoning Map



Spartan Drive at Meade Street Annexation
Rezoning
Temporary AG Agricultural District
to P-I Public Institutional District
Aerial Map

Subject Area



City Limits

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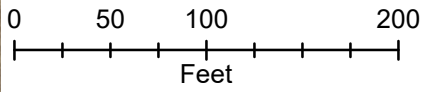
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City Plan Commission
2-12-19

6-6100-50



PART OF PARCEL: 101006800 and 101006802

Description of lands to be rezoned from temporary AG Agricultural District to P-I Public Institutional District:

A part of Lot One (1) and part of Lot Two (2) of **CERTIFIED SURVEY MAP NO. 4431**, located in and being a part of the Southeast Quarter (SE ¼) of the Fractional Northeast Quarter (NE ¼) of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 88,809 Square Feet (2.0388 Acres) of land and described as follows:

Commencing at the East ¼ corner of said Section 2 and being the point of beginning;

Thence North 89°40'21" West 839.03 feet along the South line of the Fractional NE ¼ of said Section 2 and being coincident with the South line of Lot 1 and 2 of said Certified Survey Map No. 4431;

Thence North 01°03'01" East 245.13 feet being coincident with the West line of said Lot 1;

Thence South 43°27'00" East 48.98 feet;

Thence North 67°23'29" East 78.51 feet;

Thence North 60°46'47" East 139.15 feet;

Thence South 21°27'49" East 187.73 feet;

Thence South 58°24'35" West 131.24 feet;

Thence South 14°06'00" West 25.35 feet;

Thence Southeasterly 88.94 feet along the arc of a curve to the left having a radius of 370.00 feet and the chord of which bears South 82°47'12" East 88.73 feet;

Thence South 89°40'21" East 448.18 feet;

Thence North 45°09'52" East 169.22 feet to the East line of the Fractional NE ¼ of said Section 2;

Thence South 00°00'05" West 150.00 feet coincident to the East line of the Fractional NE ¼ of said Section 2 to the Point of Beginning. Said lands subject to all easements and restrictions of record.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: February 12, 2019

Common Council Public Hearing Meeting Date: March 6, 2019 (Public Hearing on Rezoning)

Item: Rezoning #2-19 – Lucht Annexation (E. Broadway Drive)

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Kevin and Shana Lucht

Applicant: City of Appleton Plan Commission

Address/Parcel: E. Broadway Drive (Tax Id # 31-1-9313-00, formerly Tax Id #101001800 in the Town of Grand Chute). The subject property is located north of Plamann Park, between North Meade Street and North Ballard Road.

Petitioner's Request: To assign a permanent zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to R-1B Single-Family District, including to the centerline of the adjacent right-of-way. The request is being made to facilitate future construction of a single-family home.

BACKGROUND

The City acquired the north 40 feet of the subject property from the property owners by quit claim deed for public right-of-way purposes.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification. The Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1B Single-Family District at the January 22, 2019 meeting.

On February 6, 2019, Common Council adopted Ordinance 4-19, to annex the subject area from the Town of Grand Chute to the City of Appleton. The ordinance was published on February 12, 2019 and, per the ordinance, the property will officially annexed to the City after the February 19, 2019 Spring Primary Election. During review of the Lucht Meade Street Annexation, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District.

STAFF ANALYSIS

Existing Site Conditions: The subject parcel is approximately 1.00 acres in size and located north of Plamann Park, between North Meade Street and North Ballard Road. East Broadway Drive Street is classified as a collector street on the City's Arterial/Collector Plan. Currently, the subject property consists of vacant, undeveloped land.

Surrounding Zoning Classification and Land Uses:

North: AG Agricultural District. The adjacent land use to the north is currently agricultural.

South: Town of Grand Chute. The adjacent land use to the south is currently park land (Plamann Park).

East: Town of Grand Chute. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

Proposed Zoning Classification: The purpose of the R-1B Single-Family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. The development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 50%.
- 3) **Minimum lot width:** 50 feet.
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street).
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

Zoning Ordinance Review Criteria: Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. 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.

In this case, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the R-1B District zoning regulations listed above and other sections of the Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future One and Two-Family Residential uses. The proposed R-1B Single-Family District zoning classification is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

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 3 – Housing Quality, Variety, and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

5.1 OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

5.3 OBJECTIVE: Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area for future one and two family residential land uses.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *City water infrastructure is already installed along E Broadway Drive. Sanitary sewer service is not currently available by the City of Appleton. A*

private on-site septic system will be required with construction of a new single-family residence.

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located to the west of the subject site. Properties to the north and east of the subject area primarily consist of vacant, undeveloped land. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

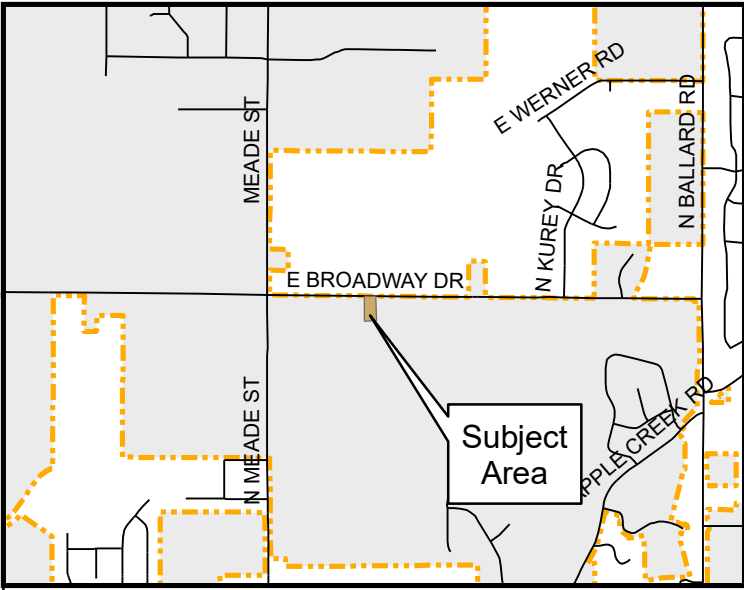
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item was discussed at the December 18, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #2-19 to rezone the subject parcel located on E. Broadway Drive (Tax Id # 31-1-9313-00, formerly Tax Id #101001800 in the Town of Grand Chute) from temporary AG Agricultural District to R-1B Single-Family District, including to the centerline of the adjacent Broadway Drive right-of-way and as shown on the attached map, **BE APPROVED.**

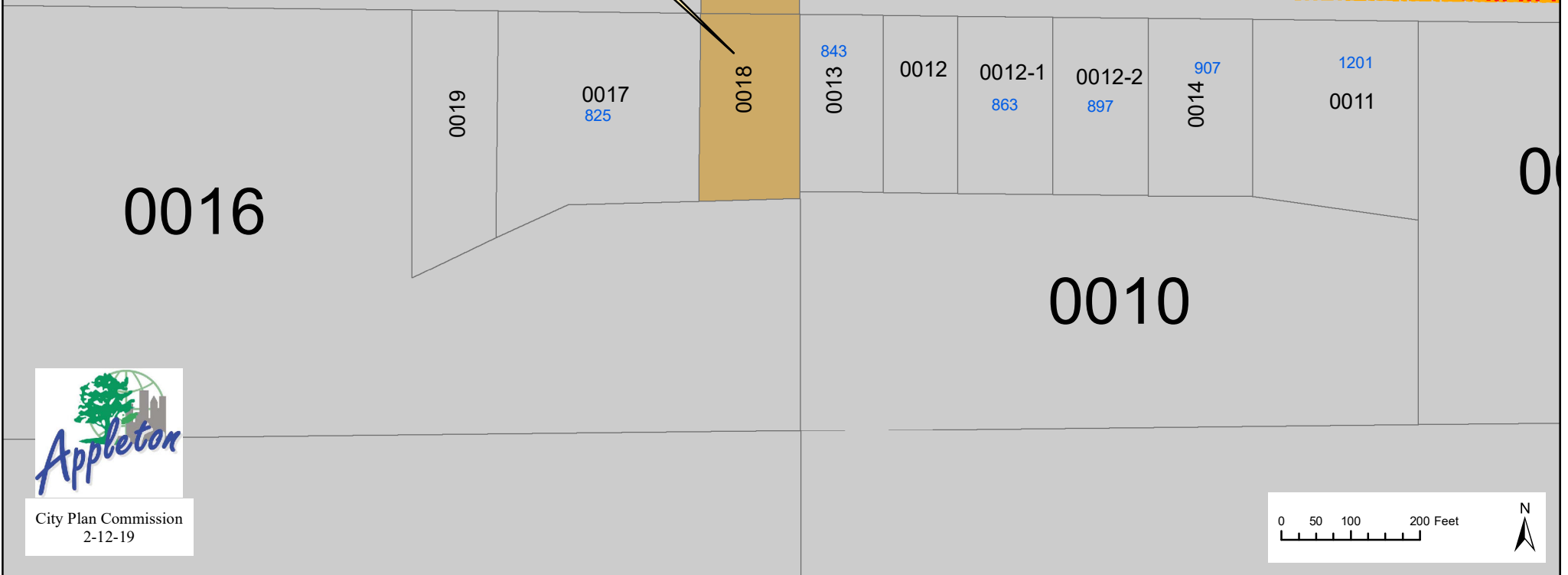
Lucht Annexation
Rezoning
Temporary AG Agricultural district to R-1B Single-Family District
Zoning Map



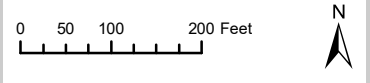
AG

Subject Area

E BROADWAY DR



City Plan Commission
2-12-19



Lucht Annexation
Rezoning
Temporary AG Agricultural district to R-1B Single-Family District
Aerial Map

Subject Area

E BROADWAY DR



City Plan Commission
2-12-19



LUCHT ANNEXATION REZONING

PARCEL: 31-1-9313-00 (formerly Tax Id #101001800 in the Town of Grand Chute)

Owner: Kevin Lucht and Shana Lucht

Document #2145904

LEGAL DESCRIPTION FOR REZONING:

A parcel of land located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 1.00 Acres of land, more or less and described as follows:

Commencing at the Northwest corner of said Section 1;

Thence South 89°22'34" East 1,168.10 feet (recorded as S.89°27'E. 1,168.10 feet) along the North line of the Fractional NW ¼ of said Section 1 to the point of beginning;

Thence continue South 89°22'34" East 143.0 feet (recorded as S.89°27'E. 143.0 feet) along the North line of the Fractional NW ¼ of said Section 1 to the Northwest corner of lands described in Volume 757 of Records, page 296;

Thence South 00°00'34" East 299.0 feet (recorded as S.00°03'E. 299.0 feet) along the West line of lands described in Volume 757 of Records, page 296 and along the West line of said lands extended;

Thence South 88°29'26" West 146.41 feet (recorded as S.88°27'W. 146.40 feet);

Thence North 00°37'26" East 304.43 feet (recorded as N.00°35'E. 304.44 feet) to the point of beginning, which includes all of the adjacent one-half right-of-way of East Broadway Drive.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: February 12, 2019

Common Council Public Hearing Meeting Date: March 6, 2019 (Public Hearing on Rezoning)

Item: Rezoning #3-19 – Glenhurst Lane

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Hung-Liang Chou – Doctors Properties, LLC

Address/Parcel #: E. Glenhurst Lane (Tax Id #31-1-6501-03 and 31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat)

Petitioner's Request: The applicant is requesting a zoning change from C-O Commercial Office District to R-3 Multi-Family District to facilitate the construction of a multi-family residential development.

BACKGROUND

The subject property was annexed to the City in 1990 as part of the AAL Annexation. The property was rezoned to C-O Commercial Office District in February 2001. The subject parcels (Lots 3 and 4) are part of the Apple Creek Center Plat that was approved by the Common Council on June 5, 2002.

A change in development patterns from commercial/office uses to residential uses (such as residential condominiums, multi-family residential and community living arrangements) has been occurring in this area since it was originally platted in 2002. During the Rezoning and Comprehensive Plan amendment requests associated with the Pond View Estates development in 2015 (land immediately to the south of the subject parcels), the Staff Reports noted the anticipated transition of the subject parcels (Lots 3 and 4) to a residential use, or use other than commercial.

During the 5-year update to the City's *Comprehensive Plan 2010-2030*, the Future Land Use Designation for Lots 3 and 4 was amended to the Multi-Family land use. The overall update was approved by the Common Council in March 2017.

STAFF ANALYSIS

Existing Conditions: The subject parcels are approximately 6.41 acres in size and located north of East Glenhurst Lane, between North Lightning Drive and East Milestone Drive. North Lightning Drive is classified as a collector street and East Glenhurst Lane is classified as a local street on the City's Arterial/Collector Plan. The parcels are undeveloped.

Surrounding Zoning Classification and Land Uses:

North: PD-R-3 Northbrook Crossing Planned Development Multi-Family District #19-01. The adjacent land uses to the north are currently multi-family residential.

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

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

West: R-3 Multi-Family District. The adjacent land use to the west is currently multi-family residential (Century Oaks Community Based Residential Facility).

Proposed Zoning Classification: The purpose of the R-3 Multi-family District is to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses. Per Section 23-96(g) of the Municipal Code, the development standards for the R-3 District are listed below:

- 1) **Minimum lot area:**
 - Six thousand (6,000) square feet for single-family dwelling.
 - Seven thousand (7,000) square feet for two (2) story two- (2-) family dwellings.
 - Nine thousand (9,000) square feet for single story two- (2-) family dwelling.
 - Three thousand (3,000) square feet per dwelling unit for multi-family dwellings.
 - Seven thousand (7,000) square feet for all other uses.
- 2) **Maximum lot coverage.** Seventy percent (70%).
- 3) **Minimum lot width:**
 - Fifty (50) feet for single-family dwellings.
 - Seventy (70) feet for two- (2-) family dwellings.
 - Eighty (80) feet for all other uses.
- 4) **Minimum front yard:**
 - Twenty (20) feet.
 - Twenty-five (25) feet if located on an arterial street.
- 5) **Minimum rear yard:** Thirty-five (35) feet.
- 6) **Minimum side yard:**
 - Six (6) feet for single and two-family dwellings.
 - Twenty (20) feet all other uses.
- 7) **Minimum setback from single or two-family lot line:** Thirty (30) feet.
- 8) **Maximum building height:**
 - Thirty-five (35) feet for single- and two- (2-) family dwellings.
 - Forty-five (45) feet or all other uses.
- 9) **Minimum distance between multi-family buildings:** Twelve (12) feet.

Zoning Ordinance Review Criteria: The request is being made to accommodate a future multi-family residential development. The parcel is currently zoned C-O Commercial Office District, which does not allow for the proposed use. Therefore, a rezoning is necessary to accommodate the proposed use.

A multi-family residential development is a permitted use in the R-3 Multi-Family District. Any future development would need to conform to the R-3 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Multi-Family residential land uses. The proposed R-3 Multi-Family District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

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 3 – Housing Quality and Affordability: Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.1 Housing and Neighborhoods: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

OBJECTIVE 5.3 Housing and Neighborhoods: Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

OBJECTIVE 7.1 Utilities and Community Facilities: Provide a pattern of development that minimizes impacts to municipal services and utilities.

OBJECTIVE 10.1 Land Use:

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

Policy 10.4.1 Land Use: Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

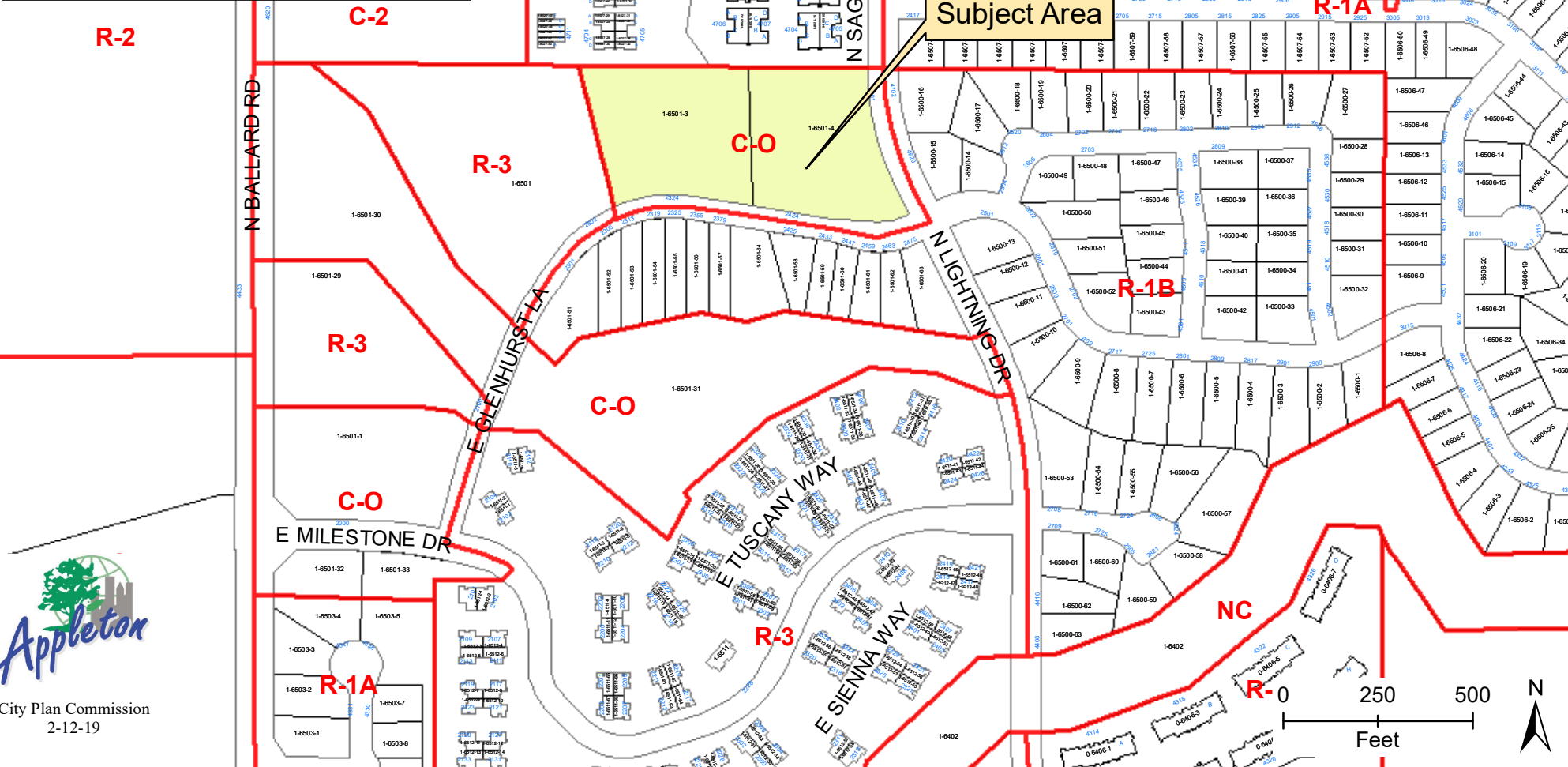
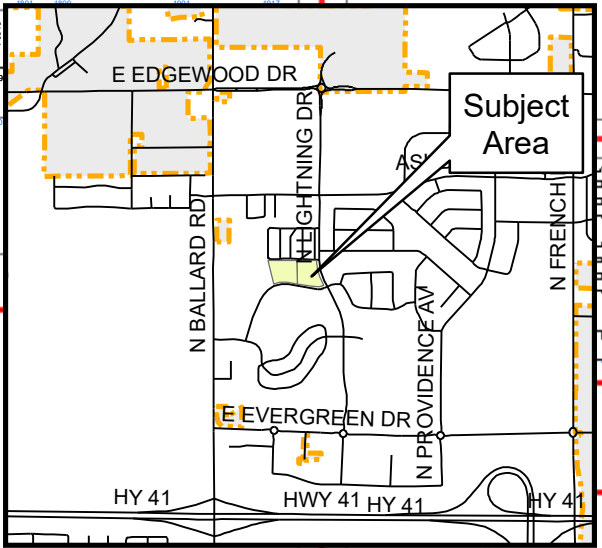
- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above and the Future Land Use map.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning (see Technical Review Group comments below).*
 2. The effect of the proposed rezoning on surrounding uses. *Multi-family and single-family uses are already present surrounding the subject site. The rezoning request is being made to accommodate a future multi-family residential development. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Technical Review Group Report (TRG): This item was discussed at the January 22, 2019 Technical Review Group meeting. No negative comments were received from participating departments. The following was provided via email by the Department of Public Works Traffic Engineer regarding the ability of the adjacent roadway network to accommodate the proposed use: *Irrespective of the zoning that is selected for the lots in question, the roadway network can safely accommodate the resulting traffic. That section of Glenhurst Drive is currently estimated to carry about 1500 vehicles per day on an average weekday. Similar "neighborhood collector"-type roadways throughout the city safely and efficiently handle far greater volumes of traffic.*

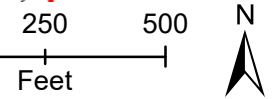
RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-19 to rezone the subject property from C-O Commercial Office District to R-3 Multi-Family District, including all of the adjacent one-half right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached maps, **BE APPROVED.**

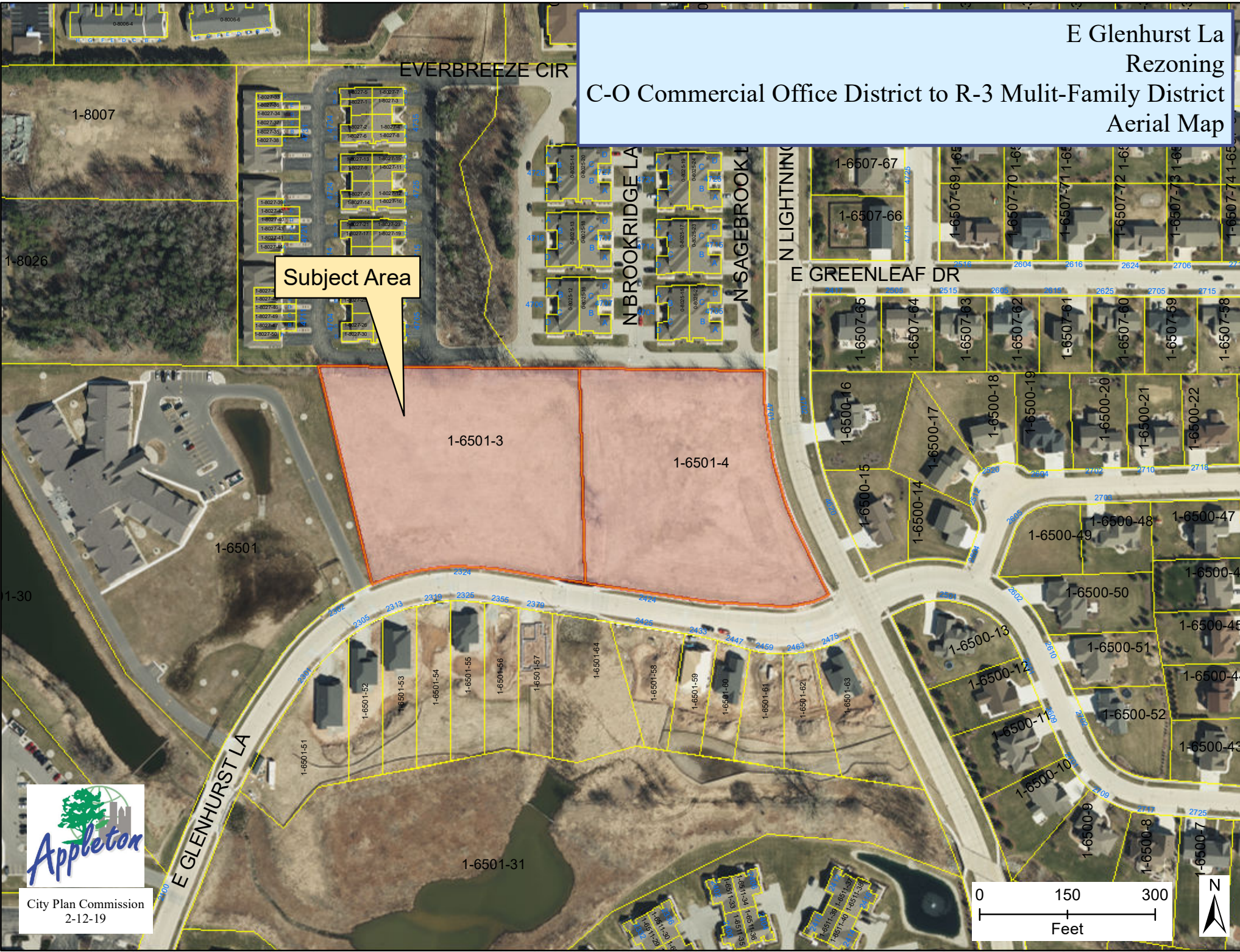
E Glenhurst La Rezoning C-O Commercial Office District to R-3 Mult-Family District Zoning Map



City Plan Commission
2-12-19



E Glenhurst La Rezoning C-O Commercial Office District to R-3 Mult-Family District Aerial Map



Subject Area



City Plan Commission
2-12-19

Legal Description – E. Glenhurst Lane

Tax Id: 31-1-6501-03

APPLE CREEK CENTER LOT 3, including all of the adjacent one-half (1/2) right-of-way of East Glenhurst Lane.

Tax Id: 31-1-6501-04

APPLE CREEK CENTER LOT 4, including all of the adjacent one-half (1/2) right-of-way of East Glenhurst Lane and North Lightning Drive.

Jessica L. Titel

From: Jessica L. Titel
Sent: Tuesday, February 5, 2019 4:47 PM
To: 'Jason Mroz'
Cc: Treasurer Stephanie Qualls; Gordon & Karen Hale; Jeff & Jane Luebke; Mary Ann O Connor; Jeff Drake; Kathi Drake; Jack Simpson; 'Gary Rosenbeck'; Rachel Rogowski; jmorales@coldwellhomes.com
Subject: RE: Opposition to Rezoning Request for Apple Creek Center Lots 3 & 4r
Attachments: release of deed restrictions.pdf

Good Afternoon Jason-

Thank you for sharing your comments regarding the Glenhurst Lane rezoning request. Attached to this email is a recorded "Release of Deed Restrictions" that you signed on October 22, 2018 allowing for residential development on Lots 3 & 4 of Apple Creek Center (the lots subject to the rezoning request).

When reviewing rezoning requests, the Plan Commission and Common Council review the requests for consistency and compliance with the City's Comprehensive Plan and the Zoning Code. The subject parcels are identified in the City's Comprehensive Plan for use as Multi-Family and the parcels meet the minimum R-3 Multi-family District development standards stated within the Zoning Code, therefore the proposed rezoning is consistent with both of these documents.

I would also clarify that the City does not enforce deed restrictions between private parties.

A copy of your email and the Release of Deed Restrictions will be provided to the Plan Commission ahead of the February 12th meeting via the agenda. You can find the published agenda on the City's website beginning Friday, February 11, 2019 after 4:00 PM.

Please feel free to contact me with any questions.

Sincerely,
Jessica

Jessica Titel

Principal Planner
Community & Economic Development
City of Appleton
100 N. Appleton Street
Appleton, WI 54911
(920) 832-6476 Direct
www.appleton.org

From: Jason Mroz <jmroz@new.rr.com>
Sent: Tuesday, February 5, 2019 1:50 PM
To: Jessica L. Titel <Jessica.Titel@Appleton.org>
Cc: Treasurer Stephanie Qualls <qualls_stephanie@yahoo.com>; Gordon & Karen Hale <khales1@new.rr.com>; Jeff & Jane Luebke <jluebke6@new.rr.com>; Mary Ann O Connor <maryann.oconnor@comcast.net>; Jeff Drake <jdrake@new.rr.com>; Kathi Drake <drakeneenah@new.rr.com>; Jack Simpson <jsimmy47@gmail.com>; 'Gary Rosenbeck' <GRosenbeck@mcmgrp.com>; Rachel Rogowski <rachel.rogowski05@gmail.com>;

jmorales@coldwellhomes.com

Subject: Opposition to Rezoning Request for Apple Creek Center Lots 3 & 4r

Hi Jessica,

The email serves to convey my strong opposition to rezoning lots 3 and 4 of Apple Creek Center. When I purchased the land for Pond View Estates as a site for upscale single family homes with an HOA, I did so with the knowledge and expectation that lots 3 and 4 across Glenhurst Ln would remain commercial and be built out with similar businesses/offices to what was built on Evergreen Dr, which has the same zoning. That is also what we conveyed to prospective buyers who asked what would likely be built across the street.

Apartments will bring substantially more traffic, along with numerous renters, which can come with a host of issues, all of which will decrease the value of the homes at Pond View Estates. For those reasons, and because apartments would be a substantial departure from the expectation based on current zoning, please pass along my opposition to this rezoning to the Plan Commission. I will also be attending the Plan Commission meeting on 7/12 at 4pm to express my strong opposition to this rezoning and the construction of apartments across from the single family homes in Pond View Estates.

Best regards,

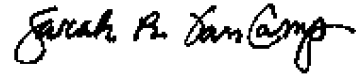
Jason Mroz

Apple Tree Real Estate, LLC

jason@appletree-homes.com

*After recordation this instrument
should be returned to:*

First American Title Insurance Co.
330 W. College Avenue
P.O. Box 1234
Appleton, WI 54912



SARAH R VAN CAMP, REGISTER OF DEEDS
This document has been electronically recorded
Returned to: First American Title Insurance Company

This instrument was drafted by:

Daniel Itzkowitz
Thrivent Financial for Lutherans
625 Fourth Avenue South
Minneapolis, MN 55415

(Above space reserved for recording information.)

RELEASE OF DEED RESTRICTION

WHEREAS, North Meadows Investment Ltd. executed a Deed Restriction, dated February 10, 2006, which was recorded on February 14, 2006, in the office of the Register of Deeds for Outagamie County, as Document No. 1699157, a copy of which is attached hereto as Exhibit A (hereinafter referred to as the “**Deed Restriction**”) to impose restrictions against the “**Lots**” described as follows:

Lots 1, 2, 3, 4, 5, 6, and 25, Apple Creek Center, located in the Southwest ¼ of Section Seven (7), Township Twenty-one (21) North, Range Eighteen (18) East, City of Appleton, Outagamie County, Wisconsin.

WHEREAS, the Deed Restriction provides that the Lots are not to be developed and/or used in any manner that competes with the development of Lot 7, Apple Creek Center and/or Lots 1 and 2, CSM No. 5211, Outagamie County, Wisconsin (hereinafter referred to as the “**Benefitted Lots**”) as an Epcn Condominium Community or for any other residential use (hereinafter referred to as the “**Protected Uses**”); and

WHEREAS, Doctors Properties, LLC, or its assigns, has entered into an WB-13 Vacant Land Offer to Purchase with North Meadows Investment Ltd. to purchase Lots 3 and 4 of Apple Creek Center, as further described above, hereinafter referred to as the “**Released Lots**”; and

WHEREAS, Doctors Properties, LLC, or its assigns, contemplates utilizing the Released Lots for residential uses.

NOW THEREFORE, the undersigned hereby determine and agree as follows:

- 1) The utilization of the Released Lots for residential uses will not compete with the Protected Uses; and
- 2) The Released Lots are hereby released from the **Deed Restriction**; and
- 3) The undersigned, hereinafter referred to as the “**Releasers**” comprises all of the persons or entities, legally affected by this Release of Deed Restriction. The Releasers are as follows:
 - a. North Meadows Investment Ltd. (Declarant under the Deed Restriction and owner of Lots 3 and 4).
 - b. Apple Tree-Appleton One, LLC (developer of the Epcon Condominium Community: The Villas at Apple Creek Condominium, Outagamie County, WI).
- 4) This Release shall be binding on the heirs, successors and assigns of the Releasers.

Dated: October 22, 2018

[Signatures follow]

**SIGNATURE PAGE TO
RELEASE OF DEED RESTRICTION**

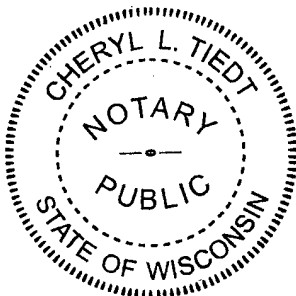
NORTH MEADOWS INVESTMENT LTD.
a Wisconsin corporation

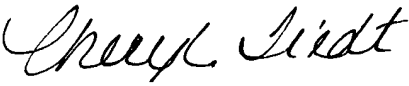
By: 
Name: Peter Rohe
Title: Vice President

STATE OF WISCONSIN)
) ss.
OUTAGAMIE COUNTY)

On October 18, 2018, before me personally appeared **PETER ROHE**, the Vice-President of NORTH MEADOWS INVESTMENT LTD., a Wisconsin corporation, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the free and voluntary act of such party in his duly authorized capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.




Cheryl Tiedt
(print or type name of Notary)
Notary Public, State of Wisconsin

My commission expires: 8-14-20

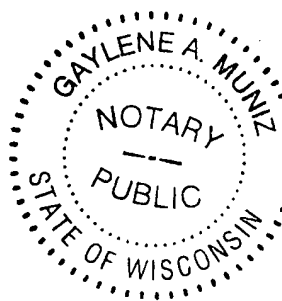
APPLE TREE-APPLETON ONE, LLC,
a Wisconsin limited liability company

By: [Signature]
Name: Jason Mroz
Title: President

STATE OF Wisconsin)
) ss.
Ooutajamus COUNTY)

On October 22nd, 2018, before me personally appeared **JASON MROZ**, the President of APPLE TREE-APPLETON ONE, LLC, a Wisconsin limited liability company, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the free and voluntary act of such party in his duly authorized capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Gaylene A. Muniz
(print or type name of Notary)
Notary Public, State of Wisconsin

My commission expires: 10/25/19

Exhibit A

1699157

Recorded
FEB. 14, 2006 AT 11:38AM
OUTAGAMIE COUNTY
JANICE FLENTZ
REGISTER OF DEEDS
Fee Amount: \$13.00



DEED RESTRICTION

Document No.

Document Name:

THIS DEED RESTRICTION, is made and imposed by North Meadows Investment Ltd., a Wisconsin corporation ("Declarant") on this 10th day of February, 2006.

Declarant is the owner of the real estate legally described as follows ("Lots"):

Lots 1, 2, 3, 4, 5, 6, and 25, Apple Creek Center, located in the Southwest 1/4 of Section Seven (7), Township Twenty-one (21) North, Range Eighteen (18) East, City of Appleton, Outagamie County, Wisconsin.

In addition to all other covenants and conditions already on file against the Lots, Declarant hereby imposes the following additional deed restriction on each of the above-described Lots:

The Lots shall not be developed and/or used in any manner that competes with the development of Lot 7, Apple Creek Center, and/or Lots 1 and 2, CSM No. 5211, Outagamie, County, Wisconsin, as an Epeon Condominium Community or for any other residential use.

This Deed Restriction shall run with the title to the Lots and shall burden all future owners and occupants of the Lots.

Recording Area



Name and Return Address:

Dean Bussey, Esq.
Thrivent Financial for Lutherans
625 Fourth Avenue South
Minneapolis, MN 55415

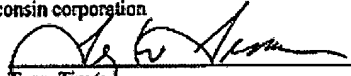
Parcel Identification Numbers:

- 311 650101
- 311 650102
- 311 650103
- 311 650104
- 311 650105
- 311 650106
- 311 650125

This Property is NOT homestead property

February 10, 2006

NORTH MEADOWS INVESTMENT LTD.,
a Wisconsin corporation

By: 
Name: Terry Timm
Title: President

STATE OF WISCONSIN)
) ss.
COUNTY OF OUTAGAMIE)

On February 10, 2006, before me personally appeared Terry Timm, President of NORTH MEADOWS INVESTMENT LTD., a Wisconsin corporation, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as his free and voluntary act in his duly authorized capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Chris Judd
Notary Public, State of Wisconsin
My Commission Expires: 10-19-08

Drafted by Dean Bussey, Esq.



Jessica L. Titel

From: Operations Department <operations@newstylesalons.com>
Sent: Wednesday, February 6, 2019 6:31 AM
To: Jessica L. Titel
Cc: Jeff Drake; qualls_stephanie@yahoo.com
Subject: Opposition to Rezoning Request for Apple Creek Center Lots 3 & 4

Jessica:

Please share with the plan commission my opposition to the rezoning request for Apple Creek Center Lots 3 & 4.

I am particularly concerned about the increased traffic this will generate on Glenhurst Lane. This street is curved, meaning that drivers have poor visibility as they come around the corner past my home. Glenhurst is already used as a commuter artery by many in the neighboring subdivisions. The addition of multi family housing, with both increased motor and pedestrian traffic, will create a difficult and dangerous situation. The plan commission should consider use options for Lots 3 & 4 that better match the road infrastructure and driver use patterns.

Please keep our street safe and reject the proposal to rezone Apple Creek Center Lots 3 & 4.

Gordon Hale, homeowner
2319 E Glenhurst Lane
Appleton WI 54913

Jessica L. Titel

From: jsimmy47 <jsimmy47@gmail.com>
Sent: Wednesday, February 6, 2019 12:43 PM
To: Jessica L. Titel
Subject: Rezoning On Glenhurst lane

Hello Jessica,

I would like my opposition to the rezoning of the lots across from pond view estates on Glenhurst Lane to be noted.

Thank you,
Jack Simpson
2463 east Glenhurst Lane
Appleton wi

Sent from my Galaxy Tab® A

Jessica L. Titel

From: Jeff Drake <jdrake@new.rr.com>
Sent: Tuesday, February 5, 2019 4:31 PM
To: Jessica L. Titel
Cc: jason@appletree-homes.com; Stephanie Qualls; operations@newstylesalons.com
Subject: Opposition to Rezoning Request for Apple Creek Center Lots 3 & 4

Jessica,

Please communicate our opposition to the request to change the zoning of the lots directly across the street from our new home on East Glenhurst Lane. We will not be able to attend the February 12 hearing.

One of the key reasons we purchased this home in Appleton was the reassurance that the undeveloped lots across the street were zoned commercial and any development would be like the well landscaped Thrivent and Century Oaks buildings. We thought this type of building would not detract too much from the single family home neighborhood on our side of East Glenhurst Lane. Further, we expected the city of Appleton would enforce zoning requirements more rigorously than a township with lower tax rates.

One concern we do have with the neighborhood is the traffic, especially the high speed of the traffic on East Glenhurst Lane. The city installed for a few weeks a speed monitoring sign, but it had limited impact. We believe the change in zoning will exasperate this problem.

As city of Appleton tax payers, we appreciate your support to maintain East Glenhurst Lane as a single family home neighborhood.

Thank you,

Jeff Drake
2433 East Glenhurst Lane
Appleton WI
jdrake@new.rr.com

TO: Jessical Titel, Principal Planner
FROM: Melvin and Lisa Kohl
4702 N. Lightning Dr., Appleton
Date: February 6, 2019

RE: REZONING REQUEST – GLENHURST AND LIGHTNING DR.

Please accept this memo as our opposition to the rezoning request noted above. In 2015, we specifically selected this location to build our home with the knowledge that the property directly across the street was zoned commercial.

Lightning Drive is already becoming a high traffic area for the children and elderly directly surrounding this property. We feel adding a complex of apartments would disturb our neighborhood and create chaos for our quiet and safe neighborhood. Lightning Drive has become a main street in our area and we already struggle with speeding vehicles, including City buses, and the local fire department. Adding more traffic would only generate worse situations for the us, and the local fire department to travel through, and multiply the safety risks for our residents, children and pets who enjoy our walking trails and urban areas. There are plenty of other suitable acreage plots outside of our residential area to build these apartment complexes.

Thank you for your consideration.

Jessica L. Titel

From: Kathi Drake <drakeneenah@new.rr.com>
Sent: Wednesday, February 6, 2019 5:08 PM
To: Jessica L. Titel
Cc: jdrake@new.rr.com
Subject: GlenhurstLn. Rezoning

Jessica, I wanted to express my opinion on rezoning the lot across the street from us to allow apartments. My husband Jeff and I chose our new home on Glenhurst Ln. in July, 2018. We moved in August 18, after living 29 years in Neenah. Before purchasing our new home, we questioned what might happen to the vacant lot across the street. We were told then that the lot was zoned for commercial but not residential use.

Over the past year while living on Glenhurst, all has been delightful with our new home, with the exception of traffic on Glenhurst Ln. We experience many cars at excessive speed almost every day. Several times per week I will slow to turn into my driveway, only to find someone driving behind me is going so fast that I barely miss being rear-ended while turning into my driveway, with my turn signal on.

Additional apartments will not only affect the value of our home, but the increased traffic that will occur is quite concerning also.

I am absolutely opposed to this rezoning. All of the new homeowners on Glenhurst Ln. were misled as to what would happen to the property in dispute.

Thank You,
Sent from my iPad
Kathi Drake
Drakeneenah@new.rr.com
920-205-2794

maryann.oconnor@comcast.net

Reply all |

Yesterday, 4:40 PM

Jessica L. Titel;

Paula Vandehey;

qualls_stephanie@yahoo.com;

khales1@new.rr.com;

jluebke6@new.rr.com;

jdrake@new.rr.com;

drakeneenah@new.rr.com;

+4 more

Jessica and others,

I, too, am a resident of Pond View estates (2379 E Glenhurst Lane) and strongly object to the proposed re-zoning of the lots across the street from us for all the reasons previously stated. I have additional concerns for the wetlands that are adjacent to our homes and the wildlife being supported there. Our current traffic situation puts many species at risk as they travel through this neighborhood. Adding more people, traffic, and pollution will significantly impact the delicate balance already established here. Has the WI DNR weighed in on this? We homeowners take pride in our community and are already aware of the negative impact of apartments and truly believe we will lose the significant investment we, and the city of Appleton, and the state of Wisconsin have made here.

Mary Ann O'Connor

RE: Opposition to Rezoning Request for Apple Creek Center Lots 3 & 4r

Jason Mroz <jason@appletree-homes.com>

Thu 2/7/2019 2:08 PM

To: Jessica L. Titel <Jessica.Titel@Appleton.org>;

Cc: Treasurer Stephanie Qualls <qualls_stephanie@yahoo.com>; Gordon & Karen Hale <khales1@new.rr.com>; Jeff & Jane Luebke <jluebke6@new.rr.com>; Mary Ann O Connor <maryann.oconnor@comcast.net>; Jeff Drake <jdrake@new.rr.com>; Kathi Drake <drakeneenah@new.rr.com>; Jack Simpson <jsimmy47@gmail.com>; 'Gary Rosenbeck' <GRosenbeck@mcmgrp.com>; Rachel Rogowski <rachel.rogowski05@gmail.com>; jmorales@coldwellhomes.com <jmorales@coldwellhomes.com>;

Jessica,

For background, Apple Tree acquired 35 acres of land from Thrivent for The Villas at Apple Creek in 2006. One of the terms of that sale was a deed restriction preventing Thrivent from rezoning the remaining lots to residential to avoid creating competition for The Villas at Apple Creek on adjacent lots. As part of that transaction, Apple Tree agreed to remove that deed restriction after completion of The Villas at Apple Creek and I honored my word by signing the document removing the deed restriction in October.

Your email below seems to convey that my signing the deed restriction removal document somehow supports putting apartments across the street from \$300,000-\$500,000 single family homes. It most certainly does not. In fact, part of the reason I was willing to honor the agreement we had with Thrivent and sign the deed restriction release is because of my comfort level knowing that city planning staff, the Plan Commission and Common Council would recognize and agree that allowing apartments literally across the street from \$300,000-\$500,000 single family homes is not only incongruous but that rezoning to allow apartments would be extraordinarily unlikely based on accepted norms of master planning and housing transitions.

When I discussed Pond View Estates with Planning Staff prior to acquiring the land from Thrivent, I made it clear that part of what made me comfortable doing so was that the lots across the street were zoned Commercial, with the biggest departure being the potential for an assisted living facility. No mention was made at that time that staff would support a rezoning change to allow apartments, so staff support of rezoning to allow apartments now feels like a bait and switch for me to develop Pond View Estates (and realize the corresponding increase in tax base) with the agreement and expectation that the adjacent lots would remain commercial, only to turn around later and support an incongruous rezoning to multi-family.

I can state factually and unequivocally that rezoning lots 3 and 4 will substantially reduce the value of the homes in Pond View Estates and make them much more difficult to sell. I'm able to factually state that because Apple Tree had 18-20 parties ready to purchase a home at Cherryvale Estates, a proposed project nearly identical to Pond View Estates, on Cherryvale Ave, until each of those parties contacted the City, found out apartments were planned for across the street and withdrew their interest in purchasing a home. These were people who had come and toured the homes at Pond View Estates (or the same homes at The Preserve in Green Bay), had obtained projected pricing and seen a proposed plat and were ready to purchase... until they elected to contact the City to determine what was proposed across the street and elected, without exception, to withdraw from the purchase process.

Frankly, I am shocked and disappointed that Planning Staff would support rezoning for a clearly incongruous project of apartments directly across from \$300,000-\$500,000 single family homes, knowing full well the destructive impact that rezoning would have on the value of those single family homes. Would planning staff support rezoning vacant land across the street from their personal \$300,000-\$500,000 single family home to allow for apartments knowing the impact it would have on their investment? That answer seems self-evident.

Please refrain from representing the signing of the deed restriction removal document as support for rezoning lots 3 and 4. It was not.

Please also convey this email, to Plan Commission members who should be aware that Pond View Estates was developed with the expectation that lots 3 and 4 would remain commercial based on prior conversations with planning staff while discussion development of Pond View Estates where no mention was ever made of staff's intention to allow for apartments, which would have killed my plan to develop Pond View Estates on the spot. Plan Commission members should also be aware that rezoning lots 3 and 4 to allow apartments will substantially decrease the value of homes at Pond View Estates and make them significantly more difficult to sell.

Allowing apartments across from costly single family homes is simply and unequivocally incongruous in master planning and would be an "anything goes for added tax base" decision.

Regards,
Jason Mroz

From: Jessica L. Titel [mailto:Jessica.Titel@Appleton.org]

Sent: Tuesday, February 5, 2019 4:47 PM

To: Jason Mroz <jmroz@new.rr.com>

Cc: Treasurer Stephanie Qualls <qualls_stephanie@yahoo.com>; Gordon & Karen Hale <khales1@new.rr.com>; Jeff & Jane Luebke <jluebke6@new.rr.com>; Mary Ann O Connor <maryann.oconnor@comcast.net>; Jeff Drake <jdrake@new.rr.com>; Kathi Drake <drakeneenah@new.rr.com>; Jack Simpson <jsimmy47@gmail.com>; 'Gary Rosenbeck' <GRosenbeck@mcmgrp.com>; Rachel Rogowski <rachel.rogowski05@gmail.com>; jmorales@coldwellhomes.com

Subject: RE: Opposition to Rezoning Request for Apple Creek Center Lots 3 & 4r

Good Afternoon Jason-

Thank you for sharing your comments regarding the Glenhurst Lane rezoning request. Attached to this email is a recorded "Release of Deed Restrictions" that you signed on October 22, 2018 allowing for residential development on Lots 3 & 4 of Apple Creek Center (the lots subject to the rezoning request).

When reviewing rezoning requests, the Plan Commission and Common Council review the requests for consistency and compliance with the City's Comprehensive Plan and the Zoning Code. The subject parcels are identified in the City's Comprehensive Plan for use as Multi-Family and the parcels meet the minimum R-3 Multi-family District development standards stated within the Zoning Code, therefore the proposed rezoning is consistent with both of these documents.

I would also clarify that the City does not enforce deed restrictions between private parties.

A copy of your email and the Release of Deed Restrictions will be provided to the Plan Commission ahead of the February 12th meeting via the agenda. You can find the published agenda on the City's website beginning Friday, February 11, 2019 after 4:00 PM.

Please feel free to contact me with any questions.

Sincerely,
Jessica

Jessica Titel

Principal Planner
Community & Economic Development
City of Appleton
100 N. Appleton Street
Appleton, WI 54911
(920) 832-6476 Direct
www.appleton.org

From: Jason Mroz <jmroz@new.rr.com>

Sent: Tuesday, February 5, 2019 1:50 PM

To: Jessica L. Titel <Jessica.Titel@Appleton.org>

Cc: Treasurer Stephanie Qualls <qualls_stephanie@yahoo.com>; Gordon & Karen Hale <khales1@new.rr.com>; Jeff & Jane Luebke <jluebke6@new.rr.com>; Mary Ann O Connor <maryann.oconnor@comcast.net>; Jeff Drake <jdrake@new.rr.com>; Kathi Drake <drakeneenah@new.rr.com>; Jack Simpson <jsimmy47@gmail.com>; 'Gary Rosenbeck' <GRosenbeck@mcmgrp.com>; Rachel Rogowski <rachel.rogowski05@gmail.com>; jmorales@coldwellhomes.com

Subject: Opposition to Rezoning Request for Apple Creek Center Lots 3 & 4r

Hi Jessica,

The email serves to convey my strong opposition to rezoning lots 3 and 4 of Apple Creek Center. When I purchased the land for Pond View Estates as a site for upscale single family homes with an HOA, I did so with the knowledge and expectation that lots 3 and 4 across Glenhurst Ln would remain commercial and be built out with similar businesses/offices to what was built on Evergreen Dr, which has the same zoning. That is also what we conveyed to prospective buyers who asked what would likely be built across the street.

Apartments will bring substantially more traffic, along with numerous renters, which can come with a host of issues, all of which will decrease the value of the homes at Pond View Estates. For those reasons, and because apartments would be a substantial departure from the expectation based on current zoning, please pass along my opposition to this rezoning to the Plan Commission. I will also be attending the Plan Commission meeting on 7/12 at 4pm to express my strong opposition to this rezoning and the construction of apartments across from the single family homes in Pond View Estates.

Best regards,

Jason Mroz
Apple Tree Real Estate, LLC
jason@appletree-homes.com

Jessica L. Titel

From: Stephanie Qualls <qualls_stephanie@yahoo.com>
Sent: Monday, February 11, 2019 6:04 AM
To: Jessica L. Titel
Subject: Opposition to Rezoning Request for Apple Creek Center Lots 3 & 4

Hello Jessica,

Please share with the plan commission my opposition to the rezoning request for Apple Creek Center Lots 3 & 4. I am a resident of Lot 2, Pond View Estates, 2313 E Glenhurst Ln.

I am very concerned about the increased traffic this will generate on Glenhurst Lane. Glenhurst Lane serves as a major traffic route for many residents who reside east of Ballard. This street is curved, meaning that drivers have poor visibility as they come around the corner past my home making it at times very scary to even get my mail much less back out of my driveway.

Back in June of 2018 a few of our Home Owners Association board members approached Paula Vandehey with the city in regards to the speed on Glenhurst Lane to see if there was anything they could do to help. It was and continues to be a dangerous road with the high speeds people drive on it.

The addition of multi family housing, with both increased motor and pedestrian traffic, will create a even more difficult and dangerous situation.

Please keep our street safe and reject the proposal to rezone Apple Creek Center Lots 3 & 4.

Thanks,
Stephanie Qualls
2313 E Glenhurst Ln



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: February 12, 2019

Common Council Public Hearing Meeting Date: March 6, 2019 (Public Hearing on Rezoning)

Item: Rezoning #4-19 – South Lawe Street and East Newberry Street

Case Manager: David Kress

GENERAL INFORMATION

Owners/Applicants: Eagle Flats LLC, State of Wisconsin, and Fox River Navigational System Authority (FRNSA)

Address/Parcel: Generally located east of South Lawe Street and north of East Newberry Street (Tax Id #31-4-0296-01, #31-4-0296-02, #31-4-0296-03, and #31-4-0296-04)

Petitioner's Request: The applicant proposes to rezone the subject parcels from PD/C-2 Planned Development General Commercial District #9-10 and M-2 General Industrial District to CBD Central Business District. The adjacent Newberry Street right-of-way, currently zoned R-2 Two-Family District, R-1B Single-Family District, and P-I Public Institutional District, is also included in this request. The request is being made to establish zoning that is uniform for all four subject lots and allows for future mixed-use development, including a proposed FRNSA visitors center and residential units.

BACKGROUND

On January 5, 2011, Common Council adopted Ordinance 24-11 for Rezoning #9-10, which rezoned part of the subject area from M-2 General Industrial District to PD/C-2 Planned Development General Commercial District. However, no corresponding Implementation Plan Document was approved and recorded with the Register of Deeds Office. Therefore, customized zoning requirements were never formalized for this particular planned development overlay district.

In 2018, the owners/applicants submitted a Certified Survey Map (CSM) for the subject property to divide and reconfigure parcel boundaries. The CSM was reviewed and administratively approved by City staff on September 24, 2018, with a stipulation that a rezoning application be submitted to resolve a "split zoning" issue. The CSM was formalized with the recording of Certified Survey Map 7648.

STAFF ANALYSIS

Existing Site Conditions: The subject parcels total approximately 1.567 acres in size and are located at the northeast corner of South Lawe Street and East Newberry Street. Lawe Street and Newberry Street are classified as a collector street and local street, respectively, on the City's Arterial/Collector Plan. The property is also located adjacent to the Fox River Canal, with access to Lock #3. Currently, the site includes paved and gravel areas that have been used for off-street parking, with vehicular access provided by curb cuts on Newberry Street.

Surrounding Zoning Classification and Land Uses:

North: PD/C-2 Planned Development General Commercial District #9-10 and M-2 General Industrial District. The Fox River Canal is immediately north of the subject property.

South: R-2 Two-Family District, R-1B Single-Family District, and P-I Public Institutional District. The adjacent land uses to the south are currently a mix one and two-family residential and institutional uses, including a place of worship.

East: M-2 General Industrial District and P-I Public Institutional District. Railroad right-of-way and a segment of recreational trail (Newberry Trail) are immediately east of the subject property.

West: PD/C-2 Planned Development General Commercial District #9-10 and C-2 General Commercial District. The adjacent land uses to the west are currently a mix of public institutional and commercial uses.

Proposed Zoning Classification: The purpose of the CBD Central Business District is to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Per Section 23-114(i) of the Municipal Code, the development standards for the CBD District are listed below:

- 1) **Minimum lot area:** 2,400 square feet.
- 2) **Maximum lot coverage:** 100%.
- 3) **Minimum lot width:** 20 feet.
- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:**
 - a. None.
 - b. 10 feet when abutting a residentially-zoned district.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet when abutting a residentially-zoned district.
- 7) **Maximum building height:** 200 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to establish uniform zoning for the subject lots and accommodate future mixed-use development, which is permitted in the CBD Central Business District. The existing site appears to satisfy the development standards for the CBD District listed above, as an easement was recorded to provide ingress/egress to parcel #31-4-0296-03. If approved, any future development would need to conform to the CBD District zoning regulations and other sections of the Zoning Ordinance. Ultimately, any new building would require Site Plan review and

approval, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with a future Mixed Use designation. The proposed CBD Central Business District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

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.

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.2 Identify preferred locations and encourage urban infill and redevelopment to meet the needs of retirees and Generation X and Millennial buyers or renters, such as redevelopment sites along the Fox River Corridor, including the industrial flats, that are suited to a variety of living options.

OBJECTIVE 5.5 Housing and Neighborhoods:

Promote downtown housing as a means to grow the tax base, support local businesses, and increase the overall vitality and image of the area.

Policy 5.5.4 Consider utilizing the CBD zoning district in other areas of the City such as along Wisconsin Avenue in order to promote denser in-fill and housing development.

OBJECTIVE 8.3 Agriculture, Natural, Historic, and Cultural Resources:

Continue and expand efforts to preserve, restore, and interpret important features of Appleton's rich history.

Policy 8.3.8 Support development of the proposed Fox River Locks Visitor Center on the Fox River.

OBJECTIVE 9.6 Economic Development:

Create a vibrant environment that is conducive to attracting and retaining talented people.

Policy 9.6.2 Encourage the creation of vibrant mixed-use urban areas in the downtown and along the Fox River that are both walkable and bicycle-friendly.

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

OBJECTIVE 13.3 Fox River Corridor Plan:

Promote an economically viable mix of existing and redeveloped uses along the riverfront.

Policy 13.3.2 Most of the new development occurring within the corridor is expected to be commercial and residential. Commercial uses will primarily consist of restaurant and small retail uses serving the neighborhood and visitors attracted to the river. Residential uses are expected to include mid- to high-density rental and owner-occupied housing.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area for future mixed uses.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial uses are already located to the north and west of the subject area. The single-family and two-family residential uses located to the south are separated from the subject parcels by street right-of-way and a change in topography. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

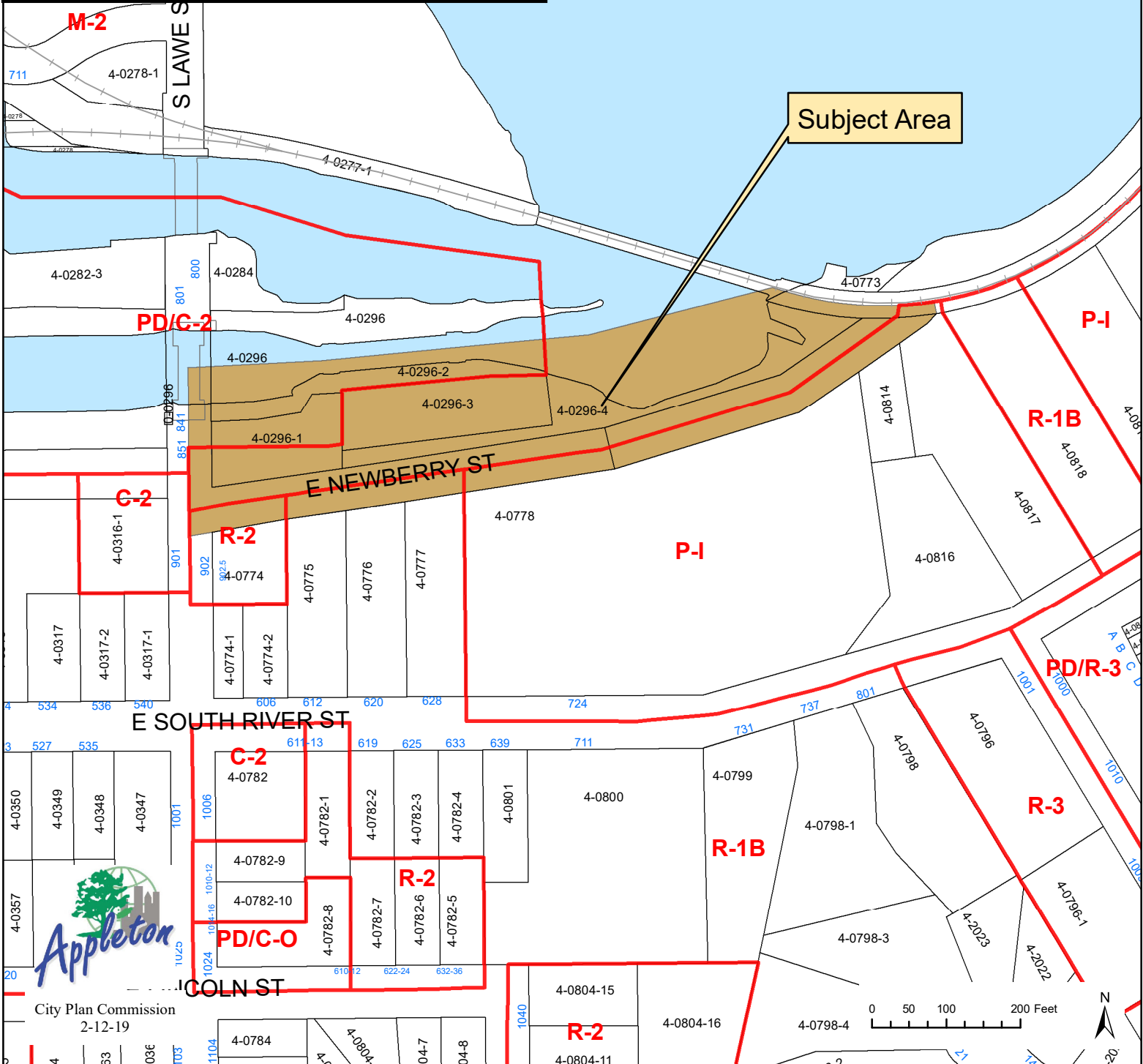
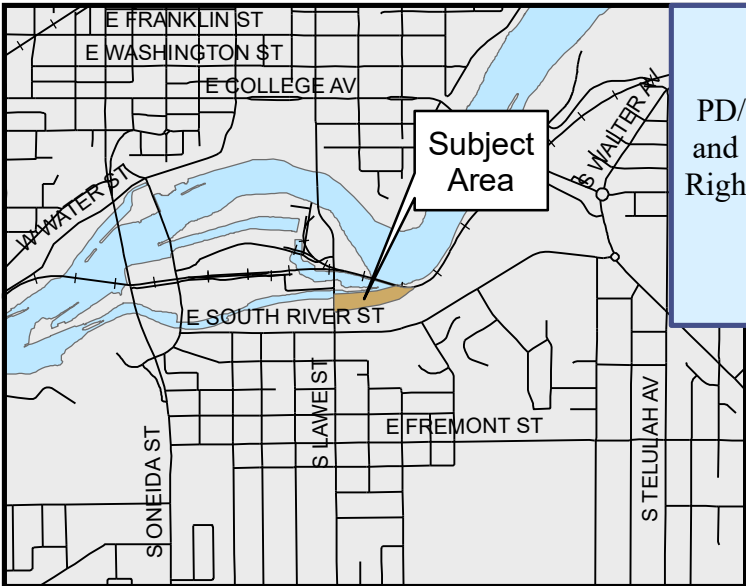
Technical Review Group (TRG) Report: This item was discussed at the January 22, 2019 Technical Review Group meeting.

- Department of Public Works Comments: Include the entire Newberry Street right-of-way in the rezoning.
Revisions were made to the attached maps and legal description to address this comment.

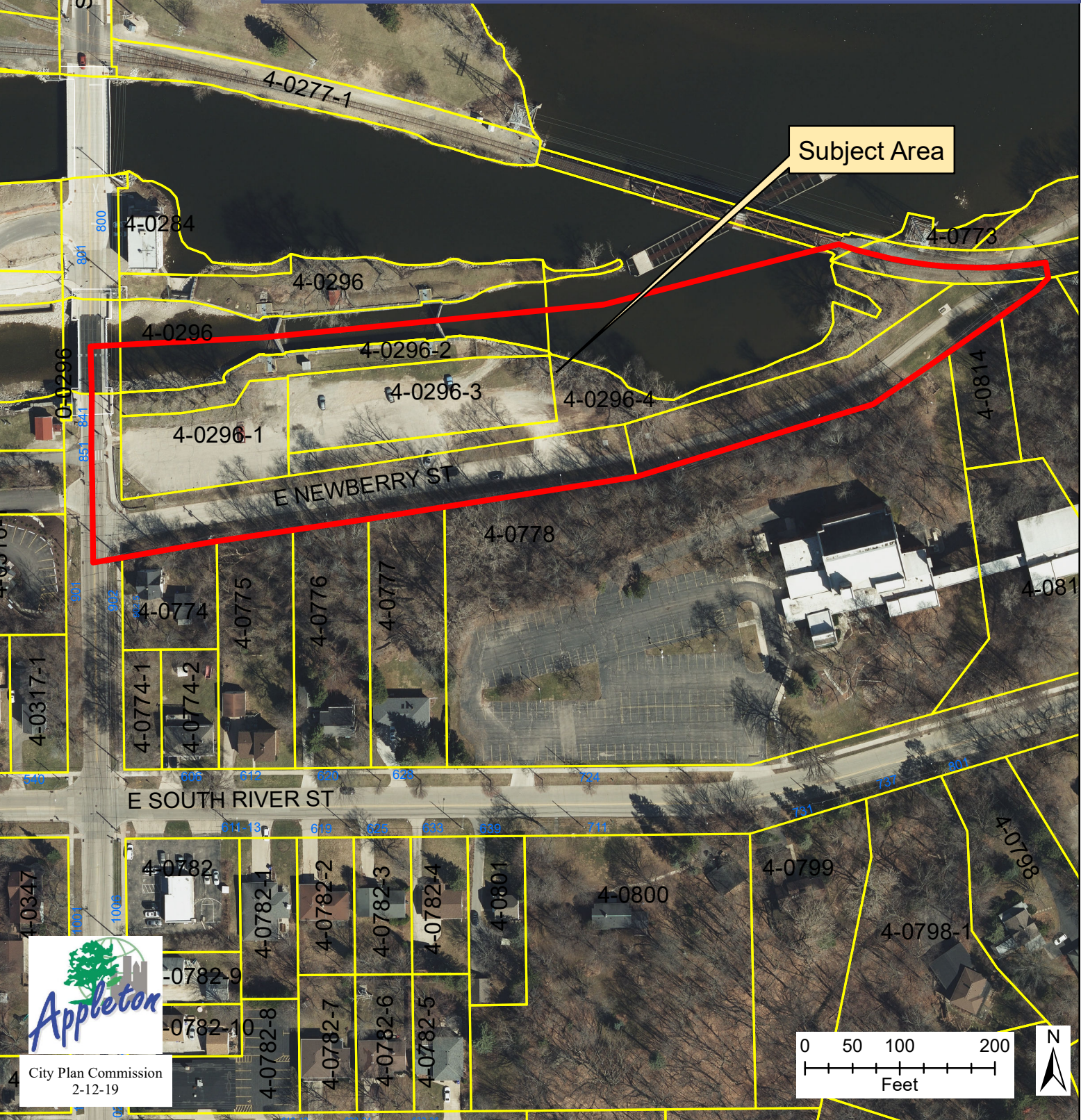
RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #4-19 to rezone the subject parcels located on South Lawe Street and East Newberry Street (Tax Id #31-4-0296-01, #31-4-0296-02, #31-4-0296-03, and #31-4-0296-04) from PD/C-2 Planned Development General Commercial District #9-10, M-2 General Industrial District, R-2 Two-Family District, R-1B Single-Family District, and P-I Public Institutional District to CBD Central Business District, including to the centerline of the adjacent railroad line and canal, the adjacent one-half (1/2) right-of-way of South Lawe Street, and all of the adjacent East Newberry Street right-of-way, as shown on the attached map, **BE APPROVED**.

South Lawe Street & East Newberry Street
 Rezoning
 PD/C-2 Planned Development General Commercial District #9-10
 and M-2 General Industrial District, including the Newberry Street
 Right-Of-Way from R-2 Two-Family District, R-1B Single-Family
 District, and P-I Public Institutional District
 to CBD Central Business District
 Zoning Map



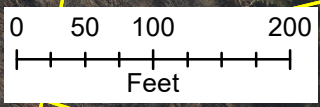
South Lawe Street & East Newberry Street
Rezoning
PD/C-2 Planned Development General Commercial District #9-10
and M-2 General Industrial District, including the Newberry Street
Right-Of-Way from R-2 Two-Family District, R-1B Single-Family
District, and P-I Public Institutional District
to CBD Central Business District
Aerial Map



Subject Area



City Plan Commission
2-12-19



LEGAL DESCRIPTION

LOTS 1, 2, 3 AND 4 OF CSM 7648 (Tax Id #31-4-0296-01, #31-4-0296-02, #31-4-0296-03, #31-4-0296-04), City of Appleton, Outagamie County, Wisconsin. Including to the centerline of the adjacent railroad line and canal, the adjacent one-half (1/2) right-of-way of South Lawe Street, and all of the adjacent East Newberry Street right-of-way.