



City of Appleton

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

Meeting Agenda - 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, November 26, 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
[19-1793](#) City Plan Minutes from 11-12-19

Attachments: [City Plan Minutes 11-12-19.pdf](#)

4. Public Hearings/Apearances

- [19-1794](#) The street discontinuance to vacate a portion of North Erb Street public right-of-way generally located north of West Michigan Street (Associated with Action Item #19-1795)

Attachments: [InformalPublicHearingNotice_NErbSt_StreetVacation.pdf](#)

5. Action Items

- [19-1795](#) Request to approve the street discontinuance to vacate a portion of North Erb Street public right-of-way generally located north of West Michigan Street and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_ErbStreetVacation_For11-26-19.pdf](#)

- [19-1796](#) Request to approve Certified Survey Map #18-19, which crosses a plat boundary, to reconfigure lot lines for 4338 North Silverleaf Court (Tax Id #31-1-6503-05), 4330 North Silverleaf Court (Tax Id #31-1-6503-07 and #31-1-6503-08), and 4318 North Silverleaf Court (Tax Id #31-1-6503-09), subject to the conditions in the attached staff report and as shown on the attached maps

Attachments: [StaffReport_SilverleafCt_CrossingPlatBoundary_For11-26-19.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, November 12, 2019

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:00 p.m.

2. Roll call of membership

Present: 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

Absent: 2 - Palm and Robins

Others present:

Alderperson Brad Firkus, District #3

John Grosshuesch

3. Approval of minutes from previous meeting

[19-1565](#)

City Plan Minutes from 10-8-19

Attachments: [City Plan Minutes 10-8-19.pdf](#)

Rabec moved, seconded by Alderperson Meltzer, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

Absent: 2 - Palm and Robins

4. **Public Hearings/Appearances**

[19-1704](#)

The street discontinuance to vacate a portion of East John Street public right-of-way generally located east of South Court (Associated with Action Item #19-1705)

Attachments: [InformalPublicHearingNotice_EJohnSt_StreetVacation.pdf](#)

This public hearing was held, and no one spoke on the item.

[19-1706](#)

The street discontinuance to vacate a portion of North McDonald Street public right-of-way generally located north of East Northwood Drive (Associated with Action Item #19-1707)

Attachments: [InformalPublicHearingNotice_NMcDonaldSt_StreetVacation.pdf](#)

This public hearing was held, and no one spoke on the item.

5. Action Items

[19-1705](#)

Request to approve the street discontinuance to vacate a portion of East John Street public right-of-way generally located east of South Court and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_EJohnSt_StreetVacation_For11-12-19.pdf](#)

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

Aye: 4 - Mayor Hanna, Buetow, Rabec and Aldersperson Meltzer

Absent: 2 - Palm and Robins

[19-1707](#)

Request to approve the street discontinuance to vacate a portion of North McDonald Street public right-of-way generally located north of East Northwood Drive and adopt the Initial Resolution and exhibit map

Attachments: [StaffReport_McDonaldStreet_StreetVacation_For11-12-19.pdf](#)

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

Aye: 4 - Mayor Hanna, Buetow, Rabec and Aldersperson Meltzer

Absent: 2 - Palm and Robins

[19-1566](#)

Request to approve Minor Amendment to Special Use Permit #23-04 to allow alcohol sales and service within an outdoor patio area on the south side of the building at 519 West College Avenue (Tax Id #31-3-1004-00) as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (No Council action required)

Attachments: [StaffReport_DejaVu_SUPMinorAmendment_For11-12-19.pdf](#)

Buetow moved, seconded by Aldersperson Meltzer, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Rabec and Aldersperson Meltzer

Absent: 2 - Palm and Robins

6. Information Items

7. Adjournment

Buetow moved, seconded by Alderperson Meltzer, that the meeting be adjourned at 4:08 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Hanna, Buetow, Rabec and Alderperson Meltzer

Absent: 2 - Palm and Robins

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, November 26, 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 proposed Street Vacation (discontinuance of a portion of public street right-of-way).

LEGAL DESCRIPTION OF AREA TO BE VACATED:

A strip of land 60 feet in width and 101.6 feet m/l in length, containing 6,096 square feet of land and being further described as:

All that part of Erb Street lying North of the Westerly extension of the North line of Michigan Street, located in the Northwest ¼ of the Northwest ¼ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin

See also attached Exhibit “A” for illustration.

COMMON DESCRIPTION: A portion of North Erb Street, north of West Michigan Street

ALDERMANIC DISTRICT: 6 – Alderperson Denise Fenton

PARTIAL NORTH ERB STREET VACATION REQUEST:

A Street Vacation request has been initiated by the applicant, City of Appleton. The applicant requests to vacate and discontinue a portion of Erb Street (north of Michigan Street). The area being vacated is no longer needed for public street purposes. The adjoining property owner(s) will acquire ownership to the afore-described and vacated portion of Erb 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 Jessica Titel, Principal Planner, with the Community and Economic Development Department at 920-832-6476.

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 "A"

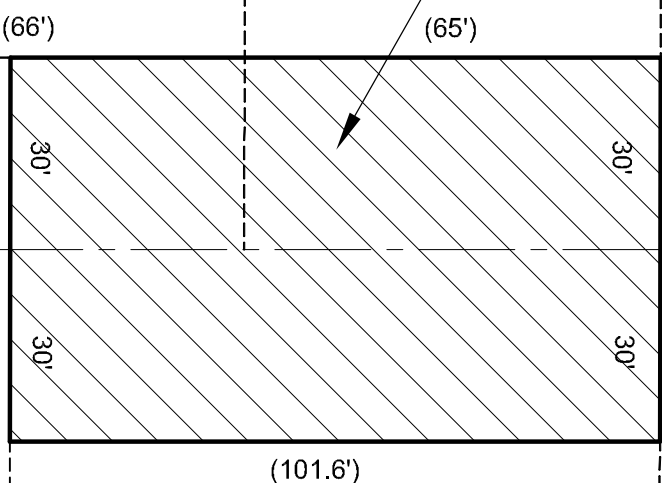
ERB STREET VACATION

R. Lewis and R. Lewis LLC
31-6-7704-00
Lot 2, CSM #1926, Zoned: C-2

R. Lewis and R. Lewis LLC
31-6-2861-00
Lot 11, Block 1
Northview Plat
Zoned: R-1B

R. Lewis and R. Lewis LLC
31-6-2860-00
Lot 10, N.27' Lot 9, Block 1
Northview Plat
Zoned: R-1B

AREA TO
BE VACATED

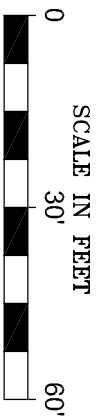
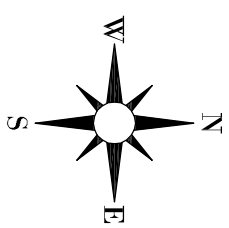


Mitchell and Amber Nonn
31-6-2906-00
Lot 1, Block 4
Northview Plat
Zoned: R-1B

N. ERB STREET

W. MICHIGAN STREET

60' R/W



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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North Erb Street, north of West Michigan Street
Street Vacation
Aerial Map



Subject Area

W MICHIGAN ST

N ERB ST

W PERSHING ST

N RICHMOND ST

W LINDBERGH ST

0 100 200 400 Feet



City Plan Commission
11-26-19



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: November 26, 2019

Municipal Services Committee Meeting Date: December 9, 2019

Common Council Meeting Date-Initial Resolution: December 18, 2019

Common Council Public Hearing Date: February 5, 2020

Item: Street Discontinuance to vacate a portion of North Erb Street, north of West Michigan Street

Case Manager: Jessica Titel

GENERAL INFORMATION

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

Street Name/Location: Portion of North Erb Street, north of West Michigan Street

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate a portion of North Erb Street, north of West Michigan Street.

BACKGROUND

The Northview Plat dated 1956 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 North Erb Street was identified for vacation. A three-party street vacation agreement was approved by the Common Council on November 20, 2019. This agreement sets forth expectations and responsibilities regarding the proposed street 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 east and west 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: The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way.

Street Right-of-Way Width: This portion of North Erb Street is approximately 60 feet wide.

Street Classification: The City's Arterial Map identifies this portion of North Erb Street as a local street.

Street Vacation – North Erb Street

November 26, 2019

Page 2

Existing Conditions: The vacated area is being used as a driveway for the existing single-family home that is to the east of the proposed vacation. The driveway will continue to be used to provide access the property.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally residential and commercial in nature.

North: C-2 General Commercial District. The adjacent property to the north is currently a variety of commercial uses.

South: R-1B Single-Family Residential District. The adjacent land to the south is currently public right-of-way.

East: R-1B Single-Family Residential District. The adjacent property to the east is currently single-family residential.

West: R-1B Single-Family Residential District. The adjacent property to the west is currently vacant (the single-family home and garage that are shown on the attached aerial photo have since been razed.).

2010-2030 Comprehensive Plan: The City of Appleton 2010-2030 Comprehensive Plan identifies this area for future one and two family residential uses. 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 November 5, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the discontinuance of a portion of North Erb Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

North Erb Street, north of West Michigan Street
Street Vacation
Aerial Map



Subject Area

W MICHIGAN ST

N ERB ST

W PERSHING ST

N RICHMOND ST

W LINDBERGH ST

0 100 200 400 Feet



City Plan Commission
11-26-19

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of North Erb Street, north of West Michigan 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 North Erb 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

A strip of land 60 feet in width and 101.6 feet m/l in length, containing 6,096 square feet of land and being further described as:

All that part of Erb Street lying North of the Westerly extension of the North line of Michigan Street, located in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber optic within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

COMMON DESCRIPTION:

A portion of North Erb Street, north of West Michigan Streets

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 North Erb 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 A19-1101
11/15/2019

EXHIBIT "A"

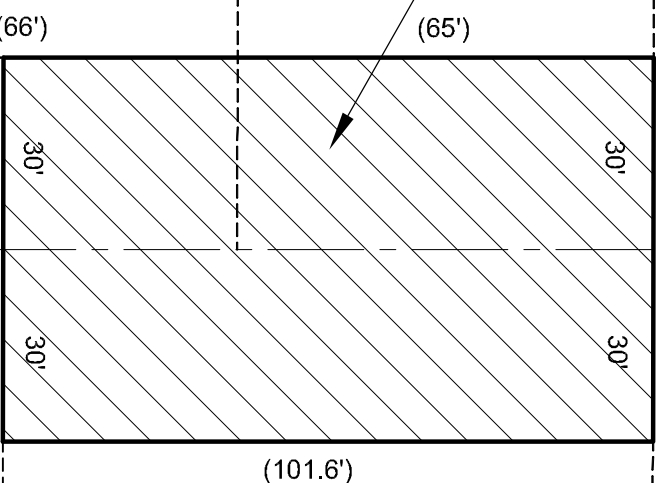
ERB STREET VACATION

R. Lewis and R. Lewis LLC
 31-6-7704-00
 Lot 2, CSM #1926, Zoned: C-2

R. Lewis and R. Lewis LLC
 31-6-2861-00
 Lot 11, Block 1
 Northview Plat
 Zoned: R-1B

R. Lewis and R. Lewis LLC
 31-6-2860-00
 Lot 10, N.27' Lot 9, Block 1
 Northview Plat
 Zoned: R-1B

AREA TO
 BE VACATED

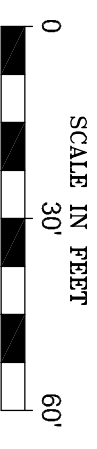
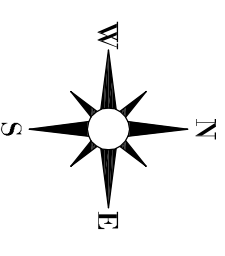


Mitchell and Amber Nonn
 31-6-2906-00
 Lot 1, Block 4
 Northview Plat
 Zoned: R-1B

N. ERB STREET

W. MICHIGAN STREET

60' R/W



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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REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: November 26, 2019

Common Council Meeting Date: December 4, 2019

Item: Certified Survey Map #18-19

Case Manager: David Kress

GENERAL INFORMATION

Owners: Eric & Mary Erickson, William & Janet Carroll, and Dale & Jennifer Bushman

Applicant: Fox Valley Land Surveying c/o Andy Shie

Address/Parcel: 4338 North Silverleaf Court (Tax Id 31-1-6503-05), 4330 North Silverleaf Court (Tax Id 31-1-6503-07 and 31-1-6503-08), and 4318 North Silverleaf Court (Tax Id 31-1-6503-09)

Petitioner's Request: The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The CSM would reconfigure lot lines and attach additional land area to parcels #31-1-6503-07 and #31-1-6503-09.

BACKGROUND

Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcels #31-1-6503-07, #31-1-6503-08, #31-1-6503-09, and part of #31-1-6503-05 were included in the Maple Wood Estates Plat, and part of parcel #31-1-6503-05 was included in the Apple Creek Center Plat. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

On February 4, 2004, Common Council approved Certified Survey Map #04-05 to allow a 30-foot wide strip of land to be attached to parcel #31-1-6503-05. Rezoning #16-03, to rezone this strip from C-O Commercial Office District to R-1A One-Family District, was also approved and the related ordinance was adopted by Common Council on February 18, 2004. The subject CSM would attach portions of the 30-foot wide strip of land to proposed Lots 2 and 3. Parcels #31-1-6503-07 and #31-1-6503-08 would also be combined into proposed Lot 2.

STAFF ANALYSIS

Existing Conditions: Currently, parcel #31-1-6503-05 is an irregular, flag-shaped lot that is developed with a single-family dwelling. Parcels #31-1-6503-07 and #31-1-6503-08, which have continually been sold and owned together, feature a single-family dwelling and vacant land. Parcel #31-1-6503-09 is also developed with a single-family dwelling. All parcels have a zoning designation of R-1A Single-Family District. The total land area included in the CSM is approximately 2.17 acres. If approved, proposed Lots 2 and 3 would increase in size, with land coming from proposed Lot 1.

Certified Survey Map #18-19

November 26, 2019

Page 2

Subdivision Ordinance Requirements: Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the R-1A Single-Family District, the minimum lot width is 70 feet and the minimum lot area is 8,000 square feet, per Section 23-92(g) of the Municipal Code. Proposed Lots 1, 2, and 3 satisfy these lot development standards. Per Section 17-26(d) of the Municipal Code, side lot lines shall be at right angles or radial to the street line or substantially so. Transferring a strip of land from proposed Lot 1 to proposed Lots 2 and 3 simplifies the side lot lines and creates more rectangular lot configurations.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally residential in nature.

North: C-O Commercial Office District. The adjacent land to the north is currently vacant.

South: R-1A Single-Family District and NC Nature Conservancy District. The adjacent land uses to the south are currently single-family residential and the Apple Creek corridor.

East: R-3 Multi-Family District. The adjacent land uses to the east are currently multi-family residential.

West: R-1A Single-Family District. The adjacent land uses to the west are currently single-family residential.

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

Technical Review Group (TRG) Report: This item was discussed at the November 5, 2019 Technical Review Group meeting. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

Based on the above, staff recommends that Certified Survey Map #18-19, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. Pursuant to Section 17-17(b) of the Municipal Code, all newly placed monuments shall be at least 24" in length.
2. Add the following information to the Certified Survey Map:
A note on Certified Survey Map No. 4771 states: "30' BUFFER EASEMENT RESTRICTIONS WILL BE RECORDED ON THE DEED BETWEEN NORTH MEADOWS INVESTMENT LTD. AND STEVE AND TERESA WINTER." This note was fulfilled by Document #1603118 of the Outagamie County Register of Deeds Office and affects this property accordingly.
3. Drainage Plan requirement for this CSM is waived.

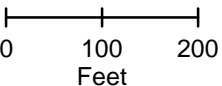
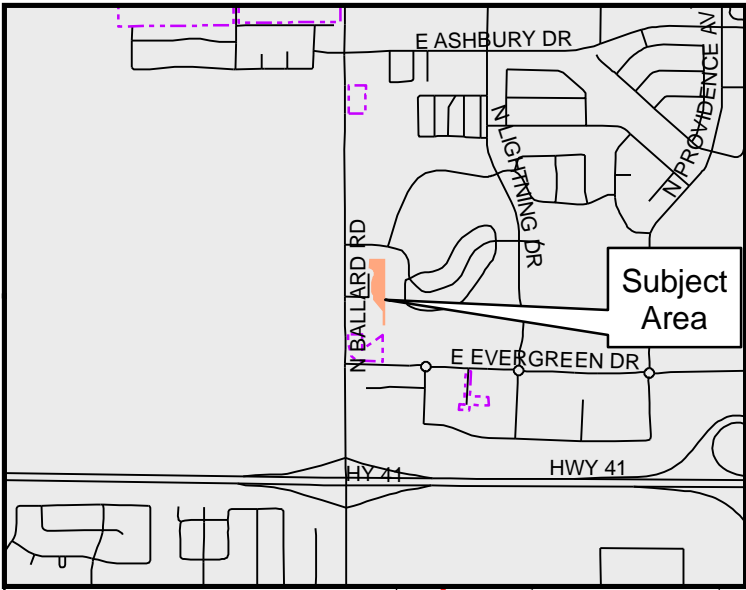
Certified Survey Map #18-19

November 26, 2019

Page 3

4. Pursuant to Section 17-17(a)(8) of the Municipal Code, identify the adjacent land to the east as Lot 2 of CSM 5211.
5. Pursuant to Section 17-17(a)(14) of the Municipal Code, identify the adjacent land to the east as zoned R-3 and the adjacent land to the north as zoned C-O.

North Silverleaf Court
 Certified Survey Map #18-19
 Crosses Plat Boundary
 Zoning Map



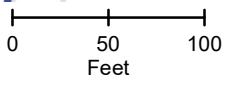
City Plan Commission
 11-26-19



North Silverleaf Court
Certified Survey Map #18-19
Crosses Plat Boundary
Aerial Map



Subject Area



City Plan Commission
11-26-19



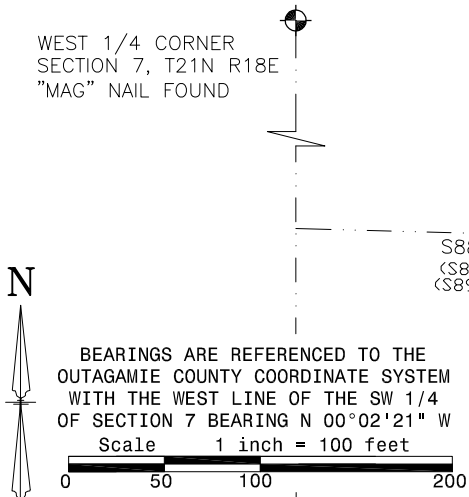
CERTIFIED SURVEY MAP

ALL OF LOT 1 OF CERTIFIED SURVEY MAP 4771, BEING ALL OF LOTS 5 AND 6 OF "MAPLE WOOD ESTATES", AND PART OF OUTLOT 4 OF "APPLE CREEK CENTER". ALL OF LOTS 7-9 OF "MAPLE WOOD ESTATES", ALL LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

NOTES:
 -10' WIDE UTILITY AND 20' WIDE DRAINAGE & STORM SEWER EASEMENTS SHOWN ARE FROM "MAPLE WOOD ESTATES"
 -30' WIDE BUFFER EASEMENT SHOWN IS FROM CSM 4771

SURVEY FOR:
 DALE BUSHMAN
 4318 N. SILVERLEAF CT.
 APPLETON, WI 54913

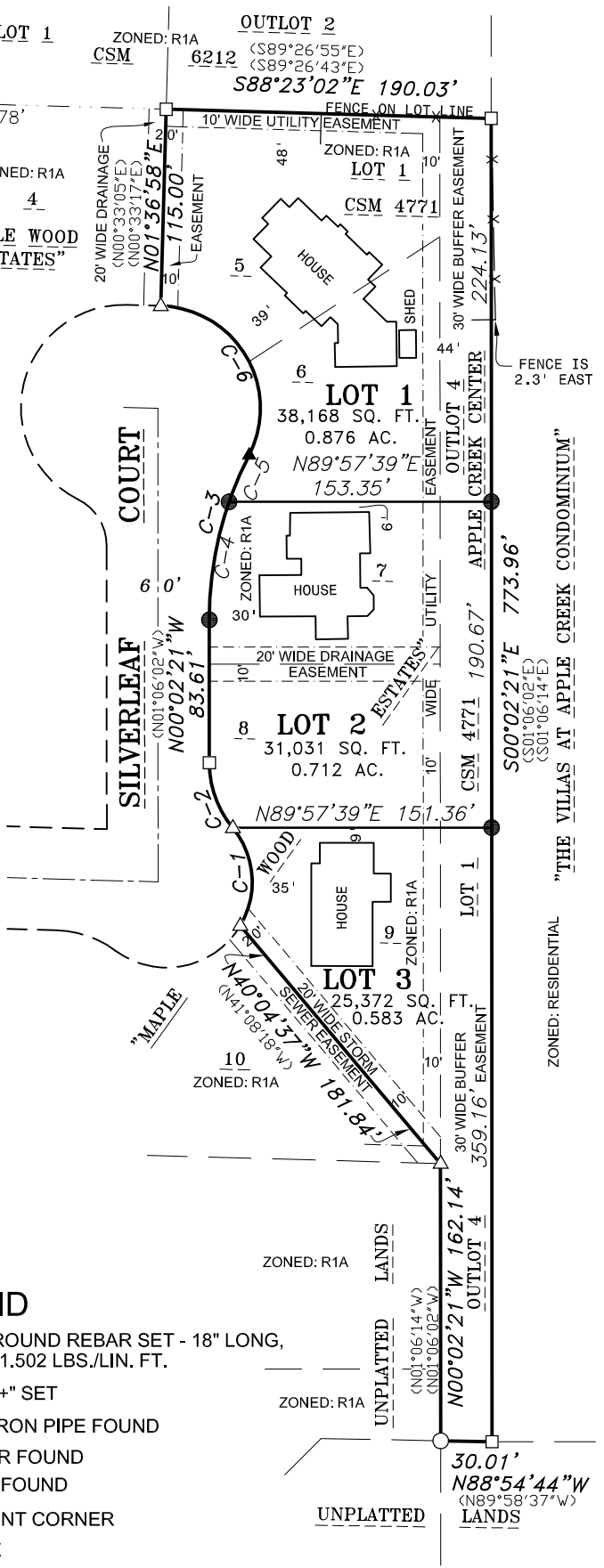
WEST 1/4 CORNER
 SECTION 7, T21N R18E
 "MAG" NAIL FOUND



CURVE TABLE

Curve	Radius	Delta	Length	Chord Bearing	Chord
1	50.00'	70°01'37"	61.11'	N04°25'16"W (N05°29'16"W)	57.38'
2	60.00'	39°24'02"	41.26'	N19°44'47"W (N20°48'03"W)	40.45'
3	210.00'	27°15'44"	99.92'	N13°35'26"E (N12°31'50"E)	98.98'
4	210.00'	19°10'37"	70.29'	N09°32'52"E (N8°29'16"E)	69.96'
5	210.00'	8°05'07"	29.63'	N23°10'43"E (N22°07'09"E), (N22°06'52"E)	29.61'
6	60.00'	115°36'25"	121.06'	N30°34'44"W (N31°38'30"E), (N31°38'48"E)	101.55'

SOUTHWEST CORNER
 SECTION 7, T21N R18E
 CHISELED "+" FOUND



4321 W. College Ave., Suite 200
 Appleton, WI 54914
 (920) 410-3379
 (920) 474-5025

mail@foxvalleylandsurveying.com
 foxvalleylandsurveying.com

PROJECT NO. 211807-1
 SHEET 1 OF 3

LEGEND

- 3/4" SOLID ROUND REBAR SET - 18" LONG, WEIGHING 1.502 LBS./LIN. FT.
- ▲ CHISELED "+" SET
- 1-1/4" O.D. IRON PIPE FOUND
- △ 1-1/4" REBAR FOUND
- 3/4" REBAR FOUND
- ⊕ GOVERNMENT CORNER
- ×× FENCE LINE
- () RECORDED AS

