



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.*

Wednesday, September 8, 2021

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[21-1246](#) City Plan Minutes from 8-25-21

Attachments: [City Plan Minutes 8-25-21.pdf](#)

4. Public Hearings/Apearances

- [21-1247](#) PD Rezoning #10-21 for the subject parcel located at 2121 South Schaefer Street (Tax Id #31-9-1114-01), including the adjacent one-half (1/2) right-of-way, as shown on the attached maps, from PD/C-2 Calumet Street Planned Development General Commercial District #34-84 to PD/C-2 Planned Development General Commercial District #10-21, along with the attached Implementation Plan Document and Development Plan (Associated with Action Item #21-1248)

Attachments: [InformalPublicHearingNotice 2121SSchaeferSt Rezoning#10-21.pdf](#)

5. Action Items

- [21-1248](#) Request to approve PD Rezoning #10-21 for the subject parcel located at 2121 South Schaefer Street (Tax Id #31-9-1114-01), including the adjacent one-half (1/2) right-of-way, as shown on the attached maps, from PD/C-2 Calumet Street Planned Development General Commercial District #34-84 to PD/C-2 Planned Development General Commercial District #10-21, along with the attached Implementation Plan Document and Development Plan

Attachments: [StaffReport_Schaefer Street Rezoning_For09-08-21.pdf](#)

[21-0856](#)

Request to approve the Apple Fields Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport Apple Fields FinalPlat For9-8-21.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.*

Wednesday, August 25, 2021

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order by Chair Mayor Woodford at 3:30 p.m.

2. Roll call of membership

Buetow arrived at 3:32 p.m.

Present: 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Absent: 1 - Robins

Others present:

Jennifer Stephany, Appleton Downtown Inc.

3. Approval of minutes from previous meeting

[21-1184](#)

City Plan Minutes from 8-11-21

Attachments: [City Plan Minutes 8-11-21.pdf](#)

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

Motion carried by the following vote:

Aye: 5 - Palm, Mayor Woodford, Fenton, Dane and Uitenbroek

Absent: 2 - Robins and Buetow

4. Public Hearings/Appearances

5. Action Items

[21-1185](#)

Request to approve the Trail View Estates South 2 Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_TrailViewEstatesSouth2_FinalPlat_For08-25-21.pdf](#)

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

Aye: 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Absent: 1 - Robins

[21-1186](#)

****CRITICAL TIMING**** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2022 Operating Plan

Attachments: [StaffReport_2022BIDOperatingPlan_For08-25-21.pdf](#)

[2022 BID Operational Plan.pdf](#)

[2020 BID Annual Report.pdf](#)

[2020 BID Audit - Financial Statements.pdf](#)

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

Aye: 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Absent: 1 - Robins

6. Information Items

7. Adjournment

Palm moved, seconded by Fenton, that the meeting be adjourned at 3:43 p.m. Roll Call. Motion carried by the following vote:

Aye: 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

Absent: 1 - 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 Wednesday, September 8, 2021, at 3:30 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:

2121 South Schaefer Street (Tax Id #31-9-1114-01), including the adjacent one-half (1/2) right-of-way of South Schaefer Street

Rezoning Request: A rezoning request has been initiated by the owner and applicant, KKREW Properties/Dean Kroening, 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 Calumet Street Planned Development General Commercial District #34-84 to PD/C-2 Planned Development General Commercial District #10-21 (see attached maps).

History: In 1985, the Calumet Street Planned Development District #34-84 (now known as PD/C-2 Planned Development General Commercial District #34-84) was approved to allow for the construction of a shopping center complex which included a grocery store, retail, professional, personal, restaurant uses and an 8-unit multi-family apartment building on Property Tax Id #s 31-9-1114-00, 31-9-1114-01, 31-9-1116-00 and 31-9-1118-00.

Purpose of the Request: The owner/applicant is making this request to allow for redevelopment of the site and construction of a second commercial building on this parcel. The proposed rezoning will provide clear direction on the development standards for the subject parcel going forward and will provide minimal zoning code exceptions that will allow for the redevelopment of this infill parcel.

ALDERMANIC DISTRICT: 5 – Alderperson Katie Van Zeeland

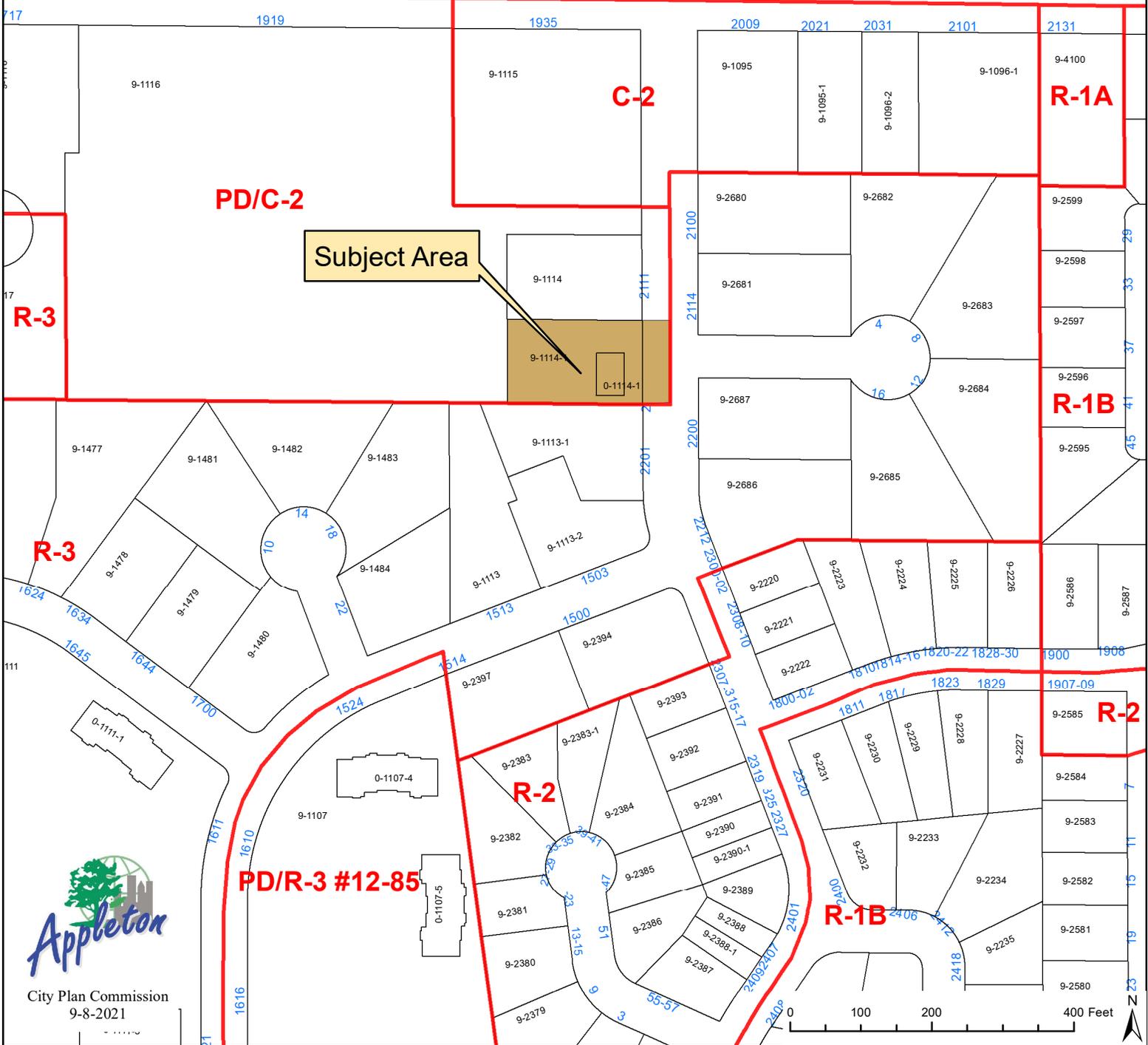
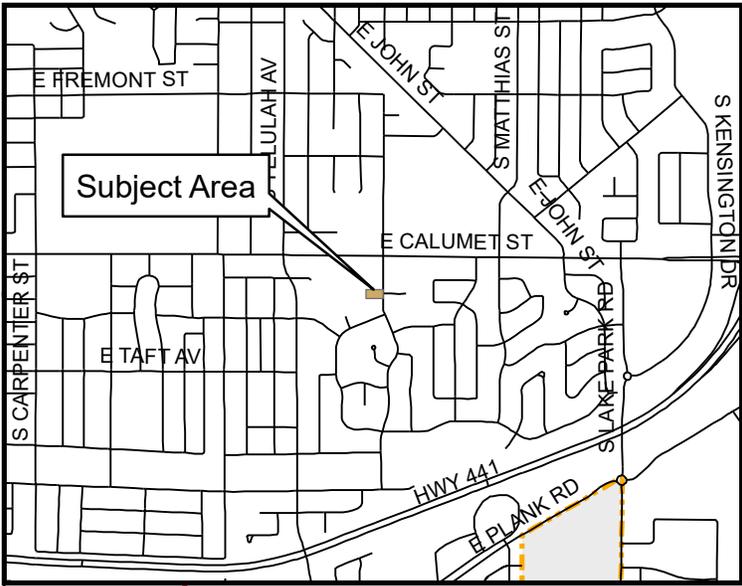
You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476 or by email at jessica.titel@appleton.org.

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.

2121 S. Schaefer Street
 Rezoning
 PD/C-2 Calumet Street
 Planned Development District #34-84 to
 PD/C-2 Planned Development
 General Commercial District #10-21

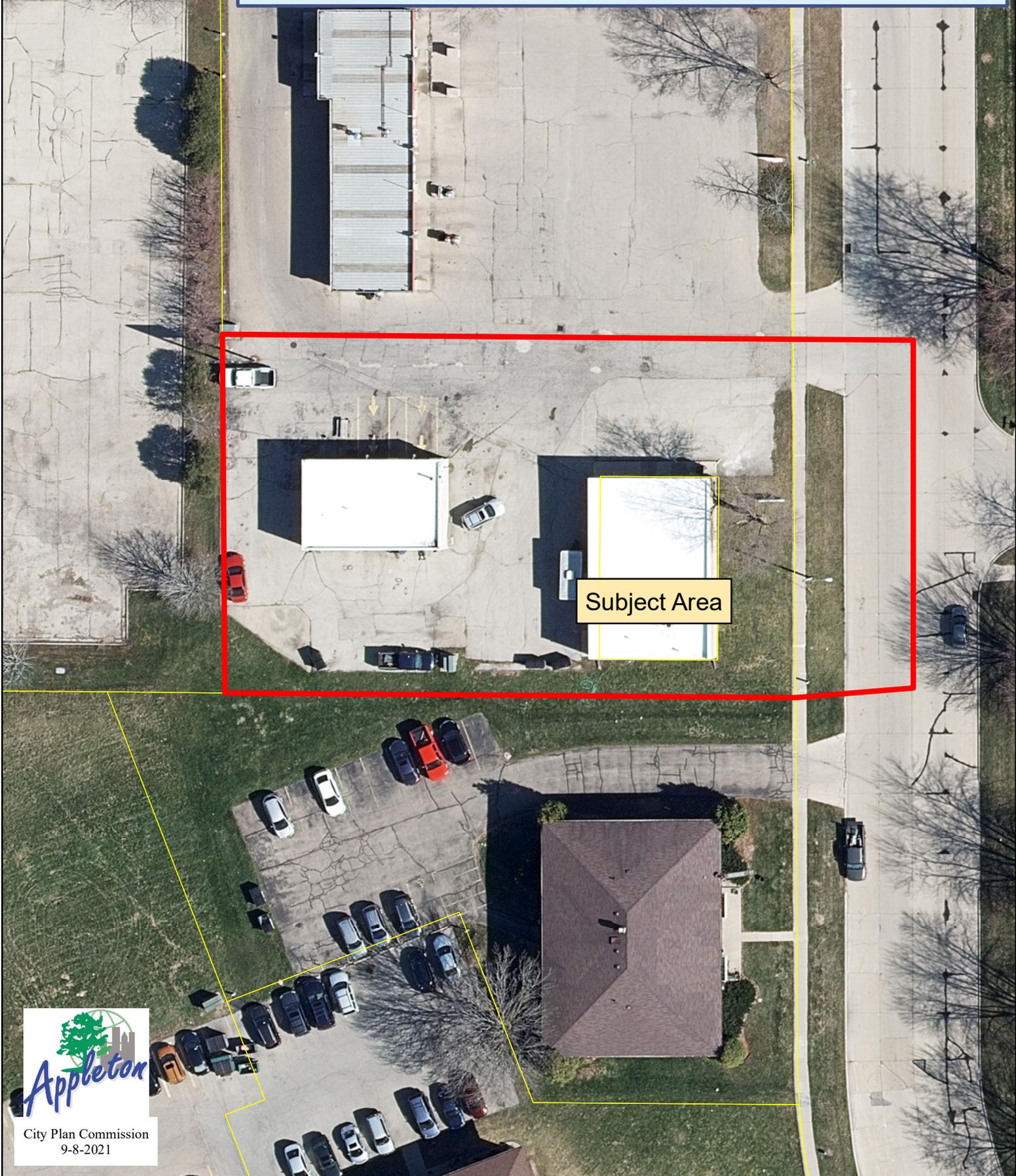


2121 S. Schaefer Street

Rezoning

PD/C-2 Calumet Street Planned Development District #34-84 to

PD/C-2 Planned Development General Commercial District #10-21



Subject Area



City Plan Commission
9-8-2021

BOUNDARY SURVEY/SITE PLAN

FOR KKREW PROPERTIES

Being a part of Lot Twenty (20), Purdy Farm Plat, locate in the Northwest Quarter (NW1/4) of Section Five (5), Township Twenty (20) North, Range Eighteen (18) East, City of Appleton, Calumet County, Wisconsin containing 22,678 square feet (0.521 acres) of land and being described by:

Beginning at the southeast corner of said Lot 20; thence N89°-28'-39"W 190.15 feet along the south line of said Lot 20 to the southwest corner thereof; thence N00°-15'-26"W 119.30' along the west line of said Lot 20; thence S89°-28'-39"E 190.08 feet to a point on the east line of said Lot 20; thence S00°-17'-39"E 119.30 feet along said east line of Lot 20 to the point of beginning. Being subject to any and all easements and restrictions of record.

NOTES:

THE BUILDER IS RESPONSIBLE FOR VERIFYING BUILDING DIMENSIONS & THAT THE LOCATION OF THE FOUNDATION AS SHOWN IS IN CONFORMANCE WITH ALL RECORDED EASEMENTS, PRIVATE COVENANTS AND BUILDING SETBACKS.

PARCEL NO.: 31-9-1114-01

DEED: DOCUMENT NO. 542995

OWNER OF RECORD: KKREW PROPERTIES LLC.

SITE ADDRESS: 2121 S. SCHAEFER ST. APPLETON, WI 54915

LOT AREA: 22,678 SQ. FT.

TOTAL EXISTING IMPERVIOUS SURFACE: 19,245 SQ. FT.

TOTAL PROPOSED IMPERVIOUS SURFACE: 17,503 SQ. FT.

PROPOSED ELEVATIONS:
FINISHED FLOOR ELEV. = 796.0

VERTICAL DATUM: = NAVD "88"

ZONING INFORMATION:
PDC2 - PLANNED DEVELOPMENT GENERAL COMMERCIAL DISTRICT

SURVEY NOTES:

SITE BENCHMARK: TOP OF CONCRETE AT NORTHWEST CORNER OF BUILDING. ELEVATION: 795.80'

EROSION CONTROL NOTES:

INSTALL GRAVEL TRACKING PADS AT CONSTRUCTION ACCESS POINTS PRIOR TO THE START OF CONSTRUCTION. CLEAN UP ANY TRACKING ON STREETS AT THE END OF EACH DAY (MINIMUM OF 50 FEET LONG TRACKING PAD WITH AGGREGATE CONSISTING OF 3-6 INCH CLEAR OR WASHED STONE-12 INCH THICK).

INSTALL D.O.T. APPROVED SILT FENCE AS SHOWN PRIOR TO LAND DISTURBANCE ACTIVITIES.

CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES ON DAILY BASIS.

UPON COMPLETION OF SITE WORK SEED ALL DISTURBED AREAS WITH A PERENNIAL GRASS SEED MIX AND MULCH AS A MINIMUM.

MAINTAIN EROSION CONTROL MEASURES UNTIL ALL DISTURBED AREAS HAVE BEEN REVEGETATED.

BMP'S SHALL BE PLACED AROUND ALL SOIL STOCKPILES. SOIL STOCKPILES IN PLACE FOR 7 DAYS OR MORE SHALL BE PROPERLY STABILIZED.

ALL BMP'S SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE APPROPRIATE DNR TECHNICAL STANDARDS.

DISTURBED AREAS AND SOIL STOCKPILES LEFT INACTIVE FOR MORE THAN 7 DAYS SHALL BE STABILIZED BY SEEDING, OR BY OTHER COVER, SUCH AS TARPING OR MULCHING.

EROSION MAT TO BE WISCONSIN DOT CLASS II TYPE B.



SURVEYOR'S CERTIFICATE

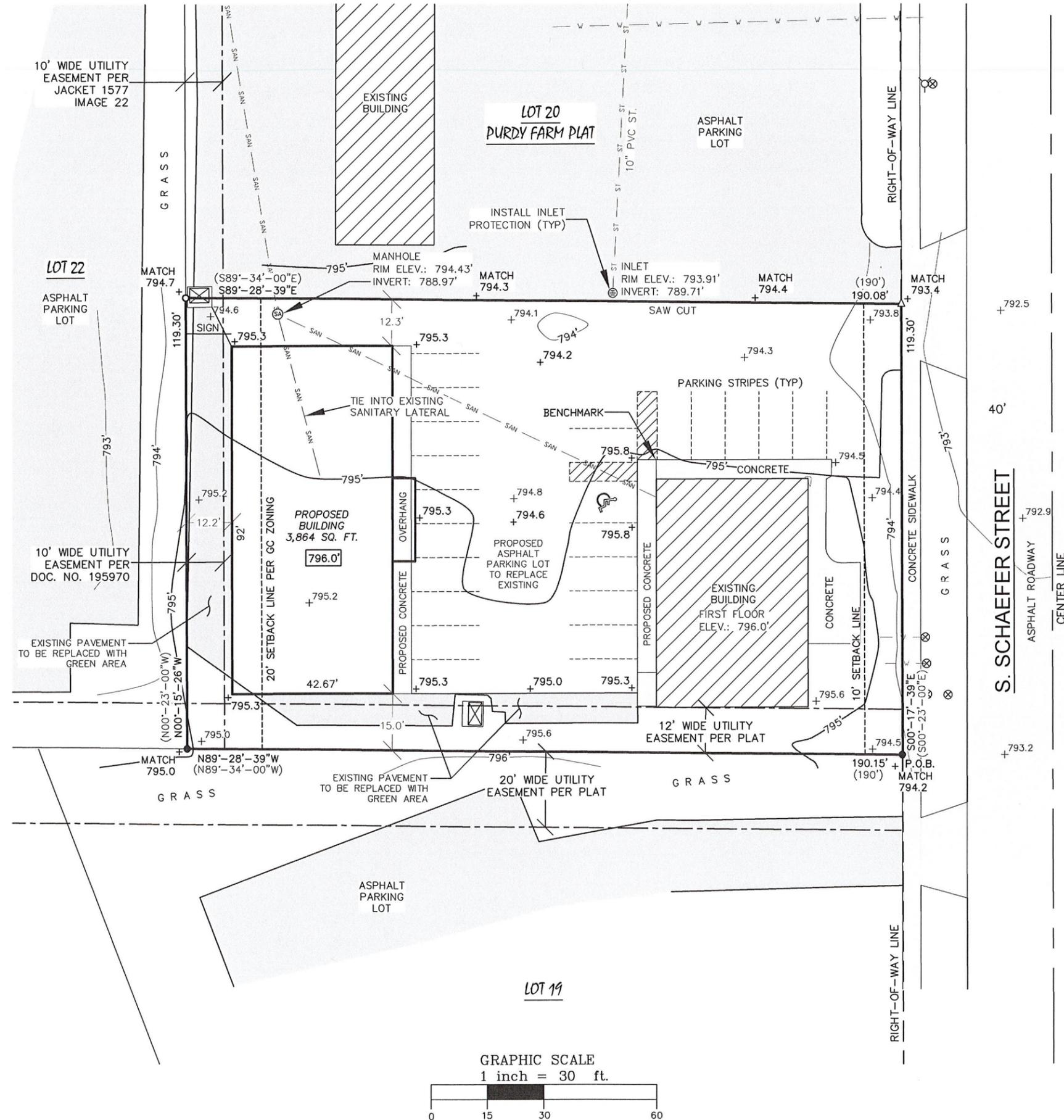
I, Steven C. DeJong, Professional Land Surveyor of Meridian Surveying, LLC., certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 15TH day of JULY, 2021.

Steven C. DeJong
WISCONSIN PROFESSIONAL LAND SURVEYOR
Steven C. DeJong, S-2791

- LEGEND -

- = 1" IRON PIPE FOUND
- = 1" X 18" IRON PIPE SET (1.130 LB./FT.)
- △ = MAG NAIL SET
- () = RECORDED INFORMATION
- 700' — = EXISTING CONTOUR
- 796.0' = PROPOSED FINISHED FLOOR ELEVATION
- 0--- = PROPOSED SILT FENCE
- ~ ~ ~ = PROPOSED DRAINAGE
- 713.50' + = PROPOSED SPOT ELEVATION
- ☒ = ELECTRIC TRANSFORMER
- ⊕ = FIRE HYDRANT
- ⊗ = WATER VALVE
- ⊙ = STORM INLET
- W — W — = WATER MAIN
- ST — ST — = STORM SEWER MAIN
- SAN — = SANITARY SEWER MAIN



S. SCHAEFER STREET
ASPHALT ROADWAY
CENTER LINE

MERIDIAN
SURVEYING, LLC

N9637 Friendship Drive Kaukauna, WI 54130 Office: 920-993-0881 Fax: 920-273-6037

PROJECT LOCATION:	LOT 20, PURDY FARM PLAT
PROPERTY OWNER:	KKREW PROPERTIES
CONTRACTOR:	
PREPARED BY:	S.C.D. MERIDIAN SURVEYING
DATE:	7-14-21
PROJECT NO.:	12979
FIELD BOOK:	M-58, PG.73
SHEET:	1 OF 1



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: September 8, 2021

Common Council Public Hearing Meeting Date: October 6, 2021 (Public Hearing on Rezoning)

Item: Planned Development (PD) Rezoning #10-21

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: KKREW Properties c/o Dean Kroening

Address/Parcel #: 2121 South Schaefer Street (Tax Id #31-9-1114-01)

Petitioner's Request: The applicant proposes to rezone the subject property from PD/C-2 Calumet Street Planned Development General Commercial District #34-84 to PD/C-2 Planned Development General Commercial District #10-21. The owner/applicant is making this request to allow for redevelopment of the site and construction of a second commercial building on this parcel. The proposed rezoning will provide clear direction on the development standards for the subject parcel going forward and will provide minimal zoning code exceptions that will allow for the redevelopment of this infill parcel.

BACKGROUND

In 1985, the Calumet Street Planned Development District #34-84 (now known as PD/C-2 Planned Development General Commercial District #34-84) was approved to allow for the construction of a Shopping Center Complex with a mix of retail, professional services, personal services, restaurant uses and an 8-unit multi-family apartment building to be located on Property Tax Id#'s 31-9-1114-00, 31-9-1116-00, 31-9-1114-01 and 31-9-1118-00.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. As a result, the subject property's zoning classification changed to PD/C-2 Planned Development General Commercial District #34-84.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance included a section on transition rules. Section 23-35(c) states, "Planned development districts in force at the time of adoption of this ordinance shall continue to be controlled under the standards of the existing planned development district until rezoned by Common Council. However, processes for approving or amending adopted final development plans, plats, certified survey maps, or site plans, shall follow the procedures of this ordinance."

On August 4, 2021 the Common Council approved the rezoning of Parcel #31-9-1117-00 to R-3 Multi-Family District, which removed the parcel from the PD/C-2 Planned Development General Commercial District #34-84 (Rezoning #8-21).

When the Planned Development District was initially created/adopted, the development plan did not include a detailed site plan or site layout for the subject parcel. Because of this, a PD amendment is required for construction of a new building or other site modifications. The site plans associated with those amendments dictate what is permitted to be constructed for the areas subject to the amendments. A PD amendment was adopted by the Common Council on September 5, 1990 for the construction of the existing multi-tenant commercial building. The building was constructed in 1990. A PD amendment for the former Lube Shop was approved by the Plan Commission on April 11, 1988. That building was recently destroyed in a fire. These amendments were specific to those development proposals/buildings on the subject site. The property owner would like to redevelop the site and construct a second commercial building on the subject property. The proposed rezoning will provide clear direction on the development standards for the subject parcel going forward and will provide minimal zoning code exceptions that will allow for the redevelopment of this infill parcel.

STAFF ANALYSIS

Existing Site Conditions: The subject site is approximately 22,678 square feet in size and is located on South Schaefer Street, south of East Calumet Street. The property contains a multi-tenant commercial building that is approximately 2,400 square feet in size and an associated off-street parking lot. A former quick lube building was located on this site, but was recently razed due to fire damage.

Surrounding Zoning Classification and Land Uses:

North: PD/C-2 Planned Development General Commercial District #34-84. The adjacent land uses to the north are currently a mix of commercial uses.

South: R-3 Multi-Family District. The adjacent land use to the south is currently multi-family residential.

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

West: PD/C-2 Planned Development General Commercial District #34-84. The adjacent land uses to the west are currently a mix of commercial uses.

Proposed Planned Development Overlay District and Ordinance Exceptions: The planned development overlay district allows an applicant to propose uses, development and density standards, and design guidelines for the subject property. Overlay districts provide supplemental regulations in addition to, but not necessarily more restrictive than the “base” or underlying zoning district regulations. The customized regulations, as identified in the attached Implementation Plan Document (IPD), were prepared to specify standards that are unique to the overlay district. The proposed development standards for this overlay district are listed below:

- 1) ***Minimum lot area:*** 14,000 square feet
- 2) ***Maximum lot coverage:*** 90% *
- 3) ***Minimum lot width:*** 60 feet
- 4) ***Minimum front yard:*** 10 feet
- 5) ***Minimum rear yard:*** 10 feet *

- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.

7) **Maximum building height:** 35 feet.

***Development Standard Exceptions:**

Minimum rear yard building setback: 10 feet (C-2 Zoning District requires a minimum 20 foot rear yard setback)

Maximum Lot Coverage: 90% (C-2 Zoning District allows 75% maximum lot coverage)

Development Plan Summary: As proposed, the PD overlay district would facilitate the construction of a second commercial buildings on the subject property. The attached development plan drawings show the general location of potential building and other site improvements. As illustrated, the proposed commercial building would be approximately 3,800 square feet in size along with the associated off-street parking spaces. Vehicular access would primarily be provided by South Schaefer Street. Further details would be determined and reviewed through the Site Plan review process prior to the issuance of a building permit by the Inspections Division.

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 facilitate redevelopment of the subject property. The proposal deviates from zoning regulations regarding development standards (rear setback and lot coverage) and off-street parking. If approved, any future development would need to conform to the customized zoning regulations identified in the IPD, as well as other sections of the Zoning Ordinance. Section 23-151 of the Zoning Ordinance establishes criteria for designating a PD overlay district, including requirements on the amount of street frontage, size of the district and percent of open space. The subject property contains less than the minimum required 1 acre of land area; however Section 23-151(c)(2) states that: Applications for a PD overlay district on sites containing less than the required acreage listed above, but not less than the underlying zoning district requirements, may be approved upon proof by the owner that the development is in the public interest and that one (1) or more of the following conditions exist:

- a. The property contains steep topography or other unusual physical features which necessitates substantial deviation from the regulations otherwise applicable, in order to ensure a safe, efficient and attractive development.
- b. The property is adjacent to an existing PD overlay district and will contribute to the maintenance of amenities and values of the neighboring district. *The subject parcel is located adjacent to an existing Planned Development District on the west and north sides of the property. The overlay district will allow construction of an additional commercial building, which will contribute to the purpose of the adjacent overlay district to provide a Shopping Center Complex with a mix of retail, professional services, personal services and restaurant uses.*
- c. The proposal involves the redevelopment of an existing area or makes use of an infill site that could not be reasonably developed under conventional zoning requirements. *Due to the infill nature of this property, limited parcel size and the placement of the existing building on site, the*

property owner is not able to reasonably redevelop the site and meet the current development standards of the C-2 zoning district.

- d. The property lends itself to creative design that will enhance quality of life in the proposed development.

It would appear the following criteria established by Section 23-151(c)(2) have been satisfied.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Commercial designation. The proposed PD/C-2 Planned Development General Commercial 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 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 9.5: Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

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, as the Future Land Use Map identifies this area for future commercial 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. *This area of the City is served by existing infrastructure, and the transportation network should be adequate to serve the subject site. The parcel is currently being used for commercial purposes.*
 2. The effect of the proposed rezoning on surrounding uses. *A mix of commercial uses and multi-family residential uses are already present in this area of City and are adjacent to this parcel. The parcel is also currently zoned for and being used for commercial purposes. Any future site modifications and/or uses would be reviewed in accordance with the customized zoning regulations identified in the IPD, as well as other sections of the Zoning Ordinance. 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 Sections 23-65(d)(3) and 23-151(o) has been satisfied.

Technical Review Group (TRG) Report: This item appeared on the August 17, 2021 TRG Agenda. No negative comments were received from participating departments.

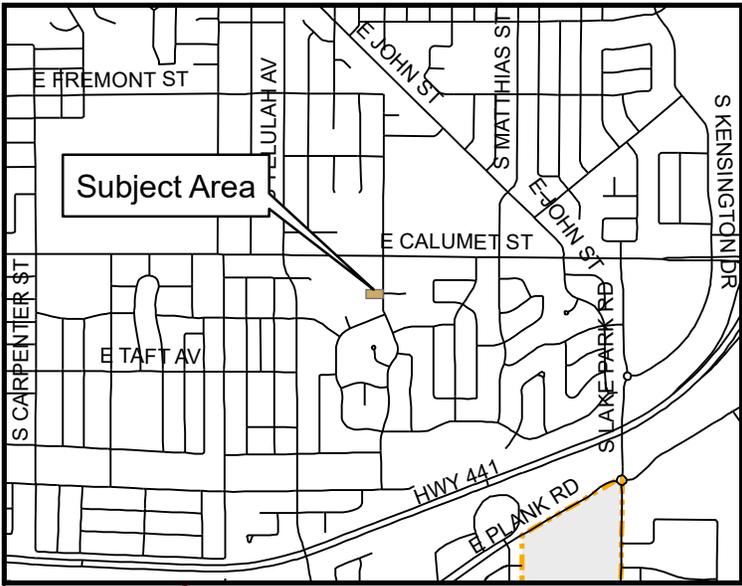
RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Sections 23-65(d)(3) and 23-151(o) of the Zoning Ordinance, that PD Rezoning Application #10-21 to rezone the subject site located at 2121 South Schaefer Street (Tax Id #31-9-1114-01) from PD/C-2 Calumet Street Planned Development General Commercial District #34-84 to PD/C-2 Planned Development General Commercial District #10-21, along with the attached Implementation Plan Document and Development Plan, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED** subject to the following:

1. The applicant is responsible for compliance with all applicable local, state, and federal rules and regulations, and must obtain all appropriate permits and approvals.

2. Prior to Site Plan approval, the Implementation Plan Document must be finalized, signed by all parties involved, and recorded in the Calumet County Register of Deeds Office. The owner/applicant is responsible for recording this document.
3. Prior to issuance of Building Permits, the applicant shall apply for and receive approval of a Site Plan in accordance with Section 23-570 of the Municipal Code.
4. Any proposed land division or lot combination activities will need to follow the procedures identified in Chapter 17 Appleton Subdivision Ordinance.

2121 S. Schaefer Street
 Rezoning
 PD/C-2 Calumet Street
 Planned Development District #34-84 to
 PD/C-2 Planned Development
 General Commercial District #10-21

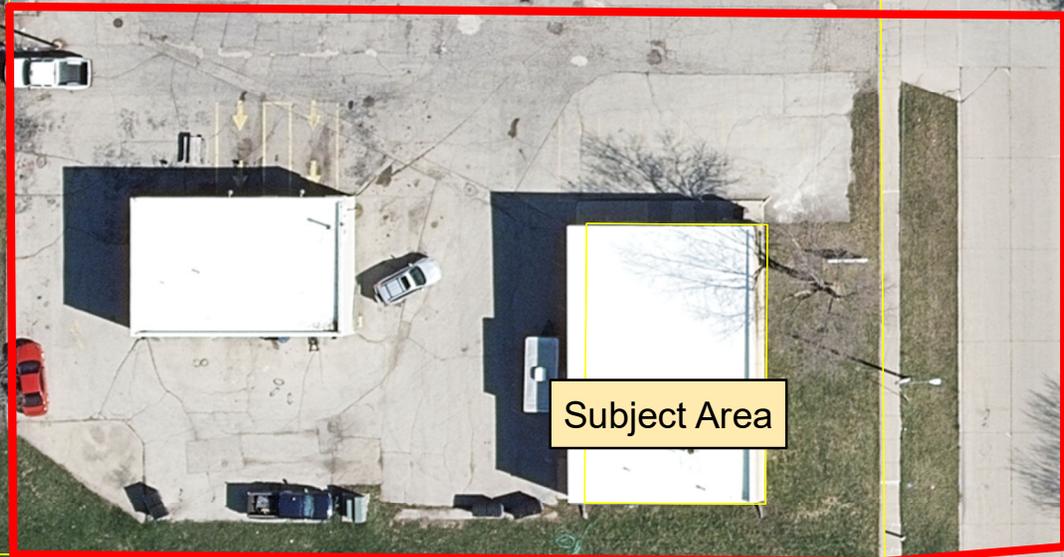


2121 S. Schaefer Street

Rezoning

PD/C-2 Calumet Street Planned Development District #34-84 to

PD/C-2 Planned Development General Commercial District #10-21



Subject Area



City Plan Commission
9-8-2021

IMPLEMENTATION PLAN DOCUMENT FOR PLANNED DEVELOPMENT

PLANNED DEVELOPMENT DESIGNATION

This Planned Development Designation, to be known as Schaefer Street is approved this _____ day of _____, 2021 by the Common Council of the City of Appleton, Wisconsin, a Wisconsin Municipal Corporation, (hereinafter referred to as the "City") for certain real property located at 2121 & 2125 S. Schaefer Street (Parcel #31-9-1114-01) in Appleton and described in attached Exhibit A (hereinafter referred to as the "Property"). This Implementation Plan Document for Planned Development (PD) #10-21 Schaefer Street is made and entered into by and between KKREW Properties c/o Dean Kroening (hereinafter referred to as the "Owner/Developer") and the City.

WHEREAS, Section 23-151 of the Appleton Municipal Code requires the recordation of a Implementation Plan Document for Planned Developments undertaken in the City; and

WHEREAS, the parties hereto wish to notify all interested parties of the existence of said Implementation Plan Document;

NOW, THEREFORE, in consideration of the foregoing recitals, the Owner/Developer and the City hereby notify all interested parties as follows:

- 1. Existence of Implementation Plan Document for Schaefer Street PD #10-21**
The parties hereto have entered into mutually agreeable Development and Implementation Plans for the Property. This designation establishes the general uses which shall be permitted on the property, a general development plan, a specific implementation plan and a statement of development guidelines and conditions that must be complied with by the Owner/Developer and all subsequent property owners or agents of the property owners. This designation also specifies improvements that must be made and conditions that must be fulfilled in conjunction with this designation by the Owner/Developer.

Record and return copy to:
City of Appleton
Community and Economic Development
Department
100 N. Appleton Street
Appleton, WI 54911

Parcel #31-9-1114-01

2. **Location of Implementation Plan Document.** The Implementation Plan Document for Schaefer Street PD #10-21 approved by Appleton Common Council action on _____, 2021 and executed by the parties on the date of filing with the Calumet County Register of Deeds' office is on file with the Appleton Community Development Department, 100 North Appleton Street, Appleton, WI, and is subject to review and reproduction by all interested parties upon request.

3. **Subsequent Purchasers.** A Planned Development (PD) is a zoning overlay district under the City of Appleton Zoning Ordinance. The Implementation Plan Document exists for Planned Developments (PDs) under this zoning category and are covenants that run with the land. Accordingly, all future purchasers of property zoned PD should become familiarized with the individual requirements attached to that specific property.

4. **Amendments to the Recorded Development Plans and Implementation Plan Document.** Pursuant to Section 23-151 of the Appleton Municipal Code, major changes in a PD require approval by the City Council and subsequent recording of the amendment. The Community Development Director may approve Minor Amendments.

5. **Development Guidelines and Conditions.** The Development Guidelines and Conditions include, but are not limited to, the following:

A. **ALLOWED LAND USES**

1. Principal Permitted Land Uses. The land uses as listed below are allowed as principal uses in Schaefer Street PD #10-21:

- *All of the principal permitted as listed in Zoning Code Section 23-113(b) for the C-2 General Commercial District.*

2. Special Uses. The land uses as listed below are considered special uses in Schaefer Street PD #10-21. Special uses shall follow the review procedures outlined in Zoning Code Section 23-66.

- *All of the special uses as listed in Zoning Code Section 23-113(e) for the C-2 General Commercial District.*

3. In addition to the land uses allowed in the underlying district the following land uses are consistent with the land use regulation exception criteria established by Appleton Municipal Code Section 23-151 and are allowed land uses in Schaefer Street PD #10-21:

- *NONE*

B. DEVELOPMENT STANDARDS

1. **Principal Uses** All principal uses, buildings and structures shall comply with the minimum development standards lot area, lot width, setbacks, building height and other requirements of the underlying zoning district of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

Setbacks/Lot Coverage shall be as follows:

Minimum Lot Area: 14,000 square feet

Maximum Lot Coverage: 90%

Minimum Lot Width: 60 feet

Minimum front yard building setback: 10 feet

Minimum rear yard building setback: 10 feet

Minimum side yard building setback: none, 10 feet if abutting a residentially zoned district

Maximum building height: 35 feet (see Section 23-113(e))

Development Standard Exceptions:

Minimum rear yard building setback: 10 feet

Maximum Lot Coverage: 90%

2. **Accessory uses, building and structures** – All Accessory uses, buildings and structures shall comply with the development standards (front, rear and side yard setbacks, building height and other requirements) of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

Development Standard Ordinance Exceptions: N/A

3. **Off-Street Parking and Loading Standards** –All uses established, expanded, change in use shall provide off-street parking space(s), stacking space(s) and loading space(s) in accordance with the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Off-Street Parking and Loading Standard Ordinance Exceptions:

Minimum off-street parking spaces required: one (1) space for each three hundred (300) square feet of gross floor area.

4. **Outdoor Lighting Standards** – All outdoor lighting shall comply with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception.

(See below)

Outdoor Lighting Standard Ordinance Exceptions: N/A

5. **Landscaping Standards** - Landscaping improvements shall be required as part of any site plan. Landscaping shall conform with the requirements of the City's Landscape Standards, including but not limited to, plantings around the parking/driveway areas, the dumpster enclosures, and the base of the ground signs. A detailed Landscape Plan shall be prepared and submitted to the Community Development Department as part of the Site Plan Review and approval process pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Landscaping Standard Ordinance exceptions: N/A

6. **Sign Standards** – All signs shall comply with the Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Sign Standard Ordinance exceptions: N/A

7. **Designated Open Space Areas**

Open Space Areas. Open Space Areas may either be passive or active in nature and shall fully complement the Property. Such open space may take the form of required building setbacks, parks, playgrounds, landscaped green space, nature walks and natural areas.

Schaefer Street PD #10-21 shall provide permanent open space areas equivalent to the following percent of gross lot area, unless customized standards are authorized or specifically identified as an ordinance exception.

Percent of gross lot area

- Planned commercial development 10%

The permanent open space areas be shown and identified on (Exhibit B) attached, which demonstrates approximately 23% open space shall remain open and free from all improvements except for landscaping, utility work, and access or other elements. Future development and/or improvements on this property shall maintain a minimum of 10% of gross lot area as designated open space.

Open Space Standard Ordinance exceptions: N/A

8. **Site Plan Review** is required for Schaefer Street PD #10-21 prior to the issuance of building permits pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.

9. **Words and Terms Defined** – All words and terms wherever they occur in this Implementation Plan Document for Schaefer Street PD #10-21, shall be defined and interpreted in accordance with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.

10. **Nonconformity** - Any existing building, structure or characteristic and any existing use within Schaefer Street PD #10-21 not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations provided in Chapter 23, Appleton Zoning Code as now in effect or hereafter amended with respect to nonconforming, structures, uses and characteristics.

C. **PLATTING REQUIREMENTS** - No person, firm or corporation shall combine lots, adjust lot lines, or divide any land within the jurisdictional limits of these regulations which results in a lot combination, lot line adjustment, subdivision, minor land division, or a replat as defined herein; no such lot combination, lot line adjustment, subdivision, minor land division, or replat, as defined herein shall be entitled to recording and no street shall be laid or public improvement made to land without compliance with all requirements of Chapter 17 of the Municipal Code.

D. **INSTALLATION OF REQUIRED IMPROVEMENTS** – The installation of all required improvements including but not limited to stormwater, streets, sidewalks, bike paths, water systems, sewer systems, fire protection, utilities shall be in accordance with all applicable City Appleton regulations.

E. **GENERAL PROVISIONS**

1. **Enforcement**

The provisions of the Schaefer Street Planned Development designation and the development plan relating to the use of the land shall be effective and in force unless so amended as required by the Appleton Municipal Code Section 23-151.

2. **Breach of Provisions of PD Designation**

If at any time any provision or requirements stated in the Schaefer Street Planned Development designation have been breached by the Owner/Developer, the City may withhold approval of any or all platting or the issuance of any or all grading or building permits or occupancy permits applied for on the property, until such breach has been remedied.

3. **Binding Effect**

This Schaefer Street Planned Development designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of

this designation may be modified through an amendment in accordance with the procedure stated in the Appleton Municipal Code Section 23-151. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to Schaefer Street PD #10-21, except as modified by subsequent action of the Appleton Common Council in accordance with procedures set forth in the Appleton Municipal Code Section 23-151 to amend planned developments, and except that nothing contained herein shall be construed as waiving any requirements of the Appleton Municipal Code or other regulations otherwise applicable to the development of the Property.

5. Period of Validity

The Implementation Plan and Development Plan (Exhibit B) as approved by the Common Council shall remain valid of a period of one (1) year during which time a building permit must be applied for and received. If the applicant does not apply for and receive a building permit within one (1) year from the date of Common Council approval of PD overlay district PD #10-21, Development Plan and Implementation Plan Document (IPD), the Development Plan and Implementation Plan Document (IPD) will constitute abandonment of the PD overlay district and related approvals, and any assumed development rights over that allowed through the underlying zoning district and shall be subject to the regulations in Section 23-151, Proof of validity and expiration of plans, of this chapter.

6. Recording of Development Plan and Implementation Plan Document (IPD)

This designation must be signed by both the City and the Owner/Developer and must be recorded by the owner (Dean Kroening - KKREW Properties) in the Calumet County Register of Deeds' Office and a recorded copy of the Development Plan and Implementation Plan Document (IPD) shall be provided to the Community Development Department. This constitutes approval of the Development Plan and Implementation Plan Document (IPD), conditions applied, modifications and any density premiums, which may be granted, and exceptions, if any, to the plan shown in the application ordered by the Common Council.

Dated this _____ day of _____, 2021.

By: _____

Owner

Title:

By: _____
Owner

Title: _____

STATE OF WISCONSIN)
)ss
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____,
the above named _____, and _____,
to me known to be the persons who executed the foregoing instrument and
acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires _____

The above Implementation Plan for Schaefer Street PD #10-21 was drafted by the undersigned at the request of the Property Owner.

(Insert Name)

Drafter's Signature

Date

Approved as to form:

CITY OF APPLETON, a Wisconsin
Municipal Corporation

Christopher R. Behrens
Appleton City Attorney

By: _____
Jacob A. Woodford, Mayor

Attest: _____
Kami Lynch, City Clerk

STATE OF WISCONSIN)
)ss
COUNTY OF OUTAGAMIE)

Personally came before me this _____ day of _____, 2021, the above-named Jacob A. Woodford, Mayor of City of Appleton, and Kami Lynch, City Clerk of City of Appleton, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Notary Public, State of Wisconsin
My Commission expires _____

EXHIBIT A

2121 S. Schaefer Street

Parcel #: 31-9-1114-01

Legal Description:

Being a part of Lot Twenty (20), Purdy Farm Plat, locate in the Northwest Quarter (NW1/4) of Section Five (5), Township Twenty (20) North, Range Eighteen (18) East, City of Appleton, Calumet County, Wisconsin containing 22,678 square feet (0.521 acres) of land and being described by:

Beginning at the southeast corner of said Lot 20; thence N89°-28'-39"W 190.15 feet along the south line of said Lot 20 to the southwest corner thereof; thence N00°-15'-26"W 119.30' along the west line of said Lot 20; thence S89°-28'-39"E 190.08 feet to a point on the east line of said Lot 20; thence S00°-17'-39"E 119.30 feet along said east line of Lot 20 to the point of beginning. Being subject to any and all easements and restrictions of record.

BOUNDARY SURVEY/SITE PLAN

FOR KKREW PROPERTIES

Being a part of Lot Twenty (20), Purdy Farm Plat, locate in the Northwest Quarter (NW1/4) of Section Five (5), Township Twenty (20) North, Range Eighteen (18) East, City of Appleton, Calumet County, Wisconsin containing 22,678 square feet (0.521 acres) of land and being described by:

Beginning at the southeast corner of said Lot 20; thence N89°-28'-39"W 190.15 feet along the south line of said Lot 20 to the southwest corner thereof; thence N00°-15'-26"W 119.30' along the west line of said Lot 20; thence S89°-28'-39"E 190.08 feet to a point on the east line of said Lot 20; thence S00°-17'-39"E 119.30 feet along said east line of Lot 20 to the point of beginning. Being subject to any and all easements and restrictions of record.

NOTES:

THE BUILDER IS RESPONSIBLE FOR VERIFYING BUILDING DIMENSIONS & THAT THE LOCATION OF THE FOUNDATION AS SHOWN IS IN CONFORMANCE WITH ALL RECORDED EASEMENTS, PRIVATE COVENANTS AND BUILDING SETBACKS.

PARCEL NO.: 31-9-1114-01

DEED: DOCUMENT NO. 542995

OWNER OF RECORD: KKREW PROPERTIES LLC.

SITE ADDRESS: 2121 S. SCHAEFER ST. APPLETON, WI 54915

LOT AREA: 22,678 SQ. FT.

TOTAL EXISTING IMPERVIOUS SURFACE: 19,245 SQ. FT.

TOTAL PROPOSED IMPERVIOUS SURFACE: 17,503 SQ. FT.

PROPOSED ELEVATIONS:
FINISHED FLOOR ELEV. = 796.0

VERTICAL DATUM: = NAVD "88"

ZONING INFORMATION:
PDC2 - PLANNED DEVELOPMENT GENERAL COMMERCIAL DISTRICT

SURVEY NOTES:

SITE BENCHMARK: TOP OF CONCRETE AT NORTHWEST CORNER OF BUILDING. ELEVATION: 795.80'

EROSION CONTROL NOTES:

INSTALL GRAVEL TRACKING PADS AT CONSTRUCTION ACCESS POINTS PRIOR TO THE START OF CONSTRUCTION. CLEAN UP ANY TRACKING ON STREETS AT THE END OF EACH DAY (MINIMUM OF 50 FEET LONG TRACKING PAD WITH AGGREGATE CONSISTING OF 3-6 INCH CLEAR OR WASHED STONE-12 INCH THICK).

INSTALL D.O.T. APPROVED SILT FENCE AS SHOWN PRIOR TO LAND DISTURBANCE ACTIVITIES.

CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION CONTROL MEASURES ON DAILY BASIS.

UPON COMPLETION OF SITE WORK SEED ALL DISTURBED AREAS WITH A PERENNIAL GRASS SEED MIX AND MULCH AS A MINIMUM.

MAINTAIN EROSION CONTROL MEASURES UNTIL ALL DISTURBED AREAS HAVE BEEN REVEGETATED.

BMP'S SHALL BE PLACED AROUND ALL SOIL STOCKPILES. SOIL STOCKPILES IN PLACE FOR 7 DAYS OR MORE SHALL BE PROPERLY STABILIZED.

ALL BMP'S SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE APPROPRIATE DNR TECHNICAL STANDARDS.

DISTURBED AREAS AND SOIL STOCKPILES LEFT INACTIVE FOR MORE THAN 7 DAYS SHALL BE STABILIZED BY SEEDING, OR BY OTHER COVER, SUCH AS TARPING OR MULCHING.

EROSION MAT TO BE WISCONSIN DOT CLASS II TYPE B.



SURVEYOR'S CERTIFICATE

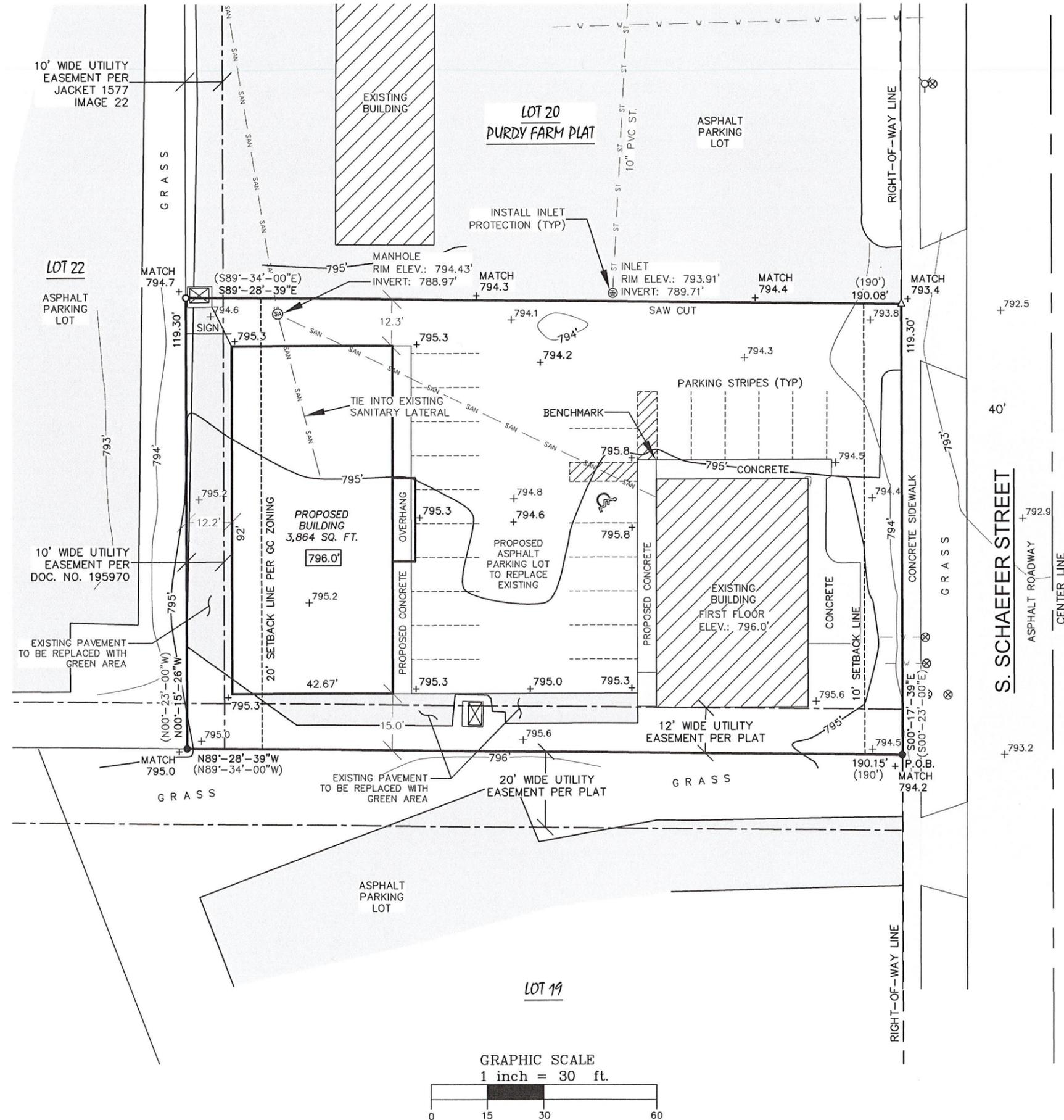
I, Steven C. DeJong, Professional Land Surveyor of Meridian Surveying, LLC., certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 15TH day of JULY, 2021.

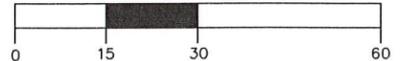
Steven C. DeJong
WISCONSIN PROFESSIONAL LAND SURVEYOR
Steven C. DeJong, S-2791

- LEGEND -

- = 1" IRON PIPE FOUND
- = 1" X 18" IRON PIPE SET (1.130 LB./FT.)
- △ = MAG NAIL SET
- () = RECORDED INFORMATION
- 700' — = EXISTING CONTOUR
- 796.0' = PROPOSED FINISHED FLOOR ELEVATION
- 0--- = PROPOSED SILT FENCE
- ~ ~ ~ = PROPOSED DRAINAGE
- 713.50' + = PROPOSED SPOT ELEVATION
- ☒ = ELECTRIC TRANSFORMER
- ⋈ = FIRE HYDRANT
- ⊗ = WATER VALVE
- ⊙ = STORM INLET
- W — W — = WATER MAIN
- ST — ST — = STORM SEWER MAIN
- SAN — = SANITARY SEWER MAIN



GRAPHIC SCALE
1 inch = 30 ft.



MERIDIAN
SURVEYING, LLC

N9637 Friendship Drive Kaukauna, WI 54130 Office: 920-993-0881 Fax: 920-273-6037

PROJECT LOCATION:	LOT 20, PURDY FARM PLAT
PROPERTY OWNER:	KKREW PROPERTIES
CONTRACTOR:	
PREPARED BY:	S.C.D. MERIDIAN SURVEYING
DATE:	7-14-21
PROJECT NO.:	12979
FIELD BOOK:	M-58, PG.73
SHEET:	1 OF 1



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: September 8, 2021

Common Council Meeting Date: September 15, 2021

Item: Final Plat – Apple Fields

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant: Jim Sehloff – Davel Engineering and Environmental

Owner: Doctors Properties, LLC c/o Henry Chou

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 owner/applicant is proposing to subdivide property for single-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.

On March 20, 2019, the Common Council denied a request to rezone the subject parcels from C-O Commercial Office District to R-3 Multi-Family District.

City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #3-19 (Multi-Family Residential designation to the One and Two-Family Residential designation) and Rezoning #13-19 (C-O Commercial Office District to R-1B Single-Family District) were approved by the Common Council on March 4, 2020.

The Apple Fields Preliminary Plat was approved by Common Council on April 21, 2021.

STAFF ANALYSIS

Existing Conditions: The subject area to be subdivided is currently undeveloped. Apple Fields consists of 6.4136 acres and will be divided into nineteen (19) single-family lots.

Comparison between Final Plat and Preliminary Plat: The Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. The street name for the proposed cul-de-sac was changed to Honeygold Court to avoid duplication of a road name in an adjacent community.

Final Plat – Apple Fields

September 8, 2021

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Zoning Ordinance Review Criteria: The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed average lots size ranges from 10,000 square feet to 18,243 square feet. All lots exceed this minimum requirement.*
- Minimum lot width: Fifty (50) feet.
 - *All lots exceed this minimum requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback has been shown on the Final Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: On April 21, 2021, the Common Council granted relief at the Preliminary Plat approval stage for the following modifications of regulations, pursuant to Section 17-3(f) of the Municipal Code:

- 1) Section 17-26(c)(2) of the Municipal Code to allow for double frontage on Lots 2 through 9.
- 2) Section 17-25(g) of the Municipal Code to allow the proposed cul-de-sac (Honeygold Court) to exceed 500 feet in length.

Access and Traffic: The primary vehicular access to Apple Fields is via Lightning Drive. Proposed Honeygold Court will intersect with Lightning Drive. The full 60-foot road right-of-way widths for the proposed street will be dedicated to the City with the Final Plat.

Surrounding Zoning Classification and Land Uses:

North: PD-R-3 Northbrook Crossing Planned Development Multi-Family District #19-01– Multi-family residential

South: R-1B Single-Family District – Single-family dwellings

East: R-1B Single-Family District – Single-family dwellings

West: R-3 Multi-Family District – Multi-family residential (Century Oaks Community Based Residential Facility)

Final Plat – Apple Fields

September 8, 2021

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

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.4 Land Use:

Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.

Policy 10.4.1 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.

Parks and Open Space: Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to the City signing the Final Plat. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

Technical Review Group (TRG) Report: This item appeared on the June 1, 2021 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

The Apple Fields Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.
2. Prior to City signatures being affixed to the Final Plat, park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

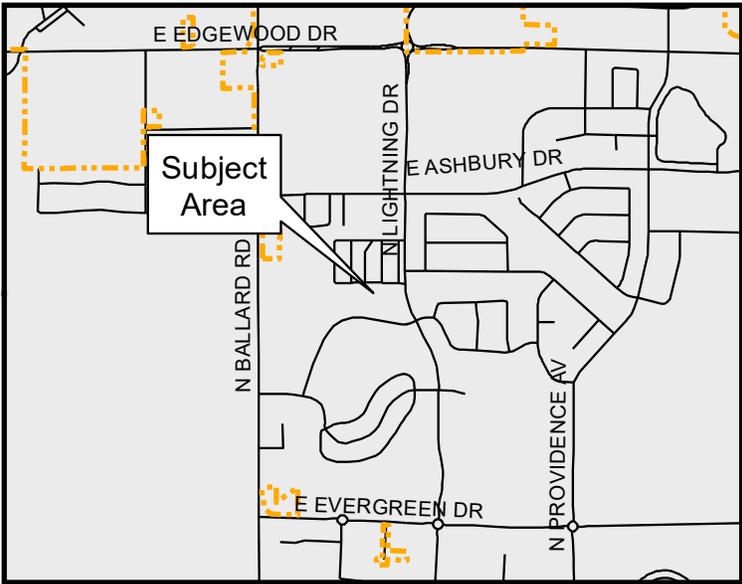
Final Plat – Apple Fields

September 8, 2021

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3. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
4. Technical requirements related to site stormwater management and FEMA/CLOMR floodplain process are still being finalized. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
5. Remove all instances of the word “drainage” in the verbiage for the City – Water Main and Storm Sewer Easement provisions.
6. List the outside diameter of the found iron pipes shown in the legend
7. Revise the drainage plan as follows and/or provide exhibits to ensure information is clear and easily readable:
 - Provide additional lot line dimensions to show the location of the grade breaks
 - Response comments indicated that the City sets house elevations, which is not correct.
 - For any lot adjacent to a 100 year overland flowpath, provide the lowest allowable grade at foundation for the house that is at least 12” above the water surface elevation. This is for areas that are not related to an area where floodplain has been removed via fill.
 - For any lot with floodplain fill, provide the lowest allowable grade at foundation that is 2 feet above the base flood elevation.
 - All floodplain fill and drainage easement grading must be completed with the plat development prior to issuance of building permits.
 - Building permits will not be issued until the LOMR is approved and the certification of fill per FEMA Technical Bulletin 10-01 is completed.
 - Occupancy permits will not be issued until the engineer has provided a certification for each lot that the respective residence will be “Reasonable Safe from Flooding” per FEMA Technical Bulletin 10-01.

Final Plat Apple Fields Zoning Map



Subject Area

R-1A
C-2

PD/R-3

Subject Area

1-8027-2, 1-8027-4, 1-8027-6, 1-8027-8, 1-8027-10, 1-8027-12, 1-8027-14, 1-8027-16, 1-8027-18, 1-8027-20, 1-8027-22, 1-8027-24, 1-8027-26, 1-8027-28, 1-8027-30, 1-8027-32, 1-8027-34, 1-8027-36, 1-8027-38, 1-8027-40, 1-8027-42, 1-8027-44, 1-8027-46, 1-8027-48, 1-8027-50, 1-8027-52, 1-8027-54, 1-8027-56, 1-8027-58, 1-8027-60, 1-8027-62, 1-8027-64, 1-8027-66, 1-8027-68, 1-8027-70, 1-8027-72, 1-8027-74, 1-8027-76, 1-8027-78, 1-8027-80, 1-8027-82, 1-8027-84, 1-8027-86, 1-8027-88, 1-8027-90, 1-8027-92, 1-8027-94, 1-8027-96, 1-8027-98, 1-8027-100

1-8010, 0-8010-4, 1-8025, 1-8026, 1-8027, 1-8028, 1-8029, 1-8030, 1-8031, 1-8032, 1-8033, 1-8034, 1-8035, 1-8036, 1-8037, 1-8038, 1-8039, 1-8040, 1-8041, 1-8042, 1-8043, 1-8044, 1-8045, 1-8046, 1-8047, 1-8048, 1-8049, 1-8050, 1-8051, 1-8052, 1-8053, 1-8054, 1-8055, 1-8056, 1-8057, 1-8058, 1-8059, 1-8060, 1-8061, 1-8062, 1-8063, 1-8064, 1-8065, 1-8066, 1-8067, 1-8068, 1-8069, 1-8070, 1-8071, 1-8072, 1-8073, 1-8074, 1-8075, 1-8076, 1-8077, 1-8078, 1-8079, 1-8080, 1-8081, 1-8082, 1-8083, 1-8084, 1-8085, 1-8086, 1-8087, 1-8088, 1-8089, 1-8090, 1-8091, 1-8092, 1-8093, 1-8094, 1-8095, 1-8096, 1-8097, 1-8098, 1-8099, 1-8100

N ROSEDALE LA
N BROOKRIDGE LA
N SAGEBROOK LA

1-6507-93, 1-6507-92, 1-6507-91, 1-6507-90, 1-6507-89, 1-6507-88, 1-6507-87, 1-6507-86, 1-6507-85, 1-6507-84, 1-6507-83, 1-6507-82, 1-6507-81, 1-6507-80, 1-6507-79, 1-6507-78, 1-6507-77, 1-6507-76, 1-6507-75, 1-6507-74, 1-6507-73, 1-6507-72, 1-6507-71, 1-6507-70, 1-6507-69, 1-6507-68, 1-6507-67, 1-6507-66, 1-6507-65, 1-6507-64, 1-6507-63, 1-6507-62, 1-6500-16, 1-6500-15, 1-6500-14, 1-6500-13, 1-6500-12, 1-6500-11, 1-6500-10, 1-6500-9, 1-6500-8, 1-6500-7, 1-6500-6, 1-6500-5, 1-6500-4, 1-6500-3, 1-6500-2, 1-6500-1, 1-6500-18, 1-6500-17, 1-6500-19, 1-6500-20, 1-6500-21, 1-6500-22, 1-6500-23, 1-6500-24, 1-6500-25, 1-6500-26, 1-6500-27, 1-6500-28, 1-6500-29, 1-6500-30, 1-6500-31, 1-6500-32, 1-6500-33, 1-6500-34, 1-6500-35, 1-6500-36, 1-6500-37, 1-6500-38, 1-6500-39, 1-6500-40, 1-6500-41, 1-6500-42, 1-6500-43, 1-6500-44, 1-6500-45, 1-6500-46, 1-6500-47, 1-6500-48, 1-6500-49, 1-6500-50, 1-6500-51, 1-6500-52, 1-6500-53, 1-6500-54, 1-6500-55, 1-6500-56, 1-6500-57, 1-6500-58, 1-6500-59, 1-6500-60, 1-6500-61, 1-6500-62, 1-6500-63, 1-6500-64, 1-6500-65, 1-6500-66, 1-6500-67, 1-6500-68, 1-6500-69, 1-6500-70, 1-6500-71, 1-6500-72, 1-6500-73, 1-6500-74, 1-6500-75, 1-6500-76, 1-6500-77, 1-6500-78, 1-6500-79, 1-6500-80, 1-6500-81, 1-6500-82, 1-6500-83, 1-6500-84, 1-6500-85, 1-6500-86, 1-6500-87, 1-6500-88, 1-6500-89, 1-6500-90, 1-6500-91, 1-6500-92, 1-6500-93, 1-6500-94, 1-6500-95, 1-6500-96, 1-6500-97, 1-6500-98, 1-6500-99, 1-6500-100

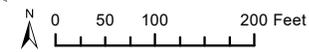
R-1A
N SNOWDEN PL
E GREENLEAF DR

R-3
R-1B
C-O

HONEYGOLD CT

1-6501-1 through 1-6501-19, 1-6501-20 through 1-6501-30, 1-6501-31 through 1-6501-40, 1-6501-41 through 1-6501-50, 1-6501-51 through 1-6501-60, 1-6501-61 through 1-6501-70, 1-6501-71 through 1-6501-80, 1-6501-81 through 1-6501-90, 1-6501-91 through 1-6501-100

N HURST LA



Final Plat
Apple Fields
Aerial Map



Subject Area



City Plan Commission
9-8-2021



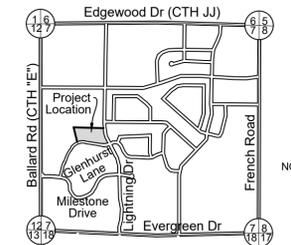
1-6501-31

Apple Fields

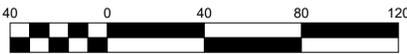
All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP

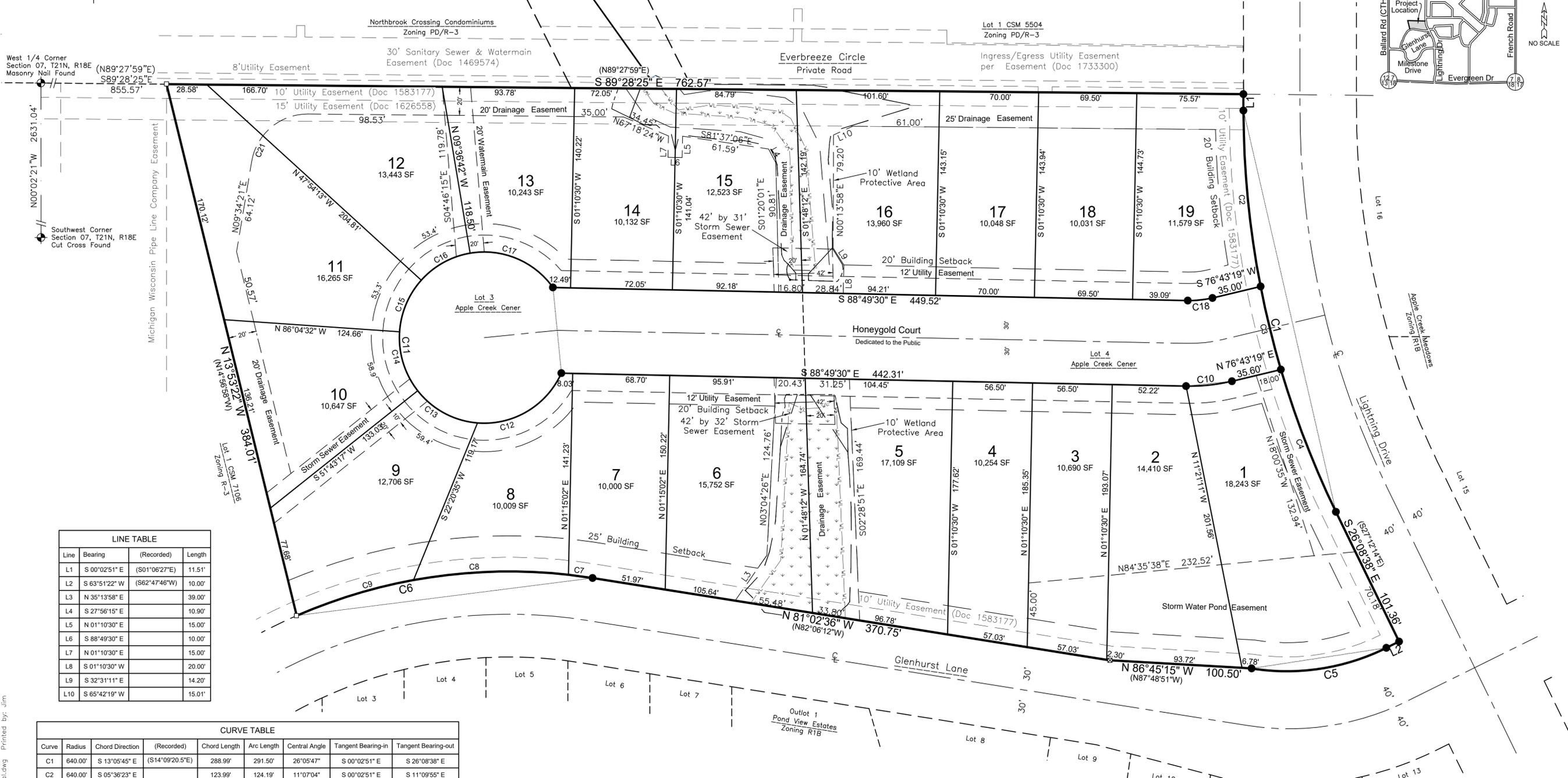
SEC 7, T 21 N, R 18 E,
CITY OF APPLETON
OUTAGAMIE COUNTY, WI



NO SCALE



Bearings are referenced to the West line of the Southwest 1/4, Section 07, T21N, R18E, bearing N00°02'21"W, base on the Outagamie County Coordinate System.



Line	Bearing	(Recorded)	Length
L1	S 00°02'51" E	(S01°06'27"E)	11.51'
L2	S 63°51'22" W	(S62°47'46"W)	10.00'
L3	N 35°13'58" E		39.00'
L4	S 27°56'15" E		10.90'
L5	N 01°10'30" E		15.00'
L6	S 88°49'30" E		10.00'
L7	N 01°10'30" E		15.00'
L8	S 01°10'30" W		20.00'
L9	S 32°31'11" E		14.20'
L10	S 65°42'19" W		15.01'

Curve	Radius	Chord Direction	(Recorded)	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	640.00'	S 13°05'45" E	(S14°09'20.5"E)	288.99'	291.50'	26°05'47"	S 00°02'51" E	S 26°08'38" E
C2	640.00'	S 05°36'23" E		123.99'	124.19'	11°07'04"	S 00°02'51" E	S 11°09'55" E
C3	640.00'	S 13°51'08" E		60.00'	60.03'	5°22'25"	S 11°09'55" E	S 16°32'20" E
C4	640.00'	S 21°20'29" E		107.16'	107.29'	9°36'18"	S 16°32'20" E	S 26°08'38" E
C5	160.00'	S 81°24'23" W	(S80°20'47"W)	96.49'	98.02'	35°05'57"	S 63°51'25" W	N 81°02'38" W
C6	380.00'	S 82°49'18" W	(S81°45'39.5"W)	211.21'	214.03'	32°16'13"	N 81°02'36" W	S 66°41'11" W
C7	380.00'	N 82°20'53" W		17.31'	17.31'	2°36'35"	N 81°02'36" W	N 83°39'10" W
C8	380.00'	S 88°02'52" W		109.71'	110.09'	16°35'57"	N 83°39'10" W	S 79°44'53" W
C9	380.00'	S 73°13'02" W		86.44'	86.63'	13°03'42"	S 79°44'53" W	S 66°41'11" W
C10	130.00'	N 83°56'55" E		68.87'	32.79'	14°27'11"	S 88°49'30" E	N 76°43'19" E
C11	60.00'	N 05°40'44" W		60.43'	313.66'	299°31'24"	S 24°33'34" W	S 35°55'03" E
C12	60.00'	N 59°35'05" E		68.87'	73.36'	70°03'02"	N 24°33'34" E	S 85°23'24" E
C13	60.00'	S 61°50'04" E		47.96'	49.34'	47°06'41"	S 85°23'24" E	S 38°16'43" E
C14	60.00'	S 17°10'37" E		43.20'	44.20'	42°12'11"	S 38°16'43" E	S 03°55'28" W
C15	60.00'	S 23°00'38" W		39.24'	39.97'	38°10'19"	S 03°55'28" W	S 42°05'47" W
C16	60.00'	S 61°14'33" W		39.36'	40.10'	38°17'31"	S 42°05'47" W	S 80°23'18" W
C17	60.00'	N 67°45'52" W		66.70'	63.32'	63°41'39"	S 80°23'18" W	N 35°55'03" W
C18	70.00'	S 83°56'55" W		17.61'	17.66'	14°27'11"	N 76°43'19" E	S 88°49'30" E

LEGEND

- 1" Iron Pipe Found
- ⊗ Cut Cross Set
- 1 1/2" x 30" Steel Rebar @ 4.30lbs/LF SET
- ⊙ All Other Corners
- ⊙ 3/4" x 24" Steel Rebar @ 1.50lbs/LF SET
- SF Lot Areas In Square Feet
- () Recorded As Section, 1/4 or 1/16th line
- Existing Parcel line
- OHWM Ordinary High Water Mark
- Floodway
- Floodplain
- W-L Delineated Wetlands

Notes:

- All linear measurements have been made to the nearest one hundredth of a foot.
- All bearings are computed and measured to the nearest second.
- Maintenance of all Drainage Easements and Storm Water Pond Easements within the land division or serving this Subdivision are the sole responsibility of the lot owners for the purpose of conveying and managing stormwater through the plat.
- Upon failure of the property owners to perform maintenance of the drainage ways and storm water pond, the City of Appleton retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of this subdivision in an equal amount or where the cause can be specifically identified then the payment shall be assessed to the specific property owner(s).

Access Restriction Note:

All lots within this plat will have no access granted onto Glenhurst Lane, Lightning Drive, both which are public right of way, and Everbreeze Circle, a private road.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20__

Department of Administration

James R. Sehloff PLS 2692 Date _____

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS

1164 Province Terrace Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davelpro

Sep 01, 2021 9:11 am J:\Projects\5629\Final.dwg 3D\5629\Final.dwg Printed by: jim

Apple Fields

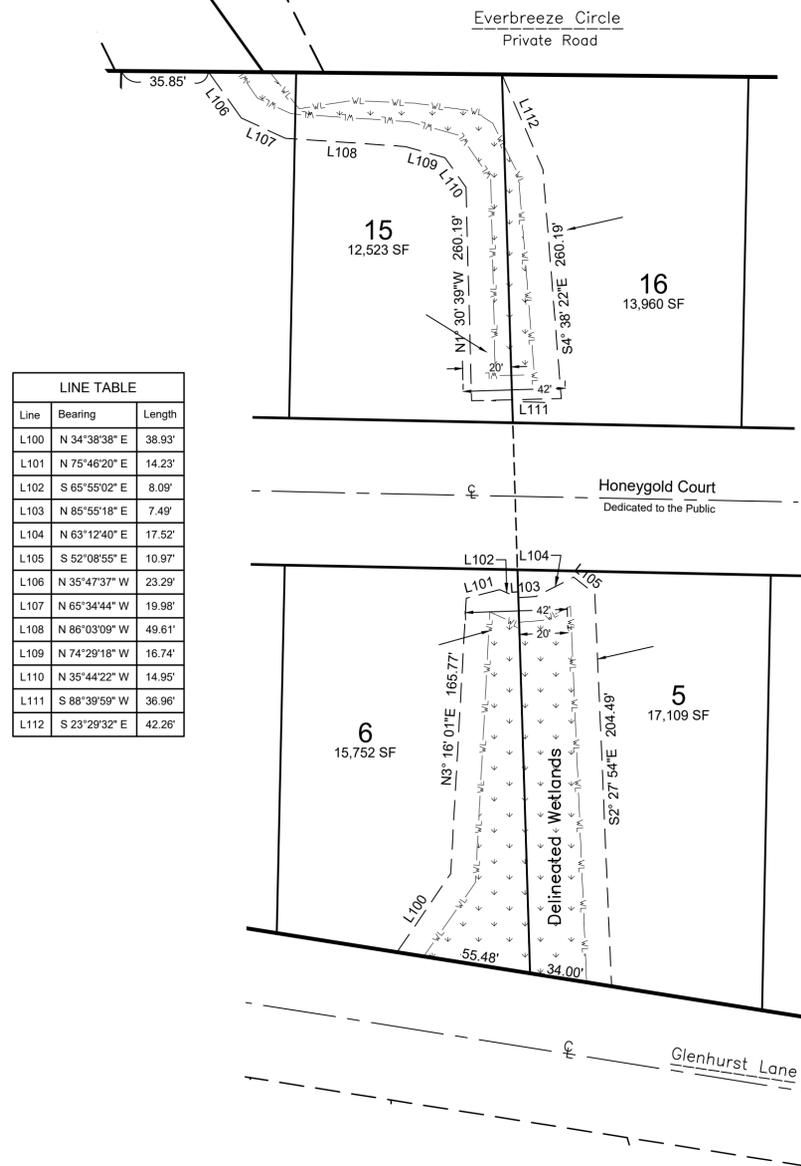
These exhibits are a representation of current conditions and regulations, at the time of platting. Per the City's current interpretation of City of Appleton code 17.12(b)(2) dimensioned location of these lines is required. Due to changing nature of environmental conditions and regulatory nature of wetlands, flood plain and ordinary high water mark these dimensions should only act as a guide and actual field conditions and/or legislative regulations are held over dimensions shown on this map.

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin



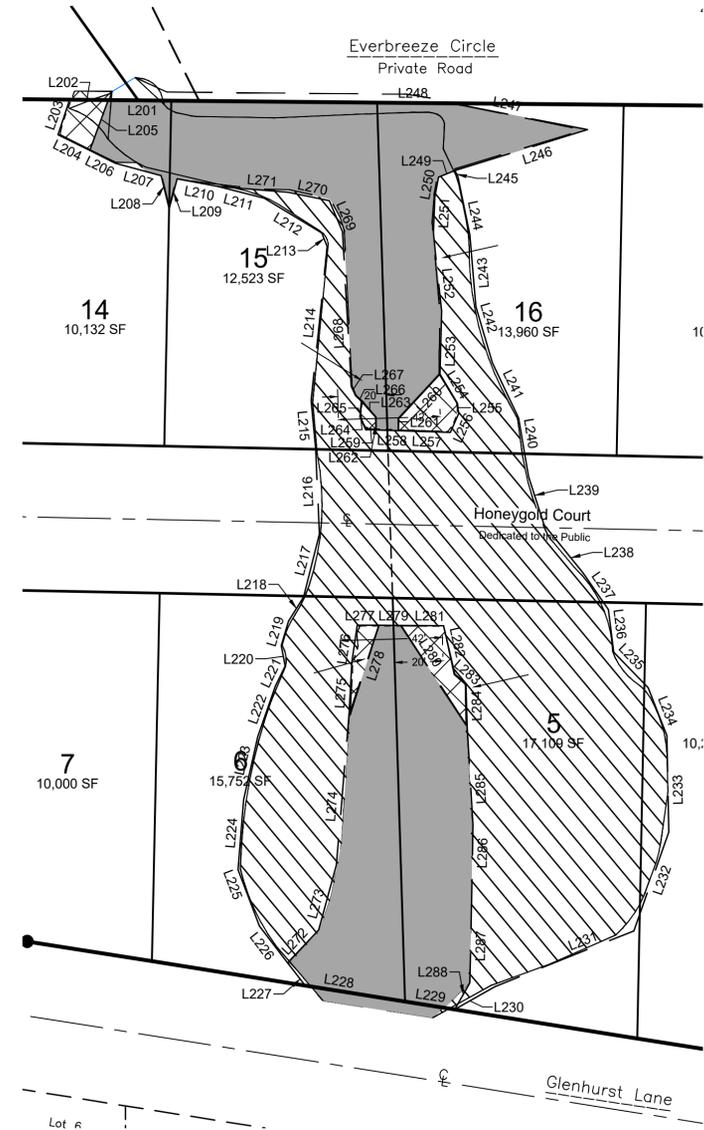
Bearings are referenced to the West line of the Northwest 1/4, Section 07, T21N, R17E, bearing N00°02'21"W, base on the Outagamie County Coordinate System.

Wetland Protected Area Exhibit:



Line	Bearing	Length
L201	S 89°28'25" E	25.97'
L202	S 89°28'25" E	15.88'
L203	S 18°45'06" W	15.06'
L204	S 64°04'11" E	14.63'
L205	N 20°14'29" E	21.86'
L206	N 63°18'18" W	11.60'
L207	N 74°48'41" W	19.71'
L208	S 13°31'28" E	13.85'
L209	N 15°06'08" E	12.62'
L210	N 79°41'14" W	17.15'
L211	N 75°47'30" W	19.63'
L212	N 59°10'25" W	27.68'
L213	N 21°24'33" W	5.93'
L214	N 05°58'17" E	63.23'
L215	N 05°17'50" W	19.99'
L216	N 02°34'37" W	34.55'
L217	N 14°07'14" E	26.58'
L218	N 32°39'36" E	11.57'
L219	N 16°47'05" E	10.47'
L220	N 10°40'27" W	8.51'
L221	N 25°43'58" E	9.01'
L222	N 19°27'18" E	21.94'
L223	N 12°50'26" E	26.38'
L224	N 04°30'04" E	28.66'
L225	N 20°48'51" W	24.63'
L226	N 37°53'43" W	19.00'
L227	N 37°53'43" W	11.75'
L228	S 81°02'36" E	41.68'
L229	S 81°02'36" E	20.71'
L230	N 60°43'26" E	19.07'
L231	N 68°18'57" E	61.48'
L232	N 19°39'57" E	42.82'
L233	N 01°06'44" W	39.46'
L234	N 21°43'37" W	20.92'
L235	N 44°17'57" W	20.29'
L236	N 07°13'11" W	17.56'
L237	N 35°02'42" W	18.13'
L238	N 39°04'42" W	25.48'
L239	N 18°09'06" W	20.64'
L240	N 09°37'31" W	24.25'
L241	N 25°48'32" W	25.01'
L242	N 16°24'55" W	23.97'
L243	N 04°50'22" W	29.37'
L244	N 11°40'53" W	24.26'

Line	Bearing	Length
L245	N 25°50'20" W	2.76'
L246	S 73°00'04" W	57.09'
L247	S 79°07'55" E	57.02'
L248	S 89°28'25" E	30.68'
L249	S 68°24'28" W	7.28'
L250	S 10°27'49" W	8.19'
L251	S 02°33'09" W	14.65'
L252	S 06°01'37" E	32.21'
L253	S 01°28'51" W	25.66'
L254	S 31°11'06" E	13.91'
L255	S 06°35'38" E	4.29'
L256	S 23°56'05" W	8.41'
L257	N 88°07'40" W	21.35'
L258	N 88°07'40" W	9.34'
L259	N 88°07'40" W	4.20'
L260	S 43°04'48" W	24.92'
L261	S 00°25'34" W	4.95'
L262	N 00°47'49" W	5.23'
L263	N 40°19'56" W	8.32'
L264	N 25°06'54" W	5.71'
L265	N 05°48'06" E	6.48'
L266	N 47°24'41" W	3.31'
L267	N 24°18'34" W	4.31'
L268	N 03°18'26" W	63.14'
L269	N 23°04'33" W	13.77'
L270	N 78°32'49" W	17.13'
L271	N 85°18'37" W	29.15'
L272	N 43°35'54" E	18.55'
L273	N 15°23'34" E	27.44'
L274	N 04°48'56" E	61.43'
L275	N 03°18'13" E	21.84'
L276	N 08°16'18" E	15.05'
L277	S 89°45'58" E	8.93'
L278	N 18°37'15" E	38.68'
L279	S 89°32'39" E	9.15'
L280	S 33°31'04" E	49.29'
L281	S 89°45'45" E	17.56'
L282	S 12°56'49" E	20.27'
L283	S 49°11'49" E	6.06'
L284	S 01°44'31" E	17.31'
L285	S 03°22'15" E	40.48'
L286	S 01°06'36" W	64.40'
L287	S 01°06'36" W	64.40'
L288	S 30°03'17" W	12.44'



James R. Sehloff PLS 2692 Date

LEGEND

- Floodway Area
- Floodplain Area
- Floodplain to be filled

Wetland Protected Area Setback Exhibit:

Setback shown is per City of Appleton protective area in City of Appleton Code 20-312(f)

The following requirements apply as excerpted from City of Appleton Municipal Code 20-312(f):

- (3) The following requirements shall be met:
- Impervious surfaces shall be kept out of the protective area entirely or [as may be approved by the City of Appleton] to the maximum extent practicable.
 - Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. [Subject to the issuance of all applicable permit], nonvegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
 - Best management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.
 - Protective areas do not apply to:
 - Post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a [Stormwater Management Practice that has been approved by the City of Appleton], except to the extent that vegetative ground cover is necessary to maintain bank stability.

Flood Plain Area Exhibit:

Floodplain is shown per a pending flood study submitted to FEMA, and is subject to change based on the approval of the Flood Study.

The floodplain is regulated by City of Appleton Municipal Code Chapter 23 Article X (Floodplain Zoning). A City of Appleton floodplain zoning official map revision is pending, dependent upon issuance of a FEMA LOMR. The following activities are prohibited within the floodplain unless a City of Appleton Floodplain Permit has been issued authorizing the activity: grading, placement of fill material, and/or the placement or construction of any structures that occupy volume above the existing ground surface.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20__

Department of Administration



File: 5629Final.dwg
Date: 08/25/2021
Drafted By: Jim
Sheet: 2 of 3
Revision Date: Aug 25, 2021

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1164 Province Terrace Menasha, WI 54952
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www.davel.pro

Aug 25, 2021 7:04am J:\Projects\5629\Drawings\3D\5629Final.dwg Printed by: jim

Apple Fields

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Doctors Properties, LLC, owner of said land, I have surveyed divided and mapped Apple Fields; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 279,377 Square Feet (6.4136 Acres) of land more or less, subject to all easements, and restrictions of record.

Given under my hand this ____ day of _____, 20____.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

Owner's Certificate

Doctors Properties, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Doctors Properties, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Appleton
Department of Administration

Dated this ____ day of _____, 20____.

In the presence of: Doctors Properties, LLC

Sign

Print Name

Title

State of Wisconsin)

County) ss

Personally came before me this ____ day of _____, 20____, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

My Commission Expires _____
Notary Public, Wisconsin

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

Doctors Properties, LLC, Grantor, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Doctors Properties, LLC

Sign _____ Date _____

Print Name

Title

City of Appleton Approval

Resolved, that the plat of Apple Fields, in the City of Appleton, Outagamie County, Doctors Properties, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jacob A. Woodford, Mayor _____ Date _____

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

Kami Lynch, Clerk _____ Date _____

Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the City of Appleton and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

City Treasurer _____ Date _____

County Treasurer _____ Date _____

This Final Plat is contained wholly within the property described in the following recorded instruments:

The property owner of record: Doctors Properties, LLC	Recording Information: Doc No. 2146383	Parcel Number(s): 311-6501-03 311-6501-04
--	---	---

Water Main and Storm Sewer Easement Provisions

An easement for Water Main and Storm Sewer is hereby granted by:

Doctors Properties, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee,

1. Purpose: The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize and repair watermain, storm sewer, and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said watermain, storm sewer, and associated appurtenances that occur outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
2. Access: Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
3. Buildings or Other Structures: Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Drainage, Storm Sewer or Watermain Easement".
4. Elevation: The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered without the written consent of grantee.
5. Restoration: Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is reasonably possible, to the prior existing condition when conducting all future maintenance, resizing or repair activities. Grantor shall be responsible for all surface restoration. 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, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein.
6. Notification: Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable times.

This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Sign _____ Date _____

Print Name

Title

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____



Department of Administration

Revision Date: Sep 01, 2021
File: 5629Final.dwg
Date: 09/01/2021
Drafted By: Jim
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