



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, May 11, 2022

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[22-0611](#) City Plan Minutes from 4-13-22

Attachments: [City Plan Minutes 4-13-22.pdf](#)

4. Public Hearings/Apearances

- [22-0612](#) Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-22 for the subject parcel located on N. French Road, bordered by E. Glory Lane, N. Providence Avenue, and E. Ashbury Drive (Tax Id #31-1-7400-00) from future One and Two-Family Residential land use designation and Multi-Family land use designation to Public Institutional land use designation as shown on the attached map and approve the attached Resolution (Associated with Action Item #22-0613)

Attachments: [ClassIIPublicHearingNoticeNewspaper_ApostolicTruthChurch_CompPlanAmen](#)
[InformalPublicHearingNotice_ApostolicTruthChurch_CompPlan+Rezoning.pdf](#)

- [22-0614](#) Rezoning #3-22 for the subject parcel located on N. French Road, bordered by E. Glory Lane, N. Providence Avenue, and E. Ashbury Drive (Tax Id #31-1-7400-00), including the adjacent one-half (1/2) right-of-way, as shown on the attached maps, from R-1A Single-Family District to P-I Public Institutional District (Associated with Action Item #22-0615)

Attachments: [InformalPublicHearingNotice_ApostolicTruthChurch_CompPlan+Rezoning.pdf](#)

5. Action Items

[22-0613](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-22 for the subject parcel located on N. French Road, bordered by E. Glory Lane, N. Providence Avenue, and E. Ashbury Drive (Tax Id #31-1-7400-00) from future One and Two-Family Residential land use designation and Multi-Family land use designation to Public Institutional land use designation as shown on the attached map and approve the attached Resolution

Attachments: [StaffReport ApostolicChurch CompPlan+Rezoning For05-11-22.pdf](#)

[22-0615](#) Request to approve Rezoning #3-22 for the subject parcel located on N. French Road, bordered by E. Glory Lane, N. Providence Avenue, and E. Ashbury Drive (Tax Id #31-1-7400-00), including the adjacent one-half (1/2) right-of-way, as shown on the attached maps, from R-1A Single-Family District to P-I Public Institutional District

Attachments: [StaffReport ApostolicChurch CompPlan+Rezoning For05-11-22.pdf](#)

[22-0616](#) Request to approve the dedication of land for public right-of-way for N. Lightning Drive, generally located north of Edgewood Drive (C.T.H. JJ), as shown on the attached maps

Attachments: [StaffReport LightningDrive StreetDedication For5-11-22.pdf](#)

[22-0617](#) Elect Vice Chair

6. Information Items

[22-0618](#) Set Meeting Date & Time

[22-0619](#) Designate Contact Person

[22-0630](#) Neighborhood Program Spring Meeting on Thursday, May 26, 2022 from 6:00 - 7:30 pm at Wilson Middle School, 225 N. Badger Avenue

Attachments: appleton.org/residents/neighborhood-program

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

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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, April 13, 2022

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

Commissioner Palm appeared virtually and participated via Teams.

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

Excused: 1 - Robins

Others present:

Russell Leary, Mill City Public House

Richard Zurawski, Impact Printing Inc., 1109 W. College Avenue

3. Approval of minutes from previous meeting

[22-0445](#)

City Plan Minutes from 3-23-22

Attachments: [City Plan Minutes 3-23-22.pdf](#)

**Fenton moved, seconded by Uitenbroek, that the Minutes be approved. Roll
Call. Motion carried by the following vote:**

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

Excused: 1 - Robins

4. Public Hearings/Appearances

[22-0446](#)

Special Use Permit #5-22 for a restaurant with alcohol sales and service located at 1103 West College Avenue (Tax Id #31-3-1064-00), 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 and approve attached Resolution (Associated with Action Item #22-0447)

Attachments: [ClassIIPublicHearingNoticeNewspaper_1103WCollegeAve_SUP#5-22.pdf](#)
[PublicHearingNoticeNeighborhood_1103WCollegeAve_SUP#5-22.pdf](#)

This public hearing was held, and Rusty Leary spoke on the item.

5. Action Items

[22-0447](#)

Request to approve Special Use Permit #5-22 for a restaurant with alcohol sales and service located at 1103 West College Avenue (Tax Id #31-3-1064-00), 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 and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_1103WCollegeAve_SUP_For04-13-22.pdf](#)

Fenton moved, seconded by Buetow, 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

Excused: 1 - Robins

6. Information Items

7. Adjournment

Buetow moved, seconded by Fenton, that the meeting be adjourned at 3:34 p.m. Roll Call. Motion carried by the following vote:

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

Excused: 1 - Robins

CITY OF APPLETON

NOTICE OF PUBLIC HEARING

PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, May 11, 2022, at 3:30 P.M. in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Comprehensive Plan Future Land Use Map Amendment request.

Pursuant to Chapter 12: Implementation of the City of Appleton Comprehensive Plan 2010-2030, to consider a request by Apostolic Truth Church, owner, and Sam Al-Saadi, applicant, for the parcel located on N. French Road, bordered by E. Glory Lane, N. Providence Avenue, and E. Ashbury Drive (Tax Id #31-1-7400-00) to amend the Comprehensive Plan Future Land Use Map from future One and Two-Family Residential land use and Multi-Family land use to future Public Institutional land use.

A copy of the proposed amendment to the Comprehensive Plan Future Land Use Map is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

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
APPLETON, WISCONSIN

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.

RUN: April 26, 2022
May 3, 2022

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, May 11, 2022, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the following proposed Comprehensive Plan Future Land Use Map Amendment and Rezoning requests.

COMMON DESCRIPTION:

Parcel located on N. French Road, bordered by E. Glory Lane, N. Providence Avenue, and E. Ashbury Drive (Tax Id #31-1-7400-00)

ALDERMANIC DISTRICT: 13 – Alderperson Sheri Hartzheim

Comprehensive Plan Future Land Use Map Amendment Request:

A Comprehensive Plan Future Land Use Map amendment request has been initiated by Apostolic Truth Church, owner, and Sam Al-Saadi, applicant, pursuant to Wisconsin State Statute 66.1001 and the City of Appleton Comprehensive Plan 2010-2030. The owner requests to amend the Comprehensive Plan Future Land Use Map for:

- Parcel #31-1-7400-00 located on N. French Road, bordered by E. Glory Lane, N. Providence Avenue, and E. Ashbury Drive from future One and Two-Family Residential land use and Multi-Family land use to future Public Institutional land use.

Rezoning Request:

A rezoning request has been initiated by Apostolic Truth Church, owner, and Sam Al-Saadi, applicant, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate. The owner requests to rezone:

- Parcel #31-1-7400-00 located on N. French Road, bordered by E. Glory Lane, N. Providence Avenue, and E. Ashbury Drive, including the adjacent one-half (1/2) right-of-way, from R-1A Single-Family District to P-I Public institutional District.

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. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

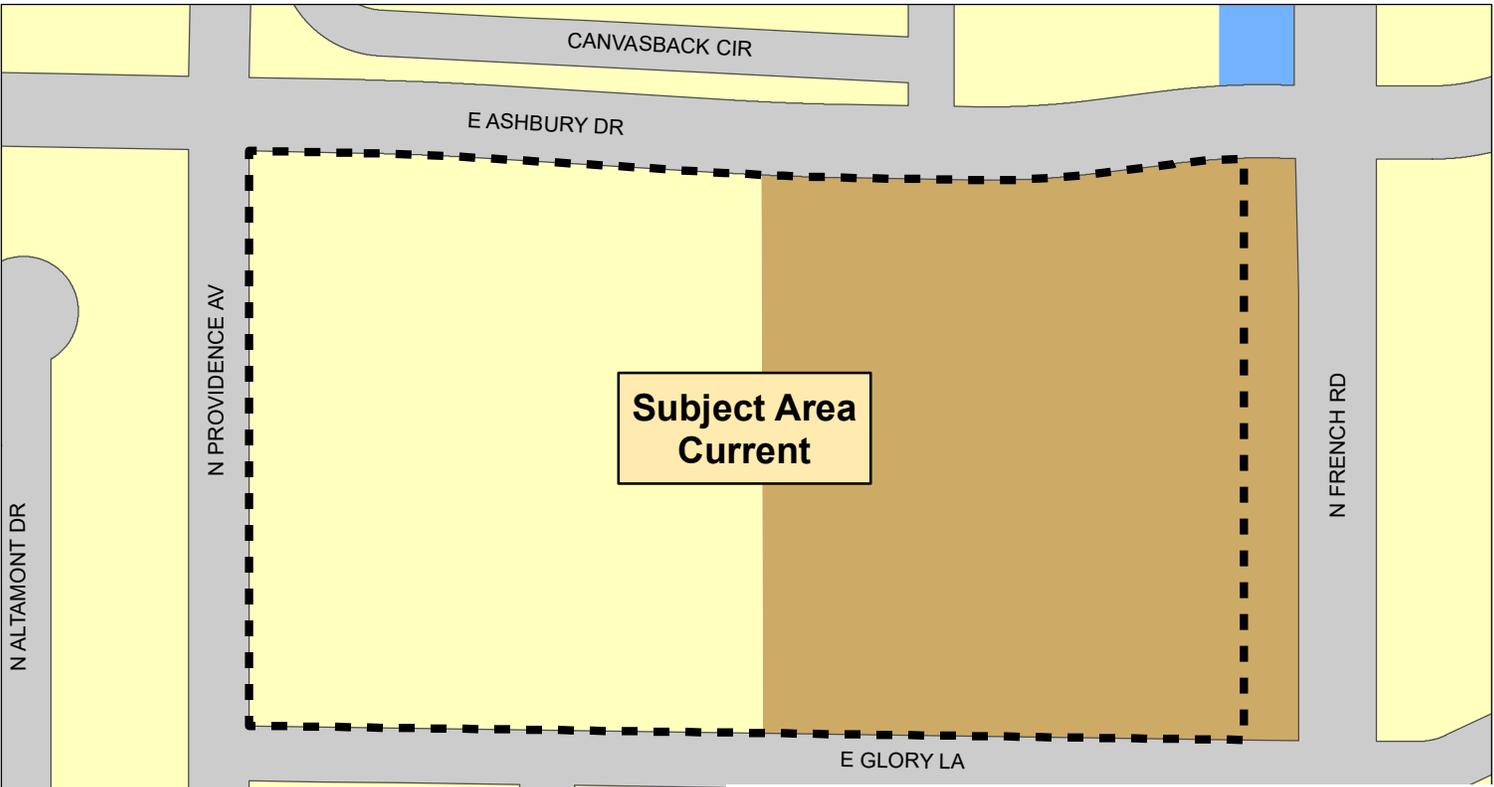
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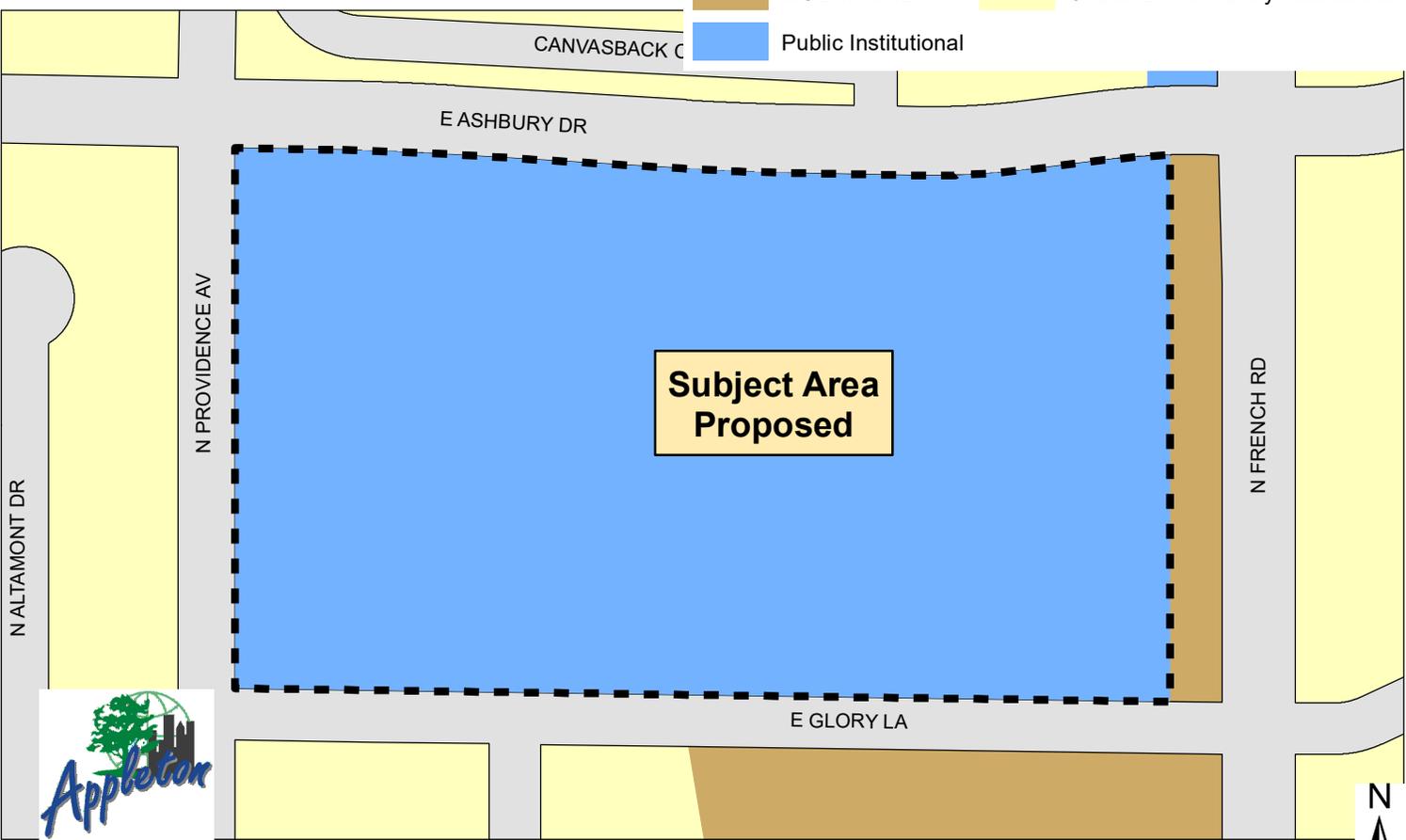
Apostolic Truth Church
 Future Land Use Map Amendment
 One and Two Family Residential and Multi-Family to Public Institutional



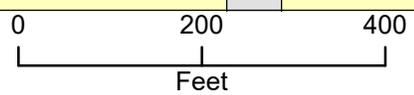
**Subject Area
Current**

Legend

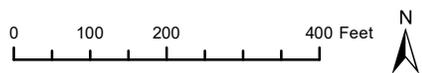
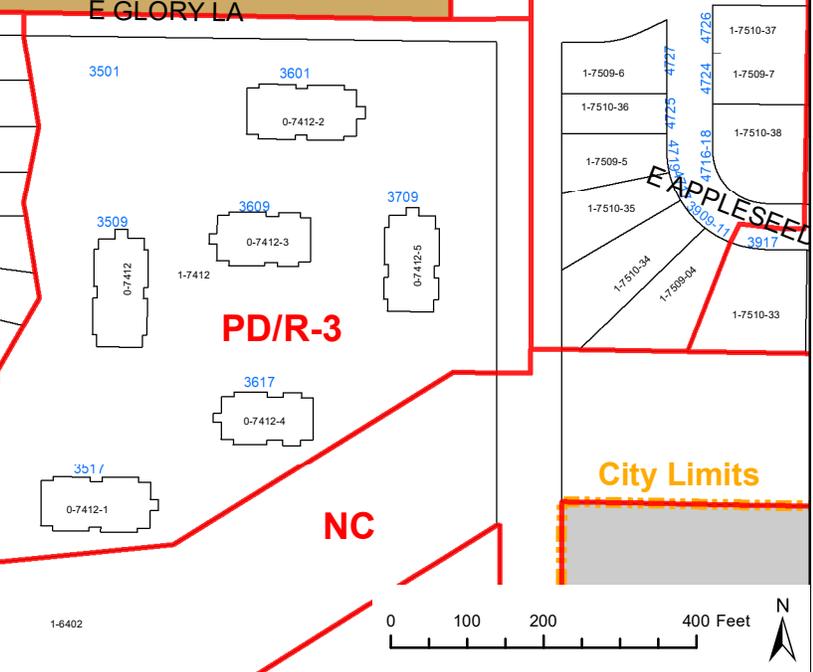
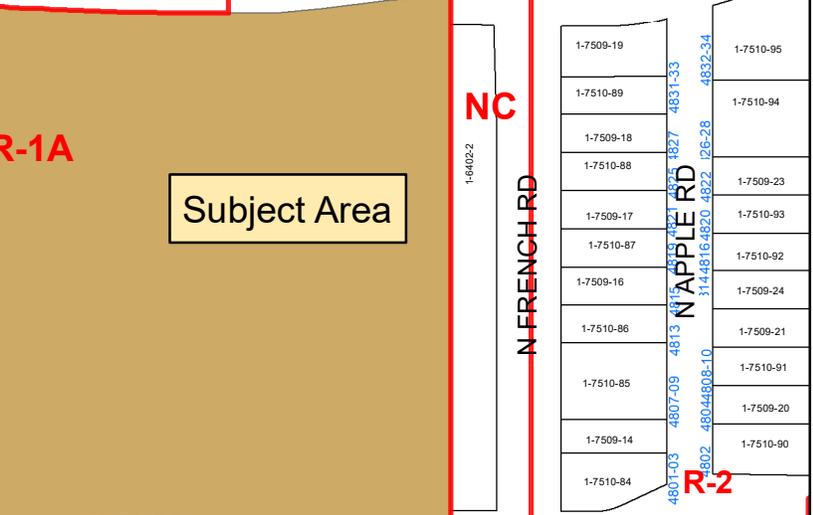
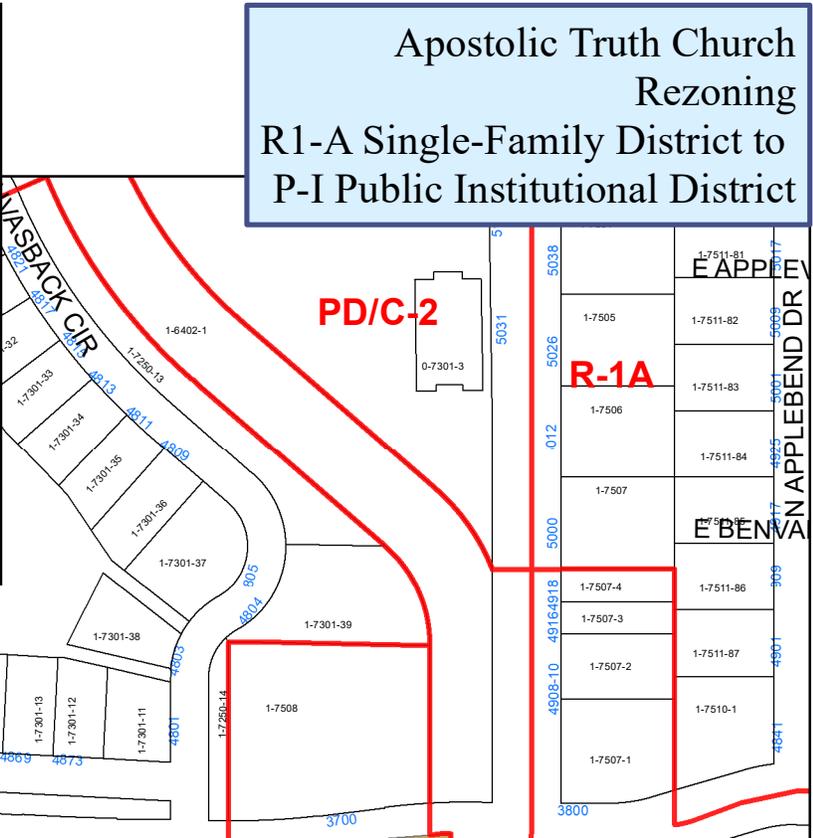
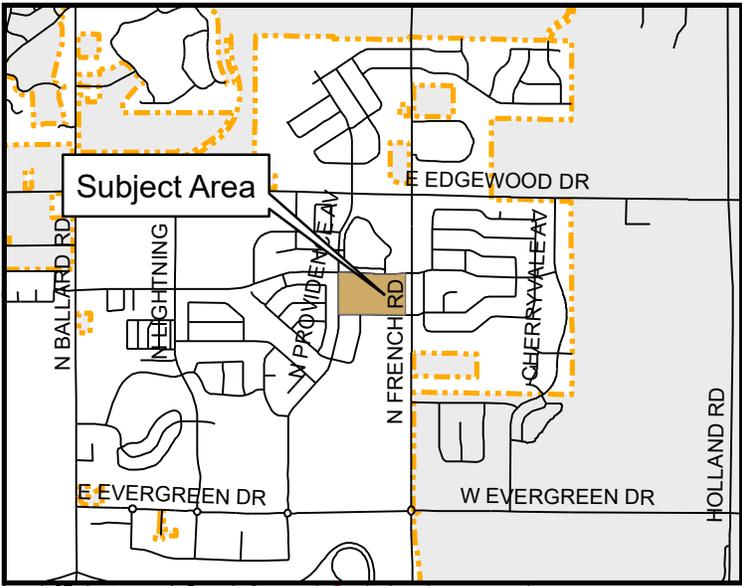
- MULTIFAMILY
- One and Two-Family Residential
- Public Institutional



**Subject Area
Proposed**



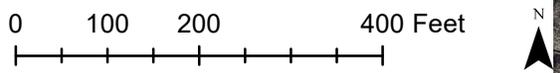
Apostolic Truth Church Rezoning R1-A Single-Family District to P-I Public Institutional District



Apostolic Truth Church Rezoning R1-A Single-Family District to P-I Public Institutional District Aerial Map



City Plan Commission
5-11-2022



City Limits

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

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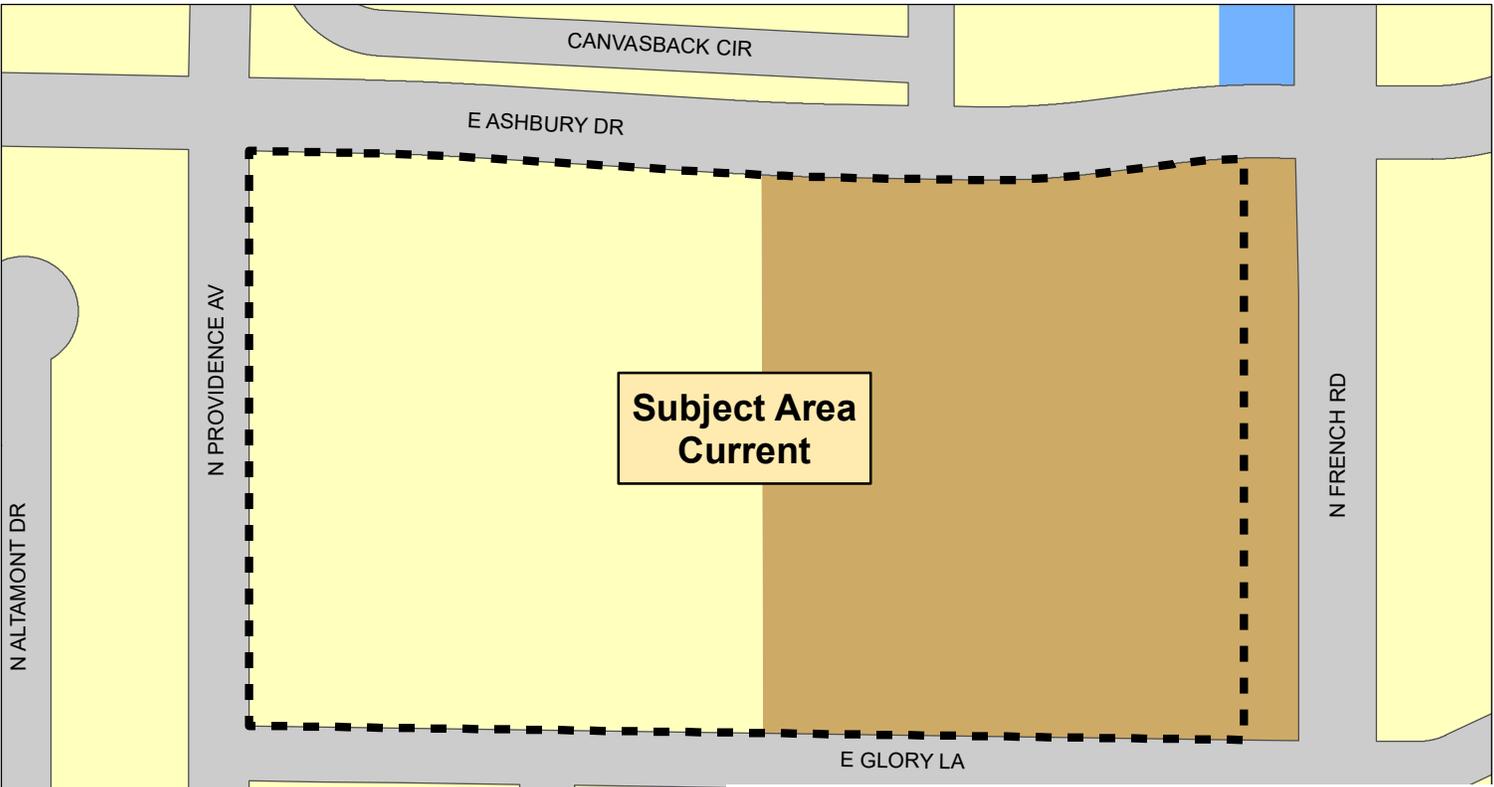
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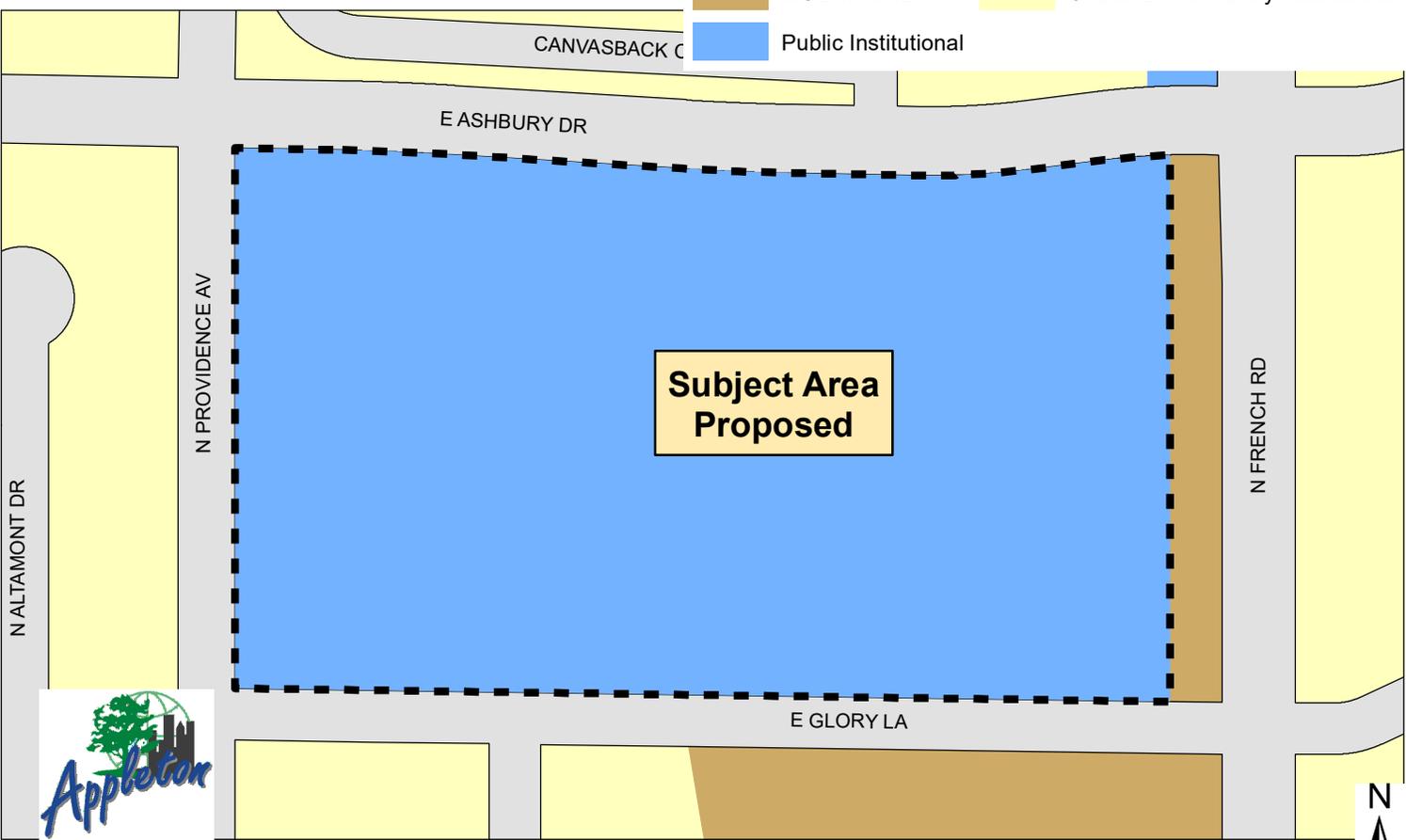
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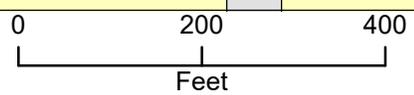
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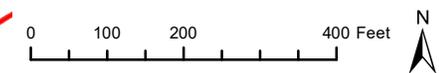
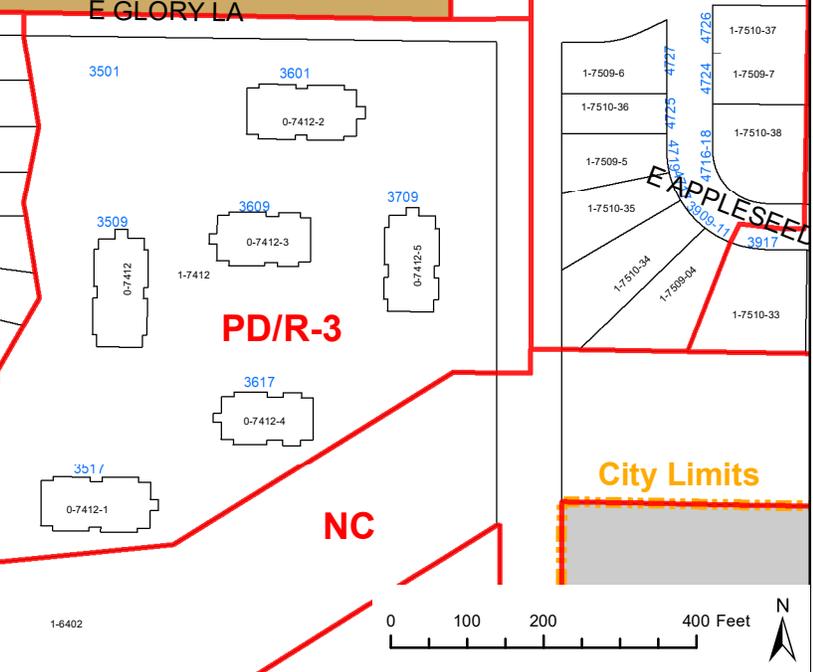
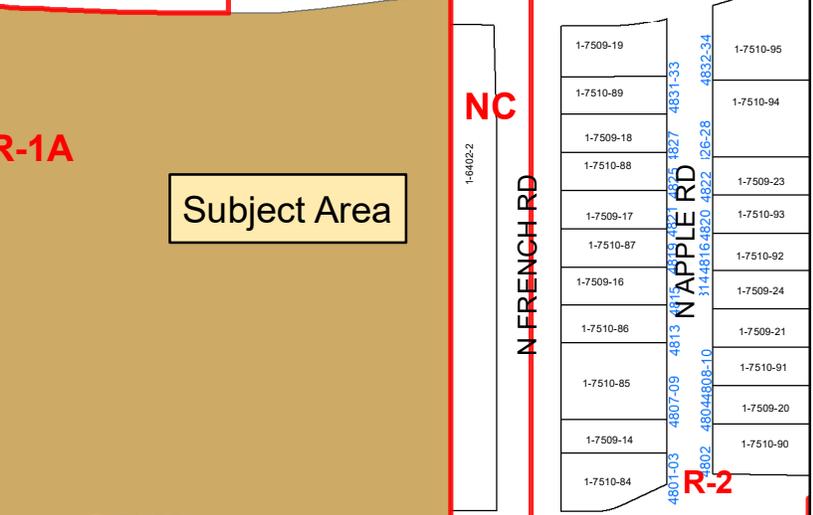
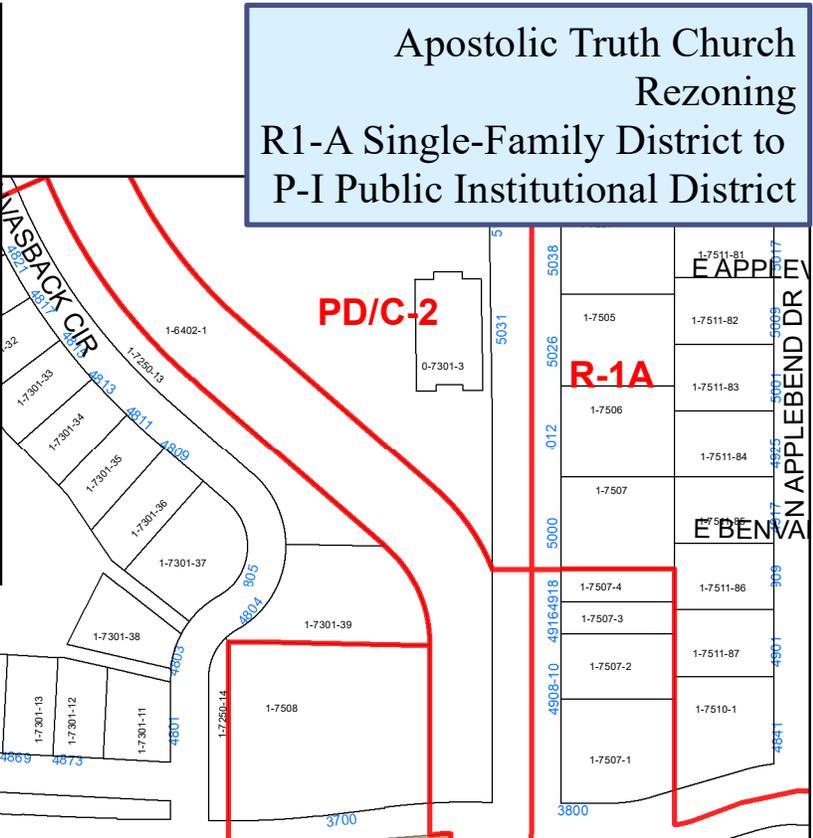
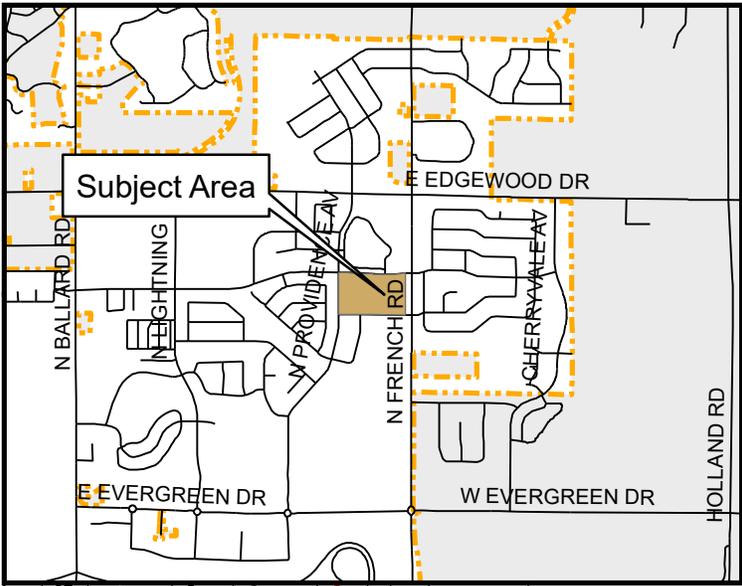
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**Subject Area
 Proposed**



Apostolic Truth Church Rezoning R1-A Single-Family District to P-I Public Institutional District



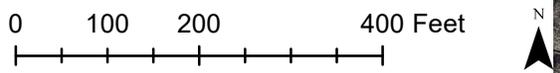
Apostolic Truth Church Rezoning R1-A Single-Family District to P-I Public Institutional District Aerial Map



Subject Area



City Plan Commission
5-11-2022



City Limits



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: May 11, 2022

Common Council Public Hearing Meeting Date: June 15, 2022 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-22 and Rezoning #3-22

Case Managers: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Apostolic Truth Church c/o Sam Al-Saadi

Lot/Parcel: N. French Road (Tax Id #31-1-7400-00)

Petitioner's Request: The applicant is requesting to amend the City's Comprehensive Plan 2010-2030 Future Land Use Map from future One and Two-Family Residential and Multi-Family designations to future Public Institutional designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1A Single-Family District to P-I Public Institutional District. The requests are being made to accommodate construction of a place of worship.

BACKGROUND

The subject area was purchased by the church in 1993 with the intent of using the property for its future place of worship. The rezoning and comprehensive plan amendment would provide a future land use designation that is consistent with the proposed rezoning request and future use of the property.

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

STAFF ANALYSIS

Procedural Findings: When a *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning application are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The subject site is currently undeveloped land. The parcel is approximately 15.37 acres in size. The property has frontage along East Glory Lane, North Providence Avenue and East Ashbury Drive. The City's Arterial/Collector Plan classifies East Ashbury Drive and North Providence Drive as Collector Streets and East Glory Lane as a Local Street.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – R-1A & R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-Family Residential

South: Zoning – R-2 Two -Family District & PD/R-3 Planned Development Multi-Family District
Future Land Use Designation – One and Two-Family Residential and Multi-Family Residential
Current Land Use – Two-Family Residential and Multi-Family Residential

East: Zoning – NC Nature Conservancy District
Future Land Use Designation – Multi-Family Residential
Current Land Use – City of Appleton owned drainage ditch.

West: Zoning – R-1A Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-Family Residential

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the area is necessitating the change to Public/Institutional designation.

The *Comprehensive Plan 2010-2030* does not identify specific locations for future public/institutional uses. However, Chapter 10 states that while public or institutional uses may be located on land designated for any use, certain criteria should guide site selection. At a minimum, the City should consider:

- Compatibility with existing or planned land uses in the area. *The proposed use of the property as a place of worship is consistent with the Public/Institutional Future Land Use designation.*
- Traffic or other impacts and the need for utilities. *The subject area is served by existing infrastructure, and the proposed Public/Institutional designation should not have a significant impact on traffic.*
- Scale of the proposed use (buildings, etc.) in comparison to existing or planned neighboring uses. *The Future Land Use Map Amendment request is being made to accommodate a potential future place of worship. Plans have not been provided at this point; however, any development will need to adhere to zoning code requirements in regards to setbacks, lot coverage and landscape buffering.*
- Whether the proposed location may be better suited to other uses (such as commercial or employment-related) that may be needed to serve the neighborhood or provide a proportionally greater benefit to the community as a whole. *The Future Land Use Map Amendment request is being made to serve the needs of a place of worship that will serve the surrounding neighborhood and community, Apostolic Truth Church.*

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic

Future Land Use Map Amendment #2-22 & Rezoning #3-22

May 11, 2022

Page 3

development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

Proposed Zoning Classification: The P-I Public Institutional District is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties. The development standards for the P-I District are listed below:

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

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to accommodate construction of a future place of worship for Apostolic Truth Church. A place of worship, including its accessory uses, are permitted uses in the P-I Public Institutional District. Any future development would need to conform to the P-I District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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.

Future Land Use Map Amendment #2-22 & Rezoning #3-22

May 11, 2022

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- 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. *If Future Land Use Map Amendment #2-22 is approved, to identify this area for future public/institutional uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *The proposed rezoning will allow for the construction of a place of worship. Proposed setbacks and parking lot landscape buffers will be reviewed in accordance with the Zoning Code requirements at the time of Site Plan review. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #2-22 is approved.

Technical Review Group (TRG) Report: These items were discussed at the February 1, 2022 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-22 for the property located on N. French Road (Tax Id. #31-1-7400-00) from the One and Two-Family Residential and Multi-Family designations to the Public/Institutional designation and resolution, **BE APPROVED**; and

Future Land Use Map Amendment #2-22 & Rezoning #3-22

May 11, 2022

Page 5

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-22 to rezone the subject parcel located on N. French Road (Tax Id. #31-1-7400-00) from R-1A Single-Family District to P-I Public Institutional District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED.**

NOTE: If approved, Rezoning #3-22 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-22 to accurately reflect the change in future land use from One and Two-Family Residential and Multi-Family Residential designations to the Public/Institutional designation.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on May 11, 2022, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-22) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on May 11, 2022 and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property (Tax Id. #31-1-7400-00) on the Future Land Use Map from (One and Two-Family Residential Use and Multi-Family Residential Use) to (Public/Institutional Use).

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

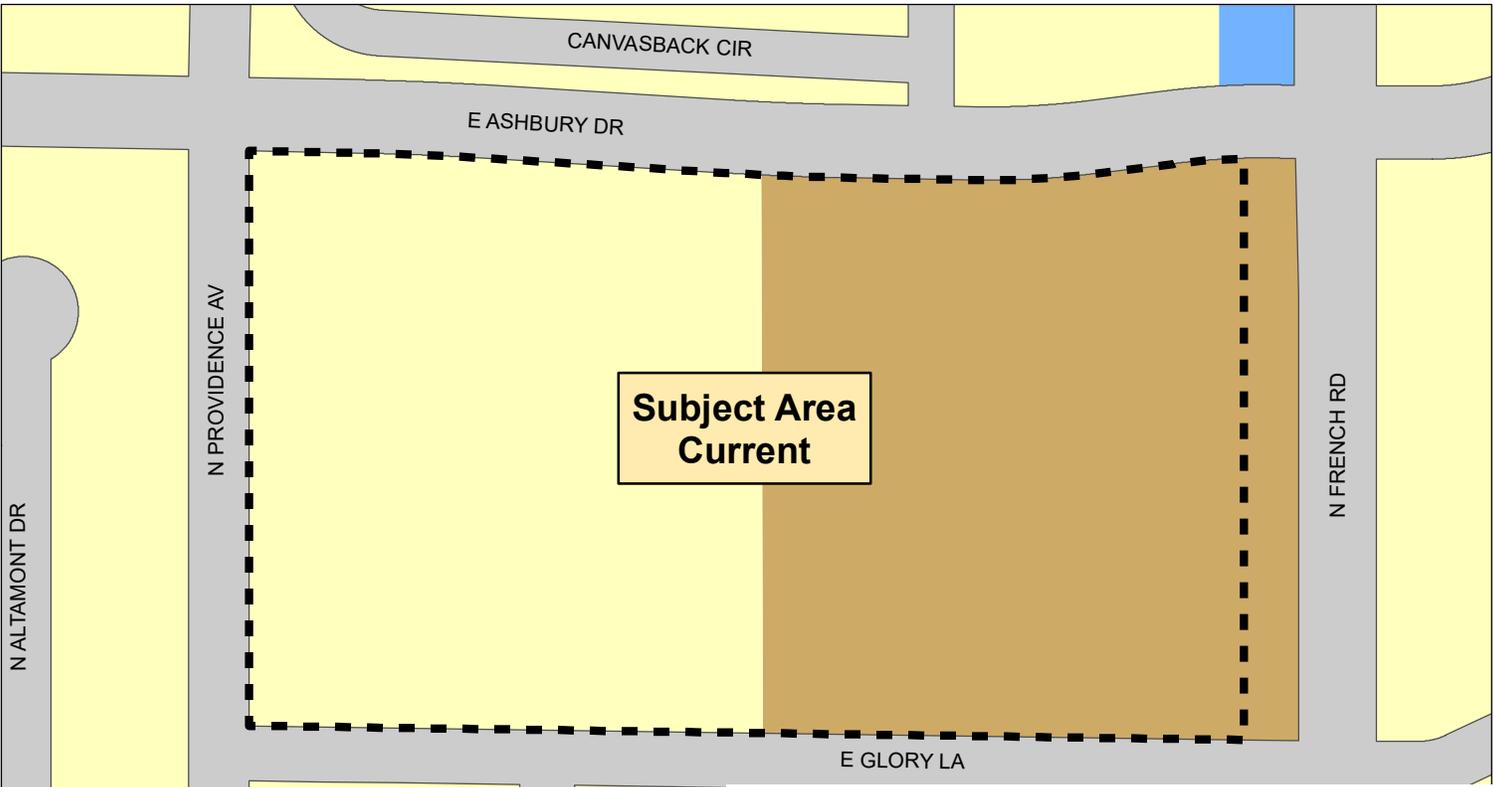
Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

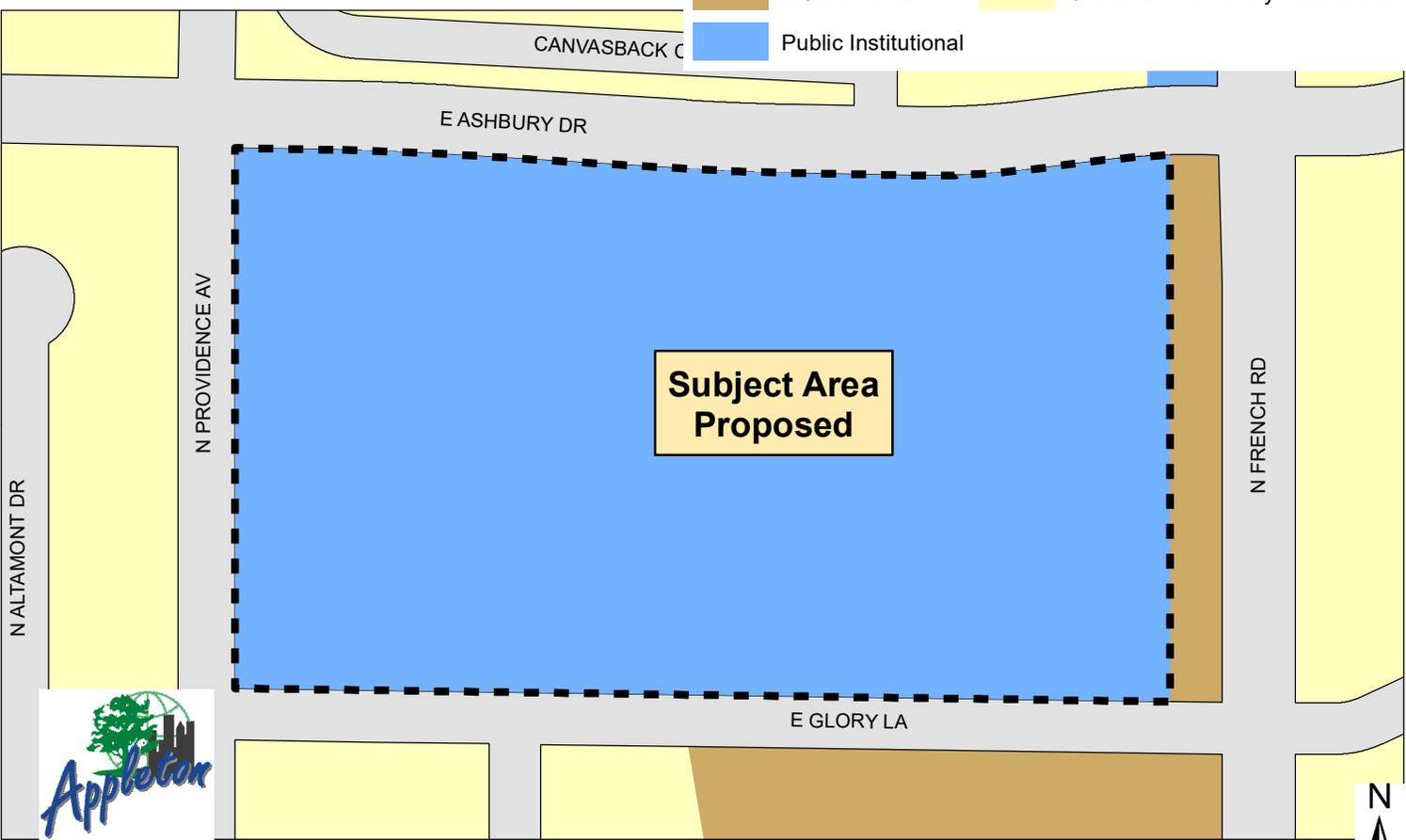
Apostolic Truth Church
Future Land Use Map Amendment
One and Two Family Residential and Multi-Family to Public Institutional



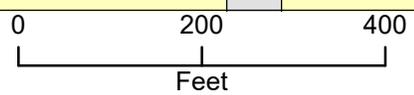
**Subject Area
Current**

Legend

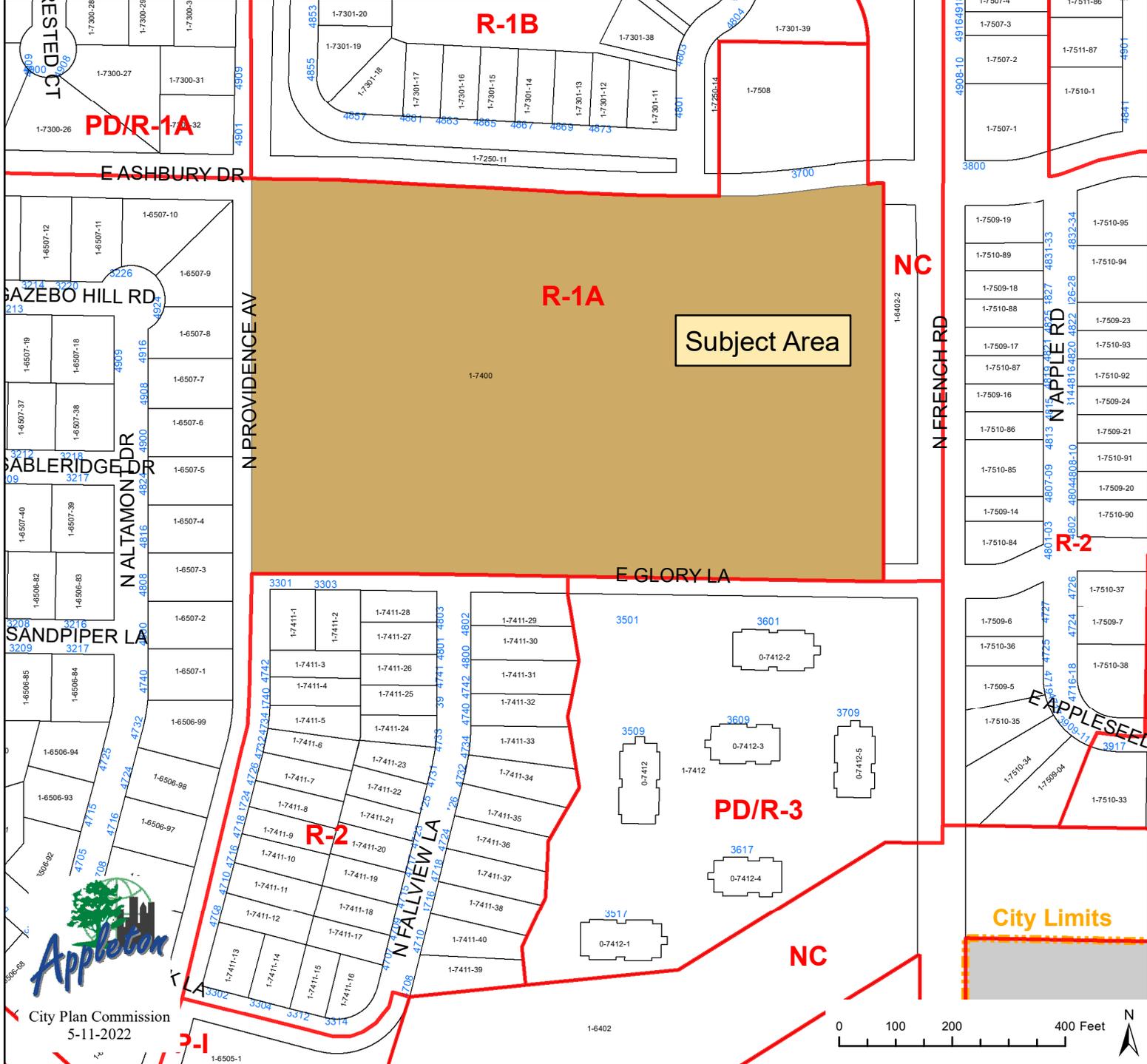
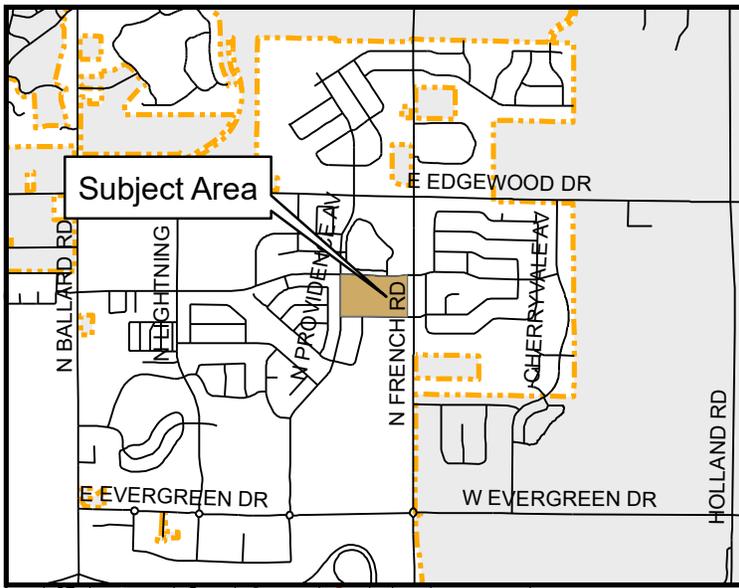
- MULTIFAMILY
- One and Two-Family Residential
- Public Institutional



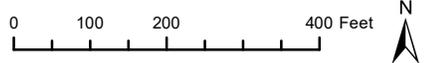
**Subject Area
Proposed**



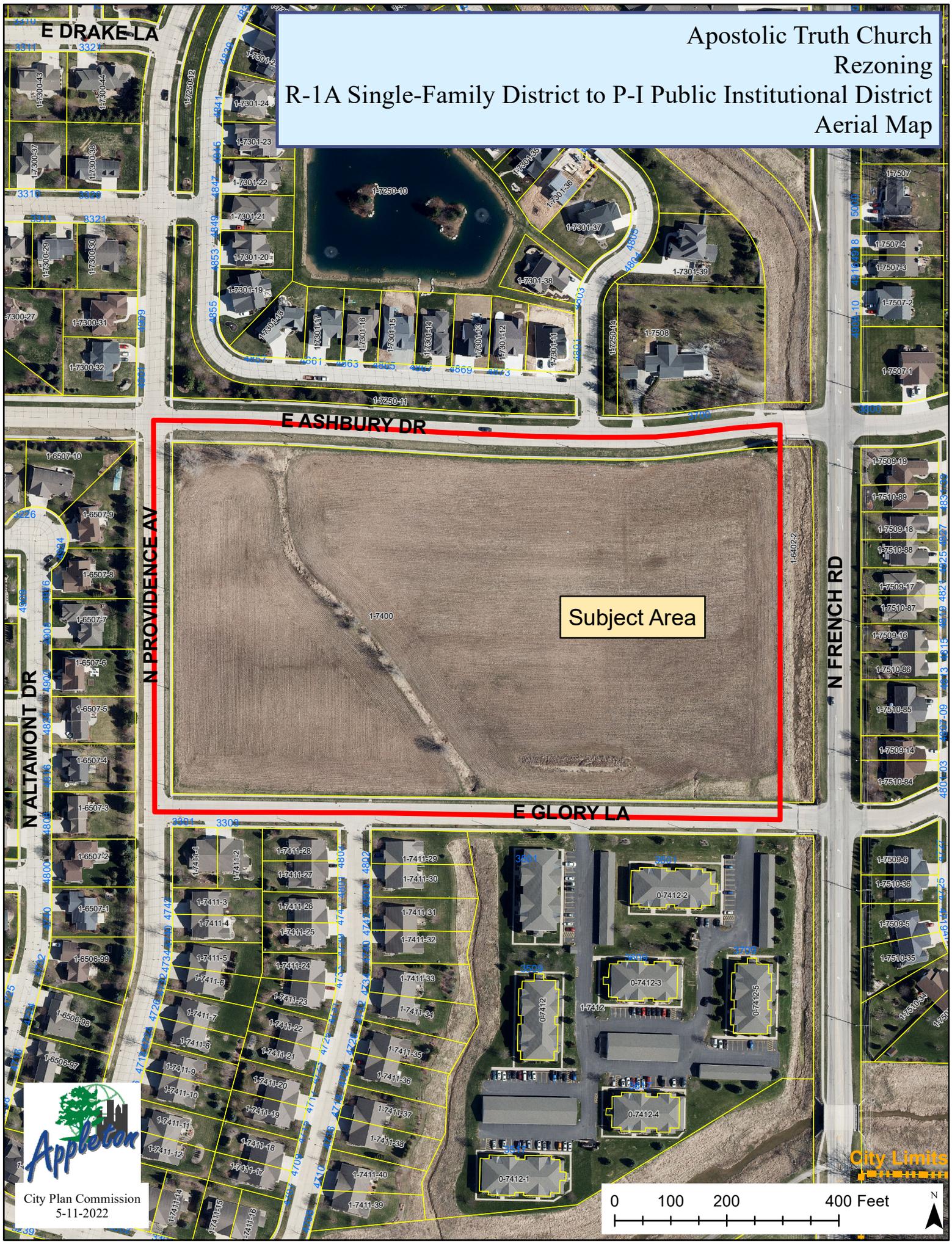
Apostolic Truth Church Rezoning R-1A Single-Family District to P-I Public Institutional District



City Plan Commission
5-11-2022



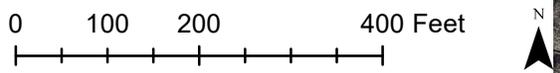
Apostolic Truth Church
Rezoning
R-1A Single-Family District to P-I Public Institutional District
Aerial Map



Subject Area



City Plan Commission
5-11-2022



City Limits



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: May 11, 2022

Common Council Public Hearing Meeting Date: June 15, 2022 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-22 and Rezoning #3-22

Case Managers: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Apostolic Truth Church c/o Sam Al-Saadi

Lot/Parcel: N. French Road (Tax Id #31-1-7400-00)

Petitioner's Request: The applicant is requesting to amend the City's Comprehensive Plan 2010-2030 Future Land Use Map from future One and Two-Family Residential and Multi-Family designations to future Public Institutional designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1A Single-Family District to P-I Public Institutional District. The requests are being made to accommodate construction of a place of worship.

BACKGROUND

The subject area was purchased by the church in 1993 with the intent of using the property for its future place of worship. The rezoning and comprehensive plan amendment would provide a future land use designation that is consistent with the proposed rezoning request and future use of the property.

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

STAFF ANALYSIS

Procedural Findings: When a *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning application are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The subject site is currently undeveloped land. The parcel is approximately 15.37 acres in size. The property has frontage along East Glory Lane, North Providence Avenue and East Ashbury Drive. The City's Arterial/Collector Plan classifies East Ashbury Drive and North Providence Drive as Collector Streets and East Glory Lane as a Local Street.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – R-1A & R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-Family Residential

South: Zoning – R-2 Two -Family District & PD/R-3 Planned Development Multi-Family District
Future Land Use Designation – One and Two-Family Residential and Multi-Family Residential
Current Land Use – Two-Family Residential and Multi-Family Residential

East: Zoning – NC Nature Conservancy District
Future Land Use Designation – Multi-Family Residential
Current Land Use – City of Appleton owned drainage ditch.

West: Zoning – R-1A Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-Family Residential

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the area is necessitating the change to Public/Institutional designation.

The *Comprehensive Plan 2010-2030* does not identify specific locations for future public/institutional uses. However, Chapter 10 states that while public or institutional uses may be located on land designated for any use, certain criteria should guide site selection. At a minimum, the City should consider:

- Compatibility with existing or planned land uses in the area. *The proposed use of the property as a place of worship is consistent with the Public/Institutional Future Land Use designation.*
- Traffic or other impacts and the need for utilities. *The subject area is served by existing infrastructure, and the proposed Public/Institutional designation should not have a significant impact on traffic.*
- Scale of the proposed use (buildings, etc.) in comparison to existing or planned neighboring uses. *The Future Land Use Map Amendment request is being made to accommodate a potential future place of worship. Plans have not been provided at this point; however, any development will need to adhere to zoning code requirements in regards to setbacks, lot coverage and landscape buffering.*
- Whether the proposed location may be better suited to other uses (such as commercial or employment-related) that may be needed to serve the neighborhood or provide a proportionally greater benefit to the community as a whole. *The Future Land Use Map Amendment request is being made to serve the needs of a place of worship that will serve the surrounding neighborhood and community, Apostolic Truth Church.*

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic

Future Land Use Map Amendment #2-22 & Rezoning #3-22

May 11, 2022

Page 3

development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

Proposed Zoning Classification: The P-I Public Institutional District is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties. The development standards for the P-I District are listed below:

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

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to accommodate construction of a future place of worship for Apostolic Truth Church. A place of worship, including its accessory uses, are permitted uses in the P-I Public Institutional District. Any future development would need to conform to the P-I District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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.

Future Land Use Map Amendment #2-22 & Rezoning #3-22

May 11, 2022

Page 4

- 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. *If Future Land Use Map Amendment #2-22 is approved, to identify this area for future public/institutional uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *The proposed rezoning will allow for the construction of a place of worship. Proposed setbacks and parking lot landscape buffers will be reviewed in accordance with the Zoning Code requirements at the time of Site Plan review. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #2-22 is approved.

Technical Review Group (TRG) Report: These items were discussed at the February 1, 2022 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-22 for the property located on N. French Road (Tax Id. #31-1-7400-00) from the One and Two-Family Residential and Multi-Family designations to the Public/Institutional designation and resolution, **BE APPROVED**; and

Future Land Use Map Amendment #2-22 & Rezoning #3-22

May 11, 2022

Page 5

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-22 to rezone the subject parcel located on N. French Road (Tax Id. #31-1-7400-00) from R-1A Single-Family District to P-I Public Institutional District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED.**

NOTE: If approved, Rezoning #3-22 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-22 to accurately reflect the change in future land use from One and Two-Family Residential and Multi-Family Residential designations to the Public/Institutional designation.

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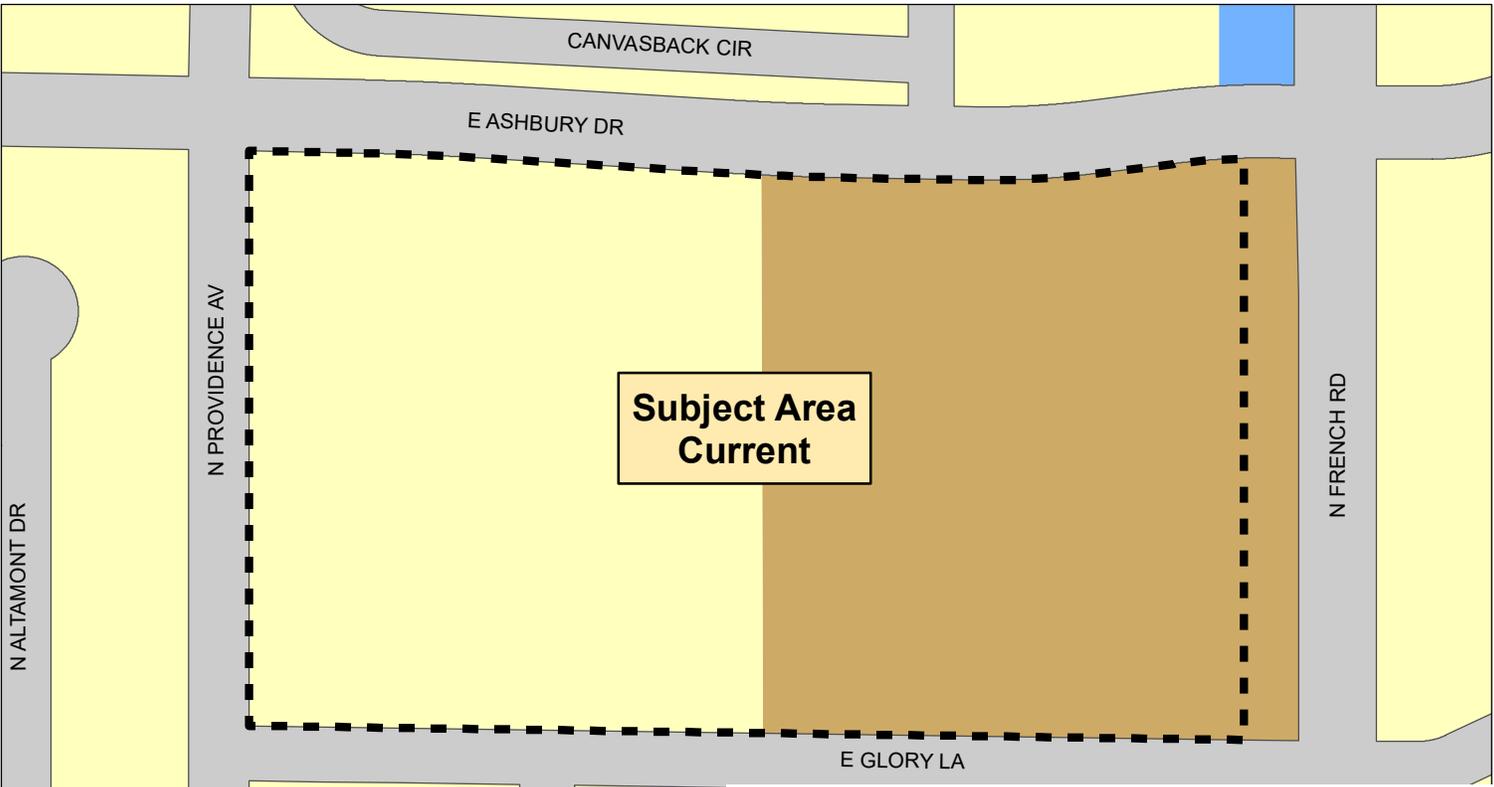
Adopted this _____ day of _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

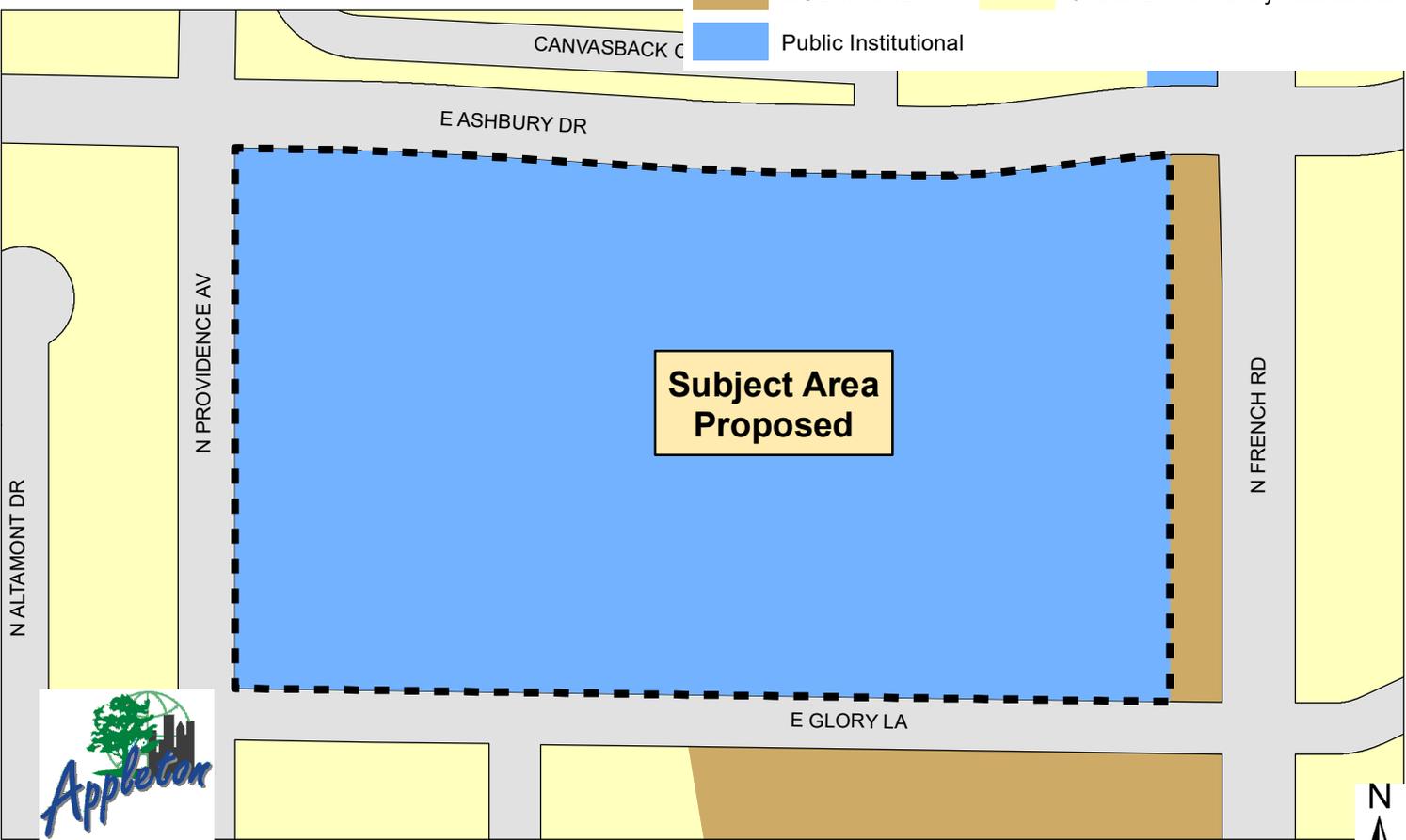
Apostolic Truth Church
Future Land Use Map Amendment
One and Two Family Residential and Multi-Family to Public Institutional



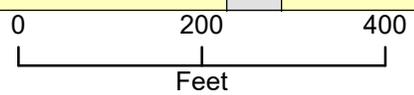
**Subject Area
Current**

Legend

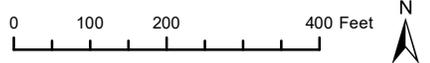
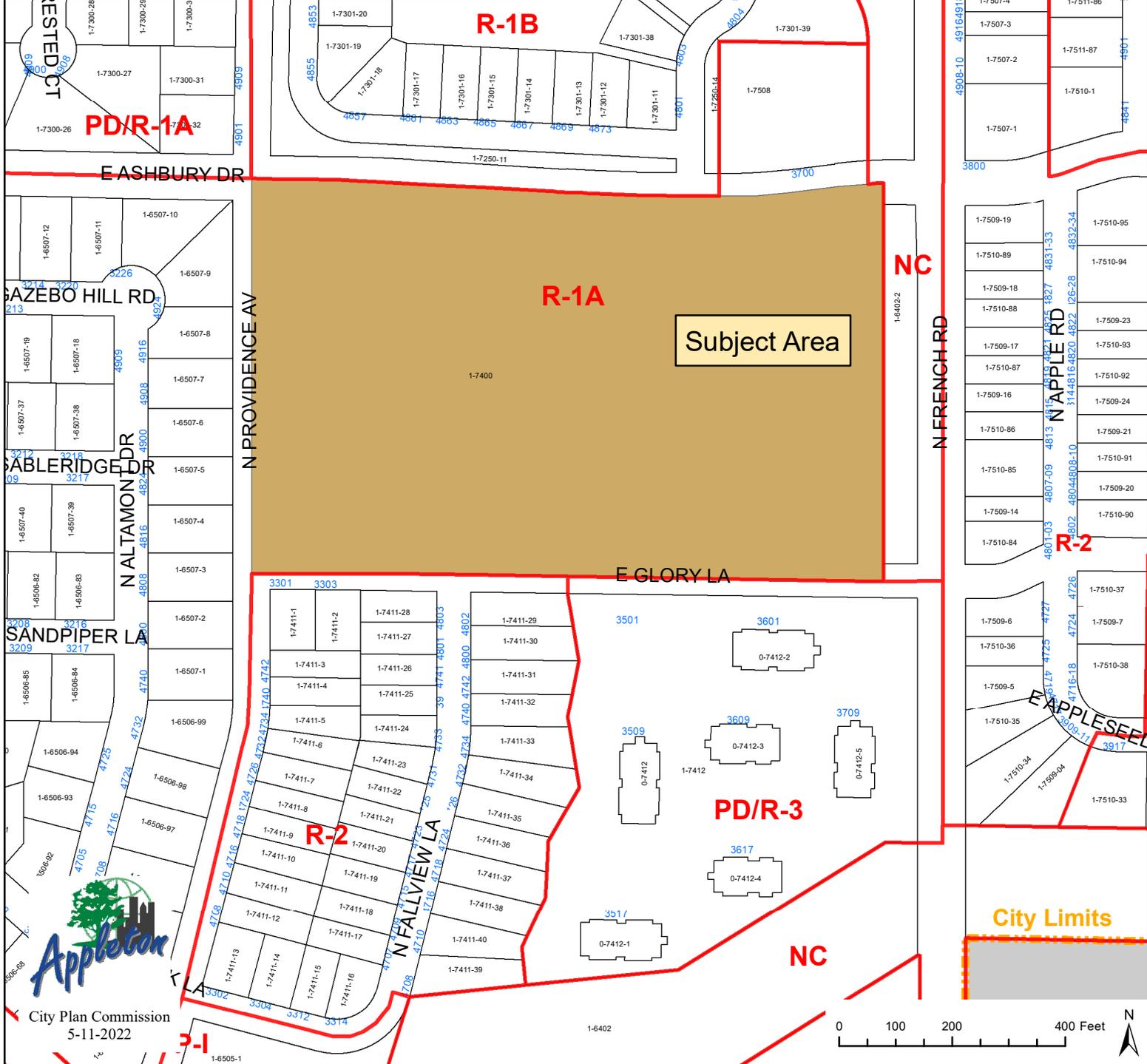
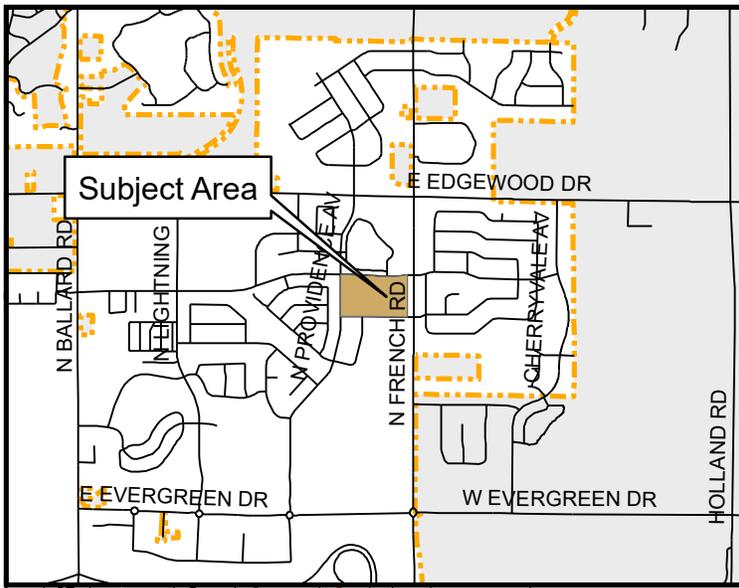
- MULTIFAMILY
- One and Two-Family Residential
- Public Institutional



**Subject Area
Proposed**



Apostolic Truth Church Rezoning R-1A Single-Family District to P-I Public Institutional District



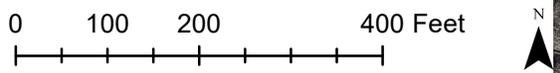
Apostolic Truth Church
Rezoning
R-1A Single-Family District to P-I Public Institutional District
Aerial Map



Subject Area



City Plan Commission
5-11-2022



City Limits



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 11, 2022

Common Council Meeting Date: May 18, 2022

Item: Dedication of Public Right-of-Way for North Lightning Drive

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: City of Appleton c/o Tom Kromm, Department of Public Works

Location: The subject site is located north of existing North Lightning Drive.

Petitioner's Request: The applicant is requesting a dedication of land for public right-of-way for North Lightning Drive.

BACKGROUND

On October 13, 2021, the Plan Commission recommended approval of the North Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation.

On November 8, 2021, this segment of North Lightning Drive was annexed to the City.

This segment of North Lightning Drive was rezoned from Temporary Agricultural (AG) to P-I Public Institutional District pursuant to Rezoning #11-21.

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

STAFF ANALYSIS

Public Right-of-Way Dedication: The owner/applicant has submitted a Certified Survey Map (CSM) to dedicate the subject area (3.865 acres) for public roadway purposes. The CSM, currently under review by staff, is subject to the acceptance of the public right-of-way dedication by Plan Commission and Common Council.

Street Classification and Width: North Lightning Drive is classified as a collector street on the City's Arterial/Collector Plan. The right-of-way width for this portion of North Lightning Drive will be 70 feet wide.

Dedication of Public Right-of-Way – North Lightning Drive
May 11, 2022
Page 2

Surrounding Zoning Classification and Land Uses:

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

South: City of Appleton. P-I Public Institutional District, the adjacent land use to the south is currently developed as single-family residential, agricultural buildings, and undeveloped land.

West: City of Appleton. P-I Public Institutional District, future stormwater pond.

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

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

Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as Officially Mapped Lightning Drive, Mixed Use, Public Institutional, One/Two Family Residential and Agricultural/Private Open Space. The proposed dedication is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Goal 4 – Transportation

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

OBJECTIVE 6.1 Transportation:

Plan for the safe and efficient movement of vehicles on local and regional roads.

OBJECTIVE 6.8 Transportation:

Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

Technical Review Group (TRG) Report: This item appeared on the April 19, 2022 TRG Agenda. No negative comments were received from participating departments.

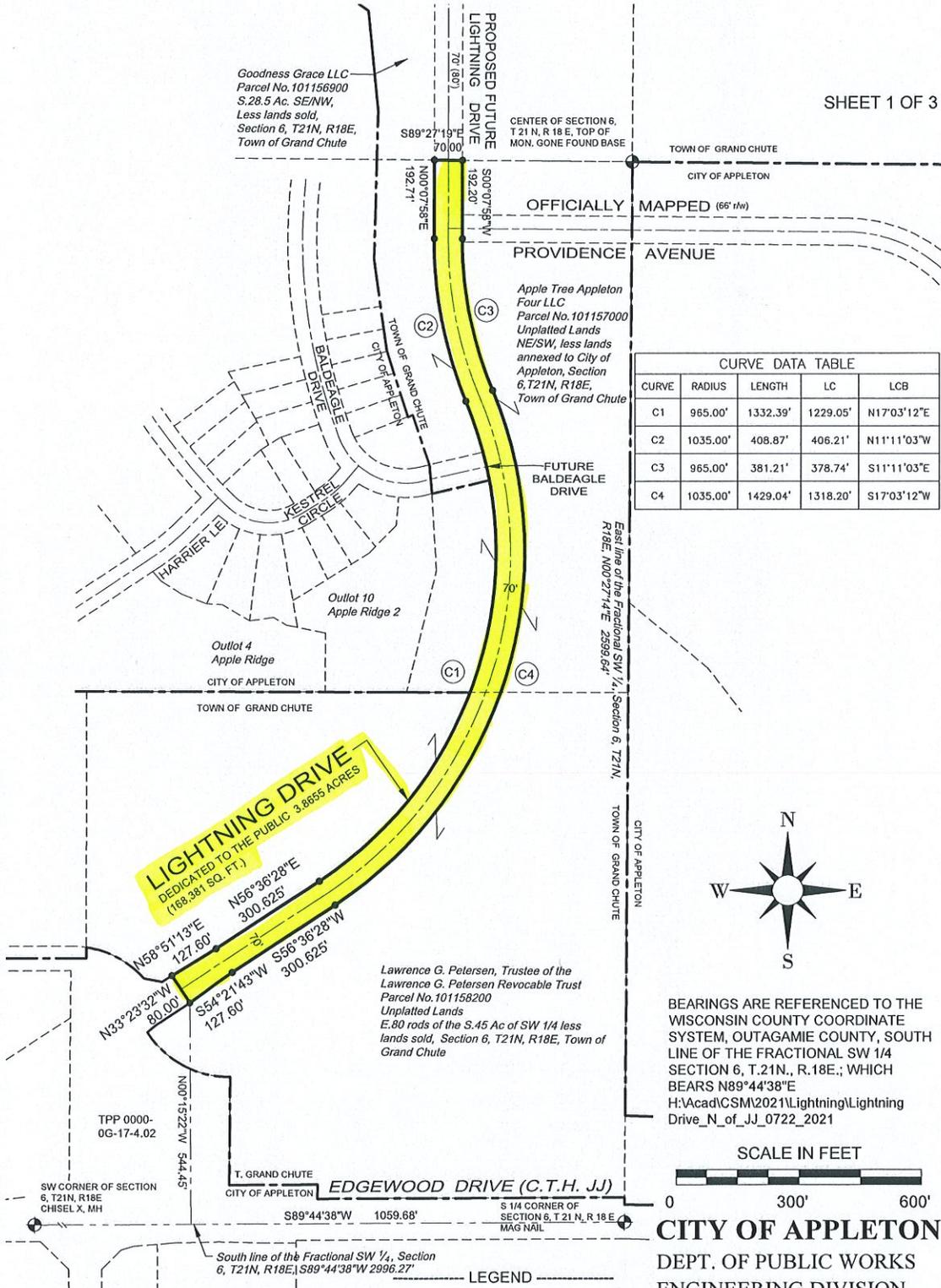
RECOMMENDATION

Staff recommends the dedication of land for public right-of-way for North Lightning Drive, as shown on the attached map, **BE APPROVED**.

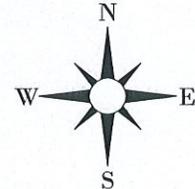
CERTIFIED SURVEY MAP NO. _____

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

SHEET 1 OF 3



CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	965.00'	1332.39'	1229.05'	N17°03'12"E
C2	1035.00'	408.87'	406.21'	N11°11'03"W
C3	965.00'	381.21'	378.74'	S11°11'03"E
C4	1035.00'	1429.04'	1318.20'	S17°03'12"W



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL SW 1/4 SECTION 6, T.21N., R.18E.; WHICH BEARS N89°44'38"E
 H:\Acad\CSM\2021\Lightning\Lightning Drive_N_of_JJ_0722_2021



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM

- LEGEND**
- = 3/4" Iron Rebar Found
 - ▲ = 1.3" O.D. Iron Pipe Found
 - ✕ = 3/4" Iron Rebar Found
 - ⊕ = Government Corner
 - () = Measurements of Record

CERTIFIED SURVEY MAP NO. _____

Part of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

SURVEYOR'S CERTIFICATE:

SHEET 2 OF 3

Part of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 3.8655 Acres (168,381 sq. ft.) of land and being described by:

Commencing at the Southeast corner of said Section 6;
Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW ¼ of said Section 6;
Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office and being the point of beginning;
Thence North 33°23'32" West 80.00 feet coincident with a Northeast line of said Transportation Project Plat No: 0000-0G-17-4.02;
Thence North 58°51'13" East 127.60 feet;
Thence North 56°36'28" East 300.625 feet;
Thence Northerly 1332.39 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears North 17°03'12" East 1229.05 feet;
Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears North 11°11'03" West 406.21 feet;
Thence North 00°07'58" East 192.71 feet to the North line of the SW ¼ of said Section 6;
Thence South 89°27'19" East 70.00 feet along the North line of the SW ¼ of said Section 6;
Thence South 00°07'58" West 192.20 feet;
Thence Southerly 381.21 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears South 11°11'03" East 378.74 feet;
Thence Southerly 1429.04 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears South 17°03'12" West 1318.20 feet;
Thence South 56°36'28" West 300.625 feet;
Thence South 54°21'43" West 127.60 feet to the point of beginning.
Said lands subject to all easements and restrictions of record.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying, dividing and mapping the same. That this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

Dated this ____ day of _____, 2022.

Wisconsin Professional Land Surveyor: Thomas M. Kromm

This Certified Survey Map is all of tax parcel: N/A.

This Certified Survey Map is Zoned P-I.

This Certified Survey Map is contained within the property described in the following recorded instrument:

Document No.2241433 and 2243173.

The property owner of record is the City of Appleton.

