



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda City Plan Commission

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

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Monday, March 23, 2015

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

**15-440** City Plan Minutes from 2-23-15

Attachments: [City Plan Minutes 2-23-15.pdf](#)

#### 4. Public Hearings/Appearances

**15-442** The street discontinuance to vacate a portion of North Douglas Street public right-of-way between N. Badger Avenue and W. Winnebago Street (Associated with Action Item #15-441)

**15-444** Rezoning #1-15 to rezone the subject vacated North Douglas Street public right-of-way, between N. Badger Avenue and W. Winnebago Street, from R-1B Single-Family District to P-I Public Institutional District (Associated with Action Item #15-443)

**15-445** Rezoning #2-15 to rezone the subject site located north of East Evergreen Drive and east of North Lightning Drive (Tax ID #31-1-6504-01, #31-1-6404-00, #31-1-6404-01, #31-1-6405-00, #31-1-6406-00, #31-1-6407-00, and #31-1-6408-00) from AG Agricultural District, C-O Commercial Office District, and R-1A Single-Family District to R-3 Multi-Family District and C-O Commercial Office District, including to the midpoint of the adjacent road right-of-way (Associated with Action Item #15-446)

#### 5. Action Items

- 15-441** Request to approve the street discontinuance to vacate a portion of North Douglas Street public right-of-way between N. Badger Avenue and W. Winnebago Street, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution

**Attachments:** [N Douglas Street Vacation Part 2 Staff Review.pdf](#)

- 15-443** Request to approve Rezoning #1-15 to rezone the subject vacated North Douglas Street public right-of-way, between N. Badger Avenue and W. Winnebago Street, from R-1B Single-Family District to P-I Public Institutional District as shown on the attached maps

**Attachments:** [Rezoning #1-15 Staff Review.pdf](#)

- 15-446** Request to approve Rezoning #2-15 to rezone the subject site located north of East Evergreen Drive and east of North Lightning Drive (Tax ID #31-1-6504-01, #31-1-6404-00, #31-1-6404-01, #31-1-6405-00, #31-1-6406-00, #31-1-6407-00, and #31-1-6408-00) from AG Agricultural District, C-O Commercial Office District, and R-1A Single-Family District to R-3 Multi-Family District and C-O Commercial Office District, including to the midpoint of the adjacent road right-of-way and as shown on the attached map

**Attachments:** [StaffReport\\_EvergreenLightning\\_Rezoning\\_For03-23-15.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  
[www.appleton.org](http://www.appleton.org)

## 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.*

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Monday, February 23, 2015

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

**Meeting called to order at 4:01 p.m.**

2. Roll call of membership

**Present:** 7 - Dukelow, Carpiaux, Priddis, Mayor Hanna, Buetow, Uslabar and Alderperson Lobner

*Others present:  
Jeff Schultz, Martenson & Eisele*

3. Approval of minutes from previous meeting

[15-312](#) City Plan Minutes from 2-9-15

**Attachments:** [City Plan Minutes 2-9-15.pdf](#)

**Alderperson Lobner moved, seconded by Carpiaux, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 7 - Dukelow, Carpiaux, Priddis, Mayor Hanna, Buetow, Uslabar and Alderperson Lobner

4. Public Hearings/Appearances

5. Action Items

[15-313](#) Request to approve the Resolution authorizing the preparation and filing of a Project Plan Modification to Appleton Redevelopment Project Plan No. 21 that reflects the current zoning of the plan area

**Attachments:** [Union Square Apartments - Redev Project Plan 21 Amendment - Memo with Signed Doc.pdf](#)

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

**Aye:** 7 - Dukelow, Carpiaux, Priddis, Mayor Hanna, Buetow, Uslabar and Alderperson Lobner

[15-314](#)

Request to approve the Second Addition to Emerald Valley Preliminary Plat subject to the attached conditions

**Attachments:** [2nd Add Emerald Valley Pre Plat Staff Review.pdf](#)

**Alderperson Lobner moved, seconded by Carpiaux, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 7 - Dukelow, Carpiaux, Priddis, Mayor Hanna, Buetow, Uslabar and Alderperson Lobner

[15-315](#)

Request to approve the municipal boundary line between the City of Appleton and the Village of Little Chute be adjusted to reflect the boundary line shown on the attached map identified as Exhibit pursuant to the Intergovernmental Cooperation Agreement and the attached stipulation

**Attachments:** [Municipal Boundary Line Adjust Staff Review.pdf](#)

**Alderperson Lobner moved, seconded by Dukelow, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 7 - Dukelow, Carpiaux, Priddis, Mayor Hanna, Buetow, Uslabar and Alderperson Lobner

**6. Information Items**

**7. Adjournment**

**Uslabar moved, seconded by Carpiaux, that the meeting be adjourned at 4:10 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 7 - Dukelow, Carpiaux, Priddis, Mayor Hanna, Buetow, Uslabar and Alderperson Lobner



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Public Hearing Date:** March 23, 2015

**Municipal Services Committee Meeting Date:** March 24, 2015

**Common Council Meeting Date-Initial Resolution:** April 1, 2015

**Common Council Meeting Date - Public Hearing Date (40 day waiting period):** May 20, 2015

**Item:** Street Discontinuance to vacate a portion of North Douglas Street between North Badger Avenue and West Winnebago Street

### GENERAL INFORMATION

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

**Street Name/Location:** Portion of North Douglas Street, generally located between North Badger Avenue and West Winnebago Street

**Owner/Applicant's Request:** Street Discontinuance to vacate a portion of North Douglas Street between North Badger Avenue and West Commercial Street

### BACKGROUND

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In 2015, North Badger Avenue is scheduled for reconstruction. As part of the North Badger Avenue reconstruction project, it was determined the existing street improvements (street pavement, curb, and gutter) for this portion of North Douglas Street between North Badger Avenue and West Winnebago Street will be removed and replaced with grass.

### STAFF ANALYSIS

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**Title to Vacated Street:** As a result, when vacated, the land must revert to its original source, which in this case is parcel number 31-5-0108-00 located to the west of the proposed vacation. Consequently, title to the street being vacated will belong to the adjoining property owner and will acquire an ownership interest in land vacated as shown on the attached map.

**Zoning Classification:** Rezoning #1-15 to change the current Official Zoning Map for the portion of North Douglas Street being discontinued (vacated) from R-1B Single Family District to P-I Public Institutional District is also being presented at this March 23, 2015 Plan Commission meeting. The purpose of the rezoning request is to ensure that the zoning classification of the subject vacated right-of-way matches the zoning classification of the adjacent property located at 1620 West Winnebago Street (parcel number 31-5-0108-00).

**Existing Public Utilities:** The City will maintain a utility easement for all existing utilities which may exist within the entire width of the vacated area.

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

**Item: Street Vacation - North Douglas Street**

**March 23, 2015**

**Page 2**

**Street Classification:** The City's Arterial/Collector Plan Map identifies this portion of North Douglas Street as a local street.

**Surrounding Zoning and Land Uses:**

North: R-1B, Single Family District – Single-family residential  
South: R-1B, Single Family District – Single-family residential  
East: R-1B, Single Family District – Single-family residential  
West: P-I, Public Institutional District – Place of Worship

**2010-2030 Comprehensive Plan:** The City of Appleton 2010-2030 Comprehensive Plan identifies this area for future single/two family uses.

**Technical Review Group Report (TRG):** This item was discussed at the March 3, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

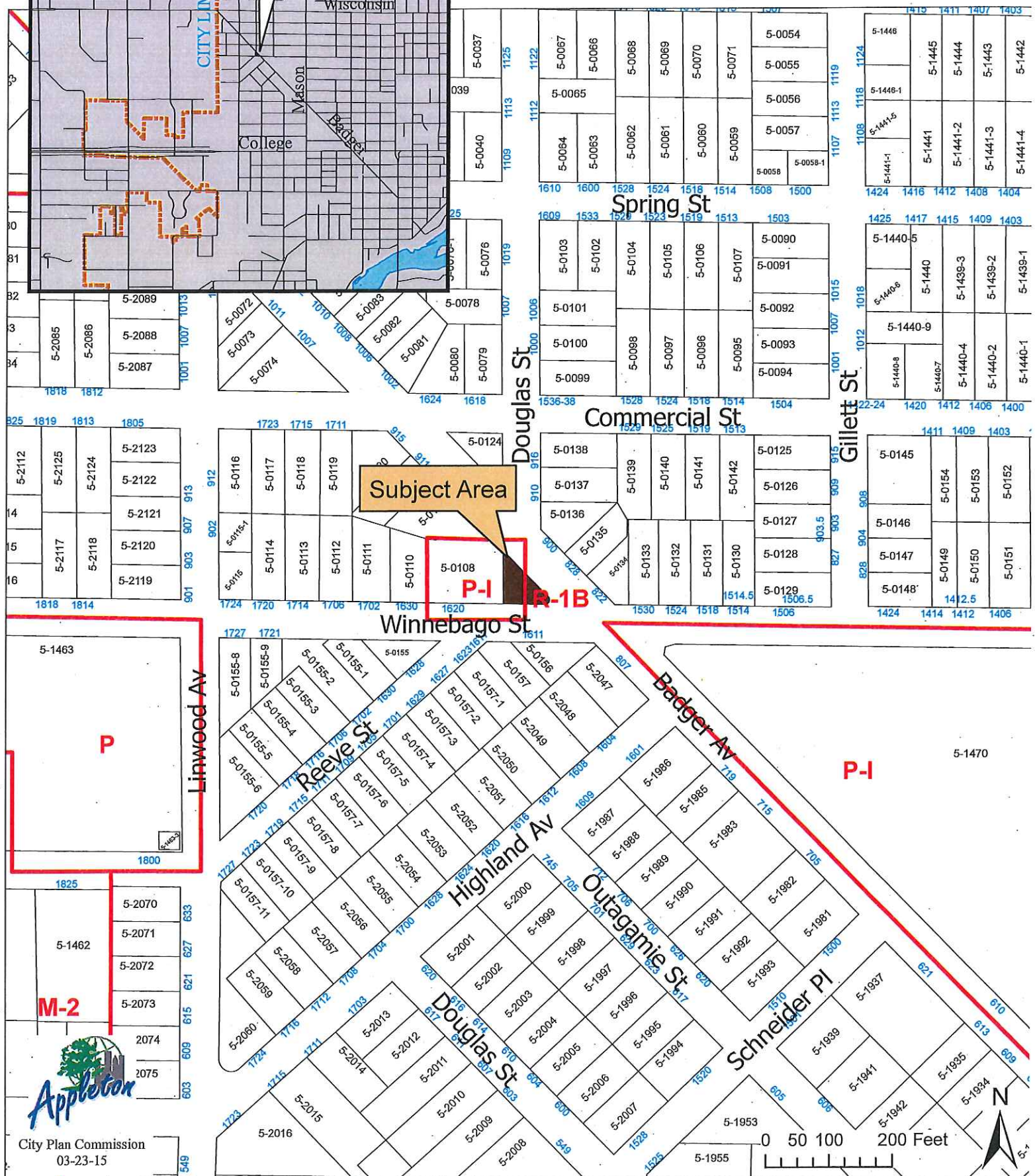
- The purpose of vacating this portion of North Douglas Street is to simplify intersection configurations, eliminate several potential vehicle conflict points, and eliminate street maintenance costs for the portion of street being vacated.

**RECOMMENDATION**

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



Subject  
Area



## ***INITIAL RESOLUTION***

**WHEREAS**, the public interest requires that a portion of North Douglas Street, that has not previously been vacated, be vacated and discontinued,

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

### **LEGAL DESCRIPTION:**

All of a triangular shaped portion of land being a part of Douglas Street, Badger Avenue and or Winnebago Street:

Bounded on the West by Lots 1 and 2, Block 8, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;

Bounded on the Northeast by the Southeasterly extension of Badger Avenue;

Bounded on the South by the Easterly extension of the North line of Winnebago Street, all being located in the NW ¼ of the NW ¼ of Section 27, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 3,429 square feet of land m/l and being further described by:

Commencing at the Southeast corner of Lot 2 of said Block 8 said point also being on the West line of Douglas Street and the North line of Winnebago Street and being the point of beginning;

Thence N.00°24'05"W. 84.04 feet (recorded as 84.2 feet), along the West line of Douglas Street to the Southeasterly line of said Badger Avenue and also being a Northeastly corner of Lot 1 of said Block 10;

Thence S.44°25'16"E. 102.50 feet, along the Southeasterly extension of the Southwesterly line of said Badger Avenue;

Thence Southeasterly, Southerly and Southwesterly 16.535 feet along the arc of a curve to the right, having a radius of 7.00 feet and the chord of which bears S.23°14'58"W. 12.95 feet, to the Easterly extension of the North line of Winnebago Street;

Thence N.89°04'48"W. 66.05 feet along said extension to the Southeast corner of lot of said Block 8, to the point of beginning.

See also attached Exhibit Map for illustration.

### **EASEMENTS**

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

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



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

**COMMON DESCRIPTION:**

North Douglas Street – South of Badger Avenue and north of Winnebago Street

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

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

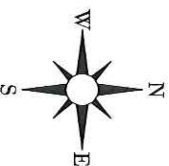
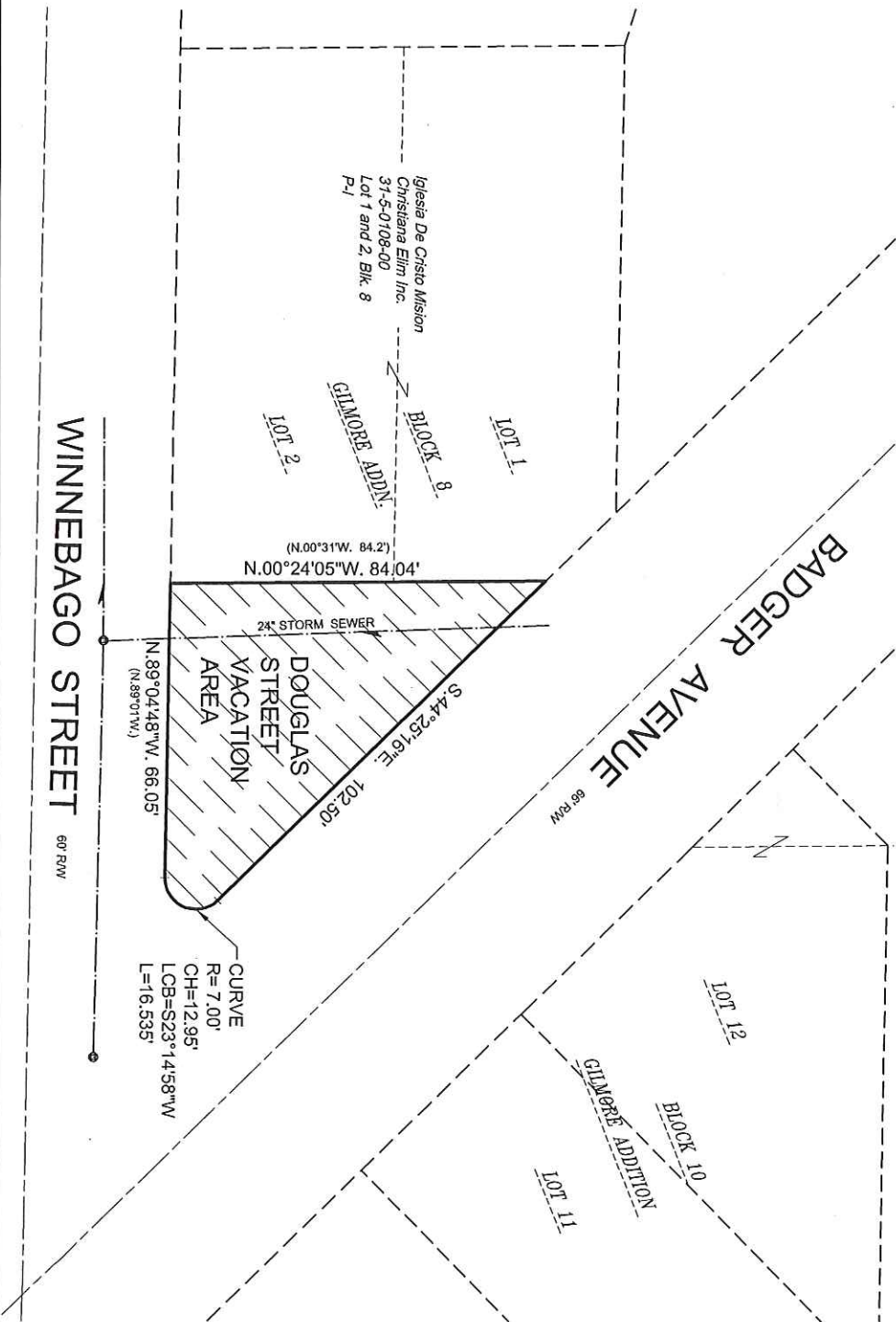
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Date

J:\Attorney\WORD\VACATION\Douglas Street (North) 2015\  
North Douglas St - Initial Resolution - March 2015.doc

# STREET VACATION

PART OF DOUGLAS STREET, BADGER AVENUE AND OR WINNEBAGO STREET LYING ADJACENT TO BLOCKS 8, GILMORE'S ADDITION, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON, LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 27, T.21N., R.17E., CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF THE NW 1/4 OF SECTION 27-21-17 RECORDED AS S.69°01'30\"/>

SCALE IN FEET



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



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Public Hearing Date:** March 23, 2015

**Common Council Public Hearing Meeting Date:** May 20, 2015

**Item:** Rezoning #1-15 – North Douglas Street vacated right-of-way south of Badger Avenue and north of Winnebago Street

**Case Manager:** Don Harp

### GENERAL INFORMATION

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

**Street Name/Location:** Portion of North Douglas Street, generally located between North Badger Avenue and West Winnebago Street

**Owner/Applicant's Request:** The owner/applicant is requesting a zoning change for the subject vacated right-of-way from R-1B Single Family District to P-I Public Institutional District.

### BACKGROUND

In 2015, North Badger Avenue is scheduled for reconstruction. As part of the North Badger Avenue reconstruction project, it was determined the existing street improvements (street pavement, curb, and gutter) for this portion of North Douglas Street between North Badger Avenue and West Winnebago Street will be removed and replaced with grass.

The Street Discontinuance to vacate a portion of North Douglas Street between North Badger Avenue and West Commercial Street is also on this March 23, 2015 Plan Commission agenda.

### STAFF ANALYSIS

**Proposed Zoning Classification:** The purpose the rezoning request is to ensure that the zoning classification of the subject vacated right-of way matches the zoning classification of the adjacent property located at 1620 West Winnebago Street (parcel number 31-5-0108-00). The P-I district is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties.

#### **Surrounding Zoning and Land Uses:**

North: R-1B, Single Family District – Single-family residential  
South: R-1B, Single Family District – Single-family residential  
East: R-1B, Single Family District – Single-family residential  
West: P-I, Public Institutional District – Place of Worship



**Item: Rezoning #1-15 - North Douglas Street vacated right-of-way**  
**March 23, 2015**  
**Page 2**

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future single/two family land uses. It is important to note, the *Comprehensive Plan 2010-2030* does not identify specific locations for future public/institutional uses. The following goals set forth in the comprehensive plan are relevant to this rezoning.

*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.*

**Technical Review Group Report (TRG):** This item was discussed at the March 3, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

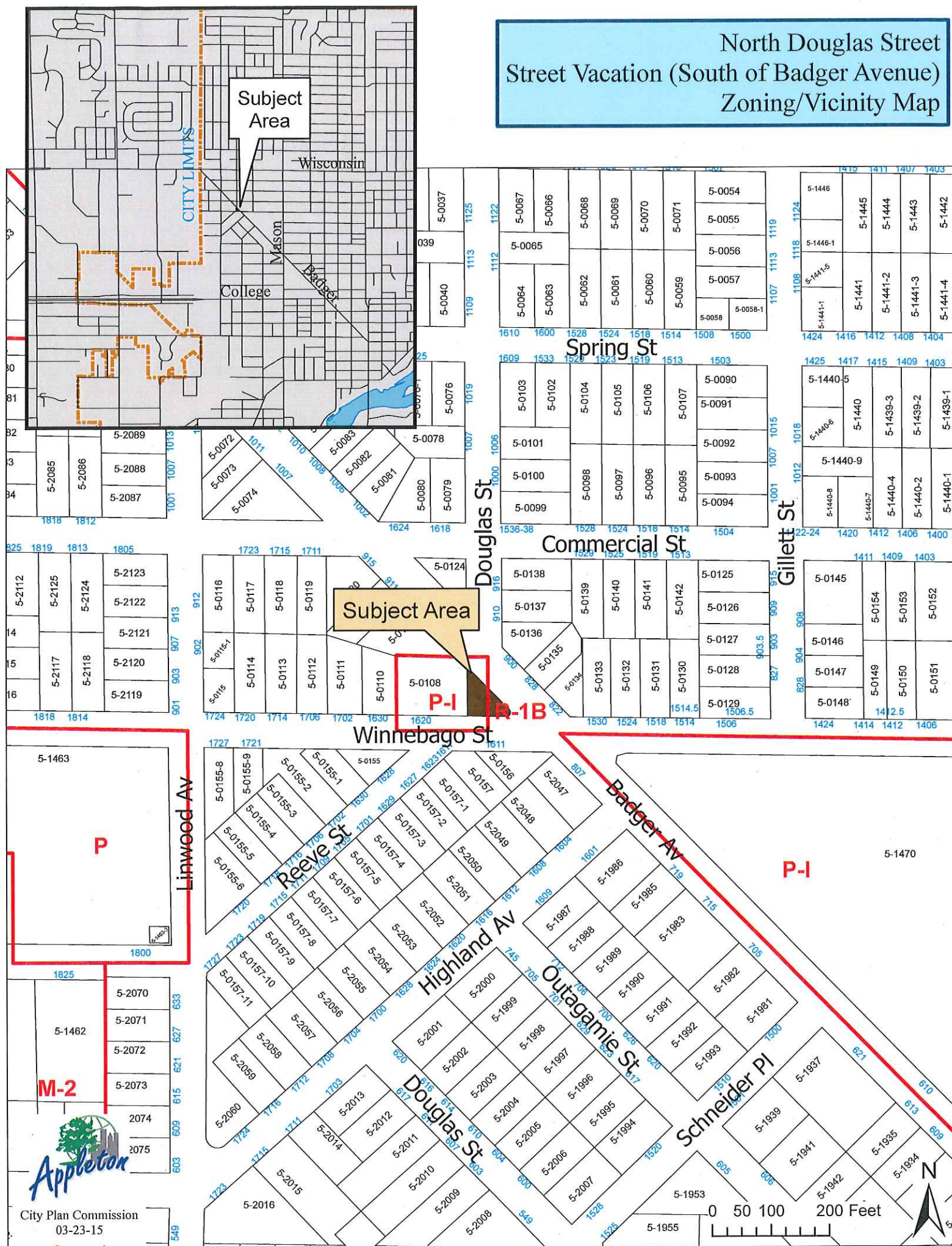
**RECOMMENDATION**

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Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-15 to rezone the subject vacated right-of-way from R-1B Single Family District to P-I Public Institutional District as shown on the attached maps, **BE APPROVED.**

*Note: The public hearing for Rezoning #1-15 will be scheduled for the May 20, 2015 Common Council meeting, same as the North Douglas Street Vacation (South of Badger Avenue).*

North Douglas Street  
Street Vacation (South of Badger Avenue)  
Zoning/Vicinity Map











## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** March 23, 2015

**Common Council Public Hearing Meeting Date:** April 22, 2015 (Public Hearing on Rezoning)

**Item:** Rezoning #2-15 – East Evergreen Drive

**Case Manager:** David Kress

### GENERAL INFORMATION

**Owner:** North Meadows Investments, LTD

**Applicant:** Newmark Grubb Pfefferle c/o Tom Scheuerman

**Address/Parcel #:** North of East Evergreen Drive and east of North Lightning Drive (Tax Id #31-1-6504-01, #31-1-6404-00, #31-1-6404-01, #31-1-6405-00, #31-1-6406-00, #31-1-6407-00, and #31-1-6408-00)

**Petitioner's Request:** The applicant is requesting a Rezoning to change the Zoning Map from the AG Agricultural District, C-O Commercial Office District, and R-1A Single-Family District to R-3 Multi-Family District and C-O Commercial Office District for the subject parcels. The request is being made to accommodate future development on the vacant site.

### BACKGROUND

The applicant's site consists of seven lots, totaling 23.379 acres, located on the northeast corner of the East Evergreen Drive and North Lightning Drive intersection. This area was annexed from the Town of Grand Chute in 1990 (AAL Annexation), 1999 (Baumann Annexation), 2000 (Calmes Annexation), and 2013 (North Meadows Annexation). The northern portion of parcel #31-1-6404-00 was rezoned several times since being annexed in 1990, most recently from PD/C-2 Planned Development General Commercial District to C-O Commercial Office District in 2000 (Rezoning #17-00). All other parcels have held the same zoning district since annexation occurred. There were dwellings on parcels #31-1-6504-01 and #31-1-6404-01 from the time of annexation until being razed in 2006 and 2011, respectively.

A two-lot Certified Survey Map (CSM) was submitted in conjunction with the rezoning request to combine and reconfigure the current lots. CSMs are administratively reviewed and approved by City staff.

### STAFF ANALYSIS

**Existing Conditions:** The subject area is currently undeveloped. A wooded area covers roughly half of parcel #31-1-6404-01.

**Proposed Zoning Classifications:** The purpose of the R-3 Multi-Family District is to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses.

The purpose of the C-O Commercial Office District is to provide a buffer between commercial and residential areas by permitting professional or business offices that serve the general public. Stringent setback and landscaping standards required in this district will create a visual screen for adjacent properties.

**Zoning Ordinance Review Criteria:** Based on initial CSM review, the proposed R-3 lot and proposed C-O lot meet the applicable development standards for the R-3 Multi-Family District and C-O Commercial Office District, per Section 23-96(g) and Section 23-111(h) of the Municipal Code.

**Surrounding Zoning Classification and Land Uses:**

North: NC Nature Conservancy District and R-1B Single-Family District. The adjacent land uses to the north are currently a mix of single-family residential and public open space, including the Apple Creek corridor and recreational trail.

South: M-1 Industrial Park District. The adjacent land uses to the south are currently a mix of undeveloped land and business uses, including multi-tenant office buildings.

East: P-I Public Institutional District. The adjacent land uses to the east are currently institutional, including a place of worship and school.

West: C-O Commercial Office District. The adjacent land uses to the west are currently a mix of commercial uses, including multi-tenant office buildings.

**General Information:** A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the desire to reconfigure historic lot lines (via CSM) and market the site for future development prompted the applicant to submit the rezoning request. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, combining and reconfiguring the lots, which are currently in different zoning districts, also necessitates a rezoning.

**Appleton Comprehensive Plan 2010-2030:** Comprehensive Plan Amendment #12-13, which related to the subject site, was approved by Common Council on September 4, 2013. The City of Appleton *Comprehensive Plan 2010-2030* now identifies this area for future commercial and multi-family residential uses. The proposed R-3 Multi-Family District and C-O Commercial Office District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

*Goal 1 – Community Growth*

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

*Goal 3 – Housing Quality and Affordability*

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

*Goal 8 – Economic Development*

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

**OBJECTIVE 5.3 Housing and Neighborhoods:**

*Provide a range of housing styles that meet the needs and appeal to all segments of the community.*

**OBJECTIVE 9.4 Economic Development:**

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

*Policy 9.4.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

**OBJECTIVE 10.1 Land Use:**

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

**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 this 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 (1) 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 and multi-family residential uses.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
  3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.



- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
  2. The effect of the proposed rezoning on surrounding uses. *Commercial / business uses are already located to the south and west of the subject area. The proposed rezoning would allow for similar commercial uses along East Evergreen Drive. Also, multi-family residential uses have recently been developed nearby along North Lightning Drive. The single-family residential uses located to the north are separated from the subject area by the Apple Creek corridor, which is approximately 200 feet wide.*

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

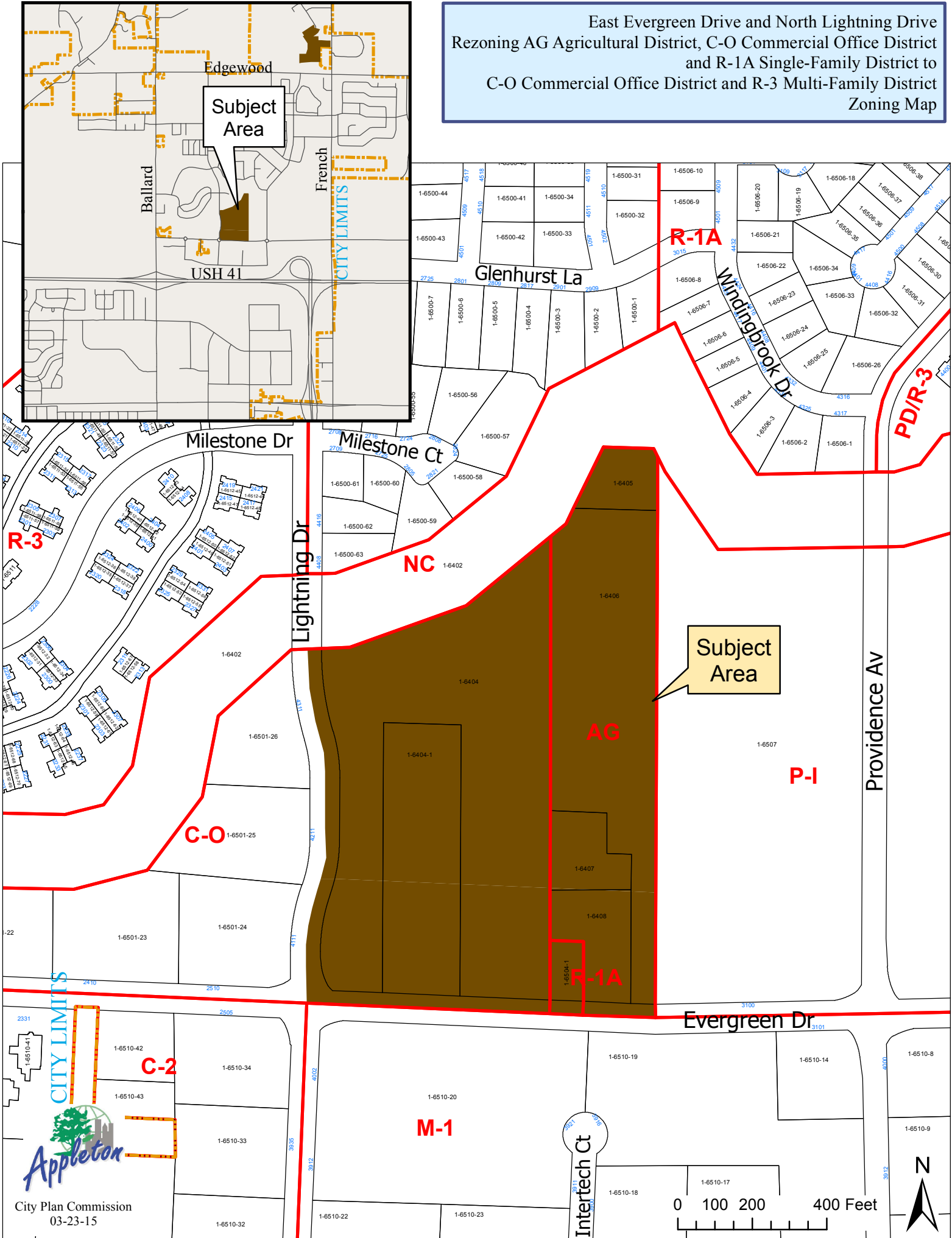
**Technical Review Group (TRG) Report:** This item was discussed at the March 3, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

**Written Public Comments:** Staff has received one letter from Thomas Franklin, 4417 North Windingbrook Drive (see attached).

## **RECOMMENDATION**

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #2-15 to rezone the subject site located at East Evergreen Drive and North Lightning Drive (Tax Id #31-1-6504-01, #31-1-6404-00, #31-1-6404-01, #31-1-6405-00, #31-1-6406-00, #31-1-6407-00, and #31-1-6408-00) from AG Agricultural District, C-O Commercial Office District, and R-1A Single-Family District to R-3 Multi-Family District and C-O Commercial Office District, including to the midpoint of the adjacent road right-of-way and as shown on the attached map, **BE APPROVED.**

East Evergreen Drive and North Lightning Drive  
Rezoning AG Agricultural District, C-O Commercial Office District  
and R-1A Single-Family District to  
C-O Commercial Office District and R-3 Multi-Family District  
Zoning Map

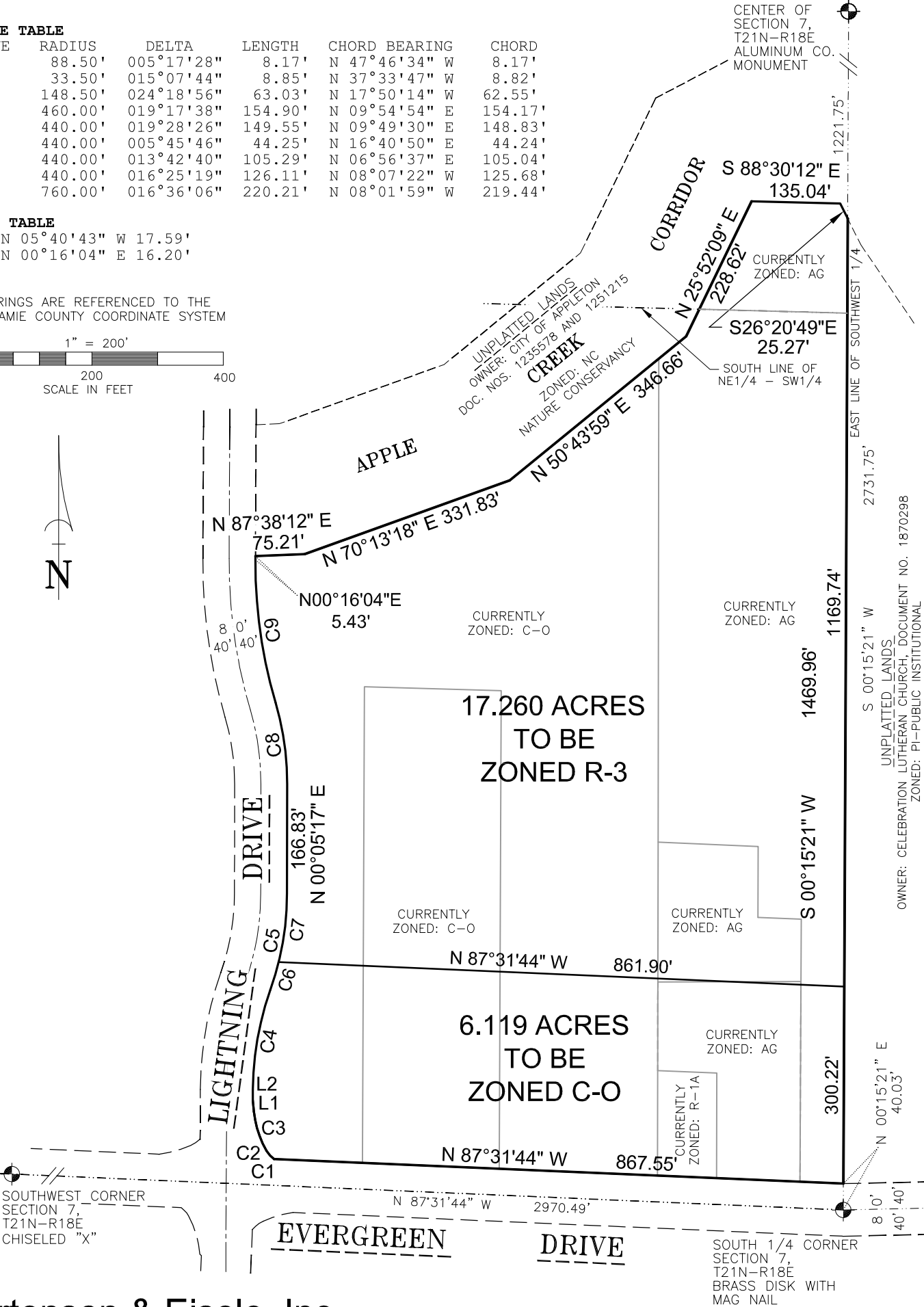
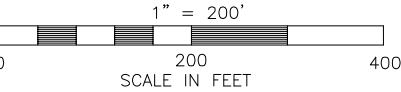


REZONING REFERENCE MAP  
ALL OF CERTIFIED SURVEY MAP NO. 1282, AND PART OF THE  
NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4,  
SECTION 7, TOWNSHIP 21 NORTH, RANGE 18 EAST,  
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
1	88.50'	005°17'28"	8.17'	N 47°46'34" W	8.17'
2	33.50'	015°07'44"	8.85'	N 37°33'47" W	8.82'
3	148.50'	024°18'56"	63.03'	N 17°50'14" W	62.55'
4	460.00'	019°17'38"	154.90'	N 09°54'54" E	154.17'
5	440.00'	019°28'26"	149.55'	N 09°49'30" E	148.83'
6	440.00'	005°45'46"	44.25'	N 16°40'50" E	44.24'
7	440.00'	013°42'40"	105.29'	N 06°56'37" E	105.04'
8	440.00'	016°25'19"	126.11'	N 08°07'22" W	125.68'
9	760.00'	016°36'06"	220.21'	N 08°01'59" W	219.44'

LINE TABLE	
L1	N 05°40'43" W 17.59'
L2	N 00°16'04" E 16.20'

BEARINGS ARE REFERENCED TO THE  
OUTAGAMIE COUNTY COORDINATE SYSTEM



Martenson & Eisele, Inc.



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Planning  
Environmental  
Surveying  
Engineering  
Architecture

PROJECT NO. 1-0119-002  
FILE 1-0119-002rezone.dwg  
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar



4417 N. Windingbrook Dr.  
Appleton, WI 54913  
franklintef@hotmail.com  
March 17, 2015

Mr. David Kress, Principle Planner  
Community and Economic Development  
City Hall  
100 North Appleton St.  
Appleton, WI 54911

RECEIVED

MAR 18 2015

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Dear Mr. Kress,

We recently received notice of a public hearing regarding to re-zoning an Evergreen Drive parcel from Agricultural to R-3 and Commercial. While it strikes me as inevitable and not a problem - no one is going to farm it again - I do have concerns over what happens after re-zoning is a fact, and for good reason.

Last year we were notified of a request by Faith Lutheran Church on Evergreen at Providence Avenue for a variance to add an additional sign larger than allowed by ordinance. I sent a letter questioning

- (1) why a sign exceeding code was necessary,
- (2) why a variance to a necessary and proper ordinance should be granted, and
- (3) why set a precedence of granting variances when no burden exists in conforming to the ordinance?

The variance was apparently granted and Faith Lutheran erected one sign larger than code and a second sign conforming to code. Faith already had one sign. With the addition of two new signs, they now have three signs.

The ordinance clearly limits Faith to two signs total. The ordinance is not being enforced.

(d) **Places of worship and nursing home exceptions.** Places of worship and nursing homes will be allowed one (1) ground sign not to exceed sixteen (16) feet in height and forty-eight (48) square feet per sign face for each street frontage as calculated for multiple-faced signage §23-524(b). One (1) wall sign will also be allowed per street frontage subject to design standards in accordance with Division 4.

From past practice, it appears the City willingly and easily grants variances to ordinances. The parcel on Evergreen is small. Adhering to open space and set-back codes will appropriately limit the number of multi-family units and associated parking spaces. This will lead to a variance request by the developer.

I oppose rezoning the parcel without an iron-clad statement written into the record that any and all structures strictly conform to the codes now existing and no variances will be granted to construct anything not conforming to the existing codes.

Sincerely,



Thomas E. Franklin