



# City of Appleton

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

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Monday, February 8, 2016

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

[16-197](#) City Plan Minutes from 1-25-16

Attachments: [City Plan Minutes 1-25-16.pdf](#)

### 4. Public Hearings/Appealances

### 5. Action Items

[16-120](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16 for Lot 1 of Glacier Ridge Plat (Tax Id #31-1-9300-01) located along the south side of E. Werner Road, west of N. Ballard Road from Commercial and One and Two-Family Residential designation to Multifamily Residential designation as shown on the attached map and approve the attached resolution

Attachments: [StaffReport\\_EWernerRd\\_CompPlan+Rezoning\\_For02-08-16.pdf](#)  
[Docs Submitted by Neighborhood at 1-25 PC meeting.pdf](#)  
[Glacier Ridge Restrictive Covenants.pdf](#)

Legislative History

1/25/16 City Plan Commission held

[16-122](#) Request to approve Rezoning #1-16 for Lot 1 of Glacier Ridge Plat (Tax Id #31-1-9300-01) located along the south side of E. Werner Road, west of N. Ballard Road, including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-1B Single-Family District to R-3 Multi-Family District

Attachments: [StaffReport\\_EWernerRd\\_CompPlan+Rezoning\\_For02-08-16.pdf](#)  
[Docs Submitted by Neighborhood at 1-25 PC meeting.pdf](#)  
[Glacier Ridge Restrictive Covenants.pdf](#)

Legislative History

1/25/16

City Plan Commission

held

**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

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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.*

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Monday, January 25, 2016

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:** 5 - Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

**Excused:** 1 - Dukelow

*Others present:*

*Aldersperson Kathleen Plank, District #7  
Aldersperson Jeff Jirschele, District #15  
Graeme Hodson, 6622 N. Kurey Drive  
Colleen Moynihan, 6540 N. Headwall Circle  
Jill Hendricks, Vision Realty & Development  
Ron Kurey, 1660 E. Werner Road  
Robert Toby Paltzer, N4047 Meade Street  
Tanya Reinke, 6724 N. Kurey Drive  
Julie Riolo, 6462 N. Kurey Drive  
David Pierre, 6631 N. Kurey Drive  
Mary Ann Treadwell, 6613 N. Kurey Drive  
Paul Van Vreede, 6545 N. Kurey Drive  
Charlotte Van Vreede, 6545 N. Kurey Drive  
LuAnne M. Tousey, 6520 N. Kurey Drive  
Delaney Tousey, 6520 N. Kurey Drive  
Tim Eckes, 6703 N. Kurey Drive  
Ed W, 6600 N. Kurey Drive  
Amy M. Hodson, 6622 N. Kurey Drive  
Jennifer Kilbone Hsu, 6544 N. Kurey Drive*

3. Approval of minutes from previous meeting

[16-118](#)

City Plan Minutes from 1-11-16

**Attachments:** [City Plan Minutes 1-11-16.pdf](#)

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

**Aye:** 5 - Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

Excused: 1 - Dukelow

#### 4. Public Hearings/Apearances

[16-119](#) Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16 for Lot 1 of Glacier Ridge Plat (Tax Id #31-1-9300-01) located along the south side of E. Werner Road, west of N. Ballard Road from Commercial and One and Two-Family Residential designation to Multifamily Residential designation as shown on the attached map and approve the attached resolution (Associated with Action Item #16-120)

**This Appearance was presented, and people spoke on the item.**

[16-121](#) Rezoning #1-16 for Lot 1 of Glacier Ridge Plat (Tax Id #31-1-9300-01) located along the south side of E. Werner Road, west of N. Ballard Road, including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-1B Single-Family District to R-3 Multi-Family District (Associated with Action Item #16-122)

**This Appearance was presented, and people spoke on the item.**

#### 5. Action Items

#### 6. Information Items

[16-120](#) Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16 for Lot 1 of Glacier Ridge Plat (Tax Id #31-1-9300-01) located along the south side of E. Werner Road, west of N. Ballard Road from Commercial and One and Two-Family Residential designation to Multifamily Residential designation as shown on the attached map and approve the attached resolution

**Attachments:** [StaffReport\\_EWernerRd\\_CompPlan+Rezoning\\_For01-25-16.pdf](#)  
[Docs Submitted by Neighborhood at 1-25 PC meeting.pdf](#)

**Priddis moved, seconded by Konetzke, that the Report Action Item be held until the February 8, 2016 Plan Commission meeting. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

**Excused:** 1 - Dukelow

16-122

Request to approve Rezoning #1-16 for Lot 1 of Glacier Ridge Plat (Tax Id #31-1-9300-01) located along the south side of E. Werner Road, west of N. Ballard Road, including to the centerline of the adjacent right-of-way, as shown on the attached maps, from R-1B Single-Family District to R-3 Multi-Family District

**Attachments:**     [StaffReport\\_EWernerRd\\_CompPlan+Rezoning\\_For01-25-16.pdf](#)  
[Docs Submitted by Neighborhood at 1-25 PC meeting.pdf](#)

**Priddis moved, seconded by Konetzke, that the Report Action Item be held until the February 8, 2016 Plan Commission meeting. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

**Excused:** 1 - Dukelow

7. Adjournment

**Konetzke moved, seconded by Uslabar, that the meeting be adjourned at 4:39 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Konetzke, Uslabar and Priddis

**Excused:** 1 - Dukelow



## REPORT TO CITY PLAN COMMISSION

New information is underlined.

**Plan Commission Public Hearing Meeting Date:** January 25, 2016

**Plan Commission Meeting Date:** February 8, 2016 (held PC January 25, 2016)

**Common Council Public Hearing Meeting Date:** March 16, 2016 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-16 and Rezoning #1-16

**Case Manager:** David Kress

### GENERAL INFORMATION

**Owner:** Kurey Ridge, LLC

**Applicant:** Vision Realty & Development, LLC c/o Jill Hendricks

**Lot/Parcel:** Lot 1 of the Glacier Ridge Plat (Tax Id #31-1-9300-01)

**Petitioner's Request:** The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Commercial and One and Two-Family Residential designation to the Multi-Family Residential designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1B Single-Family District to R-3 Multi-Family District. The requests are being made to accommodate the proposed development of seven single-family condos on the western portion of the site.

### BACKGROUND

On January 25, 2016, the Plan Commission held these items until their February 8, 2016 meeting. The applicant recently provided a copy of the restrictive covenants for Glacier Ridge, since they were mentioned during the public hearing on January 25, 2016. These covenants are attached to the February 8, 2016 meeting agenda simply for reference. However, the City is not party to these covenants, and the covenants are not a factor in staff review of Comprehensive Plan Amendment #1-16 and Rezoning #1-16.

The subject area was annexed to the City in 2006, as part of the Kurey Annexation. The subject area and surrounding land was then rezoned to R-1B Single-Family District in 2007, by Kurey Ridge, LLC for their first phase of residential development. Approximately 56 acres of land surrounding the subject area was subdivided in 2008, creating the subject parcel in the Glacier Ridge plat.

The *Comprehensive Plan 2010-2030*, adopted by Common Council on March 3, 2010, 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**

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**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 and is approximately 5.14 acres in size. The property has frontage along East Werner Road, which is classified as a collector street on the City's Arterial/Collector Plan. A navigable waterway crosses the site, and conservation easements exist on the eastern portion of the property, limiting its buildable area.

- **Collector street** means a street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.

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

North: Zoning – Town of Center  
Future Land Use Designation – Multi-Family Residential  
Current Land Use – Agricultural

South: Zoning – P-I Public Institutional District  
Future Land Use Designation – Commercial  
Current Land Use – City stormwater pond

East: Zoning – R-1A Single-Family District  
Future Land Use Designation – Public / Institutional  
Current Land Use – City water tower

West: Zoning – P-I Public Institutional District and R-1B Single-Family District  
Future Land Use Designation – One and Two-Family Residential  
Current Land Use – City stormwater pond and single-family dwelling

**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 subject site is necessitating the change to Multi-Family Residential designation. An area to the north is already shown as Multi-Family Residential designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Multi-Family Residential designation along the south side of East Werner Road.

**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 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.*

*Goal 3 – Housing Quality and Affordability*

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

**OBJECTIVE 5.3 Housing and Neighborhoods:**

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

**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 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 development standards for the R-3 District are listed below:

**1) Minimum lot area:**

- a. 6,000 square feet for single-family dwelling.
- b. 7,000 square feet for two story two-family dwellings.
- c. 9,000 square feet for single story two-family dwelling.
- d. 3,000 square feet per dwelling unit for multi-family dwellings.
- e. 7,000 square feet for all other uses.

**2) Maximum lot coverage:** 70%.

**3) Minimum lot width:**

- a. 50 feet for single-family dwellings.
- b. 70 feet for two-family dwellings.
- c. 80 feet for all other uses.

**4) Minimum front yard:**

- a. 20 feet.
- b. 25 feet if located on an arterial street.

**5) Minimum rear yard:** 35 feet.



- 6) **Minimum side yard:**
  - a. 6 feet for single and two-family dwellings.
  - b. 20 feet all other uses.
- 7) **Minimum setback from single or two-family lot line:** 30 feet.
- 8) **Maximum building height:**
  - a. 35 feet for single and two-family dwellings.
  - b. 45 feet or all other uses.
- 9) **Minimum distance between multi-family buildings:** 12 feet.

**Zoning Ordinance Review Criteria:** The requests are being made to accommodate the proposed development of seven single-family condos, which is a permitted use in the R-3 Multi-Family District. Per Section 23-40(a)(4) of the Municipal Code, no more than one principal building shall occupy a single lot, except where a lot is in a PD district or used for multi-family, educational, institutional, motel, hotel, commercial, or industrial purposes. Rezoning to the R-3 District would allow for multiple single-family dwellings to occupy the subject lot, as proposed by the applicant.

The applicant included a concept plan with their submittal (see attached), which shows a cul-de-sac providing access to the proposed condos. A decision has yet to be made about the proposed cul-de-sac being dedicated as public right-of-way or a private ingress/egress easement. This decision will impact which setback standards are applicable for the subject site. These and other development standards will be reviewed prior to the issuance of a building permit.

**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. *If Future Land Use Map Amendment #1-16 is approved, to identify this area for future multi-family residential 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 single-family residential uses located to the southwest are separated from the subject area by City-owned property (featuring stormwater ponds and a waterway), which is approximately 340 feet wide. Also, the navigable waterway and conservation easements that exist on the subject site limit its overall buildable area. 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 #1-16 is approved.

**Technical Review Group (TRG) Report:** These items were discussed at the January 5, 2016 Technical Review Group meeting.

- Department of Public Works Comments: The developer must submit a revised Stormwater Management Plan and new Stormwater Permit Application for the Glacier Ridge Subdivision, based on anticipated increase in impervious area compared to the current stormwater design.
- Fire Department Comments: When a new development takes shape, the Fire Chief makes a deterministic evaluation of our response capabilities, based on response time and distance involved. In this proposal to move an area to multi-family housing, the Fire Chief has indicated there may be a need for a developers agreement for either monitored smoke alarms, or monitored fire sprinklers, as similar with past developments including, but not limited to, Pondview. Please consult the Fire Chief for a final determination.

**Written Public Comments:** Members of the surrounding neighborhood handed out several documents at the January 25, 2016 Plan Commission meeting. For reference, these documents are attached to the February 8, 2016 meeting agenda.

## **RECOMMENDATION**

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Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16* from Commercial and One and Two-Family Residential designation to Multi-Family Residential designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-16 to rezone the subject parcel located south of East Werner Road (Tax Id #31-1-9300-01) from R-1B Single-Family District to R-3 Multi-

***Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16 & Rezoning #1-16***  
**February 8, 2016**  
**Page 6**

Family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED.**

**NOTE:** If approved, Rezoning #1-16 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-16 to accurately reflect the change in future land use from Commercial and One and Two-Family Residential designation to Multi-Family Residential 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 January 25, 2016, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-16) 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 meetings held on January 25, 2016 and February 8, 2016; 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 on the Future Land Use Map from (Commercial and One and Two-Family Residential Use) to (Multi-Family Residential 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.

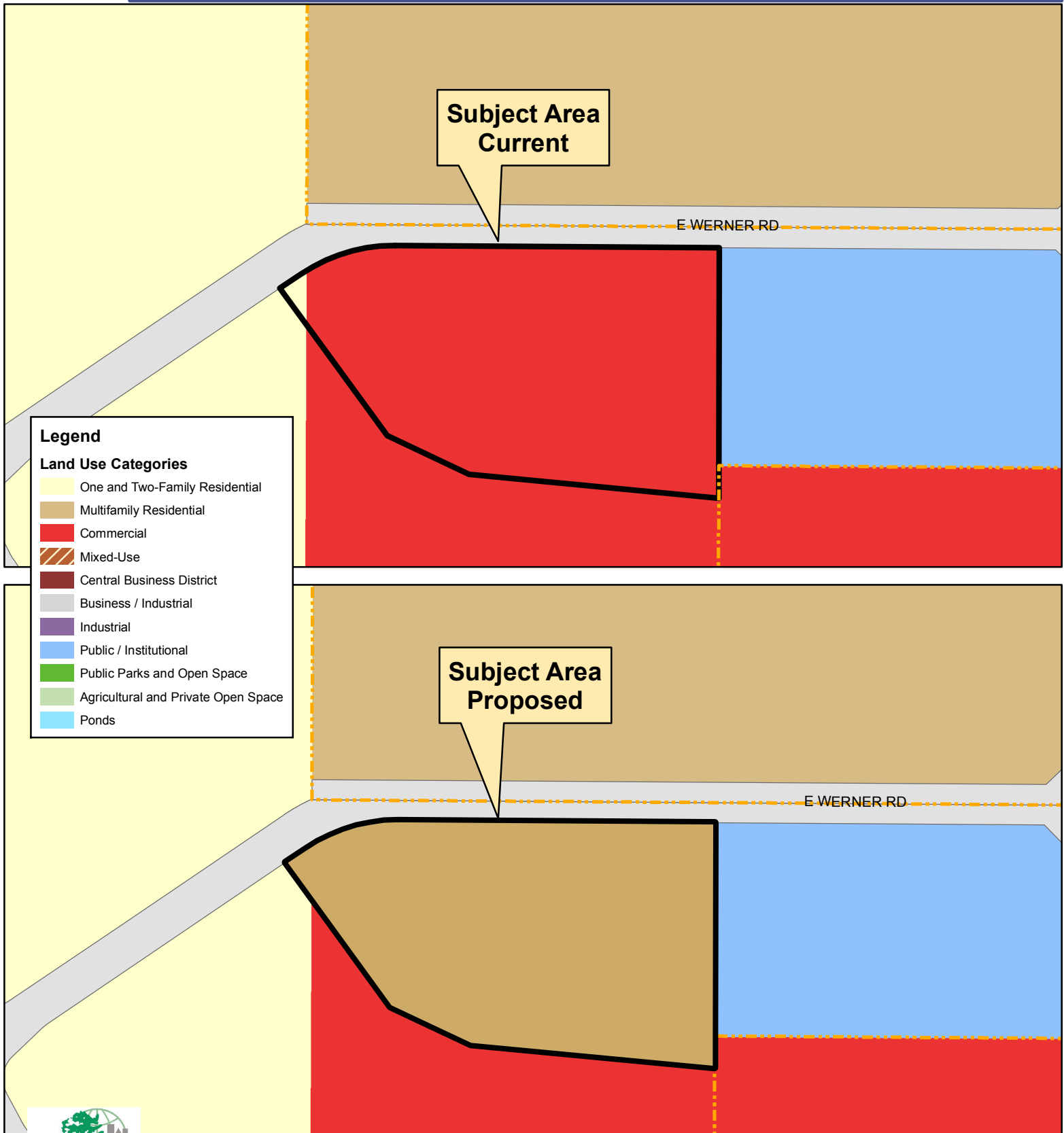
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Timothy M. Hanna, Mayor

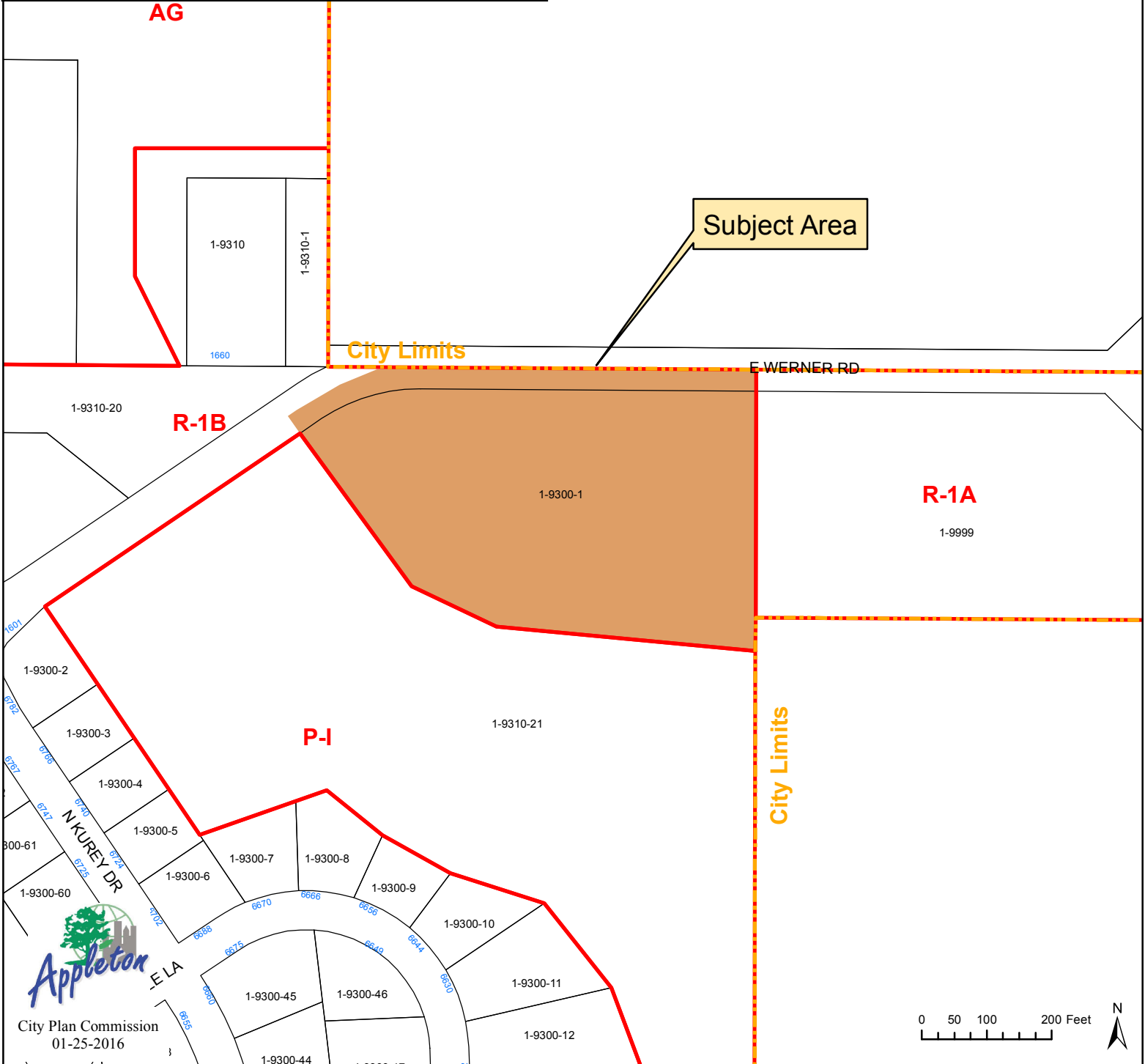
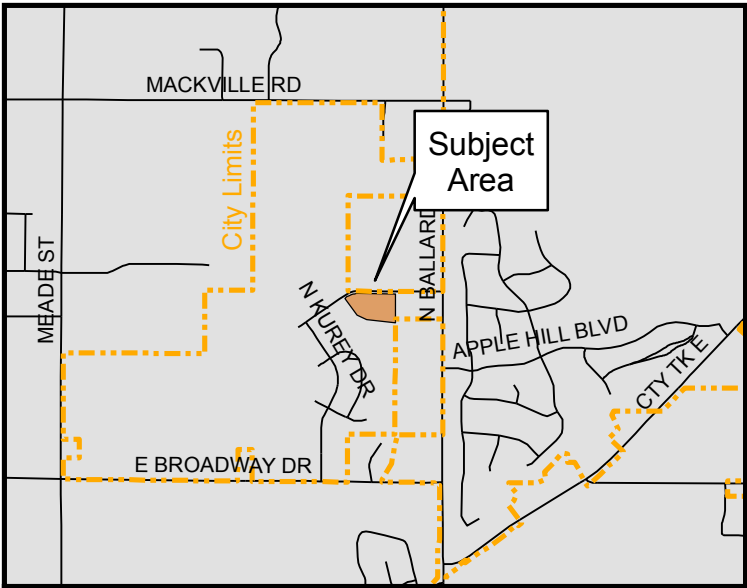
ATTEST:

\_\_\_\_\_  
Kami Scofield, City Clerk

# E. Werner Road Future Land Use Map Amendment Commercial and One and Two-Family Residential to Multi-Family Residential



E. Werner Road  
Rezoning  
R-1B Single-Family District to  
R-3 Multi-Family District  
Zoning Map

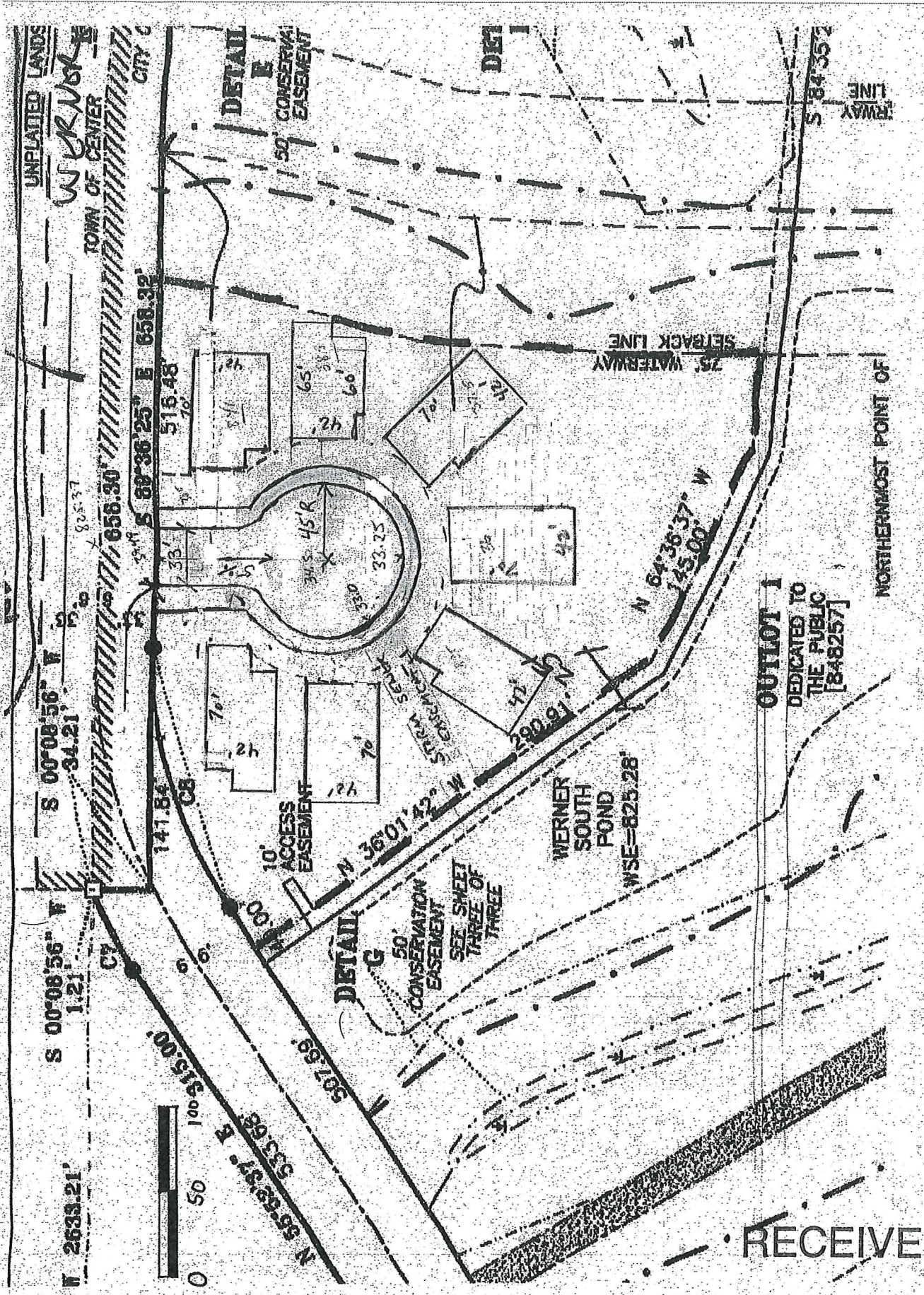




E. Werner Road  
Rezoning  
R-1B Single-Family District to R-3 Multi-Family District  
Aerial Map







RECEIVED

DEC 28 2015



RECEIVED

January 23, 2016

JAN 25 2016

Appleton City Plan Commission:

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Thank you for the notification I received in the mail in regards to the Future Plan Use Map amendment request initiated by Vision Realty & Development. I am unfortunately traveling for work and will not be able to voice my opinion at the meeting on Monday, January 25, 2016. Please let this letter serve as my voice and my overall frustration and disapproval with Vision Realty & Development, their rezoning request, and the communication that has happened to date.

Having lived in Glacier Ridge for almost two years, I have enjoyed living in a part of Appleton that is truly unique and different. I fully understood when purchasing my house, that I was paying a premium to be living within Appleton city limits while enjoying more of a country atmosphere. While I cannot speak for my neighbors, I feel this is what draws the majority of homeowners to Glacier Ridge. The entire subdivision currently enjoys the views of wildlife that inhabit much of the area and tree line proposed to be demolished. The proposed family condo units will not only eliminate much of this experience for all, but also create more of an atmosphere of inner-city living that many specifically chose to get away from.

Being a part of the construction industry for the last 10 years, I'm fully aware of the difficulties many developers are facing to make their quotas work. My frustrations, however, lie in the opportunities for Vision Realty & Development to continue to develop lots and build the subdivision rather than resorting to building condos. Instead of creating an eyesore and lessening the values of the current homes, they should discuss internally with their investors other opportunities to turn a profit while enhancing the City of Appleton. Listing lots at their current size within Glacier Ridge for approximately \$70,000 - \$80,000 is ludicrous as is, let alone turning our view into condo units. I urge the Appleton City Planning Commission to not rezone the current property and force Vision Realty & Development to make some tough decisions rather than resorting to this last ditch effort.

I find it amazing that Vision Realty & Development can affect the lives of so many trying to push the rezoning effort through, while not properly communicating to anyone. Receiving a quick and careless letter on Thursday, January 21, 2016 from Jill Hendricks explaining their anticipated future plans is extremely frustrating and ridiculous for a meeting that takes place the following Monday, January 25, 2016. The current homeowners deserve better, as does the City of Appleton. I hope the City Planning Commission listens and upholds the wishes and frustrations of so many current residents, rather than give in to a company trying to fly under the radar and push through plans that not only affect our neighborhood but also the appearance and perception of northern Appleton.

Vision Realty & Development's mission statement is, *"It is our goal to develop neighborhoods for many generations to enjoy, while serving the community with honesty and integrity."* Through this process, it is easy to see that honesty and integrity were not shown to the homeowners of Glacier Ridge. This idea

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CITY OF APPLETON  
COMMUNITY DEVELOPMENT  
was never discussed or mentioned from anyone at Vision Realty with the current homeowners. When this idea or vision arose from Jill and her team, there should have been meetings set by Vision Realty to discuss the options and ideas to the current homeowners. None of these meetings took place or were considered.

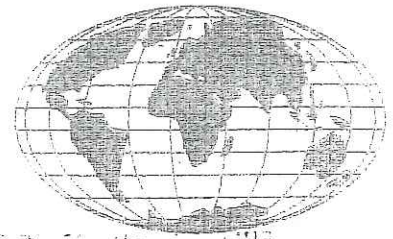
Any good company is built on trust and relationships. I have a hard time correlating these adjectives with Vision Realty and Development throughout this process. I have seen many great examples that members of the City Planning Commission have done for numerous areas throughout this city. Please share in our enjoyment of the current landscape of Glacier Ridge and northern Appleton and DO NOT rezone this parcel of land. Thank you for your consideration.

Regards,

Dan Voss  
6724 Kurey Dr.  
Appleton, WI 54913

# Vision Realty & Development

"looking for your future"



RECEIVED

JAN 25 2016

January 19 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Dear Glacier Ridge Homeowners:

You recently received a letter in the mail with regard to rezoning a parcel on the north section of our subdivision which is considered Lot 1 on the plat map. Currently it is zoned both residential and commercial. This allows us to use the land for residential or commercial development without any approval.

Our intent is to allow Meier Builders who has been building in our community for 4 generations and most recently is just completing a development called Clearwater Creek Condos. It consists of two duplex buildings and 16 single family homes on Haymeadow Ave approximately one mile from your homes. Each home is exceptionally built and has great curb appeal and character. We invite you to take a drive past to see their proposal homes for Glacier Ridge. We are requesting that this small section of land be rezoned to allow 7 single family condos only. The term Multifamily is somewhat of a reach as Condo units are considered multifamily when it comes to zoning.

We will be at the 1/25/16 planning meeting to get this approved by the City. Please feel free to call me directly prior to this meeting should you have any concerns or questions.

I can be reached at 920-676-4788 or email me at [Jill@visionrealtyanddev.com](mailto:Jill@visionrealtyanddev.com) I would be happy to talk about this in detail.

Respectfully,

Jill Hendricks  
Vision Realty & Development LLC



SINGLE-FAMILY HOMES:

RECEIVED

JAN 25 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT









DUPLEX:



RECEIVED

JAN 25 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

CONDO:



**Declaration of Conditions, Covenants, and Restrictions for the**  
**REPLAT OF LOTS 3-8, 20-24, 27-32, 36-41 and 44-48 of**  
**Clearwater Creek**

CITY OF APPLETON

RECEIVED

JAN 25 2016

This declaration is made the 13<sup>th</sup>, day of December, 2006, by Clearwater Creek, LLC, a Wisconsin corporation ("Developer").

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

1. No building erected elsewhere shall be moved onto any lot or lots.
2. No permanent structures (including, without exclusion of others, trailers, basement without residence above, tent, shack, garage, or barns of any kind) will be permitted for dwelling purposes.
3. No long term exterior storage (in excess of 30 days) of boats, motor homes, trailers, campers, RV's or vehicles of any kind permitted on lots within this subdivision.
4. All structures to be erected in the Subdivision shall have a pleasing and harmonious external design. Any dwelling which fails to conform to the following minimum specifications shall not be permitted on any lot:
  1. Minimum roof pitch shall be 8/12
  2. All homes shall have a minimum of ¾ masonry fronts.
  3. The minimum square footage of the main structure, exclusive of open porches, breezeways, and garages shall be not less than the following:
    - i. All Lots in the re-plat now numbered as follows: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.

<u>Dwelling Type</u>	<u>Minimum Size</u>
One story above grade	2,000 square feet
Story and a half above grade	2,200 square feet
Two story above grade	2,400 square feet
5. Every house shall have a foundation below frost line. All dwellings shall have not less than a two-car garage attached thereto.
6. No residence shall be erected in the plat until the final plans and site plans for each building have been approved in writing by the proprietors of this Plat or by such person or persons as they may delegate, provided, however, that when a residence is completed it shall be conclusively presumed that this covenant has been complied with.
7. No fence shall be erected upon any lot in the plat without express written approval of the plat proprietors or their delegates.
8. All buildings shall be started on the grade established by the City Engineer of the City of Appleton. Setback lines shall conform to local zoning regulations except that Declarant may, in promoting overall harmony, establish other requirements in addition to such regulations.
9. The land occupied by public utility easements of the lots shall not be graded in such a manner as to interfere with drainage of storm water.
10. One single-story storage shed shall be allowed per lot. Said shed shall be located to the rear of the dwelling on said lot, shall have a maximum storage area not to exceed 144



square feet, and shall be constructed in a style and of materials that are similar to those used in the construction of the dwelling located on said lot.

11. All dwellings shall be completed within one year after the beginning of construction and every structure must have a permanent finish on the exterior within 6 months after the start of construction.
12. The covenants and restrictions herein contained shall be in effect for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall automatically be extended for successive periods of ten (10) years, unless an instrument terminating or reducing this term shall be executed and recorded in the office of the Register of Deeds for Outagamie County.
13. No horse, cattle, swine, sheep, goats, or live poultry of any kind, nor more than two pets, shall be kept on any lot in this plat.
14. No nuisance shall be maintained or suffered to exist in the plat
15. Driveways to be of concrete or brick pavers and must be completed within one year after the curb and gutter is installed.
16. These covenants are enforceable by the proprietors of the plat and/or the owner of any lot in the subdivision by injunctive relief as well as any and every other legal right.
17. All fill and/or topsoil from plat must remain in the subdivision. Any fill or topsoil stockpiled within the subdivision is the property of the subdivision developer and is not part of the sale of the lot on which it is stockpiled. No fill or topsoil may be hauled out of this subdivision without permission of the developer.
18. All decisions of the developer shall be enforceable against any lot owner if made in a good faith exercise of the judgment or discretion of its members so long as such decision is not clearly in conflict with the express provisions of the declaration. Any lot owner or other person seeking to avoid, set aside or challenge any such decision of the developer shall have the burden of proof to establish that such standards were not met at the time the decision was made.
19. In furtherance and not in limitation of any of the terms of this declaration, the developer intends that this declaration shall be and remain at all times until expiration hereof, fully enforceable against all lots and any person, entity, trust, organization, governmental unit, or sovereign nation which becomes a lot owner. According, such person, entity, trust, organization, governmental unit, or sovereign nation which becomes a lot owner, whether by virtue or conveyance, operation of the law otherwise, shall be conclusively deemed to have waived any and all defenses to and immunity from enforcement of this declaration based upon the legal or ethnic status of such lot owner, including without limitation sovereign immunity, this declaration serving as full and adequate public notice of said waiver. Said waiver shall apply to the terms, conditions and encumbrances established in this declaration, together with any future liens, claims easements or encumbrances expressly permitted hereunder.
20. These declarations shall be construed and interpreted in favor of restricting the use of each lot consistent with the purposes hereof and any ambiguity shall be resolved against any lot owner who installs any structure or engages in any activity not clearly authorized under these declarations or approved in writing by the developer. These declarations shall be interpreted and construed in accordance with the laws of the state of Wisconsin.
21. No lot owner shall block, dam, or otherwise obstruct the flow of the surface water drainage so as to cause such water to back-up onto the lot of another property owner or so

22. Lawn and landscaping shall be completed within one year of occupancy in strict compliance with approved subdivision drainage plan.
23. *Any walkouts or exposed windows from lower level must have developer or designing engineer approval.*
24. Satellite dishes less than 26" in diameter, mounted on the principal structure, and not visible from the street shall be permitted. All other TV antennas must be contained within the home and not mounted on the roof.
25. The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide adequate drainage of surface water.
26. No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.
27. The lot owner is required to perform all necessary maintenance and upkeep of the lot prior to construction, including keeping the lot free of trash, waste, brush, weeds, and long grass. At all times during construction, the site shall be maintained to developer's reasonable satisfaction in a neat and orderly manner. Construction debris shall be contained at all times in some manner as will prevent such material from blowing onto neighboring properties and/or streets.

Notary Public, State of Wisconsin  
My commission expires:



# RECEIVED

JAN 25 2016

## Petition to deny Application for Rezoning








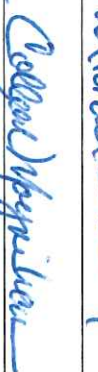
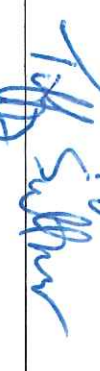


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### CITY OF APPLETON

#### COMMITTEE SUMMARY and background

A rezoning application has been filed with the City of Appleton requesting a zoning change for Lot 1 (Parcel 1-9300-1) on Werner Road within the Glacier Ridge Subdivision. The zoning change requested is from Single Family to Multi-Family to support the building of seven (7) single family condominiums on a 5.14 acre lot. The current property owners in the Glacier Ridge subdivision are opposed to this rezoning and the plan to develop condominiums.

We, the undersigned, are concerned residents of Glacier Ridge Subdivision who urge our City Plan Commission and Common Council to deny the Application for Rezoning.

Printed Name	Signature	Address	Comment	Date
GRAENE HODSON		6622 N. KUREY DR		1/10/16
Amy M. Hodson		6622 N. Kurey Dr.		1/10/16
Tim Eikes		6703 N. Kurey Dr.		1/10/16
Paul Van Vleet		6545 N Kurey Dr		1/10/16
Michael Berg		6505 N Headwall Cir		1-10-16
Tegan Berg		10505 N Headwall Cir		1-10-16
Charlotte P. VanVleet		6545 N. Kurey Dr.		1-10-16
Lathene Tourey		6520 N. Kurey Dr.		1-10-16
Michael R Tourey		6520 N. Kurey Dr.		1-10-16
Colleen Meynken		6540 N. Headwall Cir.		1-10-16
Tiffany Suther		6419 N. Kurey Dr.		1-10-16

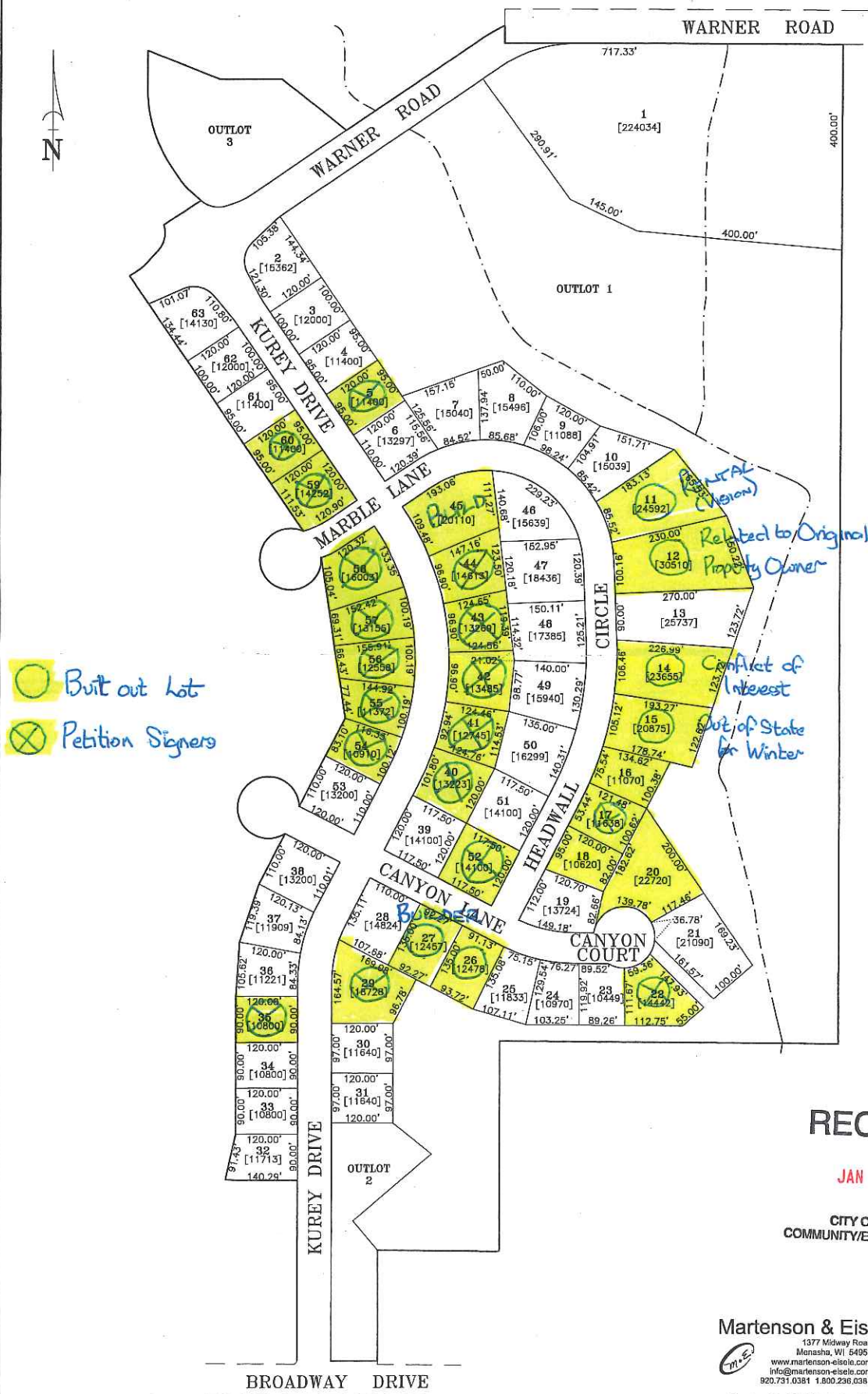
Printed Name	Signature	Address	Comment	Date
Don Suther		6449 N. Kurey Dr.		1-10-16
JEFF DANE		1767 Canton Court		1/10/16
AMANDA DANE				
Lisa Pierre	Dea Pierre	6634 N. Kurey Rd		1/10/16
Davis Pierce	Dave Pierce	6631 N. Kurey Rd		1/10/16
Julie Kolo	Julie Kolo	6402 N. Kurey Rd.		1-10-16
Art Kolo	Art Kolo	6402 N. Kurey Rd.		1-10-16
Jackie Trunk	Jackie Trunk	6655 N. Kurey Dr.		1/23/16
Jim Trunk	Jim Trunk	6655 N. Kurey Dr.		1/23/16
DAN LOSS		6724 N. Kurey Dr.		1/23/16
Cornie Lostos	Cornie Lostos	6521 N. Kurey Dr.		1-23-16
CHRIS HSU	Chris Hsu	6544 N. Kurey Dr.		1/23/16
Marcy Throp		6600 N. Kurey Dr.		1/23/16
Edward Weller		6600 N. Kurey Dr.		1/23/16
Mary Ann Treaswell		6613 N. Kurey Dr.		1/23/16
Tammie Greene	Tammie Greene	6725 N. Kurey Dr		1/24/16



[illegible]

# GLACIER RIDGE

CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



RECEIVED

JAN 25 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Martenson & Eisele, Inc.

1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
info@martenson-eisele.com  
920.731.0381 1.800.236.6381

Drawing No. 157753/glacier ridge/663001 plat layout.dwg  
Revised January 25, 2012

Amended  
Restrictive Covenants  
for  
Glacier Ridge

Document Number

Document Title

Glacier Ridge Lots 1 through 63 City of Appleton, Outagamie County Wisconsin.

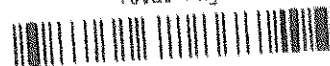
Being recorded to amend original document # 1805003

dated August 5, 2008 @ 12:00pm

Robert A. DeBruin wishes to add to original document  
"NO SOLAR PANELS TO BE ALLOWED IN THE PLAT."

1807512

Recorded  
Aug. 29, 2008 AT 01:15PM  
OUTAGAMIE COUNTY  
JANICE FLENZ  
REGISTER OF DEEDS  
Fee Amount: \$11.00  
Total Pages 1



Recording Area

Name and Return Address

Vision Realty & Development  
200 E Washington St  
Appleton, WI 54911

ENVELOPE

Parcel Identification Number (PIN)

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 27 day of  
August, 2008.

Glacier Ridge

By: Robert A. DeBruin  
Robert A. DeBruin

STATE OF WISCONSIN     )  
  )SS  
COUNTY OF OUTAGAMIE    )

Personally came before me this 28 day of August, 2008, the above named Robert A. DeBruin, known to me to be the person who executed the foregoing instrument.

Notary Public Jill M. Hendricks  
Outagamie County, Wisconsin  
My commission expires 12-25-2011



Drafted by Robert A. DeBruin

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

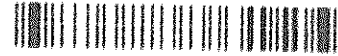
Restrictive Covenants  
for  
Glacier Ridge

Document Number

Document Title

1805003

Recorded  
Aug. 05, 2008 AT 12:00PM  
OUTAGAMIE COUNTY  
JANICE FLENZ  
REGISTER OF DEEDS  
Fee Amount: \$21.00  
Total Pages 6



Recording Area

21.00  
6

Name and Return Address

VISION Realty & Development  
200 E Washington St  
Appleton, WI 54911

ENVELOPE

Parcel Identification Number (PIN)



RESTRICTIVE COVENANTS FOR GLACIER RIDGE  
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

WHEREAS, Glacier Ridge (hereinafter Developer) is the owner of property known as Glacier Ridge, Lots 1 through 63, City of Appleton, Outagamie County, Wisconsin.

WHEREAS, said plat was recorded in the office of the Register of Deeds for Outagamie County, Wisconsin, on the 5<sup>th</sup> day of August, 2008, and filed as Document No. 1805002 Glacier Ridge is a part of the SECTION 36, TOWN 22 North, City of Appleton, Outagamie County, Wisconsin, Cabinet K, page 79-81 RANGE 17 East

**1. PURPOSE**

The purpose of these covenants is to ensure the use of property for attractive residential purposes only, to prevent nuisance and the impairment of the attractiveness of the property, to seek the use of quality materials and workmanship, to maintain the desired atmosphere and appearance of the community and, thereby, to secure to each site owner the full benefit and enjoyment of their home, with no greater restriction on the free and undisturbed use thereof, than is necessary, to ensure the same advantages to the other site owners.

**2. MINIMUM FLOOR AREA & DESIGN**

All structures to be erected in the Subdivision shall be of a pleasing and harmonious external design and shall conform with all established setback lines; and any dwelling that fails to conform to the specified minimum areas shall not be permitted on any lot, except with prior written approval of Developer. The square footage of the main structure, exclusive of open porches, breezeways and garages, shall not be less than the following:

<b>Dwelling – Single Family Lots 1 through 6 Lots 27 through 45 Lots 53 through 63</b>	<b>Minimum Size</b>
Ranch	2000 Sq. Ft. above grade
Split Level, Bi-Level & 1-1/2 Story	2400 Sq. Ft. above grade
Two Story	2400 Sq. Ft. above grade

<b>Dwelling – Single Family Lots 7 through 26 Lots 46 through 52</b>	<b>Minimum Size</b>
Ranch	2400 Sq. Ft. above grade
Split Level, Bi-Level & 1-1/2 Story	3000 Sq. Ft. above grade
Two Story	3000 Sq. Ft. above grade

**3. LAND USE & BUILDING TYPE**

No lot, whether alone or in combination with one or more other lots in this Subdivision, shall be used except for single-family residential purposes and restricted as follows:

- a. All dwellings shall have not less than a two-car garage attached thereto, of no less than 480 square feet
- b. All dwellings shall have a roof pitch of not less than 8/12.
- c. No used, modular, manufactured, geodesic dome or earth homes will be allowed on any lot.
- d. Developer requires that any and all builders obtain the written approval of Developer before commencing construction of any dwelling in the Subdivision.

e. All homes, including attached garages, shall be completed within twelve (12) months after commencement of building construction and shall not be occupied prior to completion, except that the interior of the below grade level of split level and raised ranch homes need not be completed. All landscaping must be completed within one (1) year after occupancy, except that the Developer may approve a variance. Rocks, painted earth or sand in place of grass, to give a desert look, shall not be permitted. All lawns shall be a minimum of 80% mowed grass, except that the Developer may approve a variance. No un-mowed meadow growth (Prairie grass) shall be allowed. All driveways to the sidewalk line are to be hard-surfaced with concrete or brick pavers within one year of occupancy. The driveway from the sidewalk to the street is to be of concrete or brick pavers and completed within one year of the completion of the concrete street.

f. Developer reserves the right to complete construction or landscaping that has commenced, but has not been completed within the above time-frame, and owner is not proceeding with due diligence to complete construction or landscaping. Any costs so incurred by Developer (including, but not limited to, attorney's fees and court costs) shall become a lien on the lot.

g. No trailer, tent, shack, basement, garage, barn or other outbuilding shall be used temporarily or permanently as a residence.

h. No dwelling shall exceed two (2) stories in height above finished grade level.

i. All residential homes constructed within the Subdivision shall be required, at a minimum, to have brick or stone on 75% of the front of the home facing the street, except that a variance may be approved by the Developer for certain styles of homes, such as "Salt Box", etc.

j. No outbuildings and/or sheds shall be allowed in the plat.

k. During construction, no access to the building site shall be allowed through a ditch or over adjacent lots. If any damage is done to adjacent lots or ditches, the owner of the home under construction shall restore or pay the Developer or lot owner for the restoration of said property to its pre-damaged condition.

l. No building materials shall be placed on any lot more than thirty (30) days prior to the time construction is to begin. No building materials shall remain on any lot more than thirty (30) days after construction is completed.

m. All residences shall have basements or footings extending at least four (4) feet below grade.

n. All trash and waste shall be kept in sanitary containers inside garage. Each lot owner is required to perform all necessary maintenance and upkeep of their lot. No trash, waste, brush, weeds or long grass is permitted. It is the lot owner's responsibility to keep the grass and weeds mowed prior to the start of construction of their residence.

o. No external antenna, unless approved by the Developer, and no satellite dishes more than twenty-four (24) inches in diameter shall be allowed. No satellite dish shall be visible from the street passing by the front of the home.

p. No above ground swimming pool shall be allowed in the Plat.

q. The lot owner is required to perform all necessary maintenance and upkeep of the lot prior to construction, including keeping the lot free of trash, waste, brush, weeds, and long grass. At all times during construction, the site shall be maintained to Developer's reasonable satisfaction in a neat and orderly manner. Construction debris shall be contained at all times in some manner as will prevent such material from blowing unto neighboring properties and/or streets.

#### 4. ARCHITECTURAL REVIEW

**No dwelling or other house or structure shall be erected on any lot of this subdivision until the plans and specifications have been submitted to and approved by the Developer or Developer's assigns.** If the Developer or Developer's assigns, as the case may be, fails to approve or disapprove such plans and specifications within sixty (60) days after the same have been submitted, said plans and specifications shall be deemed to have been approved. All decisions of the Developer or Developer's assigns shall be enforceable against any lot owner if made in a good faith exercise of the judgment or discretion

so long as such decision is not clearly in conflict with the express provisions of this declaration. Any person seeking to challenge any such decision of the Developer or Developer's assigns shall have the burden of proof to establish that such standards were not met at the time of the decision was made.

Submit plans and specifications to:  
Jill Hendricks  
Vision Realty & Development, LLC  
200 E. Washington  
Appleton, WI 54911

#### 5. SET BACK

All set back lines shall conform to local zoning regulations except Declarant may, in promoting overall harmony, establish other requirements in addition to such municipal regulations.

#### 6. IMPROVEMENTS

All lot sales will include paved streets, sewer and water lines stubbed to the lot line, and access to natural gas, telephone lines, cable television and underground electric.

#### 7. GRADES

No building or structure shall be erected or landscaping done until grades have been established by a licensed land surveyor or engineer showing conformity with the approved drainage plan for the Subdivision. The cost of establishing grades shall be borne by the property owner. All lot owners shall be required to sign an affidavit acknowledging receipt of drainage requirements for each lot. The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide adequate drainage of surface water. All lots must maintain the site drainage plan and home elevation specified for each lot, as approved by the City of Appleton.

#### 8. PETS

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot; with the exception of dogs, cats or other household pets, which may be kept, provided they are not kept, bred or maintained for any commercial purpose. No doghouses, dog kennels, cages, sleeping quarters or any kind of outside housing for animals shall be allowed, except that a dog or pet run no larger than 100 sq. ft. in size may be constructed provided that it is not visible from the street passing by the front of the residence. In addition any dog or pet run must be visually hidden from the view of any adjacent lot owner. A dog or pet run may be visually hidden from view by wood fencing, as long as the finished side of the fence faces the lot of the adjoining neighbor or by shrubbery or plantings of sufficient size and placement to impede the view of the dog or pet run to adjacent owners. Solid wood fences are not allowed; board on board or basket weave patterns are acceptable.

#### 9. VEHICLES

No unlicensed vehicles will be permitted on any lot, unless stored within a garage. No boats, recreational vehicles, campers, trailers, tractors, motorcycles, ATV's or lawn maintenance equipment will be permitted to be stored on any lot, unless stored within a garage. No bus, large truck, semi tractor and/or trailer shall be parked anywhere within the exterior boundaries of all phases or additions to Glacier Ridge, unless they are there less than 48 hours to facilitate a lot owners moving in or out.

#### 10. COLORS

No bright or vivid green, blue, red or yellow siding shall be allowed on any residence or garage. The Developer shall have final approval of any shades of the aforementioned colors.

#### 11. SIGNS

No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one (1) square foot and/or one sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

#### 12. FENCING

No chain link or bare wire fencing will be allowed on any lot. Solid wood fences are not allowed. All other fencing shall require the prior written approval of the Developer or a designee. The City of Appleton may require a permit to install a fence on any lot.

#### 13. FILL

All fill and/or topsoil from plat must remain in the subdivision. Any fill or topsoil stockpiled within the subdivision is the property of the subdivision Developer and is not part of the sale of the lot on which it is stockpiled. As long as the Developer owns any lot, in Glacier Ridge, the Developer reserves the right to direct the disposition of any dirt that is to be removed from any lot. However, such disposition, as directed by the Owner/Developer, shall be within a one-mile radius of the lot. It is the responsibility of the owner of the lot to contact the Developer prior to hauling out any fill. No fill or topsoil may be hauled out of this subdivision without permission of the Developer.

#### 14. EASEMENTS

Easements for the installation and maintenance of utilities and drainage facilities are reserved, as shown on the recorded plat. Within these easements, no structure, planting or other materials shall be placed or permitted to remain that may damage or interfere with the installation or maintenance of utilities, or that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot, and all improvements in it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

#### 15. NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

#### 16. COVENANTS

a. These covenants shall run with the land, and all future conveyances of any lots of the Subdivision shall be subject to the conditions, covenants, obligations and restrictions set forth herein. Acceptance of a deed by any purchaser is considered an agreement to observe and abide by such covenants, conditions and restrictions for the protection of all owners within the subdivision.

b. Invalidity of any one of these covenants by judgment or court order shall in no way effect the remaining provisions, which shall remain in full force and effect.

c. These covenants and restrictions may be removed, modified, annulled, waived, changed and/or amended at any time and in any manner by a written Declaration setting forth such amendment, (a) by the Developer as long as the Developer owns any lot for resale in the subdivision; (b) after the Developer has sold all lots, then by the owners of at least 75% of the lots. The written Declaration shall be recorded in the office of the Register of Deeds for Outagamie County, Wisconsin.

d. The Developer and/or individual lot owners benefited by the Declaration may enforce these conditions, covenants and restrictions using any available legal or equitable remedies, including, by way of example only, affirmative or restrictive injunction. In the event of litigation to enforce these conditions, covenants and restrictions, the non-performing party or the party violating any of the conditions, covenants and restrictions shall reimburse the Developer and/or individual Owners for all out-of-pocket expenses (including actual attorneys' fees and court costs) incurred in successfully enforcing these conditions, covenants, and restrictions.

e. Variations in any of these covenants may be permitted by the Developer where they are reasonably satisfied that such variations will be pleasing and generally in keeping with the character of surrounding properties and will not be a detriment to the subdivision as a whole. After the Developer no longer owns any lot in the subdivision, requests for variations may be submitted to such review committee(s) as may be convened from among the property owners within the subdivision for consideration and approval or rejection.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 1 day of July, 2008.

Glacier Ridge

By: Robert A. DeBruin  
Robert A. DeBruin

STATE OF WISCONSIN            )  
  )SS  
COUNTY OF OUTAGAMIE        )

Personally came before me this 1 day of July, 2008, the above named Robert A. DeBruin, known to me to be the person who executed the foregoing instrument.

Notary Public Jill M. Hendricks  
Outagamie County, Wisconsin

My commission expires 12-25-2011





## REPORT TO CITY PLAN COMMISSION

New information is underlined.

**Plan Commission Public Hearing Meeting Date:** January 25, 2016

**Plan Commission Meeting Date:** February 8, 2016 (held PC January 25, 2016)

**Common Council Public Hearing Meeting Date:** March 16, 2016 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-16 and Rezoning #1-16

**Case Manager:** David Kress

### GENERAL INFORMATION

**Owner:** Kurey Ridge, LLC

**Applicant:** Vision Realty & Development, LLC c/o Jill Hendricks

**Lot/Parcel:** Lot 1 of the Glacier Ridge Plat (Tax Id #31-1-9300-01)

**Petitioner's Request:** The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Commercial and One and Two-Family Residential designation to the Multi-Family Residential designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1B Single-Family District to R-3 Multi-Family District. The requests are being made to accommodate the proposed development of seven single-family condos on the western portion of the site.

### BACKGROUND

On January 25, 2016, the Plan Commission held these items until their February 8, 2016 meeting. The applicant recently provided a copy of the restrictive covenants for Glacier Ridge, since they were mentioned during the public hearing on January 25, 2016. These covenants are attached to the February 8, 2016 meeting agenda simply for reference. However, the City is not party to these covenants, and the covenants are not a factor in staff review of Comprehensive Plan Amendment #1-16 and Rezoning #1-16.

The subject area was annexed to the City in 2006, as part of the Kurey Annexation. The subject area and surrounding land was then rezoned to R-1B Single-Family District in 2007, by Kurey Ridge, LLC for their first phase of residential development. Approximately 56 acres of land surrounding the subject area was subdivided in 2008, creating the subject parcel in the Glacier Ridge plat.

The *Comprehensive Plan 2010-2030*, adopted by Common Council on March 3, 2010, 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**

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**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 and is approximately 5.14 acres in size. The property has frontage along East Werner Road, which is classified as a collector street on the City's Arterial/Collector Plan. A navigable waterway crosses the site, and conservation easements exist on the eastern portion of the property, limiting its buildable area.

- **Collector street** means a street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.

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

North: Zoning – Town of Center  
Future Land Use Designation – Multi-Family Residential  
Current Land Use – Agricultural

South: Zoning – P-I Public Institutional District  
Future Land Use Designation – Commercial  
Current Land Use – City stormwater pond

East: Zoning – R-1A Single-Family District  
Future Land Use Designation – Public / Institutional  
Current Land Use – City water tower

West: Zoning – P-I Public Institutional District and R-1B Single-Family District  
Future Land Use Designation – One and Two-Family Residential  
Current Land Use – City stormwater pond and single-family dwelling

**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 subject site is necessitating the change to Multi-Family Residential designation. An area to the north is already shown as Multi-Family Residential designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Multi-Family Residential designation along the south side of East Werner Road.

**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 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.*

*Goal 3 – Housing Quality and Affordability*

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

**OBJECTIVE 5.3 Housing and Neighborhoods:**

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

**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 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 development standards for the R-3 District are listed below:

- 1) **Minimum lot area:**
  - a. 6,000 square feet for single-family dwelling.
  - b. 7,000 square feet for two story two-family dwellings.
  - c. 9,000 square feet for single story two-family dwelling.
  - d. 3,000 square feet per dwelling unit for multi-family dwellings.
  - e. 7,000 square feet for all other uses.
- 2) **Maximum lot coverage:** 70%.
- 3) **Minimum lot width:**
  - a. 50 feet for single-family dwellings.
  - b. 70 feet for two-family dwellings.
  - c. 80 feet for all other uses.
- 4) **Minimum front yard:**
  - a. 20 feet.
  - b. 25 feet if located on an arterial street.
- 5) **Minimum rear yard:** 35 feet.



- 6) **Minimum side yard:**
  - a. 6 feet for single and two-family dwellings.
  - b. 20 feet all other uses.
- 7) **Minimum setback from single or two-family lot line:** 30 feet.
- 8) **Maximum building height:**
  - a. 35 feet for single and two-family dwellings.
  - b. 45 feet or all other uses.
- 9) **Minimum distance between multi-family buildings:** 12 feet.

**Zoning Ordinance Review Criteria:** The requests are being made to accommodate the proposed development of seven single-family condos, which is a permitted use in the R-3 Multi-Family District. Per Section 23-40(a)(4) of the Municipal Code, no more than one principal building shall occupy a single lot, except where a lot is in a PD district or used for multi-family, educational, institutional, motel, hotel, commercial, or industrial purposes. Rezoning to the R-3 District would allow for multiple single-family dwellings to occupy the subject lot, as proposed by the applicant.

The applicant included a concept plan with their submittal (see attached), which shows a cul-de-sac providing access to the proposed condos. A decision has yet to be made about the proposed cul-de-sac being dedicated as public right-of-way or a private ingress/egress easement. This decision will impact which setback standards are applicable for the subject site. These and other development standards will be reviewed prior to the issuance of a building permit.

**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. *If Future Land Use Map Amendment #1-16 is approved, to identify this area for future multi-family residential 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 single-family residential uses located to the southwest are separated from the subject area by City-owned property (featuring stormwater ponds and a waterway), which is approximately 340 feet wide. Also, the navigable waterway and conservation easements that exist on the subject site limit its overall buildable area. 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 #1-16 is approved.

**Technical Review Group (TRG) Report:** These items were discussed at the January 5, 2016 Technical Review Group meeting.

- Department of Public Works Comments: The developer must submit a revised Stormwater Management Plan and new Stormwater Permit Application for the Glacier Ridge Subdivision, based on anticipated increase in impervious area compared to the current stormwater design.
- Fire Department Comments: When a new development takes shape, the Fire Chief makes a deterministic evaluation of our response capabilities, based on response time and distance involved. In this proposal to move an area to multi-family housing, the Fire Chief has indicated there may be a need for a developers agreement for either monitored smoke alarms, or monitored fire sprinklers, as similar with past developments including, but not limited to, Pondview. Please consult the Fire Chief for a final determination.

**Written Public Comments:** Members of the surrounding neighborhood handed out several documents at the January 25, 2016 Plan Commission meeting. For reference, these documents are attached to the February 8, 2016 meeting agenda.

## **RECOMMENDATION**

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Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-16 from Commercial and One and Two-Family Residential designation to Multi-Family Residential designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-16 to rezone the subject parcel located south of East Werner Road (Tax Id #31-1-9300-01) from R-1B Single-Family District to R-3 Multi-

***Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-16 & Rezoning #1-16***  
**February 8, 2016**  
**Page 6**

Family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED.**

**NOTE:** If approved, Rezoning #1-16 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-16 to accurately reflect the change in future land use from Commercial and One and Two-Family Residential designation to Multi-Family Residential 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 January 25, 2016, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-16) 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 meetings held on January 25, 2016 and February 8, 2016; 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 on the Future Land Use Map from (Commercial and One and Two-Family Residential Use) to (Multi-Family Residential 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.

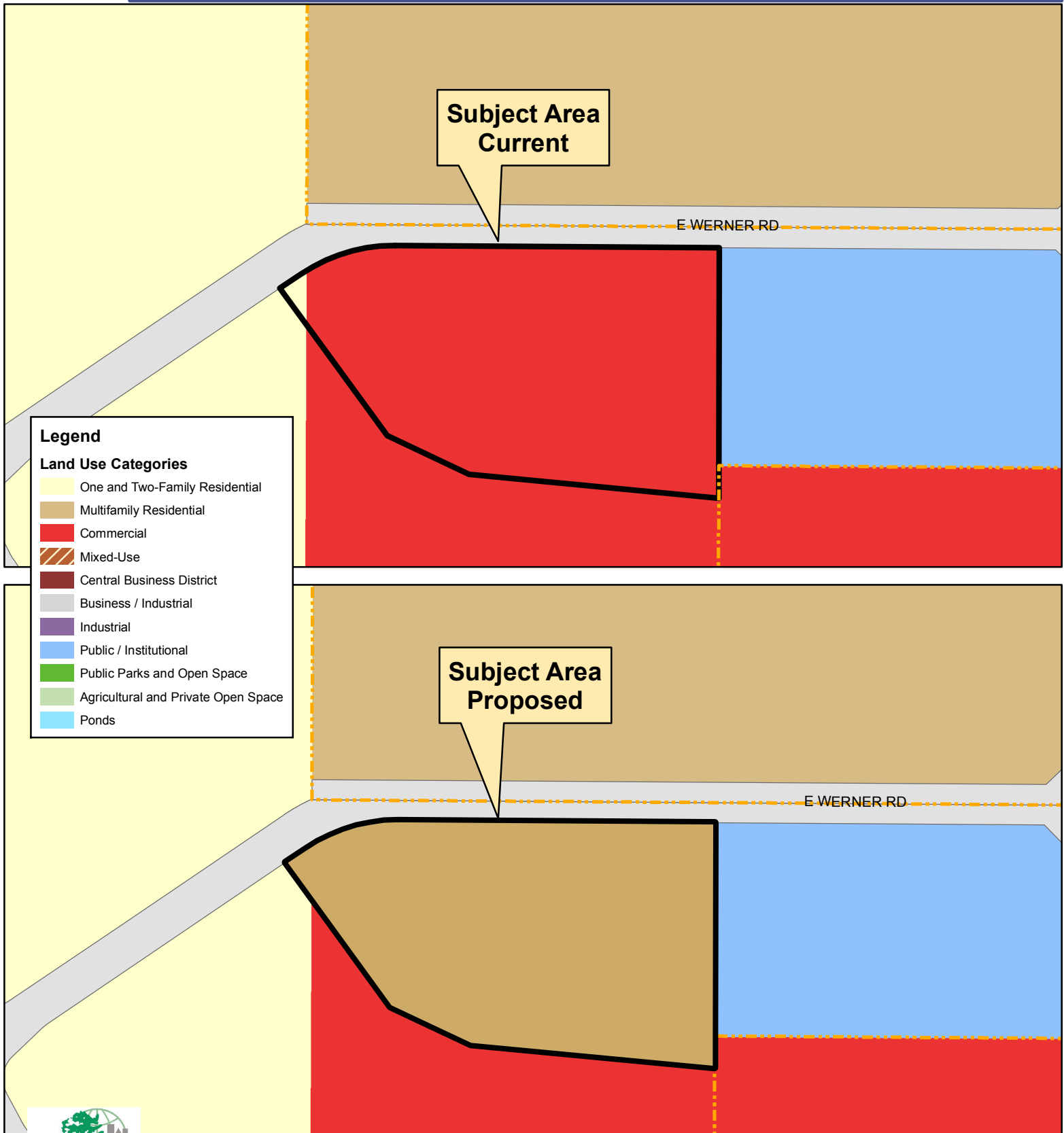
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Timothy M. Hanna, Mayor

ATTEST:

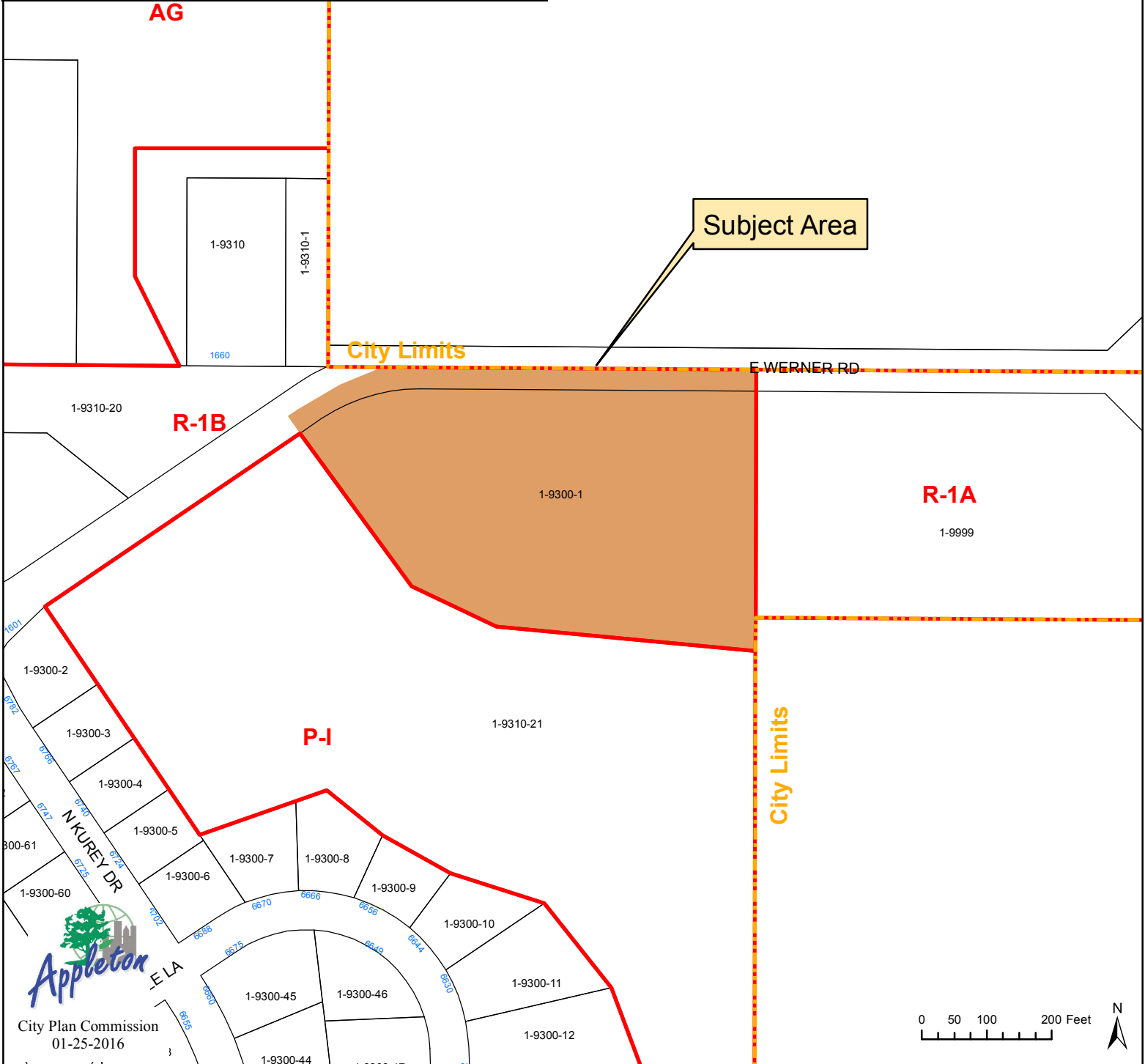
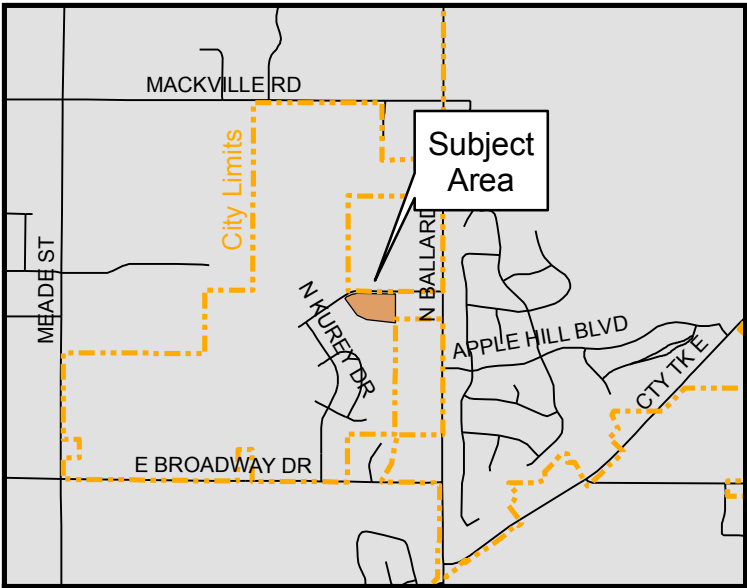
\_\_\_\_\_  
Kami Scofield, City Clerk

# E. Werner Road Future Land Use Map Amendment Commercial and One and Two-Family Residential to Multi-Family Residential





E. Werner Road  
Rezoning  
R-1B Single-Family District to  
R-3 Multi-Family District  
Zoning Map

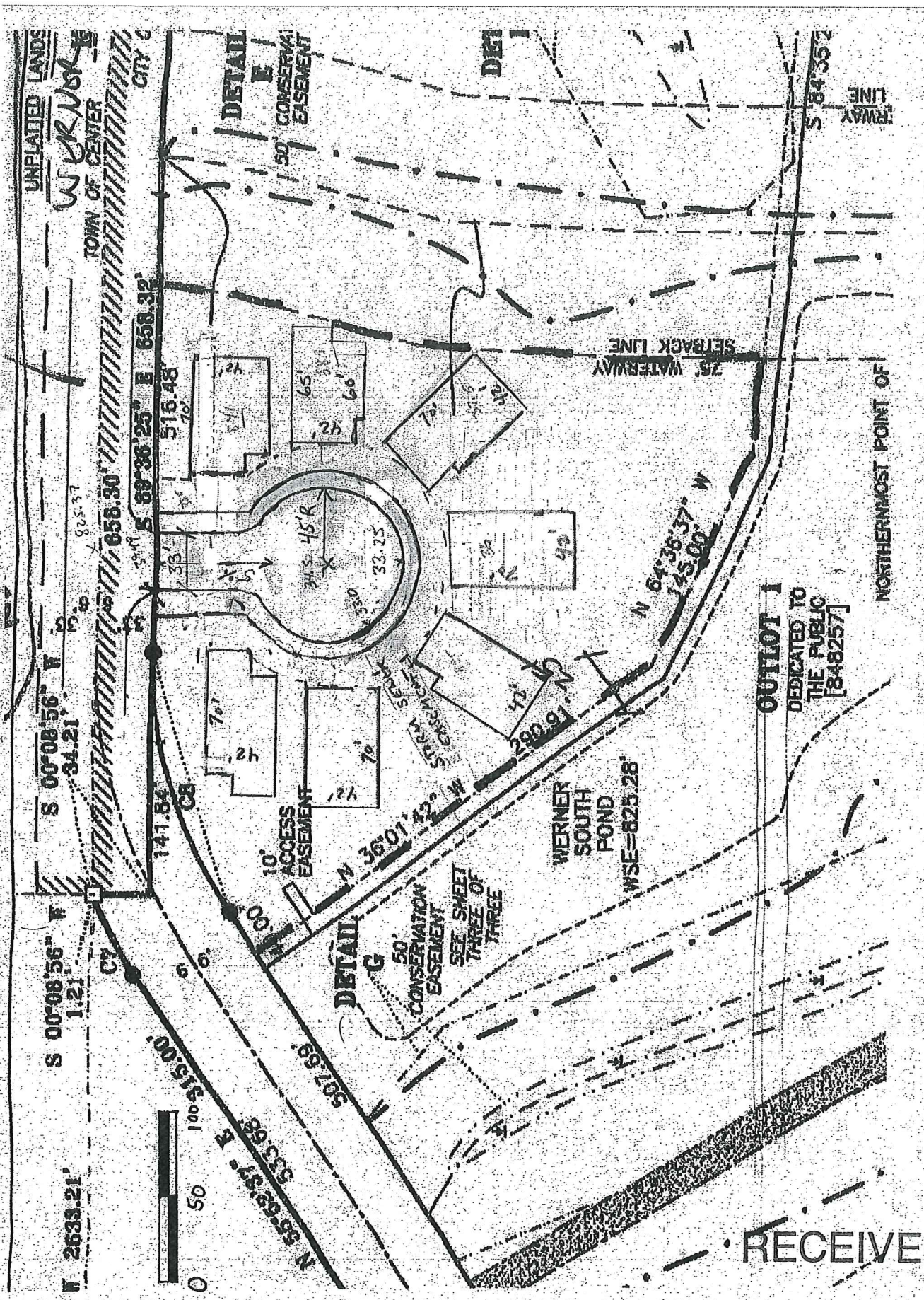




E. Werner Road  
Rezoning  
R-1B Single-Family District to R-3 Multi-Family District  
Aerial Map







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DEC 28 2015



# RECEIVED

January 23, 2016

JAN 25 2016

Appleton City Plan Commission:

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Thank you for the notification I received in the mail in regards to the Future Plan Use Map amendment request initiated by Vision Realty & Development. I am unfortunately traveling for work and will not be able to voice my opinion at the meeting on Monday, January 25, 2016. Please let this letter serve as my voice and my overall frustration and disapproval with Vision Realty & Development, their rezoning request, and the communication that has happened to date.

Having lived in Glacier Ridge for almost two years, I have enjoyed living in a part of Appleton that is truly unique and different. I fully understood when purchasing my house, that I was paying a premium to be living within Appleton city limits while enjoying more of a country atmosphere. While I cannot speak for my neighbors, I feel this is what draws the majority of homeowners to Glacier Ridge. The entire subdivision currently enjoys the views of wildlife that inhabit much of the area and tree line proposed to be demolished. The proposed family condo units will not only eliminate much of this experience for all, but also create more of an atmosphere of inner-city living that many specifically chose to get away from.

Being a part of the construction industry for the last 10 years, I'm fully aware of the difficulties many developers are facing to make their quotas work. My frustrations, however, lie in the opportunities for Vision Realty & Development to continue to develop lots and build the subdivision rather than resorting to building condos. Instead of creating an eyesore and lessening the values of the current homes, they should discuss internally with their investors other opportunities to turn a profit while enhancing the City of Appleton. Listing lots at their current size within Glacier Ridge for approximately \$70,000 - \$80,000 is ludicrous as is, let alone turning our view into condo units. I urge the Appleton City Planning Commission to not rezone the current property and force Vision Realty & Development to make some tough decisions rather than resorting to this last ditch effort.

I find it amazing that Vision Realty & Development can affect the lives of so many trying to push the rezoning effort through, while not properly communicating to anyone. Receiving a quick and careless letter on Thursday, January 21, 2016 from Jill Hendricks explaining their anticipated future plans is extremely frustrating and ridiculous for a meeting that takes place the following Monday, January 25, 2016. The current homeowners deserve better, as does the City of Appleton. I hope the City Planning Commission listens and upholds the wishes and frustrations of so many current residents, rather than give in to a company trying to fly under the radar and push through plans that not only affect our neighborhood but also the appearance and perception of northern Appleton.

Vision Realty & Development's mission statement is, *"It is our goal to develop neighborhoods for many generations to enjoy, while serving the community with honesty and integrity."* Through this process, it is easy to see that honesty and integrity were not shown to the homeowners of Glacier Ridge. This idea

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CITY OF APPLETON  
COMMUNITY DEVELOPMENT  
was never discussed or mentioned from anyone at Vision Realty with the current homeowners. When this idea or vision arose from Jill and her team, there should have been meetings set by Vision Realty to discuss the options and ideas to the current homeowners. None of these meetings took place or were considered.

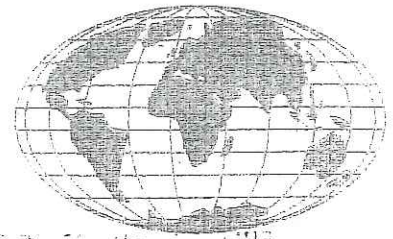
Any good company is built on trust and relationships. I have a hard time correlating these adjectives with Vision Realty and Development throughout this process. I have seen many great examples that members of the City Planning Commission have done for numerous areas throughout this city. Please share in our enjoyment of the current landscape of Glacier Ridge and northern Appleton and DO NOT rezone this parcel of land. Thank you for your consideration.

Regards,

Dan Voss  
6724 Kurey Dr.  
Appleton, WI 54913

# Vision Realty & Development

"looking for your future"



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JAN 25 2016

January 19 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Dear Glacier Ridge Homeowners:

You recently received a letter in the mail with regard to rezoning a parcel on the north section of our subdivision which is considered Lot 1 on the plat map. Currently it is zoned both residential and commercial. This allows us to use the land for residential or commercial development without any approval.

Our intent is to allow Meier Builders who has been building in our community for 4 generations and most recently is just completing a development called Clearwater Creek Condos. It consists of two duplex buildings and 16 single family homes on Haymeadow Ave approximately one mile from your homes.. Each home is exceptionally built and has great curb appeal and character. We invite you to take a drive past to see their proposal homes for Glacier Ridge. We are requesting that this small section of land be rezoned to allow 7 single family condos only. The term Multifamily is somewhat of a reach as Condo units are considered multifamily when it comes to zoning.

We will be at the 1/25/16 planning meeting to get this approved by the City. Please feel free to call me directly prior to this meeting should you have any concerns or questions.

I can be reached at 920-676-4788 or email me at [Jill@visionrealtyanddev.com](mailto:Jill@visionrealtyanddev.com) I would be happy to talk about this in detail.

Respectfully,

Jill Hendricks  
Vision Realty & Development LLC



SINGLE-FAMILY HOMES:

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JAN 25 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT









DUPLEX:



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JAN 25 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

CONDO:



**Declaration of Conditions, Covenants, and Restrictions for the**  
**REPLAT OF LOTS 3-8, 20-24, 27-32, 36-41 and 44-48 of**  
**Clearwater Creek**

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CITY OF APPLETON

JAN 25 2016

This declaration is made the 13<sup>th</sup>, day of December, 2006, by Clearwater Creek, LLC, a Wisconsin corporation ("Developer").

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

1. No building erected elsewhere shall be moved onto any lot or lots.
2. No permanent structures (including, without exclusion of others, trailers, basement without residence above, tent, shack, garage, or barns of any kind) will be permitted for dwelling purposes.
3. No long term exterior storage (in excess of 30 days) of boats, motor homes, trailers, campers, RV's or vehicles of any kind permitted on lots within this subdivision.
4. All structures to be erected in the Subdivision shall have a pleasing and harmonious external design. Any dwelling which fails to conform to the following minimum specifications shall not be permitted on any lot:
  1. Minimum roof pitch shall be 8/12
  2. All homes shall have a minimum of ¾ masonry fronts.
  3. The minimum square footage of the main structure, exclusive of open porches, breezeways, and garages shall be not less than the following:
    - i. All Lots in the re-plat now numbered as follows: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.

<u>Dwelling Type</u>	<u>Minimum Size</u>
One story above grade	2,000 square feet
Story and a half above grade	2,200 square feet
Two story above grade	2,400 square feet
5. Every house shall have a foundation below frost line. All dwellings shall have not less than a two-car garage attached thereto.
6. No residence shall be erected in the plat until the final plans and site plans for each building have been approved in writing by the proprietors of this Plat or by such person or persons as they may delegate, provided, however, that when a residence is completed it shall be conclusively presumed that this covenant has been complied with.
7. No fence shall be erected upon any lot in the plat without express written approval of the plat proprietors or their delegates.
8. All buildings shall be started on the grade established by the City Engineer of the City of Appleton. Setback lines shall conform to local zoning regulations except that Declarant may, in promoting overall harmony, establish other requirements in addition to such regulations.
9. The land occupied by public utility easements of the lots shall not be graded in such a manner as to interfere with drainage of storm water.
10. One single-story storage shed shall be allowed per lot. Said shed shall be located to the rear of the dwelling on said lot, shall have a maximum storage area not to exceed 144



square feet, and shall be constructed in a style and of materials that are similar to those used in the construction of the dwelling located on said lot.

11. All dwellings shall be completed within one year after the beginning of construction and every structure must have a permanent finish on the exterior within 6 months after the start of construction.
12. The covenants and restrictions herein contained shall be in effect for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall automatically be extended for successive periods of ten (10) years, unless an instrument terminating or reducing this term shall be executed and recorded in the office of the Register of Deeds for Outagamie County.
13. No horse, cattle, swine, sheep, goats, or live poultry of any kind, nor more than two pets, shall be kept on any lot in this plat.
14. No nuisance shall be maintained or suffered to exist in the plat
15. Driveways to be of concrete or brick pavers and must be completed within one year after the curb and gutter is installed.
16. These covenants are enforceable by the proprietors of the plat and/or the owner of any lot in the subdivision by injunctive relief as well as any and every other legal right.
17. All fill and/or topsoil from plat must remain in the subdivision. Any fill or topsoil stockpiled within the subdivision is the property of the subdivision developer and is not part of the sale of the lot on which it is stockpiled. No fill or topsoil may be hauled out of this subdivision without permission of the developer.
18. All decisions of the developer shall be enforceable against any lot owner if made in a good faith exercise of the judgment or discretion of its members so long as such decision is not clearly in conflict with the express provisions of the declaration. Any lot owner or other person seeking to avoid, set aside or challenge any such decision of the developer shall have the burden of proof to establish that such standards were not met at the time the decision was made.
19. In furtherance and not in limitation of any of the terms of this declaration, the developer intends that this declaration shall be and remain at all times until expiration hereof, fully enforceable against all lots and any person, entity, trust, organization, governmental unit, or sovereign nation which becomes a lot owner. According, such person, entity, trust, organization, governmental unit, or sovereign nation which becomes a lot owner, whether by virtue or conveyance, operation of the law otherwise, shall be conclusively deemed to have waived any and all defenses to and immunity from enforcement of this declaration based upon the legal or ethnic status of such lot owner, including without limitation sovereign immunity, this declaration serving as full and adequate public notice of said waiver. Said waiver shall apply to the terms, conditions and encumbrances established in this declaration, together with any future liens, claims easements or encumbrances expressly permitted hereunder.
20. These declarations shall be construed and interpreted in favor of restricting the use of each lot consistent with the purposes hereof and any ambiguity shall be resolved against any lot owner who installs any structure or engages in any activity not clearly authorized under these declarations or approved in writing by the developer. These declarations shall be interpreted and construed in accordance with the laws of the state of Wisconsin.
21. No lot owner shall block, dam, or otherwise obstruct the flow of the surface water drainage so as to cause such water to back-up onto the lot of another property owner or so

22. Lawn and landscaping shall be completed within one year of occupancy in strict compliance with approved subdivision drainage plan.
23. *Any walkouts or exposed windows from lower level must have developer or designing engineer approval.*
24. Satellite dishes less than 26" in diameter, mounted on the principal structure, and not visible from the street shall be permitted. All other TV antennas must be contained within the home and not mounted on the roof.
25. The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide adequate drainage of surface water.
26. No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.
27. The lot owner is required to perform all necessary maintenance and upkeep of the lot prior to construction, including keeping the lot free of trash, waste, brush, weeds, and long grass. At all times during construction, the site shall be maintained to developer's reasonable satisfaction in a neat and orderly manner. Construction debris shall be contained at all times in some manner as will prevent such material from blowing onto neighboring properties and/or streets.

Notary Public, State of Wisconsin  
My commission expires:



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JAN 25 2016

## Petition to deny Application for Rezoning





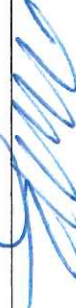


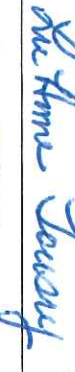



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### CITY OF APPLETON

#### COMMITTEE SUMMARY and background

A rezoning application has been filed with the City of Appleton requesting a zoning change for Lot 1 (Parcel 1-9300-1) on Werner Road within the Glacier Ridge Subdivision. The zoning change requested is from Single Family to Multi-Family to support the building of seven (7) single family condominiums on a 5.14 acre lot. The current property owners in the Glacier Ridge subdivision are opposed to this rezoning and the plan to develop condominiums.

We, the undersigned, are concerned residents of Glacier Ridge Subdivision who urge our City Plan Commission and Common Council to deny the Application for Rezoning.

Printed Name	Signature	Address	Comment	Date
Ernae Hobday		6622 N. Kurey Dr.		1/10/16
Amy M. Hodson		6622 N. Kurey Dr.		1/10/16
Tim Eikes		6703 N. Kurey Dr.		1/10/16
Paul Van Vleet		6545 N. Kurey Dr.		1/10/16
Michael Berg		6505 N. Headwall Cir.		1-10-16
Tegan Berg		6505 N. Headwall Cir.		1-10-16
Charlotte P. Valverde		6545 N. Kurey Dr.		1-10-16
Laurie Tourey		6520 N. Kurey Dr.		1-10-16
Michael R. Tourey		6520 N. Kurey Dr.		1-10-16
Colleen Meynken		6540 N. Headwall Cir.		1-10-16
Tiffany Suther		6419 N. Kurey Dr.		1-10-16

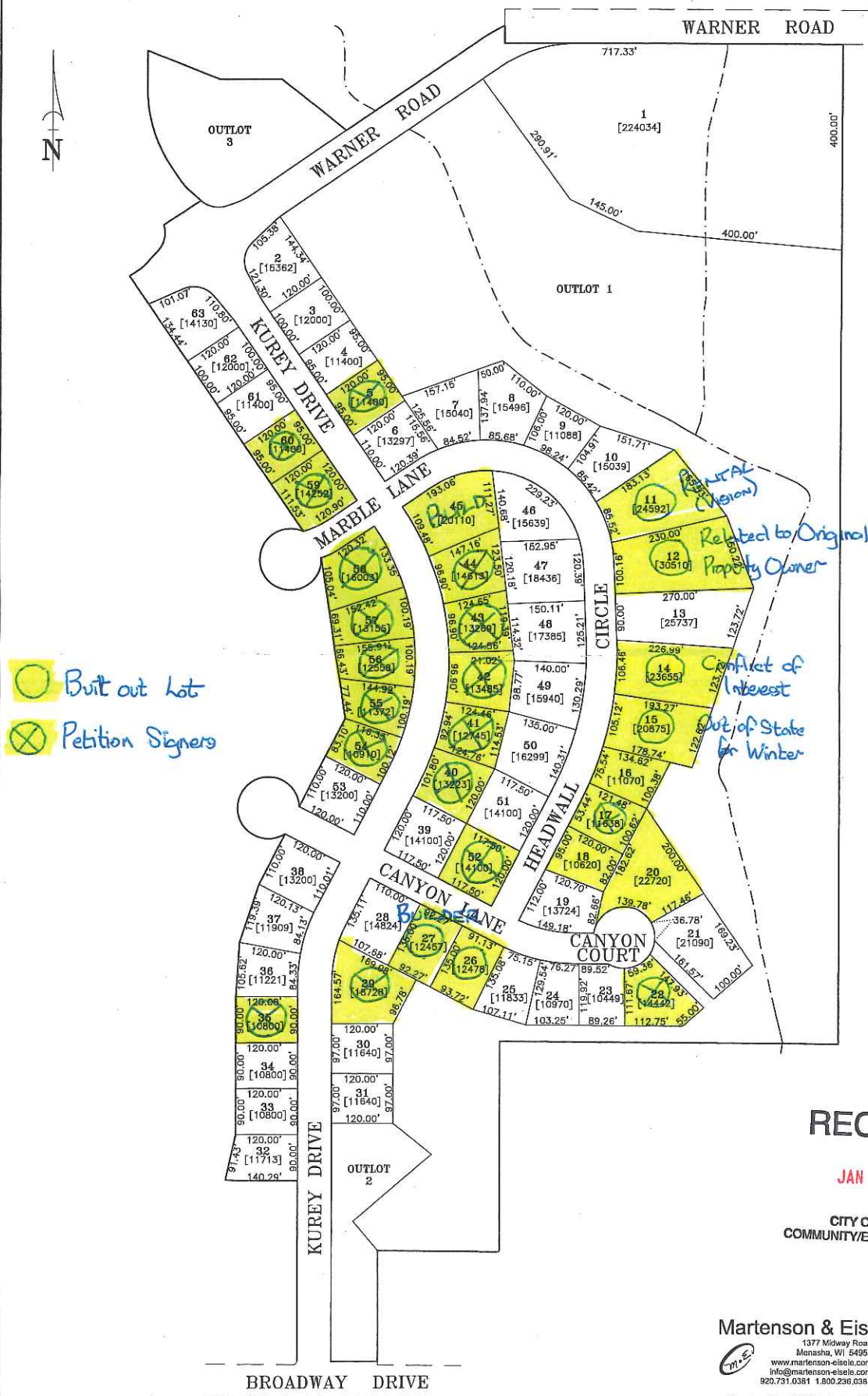
Printed Name	Signature	Address	Comment	Date
Don Suther		6449 N. Kurey Dr.		1-10-16
JEFF DANE		1767 Canton Court		1/10/16
AMANDA DANE				
Lisa Pierre	Dea Pierre	6634 N. Kurey Rd		1/10/16
Davis Pierce	Dave Pierce	6631 N. Kurey Rd		1/10/16
Julie Kolo	Joni Kolo	6402 N. Kurey Rd.		1-10-16
Art Kolo	Art Kolo	6402 N. Kurey Rd.		1-10-16
Jackie Trunk	Jackie Trunk	6655 N. Kurey Dr.		1/23/16
Jim Trunk	Jim Trunk	6655 N. Kurey Dr.		1/23/16
DAN LOSS		6724 N. Kurey Dr.		1/23/16
Cornie Lostos	Cornie Lostos	6521 N. Kurey Dr.		1-23-16
CHRIS HSU	Chris Hsu	6544 N. Kurey Dr.		1/23/16
Marcy Throp		6600 N. Kurey Dr.		1/23/16
Edward Weller		6600 N. Kurey Dr.		1/23/16
Mary Ann Treaswell		6613 N. Kurey Dr.		1/23/16
Tammi Greene	Tammy Greene	6725 N. Kurey Dr		1/24/16



[illegible]

# GLACIER RIDGE

CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



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JAN 25 2016

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Martenson & Eisele, Inc.

1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
info@martenson-eisele.com  
920.731.0381 1.800.236.6381

Drawing No. 157753/glacier ridge/663001 plat layout.dwg  
Revised January 25, 2012



**Amended**  
Restrictive Covenants  
for  
Glacier Ridge

Document Number

Document Title

Glacier Ridge Lots 1 through 63 City of Appleton, Outagamie County Wisconsin.

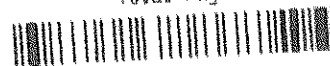
Being recorded to amend original document # 1805003

dated August 5, 2008 @ 12:00pm

Robert A. DeBruin wishes to add to original document  
"NO SOLAR PANELS TO BE ALLOWED IN THE PLAT."

1807512

Recorded  
Aug. 29, 2008 AT 01:15PM  
OUTAGAMIE COUNTY  
JANICE FLENZ  
REGISTER OF DEEDS  
Fee Amount: \$11.00  
Total Pages 1



Recording Area

Name and Return Address

Vision Realty & Development  
200 E Washington St  
Appleton, WI 54911

ENVELOPE

Parcel Identification Number (PIN)

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 27 day of  
August, 2008.

Glacier Ridge

By: Robert A. DeBruin  
Robert A. DeBruin

STATE OF WISCONSIN     )  
  )SS  
COUNTY OF OUTAGAMIE    )

Personally came before me this 28 day of August, 2008, the above named Robert A. DeBruin, known to me to be the person who executed the foregoing instrument.

Notary Public Jill M. Hendricks  
Outagamie County, Wisconsin  
My commission expires 12-25-2011



Drafted by Robert A. DeBruin

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

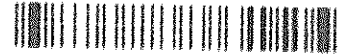
Restrictive Covenants  
for  
Glacier Ridge

Document Number

Document Title

1805003

Recorded  
Aug. 05, 2008 AT 12:00PM  
OUTAGAMIE COUNTY  
JANICE FLENZ  
REGISTER OF DEEDS  
Fee Amount: \$21.00  
Total Pages 6



Recording Area

21.00  
6

Name and Return Address

VISION Realty & Development  
200 E Washington St  
Appleton, WI 54911

ENVELOPE

Parcel Identification Number (PIN)

RESTRICTIVE COVENANTS FOR GLACIER RIDGE  
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

WHEREAS, Glacier Ridge (hereinafter Developer) is the owner of property known as Glacier Ridge, Lots 1 through 63, City of Appleton, Outagamie County, Wisconsin.

WHEREAS, said plat was recorded in the office of the Register of Deeds for Outagamie County, Wisconsin, on the 5th day of August, 2008, and filed as Document No. 1805002 Glacier Ridge is a part of the SECTION 36, TOWN 22 North, City of Appleton, Outagamie County, Wisconsin, Cabinet K, page 79-81 RANGE 17 East

**1. PURPOSE**

The purpose of these covenants is to ensure the use of property for attractive residential purposes only, to prevent nuisance and the impairment of the attractiveness of the property, to seek the use of quality materials and workmanship, to maintain the desired atmosphere and appearance of the community and, thereby, to secure to each site owner the full benefit and enjoyment of their home, with no greater restriction on the free and undisturbed use thereof, than is necessary, to ensure the same advantages to the other site owners.

**2. MINIMUM FLOOR AREA & DESIGN**

All structures to be erected in the Subdivision shall be of a pleasing and harmonious external design and shall conform with all established setback lines; and any dwelling that fails to conform to the specified minimum areas shall not be permitted on any lot, except with prior written approval of Developer. The square footage of the main structure, exclusive of open porches, breezeways and garages, shall not be less than the following:

<b>Dwelling – Single Family Lots 1 through 6 Lots 27 through 45 Lots 53 through 63</b>	<b>Minimum Size</b>
Ranch	2000 Sq. Ft. above grade
Split Level, Bi-Level & 1-1/2 Story	2400 Sq. Ft. above grade
Two Story	2400 Sq. Ft. above grade

<b>Dwelling – Single Family Lots 7 through 26 Lots 46 through 52</b>	<b>Minimum Size</b>
Ranch	2400 Sq. Ft. above grade
Split Level, Bi-Level & 1-1/2 Story	3000 Sq. Ft. above grade
Two Story	3000 Sq. Ft. above grade

**3. LAND USE & BUILDING TYPE**

No lot, whether alone or in combination with one or more other lots in this Subdivision, shall be used except for single-family residential purposes and restricted as follows:

- a. All dwellings shall have not less than a two-car garage attached thereto, of no less than 480 square feet
- b. All dwellings shall have a roof pitch of not less than 8/12.
- c. No used, modular, manufactured, geodesic dome or earth homes will be allowed on any lot.
- d. Developer requires that any and all builders obtain the written approval of Developer before commencing construction of any dwelling in the Subdivision.

e. All homes, including attached garages, shall be completed within twelve (12) months after commencement of building construction and shall not be occupied prior to completion, except that the interior of the below grade level of split level and raised ranch homes need not be completed. All landscaping must be completed within one (1) year after occupancy, except that the Developer may approve a variance. Rocks, painted earth or sand in place of grass, to give a desert look, shall not be permitted. All lawns shall be a minimum of 80% mowed grass, except that the Developer may approve a variance. No un-mowed meadow growth (Prairie grass) shall be allowed. All driveways to the sidewalk line are to be hard-surfaced with concrete or brick pavers within one year of occupancy. The driveway from the sidewalk to the street is to be of concrete or brick pavers and completed within one year of the completion of the concrete street.

f. Developer reserves the right to complete construction or landscaping that has commenced, but has not been completed within the above time-frame, and owner is not proceeding with due diligence to complete construction or landscaping. Any costs so incurred by Developer (including, but not limited to, attorney's fees and court costs) shall become a lien on the lot.

g. No trailer, tent, shack, basement, garage, barn or other outbuilding shall be used temporarily or permanently as a residence.

h. No dwelling shall exceed two (2) stories in height above finished grade level.

i. All residential homes constructed within the Subdivision shall be required, at a minimum, to have brick or stone on 75% of the front of the home facing the street, except that a variance may be approved by the Developer for certain styles of homes, such as "Salt Box", etc.

j. No outbuildings and/or sheds shall be allowed in the plat.

k. During construction, no access to the building site shall be allowed through a ditch or over adjacent lots. If any damage is done to adjacent lots or ditches, the owner of the home under construction shall restore or pay the Developer or lot owner for the restoration of said property to its pre-damaged condition.

l. No building materials shall be placed on any lot more than thirty (30) days prior to the time construction is to begin. No building materials shall remain on any lot more than thirty (30) days after construction is completed.

m. All residences shall have basements or footings extending at least four (4) feet below grade.

n. All trash and waste shall be kept in sanitary containers inside garage. Each lot owner is required to perform all necessary maintenance and upkeep of their lot. No trash, waste, brush, weeds or long grass is permitted. It is the lot owner's responsibility to keep the grass and weeds mowed prior to the start of construction of their residence.

o. No external antenna, unless approved by the Developer, and no satellite dishes more than twenty-four (24) inches in diameter shall be allowed. No satellite dish shall be visible from the street passing by the front of the home.

p. No above ground swimming pool shall be allowed in the Plat.

q. The lot owner is required to perform all necessary maintenance and upkeep of the lot prior to construction, including keeping the lot free of trash, waste, brush, weeds, and long grass. At all times during construction, the site shall be maintained to Developer's reasonable satisfaction in a neat and orderly manner. Construction debris shall be contained at all times in some manner as will prevent such material from blowing unto neighboring properties and/or streets.

#### 4. ARCHITECTURAL REVIEW

**No dwelling or other house or structure shall be erected on any lot of this subdivision until the plans and specifications have been submitted to and approved by the Developer or Developer's assigns.** If the Developer or Developer's assigns, as the case may be, fails to approve or disapprove such plans and specifications within sixty (60) days after the same have been submitted, said plans and specifications shall be deemed to have been approved. All decisions of the Developer or Developer's assigns shall be enforceable against any lot owner if made in a good faith exercise of the judgment or discretion



so long as such decision is not clearly in conflict with the express provisions of this declaration. Any person seeking to challenge any such decision of the Developer or Developer's assigns shall have the burden of proof to establish that such standards were not met at the time of the decision was made.

Submit plans and specifications to:  
Jill Hendricks  
Vision Realty & Development, LLC  
200 E. Washington  
Appleton, WI 54911

#### 5. SET BACK

All set back lines shall conform to local zoning regulations except Declarant may, in promoting overall harmony, establish other requirements in addition to such municipal regulations.

#### 6. IMPROVEMENTS

All lot sales will include paved streets, sewer and water lines stubbed to the lot line, and access to natural gas, telephone lines, cable television and underground electric.

#### 7. GRADES

No building or structure shall be erected or landscaping done until grades have been established by a licensed land surveyor or engineer showing conformity with the approved drainage plan for the Subdivision. The cost of establishing grades shall be borne by the property owner. All lot owners shall be required to sign an affidavit acknowledging receipt of drainage requirements for each lot. The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide adequate drainage of surface water. All lots must maintain the site drainage plan and home elevation specified for each lot, as approved by the City of Appleton.

#### 8. PETS

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot; with the exception of dogs, cats or other household pets, which may be kept, provided they are not kept, bred or maintained for any commercial purpose. No doghouses, dog kennels, cages, sleeping quarters or any kind of outside housing for animals shall be allowed, except that a dog or pet run no larger than 100 sq. ft. in size may be constructed provided that it is not visible from the street passing by the front of the residence. In addition any dog or pet run must be visually hidden from the view of any adjacent lot owner. A dog or pet run may be visually hidden from view by wood fencing, as long as the finished side of the fence faces the lot of the adjoining neighbor or by shrubbery or plantings of sufficient size and placement to impede the view of the dog or pet run to adjacent owners. Solid wood fences are not allowed; board on board or basket weave patterns are acceptable.

#### 9. VEHICLES

No unlicensed vehicles will be permitted on any lot, unless stored within a garage. No boats, recreational vehicles, campers, trailers, tractors, motorcycles, ATV's or lawn maintenance equipment will be permitted to be stored on any lot, unless stored within a garage. No bus, large truck, semi tractor and/or trailer shall be parked anywhere within the exterior boundaries of all phases or additions to Glacier Ridge, unless they are there less than 48 hours to facilitate a lot owners moving in or out.

#### 10. COLORS

No bright or vivid green, blue, red or yellow siding shall be allowed on any residence or garage. The Developer shall have final approval of any shades of the aforementioned colors.

#### 11. SIGNS

No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one (1) square foot and/or one sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

#### 12. FENCING

No chain link or bare wire fencing will be allowed on any lot. Solid wood fences are not allowed. All other fencing shall require the prior written approval of the Developer or a designee. The City of Appleton may require a permit to install a fence on any lot.

#### 13. FILL

All fill and/or topsoil from plat must remain in the subdivision. Any fill or topsoil stockpiled within the subdivision is the property of the subdivision Developer and is not part of the sale of the lot on which it is stockpiled. As long as the Developer owns any lot, in Glacier Ridge, the Developer reserves the right to direct the disposition of any dirt that is to be removed from any lot. However, such disposition, as directed by the Owner/Developer, shall be within a one-mile radius of the lot. It is the responsibility of the owner of the lot to contact the Developer prior to hauling out any fill. No fill or topsoil may be hauled out of this subdivision without permission of the Developer.

#### 14. EASEMENTS

Easements for the installation and maintenance of utilities and drainage facilities are reserved, as shown on the recorded plat. Within these easements, no structure, planting or other materials shall be placed or permitted to remain that may damage or interfere with the installation or maintenance of utilities, or that may change the direction of flow of drainage channels in the easements, or that may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot, and all improvements in it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

#### 15. NUISANCES

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

#### 16. COVENANTS

a. These covenants shall run with the land, and all future conveyances of any lots of the Subdivision shall be subject to the conditions, covenants, obligations and restrictions set forth herein. Acceptance of a deed by any purchaser is considered an agreement to observe and abide by such covenants, conditions and restrictions for the protection of all owners within the subdivision.

b. Invalidity of any one of these covenants by judgment or court order shall in no way effect the remaining provisions, which shall remain in full force and effect.

c. These covenants and restrictions may be removed, modified, annulled, waived, changed and/or amended at any time and in any manner by a written Declaration setting forth such amendment, (a) by the Developer as long as the Developer owns any lot for resale in the subdivision; (b) after the Developer has sold all lots, then by the owners of at least 75% of the lots. The written Declaration shall be recorded in the office of the Register of Deeds for Outagamie County, Wisconsin.

d. The Developer and/or individual lot owners benefited by the Declaration may enforce these conditions, covenants and restrictions using any available legal or equitable remedies, including, by way of example only, affirmative or restrictive injunction. In the event of litigation to enforce these conditions, covenants and restrictions, the non-performing party or the party violating any of the conditions, covenants and restrictions shall reimburse the Developer and/or individual Owners for all out-of-pocket expenses (including actual attorneys' fees and court costs) incurred in successfully enforcing these conditions, covenants, and restrictions.

e. Variations in any of these covenants may be permitted by the Developer where they are reasonably satisfied that such variations will be pleasing and generally in keeping with the character of surrounding properties and will not be a detriment to the subdivision as a whole. After the Developer no longer owns any lot in the subdivision, requests for variations may be submitted to such review committee(s) as may be convened from among the property owners within the subdivision for consideration and approval or rejection.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 1 day of July, 2008.

Glacier Ridge

By: Robert A. DeBruin  
Robert A. DeBruin

STATE OF WISCONSIN           )  
  )SS  
COUNTY OF OUTAGAMIE       )

Personally came before me this 1 day of July, 2008, the above named Robert A. DeBruin, known to me to be the person who executed the foregoing instrument.

Notary Public Jill M. Hendricks  
Outagamie County, Wisconsin

My commission expires 12-25-2011

