

# **City of Appleton**

# **Meeting Agenda - Final**

# **City Plan Commission**

the Co	ommunity and Economic Development De	partment,
	920-832-6468.	
Monday, August 8, 2016	4:00 PM	Council Chambers, 6th Floor

- 1. Call meeting to order
- 2. Roll call of membership
- 3. Approval of minutes from previous meeting
  - <u>16-1230</u> City Plan Minutes from 6-6-16

Attachments: City Plan Minutes 6-6-16.pdf

## 4. Public Hearings/Appearances

## 5. Action Items

- 16-1231
   Request to approve the dedication of land for public right-of-way for E.

   Broadway Drive, as shown on the attached maps
   Attachments: StaffReport StreetDedication BroadwayDrive.pdf
- 16-1233Request to approve Certified Survey Map #11-16, which crosses a plat<br/>boundary, for Nancy Mills to combine 17 River Front Court (Tax Id<br/>#31-3-1732-00) and Pierce Court (Tax Id #31-3-0311-00), subject to the<br/>conditions in the attached staff report (including the creation of a double<br/>frontage lot) and as shown on the attached maps

Attachments: StaffReport RiverFrontCt DoubleFrontage&PlatBoundary For08-08-16.pdf

## 6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



# **City of Appleton**

# **Meeting Minutes - Final**

# **City Plan Commission**

	Any questions about items on this meeting are to b to the Community and Economic Development De 920-832-6468.	
Monday, June 6, 2016	4:00 PM	Council Chambers, 6th Floor

## 1. Call meeting to order

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

### 2. Roll call of membership

Present: 4 - Dukelow, Buetow, Priddis and Uslabar

**Excused:** 2 - Mayor Hanna and Lobner

Others present: Alderperson Jeff Jirschele, District #15 Madeleine Behr, Post-Crescent Amanda Stuck, State Representative, 1404 N. Harriman Street Jeanne Backes, 2703 Kesting Court Paulette Laffin, 2709 Kesting Court Emory Laffin, 2709 Kesting Court Bill Fellows, 1808 E. Longview Drive Guy Stewart, 3703 North Point, Stevens Point Ruth A. Johnson, 2718 Lillian Court Vicky Roovers, 2708 Kesting Court Rod Roovers, 2708 Kesting Court Tou Lee, 2712 Kesting Court Ryan Vissers, 2713 Kesting Court Rob Harris, 2718 N. Meade Street

## 3. Approval of minutes from previous meeting

<u>16-885</u> City Plan Minutes from 5-9-16

Attachments: City Plan Minutes 5-9-16.pdf

Priddis moved, seconded by Buetow, that the Minutes be approved. Roll Call. Motion carried by the following vote:

- Aye: 4 Dukelow, Buetow, Priddis and Uslabar
- Excused: 2 Mayor Hanna and Lobner

### 4. Public Hearings/Appearances

### 5. Action Items

- 16-706 Request to approve Special Use Permit #2-16 for an 85-foot monopole wireless telecommunication tower with associated antennas and ground equipment located in the 2700 block of N. Kesting Court (Tax Id 31-1-4025-00), as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report
  - Attachments:
     StaffReportReferBack\_KestingCtTower\_SpecialUsePermit#2-16.pdf

     Kesting Ct Cell Tower Petition.pdf

     Photos submitted to Plan Commission on 5-9-16 re Kesting Ct

     Tower.pdf

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

- Aye: 4 Dukelow, Buetow, Priddis and Uslabar
- Excused: 2 Mayor Hanna and Lobner

### 6. Information Items

 16-904
 World Refugee Day on June 18, 2016 at The Refuge, 1000 N. Ballard

 Road
 Model of the Refuge of th

Attachments: World Refugee Day Poster 6-18-16.pdf

This Presentation was presented.

### 7. Adjournment

Dukelow moved, seconded by Buetow, that the meeting be adjourned at 4:36 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Dukelow, Buetow, Priddis and Uslabar

Excused: 2 - Mayor Hanna and Lobner



# **REPORT TO CITY PLAN COMMISSION**

Plan Commission Public Meeting Date: August 8, 2016

Common Council Meeting Date: August 17, 2016

Item: Dedication of Public Right-of-Way, Broadway Drive

Case Manager: Jeff Towne

# **GENERAL INFORMATION**

**Owner/Applicant:** Kurey Brothers Partnership; Owner Martenson & Eisele, Inc., Mike Roubal; Applicant

Location: Generally located north of East Broadway Drive and east of North Meade Street

**Petitioner's Request:** Additional 7' of right-of-way for Broadway Drive to be dedicated on proposed CSM.

# BACKGROUND\_

The applicant has completed a Certified Survey Map subdividing the adjacent property to the north of the proposed dedication area into three lots. The City is acquiring the subject area through this dedication for future roadway purposes. The CSM has been approved subject to the acceptance of the subject land for dedicated public right-of-way by the Plan Commission and Common Council.

# STAFF ANALYSIS

**Public Right-of-Way Dedication:** Approximately .074 acre (3,236 square feet) of land is included in the proposed right-of-way dedication.

**Street Classification:** The City's Arterial/Collector Plan identifies this portion of Broadway Drive as a collector street.

# **Surrounding Zoning and Land Uses:**

North: R-1A – Single-Family Residence and Undeveloped South: Town of Grand Chute – Plamann Park East: Town of Grand Chute – Residence West: AG – Undeveloped

**2010-2030 Comprehensive Plan:** The City of Appleton 2010-2030 Comprehensive Plan identifies this area for future One and Two-Family Residential uses. The proposed public land dedication is consistent with the following goal of the 2010-2030 Comprehensive Plan:

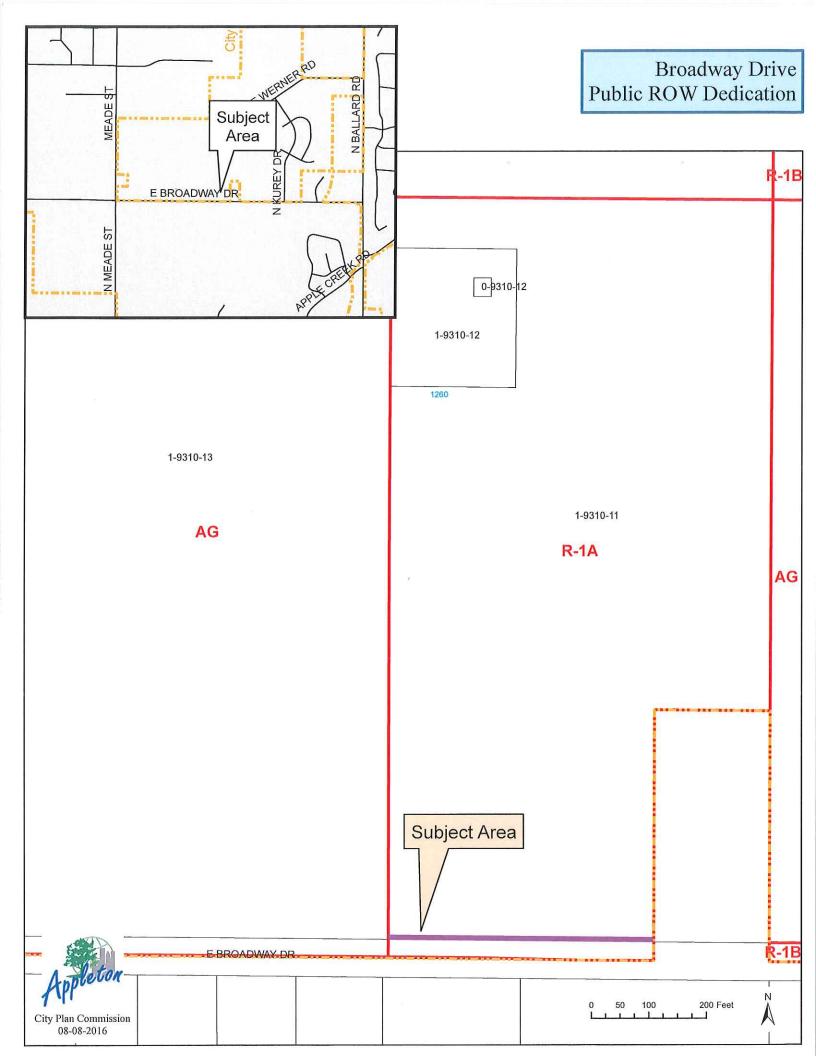
## • **Goal 4 – Transportation** (Chapter 6)

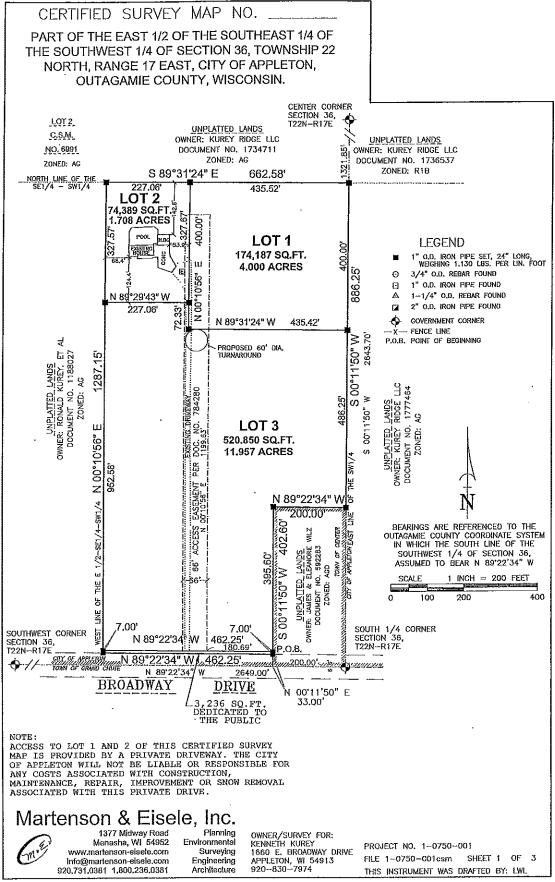
Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

**Technical Review Group Report (TRG):** This item was discussed at the July 19, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

## **RECOMMENDATION**

Staff recommends the dedication of land for public right-of-way for East Broadway Drive as shown on the attached maps, **BE APPROVED**.





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# **REPORT TO CITY PLAN COMMISSION**

Plan Commission Meeting Date: August 8, 2016

Common Council Meeting Date: August 17, 2016

**Item:** Certified Survey Map #11-16

Case Manager: David Kress

# **GENERAL INFORMATION**

**Owner:** Nancy A. Mills

Applicant: Martenson & Eisele, Inc. c/o Gary Zahringer

Address/Parcel #: 17 River Front Court and Pierce Court (Tax Id #31-3-1732-00 and #31-3-0311-00)

**Petitioner's Request:** The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The applicant is proposing to combine two adjacent properties into one lot and create an outlot along the Fox River.

## BACKGROUND\_

Typically, CSMs are administratively reviewed and approved by City staff. However, the adjacent properties to be combined were originally platted in different plats. Parcel #31-3-0311-00 was included in the Pierce Plat (recorded in 1930), and parcel #31-3-1732-00 was included in the River Front Court Subdivision (recorded in 1964). In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the City is required to approve the proposed CSM in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

The purpose of the proposed lot combination is to allow for the construction of a single-family dwelling. While not required, a concept plan is attached for reference.

## STAFF ANALYSIS

**Existing Conditions:** Currently, parcel #31-3-1732-00 is developed with a 4,790 square feet single-family dwelling. This property also includes a paved driveway and attached garage. Parcel #31-3-0311-00 is currently undeveloped and approximately 0.47 acres in size. Both parcels have a zoning designation of R-1B Single-Family District. If combined, the proposed Lot #1 would be approximately 0.79 acres in size.

**Subdivision Ordinance Requirements:** Proposed Lot #1 would create a double frontage lot, having frontage on River Front Court and Pierce Court. The definition for double frontage lot, per the Subdivision Ordinance, means an interior lot having frontage on the front and on the rear of the lot. Per Section 17-26(c)(2) of the Municipal Code, double frontage lots shall not be permitted except as required by Common Council where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation.

## Certified Survey Map #11-16 August 8, 2016 Page 2

Per Section 23-93(g) of the Municipal Code, the minimum lot area is six-thousand (6,000) square feet and the minimum lot width is fifty (50) feet for the R-1B Single-Family District. Proposed Outlot #1 does not meet these lot development standards.

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

- 1. The modification is due to physical features of the site or its location.
- 2. The modification is the least deviation from this ordinance which will mitigate the hardship.
- 3. The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

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

North: R-1B Single-Family District. The adjacent land uses to the north are currently single-family residential.

South: R-1B Single-Family District. The adjacent land uses to the south are currently railroad right-of-way and the Fox River.

East: R-1B Single-Family District. The adjacent land uses to the east are currently single-family residential.

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

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

**Additional Comments:** While not proposed, it should be noted that combining the lots would give the ability to construct an accessory building and/or structure on the undeveloped portion of the subject area (currently parcel #31-3-0311-00), subject to Section 23-43 of the Municipal Code. Below is a dimensional modification from the Zoning Ordinance that pertains specifically to double frontage lots.

• Section 23-50(d)(4) – Where a lot is a double frontage lot, any detached accessory structure may be permitted in the yard opposite the front yard from which the principal structure is addressed. Furthermore, the accessory structure shall meet the front yard and side yard setback requirement of the principal structure.

# Certified Survey Map #11-16 August 8, 2016 Page 3

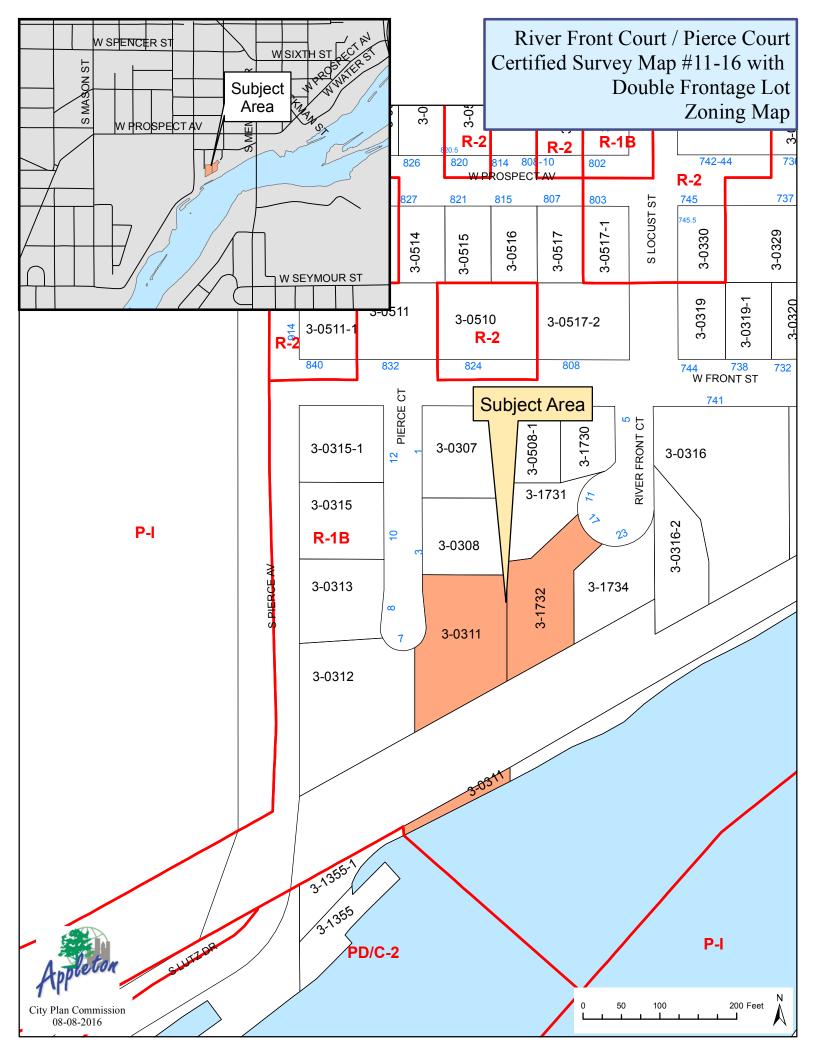
**Technical Review Group (TRG) Report:** This item was discussed at the July 19, 2016 Technical Review Group meeting.

- Department of Public Works Comments:
  - Add a phrase similar to "dividing or combining" to the surveyor and owner certificates.
  - A mortgage certificate is not necessary.
  - A Drainage Plan will be required prior to the issuance of any building permits related to this CSM.
  - City Driveway Opening Policy applies to any new driveways proposed as part of this CSM. Street Excavation Permit will be required for a second driveway opening.
- Assessor's Office Comments:
  - Parcel #31-3-0311-00 was transferred to Triumph 2 Trust. This should be updated on sheet 2 of the CSM to show both parcels owned by the trust.

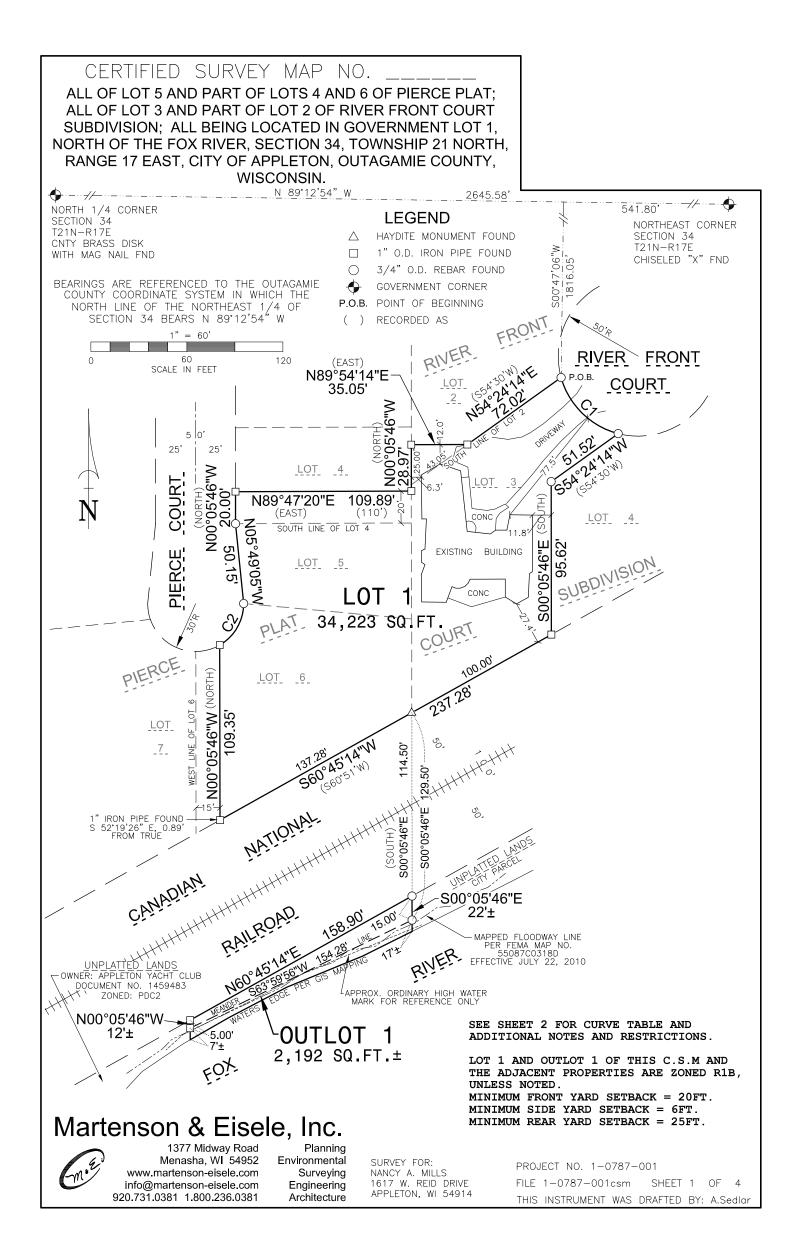
# RECOMMENDATION

Based on the above, staff recommends that Certified Survey Map #11-16, as shown on the attached map, **BE APPROVED** subject to the following conditions:

- 1. Grant relief from the double frontage lot requirements for proposed Lot #1, per Section 17-3(f) of the Municipal Code, as stated previously in the staff report.
- 2. Grant relief from the minimum lot area and minimum lot width requirements for proposed Outlot #1, per Section 17-3(f) of the Municipal Code, as stated previously in the staff report.
- 3. Add a phrase similar to "dividing or combining" to the surveyor and owner certificates.
- 4. A mortgage certificate is not necessary.
- 5. A Drainage Plan will be required prior to the issuance of any building permits related to this CSM.
- 6. City Driveway Opening Policy applies to any new driveways proposed as part of this CSM. Street Excavation Permit will be required for a second driveway opening.
- 7. Parcel #31-3-0311-00 was transferred to Triumph 2 Trust. This should be updated on sheet 2 of the CSM to show both parcels owned by the trust.
- 8. Illustrate or note all existing easements within the exterior boundaries of the CSM or immediately adjacent thereto, per Section 17-17(a)(7) of the Municipal Code.







# CERTIFIED SURVEY MAP NO. \_\_\_\_

#### CURVE TABLE:

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
1	50.00'	060°01'13"	52.36'	S 45°29'36" E	50.00'
		(60°00')		(N 45°23' W)	
2	30.00'	060°00'00"	31.42'	N 29°54'14" E	30.00'

#### NOTES AND RESTRICTIONS:

ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF THE NAVIGABLE STREAM, IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1 OF THE STATE CONSTITUTION.

THE FOX RIVER WATERS EDGE IS SHOWN PER OUTAGAMIE COUNTY GIS AND IS NOT BASED ON AN OFFICIAL DETERMINATION AND SUBJECT TO A 75' BUILDING SETBACK FROM THE ORDINARY HIGH WATER MARK. PRIOR TO ANY BUILDING, AN OFFICIAL DETERMINATION OF THE ORDINARY HIGH WATER MARK MUST BE MADE BY AN AUTHORIZED PERSON.

ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED BY THE CITY OF APPLETON AND OUTAGAMIE COUNTY ZONING DEPARTMENTS PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY.

### SURVEYOR'S CERTIFICATE:

I, GARY A. ZAHRINGER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY: THAT I HAVE SURVEYED, MAPPED, AND DIVIDED AT THE DIRECTION OF NANCY A. MILLS, ALL OF LOT 5 AND PART OF LOTS 4 AND 6 OF PIERCE PLAT; ALL OF LOT 3 AND PART OF LOT 2 OF RIVER FRONT COURT SUBDIVISION; ALL BEING LOCATED IN GOVERNMENT LOT 1 NORTH OF THE FOX RIVER, SECTION 34, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHEAST CORNER OF SAID SECTION 34; THENCE NORTH 89 DEGREES 12 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 541.80 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 06 SECONDS WEST, 1816.05 FEET TO THE POINT OF EGGINNING; THENCE 52.36 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF RIVER FRONT COURT, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CHORD THAT BEARS SOUTH 45 DEGREES 29 MINUTES 36 SECONDS EAST, 50.00 FEET; THENCE SOUTH 54 DEGREES 24 MINUTES 14 SECONDS WEST, ALONG THE EAST LINE OF LOT 3 OF RIVER FRONT COURT SUBDIVISION, A DISTANCE OF 51.52 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 46 SECONDS EAST, CONTINUING ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 95.62 FEET; THENCE SOUTH 60 DEGREES 45 MINUTES 14 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF CANADIAN NATIONAL RALRADA, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, 129.50 FEET TO A MEANDER CORNER, SAID CORNER BEING NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, 17 FEET MORE OR LESS FROM THE WATERS EDGE OF THE FOX RIVER; THENCE SOUTH 63 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG A MEANDER LINE, 154.28 FEET TO A MEANDER CORNER, SAID CORNER BEING SOUTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, ALONG A MEANDER LINE, 154.28 FEET TO A MEANDER CORNER, SAID CORNER BEING SOUTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF CANADIAN NATIONAL RALLROAD, A DISTANCE OF 158.90 FEET; THENCE NORTH 100 DEGREES 05 MINUTES 46 SECONDS WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF CANADIAN NATIONAL RALLROAD, A DISTANCE OF 50.158 POET; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF CANADIAN NATIONAL RALLROAD, A DISTANCE OF 50.15 FEET; THENCE NORTH 100 DEGREES 05 MINUTES 46 SECONDS WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF PIERCE COURT, A DISTANCE OF 20.00 FEET; THENCE NORTH 100 DEGREES 47 MINUTES 14 SECONDS WEST, ALONG THE SAS ROOMS WEST, CONTINUING ALONG THE SOUTHERIT

THAT I HAVE FULLY COMPLIED WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND WITH THE CITY OF APPLETON SUBDIVISION ORDINANCE IN SURVEYING, MAPPING AND DIVIDING THE SAME.

THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF.

GIVEN UNDER MY HAND THIS 11TH DAY OF JULY, 2016.

GARY A. ZAHRINGER, PROFESSIONAL LAND SURVEYOR S-2098

THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWINGRECORDED INSTRUMENTSOWNERS OF RECORD:RECORDING INFORMATION:PARCEL NUMBERS:TRIUMPH 2 TRUSTDOC. NO. 2075446NANCY A. MILLSDOC. NO. 1517774

-3-0311-00 PROJECT NO. 1-0787-001 SHEET 2 OF 4

	CERTIFIED SUF	RVEY MAP NO		
CITY APPROVAL: APPROVED BY THE CITY	OF APPLETON ON THIS	THE DAY OF	,	2016.
TIMOTHY M. HANNA, MA	YOR	KAMI LYNCH, CITY CLER	K	
FINANCE CERTIFICATE: I HEREBY CERTIFY THA LANDS SHOWN HEREON.	T THERE ARE NO UNPAIL	) TAXES OR UNPAID SPECIAL 2	ASSESSMENTS ON ANY OF	THE
DATED THIS DAY	OF	, 2016.		
ANTHONY D. SAUCERMAN	, DIRECTOR OF FINANC	5		
	ERTIFICATE: T THERE ARE NO UNPAID ON ANY OF THE LANDS S			
OUTAGAMIE COUNTY TRE	ASURER	DATE		
			PROJECT NO. 1-	0787-001

CERTIFIED SURVEY	/ MAP NO
TRIUMPH 2 TRUST OWNERS CERTIFICATE: AS OWNER I. THE UNDERSIGNED. HEREBY CERTIFY	THAT I CAUSED THE LAND ABOVE DESCRIBED TO BE
SURVEYED, DIVIDED, AND MAPPED ALL AS SHOWN AND	
DATED THISDAY OF	, 2016.
SIGNATURE	
PRINT NAME & TITLE	
STATE OF WISCONSIN )	
)SS COUNTY )	
PERSONALLY CAME BEFORE ME ON THE DAY	
OF, 2016, THE ABOVE NAMED ' ME KNOWN TO BE THE PERSON WHO EXECUTED THE FO	IO REGOING
INSTRUMENT AND ACKNOWLEDGE THE SAME.	
NOTARY PUBLIC,	
STATE OF	
MY COMMISSION (IS PERMANENT)	
(EXPIRES:)	
OWNERS CERTIFICATE:	
AS OWNER I, THE UNDERSIGNED, HEREBY CERTIFY SURVEYED, DIVIDED, AND MAPPED ALL AS SHOWN AN	THAT I CAUSED THE LAND ABOVE DESCRIBED TO BE D REPRESENTED ON THIS MAP.
DATED THISDAY OF	, 2016.
NANCY A. MILLS	
STATE OF WISCONSIN ) )SS	
OUTAGAMIE COUNTY )	
PERSONALLY CAME BEFORE ME ON THE DAY OF, 2016, THE ABOVE NAMED	ТО
ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOUND	REGOING
INDIRONALITI AND ACROWLEDGE THE STATE.	
NOTARY PUBLIC,	
STATE OF MY COMMISSION (IS PERMANENT)	
(EXPIRES:)	

