



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final City Plan Commission

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

Monday, March 20, 2017

4:00 PM

Council Chambers, 6th Floor

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

[17-351](#) City Plan Minutes from 2-6-17

Attachments: [City Plan Minutes 2-6-17.pdf](#)

4. Public Hearings/Appealances

[17-352](#) Rezoning #1-17 for the Third Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District (Associated with Action Item #17-353)

5. Action Items

[17-353](#) Request to approve Rezoning #1-17 for the Third Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport Rezoning #1-17 ThirdAddtoEmeraldValley.pdf](#)

[17-354](#) Request to approve the Third Addition to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport Preliminary Plat ThirdAddtoEmeraldValley.pdf](#)

[17-355](#) Request to approve the Affidavit of Correction for White Hawk Meadows III Extraterritorial Final Plat located in the Town of Grand Chute, as shown on the attached maps and documents

Attachments: [StaffReport AffidavitofCorrectionWhiteHawkMeadowsIIIFinalPlat.pdf](#)

6. Information Items

7. Adjournment

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

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



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final City Plan Commission

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

Monday, February 6, 2017

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: 6 - Dukelow, Mayor Hanna, Buetow, Lobner, Uslabar and Rabec

Others present:

Aldersperson Vered Meltzer, District #2

Dean Gazza, Director of Parks, Rec & FMD

Tom Flick, Deputy Director of Parks, Rec & FMD

Madeleine Behr, Post-Crescent

Andrew Dane, Short Elliott Hendrickson

Ryan Myers, 713 S. Mueller Street

3. Approval of minutes from previous meeting

[17-123](#)

City Plan Minutes from 1-23-17

Attachments: [City Plan Minutes 1-23-17.pdf](#)

Lobner moved, seconded by Uslabar, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 6 - Dukelow, Mayor Hanna, Buetow, Lobner, Uslabar and Rabec

4. Public Hearings/Appealances

[17-124](#)

Proposed Text Amendments and Future Land Use Map Amendments
(5-year update) to the City of Appleton Comprehensive Plan
2010-2030 (Associated with Action Item #17-125)

This public hearing was held, and no one spoke on the item.

5. Action Items

6. Information Items

[17-125](#)

Request to approve the attached Text Amendments and Future Land Use Map Amendments (5-year update) to the City of Appleton Comprehensive Plan 2010-2030 and approve the attached resolution

Attachments:

[MemoToPlanCommission_2016-2017CompPlanAmendments_02-06-17.pdf](#)
[Resolution_2016-2017CompPlanAmendments_5YearUpdate.pdf](#)
[00 TableOfContents FINAL 02-03-17.pdf](#)
[01 Introduction FINAL 01-30-17.pdf](#)
[02 Background FINAL 01-30-17.pdf](#)
[03 CommunityVision FINAL 02-02-17.pdf](#)
[03 AppendixChapter3 PublicParticipationSummary 01-20-17.pdf](#)
[04 IssuesAndOpportunities FINAL 01-30-17.pdf](#)
[05 HousingAndNeighborhoods FINAL 02-02-17.pdf](#)
[06 Transportation FINAL 02-02-17.pdf](#)
[07 UtilitiesAndCommunityFacilities FINAL 02-02-17.pdf](#)
[08 AgNaturalHistoricCulturalResources FINAL 02-02-17.pdf](#)
[09 EconomicDevelopment FINAL 02-02-17.pdf](#)
[10 LandUse FINAL 02-03-17.pdf](#)
[10 LandUse_FutureLandUseMapAnnotated 01-26-17.pdf](#)
[11 IntergovernmentalCooperation FINAL 02-02-17.pdf](#)
[12 Implementation FINAL 02-02-17.pdf](#)
[14 DowntownPlan FINAL 02-02-17.pdf](#)
[14 AppendixChapter14 PastPlanningEfforts 10-03-16.pdf](#)
[14 AppendixChapter14 DowntownMarket Analysis 01-26-17.pdf](#)
[14 AppendixChapter14 StateOfTheDowntownReport 08-26-16.pdf](#)
[14 AppendixChapter14 FundingOptions 01-20-17.pdf](#)
[14 AppendixChapter14 PerformanceBenchmarks 01-20-17.pdf](#)
[18 ParkAndRecreationMasterPlan FINAL 02-03-17.pdf](#)
[SummaryMemoChapters1-5_CompPlanUpdate 11-14-16.pdf](#)
[SummaryMemoChapter6_CompPlanUpdate 12-06-16.pdf](#)
[SummaryMemoChapter7_CompPlanUpdate 12-06-16.pdf](#)
[SummaryMemoChapter8_CompPlanUpdate 12-05-16.pdf](#)
[SummaryMemoChapter9_CompPlanUpdate 12-05-16.pdf](#)
[SummaryMemoChapter10_CompPlanUpdate 12-21-16.pdf](#)
[SummaryMemoChapter11_CompPlanUpdate 11-21-16.pdf](#)
[SummaryMemoChapter12_CompPlanUpdate 12-30-16.pdf](#)
[ExecutiveSummaryChapter14_CompPlanUpdate 01-25-17.pdf](#)
[SummaryMemoChapter18_CompPlanUpdate 12-30-16.pdf](#)
[Formatting13_FoxRiverCorridorPlan FINAL 02-02-17.pdf](#)
[Formatting15_WisconsinAvenueCorridorPlan FINAL 02-03-17.pdf](#)
[Formatting16_RichmondStreetCorridorPlan FINAL 02-02-17.pdf](#)
[Formatting17_SouthOneidaStreetCorridorPlan FINAL 02-02-17.pdf](#)

[Timeline_PC+CCApproval_Draft11-07-16.pdf](#)

Proceeds to Council on March 15, 2017.

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

Aye: 6 - Dukelow, Mayor Hanna, Buetow, Lobner, Uslabar and Rabec

7. Adjournment

Uslabar moved, seconded by Lobner, that the meeting be adjourned at 4:08 p.m. Roll Call. Motion carried by the following vote:

Aye: 6 - Dukelow, Mayor Hanna, Buetow, Lobner, Uslabar and Rabec



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: March 20, 2017

Common Council Public Hearing Meeting Date: April 19, 2017 (Public Hearing on Rezoning)

Item: Rezoning #1-17 – Third Addition to Emerald Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Address/Parcel #: Providence Avenue / Part of 31-1-7600-00

Petitioner's Request: The owner/applicant is requesting a zoning change from AG Agricultural District to R-1B Single-Family District to construct the third phase of Emerald Valley subdivision.

BACKGROUND

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

STAFF ANALYSIS

Proposed Zoning Classification: The purpose of the R-1B Single-Family Residential District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium-sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Existing Conditions: The portion of the lot to be rezoned is currently undeveloped and zoned AG Agricultural District.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 – R-1B Single-Family Residential District) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*
- Minimum lot width: Fifty (50) feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*

Surrounding zoning and land uses:

North: AG Agricultural District – undeveloped land
South: P-I Public Institutional District – drainage corridor
East: R-1B Single-Family Residential District – residential uses
West: AG Agricultural District – undeveloped land

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses.

Overall Community Goals

Goal 1 – Community Growth (Chapter 10 – Land Use)

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.

Findings: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on the subject site after the platting process has been completed.

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.

Findings: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on subject site after the platting process has been completed. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels.

OBJECTIVE 5.1 Housing and Neighborhoods.

Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

OBJECTIVE 5.3 Housing and Neighborhoods.

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

Findings: The request is consistent with these objectives and policies because the single-family zoning classification will allow the subject site to be developed with residential housing units. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels. The proposal is compatible with the existing single-family dwellings development on adjacent properties.

OBJECTIVE 6.3 Transportation:

Create an environment that is safe and conducive to walking and bicycling throughout the entire city.

Policy 6.3.1 Prioritize bicycle and pedestrian improvement projects that enhance connectivity between important destinations within the community, and to regional bicycle and pedestrian networks.

Policy 6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods.

Findings: The proposed development will be a continuation of the lot-block pattern and straight street patterns previously established by the earlier phases of Emerald Valley Subdivision. As new homes are built, new sidewalk segments will be installed in this area of the City. Once all sidewalk segments are connected together, opportunities for walking to services, schools, and parks and transit will exist in the area of the City. These objectives and policies appear to be met.

OBJECTIVE 7.1 Utilities and Community Facilities:

Provide a pattern of development that minimizes impacts to municipal services and utilities.

Policy 7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

Findings: The anticipated development is consistent with this objective and policy, as adequate public infrastructure exists in this area of the City.

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. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and strategies stated above.*
 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. Single-family uses are already *present to the north and east of the subject site. The rezoning request is being made to accommodate the third phase of this residential subdivision which will expand this residential neighborhood. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

Technical Review Group Report (TRG): This item was discussed at the February 28, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-17 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

Rezoning Third Addition to Emerald Valley
AG Agricultural District to
R-1B Single-Family District

Subject
Area

CITY LIMITS

AG

AG to R-1B

R-1B

P-I

PROVIDENCE AVENUE

BLUETOPAZ DRIVE

AMETHYST DRIVE



City Plan Commission
03-20-17

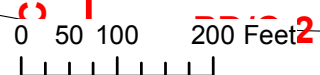
EDGEWOOD DRIVE (C.T.H. "JJ")

PD/R-1A

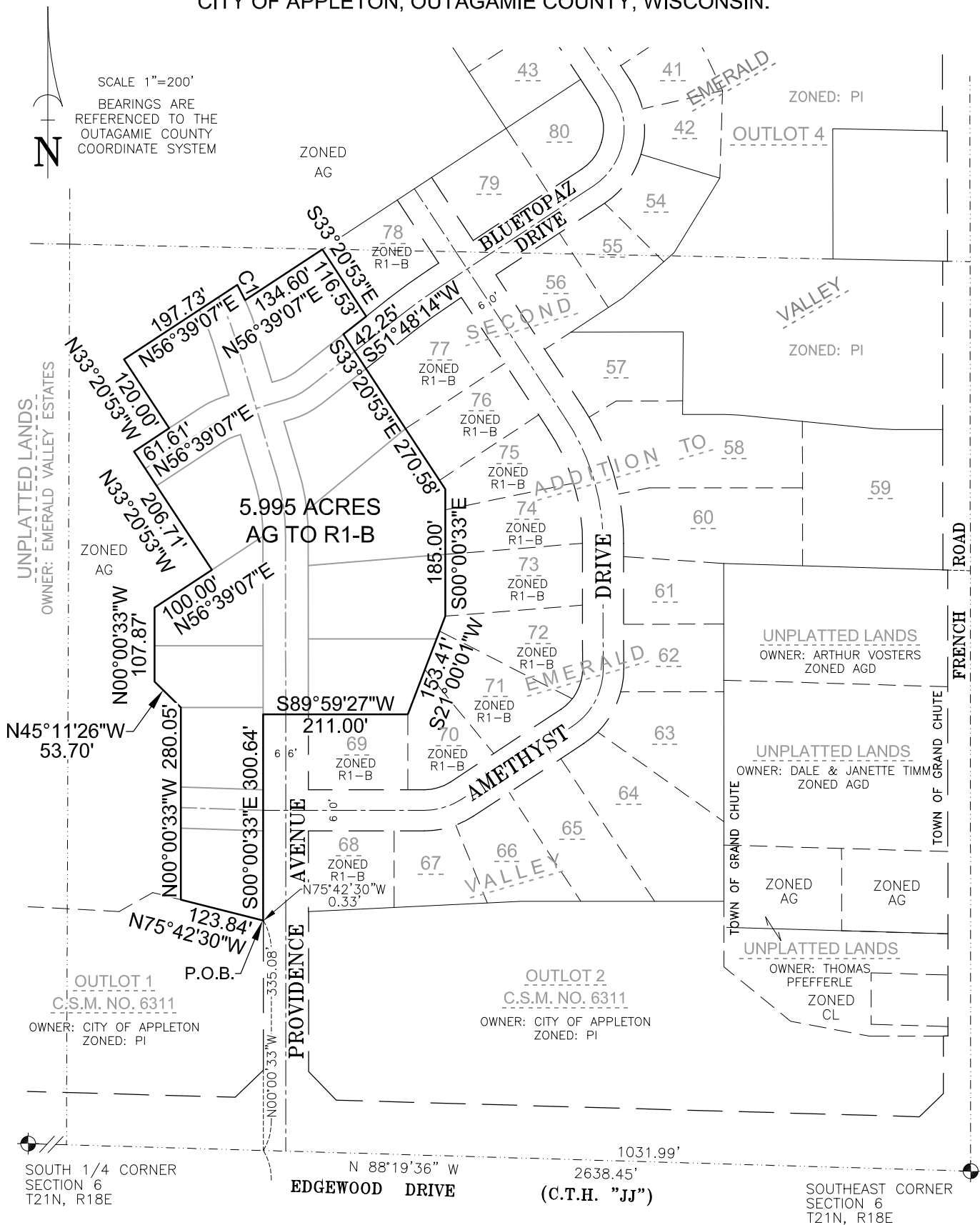
R-1A

PD/R-2

C-1



REZONING REFERENCE MAP
PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4,
SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



CURVE TABLE						
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	
1	333.00'	04°19'42"	25.16'	S 27°04'53.0" E	25.15'	

Martenson & Eisele, Inc.



1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0534-004
FILE 1-0534-004rezone.dwg
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 20, 2017

Common Council Meeting Date: April 19, 2017

Item: Preliminary Plat – Third Addition to Emerald Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Address/Parcel #: Providence Avenue / Part of 31-1-7600-00

Petitioner's Request: The owner/applicant is proposing to subdivide property under a multi-phased approach.

BACKGROUND

The Final Plat for the Second Addition to Emerald Valley consisting of 28 residential lots was approved by the Common Council on September 17, 2014.

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

STAFF ANALYSIS

Existing Conditions: The portion of the lot to be subdivided is currently undeveloped and zoned AG Agricultural District. Rezoning #1-17 for subject site is also being presented at this March 20, 2017 Plan Commission meeting to rezone the site from AG to R-1B. The 5.995 acre area will be divided into eleven (11) single family lots.

Zoning Ordinance Review Criteria: R-1B lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed average lots size is 18,000 square feet. All lots exceed this requirement.*

- Minimum lot width: Fifty (50) feet.
 - *The proposed lots average lot width is 110 feet. All lots exceed this requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback had been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, and no variances have been requested.

Access and Traffic: The primary vehicular access to this phase is via Providence Avenue, which connects to Amethyst Drive and Bluetopaz Drive. The full 66 foot road right-of-way for Providence Avenue and 60 foot road right-of-way for width of Amethyst Drive and Bluetopaz Drive will be dedicated to the City with the Final Plat.

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 and agricultural in nature.

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

Parks and Open Space: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code have been waived in exchange for parkland as illustrated in the current Emerald Valley Development Agreement

Technical Review Group Report (TRG): This item was discussed at the February 28, 2017 Technical Review Group Report meeting.

Department of Public Works Comments:

- The consultant comments for the Stormwater Management Plan review will be provided via separate cover directly to the engineer.
- A Development Agreement will be required as part of the Final Platting process.

RECOMMENDATION

The Third Addition to Emerald Valley Preliminary Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.
2. The owner/applicant shall submit to the City Engineering Division for review and approval information showing how storm sewer/drainage will be developed to accommodate the proposed phasing, prior to City signatures being affixed to the Final Plat.
3. All easements, including but not limited to, storm sewers, utility, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer.
4. Grant a storm sewer easement to the City for portions of proposed storm sewer that extend west of plat limits (future Lots 137 and 138 and adjacent future Bluetopaz Drive). The easement may be via separate instrument from the plat.
5. A Development Agreement being made and entered into by and between the City of Appleton and the applicant/owner, and any amendments related thereto, prior to the issuance of any permit to commence construction of any public improvement. The Development Agreement will include a stipulation that the rear lot line berm along Lots 59-64 in Emerald Valley 2nd Addition must be constructed prior to issuance of any building permits in Emerald Valley 3rd Addition.
6. The Preliminary Plat and Rezoning #1-17 being acted on at the same Common Council meeting.
7. Prior to City signatures being affixed to the Final Plat, a revised Drainage Plan shall be submitted to the Community and Economic Development Department for Department of Public Works review showing the following:
 - a. Show lot dimensions.

- b. Provide a temporary drainage ditch that runs from the northwest corner of Lot 88 to a selected location of the storm sewer west of the plat and daylight one of the pipes to collect this flow.
- c. Provide proposed spot grade for the northeast corner of Lot 81.

Third Addition to Emerald Valley Preliminary Plat Aerial Map

Subject Area

AG

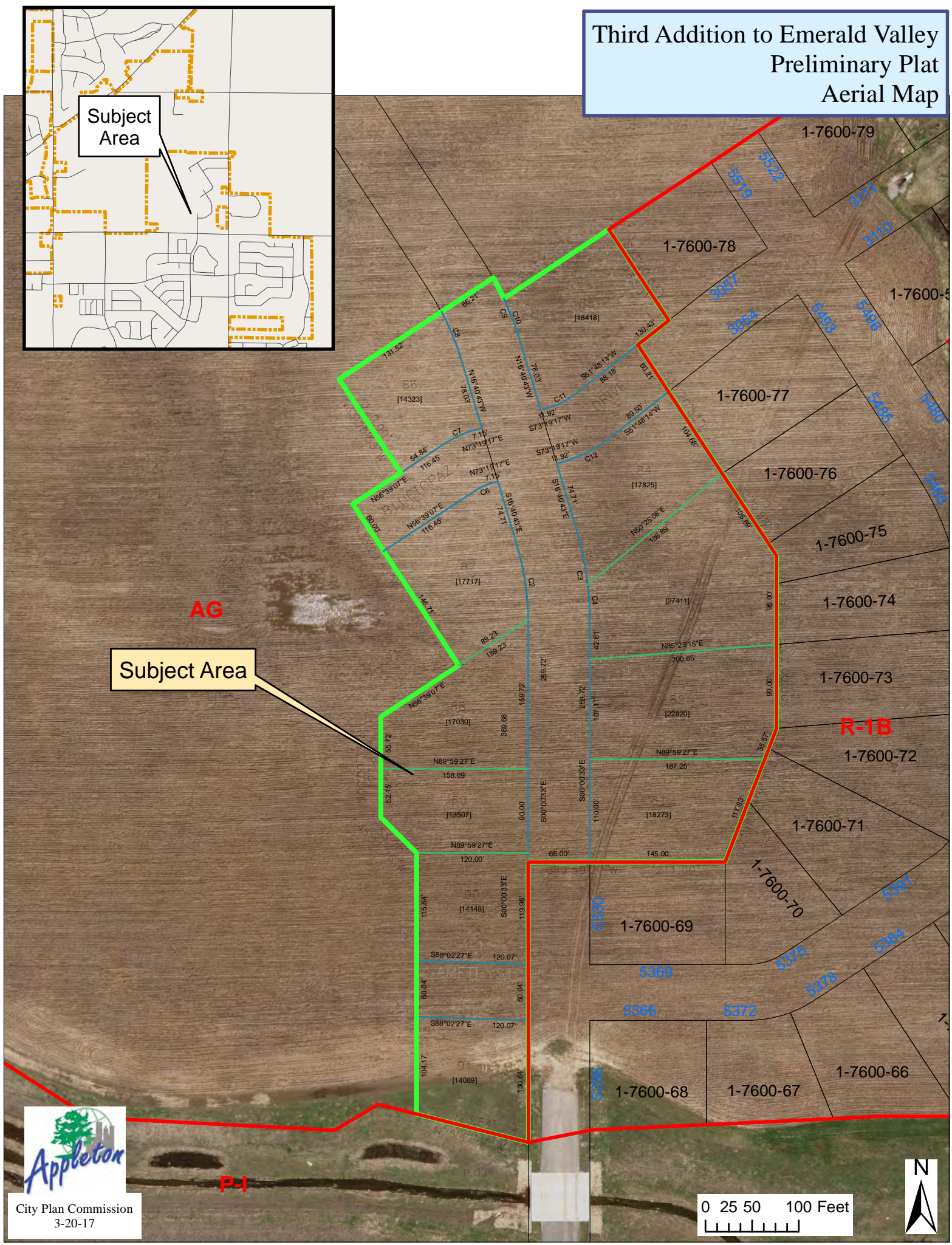
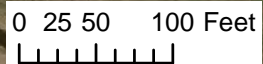
Subject Area

R-1B

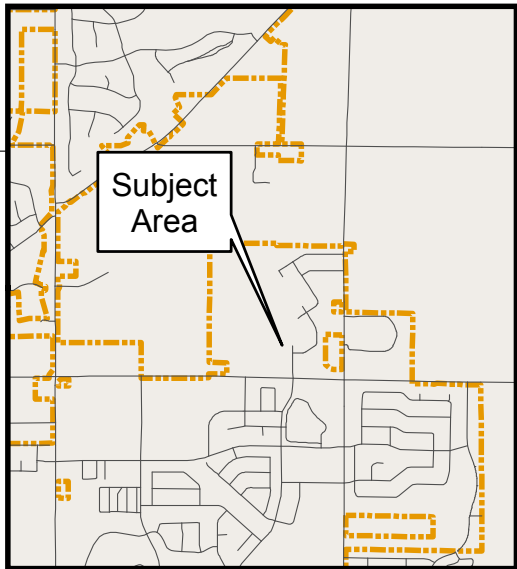
P-1



City Plan Commission
3-20-17



Third Addition to Emerald Valley Preliminary Plat Zoning Map



Subject Area

AG

Subject Area

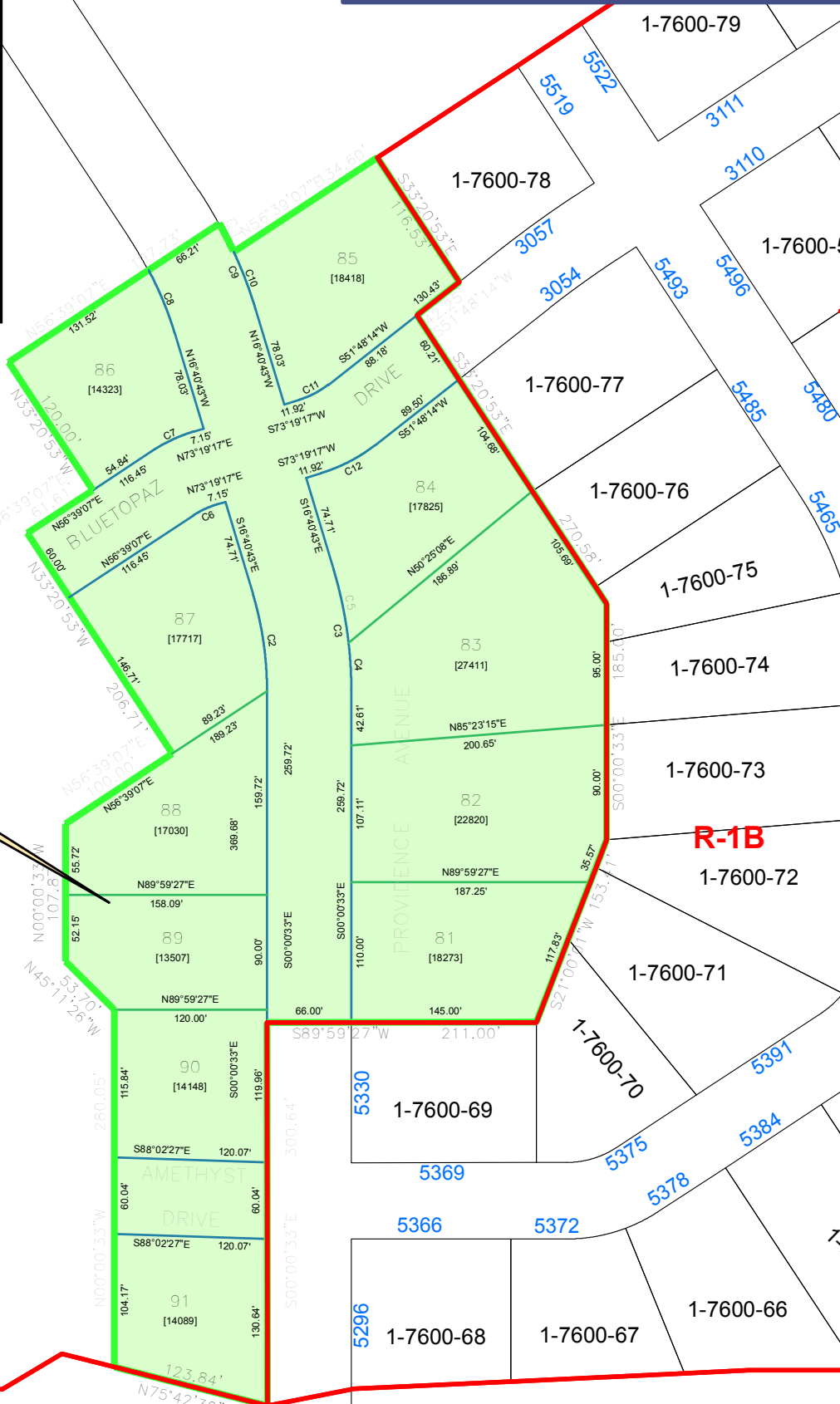
R-1B

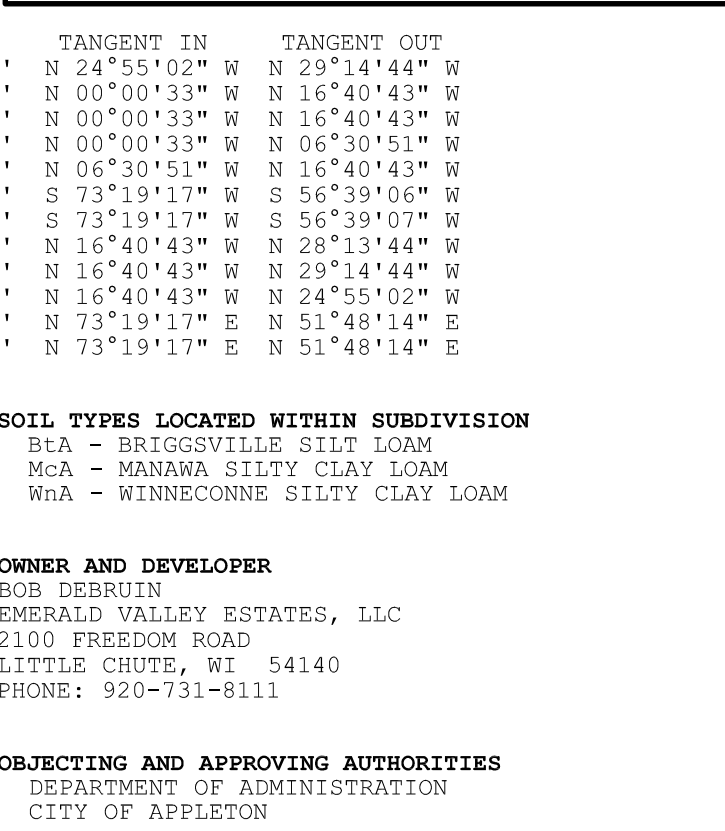
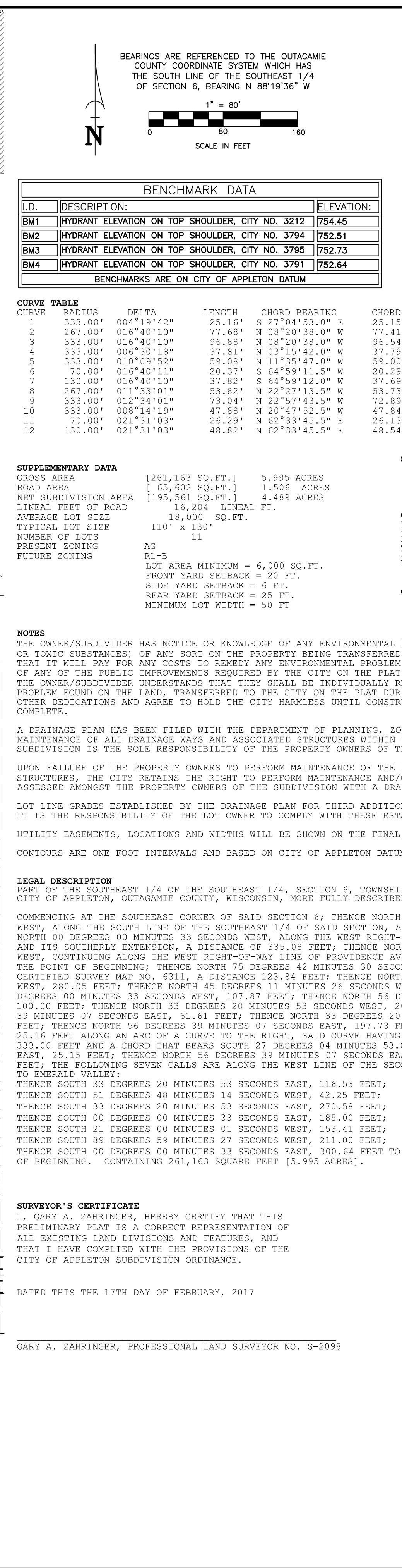
P-I



City Plan Commission
3-20-17

0 25 50 100 Feet





PRELIMINARY PLAT					
<div>THIRD ADDITION TO EMERALD VALLEY PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN</div>					
SCALE		DATE			
1" = 80'		FEB 2017			
COMPUTER FILE 1-0534-004pp.dwg					
DRAWING NO. 1-0534-004					



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 20, 2017

Common Council Meeting Date: April 5, 2017

Item: Affidavit of Correction - Extraterritorial Plat White Hawk Meadows III Subdivision/Identification as a Buildable Lot

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner/Applicant: Town of Grand Chute - owner; David Schmalz, McMahon Engineers/Architects - applicant

Location: East of North Lynndale Drive (C.T.H. "A"), Town of Grand Chute

Petitioner's Request: The applicant is submitting an Affidavit of Correction to identify Outlot 32 as a buildable lot.

BACKGROUND

The Final Plat of White Hawk Meadows III was approved by the Common Council, the Town of Grand Chute and Outagamie County in 2012. It was recorded with the Outagamie County Register of Deeds on February 20, 2012. On the plat, Outlot 32 has no public sewer or water available and no public right-of-way access. This request does not alter the boundaries of the plat.

The Affidavit of Correction states that Outlot 32 is currently served by public water and sanitary sewer. The Affidavit of Correction also states that Outlot 32 has been determined to be a buildable lot by the Wisconsin Department of Administration Plat Review. The Affidavit states that Outlot 32 and the adjacent lot to the south (Lot 4, CSM 4941) are both owned by the Town of Grand Chute and will be used for Town purposes.

The Affidavit of Correction is the tool in which to properly and accurately record the changes to the White Hawk Meadows III Extraterritorial Subdivision Plat. If approved, the owner/applicant is required to record the Affidavit in the Outagamie County Register of Deeds' Office. A copy of the document is attached. City and other jurisdictions will affix signatures prior to recordation by the applicant.

STAFF ANALYSIS

Surrounding zoning and land uses: The surrounding area is under the jurisdiction of the Town of Grand Chute. The uses are generally of a residential nature.

Affidavit of Correction - White Hawk Meadows III
March 20, 2017
Page 2

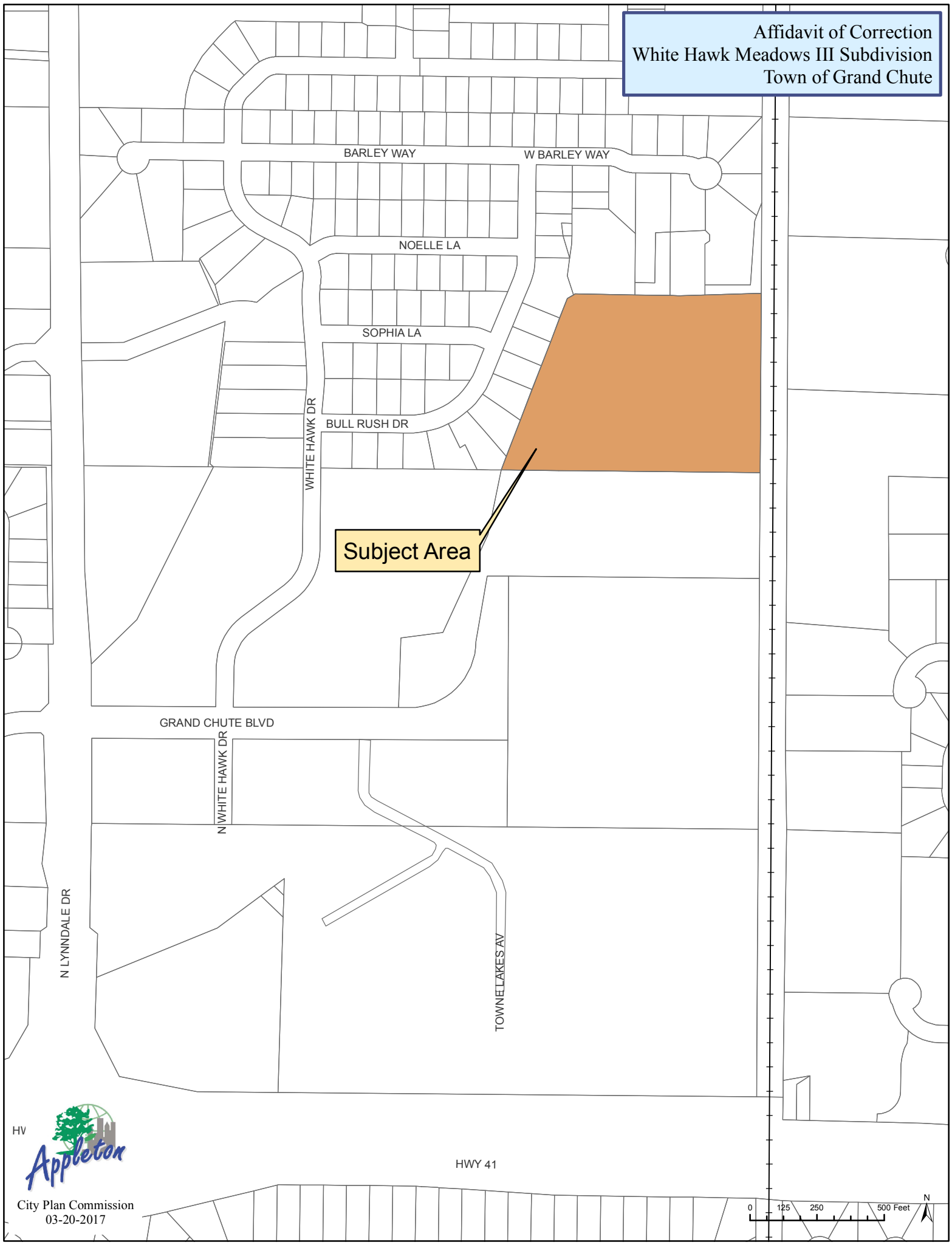
2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan and determined this proposed subdivision is outside the City of Appleton's growth area.

Technical Review Group Report (TRG): This item was referred to the Technical Review Group on February 28, 2017 for comments. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Affidavit of Correction for the Final Plat – White Hawk Meadows III located in the Town of Grand Chute, as shown on the attached maps and documents, **BE APPROVED**.

Affidavit of Correction
White Hawk Meadows III Subdivision
Town of Grand Chute



Subject Area

Jeff Towne

From: Karen Harkness
Sent: Wednesday, February 15, 2017 10:06 AM
To: Matthew Rehbein; Monica Stage; David Kress; Don Harp; Jeff Towne
Subject: FW: Affidavit of Correct to allow building on Outlot 32 White Hawk Meadows III for the Town of Grand Chute
Attachments: transmittal for Affidavit of Correction White Hawk III.PDF; Affidavit of Correction Outlot 32 White Hawk III.PDF; Plat Restriction Release Guide.pdf; White Hawk Meadows III Final Plat - recorded 02-20-2012.pdf; CSM 4941.pdf

Karen Harkness
Director of Community and Economic Development
100 N. Appleton St.
Appleton, Wisconsin 54911

Phone: 920-832-6408
Cell: 920-209-9520
Email: Karen.Harkness@appleton.org



From: Dave Schmalz [mailto:DSchmalz@mcmgrp.com]
Sent: Wednesday, February 15, 2017 7:26 AM
To: Roach, Timothy P. <Timothy.Roach@outagamie.org>; Robert L. Buckingham <Robert.Buckingham@grandchute.net>; Karen Harkness <Karen.Harkness@Appleton.org>
Subject: Affidavit of Correct to allow building on Outlot 32 White Hawk Meadows III for the Town of Grand Chute

Tim, Bob and Karen,

I am sending you this e-mail at the request of the Town of Grand Chute. The Town of Grand Chute has purchased Outlot 32 of White Hawk Meadows III. This Outlot is directly north of Town Property being lot 4 CSM 4941 which is north of the Town Hall. Outlot 32 and lot 4 CSM 4941 will be part of a new Grand Chute Park. An Affidavit of Correction to the final plat is required to allow buildings on Outlot 32. The review and approving authorities have to approve this affidavit per WI statute. I have included letters from the Town of Grand Chute for sewer service and WDOA Plat Section for lot size approval in the Affidavit.

I have attached:

- 1.A letter of transmittal.
- 2.The Affidavit of Correction. Each required signature is on a separate page.
3. A Plat Restriction Release Guide form from the WDOA Plat Section.
- 4.White Hawk III final plat.
- 5.CSM 4941.

Please review the attachments and let me know what you need to approve the Affidavit. If you want paper copies, a form filled out, and/or a fee please let me know. I will meet with you and attend any required meeting to have the Affidavit Approved.

Please advise.

Thank you for your help. I appreciate it.

David Schmalz

VP Land Surveyor

McMAHON

ENGINEERS ARCHITECTS

The McMAHON Way...*Values. Culture. Relationships.*

1445 McMAHON DRIVE NEENAH, WI 54956

920.751.4200 EXT 240 MCMGRP.COM

920.450.2678 Cell Phone

dschmalz@mcmgrp.com

Confidentiality Statement

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TRANSMITTAL

PROJECT: Town of Grand Chute DATE: February 13, 2017
SUBJECT: White Hawk Meadows III McM. No. G0006-9-16-00106.03
Outlot 32
PURPOSE: For Your Examination & Approval VIA: Mail

TO:

NAME, COMPANY & ADDRESS

City of Appleton
Community Development
100 North Appleton Street
Appleton, WI 54911

Outagamie County
Zoning Department
410 South Walnut Street
Appleton, WI 54911

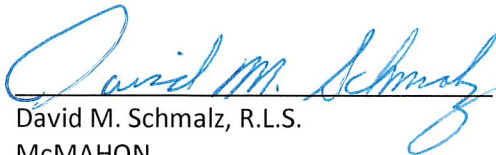
Town of Grand Chute
1900 West Grand Chute Boulevard
Grand Chute, WI 54913

DESCRIPTION OF CONTENTS:

QTY	DATED	TITLE
1		Affidavit of Correction

REMARKS: The Town of Grand Chute is requesting approval of this Affidavit of Correction to allow buildings to be built on Outlot 32, White Hawk Meadows III.
Please contact me with any questions.

FROM:


David M. Schmalz, R.L.S.
McMAHON

1445 McMahon Drive / P.O. Box 1025
Neenah, WI 54956 / 54957-1025

E-MAIL: dschmalz@mcmgrp.com
PHONE: 920.751.4200

AFFIDAVIT OF CORRECTION

STATE OF WISCONSIN)
) ss
 COUNTY OF Winnebago)

THIS SPACE RESERVED FOR RECORDING DATA

I, David M. Schmalz, Wisconsin Professional Land Surveyor No. S-1284, employed by McMahon Associates, Inc. d/b/a McMahon hereby certify that White Hawk Meadows III as recorded in Cabinet L, Pages 43-44 as Document No. 1936518 in the Outagamie County Register of Deeds office and prepared by James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692 is to be amended to include the following revision:

RETURN TO:

McMAHON
 C/O DAVE SCHMALZ
 1445 McMAHON DRIVE
 P.O. BOX 1025
 NEENAH, WI 54957-1025
 PHONE (920)-751-4200

On the aforementioned plat, Outlot 32 has no public sewer or water available and no public Right-of-Way access.

That attached hereto and marked as Exhibit "A", is a true and correct copy of a letter from Thomas Marquardt, Director of Public Works for the Town of Grand Chute which states that Outlot 32 is currently served by public water and sanitary sewer.

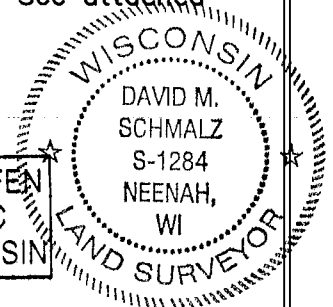
That Attached hereto and marked Exhibit "B" is a true and correct copy of a letter from Don Sime, Wisconsin Professional Land Surveyor No. S-2634, Wisconsin Department of Administration, Plat Review that Outlot 32 is a buildable lot.

That said Outlot 32 and the adjacent property to the south, being Lot 4 of Outagamie County Certified Map No. 4941, are both owned by the Town of Grand Chute and the Town's plan for these properties is for Town purposes. See attached Exhibit "C"

David M. Schmalz FEB. 13, 2017
 David M. Schmalz Date
 P.L.S. #S-1284

State of Wisconsin)
Winnebago County) ss

COREY W. KALKOFEN
 NOTARY PUBLIC
 STATE OF WISCONSIN



Personally came before me on this 13th day of February, 2017, the above named David M. Schmalz to me known to be the person who executed the afore said affidavit and acknowledged the same.

Corey W. Kalkofen
 Notary Public Corey W. Kalkofen

Winnebago County, Wisconsin

My Commission Expires November 30th 2018

McMAHON
 ENGINEERS ARCHITECTS

1445 McMAHON DRIVE NEENAH, WI 54956
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
 Tel: (920) 751-4200 Fax: (920) 751-4284
 www.mcmgrp.com

TOWN OF GRAND CHUTE APPROVAL

Resolved, that this Affidavit of Correction in the Town of Grand Chute, is hereby approved by the Town of Grand Chute, Outagamie County, Wisconsin.

Authorized Signature

Date

Printed Name

McMAHON
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OUTAGAMIE COUNTY APPROVAL

This Affidavit of Correction in the Town of Grand Chute, is hereby approved by
Outagamie County, Wisconsin.

Authorized County Representative Date

Printed Name
Authorized County Representative

McMAHON
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www.mcmgrp.com

CITY OF APPLETON APPROVAL

This Affidavit of Correction in the Town of Grand Chute, is hereby approved by the City of Appleton.

Authorized City Representative

Date

Printed Name

Authorized City Representative

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www.mcmgrp.com



Grand Chute
experience better

DEPARTMENT OF PUBLIC WORKS

1900 W. Grand Chute Blvd, Grand Chute, WI 54913

PH. 920-832-1581 • FAX 920-832-6036

www.grandchute.net

To Whom It May Concern,

This letter is to provide confirmation that Outlot 32 of White Hawk Meadows III is served by municipal water from Grand Chute Sanitary District # 1 and by municipal sanitary sewer from Grand Chute Sanitary District # 2. The property is further described below:

Property being located in part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and part of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 9, T21N-R17E, Town of Grand Chute, Outagamie County, Wisconsin, more specifically described as Outlot 32 of the recorded plat of "White Hawk Meadows III", Cabinet L, pp. 43-44, Document No. 1936518, Outagamie County Records. Tax Key Parcel #102-532600.

Sincerely,

Thomas Marquardt
Director of Public Works
Town of Grand Chute

EXHIBIT A



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

**SCOTT WALKER
GOVERNOR
SCOTT A. NEITZEL
SECRETARY**

Plat Review

101 E Wilson St FL 9, Madison WI 53703

PO Box 1645, Madison WI 53701

(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629

E-mail: plat.review@wi.gov

<http://doa.wi.gov> search keyword = subdivision

February 9, 2017

DAVID M. SCHMALZ
MCMAHON
1445 MCMAHON DRIVE
NEENAH WI 54957-1025

Subject: OUTLOT 32 WHITE HAWK MEADOWS III
SE 1/4 S9 T21N R17E
TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY

Dear Mr. Schmalz:

You have requested the opinion of the department to determine if Outlot 32 White Hawk Meadows III meets the minimum requirements for a buildable lot within a platted subdivision according to state statute.

Chapter 236 of the Wisconsin Statutes contains the minimum requirements for a buildable lot; specifically, the parcel must meet the width and area requirements of s. 236.16 (1), Wis. Stats. which calls for a minimum average width of 50' and a minimum area of 6,000 square feet. These minimums may be reduced by local ordinance when the parcel is served by public sewer. Outlot 32 has a minimum width of approximately 660 feet, and an area of 553,300 square feet. In addition, you have provided the department with verification from the Town of Grand Chute that Outlot 32 is served with water from the Grand Chute Sanitary District #1, and is served with public sewer from Grand Chute Sanitary District #2.

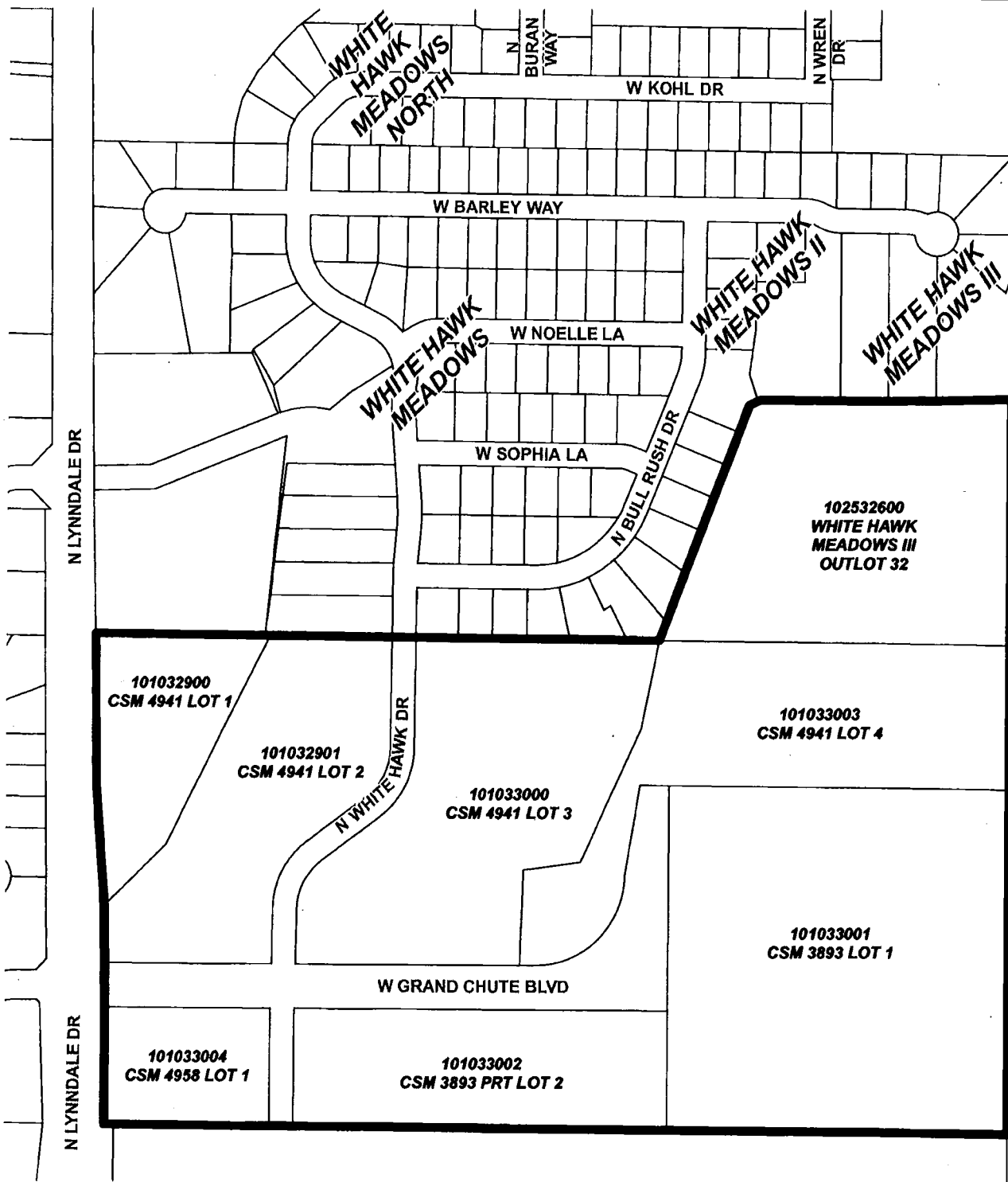
The parcel must also be provided with access to a public street per s. 236.20 (4) (d), Wis. Stats. While Outlot 32 does not have direct access to a public street, in an affidavit provided to the department and to be recorded with the Outagamie County Register of Deeds you have stated that Outlot 32 is to be used in conjunction with the adjacent Lot 4 Certified Survey Map 4941 to create a public park. Lot 4 does have direct access to a public street (W. Grand Chute Boulevard), and as such will provide street access to Outlot 32.

It is therefore the opinion of the department that the requirements of s. 236.16 (1) and s. 236.20 (4) (d), Wis. Stats. as applied to Outlot 32 have been met. Please contact me if you have questions regarding this opinion or if I may be of further service.

Regards,

Don Sime, PLS
Plat Review
Phone: (608) 266-3200

EXHIBIT B



Mapped Features

Grand Chute Owned Parcels

Parcel Line

Railroad Centerline



0 400
Feet

Source: Outagamie County, 2015-16.

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.



EXHIBIT C

McMAHON
ENGINEERS ARCHITECTS

FIGURE 1
GRAND CHUTE OWNED PARCELS
TOWN OF GRAND CHUTE
OUTAGAMIE COUNTY, WISCONSIN

RESTRICTION RELEASES

PURPOSE

Restriction releases are required whenever dividing or redividing land necessitates that a restriction or easement be terminated or relocated, or when the restriction or easement is no longer in force.

On recorded subdivision plats such releases must be executed, in writing, by whomever has the right of enforcement (i.e. government bodies, public/private utilities, homeowners associations, subdivider).

The approving authorities and objecting agencies that had plat review jurisdiction for the recorded plat, and/or the public utilities or other entities having the right to service the affected area may need to release the restriction or easement.

Frequently, subdivisions redivide or replat land in a recorded plat. Before Plat Review certifies no objection to the proposed subdivision, easements and restrictions from the previous plat which are not shown on the new plat must be released in writing by the public body, public utility, or other public or private entity having the right of enforcement.

Examples of Restrictions/Easements that may be released

- Public utility/water/sewer easements
- Stormwater drainage easements
- Lot restricted to mound type septic system
- Ingress/egress easement
- Various environmental preservation easements or restrictions
- Highway setback
- Emergency access easement
- Restricted access to public street
- No building on outlot restriction

RESTRICTION RELEASES

PROCEDURE

As an example, the procedure for releasing an outlot building restriction is outlined below. Note that most releases are handled locally. Plat Review is only involved in outlot releases and mound restriction waivers; however, the procedure for releasing other types of restrictions or easements is similar.

To release a "building restriction" on an outlot, s. 236.13 (6), Wis. Stats., provides that to be buildable, the outlot must comply with all requirements imposed by statute, administrative rule and local ordinances with respect to building sites (see example in this section).

A written request for release must be submitted to Plat Review. The request must include:

- any required soils information;
- the name and location of the recorded plat;
- the name, address and phone number of the person requesting the release;
- the Department of Commerce review fee.

Plat Review will then:

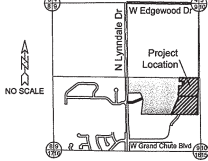
- **Send copies to the District Wastewater Specialist and all other objecting agencies who previously reviewed the plat.** They review the request and recommend or oppose releasing the restriction.
- **Determine if the outlot complies with s.236.15 and s.236.20, Stats.,** minimum layout standards and requirements for a building site.
- **Send a letter to all interested parties officially releasing the restriction** after receiving notice from the Wastewater Specialist, and from any other objecting authorities, recommending that the restriction be released.

The written release is then incorporated into a Correction Instrument under s. 236.295, Wis. Stats. This action gives notice to the public that the restriction on the recorded plat is no longer in effect.

Per s. 236.295, Wis. Stats. the Register of Deeds adds a note to the recorded subdivision plat or Certified Survey Map that references recording data for the correction instrument.

LOCATION MAP

SEC 9, T21 N, R17 E,
TOWN OF GRAND CHUTE
OUTAGAMIE COUNTY, WI



NOTES

- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.
- Floodplain information from FIRM 55067C12D & 55067C16D with an effective date of July 22, 2012.
- The vacated Wren Drive shown on this map was vacated per Town of Grand Chute resolution, series of R-21-2011 dated Sept 20, 2011 and recorded in the Outagamie County register of deeds on Sept 26, 2011 as Document No. 1921888.

LEGEND

- 1/2" Rebar Found
- 3/4" Rebar Found
- 1" Iron Pipe Found
- 1/2" x 18" Steel Rebar @ 4.30lbs/LF SET
- All other corners
- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot areas in square feet

Owner:
Rubble Development, LLC
425 Haddonstone Drive
Appleton, Wisconsin 54915
1-920-213-0300

White Hawk Meadows III

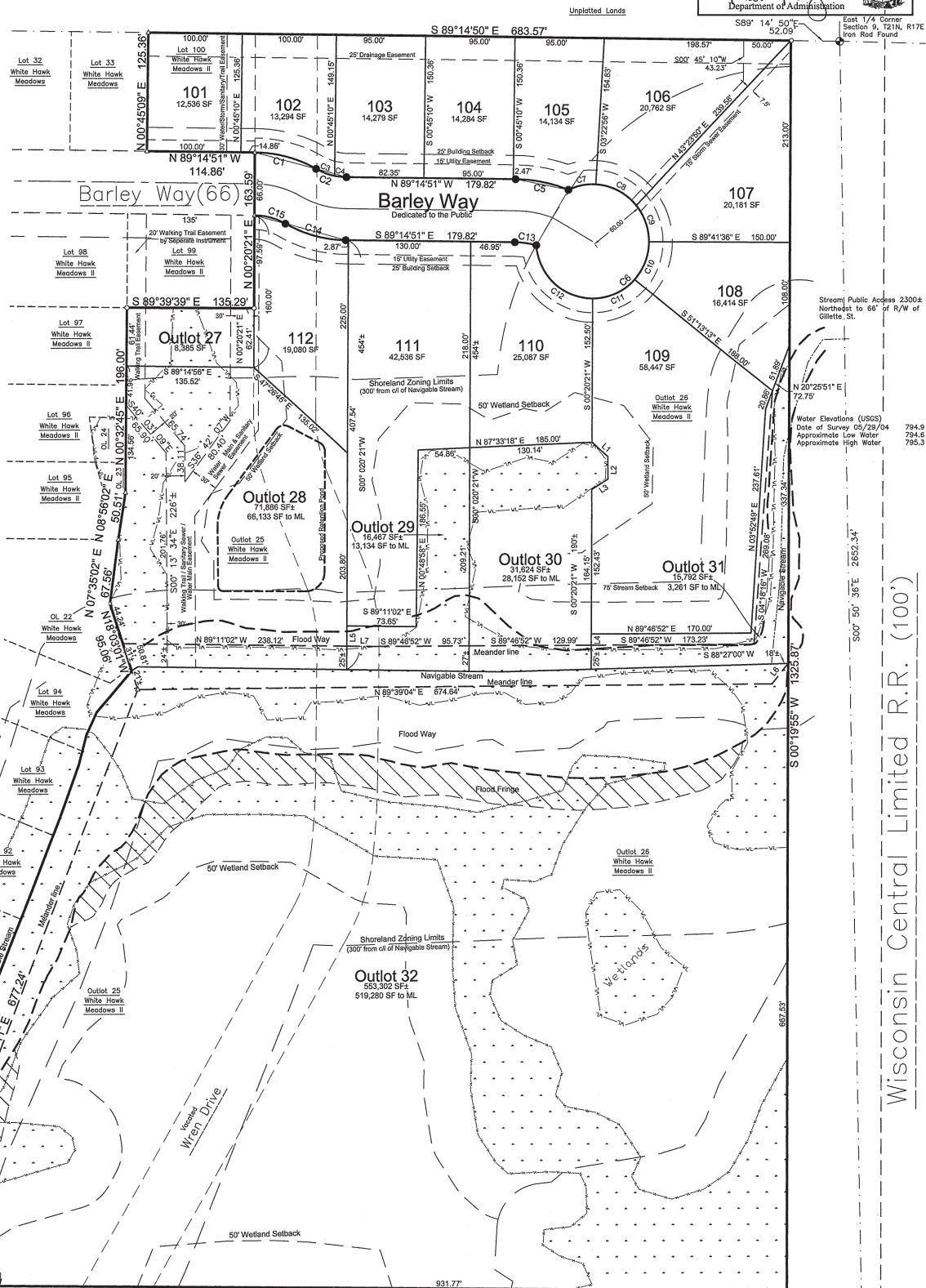
All of Lot 100, Outlot 25, Outlot 28 and all of Vacated Wren Drive, all being part of White Hawk Meadows II, located in the Northeast 1/4 of the Southeast 1/4 of Section 09, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin

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

Certified February 02, 2012

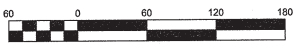
Ben H. DePue

Department of Administration



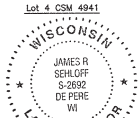
Stream Public Access 1000±
Southwest to 120' of R/W of Grand Chute Blvd.

Water Elevations (USGS)
Date of Survey 05/29/04
Approximate Low Water 792.0
Approximate High Water 793.4



File: 3578final.dwg
Date: 02/02/2012
Drafted By: jm
Sheet: 1 of 2
Based on Outagamie County Coordinate System
Printed by: jm
Revision Date: Feb 02, 2012

James R. Sehlhoff, RLS-2692
Date: Feb 02, 2012



East 1/4 Corner
Section 9, T21N, R17E
Bernstein Monument Found

DAVEL ENGINEERING, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street, Menasha, WI 54952
Ph: 920-991-1856 Fax: 920-830-8698
www.davelengineering.com

Wisconsin Central Limited R.R. (100')



Stock No. 26273

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Certified Survey Map No. 4941

Surveyor's Certificate

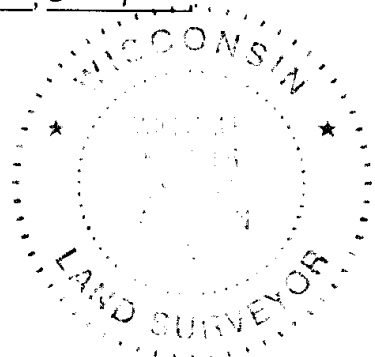
I, William F. Kottler, registered land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Grand Chute and Outagamie County, and under the direction of Town of Grand Chute, owners of said land, I have surveyed divided and mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is located in part of Lots 1 and 2 of CSM 3307, being part of the Southeast 1/4 of the Southeast 1/4 of Section 9, and the Southwest 1/4 of the Southeast 1/4 of Section 9, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1,697,101 SqFt (38.9601 Acres) of land described as follows:

Commencing at the South 1/4 corner of said Section 9; thence along the West line of the Southeast 1/4 of said Section 9, N00°32'57"W, 435.41 feet; thence N89°27'03"E, 80.02 feet to the easterly right-of-way of CTH "A" being the point of beginning; thence along said right-of-way, N00°33'01"W, 156.01 feet; thence continuing along said right-of-way N04°04'25"W, 325.44 feet; thence continuing along said right-of-way N00°33'01"W, 414.78 feet; thence N89°34'04"W, 2516.04 feet; thence S00°19'15"W, 392.70 feet; thence N89°30'59"W, 1013.57 feet; thence S09°40'04"W, 246.52 feet; thence 389.55 feet along the arc of a curve to the right with a radius of 248.00 feet and a chord of 350.72 feet that bears S45°16'35"W; thence N89°43'25"W, 1180.98 feet to the point of beginning, subject to all easements, and restrictions of record.

S89°22'56"E

Given under my hand this 8th day of October, 2004.

William F. Kottler, Wisconsin Registered Land Surveyor No. S-2348



Owner's Certificate of Dedication

As owner, and in full compliance with s.80.01(5), I acknowledge that title to described lands was taken by the Town of Grand Chute recorded in the Outagamie County Register of Deeds office as Document No. 1308886 and Document No. 1308885. I hereby certify, as Authorized Representative for the Town of Grand Chute, that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this certified survey map.

Dated this 27th day of October, 2004.

Town of Grand Chute, Authorized Representative

State of Wisconsin)

_____ County) SS

Personally came before me this 27th day of October, 2004, the above named Town of Grand Chute Authorized Representative to me known to be the same person who executed the foregoing instruments and acknowledged the same.

Notary Public, Wisconsin

My commission expires July 15, 2008.



Stock No. 26273

Page 4941 (Three Pages)

Certified Survey Map No. 4941

Town Board Approval Certificate

Resolved, that this Certified Survey Map, in the Town of Grand Chute is hereby approved by the town board.

Michael J. Munn
Town Chair

10/27/04
Date

Judith A. Christoph
Town Clerk

10-26-04
Date

Treasurer's Certificate

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

Linda J. Munn
Town Treasurer

10-26-04
Date

Leah Dewa
County Treasurer Deputy

10-27-04
Date

County Planning Agency Approval Certificate

Resolved, that this certified survey map in the Town of Grand Chute, is hereby approved by the Outagamie County Planning Department.

David Johnson
Authorized signature

10-27-2004
Date

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

Owners of record:
Town of Grand Chute
Town of Grand Chute

Recording Information:
Doc. No. 1308886
Doc. No. 1308885

Parcel Number(s):
101032900
101033000



File: 2721csm.dwg
Date: 09/10/2004
Drafted By: wil
Sheet: 3 of 3