

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.

Tuesday, January 26, 2021

4:00 PM

Council Chambers, 6th Floor

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

21-0064 City Plan Minutes from 1-12-21

Attachments: City Plan Minutes 1-12-21.pdf

4. Public Hearings/Appearances

21-0065 Rezoning #11-20 to rezone part of 7476 N. Purdy Parkway (Tax Id

#31-1-9203-36), including all of the adjacent one-half right-of-way of N. Purdy Parkway, as shown on the attached maps, from R-1B Single-Family District to NC Nature Conservancy District (Associated with Action Item #21-0066)

Attachments: InformalPublicHearingNotice Collins-YMCA Rezoning#11-20.pdf

21-0067 Rezoning #1-21 to rezone the Cain Annexation, formerly part of Town of

Grand Chute, located at 675 E. Edgewood Drive (Tax Id #31-6-5824-00), as shown on the attached maps, from Temporary AG Agricultural District to

R-1A Single-Family District (Associated with Action Item #21-0068)

Attachments: InformalPublicHearingNotice CainAnnex-675EEdgewoodDr Rezoning#1-21.pd

5. Action Items

21-0066

Request to approve Rezoning #11-20 to rezone part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36), including all of the adjacent one-half right-of-way of N. Purdy Parkway, as shown on the attached maps, from R-1B Single-Family District to NC Nature Conservancy District

Attachments: StaffReport Collins YMCA Rezoning For01-26-21.pdf

<u>21-0068</u>	formerly p (Tax ld #3 AG Agricu	Request to approve Rezoning #1-21 to rezone the Cain Annexation, ormerly part of Town of Grand Chute, located at 675 E. Edgewood Drive Tax Id #31-6-5824-00), as shown on the attached maps, from Temporary IG Agricultural District to R-1A Single-Family District **Attachments: StaffReport Cain Annex Rezoning For01-26-21.pdf**				
<u>21-0070</u>	in the Tow the condit	• •	•			
<u>21-0059</u>	Resolution #1-R-21 Accessory Dwelling Units					
	Attachments: #1-R-21 Accessory Dwelling Units.pdf					
	Legislative History					
	1/20/21	Common Council	referred to the Community & Economic Development Committee			

6. Information Items

21-0072 Appointments to City Plan Commission of Isaac Uitenbroek to fill vacant position and Andrew Dane to fill position now vacated by Tanya Rabec

Attachments: Committee Appts 1-20-21.pdf

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.

Tuesday, January 12, 2021

4:00 PM

Council Chambers, 6th Floor

Call meeting to order

Meeting called to order at 4:02 p.m.

2. Roll call of membership

Commissioner Palm's video was not displaying for part of the meeting; therefore, she was unable to vote on some items.

Present: 5 - Palm, Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

Others present:

Robert Koehler, Hoffman Planning, Design & Construction Dr. Lee Vogel, Executive Director, Mosaic Family Health Larry Cain, 818 E. Pondview Court (675 E. Edgewood Drive) Tom Wendt, YMCA Bill Breider, YMCA

3. Approval of minutes from previous meeting

21-0011 City Plan Minutes from 12-8-20

Attachments: City Plan Minutes 12-8-20.pdf

Commissioner Palm's video not displaying, so she was unable to vote.

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

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 2 - Palm and Rabec

4. Public Hearings/Appearances

21-0008

Special Use Permit #7-20 for a parking ramp located at 120 South Oneida Street (Tax Id #31-2-0052-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #21-0009)

Attachments:

ClassIIPublicHearingNoticeNewspaper YMCAParkingRamp SUP#7-2 0.pdf PublicHearingNoticeNeighborhood YMCAParkingRamp SUP#7-20.pd

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This public hearing was held, and Dr. Lee Vogel spoke on the item.

5. Action Items

21-0009

Request to approve Special Use Permit #7-20 for a parking ramp located at 120 South Oneida Street (Tax Id #31-2-0052-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

<u>Attachments:</u> StaffReport YMCAParkingRamp SUP For01-12-21.pdf

Commissioner Palm's video not displaying, so she was unable to vote.

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

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 2 - Palm and Rabec

21-0010

Request to approve the Cain Annexation consisting of approximately 0.77 acre located at 675 East Edgewood Drive, currently in the Town of Grand Chute, as shown on the attached maps subject to the stipulation in the attached staff report

<u>Attachments:</u> <u>StaffReport Cain Annexation For01-12-21.pdf</u>

DOA Annexation Review Letter Cain 1-11-21.pdf

Commissioner Palm's video not displaying, so she was unable to vote.

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

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 2 - Palm and Rabec

21-0034

Request to approve the access restriction release for Lot 91 of First Addition to Clearwater Creek (Tax Id #31-6-6200-91), as shown on the attached map, pending approval by the Municipal Services Committee, and subject to the owner/agent completing and recording an appropriate correction instrument with the Outagamie County Register of Deeds

Attachments:

StaffMemo FirstAddnToClearwaterCreek RestrictionRelease For01-1

2-21.pdf

RequestEmail_FirstAddnToClearwaterCreek_RestrictionRelease.pdf
RecordedPlat FirstAddnToClearwaterCreek RestrictionRelease.pdf

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

Aye: 5 - Palm, Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

6. Information Items

7. Adjournment

Buetow moved, seconded by Robins, that the meeting be adjourned at 4:15 p.m. Roll Call. Motion carried by the following vote:

Aye: 5 - Palm, Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

NOTICE OF INFORMAL PUBLIC HEARING

OF THE

APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Tuesday, January 26, 2021, at 4:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the following proposed rezoning request:

COMMON DESCRIPTION:

Part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36)

Rezoning Request: A rezoning request has been initiated by the owner, YMCA of the Fox Cities, and applicant, Schuler & Associates, Inc., in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned R-1B Single-Family District. A portion of N. Purdy Parkway right-of-way, currently zoned R-1B Single-Family District, is also included this request. The owner/applicant proposes to rezone a portion of the property to NC Nature Conservancy District (see attached map). The NC District is intended to discourage development and disturbance to the natural environment in areas with unique features, give primary consideration to outdoor recreation and forestry pursuits, and provide areas where native flora and fauna may prosper in a natural habitat.

Purpose of the Request: The owner/applicant proposes to maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve.

ALDERMANIC DISTRICT: 13 – Alderperson Kyle Lobner

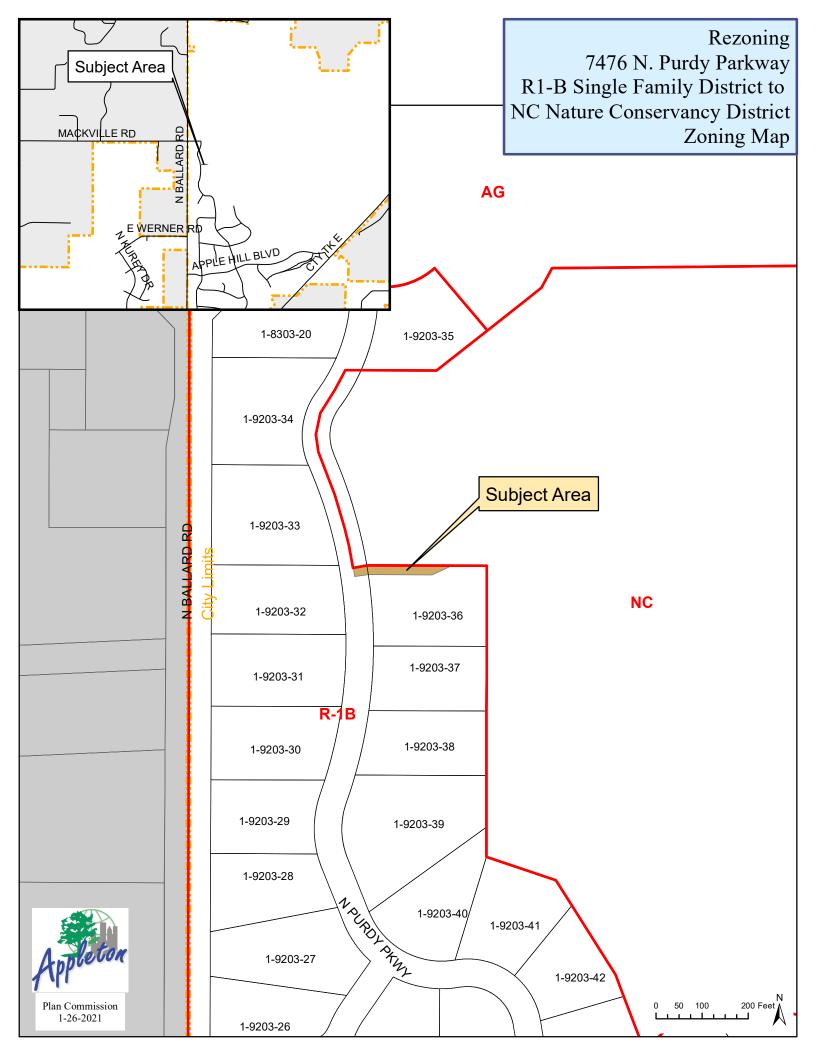
You are being notified as a policy of the City of Appleton Community and Economic Development Department. This notification invites you to express your views or concerns regarding the above-described request. The Plan Commission meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Plan Commission members via written letter, email or phone call instead of appearing in person. Please contact Jessica Titel, Principal Planner, in the Community and Economic Development Department at 920-832-6476 or by email at jessica.titel@appleton.org.

Alternatively, you can also contact the Mayor's Office at mayor@appleton.org and your comments will be forwarded to the Plan Commission. The City Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT CITY HALL - 100 NORTH APPLETON STREET APPLETON, WISCONSIN 54911-4799 920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.





NOTICE OF INFORMAL PUBLIC HEARING

OF THE

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COMMON DESCRIPTION:

675 E. Edgewood Drive (Parcel 101038801) included in the "Cain" Annexation

Rezoning Request: A rezoning request has been initiated by the City Plan Commission, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which has been zoned temporary AG Agricultural District following annexation. Pursuant to Sections 23-65(d)(1) and 23-65(e) of the Municipal Code, the City Plan Commission proposes to rezone the property to a permanent zoning classification of R-1A Single-Family District (see attached map). The R-1A district is intended to provide for, and maintain, residential areas characterized predominately by single family detached dwellings on larger sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential land uses.

Purpose of the Request: To assign a permanent zoning classification following the "Cain" Annexation and allow the property to continue to function as a single-family residence

ALDERMANIC DISTRICT: 7 – Alderperson Maiyoua Thao

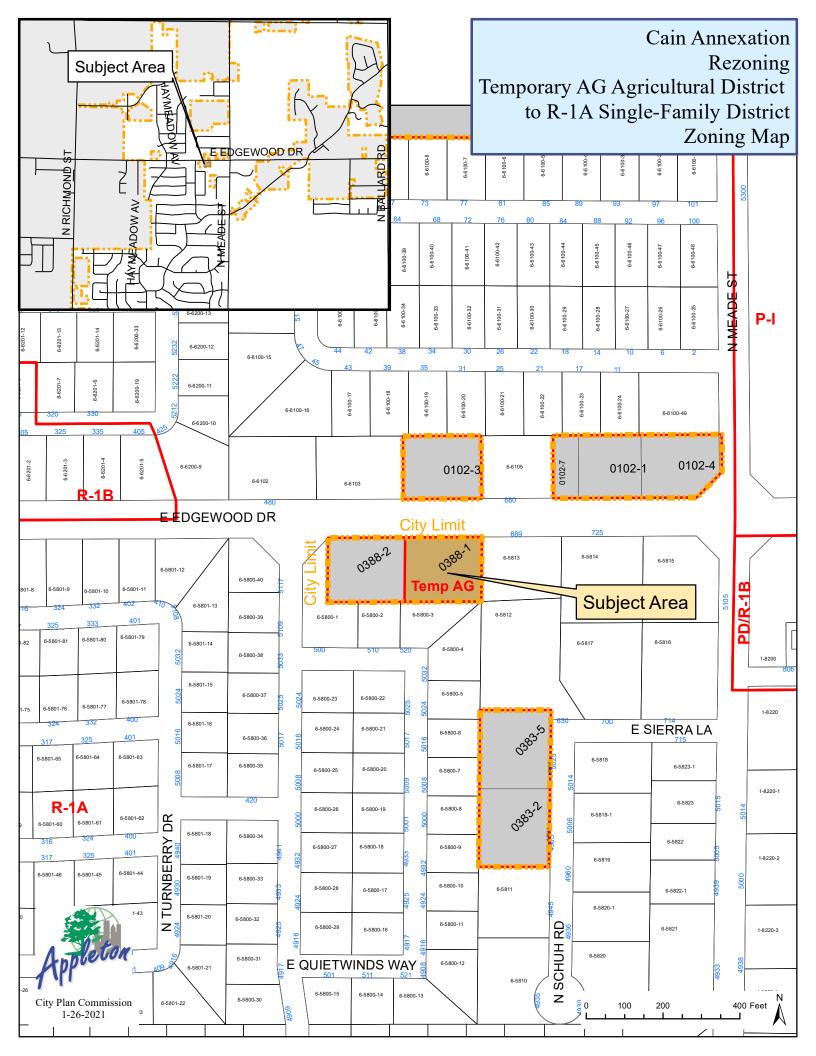
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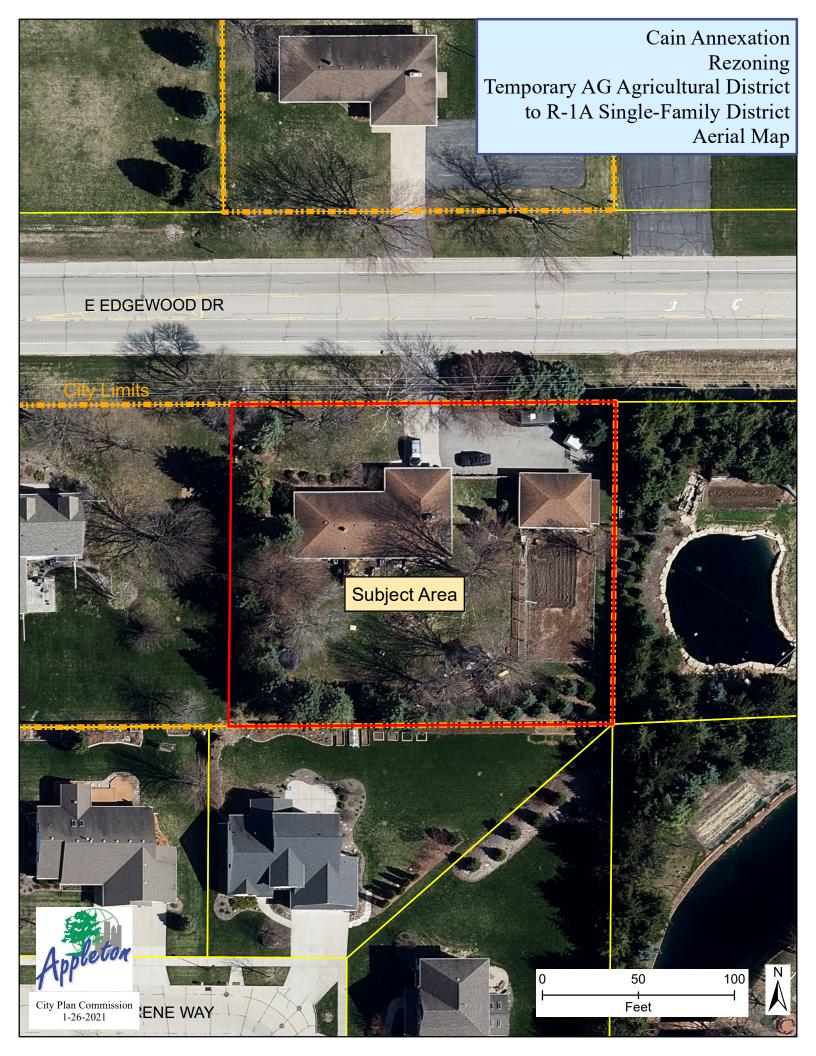
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CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT CITY HALL - 100 NORTH APPLETON STREET APPLETON, WISCONSIN 54911-4799 920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.







REPORT TO COMMON COUNCIL

Plan Commission Informal Hearing Meeting Date: January 26, 2021

Common Council Public Hearing Meeting Date: February 17, 2021 (Public Hearing on Rezoning)

Item: Rezoning #11-20 – Bruce B. Purdy Nature Preserve Trail Rezoning

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: William Breider III – YMCA of the Fox Cities

Address/Parcel #: Part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36)

Petitioner's Request: The applicant is requesting a zoning change from R-1B Single-Family District to NC Nature Conservancy District to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve.

BACKGROUND

The area of land included in the rezoning contains a trail that connects to the Bruce B. Purdy Nature Preserve that is owned by the YMCA of the Fox Cities. The trail was originally located on the single family lot and this land area was transferred to the YMCA. A previous deed has been recorded to transfer the subject land area; however, a Certified Survey Map is required to formalize the new lot configuration. Certified Survey Map #18-20 is currently under review and it is anticipated to be approved by staff following Common Council approval of this rezoning request.

STAFF ANALYSIS

Existing Conditions: The subject area is approximately 3,221 square feet in size and is located along North Purdy Parkway in the Apple Hill Farms subdivision. The land area included in this rezoning contains an existing trail connection to the Bruce B. Purdy Nature Preserve. Purdy Parkway is classified as a local street on the City's Arterial/Collector Plan. A new single family home is currently under construction on the parcel.

Surrounding Zoning Classification and Land Uses:

North: NC Nature Conservancy District. The adjacent land use to the north is currently a passive recreation and nature conservancy area (Bruce B. Purdy Nature Preserve)

South: R-1B Single-Family District. The adjacent land use to the south is currently single-family residential.

East: NC Nature Conservancy District. The adjacent land use to the east is currently a passive recreation and nature conservancy area (Bruce B. Purdy Nature Preserve)

Rezoning #11-20 January 26, 2021 Page 2

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

Proposed Zoning Classification: The purpose of the NC Nature Conservancy District is to (1) Discourage development and disturbance to the natural environment in areas with unique features. (2) Give primary consideration to outdoor recreation and forestry pursuits. (3) Provide areas where native flora and fauna may prosper in a natural habitat. Per Section 23-101(e) of the Municipal Code, the development standards for the NC District are listed below:

- 1) Minimum lot area. None.
- 2) *Minimum lot width*. None.
- 3) *Minimum front yard*. Twenty-five (25) feet.
- 4) *Minimum rear yard*. Twenty-five (25) feet.
- 5) *Minimum side yard*. Twelve (12) feet.
- 6) Maximum building height. Twenty-five (25) feet.

Zoning Ordinance Review Criteria: The parcel is currently zoned R-1B Single Family District. The request is being made to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve. A previous deed has been recorded to transfer the subject land area to the YMCA; however, the land area that was transferred for the trail does not meet the minimum lot size requirement for the R-1B District. Therefore, a rezoning is necessary to accommodate the proposed lot configuration. The existing trail use is consistent with the purpose and intent of the Nature Conservancy District.

Section 23-40(b) states that there shall not be more than one (1) zoning district on any parcel of land. The recently submitted CSM (CSM #18-20) will create a separate outlot for the NC Nature Conservancy zoned land area and to establish an outlot for trail. It is anticipated the CSM be approved by staff following Common Council approval of this rezoning request.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future One and Two Family Residential land use. The proposed NC Nature Conservancy District rezoning is consistent with the Future Land Use Map. Chapter 10 of the Comprehensive Plan states that "parks and open spaces should be arranged to maximize the interconnectivity of open space throughout the subdivision and connecting to adjacent parcels." This rezoning and land transfer accommodates and preserves an existing trail connection to the Bruce B Purdy Nature Preserve. Listed below are related excerpts from the City's Comprehensive Plan 2010-2030.

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 6.3 Transportation:

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

Rezoning #11-20 January 26, 2021 Page 3

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 policies stated above and the Future Land Use map, which identifies this property as future One and Two Family Residential land use.
 - 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. Open space and passive recreational land uses are already present to the north of the subject site. The rezoning request is being made to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.

Technical Review Group Report (TRG): This item appeared on the January 5, 2021 Technical Review Group agenda. No negative comments were received from participating departments.

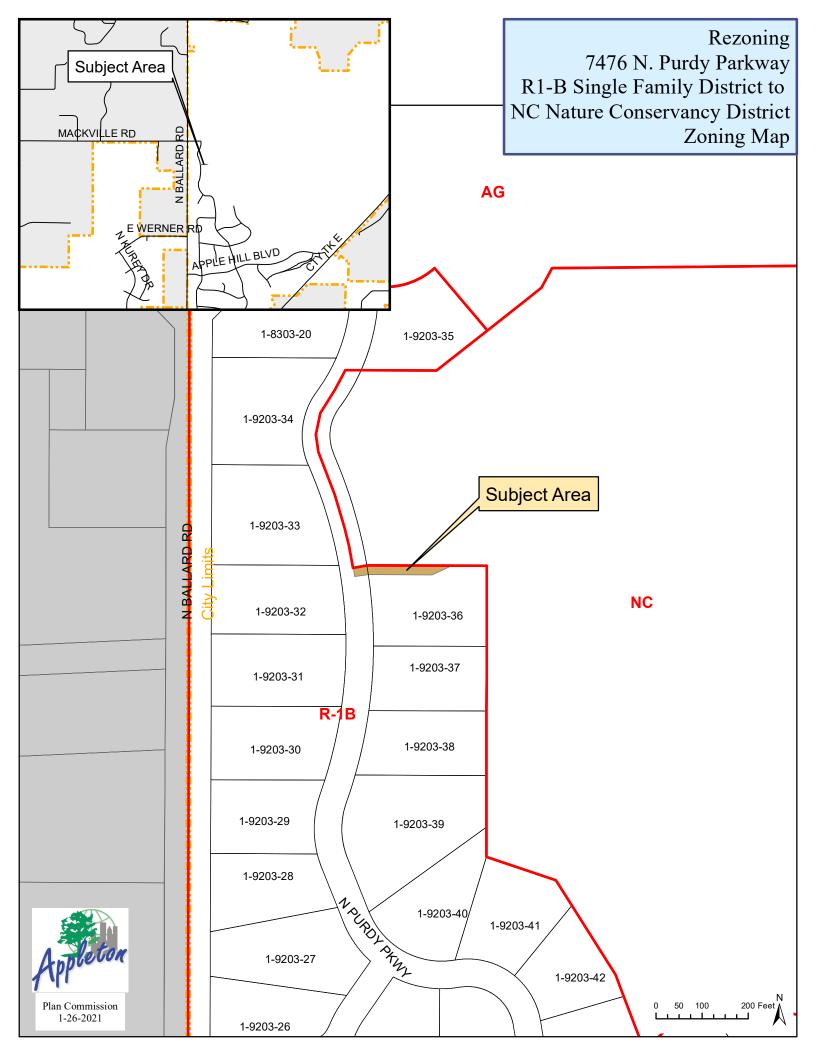
Rezoning #11-20 January 26, 2021 Page 4

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 #11-20 to rezone the subject parcel, part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36), from R-1B Single-Family District to NC Nature Conservancy District, including all of the adjacent one-half right-of-way of North Purdy Parkway, as shown on the attached maps, **BE APPROVED**.

FUTURE ACTIONS:

To formalize and the land transfer and create the separate outlot for the existing trail (subject area for this rezoning), the applicant shall receive approval for and record CSM #18-20. It is anticipated the CSM will be approved by staff following Common Council approval of this rezoning request.





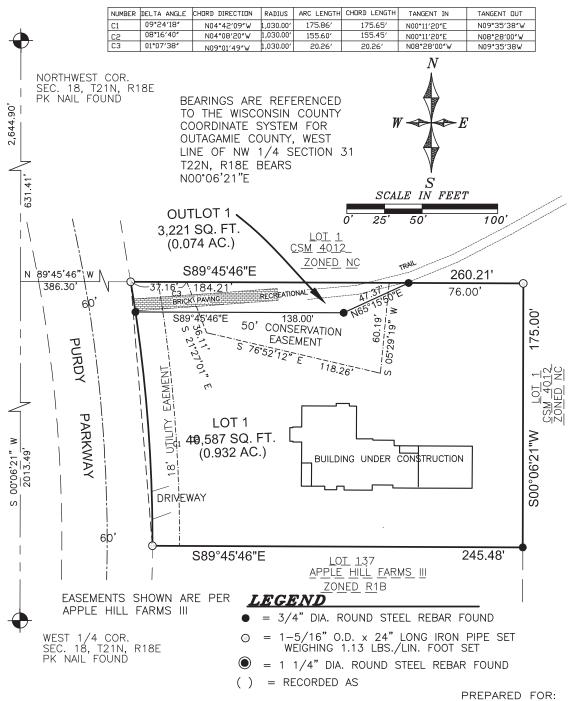
LEGAL DESCRIPTION:

PART OF LOT 136 OF APPLE HILL FARMS III AS DOCUMENT NO. 1697626 AND PART OF ADJACENT PURDY PARKWAY RIGHT-OF-WAY, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 89 DEGREES 45 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 136, A DISTANCE OF 184.21 FEET; THENCE SOUTH 65 DEGREES 15 MINUTES 50 SECONDS WEST 47.37 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 46 SECONDS WEST 138.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 81 DEGREES 32 MINUTES 00 SECONDS WEST 30.00 FEET; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF PURDY PARKWAY, 19.67 FEET, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET AND A CHORD THAT BEARS NORTH 09 DEGREES 01 MINUTES 49 SECONDS WEST 19.67 FEET; THENCE NORTH 80 DEGREES 24 MINUTES 22 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,821 SQUARE FEET (0.088 ACRES) OF LAND, MORE OR LESS, INCLUDING THE ADJACENT 1/2 ROAD RIGHT-OF-WAY OF NORTH PURDY PARKWAY.

CERTIFIED SURVEY MAP NO.

ALL OF LOT 136 OF APPLE HILL FARMS III, BEING LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, DUTAGAMIE COUNTY, WISCONSIN.



SCHULER & ASSOCIATES, INC. LAND SURVEYORS & ENGINEERS 2711 N. MASON ST., SUITE F, APPLETON, WI 54914 JUSTIN COLLINS
P.O. BOX 215
KAUKAUNA, WI 54130

L-20-4683 SHEET 1 OF 3



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: January 26, 2021

Common Council Public Hearing Meeting Date: February 17, 2021 (Public Hearing on Rezoning)

Item: Rezoning #1-21 – Cain Annexation (675 E. Edgewood Drive)

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Larry & Cheryl Cain

Address/Parcel: 675 E. Edgewood Drive (Tax Id. #31-6-5824-00, formerly Tax Id. 101038801 in the Town of Grand Chute)

Petitioner's Request: To assign a permanent zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to R-1A Single-Family District.

BACKGROUND

On January 20, 2021, Common Council adopted Ordinance 2-21, to annex the subject area from the Town of Grand Chute to the City of Appleton. The subject property was officially annexed to the City on January 26, 2021 at 12:01 a.m.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification. During review of the Cain Annexation, the Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1A Single-Family District at the January 12, 2021 meeting.

STAFF ANALYSIS

Existing Site Conditions: The subject parcel is approximately 0.77 acres in size and located south of East Edgewood Drive and east of North Waterford Drive. The subject property connects to the City of Appleton at East Edgewood Drive, which is identified as an arterial street on the City's Arterial/Collector Plan. Currently, the subject property consists of one single-family home and a detached accessory structure.

Surrounding Zoning Classification and Land Uses:

North: R-1A and Town of Grand Chute. The adjacent land use to the north is currently City of Appleton public right-of-way and residential (Town of Grand Chute).

South: R-1A Single Family Residential. The adjacent land use to the south is currently single family residential.

East: R-1A Single Family Residential. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

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

1) Minimum lot area: 8,000 square feet.

2) Maximum lot coverage: 40%.

3) Minimum lot width: 70 feet.

4) *Minimum front yard*: 20 feet (25 feet on arterial street).

5) Minimum rear yard: 25 feet.

6) Minimum side yard: 8 feet.

7) Maximum building height: 35 feet.

Zoning Ordinance Review Criteria: Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines:
- The comprehensive plan of the City.

In this case, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1A Single-Family District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the R-1A District zoning regulations listed above and other sections of the Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future One and Two-Family Residential uses. The proposed R-1A Single-Family District zoning classification is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 3 – Housing Quality, Variety, 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.

- 5.1 OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.
- 5.3 OBJECTIVE: Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

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. The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area for future one and two family residential land uses.
 - 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 - 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 - 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 - 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. City sanitary sewer and water infrastructure is already installed within East Edgewood Drive.

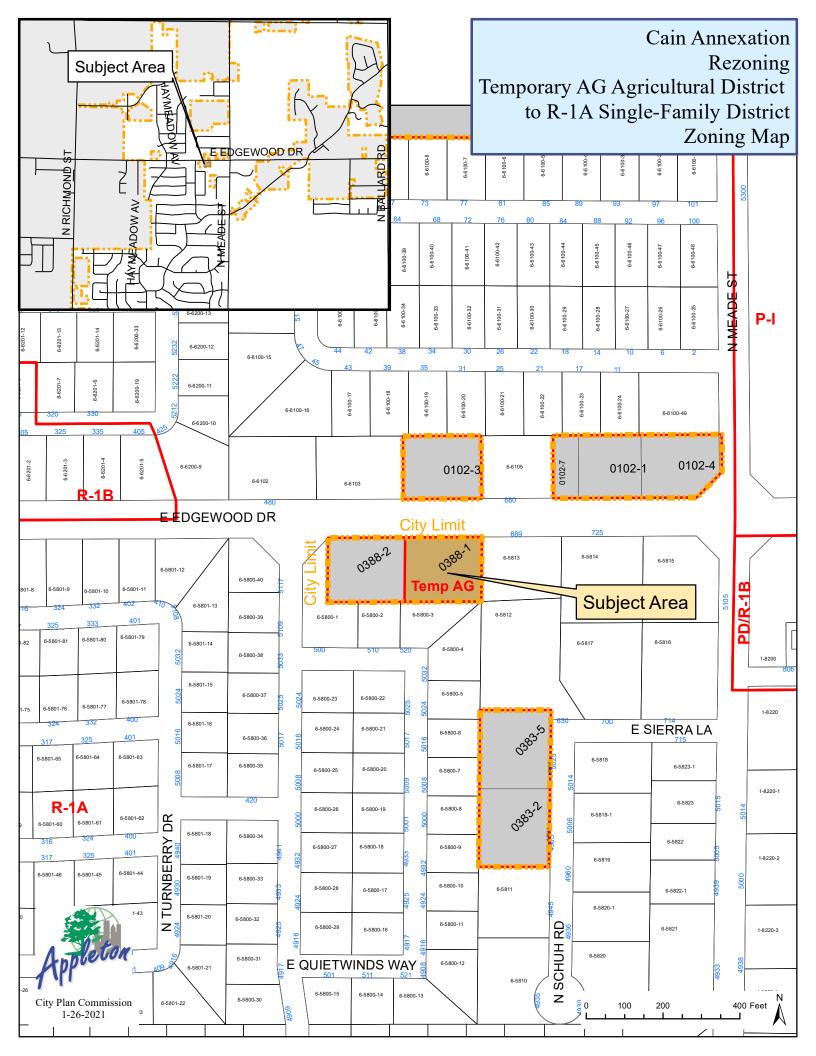
2. The effect of the proposed rezoning on surrounding uses. Single-family residential uses are already located to the north, south, west and east of the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.

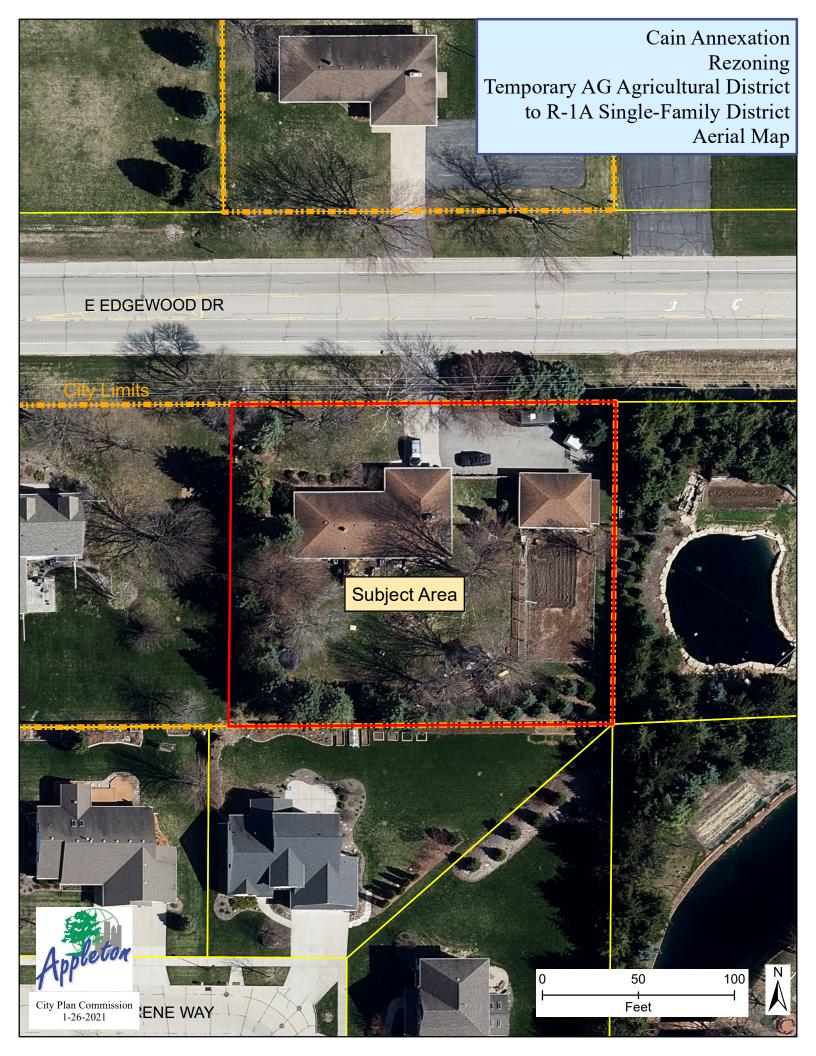
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item was discussed at the December 22, 2020 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-21 to rezone the subject parcel located at 675 E. Edgewood Drive (Tax Id. #31-6-5824-00, formerly Tax Id. 101038801 in the Town of Grand Chute) from temporary AG Agricultural District to R-1A Single-Family District, as shown on the attached map, **BE APPROVED**.





THE TRUSTEE OF THE LARRY W. CAIN AND CHERYL S. CAIN REVOCABLE TRUST DATED SEPTEMBER 17, 2012

Owner: THE TRUSTEE OF THE LARRY W. CAIN AND CHERYL S. CAIN REVOCABLE TRUST DATED SEPTEMBER 17, 2012

Document #1961083

PARCEL: 31-6-5824-00 (formerly 101038801)

A part of the West One-half (W ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Twenty-one (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, and being further described as follows:

Commencing at the Northeast corner of said Section 11;

Thence South 88°40′17" West 659.12 feet coincident with the North line of the Northeast ¼ of said Section 11;

Thence South 00°30′17" East 50.00 feet to the point of beginning;

Thence continue South 00°30′17" East 167.80 feet;

Thence South 88°40'17" West 200.00 feet;

Thence North 00°30′17" West 167.80 feet;

Thence North 88°40'17" East 200.00 feet to the point of beginning.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 26, 2021

Common Council Meeting Date: February 3, 2021

Item: Extraterritorial Final Plat – Marsden Park – Town of Grand

Chute

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Rubble Development, LLC c/o Glen Scherwinski

Address/Parcel #: Generally located west of Gillett Street and south of Starview Drive in the Town of Grand Chute – Tax Id #101036111

Petitioner's Request: The applicant is proposing to subdivide property under the Town's RSF Single-Family Residential District. The area is 5.12 acres in size and would be divided into two lots.

BACKGROUND

The subject area is within the City's extraterritorial plat approval jurisdiction, which includes the unincorporated area within three miles of the City, as described in the Subdivision Ordinance. The Preliminary Plat was approved by Common Council on December 16, 2020. The Final Plat must also be reviewed and approved by the Town of Grand Chute and Outagamie County. This item is on track to go to the Town Board on February 18, 2021, and it has not yet appeared before the County Zoning Committee.

STAFF ANALYSIS

Existing Conditions: This is undeveloped land located in the Town of Grand Chute, west of Gillett Street. Delineated wetlands and a stormwater pond exist on the property. Access to the development would be obtained from Starview Drive.

Comparison between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the Town of Grand Chute, and the nearby uses are generally residential in nature. The surrounding zoning is the Town's RSF Single-Family Residential District and AGD General Agricultural District.

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

Review Criteria: Community and Economic Development staff has reviewed the Extraterritorial Final Plat in accordance with the City of Appleton Subdivision Ordinance, as well as Zoning Ordinance requirements for single-family residential developments. Proposed Lot 1 is 3.25 acres and proposed Lot 2

Extraterritorial Final Plat – Marsden Park – Town of Grand Chute January 26, 2021 Page 2

is 1.87 acres in size. The lot sizes and lot widths for the proposed lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements.

Additional Comments: Several issues do not impact the City, but may warrant consideration from the Town of Grand Chute and/or Outagamie County:

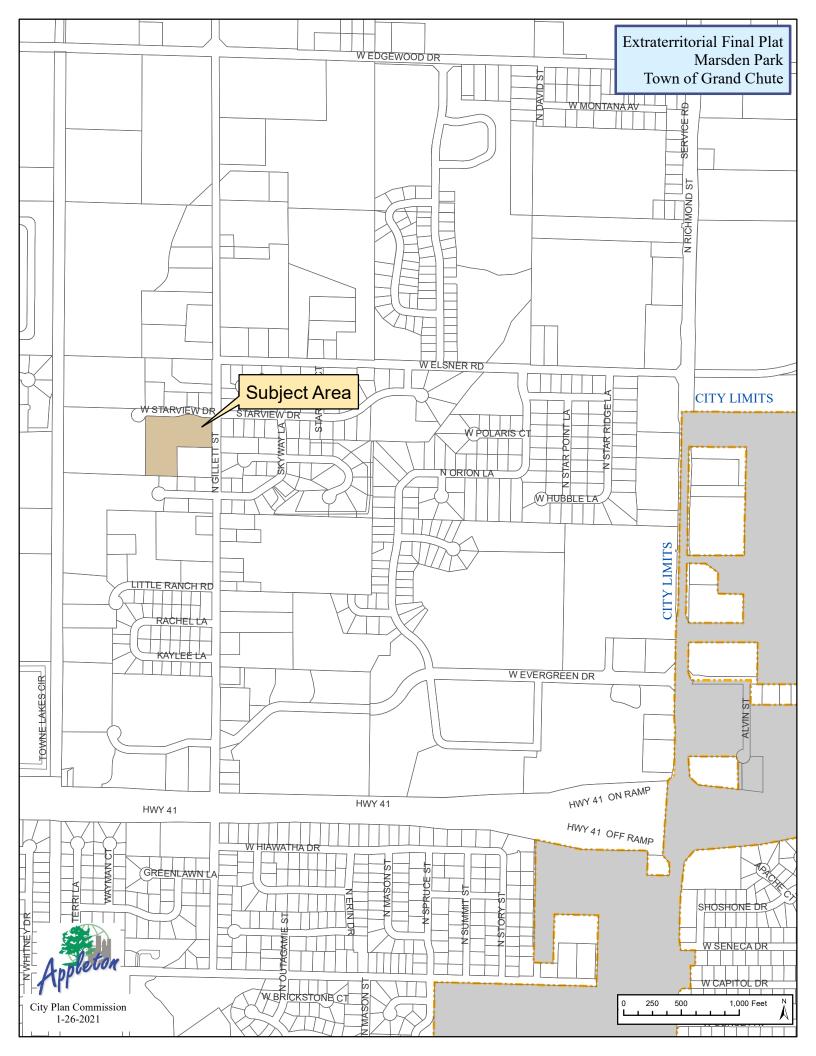
- The "recorded as" dimension shown along the western plat boundary (509.45') does not match recorded CSM 6026.
- Rubble Development, LLC is listed twice under the Town Board Approval Certificate.

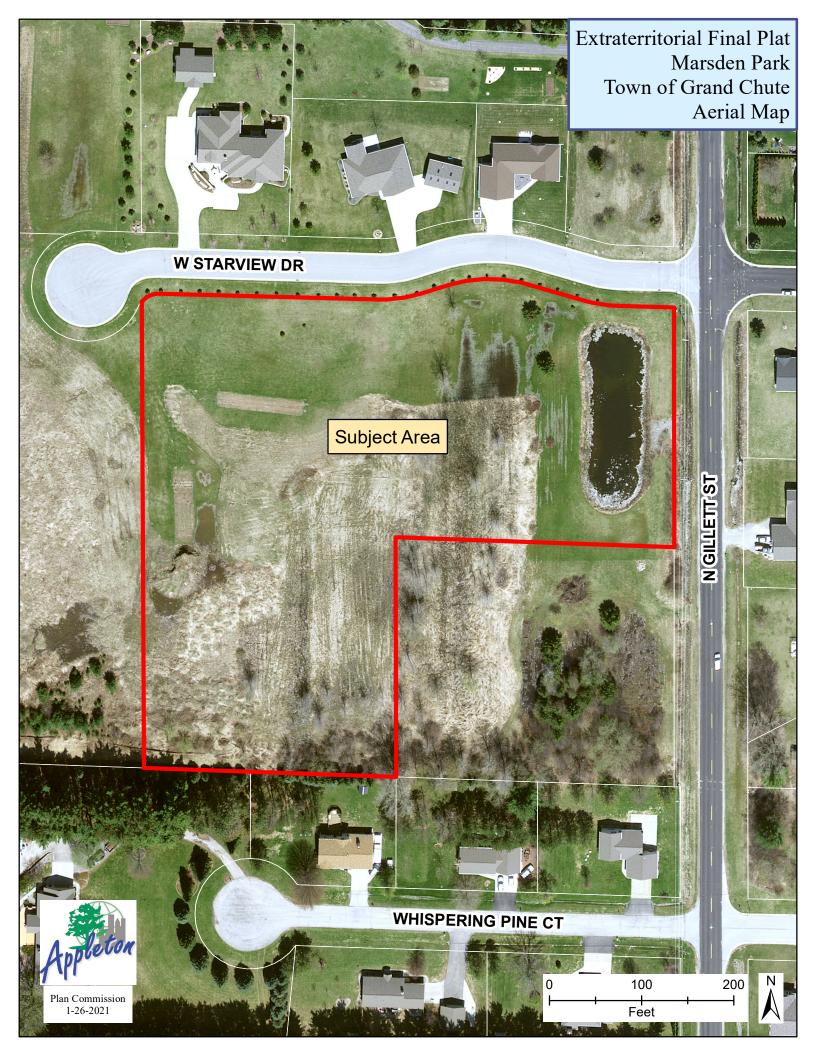
Technical Review Group (TRG) Report: This item appeared on the January 5, 2021 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Extraterritorial Final Plat – Marsden Park located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED** subject to the following condition:

1. For the City of Appleton Approval (Extraterritorial) signature block, list the Mayor's name as Jacob A. Woodford.





Marsden Park Bearings are referenced to the West line of the All of Lot 2, Certified Survey Map 6026, being part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Southwest 1/4, Section 10, T21N, R17E, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin assumed to bear N00°50'37"W, base on the Outagamie County Coordinate System. JEJ Plat Lot 4 Lot 1 CSM 5934 CSM 6026 JEJ Plat Starview Drive S 88°27'29" E S 88°27'29" E 238.36 12' Utility Easement 25' Building Setback 40' Lot 2 CSM 6026 Street Lot 81.576 SF 141,541 SF 3.2493 ac \geq N 87°59'44" W 302.45' 3/4" Rebar found S00°02'54"W 0.40 from actual corner West 1/4 Corner Section 10, T21N, R17E 3/4" Rebar found Lot 1 CSM 6026 Zoning: Single Family Residential Owner: Richard E & Tracy A Evers W. 0 3/4" Rebar found <u>N</u>87°59'44"W S05°06'47"W 0.59' 738.11 ° rom actual corner N 87°59'44" W 273.30' N87° 59' 44"W 302.45' Lot 1 CSM 5189 Lot 3 CSM 784 Zoning: General Ag Lot 2 CSM 784 Zoning: Single Family Residential Owner: Craig S. & Cheryl S Marshall Zoning: Single Family Residential Owner: Mark E & Judith M Bakken Owner: Dean N. & Sandra L Olson Southwest Corner Section 10, T21N, R17E Berntsen Monument Found Special Town of Grand Chute Restriction Owner's Certificate of Dedication Rubble Development, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. Rubble Development, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: Outagamie County Planning and Zoning Committee Town of Grand Chute City of Appleton Department of Administration Dated this day of In the presence of: Rubble Development, LLC

, 20 , the above the

Glen Scherwinski, Managing Member

County) ss

property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

My Commission Expires

State of Wisconsin)

Personally came before me this

Notary Public, Wisconsin

This subdivision Final Plat is subject to all of the requirements of Section 6.16 (E) Municipal Code of the Town of Grand Chute. The subdivider, for himself / itself, and his / its assigns, shall be responsible for all municipal improvements, including graveled and blacktopped streets, graveled road shoulders, sewer and water, curb and gutter if determined necessary by the Town of Grand Chute Board of Supervisors, sewer lift stations when determined necessary by the Town of Grand Chute Board of Supervisors, storm sewers when determined necessary by the Town of Grand Chute Board of Supervisors, dedicated and open clear water drainage easements and street lighting. Pursuant to Section 6.16 (E) Municipal Code of the Town of Grand Chute, the Town of Grand Chute reserves the right to withhold building permits for this subdivision if the above stated municipal improvements have not been completed in a timely and orderly fashion by the subdivider / owner, according to the terms and conditions of 6.16 (E). That, in addition, all subdividers and property owners are put on notice that a three hundred dollar (\$300.00) hookup contribution charge for sewer services may be payable by each lot within the platted subdivision to the Town of Grand Chute Sanitary District for sewer services. Furthermore, where decorative street lighting is requested by the owner / subdivider, the difference in cost between regular street lighting and decorative street lighting will be assessed annually to property owners within the subdivided areas, on an annual cost basis as incurred by the Town of Grand Chute, plus the Town of Grand Chute's annual interest charge; the Town of Grand Chute shall be responsible only for base and regular street lighting costs at intersections and cul-de-sacs, with any excess lighting costs as requested by the subdivider or property owners being assessed directly to the abutting property owners.

Surface Water Drainage Covenant

Maintenance of all drainage ways, including easements as indicated on the plat and along side and rear lot lines which convey storm water runoff as indicated on the Drainage Plan, and associated structures within the subdivision or serving the subdivision is the sole responsibility of the property owners of the subdivision, unless noted on the plan.

Upon failure of the property owners to perform maintenance of the drainage ways and associated structures, the county and/or township retains the right to perform maintenance and/or repairs and shall be equally assessed among the property owners of the subdivision with a drainage covenant.

LEGEND

- \triangle 1 $\frac{1}{4}$ " Rebar Found
- \circ $\frac{3}{4}$ " Rebar Found
- 1¹/₄" x 18" Steel Rebar @ 4.30lbs/LF SET All Other Corners 3" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot Areas In Square Feet
- () Recorded As

Town Board Approval Certificate

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLCRubble Development, LLC, owners, is hereby approved by the Town Board of the Town of Grand Chute.

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Grand Chute.

Treasurer's Certificate

Clerk

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 plat.

Town Treasurer County Treasurer

City of Appleton Approval (Extraterritorial)

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jake Woodford, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton

Kami Lynch, Clerk

Development And Land Services Approval Certificate

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owners, is hereby approved by Outagamie County.

Authorized Representative

This Final Plat is contained wholly within the property described in the following recorded

The property owner of record: Recording Information: Parcel Number(s): Rubble Development, LLC Doc No. 2219063 101036111

SW 1/4 SEC 10, T 21 N, R 17 E, TOWN GRAND CHUTE **OUTAGAMIE COUNTY, WI** NO SCALE

LOCATION MAP

Surveyor's Certificate

I, James R. Sehloff, Professional 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 Rubble Development, LLC, owner of said land, I have surveyed divided and mapped Marsden Park: that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is All of Lot 2, Certified Survey Map 6026, being part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 223,117 Sq Ft (5.1221 Ac) of land, subject to all easement and restrictions of record.

Given under my hand this day of

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

Rubble Development, LLC, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee,

Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, theron, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This

restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Rubble Development, LLC

Glen Scherwinski, Managing Member

- 1. All linear measurements have been made to the nearest one hundredth of a foot.
- 2. All bearings are computed and measured to the nearest second.
- 3. Lot 1 of CSM 4538 shows a drainage easement for the benefit of JEJ Plat. There is no record, in the register of deeds office, of this easement being granted to the to the Town of Grand Chute or owners of the JEJ Plat. Also there is no maintenance agreement on file, for the existing pond located within said
- 4. Per this document the Town agrees to release any right either implied and/or written to Drainage Easement listed in Note 1. In return the Developer, Rubble Development, LLC, agree to A Storm Water Pond Easement, located on Lot 2, is being granted to the Town of Grand Chute as shown on this map. The Storm Water Pond Easement is subject to any restrictions noted on the Final Plat of JEJ Plat and this document.
- 5. Lot 2 contains wetland that were filled per EXE-NE-2020-45-02948 dated October 12, 2020. At the time of platting the Town does not enforce a setback on portions of wetlands that have been legally filled.



	CURVE TABLE								
Curve	Radius	Chord Direction	Recored As	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out	
C1	25.00'	N 66°31'44" E	(N66°31'57"E)	21.14'	21.83'	50°01'33"	N 41°30'58" E	S 88°27'29" E	
C2	136.00'	N 82°00'22" E	(N88°00'57"E)	45.06'	45.27'	19°04'18"	S 88°27'29" E	N 72°28'13" E	
C3	136.00'	N 87°51'05" E		17.51'	17.52'	7°22'51"	S 88°27'29" E	N 84°09'39" E	
C4	136.00'	N 78°18'56" E		27.70'	27.75'	11°41'27"	N 84°09'39" E	N 72°28'13" E	
C5	150.00'	N 89°10'27" E	(N89°11'02"E)	86.23'	87.46'	33°24'28"	N 72°28'13" E	S 74°07'19" E	
C6	136.00'	S 81°17'24" E	(S81°16'49"E)	33.94'	34.03'	14°20'10"	S 74°07'19" E	S 88°27'29" E	

LINE TABLE		Ξ	There are no objections to this plat with respect to	
Line	Bearing	Length	Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2). Wis. Stats. as provided by s. 236.12, Wis. Stats.	
L1	N 72°28'13" E	30.52'	wis. Stats. as provided by s. 250.12, wis. Stats.	
	(N72°28'48"E)		Certified, 20	

Department of Administration

File: 6057Final.dwg Date: 01/08/2021 Drafted By: jim Sheet: 1 of 1 Revision Date: Jan 08, 2021

Resolution #1-R-21 Accessory Dwelling Units

Submitted By: Alderpersons Brad Firkus - District 3, Vered Meltzer - District 2, and Denise

Fenton - District 6

Submitted Date: January 20, 2021

Referred To:

WHEREAS Accessory Dwelling Units, or ADUs offer communities a simple alternative for providing affordable housing solutions without the need for large scale redevelopment of existing neighborhoods; and

WHEREAS ADUs can provide a way for people to live closer together while maintaining their own independent and affordable living quarters that is denser than stand-alone single family properties, but less dense than are apartment or condominium complexes; and

WHEREAS construction of ADUs does not come from tax dollars, creates more work opportunities for construction workers, and can increase home values in neighborhoods where these are constructed;

THEREFORE Be It Resolved that the city of Appleton allow the construction of accessory dwelling units(ADU) on properties of all single family zoning. ADUs must meet all building and zoning codes to be inhabitable, including heating, electrical, and plumbing.

BE IT FURTHER RESOLVED that a lot may have a maximum of two accessory dwelling units. A maximum of one accessory dwelling unit may be detached or attached and a maximum of one attached junior accessory dwelling. ADUs cannot be mobile and cannot exceed the size of the principle building of the lot.

BE IT FURTHER RESOLVED that this resolution be referred to Community and Economic Development to review and amend the municipal code.



OFFICE OF THE MAYOR

Jacob A. Woodford 100 North Appleton Street Appleton, Wisconsin 54911-4799 Phone: (920) 832-6400

Email: Mayor@Appleton.org

TO:

Members of the Common Council

FROM:

Mayor Jacob A. Woodford

DATE:

January 15, 2021

RE:

Appointments to Committees, Authorities, Boards, Commissions, and Taskforces

It is with pleasure that I present the following appointments for your confirmation at the January 20, 2021 Common Council meeting.

APPLETON PUBLIC ARTS COMMITTEE

Kim Kolbe Ritzow

3 Year Term

Term to Expire October 2023

Luis Fernandez

2 Year Term

Term to Expire October 2022

Kim is involved in several community organizations and projects, including the PAC Board, the Community Foundation Scholarship Committee, etc., and is passionate about the arts and the role they play in community wellbeing.

Luis has an extensive background in music instruction. He is currently Assistant Professor of Strings and Music Education at UW-Green Bay. During the summer months, Luis instructs violin students and coaches chamber music at Blue Lane Fine Arts Camp.

APPLETON REDEVELOPMENT AUTHORITY

Amanda Stuck

5 Year Term

Term to Expire November 2024

Amanda was most recently a member of the Wisconsin State Assembly for District 57. She is also a former housing specialist for the Appleton Housing Authority.

BICYCLE & PEDESTRIAN ADVISORY COMMITTEE

Benjamin Desotell

3 Year Term

Term to Expire December 2023

Benjamin is an avid bicyclist interested in supporting Appleton's bikeability.

BOARD OF HEALTH

Kathleen Fuchs

2 Year Term

Term to Expire April 2022

Kathleen is a retired mental health services practitioner with an interest in public health.

BOARD OF REVIEW

Sean Morgan

1 Year Term

Term to Expire April 2022

Sean is a Project Manager with Associated Appraisal Consultants. He has a thorough understanding of the assessment process and is a State Certified Assessor Levels 2 and 3.

CITY PLAN COMMISSION

Isaac Uitenbroek

3 Year Term

Term to Expire April 2023

Andrew Dane

Remaining Term

Term to Expire April 2021

Isaac has an extensive background in land use planning and regulation within both public and private sectors.

Andrew owns Neighborhood Planners, a firm which specializes in land use, economic development, and sub area planning.

LIBRARY BOARD

Lisa Nett

3 Year Term

Term to Expire June 2020

Lisa has an affinity for community library quality, finds inspiration in library spaces, and believes citizens should be engaged in stewarding community resources.

TASKFORCE ON RESILIENCY, CLIMATE MITIGATION, AND ADAPTATION

Heather McCombs

3 Year Term

Term to Expire January 2022

Heather is an Assistant Director for sustainable design at Lawrence University. She ensures that sustainable design, materials, and practices are integrated into campus operations, maintenance, and new construction projects. She teaches a sustainable management course and is an author of the LEED Green Associate Exam Preparation Guide.