



# 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.*

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Wednesday, October 27, 2021

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting  
[21-1446](#) City Plan Minutes from 10-13-21

**Attachments:** [City Plan Minutes 10-13-21.pdf](#)

#### 4. Public Hearings/Apearances

- [21-1447](#) Rezoning #11-21 to rezone the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation, formerly part of the Town of Grand Chute, consisting of approximately 12.6622 acres generally located east of North Ballard Road and north of East Edgewood Drive, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District (Associated with Action Item #21-1448)

**Attachments:** [InformalPublicHearingNotice Lightning Drive JJAnnex Rezoning#11-21.pdf](#)

- [21-1449](#) Rezoning #12-21 to rezone the Ziegler Mackville Road & EE Annexation, formerly part of the Town of Center, consisting of approximately 1.4407 acres located at N2883 County Road EE, the southwest corner of North Ballard Road and East Mackville Road, including to the centerline of the adjacent N. Ballard Road right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District (Associated with Action Item #21-1450)

**Attachments:** [InformalPublicHearingNotice Ziegler MackvilleRd EEAnnex Rezoning#12-21.](#)

#### 5. Action Items

[21-1448](#) Request to approve Rezoning #11-21 to rezone the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation, formerly part of the Town of Grand Chute, consisting of approximately 12.6622 acres generally located east of North Ballard Road and north of East Edgewood Drive, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District

**Attachments:** [StaffReport LightningDrive JJAnnex Rezoning For10-27-21.pdf](#)

[21-1450](#) Request to approve Rezoning #12-21 to rezone the Ziegler Mackville Road & EE Annexation, formerly part of the Town of Center, consisting of approximately 1.4407 acres located at N2883 County Road EE, the southwest corner of North Ballard Road and East Mackville Road, including to the centerline of the adjacent N. Ballard Road right-of-way, as shown on the attached maps, from Temporary AG Agricultural District to R-1B Single-Family District

**Attachments:** [StaffReport Ziegler MackvilleRd EEAnnex Rezoning For10-27-21.pdf](#)

[21-1451](#) Request to approve the Spartan Drive (Right-of-Way) Annexation consisting of approximately 3.9468 acres generally located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, currently in the Town of Grand Chute, as shown on the attached maps, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport SpartanDr Annexation For10-27-21.pdf](#)

## 6. Information Items

## 7. Adjournment

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

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



# City of Appleton

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

## Meeting Minutes - Final-revised City Plan Commission

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

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Wednesday, October 13, 2021

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

**Meeting called to order by Chair Mayor Woodford at 3:30 p.m.**

2. Roll call of membership

**Present:** 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

**Excused:** 1 - Robins

3. Approval of minutes from previous meeting

[21-1314](#)

City Plan Minutes from 9-8-21

**Attachments:** [City Plan Minutes 9-8-21.pdf](#)

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

**Aye:** 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

**Excused:** 1 - Robins

4. Public Hearings/Appearances

5. Action Items

[21-1315](#)

Request to approve the Extraterritorial Preliminary Plat for Auburn Estates located in the Town of Grand Chute as shown on the attached maps

**Attachments:** [StaffReport\\_AuburnEstates\\_PrePlat\\_For10-13-21.pdf](#)

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

**Aye:** 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

**Excused:** 1 - Robins

[21-1350](#)

Request to approve the North Edgewood Estates 3 Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_NorthEdgewoodEstates3\\_FinalPlat\\_For10-13-21.pdf](#)

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

**Aye:** 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

**Excused:** 1 - Robins

[21-1348](#)

Request to approve the Ziegler Mackville Road & EE Annexation consisting of approximately 1.4407 acres located at N2883 County Road EE, the southwest corner of North Ballard Road and East Mackville Road, currently in the Town of Center, as shown on the attached maps, subject to the stipulation in the attached staff report

**Attachments:** [StaffReport\\_ZieglerMackvilleRd\\_EE\\_Annexation\\_For10-13-21.pdf](#)

*Proceeds to Council on November 3, 2021.*

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

**Aye:** 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

**Excused:** 1 - Robins

[21-1349](#)

Request to approve the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation consisting of approximately 12.6622 acres generally located east of North Ballard Road and north of 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

**Attachments:** [StaffReport\\_LightningDr\\_JJ\\_Annexation\\_For10-13-21.pdf](#)

[DOA 14443\\_LightningDrJJAnnex\\_ReviewLetter.pdf](#)

*Proceeds to Council on November 3, 2021.*

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

**Aye:** 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

**Excused:** 1 - Robins

## 6. Information Items

[21-1388](#)

Neighborhood Program Fall Meeting on Thursday, October 28, 2021  
from 6:00 - 7:30 p.m. to be held virtually via Zoom

**Attachments:** <https://www.appleton.org/residents/neighborhood-program>

**This item was presented and discussed.**

7. Adjournment

**Fenton moved, seconded by Palm, that the meeting be adjourned at 3:41 p.m.  
Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Mayor Woodford, Fenton, Buetow, Dane and Uitenbroek

**Excused:** 1 - Robins

**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 Wednesday, October 27, 2021, at 3:30 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 Town of Grand Chute parcel numbers 101157000 and 101158200, included in the “Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation”, located in the vicinity of N. Lightning Drive and E. Edgewood Drive intersection and north thereof.

**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 was 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 the zoning classification of P-I Public Institutional District (see attached map). The P-I District is intended to provide for public and institutional uses (public roads/infrastructure) and buildings utilized by the community and to provide open space standards where necessary for the protection of adjacent residential properties.

**Purpose of the Request:** To assign a zoning classification following the “Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation” and facilitate future construction of a street officially mapped as Lightning Drive and an associated stormwater pond.

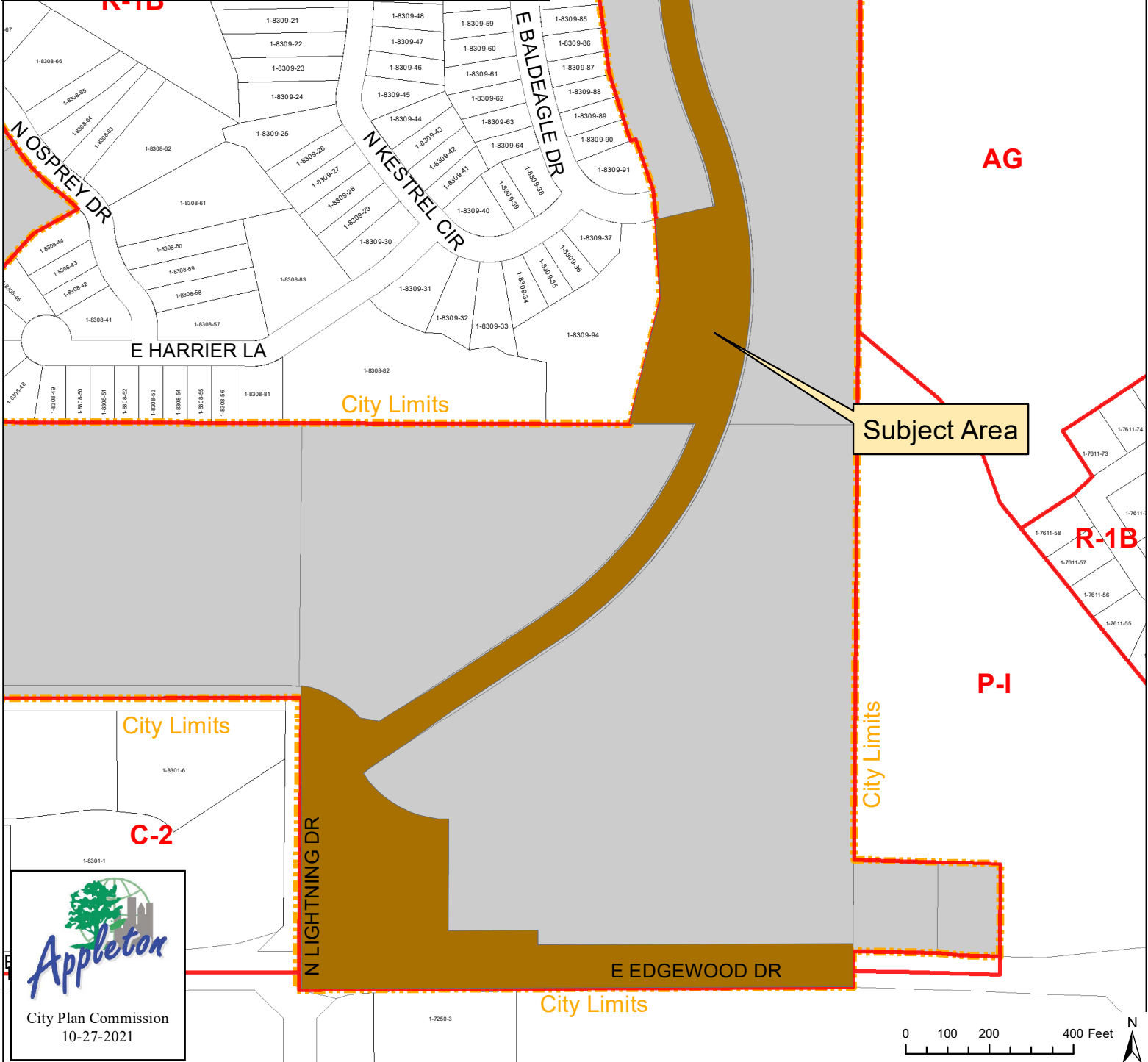
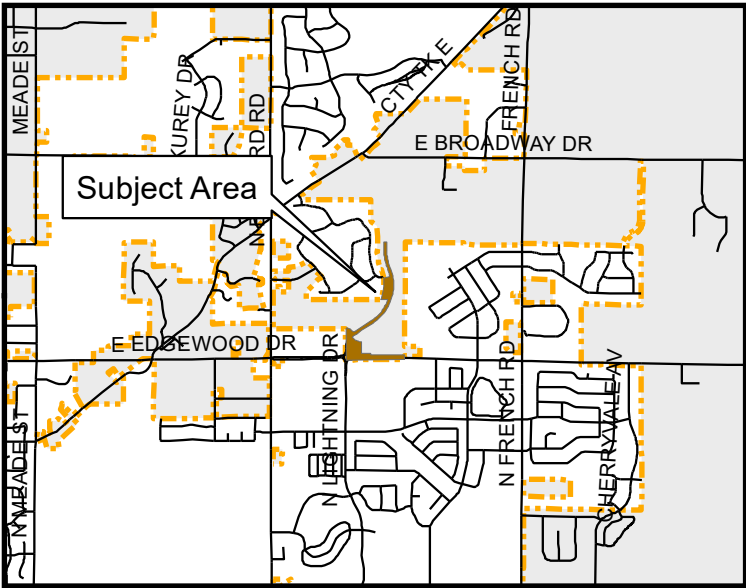
You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org).

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.*

Lightning Drive & C.T.H. JJ (Right-of-Way)  
Annexation Temporary AG Agricultural to  
P-I Public Institutional District  
Rezoning



Lightning Drive & C.T.H. JJ (Right-of-Way)  
Annexation Temporary AG Agricultural to  
P-I Public Institutional District  
Aerial Map





**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 Wednesday, October 27, 2021, at 3:30 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:**

N2883 County Road EE, Town of Center parcel number 040097800 - proposed City parcel number 31-1-9315-00, included in the “Ziegler Mackville Road & EE 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 was 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 zoning classification of R-1B Single-Family District (see attached map). The R-1B 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 zoning classification following the “Ziegler Mackville Road & EE Annexation” and allow the property to continue as single-family residential.

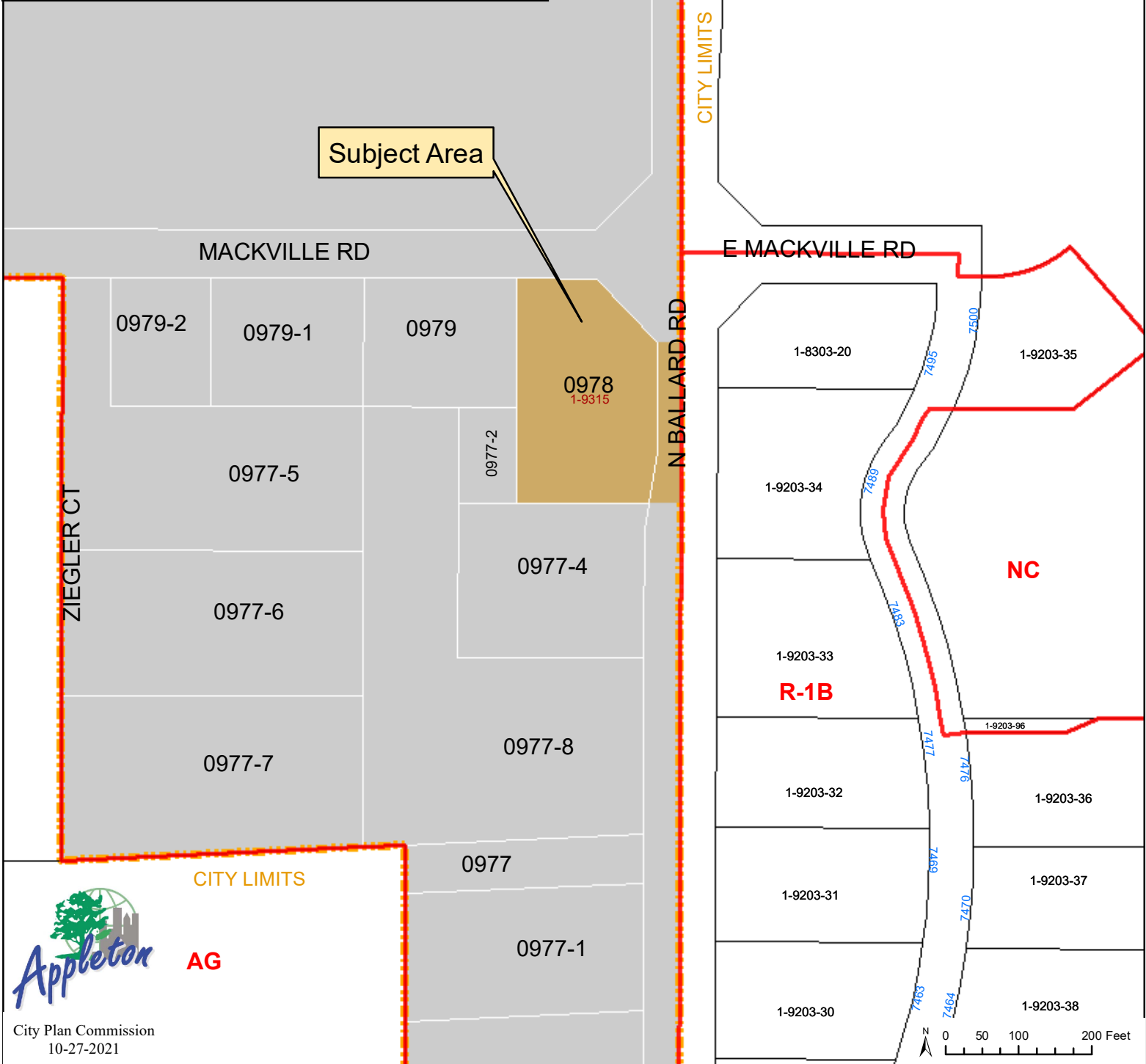
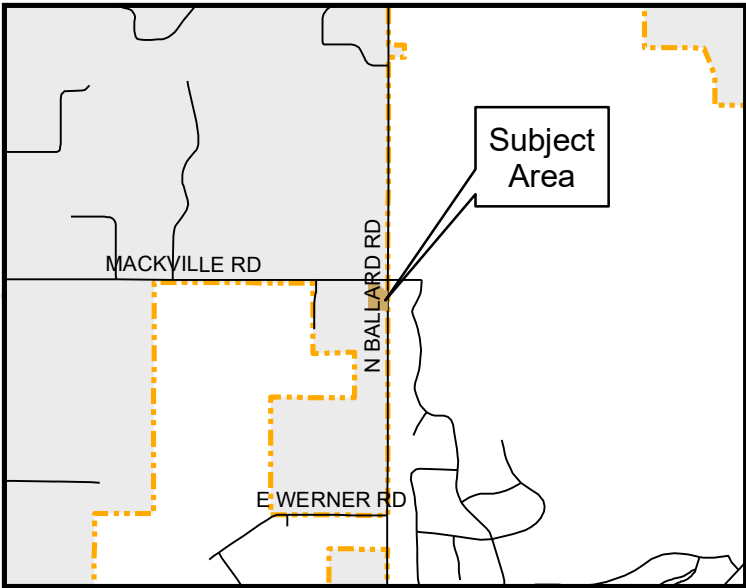
You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at [don.harp@appleton.org](mailto:don.harp@appleton.org).

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL - 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
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*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

Rezoning  
Ziegler Mackville Road & EE Annexation  
Temporary AG Agricultural  
to R-1B Single-family District



Rezoning  
Ziegler Mackville Road & EE Annexation  
Temporary AG Agricultural  
to R-1B Single-family District  
Aerial Map



Subject Area

0979

0978

0977-2

0977-4

1-920

CITY LIMITS

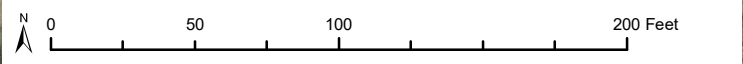
N BALLARD RD

MACKVILLE RD

E MACKVILLE RD



City Plan Commission  
10-27-2021





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** October 27, 2021

**Common Council Public Hearing Meeting Date:** November 17, 2021

**Item:** Rezoning #11-21 – Lightning Drive/C.T.H. “JJ” (Right-of-Way) Annexation

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

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**Owner:** City of Appleton

**Applicant/Petitioner:** City of Appleton Plan Commission

**Parcel Numbers/Location:** Part of parcels 101157000 and 101158200, included in the “Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation”, located in the vicinity of North Lightning Drive and East Edgewood Drive intersection and north thereof.

**Petitioner’s Request:** To assign a zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to P-I Public Institutional District. The request is being made to facilitate future construction of a street officially mapped as Lightning Drive with associated utilities and a stormwater pond.

### BACKGROUND

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On October 13, 2021, the Plan Commission recommended approval of the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation. During review of the annexation, the Plan Commission initiated the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive went into effect on October 23, 2001.

### FUTURE ACTIONS

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On November 3, 2021, the Common Council will take action on the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation Ordinance. It is anticipated the property will be officially annexed to the City on November 9, 2021 at 12:01 a.m.

Rezoning #11-21 is on track to go to the November 17, 2021 Common Council meeting for action.

**STAFF ANALYSIS**

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**Existing Site Conditions:** The subject parcel is approximately 12.6622 acres in size. The subject property is developed with public infrastructure (stormwater pond, utilities, and roads). Also, a portion of the subject property is undeveloped agricultural land.

**Street Classification:** Lightning Drive is classified as a collector street on the City's Arterial/Collector Plan.

**Surrounding Zoning Classification and Land Uses:**

North: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the north is currently agricultural land.

South: City of Appleton. P-I Public Institutional District, the adjacent land use to the south is currently developed as single-family residential, agricultural buildings, and undeveloped land.

West: City of Appleton. C-2 General Commercial District and R-1B Single-family District, the adjacent land use to the west is currently undeveloped commercial and single-family residential land.

Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the west is currently agricultural land.

East: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the east is currently agricultural land.

**Proposed Zoning Classification:** The purpose of the P-I Public Institutional District is to provide for public and institutional uses (roads/utilities) and buildings utilized by the community and to provide open space standards where necessary for the protection of adjacent residential properties. Per Section 23-100(h) of the Municipal Code, the development standards for the P-I District are listed below:

- 1) **Minimum lot area:** None.
- 2) **Maximum lot coverage:** 70%.
- 3) **Minimum lot width:** None.
- 4) **Minimum front yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 5) **Minimum rear yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 6) **Minimum side yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 7) **Maximum building height:** 60 feet.

**Rezoning #11-21 - Lightning Drive/C.T.H. "JJ" (Right-of-Way) Annexation**  
**October 27, 2021**  
**Page 3**

**Zoning Ordinance Review Criteria:** Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with rezoning 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 the zoning classification of P-I Public Institutional 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 P-I District zoning regulations listed above and other sections of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as Officially Mapped Lightning Drive, Ponds/Water, Public Institutional, One/Two Family Residential and Agricultural/Private Open Space. The proposed rezoning is consistent with the following goals and objectives of the *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 4 – Transportation*

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

*OBJECTIVE 6.1 Transportation:*

*Plan for the safe and efficient movement of vehicles on local and regional roads.*

*OBJECTIVE 6.8 Transportation:*

*Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.*

*OBJECTIVE 7.5 Utilities and Community Facilities:*

*Implement effective stormwater management practices.*

## Rezoning #11-21 - Lightning Drive/C.T.H. "JJ" (Right-of-Way) Annexation

October 27, 2021

Page 4

**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 officially mapped Lightning Drive, other roads, and a stormwater pond.*
  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 infrastructure is already installed along the initial segment of Lightning Drive. Stormwater pond, sewer, and water infrastructure will be included with the future construction of Lightning Drive.*
  2. The effect of the proposed rezoning on surrounding uses. *Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive went into effect on October 23, 2001. The recent annexation will allow for the future construction of Lightning Drive and associated stormwater pond, sewer, and water infrastructure within the annexation area. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

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

**Technical Review Group (TRG) Report:** This item appeared on the August 31, 2021 TRG Agenda. No negative comments were received from participating departments.

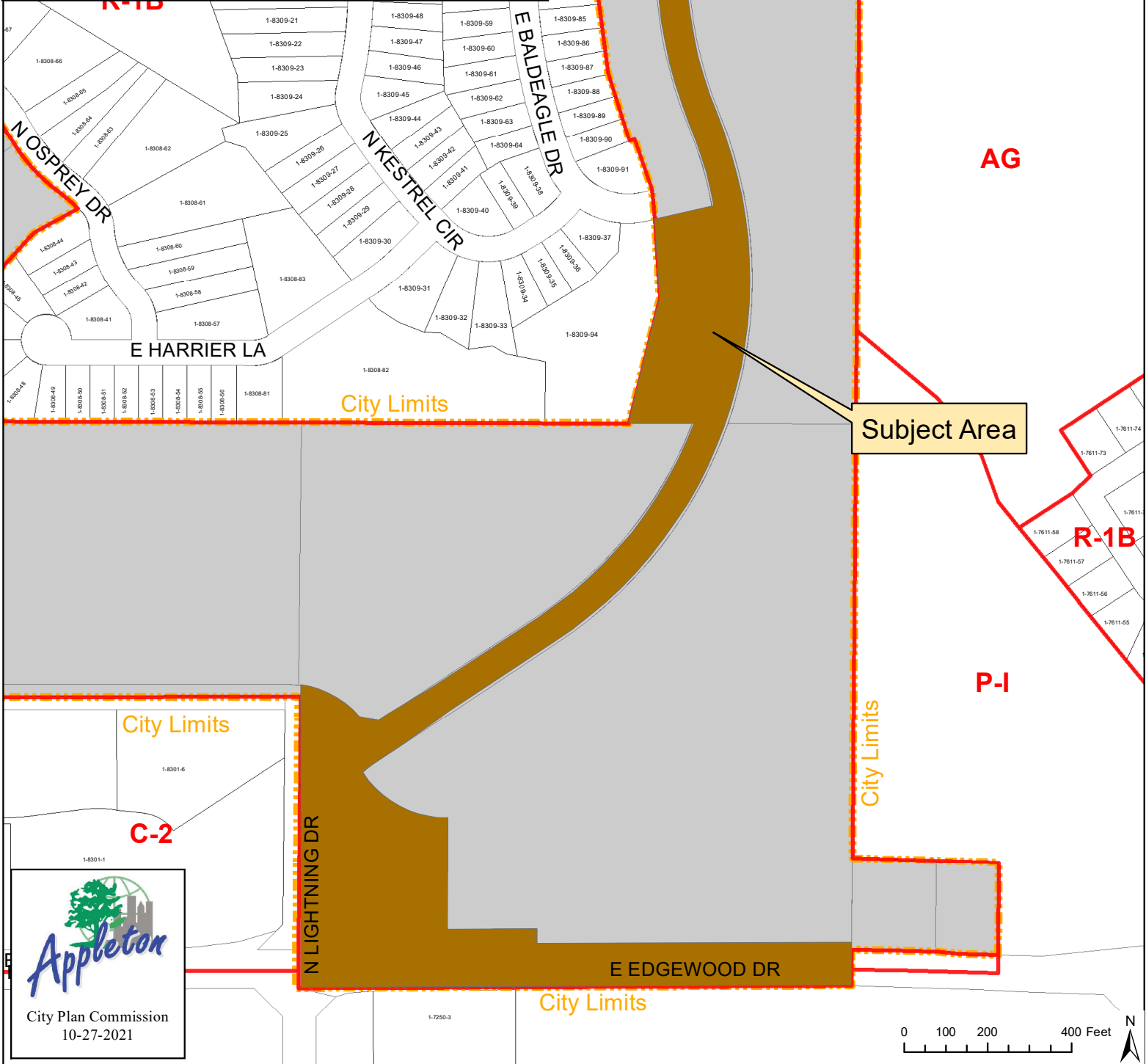
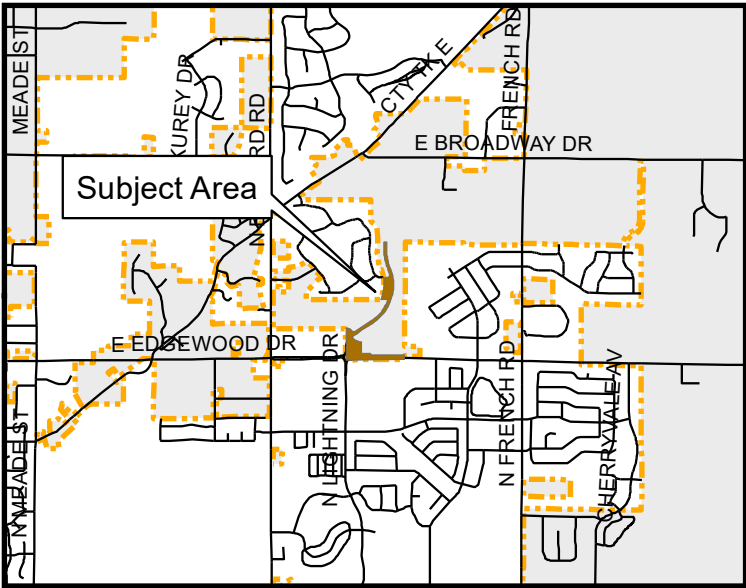
**RECOMMENDATION**

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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 #11-21 to rezone the Lightning Drive/C.T.H. "JJ" (Right-of-Way) Annexation area from temporary AG Agricultural District to P-I Public Institutional District as shown on the attached maps, **BE APPROVED.**



# Lightning Drive & C.T.H. JJ (Right-of-Way) Annexation Temporary AG Agricultural to P-I Public Institutional District Rezoning



Lightning Drive & C.T.H. JJ (Right-of-Way)  
Annexation Temporary AG Agricultural to  
P-I Public Institutional District  
Aerial Map





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting:** October 27, 2021

**Common Council Public Hearing Meeting:** November 17, 2021

**Item:** Rezoning #12-21 - Ziegler Mackville Road & EE Annexation

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

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**Owner:** Philip C. Ziegler

**Applicant/Petitioner:** City of Appleton Plan Commission

**Address/Parcel Number:** N2883 County Road EE / 040097800 - Town of Center. The proposed City parcel number is #31-1-9315-00.

**Petitioner's Request:** To assign a zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Zoning Ordinance and Annexation Petition, from temporary AG Agricultural District to R-1B Single-family District.

### BACKGROUND

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On October 13, 2021, the Plan Commission recommended approval of the Ziegler Mackville Road & EE Annexation. During review of the annexation, the Plan Commission initiated the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of R-1B Single-family District.

### FUTURE ACTIONS

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On November 3, 2021, the Common Council will take action on the Ziegler Mackville Road & EE Annexation Ordinance. It is anticipated the property will be officially annexed to the City on November 9, 2021 at 12:01 a.m.

Rezoning #12-21 is on track to go to the November 17, 2021 Common Council meeting for action.

### STAFF ANALYSIS

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**Existing Conditions:** The subject area is approximately 1.4407 acres in size. Currently, the subject property is developed with a single-family dwelling.

**Proposed Zoning Classification:** The purpose of the R-1B Single-family 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. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 50%.
- 3) **Minimum lot width:** 50 feet.
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street).
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

**Surrounding Zoning Classification and Land Uses:**

- North: Town of Center. General Agricultural District, the adjacent land use to the north is currently agricultural land.
- South: Town of Center. General Agricultural District, the adjacent land use to the south is currently developed as single-family residential.
- West: Town of Center. General Agricultural District, the adjacent land use to the west is currently developed as single-family residential.
- East: City of Appleton. R-1B Single-family District, the adjacent land use to the east is currently undeveloped but subdivided for single-family residential.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed rezoning is consistent with the following goals and objectives of the *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.*

*OBJECTIVE 5.3 Housing and Neighborhoods:*

*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.*

*Policy 5.3.3 Plan for a supply of developable land suitable for residential development.*

*OBJECTIVE 10.1 Land Use:*

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

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of 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 site 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. *It was determined during the annexation process for the Ziegler Mackville Road & EE Annexation that the City can provide the needed municipal services to serve the subject site.*

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already established adjacent to the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

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

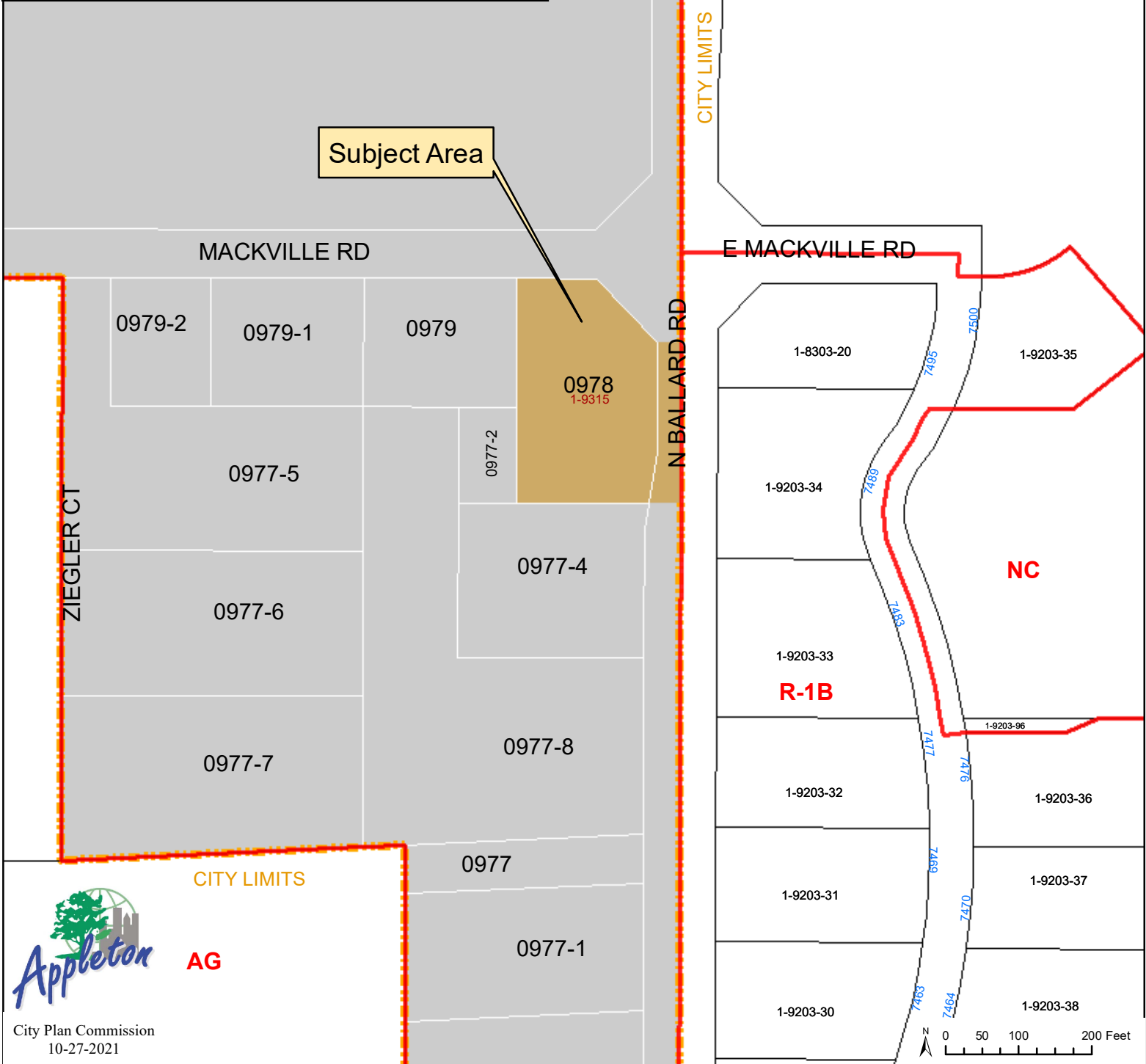
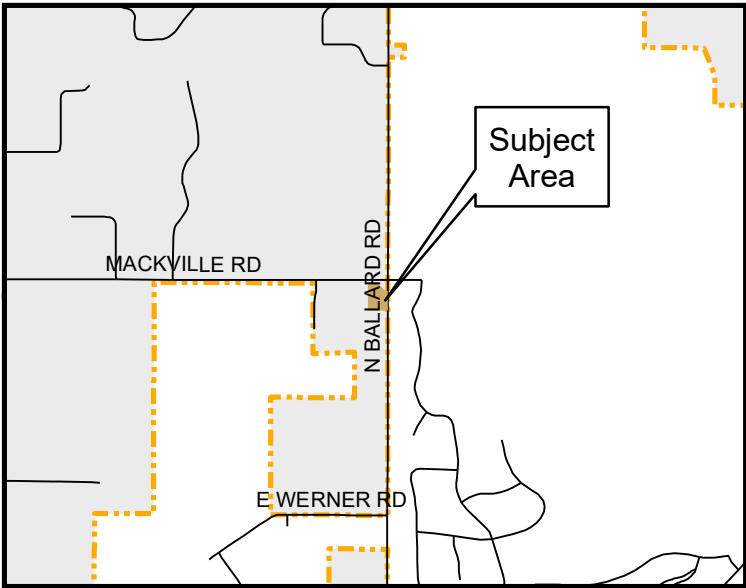
**Technical Review Group (TRG) Report:** This item appeared on the September 21, 2021 TRG Agenda. No negative comments were received from participating departments.

### **RECOMMENDATION**

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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 #12-21 to rezone the Ziegler Mackville Road & EE Annexation area from temporary AG Agricultural District to R-1B Single-family District as shown on the attached maps, **BE APPROVED**.

Rezoning  
Ziegler Mackville Road & EE Annexation  
Temporary AG Agricultural  
to R-1B Single-family District



Rezoning  
Ziegler Mackville Road & EE Annexation  
Temporary AG Agricultural  
to R-1B Single-family District  
Aerial Map



Subject Area

0979

0978

0977-2

0977-4

1-920

CITY LIMITS

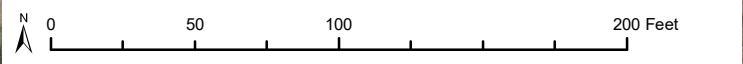
N BALLARD RD

MACKVILLE RD

E MACKVILLE RD



City Plan Commission  
10-27-2021







## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** October 27, 2021

**Common Council Meeting Date:** November 3, 2021

**Item:** Spartan Drive Annexation

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Owner/Applicant:** City of Appleton

**Address/Parcel:** Part of Tax Id #101006900 in the Town of Grand Chute. The subject property is located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east.

**Petitioner's Request:** Owner is requesting direct annexation by unanimous approval pursuant to Section 66.0217(2), Wisconsin State Statutes of land currently located in the Town of Grand Chute, Outagamie County.

**Purpose for Annexation:** Future construction of a street officially mapped as Spartan Drive and an associated stormwater pond is anticipated.

**Population of Such Territory:** 0

**Annexation Area:** 3.9468 acres m/l

### BACKGROUND

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On March 16, 1992, the City of Appleton and the Town of Grand Chute agreed to and entered into an Intermunicipal Boundary Agreement pursuant to Section 66.027 and 66.30 of the Wisconsin State Statutes for the purpose of defining and expanding the provision of governmental services, including water and sewer services, by establishing the City's growth area and establishing provisions for annexation of land within the Town of Grand Chute to the City of Appleton.

On March 5, 2008, Common Council adopted Ordinance 51-08, which amended the City's Official Map to officially map the location of an east-west roadway to be known as Spartan Drive.

On February 3, 2021 Common Council approved a Relocation Order for the subject area, with the purpose to construct officially mapped Spartan Drive and an associated stormwater pond. The property needed for the project was acquired in subsequent months and is included in this annexation request. Before Common Council approves the annexation ordinance, the City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee

## **Spartan Drive Annexation**

**October 27, 2021**

**Page 2**

on October 8, 2021, so this requirement will be satisfied prior to Common Council taking action at their November 3, 2021 meeting.

### **STAFF ANALYSIS**

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The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- The area proposed for annexation is contiguous to the existing City boundary. The subject property connects to the City of Appleton at the east and west portions of Spartan Drive right-of-way.
- Annexation of the site in question is consistent with the Intermunicipal Boundary Agreement with the Town of Grand Chute.
- City water, sanitary and storm sewer infrastructure is already installed along the western portion of Spartan Drive that will connect to the subject area. It is anticipated that public utility infrastructure will be included with the future construction of Spartan Drive.
- Currently, the subject property consists of vacant, undeveloped land.
- The owner is requesting that the City Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. The temporary zoning classification must be made permanent in accordance with Section 23-65(d), Zoning Map Amendments, within 90 days, or the zoning will revert to AG Agricultural District.

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

North: Town of Grand Chute. The adjacent land use to the north is currently agriculture.

South: R-3 Multi-Family District & Town of Grand Chute. The adjacent land uses to the south are currently a mix of multi-family residential uses, including a community-based residential facility, and agriculture.

East: P-I Public Institutional District. The adjacent land use to the east is currently undeveloped and planned for a future City-owned stormwater management facility.

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

**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 annexation is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

## **Spartan Drive Annexation**

**October 27, 2021**

**Page 3**

### *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 4 – Transportation*

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

#### **OBJECTIVE 6.1 Transportation:**

*Plan for the safe and efficient movement of vehicles on local and regional roads.*

#### **OBJECTIVE 6.8 Transportation:**

*Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.*

#### **OBJECTIVE 7.5 Utilities and Community Facilities:**

*Implement effective stormwater management practices.*

**Technical Review Group (TRG) Report:** This item was discussed at the October 5, 2021 Technical Review Group meeting. No negative comments were received from participating departments.

## **FUTURE ACTIONS**

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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.

The owner is requesting that Plan Commission initiate a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission will be processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council.

It is anticipated that a Certified Survey Map (CSM) will be prepared to reconfigure lot lines and dedicate public right-of-way. The dedication of land for public right-of-way for Spartan Drive requires action by Plan Commission and Common Council. CSMs are administratively reviewed and approved by City staff.

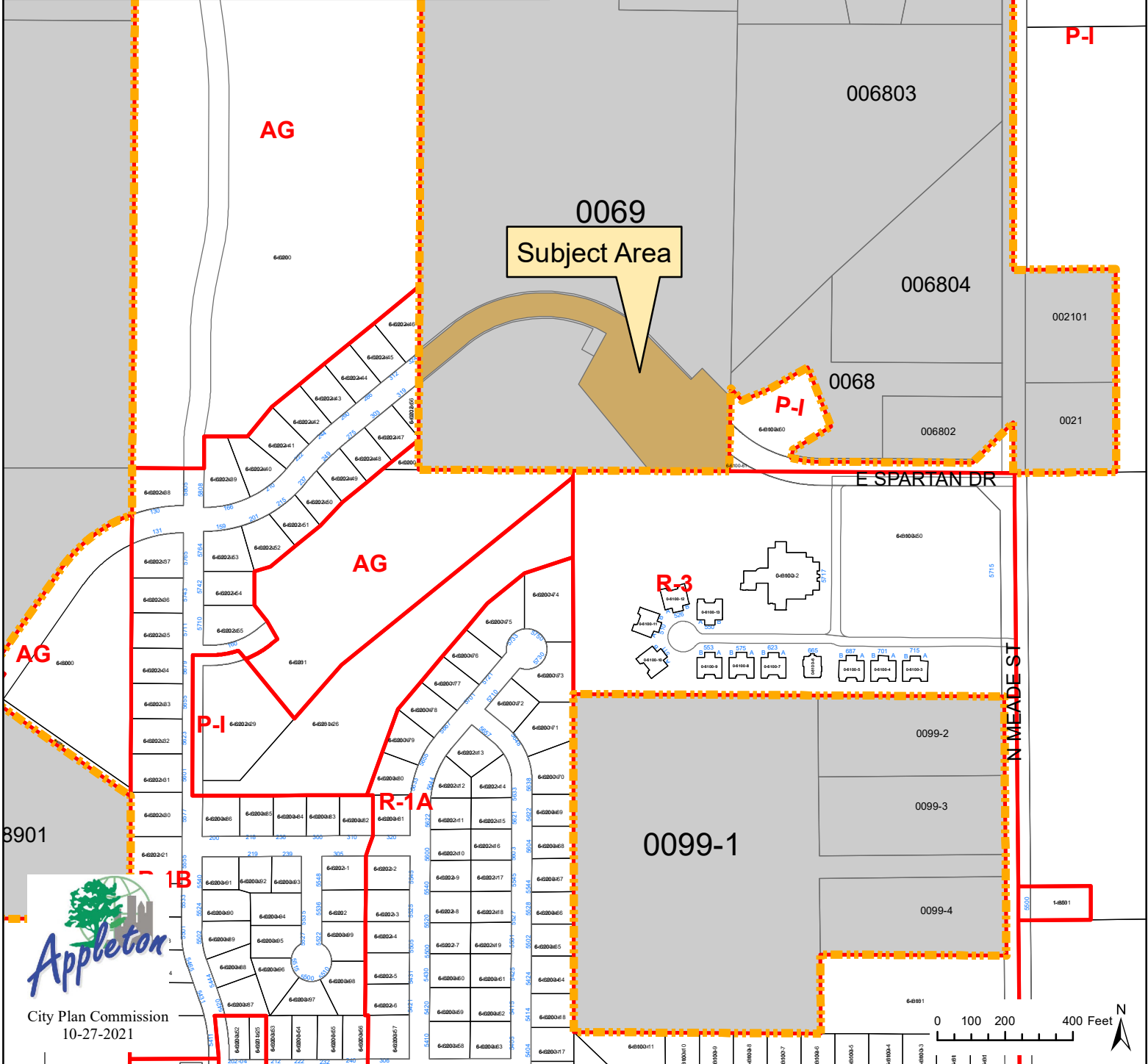
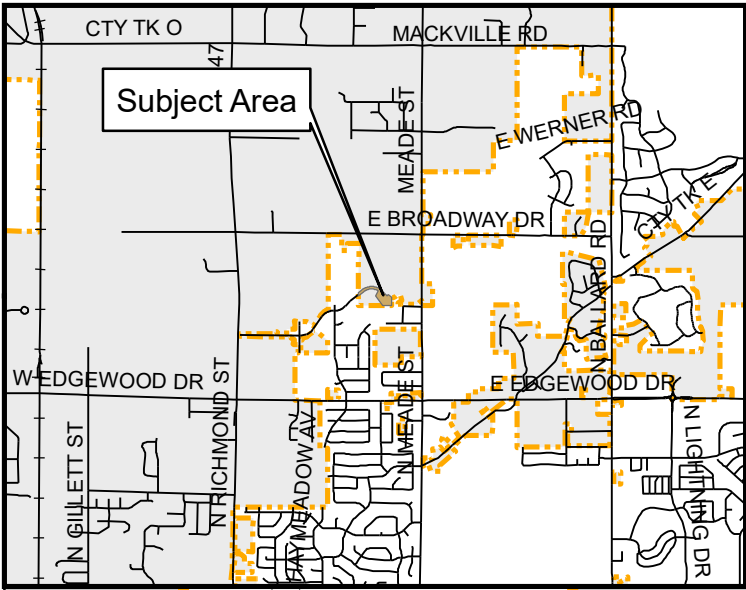
**RECOMMENDATION**

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Staff recommends that the Spartan Drive Annexation, as shown on the attached maps, **BE APPROVED** with the following stipulation:

1. The Plan Commission initiate the rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District, pursuant to Section 23-65(d)(1) of the Municipal Code.

# Annexation Spartan Drive (Right-of-Way) Town of Grand Chute Zoning Map



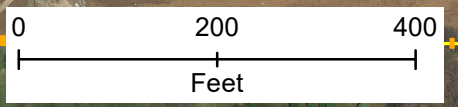
City Plan Commission  
10-27-2021

Annexation  
Spartan Drive (Right-of-Way)  
Town of Grand Chute  
Aerial Map

Subject Area



City Plan Commission  
10-27-2021





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL  
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES  
WHERE NO ELECTORS RESIDE IN TERRITORY**

I, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scaled map to the City of Appleton, Outagamie County, Wisconsin.

A part of Lot 1 of Certified Survey Map No. 4027, located in and being a part of the South  $\frac{1}{2}$  the Fractional Northeast  $\frac{1}{4}$  of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 171,926 Square Feet (3.9468 Acres) of land and described as follows:

Commencing at the East  $\frac{1}{4}$  corner of said Section 2;  
Thence North  $89^{\circ}40'21''$  West 839.03 feet along the South line of the Fractional NE  $\frac{1}{4}$  of said Section 2 and being coincident with the South line of Certified Survey Map No.4431 to the point of beginning;  
Thence continue North  $89^{\circ}40'21''$  West 234.71 feet along the South line of the Fractional NE  $\frac{1}{4}$  of said Section 2  
Thence North  $39^{\circ}21'44''$  West 331.88 feet;  
Thence North  $28^{\circ}42'55''$  East 170.75 feet;  
Thence Westerly 443.68 feet along the arc of a curve to the left having a radius of 365.00 feet and the chord of which bears South  $85^{\circ}27'40''$  West 416.86 feet;  
Thence South  $50^{\circ}38'16''$  West 177.69 feet to the West line of Lot 1 of Certified Survey Map No.4027;  
Thence North  $00^{\circ}19'45''$  East 90.97 feet along the West line of Lot 1 of Certified Survey Map No.4027;  
Thence North  $50^{\circ}38'16''$  East 119.60 feet;  
Thence Easterly 644.99 feet along the arc of a curve to the right having a radius of 435.00 feet and the chord of which bears South  $86^{\circ}53'06''$  East 587.51 feet;  
Thence South  $44^{\circ}24'28''$  East 175.81 feet;  
Thence North  $45^{\circ}35'32''$  East 47.78 feet;  
Thence South  $44^{\circ}24'28''$  East 119.08 feet to the East line of Lot 1 of Certified Survey Map No.4027;  
Thence South  $01^{\circ}03'01''$  West 219.70 feet along the East line of Lot 1 of Certified Survey Map No.4027 to the Point of Beginning.


Part of Tax Parcel number of land to be annexed: #101006900

I, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

I further respectfully request that the City Plan Commission initiate a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

Area of lands to be annexed contains 3.9468 acres.

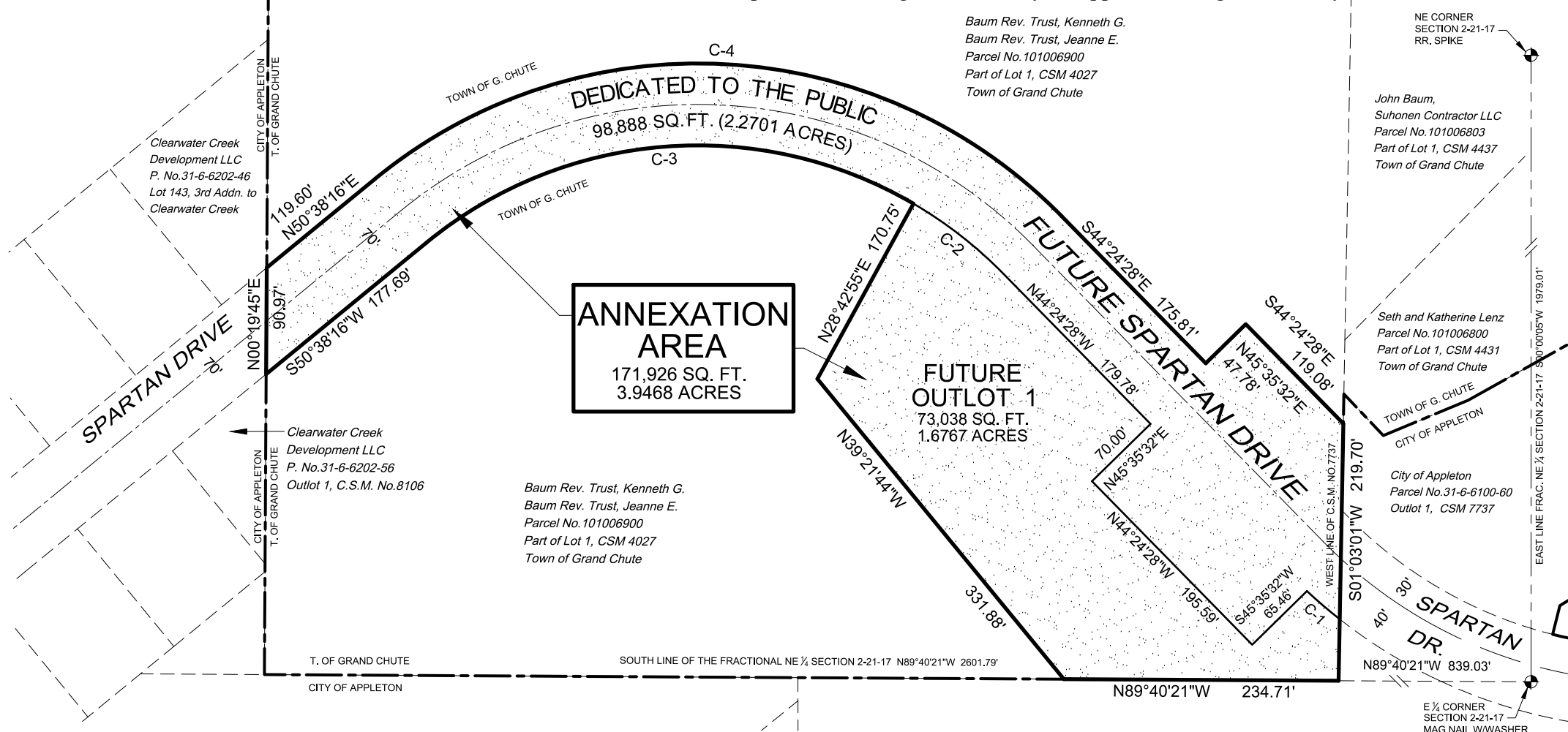
The current population of such territory is 0.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
 Jacob A. Woodford, Mayor City of Appleton	City of Appleton	9/22/21	100 N. Appleton Street Appleton, WI 54911

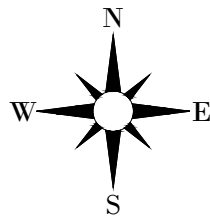


# ANNEXATION EXHIBIT

Part of Lot 1 of Certified Survey Map No. 4027 filed in Volume 22 of Certified Survey Maps on Page 4027 as Document No.1402877, being located in the South 1/2 of the Fractional Northeast 1/4 of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	440.00'	36.89'	36.88'	N49°24'52"W
C2	365.00'	97.52'	97.27'	N52°03'42"W
C3	365.00'	443.68'	416.86'	S85°27'40"W
C4	435.00'	644.99'	587.51'	S86°53'06"E



SCALE IN FEET



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL NE 1/4 SECTION 2, T.21N., R.17E.; WHICH BEARS N89°40'21"W  
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**CITY OF APPLETON**  
DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474  
DRAFTED BY: T. KROMM