



City of Appleton

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

Meeting Agenda - Final-revised City Plan Commission

Wednesday, June 28, 2023

3:30 PM

Council Chambers, 6th Floor

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

[23-0730](#) City Plan Minutes from 6-14-23

Attachments: [City Plan Minutes 6-14-23.pdf](#)

5. Public Hearing/Apearances

[23-0733](#) Rezoning #4-23 for the subject site located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 & 31-8-2025-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District (Associated with Action Item #23-0734)

Attachments: [InformalPublicHearingNotice_TheHeritage_SUP#8-23+Rezoning#4-23.pdf](#)

[23-0731](#) Special Use Permit #8-23 to conform and expand a community living arrangement (CLA) a/k/a community based residential facility (CBRF) located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 & 31-8-2025-00) serving a total capacity of 51 persons, 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 #23-0732)

Attachments: [ClassIIPublicHearingNoticeNewspaper_2600SHeritageWoodsDr_SUP#8-23.pdf](#)

[InformalPublicHearingNotice_TheHeritage_SUP#8-23+Rezoning#4-23.pdf](#)

[23-0735](#) Proposed district boundaries and the Project Plan for Tax Incremental Financing District #13 in Southpoint Commerce Park, City of Appleton, Wisconsin (Associated with Action Item #23-0736)

Attachments: [Class II Plan Commission June 28 Public Hearing Notice TIF 13.pdf](#)

6. Action Items

[23-0734](#) Request to approve Rezoning #4-23 for the subject site located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 & 31-8-2025-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District

Attachments: [StaffReport_2600SHeritageWoodsDr_Rezoning_For6-28-23.pdf](#)

[23-0732](#) Request to approve Special Use Permit #8-23 to conform and expand a community living arrangement (CLA) a/k/a community based residential facility (CBRF) located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 & 31-8-2025-00) serving a total capacity of 51 persons, 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)

Attachments: [StaffReport_2600SHeritageWoodsDr_SUP_For6-28-23.pdf](#)

[23-0736](#) Request to approve Resolution designating the proposed district boundaries and approving the Project Plan for Tax Incremental Financing District #13 in Southpoint Commerce Park, City of Appleton, Wisconsin

Attachments: [Resolution_City Plan Commission_TIF 13.pdf](#)

[TIF District 13 Project Plan DRAFT June 26 2023.pdf](#)

[Resolution_Common Council_TIF 13 .pdf](#)

[23-0737](#) Request to approve the dedication of land for public right-of-way for portions of N. Providence Avenue and E. Baldeagle Drive located adjacent to N. Lightning Drive as shown on the attached maps

Attachments: [StaffReport_ProvidenceBaldeagle_StreetDedication_For6-28-23.pdf](#)

7. Information Items

8. 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.

Any questions about items on this meeting are to be directed to Kara Homan, Director, Community and Economic Development Department at 920-832-6468.

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

**We are currently experiencing intermittent issues/outages with our audio/video equipment. Meeting live streams and recordings are operational but unreliable at times. This is due to delays in receiving necessary system hardware components. We continue to look for solutions in the interim and we hope to have these issues resolved soon.*



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Meeting Minutes - Final City Plan Commission

Wednesday, June 14, 2023

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

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

2. Pledge of Allegiance

3. Roll call of membership

Present: 6 - Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

Excused: 1 - Palm

Others present:

Aldersperson William Siebers, District #1

Dan Burton, Maritime Bar

Samir Datta, Lawrence University

Eric Schacht, Lawrence University

Mario Rivera, Hogar Furniture, 402 W. Wisconsin Avenue

4. Approval of minutes from previous meeting

[23-0627](#)

City Plan Minutes from 5-24-23

Attachments: [City Plan Minutes 5-24-23.pdf](#)

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

Aye: 6 - Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

Excused: 1 - Palm

5. Public Hearing/Appearances

[23-0628](#)

Special Use Permit #6-23 to expand the existing microbrewery/brewpub operations by occupying the 3rd floor of the building for event space with alcohol sales and consumption located at 1004 S. Olde Oneida Street (Tax Id #31-4-0323-01), as shown on the attached maps and per attached operational plans, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #23-0629)

Attachments: [ClassIIPublicHearingNoticeNewspaper 1004SOldeOneidaSt SUP#6-23.pdf](#)
[PublicHearingNoticeNeighborhood 1004SOldeOneidaSt SUP#6-23.pdf](#)

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

[23-0630](#)

Special Use Permit #7-23 to expand the existing tavern with a proposed outdoor patio with alcohol sales and consumption located at 336 W. Wisconsin Avenue (Tax Id #31-6-0599-00) and 1312 N. Division Street (Tax Id #31-6-0598-00), 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 #23-0631)

Attachments: [ClassIIPublicHearingNoticeNewspaper 336WWisconsinAv SUP#7-23.pdf](#)
[PublicHearingNoticeNeighborhood 336WWisconsinAv SUP#7-23.pdf](#)

This public hearing was held, and Dan Burton and Alderperson William Siebers spoke on the item.

[23-0632](#)

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-23 for the subject parcels located at 313, 315, and 319 E. College Avenue (Tax Id #31-2-0005-00), 321 E. College Avenue (Tax Id #31-2-0007-00), and vacant lots (Tax Id #31-2-0008-00 and 31-2-0009-00) located along E. College Avenue on the southwest corner of E. College Avenue and Drew Street from future Public/Institutional land use designation to future Central Business District land use designation as shown on the attached map and approve the attached Resolution (Associated with Action Item #23-0633)

Attachments: [ClassIIPublicHearingNoticeNewspaper LawrenceUniversity CompPlan Amend#1-23.pdf](#)
[InformalPublicHearingNotice Lawrence University CompPlan+Rezoning.pdf](#)

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

[23-0634](#)

Rezoning #3-23 for the subject parcels located at 313, 315, and 319 E. College Avenue (Tax Id #31-2-0005-00) and vacant lots (Tax Id #31-2-0008-00 and 31-2-0009-00) located along E. College Avenue on the southwest corner of E. College Avenue and Drew Street, including to the centerline of the adjacent street and alley right-of-way, as shown on the attached maps, from P-I Public Institutional District to CBD Central Business District (Associated with Action Item #23-0635)

Attachments: [InformalPublicHearingNotice_Lawrence University_CompPlan+Rezoning.pdf](#)

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

6. Action Items

[23-0629](#)

Request to approve Special Use Permit #6-23 to expand the existing microbrewery/ brewpub operations by occupying the 3rd floor of the building for event space with alcohol sales and consumption located at 1004 S. Olde Oneida Street (Tax Id #31-4-0323-01), as shown on the attached maps and per attached operational plans, 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)

Attachments: [StaffReport_1004SOldeOneidaSt_SUP_For6-14-23.pdf](#)

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

Aye: 6 - Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

Excused: 1 - Palm

[23-0631](#)

Request to approve Special Use Permit #7-23 to expand the existing tavern with a proposed outdoor patio with alcohol sales and consumption located at 336 W. Wisconsin Avenue (Tax Id #31-6-0599-00) and 1312 N. Division Street (Tax Id #31-6-0598-00), 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)

Attachments: [StaffReport_336WWisconsinAv_SUP_For6-14-23.pdf](#)

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

Aye: 6 - Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

Excused: 1 - Palm

[23-0633](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-23 for the subject parcels located at 313, 315, and 319 E. College Avenue (Tax Id #31-2-0005-00), 321 E. College Avenue (Tax Id #31-2-0007-00), and vacant lots (Tax Id #31-2-0008-00 and 31-2-0009-00) located along E. College Avenue on the southwest corner of E. College Avenue and Drew Street from future Public/Institutional land use designation to future Central Business District land use designation as shown on the attached map and approve the attached Resolution

Attachments: [StaffReport_LawrenceUniversity_CompPlan+Rezoning_For6-14-23.pdf](#)

Proceeds to Council on July 19, 2023.

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

Aye: 6 - Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

Excused: 1 - Palm

[23-0635](#)

Request to approve Rezoning #3-23 for the subject parcels located at 313, 315, and 319 E. College Avenue (Tax Id #31-2-0005-00) and vacant lots (Tax Id #31-2-0008-00 and 31-2-0009-00) located along E. College Avenue on the southwest corner of E. College Avenue and Drew Street, including to the centerline of the adjacent street and alley right-of-way, as shown on the attached maps, from P-I Public Institutional District to CBD Central Business District

Attachments: [StaffReport_LawrenceUniversity_CompPlan+Rezoning_For6-14-23.pdf](#)

Proceeds to Council on July 19, 2023.

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

Aye: 6 - Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

Excused: 1 - Palm

7. Information Items

8. Adjournment

Fenton moved, seconded by Robins, that the meeting be adjourned at 3:46 p.m. Roll Call. Motion carried by the following vote:

Aye: 6 - Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

Excused: 1 - Palm

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, June 28, 2023, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the following proposed Rezoning and Special Use Permit requests.

COMMON DESCRIPTION:

2600 South Heritage Woods Drive (Tax Id #'s 31-8-2020-00 and 31-8-2025-00)

ALDERMANIC DISTRICT: 11 – Alderperson Kristin Alfheim

OWNER/APPLICANT REQUEST:

1. **Rezoning Request:** Pursuant to Section 23-65(b)(2) of the Appleton Municipal Code, to consider a zoning map amendment (rezoning) request initiated by ThedaCare Inc., owner, and Lisa Nebel, MSPT, DPT VP, Clinically Integrated Network, Post-Acute, applicant, for the following described parcel numbers:
 - Tax Id #'s: 31-8-2020-00 and 31-8-2025-00 (34.18 acres,) LOT 1 of CSM 4517, including to the center line of the adjacent right-of-way.

The owner/applicant is requesting to rezone the above-referenced parcels from PD/R-3 #G-98 Planned Development Multi-family District to R-3 Multi-family District, including to the center line of the adjacent right-of-way.

2. **Special Use Permit Request:** Pursuant to Sections 23-52, 23-66 and 23-96 of the Appleton Municipal Code, to consider the request initiated by ThedaCare Inc., owner, and Lisa Nebel, MSPT, DPT VP, Clinically Integrated Network, Post-Acute, applicant, to conform and expand a community living arrangement (CLA) a/k/a community based residential facility (CBRF) (The Heritage) located at 2600 South Heritage Woods Drive (Tax Id #31-8-2025-00 & 31-8-2020-00) serving a total capacity of 51 persons. In the R-3 District, a Special Use Permit is required for a CLA/CBRF serving more than 16 persons.

ThedaCare, Inc is proposing to remodel an interior space of the existing building to create an 8 bed CBRF memory care unit. This request is due to the high demand of needed services they provide to the community. In addition, ThedaCare, Inc. is planning to expand their current licensed 20 bed CBRF to 43 beds in the near future by adding onto the existing building. The proposed future total licensed CBRF capacity of the facility would be 51 beds.

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. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

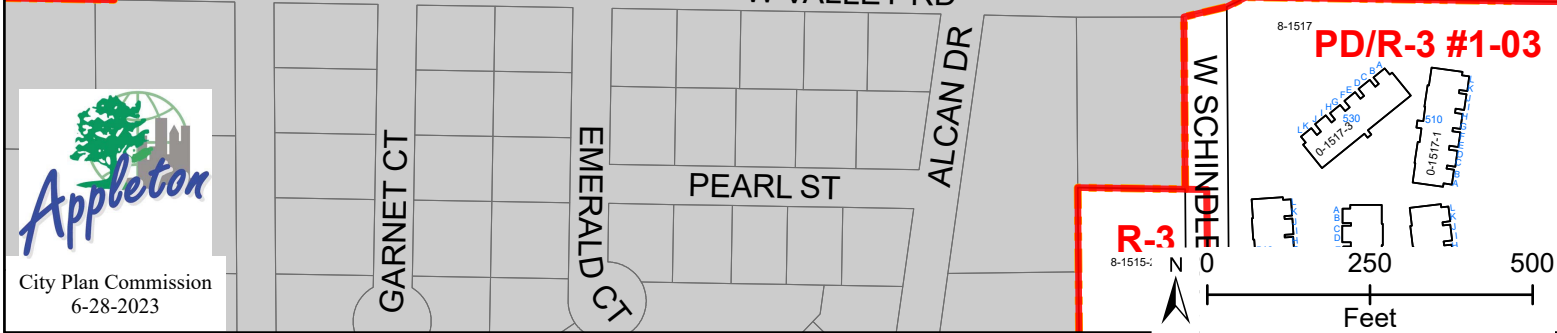
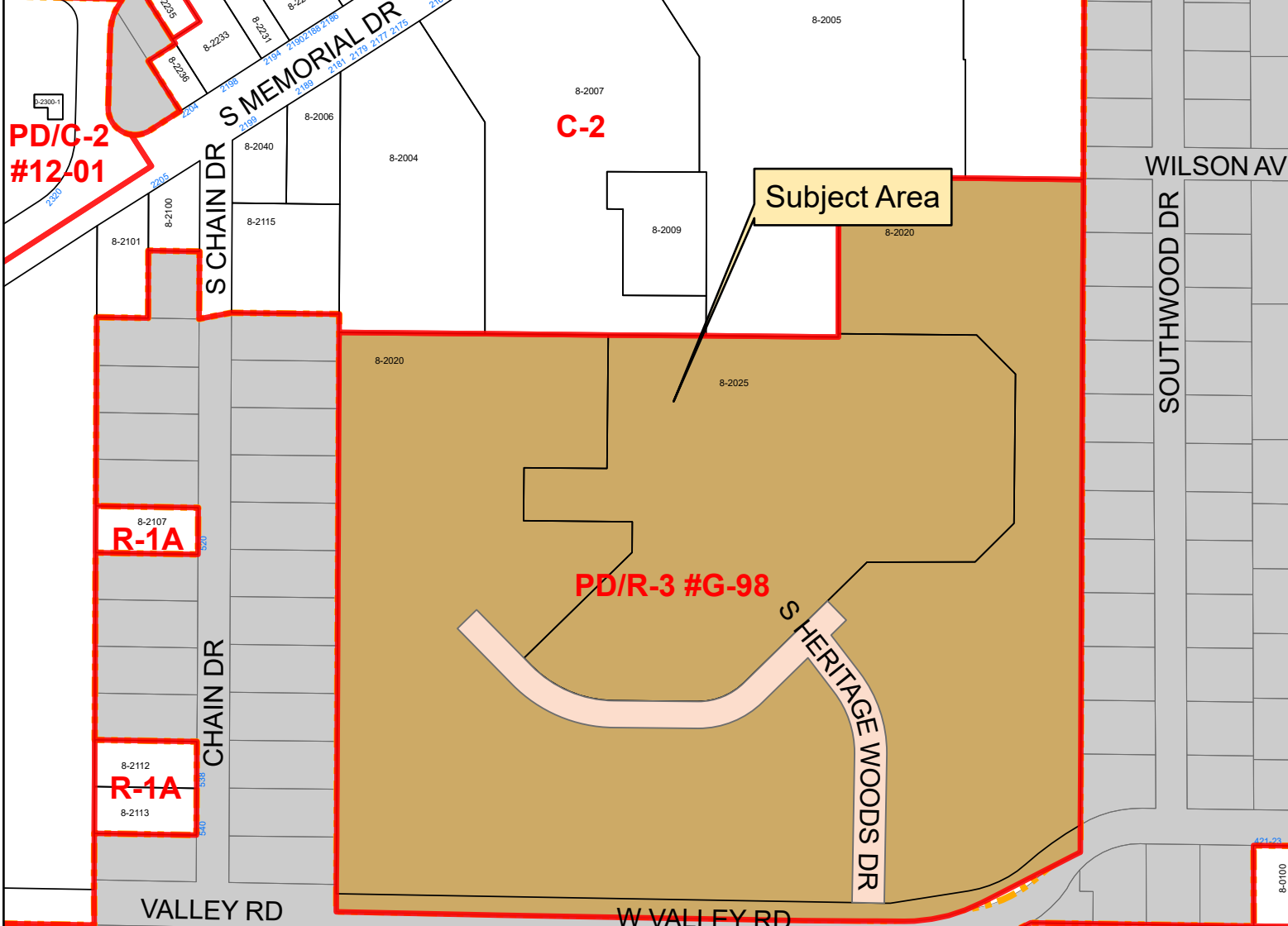
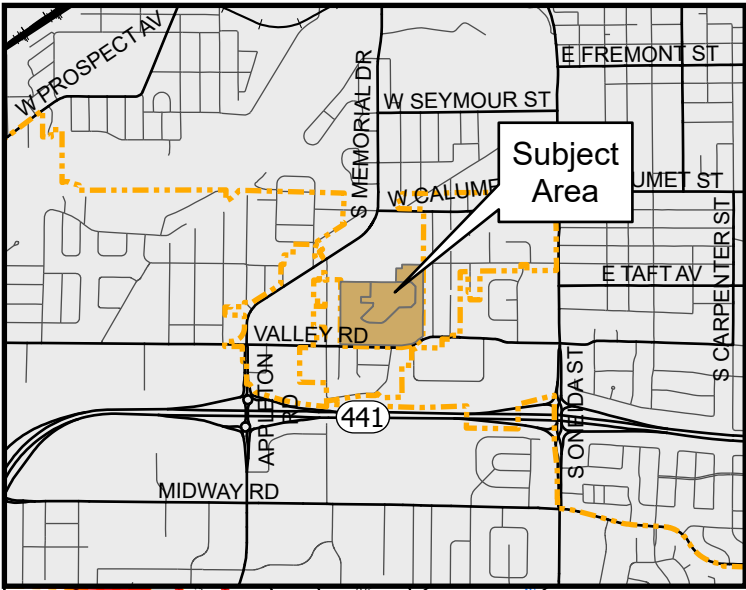
Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org

CITY PLAN COMMISSION
APPLETON, WISCONSIN

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.

Rezoning
 The Heritage
 (2600 S. Heritage Woods Drive)
 Rezone from PD/R-3 #G-98
 (Planned Development Overlay
 Multifamily District) to
 R-3 (Multifamily District)
 Vicinity Map



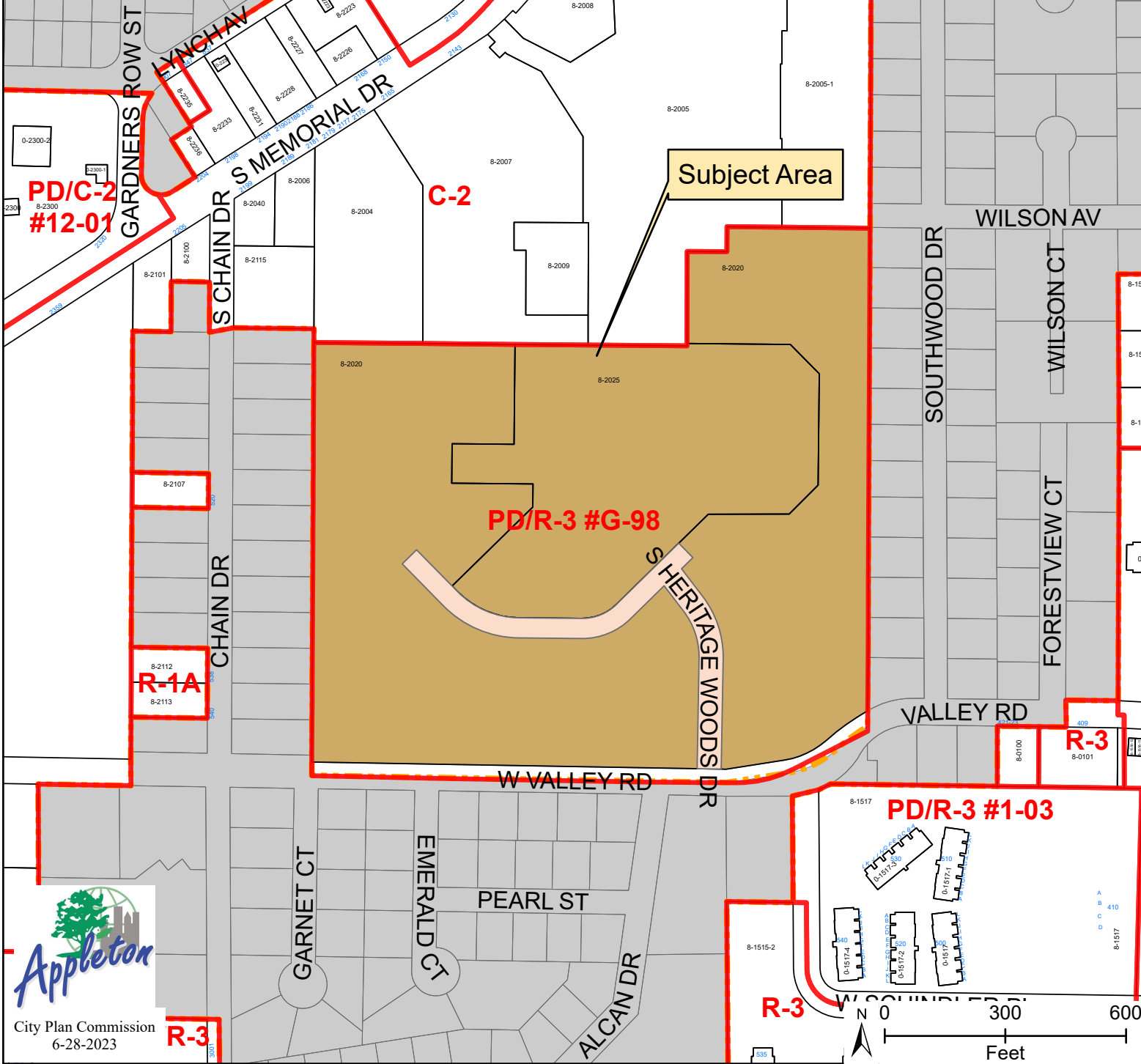
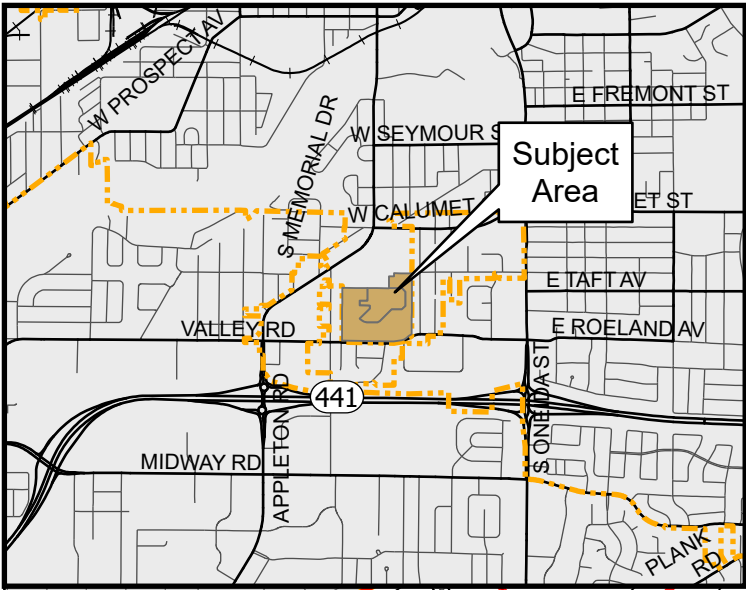
Rezoning
The Heritage (2600 S. Heritage Woods Drive)
Rezone from PD/R-3 #G-98
(Planned Development Overlay
Multifamily District) to
R-3 (Multifamily District)



Subject Area



Special Use Permit
 The Heritage
 (2600 S. Heritage Woods Drive)
 Conform and Expand the existing
 CBRF facility from 20 bed capacity
 to 51 bed capacity.
 Vicinity Map



Special Use Permit
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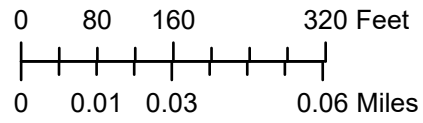
Subject Area



City Plan Commission
6-28-2023



Development Plan: The Heritage



CITY OF APPLETON
NOTICE OF PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, June 28, 2023, at 3:30 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-52, 23-66 and 23-96 of the Appleton Municipal Code, to consider the request initiated by ThedaCare Inc., owner, and Lisa Nebel, MSPT, DPT VP, Clinically Integrated Network, Post-Acute, applicant, to conform and expand a community living arrangement (CLA) a/k/a community based residential facility (CBRF) (The Heritage) located at 2600 South Heritage Woods Drive (Tax Id #31-8-2025-00 & 31-8-2020-00) serving a total capacity of 51 persons. In the R-3 District, a Special Use Permit is required for a CLA/CBRF serving more than 16 persons.

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CITY PLAN COMMISSION
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
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(920) 832-6468

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

RUN: June 13, 2023
June 20, 2023

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OF THE
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2. **Special Use Permit Request:** Pursuant to Sections 23-52, 23-66 and 23-96 of the Appleton Municipal Code, to consider the request initiated by ThedaCare Inc., owner, and Lisa Nebel, MSPT, DPT VP, Clinically Integrated Network, Post-Acute, applicant, to conform and expand a community living arrangement (CLA) a/k/a community based residential facility (CBRF) (The Heritage) located at 2600 South Heritage Woods Drive (Tax Id #31-8-2025-00 & 31-8-2020-00) serving a total capacity of 51 persons. In the R-3 District, a Special Use Permit is required for a CLA/CBRF serving more than 16 persons.

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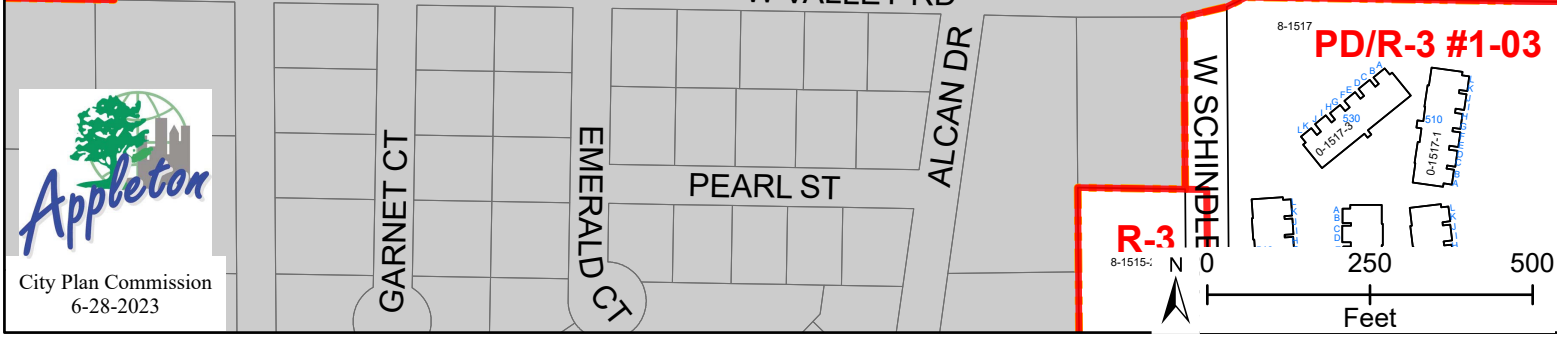
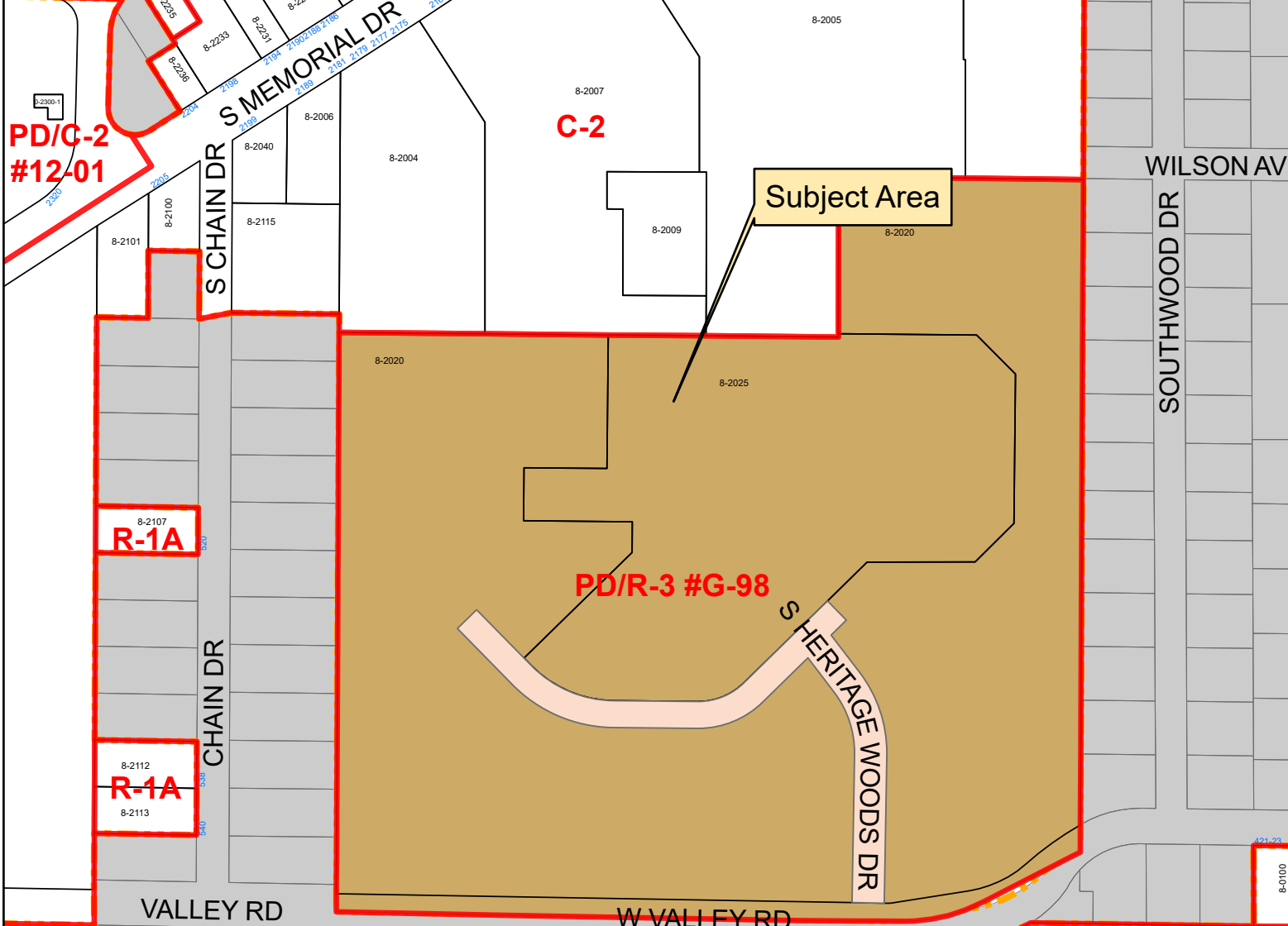
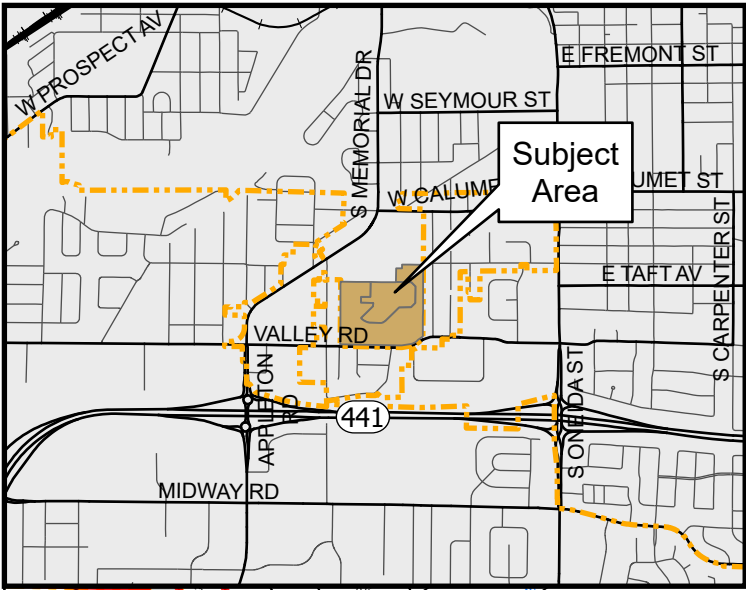
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 Vicinity Map



Rezoning
The Heritage (2600 S. Heritage Woods Drive)
Rezone from PD/R-3 #G-98
(Planned Development Overlay
Multifamily District) to
R-3 (Multifamily District)



Subject Area



City Plan Commission
6-28-2023

MP

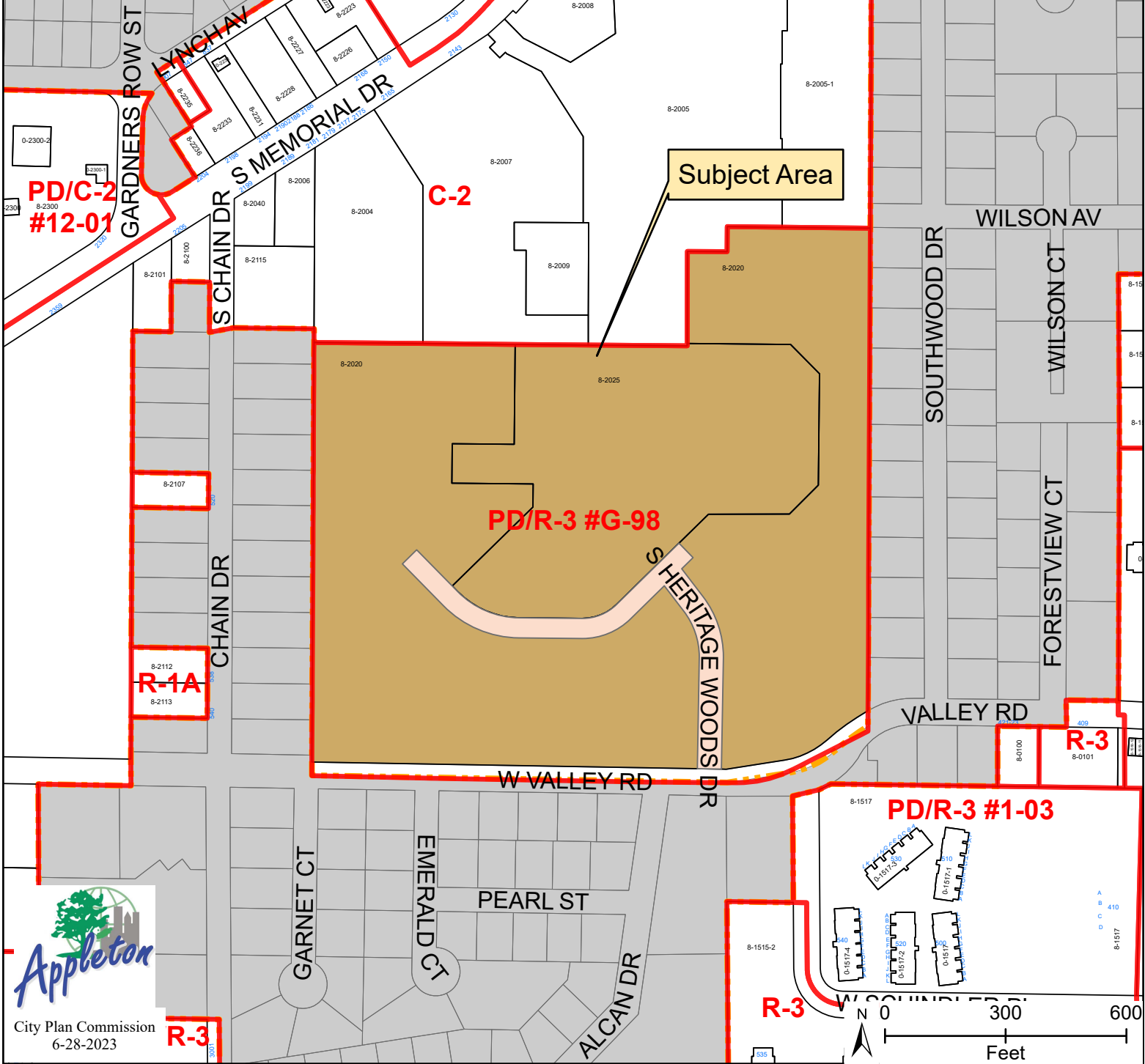
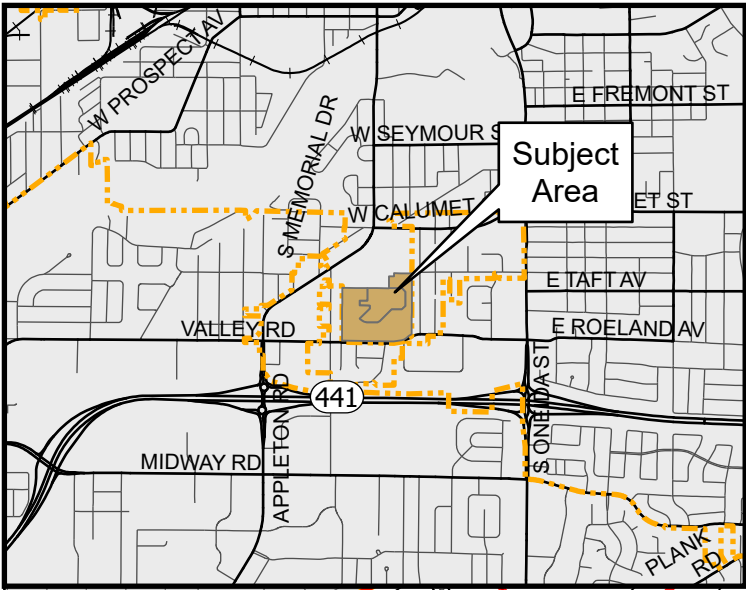


City Limits

Feet

HWY 441
ON RAMP

Special Use Permit
 The Heritage
 (2600 S. Heritage Woods Drive)
 Conform and Expand the existing
 CBRF facility from 20 bed capacity
 to 51 bed capacity.
 Vicinity Map



Special Use Permit
The Heritage
(2600 S. Heritage Woods Drive)
Conform and Expand the existing
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to 51 bed capacity.



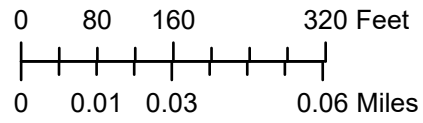
Subject Area



City Plan Commission
6-28-2023



Development Plan: The Heritage



**NOTICE OF PUBLIC HEARING
REGARDING THE PROPOSED PROJECT PLAN AND BOUNDARY
FOR CREATING TAX INCREMENTAL DISTRICT (TID) NUMBER 13
IN THE CITY OF APPLETON, WISCONSIN**

NOTICE IS HEREBY GIVEN, that the City of Appleton Plan Commission will hold a Public Hearing on Wednesday, June 28, 2023 at 3:30 P.M. in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, Appleton, WI 54911 to consider creation of the proposed project plan and boundary for Tax Incremental District (TID) 13 in the City of Appleton.

City of Appleton TID 13 is located in the City's Southpoint Commerce Park, generally bounded by Plank Road, Coop Road, Midway Road, and along Quest Drive.

TID 13 will be designated as an "Industrial" TID based upon the finding that the area within TID 13 is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 "Promotion of industry; industrial sites". This provides for the purchase, reservation and development of industrial sites by the City along with the installation of utilities and roadways. The primary purpose of the TID is to install infrastructure between Coop Road and Eisenhower Drive, thereby creating more "ready to build" lots for the expansion of business and industry.

Proposed public project improvements may include, but are not limited to: construction and/or reconstruction of streets, sanitary sewer collection system, water distribution system, and storm water drainage facilities, installation or relocation of electric and/or natural gas service, telephone, fiber, and cable, environmental audits and remediation, promotion and development, professional services, financing costs and other related administrative costs, and land assembly, clearance and real estate acquisitions.

The City may enter into agreements with property owners, lessees, or developers for the purpose of sharing costs to encourage the desired kind of improvements based on the purpose of this District and assure tax base is generated sufficient to recover project costs. Not every project will demand the same level of funding. These payments would be negotiated on a project basis in order to attract new taxable property or rehabilitate existing property in the District. No cash grants or loans will be provided until the Common Council adopts a development agreement and a copy of such agreement will be retained in the City's official records for the TID.

The proposed costs include projects within the proposed boundary and within a one-half mile radius of the proposed boundary of the district.

At said hearing, all persons will be given a reasonable opportunity to be heard and express their views on the proposed creation of the district and the proposed project plan. A copy of the TID 13 project plan and boundary is available and will be provided upon request from 8:00 A.M. until 4:30 P.M. in the Community & Economic Development Department, 5th Floor of Appleton City Hall, 100 N. Appleton Street, Appleton, WI. Questions can be directed to Kara Homan, Director of Community & Economic Development Department, at 920-832-6468 or by email at kara.homan@appleton.org. The proposed TID 13 project plan and boundary is also available at <https://www.appleton.org/government/community-and-economic-development>.

Dated: June 7, 2023

CITY PLAN COMMISSION
APPLETON, WISCONSIN

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

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

RUN: June 13, 2023
June 20, 2023



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 28, 2023

Common Council Public Hearing Meeting Date: July 19, 2023 (Public Hearing on Rezoning)

Item: Rezoning #4-23 – 2600 South Heritage Woods Drive from PD/R-3 Planned Development #G-98 Multi-family District to R-3 Multi-family District

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: ThedaCare, Inc.

Applicant: Lisa Nebel, c/o ThedaCare, Inc.

Address/Parcels: 2600 South Heritage Woods Drive / #31-8-2020-00 and #31-8-2025-00

Petitioner's Request: The owner/applicant is requesting to rezone the above-referenced parcels from PD/R-3 Planned Development #G-98 Multi-family District to R-3 Multi-family District, including to the centerline of the adjacent right-of-way for the purpose of conforming and expanding operations of the community living arrangement (CLA) a/k/a community based residential facility (CBRF) serving 51 persons on the subject site.

BACKGROUND

On December 11, 1983, a portion of the subject property (± 28 acres) was annexed to the City pursuant to the Memorial Drive Annexation.

On February 15, 1984, a portion of the subject property (± 28 acres) was rezoned from R-1A One-family District (zoning classification assigned to annexed land pursuant to the Memorial Drive Annexation) to C-2 Commercial District, pursuant to Rezoning #46-83.

On November 11, 1984, a portion of the subject property (± 6.184 acres) was annexed to the City pursuant to the Hoffman Annexation.

On March 15, 1985, a building permit was issued for the construction of 147 condominium units and supporting buildings on the subject site.

On May 12, 1994, Site Plan #94-15 was approved for an assisted living facility addition to the existing Heritage Retirement Center.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance and Official Zoning Map. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. As a result, the subject property's zoning classification changed from R-1A One-family District and C-2 Commercial District to PD/R-3 Planned Development Multi-family District.

On August 15, 1996, Site Plan #96-26 was approved for a 10-bed community based residential facility (CBRF) building addition on the subject site.

On December 2, 1998, the Common Council approved Planned Development Amendment #G-98. The approval included a 50-bed skilled nursing facility, 10-bed hospice facility, and future building expansions for a 20,000 square foot community health facility, 20-unit assisted living facility, and up to 208 residential units.

On September 9, 1999, Site Plan #99-29 was approved for a 60-bed skilled nursing facility building addition on the subject site. A time extension was approved to finalize and record the Implementation Plan Document (e.g. development regulations for Planned Development Amendment #G-98) as part of the site plan approval process. However, the Implementation Plan Document was not finalized and recorded in the Winnebago County Register of Deeds' office.

On March 1, 2000, the Common Council approved Certified Survey Map #4517.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance includes sections on transition rules and period of validity for overlay districts. Recording the Implementation Plan Document (IPD) in the County Register of Deeds' office constitutes approval of the IPD and Development Plan. Per Section 23-151(l) of the Municipal Code, a PD overlay district designation remains on PD parcels even if there is no approved IPD, or if the IPD has expired or been made invalid. Any future development requires approval of a Development Plan and IPD, or a request to rezone the property. In this case, the property owner elected to request a zoning map amendment to rezone the property from PD/R-3 Planned Development #G-98 Multi-family District to R-3 Multi-family District.

On May 20, 2008, Site Plan #08-11 was approved for a 34-stall parking lot expansion on the subject site.

On August 4, 2010, the Common Council approved the street vacation for Heritage Woods Drive.

A separate request for a Special Use Permit has been filed and is also being presented at the June 28, 2023 Plan Commission meeting.

STAFF ANALYSIS

Existing Site Conditions: The owner's/applicant's site is approximately 34.184 acres in size. The subject site is currently developed with skilled nursing, 20-bed community based residential facility (CBRF), residential care apartments, and surface parking.

Surrounding Zoning Classification and Land Uses:

North: City of Appleton. C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial uses and undeveloped property.

South: City of Appleton. PD/R-3 #1-03 Planned Development Multi-family District. The adjacent land use to the south is multi-family residential.

Village of Fox Crossing and City of Menasha. The adjacent land uses to the south are single-family residential.

East: Village of Fox Crossing. The adjacent land uses to the east are single-family residential.

West: Village of Fox Crossing. The adjacent land uses to the west are single-family residential.

Street Classification: On the City's Arterial/Collector Plan, Valley Road is classified as a collector street. Heritage Woods Drive is a private street.

Proposed Zoning Classification: The purpose of the R-3 Multi-family District is to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses. The development standards for the R-3 District are listed below:

- 1) **Minimum lot area:**
 - a. 6,000 square feet for single-family dwellings.
 - b. 7,000 square feet for two story two-family dwellings.
 - c. 9,000 square feet for single story two-family dwellings.
 - d. 1,500 square feet per dwelling unit for multi-family dwellings.
 - e. 3,000 square feet per zero lot line two-family dwellings.
 - f. 7,000 square feet for all other uses.
- 2) **Maximum lot coverage:** 70%, except 100% for zero lot line two-family dwellings.
- 3) **Minimum lot width:**
 - a. 50 feet for single-family dwellings.
 - b. 70 feet for two-family dwellings.
 - c. 30 feet for zero lot line two-family dwellings.
 - d. 80 feet for multi-family dwellings and all other uses.
- 4) **Minimum front yard:**
 - a. 20 feet.
 - b. 25 feet if located on an arterial street.
- 5) **Minimum rear yard:** 35 feet, except 25 feet for zero lot line two-family dwelling.
- 6) **Minimum side yard:**
 - a. 6 feet for single, two-family dwellings, and zero lot line two-family dwelling.
 - b. 0 feet for the common wall of a zero lot line two-family dwelling.
 - c. 20 feet for multi-family dwellings and all other uses

- 7) **Maximum building height:**
 - a. 35 feet for single, two-family dwellings and zero lot line two-family dwelling.
 - b. 45 feet for multi-family dwellings and all other uses.
- 8) **Minimum distance between multi-family buildings:** 12 feet.

Zoning Ordinance Review Criteria: The request is being made to accommodate the current proposed interior remodeling project to construct an 8-bed community based residential facility (CBRF) memory care unit, as well as a future expansion project of the CBRF facility. The proposed future total licensed CBRF capacity of the entire facility would be 51 beds.

Future development project would need to conform to the R-3 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval may be needed, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, because no Implementation Plan was finalized and recorded for Planned Development Amendment #G-98, some type of zoning action is needed in order for future development to occur, pursuant to Section 23-151(l)(1) of the Municipal Code. The property owner elected to request a zoning map amendment to rezone the property from PD/R-3 Planned Development #G-98 Multi-family District to R-3 Multi-family District.

Rezoning to the R-3 District would allow for the existing skilled nursing, CBRF, and residential care apartments and the proposed use CBRF expansion on the subject lot. A CBRF with a capacity greater than 16 persons in the R-3 District is listed as a Special Use Permit under 23-96(e).

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future multi-family residential uses. The proposed R-3 Multi-family District rezoning 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.

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.

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, as the Future Land Use Map identifies this area for future multi-family residential 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. *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. *Residential care apartments (independent living), CBRF and skilled nursing facility (assisted living), public and semi-public uses are already present on the subject site. The single-family residential uses located to the east and west are buffered by the existing woods located on the subject site. The single-family and multi-family residential uses located to the south are buffered by the existing woods located on the subject site and separated by street right-of-way. 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.

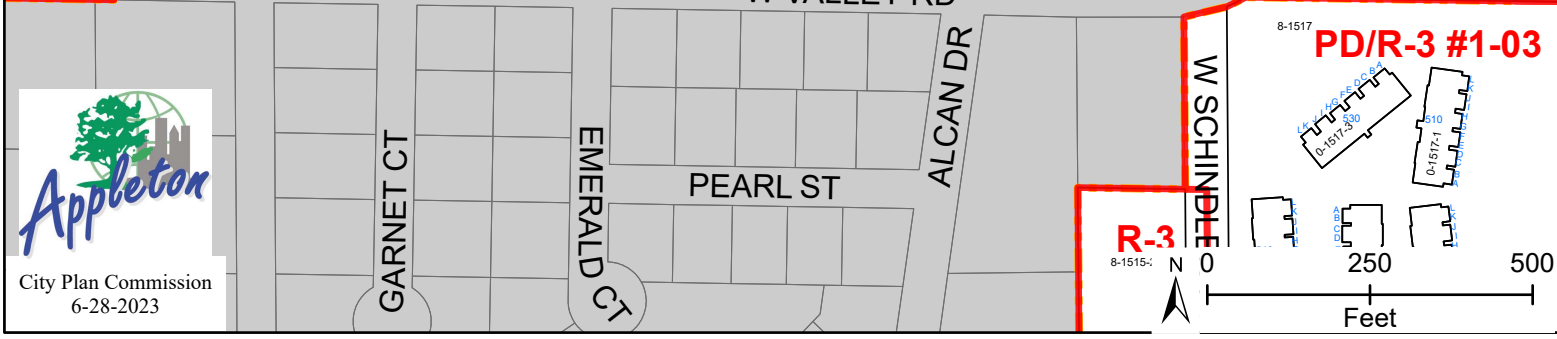
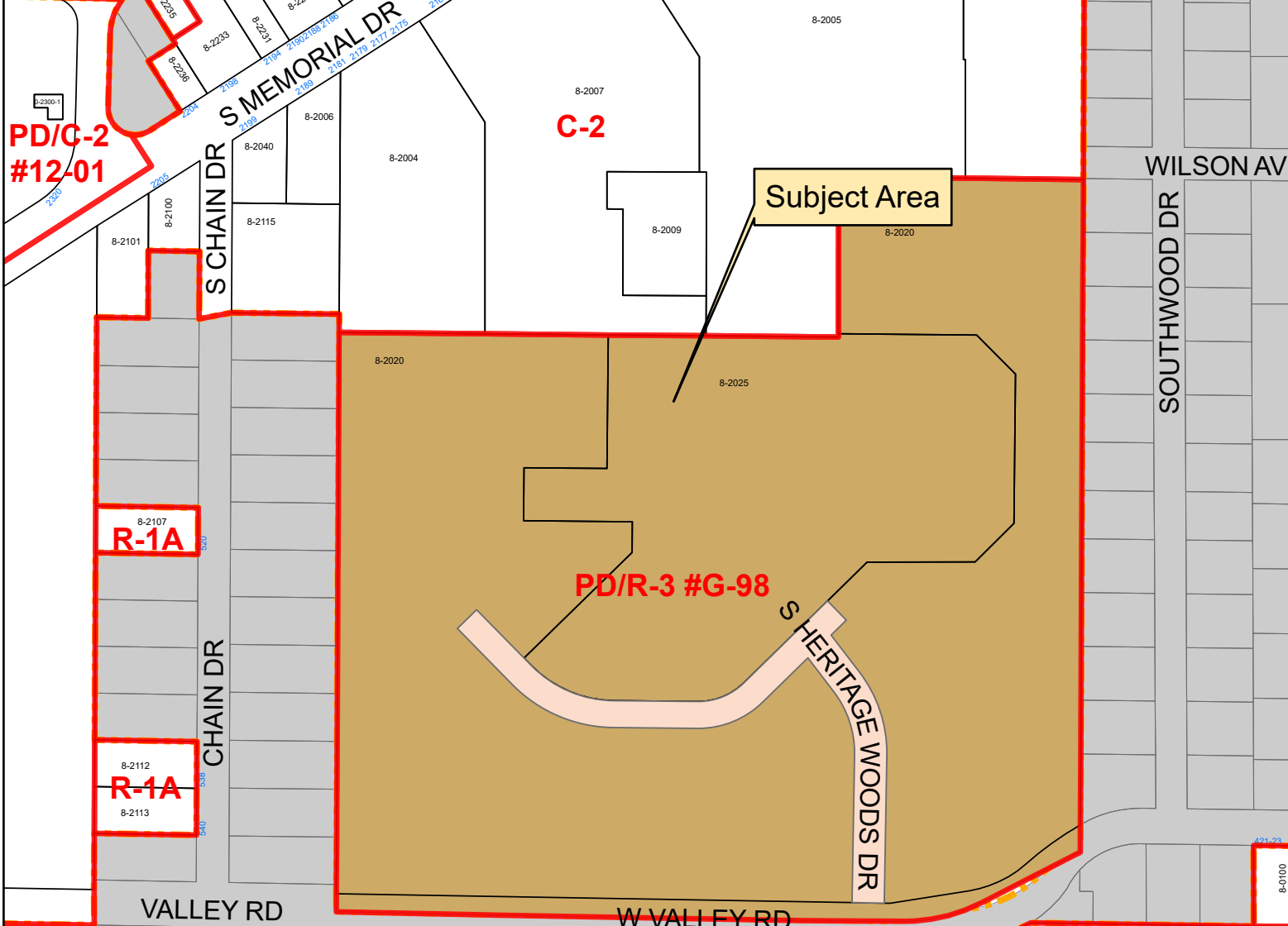
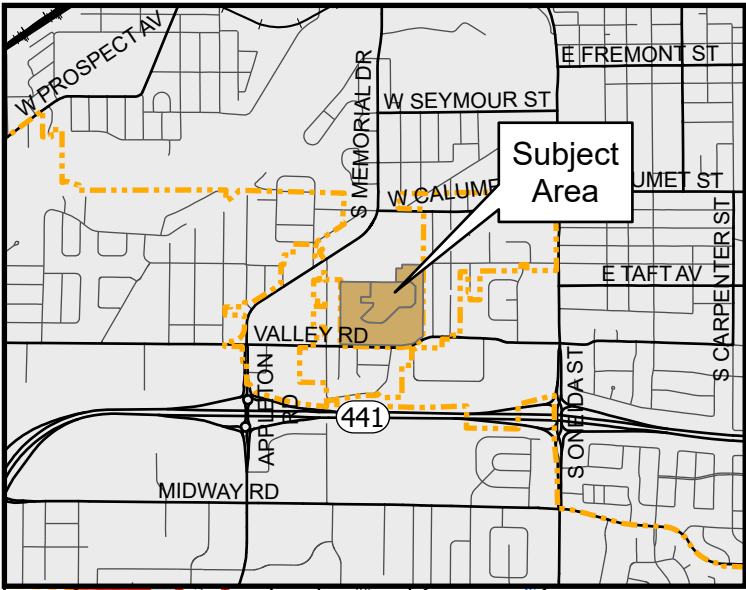
Technical Review Group (TRG) Report: This item was discussed at the June 6, 2023 Technical Review Group meeting. No negative comments were received from participating departments.

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 #4-23 to rezone the subject site located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 and #31-8-2025-00) from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Special Use Permit #8-23 will be reported out at the same Common Council meeting as the proposed Rezoning #4-23 to accurately reflect the zoning classification change from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District.

Rezoning
 The Heritage
 (2600 S. Heritage Woods Drive)
 Rezone from PD/R-3 #G-98
 (Planned Development Overlay
 Multifamily District) to
 R-3 (Multifamily District)
 Vicinity Map



Rezoning
The Heritage (2600 S. Heritage Woods Drive)
Rezone from PD/R-3 #G-98
(Planned Development Overlay
Multifamily District) to
R-3 (Multifamily District)





REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 28, 2023

Common Council Meeting Date: July 19, 2023 (to be reported out with Rezoning #4-23)

Item: Special Use Permit #8-23 – 2600 South Heritage Woods Drive for operation of a Community Living Arrangement (CLA) serving 51 persons in an R-3 Multi-family Residential District

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: ThedaCare, Inc.

Applicant: Lisa Nebel, c/o ThedaCare, Inc.

Lot/Parcel: 2600 South Heritage Woods Drive / #31-8-2020-00 and #31-8-2025-00

Petitioner's Request: The owner/applicant is requesting a special use permit for the above-referenced parcels to conform and expand operations of community living arrangement (CLA) a/k/a community based residential facility (CBRF) serving 51 persons in the subject site. A Special Use Permit is required for CLA serving more than 16 persons in the R-3 Multi-family District.

BACKGROUND

On December 11, 1983, a portion of the subject property (± 28 acres) was annexed to the City pursuant to the Memorial Drive Annexation.

On February 15, 1984, a portion of the subject property (± 28 acres) was rezoned from R-1A One-family District (zoning classification assigned to annexed land pursuant to the Memorial Drive Annexation) to C-2 Commercial District, pursuant to Rezoning #46-83.

On November 11, 1984, a portion of the subject property (± 6.184 acres) was annexed to the City pursuant to the Hoffman Annexation.

On March 15, 1985, a building permit was issued for the construction of 147 condominium units and supporting buildings on the subject site.

On May 12, 1994, Site Plan #94-15 was approved for an assisted living facility addition to the existing Heritage Retirement Center.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance and Official Zoning Map. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. As a result, the subject property's zoning classification changed from R-1A One-family District and C-2 Commercial District to PD/R-3 Planned Development Multi-family District.

Special Use Permit #8-23

June 28, 2023

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On August 15, 1996, Site Plan #96-26 was approved for a 10-bed community based residential facility (CBRF) building addition on the subject site.

On December 2, 1998, the Common Council approved Planned Development Amendment #G-98. The approval included a 50-bed skilled nursing facility, 10-bed hospice facility, and future building expansions for a 20,000 square foot community health facility, 20-unit assisted living facility, and up to 208 residential units.

On September 9, 1999, Site Plan #99-29 was approved for a 60-bed skilled nursing facility building addition on the subject site. A time extension was approved to finalize and record the Implementation Plan Document (e.g. development regulations for Planned Development Amendment #G-98) as part of the site plan approval process. However, the Implementation Plan Document was not finalized and recorded in the Winnebago County Register of Deeds' office.

On March 1, 2000, the Common Council approved Certified Survey Map #4517.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance includes sections on transition rules and period of validity for overlay districts. Recording the Implementation Plan Document (IPD) in the County Register of Deeds' office constitutes approval of the IPD and Development Plan. Per Section 23-151(l) of the Municipal Code, a PD overlay district designation remains on PD parcels even if there is no approved IPD, or if the IPD has expired or been made invalid. Any future development requires approval of a Development Plan and IPD, or a request to rezone the property.

On May 20, 2008, Site Plan #08-11 was approved for a 34-stall parking lot expansion on the subject site.

On August 4, 2010, the Common Council approved the street vacation for Heritage Woods Drive.

STAFF ANALYSIS

Existing Site Conditions: The owner's/applicant's site is approximately 34.184 acres in size. The subject site is currently developed with skilled nursing, 20-bed community based residential facility (CBRF), residential care apartments, and surface parking.

Current Project Summary: The property owner is proposing to remodel an interior space of the existing building to create an 8-bed community based residential facility (CBRF) memory care unit.

Future Project Summary: The property owner is planning to expand operations of the community based residential facility (CBRF) by serving a total of 51 persons per a future expansion project.

Operational Information: See attached plan of operation.

Zoning Ordinance Requirements: Community living arrangements (CLAs) a/k/a community based residential facilities (CBRFs) require a Special Use Permit in the R-3 Multi-family District provided one of the following is met:

Special Use Permit #8-23

June 28, 2023

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- The facility capacity is sixteen (16) or more persons (per Section 23-96(e) of the Municipal Code).
- The total capacity of all existing and proposed CLAs located in an aldermanic district may not exceed one percent (1%) of the total aldermanic district population (per Section 23-52(b)(2)(a) of the Municipal Code).
- The total capacity of all existing and proposed CLAs located in the City shall not exceed one percent (1%) of the total City population (per Section 23-52(b)(2)(b) of the Municipal Code).

Based on the owner's/applicant's proposal, the first of these conditions are met. Listed below are details explaining how the subject CLA relates to these Zoning Ordinance requirements and Aldermanic District No. 11.

- The proposed licensed capacity of the subject CLA is 51 persons.
- The population of Aldermanic District 11 is 5,112 people (2020 census).
- Maximum licensed CLA capacity (1% of the Aldermanic District 11 population) is 51 persons.
- Current licensed capacity of all existing CLAs in the aldermanic district is 20 persons.
- The subject CLA will elevate the licensed CLA capacity of Aldermanic District 11 to 51 persons.
- The proposed capacity of the subject CLA will not exceed the allowed 1% district capacity.

It is important to note the population of the City is approximately 75,880 people (2020 census). One percent of the total City population is 758. The licensed capacity of all existing CLAs in the City is 540, and the subject CLA will elevate the CLA licensed capacity of the City to 571. The proposed capacity of the subject CLA will not exceed the one percent City capacity.

The capacity limits were set by the Wisconsin legislature in 1978 and are intended to preserve the established character of a neighborhood and community.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdictions of the City of Appleton, Village of Fox Crossing and City of Menasha (north, south, east, and west). The uses are generally commercial and residential in nature.

North: City of Appleton. C-2 General Commercial District. The adjacent land uses to the north are currently a mix of commercial uses and undeveloped property.

South: City of Appleton. PD/R-3 #1-03 Planned Development Multi-family District. The adjacent land use to the south is multi-family residential.

Village of Fox Crossing and City of Menasha. The adjacent land uses to the south are single-family residential.

East: Village of Fox Crossing. The adjacent land uses to the east are single-family residential.

West: Village of Fox Crossing. The adjacent land uses to the west are single-family residential.

Street Classification: On the City's Arterial/Collector Plan, Valley Road is classified as a collector street. Heritage Woods Drive is a private street.

Special Use Permit #8-23

June 28, 2023

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Appleton Comprehensive Plan 2010-2030 and Official Zoning Map Community and Economic Development staff has reviewed this proposal and determined it is compatible with goals and objectives found in the City's *Comprehensive Plan 2010-2030*. 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.

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.

OBJECTIVE 10.1 Land Use

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

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the owner's/applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an owner/applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Zoning Ordinance: 1. *proper zoning district:* R-3 zoning allows CLA as a special use permit pending approval of Rezone #4-23; 2. *zoning district regulations:* the district regulations were reviewed pursuant to the attached development plan; 3. *special regulations:* stipulations 3, and 4 (below) address the special regulations for this proposed use; 4. *consistent with comprehensive plan and other plans:* yes, see above analysis; 5. *traffic:* the proposed use is not expected to create undue traffic congestion; it is anticipated employees, residents and visitors will utilize existing on-site parking spaces to park their cars; 6. *landscaping and screening:* not applicable to this use, changes to the existing parking are not being proposed with this request; 7. *neighborhood compatibility with predominant land uses in this area:* the proposed use is already present on the site, future expansion of the CBRF facility will require Site Plan review and approval, pursuant to Section 23-570 of the Zoning Code, prior to the issuance of a building permit by the Inspections Division. The single-family residential uses located to the west, south, and east are buffered by the existing woods located on the subject site.; 8. *impact on services:* the City has existing utilities (storm sewer) and other services in place to serve this use. Existing water and sanity service is provided by the Village of Fox Crossing. These standards were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the June 6, 2023 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-23 for a Community Living Arrangement (CLA)/Community Based Residential Facility (CBRF) require serving 51 persons located at 2600 S. Heritage Woods Drive (Tax Id #31-8-2020-00 and #31-8-2025-00), as shown on the attached maps and per the attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-52(b)(3) of the Zoning Ordinance for this particular use.

2. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

3. Prior to the issuance of a Certificate of Occupancy, the operator of the CLA/CBRF shall provide the Inspections Supervisor with a copy of a valid license from the Wisconsin Department of Health Services.

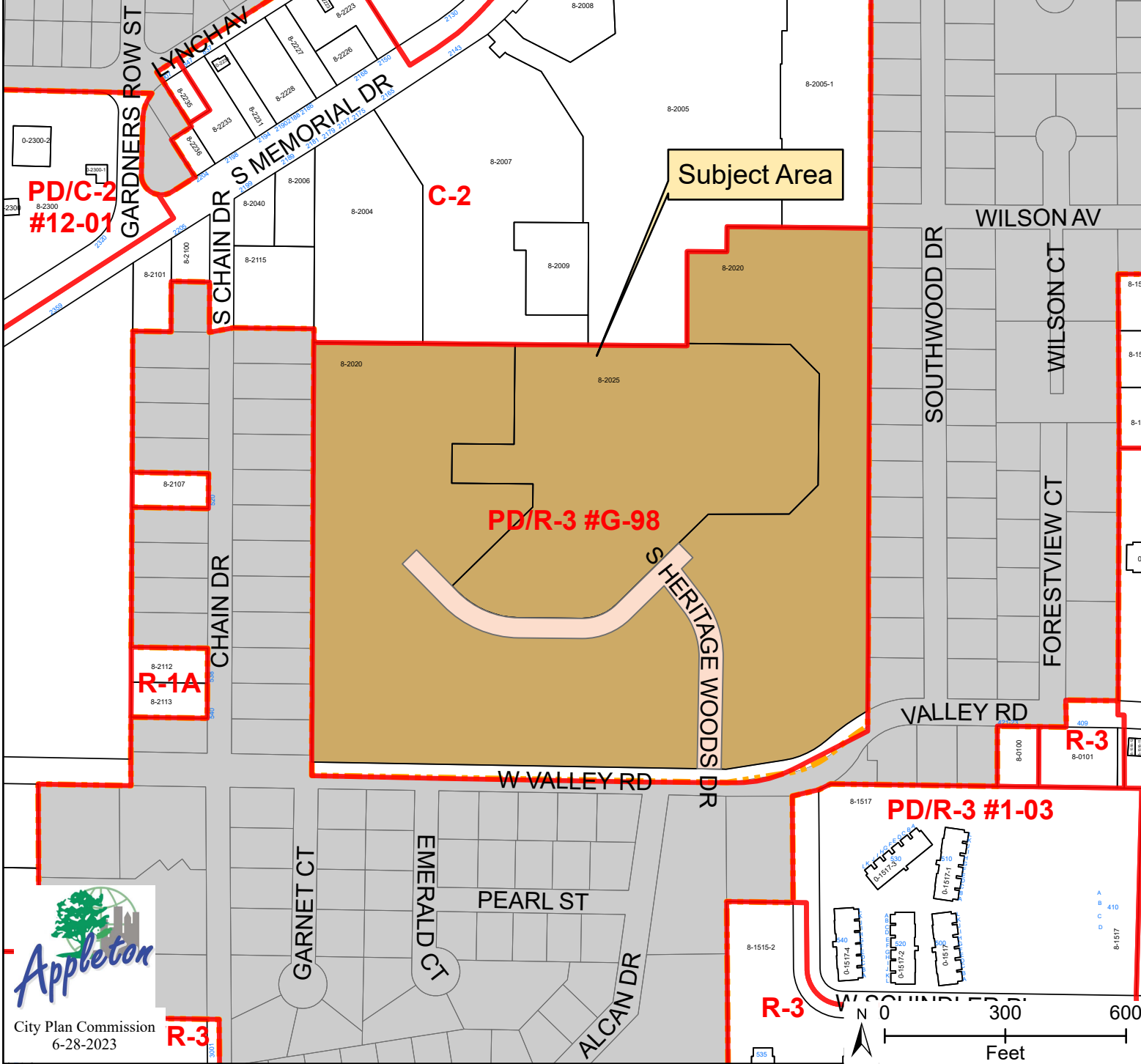
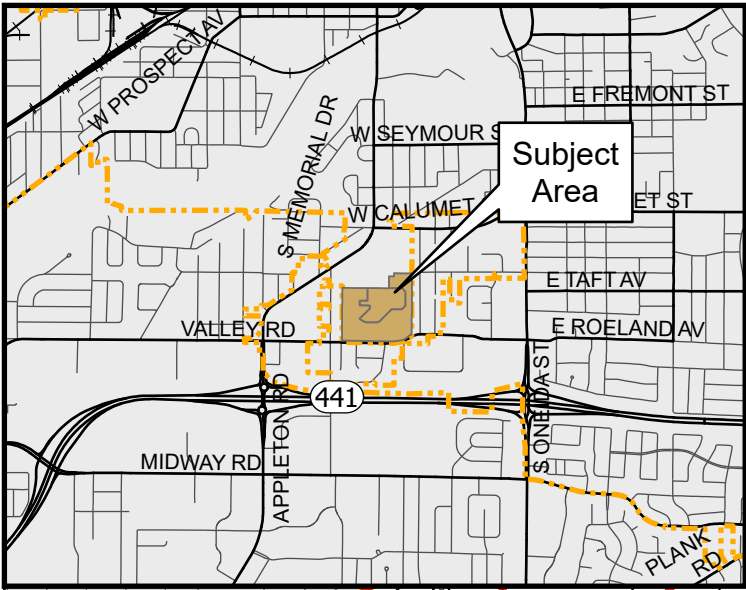
Substantial Evidence: This condition is one of the special regulations included in Section 23-52(b)(1) of the Zoning Ordinance for this particular use.

4. Future exterior expansion of the CLA/CBRF facility shall conform to the character of the residential dwellings in the neighborhood in which it is located.

Substantial Evidence: This condition is one of the special regulations included in Section 23-52(b)(4) of the Zoning Ordinance for this particular use.

NOTE: If approve, Special Use Permit #8-23 will be reported out at the same Common Council meeting as the proposed Rezoning #4-23 to accurately reflect the change in zoning classification from PD/R-3 Planned Development Amendment #G-98 Multi-family District to R-3 Multi-family District.

Special Use Permit
 The Heritage
 (2600 S. Heritage Woods Drive)
 Conform and Expand the existing
 CBRF facility from 20 bed capacity
 to 51 bed capacity.
 Vicinity Map



Special Use Permit
The Heritage
(2600 S. Heritage Woods Drive)
Conform and Expand the existing
CBRF facility from 20 bed capacity
to 51 bed capacity.



Subject Area



City Plan Commission
6-28-2023

CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #8-23
COMMUNITY LIVING ARRANGEMENT(CLA) a/k/a
COMMUNITY BASED RESIDENTIAL FACILITY (CBRF)
2600 S. HERITAGE WOODS DRIVE

WHEREAS, ThedaCare, Inc. has applied for a Special Use Permit to establish a Community Living Arrangement (CLA) a/k/a Community Based Residential Facility (CBRF) serving 51 persons, also identified as Parcel Numbers 31-8-2020-00 and 31-8-2025-00; and

WHEREAS, the proposed Community Living Arrangement (CLA)/Community Based Residential Facility (CBRF) serving 51 persons is proposed to be located in the R-3 Multi-family District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 28, 2023 on Special Use Permit #8-23, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-52(b) and Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #8-23 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on July 19, 2023.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #8-23 for a Community Living Arrangement (CLA)/Community Based Residential Facility (CBRF) serving 51 persons also identified as Parcel Numbers 31-8-2020-00 and 31-8-2025-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #8-23 for a Community Living Arrangement (CLA)/Community Based Residential Facility (CBRF) serving 51 persons, also identified as Parcel Numbers 31-8-2020-00 and 31-8-2025-00, to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #8-23:

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
 - B. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
 - C. Prior to the issuance of a Certificate of Occupancy, the operator of the CLA/CBRF shall provide the Inspections Supervisor with a copy of a valid license from the Wisconsin Department of Health Services.
 - D. Future exterior expansion of the CLA/CBRF facility shall conform to the character of the residential dwellings in the neighborhood in which it is located.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

**PLAN OF OPERATION AND LOCATIONAL INFORMATION
COMMUNITY LIVING ARRANGEMENT (CBRF)**

Name of business: The Heritage

Years in operation: 38

Licensed Capacity of the Community Living Arrangement (CBRF):

Proposed Licensed Capacity: **51 Persons/beds.**

Existing Licensed Capacity: 20 Persons/beds.

Gross floor area of the existing buildings(s): 293,000 square feet.

Gross floor area of the proposed building(s): 35,000 square feet interior remodel.

Describe Services provided by the Community Living Arrangement (CBRF):

The Heritage is a long term care facility with both an RCAC and CBRF license. We currently have 147 beds and serve seniors 55 and older. We serve residents who are ambulatory, semi-ambulatory or non-ambulatory but one or more of whom are not physically or mentally capable of responding to an electronic fire alarm and exiting the facility without help or verbal or physical prompting.

Client Group Served: Advanced Aged, Irreversible Dementia/Alzheimer's
Each resident will have an Individual Service Plan (ISP), which addresses his/her needs and sets forth specific goals to be accomplished through services provided by Heritage Assisted Living.

Proposed Hours of Operations:

Day	From	To
Monday - Friday	12:00 am	11:59 am
Saturday	12:00 am	11:59 am
Sunday	12:00 am	11:59 am

Number of Employees:

Number of proposed employees: 140

Number of existing employees: 105

Number of employees scheduled to work on the largest shift: 30

Off-street parking:

Number of spaces proposed one-site: 150

Number of spaces existing on-site: **150**

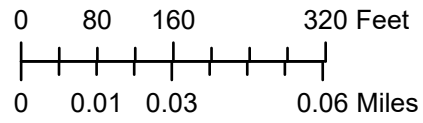
Outdoor Lighting:

Type: **LED-pole lights**

Location: **All sidewalks, entrances, exits, garages and buildings.**



Development Plan: The Heritage



**RESOLUTION NO. 23-CPC-01
CITY PLAN COMMISSION**

**RESOLUTION DESIGNATING THE PROPOSED BOUNDARIES
AND APPROVING A PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

WHEREAS, Section 66.1105 of the Wisconsin Statutes (the “Tax Increment Law”) provides the authority and establishes procedures for creating tax incremental districts and approving the project plans; and

WHEREAS, the City of Appleton, after completing preliminary planning work, scheduled, gave public notice of, and on June 28, 2023 held a public hearing before the City Plan Commission wherein interested parties were afforded a reasonable opportunity to express their views on the proposed creation of a tax incremental district and the proposed boundaries thereof, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the chief executive officers of Calumet County and the Fox Valley Technical College District (the other entities having the power to levy taxes on property located within the proposed District) and the Board of Education of the Kimberly Area School District (the school district which includes property located within the proposed district), in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, the City Plan Commission, after due consideration following the said public hearing, determined the creation of a tax incremental district within the area described by the boundary description attached to this resolution as Exhibit A hereof will provide the City of Appleton with a viable method of financing the costs of needed improvements and public works projects within said district and creating more “ready to build” lots for the expansion of business and industry, thereby creating incentives and opportunities for appropriate private development, including new development and rehabilitation of existing development, which will contribute to the overall development of the City; and

WHEREAS, it finds that not less than 50 percent by area of real property within such district is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 “Promotion of industry; industrial sites” and is being created as an “Industrial” TID; and

WHEREAS, it finds the improvement of the area in Tax Incremental District #13 is likely to enhance significantly the value of substantially all the other real property in the district by promoting industrial development; and

WHEREAS, the City of Appleton Plan Commission has prepared a Project Plan for Tax Incremental District #13, attached as Exhibit B, which includes:

1. Intent and purpose of Tax Increment Financing District #13;
2. A statement of the kind, number, and location of proposed public works and improvement projects within the district and the ½ mile buffer zone;
3. Qualification of the proposed TIF District based on City valuation;
4. A list of estimated project costs;
5. A statement on non-project costs;

6. An economic feasibility study;
7. A description of the methods of financing and the time when such costs or monetary obligations are to be incurred;
8. Proposed changes of zoning ordinances, master plan, map, building codes, maps, and City ordinances;
9. A statement indicating how the creation of the district promotes orderly development of the City;
10. Estimate of property to be devoted to retail use;
11. A statement of a proposed method for the relocation of any persons or businesses to be displaced;
12. A map showing the district boundaries and a map of the ½ mile buffer zone;
13. A map showing existing uses and conditions of real property in such district;
14. A map showing proposed improvements and public works projects;
15. A listing of the parcels and legal description of the district; and
16. An opinion of the City Attorney on the compliance of the project plan with Wisconsin Statutes, Section 66.1105(4); and

WHEREAS, the project costs directly serve for the purchase, reservation and development of industrial sites by the City, along with the installation of utilities and roadways; and

WHEREAS, the equalized value of taxable property in the district, plus the value increment of all other existing districts does not exceed 12% of the total value of equalized taxable property within the City; and

WHEREAS, the percentage of territory within the Tax Incremental District #13 that is estimated will be devoted to retail business at the end of the maximum expenditure period is under 35%; and

WHEREAS, the boundaries for Tax Incremental District #13 does not include any annexed territory not within the boundaries of the City of Appleton on January 1, 2004; and

WHEREAS, the Project Plan is economically feasible and is in conformity with the City of Appleton Comprehensive Plan 2010-2030; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, before the Common Council may create any tax incremental district, the Plan Commission must designate the boundaries of such district and submit its recommendation concerning the creation of such district to the Common Council;

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the City of Appleton as follows:

1. That the City Plan Commission hereby designates the boundaries specified in the boundary description attached to this resolution as Exhibit A hereof and entitled "Legal Boundary Description of Tax Incremental District #13, City of Appleton, Wisconsin", as the boundaries of said Tax Incremental District #13, and recommends that the said district be created by the Common Council of the City of Appleton within the area enclosed by the said boundaries.
2. That the City Plan Commission hereby adopts such Project Plan for Tax Incremental District #13, attached to this Resolution as Exhibit B, and recommends to the Common Council the approval of such Project Plan as its creation promotes the orderly development of the City.

Adopted this 28th day of June, 2023.

Isaac Uitenbroek, City Plan Commission Vice Chair

Attest:

Kami L. Lynch, City Clerk

EXHIBIT A

LEGAL BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #13 CITY OF APPLETON, WISCONSIN

DESCRIPTION: A TRACT OF LAND BEING PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, PART OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, AND ALL OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 4,

PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, OF SECTION 9, ALL IN TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING THE E $\frac{1}{4}$ OF SAID SECTION 4 AND BEING THE POINT OF BEGINNING;

THENCE S00°14'16"W 2636.69 FEET, COINCIDENT WITH THE EAST LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 TO THE SOUTHEAST CORNER THEREOF;

THENCE S00°30'32"W 40.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MIDWAY ROAD;

THENCE N89°43'14"W 2619.90 FEET, PARALLEL TO AND 40 FEET DISTANT FROM THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 AND BEING COINCIDENT WITH THE SOUTH LINE OF MIDWAY ROAD;

THENCE NORTHWESTERLY 159.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 761.57 FEET AND THE CHORD OF WHICH BEARS N83°43'18"W 159.15 FEET, COINCIDENT WITH THE SOUTHERLY LINE OF MIDWAY ROAD;

THENCE N77°43'26"W 120.93 FEET, COINCIDENT WITH THE SOUTHWESTERLY LINE OF MIDWAY ROAD TO THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4;

THENCE N89°21'16"W 1043.36 FEET, COINCIDENT WITH THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4 TO THE MOST WESTERLY LINE OF LOT 3 OF CERTIFIED SURVEY MAP NO.2932;

THENCE N00°22'38"E 2658.96 FEET, COINCIDENT WITH THE WEST LINE OF SAID LOT 3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.2;

THENCE N00°06'12"W 591.59 FEET, COINCIDENT WITH THE WEST LINE OF SAID SOUTHPOINT COMMERCE PARK PLAT NO.2 TO THE SOUTHEASTERLY LINE OF PLANK ROAD;

THENCE NORTHEASTERLY AND EASTERLY COINCIDENT WITH THE SOUTHEASTERLY AND SOUTHERLY LINE OF PLANK ROAD AND ITS EASTERLY EXTENSION TO THE EAST LINE OF EISENHOWER DRIVE;

THENCE N00°07'53"E 394.12 FEET, COINCIDENT WITH THE EAST LINE OF EISENHOWER DRIVE TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO.2932;

THENCE S89°28'07"E 987.58 FEET, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE NE $\frac{1}{4}$ OF SECTION 4, T20N, R18E;

THENCE S00°31'53"W 1798.73 FEET, COINCIDENT WITH THE EAST LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 4 TO THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.

EXHIBIT B

**PROJECT PLAN FOR TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

[DISTRIBUTED SEPARATELY]

DRAFT June 26, 2023



**PROJECT PLAN
FOR THE CREATION OF
TAX INCREMENTAL FINANCING DISTRICT #13
SOUTHPOINT COMMERCE PARK
CITY OF APPLETON, WISCONSIN**

ORGANIZATIONAL JOINT REVIEW BOARD MEETING HELD:	JUNE 22, 2023
PUBLIC HEARING AT CITY PLAN COMMISSION HELD:	SCHEDULED FOR JUNE 28, 2023
DATE ADOPTED BY CITY PLAN COMMISSION:	SCHEDULED FOR JUNE 28, 2023
DATE ADOPTED BY COMMON COUNCIL:	SCHEDULED FOR JULY 19, 2023
DATE ADOPTED BY JOINT REVIEW BOARD:	SCHEDULED FOR AUGUST 2, 2023
EXPENDITURE DEADLINE:	JULY 2038 (<u>15 YEARS</u>)
TID EXPIRATION DATE:	JULY 2043 (<u>20 YEARS</u>)

TAX INCREMENT DISTRICT #13 PROJECT PLAN

CITY OF APPLETON OFFICIALS & STAFF

Jacob A. Woodford	Mayor
William Siebers	Aldersperson District 1
Vered Meltzer	Aldersperson District 2
Brad Firkus	Aldersperson District 3
Israel Del Toro	Aldersperson District 4
Katie Van Zeeland	Aldersperson District 5
Denise Fenton	Aldersperson District 6
Patrick Hayden	Aldersperson District 7
Joss Thyssen	Aldersperson District 8
Alex Schultz	Aldersperson District 9
Vaya Jones	Aldersperson District 10
Kristin Alfheim	Aldersperson District 11
Nate Wolff	Aldersperson District 12
Sheri Hartzheim	Aldersperson District 13
Christopher Croatt	Aldersperson District 14
Chad Doran	Aldersperson District 15
Christopher R. Behrens	City Attorney
Kami L. Lynch	City Clerk
Jeri A. Ohman	Finance Director
Kara J. Homan	Community & Economic Development Director

CITY PLAN COMMISSION

Mayor Jacob A. Woodford	Chair
Isaac Uitenbroek	Member
Andrew Dane	Member
Adrienne Palm	Member
Sabrina Robins, Ph.D.	Member
Denise Fenton	Aldersperson/Member
Peter Neuberger	Member/Deputy Director of Public Works

JOINT REVIEW BOARD

Jeri Ohman	City Representative
David Maccoux	Calumet County
Amy Van Straten	Fox Valley Technical College
Becky Hansen	Kimberly Area School District
Tony Saucerman	Public Member

**TAX INCREMENT DISTRICT #13
PROJECT PLAN**

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1

INTENT AND PURPOSE OF TAX INCREMENT FINANCING DISTRICT #13

Tax Increment Financing District Number 13 (the “District”) is being created by the City of Appleton under the authority provided by Wisconsin Statute Section 66.1105 “Tax Increment Law” to promote industrial development in the City of Appleton, more specifically, the proposed District is in the City’s Southpoint Commerce Park, roughly bounded by Plank Road, Coop Road, Midway Road, and along Quest Drive. A map of the proposed District boundaries is found in Section 12.

This area is primarily characterized by industrial development and unimproved vacant land currently farmed. The District consists of approximately 366 acres of land that is zoned for manufacturing, industrial, warehousing, distribution, and other like uses. Within this Plan are maps and narrative highlighting the areas targeted for improvements in this District that would not happen but for the creation of this District.

The District is being created as an “Industrial” TID based upon the finding that the area within TID 13 is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 “Promotion of industry; industrial sites”. This provides for the purchase, reservation and development of industrial sites by the City, along with the installation of utilities and roadways. The map exhibit on Page 27 illustrates existing uses and conditions of the District.

2

STATEMENT OF KIND, NUMBER AND LOCATION OF PROPOSED PUBLIC WORKS AND IMPROVEMENT PROJECTS WITHIN THE DISTRICT OR THE 1/2 MILE BUFFER ZONE

The following is a list of proposed public works and improvement projects the City either directly, or through other entities, may implement in conjunction with this District. Any costs directly or indirectly related to the public works and improvements are considered “project costs” and eligible to be paid with tax increment revenues of the tax incremental district. The map exhibit in Section 14 Proposed Improvements and Public Works Projects illustrates the proposed public works and improvement project’s locations.

A. Municipal Infrastructure Improvements

- Construction and/or reconstruction of the streets to promote development of industrial projects within the District. Scope of work may include right-of-way acquisition, land assembly, grading, gravel, curb and gutter, asphalt, streetlights, traffic signals, walkways, trails, trailheads, concrete paving, lighting, signage, and related appurtenances.
- Construction and/or reconstruction of a sanitary sewer collection system to facilitate development of industrial projects within the District. The scope of work may include sewer mains, manholes, laterals, force main, lift stations, and related appurtenances.
- Construction and/or reconstruction of the water distribution system to facilitate development of industrial projects within the District. Projects may include water mains, valves, hydrants, service connections, laterals, booster pumps and other related appurtenances.
- Construction, reconstruction and/or maintenance of storm water drainage facilities to support development of industrial projects within the District. Projects may include retention or detention basins, biofilters, conveyance systems, storm sewer mains, manholes, inlets, drains and related appurtenances.
- Installation of electric and/or natural gas service or the relocation of existing services to promote industrial projects in the District and provide better service. Acquisition of equipment to service the District.
- Installation of telephone, fiber, and cable or the relocation of existing services to promote industrial projects in the District and provide better service. Acquisition of equipment to service the District.
- Programming of passive recreation trails and related appurtenances

- B. Administrative Costs:** These include, but not limited to, a portion of the salaries of the City employees, professional fees, and others directly involved in the projects for the District over the implementation of the Project Plan. Audit expenses, state filing fees, and any expenses associated with dissolving the District are also eligible costs.
- C. Organizational Costs:** These include, but are not limited to, publication and printing costs in connection with this Project Plan as well as the fees for the financial consultants, attorney, engineers, planners, surveyors, a portion of the salaries of the City employees and other contracted services.
- D. Professional Services:** These include, but are not limited to, those costs incurred for architectural, planning, engineering and legal and similar professional services.
- E. Financing Costs:** Interest, finance fees, bond discounts, redemption premiums, legal opinions, credit ratings, capitalized interest, insurance and other expenses related to financing. This would also include interest on advances made by the City of Appleton.
- F. Land Assembly, Clearance, and Real Estate Acquisitions:** In order to promote industrial development, it may be necessary to assist developers or for the City to acquire and demolish blighted or underutilized properties within the District. These may include but are not limited to, the cost of acquisitions, clearance/demolition, titles, easements, appraisals, consultant fees, closing costs, surveying and mapping, and the lease and/or the sale of property at or below market price to encourage or make feasible an economic development project that is consistent with the intent of this District.

- G. Relocation Costs:** In the event any property is acquired for the projects, expenses including the cost of the relocation plan, director, staff, publications, appraisals, land and property acquisition costs and relocation benefits as required by Wisconsin Statutes Section 32 are considered eligible project costs.
- H. Development Incentives (Cash Grants and/or Loans) & Property Improvement Grants:** As a partner in the future development of this District, the City of Appleton may enter into agreements with property owners, lessees, or developers for the purpose of sharing costs to encourage the desired kind of improvements based on the purpose of this District and assure tax base is generated sufficient to recover project costs. Not every project will demand the same level of funding. These payments would be negotiated on a project basis in order to attract new taxable property or rehabilitate existing property in the District. No cash grants or loans will be provided until the Common Council adopts a development agreement and a copy of such agreement will be retained in the City's official records for the TID.
- I. Environmental Audits and Remediation:** Costs related to all environmental assessments and remediation will be considered eligible project costs.
- J. Promotion and Development:** Promotion and development of the District including professional services or marketing, recruitment, realtor commissions and fees in lieu of commissions, marketing services and materials, advertising costs, administrative costs and support of development organizations.
- K. Projects Outside the Tax Increment District:** Pursuant to Wisconsin Statutes Section 66.1105(2)(f)1.n, the city may undertake projects within territory located within one-half (1/2) mile of the boundary of the District provided that (1) the project is located within the City's corporate boundaries, and (2) the projects are approved by the Joint Review Board. The cost of projects completed outside the District pursuant to this section are eligible Project Costs and may include any project cost that would otherwise be eligible if undertaken within the District. Specific Public Works projects at the time of the District creation in the ½ mile boundary area of this District are included in Section 14 of this Plan. Refer to Section 14 for a map of proposed improvements and Public Works projects.
- L. Payments Made at the Discretion of the Common Council:** These payments may include but are not limited to payments which are found to be necessary or convenient to the creation of the District or the implementation of the Project Plan that support the goals of the District as outlined in Section 1.

The above-identified lists of proposed public works projects are the projected activities at this time that may be required in the District. Future development of this area as it begins to occur may dictate additions or deletions from the above list. The City of Appleton reserves the right to such additions or deletions to the project list to the full extent allowed by the law.

In the event any of the projects are not reimbursable out of the TIF fund under Wisconsin Statutes Section 66.1105, in the written opinion of nationally recognized bond counsel or a court of record so rules

in a final order, then such project or projects shall be deleted herefrom and the remainder of the projects hereunder shall be deemed the entirety of the projects for purposes of the Project Plan.

The City reserves the right to implement only those projects that remain economically viable as the project period proceeds.

Project costs as outlined in this Project Plan include any eligible expenditure made or estimated to be made or monetary obligations incurred or estimated to be incurred by the City or by the Developer. Project costs incurred by developer must be in accordance with a development agreement as approved by the Common Council. Any income, special assessments, or other revenues, including user fees or charges, will diminish project costs. To the extent the project costs benefit the municipality outside the District, a proportionate share of the cost is not a project cost. Specific Public Works projects identified at the time of the District creation in the ½ mile boundary area of this District are included in Section 14 of this Project Plan. Costs identified in this Plan are preliminary estimates made prior to design considerations and are subject to change after planning is completed. Prorations of costs in this Plan are also estimates and subject to change based upon implementation, future assessment policies, and user fee adjustments.

3

QUALIFICATION BASED ON CITY VALUATION

The following calculations demonstrate the City is in compliance with Wisconsin Statute Section 66.1105(4)(gm)4.c, which requires the equalized value of the taxable property in the proposed District, plus the value increment of all existing Tax Increment Districts, does not exceed 12% of the total equalized value of taxable property within the City.

STEP 1: Calculation of Maximum Equalized Property Value Allowed within Tax Increment Districts in the City of Appleton

Equalized Value (as of January 1, 2022)		Maximum Allowable TIF Property Value
\$7,511,516,400	x 12% =	\$901,381,968

STEP 2: Calculation of Equalized Property Value Currently Located and Proposed to be Located within Tax Increment Districts

Tax Incremental Districts	Equalized Value
TIF District #3 Increment	65,221,800
TIF District #7 Increment	21,091,600
TIF District #8 Increment	98,990,400
TIF District #9 Increment	2,468,100
TIF District #10 Increment	1,518,900
TIF District #11 Increment	48,120,400
TIF District #12 Increment	15,857,200
Proposed Base of TIF District #13 Creation*	53,353,400
Total Existing Increment Plus Proposed Base	\$306,621,800

**Note: 2022 Base Values are final Assessed Values.*

***TID 6 off Tax Roles in 2023, not included in calculation*

The equalized value of the increment of existing Tax Incremental Districts within the City, plus the base value of the proposed District, totals **\$306,621,800**. This value equals **4.08%** of the City total equalized value and is substantially less than the maximum of **\$901,381,968** in equalized value permitted for the City of Appleton. The City is, therefore, in compliance with the statutory equalized valuation test and may proceed with creation of this District.

4

LIST OF PROJECT COSTS

All costs are based on 2023 prices and are preliminary estimates that are based on best information available. The Plan is not meant to be a budget nor an appropriation of funds for specific projects, but a framework within which to manage projects understanding the District can be in effect for a twenty-year period allowed by Wisconsin Statute. The City of Appleton reserves the right to increase these costs to reflect inflationary increases and other uncontrollable circumstances between 2023 and the time of construction. The City retains the right to delete projects or change the scope and/or timing of projects implemented as the Common Council individually authorizes them, without amending the Plan.

Project/Activity	Total Cost	Estimated Timing
• Municipal Infrastructure Improvements and administration	\$16,241,452	2024-2036
• Municipal Infrastructure and administration within the ½ Mile Boundary	\$2,055,000	2028-2031
• Development Incentives & Property Improvement Grants	None projected at this time	-----
• Other Costs - Administrative, Professional, Environmental, and Promotion Services Costs. Filing fees and fees charged by State. Audit Costs, partial salaries.	\$403,650	2024-2043
• Financing Costs* <ul style="list-style-type: none"> ○ General Fund Advance Interest Expense \$252,006 ○ General Obligation \$3,951,661 	\$4,203,667	2024-2041
TOTAL:	\$22,903,769	2024-2043

***NOTE:** The financing costs associated with the proposed project costs for this District are incorporated into the financing schedules for the District. See *Section 7: Description of the Methods of Financing and the Time When Such Costs or Monetary Obligations are to be Incurred* for financing details for the District.

5

LIST OF NON-PROJECT COSTS

Any potential “non-project costs” associated with this Plan are unknown at this time.

DRAFT

6

ECONOMIC FEASIBILITY STUDY

The charts and tables on the following pages show the City of Appleton will be able to obtain the necessary funds to implement the proposed projects and revenue from the District will be sufficient to pay for them. Chart 1 presents the City’s equalized value, and Chart 2 provides the full faith and credit borrowing capacity of the City. Equalized valuation projections were made using two methods as detailed in Chart 1. This analysis uses the straight-line method as a more financially conservative approach. Chart 2 projects the general obligation borrowing capacity of the City, taking into account the existing debt of the City, the five-year Capital Improvement Plan, and assuming a 1% increase per year beyond the five-year plan. As shown, the debt balance projected is well below the net borrowing capacity.

Chart 3 projects revenues sufficient to finance all of the projects of the District, and Chart 4 presents the allocation of increment by taxing entity assuming similar weighted average components as the 2022 rate. The pro forma is based on the following assumptions:

- The base value of the District is **\$53,353,400**.
- The tax rate is projected at \$22.2919 for 2023 and remaining at this amount for the life of the District (Actual 2022 Gross Tax Rate).
- Valuations are projected to increase only .5% per year due to inflation.
- The base value of the District is estimated to increase **\$88,145,000** in new construction value based on the following schedule:

Year	Project Increment Added
2022 Base Value Real Estate & Personal Property	\$ 53,353,400
January 1, 2024	\$ 10,430,000
January 1, 2025	\$ 15,000,000
January 1, 2026	\$ 10,215,000
January 1, 2027	\$ 15,000,000
January 1, 2028	\$ 7,500,000
January 1, 2029	\$ 30,000,000
Total Increment (net of base value):	\$ 88,145,000

**CITY OF APPLETON
EQUALIZED VALUATION PROJECTION**

YEAR	VALUATION	CHANGE	
2017	5,222,943,900		
2018	5,443,435,200	220,491,300	
2019	5,855,356,700	411,921,500	
2020	6,200,311,200	344,954,500	
2021	6,688,360,800	488,049,600	
2022	7,511,516,400	823,155,600	
		<u>\$2,288,572,500</u>	
Straight Line Method (Total change divided by 5)		<u>\$457,714,500</u>	
Percentage Method (Total percentage change from 2017 to 2022 divided by 5)		<u>8.76%</u>	
Projected Valuations			
	<u>Straight Line</u>	<u>Percentage</u>	<u>TIF Project Plan Increment Only</u>
2023	7,511,516,400	7,511,516,400	7,511,516,400
2024	7,969,230,900	8,169,525,237	7,521,946,400
2025	8,426,945,400	8,885,175,648	7,536,946,400
2026	8,884,659,900	9,663,517,035	7,546,946,400
2027	9,342,374,400	10,510,041,127	7,562,161,400
2028	9,800,088,900	11,430,720,730	7,569,661,400
2029	10,257,803,400	12,432,051,866	7,599,661,400
2030	10,715,517,900	13,521,099,609	7,599,661,400
2031	11,173,232,400	14,705,547,935	7,599,661,400
2032	11,630,946,900	15,993,753,934	7,599,661,400
2033	12,088,661,400	17,394,806,779	7,599,661,400
2034	12,546,375,900	18,918,591,853	7,599,661,400
2035	13,004,090,400	20,575,860,499	7,599,661,400
2036	13,461,804,900	22,378,305,879	7,599,661,400
2037	13,919,519,400	24,338,645,474	7,599,661,400
2038	14,377,233,900	26,470,710,818	7,599,661,400
2039	14,834,948,400	28,789,545,086	7,599,661,400
2040	15,292,662,900	31,311,509,236	7,599,661,400
2041	15,750,377,400	34,054,397,445	7,599,661,400
2042	16,208,091,900	37,037,562,661	7,599,661,400
2043	16,665,806,400	40,282,053,150	7,599,661,400

Chart 2

**CITY OF APPLETON
GENERAL OBLIGATION BORROWING CAPACITY**

Budget Year	Equalized Value	Gross Debt Limit	Debt Balance	Net G.O. Borrowing Capacity
2023	7,511,516,400	375,575,820	94,189,118	281,386,702
2024	7,521,946,400	376,097,320	91,557,002	284,540,318
2025	7,536,946,400	376,847,320	87,159,644	289,687,676
2026	7,546,946,400	377,347,320	84,211,402	293,135,918
2027	7,562,161,400	378,108,070	80,395,831	297,712,239
2028	7,569,661,400	378,483,070	81,200,000	297,283,070
2029	7,599,661,400	379,983,070	82,012,000	297,971,070
2030	7,599,661,400	379,983,070	82,832,000	297,151,070
2031	7,599,661,400	379,983,070	83,660,000	296,323,070
2032	7,599,661,400	379,983,070	84,497,000	295,486,070
2033	7,599,661,400	379,983,070	85,342,000	294,641,070
2034	7,599,661,400	379,983,070	86,195,000	293,788,070
2035	7,599,661,400	379,983,070	87,057,000	292,926,070
2036	7,599,661,400	379,983,070	87,928,000	292,055,070
2037	7,599,661,400	379,983,070	88,807,000	291,176,070
2038	7,599,661,400	379,983,070	89,695,000	290,288,070
2039	7,599,661,400	379,983,070	90,592,000	289,391,070
2040	7,599,661,400	379,983,070	91,498,000	288,485,070
2041	7,599,661,400	379,983,070	92,413,000	287,570,070
2042	7,599,661,400	379,983,070	93,337,000	286,646,070
2043	7,599,661,400	379,983,070	94,270,000	285,713,070

CITY OF APPLETON

Tax Incremental District # 13

Chart 3

Revenue Forecast

Base Value	53,353,400	Inflation Factor	0.50%
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Construction Year	Valuation Year	Revenue year	Inflation Increment	Value Added	Valuation Increment	Land Sales	Tax Rate	District Revenue	
	2022	2023	2024	0	0	0	22.2919	0	
1	2023	2024	2025	266,767	\$ 10,000,000	10,266,767	430,000	22.2919	238,452
2	2024	2025	2026	318,101	15,000,000	25,584,868		22.2919	570,335
3	2025	2026	2027	394,691	10,000,000	35,979,559	215,000	22.2919	806,846
4	2026	2027	2028	446,665	15,000,000	51,426,224		22.2919	1,146,388
5	2027	2028	2029	523,898	7,500,000	59,450,122		22.2919	1,325,256
6	2028	2029	2030	564,018	30,000,000	90,014,140		22.2919	2,006,586
7	2029	2030	2031	716,838		90,730,978		22.2919	2,022,566
8	2030	2031	2032	720,422		91,451,400		22.2919	2,038,625
9	2031	2032	2033	724,024		92,175,424		22.2919	2,054,765
10	2032	2033	2034	727,644		92,903,068		22.2919	2,070,986
11	2033	2034	2035	731,282		93,634,350		22.2919	2,087,288
12	2034	2035	2036	734,939		94,369,289		22.2919	2,103,671
13	2035	2036	2037	738,613		95,107,902		22.2919	2,120,136
14	2036	2037	2038	742,307		95,850,209		22.2919	2,136,683
15	2037	2038	2039	746,018		96,596,227		22.2919	2,153,313
16	2038	2039	2040	749,748		97,345,975		22.2919	2,170,027
17	2039	2040	2041	753,497		98,099,472		22.2919	2,186,824
18	2040	2041	2042	757,264		98,856,736		22.2919	2,203,704
19	2041	2042	2043	761,051		99,617,787		22.2919	2,220,670
20	2042	2043	2044	764,856		100,382,643		22.2919	2,237,720

Totals					87,500,000		645,000		35,900,840
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Present Value at 5.00%									19,571,966
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CITY OF APPLETON
Tax Incremental District # 13
Taxing Entity Breakdown

Year	Tax Incremental Dollars	City	Kimberly Schools	FVTC	Calumet County	Total Tax Increment
2024	0	0	0	0	0	0
2025	238,452	101,227	74,743	10,817	51,665	238,452
2026	570,335	242,117	178,772	25,871	123,575	570,335
2027	806,846	342,520	252,906	36,600	174,820	806,846
2028	1,146,388	486,661	359,336	52,002	248,389	1,146,388
2029	1,325,256	562,594	415,402	60,116	287,144	1,325,256
2030	2,006,586	851,831	628,965	91,022	434,768	2,006,586
2031	2,022,566	858,614	633,974	91,747	438,231	2,022,566
2032	2,038,625	865,432	639,007	92,476	441,710	2,038,625
2033	2,054,765	872,284	644,066	93,208	445,207	2,054,765
2034	2,070,986	879,169	649,151	93,944	448,722	2,070,986
2035	2,087,288	886,090	654,261	94,683	452,254	2,087,288
2036	2,103,671	893,045	659,396	95,426	455,804	2,103,671
2037	2,120,136	900,035	664,557	96,173	459,371	2,120,136
2038	2,136,683	907,059	669,744	96,924	462,956	2,136,683
2039	2,153,313	914,119	674,956	97,678	466,560	2,153,313
2040	2,170,027	921,214	680,195	98,436	470,181	2,170,026
2041	2,186,824	928,345	685,460	99,198	473,821	2,186,824
2042	2,203,704	935,511	690,751	99,964	477,478	2,203,704
2043	2,220,670	942,713	696,069	100,734	481,154	2,220,670
2044	2,237,720	949,951	701,414	101,507	484,848	2,237,720
	35,900,840					35,900,840
2022 Gross Tax Rate		9.4633	6.9874	1.0112	4.8300	22.2919

DESCRIPTION OF THE METHODS OF FINANCING AND THE TIME WHEN SUCH COSTS OR MONETARY OBLIGATIONS ARE TO BE INCURRED

The City of Appleton expects to finance City project costs primarily from the sale of general obligation notes issued under Wisconsin Statutes 67.12(12). City borrowing will be phased to coincide with need and may be refinanced as necessary to properly manage the District's affairs. It is anticipated the Developer will obtain their own financing; however, the City will make developer incentive payments up to 90% of the increment generated to a maximum value agreed upon. The contracted payments may include an allowable interest reimbursement up to 200 basis points above the all-inclusive interest cost on Appleton's general obligation notes. Chart 5 on the subsequent pages presents the detailed financial forecast for the District. Another option for financing is the use of developer-funded or "pay as you go" financing which minimizes the risk of non-performance of the TID to the City, while still assisting development that would not occur without assistance of a tax increment district. The type and method of financing for each project in this District shall be made on a project-by-project basis to support the success of the District.

Plan Implementation:

Projects identified will provide the necessary anticipated services to the area. A reasonable and orderly sequence is outlined in this Plan. However, it is anticipated the improvements will be made over a fifteen-year period based on the statutory guidelines for the tax increment district. Public debt and expenditures should be made at the point private development occurs to assure increment is sufficient to cover expenses.

Beyond the initial creation of improved industrial lots in the area between Coop Road and Eisenhower Drive, the order in which public improvements are made should be adjusted in accordance with development and the creation of increment within the District. The City of Appleton reserves the right to alter the implementation of this Plan to accomplish this objective.

If financing as outlined in this Plan proves unworkable, the City reserves the right to use alternative financing solutions for the projects as they are implemented.

Timing of the projected land sales and development increment are based upon a combination of a.) partially assessed development projects already constructed or underway that will be fully assessed in future years, b.) anticipated sales and development based on existing purchase contracts, and c.) additional future development based on market trends.

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CITY OF APPLETON							
Tax Incremental District #13							
Financial Forecast							
							Chart 5
	2024	2025	2026	2027	2028	2029	2030
Revenues:							
Tax Increments	-	238,452	570,335	806,846	1,146,388	1,325,256	2,006,586
Investment Earnings	3,389	3,422	39	8	33	77	4,976
Sale of City Property	430,000	215,000	-	-	-	-	-
Proceeds of G.O. Debt	5,450,535	-	-	-	2,725,000	1,440,000	-
General Fund Advance	-	45,000	255,000	19,000	-	-	-
Total Revenues	5,883,924	501,874	825,374	825,854	3,871,421	2,765,333	2,011,562
Expenses:							
Development contractual payments	-	-	-	-	-	-	-
Administrative - Filing fees/Audit	2,650	1,750	1,750	1,900	1,900	10,000	2,000
Professional, Environmental, Promotion & Salaries	40,000	15,000	15,000	15,000	15,000	15,000	15,000
Construction Costs (Inc Partial Salaries)	5,450,535	-	35,000	60,000	3,128,951	1,607,700	145,000
2024 G.O. Note Interest	-	327,032	231,648	204,395	177,142	149,890	122,637
2024 G.O. Note Principal	-	545,054	545,054	545,054	545,054	545,054	545,054
2028 G.O. Note Interest	-	-	-	-	-	163,500	115,813
2028 G.O. Note Principal	-	-	-	-	-	272,500	272,500
2029 G.O. Note Interest	-	-	-	-	-	-	86,400
2029 G.O. Note Principal	-	-	-	-	-	-	144,000
2031 G.O. Note Interest	-	-	-	-	-	-	-
2031 G.O. Note Principal	-	-	-	-	-	-	-
General Fund Advance Interest at 5%	-	1,125	8,681	15,965	14,932	15,950	15,950
Allowance for Interest Expense	-	(1,125)	(8,681)	(15,965)	(14,932)	(15,950)	(15,950)
Total Expenses	5,493,185	888,836	828,452	826,349	3,868,047	2,763,644	1,448,404
Excess of Revenues over Expenditures	390,739	(386,962)	(3,078)	(495)	3,374	1,689	563,158
Beginning Fund Balance	-	390,739	3,777	699	204	3,578	5,267
Ending Fund Balance	390,739	3,777	699	204	3,578	5,267	568,425

CITY OF APPLETON

**Tax Incremental District #13
Financial Forecast**

Chart 5

2031	2032	2033	2034	2035	2036	2037
2,022,566	2,038,625	2,054,765	2,070,986	2,087,288	2,103,671	2,120,136
4,989	40	43	3,842	16,886	13,588	11,715
-	-	-	-	-	-	-
3,510,000	-	-	-	-	-	-
-	(175,000)	(120,000)	(24,000)	-	-	-
5,537,555	1,863,665	1,934,808	2,050,828	2,104,174	2,117,259	2,131,851
-	-	-	-	-	-	-
2,100	2,100	2,250	2,250	2,350	2,350	2,450
15,000	15,000	15,000	15,000	15,000	15,000	15,000
4,866,766	-	285,500	35,000	60,000	2,622,000	-
95,384	68,132	40,879	13,626	-	-	-
545,054	545,054	545,054	545,049	-	-	-
102,188	88,563	74,938	61,313	47,688	34,063	20,438
272,500	272,500	272,500	272,500	272,500	272,500	272,500
61,200	54,000	46,800	39,600	32,400	25,200	18,000
144,000	144,000	144,000	144,000	144,000	144,000	144,000
-	210,600	149,175	131,625	114,075	96,525	78,975
-	351,000	351,000	351,000	351,000	351,000	351,000
15,950	11,575	4,200	600	-	-	-
(15,950)	100,128	4,200	600	-	-	-
6,104,192	1,862,652	1,935,496	1,612,163	1,039,013	3,562,638	902,363
(566,637)	1,013	(688)	438,665	1,065,161	(1,445,379)	1,229,488
568,425	1,788	2,801	2,113	440,778	1,505,939	60,560
1,788	2,801	2,113	440,778	1,505,939	60,560	1,290,048

CITY OF APPLETON							
Tax Incremental District # 12							
Financial Forecast							
							Chart 5
2038	2039	2040	2041	2042	2043	Totals	
2,136,683	2,153,313	2,170,027	2,186,824	2,203,704	2,220,670	33,663,121	
33,712	59,379	89,891	122,828	159,937	201,051	729,845	
-	-	-	-	-	-	645,000	
-	-	-	-	-	-	13,125,535	
-	-	-	-	-	-	-	
2,170,395	2,212,692	2,259,918	2,309,652	2,363,641	2,421,721	48,163,501	
-	-	-	-	-	-	-	
2,450	2,600	2,600	2,700	2,700	12,800	63,650.00	
15,000	15,000	15,000	15,000	15,000	15,000	340,000.00	
-	-	-	-	-	-	18,296,452.00	
-	-	-	-	-	-	1,430,765.00	
-	-	-	-	-	-	5,450,535.00	
6,813	-	-	-	-	-	715,317.00	
272,500	-	-	-	-	-	2,725,000.00	
10,800	3,600	-	-	-	-	378,000.00	
144,000	144,000	-	-	-	-	1,440,000.00	
61,425	43,875	26,325	8,775	-	-	921,375.00	
351,000	351,000	351,000	351,000	-	-	3,510,000.00	
-	-	-	-	-	-	104,928.00	
-	-	-	-	-	-	16,375.00	
863,988	560,075	394,925	377,475	17,700	27,800	35,392,397	
1,306,407	1,652,617	1,864,993	1,932,177	2,345,941	2,393,921	12,771,104	
1,290,048	2,596,455	4,249,072	6,114,065	8,046,242	10,392,183	-	
2,596,455	4,249,072	6,114,065	8,046,242	10,392,183	12,786,104	12,771,104	

8

PROPOSED CHANGES IN ZONING ORDINANCES, MASTER PLAN, BUILDING CODES, MAPS AND CITY ORDINANCES

There are no immediate changes to zoning, building codes or other City ordinances proposed for the implementation of this Project Plan. A rezoning may be required in the future, at such time the wooded wetland/passive recreation area, trailhead, and/or powerline trail are being developed.

During the life of the District, the City's Comprehensive Plan, Trails Master Plan, and Comprehensive Outdoor Recreation Plan will likely be updated. Recommendations from these future plan updates may provide additional details for the anticipated improvement projects outlined in this TIF District 13 Project Plan.

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9

ORDERLY DEVELOPMENT OF THE CITY OF APPLETON

The District contributes to the orderly development of the City by promoting industrial development. By promotion of industry, the City will ensure a healthy tax base, job growth/creation and a more vibrant economy.

The Project Plan is complementary to the adopted City of Appleton's *Comprehensive Plan 2010-2030* (Comprehensive Plan). The City's recommendations for this area include the following key strategies (below) as adopted on March 15, 2017 in the updated Comprehensive Plan. These key strategies, and the detailed policies to support these efforts, can be found in the Comprehensive Plan – Chapters 4: Issues and Opportunities, 9: Economic Development and 10: Land Use:

Chapter 4: Overall Community Goals

Goal 1 – 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 8 – Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

Chapter 9: Economic Development

Objective 9.2 – Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.

Policy 9.5.1 – Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

Policy 9.5.2 – Proactively acquire property targeted for redevelopment and develop a land bank to assist in property assembly with a focus on corridors, the downtown, and areas identified as business/industrial on the Future Land Use Map.

Chapter 10: Land Use

Objective 10.1 – Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Objective 10.4 – Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.

Policy 10.4.3 – Promote commercial and industrial development which is compatible with nearby residential areas.

10

ESTIMATE OF PROPERTY TO BE DEVOTED TO RETAIL USE

Pursuant to Section 66.1105(5)(b) of the Wisconsin State Statutes, the City does not anticipate any of the real property within the District will be devoted to retail business at the end of the District's maximum expenditure period*.

**Deed Restrictions applicable to all parcels in the Southpoint Commerce Park provide for:*

“Retail sales of products manufactured on site and clearly an accessory use to the primary use of the site and provided on-premises sales are limited in floor area to no more than 10 percent of the total gross floor area occupied by the permitted or special use.”

PROPOSED RELOCATION PLAN FOR DISPLACED PERSONS OR BUSINESSES

It is not anticipated at the time of the creation of the District there will be a need to relocate persons or businesses in conjunction with this Plan. In the event relocation becomes necessary at some time during the implementation period, the City will take the following steps and actions as required by Wisconsin Statutes Section 32:

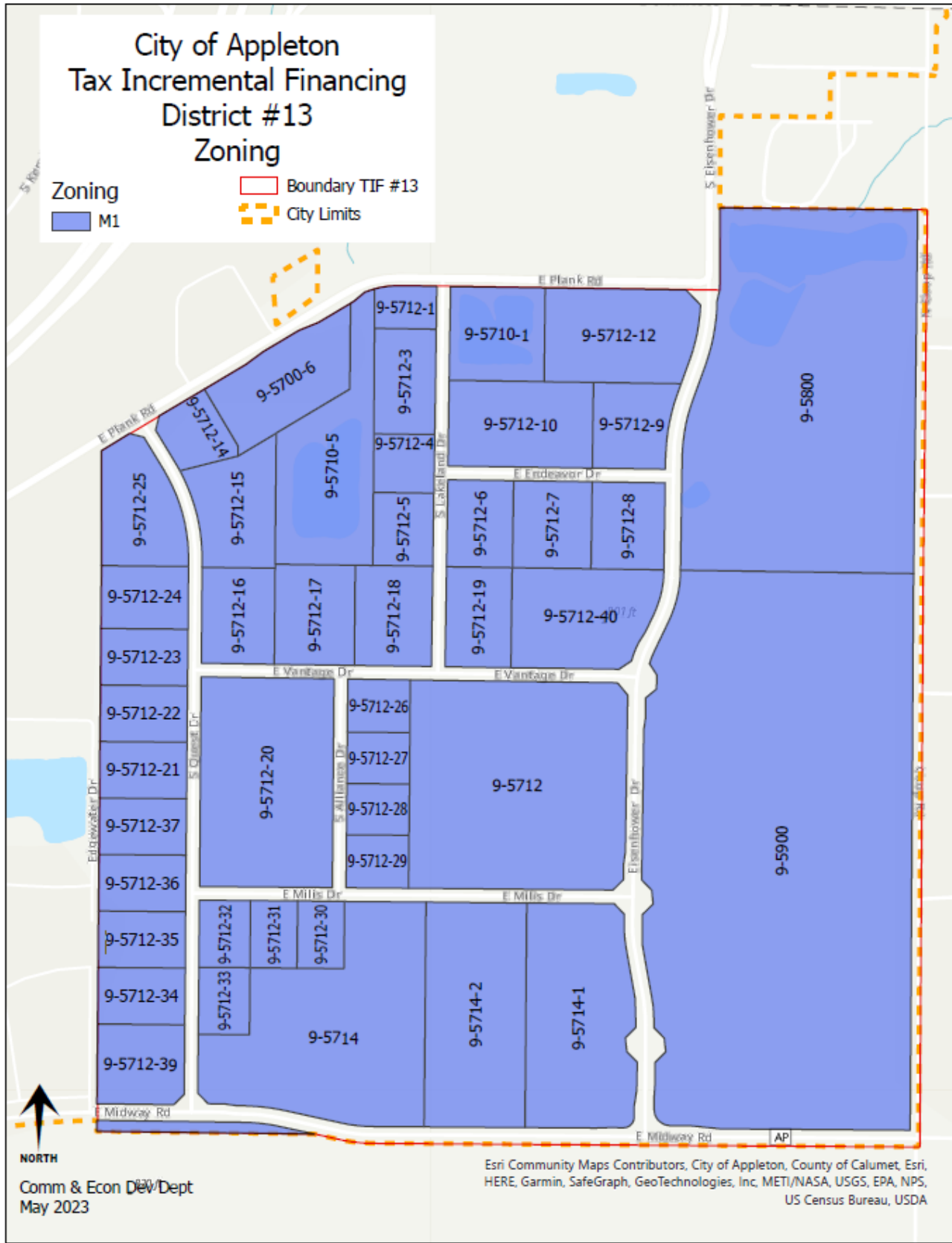
- A. Before negotiations begin for the acquisition of property or easements, all property owners will be provided with an informational pamphlet, “The Rights of Landowners” prepared by the Wisconsin Department of Administration, and if any person is to be displaced as a result of the acquisition, they will be given a pamphlet on “Relocation Rights” prepared by the Wisconsin Department of Administration.
- B. The City will provide each owner a full narrative appraisal, a map showing the owners of all property affected by the proposed project, and a list of all, or at least ten, neighboring landowners to whom offers are being made.
- C. The City will file a relocation plan with the Wisconsin Department of Administration and will keep all records as required in Wisconsin Statutes Section 32.

MAP OF TIF DISTRICT #13 BOUNDARIES AND TIF DISTRICT #13 BOUNDARIES WITH HALF MILE BUFFER ZONE



13

MAP OF EXISTING USES AND CONDITIONS



City of Appleton
 Tax Incremental Financing District #13
 Existing Uses and Conditions

- Existing Use**
- Crop Production
 - Vacant
 - Manufacturing
 - Warehousing
 - Wholesalers
 - Internet Service Providers
 - Professional, Scientific and Tech Services
 - Administrative Support and Personal Services
- Boundary TIF #13
- City Limits



Comm & Econ Dev Dept
 May 2023

Esri Community Maps Contributors, City of Appleton, County of Calumet, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

The Southpoint Commerce Park is the only location with City-owned industrial use lots available for sale within the City of Appleton. The primary purpose of the TID is to install infrastructure between Coop Road and Eisenhower Drive, thereby creating more “ready to build” lots for the expansion of business and industry. Presently, most of this area is farmed, and a portion includes a large, wooded area with areas of identified wetlands. The area along Quest Drive and west of Eisenhower Drive includes a mix of farmed areas and existing industrial/manufacturing properties. This portion of the Industrial Park was largely built out with infrastructure over the past several years; however, improvements to streets and stormwater system maintenance will help induce further investment and new development. Additional projects within the ½ mile buffer as identified in the following map will help induce further investment.

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PARCEL LIST & LEGAL DESCRIPTION

The boundaries for the District include only whole parcels or non-taxable property, and the District is contiguous. The following pages include a detailed list of parcels included in the District and the legal description.

Annexed Land:

Pursuant to Wisconsin State Statute s 66.1105(4)(gm)(1), the District may not include any annexed territory that was not within the boundaries of the City on January 1, 2004, unless at least 3 years have elapsed since the territory was annexed by the City, unless the City enters into a cooperative plan boundaries agreement with the town from which the territory was annexed, or unless the City and town enter into another kind of agreement relating to the annexation expect that notwithstanding these conditions, the City may include territory that was not within the boundaries of the City on January 1, 2004 if the City pledges to pay the town an amount equal to the property taxes levied on the territory by the town at the time of the annexation for each of the next 5 years. **The District does not include property annexed into the City of Appleton since January 1, 2004.**

Tax Key	Owner Name	Property Address	Prop City	Prop State	Prop Zip	Zoning	Area	Business with PP	PP Value	Land Value	Improvements	Total Value
319570006	PLANK INVESTORS LLC	3545 E PLANK RD	APPLETON	WI	54915	M1	254416.69			\$ 262,800.00	\$ 4,087,200.00	\$ 4,350,000.00
319570006	PLANK INVESTORS LLC	3545 E PLANK RD	APPLETON	WI	54915	M1		SPECTRUM MID-AMERICA LLC	\$ 44,900.00	\$ -	\$ -	\$ 44,900.00
319571001	CITY OF APPLETON	E PLANK RD	APPLETON	WI	54915	M1	203770.01			\$ -	\$ -	\$ -
319571005	CITY OF APPLETON	E PLANK RD	APPLETON	WI	54915	M1	406795.55			\$ -	\$ -	\$ -
319571200	CITY OF APPLETON	S EISENHOWER DR	APPLETON	WI	54915	M1	1027093.61			\$ -	\$ -	\$ -
319571201	FLAIR FLEXIBLE PACKAGI	S LAKELAND DR	APPLETON	WI	54915	M1	59907.73			\$ 61,700.00	\$ -	\$ 61,700.00
319571203	FLAIR FLEXIBLE PACKAGI	2605 S LAKELAND DR	APPLETON	WI	54915	M1	148216.40			\$ 136,000.00	\$ 1,961,500.00	\$ 2,097,500.00
319571204	JME PROPERTIES LLC	2625 S LAKELAND DR	APPLETON	WI	54915	M1	81481.48			\$ 74,800.00	\$ 742,000.00	\$ 816,800.00
319571204	JME PROPERTIES LLC	2625 S LAKELAND DR	APPLETON	WI	54915	M1		APPLETON HYDRAULIC COMPONENTS LLC	\$ 2,100.00	\$ -	\$ -	\$ 2,100.00
319571205	CITY OF APPLETON	3989 E ENDEAVOR DR	APPLETON	WI	54915	M1	101055.45			\$ -	\$ -	\$ -
319571206	CITY OF APPLETON	E ENDEAVOR DR	APPLETON	WI	54915	M1	131089.91			\$ -	\$ -	\$ -
319571207	MANDA PANDA PROPERTIES	3921 E ENDEAVOR DR	APPLETON	WI	54915	M1	155967.68			\$ 143,200.00	\$ 1,360,300.00	\$ 1,503,500.00
319571207	MANDA PANDA PROPERTIES	3921 E ENDEAVOR DR	APPLETON	WI	54915	M1		SECURITY LUEBKE ROOFING INC	\$ 28,200.00	\$ -	\$ -	\$ 28,200.00
319571208	V T CAPITAL LLC	3989 E ENDEAVOR DR	APPLETON	WI	54915	M1	145331.61			\$ 150,300.00	\$ 1,581,300.00	\$ 1,731,600.00
319571208	V T CAPITAL LLC	3989 E ENDEAVOR DR	APPLETON	WI	54915	M1		SD WHEEL CORP	\$ 15,300.00	\$ -	\$ -	\$ 15,300.00
319571209	BENSHAW PROPERTIES LLC	3984 E ENDEAVOR DR	APPLETON	WI	54915	M1	151531.20			\$ 156,600.00	\$ 1,677,800.00	\$ 1,834,400.00
319571210	FARRELL INVESTMENTS LL	3920 E ENDEAVOR DR	APPLETON	WI	54915	M1	283076.98			\$ 130,000.00	\$ 845,300.00	\$ 975,300.00
319571210	FARRELL INVESTMENTS LL	3920 E ENDEAVOR DR	APPLETON	WI	54915	M1		FARRELL EQUIPMENT & SUPPLY CO INC	\$ 15,900.00	\$ -	\$ -	\$ 15,900.00
319571212	ENCAPSYS SOUTHPOINT LL	2515 S EISENHOWER DR	APPLETON	WI	54915	M1	318665.58			\$ 329,400.00	\$ 13,670,600.00	\$ 14,000,000.00
319571212	ENCAPSYS SOUTHPOINT LL	2515 S EISENHOWER DR	APPLETON	WI	54915	M1		ENCAPSYS LLC	\$ 317,400.00	\$ -	\$ -	\$ 317,400.00
319571214	ROMENESKO DEVELOPMENTS	S QUEST DR	APPLETON	WI	54915	M1	94345.88			\$ -	\$ -	\$ -
319571215	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	210200.89			\$ -	\$ -	\$ -
319571216	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	160652.68			\$ -	\$ -	\$ -
319571217	NEW MORNING REAL ESTAT	3600 E VANTAGE DR	APPLETON	WI	54915	M1	183231.32			\$ 139,000.00	\$ 942,700.00	\$ 1,081,700.00
319571217	NEW MORNING REAL ESTAT	3600 E VANTAGE DR	APPLETON	WI	54915	M1		NEW MORNING COFFEE ROASTERS INC	\$ 80,800.00	\$ -	\$ -	\$ 80,800.00
319571218	CITY OF APPLETON	E VANTAGE DR	APPLETON	WI	54915	M1	177366.31			\$ -	\$ -	\$ -
319571219	CITY OF APPLETON	S LAKELAND DR	APPLETON	WI	54915	M1	150604.29			\$ -	\$ -	\$ -
319571220	3550 E VANTAGE DR WISC	3551 E VANTAGE DR	APPLETON	WI	54915	M1	635846.39			\$ 510,700.00	\$ 10,539,300.00	\$ 11,050,000.00
319571220	3550 E VANTAGE DR WISC	3551 E VANTAGE DR	APPLETON	WI	54915	M1		VERITV OPERATING COMPANY	\$ 657,300.00	\$ -	\$ -	\$ 657,300.00
319571221	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112895.77			\$ -	\$ -	\$ -
319571222	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112860.01			\$ -	\$ -	\$ -
319571223	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112860.03			\$ -	\$ -	\$ -
319571224	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	125407.88			\$ -	\$ -	\$ -
319571225	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	212322.18			\$ -	\$ -	\$ -
319571226	CITY OF APPLETON	S ALLIANCE DR	APPLETON	WI	54915	M1	75745.60			\$ -	\$ -	\$ -
319571227	CITY OF APPLETON	S ALLIANCE DR	APPLETON	WI	54915	M1	73499.19			\$ -	\$ -	\$ -
319571228	CITY OF APPLETON	S ALLIANCE DR	APPLETON	WI	54915	M1	73499.57			\$ -	\$ -	\$ -
319571229	CITY OF APPLETON	S ALLIANCE DR	APPLETON	WI	54915	M1	76004.86			\$ -	\$ -	\$ -
319571230	F STREET APPLETON 3 LL	E MILIS DR	APPLETON	WI	54915	M1	71910.25			\$ 66,000.00	\$ -	\$ 66,000.00
319571231	F STREET APPLETON 3 LL	E MILIS DR	APPLETON	WI	54915	M1	72101.45			\$ 66,000.00	\$ -	\$ 66,000.00
319571232	F STREET APPLETON 3 LL	S QUEST DR	APPLETON	WI	54915	M1	78362.33			\$ 72,000.00	\$ -	\$ 72,000.00
319571233	F STREET APPLETON 3 LL	S QUEST DR	APPLETON	WI	54915	M1	78330.00			\$ 72,000.00	\$ -	\$ 72,000.00
319571234	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112858.57			\$ -	\$ -	\$ -
319571235	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112858.91			\$ -	\$ -	\$ -
319571236	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112859.33			\$ -	\$ -	\$ -
319571237	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	112858.84			\$ -	\$ -	\$ -
319571239	CITY OF APPLETON	S QUEST DR	APPLETON	WI	54915	M1	158435.84			\$ -	\$ -	\$ -
319571240	OSHKOSH AAP LLC	S EISENHOWER DR	APPLETON	WI	54915	M1	314449.65			\$ -	\$ -	\$ -
319571300	CITY OF APPLETON	E MIDWAY RD	APPLETON	WI	54915	M1	46899.79			\$ -	\$ -	\$ -
319571400	F STREET APPLETON 3 LL	E MIDWAY RD	APPLETON	WI	54915	M1	813141.69			\$ 618,000.00	\$ -	\$ 618,000.00
319571401	F STREET APPLETON 1 LL	3351 S EISENHOWER DR	APPLETON	WI	54915	M1	539867.90			\$ 469,700.00	\$ 10,921,400.00	\$ 11,391,100.00
319571402	F STREET APPLETON 2 LL	3725 E MILIS DR	APPLETON	WI	54915	M1	517506.46			\$ 403,900.00	\$ -	\$ 403,900.00
319580000	CITY OF APPLETON	LAND LOCKED	APPLETON	WI	54915	M1	1798088.37			\$ -	\$ -	\$ -
319590000	CITY OF APPLETON	LAND LOCKED	APPLETON	WI	54915	M1	3314981.94			\$ -	\$ -	\$ -
TOTALS									\$ 1,161,900.00	\$ 3,862,100.00	\$ 48,329,400.00	\$ 53,353,400.00

DISTRICT 13

DESCRIPTION: A TRACT OF LAND BEING PART OF THE NE ¼ OF THE NE ¼, PART OF THE NW ¼ OF THE NE ¼, PART OF THE NE ¼ OF THE NW ¼, PART OF THE SE ¼ OF THE NW ¼, ALL OF THE SE ¼ OF THE NE ¼, ALL OF THE SW ¼ OF THE NE ¼, ALL OF THE NE ¼ OF THE SE ¼, ALL OF THE SE ¼ OF THE SE ¼, ALL OF THE SW ¼ OF THE SE ¼, ALL OF THE NW ¼ OF THE SE ¼, ALL OF THE NE ¼ OF THE SW ¼, AND ALL OF THE SE ¼ OF THE SW ¼, OF SECTION 4, PART OF THE NE ¼ OF THE NE ¼, PART OF THE NW ¼ OF THE NE ¼, PART OF THE NE ¼ OF THE NW ¼, OF SECTION 9, ALL IN TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING THE E ¼ OF SAID SECTION 4 AND BEING THE POINT OF BEGINNING;
THENCE S00°14'16"W 2636.69 FEET, COINCIDENT WITH THE EAST LINE OF THE SE ¼ OF SAID SECTION 4 TO THE SOUTHEAST CORNER THEREOF;
THENCE S00°30'32"W 40.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MIDWAY ROAD;
THENCE N89°43'14"W 2619.90 FEET, PARALLEL TO AND 40 FEET DISTANT FROM THE SOUTH LINE OF THE SE ¼ OF SAID SECTION 4 AND BEING COINCIDENT WITH THE SOUTH LINE OF MIDWAY ROAD;
THENCE NORTHWESTERLY 159.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 761.57 FEET AND THE CHORD OF WHICH BEARS N83°43'18"W 159.15 FEET, COINCIDENT WITH THE SOUTHERLY LINE OF MIDWAY ROAD;
THENCE N77°43'26"W 120.93 FEET, COINCIDENT WITH THE SOUTHWESTERLY LINE OF MIDWAY ROAD TO THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 4;
THENCE N89°21'16"W 1043.36 FEET, COINCIDENT WITH THE SOUTH LINE OF THE SW ¼ OF SAID SECTION 4 TO THE MOST WESTERLY LINE OF LOT 3 OF CERTIFIED SURVEY MAP NO.2932;
THENCE N00°22'38"E 2658.96 FEET, COINCIDENT WITH THE WEST LINE OF SAID LOT 3 AND THEN THE WEST LINE OF SOUTHPPOINT COMMERCE PARK PLAT NO.3 AND THEN THE WEST LINE OF SOUTHPPOINT COMMERCE PARK PLAT NO.2;
THENCE N00°06'12"W 591.59 FEET, COINCIDENT WITH THE WEST LINE OF SAID SOUTHPPOINT COMMERCE PARK PLAT NO.2 TO THE SOUTHEASTERLY LINE OF PLANK ROAD;
THENCE NORTHEASTERLY AND EASTERLY COINCIDENT WITH THE SOUTHEASTERLY AND SOUTHERLY LINE OF PLANK ROAD AND ITS EASTERLY EXTENSION TO THE EAST LINE OF EISENHOWER DRIVE;
THENCE N00°07'53"E 394.12 FEET, COINCIDENT WITH THE EAST LINE OF EISENHOWER DRIVE TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO.2932;
THENCE S89°28'07"E 987.58 FEET, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE NE ¼ OF SECTION 4, T20N, R18E;
THENCE S00°31'53"W 1798.73 FEET, COINCIDENT WITH THE EAST LINE OF THE NE ¼ OF SAID SECTION 4 TO THE EAST ¼ CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.

**OPINION OF THE CITY ATTORNEY ON THE COMPLIANCE OF THE
PROJECT PLAN WITH WISCONSIN STATUTES**



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

July 19, 2023

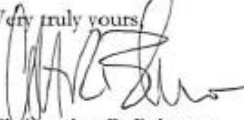
Mayor Jacob A. Woodford
City of Appleton
100 North Appleton Street
Appleton, WI 54911-4799

Re: Tax Increment Finance Program Plan, City of Appleton
Tax Incremental District #13
Our File No. A23-0873

Dear Mayor Woodford:

You have asked me for a legal opinion as to the legal sufficiency and statutory compliance of the proposed Tax Incremental Finance Plan for the City of Appleton Tax Incremental District #13. I have reviewed the Project Plan for said District as well as the appendices attached thereto, specifically as to their compliance with the provision of Section 66.1105, Wisconsin Statutes. It is my opinion that the Project Plan is in compliance with all of the provisions of Section 66.1105 of the Wisconsin Statutes dealing with the creation of Tax Incremental Financing Districts.

If you have any questions concerning this matter, please contact me at your earliest convenience.

Very truly yours,


Christopher R. Behrens
City Attorney

CRB:jljg

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Zak Buruin
Assistant City Attorney

**RESOLUTION NO. 2023-01
COMMON COUNCIL**

**RESOLUTION CREATING, DESCRIBING, AND MAKING CERTAIN FINDINGS
AND APPROVING PROJECT PLAN FOR
TAX INCREMENTAL DISTRICT #13
CITY OF APPLETON, WISCONSIN**

WHEREAS, the overall development of the City of Appleton is recognized as a major need of the City; and

WHEREAS, the City of Appleton desires to create a tax incremental district, in accordance with the provisions of Section 66.1105 of the Wisconsin Statutes (the “Tax Increment Law”), in order to provide a viable method of financing the costs of needed improvements and public works projects within said district and creating more “ready to build” lots for the expansion of business and industry, thereby creating incentives and opportunities for appropriate private development, including new development and rehabilitation of existing development, which will contribute to the overall development of the City; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the City Plan Commission on June 28, 2023 held a public hearing concerning the proposed creation of a tax incremental district and proposed project plan thereof in the City of Appleton, wherein interested parties were afforded a reasonable opportunity to express their views; and

WHEREAS, prior to its publication, a copy of the notice of the public hearing was sent to the chief executive officers of Calumet County and the Fox Valley Technical College District (the other entities having the power to levy taxes on property located within the proposed District) and the Board of Education of the Kimberly Area School District (the school district which includes property located within the proposed district), in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, after said public hearing, the City Plan Commission designated the boundaries of the proposed tax incremental district and recommended to the Common Council that it create such tax incremental district within the area enclosed by said boundaries, as specified in the boundary description attached to this Resolution as Exhibit A and entitled “Legal Boundary Description of Tax Incremental District #13, City of Appleton, Wisconsin”; and

WHEREAS, the City of Appleton Plan Commission has prepared and adopted a Project Plan for Tax Incremental District #13, which includes:

1. Intent and purpose of Tax Increment Financing District #13;
2. A statement of the kind, number, and location of proposed public works and improvement projects within the district and the ½ mile buffer zone;
3. Qualification of the proposed TIF District based on City valuation;
4. A list of estimated project costs;
5. A statement on non-project costs;
6. An economic feasibility study;
7. A description of the methods of financing and the time when such costs or monetary obligations are to be incurred;

8. Proposed changes of zoning ordinances, master plan, map, building codes, maps, and City ordinances;
9. A statement indicating how the creation of the district promotes orderly development of the City;
10. Estimate of property to be devoted to retail use;
11. A statement of a proposed method for the relocation of any persons or businesses to be displaced;
12. A map showing the district boundaries and a map of the ½ mile buffer zone;
13. A map showing existing uses and conditions of real property in such district;
14. A map showing proposed improvements and public works projects;
15. A listing of the parcels and legal description of the district; and
16. An opinion of the City Attorney on the compliance of the Project Plan with Wisconsin Statutes, Section 66.1105(4); and

WHEREAS, the Plan Commission has submitted such Plan to the Common Council and recommended approval thereof; and

WHEREAS, the Common Council hereby approves such Project Plan and finds the Plan feasible and in conformity with the master plan;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Appleton as follows:

1. Pursuant to the Tax Increment Law, there is hereby created in the City of Appleton, a tax incremental district to be known as “Tax Incremental District #13, City of Appleton, Wisconsin” the boundaries of which shall be those recommended to the Common Council by the Plan Commission, as specified in the attached Exhibit A.
2. The Common Council hereby finds and declares that:
 - a. Not less than 50 percent by area of real property within such district is suitable for industrial development within the meaning of Wisconsin Statute Section 66.1101 “Promotion of industry; industrial sites” and is being created as an “Industrial” TID; and
 - b. The real property within the District is zoned for manufacturing, industrial, warehousing, distribution, and other like uses and will remain zoned for industrial use for the life of the District; and
 - c. The improvement of such area is likely to enhance significantly the value of substantially all the other real property in the said tax incremental district by promoting industrial development; and
 - d. The project costs directly serve for the purchase, reservation and development of industrial sites by the City, along with the installation of utilities and roadways; and
 - e. The equalized value of taxable property of the district plus the value increment of all existing districts within the City does not exceed 12 percent of the total equalized value of the taxable property within the City of Appleton; and

- f. Finds, pursuant to Section 66.1105(5)(b) that under 35 percent of the real property within the district will be devoted to retail business at the end of the district's maximum expenditure period; and
- g. The boundaries for Tax Incremental District #13 does not include any annexed territory not within the boundaries of the City of Appleton on January 1, 2004; and
- h. The Project Plan is economically feasible and is in conformity with the City of Appleton Comprehensive Plan 2010-2030.

The District is hereby created as of January 1, 2023. The City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2023, pursuant to the provisions of Section 66.1105(5)(b) of the Wisconsin Statutes.

The City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Section 70.45 of the Wisconsin Statutes, those parcels of property that are within Tax Incremental District No. 13, specifying thereon the name of the said tax incremental district, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes, pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes.

Adopted this 19th day of July, 2023.

Jacob A. Woodford, Mayor

Attest:

Kami L. Lynch, City Clerk

EXHIBIT A

LEGAL BOUNDARY DESCRIPTION OF TAX INCREMENTAL DISTRICT #13 CITY OF APPLETON, WISCONSIN

DESCRIPTION: A TRACT OF LAND BEING PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, PART OF THE SE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE SW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$, ALL OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, AND ALL OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, OF SECTION 4,

PART OF THE NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ OF THE NW $\frac{1}{4}$, OF SECTION 9, ALL IN TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING THE E $\frac{1}{4}$ OF SAID SECTION 4 AND BEING THE POINT OF BEGINNING;

THENCE S00°14'16"W 2636.69 FEET, COINCIDENT WITH THE EAST LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 TO THE SOUTHEAST CORNER THEREOF;

THENCE S00°30'32"W 40.00 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF MIDWAY ROAD;

THENCE N89°43'14"W 2619.90 FEET, PARALLEL TO AND 40 FEET DISTANT FROM THE SOUTH LINE OF THE SE $\frac{1}{4}$ OF SAID SECTION 4 AND BEING COINCIDENT WITH THE SOUTH LINE OF MIDWAY ROAD;

THENCE NORTHWESTERLY 159.45 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 761.57 FEET AND THE CHORD OF WHICH BEARS N83°43'18"W 159.15 FEET, COINCIDENT WITH THE SOUTHERLY LINE OF MIDWAY ROAD;

THENCE N77°43'26"W 120.93 FEET, COINCIDENT WITH THE SOUTHWESTERLY LINE OF MIDWAY ROAD TO THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4;

THENCE N89°21'16"W 1043.36 FEET, COINCIDENT WITH THE SOUTH LINE OF THE SW $\frac{1}{4}$ OF SAID SECTION 4 TO THE MOST WESTERLY LINE OF LOT 3 OF CERTIFIED SURVEY MAP NO.2932;

THENCE N00°22'38"E 2658.96 FEET, COINCIDENT WITH THE WEST LINE OF SAID LOT 3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.3 AND THEN THE WEST LINE OF SOUTHPOINT COMMERCE PARK PLAT NO.2;

THENCE N00°06'12"W 591.59 FEET, COINCIDENT WITH THE WEST LINE OF SAID SOUTHPOINT COMMERCE PARK PLAT NO.2 TO THE SOUTHEASTERLY LINE OF PLANK ROAD;

THENCE NORTHEASTERLY AND EASTERLY COINCIDENT WITH THE SOUTHEASTERLY AND SOUTHERLY LINE OF PLANK ROAD AND ITS EASTERLY EXTENSION TO THE EAST LINE OF EISENHOWER DRIVE;

THENCE N00°07'53"E 394.12 FEET, COINCIDENT WITH THE EAST LINE OF EISENHOWER DRIVE TO THE NORTH LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO.2932;

THENCE S89°28'07"E 987.58 FEET, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1 TO THE EAST LINE OF THE NE $\frac{1}{4}$ OF SECTION 4, T20N, R18E;

THENCE S00°31'53"W 1798.73 FEET, COINCIDENT WITH THE EAST LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 4 TO THE EAST $\frac{1}{4}$ CORNER OF SAID SECTION 4 AND THE POINT OF BEGINNING.



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: June 28, 2023

Common Council Meeting Date: July 19, 2023

Item: Dedication of Public Right-of-Way for North Providence Avenue and East Baldeagle Drive

Case Manager: Lindsey Kemnitz, Principal Planner

GENERAL INFORMATION

Owner/Applicant: City of Appleton c/o Tom Kromm, Department of Public Works.

Location: The subject sites are located adjacent to North Lightning Drive.

Petitioner's Request: The applicant is requesting to dedicate land for public right-of-way for North Providence Avenue and East Baldeagle Drive.

BACKGROUND

On May 3, 2023, the Common Council approved the Annexation Ordinance for this segment of North Providence Avenue and East Baldeagle Drive. The property was officially annexed into the City on May 9, 2023 at 12:01 a.m.

On June 21, 2023, the Common Council approved the Rezone Ordinance for this segment of North Providence Avenue and East Baldeagle Drive from temporary AG Agricultural District to P-I Public Institutional District pursuant to Rezoning #2-23.

Officially mapped North Providence Avenue from North Lightning Drive to East Edgewood Drive went into effect on May 3, 2012 via Ordinance No. 36-12. The proposed right-of-way dedication for East Baldeagle Drive is generally consistent with the City of Appleton Official Street Map.

STAFF ANALYSIS

Public Right-of-Way Dedication: The owner/applicant has submitted a Certified Survey Map (CSM) to dedicate 37,175 square feet of land for right-of-way, approximately 27,293 square feet for the extension of North Providence Avenue and 9,882 square feet for the extension of East Baldeagle Drive. The CSM, currently under review by staff, is subject to the acceptance of the public right-of-way dedication by Plan Commission and Common Council.

Street Classification and Width: Future North Providence Avenue and East Baldeagle Drive are classified as collector streets on the City's Arterial/Collector Plan. The right-of-way width for this portion of North Providence Avenue will be 66 feet wide, and the right-of-way width for this portion of East

Dedication of Public Right-of-Way – North Providence Avenue and East Baldeagle Drive

June 28, 2023

Page 2

Baldeagle Drive will be 70 feet wide, which complies with the Subdivision Ordinance Design Standards Section 17-25(d).

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 and Town of Grand Chute. AGD – General Agricultural District. The adjacent land use to the south is currently agricultural land.

West: City of Appleton. P-I Public Institutional District and R-1B Single-family District. The adjacent land use to the west is currently public right-of-way.

East: City of Appleton. P-I Public Institutional District, AG Agricultural District and Town of Grand Chute. AGD – General Agricultural District. The adjacent land use to the east is currently agricultural land and public right-of-way.

Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as Officially Mapped North Providence Avenue and One/Two Family Residential. The proposed dedication is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

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:

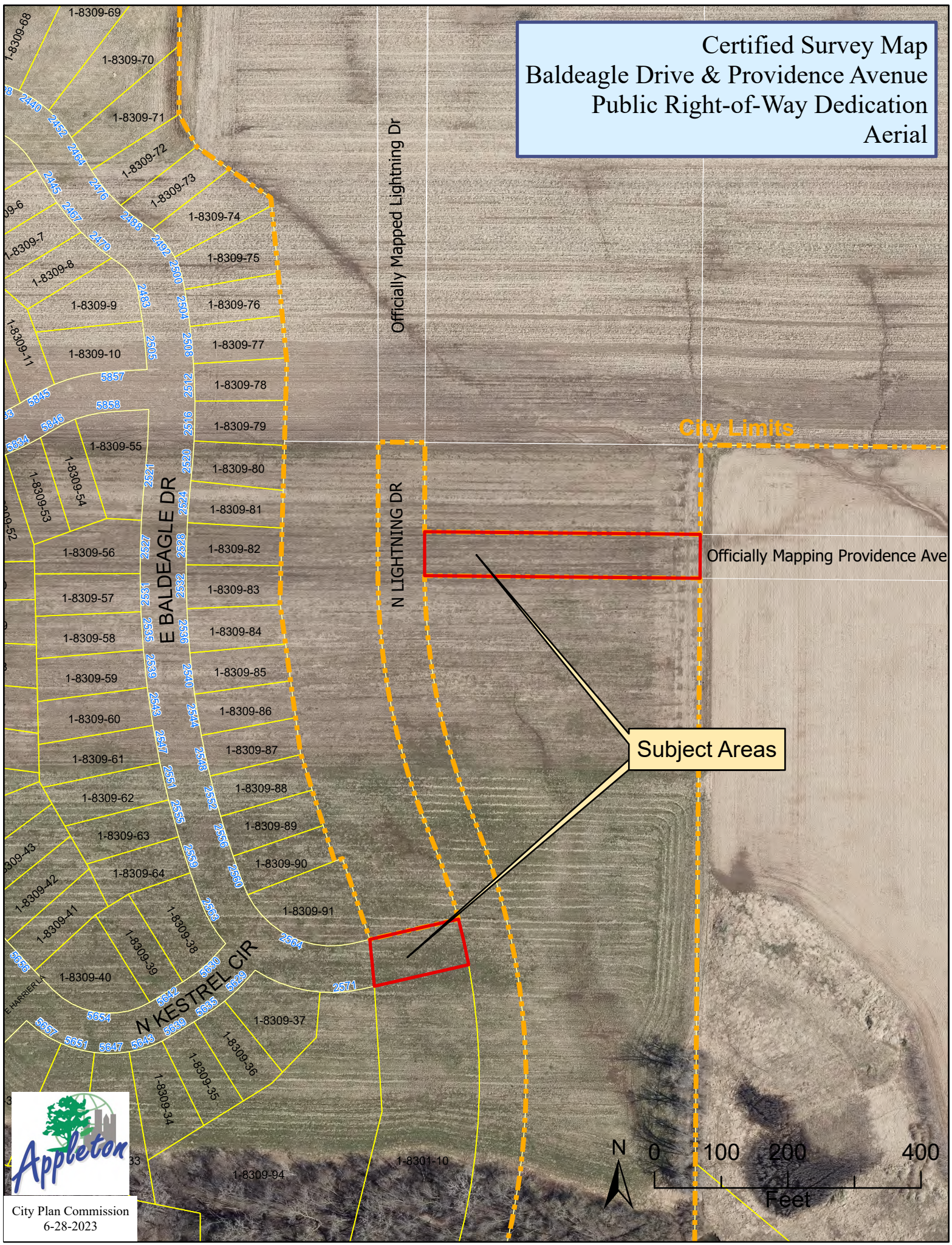
Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

Technical Review Group (TRG) Report: This item appeared on the June 6, 2023 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the dedication of land for public right-of-way for North Providence Avenue and East Baldeagle Drive, as shown on the attached map, **BE APPROVED**.

Certified Survey Map
Baldeagle Drive & Providence Avenue
Public Right-of-Way Dedication
Aerial



Subject Areas

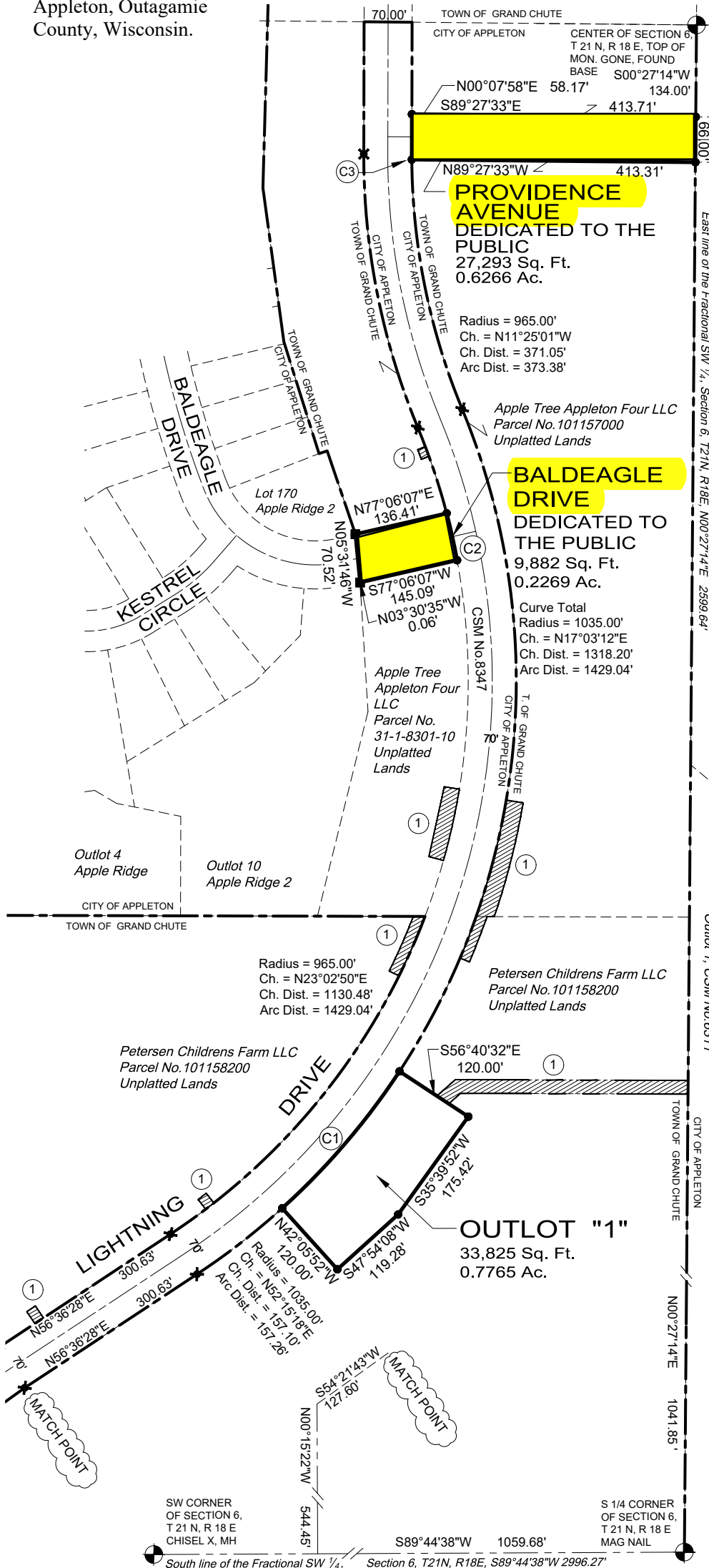


City Plan Commission
6-28-2023

CERTIFIED SURVEY MAP NO.

Part of the Southeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

SHEET 1 OF 3



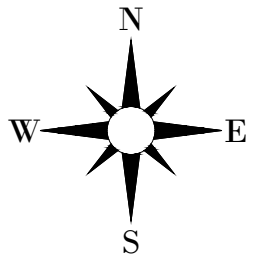
OFFICIALLY (66' r/w) MAPPED PROVIDENCE AVENUE

Emerald Valley Estates LLC
Parcel No. 31-1-7600-00
Unplatted Lands

CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	1035.00'	263.34'	262.63'	N40°36'48"E
C2	965.00'	70.02'	70.00'	S12°35'31"E
C3	965.00'	7.83'	7.83'	N00°05'59"W

① = Easements by document #2286607 and #2284344

- LEGEND**
- = $\frac{3}{4}$ " Iron Rebar, 24" long, Weighing 1.5 lbs./ft. Set
 - ▲ = 1.3" O.D. Iron Pipe Found
 - ✕ = $\frac{3}{4}$ " Iron Rebar Found
 - = 1 $\frac{1}{4}$ " Iron Rebar Found
 - ⊙ = Government Corner
 - () = Measurements of Record



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL SW $\frac{1}{4}$ SECTION 6, T.21N., R.18E.; WHICH BEARS N89°44'38"E
H:\Acad\CSM\2023\Baldeagle_Providence_Pond_03_2023

SCALE IN FEET

0 200' 400'

CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM

CERTIFIED SURVEY MAP NO. _____

Part of the Southeast 1/4 of the Fractional Southwest 1/4 and the Northeast 1/4 of the Fractional Southwest 1/4 of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

SURVEYOR'S CERTIFICATE:

SHEET 2 OF 3

A part of the Northeast 1/4 of the Fractional Southwest 1/4 and the Southeast 1/4 of the Fractional Southwest 1/4 of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 71,000 Square Feet (1.630 Acres) of land and being further described as follows:

Commencing at the South 1/4 corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW 1/4 of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 54°21'43" East 127.60 feet; Thence North 56°36'28" East 300.63 feet;

Thence Northeasterly 157.26 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears North 52°15'18" East 157.10 feet to the point of beginning;

Thence continue Northeasterly 263.34 feet along the arc of a curve to the left having a radius of 1035.00 feet and the chord of which bears North 40°36'48" East 262.63 feet; Thence South 56°40'32" East 120.00 feet;

Thence South 35°39'52" West 175.42 feet; Thence South 47°54'08" West 119.28 feet;

Thence North 42°05'52" West 120.00 feet to the point of beginning.

And

Commencing at the South 1/4 corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW 1/4 of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 33°23'32" West 80.00 feet; Thence North 58°51'13" East 127.60 feet;

Thence North 56°36'28" East 300.63 feet;

Thence Northeasterly 1130.48 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North 23°02'50" East 1066.94 feet to the point of beginning;

Thence South 77°06'07" West 145.09 feet to the Southeast end of Baldeagle Drive according to Apple Ridge 2;

Thence North 03°30'35" West 0.06 feet coincident with the East line of Apple Ridge 2;

Thence North 05°31'46" West 70.52 feet coincident with the East line of Apple Ridge 2 to the Northeast end of Baldeagle Drive;

Thence North 77°06'07" East 136.41 feet;

Thence Southerly 70.02 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South 12°35'31" East 70.00 feet to the point of beginning.

And

Commencing at the South 1/4 corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW 1/4 of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 54°21'43" East 127.60 feet; Thence North 56°36'28" East 300.63 feet;

Thence Northerly 1429.04 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North 17°03'12" East 1318.20 feet;

Thence Northerly 373.38 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North 11°25'01" West 371.05 feet to the point of beginning;

Thence continue Northerly 7.83 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North 00°05'59" West 7.83 feet; Thence North 00°07'58" East 58.17 feet;

Thence South 89°27'33" East 413.71 feet to the East line of the Fractional Southwest 1/4 of said Section 6;

Thence South 00°27'14" West 66.00 feet coincident with the East line of the Fractional Southwest 1/4 of said Section 6;

Thence North 89°27'33" West 413.31 feet to the point of beginning.

Said lands subject to all easements and restrictions of record.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying, dividing and mapping the same. That this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

Dated this _____ day of _____, 2023.

Wisconsin Professional Land Surveyor: Thomas M. Kromm

This Certified Survey Map is all of tax parcel: 31-1-8301-11 and also lands with no parcel number assigned due to the fact they are intended to be dedicated as right of way.

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

Document No.2284343 and 2286607. The property owner of record is the City of Appleton.

