

# ***ORDINANCE NO.: Z-9—2024-25***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

***MAJORITY***

1 AN ORDINANCE TO AMEND THE OUTAGAMIE COUNTY ZONING ORDINANCE.

2 The subject matter of the ordinance having been duly referred and considered by the  
3 Outagamie County Agriculture, Extension Education, Zoning and Land Conservation  
4 Committee and public hearing having been held after giving requisite notice of said  
5 hearing, and a recommendation as required by Section 59.69 of the Wisconsin State  
6 Statutes.

7  
8 Outagamie County Planning Staff Rezoning Review recommends approval. Agriculture,  
9 Extension Education, Zoning and Land Conservation Committee recommends approval.

10  
11 NOW THEREFORE, the undersigned members of the Agriculture, Extension, Zoning, and Land  
12 Conservation Committee recommend adoption of the following ordinance.

13 BE IT ORDAINED, that the Outagamie County Board of Supervisors does recommend adoption  
14 of the petition of McMahon Associates Inc., applicant on behalf of KG Futures Group, LLC, owner, to  
15 rezone parcels (see Exhibit A&B) from General Agricultural & Single-Family Residential to Single-  
16 Family Residential & Two-Family Residential. The location of the site is immediately southwest of the  
17 intersection of Mc Hugh Road and Vans Court, Town of Freedom, Outagamie County, WI, as depicted  
18 on the attached review and map, which by reference are made a part hereof, and

19 BE IT FURTHER ORDAINED, that this ordinance shall be in full force and effect in the Town of  
20 Freedom upon approval by the Outagamie County Board of Supervisors, publication per State Statute  
21 59.14 and 66.0103, and the execution and recording of the above stated deed covenants, and

22 BE IT FINALLY ORDAINED, that the Outagamie County Clerk be directed to forward a certified  
23 copy of this ordinance to the Town of Freedom Clerk, the Outagamie County Zoning Administrator and  
24 the Municipal Code Corporation for inclusion in the Outagamie County Code of Ordinances.

25 Dated this \_\_\_\_\_ day of January 2025.

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Respectfully Submitted,

AGRICULTURE, EXTENSION  
EDUCATION, ZONING & LAND  
CONSERVATION COMMITTEE

\_\_\_\_\_  
Debra Vander Heiden

\_\_\_\_\_  
Mike Janke

\_\_\_\_\_  
Jayme Heiser

\_\_\_\_\_  
Daniel Rettler

\_\_\_\_\_  
Mark Mitchell

Duly and officially adopted by the County Board on: \_\_\_\_\_

Signed:

\_\_\_\_\_  
Board Chairperson

\_\_\_\_\_  
County Clerk

Approved: \_\_\_\_\_

Vetoed: \_\_\_\_\_

Signed:

\_\_\_\_\_  
County Executive



Department of Development and Land Services  
 Planning & Zoning | GIS & Land Information  
 320 S. Walnut St | Appleton, WI 54911  
 Administration Building, 3rd Floor  
 Phone: 920-832-5255 | Fax: 920-920-832-4770  
 www.outagamie.org

## MEMORANDUM

TO: Outagamie County Agriculture, Extension Education, Zoning & Land Conservation Committee  
 FROM: Isaac Uitenbroek, Zoning Administrator  
 DATE: January 6, 2024  
 RE: **PL202400535; KG Futures Group, LLC; Rezoning Review & Recommendation**

**Application Details:**

*Applicant:* McMahon Associates, Inc., owner’s agent  
*Owner:* KG Futures Group, LLC  
*Request:* Rezoning From: General Agricultural & Single-Family Residential  
 To: Single-Family Residential & Two-Family Residential  
*Location:* Town of Freedom; Parcel(s): See Exhibits A & B for legal descriptions  
 (Subject Property)  
*Public Hearing:* January 14, 2025; 9:00 AM (Public Notice per Post Crescent)

**Background & Analysis:**

This proposed rezoning, totaling 38.88 acres, will allow for Single-Family Residential and Two-Family Residential uses within a platted subdivision (Fox Meadows Plat). The property is located immediately southwest of the intersection of Mc Hugh Road and Vans Court, Town of Freedom (Exhibit C). Current land use and zoning adjacent to the Subject Property is as follows:

SURROUNDING USES:		
	<i>Existing Zoning</i>	<i>Existing Use</i>
<b>North</b>	Single-Family Residential	Single-Family Residences
<b>South</b>	General Agricultural	VFW Memorial Park – Sports Fields
<b>East</b>	Single-Family Residential	Single-Family Residences
<b>West</b>	Single-Family Residential	Single-Family Residences

The subject property contains no navigable streams or mapped floodplain; however, wetlands (delineation completed July 30, 2024) are present. The proposed site design (see Exhibit D) will be required to account for these environmentally sensitive areas and will be required to meet all applicable setbacks and federal, state and county permitting requirements prior to development. There are no known cultural or historical attributes present. The subject property is located within the Freedom Sanitary District and will be served by public sewer and water. The proposed development is consistent with existing residential land use patterns to the north, south, east and west, and will allow for further west-east connectivity with construction of Park Avenue extension to McHugh Road.

The Town of Freedom Board reviewed this rezoning request on November 20, 2024, and recommended approval (see Exhibit E). The Town of Freedom general zoning is administered by the County and the County is statutorily obligated to document consistency with the County Comprehensive Plan, pursuant to Sec. 66.1001(3) Wis. Stats. The County Comprehensive Plan designates the Subject Property as

"Suburban Residential". As such, staff finds this rezoning request to be consistent with the County Comprehensive Plan.

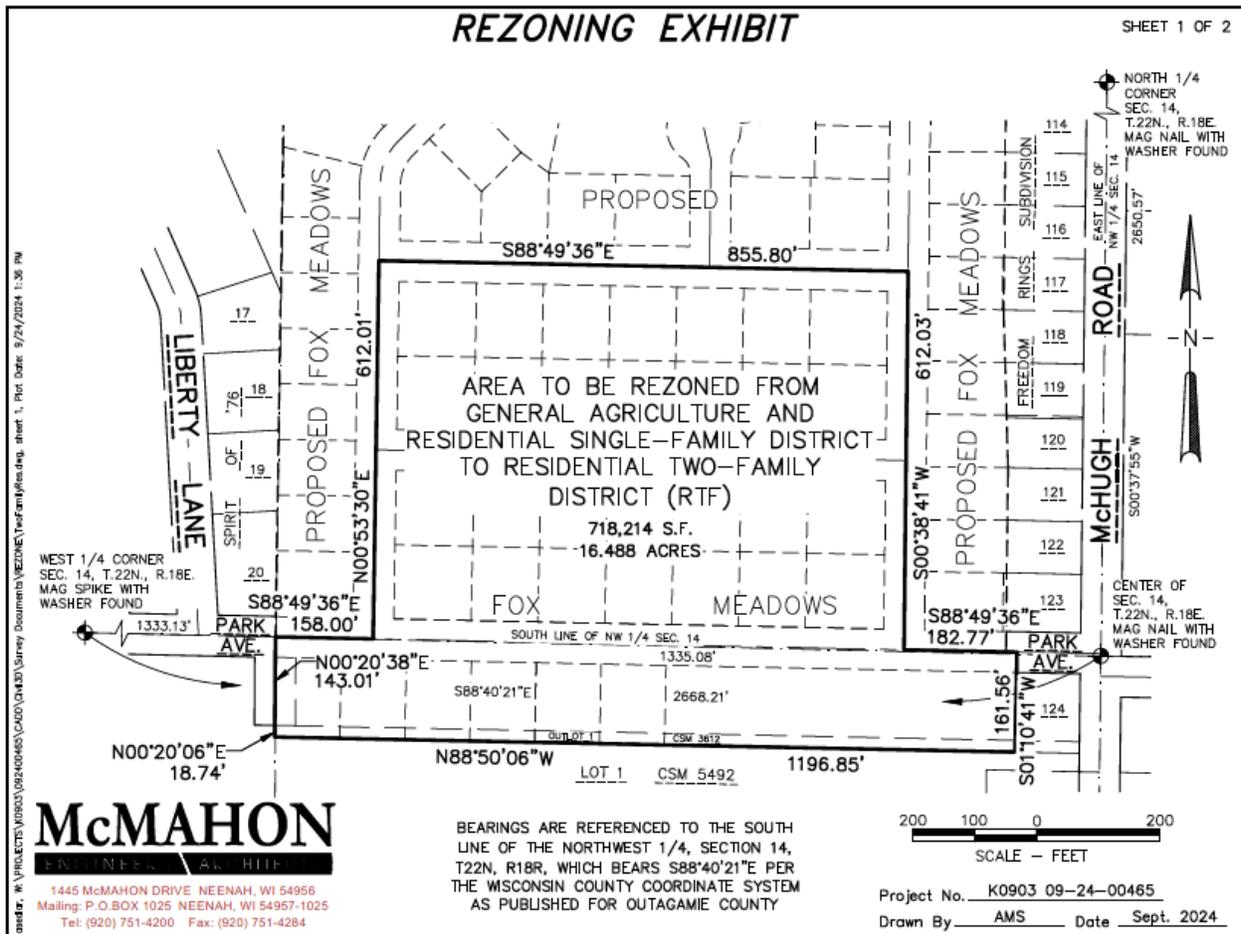
**STAFF RECOMMENDATION:**

Based on our review and the above analysis of this proposed rezoning, **COUNTY STAFF RECOMMENDS APPROVAL** of the following:

1. Rezoning of lands described in Exhibit A from General Agricultural/Single-Family Residential to Two-Family Residential as requested; and
2. Rezoning of lands described in Exhibit B from General Agricultural to Single-Family Residential as requested.

**\*\*LOCK IN REQUEST\*\*** due to the time sensitive nature of the proposed development, we request that this rezoning be locked in at the first County Board meeting where it is considered (anticipated to be January 28, 2025).

**EXHIBIT A**



**REZONING EXHIBIT**

SHEET 2 OF 2

DESCRIPTION OF LANDS TO BE REZONED TO (RTF) RESIDENTIAL TWO-FAMILY DISTRICT:

All of Lots 28-33, 46-57, 70-81, 94-99, 125-137 and part of Lots 34, 45, 58, 69, 82, and 93 of Freedom Rings Subdivision, recorded in Cabinet C of Plats in File Numbers 193-194, as Document No. 753155; and portions of American Way, Constitution Lane, Freedom Lane, Independence Avenue and Park Avenue; and part of Outlot 1 of Certified Survey Map No. 3612 recorded in Volume 19 of Certified Survey Maps on Page 3612, as Document No. 1346124; all being a part of the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 14, Township 22 North, Range 18 East, Town of Freedom, Outagamie County, Wisconsin containing 718,214 square feet (16.488 acres) of land and more particularly described as follows:

Commencing at the West 1/4 corner of said Section 14; thence S88°40'21"E, 1333.13 feet along the South line of the Northwest 1/4 of said Section 14 to the West line of the Southeast 1/4 of the Northwest 1/4 of said Section 14 as previously surveyed and monumented by others, also being the West line of Freedom Rings Subdivision, recorded in Cabinet C of Plats in File Numbers 193-194, as Document No. 753155, and the Point of Beginning; thence S88°49'36"E, 158.00 feet; thence N00°53'30"E, 612.01 feet; thence S88°49'36"E, 855.80 feet; thence S00°38'41"W, 612.03 feet to the centerline of Park Avenue; thence S88°49'36"E, 182.77 feet along said centerline to the Northerly extension of the West line of Lot 124 of said Freedom Rings Subdivision; thence S01°10'41"W, 161.56 feet along said extended West line and its Southerly extension to the South line of Outlot 1 of Certified Survey Map No. 3612, record in Volume 19 of Certified Survey Maps on Page 3612, as Document No. 1346124; thence N88°50'06"W, 1196.85 feet along said South line to the Southwest corner of said Outlot 1; thence N00°20'06"E, 18.74 feet (recorded as 18.88 feet) along the West line of said Outlot 1 to the Northwest corner thereof; thence N00°20'38"E, 143.01 feet along the West line of the Northeast 1/4 of the Southwest 1/4 of said Section 14 as previously surveyed and monumented by others, also being the West line of Freedom Rings Subdivision and the Point of Beginning.



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



# REZONING EXHIBIT

SHEET 2 OF 2

DESCRIPTION OF LANDS TO BE REZONED TO (RSF) RESIDENTIAL SINGLE-FAMILY DISTRICT:

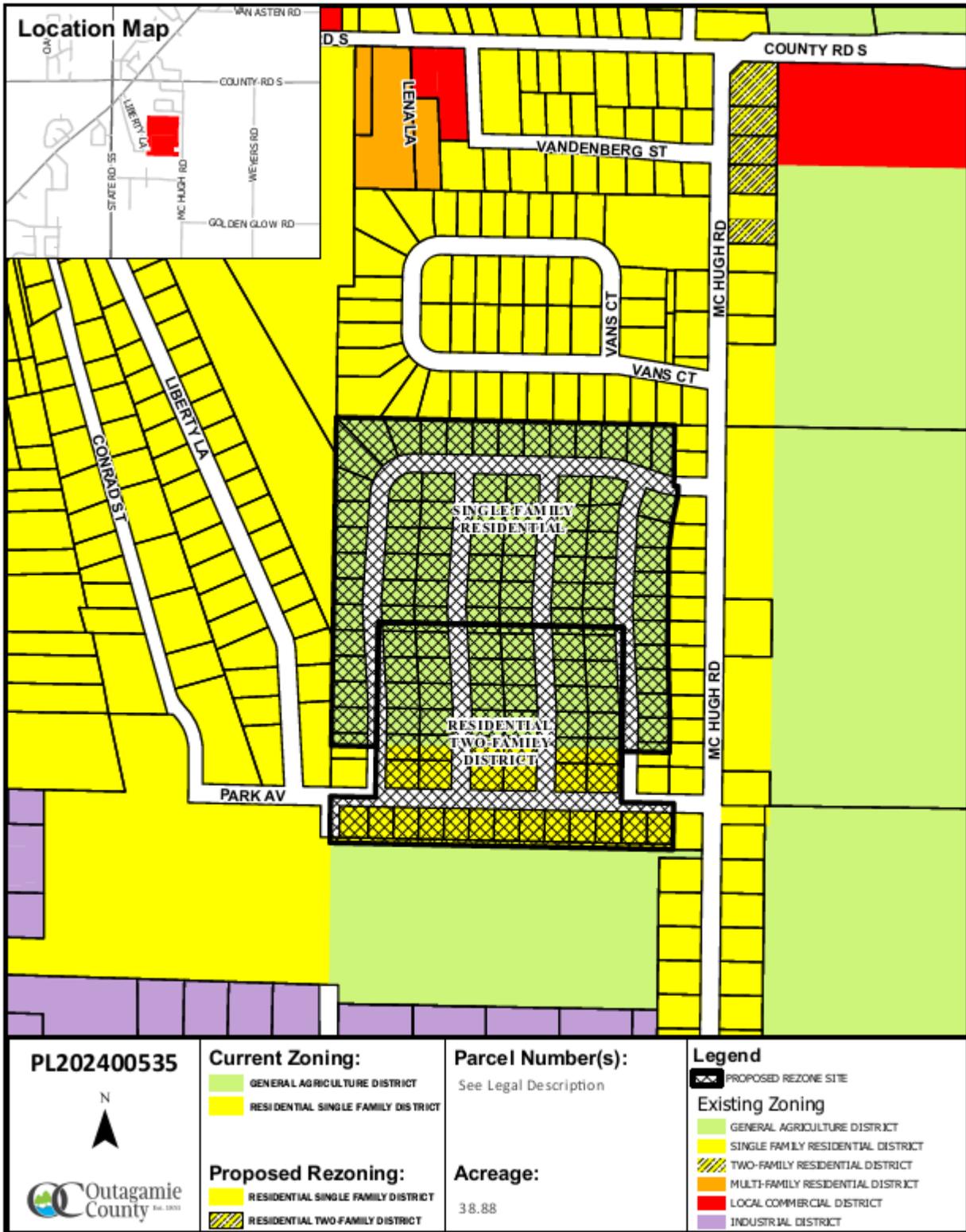
All of Lots 3-25, 35-44, 59-68, 83-92, 102-111 and part of Lots 26, 34, 45, 58, 69, 82, 93, and 101 of Freedom Rings Subdivision, recorded in Cabinet C of Plats in File Numbers 193-194, as Document No. 753155; and portions of American Way, Constitution Lane, Freedom Lane and Independence Avenue; all being a part of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 22 North, Range 18 East, Town of Freedom, Outagamie County, Wisconsin containing 975,461 square feet (22.394 acres) of land and more particularly described as follows:

Commencing at the West 1/4 corner of said Section 14; thence S88°40'21"E, 1333.13 feet along the South line of the Northwest 1/4 of said Section 14 to the West line of the Southeast 1/4 of the Northwest 1/4 of said Section 14 as previously surveyed and monumented by others, also being the West line of Freedom Rings Subdivision, recorded in Cabinet C of Plats in File Numbers 193-194, as Document No. 753155; thence N00°53'30"E, 178.00 feet, along said West lines to the Point of Beginning; thence continuing N00°53'30"E, 1147.17 feet along said West lines to the Northwest corner of Freedom Rings Subdivision; thence S88°40'17"E, 1180.78 feet along the North line of the Southeast 1/4 of the Northwest 1/4 of said Section 14 as previously surveyed and monumented by others, also being the North line of Freedom Rings Subdivision to the Northwest corner of Lot 1 thereof; thence S00°38'41"W, 212.25 feet along the West line of Lots 1 and 2 of said Freedom Rings Subdivision and its Southerly extension to the centerline of Independence Avenue and start of a 193.00 foot radius curve to the left; thence 14.64 feet along the arc of said curve being the centerline of Independence Avenue having a 14.64 foot chord which bears S86°30'53"E; thence S01°18'41"W, 33.00 feet to the Northwest corner of Lot 112 of said Freedom Rings Subdivision; thence S11°45'41"W, 99.86 feet along the West line of said Lot 112 to the Northwest corner of Lot 113 of said Freedom Rings Subdivision; thence S07°21'41"W, 85.49 feet along the West line of said Lot 113 to the Northwest corner of Lot 114 of said Freedom Rings Subdivision; thence S00°38'41"W, 340.00 feet along the West line of Lots 114-117 of said Freedom Rings Subdivision to the Northwest corner of Lot 118 thereof; thence S01°36'35"E, 255.30 feet along the West line of Lots 118-120 of said Freedom Rings Subdivision to the Northwest corner of Lot 121 thereof; thence S00°38'41"W, 120.00 feet along the West line of Lots 121 and 122 of said Freedom Rings Subdivision; thence N88°49'36"W, 165.05 feet; thence N00°38'41"E, 434.02 feet; thence N88°49'36"W, 855.80 feet; thence S00°53'30"W, 434.01 feet; thence N88°49'36"W, 158.00 feet to the West line of the Southeast 1/4 of the Northwest 1/4 of said Section 14 as previously surveyed and monumented by others, also being the West line of Freedom Rings Subdivision and the Point of Beginning.



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Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025  
Tel: (920) 751-4200 Fax: (920) 751-4284

**EXHIBIT C**



<p><b>PL202400535</b></p> <p>N</p> <p><b>Outagamie County</b> Est. 1851</p>	<p><b>Current Zoning:</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> GENERAL AGRICULTURE DISTRICT</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black; margin-right: 5px;"></span> RESIDENTIAL SINGLE FAMILY DISTRICT</li> </ul> <p><b>Proposed Rezoning:</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black; margin-right: 5px;"></span> RESIDENTIAL SINGLE FAMILY DISTRICT</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> RESIDENTIAL TWO-FAMILY DISTRICT</li> </ul>	<p><b>Parcel Number(s):</b> See Legal Description</p> <p><b>Acres:</b> 38.88</p>	<p><b>Legend</b></p> <p> PROPOSED REZONE SITE</p> <p><b>Existing Zoning</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> GENERAL AGRICULTURE DISTRICT</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black; margin-right: 5px;"></span> SINGLE FAMILY RESIDENTIAL DISTRICT</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></span> TWO-FAMILY RESIDENTIAL DISTRICT</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFA500; border: 1px solid black; margin-right: 5px;"></span> MULTI-FAMILY RESIDENTIAL DISTRICT</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black; margin-right: 5px;"></span> LOCAL COMMERCIAL DISTRICT</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #800080; border: 1px solid black; margin-right: 5px;"></span> INDUSTRIAL DISTRICT</li> </ul>
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**EXHIBIT E**

Department of Development and Land Services  
 Planning & Zoning | GIS & Land Information  
 320 S. Walnut St. | Appleton, WI 54911  
 Outagamie County Government Center, 3rd Floor  
 Phone: (920) 832-5255 Fax: (920) 832-4770  
 www.outagamie.org

**TOWN RECOMMENDATION FORM**

This form must accompany any County petition requesting a rezone (map amendment), special exception permit, special exception airport permit, conditional use permit, variance, or appeal. Towns must provide a signed copy of this form to the applicant/petitioner and should retain a copy.

**OVERVIEW OF REQUEST:**

Town (or Applicable Village):	
Request:	Rezoning
Applicant or Petitioner Name:	Keith Gonnering - Fox Meadows
Applicant Contact Information (Preferred):	920-378-2271
Site Parcel Number(s):	090139800, 090139900 et al. (See attached)
Site Address (if applicable):	
Pre-Application Meeting Number (if applicable):	
Description of the Request:  <i>(Please summarize the purpose of this request and/or attach a copy of the pre-application meeting summary, if applicable.)</i>	approval to rezone for building Single and Two Family Residential

**COMPLETED BY THE CLERK:**

**Certification:**

I hereby certify that the Board of Freedom, at a legally convened meeting of the Board held on 11/20/2024, voted to Approve the Rezoning request:

Dana Methel Clerk Signature      11-20-24 Date

Motion Outcome by a Vote of:	5	For	0	Against
General Comments/Reasons for the Decision:  <i>(See next page for instructions. If needed, you may include additional pages.)</i>	Draft minutes attached			

Tax Parcel Nos.:

090139800, 090139900, 090140000, 090140100, 090140200, 090140300, 090140400, 090140500,  
090140600, 090140700, 090140800, 090140900, 090141000, 090141100, 090141200, 090141300,  
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