



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: February 22, 2016

Common Council Meeting Date: March 2, 2016

Item: Final Plat – Pond View Estates

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: North Meadows Investment, LTD, Owner
Jason Mroz, Apple Tree, LLC, Applicant

Parcel #: 31-1-6501-06 and 31-1-6501-05

Petitioner's Request: The owner/applicant is proposing to subdivide property for a single-family development.

BACKGROUND

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-15 from a Commercial designation to a Single/Two Family Residential designation and Rezoning #6-15 from C-O Commercial Office District to R-1B Single-Family Residential District for the subject site was approved by the Plan Commission on December 7, 2015 and Common Council on January 20, 2016.

The Plan Commission approved the preliminary plat on January 11, 2016 and the Common Council approved the preliminary plat on January 20, 2016.

The subject parcels were annexed into the City in 1990 as part of the AAL Annexation. The subject parcels and surrounding land were then rezoned to C-O Commercial Office District in 2001 by AAL for a business/office park. The subject parcels and approximately 90 acres of land surrounding the subject parcels were subdivided in 2002, creating the Apple Creek Center Subdivision.

STAFF ANALYSIS

Existing Conditions: The portion of the lot to be subdivided is currently undeveloped and zoned R-1B Single-Family District. The area being platted for single family development is 5.63333 acres which will be divided into 13 lots and 1 outlot.

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

- Minimum lot area: Six thousand (6,000) square feet.
 - *The average lot size is 13,200 square feet. All lots exceed this requirement.*
- Minimum lot width: Fifty (50) feet.
 - *The average lot width is 58 feet. All lots exceed this requirement.*

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- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard on a local street; Twenty-five (25) front yard on an arterial street; Six (6) foot side yard; and Twenty-five (25) foot rear yard.
 - *Required front and shore yard building setbacks are shown on the Final Plat. All required building setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

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

Access and Traffic: Vehicular access to the subject lots is provided by existing local and collector streets. No new streets are proposed with this development.

Surrounding Zoning Classification, Future Land Use Designation and Current Land Uses:

- **North:**
 - Zoning – C-O Commercial Office District
 - Future Land Use Designation – Commercial
 - Current Land Use – Undeveloped

 - Zoning – R-3 Multi-family Residential District
 - Future Land Use Designation – Multi-family
 - Current Land Use – Proposed Community Living Arrangement (CLA)
- **South:**
 - Zoning – R-3 Multi-family Residential District
 - Future Land Use Designation – Multi-family
 - Current Land Use – Condominiums
- **East:**
 - Zoning – R-1B Single-family Residential District
 - Future Land Use Designation – Single/Two-family
 - Current Land Use – Single-family Residential
- **West:**
 - Zoning – R-3 Multi-family Residential District
 - Future Land Use Designation – Multi-family
 - Current Land Use – Community Living Arrangement (CLA)

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

Parks and Open Space: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code are \$300 per dwelling unit. The total park fee required for this development is \$3,900.

Technical Review Group Report (TRG): This item was discussed at the February 2, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

The Pond View Estates Final Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Park fees of \$3,900 shall be paid to the City of Appleton Finance Department prior to the City signatures being affixed to the Final Plat.
2. Prior to the City signatures being affixed to the Final Plat, the following items shall be addressed to the satisfaction of the Department of Public Works Engineering Division:
 - a. The 100-year floodplain limit line is labeled "floodplain per pending flood study", but the notes section states, "Flood Plain shown per FIRM 55087C0336D with an effective date of 07/22/2010". The final plat should not depict information for a flood study that has not been approved. Additionally, the floodplain limit line should be shown where the Base Flood Elevation per the effective FEMA flood study floodway data tables intersects with the surveyed ground surface.
 - b. Where floodplain modifications are apparently proposed, a "Proposed Flood Plain" limit line is shown. Since the proposed modifications and resulting floodplain limits are not approved, do not show the line work depicting the proposed flood plain.
 - c. Please show the FEMA flood study cross-sections on the plat, for the purpose of demonstrating the source of the flood elevations shown and verifying the correct elevations are shown.
 - d. Submit a Stormwater Permit Application with Stormwater Management Plan and supporting documentation (e.g. wetland delineation report). Additional comments may result from City consultant review of those items.
 - e. Submit a Final Drainage Plan that incorporates previous comments that resulted from the Preliminary Drainage Plan review. Additional comments may result from City consultant review of that item.
 - f. Submit a Stormwater Utility Service Application.

Final Plat
Pond View Estates

Subject
Area

1-8006-2

1-8007

1-8026

1-8025

1-8025

1-8025

1-8025

1-6507-68

1-6507-67

1-6507-66

1-6507-69;507-89

1-6507-70;507-88

1-6507-71;507-87

1-6501-3

1-6501-4

1-6501

6501-30

Glenhurst La

1-6501-6

1-6501-5

Lightning Dr

1-6500-13

1-6500-12

1-6500-11

1-6500-10

1-6500-9

1-6501-31

01-1

1-6501-33

1-6503-5

1-6512-4

1-6512-5

1-6512-6

1-6512-7

1-6512-8

1-6512-9

1-6512-10

1-6512-11

Milestone Dr

1-6500-

1-6500

1-65

1-6500



City Plan Commission
2-22-16

0 62.5 125 250 Feet



Pond View Estates

All of Lot 5 and Lot 6, Apple Creek Center, being part of the Northeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4 of the Southwest 1/4 Section 07, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

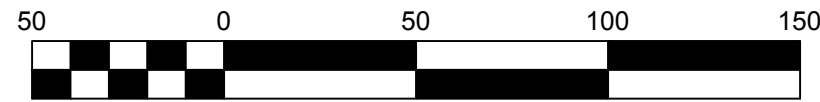
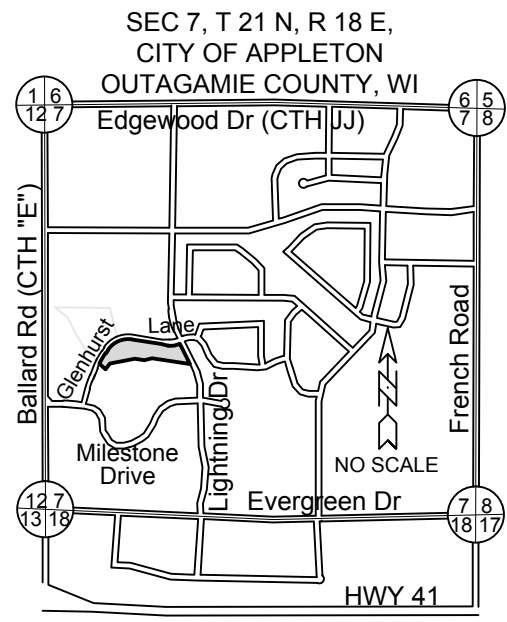
There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20__

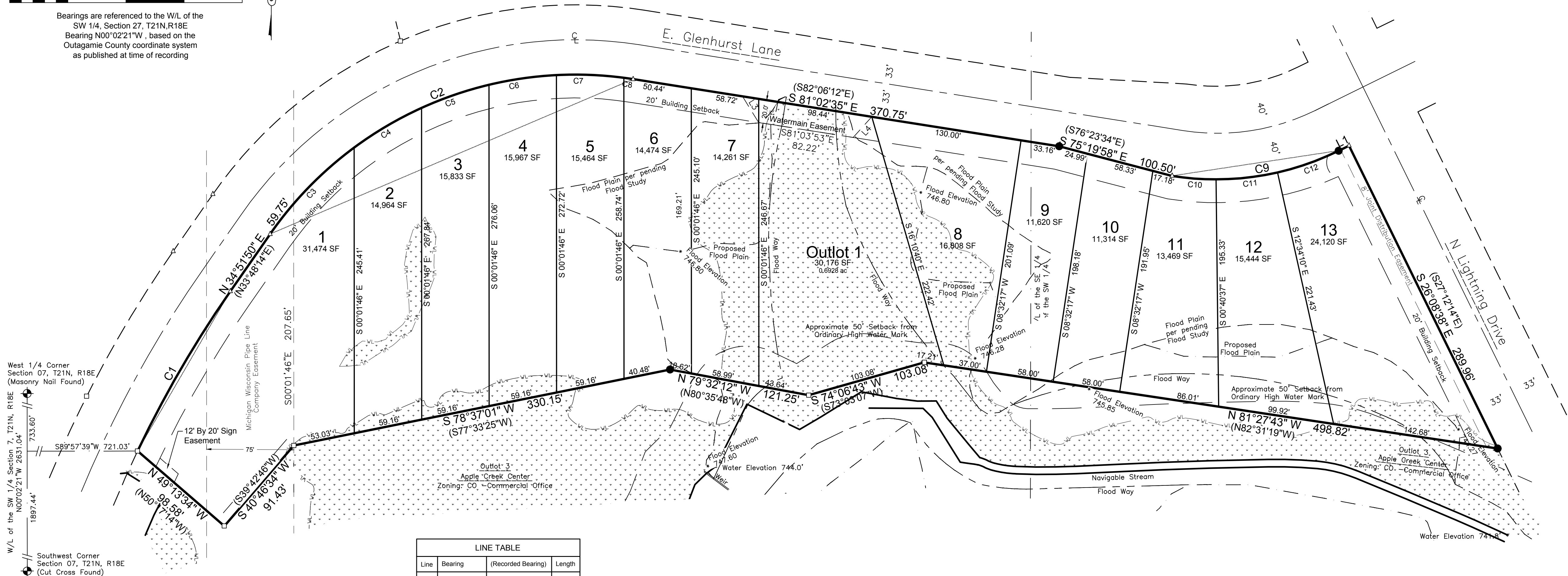


Department of Administration

LOCATION MAP



Bearings are referenced to the W/L of the SW 1/4, Section 07, T21N, R18E Bearing N00°02'21"W, based on the Outagamie County coordinate system as published at time of recording



NOTES

- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.
- Flood Plain shown per FIRM 55087C0336D with an effective date of 07/22/2010
- The ownership of Outlot 1 will be equally divided between all lots with in the plat.
- All elevations shown are NAVD 29 (per city Datum) the conversion to NAVD 88 is -0.04 feet.

LEGEND

- △ 1/4" Rebar Found
- 1" Iron Pipe Found
- 1/4" x 24" Steel Rebar @ 4.30lbs/LF SET
- All other corners
- 3/4" x 24" Steel Rebar @ 1.50lbs/LF SET
- SF Lot areas in square feet
- () Recorded As

Wetland as delineated by Davel Engineering & Environmental Inc. Date of delineation: Nov. 2015

LINE TABLE

Line	Bearing	(Recorded Bearing)	Length
L1	N 63°51'22" E	(S62°47'46"E)	10.00'
L3	S 31°48'47" E		26.45'
L4	N 42°04'40" E		23.88'

CURVE TABLE

Curve	Radius	Chord Direction	(Recorded Bearing)	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	970.00'	N 30°09'57" E	(N29°06'20.5"E)	158.90'	159.08'	9°23'47"	N 25°28'03" E	N 34°51'50" E
C2	320.00'	N 66°54'37" E	(S65°51'01"W)	339.59'	357.96'	64°05'36"	N 34°51'50" E	S 81°02'35" E
C3	320.00'	N 44°10'59" E	(N80°20'47"E)	103.64'	104.10'	18°38'20"	N 34°51'50" E	N 53°30'09" E
C4	320.00'	N 59°32'09" E		67.27'	67.39'	12°04'00"	N 53°30'09" E	N 65°34'10" E
C5	320.00'	N 71°03'59" E		61.31'	61.40'	10°59'38"	N 65°34'10" E	N 76°33'47" E
C6	320.00'	N 81°48'58" E		58.59'	58.67'	10°30'20"	N 76°33'47" E	N 87°04'08" E
C7	320.00'	S 87°43'39" E		58.05'	58.13'	10°24'27"	N 87°04'08" E	S 82°31'25" E
C8	320.00'	S 81°47'00" E		8.27'	8.27'	1°28'50"	S 82°31'25" E	S 81°02'35" E
C9	240.00'	N 81°24'23" E	(N80°20'47"E)	144.74'	147.03'	35°06'02"	S 81°02'36" E	N 63°51'23" E
C10	240.00'	S 85°33'13" E		37.75'	37.79'	9°01'15"	S 81°02'36" E	N 89°56'09" E
C11	240.00'	N 83°33'52" E		53.27'	53.38'	12°44'35"	N 89°56'09" E	N 77°11'34" E
C12	240.00'	N 70°31'28" E		55.74'	55.86'	13°20'12"	N 77°11'34" E	N 63°51'23" E

File: 4553Final.dwg
Date: 02/08/2016
Drafted By: Jim
Sheet: 1 of 2

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro

James R Schloff PLS 2692 Date _____

Pond View Estates

All of Lot 5 and Lot 6, Apple Creek Center, being part of the Northeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4 of the Southwest 1/4 Section 07, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Apple Tree - Appleton Three, LLC, owner of said land, I have surveyed divided and mapped Pond View Estates; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 5 and Lot 6, Apple Creek Center, being part of the Northeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4 of the Southwest 1/4 Section 07, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 245,389 Square Feet (5.6333 Acres) of land more or less subject to easement and restrictions of record.

Given under my hand this ____ day of _____, 20____.

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

Utility Easement Provisions

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

Apple Tree - Appleton Three, LLC, Grantor, to:

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

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

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

Apple Tree - Appleton Three, LLC .

Managing Member Date

print name

Title

City of Appleton Approval

Resolved, that the plat of Pond View Estates, in the City of Appleton, Outagamie County, Apple Tree - Appleton Three, LLC, owner, is hereby approved by the Common Council of the City of Appleton.

Mayor Date

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

Clerk Date

Treasurer's Certificate

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

City Treasurer Date

County Treasurer Date

Owner's Certificate

Apple Tree - Appleton Three, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Apple Tree - Appleton Three, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Appleton
Department of Administration

Dated this ____ day of _____, 20____.

In the presence of: Apple Tree - Appleton Three, LLC

By _____

print name _____

Title _____

State of Wisconsin)

_____ County) ss

Personally came before me this ____ day of _____, 20____, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, Wisconsin My Commission Expires _____

Watermain Easement Provisions

An easement for Watermain is hereby granted by:

Apple Tree - Appleton Three, LLC, Grantor, to

THE CITY OF APPLETON, Grantee,

The Grantor, their respective lessees, successors, heirs or assigns, shall have full use and enjoyment of the property referenced above provided that such use does not interfere with Grantee's right to install, replace, operate, maintain and repair said watermain and associated appurtenances. It is further agreed that after maintaining, repairing, replacing or relocating of said watermain and associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said watermain and associated appurtenances, that occur outside of the above described easement area. Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "watermain easement" Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

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

By _____

print name _____

Title _____

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

the property owner of record:	Recording Information:	Parcel Number(s):
Apple Tree - Appleton Three, LLC	Doc No. _____	31-1-6501-05 & 31-1-6501-06

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

Certified _____, 20____

Department of Administration



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Drafted By: Jim
Sheet: 2 of 2



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