



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: April 10, 2024

Common Council Meeting Date: April 17, 2024

Item: Preliminary Plat – Lumbini Estates – 27 lot single-family subdivision

Prepared by: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Saket, LLC, 3206 South Tahoe Lane

Applicant: Martenson & Eisele, Inc., c/o Jack Richeson

Location: 2101 East Plank Road, land area east of the Midway Road/Plank Road roundabout

Parcel Number: 31-9-4161-00

BACKGROUND

The subject property was annexed to the City of Appleton through the Jonen Family Trust Annexation in 1985. The R-1A zoning classification has remained on this property since the time of annexation.

The proposed street design for Lumbini Estates subdivision was approved by the Municipal Services Committee on March 25, 2024 and by the Common Council on April 3, 2024.

STAFF ANALYSIS

Existing Conditions: The subject site is agricultural land with an existing shed. The land area is 12.859 acres.

Proposed Conditions: The Preliminary Plat for Lumbini Estates consists of the following:

- Twenty-seven (27) single-family residential lots.
- Twenty-five (25) foot wide landscape easement located on Lots 5 through 15 for the construction of a 2 ½ foot high berm per engineering drawings.
- Sidewalks are proposed on both sides of the proposed streets.

Zoning District Classification: R-1A Single-family District.

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Zoning and Subdivision Ordinance Review Criteria: R-1A Single-family District lot development standards (Section 23-92, Chapter 23 Zoning Code) are as follows:

- Minimum lot area: 8,000 square feet.
 - *The proposed average lot size within this development is 16,586 square feet. All lots exceed the minimum lot area requirement.*
- Minimum lot width: 70 feet.
 - *All lots comply with this minimum requirement.*
- Minimum lot depth for lots abutting arterial streets (Midway and Plank Roads): 150 feet.
 - *All lots comply with this minimum requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Eight (8) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback has been shown on the Preliminary Plat. Required building/structure 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. Forty percent (40%).
 - *This will be reviewed through the site plan and building permit review process.*
- The Preliminary Plat shows the existing shed located on proposed Lot 12 to remain. This building is approximately 30' x 24' (720 square feet in area). As a result of annexing the building from the Town of Harrison and as it complies with the development standards of the R-1A District, this building can continue to exist, but it will be regulated by the applicable nonconforming building regulations in the Appleton Zoning Ordinance.

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, except for the code sections listed below.

Per Section 17-26(c)(2) of the Municipal Code, “Double frontage lots shall not be permitted except as required by the Common Council where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation. A planting screen easement of at least twenty (20) feet, and across which there shall be no right of access, may be required along the line of lots abutting such traffic arteries or other inharmonious use.”

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Analysis: Lots 5 through 15 are double frontage lots. The creation of double frontage lots cannot be avoided because of the existing access restrictions placed on Midway Road. Only one access point (Saket Street) is allowed along Midway Road for this development per Calumet County Highway Department.

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

- (1) The modification is due to physical features of the site or its location.
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship.
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

Access and Traffic:

- Vehicular access to development is via Vail Lane, Midway Road (C.T.H. AP), and Plank Road.
- The new proposed streets within the subdivision will be dedicated to the City with the Final Plat.
- A permit from the Calumet County Highway Department for the access connection from proposed Saket Street to Midway Road (C.T.H. AP) is required. The City has no plans to require sidewalks or trails along this section of CTH “AP” Midway Road. Design changes to urbanize CTH “AP” Midway Road would be initiated by the Calumet County Highway Department.

Street Names and Prefixes: Section 16-36 of the Municipal Code and Street Name Policy.

- Vail Lane shall bear the prefix “South” for the street segment between Lots 1 thru 5 and Lots 22 thru 27.
- Resunga Court shall bear the prefix “East”.
- Saket Street shall bear the prefix "South".
- A new street name with the prefix “East” shall be shown on the Final Plat for the street segment between Plank Road and Lots 6 & 22.
- The existing street sign for existing short segment of East Vail Lane will be replaced with South Vail Lane by City staff.

Surrounding Zoning and Land Uses:

- North: City of Appleton, R-3 Multi-family – Multi-family residential uses
- South: City of Appleton, R-1A Single-family – Single-family residential uses and undeveloped land
Village of Harrison Zoning, Multi-family residential uses and 15-acre neighborhood park “Rennwood Park”
- East: City of Appleton Zoning, R-1A Single-family – Single-family residential uses
- West: City of Appleton Zoning, R-1A Single-family – Undeveloped land

2010-2030 Comprehensive Plan: Community & Economic 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.

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.

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

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.4 Land Use:

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 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

Dedication of Public Parks and/or Trails or Payment Fee in Lieu Thereof: The Appleton Subdivision Regulations requires parkland dedication or fee in lieu thereof for residential subdivisions. Parkland dedication is not required for this development per the Deputy Director of Parks, Recreation and Facilities Management. As a result, the City will collect a park fee in the amount of \$1,100.00 per lot from the landowner upon the issuance of a building permit pursuant to Section 17-29(f) of the Municipal Code.

- Park Fee Amount: 27 Lots X \$1,100.00 = \$29,700

Plat Review Team (PRT) & Technical Review Group (TRG) Report: This item appeared on the March 5, 2024 PRT & TRG Agendas.

- The preliminary stormwater management, drainage, erosion control, utility, and street design plans have been reviewed by City staff. Technical comments have been submitted to the applicant by a separate review letter from the Plat Review Team.

FUTURE ACTIONS

An approved Preliminary Plat shall be deemed an expression of approval or conditional approval of the plat layout and used as a guide in the preparation of the Final Plat which will be subject to further consideration by the Plan Commission and Common Council.

The Final Plat materials shall be submitted within 36 months of last required approving authority of the Preliminary Plat, pursuant to Section 17-6(d) of the Municipal Code.

RECOMMENDATION

The Preliminary Plat for Lumbini Estates **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Grant relief from the double frontage lot requirements for proposed Lots 5-15, per Section 17-26(c)(2) of the Municipal Code and as stated in the staff report.
2. The following information shall be identified on the Final Plat:
 - a. Vail Lane shall bear the prefix “South” for the street segment between Lots 1 thru 5 and Lots 22 thru 27, Resunga Court shall bear the prefix “East”, Saket Street shall bear the prefix “South”, add a new street name with the prefix “East” for the street segment between Plank Road and Lots 6 & 22, and Add “CTH AP” to the Midway Road right of way.
 - b. No vehicular access to Midway Road “CTH AP” shall be allowed for Lots 5 thru 12 and to Plank Road for Lots 13 thru 15. This restriction shall be shown graphically and as a note on the Final Plat.

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- c. All easements width dimensions and easement language, including but not limited to, water mains, sewer mains, storm sewers, and drainage shall be shown and labeled on the Final Plat to the satisfaction of the City Engineer per Section 17-12(b)(5) and 17-13(g) of the Municipal Code.
 - d. Add note on the Final Plat for the landscape easement specifying what is allowed to be placed within said easement and who is responsible for ongoing maintenance of the easement area. In addition, specify any restrictions, if proposed, such as prohibiting the placement of any structures within said easement, including but limited to, fences, walls or other obstructions.
 - e. Show “Wetland Protective Area” around the wetland on Lot 6.
 - f. Label the pond as “City of Appleton Plank Road West Pond” and show the normal water elevation of 810.00 and the 100-year elevation of 814.15 in the City stormwater pond.
3. The applicant shall submit the Erosion & Sediment Control Plan & Application, satisfying the comments made by the Erosion Control Inspector pursuant to the Plat Review Team letter dated March 28, 2024.
 4. The applicant shall submit a revised Drainage Plan, Engineering Plans for sanitary sewer, water main, storm sewer, street and laterals satisfying the comments made by the Department of Public Works, Engineering Division pursuant to the Plat Review Team letter dated March 28, 2024, prior to Final Plat approval.
 5. A Development Agreement is required between the City and owner/developer that identifies the duties and responsibilities with respect to development of the subject land. The applicant and owner, Community and Economic Development Director, and City Engineer shall discuss the preparation and process of this agreement. City signatures will not be affixed to the Final Plat until the Development Agreement is executed by the owner/developer.
 6. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

Preliminary Plat Lumbini Estates Plank Road/Midway Road

Subject Area

Subject Area

R-1A

R-1B



