

REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 27, 2020

Common Council Meeting Date: November 4, 2020

Item: Preliminary Plat – Sixth and Seventh Addition to Emerald

Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Parcel #: Part of #31-1-7600-00

Petitioner's Request: The owner/applicant is proposing to subdivide property under a multi-phased

approach.

BACKGROUND

Rezoning #8-20 and #9-20 (AG Agricultural District to R-1B Single-family District) for both subdivision phases were recommended for approval by the Plan Commission on October 13, 2020. The public hearing and final Common Council action on the rezoning is scheduled for November 4, 2020.

The Final Plat for the Fifth Addition to Emerald Valley consisting of 23 residential lots was approved by the Common Council on April 4, 2018.

The Final Plat for the Fourth Addition to Emerald Valley consisting of 15 residential lots was approved by the Common Council on March 21, 2018.

The Final Plat for the Third Addition to Emerald Valley consisting of 11 residential lots was approved by the Common Council on May 3, 2017.

The Final Plat for the Second Addition to Emerald Valley consisting of 28 residential lots was approved by the Common Council on September 17, 2014.

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

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The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. On September 29, 2020, a concept plan for future phases of Emerald Valley subdivision showing future roads, lots and park land was presented to the City, which called for the creation of an additional 57 residential lots and 4 outlots.

STAFF ANALYSIS

Existing/Proposed Conditions: The subject area to be subdivided is currently undeveloped. Emerald Valley Sixth Addition consists of 6.905 acres and will be divided into fifteen (15) single-family lots. Emerald Valley Seventh Addition consists of 12.680 acres and will be divided into thirty-five (35) single-family lots.

Future Actions: Rezoning #8-20 and #9-20 for subject site is also being presented at the November 4, 2020 Common Council meeting to rezone the subject site from AG Agricultural District to R-1B Single-family District.

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

- Minimum lot area: Six thousand (6,000) square feet.
 - The proposed average lots size ranges from 12,670 square feet to 13,750 square feet. All lots exceed this minimum requirement.
- Minimum lot width: Fifty (50) feet.
 - The proposed lots average lot width is 100 feet. All lots exceed this minimum requirement.
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - Required front yard setback had been shown on the Preliminary Plat. Required 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.

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

Per Section 17-26(g) of the Municipal Code, "Excessive lot depth in relation to width shall be avoided. A proportion of two (2) length to one (1) width shall normally be considered a desirable maximum for lot widths of sixty (60) feet or more."

Analysis: Lot 154 of Emerald Valley Sixth Addition slightly exceeds the 2 depth to 1 width ratio (2.5 to 1). This lot is situated on a curve in the road and is slightly deeper than the other proposed lots because the side lot lines form a point at the rear of lot.

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: The primary vehicular access to the Emerald Valley Sixth and Seventh Addition is via Providence Avenue and Aquamarine Avenue. Turquoise Trail, Jasper Lane and Sunstone Road form a U-shaped road which will intersect with Providence Avenue. The full 60 and 66 foot road right-of-way widths for the proposed streets will be dedicated to the City with the Final Plat.

Surrounding Zoning and Land Uses:

North: AG Agricultural District – undeveloped land South: R-1B Single-Family District – residential uses

East: Proposed R-1B Single-Family District – residential uses
West: P-I Public Institutional District – City drainage corridor

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 have been waived in exchange for parkland as illustrated in the current Emerald Valley Development Agreement and on the concept plan submitted to City staff on September 29, 2020.

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Technical Review Group Report (TRG): This item appeared on the October 6, 2020 TRG Agenda. No negative comments were received from participating departments.

City Surveyor Comments: Emerald Valley 6th and 7th Addition Preliminary Plats list benchmark data as being on City of Appleton Datum. The statement should be corrected as the City of Appleton does not have a datum. Currently, City benchmark monuments are referenced to either NGVD 1929 or NAVD 88 datum or both. Proposed subdivisions within the City limits, at this time, should be referenced to NAVD 88 datum.

The benchmarks listed on the preliminary plat appear to reference 1929 datum. The difference between 1929 and 88 datum in this geographical area is approximately 0.05'.

All street and utility design should be revised if necessary and referenced to NAVD 88 datum.

RECOMMENDATION

The Preliminary Plat for the Sixth and Seventh Addition to Emerald Valley, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

- 1. The listed benchmarks monument, street and utility design to match the City of Appleton records NAVD 88 datum not NGVD 1929, revise both preliminary plats as necessary.
- 2. Utilize a different street suffix on the Final Plat, as the City's street name policy does not allow for the street suffix "Trail" shown in the proposed Turquoise Trail and the street suffix "Road" shown in the proposed Sunstone Road. Use any of the following street suffixes for these street names "Drive", "Lane", "Place", or "Way".
- 3. Grant relief from the two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code as stated in the staff report for Lot 154.
- 4. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
- 5. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
- 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.

NOTE: If approved, the Preliminary Plat for the Sixth and Seventh Addition to Emerald Valley and Rezoning #8-20 and #9-20 from AG Agricultural District to R-1B Single-family District (October 13, 2020 Plan Commission agenda item) will be reported out at the same Common Council meeting on November 4, 2020.





