



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: September 11, 2018

Common Council Meeting Date: September 19, 2018

Item: Final Plat – Cherryvale Meadows

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: B&H Properties, Inc. c/o Bob De Bruin

Address/Parcel #: North Cherryvale Avenue (Tax Id #31-1-6410-01)

Petitioner's Request: The applicant is proposing to subdivide the property into six lots for two-family residential development.

BACKGROUND

On November 16, 2011, Common Council adopted Ordinance 226-11, to annex the subject area from the Town of Grand Chute to the City of Appleton. At that time, a zoning classification of R-3 Multi-Family District was assigned during review of the North French Road Annexation.

On February 5, 2014, Common Council approved the dedication of public right-of-way for an extension of Cherryvale Avenue and an unnamed, east-west street adjacent to the subject area. The east-west street, which connects to nearby property located in the Village of Little Chute, was named Golden Gate Drive when a Certified Survey Map was approved by the Village in late 2017.

The Preliminary Plat for Cherryvale Meadows consisting of six lots was approved by Common Council on July 18, 2018.

STAFF ANALYSIS

Existing Conditions: The subject lot to be subdivided is currently undeveloped. The area to be platted for two-family residential development totals 3.89 acres, which will be divided into six lots.

Comparison between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout for these six lots in terms of shape, size, and location.

Zoning Ordinance Review Criteria: Lot development standards for the R-3 Multi-Family District (Section 23-96 of the Municipal Code) are as follows:

- Minimum lot area: 6,000 square feet for single-family dwellings.
7,000 square feet for two-story two-family dwellings.
9,000 square feet for single-story two-family dwellings.
3,000 square feet per dwelling unit for multi-family dwellings.
7,000 square feet for all other uses.

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- *The proposed lots range in size from 21,782 square feet to 41,591 square feet. All lots exceed the requirements for two-family dwellings.*
- Minimum lot width: 50 feet for single-family dwellings.
70 feet for two-family dwellings.
80 feet for all other uses.
 - *The proposed lots range in width from approximately 87 feet to 211.45 feet. All lots exceed the requirement for two-family dwellings.*
- Minimum front, side, and rear yard setbacks: 20-foot front yard (25-foot minimum on arterial street), 6-foot side yard for single and two-family dwellings (20-foot minimum for all other uses), and 35-foot rear yard.
 - *Required front yard setback is shown on the Final Plat. Setbacks will be reviewed through the building permit review process.*
- Maximum building height: 35 feet for single and two-family dwellings.
45 feet or all other uses.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: 70%.
 - *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 modification of regulations has been requested.

Access and Traffic: Vehicular access to the subject lots is provided by Cherryvale Avenue, which is an existing collector street. Also, Golden Gate Drive provides a connection to nearby property located in the Village of Little Chute. No street right-of-way will be dedicated to the public with this subdivision.

Surrounding Zoning Classification and Land Uses:

North: R-2 Two-Family District. The adjacent land to the north is currently undeveloped.

South: Village of Little Chute. The adjacent land uses to the south are currently a mix of multi-family residential uses.

East: Village of Little Chute. The adjacent land uses to the east are currently agricultural.

West: R-3 Multi-Family District. The adjacent land uses to the west are currently agricultural.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Multi-Family Residential designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

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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.

Parks and Open Space: Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to building permits being issued for individual lots (when the exact number of dwelling units is known). For lots zoned R-3 Multi-Family District, park fees are \$150 per dwelling unit.

Technical Review Group (TRG) Report: This item was discussed at the August 21, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

The Cherryvale Meadows Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.
2. Park fees shall be paid to the City of Appleton Finance Department prior to building permits being issued for individual lots. For lots zoned R-3 Multi-Family District, park fees are \$150 per dwelling unit.

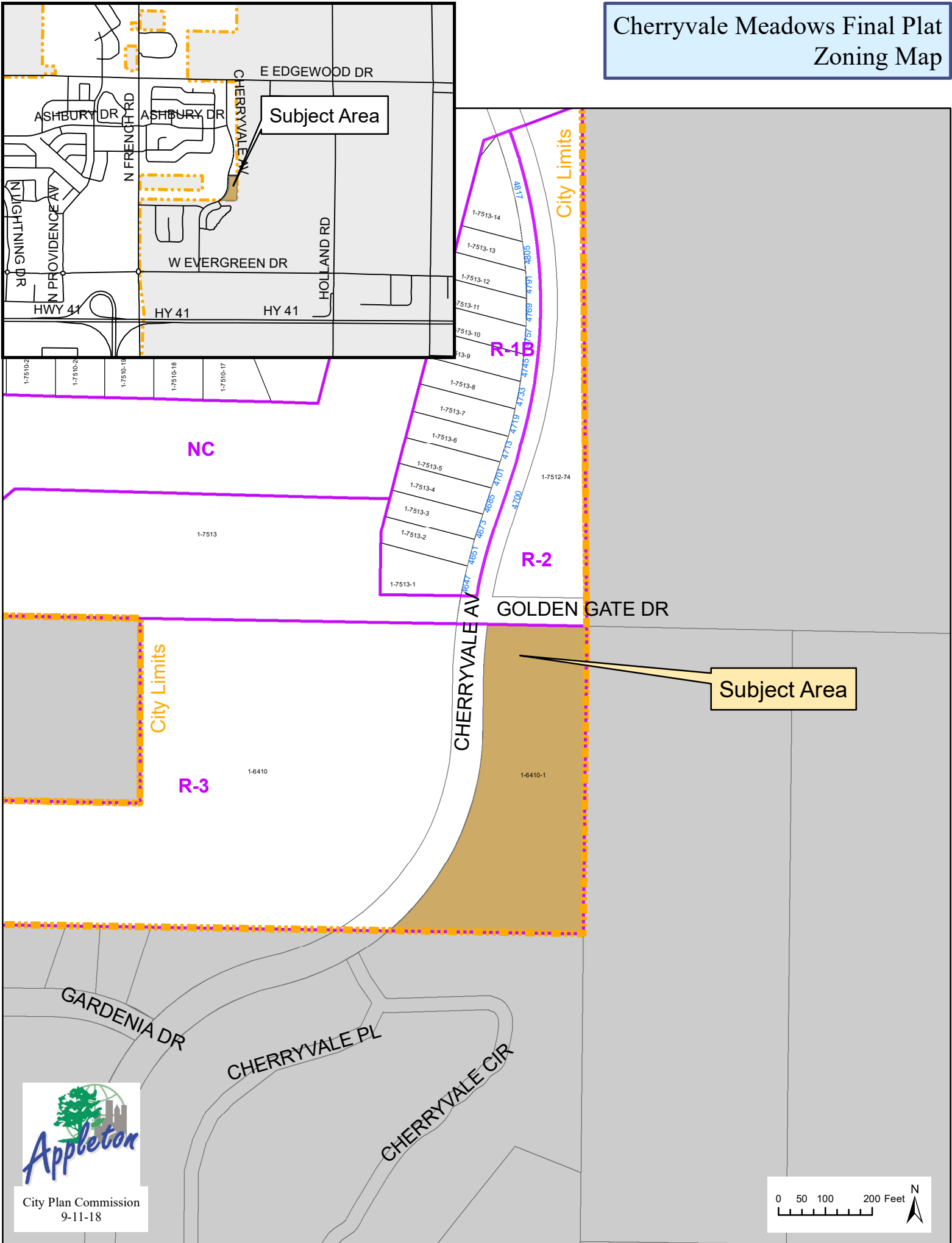
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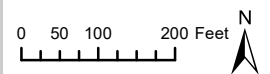
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3. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
4. Development is subject to conditions of the Intergovernmental Cooperation Agreement between the Village of Little Chute and City of Appleton that was approved by Common Council on June 5, 2013.
5. Development is subject to conditions of the Land Dedication Agreement between B&H Properties, Inc. and the City of Appleton that was approved by Common Council on June 5, 2013.
6. Plat does not have proposed drainage easements shown on Lots 1-6. Sewer and Water Plans note these as 20' width along the east edge of plat and the south edge of plat. These are required per Sections 17-12(b)(5) and 17-12(b)(20) of the Municipal Code.
7. Provide a Stormwater Permit Application with Stormwater Management Plan that identifies the regional pond(s) to be used to meet post-construction stormwater management requirements. DPW intends to review the SWMP internally, allowing for a short review timeline.
8. Provide a letter from the Village of Little Chute that identifies the regional stormwater facility that will serve tributary plat areas and verifies conformance with post-construction stormwater management requirements.
9. Provide a letter from the Village of Little Chute approving the final Drainage Plan.
10. Provide calculations that identify the 100-year HWL at the daylighted end of R-11.1.
11. Provide a note on the Drainage Plan which identifies the minimum ground surface elevation at each residence, which must be no less than 6" above the 100-year HWL at R-11.1.
12. Drainage Plan. Add the following grade break elevations along Cherryvale:
 - a. STA 70+50 high point elevation 734.78
 - b. STA 72+50 low point elevation 733.98
13. Drainage Plan. Golden Gate Drive east end grades do not match established grades.
 - a. STA 3+34.45 elevation 735.17
 - b. STA 3+44.45 elevation 735.23
14. Drainage Plan rear lot line ditches.
 - a. Wherever proposed spot grades are shown at east/south side ditch inverts, provide corresponding spot grades at the west/north limit of the drainage easements.

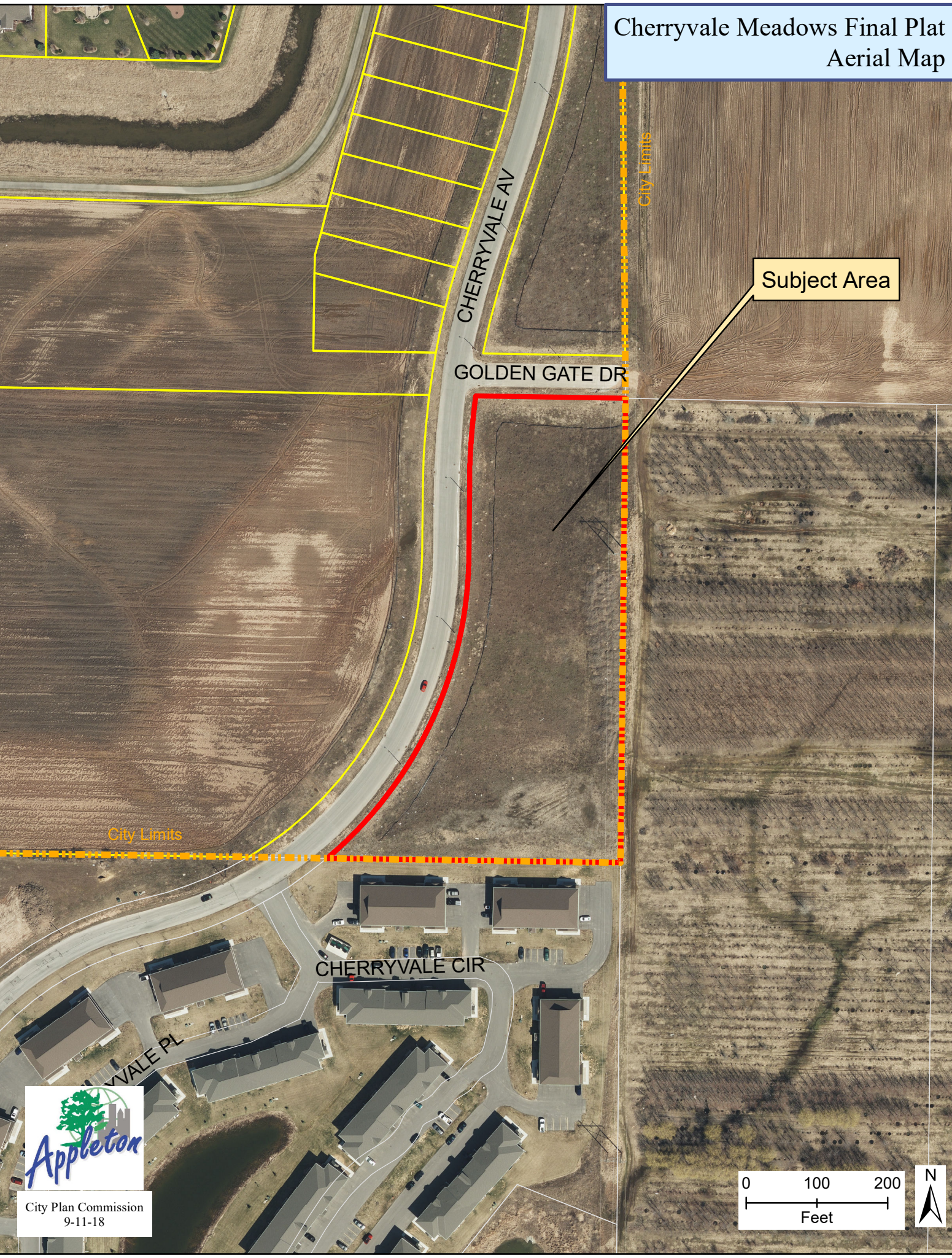
Cherryvale Meadows Final Plat Zoning Map



City Plan Commission
9-11-18



Cherryvale Meadows Final Plat
Aerial Map



Subject Area

City Limits

City Limits

CHERRYVALE AV

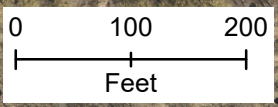
GOLDEN GATE DR

CHERRYVALE CIR

CHERRYVALE PL



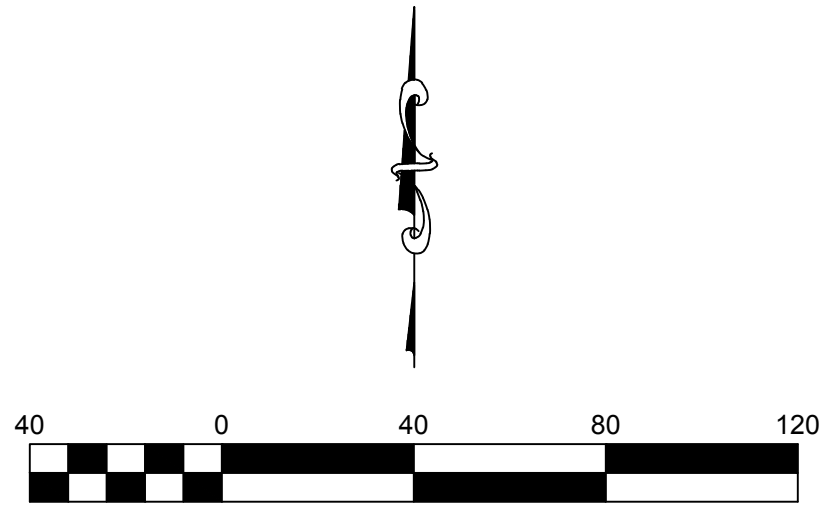
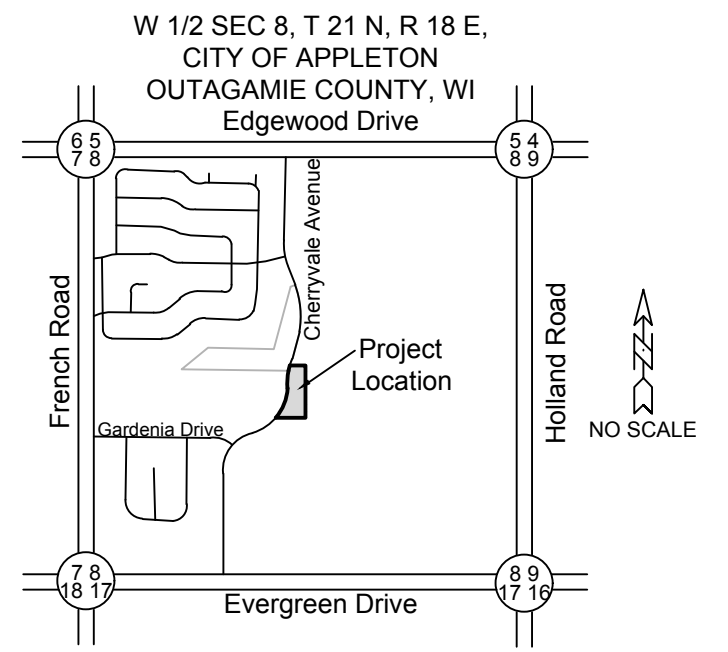
City Plan Commission
9-11-18



Cherryvale Meadows

Part of Lot 2 CSM 3566 lying east of Cherryvale Avenue as described in CSM 6782, located in the Northeast 1/4 of the Southwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP



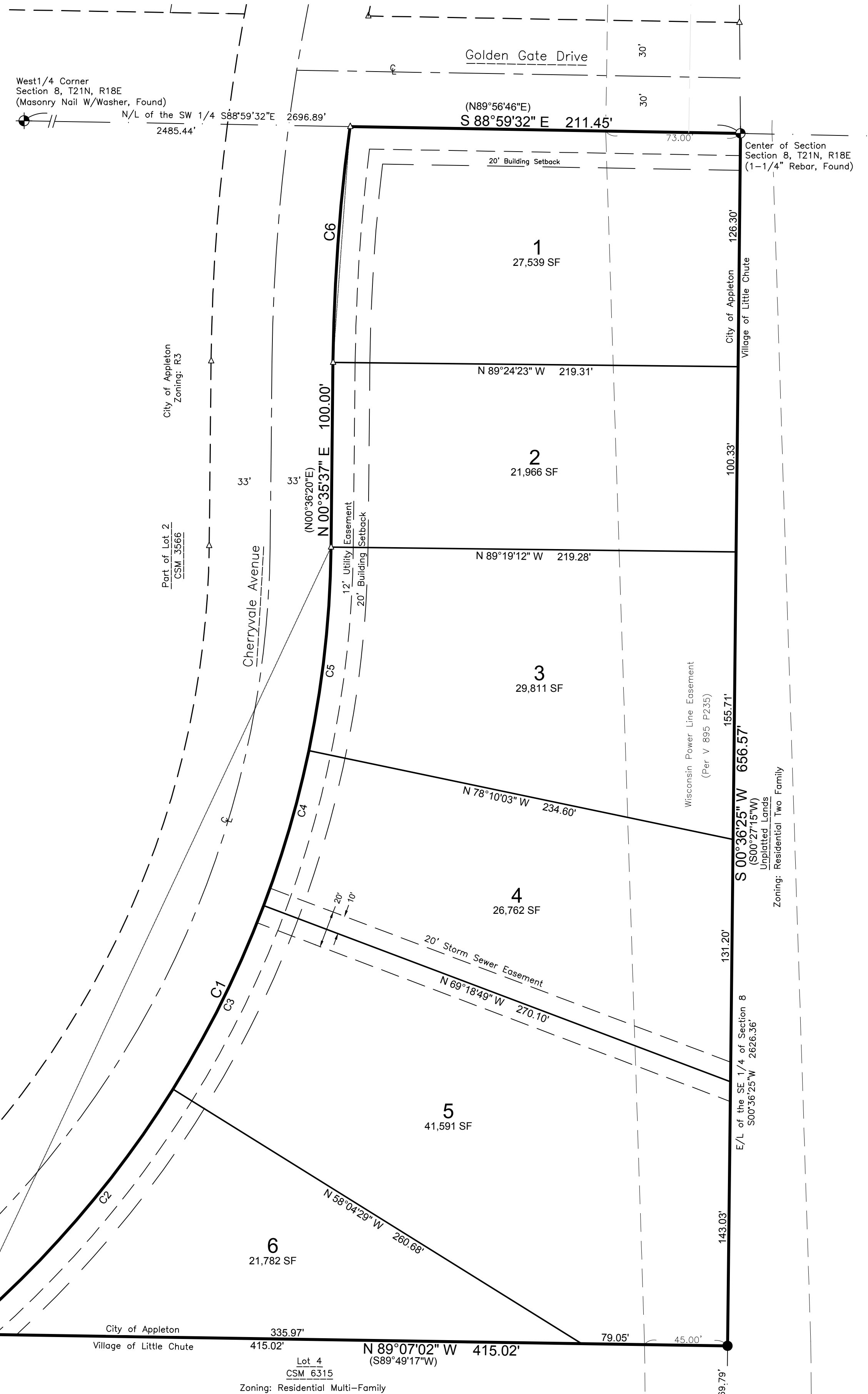
Bearings are referenced to the North line of the Southwest 1/4, Section 8, T21N, R18E, Referenced as S88°59'32"E, base on the Outagamie County Coordinate System.

LEGEND

- △ 1/4" Rebar Found
- 1/4" x 30" 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

Notes

1. All linear measurements have been made to the nearest one hundredth of a foot.
2. All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.



James R. Sehloff, P.L.S. No. S-2692 Date
jim@davel.pro

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



Curve	Radius	Chord Direction	(Recorded)	Chord Length	(Recorded)	Arc Length	(Recorded)	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	566.00'	N 25°10'17" E	(N25°11'34"E)	470.83'	(471.00')	485.59'	(485.78')	49°09'21"	N 49°44'58" E	N 00°35'37" E
C2	566.00'	N 40°50'15" E		175.37'		176.07'		17°49'26"	N 49°44'58" E	N 31°55'32" E
C3	566.00'	N 26°18'22" E		110.85'		111.02'		11°14'20"	N 31°55'32" E	N 20°41'11" E
C4	566.00'	N 16°15'34" E		87.38'		87.46'		8°51'14"	N 20°41'11" E	N 11°49'57" E
C5	566.00'	N 06°12'47" E		110.85'		111.02'		11°14'20"	N 11°49'57" E	N 00°35'37" E
C6	1039.18'	N 04°07'36" E	(N04°08'09"E)	128.07'	(127.98')	128.15'	(128.06')	7°03'57"	N 00°35'37" E	N 07°39'34" E

South 1/4 Corner
Section 8, T21N, R18E
Masonry Nail, Found

Revision Date: Aug 15, 2018
File: 5220Final2.dwg
Date: 08/15/2018
Drafted By: jim
Sheet: 1 of 2

Cherryvale Meadows

Part of Lot 2 CSM 3566 lying east of Cherryvale Avenue as described in CSM 6782, located in the Northeast 1/4 of the Southwest 1/4 of Section 08, 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 B&H Properties, Inc., owner of said land, I have surveyed divided and mapped Cherryvale Estates; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land Part of Lot 2 CSM 3566 lying east of Cherryvale Avenue as described in CSM 6782, located in the Northeast 1/4 of the Southwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 169,449 Square Feet (3.8900 Acres) of land more or less, described as follows:

Commencing at the West 1/4 corner of Section 08; thence along the North line of the Southwest 1/4 of said Section 08, S88°59'32"E 2485.44 feet to the East right of way line of Cherryvale Avenue said point also being the point of beginning; thence, continuing along said North line, S88°59'32"E 211.45 feet to the Center of said Section 08; thence along the East line of said Southwest 1/4, S00°36'25"W, 656.57 feet to the Northeast corner of Lot 4 Certified Survey Map 6315; thence, along the North line of said Lot 4, N89°07'02"W 415.02 feet to said East right of way line of Cherryvale Avenue; thence, along said East Right of way line, 485.59 feet along the arc of a curve to the left with a radius of 566.00 feet and a chord of 470.83 feet which bears N25°10'17"E; thence, continuing along said East right of way line, N00°35'37"E 100.00 feet; thence, continuing along said East right of way line, 128.15 feet along the arc of a curve to the right with a radius of 1039.18 feet and a chord of 128.07 feet which bears S04°07'36"E, to the point of beginning, subject to all easements, 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

B&H Properties, Inc., 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.

B&H Properties, Inc.

Managing Member _____ Date _____

print name _____

STORM SEWER EASEMENT PROVISIONS

An easement for storm sewer easement is hereby granted by:

B&H Properties, Inc, Grantor, to

THE CITY OF APPLETON, Grantee,

- Purpose:** The purpose of this easement for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize and repair a storm sewer and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said storm sewer that occurs outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- Buildings or Other Structures:** 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 "storm sewer easement".
- Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered by more than 4 inches without the written consent of grantee.
- Restoration:** Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is reasonably possible, to the prior existing condition when conducting all future maintenance, resizing or repair activities. Grantor shall be responsible for all surface restoration. 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, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein.
- Notification:** Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable times.

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

B&H Properties, Inc.

Managing Member _____ Date _____

print name _____

Owner's Certificate

B&H Properties, Inc., 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.

B&H Properties, Inc, 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: B&H Properties, Inc.

Managing Member _____ Date _____

print name _____

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.

My Commission Expires _____
Notary Public, Wisconsin

City of Appleton Approval

Resolved, that the plat of Cherryvale Estates, in the City of Appleton, Outagamie County, B&H Properties, Inc., owners, 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 _____

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

the property owner of record: B&H Properties, Inc.	Recording Information: Doc No. 2033229	Parcel Number(s): 31-1-6410-01
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