



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: August 25, 2021

Common Council Meeting Date: September 1, 2021

Item: Final Plat – Trail View Estates South 2

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owners/Applicants: Emerald Valley Estates, LLC c/o Robert De Bruin

Address/Parcel #: Generally located between French Road and Cherryvale Avenue, south of the creek/trail corridor (part of Tax Id #31-1-6410-00 and #31-1-6411-00).

Petitioner's Request: The applicant is proposing to subdivide the property into 26 lots for single-family residential development.

BACKGROUND

Parcel #31-1-6410-00 was annexed to the City in 2011 with the North French Road Annexation, and parcel #31-1-6411-00 was annexed in 2020 with the Trail View Estates South Annexation.

On September 2, 2020, Common Council approved Comprehensive Plan Amendment #1-20 and Rezoning #6-20. Comprehensive Plan Amendment #1-20 amended the City's Future Land Use Map from the Multi-Family Residential designation to the One and Two-Family Residential designation for parcels #31-1-6410-00 and #31-1-6411-00. Rezoning #6-20 rezoned parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00 from R-3 Multi-Family District, R-2 Two-Family District, and temporary AG Agricultural District to R-1B Single-Family District.

The Trail View Estates South Preliminary Plat, to subdivide all of parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00, was approved by Common Council on September 2, 2020.

On September 2, 2020, Common Council approved the Trail View South Development Agreement to set forth the City of Appleton, Village of Little Chute, and developer duties and responsibilities with respect to development of the subject land.

The Final Plat for Trail View Estates South, consisting of 25 lots, was approved by Common Council on November 4, 2020 for land located immediately east of the subject area (first phase of subdivision).

STAFF ANALYSIS

Existing Conditions: The subject property consists of vacant, undeveloped land. The area to be platted for single-family development totals approximately 5.9352 acres, which will be divided into 26 lots.

Comparison between Final Plat and Preliminary Plat: The Preliminary Plat covered a larger area (32.0110 acres), whereas the Final Plat is for part of Tax Id #31-1-6410-00 and #31-1-6411-00 (5.9352

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acres). However, the Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. This is the second phase of lots for the broader subdivision development area.

Zoning Ordinance Review Criteria: The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: 6,000 square feet.
 - *The proposed lots range in size from 7,350 square feet to 10,883 square feet. All lots exceed this requirement.*
- Minimum lot width: 50 feet.
 - *The proposed lots range in width from approximately 60 feet to approximately 137 feet. All lots exceed this requirement.*
- Minimum front, side, and rear yard setbacks: 20 feet front yard (25 feet on arterial street), 6 feet side yard, and 25 feet 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.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: 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, except as described below. Per Section 17-25(d) of the Municipal Code, the right-of-way width of local streets shall not be less than 60 feet. A segment of proposed Gladiolus Place is shown as 50-foot-wide right-of-way. However, the Trail View Estates South Preliminary Plat was approved by Common Council with the following condition: “Grant relief from the minimum right-of-way width requirement for a segment of proposed Gladiolus Place/Court, per Section 17-3(f) of the Municipal Code and as stated previously in the staff report. In this case, the Department of Public Works supports the 50-foot R/O/W coupled with some no parking restrictions.” The previously approved modification of regulations continues to apply to this Final Plat.

Access and Traffic: Vehicular access to the subject lots is provided by an extension of existing Gladiolus Place. The street right-of-way for Golden Gate Drive and Gladiolus Place will be dedicated to the public with the Final Plat. All streets are shown as 60-foot-wide right-of-way, except for the western segment of Gladiolus Place, which is shown as 50-foot-wide right-of-way. No new street names are introduced with this phase of the subdivision.

Surrounding Zoning Classification and Land Uses:

North: R-1B Single-Family District. The adjacent land to the north is currently vacant, undeveloped land.

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

East: R-1B Single-Family District. A previous phase of the subdivision, Trail View Estates South, is located to the east and being developed with single-family residential.

West: R-1B Single-Family District. The adjacent land to the west is currently vacant, undeveloped land.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-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*.

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 the City signing the Final Plat, which is consistent with the Trail View South Development Agreement. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

Technical Review Group (TRG) Report: This item appeared on the August 3, 2021 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

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RECOMMENDATION

The Trail View Estates South 2 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. For lots zoned R-1B Single-Family District, park fees are \$300 per lot. Park fees of \$7,800 shall be paid to the City of Appleton Finance Department prior to City signatures being affixed to the Final Plat.
3. At the northwest corner of the plat boundary, there appears to be two labels (City of Appleton and Town of Grand Chute) that are partially cut off. Revise as necessary.
4. No dimension/bearing is shown for part of the south lot line of Lot 51. Revise as necessary.
5. The set monuments identified in the legend do not comply with the requirements of Section 17-12(e) of the Municipal Code. Revise as necessary.
6. Sheet 1 of the plat is missing a scale, north arrow, and the typical “bearings are referenced to...” information. Revise as necessary.
7. There are several errors in the Surveyor’s Certificate:
 - a. “... divided and mapped North Edgewood Estates 2; that such ...” refers to the wrong plat.
 - b. “... thence N89°07’03”E, 161.51 feet ...” does not match the mapped bearing and dimension.
 - c. “... of Lot 23, Trail View South Estates ...” has the plat name written incorrectly.
 - d. “... of Lot 25 of said Trail View South Estates ...” has the plat name written incorrectly.
 - e. “... Crosswind Estates, N89°07’03”W, 858.30 feet ...” is missing the word ‘thence.’
8. There is a typo in the Treasurer’s Certificate. It should read, “... on any of the land included in this plat.”
9. On sheet 2, the recorded document numbers are incorrect. For parcel #31-1-6410-00, Emerald Valley Estates LLC is the current owner per Quit Claim Deed Doc. No. 2211550. For parcel #31-1-6411-00, it should be Doc. No. 2192218.
10. A Stormwater Permit with Stormwater Management Plan (SWMP) was issued on 10/26/2020 based on the master SWMP developed per the overall Trail View South Preliminary Plat. The design engineer shall confirm whether any changes were made in relation to the Trail View

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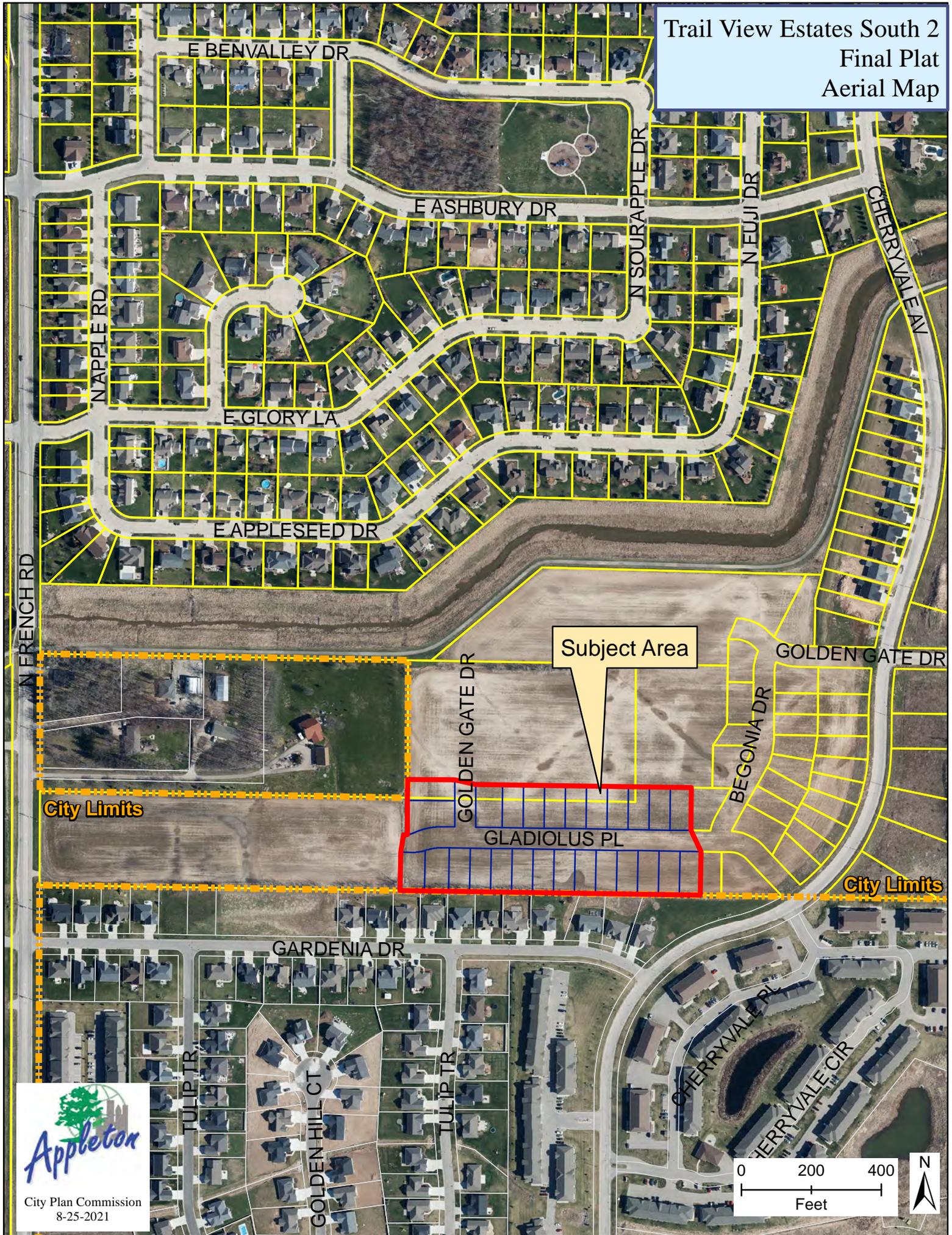
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Estates South 2 Final Plat that could impact the approved SWMP, and submit any required revisions to the SWMP to DPW for review and approval.

11. The Stormwater Permit and approved Stormwater Management Plan (SWMP) were issued based on DPW approval of the Engineering Plans, including the subdivision Drainage Plan, by Davel and Associates dated 11/30/2020. The design engineer shall confirm whether any changes were made in relation to the Trail View Estates South 2 Final Plat that could impact the approved Engineering Plans, and provide any required revisions to the Engineering Plans to DPW for review and approval.
12. The following streets within the Final Plat are to be classified as follows:
 - a. Golden Gate Drive: Local Street
 - b. Gladiolus Place: Local Street
13. Development is subject to conditions of the Intergovernmental Cooperation Agreement between the Village of Little Chute and City of Appleton that was approved in 2013 and amended in 2020.
14. 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.
15. Development is subject to conditions of the Development Agreement between the City of Appleton, Village of Little Chute, and Emerald Valley Estates, LLC that was approved by Common Council on September 2, 2020.
16. 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.

Trail View Estates South 2
Final Plat
Aerial Map



Subject Area

City Limits

City Limits



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__

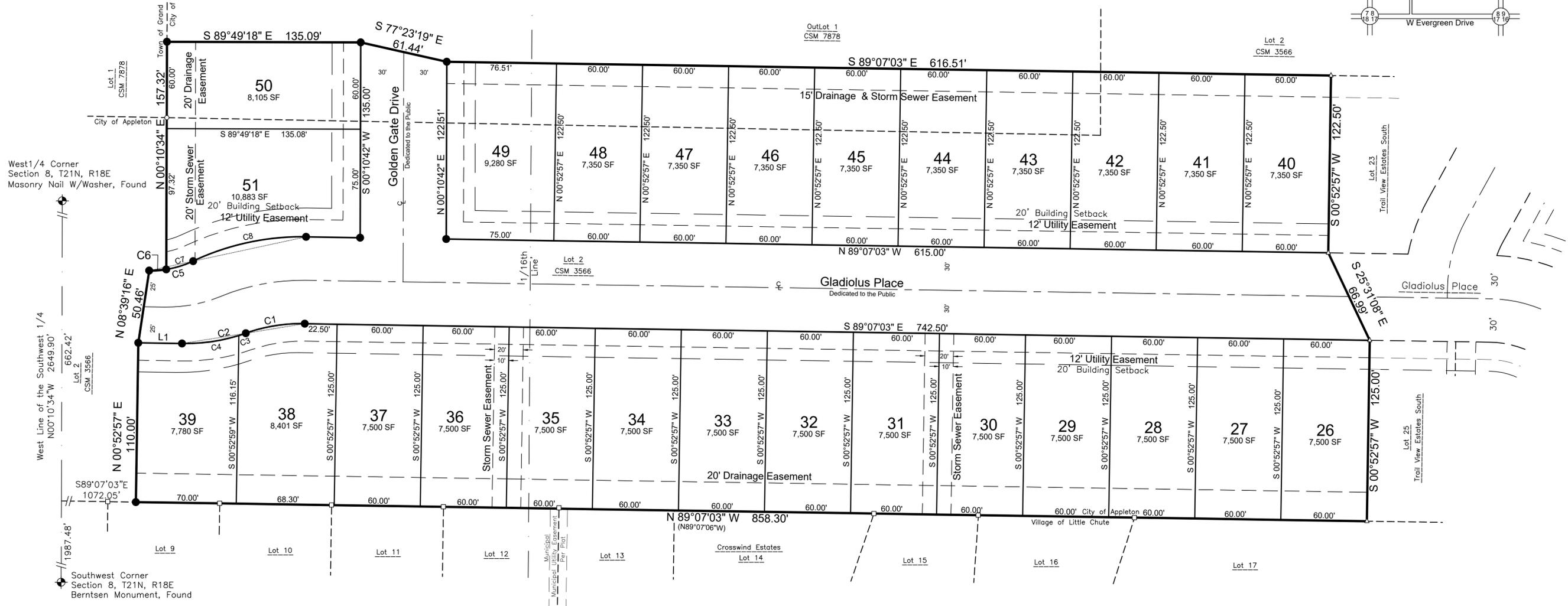
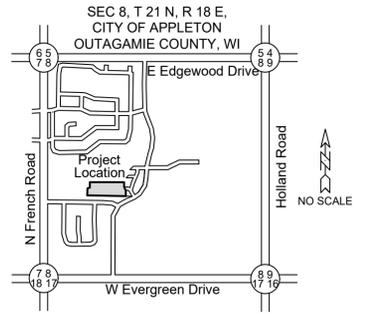


Department of Administration

Trail View Estates South 2

Part of Outlot 1, Certified Survey Map 7878 and part of Lot 2, Certified Survey Map 3566, all being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP



NOTES

- All linear measurements have been made to the nearest one hundredth of a foot.
- All bearings are computed and measured to the nearest second.

LEGEND

- △ 1 1/2" Rebar Found
- 1" Iron Pipe Found
- 1 1/2" x 18" Steel Rebar @ 4.30lbs/LF SET
- All Other Corners
- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot Areas In Square Feet
- () Recorded As

Line	Bearing	Length
L1	N 89°07'03" W	30.50'

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	120.00'	S 80°54'30" W	41.57'	41.78'	19°56'54"	N 89°07'03" W	S 70°56'03" W
C2	130.00'	S 80°54'30" W	45.03'	45.26'	19°56'54"	S 70°56'03" W	N 89°07'03" W
C3	130.00'	S 72°03'52" W	5.13'	5.13'	2°15'39"	S 70°56'03" W	S 73°11'41" W
C4	130.00'	S 82°02'19" W	39.97'	40.13'	17°41'16"	S 73°11'41" W	N 89°07'03" W
C5	70.00'	N 77°57'42" E	31.30'	31.57'	25°50'31"	S 89°07'03" E	N 65°02'26" E
C6	70.00'	N 85°59'38" E	11.93'	11.95'	9°46'38"	S 89°07'03" E	N 81°06'19" E
C7	70.00'	N 73°04'23" E	19.56'	19.63'	16°03'53"	N 81°06'19" E	N 65°02'26" E
C8	180.00'	N 77°57'42" E	80.50'	81.18'	25°50'31"	N 65°02'26" E	S 89°07'03" E

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 Emerald Valley Estates, LLC, owner of said land, I have surveyed divided and mapped North Edgewood Estates 2; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is Part of Outlot 1, Certified Survey Map 7878 and part of Lot 2, Certified Survey Map 3566, all being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 258,539 Square Feet (5.9352 Acres) of land more or less, described as follows:

Commencing at the Southwest 1/4 Corner of Section 8; thence, along the West line of the Southwest 1/4, N00°10'34"W, 1987.48 feet to the North line of Crosswind Estates and the extension thereof; thence, along the North line of said Crosswind Estates and the extension thereof, S89°07'03"E, 1072.05 feet to the point of beginning; thence N00°52'57"E 110.00 feet; thence N08°39'16"E 50.46 feet; thence, 11.95 feet, along the arc of a curve to the left with a radius of 70.00 feet and a chord of 11.93 feet which bears N89°59'38"E; thence N00°10'34"E, 157.32 feet; thence S89°49'18"E, 135.09 feet; thence S77°23'19"E, 61.44 feet; thence N89°07'03"E, 161.51 feet to the Northwest corner of Lot 23, Trail View South Estates; thence, along the West line of said Lot 23, S00°52'57"W, 122.50 feet to the North right of way line of Gladiolus Place; thence, S25°31'08"E, 66.99 feet to the South right of way line of said Gladiolus Place; thence, along the West line of Lot 25 of said Trail View South Estates, S00°52'57"W, 125.00 feet to the said North line of Crosswind Estates, N89°07'03"W, 858.30 feet 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

File: 6025Final2.dwg
Date: 07/06/2021
Drafted By: Jim
Sheet: 1 of 2
Revision Date: Jul 06, 2021



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

Trail View Estates South 2

Part of Outlot 1, Certified Survey Map 7878 and part of Lot 2, Certified Survey Map 3566, all being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Owner's Certificate

Emerald Valley Estates, 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.

Emerald Valley Estates, 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: Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member

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 _____

Utility Easement Provisions

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

Emerald Valley Estates, 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.

Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member Date

Drainage Maintenance and Storm Sewer Easement Provisions

An easement for Drainage and Storm Sewer is hereby granted by:

Emerald Valley Estates, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee,

- Purpose:** The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize storm sewer, drainage ditch/swale, 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, drainage ditch/swale and associated appurtenances that occur 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 "Drainage Easement" or "Storm Sewer & Drainage Easement".
- Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered 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.
- Drainage Easements** are conveyance paths for storm water. The placement of fill in a drainage easement, which interferes with the flow or changes to the shape of the drainage easement by the lot owner or his agent, is prohibited. Upon failure of lot owner's to maintain said drainage ways and easements as designed; the City of Appleton retains the right to perform maintenance and or repairs. The payment of said maintenance and or repairs shall be equally assessed to the adjacent lot owners.

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

Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member Date

James R. Sehloff, P.L.S. No. S-2692 Date

City of Appleton Approval

Resolved, that the plat of Trail View Estates South 2, in the City of Appleton, Outagamie County, Emerald Valley Estates, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jacob A. Woodford, 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.

Kami Lynch, City 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: Emerald Valley Estates, LLC	Recording Information: Doc No. 20033229 Doc No. 22192218	Parcel Number(s): 311-6410-00 311-6411-00
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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 

File: 6025Final2.dwg
Date: 07/06/2021
Drafted By: Jim
Sheet: 2 of 2
Revision Date: Jul 06, 2021



Jul 06, 2021 7:20am J:\Projects\6025same\svg\3D\6025Final2.dwg Printed by: Jim