



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: April 13, 2021

Common Council Meeting Date: April 21, 2021

Item: Preliminary Plat – Apple Fields

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant: Jim Sehloff – Davel Engineering and Environmental

Owner: Doctor Properties, LLC c/o Henry Chou

Address/Parcel #: E. Glenhurst Lane (Tax Id #31-1-6501-03 and #31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat)

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

BACKGROUND

The subject property was annexed to the City in 1990 as part of the AAL Annexation. The property was rezoned to C-O Commercial Office District in February 2001. The subject parcels (Lots 3 and 4) are part of the Apple Creek Center Plat that was approved by the Common Council on June 5, 2002.

On March 20, 2019, the Common Council denied a request to rezone the subject parcels from C-O Commercial Office District to R-3 Multi-Family District.

City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #3-19 (Multi-Family Residential designation to the One and Two-Family Residential designation) and Rezoning #13-19 (C-O Commercial Office District to R-1B Single-Family District) were approved by the Common Council on March 4, 2020.

STAFF ANALYSIS

Existing/Proposed Conditions: The subject area to be subdivided is currently undeveloped. Apple Fields consists of 6.4136 acres and will be divided into nineteen (19) single-family lots.

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 10,000 square feet to 18,243 square feet. All lots exceed this minimum requirement.*

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- Minimum lot width: Fifty (50) feet.
 - *The proposed lots average lot width is 70 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 has 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.*

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

Per Section 17-25(g) of the Municipal Code, “Cul-de-sacs. Streets designed to have one (1) end permanently closed shall not exceed five hundred (500) feet in length from centerline of intersecting street to center of turnaround and shall terminate with a turnaround of not less than one hundred and ten (110) feet in diameter of right-of way and a roadway turnaround of ninety (90) feet in diameter. The Public Works Director may waive this requirement where it is unnecessary to fulfill the purposes and intent of this ordinance and undo hardship would result from strict application thereof.”

Analysis: The Department of Public Works supports the proposed cul-de-sac length. A water main loop will be installed to avoid an excessively long dead-end water main.

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.”

Analysis: Lots 2-9 of Apple Fields are double frontage lots. The proposed subdivision layout is limited by the depth of the existing parcels and does not allow for 3 tiers of lots, which would be needed to eliminate the double fronting lots. The proposed layout will eliminate driveways onto Glenhurst Lane along this development, as all proposed driveways will be located on the new Baldwin Court. An access restriction will be required along the south side of the lots to prevent driveways on Glenhurst Lane.

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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 Apple Fields is via Lightning Drive. Proposed Baldwin Court will intersect with Lightning Drive. The full 60-foot road right-of-way widths for the proposed street will be dedicated to the City with the Final Plat.

Surrounding Zoning and Land Uses:

North: PD-R-3 Northbrook Crossing Planned Development Multi-Family District #19-01– Multi-family residential

South: R-1B Single-Family District – Single-family dwellings

East: R-1B Single-Family District – Single-family dwellings

West: R-3 Multi-Family District – Multi-family residential (Century Oaks Community Based Residential Facility)

2010-2030 Comprehensive Plan: Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential use shown on the City’s 2010-2030 Comprehensive Plan 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 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.

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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: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu 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. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

Technical Review Group Report (TRG): This item appeared on the March 23, 2021 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

The Preliminary Plat for Apple Fields, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Prior to City signatures being affixed to the Final Plat, park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.
2. Grant relief from the double frontage lot requirements for proposed Lots 2-9, per Section 17-26(c)(2) of the Municipal Code and as stated in the staff report.
3. Grant relief from the maximum cul-de-sac length requirements for proposed Baldwin Court, per Section 17-25(g) of the Municipal Code and as stated in the staff report.
4. Re-calculate average lot size stated on the plat and update accordingly.
5. Update Civil Plan Sheet 1.4 with correct zoning information. Property is zoned R-1B single-family residential.
6. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
7. A Stormwater Permit Application, Stormwater Management Plan and Engineering Plans have been submitted for review. Technical review comments have been provided to the consultant and all such comments must be addressed on the Final Plat.
8. 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.
9. Label the dark/heavy line work running through Lots 4, 5, 6, 15, 16 and Baldwin Court or identify it in the legend.
10. Add the following to the plat or provide exhibits to ensure information is clear and easily readable:
 - Label the existing and proposed floodplain
 - Label and dimension the wetland protective areas

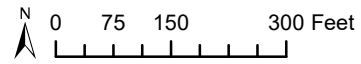
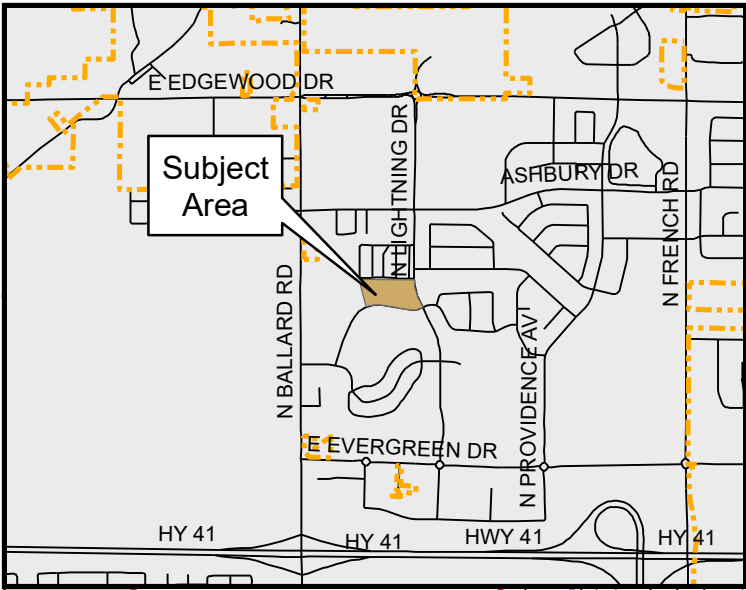
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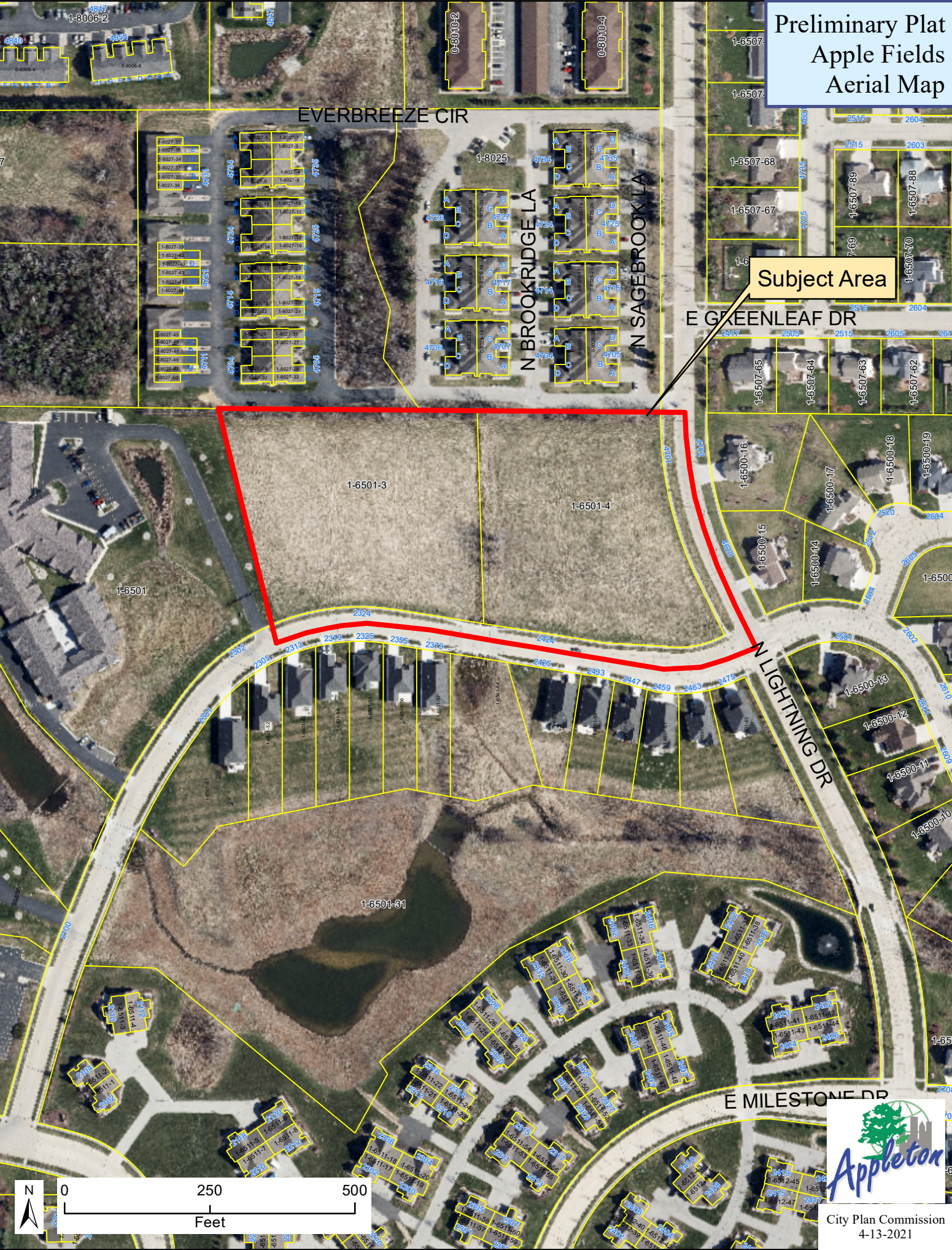
- Show and label Everbreeze Circle on the north side of the plat and label as a private road
 - Show and label the sanitary and water easement along the north side of the plat
 - Show dimension and label easements on Lots 4 and 5 for the proposed swale to convey runoff to the dry pond
 - Provide a dimension for the storm sewer easement on Lot 1
 - Provide additional information to define the drainage easement on Lots 19, 12, 11, and 9 where the drainage swale is outside of the 20 foot dimension.
 - Provide a statement of access restriction to Glenhurst Lane, Lightning Drive and Everbreeze Circle
 - If the Developer intends City to own and maintain the three storm pipes under Baldwin Court at the wetland, provide easements for the pipes and long term maintenance access on Lots 5, 6, 15, and 16. The easement should be 15 feet from the outside of the pipe. If a homeowner's association will own and maintain these pipes, this is not necessary.
 - Provide dimensions for the Stormwater Pond Easement on Lots 1, 2 and 3
 - For long term maintenance purposes, the City prefers the water main pipe and easement between Lots 12 and 13 and the storm sewer pipe and easement between Lots 9 and 10 be centered on the property line. Revise or clarify the reasoning for the proposed layout.
11. 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 Apple Fields Zoning Map



Preliminary Plat Apple Fields Aerial Map

Subject Area



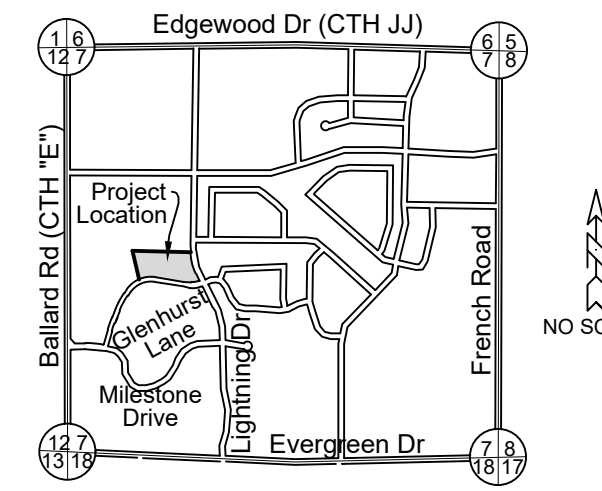
City Plan Commission
4-13-2021

Preliminary Plat of Apple Fields

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP

SEC 7, T 21 N, R 18 E,
CITY OF APPLETON,
OUTAGAMIE COUNTY, WI



Bearings are referenced to the West line of the Northwest 1/4, Section 07, T21N, R18E, bearing N00°02'21"W, based on the Outagamie County Coordinate System.

Owner/Developer

Doctors Properties LLC
PO Box 265
Neenah, WI 54957

SUPPLEMENTARY DATA

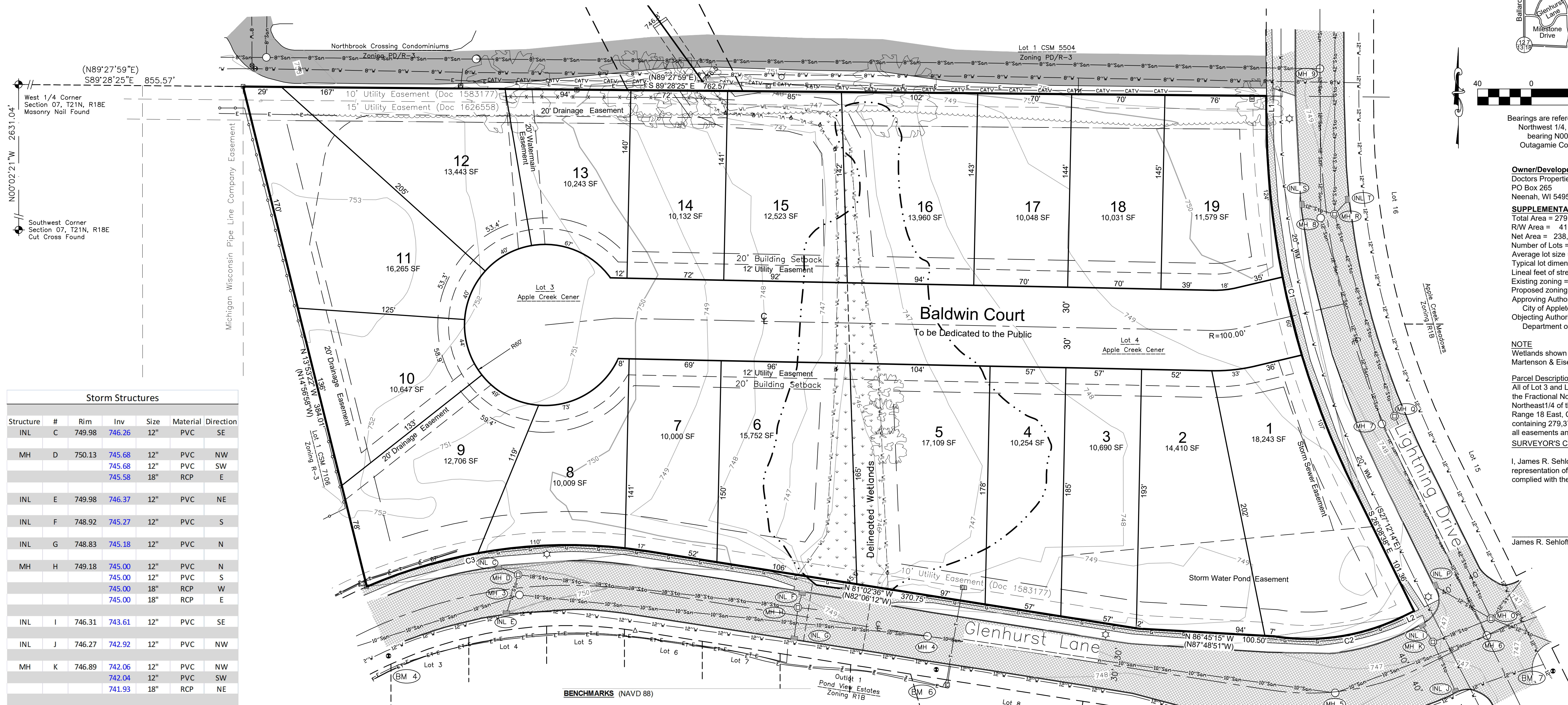
Total Area = 279,377 SF 6.4136 acres
R/W Area = 41,334 SF 0.9489 acres
Net Area = 238,043 SF 5.4647 acres
Number of Lots = 19
Average lot size = 10,000 SF
Typical lot dimension = 70' x 143'
Lineal feet of street = 598 LF
Existing zoning = R1B
Proposed zoning = R1B
Approving Authorities
City of Appleton
Objecting Authorities
Department of Administration

NOTE
Wetlands shown are per a Wetland Delineation prepared by Martenson & Eisele, Inc. Date October 18, 2018.

Parcel Description:
All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin containing 279,377 Square Feet (6.4136 Acres) of land, subject to all easements and restrictions of record.
SURVEYOR'S CERTIFICATE

I, James R. Schloff, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the City of Appleton.

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



Storm Structures						
Structure	#	Rim	Inv	Size	Material	Direction
INL	C	749.98	746.26	12"	PVC	SE
MH	D	750.13	745.68	12"	PVC	NW
			745.68	12"	PVC	SW
			745.58	18"	RCP	E
INL	E	749.98	746.37	12"	PVC	NE
INL	F	748.92	745.27	12"	PVC	S
INL	G	748.83	745.18	12"	PVC	N
MH	H	749.18	745.00	12"	PVC	N
			745.00	12"	PVC	S
			745.00	18"	RCP	W
			745.00	18"	RCP	E
INL	I	746.31	743.61	12"	PVC	SE
INL	J	746.27	742.92	12"	PVC	NW
MH	K	746.89	742.06	12"	PVC	NW
			742.04	12"	PVC	SW
			741.93	18"	RCP	NE
INL	L	746.38	742.65	12"	PVC	E
INL	M	746.37	742.77	12"	PVC	S
MH	N	746.69	740.87	12"	PVC	SE
			740.97	12"	PVC	N
			740.90	12"	PVC	W
MH	O	747.36		12"	PVC	NW
				12"	PVC	NE
				12"	PVC	SE
			741.92	42"	RCP	N
			741.92	18"	RCP	W
INL	P	747.14		12"	PVC	SE
MH	Q	748.01	742.49	42"	RCP	N
			742.49	42"	RCP	S
MH	R	748.67	742.98	42"	RCP	N
			742.98	42"	RCP	S
				12"	PVC	NE
				12"	PVC	NW

Sanitary Structures						
Structure	#	Rim	Inv	Size	Material	Direction
MH	3	750.28	738.48	10"	PVC	SW
			738.65	10"	PVC	E
MH	4	748.77	737.55	10"	PVC	W
			737.55	10"	PVC	E
MH	5	747.40	736.04	10"	PVC	W
			736.25	10"	PVC	NE
MH	6	747.43	733.67	10"	PVC	SW
			733.69	10"	PVC	NE
			734.24	12"	PVC	NW
MH	7	748.18	735.38	12"	PVC	N
			735.38	12"	PVC	S
MH	8	748.69	735.72	12"	PVC	S
			735.72	12"	PVC	N

- BENCHMARKS (NAVD 88)**
- BM 1 Fire Hydrant, Shoulder of Hydrant NE of bridge on Glenhurst Ln. Elev. 753.05
 - BM 2 Fire Hydrant, Shoulder of Hydrant NE corner of Glenhurst Ln. & Milestone Dr. Elev. 755.23
 - BM 3 Fire Hydrant, Shoulder of Hydrant ±200' W of entrance for Thrivent Elev. 755.62
 - BM 4 Fire Hydrant, Shoulder of Hydrant ±800' W of Intersection of Glenhurst Ln. & Lightning Dr. Elev. 753.42
 - BM 5 Fire Hydrant, Shoulder of Hydrant ±31' SW of SW Cor of 4711 Everbreeze Cir. Elev. 754.10
 - BM 6 Fire Hydrant, Shoulder of Hydrant ±410' W of Intersection of Glenhurst Ln. & Lightning Dr. Elev. 751.53
 - BM 7 Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Glenhurst Ln. & Lightning Dr. Elev. 750.37

- LEGEND**
- CATV CATV Underground Cable TV
 - FD FD Underground Fiber Optic
 - OH OH Overhead Electric Lines
 - San San Utility Guy Wire
 - San San Sanitary Sewer
 - Sto Sto Storm Sewer
 - E E Undergound Electric
 - G G Undergound Gas Line
 - T T Undergound Telephone
 - W W Water Main
 - F F Fence - Steel
 - Treeline
 - 900 900 Index Contour
 - 799 799 Intermediate Contour
 - Wetlands Delineated Wetlands
 - Sanitary MH / Tank / Base
 - Clean Out / Curb Stop / Pull Box
 - Storm Manhole
 - Inlet
 - Catch Basin / Yard Drain
 - Water MH / Well
 - Hydrant
 - Utility Valve
 - Utility Meter
 - Utility Pole
 - Light Pole / Signal
 - Electric Pedestal
 - Electric Transformer
 - Air Conditioner
 - Telephone Pedestal
 - Telephone Manhole
 - CATV Pedestal
 - Gas Regulator
 - Sign
 - Deciduous Tree
 - Coniferous Tree
 - 1" Rebar Found
 - 1.3" O.D. Iron Pipe Found
 - Government Corner
 - Recorded As
 - Benchmark
 - Asphalt Pavement
 - Concrete Pavement
 - Gravel

LINE TABLE			
Line	Bearing	(Recorded)	Length
L1	S 00°02'51" E	(S01°06'27"E)	11.51'
L2	S 63°51'22" W	(S62°47'46"W)	10.00'

CURVE TABLE								
Curve	Radius	Chord Direction	(Recorded)	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	640.00'	S 13°05'45" E	(S14°09'20.5"E)	288.99'	291.50'	26°05'47"	S 00°02'51" E	S 26°08'38" E
C2	160.00'	S 81°24'23" W	(S80°20'47"W)	98.49'	98.02'	35°05'57"	S 63°51'25" W	N 81°02'38" W
C3	380.00'	S 82°49'18" W	(S81°45'39.5"W)	211.21'	214.03'	32°16'13"	N 81°02'36" W	S 66°41'11" W

File: 5629Plat.dwg
Date: 02/05/2021
Drafted By: Jim
Sheet: 1 of 1

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