



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 12, 2022

Common Council Meeting Date: January 19, 2022

Item: Preliminary Plat – Stone Ridge Estates West

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant: Michael J. Frank, Schuler & Associates, Inc.

Owner: Cypress Homes, Inc.

Address/Parcel #: N. Haymeadow Avenue (Tax Id #31-6-5802-02). The subject property is located south of East Clearfield Lane and west of North Haymeadow Avenue.

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

BACKGROUND

On June 19, 2019, Common Council adopted Ordinance 68-19, to annex the subject area from the Town of Grand Chute to the City of Appleton. The subject property was officially annexed to the City on June 25, 2019 at 12:01 a.m.

On July 24, 2019, the Common Council approved the request to rezone the subject property from Temporary AG Agricultural District to R-1B Single-Family District.

CSM #20-19 created the subject parcel and was approved by staff on January 2, 2020. The dedication of public right-of-way for North Haymeadow Avenue (adjacent to the subject property) was approved by the Common Council on December 18, 2019.

STAFF ANALYSIS

Existing/Proposed Conditions: The subject area to be subdivided is currently undeveloped. Stone Ridge Estates West consists of 3.88 acres and will be divided into ten (10) single-family lots.

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

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed average lot size is 15,904 square feet. All lots exceed this minimum requirement.*

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- Minimum lot width: Fifty (50) feet.
 - *All lots exceed this minimum requirement, with exception of Lot 8. Please see the “Compliance with Appleton Subdivision Regulations” section below. The applicant has requested a Modification of Regulations per Section 17-3(f) of the Subdivision Code. Lot 8 meets the minimum lot width standard at the building setback line.*
- 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.

Proposed lot width for Lot 8 is 40 feet at the right-of-way line, 50 feet is required per Section 17-3(c)(6) and Section 23-93(g)(3) of the Municipal Code. The modification allows for a reduction of lot width at the right-of-way line from 50 feet to 40 feet. *Note: Per Section 23-22, lot width for a lot abutting a cul-de-sac or curved street is measured at the front setback line. Due to the existing angled alignment of Haymeadow Avenue, Lot 8 is shaped similar to a lot adjacent to a cul-de-sac. Lot 8 is 90 feet wide at the 20 foot front setback line and complies with all other applicable development standards.*

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 Stone Ridge Estates West is via North Haymeadow Avenue and East Stratford Lane. The road right-of-way for proposed East Stratford Lane will be dedicated to the City with the Final Plat.

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Surrounding Zoning and Land Uses:

North: R-1B Single Family Residential. The adjacent land use to the north is currently residential.

South: Town of Grand Chute. The adjacent land use to the south is currently agriculture.

East: R-1A Single Family Residential. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

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.

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.

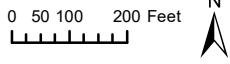
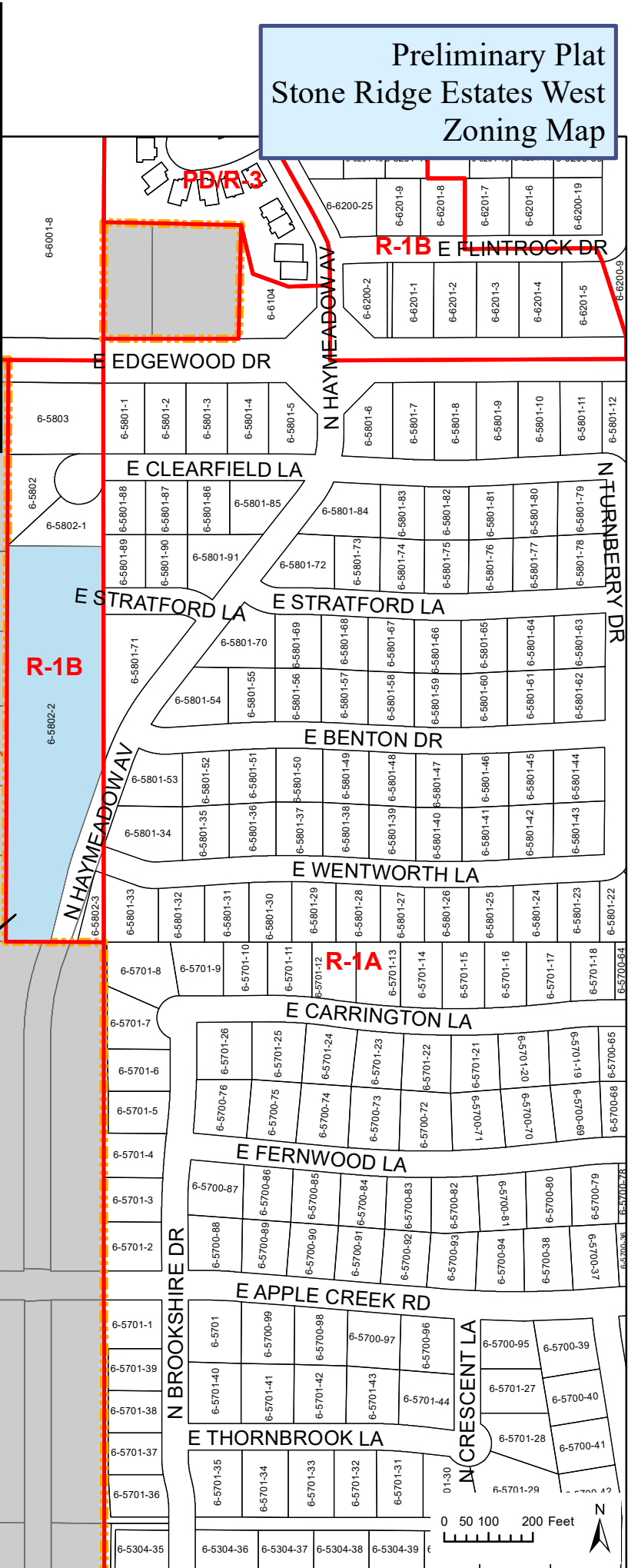
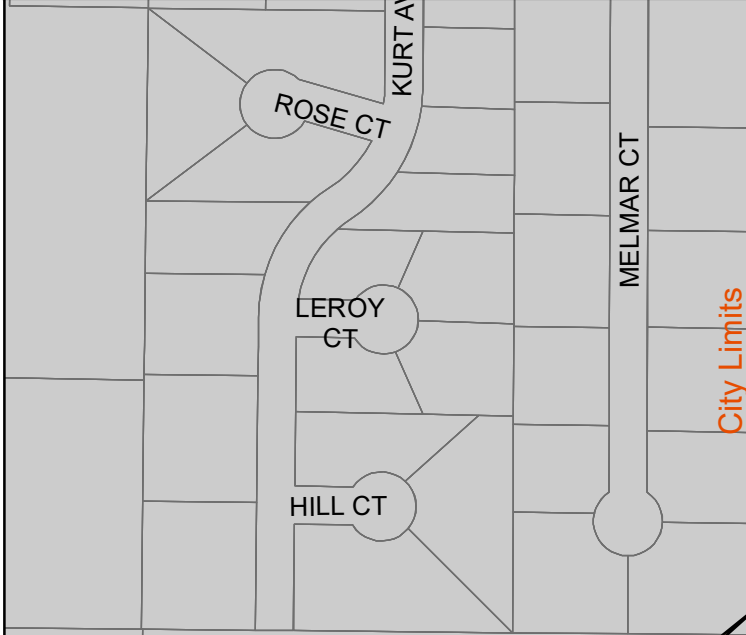
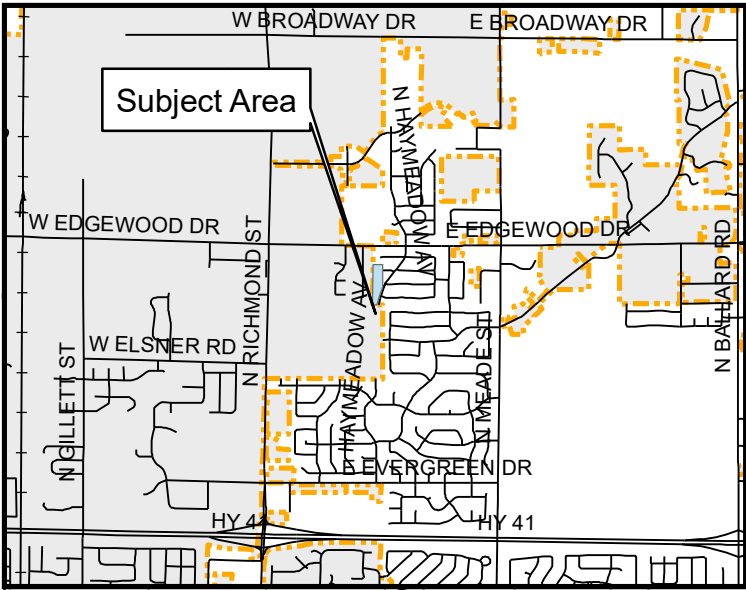
Technical Review Group Report (TRG): This item appeared on the December 7, 2021 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

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

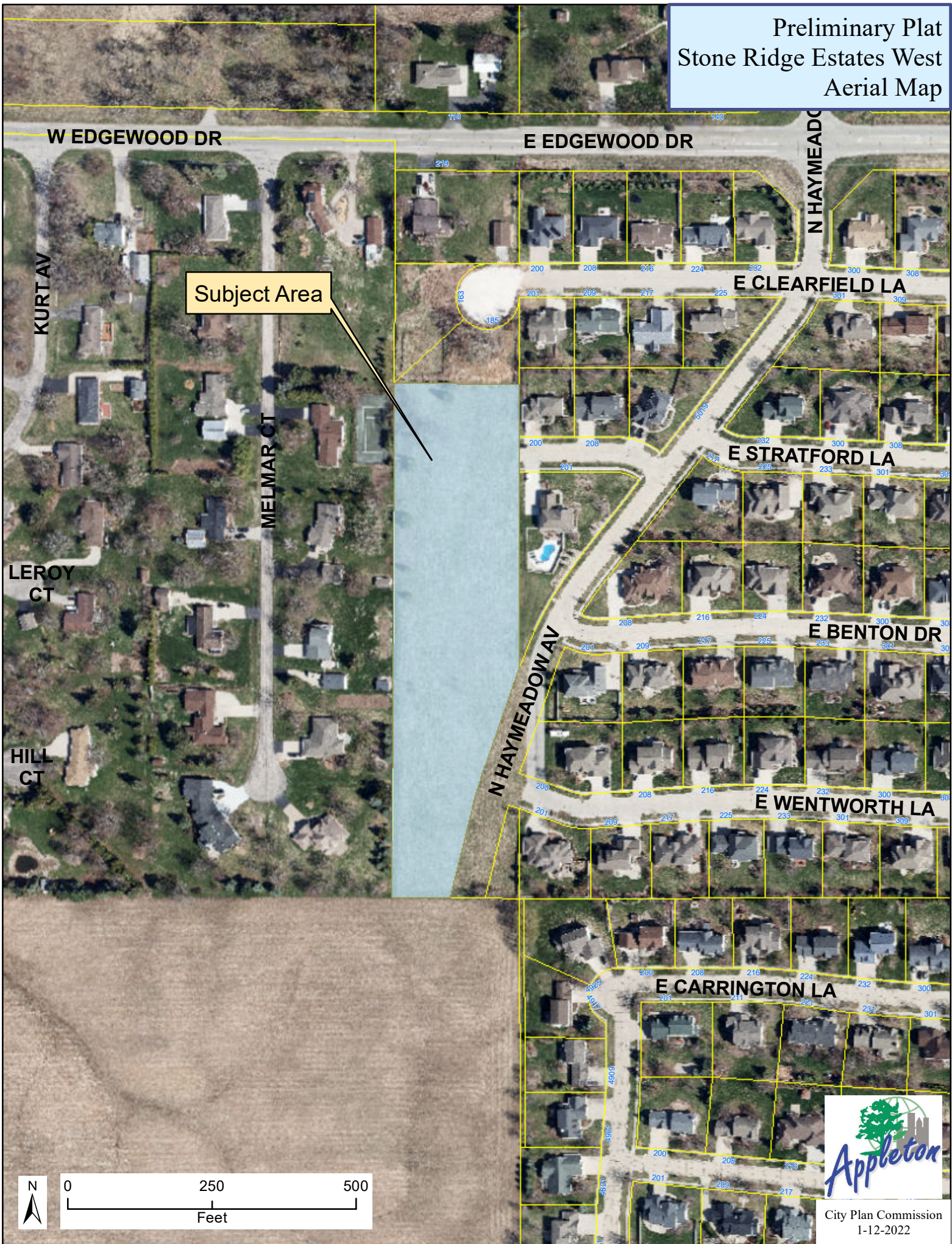
1. Prior to City signatures being affixed to the Final Plat, park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.
2. Grant relief from the minimum lot width requirements for proposed Lot 8, per Section 17-3(f) of the Municipal Code and as stated in the staff report.
3. List the benchmark reference datum.
4. The following note shall be added to the Final Plat: *Lots 11 and 12 contain a private storm water pond. No building permits will be issued for these lots during the time period that the pond occupies the lots. Issuance of any future building permits for lot 11 and lot 12 will not occur until such time as the private pond is removed, and alternate facilities constructed as part of a city-approved revision to the stormwater management plan for this 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. 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.
7. 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.
8. 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 Stone Ridge Estates West Zoning Map

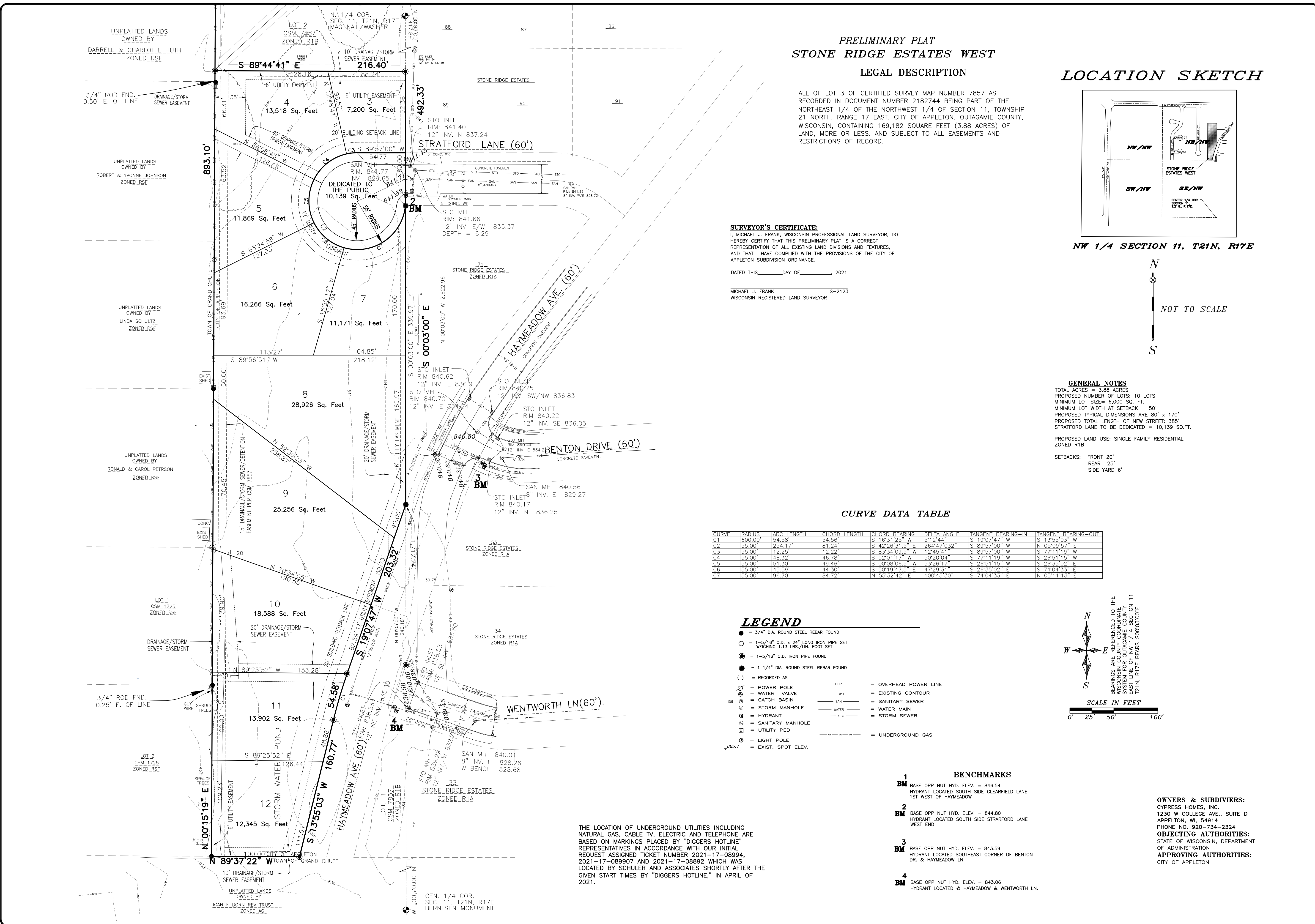


Preliminary Plat
Stone Ridge Estates West
Aerial Map

Subject Area



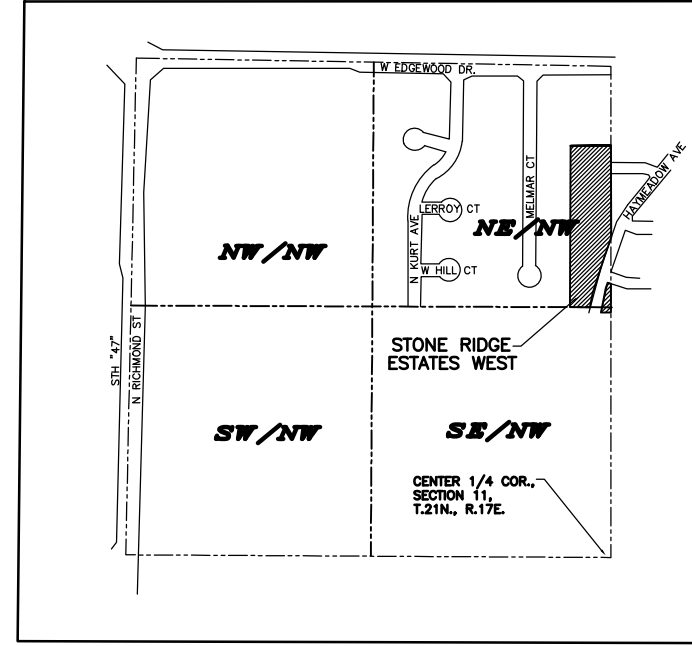
City Plan Commission
1-12-2022



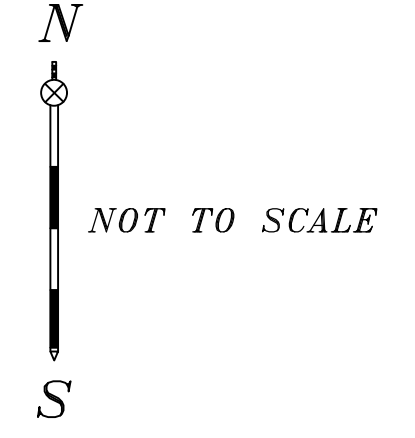
PRELIMINARY PLAT
STONE RIDGE ESTATES WEST
LEGAL DESCRIPTION

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 169,182 SQUARE FEET (3.88 ACRES) OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

LOCATION SKETCH



NW 1/4 SECTION 11, T21N, R17E



SURVEYOR'S CERTIFICATE:
 I, MICHAEL J. FRANK, WISCONSIN PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PRELIMINARY PLAT IS A CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND FEATURES, AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE CITY OF APPLETON SUBDIVISION ORDINANCE.

DATED THIS _____ DAY OF _____, 2021

MICHAEL J. FRANK S-2123
 WISCONSIN REGISTERED LAND SURVEYOR

GENERAL NOTES

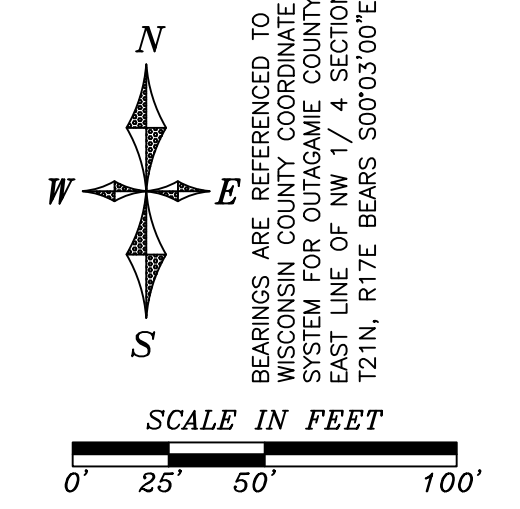
- TOTAL ACRES = 3.88 ACRES
- PROPOSED NUMBER OF LOTS: 10 LOTS
- MINIMUM LOT SIZE = 6,000 SQ. FT.
- MINIMUM LOT WIDTH AT SETBACK = 50'
- PROPOSED TYPICAL DIMENSIONS ARE 80' x 170'
- PROPOSED TOTAL LENGTH OF NEW STREET: 385'
- STRATFORD LANE TO BE DEDICATED = 10,139 SQ.FT.
- PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL ZONED R1B
- SETBACKS: FRONT 20'
- REAR 25'
- SIDE YARD 6'

CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	600.00'	54.58'	54.56'	S 16°51'25" W	5°12'44"	S 19°07'47" W	S 13°55'03" W
C2	55.00'	254.17'	81.24'	S 42°20'31" E	284°47'0332"	S 89°57'00" W	N 03°09'57" E
C3	55.00'	12.25'	12.22'	S 83°34'09.5" W	12°45'41"	S 89°57'00" W	S 77°11'19" W
C4	55.00'	48.32'	46.78'	S 52°01'17" W	50°20'04"	S 77°11'19" W	S 26°51'15" W
C5	55.00'	51.30'	49.46'	S 02°08'06.5" W	53°28'17"	S 26°51'15" W	S 26°35'02" E
C6	55.00'	45.59'	44.30'	S 50°19'47.5" E	47°29'31"	S 26°35'02" E	S 74°04'33" E
C7	55.00'	96.70'	84.72'	N 55°32'42" E	100°45'30"	S 74°04'33" E	N 05°11'13" E

LEGEND

- = 3/4" DIA. ROUND STEEL REBAR FOUND
- = 1-5/16" O.D. x 24" LONG IRON PIPE SET WEIGHING 1.13 LBS./LIN. FOOT SET
- = 1-5/16" O.D. IRON PIPE FOUND
- = 1 1/4" DIA. ROUND STEEL REBAR FOUND
- () = RECORDED AS
- ⊙ = POWER POLE
- ⊕ = WATER VALVE
- ⊗ = CATCH BASIN
- ⊙ = STORM MANHOLE
- ⊙ = HYDRANT
- ⊙ = SANITARY MANHOLE
- ⊙ = UTILITY PED
- ⊙ = LIGHT POLE
- ⊙ = EXIST. SPOT ELEV.
- OHP — = OVERHEAD POWER LINE
- EX — = EXISTING CONTOUR
- SAN — = SANITARY SEWER
- WATER — = WATER MAIN
- STO — = STORM SEWER
- — — = UNDERGROUND GAS



BENCHMARKS

- BM** BASE OPP NUT HYD. ELEV. = 846.54
HYDRANT LOCATED SOUTH SIDE CLEARFIELD LANE 1ST WEST OF HAYMEADOW
- BM** BASE OPP NUT HYD. ELEV. = 844.80
HYDRANT LOCATED SOUTH SIDE STRATFORD LANE WEST END
- BM** BASE OPP NUT HYD. ELEV. = 843.59
HYDRANT LOCATED SOUTHEAST CORNER OF BENTON DR. & HAYMEADOW LN.
- BM** BASE OPP NUT HYD. ELEV. = 843.06
HYDRANT LOCATED @ HAYMEADOW & WENTWORTH LN.

OWNERS & SUBDIERS:
 CYPRESS HOMES, INC.
 1230 W COLLEGE AVE., SUITE D
 APPLETON, WI, 54914
 PHONE NO. 920-734-2324
OBJECTING AUTHORITIES:
 STATE OF WISCONSIN, DEPARTMENT OF ADMINISTRATION
APPROVING AUTHORITIES:
 CITY OF APPLETON

THE LOCATION OF UNDERGROUND UTILITIES INCLUDING NATURAL GAS, CABLE TV, ELECTRIC AND TELEPHONE ARE BASED ON MARKINGS PLACED BY "DIGGERS HOTLINE" REPRESENTATIVES IN ACCORDANCE WITH OUR INITIAL REQUEST ASSIGNED TICKET NUMBER 2021-17-08994, 2021-17-08997 AND 2021-17-08892 WHICH WAS LOCATED BY SCHULER AND ASSOCIATES SHORTLY AFTER THE GIVEN START TIMES BY "DIGGERS HOTLINE," IN APRIL OF 2021.

REVISIONS

SCHULER & ASSOCIATES, INC.
 LAND SURVEYORS & ENGINEERS
 2711 N. MASON STREET, Suite F APPLETON, WI 54914 (920) 734-9107

PRELIMINARY PLAT
STONE RIDGE ESTATES WEST
 CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.
 FOR: CYPRESS HOMES, INC.
 1230 W. COLLEGE AVE., STE D
 APPLETON, WI 54914

DRAWN
 MLF
DATE
 11-8-21
SCALE
 AS SHOWN
JOB NO.
 4548
SHEET
 1



**APPLICATION FOR SUBDIVISION ORDINANCE
CHAPTER 17, MODIFICATION OF REGULATIONS**

Community and Economic Development Department
100 N. Appleton St. PH: 920-832-6468
Appleton, WI 54911 FAX: 920-832-5994

RECEIVED

Dept. of Community & Economic Development

11-24-21

Stamp date received

PROPERTY OWNER		APPLICANT (owner's agent)	
Name Cypress Homes, Inc.		Name Jeff Rustick (Schuler & Associates, Inc.)	
Mailing Address 1230 W. College Avenue, Suite D Appleton, WI 54914		Mailing Address 2711 N. Mason Street, Suite F Appleton, WI 54914	
Phone (920) 734-2324	Fax	Phone (920) 734-9701	Fax
E-mail Shannon@callcypresshomes.com		E-mail jtr@schulerassociates.net	

PROPERTY INFORMATION		
Property Tax # (31-0-0000-00) 31-6-5802-02		
Site Address/Location N. Haymeadow Avenue		
Modification Request Submitted To: (check applicable box)		
<input checked="" type="checkbox"/> Common Council		
<input type="checkbox"/> Director of Public Works		
Current Zoning: R-1B	Proposed Zoning: R-1B	Proposed Average lot area: 16,000 sf
Current Uses: Vacant	Proposed Uses: Single Family Subdivision	Proposed Average Lot dimensions: 84' x 190'

THIS REQUEST IS FOR A MODIFICATION UNDER THE TERMS OF SECTION(S) OF THE SUBDIVISION ORDINANCE.

Section 17-26 (b)(1), 50' Required Lot Width per Section 23-93 (g)(3) for Lot 8. It is proposed to allow Lot 8 to have 40 feet of public street frontage.

X 11/24/21 X  Shannon Meyer, President
Date Owner/Agent Signature (Agents must provide written proof of authorization)

OFFICE USE ONLY			
FILE # <u>N/A</u>	Application Complete <u>Jessica Tittel</u>	<u>11/24/21</u>	Date Filed <u>12/22/21</u>
Fee \$0 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.			

ADDITIONAL INFORMATION

The land to be subdivided is an infill site with fully developed property to the east (City of Appleton) and west (Town of Grand Chute). The locations of the streets that are to be extended into the property were pre-determined by others and make for somewhat atypical lots, although all but Lot 8 meet the requirements of the subdivision ordinance. The only modification required for Lot 8 is to allow 40 feet of width at the street right-of-way while the ordinance requires 50 feet. The lot is 90 feet wide at the 20 foot building setback, so widens quickly and has an area of 28,298 square feet.

1. The hardship in this situation is created by the shape of the property and the location of officially mapped Haymeadow Avenue. This is an infill site with limited options to subdivide efficiently.
2. By allowing the modification, only Lot 8 will deviate from the subdivision ordinance. If technical conformance with the ordinance was imposed on Lot 8, there would be a negative impact on Lot 9 without any true benefit to Lot 8.
3. The modification conforms to the general intent of the subdivision ordinance as Lot 8 is more than large enough to allow the construction of a typical home. The modification is not detrimental to the public interest, more particularly as follows:
 - The modification promotes the general welfare by allowing the establishment of quality home sites.
 - A house of size and value consistent with those in the immediate neighborhood can be constructed on the lot, protecting the property values of others.
 - This modification allows an appropriate use of the land considering the limitations of possible lot configurations.
 - The modification allows an orderly layout of the land in a functional subdivision configuration. Increasing Lot 8 frontage would negatively impact other lots without improving the condition of Lot 8.
 - Lot 8 will have adequate and convenient access to Haymeadow Avenue like any other subdivision lot.
 - Sewer and water service is readily available from Haymeadow Avenue. The lot is of adequate size to allow access to light and air.