



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** October 13, 2020

**Common Council Public Hearing Meeting Date:** November 4, 2020  
(Public Hearing on Rezoning)

**Item:** Rezoning #8-20 – Sixth 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 requesting a zoning change of 6.905 acres of land from AG Agricultural District to R-1B Single-Family District to construct the sixth addition to the Emerald Valley subdivision. This phase consists of 15 lots.

### BACKGROUND

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. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

The Preliminary Plat for the Sixth and Seven Addition to Emerald Valley was submitted to the City on September 29, 2020. The Preliminary Plat is currently under review and it is anticipated to be placed on the October 27, 2020 Plan Commission Agenda for action.

### STAFF ANALYSIS

**Proposed Zoning Classification:** The purpose of the R-1B Single-Family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium-sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

**Existing Conditions:** The portion of the lot to be rezoned is currently undeveloped and zoned AG Agricultural District.

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

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed lots shown on the preliminary plat satisfy this standard.*

- Minimum lot width: Fifty (50) feet.
  - *The proposed lots shown on the preliminary plat satisfy this standard.*

**Surrounding Zoning and Land Uses:**

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

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses.

*Overall Community Goals*

**Goal 1 – Community Growth (Chapter 10)**

*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.*

**Findings:** The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on the subject site after the platting process has been completed.

**Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5)**

*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.*

**Findings:** The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on subject site after the platting process has been completed. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels.

**5.1 OBJECTIVE:** *Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.*

**5.3 OBJECTIVE:** *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.*

**Findings:** The request is consistent with these objectives because the single-family zoning classification will allow the subject site to be developed with residential housing units. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels. The proposal is compatible with the existing single-family dwellings development on adjacent properties.

*6.3 OBJECTIVE: Create an environment that is safe and conducive to walking and bicycling throughout the entire city.*

*6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods.*

*6.3.5 Continue to implement the City's On-Street Bike Lane Plan and the Sidewalk Installation Policy as approved by the Common Council to ensure multi-modal transportation opportunities.*

**Findings:** The proposed development will be a continuation of the lot-block pattern and straight street patterns previously established by the earlier phases of Emerald Valley Subdivision. As new homes are built, new sidewalk segments will be installed in this area of the City. Once all sidewalk segments are connected together, opportunities for walking to services, schools, and parks and transit will exist in the area of the City. These objectives and policies appear to be met.

*7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.*

*7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.*

**Findings:** The anticipated development is consistent with this objective and policy, as adequate public infrastructure exists in this area of the City.

*9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

*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.*

**Findings:** The proposed development will be contiguous to an existing residential area which can be efficiently served by connecting to existing public infrastructure located in this area of the City.

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
  1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
  3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
  2. The effect of the proposed rezoning on surrounding uses. *Single-family uses are already present to the north, east and south of the subject site. The rezoning request is being made to accommodate the 6<sup>th</sup> addition of this residential subdivision which will expand this residential neighborhood. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

**Technical Review Group Report (TRG):** This item appeared on the September 22, 2020 TRG Agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

---

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #8-20 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

## REZONING LEGAL DESCRIPTION CURRENTLY ZONED AG TO BE REZONED TO R1-B

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 676.42 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE THIRD ADDITION TO EMERALD VALLEY, A DISTANCE OF 134.60 FEET; THENCE 25.16 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, SAID CURVE HAVING A RADIUS OF 333.00 FEET AND A CHORD THAT BEARS NORTH 27 DEGREES 04 MINUTES 53.0 SECONDS WEST, 25.15 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 66.21 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS NORTH 30 DEGREES 47 MINUTES 18.5 SECONDS WEST, 23.85 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 171.18 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 110.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 260.00 FEET; THENCE NORTH 42 DEGREES 48 MINUTES 38 SECONDS WEST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 320.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 120.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 145.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 353.00 FEET TO THE NORTHWEST CORNER OF LOT 53 OF THE FIRST ADDITION TO EMERALD VALLEY; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID LOT 53, A DISTANCE OF 145.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 60.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF LOT 99 OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY LINE OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 300,775 SQUARE FEET [6.905 ACRES].

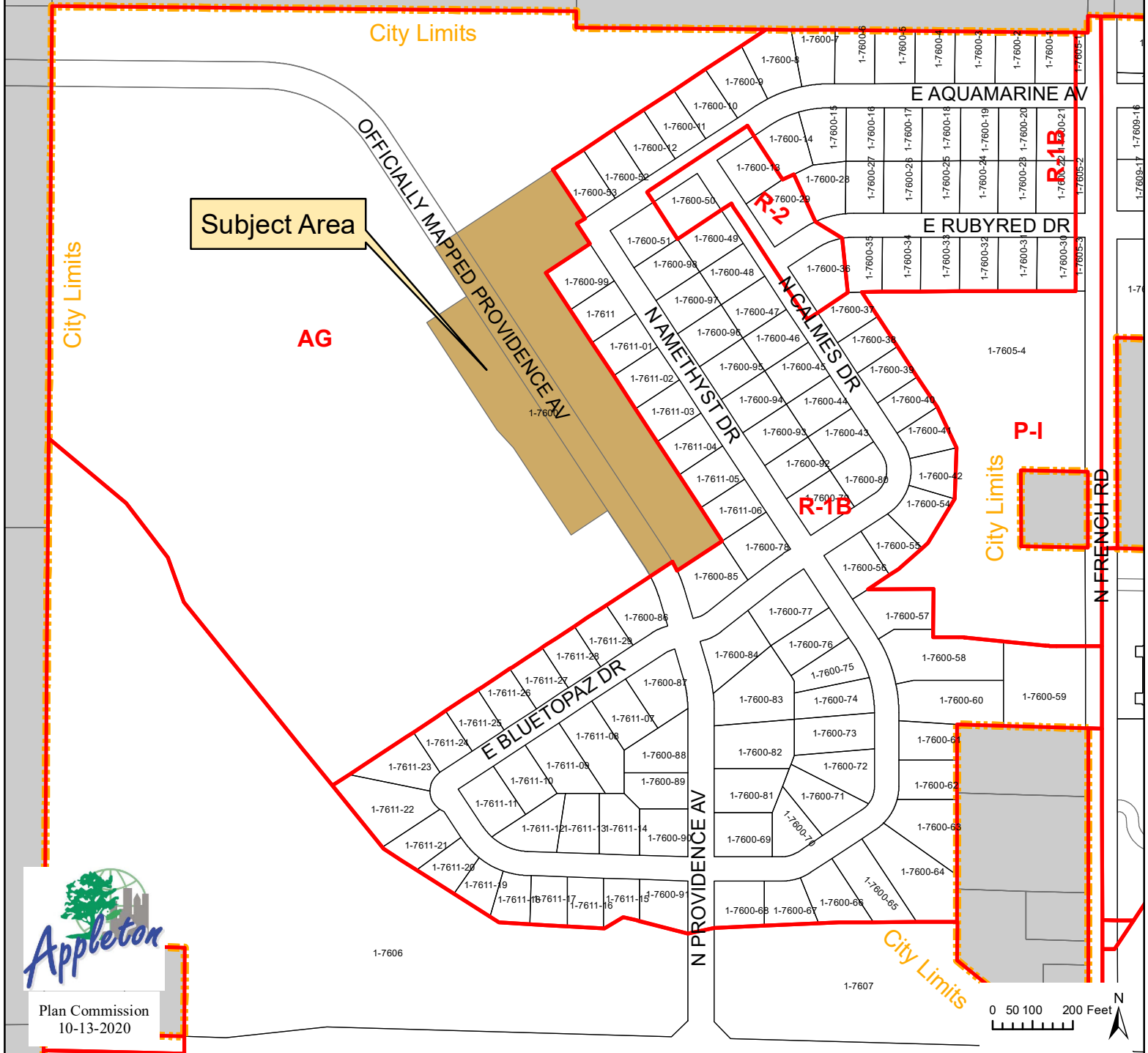
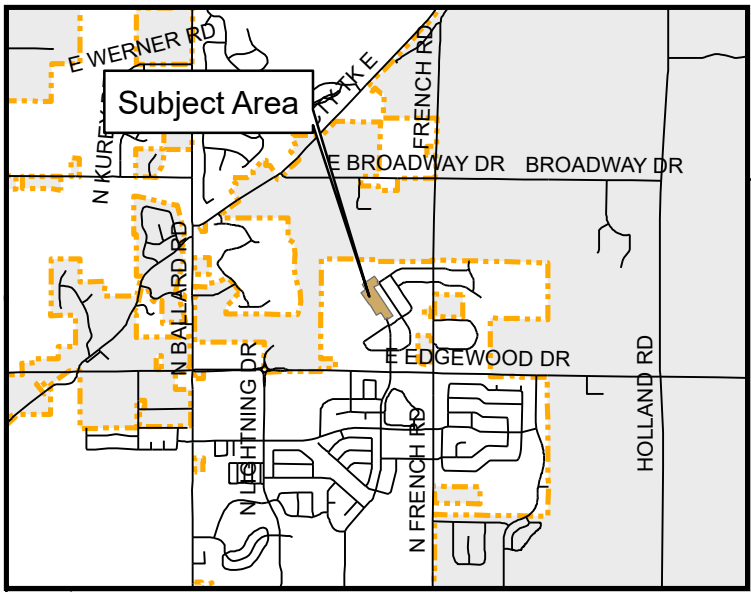
PROJECT NO. 1-0534-010

DATE: September 8, 2020

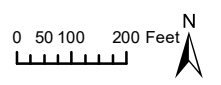
FILE: Q:\1-0534-010 6th Add to Emerald Valley Estates\Rezoning\Rezoning LegalDesc.doc

A.Sedlar

Rezoning  
6th Addition to Emerald Valley  
AG Agricultural District to  
R-1B Single-family District  
Zoning Map



Plan Commission  
10-13-2020



Rezoning  
6th Addition to Emerald Valley  
AG Agricultural District to  
R-1B Single-family District  
Aerial Map

Subject Area

OFFICIALLY MAPPED PROVIDENCE AV



City Plan Commission  
10-13-2020





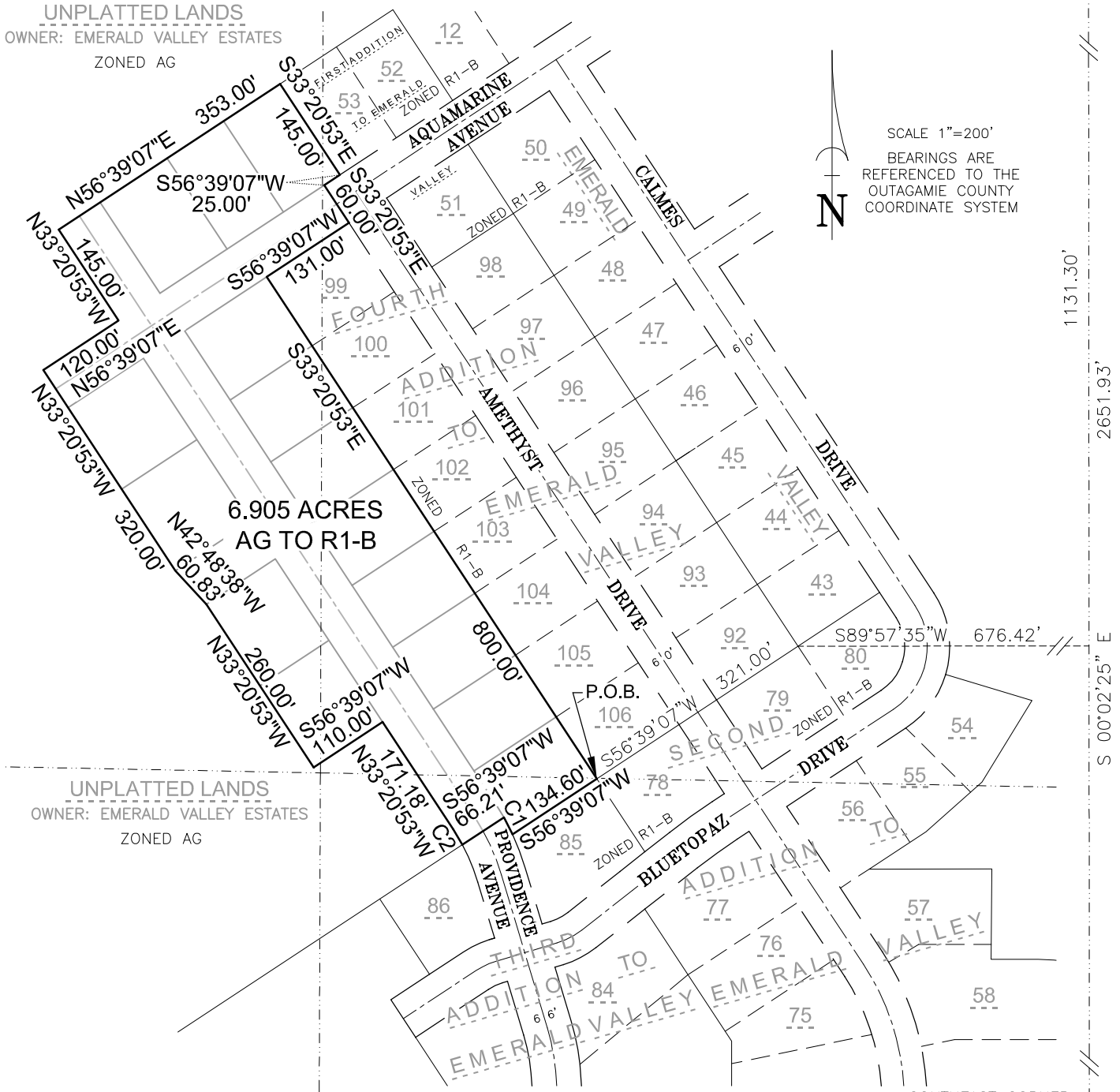
# REZONING REFERENCE MAP

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

EAST 1/4 CORNER  
SECTION 6  
T21N, R18E

UNPLATTED LANDS  
OWNER: EMERALD VALLEY ESTATES  
ZONED AG

SCALE 1"=200'  
BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM



6.905 ACRES  
AG TO R1-B

UNPLATTED LANDS  
OWNER: EMERALD VALLEY ESTATES  
ZONED AG

SOUTHEAST CORNER  
SECTION 6  
T21N, R18E

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	333.00'	004°19'42"	25.16'	N 27°04'53.0" W	25.15'	N 24°55'02" W	N 29°14'44" W
2	267.00'	005°07'09"	23.86'	N 30°47'18.5" W	23.85'	N 28°13'44" W	N 33°20'53" W

## Martenson & Eisele, Inc.



1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
info@martenson-eisele.com  
920.731.0381 1.800.236.0381

Planning  
Environmental  
Surveying  
Engineering  
Architecture

PROJECT NO. 1-0534-010  
FILE 1-0534-010zone.dwg  
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar