



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** January 23, 2018

**Common Council Meeting Date:** February 7, 2018

**Item:** Final Plat – Creekside Estates

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

**Owner/Applicant:** Pat Hietpas, Emerald Valley Estates, LLC – Owner  
Jason Mroz, Apple Tree Appleton Four, LLC – Applicant

**Address/Parcel #:** Cherryvale Avenue / 31-1-7509-03 and 31-1-7512-73

**Petitioner's Request:** The owner/applicant is proposing to subdivide the properties to accommodate a 13-lot single-family subdivision.

### BACKGROUND

The Preliminary Plat for Creekside Estates consisting of 13 residential lots was approved by the Plan Commission on December 12, 2017 and the Common Council on January 17, 2018.

Rezoning #8-17 (R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District) for Creekside Estates was approved by the Plan Commission on December 12, 2017 and by the Common Council on January 17, 2018.

In 2002, a preliminary plat for Applecreek Estates was approved and the final plat for the First Addition to Applecreek Estates was approved in 2004. The subject parcels were part of this plat. The main parcel (31-1-7509-03) was identified as future park land. Based on past actions, it was determined that the City would not accept dedication of this land as park land. The applicant worked with the City Attorney's Office to formally resolve this issue. A Quit Claim Deed had been recorded.

The subject property was annexed to the City in 1997 as part of the Northeast Annexation, and a zoning classification of R-1A Single-Family District was assigned at that time. Parcel 31-1-7512-73 was rezoned from R-1A Single-Family District to R-2 Two-Family District in 2002.

### STAFF ANALYSIS

**Existing Conditions:** The properties are currently undeveloped and zoned R-1B Single-Family District. The 9.9123 acre area will be divided into thirteen (13) single family lots and 2 outlots. Outlot 1 will be reserved for potential future development.

**Comparison Between Final Plat and Preliminary Plat:** The Final Plat is consistent with the Preliminary Plat layout for these thirteen (13) lots in terms of shape, size, and location.

**Final Plat – Creekside Estates**

**January 23, 2018**

**Page 2**

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

- Minimum lot area: Six thousand (6,000) square feet.
  - *All lots exceed this requirement. The proposed average lot size is 11,600 square feet.*
- Minimum lot width: Fifty (50) feet.
  - *All lots exceed this requirement. The proposed lots average lot width is 58 feet.*
- 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 had 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, and no variances have been requested.

**Access and Traffic:** The primary vehicular access to this subdivision is Cherryvale Avenue, which connects to Edgewood Drive to the north and Evergreen Drive to the south. No road dedication is needed with this plat and no new streets are proposed with this development.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east and west). The uses are generally residential and agricultural in nature. The Apple Creek drainage corridor is adjacent to the west and north subdivision boundaries.

**2010-2030 Comprehensive Plan:** Community & Economic Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential uses shown on the City's 2010-2030 Comprehensive Plan Future Land Use Map.

**Parks and Open Space:** The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code are \$300 per dwelling unit. The total park fee required for this development is \$3,900.

**Technical Review Group Report (TRG):** This item was discussed at the January 2, 2018 Technical Review Group Report meeting.

**Department of Public Works Comments:**

- Sign easement may be subject to vision triangle restrictions due to the potential of a future roadway to be located within the Road Reservation.

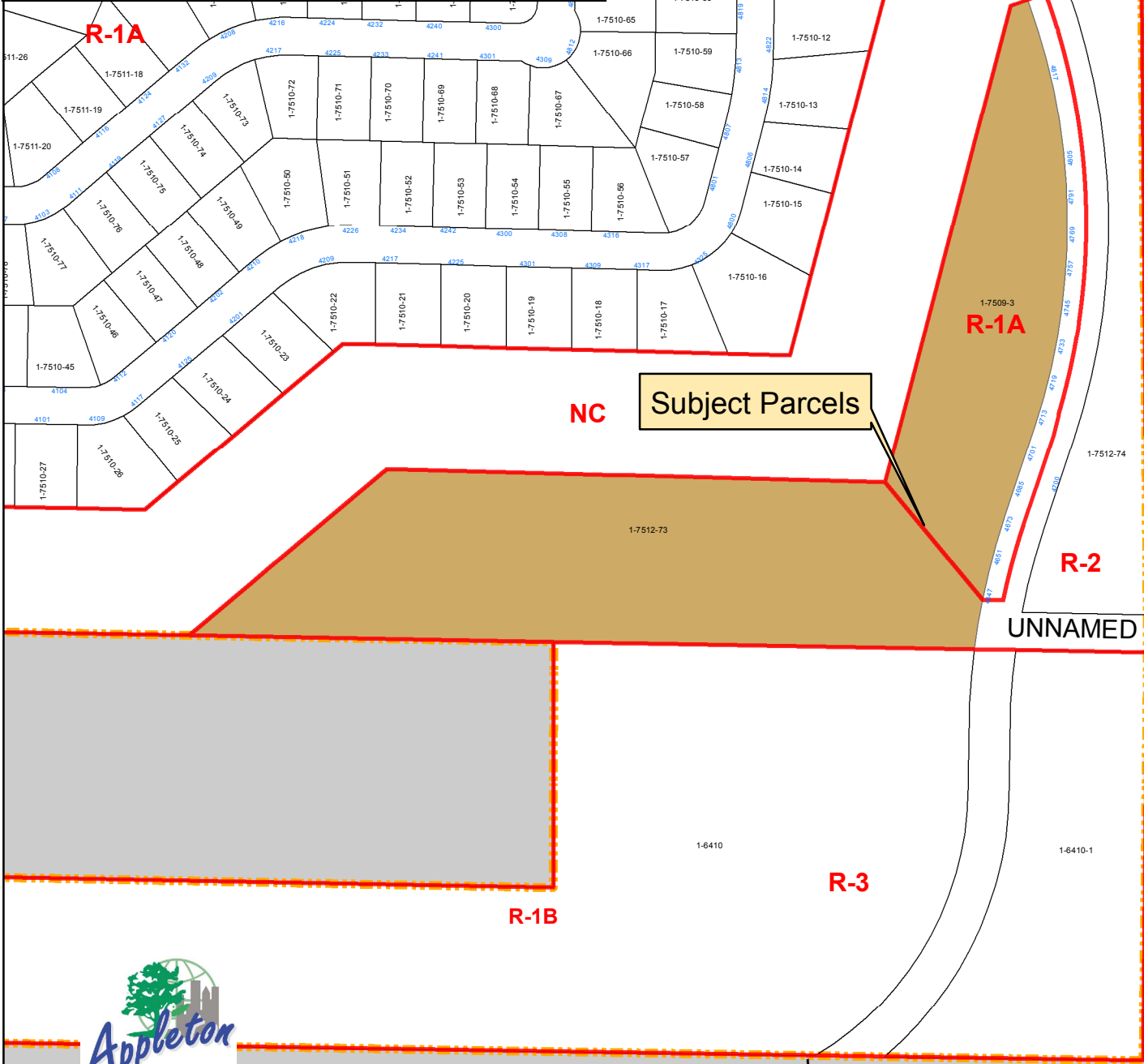
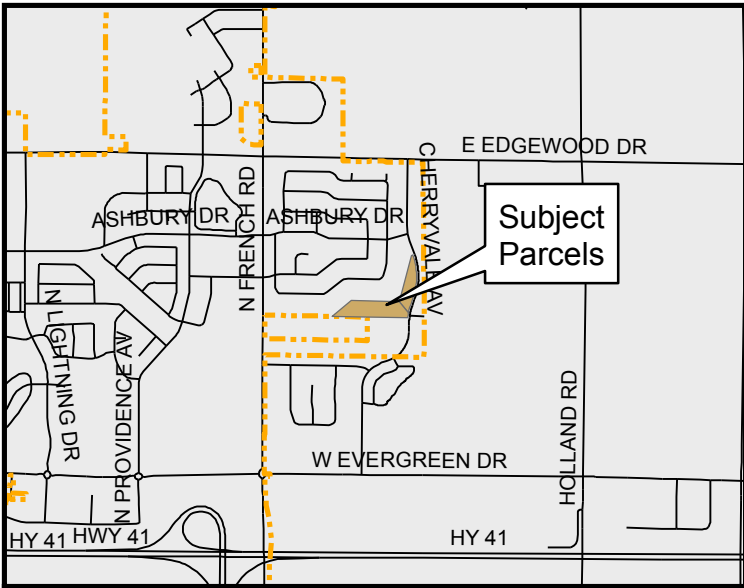
**RECOMMENDATION**

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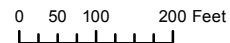
The Creekside Estates Final Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. 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.
2. All easements, including but not limited to, storm sewers, utility, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer.
3. Complete and submit a stormwater utility service application to the Community and Economic Development with the Final Plat for the City of Appleton Public Works Department, Engineering Division review and approval.
4. Submit a Stormwater Permit Application with Stormwater Management Plan and supporting documentation (e.g. wetland delineation report) to the City of Appleton Public Works Department, Engineering Division. Additional comments may result from City consultant review of those items.
5. All requirements from the City of Appleton Public Works Department, Engineering Division, shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
6. A note shall be placed on the final plat noting ownership, use and maintenance of all outlots prior to the City affixing signatures on the Final Plat.
7. Park fees of \$3,900 shall be paid to the City of Appleton Finance Department prior to the City signatures being affixed to the Final Plat, unless otherwise stated in the Development Agreement.
8. Sign easement may be subject to vision triangle restrictions due to the potential of a future roadway to be located within the Road Reservation.
9. The legal instruments creating a property owner's association for the ownership or maintenance of common lands in the subdivision shall be provided after the Final Plat is recorded.

Creekside Estates  
Final Plat  
Zoning Map



City Plan Commission  
1-23-18



IA DR

CHERRYVALE AV

# Creekside Estates Final Plat Aerial Map

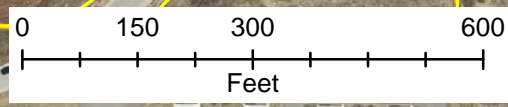


Subject Parcels

UNNAMED

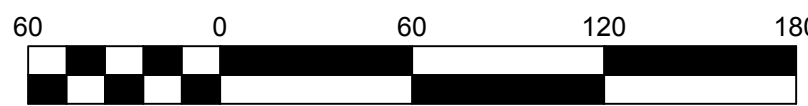
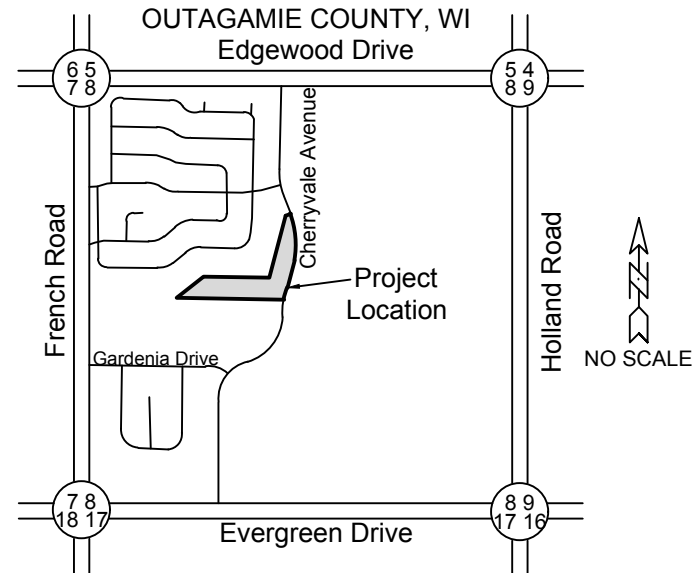


City Plan Commission  
1-23-18



**LOCATION MAP**

W 1/2 SEC 8, T 21 N, R 18 E,  
CITY OF APPLETON  
OUTAGAMIE COUNTY, WI  
Edgewood Drive



Bearings are referenced to the South line of the Northwest 1/4, Section 08, T21N, R18E, to bear S88°59'32"E, base on the Outagamie County Coordinate System.

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



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

James R. Sehoff, Wisconsin Professional Land Surveyor No. S-2692 Date \_\_\_\_\_  
jim@davel.pro

Revision Date: Jan 12, 2018  
File: 5220Final.dwg  
Date: 01/12/2018  
Drafted By: jim  
Sheet: 1 of 2

# Creekside Estates

All of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	1039.18'	S 00°52'46" E	689.17'	702.46'	38°43'51"
C2	1039.18'	S 17°07'22" W	49.44'	49.44'	2°43'34"
C3	1039.18'	S 14°06'19" W	60.00'	60.01'	3°18'32"
C4	1039.18'	S 10°47'33" W	60.14'	60.15'	3°18'59"
C5	1039.18'	S 07°31'21" W	58.46'	58.47'	3°13'26"
C6	1039.18'	S 04°17'04" W	58.98'	58.99'	3°15'08"
C7	1039.18'	S 01°00'44" W	59.71'	59.71'	3°17'32"
C8	1039.18'	S 02°18'24" E	60.66'	60.67'	3°20'43"
C9	1039.18'	S 05°41'09" E	61.89'	61.90'	3°24'46"
C10	1039.18'	S 13°49'07" E	232.62'	233.11'	12°51'10"
C11	1105.18'	S 12°52'39" W	216.01'	216.36'	11°12'59"
C12	1105.18'	S 12°06'23" W	65.46'	65.47'	3°23'38"
C13	1105.18'	S 15°18'26" W	58.00'	58.01'	3°00'27"
C14	1105.18'	S 17°38'54" W	32.31'	32.31'	1°40'30"
C15	1105.18'	S 08°50'22" W	60.56'	60.57'	3°08'25"

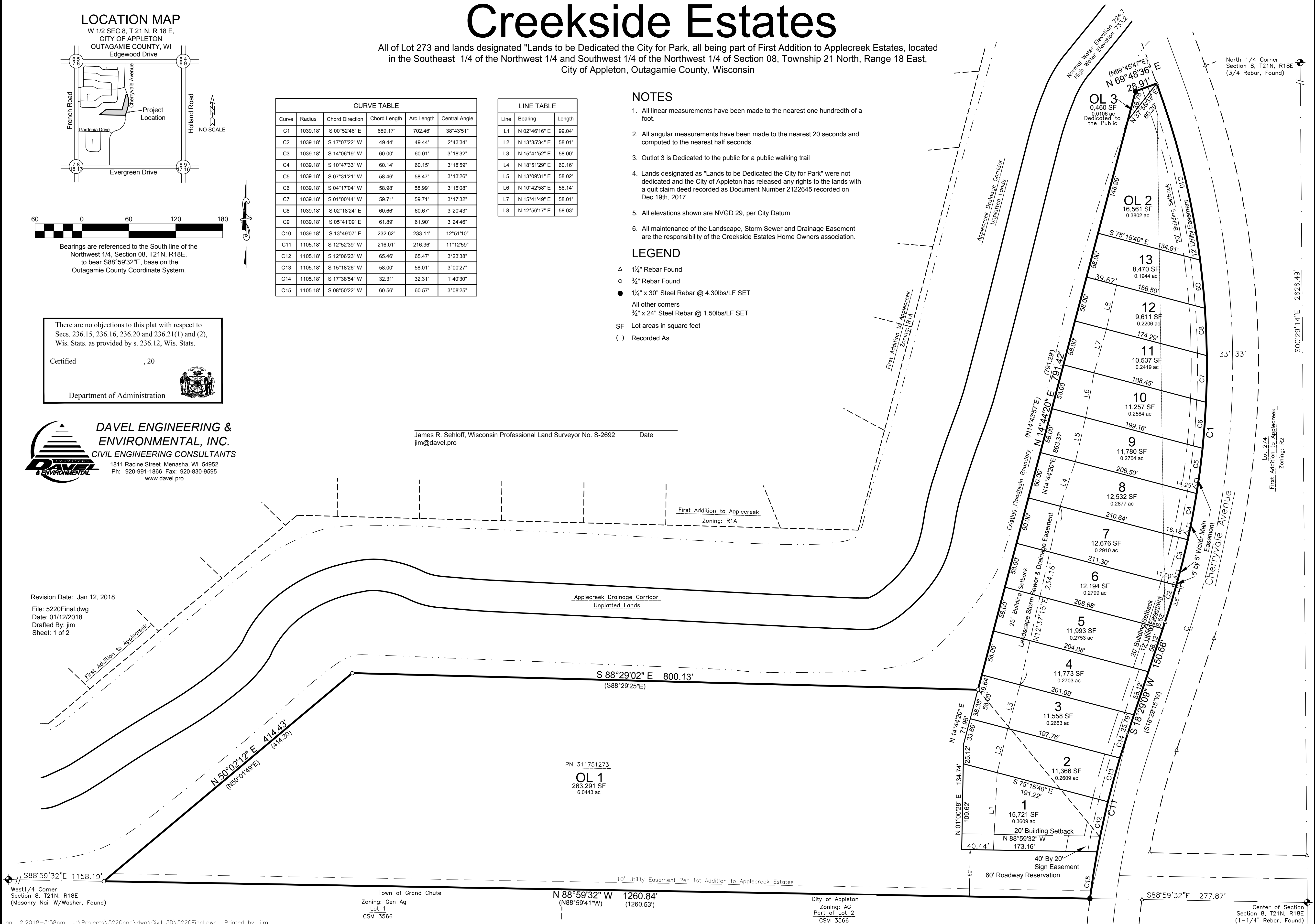
Line	Bearing	Length
L1	N 02°46'16" E	99.04'
L2	N 13°35'34" E	58.01'
L3	N 15°41'52" E	58.00'
L4	N 18°51'29" E	60.16'
L5	N 13°09'31" E	58.02'
L6	N 10°42'58" E	58.14'
L7	N 15°41'49" E	58.01'
L8	N 12°56'17" E	58.03'

**NOTES**

- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.
- Outlot 3 is Dedicated to the public for a public walking trail
- Lands designated as "Lands to be Dedicated the City for Park" were not dedicated and the City of Appleton has released any rights to the lands with a quit claim deed recorded as Document Number 2122645 recorded on Dec 19th, 2017.
- All elevations shown are NVGD 29, per City Datum
- All maintenance of the Landscape, Storm Sewer and Drainage Easement are the responsibility of the Creekside Estates Home Owners association.

**LEGEND**

- △ 1/4" Rebar Found
- 3/4" 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



West 1/4 Corner Section 8, T21N, R18E (Masonry Nail W/Washer, Found)

Town of Grand Chute  
Zoning: Gen Ag  
Lot 1  
CSM 3566

N 88°59'32" W 1260.84'  
(N88°59'41"W) (1260.53')

City of Appleton  
Zoning: AG  
Part of Lot 2  
CSM 3566

S88°59'32"E 277.87'

Center of Section Section 8, T21N, R18E (1-1/4" Rebar, Found)

# Creekside Estates

All of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 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 Emerald Valley Estates, LLC & Apple Tree Appleton Four, LLC, owner of said land, I have surveyed divided and mapped Creekside Estates; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 273 and lands designated "Lands to be Dedicated the City for Park, all being part of First Addition to Applecreek Estates, located in the Southeast 1/4 of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 431,779 Square Feet (9.9128 Acres) of land more or less, described as follows:

Commencing at the West 1/4 corner of Section 08; thence along the South line of the Northwest 1/4 of said Section 08, S88°59'32"E 1158.19 feet Southwest corner of Lot 273, First Addition to Applecreek Estates, thence, along the West line of said Lot 273, N50°02'12"E, 414.43 feet to the Northwest corner of said Lot 273; thence along the North line of said Lot 273, S88°29'02"E, 800.13 feet to the Northeast corner of said Lot 273; thence, along lands designated "Lands to be Dedicated the City for Park" N14°44'20"E, 791.42 feet; thence, continuing along said lands, N69°48'36"E 28.91 feet to a point on said West right of way line of Cherryvale Avenue; thence, along said West right of way line, 702.64 feet along the arc of a curve to the right with a radius of 1039.18 feet and a chord of 689.17 feet which bears S00°52'46"E; thence, continuing along said West right of way line, S18°29'09"W, 150.66 feet; thence, continuing along said West right of way line, 216.36 feet along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 216.01 feet which bears S12°52'39"W to said South line of the Northwest 1/4; thence along said Southline N88°59'32"W 1260.84 feet 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

Apple Tree Appleton Four, LLC, Grantor, to:  
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.

Apple Tree Appleton Four, LLC.

\_\_\_\_\_  
Managing Member Date \_\_\_\_\_  
\_\_\_\_\_  
print name  
\_\_\_\_\_  
Title  
Emerald Valley Estates, LLC  
\_\_\_\_\_  
Managing Member Date \_\_\_\_\_  
\_\_\_\_\_  
print name  
\_\_\_\_\_  
Title

## Owner's Certificate

Apple Tree Appleton Four, 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.

Apple Tree Appleton Four, 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: Apple Tree Appleton Four, LLC

By \_\_\_\_\_

print name \_\_\_\_\_

Title \_\_\_\_\_

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

## Watermain Easement Provisions

An easement for Watermain is hereby granted by:

Apple Tree Appleton Four, LLC, Grantor, to:  
Emerald Valley Estates, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee,

The Grantor, their respective lessees, successors, heirs or assigns, shall have full use and enjoyment of the property referenced above provided that such use does not interfere with Grantee's right to install, replace, operate, maintain and repair said watermain and associated appurtenances. It is further agreed that after maintaining, repairing, replacing or relocating of said watermain and associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. 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, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said watermain and associated appurtenances, that occur outside of the above described easement area. 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 "watermain easement" Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

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

Apple Tree Appleton Four, LLC.

\_\_\_\_\_  
Managing Member Date \_\_\_\_\_  
\_\_\_\_\_  
print name  
\_\_\_\_\_  
Title  
Emerald Valley Estates, LLC  
\_\_\_\_\_  
Managing Member Date \_\_\_\_\_  
\_\_\_\_\_  
print name  
\_\_\_\_\_  
Title

## 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

By \_\_\_\_\_

print name \_\_\_\_\_

Title \_\_\_\_\_

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 Creekside Estates, in the City of Appleton, Outagamie County, Emerald Valley Estates, LLC & Apple Tree Appleton Four, LLC, 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:	Recording Information:	Parcel Number(s):
Apple Tree Appleton Four, LLC	Doc No. _____	Part 31-1-7512-73 & All of 31-1-7509-03
Emerald Valley Estates, LLC	Doc No. 2092715	Part 31-1-7512-73

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: 5220Final.dwg  
Date: 12/22/2017  
Drafted By: jim  
Sheet: 2 of 2  
Revision Date: Dec 22, 2017



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
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