



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 27, 2018

Common Council Meeting Date: April 18, 2018

Item: Preliminary Plat – North Edgewood Estates

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: North Edgewood Estates Development, LLC c/o Kurt Coenen

Address/Parcel #: North French Road (Tax Id #31-1-7609-00, formerly part of Town of Grand Chute Tax Id #101153600)

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

BACKGROUND

On January 17, 2018, Common Council approved the North Edgewood Estates Development Agreement to set forth the City and developer duties and responsibilities with respect to development of the subject land. The Development Agreement is contingent upon the property being annexed to the City of Appleton.

On March 21, 2018, Common Council adopted Ordinance 32-18, to annex the subject area from the Town of Grand Chute to the City of Appleton. The property was officially annexed to the City on March 27, 2018 at 12:01 a.m. During review of the North Edgewood Estates Annexation, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District. Rezoning #2-18 is also being presented at this March 27, 2018 Plan Commission meeting and needs to be approved in order for the Preliminary Plat to be approved.

STAFF ANALYSIS

Existing Conditions: The subject lot to be subdivided is currently undeveloped. The area to be platted for single-family residential development totals 24.5715 acres, which will be divided into 45 lots and two outlots.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 of the Municipal Code) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots range in size from 4,113 square feet to 155,075 square feet. Outlot 1 (4,113 square feet) does not meet the lot area requirement. All other lots exceed this requirement.*

Preliminary Plat – North Edgewood Estates

Page 2

March 27, 2018

- Minimum lot width: Fifty (50) feet.
 - *The proposed lots range in width from 30 feet to approximately 199 feet. Outlot 2 (30 feet) does not meet the lot width requirement. All other lots exceed this requirement.*
- Minimum front, side, and rear yard setbacks: Twenty (20) foot front yard (twenty-five (25) foot minimum on arterial street), Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback shown on the Preliminary Plat, except on Lots 16, 17, 27, and Outlot 1 along North French Road. 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 proposed minimum lot area for Outlot 1 and proposed minimum lot width for Outlot 2.

Zoning and subdivision regulations are typically written to deal with buildable sites, not sites for incidental features like a stormwater pond. The lot area and lot width deviation requests for Outlot 1 and Outlot 2, respectively, represent an effort to establish buildable lots while accounting for environmental limitations and stormwater needs. Buildings are not anticipated for Outlots 1 and 2.

Per 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. *Yes, the existing configuration of Aquamarine Avenue and Rubyred Drive, west of French Road, impact the location of future street connections to the subject property near Outlot 1. Also, the existing site topography and wetlands influence the location of the proposed stormwater pond on Outlot 2. These physical features contribute to the challenges of designing Outlots 1 and 2 to satisfy the requirements of the R-1B District.*
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship. *Yes, granting relief on Outlots 1 and 2 allow the other proposed lots to exceed the minimum lot area and lot width requirements.*
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance. *Yes, the proposed lots are similar in size and shape to those already located in the surrounding neighborhood, including similar outlots immediately west of French Road.*

Access and Traffic: Vehicular access to the subject lots is provided by an existing arterial street, French Road, which connects to extensions of Aquamarine Avenue and Rubyred Drive. The 60-foot wide street right-of-way for Aquamarine Avenue and Denali Trail and the 70-foot wide street right-of-way for

Preliminary Plat – North Edgewood Estates

Page 3

March 27, 2018

Rubyred Drive will be dedicated to the public with the Final Plat. However, the City's street name policy does not allow for the street suffix "Trail" in the proposed Denali Trail.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land uses to the north are currently agricultural.

South: R-3 Multi-Family District, P-I Public Institutional District, and Town of Grand Chute. The adjacent land uses to the south are currently a mix of multi-family residential and institutional uses, including an existing utility substation.

East: Included in Rezoning #2-18, to rezone the subject area from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District. The adjacent land uses to the east are currently agricultural.

West: R-1B Single-Family District, P-I Public Institutional District, and Town of Grand Chute. The adjacent land uses to the west are currently a mix of single-family residential and institutional uses.

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 and Public/Institutional designations 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

Preliminary Plat – North Edgewood Estates

Page 4

March 27, 2018

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 North Edgewood Estates Development Agreement.

Technical Review Group Report (TRG): This item was discussed at the March 6, 2018 Technical Review Group Report meeting.

- **Fire Department Comments:** Based upon the information provided by other City departments regarding the City's commitment and timetable for a second, qualifying access roadway, we feel there is sufficient documentation to allow the exception D107.1.2 of the International Fire Code regarding this development.

RECOMMENDATION

The North Edgewood Estates Preliminary Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

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. In order to match CSM 7488, it appears an additional 1" Iron Pipe Found monument is missing on Lot 42 (the point between L6 and L7 from CSM 7488). The additional dimension also needs to be shown accordingly. Address these items on the Final Plat.
3. Per Section 17-7(b)(4) of the Municipal Code, show the location of abutting lot lines and names of any adjacent subdivisions and unplatted lands. Lot 2 CSM 4511 shown south of Outlot 2 is incorrect. Lot 1 CSM 4429 shown north of the Preliminary Plat boundary is also incorrect.
4. Indicate access control restrictions along North French Road for Lots 16, 17, and 27, as well as Outlot 1.
5. The Preliminary Plat and Rezoning #2-18 being acted on at the same Common Council meeting.
6. Park fees of \$13,500 (\$300 per lot) shall be paid to the City of Appleton Finance Department prior to City signatures being affixed to the Final Plat.
7. Add a note on the Final Plat identifying ownership, use, and maintenance obligations of Outlots 1 and 2.

Preliminary Plat – North Edgewood Estates

Page 5

March 27, 2018

8. Grant relief from the minimum lot width requirement for Outlot 2 and the minimum lot area requirement for Outlot 1, per Section 17-3(f) of the Municipal Code and as stated previously in the staff report.
9. The owner/applicant shall work with the Town of Grand Chute to resolve the issue with the existing 40' Drainage Maintenance Easement per CSM 4228, likely by getting a release from the Town. The owner/applicant shall also work with the City of Appleton Department of Public Works to create a similar easement, with the City as grantee, on the Final Plat.
10. Utilize a different street suffix on the Final Plat, as the City's street name policy does not allow for the street suffix "Trail" shown in the proposed Denali Trail.
11. Illustrate the front yard setback along North French Road, per Section 17-7(b)(24) of the Municipal Code. The R-1B Single Family District requires a minimum 25-foot front yard setback on arterial streets.
12. A Stormwater Permit application with Stormwater Management Plan (SWMP) is required but has not been submitted for review and approval. Revisions to the plat, drainage plan, and storm sewer design may be required based on that review. Final Plat approval will not be granted until a Stormwater Permit has been issued, and all corresponding plat requirements have been met.
13. The plat identifies a 75' setback from the ordinary high water mark of the navigable stream. However, Section 23-754(a) of the Municipal Code states the following requirements: There shall be established a shoreland setback area of at least fifty (50) feet from the ordinary high water mark.
14. The following shoreland zoning notes shall be provided on the Final Plat:
 - a. A person who owns shoreland property that contains vegetation, shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending thirty-five (35) inland from the ordinary high water mark of a navigable water (Sec. 23-754(c)).
 - b. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation (Sec. 23-754(d)).
 - c. The person who is required to maintain or establish a vegetative buffer zone may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no more than thirty (30) feet wide for every one hundred (100) feet of shoreland frontage and that extends no more than thirty-five (35) feet inland from the ordinary high water mark (Sec. 23-754(e)).
15. 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.

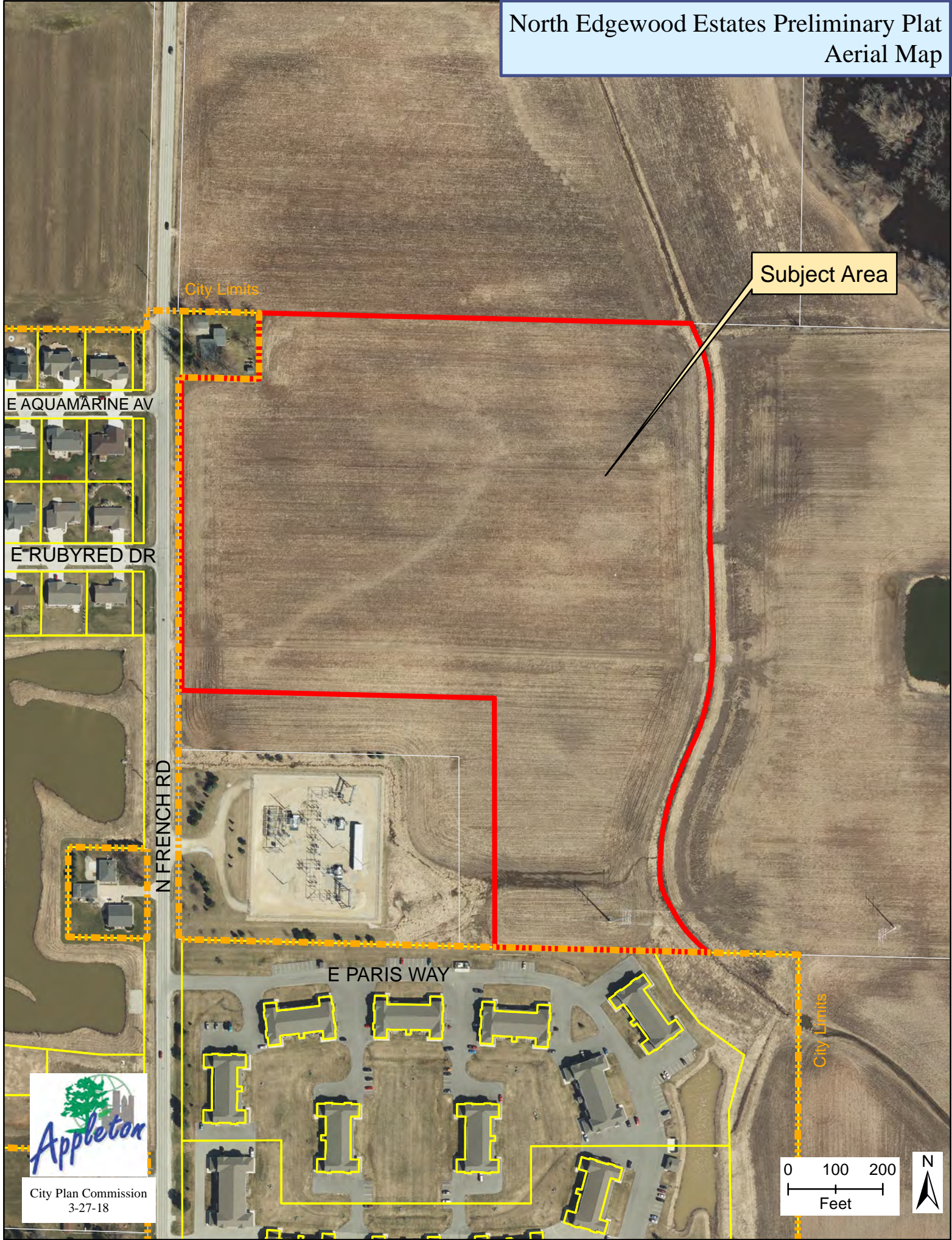
Preliminary Plat – North Edgewood Estates

Page 6

March 27, 2018

16. The listed City of Appleton hydrant elevations match exactly what our records indicate so if the “conversion to City Datum is 0.04’ then the listed hydrant benchmarks should be adjusted by 0.04’. As a reference, the City of Appleton has been updating benchmark elevations to NAVD 88 datum, and we have NAVD 88 datum elevations on the listed hydrants. The numbers are as follows:
 - a. “BM 1” = 750.169
 - b. “BM 2” = 747.039
 - c. “BM 3” = 748.243

North Edgewood Estates Preliminary Plat Aerial Map



Subject Area

City Limits

E AQUAMARINE AV

E RUBYRED DR

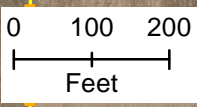
N FRENCH RD

E PARIS WAY

City Limits



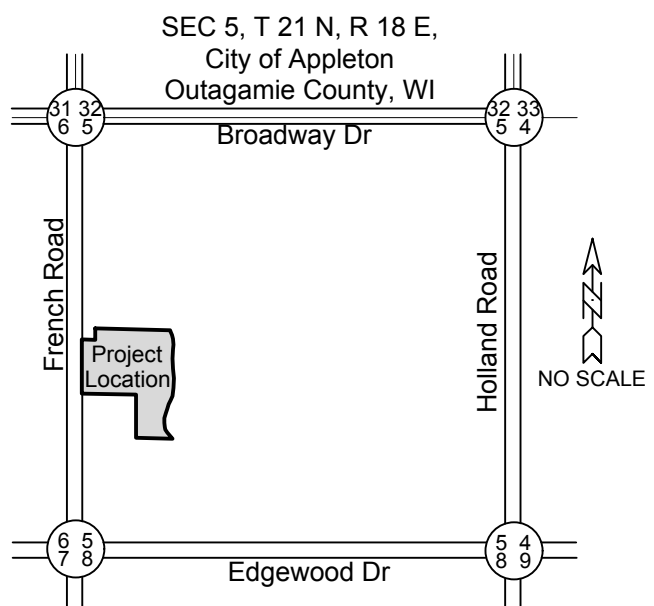
City Plan Commission
3-27-18



Preliminary Plat of North Edgewood Estates

All of Lot 2 of CSM 7488, being part of the Northwest 1/4 of the Southwest 1/4 Section 5, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP



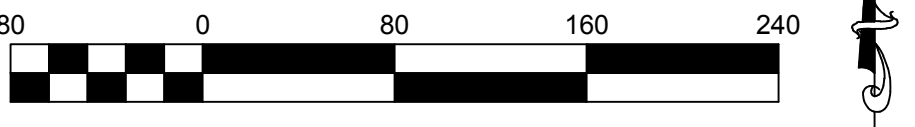
Owner/Developer
North Edgewood Estates, LLC
c/o Kurt Coenen
3117 E Canvasback Lane
Appleton, WI 54913

SUPPLEMENTARY DATA
Total Area = 1,070,335 SF 24.5715 acres
R/W Area = 172,703 SF 3.9647 acres
Net Area = 897,632 SF 20.6068 acres
Number of Lots = 45
Average lot size = 16,500 SF
Typical lot dimension = 87' x 160'
Lineal feet of street = 2,833 LF
Existing zoning = R1B
Proposed zoning = R1B
Approving Authorities
City of Appleton
Objecting Authorities
Department of Administration

Note:
Impervious areas that are made to drain to the storm sewer can be located within the protective area.

- BENCHMARKS (NAVD88)**
Conversion to City Datum is 0.04'
- BM 0 NGS Monument (DE7760)
W R/W Holland Rd
Elev 728.44'
 - BM 1 Fire Hydrant, Shoulder
SW Quad of French Rd/E Aquamarine Ave.
Elev 750.21'
 - BM 2 Fire Hydrant, Shoulder
±125' S of Rubyred Dr / West R/W French Rd.
Elev 747.08'
 - BM 3 Fire Hydrant, Shoulder
±480' S of BM2 / West R/W French Rd.
Elev 748.29

Sanitary Structures					
Structure	#	Rim	Inv	Size	Material Direction
MH 1	1	750.12	733.32	27"	PVC N
			733.32	27"	PVC S
			734.62	8"	PVC W
MH 2	2	747.65	732.85	27"	PVC N
			732.85	27"	PVC S
			734.25	8"	PVC W
MH 3	3	747.23	732.83	27"	PVC N
			732.83	27"	PVC S
			732.26	27"	PVC W
MH 4	4	746.56	732.26	27"	PVC N
			732.26	27"	PVC S



Bearings are referenced to the West line of the Southwest 1/4, Section 5, T21N, R18E, assumed to bear S00°02'25"E, base on the Outagamie County Coordinate System.

LEGEND

— CATV	CATV	○ Sanitary MH / Tank / Base	○ Sign Post / Guard Post
— FO	Underground Fiber Optic	○ Clean Out / Curb Stop / Pull Box	○ 1" Iron Pipe Found
— OH	Overhead Electric Lines	○ Storm Manhole	○ Government Corner
— UG	Underground Electric	○ Inlet	○ Soil Boring
— SW	Sanitary Sewer	○ Catch Basin / Yard Drain	○ Benchmark
— ST	Storm Sewer	○ Water MH / Well	○ Asphalt Pavement
— E	Underground Electric	○ Hydrant	○ Concrete Pavement
— G	Underground Gas Line	○ Utility Valve	○ Gravel
— T	Underground Telephone	○ Utility Meter	
— W	Water Main	○ Utility Pole	
— F	Fence - Steel	○ Electric Pedestal	
— C	Culvert	□ Telephone Pedestal	
— 800	Index Contour	□ CATV Pedestal	
— 799	Intermediate Contour	□ Gas Regulator	
—	Floodway per FIRM 55087C0328D	+799.9	Ex Spot Elevation
—	Dated 7/22/2010		
— OHW	Ordinary High Water Mark		

SURVEYOR'S CERTIFICATE
I, James R. Sehloff, 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. Sehloff, P.L.S. No. S-2692 Date
jim@davel.pro

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File: 5032Plat.dwg
Date: 02/27/2018
Drafted By: Katie
Sheet: 1 of 1