



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 9, 2023

**Common Council Meeting Date:** September 6, 2023

**Item:** Preliminary Plat – Fourth Addition to Clearwater Creek

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

**Applicant:** Jeff Schultz – Martenson & Eisele, Inc.

**Owner:** Clearwater Creek, LLC

**Address/Parcel #:** E. Sweetwater Way (Tax Id #31-6-6201-00 & part of #31-6-6200-00). The subject property is located south of E. Spartan Drive and east of N. Haymeadow Drive.

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

### BACKGROUND

The subject properties were annexed to the City of Appleton through the Paltzer/Jacobs Annexation on May 10, 2004, and the subject parcels officially came into the City with AG Agricultural District zoning classification.

In 2005, Clearwater Creek was approved and consisted of 63 lots and 1 outlot.

In 2006, Replat of Lots 3-8, 20-24, 27-32, 36-41 and 44-48 of Clearwater Creek was approved and consisted of 23 lots.

In 2007, the First Addition to Clearwater Creek was approved and consisted of 56 lots and 2 outlots.

In 2014, the Second Addition to Clearwater Creek was approved and consisted of 6 lots.

In 2020, the Third Addition to Clearwater Creek was approved and consisted of 26 lots and 1 outlot.

The applicant has also filed an application to rezone the subject property from AG Agricultural District to R-1B Single-family Residential District. The Preliminary Plat will be presented at the September 6, 2023 Common Council meeting so the proposed lots are in compliance with the Zoning Code.

### STAFF ANALYSIS

**Existing/Proposed Conditions:** The subject area to be subdivided is currently undeveloped. The Fourth Addition to Clearwater Creek consists of 7.164 acres and will be divided into 14 single-family lots and 2 outlots.

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**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 15,290 square feet. All lots exceed the minimum lot area requirement.*
- Minimum lot width: Fifty (50) 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.

**Access and Traffic:** The primary vehicular access to the Fourth Addition to Clearwater Creek is via East Sweetwater Way. The proposed public right-of-way within the subdivision will be dedicated to the City with the Final Plat.

**Surrounding Zoning and Land Uses:**

North: R-1B Single Family Residential and Town of Grand Chute. The adjacent land uses to the north are currently residential (Third Addition to Clearwater Creek) and agricultural.

South: P-I Public Institutional. The adjacent land use to the south is currently a City-owned stormwater management facility.

East: P-I Public Institutional. The adjacent land use to the east is currently a City-owned stormwater management facility.

West: R-1B Single Family Residential and P-I Public Institutional. The adjacent land uses to the west are currently residential (Third Addition to Clearwater Creek) and a City-owned stormwater management facility.

**Appleton Comprehensive Plan 2010-2030:** 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*.

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### *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 required pursuant to Section 17-29 of the Municipal Code and the final Development Agreement (once approved).

**Technical Review Group Report (TRG):** This item appeared on the July 18, 2023 TRG Agenda. No negative comments were received. The following comments were provided by the Fire Department.

- The drive from Spartan to Richmond would count as a secondary access for the fourth phase of Clearwater Creek. This drive would need to be maintained as such. For the fifth phase of Clearwater Creek, this access will not be acceptable as a secondary access.
- The fire apparatus turnaround at the northern limits of East Sweetwater Way is acceptable as long as it is designed to meet the standards defined in Appendix D from the 2018 IFC. The applicant has been provided with the design standards and has incorporated them into the design as shown on the preliminary plat.

## **RECOMMENDATION**

The Preliminary Plat for the Fourth Addition to Clearwater Creek, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code and the final Development Agreement (once approved).
2. Property shall be rezoned from AG Agricultural District to R-1B Single-family Residential District (see Rezoning #5-23) for the proposed lots to comply with the Zoning Code.

**Preliminary Plat – Fourth Addition to Clearwater Creek**

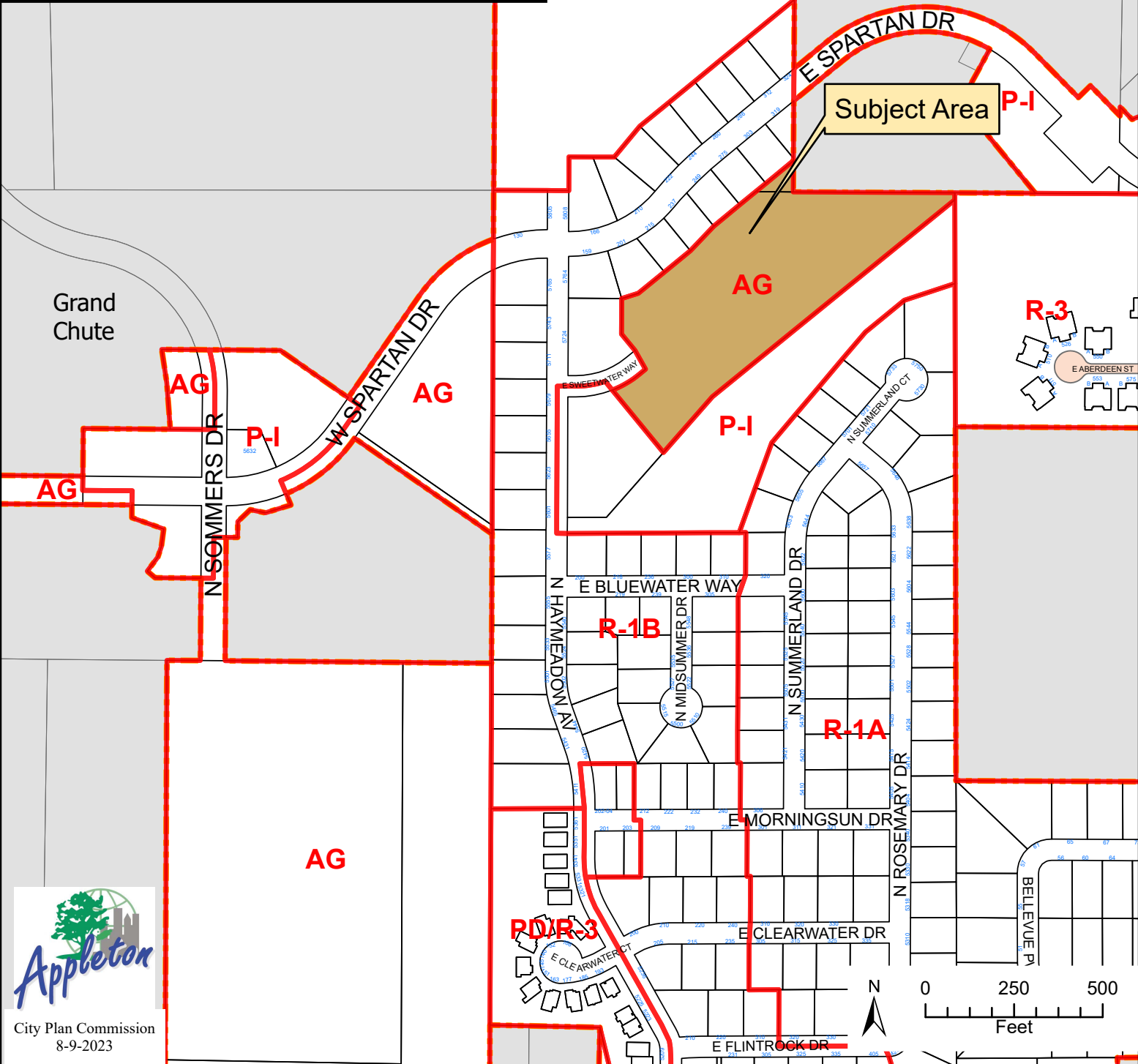
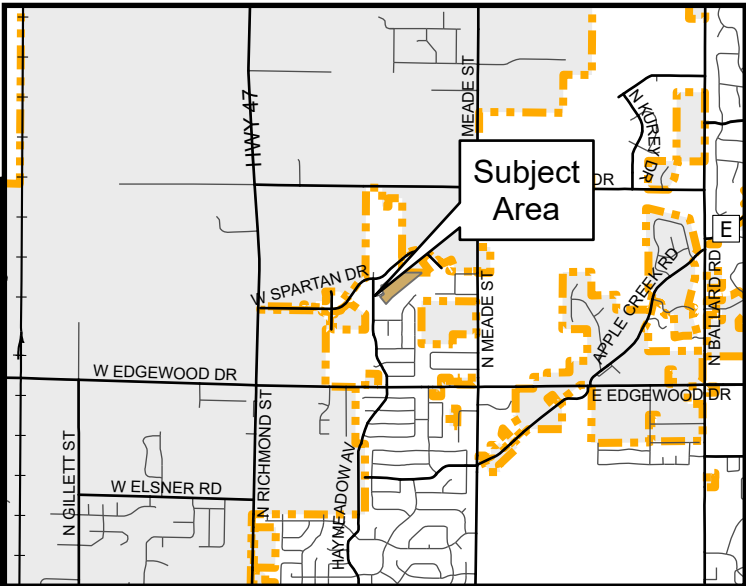
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3. Show the extents of the Protective Area per the stormwater management requirement and verify that Lots 160 -162 are buildable.
4. Add the necessary drainage easements per the stormwater management review comments.
5. Show the Normal Water Level and 100-yr Water Level of the stormwater pond.
6. Show the overland flow paths.
7. List the intended purpose/uses for Outlots 1 and 2 on the Final Plat.
8. Hydrant benchmarks should specify the benchmark location on the hydrant, for Waterous type hydrants the “City” location is the “Top shoulder” of the hydrant.
9. The “Fire Apparatus Access Road” shown across a portion of Outlot 1 should have an easement area specified on the Final Plat. One option could be a Temporary Turn Around Easement, with verbiage similar to: Temporary Turn Around Easement, shall be released automatically upon the dedication, construction, acceptance, and Northeasterly extension of Sweetwater Way.
10. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
11. 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.
12. 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.
13. 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.

**NOTE:** If approved, the Preliminary Plat for the Fourth Addition to Clearwater Creek and Rezoning #5-23 from AG Agricultural District to R-1B Single-family District will be reported out at the same Common Council meeting on September 6, 2023.

# 4th Addition to Clearwater Creek Preliminary Plat Vicinity Map

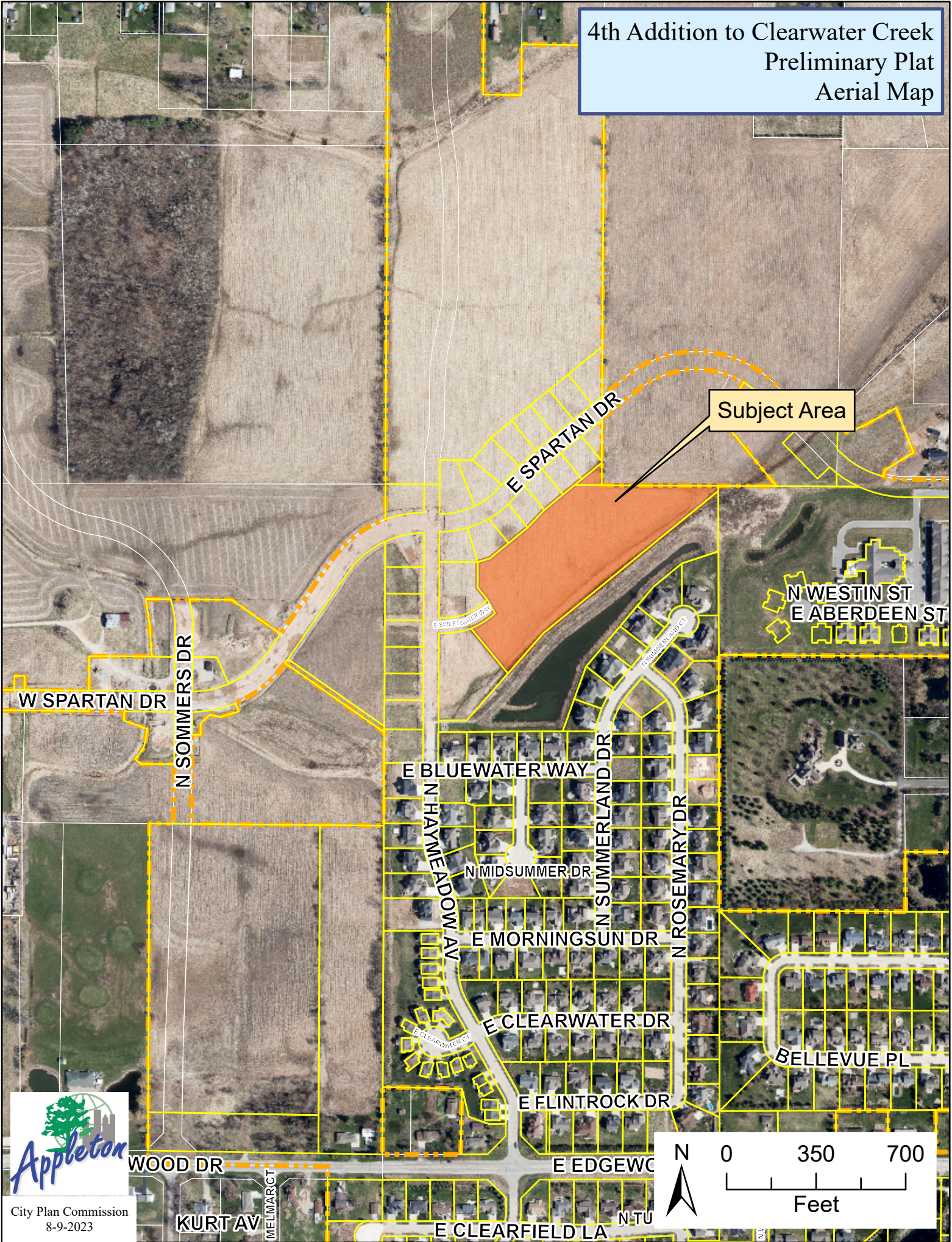


Grand Chute

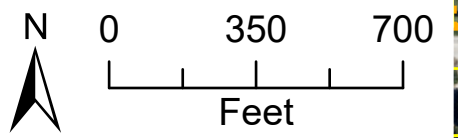


4th Addition to Clearwater Creek  
Preliminary Plat  
Aerial Map

Subject Area

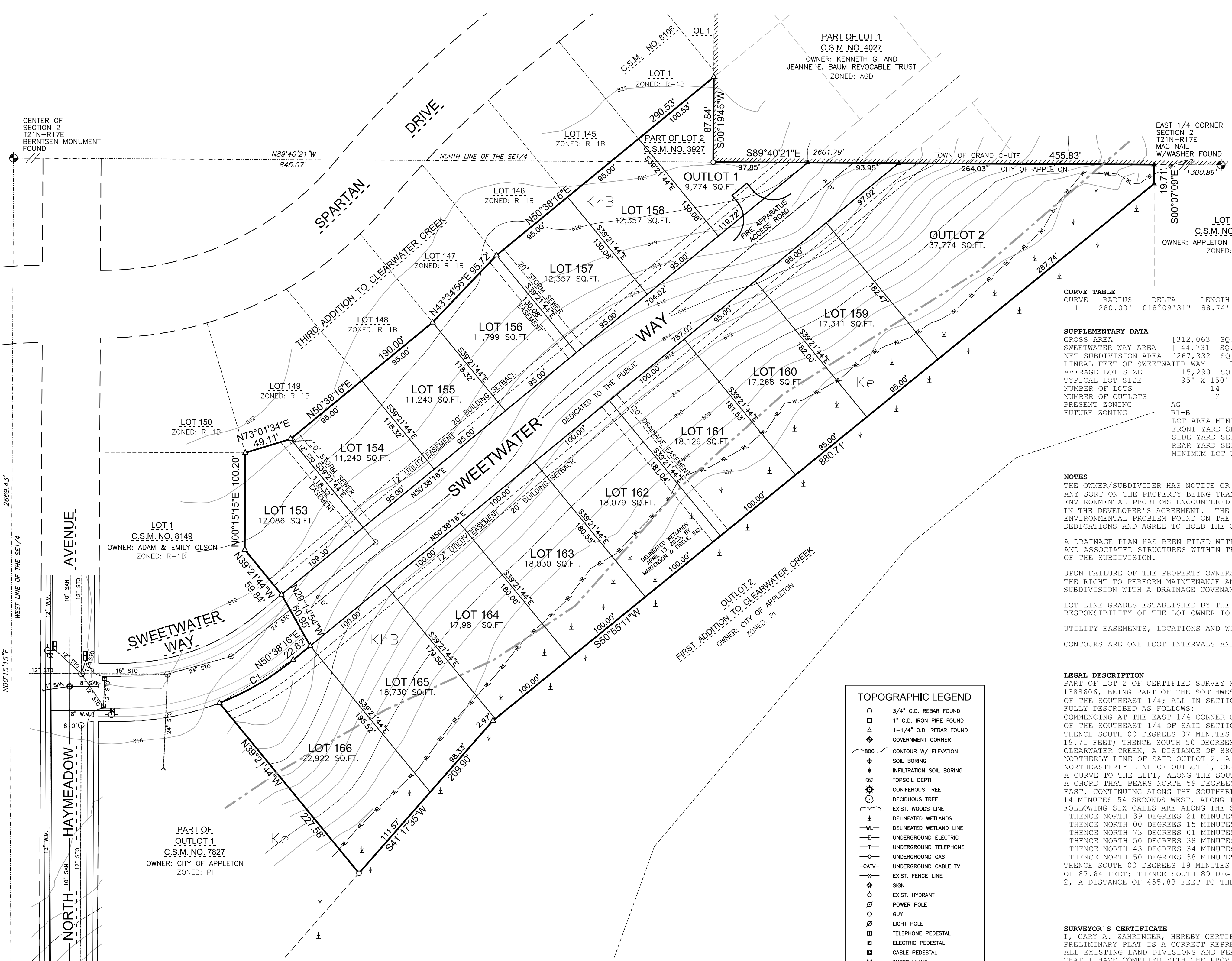
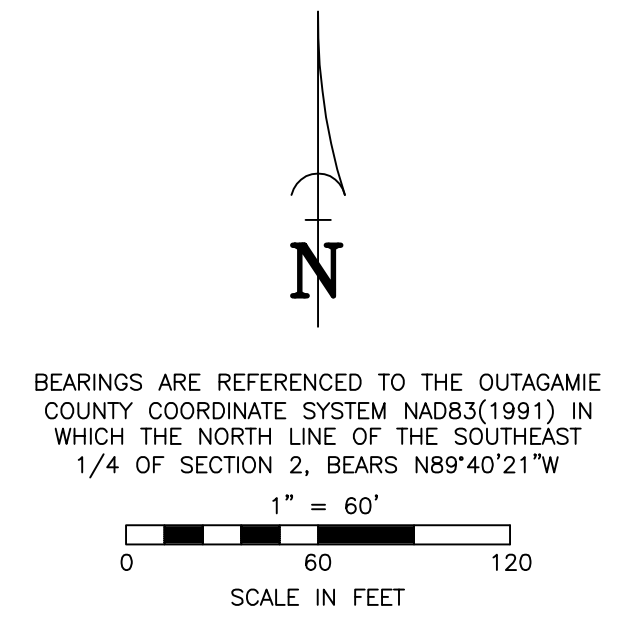
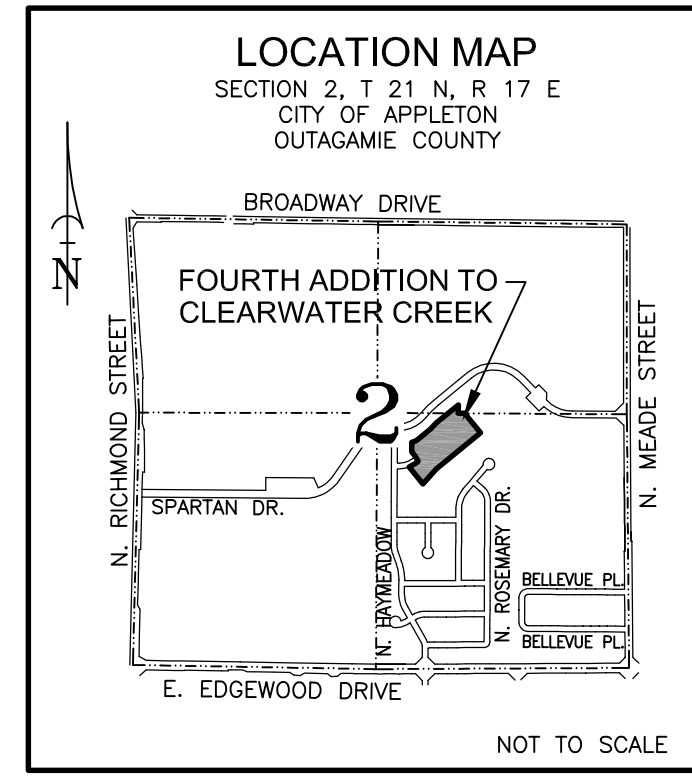


City Plan Commission  
8-9-2023



PRELIMINARY PLAT  
**FOURTH ADDITION TO CLEARWATER CREEK**

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	280.00'	018°09'31"	88.74'	N 59°43'01.5" E	88.37'	N 68°47'47" E	N 50°38'16" E

**SUPPLEMENTARY DATA**

GROSS AREA	[312,063 SQ. FT.]	7.164 ACRES
SWEETWATER WAY AREA	[44,731 SQ. FT.]	1.027 ACRES
NET SUBDIVISION AREA	[267,332 SQ. FT.]	6.137 ACRES
LINEAL FEET OF SWEETWATER WAY	745	LINEAL FT.
AVERAGE LOT SIZE	15,290 SQ. FT.	0.351 ACRES
TYPICAL LOT SIZE	95' X 150'	
NUMBER OF LOTS	14	
NUMBER OF OUTLOTS	2	
PRESERVE ZONING	AG	
FUTURE ZONING	R1-B	
LOT AREA MINIMUM	= 6,000 SQ. FT.	
FRONT YARD SETBACK	= 20 FT.	
SIDE YARD SETBACK	= 6 FT.	
REAR YARD SETBACK	= 25 FT.	
MINIMUM LOT WIDTH	= 50 FT	

**SOIL TYPES LOCATED WITHIN SUBDIVISION**

KhB - Kewaunee Silt Loam  
 Ke - Keweenaw Silt Loam

**OWNER AND DEVELOPER**  
 BOB DEBRUIN  
 CLEARWATER CREEK, LLC  
 2100 FREEDOM ROAD  
 LITTLE CHUTE, WI 54140  
 PHONE: 920-731-8111

**OBJECTING AND APPROVING AUTHORITIES**  
 DEPARTMENT OF ADMINISTRATION  
 CITY OF APPLETON  
 OUTAGAMIE COUNTY

**NOTES**  
 THE OWNER/SUBDIVIDER HAS NOTICE OR KNOWLEDGE OF ANY ENVIRONMENTAL PROBLEM (THE EXISTENCE OF HAZARDOUS OR TOXIC SUBSTANCES) OF ANY SORT ON THE PROPERTY BEING TRANSFERRED. THE OWNER/SUBDIVIDER UNDERSTANDS THAT IT WILL PAY FOR ANY COSTS TO REMEDY ANY ENVIRONMENTAL PROBLEMS ENCOUNTERED DURING CONSTRUCTION OF ANY OF THE PUBLIC IMPROVEMENTS REQUIRED BY THE CITY ON THE PLAT OR IN THE DEVELOPER'S AGREEMENT. THE OWNER/SUBDIVIDER UNDERSTANDS THAT THEY SHALL BE INDIVIDUALLY RESPONSIBLE FOR ANY ENVIRONMENTAL PROBLEM FOUND ON THE LAND, TRANSFERRED TO THE CITY ON THE PLAT DURING THE CONSTRUCTION OF ROADS OR OTHER DEDICATIONS AND AGREE TO HOLD THE CITY HARMLESS UNTIL CONSTRUCTION, INSTALLATION OR GRADING IS COMPLETE.

A DRAINAGE PLAN HAS BEEN FILED WITH THE DEPARTMENT OF PLANNING, ZONING & SANITATION OFFICE. MAINTENANCE OF ALL DRAINAGE WAYS AND ASSOCIATED STRUCTURES WITHIN THE SUBDIVISION OR SERVING THE SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION.

UPON FAILURE OF THE PROPERTY OWNERS TO PERFORM MAINTENANCE OF THE DRAINAGE WAYS AND ASSOCIATED STRUCTURES, THE CITY RETAINS THE RIGHT TO PERFORM MAINTENANCE AND/OR REPAIRS WHICH SHALL BE EQUALLY ASSESSED AMONGST THE PROPERTY OWNERS OF THE SUBDIVISION WITH A DRAINAGE COVENANT.

LOT LINE GRADES ESTABLISHED BY THE DRAINAGE PLAN FOR FOURTH ADDITION TO CLEARWATER CREEK ARE MANDATORY. IT IS THE RESPONSIBILITY OF THE LOT OWNER TO COMPLY WITH THESE ESTABLISHED ELEVATIONS.

UTILITY EASEMENTS, LOCATIONS AND WIDTHS WILL BE SHOWN ON THE FINAL PLAT.

CONTOURS ARE ONE FOOT INTERVALS AND BASED ON CITY OF APPLETON DATUM.

**LEGAL DESCRIPTION**  
 PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 2; THENCE NORTH 89 DEGREES 40 MINUTES 21 SECONDS WEST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 1300.89 FEET TO THE POINT OF BEGINNING;  
 THENCE SOUTH 00 DEGREES 09 MINUTES 09 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 19.71 FEET; THENCE SOUTH 50 DEGREES 55 MINUTES 11 SECONDS WEST, ALONG THE NORTHERLY LINE OF OUTLOT 2, FIRST ADDITION TO CLEARWATER CREEK, A DISTANCE OF 880.71 FEET; THENCE SOUTH 41 DEGREES 17 MINUTES 35 SECONDS WEST, CONTINUING ALONG THE NORTHERLY LINE OF SAID OUTLOT 2, A DISTANCE OF 209.90 FEET; THENCE NORTH 39 DEGREES 21 MINUTES 44 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF OUTLOT 1, CERTIFIED SURVEY MAP NO. 7827, A DISTANCE OF 227.58 FEET; THENCE 88.74 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, SAID CURVE HAVING A RADIUS OF 280.00 FEET AND A CHORD THAT BEARS NORTH 59 DEGREES 43 MINUTES 01.5 SECONDS EAST, 88.37 FEET; THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, A DISTANCE OF 22.82 FEET; THENCE NORTH 29 DEGREES 14 MINUTES 54 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SWEETWATER WAY, A DISTANCE OF 60.95 FEET; THENCE THE FOLLOWING SIX CALLS ARE ALONG THE SOUTHERLY LINE OF THE THIRD ADDITION TO CLEARWATER CREEK AND CERTIFIED SURVEY MAP NO. 8106:  
 THENCE NORTH 39 DEGREES 21 MINUTES 44 SECONDS WEST, 59.84 FEET;  
 THENCE NORTH 73 DEGREES 01 MINUTES 34 SECONDS EAST, 49.11 FEET;  
 THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, 190.00 FEET;  
 THENCE NORTH 43 DEGREES 34 MINUTES 56 SECONDS EAST, 95.72 FEET;  
 THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, 290.53 FEET;  
 THENCE SOUTH 00 DEGREES 19 MINUTES 45 SECONDS WEST, ALONG THE EAST LINE OF LOT 2, CERTIFIED SURVEY MAP NO. 3927, A DISTANCE OF 87.84 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 2, A DISTANCE OF 455.83 FEET TO THE POINT OF BEGINNING. CONTAINING 312,063 SQ. FT. [7.164 ACRES].

**SURVEYOR'S CERTIFICATE**  
 I, GARY A. ZARRINGER, 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 OUTAGAMIE COUNTY AND CITY OF APPLETON SUBDIVISION ORDINANCE.

DATED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023

GARY A. ZARRINGER, PROFESSIONAL LAND SURVEYOR NO. S-2098

**TOPOGRAPHIC LEGEND**

- 3/4" O.D. REBAR FOUND
- 1" O.D. IRON PIPE FOUND
- △ 1-1/4" O.D. REBAR FOUND
- GOVERNMENT CORNER
- 800' CONTOUR W/ ELEVATION
- INFILTRATION SOIL BORING
- TOPSOIL DEPTH
- CONIFEROUS TREE
- DECIDUOUS TREE
- EXIST. WOODS LINE
- DELINEATED WETLANDS
- DELINEATED WETLAND LINE
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- UNDERGROUND GAS
- UNDERGROUND CABLE TV
- EXIST. FENCE LINE
- SIGN
- EXIST. HYDRANT
- POWER POLE
- GUY
- LIGHT POLE
- TELEPHONE PEDESTAL
- ELECTRIC PEDESTAL
- CABLE PEDESTAL
- WATER VALVE
- GAS VALVE
- WATER STOP BOX
- EXIST. STORM MANHOLE
- STORM INLET
- YARD DRAIN
- EXIST. SANITARY MANHOLE
- EXIST. SAN. SEWER
- EXIST. STO. SEWER
- EXIST. WATER MAIN
- SOIL TYPE DEMARCATION LINE
- CORPORATE LIMITS

**BENCHMARK DATA**

I.D.	DESCRIPTION:	ELEVATION:
232	HYDRANT @ SE CORNER OF NORTH HAYMEADOW AVENUE & SPARTAN DRIVE	823.77
350	HYDRANT @ SE CORNER OF NORTH HAYMEADOW AVENUE & SWEETWATER WAY	821.50

BENCHMARKS ARE ON NAVD83 DATUM

**Martenson & Eisele, Inc.**  
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 Engineering  
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 Menasha, WI 54952  
 www.martenson-eisele.com  
 info@martenson-eisele.com  
 920.731.0381 1.800.236.0381

DRAWN BY	CRC	DATE	NO.	CHECKED	GAZ	APPROVED
						GAZ

**PRELIMINARY PLAT**  
**FOURTH ADDITION TO CLEARWATER CREEK**  
 PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4; AND UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

SCALE	DATE
1" = 60'	06-30-2023
COMPUTER FILE	
1-0822-003pp.dwg	
DRAWING NO.	
1-0822-003	