



## REPORT TO CITY PLAN COMMISSION

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

**Common Council Public Hearing Meeting Date:** September 6, 2023  
(Public Hearing on Rezoning)

**Item:** Rezoning #5-23 – 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 proposes to rezone the subject parcels from AG Agricultural District to R-1B Single-Family District to construct the Fourth Addition to the Clearwater Creek subdivision. This phase consists of 14 single-family lots and 2 outlots.

### 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 Preliminary Plat for the Fourth Addition to Clearwater Creek is also being presented at this August 9, 2023 Plan Commission meeting. If approved, the preliminary plat and the subject rezoning request will be reported out at the same Common Council meeting on September 6, 2023.

**STAFF ANALYSIS**

---

**Existing Site Conditions:** The subject area contains 7.164 acres and is currently undeveloped agricultural land.

**Surrounding Zoning Classification 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.

**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. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet
- 2) **Maximum lot coverage:** 50%
- 3) **Minimum lot width:** 50 feet
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street)
- 5) **Minimum rear yard:** 25 feet
- 6) **Minimum side yard:** 6 feet
- 7) **Maximum building height:** 35 feet

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed rezoning is consistent with the following goals and objectives of the *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.*

## Rezoning #5-23 – Fourth Addition to Clearwater Creek

August 9, 2023

Page 3

### *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.*

**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. 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 goals and objectives stated above and the Future Land Use Map, which identifies this area for future one and two family residential land uses.*
  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.*

**Rezoning #5-23 – Fourth Addition to Clearwater Creek**

**August 9, 2023**

**Page 4**

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located and planned for construction in this area of the City. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

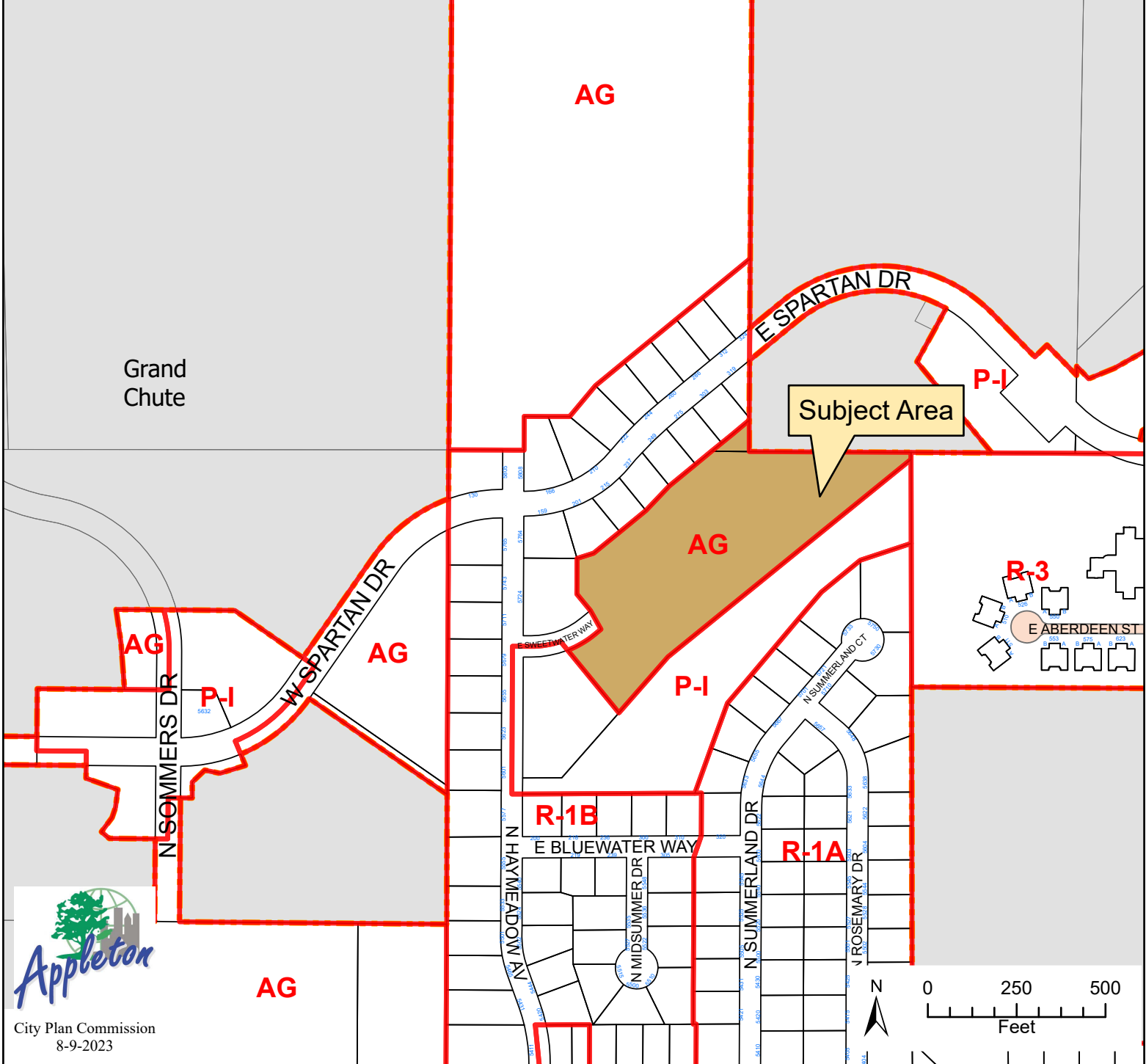
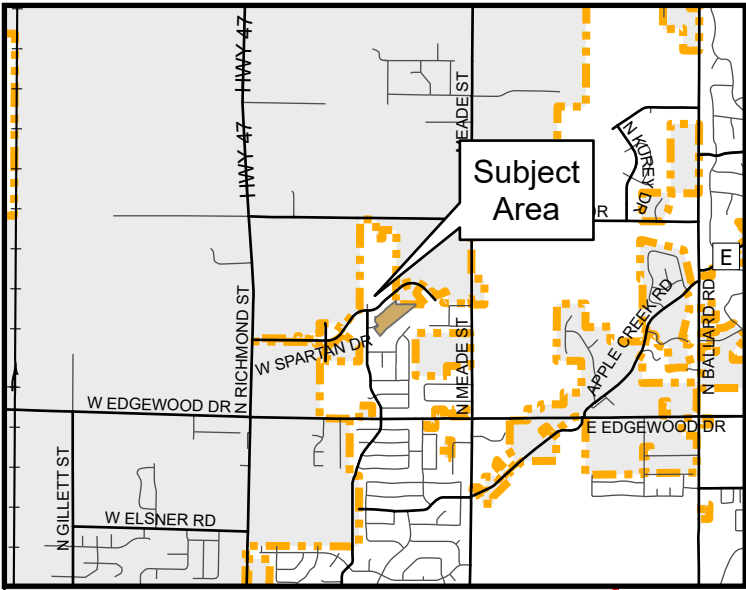
**Technical Review Group Report (TRG):** This item appeared on the July 18, 2023 TRG Agenda. No negative comments were received from participating departments.

**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 #5-23 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

4th Addition to Clearwater Creek  
 Rezoning  
 AG Agricultural District to  
 R-1B Single-Family District  
 Vicinity Map



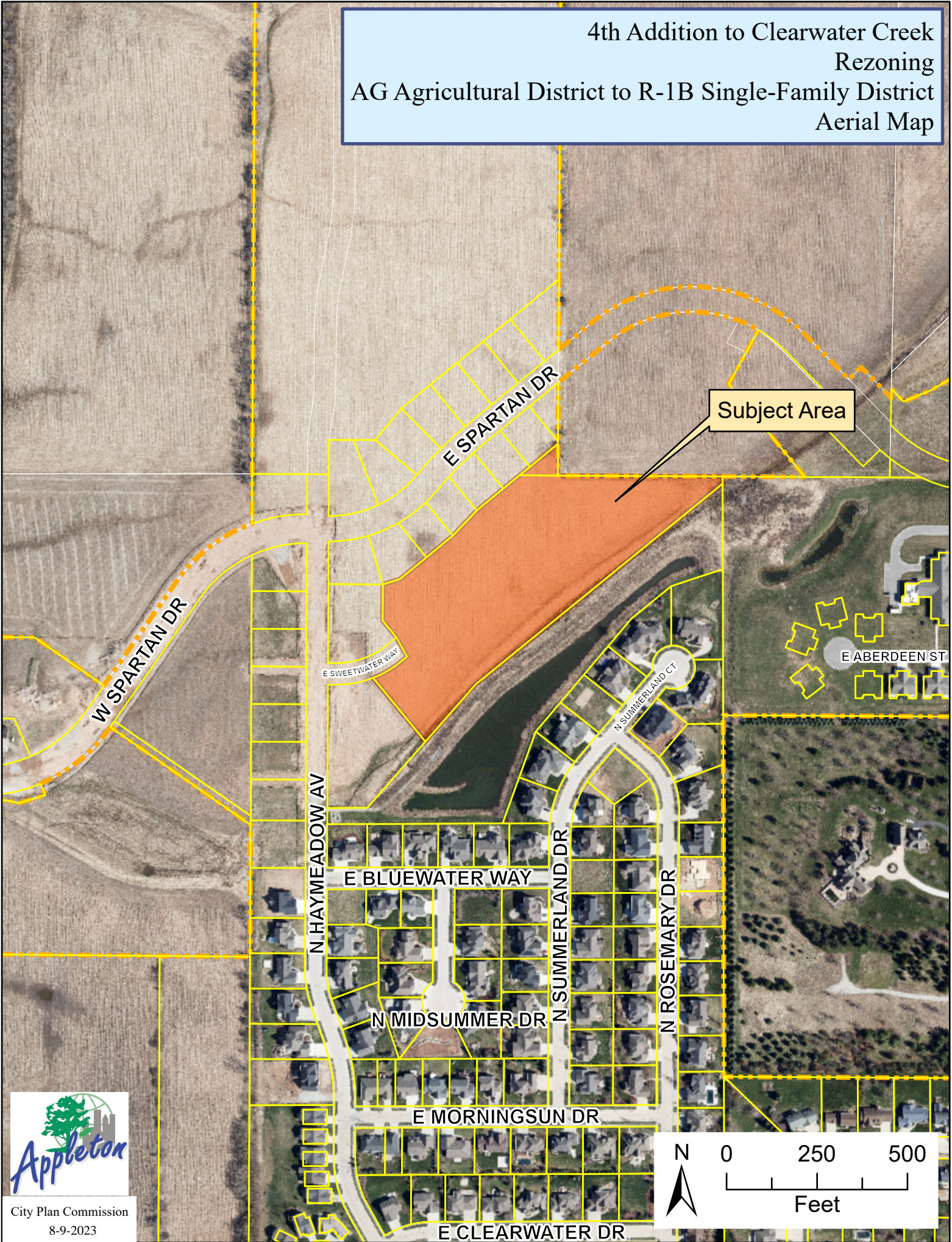
Grand Chute

Subject Area

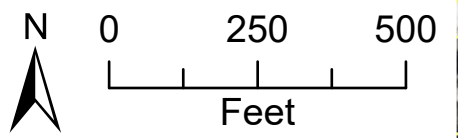




4th Addition to Clearwater Creek  
Rezoning  
AG Agricultural District to R-1B Single-Family District  
Aerial Map



Subject Area

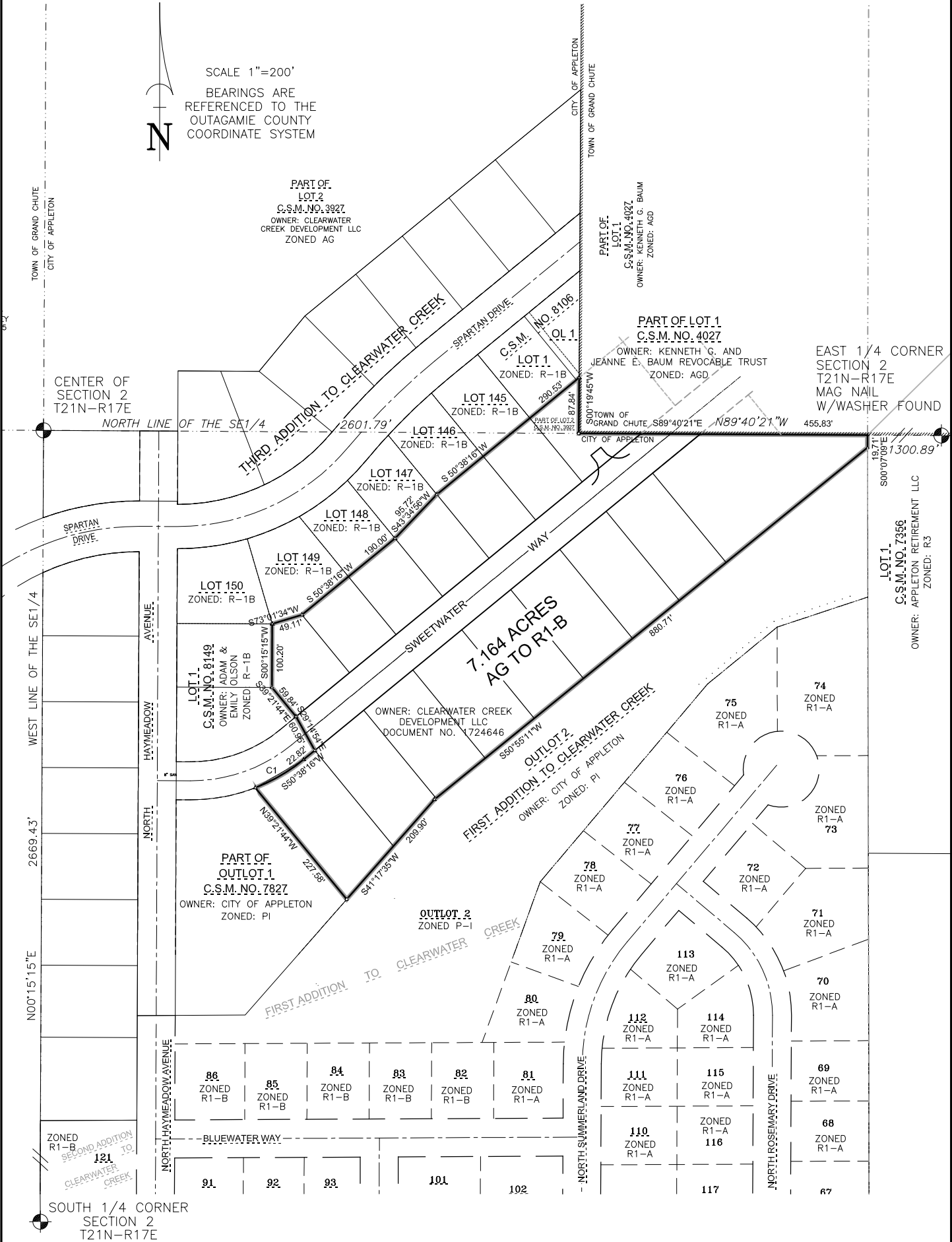




# REZONING REFERENCE MAP

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 SOUTHEAST 1/4; ALL IN SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

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



**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

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
1	280.00'	018°09'31"	88.74'	S 59°43'01.5" W	88.37'

PROJECT NO. 1-0822-003  
 FILE 1-0822-003Rezone.dwg  
 THIS INSTRUMENT WAS DRAFTED BY: C.Cleary