

REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: April 27, 2015

Common Council Meeting Date: May 6, 2015

Item: Final Plat - Second 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 proposing to subdivide property under a multi-phased

approach.

BACKGROUND

The Preliminary Plat for the Second Addition to Emerald Valley was approved by the Common Council on March 4, 2015.

Rezoning #11-14 to rezone the subject site from AG Agricultural District to R-1B Single-Family District was approved by the Common Council on February 4, 2015.

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

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.

STAFF ANALYSIS

Existing Conditions: The portion of the lot to be subdivided is currently undeveloped and zoned R-1B Single-Family District. The area being platted for single family development is 14.178 acres which will be divided into 27 lots.

Comparison Between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout for these twenty-seven (27) lots in terms of shape, size, and location.

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

• Minimum lot area: Six thousand (6,000) square feet.

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- The proposed lots range in size from 11,620 square feet to 41,984 square feet. All lots exceed this requirement.
- Minimum lot width: Fifty (50) feet.
 - o The proposed lots range in width from 68 feet to 204 feet. All lots exceed this requirement.
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard on a local street; Twenty-five (25) front yard on an arterial street; 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.
 - o This will be reviewed through the building permit review process.
- Maximum lot coverage. Fifty percent (50%).
 - o 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 new vehicular access point to this phase is via Amethyst Drive and Bluetopaz Drive, which connects to Providence Avenue and then to Edgewood Drive. Amethyst Drive and Bluetopaz Drive will be designated as local streets with a 60 foot road right-of-way, and Providence Avenue will be designated as a collector street with a 66 foot road right-of-way. The full road right-of-way width of these public streets will be dedicated to the City with the Final Plat.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east and west) and Grand Chute (east). The uses are generally residential and agricultural in nature.

2010-2030 Comprehensive Plan: Community 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 have been waived, in exchange for parkland as part of the original Emerald Valley Development Agreement.

Technical Review Group Report (TRG): This item was discussed at the March 17, 2015 Technical Review Group Report meeting. No negative comments were received from participating departments.

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RECOMMENDATION

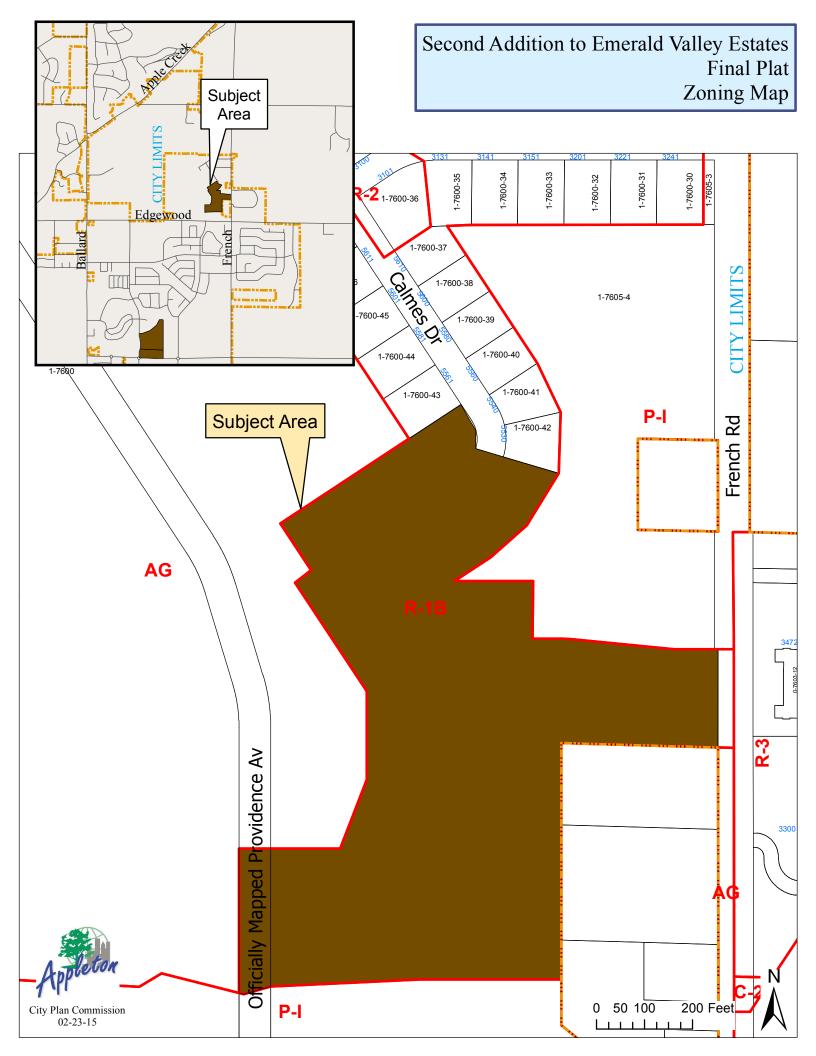
The Second Addition to Emerald Valley Final Plat, **BE APPROVED** subject to the following conditions:

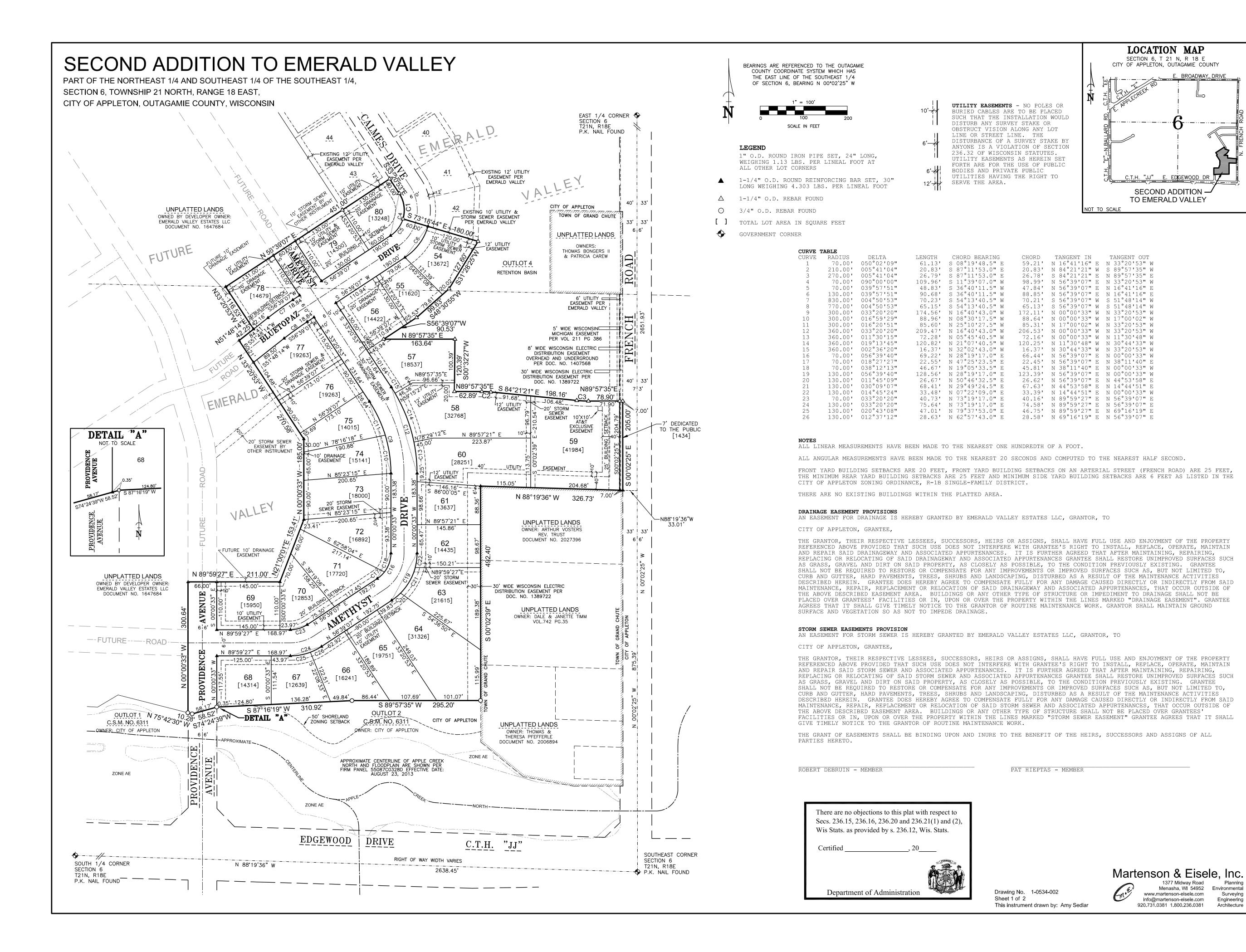
1. The following streets within the Second Addition to Emerald Valley Final Plat meet the standards to be classified as local and collector streets and will henceforth be so classified:

Local Streets: Bluetopaz Drive and Amethyst Drive

Collector Street: Providence Avenue

- 2. All easements, including but not limited to, water mains, sewer mains, storm sewers, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
- 3. A Development Agreement being made and entered into by and between the City of Appleton and the applicant/owner and any amendments related thereto prior to the issuance of any permit to commence construction of any public improvement.
- 4. 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.





Surveying

Engineering

SECOND ADDITION TO EMERALD VALLEY

PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4.

SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,

CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, GARY A. ZAHRINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED SECOND ADDITION TO EMERALD VALLEY, AT THE DIRECTION OF EMERALD VALLEY ESTATES LLC, PART OF THE NORTHEAST 1/4 AND 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 SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 00 DEGREES 02 MINUTES 25 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 875.39 FEET; THENCE NORTH 88 DEGREES 19 MINUTES 36 SECONDS WEST, 33.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 19 MINUTES 36 SECONDS WEST, 326.73 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, 492.40 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 295.20 FEET; THENCE SOUTH 87 DEGREES 16 MINUTES 19 SECONDS WEST, CONTINUING ALONG THE NORTH LINE OF SAID CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 310.92 FEET; THENCE SOUTH 74 DEGREES 24 MINUTES 39 SECONDS WEST, CONTINUING ALONG THE NORTH LINE OF SAID CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 58.52 FEET; THENCE NORTH 75 DEGREES 42 MINUTES 30 SECONDS WEST, CONTINUING ALONG THE NORTH LINE OF SAID CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 10.28 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST, 300.64 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 27 SECONDS EAST, 211.00 FEET; THENCE NORTH 21 DEGREES 00 MINUTES 01 SECONDS EAST, 153.41 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST, 185.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 270.58 FEET; THENCE NORTH 51 DEGREES 48 MINUTES 14 SECONDS EAST, 42.25 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 116.53 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 451.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CALMES DRIVE, A DISTANCE OF 40.00 FEET; THENCE CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CALMES DRIVE, 61.13 FEET ALONG AN ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 70.00 FEET AND A CHORD THAT BEARS SOUTH 08 DEGREES 19 MINUTES 48.5 SECONDS EAST, 59.21 FEET; THENCE SOUTH 73 DEGREES 18 MINUTES 44 SECONDS EAST, ALONG THE SOUTHERLY LINE OF EMERALD VALLEY, A DISTANCE OF 180.00 FEET; THENCE SOUTH 31 DEGREES 28 MINUTES 25 SECONDS WEST, ALONG THE WESTERLY LINE OF OUTLOT 4 OF EMERALD VALLEY, A DISTANCE OF 127.60 FEET; THENCE SOUTH 48 DEGREES 30 MINUTES 55 SECONDS WEST, CONTINUING ALONG THE WESTERLY LINE OF SAID OUTLOT 4, A DISTANCE OF 99.63 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, CONTINUING ALONG THE WESTERLY LINE OF SAID OUTLOT 4, A DISTANCE OF 90.53 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 35 SECONDS EAST, CONTINUING ALONG THE SOUTHERLY LINE OF SAID OUTLOT 4, A DISTANCE OF 163.64 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 27 SECONDS WEST, CONTINUING ALONG THE WESTERLY LINE OF SAID OUTLOT 4, A DISTANCE OF 120.39 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 35 SECONDS EAST, CONTINUING ALONG THE SOUTH LINE OF SAID OUTLOT 4, A DISTANCE OF 62.89 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID OUTLOT 4, A DISTANCE OF 20.83 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 210.00 FEET AND A CHORD THAT BEARS SOUTH 87 DEGREES 11 MINUTES 53 SECONDS EAST, 20.83 FEET; THENCE SOUTH 84 DEGREES 21 MINUTES 21 SECONDS EAST, CONTINUING ALONG THE SOUTH LINE OF SAID OUTLOT 4, A DISTANCE OF 198.16 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID OUTLOT 4, A DISTANCE OF 26.79 FEET ALONG AN ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET AND A CHORD THAT BEARS SOUTH 87 DEGREES 11 MINUTES 53 SECONDS EAST, 26.78 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 35 SECONDS EAST, CONTINUING ALONG THE SOUTH LINE OF SAID OUTLOT 4, A DISTANCE OF 78.90 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF FRENCH ROAD, A DISTANCE OF 205.00 FEET TO THE POINT OF BEGINNING. CONTAINING 14.178 ACRES AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS SHOWN HEREIN.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, AND THE SUBDIVISION REGULATIONS OF THE

CITY OF APPLETON IN SURVEYING, DIVIDING, DEDICATING AND MAPPING THE SAME.

GIVEN UNDER MY HAND THIS 10TH DAY OF MARCH, 2015.

GARY A. ZAHRINGER, PROFESSIONAL LAND SURVEYOR S-2098

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

EMERALD VALLEY ESTATES LLC, DULY ESTABLISHED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID EMERALD VALLEY ESTATES LLC, CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

EMERALD VALLEY ESTATES LLC, FURTHER CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

DEPARTMENT OF ADMINISTRATION

CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS _____ DAY OF _____, 2015.

ROBERT DEBRUIN - MEMBER PAT HIEPTAS - MEMBER

STATE OF WISCONSIN) OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS ____ DAY OF ____ , 2015, THE ABOVE OWNER(S) TO ME KNOWN TO BE THE PERSON(S) , WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC MY COMMISSION EXPIRES_____ UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTORS, TO

WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES, GRANTEE, WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN, A WISCONSIN CORPORATION, GRANTEE, AND TIME WARNER ENTERTAINMENT COMPANY, L.P., 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 FASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO

ROBERT DEBRUIN - MEMBER	PAT HIEPTAS - MEMBER
PURPOSES OF AND IN ORDER TO CONSTRUCT, RECORDED TO COMMUNICATION, VIDEO AND /OR IS EQUIPMENT CABINETS OR ENCLOSURES AND SUPPOR OTHER RELATED OR USEFUL EQUIPMENT, FIXTURES PROPERTY (LOT 59) AND EASEMENT AREA TO PROVE PURPOSE OF ACCESS TO AND USE OF THE EASEMENT THE EXCLUSIVE 10' X 10' EASEMENT AREA SHOUTHE GRANTOR REPRESENTS AND WARRANTS TO THE RIGHTS CONVEYED HEREIN. GRANTEE HEREBY AGREES TO RESTORE ALL PROPER GRANTEE SHALL HAVE THE RIGHT TO REMOVE OR THE GRANTOR SHALL NOT CONSTRUCT IMPROVEMENT THE GRANTOR AGREES THAT, DUE TO THE EXCLUSIVE WITHOUT THE CONSENT OF THE GRANTEE.	
ROBERT DEBRUIN - MEMBER	PAT HIEPTAS - MEMBER
COMMON COUNCIL RESOLUTION: RESOLVED, THAT SECOND ADDITION TO EMERALD V. ON THIS DAY OF,	LEY, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.
TIMOTHY HANNA, CITY MAYOR DATE I HEREBY CERTIFY THAT THE FOREGOING IS A CO.	OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.
DAWN COLLINS, CITY CLERK DATE	
CITY TREASURER'S CERTIFICATE: I, ANTHONY D. SAUCERMAN, BEING THE DULY QUAR	'IED AND ACTING FINANCE DIRECTOR OF THE
CITY OF APPLETON, DO HEREBY CERTIFY THAT IN	CORDANCE WITH THE RECORDS IN MY OFFICE, THERE
ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSES	ENTS AS OF ON ANY OF THE
LAND INCLUDED IN SECOND ADDITION TO EMERALD	ALLEY.
ANTHONY D. SAUCERMAN, CITY FINANCE DIRECTOR	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.
COUNTY TREASURER'S CERTIFICATE:	Certified , 20
I,, BEING	THE DULY ELECTED, QUALIFIED AND ACTING

TREASURER OF THE COUNTY OF OUTAGAMIE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS

OF AFFECTING THE LANDS INCLUDED IN SECOND ADDITION TO EMERALD VALLEY.

DATE _____ SIGNED ____ COUNTY TREASURER

Department of Administration

Drawing No. 1-0534-002 Sheet 2 of 2 This instrument drawn by: Amy Sedlar

