

# REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 27, 2020

**Common Council Meeting Date:** November 4, 2020

**Item:** Final Plat – Trail View Estates South

Case Manager: David Kress, Principal Planner

#### **GENERAL INFORMATION**

Owners/Applicants: Emerald Valley Estates, LLC and B&H Properties, Inc. c/o Robert De Bruin

**Address/Parcel #:** Generally located between French Road and Cherryvale Avenue, south of the creek/trail corridor (part of Tax Id #31-1-6410-00 and #31-1-7513-00).

**Petitioner's Request:** The applicant is proposing to subdivide the property into 25 lots for single-family residential development.

## **BACKGROUND**

Parcel #31-1-7513-00 was annexed to the City in 1997 with the Northeast Annexation, and parcel #31-1-6410-00 was annexed in 2011 with the North French Road Annexation.

On September 2, 2020, Common Council approved Comprehensive Plan Amendment #1-20 and Rezoning #6-20. Comprehensive Plan Amendment #1-20 amended the City's Future Land Use Map from the Multi-Family Residential designation to the One and Two-Family Residential designation for parcels #31-1-6410-00 and #31-1-6411-00. Rezoning #6-20 rezoned parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00 from R-3 Multi-Family District, R-2 Two-Family District, and temporary AG Agricultural District to R-1B Single-Family District.

The Trail View Estates South Preliminary Plat, to subdivide all of parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00, was approved by Common Council on September 2, 2020.

On September 2, 2020, Common Council approved the Trail View South Development Agreement to set forth the City of Appleton, Village of Little Chute, and developer duties and responsibilities with respect to development of the subject land.

#### STAFF ANALYSIS

**Existing Conditions:** The subject property consists of vacant, undeveloped land. The area to be platted for single-family development totals approximately 7.2827 acres, which will be divided into 25 lots.

**Comparison between Final Plat and Preliminary Plat:** The Preliminary Plat covered a larger area (32.0110 acres), whereas the Final Plat is for part of Tax Id #31-1-6410-00 and #31-1-7513-00 (7.2827 acres). However, the Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. This is the first phase of lots for the broader subdivision development area.

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**Zoning Ordinance Review Criteria:** The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: 6,000 square feet.
  - The proposed lots range in size from 7,500 square feet to 15,746 square feet. All lots exceed this requirement.
- Minimum lot width: 50 feet.
  - The proposed lots range in width from approximately 51 feet to approximately 225 feet. All lots exceed this requirement.
- Minimum front, side, and rear yard setbacks: 20 feet front yard (25 feet on arterial street), 6 feet side yard, and 25 feet rear yard.
  - Required front yard setback is shown on the Final Plat. Setbacks will be reviewed through the building permit review process.
- Maximum building height: 35 feet.
  - o This will be reviewed through the building permit review process.
- Maximum lot coverage: 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 modification of regulations has been requested for this phase of development.

Access and Traffic: Vehicular access to the subject lots is provided by an existing collector street, Cherryvale Avenue, which connects to Gladiolus Place and an extension of Golden Gate Drive. The street right-of-way for Golden Gate Drive, Callalilly Lane, Gladiolus Place, and Begonia Drive will be dedicated to the public with the Final Plat. All streets are shown as 60-foot wide right-of-way. Outagamie County has no objections to the proposed street names. The City's street name policy would not typically allow for two words (Golden Gate Drive), but this is a street extension from the Village of Little Chute. The newly-established street names appear to comply with the City's street name policy.

### **Surrounding Zoning Classification and Land Uses:**

North: R-1B Single-Family District and NC Nature Conservancy District. The adjacent land uses to the north are currently a mix of single-family residential and public open space uses, including the Apple Creek corridor and recreational trail.

South: Village of Little Chute. The adjacent land uses to the south are currently single-family residential.

East: R-3 Multi-Family District and R-1B Single-Family District. The adjacent land to the east is currently vacant, undeveloped land.

West: R-1B Single-Family District. The adjacent land to the west is currently vacant, undeveloped land.

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**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 designation 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 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 Trail View South Development Agreement. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

**Technical Review Group (TRG) Report:** This item appeared on the October 6, 2020 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

#### RECOMMENDATION

The Trail View Estates South Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.

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- 2. For lots zoned R-1B Single-Family District, park fees are \$300 per lot. Park fees of \$7,500 shall be paid to the City of Appleton Finance Department prior to City signatures being affixed to the Final Plat.
- 3. The description at the top of sheet 1 reads "... being part of of the Southeast ..." This typo is also found in the Surveyor's Certificate. Delete the duplicate "of" as needed.
- 4. Per Section 17-12(b)(1) of the Municipal Code, identify the corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto. On sheet 1, include a "City of Appleton" label at the south end of the subject area.
- 5. Along the southeast lot lines of Lots 11-13, the total dimension listed (92.52') is incorrect. Along the west lot lines of Lots 20-21, the total dimension listed (122.00') is incorrect. Revise as necessary.
- 6. The location map in the upper right corner of sheet 1 needs to be updated.
- 7. There are currently two different property owners, but only Emerald Valley Estates LLC is listed under the Owner's Certificate. A deed is needed from B&H Properties Inc. to Emerald Valley Estates LLC for that portion of parcel #31-1-6410-00 included in the plat (or the entire parcel). This appears to be anticipated, since there is a blank Doc No. \_\_\_\_\_\_ on sheet 2.
- 8. The legend should be revised to reflect minimum monument lengths which are 24" and 30" based on their relationship to the Plat boundary and or road alignment.
- 9. Lot 25 and Lot 23 are missing monument symbols.
- 10. A Stormwater Permit with Stormwater Management Plan (SWMP) is required. An application was submitted for review on July 13, 2020. Review comments were issued to the engineer by City on 7/30/2020, which involved revisions to the SWMP and Engineering Plans, and may require revisions to the Plat. Revisions to the SWMP and Engineering Plans were received on 10/13/2020. A formal review by the City's stormwater review consultant is ongoing. Additional comments are expected pending the results of that review, which may impact the Final Plat and any subsequent submittals.
- 11. For stormwater flows tributary to the Village of Little Chute, provide written approval from the Village for all flows directed to the Village, and provide written confirmation from the Village that the Village's North French Pond is in place and suitable for meeting the applicable stormwater management requirements for the development.
- 12. Show the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood. Per Section 17-26(i)(1) of the Municipal Code, subdivided lots shall have at least 50% of the minimum required lot area, based upon the respective zoning district, at least two feet above the elevation of the 100-year recurrence interval flood.

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13. The following streets within the Final Plat are to be classified as follows:

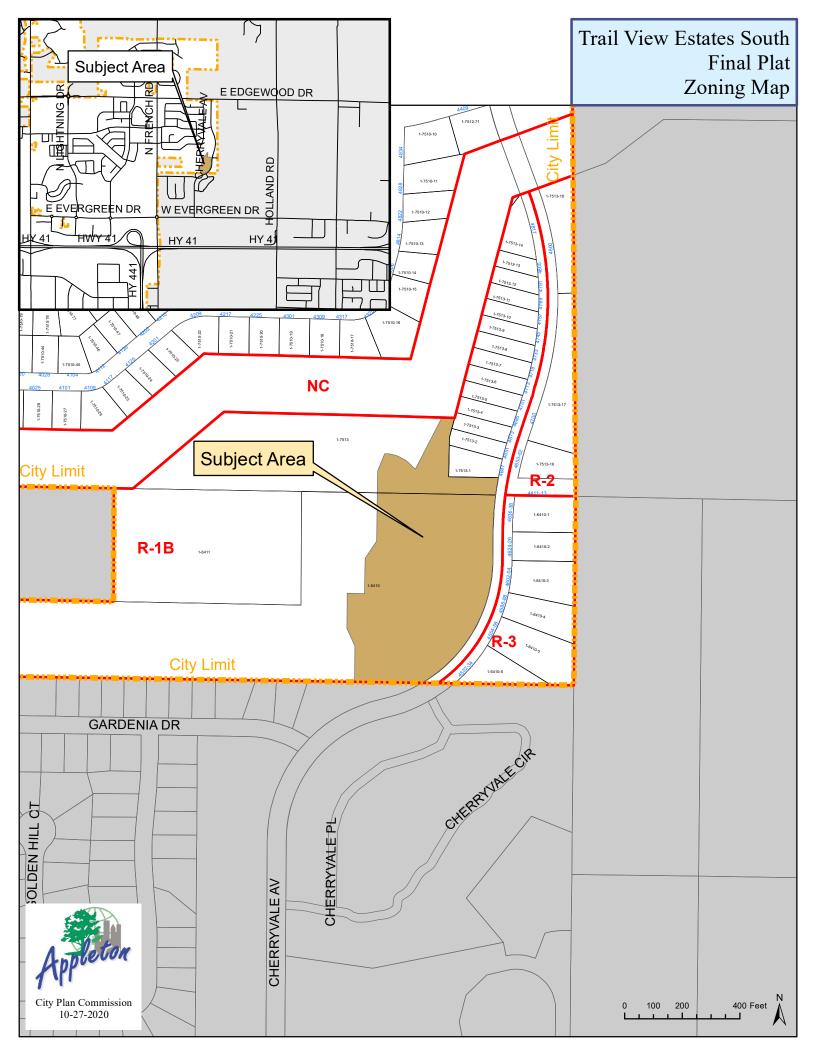
a. Golden Gate Drive: Local Street

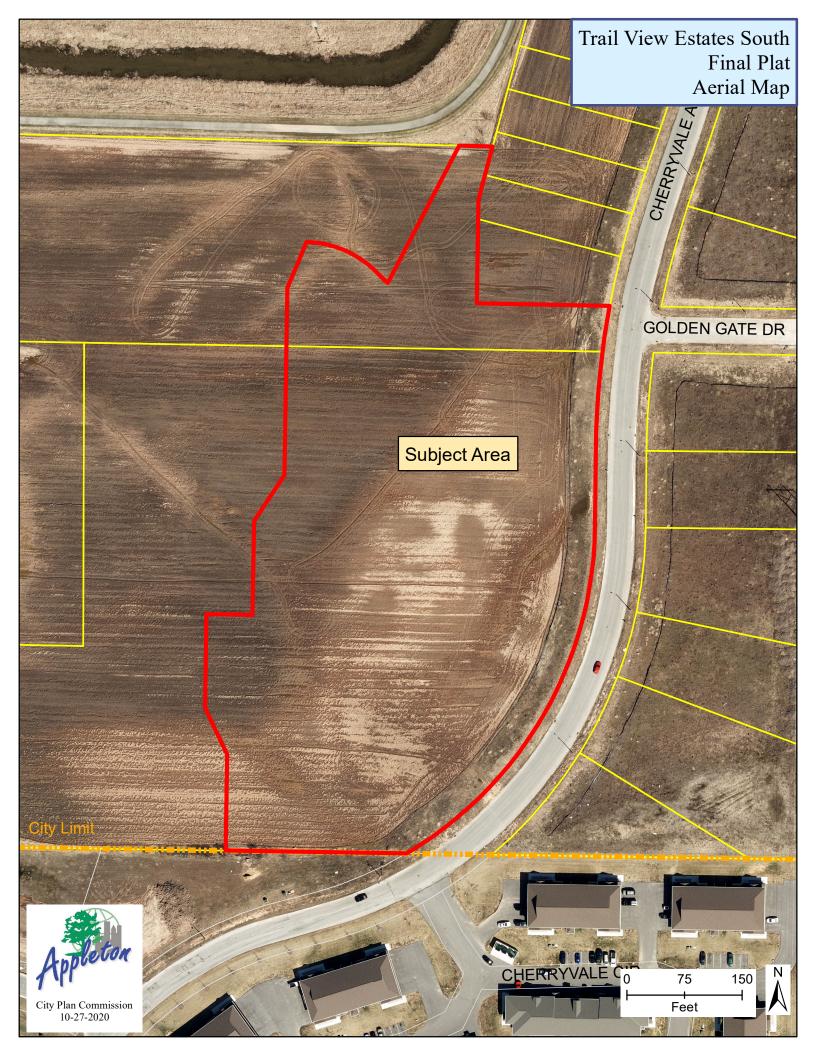
b. Callalilly Lane: Local Street

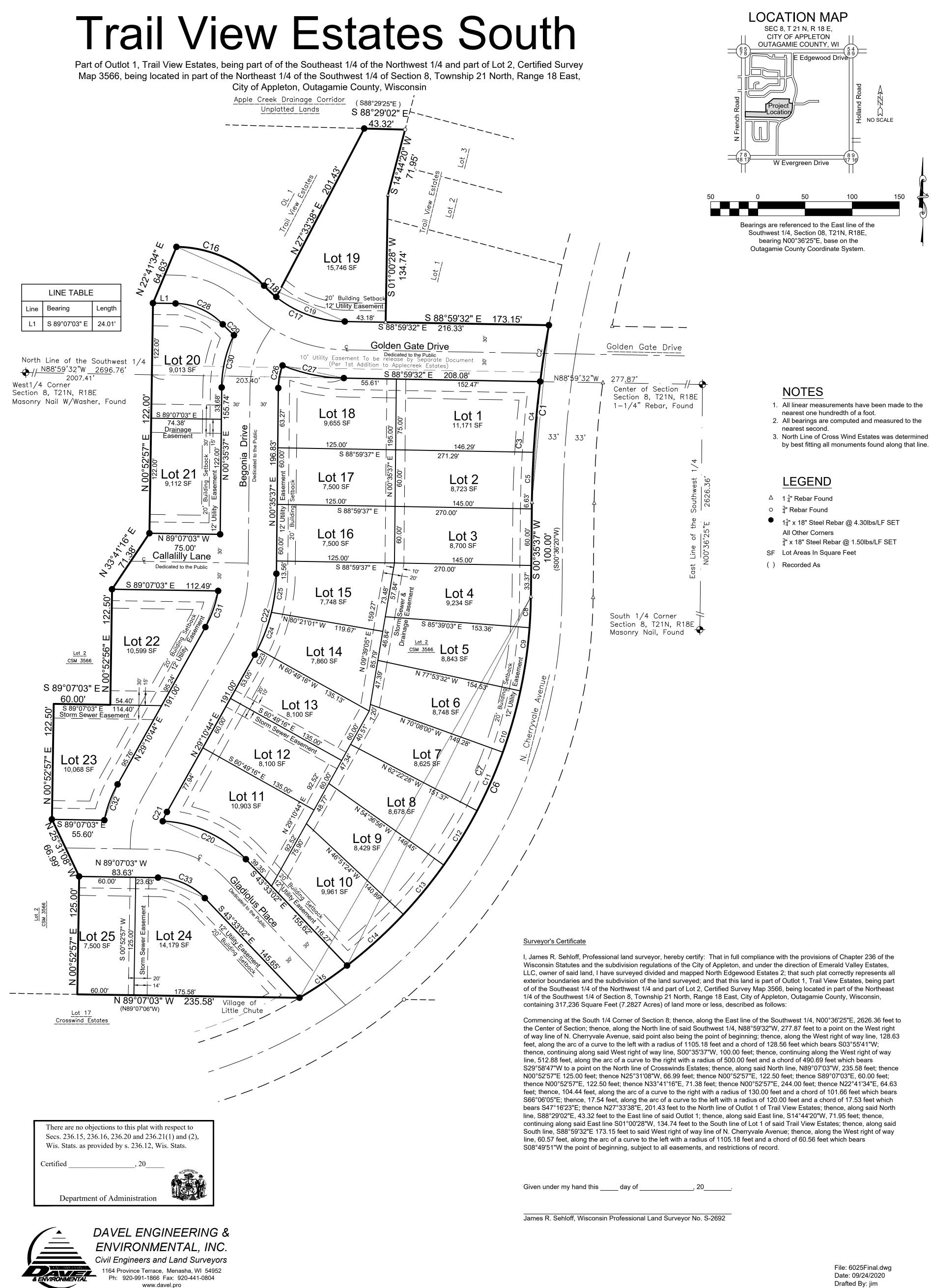
c. Gladiolus Place: Local Street

d. Begonia Drive: Local Street

- 14. Development is subject to conditions of the Intergovernmental Cooperation Agreement between the Village of Little Chute and City of Appleton that was approved in 2013 and amended in 2020.
- 15. Development is subject to conditions of the Land Dedication Agreement between B&H Properties, Inc. and the City of Appleton that was approved by Common Council on June 5, 2013.
- 16. Development is subject to conditions of the Development Agreement between the City of Appleton, Village of Little Chute, and Emerald Valley Estates, LLC that was approved by Common Council on September 2, 2020.
- 17. 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.







# Trail View Estates South

Part of Outlot 1, Trail View Estates, being part of the Southeast 1/4 of the Northwest 1/4 and part of Lot 2, Certified Survey Map 3566, being located in part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## Drainage Maintenance and Storm Sewer Easement Provisions Owner's Certificate An easement for Drainage and Storm Sewer is hereby granted by: 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 Emerald Valley Estates, LLC, Grantor, to: to be surveyed, divided, mapped and dedicated as represented on this plat. THE CITY OF APPLETON, Grantee, 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: 1. Purpose: The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize storm sewer, drainage ditch/swale, and associated appurtenances. Grantee does City of Appleton hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said Department of Administration maintenance, repair, replacement or relocation of said storm sewer, drainage ditch/swale and associated appurtenances that occur outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area. In the presence of: Emerald Valley Estates, LLC 2. Access: Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area. 3. Buildings or Other Structures: 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 "Drainage Easement" or "Storm Sewer & Robert A. DeBruin, Managing Member Drainage Easement ". 4. Elevation: The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered without the written consent of grantee. State of Wisconsin) 5. Restoration: Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is County) ss reasonably possible, to the prior existing condition when conducting all future maintenance, resizing or repair activities. Grantor shall be responsible for all surface restoration. Grantee shall not be required to \_, 20\_\_\_\_, the above the property owner(s) restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and Personally came before me this \_ day of \_ gutter, hard pavements, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the to me known to be the persons who executed the foregoing instrument and acknowledge the same. maintenance activities described herein. My Commission Expires Notification: Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Notary Public, Wisconsin Grantee and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable **Utility Easement Provisions** 7. Drainage Easements are conveyance paths for storm water. The placement of fill in a drainage easement, An easement for electric, natural gas, and communications service is hereby granted by which interferes with the flow or changes to the shape of the drainage easement by the lot owner or his Emerald Valley Estates, LLC, Grantor, to: agent, is prohibited. Upon failure of lot owner's to maintain said drainage ways and easements as designed; the City of Appleton retains the right to perform maintenance and or repairs. The payment of said Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, maintenance and or repairs shall be equally assessed to the adjacent lot owners. SBC, Grantee, This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all Time Warner Cable, Grantee parties hereto. 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, Emerald Valley Estates, LLC 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, theron, or on adjacent lots; also the right to trim or cut Robert A. DeBruin, Managing Member 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. Emerald Valley Estates, LLC Robert A. DeBruin, Managing Member City of Appleton Approval Resolved, that the plat of Trail View Estates South, in the City of Appleton, Outagamie County, Emerald Valley Estates, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	1105.18'	S 05°29'50" W	188.94'	189.17'	9°48'26"	S 10°24'03" W	S 00°35'37" W
C2	1105.18'	S 08°49'51" W	60.56'	60.57'	3°08'25"	S 10°24'03" W	S 07°15'38" W
C3	1105.18'	S 03°55'41" W	128.56'	128.63'	6°40'08"	S 07°15'45" W	S 00°35'37" W
C4	1105.18'	S 05°18'39" W	75.20'	75.22'	3°53'58"	S 07°15'38" W	S 03°21'40" W
C5	1105.18'	S 01°58'39" W	53.38'	53.38'	2°46'03"	S 03°21'40" W	S 00°35'37" W
C6	500.00'	S 29°58'47" W	490.69'	512.88'	58°46'19"	S 00°35'37" W	S 59°21'56" W
C7	500.00'	N 26°29'34" E	436.79'	452.02'	51°47'53"	N 52°23'30" E	N 00°35'37" E
C8	500.00'	S 02°28'17" W	32.77'	32.77'	3°45'20"	S 00°35'37" W	S 04°20'57" W
C9	500.00'	S 08°13'43" W	67.66'	67.71'	7°45'32"	S 04°20'57" W	S 12°06'28" W
C10	500.00'	S 15°59'14" W	67.66'	67.71'	7°45'32"	S 12°06'28" W	S 19°52'00" W
C11	500.00'	S 23°44'46" W	67.66'	67.71'	7°45'32"	S 19°52'00" W	S 27°37'32" W
C12	500.00'	S 31°30'18" W	67.66'	67.71'	7°45'32"	S 27°37'32" W	S 35°23'04" W
C13	500.00'	S 39°15'50" W	67.66'	67.71'	7°45'32"	S 35°23'04" W	S 43°08'36" W
C14	500.00'	S 47°46'03" W	80.62'	80.71'	9°14'54"	S 43°08'36" W	S 52°23'30" W
C15	500.00'	S 55°52'43" W	60.82'	60.86'	6°58'26"	S 52°23'30" W	S 59°21'56" W
C16	130.00'	N 66°06'05" W	101.66'	104.44'	46°01'57"	S 43°05'06" E	S 89°07'03" E
C17	120.00'	N 66°02'19" W	93.60'	96.15'	45°54'26"	S 88°59'32" E	S 43°05'06" E
C18	120.00'	N 47°16'23" W	17.53'	17.54'	8°22'34"	S 51°27'40" E	S 43°05'06" E
C19	120.00'	N 70°13'36" W	77.21'	78.61'	37°31'53"	N 51°27'40" W	N 88°59'32" W
C20	130.00'	S 65°26'10" E	96.92'	99.31'	43°46'16"	S 87°19'19" E	S 43°33'02" E
C21	70.00'	N 24°45'42" E	10.78'	10.79'	8°50'05"	N 20°20'39" E	N 29°10'44" E
C22	180.00'	N 14°53'11" E	88.87'	89.80'	28°35'07"	N 29°10'44" E	N 00°35'37" E
C23	180.00'	N 28°04'24" E	6.95'	6.95'	2°12'41"	N 29°10'44" E	N 26°58'03" E
C24	180.00'	N 20°22'27" E	41.34'	41.43'	13°11'13"	N 26°58'03" E	N 13°46'50" E
C25	180.00'	N 07°11'14" E	41.34'	41.43'	13°11'13"	N 13°46'50" E	N 00°35'37" E
C26	70.00'	N 10°35'52" E	24.32'	24.44'	20°00'30"	N 00°35'37" E	N 20°36'07" E
C27	180.00'	S 78°21'49" E	66.40'	66.78'	21°15'26"	S 67°44'06" E	S 88°59'32" E
C28	70.00'	S 66°06'05" E	54.74'	56.24'	46°01'57"	S 89°07'03" E	S 43°05'06" E
C29	180.00'	S 45°42'47" E	16.51'	16.51'	5°15'21"	S 43°05'06" E	S 48°20'27" E
C30	130.00'	S 13°14'01" W	56.89'	57.36'	25°16'48"	N 25°52'25" E	N 00°35'37" E
C31	120.00'	S 19°24'10" W	40.75'	40.95'	19°33'10"	N 09°37'35" E	N 29°10'44" E
C32	130.00'	S 20°13'28" W	40.47'	40.63'	17°54'33"	N 29°10'44" E	N 11°16'12" E
C33	70.00'	S 66°20'03" E	54.21'	55.67'	45°34'01"	N 89°07'03" W	N 43°33'02" W



Mayor

Treasurer's Certificate

City Treasurer

**County Treasurer** 

of the land included in this plat.

The property owner of record:

Emerald Valley Estates, LLC

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

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

This Final Plat is contained wholly within the property described in the following recorded instruments:

Recording Information:

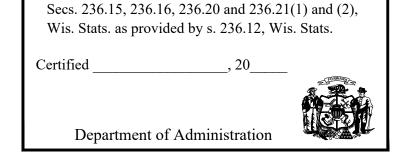
Doc No. 2092715

Doc No.

Parcel Number(s):

311-7513-00

311-6410-00



There are no objections to this plat with respect to