



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: February 9, 2021

Common Council Meeting Date: February 17, 2021

Item: Preliminary Plat – Apple Ridge 2

Prepared By: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Apple Tree - Appleton Four, LLC c/o Jason Mroz

Consulting Engineering Firm: Davel Engineering & Environmental, Inc. (John Davel, P.E. and James R. Sehloff, P.L.S.)

Location: East of the first phase of Apple Ridge subdivision (See zoning and aerial maps)

Tax Id Numbers: 31-1-8307-00, 31-1-8307-03, 31-1-8307-04, and 31-1-8307-05

Petitioner's Request: The applicant is proposing to subdivide the property for single-family residential development (Phase 2 of the Apple Ridge Community).

BACKGROUND

The subject property was included in the Apple Ridge Annexation that was approved by the Plan Commission on August 7, 2018 and by the Common Council on August 15, 2018. The subject property was officially annexed to the City on August 21, 2018.

Rezoning #9-18 from Temporary AG Agricultural District to R-1B Single-Family District was approved by the Common Council on September 19, 2018.

The Final Plat for Apple Ridge (Phase 1) was approved by the Plan Commission on October 9, 2018 and by the Common Council on October 17, 2018.

Special Use Permit #7-18 for a private recreational facility constructed on Lot 1 of Apple Ridge (Phase 1) subdivision was approved on December 5, 2018 by the Common Council.

STAFF ANALYSIS

Existing Conditions: The subject area to be subdivided is currently undeveloped. The land area to be platted for single-family residential development totals 34.3711 acres, which will be divided into 92 lots and 3 outlots. Outlots 8 and 10 will be used for stormwater management purposes. Outlot 9 will be deed restricted, in regard to ownership, to Lot 8 of Apple Ridge (Phase 1).

Apple Ridge Concept Master Plan: The lot and road layout shown on the Preliminary Plat is generally consistent with Apple Ridge Concept Master Plan dated April 24, 2018 which is on file with the City.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 R-1B Single-family district of the Municipal Code) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lot numbers 79-170 range in size from 8,236 square feet to 36,283 square feet. The size of the Outlots are as follows: Outlot 8 (17,110 square feet), Outlot 9 (482 square feet; does not meet the lot area requirement) and Outlot 10 (100,319 square feet). All lots and outlots satisfy this requirement, except for Outlot 9.*
- Minimum lot width: Fifty (50) feet.
 - *The typical lot dimensions for the proposed lots are 57 feet X 150 feet. All lots and outlots appear to satisfy 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 setbacks for buildings and structures 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 following:

Modification #1: Proposed lot area for Outlot 9 is 482 square feet, minimum 6,000 square feet is required per Section 17-3(c)(6) and Section 23-93(g)(1) of the Municipal Code. The modification allows for a reduction of lot area from 6,000 square feet to 482 square feet. *Note: Per Preliminary Plat Note #4, this outlot will be deed restricted in regard to ownership, to Lot 8 of Apple Ridge (Phase 1).*

Compliance with the Appleton Subdivision Regulations (continued):

Modification #2: Proposed Outlot 8 does not abut a dedicated public street. Access to this outlot will come from Outlot 7 (stormwater pond site) located in Apple Ridge (Phase 1) which has road frontage on Baldeagle Drive. Section 17-26 (c)(1) of the Municipal Code requires all lots shall abut on a public street or an approved access. The modification allows for a lot not to abut a dedicated public street temporarily, unless a temporary access easement is proposed. *Per Preliminary Plat Note #3, this outlot will be used for stormwater management.*

Modification #3: The proposed Lots 87-89, 109-110, 116, 120-123, 133 and 159-169 range from 2.1 – 3.17 (length) to 1 (width). Per Section 17-26(g) of the Municipal Code, “A proportion of two (2) length to one (1) width shall normally be considered a desirable maximum for lot widths of sixty (60) feet or more.”

In recognition of the environmental features (floodplain, wetlands, navigable stream, and topography) located on this site, this results in a layout with curvilinear street patterns, narrower lot widths and stormwater management areas. Therefore, 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 to the above-referenced items (*Modification 1, 2 and 3*), provided that the modification(s) meets the following three standards:

- (1) The modification(s) are due to physical features of the site or its location. *Yes, staff concludes the existing environmental features located on this site (topography, floodplain, wetlands, navigable stream) and its location with respect to the existing roads connections and parcel lines influence the location and layout of proposed lots, roads, and stormwater ponds within the development. These features contribute to challenges of designing Apple Ridge 2 in full compliance with the applicable requirements of the Zoning and Subdivision Ordinance.*
- (2) The modification(s) are the least deviation from this ordinance which will mitigate the hardship. *Yes, staff concludes the modifications are minimal deviations and necessary to achieve the residential density shown on the preliminary plat.*
- (3) The modification(s) are not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance. *Yes, staff concludes public safety should not be adversely affected by granting the above-referenced modifications for Apple Ridge 2.*

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

- Any lot containing slopes of 20% or greater will require compliance with Section(s) 17-26(i)(2) and 17-26(i)(2) a. of the Subdivision Ordinance prior to the issuance of a building permit. The intent of this section is to have slopes of 20% and greater shown on the plat. *Compliance with Section(s) 17-26(i)(2) and 17-26(i)(2) a. will be verified through the building permit review process for new home construction on the applicable lots.*

Access and Traffic: Vehicular access to the subject lots will be provided by extending Baldeagle Drive and Harrier Lane from Apple Ridge (Phase 1), which will allow the construction of Kestrel Circle. Ultimately, Baldeagle Drive will connect to Lighting Drive extended.

Surrounding Zoning Classification and Current Land Uses:

North: City Zoning: R-1B Single-Family District
Town of Grand Chute Zoning: AGD, General Agricultural District

Current Land Uses – Undeveloped single family lot and Agricultural

South: Town of Grand Chute Zoning: AGD, General Agricultural District

Current Land Uses – Residential and Agricultural

East: Town of Grand Chute Zoning: AGD, General Agricultural District

Current Land Use – Agricultural

West: City Zoning: R-1B Single-Family District

Current Land Use – Single-family residential and wetland/floodplain/navigable stream corridor

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.

Appleton Comprehensive Plan 2010-2030 (continued):

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. For lots zoned R-1B Single-Family District, park fees are \$300 per lot for a total of \$27,600.

Plat Progress and Technical Review Group Report (TRG):

- 12-29-20 - Preliminary Plat Application, Plat Review Fee and Plat Maps submitted to City Hall.
- 12-30-20 - Item added to the January 5, 2021 TRG Agenda and distributed to City staff.
- 12-30-20 - DPW (Engineering): A water main easement from Baldeagle Drive to the east end of plat (and eventually to Lightning Dr.) to install at least an 8" water main. Anywhere between Lots 149 and 157. A minimum of 10' wide due to the narrow lot layouts. Normal is 20' for one utility. Add as a condition of approval.
- 1-4-21 - DPW (Engineering): Stormwater and Erosion Control application and review fee was not submitted with the Preliminary Plat submittal.
- 1-5-21 - Community and Economic Development Department (Planning): Modification waivers to the following will be needed: 1. Lot depth to width ratio requirement for applicable proposed lots, Outlot 8 does not abut a dedicated public street, proposed lot area for Outlot 9 is 482 which does not meet the minimum lot area requirements of Section 23-93(g)(1) of the Municipal Code. These modification waivers are similar to those approved for Apple Ridge (Phase 1).
- 1-5-21 - No other (TRG) comments were received from participating departments.
- 1-25-21 - DPW (Engineering): Preliminary Plat can proceed to Plan Commission and Common Council with the condition, "A Stormwater Permit Application with Stormwater Management Plan and Engineering Plans have been submitted for review. Review and comment by City Stormwater review consultant are pending. All such comments must be addressed on the final plat".
- 1-27-21 - Preliminary Plat filed with City Clerk's Office.

Review and Decision by Plan Commission: The Plan Commission shall, within 60 days of the date of the filing of Preliminary Plat with the City Clerk, recommend approval, conditional approval or denial of the plat to the Common Council, unless time is extended by agreement in writing between the City and Owner.

Review and Decision by Common Council: The Common Council shall, after receipt of the Plan Commission recommendation and within 90 days of the date of the filing of Preliminary Plat with the City Clerk and approval, approval with conditions or deny the plat, unless time is extended by agreement in writing between the City and Owner.

RECOMMENDATION

The Apple Ridge 2 Preliminary Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The following information is to be provided on the Final Plat:
 - a. A water main easement from Baldeagle Drive to the east end of plat (and eventually to Lightning Drive) to install at least an 8” water main. The minimum 10 foot wide water main easement may be placed anywhere between Lots 149 and 157.
 - b. If applicable, in the notes section, identify all affected lot numbers containing slopes of twenty percent (20%) and greater and add the following language: *“Lands having a slope of twenty percent (20%) and greater shall be maintained in permanent open space use, unless the following items are submitted to the City of Appleton Public Works Department for review and approval prior to the issuance of a building permit: The application for a building permit shall be accompanied by a Drainage and Grading Plan, an Erosion Control Plan, a Plot Plan and a Building Foundation Design Plan prepared by a licensed professional civil engineer or structural engineer registered in the State of Wisconsin, trained and experienced in the practice of geotechnical engineering. The engineer shall provide the design and supervision such that, in the engineer’s opinion, the development does not and will not compromise in any way the stability of the soil on site or soil on lands which are adjacent and will not cause or contribute to such soils becoming susceptible to land slip, land slide, rock fall, mud flow, debris flow, erosion, slumping, settling or other such occurrence.”*
2. Grant modifications #1, #2 and #3 listed under “Compliance with the Appleton Subdivision Regulations” above in the staff report for Lot Numbers 87-89, 109-110, 116, 120-123, 133, and Outlots 8 and 9.
3. A Stormwater Permit Application with Stormwater Management Plan and Engineering Plans have been submitted for review. Review and comment by City Stormwater review consultant are pending. All such comments must be addressed on the final plat.

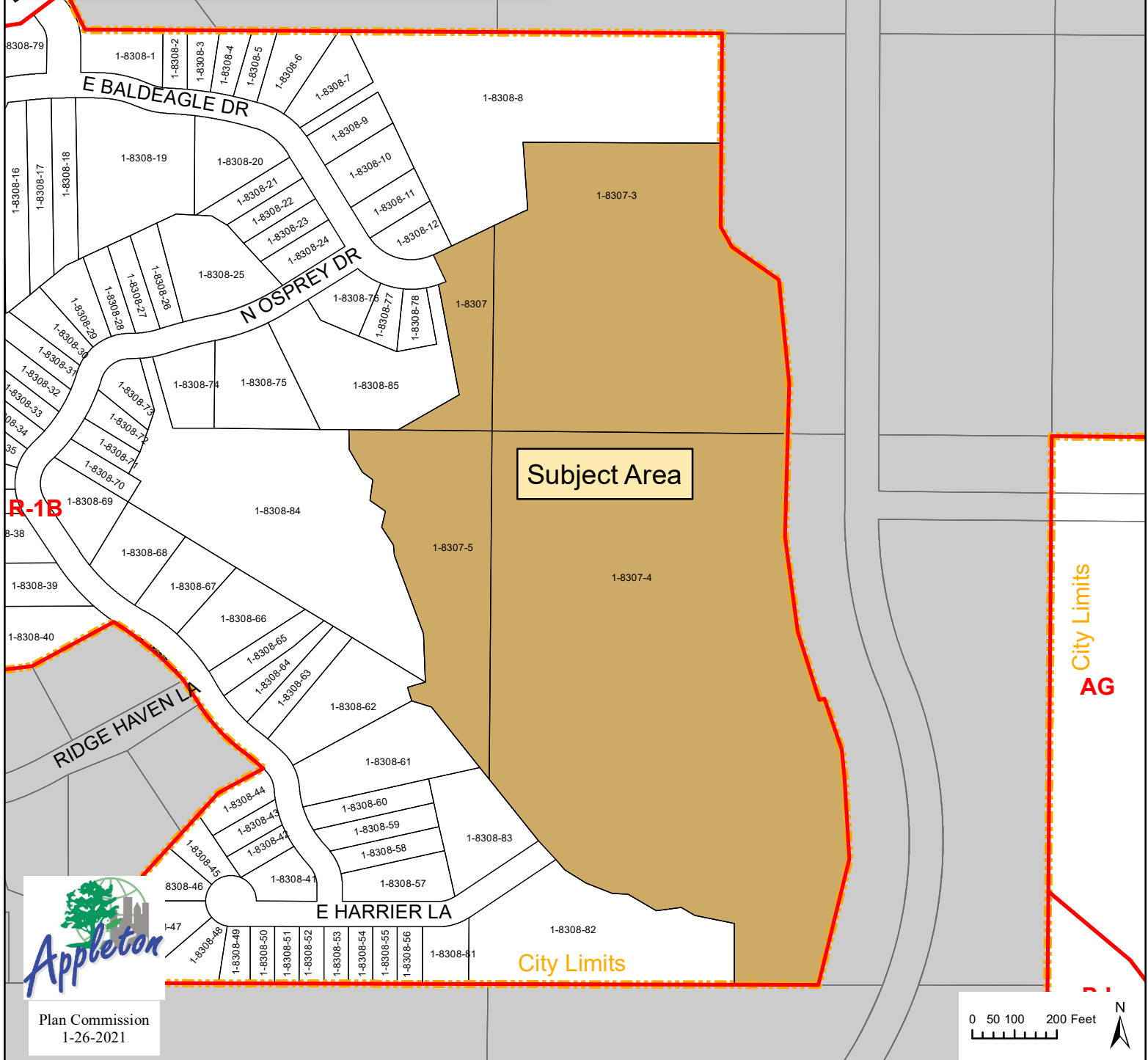
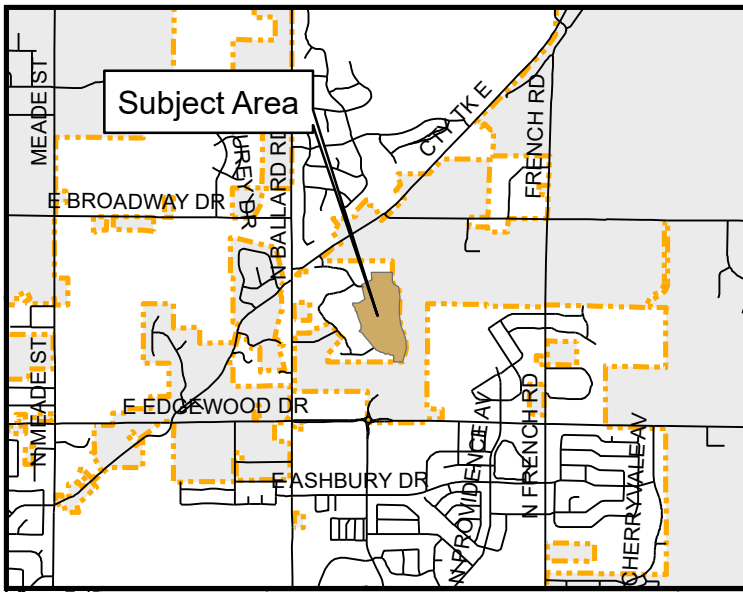
Preliminary Plat – Apple Ridge 2

February 9, 2021

Page 7

4. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
5. 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.
6. 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.

Preliminary Plat
Apple Ridge 2
Zoning Map



Plan Commission
1-26-2021

Preliminary Plat
Apple Ridge 2
Aerial Map

Subject Area

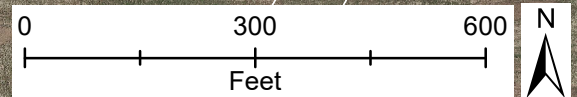
E BALDEAGLE DR

N OSPREY DR

E HARRIER LA



Plan Commission
1-26-2021

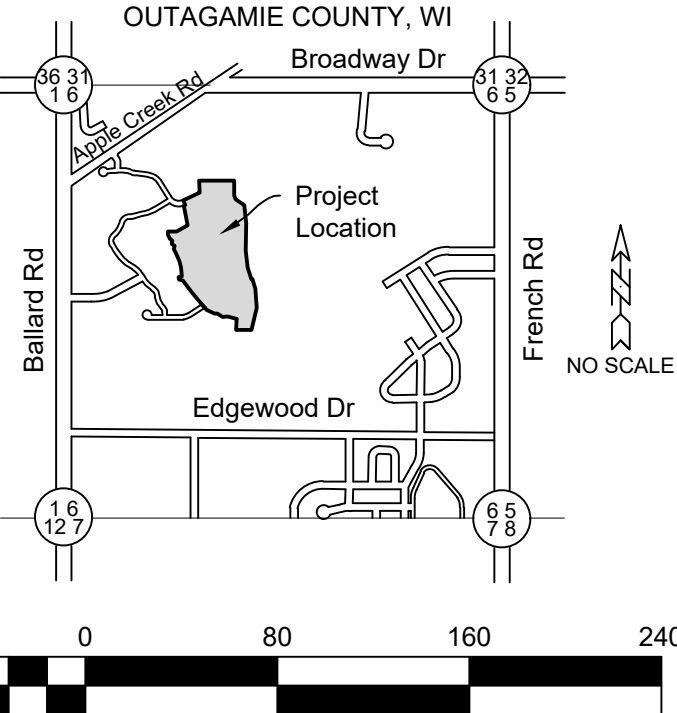


Apple Ridge 2

Part of the Southwest 1/4 of the Fractional Northwest 1/4; part of the Southeast 1/4 of the Fractional Northwest 1/4; part of Northeast 1/4 of the Fractional Southwest 1/4 and part of Lot 2 CSM 3863, located in part of the Northwest 1/4 of the fractional Southwest 1/4 all being part of Section 06, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

LOCATION MAP

NW 1/4 SEC 6, T 21 N, R 18 E,
TOWN/CITY OF GRAND CHUTE
OUTAGAMIE COUNTY, WI



Bearings are referenced to the West line of the Southwest 1/4, Section 06, T21N, R18E, assumed to bear N00°09'08\"W, based on the Outagamie County Coordinate System.

SUPPLEMENTARY DATA

Total Area = 1,497,204 SF 34.3711 acres
R/W Area = 248,430 SF 5.7032 acres
Net Area = 1,248,774 SF 28.6679 acres
Number of Lots = 92
Average lot size = 00,000 SF
Typical lot dimension = 000'x 000'
Lineal feet of street = 3,909 LF
Existing zoning = R1B
Proposed zoning = R1B
Approving Authorities
City of Appleton
Objecting Authorities
Department of Administration

NOTES

- Utility and Drainage Easements will be shown on Final Plat
- All elevations shown are NAVD 88, per City Datum.
- Outlot 8 and 10 for Storm Water Management
- Outlot 9 will be deed restricted, in regards ownership, to Lot 8 of Apple Ridge.

Developer/Owner

Apple Tree Appleton Four, LLC
C/O Jason Mroz
840 Challenger Dr., Suite 150
Green Bay, WI 54311

LINE TABLE		
Line	Bearing	Length
L1	S 87°23'17\"E	73.24'
L2	S 32°45'52\"E	60.01'
L3	N 25°33'40\"W	70.00'
L4	S 28°25'33\"E	55.45'
L5	S 71°17'21\"W	12.59'

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	190.00'	N 67°21'15\"E	19.33'	19.33'	5°49'49\"	N 70°16'10\"E	N 64°26'20\"E
C2	130.00'	N 66°56'21\"E	11.34'	11.34'	5°00'00\"	N 64°26'20\"E	N 69°26'21\"E

Sanitary Structures						
Structure	#	Rim	Inv	Size	Material	Direction
Lift Station	34	765.84	754.09	8"	PVC	SW
			750.49	8"	PVC	NE
MH	10	769.32	756.06	8"	PVC	NW
			756.06	8"	PVC	E
Lift Station	9	768.70	754.95	8"	PVC	W
			755.20	8"	PVC	E

Storm Structures						
Structure	#	Rim	Inv	Size	Material	Direction
MH	A	767.57	761.87	36"	RCP	SE
			761.87	36"	RCP	N
MH	B	769.38	762.38	36"	RCP	S
			762.38	30"	RCP	NW
			762.38	18"	RCP	NE
INL	C	767.75				
INL	D	768.05				
INL	E	767.87				
MH	F	770.43	763.18	30"	RCP	SE
				18"	RCP	NW
				24"	RCP	SW

BENCHMARKS (NAVD 88)

- BM 1 Fire Hydrant, Shoulder
Lot 76 of Apple Ridge (Baldeagle Dr. & Asprey Dr.)
Elev 773.57
- BM 2 Fire Hydrant, Shoulder
Lot 25/26 of Apple Ridge (N. R/W Osprey Dr.)
Elev 775.26
- BM 3 Fire Hydrant, Shoulder
Lot 64/65 of Apple Ridge (W. R/W Osprey Dr.)
Elev 777.41
- BM 4 Fire Hydrant, Shoulder
Lot 53/54 of Apple Ridge (S. R/W Harrier Ln.)
Elev 772.18

Outlot 9 Detail

Baldeagle Drive

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, Outagamie County.

James R. Sehloff, P.L.S. No. S-2692

Date

LEGEND

—CATV—	CATV	Underground Cable TV	○	Sanitary MH / Tank / Base	□	CATV Pedestal
—FO—	FO	Underground Fiber Optic	⊗	Storm Manhole	□	Gas Regulator
—San—	San	Sanitary Sewer	⊗	Inlet	□	Sign
—Sto—	Sto	Storm Sewer	⊗	Catch Basin / Yard Drain	□	Soil Boring
—E—	E	Underground Electric	⊗	Hydrant	□	Benchmark
—G—	G	Underground Gas Line	⊗	Light Pole / Signal	□	1" Rebar Found
—T—	T	Underground Telephone	⊗	Electric Pedestal	□	3" Rebar Found
—W—	W	Water Main	⊗	Electric Transformer	□	1.3" O.D. Iron Pipe Found
—Treeline—	Treeline	Treeline	⊗	Telephone Pedestal	□	Government Corner
—Culvert—	Culvert	Culvert	⊗	Telephone Manhole	□	Asphalt Pavement
—Index Contour—	Index Contour	Index Contour	⊗	Ex Spot Elevation	⊗	Gravel
—Intermediate Contour—	Intermediate Contour	Intermediate Contour	⊗		⊗	Delineated Wetlands
—Floodway—	Floodway	Floodway	⊗		⊗	
—Flood Plain—	Flood Plain	Flood Plain	⊗		⊗	