



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: March 9, 2021

Common Council Meeting Date: April 7, 2021

Item: Preliminary Plat – 1st Addition to Broadway Hills Estates

Case Manager: Don Harp

GENERAL INFORMATION

Owner: North Appleton Properties, LLC – Gregory Gauerke – Member

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

Location: The subject property is located on the west side of French Road at a distance of approximately 1,400 feet north of the intersection of French Road and Broadway Drive.

Tax Id Number: City Parcel #31-1-9210-14 (formerly Town of Freedom Parcel #090-0855-00)

Petitioner's Request: The applicant is proposing to subdivide the subject property into seven (7) single-family residential lots. (Phase 2 of Broadway Hills Estates)

BACKGROUND

The Final Plat for Broadway Hills Estates (Phase 1) was approved by the Plan Commission on August 25, 2020 and by the Common Council on September 2, 2020. Phase 1 consisted of 20 single-family residential lots with an average size of 1.58 acres and 2 outlots for stormwater ponds.

The subject property was included in the 1st Addition to Broadway Hills Estates Annexation that was approved by the Plan Commission on February 23, 2021 and by the Common Council on March 3, 2021. The subject property was officially annexed to the City on March 9, 2021 at 12:01 a.m.

The Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1B Single-family District at the February 23, 2021 meeting.

Rezoning #3-21 is also being presented at this March 9, 2021 Plan Commission meeting. Rezoning #3-21 will need to be approved in order for the Preliminary Plat to be approved.

STAFF ANALYSIS

Existing Conditions: The subject property is agricultural land with a building that is approximately 3,200 square feet in area.

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Broadway Hills Estates Concept Plan: The lot and road layout shown on the Preliminary Plat is generally consistent with Broadway Hills Estates Concept Master Plan dated April 21, 2020 which is on file with the City.

Zoning Ordinance Review Criteria: If Rezoning #3-21 is approved, the following development standards (Section 23-93 R-1B Single-family District of the Municipal Code) are applicable to this development:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots range in size from 47,625 square feet (1.09 acres) to 354,096 square feet (8.12 acres). The average lot size for Lots 21-23 and 25-27 is 51,836 square feet (1.19 acres) with Lot 24 being the largest at 354,096 square feet (8.12 acres). All proposed lots satisfy this minimum requirement.*
 - *Phase 1 of the Broadway Hills Estates Development located to the south consisted of 20 single-family residential lots with an average size of 1.58 acres.*
- Minimum lot width: Fifty (50) feet.
 - *The typical lot dimensions for the proposed lots are 200 feet x 500 feet. All proposed lots satisfy this minimum requirement.*
- Minimum front, side, and rear yard setbacks (principal uses): Twenty (20) foot front yard [twenty-five (25) foot minimum on arterial street (French Road)], 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.*

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- Existing Building(s):
 - *The preliminary plat shows the existing building located on proposed Lot 24 to remain. Based upon information provided by the property owner (developer), building permit #2020-116 was issued on December 14, 2020 by Town of Freedom Building Inspector to allow this building to be placed at this location. The property owner (developer) intends to retain this lot and build his residence on it. Buildings lawfully existing at the time of annexation to the City may be continued, although the use, size, and/or location does not conform to the provisions of the Municipal Code. As a result, this existing building (approximate size: 40' x 80' (3,200 square feet in area) is deemed to be a legal, nonconforming building due to its size and agricultural storage use of farming equipment and bales of hay because of the permit issued by the Town. The applicable provisions of Section 23-42 Nonconforming buildings, structures, uses and lots of the Municipal Code apply to this building.*

Prior to the issuance of building permit for a residential dwelling on Lot 24, the Inspections Division will ensure all applicable Municipal Code regulations are satisfied as it relates to location standards between a proposed residential dwelling and this existing building.

Compliance with the Appleton Subdivision Regulations: This subdivision complies with the Appleton Subdivision Regulations, except for the code section listed below.

Per Section 17-26(g) of the Municipal Code, “Excessive lot depth in relation to width shall be avoided. 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.”

Analysis: Proposed Lots 23 and 24 exceed the 2 depth to 1 width ratio (Lot 23 = 2.4 to 1 and Lot 24 = 4.2 to 1). These proposed lots have lot width dimensions less than the other lots in this subdivision because they are situated at the end of the cul-de-sac street and resemble pie-shaped lots. The width lot dimension could be increased if the proposed cul-de-sac is extended to the west beyond its current location. However, the cul-de-sac street would then exceed the 500 foot maximum length requirement. In addition, there is ± 1.3 acre wetland area contained on Lot 24 that will be protected by 50 foot protection setback. The delineation of this wetland area appears to have played a role in design of this plat.

Pursuant to 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, provided that the modification meets the following three standards:

- (1) The modification is due to physical features of the site or its location.
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship.
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

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

Surrounding Zoning Classification and Land Uses:

North: Town of Freedom. The adjacent land use to the north is currently residential and agricultural land.

South: City of Appleton - R-1B Single-Family District. The adjacent land use to the south is currently being developed as single-family residential (Broadway Hills Estates).

East: Town of Freedom. The adjacent land uses to the east are currently a mix of single-family residential and agricultural uses.

West: City of Appleton - AG Agricultural District. City of Appleton sanitary sewer and water easement parcel.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. This proposal 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.

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.

Access and Traffic: Vehicular access to the subject lots is provided by North French Road, which connects to proposed Fritz Court.

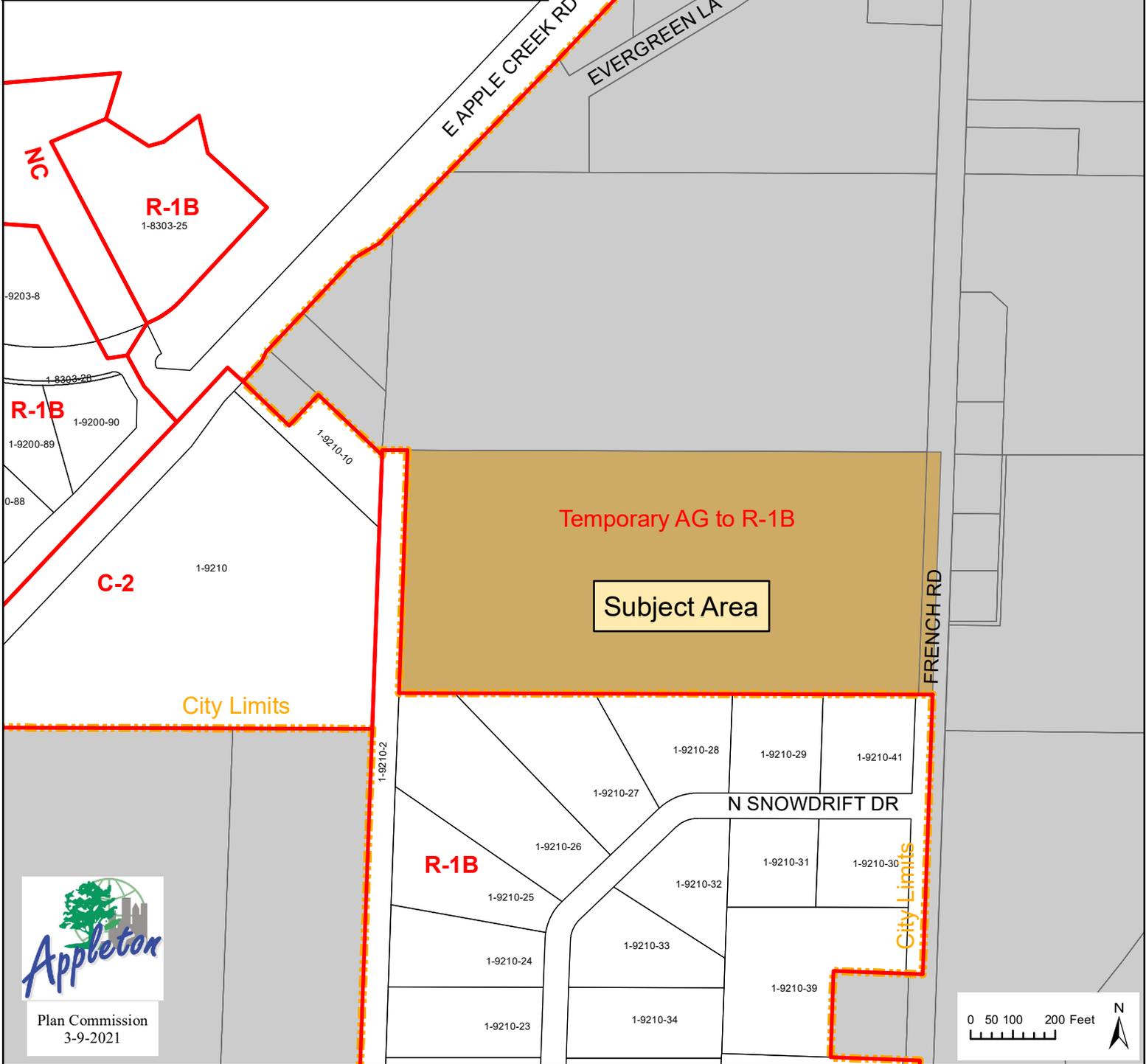
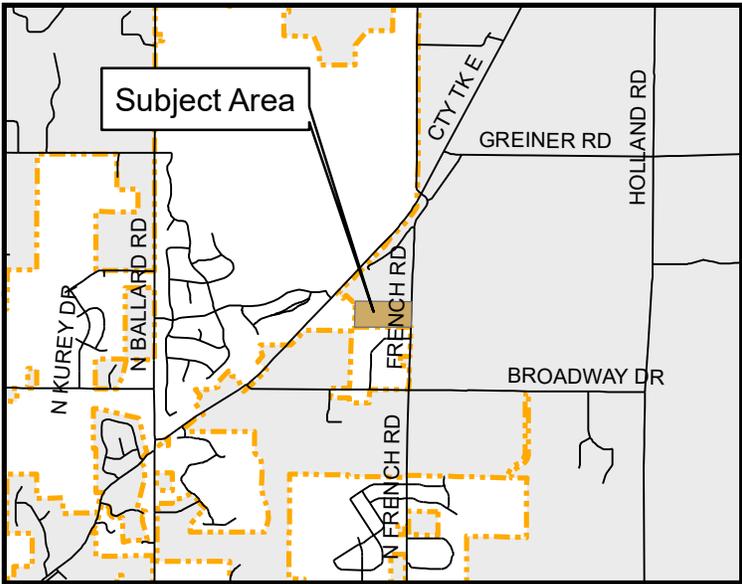
Technical Review Group (TRG) Report: This item appeared on the February 16, 2021 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the above analysis, the 1st Addition to Broadway Hill Estates Preliminary Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. On the Final Plat, show a twenty-five (25) foot minimum building setback line on Lots 21 and 27 for the arterial street (French Road).
2. Grant relief from the two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code as stated in the staff report for Lots 23 and 24.
3. The City of Appleton does not use the tag bolt of a hydrant for an elevation reference, revise as necessary for all listed bench marks.
4. Bench mark 2 appears to be off in elevation by 30' m/l.
5. The City of Appleton also does not have a known elevation for BM 3 so the listed elevation is "Not per City Records" as described, revise as necessary.
6. Park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code prior to City signatures being affixed to the Final Plat. 7 Lots x \$300 = \$2,100 in Park Fees.
7. On the Final Plat, add an access restriction clause for Lots 21 and 27 that restricts access to French Road that is similar to the access restriction clause depicted on the Broadway Hills Estates Plat for Lot 11. Add cross hatch marks to depict the limits of access restriction.
8. 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.
9. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
10. The Preliminary Plat and Rezoning #3-21 being acted on at the same Common Council meeting. Rezoning #3-21 must be approved by Common Council in order for the R-1B Single-Family District zoning to take effect.
11. 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
1st Addition to Broadway Hills Estates
Zoning Map



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Preliminary Plat
1st Addition to Broadway Hills Estates
Aerial Map

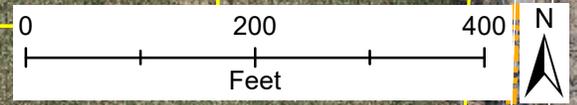
Subject Area

FRENCH RD

N SNOWDRIFT DR



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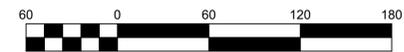
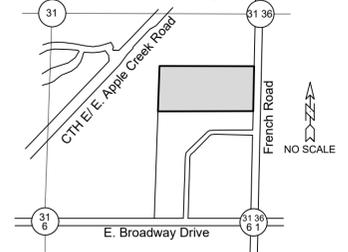


Preliminary Plat of First Addition to Broadway Hills Estates

Part of the Northeast 1/4 of the Southeast 1/4 of Section 31,
Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

LOCATION MAP

SE1/4 SEC 31, T 22 N, R 18 E,
CITY OF APPLETON
OUTAGAMIE COUNTY, WI



Bearings are referenced to the East line of the Southeast 1/4, Section 31, T22N, R18E, assumed to bear S01°59'40"W, base on the Outagamie County Coordinate System.

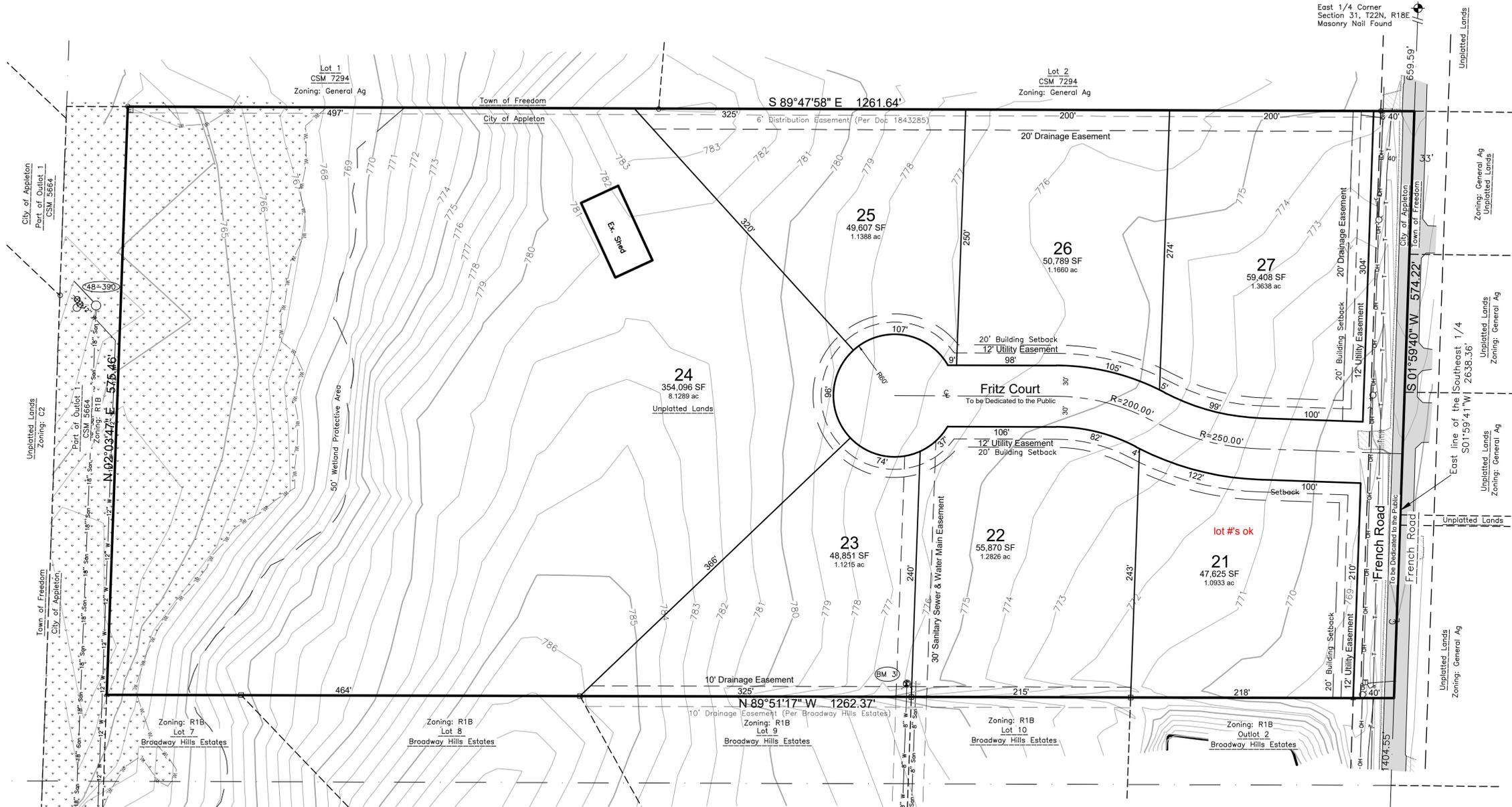
Owner/Developer:
North Appleton Properties, LLC
C/O Greg Gauerke
4226 E. Applesed Dr.
Appleton, WI 54913
northappletonproperties@gmail.com

BENCHMARKS (NAVD 88 Per City Records)

- BM 1 Fire Hydrant, Tag Bolt
Snowdrift Drive 830± West of French Road
Elev 784.90'
- BM 2 Fire Hydrant, Tag Bolt
Snowdrift Drive 375± West of French Road
Elev 752.59'
- BM 3 Fire Hydrant, Tag Bolt
±300' N of BM 2
Elev 778.70'

Sanitary Structures

Structure #	Rim	Inv	Size	Material	Direction
MH San-7	778.99	761.19			N
		760.99	8"	PVC	E
		760.99	8"	PVC	W



Plat Description

Part of the Northeast 1/4 of the Southeast 1/4 of Section 31, Township 22 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 725,074 Square Feet (16.6454 Acres) of land described as follows:

Commencing at the East 1/4 corner of Section 31; thence, along the East line of the Southeast 1/4 of said Section 31, S01°59'40"W, 659.59 feet to the point of beginning; thence, continuing along said East line, S01°59'40"W, 574.22 feet to the Northeast corner of Broadway Hills Estates; thence, along the North line of said Broadway Hills Estates, N89°51'17"W, 1262.37 feet to the East line of Outlot 1, Certified Survey Map, 5684; thence, along said East line, N02°03'47"E, 575.46 feet to the South line of Certified Survey Map 7294; thence, along said South line, S89°47'58"E, 1261.64 feet to the point of beginning, subject to all easements, and restrictions of record.

SUPPLEMENTARY DATA

Total Area = 725,074 SF 16.6454 acres
R/W Area = 58,827 SF 1.3505 acres
Net Area = 666,247 SF 15.2949 acres
Number of Lots = 7
Average lot size = 1.1 Acre
Typical lot dimension = 200' x 250'

Lineal feet of street = 506 LF
Existing zoning = General Ag (Town of Freedom)
Proposed zoning = R1B (City of Appleton)

Approving Authorities
City of Appleton (post annexation)
Objecting Authorities
Department of Administration

NOTES

Utility and Drainage Easements will be shown on Final Plat

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.

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

There are no objections to this PRELIMINARY PLAT with respect to the applicable provisions of s. 236.16 and 236.20, Wis. Stats., as provided by s. 236.11 and 236.12., Wis. Stats.
Certified February 25, 2021

Department of Administration

File: 6405Plat.dwg
Date: 01/26/2021
Drafted By: jim
Sheet: 1 of 1

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro