

**Item 23-0933: Public Hearing - Rezoning #5-23 to rezone the vacant land generally located along the extension of E. Sweetwater Way, south of E. Spartan Drive and east of N. Haymeadow Avenue**

**Item 23-0934: Request to approve Rezoning #5-23 to rezone the vacant land generally located along the extension of E. Sweetwater Way, south of E. Spartan Drive and east of N. Haymeadow Avenue**

**Item 23-0935: Request to approve the Fourth Addition to Clearwater Creek Preliminary Plat**

**City Plan Commission**  
Wed, Aug 09, 2023 3:30PM

**Alderson Denise Fenton (District 6) 01:44**

Moving on. Item 23-0933 a public hearing for the rezoning number 5-23 to rezone the vacant land generally located along the extension of East Sweetwater way south of East Spartan drive and east of North Haymeadow avenue for the fourth edition to Clearwater Creek tax ID number 31-6-6201-00 And part of 31-6-6200-00 as shown on the attached maps from AG agricultural district to R1B single family district. And this is associated with action item 23-0934. This is a public hearing is there anyone who wishes to speak? Please come up and just state your name and address for the record. And yes, thank—thank you. And you can adjust that.

**Michelle M. (Resident) 02:48**

I'm [Michelle M.]. My address is [XXXXXX]. That's in Appleton. I'm just first and foremost here to gain some more information on this rezoning. As a personal level, we just moved in to plot 145 on the map expecting that the land behind us was not to be developed, received this letter from the city last week, and the first reference to us. Quite a shock to say the least. That's on a personal note.

**Michelle M. (Resident) 03:35**

We we've we did extensive research, trying to stay within the city limits and enjoy many of the city's amenities, parks, trails. Moving from our residence—our past residents on Brookdale court in Appleton. Wanted to stay in the city and continue enjoying those amenities. Anyway, we finally found this place thought it was great and then received the shocking letter.

**Michelle M. (Resident) 04:04**

That's just a personal level-story. On a higher level. I've spoke with many residents who are concerned with adding more congestion to our neighborhood. We are a single entrance subdivision, meaning there's only one way out and only one way in currently. People are concerned about emergency vehicles being able to enter and exit in a timely manner as well as—excuse me, this is totally new to me. I've never done anything like this.

**Alderson Denise Fenton (District 6) 04:37**

You're doing great.

**Michelle M. (Resident) 04:38**

Still with me? As just further congestion in our in our subdivision full of children.

**Michelle M. (Resident) 04:48**

Another concern that was raised was that there was a promise of a subdivision park many years ago, and still that has not been met or is even a part of these planning stages that we're seeing. Further eliminating seven acres of our green space has very high concern for many of the residents. The nearest parks to us are two miles away and require crossing busy streets, Edgewood drive, JJ, to name a few. So, I guess I'm wondering A. to go back to that first concern, what plans are there for addressing that second entrance to our subdivision before we add more to it? As well as then following up, is there a plan for a park development that the subdivision was promised?

**Michelle M. (Resident) 05:48**

I'm also wondering if there's some type of code for how many residential homes there can be when there's only a single entrance and exit. Also, lots of concerns about the nature, natural area of the current agricultural land, lots of wildlife back there, looking at water runoff, fertilizer runoff, how that's going to affect the current native landscaping. Also signs there that it is, in fact, a prairie restoration or native plants restoration area. Just wondering if that is just obsolete, or how that would be addressed. I think those were my concerns, as well as some of the other residents I spoke to. Thank you.

**Alderson Denise Fenton (District 6) 06:43**

Thank you. This is a public hearing. Is there anyone who wishes to speak? Is there anyone else who wishes to speak? Please state your name and your address for the record.

**Kate A. (Resident) 06:59**

Hi, I'm [Kate A.]. I live at [XXXXX]. And again, most of the concerns Michelle brought up are very valid concerns. I guess things that I'm more interested in knowing is when we moved into the house—which again, we've moved in to that particular plot of plot in June of this year. So, the house itself was actually built back in October and has sat empty for close to nine months before we moved into it. There are multiple empty lots owned by builders at this time surrounding us which have been sitting empty for years and no one has started any building on many of those lots and now we want to add more empty lots behind us.

**Kate A. (Resident) 07:42**

When we did look at the house back in March, we were told there was the possibility that there may be one more row of homes. So, we thought, "Okay, there might be one row of homes in a street." But now we're told it's not just one, it's two, which gets even closer to the wetlands that are back there. I guess I would be concerned for anyone building that close to the wetlands because we have had experience with living in neighborhoods that have been marshy, where people have had their sump pumps running 24 hours a day. They've had to buy generators to keep water out of their basements in case of power failures. I mean, when you're that close to a water source, it can continuously leak in. We're far enough back from them that it's really not an issue, but the builder did put in our home, a sump pump, and an access for a secondary sump pump if we so chose to add one if we needed it.

**Kate A. (Resident) 08:28**

Again, like she mentioned, we are one road in and out. Google Maps, does not know where we are. Google Maps thing Spartan drive connects to both Richmond and Meade Street and nobody can find our home. Every delivery driver, every Amazon driver, everybody we've had to come out from Spectrum cable to WE Energies—everybody has trouble finding our house. And we have to sit there and walk through step by step directions because Google Maps does not have that. And again, when she mentions emergency personnel, that does actually concern me now because I don't know what types of maps and GPS they run off of to come out to our

neighborhood. And it's not something I even considered until I really realized how badly everyone relies on Google maps to find things nowadays. Because there is only one entrance in and out.

**Kate A. (Resident)** 09:14

If—my concern too is my question is, I don't know what the timeframe is for putting in these lots as well as an additional Street. I would be interested in knowing what the timeframe is putting the street in if it was going to be put in immediately. And if so, it's yet another dead-end street. Ours is a dead end. And again, it's not a large cul de sac for turning around. It's a dead end. So, everybody comes down and has to back out. I mean, even the school bus came through trying to figure out how to get to us lately, and they're backing way down the street because there's no way to turn around.

**Kate A. (Resident)** 09:48

We haven't lived there in winter so we don't know how snow removal works in this subdivision either because we are so new. And we don't know how often they're going to come out there. So, is the city going to continuously maintain an empty street where there's no building and no anything going on? I mean, we conceivably could be sitting there with just these empty parcels waiting to be built on with builder signs sitting on them saying "buy this lot" for five to 10 years. We don't know.

**Kate A. (Resident)** 10:16

But again—and again, she mentioned wildlife, we do have a lot of wildlife. We have Sandhill Cranes, turkeys. We had a turkey with 15 babies the other day go through our street. We had an indigo bunting, which is incredibly rare apparently, to come through our area. We have hawks that come and sit and hunt in our fields behind in the wetlands behind us. So, we see a lot of nature coming through.

**Kate A. (Resident)** 10:38

And I guess my biggest concern was, I didn't actually believe that they'd really want to go up that close to wetlands with houses. But again, I'm not a developer. I'm not a person who wants to make money on selling land. So, I would prefer it not be developed because it is beautiful nature right now and beautiful, native flowers and landscape—like plants out there. I know that there's a retention pond that was built as well, that is owned by the city, which as she said is a—has signs saying it is a native restoration area. And that would be right on the corner of the street going into this new development.

**Kate A. (Resident)** 11:19

I think that kind of covers basically everything I could think of. But again, it's just something that we knew it was a possibility, but we did not know as extensive of a possibility. We thought it would maybe be one row of homes, and we also didn't think it was going to go this quickly either. So, I guess that's all I have to say. I'm just kind of more or less interested in getting some more information as well, especially on timelines of how they would want to do this, and how they would build this, especially if they would be putting the road in immediately and then having just another dead-end road that would require constant city maintenance for years to come with no building being done. Thank you.

**Alderson Denise Fenton (District 6)** 11:55

Thank you. This is a public hearing. Is there anyone who wishes to speak? Please state your name and address for the record.

**Alaine M. (Resident)** 12:07

My name is [Alaine M.], and I live at [XXXXX]. And I basically have four points that I want to cover. I'd like some feedback. The first is that I was introduced that there was this meeting today only yesterday. So, I sit back to

that area that's going to be developed. And I'm wondering why was our block not targeted with this notification? Because it does affect within this house for two years. **[Her microphone cut out and her words were not picked up clearly.]** ...okay, where are they at this stage in the building? At this point we were told that that this was going to be a nature area, that this was not going to be developed. We're having this meeting here today. I think I was not informed of what...

**Aldersperson Denise Fenton (District 6) 12:58**

I'm going to ask you to pause for just a second because your mic's dead and we need to we need to get a we need to get a good mic so that the rig so that you'll be on the recording of the meeting. Thank you.

**Alaine M. (Resident) 13:11**

Are we good? Okay. I'm not sure what you caught and what you didn't catch. Like I said we were—is it too high? Thank you. I can push this. There. Okay. So, we've been in this house two years, and we moved—my husband, we get transferred a lot. And one of the main things that we look and we ask for is when we see building happening around us, where are they at in the phase of the building process? Because the land that you're going to develop backs up to our house, we have, yes, the retaining pond there. But we asked that question, they told us it was going to be a nature reserve, that no building would—no building of homes would be built there. If we would have known that, and if we would have been given the option, we probably would have thought twice. Okay. But again, it's an option that we weren't given.

**Alaine M. (Resident) 14:02**

And again, like I said, if we're at this point in the discussion, which I understand is the second meeting, it's already been going on for a long time. Okay. So that's my first point.

**Alaine M. (Resident) 14:13**

The second is that as they were talking about with the raining and that—okay, we have been there two years and we've noticed with climate change that we've been getting—and where we're located—we're getting a lot of rain, and so the sump pumps that weren't going off, maybe five years ago, four years ago, are going off now. We've had had ours replaced—again, something I asked our inspector and the people that we lived with that we that we bought the house from, we asked them about the use of the sump pump because our house is 13 years old.

**Alaine M. (Resident) 14:45**

So and then also when they were developing the new homes in that lot there, with the excessive rain I, to be honest with you, there's a couple of those lots I wouldn't even touch because as they had mentioned there is water that sits; it does not drain. So, I don't know if this is has to be, you know, knowledge for everybody, but the water does sit. It was such, so much so that the builder who was building a house moved lots. They filled it in with backfill, which again, does not solve the issue. That is going to be an issue for the people who buy that lot. So that's my second issue.

**Alaine M. (Resident) 15:22**

My third issue is environmentally, yes, we do get the birds and different species in that area and my concern is with, you know, in the environment. You add more homes, you lose on the environment.

**Alaine M. (Resident) 15:37**

Also, my fourth issue is, it looks like the houses have been sitting there. There's certain size houses. To get 15 houses into that area, they're actually going to be smaller homes. Smaller homes, as you compare that to the other homes, affect our prices. So that's a concern, which I'm not really fond of. If I would have known that

again, too why would I move in and pay a certain price for my house if I know they're gonna build smaller homes that will affect my price point? You know, I'm going to have to adapt. And it's not it's not right. We should have been told upfront. So those are my concerns. Thank you.

**Alderson Denise Fenton (District 6) 16:18**

Thank you. Was there anyone else who wanted to speak?

**Jeff H. (Resident) 16:32**

I'm [Jeff H.]. My wife, Deb and I live at [XXXXX], which will be across the retention pond. And so, we just came over here to learn, but there were three questions that we had. One was already addressed, which is originally I know the plan was to extend Spartan drive in both directions by—I didn't touch it—by 2020. I'll stand back a little bit.

[They started getting microphone feedback and spent the next few seconds dealing with that.]

**Alderson Denise Fenton (District 6) 17:13**

Okay, try it now.

**Jeff H. (Resident) 17:14**

Okay. And so, if the questions can't be answered today well then just tell us how we can get the answers to the questions. But the first one is, what is the plan to expand—extend Spartan drive in both directions? It was supposed to start in 2023. So just when will that happen so that there is more than one entrance in and out?

**Jeff H. (Resident) 17:33**

The second was the question about timing. When would we actually see homes built? What is kind of the process and the timing by which we see homes built?

**Jeff H. (Resident) 17:42**

And then the third one I think has been asked also is when you look at the lots, the ones on the south side, proposed lots on East Sweetwater take they their—they slope toward Apple Creek very quickly. And so how—how will people build on that with—and what is the impact on Apple Creek and the wetland? It's from what we've seen, we just don't know. So those are just three questions we'd like to learn about, and again if it's—if this is not the time to hear the answers just let us know how we can learn more.

**Alderson Denise Fenton (District 6) 18:31**

Is there anyone else who wishes to speak? Once again, state your name and address for the record if you would.

**Charlotte M. (Resident) 18:49**

My name is [Charlotte M.]. My address is [XXXXX]. We moved in last year in June 2022, and we were told by our realtor there was no plans to redevelop this area, no plans for rezoning. So obviously we were shocked to get the letter yesterday from our fellow neighbor, Michelle, about the rezoning. Obviously, we certainly oppose this. It blocks our whole view. We feel it definitely will affect the value of our home that we just purchased. We purchased it solely because of the beautiful backdrop and the wildlife preserve over there at the back. I definitely have concerns about the size of 15 lots going back there. The—I feel like the space is very small to cram so many lots into and obviously the houses on our side are much larger. I'm guessing that they're going to be much smaller homes, and they're going to obviously bring down the value of the house that we purchased.

**Charlotte M. (Resident) 19:57**

The other issue that I have is about all of the wildlife that we have out the back there. We have a lot of birds nesting, a lot of geese. We also get an occasional deer back there. We have a lot of fish in the retention pond that my children fish in back there. Obviously, all of the drainage, all of the upheaval of ripping up all those lands I feel like would really affect that. The retention pond already is very full when we get heavy rains. So, I would be concerned with the lot lines going so close to the pond there. We do have two sump pumps, and they do run often during the rainstorms. So, I would agree with the comments made about the about the retention pond, and the flooding for the lots back there.

**Charlotte M. (Resident) 20:48**

The other thing that I wanted to agree with Michelle on is about the park for our neighborhood, because we do have a lot of small children. Our neighborhood has a lot of kids. A lot of different kids go into different schools. We have three or four different school buses that come in through there. And again, we do not have a park in our neighborhood. So that is one thing that I wanted to address as well.

**Charlotte M. (Resident) 21:11**

Another is about the construction. Obviously, the noise is going to be a huge issue for all of our neighbors, and also the construction during the last phases of the houses built in the lots in the back. I got three flat tires alone from debris on the roads there. So, I would like to know how that's going to be maintained to alleviate those issues. I know some of our other neighbors mentioned they had also experienced the same issue. I think that's all I have. Okay, thank you.

**Alderson Denise Fenton (District 6) 21:48**

Is there anyone else who wishes to speak? All right, hearing none, we will move to the associated action item number 23-0934 and request to approve rezoning. I'm sorry. Thank you. I don't do this all the time. So, with— hearing no request to speak, this public hearing is now closed and we'll move on to the associated action item.

**Alderson Denise Fenton (District 6) 22:22**

Number 23-0934 request to approve rezoning number five dash 23 to rezone the vacant land generally located along the extension of E Sweetwater Way south of east Spartan drive and east of north haymeadow avenue for the fourth edition to clear water Creek tax ID number 31-6-6201-00 and part of number 31-6-6200-00 as shown on the attached maps from AG agricultural district to r1b single family district. And principal planner Jessica Titel is going to speak to us on this item I believe. Thank you.

**Principal Planner Jessica Titel 23:12**

Okay, so before you have a rezoning request from ag agriculture to r1b single family residential. This is for approximately seven acres of land in preparation for the development of the fourth edition to Clearwater Creek subdivision.

**Principal Planner Jessica Titel 23:28**

So, there's two items on the agenda that relate to this project. The first is the rezoning and the second is the plat. When we look at the rezoning, we're looking at the land use. Is the proposed zoning and land use consistent with the comp plan and does it meet the zoning code requirements? Some of the questions that were asked are more pertinent to the subdivision development. I'm not sure if you want me to address some of those comments now or you want me to wait until we get to the pre plat item?

**Alderson Denise Fenton (District 6) 23:58**

I mean, go go—I think everybody's here to hear it, and if it's not an issue with the attorney's office I would say go ahead and address those. Attorney Glad, are we okay?

**[It seemed like, off microphone, Attorney Glad gave the go-ahead to discuss those issues.]**

**Alderson Denise Fenton (District 6) 24:12**

All right. Thank you.

**Principal Planner Jessica Titel 24:13**

Okay, so the proposed rezoning is consistent with the city's comprehensive plan. That's a document we use when we're looking at rezoning a property. The Comprehensive Plan has showed this property as future one and two family residential since at least 1996 so it's been planned for a while now. You did—we did receive some written correspondence via email. Those are emails are placed at your desk with the comments from some of the neighbors that received the notice.

**Principal Planner Jessica Titel 24:41**

I did just want to mention that we send public hearing notices to every property owner within 100 feet of the subject area. So, the individuals that are on the south end of the stormwater pond, were not within the buffer area to get the notice in the mail. So that is how we determine our notice area on who gets the mailing.

**Principal Planner Jessica Titel 24:59**

Staff reviewed the request and it is consistent with our comprehensive plan and with the zoning code standards. I will try to address some of the questions that were brought up in regards to the stormwater runoff. The—a stormwater management plan is submitted with the subdivision and will be reviewed to ensure that the stormwater management meets the city's ordinances. The land in the stormwater area is a city owned property that was not planned for development.

**Principal Planner Jessica Titel 25:34**

The lot sizes in this fourth edition to Clearwater Creek subdivision have an average size of 15,290 square feet. I did look back for the third addition and looks like those were about 14,000 square feet is the average. So, the lot sizes are consistent with the adjacent development around it.

**Principal Planner Jessica Titel 25:55**

The timing as far as the homes and the construction of Sweetwater Way—our understanding is that it will begin at some point this year but the timing is up to the developer when they're ready to move dirt and do the development.

**Principal Planner Jessica Titel 26:11**

And there was some comments about the dead-end street on the end of Sweetwater for no turnaround. The subdivision does leave provisions and will provide a turnaround—a T turn-around—at the end of Sweetwater for emergency vehicles and maintenance vehicles, or anyone who wants to use it to turn around to get out of the subdivision and back to Haymeadow.

**Principal Planner Jessica Titel 26:33**

And the subdivision will consist 14 lots and two outlets, and it's approximately seven acres in size in size like I said, and so staff—let me see. So in regards to the rezoning staff would recommend approval of the rezoning request given that it is consistent with the zoning code and the city's comprehensive plan.

**Aldersperson Denise Fenton (District 6) 26:53**

All right, thank you. Okay, um, do we have any questions from—I'm gonna go to Alder Hayden because—first because this is in his district. What mic you have? Okay.

**Pete Neuberger (Commissioner) 27:09**

Thank you, Chair. I just have some questions for Director Homan and her staff if that's okay. I just wanted to make sure that everybody that took the time to show up today, got their questions answered. So, I've been taking notes. If you'll just indulge me for a minute.

**Aldersperson Patrick Hayden (District 7) 27:25**

I think the first question I had was around traffic issues, one of the people who came to me today who wasn't able to join the meeting, talked about accidents they've nearly had on JJ since there is only a single outlet within the neighborhood. So, JJ gets a lot of traffic because it's a county highway. And even though it's supposed to be residential and supposed to be 35, nobody drives out that under the speed limit there. And what they've seen is people have often weaved around people who are turning right into the neighborhood when they're trying to take a left and creating the opportunity for numerous accidents. And having only a single outlet creates more of an opportunity for those accidents to happen.

**Aldersperson Patrick Hayden (District 7) 28:07**

So, I'm very concerned with adding additional homes in the neighborhood while we're still looking at hooking up with 47, and I know that's an issue with the state highway, and also hooking up with Mead which is a county road. So, what kind of timeline are we looking at where we can kind of make those dead ends go away and get the neighborhood extra outlets to 47 and Mead?

**Aldersperson Denise Fenton (District 6) 28:40**

Hang on one second. Okay, Director Homan you—

**Director Kara Homan (Community And Economic Development) 28:44**

Thank you, Alder Hayden. This is a topic that you had proposed to us prior to the meeting. And I did talk to Public Works director Block. I'm gonna give you a broad level overview from like a planning level and then if it's the will of the chair, we have Deputy Director of Public Works here on the planning commission. So, if I miss anything, Pete, please chime in.

**Director Kara Homan (Community And Economic Development) 29:06**

Spartan drive east and west of Haymeadow is planned and officially mapped. So those in the audience probably don't understand what an official map is. An official map is a legal instrument where we have recorded at the Register of Deeds the actual alignment of where that road will go in the future. There is to my knowledge and based on conversations with Director Block, nothing in the capital improvement plan at present to physically construct Spartan drive, and typically that happens as development occurs. So, it's really driven by development.

**Director Kara Homan (Community And Economic Development) 29:44**

With that said the questions that occurred or were proposed by the nearby residents with regards to safety, all of our subdivision plats get reviewed by our Fire department from an EMS perspective, and there is a gravel access road connecting West Spartan Drive over to highway 47 that, in the event of an emergency, a fire truck could access that way. I would turn it over to Deputy Director of Public Works to chime in on anything I may have missed.



**Pete Neuberger (Commissioner) 30:22**

What you said is accurate. There is Fire department and other emergency vehicles do have a second access point from this subdivision via Spartan Drive extended west to highway 47.

**[It sounded like somebody asked a question off microphone.]**

**Pete Neuberger (Commissioner) 30:39**

That—yeah, emergency vehicles can get through there, and the fire department has reviewed it.

**[A man in the audience said something off microphone.]**

**Aldersperson Denise Fenton (District 6) 30:50**

'Scuse me, 'Scuse me, 'Scuse me. Let's don't speak without being called on. Thank you. We asked for at the end of the—when you showed up at the end of the public hearing that was the opportunity for people to speak. So, if you wait—

**[The man spoke again.]**

**Aldersperson Denise Fenton (District 6) 31:09**

Excuse me. If you wait, then we can address questions, but we're going to do them one at a time and we're not going to have everybody shout out questions. Thank you.

**Aldersperson Denise Fenton (District 6) 31:29**

Excuse me once.

**[Aldersperson Fenton stood up and walked away from the desk briefly before returning.]**

**Aldersperson Denise Fenton (District 6) 31:45**

Alright, um, Alder Hayden, did you have additional questions or had you?

**Aldersperson Patrick Hayden (District 7) 31:51**

I have a few more, chair. And I think what I'm hearing is people are asking what is the process to get the barriers removed, so that traffic can flow through Spartan Drive to Mead to create an extra outlet?

**Aldersperson Denise Fenton (District 6) 32:04**

Okay. And director Homan? Or do you have—we're going to, we're going to have Deputy Director—you're going to go ahead and respond?

**Pete Neuberger (Commissioner) 32:12**

So, the existing access to 47 is specifically for emergency vehicles. It's not for other public use. In order for that to happen, the road would have to be built to city standards, and the intersection to highway 47 is controlled by the state. So, state permits would be required, and the city would have to meet DOT's requirements for any public intersection that would be, would be built there.

**Aldersperson Patrick Hayden (District 7) 32:42**

And is there any plan to start that process in the near future?

**Pete Neuberger (Commissioner) 32:46**

Not in the near future. No, there's nothing in the five-year plan.

**Alderson Denise Fenton (District 6) 32:51**

Alright, do you have additional questions Alder Hayden?

**Alderson Patrick Hayden (District 7) 32:53**

I do have additional questions. There's been a lot of talk about parks in the area, and we've seen Lundgaard Park go up on the northeast side of town. We're seeing another park being built on the—planned for on the southeast side of town. And these residents are about a mile and a half from the nearest park, Highview Park, which they'd have to cross JJ to get to. And are there any plans to have a park developed in this neighborhood so that they—so that they have a neighborhood park like most of Appleton has?

**Alderson Denise Fenton (District 6) 33:19**

Director Homan?

**Director Kara Homan (Community And Economic Development) 33:21**

So, I did—thank you for posing that question in advance of this meeting so that we can be prepared. We did confer with Deputy Director Flick of the Parks Rec and Facilities department. The city's comprehensive outdoor recreation plan does indicate that a neighborhood park is needed in this general area; however, the city has not acquired nor officially mapped the final location of where that park would be. Because of that, any future parkland that would be created in this neighborhood would happen in a handful of different ways. One would be if there's a large enough plat, with a parcel of land in a location that's conducive to a park, it can happen through the platting process.

**Director Kara Homan (Community And Economic Development) 34:08**

If it doesn't, we in our subdivision code, have a fee in lieu of parkland dedication. So, we generate enough revenue that capitalizes a fund that allows us to outright purchase land. However, because any purchase would require negotiations, places we may or may not be looking is not something that we can disclose in a public forum as it could harm future negotiations.

**Alderson Denise Fenton (District 6) 34:38**

Alder Hayden, more questions?

**Alderson Patrick Hayden (District 7) 34:39**

Yes.

**Alderson Denise Fenton (District 6) 34:41**

I'm going to indulge you.

**Alderson Patrick Hayden (District 7) 34:42**

Thank you. There were talk of wetlands and prairie spaces in the development. I know wetlands are particularly sensitive to development. Was any of that taken into consideration when there was the survey the land that was opening up for development?

**Alderson Denise Fenton (District 6) 34:57**

Who wants to take that one?

**Director Kara Homan (Community And Economic Development) 34:59**

I think it should be Pete.

**Pete Neuberger (Commissioner) 35:02**

So, wetlands, the—delineated wetlands are required to be shown on the plat per Community and Economic Development Department standards and the stormwater ordinance standards. And they are—they're a part of the ongoing review. The preliminary plat does show the location of wetlands. So, I know that the designers engineer has identified those locations.

**Alderman Patrick Hayden (District 7) 35:30**

And I guess the other big question that we're having is what would be the timeline for development and building? What will—when would we actually see a road being built and houses going up in this space?

**Director Kara Homan (Community And Economic Development) 35:44**

To my knowledge, the timeline hasn't been finalized. So, the rezoning and the preliminary plat is step one from a planning perspective. We'll also need a final plat, and we'll also need to approve a development agreement. So, until those next two steps occur, it couldn't proceed with infrastructure development. Could it occur as early as this fall? The answer is, yes. Could it occur sometime next year? The answer is, yes. In terms of mobilizing and moving dirt. But I don't have a definitive date because we're still working with the developer to finalize the development agreement and those other pieces.

**Alderman Patrick Hayden (District 7) 36:21**

I guess one last question.

**Alderman Denise Fenton (District 6) 36:22**

All right.

**Alderman Patrick Hayden (District 7) 36:24**

We were talking about the standard the—the average size house in the neighborhood is currently 15, or I forget what it was exactly, but it sounded like it was about a 10% decrease in the standard size of the house. And we're looking at potentially half acre lots. What is the size of the lots of the new develop houses? Is it smaller? Because I'm a little bit concerned about the aesthetic of the neighborhood if we have houses that don't match the current aesthetic of the area.

**Principal Planner Jessica Titel 36:56**

So

**Alderman Denise Fenton (District 6) 36:57**

Planner Titel is going to take that one. I—you're mic six.

**Principal Planner Jessica Titel 37:00**

I already have—I have Kara's mic.

**Alderman Denise Fenton (District 6) 37:02**

Oh, okay.

**Principal Planner Jessica Titel 37:03**

So, the average lot size in the fourth edition to Clearwater creek that we're looking at today is 15,290 square foot feet. The average lot size to the third edition of Clearwater Creek, which is directly north of this was 14,250 square feet. So, the average lot size in this subdivision is just a tad bigger. We don't dictate minimum home size. That is decided by the property owner, the builder, the developer. We are not going to—we have a minimum home size, but it's very—it's fairly small. So, we don't dictate the architecture size. Now sometimes developers will put covenants on the subdivisions that further define the architecture standards and the home standards. But that's not something that the city administers, or enforces, or requires.

**Alderson Denise Fenton (District 6) 37:53**

Thank you. And did you have something else?

**Alderson Patrick Hayden (District 7) 37:56**

I did not. Thank you, Chair.

**Alderson Denise Fenton (District 6) 37:57**

All right. Thank you. I appreciate Alder Hayden—thank you for bringing the questions forward for your constituents.

**Alderson Patrick Hayden (District 7) 38:04**

Oh, just one other thing. I just wanted to thank Director Homan. She and her staff have been communicating with a couple people who have had some questions that have come up through email. And I know you put a lot of work around this. So, I just want to say that.

**Alderson Denise Fenton (District 6) 38:16**

Thank you. Now moving back to the commissioners. I'm gonna get mics on. Do any commissioners have any questions? Okay, Commissioner Robins, you're on the clerk's mic. All right, go ahead.

**Sabrina Robins (Commissioner) 38:35**

One of the speakers talked about the street doesn't have a turn around and so from a safety standpoint is there a timing of when a turn-around will happen? She had mentioned snow and difficult to maneuver on a street that has one way in one way out and no cul de sac. Is that my understanding?

**Alderson Denise Fenton (District 6) 39:05**

All right. Planner Tital.

**Principal Planner Jessica Titel 39:07**

Residents that spoke to—where spoke—were speaking about Spartan drive and the that there was no turn around on the end of Spartan drive. This subdivision for the fourth edition on Sweetwater way will provide a T turn around in an outlet for vehicles to turn around. So, this this part will not be a dead end with no turnaround.

**Sabrina Robins (Commissioner) 39:27**

Okay. Thank you.

**Alderson Denise Fenton (District 6) 39:31**

Any other questions? District one? All right, Commissioner Dane.

**Andrew Dane (City Plan Commissioner) 39:41**

Okay. Just want to confirm it seemed like some of the people that came here today were confused or under—I guess under the impression or were led to believe that this was going to be open space or some other protected land use designation, was not going to be developed in the future. I just wanted to confirm that for this parcel, I think one of the staff indicated that this has been shown on the city's future land use map as residential dating all the way back to the late 90s? Is that correct?

**Principal Planner Jessica Titel 40:11**

At least that long? I have looked in the city's comprehensive plan.

**Andrew Dane (City Plan Commissioner) 40:14**

Okay. Okay.

**Principal Planner Jessica Titel 40:17**

There is also concept plans for Clearwater Creek dating back to 2004, that showed a very similar development pattern to what you're seeing there today that called for lots in this area. The city does own a fairly large area for stormwater management and prairie restoration or prairie plantings. That is just south of this proposed development. That will remain undeveloped. It's on your aerial in your packet, you'll be able to see that.

**Andrew Dane (City Plan Commissioner) 40:45**

And can I do a follow up?

**Aldersperson Denise Fenton (District 6) 40:47**

Sure.

**Andrew Dane (City Plan Commissioner) 40:48**

Just kind of related to the whole land use discussion, the issue of parks was brought up so I'm curious, because a couple questions here. One is, if I'm not mistaken, aren't there some future long-range plans to get—to put like a trail through here, like a east west connection or something from over to Plamann Park? Has that been discussed? Or is that on the radar screen? I thought perhaps there was some that maybe that maybe nobody has that up on their fingers. But I thought there was—had been some discussion at one point about a trail connection here, kind of east west, through this general corridor. If that is the case, just be curious to know what, what the status of that is.

**Andrew Dane (City Plan Commissioner) 41:43**

And then I guess my other little question is, you mentioned like, whether it's the street or the park getting built out that those items are kind of driven by or precipitated by future development, correct? So as more developments like this get built, there will be more of an impetus on the city's behalf to put in the roads, to put in the parks etc. So, it's kind of a chicken and egg situation, is that correct?

**Principal Planner Jessica Titel 42:17**

Budget as well. City budget, capital budget would dictate that as well.

**Aldersperson Denise Fenton (District 6) 42:22**

Director Homan, did you have something to add?

**Director Kara Homan (Community And Economic Development) 42:24**

Confirming, yes, that's correct.

**Alderson Denise Fenton (District 6) 42:26**

Okay. All right. Commissioner Robins?

**Sabrina Robins (Commissioner) 42:35**

I—the speakers also brought up a process question. They weren't notified. They're impacted, but they're just outside of the notification limit. And some of them just found out they testi—reported today, yesterday. Is there a process? Or can something be done that they are notified? Can it be expanded? Or provide some way to keep them abreast and give them a chance to participate in the process and not wait until commission meeting?

**Alderson Denise Fenton (District 6) 43:25**

What mic do you have?

**Darrin Glad (Assistant City Attorney) 43:29**

I think that's a really valid question, but I think we're—it's too far off topic of what we will actually be voting on today. And that process question could get answered outside of this meeting. And I apologize for that. But we do have notice requirements and can't discuss things that haven't been noticed.

**Sabrina Robins (Commissioner) 43:45**

All right, but you guys will address it with them? I only brought it up because it came up in public meeting. I didn't want to ignore that.

**[It sounded like Attorney Glad explained to Ms. Titel what she could respond to. But the discussion was not picked up well by the microphones.]**

**Principal Planner Jessica Titel 44:03**

I can go—I can talk about the current process.

**Alderson Denise Fenton (District 6) 44:06**

So Principal Planner Titel did mention the space for the—but we didn't—but nothing was noticed about the process.

**Alderson Patrick Hayden (District 7) 44:17**

And what I just told Director Homan was that I believe that had been answered if they wanted to reclarify what they had said earlier.

**Alderson Denise Fenton (District 6) 44:24**

Okay. Would you like to do that?

**Principal Planner Jessica Titel 44:25**

I sure can. So, we send out a letter with maps and indicating the time of the public hearing, the request that's before us. And that goes to every property owner within 100 feet of the subject area. That's our city policy for everyone is notified. This is considered an informal public hearing in front of the Planning Commission. The rezoning also has to go through the Common Council and that's where the formal public hearing is held. So, all of the same property owners will be getting a second notice in the mail to invite them to also attend the Common Council public hearing if they're interested. That's where the Common Council will make that final decision.

**Sabrina Robins (Commissioner)** 45:01

So, did I misunderstand that they are outside of the that 100...?

**Principal Planner Jessica Titel** 45:07

Some of the individuals that spoke today are outside of that 100-foot buffer. Correct.

**Sabrina Robins (Commissioner)** 45:13

But they're impacted by the decision.

**Principal Planner Jessica Titel** 45:19

Well, they're—that's our policy is the 100-foot buffer. We could—you could—what number do you pick?

**Sabrina Robins (Commissioner)** 45:26

No. And I'm not saying make a permanent change, but is there something that can be accommodated for this situation if they are impacted but they're beyond the notification? How would they know to participate? Right.

**Darrin Glad (Assistant City Attorney)** 45:46

Again, I just I just wanted to—

**Aldersperson Denise Fenton (District 6)** 45:47

I think we're straying beyond what's noticed, and my apologies, but I think we have to stick to the—I think we have to stick to the rules of our meetings and not talk about anything that hasn't been publicly noticed.

**Aldersperson Denise Fenton (District 6)** 46:03

Okay, I have a question if I'm, if I, if, if other commissioners don't, and I would like Deputy Director Neuberger, if you don't mind, to just sort of briefly take us through when a new subdivision happens, or a new expansion—how the process works for putting in the streets. And kind of, you know, what the developer does, what the city does, is that—I assume we're in bounds there to talk about? Okay. Do you mind giving us just a little brief? All right, thank you, district two.

**Pete Neuberger (Commissioner)** 46:39

So, so once staff has determined that the engineering plans for the streets, and the related infrastructure, such as storm sewer, sanitary sewer, sewer, and water main—once the plans that are created by the developers engineer meet the city requirements, then—and the plat has been brought to the stage where public works feels is acceptable to move forward with construction—then both public works and the developer's contractor have a role. So, the developer within a subdivision such as this one would hire contractors to install infrastructure that will meet the city requirements, as indicated by the city's review of those engineering drawings.

**Pete Neuberger (Commissioner)** 47:42

The city's role is to provide inspection during the construction of that infrastructure to verify that it's built according to the plans that have been built by the city. And that is how I would anticipate that that this will go. Once those engineering drawings have been approved, once the stormwater permitting has been approved, once Community and Economic Development indicate that their requirements have been met, that the city would go ahead and allow pre construction conference to be scheduled so that the developer's contractor can begin construction on those streets within the subdivision.

**Alderson Denise Fenton (District 6) 48:24**

Thank you. Thank you. And I'm going to ask Director Homan just to remind us all, because plan commission action items do not automatically go to the next Council meeting, remind us of the Council meeting—or Planner Titel—either one, of the Council meeting where these items will come up? If it's two Council meetings, or

**Director Kara Homan (Community And Economic Development) 48:49**

These will go on September 6.

**Alderson Denise Fenton (District 6) 48:51**

Okay. So, I'm going to repeat that. September 6, seven o'clock will be the full Council meeting. There will be public hearing at that Council meeting as well, where there will be more opportunities to speak. So this vote is the vote of the planning commission to either recommend approval. Council—the full Council—has the final vote. So, September 6.

**Alderson Denise Fenton (District 6) 49:20**

All right. Any other questions or comments? Or attorney Glad you're trying to tell me some? Okay. All right. Hearing none. Let's go ahead and—

**[The man in the audience who spoke earlier interrupted. It sounded like he had questions he wanted to ask, but most of his words were not picked up by a microphone.]**

**Alderson Denise Fenton (District 6) 49:33**

Excuse me, sir. There—this was a public hearing. There was an opportunity for the public to speak at the public hearing. I asked after you were here if you wanted to speak. So, you will have another opportunity when this comes before full Council. So, I—we, the public hearing lasted a long time. Quite a few people spoke. So, we're going to go ahead and consider this item with a vote now. Thank you.

**[The man in the audience continued to speak.]**

**Alderson Denise Fenton (District 6) 50:02**

Here—excuse, sir. No, sir. There was a public hearing. You were given an opportunity to speak. You did not speak at that time. The public hearing is now closed. September the sixth at the Common Council meeting, there will be another public hearing, and you will have an opportunity to speak at that time. In the meantime, you can contact your alderperson, you can contact the city planners office—

**[The man's voice rose in volume and he continued speaking, but his words were not clearly picked up by a microphone.]**

**Alderson Denise Fenton (District 6) 50:28**

'Scuse me, sir. Please.

**[The man continued speaking. It sounded like he felt like he and his concerns were being blown off by the committee. But, again, his words were not clearly picked up by a microphone.]**

**Alderson Denise Fenton (District 6) 50:49**

The public hearing—the public hearing has been closed. Thank you.

**[The man continued speaking/arguing.]**



**Alderson Denise Fenton (District 6) 50:59**

The public hearing—the public hearing is closed.

**[The man made a final comment.]**

**Alderson Denise Fenton (District 6) 51:08**

Hearing none, let's go ahead and vote.

**Darrin Glad (Assistant City Attorney) 51:11**

Need a motion.

**Alderson Denise Fenton (District 6) 51:11**

The motion on this?

**Sabrina Robins (Commissioner) 51:15**

So, move.

**Pete Neuberger (Commissioner) 51:16**

Second.

**Alderson Denise Fenton (District 6) 51:17**

All right.

**Darrin Glad (Assistant City Attorney) 51:18**

I heard "So moved." Was that a motion for approval?

**Sabrina Robins (Commissioner) 51:19**

Yes.

**Alderson Denise Fenton (District 6) 51:21**

That was a motion for approval from Commissioner Robins. And we have a second. All those in favor, please signify by saying aye. Aye. So that passes unanimously.

**Alderson Denise Fenton (District 6) 51:33**

And we will move on to the next action item which is 23-0935 the request to approve the fourth addition to Clearwater Creek preliminary plat as shown on the attached maps and subject to the conditions in the attached staff report. Principal Planner Titel. Do you have anything to add regarding the plat?

**Principal Planner Jessica Titel 51:56**

I do not, just that staff has reviewed the plat and is consistent with subdivision and zoning code standards and would recommend approval subject to the conditions that you see in the staff report.

**Alderson Denise Fenton (District 6) 52:06**

Okay.

**Principal Planner Jessica Titel 52:06**

And this will follow too the September 6 meeting as well with the rezoning.

**Aldersperson Denise Fenton (District 6) 52:10**

All right. Thank you. Any questions from commissioners? All right. Can we get—Commissioner Dane. We need to get a motion before we discuss this. So

**Andrew Dane (City Plan Commissioner) 52:22**

I'll make [a motion to] approve.

**Aldersperson Denise Fenton (District 6) 52:26**

Okay, okay. Okay.

**Sabrina Robins (Commissioner) 52:32**

Second.

**Aldersperson Denise Fenton (District 6) 52:33**

All right. So, we have a motion from Commissioner Dane and a second from Commissioner Robins. All right, Commissioner Dane. District one? All right.

**Andrew Dane (City Plan Commissioner) 52:43**

Okay. Thanks. I was just curious with—there were some discussions on site impacts and wetlands, etc., etc. In the preliminary plat, I can't read that at this scale exactly. But I'm just curious if on this preliminary plat, which is, you know, in part of the public record, is that—are the are those delineations made on the preliminary plat? I see. I just can't—if I had a micro—a magnifying glass, I could read that. But is that what we're seeing on the south end of there along the border of the wetland with those be?

**Principal Planner Jessica Titel 53:25**

Correct. Correct. That's the wetland delineation line. It says it was delineated April 13 of 2023. So those are recently delineated wetlands.

**Andrew Dane (City Plan Commissioner) 53:35**

And that would be those little, that little line with the

**Principal Planner Jessica Titel 53:40**

The "W L" and that line. Yeah.

**Andrew Dane (City Plan Commissioner) 53:42**

Yeah, with the WL. So, I don't know if that's helpful for folks to look at that line, but on the—the map I'm looking at, I just downloaded off the city's website. So, it's public record. I know it's somewhere in the middle of the PDF. Doesn't have a page number on it. That was my question.

**Aldersperson Denise Fenton (District 6) 54:16**

Okay. Any other questions? All right. We have a motion and a second. All those in favor, please signify by saying aye. Aye. That passes unanimously. And again, that will go to the Council meeting on September the sixth.