

Public Comment Related To Clearwater Creek Development Items

Common Council

Wed, Sep 20, 2023 7:00PM

Mayor Jake Woodford 10:59

Alright, we come now to a time of public participation. At each meeting the Common Council reserves 30 minutes for members of the public to express their views on items which appear on our agenda. We have six people signed up to speak this evening. And when I call your name please approach the microphone, state your name and address for the record, and we ask that you please keep your comments concise and to the point and that you please take into consideration the comments that have been made by those who have spoken before you. We also ask that you limit your comments to five minutes. We'll be keeping time and we'll give you a reminder as your time runs down. So, with that we will begin public participation. First of the public who signed up to speak was **[Michell M.]** Michelle.

Michelle M. (Resident) 11:52

Good evening, my name is **[Michelle M.]**. I live at **[XXXXXX]** in Appleton, and I stand here before you tonight as a concerned citizen of the City of Appleton, a concerned citizen whose Mayor routinely comes out in the community to listen to the hopes and concerns of Appletonians because this is an essential base layer for any leader to build solutions from the ground up. More specifically a concerned citizen of the Clearwater Creek subdivision.

Michelle M. (Resident) 12:22

Over the past few weeks, we have voiced our concerns of safety in our 152 home single entrance subdivision. We have raised concerns of safety regarding emergency situations and how the residents of these homes should access or leave should an incident occur at our one entrance. We have raised concerns of how emergency vehicles should reach our residents in our single entrance and misleading emergency access subdivision in a timely manner should an incident occur. And we have raised concerns for neighborhood safety, our neighborhoods children's safety of having a safe place to play or access play. We have voiced concerns of disturbing wetlands and natural drainage and storm water collectors habitats in the green space of our subdivision.

Michelle M. (Resident) 13:15

Clearwater Creek subdivision is on the north side of town the only entrance to our 152-home subdivision is located off the steadily flowing County Road highway or County Highway H—or JJ excuse me. It's not uncommon to see a line of cars at peak times, departing times—work, school—waiting for their chance to make that tricky left turn out. It's a challenging start to the day for the experienced driver let alone the many young residents just starting out their driving career, but there is no other choice. They're forced to start each day, even though the developer had planned for residents to have alternate access via Spartan drive.

Michelle M. (Resident) 13:56

It's part of the original plat plan; however, it's not the reality of the of the now live plat, our neighborhood, and it clearly won't be for some time. In fact, we learned that making Spartan drive a through street is not even in the city's five-year plans. How many other subdivisions of this size do you know of in Appleton that only have one access point?

Michelle M. (Resident) 14:19

By approving the rezoning tonight, you're choosing to continue to ignore the fact that this will add more congestion to this already highly valuable safety concern. What happens if our one entrance becomes blocked or shut down? What happens if emergency vehicles are required to exit at one of these peak times? You say we have an alternative emergency access available to EMT vehicles; however, there's a history of this location not being easily accessible. The bollards have been removed, yes, and we thank you for hearing us. But you were not even aware that this was an issue. You state that the chain that is currently blocking the access has a Knox lock that all responders have a key. The chain has no lock whatsoever located on it. Emergencies that—in emergency situations, every seconds matter, and it seems that it's a constant battle among the property owners and not a solution. By approving the rezoning tonight, you're putting more lives in danger in the event of these emergencies arising.

Michelle M. (Resident) 15:26

When you enter Clearwater Creek subdivision, it's likely you'll be a great greeted by children playing alongside of our superhighway, Haymeadow Drive, and the other streets that stem from it. All of the roads lead to it, each and every time we leave and return to our subdivision. The children of our neighborhood don't have a park or even access to safely get to a park, even though the city's comprehensive outdoor recreation plan has identified a need for a park in this neighborhood. Instead of securing land and dedicating it to a future park, the city has been collecting a fee from the developers in lieu of plan—planning a park and plat.

Michelle M. (Resident) 16:07

With our subdivision being part of the fastest growing district in the city. One would think that that would be more of a priority. In fact, of the city's 29 parks only one of them is in this district. Perhaps that park fee that has been collected for all the years would be enough—

Mayor Jake Woodford 16:22

About thirty seconds remaining.

Michelle M. (Resident) 16:23

—to purchase the land and a safe place for the children to play. Tonight's vote isn't as simple as it may seem. It's not simply voting to rezone the land from agriculture to residential. It's the safety concerns we've been pleading for you to hear over the past few weeks. Rezoning the land means more homes; more homes means more people; more people more congestion to an area that's already at its capacity with a single, single access. By approving the rezoning tonight, you're only adding to these already—

Mayor Jake Woodford 16:25

Your time has expired.

Michelle M. (Resident) 16:31

—significant important issues to be addressed. We cannot keep ignoring this issue just because it's always—

Mayor Jake Woodford 17:01

Your time has expired.

Michelle M. (Resident) 17:02

—been in the plan. Plans were made almost 20 years ago and they're not set in stone. In a city where every voice matters. I ask do you hear ours?

Mayor Jake Woodford 17:13

Next is [Alaine M.]. Welcome.

Alaine M. (Resident) 17:20

Thank you, Mr. Mayor and Council members, for providing another opportunity for us to hear our voices. My name is [Alaine M.] and I live at [XXXXX] in Appleton, Wisconsin. I stand before you tonight representing not only myself, but the Clearwater Creek community. We are a concerned community that believes investing in growth is good, but it has to make sense for all.

Alaine M. (Resident) 17:42

I have been hearing about a 2005 comprehensive plan for the development of Clearwater Creek subdivision that was presented, approved, and implemented—and implementation started in 2007. As you see by the slides presented to you, in theory, this plan is showing an intended development as to what we now know consists of five phases. This area for these five phases is not defined and has loose specifications on this plan. Looking at the plan itself, you see it is based on certain critical assumptions. Number one, there would be a through a through road from East Spartan drive to Mead. Number two, there would be an established permanent secondary access. And number three, there are no wetlands or native plant restoration areas. Hence, this this plan on paper looks complete, but in reality, it is not. So how can one logically use this comprehensive plan of 2007 as a base argument for rezoning this area in phase four, from agricultural to residential when this comprehensive plan of today, September 2023 doesn't reflect what actually the layout of the area looks like?

Alaine M. (Resident) 18:51

As we have heard, and it has been reiterated, there was no plan for addressing specifically the critical access roads in the next five years. The emergency vehicle access is there, but it just chained off to prevent local traffic even though it's owned by the city of Appleton. There is no plan for the park in our area despite our subdivision being one of the fastest growing subdivisions.

Alaine M. (Resident) 19:13

We have a sing—we have a single access into and out of the subdivision for over 150 families, and they want to add an additional 15 homes without addressing the congestion of the safety issues if this entrance becomes impossible—or impassable, sorry. But as you know, this is being presented as a complete plan. What we are asking is that this plan be reassessed, redefined, and reworked to reflect the current situation today, including especially the lack of the actual through roads, the wetlands, and the native plant restoration areas.

Alaine M. (Resident) 19:46

In our view, the comprehensive plan should be looked at as a living plan where Plan A has played its role and there needs to be a Plan B. Noting in phase one and two—and I don't know how this phase was passed—on Bluewater way are approved. Looking at the wetlands map—wetlands map of the area, the houses on Bluewaterway were built directly on or next to wetlands. This leads one to believe that the entire picture was not given. The plan needed to be reassessed, redefined, and reworked.

Alaine M. (Resident) 20:14

There was a reason that phase four is designated as agricultural. It is parallel to Apple Creek and this should be a red flag in itself. This area is crucial to our water systems and environment. Even if the wetlands don't have an obvious surface connection to the other bodies of water, they absorb storm waters to prevent floods and encourage habitat to thrive. This area has geese, cranes, and even the now threatened monarch butterfly. If we

don't protect these areas, they may be polluted or drained in ways that are harmful to all those along the Apple Creek.

Alaine M. (Resident) 20:48

There has been stated that an environmental impact statement, an EIS, was provided, but has there been a federal permit applied for under the Clear Water Act 404 through the Army Corps of Engineers? Remember, it's about crossing our T's and dotting our I's, which equals—which gives us a complete picture. It's not a matter of "we think". Once these once these wetlands are compromised, they're gone forever. The questions to be asked is where's the value added for the Clearwater Creek community? In the entire scope of this development, it's 7.162 acres that we're asking you, the Council members, to leave as it was and currently is greenspace. Thank you.

Director Dean Gazza (Parks, Recreation, and Facilities) 21:31

Next is [Patrick D.].

Patrick D. (Resident) 21:35

Thank you, Mr. Mayor. Thank you, appreciate the time. My name is [Patrick D. at XXXXX] in Appleton. I appreciate again the time of the Council and Mr. Mayor. And I'll start by apologizing for being repetitive, right? Last week, the week before, and some of the things I'm going to say obviously, they're the same topics, but hopefully their repetition allows for things to sink in and allows us to drive our points home.

Patrick D. (Resident) 22:06

So given that this forum is one way—right?—I have eight questions. I know in this forum, we're not going to get the answers to those questions. But in my opinion, eight questions associated with this issue that have not or not adequately been addressed.

Patrick D. (Resident) 22:24

First, we heard about emergency access already. Question in that regard: how can the city of Appleton allow for the emergency access roads to remain obstructed? As we heard several times—and I actually drove there prior to coming here—there is no lock to be opened. This is a chain; it's bolted into structures that are buried into the ground. And whereas I can imagine a firetruck having bolt cutters that are big enough to get through it, I'm assuming a police vehicle or an ambulance may not necessarily. So, there is no effective access. And so, the question is, how can the city of Appleton allow for that to exist?

Patrick D. (Resident) 23:07

Associated with that, I understand it's a public road, or at least it's owned by the city of Appleton. Not quite sure to a lot of us as to why it is blocked in the first place, and the business that's there is allowed to monopolize that road with its heavy equipment. So that's an open question as well.

Patrick D. (Resident) 23:26

Secondly, in terms of public access—so now we're talking public access. Again, going back to what I said before, 30% of the houses are being added—30% of houses or residents—residences have been added in Phase Three and Phase Four, and that constrains access. It creates all kinds of issues with our single access roads into the neighborhood. Given that any type of blockage locks in or out an entire population, again, question three, how does the city of Appleton plan to address the single access?

Patrick D. (Resident) 24:01

And secondly, the question number four: does everybody realize there's an actual Phase Five associated? I know, we're not here today to talk about Phase Five, but the Comprehensive Plan has actually a Phase Five in it. So, phase four is just another step in that direction. And so, these issues are real issues today. They have been. They will get worse with phase four. And I can only imagine what would happen with Phase Five. So that was question number four.

Patrick D. (Resident) 24:32

Respect to the green space. Look, the development as currently proposed in the plan will effectively eliminate the green space. Right? We've heard that. We heard parents, we heard kids last time come forward. And the question in that regard: what does the city of Appleton plan to do to create the park that's been mentioned for a long time at this point in time, and where I understand contributions has been made to that park?

Patrick D. (Resident) 24:59

Um. The associated question is a fairly simple one. Why can't the proposed phase four development incorporate a park? Right as part of an amended plan? So that was question number six.

Patrick D. (Resident) 25:13

Finally, respect to the potential water and flooding issues associated with Apple Creek and with the area in question, there are, in fact, houses already in the area that have water issues in their basement—basement flooding. I'm going to guess that nobody ever went to those houses and try to ascertain the cause of those water issues, but given the fact that that's already a reality, and that this development will only make that worse, my seventh question is whether prospective buyers of phase four homes will be duly notified that they're duly notified that their homes have been built on or near the wetland areas? I'm guessing not, but it's an open question in my regard. And that question then brings me to the question of liability.

Mayor Jake Woodford 26:06

30 seconds remaining.

Patrick D. (Resident) 26:07

Yep. It brings me to the question of liability. Given that we know this, and given that we understand the risks, and that in our opinion, those risks haven't been properly assessed, if, you know, those new homeowners are going to have issues with flooding, you know, who's liable? Will it be the City of Appleton? Will it be the developer? Will it be the builder? Again, I don't have an answer to that question, but certainly wanted to have it on the record that that's an issue. So, all in all—right?—these questions have to be adequately—

Mayor Jake Woodford 26:37

Your time is expired

Patrick D. (Resident) 26:37

—answered and resolved by the city of Appleton, and the development plan should be amended to incorporate any required changes. Thank you.

Mayor Jake Woodford 26:49

Next is [Ben A.].

Ben A. (Resident) 26:50

Thank you. [Ben A. at XXXXX]. I did share a email last Wednesday with the alders and the mayor expressing concern about the City Plan Commission report that was distributed. Did not seem comprehensive in my opinion. There is a requirement for, as we do plan amendments, as we do map improvements as they're called, to—"Findings shall be made by the Plan Commission on each of the following matters based on the evidence presented. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed site. The effect of the proposed rezoning and surrounding uses."

Ben A. (Resident) 27:44

Have we comprehensively reviewed all that? Have we? We heard multiple, multiple people here that live in this neighborhood talk about the inadequate—inadequacies of parks, of safety. The fire or chief spoke very, very eloquently about that. I spent numerous hours researching and reviewing what is on City of Appleton's website. We have an annual report that comes out.

Ben A. (Resident) 28:17

Do you know that, yes, in fact, we are on the far outside of our district for fire coverage. The expectation is four minutes response time, transportation time. 2019 average for the entire city four and a half minutes. 69% on time, on time. 2020, five the six districts average time exceeded five minutes exceeded four minutes. My district, five minutes and 13 seconds. The next year, five minutes and 17, again, five out of six failing to meet standard. And 2022 4.82 minutes with the most populous—sorry, 4.82 for ours, 5.2 for our most populous district. Is that acceptable for us to set standard?

Ben A. (Resident) 29:10

I looked. We have not—unfortunately for the fire chief—we have not improved our budget for fire protection. 2013 and 2022, we see the same headcount, we see the same number of fire stations, yet we're willing to put more people at risk. Is that acceptable as a city? We spoke about every 30 seconds it doubles in fire—size of a fire. So, if I have an emergency minimum is gonna be four times larger. If they need the secondary access point, that's another two-minute drive to get all the way around to that point, and then through and go through that barrier. That's like 64 times. Do the math. You'll see. It's also an access point that I also need. It's an emergency access but it's an emergency exit. I can't get through. If there's an emergency, what are we going to do? Sorry. Unacceptable

Ben A. (Resident) 30:20

we also talked in Phase Three and Phase Two technical review group, which for this one there was nothing except everything is fine. The fire department is concerned about achieving proper rescue response times per NFPA. Thus, each potential home would likely be asked to provide early warning smoke alarm systems or automatic fire sprinklers. I understand you can't require that. You can inform and educate and recommend and share that I would appreciate that. That should be in this for Phase Four. I don't understand why it's not. You're taking people's lives at risk.

Ben A. (Resident) 31:07

And lastly, I'll touch a little bit on the on the woodlands as well—or the wetlands. June 2, there was an article in Post Crescent. Mayor—the Mayor had a quote in there that's very, very interesting. "We have to think about the investment in trails and parks as generational investments in our community. When we're engaging in new development, we have—

Mayor Jake Woodford 31:27

Thirty seconds remaining.

Ben A. (Resident) 31:28

—to be especially cognizant of that because it's much more difficult, if not impossible, to go back to later and put parks and trails in neighborhoods where we didn't do in the first place." Applies to wetlands. It applies to parks. It applies to fire. We have to do better as a planning. We have to serve our community. Required. Thank you.

Director Dean Gazza (Parks, Recreation, and Facilities) 31:54

Alright, next is [Kara H.].

Kara H. (Resident) 32:07

Good evening, mayor and alders, and thank you for listening to us tonight. My name is [Kara H.]. I live at [XXXXX]. Last Wednesday, I—my neighbors and I were called a group of disgruntled residents who are impeding the progress of the city of Appleton because we're upset about losing our view. I'd like to make it clear that while we might be disgruntled, that's absolutely not the reason why. Back in 2005/2007, the developer presented the comprehensive plan for Clearwater Creek, and it was to extend as stated earlier from JJ to Haymeadow—I'm sorry, JJ to Broadway, with a second exit, at least, at Broadway. At the time, there were plans for the second exit. We know this also because eight years ago, a group of our neighbors—we had a neighborhood meeting at Appleton north with Mayor Hanna at the time, and we were told that there would be a second exit and there at that point, it was planned to be Spartan Drive out to highway 47. It wasn't in the five-year plan, but it was coming shortly after that, apparently.

Kara H. (Resident) 33:30

Since the neighborhood has exploded to 152 homes with at least another 20 in Phase Three and probably that many more coming in Phase Four, yet the second exit has not happened according to the plans. And there is no second exit planned anytime in the near future—not until a farmer sells his land or until Clearwater Creek reaches Haymeadow. So perhaps one reason why we're disgruntled is because there's been a precedence here of telling us one thing and doing quite another as things unfold over the years.

Kara H. (Resident) 34:08

It has been stated that Spartan drive is that second exit but this is not the case for all the reasons that we've mentioned over the previous three meetings. It's owned by a business, and despite guarantees from the city officials that this is accessible by emergency vehicles, it's not. One week ago today, I listened to representatives from the fire department state that the large gauge chain blocking the entrance was secured by a lock to which every emergency vehicle had a master key. The only problem is that this is simply not true. On a walk the day before I took pictures of the barrier and I printed them for you to see tonight. So, the—this is what it looks like from afar. And it's hard to see, but you've got posts, and you've got a large gauge chain with this little red triangle—or this little red diamond in the middle that's blocking it. But I want to show you a close-up view. So, what you've got is an eye bolt on both sides with this large gauge chain. This is one end of it, and there's no lock. And this is the other end of it. Again, there's no lock. So, there's no way to get in and out. There's no lock. And unless you've got a—I don't know how you how you can get in and out, and I walked back there again today. It's the same; nothing has changed. And it seems like no fire official actually came to inspect that before that information was presented. And so, it was false information. And, and it it's highly concerning to me and my neighbors that the committee voted on such an impactful issue based on false information.

Kara H. (Resident) 36:01

You might say, well, it's only an emergency entrance, you still have the main entrance. And that's true. But there's an issue with that too. The neighborhood is far too large for only one way and one way out, and even if a

stoplight is placed—and I do really appreciate that suggestion—and for you listening to us, we're just too large of a neighborhood, and we'd like to know of any other neighborhood in the city of Appleton with that money citizens relegated to one way in and one way out.

Kara H. (Resident) 36:28

The point was also made that 95% of the time, emergency vehicles can use the primary entrance. Again true, but please consider this: in the time that my husband and I have lived in Clearwater Creek, there have been two disastrous wind storms so severe that the power lines along Highway 47 were snapped like toothpicks. We all had—our power was out for 72 hours. If that entrance were to be blocked by something like that—or what if there's an accident at JJ and Haymeadow? Now you've got a whole neighborhood of residents who are stuck and who can't get out of the one entrance.

Kara H. (Resident) 37:03

So, it's true, we're disgruntled. It seems like we have very valid reasons—

Mayor Jake Woodford 37:07

Time is expired.

Kara H. (Resident) 37:08

—to put this on hold, and yet they're being dismissed. So, we hope that you carefully consider this as you cast your vote tonight, and really, I appreciate you all for listening.

[Cut to remove comment on unrelated agenda item.]

Mayor Jake Woodford 40:50

Thank you. That's it for folks who signed up to speak, but I do want to see if there's anybody else who'd like to speak on items that appear on the agenda. Okay. And before you do, is there a motion to extend public comment? We have a motion and a second. All those in favor of extending public comment, please signify by saying aye. Any opposed? Hearing none public comment has been extended, and your name and address or affiliation for the record, please.

Abby Maslanka (Martenson & Eisele Engineering) 41:17

Hello, Council. My name is Abby Maslanka. I'm with Martenson and Eisele Engineering representing Clearwater Creek LLC. I just want to repeat some of the comments I had at Plan Commission last Wednesday. Regarding the wetlands, we have a Wisconsin DNR assured wetland delineator—which also means he's assured by the US Army Corps of Engineers—go out on site and perform an assured wetland delineation. So as part of that he digs soil pits to identify the soil strata, and also identifies wetland, vegetation, plants to determine where is wetlands and where is uplands.

Abby Maslanka (Martenson & Eisele Engineering) 41:52

As part of this project, there will be no filling of the wetlands. There'll be no construction of streets in the wetlands. There will be no constructions of homes in the wetlands. There'll be no construction of utilities in the wetlands. There is no intention to disturb wetlands with this proposed development.

Abby Maslanka (Martenson & Eisele Engineering) 42:09

I think there's some confusion regarding where the native prairie restoration area is. So, there is a native plant restoration area around the existing wet pond, but that's on the south side of Apple Creek, and we will not be disturbing that. That will remain in place.

Abby Maslanka (Martenson & Eisele Engineering) 42:23

Regarding stormwater flooding concerns, we've worked hand in hand with city staff and the city consulting engineer to perform a stormwater management plan that was approved by the city on August 29. So, all water—gray water coming from the streets and from driveway. that sort of thing will be headed west towards the city's existing stormwater pond where it will receive wetland quality and quantity control before being released into the wetlands. Any water draining directly to the wetlands will be clear water such as from backyards or from rooftops, so nothing from vehicle contaminated surfaces.

Abby Maslanka (Martenson & Eisele Engineering) 43:06

Regarding Spartan Ave—so this is a public right away. The developer does not own Spartan Drive. The emergency access being like a temporary gravel surface is a typical practice in the city. And there's some concern that if this is rescinded based on that, it will slow down incremental progress. As the city and the Council is probably well aware, infrastructure costs are extremely high. So, a lot of times we have to move incrementally. And so, there's some concern regarding that.

Abby Maslanka (Martenson & Eisele Engineering) 43:40

And just a reminder that this is considered—considering the zoning change. So, this this property does meet the future zoning map. It is zoned as future single family residential. And there are more restrictive wetland conservation requirements for residential properties than there is for ag properties. So, for example, farmers are allowed to farm through wetlands, whereas residents cannot build or construct within wetlands.

Abby Maslanka (Martenson & Eisele Engineering) 44:11

I just wanted to clarify those few things. If you have any questions, feel free to call me for technical answers. Otherwise, your lovely city staff will be able to answer the majority of questions because we've worked hand in hand with them since April or June. So, thank you very much for your time.

Mayor Jake Woodford 44:28

Is there anyone else who'd like to speak on an item that appears on the agenda? Okay, come on up. I see you and then next. Okay. Yep. Your name and address affiliation for the record.

Jennifer Sunstrom (Realtors Association of NE WI) 44:41

My name is Jennifer Sundstrom. I am the Director of Public Relations and Government Affairs for the Realtors Association of Northeast Wisconsin. Our address is w624—w6124 Aerotech Dr. Appleton.

Jennifer Sunstrom (Realtors Association of NE WI) 44:58

Good evening. I'm here to speak about Clearwater Creek development proposal. In the past, I normally would not be involved in public hearings for individual development projects. However, the extent of the current housing crisis has led our association to realize the need that we need to do all we can to help our developers and advocate for more housing in our communities. Please understand, I am not here to speak to the specifics of this project before you, but rather to the overall need for it in Appleton.

Jennifer Sunstrom (Realtors Association of NE WI) 45:34

We are experiencing an unprecedented lack of available homes across the board. A normal balanced market has about six months of supply available. For years now, we have been hovering around two to three months of supply at the most. Put another way, there is about half the housing to meet current demand. There are many contributing factors, but the main reason for the lack of housing is due to significant under production of lots and homes over the last 10 years or more. According to the recent Fox City's Housing Study, the Fox Cities area

needs to build anywhere from 1100 to 7400 units in the next seven years. And we are currently producing about one quarter of that.

Jennifer Sunstrom (Realtors Association of NE WI) 46:26

Whether we make progress on this depends in large part of this process right here right now. This process determines not just whether a project moves forward, how many lots will be created, and it has a significant impact on the price of those slots. The process also has a significant influence on whether any of the very few remaining developers in the area want to pursue future projects in the City of Appleton. At a time when development carries significant risk with limited return, developers are watching what happens here very carefully. Is the process straightforward, predictable, efficient, or even somewhat fair?

Jennifer Sunstrom (Realtors Association of NE WI) 47:24

The business community for the first time is also paying much closer attention to the process and the decisions that come from it. It is no secret that businesses, large and small, are struggling to recruit workers to fill jobs. They have consistently identified housing and childcare as the top impediments to their ability to compete from workers from the bottom of the wage scale to the top. We cannot have workers without rooftops. And we will not keep our businesses without workers.

Jennifer Sunstrom (Realtors Association of NE WI) 47:55

The public may not have come to terms with this, but I am hoping that you have. I hope that when making decisions about housing projects, you recognize the need to do what is in the best interest of the entire community, what is in the best interest for future generations, and not buckled to pressure of what is always a very vocal minority of citizens.

Jennifer Sunstrom (Realtors Association of NE WI) 48:21

There really is only one question at hand: does the proposed project fit the comprehensive plan and future land use map? This is what this document is created for. It creates a process and it outlines for everyone in the community to know what is coming. If it fits the plan and local ordinances have been met, the project should be approved. Thank you for your consideration.

Mayor Jake Woodford 48:52

We had one person over this way. Yeah, come on up.

Derrick G. (Resident) 48:57

Hi, my name is [Derrick G. Gives spelling of name.] I can teach people to say it after if anybody's interested. I live at [XXXXX]. And I'm super ignorant to these proceedings in the sense that to be honest, I didn't even know we had to sign up to speak and so I appreciate you letting me talk. As far as the agenda goes, the—I heard something about Park safety come up and I live in the Linwood Park neighborhood, and I wanted to just ask about the open and kind of flagrant drug use that goes on there.

Mayor Jake Woodford 49:39

So, if this isn't related to an item on the agenda—we limit public participation items that appear on the show on the agenda. So, if this is related to an item that appears on the agenda directly, then we'll have you proceed with your with what you'd like to say. Otherwise, we'll get in touch with you and we can have a conversation directly.

Derrick G. (Resident) 50:00

I heard Park safety mentioned a couple times does that count?

Mayor Jake Woodford 50:02

No.

Derrick G. (Resident) 50:03

All right. Well, it's worth a shot.

Mayor Jake Woodford 50:05

Let's get your contact information. I'd be happy to happy to talk with you. I also hold open office hours. I'd be happy to connect with you. So, we'll make sure that somebody from staff gets you my contact info. Director Gazza will get you my contact info.

Derrick G. (Resident) 50:18

All right. Sounds great.

Mayor Jake Woodford 50:19

Thanks for coming. All right, come on up.

Jill Hendricks (Clearwater Creek Developer) 50:24

Good evening. Thank you for hearing from us. My name is Jill Hendricks, and I represent Clearwater Creek Development. We purchased Clearwater Creek in 2005, and added—Clearwater Creek was added to the comprehensive plan in 2007. It's a comprehensive plan that goes from JJ all the way to Broadway in several phases.

Jill Hendricks (Clearwater Creek Developer) 50:48

Just to be clear, we're working on phase four, which is 14 Lots. Phase Five is not in the future plan at this point in time because the city does not have the infrastructure to support Phase Five, which would be north of Spartan Road. Sewer and water has to be looped down Meade Street, east on Broadway and back down on Haymeadow. So, there's no future plan for Phase Five just to make that clarification.

Jill Hendricks (Clearwater Creek Developer) 51:18

As of right now, we have paid, year to date, \$45,600 in park fees. So, we have done our due diligence when it comes to planning for future parks for the city to add that. We have completed all of our requirements including wetland preservation, permitting with the DNR, stormwater management, along with all the regulations the city requires for us to move forward with the development. Regardless of what the city's obligations are to the homeowners within the subdivision, we as the developers have provided exactly what was expected of us. Staff and Plan Commission have recommended approval therefore we should not be held up.

Jill Hendricks (Clearwater Creek Developer) 52:06

Builders have had clients that have been looking at this parcel for almost a year now in preparation, and a couple have pulled away because—customers have pulled away because of the feedback they're hearing from this that no—they don't want—the current residents don't want additional houses being built out there. So, I'm getting now calls from our builder saying "What's going on? You know, all's we want to do is continue to build out there." It's a very successful subdivision. We have 14 lots left. And again, I am requesting that you move—give us a yes vote so we can move forward with what was on the Comprehensive Plan which is single family residential. Thank you.

Mayor Jake Woodford 52:57

All right. So let—I saw you first and then we'll get to you fellas. Okay? Come on up.

Kate A. (Resident) 53:04

Thank you. My name is [Kate A.] I live at [XXXXX]. I had not planned on coming up to speak but I just wanted to address a couple things regarding the Clearwater Creek subdivision. I know that this is something that we're talking about checking the boxes of whether or not this meets rezoning. And I understand that. But it feels like in the sense as soon as we say "Yes, it meets rezoning." You want to go ahead and "Yes, let's approve the preliminary plat."

Kate A. (Resident) 53:30

I'm happy to see the plat maps. I've been looking at them. I've seen them. I've enjoyed seeing additional information showing a 30-foot setback from wetland area. That's wonderful. But it's leaving such a small space to squeeze a house into, and the fact that I know that they're saying we're not building on the wetland, but you're building so close to it that your entire backyard's wetlands. So, what happens to the person who picks that lot? Are they allowed to even touch that area? Are they allowed to do anything? Are they going to come in and say, I want to build a big patio? Nope, you can't do anything. You can't touch it. You can't even put grass back there. You can't do anything. I don't feel like that is common sense that we put a lot where you can't physically use half your lot, or over half your lot.

Kate A. (Resident) 54:16

I feel like we're just so fixated on checking the boxes, we're not seeing the common sense of should we or shouldn't we even build there. Jill Hendrick's email from last week's meeting even talks about 10 of the 14 already basically spoken for these lots. Before a plat map's even been approved by the city, how can 10 lots be spoken for? I get the builders want to build, and I get that we need to grow our city. And that's wonderful. But we're sitting in the third addition and there are a lot sitting next to us that have been sold for two three years now with nothing happening on them because construction costs are incredibly high. Inflation is high. Interest rates are high. People are choosing not to build because they don't have the money to build. And being told, builders want to build, builders want to build. But nothing's happening.

Kate A. (Resident) 55:05

So why do we need to add even more lots that are going to either sit there and do nothing, because we need to have more homes. We do. We do need more homes. Maybe not right next wetlands. Maybe where we can have a better sense. And I understand that the fifth section can't be done because of infrastructure. And, and one of the most important reasons was there's not a secondary access. The fifth can't even start without a secondary access. So, they're stuck as a developer not able to access the land that they could build more houses on that don't have issues with.

Kate A. (Resident) 55:42

Again, I just feel like we see so much in black and white. The planning commission, everybody sees the maps, the maps, the maps. They don't see the visual of what this area looks like. They don't see. We're told nothing's gonna drain in there; everything's gonna stay out. But you have backyards backing into it. You can't tell me somethings stopping everything from draining in there, from getting in there. I don't understand why we can't just not see that—especially because these are—this is an area where—I'm sorry, I've read the, all the stormwater placements. There's like three more stormwater ponds that we have to put in to—and a culvert—to address the fact that we have to finish that road and go over Apple Creek and prevent things from getting in there. And the wetlands get bigger, the further away from that section. And eventually, that's all going to be purchased by a developer and all gonna be built on.

Kate A. (Resident) 56:33

And if we don't learn from what we do here, are we going to just keep building and building and building where we shouldn't? I mean, it's—to me, it's common sense. Do you want to build a house on it? I would not want to build a house there. I would—I feel like those lots are going to be the ones that are sitting there waiting to be sold because unless a builder isn't very reputable, they're not going to say, "Hey, come here, build your lot, and build your big house. And it's beautiful. And it's lovely. And look at this view. It's wonderful. But oh, you can't touch your backyard, because that's wetland. You can't do anything back there." So again, it just feels like common sense.

Kate A. (Resident) 57:05

Like, maybe we just need to modify our plans, instead of being so rigidly fixed, that it has to be these 14 lots, it has to be the shape of the lot, it has to be this. Maybe we just need to modify it. Maybe we just need more time to look at that idea that we don't need to be so fixed on a plan that's been around for 20 years. Because if we learned nothing from COVID we've had to adapt and change and grow and do things in a completely new way. And I feel like maybe our planning and our—

Mayor Jake Woodford 57:37

30 seconds remaining.

Kate A. (Resident) 57:38

—should follow that same model instead of just being stuck in a rigid holding pattern. Thank you.

Mayor Jake Woodford 57:46

Alright. Next. We'll get to you.

Tom Rooney (Mark Winter Homes) 57:54

Good evening. My name is Tom Rooney, I'm the president of Mark Winter Homes. We built a bunch of the homes in that neighborhood. So, I am talking in favor of that development. We are a very heavily regulated industry. We have rules at the federal, state, county, and municipal levels. I can assure you all of those items have been taken care of for this division—or for the subdivision.

Tom Rooney (Mark Winter Homes) 58:17

We're talking about zoning. Many of the items that were brought up by the neighborhood have nothing to do with the zoning of this particular plat. And I asked that we separate those items out. Many of those items can be easily taken care of or are on the long-term plan. But they don't have to do with the zoning. So, I asked you to keep that in mind. We are in dire need of housing. We are in dire need of lots. The process is long, not only for the development, but also for the construction of homes. It just takes a lot longer now. We're asking for your help. And I'm asking you to pass this. Thank you.

Scott H. (Resident) 59:05

Sorry. I had no intention of speaking tonight. I'm not a public speaker. But I don't think I could sleep tonight if I didn't get up here. I understand—

Mayor Jake Woodford 59:18

Sir. Sir. We just—we need your name and address for the—

Scott H. (Resident) 59:20

Sorry, [Scott H.]. And my address is [XXXXX].

Mayor Jake Woodford 59:25

Thank you.

Scott H. (Resident) 59:25

Thank you. So, the issue here in my mind, again, I understand that it's a business. People want to build. I understand the city is a business. They want extra income and taxes. But the way everything is set up right now in that subdivision, you know, they say that, you know, "We want future generations, everybody's watching this. If this does not go through people are not going to move forward in Appleton." That's a bunch of nonsense.

Scott H. (Resident) 59:58

Um, The issue again is the size of this neighborhood with one access point. I'm an emergency physician. Seconds count, okay? I mean, if you can't get in and out of a of a subdivision for—and if everything's going well, okay, it's gonna work okay. But it's a very busy intersection at JJ and Haymeadow. Trying to get in and out of there. Young kids going to Appleton north, going to Fox Valley Lutheran. As an experienced driver, I have difficulty getting out of there. The issue again, is the amount of people trying to get in and out there. If there's an accident at that intersection, there's no other way in and out. Okay? And there's something else that's going on in that neighborhood where people need to get in emergency vehicles. I just want to I just want everybody here to think if that's your family, is that alright? And if it is and you don't have any issues with that, than I don't have—then that's a decision that you guys can make. But this neighborhood is way too large to have one entrance and to take that risk. So, I understand that we have the, you know, the people, the Realty Group coming from Madison or and trying to push this through. But if this isn't if this is something that you guys can live with it; this is your family member, and there's something dire and you can't get in and out of there to get them to emergency services to save their life, please don't vote for this. Thank you.

Mayor Jake Woodford 1:01:36

Is there anyone else who wishes to speak. All right, hearing none we'll close public participation.