

## Jessica L. Titel

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**From:** Jessica L. Titel  
**Sent:** Friday, August 25, 2023 3:55 PM  
**To:** Patrick Hayden; Kara J. Homan  
**Subject:** RE: Rezoning Concerns  
**Attachments:** Alderperson Hayden Responses - 4th Adn Clearwater Creek.pdf

Alderperson Hayden-

Attached are the responses to your questions. I worked with a number of staff and collated all the responses into one document. Please let me know if you have any additional questions.

Thank you,  
Jessica

### Jessica Titel

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**From:** Patrick Hayden <District7@Appleton.org>  
**Sent:** Thursday, August 17, 2023 10:00 PM  
**To:** Kara J. Homan <Kara.Homan@appleton.org>  
**Cc:** Jessica L. Titel <Jessica.Titel@Appleton.org>  
**Subject:** Rezoning Concerns

I had the meeting tonight and I think it went relatively well. I think most people understand that the development will go through. There are a few hoping holding out hope that this will somehow be stopped but I reiterated that there is no way I can see this being stopped. They asked about the meeting on 9/6 and I told them if they wanted to speak that they could and let them know the mayor would be less forgiving than Denise was. I also told them to organize their thoughts, not to repeat things along with telling them that it was a bad idea to complain about lot sizes. I've asked them to focus primarily trying to get the city to focus on the issues that they are most concerned about: access, parks, and environmental impact to help get more attention in the future. All of this should make for a more focused meeting on 9/6 and soften the blow for most.

Below are the questions I have coming out of the meeting. I've tried to group them to make chasing down answers a little easier. Let me know if there is anything I can do for you. One note, I'll be out of town starting on 8/23 until 9/1 and won't have phone access starting on the afternoon of 8/24 so anything you would be able to get to me by 8/23 would be helpful and maybe I'll be able to get Internet on the 28<sup>th</sup> and can send the rest out then.

### Access/Public Safety

- Thank you for taking care of the concrete barriers, but from conversations this sounds like it was the second time this year that it happened. What is being done to make sure that this doesn't happen again in the future?
- What are the average police and fire response times for this neighborhood versus the rest of Appleton? I listened to 2 stories about someone passing away while waiting a long time for an ambulance and another where a whole house burned down while they watched the fire trucks driving back and forth. I've asked for the dates of these incidents so they can be looked into specifically.
- When emergency vehicles are dispatched how do they get routed to addresses and are these calls automatically routed to Grand Chute emergency services?
- You answered that 30 residents require a secondary access for emergency vehicles which is what Spartan is considered since the concrete blocks were removed. I know you are still looking into how many houses require a secondary access for residential traffic. To note I counted 130 houses in the neighborhood currently.

### **Environmental Impact**

- On the maps that were distributed the creek is listed as a wetland area while GIS doesn't show this data. What is the city's definition of a wetland area and what ordinances exist around the development around these spaces (specifically how many feet does development need to be away from wetlands)? Which source is correct around this as well, is this a wetland?
- Was there an environmental impact report done on the area and where can we find it if one was done?
- Did the DNR review development in the area and is there a report around this?
- There are signs for native restoration area all along the creek and there are concerns that this area has turned brown just before this development was announced. Is there any treatment going on that would cause this?

### **Parks**

- We've gotten answers around park development in previous conversations. One concern is getting to Plamann Park. Is there any way to make getting across the road safer for the community since there is no park for residents in their neighborhood?
- With regards to this is there any value in reaching out to the county around this since this work aligns with their biking plan?

### **Misc**

- The 100 feet issue came up and there was a concern about who got notified. People who live at 5655 North Summerland Drive and the neighbors were not contacted. Looking at Google Maps these look like they should be within 100 feet and should have been contacted. How is the 100 foot radius developed? Is it based on 100 feet from buildings or 100 feet as you would travel on the road?
- During the public comment period are visuals allowed to be presented? I've never seen any Alder use one so I'm also wondering if I'm able to use visual aids while we are discussing items on the agenda?
- Is there a mechanism to submit petitions from the neighborhood?

- I know after the informal meeting you are unable to meet with residents, but does that apply to the mayor as well? I think him hearing the neighbors would help as well.

I appreciate all your hard work around this. Let me know if you want to chat around anything and I can make some time.

Thank you again,

Alder Patrick Hayden

## **Questions from Alderperson Hayden**

### **4<sup>th</sup> Addition to Clearwater Creek – Rezoning and Preliminary Plat**

#### **Access/Public Safety**

- Thank you for taking care of the concrete barriers, but from conversations this sounds like it was the second time this year that it happened. What is being done to make sure that this doesn't happen again in the future?

The Fire Department was not aware this was an issue prior to the Alderperson notifying staff. Staff will perform periodic inspections of this area to ensure adequate emergency access is maintained.

DPW Operations had placed concrete barriers after APD had notified DPW that the emergency vehicle access was being misused by the public, and that a barrier chain had been removed without authorization. Now that the concrete barriers have been removed, DPW is looking into solutions that will be more difficult for unauthorized personnel to circumvent, while maintaining access for emergency vehicles only. This will likely involve a lock box and code shared only with authorized users. DPW will continue to remove snow along this access route as needed.

- What are the average police and fire response times for this neighborhood versus the rest of Appleton? I listened to 2 stories about someone passing away while waiting a long time for an ambulance and another where a whole house burned down while they watched the fire trucks driving back and forth. I've asked for the dates of these incidents so they can be looked into specifically.

The Fire Department response times to the 4<sup>th</sup> Addition to Clearwater Creek would not be any different than other developments in this area. We also utilize automatic and mutual aid so our response to these areas is supplemented with Grand Chute Fire Department resources. What that means is that GCFD is automatically dispatched to any fire in this area.

Officer Biese spoke with a dispatch supervisor and there is no fast or easy way to go back and check calls for service for an entire neighborhood. Specific incidents and addresses can be checked if desired. It is overall on a fringe of a large district, so APD response would be longer if the approximately 2-4 officers (varies by time of day) covering the district are unavailable, requiring out of district officers to respond, or responding from the opposite corner of the district, say Ballard and Wisconsin. This is not different however than any other district in the City or other homes in this area.

- When emergency vehicles are dispatched how do they get routed to addresses and are these calls automatically routed to Grand Chute emergency services?

Fire Department response: Calls are routed through Outagamie County Communications Center, where the address is put into a computer aided dispatching (CAD) software. This software then provides the correct responding agency for an address. We have not had

problems with this historically, with the exception of recent annexations getting input into the system. There is sometimes a short delay in getting the corrections made in the CAD system. Once corrections are made, this is no longer an issue.

Police Department response: As the Fire Department stated, the dispatch system automatically determined jurisdiction. Based on address. AFD may have prearranged agreements and alarm boxes to include Grand Chute in response to certain level incidents. APD has a mutual aid agreement with GCPD in the event they need to respond to a City address. PD calls are not automatically routed to GC, however with the aid agreement and officers scanning each-others channels, if there is a very significant incident officers in the other jurisdiction may self-dispatch to these if not actually sent or aren't immediately requested.

- You answered that 30 residents require a secondary access for emergency vehicles which is what Spartan is considered since the concrete blocks were removed. I know you are still looking into how many houses require a secondary access for residential traffic. To note I counted 130 houses in the neighborhood currently.

The code only requires an emergency use secondary access when 30 dwelling units are exceeded for a single-family residential development. The Municipal Code does not dictate when a "full use" secondary access is required.

### **Environmental Impact**

- On the maps that were distributed the creek is listed as a wetland area while GIS doesn't show this data. What is the city's definition of a wetland area and what ordinances exist around the development around these spaces (specifically how many feet does development need to be away from wetlands)? Which source is correct around this as well, is this a wetland?

The City is not authorized to regulate wetlands except for the "Protective Area" standards in the stormwater ordinance section 20-312 (g). The definitions and requirements in the City ordinance match WDNR NR 151 requirements. Separation distance from a wetland is dependent on the quality of the wetland and whether it is adjacent to a stream.

The city also has a Shoreland Wetland ordinance 23-750 as required by the State.

The developer's consultant completed the wetland delineation in spring 2023. The wetland delineation is the source to determine the wetland location. This is completed by the applicant/developer/property owner in accordance with WDNR standards.

- Was there an environmental impact report done on the area and where can we find it if one was done?

DPW Engineering is not aware that this was done or required by any agency. The City's Municipal Code does not require environmental impact reports.

*Sent via email to Alderperson Hayden on August 25, 2023*

- Did the DNR review development in the area and is there a report around this?

DPW submitted the plans for Haymeadow, Spartan, Bear and Apple Creek crossings and the regional stormwater ponds to DNR and Army Corp of Engineers (ACOE) in 2018 and received permits in 2019. Portions of the work were constructed in 2019-2020. Those permits expired and any future extension of Spartan will require resubmitting for DNR and ACOE permits.

All sewer and water extensions are reviewed and approved by DNR.

All construction sites with 1 acre or more disturbed area are reviewed and approved by the DNR.

Per the Developer's consultant, this 4<sup>th</sup> Addition to Clearwater Creek is currently with the DNR for sanitary, water and construction site permitting.

- There are signs for native restoration area all along the creek and there are concerns that this area has turned brown just before this development was announced. Is there any treatment going on that would cause this?

The weeds and other non-native vegetation in the City's stormwater pond were sprayed by City's contractor in preparation of performing native prairie seeding of the pond later this fall. Additional spraying of the weeds (mostly reed canary grass) along the creek east of the pond is also done as time and budget allow.

## **Parks**

- We've gotten answers around park development in previous conversations. One concern is getting to Plamann Park. Is there any way to make getting across the road safer for the community since there is no park for residents in their neighborhood?

Safer crossings are reviewed at the time of trail or roadway construction/re-construction. No near future plans for trail development to Plamann Park. The trails master plan shows future bike lanes and trails on Meade and Broadway but there is nothing planed at this time. The City is slowly working on a trail connection off Broadway heading north on Kurey and going NE to Ballard/Applecreek. But this is just being mapped at this point, no timeline for construction.

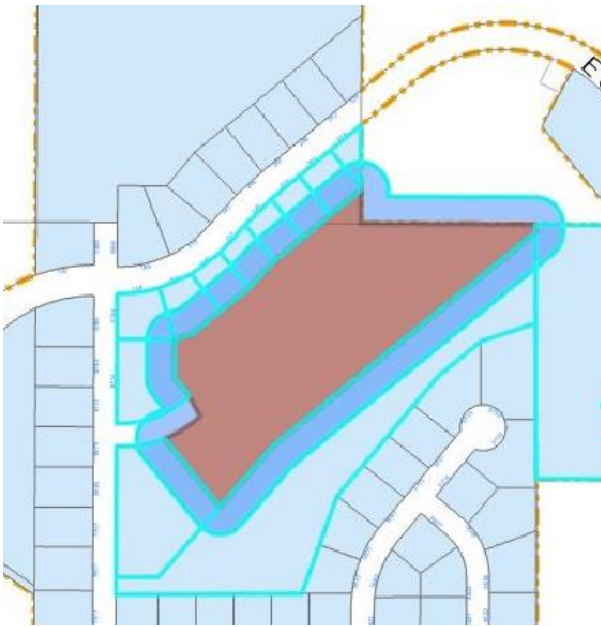
- With regards to this is there any value in reaching out to the county around this since this work aligns with their biking plan?

I am not very familiar with the County's plan. A future trail is shown on Meade Street in this area on the City's Master Trail Plan. The full document can be found here: <https://appletonparkandrec.org/parks-pavilions-trails/park-projects/>

## Misc

- The 100 feet issue came up and there was a concern about who got notified. People who live at 5655 North Summerland Drive and the neighbors were not contacted. Looking at Google Maps these look like they should be within 100 feet and should have been contacted. How is the 100 foot radius developed? Is it based on 100 feet from buildings or 100 feet as you would travel on the road?

We have our GIS mapping system draw a 100-foot buffer from the outmost property line for the subject property. A map is created showing the parcels within this 100-foot buffer and a mailing list is generated.



- During the public comment period are visuals allowed to be presented? I've never seen any Alder use one so I'm also wondering if I'm able to use visual aids while we are discussing items on the agenda?

Are you referring to maps that you could use during the public hearing? I do not see why not, but this might be a question for our Legal Department.

- Is there a mechanism to submit petitions from the neighborhood?

There is no set process for submitting a petition. There is nothing that prohibits them from preparing a petition and submitting it to the Common Council, but it does not have any legal ramifications or result in a varying legislative process.

- I know after the informal meeting you are unable to meet with residents, but does that apply to the mayor as well? I think him hearing the neighbors would help as well.

Residents of the City are able to contact the mayor to discuss concerns or ask questions.