



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final City Plan Commission

Wednesday, May 8, 2024

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting

[24-0526](#) City Plan Minutes from 4-24-24

Attachments: [City Plan Minutes 4-24-24.pdf](#)

5. Public Hearing/Appearances

[24-0527](#) Rezoning #3-24 for the subject area generally located west of Providence Avenue and Aquamarine Avenue and north of Jasper Lane for the 8th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District (Associated with Action Item #24-0528)

Attachments: [InformalPublicHearingNotice_8thAddEmeraldValley_Rezoning#3-24.pdf](#)

6. Action Items

[24-0528](#) Request to approve Rezoning #3-24 for the subject area generally located west of Providence Avenue and Aquamarine Avenue and north of Jasper Lane for the 8th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_8thAddEmeraldValley_Rezoning_For5-8-24.pdf](#)

[24-0529](#) Request to approve the 8th, 9th and 10th Additions to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_8-9-10AddEmeraldValley_PreliminaryPlat_For5-8-24.pdf](#)

7. Information Items

[24-0553](#)

Welcome new appointment, Richard Carpenter, to the City Plan Commission

Attachments: [24-0539 - Confirmation of Appointment May 1 2024.pdf](#)

8. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Any questions about items on this meeting are to be directed to Kara Homan, Director, Community Development Department at 920-832-6468.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
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Meeting Minutes - Final City Plan Commission

Wednesday, April 24, 2024

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order by Chair Mayor Woodford at 3:30 p.m.

2. Pledge of Allegiance

3. Roll call of membership

Present: 7 - Palm, Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

Others present:

Alderman Nate Wolff, District #12

Paul Fluette, Badger Family Property LLC, 1131 N. Badger Avenue

Satbir Singh, W6028 Blazing Star Drive

Tim Maertz, RMA Architects

4. Approval of minutes from previous meeting

[24-0440](#)

City Plan Minutes from 4-10-24

Attachments: [City Plan Minutes 4-10-24.pdf](#)

Dane moved, seconded by Robins, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

5. Public Hearing/Appearances

[24-0441](#)

Special Use Permit #1-24 to establish a 521 square foot tavern inside the existing storage garage space located at 1201 N. Badger Avenue (Tax Id #31-5-2130-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #24-0442)

Attachments: [ClassIIPublicHearingNoticeNewspaper_1201NBadgerAv_SUP#1-24.pdf](#)
[PublicHearingNoticeNeighborhood_1201NBadgerAv_SUP#1-24.pdf](#)

*This public hearing was held and the following person spoke:
Paul Fluette, Badger Family Property LLC, 1131 N. Badger Avenue*

The comments from a voicemail message received shortly before the meeting from Janet Stellmacher of 1121 N. Badger Avenue were provided to the Commission.

This public hearing was held, and 1 person spoke on the item. The comments from a voicemail message received shortly before the meeting from Janet Stellmacher of 1121 N. Badger Avenue were also provided to the Commission and are attached to File #24-0442.

6. Action Items

[24-0442](#)

Request to approve Special Use Permit #1-24 to establish a 521 square foot tavern inside the existing storage garage space located at 1201 N. Badger Avenue (Tax Id #31-5-2130-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_1201NBadgerAv_SUP_For4-24-24.pdf](#)
[Voicemail from Janet Stellmacher 4-24-24.pdf](#)
[Email from Janet and Ron Stellmacher 4-24-24.pdf](#)

The voicemail message comments received shortly before the Plan Commission meeting and provided to the Commission, as well as an email received after the meeting adjourned, from Janet and Ron Stellmacher are attached.

Fenton moved, seconded by Palm, that Special Use Permit #1-24 be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

[24-0443](#)

Request to approve the acceptance of the proposed dedication of the outlot identified for public trail purposes within Southpoint Commerce Park, per Wis. State Statute §62.23(5), as shown on the attached maps and the 2017 Trails Master Plan

Attachments: [Memo PlanCommission Southpoint TrailAcquisitionandDedication F or4-24-24.pdf](#)

Fenton moved, seconded by Palm, that the acceptance of the dedication of the outlot identified for public trail purposes within Southpoint Commerce Park be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

[24-0444](#)

Elect Vice Chair

Neuberger nominated Alderperson Fenton for Vice Chair. Palm seconded the nomination. No other nominations were received. Motion carried 7/0 and Fenton was elected Vice Chair.

[24-0445](#)

Set Meeting Date and Time

The members agreed to keep the meeting date and time as it currently stands at 3:30 p.m. on the 2nd & 4th Wednesdays of the month.

[24-0446](#)

Designate Contact Person

Director Kara Homan was designated as the contact person.

7. Information Items

8. Adjournment

Palm moved, seconded by Robins, that the meeting be adjourned at 3:39 p.m. Roll Call. Motion carried by the following vote:

Aye: 7 - Palm, Robins, Mayor Woodford, Dane, Uitenbroek, Neuberger and Fenton

NOTICE OF INFORMAL PUBLIC HEARING
OF THE
APPLETON CITY PLAN COMMISSION

Dear property owner(s):

The City of Appleton Plan Commission will conduct an Informal Public Hearing on Wednesday, May 8, 2024, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the following proposed rezoning request.

The owner, Emerald Valley Estates LLC, Robert DeBruin, is requesting to rezone part of property tax id #31-1-7600-00 from AG Agricultural District to R-1B Single-family District. The R-1B district is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Purpose of the Rezoning: Facilitate the construction of the *8th Addition to Emerald Valley Subdivision* consisting of approximately 18 single-family lots located west of Providence Avenue and Aquamarine Avenue and north of Jasper Lane. (See attached maps)

ALDERMANIC DISTRICT: 13 – Alderperson Sheri Hartzheim

You are being notified as a policy of the City of Appleton Community Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

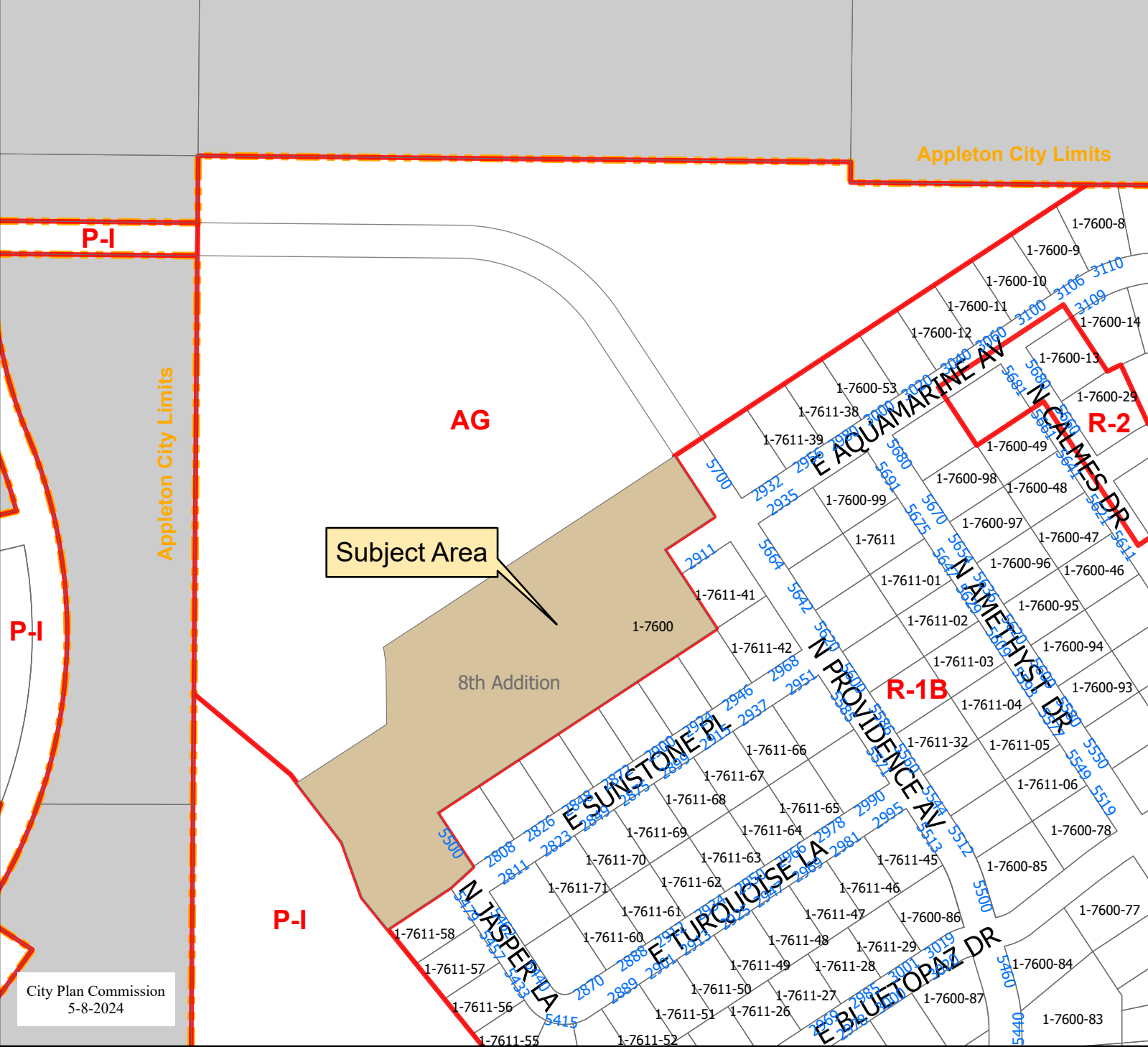
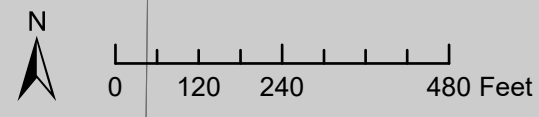
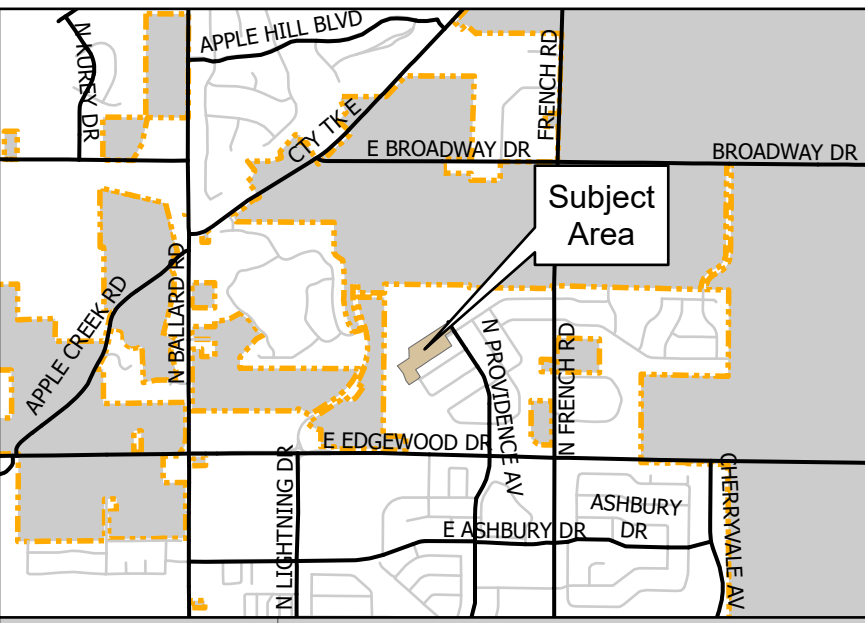
Any questions regarding this matter should be directed to Don Harp, Principal Planner, in the Community Development Department at 920-832-6466 or by email at don.harp@appleton.org

CITY PLAN COMMISSION

COMMUNITY DEVELOPMENT DEPARTMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911-4799
920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Rezoning AG Agricultural District to R-1B Single-family District Emerald Valley 8th Addition



Rezoning AG Agricultural District to R-1B Single-family District Emerald Valley 8th Addition Aerial Map



REZONING REFERENCE MAP

PART OF THE NORTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



SCALE 1"=200'
BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM

UNPLATTED LANDS
OWNER: EMERALD VALLEY ESTATES
ZONED AG

6.982 ACRES
AG TO R1-B

OUTLOT 1
C.S.M. NO. 6311
OWNER: CITY OF APPLETON
ZONED PI

SOUTH 1/4 CORNER
SECTION 6
T21N, R18E

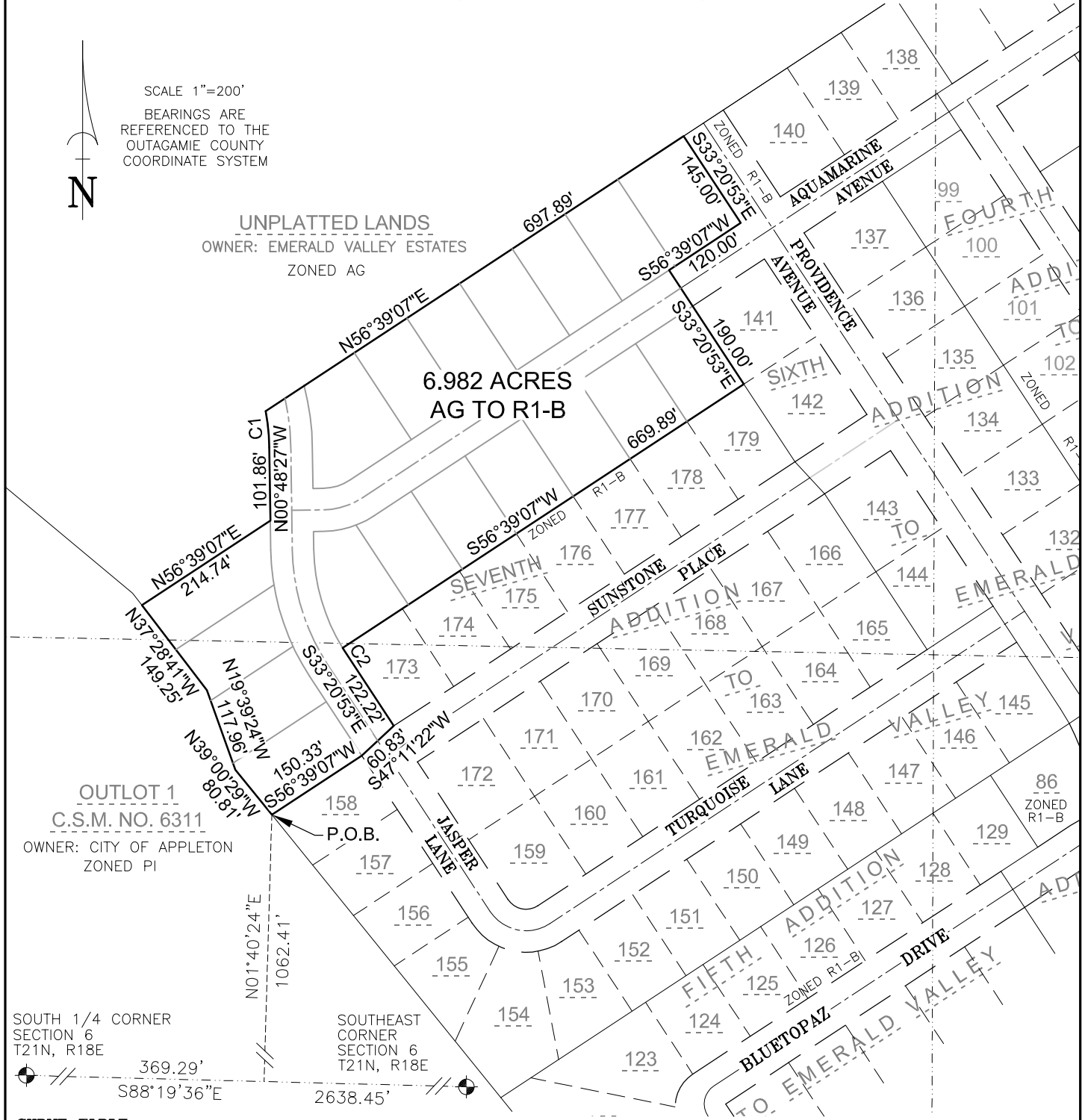
SOUTHEAST CORNER
SECTION 6
T21N, R18E

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	300.00'	009°45'58"	51.14'	N 05°41'26.0" W	51.07'	N 00°48'27" W	N 10°34'25" W
2	270.00'	001°39'06"	7.78'	S 32°31'20.0" E	7.78'	S 31°41'47" E	S 33°20'53" E

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1377 Midway Road
Menasha, WI 54952
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info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0534-012
FILE 1-0534-012zone_8thAdd.dwg
THIS INSTRUMENT WAS DRAFTED BY: C.Cleary





Community
Development
Department

REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: May 8, 2024

Common Council Public Hearing Meeting Date: June 5, 2024
(Public Hearing on Rezoning)

Item: Rezoning #3-24 – Eighth Addition to Emerald Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Parcel #: Part of 31-1-7600-00

Petitioner's Request: The owner/applicant is requesting a zoning change of 6.982 acres of land from AG Agricultural District to R-1B Single-Family District to construct the Eighth Addition to the Emerald Valley subdivision. This phase consists of 18 lots.

BACKGROUND

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

The Preliminary Plat for the Eighth Addition is also being presented at this May 8, 2024 Plan Commission meeting. If approved, the preliminary plat and the subject rezoning request will be reported out at the same Common Council meeting on June 5, 2024.

STAFF ANALYSIS

Existing Conditions: The portion of the lot to be rezoned is currently undeveloped and zoned AG Agricultural District.

Proposed Zoning Classification: The purpose of the R-1B Single-family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet
- 2) **Maximum lot coverage:** 50%
- 3) **Minimum lot width:** 50 feet
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street)
- 5) **Minimum rear yard:** 25 feet
- 6) **Minimum side yard:** 6 feet
- 7) **Maximum building height:** 35 feet

Surrounding Zoning and Land Uses:

North: AG Agricultural District – undeveloped land, anticipate being further subdivided by the Ninth and Tenth Additions to Emerald Valley subdivision
South: R-1B Single-Family District – residential uses
East: R-1B Single-Family District – residential uses
West: P-I Public Institutional District – City drainage corridor

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses.

Overall Community Goals

Goal 1 – Community Growth (Chapter 10)

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Findings: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on the subject site after the platting process has been completed.

Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5)

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

Findings: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on subject site after the platting process has been completed. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels.

5.1 OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

5.3 OBJECTIVE: Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Findings: The request is consistent with these objectives because the single-family zoning classification will allow the subject site to be developed with residential housing units. Adding to the supply of housing units will help to meet the demand for housing in Appleton as specified in the market study per the College North Neighborhood Plan – Chapter 4: Market Study 2020-2030.

6.3 OBJECTIVE: Create an environment that is safe and conducive to walking and bicycling throughout the entire city.

6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods.

6.3.5 Continue to implement the City's On-Street Bike Lane Plan and the Sidewalk Installation Policy as approved by the Common Council to ensure multi-modal transportation opportunities.

Findings: The proposed development will be a continuation of the lot-block pattern and straight street patterns previously established by the earlier phases of Emerald Valley Subdivision. As new homes are built, new sidewalk segments will be installed in this area of the City. Once all sidewalk segments are connected together, opportunities for walking to services, schools, and parks and transit will exist in this area of the City. These objectives and policies appear to be met.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

Findings: The anticipated development is consistent with this objective and policy, as adequate public infrastructure exists in this area of the City.

9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

Findings: The proposed development will be contiguous to an existing residential area which can be efficiently served by connecting to existing public infrastructure located in this area of the City.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above and the Future Land Use Map, which identifies this site for future one/two-family residential land use.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development. *College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study. The zoning map amendment (AG Agricultural District to R-1B Single-family Residential District) will help to meet the demand for housing in Appleton as specified in the market study.*
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*

2. The effect of the proposed rezoning on surrounding uses. *Single-family uses are already present to the south and east of the subject site. The rezoning request is being made to accommodate the Eighth Addition of this residential subdivision which will expand this residential neighborhood. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

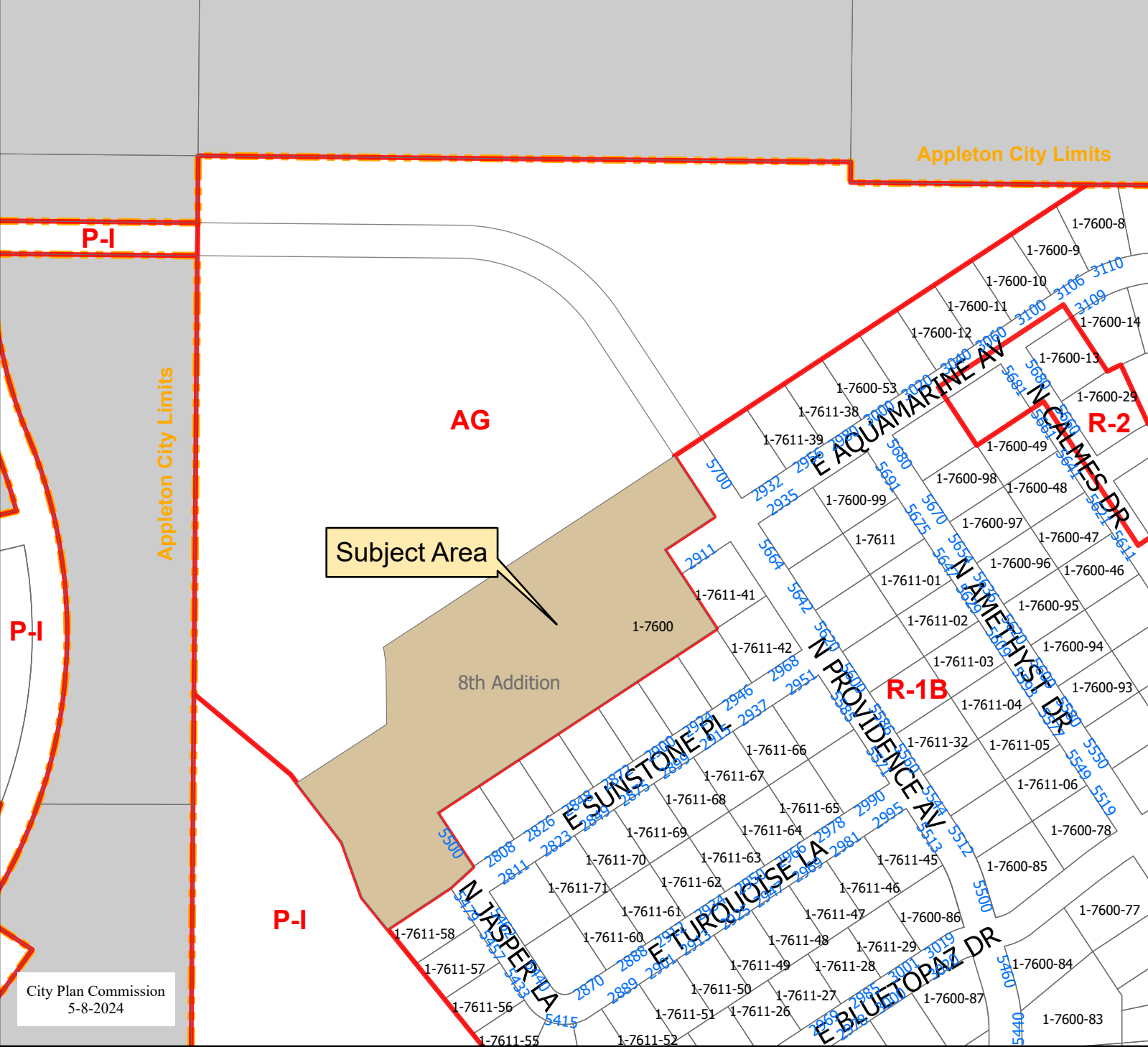
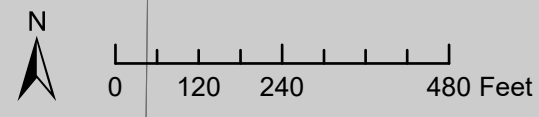
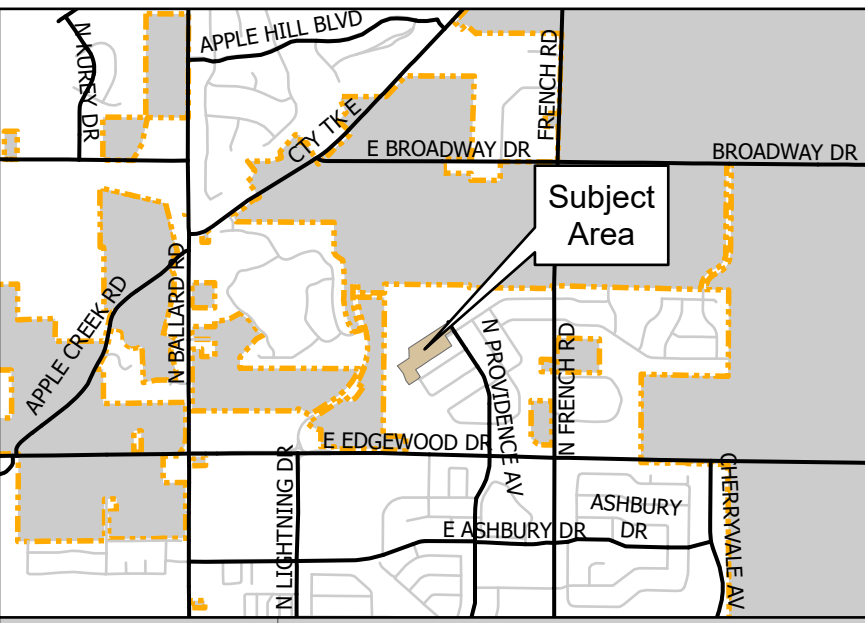
Technical Review Group Report (TRG): This item appeared on the April 2, 2024 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-24 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

NOTE: The Preliminary Plat for the Eighth, Ninth and Tenth Additions to Emerald Valley will be reported out at the same Common Council meeting (June 5, 2024) as Rezoning #3-24 to accurately reflect the change in zoning classification from AG District to R-1B District.

Rezoning AG Agricultural District to R-1B Single-family District Emerald Valley 8th Addition



Rezoning AG Agricultural District to R-1B Single-family District Emerald Valley 8th Addition Aerial Map



Subject Area

8th Addition

Appleton City Limits

REZONING REFERENCE MAP

PART OF THE NORTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



SCALE 1"=200'
BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM

UNPLATTED LANDS
OWNER: EMERALD VALLEY ESTATES
ZONED AG

**6.982 ACRES
AG TO R1-B**

OUTLOT 1
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SOUTH 1/4 CORNER
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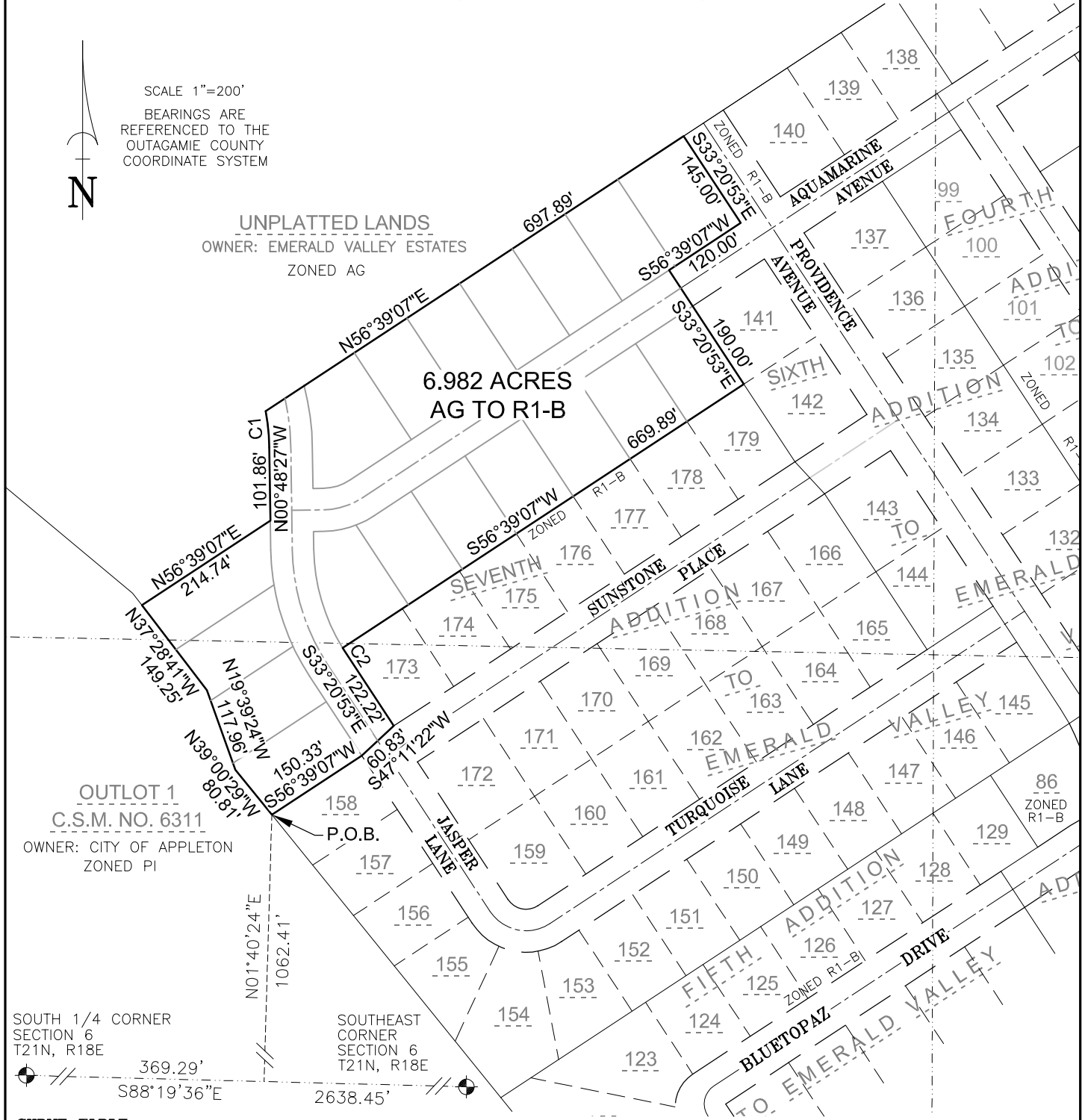
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2	270.00'	001°39'06"	7.78'	S 32°31'20.0" E	7.78'	S 31°41'47" E	S 33°20'53" E

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info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0534-012
FILE 1-0534-012zone_8thAdd.dwg
THIS INSTRUMENT WAS DRAFTED BY: C.Cleary





Community
Development
Department

REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: May 8, 2024

Common Council Meeting Date: June 5, 2024

Item: Preliminary Plat – Eighth, Ninth and Tenth Additions to Emerald Valley

Prepared by: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Parcel #: 31-1-7600-00

Petitioner's Request: The owner/applicant is proposing to subdivide property under a multi-phased approach.

BACKGROUND

Rezoning #3-24 for the Eighth Addition to Emerald Valley is also being presented at this May 8, 2024 Plan Commission meeting. If approved, the preliminary plat and the subject rezoning request will be reported out at the same Common Council meeting on June 5, 2024.

On April 10, 2024, staff held a pre-submittal discussion with the owner/applicant representatives about the tentative meeting schedule, complete street policy, stormwater/sewer modeling, proposed park dedication and trail connections.

On January 26, 2023, staff held a conceptual discussion with the owner/applicant and their consulting engineer about the design and layout for the Eighth, Ninth and Tenth Additions to Emerald Valley.

The Final Plat for the Sixth and Seventh Additions to Emerald Valley consisting of 50 residential lots was approved by the Common Council on December 16, 2020.

The Final Plat for the Fifth Addition to Emerald Valley consisting of 23 residential lots was approved by the Common Council on April 4, 2018.

The Final Plat for the Fourth Addition to Emerald Valley consisting of 15 residential lots was approved by the Common Council on March 21, 2018.

The Final Plat for the Third Addition to Emerald Valley consisting of 11 residential lots was approved by the Common Council on May 3, 2017.

The Final Plat for the Second Addition to Emerald Valley consisting of 28 residential lots was approved by the Common Council on September 17, 2014.

Preliminary Plat – Eighth, Ninth and Tenth Additions to Emerald Valley
May 8, 2024
Page 2

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. On September 29, 2020, a concept plan for future phases of Emerald Valley subdivision showing future roads, lots and park land was presented to the City, which called for the creation of an additional 56 residential lots and 4 outlots.

STAFF ANALYSIS

Existing/Proposed Conditions: The subject area to be subdivided is currently undeveloped. The Eighth, Ninth and Tenth Additions to Emerald Valley consists of 33.263 acres and will be divided into 56 single-family lots and 4 outlots.

Zoning Ordinance Review Criteria: R-1B Single-Family Residential District lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed typical single-family lot size within this development is 12,000 square feet.*
- Minimum lot width: Fifty (50) feet. Lot width is measured between the side lot lines measured along front lot line.
 - *All proposed single-family lots comply with this minimum requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required front yard setback has been shown on the Preliminary Plat. Required building/structure setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*

Preliminary Plat – Eighth, Ninth and Tenth Additions to Emerald Valley

May 8, 2024

Page 3

Compliance with the Appleton Municipal Code Regulations: This subdivision complies with the Appleton Municipal Code regulations, except for the code sections listed below.

Outlot 8 cannot be recommended for approval at the Final Plat stage because it does not meet the public and/or private road frontage requirements or access requirements of the Appleton Municipal Code.

- Section 17-26 (c)(1) of the Municipal Code, all lots shall abut on a public street or an approved access. Note: Outlots maybe designated for stormwater ponds, environmentally sensitive areas, parks/trails, landscape features owned and maintained by the developer or City with approved access point to public/private roads by an access easement. Alternatively, a note on the plat specifying, “the lot is not buildable at this time as it does not meet the public road frontage or access requirements per the Appleton Municipal Code.”

Analysis: An outlot may be conveyed regardless of whether it may be used as a building site. However, the Municipal Code specifies all lots, including outlots, shall abut on a public street or an approved access. Prior to Final Plat approval of the Ninth or Tenth Additions to Emerald Valley, Outlot 8 shall comply with Section 17-26(c)(1) of the Municipal Code or add a note on the plat specifying, “the lot is not buildable at this time as it does not meet the public road frontage or access requirements per the Appleton Municipal Code,” in addition to an access easement so the owner can maintain this outlot. Staff was informed by the developer’s representatives that Outlot 8 maybe conveyed to the developer of the land north of Emerald Valley Estates.

Per Section 17-26(g) of the Municipal Code, “Excessive lot depth in relation to width shall be avoided. A proportion of two (2) length to one (1) width shall normally be considered a desirable maximum for lot widths of sixty (60) feet or more.”

Analysis: Lots 232, 233, 234, 235 exceed the 2 depth to 1 width ratio (4 -5.7 to 1). The location of Officially Mapped Providence Avenue dictated the depth of these proposed lots.

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

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

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met for Lots 232, 233, 234, and 235.

Access, Traffic & Street Design: The proposed street design for the Eighth, Ninth and Tenth Additions to Emerald Valley was approved by the Municipal Services Committee on April 22, 2024 and by the Common Council on May 1, 2024.

Preliminary Plat – Eighth, Ninth and Tenth Additions to Emerald Valley

May 8, 2024

Page 4

Surrounding Zoning and Land Uses:

- North: AG Agricultural District – undeveloped land, anticipate being further subdivided by the Ninth and Tenth Additions to Emerald Valley subdivision
- South: R-1B Single-Family District – residential uses
- East: R-1B Single-Family District – residential uses
- West: P-I Public Institutional District and AG Agricultural District – City drainage corridor and future City parkland

2010-2030 Comprehensive Plan: Community Development staff has reviewed this proposed subdivision and determined it is consistent with the One and Two-Family Residential and Public Parks and Open Space uses shown on the City’s 2010-2030 Comprehensive Plan Future Land Use Map.

Overall Community Goals

Goal 1 – Community Growth (Chapter 10)

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5)

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

5.1 OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

5.3 OBJECTIVE: Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study this proposed single-family development will help to meet the demand for housing in Appleton as specified in the market study.

6.3 OBJECTIVE: Create an environment that is safe and conducive to walking and bicycling throughout the entire City.

6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City’s policies to require sidewalks in new neighborhoods.

6.3.5 Continue to implement the City’s On-Street Bike Lane Plan and the Sidewalk Installation Policy as approved by the Common Council to ensure multi-modal transportation opportunities.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

Preliminary Plat – Eighth, Ninth and Tenth Additions to Emerald Valley

May 8, 2024

Page 5

7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

18.1 OBJECTIVE: Continue to work with land developers and municipalities to acquire new park land through dedication or other means, as new development occurs.

18.1.1 Continue park land and trail dedication, or fee-in-lieu-of land dedication requirements for all new residential development. Additional land should be required for new development in the north, far southeast, and southwest parts of Appleton and its future growth area.

18.3 OBJECTIVE: Develop the City's park system as an interconnected network of sites linked by greenways and trails.

Parks and Open Space: The Appleton Subdivision Regulations requires parkland dedication or fee in lieu thereof for residential subdivisions. The Development Agreement executed on March 23, 2021 for the Sixth and Seventh Additions to Emerald Valley specifies Outlot 5 consisting of 3.78 acres shall be dedicated to the City as “Public Park” with the Eighth Addition to Emerald Valley. The parkland dedication standard of Section 17-29 of the Municipal Code has been satisfied; therefore, the City will not collect park fees for the Eighth, Ninth and Tenth Additions to Emerald Valley pursuant to Section 17-29 of the Municipal Code.

Plat Review Team (PRT) & Technical Review Group (TRG) Report: This item appeared on the following internal staff meeting agendas:

April 2, 2024 - PRT & TRG Agendas

April 16, 2024 - PRT Agenda

Comments pertaining to preliminary stormwater management, drainage, erosion control, utilities, street design, parkland dedication, plat layout and other technical requirements have been received from participating departments and captured in the stipulations found below. Technical comments have been submitted to the applicant by a separate review letter from the Plat Review Team.

City of Appleton Trails Master Plan (January 2017) (December 2020 Amendment): The City of Appleton Trails Master Plan proposed network map identifies a proposed trail within Outlots 6 and 7 and along the west side of Outlot 8. However, Parks and Recreation staff will be contacting TC Energy to obtain authorization to construct a public trail within gas line easement located on Outlots 6 and 7. The City cannot commit on accepting ownership of Outlots 6 and 7 at this time.

Preliminary Plat – Eighth, Ninth and Tenth Additions to Emerald Valley

May 8, 2024

Page 6

FUTURE ACTIONS

An approved Preliminary Plat shall be deemed an expression of approval or conditional approval of the plat layout and used as a guide in the preparation of the Final Plat which will be subject to further consideration by the Plan Commission and Common Council.

The Final Plat materials shall be submitted within 36 months of last required approving authority of the Preliminary Plat, pursuant to Section 17-6(d) of the Municipal Code. If the Final Plat materials for the Ninth and Tenth Addition to Emerald Valley are not submitted within the 36-month timeframe, the developer is required to recommence the procedure for Preliminary Plat approval per Section 17-6(d).

Prior to City signatures being affixed to the Final Plat for the Ninth and Tenth Additions to Emerald Valley, the developer shall apply for and received approval of a rezoning from AG Agricultural District to R-1B Single-family District.

RECOMMENDATION

The Preliminary Plat for the Eighth, Ninth and Tenth Additions to Emerald Valley, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. Grant all modifications listed in the staff report for Lots 232, 233, 234 and 235.
2. The following information shall be identified on the Final Plat for the Eighth Addition to Emerald Valley:
 - a. On the Final Plat, show Outlot 5 being dedicated as “Public Park”. The Development Agreement executed on March 23, 2021 for the Sixth and Seventh Addition to Emerald Valley specifies Outlot 5 (3.78 acres) shall be dedicated to the City as “Public Park” as part of the Eighth Addition to Emerald Valley.
3. Prior to the conveyance of Outlots 6 and 7 during the final plat stage for the Ninth and Tenth Addition to Emerald Valley for the purpose of the City acquiring ownership of the land for a future public trail within the gas line easement, the City of Appleton will need to obtain permission from TC Energy for future public trail construction with the gas line easement area.
4. Prior to City signatures being affixed to the Final Plat for the Ninth and Tenth Addition to Emerald Valley, the developer shall apply for and receive approval of a rezoning from AG Agricultural District to R-1B Single-family District.
5. Prior to Final Plat approval of the Ninth or Tenth Addition to Emerald Valley, Outlot 8 shall comply with Section 17-26(c)(1) of the Municipal Code or add a note on the plat specifying, “the lot is not buildable at this time as it does not meet the public road frontage or access requirements per the Appleton Municipal Code,” in addition to an access easement so the owner can maintain this outlot.

Preliminary Plat – Eighth, Ninth and Tenth Additions to Emerald Valley

May 8, 2024

Page 7

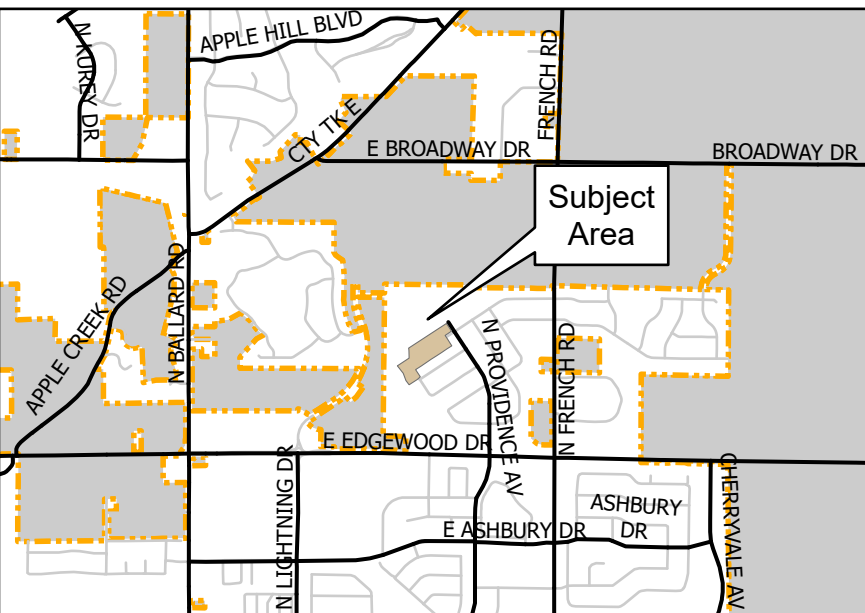
6. The applicant shall submit the Erosion & Sediment Control Plan & Application, satisfying the comments made by the Erosion Control Inspector pursuant to the Plat Review Team letter dated March 28, 2024.
7. The applicant shall submit a revised Drainage Plan, Engineering Plans for sanitary sewer, water main, storm sewer, street and laterals satisfying the comments made by the Department of Public Works, Engineering Division pursuant to the Plat Review Team letter dated April 18, 2024, prior to Final Plat approval.
8. A Development Agreement is required between the City and owner/developer that identifies the duties and responsibilities with respect to development of the subject land. The applicant and owner, Community Development Director, and City Engineer shall discuss the preparation and process of this agreement. City signatures will not be affixed to the Final Plat for the Eighth, Ninth and Tenth Addition to Emerald Valley until the Development Agreement is executed by the owner/developer.
9. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

NOTE: If approved, the Preliminary Plat for the Eighth, Ninth and Tenth Additions to Emerald Valley and Rezoning #3-24 from AG Agricultural District to R-1B Single-family District will be reported out at the same Common Council meeting on June 5, 2024.

Preliminary Plat Emerald Valley 8th, 9th & 10th Addition



0 120 240 480 Feet



Appleton City Limits

P-I

10th Addition

AG 9th Addition

Subject Area

8th Addition

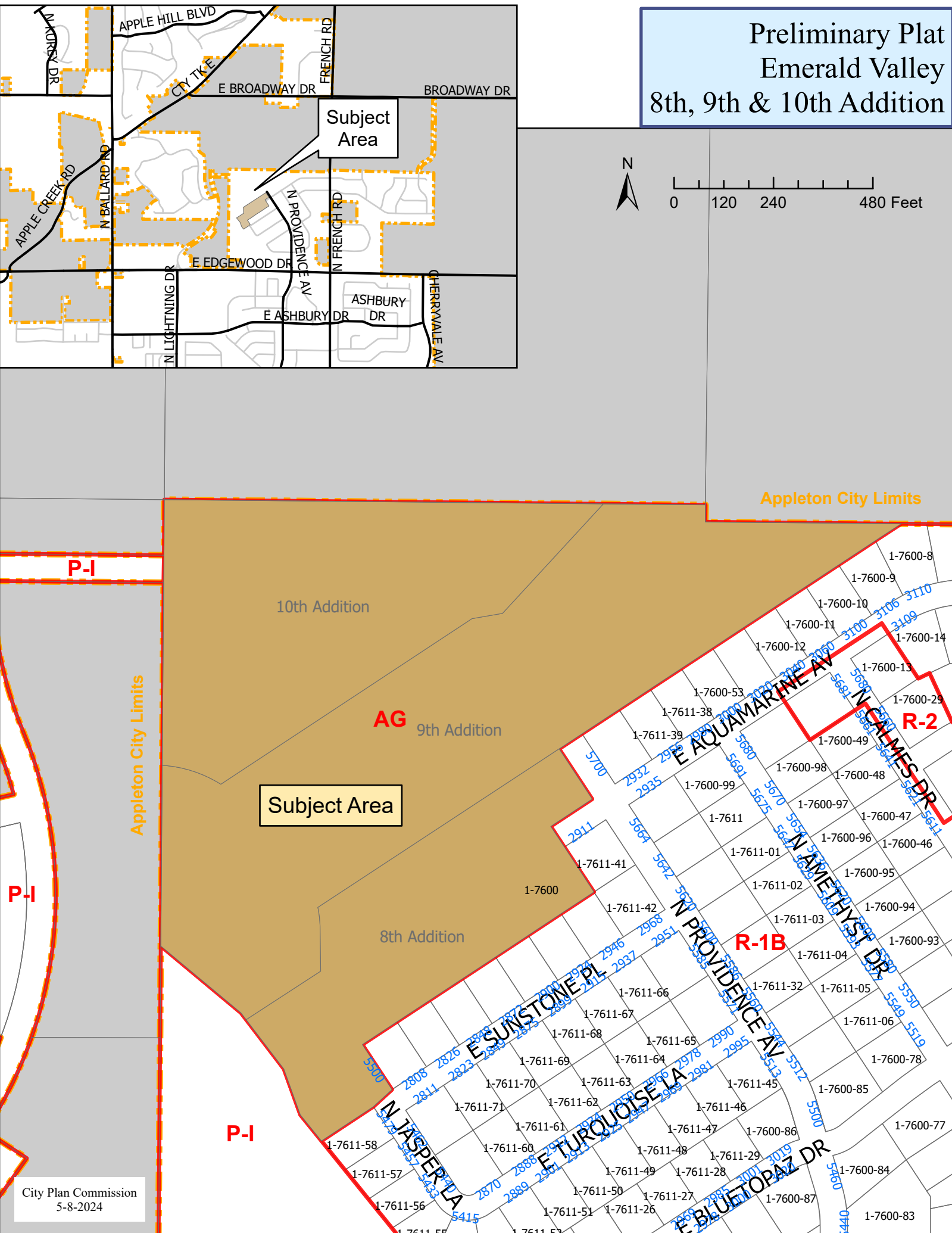
P-I

Appleton City Limits

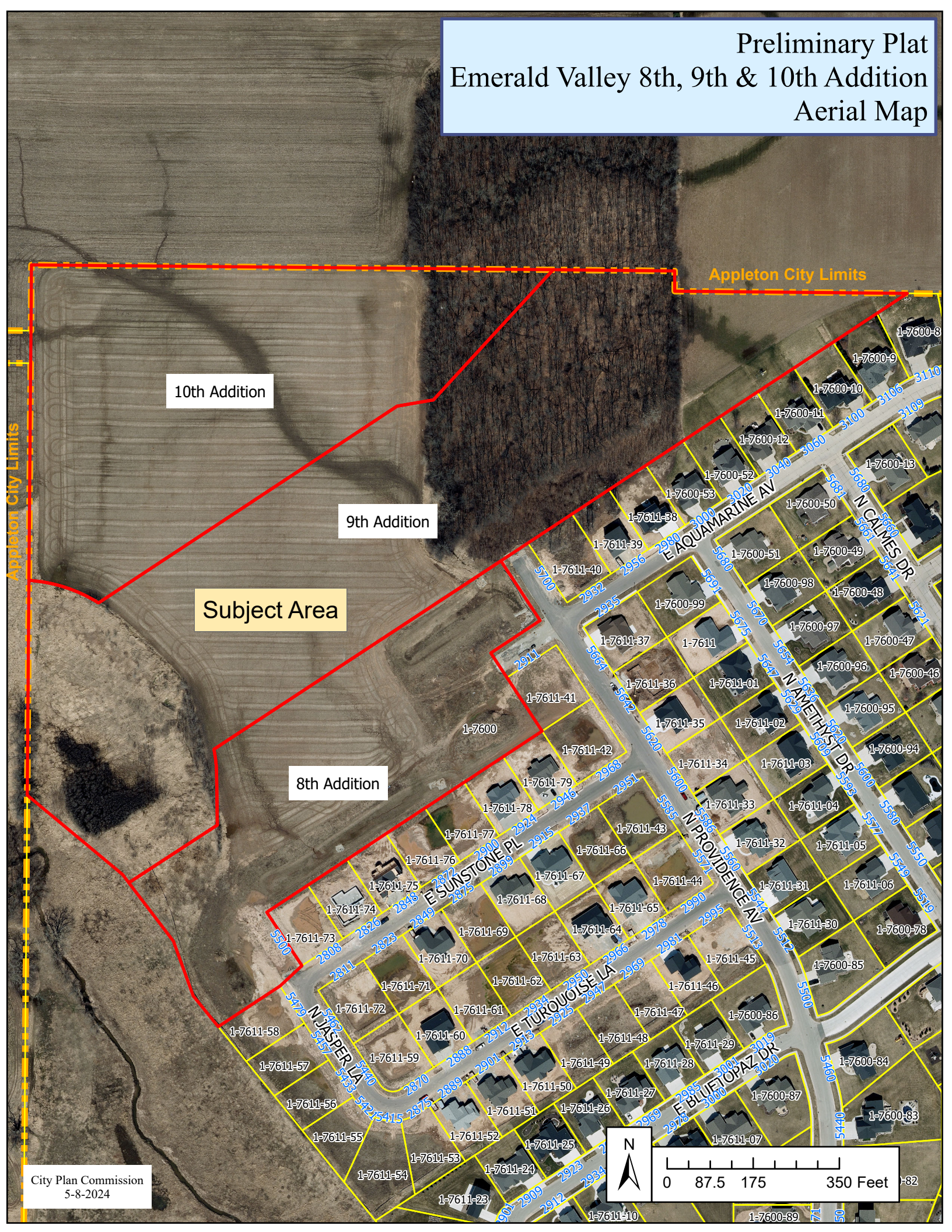
P-I

R-2

R-1B



Preliminary Plat Emerald Valley 8th, 9th & 10th Addition Aerial Map



10th Addition


9th Addition

Subject Area

8th Addition



CITY OF APPLETON

Date: May 1, 2024
To: Members of the Common Council
From: Mayor Jacob A. Woodford 
Subject: Confirmation of Appointment

It is with pleasure that I present the following recommendation for your confirmation at the May 1, 2024, Common Council meeting.

City Plan Commission

Richard Carpenter

Term Ends April 2027