



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 14, 2023

Common Council Public Hearing Meeting Date: July 19, 2023
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-23 and Rezoning #3-23

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner(s)/Applicant: Lawrence University of Wisconsin and Jimmy and Inthava Phimmasene c/o Michael Lokensgard, Godfrey & Kahn, S.C.

Addresses/Tax Id #'s: 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00), 321 East College Avenue (Tax Id: 31-2-0007-00), and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and South Drew Street.

Petitioner's Request: "Lawrence University of Wisconsin ("Lawrence") is seeking to rezone Parcels 31-2-0005, -0008 and -0009 from P-I Public Institutional District to CBD Central Business District. This request for a corresponding amendment to the City of Appleton's Comprehensive Plan Future Land Use Map is being made in conjunction with that request.

The City's Comprehensive Plan Future Land Use Map (the "Map") identifies the future use of these parcels, along with Parcel 31-2-0007 (the Taste of Thai restaurant), as Public/Institutional. This is the only area anywhere on College Avenue between Drew and Richmond Streets that the Comprehensive Plan Future Land Use Map identifies for future Public/Institutional use.

With the exception of these three parcels, all of the properties on both sides of College Avenue between Drew Street and Richmond Street are zoned CBD. Upon information and belief, the Lawrence parcels were zoned P-I when that classification was first created solely due to their being owned by Lawrence. Rezoning them to CBD would result in a uniform zoning classification being applicable to the entire south side of College Avenue between Drew and Durkee Streets.

Parcel 31-2-0005 (Lawrence's "Conservatory West" offices) is a legal, non-conforming use in a P-I district, as it does not meet applicable setback or off-street parking requirements. However, the building does meet all of the requirements of the CBD District. Were the Conservatory West building to ever be removed, it would be extremely difficult to repurpose the parcel if P-I District requirements were applied.

Parcels 31-2-0008 and 31-2-0009 are vacant, but their potential use is significantly limited by the requirements of the P-I district.

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Lawrence is developing a long-term strategic plan for its real estate holdings and wishes to preserve maximum flexibility with respect to these parcels. Lawrence has determined that having these parcels designated as future CBD would permit their development (or redevelopment, as the case may be) in line with the balance of the block (and downtown) and would permit a greater variety of mixed – use, revenue generating options, including potential residential use on floors above street level. Moreover, anything Lawrence would do with the parcels would be consistent with a CBD designation, since higher educational institutions are specifically permitted in the CBD District.

This rezoning would be consistent with the City’s Comprehensive Plan, which notes that College Avenue is “a perfect example of an urban core street.” Rezoning will permit Lawrence to develop uses and an accompanying streetscape consistent with that characterization.

We note that Parcel 31-2-2007 is already zoned CBD, and the proposed amendment to the Map simply brings the Map into conformance with the actual use of that parcel. The owner of Parcel 31-2-2007 has consented to this request.

BACKGROUND

The Memorial Presbyterian Church previously occupied Tax Id: 31-2-0009-00. The permit to raze the building was issued on November 11, 1966. This parcel is currently undeveloped.

The Armory Building previously occupied Tax Id: 31-2-0008-00. The permit to raze the building was issued on May 20, 1969. A 7-stall off-street parking lot currently occupies this parcel.

The Taste of Thai restaurant building currently occupies Tax Id: 31-2-0007-00. Special Use Permit #5-19 was issued to the Taste of Thai for restaurant and sidewalk café with alcohol sales and service.

Lawrence University of Wisconsin’s “Conservatory West” offices currently occupies Tax Id: 31-2-0005-00. The building is mixed use with offices and residential apartments and a 14- stall off-street parking lot.

On March 15, 2017, the Common Council approved/adopted the 5-year update to the Comprehensive Plan 2010-2030 and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the Comprehensive Plan 2010-2030. That is the case for this request.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: Combined, the subject land area totals approximately 35,059.88 square feet (0.804 acres). The subject land area has frontage along East College Avenue, South Drew Street and an Alley.

Street Classification: On the City's Arterial/Collector Plan, East College Avenue is classified as an arterial street, South Drew Street is classified as a collector street, and the Alley is classified as a local street.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – CBD Central Business District.

Future Land Use Designation – Central Business District.

Current Land Use – Various commercial uses, including residential apartments and the Outagamie County History Museum.

South: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Lawrence University Campus, including Brokaw Hall, Colman Hall and faculty/student off-street parking.

East: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Lawrence University Campus, including Main Hall, and other academic administration buildings and residence halls.

West: Zoning – CBD Central Business District.

Future Land Use Designation – Central Business District.

Current Land Use – Mix of commercial uses, including residential apartments.

Proposed Future Land Use Designation: The owner(s)/applicant propose to amend the City's Comprehensive Plan 2010-2030 to change the Future Land Use Map designation for the subject site (Tax Id #'s 31-2-0005-00, 31-2-0007-00, 31-2-0008-00 and 31-2-0009-00) from:

- Future Public/Institutional land use to future Central Business District land use.

Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a mixed-use development proposal for the subject site is necessitating the change to Central Business District designation.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

OBJECTIVE 7.10 Utilities and Community Facilities:

Continue to coordinate, partner, and collaborate with educational institutions to support access for all to education.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

OBJECTIVE 10.1 Land Use:

Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:

3.1 Encourage mixed-use and mid-density residential redevelopment on under-utilized or marginal sites on the edge of downtown.

Proposed Zoning Classification: CBD Central Business District. This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental, and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Per Section 23-114(i) of the Municipal Code, the development standards for the CBD District are listed below:

- 1) **Minimum lot area:** 2,400 square feet.
- 2) **Maximum lot coverage:** 100%.
- 3) **Minimum lot width:** 20 feet.

- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:**
 - a. None.
 - b. 10 feet abutting residentially-zoned district.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 200 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to establish uniform zoning and accommodate future mixed-use development. If the rezoning request is approved, any future development would need to conform to the CBD Central Business District zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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. 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. *If Future Land Use Map Amendment #1-23 is approved, the rezoning request for Tax Id #'s 31-2-0005-00, 31-2-0008-00 and 31-2-0009-00 will be in conformance with the Comprehensive Plan 2010-2030.*
 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.
 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.

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- 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 site is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning and future land uses.*
 2. The effect of the proposed rezoning on surrounding uses. *Central Business District zoning already exists on one of the subject parcels (Tax Id #31-2-0007-00). A mix of commercial, public institutional and residential apartment uses are already located north, south, east and west of the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #1-23 is approved.

Technical Review Group (TRG) Report: These items appeared on the May 23, 2023 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-23 for the subject parcels located at 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00), 321 East College Avenue (Tax Id: 31-2-0007-00), and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and South Drew Street from future Public/Institutional land use to future Central Business District land use designation and resolution, **BE APPROVED**; and

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-23 to rezone the subject parcels located at 313, 315, and 319 East College Avenue (Tax Id: 31-2-0005-00) and vacant lots (Tax Id: 31-2-0008-00 and Tax Id: 31-2-0009-00) located along East College Avenue on the southwest corner of East College Avenue and Drew Street from P-I Public Institutional District to CBD Central Business District, including to the centerline of the adjacent street and alley right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #3-23 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-23 to accurately reflect the change in future land use from future Public/Institutional land use to future Central Business District land use designation.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on June 14, 2023, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-23) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 14, 2023, and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property Tax Id #'s 31-2-0005-00, 31-2-0007-00, 31-2-0008-00 and 31-2-0009-00 on the Future Land Use Map from (Public/Institutional Use) to (Central Business District).

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

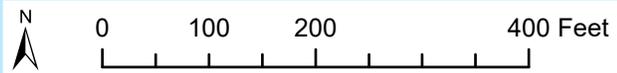
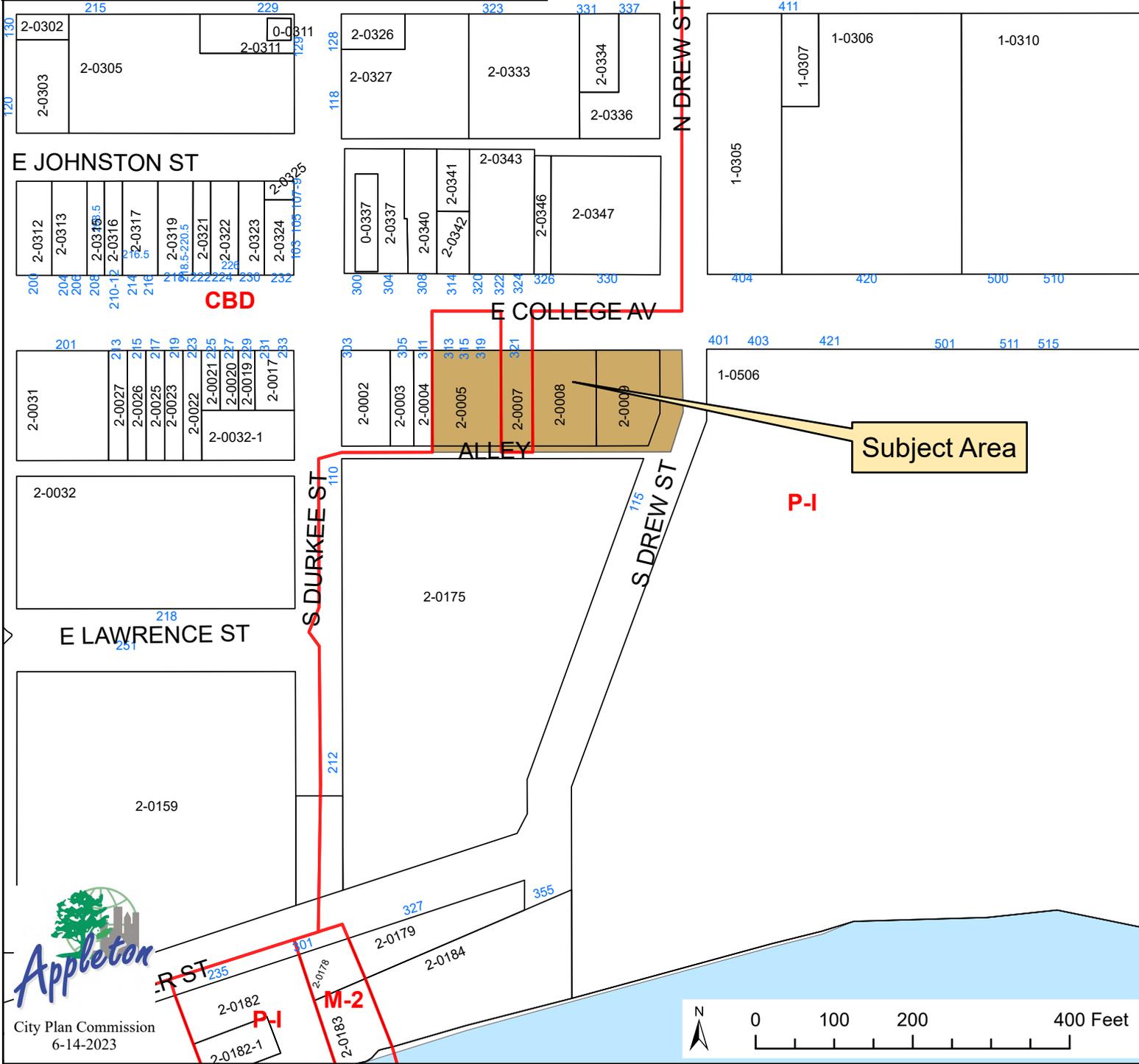
Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

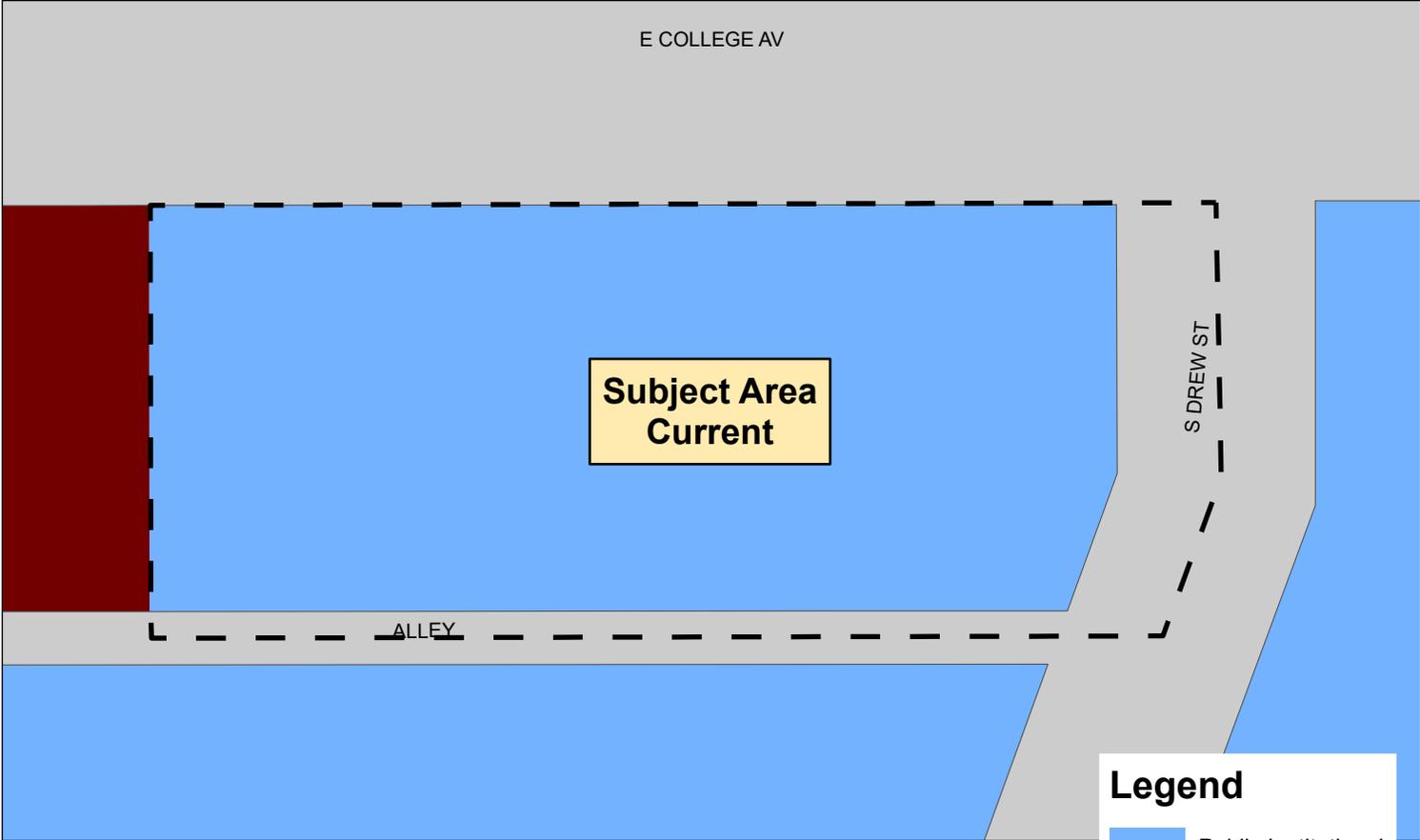
ATTEST:

Kami Lynch, City Clerk

Future Land Use Map Amendment Future Public/Institutional to Central Business District Vicinity Map

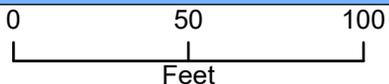
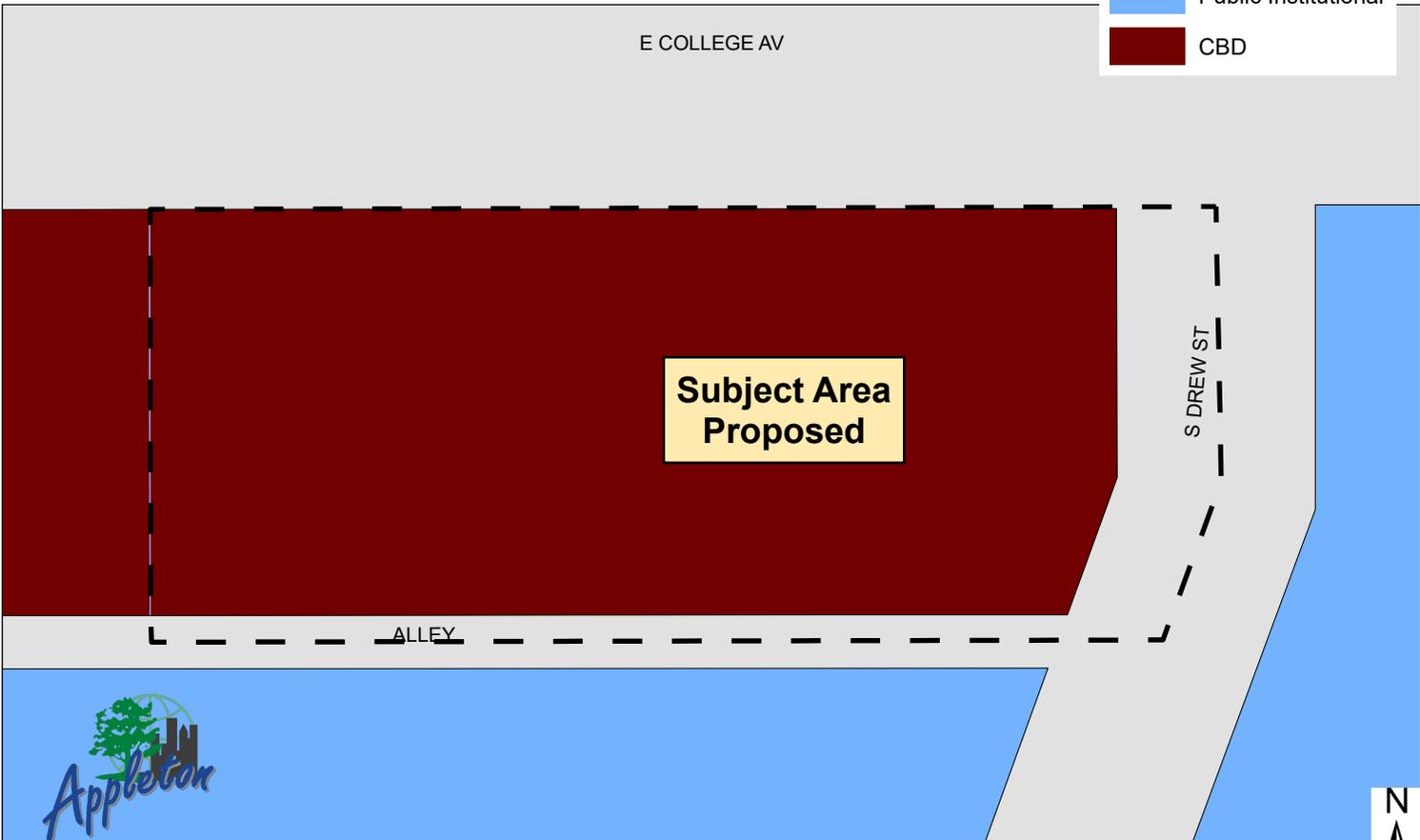


Future Land Use Map Amendment
Future Public/Institutional to Central Business District

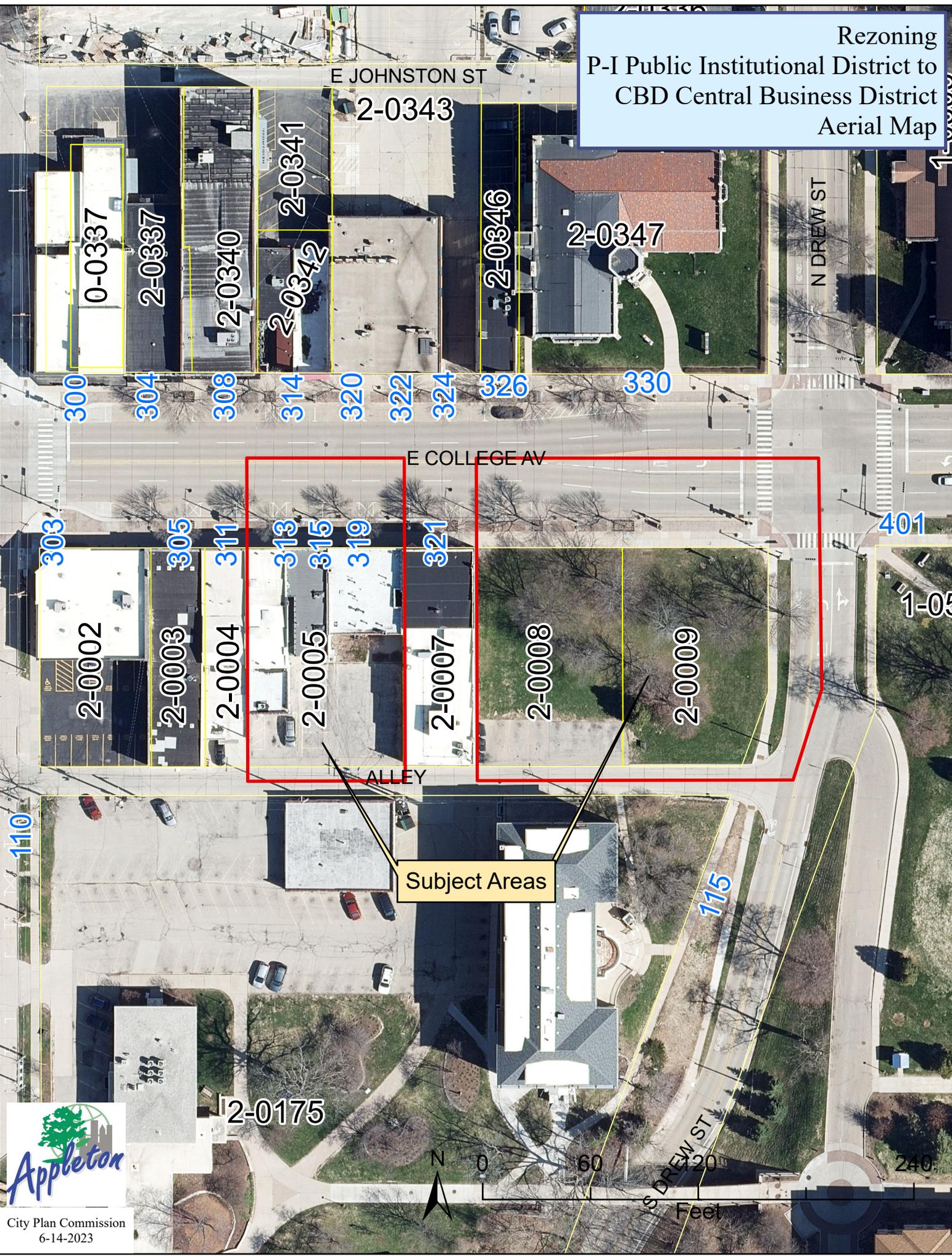


Legend

- Public Institutional
- CBD



Rezoning
P-I Public Institutional District to
CBD Central Business District
Aerial Map



Subject Areas

