



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** August 24, 2022

**Common Council Public Hearing Meeting Date:** September 21, 2022  
(Public Hearing on Rezoning)

**Item:** Rezoning #4-22 – 1430 N. Ballard Road

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Owner/Applicant:** Onstage Audio, LLC c/o Melvin & Lisa Kohl – Event Production Systems

**Address/Parcel:** 1430 N. Ballard Road (Tax Id #31-1-5207-00)

**Petitioner's Request:** The applicant proposes to rezone the subject parcel from M-2 General Industrial District to C-2 General Commercial District. The request is being made to facilitate expansion of the existing parcel by purchasing additional land to the south. The rezoning is needed so both parcels have consistent zoning designations. The additional land area will provide more parking for the subject business.

### BACKGROUND

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The subject property currently contains a commercial building that is approximately 3,000 square feet in size. The property currently contains a business (Event Production Systems) that offers professional audio, video, lighting and staging services. This business will continue to operate in this location.

The Board of Zoning Appeals approved variances for the rear setback, lot area and lot coverage on July 18, 2022. The variances were needed in order for the lot to comply with the C-2 General Commercial district minimum development standards stated in Section 23-113(h). The applicant applied for the variances in anticipation of submitting this rezoning request.

The applicant proposes to purchase additional land to the south to facilitate an expansion of the parking area. A Certified Survey Map will be required to create the new, larger parcel. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, combining additional land from the parcel to the south to the subject parcel, which are currently in different zoning districts, also necessitates a rezoning.

### STAFF ANALYSIS

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**Existing Site Conditions:** The subject parcel is approximately 11,625 square feet in size. Ballard Road is classified as an arterial street on the City's Arterial/Collector Plan. Currently, the parcel is developed with a single-story building and a paved area that has been used for off-street parking, with vehicular access provided by a curb cut on Ballard Road.

**Surrounding Zoning Classification and Land Uses:**

North: M-2 General Industrial District. The adjacent land use to the north is industrial.

South: C-2 General Commercial District. The adjacent land use to the south is currently a vacant commercially zoned property.

East: R-1A Single-Family District. The adjacent land uses to the east are currently single-family residential.

West: R-2 Two-Family District and R-3 Multifamily District. The adjacent land uses to the west are currently two-family residential and multi-family residential.

**Proposed Zoning Classification:** The purpose of the C-2 General Commercial District is to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public. The development standards for the C-2 District are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
  - a. None.
  - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 35 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 accommodate the purchase of additional land to the south to facilitate an expansion of the parking area. The rezoning is needed so the existing parcel and the additional land have consistent zoning designations. A Certified Survey Map will be completed to create the larger parcel.

If the rezoning request is approved, any future development would be reviewed against the C-2 District zoning regulations and other applicable sections of the Zoning Ordinance. Parking lot reconstruction and/or expansion would require site plan review and approval, pursuant to Section 23-570 of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with a future Commercial designation. The proposed C-2 General Commercial District rezoning is consistent with the Future Land Use Map. Listed below are related 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.*

*Goal 8 – Economic Development*

*Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

*OBJECTIVE 9.4 Economic Development:*

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

*OBJECTIVE 9.5: Economic Development:*

*Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business 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 10.5 Land Use:*

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

**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. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area for future commercial 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.
  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. *Industrial zoning already exists on the subject parcel. A mix of commercial uses are already present in this area of City and are adjacent to this parcel. The proposed rezoning would facilitate continued investment and growth for the existing business located on this parcel. 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.

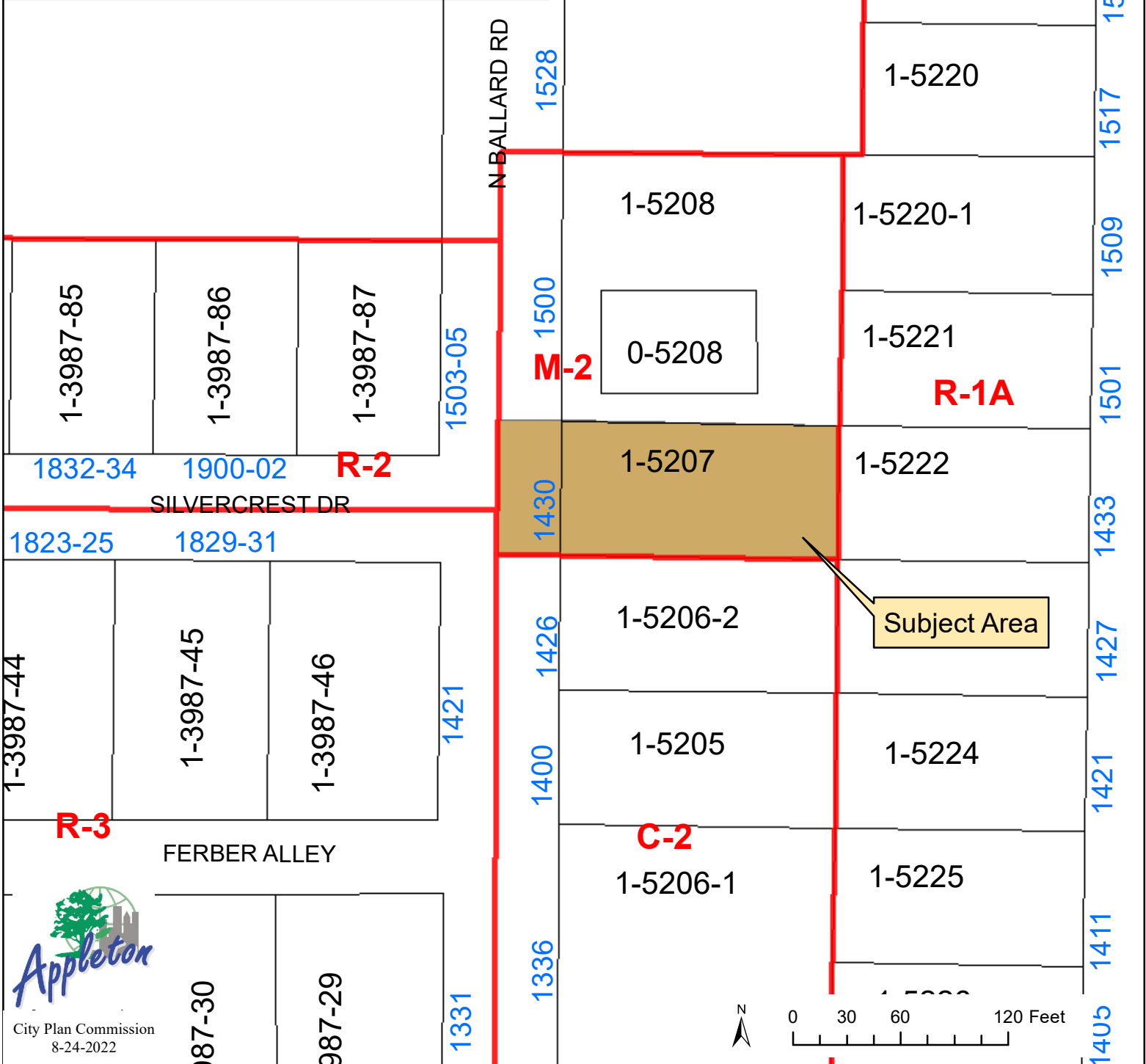
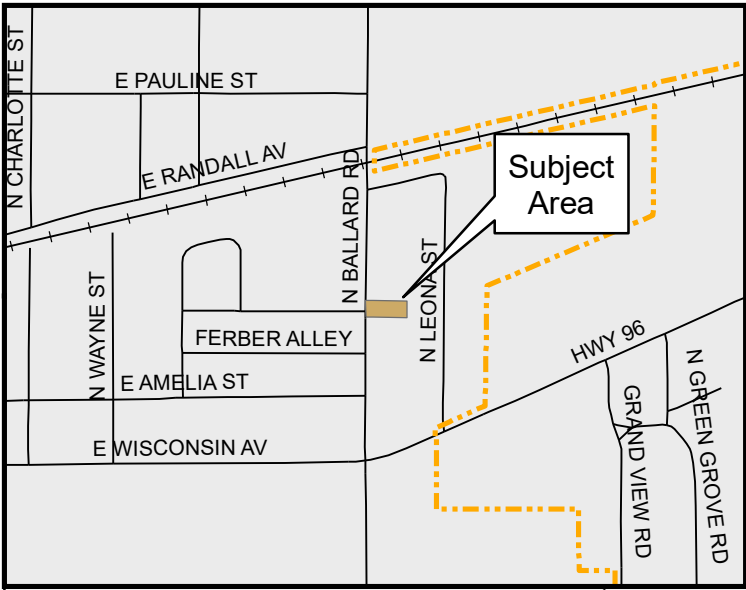
**Technical Review Group (TRG) Report:** This item appeared on the August 2, 2022 TRG agenda. No negative comments were received from participating departments.

## **RECOMMENDATION**

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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 #4-22 to rezone the subject parcel located at 1430 N. Ballard Road (Tax Id #31-1-5207-00) from M-2 General Industrial District to C-2 General Commercial District, including to the centerline of the adjacent one-half (1/2) right-of-way of North Ballard Road, as shown on the attached map, **BE APPROVED**.

Event Production Systems  
 Rezoning  
 M-2 General Industrial District to C-2  
 General Commercial District  
 Zoning Map



Event Production Systems  
Rezoning  
M-2 General Industrial District to C-2  
General Commercial District  
Aerial Map



Subject Area

N BALLARD RD

SILVERCREST DR

FERBER ALLEY

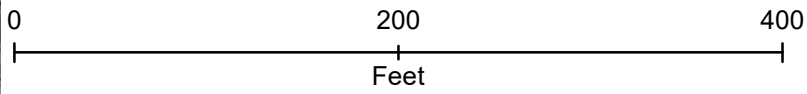
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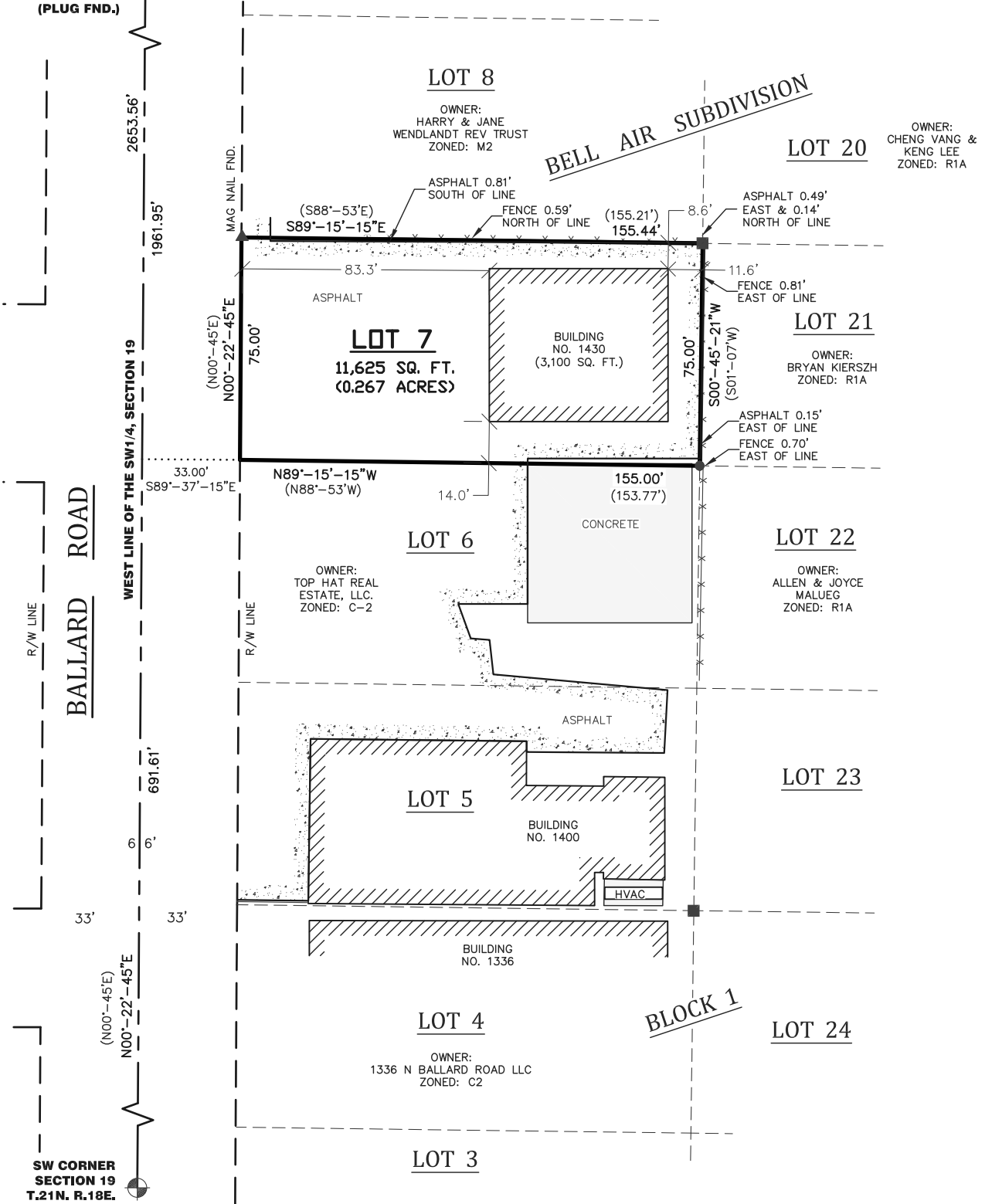
City Plan Commission  
8-24-2022



# REZONING EXHIBIT MAP

LOT 7, BLOCK 1, BELL AIR SUBDIVISION, BEING PART OF THE SW1/4 OF THE SW1/4, SECTION 19, T.21N., R.18E., CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

W1/4 CORNER SECTION 19 T.21N. R.18E. (PLUG FND.)

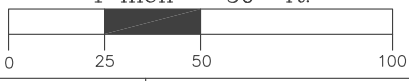


SW CORNER SECTION 19 T.21N. R.18E. (PLUG FND.)

### -LEGEND-

- = 1" IRON PIPE FOUND
- = 3/4" REBAR FOUND
- ⊕ = COUNTY MONUMENT FOUND
- ( ) = RECORDED INFORMATION
- \* - \* - \* - = EXISTING FENCE

GRAPHIC SCALE  
1 inch = 50 ft.



**SURVEY NOTES:**

-THE INTENT OF THIS EXHIBIT IS TO DEPICT LANDS TO BE REZONED FROM M-2 GENERAL INDUSTRIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

-PROPERTY OWNER: ONSTAGE AUDIO, LLC. - C/O MELVIN KOHL

-PROPERTY ADDRESS: 1430 N. BALLARD RD. APPLETON, WI 54911

BEARINGS REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM AND THE WEST LINE OF THE SW1/4, SECTION 19, T.21N., R.18E.; WHICH BEARS: N00°-22'-45"E (N00°-45"E)

**MERIDIAN SURVEYING, LLC**

N9637 Friendship Drive Kaukauna, WI 54130  
Office: 920-993-0881 Fax: 920-273-6037

DRAWN BY: J.B.	FIELD WORK DATE: 4-26-22
CHECKED BY: S.C.D.	FIELD BOOK: X
JOB NO.: 13654	SHEET 1 OF 1

**SURVEYED FOR:**  
DAN NELESSEN  
W3044 BROADWAY DRIVE  
FREEDOM, WI 54913

**PARCEL ID:**  
311520700

**DEED:**  
DOC. NO. 2006548

All of Lot Seven (7), Block One (1), Bell Air Subdivision, as recorded in Volume 15 of Plats on Page 19 as Document No. 450970, located in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Nineteen (19), Township Twenty-One (21) North, Range Eighteen (18) East, City of Appleton, Outagamie County, Wisconsin containing 11,625 square feet (0.267 acres) of land and including the adjacent one-half (1/2) right-of-way of N. Ballard Road.