



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** September 27, 2023

**Common Council Public Hearing Meeting Date:** October 18, 2023  
(Public Hearing on Rezoning)

**Item:** Rezoning #7-23 – 4704 N. Ballard Road (Tax Id #31-1-8008-00) & adjacent land locked parcel directly to the east (Tax Id #31-1-8007-00)

**Case Manager:** Lindsey Smith, Principal Planner

### GENERAL INFORMATION

**Applicant:** Mark Boehlke of Hoffman Planning, Design & Construction

**Owner:** Prospera Credit Union, Sheila Schinke, CEO

**Address/Parcel #:** 4704 N. Ballard Road (Tax Id #31-1-8008-00) and adjacent land locked parcel directly to the east (Tax Id #31-1-8007-00)

**Petitioner's Request:** The owner/applicant proposes to rezone the subject parcels from Temporary AG Agricultural District and R-1A Single-family District to C-2 General Commercial District. The proposed C-2 General Commercial District zoning classification is consistent with the current *Comprehensive Plan 2010-2030* Future Land Use Map and would allow the subject parcels to be developed in accordance with C-2 District Regulations.

### BACKGROUND

The land locked parcel (Tax Id #31-1-8007-00) was annexed into the City of Appleton through the Van Handel Annexation on July 24, 1993, and the subject parcel officially came into the City with R-1A Single-family District zoning classification.

On September 6, 2023, the Common Council approved the 4704 N. Ballard Road Annexation Ordinance. The property was officially annexed to the City on September 12, 2023, at 12:01 a.m. The subject parcel officially came into the City with Temporary AG Agricultural District zoning classification. If the temporary zoning classification is not amended within 90 days, the zoning reverts to AG Agricultural District, per Section 23-65(e) of the Municipal Code.

### STAFF ANALYSIS

**Existing Site Conditions:** The subject parcels total approximately 3.48 acres. 4704 N. Ballard Road has frontage on Ballard Road, which is classified as an arterial street on the City's Arterial/Collector Plan. 4704 N. Ballard Road is developed with a single-family residence. The adjacent land locked parcel directly to the east consists of vacant, undeveloped land.

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**Nonconforming Use:** 4704 N. Ballard Road was zoned AGD Agriculture District in the Town of Grand Chute when the existing single-family residence was constructed. The proposed rezone to C-2 General Commercial District will create a legal, nonconforming use of the existing single-family residence. The legal, nonconforming use may be allowed to continue at this location pursuant to the applicable current requirements and subsequent amendments to Chapter 23 Zoning Ordinance. The owner/applicant has expressed their intent to remove the existing single-family residence, which will remove the legal, nonconforming use.

### **Surrounding Zoning Classification and Land Uses:**

North: C-2 General Commercial District and R-3 Multi-family District. The adjacent land use is Prospera Credit Union Corporate Office and Latitude 44° Apartments Homes.

South: Town of Grand Chute and C-2 General Commercial District. The adjacent land use to the south is currently a single-family residence and Northwestern Mutual Financial Office.

East: PD/R-3 Planned Development/Multi-family Residential District. The adjacent land use to the east is currently Northbrook Crossing Condos.

West: R-2 Two-family Residential District. The adjacent land use to the west is currently agricultural land.

**Proposed Zoning Classification:** The purpose of the C-2 General Commercial District is intended 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. Per Section 23-113(h) of the Municipal Code, 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:** 0 feet, 10 feet if abutting a residentially zoned district
- 7) **Maximum building height:** 35 feet

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future commercial land use. The proposed rezoning is consistent with the following goals and objectives of the *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.*

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*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 9.5 Economic Development:**

*Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

*Policy 9.5.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

**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 land uses.*
  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:

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1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area can be 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. *Commercial uses are already established to the north and south of the subject area, while multi-family uses are located to the north and east, and single-family to the south. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

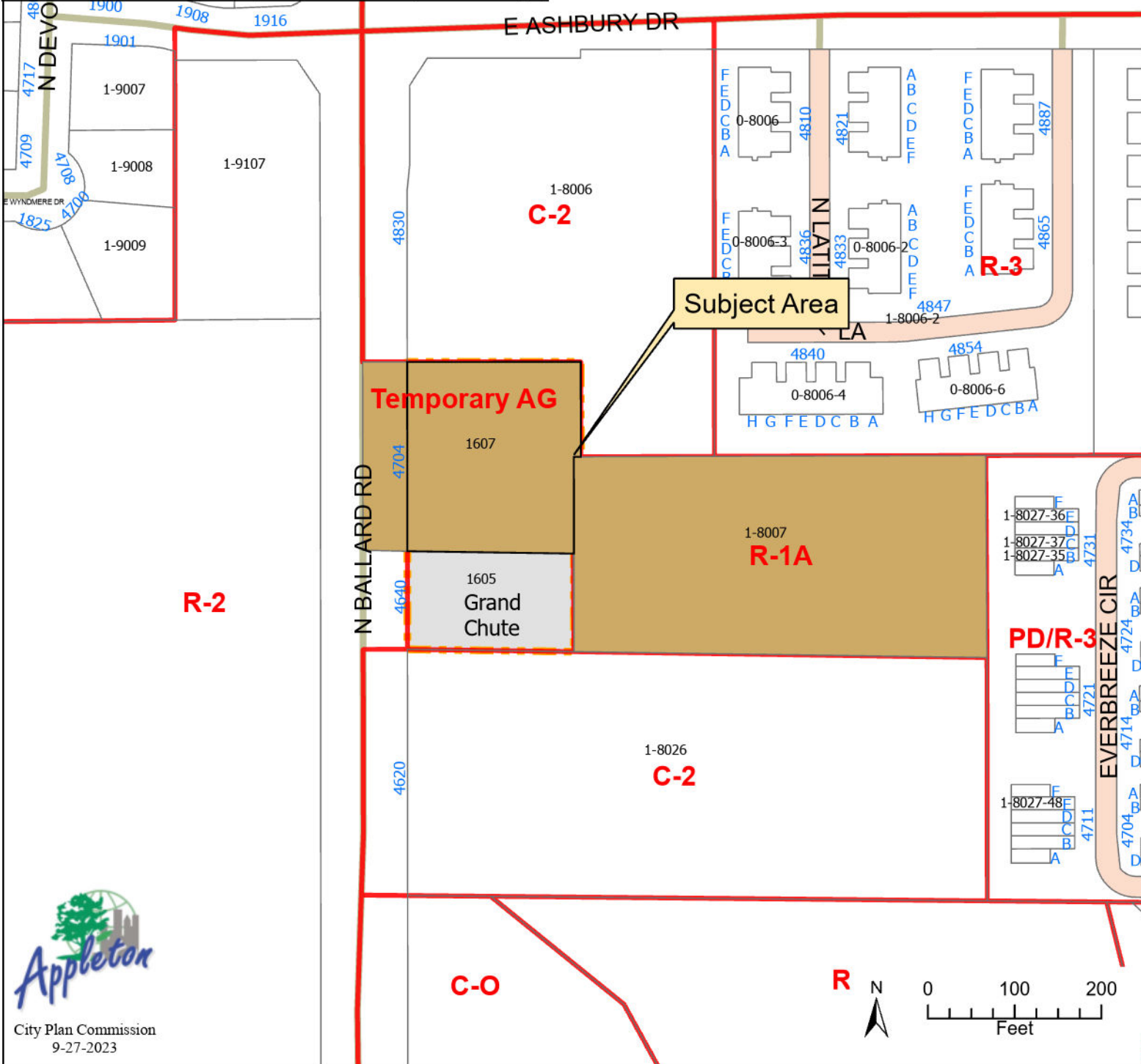
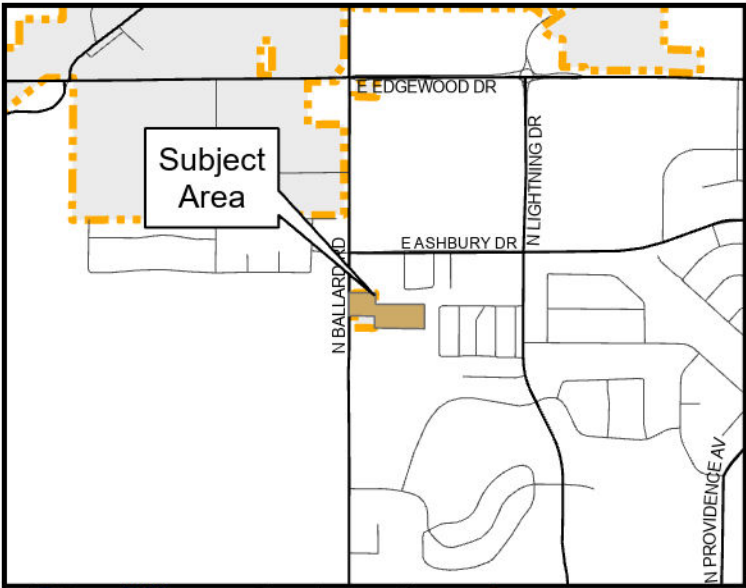
**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

**Technical Review Group Report (TRG):** This item appeared on the September 5, 2023 TRG Agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

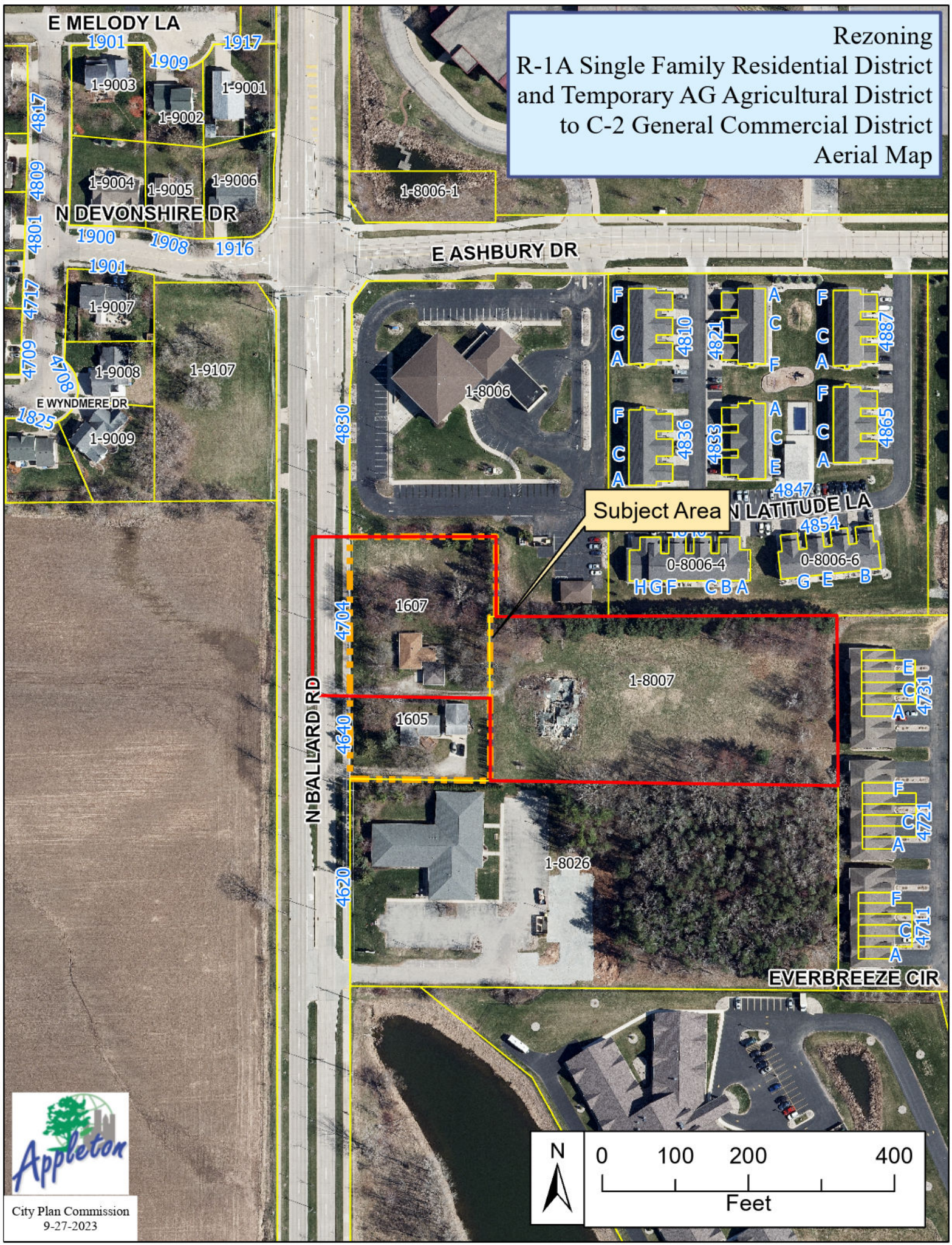
Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #7-23 to rezone the subject parcels located at 4704 N. Ballard Road (Tax Id # 31-1-8008-00) and adjacent land locked parcel directly to the east (31-1-8007-00) from Temporary AG Agricultural District and R-1A Single-family Residential District to C-2 General Commercial District, including to the centerline of the adjacent right-of-way as shown on the attached maps, **BE APPROVED.**

Rezoning  
 R-1A Single Family Residential District  
 and Temporary AG Agricultural District  
 to C-2 General Commercial District  
 Vicinity Map





Rezoning  
 R-1A Single Family Residential District  
 and Temporary AG Agricultural District  
 to C-2 General Commercial District  
 Aerial Map



Subject Area

