



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: October 27, 2021

Common Council Public Hearing Meeting Date: November 17, 2021

Item: Rezoning #11-21 – Lightning Drive/C.T.H. “JJ” (Right-of-Way) Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: City of Appleton

Applicant/Petitioner: City of Appleton Plan Commission

Parcel Numbers/Location: Part of parcels 101157000 and 101158200, included in the “Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation”, located in the vicinity of North Lightning Drive and East Edgewood Drive intersection and north thereof.

Petitioner’s Request: To assign a zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to P-I Public Institutional District. The request is being made to facilitate future construction of a street officially mapped as Lightning Drive with associated utilities and a stormwater pond.

BACKGROUND

On October 13, 2021, the Plan Commission recommended approval of the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation. During review of the annexation, the Plan Commission initiated the rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District.

Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive went into effect on October 23, 2001.

FUTURE ACTIONS

On November 3, 2021, the Common Council will take action on the Lightning Drive/C.T.H. JJ (Right-of-Way) Annexation Ordinance. It is anticipated the property will be officially annexed to the City on November 9, 2021 at 12:01 a.m.

Rezoning #11-21 is on track to go to the November 17, 2021 Common Council meeting for action.

STAFF ANALYSIS

Existing Site Conditions: The subject parcel is approximately 12.6622 acres in size. The subject property is developed with public infrastructure (stormwater pond, utilities, and roads). Also, a portion of the subject property is undeveloped agricultural land.

Street Classification: Lightning Drive is classified as a collector street on the City's Arterial/Collector Plan.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the north is currently agricultural land.

South: City of Appleton. P-I Public Institutional District, the adjacent land use to the south is currently developed as single-family residential, agricultural buildings, and undeveloped land.

West: City of Appleton. C-2 General Commercial District and R-1B Single-family District, the adjacent land use to the west is currently undeveloped commercial and single-family residential land.

Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the west is currently agricultural land.

East: Town of Grand Chute. AGD – General Agricultural District, the adjacent land use to the east is currently agricultural land.

Proposed Zoning Classification: The purpose of the P-I Public Institutional District is to provide for public and institutional uses (roads/utilities) and buildings utilized by the community and to provide open space standards where necessary for the protection of adjacent residential properties. Per Section 23-100(h) of the Municipal Code, the development standards for the P-I District are listed below:

- 1) **Minimum lot area:** None.
- 2) **Maximum lot coverage:** 70%.
- 3) **Minimum lot width:** None.
- 4) **Minimum front yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 5) **Minimum rear yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 6) **Minimum side yard:** 20 feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
- 7) **Maximum building height:** 60 feet.

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Zoning Ordinance Review Criteria: Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with rezoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The Comprehensive Plan of the City.

In this case, the Plan Commission initiated a rezoning for the subject property from temporary AG Agricultural District to the zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the P-I District zoning regulations listed above and other sections of the Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as Officially Mapped Lightning Drive, Ponds/Water, Public Institutional, One/Two Family Residential and Agricultural/Private Open Space. 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.

Goal 4 – Transportation

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

OBJECTIVE 6.1 Transportation:

Plan for the safe and efficient movement of vehicles on local and regional roads.

OBJECTIVE 6.8 Transportation:

Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

OBJECTIVE 7.5 Utilities and Community Facilities:

Implement effective stormwater management practices.

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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 officially mapped Lightning Drive, other roads, and a stormwater pond.*
 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. *City infrastructure is already installed along the initial segment of Lightning Drive. Stormwater pond, sewer, and water infrastructure will be included with the future construction of Lightning Drive.*
 2. The effect of the proposed rezoning on surrounding uses. *Officially mapped Lightning Drive from East Edgewood Drive to Broadway Drive went into effect on October 23, 2001. The recent annexation will allow for the future construction of Lightning Drive and associated stormwater pond, sewer, and water infrastructure within the annexation area. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

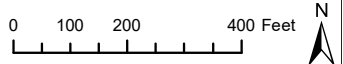
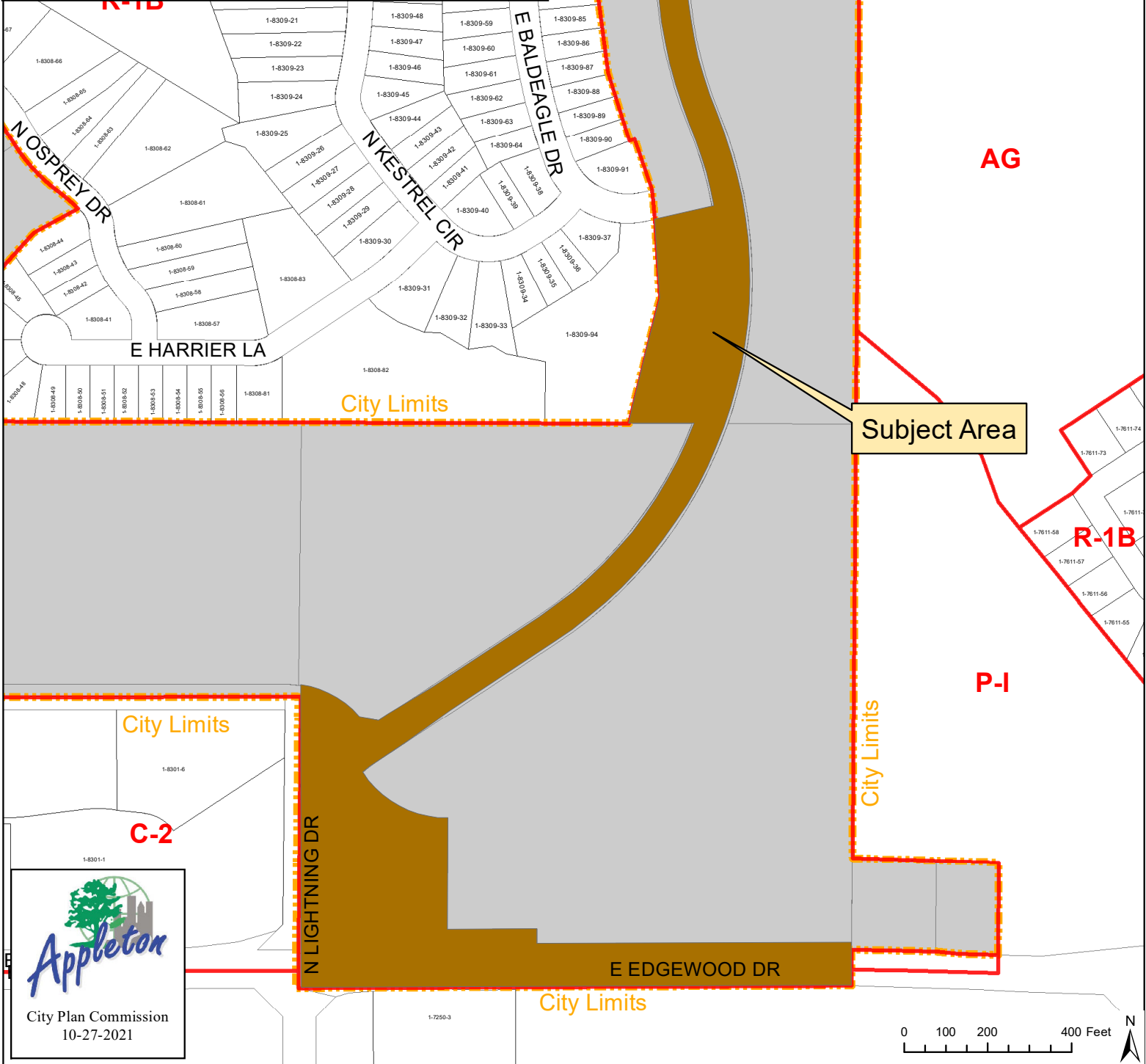
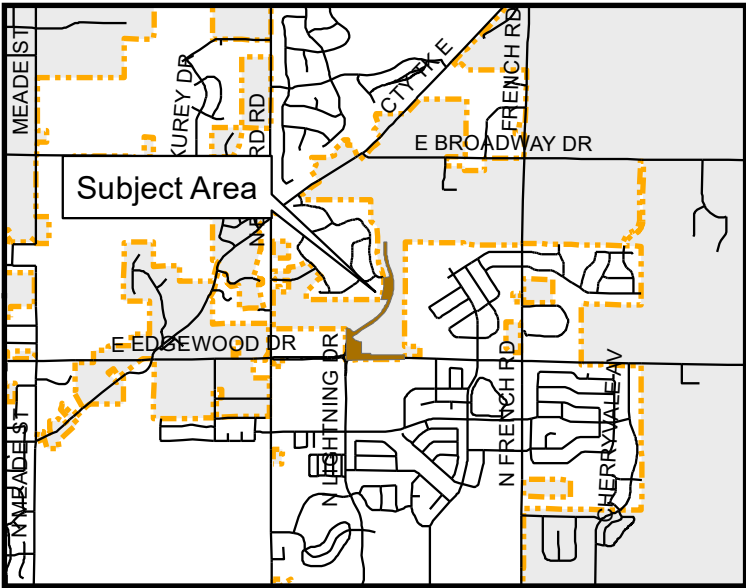
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item appeared on the August 31, 2021 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

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 #11-21 to rezone the Lightning Drive/C.T.H. "JJ" (Right-of-Way) Annexation area from temporary AG Agricultural District to P-I Public Institutional District as shown on the attached maps, **BE APPROVED.**

Lightning Drive & C.T.H. JJ (Right-of-Way)
Annexation Temporary AG Agricultural to
P-I Public Institutional District
Rezoning



Lightning Drive & C.T.H. JJ (Right-of-Way)
Annexation Temporary AG Agricultural to
P-I Public Institutional District
Aerial Map



Subject Area