



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting:** March 27, 2024

**Common Council Public Hearing Meeting:** April 17, 2024

**Item:** Rezoning #2-24 – Marcus McGuire Homes, E. Midway Road

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

### GENERAL INFORMATION

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**Owner:** Jonen Family Limited Partnership

**Petitioner:** Marcus McGuire – Marcus McGuire Homes

**Address/Tax Parcel Number:** E. Midway Road south of the roundabout at Plank Road (Parcel #31-9-4161-02)

**Petitioner's Request:** The applicant proposes to rezone the subject property from R-1A Single-family District to R-3 Multi-family District. The proposed R-3 Multi-family District zoning classification is consistent with the current *Comprehensive Plan 2010-2030* Future Land Use Map and would allow the subject property to be developed in accordance the R-3 District regulations. The applicant is proposing a future housing development.

### BACKGROUND

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The subject property was annexed into the city in 1985. At the time of annexation, the subject parcel was assigned an R-1A Single-family residential zoning classification. This was standard procedure at the time of the annexation.

### STAFF ANALYSIS

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**Existing Conditions:** The subject parcel is approximately 5.23 acres in size. The subject property is currently undeveloped and is being used for crop land.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Multi-family residential. The proposed zoning map amendment 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 3 – Housing Quality, Variety, and Affordability*

*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.*

**OBJECTIVE 5.3 Housing and Neighborhoods:**

*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.*

*Policy 5.3.3 Plan for a supply of developable land suitable for residential development.*

**OBJECTIVE 10.1 Land Use:**

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

**NOTE:** On January 7, 2004, the City of Appleton Vision 2020: Comprehensive Plan and Future Land Use Map were adopted showing future multi-family land use for the subject property. The multi-family future land use designation for this parcel was reaffirmed by the Common Council with the adoption of the subsequent Comprehensive Plan 2010-2030 on March 3, 2010 and the 5-year update to the Comprehensive Plan 2010-2030 on March 15, 2017.

**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 will help to meet the demand for housing in Appleton as specified in the market study.

**Surrounding Zoning Classification and Land Uses:**

North: R-1A Single-family District & R-3 Multi-family District: The adjacent land uses to the north are currently undeveloped (agricultural) and multi-family residential (Plank Road Apartments).

South: R-1A Single-family District: The adjacent land use to the south is currently single-family residential.

West: PD/R-3 Planned Development Multi-family District: The adjacent land use to the west is currently multi-family residential (Greenwood Village).

East: R-1A Single-family District: The adjacent land use to the east is currently undeveloped (agricultural)

**Proposed Zoning Classification:** The R-3 District is intended to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses.

**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.

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- 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 site for future Multi-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 (R-1A Single family District to R-3 Multi-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. Staff is working closely with Calumet County Highway Department regarding access to the property.*
  2. The effect of the proposed rezoning on surrounding uses. *Single-family and multi-family residential uses are already located in this area of the City. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

**Technical Review Group (TRG) Report:** This item appeared on the March 5, 2024 TRG Agenda. No negative comments were received from participating departments. The future action section captures relevant items discussed at this meeting, in addition to the staff analysis section.

### **FUTURE ACTIONS**

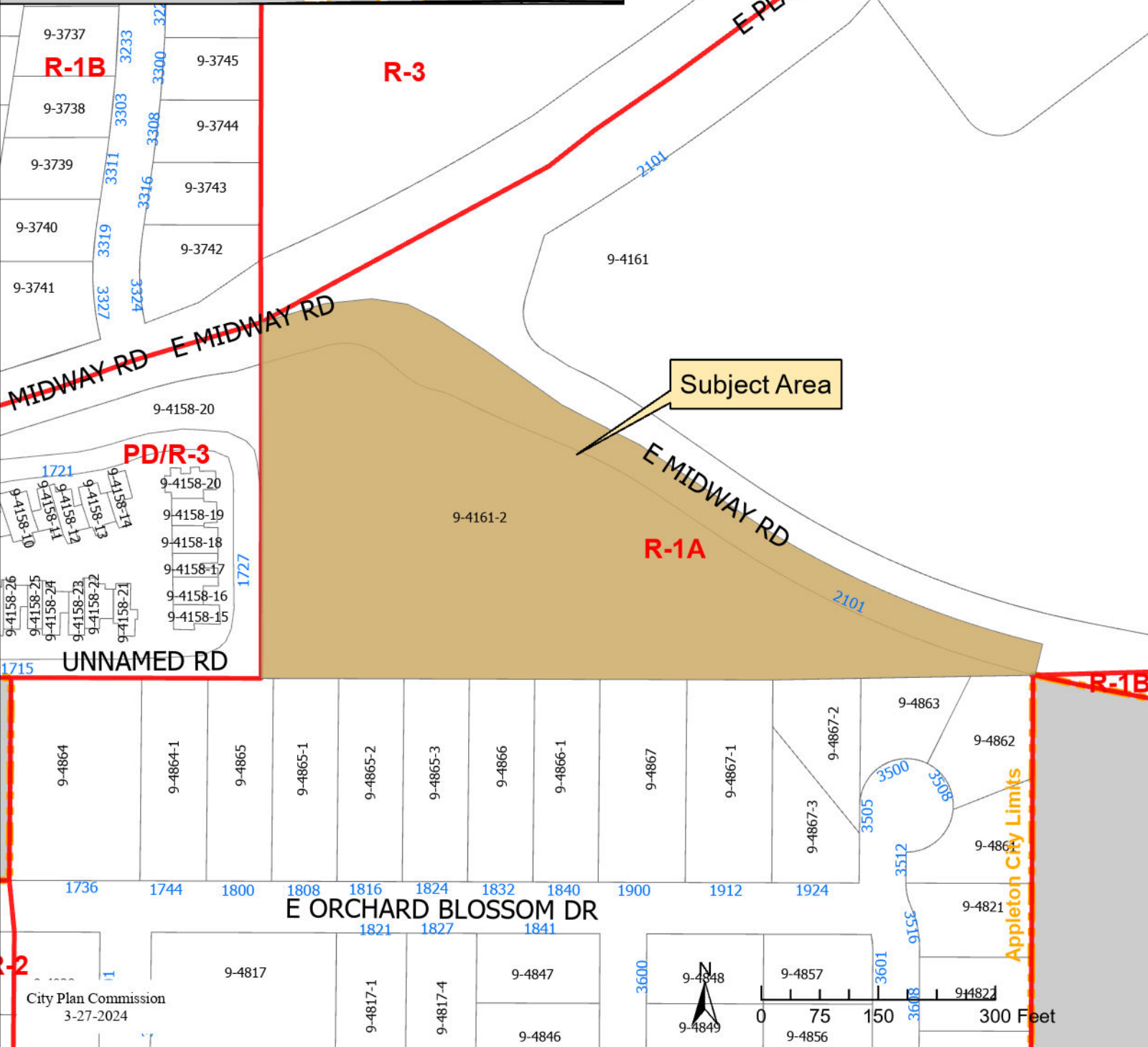
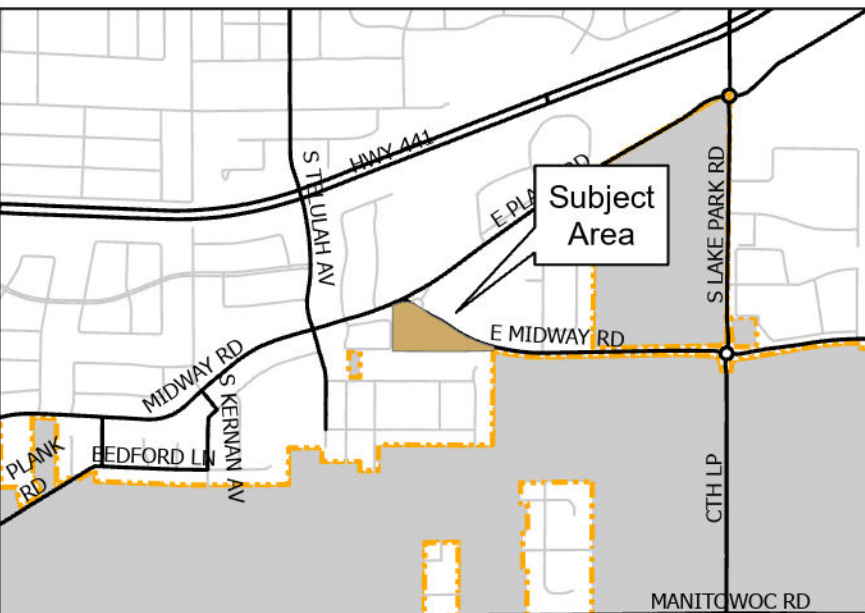
**Site Plan Review:** The applicant is required to submit an application for Site Plan review pursuant to Section 23-570 of the Zoning Code prior to any construction commencing or issuance of building permits. Staff will review the Site Plan for conformance with the City's Municipal Code including, but not limited to, grading and drainage, stormwater management, access, erosion control, building setbacks, parking, landscaping, fire access, public utilities and any other relevant items.

**RECOMMENDATION**

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Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning #2-24 to rezone the subject property (Parcel #31-9-4161-02) from R-1A Single-Family District to R-3 Multi-family District, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

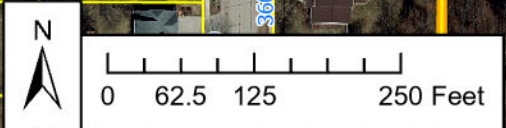
Rezoning  
E. Plank Road  
R-1A Single Family District  
to R-3 Multi-Family District



Rezoning  
E. Plank Road  
R-1A Single Family District  
to R-3 Multi-Family District  
Aerial Map



City Plan Commission  
3-27-2024



**Parcel No. 31-9-4161-02**

Part of the Southwest 1/4 of the Southeast 1/4 Section and part of the Southeast 1/4 of the Southwest 1/4 all in Section 05, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin, containing 228,403 Square Feet (5.2434 Acres) of land described as follows:

Beginning at the South 1/4 corner of Section 05; thence, along the South line of the Southwest 1/4 of said Section 05, N89°49'38"W, 656.30 feet to the East line of Greenwood Village Condominium III; thence, along said East line, N00°02'36"E 403.89 feet to the South right of way line of Midway Road/CTH AP; thence, along said South right of way line, N73°25'07"E 3.44 feet; thence, continuing along said South right of way line, N74°33'28"E 85.84 feet; thence, continuing along said South right of way line, 76.42 feet along the arc of a curve to the right with a radius of 78.03 feet and a chord of 73.41 feet which bears S77°23'10"E; thence, continuing along said South right of way line, S49°19'13"E 33.00 feet; thence, continuing along said South right of way line, 46.57 feet along the arc of a curve to the left with a radius of 90.50 feet and a chord of 46.06 feet which bears S64°03'39"E; thence, continuing along said South right of way line, 26.46 feet along the arc of a curve to the right with a radius of 90.00 feet and a chord of 26.36 feet which bears S70°22'25"E; thence, continuing along said South right of way line, 69.49 feet along the arc of a curve to the left with a radius of 717.50 feet and a chord of 69.46 feet which bears S64°43'34"E; thence, continuing along said South right of way line, S67°30'02"E 97.60 feet; thence, continuing along said South right of way line, 112.47 feet along the arc of a curve to the right with a radius of 558.50 feet and a chord of 112.28 feet which bears S61°43'53"E; thence, continuing along said South right of way line, S55°57'43"E 102.04 feet; thence, continuing along said South right of way line, 448.50 feet along the arc of a curve to the left with a radius of 1250.00 feet and a chord of 446.10 feet which bears S66°14'27"E to the South line of the Southeast 1/4 of said Section 5; thence, along said South line, S88°57'36"W 337.75 feet to the point of beginning, subject to all easements, and restrictions of record, including to the centerline of the adjacent street right-of-way.