



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: February 10, 2014

Common Council Public Hearing Date: March 5, 2014

Item: Rezoning #1-14

Case Manager: Jeff Towne

GENERAL INFORMATION

Owners: Norka Holdings, LLC and Edward Stanley

Applicant/ Agent: TJ Utschig

Address/Parcel #: 3001 East Newberry Street (31-4-5744-00) and 2905 East Newberry Street (31-4-5745-00)

Petitioner's Request: The owner/applicant is requesting to rezone the subject sites from PD/M-2 Planned Development/General Industrial District and R-1A Single-family Residential District to C-2 General Commercial District with the intent of expanding the existing light manufacturing use.

BACKGROUND

The property at 2905 E. Newberry St. is currently a single-family residence. The existing business at 3001 E. Newberry St. currently operates as a printing and converting facility.

The property at 3001 E. Newberry St. was annexed in 1998 as the Norka Annexation. The manufacturing building existed at the time of annexation. The property was zoned PD/M-2 Planned Development/General Industrial District at that time.

A request for a Special Use Permit with the intent of expanding an existing light manufacturing use in a C-2 General Commercial District is also on the February 10, 2014 Plan Commission agenda. The properties will be combined through the Certified Survey Map process if the Rezoning and Special Use Permit is approved.

STAFF ANALYSIS

The property was annexed from the Town of Buchanan in 1998 in order to connect to the City's storm sewer system. When the property was annexed, a Planned Development overlay was implemented to grant an exception to the ordinance standard requiring a 50 foot setback for a principal structure located in an M-2 District from an adjacent residential property line. The Implementation Plan specifically referenced an exception from the required 50 feet, to 10 feet from the western lot line. The setback from the residences located to the east did not meet the 50 foot setback requirement, but was not specified as an exception in the Implementation Plan and therefore is currently considered a legal nonconforming setback.

Under the 1994 Zoning Ordinance in place at the time of the annexation and rezoning, nonconforming structures may not be increased in size. The current Zoning Ordinance recognizes nonconforming setbacks and allows building expansions that do not increase the extent of an existing nonconformity (setbacks, height, etc.). By rezoning the property to C-2, the proposed development becomes compliant with the future land use classification of commercial and allows the expansion of the nonconforming structure under the current Zoning Ordinance standards of the C-2 General Commercial District.

A property cannot have two zonings and the rezoning of both properties to C-2 General Commercial will allow a combination of the two lots through a Certified Survey Map. The property at 2905 E. Newberry St. is currently a single-family residence, which will be razed to accommodate the proposed building and parking lot expansion. A Site Plan review will be required prior to these expansions.

Surrounding zoning and land uses:

- North: C-2 General Commercial District- commercial uses
- South: M-2 - General Industrial District – warehouse uses
- West: R-1A - Single-family Residential District
- East: Town of Buchanan- Single-family uses

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for commercial uses. The proposed zoning classification is consistent with the future land use map and the following goals and objectives of the 2010-2030 Comprehensive Plan:

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)
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** (Chapter 9)
Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown and neighborhood business districts.

Chapter 9 Economic Development

- **9.4 OBJECTIVE:** Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

Chapter 10 Land Use

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

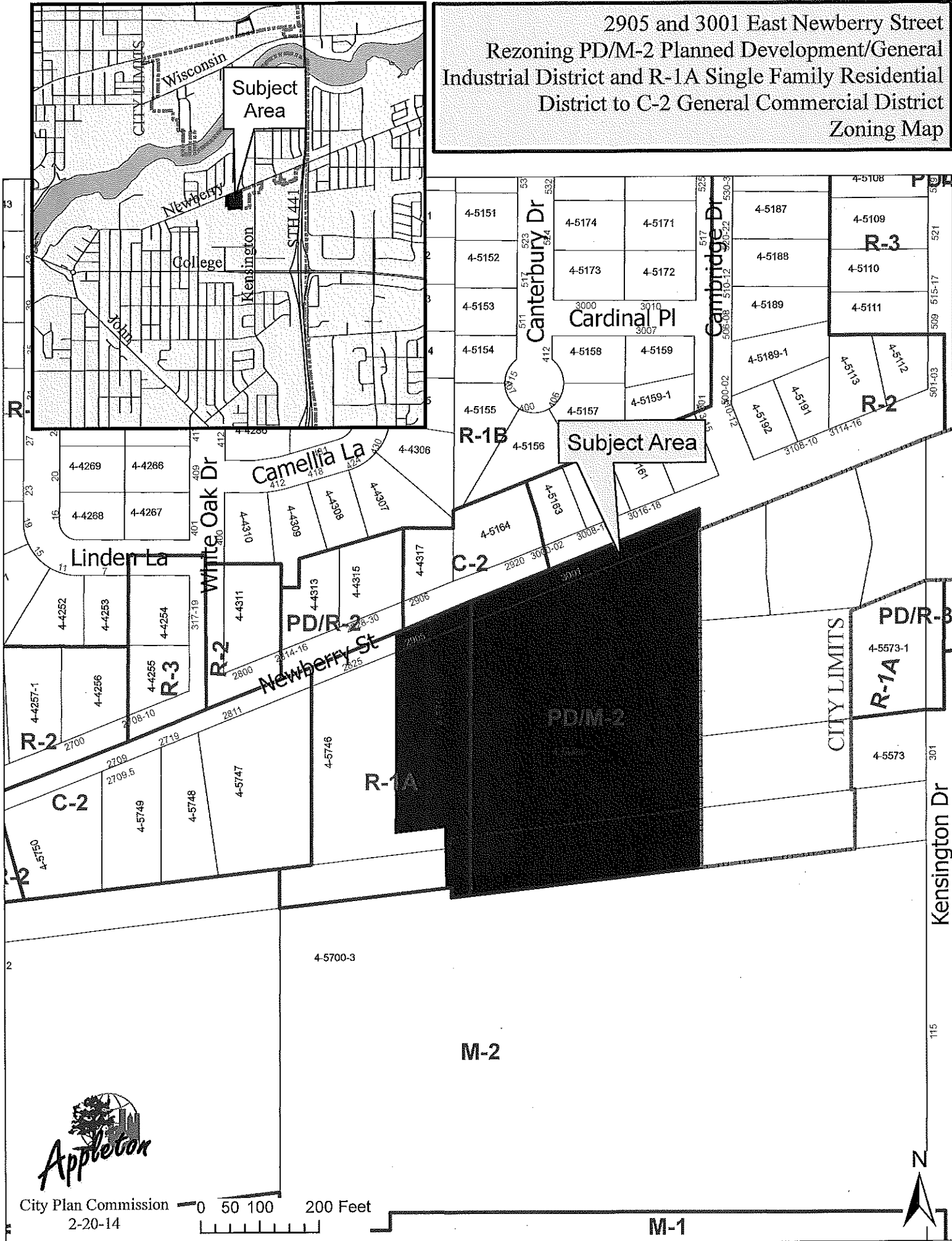
Review Criteria: Based upon the above analysis it would appear the criteria established by Section 23-65(d) (3) Zoning Amendments has been satisfied.

Technical Review Group Report (TRG): This item was discussed at the January 28, 2014 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for map amendments required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #1-14 to rezone 3001 East Newberry Street (31-4-5744-00) from PD/M-2 Planned Development/General Industrial District and 2905 East Newberry Street (31-4-5745-00) from R-1A Single-family Residential District to C-2 General Commercial District including to the centerline of adjacent street right-of-way and as shown on the map, **BE APPROVED.**

2905 and 3001 East Newberry Street
 Rezoning PD/M-2 Planned Development/General
 Industrial District and R-1A Single Family Residential
 District to C-2 General Commercial District
 Zoning Map



City Plan Commission 2-20-14

0 50 100 200 Feet



M-1