



REPORT TO CITY PLAN COMMISSION

New information is underlined.

Plan Commission Informal Hearing Meeting Date: March 7, 2016

Common Council Public Hearing Meeting Date: April 6, 2016 (Public Hearing on Rezoning)

Plan Commission Meeting Date: April 11, 2016 (R/B CC April 6, 2016 – Croatt)

Common Council Meeting Date: April 20, 2016

Item: Rezoning #2-16 – Schaefer Circle

Case Manager: David Kress

GENERAL INFORMATION

Owner: Virginia Properties, LLC

Applicant: Harris & Associates, Inc. c/o Thomas Wood

Address/Parcel: 1611 & 1621 Schaefer Circle and 1645 East Harding Drive (Tax Id #31-9-1111-00, #31-0-1111-03, #31-0-1111-01)

Petitioner's Request: The applicant proposes to rezone the subject property from PD/R-3 Planned Development Multi-Family District to R-3 Multi-Family District. The request is being made to lift the PD (Planned Development) Overlay District and accommodate the proposed development of 16 additional dwelling units on the site.

BACKGROUND

This rezoning request was referred back to Plan Commission at the April 6, 2016 Common Council meeting by Alderperson Christopher Croatt.

On May 22, 1972, building permits were issued for three 16-unit apartment buildings on the subject site. Building permits were later issued for detached garage buildings in 1987 and 2000.

On September 4, 1985, Common Council approved Rezoning #12-85 to rezone the property from R-5 Planned Residential District to PRD Planned Residential District, as the R-5 zoning classification was being eliminated. Rezoning #12-85 was initiated by Plan Commission. The staff report included a site plan that identified a green space on the west side of the subject property, but Common Council proceedings did not refer to a site plan being approved in their action. Additionally, no Implementation Plan was approved and filed in the City Clerk's office. Therefore, no requirements (e.g. setback standards) were ever formalized.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. As a result, the subject property's zoning classification changed to PD/R-3 Planned Development Multi-Family District.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance includes sections on transition rules and period of validity for overlay districts. Per Section 23-151(l) of the Municipal Code, a PD overlay district designation remains on PD parcels even if there is no approved Implementation Plan Document (IPD), or if the IPD has expired or been made invalid. Any future development requires approval of a Development Plan and IPD, or a request to rezone the property.

STAFF ANALYSIS

Existing Site Conditions: The applicant's site is approximately 4.83 acres in size and is located at the southwest corner of Schaefer Circle and East Harding Drive. The subject site is currently developed with three 16-unit apartment buildings, resulting in a total of 48 dwelling units. The site also includes three detached garage buildings and off-street surface parking, with vehicular access provided by a curb cut on Schaefer Circle. The western portion of the property remains undeveloped.

Surrounding Zoning Classification and Land Uses:

North: R-3 Multi-Family District. The adjacent land uses to the north are currently a mix of multi-family residential uses.

South: R-1B Single-Family District. The adjacent land uses to the south are currently single-family residential.

East: PD/R-3 Planned Development Multi-Family District. The adjacent land uses to the east are currently multi-family residential (same ownership as the subject property).

West: R-1B Single-Family District. The adjacent land uses to the west are currently single-family residential.

Proposed Zoning Classification: The purpose of the R-3 Multi-Family District is 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. The development standards for the R-3 District are listed below:

- 1) **Minimum lot area:**
 - a. 6,000 square feet for single-family dwelling.
 - b. 7,000 square feet for two story two-family dwellings.
 - c. 9,000 square feet for single story two-family dwelling.
 - d. 3,000 square feet per dwelling unit for multi-family dwellings.
 - e. 7,000 square feet for all other uses.
- 2) **Maximum lot coverage:** 70%.

- 3) **Minimum lot width:**
 - a. 50 feet for single-family dwellings.
 - b. 70 feet for two-family dwellings.
 - c. 80 feet for all other uses.
- 4) **Minimum front yard:**
 - a. 20 feet.
 - b. 25 feet if located on an arterial street.
- 5) **Minimum rear yard:** 35 feet.
- 6) **Minimum side yard:**
 - a. 6 feet for single and two-family dwellings.
 - b. 20 feet all other uses.
- 7) **Minimum setback from single or two-family lot line:** 30 feet.
- 8) **Maximum building height:**
 - a. 35 feet for single and two-family dwellings.
 - b. 45 feet or all other uses.
- 9) **Minimum distance between multi-family buildings:** 12 feet.

Zoning Ordinance Review Criteria: The request is being made to accommodate the proposed development of 16 additional dwelling units on the site. Multi-family dwelling is a permitted use in the R-3 Multi-Family District. Future development would need to conform to the R-3 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, because no Implementation Plan was approved and filed for Rezoning #12-85, some zoning action is needed in order for future development to occur, pursuant to Section 23-151(l) of the Municipal Code.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future multi-family residential uses. The proposed R-3 Multi-Family 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 3 – Housing Quality 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 styles that meet the needs and appeal to all segments of the community.

OBJECTIVE 7.1 Utilities and Community Facilities:

Provide a pattern of development that minimizes impacts to municipal services and utilities.

OBJECTIVE 10.1 Land Use:

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

- 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, as the Future Land Use Map identifies this area for future multi-family residential 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:
 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. *Multi-family residential uses are already present on the subject site and located to the north and east as well. Development standards for the R-3 District, including minimum setbacks, would create some separation from the single-family residential uses located to the west and south. 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 was discussed at the February 16, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

Written Public Comments: Staff has received one emailed letter from Jim Busha, 2400 South Telulah Avenue (see attached).

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 #2-16 to rezone the subject site located at Schaefer Circle and East Harding Drive (Tax Id #31-9-1111-00, #31-0-1111-03, and #31-0-1111-01) from PD/R-3 Planned Development Multi-Family District to R-3 Multi-Family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

MAR 2 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

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Not answered

Comments/Questions:

To: City Planning Commission
Att: David Kress: Principal Planner

CC: Alderperson District 5 Edward Baranowski
CC City of Appleton Mayor Timothy M Hanna

My name is Jim Busha and I live at 2400 S. Telulah Avenue and have lived there since 1973. I would like to state my opposition to the proposed rezoning the property 1611 and 1621 Schafer Circle and 1645 Harding drive from PD/R-3 to R-3.

The original Planned Development Overlay was a compromise that provided a buffer between apartment buildings and the residential area and without it the area in questions would have been zoned residential. We were told that this agreement would last in perpetuity.

Now it seems that the current absentee owner of the property in question has determined that with a little rezoning sleight of hand he can milk his cash cow for additional profits at the expense of the residential property owners some of whom were party to the original agreement.

It is difficult for me to see how increased population density in an established neighborhood by shoehorning in additional multi-family units into said established neighborhood constitutes anything more than suburban blight.

No offence to apartment dwellers but transient families have less commitment to neighborhood than long established residential property owners. In light of that property owner concerns should warrant more consideration that of absentee owners.

Respectfully yours

Jim Busha
2400 S. Telulah Ave