

### REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: January 12, 2015

Common Council Public Hearing Meeting Date: February 4, 2015

**Item:** PD Rezoning #12-14— Rezone 302, 306 North Morrison Street and 225 East Harris Street (Parcel #31-2-0466-00) and 324 North Morrison Street (Parcel #31-2-0466-01) from P-I Public-Institutional District to PD/P-I Planned Development Public-Institutional District

Case Manager: Jeff Towne

### **GENERAL INFORMATION**

Owner/Applicant: St. Paul Lutheran Church and School

Address/Parcel #: 302, 306 North Morrison Street and 225 East Harris Street (Parcel #31-2-0466-00) and 324 North Morrison Street (Parcel #31-2-0466-01)

**Petitioner's Request:** The applicant is requesting a rezoning to change the current zoning map from P-I Public-Institutional District to PD/P-I Planned Development Public-Institutional District, as shown on the attached map, to construct a building addition containing a group day care facility along with the continuing use of the existing buildings as a place of worship and an elementary school.

### BACKGROUND

The property is developed with a church, elementary school and parking lot. An existing single-family dwelling and two garages will be demolished to allow for the construction of a group day care facility.

The property was rezoned from R-2 Two-family Residential District and R-1B Single-family Residential District to P-I Public Institutional District in 2009 as part of a citywide rezoning of existing facilities to the newly adopted P-I zoning district at that time.

The church building was listed on the State and National Register of Historic Places in 2007. Accordingly, the property is entitled to the benefits and protections of the National Historic Preservation Act of 1966 which includes eligibility to apply for matching grants or tax credits in certain cases.

### STAFF ANALYSIS

**Proposed Planned Development:** The proposed development and implementation plan were developed utilizing the PD Planned Development Overlay District zoning category which allows an applicant to propose uses, development and density standards, and design guidelines specifically for the subject site that respond to the challenges of redeveloping a site more appropriately than base zoning districts allow. The end result is a parcel rezoned with standards unique to the project.

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**Development Plan:** The church office and day care are currently located across the street at 323 North Morrison Street, to the west of the subject property. The rezoning will allow the church to construct a new addition to the existing elementary school that will contain the group day care and will allow for the relocation of the church offices to a portion of the elementary school.

A site plan, floor plans, and elevations are provided as exhibits to the Implementation Plan Document. A group day care use, when located and operated in an educational institution, place of worship or semi-public building, is listed as a Special Use under 23-100(e). The PD incorporates the group day care as a permitted use.

Ordinance Exceptions: With the PD Overlay District, the City of Appleton coordinates with the developer to promote an integrated development project that is beneficial to the occupants of the development, as well as the neighboring properties, to create the most beneficial use of the property. In order to do this, exceptions are sometimes needed to make the overall development work. The applicant is requesting Zoning Ordinance exceptions which are outlined in the Implementation Plan Document.

The proposed development deviates from the applicable zoning regulations regarding principal building front yard setbacks, off-street parking requirements, landscape buffer setbacks, maximum lot coverage and percentage of open space. These deviations represent an effort to encourage redevelopment and infill development, the specific purposes of which are to: promote an integrated development plan with a mix of related uses, allow for the efficient use of land and innovations in the development design and layout of buildings, and conservation of open space. The proposed development is integrated within the existing urban environment, with access to public transportation, and serves the needs and demands of the community. As a result, it would appear the criteria established for ordinance exceptions have been satisfied.

### Surrounding Zoning Classification and Land Uses:

North: R-2 Two-family Residential District and R-3 Multifamily District, the adjacent land uses to the north are residential uses.

South: CBD Central Business District, the adjacent land uses to the south are office uses and off-street parking lots.

East: R-2 Two-family Residential District, PD/R-2 Planned Development/Two-family Residential District, and R-3 Multifamily District, the adjacent land uses to the east are a mix of residential and commercial uses.

West: CBD Central Business District, the adjacent land uses to the west are office uses, a four-unit residential property, and off-street parking lots.

Appleton Comprehensive Plan 2010-2030: The City's Comprehensive Plan identifies this property for institutional land uses, consistent with the church and elementary school use currently on the site and the proposed group day care.

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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.

*Findings:* The proposed institutional development project supports this goal. The proposed project promotes reinvestment and expansion of existing buildings and services.

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.

**Findings:** The request is consistent with this objective because the proposed project will retain the existing uses, allow for an expansion of the day care use to meet demand, and provide sufficient parking for the proposed uses.

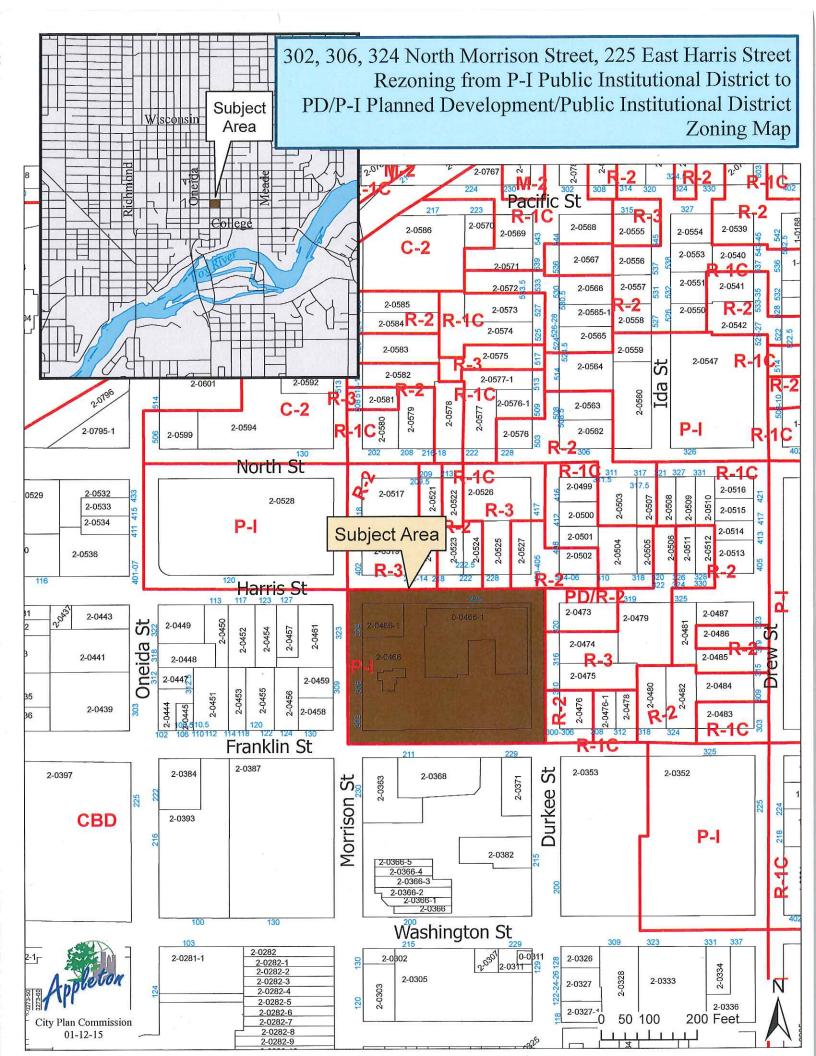
**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-151 (d) and (o) PD Planned Development Overlay District has been satisfied.

**Technical Review Group Report (TRG):** This item was on the December 23, 2014 Technical Review Group agenda. No negative comments were received from participating departments.

### RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-151 (d) and (o) of the Zoning Ordinance, PD Rezoning Application #12-14 to rezone the subject site located at 302, 306 North Morrison Street and 225 East Harris Street (Parcel #31-2-0466-00) and 324 North Morrison Street (Parcel #31-2-0466-01) from P-I Public-Institutional District to PD/P-I Planned Development Public-Institutional District including to the centerline of adjacent right-of-way as shown on the map, **BE APPROVED** subject to the following.

- 1. Prior to Site Plan approval, the Implementation Plan Document shall be finalized and signed by all parties involved and must be filed in the Outagamie County Register of Deeds' Office by the owner.
- 2. Prior to issuance of Building Permits, a Certified Survey Map shall be approved by the City and recorded.



# IMPLEMENTATION PLAN DOCUMENT FOR PLANNED DEVELOPMENT

### PLANNED DEVELOPMENT DESIGNATION

This Planned Development Designation, to be known as St. Paul Lutheran Church and day of School is approved this 20 by the Common Council of the City of Appleton, Wisconsin Municipal Wisconsin, а Corporation, (hereinafter referred to as the "City") for certain real property located in Appleton and described in attached Exhibit A (hereinafter referred to as the "Property"). This Implementation Plan Document for Planned Development (PD) # 12-14 is made and entered into by and between St. Paul Lutheran Church and School (hereinafter referred to as the "Owner/Developer") and the City.

WHEREAS, Section 23-151 of the Appleton Municipal Code requires the recordation of an Implementation Plan Document for Planned Developments undertaken in the City; and

Record and return copy to: City of Appleton Community Development Department 100 N. Appleton Street Appleton, WI 54911

WHEREAS, the actual Implementation Plan Document contemplated under the aforementioned Ordinance is too voluminous and cumbersome for easy recordation by the Outagamie County Register of Deeds; and

WHEREAS, the parties hereto wish to notify all interested parties of the existence of said Implementation Plan Document;

NOW, THEREFORE, in consideration of the foregoing recitals, the Owner/Developer and the City hereby notify all interested parties as follows:

1. Existence of Implementation Plan Document for PD #12-14. The parties hereto have entered into mutually agreeable Development and Implementation Plans for the Property. This designation establishes the general uses which shall be permitted on the property, a general development plan, a specific implementation plan and a statement of development guidelines and conditions that must be complied with by the Owner/Developer and all subsequent property owners or agents of the property owners. This designation also specifies improvements that must be made and conditions that must be fulfilled in conjunction with this designation by the Owner/Developer.

- 2. Location of Implementation Plan Document. The Implementation Plan Document for PD #12-14 approved by Appleton Common Council action on \_\_\_\_\_\_\_, 20\_\_\_\_ and executed by the parties on the date of filing with the Outagamie County Register of Deeds' office is on file with the Appleton Community Development Department, 100 North Appleton Street, Appleton, WI, and is subject to review and reproduction by all interested parties upon request.
- 3. **Subsequent Purchasers**. A Planned Development (PD) is a zoning overlay district under the City of Appleton Zoning Ordinance. The Implementation Plan Document exists for Planned Developments (PDs) under this zoning category and are covenants that run with the land. Accordingly, all future purchasers of property zoned PD should become familiarized with the individual requirements attached to that specific property.
- 4. Amendments to the Recorded Development Plans and Implementation Plan Document. Pursuant to Section 23-151 of the Appleton Municipal Code, major changes in a PD require approval by the City Council and subsequent recording of the amendment. The Community Development Director may approve Minor Amendments.
- 5. **Development Guidelines and Conditions**. The Development Guidelines and Conditions include, but are not limited to, the following:

### A. ALLOWED LAND USES

- 1. The uses as listed below are allowed in PD #12-14.
  - Educational Institution
  - Place of Worship
  - Day Care
- 2. In addition to the uses allowed in the underlying district the following uses are consistent with the use regulation exception criteria established by Appleton Municipal Code Section 23-151 and are allowed uses in PD #12-14:
  - None

### B. **DEVELOPMENT STANDARDS**

1. Principal Use All principal uses, buildings and structures shall comply with the minimum development standards (lot area, lot width, front, rear, and side yard setbacks, building height, and other requirements) of the underlying zoning district of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

### Development Standard Exceptions:

- Minimum Building Front Yard: <u>0 feet</u> (Note: This exception request reflects the need for a near zero front yard setback for the new day care building addition along Morrison Street. This near zero front yard setback is consistent with that of the existing church building along Morrison Street and Franklin Street as well as is consistent with the zero front yard setback requirement for the CBD District which exists to the west and south of this property. This request will also capture the need for a front yard setback exception for the day care building addition along Harris Street. The day care building will exist in the front yard however will be further set back from that of the existing school building. See the General Development Site Plan attached in Exhibit B for reference.)
- Maximum Lot Coverage: 100% (Note: The property currently exceeds the maximum lot coverage allowed of 70%. The day care building addition will add additional impervious area to the property. With that being said, the property owner will maintain existing green space areas east and north of the existing school building as well as new green space areas surrounding the day care building addition and parking/driveway expansion. A mandatory playground area will also be provided for the day care use. See the General Development Site Plan attached in Exhibit B for reference.)
- 2. Accessory uses, building and structures All Accessory uses, buildings and structures shall comply with the development standards (front, rear, and side yard setbacks, building height, and other requirements) of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

### Development Standard Ordinance Exceptions:

- Minimum Parking Lot Pavement Front Yard: <u>0 feet</u> (Note: The existing parking lot pavement along Franklin Street and Durkee Street currently have a near zero foot pavement setback. This exception allows the owner to maintain current parking counts on the property in the event that the parking lot needs to be reconstructed. See the General Development Site Plan attached in Exhibit B for reference.)
- 3. Off-Street Parking and Loading Standards All uses established, expanded, or change in use shall provide off-street parking space(s), stacking space(s) and loading space(s) in accordance with the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

### Off-Street Parking and Loading Standard Ordinance Exceptions:

- Interior Parking Lot Landscape: 0% (Note: The existing parking lot located on the southeast corner of the property currently does not have any interior landscaping islands. This exception will allow the owner to maintain current parking counts on the property in the event that the parking lot needs to be reconstructed. See the General Development Site Plan attached in Exhibit B for reference.)
- Perimeter Parking Lot and Loading Space Landscaping Buffer: <u>0 feet</u> (Note: Street side landscape buffers do not currently exist around the existing parking lot located on the southeast corner of the property due to a near 0' pavement front yard setback. This exception allows the owner to maintain current parking counts on the property in the event that the parking lot needs to be reconstructed. See the General Development Site Plan attached in Exhibit B for reference.)
- Required Off-Street Parking Stalls: 60 stalls (Note: With day care and certain school users utilizing the property facilities simultaneously, a "worst case" parking stall calculation was completed. It was determined that the day care, school offices, and the school gymnasium could be in use at the same time and result in a "worse case" parking stall calculation of 104 stalls required. See Exhibit C for these calculations. 56 parking stalls currently exist on the property with patrons having the option to utilize the parking garage on the southwest corner of the Franklin St. / Morrison St. intersection for overflow parking. A minimum of 4 additional parking stalls will be added to the property for a total of 60 stalls. These additional stalls will mainly be utilized by the day care for pick-ups/drop-offs. Patrons will continue to have the option to utilize the parking garage for overflow parking as required.
- Outdoor Lighting Standards All outdoor lighting shall comply with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

### Outdoor Lighting Standard Ordinance Exceptions:

- None
- 5. Landscaping Standards Landscaping improvements shall be required as part of any site plan. Landscaping shall conform with the requirements of the City's Landscape Standards, including but not limited to, plantings around the parking/driveway areas, the dumpster enclosures, and the base of the ground signs. A detailed Landscape Plan shall be prepared and submitted to the Community Development Department as part of the Site Plan Review and approval process pursuant to Chapter 23, Appleton Zoning Code as now in effect

or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

### Landscaping Standard Ordinance Exceptions:

- See the Off-Street Parking and Loading Standards section of this document for requested landscaping standard exceptions.
- 6. **Sign Standards** All signs shall comply with the Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

### Sign Standard Ordinance Exceptions:

None

### 7. Design Standards

The exterior building materials and colors of new buildings shall be complementary with the materials and colors of the existing school building as shown in pictures attached in Exhibit D. The attached Exhibit E provides proposed building elevations. Samples of the exterior building materials and colors or color renderings of the exterior of the building(s) are required to be submitted to the Community Development Department as part of the Site Plan Review and approval process.

### 8. Designated Open Space Areas

Open Space Areas. Open Space Areas may either be passive or active in nature and shall fully complement the Property. Such open space may take the form of required yards, parks, playgrounds, landscaped green space, nature walks and natural areas.

PD #12-14 shall provide permanent open space areas in accordance with the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

### Open Space Standard Ordinance Exceptions:

 The permanent open space areas shown and identified in Exhibit B attached, which is the General Development Site Plan, demonstrates approximately 17% to 22% open space shall remain open and free from all improvements except for landscaping, utility work, and access or other elements. 9. Dwelling Unit Density of Development - Not Applicable

Dwelling Unit densities of development are indicated on Exhibit \_\_\_\_ and represent the maximum permitted dwelling units in PD#\_\_\_\_, unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Density Standard Ordinance exceptions: Not Applicable

10. **Site Plan Review** is required for PD #12-14 prior to the issuance of building permits pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.

### 11. Construction/Phasing Schedule -

Forecasted Start of Construction: <u>3/9/15</u> Forecasted Construction Completion: <u>9/1/15</u>

- 12. Words and Terms Defined All words and terms wherever they occur in this Implementation Plan Document for PD #12-14, shall be defined and interpreted in accordance with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.
- 13. **Nonconformity** Any existing building, structure or characteristic, and any existing use within PD #12-14 not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations provided in Chapter 23, Appleton Zoning Code as now in effect or hereafter amended with respect to nonconforming, structures, uses and characteristics.
- C. PLATTING REQUIREMENTS No person, firm or corporation shall combine lots, adjust lot lines, or divide any land within the jurisdictional limits of these regulations which results in a lot combination, lot line adjustment, subdivision, minor land division, or a replat as defined herein; no such lot combination, lot line adjustment, subdivision, minor land division, or replat, as defined herein shall be entitled to recording and no street shall be laid or public improvement made to land without compliance with all requirements of Chapter 17 of the Municipal Code.
- D. **INSTALLATION OF REQUIRED IMPROVEMENTS -** The installation of all required improvements including but not limited to stormwater, streets, sidewalks, bike paths, water systems, sewer systems, fire protection, and utilities shall be in accordance with all applicable City Appleton regulations.

### E. GENERAL PROVISIONS

### 1. Enforcement

The provisions of the St. Paul Lutheran Church and School Planned Development designation and the development plan relating to the use of the land shall be effective and in force unless so amended as required by the Appleton Municipal Code Section 23-151.

### 2. Breach of Provisions of PD Designation

If at any time any provision or requirements stated in the St. Paul Lutheran Church and School Planned Development designation have been breached by the Owner/Developer, the City may withhold approval of any or all platting or the issuance of any or all grading or building permits or occupancy permits applied for on the property, until such breach has been remedied.

### 3. Binding Effect

This St. Paul Lutheran Church and School Planned Development designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the Appleton Municipal Code Section 23-151. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

### 4. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to St. Paul Lutheran Church and School PD #12-14, except as modified by subsequent action of the Appleton Common Council in accordance with procedures set forth in the Appleton Municipal Code Section 23-151 to amend planned developments, and except that nothing contained herein shall be construed as waiving any requirements of the Appleton Municipal Code or other regulations otherwise applicable to the development of the Property.

### 5. Period of Validity

The Implementation Plan and Development Plan Exhibits A, B, C, D and E, as approved by the Common Council, shall remain valid of a period of one (1) year during which time a building permit must be applied for and received. If the applicant does not apply for and receive a building permit within one (1) year from the date of Common Council approval of PD overlay district PD #12-14, Development Plan and Implementation Plan Document (IPD), the Development Plan and Implementation Plan Document (IPD) will constitute abandonment of the PD overlay district and related approvals, and any assumed development rights over that allowed through the underlying zoning district and shall be subject to the regulations in Section 23-151, Proof of validity and expiration of plans, of this chapter.

6. Recording of Development Plan and Implementation Plan Document (IPD) This designation must be signed by both the City and the Owner/Developer and must be recorded by St. Paul Lutheran Church and School in the Outagamie County Register of Deeds' Office and a recorded copy of the Development Plan and Implementation Plan Document (IPD) shall be provided to the Community Development Department. This constitutes approval of the Development Plan and Implementation Plan Document (IPD), conditions applied, modifications and

any density premiums, which may be granted, and exceptions, if any, to the plan shown in the application ordered by the Common Council.

Dated this	_ day of, 20_	
	By:Owner Title: Dennis L. Olson, Congregation F  By:Owner	President
	Title: Kenneth Frey, Pastor	
STATE OF WISCONSIN )	Tido. Refinedi i Toy, i astoi	
)s:	S	
COUNTY OF) Personally came before me this _ ne above named or me known to be the pers	day of, and ons who executed the foregoing ins	trument and
cknowledged the same in the ca	apacity and for the purposes therein inte	naea.
	Notary Public, State of Wisconsin My Commission expires	
*	* *	
The above Implementation Plan equest of the Property Owner.	for PD #12-14 was drafted by the under	signed at the
	* ,	
ason Daye, Excel Engineering,	Inc.	Date

Approved as to form:	CITY OF APPLETON, a Wisconsin Municipal Corporation
James P. Walsh Appleton City Attorney	By: Timothy M. Hanna, Mayor
	Attest:
STATE OF WISCONSIN )	
COUNTY OF OUTAGAMIE )	SS The state of th
City of Appleton, to me known to	day of, 20, the above- or of City of Appleton, and Dawn Collins, City Clerk of be the persons who executed the foregoing instrument the capacity and for the purposes therein intended.
	*
	Notary Public, State of Wisconsin

## **EXHIBIT A**

# SCHULER & ASSOCIATES, INC.

LAND SURVEYORS & ENGINEERS
2711 NORTH MASON STREET, SUITE F, APPLETON, WI 54914
(920) 734-9107 FAX (920) 734-4610

### Legal Description

All of Lots 1, 2, 3, 4, and 5, Block 43, APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City.

For: ST PAUL EVANGELICAL LUTHERN CHURCH

306 N. Morrison St. Appleton, WI 54911

Date: December 8, 2014

Description for Rezoning



NORTH

EXISTING SITE, ST. PAUL LUTHERAN CHURCH AND SCHOOL SCALE 1"= 60-0"

X



120

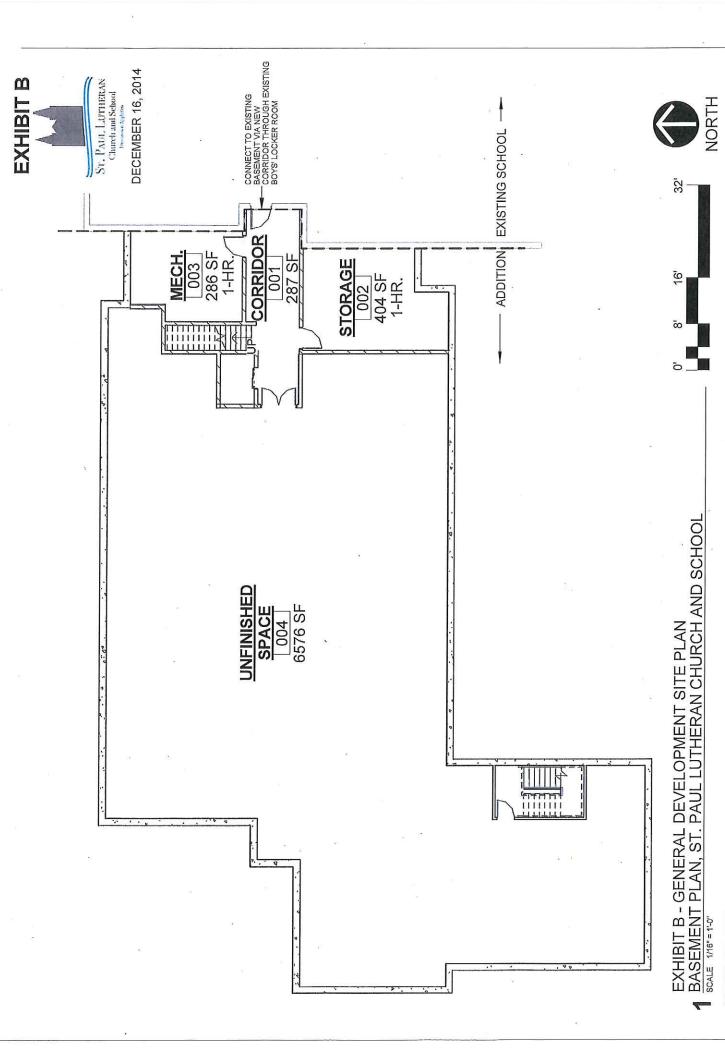
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PROPOSED SITE, ST. PAUL LUTHERAN CHURCH AND SCHOOL EXHIBIT B - GENERAL DEVELOPMENT SITE PLAN SCALE 1" = 60'-0"

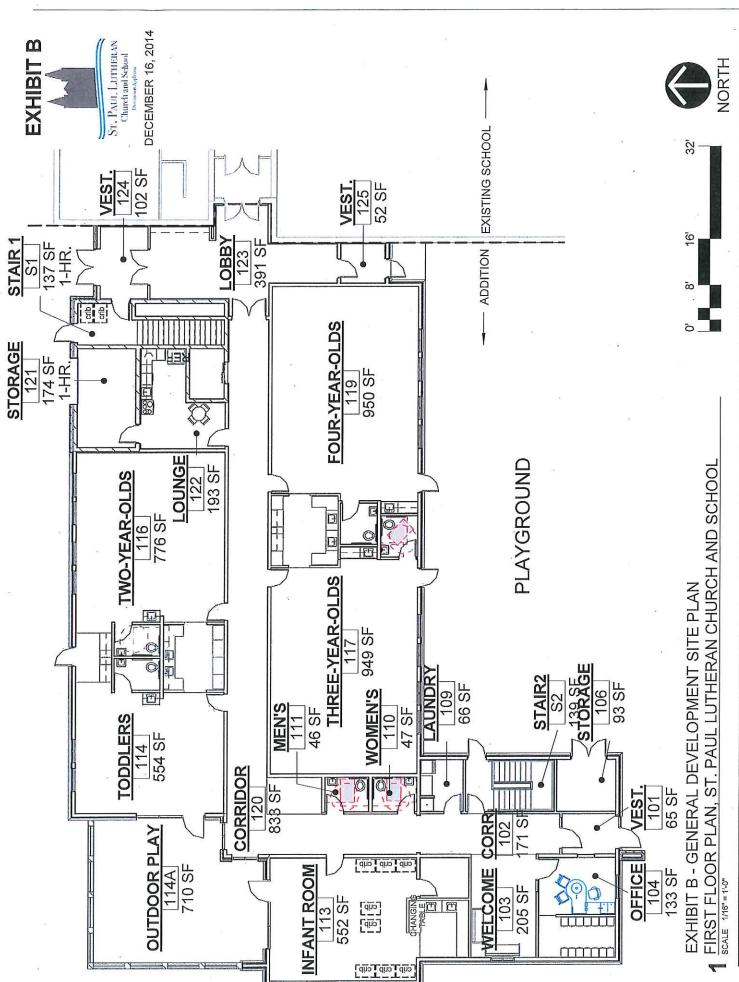
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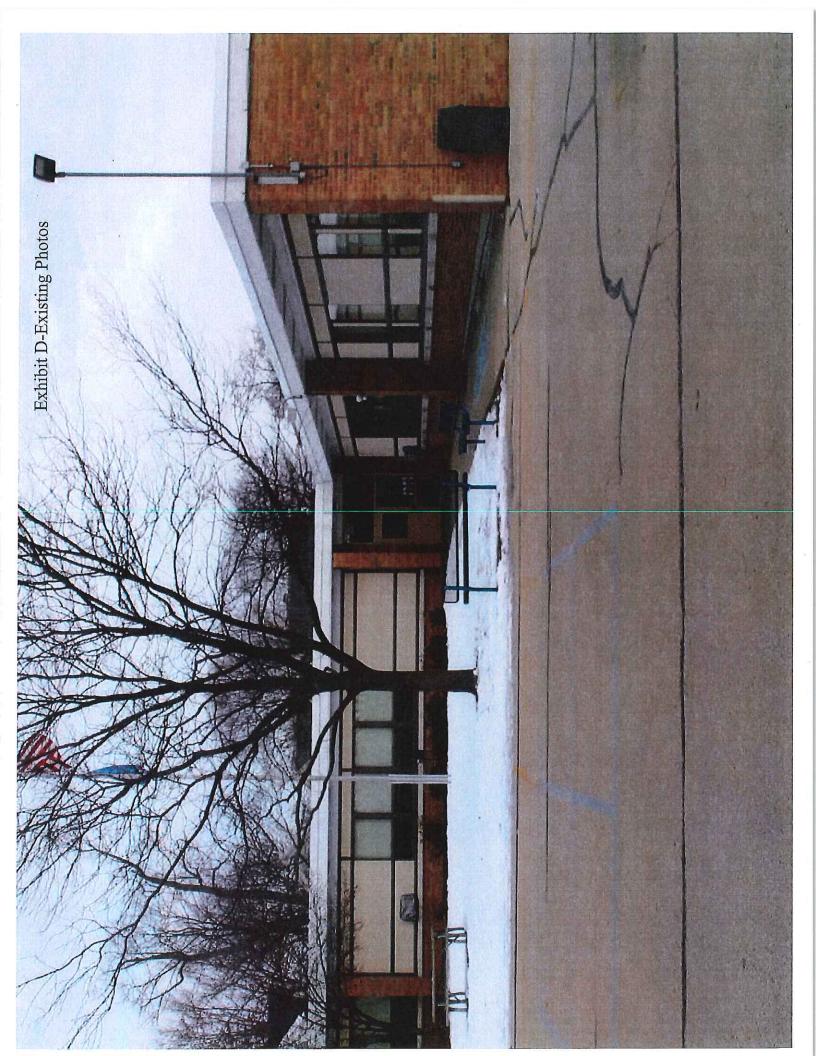


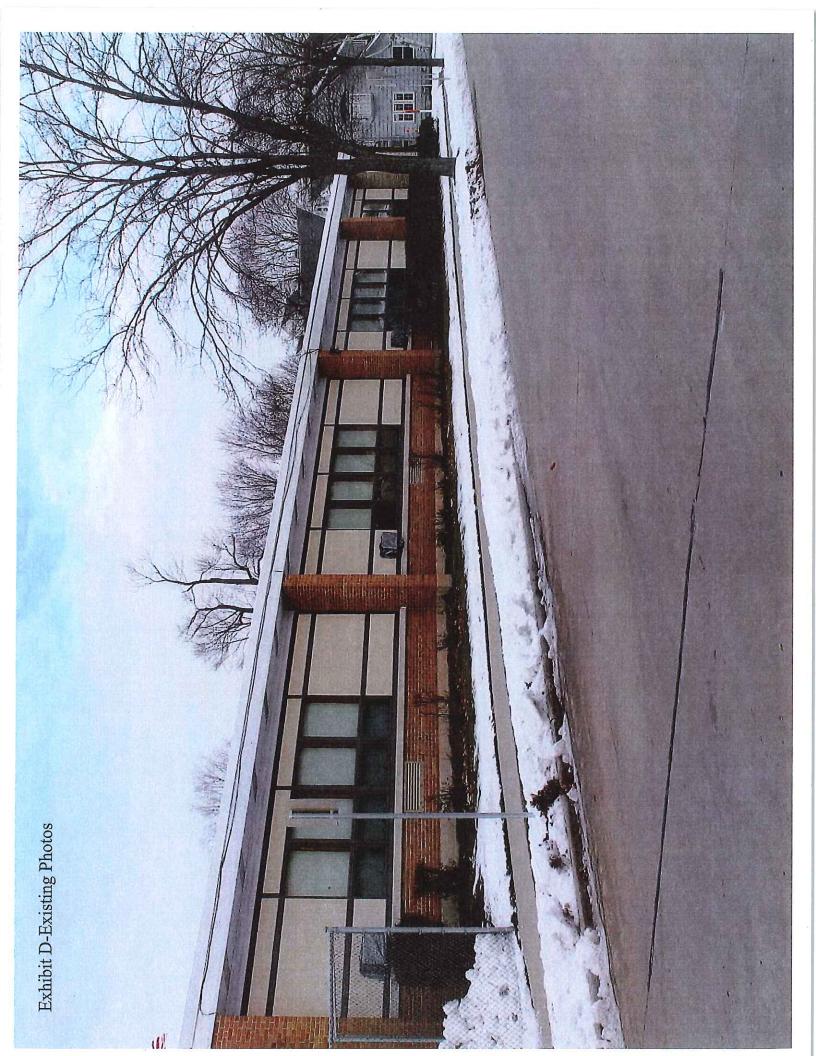
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# **Exhibit C-Parking Calculations**

Office Related Uses: Provide 1 stall for every 300 sf	300 sf	Area	# Stalls
St. Paul Staff	Pastoral offices	260	2
	CCC office	140	$\vdash$
Existing School	Principal's office	350	2
	Stalls required per office related uses:		ın
Classroom related uses: Provide 1 stall for ev	for every classroom	# Classrooms	# Stalls
Elementary School	Kindergarten through 8	6	6
	Stalls required per classroom related use:		9 (not included)
Daycare facility: Provide 1 stall per teacher		# Students	*
and 1 stall for every 5 children		# Staff	# Stalls
CCC Addition	5 classrooms	5.	2
	Students	89	13.6
	Stalls required per childcare center related use:	ed use:	18.6
Gymnasium		# Adults	# Stalls
School	Maximum Occupancy	400	80 (no simultaneous use )
	Total number of stalls per daily use:		104
		34	









ST. PAUL LUTHERAN Church and School

**DECEMBER 16, 2014** 

 $2 \frac{\text{EXHIBIT E - WEST ELEVATION (N. MORRISON STREET)}}{\text{SCALE 1116" = 11.0"}}$ 

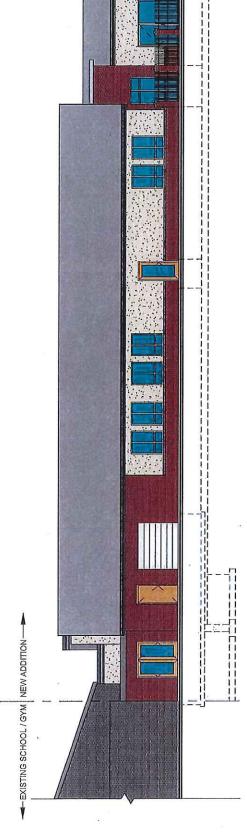


EXHIBIT E - NORTH ELEVATION (HARRIS STREET) SCALE 1/16"=1-0"

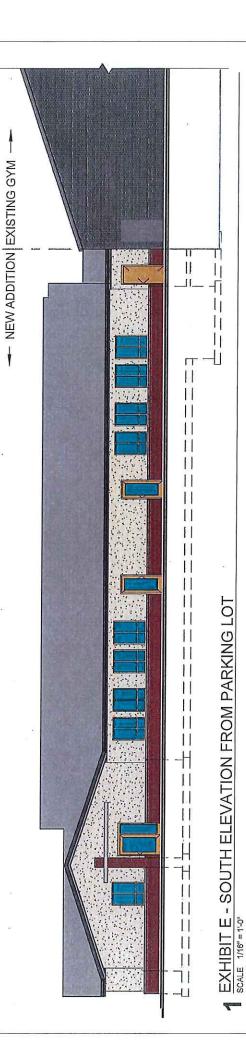
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**DECEMBER 16, 2014** 

2 EXHIBIT E - SOUTHWEST VIEW SCALE



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