



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: March 23, 2015

Common Council Public Hearing Meeting Date: April 22, 2015 (Public Hearing on Rezoning)

Item: Rezoning #2-15 – East Evergreen Drive

Case Manager: David Kress

GENERAL INFORMATION

Owner: North Meadows Investments, LTD

Applicant: Newmark Grubb Pfefferle c/o Tom Scheuerman

Address/Parcel #: North of East Evergreen Drive and east of North Lightning Drive (Tax Id #31-1-6504-01, #31-1-6404-00, #31-1-6404-01, #31-1-6405-00, #31-1-6406-00, #31-1-6407-00, and #31-1-6408-00)

Petitioner's Request: The applicant is requesting a Rezoning to change the Zoning Map from the AG Agricultural District, C-O Commercial Office District, and R-1A Single-Family District to R-3 Multi-Family District and C-O Commercial Office District for the subject parcels. The request is being made to accommodate future development on the vacant site.

BACKGROUND

The applicant's site consists of seven lots, totaling 23.379 acres, located on the northeast corner of the East Evergreen Drive and North Lightning Drive intersection. This area was annexed from the Town of Grand Chute in 1990 (AAL Annexation), 1999 (Baumann Annexation), 2000 (Calmes Annexation), and 2013 (North Meadows Annexation). The northern portion of parcel #31-1-6404-00 was rezoned several times since being annexed in 1990, most recently from PD/C-2 Planned Development General Commercial District to C-O Commercial Office District in 2000 (Rezoning #17-00). All other parcels have held the same zoning district since annexation occurred. There were dwellings on parcels #31-1-6504-01 and #31-1-6404-01 from the time of annexation until being razed in 2006 and 2011, respectively.

A two-lot Certified Survey Map (CSM) was submitted in conjunction with the rezoning request to combine and reconfigure the current lots. CSMs are administratively reviewed and approved by City staff.

STAFF ANALYSIS

Existing Conditions: The subject area is currently undeveloped. A wooded area covers roughly half of parcel #31-1-6404-01.

Proposed Zoning Classifications: 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 purpose of the C-O Commercial Office District is to provide a buffer between commercial and residential areas by permitting professional or business offices that serve the general public. Stringent setback and landscaping standards required in this district will create a visual screen for adjacent properties.

Zoning Ordinance Review Criteria: Based on initial CSM review, the proposed R-3 lot and proposed C-O lot meet the applicable development standards for the R-3 Multi-Family District and C-O Commercial Office District, per Section 23-96(g) and Section 23-111(h) of the Municipal Code.

Surrounding Zoning Classification and Land Uses:

North: NC Nature Conservancy District and R-1B Single-Family District. The adjacent land uses to the north are currently a mix of single-family residential and public open space, including the Apple Creek corridor and recreational trail.

South: M-1 Industrial Park District. The adjacent land uses to the south are currently a mix of undeveloped land and business uses, including multi-tenant office buildings.

East: P-I Public Institutional District. The adjacent land uses to the east are currently institutional, including a place of worship and school.

West: C-O Commercial Office District. The adjacent land uses to the west are currently a mix of commercial uses, including multi-tenant office buildings.

General Information: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the desire to reconfigure historic lot lines (via CSM) and market the site for future development prompted the applicant to submit the rezoning request. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, combining and reconfiguring the lots, which are currently in different zoning districts, also necessitates a rezoning.

Appleton Comprehensive Plan 2010-2030: Comprehensive Plan Amendment #12-13, which related to the subject site, was approved by Common Council on September 4, 2013. The City of Appleton *Comprehensive Plan 2010-2030* now identifies this area for future commercial and multi-family residential uses. The proposed R-3 Multi-Family District and C-O Commercial Office 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.

Goal 8 – Economic Development

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.

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 9.4 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

Policy 9.4.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

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 this 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 (1) 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 commercial and 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. *Commercial / business uses are already located to the south and west of the subject area. The proposed rezoning would allow for similar commercial uses along East Evergreen Drive. Also, multi-family residential uses have recently been developed nearby along North Lightning Drive. The single-family residential uses located to the north are separated from the subject area by the Apple Creek corridor, which is approximately 200 feet wide.*

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

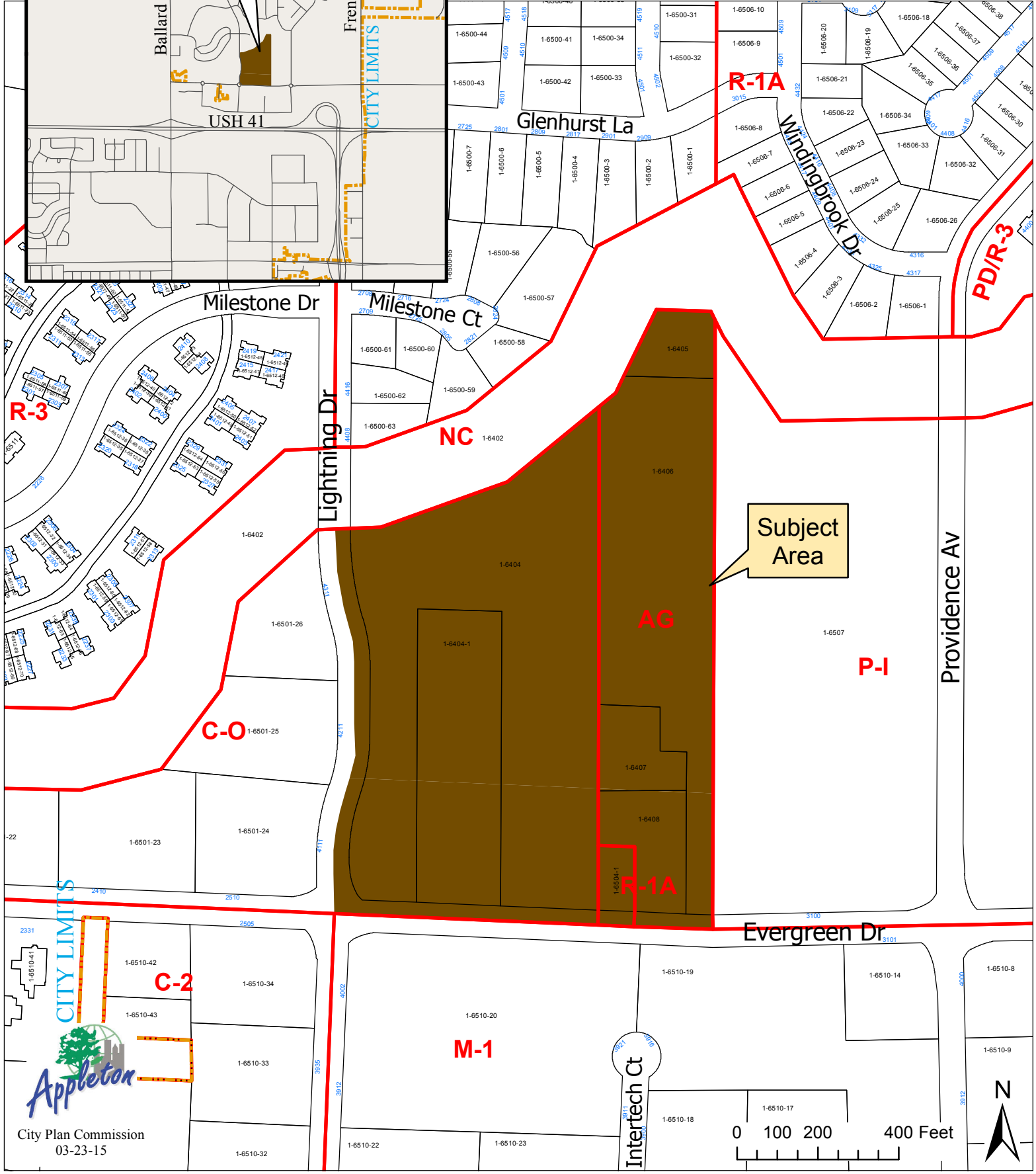
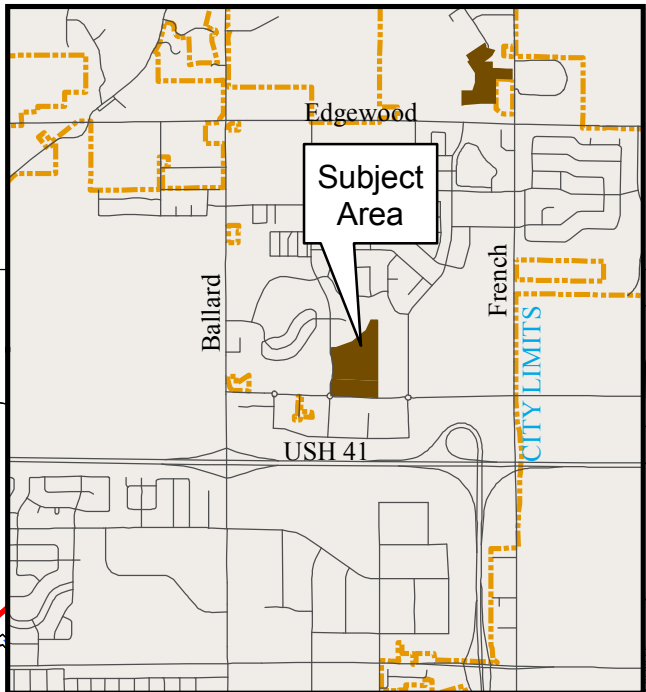
Technical Review Group (TRG) Report: This item was discussed at the March 3, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

Written Public Comments: Staff has received one letter from Thomas Franklin, 4417 North Windingbrook Drive (see attached).

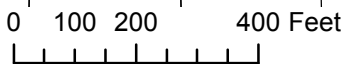
RECOMMENDATION

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 #2-15 to rezone the subject site located at East Evergreen Drive and North Lightning Drive (Tax Id #31-1-6504-01, #31-1-6404-00, #31-1-6404-01, #31-1-6405-00, #31-1-6406-00, #31-1-6407-00, and #31-1-6408-00) from AG Agricultural District, C-O Commercial Office District, and R-1A Single-Family District to R-3 Multi-Family District and C-O Commercial Office District, including to the midpoint of the adjacent road right-of-way and as shown on the attached map, **BE APPROVED.**

East Evergreen Drive and North Lightning Drive
 Rezoning AG Agricultural District, C-O Commercial Office District
 and R-1A Single-Family District to
 C-O Commercial Office District and R-3 Multi-Family District
 Zoning Map



Subject Area



REZONING REFERENCE MAP

ALL OF CERTIFIED SURVEY MAP NO. 1282, AND PART OF THE
NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4,
SECTION 7, TOWNSHIP 21 NORTH, RANGE 18 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

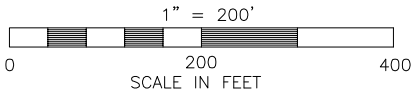
CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
1	88.50'	005°17'28"	8.17'	N 47°46'34" W	8.17'
2	33.50'	015°07'44"	8.85'	N 37°33'47" W	8.82'
3	148.50'	024°18'56"	63.03'	N 17°50'14" W	62.55'
4	460.00'	019°17'38"	154.90'	N 09°54'54" E	154.17'
5	440.00'	019°28'26"	149.55'	N 09°49'30" E	148.83'
6	440.00'	005°45'46"	44.25'	N 16°40'50" E	44.24'
7	440.00'	013°42'40"	105.29'	N 06°56'37" E	105.04'
8	440.00'	016°25'19"	126.11'	N 08°07'22" W	125.68'
9	760.00'	016°36'06"	220.21'	N 08°01'59" W	219.44'

LINE TABLE

L1 N 05°40'43" W 17.59'
L2 N 00°16'04" E 16.20'

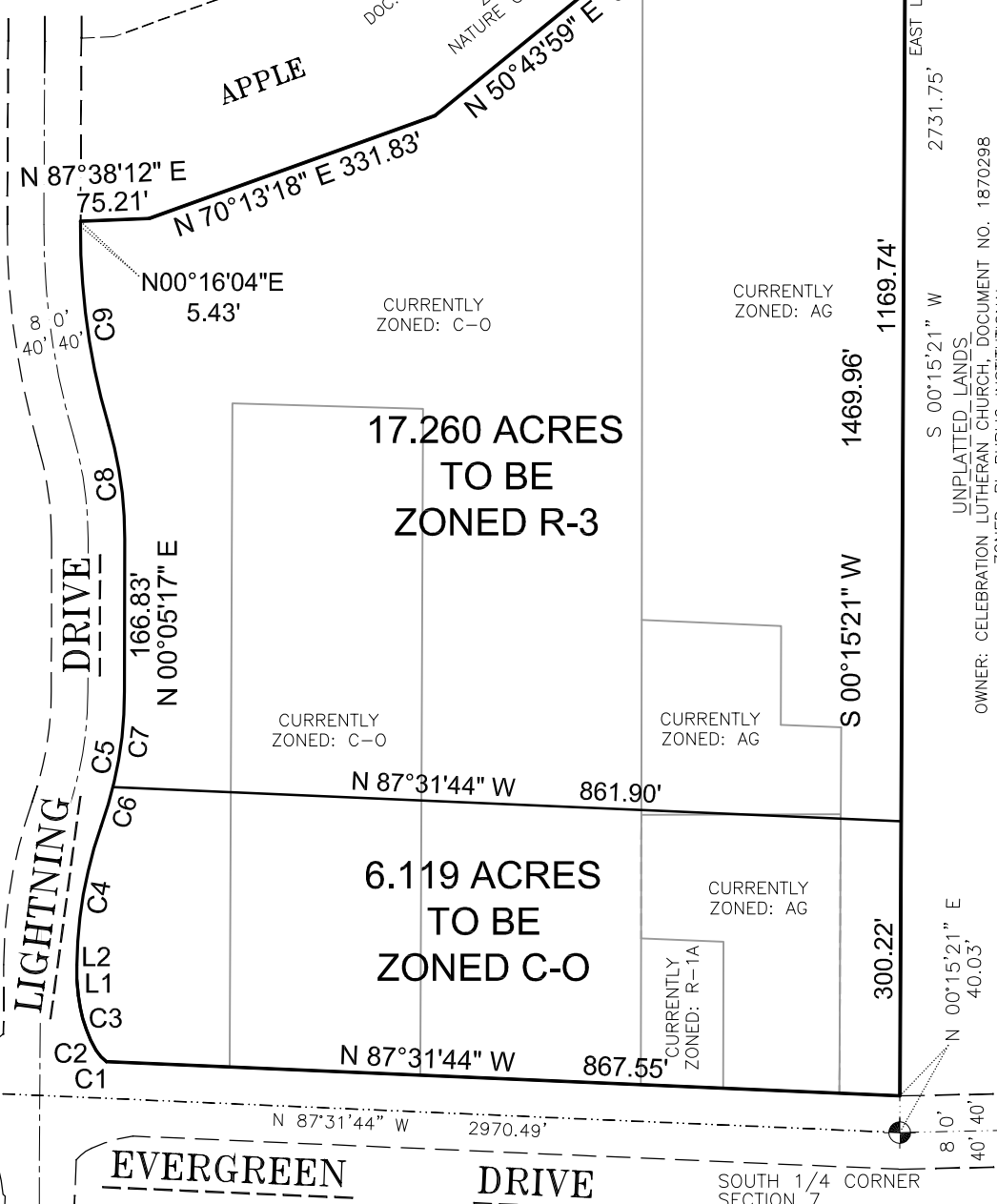
BEARINGS ARE REFERENCED TO THE
OUTAGAMIE COUNTY COORDINATE SYSTEM



CENTER OF SECTION 7,
T21N-R18E
ALUMINUM CO.
MONUMENT

CORRIDOR

UNPLATTED LANDS
OWNER: CITY OF APPLETON
DOC. NOS. 1235578 AND 1251215
CREEK
ZONED: NC
NATURE CONSERVANCY



SOUTHWEST CORNER
SECTION 7,
T21N-R18E
CHISELED "X"

SOUTH 1/4 CORNER
SECTION 7,
T21N-R18E
BRASS DISK WITH
MAG NAIL

UNPLATTED LANDS
OWNER: CELEBRATION LUTHERAN CHURCH, DOCUMENT NO. 1870298
ZONED: PI-PUBLIC INSTITUTIONAL

Martenson & Eisele, Inc.



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info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0119-002
FILE 1-0119-002rezone.dwg
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

4417 N. Windingbrook Dr.
Appleton, WI 54913
franklintef@hotmail.com
March 17, 2015

Mr. David Kress, Principle Planner
Community and Economic Development
City Hall
100 North Appleton St.
Appleton, WI 54911

RECEIVED

MAR 18 2015

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

Dear Mr. Kress,

We recently received notice of a public hearing regarding to re-zoning an Evergreen Drive parcel from Agricultural to R-3 and Commercial. While it strikes me as inevitable and not a problem - no one is going to farm it again - I do have concerns over what happens after re-zoning is a fact, and for good reason.

Last year we were notified of a request by Faith Lutheran Church on Evergreen at Providence Avenue for a variance to add an additional sign larger than allowed by ordinance. I sent a letter questioning

- (1) why a sign exceeding code was necessary,
- (2) why a variance to a necessary and proper ordinance should be granted, and
- (3) why set a precedence of granting variances when no burden exists in conforming to the ordinance?

The variance was apparently granted and Faith Lutheran erected one sign larger than code and a second sign conforming to code. Faith already had one sign. With the addition of two new signs, they now have three signs.

The ordinance clearly limits Faith to two signs total. The ordinance is not being enforced.

(d) **Places of worship and nursing home exceptions.** Places of worship and nursing homes will be allowed one (1) ground sign not to exceed sixteen (16) feet in height and forty-eight (48) square feet per sign face for each street frontage as calculated for multiple-faced signage §23-524(b). One (1) wall sign will also be allowed per street frontage subject to design standards in accordance with Division 4.

From past practice, it appears the City willingly and easily grants variances to ordinances. The parcel on Evergreen is small. Adhering to open space and set-back codes will appropriately limit the number of multi-family units and associated parking spaces. This will lead to a variance request by the developer.

I oppose rezoning the parcel without an iron-clad statement written into the record that any and all structures strictly conform to the codes now existing and no variances will be granted to construct anything not conforming to the existing codes.

Sincerely,



Thomas E. Franklin