



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 26, 2018

Common Council Public Hearing Meeting Date: August 1, 2018 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-18 and Rezoning #7-18

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner: Joe Sargent – Appleton Area School District

Applicant: Ben Hamblin – McMahon Associates

Lot/Parcel: A portion of the property located at West Reeve Street (Tax Id #31-5-1463-00)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Industrial designation to the Public/Institutional designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone a portion of the subject parcel from P Parking District to P-I Public Institutional District. The requests are being made to accommodate a proposed 2-lot Certified Survey Map and a future general maintenance building for school district use.

BACKGROUND

The subject area was purchased by the Appleton Area School District for use as a remote parking lot for Appleton West High School. On November 20, 2006, the Plan Commission was presented and discussed the conceptual plan for this remote parking lot. Their recommendation was forwarded to the December 6, 2006 Common Council meeting. A number of individuals spoke at both meetings and the conceptual plan was ultimately recommended for approval by both the Plan Commission and the Common Council, subject to following the proper approval process.

The Common Council approved Rezoning #15-07 on October 17, 2007 to rezone the property from M-2 General Industrial District to P Parking District in order to accommodate the school district's proposal for off-site parking. The Site Plan for the parking lot was approved on October 31, 2007. On December 21, 2011, the Common Council also approved Special Use Permit #13-11 for a City Water Utility essential service building. That building is located in the southeast corner of the property.

The school district has plans to split the current parcel into two separate lots. The preliminary Certified Survey Map is attached for reference. A general maintenance garage for school district use is proposed for Lot 1 of the CSM. Lot 2 will continue to be used as a parking lot for Appleton West High School. The rezoning to P-I Public Institutional District is required in order to accommodate the proposed school

Future Land Use Map Amendment #2-18 & Rezoning #7-18

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district maintenance garage. The comprehensive plan amendment is necessary to provide a future land use designation that is consistent with the rezoning request.

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

STAFF ANALYSIS

Procedural Findings: When a *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning application are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The subject site currently contains a surface parking lot that serves Appleton West High School. A small area of the parking lot is used by the school district for storage of property maintenance items. The entire parcel is approximately 4.1 acres in size; however, the portion of the property included in the rezoning and future land use amendment requests is 1.758 acres in area (Lot 1 of proposed CSM). The portion of the property subject to this request has frontage along West Winnebago Street and West Reeve Street, which are classified as local streets on the City's Arterial/Collector Plan.

- **Local Street** means a street designated primarily to provide direct access to abutting properties, usually residential.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – R-1B Single-Family District and M-2 General Industrial District
Future Land Use Designation – One and Two-Family Residential and Industrial
Current Land Use – Single-Family Residential and Industrial

South: Zoning – M-2 General Industrial District
Future Land Use Designation – Industrial
Current Land Use – Industrial

East: Zoning – P Parking District
Future Land Use Designation – Industrial
Current Land Use – Parking lot

West: Zoning – N/A (Town of Grand Chute)
Future Land Use Designation – N/A (Town of Grand Chute)
Current Land Use – Railroad right-of-way

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the area is necessitating the change to Public/Institutional designation. The school district currently owns the property and would like

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to construct a general maintenance garage to house maintenance staff, related equipment and provide space for general storage. The facility will be used by the school district for service to the entire district. The proposed use is consistent with the Public/Institutional designation and proposed rezoning to P-I Public Institutional District.

The *Comprehensive Plan 2010-2030* does not identify specific locations for future public/institutional uses. However, Chapter 10 states that while public or institutional uses may be located on land designated for any use, certain criteria should guide site selection. At a minimum, the City should consider:

- Compatibility with existing or planned land uses in the area. *The proposed use of the property is compatible with the surrounding Industrial future land use designation.*
- Traffic or other impacts and the need for utilities. *The subject area is served by existing infrastructure, and the proposed Public/Institutional designation should not have a significant impact on traffic.*
- Scale of the proposed use (buildings, etc.) in comparison to existing or planned neighboring uses. *The Future Land Use Map Amendment request is being made to accommodate a potential future general maintenance garage. Similar industrial-type buildings are located on adjacent parcels.*
- Whether the proposed location may be better suited to other uses (such as commercial or employment-related) that may be needed to serve the neighborhood or provide a proportionally greater benefit to the community as a whole. *The Future Land Use Map Amendment request is being made to serve the needs of the Appleton Area School District, which serves the entire City. The school district has indicated this location will allow the district to be more efficient in their maintenance operations.*

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 6 – Education

Appleton will collaborate with public and private schools, colleges, and other educational facilities to ensure that the community continues to provide outstanding and diverse educational opportunities for residents of all ages.

OBJECTIVE 7.10 Utilities and Community Facilities:

Continue to coordinate, partner and collaborate with educational institutions to support access for all to education.

OBJECTIVE 10.1 Land Use:

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

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Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

Proposed Zoning Classification: The P-I Public Institutional District is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties. The development standards for the P-I District are listed below:

- 1) **Minimum lot area.** *None.*
- 2) **Maximum lot coverage.** *Seventy percent (70%).*
- 3) **Minimum lot width.** *None.*
- 4) **Minimum front yard.** *Twenty (20) feet plus an additional one (1) foot for each two (2) feet that the building or structure exceeds thirty-five (35) feet in height.*
- 5) **Minimum rear yard.** *Twenty (20) feet plus an additional one (1) foot for each two (2) feet that the building or structure exceeds thirty-five (35) feet in height.*
- 6) **Minimum side yard.** *Twenty (20) feet plus an additional one (1) foot for each two (2) feet that the building or structure exceeds thirty-five (35) feet in height.*
- 7) **Maximum building height.** *Sixty (60) feet.*

Zoning Ordinance Review Criteria: The requests are being made to accommodate a general maintenance garage to be used by the Appleton Area School District. The parcel is currently zoned P Parking District, which does now allow for the proposed use. Therefore, a rezoning is necessary to accommodate the proposed use.

A governmental facility is a permitted use in the P-I Public Institutional District. Any future development would need to conform to the P-I District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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. *If Future Land Use Map Amendment #2-18 is approved, to identify this area for future public/institutional uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 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. *Similar maintenance/industrial type uses are already located within this neighborhood along with the Public/Institutional Use for Appleton West High School. The proposed amendment will allow for a lot split (via CSM) and the use of the property for the school district maintenance garage. Proposed setbacks and parking lot landscape buffers will be reviewed in accordance with the Zoning Code requirements at the time of Site Plan review. 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, provided Comprehensive Plan Future Land Use Map Amendment #2-18 is approved.

Technical Review Group (TRG) Report: These items were discussed at the June 5, 2018 Technical Review Group meeting. Comments were received regarding the current usage the lot gets for school parking and the impacts of eliminating a portion of the lot. Parking calculations will be reviewed with the Site Plan process.

Future Actions: Prior to the issuance of the building permit to construct the general maintenance garage located at West Reeve Street, the following items will be needed.

1. The Certified Survey Map will need to be approved and recorded in order to create two separate lots. The new lot lines shall reflect the boundary of the Rezoning and Comprehensive Plan Amendment area.
2. Site Plan review and approval for the general maintenance garage.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-18 from Industrial designation to the Public/Institutional designation and resolution, **BE APPROVED**; and

Future Land Use Map Amendment #2-18 & Rezoning #7-18

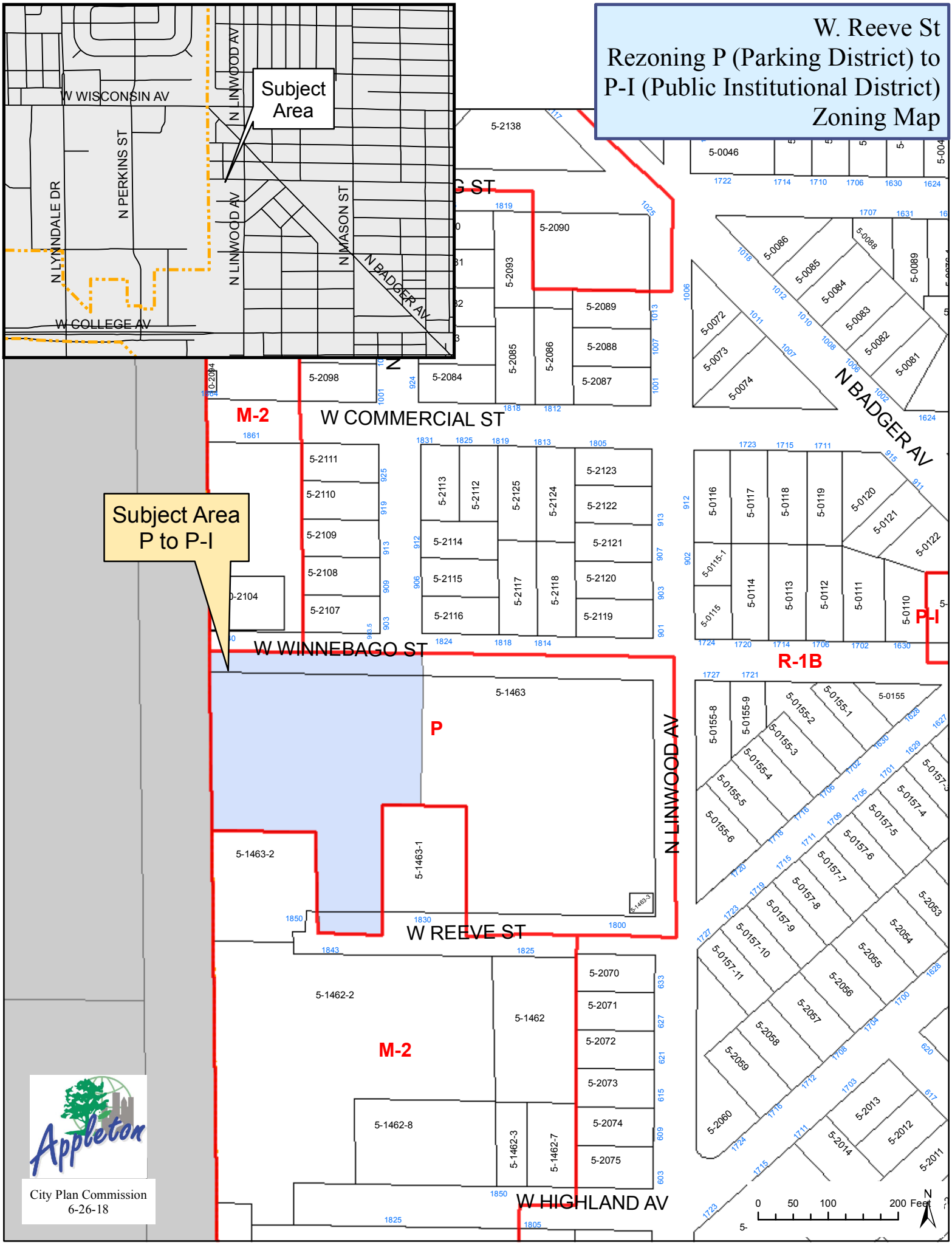
June 26, 2018

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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 #7-18 to rezone a portion of the subject parcel located at West Reeve Street (Tax Id #31-5-1463-00) from P Parking District to P-I Public Institutional District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #7-18 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-18 to accurately reflect the change in future land use from Industrial designation to the Public/Institutional designation.

W. Reeve St Rezoning P (Parking District) to P-I (Public Institutional District) Zoning Map

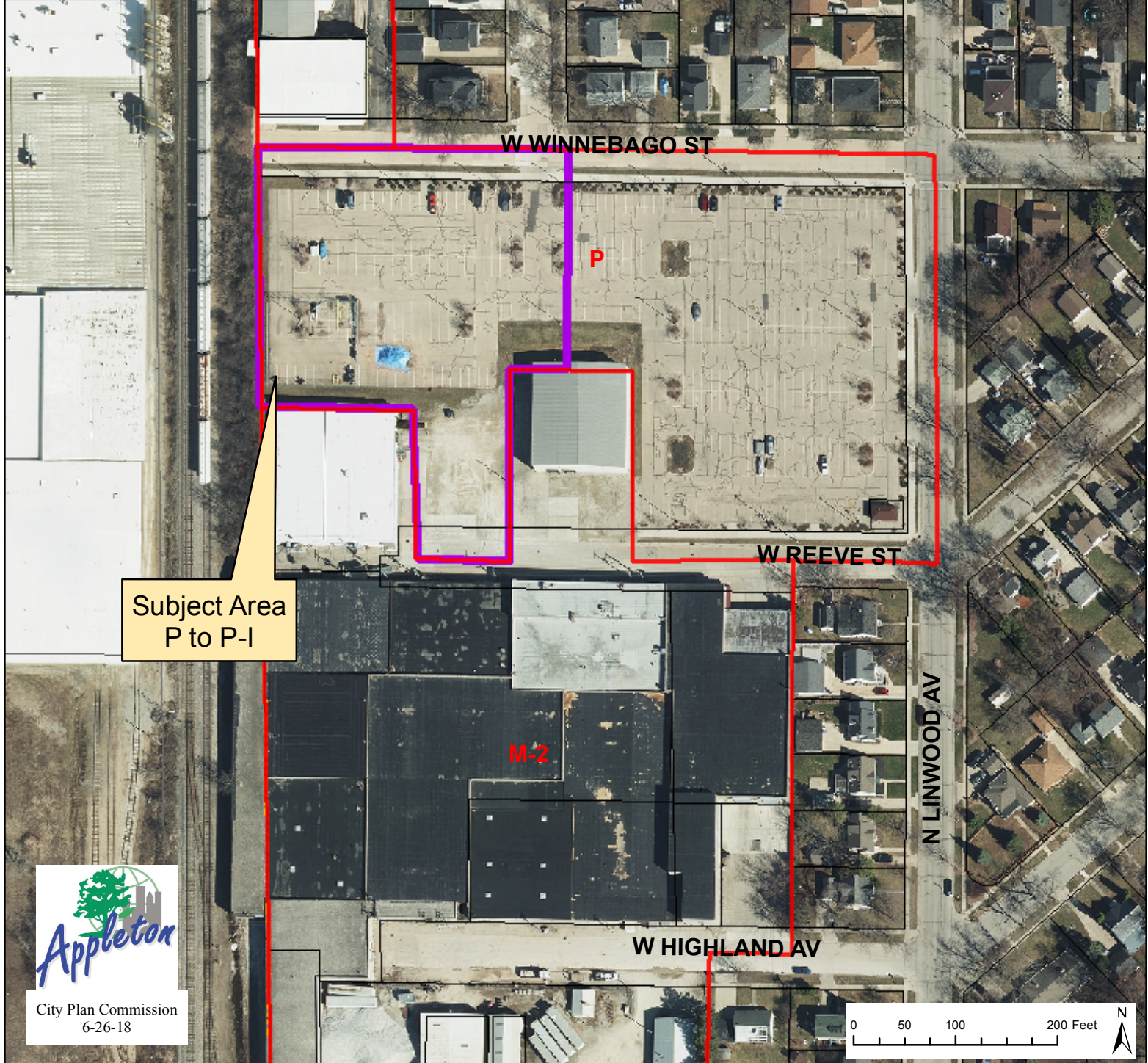
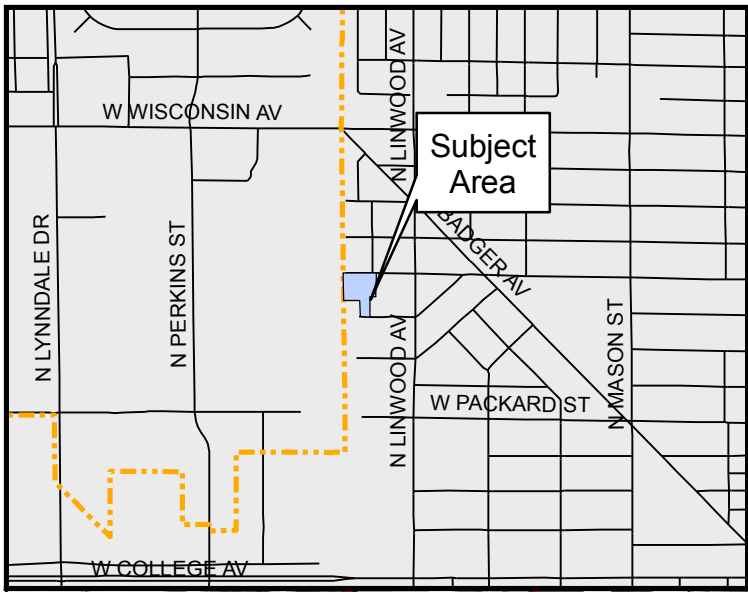


Subject Area
P to P-I



City Plan Commission
6-26-18

W. Reeve St
Rezoning P (Parking District) to
P-I (Public Institutional District)
Air Photo



City Plan Commission
6-26-18

Future Land use Map Amendmet
W. Reeve St
Portion of Tax Id #5-1463
Appleton Area School District
Industrial to Public/Institutional

Subject Area
Current

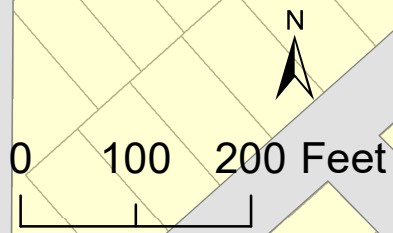
Legend

- One and Two-Family Residential
- Industrial
- Public / Institutional

Subject Area
Proposed



City Plan Commission
6-26-18



DESCRIPTION OF LANDS TO BE REZONED FROM P TO P-I:

A part of Block 65, Fifth Ward Plat, City of Appleton, located in the Southwest 1/4 of the Northwest 1/4 of Section 27, and the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessors Map of said City, containing 76,596 square feet (1.758 acres) of land more or less being more fully described as follows: Commencing at the Northwest corner of said Section 27; Thence S00°42'56"E, 1356.84 feet along the West line of said Northwest 1/4 to the South right-of-way line of Winnebago Street and the Point of Beginning; Thence S89°00'52"E, 305.29 feet along said South right-of-way line; Thence S00°59'08"W, 183.80 feet; Thence N89°00'52"W (recorded as West), 55.97 feet; Thence S00°27'54"E (recorded as South), 155.00 feet to the North right-of-way line of Reeve Street; Thence N89°08'02"W, 94.94 feet along said North right-of-way line; Thence N00°39'34"W, 114.07 feet; Thence N89°00'52"W, 149.00 feet to the East right-of-way line of the Canadian National Railroad; Thence N00°39'34"W, 225.02 feet along said East right-of-way line to the South right-of-way line of Winnebago Street; Thence S89°00'52"E, 0.43 feet along said South right-of-way line to the Point of Beginning; including all of the adjacent one-half (1/2) right of way of West Winnebago Street and West Reeve Street.

May 25, 2018

DEW

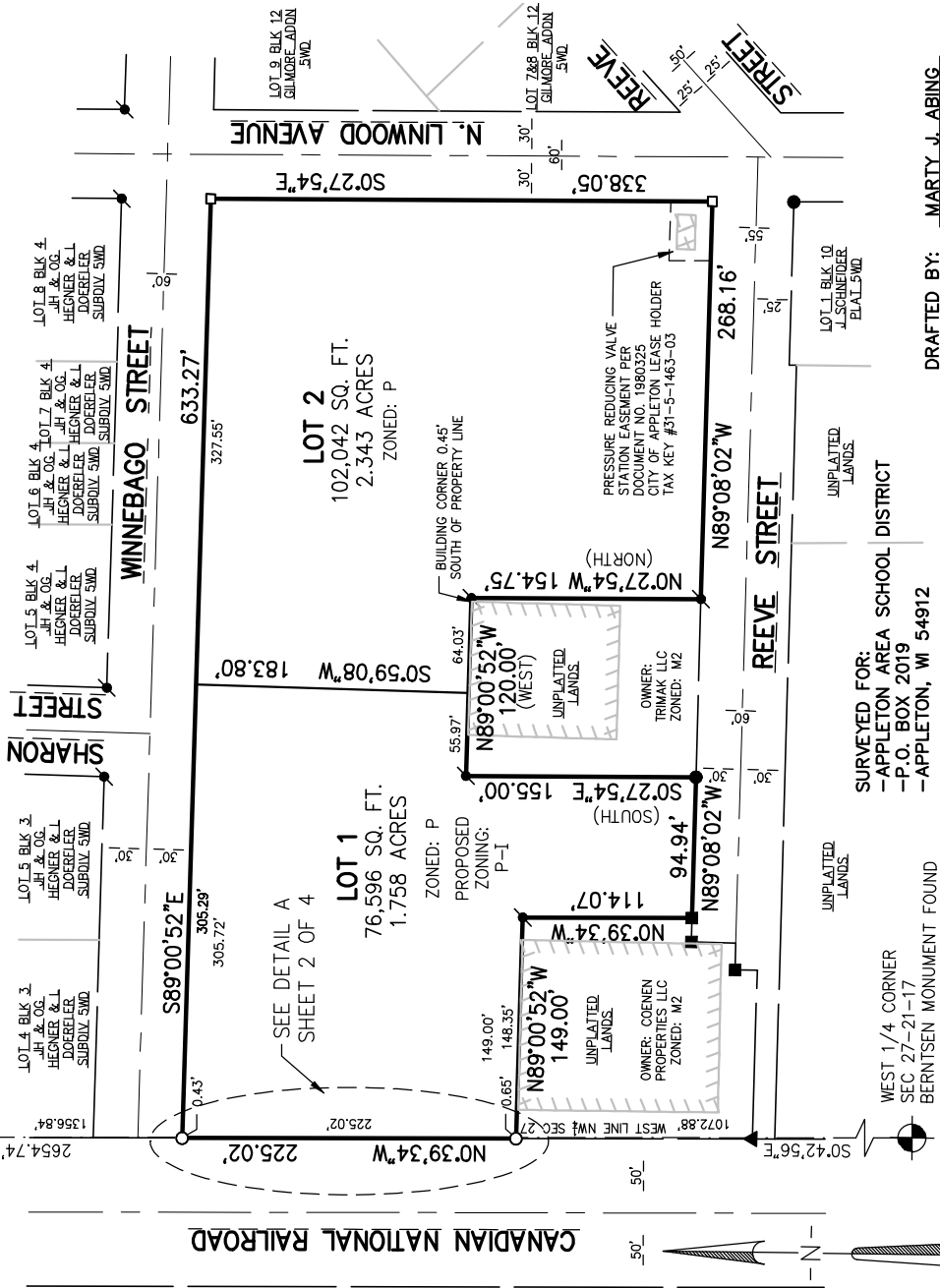
w:\PROJECTS\A0010\91800482\CADD\Civil3D\Survey Documents\CSM\DESCRIPTION OF LANDS TO BE REZONED FROM P TO P-I.docx

NORTHWEST CORNER
SEC 27-21-17
RR SPIKE FOUND

CERTIFIED SURVEY MAP NO. _____

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PART OF BLOCK 65 FIFTH WARD PLAT, CITY OF APPLETON, LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 17 EAST, WHICH BEARS S00°42'56"E PER THE WISCONSIN COUNTY COORDINATE SYSTEM AS PUBLISHED FOR OUTAGAMIE COUNTY.



McMAHON
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www.mcmgrp.com

dw061z, W:\PROJECTS\A0010\91800482\CADD\Civil3D\Survey Documents\CSM\Appleton West Parking Lot 2 Lot CSM.dwg, sheet 1, Plot Date: 5/25/2018 12:00 PM

DRAFTED BY: MARTY J. ABING

SURVEYED FOR:
-APPLETON AREA SCHOOL DISTRICT
-P.O. BOX 2019
-APPLETON, WI 54912

WEST 1/4 CORNER
SEC 27-21-17
BERNTSEN MONUMENT FOUND

UNPLATTED LANDS

UNPLATTED LANDS

LOT 1, BLK 10
J. SCHNEIDER
PLAT 5WD

PRESSURE REDUCING VALVE
STATION EASEMENT PER
DOCUMENT NO. 1980325
CITY OF APPLETON LEASE HOLDER
TAX KEY #31-5-1463-03

UNPLATTED LANDS
OWNER: TRIVAK LLC
ZONED: M2

UNPLATTED LANDS
OWNER: CORNEN PROPERTIES LLC
ZONED: M2

ZONED: P
PROPOSED ZONING: P-1

LOT 2
102,042 SQ. FT.
2.343 ACRES
ZONED: P

LOT 1
76,596 SQ. FT.
1.758 ACRES
ZONED: P

LOT 9, BLK 12
GILMORE ADDN
5WD

LOT 7&8, BLK 12
GILMORE ADDN
5WD

LOT 4, BLK 3
J.H. & O.G.
HEGNER & L.L.
DOEBELER
SUBDIV. 5WD

LOT 5, BLK 4
J.H. & O.G.
HEGNER & L.L.
DOEBELER
SUBDIV. 5WD

LOT 6, BLK 4
J.H. & O.G.
HEGNER & L.L.
DOEBELER
SUBDIV. 5WD

LOT 7, BLK 4
J.H. & O.G.
HEGNER & L.L.
DOEBELER
SUBDIV. 5WD

LOT 8, BLK 4
J.H. & O.G.
HEGNER & L.L.
DOEBELER
SUBDIV. 5WD



City of Appleton Zoning

- P Parking
- M-2 General Industrial
- R-1B Single Family

Other Mapped Features

- Municipal Boundary
- Parcel Line

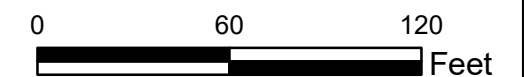
Notes:

-See Rezoning Property Description and CSM for legal descriptions

-Rezoning for:
Appleton Area School District
531 N. Morrison Street
Appleton, WI 54911

Source: City of Appleton, 2018; Outagamie County, 2014-18.

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON ASSOCIATES, INC. does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.

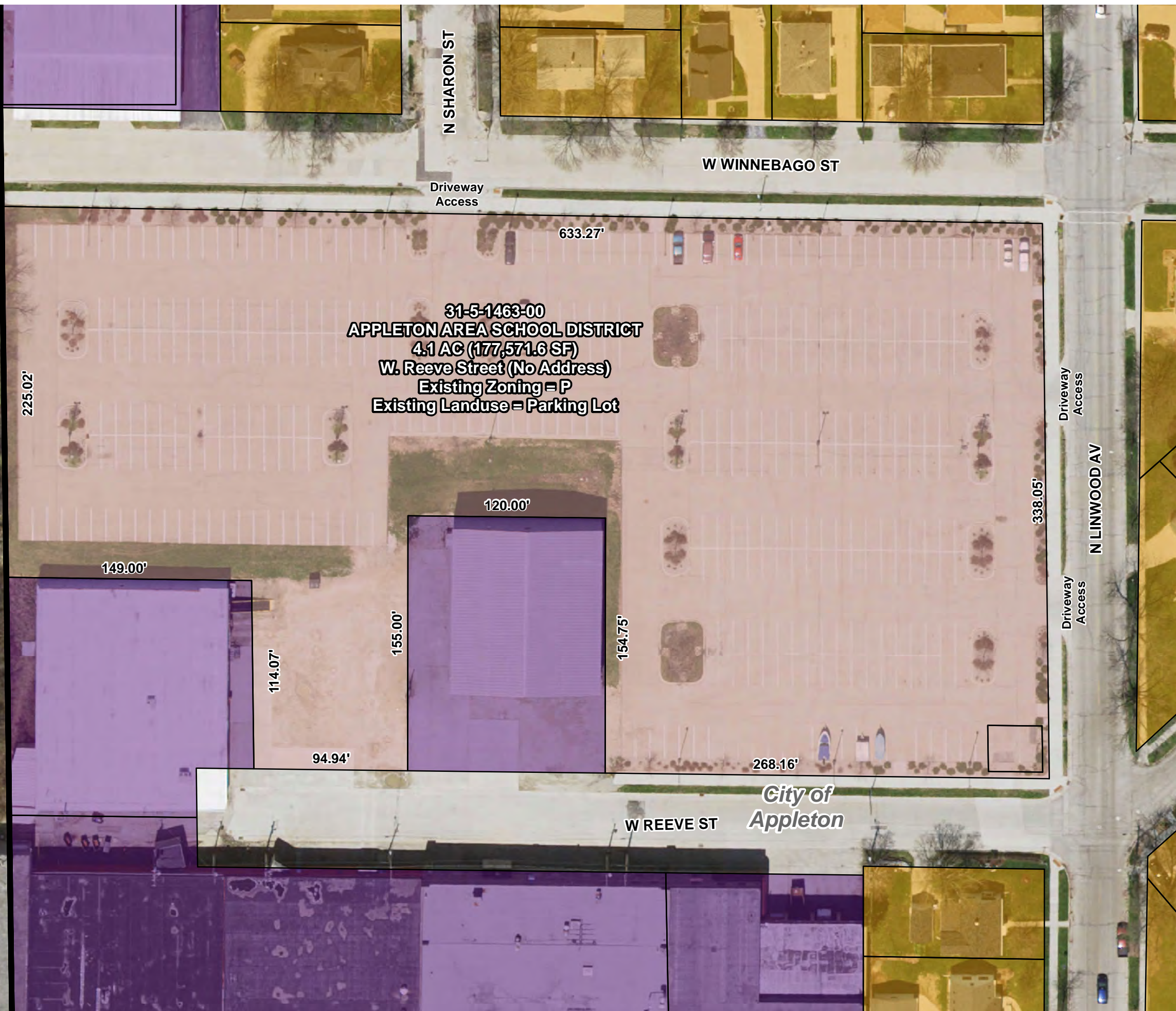


McMAHON
ENGINEERS ARCHITECTS
McMAHON ASSOCIATES, INC.

FIGURE 1
EXISTING CONDITION
APPLETON AREA
SCHOOL DISTRICT
CITY OF APPLETON
OUTAGAMIE COUNTY, WISCONSIN

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*Town of
Grand
Chute*





City of Appleton Zoning

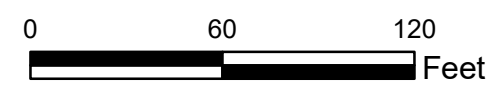
- M-2 General Industrial
- P Parking
- P-I Public Institutional (Proposed)
- R-1B Single Family

Other Mapped Features

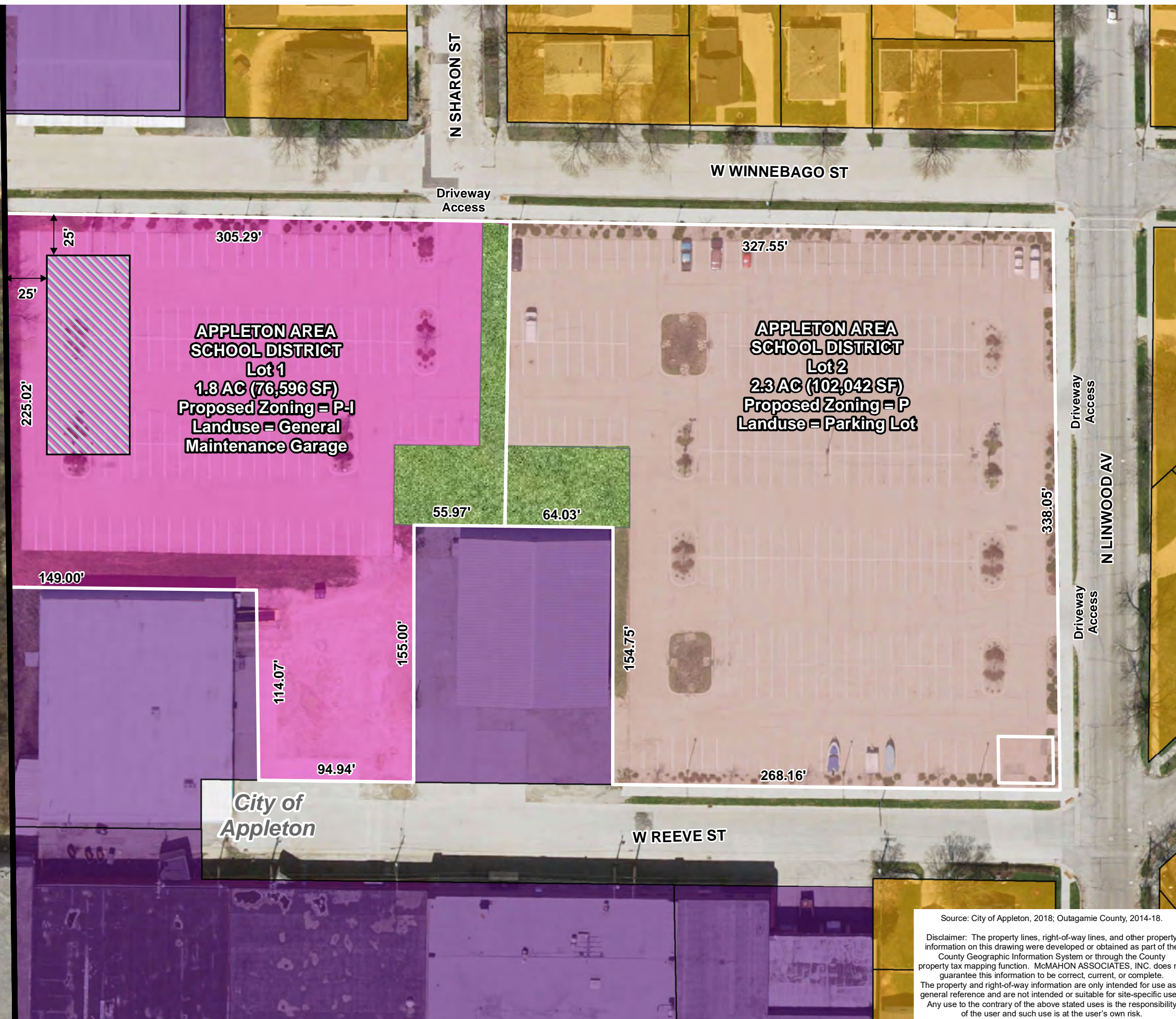
- Proposed 6,000 SF Building (125' x 50')
- Existing and Proposed Landscaped Traffic Barrier
- Municipal Boundary
- Proposed Parcel Line
- Existing Parcel Line

Notes:
 -See Rezoning Property Description and CSM for legal descriptions

-Rezoning for:
 Appleton Area School District
 531 N. Morrison Street
 Appleton, WI 54911



**FIGURE 2
 PROPOSED CONDITION
 APPLETON AREA
 SCHOOL DISTRICT
 CITY OF APPLETON
 OUTAGAMIE COUNTY, WISCONSIN**



Source: City of Appleton, 2018; Outagamie County, 2014-18.

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**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on June 26, 2018, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-18) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 26, 2018; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property on the Future Land Use Map from (Industrial Use) to (Public/Institutional Use).

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk