



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** December 14, 2022

**Common Council Public Hearing Meeting Date:** January 18, 2023

**Item:** Rezoning #5-22 – 1208 North Oneida Street from C-2 General Commercial District to R-2 Two-family District

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

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**Owner:** Little Angel Child Care, Inc.

**Applicant:** Jim Fletcher, RE/MAX 24/7 Commercial Real Estate c/o Reed Asset Management, LLC

**Address/Parcel:** 1208 North Oneida Street (Tax Id #31-6-0329-00)

**Petitioner's Request:** "The property is an older house currently set up with a kitchen, bath, 2 bedrooms and living area on the first floor and 2<sup>nd</sup> floor. We request rezoning back to R-2 in order to make repairs and renovate the property to a modern, affordable rent, 2 unit property. The property accommodates parking for 2 units and we feel this would have a positive economical impact for the city."

### BACKGROUND

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The building was originally constructed as an upper/lower two-family dwelling in 1898 per City Assessor records.

Rezoning #25-85 was approved by the Common Council on August 2, 1985 to rezone the property from C-3 Wisconsin Avenue District to C-2 General Commercial District. The purpose of the rezoning was to allow the first floor dwelling unit to be converted into a retail space. Subsequently, the second floor apartment continued to be rented, but no City permits were applied for to convert the first floor dwelling unit into a retail space.

Building Permit B89-#0753 was approved by the Inspection Division on August 1, 1989 to allow the first floor dwelling unit to be remodeled and used as a commercial day care facility "Little Angel Child Care". The second floor apartment continued to be occupied. Pursuant to the C-2 zoning district standards, the commercial day care facility was considered the principal use of the property, and the second floor dwelling unit was considered an accessory use of the property.

Little Angel Child Care was licensed and certified by the Wisconsin Department of Health Services Department (2003 data) to provide child care services up to 16 children per license number 1006495 for Little Angel Child Care Inc. This child day care facility is not currently in operation.

The applicant proposes to change the 1<sup>st</sup> floor commercial space back to a residential dwelling unit, while maintaining the 2<sup>nd</sup> floor dwelling unit. The applicant applied for variances in anticipation of submitting this rezoning request. The Board of Zoning Appeals approved variances for the front yard setback and

minimum lot width standards listed in the R-2 Two-family District on October 17, 2022. The variances were needed in order for the building and lot width to comply with the R-2 Two-family District minimum development standards as stated in Section 23-95(g)(1)f. and g. of the Zoning Ordinance.

### **STAFF ANALYSIS**

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**Existing Site Conditions:** Currently, the parcel is developed with a two-story building, detached garage and a paved driveway used for off-street parking.

**Surrounding Zoning Classification and Land Uses:** A variety of uses can be found in this area of the City, including retail, restaurant and service type business, and residential (single/two family) uses.

North: C-2 General Commercial District. The adjacent land use to the north is currently a restaurant.

South: R-2 Two-Family District. The adjacent land use to the south is currently an upper/lower two-family dwelling.

East: R-1C Central City Residential District. The adjacent land use to the east is currently single-family residential.

West: R-2 Two-Family District. The adjacent land use to the west is currently an upper/lower two-family dwelling.

**Proposed Zoning Classification:** The R-2 District is intended to provide for and maintain residential areas characterized by single-family detached and two-family dwelling units. Increased densities and the introduction of two-family housing types are intended to provide for greater housing options for owners and renters while maintaining the basic qualities of a moderately dense residential neighborhood. The development standards for the R-2 District are listed below:

- 1) **Minimum lot area:** 7,000 square feet (two-story duplex).
- 2) **Maximum lot coverage:** 60%.
- 3) **Minimum lot width:** 70 feet. \*Variance approved, 60.11 feet.
- 4) **Minimum front yard:** 20 feet. \*Variance approved, 18.7 feet.
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

**Zoning Ordinance Review Criteria:** A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to allow the applicant to change the use from 1<sup>st</sup> floor commercial to a residential dwelling unit. As a result, the building would be classified as an upper/lower two-family dwelling unit after all applicable municipal codes have been satisfied. If the rezoning request is approved, the R-2 District zoning regulations, variance approvals and other applicable sections of the Zoning Ordinance would apply to the subject site.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Future Land Use Map identifies the subject site and block as future mixed use. The proposed rezoning is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030* and the residential mixed-use designation pursuant to Chapter 15 Wisconsin Avenue Corridor Plan.

*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, Variety, 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 5.1: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.*

*OBJECTIVE 5.3 Housing and Neighborhoods:*

*Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.*

*Policy 5.3.3 Plan for a supply of developable land suitable for residential development.*

*OBJECTIVE 10.1 Land Use:*

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

*OBJECTIVE 10.4 Land Use:*

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

*Chapter 15: Wisconsin Avenue Corridor Plan:*

*Residential Mixed-Use - As with the pedestrian-oriented commercial category, areas identified for residential mixed-use may contain both commercial and residential uses. Here, however, residential uses should dominate. Buildings may be entirely residential, or incorporate a lesser area of commercial space. The intent of this district is to help to concentrate commercial activity into other areas, where it may cluster and create beneficial relationships between neighboring businesses. The area designated as residential mixed-use is thought to include parts of the Wisconsin Avenue corridor where the demand for commercial space is not very strong. High-density residential uses in these areas can offer property owners the opportunity to profitably redevelop their land and create additional households to support commercial businesses in the corridor.*

**College North Neighborhood Plan – Chapter 4: Market Study 2020-2030:** The average annual housing need is about 301 units per the market study. The change of use from 1<sup>st</sup> floor commercial to a

residential dwelling unit helps to meet the demand for housing in Appleton as specified in the market study.

**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 goals and objectives stated above and Chapter 15 Wisconsin Avenue Corridor Plan which identifies this area for residential mixed-use.*
  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. *The City of Appleton's College North Neighborhood Plan – Chapter 4: Market Study 2020-2030 indicates an average of 301 housing units is needed annually.*
  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. *A variety of uses can be found in the area of the City, including retail, restaurant and service business, and residential (single/two family) uses. The proposed rezoning would allow the owner to obtain the necessary building permits to change the use of the 1<sup>st</sup> floor from a day care facility to a residential dwelling unit and will allow the building to be classified as an upper/lower two-family dwelling unit. 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.

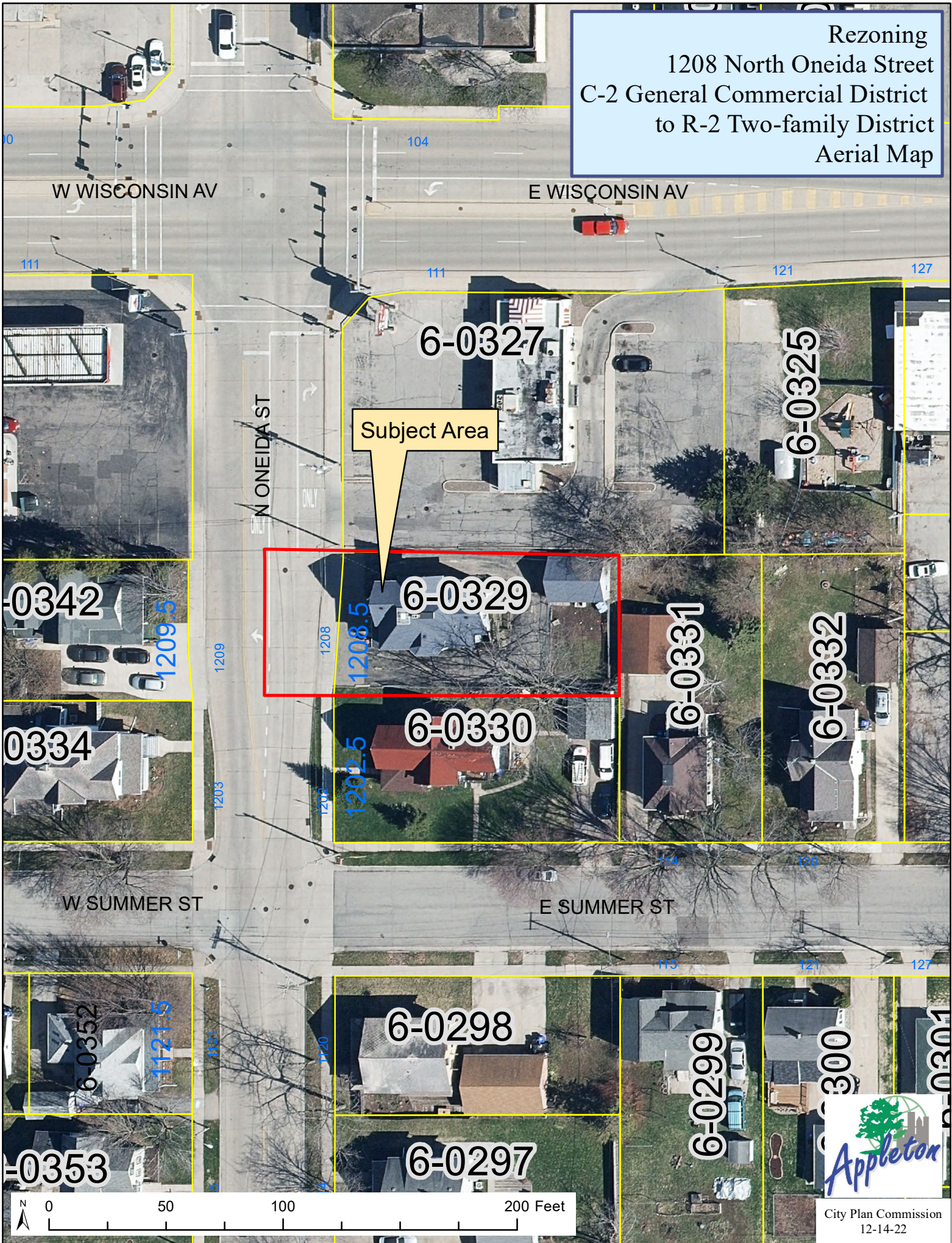
**Technical Review Group (TRG) Report:** This item appeared on the November 22, 2022 TRG agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #5-22 to rezone the subject parcel located at 1208 North Oneida Street (Tax Id #31-6-0329-00) from C-2 General Commercial District to R-2 Two-family District, including the adjacent one-half (1/2) right-of-way of North Oneida Street, as shown on the attached map, **BE APPROVED**.



Rezoning  
1208 North Oneida Street  
C-2 General Commercial District  
to R-2 Two-family District  
Aerial Map



Subject Area

6-0327

6-0325

6-0342

6-0329

6-0331

6-0332

6-0334

6-0330

W SUMMER ST

E SUMMER ST

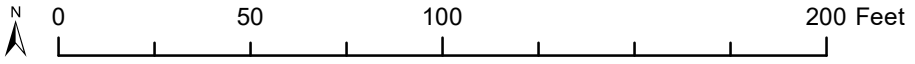
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6-0298

6-0299

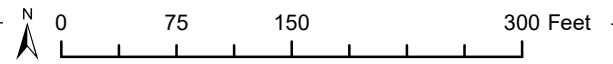
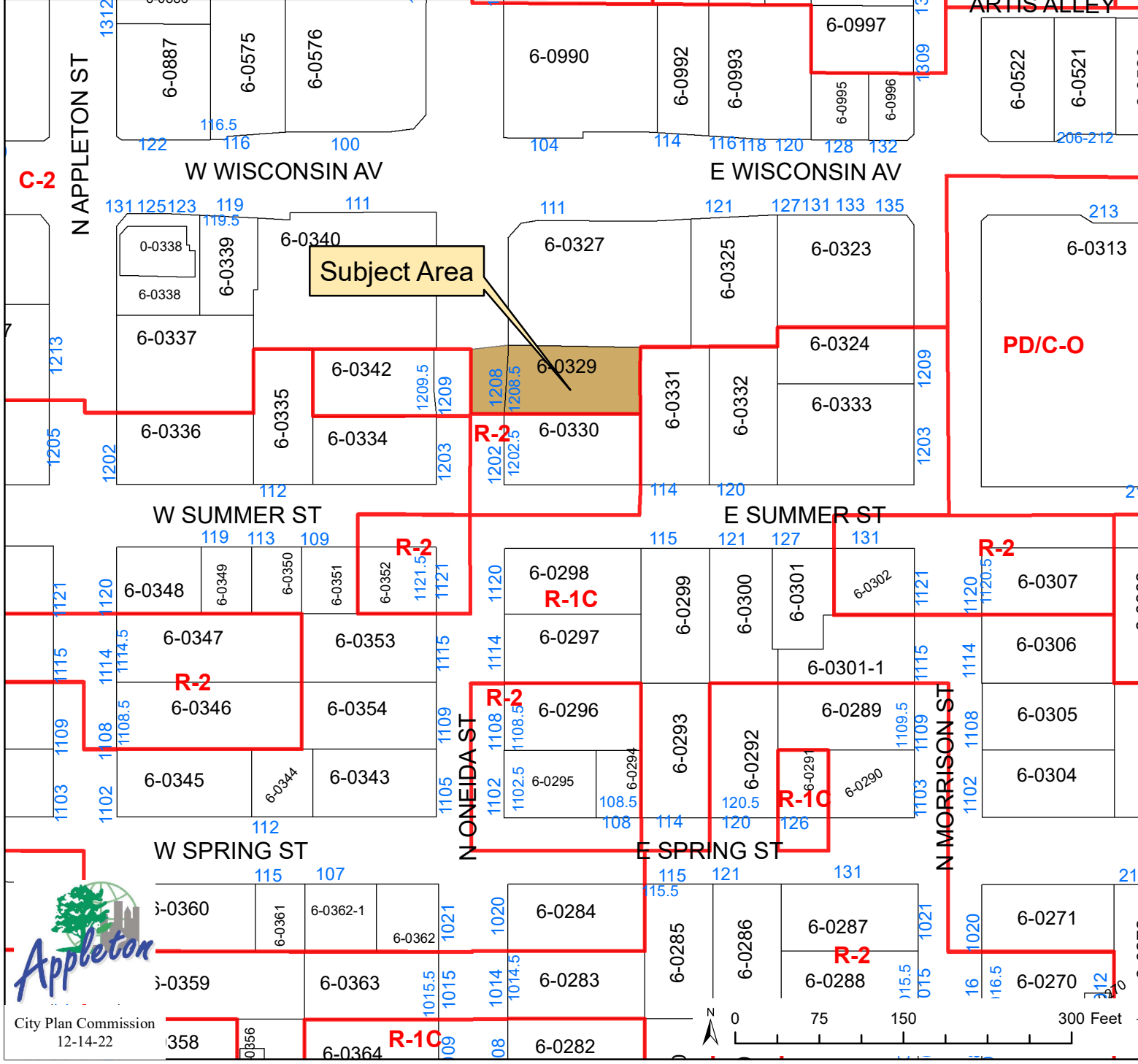
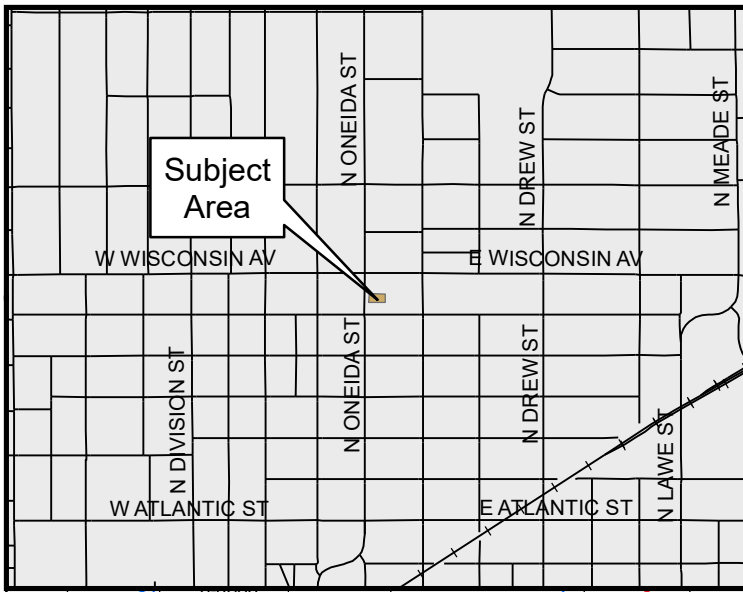
6-0300

6-0297





Rezoning  
 1208 North Oneida Street  
 C-2 General Commercial District  
 to R-2 Two-family District  
 Zoning Map







LEGAL DESCRIPTION OF 1208 N. ONEIDA STREET

DAVID KIMBALLS ADDN 6W D N60FT OF LOT 5 BLK 19 LESS DOC #1873750 FOR R/W, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN AND INCLUDING TO THE MIDPOINT OF THE ADJACENT RIGHT-OF-WAY. TAX ID NUMBER 31-6-0329-00.