



## REPORT TO COMMON COUNCIL

**Common Council Public Hearing & Meeting Date:** June 17, 2020

**Item:** Rezoning #3-20 – North Edgewood Estates 2

**Case Manager:** David Kress, Principal Planner

### GENERAL INFORMATION

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**Owner/Applicant:** North Edgewood Estates Development, LLC c/o Kurt Coenen

**Address/Parcel:** Generally located east of French Road and north of Edgewood Drive (part of Tax Id #31-1-7610-00)

**Petitioner's Request:** The applicant proposes to rezone the subject area from R-1B Single-Family District to R-2 Two-Family District. The request is being made to facilitate subdivision development for single-family and two-family dwellings.

### BACKGROUND

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This item would typically go to Plan Commission for review and a recommendation. However, to help prevent the spread of COVID-19, Plan Commission will not meet and Common Council will conduct their business as Committee of the Whole.

On January 17, 2018, Common Council approved the North Edgewood Estates Development Agreement to set forth the City and developer duties and responsibilities with respect to development of the subject land. An amended development agreement was approved by Common Council on April 22, 2020.

On March 21, 2018, Common Council adopted Ordinance 32-18, to annex the subject area from the Town of Grand Chute to the City of Appleton. During review of the North Edgewood Estates Annexation, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District and P-I Public Institutional District to a permanent zoning classification of R-1B Single-Family District. Rezoning #2-18 was approved by Common Council on April 18, 2018.

The Final Plat for North Edgewood Estates, consisting of 45 lots and two outlots, was approved by Common Council on September 19, 2018 for land located immediately west of the subject area.

The North Edgewood Estates 2 Preliminary Plat, to subdivide parcel #31-1-7610-00, was approved by Common Council on April 22, 2020. The Final Plat for a phase of North Edgewood Estates 2, consisting of 24 lots and three outlots, is also being presented at this June 17, 2020 Common Council meeting.

### STAFF ANALYSIS

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**Existing Site Conditions:** The subject area totals approximately 16.4971 acres in size and is located east of Rubyred Drive. Rubyred Drive is classified as a collector street on the City's Arterial/Collector Plan. Currently, the site consists of vacant, undeveloped land.

**Surrounding Zoning Classification and Land Uses:**

North: R-1B Single-Family District. The adjacent land uses to the north are currently agricultural.

South: P-I Public Institutional District and Town of Grand Chute. The adjacent land uses to the south are currently agricultural.

East: Town of Vandenbroek. The adjacent land uses to the east are currently agricultural.

West: R-1B Single-Family District. A previous phase of the subdivision, North Edgewood Estates, is located to the west and being developed with single-family residential.

**Proposed Zoning Classification:** The purpose of the R-2 Two-Family District is 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. Per Section 23-95(g)(1) of the Municipal Code, development standards for the R-2 District are listed below. While not included in this staff report, unique development standards are also established for zero lot line two-family dwellings.

1) *Two-family dwellings (duplex) and Other uses.*

- a. *Minimum lot area, Single-family dwelling (detached):* 6,000 square feet.
- b. *Minimum lot area, Two-family dwellings (two-story duplex):* 7,000 square feet.
- c. *Minimum lot area, Two-family dwellings (single story duplex):* 9,000 square feet.
- d. *Minimum lot area, All other uses:* 7,000 square feet.
- e. *Minimum lot width, Single-family dwelling:* 50 feet.
- f. *Minimum lot width, All other uses:* 70 feet.
- g. *Minimum front lot line setback:* 20 feet (25 feet minimum on arterial street).
- h. *Minimum rear lot line setback:* 25 feet.
- i. *Minimum side lot line setback:* 6 feet.
- j. *Maximum lot coverage:* 60%.
- k. *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 facilitate subdivision development for single-family and two-family dwellings, which is permitted in the R-2 Two-Family District. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. While the rezoning request is only for part of parcel #31-1-7610-00, the North Edgewood Estates 2 Final Plat would subdivide the parcel and establish separate lots within the subject area. The North Edgewood Estates 2 Final Plat, which is being presented at this same Common Council meeting, was reviewed against the lot development standards for the R-2 District listed above. If the

rezoning request is approved, any future development would need to conform to the R-2 District zoning regulations and other sections of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with a future One and Two-Family Residential and Public/Institutional designations. The proposed R-2 Two-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, 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 5.3 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.*

**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 the Future Land Use Map, which identifies this area for future one and two-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. *City sanitary sewer and water infrastructure is already installed in Rubyred Drive and other parts of the North Edgewood Estates subdivision located to the west of the subject area. The improvements needed to connect to City utilities in this area are identified and described in the North Edgewood Estates Development Agreement.*
  2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are located to the west of the subject area, and existing multi-family residential uses are located to the southwest. Properties to the north, south, and east of the subject area primarily consist of vacant, undeveloped land. 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.

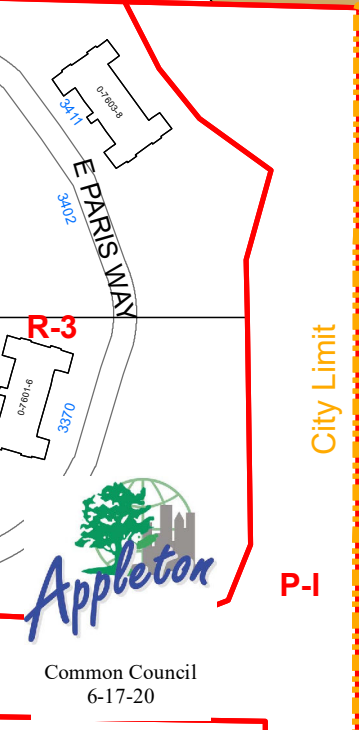
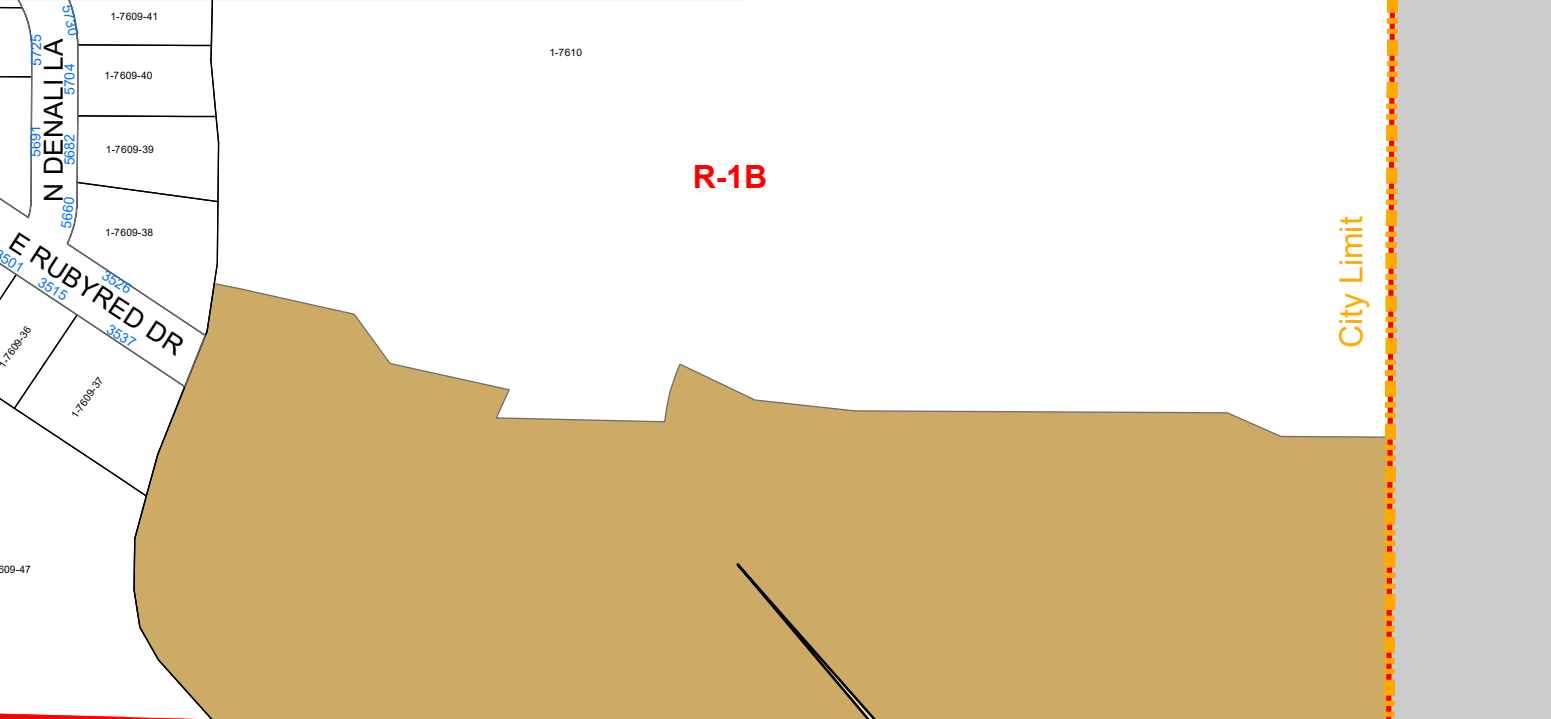
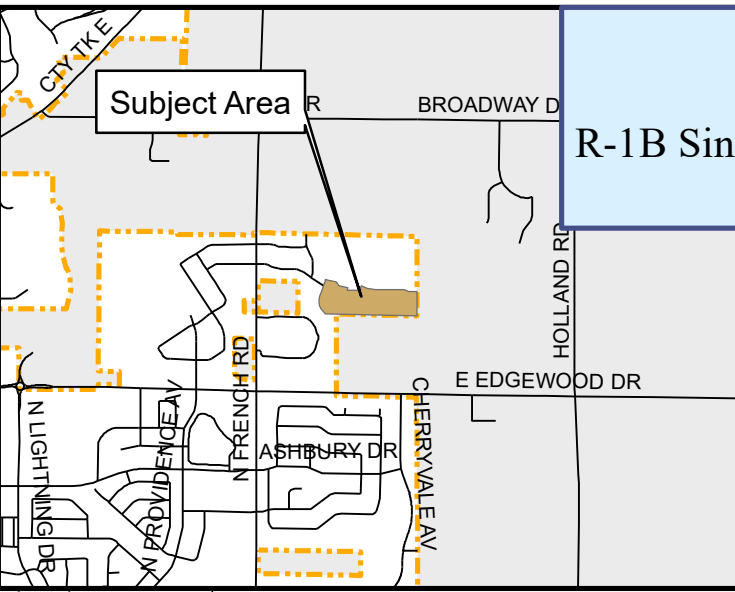
**Technical Review Group (TRG) Report:** This item appeared on the May 19, 2020 Technical Review Group agenda. No negative comments were received from participating departments. Minor revisions were made to the attached legal description, based on input from the City Surveyor.

## **RECOMMENDATION**

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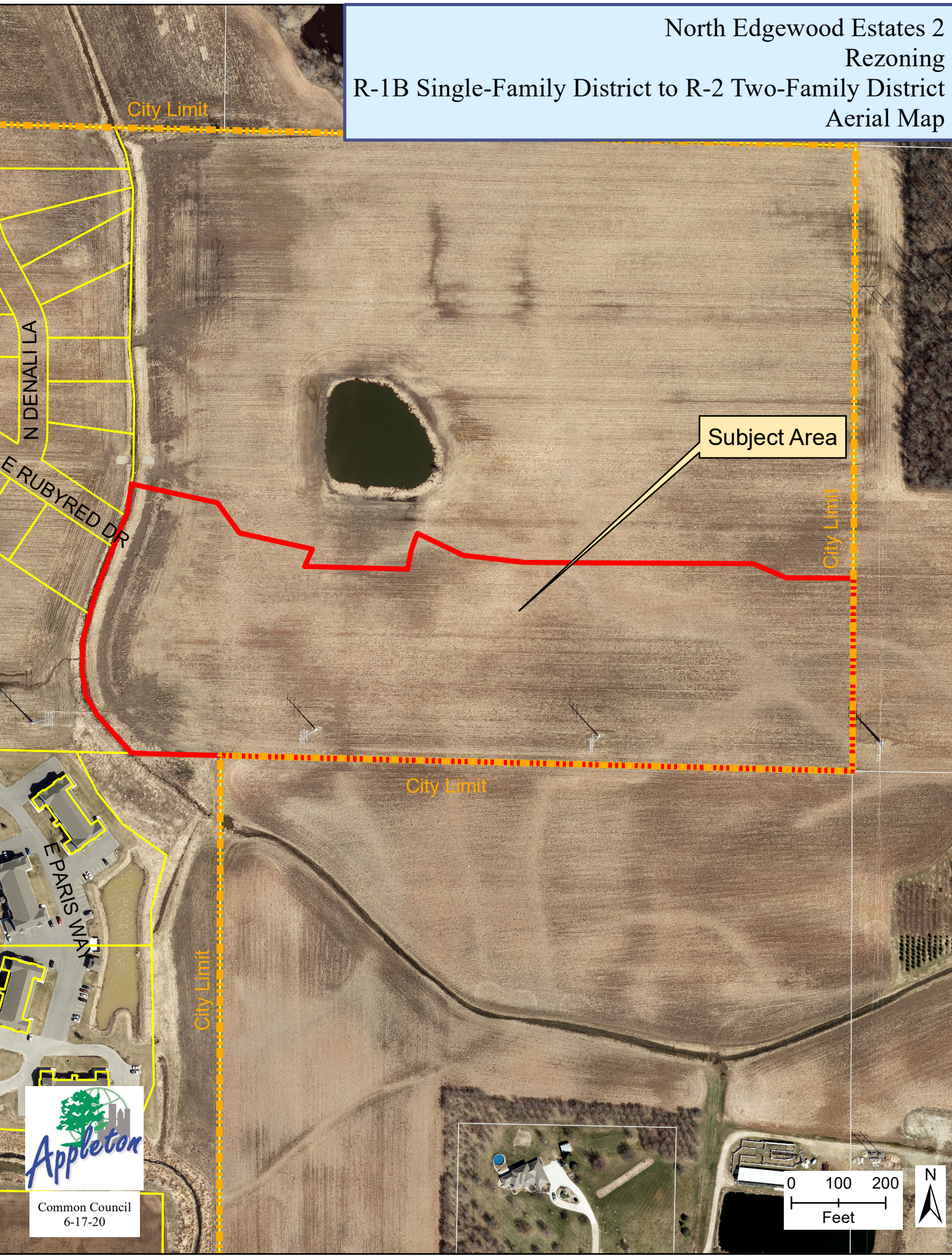
Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #3-20 to rezone the subject area generally located east of Rubyred Drive (part of Tax Id #31-1-7610-00) from R-1B Single-Family District to R-2 Two-Family District, as shown on the attached map, **BE APPROVED**.

North Edgewood Estates 2  
Rezoning  
R-1B Single-Family District to R-2 Two-Family District  
Zoning Map





North Edgewood Estates 2  
Rezoning  
R-1B Single-Family District to R-2 Two-Family District  
Aerial Map



Subject Area

City Limit

City Limit

City Limit

City Limit



Common Council  
6-17-20





## **North Edgewood 2 Description**

Part of Lot 3 of CSM 7488, being part of the North ½ of the Southwest 1/4 Section 5, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 718,615 Square Feet (16.4971 Acres) of land more or less, including all lands between the meander line and the centerline of a tributary of Apple Creek, described as follows:

Commencing at the South 1/4 Corner of Section 5; thence N00°16'55"E, 1326.58 feet to the point of beginning; thence, along the South line of Lot 3 CSM 7488, N88°34'21"W, 1489.74 feet to a meander point being S88°34'21"E, 45 feet more or less from the centerline of a tributary of Apple Creek; thence, along a meander line N37°24'34"W, 178.62 feet; thence, continuing along said meander line, N15°26'27"E 277.09 feet; thence, continuing along said Meander line, N10°15'42"E, 158.23 feet to a meander point being S77°29'09"E, 35 feet more or less from said centerline of a tributary of Apple Creek; thence S77°29'09"E 152.01 feet; thence S36°28'44"E 79.51 feet; thence S77°29'09"E 158.42 feet; thence S24°18'25"W 40.14 feet; thence S88°34'11"E 219.39 feet; thence 78.70 feet along the arc of a curve to the right with a radius of 220.00 feet and a chord of 78.29 feet which bears N14°57'35"E; thence S64°20'18"E, 107.65 feet; thence S83°26'13"E, 131.00 feet; thence S89°43'05"E, 485.00 feet; thence S66°31'11"E, 76.16 feet; thence S89°43'05"E, 142.50 feet to the East line of the Southwest 1/4; thence, along said East line, S00°16'55"W, 409.15 feet to the point of beginning, subject to all easements, and restrictions of record.