



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: July 21, 2020

Common Council Public Hearing Meeting Date: September 2, 2020
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-20 and Rezoning #6-20

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owners/Applicants: Emerald Valley Estates, LLC and B&H Properties, Inc. c/o Robert De Bruin

Address/Parcel: Generally located between French Road and Cherryvale Avenue, south of the creek/trail corridor (Tax Id #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00), including land recently annexed with the Trail View Estates South Annexation (formerly Town of Grand Chute Tax Id #101164606).

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Multi-Family Residential designation to the One and Two-Family Residential designation for parcels #31-1-6410-00 and #31-1-6411-00. In conjunction with this request, the applicant is proposing to rezone all three subject parcels from R-3 Multi-Family District, R-2 Two-Family District, and temporary AG Agricultural District to R-1B Single-Family District. A portion of French Road right-of-way, currently zoned P-I Public Institutional District, is also included in the rezoning request. The requests are being made to assign a permanent zoning classification to newly annexed land, establish a uniform Future Land Use Map designation and zoning classification for the subject property, and accommodate proposed subdivision development.

BACKGROUND

Parcel #31-1-7513-00 was annexed to the City in 1997 with the Northeast Annexation. On July 17, 2002, Common Council approved Rezoning #14-02 which rezoned parcel #31-1-7513-00 from R-1A Single-Family District to R-2 Two-Family District. Parcel #31-1-6410-00 was assigned a zoning classification of R-3 Multi-Family District in conjunction with the North French Road Annexation, which was approved by Common Council on October 19, 2011.

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.

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-20 & Rezoning #6-20

July 21, 2020

Page 2

On July 15, 2020, Common Council adopted Ordinance 92-20 to annex parcel #31-1-6411-00 (formerly Town of Grand Chute Tax Id #101164606) to the City as the Trail View Estates South Annexation. The property was officially annexed to the City on July 21, 2020 at 12:01 a.m. The owner did not request a rezoning with the annexation petition, so the temporary AG Agricultural District was assigned for this parcel. If the temporary zoning classification is not amended within 90 days, the zoning reverts to AG Agricultural District, per Section 23-65(e) of the Municipal Code.

The Trail View Estates South Preliminary Plat, to subdivide the subject property into 127 lots, is also being presented at this July 21, 2020 Plan Commission meeting.

STAFF ANALYSIS

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

Existing Site Conditions: Currently, the subject property consists of vacant, undeveloped land. Combined, the subject land area totals approximately 31.7276 acres. The property has frontage along North French Road and North Cherryvale Avenue. North French Road is classified as an arterial street on the City's Arterial/Collector Plan, and North Cherryvale Avenue is classified as a collector street.

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

North: Zoning – R-1B Single-Family District, NC Nature Conservancy District, and Town of Grand Chute.

Future Land Use Designation – One and Two-Family Residential, Public Parks and Open Space, and Multi-Family Residential.

Current Land Use – Single-family residential and public open space, including the Apple Creek corridor and recreational trail.

South: Zoning – Village of Little Chute.

Future Land Use Designation – Not applicable (Village of Little Chute).

Current Land Use – Single-family residential.

East: Zoning – R-3 Multi-Family District and R-1B Single-Family District.

Future Land Use Designation – Multi-Family Residential and One and Two-Family Residential.

Current Land Use – Vacant, undeveloped land.

West: Zoning – P-I Public Institutional District and Town of Grand Chute.

Future Land Use Designation – Public Parks and Open Space and Multi-Family Residential.

Current Land Use – Public open space, including the USA Youth Sports Complex, and single-family residential.

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 subject land area is

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-20 & Rezoning #6-20

July 21, 2020

Page 3

necessitating the change to One and Two-Family Residential designation. One of the subject parcels (#31-1-7513-00) is already shown as One and Two-Family Residential designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the One and Two-Family Residential designation and establish a uniform designation for the development area.

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 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.

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

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.

Proposed Zoning Classification: The purpose of the R-1B Single-Family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. The development standards for the R-1B District are listed below:

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-20 & Rezoning #6-20

July 21, 2020

Page 4

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 50%.
- 3) **Minimum lot width:** 50 feet.
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street).
- 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 assign a permanent zoning classification following the Trail View Estates South Annexation and facilitate subdivision development for single-family dwellings, which is permitted in the R-1B Single-Family District. The request would establish uniform zoning for the development area to comply with Section 23-40(b) of the Municipal Code, which prohibits more than one zoning district on any parcel of land. The Trail View Estates South Preliminary Plat, which is being presented at this same Plan Commission meeting, was reviewed against the lot development standards for the R-1B District listed above. If the rezoning request is approved, any future development would need to conform to the R-1B District zoning regulations and other applicable sections of the Zoning Ordinance.

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 Future Land Use Map already identifies parcel #31-1-7513-00 for future one and two-family residential uses. If Future Land Use Map Amendment #1-20 is approved, to identify this entire area for future one and two-family residential 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.

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-20 & Rezoning #6-20

July 21, 2020

Page 5

- 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 transportation network should be able to accommodate the proposed rezoning. The City of Appleton and Village of Little Chute have entered into an Intergovernmental Cooperation Agreement in order to provide sewer and water to the Cherryvale Avenue area. This area is unique because it is in the City, but receives sewer and water services from the Village. A development agreement, which would identify the improvements needed to connect to utilities, is anticipated for the proposed Trail View Estates South subdivision.*
 2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located to the north, south, and west of the subject site. Properties to the 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, provided Comprehensive Plan Future Land Use Map Amendment #1-20 is approved.

Technical Review Group (TRG) Report: These items appeared on the June 30, 2020 Technical Review Group agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-20 for specified property (Tax Id #31-1-6410-00 and #31-1-6411-00) from Multi-Family Residential designation to One and Two-Family Residential designation and resolution, **BE APPROVED**; and

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 #6-20 to rezone the subject parcels located between North French Road and North Cherryvale Avenue (Tax Id #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00) from R-3 Multi-Family District, R-2 Two-Family District, temporary AG Agricultural District, and P-I Public Institutional District to R-1B Single-Family District, including to the centerline of the adjacent North French Road and North Cherryvale Avenue right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #6-20 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-20 to accurately reflect the change in future land use from Multi-Family Residential designation to One and Two-Family Residential designation. The Trail View Estates South Preliminary Plat will be reported out at the same Common Council meeting as well.

**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 July 21, 2020, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-20) 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 July 21, 2020; 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 (Tax Id #31-1-6410-00 and #31-1-6411-00) on the Future Land Use Map from Multi-Family Residential Use to One and Two-Family Residential 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.

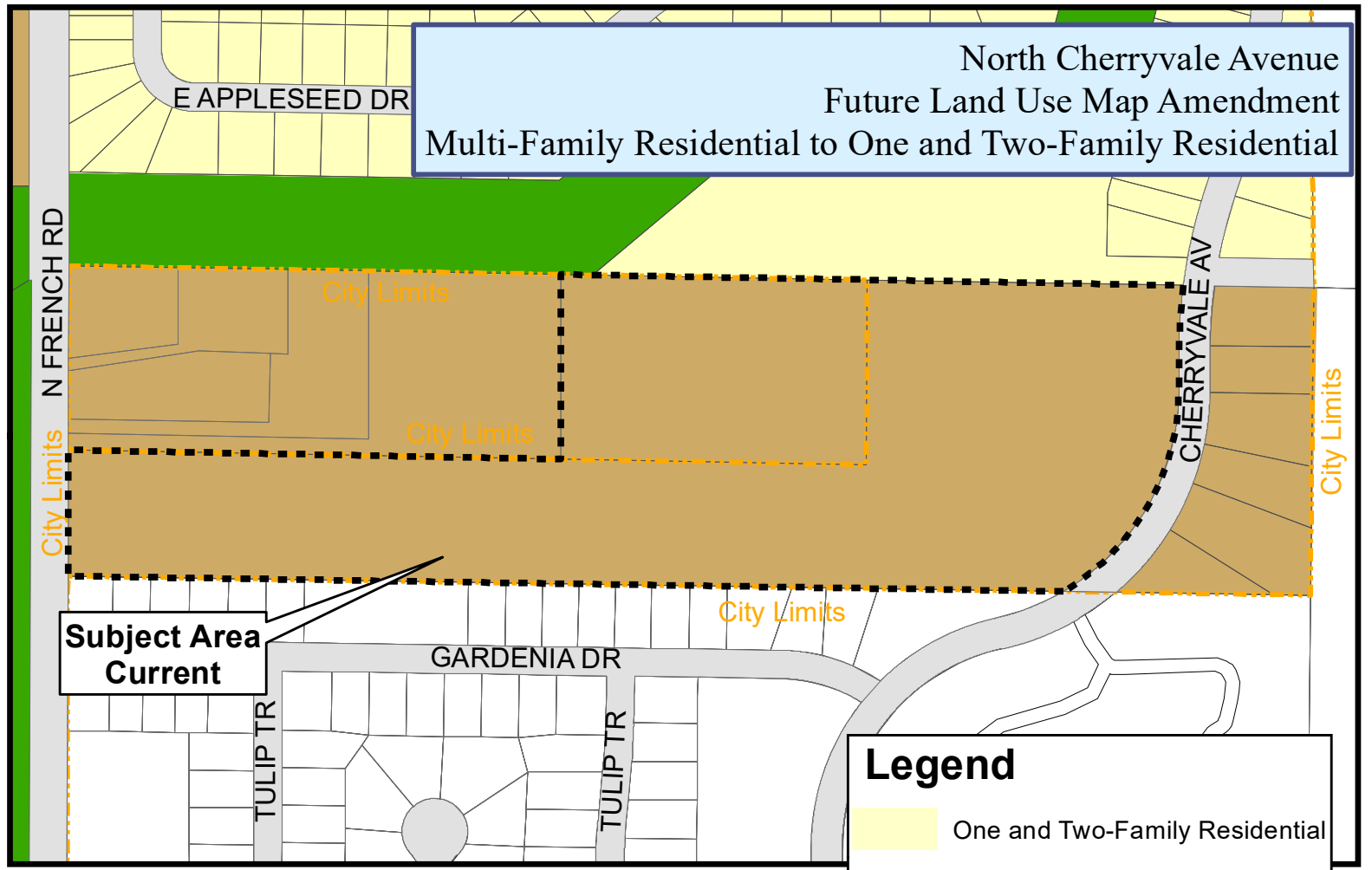
Adopted this _____ day of _____, 2020.

Jacob A. Woodford, Mayor

ATTEST:

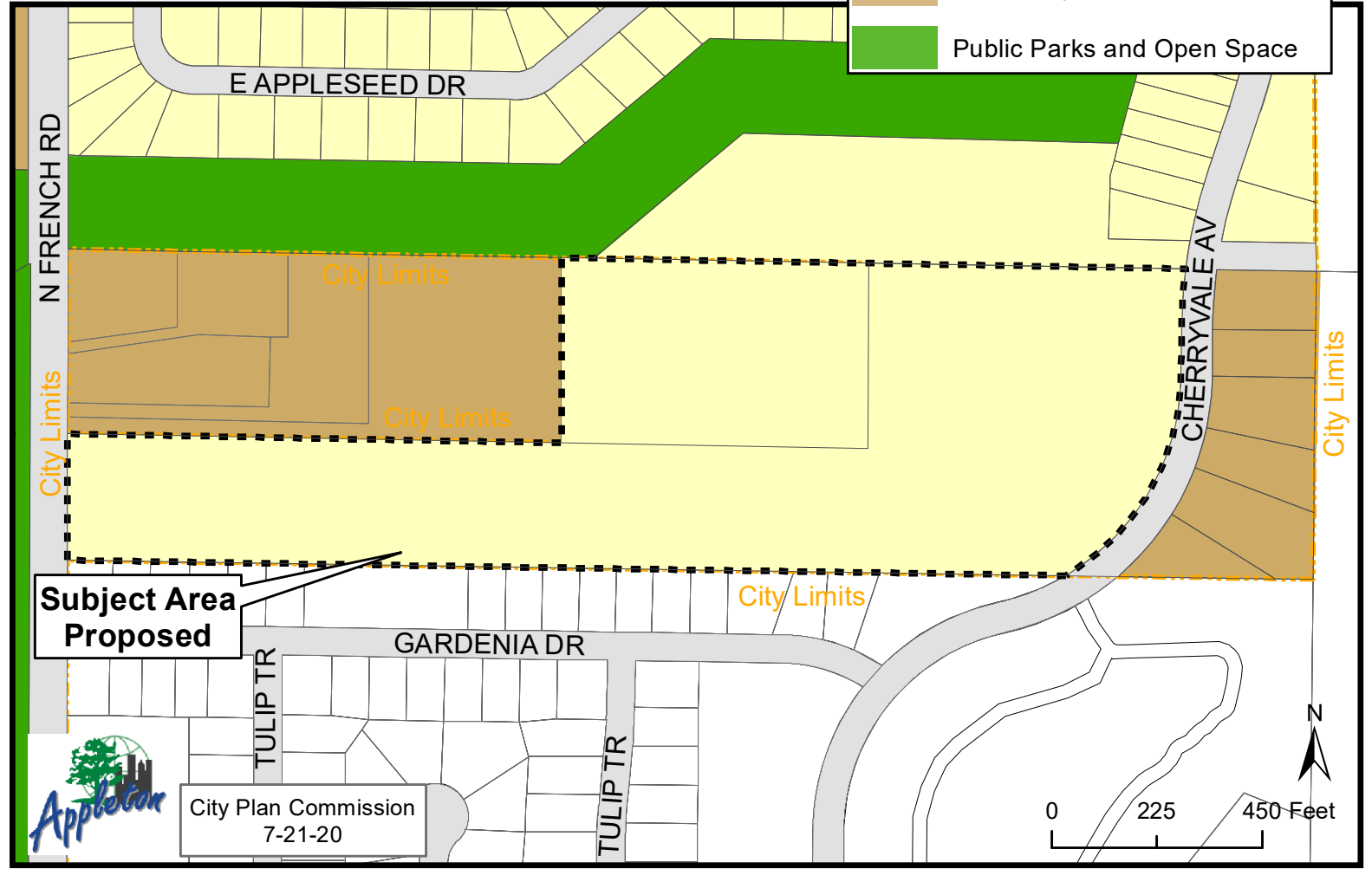
Kami Lynch, City Clerk

North Cherryvale Avenue
 Future Land Use Map Amendment
 Multi-Family Residential to One and Two-Family Residential

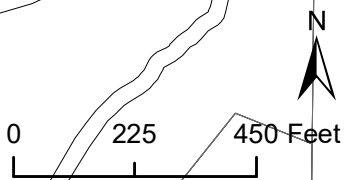


Legend

- One and Two-Family Residential
- Multifamily Residential
- Public Parks and Open Space



City Plan Commission
 7-21-20



Comprehensive Plan Future Land Use Map Amendment from Multi-Family Residential designation to One and Two-Family Residential designation.

Legal Description – N. French Road and N. Cherryvale Avenue

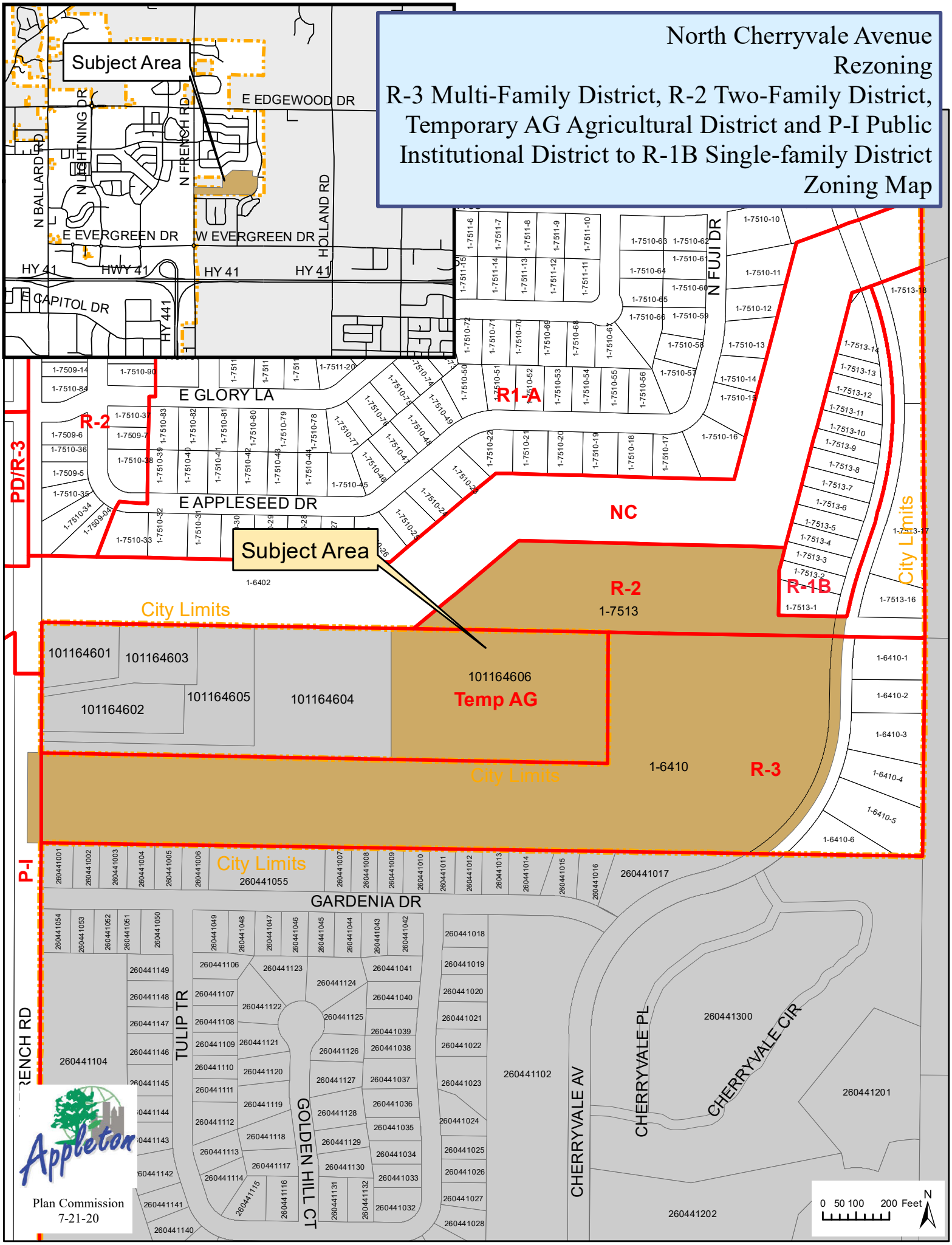
Tax Id: 31-1-6410-00

The part of Lot 2, Certified Survey Map 3566, lying west Cherryvale Avenue as described in Certified Survey Map 6782, City of Appleton, Outagamie County, Wisconsin. Including all of the adjacent one-half (1/2) right of way of North French Road and North Cherryvale Avenue.

Tax Id: 101164606

All of Outlot 1, Certified Survey Map 7878, Town of Grand Chute, Outagamie County, Wisconsin.

North Cherryvale Avenue
 Rezoning
 R-3 Multi-Family District, R-2 Two-Family District,
 Temporary AG Agricultural District and P-I Public
 Institutional District to R-1B Single-family District
 Zoning Map

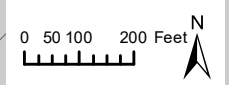


Subject Area

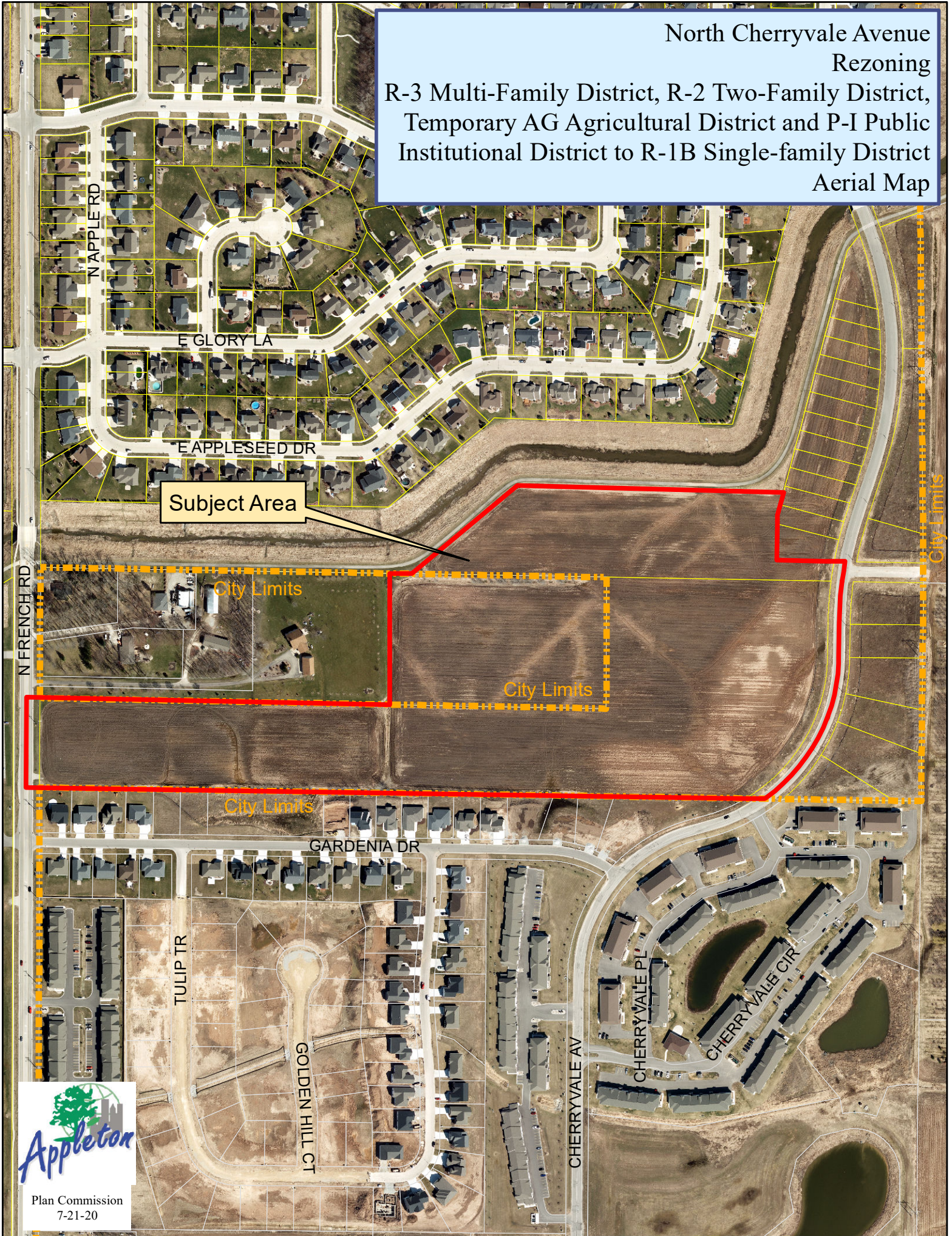
Subject Area



Plan Commission
 7-21-20



North Cherryvale Avenue
Rezoning
R-3 Multi-Family District, R-2 Two-Family District,
Temporary AG Agricultural District and P-I Public
Institutional District to R-1B Single-family District
Aerial Map



Subject Area

City Limits

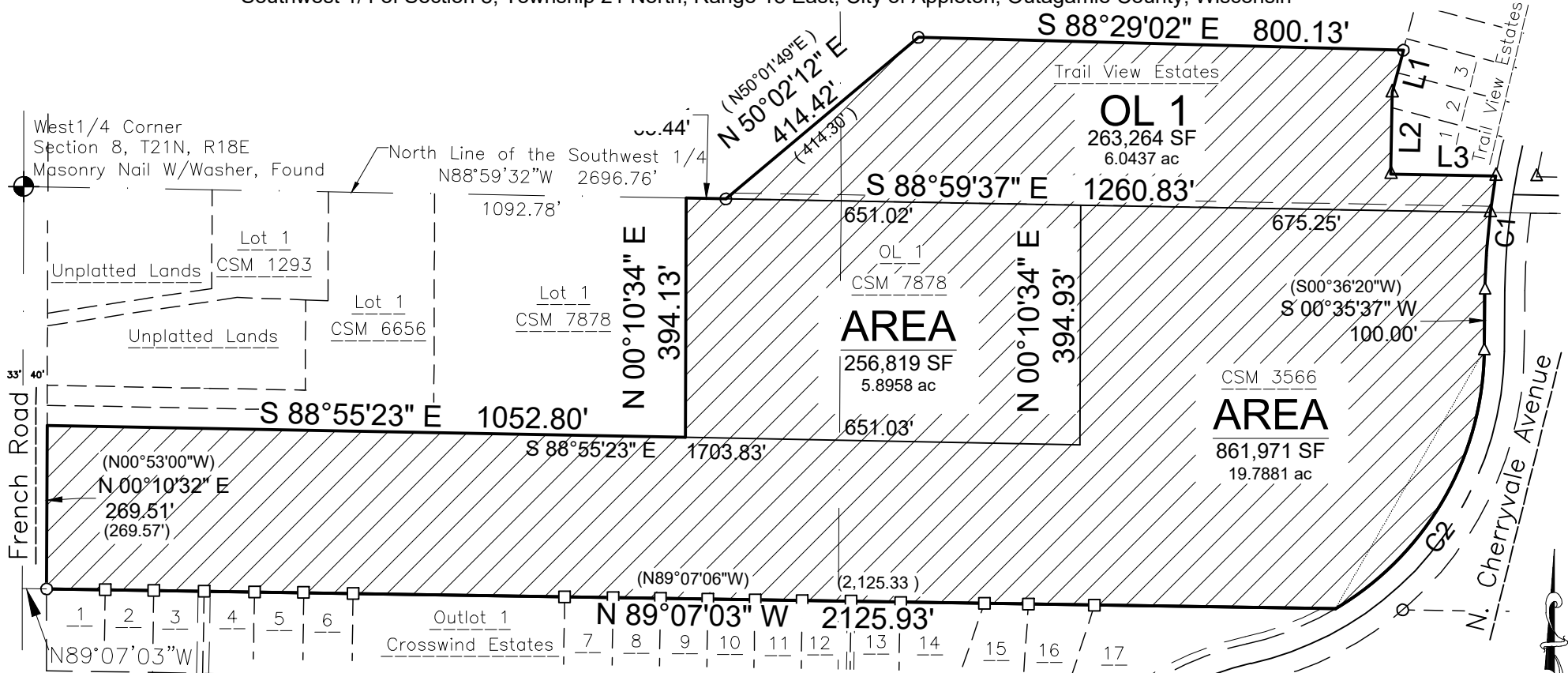
City Limits

City Limits



Rezoning Exhibit

All of Outlot 1, Trail View Estates, being part of the Southwest 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4; all of Lot 2, Certified Survey Map 3566, lying West of Cherryvale Avenue, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin



LINE TABLE		
Line	Bearing	Length
L1	S 14°44'22" W	71.95'
L2	S 01°00'28" W	134.74'
L3	S 88°59'32" E	173.15'

CURVE TABLE					
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	1105.18'	S 05°29'50" W	188.94'	189.17'	9°48'26"
C2	500.00'	S 29°58'47" W	490.69'	512.88'	58°46'19"



Bearings are referenced to the East line of the Northeast 1/4, Section 08, T21N, R18E, bearing N88°59'32"W, base on the Outagamie County Coordinate System.

West Line of the Southwest 1/4
N00°10'34"W 2649.90'

Southwest Corner
Section 8, T21N, R18E
Berntsen Monument, Found



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

File: 6025Rezoning.dwg
Date: 07/08/2020
Drafted By: jim
Sheet: Exhibit

Trail View Estates South Overall Description

PARCELS: 31-1-6410-00, 31-1-7513-00, and 31-1-6411-00 (formerly 101164606)

Description of lands to be rezoned from R-3 Multi-Family District, R-2 Two-Family District, temporary AG Agricultural District, and P-I Public Institutional District to R-1B Single-Family District:

All of Outlot 1, Trail View Estates, being part of the Southwest 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4; and all of Outlot 1, Certified Survey Map 7878 and part of Lot 2, Certified Survey Map 3566, all being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 1,382,055 Square Feet (31.7276 Acres) of land described as follows:

Commencing at the West 1/4 Corner of Section 8; thence, along the North line of the Southwest 1/4 of said Section 8, S88°59'32"E, 1092.78 feet to the point of beginning, thence, continuing along said North line, S88°59'32"E, 65.44 feet to the Southwest corner of Outlot 1, Trail View Estates; thence along the Westerly line of said Outlot 1, N50°02'12"E, 414.43 feet to the Northwest Corner of said Outlot 1; thence along the North line of said Outlot 1, S88°29'02"E, 800.13 feet to the West line of Lot 3 of said Trail View Estates; thence, along said West line of said Lot 3 and the West line of Lot 2 of said Trail View Estates, S14°44'20"W 71.95 feet; thence, along said West line of said Lot 2 and the West line of Lot 1 of said Trail View Estates, S01°00'28"W, 134.74 feet to the Southwest corner of said Lot 1; thence along the South line of said Lot 1, S88°59'32"E, 173.15 feet to the West right of way line of Cherryvale Avenue; thence along said West right of way line, 189.17 feet along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 188.94 feet which bears S05°29'50"W; thence, continuing, along said West right of way line, S00°35'37"W, 100.00 feet; thence, continuing, along said West right of way line, 512.88 feet along the arc of a curve to the right with a radius of 500.00 feet and a chord of 490.69 feet which bears S29°58'47"W to the North line of Crosswind Estates, N89°07'03"W, 2125.93 feet to a point on the East right of way line of French Road; thence, along said East right of way line, N00°10'32"E, 269.51 feet to the South line of Lot 1, Certified Survey Map 7878; thence, along said South Line S88°55'23"E 1052.80 feet to the Southeast corner of said Lot 1; thence along the East line of said Lot 1, N00°10'34"E, 394.13 feet to the point of beginning, subject to all easement and restrictions of record.

Including all of the adjacent one-half (1/2) right of way of French Road and Cherryvale Avenue.