



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: February 24, 2014

Common Council Public Hearing Meeting Date: April 2, 2014 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-14 and Rezoning #3-14

Case Manager: Brad Schmidt, AICP *BS*

GENERAL INFORMATION

Owner/Applicant: Clearwater Creek Development, LLC, Owner
Jill Hendricks, Applicant

Lot/Parcel: Lot 120 of First Addition to Clearwater Creek (Tax Id #31-6-6202-20)

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 an undeveloped parcel (Lot 120 of First Addition to Clearwater Creek) along the northwest corner of Haymeadow Avenue and Morningsun Drive (Tax Id #31-6-6202-20). In conjunction with this request, the applicant is also requesting to rezone the subject parcel from PD/R-3, Planned Development/Multi-Family Residential district to R-1B, Single-Family Residential district. The requests are being made to accommodate future single-family residential lots.

BACKGROUND

The subject parcel was platted in 2008 as part of the First Addition to Clearwater Creek. Prior to being platted, the subject lot and the areas directly north and south were rezoned from Temporary Agriculture district to Planned Development/Multi-Family Residential district (#12-04). The Implementation Plan Document (IPD) for the Planned Development limited the permitted uses to attached multi-family units. The Development Plan in the IPD identified the subject lot as having 4 multi-tenant buildings with 3 units per building (**See Exhibit A**).

The only development to occur since the original Planned Development was approved in 2004 is condominium units south of the subject lot. No development has occurred on the subject lot or the area to the north. In the original IPD, a "Period Of Validity" section was included which stated that if the developer failed to obtain building permits for at least 30% of the condominium units within 2 years, the Planned Development would be abandoned. The Development Plan in the IPD included 58 units. Within the two-year time frame, less than 30% of the units were constructed.

In 2008, the original Planned Development was amended, specifically for the lot south of the subject lot. The amendment was approved (#8-08) and reduced the density from the original Planned Development to include single and two-unit buildings as opposed to the two to six-unit buildings that were originally required. The subject lot and the land to the north were not included in the amended Planned Development.

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The original Planned Development has been abandoned and therefore, only the lot south of the subject lot is still within the PD/R-3 district and regulated by the recorded IPD. The subject lot and the area north of the subject lot are no longer regulated under the original IPD.

STAFF ANALYSIS

Current Site Conditions: The subject area consists of an undeveloped parcel. The parcel is approximately 2.67 acres in size and has frontage along Haymeadow Avenue which is classified as a collector street on the City's Arterial/Collector Plan. When the parcel was platted, several easements were included. A 40-foot *Storm Sewer and Landscape Easement* runs north-south along the west property line. This easement is to contain an earthen berm to visibly buffer the adjacent property and to redirect stormwater drainage within the site to the north. A 30-foot *Access Easement* exists on the southern property line and a 20-foot *Storm Sewer Easement* is located on the north property line. Certain development limitations exist within these easements.

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

- **North:**
 - Zoning – PD/R-3, Planned Development/Multi-Family Residential District
 - Future Land Use Designation – Multi-Family Residential and Open Space
 - Current Land Use – Undeveloped and Not Platted
- **South:**
 - Zoning – PD/R-3, Planned Development/Multi-Family Residential District
 - Future Land Use Designation – Multi-Family Residential
 - Current Land Use – Condominium Residential Units (One and Two-Unit Buildings)
- **East:**
 - Zoning – PD/R-2, Planned Development/Two-Family Residential District and R-1B, Single-Family Residential District
 - Future Land Use Designation – One and Two-Family Residential
 - Current Land Use – Two-family residences
- **West:**
 - Zoning – Town of Grand Chute
 - Future Land Use Designation – Business/Industrial
 - Current Land Use – Agriculture

Proposed Future Land Use Designation: The applicant is proposing to amend the City's *Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from Multi-Family Residential to One and Two-Family Residential. Amendments to the Comprehensive Plan are sometimes triggered by development proposals or changing circumstances in the City. In this case, the market demand for single-family residences in this area and specifically within this subdivision is necessitating the need to change the Future Land Use designation. The Comprehensive Plan and Future Land Use Map are intended to provide a guide for future development within the City. Rezoning requests must conform to the City's Comprehensive Plan Future Land Use Map.

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The proposed Future Land Use Map amendment would be consistent with the surrounding current and future land uses as listed above. The land west of the subject parcel is located within the Town of Grand Chute and is currently in agricultural use. The City's Future Land Use Map designates this area as Business/Industrial. This category is defined as "offices and light industrial flex spaces such as may be found in the Southpoint Commerce Park or the Northeast Business Park." In Staff's opinion, the types of uses found in the Business/Industrial category will not have a negative impact on the subject property nor will the introduction of a One and Two-Family Future Land Use designation on the subject parcel impact the future development of the land designated Business/Industrial.

Proposed Zoning Classification: The applicant is proposing to remove the PD overlay and rezone the property from the PD/R-3 district to the R-1B district. The purpose of the R-1B, Single-Family Residential district is intended 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 R-1B district is appropriate for this parcel for several reasons. The subject parcel was designed to accommodate small, attached row-houses as described on the original Development Plan. It would be difficult to develop the subject parcel as a traditional multi-family facility and meet the R-3 district Development Standards. The parcel is long and does not have a lot of depth. In addition, there are easements along the north, south and west property lines which further constrain development. Single-family residential lots appear to be the most appropriate use for the subject parcel. Prior to development the parcel will need to be subdivided through a plat or certified survey map. The development standards for the R-1B District are listed below:

R-1B District Development Standards: The R-1B, Single-Family Residential District development standards are as follows:

- Minimum Lot Area: **6,000 square feet**
- Maximum Lot Coverage: **50%**
- Minimum Lot Width: **50 feet**
- Minimum Front Yard: **20 feet**
- Minimum Side Yard: **6 feet**
- Minimum Rear Yard: **25 feet**
- Maximum Building Height: **35 feet**

Impact on Surrounding Neighborhood: The Clearwater Creek neighborhood is predominately single-family residential lots and detached dwellings. A few lots contain two-family dwelling units and land south of the subject lot includes attached and detached condominium dwelling units. This neighborhood is heavily concentrated with residential uses and the inclusion of more single-family lots will not have a negative impact on the neighborhood.

Comprehensive Plan 2010-2030

The Future Land Use Map currently shows this area to be used for Multi-Family Residential uses. The applicant is proposing to amend the Future Land Use Map to One and Two-Family Residential uses. The

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proposed zoning classification and use of the subject parcel are not currently consistent with the Future Land Use Map, however, if amended as proposed, the proposed zoning classification and use of the subject parcel will be consistent with the Future Land Use Map and the following goals and objective of the *Comprehensive Plan 2010-2030*:

Overall Community Goals

Goal 1 – Community Growth (Chapter 10 – Land Use)

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.

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

Review Criteria: Based upon the above analysis it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments (rezoning) has been satisfied. It is important to note, that the Zoning Code requires that a rezoning request conform to the City's Comprehensive Plan Future Land Use Map. If the Future Land Use Map Amendment #1-14 is approved, the rezoning would conform to the Comprehensive Plan. However, until Future Land Use Map Amendment #1-14 is approved, the proposed R-1B, Single-Family Residential zoning classification would not conform to the Future Land Use Map, which, in its current form, identifies the subject site as Multi-Family Residential.

Technical Review Group Report (TRG): This item was discussed at the February 11, 2014, Technical Review Group meeting. No negative comments were received from participating departments.

Neighborhood Input: We have not received any concerns, questions or comments from the surrounding neighborhood.

RECOMMENDATION

Based upon the above analysis, Staff recommends the proposed *Comprehensive Plan 2010-2030* Future Land Use Map amendment #1-14 from Multi-Family Residential designation to One and Two-Family Residential designation and resolution, **BE APPROVED**; and

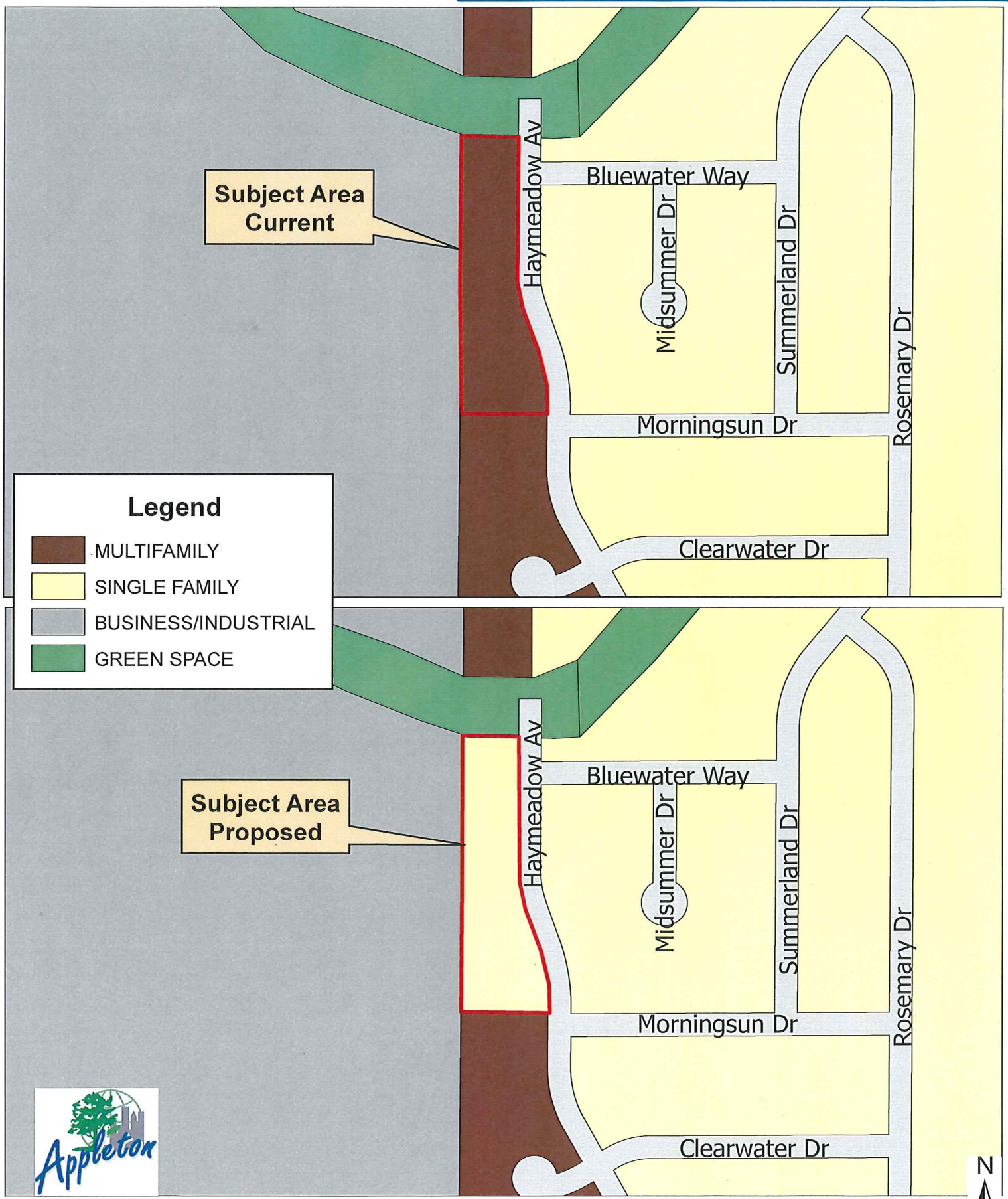
Staff recommends based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #3-14 to rezone the subject parcel located along the northwest corner of Haymeadow Avenue and Morningsun Drive (Tax Id #31-6-6202-20) from PD/R-3, Planned Development/Multi-Family Residential district to R-1B, Single-Family Residential district including the adjacent right-of-way as shown on the map, **BE APPROVED**.

NOTE: If approved, Rezoning #3-14 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-14 to accurately reflect the change in future land use from Multi-Family Residential designation to One and Two-Family Residential designation.

LEGAL DESCRIPTION:

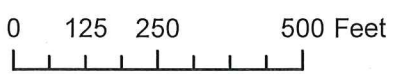
FIRST ADDITION TO CLEARWATER CREEK LOT 120 AND VAC HAYMEADOW DR
CUL-DE-SAC AS DESC IN DOC 1806959 AND TO THE CENTERLINE OF ADJACENT
RIGHT-OF-WAY. (31-6-6202-20)

Clearwater Creek 1st Addition - Lot 120
 Future Land Use Map Amendment
 Multi-Family Residential to Single and Two-Family Residential

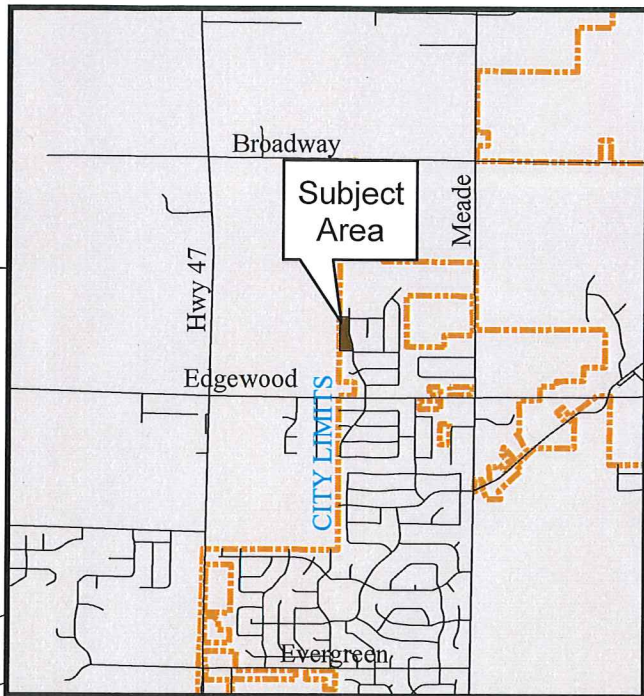


Legend

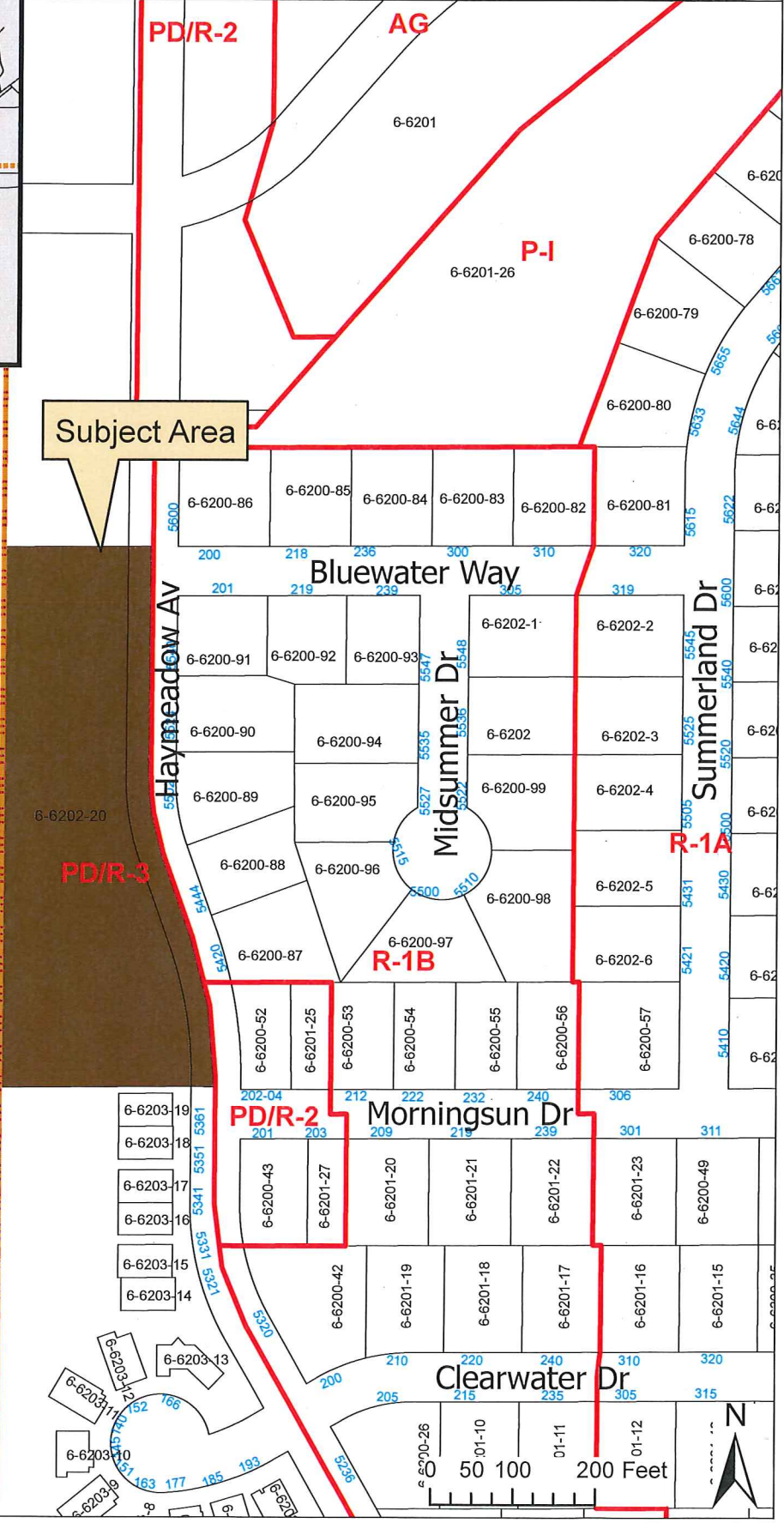
- MULTIFAMILY
- SINGLE FAMILY
- BUSINESS/INDUSTRIAL
- GREEN SPACE



Clearwater Creek 1st Addition - Lot 120
 Zoning Map Amendment PD/R-3 to R-1B
 Zoning Map



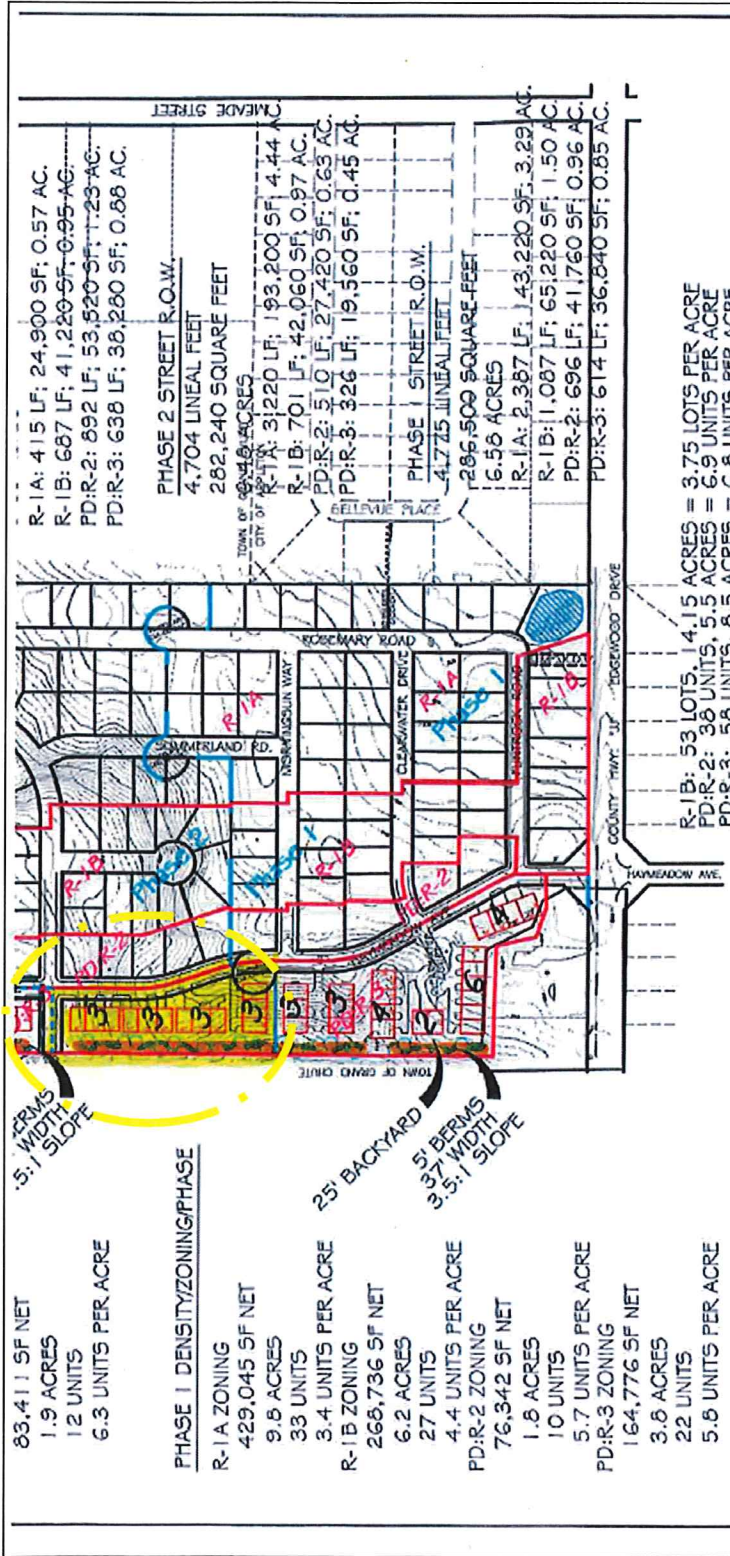
Subject Area



CITY LIMITS



EXHIBIT A



CLEARWATER CREEK DEVELOPMENT PLAN ALL PHASES

NO.	DATE	DRAWN BY	CHECKED	APPROVED	BY	TITLE
1	1/21/04	...	...	...	...	...
2	1/21/04	...	...	...	...	...
3	1/21/04	...	...	...	...	...
4	1/21/04	...	...	...	...	...
5	1/21/04	...	...	...	...	...
6	1/21/04	...	...	...	...	...
7	1/21/04
8	1/21/04
9	1/21/04
10	1/21/04
11	1/21/04
12	1/21/04
13	1/21/04
14	1/21/04
15	1/21/04

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1st Addition to Clearwater Creek – Lot 120
 Future Land Use Map Amendment/Zoning Map Amendment
 Multi-Family Residential to One and Two-Family Residential
 PD/R-3 to R-1B