



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 23, 2020

Common Council Public Hearing Meeting Date: July 15, 2020 (Public Hearing on Rezoning)

Item: Rezoning #4-20 – Plamann Park

Case Manager: David Kress

GENERAL INFORMATION

Owner: Outagamie County c/o Kara Homan, Development & Land Services Director

Applicant: City of Appleton Plan Commission (Committee of the Whole)

Address/Parcel: Generally located east of Meade Street and south of Broadway Drive (Tax Id #31-1-9314-00, #31-1-9314-01, #31-1-9314-02, #31-1-9314-03, #31-1-9314-04, #31-1-9314-05, #31-1-9314-06, #31-1-9314-07, #31-1-9314-08, #31-1-9314-09, #31-1-9314-10, #31-1-9314-11, #31-1-9314-12, #31-1-9314-13, #31-1-9314-14, and #31-1-9314-15, formerly assigned Tax Id numbers in the Town of Grand Chute)

Petitioner's Request: To assign a permanent zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to P-I Public Institutional District. A portion of Meade Street right-of-way, currently zoned R-1A Single-Family District, and a portion of Ballard Road right-of-way, currently zoned R-1B Single-Family District, are also included in this request. The request is being made to assign a zoning classification following the "Plamann Park" annexation and allow the property to continue to function as a County Park.

BACKGROUND

On March 4, 2020, Common Council approved a Pre-Annexation Agreement between the City of Appleton and Outagamie County for the subject property (Plamann Park). As described in the Pre-Annexation Agreement, the property will continue to function as a County Park for the foreseeable future, and sewer and water infrastructure is to be constructed within/through the subject area. The agreement also anticipates assigning a zoning classification of P-I Public Institutional District.

On June 3, 2020, Common Council adopted Ordinance 76-20, to annex the subject area from the Town of Grand Chute to the City of Appleton. The property was officially annexed to the City on June 9, 2020. During review of the Plamann Park Annexation, Committee of the Whole (conducting business for Plan Commission) initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District.

STAFF ANALYSIS

Existing Site Conditions: The subject parcels are approximately 260 acres in size and located south of Broadway Drive, between Meade Street and Ballard Road. Broadway Drive is classified as a collector

street on the City's Arterial/Collector Plan, and Meade Street and Ballard Road are classified as arterial streets. Currently, the property is utilized as Plamann Park, which includes trails and open space, athletic facilities, a school building, children's farm, swimming pond, disc golf course, and other park activities and structures. An internal roadway network connects the various park features.

Surrounding Zoning Classification and Land Uses:

North: R-1B Single-Family District, AG Agricultural District, and Town of Grand Chute. The adjacent land uses to the north are currently a mix of residential and agricultural uses.

South: P-I Public Institutional District and Town of Grand Chute. The adjacent land uses to the south are currently a mix of residential and institutional uses, including Fox Valley Lutheran High School.

East: R-1B Single-Family District and Town of Grand Chute. The adjacent land uses to the east are currently single-family residential.

West: R-1B Single-Family District, R-3 Multi-Family District, and Town of Grand Chute. The adjacent land uses to the west are currently a mix of residential and agricultural uses.

Proposed Zoning Classification: The purpose of the P-I Public Institutional District is 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. Per Section 23-100(h) of the Municipal Code, the development standards for the P-I District are listed below:

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

Zoning Ordinance Review Criteria: Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The comprehensive plan of the City.

In this case, the Committee of the Whole (conducting business for Plan Commission) initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of P-I Public Institutional District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the P-I District zoning regulations listed above and other applicable sections of the Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future Public Parks and Open Space uses. The proposed P-I Public Institutional District is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 5 – Utilities and Community Services

Appleton will provide excellent public utility and community services at a reasonable cost, and will work with private utility companies to ensure quality service delivery.

Goal 7 – Agricultural, Natural, and Cultural Resources

Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents.

OBJECTIVE 8.2 Agriculture, Natural, Historic, and Cultural Resources:

Preserve important natural features and enhance environmental quality throughout the community in order to secure economic, recreational, and health benefits for area residents.

OBJECTIVE 11.1 Intergovernmental Cooperation:

Maintain a positive relationship with local area governments to foster collaboration on issues of mutual concern.

Policy 11.1.1 Ensure continued discussion between Appleton and neighboring municipalities and counties, including both elected officials and department staff. Continue to partner with Outagamie, Winnebago, and Calumet counties to serve City residents in an efficient manner.

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 Public Parks and Open Space 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 east of the subject property. As described in the Pre-Annexation Agreement, sewer and water infrastructure is to be installed through the property from Ballard Road to Meade Street and Broadway Drive, with construction anticipated in 2021.*
 2. The effect of the proposed rezoning on surrounding uses. *The use of the property is expected to remain the same. As described in the Pre-Annexation Agreement, the property will continue to function as a County Park for the foreseeable future. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

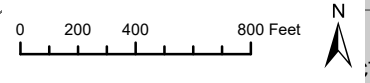
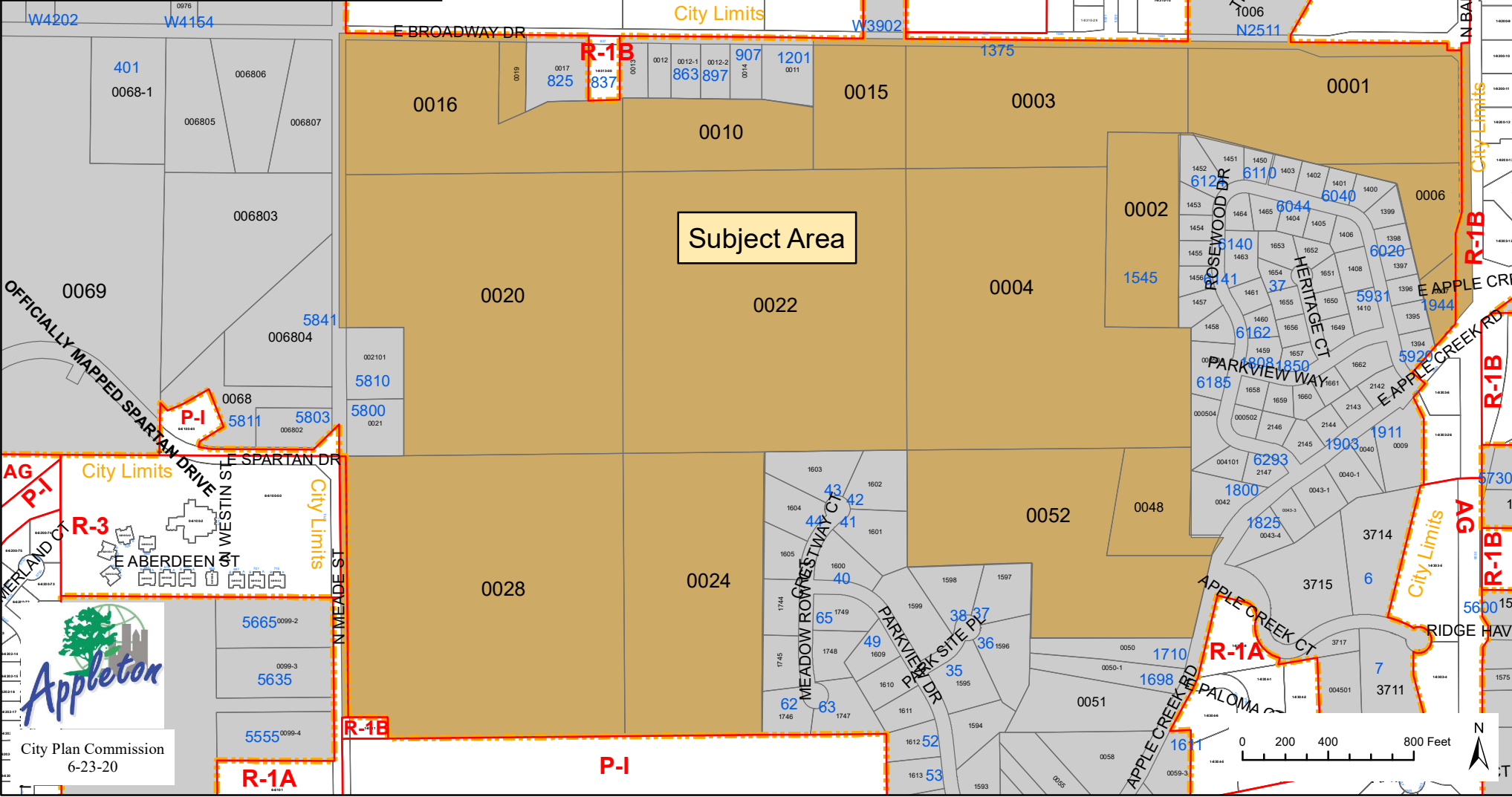
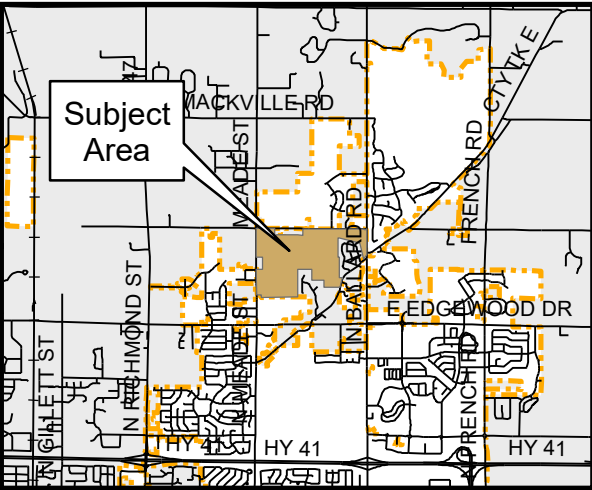
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item appeared on the April 21, 2020 Technical Review Group agenda. No negative comments were received from participating departments.

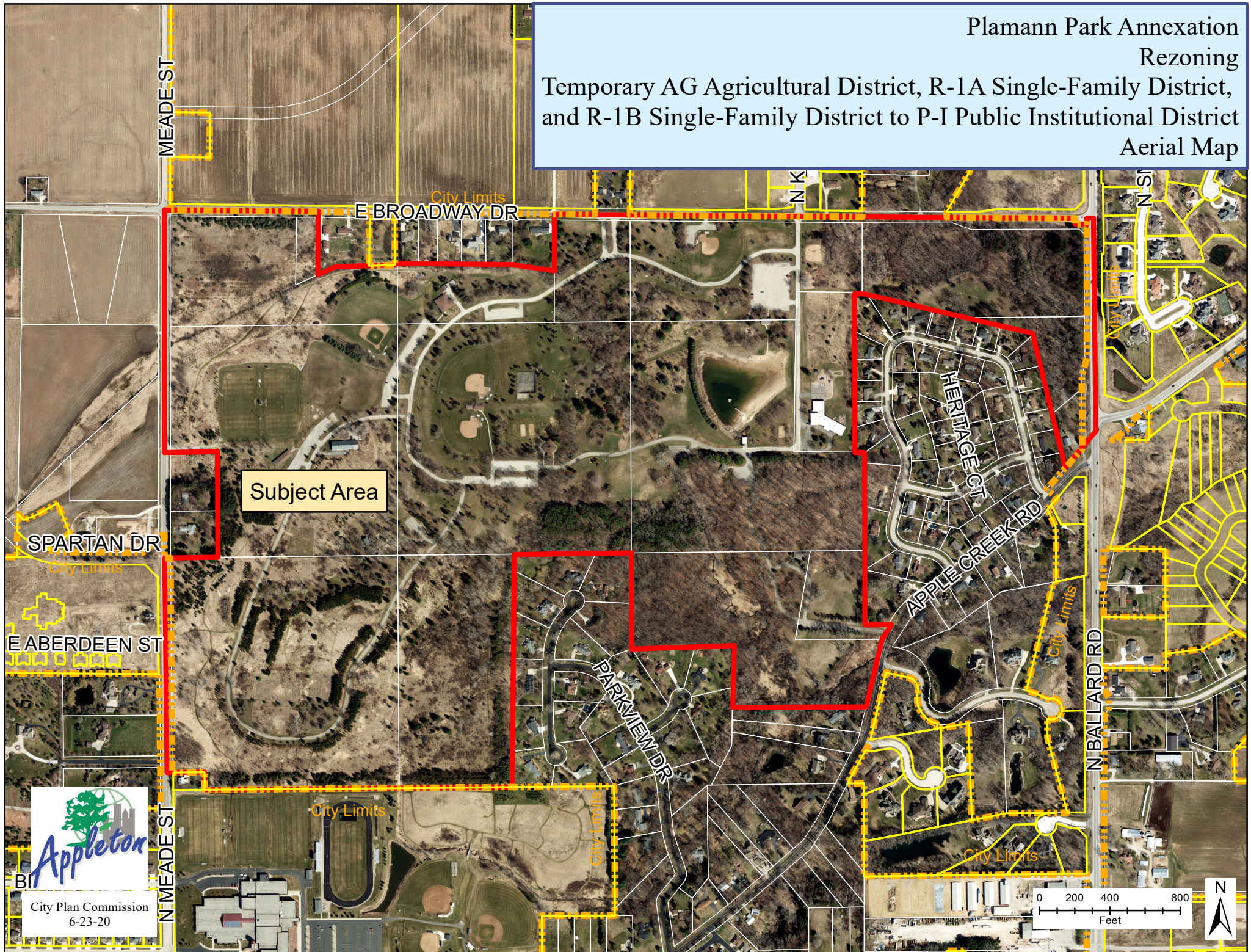
RECOMMENDATION

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 #4-20 to rezone the subject parcels located east of Meade Street and south of Broadway Drive (Tax Id #31-1-9314-00, #31-1-9314-01, #31-1-9314-02, #31-1-9314-03, #31-1-9314-04, #31-1-9314-05, #31-1-9314-06, #31-1-9314-07, #31-1-9314-08, #31-1-9314-09, #31-1-9314-10, #31-1-9314-11, #31-1-9314-12, #31-1-9314-13, #31-1-9314-14, and #31-1-9314-15) from temporary AG Agricultural District, R-1A Single-Family District, and R-1B Single-Family District to P-I Public Institutional District, including to the centerline of the adjacent Meade Street, Broadway Drive, and Ballard Road right-of-way, as shown on the attached map, **BE APPROVED**.

Plamann Park Annexation Rezoning Temporary AG Agricultural District, R-1A Single-Family District, and R-1B Single-Family District to P-I Public Institutional District Zoning Map



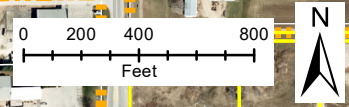
Plamann Park Annexation
Rezoning
Temporary AG Agricultural District, R-1A Single-Family District,
and R-1B Single-Family District to P-I Public Institutional District
Aerial Map



Subject Area



City Plan Commission
6-23-20



PARCEL: 101002000, 101000100, 101002800, 101002400, 101005200, 101004800, 101002200, 101000400, 101000600, 101000200, 101001000, 101000300, 101001500, 101001900, 101001600 and 101000700

Owner: Outagamie County

Document #640137, #689506, #485497, #558416 and #485540

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

Part of the Fractional Northwest Quarter (NW ¼), the Fractional Northeast Quarter (NE ¼), the North One-Half (N ½) of the Southeast Quarter (SE ¼) and the North One-Half (N ½) of the Southwest Quarter (SW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, Town of Grand Chute, Outagamie County, Wisconsin containing 264 Acres of land more or less and described as follows:

Commencing at the Northwest corner of said Section 1 and being the point of beginning;

Thence South 89°22'34" East 876.10 feet coincident with the North line of the Fractional NW ¼ of said Section 1 to the Northeast corner of lands described in Volume 965 on Page 249 as Document No.689506 of the Outagamie County Register of Deeds Office;

Thence South 00°37'26" West 359.84 feet coincident with the East line of lands described in Volume 965 on Page 249 as Document No.689506 of the Outagamie County Register of Deeds Office;

Thence North 65°34'26" East 114.28 feet (recorded as N.65°32'E. 114.28 feet);

Thence North 88°29'26" East 335.01 feet (recorded as N.88°19'45"E. 335.00 feet);

Thence North 00°00'34" West 10.00 feet (recorded as N.00°10'15"W. 10.00 feet);

Thence South 89°22'34" East 666.37 feet (recorded as S.89°32'15"E. 666.00 feet);

Thence South 81°18'26" East 242.20 feet (recorded as S.81°29'15"E. 242.1 feet);

Thence North 00°02'58" West 323.00 feet (recorded as being the W/L of the E. 18.57 Acres of the NW ¼ Section 1) to the North line of the Fractional NW ¼ of Section 1;

Thence South 89°22'34" East 432.33 feet coincident with the North line of the Fractional NW ¼ of said Section 1 to the N ¼ Corner of said Section 1;

Thence South 89°33'20" East 2530.56 feet coincident with the North line of the Fractional NE ¼ of said Section 1 to the City of Appleton Corporate limits;

Thence South 00°26'40" West 33.00 feet coincident with the existing City of Appleton corporate limits;

Thence South 89°33'20" East 67.44 feet coincident with the existing City of Appleton corporate limits;

Thence South 00°06'49" East 755.52 feet coincident with the existing City of Appleton corporate limits;

Thence South 16°35'03" West 104.41 feet coincident with the existing City of Appleton corporate limits;

Thence South 00°06'49" East 412.49 feet coincident with the existing City of Appleton corporate limits to the Northwesterly line of Apple Creek Road;

Thence South 40°42'35" West 149.73 feet coincident with the Northwesterly line of Apple Creek Road to the most Easterly corner of Lot 1 of Parkview Terrace;

Thence North 13°31'25" West 783.40 feet, (recorded as North 12°45' West 783.40 feet) coincident with the Easterly line of Parkview Terrace to the most Easterly corner of Lot 7 of Parkview Terrace;

Thence North 76°49'25" West 984.00 feet, (recorded as North 76°03' West 984.00 feet) coincident with the Northerly line of Parkview Terrace and then the First Addition to Parkview Terrace to the Northwest corner of Lot 18 of the First Addition to Parkview Terrace;

Thence South 89°52'35" West 56.24 feet, (recorded as North 89°21' West 56.24 feet) coincident with the Northerly line of the First Addition to Parkview Terrace to the Northwest corner of Lot 19 of the First Addition to Parkview Terrace;

Thence South 00°07'25" East 902.00 feet, (recorded as South 00°39' West 902.0 feet) coincident with the West line of the First Addition to Parkview Terrace to the Southwest corner of Lot 24 of the First Addition to Parkview Terrace;

Thence North 89°52'35" East 56.24 feet, (recorded as South 89°21' East 56.24 feet) coincident with the South line of Lot 24 of the First Addition to Parkview Terrace;

Thence South 00°10' East 553.10 feet, coincident with the West line of the First Addition to Parkview Terrace and the extension thereof to the Northwest corner of the NE ¼ of the SE ¼ of Section 1, T.21N., R.17E, as surveyed and monumented;

Thence South 00°04' East 426.00 feet to the Southwest corner of a parcel of land in the North 3.5 Acres of the NE ¼ of the SE ¼ of said Section 1 as described in a Warranty Deed recorded as Document Number 2108886 of the Outagamie County Register of Deeds Office;

Thence North 89°56' East 150.09 feet coincident with the South line of a parcel of land in the North 3.5 Acres of the NE ¼ of the SE ¼ of said Section 1 as described in a Warranty Deed recorded as Document Number 2108886 of the Outagamie County Register of Deeds Office to the Westerly line of Apple Creek Road;

Thence South 33°16'52" West 96.32 feet coincident with the Westerly line of Apple Creek Road;

Thence South 13°08'49" West 398.20 feet coincident with the Westerly line of Apple Creek Road to the North line of Certified Survey Map No.4591;

Thence South 89°52'16" West 757.26 feet coincident with the North line of Certified Survey Map No.4591 to the Northwest corner thereof and also the East line of Parkview South;

Thence North 01°11'22" East 350.75 feet coincident with the East line of Parkview South;

Thence South 88°01'22" West 584.84 feet coincident with a North line of Parkview South;

Thence North 00°12'38" West 547.40 feet coincident with a East line of Parkview South;

Thence South 89°18'09" West 663.15 feet coincident with the North line of Parkview South to the Northwest corner thereof;

Thence South 00°33'39" West 1323.45 feet coincident with the West line of Parkview South and the First Addition to Parkview South to the South line of the N ½ of the Southwest ¼ of said Section 1;

Thence South 89°28'34" West 1749.24 feet coincident with the South line of the N ½ of the Southwest ¼ of said Section 1 to a point 217.70 feet North 89°28'34" East of the West line of the Southwest ¼ of said Section 1;

Thence North 00°29'48" West 100.00 feet;

Thence South 89°28'34" West 184.70 feet to the East line of Meade Street (33 foot ½ r/w);

Thence North 00°29'48" West 1221.15 feet coincident with the East line of Meade Street to the North line of the Southwest ¼ of said Section 1;

Thence North 89°23'14" East 270.30 feet coincident with the North line of the Southwest ¼ of said Section 1 to the Southeast corner of Certified Survey Map No.6277;

Thence North 00°04'54" West 600.00 feet coincident with the East line of Certified Survey Map No.6277 to the Northeast corner thereof;

Thence South 89°23'14" West 302.43 feet coincident with the North line of Certified Survey Map No.6277 to the West line of the Fractional Northwest ¼ of said Section 1;

Thence North 00°00'05" East 1379.00 feet coincident with the West line of the Fractional Northwest ¼ of said Section 1 to the Northwest corner thereof and being the point of beginning.

Including all of the adjacent one-half (1/2) right of way of Meade Street and Ballard Road (aka C.T.H. "EE") that is not included within the above described lands.