



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: April 21, 2014

Common Council Public Hearing Meeting Date: June 4, 2014 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-14 and Rezoning #4-14

Case Manager: Brad Schmidt, AICP

A handwritten signature in blue ink, appearing to be "BS", next to the name Brad Schmidt.

GENERAL INFORMATION

Owner/Applicant: North Meadows Investment, LTD, Owner
Paul and Jolene Moran, Applicants

Lot/Parcel: Lot 2 of CSM 5679 (Tax Id #31-1-6501-29)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Commercial designation to the Multi-Family Residential designation for an undeveloped parcel (Lot 2 of CSM 5679) along the west side of Glenhurst Lane and east side of Ballard Road (Tax Id #31-1-6501-29). In conjunction with this request, the applicant is also proposing to rezone the subject parcel from C-O, Commercial Office district to R-3, Multi-Family Residential district. The requests are being made to accommodate a proposed 50-person Community Living Arrangement (CLA) facility which will require a Special Use Permit in the R-3 District.

BACKGROUND

The subject parcel was annexed into the City in 1990, as part of the AAL Annexation. The subject parcel and surrounding land was then rezoned to C-O, Commercial Office district in 2001, by AAL for a business/office park. A portion of the subject parcel and approximately 90 acres of land surrounding the subject parcel was subdivided in 2002, creating the Apple Creek Center Subdivision. Finally, in 2007, a Certified Survey Map (CSM) was approved creating the subject parcel (Lot 2 of CSM 5679).

STAFF ANALYSIS

Current Site Conditions: The subject parcel is currently undeveloped and is approximately 3.70 acres in size. The property has frontage along Ballard Road which is classified as an arterial street and Glenhurst Lane which is classified as a local street on the City's Arterial/Collector Plan. A curb cut exists along the east side of Ballard Road which served as access to a former home on the subject parcel.

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

- **North:**
 - Zoning – C-O, Commercial Office District
 - Future Land Use Designation – Commercial
 - Current Land Use – City of Appleton Stormwater Pond

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- **South:**

- Zoning – C-O, Commercial Office District
 - Future Land Use Designation – Commercial
 - Current Land Use – Office

- **East:**

- Zoning – C-O, Commercial Office District
 - Future Land Use Designation – Commercial
 - Current Land Use – City of Appleton Stormwater Pond

- **West:**

- Zoning – PD/C-2, Planned Development/General Commercial District and R-2, Two-Family Residential District
 - Future Land Use Designation – Commercial
 - Current Land Use – Undeveloped, Agricultural land

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 Commercial use to Multi-Family Residential use. Amendments to the Comprehensive Plan are sometimes triggered by development proposals or changing circumstances in the City. In this case, changing development patterns in this area are necessitating the change from Commercial to Multi-Family Residential use. 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 and Future Land Use Map.

The proposed Future Land Use Map amendment would be consistent and compatible with current and future land uses in the surrounding neighborhood. Land to the southeast is designated as Multi-Family Residential on the Future Land Use Map and zoned R-3, Multi-Family Residential district. The existing development consists of attached residential condominium units. This land was originally zoned C-O, Commercial Office district, but in 2005, the Future Land Use Map was amended to Multi-Family Residential and the land was rezoned to the R-3 district. Since 2005, no further development has occurred on land north or south of Glenhurst Lane between Ballard Road and Lighting Drive. A change in development patterns from commercial/ office uses to residential use has been occurring in this area since it was originally platted in 2002. Staff believes this trend will continue.

Proposed Zoning Classification: The applicant is proposing to rezone the subject parcel from the C-O, Commercial Office district to R-3, Multi-Family Residential district. The purpose of the R-3 district is intended to provide for and maintain residential areas characterized predominately by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses.

Rezoning of the subject parcel to the R-3 district is appropriate for several reasons. First, if the Comprehensive Plan Future Land Use Map is amended to show this area appropriate for Multi-Family uses, the rezoning and Future Land Use designation would be consistent. Next, if the property is rezoned

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to the R-3 district, the permitted uses in that district would not have a negative impact on the surrounding neighborhood or existing uses. Higher density residential already exists to the southeast of the subject site and a multi-family development is also located further north. Finally, the location of the subject parcel adjacent to Ballard Road lends itself to higher intensity uses such as those allowed in the R-3 district or other more intense districts like Commercial and Industrial. The development standards for the R-3 District are listed below:

R-3 District Development Standards: The R-3, Multi-Family Residential District development standards are as follows:

- Minimum Lot Area: **7,000 square feet**
- Maximum Lot Coverage: **70%**
- Minimum Lot Width: **80 feet**
- Minimum Front Yard: **25 feet (if located on arterial), 20 feet**
- Minimum Side Yard: **20 feet**
- Minimum Rear Yard: **35 feet**
- Maximum Building Height: **45 feet**

Impact on Surrounding Neighborhood: The proposed Comprehensive Plan Future Land Use amendment and rezoning request will not have a detrimental impact on the existing neighborhood or on future development of nearby undeveloped properties. The subject parcel is confined on three sides by two street frontages and the City's stormwater pond to the north. The only non-residential development in the immediate vicinity of the subject parcel is a financial office building to the south. Staff does not anticipate any negative impact to this property with the rezoning request. However, approving the rezoning request would make the property to the south non-conforming to the City's parking lot perimeter landscaping requirements which would require a minimum 15-foot wide landscape buffer between the existing parking lot and the lot line.

Comprehensive Plan 2010-2030

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

Goal 3 – Housing Quality and Affordability (Chapter 5 – Housing and Neighborhoods)

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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.

5.3 OBJECTIVE: Provide a range of housing styles that meet the needs and appeal to all segments of the community.

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 #2-14 is approved, the rezoning would conform to the Comprehensive Plan. However, until Future Land Use Map Amendment #2-14 is approved, the proposed R-3, Multi-Family Residential zoning classification would not conform to the Future Land Use Map, which, in its current form, identifies the subject site as Commercial.

Technical Review Group Report (TRG): This item was discussed at the April 15, 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.

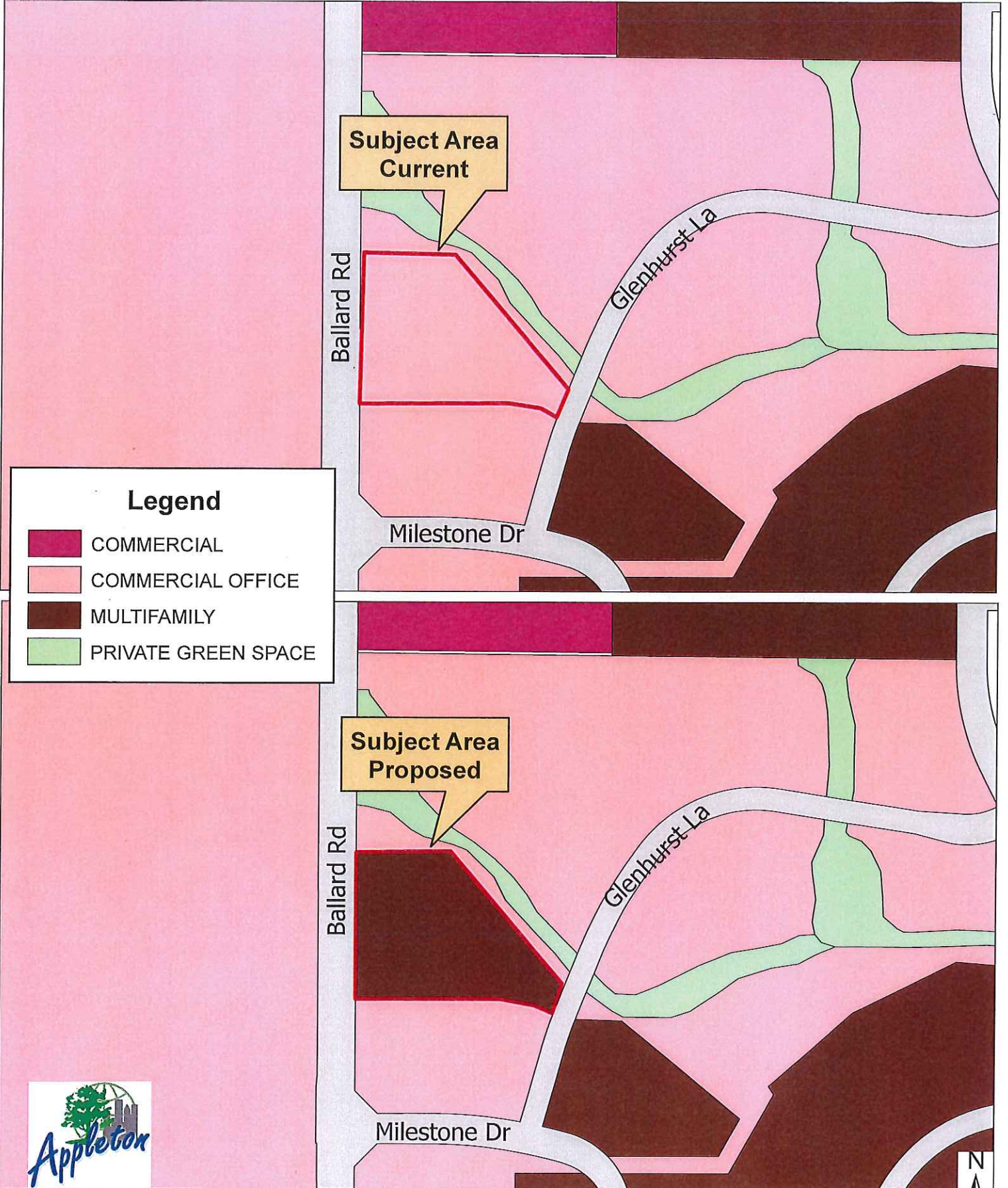
RECOMMENDATION

Based upon the above analysis, Staff recommends the proposed *Comprehensive Plan 2010-2030* Future Land Use Map amendment #2-14 from Commercial designation to Multi-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 #4-14 to rezone the subject parcel located along the west side of Glenhurst Lane and the east side of Ballard Road (Tax Id #31-1-6501-29) from C-O, Commercial Office district to R-3, Multi-Family Residential district including to the centerline of the adjacent right-of-way as shown on the map, **BE APPROVED**.

NOTE: If approved, Rezoning #4-14 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-14 to accurately reflect the change in future land use from Commercial designation to Multi-Family Residential designation.

East Glenhurst Lane
Future Land Use Map Amendment
Commercial Office to Multi-Family Residential



Legend

- COMMERCIAL
- COMMERCIAL OFFICE
- MULTIFAMILY
- PRIVATE GREEN SPACE

Subject Area
Current

Subject Area
Proposed



**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 April 21, 2014, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-14) 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 April 21, 2014; 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 on the Future Land Use Map from Commercial use to Multi-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 _____, 2014.

Timothy M. Hanna, Mayor

ATTEST:

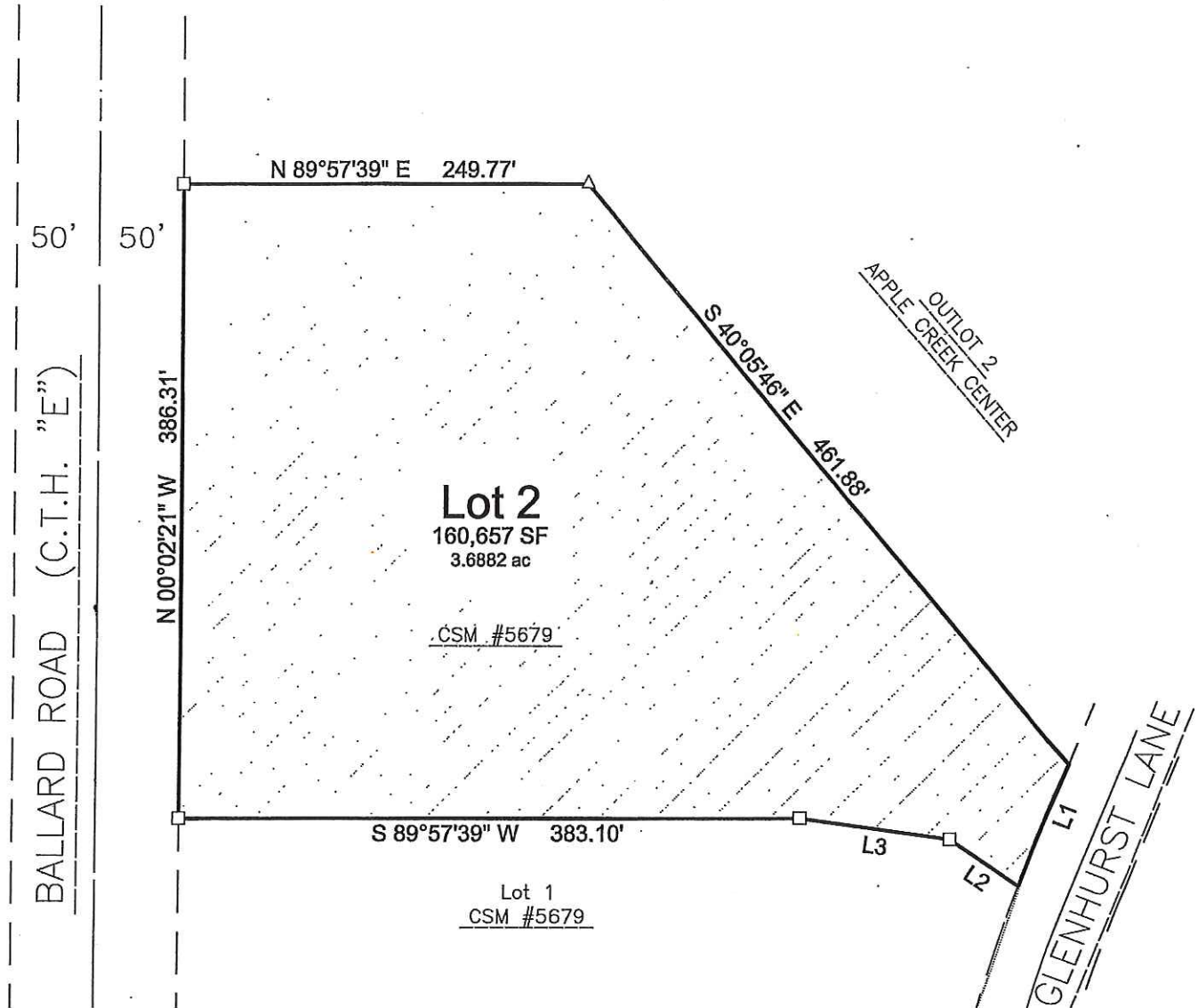
Charlene Peterson, City Clerk

J:\WORD\Jamie\Ordinances\2014 Ords\Comp Plan Amendment - Resolution.doc

Rezoning Map

Lot 2 Certified Survey Map 5679

City of Appleton
Outagamie County, WI

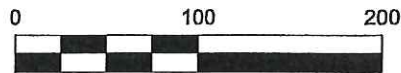


LEGEND

- △ 1 1/4" Rebar Found
- 1" Iron Pipe Found
- Area to be Rezoned

LINE TABLE

Line	Bearing	Length
L1	S 21°58'18" W	57.26'
L2	N 56°20'14" W	51.25'
L3	N 81°55'34" W	92.45'



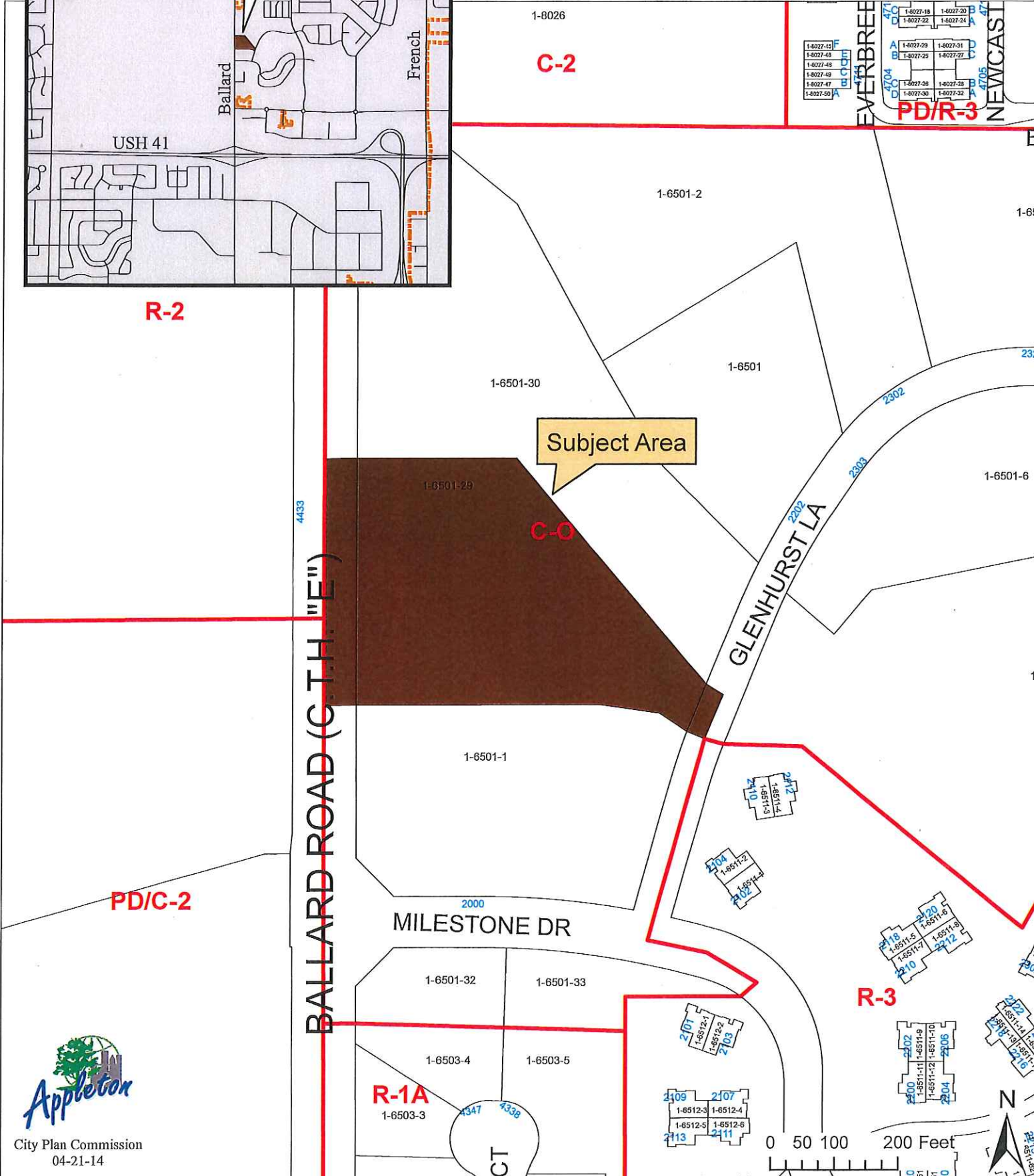
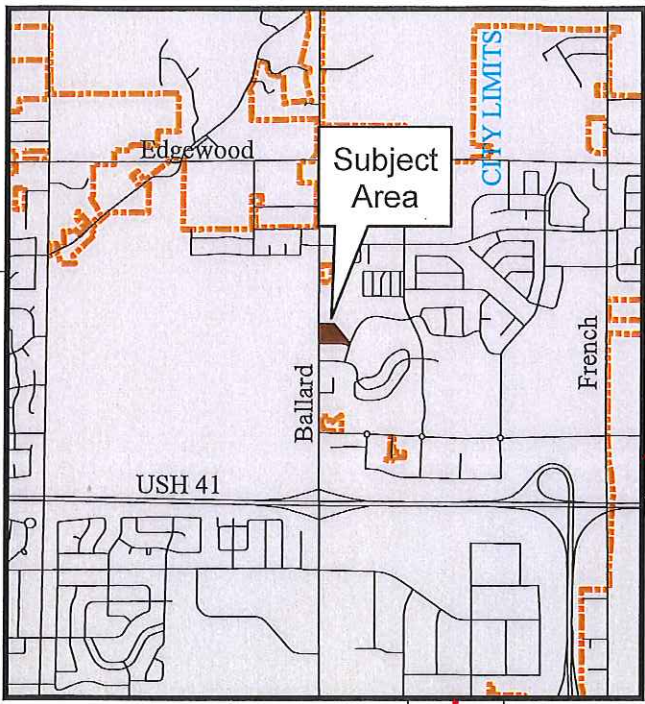
Bearings are referenced to the W/L of the SW 1/4 of Section 7, T21N, R18E assumed to bear N00°02'21"W based on the Outagamie County Coordinate System.



Davel Engineering & Environmental, Inc.
Civil Engineers and Land Surveyors
1811 Racine Street
Menasha, Wisconsin
Ph. 920-991-1866, Fax 920-830-9595

File: 4186zoning.dwg
Date: 03/25/2014
Drafted By: tyler
Sheet: Lot Map

East Glenhurst Lane
 Rezoning
 C-O, Commercial Office District to
 R-3, Multi-Family Residential District
 Zoning Map



1-6027-43	F	1-6027-18	1-6027-20
1-6027-44	D	1-6027-22	1-6027-24
1-6027-45	B	1-6027-23	1-6027-25
1-6027-46	A	1-6027-26	1-6027-27
1-6027-47	C	1-6027-28	1-6027-29
1-6027-48	E	1-6027-30	1-6027-32
1-6027-49	G		

EVERBREE
NEWCAST

PD/R-3