



Community and
Economic
Development

REPORT TO CITY PLAN COMMISSION

New information is underlined.

Plan Commission Public Hearing Meeting Date: August 8, 2017

Plan Commission Meeting Date: September 26, 2017 (R/B CC September 20, 2017 – Alderperson Martin)

Common Council Public Hearing Meeting Date: September 20, 2017
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Common Council Meeting Date: October 4, 2017

Items: *City of Appleton Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-17 and Rezoning #5-17

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: John and Julie May Revocable Trust, Owner
Martenson & Eisele, Inc c/o Gary Zahringer, Applicant

Lot/Parcel: Part of Lot 5 and 6, Block 35, Fifth Ward, Assessor's Map (Tax Id #31-5-1225-00 & 31-5-1229-00)

Petitioner's Request: The applicant is requesting to amend the *City of Appleton Comprehensive Plan 2010-2030* Future Land Use Map from One and Two-Family Residential designation to Central Business District designation for two vacant parcels located along the north side of West Washington Street (Tax Id #31-5-1225-00 and #31-5-1229-00). In conjunction with this request, the applicant is also proposing to rezone the subject parcels from R-1C Central City Residential District to CBD Central Business District. The requests are being made to accommodate a proposed off-street parking lot that is intended to serve an existing professional office building located at 900 West College Avenue.

BACKGROUND

This Comprehensive Plan Future Land Use Map Amendment and Rezoning request was referred back to Plan Commission at the September 20, 2017 Common Council meeting by Alderperson Martin. Per Section 23-65 (d)(7) of the Municipal Code, the Common Council shall within forty-five (45) days of the public hearing either approve or deny the rezoning request. The public hearing was held at the September 20, 2017 Common Council meeting. November 3, 2017 is 45 days from September 20, 2017.

On September 15, 2017, the City Clerk's Office received a letter from the property owner requesting to withdraw the rezoning. (See attached)

On March 15, 2017, the Common Council approved/adopted the 5-year update to City of Appleton Comprehensive Plan 2010-2030 and Future Land Use Map.

Single-family residential buildings previously occupied Tax Id. Numbers: 31-5-1225-00 and 31-5-1229-00.

- Demolition Permit No. B87-0512 was issued by the Inspection Division on June 3, 1987 for the purpose of razing the single family residence previously located on Tax Id. Number 31-5-1225-00.
- Demolition Permit No. B95-1018 was issued by the Inspection Division on November 3, 1995 for the purpose of razing the single family residence previously located on Tax Id. Number 31-5-1229-00.

STAFF ANALYSIS

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

Current Site Conditions: The subject parcels are currently undeveloped and combined are approximately 10,314 square feet in size. The subject site has frontage along West Washington Street which is classified as a local street on the City's Arterial/Collector Plan.

- **Local Street** means a street designated primarily to provide direct access to abutting properties, usually residential.

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

- **North:**
Zoning – R-1C Central City Residential District and R-2 Two-family District
Future Land Use Designation – One and Two-family Residential
Current Land Use – Single and Two-family Residential
- **South:**
Zoning – CBD Central Business District
Future Land Use Designation – Central Business District
Current Land Use – Professional Office Buildings
- **East:**
Zoning – R-1C Central City Residential District
Future Land Use Designation – One and Two-family Residential
Current Land Use – Single-family Residential

- **West:**
 Zoning – R-2 Two-family District
 Future Land Use Designation – One and Two-family Residential
 Current Land Use – Two-family Residential

Proposed Future Land Use Designation: The applicant is proposing to amend the *City of Appleton Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from One and Two-Family Residential land use designation to Central Business District land use designation. Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to correct omissions or errors in the land use recommendations, specific development proposals or changing circumstances in the City. In this case, a future development proposal on the subject area pursuant to the justification statement on the application forms (construction of a surface parking lot that is intended to serve an existing professional office building located at 900 West College Avenue) is necessitating the change from One and Two-family Residential land use designation to Central Business District land use designation.

Consistency with Objectives and Goals of the Comprehensive Plan 2010-2030: The *City of Appleton Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide growth and development in an organized and efficient manner in the City. 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 Future Land Use Map amendment for consistency with these relevant objectives and policies is necessary in determining if changing the Future Land Use Map is appropriate.

Relevant Comprehensive Plan Objectives and Goals	
Overall Community Goals	
Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5) 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.	
5.1	OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.
5.2	OBJECTIVE: 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.
5.2.1	Plan for a supply of developable land suitable for residential development.
5.2.2	Identify preferred locations and encourage urban infill and redevelopment to meet the needs of retirees and Generation X and Millennial buyers or renters, such as: <ul style="list-style-type: none"> – redevelopment sites on the north side of downtown or along Wisconsin Avenue, among other locations

Consistency with Objectives and Goals of the Comprehensive Plan 2010-2030 (continued):

A change in development patterns from residential to commercial has not been occurring in this residential neighborhood since it was originally platted and replatted by Assessors Plat in 1907. Therefore, the land use trends within this neighborhood block support a One or Two-family Residential land use rather than Central Business District land use.

The current Future Land Use Map specifically recommends the subject area be developed as One or Two-family Residential land use rather than Central Business District land use. The City's Comprehensive Plan applied One and Two-family Residential land use designation to the subject area, adjoining parcels and this neighborhood block bounded by Franklin, Story, Washington, and Bennett Street in anticipation of retaining and future planning for an adequate supply of housing choices to community residents in this area of the City pursuant to the Comprehensive Plan Objectives and Goals stated above. Therefore, amending the Future Land Use Map from One and Two-Family Residential land use designation to Central Business District land use designation *would not* be consistent with the current Future Land Use Map and the Comprehensive Plan Objectives and Goals stated above.

Proposed Zoning Classification: The applicant is proposing to rezone the subject parcel from R-1C Central City Residential District to CBD Central Business District. The CBD district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment and governmental uses. A broad range of uses is permitted to reflect Downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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.

***Findings:** The rezoning request is **not** in conformance with the above-stated goals and objectives of the City of Appleton Comprehensive Plan 2010-2030 and the Future Land Use Map, which identifies this area as future one/two-family residential as adopted on March 15, 2017 by the Common Council pursuant to Ordinance #26-17.*

Standards for Zoning Map Amendments (continued):

2. A study submitted by the applicant 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.

***Findings:** No study was submitted with this request.*

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).

***Findings:** The existing professional office building located at 900 West College Avenue is currently zoned CBD District. Currently, 27 existing off-street parking spaces are located at 900 West College Avenue and serve the building. It is important to note, provisions for off-street parking spaces and/or additional off-street parking spaces are not required for current/future tenants occupying 900 West College Avenue. Off-street parking spaces are not required for uses located in the CBD District pursuant to the current Zoning Ordinance.*

In addition to the 27 on-site parking spaces located at 900 West College Avenue, there are other parking and transit options that exist in this area of the City to serve 900 West College Avenue such as:

1. Transit (Bus) route #3 and #15.
2. On-street parking (non-metered 2 hour parking 7:00 a.m. to 7:00 p.m., except Sundays and Holidays).
3. On-street parking (non-metered standard parking 5:01 a.m. to 1:59 a.m.).
4. On-street parking (non-metered permission parking by the Police Department 2:00 a.m. to 5:00 a.m.).
5. Off-street parking agreements with other land owners who have existing parking lots.

See Attached: Off Site Parking & Transit-Oriented Options within 500 ft. or greater of 900 W. College Avenue

4. There is an error in the code text or zoning map as enacted.

***Finding:** Staff finds no evidence there is an error in the zoning map pertaining to how the subject area is zoned or have been originally zoned.*

Standards for Zoning Map Amendments (continued):

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.

Findings: The subject area is served by existing infrastructure, and the transportation network is capable of accommodating single or two-family residential within the subject area. A development proposal for the subject area has not been submitted; staff is unable to determine if the existing infrastructure and the transportation network can accommodate a parking lot and/or commercial development within the subject area.

2. The effect of the proposed rezoning on surrounding uses.

Findings: Commercial uses do not exist to the north, east or west of the subject area. Therefore, the proposed rezoning request is likely to create adverse impacts to the adjoining single/two-family uses in this neighborhood. As a result, the proposed CBD District begins to introduce uses that may not be compatible with the adjoining single-family and two-family land uses within this area of the City.

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3)a.1. Zoning Amendments *has not been* satisfied.

Technical Review Group Report (TRG): This item was discussed at the July 18, 2017 Technical Review Group meeting. Staff indicated the rezoning request is not in conformance with the above-stated goals and objectives of the Comprehensive Plan 2010-2030 and the Future Land Use Map, which identifies this area for future single/two-family residential.

General Information:

1. A standalone surface parking lot is a Special Use in the CBD District. Special Uses require an application to be completed and a public hearing at Plan Commission. The Plan Commission makes a recommendation to the Common Council who makes the final decision on a Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.
2. Site Plan Review and approval is required prior to the issuance of a paving permit for surface parking lots.
3. In order to construct any structure or building over the common lot between Tax Id. Numbers 31-5-1225-00 and 31-5-1229-00, a Certified Survey Map is required to merge these lots together.

RECOMMENDATION

- A. Staff recommends the proposed *City of Appleton Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-17* from One and Two-family Residential land use designation to Central Business District land use designation **BE DENIED**, because the request is not consistent with the current Future Land Use Map and the Comprehensive Plan Objectives and Goals (Overall Community Goals – Goal 3, and Objectives 5.1, 5.2, 5.2.1 and 5.2.2) pursuant to the above analysis; and

- B. Staff recommends Rezoning Application #5-17 to rezone the subject parcels (Tax Id #31-5-1225-00 and #31-5-1229-00) from R-1C Central City Residential District to CBD Central Business District, including to the centerline of the adjacent right-of-way, as shown on the attached maps, **BE DENIED**, because the request is not consistent with the current Future Land Use Map and the Comprehensive Plan Objectives and Goals (Overall Community Goals – Goal 3, and Objectives 5.1, 5.2, 5.2.1 and 5.2.2) and standards for zoning map amendments Section 23-65(d)(3)a.1, 2. and 3. of the Zoning Ordinance pursuant to the above analysis.

NOTE(s)

- 1. Rezoning #5-17 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-17. A Comprehensive Plan Amendment requires a Class 1 Public Hearing Notice, requiring a 30-day notice prior to Common Council acting on a Comprehensive Plan Amendment.







- 2. If Plan Commission approves *City of Appleton Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-17*, then the attached Resolution would need to be acted on pursuant to Chapter 12: Implementation of the *City of Appleton Comprehensive Plan 2010-2030*.

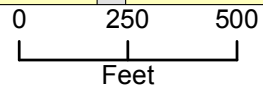
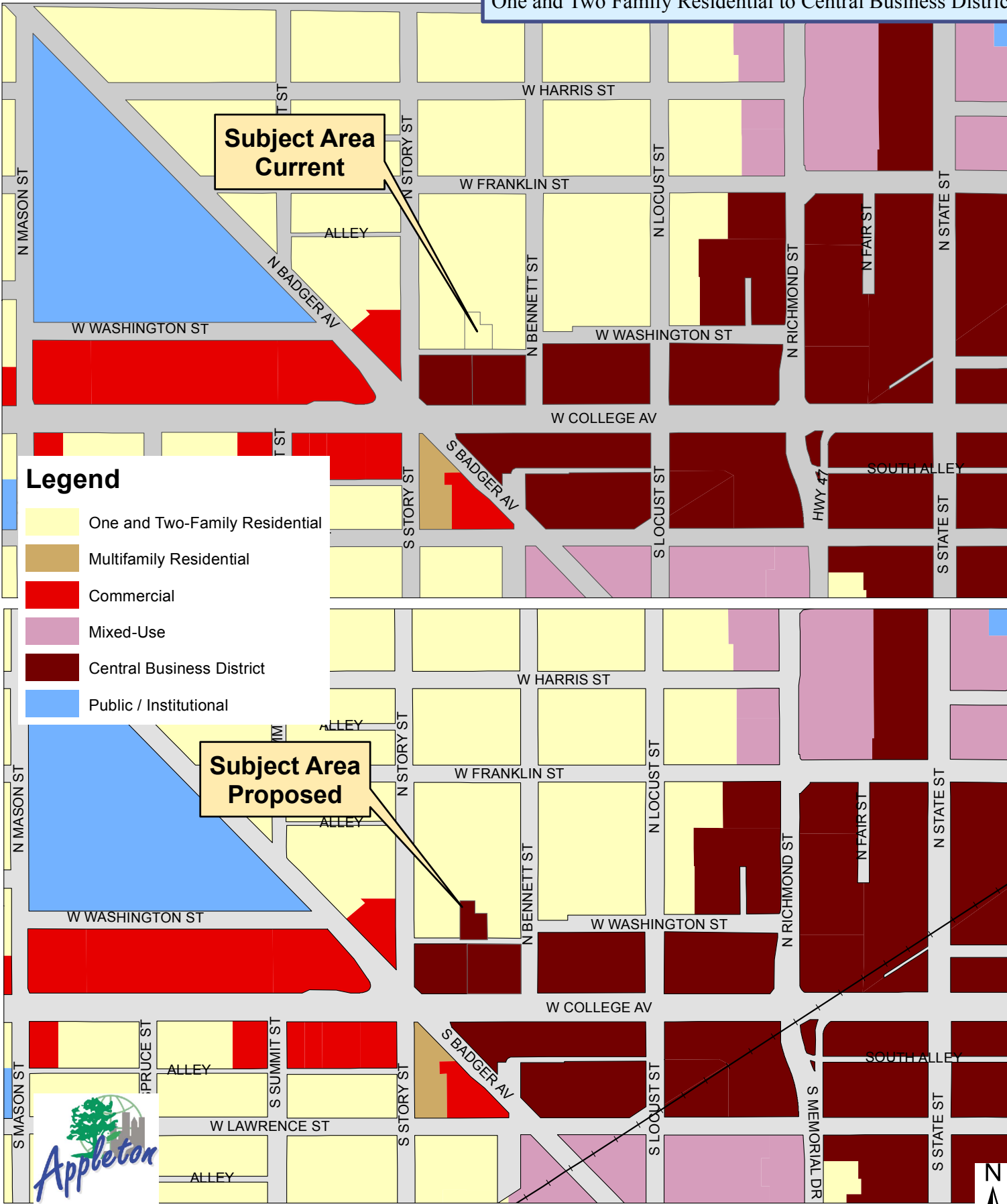
W. Washington St
 Tax ID # 31-5-1225-00 and 31-5-1229-00
 Future Land Use Map Amendment
 One and Two Family Residential to Central Business District

**Subject Area
 Current**

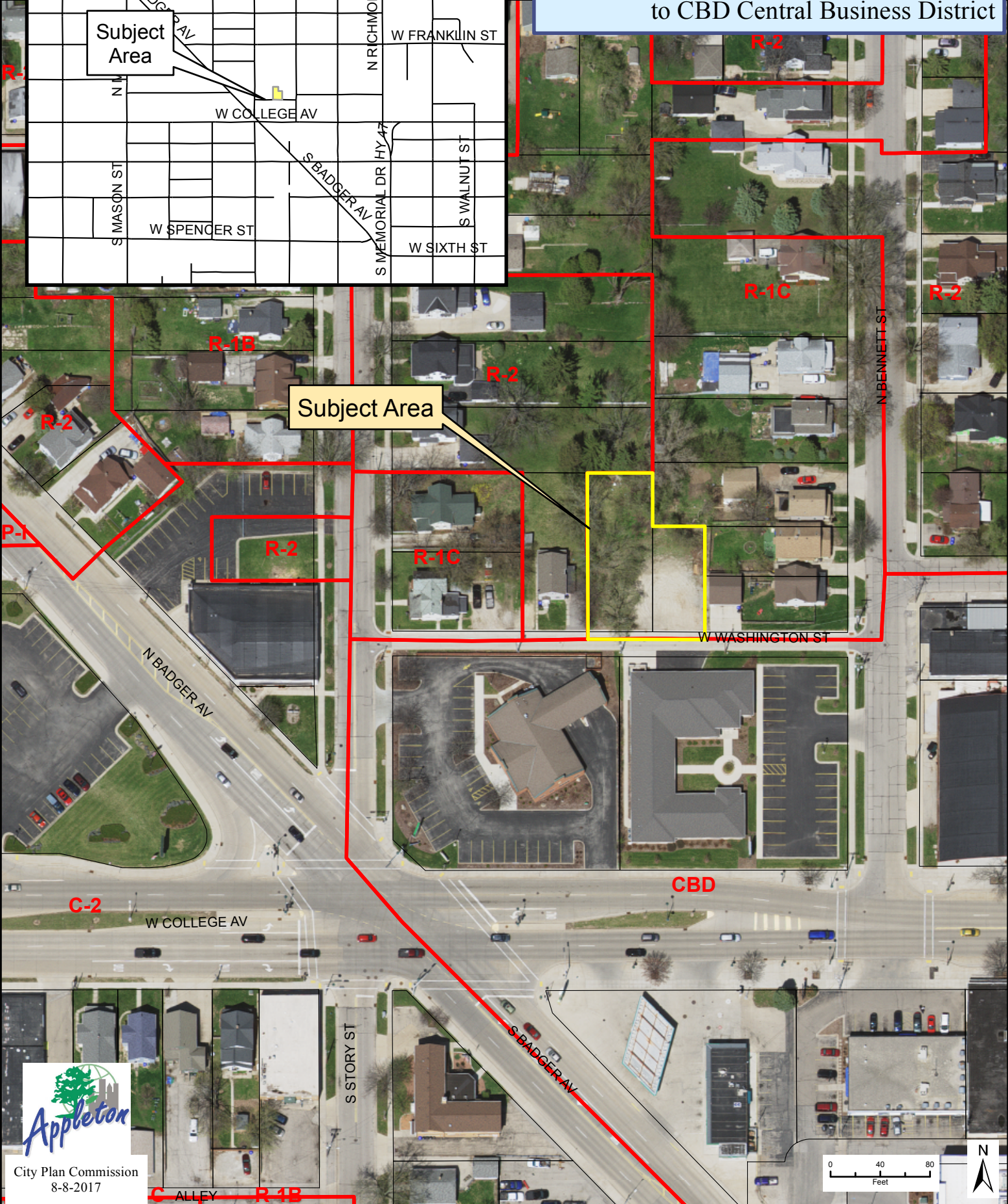
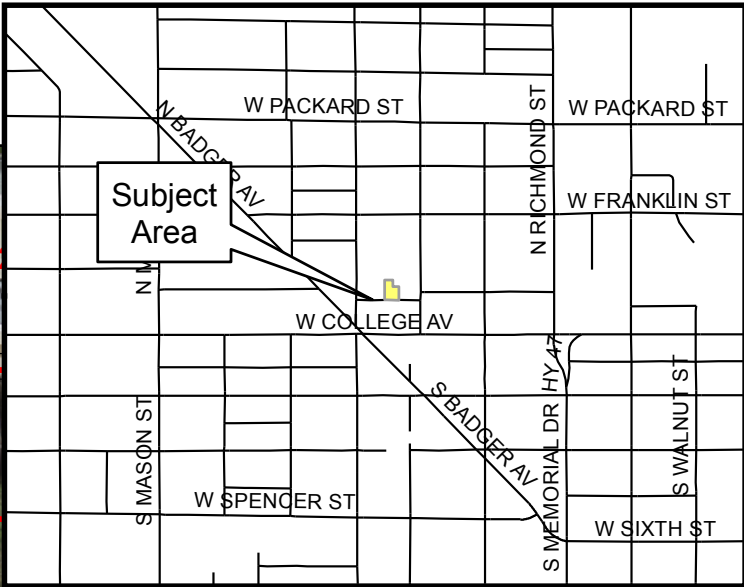
**Subject Area
 Proposed**

Legend

-  One and Two-Family Residential
-  Multifamily Residential
-  Commercial
-  Mixed-Use
-  Central Business District
-  Public / Institutional



Rezoning W. Washington St.
Tax ID # 31-5-1225-00 and 31-5-1229-00
from R-1C Central City Residential District
to CBD Central Business District



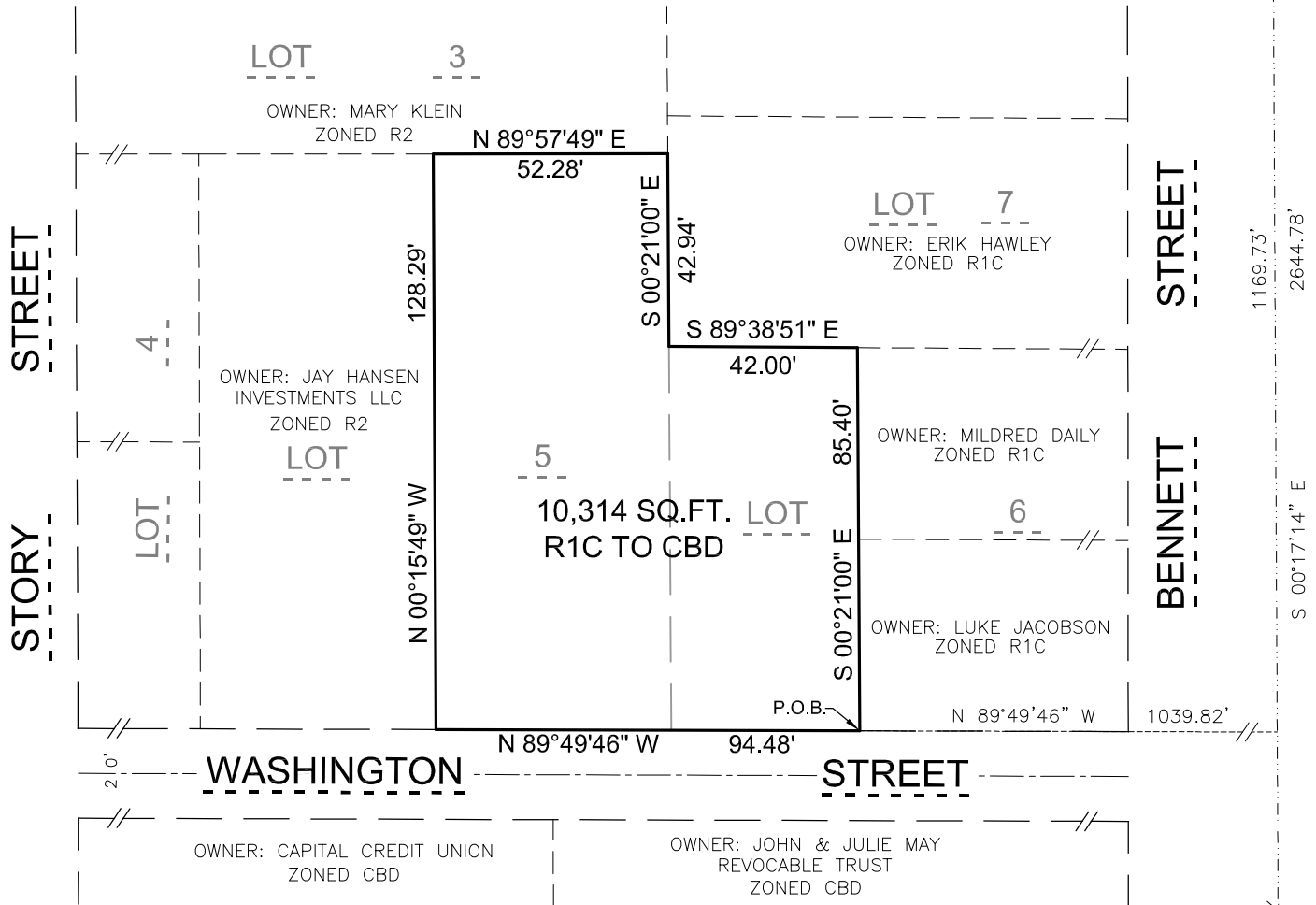
REZONING REFERENCE MAP

THE EAST ONE-HALF OF LOT 5 AND THE WEST 42 FEET OF LOT 6, BLOCK 35, FIFTH WARD PLAT, BEING PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 27, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO RECORDED ASSESSOR'S MAP OF SAID CITY



SCALE 1"=40'
BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM

EAST 1/4 CORNER SECTION 27 T21N, R17E



1169.73'
2644.78'

S 00°17'14" E

SOUTHEAST CORNER SECTION 27 T21N, R17E

Martenson & Eisele, Inc.










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Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0976-001
FILE 1-0976-001rezone

THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

Off Site Parking & Transit-Oriented Options within 500 Ft of 900 W College Avenue

-  Bus Stops
-  No Parking
-  Route 15
-  No Parking during Certain Times
-  Route 3
-  Time Limited Parking (2 hours)
7am-7pm (Sundays and holidays excepted)
-  500 ft buffer
- ** absence of line indicates standard City parking rules apply (5:01AM-1:59AM)**

