



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: April 10, 2018

Common Council Public Hearing Meeting Date: May 16, 2018 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-18 and Rezoning #4-18

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner: City of Appleton

Applicant: Appleton City Plan Commission

Address/Parcel: East Richard Street - Leona Pond (Tax Id #31-1-5244-00, formerly part of Town of Grand Chute Tax Id #102009900)

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, C-2 General Commercial District, R-1A Single-Family District and R-2 Two-Family District to a permanent zoning classification of P-I Public/Institutional District. A portion of the adjacent Ballard Road and Richard Street right-of-way, currently zoned C-2 General Commercial District, R-1A Single-Family District and R-2 Two-Family District, is also included in this request. The request is being made to facilitate construction of a City-owned stormwater management facility.

In conjunction with this request, the applicant is also requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from Business/Industrial and One and Two-Family Residential designation to Public/Institutional designation for the subject parcel.

BACKGROUND

On April 4, 2018, Common Council adopted Ordinance 37-18, 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 April 10, 2018 at 12:01 a.m. During review of the Leona Pond Annexation, the Plan Commission initiated a rezoning for the subject property from Temporary AG Agricultural District, C-2 General Commercial District, R-1A Single-Family District and R-2 Two-Family District to a permanent zoning classification of P-I Public/Institutional District.

The Plan Commission also initiated an amendment to the City's *Comprehensive Plan 2010-2030* Future Land Use Map from Business/Industrial and One and Two-Family Residential designation to Public/Institutional designation for the subject parcel.

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.

Existing Site Conditions: The subject parcel is approximately 11.3366 acres in size and located east of North Leona Street and north of East Wisconsin Avenue. East Richard Street dead ends at the subject parcel. Currently, the parcel is undeveloped.

Surrounding Zoning Classification and Land Uses:

North: M-2 General Industrial District. The adjacent land uses to the north are currently industrial.

South: Town of Grand Chute. The adjacent land use to the south are currently undeveloped and single-family residential.

East: Town of Grand Chute. The adjacent land uses to the east are currently undeveloped.

West: R-1A Single-Family District and R-2 Two-Family District. The adjacent land uses to the west are 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 City construction project for a stormwater management facility on this parcel is necessitating the change to Public/Institutional designation. The proposed use of the property is consistent with the Public/Institutional Future Land Use designation.

The *Comprehensive Plan 2010-2030* does not identify specific locations for future public/institutional uses. However, Chapter 10 states that while public or institutional uses may be located on land designated for any use, certain criteria should guide site selection. At a minimum, the City should consider:

- Compatibility with existing or planned land uses in the area. *The proposed use of the property as a City-owned stormwater facility is consistent with the Public/Institutional Future Land Use designation.*
- Traffic or other impacts and the need for utilities. *The subject area is served by existing infrastructure, and the proposed Public/Institutional designation should not have a significant impact on traffic.*
- Scale of the proposed use (buildings, etc.) in comparison to existing or planned neighboring uses. *The Future Land Use Map Amendment request is being made to accommodate a stormwater management facility. No buildings or structures are proposed at this time.*
- Whether the proposed location may be better suited to other uses (such as commercial or employment-related) that may be needed to serve the neighborhood or provide a proportionally greater benefit to the community as a whole. *The Future Land Use Map Amendment request is being made to serve a stormwater management need for this area.*

Future Land Use Map Amendment #1-18 & Rezoning #4-18

April 10, 2018

Page 3

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 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.

OBJECTIVE 7.5: Implement effective stormwater management practices.

Policy 7.5.1 Continue to implement the City's Surface Water Management Plan and its WPDES Municipal Separate Storm Sewer System (MS-4) permit from the Wisconsin Department of Natural Resources.

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.

Proposed Zoning Classification: The P-I Public/Institutional District is intended 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. The development standards for the P-I District are listed below:

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

Future Land Use Map Amendment #1-18 & Rezoning #4-18

April 10, 2018

Page 4

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 Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District, C-2 General Commercial District, R-1A Single-Family District and R-2 Two-Family District to a permanent zoning classification of P-I Public/Institutional District. A portion of the adjacent Ballard Road and Richard Street right-of-way, currently zoned C-2 General Commercial District, R-1A Single-Family District and R-2 Two-Family District, is also included this request. 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 sections of the Zoning Ordinance.

The Plan Commission also initiated an amendment to the City's *Comprehensive Plan 2010-2030* Future Land Use Map from Business/Industrial and One and Two-Family Residential designation to Public/Institutional designation for the subject parcel. This Future Land Use designation is consistent with the proposed P-I Zoning District.

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. *If Future Land Use Map Amendment #1-18 is approved, to identify this area for future public/institutional 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).

Future Land Use Map Amendment #1-18 & Rezoning #4-18

April 10, 2018

Page 5

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. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning. The land is being proposed to be used as a stormwater management facility.*
 2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are located to the west of the subject site and business/industrial uses are located north of the site. Properties to the east and south of the subject area 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.

Technical Review Group (TRG) Report: This item was discussed at the January 23, 2018 Technical Review Group meeting. 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 #1-18 from Business/Industrial and One and Two-Family Residential designation to Public/Institutional designation and attached 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 #4-18 to rezone the subject parcel located at East Richard Street (Tax Id # 31-1-5244-00, formerly part of Town of Grand Chute Tax Id #102009900) from Temporary AG Agricultural District, C-2 General Commercial District, R-1A Single-Family District and R-2 Two-Family District to a permanent zoning classification of P-I Public/Institutional District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #4-18 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-18 to accurately reflect the change in future land use from Business/Industrial and One and Two-Family Residential designation to Public/Institutional designation.

**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 10, 2018, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-18) 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 10, 2018; 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 (Business/Industrial and One and Two-Family Residential Use) to (Public/Institutional 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.

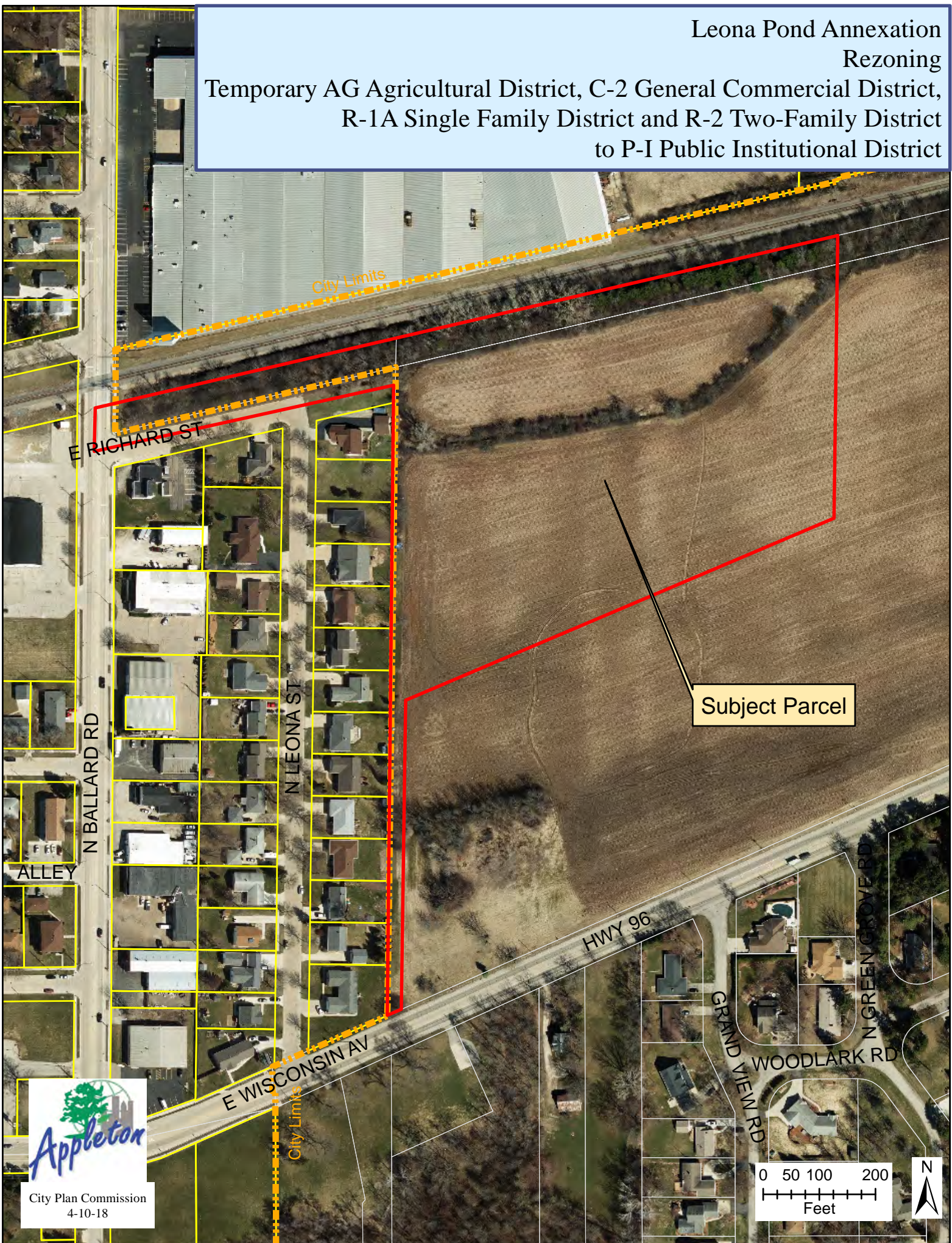
Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

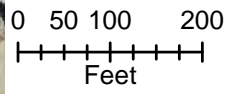
Leona Pond Annexation
Rezoning
Temporary AG Agricultural District, C-2 General Commercial District,
R-1A Single Family District and R-2 Two-Family District
to P-I Public Institutional District



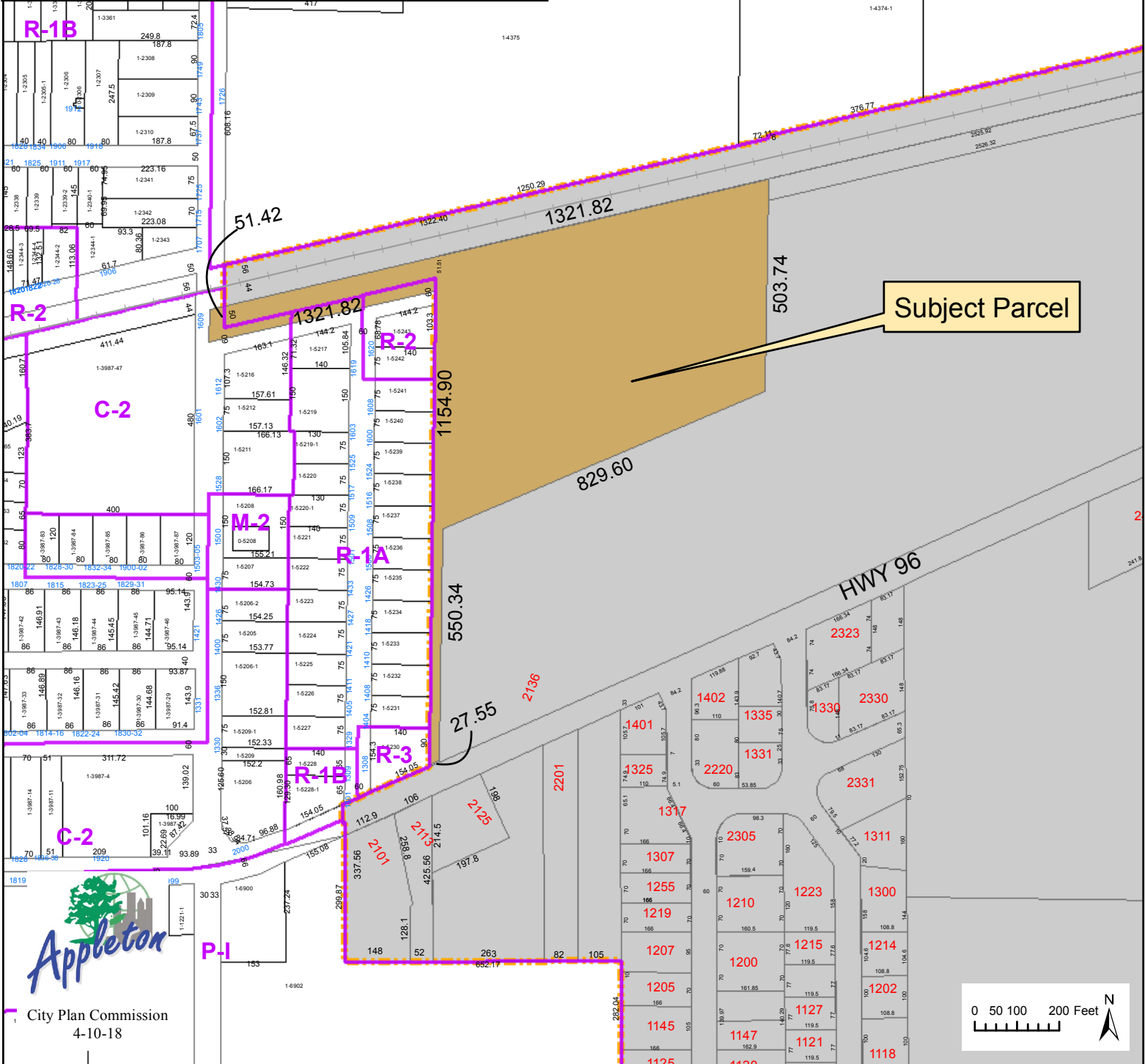
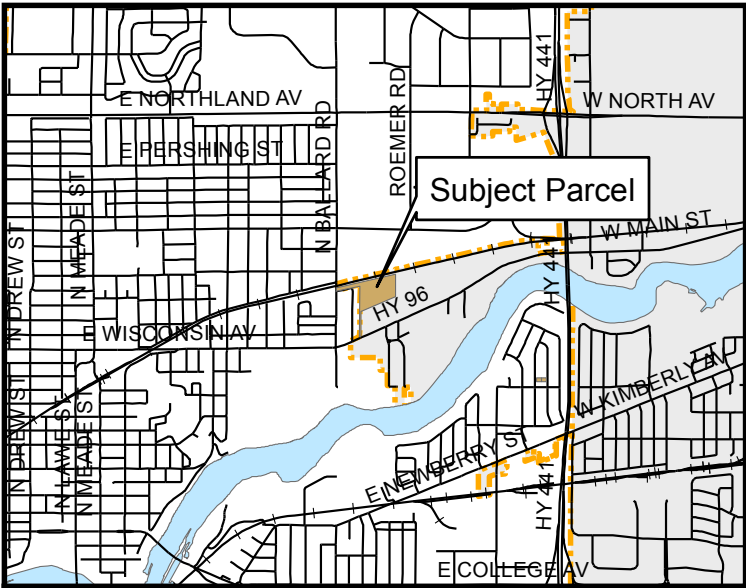
Subject Parcel



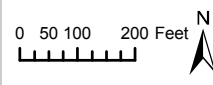
City Plan Commission
4-10-18



Leona Pond Annexation
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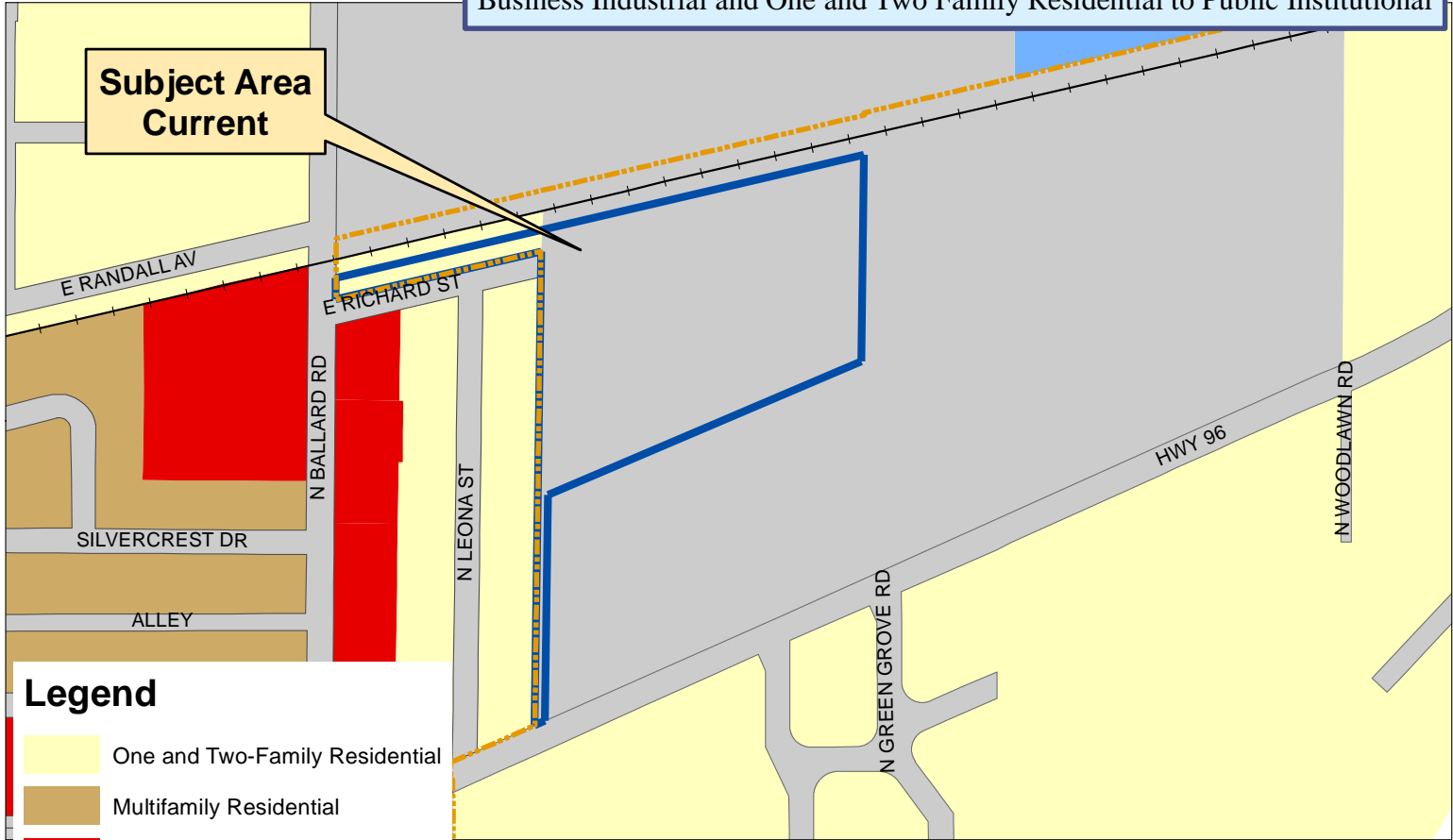


City Plan Commission
 4-10-18



Future Land Use Map Amendment
 Leona Pond
 Tax ID102009900
 Business Industrial and One and Two Family Residential to Public Institutional

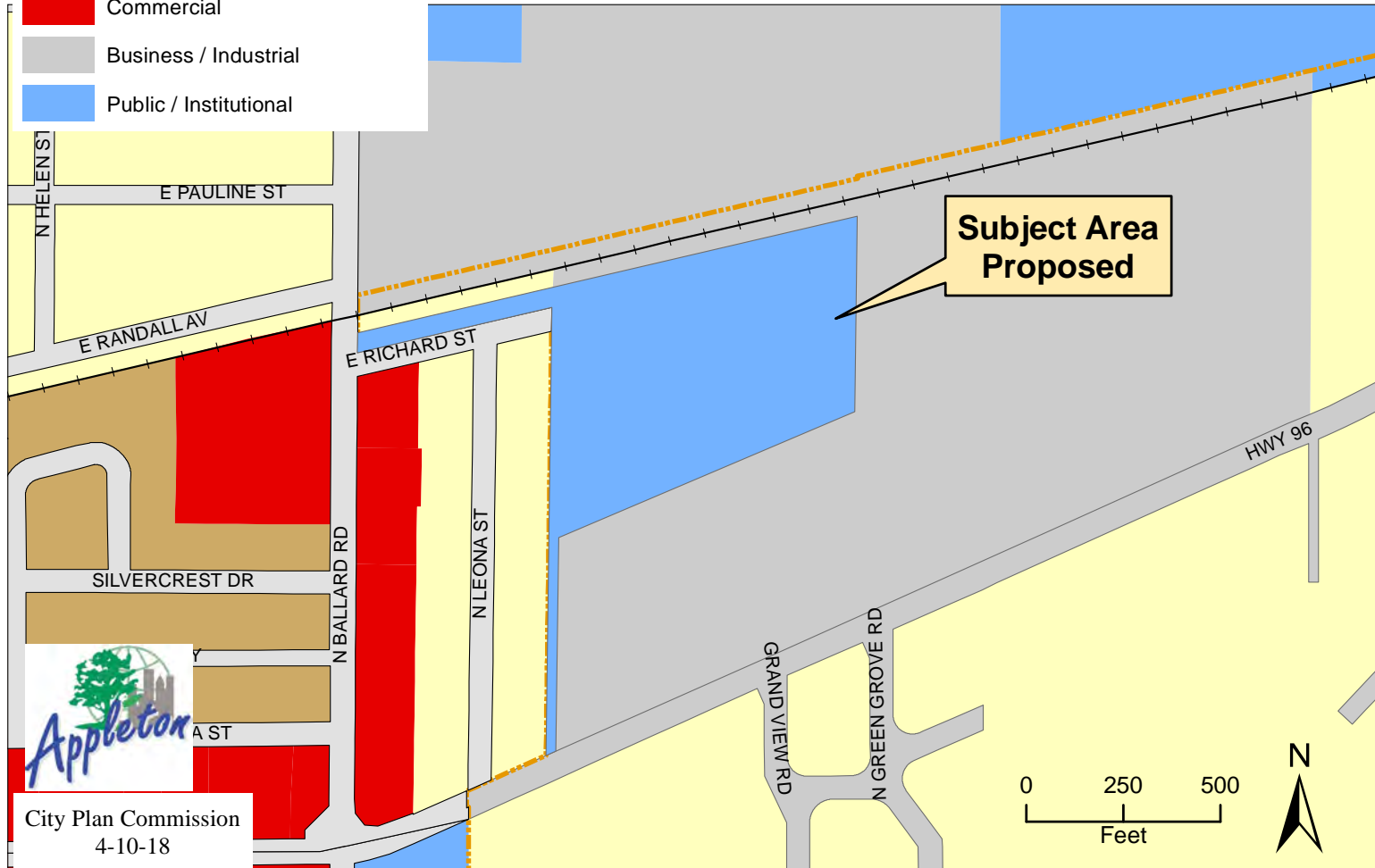
Subject Area Current



Legend

- One and Two-Family Residential
- Multifamily Residential
- Commercial
- Business / Industrial
- Public / Institutional

Subject Area Proposed



City Plan Commission
 4-10-18

