



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: October 11, 2023

Common Council Public Hearing Meeting Date: November 15, 2023
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-23 and Rezoning #8-23

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant: Tom Klister, Fore Investment Group

Owner: St. Therese Congregation c/o Ryan Starks, Pastor

Lot/Parcel: 213 E. Wisconsin Avenue (Tax Id #31-6-0313-00)

Petitioner's Request: The applicant is requesting to amend the City's Comprehensive Plan 2010-2030 Future Land Use Map from future Public/Institutional designation to future Mixed-Use designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from PD/C-O Planned Development Overlay #17-02/Commercial Office District to C-1 Neighborhood Mixed Use District. The requests are being made to accommodate potential redevelopment of a portion of the site for multi-family/mixed-use. The rezoning and comprehensive plan amendment would provide a future land use designation that is consistent with the proposed rezoning request and potential future use of the property. The rezoning would also allow the church to continue existing operations on this site and provide for redevelopment opportunities on the balance of the site.

BACKGROUND

On June 15, 1994, the Common Council rezoned the subject site from R-2 Two-Family District to R-1B Single-Family District as part of the East Summer Street neighborhood rezoning.

Special Use Permit #2-02 was approved in March 2002 to allow for a portion of the building to be used for group day care. This use no longer exists at this site.

The Common Council approved the rezoning to PD/C-O Planned Development Overlay #17-02/Commercial Office District (for St. Therese Church) on September 4, 2002. The Implementation Plan Document for PD #17-02 was recorded on September 16, 2002 (Doc. No. 1486348). The PD/C-O zoning district allowed places of worship, office uses, and schools as the permitted uses and group day care as a special use on this property.

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Site Plan #20-20 was administratively approved on October 19, 2020 for the recently constructed building addition onto the convent and church. The separate school building in the middle of the site was recently razed.

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The Comprehensive Plan document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

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 site is currently a place of worship (St. Therese Congregation). The property also includes office uses and Loaves and Fishes Food Pantry. The former school building in the middle of the property was recently razed. The parcel is approximately 3.59 acres in size. The property has frontage along East Wisconsin Avenue (WI State HWY 96), North Morrison Street and East Summer Street. The City's Arterial/Collector Plan classifies East Wisconsin Avenue as an Arterial Street and North Morrison Street and East Summer Street as Local Streets.

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

North: Zoning – C-2 General Commercial District
Future Land Use Designation – Mixed Use
Current Land Use – Mix of commercial uses

South: Zoning – R-1C Central City Residential District, R-1B Single-Family District & R-2 Two -Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Mix of single and two family residential and off-street parking for St. Therese Congregation

East: Zoning – R-1C Central City Residential District & C-2 General Commercial District
Future Land Use Designation – Mixed Use
Current Land Use – Multi-tenant commercial building and residential

West: Zoning – R-1C Central City Residential District & C-2 General Commercial District
Future Land Use Designation – Mixed Use
Current Land Use – Multi-tenant commercial building and 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 potential development proposal for the area is necessitating the change to Mixed Use designation, while also allowing the existing uses to continue operation. The proposed Future Land Use designation is consistent with the surrounding Mixed Use Future Land Use designation along the Wisconsin Avenue corridor.

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 1 – Community Growth

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.

Goal 3 – Housing Quality, Variety, and Affordability

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.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 5.1: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

OBJECTIVE 5.3 Housing and Neighborhoods:

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.

Policy 5.3.2 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 redevelopment sites on the north side of downtown.

Chapter 10: Mixed Use Land Use Designation description

The mixed use district along Wisconsin Avenue, originally shown from Richmond Street to Meade Street, was extended to the western border of the City. This district is approximately one block deep on either side of the street. The Wisconsin Avenue Corridor Plan (Chapter 15 of the Comprehensive Plan) provides greater detail on the vision for this area. The City seeks to provide flexibility to respond to market conditions that may make it difficult to economically utilize or redevelop portions of this area for purely commercial uses. The mixed use designation will permit commercial and/or multifamily development to occur. Extending the designation to a full block deep will aid in carrying out the property assembly necessary to overcome limitations imposed by the relatively small parcel sizes found in the corridor.

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OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton’s key transportation corridors and downtown.

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.

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

Chapter 15: Wisconsin Avenue Corridor Plan – Redevelopment Opportunities

Redevelopment within the corridor will result in improved economic vitality of individual businesses and the commercial district as a whole, lower vacancy rates, increased property values, new housing and businesses, and a more attractive environment. Redevelopment may consist of the renovation of existing structures or complete redevelopment of sites. Some of the most likely locations for redevelopment are indicated on the following map of the corridor. Some of these are discussed here in greater detail.

- *The plan identifies this specific site as a potential mixed-use or high-density residential redevelopment.*



Proposed Zoning Classification: The purpose of the C-1 Neighborhood Mixed Use District is to provide for mixed use areas, including a range of commercial and denser residential uses. Development is

intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods. Per Section 23-112(h) of the Municipal Code, the development standards for the C-1 District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 90%.
- 3) **Minimum lot width:** 40 feet.
- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 60 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to allow for continued operations of the current uses, provide for additional permitted uses, and potential mixed-use redevelopment. If the rezoning request is approved, any future development would need to conform to the C-1 Neighborhood Mixed Use District zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Per Section 23-112(i) of the Municipal Code, the C-1 District shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map. The parcels along the Wisconsin Avenue Corridor, and adjacent to this property on the north, east and west sides, are already shown as Mixed Use designation on the Future Land Use Map, and the requested amendment would change subject parcel to Mixed Use designation as well.

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 #2-23 is approved, to identify this area for future mixed use, 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).
 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.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial zoning already exists on the subject parcel. A mix of commercial and single and two family residential uses surround the subject site. C-1 District development standards, such as setbacks, and perimeter parking lot landscape buffers would be reviewed in accordance with Zoning Ordinance requirements at the time of Site Plan review. 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, provided Comprehensive Plan Future Land Use Map Amendment #2-23 is approved.

Technical Review Group (TRG) Report: These items were discussed at the September 19, 2023 Technical Review Group meeting. No negative comments were received from participating departments.

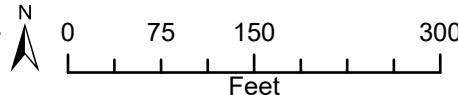
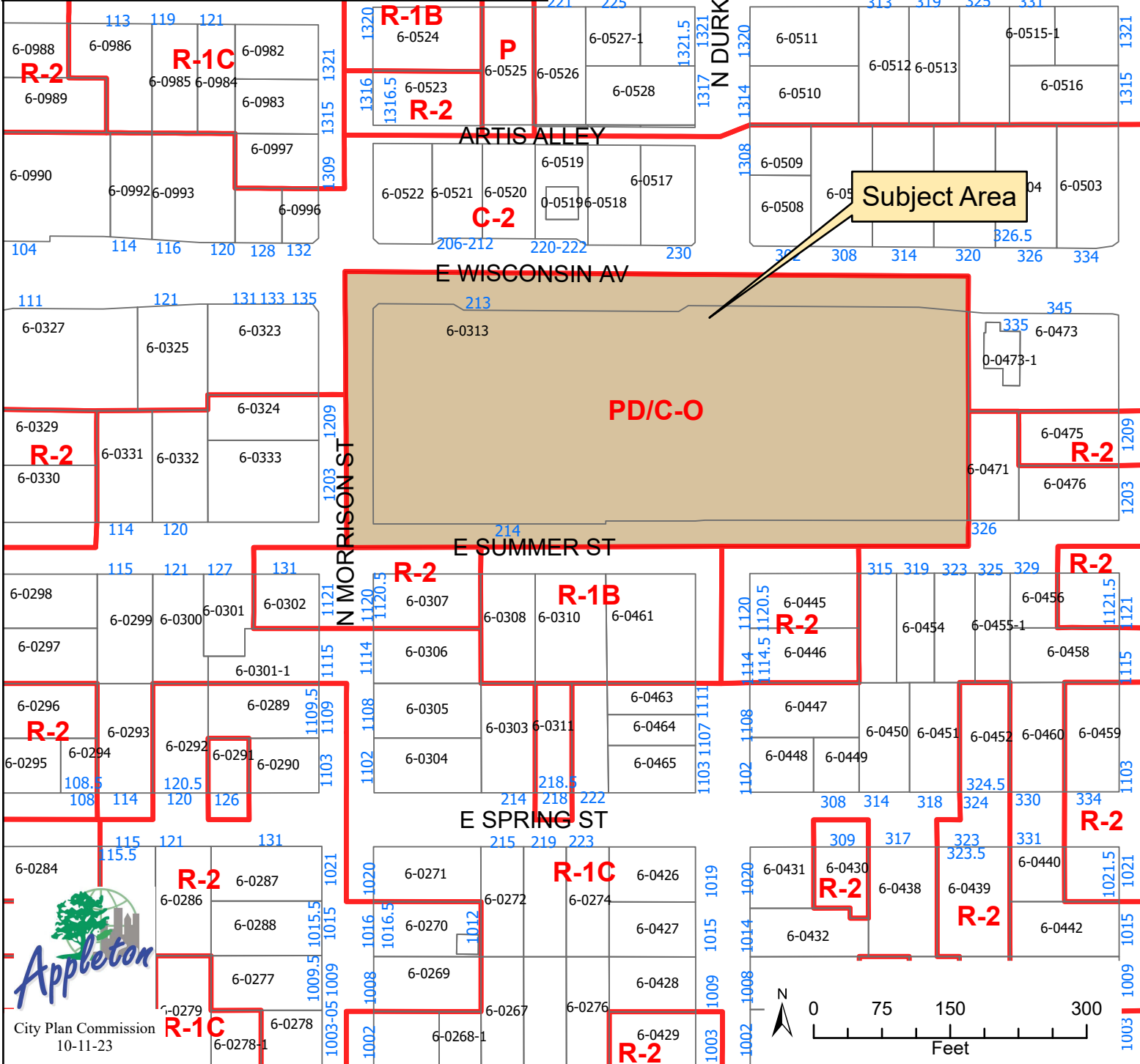
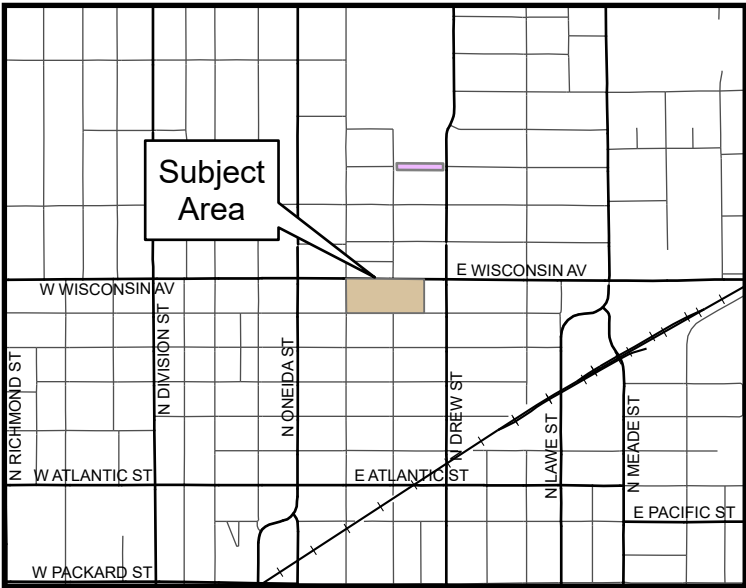
RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-23 for the property located at 213 E. Wisconsin Avenue (Tax Id. #31-6-0313-00) from future Public/Institutional designation to future Mixed-Use designation and the 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 #8-23 to rezone the subject parcel located at 213 E. Wisconsin Avenue (Tax Id. #31-6-0313-00) from PD/C-O Planned Development Overlay #17-02/ Commercial Office District to C-1 Neighborhood Mixed Use District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #8-23 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-23 to accurately reflect the change in future land use from Public/Institutional designation to Mixed-Use designation.

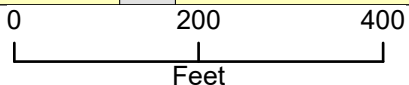
Rezoning
 PD/C-O #17-02 St. Therese Congregation
 Planned Development District to
 C-1 Neighborhood Mixed Use District
 Vicinity Map



Future Land Use Map Amendment
 Future Public Institutional to Mixed Use



- Land Use Categories**
- One and Two-Family Residential
 - Multifamily Residential
 - Mixed-Use
 - Public / Institutional



**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 October 11, 2023, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-23) 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 October 11, 2023, 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 (Tax Id #31-6-0313-00) on the Future Land Use Map from Public/Institutional Use to Mixed-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 _____, 2023.

Jacob A. Woodford, Mayor

ATTEST:

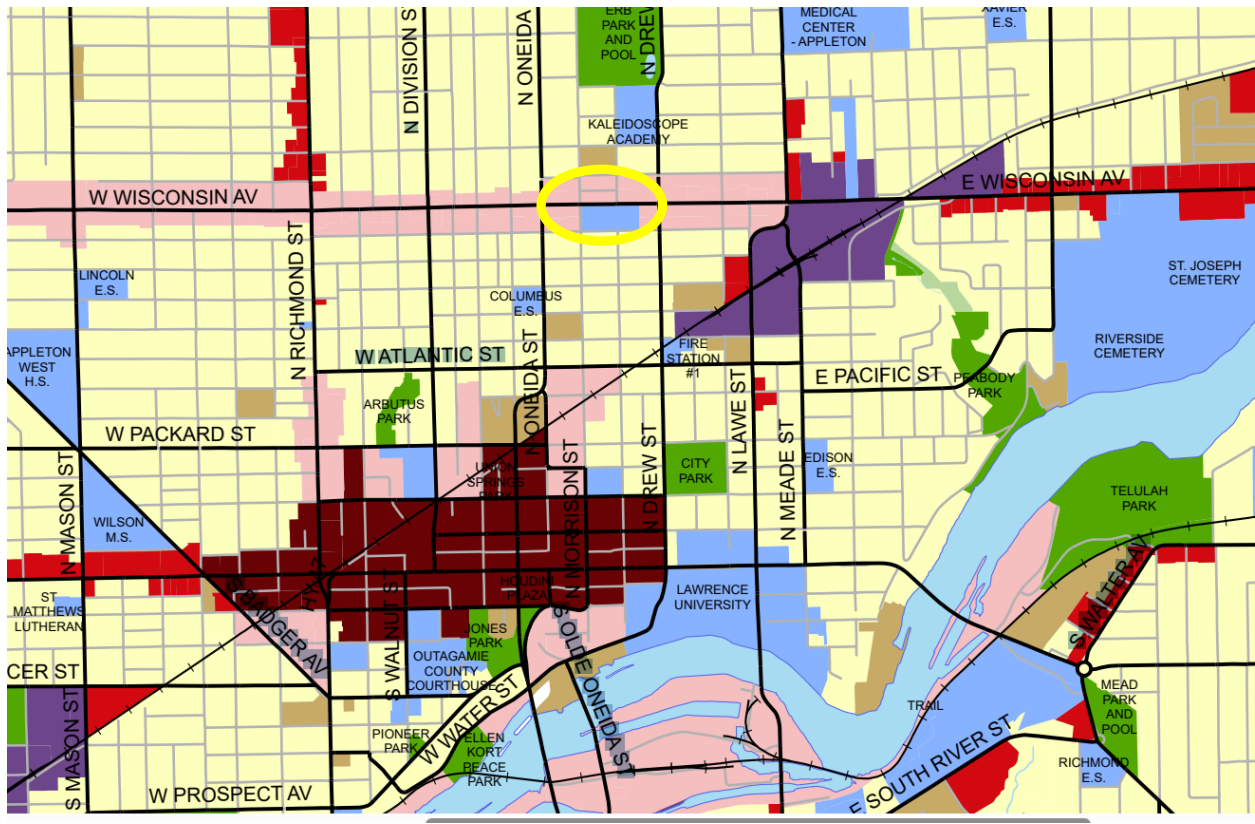
Kami Lynch, City Clerk

St. Therese Parish
213 E Wisconsin Avenue
Appleton, WI

Legal Description

DAVID KIMBALLS ADDN 6W D LOTS 1,3,4,5,6 & 7 BLK 18 AND A B RANDALLS PLAT 6WD LOTS 1 & 2 BLK 19 AND LOTS 1 & 2 AND W120FT OF LOTS 3 & 4 BLK 20 AND VAC DURKEE ST BETWEEN WISCONSIN AV AND SUMMER ST LESS DOC #1881092 FOR R/W

Map and Support for re-zone request:



The proposed future land use designation is consistent with the adjacent properties and with the proposed redevelopment of a portion of the site. The proposed future land use designation is consistent with recommendations in Chapter 10: Land Use and Chapter 15: Wisconsin Avenue Corridor Plan. The proposed use may contain multi-family residential and will provide for efficient use of limited land along this corridor, as well as investment to spur future redevelopment projects. The mixed use future land use designations is also needed to be consistent with the proposed C-1 rezoning request.

This text can be found on page 170 in Chapter 10, which supports the proposed change: The mixed use district along Wisconsin Avenue, originally shown from Richmond Street to Meade Street, was extended to the western border of the City. This district is approximately one block deep on either side of the street. The Wisconsin Avenue Corridor Plan (Chapter 15 of the Comprehensive Plan) provides greater detail on the vision for this area. The City seeks to provide flexibility to respond to market conditions that may make it difficult to economically utilize or redevelop portions of this area for purely commercial uses. The mixed use designation will permit commercial and/or multifamily development to occur. Extending the designation to a full block deep will aid in carrying out the property assembly necessary to overcome limitations imposed by the relatively small parcel sizes found in the corridor.