



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting: April 26, 2023**

**Common Council Public Hearing Meeting: May 17, 2023**

**Item:** Rezoning #1-23 - Seville Properties Ballard & Werner Road Annexation, from temporary AG Agricultural District to R-3 Multi-family District

**Case Manager:** Don Harp, Principal Planner

### **GENERAL INFORMATION**

---

**Owner:** Seville Properties, LLC - Ryan P. Radue, President/Chief Executive Officer

**Petitioner:** City of Appleton Plan Commission

**Address/Tax Parcel Number:** 7051 N. Ballard Road / #31-1-9316-00 (formerly N2751 County Rd EE / Parcel #040098200 in the Town of Center)

**Petitioner's Request:** To assign a zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Zoning Ordinance and Annexation Petition, from temporary AG Agricultural District to R-3 Multi-family District. The proposed R-3 Multi-family District zoning classification is consistent with the current *Comprehensive Plan 2010-2030* Future Land Use Map and would allow the subject property to be developed in accordance the R-3 District regulations.

### **BACKGROUND**

---

The subject property was included in the Seville Properties Ballard & Werner Road Annexation that was approved by the Plan Commission on March 22, 2023 and by the Common Council on April 5, 2023. The subject property was officially annexed to the City on April 11, 2023 at 12:01 a.m.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification per Section 23-65(e) of the Municipal Code. The Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-3 Multi-family District at their March 22, 2023 meeting.

### **STAFF ANALYSIS**

---

**Existing Conditions:** The subject parcel is approximately 39.913 acres in size. The subject property is developed with the single-family residence and agricultural buildings/structures. It is anticipated these buildings will be demolished.

**Rezoning #1-23 - Seville Properties Ballard & Werner Road Annexation**  
**April 26, 2023**  
**Page 2**

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Multi-family residential. The proposed zoning map amendment (Temporary AG Agricultural District to R-3 Multi-family residential District) is consistent with the following goals and objectives of the *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.*

**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 5.3.3 Plan for a supply of developable land suitable for residential development.*

**OBJECTIVE 10.1 Land Use:**

*Provide an adequate supply of suitable land meeting the demand for development of various land uses.*

**NOTE:** On March 3, 2010, the City of Appleton Comprehensive Plan 2010-2030 and Future Land Use Map were adopted showing future multi-family land use for the subject property.

**College North Neighborhood Plan – Chapter 4: Market Study 2020-2030:** The average annual housing need is about 301 units per the market study. The zoning map amendment (Temporary AG Agricultural District to R-3 Multi-family residential District) will help to meet the demand for housing in Appleton as specified in the market study.

**The Appleton Comprehensive Outdoor Recreation Plan (CORP) 2019-2023:** Page 74 references the need to acquire and develop parkland in the “far northern areas of the city”. There are also recommendations in the CORP, Page 60, that state residents should not be more than ¼ to ½ mile away from neighborhood park amenities. The current City of Appleton proposed Park Acquisition Map has identified a need for the City to acquire land for a neighborhood park within or near the annexation area. Discussions about implementing the CORP recommendations will take place at the concept plan review stage between City staff and the property owner/developer.

## **Rezoning #1-23 - Seville Properties Ballard & Werner Road Annexation**

**April 26, 2023**

**Page 3**

**City of Appleton Trails Master Plan (January 2017):** The City of Appleton Trails Master Plan proposed network map identifies a proposed trail along the west side of Ballard Road adjacent to subject site. In addition, a proposed on-street bike lane is proposed along the east side of Ballard Road. (See attached map)

**City of Appleton On-Street Bike Lane Plan (September 15, 2010):** The proposed bicycle network Map 7A identifies a proposed trail route along Werner Road which heads east to Ballard Road and west to Kurey Drive. (See attached map)

### **Surrounding Zoning Classification and Land Uses:**

North: City of Appleton. AG Agricultural District, the adjacent land use to the north is currently agricultural land.

Town of Center. General Agricultural District, the adjacent land use to the north is currently developed as single-family residential.

South: City of Appleton. R-1A Single-family District and R-3 Multi-family District, the adjacent land uses to the south are currently City water tower, single-family residential and undeveloped land.

West: City of Appleton. AG Agricultural District and R-1B Single-family District, the adjacent land uses to the west are currently agricultural land and single-family residential.

East: City of Appleton. R-1B Single-family District, the adjacent land uses to the east are currently single-family residential and undeveloped single-family lots.

**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 to a zoning classification of R-3 Multifamily 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 current R-3 District zoning regulations and other applicable sections of the Municipal Code.

## Rezoning #1-23 - Seville Properties Ballard & Werner Road Annexation

April 26, 2023

Page 4

**Proposed Zoning Classification:** The R-3 District is intended to provide for and maintain residential areas characterized 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.

**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 site as future Multi-family residential land use.*
  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. *College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study. The zoning map amendment (Temporary AG Agricultural District to R-3 Multi-family residential District) will help to meet the demand for housing in Appleton as specified in the market study.*
  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. *It was determined during the annexation process, the City can provide necessary services, including but not limited to, sanitary sewer, water, police, fire, and garbage/recycling to the subject property. However, City storm sewer main extensions would be required to serve this property. In addition, it is possible a new lift station and/or force main may also be needed, but this depends on how the property is developed. A development/feasibility plan has not been submitted for City review; cost estimates have not been calculated.*

## Rezoning #1-23 - Seville Properties Ballard & Werner Road Annexation

April 26, 2023

Page 5

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses, undeveloped agricultural land and a City Water are located adjacent to the subject site. The rezoning request is being made to accommodate a mix of residential uses such as townhomes, apartments, two-family and single-family homes and possible public park. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

### **FUTURE ACTIONS**

---

- Additional right-of-way dedication may be anticipated for Werner Road and Ballard Road to accommodate future plans to convert Ballard Road to an urbanized street with anticipated bike lanes, sidewalks, traffic lanes, center turn lane, and curb and gutter and Werner Road converted to an urbanized street with anticipated trail, sidewalks, traffic lanes, and curb and gutter.
- Concept plan/pre-plat conference will be required between City and the owner/developer prior to the submittal of a Certified Survey Map (CSM), Preliminary Plat and/or Final Plat.
  - The current Subdivision Ordinance requires a pre-plat conference between City staff and the property owner/developer prior to submittal of a CSM or preliminary plat. At the pre-plat conference, City staff will review and comment on the concept plan, including but limited to, the City's desire to acquire parkland on the subject site, extension/design of City storm sewer main, stormwater management, other civil engineering matters, road/driveway access to the property, review of City plans, zoning and future road/trail connectivity to adjacent properties, and emergency service regulations.

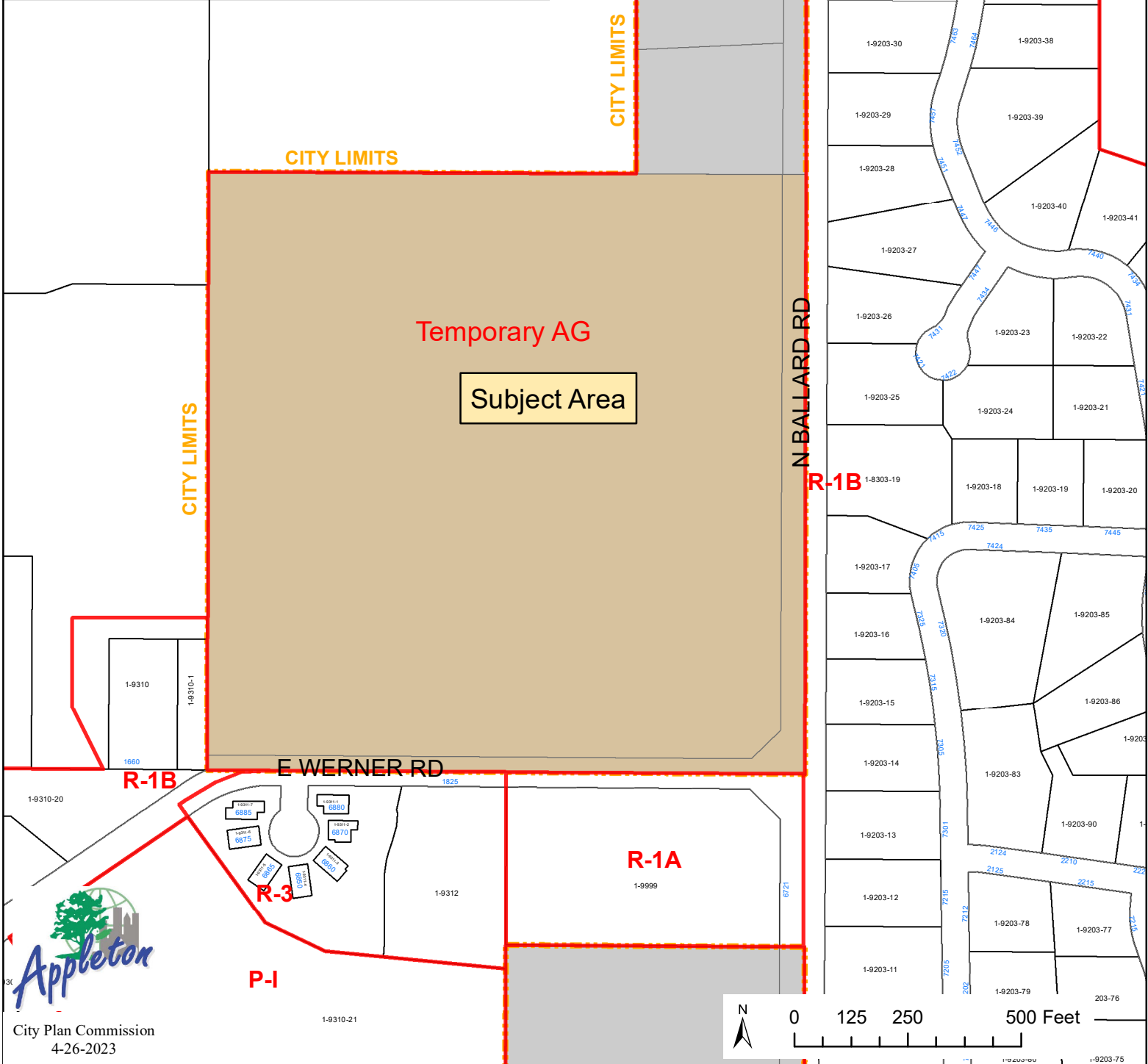
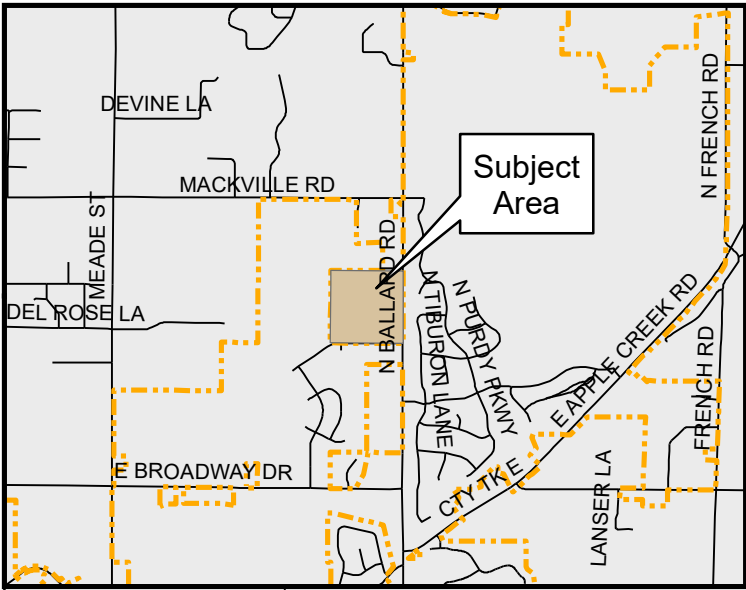
**Technical Review Group (TRG) Report:** This item appeared on the February 28, 2023 TRG Agenda. No negative comments were received from participating departments. The future action section captures relevant items discussed at this meeting, in addition to the staff analysis section.

### **RECOMMENDATION**

---

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning #1-23 for 7051 N. Ballard Road / Tax Id. #31-1-9316-00 to rezone the subject site from Temporary AG Agricultural District to R-3 Multi-family District, including to the centerline of existing adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

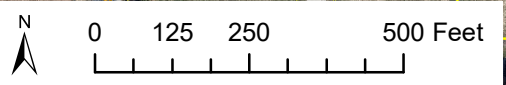
# Rezoning Seville Properties Ballard & Werner Road Annexation Temporary Ag Agricultural District to R-3 Multifamily District



Aerial  
Seville Properties Ballard &  
Werner Road Annexation  
Temporary Ag Agricultural District  
to R-3 Multifamily District



Subject Area



## SEVILLE ANNEXATION

The Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36, Township 22 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 39.913 Acres of land and being further described as follows:  
Commencing at the East Quarter (E  $\frac{1}{4}$ ) corner of said Section 36 and being the point of beginning;  
Thence North  $89^{\circ}36'25''$  West 1316.61 feet coincident with the South line of the NE  $\frac{1}{4}$  of Section 36;  
Thence North  $00^{\circ}08'57''$  East 1319.65 feet coincident with the West line of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36;  
Thence South  $89^{\circ}43'44''$  East 1315.59 feet coincident with the North line of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36;  
Thence South  $00^{\circ}06'21''$  West 1322.45 feet coincident with the East line of the Northeast  $\frac{1}{4}$  of Section 36 to the point of beginning.



# CITY OF APPLETON TRAILS MASTER PLAN

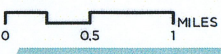
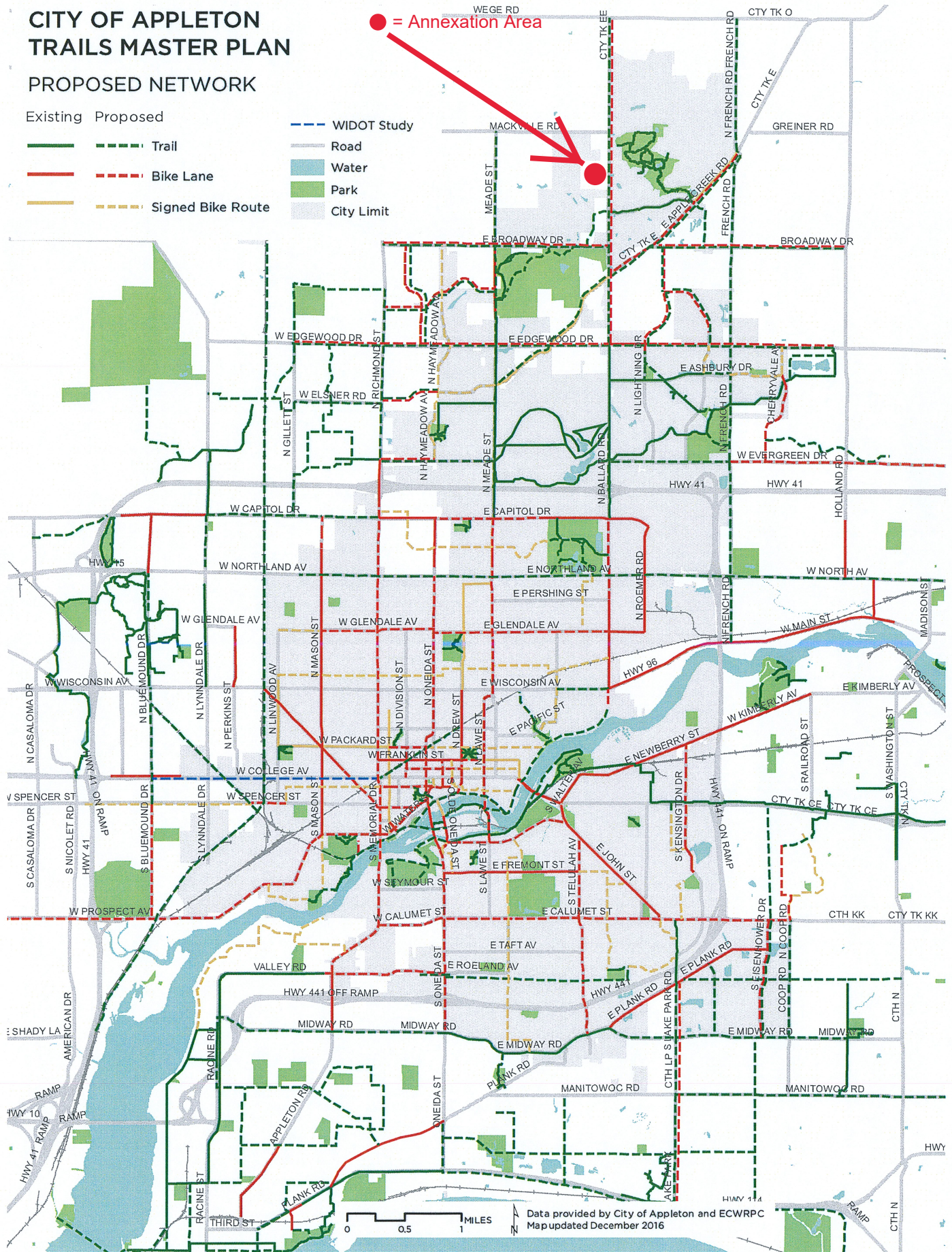
## PROPOSED NETWORK

Existing Proposed

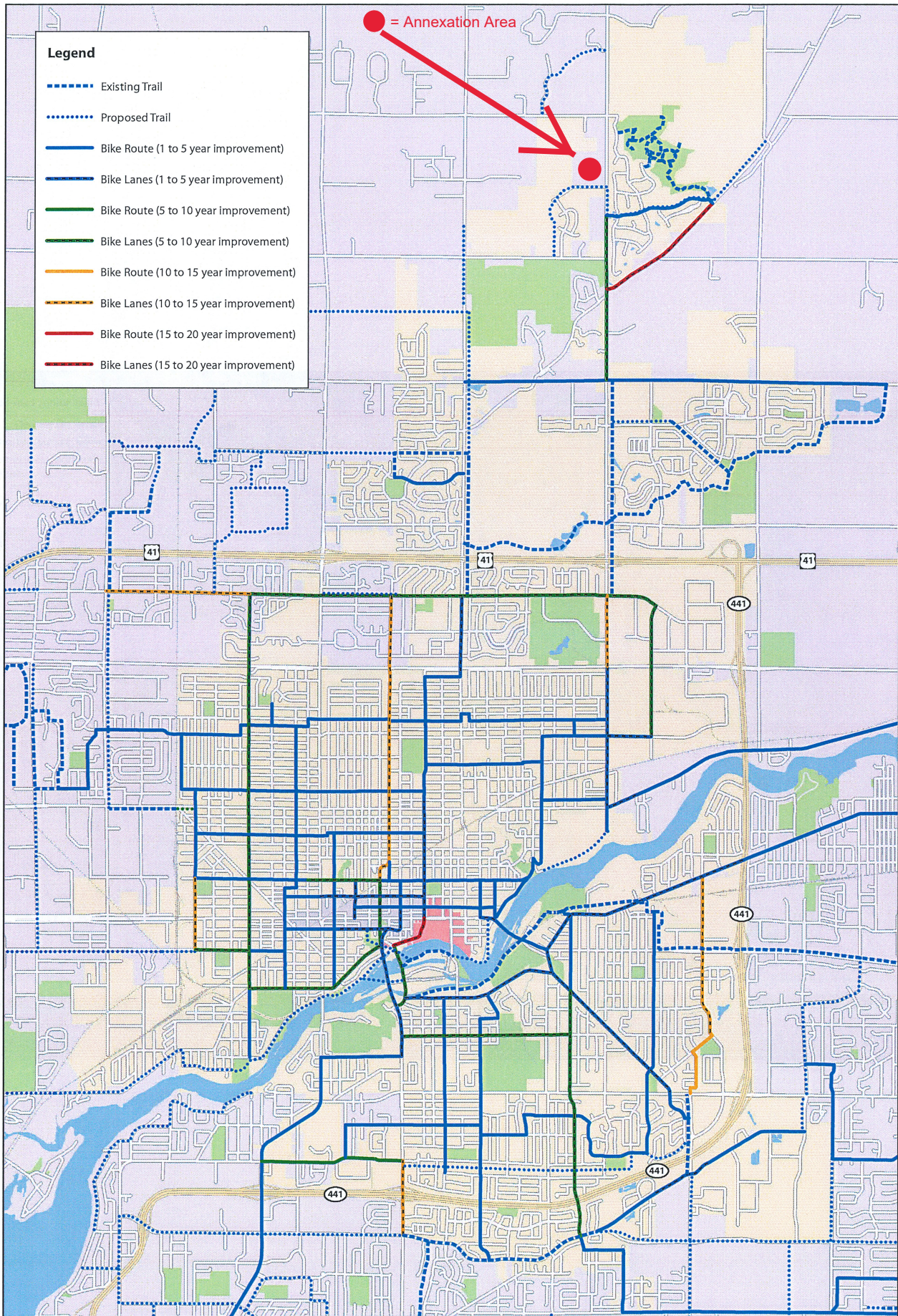
- Trail
- Bike Lane
- Signed Bike Route

- WIDOT Study
- Road
- Water
- Park
- City Limit

= Annexation Area



Data provided by City of Appleton and ECWRPC  
Map updated December 2016



# Proposed Bicycle Network

Appleton, Wisconsin

Map 7A

