



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: July 10, 2018

Common Council Public Hearing Meeting Date: August 1, 2018 (Public Hearing on Rezoning)

Item: Rezoning #8-18 – 3226 N. Ballard Road

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Konietzki Holdings, LLC / Joel Ehrfurth – Mach IV Engineering & Surveying, LLC

Address/Parcel #: 3226 N. Ballard Road (Tax Id #31-1-6718-00)

Petitioner's Request: The applicant proposes to rezone the subject parcel from R-1A Single-Family District to C-2 General Commercial District for the subject parcel. The request is being made to facilitate a multi-tenant commercial development.

BACKGROUND

The property was annexed into the City of Appleton in 1978. The applicant's site consists of a 1.8 acre lot. The site is currently developed with a 1,856 square foot, single-family dwelling that was built in 1920. The parcel also includes a 1,040 square foot detached garage. A Certified Survey Map for the subject parcel was recorded in 2012 to combine two existing parcels.

STAFF ANALYSIS

Proposed Zoning Classification: The purpose of the C-2 District is intended to provide for businesses which serve city and regional markets, provide goods and services to other businesses as well as consumers, provide services to automobiles and serve the traveling public.

Parking, loading, and landscape standards. Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.

Development standards. The space limits applicable in the C-2 District are as follows:

- (1) **Minimum lot area.** Fourteen thousand (14,000) square feet.
- (2) **Maximum lot coverage.** Seventy-five percent (75%).
- (3) **Minimum lot width.** Sixty (60) feet.

Rezoning #8-18

July 10, 2018

Page 2

- (4) **Minimum front yard.** Ten (10) feet.
- (5) **Minimum rear yard.** Twenty (20) feet.
- (6) **Minimum side yard.**
 - a. None.
 - b. Ten (10) feet if abutting a residentially zoned district.
- (7) **Maximum building height.** 35 feet.

Surrounding Zoning Classification and Land Uses:

North: C-2 General Commercial District. The adjacent land use to the north is currently a professional office building.

South: PD/R-3 Planned Development Multi-Family District. The adjacent land use to the south is currently a multi-family residential building (Village Park Apartments).

East: M-1 Industrial Park District. The adjacent land use to the east is currently a professional office building (Integrity Insurance)

West: PD/C-2 Planned Development General Commercial District and R-1A Single-Family District. The adjacent land uses to the west currently include professional office buildings and single-family residential.

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 accommodate a future multi-tenant commercial development, which is permitted in the C-2 General Commercial District. The existing site appears to satisfy the development standards for the C-2 District listed above. If approved, any future development would need to conform to the C-2 District zoning regulations and other sections of the Zoning Ordinance. Ultimately, any new building would require Site Plan review and approval, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future commercial uses. The proposed C-2 General Commercial District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth (Chapter 10)

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.

OBJECTIVE 10.1 Land Use:

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

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 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Appleton 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 this 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 (1) 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 in conformance with the Comprehensive Plan 2010-2030 objectives stated above and the future land use map which shows this area of the City as future commercial 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.
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 proposed rezoning to C-2 District should not have a significant impact on traffic.*

2. The effect of the proposed rezoning on surrounding uses. *A mix of commercial uses are already located within this neighborhood. The proposed amendment will allow for a multi-tenant commercial development to be built on this property.*

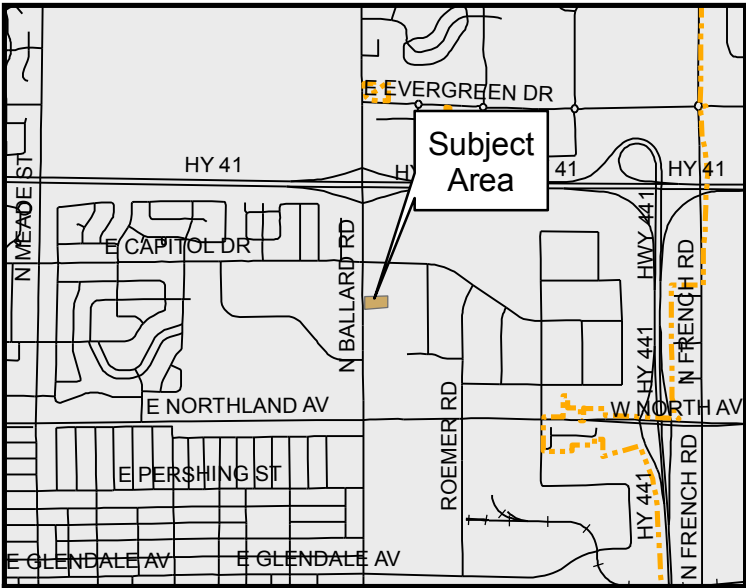
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item was discussed at the June 19, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

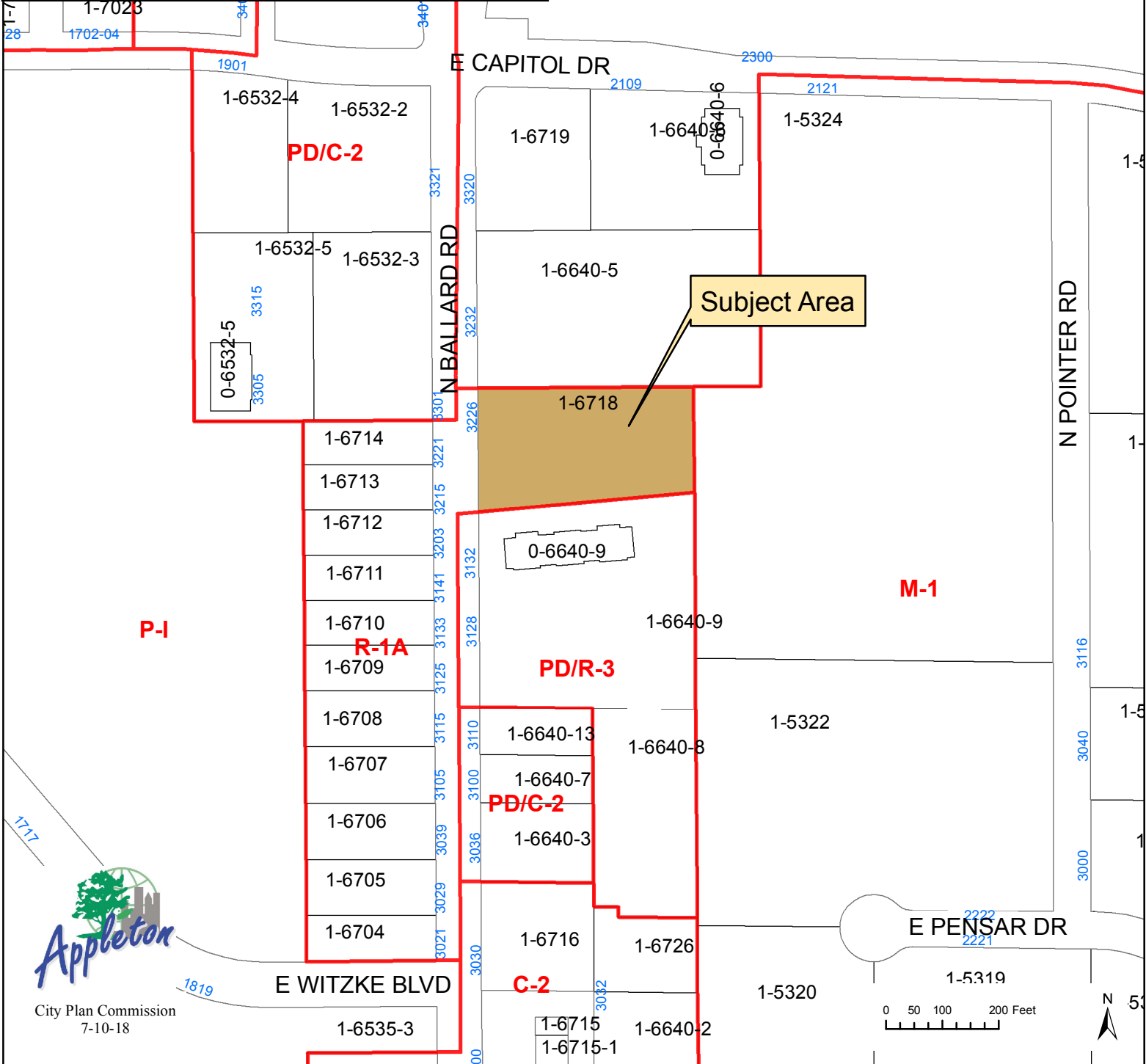
Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #8-18 to rezone the subject site located at 3226 N. Ballard Road (Tax Id #31-1-6718-00) from R-1A Single-Family District to C-2 General Commercial District, including to the midpoint of the adjacent road right-of-way and as shown on the attached map, **BE APPROVED**.

3226 North Ballard Road
 Rezoning
 R-1A Single Family Residential to
 C-2 General Commercial District
 Zoning Map



1-6601

C-2



P-I

PD/C-2

Subject Area

M-1

R-1A

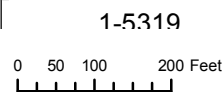
PD/R-3

PD/C-2

C-2



City Plan Commission
 7-10-18



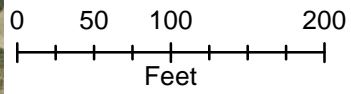
3226 North Ballard Road
Rezoning
R-1A Single Family Residential to
C-2 General Commercial District
Aerial Map



Subject Area



City Plan Commission
7-10-18



Legal Description, Parcel #31-1-6718-00

Lot One (1), Certified Survey Map No. 6400 filed in the Office of the Register of Deeds for Outagamie County, Wisconsin, on February 21, 2012, in Volume 38 on Page 6400, as Document No. 1936688, being part of the Fractional Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 18, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, including all of the adjacent one-half right-of-way of Ballard Road.