



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** February 12, 2019

**Common Council Public Hearing Meeting Date:** March 6, 2019 (Public Hearing on Rezoning)

**Item:** Rezoning #2-19 – Lucht Annexation (E. Broadway Drive)

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

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**Owner/Applicant:** Kevin and Shana Lucht

**Applicant:** City of Appleton Plan Commission

**Address/Parcel:** E. Broadway Drive (Tax Id # 31-1-9313-00, formerly Tax Id #101001800 in the Town of Grand Chute). The subject property is located north of Plamann Park, between North Meade Street and North Ballard Road.

**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 to R-1B Single-Family District, including to the centerline of the adjacent right-of-way. The request is being made to facilitate future construction of a single-family home.

### BACKGROUND

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The City acquired the north 40 feet of the subject property from the property owners by quit claim deed for public right-of-way purposes.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification. The Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1B Single-Family District at the January 22, 2019 meeting.

On February 6, 2019, Common Council adopted Ordinance 4-19, to annex the subject area from the Town of Grand Chute to the City of Appleton. The ordinance was published on February 12, 2019 and, per the ordinance, the property will officially be annexed to the City after the February 19, 2019 Spring Primary Election. During review of the Lucht Meade Street Annexation, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1B Single-Family District.

### STAFF ANALYSIS

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**Existing Site Conditions:** The subject parcel is approximately 1.00 acres in size and located north of Plamann Park, between North Meade Street and North Ballard Road. East Broadway Drive Street is classified as a collector street on the City's Arterial/Collector Plan. Currently, the subject property consists of vacant, undeveloped land.

**Surrounding Zoning Classification and Land Uses:**

North: AG Agricultural District. The adjacent land use to the north is currently agricultural.

South: Town of Grand Chute. The adjacent land use to the south is currently park land (Plamann Park).

East: Town of Grand Chute. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

**Proposed Zoning Classification:** The purpose of the R-1B Single-Family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. The development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 50%.
- 3) **Minimum lot width:** 50 feet.
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street).
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

**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 permanent zoning classification of R-1B Single-Family 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 R-1B District zoning regulations listed above and other sections of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future One and Two-Family Residential uses. The proposed R-1B Single-Family District zoning classification 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*

*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.*

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

*5.3 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.*

**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 area for future one and two family residential land uses.*
  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. *City water infrastructure is already installed along E Broadway Drive. Sanitary sewer service is not currently available by the City of Appleton. A*

*private on-site septic system will be required with construction of a new single-family residence.*

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located to the west of the subject site. Properties to the north and east of the subject area primarily 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.

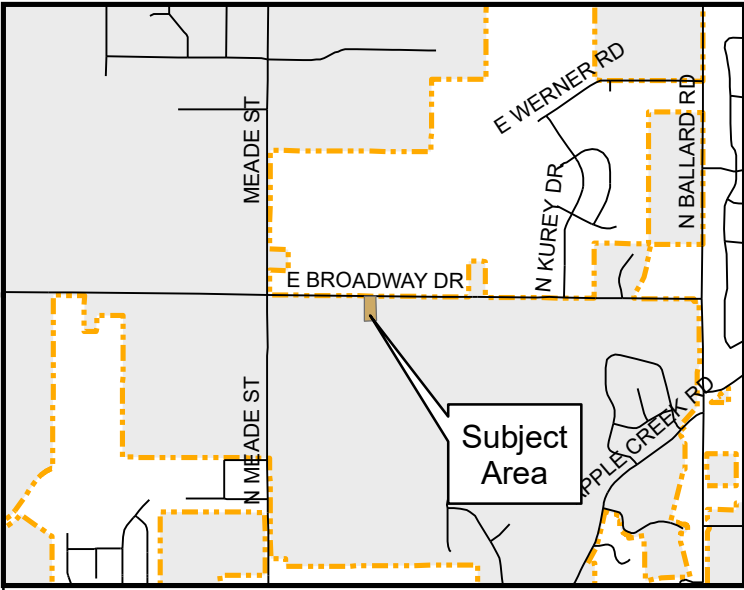
**Technical Review Group (TRG) Report:** This item was discussed at the December 18, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

### **RECOMMENDATION**

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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 #2-19 to rezone the subject parcel located on E. Broadway Drive (Tax Id # 31-1-9313-00, formerly Tax Id #101001800 in the Town of Grand Chute) from temporary AG Agricultural District to R-1B Single-Family District, including to the centerline of the adjacent Broadway Drive right-of-way and as shown on the attached map, **BE APPROVED.**

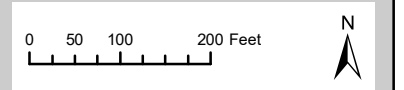
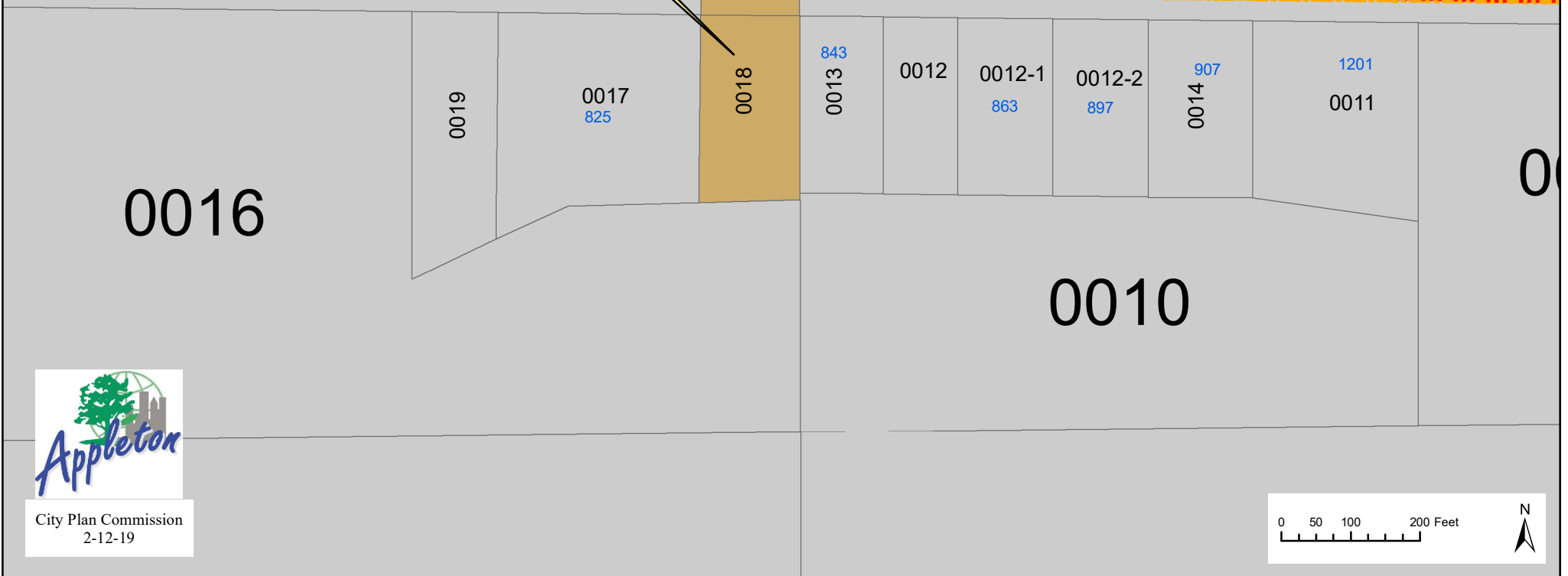
Lucht Annexation  
Rezoning  
Temporary AG Agricultural district to R-1B Single-Family District  
Zoning Map



Subject Area

AG

E BROADWAY DR





Lucht Annexation  
Rezoning  
Temporary AG Agricultural district to R-1B Single-Family District  
Aerial Map

Subject Area

E BROADWAY DR



City Plan Commission  
2-12-19





## LUCHT ANNEXATION REZONING

**PARCEL: 31-1-9313-00 (formerly Tax Id #101001800 in the Town of Grand Chute)**

**Owner: Kevin Lucht and Shana Lucht**

**Document #2145904**

### **LEGAL DESCRIPTION FOR REZONING:**

A parcel of land located in and being a part of the Fractional Northwest Quarter (NW ¼) of Section One (1), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 1.00 Acres of land, more or less and described as follows:

Commencing at the Northwest corner of said Section 1;

Thence South 89°22'34" East 1,168.10 feet (recorded as S.89°27'E. 1,168.10 feet) along the North line of the Fractional NW ¼ of said Section 1 to the point of beginning;

Thence continue South 89°22'34" East 143.0 feet (recorded as S.89°27'E. 143.0 feet) along the North line of the Fractional NW ¼ of said Section 1 to the Northwest corner of lands described in Volume 757 of Records, page 296;

Thence South 00°00'34" East 299.0 feet (recorded as S.00°03'E. 299.0 feet) along the West line of lands described in Volume 757 of Records, page 296 and along the West line of said lands extended;

Thence South 88°29'26" West 146.41 feet (recorded as S.88°27'W. 146.40 feet);

Thence North 00°37'26" East 304.43 feet (recorded as N.00°35'E. 304.44 feet) to the point of beginning, which includes all of the adjacent one-half right-of-way of East Broadway Drive.