



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting: July 21, 2020

Common Council Public Hearing Meeting: August 19, 2020

Item: Rezoning #5-20 - Broadway Hills Estates Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: North Appleton Properties, LLC - Gregory Gauerke - Member

Rezoning Initiated By: Owner

Tax Id Numbers: City Parcel #31-1-9210-11, #31-1-9210-12, and #31-1-9210-13 (formerly Town of Freedom Parcel #090-0865-00, #090-0865-02 and part of #090-0855-00).

Purpose: To assign permanent 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-1B Single-family District.

BACKGROUND

The subject property was included in the Broadway Hills Estates Annexation that was approved by the Plan Commission on July 7, 2020 and by the Common Council on July 15, 2020. The subject property was officially annexed to the City on July 21, 2020 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 property owner initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1B Single-family District.

STAFF ANALYSIS

Existing Conditions: Currently, the subject property is agricultural land with a pole building.

Preliminary Plat Application: The Preliminary Plat for the Broadway Hills Estates is also being presented at this July 21, 2020 Plan Commission meeting to accurately reflect the area being rezoned for a residential development.

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. Per Section 23-93(g) of the Municipal Code, 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, French Road).
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

If approved, any future development would need to conform to the R-1B Single-family District zoning regulations listed above and other applicable sections of the Municipal Code.

Surrounding Zoning Classification and Land Uses:

North: Town of Freedom. The adjacent land use to the north is currently agricultural land.

South: Town of Freedom. The adjacent land uses to the south are currently a mix of single-family residential and agricultural uses.

City of Appleton - R-1B Single-family District. The adjacent land use to the south is currently single-family residential.

East: Town of Freedom. The adjacent land uses to the east are currently a mix of single-family residential and agricultural uses.

West: City of Appleton - AG Agricultural District. City of Appleton sanitary sewer and water easement parcel.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Single-Family/Two-Family residential and Commercial land uses. The area identified as future Commercial use will be utilized for stormwater detention purposes. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Appleton Comprehensive Plan 2010-2030 (continued):

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.

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 and future use of this land (residential/stormwater detention to serve the residential development planned for this site) is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above.*
 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).

Standards for Zoning Map Amendments (continued):

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 for the Broadway Hills Estates Annexation that the City can provide the needed municipal services to serve the subject area.*
 2. The effect of the proposed rezoning on surrounding uses. *Agricultural and Single-family residential uses are already located in this area of the City. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

Technical Review Group (TRG) Report: This item appeared on the June 30, 2020 TRG Agenda. No negative comments were received from participating departments.

- For the assumed single-family development, consider that future structures MAY be required to contain electronically monitored smoke detection, or automatic fire sprinklers (owner's choice), as part of the City agreement to permit building based on travel distance to respond and time it takes to achieve effective water on a structure. Please consult with Fire Chief Jeremy Hansen (832-5810).

RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning #5-20 to rezone the subject properties (Parcel #31-1-9210-11, #31-1-9210-12 and #31-1-9210-13) from Temporary AG Agricultural District to R-1B Single-family District including to the centerline of existing adjacent right-of-way as shown on the attached maps, **BE APPROVED.**

LEGAL DESCRIPTION LANDS TO BE REZONED TEMPORARY AG AGRICULTURAL DISTRICT TO R-1B SINGLE-FAMILY DISTRICT

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 31; THENCE NORTH 89 DEGREES 51 MINUTES 17 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 877.00 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 43 SECONDS EAST, 33.01 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF BROADWAY DRIVE; THENCE NORTH 89 DEGREES 51 MINUTES 17 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF BROADWAY DRIVE, A DISTANCE OF 386.28 FEET; THENCE NORTH 02 DEGREES 03 MINUTES 47 SECONDS EAST, ALONG THE EAST LINE OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 5664, A DISTANCE OF 1371.59 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 17 SECONDS EAST, 1262.37 FEET, TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 01 DEGREES 59 MINUTES 41 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 662.89 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 19 SECONDS WEST, 210.94 FEET; THENCE SOUTH 01 DEGREES 59 MINUTES 41 SECONDS WEST, 204.50 FEET; THENCE SOUTH 88 DEGREES 00 MINUTES 19 SECONDS EAST, 210.94 FEET, TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 01 DEGREES 59 MINUTES 41 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 537.16 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 1,717,423 SQUARE FEET [39.427 ACRES].

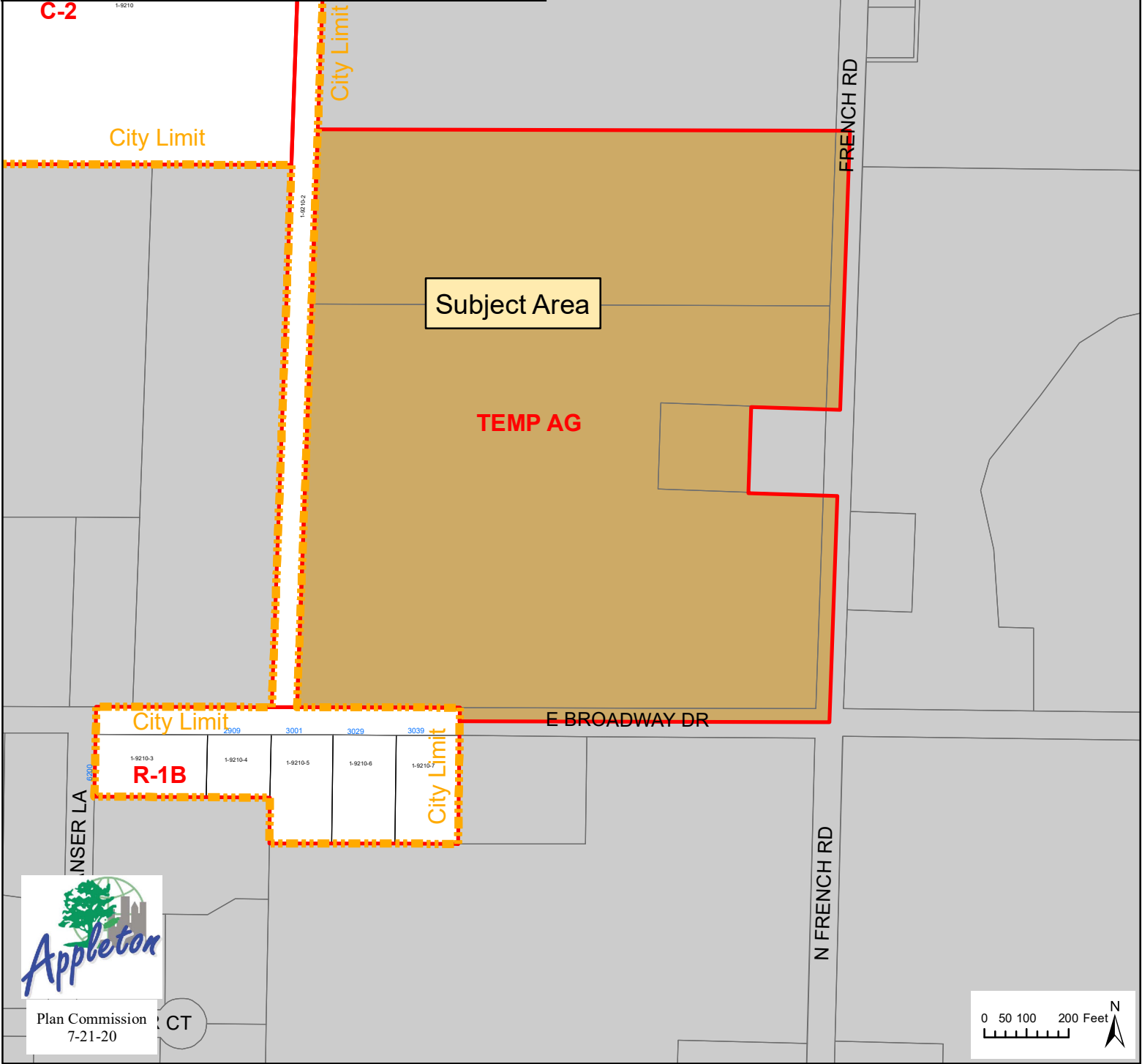
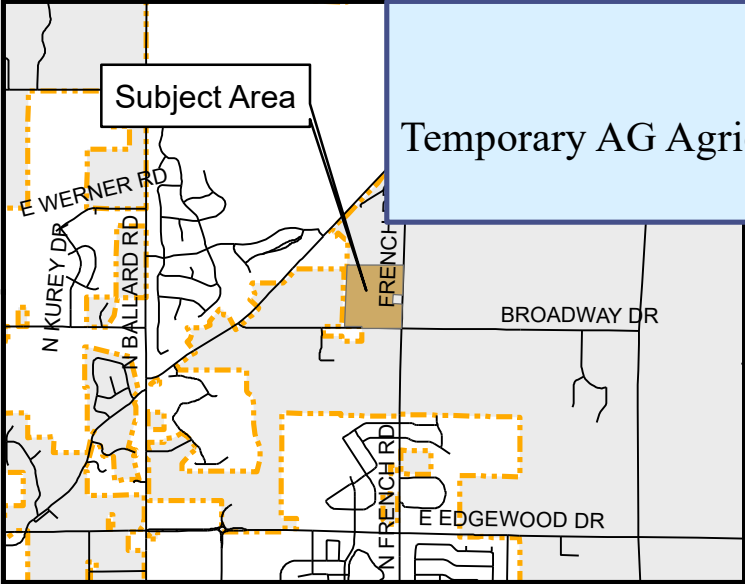
PROJECT NO.: 1-1306-001

DATE: May 26, 2020

FILE: \\Rezoning\Legal Description\1-1306-001 Rezoning Legal.doc

PREPARED BY: A.Sedlar

Broadway Hills Estates Annexation
 Rezoning
 Temporary AG Agricultural District to R-1B Single-family District
 Zoning Map



Subject Area

TEMP AG

City Limit

City Limit

City Limit

City Limit

R-1B

1-9210-3

1-9210-4

1-9210-5

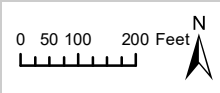
1-9210-6

1-9210-7

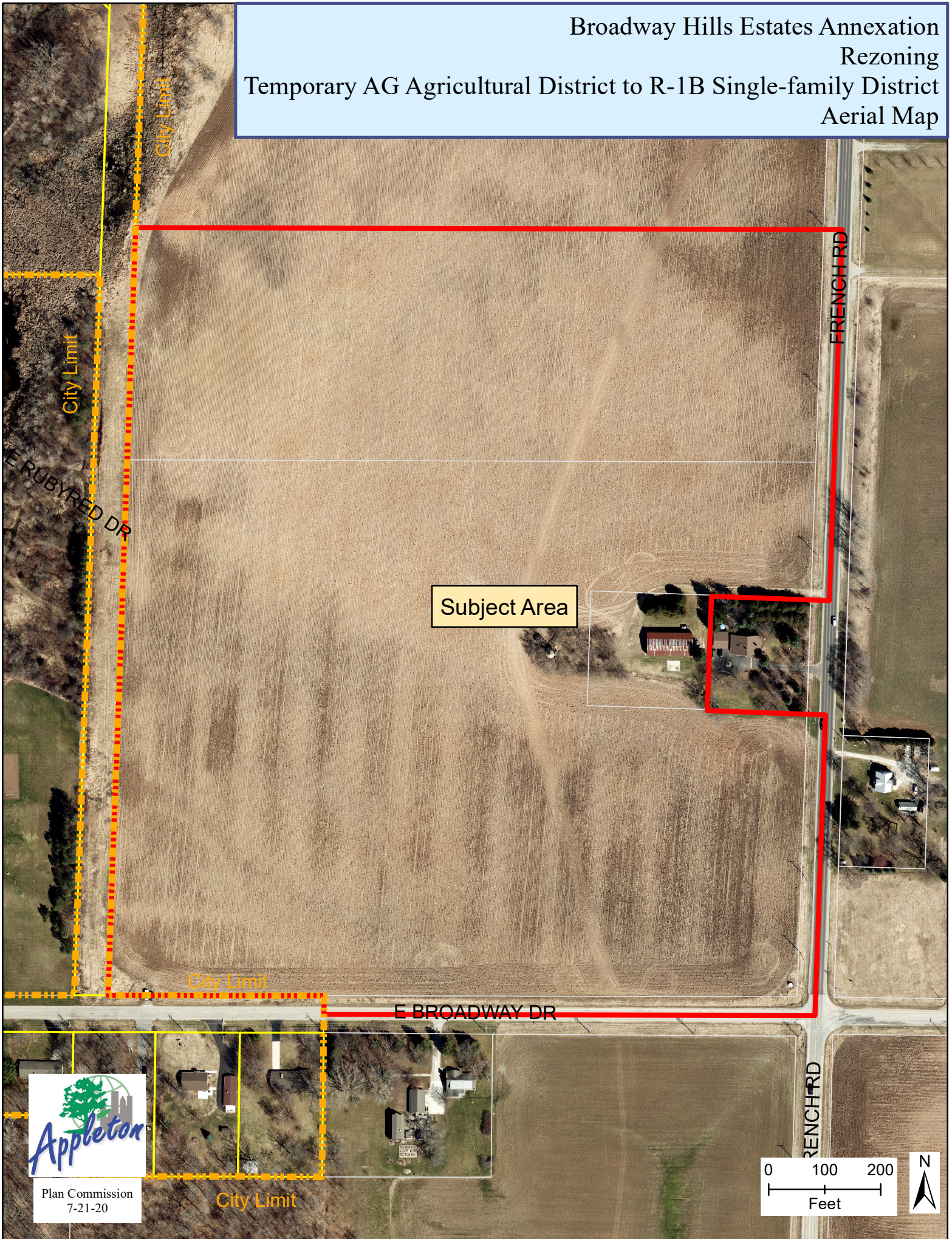


Plan Commission
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Broadway Hills Estates Annexation
Rezoning
Temporary AG Agricultural District to R-1B Single-family District
Aerial Map



Subject Area

FRENCH RD

FRENCH RD

E BROADWAY DR

E RUBYRED DR

City Limit

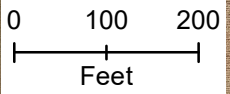
City Limit

City Limit

City Limit



Plan Commission
7-21-20



REZONING REFERENCE MAP

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

EAST 1/4 CORNER
SECTION 31
T22N, R18E

UNPLATTED LANDS
OWNER: YMCA OF FOX CITIES
DOCUMENT NO. 1752668
ZONED C-2

NE 1/4--SE 1/4

UNPLATTED LANDS
OWNER: NORTH APPLETON PROPERTIES, LLC
DOCUMENT NO. 2191480
ZONED AGD

UNPLATTED LANDS
OWNER: THOMAS & MARY VANHANDEL
JOINT REVOCABLE TRUST
DOCUMENT NO. 2169262
ZONED AGD

TOWN OF FREEDOM
C.S.M. NO. 5664
CITY OF APPLETON
OUTLOT 1
ZONED AG
N02°03'47"E
1371.59'

TOWN OF FREEDOM S89°51'17"E 1262.37'

CITY OF APPLETON

NORTH LINE OF THE SE 1/4--SE 1/4

1,717,423 SQ.FT.
39.427 ACRES
TEMPORARY AG
TO R1-B

SE 1/4--SE 1/4

N88°00'19"W 210.94'
S01°59'41"W 662.89'
S01°59'41"W 210.94'
S01°59'41"W 204.50'
S88°00'19"E 210.94'

ROAD

FRENCH

UNPLATTED LANDS
OWNER: CLARENCE & SUSAN SCHMIDT
VOL.993 PG.677
ZONED AGD

N89°51'17"W 386.28'

N00°43'43"E 33.01'

N89°51'17"W 877.00'

SOUTH 1/4
CORNER
SECTION 31
T22N, R18E

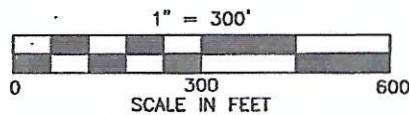
BROADWAY

DRIVE

SOUTHEAST CORNER
SECTION 31
T22N, R18E

TOWN OF GRAND CHUTE

BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM WHICH HAS THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 31, RECORDED TO BEAR S 01°59'41" W



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Planning
Environmental
Surveying
Engineering
Architecture

DATED: MAY 26, 2020

PROJECT NO. 1-1306-001
FILE 1-1306-001rezone.dwg
THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar