



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting: July 28, 2021

Common Council Public Hearing Meeting: August 18, 2021

Item: Rezoning #9-21 - M&J Weyenberg Properties, LLC Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: M&J Weyenberg Properties, LLC – Gerald M. Weyenberg

Petitioner: City of Appleton Plan Commission

Tax Id Number: Town of Grand Chute Parcel #101157102

Petitioner's Request: 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 M&J Weyenberg Properties, LLC Annexation that was approved by the Plan Commission on July 14, 2021 and by the Common Council on July 21, 2021. The subject property was officially annexed to the City on July 27, 2021 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-1B Single-family District at the July 14, 2021 meeting.

STAFF ANALYSIS

Existing Conditions: The subject parcel is approximately 1.696 acres in size. Currently, the subject property is vacant/undeveloped land.

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)
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

Surrounding Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land use to the north is currently developed as single-family residential.

South: Town of Grand Chute. The adjacent land use to the south is currently developed as single-family residential.

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

West: City of Appleton. AG Agricultural District. The adjacent land use to the west is currently developed as single-family residential and Ballard Road.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future One/Two-Family residential. The proposed rezoning 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.

Rezoning #9-21 - M&J Weyenberg Properties, LLC Annexation
July 28, 2021
Page 3

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 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 one and two-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.
 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 for the M&J Weyenberg Properties, LLC Annexation that the City can provide the needed municipal services to serve the subject site.*

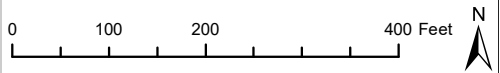
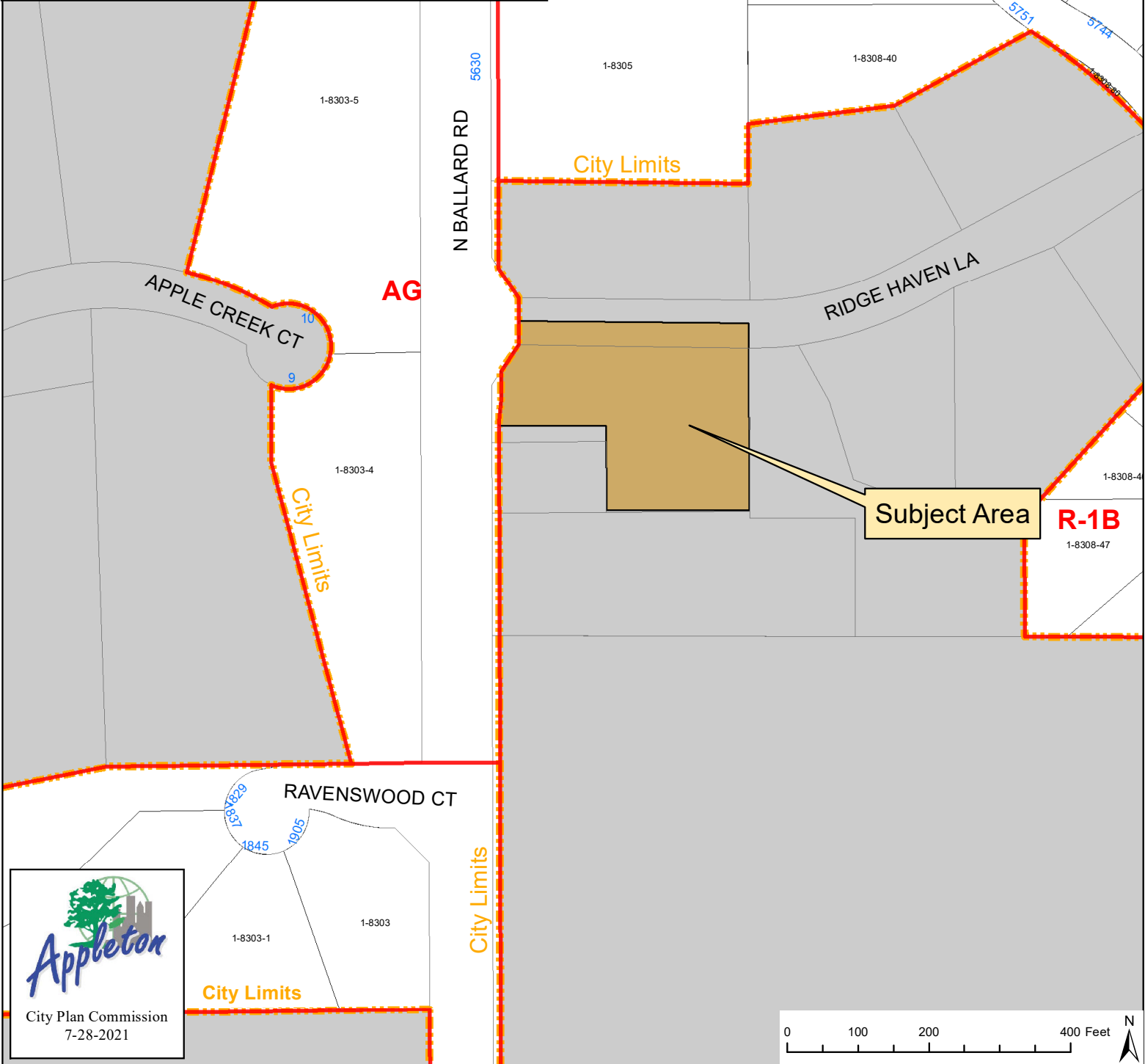
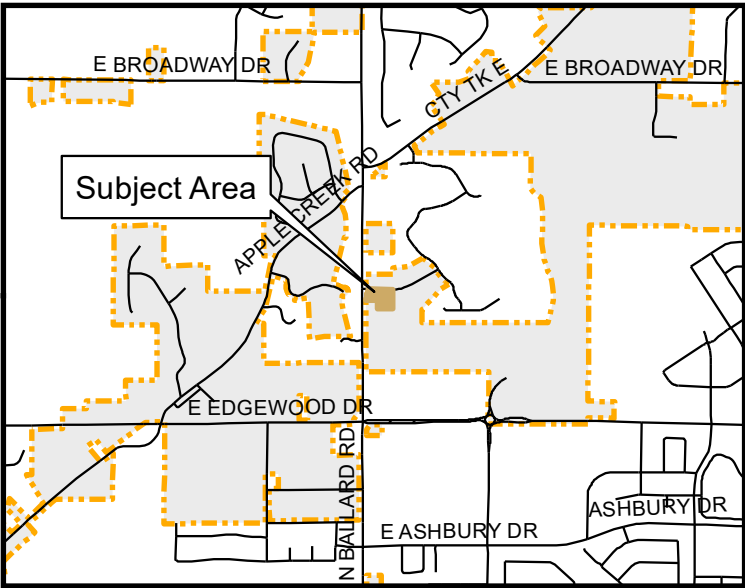
2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already established adjacent to the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

Technical Review Group (TRG) Report: This item appeared on the July 6, 2021 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning #9-21 to rezone the subject site 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**.

**M & J Weyenberg Annexation
Rezoning
Temporary Ag Agricultural to R-1B
Single-family Residential District**



M & J Weyenberg Annexation
Rezoning
Temporary Ag Agricultural to R-1B
Single-family Residential District



Subject Area

City Limits

N BALLARD RD

N OSPREY DR

RIDGE HAVEN LA

APPLE CREEK CT

RAVENSWOOD CT

City Limits

City Limits

