



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: April 6, 2015

Common Council Public Hearing Meeting Date: May 6, 2015 (Public Hearing on Rezoning)

Item: Rezoning #3-15 – Kurey Property

Case Manager: David Kress

GENERAL INFORMATION

Owner: Ronald Kurey

Applicant: Martenson & Eisele, Inc. c/o Gary Zahringer

Address/Parcel #: East of North Meade Street (part of parcel #31-1-9310-15)

Petitioner's Request: The applicant is requesting a Rezoning to change the Zoning Map from the AG Agricultural District to R-1A Single-Family District for part of the subject parcel. The request is being made to accommodate use of the existing barn buildings for storage purposes and future construction of a residence.

BACKGROUND

The applicant's site consists of 4.779 acres on the western part of parcel #31-1-9310-15. The entire parcel is 13.33 acres and located east of North Meade Street and north of East Broadway Drive. This area was annexed from the Town of Center in 2006 (Kurey Annexation). The newly annexed territory was assigned a temporary zoning classification of AG Agricultural District, which was made permanent after ninety (90) days pursuant to Section 23-65(e)(3) of the Municipal Code. The two barn buildings were constructed while the subject parcel was in the Town of Center and have remained since the time of annexation. There was also a dwelling located on the site, but it was razed prior to annexation.

On March 16, 2015, the Board of Zoning Appeals voted to approve variance requests to the Municipal Code sections specified below and to allow the existing buildings at the current dimensions to remain, contingent on any future parcel having a minimum size of three (3) acres.

- Section 23-43(d)(1) – No accessory building shall be established on a lot prior to the principal building.
- Section 23-43(d)(6) – Only one (1) detached garage may be permitted on a lot whose principal use is single family.
- Section 23-43(f)(1)(i)(2) – The maximum total combined gross floor area of all detached accessory buildings shall be one thousand six hundred (1,600) square feet.
- Section 23-43(f)(1)(h) – The maximum height of an accessory building shall not exceed fifteen (15) feet.

A two-lot Certified Survey Map (CSM) was submitted in conjunction with the rezoning request to create a lot consistent with the proposed rezoning. The remnant parcel would be combined with the adjacent

parcel to the east (#31-1-9310-16), which is under the same ownership. CSMs are administratively reviewed and approved by City staff.

STAFF ANALYSIS

Existing Conditions: The subject area is currently developed with 2,586 square foot and 3,807 square foot barn buildings and a gravel driveway.

Proposed Zoning Classifications: The purpose of the R-1A Single-Family District is to provide for, and maintain, residential areas characterized predominately by single family detached dwellings on larger sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential land uses.

Zoning Ordinance Review Criteria: Based on initial CSM review, the proposed lot meets the applicable development standards for the R-1A Single-Family District, per Section 23-92(g) of the Municipal Code.

The variance granted by Board of Zoning Appeals resolves the use and dimensional issues presented by the existing barn buildings. As a result, these buildings may remain at their current dimensions and be used for storage purposes (like a garage) in the R-1A Single-Family District, as proposed.

Surrounding Zoning Classification and Land Uses:

North: Town of Center. The adjacent land uses to the north are currently a mix of single-family residential and agricultural uses.

South: AG Agricultural District. The adjacent land uses to the south are currently agricultural.

East: AG Agricultural District. The adjacent land uses to the east are currently agricultural.

West: Town of Center. The adjacent land uses to the west are currently single-family residential.

General Information: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the desire to divide parcel #31-1-9310-15 and sell the subject property prompted the applicant to submit the rezoning request. A prospective buyer plans to build a residence on the property in the future.

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-1A Single-Family 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

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 5.3 Housing and Neighborhoods:

Provide a range of housing styles that meet the needs and appeal to all segments of the community.

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 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. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030, as the Future Land Use Map identifies this area for future one and two-family residential 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. *The transportation network should be able to accommodate the proposed rezoning. The subject site is not currently served by City sewer and water. It will take other development in the surrounding area to justify extending it to the subject site, but there is no specific timeline set. Therefore, obtaining well/septic permits from Outagamie County would be needed for future residential use, until such time that City sewer and water becomes available. Notification would be given whenever City sewer and water becomes available, and the future residence would need to connect within thirty days of such a notice. The property owner and prospective buyer have been made aware of this matter.*
 2. The effect of the proposed rezoning on surrounding uses. *The barn buildings already exist and currently are accessory uses that are incidental to the raising of field crops. Changing their use to storage (like a garage) should not impact surrounding properties. Also, future*

construction of a residence would be similar to the large-lot, single-family residential uses located to the west and north of the subject site.

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 January 20, 2015 and March 31, 2015 Technical Review Group meetings.

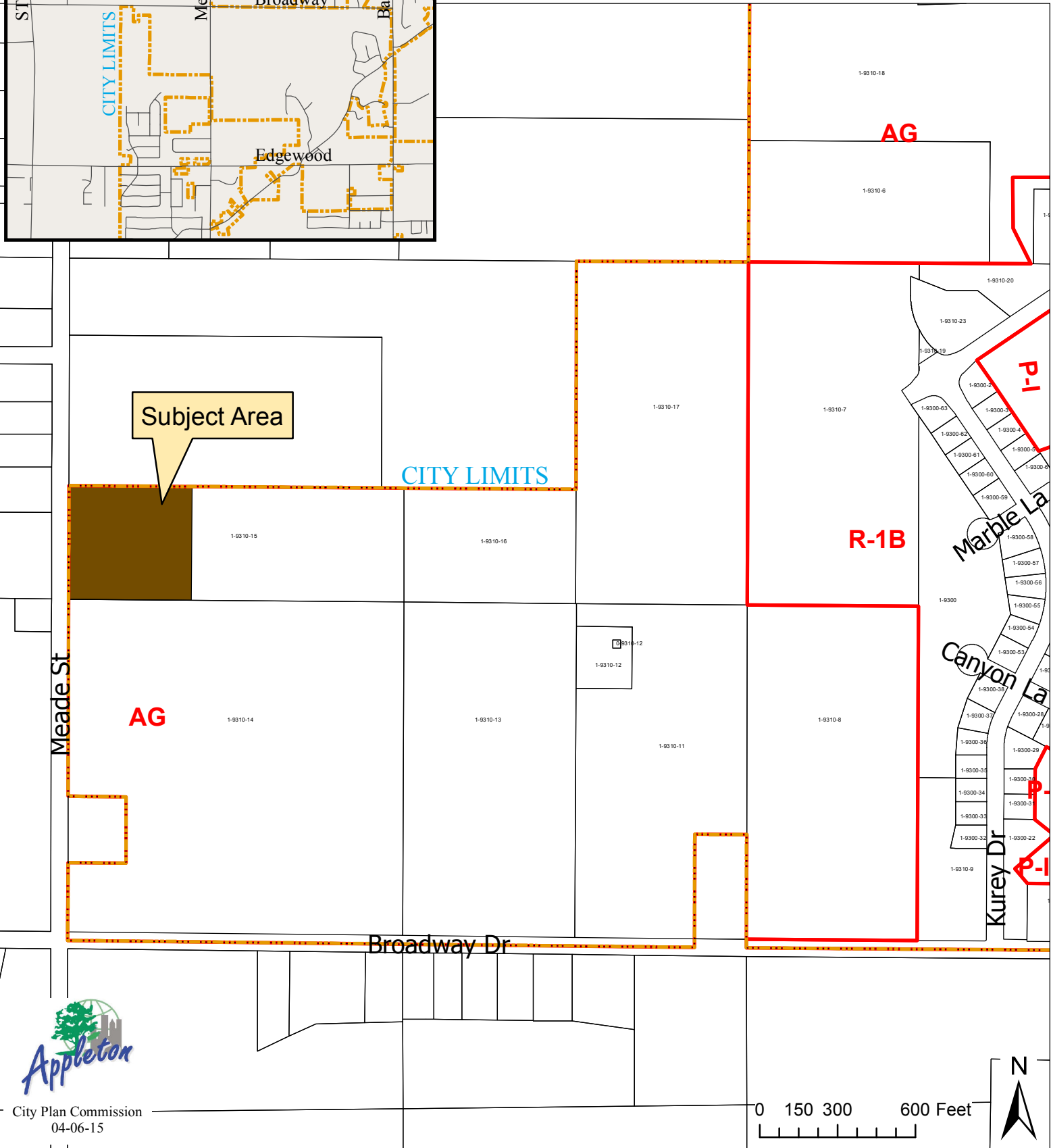
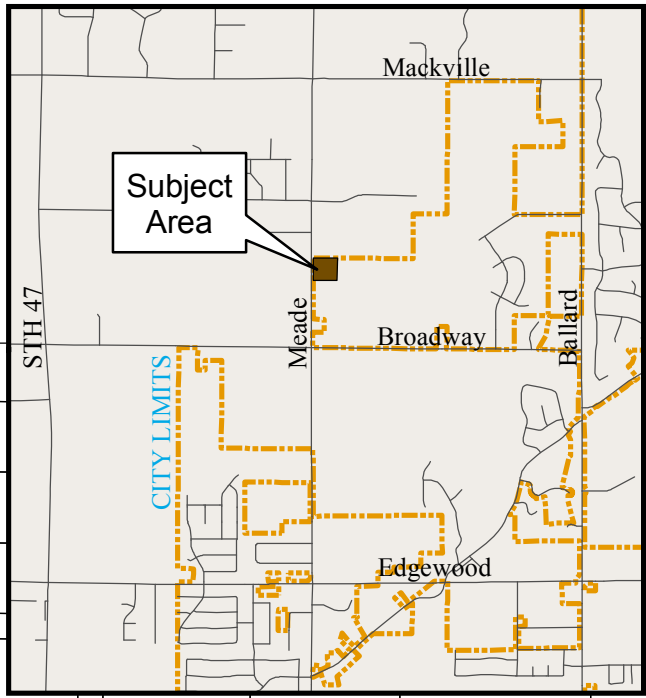
- Department of Public Works Comments: Variances may be necessary, based on the proposed use (variance requests approved at Board of Zoning Appeals on March 16, 2015). Obtaining well/septic permits from Outagamie County would be needed for residential use, until such time that City sewer and water becomes available.
- Fire Department Comments: The area in question is remote from City resources, and as a result, challenges Fire Department crew in two factors: (1) ability to deliver suitable water supply for reactive, life-preserving operations, and (2) getting a minimum of 14 fire-trained personnel in 8 minutes or less due to the geographical location. Emergency responses are drastically different to a home versus a storage structure. If the development of a home progresses without the benefit of City water, the Fire Chief will consider entering into an agreement which involves automatic fire sprinklers (which can be supported with private well water) that shall be monitored for flow activation with an electronic signal.

Written Public Comments: No questions, concerns, or comments have been received from the surrounding neighborhood.

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 #3-15 to rezone the subject site located east of North Meade Street (part of parcel #31-1-9310-15) from AG Agricultural District to R-1A Single-Family District, as shown on the attached map, **BE APPROVED.**

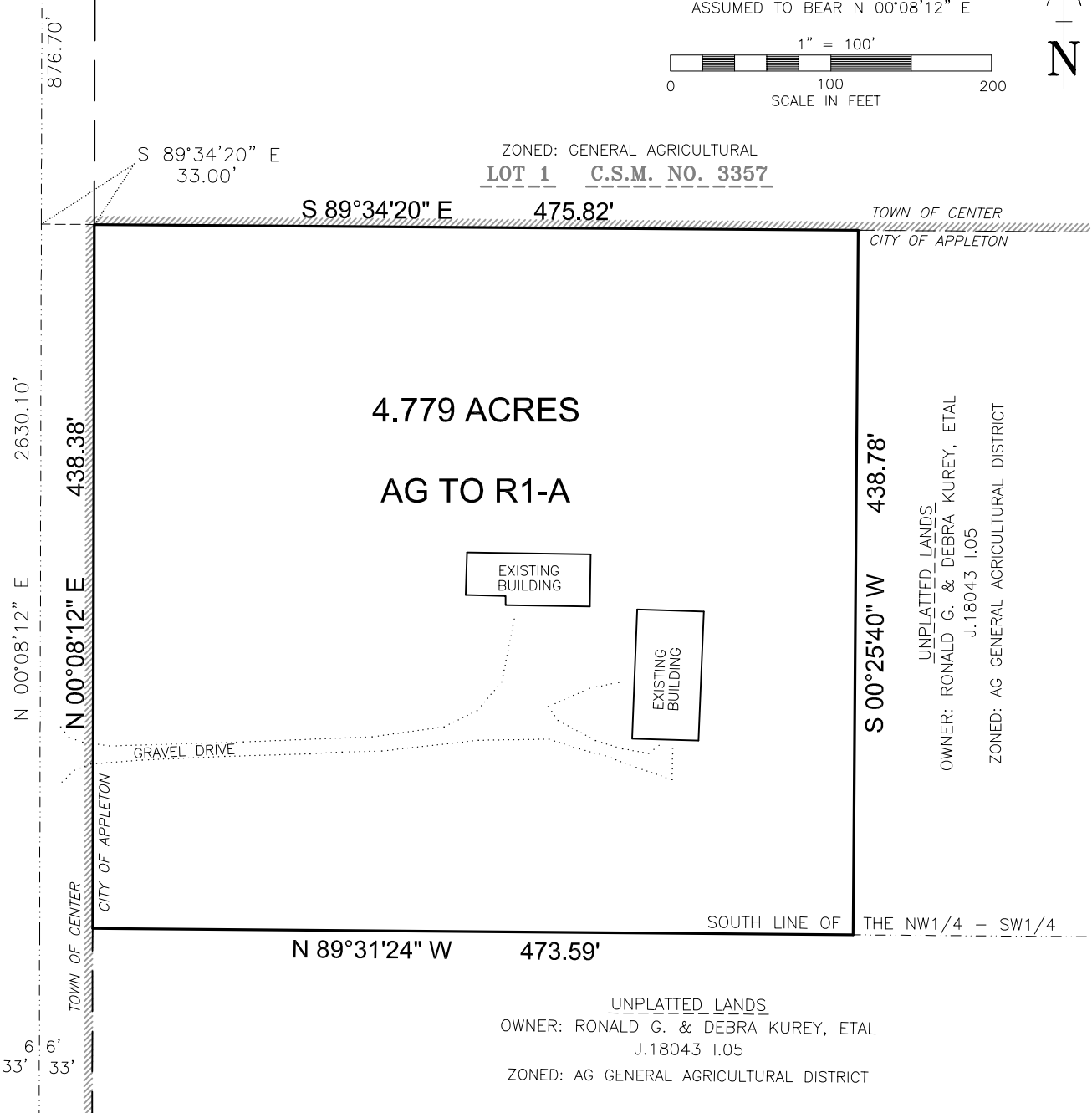
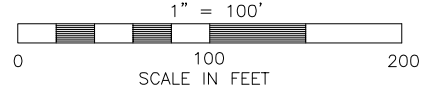
North Meade Street
Rezoning AG Agricultural District to
R-1A Single-Family District
Zoning Map



REZONING REFERENCE MAP
PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4,
SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

WEST 1/4 CORNER
 SECTION 36,
 T22N-R17E
 P.K. NAIL FOUND

BEARINGS ARE REFERENCED TO THE
 OUTAGAMIE COUNTY COORDINATE SYSTEM
 IN WHICH THE WEST LINE OF THE
 SOUTHWEST 1/4 OF SECTION 36,
 ASSUMED TO BEAR N 00°08'12" E



SOUTHWEST CORNER
 SECTION 36,
 T22N-R17E
 RR SPIKE FOUND

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Planning
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