



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: January 7, 2020

Common Council Public Hearing Meeting Date: February 19, 2020
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-19 and Rezoning #12-19

Case Manager: Jessica Titel

GENERAL INFORMATION

Owners: R. Lewis & R. Lewis, LLC

Applicant: Garritt Bader – GB Real Estate Investments, LLC.

Address/Parcel: N. Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-00)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designations to the Commercial designation for the subject area. In conjunction with this request, the applicant is also proposing to rezone the subject area from R-1B Single-Family District to C-2 General Commercial District. The requests are being made to accommodate a proposed grocery store.

BACKGROUND

The subject parcels are currently undeveloped and are part of the Northview Subdivision Plat that was recorded in 1958. A razing permit for the previous accessory building was issued in 2017.

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The *Comprehensive Plan* document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

A Certified Survey Map (CSM) was submitted in conjunction with the *Comprehensive Plan Amendment and Rezoning* requests. The CSM would create a new lot for the grocery store development by splitting the main parcel (Tax Id #31-6-7704-00) into two lots and combining existing parcels (Tax Id #'s 31-6-7691-00 and 31-6-7692-00) and the subject parcels with the newly created grocery store parcel. CSMs are typically administratively reviewed and approved by City staff, but because it crosses a plat boundary, the CSM must be approved by Plan Commission and Common Council. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, since the subject land area is currently in a different zoning district than other parcels within the proposed CSM, a rezoning is necessary prior to CSM approval.

There is a small area of land located at 611 W. Northland Avenue (Tax Id #31-6-7704-00) that is currently zoned PD/C-2 West Northland Avenue Planned Development District A-95 and B-99 that is adjacent to Northland Avenue and part of the proposed CSM. This area will not be rezoned to C-2 because it is an existing condition and would create a nonconforming sign if removed from the PD zoning district. The two existing zoning districts on parcel #31-6-7704-00 will remain as is. An Implementation Plan Document has been recorded that regulates land use within the Planned Development area and includes this small area of land.

Site Plan #27-19 for a proposed Aldi store on the subject area was submitted for review. Approval of the comprehensive plan amendment, rezoning and CSM is needed prior to Site Plan approval.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The subject parcels are currently undeveloped. Combined, the subject land area totals approximately 13,404 square feet.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – C-2 General Commercial District
Future Land Use Designation – Commercial
Current Land Use – Commercial

South: Zoning – R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-family dwellings

East: Zoning – R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-family dwellings

West: Zoning – C-2 General Commercial District
Future Land Use Designation – Commercial
Current Land Use – Commercial and vacant, undeveloped parcel

Proposed Future Land Use Designation: Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject land area is necessitating the change to Commercial designation. Area to the north and west is already shown as Commercial designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Commercial designation to the east.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient

manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following excerpts from the City's *Comprehensive Plan 2010-2030*.

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.

OBJECTIVE 9.5: Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Proposed Zoning Classification: The purpose of the C-2 General Commercial District is 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. The development standards for the C-2 District are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 35 feet.

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 reconfigure lot lines (via CSM), add additional developable land to adjacent parcels and accommodate a proposed grocery store development, which is an allowable use in the C-2 General Commercial District. Future development on

the subject parcels would need to conform to the C-2 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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. *If Future Land Use Map Amendment #2-19 is approved, to identify this area for future commercial uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
 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 transportation network should be able to accommodate the proposed rezoning. The applicant has submitted a Traffic Impact Analysis to the Department of Public Works for review. The Department of Public Works is satisfied with the recommendations and conclusions presented in the TIA.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial uses are already located along W. Northland Avenue and N. Richmond Street. The proposed amendment would allow for additional commercially zoned land to accommodate the proposed grocery store. Perimeter parking lot landscape buffers will be reviewed in accordance with Zoning Ordinance requirements at the time of Site Plan review. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-19 & Rezoning #12-19

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Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #2-19 is approved.

Technical Review Group (TRG) Report: These items were discussed at the December 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-19 from One and Two-Family Residential designation to Commercial designation and resolution, **BE APPROVED**; and

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 #12-19 to rezone the subject land area located at N. Erb Street (Tax Id #'s 31-6-2860-00 and 31-6-2861-00) from R-1B Single-Family District to C-2 General Commercial District, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #12-19 and CSM #22-19 (separate agenda item) will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-19 to accurately reflect the change in future land use, zoning classification and proposed lot configuration.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on January 7, 2020, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-19) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on January 7, 2020; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property on the Future Land Use Map from (One and Two-Family Residential Use) to (Commercial Use).

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

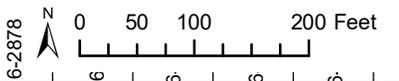
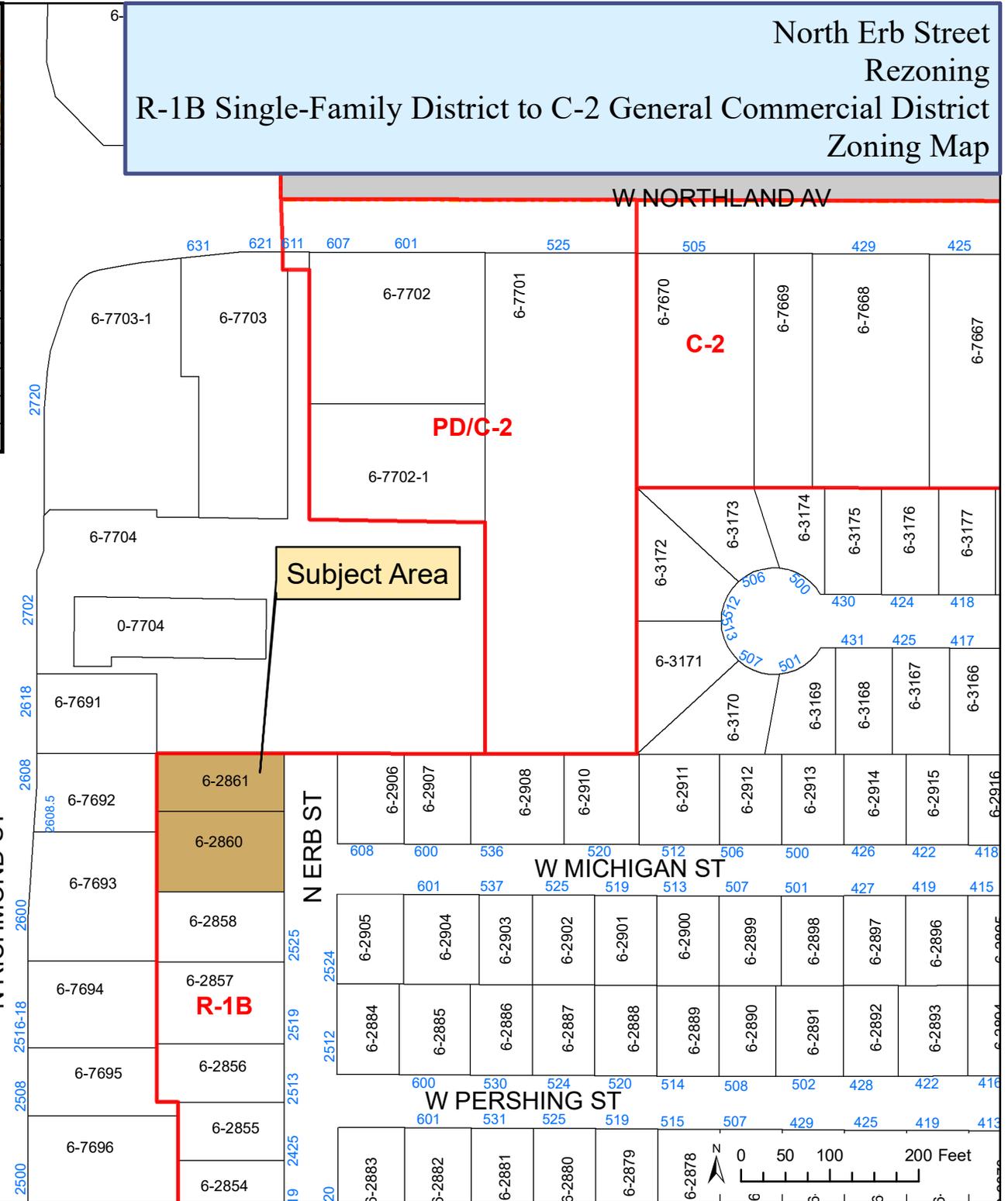
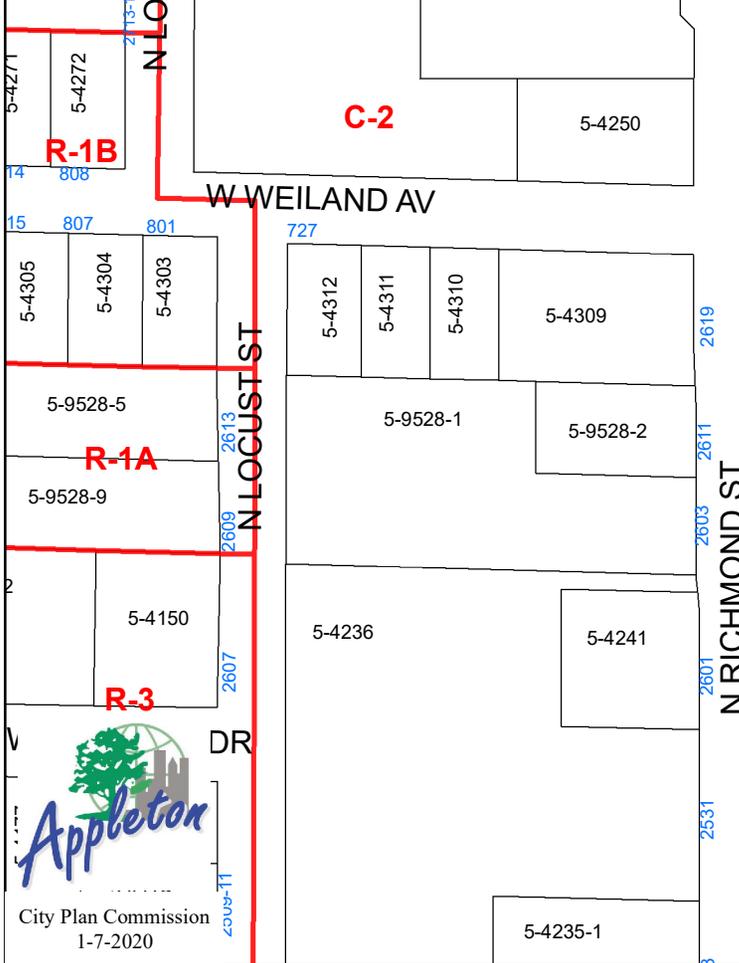
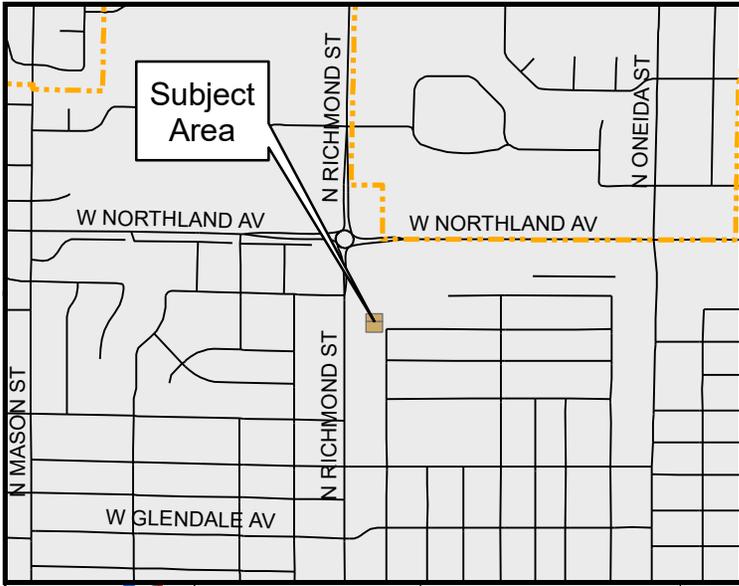
Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

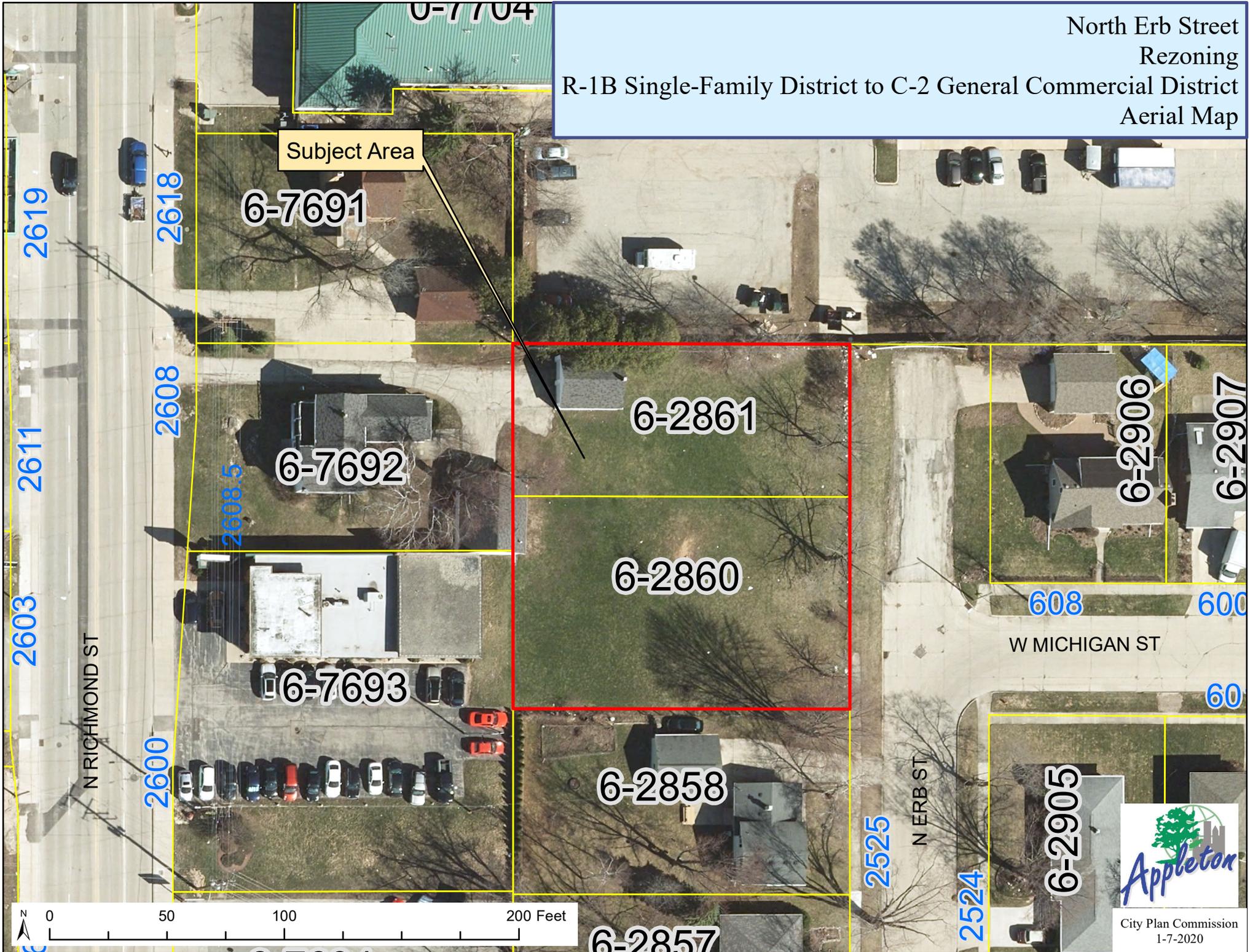
ATTEST:

Kami Lynch, City Clerk

North Erb Street Rezoning R-1B Single-Family District to C-2 General Commercial District Zoning Map



North Erb Street
Rezoning
R-1B Single-Family District to C-2 General Commercial District
Aerial Map



Subject Area

6-7691

6-7692

6-7693

6-2861

6-2860

6-2858

6-2857

6-2906

6-2907

6-2905

2619

2618

2611

2608

2603

2608.5

2600

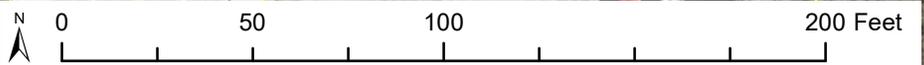
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600

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2525

2524



North Erb Park
Future Land Use Map Amendment
One and Two-Family Residential to Commercial

