



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: October 8, 2019

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

Item: Rezoning #9-19 – NW Corner of North Richmond Street & West Washington Street (N. Richmond Street)

Case Manager: Jessica Titel

GENERAL INFORMATION

Owners: Appleton West End Real Estate (Tax Id #31-5-1188-00) and Gerald Engel Trust, ET AL (Tax Id #31-5-1187-00)

Applicant: Dennis Jochman – Bechard Group, Inc.

Address/Parcel: N. Richmond Street (Tax Id #'s 31-5-1188-00 and 31-5-1187-00)

Petitioner's Request: The applicant is requesting a zoning change from C-2 General Commercial District to CBD Central Business District to facilitate the construction of a building to be used for professional services with a drive-through.

BACKGROUND

The subject area includes two parcels that are currently undeveloped. The northern parcel (Tax Id #31-5-1187-00) previously contained a single-family home. The home was razed in 2011. The southern parcel (Tax Id #31-5-1188-00) currently contains a paved area and may be used periodically for surface parking. The home that was previously located on this parcel was razed in 1971.

The applicant has also filed an application for a Certified Survey Map to combine the two parcels into one parcel.

STAFF ANALYSIS

Existing Site Conditions: The subject parcels are approximately 12,830 square feet in size and located at the northwest corner of West Washington Street and North Richmond Street. Fisk Alley also runs along the west side of the property. Richmond Street is classified as an arterial street and Washington Street is classified as a local street on the City's Arterial/Collector Plan. Currently, the subject property is undeveloped with a portion of paved area.

Surrounding Zoning Classification and Land Uses:

North: C-2 General Commercial District. The adjacent land use to the north is currently a multi-tenant commercial building.

South: CBD Central Business District. The adjacent land use to the south is currently retail.

East: CBD Central Business District. The adjacent land use to the east is currently commercial (restaurant)

West: C-2 General Commercial District. The adjacent land use to the west is currently public right-of-way (Fisk Alley) and commercial (parking lot).

Proposed Zoning Classification: The purpose of the CBD Central Business District is to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Per Section 23-114(i) of the Municipal Code, the development standards for the CBD District are listed below:

- 1) **Minimum lot area:** 2,400 square feet.
- 2) **Maximum lot coverage:** 100%.
- 3) **Minimum lot width:** 20 feet.
- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:**
 - a. None.
 - b. 10 feet when abutting a residentially-zoned district.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet when abutting a residentially-zoned district.
- 7) **Maximum building height:** 200 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 accommodate a future professional services use with an associated drive-through, which is permitted in the CBD Central Business District. The CBD District provides flexible development standards that support efficient use of the limited land area, infill developments and more dense development patterns that are encouraged within the downtown (Central Business District) area. The existing site appears to satisfy the development standards for the CBD District.

A professional service use with a drive through is a permitted use in the CBD Central Business District. Any future development would need to conform to the CBD District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future Central Business District uses. The proposed CBD Central Business 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.

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 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

OBJECTIVE 10.5 Land Use: *Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.*

Chapter 14 – Downtown Plan

- *Initiative 4.6: Create opportunities for smaller offices and business services to locate downtown, including north of College Avenue.*

- *Initiative 4.8: Support private sector efforts to redevelop and invest in downtown.*

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 central business district 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 subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *A variety of commercial uses are already located adjacent to the subject site. 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 September 17, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

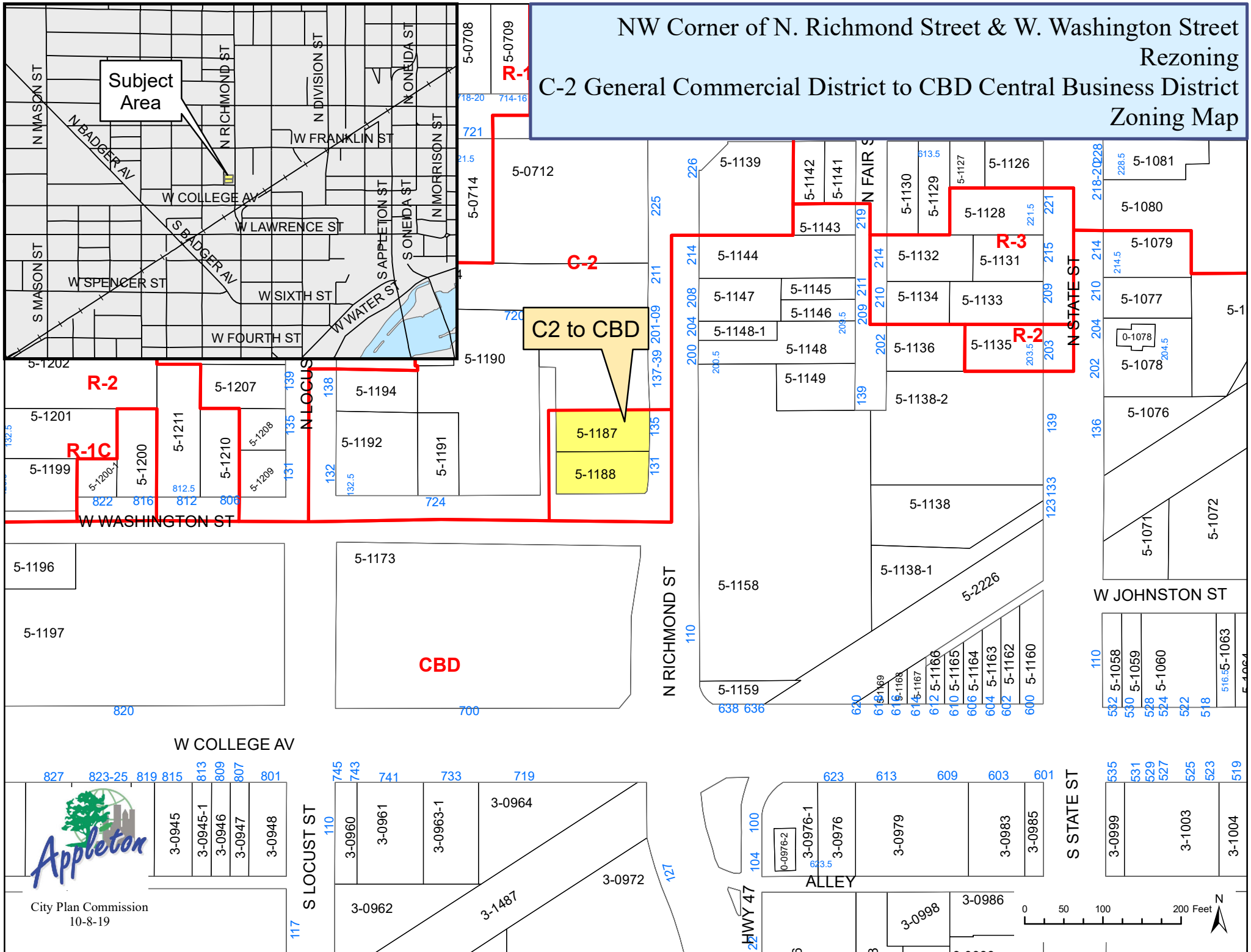
Petitioner's Request: The application submitted for this rezoning request included the following statement: *"Rezoning will not be implemented until after the transfer of both lots to new and same ownership."*

The above statement is the applicant's request. A rezoning is not conditional and if the Common Council approves the applicant's rezoning request, the rezoning will be binding.

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 #9-19 to rezone the subject parcels located at N. Richmond Street (Tax Id #'s 31-5-1188-00 and 31-5-1187-00) from C-2 General Commercial District to CBD Central Business District, including all of the adjacent one-half (1/2) right-of-way of North Richmond Street, West Washington Street and Fisk Alley, as shown on the attached map, **BE APPROVED.**

NW Corner of N. Richmond Street & W. Washington Street
 Rezoning
 C-2 General Commercial District to CBD Central Business District
 Zoning Map

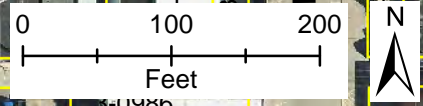


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NW Corner of N. Richmond Street & W. Washington Street
Rezoning
C-2 General Commercial District to CBD Central Business District
Aerial Map




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Legal Description

Tax Id #'s 31-5-1187-00 and 31-5-1188-00

Lot 5 and 6 in Block 31, Fifth Ward Plat, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessors Plat of said City, less Doc. No.1464659 and less Doc. No.1434640 for street right-of-way. Including all of the adjacent one-half (1/2) right-of-way of North Richmond Street, West Washington Street and Fisk Alley.