



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: November 25, 2013

Common Council Public Hearing Meeting Date: January 15, 2014 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #15-13 and Rezoning #13-13

Case Manager: Brad Schmidt, AICP *BS*

GENERAL INFORMATION

Owner/Applicant: Jamie Boyce, Owner
Dale Hulce, Keller Inc., Applicant
Terry Bomier, Bomier Properties, Applicant

Address/Parcel #: North Bennett Street (Tax Id #31-5-4266-00 & Tax Id #31-5-4267-00)

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 designation to the Commercial designation for two undeveloped parcels along the east side of North Bennett Street (Tax Id #31-5-4266-00 & Tax Id #31-5-4267-00). In conjunction with this request, the applicant is also requesting to rezone the subject parcels from R-1B, Single-Family Residential district to C-2, General Commercial district. The requests are being made to accommodate a proposed bank/office development on the subject parcels and 3 adjoining parcels to the north.

BACKGROUND

The subject parcels are part of the North Heights Subdivision which was platted in the Town of Grand Chute in 1940, and annexed to the City in 1969. At the time of annexation, the City zoned these parcels R-1A, Single-Family Residential district. This area was later rezoned to R-1B, Single-Family district as part of a City-wide rezoning. The subject parcels are located directly south of the building where Appleton Radiator was located.

Several rezoning requests and a Comprehensive Plan amendment were submitted to the City since the subject parcels were annexed. First, in 1983, the owner proposed to rezone the subject parcels from R-1B to C-2 and P, Parking district. The request was to accommodate an expansion of existing commercial buildings along the Northland Avenue frontage road. The application was later withdrawn and the rezoning never took effect. Next, the same owner submitted a request to rezone the subject parcels to C-2 in 1988. That action failed and the City Council later denied the request. Finally, a developer requested to amend the Comprehensive Plan Future Land Use Map designation from One and Two-Family Residential to Commercial for the two subject parcels and two parcels directly to the east in 2007. The request was to support a Walgreens development. The action was later denied by the City Council and Walgreens developed on a portion of the block east of the subject parcels.

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STAFF ANALYSIS

Current Site Conditions: The subject area consists of two undeveloped parcels. Each parcel is approximately 9,300 square feet in size (60' wide by 155' long). The majority of the northern parcel is covered by gravel, while the southern parcel contains some gravel and is covered mostly by grass (See Exhibit A). Both parcels have frontage along North Bennett Street which is classified as a local street.

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

- **North:**
 - Zoning – C-2, General Commercial District
 - Future Land Use Designation - Commercial
 - Land Uses – Former Appleton Radiator building and hard-surface off-street parking lot
- **South:**
 - Zoning – R-1B, Single-Family Residential District
 - Future Land Use Designation – One and Two-Family Residential
 - Land Uses – Single-family residences
- **East:**
 - Zoning – R-2, Two-Family Residential District
 - Future Land Use Designation – One and Two-Family Residential
 - Land Uses – Two-family residences
- **West:**
 - Zoning – R-1B, Single-Family Residential District
 - Future Land Use Designation - One and Two-Family Residential
 - Land Uses – Single-family residences

Proposed Future Land Use Designation: The applicant is proposing to amend the City's *Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from One and Two-Family Residential to Commercial. Amendments to the Comprehensive Plan are sometimes triggered by development proposals or changing circumstances in the City. In this case a development proposal is prompting the need for a Comprehensive Plan amendment. The Comprehensive Plan and Future Land Use Map are intended to provide a guide for future development within the City. Rezoning requests must conform to the City's Comprehensive Plan Future Land Use Map.

Proposed Zoning Classification: The purpose of the C-2, General Commercial district is to provide for businesses which serve city and regional markets, provides goods and services to other businesses, as well as consumers, provides services to automobiles and service the traveling public.

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Impact on Surrounding Neighborhood: Expanding a commercial area into an existing residential neighborhood may cause certain unattended consequences. Nuisances such as noise, increase in neighborhood traffic and excess lighting are all generally identified as impacts of commercial developments. The City's Zoning Code has specific requirements designed to minimize those impacts on residential neighborhoods which include minimum exterior lighting standards to reduce lighting spillover, landscape buffering standards for off-street parking lots, and minimum development standards (as listed below) to ensure proper placement of buildings on a parcel.

C-2 District Development Standards: The C-2, General Commercial District development standards are as follows:

- Minimum Lot Area: **14,000 square feet**
- Maximum Lot Coverage: **75%**
- Minimum Lot Width: **60 feet**
- Minimum Front Yard: **10 feet**
- Minimum Side Yard: **10 feet when abutting a residentially zoned district.**
- Minimum Rear Yard: **20 feet**
- Maximum Building Height: **35 feet**

The applicant is proposing to develop a bank/office which tends to be less intensive in regards to traffic, noise, lighting, smells, and parking needs and usually have more favorable hours of operation than retail or restaurant uses. However, the rezoning request is not subject to or limited to a bank or office use. If the two subject parcels are rezoned to C-2, General Commercial district, all uses identified as principal permitted uses in Zoning Code Section 32-113(b) are allowed as of right (See **Exhibit B**).

Other permitted uses in the C-2 district might be more intense than a bank or office use, but Staff believes the Zoning Code standards for new development would protect against many of the impacts a commercial use may have on adjacent residential properties. This neighborhood is already located south of a commercial corridor along Northland Avenue and west of the Richmond Street commercial corridor. This request will not introduce commercial zoning to this neighborhood, but would rather expand what's already there. Many of the current commercial uses in the immediate area currently do not conform to several of the Zoning Code development standards. For example, the former Appleton Radiator building does not conform to off-street parking standards, landscaping requirements, maximum lot coverage requirement, and setback requirements. Any new commercial development will need to meet the Zoning Code standards.

Within the last decade the City has approved redevelopments and new developments in this area along the Northland Avenue corridor including Walgreens, Associated Bank and the Dollar Tree. In addition, the City has reviewed and approved similar requests to expand commercial zoning or development into residential areas along the Wisconsin Avenue, Richmond Street and South Oneida Street commercial corridors. Commercial redevelopment in these commercial corridors is important to the City and is listed as a goal in the *Comprehensive Plan 2010-2030* document.

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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.

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

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

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

Goal 8: Economic Development

Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

9.3 OBJECTIVE: Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

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

Review Criteria: Based upon the above analysis it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments (rezoning) has been satisfied. It is important to note, that the Zoning Code requires that a rezoning request conform to the City's Comprehensive Plan Future Land Use Map. If the Future Land Use Map Amendment #15-13 is approved, the rezoning would conform to the Comprehensive Plan. However, until Future Land Use Map Amendment #15-13 is approved, the proposed C-2, General Commercial zoning classification would not conform to the Future Land Use Map, which, in its current form, identifies the subject site as One and Two-Family Residential.

Technical Review Group Report (TRG): This item was discussed at the November 12, 2013, Technical Review Group meeting. No negative comments were received from participating departments.

Neighborhood Input: Surrounding neighbors were invited to a meeting held by the applicant on November 14, 2013, to introduce their development proposal and to learn of any neighborhood concerns or issues regarding the proposed Future Land Use Map amendment, rezoning request and development proposal. Most of the feedback focused on the proposed concept plan of the development including

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concerns with lighting, noise, garbage dumpster location, traffic, and landscape buffering. The neighbors also had concerns with the potential rezoning of the two subject parcels to C-2, General Commercial and the possibility that the proposed development does not get built, thus opening up other commercial uses that could locate there.

RECOMMENDATION

Based upon the above analysis, Staff recommends the proposed *Comprehensive Plan 2010-2030 Future Land Use Map amendment #15-13* 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, Rezoning Application #13-13 to rezone the subject parcels located along the east side of North Bennett Street (Tax Id #31-5-4266-00 & Tax Id #31-5-4267-00) from R-1B, Single-Family Residential district to C-2, General Commercial district including the adjacent right-of-way as shown on the map, **BE APPROVED**.

NOTE: If approved, Rezoning #13-13 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #15-13 to accurately reflect the change in future land use from One and Two-Family Residential designation to Commercial designation.

North Bennett Street
Tax IDs 31-5-4266-00 & 31-5-4267-00
Future Land Use Map Amendment
Single/Two Family Use to Commercial Use

Northland Av

C-2

Subject Area
Single/Two Family Use
to Commercial Use

Bennett St

R-2

LOCUST ST

R-1B

Weiland Av

R-1A



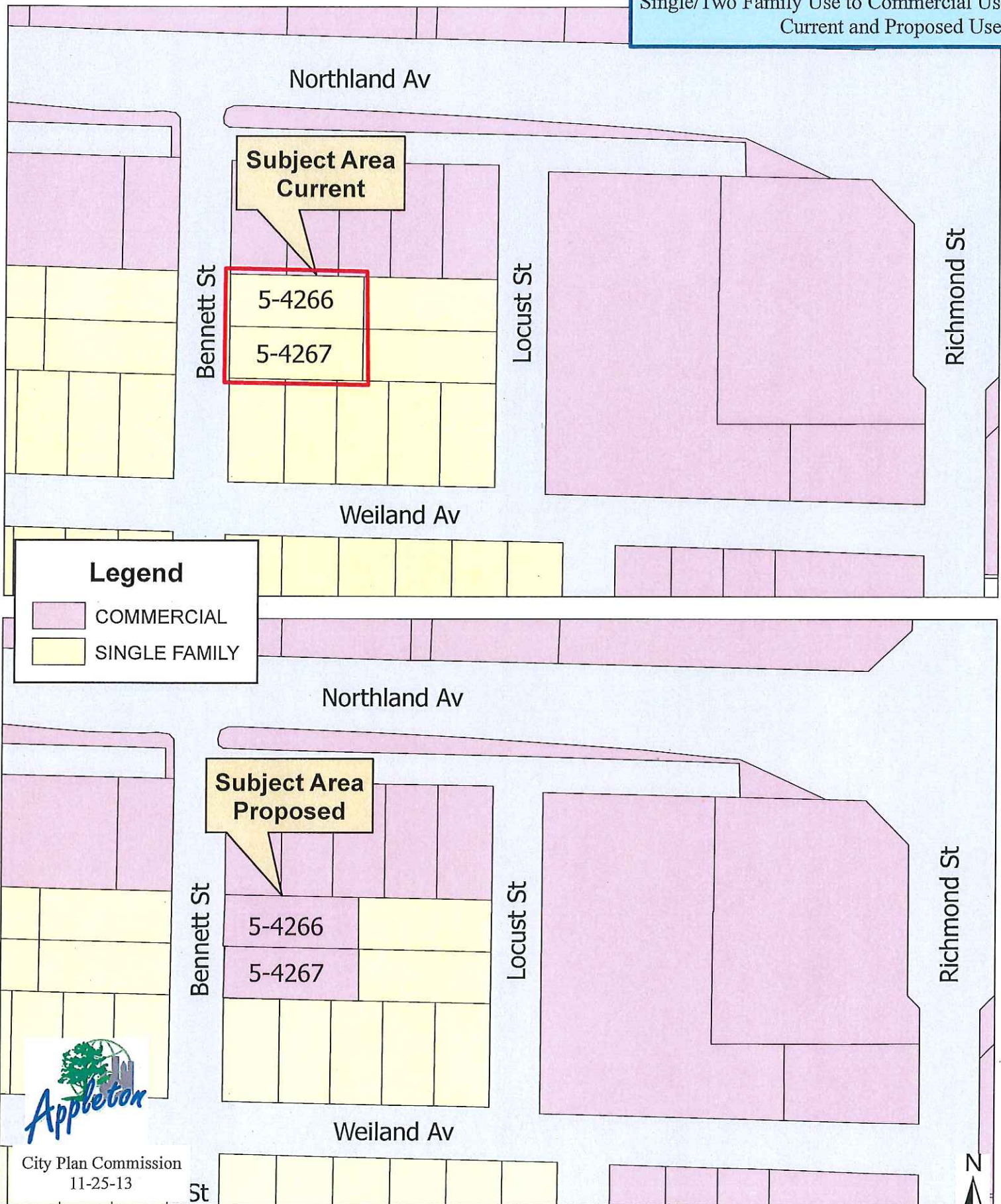
R-1B

R-3

City Plan Commission
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North Bennett Street
Tax ID #s 31-5-4266-00 & 31-5-4267-00
Future Land Use Map Amendment
Single/Two Family Use to Commercial Use
Current and Proposed Uses



**Subject Area
Current**

5-4266
5-4267

Legend
COMMERCIAL
SINGLE FAMILY

**Subject Area
Proposed**

5-4266
5-4267



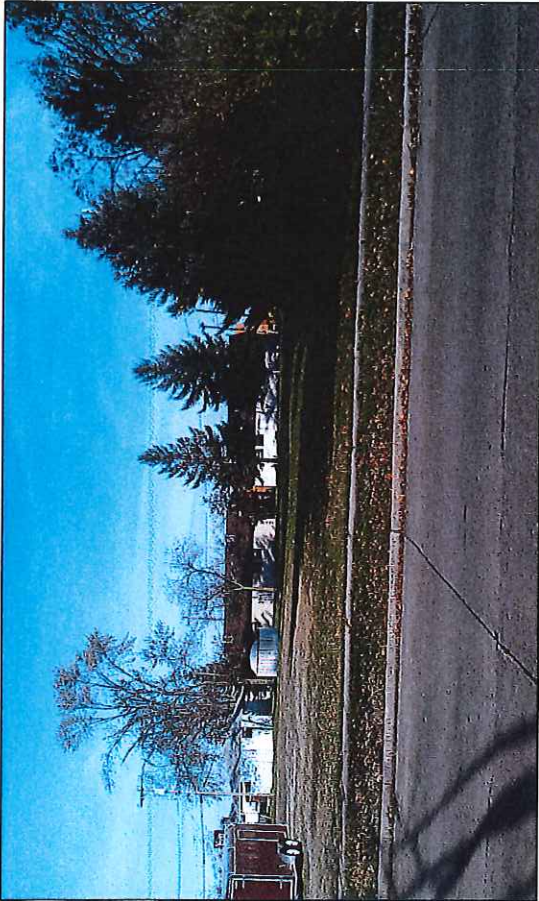
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0 50 100 200 Feet



Exhibit A

Photos of Subject Parcels



Facing East



Facing North



Facing Northeast

Exhibit B

C-2 General Commercial District Permitted Uses and Special Uses

(b) *Principal permitted uses.* The following principal uses are permitted as of right in the C-2 district:

| Residential Uses | Public and Semi Public Uses | Non-Residential Uses |
|--|--|--|
| <ul style="list-style-type: none"> • Assisted living or retirement homes. • Nursing or convalescent homes. | <ul style="list-style-type: none"> • Clubs. • Day care, group. • Educational institutions; business, technical or vocational school. • Educational institutions; college or university. • Governmental facilities. • Hospitals. • Marina or boat landings. • Museums. • Places of worship. • Public parks or playground. • Recreation facilities; non-profit. • Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building. | <ul style="list-style-type: none"> • Automobile maintenance shops. • Commercial entertainment; excluding sexually-oriented establishments. • Drive through facilities pursuant to §23-49. • Greenhouses or greenhouse nurseries. • Hotel or motels. • Manufacturing, custom pursuant to §23-66(h)(16). • Multi-tenant building. • Offices. • Parking lots. • Personal services. • Printing. • Professional services. • Restaurants (without alcohol). • Restaurants, fast food. • Retail businesses. • Shopping centers. • Towing businesses pursuant to §23-66(h)(15). • Urban farms pursuant to 23-66(h)(17). • Veterinarian clinics. |

(e) *Special uses.* Special uses in the C-2 district may include:

| Residential Uses | Public and Semi Public Uses | Non-Residential Uses |
|---|---|--|
| <ul style="list-style-type: none"> • None. | <ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure. | <ul style="list-style-type: none"> • Amusement arcades. • Any principal building that exceeds thirty-five (35) feet in height. • Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5). • Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5). • Bar or taverns pursuant to §23-66(h)(6). • Body repair and/or paint shops pursuant to §23-66(h)(4). • Bus terminals. • Car washes. • Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7). • Electronic towers pursuant to §23-66(h)(1) • Freight distribution and/or moving centers. • Gasoline sales pursuant to §23-66(h)(8). • Helicopter landing pads pursuant to §23-66(h)(9). • Indoor kennels. • Landscape business. • Manufacturing, light. • Microbreweries. • Mobile home sales lots. • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Parking garages. • Personal storage. • Recycling collection points pursuant to §23-66(h)(14). • Recycling and waste recovery centers pursuant to §23-66(h)(13). • Research laboratories or testing facilities. |

| Residential Uses | Public and Semi Public Uses | Non-Residential Uses |
|------------------|-----------------------------|--|
| | | <ul style="list-style-type: none"> • Restaurants with alcohol pursuant to §23-66(h)(6). • Sexually-oriented establishments pursuant to Article XII. • Shelter facility. • Towers or antennas for wireless telecommunication services, pursuant to Article XIII. • Wholesale facilities. |