



REPORT TO COMMON COUNCIL

Common Council Public Hearing & Meeting Date: June 17, 2020

Item: Rezoning #2-20 – Viola Street

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: CaMPSbuilt, LLC c/o Carl Romenesko – Romenesko Developments

Address/Parcel #: N. Viola Street (Tax Id #31-1-2865-00)

Petitioner's Request: The applicant is requesting a zoning change from C-2 General Commercial District to M-2 General Industrial District to facilitate the construction of a future building planned for general industrial (light manufacturing/warehouse) use.

BACKGROUND

This item would typically go to Plan Commission for review and a recommendation. However, to help prevent the spread of COVID-19, Plan Commission will not meet and Common Council will conduct business as Committee of the Whole.

Historically the property contained a warehouse facility that was located in the southern portion of the property (fronting on Wisconsin Avenue) and two single-family homes in the northern portion. The warehouse facility was razed in approximately 1984. In 1995, existing parcels were combined (via Tax ID only, no CSM was recorded) to create the current lot configuration. The property currently contains a surface parking lot that has been used for Appvion employee parking, but has been recently sold to the current owner for redevelopment.

The northern portion of the property was rezoned in 1994 from R-1B Single Family District to P Parking District. The entire property was rezoned from C-2 General Commercial District and P Parking District to C-2 General Commercial District in 2008. This was part of a City-wide zoning map correction/adjustment to address single lots that contained more than one zoning district. The rezoning established a single zoning district classification for each of these lots eliminating potential land use conflicts that a split zoning condition can present.

STAFF ANALYSIS

Existing Conditions: The subject parcel is approximately 46,909 square feet in size and is located on the northwest corner of East Wisconsin Avenue and North Viola Street. Wisconsin Avenue is classified as an arterial street and Viola Street is classified as a local street on the City's Arterial/Collector Plan. The parcel currently contains a surface parking lot.

Surrounding Zoning Classification and Land Uses:

North: R-1B Single-Family District. The adjacent land use to the north is currently single-family residential.

South: M-2 General Industrial District. The adjacent land use to the south is currently a manufacturing facility (Appvion Paper Mill).

East: R-1B Single-Family District. The adjacent land uses to the east are currently single-family residential.

West: R-1B Single-Family District. The adjacent land use to the west is currently a cemetery.

Proposed Zoning Classification: The purpose of the M-2 General Industrial District is to preserve and secure areas already established with industrial type or related uses or for new uses that meet the purposes of this district. The M-2 district is also intended to apply standards for existing uses that will minimize their effect on any adjacent residential or commercial land uses. Per Section 23-132(h) of the Municipal Code, the development standards for the M-2 District are listed below:

- 1) **Minimum lot area.** Eight thousand (8,000) square feet.
- 2) **Maximum lot coverage.** Ninety percent (90%).
- 3) **Minimum lot width.** Fifty (50) feet.
- 4) **Minimum front yard.** None.
- 5) **Minimum rear yard.** None; Fifty (50) feet if abutting a residentially zoned district.
- 6) **Minimum side yard.** None; Fifty (50) feet if abutting a residentially zoned district.
- 7) **Maximum building height.** Eighty (80) feet.

Zoning Ordinance Review Criteria: The request is being made to facilitate the construction of a future building planned for general industrial (light manufacturing/warehouse) use. The parcel is currently zoned C-2 General Commercial District, which may not allow for some of the potential uses. The M-2 zoning district will also eliminate the need to apply for multiple Special Use Permits for potential future uses. Therefore, a rezoning is necessary to accommodate the anticipated uses.

A light manufacturing/warehouse use is a permitted use in the M-2 General Industrial District. Any future development would need to conform to the M-2 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 2010-2030 Comprehensive Plan Map identifies this parcel for future Industrial land uses. The proposed M-2 General Industrial 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.

Policy 9.5.1 Economic Development:

Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

OBJECTIVE 10.1 Land Use:

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

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 15: Wisconsin Avenue Corridor Plan

This parcel is located within the area identified as "Service Commercial" land use within the Wisconsin Avenue Corridor – *This land use category is recommended for the area extending from Meade Street east to the city limits. It is made up of future uses including commercial, service and repair, and limited light industry, such as might be found in "flex" commercial buildings in a business park.*

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. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

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 objectives and policies stated above and the Future Land Use map, which identifies this property as future Industrial land use.*

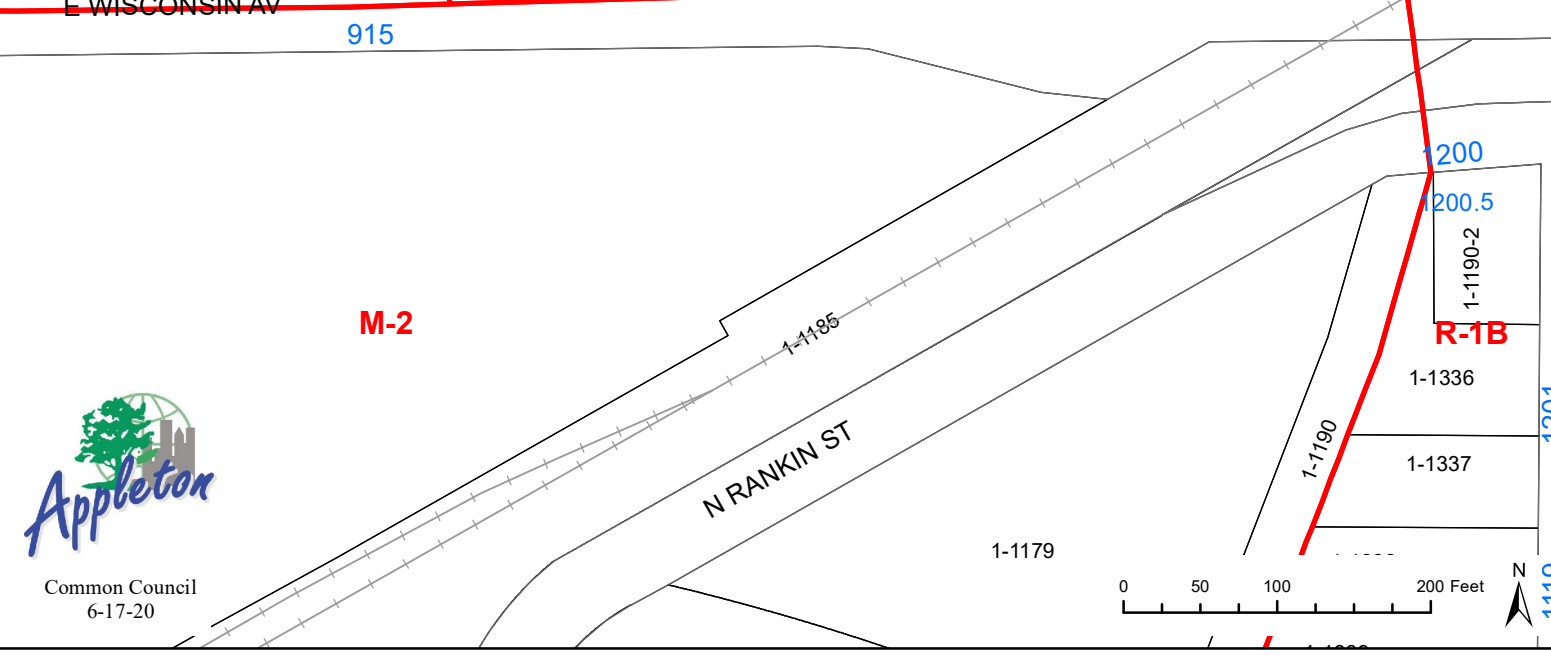
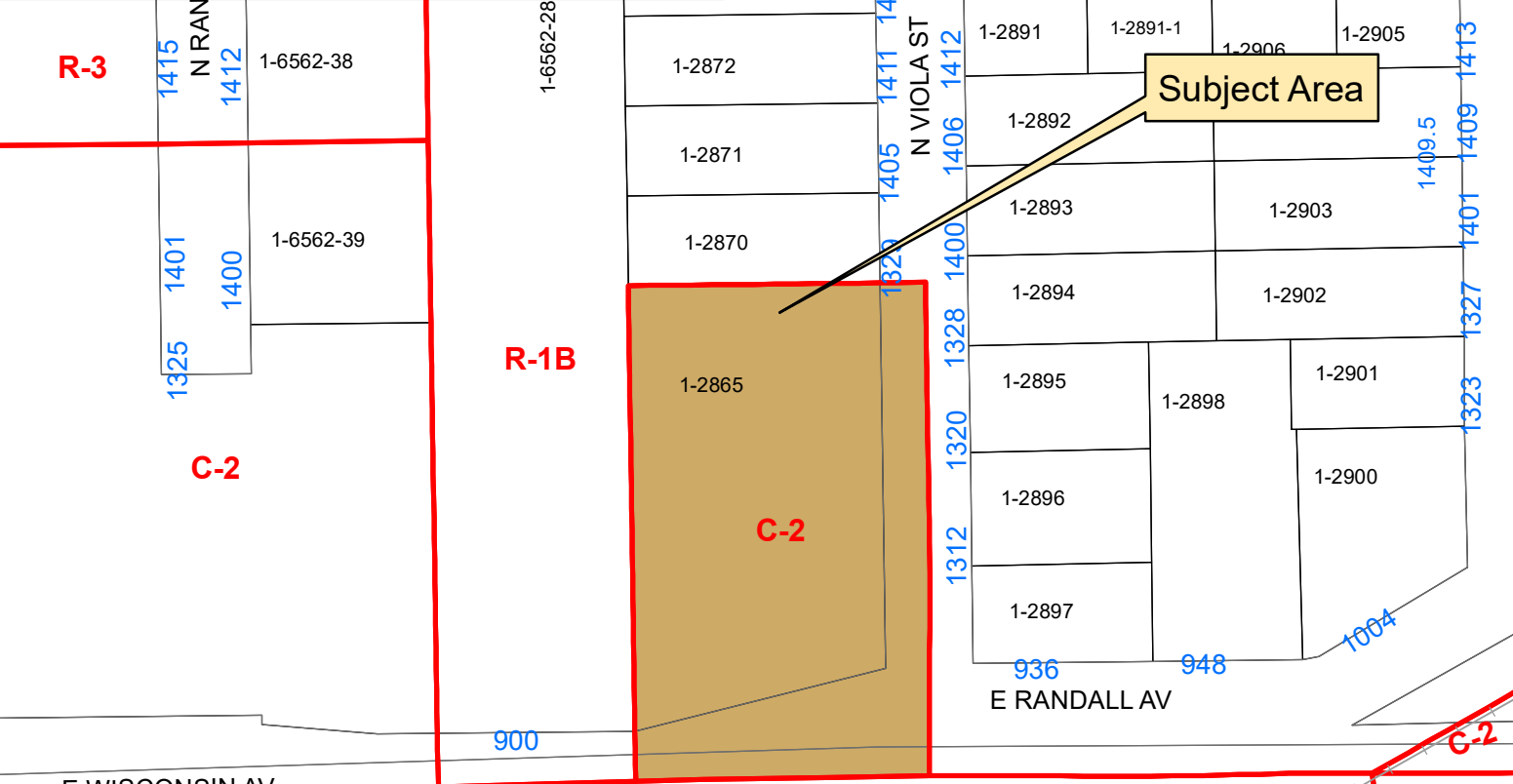
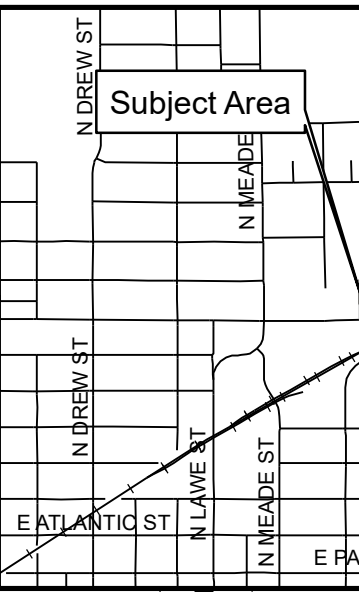
2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed 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. *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. *Industrial land uses are already present to the south of the subject site. The rezoning request is being made to accommodate a future general industrial (light manufacturing/warehouse) use. Site Plan review is required prior to issuance of building permits for future development on this site. Conformance with the M-2 District zoning regulations and other sections of the Zoning Ordinance, including the buffering and screening requirements, will be required prior to issuance of Site Plan approval. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Technical Review Group Report (TRG): This item appeared on the May 19, 2020 Technical Review Group 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 Application #2-20 to rezone the subject parcel (Tax Id #31-1-2865-00) from C-2 General Commercial District to M-2 General Industrial District, including all of the adjacent one-half right-of-way of East Wisconsin Avenue and North Viola Street, as shown on the attached maps, **BE APPROVED.**

North Viola Street Rezoning C-2 General Commercial District to M-2 General Industrial District Zoning Map



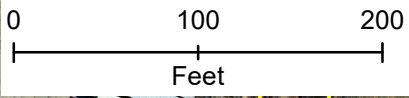
North Viola Street
Rezoning
C-2 General Commercial District to M-2 General Industrial District
Aerial Map



Subject Area



Common Council
6-17-20



"WISCONSIN LAND TITLE SURVEY"

VACANT PARCEL - VIOLA STREET

CITY OF APPLETON, OUTAGAMIE COUNTY, WI

LEGEND:

- ⊙ = BRASS DISK IN CONCRETE FOUND
- ⊗ = 3/4" SOLID ROUND IRON REBAR FOUND
- ⊕ = 1" I.D. ROUND IRON PIPE FOUND
- ⊖ = MAG NAIL IN DISK FOUND
- ⊕ = STORM CATCH BASIN
- ⊙ = UTILITY POLE
- ⊖ = PRIVATE LIGHT POLE
- ◇ = DOWN GUY
- ⊖ = ELECTRICAL METER ON OLD POWER POLE
- ⊖ = SIGN
- () = RECORDED AS BEARING/DISTANCE
- OEC = OVERHEAD ELECTRICAL & COMMUNICATIONS

NORTH IS REFERENCED TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN WHICH BEARS N89°20'56"E PER THE WISCONSIN COUNTY COORDINATE SYSTEM (OUTAGAMIE COUNTY)

LEGAL DESCRIPTION:
 ALL OF LOTS ONE (1) THROUGH FIVE (5), BOTH INCLUSIVE, FOX'S PLAT, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, EXCEPTING THEREFROM THAT PART OF SAID LOTS 1 AND 2 CONVEYED FOR STREET PURPOSES AND DESCRIBED IN VOLUME 215 OF DEEDS, PAGE 507.
 PROPERTY ADDRESS: VACANT PARCEL-VIOLA STREET, APPLETON, WI 54911 FOR INFORMATIONAL PURPOSES ONLY: TAX KEY NUMBER: 311 286500

NEW DESCRIPTION:
 A PARCEL OF LAND BEING ALL OF LOTS 3, 4 AND 5 AND PART OF LOTS 1 AND 2, ALL LOCATED IN FOX'S PLAT, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 24; THENCE N89°20'56"E, 792.06 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 24 TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 1 OF FOX'S PLAT; THENCE N00°45'46"W, 33.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE CONTINUING N00°45'46"W, 299.50 FEET (RECORDED AS 300 FEET) ALONG THE WEST LINE OF LOTS 1, 3, 4 AND 5 OF FOX'S PLAT TO THE NORTH LINE OF SAID LOT 5; THENCE N89°11'46"E, 167.43 FEET (RECORDED AS 168 FEET) ALONG SAID NORTH LINE TO THE WEST RIGHT-OF-WAY LINE OF VIOLA STREET; THENCE S00°51'54"E (RECORDED AS SOUTH), 260.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NORTHERLY RIGHT-OF-WAY LINE OF E. WISCONSIN AVENUE (S.T.H. "96"); THENCE S75°57'31"W, 172.51 FEET (RECORDED AS S75°21'30"W, 172.8 FEET) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. SAID PARCEL CONTAINS 46,909 SQUARE FEET [1.0769 ACRES] OF LAND MORE OR LESS.

SCHEDULE B-II:
 KNIGHT BARRY TITLE SERVICES, LLC - STEWART TITLE GUARANTY COMPANY
 FILE #: 1092072, DATED: JANUARY 16, 2020

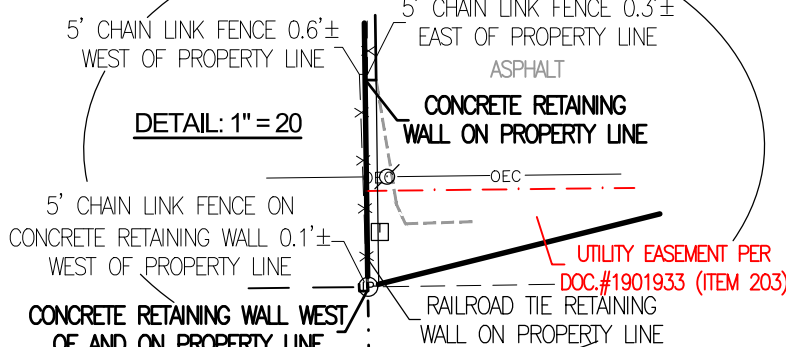
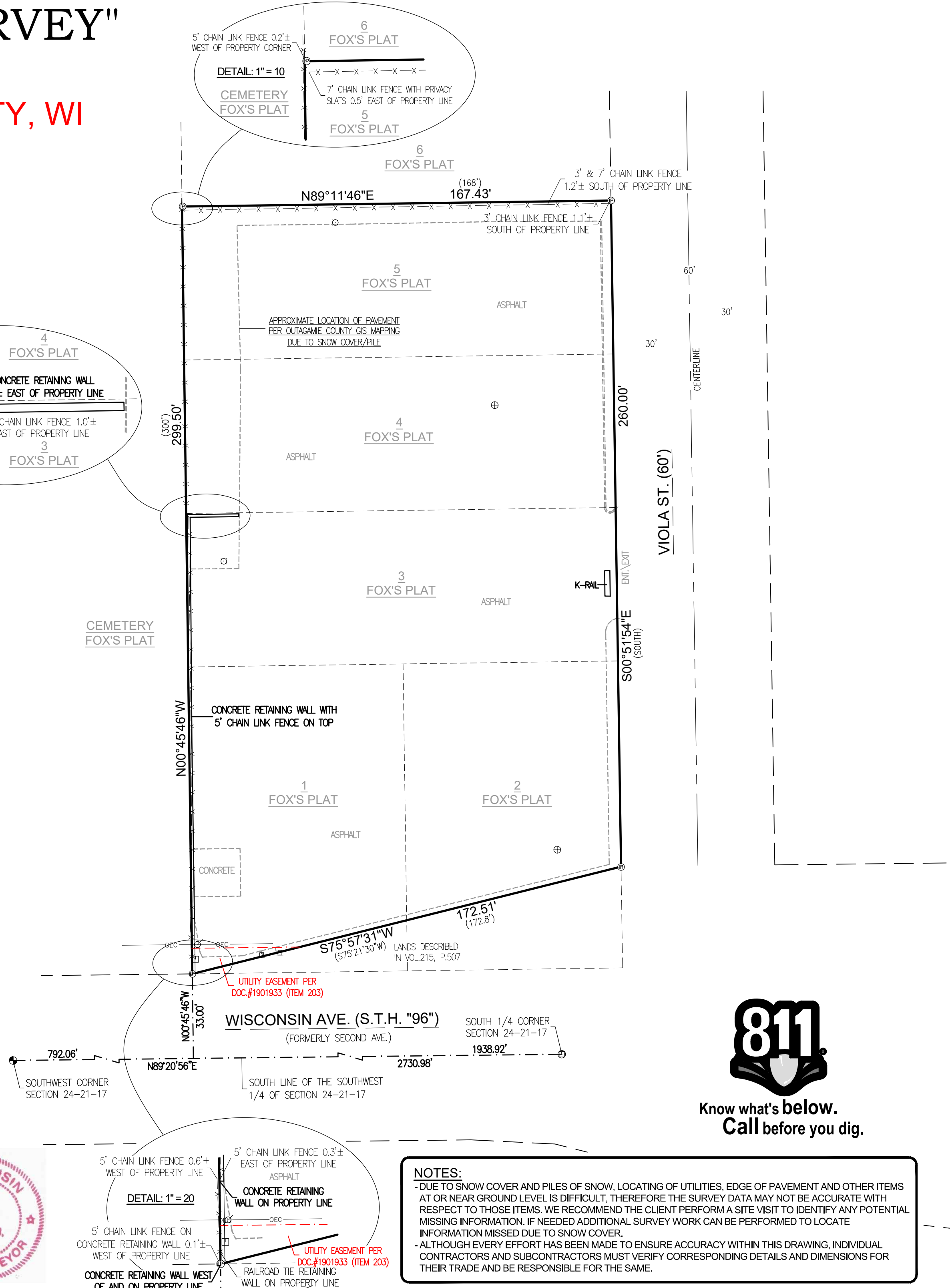
1-8) DO NOT AFFECT THE GROUND SURVEY
 100-101) DO NOT AFFECT THE GROUND SURVEY
 200) EASEMENT AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED AUGUST 21, 2007 AS DOCUMENT NO. 1764410, DOES AFFECT SUBJECT PROPERTY.
 - NO SPECIFIC LOCATION GIVEN, BLANKET EASEMENT COVERING ENTIRE PARCEL.
 201) EASEMENTS, RESTRICTIONS AND OTHER MATTERS SHOWN ON THE PLAT OF FOX'S PLAT, DOES NOT AFFECT SUBJECT PROPERTY.
 - NO EASEMENTS, RESTRICTIONS, ETC. NOTED OR LISTED.
 202) RELOCATION ORDER AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED JUNE 23, 2009 AS DOCUMENT NO. 1840140, DOES NOT AFFECT SUBJECT PROPERTY.
 203) EASEMENT AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED JANUARY 27, 2011 AS DOCUMENT NO. 1901933, DOES AFFECT SUBJECT PROPERTY AS SHOWN ON DRAWING.
 204) EASEMENT RESERVATION AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED DECEMBER 3, 2010 AS DOCUMENT NO. 1895512, NO LONGER AFFECTS SUBJECT PROPERTY.
 - TEMPORARY LIMITED EASEMENT TERMINATED AT THE COMPLETION OF HIGHWAY PROJECT FOR S.T.H. "96" (WISCONSIN AVENUE)
 205) SECOND AMENDMENT SUPPLEMENTAL FINAL ORDER AND JUDGMENT PERTAINING TO OUTAGAMIE COUNTY, WI AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED FEBRUARY 11, 2011 AS DOCUMENT NO. 1903288, DOES NOT AFFECT SUBJECT PROPERTY.
 206) RELOCATION ORDER AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED SEPTEMBER 17, 2012 AS DOCUMENT NO. 1959490, DOES NOT AFFECT SUBJECT PROPERTY.
 207) FINAL RESOLUTION AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED JANUARY 23, 1998 JACKET 17658 IMAGE 16 AS DOCUMENT NO. 1177479, DOES NOT AFFECT SUBJECT PROPERTY.
 300, 400-401) DO NOT AFFECT THE GROUND SURVEY.

SEE DOCUMENTS FOR ADDITIONAL DETAIL

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION AND DIMENSIONS OF ALL VISIBLE STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREON, AND AS TO THEM I HEREBY CERTIFY THAT SAID SURVEY AND THE ABOVE MAP WERE MADE IN ACCORDANCE WITH ACCEPTABLE PROFESSIONAL STANDARDS AND THAT THE INFORMATION CONTAINED HEREON IS TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, A TRUE AND ACCURATE REPRESENTATION THEREOF.

Robert F. Reider
 ROBERT F. REIDER, PLS-1251 DATED 2-24-2020



NOTES:
 - DUE TO SNOW COVER AND PILES OF SNOW, LOCATING OF UTILITIES, EDGE OF PAVEMENT AND OTHER ITEMS AT OR NEAR GROUND LEVEL IS DIFFICULT, THEREFORE THE SURVEY DATA MAY NOT BE ACCURATE WITH RESPECT TO THOSE ITEMS. WE RECOMMEND THE CLIENT PERFORM A SITE VISIT TO IDENTIFY ANY POTENTIAL MISSING INFORMATION. IF NEEDED ADDITIONAL SURVEY WORK CAN BE PERFORMED TO LOCATE INFORMATION MISSED DUE TO SNOW COVER.
 - ALTHOUGH EVERY EFFORT HAS BEEN MADE TO ENSURE ACCURACY WITHIN THIS DRAWING, INDIVIDUAL CONTRACTORS AND SUBCONTRACTORS MUST VERIFY CORRESPONDING DETAILS AND DIMENSIONS FOR THEIR TRADE AND BE RESPONSIBLE FOR THE SAME.



Know what's below.
 Call before you dig.

SCALE	1" = 30'
DATE	2-24-2020
PROJECT NO.	B2002.6
SHEET NO.	
DESIGNED	
DRAWN	
RDD	
CHECKED	
RFR	
REVISED	
DATE	
INT.	

APPVION, INC.
 ATTENTION: ANGELA WERDIN
 825 EAST WISCONSIN AVENUE, P.O. BOX 359
 APPLETON, WISCONSIN 54912

CAROW LAND SURVEYING CO., INC.
 615 N. LYNNDALE DRIVE
 APPLETON, WISCONSIN 54912-1297
 PHONE: (920)731-4168 FAX: (920)731-5673

PROJECT: VIOLA STREET PARKING LOT, APPLETON, WISCONSIN