



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: February 9, 2022

Common Council Public Hearing Meeting Date: March 16, 2022
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-22 and Rezoning #1-22

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: 2 Bucks Only II, LLC (Parcel #31-6-0598-00, 1312 N. Division Street) and 2X6 Holdings, LLC (Parcel #31-6-0599-00, 336 W. Wisconsin Avenue)

Applicant: Mach IV Engineering & Surveying, LLC c/o Joel Ehrfurth

Address/Parcel: 1312 N. Division Street (Parcel #31-6-0598-00) and 336 W. Wisconsin Avenue (Parcel #31-6-0599-00)

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 Mixed Use designation for the property located at 1312 N. Division Street (Parcel #31-6-0598-00). In conjunction with this request, the applicant is proposing to rezone both subject parcels from C-2 General Commercial District and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District. The requests are being made to establish a uniform Future Land Use Map designation and zoning classification for the subject property to allow for a shared parking lot expansion and a patio addition for the existing tavern (Maritime Tavern).

BACKGROUND

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.

The property at 336 W. Wisconsin Avenue is currently being used as a tavern (Maritime Tavern) and off-street parking lot. The property at 1312 N. Division Street previously contained a single-family home that was recently razed. The home was recently purchased by the current owners with plans to construct an expansion to the existing parking lot serving Maritime Tavern at 336 W. Wisconsin and constructing an outdoor patio onto the tavern.

In conjunction with the Comprehensive Plan amendment and rezoning requests, submittal of an application for a Certified Survey Map (CSM) is anticipated to combine the subject parcels into one lot. CSMs are administratively reviewed and approved by City staff. However, per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, uniform zoning is needed before the parcels can be combined to accommodate the anticipated improvements.

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 property at 336 W. Wisconsin Avenue is currently being used as a tavern (Maritime Tavern) and off-street parking lot. The property at 1312 N. Division Street previously contained a single-family home that was recently razed. Combined, the subject land area totals approximately 12,834 square feet. The property has frontage along North Division Street and West Wisconsin Avenue. On the City's Arterial/Collector Plan, Wisconsin Avenue is classified as an arterial street and this portion of Division Street is classified a collector street.

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

North: Zoning – R-2 Two-Family District

Future Land Use Designation – One and Two-Family Residential

Current Land Use – Two-family residential home.

South: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Multi-tenant buildings containing a mix of commercial uses.

East: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Mix of commercial uses in a multi-tenant building.

West: Zoning – C-2 General Commercial District

Future Land Use Designation – Mixed Use

Current Land Use – Mix of commercial uses.

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 Mixed Use designation. The parcel at 336 W. Wisconsin Avenue (Parcel #31-6-0599-00) is already shown as Mixed Use designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Mixed Use designation and establish a uniform designation for the development area.

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 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.

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.

Chapter 15 - Wisconsin Avenue Corridor Plan – General Plan Primary Objective 3:

Encourage private renovation and redevelopment that addresses existing limitations of platting and land assembly, site planning issues such as parking and access, and aesthetics.

Proposed Zoning Classification: The purpose of the C-1 Neighborhood Mixed Use District is to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods. Per Section 23-112(h) of the Municipal Code, the development standards for the C-1 District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 90%.
- 3) **Minimum lot width:** 40 feet.
- 4) **Minimum front yard:** None.
- 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:** 60 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 establish uniform zoning, allow for combining of lots via CSM, and accommodate a proposed shared parking lot expansion and a patio addition for the existing tavern (Maritime Tavern). If the rezoning request is approved, any future development would need to conform to the C-1 Neighborhood Mixed Use District zoning regulations listed above and other applicable 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.

Per Section 23-112(i) of the Municipal Code, the C-1 District shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map. One of the subject parcels are already shown as Mixed Use designation on the Future Land Use Map, and the requested amendment would change 1312 N. Division Street (Parcel #31-6-0598-00) to Mixed Use designation as well.

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 Future Land Use Map already identifies parcel #31-6-0599-00 (336 W. Wisconsin Avenue) for future mixed use. If Future Land Use Map Amendment #1-22 is approved, to identify this entire area for future mixed 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.*
 2. The effect of the proposed rezoning on surrounding uses. *Commercial zoning already exists on one of the subject parcels. A mix of commercial uses are already located west, south and east of the subject site. C-1 District development standards, such as setbacks, and perimeter parking lot landscape buffers would 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.*

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 #1-22 is approved.

Technical Review Group (TRG) Report: These items appeared on the January 18, 2022 TRG agenda. No negative comments were received from participating departments.

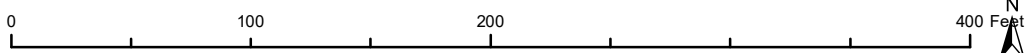
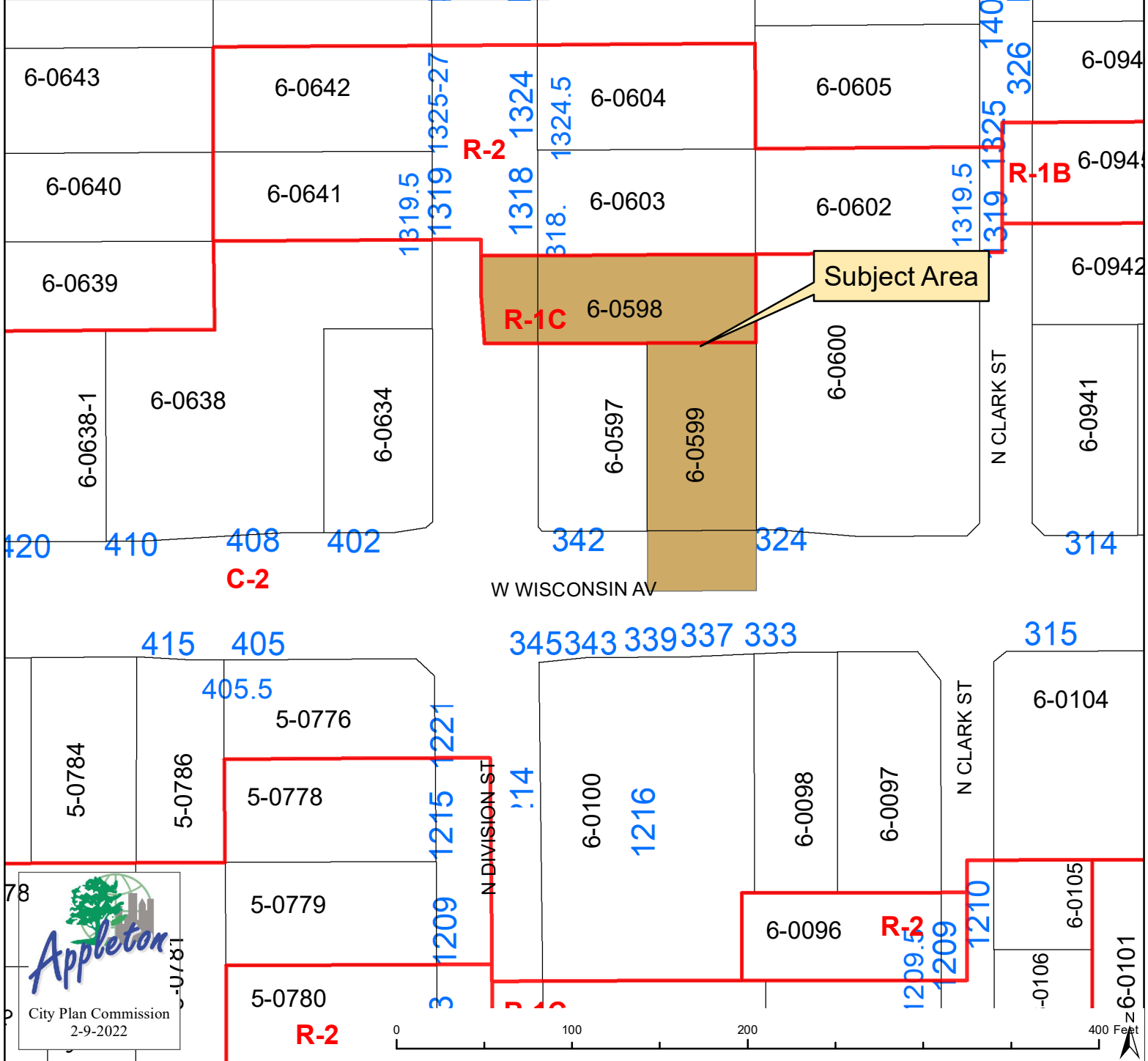
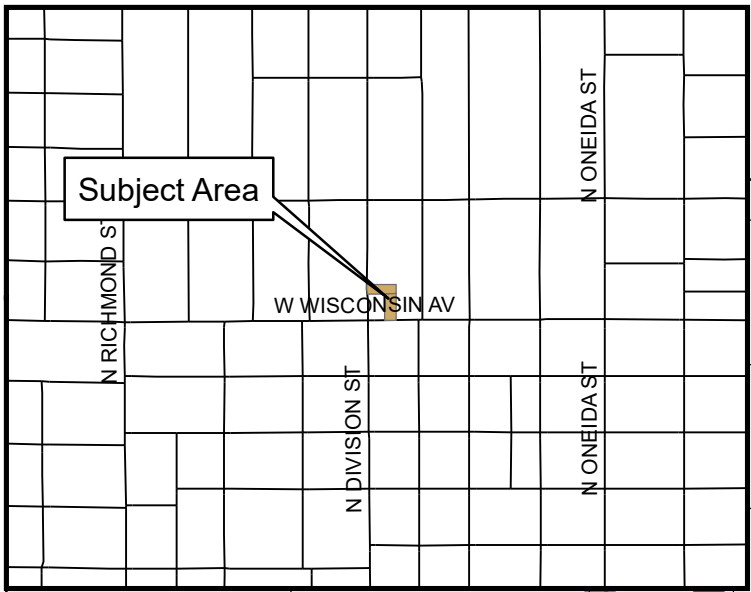
RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-22 for the property located at 1312 N. Division Street (Tax Id #31-6-0598-00) from One and Two-Family Residential designation to Mixed Use 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 #1-22 to rezone the subject parcels located at 1312 N. Division Street (Parcel #31-6-0598-00) and 336 W. Wisconsin Avenue (Parcel #31-6-0599-00) from C-2 General Commercial District and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District, including to the centerline of the adjacent North Division Street and West Wisconsin Avenue right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #1-22 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-22 to accurately reflect the change in future land use from One and Two-Family Residential designation to Mixed Use designation.

Maritime Bar Expansion
Rezoning
R-1C Central City Residential District and
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District



Maritime Bar Expansion
Rezoning

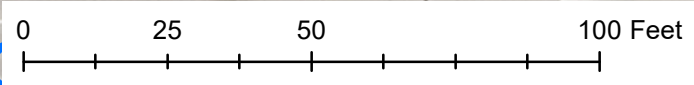
R-1C Central City Residential District and C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Aerial Map



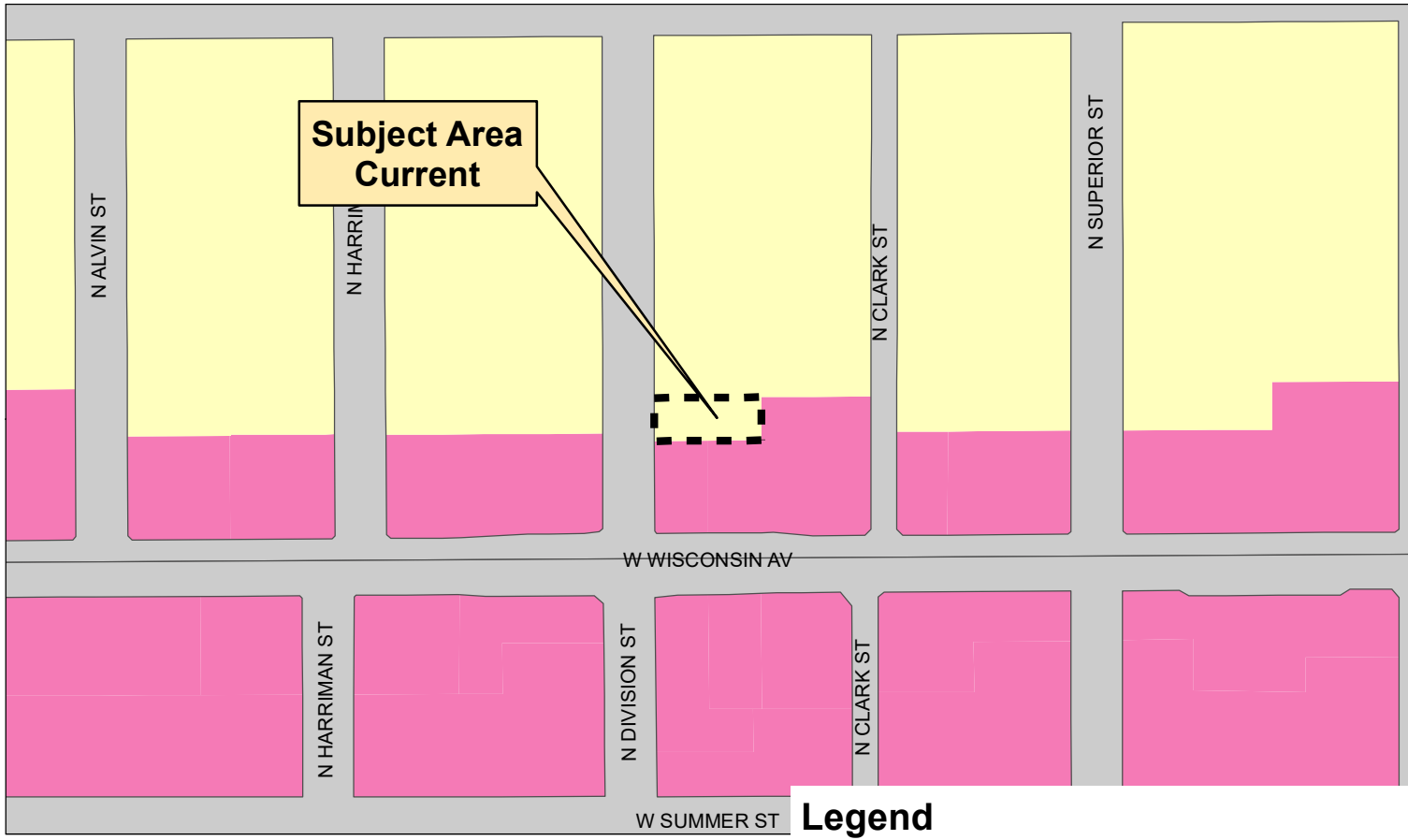
N DIVISION ST

Subject Area

W WISCONSIN AV

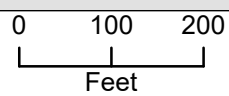
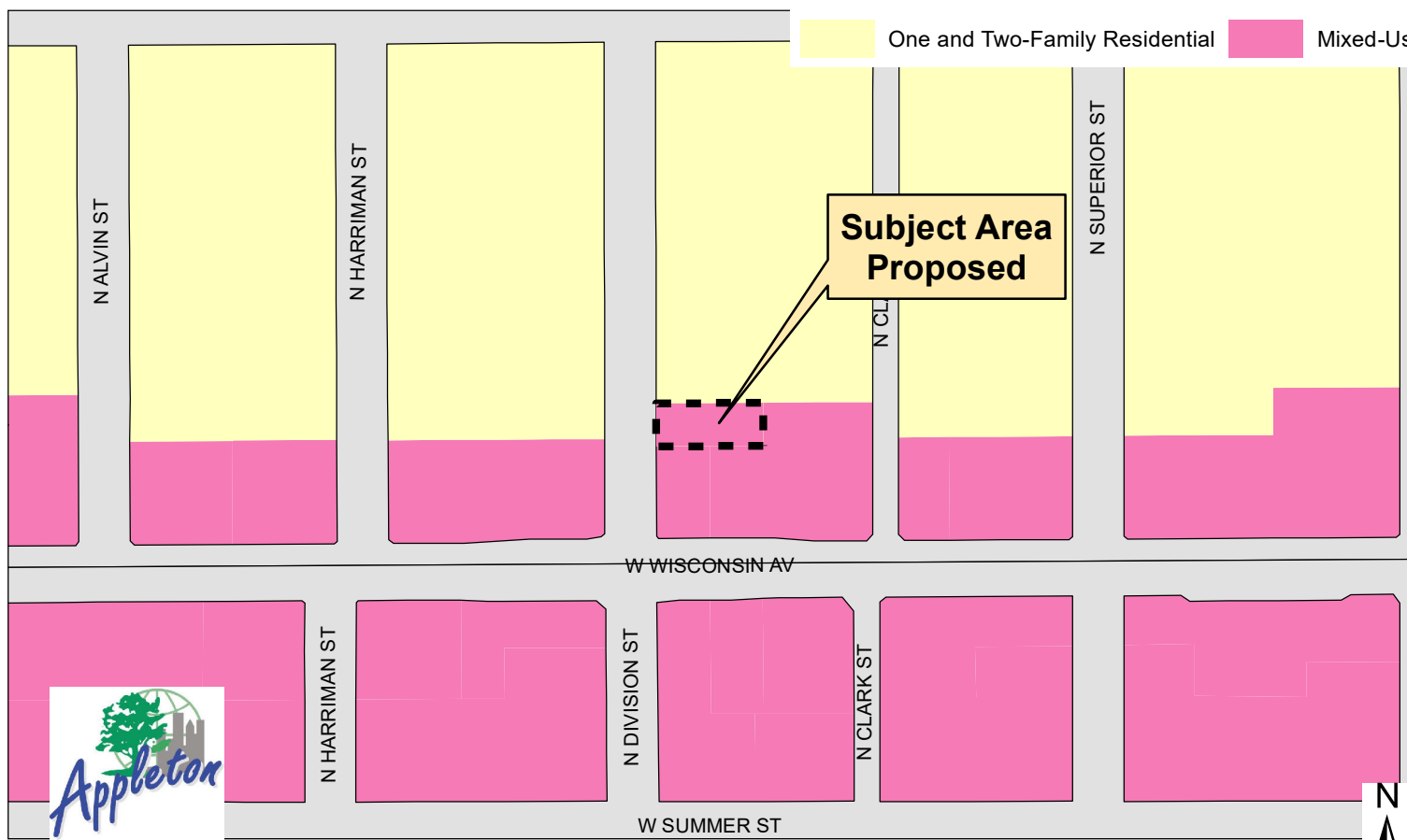


Maritime Bar Expansion
 Future Land Use Map Amendment
 One and Two Family Residential to Mixed Use



Legend

- One and Two-Family Residential
- Mixed-Use



**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 February 9, 2022, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-22) 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 February 9, 2022; 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 (Parcel #31-6-0598-00) on the Future Land Use Map from One and Two-Family Residential Use to Mixed 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 _____, 2022.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PARCEL #6-0599:

PART OF LOT 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 37.02 FEET TO THE NORTH RIGHT OF WAY OF WEST WISCONSIN AVENUE AND THE POINT OF BEGINNING; THENCE S89°40'40"W, 62.20 FEET ALONG SAID RIGHT OF WAY; THENCE N00°02'15"W, 106.95 FEET ALONG THE WEST LINE OF LOT 2 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 62.07 FEET TO THE EAST LINE OF SAID LOT 2; THENCE S00°06'37"E, 106.94 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF WEST WISCONSIN AVENUE.

PARCEL CONTAINS 6,645 SQUARE FEET / 0.15 ACRES, MORE OR LESS.

PARCEL #6-0598:

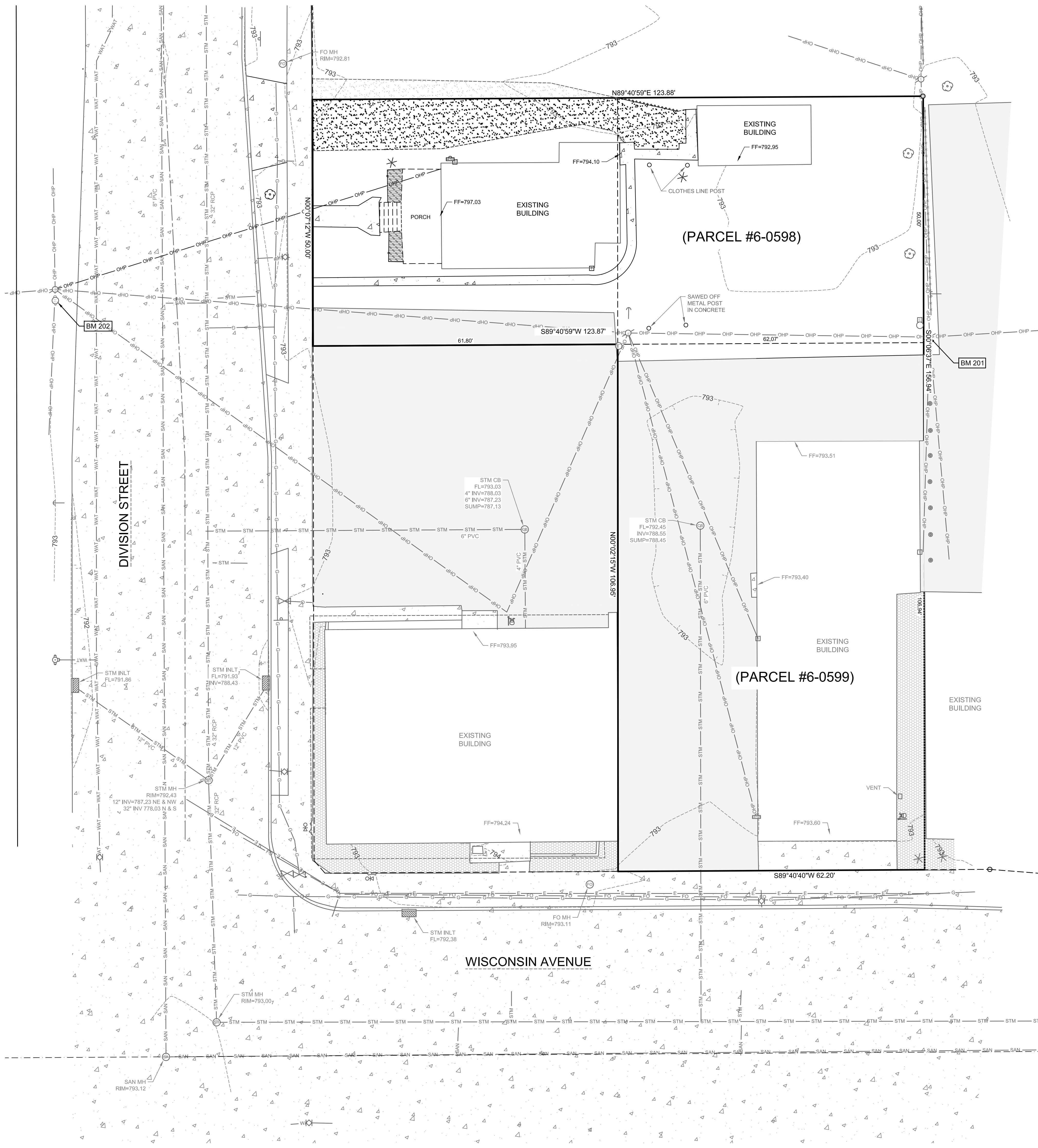
PART OF LOTS 1 AND 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23, T21N-R17E; THENCE S89°38'52"W, 1147.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE N00°06'37"W, 143.96 FEET TO THE POINT OF BEGINNING; THENCE S89°40'59"W, 123.87 FEET TO THE EAST RIGHT OF WAY OF NORTH DIVISION STREET; THENCE N00°07'12"W, 50.00 FEET ALONG SAID RIGHT OF WAY TO THE NORTH LINE OF LOT 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON; THENCE N89°40'59"E, 123.88 FEET ALONG NORTH LINE OF LOTS 1 AND 2 OF SAID PLAT; THENCE S00°06'37"E, 50.00 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF NORTH DIVISION STREET.

PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

EXISTING CONDITIONS

Benchmarks		
Label	Elevation	Description
BM 201	794.25	NAIL IN POWER POLE
BM 202	793.94	NAIL IN POWER POLE



LEGAL DESCRIPTION (PARCEL #6-0598)

PART OF LOT 2, BLOCK 1 OF THE PLAT OF HARRIMAN AND PARKHURST'S ADDITION TO APPLETON, SAID PLAT LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, T21N-R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 6,645 SQUARE FEET / 0.15 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (PARCEL #6-0599)

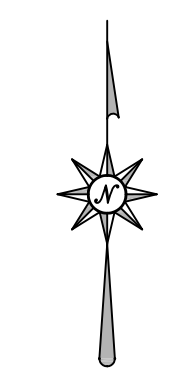
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PARCEL CONTAINS 6,194 SQUARE FEET / 0.14 ACRES, MORE OR LESS.

PROPOSED PARKING LOT EXPANSION FOR,
MARITIME TAVERN
APPLETON, WISCONSIN

CR STRUCTURES
Group, Inc.
 Shifting Construction Industry Paradigms
 327 RANDOLPH DRIVE - SUITE A
 APPLETON, WI 54913
 TELE: 920-733-7305

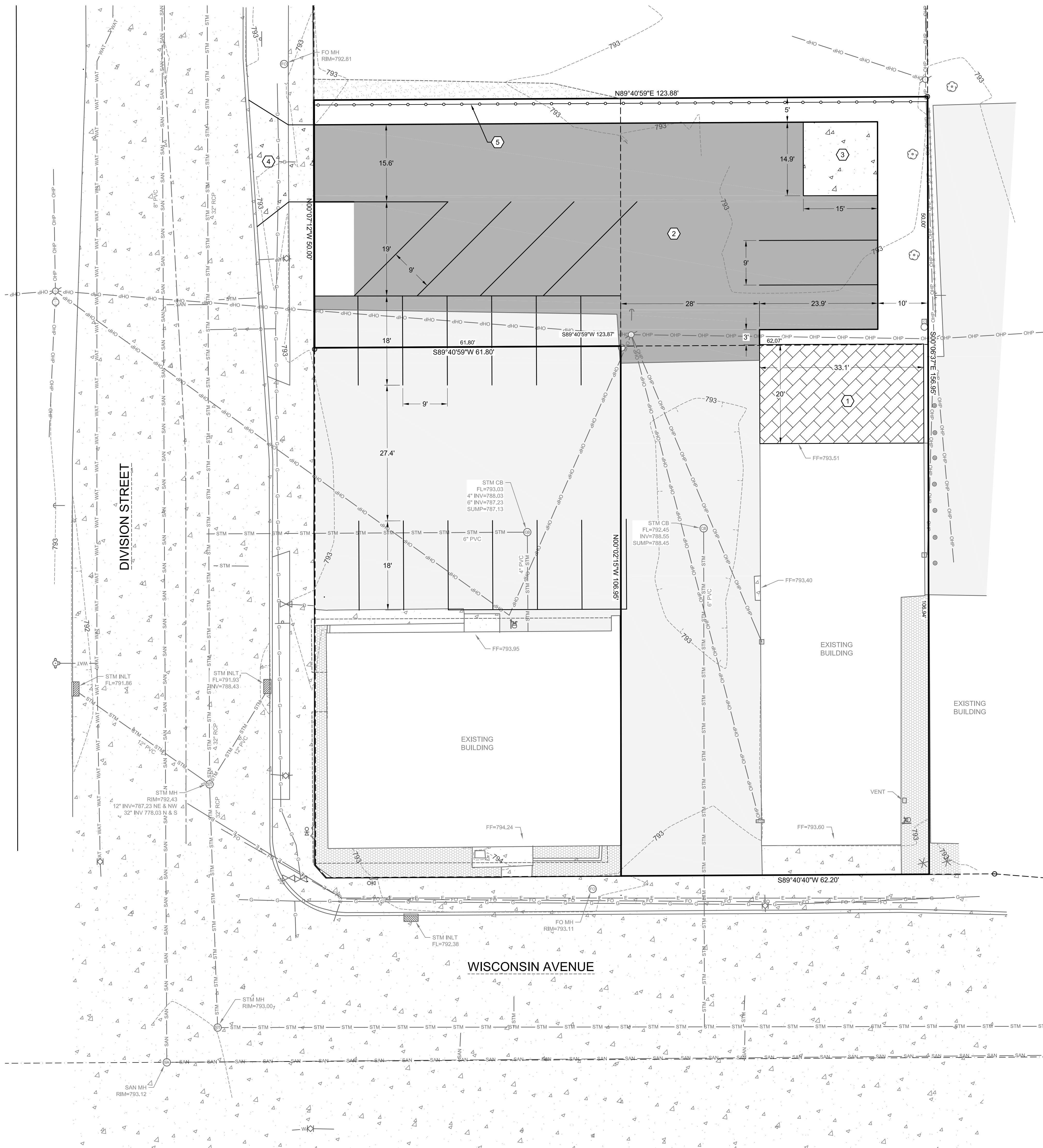


2260 Salscheider Court Green Bay, WI 54313
 PH: 920-569-5765; Fax: 920-569-5767
 www.mach-iv.com
 Project Number: 1892-01-21

DATE: 01/08/2022
 ARCH: J. EHRFURTH
 D. BY: RPH
 JOB: 20-180
 REV:

C1

PROPOSED CONDITIONS

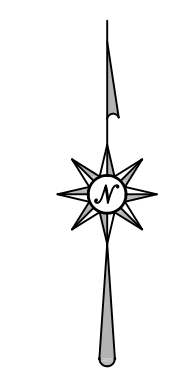


SHEET KEY NOTES:

- ① PATIO PAVERS
- ② ASPHALT PAVEMENT
- ③ DUMPSTER PAD AND ENCLOSURE
- ④ RELOCATED DRIVEWAY APRON
- ⑤ BOARD ON BOARD FENCE

PROPOSED PARKING LOT EXPANSION FOR,
MARITIME TAVERN
APPLETON, WISCONSIN

CR STRUCTURES
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 Shifting Construction Industry Paradigms
 327 RANDOLPH DRIVE - SUITE A
 APPLETON, WI 54913
 TELE: 920-733-7305



MACH IV
 ENGINEERING • SURVEYING • ENVIRONMENTAL

2260 Salscheider Court Green Bay, WI 54313
 PH: 920-569-5765; Fax: 920-569-5767
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C2