



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: December 12, 2017

Common Council Public Hearing Meeting Date: January 3, 2018 (Public Hearing on Rezoning)

Item: Rezoning #8-17 – Creekside Estates

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Pat Hietpas, Emerald Valley Estates, LLC – Owner
Jason Mroz, Apple Tree Appleton Four, LLC - Applicant

Address/Parcel #: Cherryvale Avenue / 31-1-7509-03 and part of 31-1-7512-73

Petitioner's Request: The applicant is requesting a zoning change from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District to facilitate the construction of the Creekside Estates 13-lot single-family subdivision.

BACKGROUND

The subject property was annexed to the City in 1997 as part of the Northeast Annexation, and a zoning classification of R-1A Single-Family District was assigned at that time. Parcel 31-1-7512-73 was rezoned from R-1A Single-Family District to R-2 Two-Family District in 2002. Only a small portion of this overall parcel is included with this project/rezoning.

In 2002, a preliminary plat for Applecreek Estates was approved and the final plat for the First Addition to Applecreek Estates was approved in 2004. The subject parcels were part of this plat. The main parcel (31-1-7509-03) was identified as future park land. Based on past actions, it was determined that the City would not accept dedication of this land as park land. The applicant is working with the City Attorney's Office to formally resolve this issue.

STAFF ANALYSIS

Proposed Zoning Classification: The purpose of the R-1B Single-Family Residential District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium-sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Existing Conditions: The area to be rezoned is currently undeveloped and zoned R-1A Single-Family District and R-2 Two-Family District.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 – R-1B Single-Family Residential District) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*
- Minimum lot width: Fifty (50) feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*

Surrounding zoning and land uses:

North: NC Nature Conservancy District – Apple Creek drainage corridor and recreational trail

South: R-3 Multi-Family District – undeveloped land

East: R-2 Two-Family Residential District – undeveloped land

West: NC Nature Conservancy District – Apple Creek drainage corridor and recreational trail

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses. The proposed R-1B Single-Family 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.

Goal 3 – Housing Quality and Affordability: Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.1 Housing and Neighborhoods: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

OBJECTIVE 5.3 Housing and Neighborhoods: Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

OBJECTIVE 7.1 Utilities and Community Facilities: Provide a pattern of development that minimizes impacts to municipal services and utilities.

OBJECTIVE 10.1 Land Use:

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

Policy 10.4.1 Land Use: Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

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.

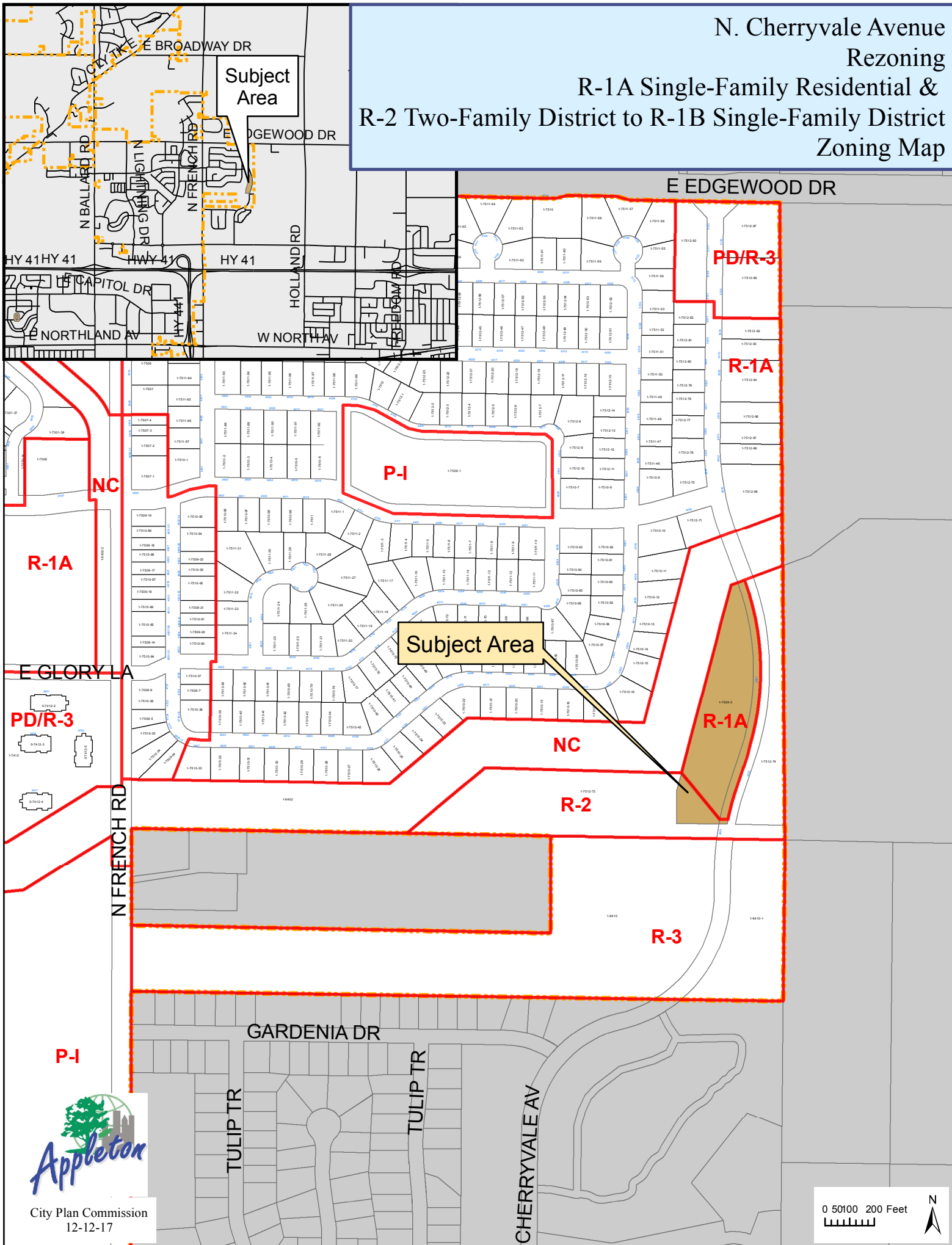
- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive 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.*
 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. *Single-family uses are already present to the north and west of the subject site. The rezoning request is being made to accommodate the Creekside Estates residential subdivision which will provide 13 single-family lots. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Technical Review Group Report (TRG): This item was discussed at the November 21, 2017 Technical Review Group meeting. 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 #8-17 to rezone the subject property from R-1A Single-Family District and R-2 Two-Family District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

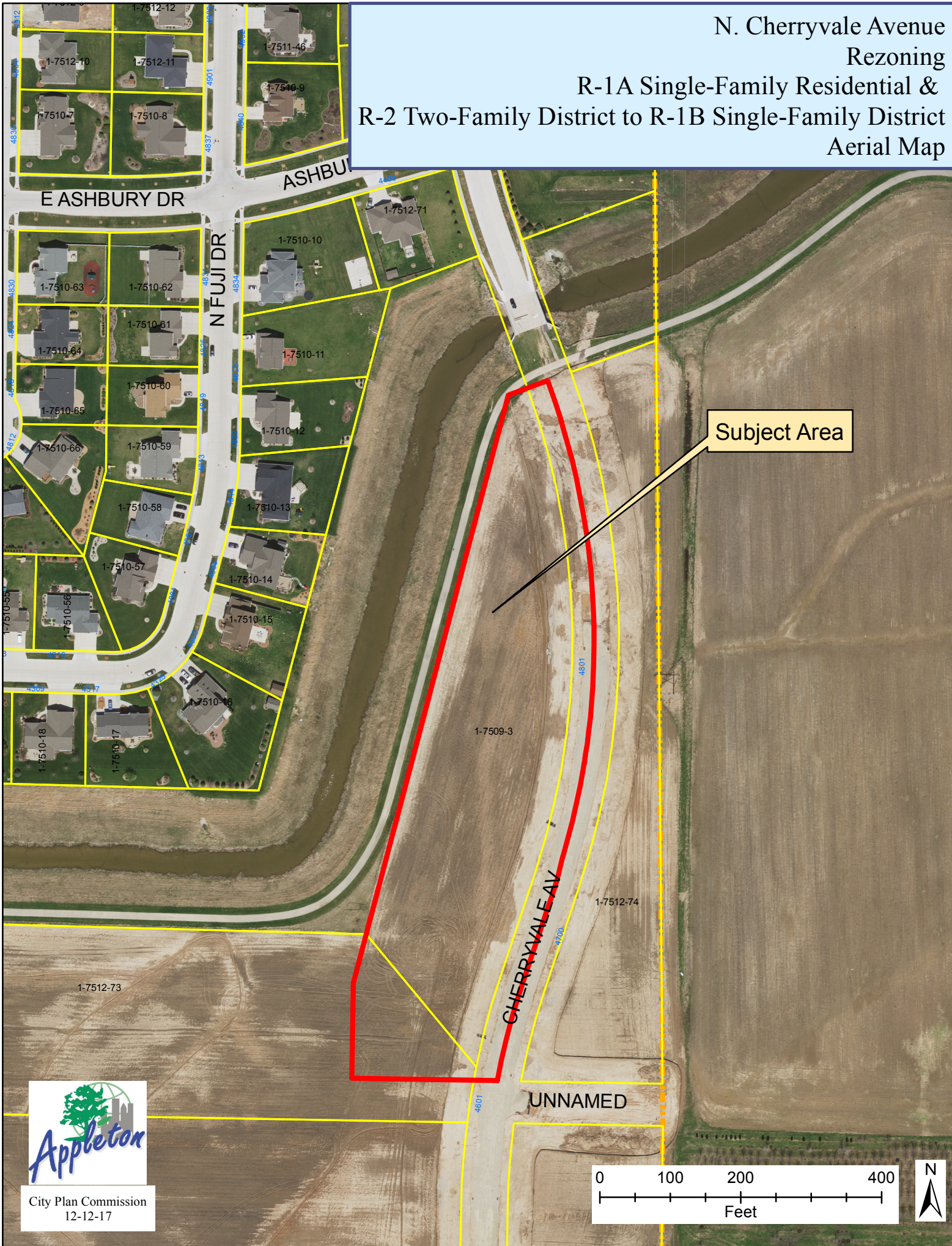
N. Cherryvale Avenue Rezoning R-1A Single-Family Residential & R-2 Two-Family District to R-1B Single-Family District Zoning Map



City Plan Commission
12-12-17



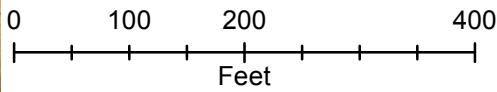
N. Cherryvale Avenue
Rezoning
R-1A Single-Family Residential &
R-2 Two-Family District to R-1B Single-Family District
Aerial Map



Subject Area



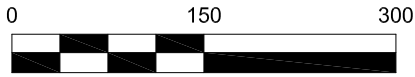
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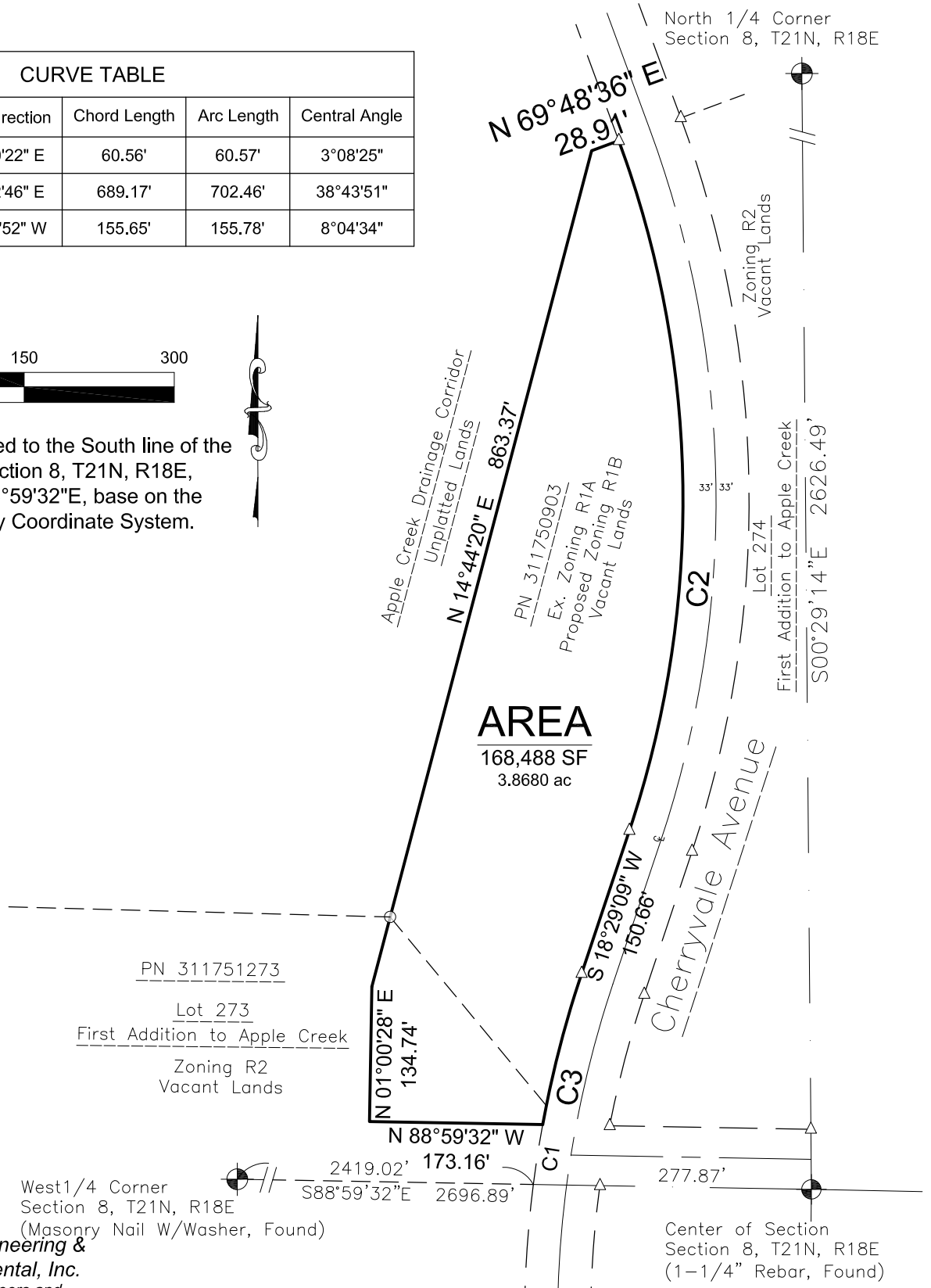
Rezoning Exhibit

Part of Lot 273 and all of lands designated "Lands to be Dedicated the City for Park", all being part of First Addition to Apple Creek Estates, located in the Southeast 1/4 of the Northwest 1/4 Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin.

CURVE TABLE					
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	1105.18'	N 08°50'22" E	60.56'	60.57'	3°08'25"
C2	1039.18'	S 00°52'46" E	689.17'	702.46'	38°43'51"
C3	1105.18'	S 14°26'52" W	155.65'	155.78'	8°04'34"



Bearings are referenced to the South line of the Northwest 1/4, Section 8, T21N, R18E, Referenced as S88°59'32"E, base on the Outagamie County Coordinate System.



Davel Engineering & Environmental, Inc.

Civil Engineers and
Land Surveyors
1811 Racine Street
Menasha, Wisconsin
Ph. 920-991-1866, Fax 920-830-9595

File: 5220Rezoning.dwg
Date: 11/15/2017
Drafted By: jim
Sheet: Exhibit

Rezoning Description

Part of Lot 273 and all of lands designated "Lands to be Dedicated the City for Park", all being part of First Addition to Apple Creek Estates, located in the Southeast 1/4 of the Northwest 1/4 Section 08, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 168,488 Square Feet (3.8680 Acres) of land described as follows:

Commencing at the West 1/4 corner of Section 08; thence along the South line of the Northwest 1/4 of said Section 08, S88°59'32"E 2419.02 feet to the West right of way line of Cherryvale Ave; thence, along said West right of way line, 60.57 feet along the arc of a curve to the right with a radius of 1105.18 feet and a chord of 60.56 feet which bears N08°50'22"E to the point of beginning; thence N88°59'32"W, 173.16 feet; thence N01°00'28"E, 134.74 feet; thence N14°44'20"E, 863.37 feet; thence N69°48'36"E 28.91 feet to a point on said West right of way line; thence, along said West right of way line, 702.64 feet along the arc of a curve to the right with a radius of 1039.18 feet and a chord of 689.17 feet which bears S00°52'46"E; thence, continuing along said West right of way line, S18°29'09"W, 150.66 feet; thence, continuing along said West right of way line, 155.78 feet along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 155.65 feet which bears S14°26'52"W to the point of beginning and including to the centerline of the adjacent right-of-way line of Cherryvale Avenue, subject to all easements, and restrictions of record.