



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: October 9, 2018

Common Council Public Hearing Meeting Date: November 7, 2018

Item: Rezoning #10-18 - West Water Street

Case Manager: Don Harp

GENERAL INFORMATION

Owner: Atlas Mill, LLC c/o Randy Stadtmueller

Applicant: Martenson & Eisele, Inc. c/o Gary Zahringer

Address/Parcel#: West Water Street (Tax Id #31-3-1482-00)

Petitioner's Request: The applicant proposes to rezone the subject parcel from M-2 General Industrial District to C-2 General Commercial District. The request is being made to combine the subject parcel with adjacent property currently zoned C-2 General Commercial District.

BACKGROUND

A Certified Survey Map (CSM) was submitted in conjunction with the rezoning request to combine the subject parcel and adjacent parcel (#31-3-1481-00). 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, combining the parcels, which are currently in different zoning districts, also necessitates a rezoning.

STAFF ANALYSIS

Existing Site Conditions: The subject parcel is approximately 15,246 square feet in size and is located east of the Atlas Mill building and between the Fox River and railroad tracks. Currently, the parcel consists of outdoor exhibits describing the paper making process, open space and walking paths.

Surrounding Zoning Classification and Land Uses:

North: M-2 General Industrial District. The adjacent land uses to the north are currently Ellen Kort Peace Park and CN Railroad.

South: M-2 General Industrial District. The adjacent land use to the south is the Fox River.

East: M-2 General Industrial District. The adjacent land uses to the east are currently Ellen Kort Peace Park and CN Railroad.

West: C-2 General Commercial District. The adjacent land uses to the west are currently offices, restaurant and the Paper Discovery Center (this site is under same ownership as subject property).

Rezoning #10-18 – W. Water Street
October 9, 2018
Page 2

Proposed Zoning Classification: The purpose of the C-2 District is intended to provide for businesses that serve city and regional markets, provide goods and services to other businesses as well as consumers, provide services to automobiles and serve the traveling public.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the desire to combine lots (via CSM) prompted the applicant to submit the rezoning request. Based on initial CSM review, the proposed lot combination would meet applicable lot area and lot width development standards for the C-2 District. No development projects are proposed at this time.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future mixed uses and public parks and open space. The proposed C-2 General Commercial rezoning and current use of the subject site (outdoor exhibits describing the paper making process, open space and walking paths) are 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 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 10.1 Land Use:

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

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.

- 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:

Rezoning #10-18 – W. Water Street
October 9, 2018
Page 3

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 mixed uses and public parks and open space.*
 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. *The rezoning request is being made to accommodate a lot combination with the adjacent parcel. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

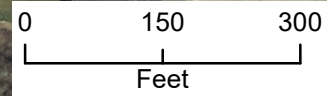
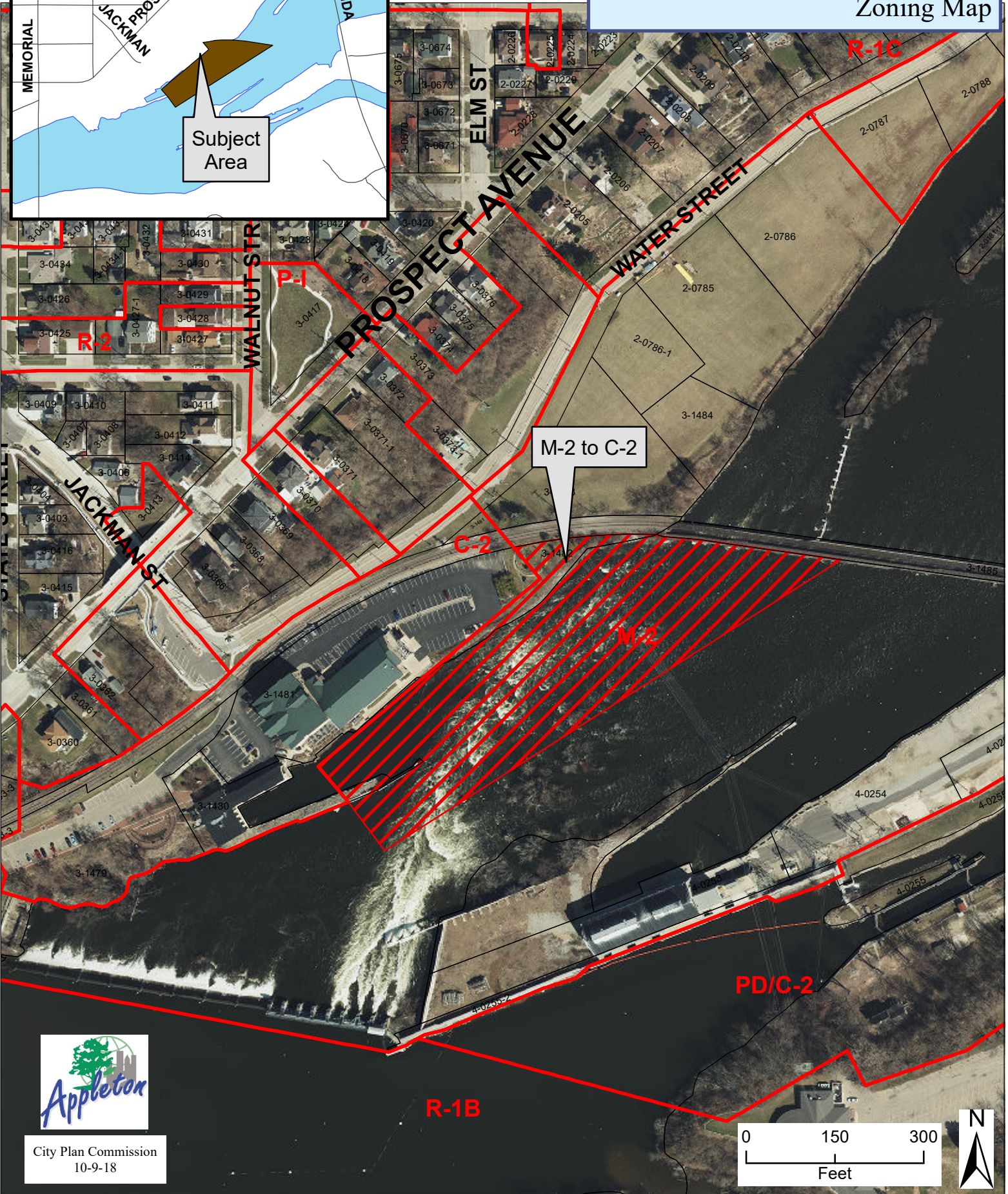
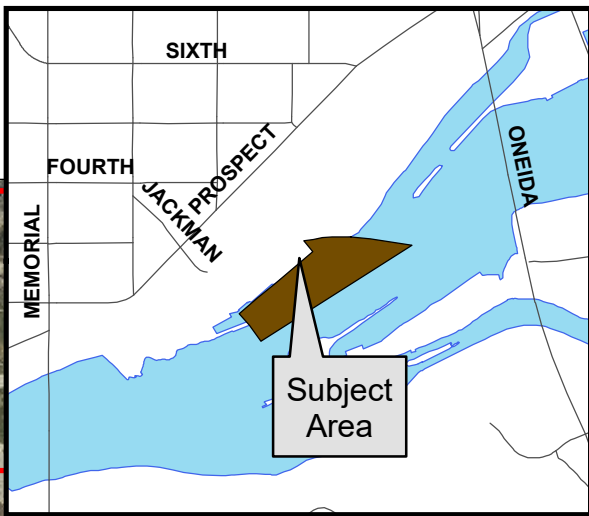
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item was discussed at the September 18, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

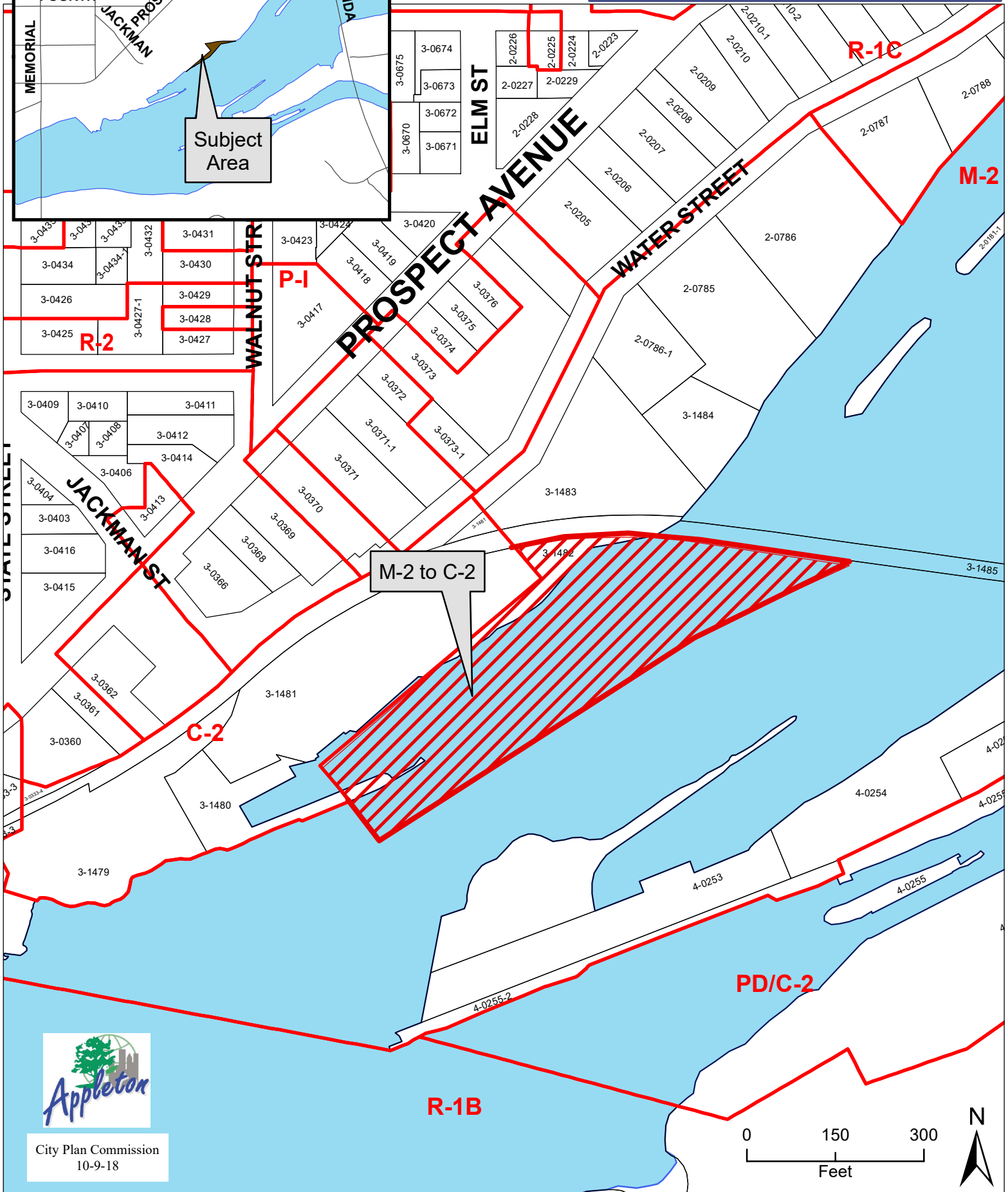
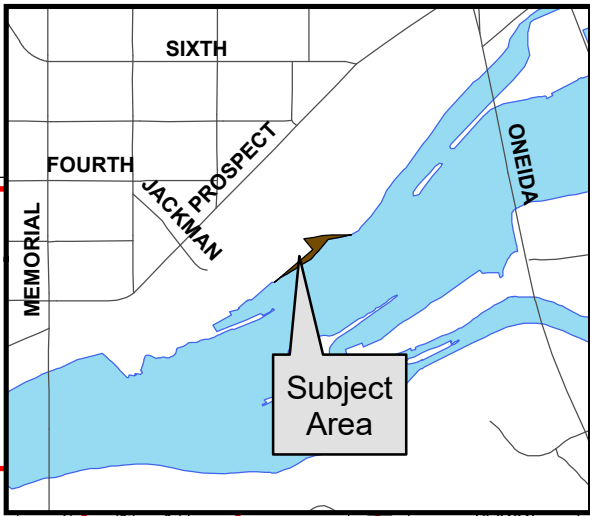
RECOMMENDATION

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 #10-18 to rezone the subject parcel (Tax Id #31-3-1482-00) from M-2 General Industrial District to C-2 General Commercial District, including the adjacent Fox River as shown on the attached maps, **BE APPROVED**.

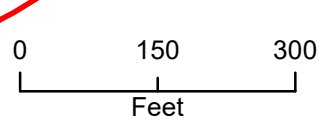
Rezoning 425 W Water Street
M-2 General Industrial District
to C-2 General Commercial District
Zoning Map



Rezoning 425 W Water Street
 M-2 General Industrial District
 to C-2 General Commercial District



City Plan Commission
 10-9-18



REZONING REFERENCE MAP

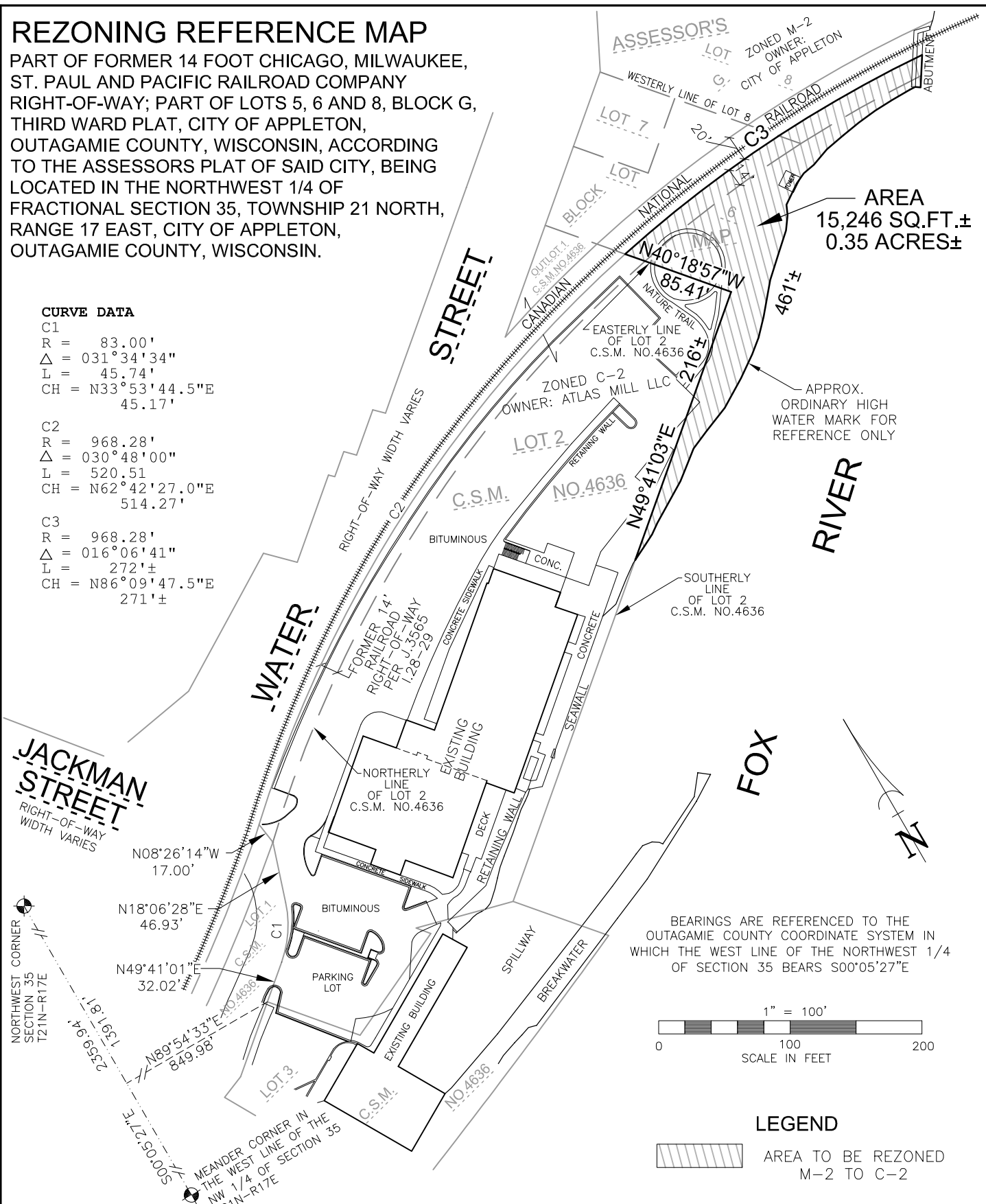
PART OF FORMER 14 FOOT CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY RIGHT-OF-WAY; PART OF LOTS 5, 6 AND 8, BLOCK G, THIRD WARD PLAT, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE ASSESSORS PLAT OF SAID CITY, BEING LOCATED IN THE NORTHWEST 1/4 OF FRACTIONAL SECTION 35, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

CURVE DATA

C1
 R = 83.00'
 $\Delta = 031^{\circ}34'34''$
 L = 45.74'
 CH = $N33^{\circ}53'44.5''E$
 45.17'

C2
 R = 968.28'
 $\Delta = 030^{\circ}48'00''$
 L = 520.51'
 CH = $N62^{\circ}42'27.0''E$
 514.27'

C3
 R = 968.28'
 $\Delta = 016^{\circ}06'41''$
 L = 272'±
 CH = $N86^{\circ}09'47.5''E$
 271'±

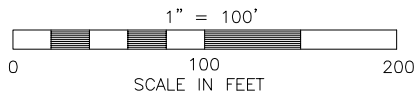


AREA
 15,246 SQ.FT.±
 0.35 ACRES±

APPROX.
 ORDINARY HIGH
 WATER MARK FOR
 REFERENCE ONLY

SOUTHERLY
 LINE
 OF LOT 2
 C.S.M. NO.4636

BEARINGS ARE REFERENCED TO THE
 OUTAGAMIE COUNTY COORDINATE SYSTEM IN
 WHICH THE WEST LINE OF THE NORTHWEST 1/4
 OF SECTION 35 BEARS $S00^{\circ}05'27''E$



LEGEND

AREA TO BE REZONED
 M-2 TO C-2

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 info@martenson-eisele.com
 920.731.0381 1.800.236.0381

Planning
 Environmental
 Surveying
 Engineering
 Architecture

PROJECT NO. 1-1067-001
 FILE 1-1067-001rezone.dwg
 THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar