



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: December 13, 2023

Common Council Public Hearing Meeting Date: January 17, 2024

Items: Rezoning #9-23 – 605 E. Wisconsin Avenue

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant: Tom Klister, Fore Investment Group

Owner: Stephen Zei

Lot/Parcel: 605 E. Wisconsin Avenue & 1212 N. Union Street (Tax Id #31-1-0017-00, #31-1-0024-00 and #31-1-0025-00)

Petitioner's Request: The applicant is requesting to rezone the subject parcels from C-2 General Commercial District to C-1 Neighborhood Mixed Use District. The request is being made to accommodate potential redevelopment of the site for multi-family housing.

BACKGROUND

The subject site has been historically used for automobile sales and service. The subject area contains three parcels.

On February 21, 2001, the Common Council granted Special Use Permi #1-01 to Prestige Auto to expand and conform the automobile sales and display lot.

STAFF ANALYSIS

Existing Site Conditions: The subject site is currently operating as a trailer sales business. There is existing single-family home on one of the subject parcels (1212 N. Union Street, Parcel #31-1-0024-00). The subject area is approximately 27,977 square feet in size. The property has frontage along East Wisconsin Avenue (WI State HWY 96), North Union Street, and North Lawe Street. The City's Arterial/Collector Plan classifies East Wisconsin Avenue as an Arterial Street and North Union Street and North Lawe Street as a Local Street.

Nonconforming Use: The existing single-family home at 1212 N. Union Street is currently a legal nonconforming use. The proposed rezoning will not increase the degree of nonconformity; therefore, the legal, nonconforming use may be allowed to continue at this location pursuant to the applicable current requirements and subsequent amendments to Chapter 23 Zoning Ordinance. At the time of redevelopment, the applicant has expressed plans to remove the existing single-family residence, which will remove the legal, nonconforming use.

Surrounding Zoning Classification and Land Uses:

North: C-2 General Commercial District. The adjacent land use to the north is currently commercial (financial institution).

South: R-1B Single-Family Residential and R-1C Single-Family Residential. The adjacent land uses to the south are currently residential.

East: C-2 General Commercial District. The adjacent land use to the east is currently commercial (fast food restaurant).

West: C-2 General Commercial District. The adjacent land use to the west is currently multi-tenant commercial.

Comprehensive Plan 2010-2030 Goals and Objectives: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Mixed Use. The proposed rezoning is consistent with the following goals and objectives of the *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, Variety, 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: 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.

Policy 5.3.2 Identify preferred locations and encourage urban infill and redevelopment to meet the needs of retirees and Generation X and Millennial buyers or renters, such as redevelopment sites on the north side of downtown.

Chapter 10: Mixed Use Land Use Designation description

The mixed use district along Wisconsin Avenue, originally shown from Richmond Street to Meade Street, was extended to the western border of the City. This district is approximately one block deep on either side of the street. The Wisconsin Avenue Corridor Plan (Chapter 15 of the Comprehensive Plan) provides greater detail on the vision for this area. The City seeks to provide flexibility to respond to market conditions that may make it difficult to economically utilize or redevelop portions of this area for purely commercial uses. The mixed use designation will permit commercial and/or multifamily development to occur. Extending the designation to a full block deep will aid in carrying out the property assembly necessary to overcome limitations imposed by the relatively small parcel sizes found in the corridor.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

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.

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 allow for potential multi-family residential redevelopment. 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. The parcels along the Wisconsin Avenue Corridor, and adjacent to this property on the north, east and west sides, are also shown as Mixed Use designation on the Future Land Use Map.

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 rezoning request is in conformance with the future Mixed Use designation identified in 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 the subject parcel. A mix of commercial and residential uses surround 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.*

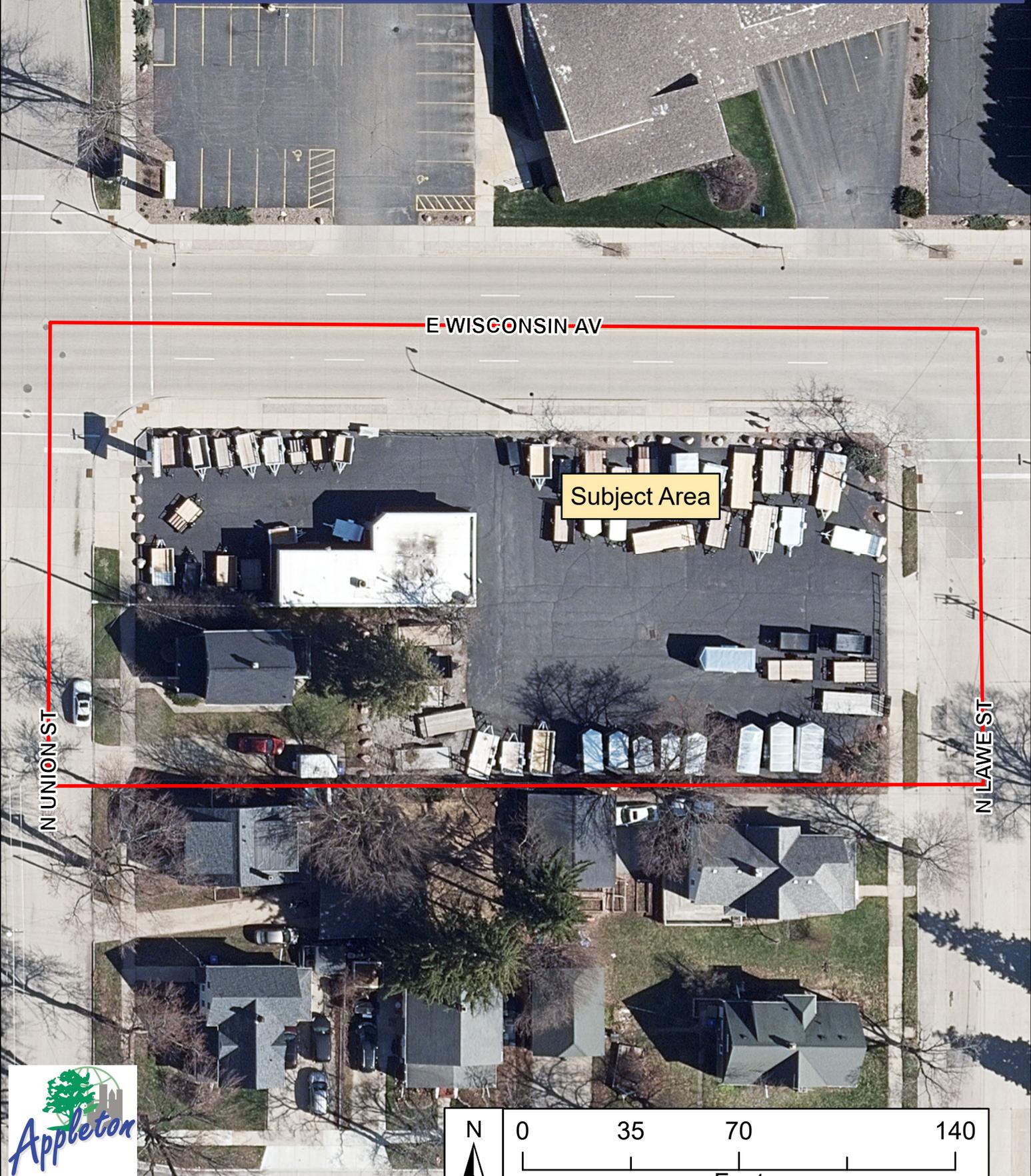
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: These items were discussed at the November 21, 2023 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 #9-23 to rezone the subject parcels located at 605 E. Wisconsin Avenue & 1212 N. Union Street (Tax Id #31-1-0017-00, #31-1-0024-00 and #31-1-0025-00) from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

Rezoning
C-2 General Commercial District to C-1 Neighborhood Mixed Use District
Aerial Map



Subject Area

E WISCONSIN AV

N UNION ST

N LAWE ST

ER ST



City Plan Commission
12-13-2023

