



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: September 13, 2023

Common Council Public Hearing Meeting Date: October 4, 2023

Item: Rezoning #6-23 – 303 East Fremont Street from PD/C-2 Planned Development Overlay #5-04/General Commercial District to R-1B Single-family District

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: St. Elizabeth Hospital, Inc. n/k/a Ascension NE Wisconsin, Inc.

Applicant: Andrew Harlos, Attorney, Office of General Counsel

Address/Parcel: 303 East Fremont Street (Tax Id #31-4-0670)

Petitioner's Request: The owner/applicant is requesting to remove the subject parcel from the hospital's Planned Development Overlay District #5-04 classification to sell the existing residence.

BACKGROUND

The building was originally constructed in 1926 per City Assessor records.

The zoning classification of the subject property in 1926 was Residential District. The residential district allowed single and two-family dwellings as permitted principal use.

In 1936, the detached garage was constructed on the subject site.

On April 13, 1948, Building Permit 129 was issued to allow for a 14 ft. x 20 ft. remodel of the residence.

The zoning classification of the subject property was "A" Single-family District with the adoption of the Zoning Ordinance and Zoning Map on January 3, 1951. The "A" Single-family District allowed single-family dwellings as permitted principal use.

The zoning classification of the subject property was R-1B Single-family District with the adoption of the Zoning Ordinance and Zoning Map on July 10, 1968. The R-1B Single-family District allowed single-family dwellings as permitted principal use.

The zoning classification of the subject property was changed from R-1B Single-family District to Planned Development Overlay Rezoning #5-04 on June 16, 2004. The recorded Implementation Plan Document #1904133 for Planned Development Overlay District #5-04 (PD #5-04) did not list two-family dwellings (upper/lower duplexes) as a permitted principal use or special use within PD #5-04.

STAFF ANALYSIS

Existing Site Conditions: Currently, the parcel is developed with an upper/lower duplex and a detached garage.

Existing Nonconforming Use: The property was zoned Residential District in 1926. Two family dwellings (upper/lower duplexes) were permitted uses in the Residential District per the Zoning Ordinance in effect at that time. In 1951, the City adopted a new zoning ordinance and zoning map. The property was zoned “A” Single-family District with the adoption of the 1951 zoning ordinance and zoning map. Duplex uses were not listed as a permitted use in the “A” Single-family District per the 1951 zoning ordinance. It appears the upper/lower duplex use became a legal nonconforming use in 1951. Based upon records found in the City Assessor’s office and Inspections Division, it appears the property owner continuously maintained the historically allowed nonconforming use “upper/lower duplex”. Therefore, the historically allowed nonconforming use (upper/lower duplex) may be allowed to continue at this location pursuant to the applicable current requirements and subsequent amendments to Chapter 23 Zoning.

Surrounding Zoning Classification and Land Uses:

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

South: PD/C-2 Planned Development Overlay #5-04/General Commercial District. The adjacent land use to the south is currently a surface parking lot.

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

West: PD/C-2 Planned Development Overlay #5-04/General Commercial District. The adjacent land use to the west is St. Elizabeth Hospital’s main campus.

Proposed Zoning Classification: The R-1B district is intended 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. The development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 50%.
- 3) **Minimum lot width:** 50 feet.
- 4) **Minimum front yard:** 20 feet.
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 6 feet.
- 7) **Maximum building height:** 35 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the owner/applicant requesting to remove the subject parcel from PD #5-04 classification with the intent to sell the upper/lower duplex located at 303 East Fremont Street. As a result, any future property would not be party to the provisions of PD #5-04.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Future Land Use Map identifies the subject site as future one and two family residential. 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 5.3.3 Plan for a supply of developable land suitable for residential development.

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.4 Land Use:

Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.

Policy 10.4.1 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.

College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study. The continued use of this historically allowed upper/lower duplex helps to meet the demand for housing in Appleton as specified in the market study.

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 Comprehensive Plan 2010-2030 goals and objectives stated above.*
 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. *The City of Appleton's College North Neighborhood Plan – Chapter 4: Market Study 2020-2030 indicates an average of 301 housing units is needed annually.*
 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.*
 2. The effect of the proposed rezoning on surrounding uses. *A variety of uses can be found in this area of the city, including place of worship, hospital and residential uses. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

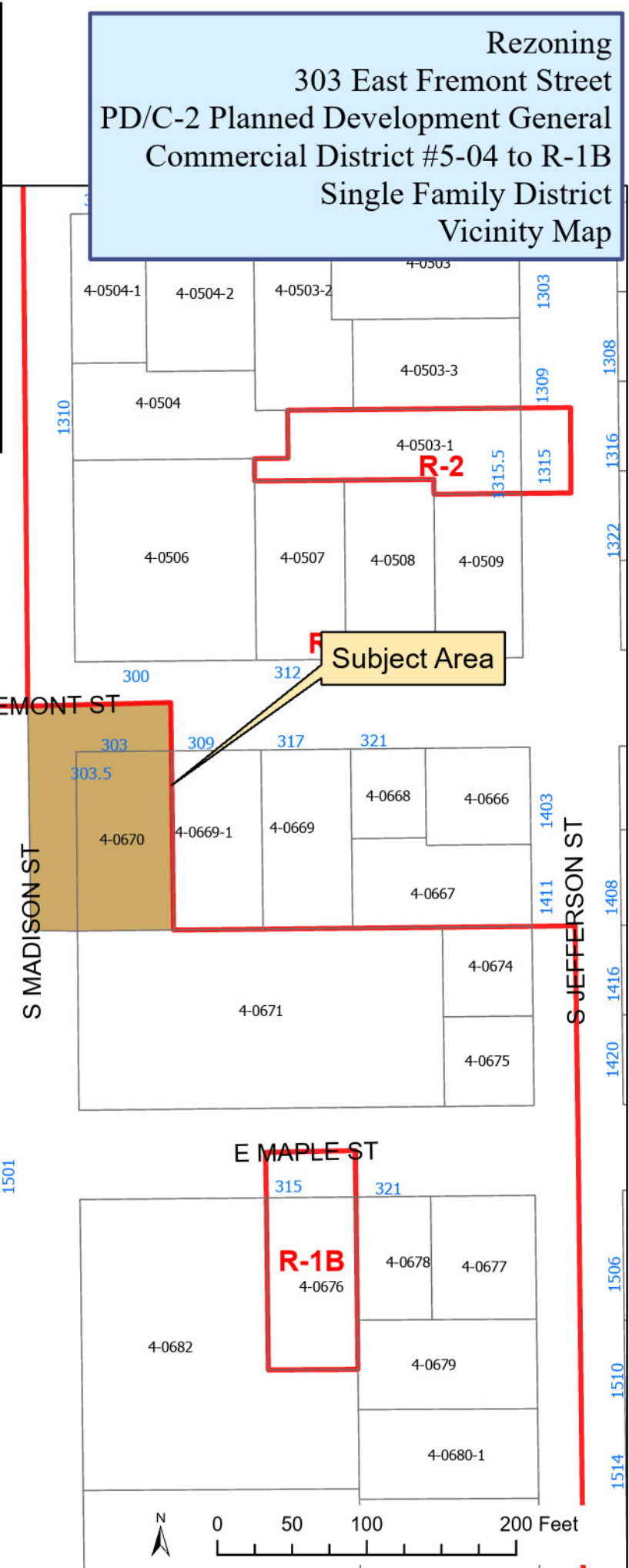
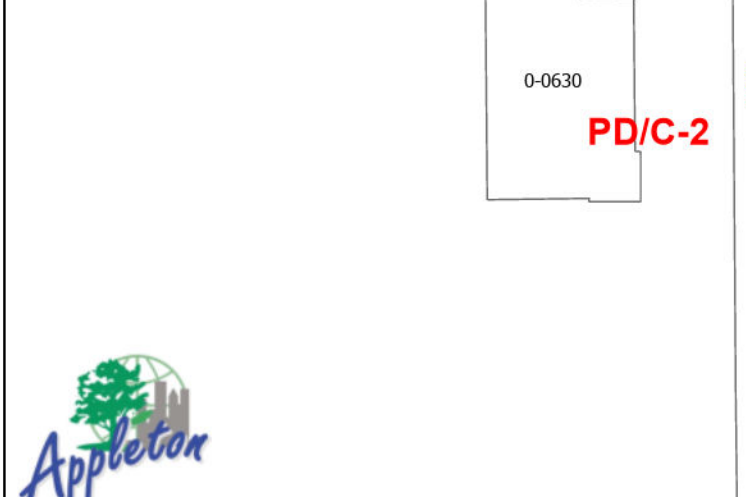
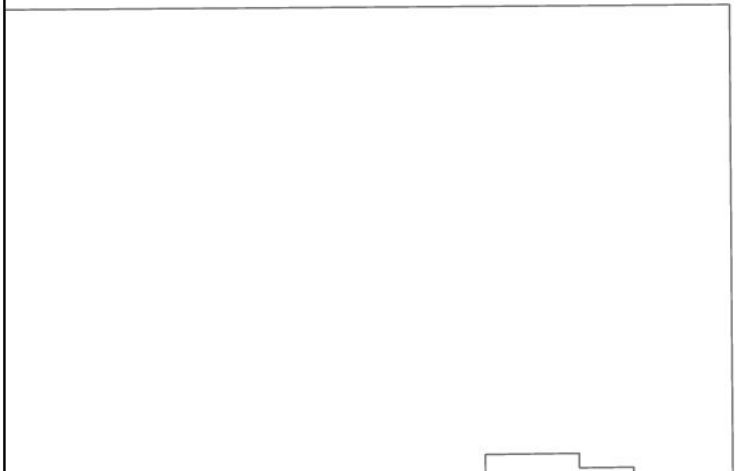
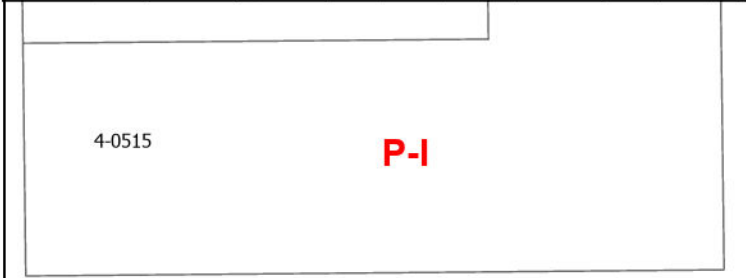
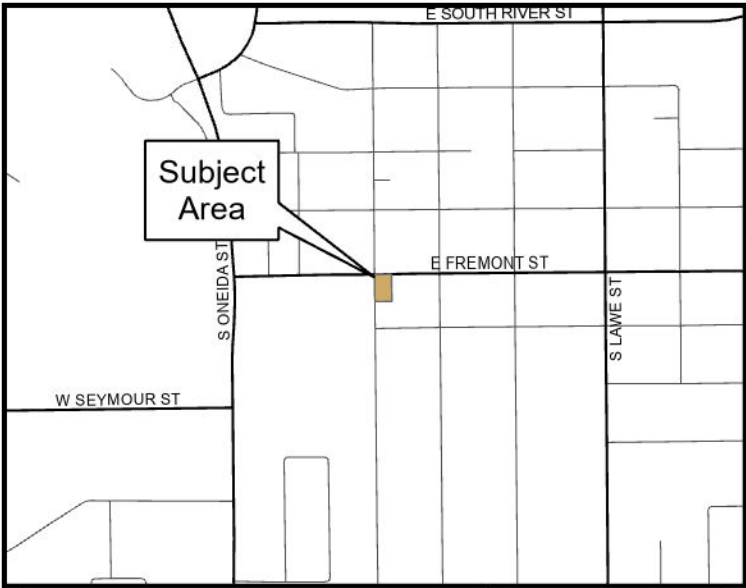
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item appeared on the August 22, 2023 TRG agenda. 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 #6-23 to rezone the subject parcel located at 303 East Fremont Street (Tax Id #31-4-0670-00) from PD/C-2 Planned Development Overlay #5-04 General Commercial District to R-1B Single-family District, including to the centerline of the adjacent right-of-way as shown on the attached map, **BE APPROVED**.

Rezoning
 303 East Fremont Street
 PD/C-2 Planned Development General
 Commercial District #5-04 to R-1B
 Single Family District
 Vicinity Map



E HARRISON ST

301

Rezoning
303 East Fremont Street
PD/C-2 Planned Development General
Commercial District #5-04 to R-1B
Single-family District
Aerial Map

4-0510

4-0504

PD/C-2 Planned Development General
Commercial District #5-04 to R-1B
Single-family District
Aerial Map

1310

4-0504

4-0503-1

1315.5

1315

4-0506

4-0507

4-0508

4-0509

222

300

Subject Area

326

E FREMONT ST

303

309

317

321

303.5

4-0668

4-0666

1403

4-0670

4-0669-1

4-0669

4-0667

1411

4-0674

4-0671

4-0675

S MADISON ST

S JEFFERSON ST

4-0630

1501

E MAPLE ST

315

321

4-0676

4-0678

4-0677

4-0682

4-0679

