



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: April 25, 2016

Common Council Public Hearing Meeting Date: May 18, 2016 (Public Hearing on Rezoning)

Item: Rezoning #3-16

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner: Kenneth Kurey and Kurey Brothers Partnership

Applicant: Martenson & Eisele, Inc.; c/o Michael Roubal

Address/Parcels #: Broadway Drive (#31-1-9310-11 and #31-1-9310-12)

Petitioner's Request: The applicant is requesting a Rezoning to change the Zoning Map from AG Agricultural District to R-1A Single-Family District for the subject properties. The request is being made to accommodate division of the property for the future construction of a single-family residence.

BACKGROUND

The overall site consists of three proposed lots: Lot 1 (4.0 acres) and Lot 2 (1.78 acres), which are the subject of the rezoning request. The remnant of 31-1-9310-11 will be Lot 3 (12.031 acres), which will remain zoned AG Agricultural District, and is not part of the rezoning request. This area was annexed from the Town of Center in 2006 (Kurey Annexation). The existing home on proposed Lot 2 was constructed while the subject parcel was in the Town of Center.

A three-lot Certified Survey Map (CSM) was submitted in conjunction with the rezoning request to create lots consistent with the proposed rezoning. CSMs are administratively reviewed and approved by City staff.

STAFF ANALYSIS

Existing Conditions: The subject area is currently developed with a single-family dwelling, accessory structures, and a gravel driveway.

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

Zoning Ordinance Review Criteria: Based on initial CSM review, the proposed lots meet the applicable development standards for the R-1A Single-Family District, per Section 23-92(g) of the Municipal Code.

Surrounding Zoning Classification and Land Uses:

North: AG Agricultural District – The adjacent land uses to the north are currently agricultural.

South: Town of Grand Chute – The adjacent land use to the south is Plamann Park.

East: AG Agricultural District – The adjacent land uses to the east are currently agricultural.

West: AG Agricultural District – The adjacent land uses to the west are currently agricultural.

General Information: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the desire to divide parcel #31-1-9310-11 into three lots in order to sell the subject property prompted the applicant to submit the rezoning request. A prospective buyer plans to build a residence on the property in the future, which will be accessed through an easement.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future one and two-family residential uses. The proposed R-1A 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.

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing styles that meet the needs and appeal to all segments of the community.

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 this 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 (1) 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, as the Future Land Use Map identifies this area for future one and two-family residential uses.*
 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 transportation network should be able to accommodate the proposed rezoning. The existing residence is not currently connected to City water, which is available in Broadway Drive. The property is not served by City sewer, which is not available at this time. The existing residence will not be required to connect to City services as this is an existing structure and no changes are proposed. The new dwelling shall connect to City water. It will take other development in the surrounding area to justify extending sanitary sewer to the subject site, and there is no specific timeline set. Therefore, obtaining septic permits from Outagamie County will be necessary for future residential use, until such time that City sanitary sewer becomes available.*
 2. The effect of the proposed rezoning on surrounding uses. *The rezoning should not immediately impact surrounding properties. The creation of single-family parcels of this size (4.0 acres) creates very low density residential development which could create inefficiencies in the delivery of city services to future developments in the immediate area.*

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

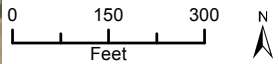
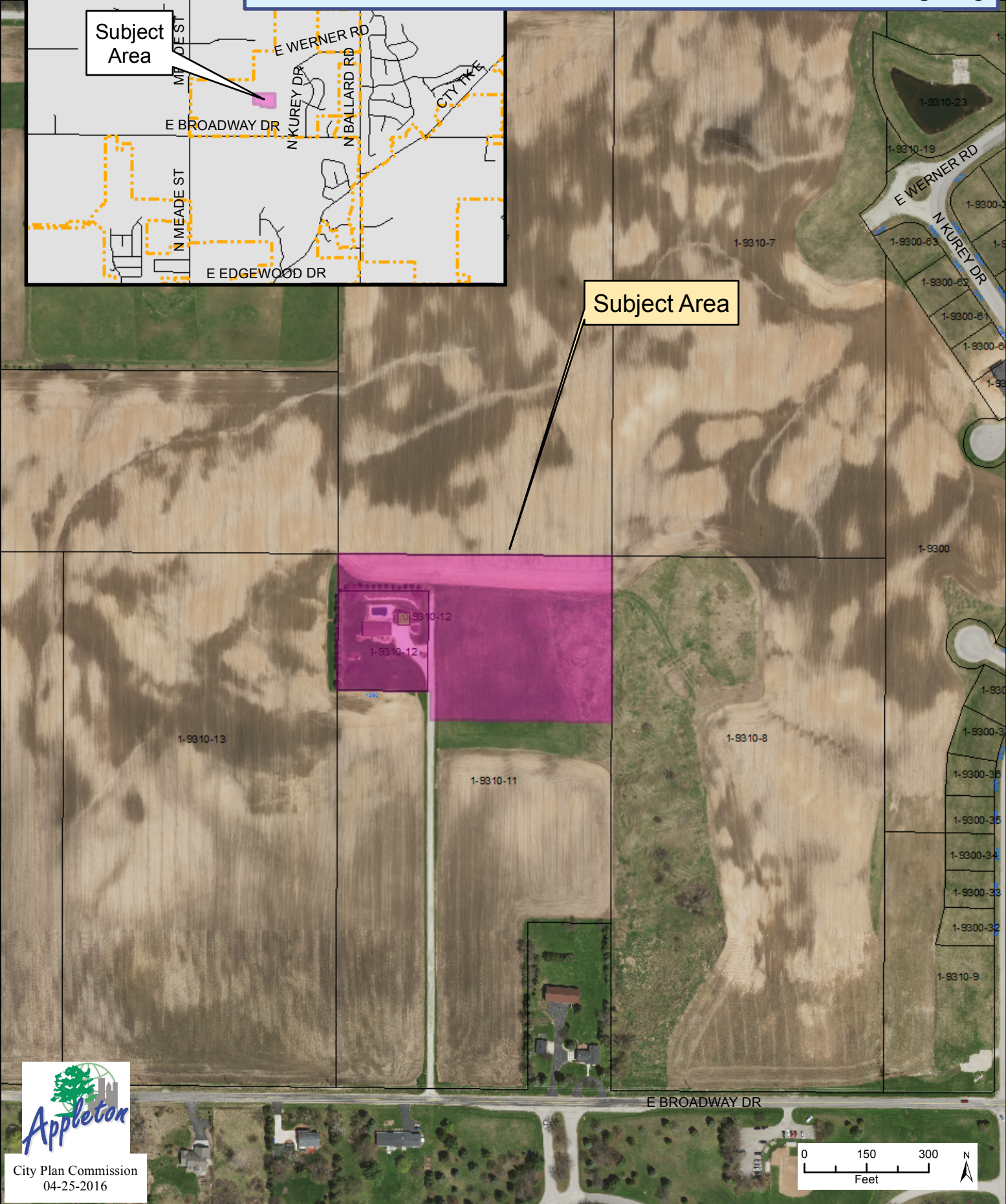
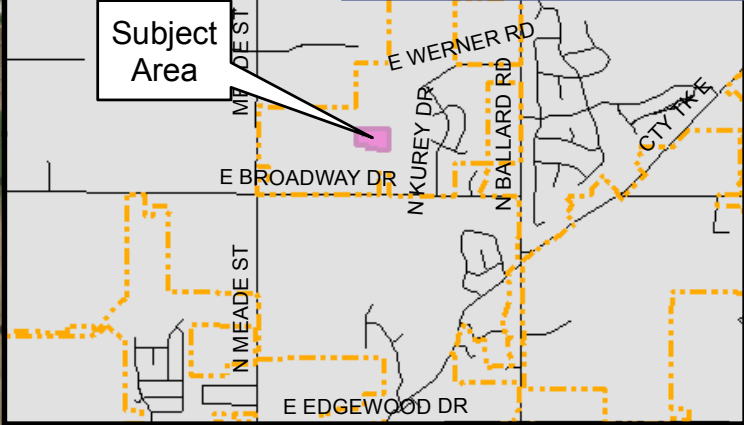
Technical Review Group (TRG) Report: This item was discussed at the April 5, 2016 Technical Review Group meetings.

- Department of Public Works Comments: City water is available on Broadway Drive, and the new residence shall connect to City water service. Obtaining septic permits from Outagamie County would be needed for a new residential use, until such time that City sewer becomes available.

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 #3-16 to rezone the subject site located on Broadway Drive (parcels #31-1-9310-11 and #31-1-9310-12) from AG Agricultural District to R-1A Single-Family District, as shown on the attached map, **BE APPROVED.**

East Broadway Drive Rezoning AG Agricultural District to R-1A Single-Family District Zoning Map



REZONING REFERENCE MAP

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

LOT 2
C.S.M.
NO. 6991
ZONED: AG

UNPLATTED LANDS
OWNER: KUREY RIDGE LLC
DOCUMENT NO. 1734711
ZONED: AG

CENTER CORNER
SECTION 36,
T22N-R17E

UNPLATTED LANDS
OWNER: KUREY RIDGE LLC
DOCUMENT NO. 1736537
ZONED: R-1B

NORTH LINE OF THE
SE 1/4 - SW1/4

S 89°31'24" E 662.58'

1321.85'

N 00°10'56" E 327.57'

5.708 ACRES
REZONE
AG TO R-1A

PROPOSED
LOT 1

PROPOSED
LOT 2

N 89°29'43" W
227.06'

S 00°11'50" W 400.00'

N 00°10'56" E
72.33'

N 89°31'24" W 435.42'

UNPLATTED LANDS
OWNER: RONALD KUREY, ET AL
DOCUMENT NO. 1188027
ZONED: AG

WEST LINE OF THE E 1/2-SE1/4-SW1/4

PROPOSED
LOT 3
ZONED: AG

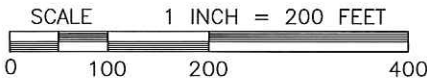
EAST LINE OF THE SW1/4

S 00°11'50" W 2643.70'

UNPLATTED LANDS
OWNER: KUREY RIDGE LLC
DOCUMENT NO. 1777464
ZONED: AG



BEARINGS ARE REFERENCED TO THE
OUTAGAMIE COUNTY COORDINATE SYSTEM
IN WHICH THE SOUTH LINE OF THE
SOUTHWEST 1/4 OF SECTION 36,
ASSUMED TO BEAR N 89°22'34" W



SOUTHWEST CORNER
SECTION 36,
T22N-R17E

UNPLATTED LANDS
OWNER: JAMES & ELEANORE WILZ
DOCUMENT NO. 592283
ZONED: AG

TOWN OF CENTER
CITY OF APPLETON

SOUTH 1/4 CORNER
SECTION 36,
T22N-R17E

CITY OF APPLETON
TOWN OF GRAND CHUTE N 89°22'34" W 2649.00'

BROADWAY DRIVE

Martenson & Eisele, Inc.

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Menasha, WI 54952
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920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

PROJECT NO. 1-0750-001
FILE 1-0750-001rezone.dwg
THIS INSTRUMENT WAS DRAFTED BY: LWL



REZONING LEGAL DESCRIPTION AG TO R-1A

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, SECTION 36,
TOWNSHIP 22 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN,
MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 36; THENCE NORTH 00 DEGREES 11 MINUTES 50 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 921.85 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 31 MINUTES 24 SECONDS WEST, A DISTANCE OF 435.42 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 56 SECONDS EAST, A DISTANCE OF 72.33 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 43 SECONDS WEST, A DISTANCE OF 227.06 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 56 SECONDS EAST, ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 327.57 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 24 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 662.58 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 50 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING. CONTAINING 248,575 SQUARE FEET [5.708 ACRES].

PROJECT NO. 1-0750-001
FILE Q:\1-0750-001DanImmel\Rezoning
MARCH, 10 2016, Revised April 15, 2016
L. LUCHT