



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: January 21, 2020

Common Council Public Hearing Meeting Date: March 4, 2020 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #3-19 and Rezoning #13-19

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Hung-Liang Chou – Doctors Properties, LLC

Address/Parcel #: E. Glenhurst Lane (Tax Id #31-1-6501-03 and 31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Multi-Family Residential designation to the One and Two-Family Residential designation for the subject area. In conjunction with this request, the applicant is also proposing to rezone the subject area from C-O Commercial Office District to R-1B Single-Family District. The requests are being made to accommodate anticipated single-family residential development.

BACKGROUND

The subject property was annexed to the City in 1990 as part of the AAL Annexation. The property was rezoned to C-O Commercial Office District in February 2001. The subject parcels (Lots 3 and 4) are part of the Apple Creek Center Plat that was approved by the Common Council on June 5, 2002.

During the 5-year update to the City's *Comprehensive Plan 2010-2030*, the Future Land Use Designation for the subject parcels was amended to the Multi-Family land use. On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The *Comprehensive Plan* document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

On March 20, 2019, the Common Council denied a request to rezone the subject parcels from C-O Commercial Office District to R-3 Multi-Family District.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: The subject parcels are currently undeveloped. Combined, the subject land area totals approximately 6.41 acres.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – PD-R-3 Northbrook Crossing Planned Development Multi-Family District #19-01
Future Land Use Designation – Multi-Family Residential
Current Land Use – Multi-family residential

South: Zoning – R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-family dwellings

East: Zoning – R-1B Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-family dwellings

West: Zoning – R-3 Multi-Family District
Future Land Use Designation – Multi-Family Residential
Current Land Use – Multi-family residential (Century Oaks Community Based Residential Facility).

Proposed Future Land Use Designation: Amendments to the *Comprehensive Plan* are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, future development plans for the subject land area are necessitating the change to the One and Two Family Residential designation. Area to the south and east is already shown as One and Two Family Residential designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the One and Two Family Residential designation north of East Glenhurst Lane.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following 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 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

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.

Proposed Zoning Classification: The purpose of the R-1B Single-Family 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. 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 (25 feet on arterial street).
- 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 request is being made to accommodate a future single-family residential development, which is an allowable use in the R-1B Single-Family District. Future development on the subject parcels would need to conform to the R-1B District zoning regulations listed above and other sections of the Zoning Ordinance. Any future subdivision development requires review and approval pursuant to Chapter 17 - Subdivisions of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

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. *If Future Land Use Map Amendment #3-19 is approved, to identify this area for future one and two family residential uses, the rezoning request will be in conformance with 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. *Multi-family and single-family uses are already present surrounding the subject site. The rezoning request is being made to accommodate anticipated single-family residential use. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied, provided Comprehensive Plan Future Land Use Map Amendment #3-19 is approved.

Technical Review Group (TRG) Report: These items were discussed at the December 31, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #3-19 from Multi-Family Residential designation to the One and Two-Family Residential designation and resolution, **BE APPROVED**; and

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 #13-19 to rezone the subject land area located at E. Glenhurst Lane (Tax Id #31-1-6501-03 and 31-1-6501-04) from C-O Commercial Office District to R-1B Single-Family District, including all of the adjacent one-half right-of-way of East Glenhurst Lane and North Lightning Drive, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #13-19 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #3-19 to accurately reflect the change in future land use from Multi-Family Residential designation to the One and Two-Family Residential designation.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on January 21, 2020, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #3-19) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on January 21, 2020; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property on the Future Land Use Map from (Multi-Family Residential Use) to (One and Two-Family Residential Use).

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

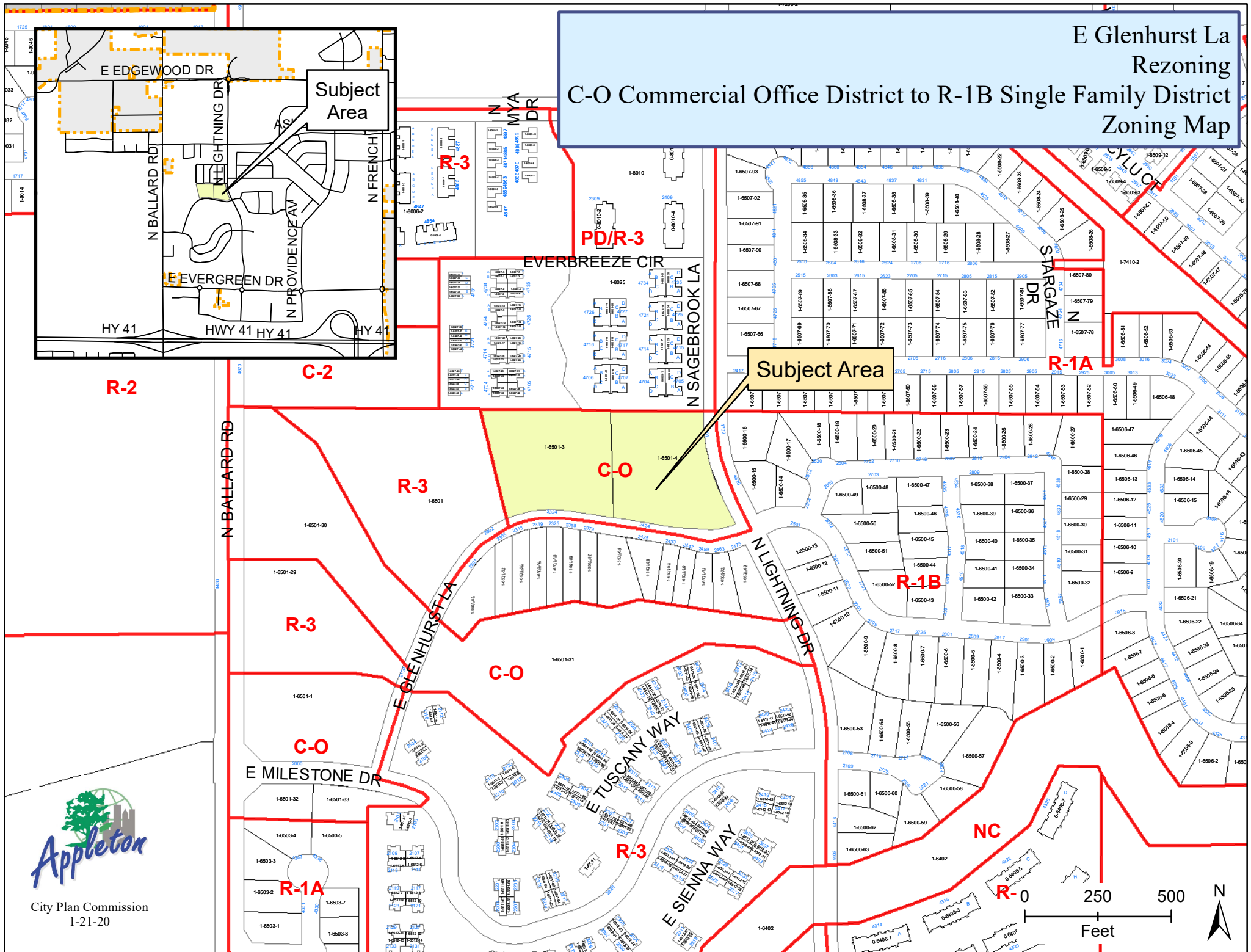
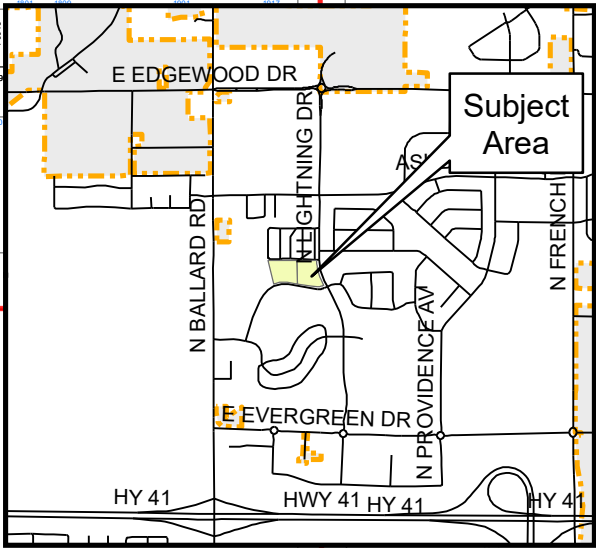
Adopted this _____ day of _____, 2020.

Timothy M. Hanna, Mayor

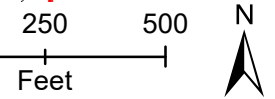
ATTEST:

Kami Lynch, City Clerk

E Glenhurst La Rezoning C-O Commercial Office District to R-1B Single Family District Zoning Map

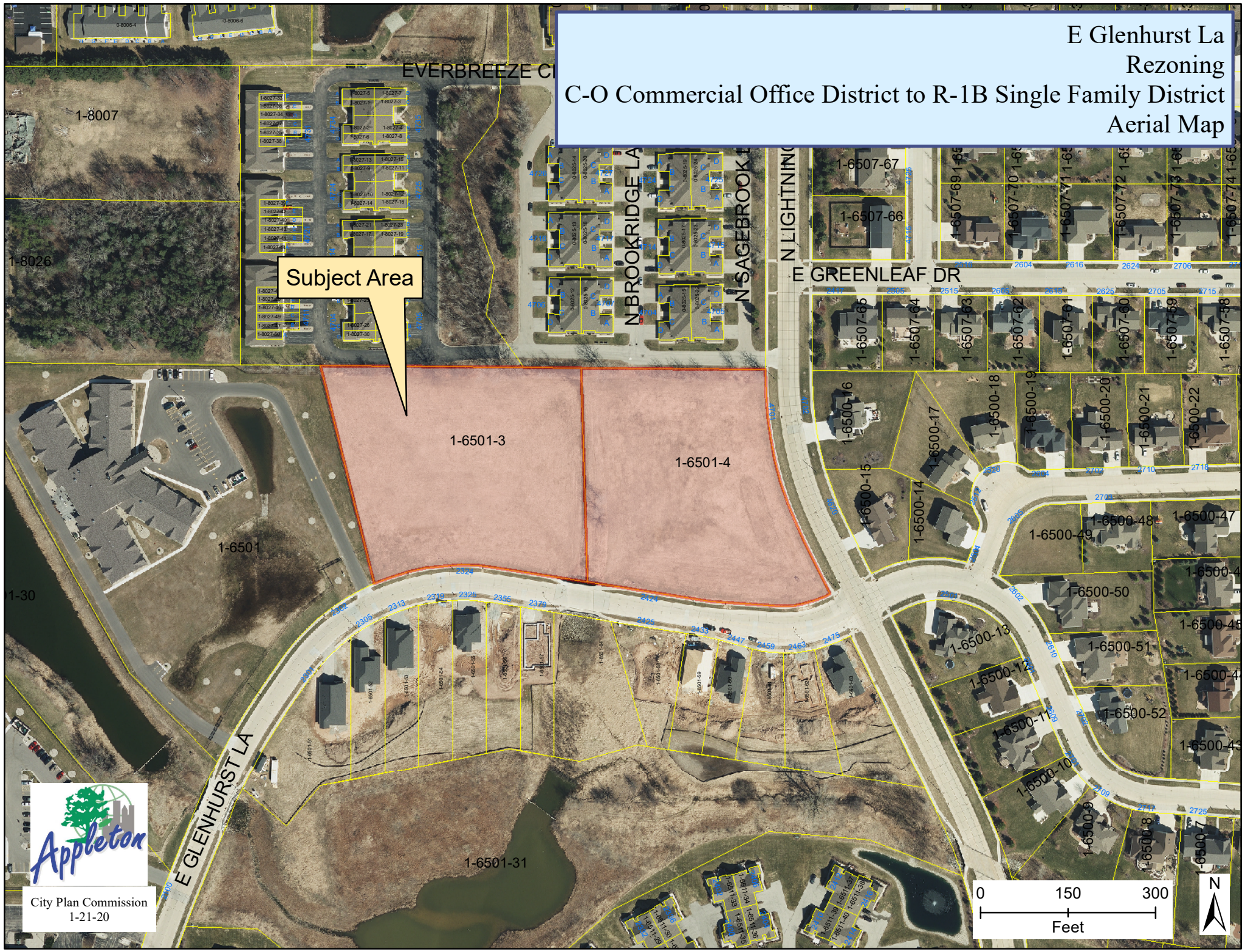


Subject Area

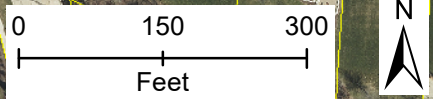


E Glenhurst La Rezoning C-O Commercial Office District to R-1B Single Family District Aerial Map

Subject Area

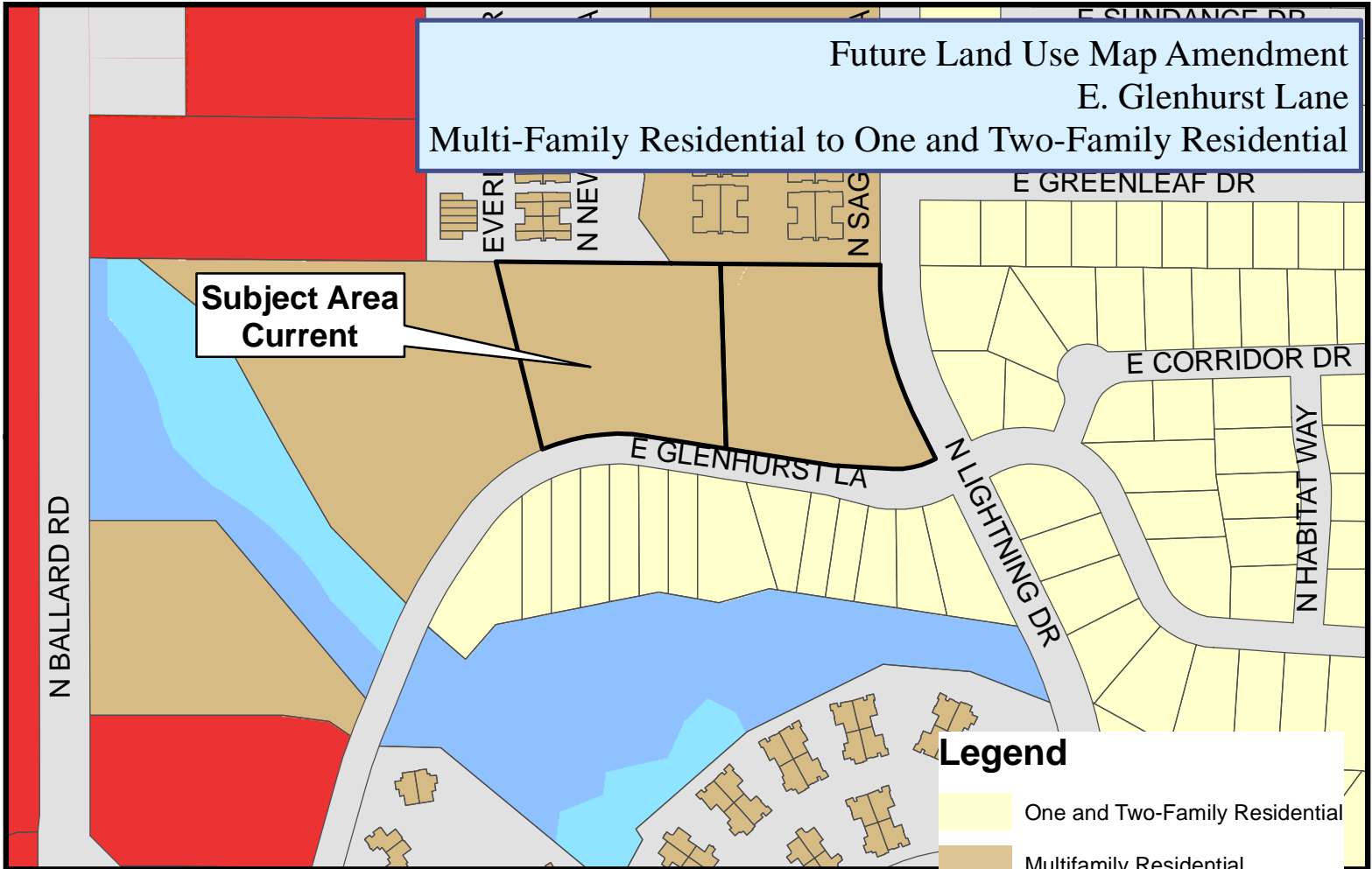


City Plan Commission
1-21-20



Future Land Use Map Amendment
 E. Glenhurst Lane
 Multi-Family Residential to One and Two-Family Residential

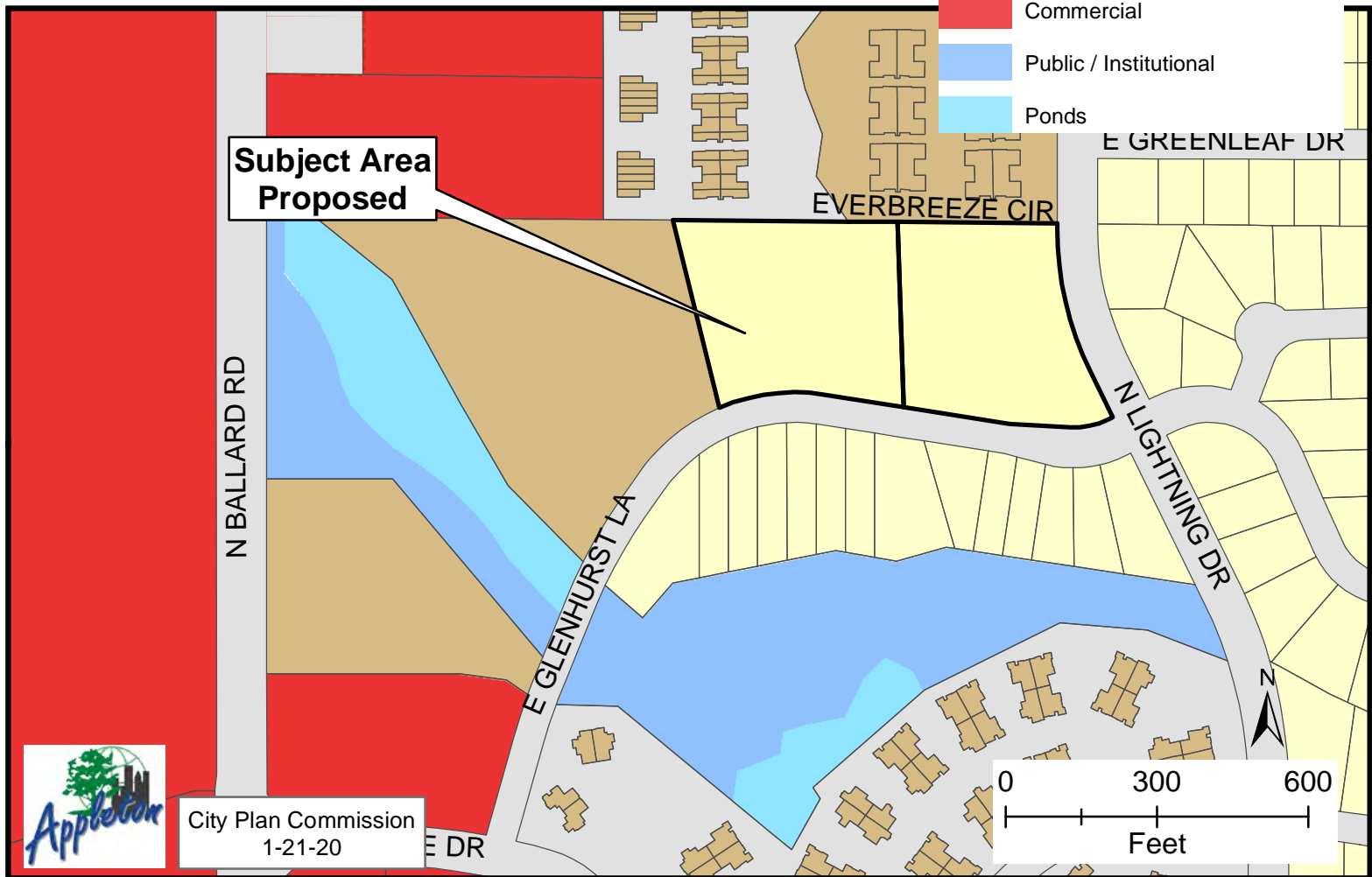
Subject Area
 Current



Legend

- One and Two-Family Residential
- Multifamily Residential
- Commercial
- Public / Institutional
- Ponds

Subject Area
 Proposed



City Plan Commission
 1-21-20

