



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: August 22, 2017

Common Council Public Hearing Meeting Date: October 4, 2017 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-17 and Rezoning #6-17

Case Managers: David Kress & Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Mount Olive Evangelical Lutheran Church c/o Jeff Retzlaff

Lot/Parcel: 1000 East Florida Avenue (Tax Id #31-1-4995-00)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designation to the Public/Institutional designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1A Single-Family District to P-I Public Institutional District. The requests are being made to accommodate a potential lot combination with adjacent parcels and a future addition to the school and parking lot.

BACKGROUND

The subject area was purchased by the church in 2004 and the building has been used most recently as a parsonage. The church has plans for a potential addition to the school and parking lot located immediately west of the subject parcel. The rezoning and comprehensive plan amendment would provide a consistent future land use designation and zoning for the entire complex. A Certified Survey Map will also be required to combine the parcels.

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.

STAFF ANALYSIS

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

Future Land Use Map Amendment #2-17 & Rezoning #6-17

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Existing Site Conditions: The subject site currently contains a single-family dwelling that is being used by the church as a parsonage. The parcel is approximately 18,180 square feet in size. The property has frontage along East Florida Avenue, which is classified as a local street on the City's Arterial/Collector Plan.

- **Local Street** means a street designated primarily to provide direct access to abutting properties, usually residential.

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

North: Zoning – R-1A Single-Family District
Future Land Use Designation – One and Two-Family Residential
Current Land Use – Single-Family Residential

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

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

West: Zoning – P-I Public Institutional District
Future Land Use Designation – Public/Institutional
Current Land Use – Institutional (place of worship and school)

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, a specific development proposal for the area is necessitating the change to Public/Institutional designation. The parcels to the west, also owned by Mount Olive Evangelical Lutheran Church, are already shown as Public/Institutional designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Public/Institutional designation.

The *Comprehensive Plan 2010-2030* does not identify specific locations for future public/institutional uses. However, Chapter 10 states that while public or institutional uses may be located on land designated for any use, certain criteria should guide site selection. At a minimum, the City should consider:

- Compatibility with existing or planned land uses in the area. *Public/institutional uses are already located to the west of the subject area.*
- Traffic or other impacts and the need for utilities. *The subject area is served by existing infrastructure, and the proposed Public/Institutional designation should not have a significant impact on traffic.*
- Scale of the proposed use (buildings, etc.) in comparison to existing or planned neighboring uses. *The Future Land Use Map Amendment request is being made to accommodate a potential future addition to the school and surface parking lot. Plans have not been provided at this point; however, the church and school are currently located on the adjacent parcel.*

- Whether the proposed location may be better suited to other uses (such as commercial or employment-related) that may be needed to serve the neighborhood or provide a proportionally greater benefit to the community as a whole. *The Future Land Use Map Amendment request is being made to serve the needs of a neighborhood institution, Mount Olive Evangelical Lutheran Church.*

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 6 – Education

Appleton will collaborate with public and private schools, colleges, and other educational facilities to ensure that the community continues to provide outstanding and diverse educational opportunities for residents of all ages.

OBJECTIVE 7.10 Utilities and Community Facilities:

Continue to coordinate, partner and collaborate with educational institutions to support access for all to education.

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.

Proposed Zoning Classification: The P-I Public Institutional District is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties. The development standards for the P-I District are listed below:

- 1) **Minimum lot area.** None.
- 2) **Maximum lot coverage.** Seventy percent (70%).
- 3) **Minimum lot width.** None.
- 4) **Minimum front yard.** Twenty (20) feet plus an additional one (1) foot for each two (2) feet that the building or structure exceeds thirty-five (35) feet in height.
- 5) **Minimum rear yard.** Twenty (20) feet plus an additional one (1) foot for each two (2) feet that the building or structure exceeds thirty-five (35) feet in height.
- 6) **Minimum side yard.** Twenty (20) feet plus an additional one (1) foot for each two (2) feet that the building or structure exceeds thirty-five (35) feet in height.
- 7) **Maximum building height.** Sixty (60) feet.

Zoning Ordinance Review Criteria: The requests are being made to accommodate a lot combination (via CSM) with adjacent parcels (#31-1-4981-00 and #31-1-4980-00), which would result in all church-owned property on one lot. 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.

A place of worship, including its accessory uses (e.g. parsonage), and an educational institution are permitted uses in the P-I Public Institutional District. Any future development would need to conform to the P-I District zoning regulations listed above and other 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.

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 #2-17 is approved, to identify this area for future public/institutional 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. *A Public/Institutional use (Mount Olive Evangelical Lutheran Church) is already located within this neighborhood. The proposed amendment will allow for a lot combination with adjacent parcels and an expansion of the school and parking lot. Proposed setbacks and parking lot landscape buffers will be reviewed in accordance with the Zoning Code 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, provided Comprehensive Plan Future Land Use Map Amendment #2-17 is approved.

Technical Review Group (TRG) Report: These items were discussed at the August 1, 2017 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 #2-17 from One and Two-Family Residential designation to the Public/Institutional 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 #6-17 to rezone the subject parcel located at 1000 East Florida Avenue (Tax Id #31-1-4995-00) from R-1A Single-Family District to P-I Public Institutional District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #6-17 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-17 to accurately reflect the change in future land use from One and Two-Family Residential designation to the Public/Institutional 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 August 22, 2017, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-17) 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 August 22, 2017 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 (One and Two-Family Residential Use) to (Public/Institutional 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.

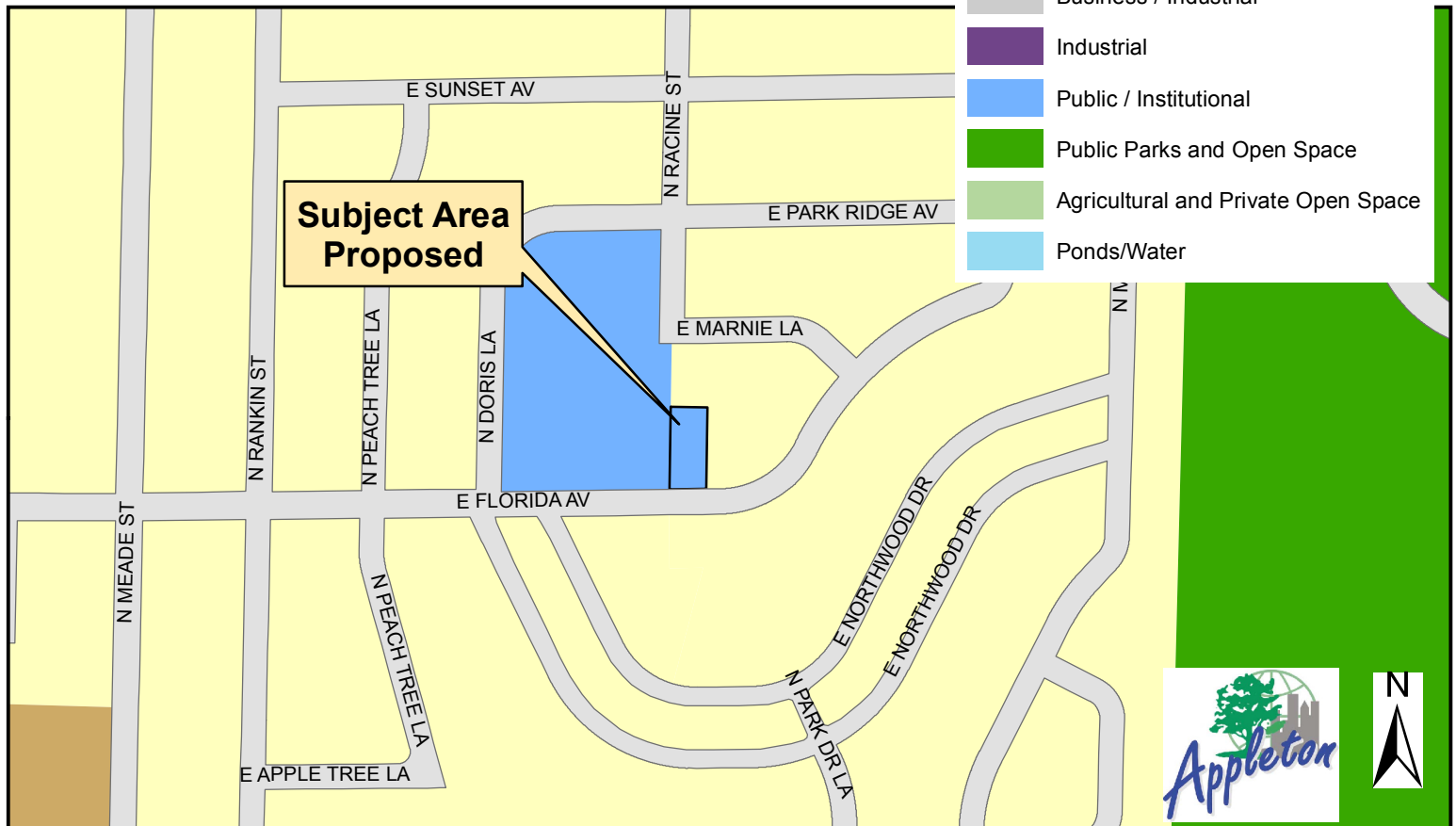
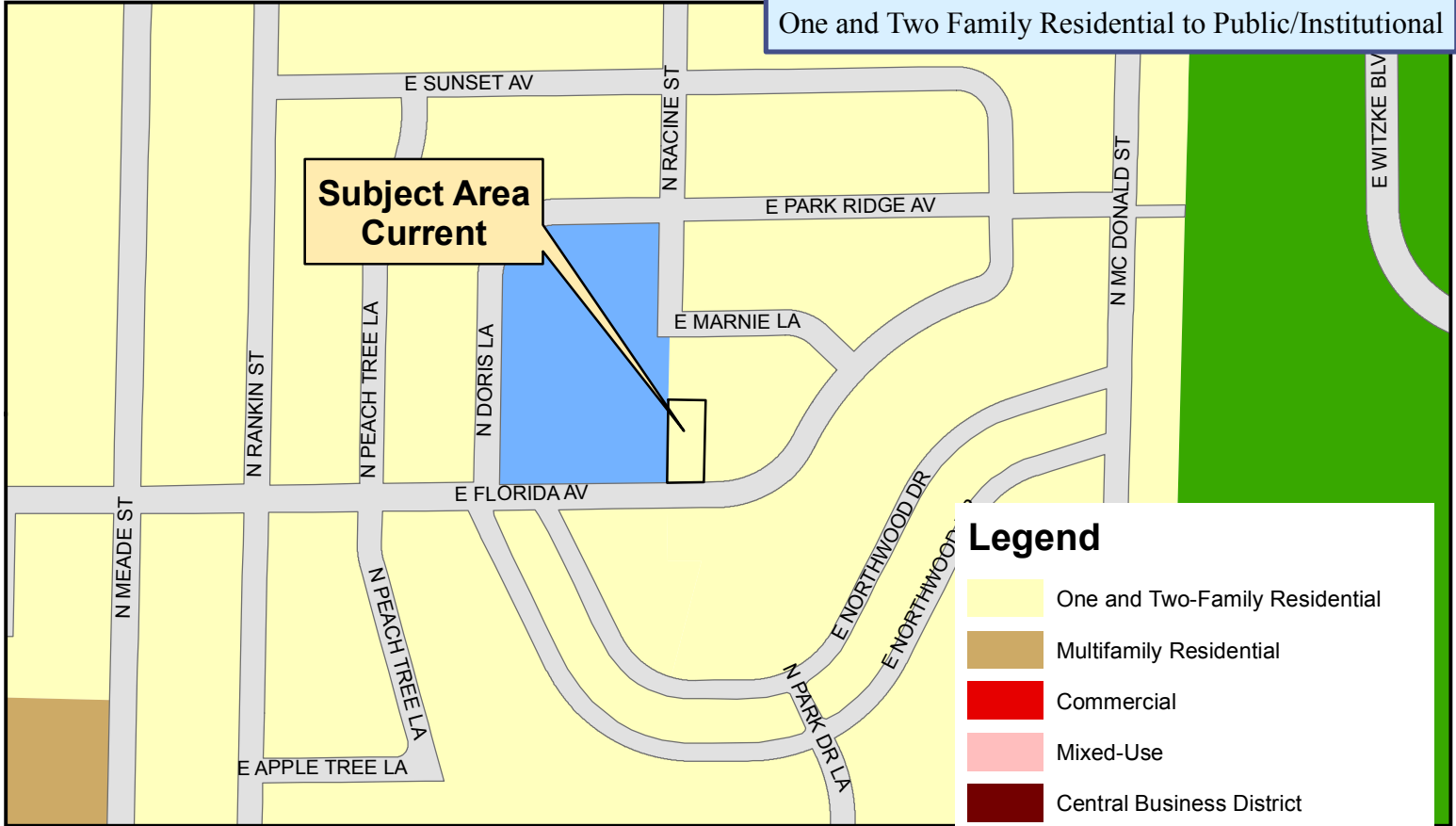
Adopted this _____ day of _____, 2017.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

Future Land Use Map Amendment
 1000 E Florida Ave
 Mt. Olive Evangelical Lutheran Church
 Tax ID # 31-1-4995-00
 One and Two Family Residential to Public/Institutional

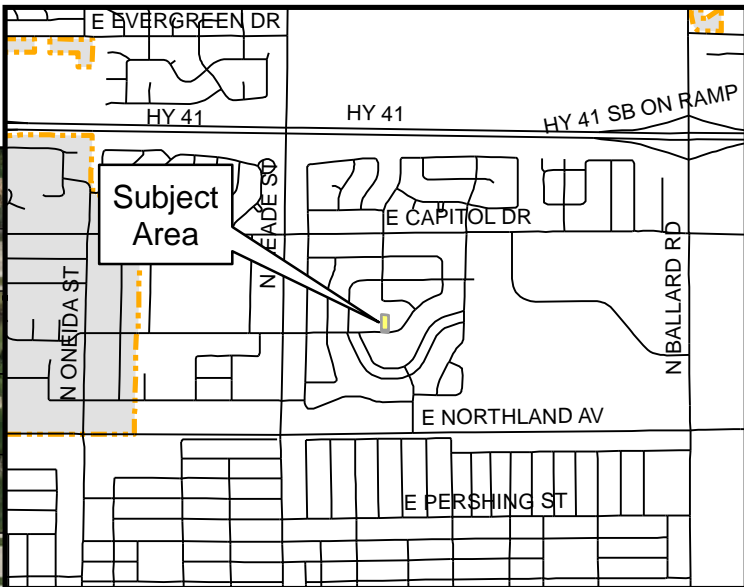


Legend

- One and Two-Family Residential
- Multifamily Residential
- Commercial
- Mixed-Use
- Central Business District
- Business / Industrial
- Industrial
- Public / Institutional
- Public Parks and Open Space
- Agricultural and Private Open Space
- Ponds/Water



Rezoning
1000 E Florida Ave
Mt. Olive Evangelical Lutheran Church
Tax ID # 31-1-4995-00
R-1A Single-Family District to
P-I Public Institutional District



Legal Description for Property at 1000 E. Florida Avenue
Property Tax #: 311499500

The West 60 feet of Lots Five (5) and Six (6), in Block Eight (8), NORTHWOOD PARK, City of Appleton, Outagamie County, Wisconsin. Also including the East 30 feet of the South 201.9 feet of vacated Racine Street lying West and adjacent to the above described premises. Including all of the adjacent one-half (1/2) right of way of East Florida Avenue.