



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** March 9, 2022

**Common Council Public Hearing Meeting Date:** April 6, 2022 (Public Hearing on Rezoning)

**Item:** Rezoning #2-22 – 217 South Badger Avenue

**Case Manager:** David Kress, Principal Planner

### **GENERAL INFORMATION**

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**Owner/Applicant:** 217 S Badger Ave, LLC c/o David Baehr

**Address/Parcel:** 217 South Badger Avenue (Tax Id #31-3-0907-00)

**Petitioner's Request:** The applicant proposes to rezone the subject parcel from C-2 General Commercial District to C-1 Neighborhood Mixed Use District. The request is being made to facilitate reuse of the property, as the applicant proposes to redesign the existing building to accommodate multi-family dwelling units.

### **BACKGROUND**

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The owner/applicant acquired the subject property from Outagamie County in December 2021. The property went through foreclosure of tax liens proceedings in September 2021. Previously, the property was used as a contractors office (personal and/or professional services). The existing building has been vacant since the transfer of ownership occurred.

### **STAFF ANALYSIS**

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**Existing Site Conditions:** The subject parcel is approximately 0.461 acres in size and is located at the northwest corner of Badger Avenue and Eighth Street. Badger Avenue is classified as an arterial street on the City's Arterial/Collector Plan, and Eighth Street is classified as a local street. Currently, the parcel is developed with a two-story building and a paved area that has been used for off-street parking, with vehicular access provided by curb cuts on Badger Avenue and Eighth Street.

#### **Surrounding Zoning Classification and Land Uses:**

North: C-2 General Commercial District, R-2 Two-Family District, and R-1C Central City Residential District. Railroad right-of-way is immediately north of the subject property.

South: R-1C Central City Residential District. The adjacent land uses to the south are currently single-family residential.

East: P Parking District and R-1C Central City Residential District. The adjacent land uses to the east are currently a mix single-family residential and off-street parking lots.

West: R-1C Central City Residential District. The adjacent land uses to the west are currently single-family residential.

**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 accommodate future multi-family residential development, which is permitted in the C-1 Neighborhood Mixed Use District. The development standards for the requested C-1 District are the same or less restrictive than the development standards for the existing C-2 District. Therefore, it appears that rezoning the property would not increase the degree of any existing nonconformities.

If the rezoning request is approved, any future development would be reviewed against the C-1 District zoning regulations and other applicable sections of the Zoning Ordinance, including Section 23-42 on nonconforming buildings and structures. Alterations within the existing footprint of the building would require a building permit from the Inspections Division. Parking lot reconstruction would require site plan review and approval, pursuant to Section 23-570 of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with a future Mixed Use designation. The proposed C-1 Neighborhood Mixed Use 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.*

*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.*

*Goal 8 – Economic Development*

*Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

*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 9.4 Economic Development:*

*Ensure the continued vitality of downtown and the City’s neighborhood commercial districts.*

*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.*

*OBJECTIVE 10.5 Land Use:*

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

*Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:*

*Strategy 3.1 – Encourage mixed-use and mid-density residential redevelopment on under-utilized or marginal sites on the edge of downtown.*

**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 and the Future Land Use Map, which identifies this area for future mixed 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 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. Numerous property maintenance complaints have been received for this property in recent years (overgrown grass/weeds, debris outside, broken windows, etc.), as it went through a period of disinvestment. The rezoning request would facilitate reuse of and reinvestment in the existing building. 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.

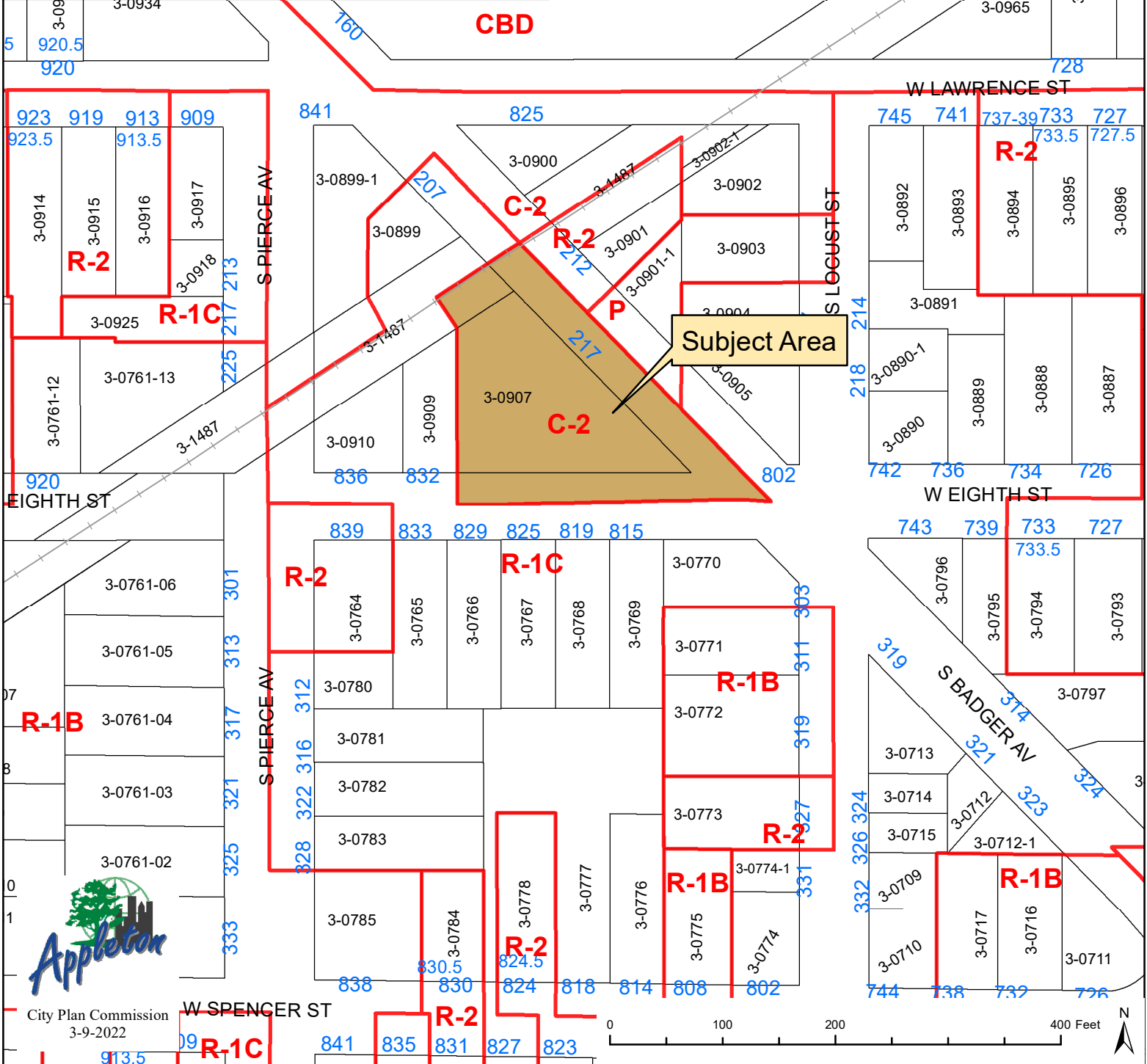
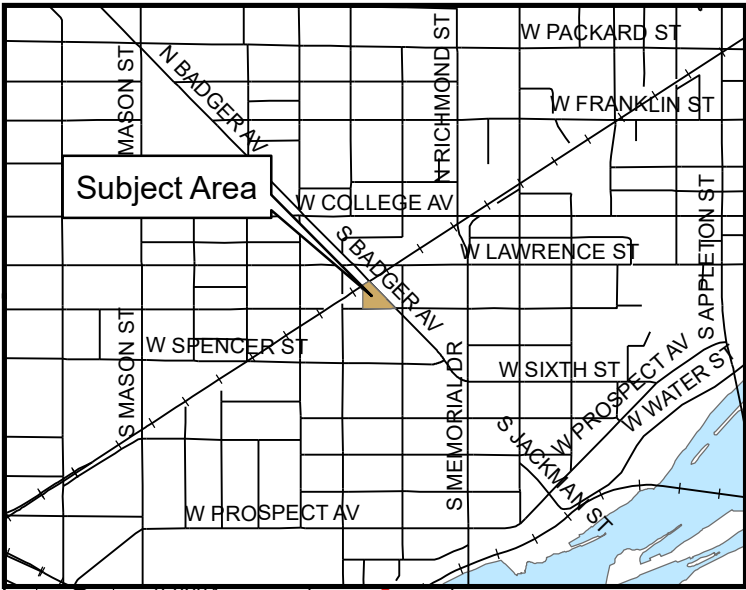
**Technical Review Group (TRG) Report:** This item appeared on the February 15, 2022 TRG agenda. No negative comments were received from participating departments.

## **RECOMMENDATION**

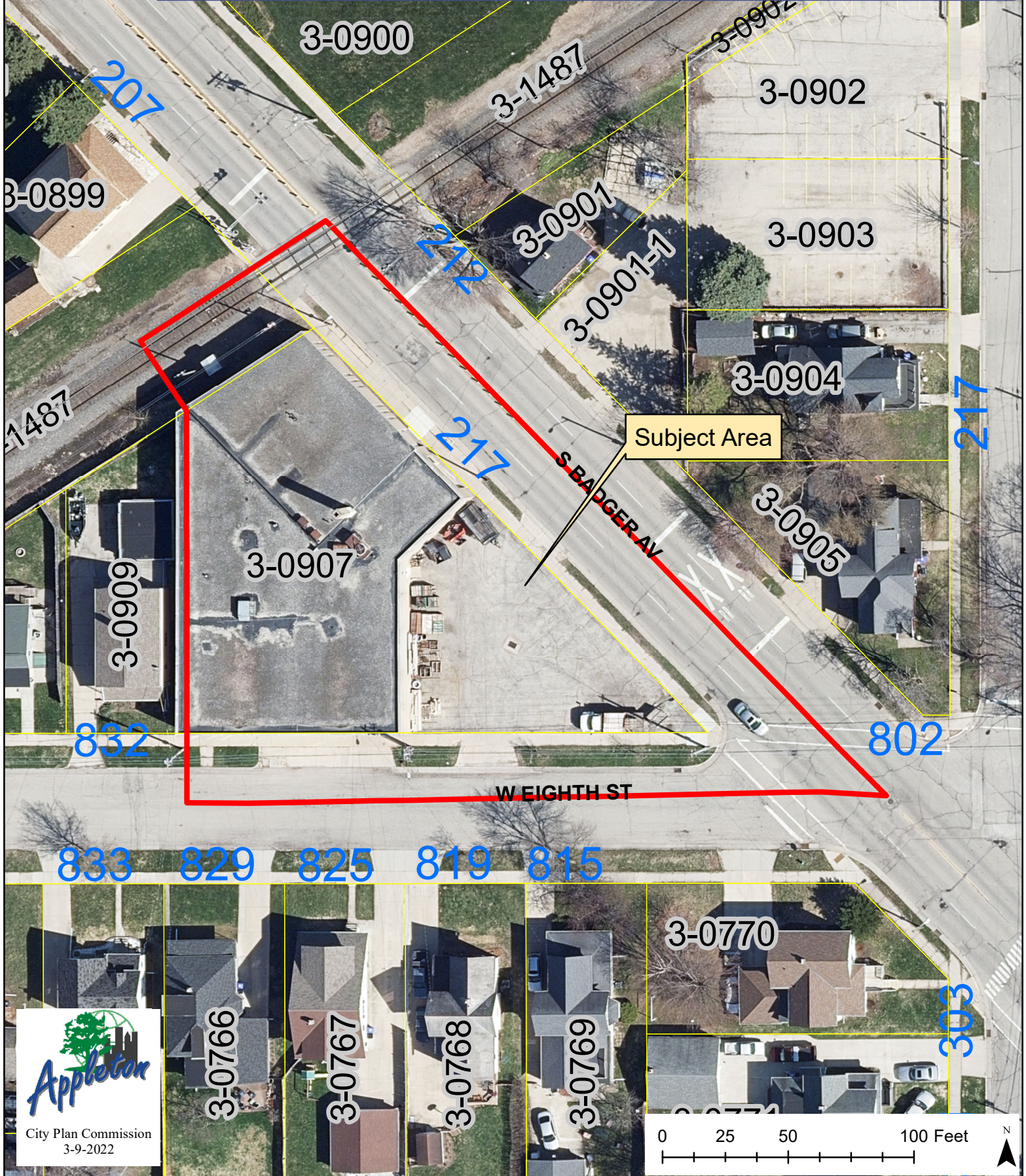
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Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #2-22 to rezone the subject parcel located at 217 South Badger Avenue (Tax Id #31-3-0907-00) from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, including to the centerline of the adjacent railroad line and the adjacent one-half (1/2) right-of-way of South Badger Avenue and West Eighth Street, as shown on the attached map, **BE APPROVED**.

217 S. Badger Avenue  
Rezoning  
C-2 General Commercial District to  
C-1 Neighborhood Mixed Use District  
Zoning Map



217 S. Badger Avenue  
Rezoning  
C-2 General Commercial District to C-1 Neighborhood Mixed Use District  
Aerial Map



**LEGAL DESCRIPTION**

**PARCEL: 31-3-0907-00**

**Description of lands to be rezoned from C-2 General Commercial District to C-1 Neighborhood Mixed Use District:**

All of Lots 8, 9, and 10, Block 47, Grand Chute Plat (aka Third Ward Plat), City of Appleton, Outagamie County, Wisconsin. Including to the centerline of the adjacent railroad line and including the adjacent one-half (1/2) right-of-way of South Badger Avenue and West Eighth Street.