



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 23, 2021

Common Council Public Hearing Meeting Date: July 21, 2021 (Public Hearing on Rezoning)

Item: Rezoning #6-21 – 2700 East Calumet Street (Tax Id #31-4-5880-00)

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner: Keith Hoogland Limited Partnership

Applicant: Michael Kohne – Legacy Commercial Property

Address/Parcel #: 2700 E. Calumet Street (Tax Id #31-4-5880-00)

Petitioner's Request: The applicant proposes to rezone the subject property from PD/C-2 Family Video Planned Development District #23-99 to C-2 General Commercial District. The applicant is making this request to remove the Planned Development Overlay District and rezone the parcel to the base C-2 General Commercial District. The existing planned development district standards (PD/C-2 Family Video Planned Development District #23-99) only allow for video rental store and pizza restaurant uses on this parcel. The video store has recently vacated the building and the applicant no longer sees video stores as a viable use. The rezoning will provide for additional permitted uses on this parcel and greater flexibility for the re-use of the vacant tenant space.

BACKGROUND

In May 1991, the property was rezoned from R-1A One-Family Residential to C-O Commercial Office District and PRD Planned Residential District. A 2-Lot Certified Survey Map was also proposed to split the parcel to coordinate with the proposed C-O and PRD zoning district boundaries. Special Use Permit #1-91 was approved to allow for a Community Based Residential Facility on the PRD zoned parcel. A dental office building was proposed for the C-O zoned parcel. The CSM was never recorded and the proposed CBRF did not move forward. The dentist office was constructed in 2002.

In September 1991, a portion of the property was then rezoned from PRD Planned Residential District to C-O Commercial-Office District with the anticipation of credit union developing on this lot. That project did not move forward either.

Certified Survey Map #1359 was approved and recorded in 1992 to create the current parcel configuration.

In 1999, the property was rezoned from C-O Commercial Office District to PD/C-2 Family Video Planned Development District #23-99 to allow for the construction of a commercial two-tenant building to house a video rental/retail store and a pizza store on this parcel. The Implementation Plan Document

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(Doc. #1358007) was recorded on February 23, 2000. A Site Plan was subsequently approved and construction of the existing building and parking lot occurred in 2000.

STAFF ANALYSIS

Existing Site Conditions: The subject site is approximately 93,178 square feet in size and is located at the northwest corner of East John Street and East Calumet Street. The property contains a commercial building that is approximately 8,600 square feet in size and an associated off-street parking lot.

Surrounding Zoning Classification and Land Uses:

North: R-1A Single Family District. The adjacent land uses to the north are currently single-family residential uses.

South: P-I Public Institutional District and R-2 Two-Family District. The adjacent land uses to the south are currently two-family residential and a place of worship.

East: C-O Commercial Office District and R-1A Single Family District. The adjacent land uses to the east are currently office and single-family residential.

West: C-O Commercial Office District and P-I Public Institutional District. The adjacent land uses to the west are currently a dental office and City parkland (Lions Park).

Proposed Zoning Classification: The purpose of the C-2 General Commercial District is to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public. The development standards for the C-2 District are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 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:** 35 feet.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Commercial designation. The proposed C-2 General Commercial District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

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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 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 9.4 Economic Development:

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

OBJECTIVE 9.5: Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and 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. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

- 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, as the Future Land Use Map identifies this area for future commercial 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.

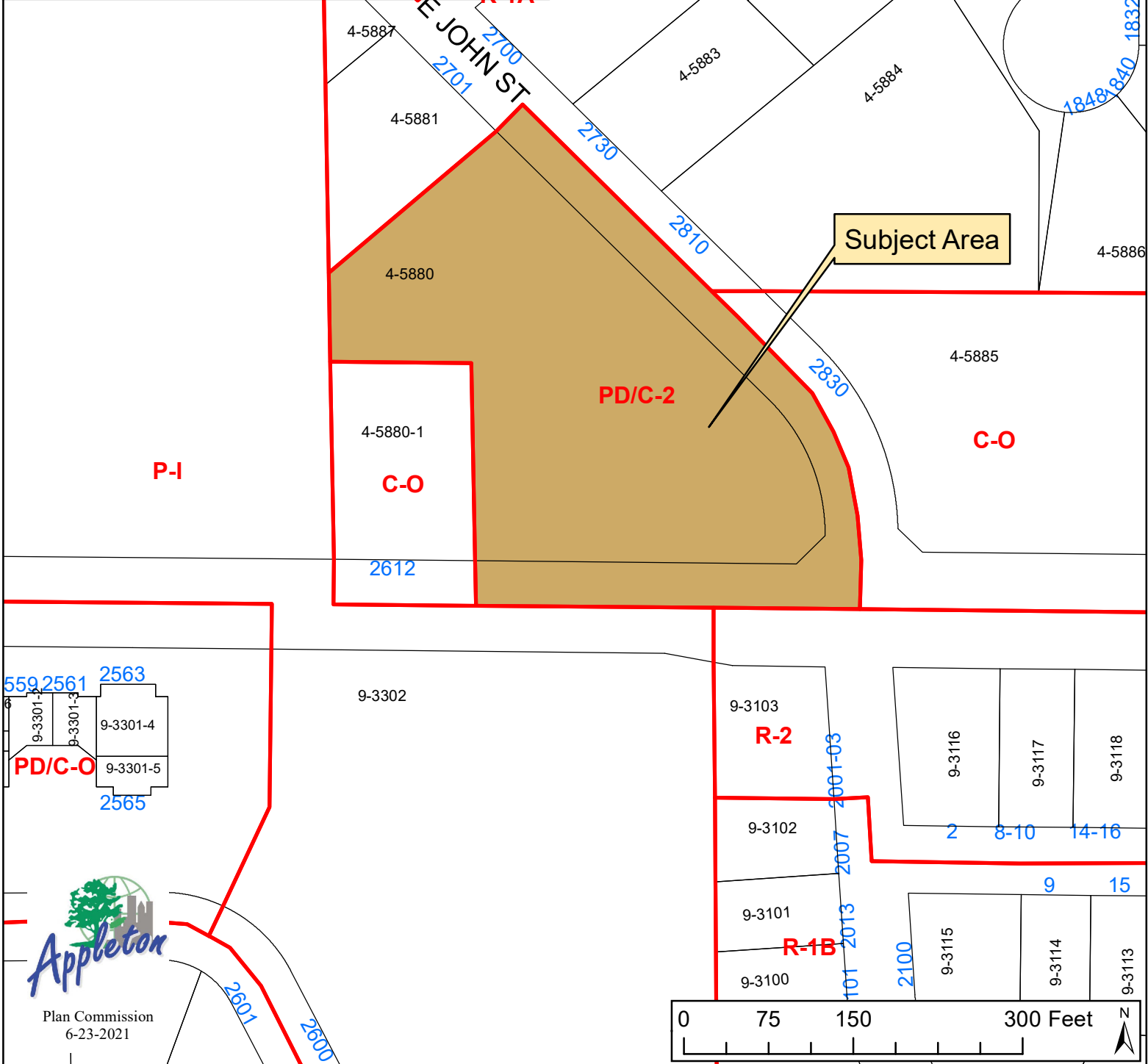
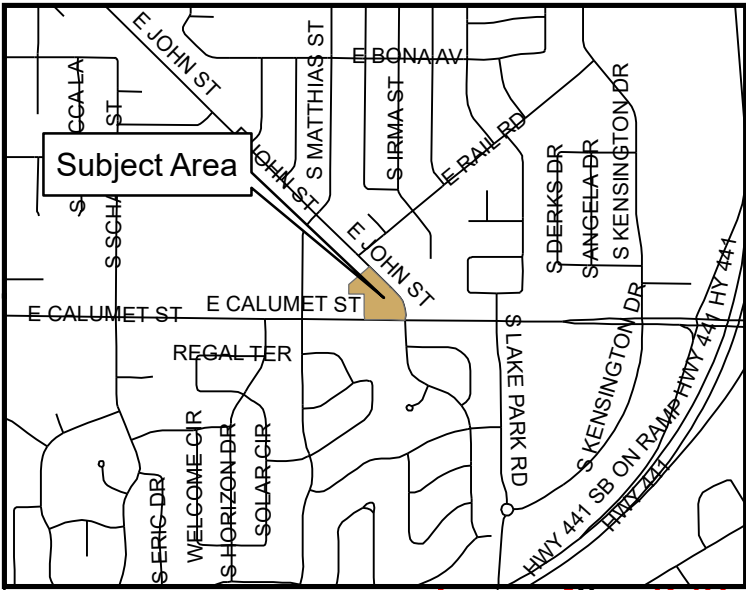
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *This area of the City is served by existing infrastructure, and the transportation network should be adequate to serve the subject site. The parcel is currently being used for commercial purposes.*
 2. The effect of the proposed rezoning on surrounding uses. *A mix of commercial uses and public-institutional uses are already present in this area of City and are adjacent to this parcel. The parcel is also currently zoned for and being used for commercial purposes. Any future site modifications and/or uses would be reviewed in accordance with Zoning Ordinance requirements. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Technical Review Group (TRG) Report: This item appeared on the June 1, 2021 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 #6-21 to rezone the subject site located at 2700 E. Calumet Street (Tax Id #31-4-5880-00) from PD/C-2 Family Video Planned Development District #23-99 to C-2 General Commercial District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

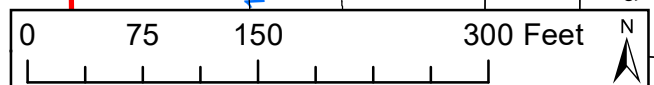
Rezoning
 2700 E. Calumet Street
 PD/C-2 Planned Development District #23-99 to
 C-2 General Commerical District
 Zoning Map



559 2561 2563
 9-3301-1 9-3301-3 9-3301-4 9-3301-5
 PD/C-O 2565



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Rezoning
2700 E. Calumet Street
PD/C-2 Planned Development District #23-99 to C-2 General Commerical District
Aerial Map



Subject Area



City Plan Commission
6-23-2021



0 50 100 200 Feet

Keith Hoogland Limited Partnership
2700 East Calumet Street
Appleton, WI 54915

Legal Description:

Lot One (1), Certified Survey Map No. 1359 recorded in the Office of the Register of Deeds for Outagamie County, Wisconsin, in Volume 7, on Page 1359, as Document No. 1046589, being part of Government Lot 3, Section 31, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, including the adjacent one-half (1/2) right-of-way