



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: January 26, 2021

Common Council Public Hearing Meeting Date: February 17, 2021
(Public Hearing on Rezoning)

Item: Rezoning #1-21 – Cain Annexation (675 E. Edgewood Drive)

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Larry & Cheryl Cain

Address/Parcel: 675 E. Edgewood Drive (Tax Id. #31-6-5824-00, formerly Tax Id. 101038801 in the Town of Grand Chute)

Petitioner's Request: To assign a permanent zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to R-1A Single-Family District.

BACKGROUND

On January 20, 2021, Common Council adopted Ordinance 2-21, to annex the subject area from the Town of Grand Chute to the City of Appleton. The subject property was officially annexed to the City on January 26, 2021 at 12:01 a.m.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification. During review of the Cain Annexation, the Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1A Single-Family District at the January 12, 2021 meeting.

STAFF ANALYSIS

Existing Site Conditions: The subject parcel is approximately 0.77 acres in size and located south of East Edgewood Drive and east of North Waterford Drive. The subject property connects to the City of Appleton at East Edgewood Drive, which is identified as an arterial street on the City's Arterial/Collector Plan. Currently, the subject property consists of one single-family home and a detached accessory structure.

Surrounding Zoning Classification and Land Uses:

North: R-1A and Town of Grand Chute. The adjacent land use to the north is currently City of Appleton public right-of-way and residential (Town of Grand Chute).

South: R-1A Single Family Residential. The adjacent land use to the south is currently single family residential.

East: R-1A Single Family Residential. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

Proposed Zoning Classification: 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 uses. The development standards for the R-1A District are listed below:

- 1) **Minimum lot area:** 8,000 square feet.
- 2) **Maximum lot coverage:** 40%.
- 3) **Minimum lot width:** 70 feet.
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street).
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 8 feet.
- 7) **Maximum building height:** 35 feet.

Zoning Ordinance Review Criteria: Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The comprehensive plan of the City.

In this case, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1A Single-Family District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the R-1A District zoning regulations listed above and other sections of the Zoning Ordinance.

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 zoning classification 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.

5.1 OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

5.3 OBJECTIVE: 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.

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 one and two family residential land 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. *City sanitary sewer and water infrastructure is already installed within East Edgewood Drive.*

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located to the north, south, west and east of the subject site. 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.

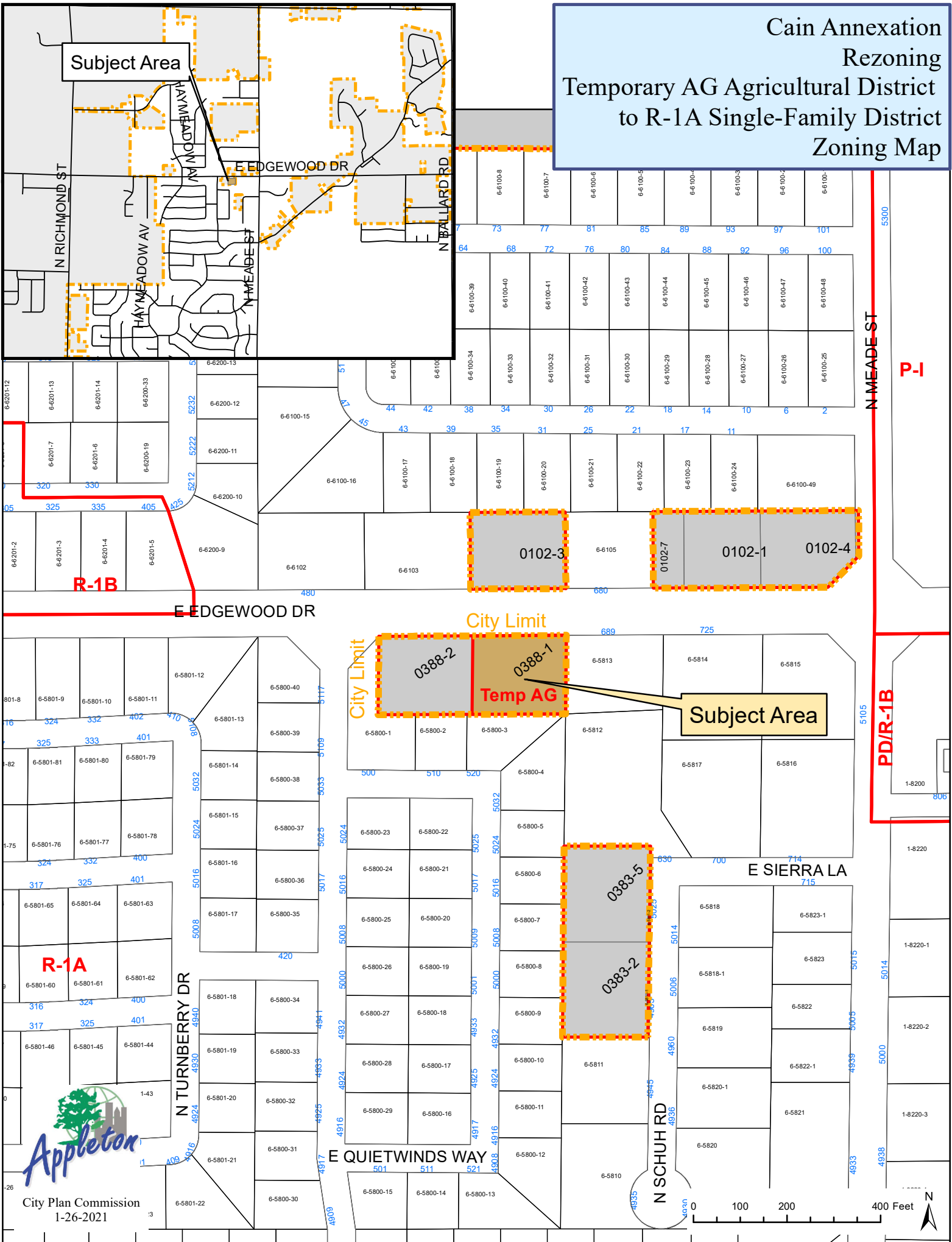
Technical Review Group (TRG) Report: This item was discussed at the December 22, 2020 Technical Review Group meeting. No negative comments were received from participating departments.

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 #1-21 to rezone the subject parcel located at 675 E. Edgewood Drive (Tax Id. #31-6-5824-00, formerly Tax Id. 101038801 in the Town of Grand Chute) from temporary AG Agricultural District to R-1A Single-Family District, as shown on the attached map, **BE APPROVED**.

Cain Annexation Rezoning Temporary AG Agricultural District to R-1A Single-Family District Zoning Map

Subject Area



Cain Annexation
Rezoning
Temporary AG Agricultural District
to R-1A Single-Family District
Aerial Map

E EDGEWOOD DR

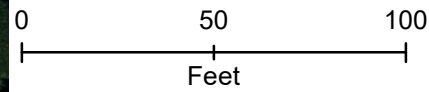
City Limits

Subject Area



City Plan Commission
1-26-2021

RENE WAY



**THE TRUSTEE OF THE LARRY W. CAIN AND CHERYL S. CAIN REVOCABLE TRUST DATED
SEPTEMBER 17, 2012**

Owner: THE TRUSTEE OF THE LARRY W. CAIN AND CHERYL S. CAIN REVOCABLE TRUST DATED SEPTEMBER 17, 2012

Document #1961083

PARCEL: 31-6-5824-00 (formerly 101038801)

A part of the West One-half ($W \frac{1}{2}$) of the Northeast Quarter ($NE \frac{1}{4}$) of the Northeast Quarter ($NE \frac{1}{4}$) of Section Eleven (11), Township Twenty-one (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, and being further described as follows:

Commencing at the Northeast corner of said Section 11;

Thence South $88^{\circ}40'17''$ West 659.12 feet coincident with the North line of the Northeast $\frac{1}{4}$ of said Section 11;

Thence South $00^{\circ}30'17''$ East 50.00 feet to the point of beginning;

Thence continue South $00^{\circ}30'17''$ East 167.80 feet;

Thence South $88^{\circ}40'17''$ West 200.00 feet;

Thence North $00^{\circ}30'17''$ West 167.80 feet;

Thence North $88^{\circ}40'17''$ East 200.00 feet to the point of beginning.