



## REPORT TO CITY PLAN COMMISSION

New information is underlined.

**Plan Commission Public Hearing Meeting Date:** January 25, 2016

**Plan Commission Meeting Date:** February 8, 2016 (held PC January 25, 2016)

**Common Council Public Hearing Meeting Date:** March 16, 2016 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-16 and Rezoning #1-16

**Case Manager:** David Kress

### GENERAL INFORMATION

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**Owner:** Kurey Ridge, LLC

**Applicant:** Vision Realty & Development, LLC c/o Jill Hendricks

**Lot/Parcel:** Lot 1 of the Glacier Ridge Plat (Tax Id #31-1-9300-01)

**Petitioner's Request:** The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Commercial and One and Two-Family Residential designation to the Multi-Family Residential designation for the subject parcel. In conjunction with this request, the applicant is also proposing to rezone the subject parcel from R-1B Single-Family District to R-3 Multi-Family District. The requests are being made to accommodate the proposed development of seven single-family condos on the western portion of the site.

### BACKGROUND

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On January 25, 2016, the Plan Commission held these items until their February 8, 2016 meeting. The applicant recently provided a copy of the restrictive covenants for Glacier Ridge, since they were mentioned during the public hearing on January 25, 2016. These covenants are attached to the February 8, 2016 meeting agenda simply for reference. However, the City is not party to these covenants, and the covenants are not a factor in staff review of Comprehensive Plan Amendment #1-16 and Rezoning #1-16.

The subject area was annexed to the City in 2006, as part of the Kurey Annexation. The subject area and surrounding land was then rezoned to R-1B Single-Family District in 2007, by Kurey Ridge, LLC for their first phase of residential development. Approximately 56 acres of land surrounding the subject area was subdivided in 2008, creating the subject parcel in the Glacier Ridge plat.

The *Comprehensive Plan 2010-2030*, adopted by Common Council on March 3, 2010, 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**

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**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.

**Existing Site Conditions:** The subject site is currently undeveloped and is approximately 5.14 acres in size. The property has frontage along East Werner Road, which is classified as a collector street on the City's Arterial/Collector Plan. A navigable waterway crosses the site, and conservation easements exist on the eastern portion of the property, limiting its buildable area.

- **Collector street** means a street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.

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

North: Zoning – Town of Center  
Future Land Use Designation – Multi-Family Residential  
Current Land Use – Agricultural

South: Zoning – P-I Public Institutional District  
Future Land Use Designation – Commercial  
Current Land Use – City stormwater pond

East: Zoning – R-1A Single-Family District  
Future Land Use Designation – Public / Institutional  
Current Land Use – City water tower

West: Zoning – P-I Public Institutional District and R-1B Single-Family District  
Future Land Use Designation – One and Two-Family Residential  
Current Land Use – City stormwater pond and single-family dwelling

**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 subject site is necessitating the change to Multi-Family Residential designation. An area to the north is already shown as Multi-Family Residential designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Multi-Family Residential designation along the south side of East Werner Road.

**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 5.3 Housing and Neighborhoods:**

*Provide a range of housing styles that meet the needs and appeal to all segments of the community.*

**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 purpose of the R-3 Multi-Family District is to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses. The development standards for the R-3 District are listed below:

- 1) **Minimum lot area:**
  - a. 6,000 square feet for single-family dwelling.
  - b. 7,000 square feet for two story two-family dwellings.
  - c. 9,000 square feet for single story two-family dwelling.
  - d. 3,000 square feet per dwelling unit for multi-family dwellings.
  - e. 7,000 square feet for all other uses.
- 2) **Maximum lot coverage:** 70%.
- 3) **Minimum lot width:**
  - a. 50 feet for single-family dwellings.
  - b. 70 feet for two-family dwellings.
  - c. 80 feet for all other uses.
- 4) **Minimum front yard:**
  - a. 20 feet.
  - b. 25 feet if located on an arterial street.
- 5) **Minimum rear yard:** 35 feet.

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- 6) **Minimum side yard:**
  - a. 6 feet for single and two-family dwellings.
  - b. 20 feet all other uses.
- 7) **Minimum setback from single or two-family lot line:** 30 feet.
- 8) **Maximum building height:**
  - a. 35 feet for single and two-family dwellings.
  - b. 45 feet or all other uses.
- 9) **Minimum distance between multi-family buildings:** 12 feet.

**Zoning Ordinance Review Criteria:** The requests are being made to accommodate the proposed development of seven single-family condos, which is a permitted use in the R-3 Multi-Family District. Per Section 23-40(a)(4) of the Municipal Code, no more than one principal building shall occupy a single lot, except where a lot is in a PD district or used for multi-family, educational, institutional, motel, hotel, commercial, or industrial purposes. Rezoning to the R-3 District would allow for multiple single-family dwellings to occupy the subject lot, as proposed by the applicant.

The applicant included a concept plan with their submittal (see attached), which shows a cul-de-sac providing access to the proposed condos. A decision has yet to be made about the proposed cul-de-sac being dedicated as public right-of-way or a private ingress/egress easement. This decision will impact which setback standards are applicable for the subject site. These and other development standards will be reviewed prior to the issuance of a building permit.

**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 #1-16 is approved, to identify this area for future multi-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.

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- 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. *The single-family residential uses located to the southwest are separated from the subject area by City-owned property (featuring stormwater ponds and a waterway), which is approximately 340 feet wide. Also, the navigable waterway and conservation easements that exist on the subject site limit its overall buildable area. 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 #1-16 is approved.

**Technical Review Group (TRG) Report:** These items were discussed at the January 5, 2016 Technical Review Group meeting.

- Department of Public Works Comments: The developer must submit a revised Stormwater Management Plan and new Stormwater Permit Application for the Glacier Ridge Subdivision, based on anticipated increase in impervious area compared to the current stormwater design.
- Fire Department Comments: When a new development takes shape, the Fire Chief makes a deterministic evaluation of our response capabilities, based on response time and distance involved. In this proposal to move an area to multi-family housing, the Fire Chief has indicated there may be a need for a developers agreement for either monitored smoke alarms, or monitored fire sprinklers, as similar with past developments including, but not limited to, Pondview. Please consult the Fire Chief for a final determination.

**Written Public Comments:** Members of the surrounding neighborhood handed out several documents at the January 25, 2016 Plan Commission meeting. For reference, these documents are attached to the February 8, 2016 meeting agenda.

**RECOMMENDATION**

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Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-16 from Commercial and One and Two-Family Residential designation to Multi-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 #1-16 to rezone the subject parcel located south of East Werner Road (Tax Id #31-1-9300-01) from R-1B Single-Family District to R-3 Multi-

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Family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED.**

**NOTE:** If approved, Rezoning #1-16 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-16 to accurately reflect the change in future land use from Commercial and One and Two-Family Residential designation to Multi-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 25, 2016, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-16) 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 meetings held on January 25, 2016 and February 8, 2016; 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 (Commercial and One and Two-Family Residential Use) to (Multi-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 \_\_\_\_\_, 2016.

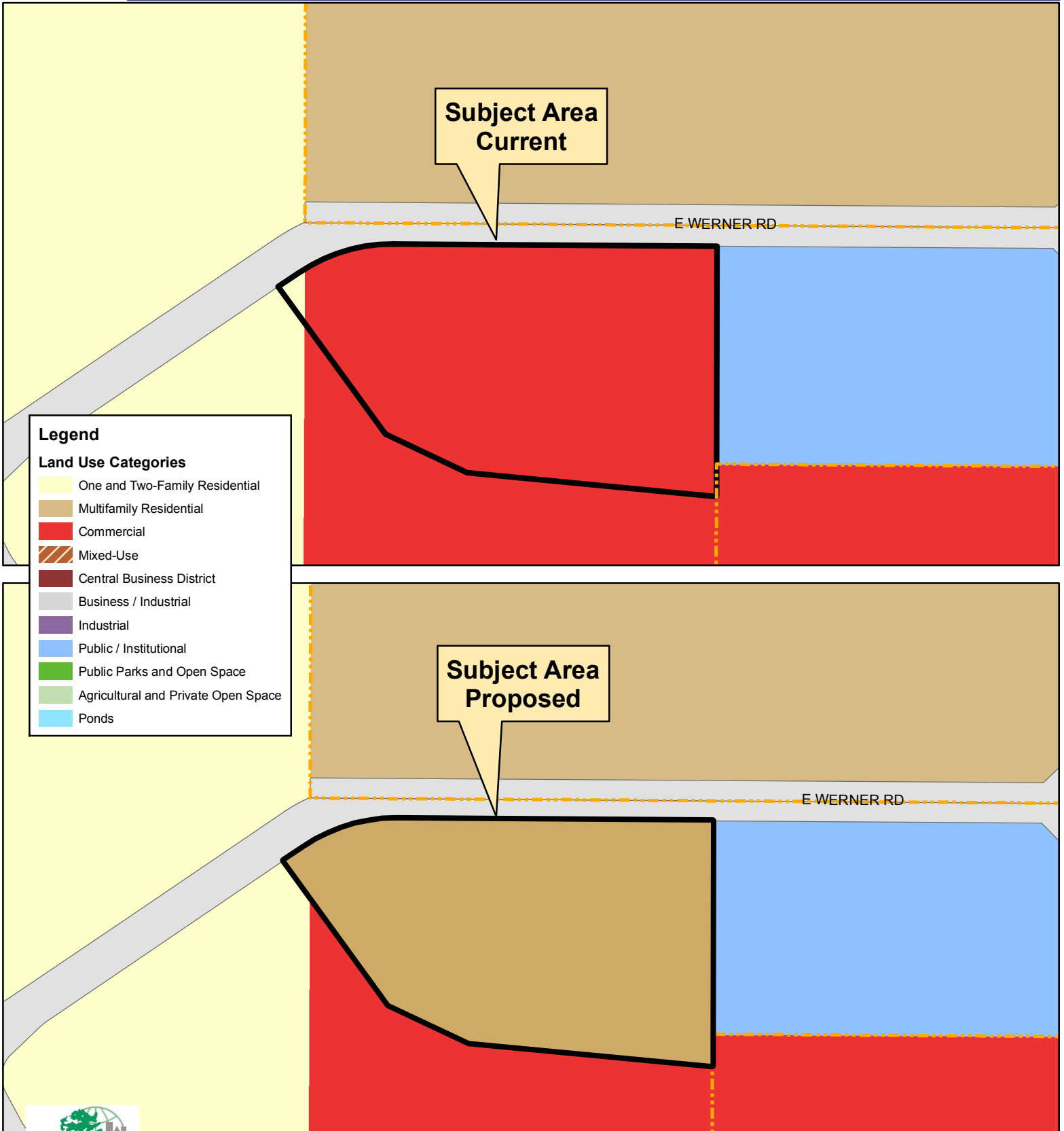
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Timothy M. Hanna, Mayor

ATTEST:

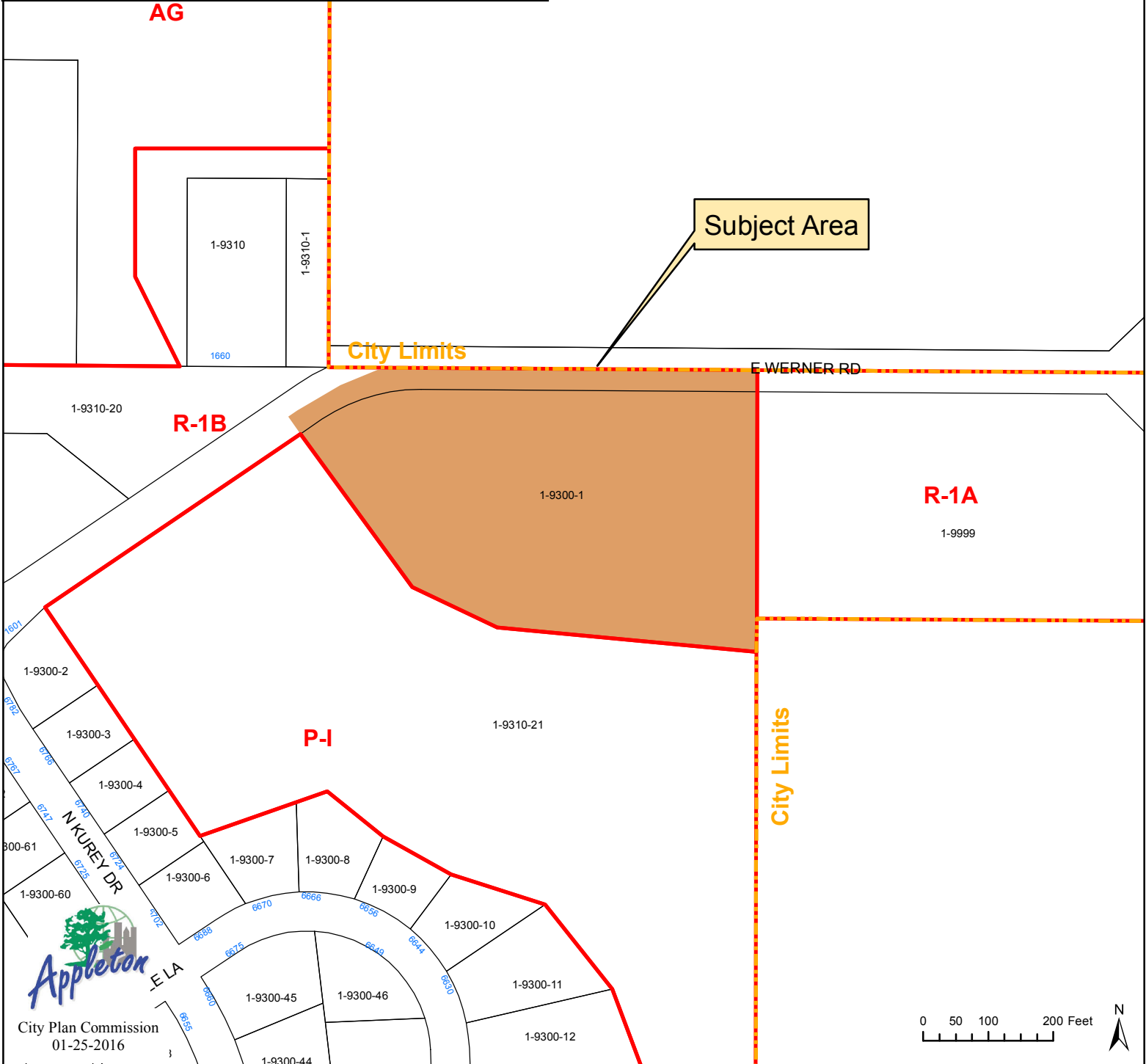
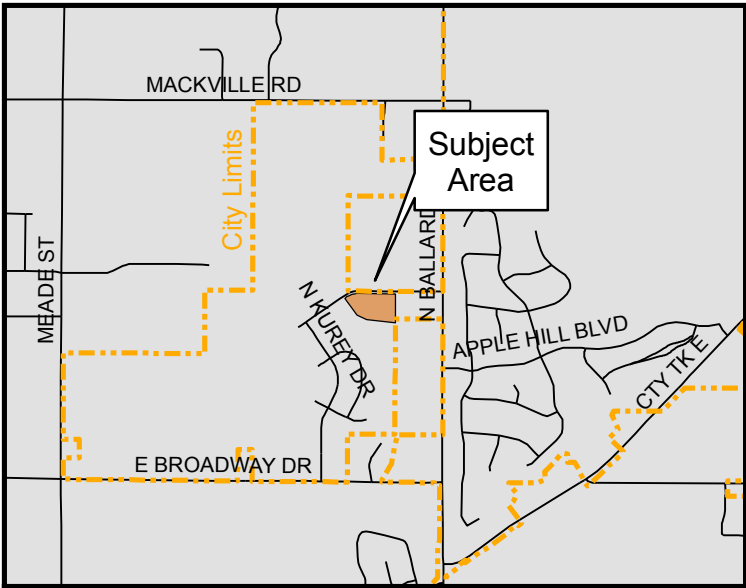
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Kami Scofield, City Clerk



# E. Werner Road Future Land Use Map Amendment Commercial and One and Two-Family Residential to Multi-Family Residential



E. Werner Road  
Rezoning  
R-1B Single-Family District to  
R-3 Multi-Family District  
Zoning Map





E. Werner Road  
Rezoning  
R-1B Single-Family District to R-3 Multi-Family District  
Aerial Map



Subject Area

City Limits

E WERNER RD

1-9300-1

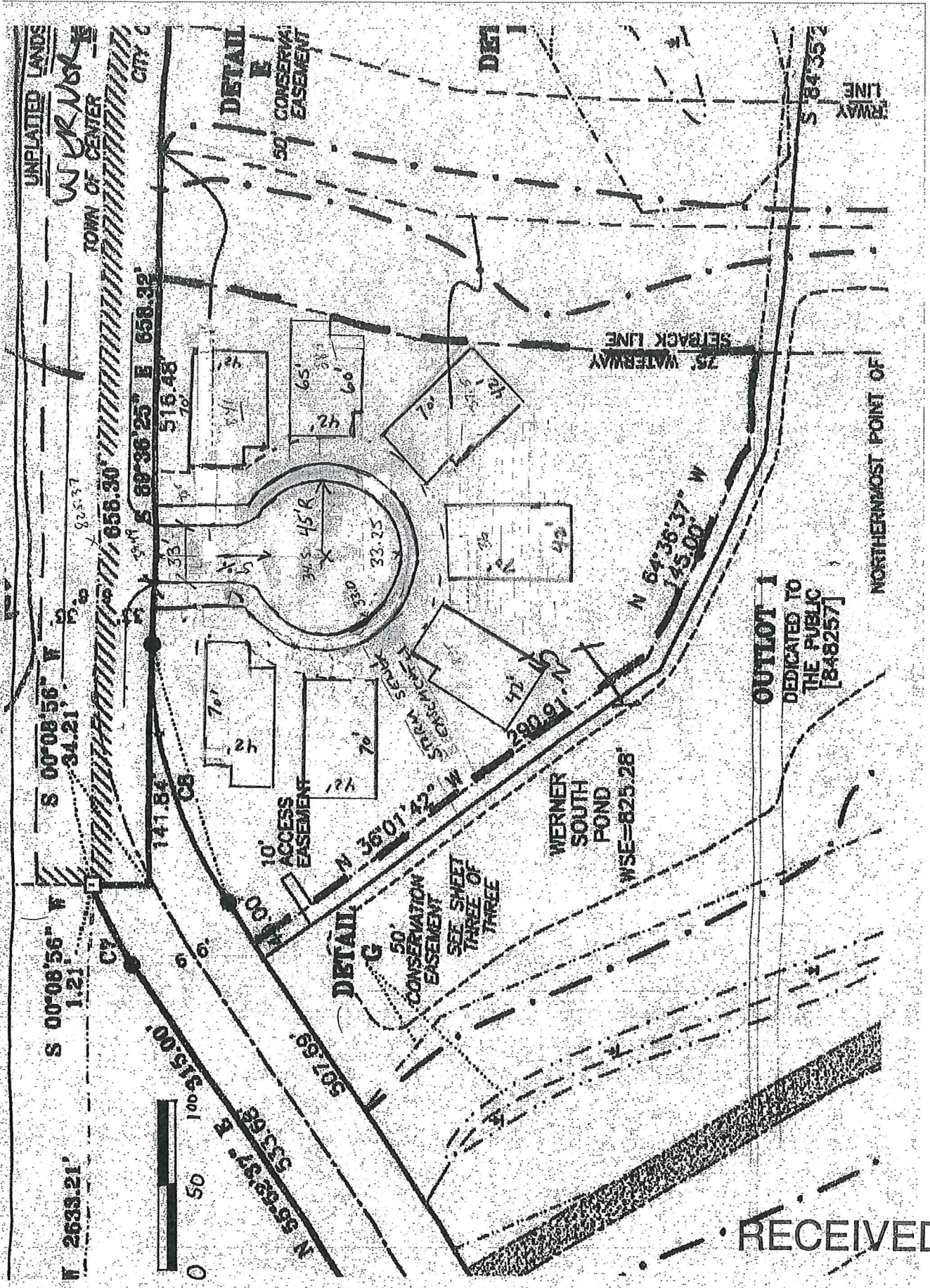
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City Limits







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DEC 28 2015

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT