



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: November 21, 2016

Common Council Public Hearing Meeting Date: December 21, 2016
(Public Hearing on Rezoning)

Item: Rezoning #7-16 – 320 & 410 South Walnut Street

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Outagamie County c/o Kara Homan

Address/Parcel: 320 & 410 South Walnut Street (Tax Id #31-3-0827-00, #31-3-0680-00, and #31-2-0220-00)

Petitioner's Request: The applicant proposes to rezone the subject parcels from PD/CBD Planned Development Central Business District to CBD Central Business District. The request is being made to lift the PD (Planned Development) overlay designation and accommodate the proposed building addition for Outagamie County's downtown campus.

BACKGROUND

According to the City of Appleton Historic Sites Inventory (1989), the existing Outagamie County Courthouse (Administration Building) on parcel #31-3-0680-00 was originally built in 1939, with subsequent additions in later years. Portions of Seventh Street and Elm Street were vacated in the subject area in 1988 and 1989. Building permits were issued for the current Outagamie County Justice Center on parcel #31-2-0220-00 in 1989 and 1990.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. A new Official Zoning Map was also adopted at this time, and through this process, the zoning classification for the subject parcels changed from R-2 Two-Family Residential District and R-3 Apartment Residential District to PD/CBD Planned Development Central Business District. However, no Implementation Plan was approved and recorded with the Register of Deeds Office. Therefore, no customized zoning requirements were ever formalized for the subject parcels.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance includes sections on transition rules and period of validity for overlay districts. Per Section 23-151(l) of the Municipal Code, a PD overlay district designation remains on PD parcels even if there is no approved Implementation Plan Document (IPD), or if the IPD has expired or been made invalid. Any future development requires approval of a Development Plan and IPD, or a request to rezone the property.

Other parcels not included in this rezoning request were also zoned PD/CBD Planned Development Central Business District with the adoption of the new Official Zoning Map in 1994, but without a

corresponding legal description on file, it is not possible to verify if these parcels are part of the same PD overlay district as the subject parcels. However, separate zoning approvals (Planned Development #A-94 and Planned Development #A-96) are on file for a maintenance building at 410 South Elm Street and a juvenile / shelter care / office facility at 500 West Fifth Street. These other parcels will remain zoned PD/CBD, and further zoning action would only be needed if future development were proposed.

STAFF ANALYSIS

Existing Site Conditions: The subject parcels total approximately 6.42 acres in size and are located south of West Eighth Street and east of South Walnut Street. Currently, parcel #31-3-0680-00 is developed with the Outagamie County Administration Building, parcel #31-2-0220-00 is developed with the Outagamie County Justice Center, and parcel #31-3-0827-00 is developed with an off-street parking lot. Together, the properties have frontage on West Eighth Street, South Walnut Street, West Sixth Street, South Elm Street, and West Seventh Street. Easements exist within the vacated area of Seventh Street and Elm Street.

Surrounding Zoning Classification and Land Uses:

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of institutional uses, including the Appleton Police Department.

South: PD/CBD Planned Development Central Business District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of institutional and single-family residential uses.

East: R-3 Multi-Family District and P-I Public Institutional District. The adjacent land uses to the east are currently a mix of single-family and multi-family residential and institutional uses, including Jones Park.

West: R-1C Central City Residential District, R-2 Two-Family District, and R-3 Multi-Family District. The adjacent land uses to the west are currently a mix of single-family and multi-family residential.

Proposed Zoning Classification: The purpose of the CBD Central Business District is to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, and governmental uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural, and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

- 1) ***Minimum lot area:*** 2,400 square feet.
- 2) ***Maximum lot coverage:*** 100%.
- 3) ***Minimum lot width:*** 20 feet.
- 4) ***Minimum front yard:*** None.

- 5) ***Minimum rear yard:***
 - a. None.
 - b. 10 feet when abutting a residentially-zoned district.
- 6) ***Minimum side yard:***
 - a. None.
 - b. 10 feet when abutting a residentially-zoned district.
- 7) ***Maximum building height:*** 200 feet.

Zoning Ordinance Review Criteria: The request is being made to accommodate the proposed development of a three-story building addition to connect the Justice Center and Administration Building. Governmental facilities is a permitted uses in the CBD Central Business District. Future development would need to conform to the CBD District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

The applicant included a concept plan with their submittal (see attached), which shows the proposed building addition crossing existing lot lines. If the final design includes building placement in this location, a lot combination via Certified Survey Map (CSM) would also be needed.

A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, because no Implementation Plan was approved and recorded for the PD Overlay District, some zoning action is needed in order for future development to occur, pursuant to Section 23-151(l) of the Municipal Code.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future public / institutional uses. The existing and proposed use of the site for governmental facilities is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

OBJECTIVE 7.1 Utilities and Community Facilities:
Provide a pattern of development that minimizes impacts to municipal services and utilities.

OBJECTIVE 8.3 Agricultural, Natural, Historic, and Cultural Resources:
Continue and expand efforts to preserve, restore, and interpret important features of Appleton's rich history.

OBJECTIVE 9.3 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.

Chapter 14 Downtown Plan, Initiative 1 Urban Design:

Strategy 1.3 – Create a public use campus south of Lawrence Street between Walnut Street and Jones Park.

Chapter 14 Downtown Plan, Initiative 4 Business and Office Development:

Strategy 4.7 – Maintain an environment favorable to large businesses in the downtown.

Maintain regular communication with the downtown's larger employers and respond to their needs to remain and expand in the 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 objectives and strategies stated above.*
 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. *Public / institutional uses are already present on the subject site and located to the north and east as well. The residential uses located to the south and west are separated from the subject area by street right-of-way. The rezoning request is being made to accommodate a building addition that would serve the needs of an existing neighborhood institution, Outagamie County. The applicant also references a conceptual parking management strategy in their submittal, which would utilize*

existing downtown parking ramps. 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 November 1, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

Written Public Comments: Staff has not received any questions, concerns, or comments from the surrounding neighborhood. A neighborhood meeting was held on November 3, 2016 by the owner/applicant.

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 #7-16 to rezone the subject parcels located at 320 & 410 South Walnut Street (Tax Id #31-3-0827-00, #31-3-0680-00, and #31-2-0220-00) from PD/CBD Planned Development Central Business District to CBD Central Business District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

320 & 410 S. Walnut Street

Rezoning

PD/CBD Planned Development Central Business District
to CBD Central Business District

Zoning Map

Subject
Area

Subject
Area

CBD

PD/CBD

PDR3

P-I

R-1C

PD/C-2

M-2

R-1B

P-I

R-1C

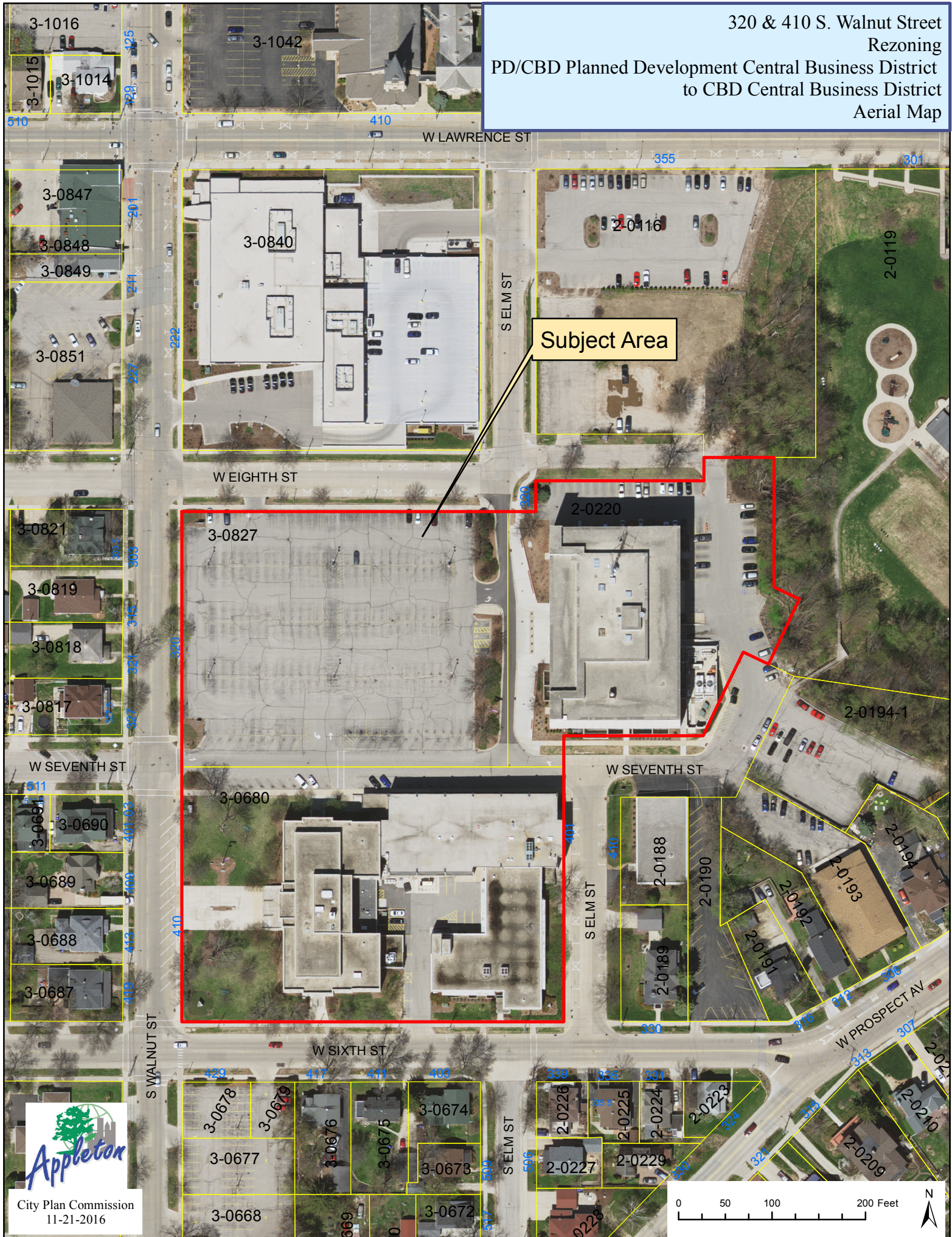
R-1B



City Plan Commission
11-21-2016



320 & 410 S. Walnut Street
Rezoning
PD/CBD Planned Development Central Business District
to CBD Central Business District
Aerial Map



Legal Description of Land Proposed for Rezoning

Tax ID #31-3-0827-00--GRAND CHUTE PLAT 3WD ALL OF BLK 42 AND N1/2VAC SEVENTH ST AND W1/2 VAC ELM ST LYG ADJ THERETO 2.186AC M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

Tax ID #31-2-0220-00-- APPLETON PLAT 2WD LOTS 1, 2, 3, 4, 8, 9 AND W1/2 LOT 5 BLK 18 AND S1/2 PRT VAC W EIGHTH ST AND N1/2 PRT VAC SEVENTH ST ANDE1/2 VAC ELM ST LYG ADJ THERETO 72,896.55 SQ FT M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

Tax ID # 31-3-0680-00-- GRAND CHUTE PLAT 3WD BLK 31 AND S1/2 VAC SEVENTH ST LYG NORTH AND ADJ THERETO 2.56AC M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.



Planning and Zoning Administration

410 S. Walnut St. | Appleton, WI 54911
Administration Building, 3rd Floor
Phone: 920-832-5255 | Fax: 920-832-4770
www.outagamie.org

October 21, 2016

RE: Rezoning Request for Outagamie County-Owned Property

Need for Requested Rezoning:

Outagamie County is requesting this rezoning to allow our forthcoming Downtown Campus building addition/renovation to proceed and comply with city of Appleton zoning requirements. In reviewing the current zoning for the subject parcels (a "hollow" PD-CDB zone with no corresponding Implementation Plan), it was determined that our proposed project does not require the additional flexibility granted via a Planned Development Overlay/corresponding Implementation Plan. The PD overlay was applied in 1994 by the City as part of the comprehensive overhaul of the City Zoning Map, hence no corresponding Implementation Plan. The underlying zoning district of CBD will accommodate our building expansion's location/setbacks, parking layout, and proposed uses (e.g. government services), without requiring any special zoning accommodations that could be granted via a PD overlay. Government facilities immediately to the north of our campus (City of Appleton Police Department and future Appleton RDA Exhibition Center) are also zoned CBD, making our proposal consistent and compatible.

Project Overview:


Our project is designed to enhance overall campus security, provide better customer/client service, improve wayfinding, and accommodate recent and projected growth in our Health & Human Services and justice-related departments.

Highlights of our project include:

- A 3-story building addition connecting our Justice Center with our Administration Complex, to be situated on the southeast corner of our North Parking Lot. All improvements will occur on existing county-owned property – conceptual "*Master Plan*" map attached.
- Improved campus parking management that utilizes the City of Appleton's Green and Red ramps for select employees and visitors during and after our construction period – conceptual "*Parking Strategy*" map attached.
- Construction is anticipated to commence late spring/early summer of 2017.

We look forward to providing additional design details to the City and neighborhood as our design process proceeds, and to our continued presence and investment in Downtown Appleton!

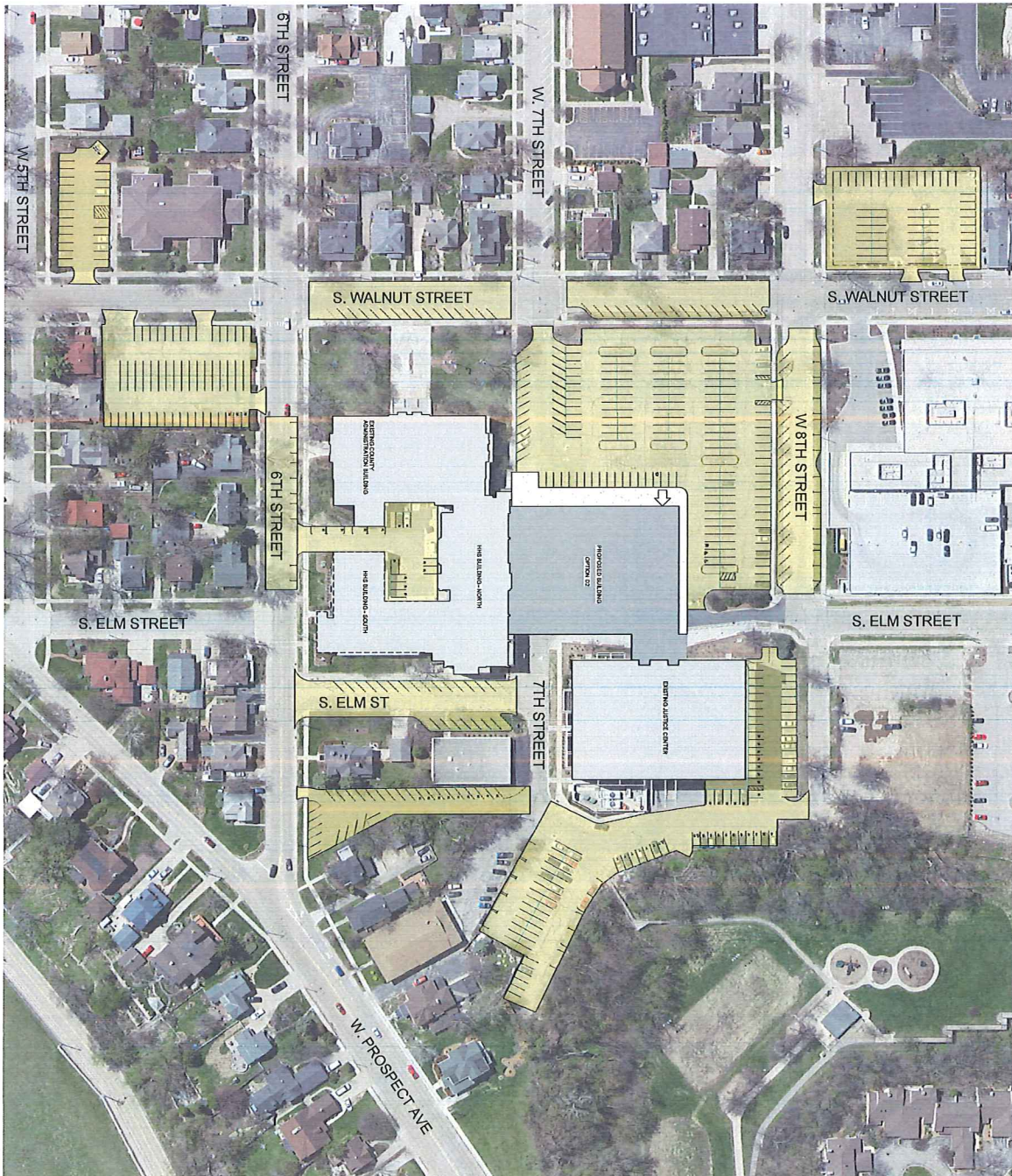
Sincerely,


Kara Homan, AICP
County Planning Director

RECEIVED

OCT 25 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT



OUTAGAMIE COUNTY DOWNTOWN MASTER PLAN



DRAFT

PRELIMINARY NOT FOR CONSTRUCTION

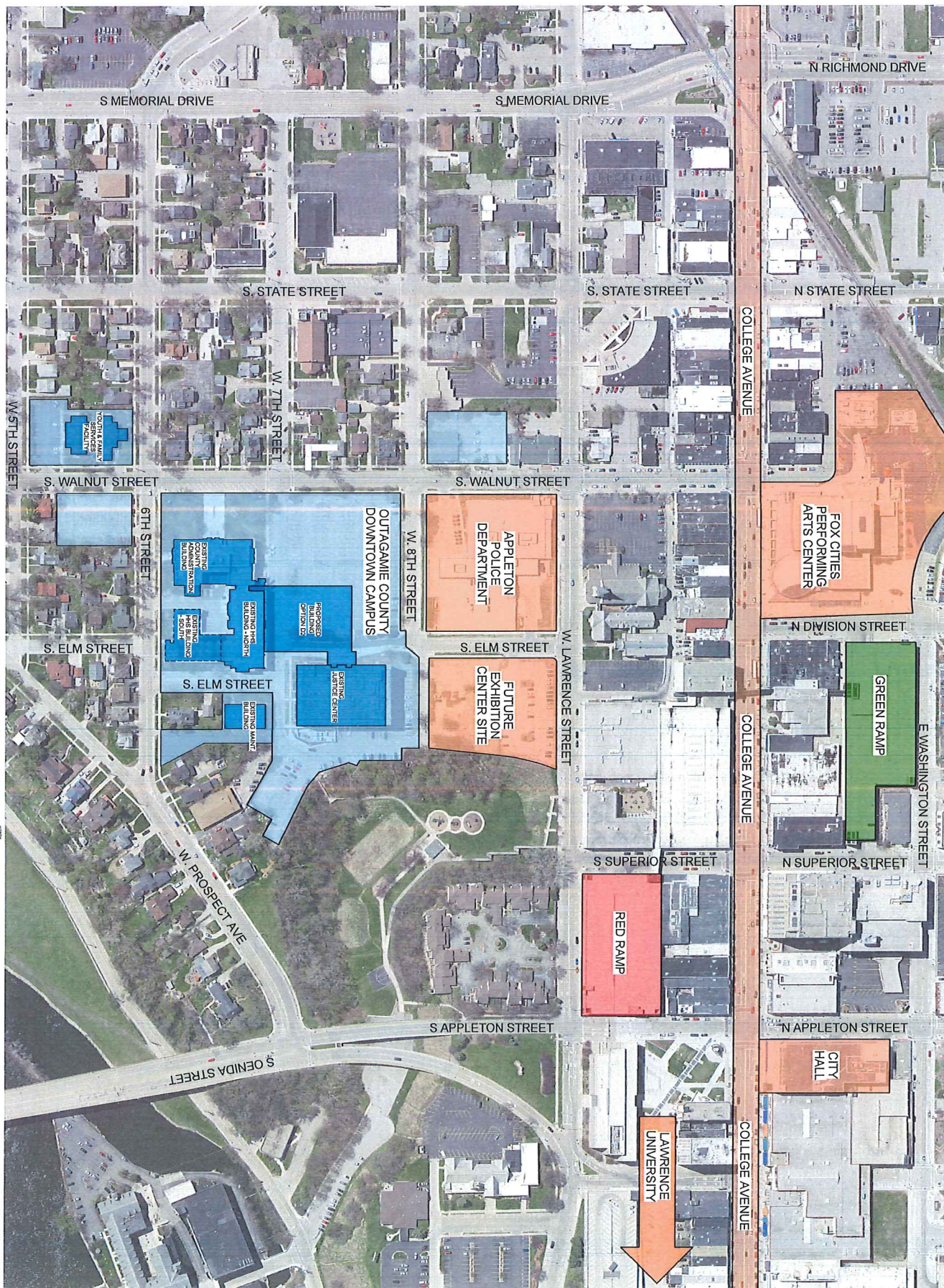
INTERIOR REMODELING FOR:
OUTAGAMIE COUNTY APPLETON WI
OUTAGAMIE COUNTY DOWNTOWN MASTER PLAN

REV	DATE	REVISION

McMahon provides the drawing as a guide only. It is not to be used for construction without the approval of McMahon. The client is responsible for obtaining all necessary permits and for ensuring that the drawing is used in accordance with the original intent of the drawing.

McMAHON
ENGINEERS ARCHITECTS
1600 BROADWAY DRIVE, NEENAH, WI 54956
PHONE: 920.705.1235 FAX: 920.705.1236
WWW.MCMHON.COM

AS-02



PRELIMINARY NOT FOR CONSTRUCTION

INTERIOR REMODELING FOR:
OUTAGAMIE COUNTY APPLETON WI
PARKING STRATEGY PLAN

NO.	DATE	REVISION

McMahan provides this as a preliminary drawing. It is not to be used for construction. The design is subject to change without notice. The client is responsible for obtaining all necessary permits and approvals. The design is not to be used for any other purpose without the written consent of McMahan.

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PARKING STRATEGY PLAN



DRAFT

AS-09