



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** June 9, 2021

**Common Council Public Hearing Meeting Date:** July 21, 2021  
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-21 and Rezoning #5-21

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

### **GENERAL INFORMATION**

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**Owner:** Pathways Church, Inc. c/o Adam Demetrician

**Applicant:** Commercial Horizons, Inc. c/o Paul Klister

**Address/Parcel:** Generally located along North Alvin Street, south of West Evergreen Drive and north of Interstate 41 (Tax Id #31-6-4500-01)

**Petitioner's Request:** The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Public/Institutional designation to the Commercial designation for the subject parcel. In conjunction with this request, the applicant is proposing to rezone the subject parcel from P-I Public Institutional District to C-2 General Commercial District. A portion of Alvin Street right-of-way, currently zoned AG Agricultural District, is also included in the rezoning request. The requests are being made to accommodate the proposed construction of an office building.

### **BACKGROUND**

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On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan 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.

In January 2021, a Certified Survey Map (CSM) was submitted to divide the property owned by Pathways Church, Inc. and create the subject parcel. The CSM was administratively reviewed and approved by City staff on February 18, 2021. As a result, the subject parcel consists of vacant, undeveloped land, and the adjacent parcel (#31-6-4500-00) contains the existing church building and parking lot.

### **STAFF ANALYSIS**

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**Procedural Findings:** When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

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**Existing Site Conditions:** Currently, the subject property consists of vacant, undeveloped land. The subject land area totals approximately 7.00 acres. The property has frontage along North Alvin Street and Interstate 41. North Alvin Street is classified as a local street on the City's Arterial/Collector Plan, and Interstate 41 is classified as a freeway. The ANR natural gas pipeline crosses the subject site and a related easement exists on the property. Other easements for watermain and storm sewer are also present.

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

North: Zoning – P-I Public Institutional District and Town of Grand Chute.

Future Land Use Designation – Public/Institutional and One and Two-Family Residential.

Current Land Use – Vacant, undeveloped land and single-family residential.

South: Zoning – P-I Public Institutional District.

Future Land Use Designation – Not applicable (Interstate 41).

Current Land Use – Interstate 41 highway.

East: Zoning – P-I Public Institutional District.

Future Land Use Designation – Public/Institutional.

Current Land Use – Place of worship (Pathways Church building and parking lot).

West: Zoning – PD/C-2 Planned Development General Commercial District #11-19.

Future Land Use Designation – Commercial.

Current Land Use – Various commercial uses, including a multi-tenant building under construction.

**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 land area is necessitating the change to Commercial designation. An area to the west is already shown as Commercial designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Commercial designation east of Alvin Street.

**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 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 7.1 Utilities and Community Facilities:**

*Provide a pattern of development that minimizes impacts to municipal services and utilities.*

*Policy 7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.*

**OBJECTIVE 9.5 Economic Development:**

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

*Policy 9.5.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

**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.*

**OBJECTIVE 10.5 Land Use:**

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

**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.

**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 the proposed development of an office building, which is a permitted use in the C-2 General Commercial District. If the rezoning request is approved, any future development would need to conform to the C-2 District

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zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

**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 #1-21 is approved, to identify this area for future commercial 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.
- 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 uses are already located to the west of the subject site. The adjacent property to the north and east is owned by Pathways Church, Inc. and is used as a place of worship. Interstate 41 is immediately south 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, provided Comprehensive Plan Future Land Use Map Amendment #1-21 is approved.

**Technical Review Group (TRG) Report:** These items appeared on the May 18, 2021 TRG agenda. No negative comments were received from participating departments.

**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 #1-21* for specified property (Tax Id #31-6-4500-01) from Public/Institutional designation to Commercial 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 #5-21 to rezone the subject parcel located east of North Alvin Street (Tax Id #31-6-4500-01) from P-I Public Institutional District and AG Agricultural District to C-2 General Commercial District, including to the centerline of the adjacent North Alvin Street and Interstate 41 right-of-way, as shown on the attached map, **BE APPROVED**.

**NOTE:** If approved, Rezoning #5-21 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-21 to accurately reflect the change in future land use from Public/Institutional designation to Commercial 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 June 9, 2021, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #1-21) 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 a meeting held on June 9, 2021; 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 (Tax Id #31-6-4500-01) on the Future Land Use Map from Public/Institutional Use to Commercial 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.

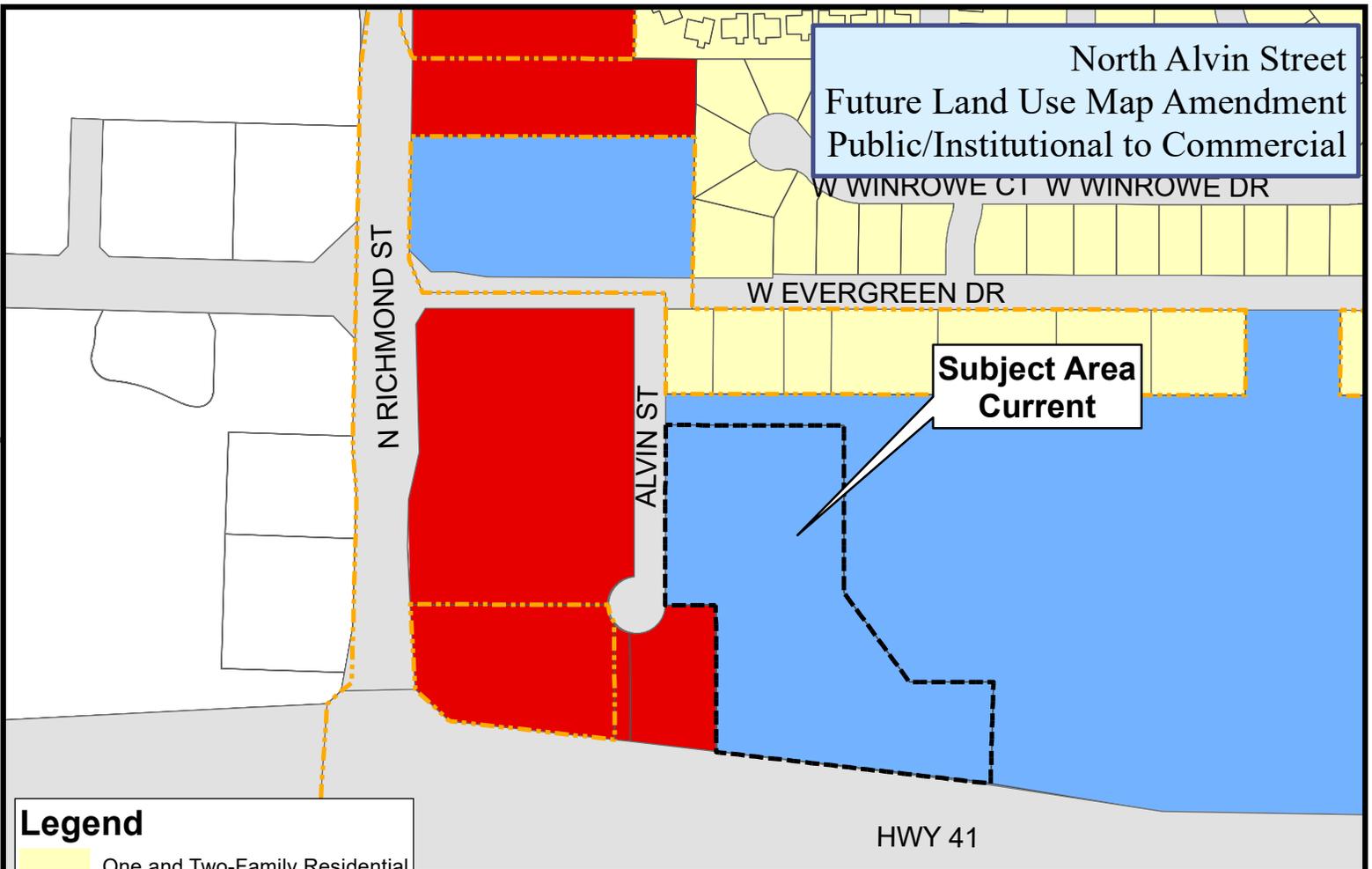
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk

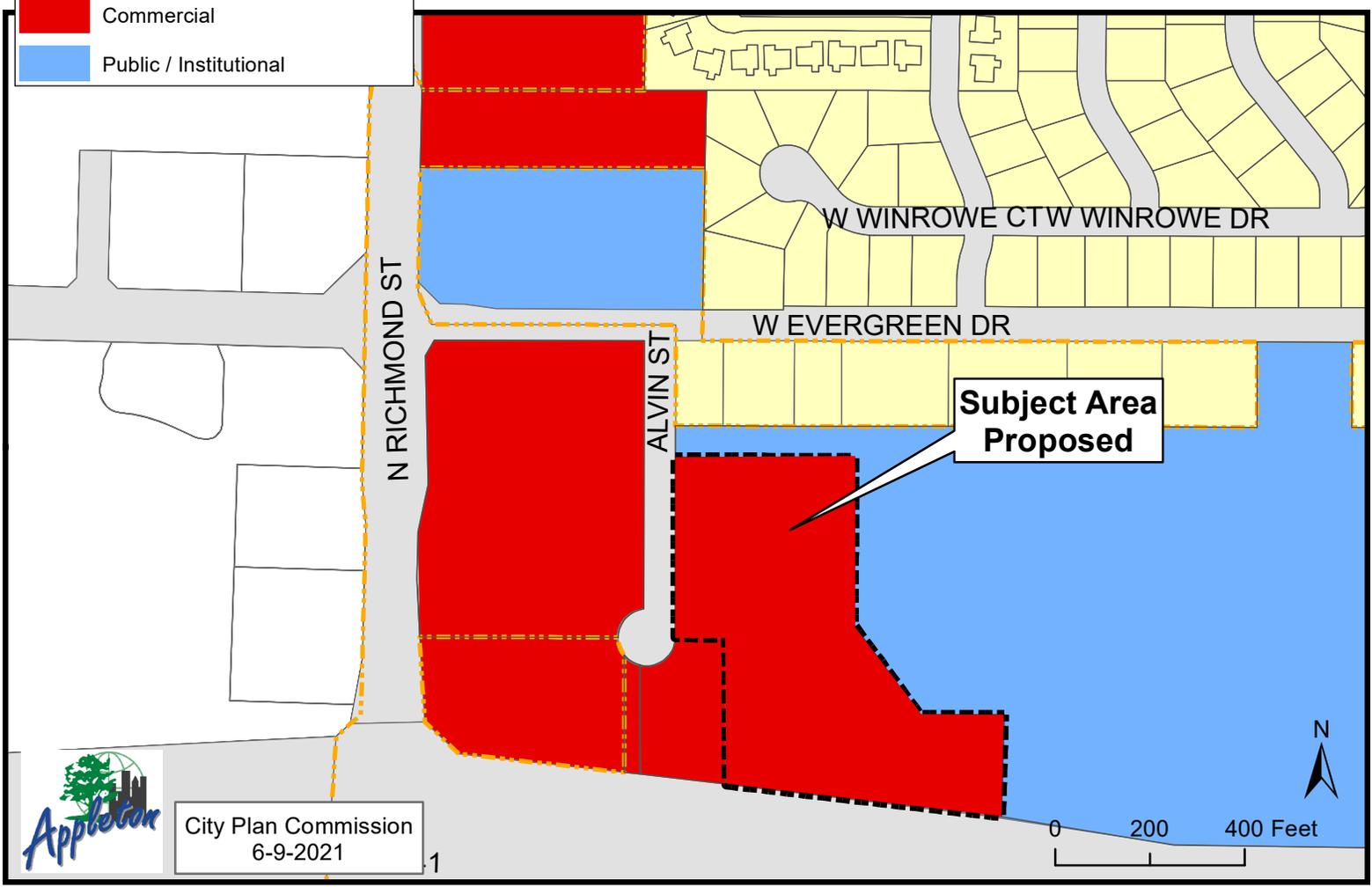
North Alvin Street  
Future Land Use Map Amendment  
Public/Institutional to Commercial



Subject Area  
Current

**Legend**

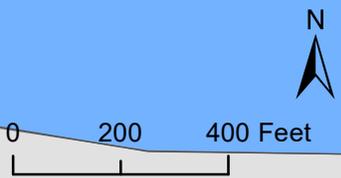
- One and Two-Family Residential
- Commercial
- Public / Institutional



Subject Area  
Proposed



City Plan Commission  
6-9-2021



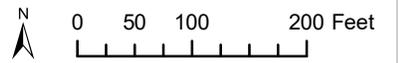
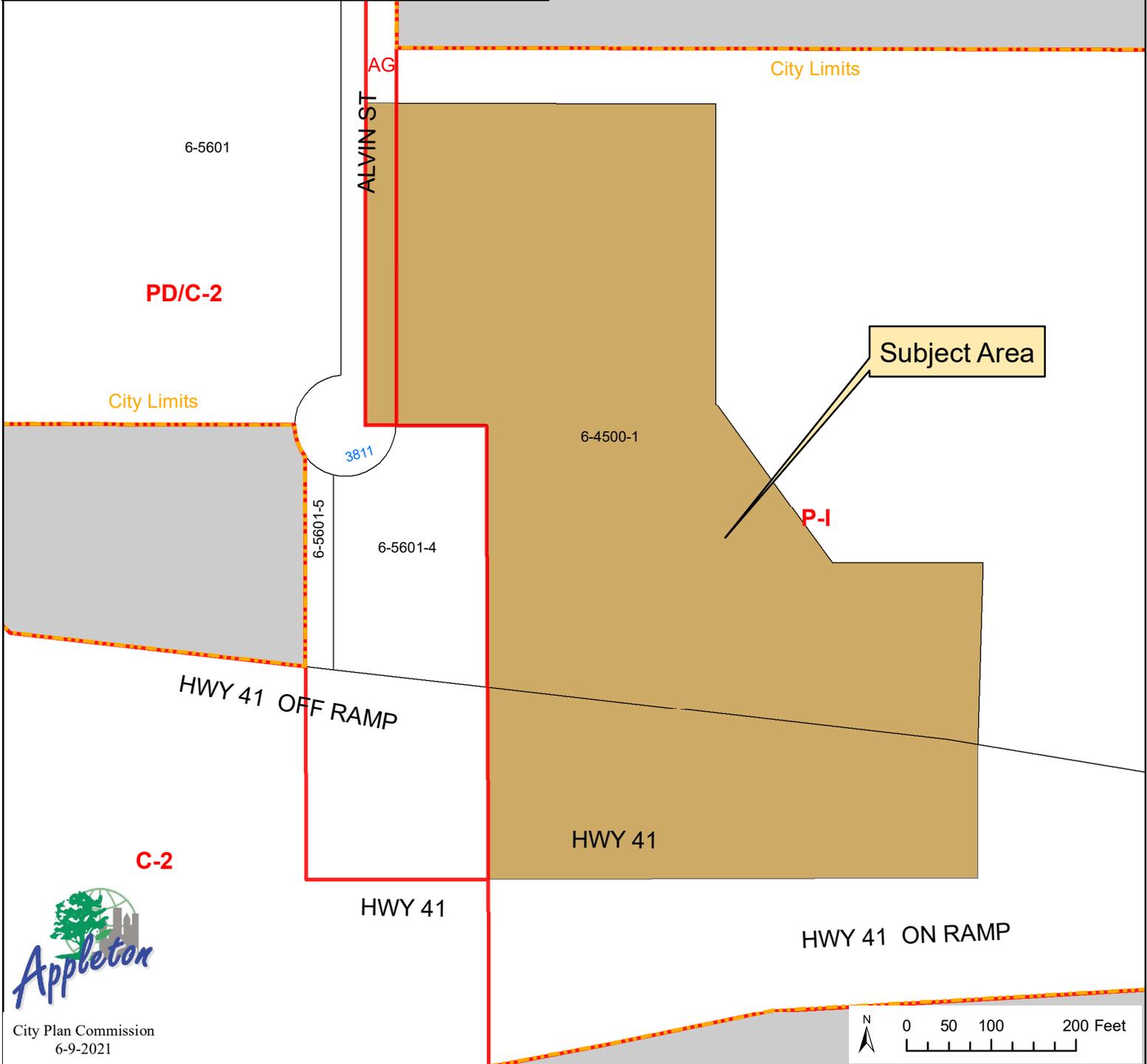
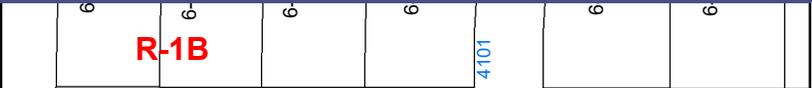
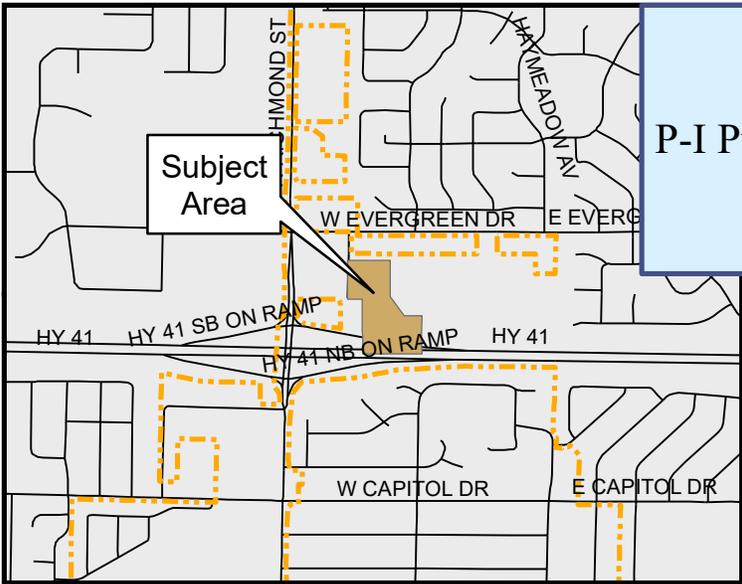
**Comprehensive Plan Future Land Use Map Amendment from Public / Institutional designation to Commercial designation.**

**Legal Description – N. Alvin Street**

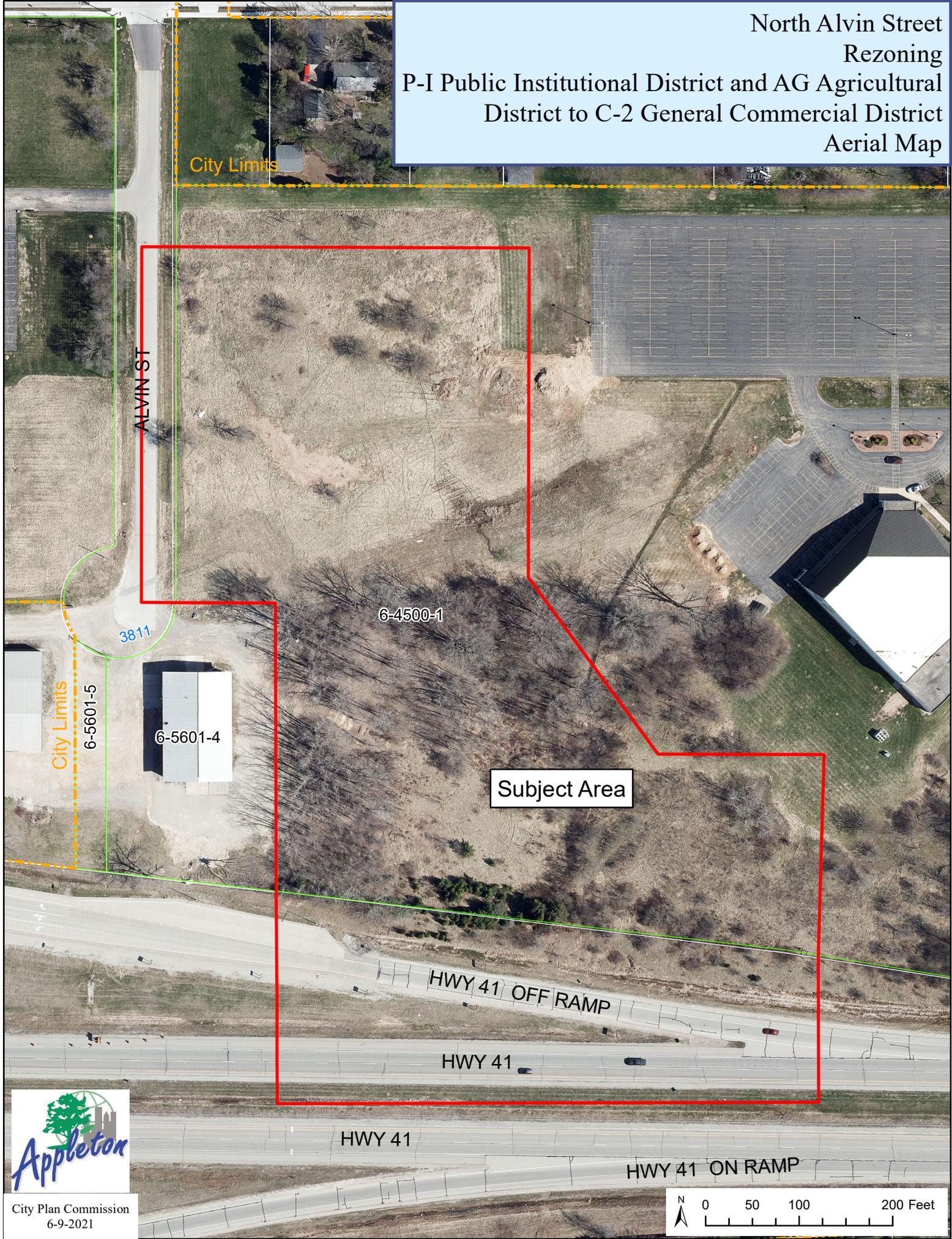
**Tax Id: 31-6-4500-01**

Lot 2, Certified Survey Map 8072, City of Appleton, Outagamie County, Wisconsin. Including the adjacent one-half (1/2) right-of-way of North Alvin Street and Interstate 41.

North Alvin Street  
 Rezoning  
 P-I Public Institutional District and AG Agricultural  
 District to C-2 General Commercial District  
 Zoning Map



North Alvin Street  
Rezoning  
P-I Public Institutional District and AG Agricultural  
District to C-2 General Commercial District  
Aerial Map



**LEGAL DESCRIPTION**

**PARCEL: 31-6-4500-01**

**Description of lands to be rezoned from P-I Public Institutional District and AG Agricultural District to C-2 General Commercial District:**

Lot 2, Certified Survey Map 8072, City of Appleton, Outagamie County, Wisconsin. Including the adjacent one-half (1/2) right-of-way of North Alvin Street and Interstate 41.