



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 12, 2018

Common Council Public Hearing Meeting Date: July 18, 2018 (Public Hearing on Rezoning)

Item: Rezoning #6-18 – Riverside Cemetery

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Appleton Cemetery Association

Address/Parcel #: 1236 E. Pacific Street / #31-1-1067-00

Petitioner's Request: The applicant is requesting a zoning change from R-1B Single-Family District and C-2 General Commercial District to R-1B Single-Family District to provide for consistent R-1B Single-Family residential zoning for the entire parcel.

BACKGROUND

The subject property was previously used as a commercial greenhouse. The cemetery purchased the property and demolished the structures in 2017. A small parking lot was retained and re-paved for cemetery use.

The property is being proposed to be used by the cemetery as a non-profit recreational facility to include a reflection/meditation garden, open space and parking for use by visitors to the cemetery and the public. The property owner has also filed an application for Special Use Permit #2-18.

STAFF ANALYSIS

Proposed Zoning Classification: The purpose of the R-1B Single-Family Residential District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium-sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Existing Conditions: The area to be rezoned is currently being used as open space and a small parking lot serving Riverside Cemetery and is zoned R-1B Single-Family District and C-2 General Commercial District.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 – R-1B Single-Family Residential District) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The existing lot exceeds this requirement. The lot is 57,609 square feet.*
- Minimum lot width: Fifty (50) feet.
 - *The existing lot exceeds this requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *No structures proposed at this time. Required setbacks for any future structures will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *No structures proposed at this time. Required setbacks for any future structures will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
 - *The existing lot exceeds this requirement.*

Surrounding zoning and land uses:

North: R-1B Single-Family District – Single-family homes

South: R-1B Single-Family District – Single-family homes

East: R-1B Single-Family District – Riverside Cemetery

West: R-1B Single-Family District – Single-family homes

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future Single-Family/Two-Family residential land uses. The proposed R-1B Single-Family District rezoning 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.

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

OBJECTIVE 10.1 Land Use:

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

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.

Related excerpts are listed below.

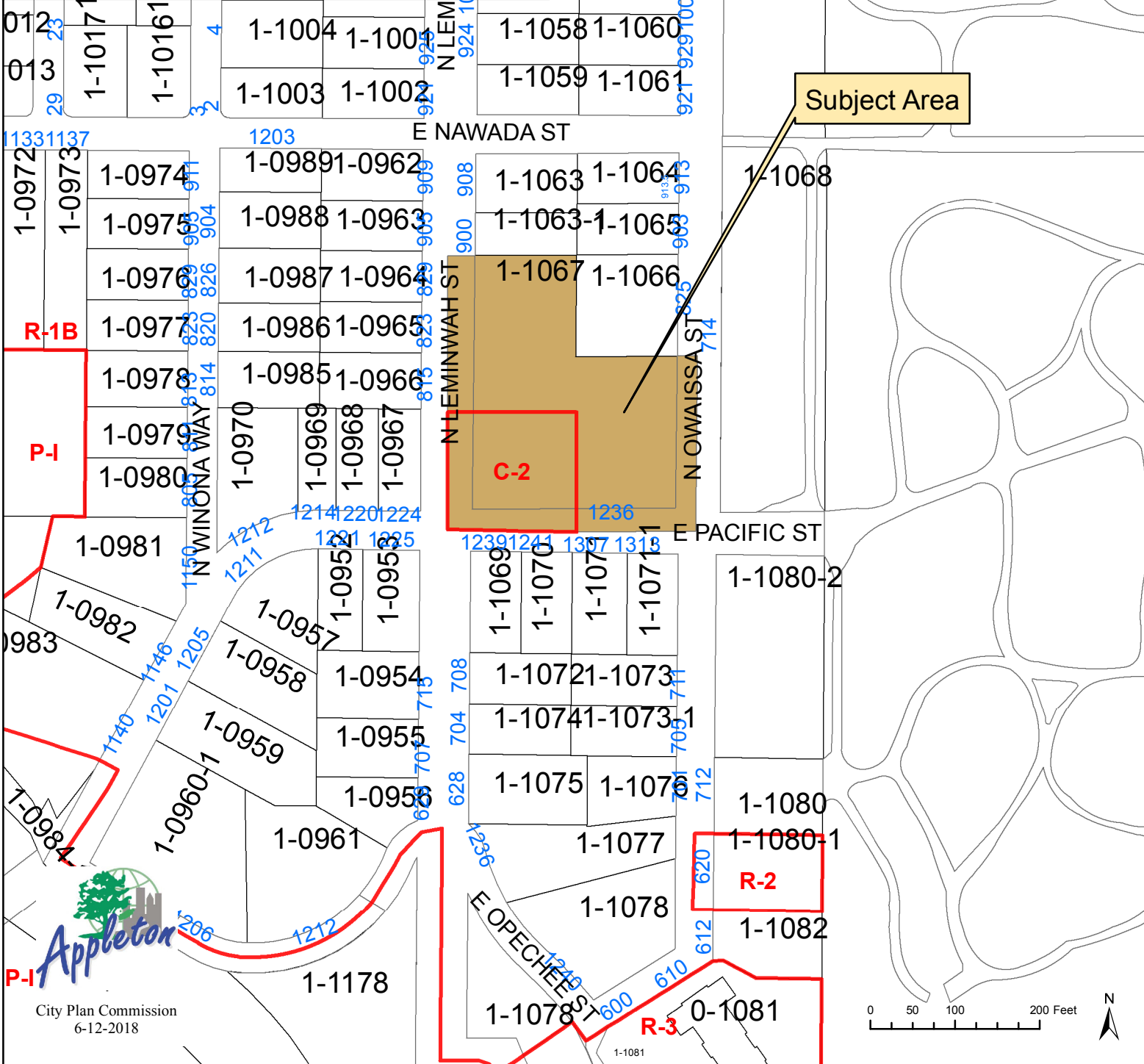
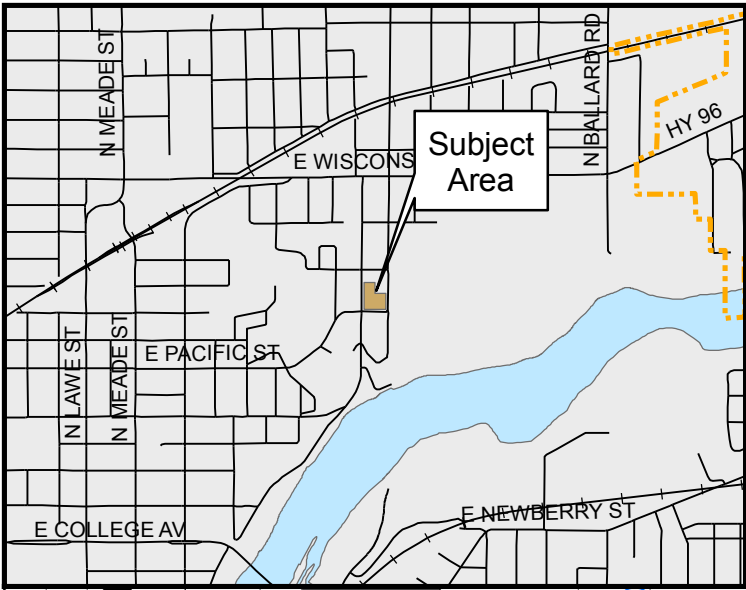
- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and policies stated above and the Future Land Use map.*
 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. *Single-family uses are already present to the north, south and west of the subject site. The rezoning request is being made to provide for consistent R-1B Single-Family residential zoning for the entire parcel. The property will be used as a reflection/meditation garden, open space and parking for use by visitors to the cemetery and the public. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Technical Review Group Report (TRG): This item was discussed at the May 22, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

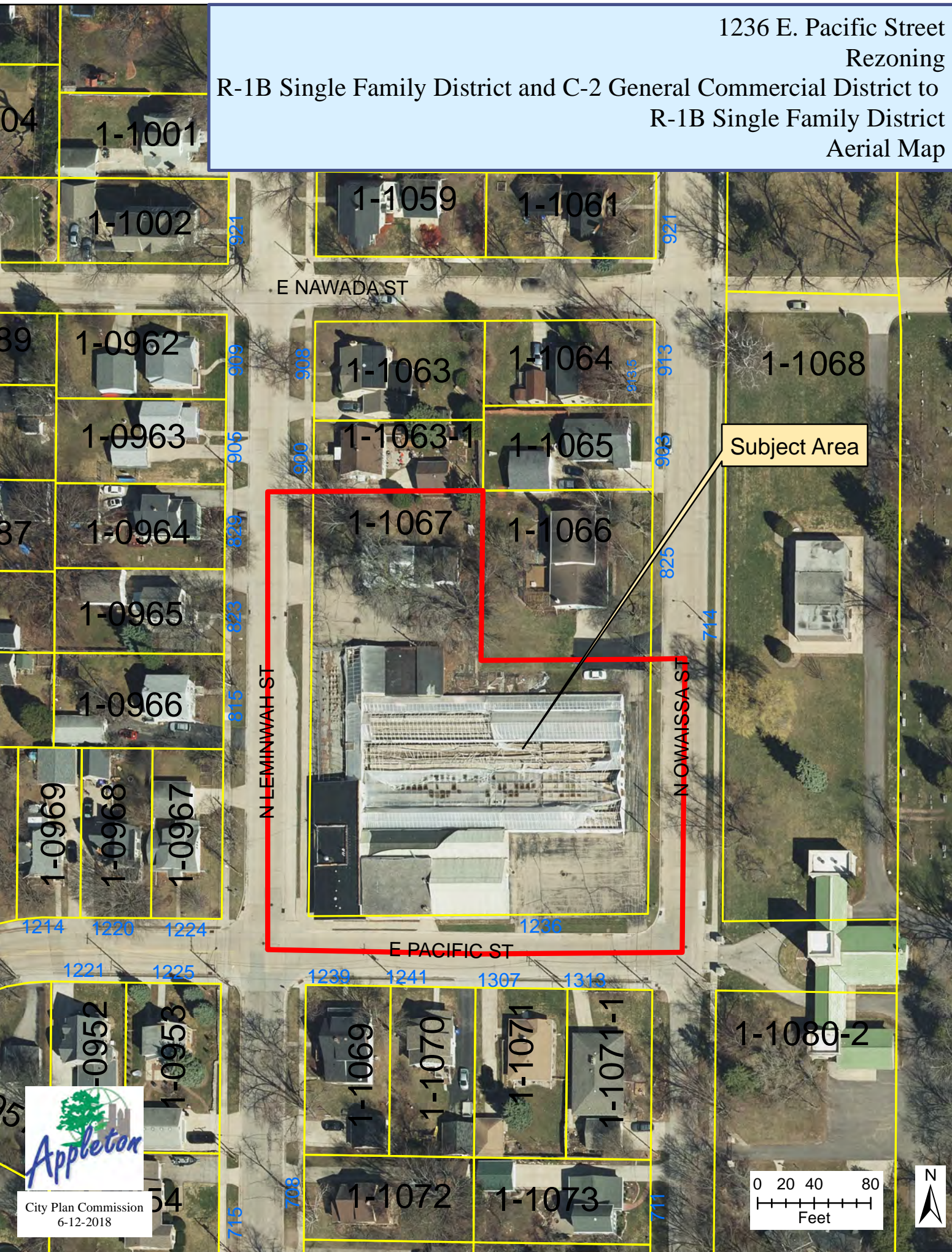
RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #6-18 to rezone the subject property from R-1B Single-Family District and C-2 General Commercial District to R-1B Single-Family District, including to the centerline of the adjacent right-of-way, as shown on the attached maps, **BE APPROVED**.

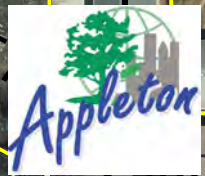
1236 E. Pacific Street
 Rezoning
 R-1B Single Family District and
 C-2 General Commercial District to
 R-1B Single Family District
 Zoning Map



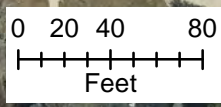
1236 E. Pacific Street
Rezoning
R-1B Single Family District and C-2 General Commercial District to
R-1B Single Family District
Aerial Map



Subject Area



City Plan Commission
6-12-2018



Legal Description

1236 E. Pacific Street

Tax Id: 31-1-1067-00

HARRIMANS LAWSBURG PLAT 1WD LOTS 5, 7, 9, 10, 11, 12, 13 and 14 BLK 60, including all of the adjacent one-half (1/2) right-of-way of North Leminwah Street, East Pacific Street and North Owaissa Street.