

REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: July 21, 2014

Common Council Public Hearing Meeting Date: August 20, 2014 (Public Hearing on Rezoning)

Item: Rezoning #6-14 –Union Square Apartments

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Jared Bailin, Owner

Marissa Downs, Commonwealth Development Corp., Applicant

Address/Parcel #: 903 North Union Street (Tax Parcel 31-1-0117-00)

414 East Winnebago Street (Tax Parcel 31-1-0103-00)

Petitioner's Request: The applicant is requesting a Rezoning to change the current Zoning Map from the R-3 Multi-family District for 903 North Union Street (Tax Id. 31-1-0117-00) and 414 East Winnebago Street (Tax Id. 31-1-0103-00) to PD/R-3 Planned Development Multi-family District, as shown on the attached map for the construction of a multi-family housing development.

BACKGROUND

Rezoning #12-13 from the M-2 General Industrial District to R-3 Multi-family District for 903 North Union Street (Tax Id. 31-1-0117-00) and from the R-1B Single-family District and M-2 General Industrial District to R-3 Multi-family District for 414 East Winnebago Street (Tax Id. 31-1-0103-00) was approved by the Plan Commission on November 11, 2013 and the Common Council on December 18, 2013.

Comprehensive Future Land Use Map amendment #14-13 to change the future Land Use Map designation on the subject site from One and Two-Family Residential designation to Multifamily designation was approved by Plan Commission on November 11, 2013 and by the Common Council on December 18, 2013.

The applicant's site consists of a .96 acre lot and a 1.98 acre lot for a total land area of 2.94 acres that is located on the south side of Commercial Street, north side of Winnebago Street, west side of Union Street and adjacent to the Canadian National Railroad tracks. The site is currently developed with a vacant 53,529 square foot manufacturing building (formally occupied by Eagle Supply and Plastics, Inc.) and a 2,168 square foot storage building. The remainder of the site consists of pavement, gravel and some green space.

STAFF ANALYSIS

Proposed Planned Development: This proposed development and implementation plan were developed utilizing the PD Planned Development Overlay District zoning category which allows an applicant to proposed uses, development and density standards, and design guidelines, for the subject site. The PD Overlay District zoning category allows an applicant to develop standards that respond to challenges with infill sites better than base zoning districts allow. The end result is a parcel rezoned with standards specifically unique to the project such as density, building setbacks, exterior design materials, landscaping areas.

Development Plan: The proposed development consists of 50 dwelling units to be constructed on 2.94 acres (land area - 128,066 square feet) at a density of 2,561 square feet of land per dwelling unit. The buildings facing Commercial Street will be two stories in height with an attached one-car garage and the building facing Winnebago Street will be three stories in height with an attached one-car garage. Guest parking spaces can be accommodated utilizing the space in front of each attached garage.

Ordinance Exceptions: With the PD Overlay District, the City of Appleton coordinates with the developer to promote an integrated development project that is beneficial to the occupants of the development, as well as the neighboring properties to create the most beneficial use of the property. In order to do this, exceptions are sometimes needed to make the overall development work. The applicant is requesting the following Zoning Ordinance exceptions:

Development Regulations:

	Maximum Dwelling Units	Minimum Front Yard Building Setback	Minimum Yard Building Setback from Single/Two family lot line
Required R-3 Base Zoning District	3,000 square feet of land per unit - 42 units	20 feet	30 feet
Proposed PD Overly District	2,561 square feet of land per unit - 50 units	10 feet, along Commercial Street	20 feet, west lot line

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Development Regulations (continued):

The proposed development deviates from the applicable zoning regulations regarding principal building front yard and single/two family lot line setbacks and maximum number of dwelling units per lot area. These deviations represent an effort to encourage redevelopment and infill development, the specific purposes of which are to: allow the efficient use of land and innovations in the development, so that the needs and demands of the population may be met by design and layout of buildings and by conservation of open space. The Development Plan emphasizes building layout and architecture, outdoor play area, screening and landscaping details that exceed the Zoning Ordinance requirements in an effort to satisfy the purpose statement and provide a buffer/transition between surrounding residential, commercial and industrial uses.

Surrounding Zoning Classification and Land Uses:

North: R-1C Central City Residential District and R-2 Two-Family District, the adjacent land uses to the north are currently a mix of single and two-family residential.

South: R-1C Central City Residential District and M-2 General Industrial District, the adjacent land uses to the south are currently rail road tracks, electrical utility substation, office and storage building and single-family residential.

East: R-1C Central City Residential District and M-2 General Industrial District, the adjacent land uses to the east are light manufacturing and single-family residential.

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

Appleton Comprehensive Plan 2010-2030:

Overall Community Goals

Goal 1 – Community Growth (Chapter 10 – Land Use)

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.

Findings: The proposed multi-family development project supports this goal. The proposed multi-family development project promotes the construction of residential housing units on an infill/redevelopment site.

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.

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Findings: The proposed multi-family development project supports this goal. The proposed multifamily development project adds to the current housing stock in the City and ensures an adequate supply of housing styles to a range of income levels.

Appleton Comprehensive Plan 2010-2030 (continued):

OBJECTIVE 5.1 Housing and Neighborhoods.

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

Policy 5.2.5 Housing and Neighborhoods.

Encourage and facilitate renovation and redevelopment that preserves and enhances the viability of existing housing and neighborhoods.

OBJECTIVE 5.3 Housing and Neighborhoods.

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

Findings: The request is consistent with these objectives and policies because the proposed Planned Development Overlay Zoning District will allow the subject site to be redeveloped at a slightly high density level than the base zoning district allows. Maintaining an adequate supply of housing units, will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels.

OBJECTIVE 6.3 Transportation:

Create an environment that is safe and conducive to walking and bicycling throughout the entire city.

Policy 6.3.1 Prioritize bicycle and pedestrian improvement projects that enhance connectivity between important destinations within the community, and to regional bicycle and pedestrian networks.

Policy 6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods

Findings: The subject site is located within an atypical lot-block pattern. Nonetheless, the existing sidewalks and bike lanes in this area of the City will provide opportunities for walking and biking to shopping and services, schools and parks, employment and transit. These objectives and policies appear to be met.

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.

Findings: The request is consistent with this objective because the proposed multifamily development project emphasizes building architecture, a designated outdoor play area, screening and landscaping details that exceed the Zoning Ordinance requirements. In addition, these elements provide an effective

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buffer/transition between surrounding residential, commercial, industrial uses and the rail road corridor in this area of the City.

Review Criteria: Based upon the above analysis it would appear the criteria established by Section 23-151 (d) and (o) PD Planned Development Overlay District has been satisfied.

Technical Review Group Report (TRG): This item was discussed at the July 8, 2014 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 23-151(d) and (o) of the Zoning Ordinance, PD Rezoning Application #6-14 to rezone the subject site located at 903 North Union Street (Tax Id. 31-1-0117-00) and 414 East Winnebago Street (Tax Id. 31-1-0103-00) from R-3 Multi-ffamily District to PD/R-3 Planned Development Multi-family District including the adjacent right-of-way as shown on the map, **BE APPROVED.**

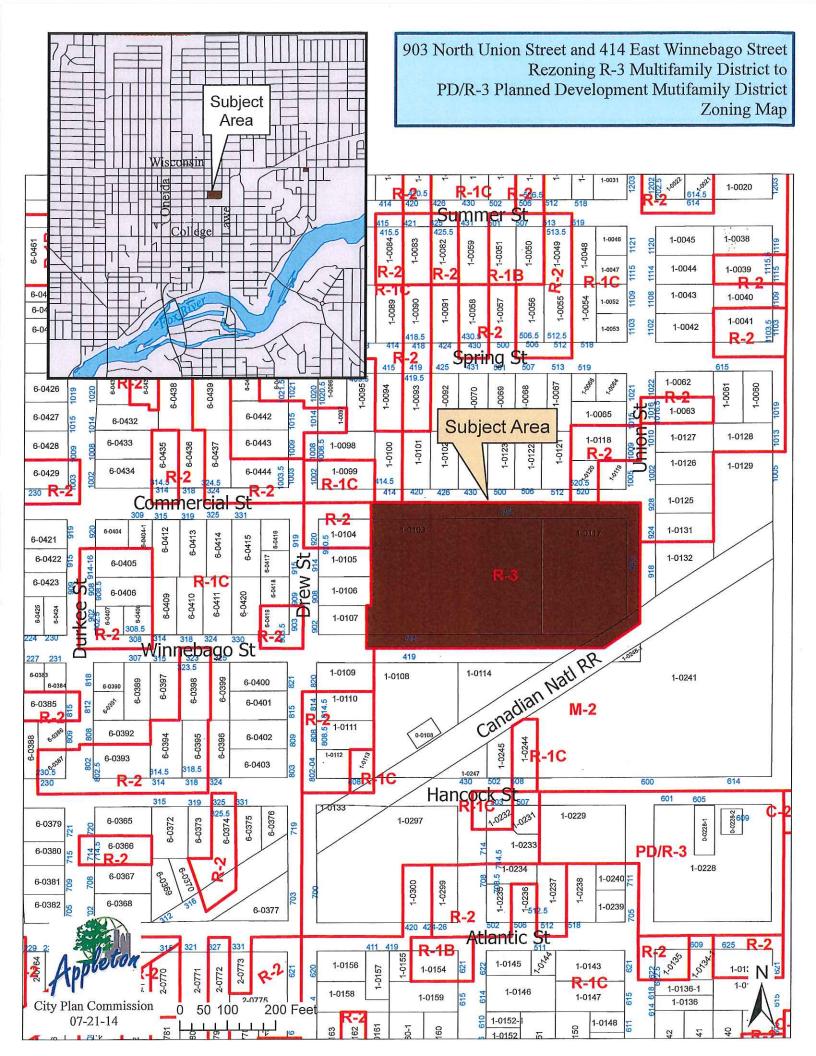
- 1. Prior to issuance of Building Permits, the Certified Survey Map, Implementation Plan Document for Planned Development District #6-14 must be finalized and recorded in the Outagamie County Register of Deeds Office.
- 2. The ordinance exceptions identified in Section B.1 of the Implementation Plan Document.

PUD Application – Union Square Apartments

A zoning of Planned Unit Development is being requested for the proposed site (the former Eagle Supply and Plastics Manufacturing facility) in order to allow for the obsolete manufacturing site to be redeveloped into housing of a design that is more fitting with the surrounding neighborhood than what could be allowed under R-3.

The following variances are being requested as part of this PUD application:

- An increase in total density from 42 units to 50 units.
 - o This increase of 8 units will allow for the increased cost of this infill project to be spread across a more appropriate number of units for a development of this type. An infill project is always more costly than a project built on greenspace. The demolition costs of the existing structures, the environmental clean-up, the townhome building design and the noise mitigation techniques due to the proximity to the railroad all increase the cost of the development. Additionally, the midrise building will be built with three stories if there are 42 or 50 units due to the unit sizes, management office, common space and at-grade enclosed garages. The cost of this building cannot be reduced, and the size of the building footprint cannot be decreased due to the first floor space requirements (i.e. parking and common space/office/laundry). We are also not asking for a variance of the green space percentage of 35% or a height variance from that allowed in the R-3 zoning.
- Set-Backs:
 - We would like to request a variance to the following set-backs:
 - Front Yard Set-Back from 20' to 10'. The design of the townhomes that will front Commercial will be more urban in design, in order to match the residential feel of the surrounding neighborhood. With front entries that allow immediate access to the sidewalks via front stairs or a front walk (dependent on grade), a smaller set-back is requested.
 - Yard Set-Back from single or two family lot line from 30' to 20'. In order to accommodate the parking requirements, play area and stormwater retention we are asking for this variance to the single or two family lot line set-back. As shown in our landscape plan, we will provide a significant landscape barrier between the residential uses to the west and Union Square Apartments.



DRAFT

IMPLEMENTATION PLAN DOCUMENT FOR PLANNED DEVELOPMENT

PLANNED DEVELOPMENT DESIGNATION

This Planned Development Designation, to be known as Union Square Apartments is approved this ______ day of ______, 20____ by the Common Council of the City of Appleton, Wisconsin, a Wisconsin Municipal Corporation, (hereinafter referred to as the "City") for certain real property located in Appleton and described in attached Exhibit A (hereinafter referred to as the "Property"). This Implementation Plan Document for Planned Development (PD) #6-14 is made and entered into by and between Union Square Apartments, LLC (hereinafter referred to as the "Owner/Developer") and the City.

WHEREAS, Section 23-151 of the Appleton Municipal Code requires the recordation of a Implementation Plan Document for Planned Developments undertaken in the City; and

Record and return copy to:

City of Appleton

Community & Economic Development

Department

100 N. Appleton Street

Appleton, WI 54911

WHEREAS, the actual Implementation Plan Document contemplated under the aforementioned Ordinance is too voluminous and cumbersome for easy recordation by the Outagamie County Register of Deeds; and

WHEREAS, the parties hereto wish to notify all interested parties of the existence of said Implementation Plan Document;

NOW, THEREFORE, in consideration of the foregoing recitals, the Owner/Developer and the City hereby notify all interested parties as follows:

1. **Existence of Implementation Plan Document for PD #6-14**. The parties hereto have entered into mutually agreeable Development and Implementation Plans for the Property. This designation establishes the general uses which shall be permitted on the property, a general development plan, a specific implementation plan and a statement of development guidelines and conditions that must be complied with by the Owner/Developer and all subsequent property owners or agents of the property owners. This designation also specifies improvements that must be made and conditions that must be fulfilled in conjunction with this designation by the Owner/Developer.

- 3. Subsequent Purchasers. A Planned Development (PD) is a zoning overlay district under the City of Appleton Zoning Ordinance. The Implementation Plan Document exists for Planned Developments (PDs) under this zoning category and are covenants that run with the land. Accordingly, all future purchasers of property zoned PD should become familiarized with the individual requirements attached to that specific property.
- 4. Amendments to the Recorded Development Plans and Implementation Plan Document. Pursuant to Section 23-151 of the Appleton Municipal Code, major changes in a PD require approval by the City Council and subsequent recording of the amendment. The Community Development Director may approve Minor Amendments.
- 5. **Development Guidelines and Conditions**. The Development Guidelines and Conditions include, but are not limited to, the following:

A. ALLOWED LAND USES

- 1. Any uses as listed in the R-3 District are allowed in PD #6-14 but if required, may be subject to conditional regulation: (See below)
 - Multifamily Housing
- 2. In addition to the uses allowed in the underlying district the following uses are consistent with the use regulation exception criteria established by Appleton Municipal Code Section 23-151 and are allowed uses in PD #6-14:
 - None

B. **DEVELOPMENT STANDARDS**

1. Principal Use All principal uses, buildings and structures shall comply with the minimum development standards lot area, lot width, front, rear and side yard setbacks, building height and other requirements) of the underlying zoning district of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

Development Standard Exceptions:

- Front yard setbacks reduced to 10 feet along Commercial Street.
- Setback from a single or two-family lot reduced to 20 feet.

 Accessory uses, building and structures – All Accessory uses, buildings and structures shall comply with the development standards (front, rear and side yard setbacks, building height and other requirements) of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized development standards are authorized or specifically identified as an ordinance exception. (See below)

Development Standard Ordinance Exceptions: N/A

3. Off-Street Parking and Loading Standards –All uses established, expanded, change in use shall provide off-street parking space(s), stacking space(s) and loading space(s) in accordance with the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Off-Street Parking and Loading Standard Ordinance Exceptions: N/A

4. **Outdoor Lighting Standards** – All outdoor lighting shall comply with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Outdoor Lighting Standard Ordinance Exceptions: N/A

5. Landscaping Standards - Landscaping improvements shall be required as part of any site plan. Landscaping shall conform with the requirements of the City's Landscape Standards, including but not limited to, plantings around the parking/driveway areas, the dumpster enclosures, and the base of the ground signs. A detailed Landscape Plan shall be prepared and submitted to the Community Development Department as part of the Site Plan Review and approval process pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Landscaping Standard Ordinance exceptions: N/A

6. **Sign Standards** – All signs shall comply with the Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Sign Standard Ordinance exceptions: N/A

7. Design Standards

The exterior of all buildings shall be compatible and consistent with the materials and colors within the development. Samples of the exterior building materials and colors or color renderings of the exterior of the building(s) are required to be submitted to the Community Development Department as part of the Site Plan Review and approval process. Any future buildings, building additions or building alterations shall be compatible with this theme, as shown in (Exhibits D,E,F and G) and pursuant to Site Plan #14-14.

8. Designated Open Space Areas

Open Space Areas. Open Space Areas may either be passive or active in nature and shall fully complement the Property. Such open space may take the form of required yards, parks, playgrounds, landscaped green space, stormwater facilities, nature walks and natural areas.

PD#6-14 shall provide permanent open space areas equivalent to 35% of the gross lot size-in pursuant to the requirements of Chapter 23, Appleton Zoning Code as now in effect or hereafter amended unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Open Space Standard Ordinance exceptions: (N/A)

9. Density of Development

Densities of development indicated in Exhibit B represent the maximum permitted densities and levels of use. Each development phase must meet all applicable standards and requirements of Chapter 23, Appleton Zoning Code as unless customized standards are authorized or specifically identified as an ordinance exception. (See below)

Density Standard Ordinance exceptions: Change in density to allow for 50 dwelling units

- 10. **Site Plan Review** is required for construction projects within PD #6-14 pursuant to Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.
- 11. Words and Terms Defined All words and terms wherever they occur in this Implementation Plan Document for PD #6-14, shall be defined and interpreted in accordance with Chapter 23, Appleton Zoning Code as now in effect or hereafter amended.
- 12. **Nonconformity -** Any existing building, structure or characteristic and any existing use within PD #6-14 not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations provided in Chapter 23, Appleton Zoning Code as now in effect or hereafter amended with respect to nonconforming, structures, uses and characteristics.
- C. PLATTING REQUIREMENTS No person, firm or corporation shall combine lots, adjust lot lines, or divide any land within the jurisdictional limits of these regulations which results in a lot combination, lot line adjustment, subdivision, minor land division, or a replat as defined herein; no such lot combination, lot line adjustment, subdivision, minor land division, or replat, as defined herein shall be entitled to recording and no street shall be laid or public improvement made to land without compliance with all requirements of Chapter 17 of the Municipal Code.
- D. INSTALLATION OF REQUIRED IMPROVEMENTS The installation of all required improvements including but not limited to stormwater, streets, sidewalks, bike paths, water systems, sewer systems, fire protection, utilities shall be consistent with terms and conditions specified in the Development Agreement Document made by and between the City of Appleton and Union Square Apartments and on file with the Appleton City Attorney's Office or shall be in

accordance with all applicable City Appleton regulations.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the Union Square Apartments is Planned Development designation and the development plan relating to the use of the land shall be effective and in force unless so amended as required by the Appleton Municipal Code Section 23-151.

2. Breach of Provisions of PD Designation

If at any time any provision or requirements stated in the Union Square Apartments_Planned Development designation have been breached by the Owner/Developer, the City may withhold approval of any or all platting or the issuance of any or all grading or building permits or occupancy permits applied for on the property, until such breach has been remedied.

3. Binding Effect

This Union Square Apartments Planned Development designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the Appleton Municipal Code Section 23-151. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to Union Square Apartments PD #6-14 except as modified by subsequent action of the Appleton Common Council in accordance with procedures set forth in the Appleton Municipal Code Section 23-151 to amend planned developments, and except that nothing contained herein shall be construed as waiving any requirements of the Appleton Municipal Code or other regulations otherwise applicable to the development of the Property.

5. Period of Validity

The Implementation Plan and Development Plan (Exhibit(s) B thru I) as approved by the Common Council shall remain valid of a period of one (1) year during which time a building permit must be applied for and received. If the applicant does not apply for and receive a building permit within one (1) year from the date of Common Council approval of PD overlay district PD #6-14 Development Plan and Implementation Plan Document (IPD), the Development Plan and Implementation Plan Document (IPD) will constitute abandonment of the PD overlay district and related approvals, and any assumed development rights over that allowed through the underlying zoning district and shall be subject to the regulations in Section 23-151, Proof of validity and expiration of plans, of this chapter.

6. Recording of Development Plan and Implementation Plan Document (IPD)

This designation must be signed by both the City and the Owner/Developer and must be recorded by the Union Square Apartments in the Outagamie County Register of Deeds' Office

and a recorded copy of the Development Plan and Implementation Plan Document (IPD) shall be provided to the Community Development Department. This constitutes approval of the Development Plan and Implementation Plan Document (IPD), conditions applied, modifications and any density premiums, which may be granted, and exceptions, if any, to the plan shown in the application ordered by the Common Council.

Dated this	day of, 2	.0
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	Ву:	
	Owner Title:	
	By:	
	Owner Title:	
STATE OF WISCONSIN) Nec	
COUNTY OF Personally came before me thi named persons who executed the fore)ss) s day of , and going instrument and acknowledged the	, 20, the above , to me known to be the same in the capacity and for
the purposes therein intended.		
	Notary Public, State of Wisconsin My Commission expires	
The above Implementation Pla Property Owner.	n for PD #6-14 was drafted by the unde	rsigned at the request of the
Union Square Apartments, LLC Drafter's Signature	<u> </u>	Date
Approved as to form:	CITY OF APPLETON, a Wisconsin Municipal Corporation	
James P. Walsh Appleton City Attorney	By:Timothy M. Ha	nna, Mayor
	Attest:	
	City Clerk	(

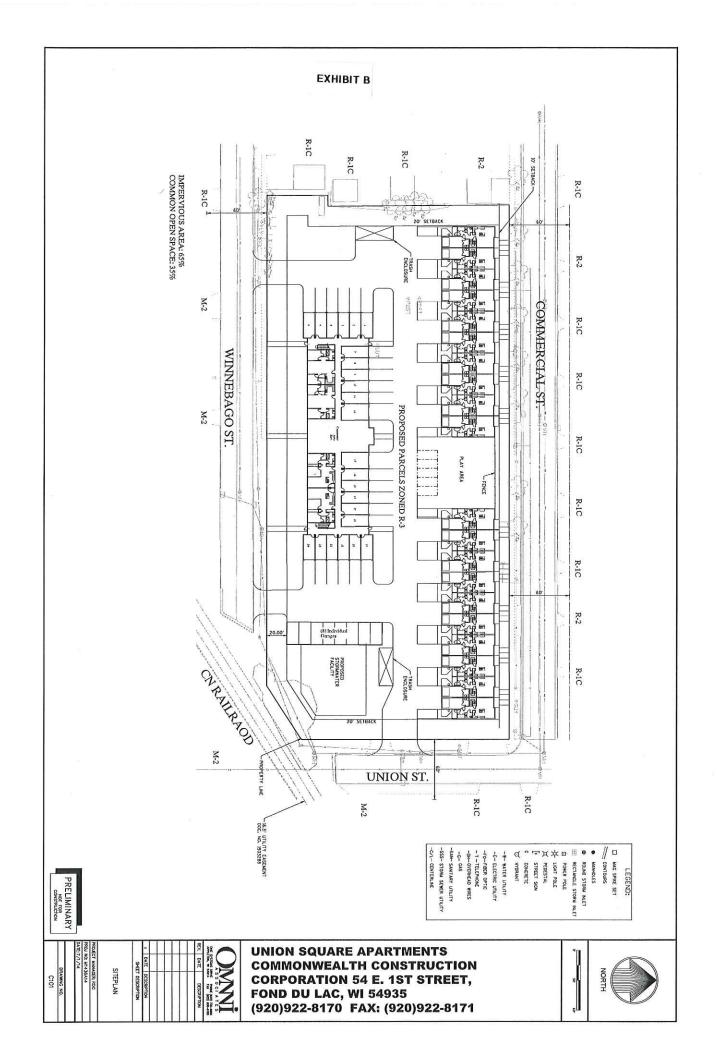
STATE OF WISCONSIN)	
COUNTY OF OUTAGAMIE)ss)	
Timothy M. Hanna, Mayor of C	the foregoing instrument and ac	, 20, the above-named ork of City of Appleton, to me known to knowledged the same in the capacity
	Notary Public, State of Wisc	consin
	My Commission expires	

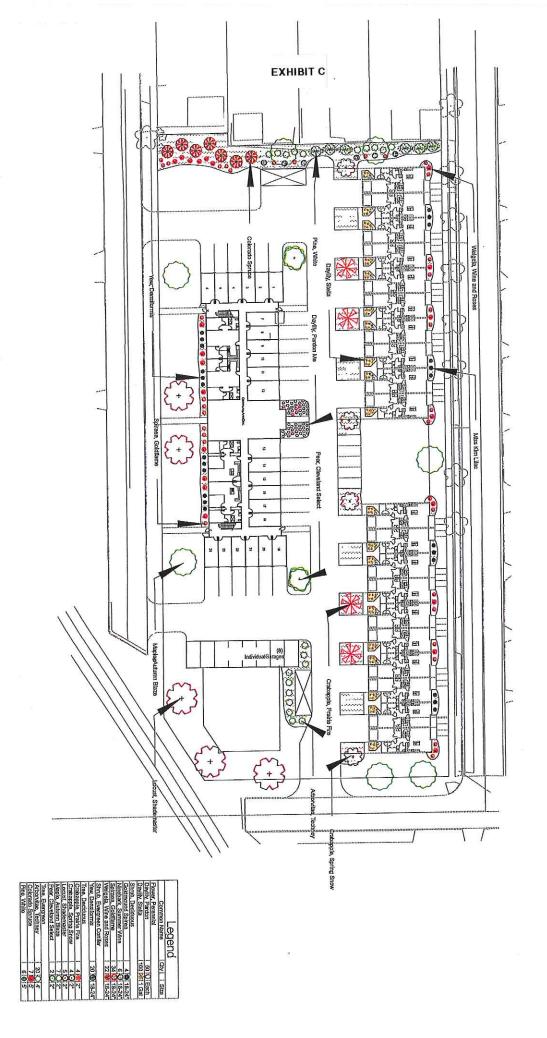
Exhibit A

Property Description:

903 N. Union Street - HERMAN ERBS ADDN 1WD LOTS 4,5,6,7,8 and 9 BLK 13, including to centerline of the adjacent road and railroad right-of-way line.

414 E Winnebago Street - HERMAN ERBS ADDN 1WD LOTS 1, 2, 3, E10FT OF LOTS 4, 5, & 6 E20FT OF LOT 7 LOTS 8, 9, & 10 BLK 10 & LOTS 1, 2, 3, 10, 11, & 12 BLK 13 1.98AC M/L, including to centerline of the adjacent road right-of-way line.



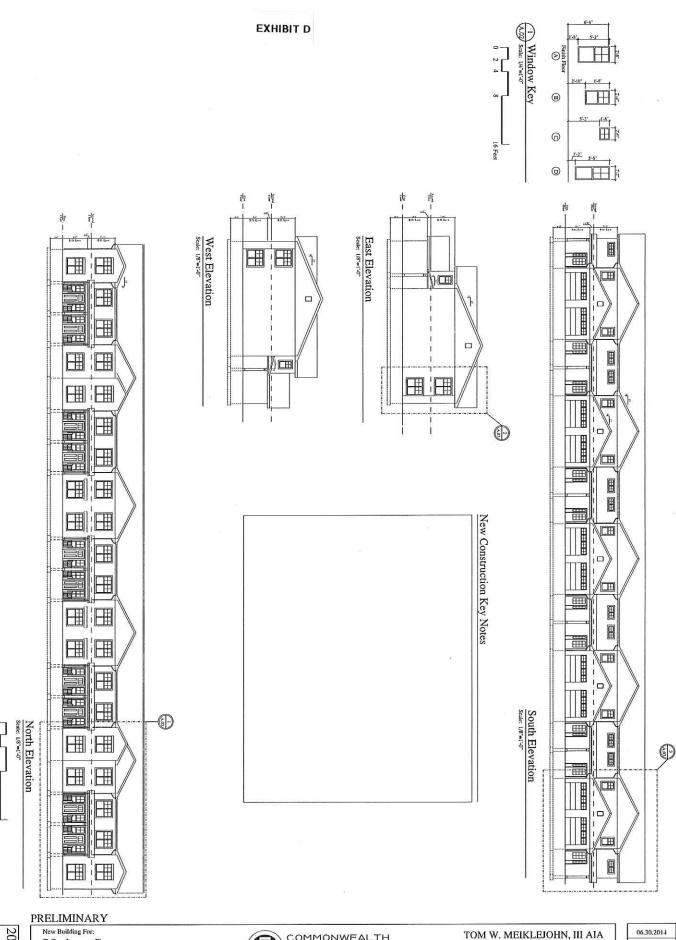


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Union Square
414 East Winnebago Street
Appleton, WI



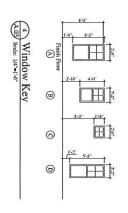
COMMONWEALTH
CONSTRUCTION CORPORATION
54 E. FIRST STREET, FOND MI LAC, WI 54935
(920) 922-8170 FAX: (920) 922-8171

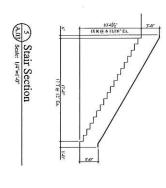
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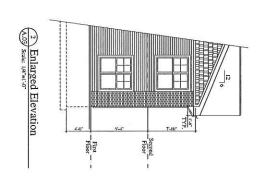
Fond du Lac, Wisconsin

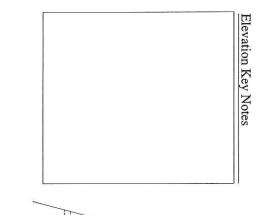
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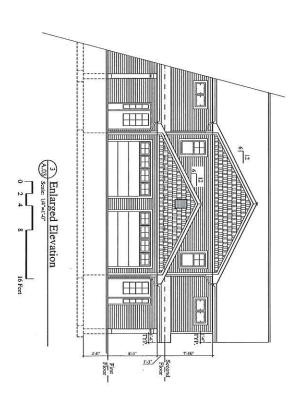


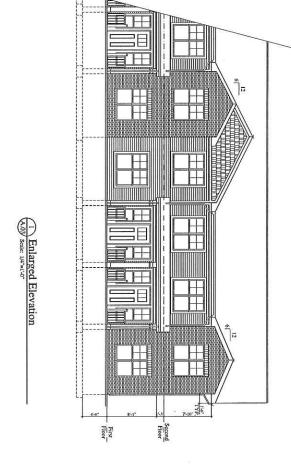












PRELIMINARY

New Building For:
Union Square

414 East Winnebago Street
Appleton, WI

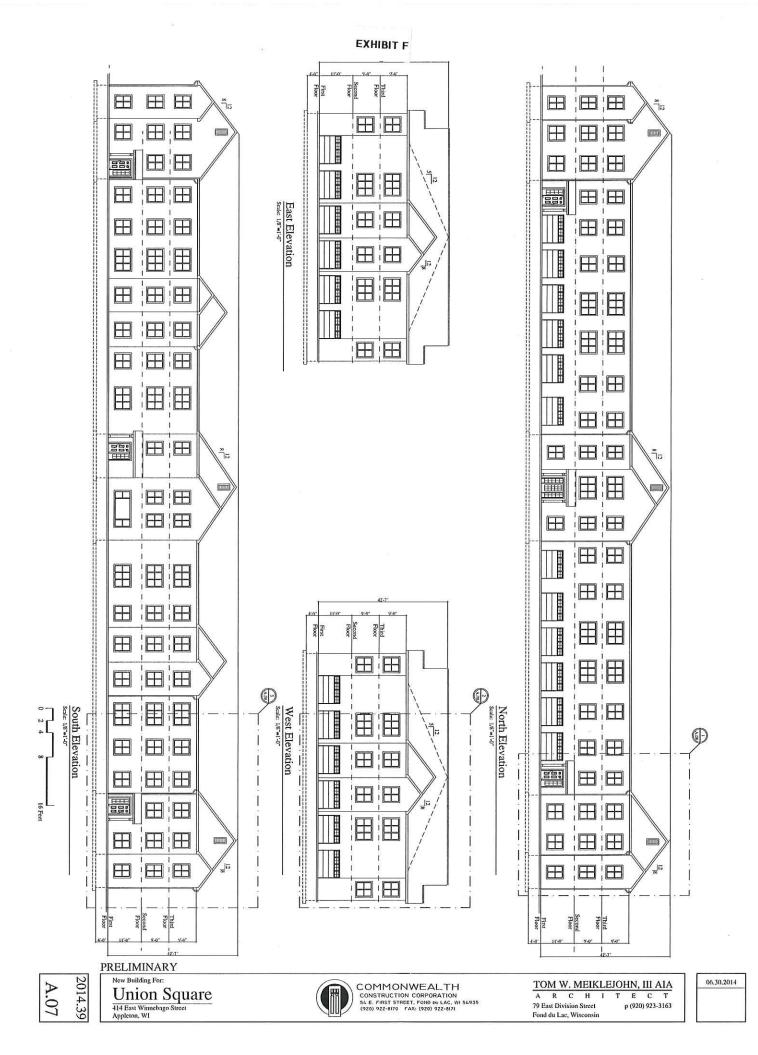


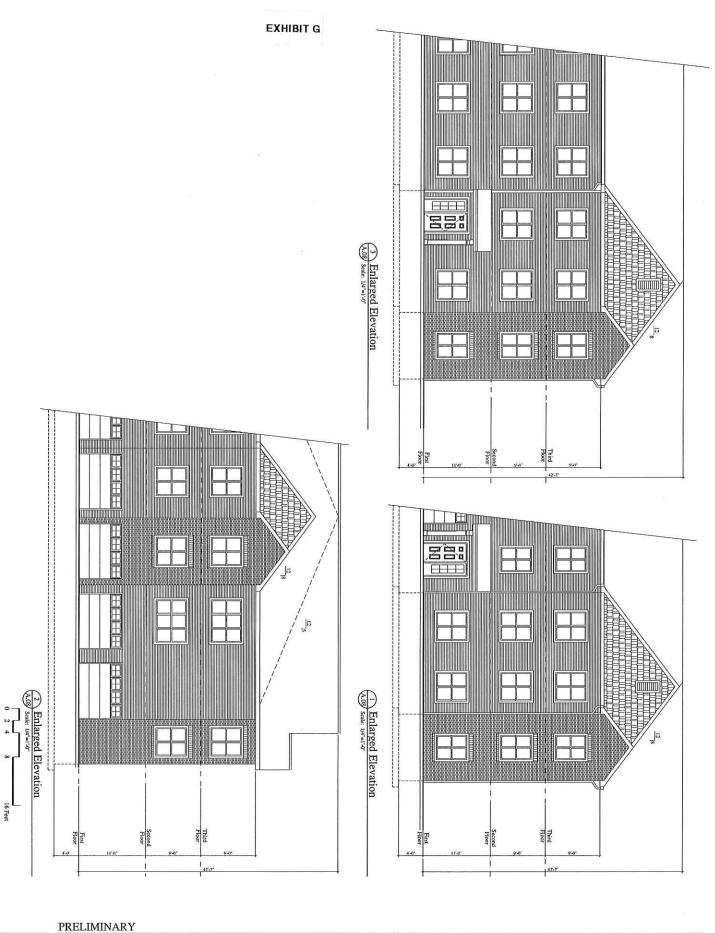
COMMONWEALTH
CONSTRUCTION CORPORATION
54 E. FIRST STREET, FOND DI LAC, WI 54935
(920) 922-8170 FAX: (920) 922-8171

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Fond du Lac, Wisconsin

06,30,2014





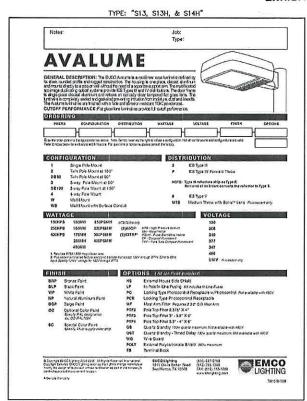
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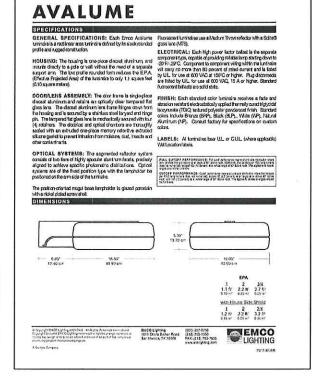
New Building For:
Union Square

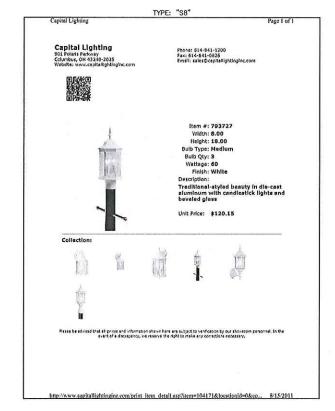
414 East Winnebago Street
Appleton, WI

TOM W. MEIKLEJOHN, III AIA
A R C H I T E C T
9 East Division Street p (920) 923-3163
Fond du Luc, Wisconsin

06.30.2014

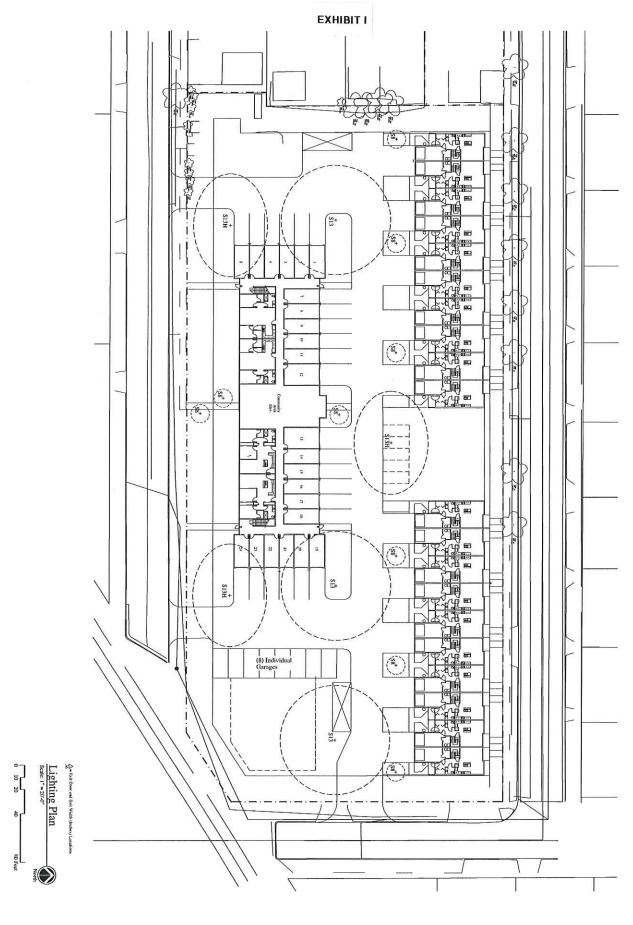






LUMIN	AIRE S	CHEE	DULE							
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STATISTICS						
Description	Symbol	Avg	Var	Min	MacMin	Avgtin
Dalo Zone #2	+	0216	3710	0.010	N/A	NIA
CLUBHOUSE PARKING	*	1.7 lc	3.3 fc	0.9 fc	3,7.1	1.9.1
NORTH PARKING	ж	2.5 %	3710	1 8 fc	21.1	141
NORTHEAST PARKING	×	1.6 fc	30 fc	1 2 fc	251	131
SOUTH PARKING	×	06%	1.164	03%	37.1	2.61
SCUTHEAST PARKING	×	16/6	2110	10fc	2.7;1	161



PRELIMINARY

C.01

New Building For:
Union Square

414 East Winnebago Street
Appleton, WI



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