



Community
Development
Department

REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: May 8, 2024

Common Council Public Hearing Meeting Date: June 5, 2024
(Public Hearing on Rezoning)

Item: Rezoning #3-24 – Eighth Addition to Emerald Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Parcel #: Part of 31-1-7600-00

Petitioner's Request: The owner/applicant is requesting a zoning change of 6.982 acres of land from AG Agricultural District to R-1B Single-Family District to construct the Eighth Addition to the Emerald Valley subdivision. This phase consists of 18 lots.

BACKGROUND

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

The Preliminary Plat for the Eighth Addition is also being presented at this May 8, 2024 Plan Commission meeting. If approved, the preliminary plat and the subject rezoning request will be reported out at the same Common Council meeting on June 5, 2024.

STAFF ANALYSIS

Existing Conditions: The portion of the lot to be rezoned is currently undeveloped and zoned AG Agricultural District.

Proposed Zoning Classification: The purpose of the R-1B Single-family 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. Per Section 23-93(g) of the Municipal Code, the development standards for the R-1B District are listed below:

- 1) **Minimum lot area:** 6,000 square feet
- 2) **Maximum lot coverage:** 50%
- 3) **Minimum lot width:** 50 feet
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street)
- 5) **Minimum rear yard:** 25 feet
- 6) **Minimum side yard:** 6 feet
- 7) **Maximum building height:** 35 feet

Surrounding Zoning and Land Uses:

North: AG Agricultural District – undeveloped land, anticipate being further subdivided by the Ninth and Tenth Additions to Emerald Valley subdivision
South: R-1B Single-Family District – residential uses
East: R-1B Single-Family District – residential uses
West: P-I Public Institutional District – City drainage corridor

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.

Overall Community Goals

Goal 1 – Community Growth (Chapter 10)

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 single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on the subject site after the platting process has been completed.

Goal 3 – Housing Quality, Variety, and Affordability (Chapter 5)

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.

Findings: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on subject site after the platting process has been completed. 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.

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

5.3 OBJECTIVE: Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Findings: The request is consistent with these objectives because the single-family zoning classification will allow the subject site to be developed with residential housing units. Adding to the supply of housing units will help to meet the demand for housing in Appleton as specified in the market study per the College North Neighborhood Plan – Chapter 4: Market Study 2020-2030.

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

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.

6.3.5 Continue to implement the City's On-Street Bike Lane Plan and the Sidewalk Installation Policy as approved by the Common Council to ensure multi-modal transportation opportunities.

Findings: The proposed development will be a continuation of the lot-block pattern and straight street patterns previously established by the earlier phases of Emerald Valley Subdivision. As new homes are built, new sidewalk segments will be installed in this area of the City. Once all sidewalk segments are connected together, opportunities for walking to services, schools, and parks and transit will exist in this area of the City. These objectives and policies appear to be met.

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

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.

Findings: The anticipated development is consistent with this objective and policy, as adequate public infrastructure exists in this area of the City.

9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

Findings: The proposed development will be contiguous to an existing residential area which can be efficiently served by connecting to existing public infrastructure located in this area of the City.

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, which identifies this site for future one/two-family residential land use.*
 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. *College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study. The zoning map amendment (AG Agricultural District to R-1B Single-family Residential District) will help to meet the demand for housing in Appleton as specified in the market study.*
 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 south and east of the subject site. The rezoning request is being made to accommodate the Eighth Addition of this residential subdivision which will expand this residential neighborhood. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

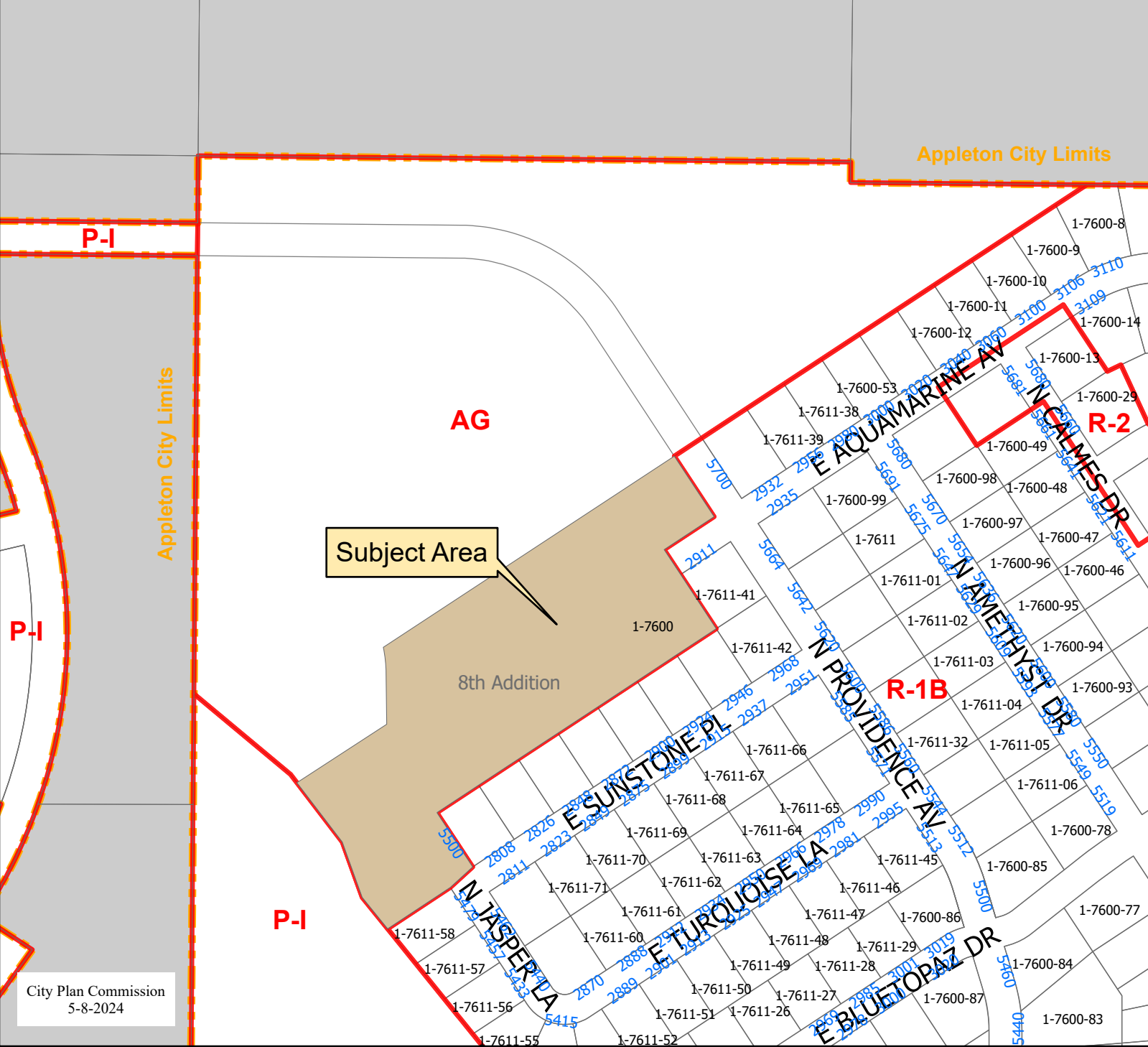
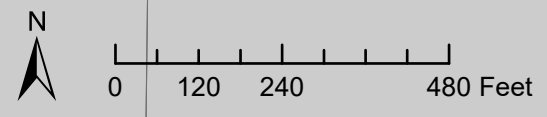
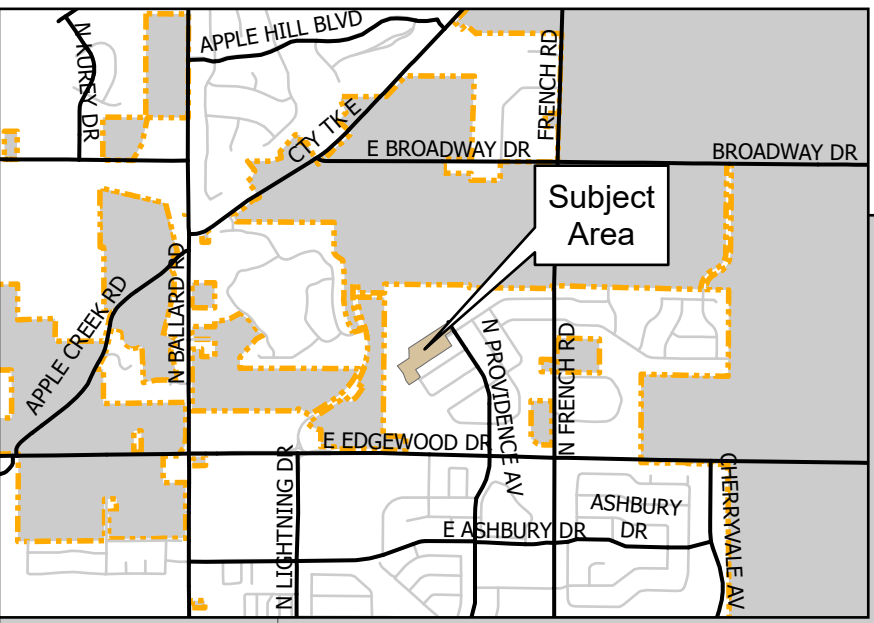
Technical Review Group Report (TRG): This item appeared on the April 2, 2024 TRG Agenda. No negative comments were received from participating departments.

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 #3-24 to rezone the subject property from AG Agricultural District to R-1B Single-Family District as shown on the attached maps, **BE APPROVED**.

NOTE: The Preliminary Plat for the Eighth, Ninth and Tenth Additions to Emerald Valley will be reported out at the same Common Council meeting (June 5, 2024) as Rezoning #3-24 to accurately reflect the change in zoning classification from AG District to R-1B District.

Rezoning AG Agricultural District to R-1B Single-family District Emerald Valley 8th Addition



Rezoning AG Agricultural District to R-1B Single-family District Emerald Valley 8th Addition Aerial Map



Subject Area

8th Addition

Appleton City Limits

REZONING REFERENCE MAP

PART OF THE NORTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



SCALE 1"=200'
BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM

UNPLATTED LANDS
OWNER: EMERALD VALLEY ESTATES
ZONED AG

6.982 ACRES
AG TO R1-B

OUTLOT 1
C.S.M. NO. 6311
OWNER: CITY OF APPLETON
ZONED PI

SOUTH 1/4 CORNER
SECTION 6
T21N, R18E

SOUTHEAST CORNER
SECTION 6
T21N, R18E

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	300.00'	009°45'58"	51.14'	N 05°41'26.0" W	51.07'	N 00°48'27" W	N 10°34'25" W
2	270.00'	001°39'06"	7.78'	S 32°31'20.0" E	7.78'	S 31°41'47" E	S 33°20'53" E

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