



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 12, 2018

Common Council Meeting Date: July 18, 2018 (in conjunction with Rezoning #6-18)

Item: Special Use Permit #2-18 for a non-profit recreational facility within the R-1B Zoning District

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: Appleton Cemetery Association

Address/Parcel #: 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a non-profit recreational facility (green space, reflection/meditation garden and parking) serving Riverside Cemetery.

BACKGROUND

The subject property was previously used as a commercial greenhouse. The cemetery purchased the property and demolished the structures in 2017. An existing garage remains and 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 garden, open space and parking for use by visitors to the cemetery and the public.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a non-profit recreational facility to include a reflection garden, open space and parking for use by visitors to the cemetery and the public on the subject site. The property also contains a garage that will be used to house equipment and materials for the facility. Off-street parking is provided on the subject site.

Zoning Ordinance Requirements: The subject property has a zoning designation of R-1B Single-Family District and C-2 General Commercial District. A separate rezoning request has been filed (Rezoning #6-18) to rezone the entire property to provide for consistent R-1B Single-Family residential zoning for the entire parcel. Per Zoning Code Section 23-93(e), a Special Use Permit is required for a non-profit recreational facility within the R-1B district. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

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The property contains a garage that will be used to house equipment and materials for maintenance of the facility. The structure is non-conforming because it does not meet the required side yard setback along the south side of the structure. Zoning Code Section 23-66(e)(1) allows the Plan Commission to waive the development standards for existing, non-conforming structures. Approval of this Special Use Permit would allow the existing garage (accessory structure) to remain on the property.

Operational Information: A plan of operation is attached to the Staff Report.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally residential and public/institutional in nature.

North: R-1B Single-Family District. The adjacent land use is single-family residential.

South: R-1B Single-Family District. The adjacent land use is single-family residential.

East: R-1B Single-Family District. The adjacent land use is Riverside Cemetery.

West: R-1B Single-Family District. The adjacent land use is single-family residential.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Single-Family/Two-Family designation shown on the City's *Comprehensive Plan 2010-2030 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.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-6) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: 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 on the above, that Special Use Permit #2-18 for a non-profit recreational facility within the R-1B Zoning District at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances and regulations, including but not limited to Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions or additions to the non-profit recreational facility may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
4. Perimeter parking lot landscaping shall be provided along the east, west and south side of the parking lot. A landscape plan shall be provided and approved by Staff prior to installation of the parking lot perimeter landscaping.
5. Parking spaces shall be striped in accordance with the dimensional requirements provided in Section 23-172(e).
6. Waive the required accessory building side yard setback along the south side of the existing non-conforming garage per Zoning Code Section 23-66(e)(1).

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #2-18

WHEREAS, Riverside Cemetery Association has applied for a Special Use Permit for a non-profit recreational facility (green space, reflection/meditation garden and parking) located at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00); and

WHEREAS, the location for the proposed non-profit recreational facility is located in the R-1B Single-Family Residential District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 12, 2018 on Special Use Permit #2-18 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Section 23-66(e)(1-6) of the Municipal Code, and forwarded Special Use Permit #2-18 to the City of Appleton Common Council with a favorable or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2018 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #2-18 for a non-profit recreational facility (green space, reflection/meditation garden and parking) located at 1236 E. Pacific Street (Tax Id #31-1-1067-00), 825 N. Owaissa Street (Tax Id #31-1-1066-00), 903 N. Owaissa Street (Tax Id #31-1-1065-00) and 913 N. Owaissa Street (Tax Id #31-1-1064-00) and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #2-18

1. All applicable codes, ordinances and regulations, including but not limited to Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.
2. Any future expansions or additions to the non-profit recreational facility may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of

operation shall be submitted to the Community and Economic Development Department for review and approval.

4. Perimeter parking lot landscaping shall be provided along the east, west and south side of the parking lot. A landscape plan shall be provided and approved by Staff prior to installation of the parking lot perimeter landscaping.
5. Parking spaces shall be striped in accordance with the dimensional requirements provided in Section 23-172(e).
6. Waive the required accessory building side yard setback along the south side of the existing non-conforming garage per Zoning Code Section 23-66(e)(1).

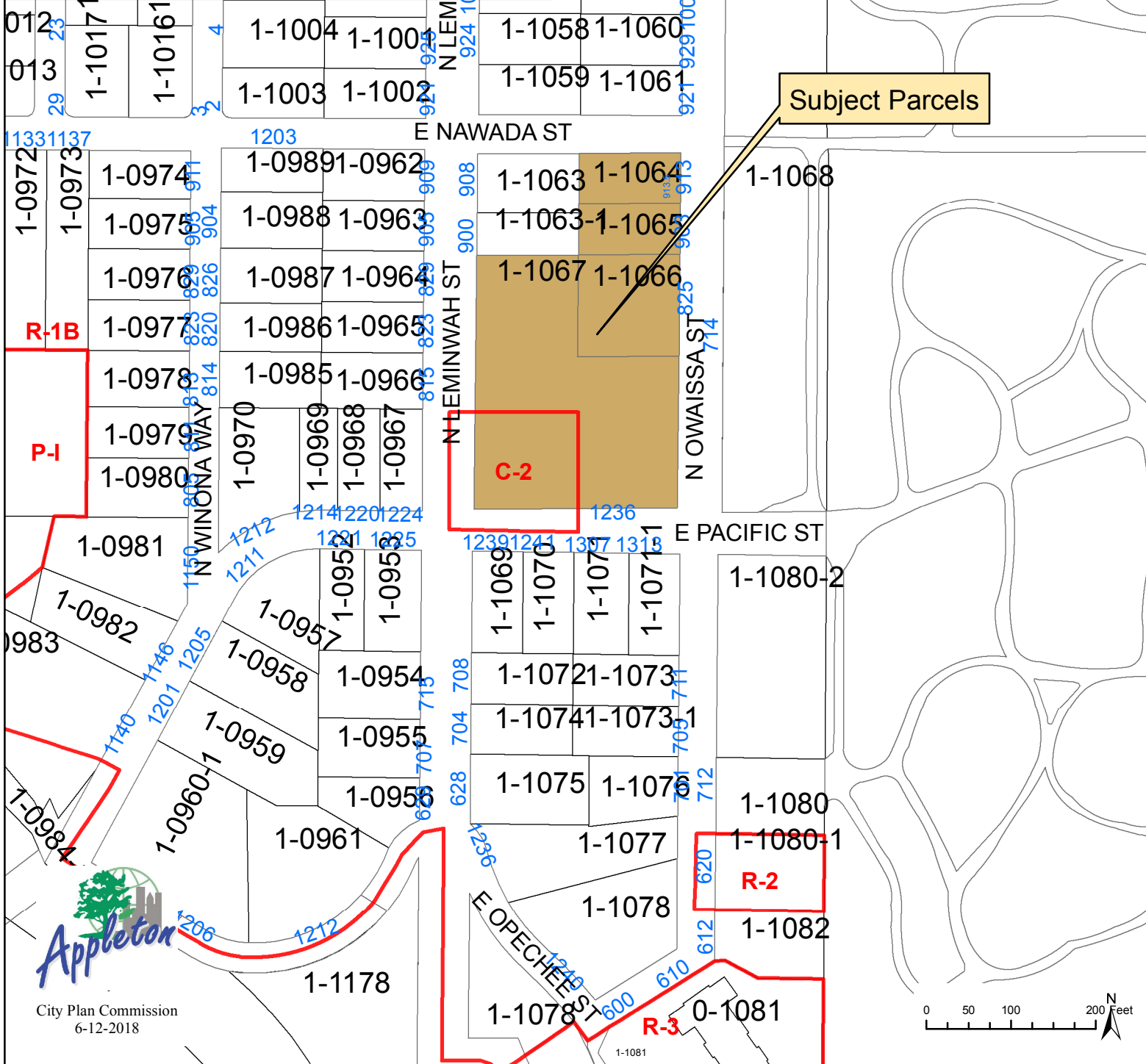
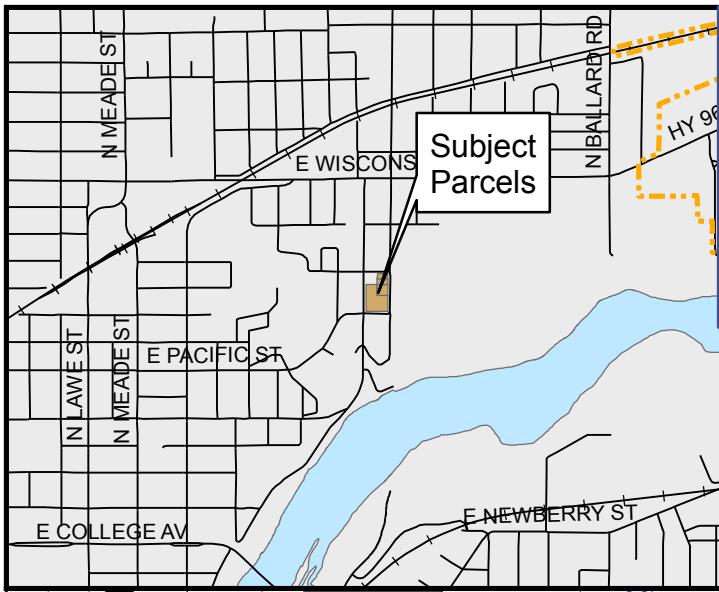
Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

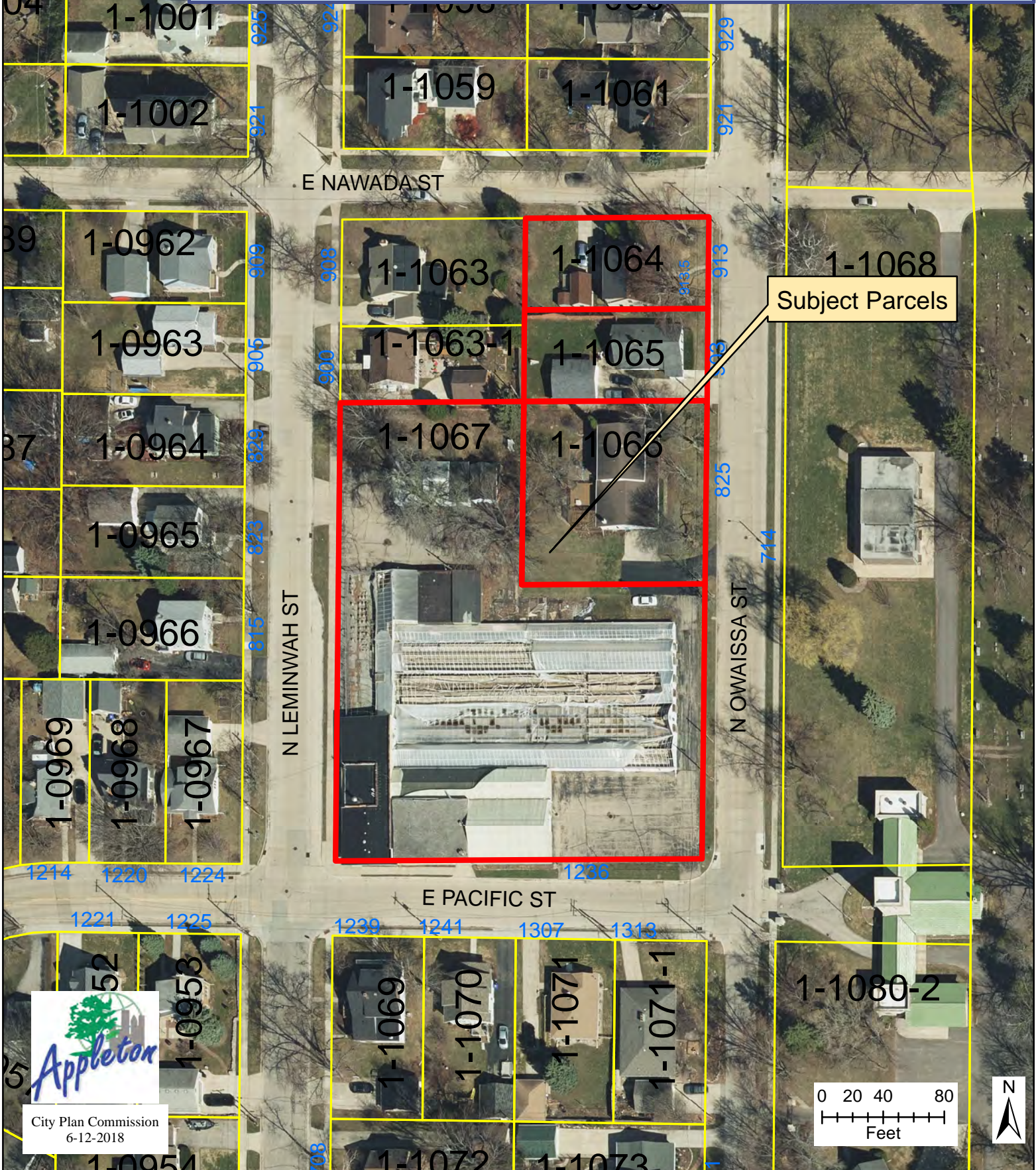
ATTEST:

Kami Lynch, City Clerk

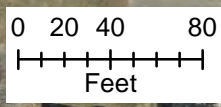
1236 E. Pacific Street, 825 N. Owaissa Street,
 903 N. Owaissa Street & 913 N. Owaissa Street
 Special Use Permit
 Riverside Cemetery - Recreational Facility,
 Non-Profit
 Zoning Map



1236 E. Pacific Street, 825 N. Owaissa Street, 903 N. Owaissa Street and
913 N. Owaissa Street
Special Use Permit
Riverside Cemetery - Recreational Facility, Non-Profit
Zoning Map



City Plan Commission
6-12-2018



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of Business: Appleton Cemetery Association

Years in operation: 148

Type of the proposed establishment (detailed explanation of business):

The applicant's business is a non-profit cemetery, and the proposed facility is a recreational facility, non-profit, to be used as a green space and reflection/meditation garden for members of the applicant's non-profit and members of the public.

Proposed Hours of Operation:

Day	From	To
Week Day	Sunrise	Sunset
Friday	Sunrise	Sunset
Saturday	Sunrise	Sunset
Sunday	Sunrise	Sunset

Building capacity and area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: N/A persons.

Gross floor area of the existing building(s): 720 square foot garage to be used as accessory building to house equipment and materials for facility.

Gross floor area of the proposed building (s): 13,500 square feet, accessory lot to be used as parking for facility.

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

None

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

None

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment: None, other than
lawncare equipment when used for grounds keeping of facility.

B. How will the noise be controlled? Normal muffling

Outdoor lighting:

Type: None currently

Location: _____

Off-street parking:

Number of spaces existing: 20

Number of spaces proposed: 20 total

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate.

Outdoor uses:

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale: None

Type and height of screening of plantings/fencing/gating for outdoor storage area(s): N/A

Type location, size of outdoor display area(s) of merchandise for sales: None

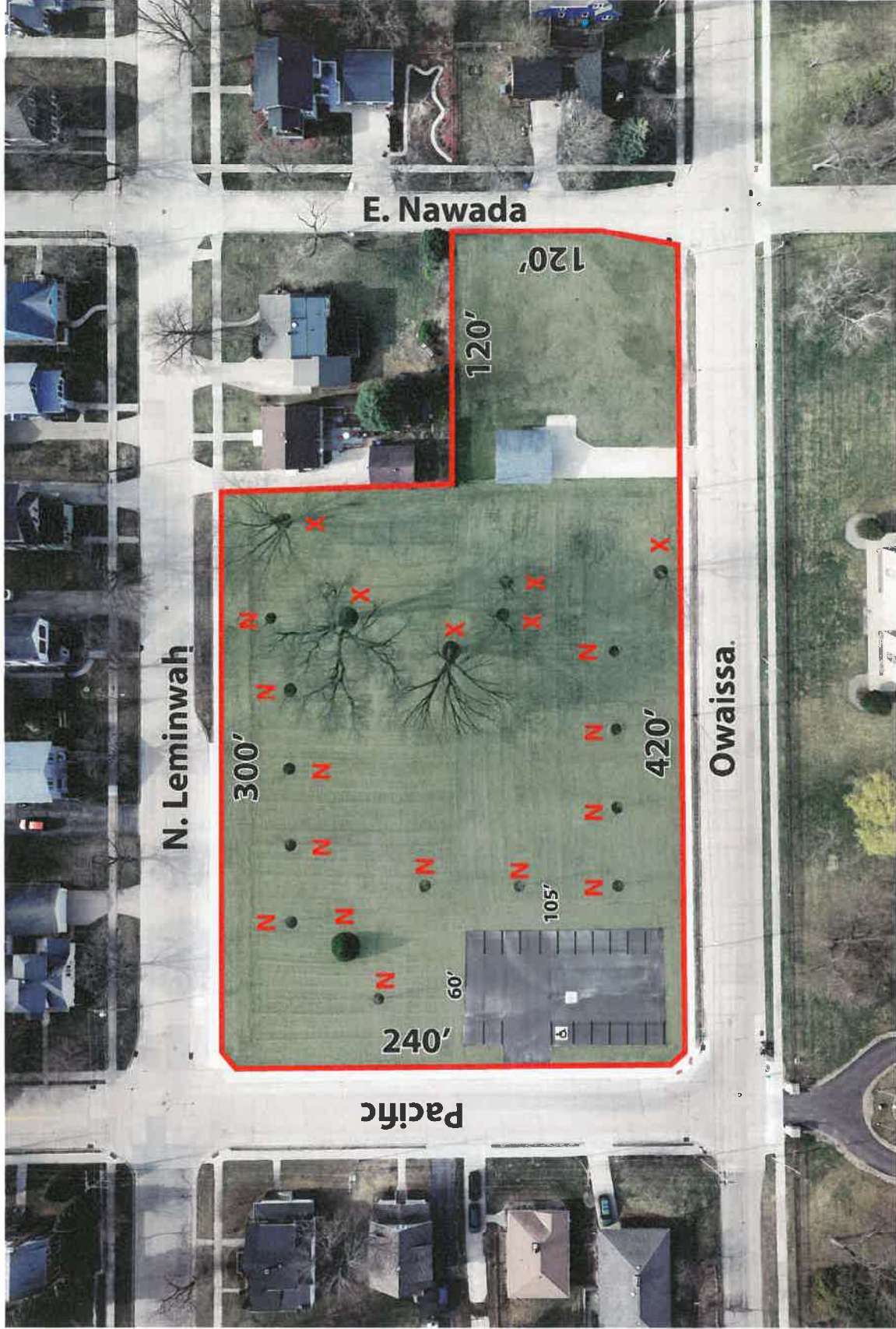
Number of Employees:

Number of Existing Employees: 5

Number of Proposed Employees: N/A

Number of Employees scheduled to work on the largest shift: see below

Employees will only be performing maintenance and grounds keeping at facility, as needed. No employee will be there full-time.



N = New Trees
X = Existing Trees