



REPORT TO COMMON COUNCIL

Plan Commission Informal Hearing Meeting Date: January 26, 2021

Common Council Public Hearing Meeting Date: February 17, 2021
(Public Hearing on Rezoning)

Item: Rezoning #11-20 – Bruce B. Purdy Nature Preserve Trail Rezoning

Case Manager: Jessica Titel

GENERAL INFORMATION

Owner/Applicant: William Breider III – YMCA of the Fox Cities

Address/Parcel #: Part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36)

Petitioner's Request: The applicant is requesting a zoning change from R-1B Single-Family District to NC Nature Conservancy District to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve.

BACKGROUND

The area of land included in the rezoning contains a trail that connects to the Bruce B. Purdy Nature Preserve that is owned by the YMCA of the Fox Cities. The trail was originally located on the single family lot and this land area was transferred to the YMCA. A previous deed has been recorded to transfer the subject land area; however, a Certified Survey Map is required to formalize the new lot configuration. Certified Survey Map #18-20 is currently under review and it is anticipated to be approved by staff following Common Council approval of this rezoning request.

STAFF ANALYSIS

Existing Conditions: The subject area is approximately 3,221 square feet in size and is located along North Purdy Parkway in the Apple Hill Farms subdivision. The land area included in this rezoning contains an existing trail connection to the Bruce B. Purdy Nature Preserve. Purdy Parkway is classified as a local street on the City's Arterial/Collector Plan. A new single family home is currently under construction on the parcel.

Surrounding Zoning Classification and Land Uses:

North: NC Nature Conservancy District. The adjacent land use to the north is currently a passive recreation and nature conservancy area (Bruce B. Purdy Nature Preserve)

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

East: NC Nature Conservancy District. The adjacent land use to the east is currently a passive recreation and nature conservancy area (Bruce B. Purdy Nature Preserve)

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

Proposed Zoning Classification: The purpose of the NC Nature Conservancy District is to (1) Discourage development and disturbance to the natural environment in areas with unique features. (2) Give primary consideration to outdoor recreation and forestry pursuits. (3) Provide areas where native flora and fauna may prosper in a natural habitat. Per Section 23-101(e) of the Municipal Code, the development standards for the NC District are listed below:

- 1) *Minimum lot area.* None.
- 2) *Minimum lot width.* None.
- 3) *Minimum front yard.* Twenty-five (25) feet.
- 4) *Minimum rear yard.* Twenty-five (25) feet.
- 5) *Minimum side yard.* Twelve (12) feet.
- 6) *Maximum building height.* Twenty-five (25) feet.

Zoning Ordinance Review Criteria: The parcel is currently zoned R-1B Single Family District. The request is being made to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve. A previous deed has been recorded to transfer the subject land area to the YMCA; however, the land area that was transferred for the trail does not meet the minimum lot size requirement for the R-1B District. Therefore, a rezoning is necessary to accommodate the proposed lot configuration. The existing trail use is consistent with the purpose and intent of the Nature Conservancy District.

Section 23-40(b) states that there shall not be more than one (1) zoning district on any parcel of land. The recently submitted CSM (CSM #18-20) will create a separate outlot for the NC Nature Conservancy zoned land area and to establish an outlot for trail. It is anticipated the CSM be approved by staff following Common Council approval of this rezoning request.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future One and Two Family Residential land use. The proposed NC Nature Conservancy District rezoning is consistent with the Future Land Use Map. Chapter 10 of the Comprehensive Plan states that “*parks and open spaces should be arranged to maximize the interconnectivity of open space throughout the subdivision and connecting to adjacent parcels.*” This rezoning and land transfer accommodates and preserves an existing trail connection to the Bruce B Purdy Nature Preserve. Listed below are related excerpts from the City’s Comprehensive Plan 2010-2030.

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 6.3 Transportation:

Create an environment that is safe and conducive to walking and bicycling throughout the entire 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 property as future One and 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.
 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. *Open space and passive recreational land uses are already present to the north of the subject site. The rezoning request is being made to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve. 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 January 5, 2021 Technical Review Group agenda. No negative comments were received from participating departments.

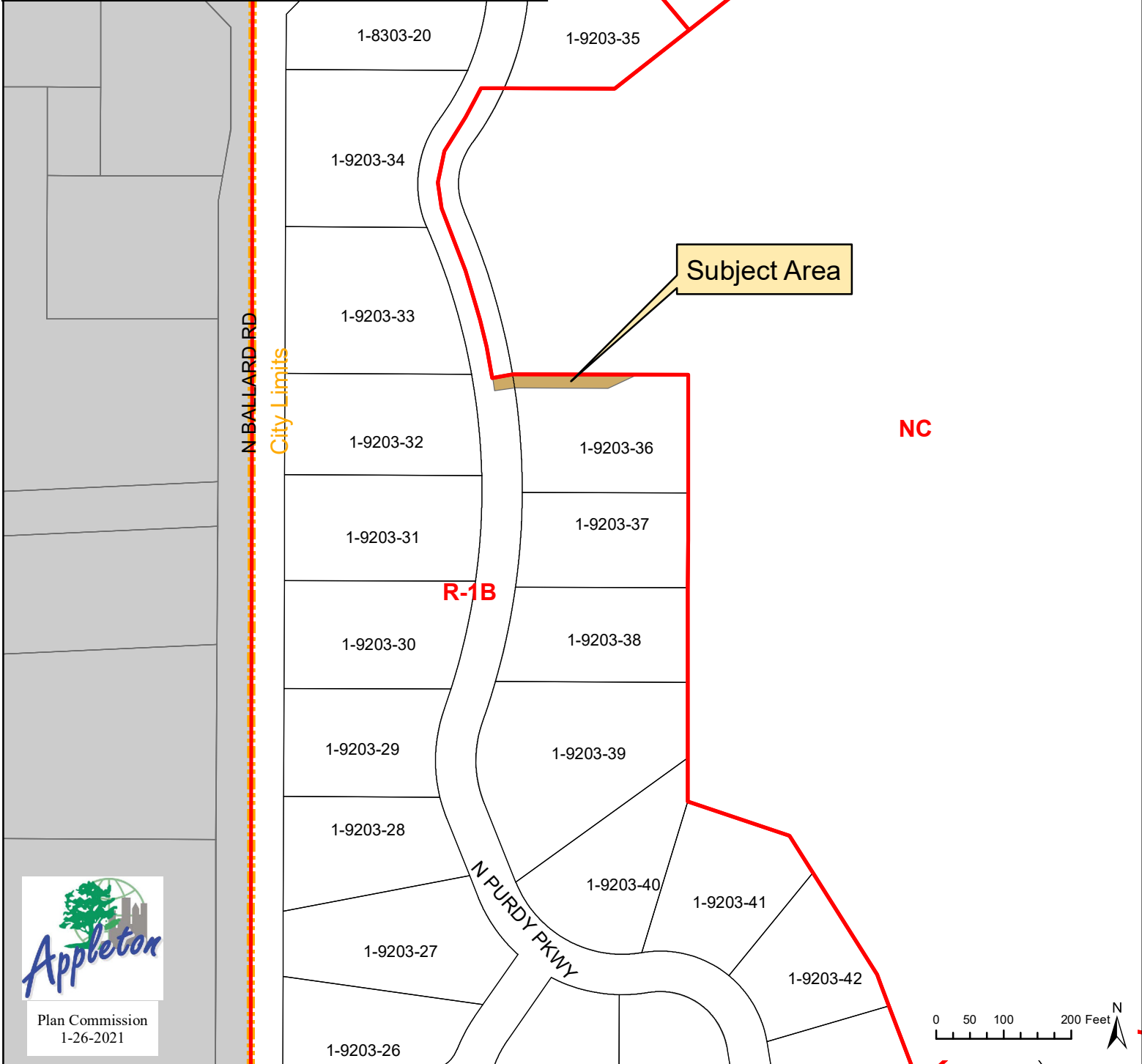
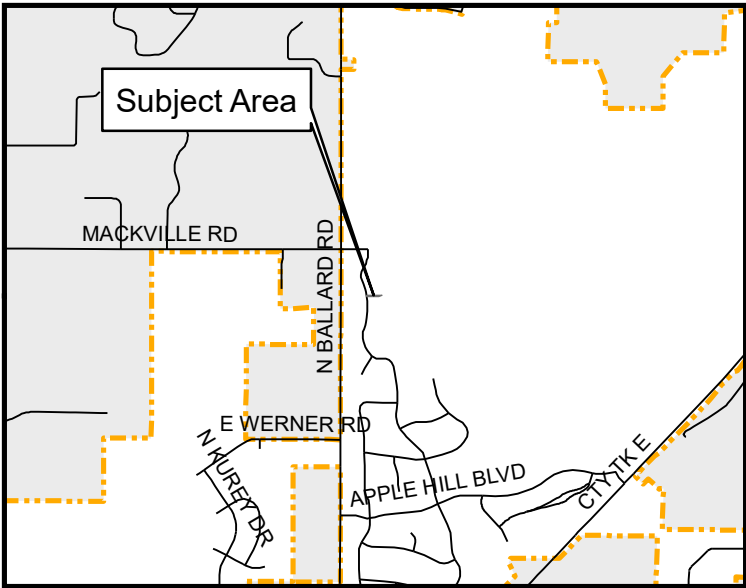
RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #11-20 to rezone the subject parcel, part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36), from R-1B Single-Family District to NC Nature Conservancy District, including all of the adjacent one-half right-of-way of North Purdy Parkway, as shown on the attached maps, **BE APPROVED**.

FUTURE ACTIONS:

To formalize and the land transfer and create the separate outlot for the existing trail (subject area for this rezoning), the applicant shall receive approval for and record CSM #18-20. It is anticipated the CSM will be approved by staff following Common Council approval of this rezoning request.

Rezoning
7476 N. Purdy Parkway
R1-B Single Family District to
NC Nature Conservancy District
Zoning Map



Rezoning
7476 N. Purdy Parkway
R1-B Single Family District to NC Nature Conservancy District
Aerial Map



N PURDY PKWY

Subject Area



City Plan Commission
1-26-2021



LEGAL DESCRIPTION:

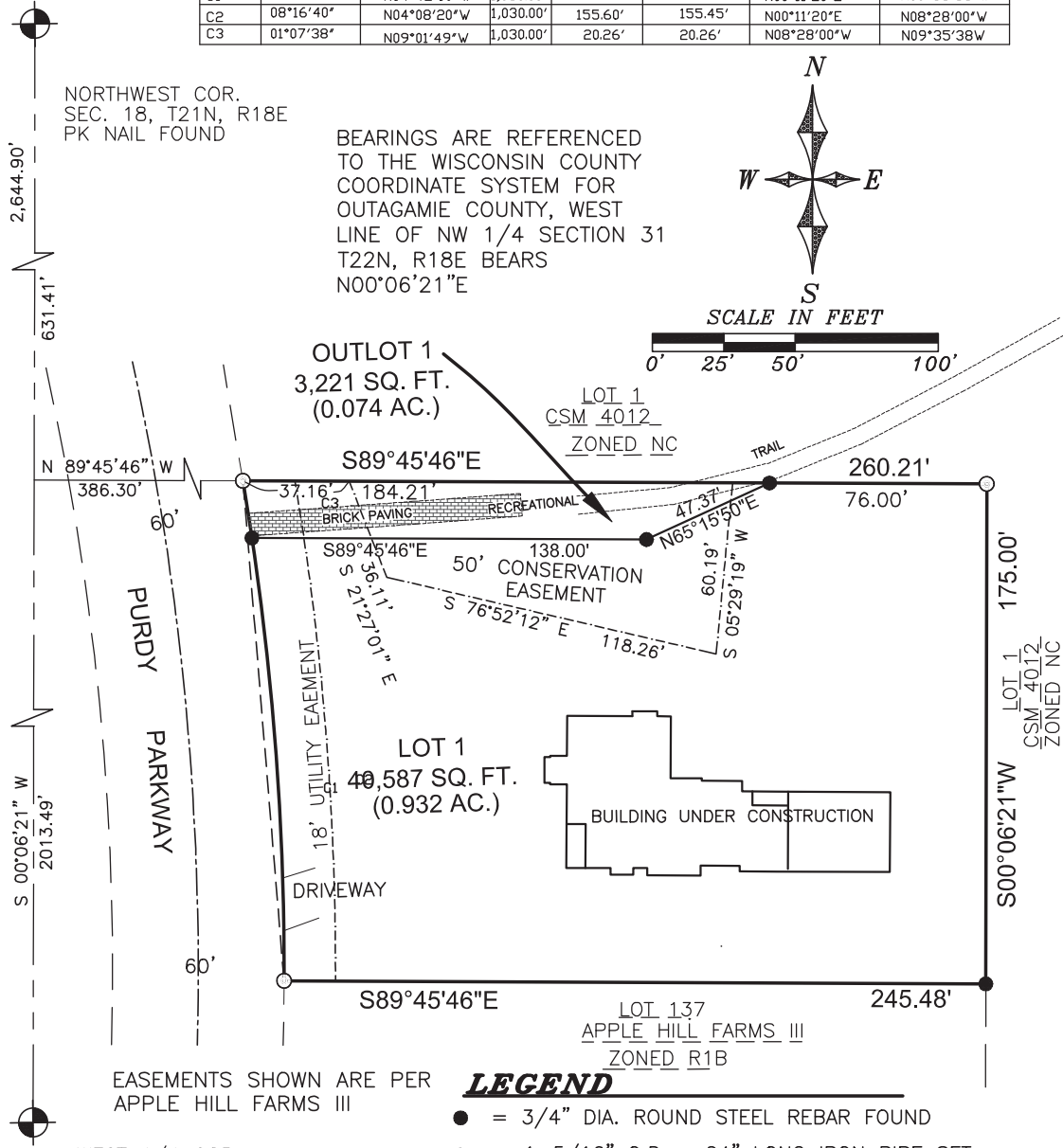
PART OF LOT 136 OF APPLE HILL FARMS III AS DOCUMENT NO. 1697626 AND PART OF ADJACENT PURDY PARKWAY RIGHT-OF-WAY, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 89 DEGREES 45 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 136, A DISTANCE OF 184.21 FEET; THENCE SOUTH 65 DEGREES 15 MINUTES 50 SECONDS WEST 47.37 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 46 SECONDS WEST 138.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 81 DEGREES 32 MINUTES 00 SECONDS WEST 30.00 FEET; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF PURDY PARKWAY, 19.67 FEET, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET AND A CHORD THAT BEARS NORTH 09 DEGREES 01 MINUTES 49 SECONDS WEST 19.67 FEET; THENCE NORTH 80 DEGREES 24 MINUTES 22 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,821 SQUARE FEET (0.088 ACRES) OF LAND, MORE OR LESS, INCLUDING THE ADJACENT 1/2 ROAD RIGHT-OF-WAY OF NORTH PURDY PARKWAY.

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 136 OF APPLE HILL FARMS III, BEING
 LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST
 1/4 OF SECTION 31, TOWNSHIP 22 NORTH,
 RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE
 COUNTY, WISCONSIN.

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT IN	TANGENT OUT
C1	09°24'18"	N04°42'09"W	1,030.00'	175.86'	175.65'	N00°11'20"E	N09°35'38"W
C2	08°16'40"	N04°08'20"W	1,030.00'	155.60'	155.45'	N00°11'20"E	N08°28'00"W
C3	01°07'38"	N09°01'49"W	1,030.00'	20.26'	20.26'	N08°28'00"W	N09°35'38"W



- LEGEND**
- = 3/4" DIA. ROUND STEEL REBAR FOUND
 - = 1-5/16" O.D. x 24" LONG IRON PIPE SET WEIGHING 1.13 LBS./LIN. FOOT SET
 - ⦿ = 1 1/4" DIA. ROUND STEEL REBAR FOUND
 - () = RECORDED AS

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 LAND SURVEYORS & ENGINEERS
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PREPARED FOR:
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