



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** December 7, 2015

**Common Council Public Hearing Meeting Date:** January 20, 2016  
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** *City of Appleton Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-15 and Rezoning #6-15

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** North Meadows Investment, LTD, Owner  
Jason Mroz, Apple Tree, LLC, Applicant

**Lot/Parcel:** Lots 5 & 6 of the Apple Creek Center Plat (Tax Id #31-1-6501-05 & 31-1-6501-06)

**Petitioner's Request:** The applicant is requesting to amend the *City of Appleton Comprehensive Plan 2010-2030* Future Land Use Map from a Commercial designation to a Single/Two Family Residential designation for two undeveloped parcels (Lots 5 & 6 of the Apple Creek Center Plat) along the south side of Glenhurst Lane (Tax Id #31-1-6501-05 & 31-1-6501-06). In conjunction with this request, the applicant is also proposing to rezone the subject parcels from C-O Commercial Office District to R-1B Single-Family Residential District. The requests are being made to accommodate a proposed single-family residential subdivision that will be managed by a homeowners association to ensure homes, yards and neighborhood property are maintained to a quality standard.

### BACKGROUND

The subject parcels were annexed into the City in 1990 as part of the AAL Annexation. The subject parcels and surrounding land were then rezoned to C-O Commercial Office District in 2001 by AAL for a business/office park. The subject parcels and approximately 90 acres of land surrounding the subject parcels were subdivided in 2002, creating the Apple Creek Center Subdivision.

The remaining lots of Apple Creek Center Subdivision without a development proposal at this time are Lots 3 and 4 located on the north side of Glenhurst Lane and west of Lightning Drive. To ensure that the anticipated urban land use needs are met in this area of the City, it is anticipated the trend of future land use map amendment and rezoning in response to specific development proposal will continue over time for Lots 3 and 4.

## **STAFF ANALYSIS**

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**Procedural Findings:** When a *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning application are required for the same development project, the respective staff reports are consolidated together as one.

**Current Site Conditions:** The subject parcels are currently undeveloped and are approximately 6.6653 acres in size. The property has frontage along Lightning Drive which is classified as a collector street and Glenhurst Lane which is classified as a local street on the City's Arterial/Collector Plan.

- **Collector street** means a street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.
- **Local street** means a street designated primarily to provide direct access to abutting properties, usually residential.

### **Surrounding Zoning Classification, Future Land Use Designation and Current Land Uses:**

- **North:**
  - Zoning – C-O Commercial Office District
  - Future Land Use Designation – Commercial
  - Current Land Use – Undeveloped
  
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Proposed Community Living Arrangement (CLA)
- **South:**
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Condominiums
- **East:**
  - Zoning – R-1B Single-family Residential District
  - Future Land Use Designation – Single/Two-family
  - Current Land Use – Single-family Residential
- **West:**
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family Residential
  - Current Land Use – Community Living Arrangement (CLA)

**Proposed Future Land Use Designation:** The applicant is proposing to amend the *City of Appleton Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from Commercial use to Single/Two-Family Residential use. Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to correct omissions or errors in the land use recommendations, specific development proposals or changing circumstances in the City. In this case, a specific development proposal in this area is necessitating the change from Commercial to Single/Two-Family Residential use.

**Consistency with objectives and goals of the Comprehensive Plan 2010-2030:** The *City of Appleton Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide growth and development in an organized and efficient manner in the City. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed Future Land Use Map amendment for consistency with these relevant objectives and policies is necessary in determining if changing the Future Land Use Map is appropriate.

Relevant Comprehensive Plan Objectives and Goals
<b>Overall Community Goals</b>  <b>Goal 3 – Housing Quality and Affordability</b> (Chapter 5 – Housing and Neighborhoods) 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.
<b>5.3 OBJECTIVE: Provide a range of housing styles that meet the needs and appeal to all segments of the community.</b>
<b>7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.</b>
<b>Overall Community Goals</b>  <b>Goal 1 – Community Growth</b> (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.
<b>10.1 OBJECTIVE: Provide an adequate supply of suitable land meeting the demand for development of various land uses.</b>  <b>10.1.1</b> Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan

The proposed Future Land Use Map amendment provides increased opportunities to expand a residential neighborhood by providing more land area for a variety of ownership housing choices to community residents. Also, there are existing municipal water, sewer, roads, and parks in this area of the City to serve the proposed development.

The subject site is adjacent to Multi-family Residential and Commercial designation to the north and adjacent to a residential neighborhood to the east and south that is designated as Single/Two-Family and Multi-family Residential designation on the Future Land Use Map. The subject site, therefore, represents an expansion of Single/Two-Family Residential designation along the south side of Glenhurst Lane and the west side Lightning Drive. A change in development patterns from commercial/office uses to residential uses (such as residential condominiums and community living arrangements) has been occurring in this area since it was originally platted in 2002. Therefore, the proposed Future Land Use Map amendment is unlikely to create adverse impacts in the adjacent area or the City.

**Proposed Zoning Classification:** The applicant is proposing to rezone the subject parcel from the C-O Commercial Office District to R-1B Single-Family Residential District. The purpose of the R-1B District is intended 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. The development standards for the R-1B District are listed below:

**R-1B District Development Standards:** The R-1B Single-Family Residential District development standards are as follows:

- Minimum Lot Area: **6,000 square feet**
- Maximum Lot Coverage: **50%**
- Minimum Lot Width: **50 feet**
- Minimum Front Yard: **20 feet, 25 feet (if located on arterial),**
- Minimum Side Yard: **6 feet**
- Minimum Rear Yard: **25 feet**
- Maximum Building Height: **35 feet**

**Impact on Surrounding Neighborhood:**

Rezoning of the subject parcel to the R-1B District is appropriate for several reasons. First, if the Comprehensive Plan Future Land Use Map is amended to show this area appropriate for Single-Family uses, the rezoning and Future Land Use designation would be consistent. Next, if the property is rezoned to the R-1B District, the permitted uses in that district would not have a negative impact on the surrounding neighborhood or existing uses. Higher density residential already exists to the south and the low density residential already exists to the east of the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the adjacent area or the City.

**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d) (3) Zoning Amendments (rezoning) has been satisfied. It is important to note that the Zoning Code requires that a rezoning request conform to the City's Comprehensive Plan Future Land Use Map. If the Future Land Use Map Amendment #2-15 is approved, the rezoning would conform to the Comprehensive Plan. However, until Future Land Use Map Amendment #2-15 is approved, the proposed R-1B Single-Family Residential zoning classification would not conform to the Future Land Use Map, which, in its current form, identifies the subject site as Commercial.

**Technical Review Group Report (TRG):** This item was discussed at the November 17, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

## **RECOMMENDATION**

Based upon the above analysis, staff recommends the proposed *City of Appleton Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-15* from Commercial designation to Single/Two-Family Residential designation and resolution, **BE APPROVED**; and

Staff recommends based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #6-15 to rezone the subject parcels located along the south side of Glenhurst Lane (Tax Id #31-1-6501-05 & 31-1-6501-06) from C-O Commercial Office District to R-1B Single-Family Residential District, including to the centerline of the adjacent right-of-way, as shown on the map, **BE APPROVED**.

**NOTE:** If approved, Rezoning #6-15 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-15 to accurately reflect the change in future land use from Commercial designation to Single-Family Residential designation.

### **Exhibit A: Statement of Justification for Rezoning**

Apple Tree, LLC is a residential developer and home builder with a successful 10-year history of developing condominiums and condo-style communities, primarily in Northeast Wisconsin. This includes The Villas at Apple Creek, the successful 152-unit condominium immediately south of the proposed development. We are proposing a rezoning of Lots 5 & 6 of Apple Creek Center to allow for us to build a small HOA-community of single-family homes. Below is a description of the project and details of how our proposed use of the land meets the overall goals of Appleton's comprehensive plan.

The proposed development on Lots 5 & 6 will use the same exterior materials found on the homes at The Villas at Apple Creek – stone & wood siding in appealing earth tone colors – to complement this neighboring community. In addition, the homes in the proposed development will be single-family like those found in the subdivisions immediately east of Lighting Drive. Our proposed homes and architecture will provide an appealing transition from the businesses on Ballard and the multi-family housing north of Glenhurst, to the single-family neighborhoods east of Lighting.

The proposed development will consist of 11 – 14 single-family homes (the actual number will depend on the results of wetland delineation and wetland fill permitting through the DNR). Homebuyers will have the choice of the same five floor plans being offered in our popular and extremely successful community Woods Edge, in De Pere, WI. The main levels of these floor plans range in size from 1,400 – 2,100 sq. ft. Some of the floor plans offer the option of having an insulated foundation (no basement) or basement, with the ability to add additional living space in the lower level. Three of the floor plans also offer the option of adding a 2<sup>nd</sup> story bonus suite. Sales prices of the finished homes are expected to range from approximately \$200,000 to \$450,000.

A professionally managed Homeowners Association (HOA) will be established and will ensure homes, yards, and neighborhood property are maintained to a quality standard. The lawn-care and snow removal services coordinated by the condo-style HOA will allow homeowners to lock the door and go, which is a highly desirable housing option currently underserved in the Appleton area.



East Glenhurst Lane  
Appletree Development, LLC  
Rezoning C-O Commercial Office District  
to R-1B Single-Family District  
Zoning Map





East Glenhurst Lane  
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