



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to
the Community and Economic Development Department,
920-832-6468.*

Tuesday, June 27, 2017

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[17-964](#) City Plan Minutes from 6-13-17

Attachments: [City Plan Minutes 6-13-17.pdf](#)

4. Public Hearings/Appealances

[17-965](#) Rezoning #4-17 to rezone 525 South Memorial Drive (Tax Id #31-3-0624-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from C-2 General Commercial District to R-3 Multi-Family District (Associated with Action Item #17-966)

5. Action Items

[17-966](#) Request to approve Rezoning #4-17 to rezone 525 South Memorial Drive (Tax Id #31-3-0624-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from C-2 General Commercial District to R-3 Multi-Family District

Attachments: [StaffReport_HarborHouse_Rezoning_For06-27-17.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed
to the Community and Economic Development Department,
920-832-6468.*

Tuesday, June 13, 2017

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:00 p.m.

2. Roll call of membership

Present: 6 - Mayor Hanna, Buetow, Uslabar, Rabec, Martin and Palm

Others present:

Jill Hendricks, Emerald Valley Estates LLC

Doc Musekamp, We Energies

Tiffany Goebel, We Energies

Renee Bowerman, We Energies

3. Approval of minutes from previous meeting

[17-813](#)

City Plan Minutes from 5-23-17

Attachments: [City Plan Minutes 5-23-17.pdf](#)

Martin moved, seconded by Uslabar, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 6 - Mayor Hanna, Buetow, Uslabar, Rabec, Martin and Palm

4. Public Hearings/Apearances

[17-817](#)

Special Use Permit #6-17 for an essential services facility (utility substation) and electronic tower located at 419 E. Winnebago Street (Tax Id #31-1-0108-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #17-818)

This public hearing was held, and no one spoke on the item.

[17-819](#)

Rezoning #3-17 for the Fourth Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District (Associated with Action Item #17-820)

This public hearing was held, and no one spoke on the item.

5. Action Items

[17-818](#)

Request to approve Special Use Permit #6-17 for an essential services facility (utility substation) and electronic tower located at 419 E. Winnebago Street (Tax Id #31-1-0108-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote required)

Attachments: [StaffReport_WeEnergiesWinnebagoSt_SUP_For06-13-17.pdf](#)

Uslabar moved, seconded by Buetow, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 6 - Mayor Hanna, Buetow, Uslabar, Rabec, Martin and Palm

6. Information Items

[17-820](#)

Request to approve Rezoning #3-17 for the Fourth Addition to Emerald Valley, as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_Rezoning #3-17_FourthAddtoEmeraldValley.pdf](#)

Proceeds to Council on July 19, 2017.

Buetow moved, seconded by Martin, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 6 - Mayor Hanna, Buetow, Uslabar, Rabec, Martin and Palm

[17-821](#)

Request to approve the Fourth Addition to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the attached conditions

Attachments: [StaffReport_Preliminary Plat_FourthAddtoEmeraldValley.pdf](#)

Proceeds to Council on July 19, 2017.

Martin moved, seconded by Rabec, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 6 - Mayor Hanna, Buetow, Uslabar, Rabec, Martin and Palm

[17-822](#)

Request to approve Minor Amendment to Special Use Permit #11-05 to allow alcohol consumption within a 265 square foot outdoor area along the east side of the building located at 1350 W. College Avenue (Tax Id #31-5-1775-00) as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (No Council action required)

Attachments: [Staff Report_SUP #11-05 Amendment Tandem Wine & Beer.pdf](#)

No Council action required.

**Buetow moved, seconded by Martin, that the Report Action Item be approved.
Roll Call. Motion carried by the following vote:**

Aye: 6 - Mayor Hanna, Buetow, Uslabar, Rabec, Martin and Palm

7. Adjournment

Uslabar moved, seconded by Martin, that the meeting be adjourned at 4:10 p.m. Roll Call. Motion carried by the following vote:

Aye: 6 - Mayor Hanna, Buetow, Uslabar, Rabec, Martin and Palm



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: June 27, 2017

Common Council Public Hearing Meeting Date: July 19, 2017 (Public Hearing on Rezoning)

Item: Rezoning #4-17 – 525 South Memorial Drive

Case Manager: David Kress

GENERAL INFORMATION

Owner: Harbor House Domestic Abuse Programs, Inc. c/o Beth Schnorr

Applicant: McMAHON Associates c/o Dave Schmalz

Address/Parcel: 525 South Memorial Drive (Tax Id #31-3-0624-00)

Petitioner's Request: The applicant proposes to rezone the subject parcel from C-2 General Commercial District to R-3 Multi-Family District. The request is being made to combine the subject parcel with adjacent property currently zoned R-3 Multi-Family District.

BACKGROUND

Before being purchased by Harbor House Domestic Abuse Programs, Inc. in 2016, a hair salon and second-story apartment were previously located on the subject property. The building was razed in late 2016.

A Certified Survey Map (CSM) was submitted in conjunction with the rezoning request to combine the subject parcel and adjacent parcel (#31-3-0623-00). CSMs are administratively reviewed and approved by City staff. However, per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, combining the parcels, which are currently in different zoning districts, also necessitates a rezoning.

Subsequent to the rezoning request, a Special Use Permit application was submitted for an expansion to the existing group home facility on the adjacent parcel (#31-3-0623-00). The proposed expansion incorporates the subject parcel and constitutes a "major change" to Special Use Permit #17-99. Given the timing of submittals, the Special Use Permit application is on track to go before Plan Commission on July 11, 2017 and Common Council on July 19, 2017.

STAFF ANALYSIS

Existing Site Conditions: The subject parcel is approximately 5,868 square feet in size and is located at the northwest corner of South Memorial Drive and West Fifth Street. South Memorial Drive is classified as an arterial street on the City's Arterial/Collector Plan. Currently, the parcel is vacant, as the previous building was razed in late 2016.

Surrounding Zoning Classification and Land Uses:

North: R-3 Multi-Family District. The adjacent land use to the north is currently multi-family residential (group home facility under same ownership as subject property).

South: R-1B Single-Family District and R-2 Two-Family District. The adjacent land uses to the south are currently a mix of single-family and two-family residential.

East: R-2 Two-Family District. The adjacent land uses to the east are currently two-family residential.

West: R-3 Multi-Family District. The adjacent land use to the west is currently multi-family residential (group home facility under same ownership as subject property).

Proposed Zoning Classification: The purpose of the R-3 Multi-Family District is to provide for and maintain residential areas characterized by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses. The development standards for the R-3 District are listed below:

- 1) ***Minimum lot area:***
 - a. 6,000 square feet for single-family dwelling.
 - b. 7,000 square feet for two story two-family dwellings.
 - c. 9,000 square feet for single story two-family dwelling.
 - d. 3,000 square feet per dwelling unit for multi-family dwellings.
 - e. 7,000 square feet for all other uses.
- 2) ***Maximum lot coverage:*** 70%.
- 3) ***Minimum lot width:***
 - a. 50 feet for single-family dwellings.
 - b. 70 feet for two-family dwellings.
 - c. 80 feet for all other uses.
- 4) ***Minimum front yard:***
 - a. 20 feet.
 - b. 25 feet if located on an arterial street.
- 5) ***Minimum rear yard:*** 35 feet.
- 6) ***Minimum side yard:***
 - a. 6 feet for single and two-family dwellings.
 - b. 20 feet for all other uses.
- 7) ***Minimum setback from single or two-family lot line:*** 30 feet.
- 8) ***Maximum building height:***
 - a. 35 feet for single and two-family dwellings.
 - b. 45 feet for all other uses.
- 9) ***Minimum distance between multi-family buildings:*** 12 feet.

Zoning Ordinance Review Criteria: A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the desire to combine lots (via CSM) prompted the applicant to submit the rezoning request. Based on initial CSM review, the proposed lot combination would meet applicable lot area and lot width development standards for the R-3 Multi-Family District. Future development would need to conform to the R-3 District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval is required, pursuant to

Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Also, future development on the adjacent parcel would need to comply with Special Use Permit #17-99, which was approved in 1999 for a group home facility, or an amendment request to the Special Use Permit will be required, pursuant to Section 23-66(g) of the Municipal Code.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future multi-family residential uses. The proposed R-3 Multi-Family District rezoning is consistent with the 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 5.3 Housing and Neighborhoods:

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.

OBJECTIVE 7.7 Utilities and Community Facilities:

Continue to partner with other agencies, organizations, and businesses to support programs and activities for at-risk populations.

OBJECTIVE 10.1 Land Use:

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

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. 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 goals and objectives stated above and the Future Land Use Map, which identifies this area for future multi-family residential uses.*

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. *Multi-family residential uses (group home facility) are already located to the north and west of the subject site. The single-family and two-family residential uses located to the south and east are separated from the subject area by street right-of-way. The rezoning request is being made to accommodate a lot combination with the adjacent parcel. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

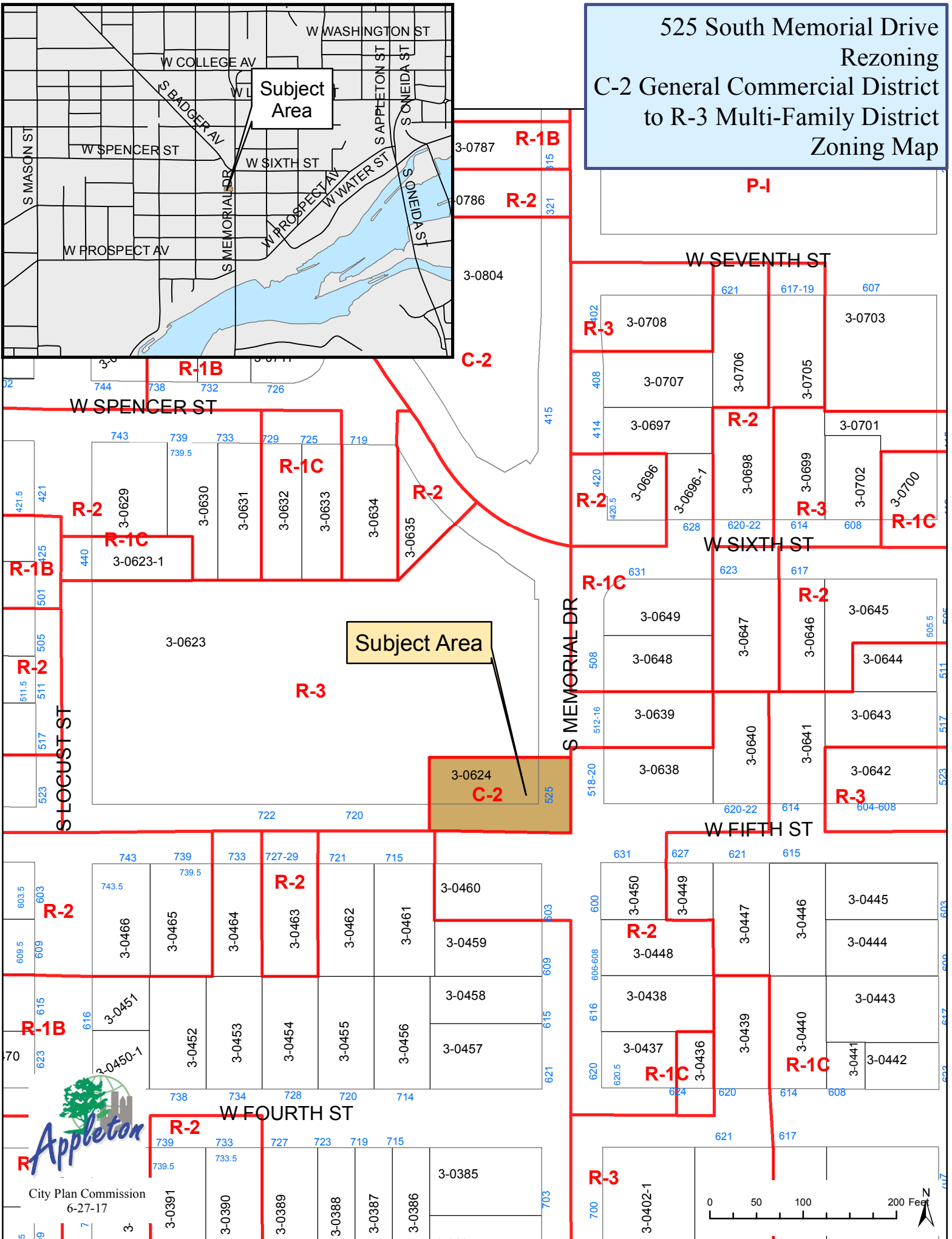
Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item was discussed at the June 6, 2017 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 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #4-17 to rezone the subject parcel located at 525 South Memorial Drive (Tax Id #31-3-0624-00) from C-2 General Commercial District to R-3 Multi-Family District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

525 South Memorial Drive
Rezoning
C-2 General Commercial District
to R-3 Multi-Family District
Zoning Map



525 South Memorial Drive
Rezoning
C-2 General Commercial District
to R-3 Multi-Family District
Aerial Map



City Plan Commission
6-27-17

Description of lands to be rezoned from C-2 General Commercial to R-3 Multifamily:

The South 50 feet of Lot 7, Block 27, Grand Chute Plat 3rd Ward, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City. EXCEPT Parcel 24 of Transportation Project Plat 6240-13130624006-21-4.02, recorded in Plat Cabinet L, Page 174 as Document Number 1821753, on February 6, 2009 in the Outagamie County Office of the Register of Deeds, being part of Lot 7, Block 27, of Grand Chute Plat, located in the NW ¼ of the NW ¼, Section 35, T21N, R17E, City of Appleton, Outagamie County, Wisconsin. Including all of the adjacent one-half (1/2) right of way of West Fifth Street and Memorial Drive (aka S.T.H. 47).

May 10, 2017

DEW

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