



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** October 12, 2015

**Common Council Public Hearing Meeting Date:** November 18, 2015  
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #1-15 and Rezoning #4-15

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** North Meadows Investment, LTD, Owner  
Paul and Jolene Moran, Applicants

**Lot/Parcel:** Lots 1 & 2 of the Apple Creek Center Plat (Tax Id #31-1-6501-00 & 31-1-6501-02)

**Petitioner's Request:** The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from a Commercial designation to a Multi-Family Residential designation for two undeveloped parcels (Lots 1 & 2 of the Apple Creek Center Plat) along the north side of Glenhurst Lane (Tax Id #31-1-6501-00 & 31-1-6501-02). In conjunction with this request, the applicant is also proposing to rezone the subject parcels from C-O Commercial Office District to R-3 Multi-Family Residential District. The requests are being made to accommodate a proposed 50-person Community Living Arrangement (CLA) facility which will require a Special Use Permit in the R-3 District.

### 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.

### STAFF ANALYSIS

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

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

- **North:**
  - Zoning – C-2 General Commercial District
  - Future Land Use Designation – Commercial
  - Current Land Use – Office
  - Zoning – PD/R-3 Planned Development/Multi-Family Residential District
  - Future Land Use Designation – Multi-Family Residential
  - Current Land Use – Condominiums

- **South:**  
Zoning – C-O Commercial Office District  
Future Land Use Designation – Commercial  
Current Land Use – Vacant
- **East:**  
Zoning – C-O Commercial Office District  
Future Land Use Designation – Commercial  
Current Land Use – Vacant
- **West:**  
Zoning – R-3 Multi-Family Residential District  
Future Land Use Designation – Multi-Family Residential  
Current Land Use – CLA

**Proposed Future Land Use Designation:** The applicant is proposing to amend the City's *Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from Commercial use to Multi-Family Residential use. Amendments to the Comprehensive Plan are sometimes triggered by development proposals or changing circumstances in the City. In this case, changing development patterns in this area are necessitating the change from Commercial to Multi-Family Residential use. The Comprehensive Plan and Future Land Use Map are intended to provide a guide for future development within the City. Rezoning requests must conform to the City's Comprehensive Plan and Future Land Use Map.

The proposed Future Land Use Map amendment would be consistent and compatible with current and future land uses in the surrounding neighborhood. Land to the west and the southeast is designated as Multi-Family Residential on the Future Land Use Map and zoned R-3 Multi-Family Residential District. The existing development consists of attached residential condominium units. The land to the southeast was originally zoned C-O Commercial Office District; but in 2005, the Future Land Use Map was amended to Multi-Family Residential and the land was rezoned to the R-3 district. In 2014, the property to the west of the subject property underwent the same requests as are being proposed on this site. A change in development patterns from commercial/office uses to residential use has been occurring in this area since it was originally platted in 2002. Staff believes this trend will continue.

**Proposed Zoning Classification:** The applicant is proposing to rezone the subject parcel from the C-O Commercial Office District to R-3 Multi-Family Residential District. The purpose of the R-3 district is intended to provide for and maintain residential areas characterized predominately 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.

Rezoning of the subject parcel to the R-3 district is appropriate for several reasons. First, if the Comprehensive Plan Future Land Use Map is amended to show this area appropriate for Multi-Family uses, the rezoning and Future Land Use designation would be consistent. Next, if the property is rezoned

to the R-3 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 north and the southeast of the subject site. The development standards for the R-3 District are listed below:

**R-3 District Development Standards:** The R-3 Multi-Family Residential District development standards are as follows:

- Minimum Lot Area: **7,000 square feet**
- Maximum Lot Coverage: **70%**
- Minimum Lot Width: **80 feet**
- Minimum Front Yard: **25 feet (if located on arterial), 20 feet**
- Minimum Side Yard: **20 feet**
- Minimum Rear Yard: **35 feet**
- Maximum Building Height: **45 feet**

**Impact on Surrounding Neighborhood:** The proposed Comprehensive Plan Future Land Use amendment and rezoning request will not have a detrimental impact on the existing neighborhood or on future development of nearby undeveloped properties. Staff does not anticipate any negative impact to this property with the rezoning request.

**Comprehensive Plan 2010-2030:** The Future Land Use Map currently shows this area to be used for Commercial uses. The applicant is proposing to amend the Future Land Use Map to Multi-Family Residential uses. The proposed zoning classification and use of the subject parcel are not currently consistent with the Future Land Use Map; however, if amended as proposed, the zoning classification and use of the subject parcel will be consistent with the Future Land Use Map and the following goals and objective of the *Comprehensive Plan 2010-2030*:

## **Overall Community Goals**

### **Goal 1 – Community Growth** (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.

**10.1 OBJECTIVE:** Provide an adequate supply of suitable land meeting the demand for development of various land uses.

### **Goal 3 – Housing Quality and Affordability** (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.

**5.3 OBJECTIVE:** Provide a range of housing styles that meet the needs and appeal to all segments of the community.

**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 #1-15 is approved, the rezoning would conform to the Comprehensive Plan. However, until Future Land Use Map Amendment #1-15 is approved, the proposed R-3 Multi-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 September 22, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

### **RECOMMENDATION**

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Based upon the above analysis, staff recommends the proposed *Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-15* from Commercial designation to Multi-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 #4-15 to rezone the subject parcels located along the north side of Glenhurst Lane (Tax Id #31-1-6501-00 & 31-1-6501-02) from C-O Commercial Office District to R-3 Multi-Family Residential District, including to the centerline of the adjacent right-of-way as shown on the map, **BE APPROVED**.

**NOTE:** If approved, Rezoning #4-15 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-15 to accurately reflect the change in future land use from Commercial designation to Multi-Family Residential designation.

**RESOLUTION  
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE  
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

**WHEREAS**, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

**WHEREAS**, on March 3, 2010 the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

**WHEREAS**, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

**WHEREAS**, members of the public were invited to make comments at a meeting held on October 12, 2015, by the City Plan Commission, wherein the following Comprehensive Plan amendments (Amendment #1-15) herein adopted were reviewed and commented upon by members of the public; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on October 12, 2015; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified properties on the Future Land Use Map from Commercial Office use to Multi-Family Residential use.

**WHEREAS**, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

**WHEREAS**, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

**WHEREAS**, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

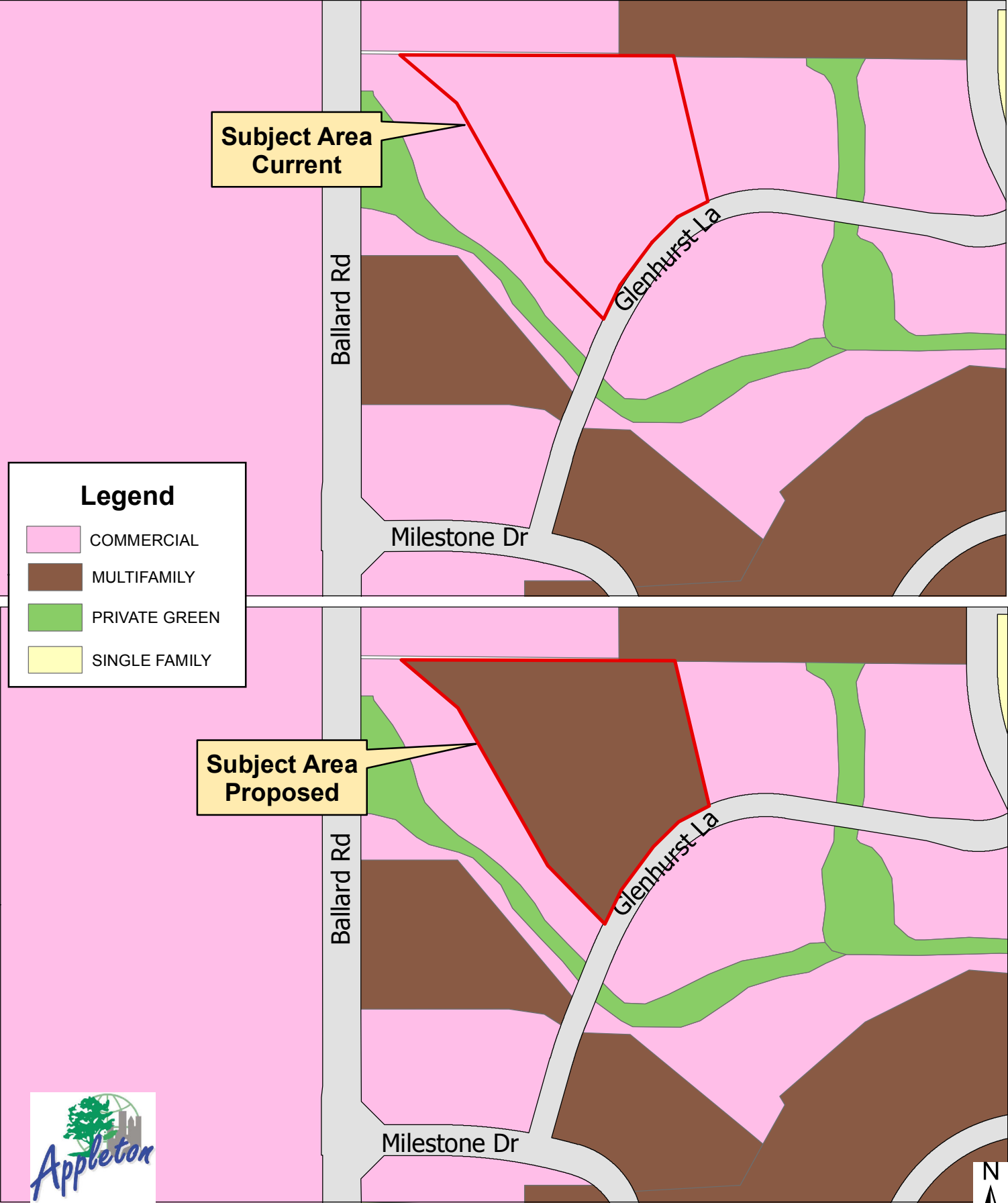
**NOW, THEREFORE, BE IT RESOLVED**, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Timothy M. Hanna, Mayor

ATTEST:

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Jamie Griesbach, Deputy City Clerk



East Glenhurst Lane  
Rezoning C-O Commercial Office District  
to R-3 Multi-family District  
Zoning Map

