



REPORT TO COMMON COUNCIL

Common Council Public Hearing & Meeting Date: June 3, 2020

Item: Rezoning #1-20 – Third Addition to Clearwater Creek

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Clearwater Creek, LLC – owner/applicant and City of Appleton - owner

Address/Parcel #s: North Haymeadow Avenue and East Spartan Drive

- Part of Tax Id. #6-6201-00: From (AG) Agricultural District, (PD/R-2) Planned Development Two-family District and (PD/R-3) Planned Development Multi-family District to the (R-1B) Single-family District;
- Part of Tax Id. #6-6200-00: From (AG) Agricultural District to the (R-1B) Single-family District;
- All of Tax Ids. #6-6202-27 and 6-6202-28: From (PD/R-3) Planned Development Multi-family District to (R-1B) Single-family District;
- Part of Tax Id. #6-6202-29: From (P-I) Public Institutional District to the (R-1B) Single-family District; and
- Part of Tax Id. #6-6001-02: From (PD/R-3) Planned Development Multi-family District to the (R-1B) Single-family District.

Petitioner's Request: The owner/applicant is requesting a zoning change from AG, PD/R-2, PD/R-3 and P-I to the R-1B Single-family District to construct the third phase of the Clearwater Creek residential subdivision.

BACKGROUND

This item would typically go to Plan Commission for review and a recommendation. However, to help prevent the spread of COVID-19, standing committees will not meet and Common Council will conduct business as Committee of the Whole.

Tax Id. #'s 6-6201-00, 6-6200-00, 6-6202-27, 6-6202-28, 6-6202-29 and 6-6001-02 were annexed to the City of Appleton through the Paltzer/Jacobs Annexation on May 10, 2004 and officially came into the City with AG Agricultural District, PD/R-2 Planned Development Two-family District and PD/R-3 Planned Development Multi-family District zoning classification.

Tax Id. #6-6202-29 was rezoned from AG Agricultural District and PD/R-2 Planned Development Two-family District to the P-I Public Institutional District pursuant to Rezoning #8-19 for a City-owned stormwater pond. Clearwater Creek, LLC deeded this land to the City for the construction of the stormwater pond. The land area included in this request is no longer needed by the City for the stormwater pond. The City will deed this land area back to the developer.

The Preliminary Plat for the Third Addition to Clearwater Creek is also being presented at this June 3, 2020 Common Council meeting to accurately reflect the area being rezoned and to create new parcels.

The remainder of the Clearwater Creek development area will be rezoned as development takes place. These future requests for rezoning will be made by the owner/applicant prior to future subdivision activities taking place.

STAFF ANALYSIS

Proposed Zoning Classification: The purpose of the R-1B Single-Family Residential District is 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.

Existing Conditions: The land area to be rezoned is currently undeveloped.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 – R-1B Single-Family Residential District) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*
- Minimum lot width: Fifty (50) feet.
 - *The proposed lots shown on the preliminary plat satisfy this standard.*

Surrounding zoning and land uses:

North: AG Agricultural District – undeveloped land
South: P-I Public Institutional District – drainage corridor and stormwater detention pond
R-1B Single-Family Residential District – residential uses
East: AG Agricultural District – undeveloped land
Town of Grand Chute – undeveloped land
West: AG Agricultural District – undeveloped land
Town of Grand Chute – undeveloped land

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Single-Family/Two-Family/Multi-Family residential land uses.

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.

Findings: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on the subject site after the platting process has been completed.

Goal 3 – Housing Quality and Affordability: 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.

Findings: The proposed single-family zoning classification supports this goal. The proposed zoning classification will allow the construction of residential housing units on subject site after the platting process has been completed. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels.

OBJECTIVE 5.3 Housing and Neighborhoods.

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

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

Findings: The request is consistent with these objectives and policies because the single-family zoning classification will allow the subject site to be developed with residential housing units. Maintaining an adequate supply of housing units will help to address affordability for Appleton residents and ensures an adequate supply of housing styles to all income levels. The proposal is compatible with the existing single-family dwellings development in this area of the City.

OBJECTIVE 6.3 Transportation:

Create an environment that is safe and conducive to walking and bicycling throughout the entire city.

Policy 6.3.1 Prioritize bicycle and pedestrian improvement projects that enhance connectivity between important destinations within the community, and to regional bicycle and pedestrian networks.

Policy 6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods.

Findings: The proposed development layout will be consistent with the earlier approved phases of Clearwater Creek subdivision. Sidewalks and bike lanes are anticipated to be installed in this area of the City. Once all sidewalks and bike lanes segments are connected together the objectives and policies will appear to be satisfied.

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.4 Land Use:

Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.

Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.

Findings: *The proposed development is compatible with the One and Two-Family Residential designation shown on the City's Comprehensive Plan 2010-2030 Future Land Use Map for this area of the 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 strategies stated above.*
 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. *Single-family uses are already present to the south of the subject site. The rezoning request is being made to accommodate the third phase of this residential subdivision which will expand this residential neighborhood. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding uses.*

Technical Review Group Report (TRG): This item appeared on the April 21, 2020 TRG Agenda. The following comment was received.

The Fire Department is concerned about achieving proper rescue-response times per NFPA, thus each potential home would likely be asked to provide early-warning, smoke alarm systems, or automatic fire sprinklers (such as those in other, Appleton Development Agreements).

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 #1-20 to rezone the subject area Part of Tax Id.'s #6-6201-00, #6-6200-00, #6-6001-02 and #6-6202-29 and all of Tax Id.'s #6-6202-27 and 6-6202-28 from AG, PD/R-2, PD/R-3 and P-I to the R-1B Single-family District, as shown on the attached maps, **BE APPROVED**.

NOTE: If approved, Rezoning #1-20 and the Preliminary Plat for the Third Addition to Clearwater Creek (separate agenda item) will be reported out at the same Common Council meeting to accurately reflect the change in zoning classification and proposed subdivision configuration.

REZONING LEGAL DESCRIPTION

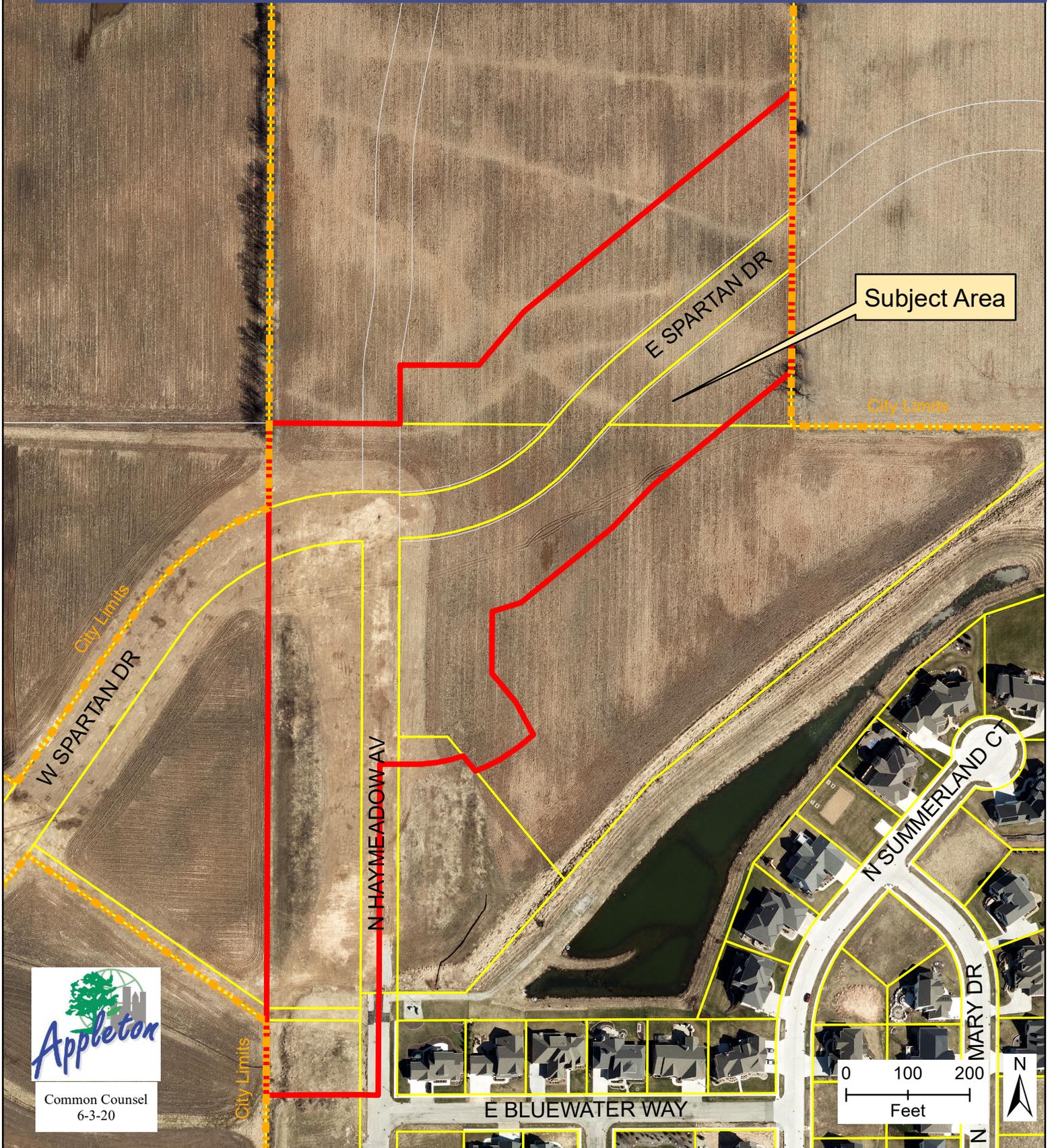
CURRENTLY ZONED AG, PD/R-2, PD/R-3, AND P-1 TO BE REZONED TO R1-B

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, PART OF OUTLOT 2 CERTIFIED SURVEY MAP NO. 7315 FILED IN VOLUME 44 OF CERTIFIED SURVEY MAPS ON PAGE 7315 AS DOCUMENT NO. 2095051, PART OF OUTLOT 1 CERTIFIED MAP NO. 7827 FILED AS DOCUMENT NO. 2177075, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4 AND ALSO BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 2, A DISTANCE OF 1580.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, CONTINUING ALONG THE WEST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 1089.38 FEET TO THE CENTER OF SAID SECTION; THENCE SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 212.00 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 95.02 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 45 SECONDS EAST, A DISTANCE OF 127.75 FEET; THENCE NORTH 39 DEGREES 40 MINUTES 18 SECONDS EAST, A DISTANCE OF 113.31 FEET; THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, A DISTANCE OF 563.50 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 45 SECONDS WEST, ALONG THE EAST LINE OF LOT 2 CERTIFIED SURVEY MAP NO. 3927, A DISTANCE OF 454.84; THENCE SOUTH 50 DEGREES 38 MINUTES 16 SECONDS WEST, A DISTANCE OF 290.53 FEET; THENCE SOUTH 43 DEGREES 34 MINUTES 56 SECONDS WEST, A DISTANCE OF 95.72 FEET; THENCE SOUTH 50 DEGREES 38 MINUTES 16 SECONDS WEST, A DISTANCE OF 190.00 FEET; THENCE SOUTH 73 DEGREES 01 MINUTES 34 SECONDS WEST, A DISTANCE OF 49.11 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 15 SECONDS WEST, A DISTANCE OF 100.20 FEET; THENCE SOUTH 39 DEGREES 21 MINUTES 44 SECONDS EAST, A DISTANCE OF 59.84 FEET; THENCE SOUTH 29 DEGREES 14 MINUTES 54 SECONDS EAST, A DISTANCE OF 60.95 FEET; THENCE SOUTH 50 DEGREES 38 MINUTES 16 SECONDS WEST, A DISTANCE OF 22.82 FEET; THENCE 88.74 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 280.00 FEET AND A CHORD THAT BEARS SOUTH 59 DEGREES 43 MINUTES 01.5 SECONDS WEST, A DISTANCE OF 88.37 FEET; THENCE NORTH 39 DEGREES 21 MINUTES 44 SECONDS WEST, A DISTANCE OF 31.78 FEET; THENCE 83.72 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 250.00 FEET AND A CHORD THAT BEARS SOUTH 80 DEGREES 39 MINUTES 38 SECONDS

WEST, A DISTANCE OF 83.33 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 45 SECONDS WEST, A DISTANCE OF 52.48 FEET TO A POINT ON THE CENTERLINE OF NORTH HAYMEADOW AVENUE; THENCE SOUTH 00 DEGREES 15 MINUTES 15 SECONDS WEST, ALONG THE CENTERLINE OF NORTH HAYMEADOW AVENUE, A DISTANCE OF 535.69; THENCE SOUTH 89 DEGREES 43 MINUTES 49 SECONDS WEST ALONG THE NORTH LINE OF LOT 121 SECOND ADDITION TO CLEARWATER CREEK, A DISTANCE OF 182.01 FEET TO THE POINT OF BEGINNING. CONTAINING 539,334 SQ.FT. [12.381 ACRES]

Rezoning
Third Addition to Clearwater Creek
AG Agricultural District,
P-I Public Institutional District, PD/R-2 Planned Development/Two-family District &
PD/R-3 Planned Development/Multi-family District to R-1B Single-family District
Aerial Map



Common Council
6-3-20

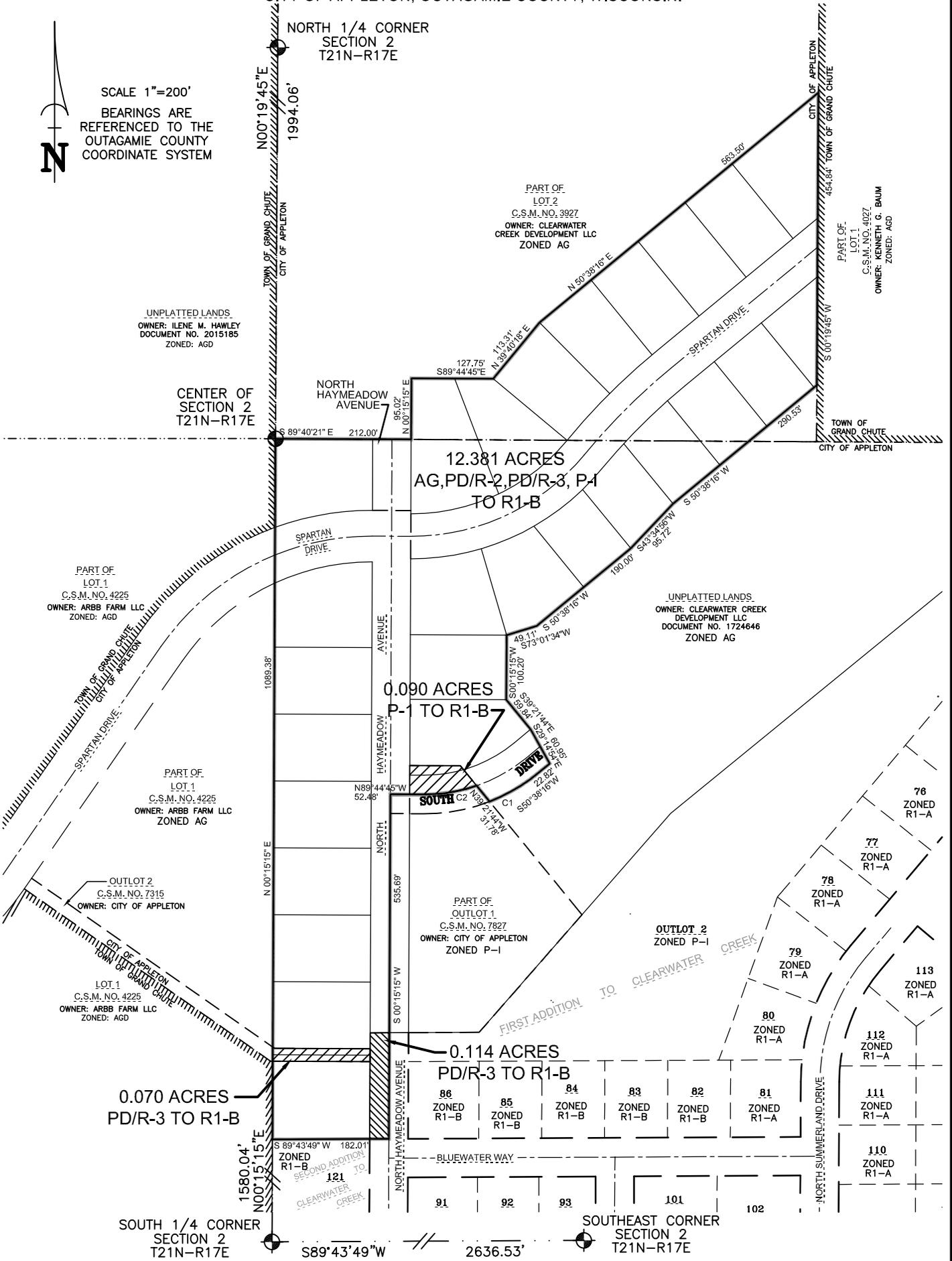


REZONING REFERENCE MAP

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, PART OF OUTLOT 2 CERTIFIED SURVEY MAP NO. 7315 FILED IN VOLUME 44 OF CERTIFIED SURVEY MAPS ON PAGE 7315 AS DOCUMENT NO. 2095051, PART OF OUTLOT 1 CERTIFIED MAP NO. 7827 FILED AS DOCUMENT NO. 2177075, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4 AND ALSO BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



SCALE 1"=200'
BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM



CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
1	280.00'	018°09'31"	88.74'	S 59°43'01.5" W	88.37'
2	250.00'	019°11'14"	83.72'	S 80°39'38.0" W	83.33'

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Planning
Environmental
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Engineering
Architecture

PROJECT NO. 1-0822-002
FILE 1-0822-002Rezone.dwg
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