



REPORT TO PLAN COMMISSION

Plan Commission Informal Public Hearing Meeting Date: September 22, 2020

Common Council Public Hearing Meeting Date: October 21, 2020

Item: Rezoning #7-20 – 1200 and 1216 South Oneida Street from C-2 General Commercial District to C-1 Neighborhood Mixed Use District

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Property Owner / Applicant: Positive Ventures, LLC - Eric Jacobson

Address/Parcel #s: 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar) and 1216 South Oneida Street (Parcel Number: 31-4-0420-00) (aka Houdini's Escape Gastropub)

Petitioner's Request: The property owner is requesting a zoning change from C-2 General Commercial District to C-1 Neighborhood Mixed Use District. The owner is seeking this request to utilize the C-1 Neighborhood Mixed Use zoning district standards when planning/proposing site improvements to 1200 and 1216 South Oneida Street.

BACKGROUND

Special Use Permit #12-13 has been approved for a restaurant including an outdoor patio area with alcohol sales at 1216 South Oneida Street (aka Houdini's Escape Gastropub).

Special Use Permit #13-13 has been approved for a tavern including an outdoor patio area with alcohol sales at 1200 South Oneida Street (aka Images Bar).

STAFF ANALYSIS

Existing Conditions: The land area to be rezoned is currently developed with two separate buildings utilized by Houdini's Escape Gastropub (currently operating) and Images Bar with first and second floor apartment units (currently not operating and unoccupied dwelling units). Both properties share the existing off-street parking spaces.

Surrounding zoning and land uses:

North: C-2 General Commercial District and R-1B Single-Family Residential District – place of worship and residential uses

South: C-2 General Commercial District – commercial uses

East: R-1B Single-Family Residential District – residential uses

West: R-1B Single-Family Residential District and R-3 Multi-family District – undeveloped land

Proposed Zoning Classification: The C-1 Neighborhood Mixed Use District is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

Development standards (Section 23-112 – C-1 Neighborhood Mixed Use District) are as follows:

- 1) ***Minimum lot area.*** 6,000 square feet.
- 2) ***Maximum lot coverage.*** Ninety percent (90%).
- 3) ***Minimum lot width.*** 40 feet
- 4) ***Minimum front yard.*** None.
- 5) ***Minimum rear yard.*** 20 feet
- 6) ***Minimum side yard.*** None. 10 feet if abutting a residential zoned district.
- 7) ***Maximum building height.*** Sixty (60) feet.
- 8) ***Minimum off-street parking spaces:*** 1200 South Oneida Street, 10 minimum spaces and 1216 South Oneida Street, 29 minimum spaces.

The existing site improvements located on the land area to be rezoned appears to satisfy the development standards of the C-1 Neighborhood Mixed Use District, except for the building located 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar). This building has been identified as an existing non-conforming building due its encroachment (northeast corner of the building is 0.8 feet over the lot line) in the East McKinley Street right-of-way. This building can remain in its current location but will be regulated by the applicable nonconforming principal building regulations in the Appleton Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Mixed-Use designation. The proposed C-1 Neighborhood Mixed Use 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.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Chapter 17: South Oneida Street Corridor:

*Pedestrian-Oriented Commercial - This use and character should be extended from the industrial flats (refer to the **Fox River Corridor Plan**, Chapter 13) south through the Oneida Street corridor to Calumet Street. It is typified by buildings constructed at or near the street right-of-way and oriented to the sidewalk. Ground floor uses are nearly always commercial, and residential uses may be located on upper floors or at the back of the property. This is especially appropriate where the development site extends through to the parallel street, and multifamily residential may present a better transition to lower-density residential than would the back of a commercial building.*

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:

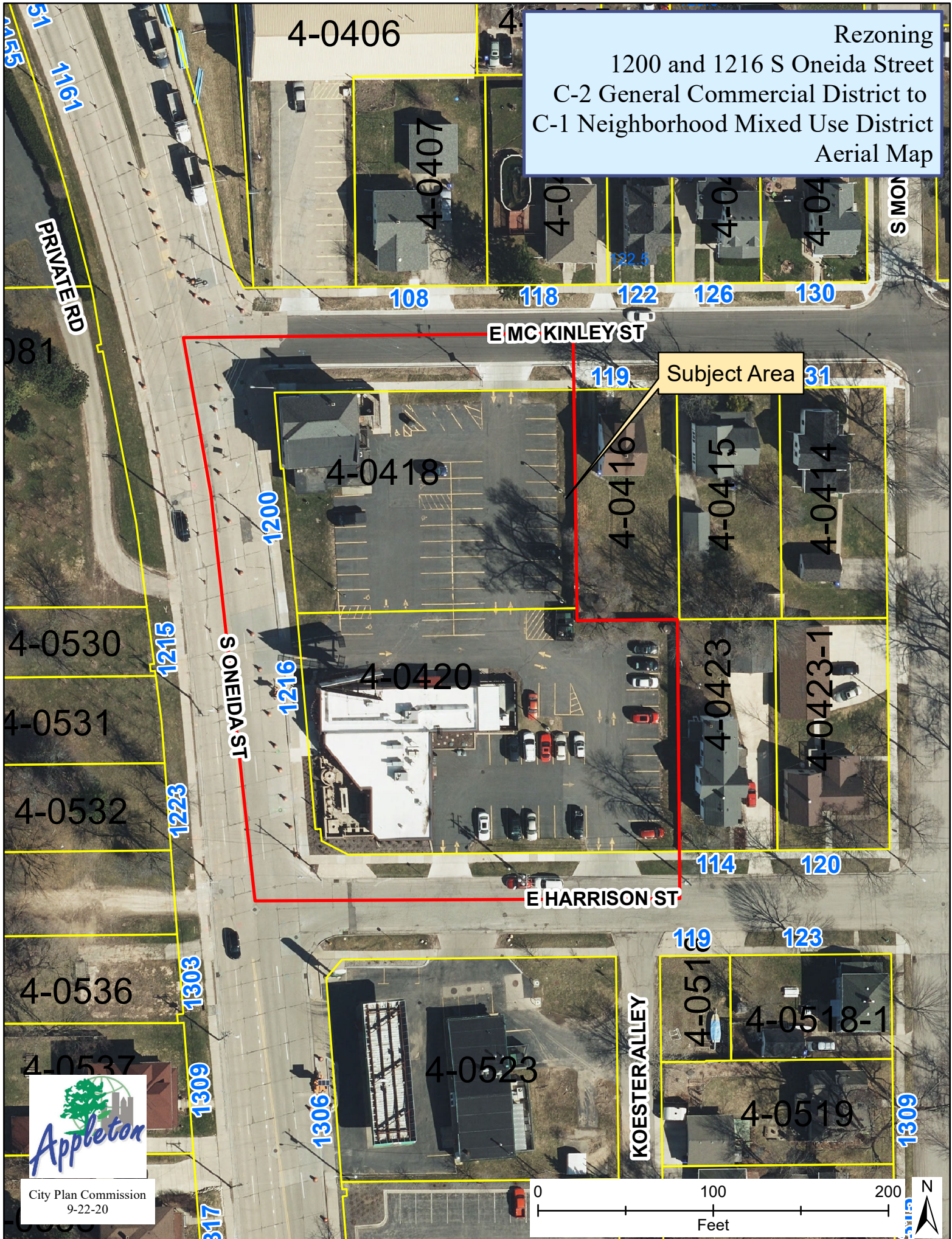
1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject properties are adequately served by the existing infrastructure and the transportation network.*
2. The effect of the proposed rezoning on surrounding uses. *A mix of Single-family, Commercial, and Public Institutional uses are already present in this area of City. The rezoning request is being made by the property owner to utilize the C-1 Neighborhood Mixed Use zoning district standards when planning/proposing site improvements to 1200 and 1216 South Oneida Street. 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 September 1, 2020 TRG 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 #7-20 to rezone 1200 (Parcel Number: 31-4-0418-00) and 1216 South Oneida Street (Parcel Number: 31-4-0420-00) including to the centerline of the adjacent right-of-way from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, as shown on the attached maps, **BE APPROVED**.

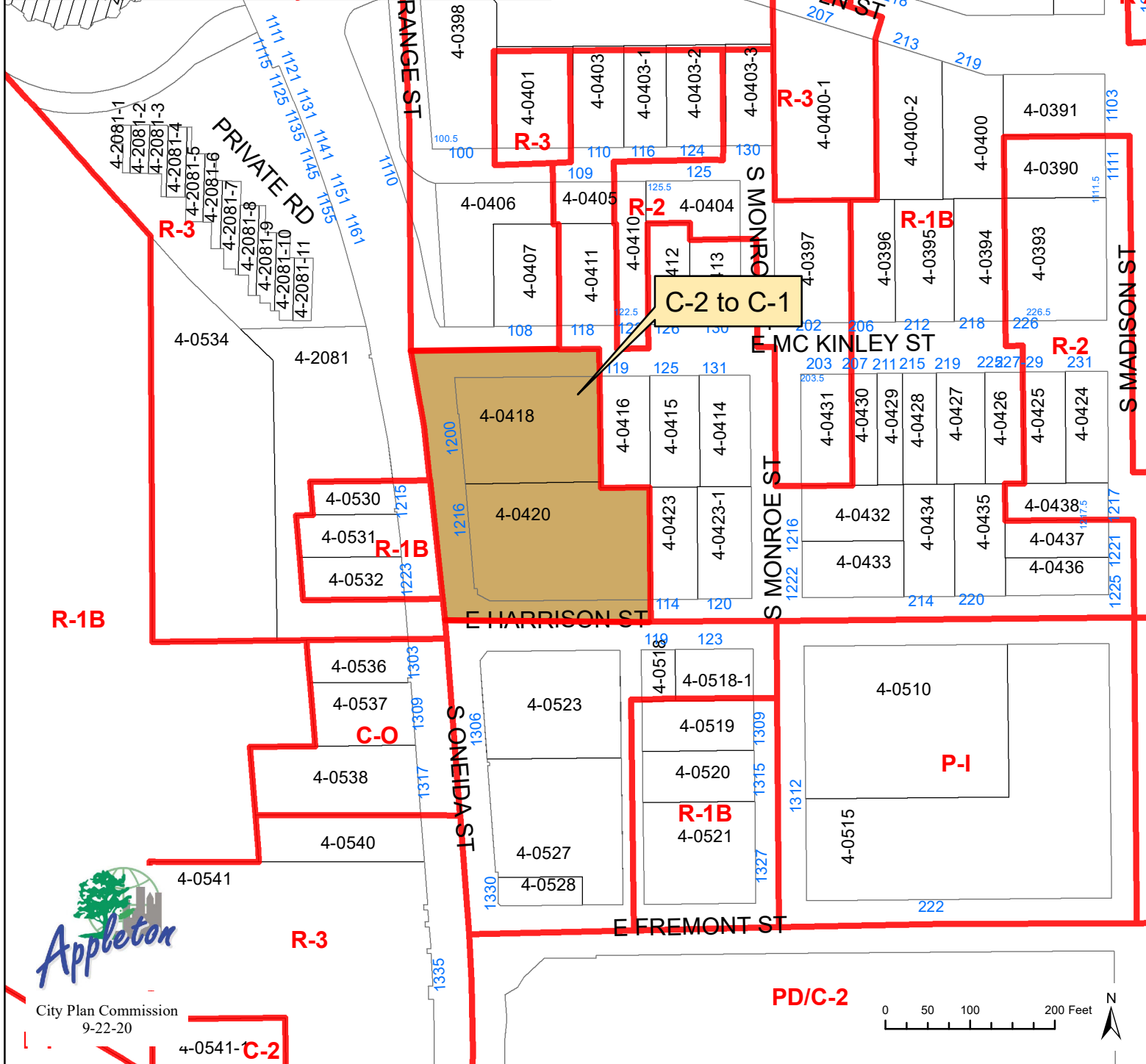
Rezoning
1200 and 1216 S Oneida Street
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Aerial Map



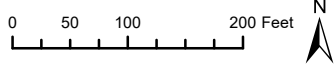
City Plan Commission
9-22-20



Rezoning
1200 and 1216 S Oneida Street
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Zoning Map



City Plan Commission
9-22-20



Current Zoning District regulations for 1200 and 1216 S Oneida Street

Sec. 23-113. C-2 general commercial district.

- (a) **Purpose.** This district is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.
- (b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-2 district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> Assisted living or retirement homes. Nursing or convalescent homes. 	<ul style="list-style-type: none"> Clubs. Day care, group. Educational institutions; business, technical or vocational school. Educational institutions; college or university. Governmental facilities. Hospitals. Marina or boat landings. Museums. Places of worship. Public parks or playground. Recreation facilities; non-profit. Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building. 	<ul style="list-style-type: none"> Automobile maintenance shops. Commercial entertainment; excluding sexually-oriented establishments. Drive through facilities pursuant to §23-49. Greenhouses or greenhouse nurseries. Hotel or motels. Manufacturing, custom pursuant to §23-66(h)(16). Multi-tenant building. Offices. Painting/Craft Studio without alcohol sales. Parking lots. Personal services. Printing. Professional services. Restaurants (without alcohol). Restaurants, fast food. Retail businesses. Shopping centers. Towing businesses pursuant to §23-66(h)(15). Urban farms pursuant to 23-66(h)(17). Veterinarian clinics.

- (c) **Accessory uses.** Accessory uses in the C-2 district may include:

- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-2 district.
 - (2) Residential dwellings at least ten (10) feet above the street grade of the building.
 - (3) Home occupation pursuant to §23-45.
 - (4) Outdoor storage and display pursuant to §23-46.
 - (5) Fences and walls pursuant to §23-44.
- (a) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the C-2 District.

(e) *Special uses.* Special uses in the C-2 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure. 	<ul style="list-style-type: none"> • Amusement arcades. • Any principal building that exceeds thirty-five (35) feet in height. • Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5). • Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5). • Bar or taverns pursuant to §23-66(h)(6). • Body repair and/or paint shops pursuant to §23-66(h)(4). • Bus terminals. • Car washes. • Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7). • Craft-Distillery pursuant to §23-66(h)(19). • Electronic towers pursuant to §23-66(h)(1) • Freight distribution and/or moving centers. • Gasoline sales pursuant to §23-66(h)(8). • Helicopter landing pads pursuant to §23-66(h)(9). • Indoor kennels. • Landscape business. • Manufacturing, light. • Microbrewery/ Brewpub pursuant to §23-66(h)(19). • Mobile home sales lots. • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Painting/Craft Studio with alcohol sales pursuant to §23-66(h)(6). • Parking garages. • Recycling collection points pursuant to §23-66(h)(14). • Recycling and waste recovery centers pursuant to §23-66(h)(13). • Research laboratories or testing facilities. • Restaurants with alcohol pursuant to §23-66(h)(6). • Sexually-oriented establishments pursuant to Article XII. • Shelter facility. • Tasting rooms pursuant to §23-

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		66(h)(19, 20, 21, or 21) • Towers or antennas for wireless telecommunication services, pursuant to Article XIII. • Wholesale facilities. • Winery pursuant to §23-66(h)(21).

- (f) **Site plan.** Prior to obtaining a building permit on any land in the C-2 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.
- (g) **Parking, loading, and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.
- (h) **Development standards.** The space limits applicable in the C-2 district are as follows:
- (1) **Minimum lot area.** Fourteen thousand (14,000) square feet.
 - (2) **Maximum lot coverage.** Seventy-five percent (75%).
 - (3) **Minimum lot width.** Sixty (60) feet.
 - (4) **Minimum front yard.** Ten (10) feet.
 - (5) **Minimum rear yard.** Twenty (20) feet.
 - (6) **Minimum side yard.**
 - a. None.
 - b. Ten (10) feet if abutting a residentially zoned district.
 - (7) **Maximum building height.** Thirty-five (35) feet (See §23-113 (e)).

Property Owners Requested Zoning District regulations for 1200 and 1216 S Oneida Street

Sec. 23-112. C-1 neighborhood mixed use district.

- (a) **Purpose.** The C-1 district is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.
- (b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-1 district.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse.	<ul style="list-style-type: none">• Clubs.• Day care, group.• Governmental facilities.• Museums.• Places of worship.• Public parks or playgrounds.• Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building.	<ul style="list-style-type: none">• Commercial entertainment; excluding sexually-oriented establishments.• Hotel or motels.• Multi-tenant building.• Offices.• Painting/Craft Studio without alcohol sales.• Personal services.• Printing.• Professional services.• Restaurants (without alcohol).• Restaurant, fast foods.• Retail businesses.• Shopping centers.• Urban farms pursuant to §23-66(h)(17).• Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight.

- (c) **Accessory uses.** Accessory uses in the C-1 district may include:
- (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-1 district; however, new or expanded driveways, parking lots, and loading areas shall not be located between the principal building and the front lot line.
 - (2) Residential dwellings at least ten (10) feet above the street grade of the building.
 - (3) Home occupation pursuant to §23-45.
 - (4) Outdoor storage and display pursuant to §23-46.
 - (5) Fences and walls pursuant to §23-44.
- (d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the C-1 district.

(e) **Special uses.** Special uses in the C-1 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Recreation facilities, non-profit. 	<ul style="list-style-type: none"> • Amusement arcade. • Bar or Tavern pursuant to §23-66(h)(6). • Craft-Distillery pursuant to §23-66(h)(19). • Electronic towers pursuant to §23-66(h)(1). • Manufacturing, custom pursuant to §23-66(h)(16). • Microbrewery/Brewpub pursuant to §23-66(h)(19). • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Painting/Craft Studio with alcohol pursuant to §23-66(h)(6). • Parking garages. • Recycling collection points pursuant to §23-66(h)(14). • Research laboratories or testing facilities. • Restaurants with alcohol pursuant to §23-66(h)(6). • Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21) • Tower or antenna for telecommunication services pursuant to Article XIII. • Winery pursuant to §23-66(h)(21).

(f) **Site plan.** Prior to obtaining a building permit on any land in the C-1 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.

(g) **Parking and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards; however, the number of off-street parking and loading spaces required are reduced by fifty percent (50%) for uses in the C-1 district. Landscaping requirements are set forth in §23-601, Landscaping and screening requirements.

(h) **Development standards.** The space limits applicable in the C-1 district are as follows:

(1) **Minimum lot area.** Six thousand (6,000) square feet.

(2) **Maximum lot coverage.** Ninety percent (90%).

(3) **Minimum lot width.** Forty (40) feet.

(4) **Minimum front yard.** None.

(5) **Minimum rear yard:**

a. Twenty (20) feet.

(6) **Minimum side yard:**

a. None.

b. Ten (10) feet if abutting a residentially zoned district.

(7) ***Maximum building height.*** Sixty (60) feet.

(i) ***District location.*** The C-1 district shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map.