



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** May 12, 2021

**Common Council Public Hearing Meeting Date:** June 2, 2021 (Public Hearing on Rezoning)

**Item:** Rezoning #4-21 – South Oak Street and East Kimball Street

**Case Manager:** David Kress, Principal Planner

### GENERAL INFORMATION

**Owner/Applicant:** U.S. Venture, Inc. c/o Bob Huss

**Address/Parcel:** Generally located south of Lawrence Street, west of Durkee Street, north of Water Street, and east of Morrison Street consisting of 15 parcels (Tax Id #31-2-0159-00, #31-2-0160-00, #31-2-0161-00, #31-2-0163-00, #31-2-0164-00, #31-2-0165-00, #31-2-0166-00, #31-2-0167-00, #31-2-0168-00, #31-2-0169-00, #31-2-0170-00, #31-2-0171-00, #31-2-0172-00, #31-2-0173-00, and #31-2-0174-00).

**Petitioner's Request:** The applicant proposes to rezone the subject parcels from R-1B Single-Family District, R-3 Multi-Family District, and P-I Public Institutional District to CBD Central Business District. The request is being made to establish zoning that is uniform for all 15 subject lots and allows for future development.

### BACKGROUND

The owner/applicant has acquired 16 parcels in the area south of Lawrence Street and east of Morrison Street. Some buildings have already been demolished in the subject area, and additional demolition permits have been issued recently. In April 2021, the owner/applicant submitted a Certified Survey Map (CSM) to combine the 16 parcels into one lot. One of those parcels (#31-2-0162-00) is already zoned CBD Central Business District, so it is not included in this rezoning request. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, uniform zoning is needed before the commonly-owned parcels can be combined.

Two related items are also being presented at this May 12, 2021 Plan Commission meeting. One is a request to vacate and discontinue portions of Oak Street and Kimball Street right-of-way. The other is a proposed dedication of public right-of-way to widen Lawrence Street by 20 feet. Both items are incorporated in the CSM referenced above. CSMs are reviewed and administratively approved by City staff; however, CSM approval could only occur after Common Council approval of the items noted above.

### STAFF ANALYSIS

**Existing Site Conditions:** The subject parcels total approximately 2.501 acres in size and are located in between Lawrence Street, Durkee Street, Water Street, and Morrison Street. Water Street is classified as a collector street on the City's Arterial/Collector Plan, and the other surrounding streets are classified as local streets. Currently, the site includes several vacant parcels, as some former residences have already

been demolished. Additional demolition permits have been issued, and it is anticipated that all existing buildings will be demolished.

**Surrounding Zoning Classification and Land Uses:**

North: CBD Central Business District. The YMCA of the Fox Cities facility is located north of the subject property.

South: PD/R-3 Planned Development Multi-Family District and P-I Public Institutional District. The adjacent land uses to the south are currently a mix of multi-family residential and institutional uses.

East: P-I Public Institutional District. The Lawrence University campus is located east of the subject property.

West: CBD Central Business District. The adjacent land uses to the west are currently institutional (Mosaic Family Health) and vacant land.

**Proposed Zoning Classification:** The purpose of the CBD Central Business District is to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, governmental and residential uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Per Section 23-114(i) of the Municipal Code, the development standards for the CBD District are listed below:

- 1) **Minimum lot area:** 2,400 square feet.
- 2) **Maximum lot coverage:** 100%.
- 3) **Minimum lot width:** 20 feet.
- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:**
  - a. None.
  - b. 10 feet when abutting a residentially-zoned district.
- 6) **Minimum side yard:**
  - a. None.
  - b. 10 feet when abutting a residentially-zoned district.
- 7) **Maximum building height:** 200 feet.

**Zoning Ordinance Review Criteria:** A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to establish uniform zoning, allow for combining of lots via CSM, and accommodate future development. The existing parcels appear to satisfy the development standards for the CBD Central Business District listed above. Based on initial CSM review, the proposed lot combination would also meet applicable lot area and lot width development standards for the CBD District. If the rezoning request is approved, any future development

would need to conform to the CBD District zoning regulations and other applicable sections of the Zoning Ordinance. Ultimately, any new building would require Site Plan review and approval, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with a future Mixed Use designation. The proposed CBD Central Business 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 9.6 Economic Development:**

*Create a vibrant environment that is conducive to attracting and retaining talented people.*

*Policy 9.6.2 Encourage the creation of vibrant mixed-use urban areas in the downtown and along the Fox River that are both walkable and bicycle-friendly.*

**OBJECTIVE 10.2 Land Use:**

*Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.*

*Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:*

*Strategy 4.7 – Maintain an environment favorable to larger employers in the downtown.*

*Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:*

*Strategy 4.8 – Support private sector efforts to redevelop and invest in downtown.*

**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 mixed 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. Some recommended transportation-related improvements near the subject property are identified in the Downtown Mobility Study, which was approved by Common Council on August 17, 2016.*
  2. The effect of the proposed rezoning on surrounding uses. *All properties located north and west of the subject area are already zoned CBD Central Business District. Properties to the east and south of the subject area primarily consist of Lawrence University's campus. 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 appeared on the April 20, 2021 TRG agenda. No negative comments were received from participating departments.

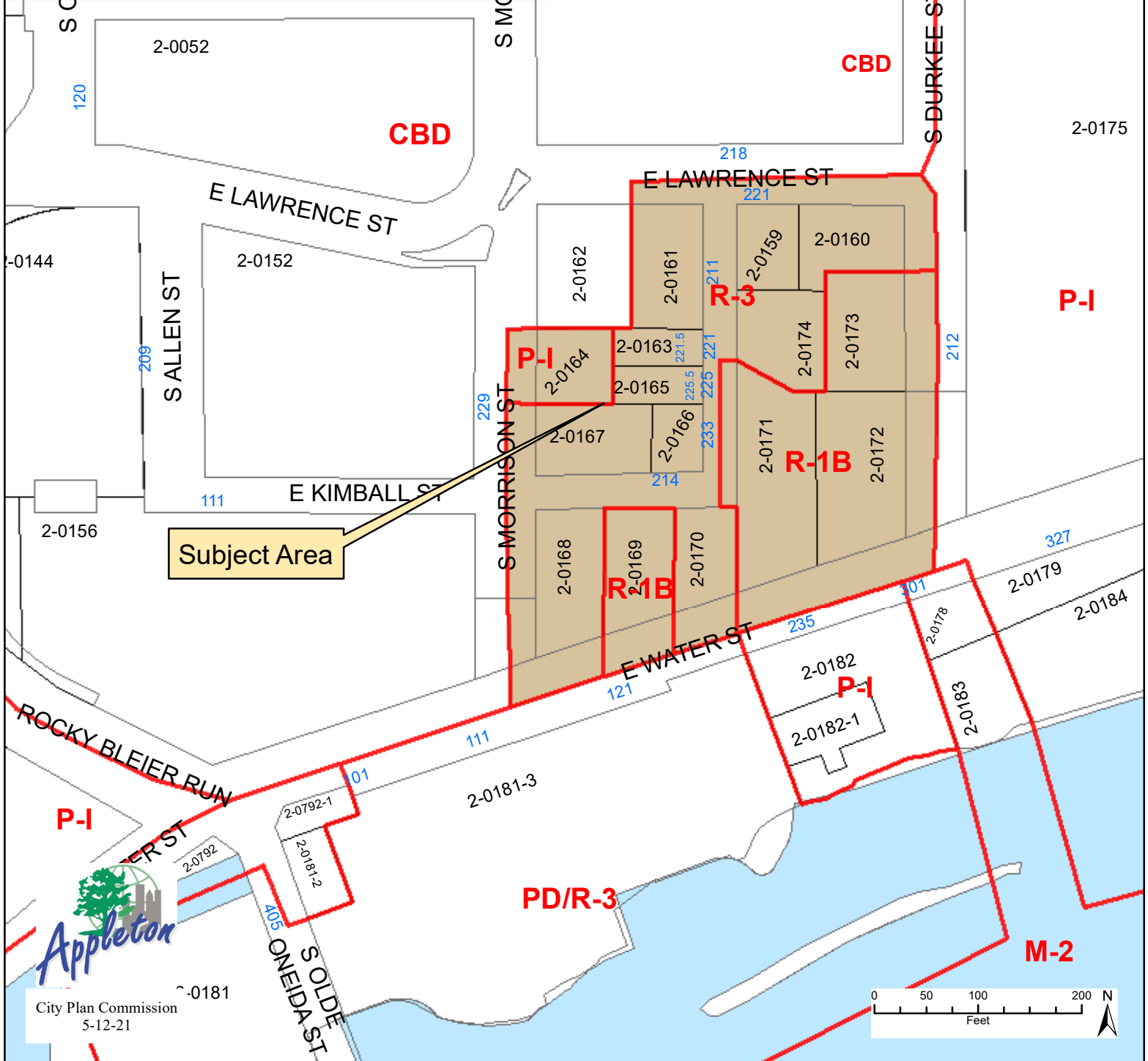
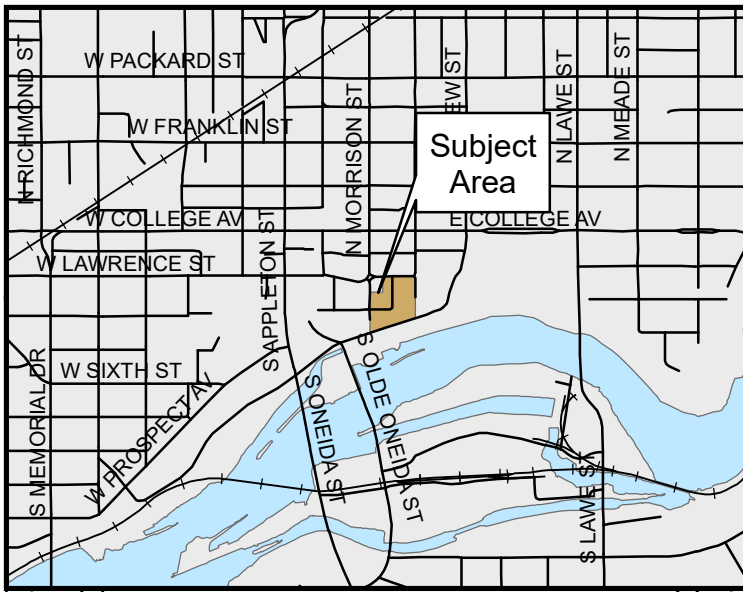
## **RECOMMENDATION**

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 #4-21 to rezone the subject parcels generally located south of Lawrence Street and east of Morrison Street (Tax Id #31-2-0159-00, #31-2-0160-00, #31-2-0161-00, #31-2-0163-00, #31-2-0164-00, #31-2-0165-00, #31-2-0166-00, #31-2-0167-00, #31-2-0168-00, #31-2-0169-00, #31-2-0170-00, #31-2-0171-00, #31-2-0172-00, #31-2-0173-00, and #31-2-0174-00) from R-1B Single-Family District, R-3 Multi-Family District, and P-I Public Institutional District to CBD Central Business District, including to the centerline of the adjacent South Morrison

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Street, East Lawrence Street, South Durkee Street, East Water Street, East Kimball Street, and South Oak Street right-of-way, as shown on the attached map, **BE APPROVED**.

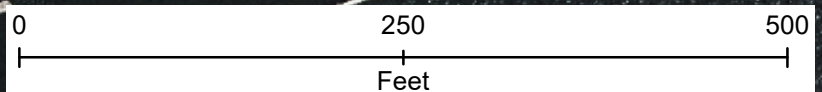
South Oak Street & East Kimball Street  
Rezoning  
R-1B Single-Family District,  
R-3 Multi-Family District, and  
P-I Public Institutional District to  
CBD Central Business District  
Zoning Map



South Oak Street & East Kimball Street  
Rezoning  
R-1B Single-Family District,  
R-3 Multi-Family District, and  
P-I Public Institutional District to  
CBD Central Business District  
Aerial Map



City Plan Commission  
5-12-2021



### **LEGAL DESCRIPTION**

Tax Id #31-2-0159-00, #31-2-0160-00, #31-2-0161-00, #31-2-0163-00, #31-2-0164-00, #31-2-0165-00, #31-2-0166-00, #31-2-0167-00, #31-2-0168-00, #31-2-0169-00, #31-2-0170-00, #31-2-0171-00, #31-2-0172-00, #31-2-0173-00, and #31-2-0174-00.

Property description for rezoning the U.S. Venture, Inc. properties, City of Appleton, Outagamie County, Wisconsin, being described as follows.

All of Lots 1, 2, the east 16.2 feet of Lot 3 and all of Lots 5 thru 14 inclusive in block 12 of the Appleton Plat, all in Government Lot 2, Section 26, Town 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin. Including the adjacent one-half (1/2) right-of-way of South Morrison Street, East Lawrence Street, South Durkee Street, East Water Street, East Kimball Street, and South Oak Street.

# EXHIBIT A

YMCA

E. LAWRENCE STREET

S. MORRISON STREET

S. OAK STREET

S. DURKEE STREET

N89°58'06"E

161.45'

S89°58'06"W

161.04'

U.S. VENTURE

312016100  
U.S. VENTURE

312015900  
U.S. VENTURE

312016000  
U.S. VENTURE

N00°01'23"E

312016400  
U.S. VENTURE

312016300  
U.S. VENTURE

312016500  
U.S. VENTURE

312016700  
U.S. VENTURE

312016600  
U.S. VENTURE

312017400  
U.S. VENTURE

312017300  
U.S. VENTURE

312017100  
U.S. VENTURE

312017200  
U.S. VENTURE

S00°01'23"W

312016800  
U.S. VENTURE

312016900  
U.S. VENTURE

312017000  
U.S. VENTURE

S88°50'15"W  
E. KIMBALL STREET

N71°36'33"E

E. WATER STREET

80 40 0 80



SCALE - FEET

BEARINGS ARE REFERENCED TO THE  
PUBLISHED OUTAGAMIE COUNTY,  
COORDINATE SYSTEM.

PROPERTY DESCRIPTION FOR REZONING THE U.S. VENTURE, INC. PROPERTIES, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, BEING DESCRIBED AS FOLLOWS.

ALL OF LOTS 1, 2, THE EAST 16.2 FEET OF LOT 3 AND ALL OF LOTS 5 THRU 14 INCLUSIVE IN BLOCK 12 OF THE APPLETON PLAT INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF S. MORRISON STREET, E. LAWRENCE STREET, S. DURKEE STREET, E. WATER STREET, E. KIMBALL STREET, AND S. OAK STREET, ALL IN GOVERNMENT LOT 2, SECTION 26 TOWN 21 NORTH, RANGE 16 EAST CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN. CONTAINING MORE OR LESS 163,977 SQUARE FEET (3.76 ACRES).

**McMAHON**  
ENGINEERS ARCHITECTS

Project No. H0034 09-21-00256 Date April, 2021 Scale 1"= 80'

Drawn By DWJ Field Book Page 1

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File No.