



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: August 12, 2013

Common Council Public Hearing Date: September 4, 2013

Item: Rezoning #8-13

Case Manager: Don Harp

GENERAL INFORMATION

Owner: Robert DeBuin, Clearwater Creek, LLC

Applicant: Jill Hendricks, Vision Realty and Development

Lot/Parcel #: Lot 25 Tax ID. 31-6-6200-25, Lot 26 Tax ID. 31-6-6200-26, and Lot 42 Tax ID. 31-6-6200-42 of CLEARWATER CREEK SUBDIVISION, Lot 86 Tax ID. 31-6-6200-86, Lot 87 Tax ID. 31-6-6200-87, Lot 88 Tax ID. 31-6-6200-88, Lot 89 Tax ID. 31-6-6200-89, Lot 90 Tax ID. 31-6-6200-90 and Lot 91 Tax ID. 31-6-6200-91 of FIRST ADDITION TO CLEARWATER CREEK SUBDIVISION.

Petitioner's Request: "We are requesting lots 25, 26, 42 in Clearwater Creek subdivision along with lots 86, 87, 88, 89, 90 and 91 of 1st Addition to Clearwater Creek subdivision. These lots have been sitting on the market for several years now. We recently were told that you could use R-2 lots for R-1B lots however when a customer went to pull the permit they were told they could not due to the fact they were all zoned PD. In the mean time we since sold all lots directly adjacent to all the duplex lot in the original plat with the thought single-family would be on lots 25, 26 and 42. We have also received three additional offers to purchase lots 42, 87, 88, and 90 for single-family. All contingent upon rezoning confirmation. Again, market conditions did not allow for 350K single-family homes to be built next to duplexes and duplexes on \$69,000.00 lots are not a good investment. Rent cost would be too high to build on lots that are over \$65,000.00 buyers have looked at them for years and the numbers never worked out for them, there were sitting on several duplex lots."

BACKGROUND

The subject properties, Lots 25, 26 and 42 of CLEARWATER CREEK SUBDIVISION, Lots 86, 87, 88, 89, 90 and 91 of FIRST ADDITION TO CLEARWATER CREEK SUBDIVISION proposed for rezoning have been zoned Planned Development Two-family District (PD/R-2) since 2004 pursuant to PD#12-04. PD#12-04 consists of a strip of PD/R-2 zoned lots to allow for the construction of two-family duplex dwelling units (twindominiums) along the east side of Haymeadow Avenue (the subject properties) and a strip of PD/R-3 zoned lots to allow for the construction of attached multi-family dwelling units along the west side of Haymeadow Avenue. Pursuant to the staff report for PD#12-04, the strip of PD/R-2 zoned lots was proposed to provide a transition or step-down in density between the single-family dwellings to the east and the attached multi-family dwelling units proposed along the west side of Haymeadow Avenue. Since 2004, only two (2) of the eleven (11) lots zoned PD/R-2 have been developed with two-family duplex dwellings (twindominiums). Also, the land intended for attached multi-family dwelling units along the west side of Haymeadow Avenue has been developing as detached single-family condominium units rather than attached multi-family dwelling units.

On July 16, 2013, staff met with the applicant to discuss this rezoning request. In reviewing the Implementation Plan for PD#12-04, the Implementation Plan Document identified two-family duplex housing units on lots proposed for rezoning (Lots 25, 26, 42 in Clearwater Creek Subdivision and Lots 86, 87, 88, 89, 90 and 91 of 1st Addition to Clearwater Creek Subdivision) as the only principal permitted uses allowed. The applicant indicated there has been an increase in demand for single-family home construction on the subject lots due to recent offers to purchase the subject lots for single-family home construction rather than two-family duplex housing units (twindominium style homes). As a result, the owner submitted this rezoning request.

STAFF ANALYSIS

The development trend in this area of this City has been toward single-family residential growth rather than a transition or step-down in density of various housing types, therefore, in order to facilitate the construction of single-family homes of the subject lots the Planned Development Overlay District would no longer be necessary.

Under the current Zoning Ordinance standards, it is possible the subject lots may be developed as single-family dwelling units under the current R-1B Single-family zoning standards without the need for a PD overlay district designation. Therefore, a Planned Development Overlay District would no longer be necessary.

The lot sizes and widths for the subject lots exceed current R-1B Single-family zoning district requirements. The subject lots range in size from 10,600 to 18,165 square feet and 90 to 184 feet wide. The minimum lot size requirement of R-1B Single-family zoning district is 6,000 square feet and minimum lot width requirement of 50 feet. Therefore, the subject lots are suitable for single-family residential dwellings.

Surrounding zoning and land uses:

North: P-I Public Institutional District characterized by a stormwater detention pond facility.

South: R-1B Single-family District characterized single-family dwellings.

PD/R-2 Planned Development Two-family District characterized by two-family dwelling (twindominiums) units.

West: PD/R-3 Planned Development Multi-family District characterized existing & future single-family condominium units and single-family attached condominium units constructed on a single lot.

East: R-1B Single-family District characterized single-family dwellings.

2010-2030 Comprehensive Plan: The Future Land Use Map currently shows this area to be used for single/two family uses. The proposed zoning classification and use of the lots are consistent with the future land use map and the following goals and objective of the 2010-2030 Comprehensive Plan:

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.

Review Criteria: It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group Report (TRG): This item was discussed at the July 30, 2013 Technical Review Group meeting. 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, Rezoning #8-13 to rezone Lots 25, 26 and 42 of CLEARWATER CREEK SUBDIVISION, Lots 86, 87, 88, 89, 90, and 91 of FIRST ADDITION TO CLEARWATER CREEK SUBDIVISION from PD/R-2 Planned Development/Two-Family District to R-1B Single-family District, including to the centerline of the adjacent street right-of-way, and as shown on the map, **BE APPROVED.**

Clearwater Creek Subdivision
Rezoning PD/R-2 Planned Development/
Two-Family District to R-1B Single-Family District
Zoning Map

