



## REPORT TO PLAN COMMISSION

**Plan Commission Informal Public Hearing Meeting Date:** December 8, 2020

**Common Council Public Hearing Meeting Date:** January 6, 2021

**Item:** Rezoning #10-20 – 1000 North Ballard Road from P-I Public Institutional District to C-1 Neighborhood Mixed Use District

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

**Property Owner/Applicant:** The Fox River Environmental Education Alliance (The Refuge Foundation for the Arts Inc.), owner / Dennis Ruedinger, applicant

**Address/Parcel #:** 1000 North Ballard Road (Parcel Number: 31-1-1372-00)

**Petitioner's Request:** The property owner is requesting a zoning change from P-I Public Institutional 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 to allow for the continued use of the site by individuals who produce music (songwriting/recording), artists who utilize space for (painting, glass blowing, drawing, sculpting, etc.) and facilitate future site improvements to accommodate movie production studio and temporary housing for film crews (individuals) on site for 1-3 week periods.

### BACKGROUND

From 1934 to 2014, the Monte Alverno Retreat and Spirituality Center was operated by the Detroit-based Province of St. Joseph of the Capuchin Order.

In 2014, the Fox River Environmental Education Alliance, Inc. purchased the property. The Refuge Foundation for the Arts is a non-profit organization who occupies the site and offers space for musicians to write, produce, and record music and artists to create art of their choice.

On September 30, 2020, City staff conducted a video conference with the property owner as well as the property owner's contractor and architect to discuss the development review process in order for the owner to obtain the necessary permits to continue current uses and facilitate anticipated future uses and site improvements:

- Proposed use of the 1<sup>st</sup> and 2<sup>nd</sup> floors of the building for overnight stays (1-3) weeks for film crews, actors, actresses, musicians, etc.
- Possible installation of an in-ground swimming pool in the basement of the building.
- Demolish a garage and construct a building addition to be used as a movie/music production studio.
- Proposed construction of a loading dock area.

## **STAFF ANALYSIS**

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**Existing Conditions:** The 9.7 acre site consists of a 35,647 square foot two-story masonry building, a 2,400 square foot residential dwelling, a small framed dwelling unit, a 2,150 square foot masonry detached garage and an off-street parking lot.

### **Surrounding Zoning and Land Uses:**

- North: P-I Public Institutional District – Province of St. Joseph “Retirement Home”
- South: R-1B Single-Family Residential – The Fox River, Appleton Wastewater Treatment Facility and Residential Uses
- West: P-I Public Institutional District – St. Joseph Cemetery
- East: R-1B Single-Family Residential District – Residential Use

**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. 60 feet*
- 8) *Minimum off-street parking spaces. Off-street parking and loading requirements are set forth in §23-172 of the Zoning Ordinance. The C-1 District allows the number of off-street parking and loading spaces required by §23-172 to be reduced by fifty percent (50%). The minimum required off-street parking spaces are determined by City staff during the site plan review and/or the building permit process.*

The existing site improvements located on the land area to be rezoned appear to satisfy the development standards of the C-1 Neighborhood Mixed Use District.

**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.*

*Policy 9.5.1 Economic Development:*

*Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

*OBJECTIVE 10.1 Land Use:*

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

*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.*

**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 and Public Institutional uses are already present in this area of City. The site has been used by individuals to produce and record music and create art pieces. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses as the C-1 Neighborhood Mixed Use District standards are intended to be compatible with established commercial, public institutional and residential uses.*

**Technical Review Group Report (TRG):** This item appeared on the November 17, 2020 TRG Agenda. No negative comments were received from participating departments.

### **RECOMMENDATION**

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Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #10-20 to rezone 1000 North Ballard Road (Parcel Number: 31-1-1372-00) including to the centerline of the adjacent right-of-way and the Fox River from P-I Public Institutional District to C-1 Neighborhood Mixed Use District, as shown on the attached maps, **BE APPROVED.**





Rezoning  
1000 North Ballard Road  
P-I Public Institutional District to C-1 Neighborhood Mixed Use District  
Aerial Map

N BALLARD RD

GRAND VIEW RD

Subject Area



City Plan Commission  
12-8-2020

