



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 23, 2021

Common Council Public Hearing Meeting Date: August 4, 2021
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

Items: City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-21 and Rezoning #7-21

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Core, LLC c/o David Allen

Address/Parcel: Generally located west of North Richmond Street and south of West Packard Street (Tax Id #31-5-1232-00, #31-5-1234-00, #31-5-1236-00, and #31-5-1238-00)

Petitioner's Request: The applicant is requesting to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the One and Two-Family Residential designation to the Mixed Use designation for parcel #31-5-1232-00. In conjunction with this request, the applicant is proposing to rezone all four subject parcels from C-2 General Commercial District, R-2 Two-Family District, and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District. The requests are being made to establish a uniform Future Land Use Map designation and zoning classification for the subject property, and in doing so, allow for future redevelopment.

BACKGROUND

On March 15, 2017, the Common Council approved/adopted the 5-year update to the *Comprehensive Plan 2010-2030* and Future Land Use Map. This plan establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. The *Comprehensive Plan* document and the accompanying Future Land Use Map also serve as a guide for future growth and development in the City. Periodically, development proposals or changing circumstances within the City may trigger consideration of an amendment to the *Comprehensive Plan 2010-2030*. That is the case for this request.

Before being purchased by Core, LLC in 2020, the subject property was owned by the Veterans of Foreign Wars (VFW) Post 2778. Three of the four subject parcels are paved and were previously used as parking for the former VFW restaurant and dance hall.

In conjunction with the *Comprehensive Plan* amendment and rezoning requests, a Certified Survey Map (CSM) was submitted to combine the four subject parcels into one lot. CSMs are administratively reviewed and approved by City staff. However, 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.

STAFF ANALYSIS

Procedural Findings: When *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning applications are required for the same development project, the respective staff reports are consolidated together as one.

Existing Site Conditions: Parcels #31-5-1234-00, #31-5-1236-00, and #31-5-1238-00 consist of paved areas that were previously used as parking lots. Parcel #31-5-1232-00 is currently developed with a two-family dwelling (duplex) and detached garage. Combined, the subject land area totals approximately 43,418 square feet. The property has frontage along West Packard Street, North Richmond Street, and West Harris Street. On the City's Arterial/Collector Plan, Packard Street is classified as a collector street, Richmond Street is classified as an arterial street, and Harris Street is classified as a local street.

Surrounding Zoning Classification, Future Land Use Designation, and Current Land Uses:

North: Zoning – C-2 General Commercial District.

Future Land Use Designation – Mixed Use.

Current Land Use – Various commercial uses, including the former VFW restaurant and dance hall building and Community First Credit Union.

South: Zoning – R-3 Multi-Family District and R-1C Central City Residential District.

Future Land Use Designation – Mixed Use.

Current Land Use – Vacant, undeveloped land and single-family residential.

East: Zoning – PD/C-2 Planned Development General Commercial District #11-01.

Future Land Use Designation – Mixed Use.

Current Land Use – Mixed-use building (Richmond Terrace) with commercial and multi-family residential.

West: Zoning – R-2 Two-Family District and R-1C Central City Residential District.

Future Land Use Designation – One and Two-Family Residential.

Current Land Use – Mix of two-family and single-family residential.

Proposed Future Land Use Designation: Amendments to the *Comprehensive Plan* are sometimes triggered by technical corrections to omissions or errors, specific development proposals, or changing circumstances in the City. In this case, a specific development proposal for the subject land area is necessitating the change to Mixed Use designation. Three of the subject parcels (#31-5-1234-00, #31-5-1236-00, and #31-5-1238-00) are already shown as Mixed Use designation on the Future Land Use Map, so the proposed amendment would represent an expansion of the Mixed Use designation and establish a uniform designation for the development area.

Comprehensive Plan 2010-2030 Goals and Objectives: The *Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide City growth and development in an organized, efficient manner. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed amendment for consistency with relevant goals, objectives, and policies is necessary in determining if

changes to the Future Land Use Map are appropriate. The proposed amendment appears to be consistent with the following 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 3 – Housing Quality, Variety, 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.

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 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.2 Identify preferred locations and encourage urban infill and redevelopment to meet the needs of retirees and Generation X and Millennial buyers or renters, such as redevelopment sites on the north side of downtown.

OBJECTIVE 10.1 Land Use:

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

Policy 10.1.1 Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan.

OBJECTIVE 10.5 Land Use:

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

Chapter 16: Richmond Street Corridor Plan, Redevelopment Opportunities:

In the southern portion of the corridor, a large area has been identified in which redevelopment may occur. This includes approximately three blocks on Richmond Street. Market demand, traffic volume, parcel size, and current under-utilization of the space suggests that these properties are among the most likely to redevelop.

Proposed Zoning Classification: The purpose of the C-1 Neighborhood Mixed Use District is 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

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being detrimental to established residential neighborhoods. Per Section 23-112(h) of the Municipal Code, the development standards for the C-1 District are listed below:

- 1) **Minimum lot area:** 6,000 square feet.
- 2) **Maximum lot coverage:** 90%.
- 3) **Minimum lot width:** 40 feet.
- 4) **Minimum front yard:** None.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 60 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. If the rezoning request is approved, any future development would need to conform to the C-1 Neighborhood Mixed Use District zoning regulations listed above and other applicable sections of the Zoning Ordinance. Ultimately, Site Plan review and approval would be required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

When rezoning parcels prior to a redevelopment project, the sequence of steps can be somewhat complex. Sometimes steps need to occur after the rezoning in order to achieve conformity. For example, parcel #31-5-1238-00 on its own does not meet the minimum lot area requirement for the C-1 District, but if the four lots are combined via CSM, the new lot would comply with applicable lot area and lot width standards (based on initial CSM review). Also, a duplex and parking lot are not permitted as standalone uses in the C-1 District, but a change of use is anticipated if the rezoning request is approved.

Per Section 23-112(i) of the Municipal Code, the C-1 District shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map. Three of the subject parcels are already shown as Mixed Use designation on the Future Land Use Map, and the requested amendment would change parcel #31-5-1232-00 to Mixed Use designation as well.

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 Future Land Use Map already identifies parcels #31-5-1234-00, #31-5-1236-00, and #31-5-1238-00 for future mixed uses. If Future Land Use Map Amendment #2-21 is*

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approved, to identify this entire area for future mixed uses, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.

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. *Commercial zoning already exists on two of the subject parcels. A mix of commercial and/or multi-family residential uses are already located north and east of the subject site, including the Richmond Terrace building directly across the street. C-1 District development standards, such as setbacks, and perimeter parking lot landscape buffers would be reviewed in accordance with Zoning Ordinance requirements at the time of Site Plan review. 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, provided Comprehensive Plan Future Land Use Map Amendment #2-21 is approved.

Technical Review Group (TRG) Report: These items appeared on the June 1, 2021 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based upon the above analysis, staff recommends the proposed City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-21 for specified property (Tax Id #31-5-1232-00) from One and Two-Family Residential designation to Mixed Use designation and resolution, **BE APPROVED**; and

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 #7-21 to rezone the subject parcels located west of North Richmond Street and south of West Packard Street (Tax Id #31-5-1232-00, #31-5-1234-00,

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#31-5-1236-00, and #31-5-1238-00) from C-2 General Commercial District, R-2 Two-Family District, and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District, including to the centerline of the adjacent West Packard Street, North Richmond Street (aka S.T.H. 47), and West Harris Street right-of-way, as shown on the attached map, **BE APPROVED**.

NOTE: If approved, Rezoning #7-21 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-21 to accurately reflect the change in future land use from One and Two-Family Residential designation to Mixed Use designation.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on June 23, 2021, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-21) herein adopted were reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 23, 2021; and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution:

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property (Tax Id #31-5-1232-00) on the Future Land Use Map from One and Two-Family Residential Use to Mixed Use.

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

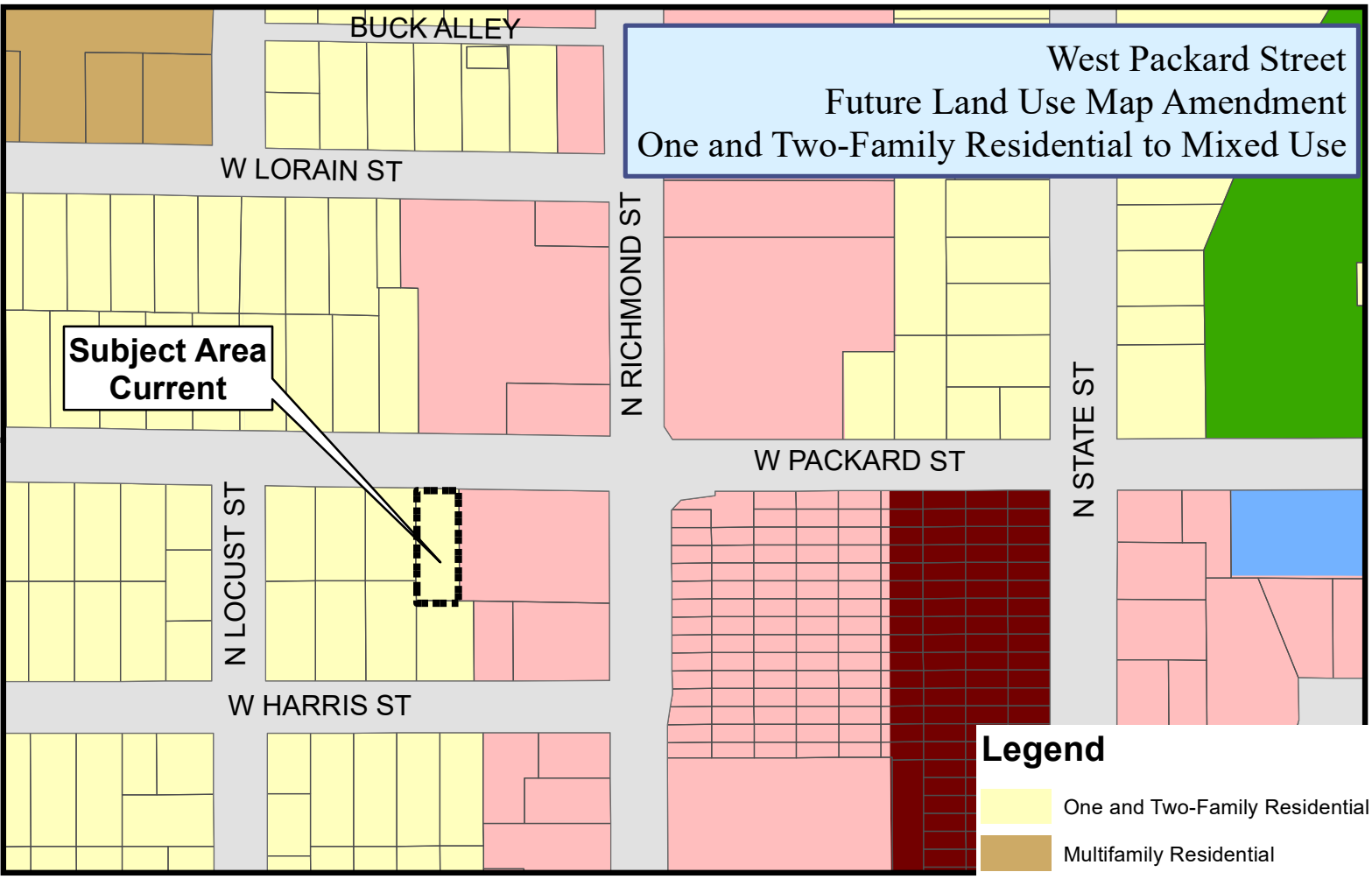
Adopted this _____ day of _____, 2021.

Jacob A. Woodford, Mayor

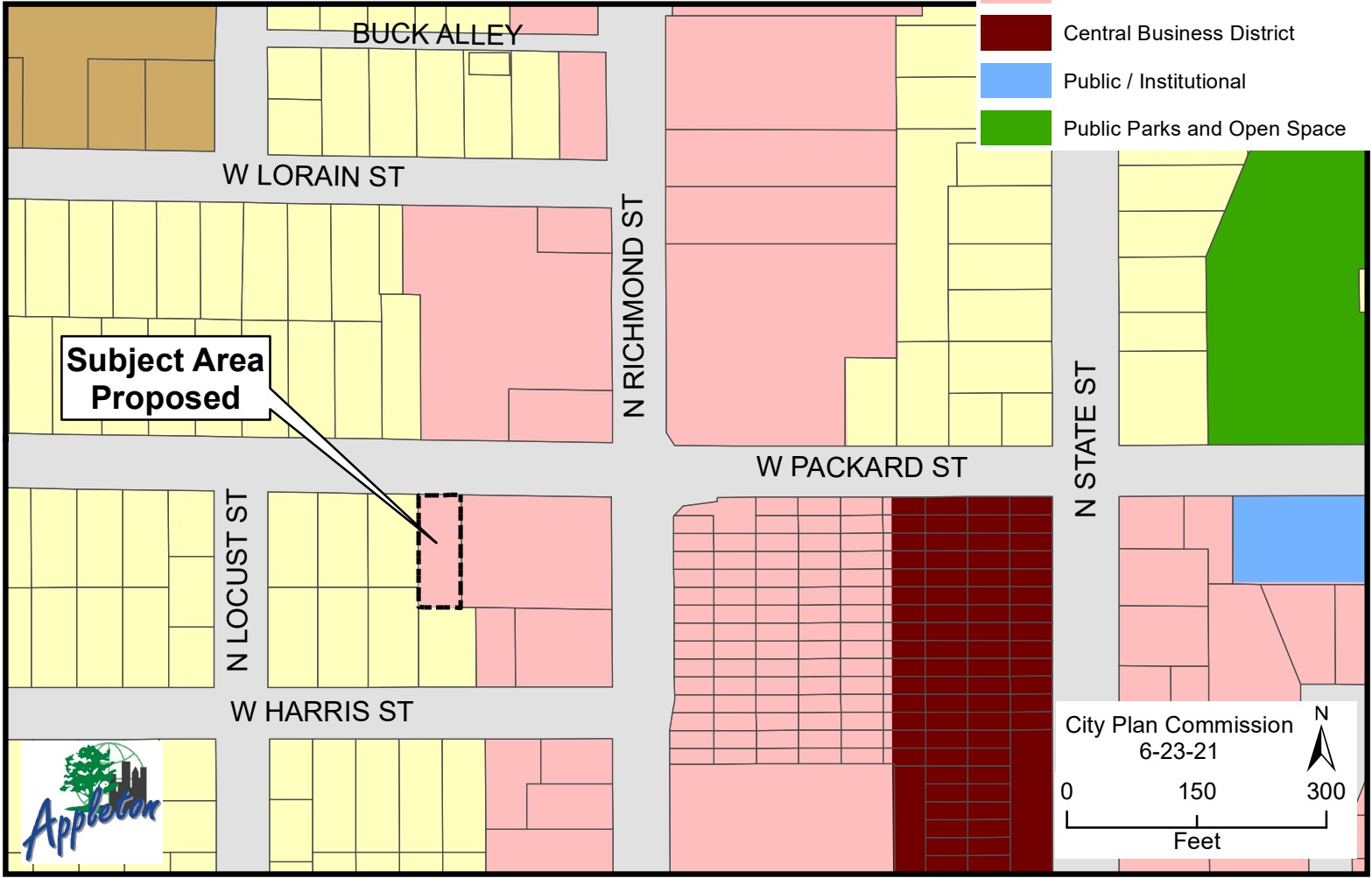
ATTEST:

Kami Lynch, City Clerk

West Packard Street Future Land Use Map Amendment One and Two-Family Residential to Mixed Use



- Legend**
- One and Two-Family Residential
 - Multifamily Residential
 - Mixed-Use
 - Central Business District
 - Public / Institutional
 - Public Parks and Open Space



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N

0 150 300

Feet



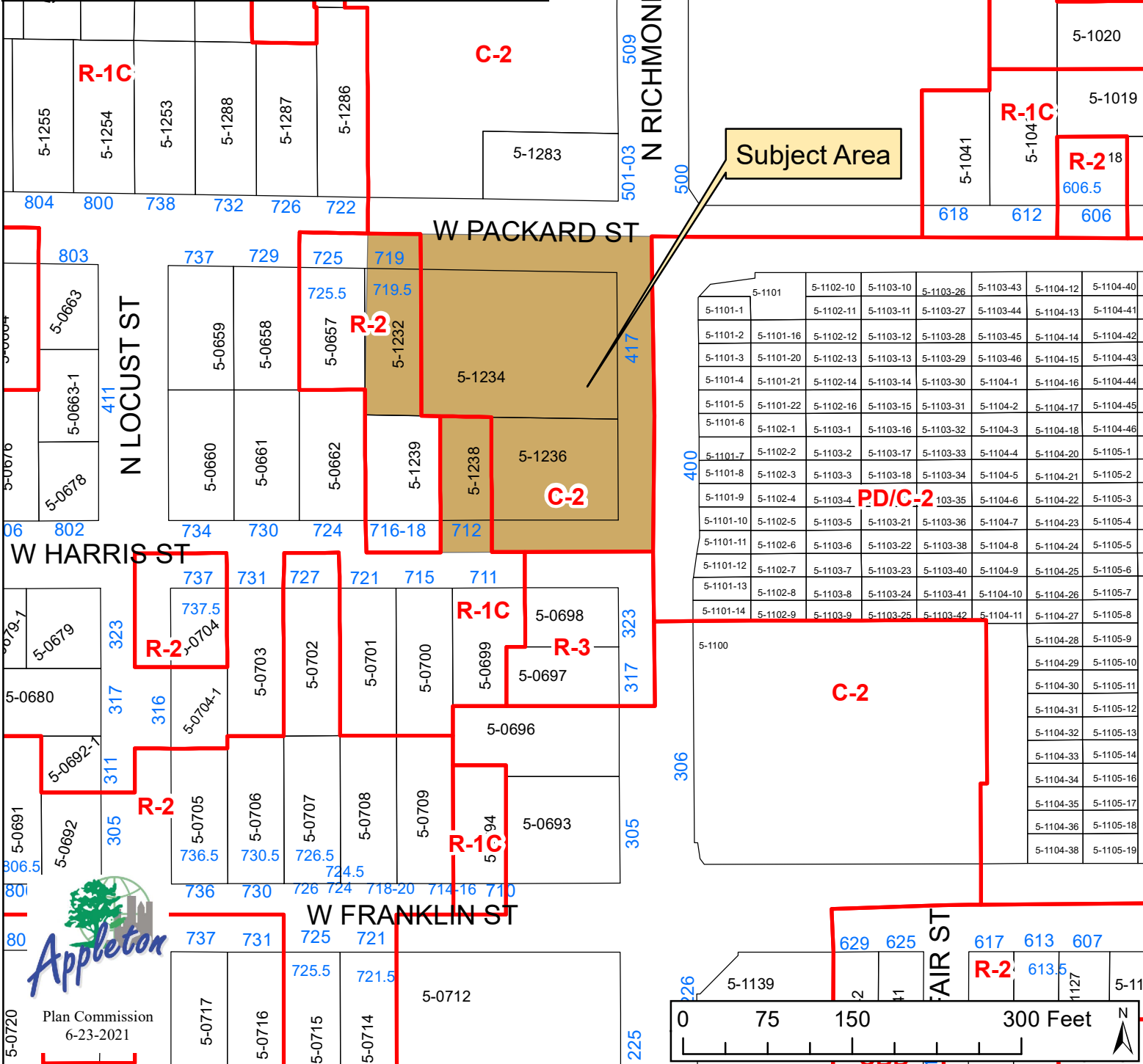
Comprehensive Plan Future Land Use Map Amendment from One and Two-Family Residential designation to Mixed Use designation.

Legal Description – W. Packard Street

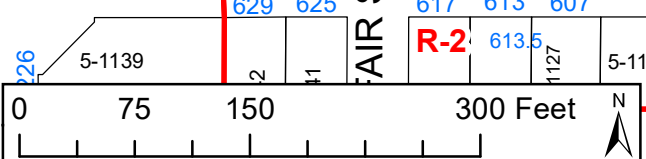
Tax Id: 31-5-1232-00

Lot 1, Block 37, Fifth Ward Plat, City of Appleton, Outagamie County, Wisconsin. Including the adjacent one-half (1/2) right-of-way of West Packard Street.

North Richmond Street & West Packard Street
 Rezoning
 C-2 General Commercial District,
 R-2 Two-Family District, and
 R-1C Central City Residential District to
 C-1 Neighborhood Mixed Use District
 Zoning Map



5-1101	5-1102-10	5-1103-10	5-1103-26	5-1103-43	5-1104-12	5-1104-40
5-1101-1	5-1102-11	5-1103-11	5-1103-27	5-1103-44	5-1104-13	5-1104-41
5-1101-2	5-1101-16	5-1102-12	5-1103-12	5-1103-28	5-1103-45	5-1104-14
5-1101-3	5-1101-20	5-1102-13	5-1103-13	5-1103-29	5-1103-46	5-1104-15
5-1101-4	5-1101-21	5-1102-14	5-1103-14	5-1103-30	5-1104-1	5-1104-16
5-1101-5	5-1101-22	5-1102-16	5-1103-15	5-1103-31	5-1104-2	5-1104-17
5-1101-6	5-1102-1	5-1103-1	5-1103-16	5-1103-32	5-1104-3	5-1104-18
5-1101-7	5-1102-2	5-1103-2	5-1103-17	5-1103-33	5-1104-4	5-1104-20
5-1101-8	5-1102-3	5-1103-3	5-1103-18	5-1103-34	5-1104-5	5-1104-21
5-1101-9	5-1102-4	5-1103-4	5-1103-19	5-1103-35	5-1104-6	5-1104-22
5-1101-10	5-1102-5	5-1103-5	5-1103-21	5-1103-36	5-1104-7	5-1104-23
5-1101-11	5-1102-6	5-1103-6	5-1103-22	5-1103-38	5-1104-8	5-1104-24
5-1101-12	5-1102-7	5-1103-7	5-1103-23	5-1103-40	5-1104-9	5-1104-25
5-1101-13	5-1102-8	5-1103-8	5-1103-24	5-1103-41	5-1104-10	5-1104-26
5-1101-14	5-1102-9	5-1103-9	5-1103-25	5-1103-42	5-1104-11	5-1104-27
5-1100						
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					5-1104-34	5-1105-16
					5-1104-35	5-1105-17
					5-1104-36	5-1105-18
					5-1104-38	5-1105-19



**North Richmond Street & West Packard Street Rezoning
C-2 General Commercial District, R-2 Two-Family District, and
R-1C Central City Residential District to C-1 Neighborhood Mixed Use District
Aerial Map**

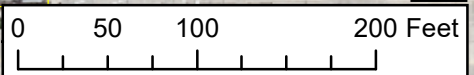


Subject Area

5-1101-1	5-1102-10	5-1103-1
5-1101-2	5-1102-11	5-1103-2
5-1101-3	5-1101-16	5-1102-12
5-1101-4	5-1101-20	5-1102-13
5-1101-5	5-1101-21	5-1102-14
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5-1101-10	5-1102-4	5-1103-4
5-1101-11	5-1102-5	5-1103-5
5-1101-12	5-1102-6	5-1103-6
5-1101-13	5-1102-7	5-1103-7
5-1101-14	5-1102-8	5-1103-8
	5-1102-9	5-1103-9



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LEGAL DESCRIPTION

PARCELS: 31-5-1232-00, 31-5-1234-00, 31-5-1236-00, and 31-5-1238-00

Description of lands to be rezoned from C-2 General Commercial District, R-2 Two-Family District, and R-1C Central City Residential District to C-1 Neighborhood Mixed Use District:

All of Lots 1, 2, 3, 4 and 5 and the East 45.5 feet of Lot 6, Block 37, Fifth Ward Plat, City of Appleton, Outagamie County, Wisconsin. Including the adjacent one-half (1/2) right-of-way of West Packard Street, North Richmond Street (aka S.T.H. 47), and West Harris Street.