

# Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: CONDITIONAL USE PETITION FOR MAU & ASSOCIATES TO CONSTRUCT APARTMENTS ON 3010 RIVERSIDE DRIVE (southwest of Green Bay Correctional Institution main entrance)

Date: August 30, 2017

A Conditional Use Permit (CUP) has been requested by Mau & Associates to allow for the construction of a 36-unit apartment development on parcel AL-121, located at 3010 Riverside Drive. The parcel is currently zoned "'C' Professional Office and Residence District," which allows for an apartment use as a conditional use.

Attached are a proposed site layout and a project description of the proposed development. Any development on the site will have to go through the Site Plan and Design Review process and be consistent with the zoning requirements for "'C' Professional Office and Residence District" (see attached). Use of the property for apartments cannot proceed without being granted a conditional use permit.

Section 475-58 of the village ordinances requires standards for granting a Conditional Use Permit (see attached).

At the August 28, 2017 meeting, the Plan Commission recommended approval of the Conditional Use Permit for the proposed apartment use at 3010 Riverside Drive, with the conditions of creating additional parking spaces on the site and installing a fence on the north side of the property.

**The Village Board is asked to determine whether or not to proceed with scheduling a public hearing. The earliest a public hearing could occur would be October 3<sup>rd</sup>. More information regarding the site and proposed project will be provided at that time.**

## Chapter 475. Zoning

### Article III. District Regulations

#### § 475-17. "C" Professional Office and Residence District.

- A. Use regulations. In a "C" Professional Office and Residence District, no structure or land shall be used, and no structure shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:<sup>[1]</sup>
- (1) A professional office building which does not have therein an accessory use specified in Subsection A(5)(d).
  - (2) An administrative office building which does not have therein an accessory use specified in Subsection A(5)(d).
  - (3) A telephone exchange building.
  - (4) A day-care center.
  - (5) The following if approved as a conditional use under the provisions of Article VII:
    - (a) An apartment building.
    - (b) A hotel.
    - (c) A motel.
    - (d) A professional office building, hotel, motel, or an administrative office building, or a combination thereof, in which there is located one or more of the following accessory uses: a beauty parlor, a barbershop, a retail outlet for the sale of fermented malt beverages and/or intoxicating liquors, a restaurant, a health club, or a pharmacy which is operated in conjunction with a medical office.
    - (e) In conjunction with a permitted principal use, such accessory use as approved under the provisions of Article VII.
    - (f) A hospital.
    - (g) A clinic.
  - (6) One identity or directory sign, not exceeding 32 square feet in total area, for and located upon the premises, as an accessory use of a professional or administrative office building, hotel, or apartment building. Any such sign shall comply with all applicable requirements contained in Article IX of this chapter.
  - (7) A facility for the practice of massage therapy or bodywork, as those terms are now or may hereafter be defined in § 460.01, Wis. Stats., by one or more persons who:
    - (a) Are massage therapists or body workers licensed under Chapter 460, Wisconsin Statutes; or
    - (b) Hold a current license, permit, registration or certification granted by the State of Wisconsin or the federal government, who engage in the practice of massage therapy or bodywork within the scope of their license, permit, registration or certification, and who do not use any title or description that implies that they are registered, or represent themselves to be registered, under Chapter 460, Wisconsin Statutes.
  - (8) A school providing instruction to students in massage therapy or bodywork, as those terms are now or may hereafter be defined by § 460.01, Wis. Stats., in preparation for the registration of such students under Chapter 460, Wisconsin Statutes, and which school is operated under the direct supervision of one or more persons who are either licensed as a massage therapist or body worker under said Chapter 460 or who are permitted to engage in the practice of massage therapy or bodywork within the scope of a current license, permit, registration or certification granted by the State of Wisconsin or the federal government to such person.

(9) College/university.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

B. Height regulations. In a "C" Professional Office and Residence District, no building shall hereafter be erected or structurally altered so as to exceed 40 feet or three stories in height, whichever is lower.

C. Area regulations.

(1) Front yards. Every lot in a "C" Professional Office and Residence District shall have a front yard with a depth of not less than 30 feet; provided, however, as follows:

(a) Where lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than six feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, and provided further that this regulation shall not be interpreted so as to require a front yard depth of more than 50 feet.

(b) No front yard depth is required to be greater than the buildings on the lots abutting on either side of the lot in question, provided that said adjoining buildings on such abutting lots are less than 100 feet apart.

(2) Side yards. Every lot in a "C" Professional Office and Residence District shall have two side yards, one on each side of the principal building, as follows:

(a) All lots except corner lots. Neither of such side yards shall be less than 10 feet in width.

(b) Corner lots. Except as provided in Subsection C(2)(c) below, the side yard regulations in Subsection C(2)(a) above shall apply to all corner lots, except that the side yard on the street side of each corner lot shall have a width equal to the front yard depth of either the adjoining inside lot facing such street or, if no inside lot adjoins, the nearest inside lot facing such street, but in no event shall the side yard on the street side be less than that required for front yards under Subsection C(1) or Subsection C(1)(a) above, whichever is applicable.

(c) Reversed corner lots. The side yard regulations in Subsection C(2)(a) above shall apply to all reversed corner lots, except that the side yard on the street side of such corner lot shall have a width equal to the front yard depth of either the adjoining inside lot facing such street or, if no inside lot adjoins, the nearest inside lot facing such street, but in no event shall the side yard on the street side be less than that required for front yards under Subsection C(1) or Subsection C(1)(a).

(d) Exception; zero lot line duplexes. The side yard setback may be zero on one side, provided that:

[1] The lot adjacent to that side yard is held under the same ownership at the time of initial construction on both lots.

[2] The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.

[3] The opposite side yard on both of said lots is not less than eight feet.

[4] When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance shall be addressed by private covenants and deed restrictions, all of which shall be placed of public record, and the approving authorities shall not be held responsible for the same.

[5] Easements shall be provided across zero lot lines where necessary for water, sewer, and utility services.

[6] There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units, there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.

[7] When attached dwelling units are created, the plans, specifications and construction of such buildings shall require that the installation and construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit. Both tenants may use common sewer and water laterals to the street, provided that such lateral connections are separated at a point outside the structure so as to provide separate access to each dwelling unit.

(3) Rear yards. Every lot in a "C" Professional Office and Residence District shall have a rear yard with a depth of not less than 20% of the depth of the lot, provided that such rear yard shall not be required to exceed 30 feet in depth, but shall not in any case be less than 15 feet in depth.

(4) Lot area and minimum lot dimension.

- (a) Every lot in a "C" Professional Office and Residence District utilized for a single-family dwelling and not of record or under contract of purchase at the time that these zoning regulations, or similar regulations, were adopted shall have an area of not less than 7,500 square feet, a frontage of not less than 100 feet, and a mean width of not less than 100 feet.
  - (b) Every lot utilized for two or more families shall have an area of not less than 9,000 square feet, a frontage of not less than 100 feet, and a mean width of not less than 100 feet.
  - (c) Every lot in a "C" Professional Office and Residence District shall have one enclosed parking stall for each dwelling unit, plus one additional space located to the rear of said apartment building or multiple-family dwelling for each dwelling unit. Two parking spaces must be provided on a paved surface parking lot located to the rear of said apartment building or multiple-family dwelling for each 100 square feet of floor space used for a restaurant, drugstore, delicatessen, valet shop, beauty shop, or barbershop.
- (5) Total area. The total area occupied by the building, accessory buildings and car stalls or parking places shall not exceed 50% of the total area of the lot on which they are located.
- (6) Accessory buildings and parking areas. All accessory buildings shall conform to all area regulations set forth in Subsection C above.
- D. Exterior storage. No exterior trash or garbage disposal area or storage of garbage or refuse is permitted in a "C" Professional Office and Residence District. No exterior incineration of garbage or refuse is permitted. Any storage of trash, garbage or refuse shall be within an area which is completely enclosed by walls.
- E. Minimum dwelling unit size. The minimum size of dwelling units in a "C" Professional Office and Residence District residence building shall be 700 square feet for one-bedroom units and 1,000 square feet for units with two or more bedrooms. No dwelling units without a bedroom are permitted.
- F. Access.
- (1) Every lot and other parcel of land in a "C" Professional Office and Residence District shall be provided with permanent access for the purposes of ingress and egress by means of either a street or a private road as defined in § 475-3 of this chapter.
  - (2) No lot or other parcel of land without such access shall be used for any purpose permitted in such district, and no improvements thereon shall be made or structurally altered, unless such lot is under common ownership with one or more abutting lots or parcels of land which have such an access and all such lands under common ownership lay entirely within the "C" Professional Office and Residence District, have a common principal use, and are in full compliance with all of the regulations for such district.
- G. Off-street parking regulations. Off-street parking shall be regulated as set forth in Article IV, Off-Street Parking.

## Chapter 475. Zoning

### Article VII. Conditional Uses

#### § 475-56. Purpose.

In recognition that there are certain uses which because of their unique characteristics cannot be properly limited to any particular district or districts, there are hereby established conditional uses for all districts. Such conditional uses shall be either uses publicly operated or traditionally affected with a public interest or uses entirely private in character of such a nature that they are compatible as an accessory use with the designated premises and shall not present problems to neighboring property or public facilities.

#### § 475-57. Petition.

- A. Any natural person or corporation having a freehold interest, or an exclusive possessory interest, or a contractual interest legally enforceable to become a freehold or exclusive possessory interest, may file a petition for one or more of the conditional uses of the land as herein provided. Such petition shall be made similar to a petition for a change of zoning and shall include a statement in writing together with adequate evidence to show that the proposed conditional use will conform to the standards hereinafter set forth.
- B. The Village may prescribe from time to time a form for such petition. A public hearing shall be held on the proposed conditional uses, similar to a hearing as held on a petition for change of zoning, and notice of the time and place of such hearing shall be published as a Class 2 notice.

#### § 475-58. Standards.

No conditional use shall be granted unless it shall be found that:

- A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. The conditional use will not substantially reduce the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and shall not substantially diminish or impair property values within the neighborhood;
- C. Adequate facilities, access roads, drainage, parking, and any other necessities have been or are being provided;
- D. Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets; and
- E. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

#### § 475-59. Conditions and guarantees.

Prior to the granting of any conditional use, the Village may impose such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above, and in all cases in which conditional uses are granted the Village shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

## § 475-60. Revocation.

In the event that the conditional use is not made of the premises within six months after the approval of the petition, there is a discontinuance of such conditional use for a period of six months, or there is a failure to comply with the conditions and guarantees of the grant of the conditional use, the Village may, after holding an appropriate hearing and giving notice of the same as required for a change of zoning, revoke the conditional use.

## Conditional Use Description of Project

AGG, LLC seeks to develop the 3.94 acre parcel at 3010 Riverside Drive to a 36 unit multi family development. The property is currently zoned "C." AGG seeks conditional use to develop the property to create a mixture of six and nine unit multi family buildings as well as creating additional public access to the Fox River Trail from the property.

Five high quality residential buildings along with 5 detached garages are proposed for the site. A mixture of building designs are being formulated for the site. The building facing Riverside Drive is proposed to be a six unit, three story lofted apartment building with characteristics similar to the current multi family project being constructed on Saint Joseph Street. This building will have front access points directly out to Riverside Drive, placing emphasis on exception design standards facing Riverside Drive.

The remaining buildings tucked away on site will be designed with high quality materials and standards as well, but will not focus on a "front" of building as they will not be facing any future sidewalk or road. These buildings will be designed with the look and function of similar suburban multi family residential developments.

All buildings will have a single interior parking stall for each individual unit. Most other buildings will have a single detached garage stall for individual units. Each unit will have at least 2.0 parking stalls per unit.

Additionally, surface parking is planned for visitors near the northern boundary of the site. This will account for 2.28 stalls/unit. These surface parking stalls will also be available to the public at large to access a needed auxiliary access point to the Fox River Trail. AGG will provide the resources to create a trail to connect from this AGG parcel, north along Village of Allouez land (Parcel AL-121-1\_ to connect to existing trail infrastructure located along at Parcel AL-119-9. Additionally, AGG will provide resources to connect the end of existing infrastructure to the main line of the Fox River Trail itself located near the northwest corner of the existing storm water pond located at Parcel AL-119-9.

The site will maintain large swaths of green space as the projected impervious surface is around 44% on the site. Storm water management will be needed and a storm water pond is planned near the western boundary of the site. Wetlands exist in the southeast corner of the site. A cell tower easement exists. The main drive of the site will be reconstructed to serve as access to the multi family units and the cell tower infrastructure.

