

Memo

To: Plan Commission

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: ACTION RE: REQUEST TO REZONE PARCEL NUMBER AL-806-C-27, LOCATED AT 723 MERLIN DRIVE LEGALLY DESCRIBED AS: CAMELOT SUBD 1ST ADDITION LOT 27 & ELY 35' OF LOT 26 FROM "A-RESIDENTIAL" TO "B-RESIDENTIAL"

Date: 10 August 2017

A petition to rezone parcel AL-806-C-27, located at 723 Merlin Drive from "A Residential" to "B Residential" has been requested by Dawn and Alana Glanner. The existing site is a vacant lot.



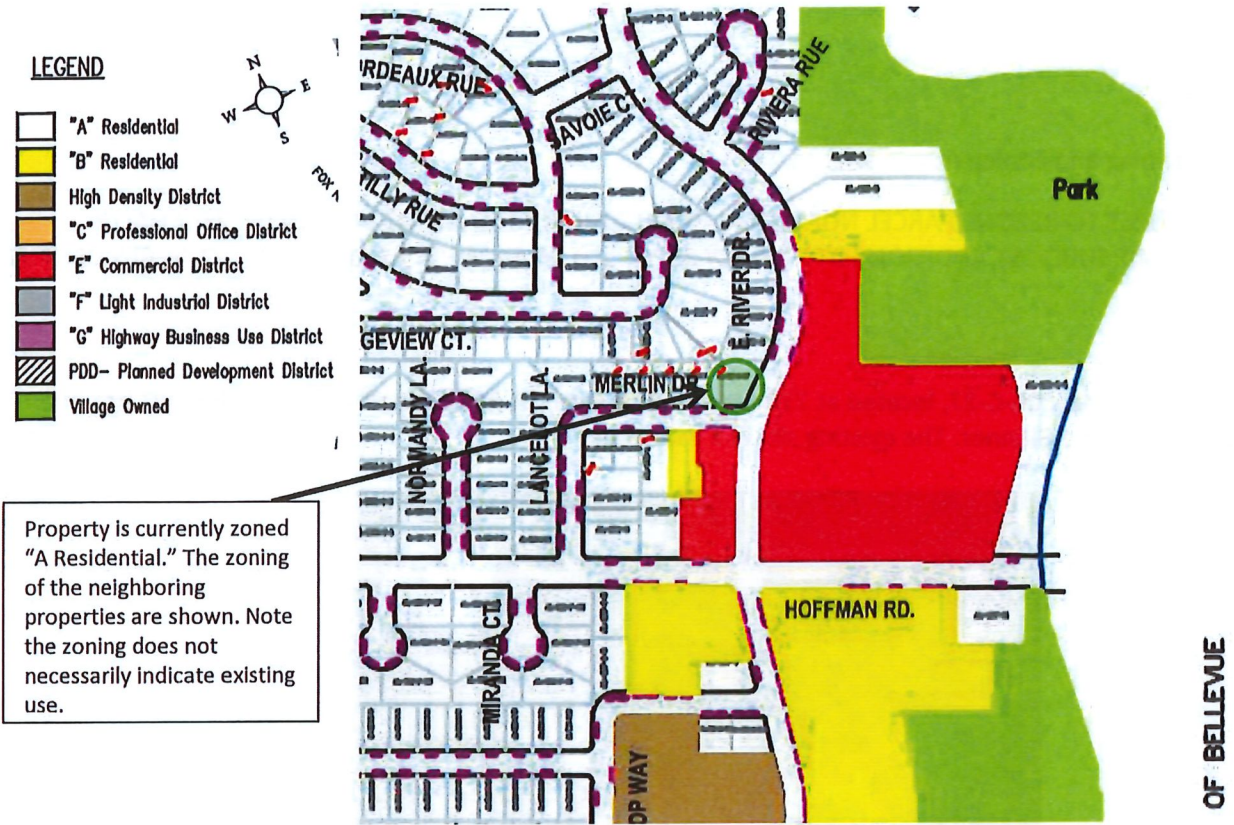
The petitioners do not own the property, but do have an accepted offer to purchase pending approval of proper zoning. Plans are to build an owner occupied duplex on the property for both petitioners to reside. A zoning change is required for this intended use. The proposed use is an allowed use in the "B Residential" zoning. Any building improvements or structural additions on the property will have to follow standards for a "B Residential" zoned property.

Attached are some of the zoning requirements that will need to be followed if the property is rezoned. Staff can also review the floodplain requirements for the site at the meeting.

The Village of Allouez Comprehensive Plan (amended in 2015) does not specifically reference this parcel, but does call for Traditional Neighborhood Development (mixed use). This parcel is on the fringe of a single family neighborhood, near commercial development.

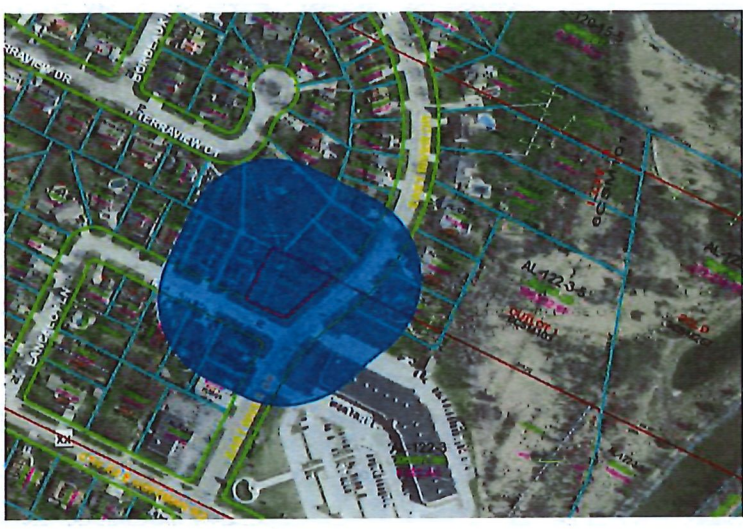
Surrounding Zoning

The property is currently zoned "A Residential." The zoning of the neighboring properties are shown in the zoning map below. The existing uses of the surrounding properties include single family, two family, and commercial uses.



200' of Property

A Public Hearing Notice was sent out to property owners within 200' of the property (see below aerial).



Plan Commission moved to recommend approval to rezone parcel AL-806-C-27 from "A Residential" to "B Residential." Village Board is asked to make a motion on whether or not to approve the rezoning request.

Chapter 475. Zoning

Article III. District Regulations

§ 475-15. "B" Residence Districts.

- A. Use regulations. Unless otherwise provided in this chapter, in a "B" Residence District no building or land shall be used and no building shall be hereafter erected or structurally altered except for the following uses:
- (1) Any use permitted in the "A" Residence Districts.
 - (2) Two-family dwellings, boardinghouses, and lodging houses.
 - (3) Religious, eleemosynary or philanthropic institutions, except that the following shall not be a permitted use:
 - (a) Apartment house.
 - (b) Multiple-family dwelling.
 - (c) Sale, display, or advertising for sale of any item or thing which is not otherwise specified herein as permitted.
 - (d) The providing or advertising of services by any person, firm, association or corporation which are not otherwise specified herein as permitted.
 - (4) Hospitals and clinics other than correctional institutions, but not including veterinary hospitals and clinics.
 - (5) Private clubs, fraternities, sororities, and lodges, but excepting those whose chief activity is a service customarily carried on as a business.
- B. Height regulations. In a "B" Residence District no building shall be hereafter erected or structurally altered to exceed 40 feet or three stories in height, except that public and semipublic buildings may be erected to a height not exceeding 75 feet, provided that the side yards are increased two feet for each foot such building exceeds the height limit above specified.^[1]
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- C. Area regulations.
- (1) Front yards. Every lot in a "B" Residence District shall have a front yard having a depth of not less than 25 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 so interpreted as to require a front yard depth of more than 40 feet.
 - (b) No front yard depth is required to be greater than the deepest front yard depth for existing main buildings on the lots abutting on either side of the lot in question, provided that said buildings on such abutting lots are less than 100 feet apart.
 - (2) Side yards.
 - (a) Every lot in a "B" Residence District shall have two side yards, one on each side of the principal building. Neither of such side yards shall be less than six feet in width, and provided further, however, that for any building which exceeds 35 feet or 22 stories in height or 60 feet in length, neither of such side yards shall be less than 10 feet in width.
 - (b) Detached accessory buildings shall not project to within four feet of any side lot line.^[2]
- [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (c) For any lot of public record at the time of the adoption of this chapter which has a width of less than 50 feet, the required total width of the two side yards shall be that heretofore prescribed less two square feet for each foot said lot is less than 40 feet in width, and provided further that no side yard shall be less than four feet in width.
 - (d) The side yard regulations in Subsection C(2)(a) and (b) of this section shall apply to all lots except corner lots. The side yard on the street side of a corner lot shall have a width not less than 50% of the front yard depth required on the lots in the rear of such corner lot. No accessory building on a corner lot shall project beyond the front building line of the lots to the rear.
- (3) Exception: zero lot line duplexes. The side yard setback may be zero on one side provided that:
- (a) The lot adjacent to that side yard is held under the same ownership at the time of initial construction on both lots.
 - (b) The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.
 - (c) The opposite side yard on both of said lots is not less than eight feet.
 - (d) 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.
 - (e) Easements shall be provided across zero lot lines where necessary for water, sewer, and utility services.
 - (f) 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.
 - (g) 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 units 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.
- (4) Rear yards. Every lot in a "B" 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.
- (5) Lot area and minimum lot dimensions. Every lot in a "B" Residence District not of public 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 9,000 square feet, a frontage of not less than 90 feet, and a mean width of not less than 65 feet.
- (6) Limitation on size of buildings.
- (a) A building together with any accessory building shall not occupy in excess of 50% of a corner lot or in excess of 40% of an interior lot. Public and semipublic buildings, such as churches, schools and hospitals, in existence at the time of the original passage of these zoning regulations which may be hereafter destroyed wholly or partially by fire or otherwise are permitted to rebuild on the original area and to the original setback lines within said district.
 - (b) A detached accessory building may not occupy more than 30% of the area of a required rear yard.
- D. Off-street parking. Off-street parking shall be regulated as set forth in Article IV, Off-Street Parking.
- E. Signs. Signs shall be regulated as set forth in Article IX, Signs.
- F. Building design and construction regulations. The minimum size of two-family dwelling units, exclusive of porches, garages, and other outbuildings, shall be as follows:
- (1) One- and two-bedroom units: 750 square feet.
 - (2) Three-bedroom units: 1,000 square feet.
 - (3) Four or more bedrooms: 1,400 square feet plus 400 square feet for each bedroom in excess of four.
- G. Exceptions. For additional exceptions, see § 475-35.

June 26, 2017 (Plan Commission Meeting)

**PLAN COMMISSION MEETING
MONDAY, JUNE 26, 2017
6:00 PM, ALLOUEZ VILLAGE HALL**

CALL TO ORDER/ROLL CALL

Kornowske called the meeting to order at 6:00 p.m.

Present: Kornowske, Dart, Hansen, Ropp, Wheeler, Nyberg
Excused: Kowalzek-Adrians, Nohr
Also Present: B. Lange, T. Fuller

MODIFY/ADOPT AGENDA

Dart / Hansen moved to adopt the agenda as presented. Motion carried.

MINUTES FROM MAY 22, 2017

Dart / Wheeler moved to adopt the minutes from May 22, 2017 as presented. Motion carried.

ANNOUNCEMENTS

- Wyss Chiropractic (2031 S. Webster Avenue) had a Grand Opening on June 24th.
- Allouez Bellin Health Farmers' Market is every Thursday through October 5th, from 3:30-6:30p.m. outside the Village Hall (1900 Libal Street)
- Commission and staff thanked Hansen for her years of service on the Plan Commission. Hansen provided parting remarks.

PUBLIC APPEARANCES

None.

ACTION RE: REQUEST TO REZONE PARCEL NUMBER AL-806-C-27, LOCATED AT 723 MERLIN DRIVE LEGALLY DESCRIBED AS: CAMELOT SUBD 1ST ADDITION LOT 27 & ELY 35' OF LOT 26 FROM "A-RESIDENTIAL" TO "B-RESIDENTIAL" (Across from Allouez Village Shoppes)

Staff said that the lot is currently vacant, with records indicating there has never been a structure there. The property is currently zoned "A" Residential. The petitioners are seeking to rezone the property to "B" Residential to construct an owner-occupied duplex on the property. The structure would need to meet all of the zoning requirements for the new district. The location of the property is across the street from a commercial use, but is also surrounded by a primarily single family neighborhood, with the

exception of one duplex across the street. Staff also provided the floodplain requirements for the property.

Dart / Hansen moved to suspend the rules at 6:06p.m. and open up discussion for public comment. Motion carried.

Alana Glanner, 753 Simonet Street and Dawn Glanner, 832 N Maple Avenue, were both present to speak as the petitioners.

- Provided a background of themselves and how they found the property
- Handed out pictures to the commission and the public showing what the proposed duplex would look like
- Provided a description of the intended development

Pat Bird, 718 Merlin Drive

- Wants to keep the property single family
- Built his house there because it was a single family neighborhood

Barbara Vogel, 822 Terreview Court

- A change to "B" Residential devalues the surrounding property
- There has never been a problem of water in the homes

Michele McCormick, 3138 East River Drive

- Wants to keep the property single family because the proposal would devalue property

Ed Vogel, 822 Terraview Court

- (Duplex) Would devalue property
- Bought adjacent lots and constructed single family homes to avoid having duplexes

Ron Pulak, 3146 East River Drive

- Built because of the single family neighborhood

Peter Tilleman, 3155 East River Drive

- Wants to keep "A" Residential

Hansen / Ropp moved to pick up the rules at 6:22p.m. and close public comment. Motion carried.

Discussion included:

- The surrounding zoning and the current uses of those properties
- The history of the lot
- Floodplain building requirements
- Single family homes can be neglected just the same as duplexes
- Limited available land in the village
- The other similarly zoned lots in the neighborhood
- Good transitional zoning
- Rezoning does not guarantee the outcome
- Could the rezoning be conditional on the sale of the property
- Lack of design standards in zoning code
- The uses allowed in both "A" and "B" Residential districts
- Market has not allowed a single family house
- Floodplain can be a limiting factor in developing the property
- Cost estimates and builder for the house design

Nyberg / Ropp moved to recommend changing the zoning for parcel AL-806-C-27, located at 723 Merlin Drive from "A" Residential to "B" Residential. Motion carried.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Allouez Village Board on Tuesday, August 15, 2017 at 6:30 P.M., at the Allouez Village Hall, 1900 Libal Street on the following:

ZONING ORDINANCE 2017-06

An ordinance re-zoning certain property located at 723 Merlin Drive, also known as Parcel AL-806-C-27, from "A Residential" to "B Residential".

The Village Board of the Village of Allouez does ordain as follows:

Section 1. Chapter 475, Schedule A (B Residence District) of the Village Code of Ordinances, together with the zoning map referred to therein, are hereby amended by re-zoning the following described properties from "A Residential" to "B Residential" -

CAMELOT SUBD 1ST ADDITION LOT 27 & ELY 35' OF LOT 26

The owner of record for the above described parcel is Heather L. Allen, 3653 Glenhaven Lane, Green Bay, WI 54301.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Section 3. This ordinance shall not take effect until a public hearing is held hereon, and until the ordinance is adopted and published.

Dated this 19th day of July, 2017

Debra M. Baenen
Allouez Clerk-Treasurer

