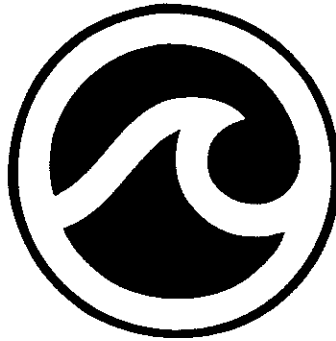


**MARION ROAD/PEARL AVENUE
REDEVELOPMENT PLAN**

Modification # 2



OSHKOSH
ON THE WATER

**CITY OF OSHKOSH
DEPT OF COMMUNITY DEVELOPMENT**

AUGUST 1999

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**MARION ROAD/PEARL AVENUE
REDEVELOPMENT PLAN
Modification # 2**

I. INTRODUCTION

Located adjacent to the Fox River and between the Central Business District (CBD) and the University of Wisconsin-Oshkosh is the Marion Road Industrial District. The City of Oshkosh Comprehensive Plan, adopted in August 1993, identified the industrial district as a special planning area of the Central City. This industrial district encompasses approximately 44 acres and has been in existence for over 100 years. The district is characterized by a majority of manufacturing uses along with some commercial and residential uses as well as vacant parcels and buildings.

In this project area, the Comprehensive Plan calls for:

- Phasing out of industrial uses in the area.
- Clearance and redevelopment of the Universal Foundry property.
- Targeting the Radford plant site for redevelopment.
- Expansion and improvement of the campus oriented commercial district on Wisconsin Street.
- Realignment of Marion Road.
- Development of new housing.

The City identified a portion of the Central City Planning Area as the Marion Road/Pearl Avenue Planning Area (Map 1) and approved the Phase One Marion Road/Pearl Avenue Redevelopment Plan in August 1998. Additionally, a Tax Incremental Financing District (TID # 13) was approved in September 1998 to help finance project costs in the area.

This proposed modification is comprised of six parcels of land containing four buildings, which are owned by four different property owners. The properties are located between 100 to 144 Wisconsin Street and comprise about 1.58 acres in size.

The inclusion of this proposed modification into the existing redevelopment plan is important due in large part to its location along Wisconsin Street and its potential to attract new commercial/retail development. Some of the locational features that make this area important, from a redevelopment standpoint, include:

- location at a future signaled intersection;
- location along a heavily traveled arterial street with an average trip count of 14,000;
- proximity to the University, especially the largest dormitories on campus, North Scott and South Scott.

In addition, the inclusion of the parcels on either side of Warren Road are necessary relative to the improvement of Warren Road, and the importance which an improved street can have on improving circulation in the area and enhancing redevelopment opportunities.

A. Intent

It is the intent of this modification of the approved Redevelopment Plan to identify the existing Marion Road/Pearl Avenue Redevelopment Plan area as well as to identify the proposed area for expansion of the Redevelopment Plan. This modification will also specify the type of redevelopment activities appropriate for this area and the methods in which those redevelopment activities will be carried out.

The implementation of this Plan is consistent with past efforts and constitutes a significant step towards redevelopment of the Central City and in particular the Marion Road Industrial District.

B. Scope

The Plan provides a framework for the acquisition, demolition, remediation, rehabilitation, disposition, and reuse of land within the project area. In addition to addressing planning and related concerns, the document outlines a process for implementing a partnership between developers and the City of Oshkosh. Provisions for amendments to the plan are described in Part IV(H). All entities engaged in activities as part of the plan, or its implementation, are obligated to comply with the conditions contained herein unless otherwise agreed upon or specified by the City of Oshkosh Common Council.

C. Statutory Authority

The preparation and adoption of this modification to the Marion Road/Pearl Avenue Redevelopment Plan, and its implementation are enabled pursuant to Wisconsin Statutes, Section 66.43 and 66.43(10), as amended. It must be noted the City will only apply the powers granted by this Statute to those properties that have been identified for acquisition in this Plan.

D. Redevelopment Objectives

Recognizing the City's intent as specified in Part I(A) above, and the purpose and scope of Wisconsin Statutes Section 66.43, the following redevelopment objectives have been identified:

1. Eliminate obsolete, deteriorating or deteriorated buildings, blighting influences, and environmental deficiencies which detract from the functional utility, aesthetic appearance, economic and environmental welfare, and general health and safety of this section of the City of Oshkosh, as well as to aid in the prevention of blight.

2. Assemble land into parcels functionally adaptable with respect to shape and size for disposition and redevelopment in accordance with contemporary redevelopment needs and standards.
3. Provide for the orderly physical and economic growth of the City of Oshkosh through planned and controlled redevelopment.
4. Encourage coordinated redevelopment of parcels to achieve efficient building design, maximum utilization of sites, beautified off-street parking and service facilities, and integral pedestrian connections and open spaces, giving consideration to high standards of design for new development, rights-of-way, landscaping, and open spaces.
5. Achieve private redevelopment of parcels that will add to the tax base of the City of Oshkosh.
6. Assure that the design of all buildings will be in harmony with adjoining public, and semi-public developments.
7. Assure that any buildings are designed, located, and oriented to serve the area and to capitalize on existing views and open spaces.
10. Maximize utilization of Central City property in a manner consistent with the goals of the Comprehensive Plan.
11. Redevelopment of the former Universal Foundry and Radford Company sites as well as the improvement and/or redevelopment of the University parking lot and former railroad corridor properties.

E. Consistency with Local Plans

In this commercial/retail area the Comprehensive Plan recommended that:

“This commercial district should be enlarged and upgraded as market conditions permit. Due to access and congestion problems associated with direct access off of Wisconsin Street, new commercial development should be designed as clustered specialty centers with shared driveway access and internal circulation. Direct driveway access of Wisconsin Street should be discouraged.”

Other Comprehensive Plan goals as they relate to this modification of the redevelopment plan are:

- Maintain a strong economic base in the Central City.
- Revitalization of the Central City
- Enhance environmental quality, promote good design and eliminate or lessen land use conflicts throughout the community.

- Encourage the efficient utilization of land.
- Encourage rational land use patterns which will not result in incompatibility between adjoining land uses.
- Realignment of Marion Road.

As part of the City's annual 1995 submission to the U.S. Department of Housing and Urban Development, the City has also prepared and adopted a Consolidated Plan with the following goals as they relate to this redevelopment plan:

- Eliminate blight or blighting influences and conditions which are detrimental to health, safety, and public welfare, and to utilize land and other resources in an efficient manner.
- Promote economic development through physical development and improvements and business assistance, and to create and retain employment opportunities.

The activities proposed in this plan are consistent with goals of the City's Comprehensive Plan and the City's Consolidated Plan.

II. MARION ROAD/PEARL AVENUE REDEVELOPMENT PLAN

A. Project Area Boundaries and Description

A part of Western Addition Blocks C, E, F, G, L, M and N, Warren Road and vacated Warren Road, vacated Bell Place, Radford Place and vacated Radford Place, Dawes Street and vacated Dawes Street, and vacated Hancock Street, all in the First Ward, City of Oshkosh, Winnebago County, Wisconsin described as follows:

The area is generally located east of Wisconsin Street, west of Jackson Street, north of Marion Road, and south of Pearl Avenue. The parcel commences at a point that is 5 feet northwesterly of the most northerly corner of Lot 7 in the Western Addition Block L as measured along the southwesterly line of Pearl Avenue; thence southeasterly along the southwesterly line of Pearl Street to the most easterly corner of Lot 5 in the Western Addition Block G; thence southwesterly along the southeasterly line of said Lot 5 to the most southerly corner of said Lot 5; thence southeasterly along the southwesterly lines of Lots 6 through 15 and Lot 17 of the Western Addition Block G and along the extended southwesterly line at said Lot 17 to the most easterly corner of Lot 1 in the Western Addition Block C also being on the southeasterly line of Bell Place; thence northeasterly along the northwesterly line at said Lot 1 also being the southeasterly line at Bell Place to the southwesterly line at Pearl Avenue; thence southeasterly along the southwesterly line of Pearl Avenue to the west line of Jackson Street; thence south along the west line of Jackson street to the centerline of vacated Warren Road to the northwest; thence northwesterly along the centerline of vacated Warren Road to the extended northwesterly line of Lot 11 of the Western Addition Block F; thence southwesterly along the extended northwesterly line of said Lot 11, 24.98 feet to the former northerly right-of-way line of the Wisconsin Central

Limited R.R.; thence westerly 704.56 feet along the arc of a curve concave to the left of radius 618.11 feet and whose chord bears S.88° 25' 56.4" W., 667.03 feet to the southeasterly line of Dawes Street; thence southwesterly along the southeasterly line of Dawes Street to the northerly line of Marion Road; thence northwesterly to the northwest corner of Dawes Street and Marion Road; thence northwesterly along the northerly line of Marion Road to the easterly line of Wisconsin Street; thence northeasterly along the southeasterly line and extended southeasterly line of Wisconsin Street to the most northerly corner of Lot 1 of C.S.M. 1584 of Winnebago County Records; thence S. 51° 33' 59" E., 177.27 feet along the northerly line of said Lot 1 to the most easterly corner of said Lot 1; thence S.51° 33' 59" E., 179.04 feet along the northerly line of Lots 18, 17, 16, and 15 of the Western Addition Block L; thence N. 38° 50' 26" E., 123.75 along a line 5 feet westerly of the easterly line of Lot 6 of said Block L to a point on the southwesterly line of Pearl Avenue also being the point of beginning.

Said parcel contains approximately 17.30 acres, 1.58 acres of which are the subject of this modification. The boundaries of the redevelopment area are illustrated in Map 2.

B. Existing Land Use and Ownership

The existing land uses are shown in Map 3. The properties located at 100, 120, and 122 Wisconsin Street are all tavern uses and under separate ownership. Two of the structures contain second floor living units; 100 Wisconsin Street has one living unit, while 120 Wisconsin Street has three upper living units. The property located at 136 Wisconsin Street is a small strip mall containing four store fronts, three of which are vacant at this time. The two parcels of land located between 100 and 120 Wisconsin Street are gravel lots owned by the same party who owns the tavern at 120 Wisconsin Street. These vacant lots contained residential dwellings until the house at 106 Wisconsin (1-362) was razed in 1983 and the house at 110 Wisconsin (1-361) was razed in 1992.

Individual parcels in the Marion Road/Pearl Avenue Redevelopment Plan and in Modification Area # 2 are shown and numbered in Map 4. The parcel ownership and assessed values are presented in Appendix B of this Plan.

C. Existing Structural Conditions

The contributing factors to finding an area blighted are defined in Section 66.43(3)(a) of Wisconsin Statutes. There are five structures located within the proposed modification area. Ages of these structures range in excess of 60 years for the structure at 100 Wisconsin Street to 31 years for the structure at 122 Wisconsin Street.

The structures at 122 and 136 Wisconsin Street are one story slab on grade concrete block structures. The structure at 136 Wisconsin Street was once part of the old foundry complex that was extensively remodeled in 1987 to retail/commercial usage. The structure at 122 Wisconsin Street was constructed in 1968 and has been used as a tavern since its original construction. Both structures exhibit some signs of deterioration and decay but are in fair

condition. The structure at 136 Wisconsin appears to have a roof leak problem as indicated by numerous water stained suspended ceiling tiles. Both of these structures lack adequate parking for the size of their buildings relative to their parcel sizes which does not make for the most efficient use of the properties. In 1987, 136 Wisconsin Street was granted a variance to allow for less parking to create a shopping center with 34 parking spaces instead of the zoning ordinance requirement of 52 parking spaces. A parking count today indicates that only 31 spaces have been provided.

The structures at 100 and 120 Wisconsin are both two story wood framed structures with upper living units. Both structures show some signs of deterioration due in part to the age of the structures. Records show that both structures have been used as a tavern since at least the late 1950's and the existing structure at 100 Wisconsin may have been there since 1927.

All structures in the project area have been subjected to a structural survey review. Variables included in the survey are as follows:

| | |
|-------------------|-------------------------|
| Exterior Walls | Doors |
| Foundation Walls | Windows & Frames |
| Roof (if visible) | Porches, Outside Stairs |
| Chimney | Cornices |

The survey results were converted to a numerical scale, with each structure receiving a composite point score based upon the following criteria:

1. Good: Item is in acceptable standard condition, does not have any significant defects, and does not need any repair other than normal maintenance.
2. Fair: Item rated is in need of minor repair and is worn, loose, or cracked to the extent of less than 20% of the entire item, system, or surface.
3. Poor: Item rated is in need of major repair, is badly worn, 20% or more of entire item, system or surface is loose, cracked, damaged, worn, or rotted to an extent requiring replacement.
4. Very Poor: Item rated is 50% or more beyond repair, or is sinking, leaning, non-operative, non-functional, or unsafe to an extent requiring complete replacement of the entire system or item.

The composite rankings of the redevelopment area are shown in Map 5, Structural Conditions. The map shows that about 79 percent of the structures in this area are in substandard condition or are in need of major repairs/rehabilitation.

D. Existing Zoning

The area contains land zoned M-2 Central Industrial District as illustrated in Map 6.

III. PROPOSED ZONING AND LAND USE

A. Proposed Zoning and Land Use

It is proposed that the redevelopment project area be zoned C-3PD Central Commercial with a Planned Development District Overlay. The proposed zoning will allow for a variety of commercial and retail uses. The Planned Development District Overlay will allow more flexibility in development designs while providing safeguards to ensure orderly and compatible developments. See Map 7 for the proposed zoning.

The project plan for the redevelopment of this area calls for the replacement of the blighted and substandard structures with that of more modern and energy efficient commercial buildings. Additionally, the current layout of the structures on the properties and the size of the parcels do not allow for optimum reuse or redevelopment of the properties for commercial or retail purposes without the removal of the buildings. These proposed land uses are illustrated in Map 8.

IV. PROJECT IMPLEMENTATION

A. Land Acquisition

After ratification of this plan by the City of Oshkosh Plan Commission and Oshkosh Common Council, the City will begin assembling parcels of land in the project area. Parcels to be assembled are identified on Map 9, Land Acquisition.

Land assembly will be facilitated by the City Attorney and Department of Community Development.

B. Relocation

Where relocation of individuals or business operations would take place as a result of City of Oshkosh acquisition activities occurring within the TID, relocation will be carried out in accordance with applicable relocation requirements as set forth by the State of Wisconsin and Federal regulations. Reference to these regulations is contained in Part IV(F) of this plan.

C. Land Disposition

Once assembled, land will be disposed of by sale or lease in accordance with provisions contained in Wisconsin Statutes Section 66.43. The property to be disposed of is indicated on Map 10, Land Disposition.

In addition to terms and conditions as specified by the Plan Commission and Common Council, purchasers and/or lessors shall enter into an agreement with the City. Said agreement shall contain all terms and conditions specified by the Plan Commission and Common Council, and all assurances necessary to insure consistency with objectives of the Plan.

D. Proposed Site and Public Improvements

It is envisioned that these parcels will be disposed of along with parcels acquired in the original redevelopment area to create more viable commercial and multifamily development sites. Plans are currently being developed by the Department of Public Works to reconstruct and widen Warren Road to accommodate larger traffic volumes. The signals at the intersection of Pearl Avenue and Wisconsin Street will then be moved to the intersection of Warren Road and Wisconsin Street. Warren road will also be aligned with the future university bypass.

Reconstruction of Warren Road will necessitate the acquisition of 122 and 136 Wisconsin Street and will be financed through TID # 13.

E. Performance Standards

Throughout the implementation of this project, and all stages and phases thereof, the developer(s) will be required to comply with requirements of all sections of this plan, as well as the pertinent sections of municipal codes and ordinances referenced herein. Local codes and ordinances to be complied with are as follows:

1. City of Oshkosh Zoning Ordinance
2. City of Oshkosh Sign Ordinance
3. City of Oshkosh Floodplain Ordinance
4. City of Oshkosh Building Code

Subsequent to the selection of a developer or developers by the Oshkosh Common Council, the following conditions will apply:

1. Execution of a Contract for Sale or Lease of Land for Private Redevelopment (prepared in accordance with Wisconsin Statutes Section 66.43). The contract shall include, while not being limited to, the following provisions: purchase price or lease terms, conveyance, time and place for deed delivery, apportionment of taxes per land sales, options (if applicable), deposits (if applicable), default and reversion, timing of construction and other conditions deemed necessary by the Oshkosh Common Council.

2. The following terms and conditions shall be incorporated into the contract relative to the process for finalizing the construction timetable and construction design elements:

a. City Obligation, e.g., construction of any improvements to be provided by the City.

b. Agreements In Principal. The developer(s) shall sign and comply with agreements in principal as needed to facilitate this project. All Agreements shall be approved by the Common Council.

c. Construction Plans. All development shall be in conformance with the redevelopment plan as approved by the Common Council. In addition, plans shall comply with all contract provisions and agreements in principal. The developer(s) shall submit plans to the City sufficient in detail to allow a determination to be made relative to compliance with the redevelopment plan, contract, and agreement provisions. The City will notify the developer(s) in writing concerning the approval or rejection of the plans. If the City rejects the plans in whole or in part, the developer must submit corrections and/or modifications to the City within a time period to be specified in the contract, and applicable agreements.

d. Changes in Construction Plans. If the developer(s) desires to change or modify the plans once they have been approved, the proposed changes must be submitted to the City. The procedure for approval shall correspond to that prescribed for submission of original plans.

e. Evidentiary Submittal. Prior to the time specified in the contract, the developer shall submit evidence of financial solvency, e.g., equity capital, mortgage financing where land sales would apply, etc. The evidence shall be submitted in a form, manner, and time frame specified in the contract.

f. Actual Construction. After conveyance, the contract shall specify a time frame for the initiation of construction. The developer must notify the City in writing of the date upon which construction shall begin. The City may request and the developer shall provide progress reports as the City deems necessary. Once construction is completed, the developer will receive a certificate so stating. However, the certificate will be issued contingent upon all requirements specified in the contract. The contract shall contain provisions for issuance of the certificate and remedial actions to be taken in the event that construction does not comply with this plan, contract provisions, and applicable local, state, or federal requirements.

F. Compliance with Applicable Local, State, and Federal Regulations

Local codes and ordinances pertinent to this project have been identified in Part IV(E) of this plan. Notwithstanding these references, the developer(s) and City shall comply with any and all local codes and ordinances which are deemed applicable by the City of Oshkosh.

If funds are used for this project from a federal program (e.g., the Community Development Block Grant Program) additional requirements applicable to grantees and subgrantees will be in effect. Most significantly, these requirements relate to real property acquisition, relocation of displacees, environmental protection, equal opportunity and affirmative action, labor standards, and historic preservation. The City will comply with all state and federal regulations applicable under this project.

G. Project Financing

Acquisition, relocation, clearance activities, remediation related activities, and public improvements may be financed through a combination of funding sources. For example, the possibility exists to modify TID # 13's boundaries to include this area or to create a new TID. Federal funding could come from the City's Community Development Block Grant or through a Section 108 loan. The State has a loan program through the Board of Commissioners of Public Lands which could be utilized for acquisition. Private improvements, such as new multiple family housing and commercial development, will be completed with financing obtained by the developer(s), although the City may provide a construction assistance grant with TIF funds to the developer(s).

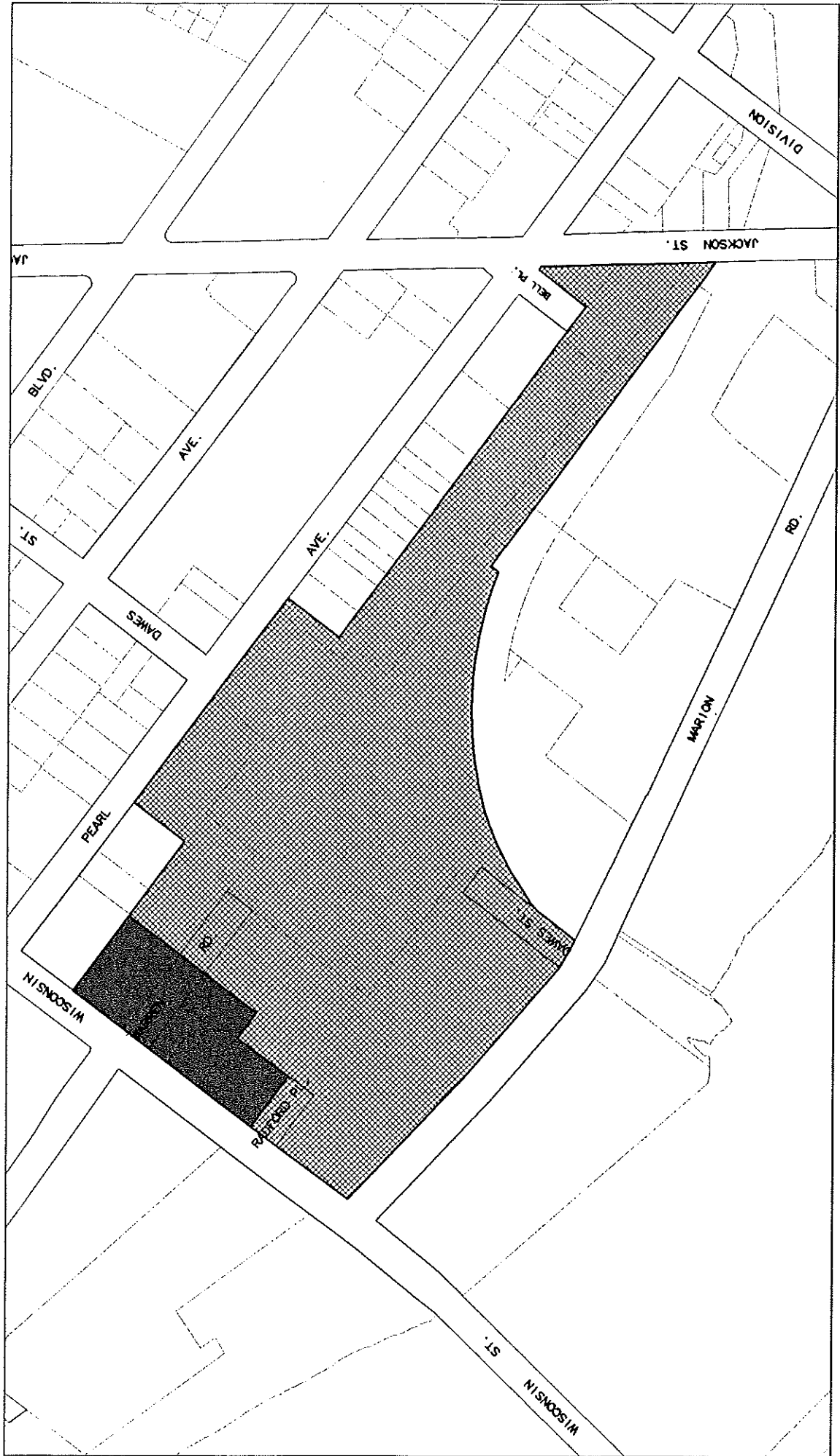
H. Redevelopment Plan Modification Procedures

This redevelopment plan may be modified or changed at any time, including after sale or lease of property, provided the purchaser or lessee concurs with the proposed modifications. If the plan is modified, a public hearing must be conducted by the City, and all changes must be recommended for approval by the City Plan Commission and approved by the Oshkosh Common Council.

APPENDIX A - MAPS

MARION ROAD / PEARL AVENUE REDEVELOPMENT AREA MODIFICATION

MAP 2

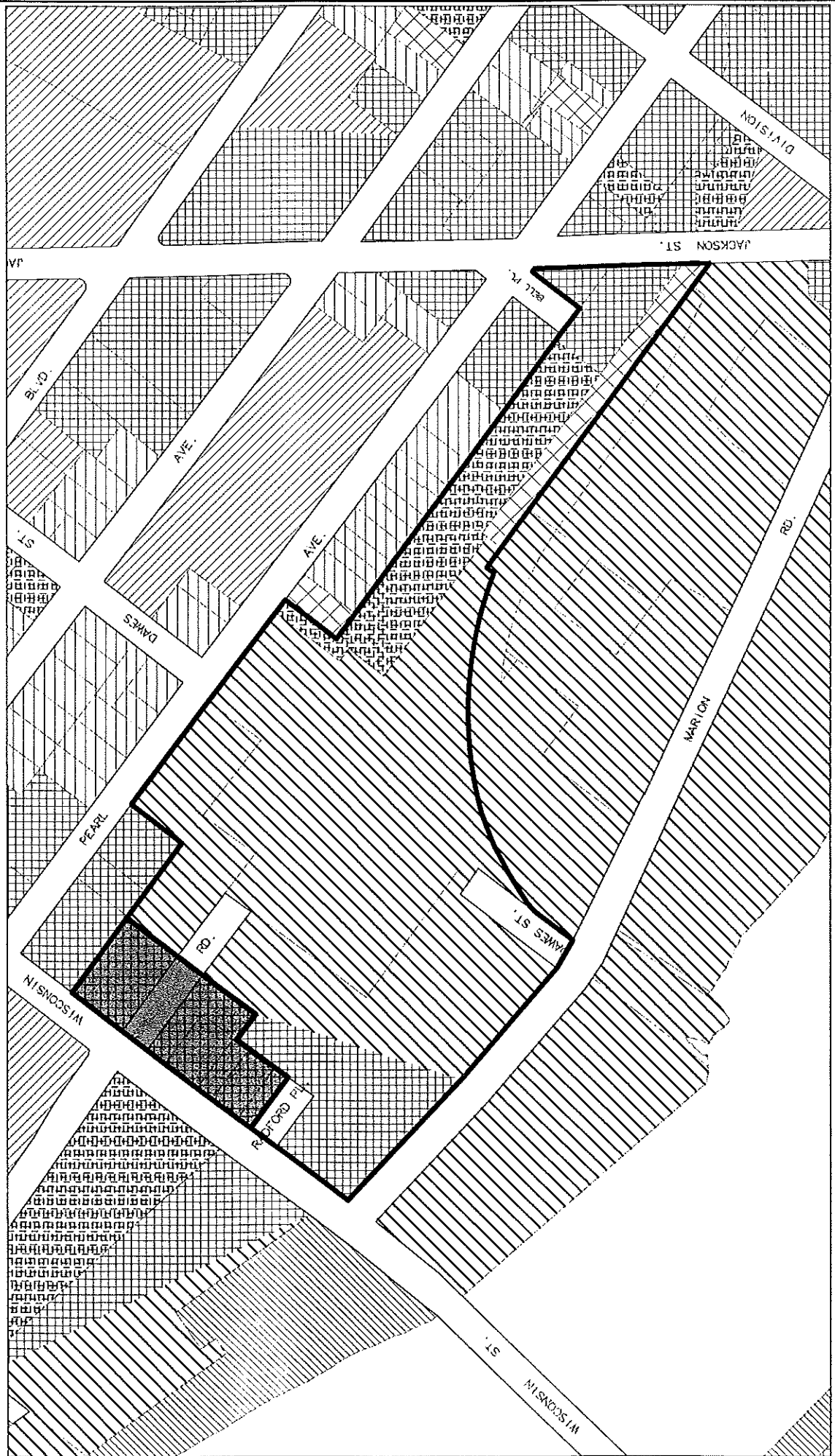


 Proposed Addition to Redevelopment Area

 Current Redevelopment Area

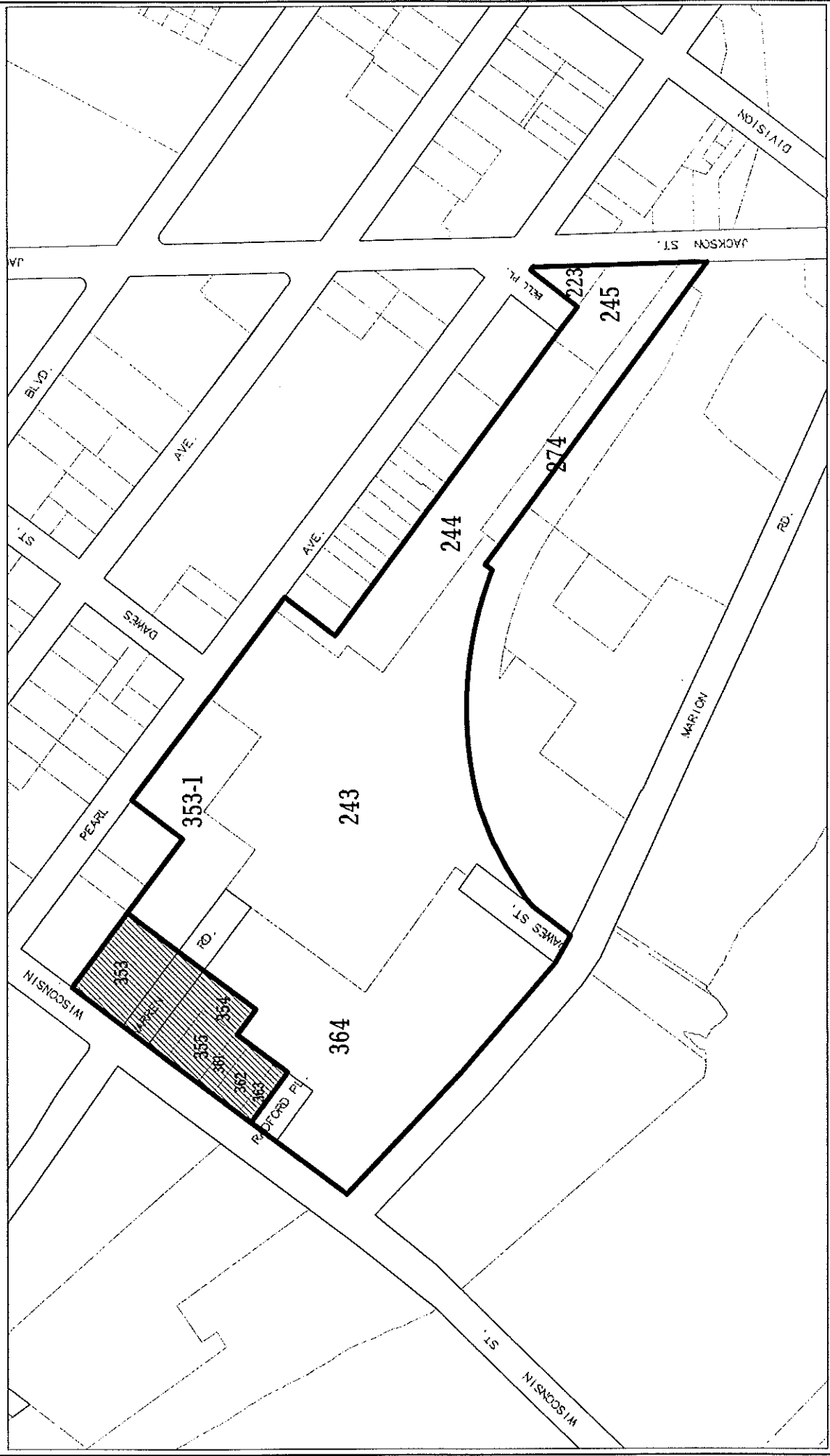
MAP 3


EXISTING LAND USE



- Residential
- Commercial
- Institutional
- Manufacturing
- Vacant
- Parking Lot
- Parks / Recreation
- Modification #2

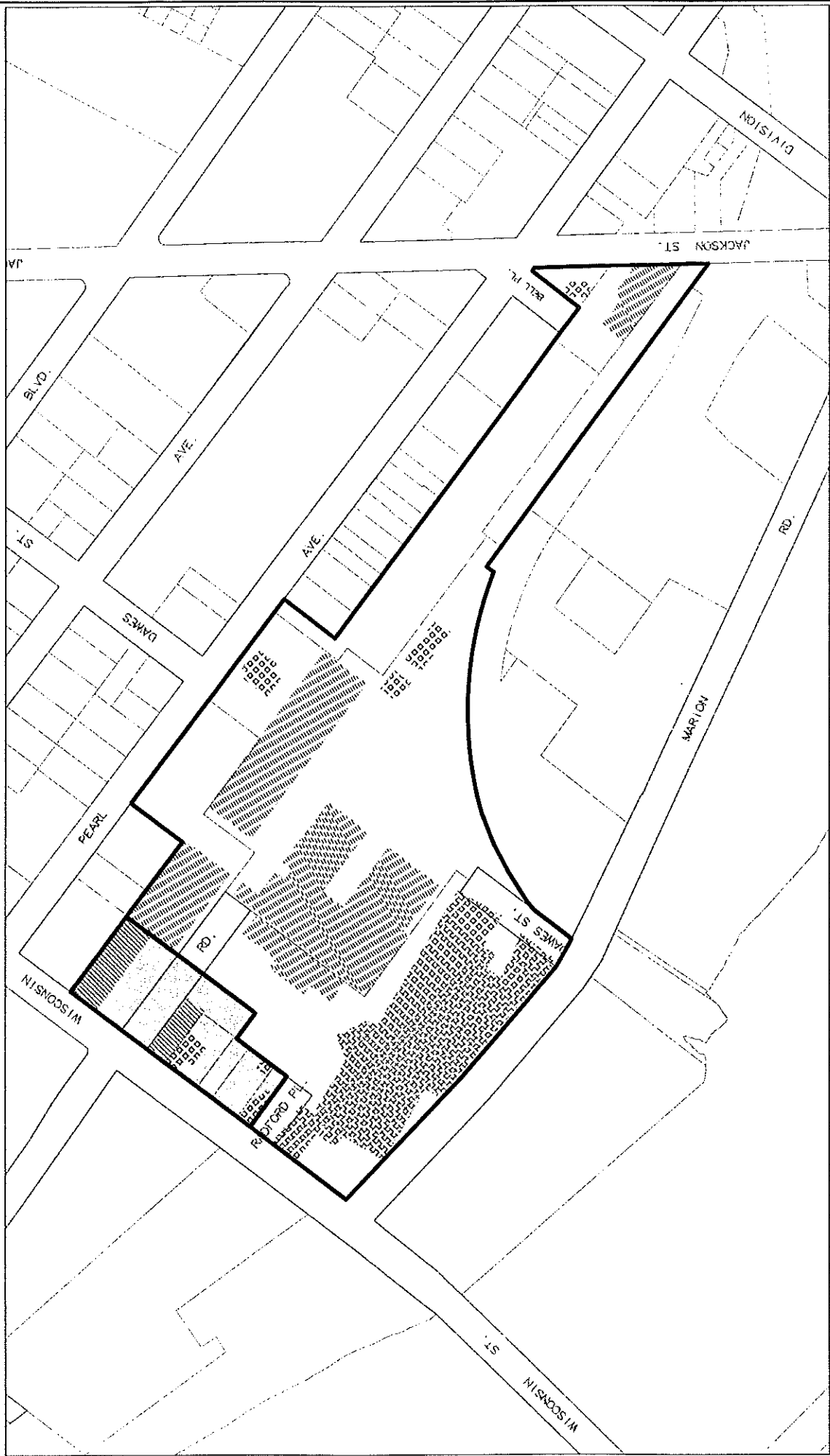
MAP 4 Parcel Identification



-  Modification #2
-  Current Redevelopment Boundary

MAP 5

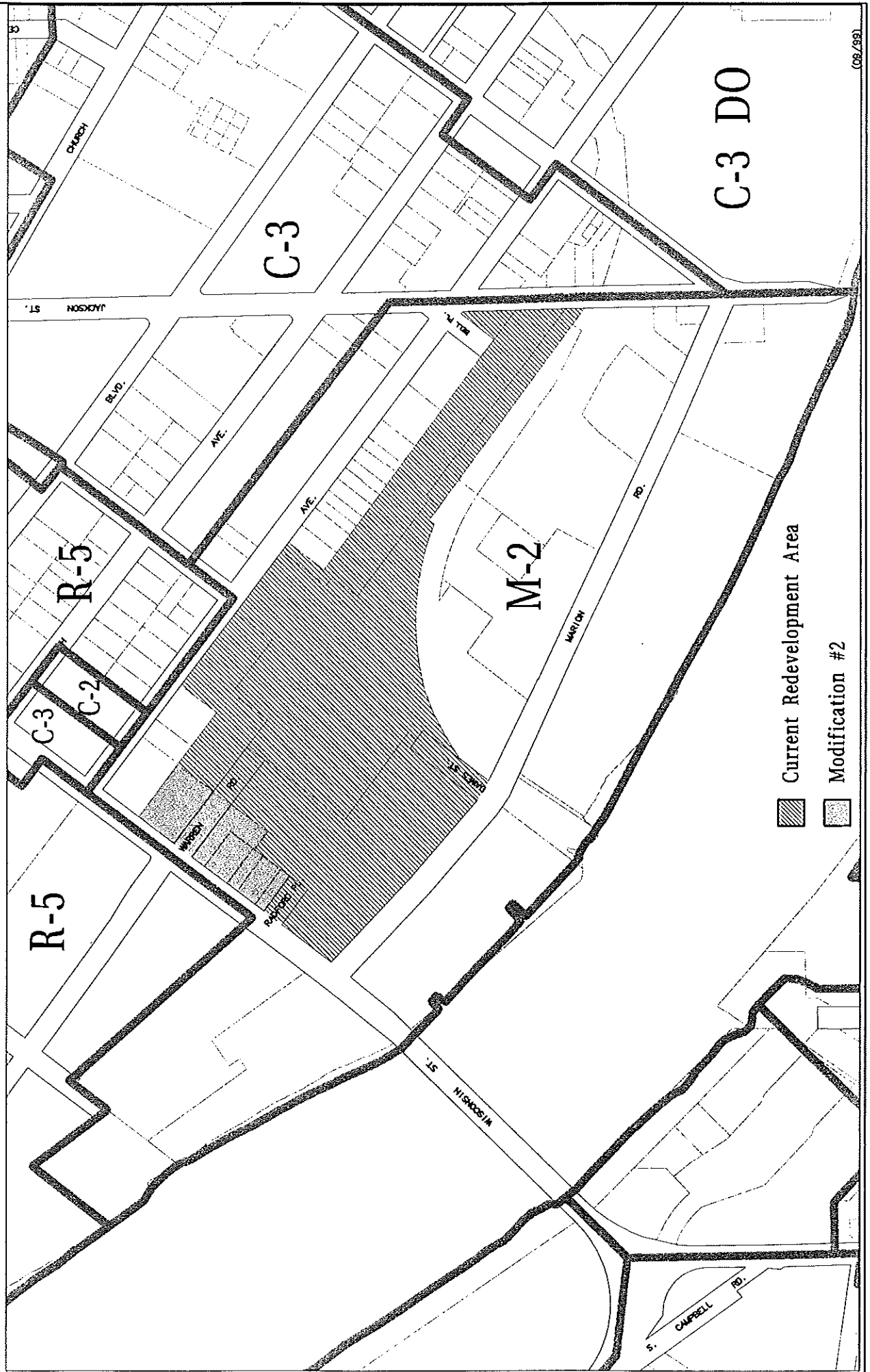
Structural Conditions



- Substandard
- Major Repairs Required
- Fair
- Modification #2 Area

MAP 6

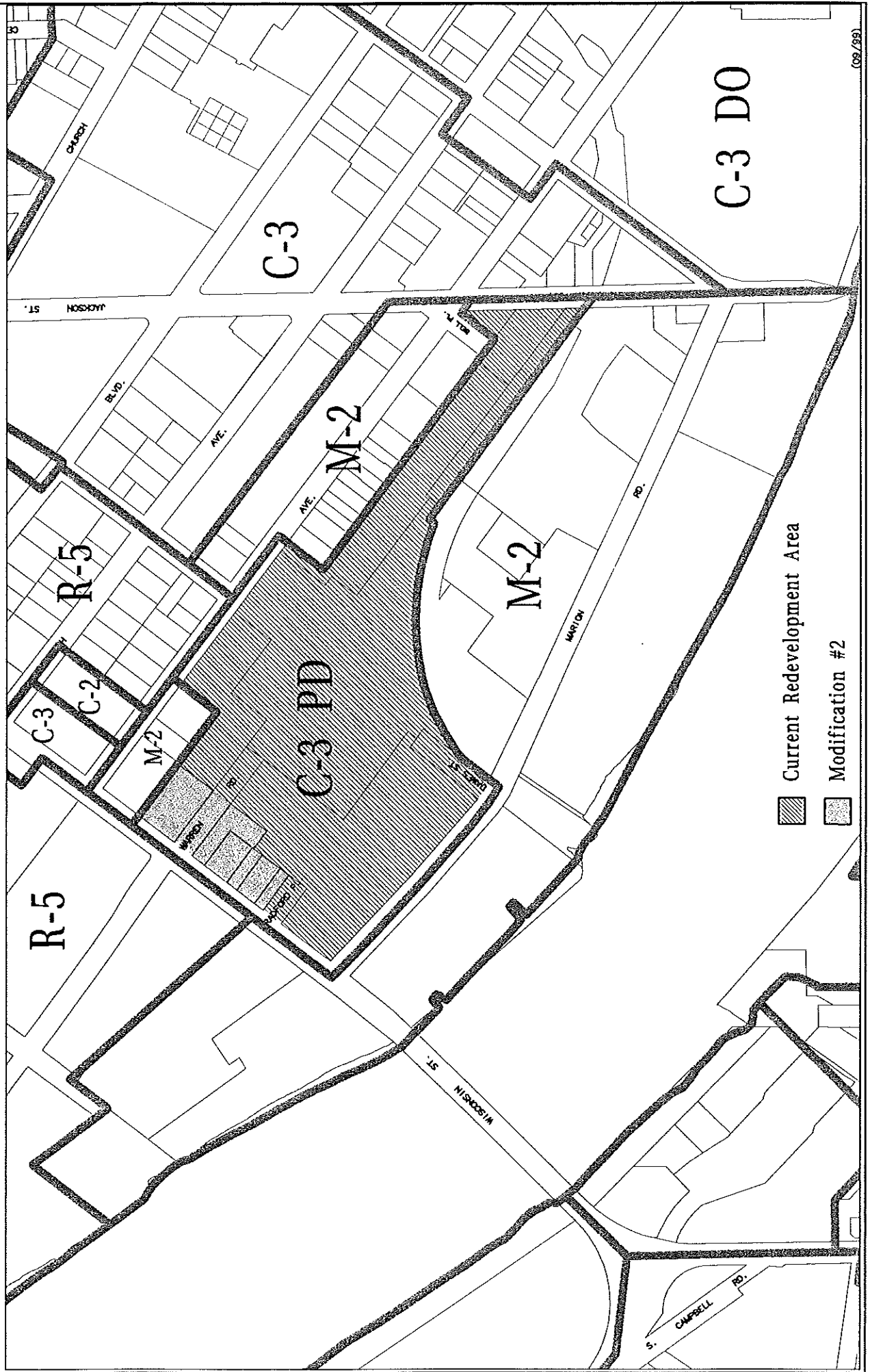
EXISTING ZONING



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MAP 7

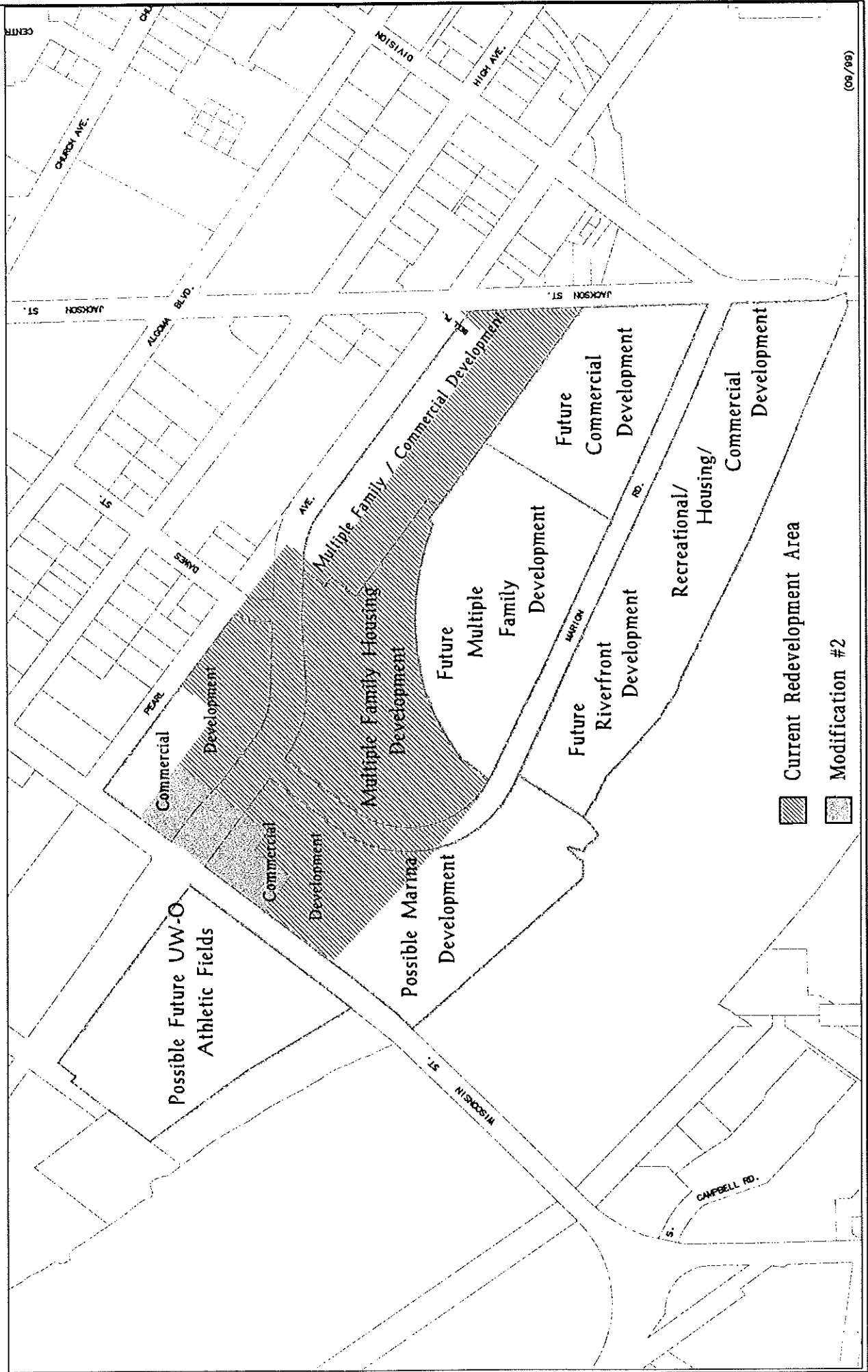
PROPOSED ZONING



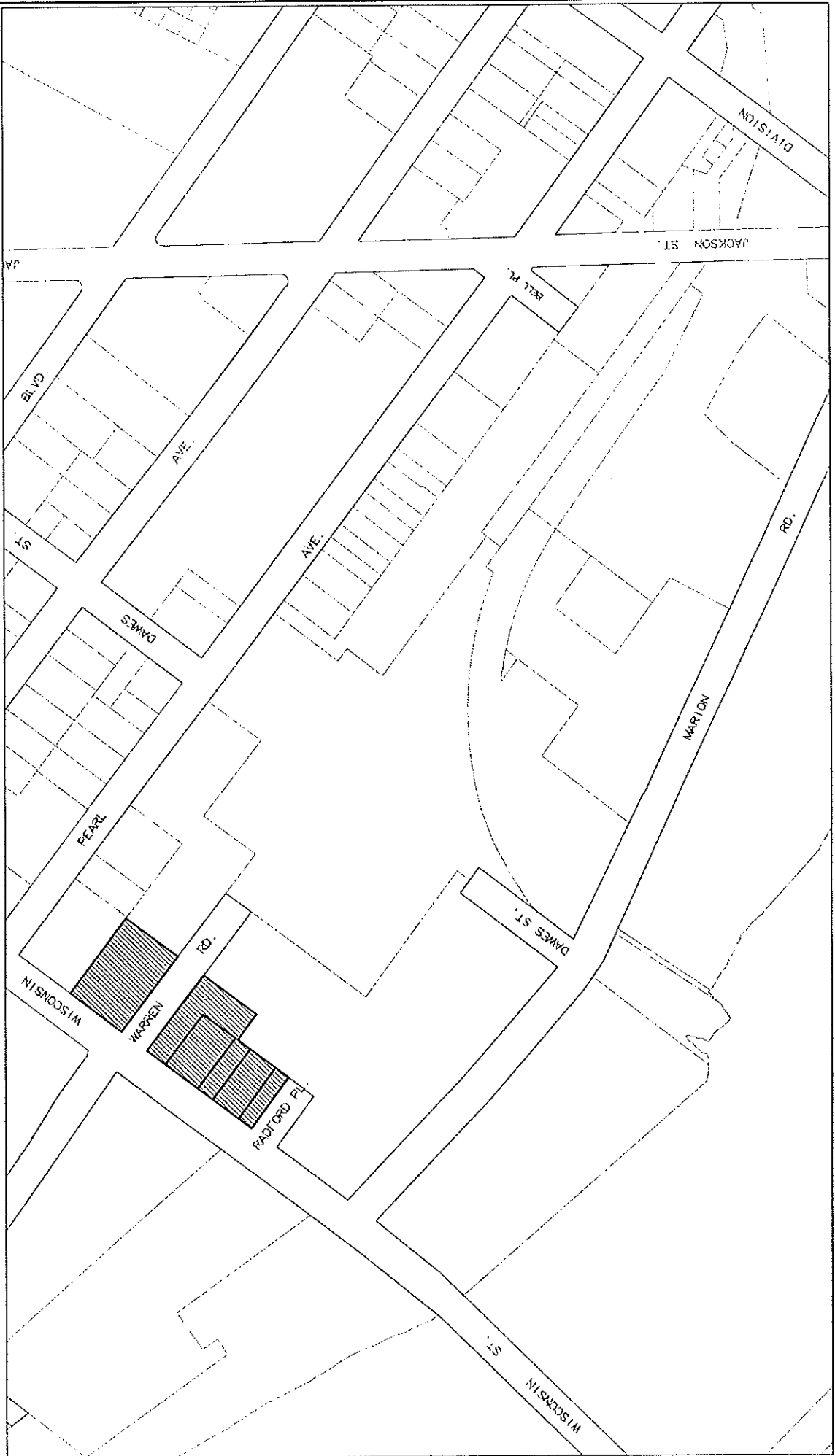
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MAP 8

PROPOSED LAND USE



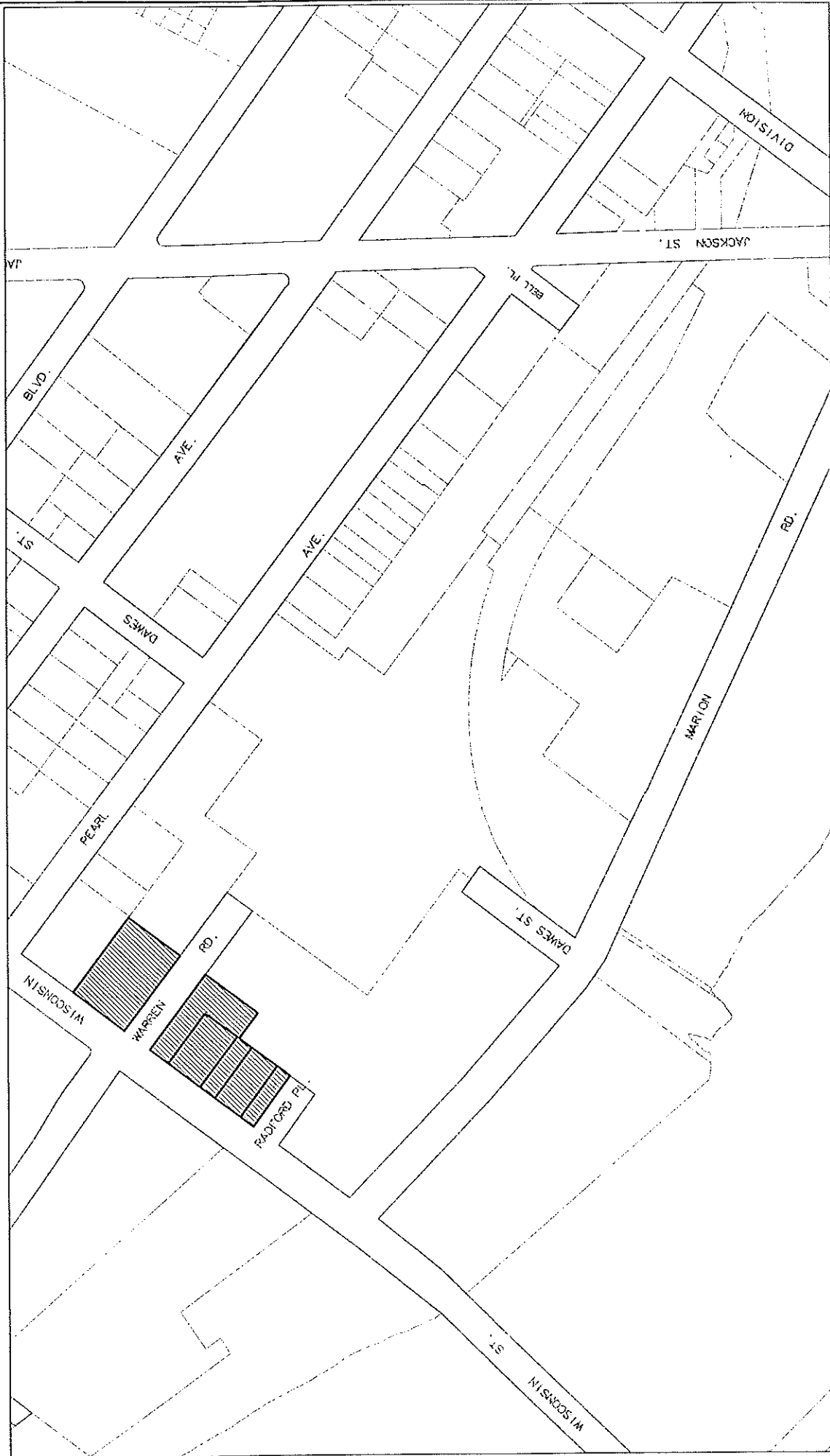
MAP 9
Land to Be Acquired




 Land to be Acquired

MAP 10

Land to Be Disposed



 Land to be Disposed

(06/98)

APPENDIX B

| Land Ownership and Assessed Value By Parcel | | |
|--|----------------|---|
| Parcel No. | Owner | Total Assessed Value Land and Improvements |
| 1-353 (136 Wisconsin St.) | Aaron Israel | \$440,000 |
| 1-354 (122 Wisconsin St.) | Thomas Taggart | \$210,000 |
| 1-355 (120 Wisconsin St.) | Karen Davis | \$108,000 |
| 1-361 (Vacant Lot) | Karen Davis | \$21,000 |
| 1-362 (Vacant Lot) | Karen Davis | \$36,000 |
| 1-363 (100 Wisconsin St.) | Richard Buser | \$82,100 |
| Total | | \$897,100 |

APPENDIX C

Excerpts from Zoning Ordinance

SECTION 30-26 C-3 CENTRAL COMMERCIAL DISTRICT

(A) Permitted Uses

- (1) Any use permitted in the R-5 Multiple Dwelling District, unless otherwise provided in this Chapter.
- (2) Any use permitted in the C-2 General Commercial District, unless otherwise provided in this Chapter.
- (3) Automobile storage garage
- (4) Animal hospital and pet shop excluding open kennel
- (5) Bakery, employing not more than five (5) persons
- (6) Caterer
- (7) Convention and exhibition hall
- (8) Funeral home
- (9) Laundry and cleaner
- (10) Microwave, radio and television relay structure
- (11) Newspaper printing, publishing or engraving establishment
- (12) Parking lot
- (13) Radio and television broadcasting studio
- (14) Railroad and bus passenger depot
- (15) Any use similar to the above
- (16) Conditional Uses:
 - Automobile service facility
 - Cemetery
 - Clubs and semi-public structure
 - College/university including residence halls
 - Commercial greenhouse and nursery
 - Day care center
 - Fish market (wholesale)
 - Family day care for nine (9) or more children
 - Hotel/motel directional signs
 - Mental or psychiatric hospital
 - Mixed commercial/residential
 - New and used automobile sales
 - Nursery school
 - Public utility structure
 - Restaurant with drive-up or drive thru
 - Uses permitted in the M-1 Light Industrial District, Section 30-28(A)
 - Vocational school
 - Wireless telecommunication towers/antennas

An application for a conditional use permit shall not be approved unless it complies with the conditions and standards set forth in Section 30-11 Conditional Use Permits.

(B) Standards

The following standards shall apply to development undertaken in this district, unless modified by the application of provisions in Section 30-33 Planned Development Districts and Section 30-27 Downtown Overlay District, or unless more restrictive standards apply per Section 30-35 Additional Standards and Exceptions.

- (1) Residential Structures: Shall meet all standards of the R-5 Multiple Dwelling District
- (2) Mixed Commercial/Residential Structures: Are permitted by conditional use permit, and shall meet all conditions of conditional use permit approval and shall meet the standards for principal commercial structures, unless otherwise noted below:
 - (a) Upper Floor Residential Only: Residential uses are limited to upper floor areas. No separate residential structure is permitted on the same lot with a non-residential or mixed commercial/residential structure.
 - (b) Dwelling Unit Area: Four hundred (400) square feet minimum.
 - (c) Height: Forty-five (45) feet maximum.
 - (d) Off-Street Parking: In accordance with Section 30-36 Off-Street Parking and Loading Facilities.
- (3) Principal Commercial Structures
 - (a) Height: Forty-five (45) feet maximum.
 - (b) Side Yard Setback: None required.
 - (c) Front Yard Setback: None required. However, if block frontage is shared with a residential district a twenty-five (25) foot minimum setback is required.
 - (d) Rear Yard Setback: None required.
 - (e) Corner Lots: The side street (front yard) setback can be reduced to not less than twelve (12) feet, as may be necessary to attain a twenty-eight (28) foot buildable width. The required side yard opposite the side street (front yard) must be maintained.
 - (f) Off-Street Parking: In accordance with Section 30-36 Off-Street Parking and Loading Facilities.
- (4) Accessory Commercial Structures
 - (a) Must be customary and incidental to the allowed principal uses including the processing or treatment of products clearly incidental to the conduct of a retail business on the premises. Accessory uses may not exceed forty (40) percent of the floor area of the structure.
 - (b) Standards
 - (i) Same as the principal commercial structure unless noted below.
 - (ii) Front Yard Setback: Sixty (60) feet minimum and not less than

- five (5) feet behind the principal commercial structure.
- (iii) Corner Lots: Front yard/side street (front yard) setbacks shall be the same as the principal commercial structure.

SECTION 30-33 PLANNED DEVELOPMENT DISTRICTS

(A) Purpose and Intent

(1) Purpose

- (a) It is the purpose of this Section to provide a method which will facilitate a more flexible mixture and pattern of development, the grouping of open spaces, and arrangement of living patterns in accordance with good planning principles while providing adequate safeguards to protect the community.
- (b) It is anticipated that development within this district will offer one (1) or more of the following advantages:
 - (i) Designs which reflect the City's development and planning policies for residential neighborhoods or nonresidential areas in which the district is to be located, as set forth in the City's Comprehensive Plan.
 - (ii) Designs which provide substantial buffers and transitions between areas of different land uses and development densities.
 - (iii) Designs which enhance the appearance of developments and the surrounding area by conserving areas of natural beauty and natural green space.
 - (iv) Designs which lessen congestion on streets, and contribute to improvements in pedestrian and vehicular circulation.
 - (v) Designs which promote architectural compatibility between adjacent structures.
 - (vi) Designs which will positively contribute to the physical appearance and functional arrangement of land uses and buildings in the area.
 - (vii) Designs which will buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing development.
- (c) Areas that may be deemed appropriate for a Planned Development Overlay District include:
 - (i) Transitional Areas: which involve locations with a mix of different land uses, where new development is proposed in an area of older uses and buildings, and where the older uses may be allowed with lesser zoning standards than appropriate for new development.
 - (ii) Infill areas: which involve parcels bypassed during the normal course of urbanization in the community.

- (iii) **Redevelopment Areas:** which relate to locations appropriate for redevelopment, either public or private, where first or subsequent uses and/or buildings are replaced by new uses and/or structures.
- (iv) **Large Commercial areas:** which include shopping centers with a number of occupancies and/or structures, together with outlots, or locations encompassing multiple centers or multiple large scale commercial developments.
- (v) **Special Areas:** which include locations that were identified as Special areas in the City's Comprehensive Plan.
- (vi) **Large Scale and/or Mixed Use Areas:** which encompass locations at least twenty (20) acres in size, where base zoning standards may not be appropriate and/or needed, and where the developer and community could benefit from a greater level of flexibility in the application of land use controls.

(2) Exceptions

The City may permit in any Planned District (PD) even greater flexibility in the type of uses, the area and yard requirements, the off-street parking and other regulations set forth in this Section, subject to demonstration of appropriateness for the area under consideration.

(3) Zoning Classification

The Planned Development (PD) District shall be applied as an overlay zoning district. When applied to a specific geographic area, the PD shall have the effect of allowing development to be designed, reviewed, approved, constructed and managed according to the provisions of this Section, rather than is required by the underlying zoning district. However, the underlying zoning district shall prevail in determining permitted and conditional uses of land within the PD as well as the maximum permitted project density or intensity of land use, except as otherwise provided herein.

(4) Benefit

- (a) It is not intended that the City will automatically grant exceptions for a Planned Development Overlay District, but it is expected the City shall grant only such exceptions which are deemed consistent with benefits accruing to the City as a result of the planned development. The City may require as a condition of approval any reasonable condition, limitation, or design factor which will promote development in the Planned Development Overlay District consistent with the intent of this Section.

(B) Planned Residential District

(1) Permitted Uses

- (a) Any uses permitted in the underlying residential zone, including the allowed accessory structures.
- (b) Commercial uses permitted in the C-1 Light Commercial District, not to exceed five (5) percent of the area of the Planned District.

(2) Standards

- (a) Each Planned District shall have an area of at least one and one-half (1 ½) acres.
- (b) Not less than fifteen (15) percent of the total area of the Planned District shall be devoted to open space.

(C) Planned Commercial District

(1) Permitted Uses

Any uses permitted in the underlying commercial zone, including the allowed accessory structures.

(2) Standards

- (a) Each Planned District shall have an area of at least one and one-half (1 ½) acres.
- (b) Not less than ten (10) percent of the total area of the District shall be devoted to landscaped open space.
- (c) The commercial units of the Planned District shall not exceed the standard density of the underlying zoned area.

(D) Planned Industrial District

(1) Permitted Uses

- (a) Any uses permitted in the underlying industrial zone, including the allowed accessory structures.
- (b) Appropriate and compatible commercial uses.

(2) Standards

- (a) Each planned district shall have an area of at least one and one-half (1 ½) acres.
- (b) Not less than ten (10) percent of the total area of the district shall be devoted to landscaped open space.

(E) Administrative Process

- (1) Informal review of proposal by the Department of Community Development.
- (2) Applications for rezoning to a Planned Development Overlay District shall include at least one of the advantages as stated in Section 30-30(A)(1)(b) and identify the characteristics of the District per Section 30-30(A)(1)(c)).
- (3) Conditional use permit request for development plan review and approval.
 - (a) The development plan shall include an architect's drawing showing:
 - (i) The location of all structures or recreational facilities.
 - (ii) The location of all drives, entrances and sidewalks.
 - (iii) The location, size, number and screening of all parking spaces.
 - (iv) Drainage and grading plan.
 - (v) A detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring perpetual maintenance of land to be used for common purposes.

(b) Review Criteria

In reviewing the development plan, the following criteria shall be used:

- (i) Conformance with applicable standards of the base zoning district and the provisions of this chapter, except as may be modified under Section 30-33 and Section 30-11.
 - (ii) Suitability of the site for the proposed development.
 - (iii) Compatibility of the proposed development with adjacent and nearby existing or planned development in terms of scale, mass, height, bulk, uses, activities, traffic, design, structure placement, privacy, views and similar concerns.
 - (iv) Utilization of site planning principles common to high quality development.
 - (v) Effective mitigation of any potential negative impacts of the proposed development either on the site itself or off the site.
 - (vi) Conformance with the Comprehensive Plan, or other adopted City plans.
- (c) The Plan Commission, in making its recommendation to the Common Council, shall consider said criteria and take into consideration the recommendations of the Department of Community Development, and comments received at the Plan Commission meeting at which the item is reviewed.

(4) Recording of Plats

In addition to the requirements of the Subdivision Regulations, plats located in a Planned District shall include statements indicating:

- (a) That the land is a portion of a Planned District.
- (b) That no substantive changes may be made without submission of a revised final plan, with subsequent approval by both the Plan Commission and Common Council.

