

**MARION ROAD/PEARL AVENUE PROJECT
REDEVELOPMENT PLAN
MODIFICATION # 5**



OSHKOSH

ON THE WATER

**CITY OF OSHKOSH
DEPT OF COMMUNITY DEVELOPMENT**

December 2004

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MARION ROAD/PEARL AVENUE REDEVELOPMENT PLAN
Modification # 5

INTRODUCTION

The Marion Road/Pearl Avenue Redevelopment Area is located adjacent to the Fox River and between the Central Business District (CBD) and the University of Wisconsin-Oshkosh. The area encompasses portions of and is adjacent to what is remaining of the Marion Road Industrial District. The former industrial district encompassed approximately 44 acres and had been in existence for over 100 years. The district was primarily characterized by older manufacturing uses along with some older commercial and residential uses.

The City of Oshkosh Comprehensive Plan, adopted in August 1993, identified the industrial district as a special planning area of the Central City. In this planning area, the Comprehensive Plan calls for:

- Phasing out 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.

During the late 1990's the City initiated aggressive redevelopment efforts by declaring much of the area blighted and created a Tax Increment District (TID) to fund the majority of redevelopment activity within the area. In addition to TIF, the City has been awarded a number of state and federal grants to supplement redevelopment activity.

Since creation of the original redevelopment district and TID, the City has expanded the Redevelopment Area four times and the TID once. The TID is now valued at approximately \$15.6 million with over \$10.6 million being tax increment and more value being added as of January 1, 2005 (tax increment is the district's current value over the value of the district at creation).

This redevelopment district and associated TID have resulted in the following significant achievements:

- Elimination of a number of blighting influences in the area;
- Environmental cleanup and remediation of thousands of cubic yards of dirt in this environmentally sensitive area along the Fox River corridor;
- Realignment of an important arterial street through the area;
- Development of eight new apartment buildings with 123 living units ;
- Development of three new commercial buildings totaling approximately 22,561 square feet of floor area containing several smaller restaurants, tavern, athletic club, tanning salon, and financial institution;
- Development of a 5,800 square foot stand alone restaurant (Tumbleweed);
- Making an additional 4 parcels with river frontage (9.1 acres) available for development.

Intent

It is the intent of this modification of the adopted Redevelopment Plan to identify the geographic area of the 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 with which those redevelopment activities will be carried out. Implementation of this Plan is consistent with past efforts and constitutes a significant step toward completion of redevelopment activity in the former Marion Road Industrial District area. This plan is intended to serve as a general framework and guide for redevelopment of the properties within the District.

It is the intent of this modification to add several properties to the Redevelopment District and modify the District boundaries that will result in the removal of a developed property partially included in the District. The properties proposed for addition to the project area include a variety of uses including manufacturing (Mercury Marine), residential, retail (gas station), a public utility property, and multi-tenant commercial building.

Tax revenues in the district are significantly less than what could be expected if the district were developed to the densities allowed by the proposed zoning and the land use recommendations identified in this modification or the Comprehensive Plan. The development of retail, commercial, residential, and public recreational facilities will eliminate blighting influences of property, and underutilized and/or deteriorated structures and contribute to the overall improvement of the redevelopment area.

This modification will allow the city to initiate redevelopment activities in these new areas as well as to build upon past and current redevelopment efforts in the area. Map # 2 shows the proposed new boundaries of the redevelopment area. This modification will allow for acquisition, clearance, remediation, rehabilitation, and infrastructure improvements to take place in the new area.

Revitalization of this Redevelopment District is crucial due to its:

- Location within and adjacent to the Fox River Corridor
- Location between the University and Central Business District
- Location along heavily traveled arterial streets through the community

Scope

The Plan provides a framework for acquisition, disposition, and reuse of lands within the proposed modification 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 later in the document. 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 Common Council.

Statutory Authority

The preparation and adoption of this Redevelopment Plan and designation of the district boundaries as well as plan implementation are enabled pursuant to Section 66.1331 (Blighted Area Law) of Wisconsin Statutes, as amended.

Redevelopment Objectives

Recognizing the City's intent as previously discussed and the purpose of Wisconsin Statutes, Section 66.1333, the following redevelopment objectives have been identified:

1. Eliminate obsolete and 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, and to aid in the prevention of blight.
2. Provide for the orderly physical and economic growth of the City of Oshkosh through planned and controlled redevelopment.
3. 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.
4. Achieve private redevelopment of parcels that will add to the tax base of the City of Oshkosh and are in keeping with good land use planning principles.
5. Ensure the design of all buildings will be in harmony with adjoining public, and semi-public developments.
6. Ensure that buildings are designed, located, and oriented to serve the area and to capitalize on existing views and open spaces.
7. Maximize utilization of Central City property in a manner consistent with the goals of the Comprehensive Plan.
8. Assemble land into parcels functionally adaptable with respect to shape and size for disposition and redevelopment in accordance with contemporary redevelopment needs and standards.

Consistency with Local Plans

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

- 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;
- Gradually phase out existing industries in the Marion Road Area;
- Redevelop older sections of the City that are underutilized, blighted, obsolete, or otherwise identified in the Comprehensive Plan as target redevelopment sites;
- Encourage the efficient utilization of land;
- Encourage rational land use patterns which will not result in incompatibility between adjoining land uses;
- Increase public access to the riverfront;
- Expansion and improvement of the campus oriented commercial district on Wisconsin Street.

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

Project Area Boundaries and Legal Description (as proposed)

A part of Western Addition Blocks A, C, E, F, G, L, M and N, Libbey's Replat, Warren Road A part of Western Addition Blocks A, C, D, E, F, G, H, K, L, M, N, and O, Libbey's Replat, Warren Road and vacated Warren Road, vacated Bell Place, vacated Jay Street, Radford Place and vacated Radford Place, Dawes Street and vacated Dawes Street, and vacated Hancock Street, Jackson Street, all in the 1st 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 the Fox River, and

south of High Avenue. The parcel commences at the intersection of the extended southwesterly line of High Avenue and the centerline of Jackson Street, thence south along the centerline line of Jackson Street to the northerly shoreline of the Fox River; thence northwesterly along the northerly shoreline of the Fox River to the southeasterly 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 feet 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 Campus Place; thence northwesterly along the southwesterly line of Campus Place to the extended southeasterly lines of Lots 2, 19, and 20 of said Block K, Western Addition; thence northeasterly along the extended southeasterly lines and southeasterly lines of Lots 2, 19 and 20 of said Block K to the southwesterly line of High Avenue; thence southeasterly along the southwesterly line of High Avenue to a point 3 feet southeasterly of the northeast corner of Lot 5 of said Block K, Western Addition as measured along the southwesterly line of High Avenue; thence southwesterly along a line parallel and 3 feet southeasterly of the southeasterly line of said Lot 5 to the northeasterly line of Lot 15 of said Block K, Western Addition; thence southeasterly along the northeasterly lines of Lots 11, 13, 14, and 15 of said Block K, Western Addition to the northwesterly line of Dawes Street; thence southwesterly along the northwesterly line of Dawes Street to the northerly line of Pearl Avenue; thence easterly along the northerly line of Pearl Avenue to the northwesterly line of Lot 17, Block H of the Western Addition; thence northeasterly along the northwesterly line of said Lot 17 to the northeast corner of Lot 18, Block H of the Western Addition; thence northwesterly along the southwesterly line of Lots 14 and 15, Block H of the Western Addition to the most westerly corner of said Lot 14; thence northeasterly along the northwest line of said Lot 14 to the southwesterly line of High Avenue; thence southeasterly along the southwesterly line of High Avenue to the center line of Jackson Street also being the true point of beginning, except for the following described parcel "A".

Parcel "A" – An area of land commencing at a point on the northerly line of Marion Road that is 19 feet southeast of the southwest corner of Lot 19 Western Addition Block E as measured along the northerly line of Marion Road; thence N. 30°59'45" E. to the northerly line of Marion Road; thence N. 30°59'45" E., 132.21 feet to the centerline of vacated Hancock Avenue; thence N. 50°03'42" W., 179.79 feet along the centerline of vacated Hancock Avenue; thence N. 39°00'56" E., 149.92 feet to the northwest corner of Lot 24 Western Addition Block F; thence S. 52°04'30" E., 119.97 feet to the southeast corner of Lot 12 Western Addition Block F; thence N. 39°03'20" E. along the southeasterly line of said Lot 12 and the extended southeasterly line of said Lot 12 to the centerline of vacated Warren Road; 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 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 and which is also the former northerly right-of-way line of the Wisconsin Central Limited R.R. to the southeasterly line of Dawes Street; thence southwesterly along the southeasterly line of Dawes Street to the northerly line of Marion Road; thence easterly along the northerly line of Marion Road to the point of beginning.

The parcel contains approximately 46.84 net acres. The excepted (excluded from the redevelopment area) parcel identified as Parcel "A" encompasses the Lamico properties located 482 and 474 Marion Road.

Historical Land Use

Historically, the Marion Road area has been used for industrial activities with some residential and

commercial uses located along Pearl Avenue and Wisconsin Street. Land use patterns and parcel configurations reflect(ed) this characteristic with narrow residential lots and irregularly shaped large parcels used for manufacturing purposes which have changed over the years due to diversity of ownership in the area. Parcel configuration was also affected by the former railroad right-of-way that bisected the district.

Existing Land Use and Ownership

Existing land uses are shown on Map # 3. This modification includes 17 parcels containing the following general land use categories:

- Residential-eight parcels with single to multiple residence units;
- Commercial/Retail-two parcels that includes a multi-tenant building and a gas station;
- Public-three, one parcel that was former railroad right of way and two that are vacated right-of-way;
- Public Utility-one small parcel containing WPS utilities;
- Industrial-two parcels owned by Mercury Marine along the river.

Individual parcels in the project plan area are shown and numbered on Map # 4.

Existing Conditions

The majority of structures in the modification/expansion area are functionally obsolete or are in need of substantial rehabilitation to bring them up to modern day building standards. Also, a number of parcels exhibit characteristics reflective of poor layout and placement of structures on sites, with those and other conditions, such as inadequate parking and loading facilities, contributing to the under utilization and unproductive use of properties in the area.

The residential parcels are generally older on substandard sized lots with the majority of structures exhibiting signs of deferred maintenance. The multi-tenant commercial building recently experienced a fire and much of the building is not presently occupied nor occupiable. The gas station has been developed on an irregularly shaped small lot with a small retail structure and limited space for pumps that make this development functionally obsolete as compared with other gas stations in the area that are situated on appropriately sized parcels with adequate room for parking, ingress and egress to and throughout the site with larger retail structures. The Mercury Marine property is the largest parcel at over 10 acres and 1,600 feet of river frontage and represents a property that could be considered functionally obsolete with regard to its size and functional building layout that does not represent the highest and best use of the property and hinders completion of redevelopment efforts in this area.

Properties were identified as “blighted” per the following selected standards identified in Wisconsin Statutes, Section 66.1333 (2m)(b)3(bm):

- A. Dilapidation, deterioration, age, or obsolescence;
- B. Faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions (includes structures that are nonconforming per zoning district standards);
- C. Deterioration of site improvements;
- D. Property which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or other such factors that substantially impairs or arrests the sound growth of the community.

Map # 5 shows the conditions of real property in the district.

Existing Zoning

The subject properties in the expansion area are zoned M-2 Central Industrial District, C-2 General Commercial District, R-5 Multiple Dwelling District, C-3 Central Commercial District, C-3 PD Central Commercial District with a Planned Development Overlay.

Existing zoning is shown on Map # 6.

Proposed Zoning and Land Use

All of the properties included in this modification are proposed to be zoned C-3PD Central Commercial with a Planned Development District Overlay. This zoning classification is consistent with zoning in the existing redevelopment district and will allow for a variety of commercial, retail and multiple dwelling units. The planned district overlay will allow more flexibility in development designs while providing safeguards to ensure orderly and compatible developments through subsequent Redevelopment Authority (RDA), Plan Commission and Common Council reviews.

Map # 7 shows the proposed zoning. The proposed land uses in the redevelopment plan area are illustrated in Map # 8. Map # 9 illustrates a design concept for development of the area.

Population Density, Land Coverage, and Building Intensity after Redevelopment

Central Commercial with a Planned Development Overlay (C-3PD) zoning standards will be applied to all development occurring in the district. This will apply base C-3 district requirements to all new development including major rehabilitation projects. The Central Commercial District allows zero foot setbacks and no parking for commercial uses which is similar to existing M-2 requirements. Theoretically, the Zoning Ordinance could allow up to 100 percent land coverage of a parcel of commercially used land. The C-3 zoning district allows the most dense residential multiple family developments to occur. C-3 zoning allows one residential living unit per 1,500 square feet of lot area, which would allow 29 units per acre.

Present and Equalized Value

As of January 1, 2004, the approximate equalized value of the properties in the expansion area is \$3,235,000. The potential equalized value of this property will vary greatly depending on the intensity and type of development to be undertaken along the riverfront which should conservatively increase the district's value at least \$12-25 million based on similar riverfront development in the area. Much of this increase in the value of the property along the riverfront is due to the fact that the land is not currently being put to its highest and best use and is underutilized per its size. Equalized value growth in the other parts of the expansion area will be less significant due to the smaller size of the redevelopment parcels and should range anywhere from \$750,000 – \$1,500,000.

Project Implementation/Activities

Land Acquisition

To achieve redevelopment of the project area in keeping with this Redevelopment Plan, assembly of lands within the district will be required. Acquired lands may be sold or leased for private

redevelopment or may be dedicated for public purposes. The RDA may utilize property that has been acquired for temporary uses as an incidental part of the redevelopment process. Temporary uses will exist until such time as property is scheduled for redevelopment.

Land assembly will be facilitated by the Department of Community Development and City Attorney's office in coordination with the Redevelopment Authority and Common Council, as applicable.

Relocation

Individuals or business operations may need to be relocated as a result of implementation of this Redevelopment Plan. Where such relocation occurs by the RDA, it shall be done in compliance with State and/or Federal regulations as applicable.

Land Disposition

Once assembled, land will be disposed of by sale or lease in accordance with the provisions contained in Section 66.1331(6), Wis. Stats. As has been done in the initial Redevelopment Project Plan area, the RDA will likely initiate a "Request for Proposals" process to dispose of the acquired land.

When the project plan area is to be disposed, in addition to terms and conditions as specified by the RDA and Common Council, the purchasers shall enter into an agreement with the RDA. Said agreement shall contain all terms and conditions and all assurances necessary to ensure consistency with the objectives of the Project Plan.

Public Improvements

To facilitate support for new land uses and rehabilitation of structures in the area, the City will undertake public improvements as required and to the extent feasible. Said improvements and public utilities may include, but are not limited to, the improvement of streets, storm and sanitary sewers, streetscaping, undergrounding of utilities, path and park construction, signage, traffic signalization, and gateway improvements. Map # 9 illustrates some proposed public improvements that may be constructed in coordination with this plan.

Project Financing

Project costs may be financed through various means such as loans from the State Trust Fund, issuance of bonds, federal and state grants or any other method of financing approved of by the RDA and Common Council. It is anticipated that financing to implement redevelopment of this area will be provided either through an amendment to TID # 13 that will incorporate additional territory into the district or by the creation of a new TID.

Redevelopment project costs include the total of all reasonable and necessary costs incurred or estimated to be incurred and any such costs incidental to this Redevelopment Plan. Such costs may include, but are not limited to, the following:

1. Property assembly costs including, but not limited to, the acquisition of land and other property and other real or personal rights or interest therein, the demolition of buildings and the clearing and grading of land;
2. Relocation costs to the extent required by State or Federal law as applicable;
3. Costs of moving structures, rehabilitation, construction, repair or remodeling of existing buildings

- and fixtures, environmental remediation, organizational costs, impunitive administration costs included in the plan and loans and/or grants necessary for development;
4. Costs of the construction of public works or improvements;
 5. Costs of surveys and studies, plans and specifications, professional service costs, such as architectural, engineering, legal, marketing, financial, planning and special services;
 6. Finance costs including, but not limited to, all necessary and incidental expenses relating to the issuance of obligations and payment of interest on any obligation issued;
 7. Costs related to special assessments;
 8. Payments or expenditures necessary or convenient to the implementation of the Plan; and
 9. Loans and grants as necessary to implement the Plan objective.

Performance Standards

Throughout the implementation of this project plan and all stages and phases thereof, the participating developer(s) will be required to comply with requirements of all sections of this plan, as well as pertinent sections of municipal codes and ordinances referenced herein. Developers will also be responsible for complying with the requirements of RDA developed “requests for proposals” (RFPs) as issued for various phases of redevelopment.

Compliance With Applicable Local, State, and Federal Regulations

Local codes and ordinances applicable to the redevelopment area have been referenced in this plan. Notwithstanding these references, the participating developer(s) and the RDA shall comply with any and all local, state, and/or federal codes as applicable.

Redevelopment Plan Modification

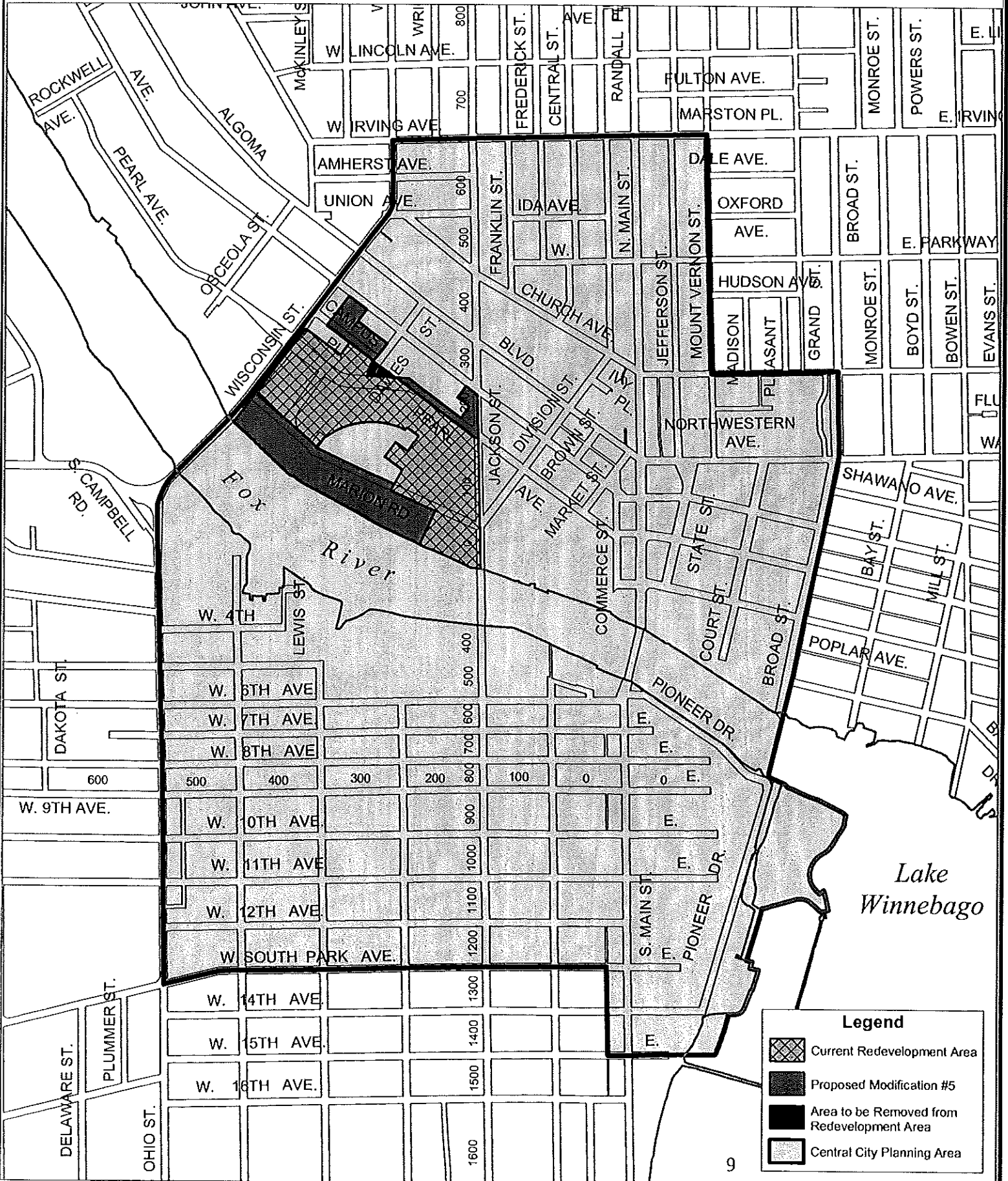
This plan may be modified or changed at any time in accordance with Section 66.1333(11), Wisconsin Statutes, including after sale or lease of property acquired by the RDA. If the plan is modified, a public hearing will be conducted by the Redevelopment Authority. All proposed changes to this plan are recommended and approved by the RDA, as well as the Common Council.

Termination of the District

Following implementation and completion of project activities, this redevelopment area and plan will be terminated by action of the Common Council.

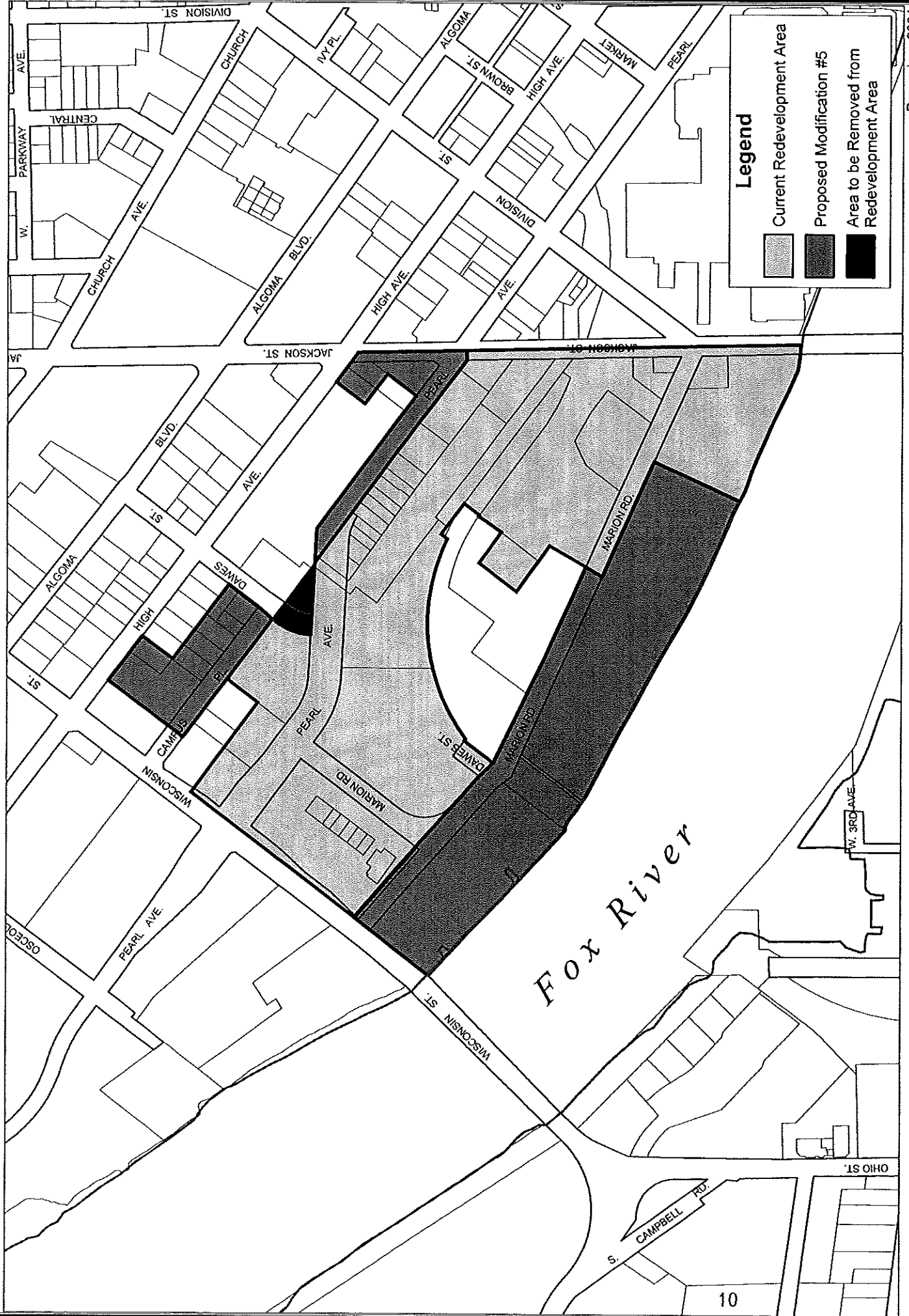
APPENDIX A

Central City Planning Area



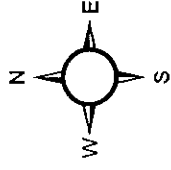
Marion Road/Pearl Avenue Redevelopment Area Modification #5

Map 2



Map 3

Marion Road/Pearl Avenue Redevelopment Area Modification #5 Existing Land Use

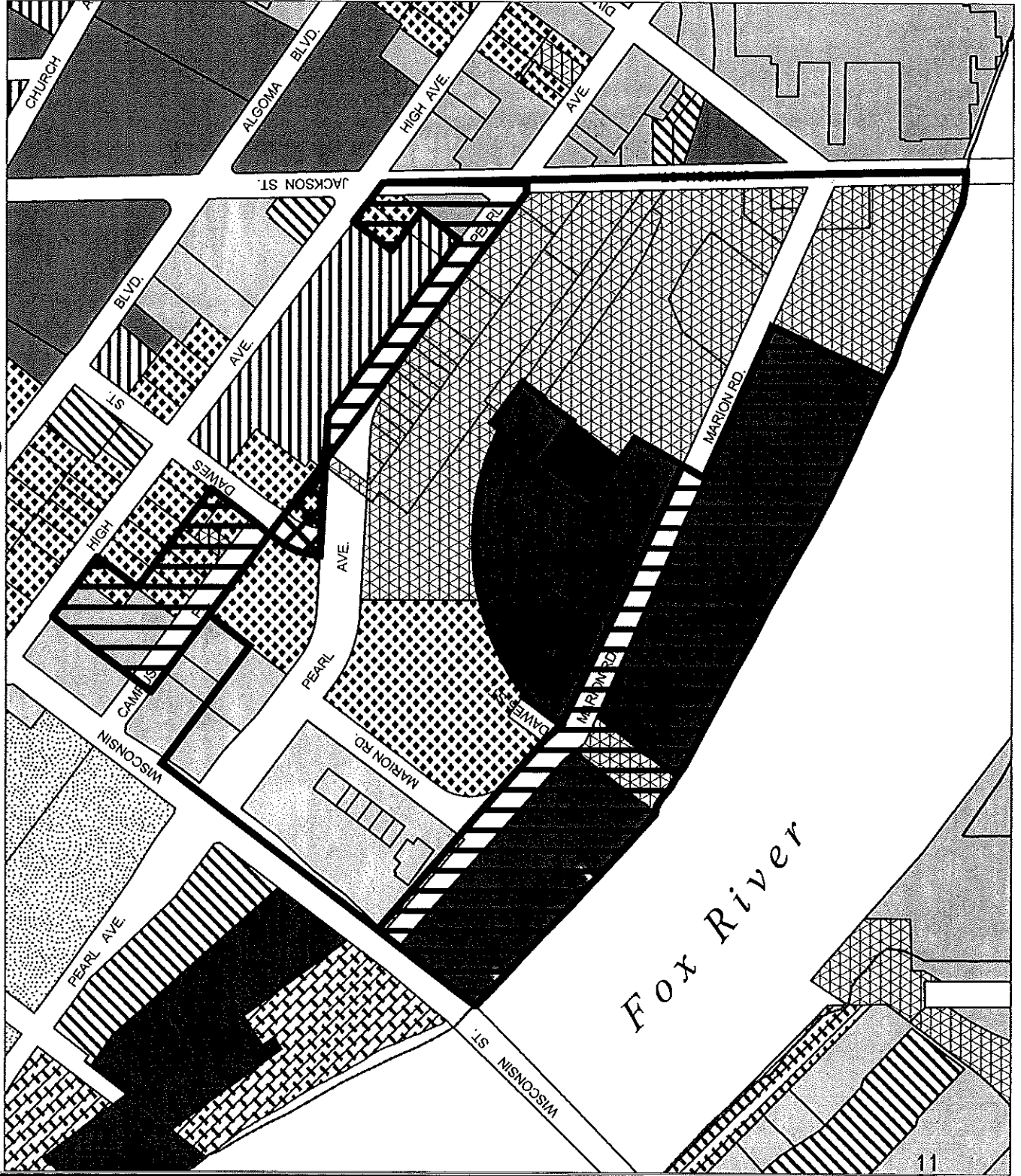


Legend

- Current Redevelopment Area (White box)
- Proposed Modification #5 (Box with vertical lines)
- Area to be Removed (Box with diagonal cross-hatch)

Existing Land Use

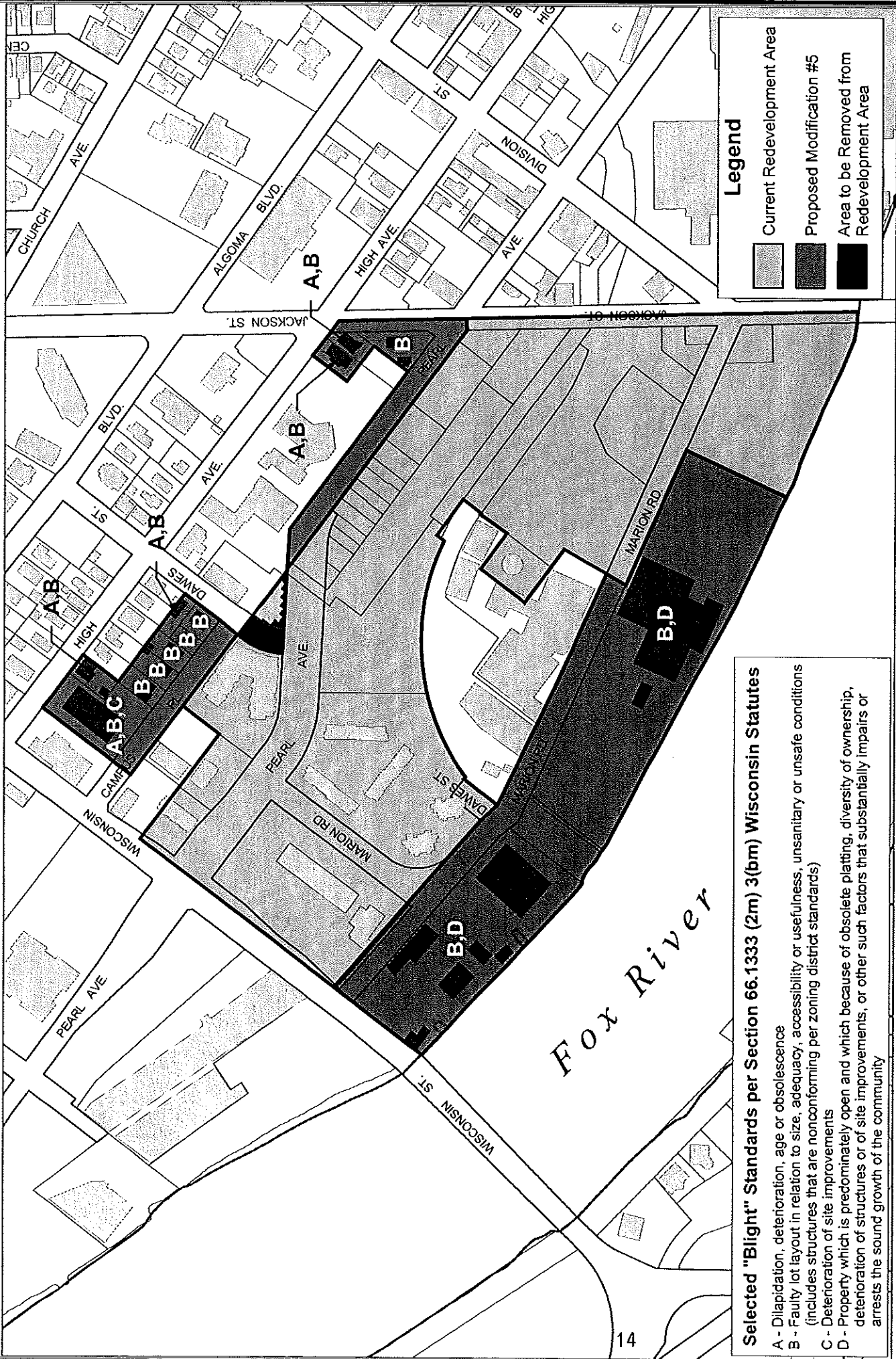
- Commercial (Light gray box)
- Government (Dark gray box)
- Industrial (Black box)
- Infrastructure (Dark gray box with diagonal lines)
- Institutional (Box with horizontal lines)
- Mixed Use (Box with grid pattern)
- Residential (Box with diagonal lines)
- Parking Lot (Box with diagonal lines)
- Parks, Recreation (Box with diagonal lines)
- School (Box with dotted pattern)
- Vacant Land (Box with cross-hatch pattern)



Parcels Included in the Modification Area

Map No.	Parcel Number	Address	Owner	Land Use	Use	Assessed Total Value	Assessed Land Value	Assessed Structural Value	Parcel Size (Ft ²)
1	01-0333-0000	545 HIGH AVE	Nikunj Ringwala Etc	Commercial		\$ 515,000	\$ 178,800	\$ 336,200	35,210
2	01-0319-0000	533 HIGH AVE	R & M Enterprises	Multi Family Residential	4 Dwelling Rental	\$ 76,000	\$ 9,300	\$ 66,700	7,637
3	01-0330-0000	526 CAMPUS PL	Mark/Ralph Stadler	Two Family Residential	2 Dwelling Rental	\$ 48,900	\$ 8,600	\$ 40,300	5,999
4	01-0329-0000	518 CAMPUS PL	Nancy L Eiden	Single Family Residential	1 Dwelling Rental	\$ 48,800	\$ 8,600	\$ 40,200	7,081
5	01-0328-0000	514 CAMPUS PL	Timothy/Catherine Lanzhammer	Single Family Residential	1 Dwelling Owner-Occupied	\$ 37,700	\$ 8,600	\$ 29,100	7,229
6	01-0327-0000	CAMPUS PL	City of Oshkosh Redevelopment Authority	Vacant Land	Vacant	\$ -	\$ -	\$ -	3,546
7	01-0325-0000	203 DAWES ST	Molder Properties LLC/MJ	Two Family Residential	2 Dwelling Rental	\$ 87,100	\$ 6,800	\$ 80,300	5,960
8	01-0326-0000	211 DAWES ST	City of Oshkosh Redevelopment Authority	Single Family Residential	1 Dwelling Vacant	\$ -	\$ -	\$ -	4,783
9	01-0284-0000	405 HIGH AVE	Patrick/Anette Murphy	Multi Family Residential	7 Dwelling Rental	\$ 87,000	\$ 34,700	\$ 52,300	6,953
10	01-0285-0000	401 HIGH AVE	David M Gauke	Multi Family Residential	4 Dwelling Rental	\$ 72,000	\$ 35,000	\$ 37,000	5,884
11	01-0286-0000	203 JACKSON ST	Amarjit Singh Sandhar	Commercial	Gas Station/Convenience Store	\$ 205,700	\$ 60,400	\$ 145,300	12,260
12	01-0230-0000	449 MARION RD	Mercury Marine	Industrial	Boat Storage	\$ 793,000	\$ 402,400	\$ 390,600	291,598
13	01-0227-0000	MARION RD	Wisconsin Public Service Corp	Infrastructure	Private Utilities	\$ -	\$ -	\$ -	2,383
14	01-0226-0200	DAWES ST	City of Oshkosh	Vacant Land	Vacant (Former RR Corridor)	\$ -	\$ -	\$ -	23,023
15	01-0230-0100	505 MARION RD	Mercury Marine	Industrial	Marine Research & Development	\$ 582,600	\$ 225,700	\$ 356,900	154,016
16	01-0364-0700	MARION RD	City of Oshkosh	Vacant Land	Vacant (Vacated Marion Rd. ROW)	\$ -	\$ -	\$ -	2,227
17	01-0364-0800	WISCONSIN ST	D & F Investments of Oshkosh LLP	Commercial	Parking Lot/Driveway	\$ 11,100	\$ 11,100	\$ -	2,218
						\$ 2,564,900	\$ 990,000	\$ 1,574,900	579,027

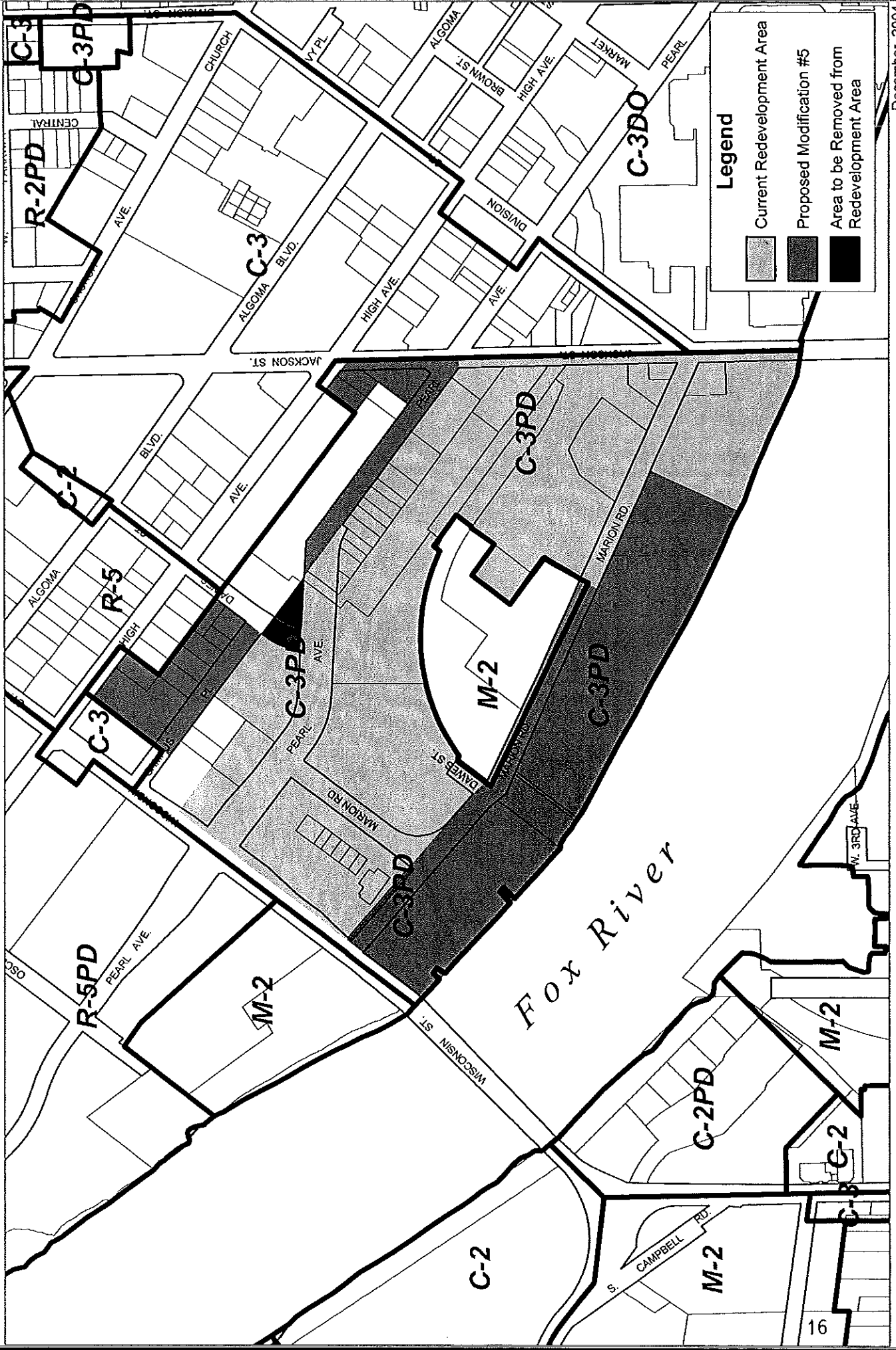
Marion Road/Pearl Avenue Redevelopment Area Modification #5 Structural/Parcel Conditions



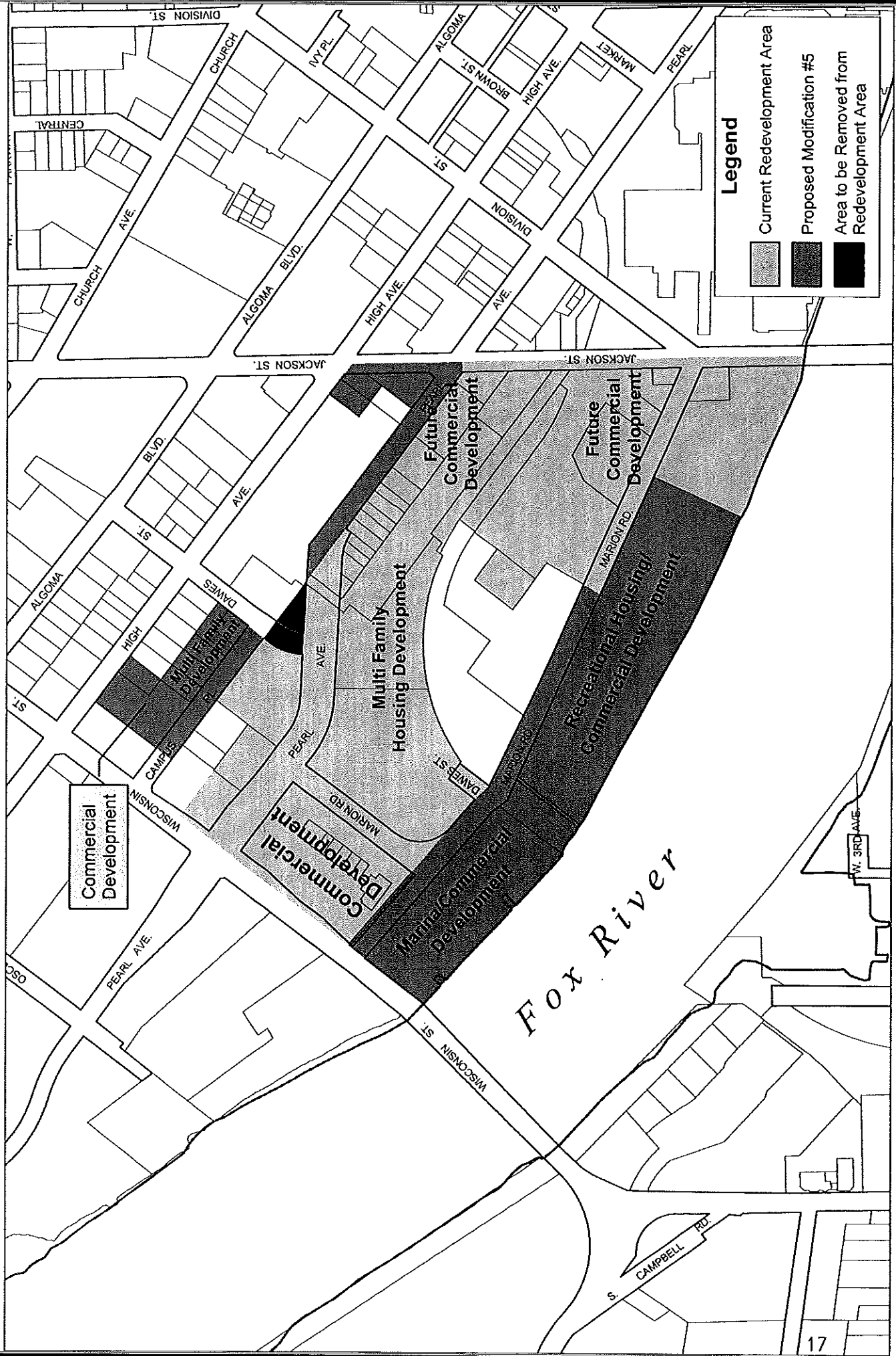
Selected "Blight" Standards per Section 66.1333 (2m) 3(bm) Wisconsin Statutes

- A - Dilapidation, deterioration, age or obsolescence
- B - Faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions (includes structures that are nonconforming per zoning district standards)
- C - Deterioration of site improvements
- D - Property which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or other such factors that substantially impairs or arrests the sound growth of the community

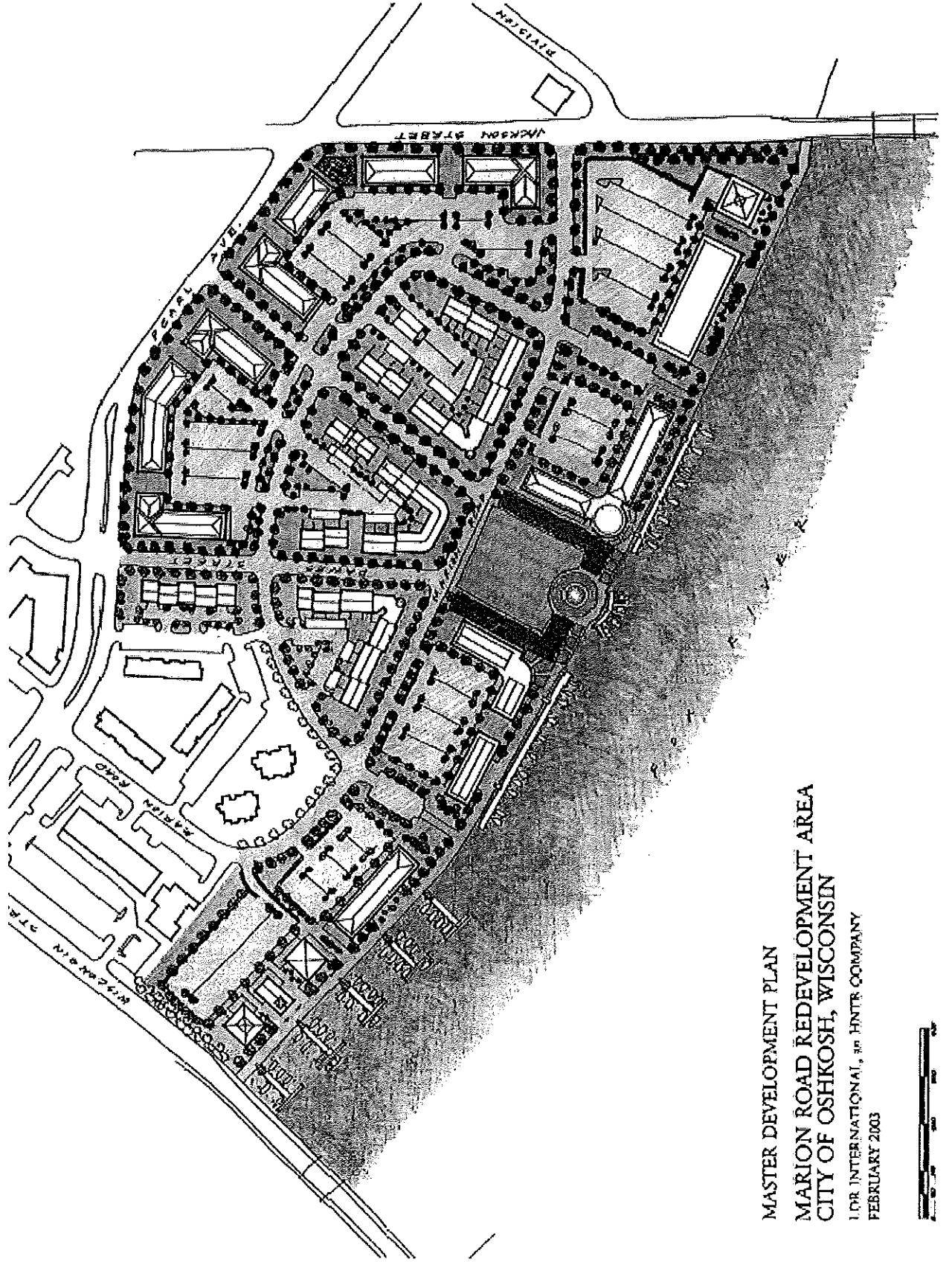
Marion Road/Pearl Avenue Redevelopment Area Modification #5 Proposed Zoning



Marion Road/Pearl Avenue Redevelopment Area Modification #5 Proposed Land Use



Map 9
LDR International Design Concept
Marion Road/Pearl Avenue Redevelopment Area



MASTER DEVELOPMENT PLAN
MARION ROAD REDEVELOPMENT AREA
CITY OF OSHKOSH, WISCONSIN
LDR INTERNATIONAL, an HNTB COMPANY
FEBRUARY 2003



Existing Zoning

SECTION 30-29 M-2 CENTRAL INDUSTRIAL DISTRICT

(A) Permitted Uses

(1) Uses permitted in the M-1 Light Industrial District unless otherwise provided in this Chapter.

(2) Conditional Uses

- Any conditional use identified in the M-1 Light Industrial District unless otherwise provided in this Chapter.
- Any outright permitted use or conditional use allowed in the M-3 General Industrial District that is not otherwise allowed as an outright permitted use in the M-1 Light Industrial District.

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 - All Structures

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

- (1) Front Yard Setback: None required, except when parts of a block are in a residential district, the minimum setback is twenty-five (25) feet.
- (2) Side Yard Setback: None required. If provided where not required, a five (5) foot minimum setback is required.
- (3) Rear Yard Setback: None required.
- (4) Lot Width: None required for uses permitted in the M-1 Light Industrial District. One hundred fifty (150) foot minimum for M-3 General Industrial District uses.
- (5) Lot Size: None required for uses permitted in the M-1 Light Industrial District. One (1) acre minimum for M-3 General Industrial District uses.
- (6) Corner Lots: A ten (10) foot setback must be provided along all streets where the block frontage is divided among districts with setback requirements. Otherwise, no setback is required.
- (7) Vision Clearance: None required.
- (8) Off-Street Parking: In accordance with Section 30-36 Off-Street Parking and Loading Facilities.

SECTION 30-22 R-5 MULTIPLE DWELLING DISTRICT

(A) Permitted Uses

- (1) Any use permitted in the R-4 Multiple Dwelling District, unless otherwise provided in this Chapter.
- (2) Bed and breakfast inn

- (3) Boarding/rooming house and lodging house
- (4) College/university, including residence halls
- (5) Fraternity or sorority house
- (6) Hospital or sanitarium, except a mental or animal hospital
- (7) Municipal or governmental structure, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops, and storage yards and prisons.
- (8) Nursing home
- (9) Public structure including public recreational and community center structure and ground.
- (10) Religious, philanthropic, and charitable institution.
- (11) Any use similar to the above uses.
- (12) Conditional Uses

- Commercial greenhouse and nursery
- Cemetery
- Day care center
- Family day care center for nine (9) or more children
- Funeral home
- Group homes licensed, operated or permitted under authority of Wisconsin Department of Health and Social Services with sixteen (16) or more persons.
- Homeless shelter/center
- Mental or psychiatric hospital
- Parking lot
- Public utility structure
- Schools, public and private (including nursery, kindergarten, elementary, and high school)
- Substance abuse treatment facility
- Swimming club, private (non-profit)

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, or unless more restrictive standards apply per Section 30-35 Additional Standards and Exceptions.

(1) All Development

(a) Lot Area:

- (i) Width: Sixty (60) feet minimum.
- (ii) Depth: One hundred (100) feet minimum.
- (iii) Area: Seven thousand two hundred (7,200) square feet minimum.
- (iv) Per Unit: One thousand five hundred (1,500) square feet minimum.

(2) Principal Structure/Non-Residential

- (a) Height: Forty-five (45) feet maximum.
 - (b) Side Yard Setback: Ten (10) feet minimum, both sides.
 - (c) Front Yard Setback: Twenty-five (25) feet minimum.
 - (d) Rear Yard Setback: Twenty-five (25) feet minimum.
 - (e) Off-Street Parking: In accordance with Section 30-36 Off-Street Parking and Loading Facilities.
- (3) Principal Structure/Single Family Dwelling: Shall meet all R-1 Single Family Residence District basic standards.
- (4) Principal Structure/Two Family Dwelling: Shall meet all R-2 Two Family Residence District basic standards.
- (5) Principal Structure/Multiple Family Dwellings
- (a) Height: Forty-five (45) feet maximum.
 - (b) Side Yard Setback:
 - (i) 1 to 4 units: Seven and one-half (7 1/2) feet minimum, both sides.
 - (ii) Greater than 4 units: Seven (7) feet one (1) story, plus three (3) feet each additional story, both sides.
 - (c) Front Yard Setback: Twenty-five (25) feet minimum.
 - (d) Rear Yard Setback: Twenty-five (25) feet for two (2) stories or less, plus five (5) feet each additional story.
 - (e) Dwelling Unit Structure Area: One thousand two hundred (1,200) square feet for two (2) units, one thousand five hundred (1,500) square feet for three (3) units, four (4) or more units five hundred (500) square feet per unit minimum. No individual unit shall be less than four hundred (400) square feet.
 - (f) Off-Street Parking: In accordance with Section 30-36 Off-Street Parking and Loading Facilities.
- (6) Accessory Structures/Uses
The total allowable area for all accessory structures shall not exceed one thousand two hundred (1,200) square feet (excluding boathouse) or five hundred (500) square feet per unit whichever is greater.
- (a) Attached Garage:
All dimensional requirements (i.e. setbacks and height) of an attached garage shall be the same as the principal structure.
 - (b) Detached Garage in Rear Yard
 - (i) Height: Eighteen (18) feet and one (1) story maximum.
 - (ii) Front Yard Setback: Sixty (60) feet minimum, except if all required setbacks

of a principal structure are met.

- (iii) Yard Setback from an Alley Line: Ten (10) feet minimum.
- (iv) Rear Yard Setback: Two and one-half (2 1/2) feet minimum.
- (v) Side Yard Setback: Two and one-half (2 1/2) feet minimum.
- (vi) Structure Area: Five hundred (500) square feet per unit maximum or a maximum thirty (30) percent of the rear yard area, whichever is less.
- (vii) Any detached garage closer than five (5) feet to a principal structure shall adhere to or exceed all required minimum setbacks of the principal structure.

(c) Detached Garage in Side Yard

- (i) Height: Eighteen (18) feet and one (1) story maximum.
- (ii) Front Yard Setback: Twenty-five (25) feet or the same setback as the principal structure, whichever is greater.
- (iii) Rear Yard Setback: Twenty-five (25) feet minimum.
- (iv) Side Yard Setback: Seven and one-half (7 1/2) feet minimum.
- (v) Structure Area: Five hundred (500) square feet per unit maximum or a maximum thirty (30) percent of the rear and side yard areas combined, whichever is less.
- (vi) Five (5) foot minimum between principal and accessory structures.

(d) Detached Garage on Corner Lots

- (i) Front Yard and Side Street (Front Yard) Setbacks: Twenty-five (25) feet minimum or the same as the existing principal structure.
- (ii) Side Yard Setback: Two and one-half (2 1/2) feet minimum setback provided the accessory structure is a minimum of ten (10) feet from a neighboring principal structure.
- (iii) Rear Yard Setback: Same as side yard setback.
- (iv) Structure Area: Five hundred (500) square feet per unit maximum.
- (v) Any detached garage closer than five (5) feet to a principal structure shall adhere to or exceed all minimum required setbacks of the principal structure.

(e) Utility Storage Structure

- (i) One (1) utility storage structure when located on the same lot as the principal structure not occupied by nor involving the conduct of a business or home occupation.
- (ii) The location of the structure shall comply with all setback/height requirements governing a detached garage.

(iii) Structure Area: One Hundred Fifty (150) square feet maximum with said utility storage structure and all other accessory structures combined not exceeding thirty (30) percent of the rear yard area.

(f) Boathouse

(i) One (1) boathouse structure when located on the same lot as the principal structure.

(ii) The location of the boathouse shall comply with all setback/height requirements governing a detached garage.

(iii) Structure Area: Five hundred (500) square feet maximum.

(g) Accessory Structure/Non-Residential

(i) Must be customary and incidental to the allowed principal uses. Accessory structures may not exceed forty (40) percent of the floor area of the structure for incidental storage.

(ii) Standards

(aa) Same as the principal structure unless noted below.

(bb) Front Yard Setback: Sixty (60) feet minimum and not less than five (5) feet behind the principal structure.

(cc) Corner Lots: Front yard/side street (front yard) setbacks shall be the same as the principal structure.

(h) Satellite Television Receiving Device

(i) Ground Mounted: Must be located in the rear yard and must adhere to the same required height and setback requirements as an accessory structure located in the rear yard.

(ii) Roof Mounted: Are permitted.

(aa) Height: No higher than the allowable height of the principal structure.

SECTION 30-25 C-2 GENERAL COMMERCIAL DISTRICT

(A) Permitted Uses

(1) Any use permitted in the C-1 Neighborhood Business District, except residential uses, unless otherwise provided in this Chapter.

(2) Bank

(3) Bowling alley, dancing school, dance hall, pool and billiard room, skating rink, theater except drive-in theater.

(4) Motel and hotel

(5) News agency

- (6) Photography studio and supplies
- (7) Printing and engraving establishments, except newspaper and book publishing.
- (8) Retail stores: such as but not limited to appliance, book, clothing store, dry goods, dress shop, electrical supplies, florist shop, furniture, hardware, heating, hosiery shop, jewelry, monument sales, music, notions, optical, paint, plumbing, radio, stationary, shoe, tailor shop, television, tobacco and pipe.
- (9) Restaurant
- (10) Any use similar to the above.
- (11) Conditional Uses:
 - Animal hospital and pet shop
 - Automobile service facility
 - Cemetery
 - Club and semi-public structure
 - College/university including residence halls
 - Commercial greenhouse and nursery
 - Day care center
 - Fish market (wholesale)
 - Funeral home
 - Hotel/motel directional signs
 - Kindergarten school
 - Mental or psychiatric hospital
 - Mixed commercial/residential
 - New and used automobile sales
 - Nursery school
 - Parking lot
 - 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 tower/antennas
 - Wholesale or distributing establishment of electrical supplies or prepackaged convenience foods.

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, or unless more restrictive standards apply per Section 30-35 Additional Standards and Exceptions.

- (1) 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.
- (2) Principal Commercial Structures
- (a) Height: Forty-five (45) feet maximum.
 - (b) Side Yard Setback: Ten (10) feet minimum.
 - (c) Front Yard Setback: Twenty-five (25) feet minimum.
 - (d) Rear Yard Setback: Twenty-five (25) feet minimum, however, parking shall be allowed with a five (5) foot minimum setback, provided a five (5) foot landscaped buffer is provided.
 - (e) Off-Street Parking: In accordance with Section 30-36 Off-Street Parking and Loading Facilities.
- (3) 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 floor area of the structure.
 - (b) Standards
 - (i) Same as the principal commercial structure unless otherwise 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 30-26 C-3 CENTRAL COMMERCIAL DISTRICT (SEE BELOW)

Proposed Zoning

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 tower/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.

ARTICLE IX. PLANNED DEVELOPMENT OVERLAY DISTRICT

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 2) 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 2) 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 1/2) 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.

