



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: September 22, 2020

Common Council Meeting Date: October 7, 2020

Item: Special Use Permit #5-20 for an automobile sales and display lot

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner: Laird West, LLC c/o Bernie Laird

Applicant: Access Mobility Vans, Inc. c/o Charles Lubner

Address/Parcel #: 1314 West College Avenue (Tax Id #31-5-1770-01)

Petitioner's Request: The applicant is requesting a Special Use Permit for an automobile sales and display lot in conjunction with an existing professional services use (office and showroom for Access Mobility Center).

BACKGROUND

The subject area is located along West College Avenue, between North Outagamie Street and North Mason Street. The applicant already occupies a tenant space (Unit 1) within the building on the subject site. According to the applicant, Access Mobility Center has operated at this location since June 2020, with office space and a showroom for stair lifts, ramps, and other accessibility products. The sale of wheelchair accessible vans would be an additional service offered. Before obtaining a Motor Vehicle Dealer License from the Wisconsin Department of Transportation, the applicant must receive approval of a Special Use Permit.

The subject property has been zoned C-2 General Commercial District since 1993, when Common Council approved Rezoning #1-93 for numerous properties throughout the surrounding neighborhood. Certified Survey Map No. 5269 was recorded in 2006, which created the current lot configuration and established an access/parking easement with neighboring parcels to the east.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish an automobile sales and display lot on the southern portion of the subject site. As shown on the attached development plan, the applicant proposes to utilize five existing parking spaces as the display area. The existing office and showroom, which is approximately 1,980 square feet in size, would also provide the ability to perform service work on a vehicle's mobility-enhancing equipment (e.g. ramp, transfer seat, hand control, pedal extension).

Operational Information: A plan of operation is attached to the staff report.

Existing Site Conditions: The 1.12-acre site is currently developed with a multi-tenant building, which is approximately 15,742 square feet in size. The site also includes off-street parking south of the building,

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September 22, 2020
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and shared parking exists on adjacent parcel #31-5-1770-02. Access is provided by curb cuts on West College Avenue and North Mason Street (via parcel #31-5-1766-00).

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, an automobile sales and display lot requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: R-1B Single-Family District. The adjacent land uses to the north are currently single-family residential.

South: R-2 Two-Family District and R-1B Single-Family District. The adjacent land uses to the south are currently a mix of single-family and two-family residential.

East: C-2 General Commercial District. The adjacent land uses to the east are currently a mix of commercial uses.

West: PD/C-2 Planned Development General Commercial District #17-99. The adjacent land uses to the west are currently a mix of commercial uses.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 10.5 Land Use:

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

Technical Review Group (TRG) Report: These items appeared on the September 1, 2020 Technical Review Group agenda. No negative comments were received from participating departments.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

As part of the special regulations for an automobile sales and display lot, perimeter landscaping is required pursuant to Section 23-66(h)(5) of the Municipal Code. For the subject site, a minimum 5-foot wide landscape buffer is required in the front and side yards. Based on the attached development plan drawings and maps, these dimensional requirements would be satisfied south and west of the proposed display area. An existing parking lot and building are located north of the proposed display area, and a cross access easement exists with the adjacent parcel to the east. The perimeter adjacent to the College Avenue right-of-way shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the display area frontage, and one shade tree shall be provided every 40 feet on center.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. Based on the existing "shopping center" building that is 15,742 square feet in size (per Assessor's Office records), a total of 63 parking spaces are required for the subject property. There are 80 existing parking spaces on the subject parcel and adjacent parcel #31-5-1770-02 (shared parking per CSM 5269). The proposal would result in five existing parking spaces being utilized as display area; however, the property would still exceed the minimum number of parking spaces required.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #5-20 for an automobile sales and display lot located at 1314 West College Avenue (Tax Id #31-5-1770-01), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.

Substantial Evidence: Standardized condition to ensure the applicant understands the City's Municipal Code and all applicable State and Federal laws must be followed.

2. The automobile sales and display lot use is limited to the parts of parcel #31-5-1770-01 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the five identified parking spaces at the south end of the subject site. Any future expansions or deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

3. This Special Use Permit is needed for the automobile sales and display lot use. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

4. The minimum standards for an automobile sales and display lot found in Section 23-66(h)(5) of the Municipal Code shall be complied with, as applicable.

Substantial Evidence: This condition provides notice to the applicant that they are required to comply with special regulations included in the Zoning Ordinance for this particular use.

5. The perimeter landscape buffer adjacent to the College Avenue right-of-way shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the vehicle display area frontage, and one shade tree shall be provided for every 40 feet on center along the vehicle display area frontage. To allow for better growing conditions, the shrubs and tree must be planted no later than June 1, 2021.

Substantial Evidence: This condition provides specificity on one of the special regulations included in the Zoning Ordinance for this particular use.

6. Prior to displaying vehicles for sale, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.

Substantial Evidence: This condition provides notice to the applicant that a State license may also be needed prior to operating.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #5-20
AUTOMOBILE SALES AND DISPLAY LOT
1314 WEST COLLEGE AVENUE**

WHEREAS, Access Mobility Vans, Inc. has applied for a Special Use Permit for an automobile sales and display lot located at 1314 West College Avenue, also identified as Parcel Number 31-5-1770-01; and

WHEREAS, the location for the proposed automobile sales and display lot is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on September 22, 2020 on Special Use Permit #5-20, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #5-20 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on October 7, 2020.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department's staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #5-20 for an automobile sales and display lot located at 1314 West College Avenue, also identified as Parcel Number 31-5-1770-01, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #5-20 for an automobile sales and display lot located at 1314 West College Avenue, also identified as Parcel Number 31-

5-1770-01, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #5-20

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
 - B. The automobile sales and display lot use is limited to the parts of parcel #31-5-1770-01 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the five identified parking spaces at the south end of the subject site. Any future expansions or deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - C. This Special Use Permit is needed for the automobile sales and display lot use. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
 - D. The minimum standards for an automobile sales and display lot found in Section 23-66(h)(5) of the Municipal Code shall be complied with, as applicable.
 - E. The perimeter landscape buffer adjacent to the College Avenue right-of-way shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the vehicle display area frontage, and one shade tree shall be provided for every 40 feet on center along the vehicle display area frontage. To allow for better growing conditions, the shrubs and tree must be planted no later than June 1, 2021.
 - F. Prior to displaying vehicles for sale, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

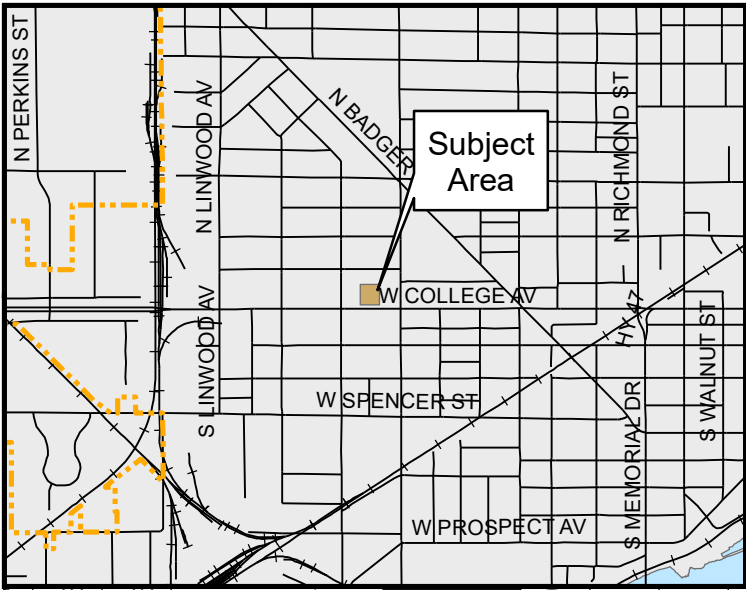
Adopted this _____ day of _____, 2020.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

1314 West College Avenue
Special Use Permit
Automobile Sales and Display Lot
Zoning Map



1314 West College Avenue
Special Use Permit
Automobile Sales and Display Lot
Aerial Map



Subject Area



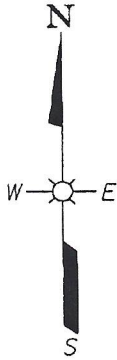
City Plan Commission
9-22-20



CERTIFIED SURVEY MAP NUMBER 5269

PART OF LOT ONE, BLOCK EIGHTY-THREE, FIFTH WARD PLAT, ALL OF LOT FIVE AND PART OF LOTS FOUR, SIX, SEVEN, EIGHT, NINE AND TEN, BLOCK 2, CLARK'S ADDITION, LOCATED IN THE NE 1/4 - SW 1/4 AND THE SE 1/4 - SW 1/4, SECTION 27, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY WISCONSIN

PARKING LOT & EASEMENT
INFORMATIONAL SHEET

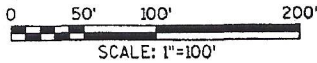


ACCESS EASEMENT:

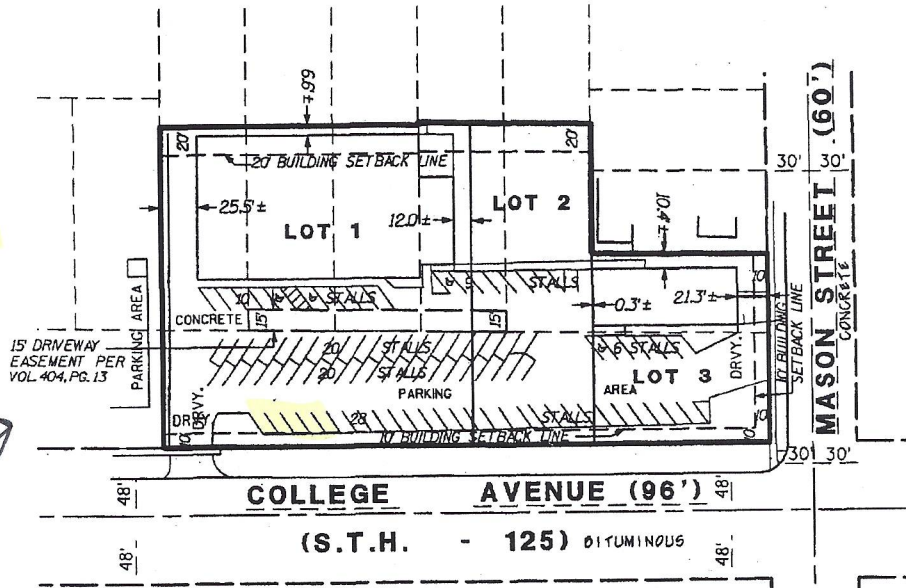
VEHICLE ACCESS FOR LOT-2 WILL BE ALLOWED FROM LOT 1 AND LOT 3. INGRESS AND EGRESS TRAFFIC FOR ACCESS OF LOT-2 WILL BE ALLOWED THROUGH THE PARKING LOTS OF LOTS 1 AND 3 FOR PARKING AND USE OF LOT - 2.

IMPERVIOUS SURFACE

- LOT 1 = 90%
- LOT 2 = 52%
- LOT 3 = 67%



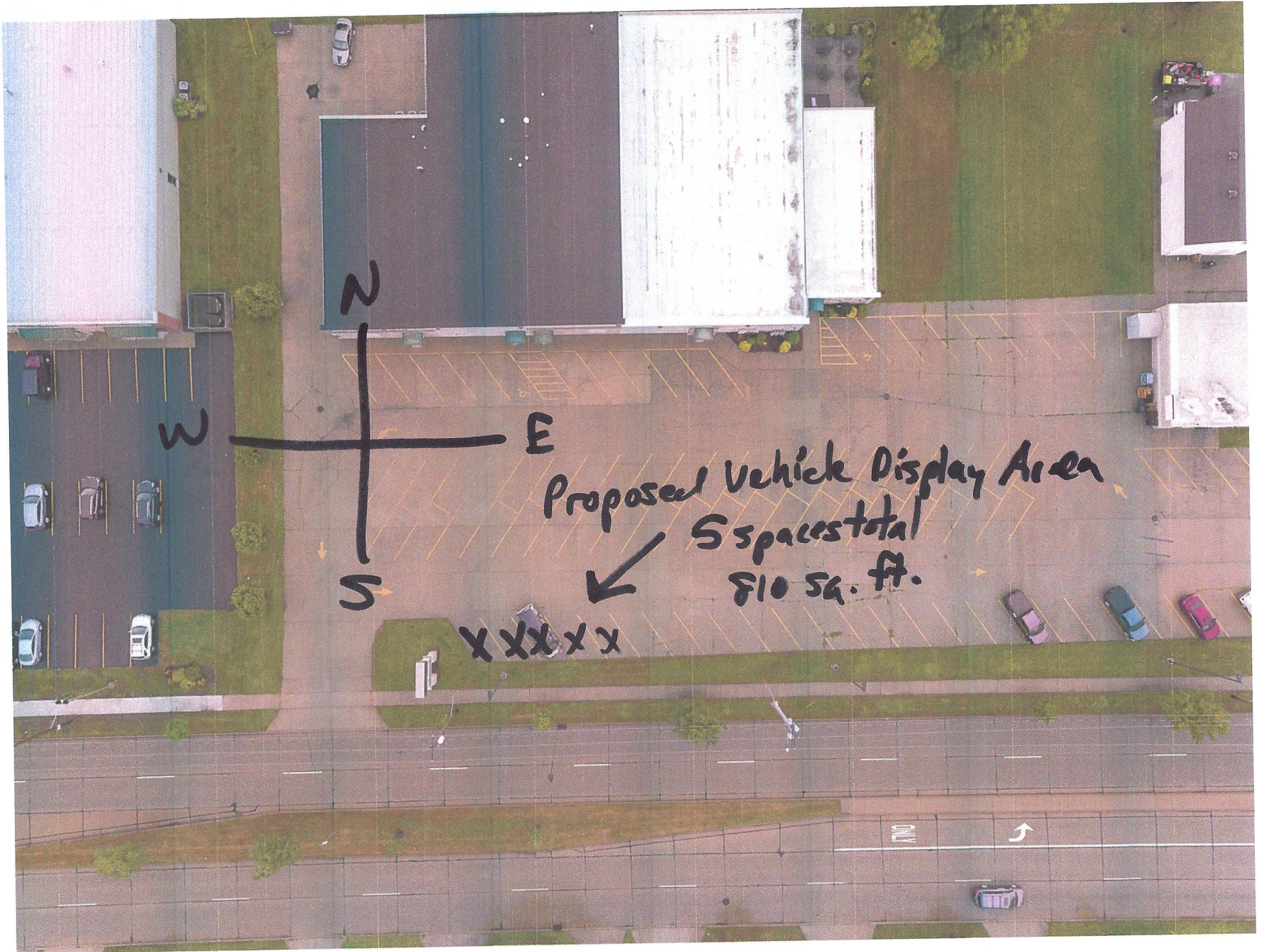
Vehicle Display Area



DATE 11-09-05	DIRECTORY NO. S3204A05
PROJECT NO. S3204A05	DRAFTED BY DH
SHEET 2 OF 4	DRAWING NAME CSM.DGN

SURVEY FOR: **BERNIE LAIRD**
1314 WEST COLLEGE AVENUE
APPLETON, WI 54914
PH: 920-470-4398

OMNI ASSOCIATES
OMNI ASSOCIATES
ONE SYSTEMS DRIVE
APPLETON, WI 54914
PHONE (920) 735-6900
FAX (920) 830-6100



N

W

E

S

Proposed Vehicle Display Area

8 spaces total
810 sq. ft.

XXXXXX

Photo taken 8/25/2020 9:00 AM

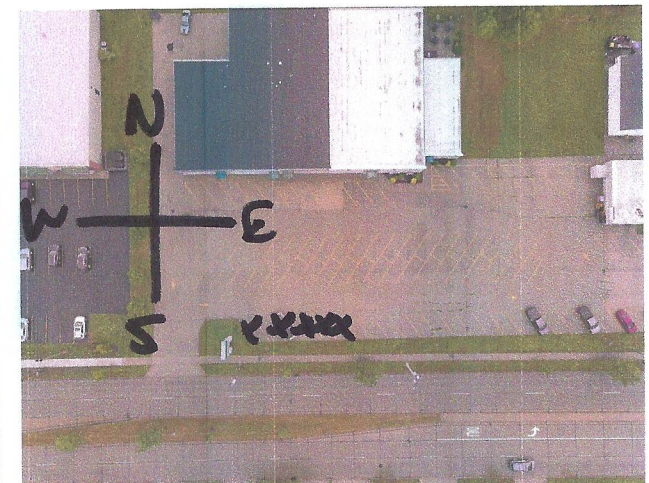
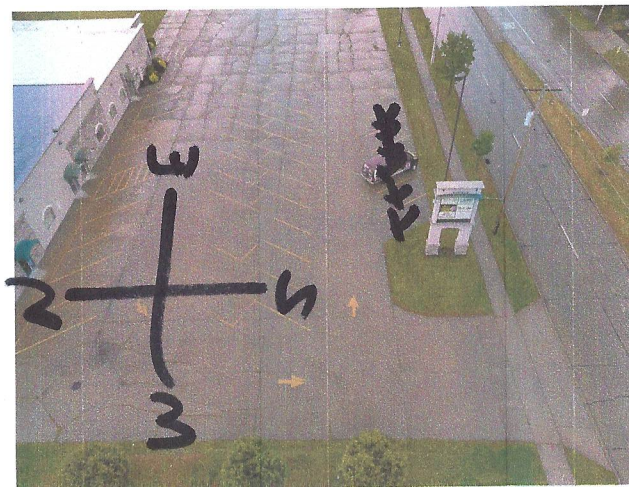
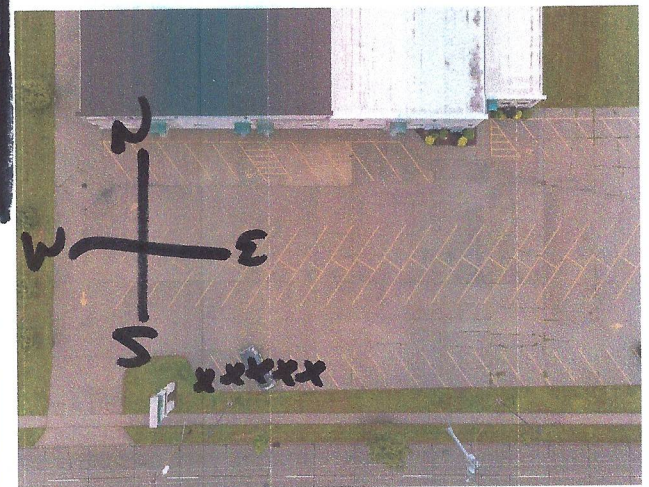
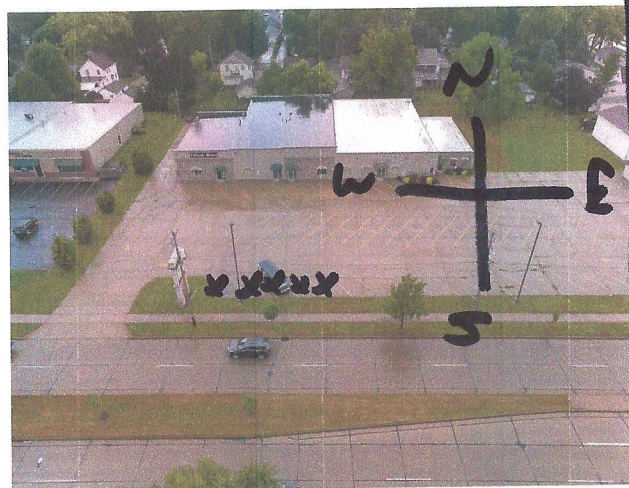
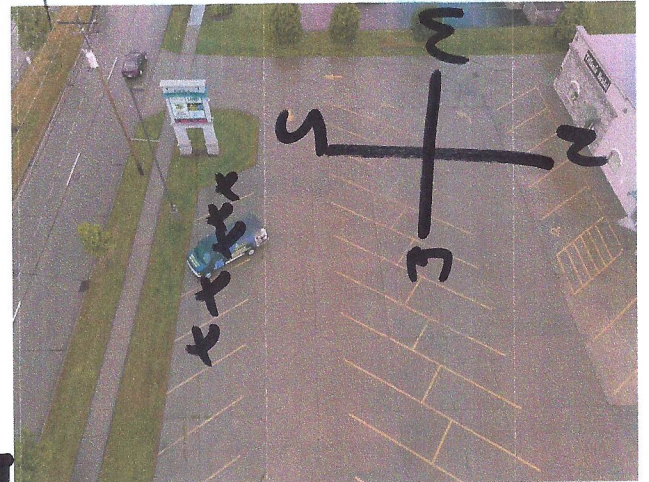
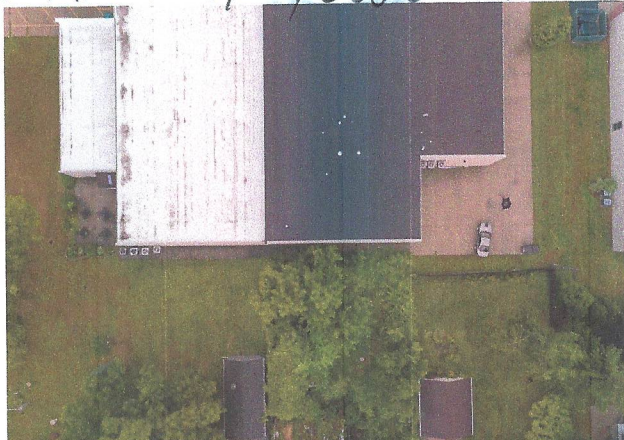
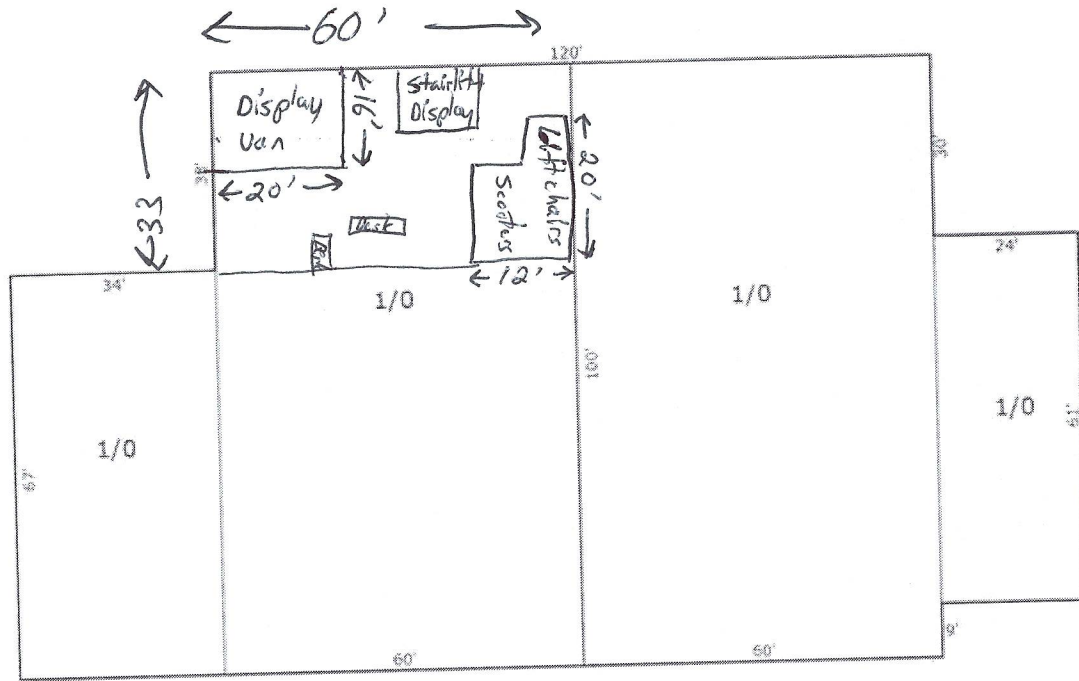
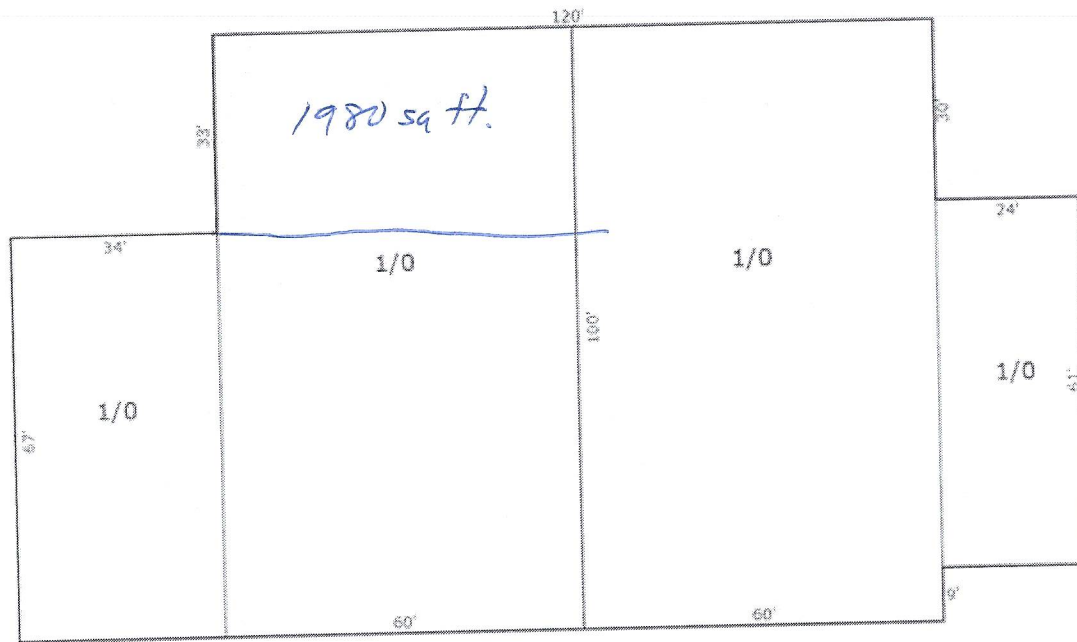


Photo Taken 8/25/2020 9:00 AM



Sketch by Allen Skelch



Sketch by Apen Sketch



PLAN OF OPERATION AND LOCATIONAL INFORMATION

NEW/USED AUTOMOBILE SALES (more than 5 vehicles each year)

Trade Name: Access Mobility Vans

Applicant Name: Access Mobility Vans, Inc.

Building Address: 1314 W. College Ave. Unit 1

Dealer Type (check applicable boxes):

- Retail dealer of new and/or used automobiles and trucks to the general public.
- Retail dealer of new and/or used mopeds to the general public.
- Retail dealer of new and/or used motorcycles to the general public.
- Retail dealer of new and/or used boats to the general public.
- Retail dealer of new and/or used recreational vehicles to the general public.
- Wholesale auction dealer in which you hold auctions in which you display and sell automobiles and trucks owned by someone other than licensed dealers, or in which you display and auction off vehicles to the general public.
- Wholesale dealer in which you purchase and resell used vehicles to licensed dealers only, never to the public.

Indoor Building Uses (check applicable boxes):

- Office Space: Please identify the area of this space: _____ square feet.
- Vehicle Display Area (Retail to general public): Please identify the area of this space: _____ square feet.
- Service Department (check applicable services): General Maintenance Repairs (exhaust system, transmission, brakes, tires repair/installation, electrical, engine repair/tune up) Painting Body Work

Please describe other services provided within Service Department space: Our service area

will be limited to the mobility conversion portion of the vehicle (ie ramp, transfer seat, hand controls) and will exclude general vehicle maintenance.

For oil changes, tune ups, etc. we will refer customers to local auto repair shops.

- Other. If other, please describe other indoor activities: Installation

of hand controls, gas pedal extensions, and other mobility enhancing equipment for disabled drivers.

Employees:

Number of proposed employees: 2

Proposed Business Hours of Operation:

Day	From	To
Monday - Friday	8:00 am	5:00 pm
Saturday	closed	
Sunday	closed	

Outdoor Uses (check applicable boxes):

- Vehicle Display Lot (Retail or Auctions to general public) is proposed: Please identify the area of this space:
810 square feet. Based on 5 parking spaces 9' x 18'
- Vehicle Display Lot (Retail to general public and/or licensed dealers) is not proposed.
- Other. If other, please describe other outdoor areas: _____

Outdoor Display Lot Screening/Landscaping:

Type and height of screening of plantings/fencing/gating: Existing planters and landscaping

Outdoor Music/Speakers:

Are there plans for outdoor music/Speakers? Yes ___ No

If yes, describe type how will the noise be controlled: _____

Outdoor lighting:

Type: Existing parking lot lighting

Location: Existing parking lot

Off-street parking:

Number of customer spaces proposed: Existing parking spaces in shared lot. 68 stalls total

Number of employee spaces proposed: Existing parking spaces in shared lot 68 stalls total

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all the proposed use: No anticipated noise

B. How will the noise be controlled? No anticipated noise

Identify location, number, capacity and flammable liquid materials stored on site:

No flammable materials on site

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

No smoke or odors will be emanated
