



CITY OF APPLETON

MEMORANDUM

Date: March 26, 2025
To: Plan Commission
From: Colin Kafka, Principal Planner
Subject: Special Use Permit #2-25 for an off-street parking lot in the CBD Central Business District

GENERAL INFORMATION

Owner/Applicant: David Baehr / Oshkosh Investment LLC and Lofgren Properties 6 LLC

Address/Parcel Number: 131 North Appleton Street (Tax Id #31-2-0253-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for an off-street parking lot in the CBD Central Business District.

Plan Commission Public Hearing Date: March 26, 2025

Common Council Meeting Date: April 2, 2025

BACKGROUND

1962 – Bank drive through facility constructed

1980 – Bank drive through facility reconstructed

2023 - The permitted principal use table, Section 23-114(b) was amended to eliminate drive through facilities as an allowed use in the CBD Central Business District.

November 2024 – Bank drive through facility demolished at the property owner's request (Demolition Permit B24-1043).

STAFF ANALYSIS

Existing Site Conditions: The site was formerly used for both off-street parking and a bank drive through facility for the Chase Bank adjacent to the south. The drive through facility was demolished in 2024, and some off-street parking remains. Access is provided by curb cuts on West Washington Street and North Appleton Street; access is also available to the parcel from West Johnston Alley.

Project Summary: The applicant proposes to continue and expand the use of an off-street parking lot on the subject site. The expansion of the off-street parking lot will provide upwards of 67 parking

spaces to serve the mix of commercial and residential uses of 200 West College Avenue, which is being redeveloped by the owner/applicant.

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

Current Zoning and Procedural Findings: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a standalone parking lot requires a Special Use Permit in the CBD District. The definition of off-street parking lot, per the Zoning Ordinance, means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of motor vehicles which is not located in a street or alley right-of-way. To permit a standalone parking lot, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Based on the attached development plan, the expanded portion of the proposed parking lot addresses many of the applicable Zoning Ordinance provisions. However, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a paving permit by the Inspections Division. Detailed technical requirements (e.g. landscaping, maneuvering) will be reviewed further with a complete Site Plan submittal, which may result in subtle changes.

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 in nature.

North: CBD Central Business District. The adjacent land use to the north is currently a vacant lot and off-street parking lot.

South: CBD Central Business District. The adjacent land use to the south is currently mixed (commercial and residential).

East: CBD Central Business District. The adjacent land use to the east is currently mixed (offices and commercial).

West: CBD Central Business District. The adjacent land use to the west is currently for telecommunications.

Appleton Comprehensive Plan 2010-2030: Community Development staff has reviewed this proposal and determined it is compatible with the Central Business District 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 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 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

Development Review Team (DRT) Report: This item appeared on the March 4, 2025, DRT agenda. Staff discussed site plan requirements as well as the off-premises sign (Chase Bank). As the bank drive through facility was demolished and bank activities no longer occur on the subject parcel, the 'Chase Bank' sign is prohibited as an off-premises sign pursuant to Section 23-505(d) of the Municipal Code. Staff recommended that the removal of the sign be a condition of approval for the site plan.

Future Actions:

- The owner has agreed to dedicate a portion of the adjacent parcel (#31-2-0263-00) for public right-of-way to allow for the complete connection of West Johnston Street to North Appleton Street. Currently, a small portion of the parcel functions as an alley but is, in fact, privately owned. The City and owner agree it would be in the public's best interest that this portion of the alley be dedicated to the public for continuity and traffic reasons. Action on the public dedication will appear before Plan Commission and Common Council once the appropriate survey documents have been prepared.

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.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: *1. proper zoning district:* CBD zoning allows for standalone off-street parking lots as a special use permit; *2. zoning district regulations:* the district regulations appear to be satisfied pursuant to the attached development plan, formal verification of regulations being satisfied will occur through the Site Plan Review process per Section 23-570; *3. special regulations:* there are no special regulations established in Section 23-66 for an off-street parking lot; *4. consistent with comprehensive plan and other plans:* yes, see above analysis; *5. traffic:* the proposed use is not expected to create undue traffic congestion as the development plan proposes to minimize curb access along W. Washington Street in order to reduce proximity to the intersection of N. Appleton Street and W. Washington Street. In addition, West Johnston Alley provides one-way through access to the parcel; *6. landscaping and screening:* formal verification of regulations being satisfied will occur through the Site Plan Review process per of Section 23-570 prior to the issuance of a paving permit by the Inspections Division.; *7. neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other similar uses in this area of City; *8. impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #2-25 for an off-street parking lot located at 131 North Appleton Street (Tax Id #31-2-0253-00), as shown on the attached development plan and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. Pursuant to Section 23-570 of the Municipal Code, a site plan for the parking lot expansion shall be submitted for review and approval to ensure compliance with all applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, prior to the issuance of a paving permit by the Inspections Division.

Substantial Evidence: This condition provides notice to the applicant that the project shall comply with all the applicable provisions of the Appleton Municipal Code. Staff will verify all applicable provisions will be met prior to Site Plan Approval per Section 23-570.

2. Pursuant to Section 23-505(d) of the Municipal Code, off-premises signs are prohibited. As the bank drive through facility was demolished and bank activities no longer occur on the subject parcel, the 'Chase Bank' sign is prohibited as an off-premises sign and shall be removed to comply with code.

Substantial Evidence: This condition provides notice to the applicant that the off-premises sign must be removed to comply with the provisions of Section 23-505(d).

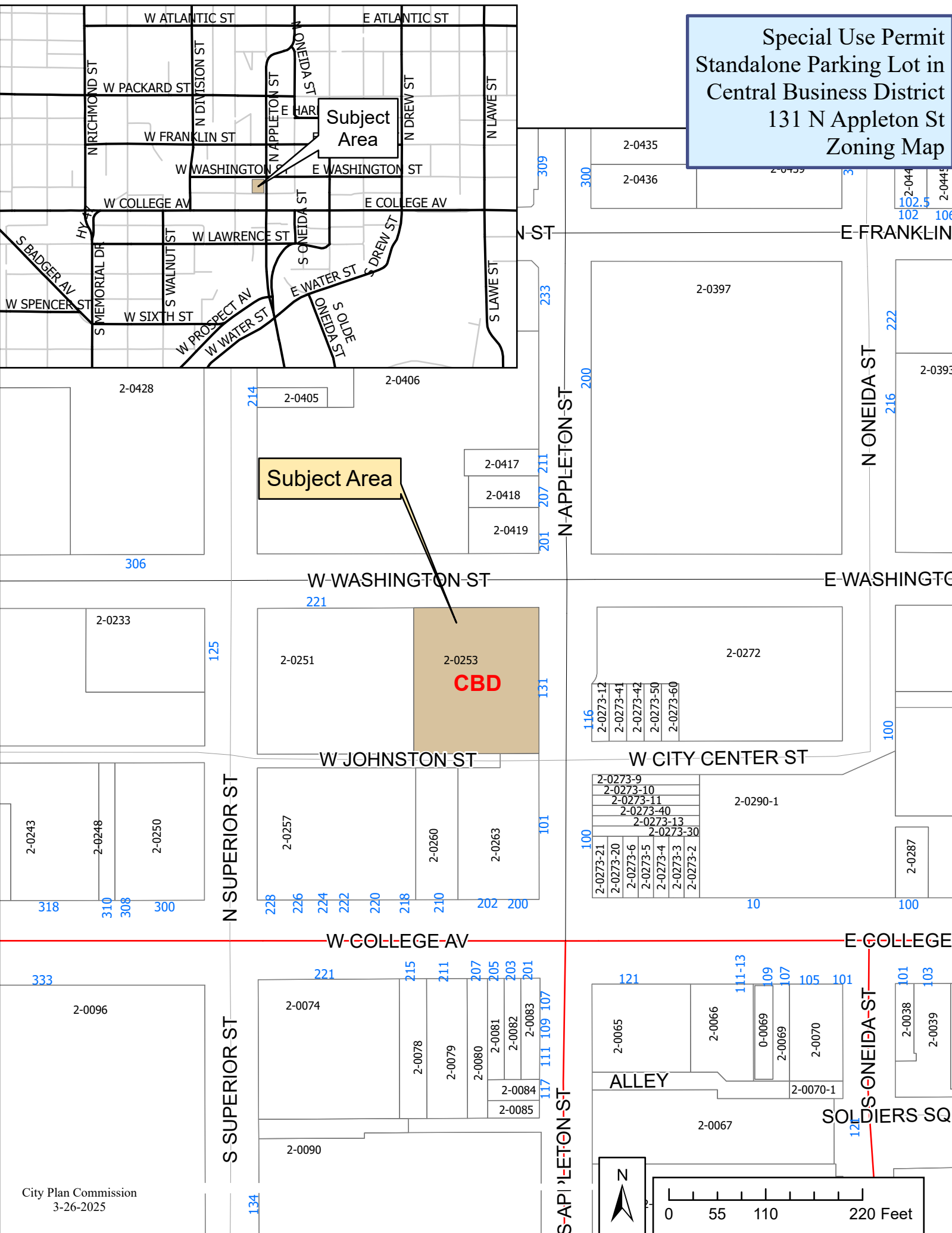
3. The Special Use Permit shall be deemed null and void if a building permit has not been obtained or the use has not been established within twelve (12) months after Common Council approval, pursuant to Section 23-66(f)(1)(b) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes an expiration of twelve (12) months for the current application if a building permit has not been obtained or the use has not been established.

4. Any deviations from the approved development plan or plan of operation may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code. Exact configuration of striping for parking spaces may vary and will be reviewed as part of the Site Plan review process.

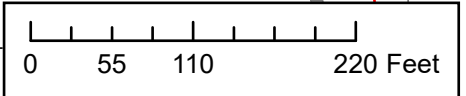
Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to this proposed use.

Special Use Permit
Standalone Parking Lot in
Central Business District
131 N Appleton St
Zoning Map



Subject Area

CBD



Special Use Permit
2-0 Standalone Parking Lot in Central Business District
131 N Appleton St
Aerial Map



W WASHINGTON ST

Subject Area

2-0253

131

N APPLETON ST

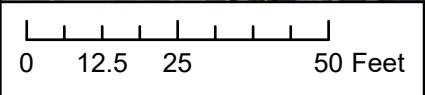
116

2-0273-12

2-0273-41

W JOHNSTON ST

W CITY CENTER ST



**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #2-25
STANDALONE OFF-STREET PARKING LOT
131 NORTH APPLETON STREET**

WHEREAS, David Baehr, has applied for a Special Use Permit to establish a standalone off-street parking lot located at 131 North Appleton Street, also identified as Parcel Number #31-2-0253-00; and

WHEREAS, the proposed use is located in the CBD Central Business 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 March 26, 2025 on Special Use Permit #2-25, 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 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 #2-25 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 April 2, 2025.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community 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 #2-25 to establish a standalone off-street parking lot located at 131 North Appleton Street, also identified as Parcel Number #31-2-0253-00 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 #2-25 to establish a standalone off-street parking lot located at 131 North Appleton Street, also identified as Parcel Number #31-2-0253-00, 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 #2-25:

- A. Pursuant to Section 23-570 of the Municipal Code, a site plan for the parking lot expansion shall be submitted for review and approval to ensure compliance with all applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, prior to the issuance of a paving permit by the Inspections Division.
- B. Pursuant to Section 23-505(d) of the Municipal Code, off-premises signs are prohibited. As the bank drive through facility was demolished and bank activities no longer occur on the subject parcel, the 'Chase Bank' sign is prohibited as an off-premises sign and shall be removed to comply with code.
- C. The Special Use Permit shall be deemed null and void if a building permit has not been obtained or the use has not been established within twelve (12) months after Common Council approval, pursuant to Section 23-66(f)(1)(b) of the Municipal Code.
- D. Any deviations from the approved development plan or plan of operation may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code. Exact configuration of striping for parking spaces may vary and will be reviewed as part of the Site Plan review process.

Adopted this _____ day of _____, 2025.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: _____

Years in operation: _____

Type of proposed establishment (detailed explanation of business):

Proposed Hours of Operation:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

Building Capacity and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: _____ persons

Gross floor area of the existing building(s):

0 SF

Gross floor area of the proposed building(s):

0 SF

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

There will be no flammable liquids stored on-site.

Odor:

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

N/A

Noise:

Describe the noise levels anticipated from the proposed use and all mechanical equipment:

Anticipated noise is from passenger vehicles entering and exiting the parking lot. No proposed mechanical equipment.

How will the noise be controlled?

Outdoor Lighting:

Type: Pole

Location: Throughout the parking lot.

Off-Street Parking:

Number of spaces existing on-site: 26

Number of spaces proposed on-site: 67

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate.

Outdoor Uses:

Size: _____ square feet

Type and location of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

N/A

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

N/A

Type, location, size of outdoor display area(s) of merchandise for sale or other business property:

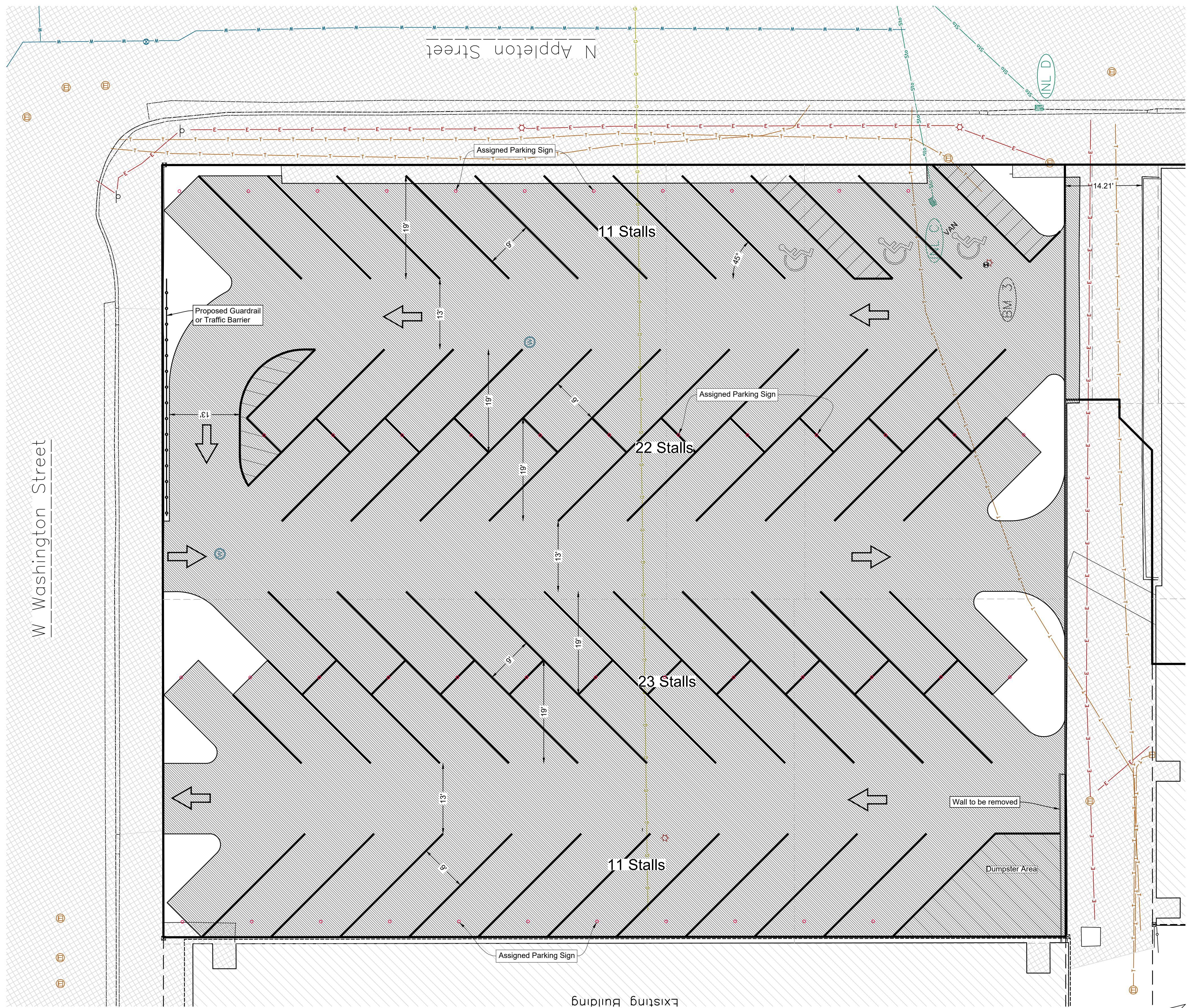
N/A

Number of Employees:

Number of existing employees: _____

Number of proposed employees: _____

Number of employees scheduled to work on the largest shift: _____



LEGEND

	Sanitary Sewer (Pipe Size)		Sanitary MH / Tank / Base		Sign
	Storm Sewer (Pipe Size)		Storm Manhole Inlet		Post / Guard Post
	Underground Electric		Water MH / Well		Coniferous Tree
	Underground Gas Line		Utility Valve		Benchmark
	Underground Telephone		Utility Meter		Asphalt Pavement
	Water Main (Pipe Size)		Light Pole / Signal		Concrete Pavement
	Fence - Steel		Telephone Manhole		Gravel
	Index Contour - Existing		+799.9 Ex Spot Elevation		
	Intermediate Contour - Existing				
	Proposed Building				
	Proposed Asphalt				
	Proposed Concrete				
	Proposed Gravel				

SITE INFORMATION:

Parcel #: 312025300

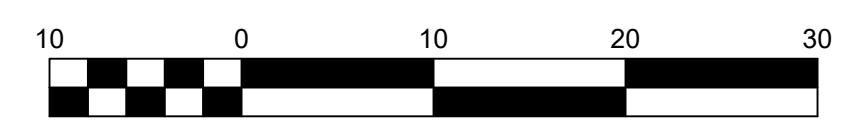
Site Areas
Parcel Area: 23,668 SF (0.54 Acres)

Proposed Pavement Area: 22,354 SF (94.45%)

Total Proposed Impervious: 22,354 SF (94.45%)
Total Proposed Greenspace: 1,314 SF (5.55%)

PARKING CALCULATIONS
Parking Stalls Proposed: 67

PROPERTY OWNER:
Baehr, Inc.
David Baehr
202 W Main Street
Sun Prairie, WI 53590
Telephone: (608) 834-2613
Email: david@baehrinco.com



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www.davelpro

SITE PLAN

131 N Appleton Street
City of Appleton, Outagamie County, WI
For: Baehr, Inc.

PRELIMINARY

Date:	02/24/2025
Filename:	8682engr.dwg
Author:	MDB
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