



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** March 22, 2023

**Common Council Meeting Date:** April 5, 2023

**Item:** Special Use Permit #1-23 for an automobile sales and display lot

**Case Manager:** David Kress, Deputy Director of Community & Economic Development

### GENERAL INFORMATION

**Owner:** Enzo Realty LLP c/o James Wallner

**Applicant:** Mid Valley Motors LLC c/o Thomas Strauch

**Address/Parcel Number:** 520 East Northland Avenue (Tax Id #31-6-3150-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for an automobile sales and display lot.

### BACKGROUND

The subject area is located along East Northland Avenue, between North Oneida Street and North Meade Street. An automobile maintenance shop, Classic Mechanics, already occupies the building and has operated at this location since mid-2022. Automobile sales and display 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.

### STAFF ANALYSIS

**Project Summary:** The applicant proposes to establish an automobile sales and display lot on the eastern portion of the subject site. As shown on the attached development plan, the applicant proposes to utilize approximately 47 existing parking spaces as the display area. Based on the information supplied, the total display area would be approximately 8,142 square feet in size. The mezzanine level of the existing building would provide office space for the automobile sales and display lot use. The existing automobile maintenance shop, Classic Mechanics, would provide the ability to perform general maintenance and repair on the vehicles.

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

**Existing Site Conditions:** The 3.25-acre site is currently developed with an existing single-story building, which is approximately 31,549 square feet in size (including mezzanine level). The site also includes off-street parking south and east of the building, and shared access exists on between adjacent parcels. Access is provided by curb cuts on East Northland Avenue and East First Avenue.

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. An automobile maintenance shop is a permitted use in the C-2 District.

**Special Use Permit #1-23**  
**March 22, 2023**  
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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-3 Multi-Family District. The adjacent land uses to the north are currently multi-family residential.

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

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

West: C-2 General Commercial District. 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:** This item appeared on the February 14, 2023 TRG 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

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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 yard and the side yard abutting a commercially zoned district. Based on existing conditions, it appears these dimensional requirements would be satisfied around the perimeter. The applicant provided photos of the existing perimeter landscaping, but additional planting materials are needed to comply with Section 23-66(h)(5)(b)(2), which states that perimeters adjacent to the right-of-way (front yards) shall have a row of shrubs across 80% of the display lot frontage and one tree 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 automobile maintenance shop use (six service bays) and proposed automobile sales and display lot use (1,185 square feet indoors and 8,142 square feet open sales lot), a total of 32 parking spaces would be required. There are 120 remaining parking spaces identified on the development plan drawings, so the proposal would 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**

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Staff recommends, based on the above analysis, that Special Use Permit #1-23 for an automobile sales and display lot located at 520 East Northland Avenue (Tax Id #31-6-3150-00), 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 #31-6-3150-00 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the identified areas. 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 south of the display areas shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the vehicle display area frontage, and one tree shall be provided for every 40 feet on center along the vehicle display area frontage. To allow for better growing conditions, the additional shrubs and trees must be planted no later than July 1, 2023.

*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 new or amended State license may also be needed prior to operating.*



**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #1-23  
AUTOMOBILE SALES AND DISPLAY LOT  
520 EAST NORTHLAND AVENUE**

**WHEREAS**, Mid Valley Motors LLC has applied for a Special Use Permit for an automobile sales and display lot located at 520 East Northland Avenue, also identified as Parcel Number 31-6-3150-00; 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 March 22, 2023 on Special Use Permit #1-23, 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 #1-23 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 5, 2023.

**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 #1-23 for an automobile sales and display lot located at 520 East Northland Avenue, also identified as Parcel Number 31-6-3150-00, 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 #1-23 for an automobile sales and display lot located at 520 East Northland Avenue, also identified as Parcel Number 31-6-3150-00, 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 #1-23

- 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 #31-6-3150-00 shown on the attached development plan drawings and maps. Vehicles displayed for sale outdoors shall be kept within the identified areas. 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 south of the display areas shall have a minimum one-foot high, staggered row of shrubs planted across 80% of the vehicle display area frontage, and one tree shall be provided for every 40 feet on center along the vehicle display area frontage. To allow for better growing conditions, the additional shrubs and trees must be planted no later than July 1, 2023.
  - 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 \_\_\_\_\_, 2023.

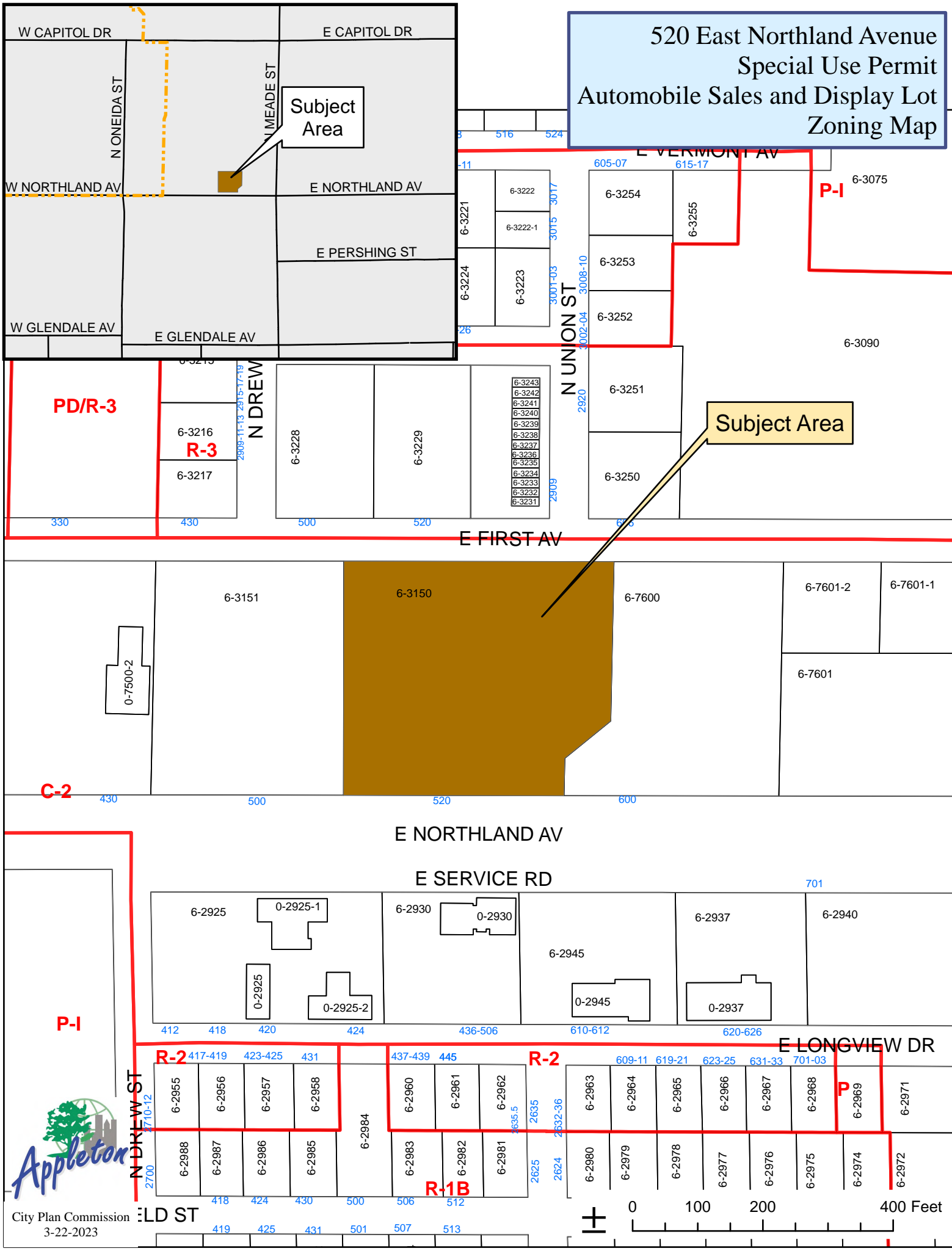
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Jacob A. Woodford, Mayor

ATTEST:

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Kami Lynch, City Clerk





520 East Northland Avenue  
Special Use Permit  
Automobile Sales and Display Lot  
Aerial Map

520

E FIRST AV

6-3150

Subject Area

520

60

E NORTHLAND AV

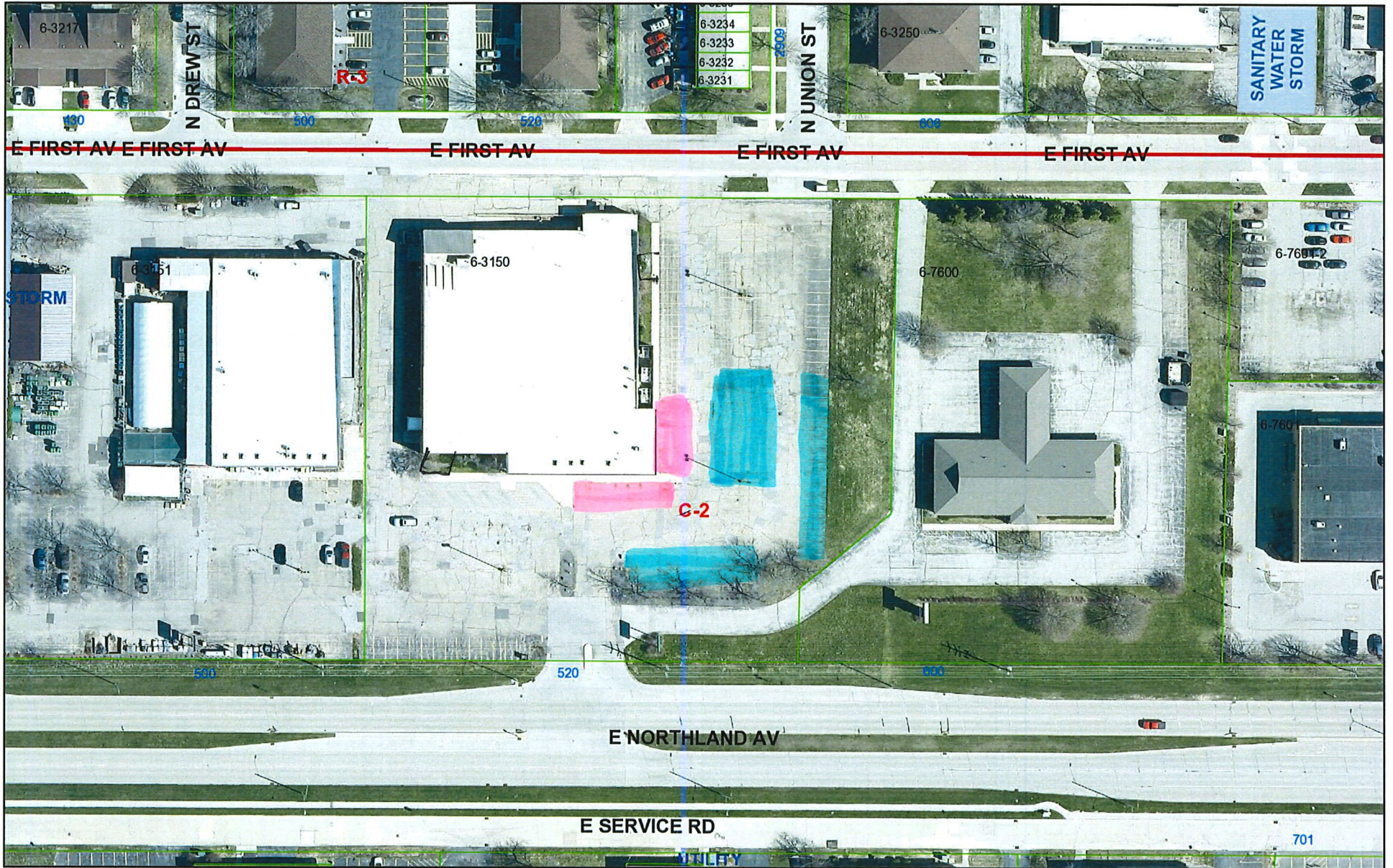


City Plan Commission  
3-22-2023





# ArcGIS Web Map



11/29/2022, 1:28:35 PM



City Limits

## Small Street Names

## Easements

 City Parcels  Zoning

customer parking  
Inventory for sale

1:1,800

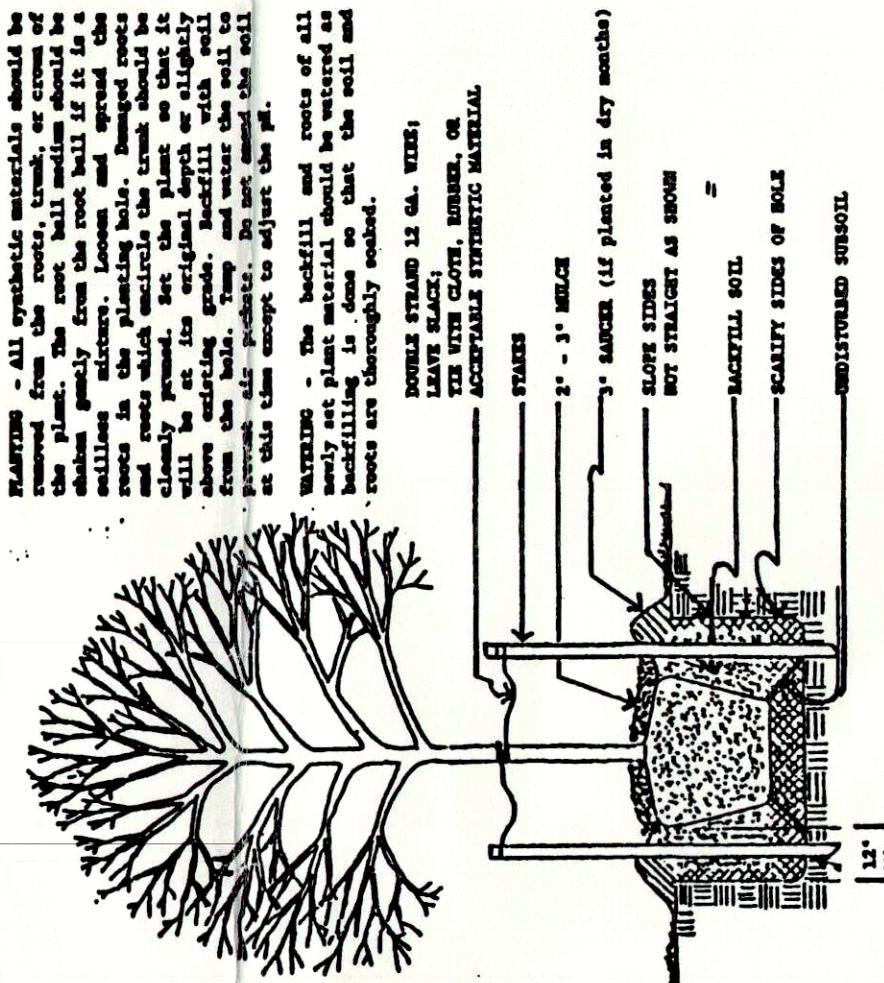
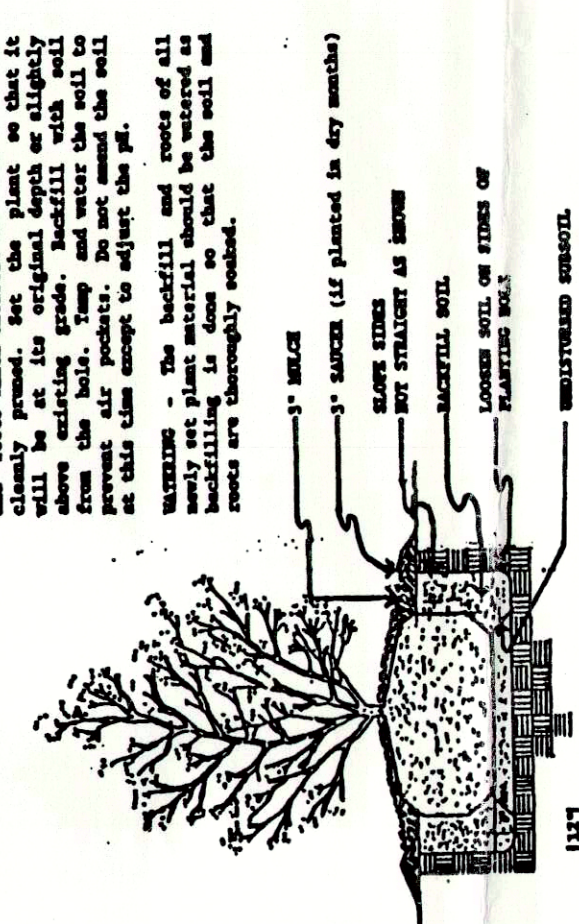
0 0.01 0.02 0.04 mi

0 0.02 0.04 0.07 km



**STAKING - Trees will become stronger faster**

### TREE STAKING & PLANTING DETAIL







[illegible]


10


## SURVEY DESCRIPTIONS

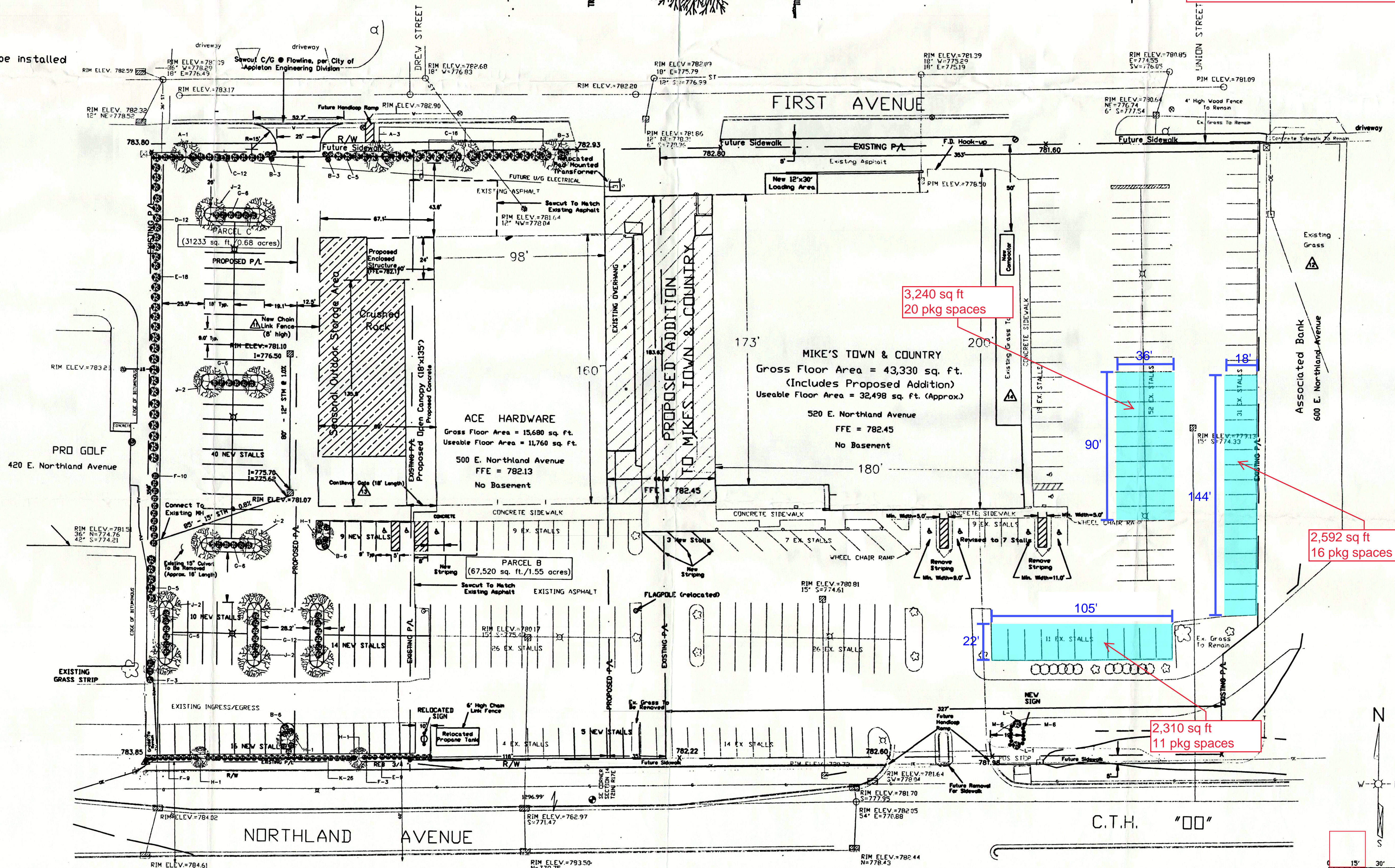
EB = Edge of Bituminous  
EC = Edge of Concrete  
BC = Back of Curb  
GND = Ground Elevation  
HYD = Hydrant  
CDN = Concrete  
B = Building  
GAV = Gas Valve  
EB = Edge of Bituminous  
EC = Edge of Bituminous  
BIT = Bituminous

- ② DUTAGAGUE COUNTY SECTION
- SEWER REQUEST
- 1. 1.306 LBS/LIN. FT.
- ② 1" IRON PIPE FOUND
- ② W/THOUT
- ② WATER VALVE
- ② PERICLITAL
- ⊗ EXISTING LIGHT POLE
- ② FLAG POLE
- ② POWER POLE
- ② Culvert
- ② W/THOUT
- ② 8TH INLET (3" x 8")
- ② Existing STJ Inlet
- G— UNDERGROUNDS GAS
- T— UNDERGROUNDS TELEPHONE
- U— UNDERGROUNDS WATER
- V— UNDERGROUNDS CABLE
- E— OVERHEADS ELECTRIC
- ② GAS METER
- P/L PROPERTY LINE
- SA/L SANITARY SEWER SIZE AS NOTED
- ST/L STREET SEWER SIZE AS NOTED
- SL/L SECTION LINE
- CD/L CENTERLINE
- BL/L BENT LINE - 90°

 Existing Shrub  
 Existing Tree  
 Existing Property Line  
 Proposed Property Line  
 Existing Exterior Light  
 Proposed Exterior Light

 New Tree

 New Shrub



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

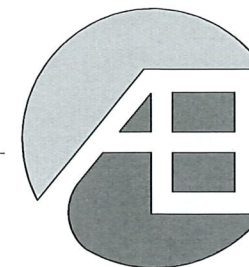
SITE PLAN  
Landscaping Plan

SCHULTZ SAV-O-STORE/  
FACE HARDWARE

REV.	DATE	BY	REV.	DATE	BY
1	12/2/97	JEV			
2	12/12/97	JEV			

DATE  
11/13/97  
PROJECT NO.  
E1324A97  
FILE NO.  
CAD FILE NAME  
Base\_fin.dwg  
SHEET  
2  
OF 6





SCALE	As indicated
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## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Mid Valley Motors LLC

Years in operation: 1st yr

Type of proposed establishment (detailed explanation of business):

Used Automobile Sales

### Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	8:00 am	7:00 pm
Friday	8:00 am	7:00 pm
Saturday	8:00 am	6:00 pm
Sunday	closed	closed

### 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: 150 + persons

Gross floor area of the existing building(s):

31,549 sq ft

Gross floor area of the proposed building(s):

none

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

no additional any onsite would be Classic Mechanics

**Outdoor Uses:** 8,142 sq ft

Size: ~~7344 sq ft~~ \_\_\_\_\_ square feet

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

None

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

None Needed

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

~~7344 sq ft of parking lot space~~ 8,142 sq ft of display area

**Number of Employees:**

Number of existing employees: 10 \_\_\_\_\_

Number of proposed employees: >15 \_\_\_\_\_

Number of employees scheduled to work on the largest shift: 10 \_\_\_\_\_

**Odor:**

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

None

**Noise:**

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

None

How will the noise be controlled?

None

**Outdoor Lighting:**

Type: Existing Lot Lights

Location: Light Poles

**Off-Street Parking:**

Number of spaces existing on-site: ~~120~~ 167

Number of spaces proposed on-site: <sup>47</sup>~~58~~ used for display purposes.

120 parking spaces remaining

**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?

none

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

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

Trade Name: Mid Valley Motors LLC.

Building Address: 510 E Northland Ave.

Years in Operation: 1<sup>st</sup> year for this LLC.

Type of proposed establishment (detailed explanation of business):

Used Automobile Sales. Retail sales for automobiles.

### 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: 400 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: All Reprs done

by existing company - Classic mechanics

☐ Other. If other, please describe other indoor use activities: Display of  
Automobiles for sale. - Outdoor Only

**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: 150 persons

Gross floor area of the existing building(s): 31,549 sq ft

Gross floor area of the proposed building(s): NONE.

**Employees:**

Number of existing employees: 10-11.

Number of proposed employees: > 15.

Number of employees scheduled to work on the largest shift: 10.

**Proposed Business Hours of Operation:**

Day	From	To
Monday - Friday	8am	7pm
Saturday	8am	6pm
Sunday	closed	closed

**Outdoor Uses (check applicable boxes):**

8,142

☒ Vehicle Sales and Display Lot is proposed. Please identify the area of this space: 7334 square feet.

☐ Vehicle Sales and Display Lot is not proposed.

☐ Other. If other, please describe other outdoor areas: \_\_\_\_\_

**Outdoor Display Lot Screening/Landscaping:**

Type and height of screening with plantings/fencing/gating: Existing landscaping + screen  
South & east end of property.



**Outdoor Music/Speakers:**

Are there plans for outdoor music/speakers? Yes \_\_\_\_\_ No X

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

**Outdoor lighting:**

Type: Current Post lighting. Will use current lot lights.

Location: Parking lot Poles.

**Off-street parking:**

Number of customer spaces existing: \_\_\_\_\_.

Number of customer spaces proposed: \_\_\_\_\_.

Number of employee spaces existing: \_\_\_\_\_.

Number of employee spaces proposed: \_\_\_\_\_.

**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?

NO Change Necessary

**Describe any potential noise emanating from the proposed use:**

A. Describe the noise levels anticipated from all the proposed use: None

B. How will the noise be controlled? \_\_\_\_\_

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

No Additional, Any on site is from classic mechanics.

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

No Additional from Auto sales.