



CITY OF APPLETON

MEMORANDUM

Date: March 12, 2025
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Special Use Permit #1-25 for used automobile, RV, truck, cycle and boat sales and display lot in the C-2 General Commercial District

GENERAL INFORMATION

Owner/Applicant: Chad Le Capitaine, Chad Le Capitaine, LLC

Address/Parcel Number: 100 West Wisconsin Avenue (Tax Id #31-6-0576-00)

Petitioner's Request: Establish used automobile sales and display lot

Plan Commission Public Hearing Date: March 12, 2025

Common Council Meeting Date: March 19, 2025

BACKGROUND

1969 – Automobile repair shop and gasoline sales was established on this site.

1980's – The underground gas tanks and gas pumps were removed from the site.

2010 – Land along North Oneida Street and West Wisconsin Avenue was purchased for additional right-of-way. Due to the land acquisition for the public right-of-way, the parking lot aisle width was reduced from 24 feet to 19 feet but remains conforming pursuant to Section 23-42(e). The ground sign and landscape island were removed at the corner of Oneida Street and Wisconsin Avenue.

2023 – Variance request for the installation of the perimeter automobile sales display lot landscaping requirements was denied by the Zoning Board of Appeals.

STAFF ANALYSIS

Existing Site Conditions: The building consists of 3 service bays for automobile maintenance and repair facility, including an off-street parking lot that can accommodate 15 parking spaces.

Project Summary: The applicant proposes to establish a used automobile sales and display lot.

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 C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a used 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: C-2 General Commercial District. The adjacent land use to the north is a duplex. (Future Land Use Map recommends one/two family residential for the adjacent property.)

South: C-2 General Commercial District. The adjacent land use to the south is a gas station. (Future Land Use Map recommends mixed-use for the adjacent property.)

East: C-2 General Commercial District. The adjacent land use to the east is commercial. (Future Land Use Map recommends mixed-use for the adjacent property.)

West: C-2 General Commercial District. The adjacent land use to the west is a duplex. (Future Land Use Map recommends mixed-use for the adjacent property.)

Appleton Comprehensive Plan 2010-2030: Community Development staff has reviewed this proposal and determined it is compatible with the Mixed-use 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 9.5 Economic Development:

Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

OBJECTIVE 10.5 Land Use:

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

Chapter 15 - Wisconsin Avenue Corridor Plan – General Plan Primary Objective 3:

Encourage private renovation and redevelopment that addresses existing limitations of platting and land assembly, site planning issues such as parking and access, and aesthetics.

Development Review Team (DRT) Report: This item appeared on the February 18, 2025 DRT 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.

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:* C-2 zoning allows used automobile, RV, truck, cycle and boat sales and display 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 after the Inspections Divisions verifies the display lot landscaping is installed and parking spaces are striped; *3. special regulations:* stipulations 1, 2, 3 and 4 (below) address the special regulations for used automobile, RV, truck, cycle and boat sales and display lots; *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; *6. landscaping and screening:* not applicable to the existing parking lot, the parking lot is not being expanded or reconstructed at this time; *7. neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other commercial 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 #1-25 for used automobile, RV, truck, cycle and boat sales and display lot located at 100 West Wisconsin Avenue (Tax Id #31-6-0576-00), 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. All proposed outdoor lighting to illuminate the automobile display lot shall comply with the standards in §23-53, Outdoor lighting.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)a. of the Zoning Ordinance for this particular use. This condition provides notice to the applicant that any outdoor lighting installed to illuminate the display lot area shall comply with §23-53.

2. Perimeter landscaping along North Oneida Street and West Wisconsin Avenue as shown on the development that complies with the standards specified under Chapter 23 Zoning, Section 23-66(h)(5)b., shall be installed prior to the Inspections Division and Community Development staff affixing signatures to the Motor Vehicle Dealer License. Section 23-66(h)(5)b.1.i. and ii and 23-66(h)(5)b.2.ii. requires a minimum of a five (5) foot wide perimeter landscaping buffer along North Oneida Street and West Wisconsin Avenue. The perimeter landscaping buffer shall have a minimum one (1) foot high staggered row of evergreen and deciduous shrubs across eighty (80) percent of the lot frontage with a shade tree required every forty (40) feet.

Substantial Evidence: This condition provides notice to the applicant that the display lot landscaping shall be installed prior to City signatures being affixed to the Motor Vehicle Dealer License.

3. The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan and development plan.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)c. of the Zoning Ordinance for this particular use.

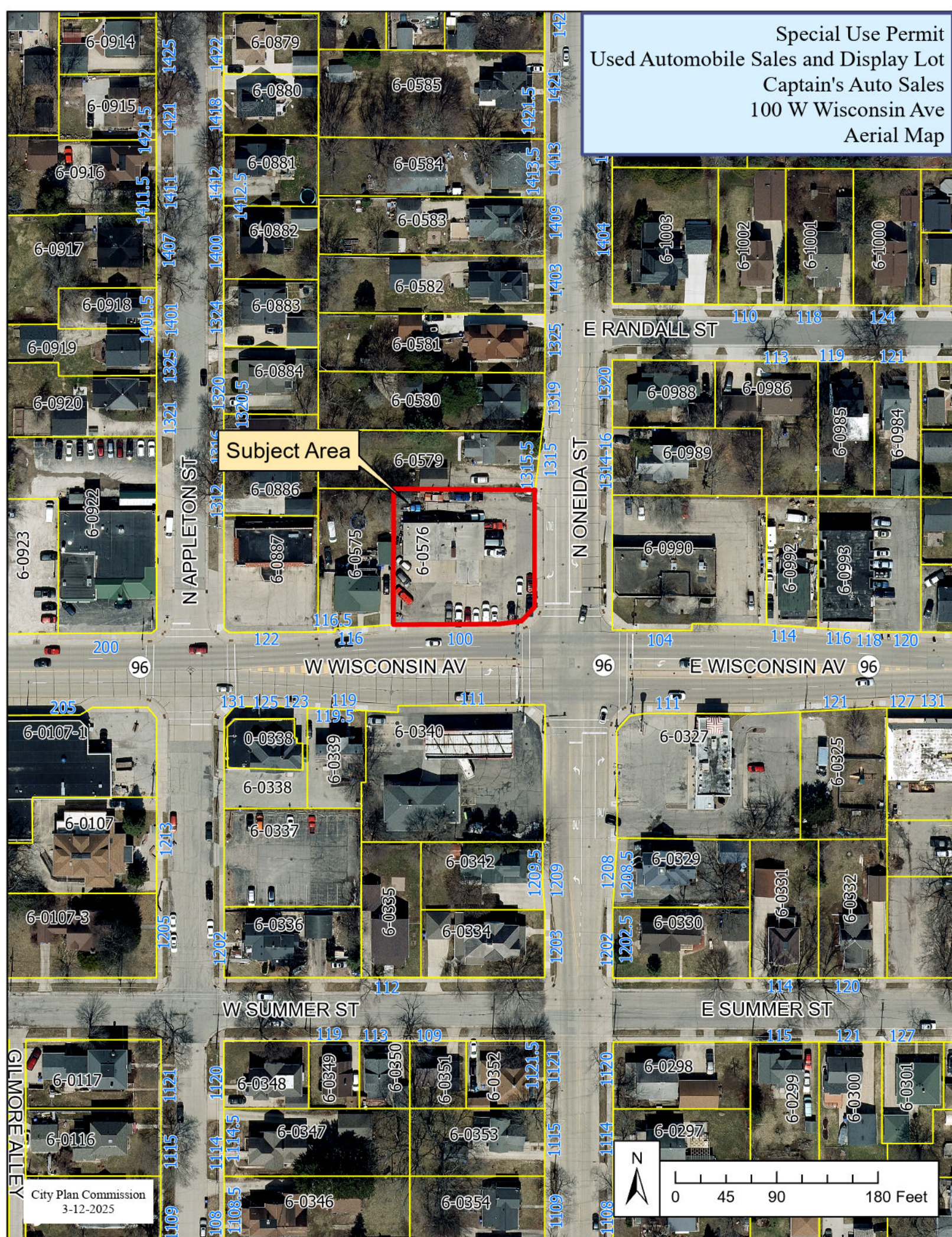
4. No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)d. of the Zoning Ordinance for this particular use.

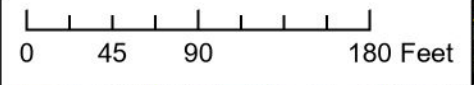
5. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community Development Department to discuss any proposed changes.

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.

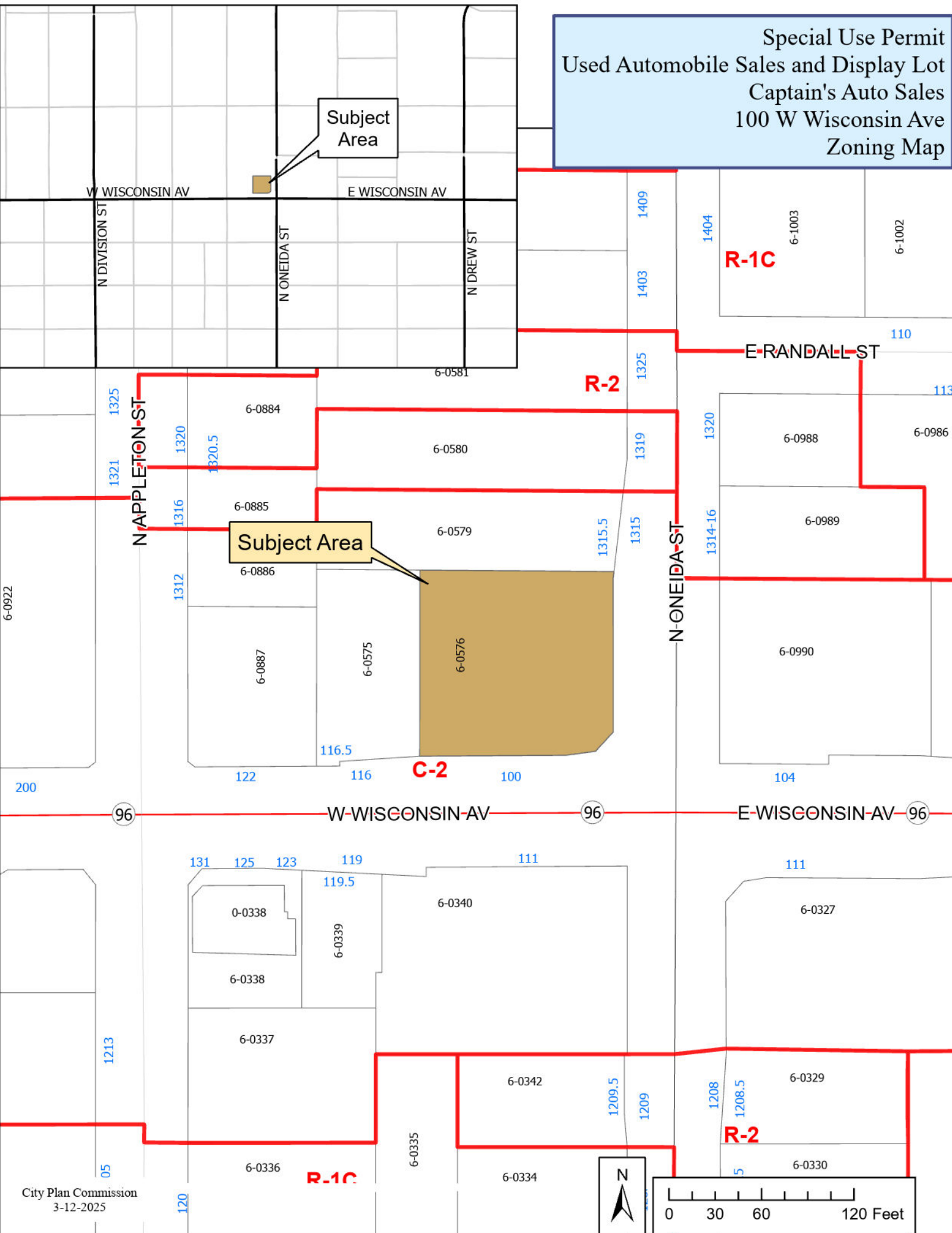
Special Use Permit
Used Automobile Sales and Display Lot
Captain's Auto Sales
100 W Wisconsin Ave
Aerial Map



Subject Area



Special Use Permit
Used Automobile Sales and Display Lot
Captain's Auto Sales
100 W Wisconsin Ave
Zoning Map



CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #1-25
USED AUTOMOBILE, RV, TRUCK, CYCLE AND BOAT SALES AND DISPLAY LOT
100 WEST WISCONSIN AVENUE

WHEREAS, Chad Le Capitaine, has applied for a Special Use Permit to establish a used automobile, RV, truck, cycle and boat sales and display lot, located at 100 West Wisconsin Avenue, also identified as Parcel Number #31-6-0576-00; and

WHEREAS, the proposed use 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 12, 2025 on Special Use Permit #1-25, 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 #1-25 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 March 19, 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 #1-25 to establish a used automobile, RV, truck, cycle and boat sales and display lot located at 100 West Wisconsin Avenue, also identified as Parcel Number #31-6-0576-00 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 #1-25 to establish a used automobile, RV, truck, cycle and boat sales and display lot located at 100 West Wisconsin Avenue, also identified as Parcel Number #31-6-0576-00, 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 #1-25:

- A. All proposed outdoor lighting to illuminate the automobile display lot shall comply with the standards in §23-53, Outdoor lighting.
- B. Perimeter landscaping along North Oneida Street and West Wisconsin Avenue as shown on the development that complies with the standards specified under Chapter 23 Zoning, Section 23-66(h)(5)b., shall be installed prior Inspections Division and Community Development staff affixing signatures to the Motor Vehicle Dealer License. Section 23-66(h)(5)b.1.i. and ii and 23-66(h)(5)b.2.ii. requires a minimum of a five (5) foot wide perimeter landscaping buffer along North Oneida Street and West Wisconsin Avenue. The perimeter landscaping buffer shall have a minimum one (1) foot high staggered row of evergreen and deciduous shrubs across eighty (80) percent of the lot frontage with a shade tree required every forty (40) feet.
- C. The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan and development plan
- D. No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.
- E. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community Development Department to discuss any proposed changes.

Adopted this _____ day of _____, 2025.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

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

Trade Name: Captain's Auto Sales LLC

Building Address: 100 W Wisconsin Ave Appleton WI 54911

Years in Operation: 6

Type of proposed establishment (detailed explanation of business):

Car dealership

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, not 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: Auto Repair

☐ Other. If other, please describe other indoor use activities: _____

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): N/A

Gross floor area of the proposed building(s): _____

Employees:

Number of existing employees: 4

Number of proposed employees: 4

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

Proposed Business Hours of Operation:

Day	From	To
Monday - Friday	8am	5pm
Saturday	appt only	—
Sunday	—	—

Outdoor Uses (check applicable boxes):

☒ Vehicle Sales and Display Lot is proposed. Please identify the area of this space: _____ 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: 8 Ornamental trees
4 8-10 shrubs (1 foot high)

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: wall mounted LED Fixtures

Location: garage doors, canopy

Off-street parking:

Number of customer spaces existing: _____.

Number of customer spaces proposed: 10.

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?

N/A

Describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all the proposed use: _____

N/A

B. How will the noise be controlled? _____

N/A

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

N/A

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

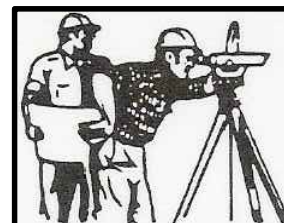
N/A

OF THE RECORDED PLAT "ERB'S SUBDIVISION" LOCATED IN PART OF THE
SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY
OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN
PARCEL NUMBER: 316057600

LEGEND:

- = STORM CATCH BASIN
- = CURB STOP
- = CUT CROSS SET
- = GAS METER
- = DOWN GUY
- = POWER POLE
- = TELEPHONE PEDESTAL
- = SIGN/TRAFFIC LIGHT
- = FIBER OPTIC MANHOLE
- = EXISTING FENCE
- = HANDICAP
- = SPIRAEA - MINIMUM 1 FT HIGH
- = ORNAMENTAL TREE
- = JUNIPERAS AROUND COVER - MINIMUM 1 FT HIGH

Scale: 1" = 20'



615 N. LYNNDAL DRIVE, P.O. BOX 1297
APPLETON, WISCONSIN 54912-1297
PHONE: (920)731-4168 FAX: (920)731-5673

SCALE	1" = 20'
DRAWN BY	fnz-an TJS
PROJECT NO.	A2304.11-24