



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: July 21, 2014

Common Council Meeting Date: August 6, 2014

Item: Special Use Permit #8-14 – Jose Avella, Landscaping Business at 1225 East Wisconsin Avenue -Tax Parcel Number 31-1-0993-00.

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Property owner: Paul Gradl
Applicant: Jose Avella, Avellas's Lawn Care & Snow Plowing Services

Address/Tax Parcel #: 1225 East Wisconsin Avenue/31-1-0993-00.

Owner/Applicant Request: The owner/applicant is requesting a Special Use Permit for a landscaping business. The request includes a 5,080 square foot outdoor storage area for business equipment, vehicles, trailers, snow plows, and surplus landscape materials, inside storage for snow blowers and small landscaping equipment and tools and 4,850 square foot outdoor display area for the sale of landscape materials such as trees, plants, bark, mulch, stone, and top soil.

BACKGROUND

The subject site was previously used for automobile service and repair.

STAFF ANALYSIS

Zoning Ordinance Requirements: In order to obtain a Special Use Permit for a landscaping business, the Plan Commission makes a recommendation to the Common Council, who will make the final decision.

2010-2030 Comprehensive Plan: The 2010-2030 Future Land Use Map currently represents this area to be used for service commercial which is made up of future uses including commercial, service and repair, and limited light industry pursuant to the Wisconsin Avenue Corridor Plan. The proposed use and zoning classification appears to be consistent with the City's Comprehensive Plan and the purpose and intent of the C-2 General Commercial District.

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)
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.

Outdoor storage and display

Outdoor storage means an area of designated size located outside of an enclosed permanent building or structure used in conjunction with the business that is occupying a permanent building or structure on the same lot for the keeping of personal or business property, goods, wares, or merchandise that are not located in that specific area for customer viewing or immediate sale, in the same place for a period of more than seventy-two (72) hours.

Outdoor display means an area of designated size located outside of an enclosed permanent building or structure used in conjunction with the a business that is occupying a permanent building or structure for the display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the lot where the merchandise is sold, rented or leased.

Off-street parking spaces

Landscaping Business: One space for every 1,000 gross square feet of outdoor display area. A minimum of 5 off-street parking spaces are required for customer parking, 6 parking spaces are shown on the development plan. Employees load up work trucks for the day's jobs and pull them out of the outdoor storage area and then they park their personal vehicle within the outdoor storage area. Adequate parking exists for the five employees that will come the site to pick up equipment prior to heading to the job site.

Surrounding Zoning Classification and Current Land Uses:

- **North:** Zoning: C-2, General Commercial District
Current Land Use: The Moose Lodge
- **South:** Zoning: CBD, Central Business District
Current Land Use – Two-Family Residential
- **East:** Zoning: C-2, General Commercial District
Current Land Use – Auto Mobile Service and Sales
- **West:** Zoning: C-2, General Commercial District
Current Land Use – Auto Mobile Service and Sales

Technical Review Group Report (TRG): This item was discussed at the July 8, 2014 Technical Review Group meeting. No negative comments were received from participating departments.

Future Actions:

- The applicant shall apply for a receive approval of permit building from the Inspections Division prior to the construction of the fence for the purpose of screening the items stored in the outdoor storage area.
- Site Plan approval #90-13 identified approved gravel parking on the subject site. Existing off-street parking gavel parking lots may continue to exist, however expansions will require the off-street parking lot comply with the applicable off-street parking lot development standards.

Finding of Fact: Prior to the granting of any special use permit, the Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 23-66 (e)(1-6). This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e)(1-6), which were found in the affirmative.

According to the applicant's proposed development plan, the plan delineates the proposed outdoor storage areas and merchandise display areas. All identified outdoor business equipment storage and merchandise display areas are located outside of any required setbacks. The outdoor storage area of business equipment will be fence/shielded on all sides to screen and contain the items being stored. The proposed use does not appear to be incompatible with the neighborhood character/commercial corridor, purpose and intent of the Zoning Ordinance and General Commercial District or the 2010-2030 Comprehensive Plan. Conditions are drafted for this request to offset any potential impacts to the public interest (welfare or well-being of the general public).

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-14 to allow the operation of a landscape business in conjunction with outdoor sales and display of landscape materials located at 1225 East Wisconsin Avenue -Tax Parcel Number 31-1-0993-00, to run with the land, **BE APPROVED** and subject to the following conditions:

1. Compliance with the attached Development Plan showing site layout is required at all times per 23-66(d)(5). Changes to the Development Plan drawing may require an amendment to the Special Use Permit or a new Special Use Permit.
2. The existing 6 foot high wood fence along the west lot line shall be continuously maintained to screen and contain the materials and/or equipment being stored outside along the west lot line per the attached development plan.
3. The maximum storage height of any piles of materials located within the bunkers along the west lot line shall be 6 feet high.
4. The outside business equipment storage and merchandise display areas shall be limited to the areas shown on the attached development plan.
5. No outside merchandise shall be displayed within the required 10 foot front yard setback (north and east lot line) and 5 foot rear yard setback (south lot line).
6. The outdoor business equipment storage area shall be fenced to screen and contain the materials and/or equipment being stored per the attached development plan.
7. All required permits shall be applied for and obtained by the applicant prior to construction and/or occupancy of the subject site.
8. Wheel stops shall be installed within the designed parking spaces along East Wisconsin Avenue to prevent vehicles from extending into the sidewalk per the attached development plan.

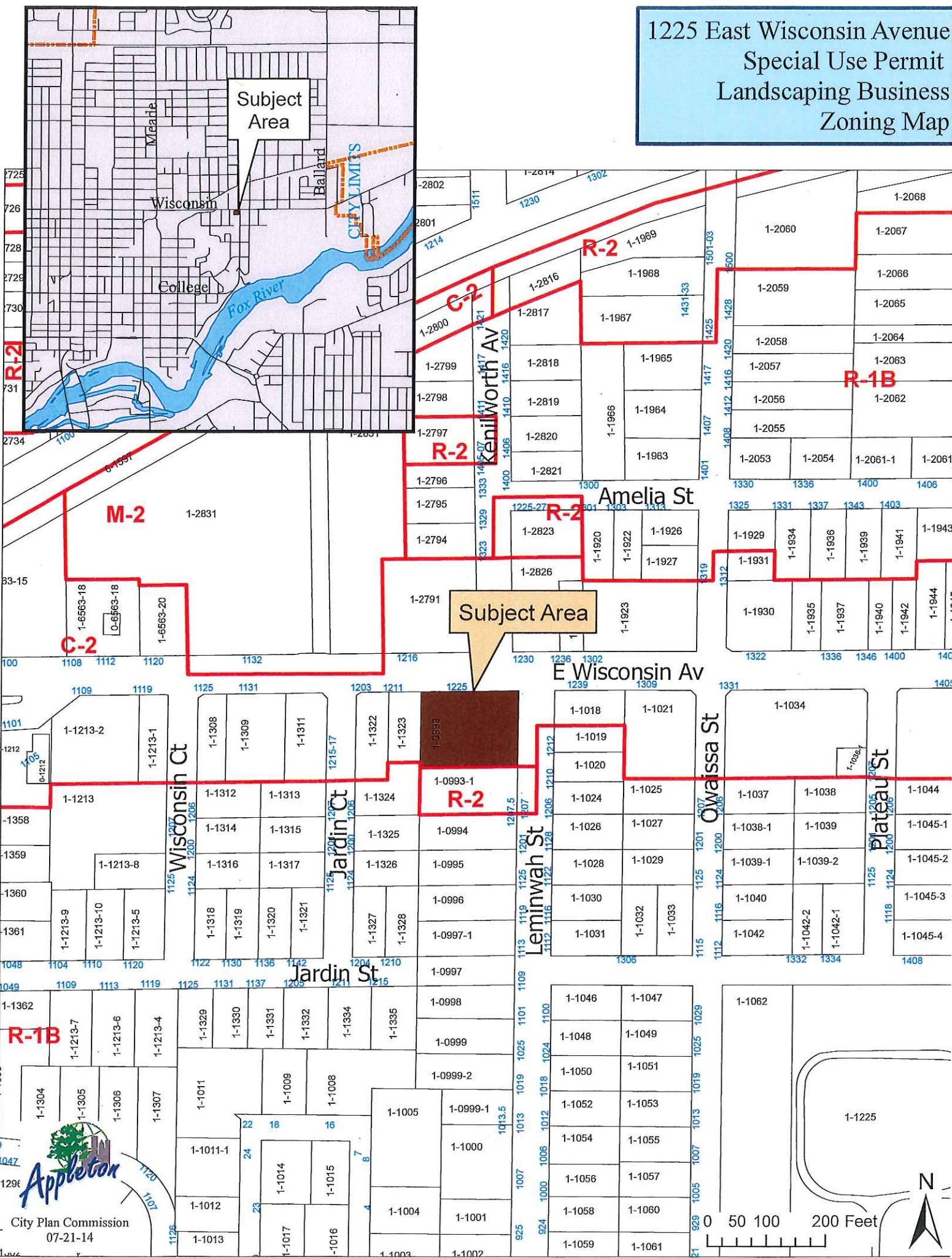
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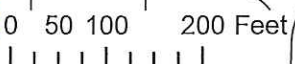
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9. The outdoor storage of business equipment, vehicles, trailers, snow plows, and surplus landscape materials shall comply with Section 23-46(b) (1-4) of the Zoning Ordinance at all times.
10. The outdoor display of landscaping materials for sale shall comply with Section 23-46(a)(1),(2), and (4) of the Zoning Ordinance at all times.

1225 East Wisconsin Avenue
 Special Use Permit
 Landscaping Business
 Zoning Map



Subject Area



1225 East Wisconsin Avenue
Special Use Permit
Landscaping Business

