



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: June 8, 2022

Common Council Meeting Date: June 15, 2022

Item: Special Use Permit #6-22 for a car wash

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner: Menard, Inc.

Applicant: Tracey Erickson – Erickson Enterprises, LLC

Address/Parcel #: 3200 E. Express Court (Tax Id #31-4-5568-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a car wash and self-serve dog wash.

BACKGROUND

The subject parcel is currently vacant and is approximately 3.6 acres in size. The applicant has filed an application for a Certified Survey Map to split the existing parcel into two lots (File #14-22). The car wash will be located on Lot 2 of the proposed Certified Survey Map. Lot 2 will be 78,408 square feet in size.

On November 15, 2017, the Common Council approved an Official Map Amendment to remove lands previously identified for future stormwater pond on the subject parcel.

On July 20, 2011, Common Council adopted Ordinance 153-11, which amended the City's Official Map to officially map land area for a future stormwater pond generally located at the northeast corner of Kensington Drive and Express Court. This action by Common Council was based on a July 10, 2009 report by AECOM of the Kensington North Drainage Area and was meant to preserve land in case a stormwater pond was determined to be needed. The Department of Public Works subsequently determined the stormwater pond would not be needed and initiated an Official Map amendment in 2017 (see above).

STAFF ANALYSIS

Project Summary: The applicant proposes construct a car wash and self-serve dog wash on the subject site as shown on the attached development plans. The proposed development includes the following:

- A 5,307 square foot automated car wash building with a single service bay.
- Car wash stacking spaces for 24 vehicles are located along the east side of the building with the service bay entrance located on the north side of the building.
- Access will be provided via an existing driveway on Express Court and will be shared with Menards and the proposed car wash.
- Approximately 24 vacuum stations.

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- Proposed hours of operation are from 7:00 AM to 8:00 PM each day.

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

Existing Site Conditions: The car wash will be located on Lot 2 of a recently submitted application for a two-lot Certified Survey Map (File #14-22). Lot 2 will be 78,408 square feet in size. The subject site is currently vacant land. Access will be from East Express Court and will share an existing drive aisle with the property to the east.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The site is surrounded on all sides by existing commercial development.

North: C-2 General Commercial District. The adjacent land use to the north is undeveloped land and a stormwater detention pond.

South: C-2 General Commercial District. The adjacent land uses to the south is currently commercial (MotoMart gas station with car wash and Subway).

East: C-2 General Commercial District. The adjacent land use to the east is commercial (Menards).

West: C-2 General Commercial District. The adjacent land use to the west is commercial (Mr. Cinders restaurant).

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.

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 car wash 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.

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 car washes as a special use permit*, 2. zoning district regulations: *compliance with zoning code regulations will be reviewed with the site plan*, 3. special regulations: *not applicable to carwashes*, 4. consistent with comprehensive plan and other plans: *yes, see above analysis*, 5. traffic: *applicant will share an existing driveway with Menards, no concerns submitted by traffic engineer*, 6. landscaping and screening: *the landscaping will be reviewed with the Site Plan and is required to be consistent with zoning ordinance standards*, 7. neighborhood compatibility: *the proposed use is located adjacent to existing commercial uses and near CTH CE*, and 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.

Technical Review Group (TRG) Report: This item appeared on the May 3, 2022 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #6-22 for a car wash located at 3200 E. Express Court (Tax Id #31-4-5568-00), as shown on the attached materials and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The owner shall have twelve (12) months from the issuance of the Special Use Permit to obtain a building permit and/or occupancy permit for the proposed carwash or Special Use Permit #6-22 will expire pursuant to Sections 23-66 (f)(1) b. and c. of the Zoning Ordinance.

Substantial Evidence: Standardized condition to ensure the use is established in a timely manner. This condition will not be applicable when the building permit and/or occupancy permit is issued.

2. Prior to the construction of the carwash and building permits being issued, site plan review and approval is required, pursuant to Section 23-570 of the Municipal Code.

Substantial Evidence: This condition provides notice to the owner and applicant that they are required to receive site plan approval from the Community and Economic Development Department prior to receiving building permits from the Inspection Division for the project pursuant to Section 23-570(e)4 of the Zoning Ordinance.

3. All Zoning, Building, Fire, Engineering, Utility, Noise and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition assures the applicant understands they must follow the City's Municipal Code and all applicable State and Federal laws which they are required to follow while conducting business in the City; failure to follow City, State and Federal regulations may result in enforcement action pursuant to Sections 1-16, 1-17, 23-66(f)(5) and 23-69 of the Municipal Ordinance.

4. Any future expansions of the carwash, changes to the development plans, 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 and Economic 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 the special use.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #6-22
CAR WASH
3200 EAST EXPRESS COURT**

WHEREAS, Tracey Erickson, Erickson Enterprises, LLC, has applied for a Special Use Permit for a car wash located at 3200 E. Express Court, also identified as Parcel Number 31-4-5568-00; and

WHEREAS, the location for the proposed car wash 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 June 8, 2022 on Special Use Permit #6-22, 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 #6-22 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 June 15, 2022.

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 #6-22 for a car wash located at 3200 E. Express Court, also identified as Parcel Number 31-4-5568-00, 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 #6-22 for a car wash located at 3200 E. Express Court, also identified as Parcel Number 31-4-5568-00, 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 #6-22

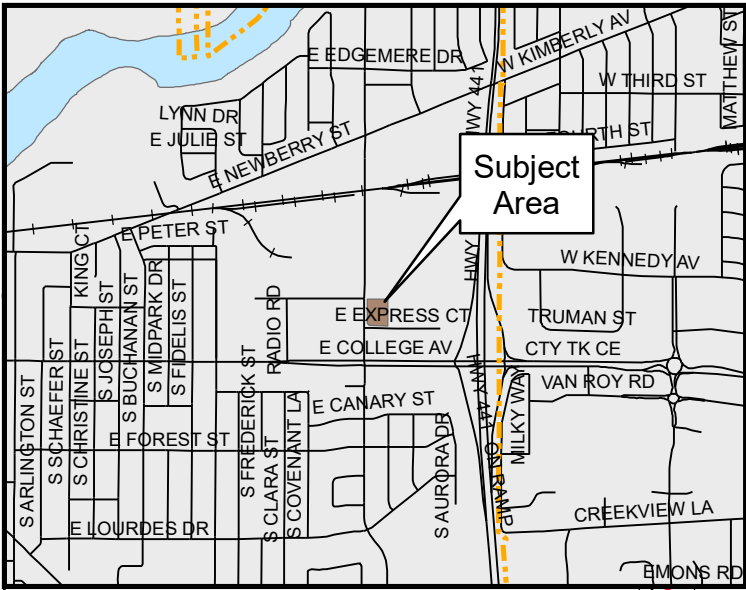
- A. The owner shall have twelve (12) months from the issuance of the Special Use Permit to obtain a building permit and/or occupancy permit for the proposed carwash or Special Use Permit #6-22 will expire pursuant to Sections 23-66 (f)(1) b. and c. of the Zoning Ordinance.
 - B. Prior to the construction of the carwash and building permits being issued, site plan review and approval is required, pursuant to Section 23-570 of the Municipal Code.
 - C. All Zoning, Building, Fire, Engineering, Utility, Noise and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - D. Any future expansions of the carwash, changes to the development plans, 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 and Economic Development Department to discuss any proposed changes.
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 _____, 2022.

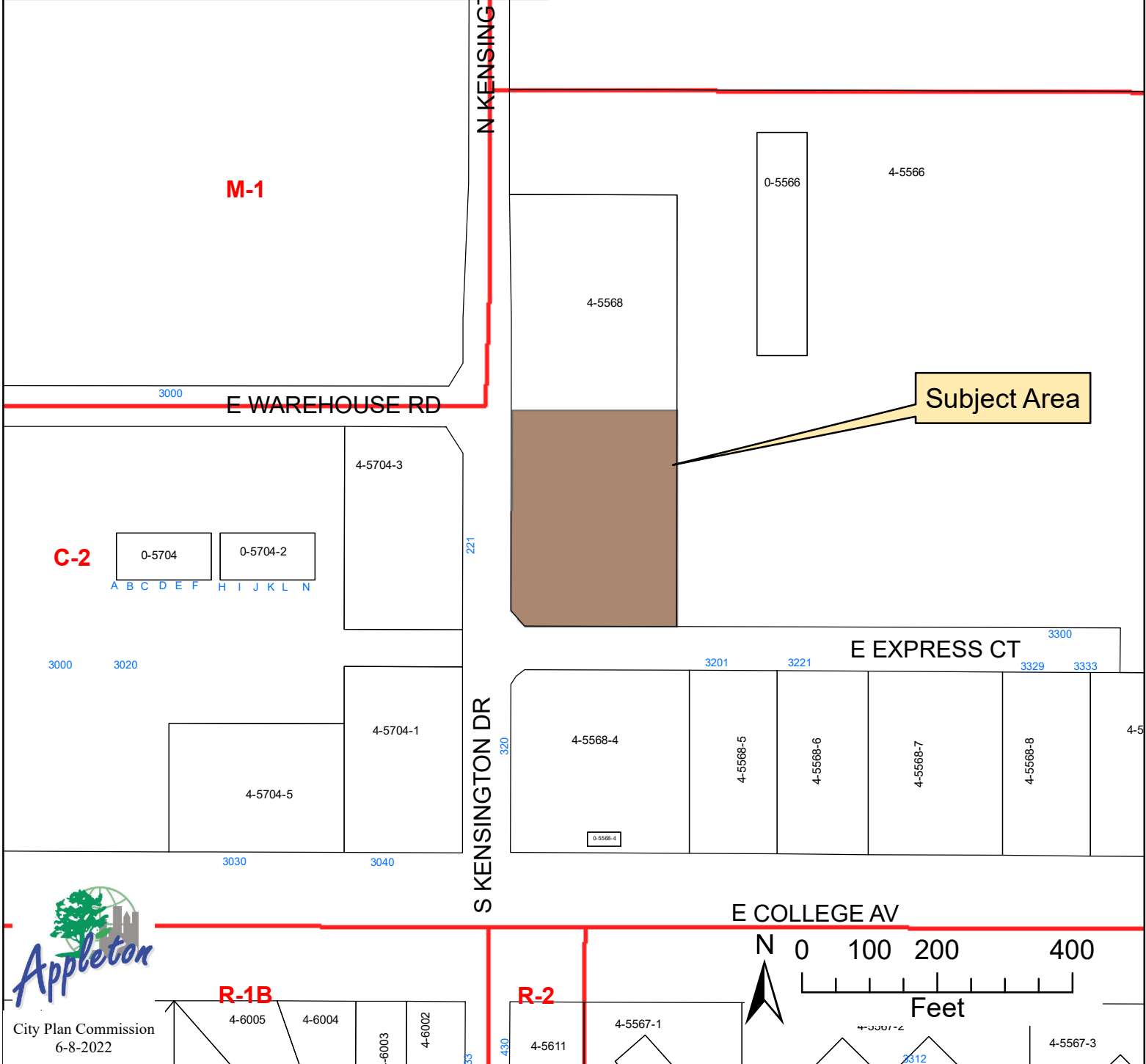
Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk



Special Use Permit
Car Wash
E. Express Court
Zoning Map



Special Use Permit
Car Wash
E. Express Court
Aerial Map



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Tsunami Express

Years in operation: 10

Type of proposed establishment (detailed explanation of business):

We are proposing an Express Carwash with +/- 24 free vacuums. It will also have two (2) sel-serve dog washes. The business will be open 7 days a week from 7am - 8 pm. It will be staffed during business hours and employ +/- 10 persons

Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	7am	8pm
Friday	7am	8pm
Saturday	7am	8pm
Sunday	7am	8pm

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: 16.00 persons

Gross floor area of the existing building(s):

0

Gross floor area of the proposed building(s):

4,921 SF

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

N/A

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):

Garbage Enclosure 6'

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: 0.00

Number of proposed employees: 10.00

Number of employees scheduled to work on the largest shift: 4.00

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:

Measured at property lines at exiting Greenfield location:
Exit (North) 74 dbs; Entrance (South) 69 dbs; Side (East) 60 dbs; Side (West) 56
dbs See Attached

How will the noise be controlled?

Noise will be controlled by landscaping and screen walls if necessary.

Outdoor Lighting:

Type: LED

Location: Parking Lot and Building

Off-Street Parking:

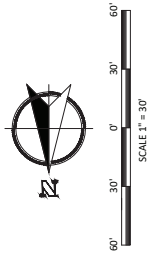
Number of spaces existing on-site: 0.00

Number of spaces proposed on-site: 24.00

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



EXISTING SITE INFORMATION

78,408 s.f.	TOTAL LOT AREA
78,408 s.f.	GREEN SPACE AREA

PROPOSED SITE INFORMATION

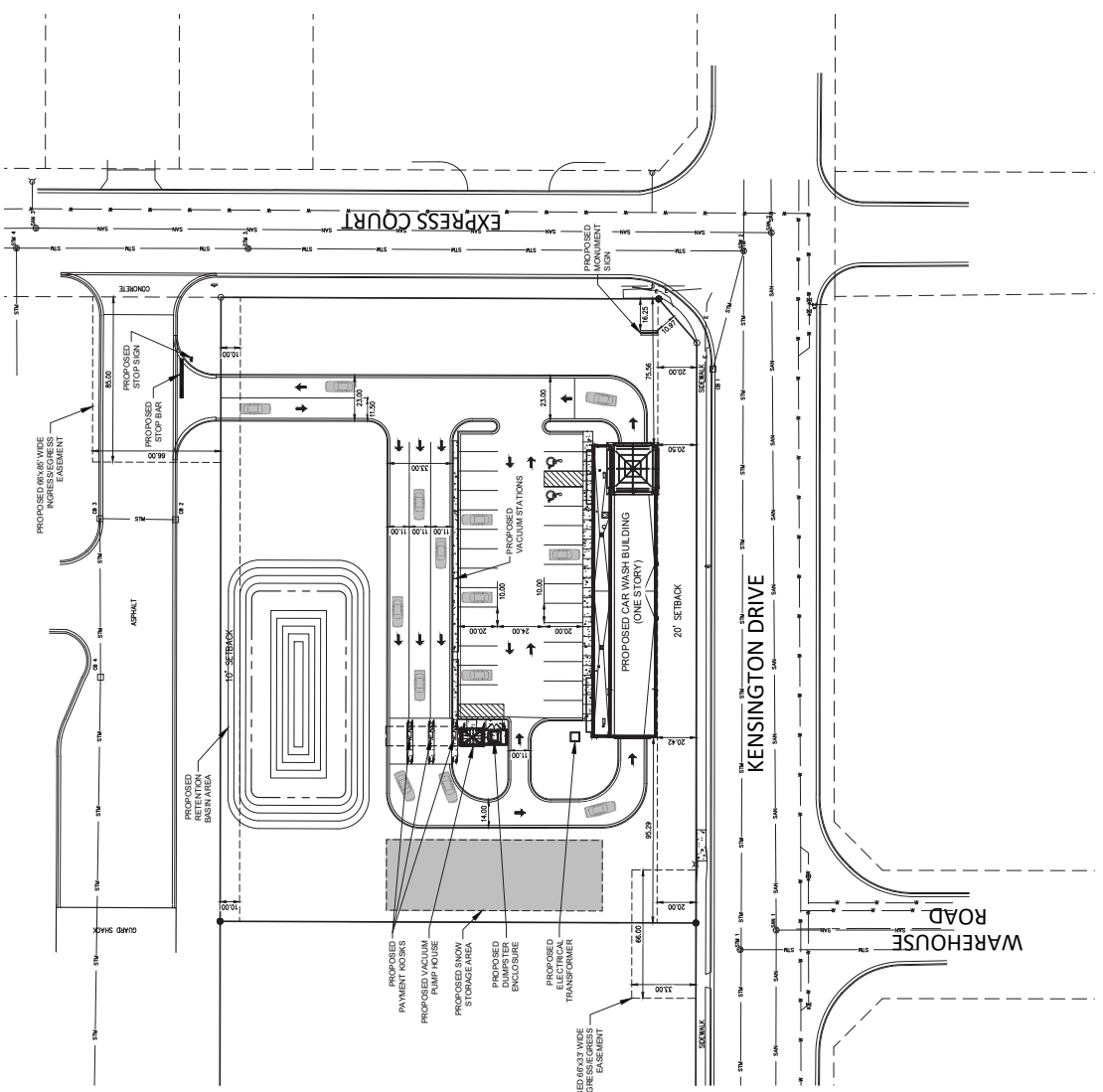
78,408 s.f.	TOTAL LOT AREA
5,307 s.f.	BUILDING AREAS
25,484 s.f.	PAVEMENT AREAS
47,617 s.f.	GREEN SPACE AREA

PARKING INFORMATION

PROPOSED	
HC STALLS	2
STANDARD STALLS	26
TOTAL	28

ZONING INFORMATION

ZONING	C-2 GENERAL COMMERCIAL DISTRICT
SPECIAL USE PERMIT REQUIREMENT	
SETBACKS	
FRONT	10 FEET
REAR	20 FEET
SIDE	0 FEET



UTILITY NOTE

EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. CALL "DIGGER'S HOTLINE" PRIOR TO ANY CONSTRUCTION.



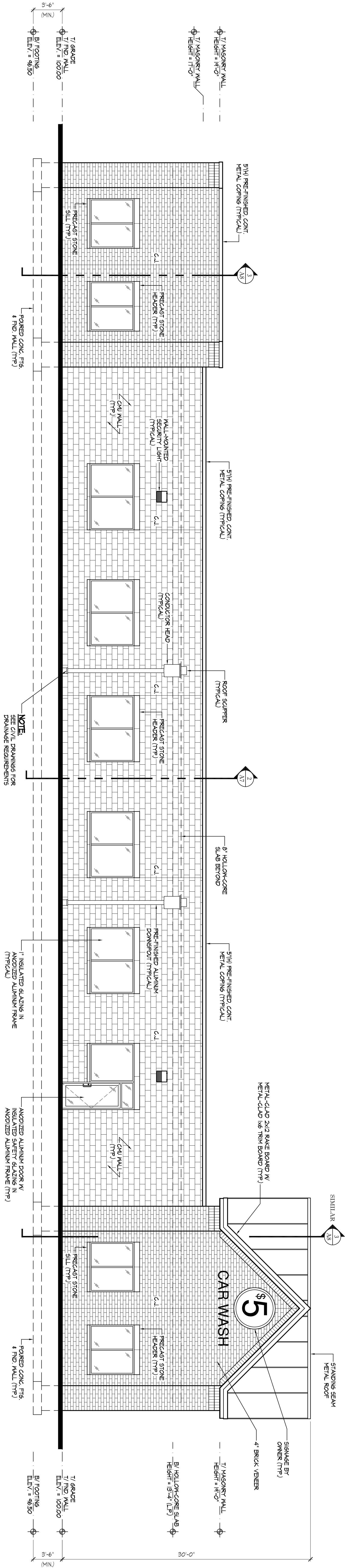
NO.	REVISION	BY	DATE

PROJECT NO.	MM10
DATE	JAN 26, 2022
DATE	JAN 26, 2022
DATE	JAN 26, 2022
DATE	JAN 26, 2022
DATE	JAN 26, 2022
DATE	JAN 26, 2022
DATE	JAN 26, 2022
DATE	JAN 26, 2022

SHEET	C-4
NO.	2022.0034.01

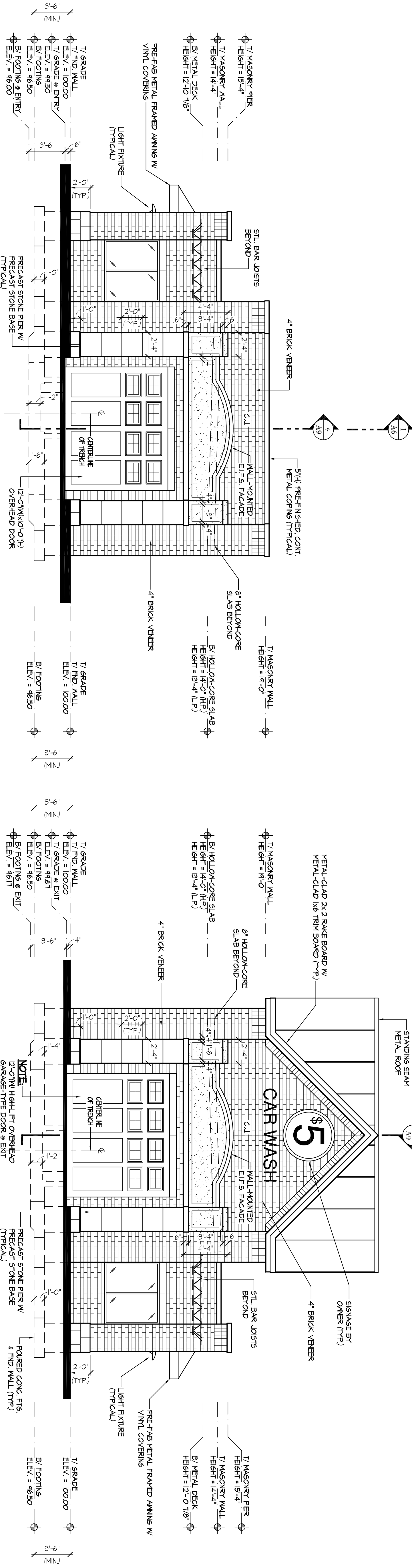
Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd, Suite 200, Racine, WI, 53406
Tel: (262) 634-5588 Website: www.nmbasc.net

PEAK, INC.
FOR
DIMENSIONED SITE PLAN
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



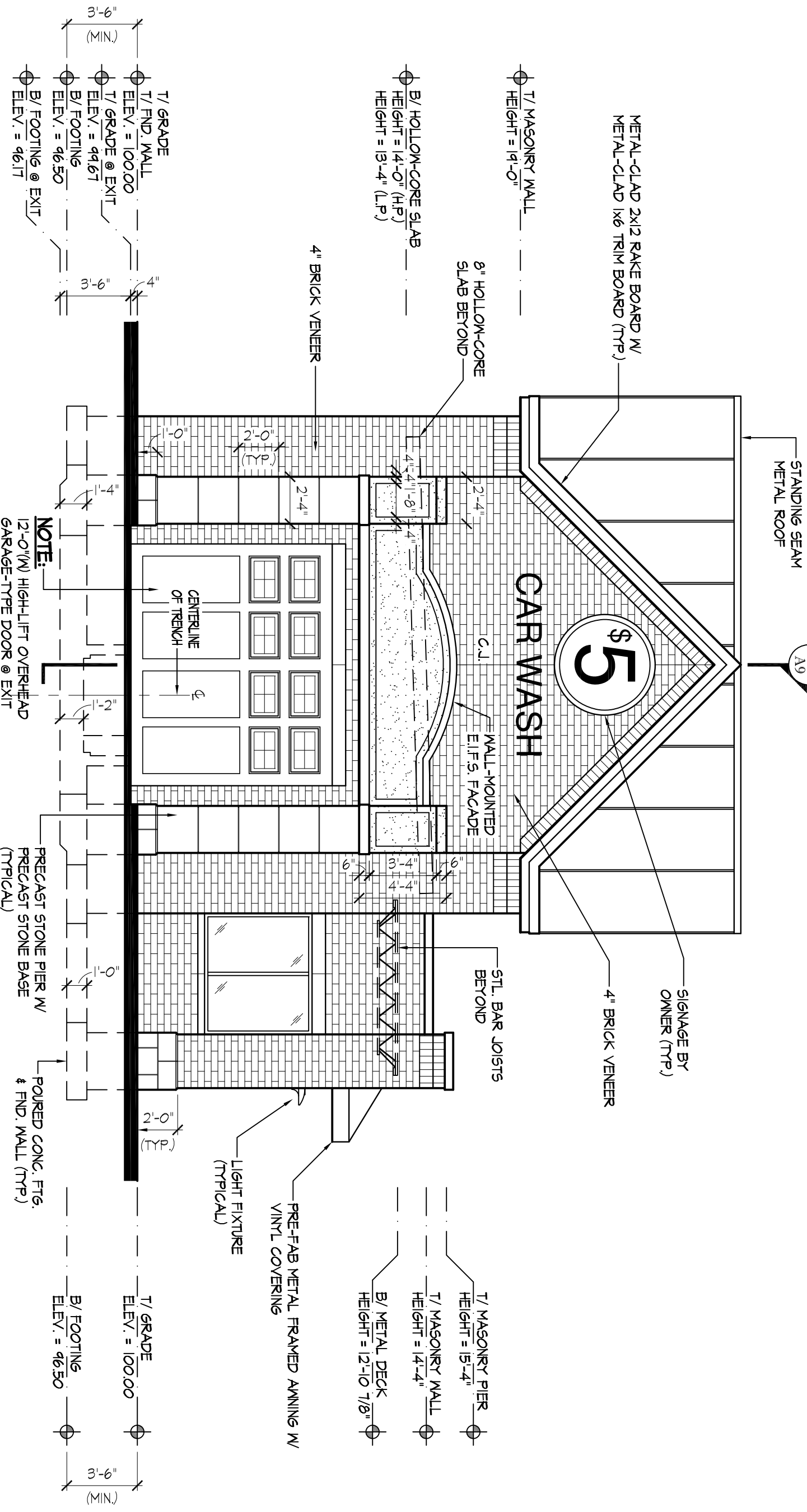
NORTH ELEVATION

SCALE: 3/16" = 1'-0"



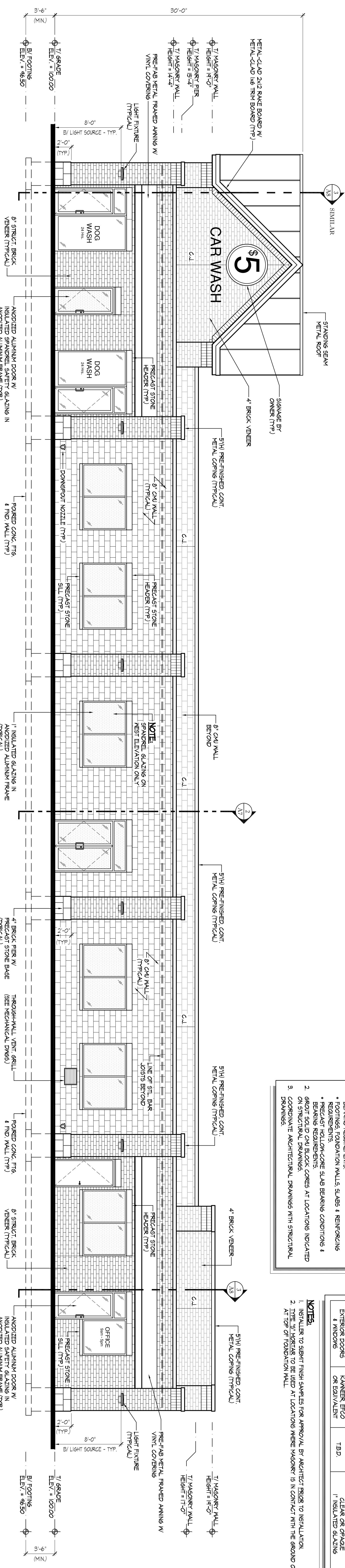
EAST ELEVATION

SCALE: 3/16" = 1'-0"



WEST ELEVATION

SCALE: 3/16" = 1'-0"



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

EXTERIOR FINISH NOTES

THERMAL AND MOISTURE

WEATHER BARRIER: TYVEK DRAINAGE®
DIPLOMAT (800) 446-4835
RESERVED SHEET FLASHING: BT20 XL BUILDING TAPE
ROOF TO WALL CO.: (877) 211-4661
THERMATE RESISTANTIZED GLAZING
THERMATE ROOF FLASHING

EXTERIOR METALS AND FLASHING

SHEET METAL FLASHINGS: PRE-FINISHED METALLIC-COATED STEEL SHEET AT EXPOSED AREAS
PHYSICAL PROPERTIES AND COATING PERFORMANCE REQUIREMENTS OF AIAA 2005 COLOR
SELECTED FROM STANDARD RANGE
- BASE FLASHING: 26 GA.
- FLASHING RECIPIERS: 26 GA.
- BRP EDGES: 24 GA.
SCAFFS AND INTERSECTORS OF EXTERIOR GUTTERS: PRE-FORMED VENTED ALUMINUM PANELS
PHYSICAL PROPERTIES AND COATING PERFORMANCE REQUIREMENTS OF AIAA 2005 COLOR
PAC-CLAD BY FETTEREN ALUMINUM (OR EQUIVALENT) (800) 722-2323
GUTTERS AND DOWNSPUTS: PRE-FINISHED ALUMINUM, COLOR AS SELECTED BY ARCHITECT
ROOF BY BRANDT AND BUILDING PRODUCTS (OR EQUIVALENT) (214) 522-5500

EXTERIOR FINISH SCHEDULE

MASONRY

TYPE	MANUFACTURER	SIZE (NOMINAL)	COLOR	WORKING COLOR / TYPE	CNTL. JUNT. CALLS
BRICK	ENDICOTT	STRUCTURAL	TBD	NATURAL / TYPE N	SONNEBORN
VENIER	OR EQUAL	4"X6"X12"	TBD	(SEE NOTE #2)	SONNEBORN
VENIER	OR EQUAL	4"X6"X12"	TBD	(SEE NOTE #2)	SONNEBORN
C&U	TBD	8"X4"X16"	TBD	NATURAL / TYPE N	SONNEBORN
PRECAST	TBD	SEE EXTERIOR ELEV.	TBD	(SEE NOTE #2)	N/A
STONE	1 BRANDT AND	1 BRANDT AND	TBD	(SEE NOTE #2)	N/A

EXTERIOR INSULATION & FINISH SYSTEM (EIFS)

LOCATION / ID	MANUFACTURER	FINISH	COLOR	COMMENTS
FLASHER	BRANT SMITH	TBD	TBD	
C&U ENT / EXT	OR EQUAL	TBD	TBD	

METALS

LOCATION / ID	MANUFACTURER	TYPE	FINISH	COLOR
ROOF	PAC-CLAD PETERSON	STANDING	PRE-FINISHED	TBD
SOFFITS EAVES & PAC-CLAD PETERSON	FORMED	PRE-FINISHED	TBD	
GUTTER DOWNSPUTS	PAC-CLAD PETERSON	ALUMINUM	PRE-FINISHED	TBD

STORAGE GLAZING

LOCATION / ID	MANUFACTURER	COLOR / FINISH	DESCRIPTION
EXTERIOR DOORS & WINDOWS	KAMMER, ETGO	TBD	CLAR OR GRAYE
	OR EQUIVALENT	TBD	1" INSULATED GLAZING

NOTES

1. INSTALLERS TO SUBMIT FINISH SAMPLES FOR APPROVAL BY ARCHITECT PRIOR TO INSTALLATION.
2. TYPE 'S' METALS TO BE USED AT LOCATIONS WHERE MASONRY IS IN CONTACT WITH THE GROUND OR AT TOP OF FOUNDATION WALL.

GENERAL STRUCTURAL NOTES

1. SEE STRUCTURAL DRAWINGS FOR SIZE & LOCATION OF:
 - STEEL BEAMS, JOISTS, ANGLES, PLATES, LINTELS & BEARING REQUIREMENTS.
 - FOOTINGS, FOUNDATION WALLS, SLABS & REINFORCING.
 - PRECAST HOLLOW-CORE SLAB BEARING CONDITIONS & BEARING REQUIREMENTS.
2. GROUT SOLID OVER BLOCK CORERS AT LOCATIONS INDICATED.
3. COORDINATE ARCHITECTURAL DRAWINGS WITH STRUCTURAL DRAWINGS.

APPLETON EXPRESS WASH

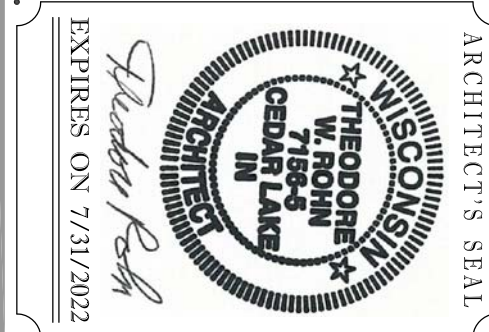
EXPRESS COURT
APPLETON, WISCONSIN
54915

ROHN ASSOCIATES
ARCHITECTS & PLANNERS

13177 RHODE STREET
CEDAR LAKE, IN 46303
PHONE: (708) 906-4670

PRELIMINARY
NOT FOR CONSTRUCTION
REVISIONS REQUIRED

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Drawings, Are Owned And The Property Of The Architect.
Drawings May Not Be Reproduced Or Copied Without
Written Consent Of The Architect.



ISSUE FOR:
2/2/22 REVIEW

EXTERIOR
ELEVATIONS

SCALE: AS NOTED
PROJECT NO.:

A2