



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** August 10, 2022

**Common Council Meeting Date:** August 17, 2022

**Item:** Special Use Permit #8-22 for a car wash

**Case Manager:** Jessica Titel, Principal Planner

### **GENERAL INFORMATION**

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**Owner:** WFBT 2, LLC

**Applicant:** Bill Arsenault – Mays and Company on behalf of Zips Car Wash

**Address/Parcel #:** 1000 W. Northland Avenue (Tax Id #31-5-9494-06)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for a car wash.

### **BACKGROUND**

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The subject parcel currently contains an approximately 113,111 square foot vacant retail building (former ShopKo) and associated large off-street parking lot. The subject property is part of the larger Northland Mall development.

### **STAFF ANALYSIS**

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**Project Summary:** The applicant proposes interior building modifications to add a car wash inside a portion of the vacant retail building as shown on the attached development plans. The proposed development includes the following:

- The car wash will be fully contained in the interior of the existing building and will contain two wash tunnels. The car wash will occupy approximately 56,000 square feet of the existing building.
- Vehicles will enter and exit on the west side of the building.
- Car wash stacking spaces will be located inside the building.
- Approximately 35 vacuum stations are proposed and will also be located inside the existing building.
- Proposed hours of operation are from 8:00 AM to 8:00 PM each day.

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

**Existing Site Conditions:** The subject site is approximately 8.18 acres in size and contains an approximately 113,111 square foot vacant retail building (former ShopKo) and associated large off-street parking lot. The subject property is part of the larger Northland Mall development. Access to the property will utilize existing driveways and entrance roads off W. Northland Avenue.

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**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 by existing commercial and residential development.

North: R-2 Two-Family District. The adjacent land use to the north is two-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 (Kohls and Northland Mall).

West: C-2 General Commercial District. The adjacent land uses to the west are currently a mix of commercial uses (Festival Foods and North Shore Bank).

**Appleton Comprehensive Plan 2010-2030:** Community and Economic 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 9.4 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

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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: *car wash will be located within an existing building*, 3. special regulations: *not applicable to carwashes*, 4. consistent with comprehensive plan and other plans: *yes, see above analysis*, 5. traffic: *applicant will share existing access points currently serving the Northland Mall, no concerns submitted by traffic engineer*, 6. landscaping and screening: *no exterior site changes are being proposed*, 7. neighborhood compatibility: *the proposed use is located adjacent to existing commercial uses and will be located completely within an enclosed building*, 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 July 19, 2022 TRG agenda. No negative comments were received from participating departments.

### **RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #8-22 for a car wash located at 1000 W. Northland Avenue (Tax Id #31-5-9494-06), 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. 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.*

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3. 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 #8-22  
CAR WASH  
1000 W. NORTHLAND AVENUE**

**WHEREAS**, Bill Arsenault (Mays and Company) on behalf of Zips Car Wash has applied for a Special Use Permit for a car wash located at 1000 W. Northland Avenue (also identified as Parcel Number 31-5-9494-06); 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 August 10, 2022 on Special Use Permit #8-22, 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 #8-22 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 August 17, 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 #8-22 for a car wash located at 1000 W. Northland Avenue, also identified as Parcel Number 31-5-9494-06, 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 #8-22 for a car wash located at 1000 W. Northland Avenue, also identified as Parcel Number 31-5-9494-06, 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 #8-22**

- 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 #8-22 will expire pursuant to Sections 23-66 (f)(1) b. and c. of the Zoning Ordinance.
  - B. All Zoning, Building, Fire, Engineering, Utility, Noise and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - C. 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

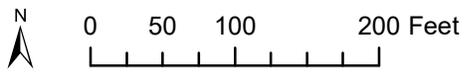
Special Use Permit  
Car Wash  
1000 W. Northland Avenue  
Zoning Map



Special Use Permit  
Car Wash  
1000 W. Northland Avenue  
Aerial Map



Subject Area



## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Zips Car Wash

Years in operation: 18 years

Type of proposed establishment (detailed explanation of business): ZIPS Car Wash is the largest privately held car wash operator nationwide. ZIPS is among the fastest growing express car wash chains in the country, operating more than 240 locations across 24 states. With over 17 years of car washing experience, ZIPS has invested in industry leading technology, creative hiring and training methods, local partnerships, and a laser-focus on customer care as driving forces behind ZIPS growing business model. ZIPS Car Wash is about much more than getting cars clean. Our #1 purpose is to make people happy, from our community outreach efforts and fundraising programs to our focus on employees. ZIPS strives for a great, clean, and fun customer experience.

### Proposed Hours of Operation of Car Wash:

Day	From	To
Monday thru Thursday	8:00 AM	8:00 PM
Friday	8:00 AM	8:00 PM
Saturday	8:00 AM	8:00 PM
Sunday	8:00 AM	8:00 PM

### Building Capacity, Operations, 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: 373 persons

Gross floor area of the existing building(s): 113,111.

Gross floor area of the proposed building(s): 113,111.

(Check applicable response)

Water reclamation system:  YES  NO

Anticipated water use: 16,000,000 average gallons per year.

Anticipated noise readings at the car wash entrance: <60 dBA.

Air Drying System:  YES  NO

If yes, describe the location of the air drying system: Dyers are located at the end of the car wash conveyors. 93' from the west wall & centered in the building from north to south.

If yes, identify the anticipated noise levels at the car wash tunnel exit: <60 dBA.

How will the noise be controlled?

**Interior walls of tunnel which is located inside of the building**

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

**Approximately five (5) 30 gallon barrels stored in the back room**

**Odor:**

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

**Soap and wax odors will be controlled by ventilation and make up air**

**Outdoor Lighting:**

**New decorative LED exterior lights to be installed on the west and south elevations. Parking lot lighting is existing and will remain.**

Location: **1000 W. Northland Ave**

**Off-Street Parking/Stacking Spaces:**

Number of spaces existing on-site: **373**

Number of spaces proposed on-site: **373**

Number of existing stacking spaces on-site: **none**

Number of proposed stacking spaces on-site: **6 per car wash lane, located inside the building**

**Bicycle Parking Spaces:** Type and Location: **N/A**

\*Bicycle Parking Spaces are required per Municipal Code Section 23-172(l)(1)a., b. and c.

**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?

**Existing street improvements are adequate**

**Indoor**

**Outdoor Uses:**

(Check applicable response)

Vacuum Stations:  YES     NO

If yes, identify the number of vacuum stations proposed: 35

If yes, identify the anticipated noise levels at the vacuum stations: 75-80 dBA.

**Proposed Hours of Operation of the Vacuum Stations:**

Day	From	To
Monday thru Thursday	8:00 AM	8:00 PM
Friday	8:00 AM	8:00 PM
Saturday	8:00 AM	8:00 PM
Sunday	8:00 AM	8:00 PM

If applicable, describe other outdoor services provided: N/A

**Landscaping:**

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

N/A

**Outdoor Display:**

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

TBD - Building Signage

**Number of Employees:**

Number of existing employees: 0.

Number of proposed employees: 15.

Number of employees scheduled to work on the largest shift: 6.

