



REPORT TO CITY PLAN COMMISSION

New information is underlined.

Plan Commission Public Hearing Date: April 24, 2017

Common Council Meeting Date: May 3, 2017

Plan Commission Meeting Date: May 8, 2017 (R/B CC May 3, 2017 – Lobner)

Common Council Meeting Date: May 17, 2017

Item: Special Use Permit #1-17 for an automobile sales and display lot

Case Manager: David Kress

GENERAL INFORMATION

Owner: BDB Company LLP

Applicant: VL Performance LLC c/o Coty Van Lannen

Address/Parcel #: 524 North Clark Street (Tax Id #31-2-0697-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for an automobile sales and display lot in conjunction with an existing automobile maintenance shop.

BACKGROUND

This Special Use Permit request was referred back to Plan Commission at the May 3, 2017 Common Council meeting by Alderperson Kyle Lobner. Per Section 23-66(c)(4) of the Municipal Code, the Common Council shall within forty-five (45) days of Plan Commission action act to approve or deny the Special Use Permit. Plan Commission originally took action on this item on April 24, 2017. June 7, 2017 is 45 days from April 24, 2017.

The subject area, located along North Clark Street between West Atlantic Street and West Packard Street, is already occupied by the applicant. VL Performance has operated at this location as an automobile maintenance shop since 2015, when building permits were issued by the Inspections Division. Before obtaining a Motor Vehicle Dealer License from the Wisconsin Department of Transportation, the applicant must receive approval of a Special Use Permit.

As part of a Zoning Map amendment for numerous properties throughout the surrounding neighborhood, Common Council approved Rezoning #4-98 on February 18, 1998, which rezoned the subject property from CBD Central Business District to C-2 General Commercial District.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish an automobile sales and display lot on the northwest portion of the subject site. Landscaping would be installed around the perimeter of the display

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area, as shown on the attached development plan. The existing automobile maintenance shop, which is approximately 5,000 square feet in size, would remain operational and provide the ability to perform service work on the vehicles available for sale.

Existing Site Conditions: The 0.63-acre site is currently developed with a multi-tenant building, which is approximately 11,150 square feet in size. The site also includes paved areas that have been used for off-street parking. Access is provided by curb cuts on North Clark Street and North Superior Street.

Zoning Ordinance Requirements: The subject property has a zoning designation of C-2 General Commercial District. 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 definition of automobile sales and display lot, per the Zoning Ordinance, means a use involving the display and temporary storage, for sale, of new or used motor vehicles including recreational vehicles, trucks, motorcycles and boats, and where repair or service work is incidental to the operation of new or used vehicle sales. In order to permit an automobile sales and display lot, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

As part of the minimum standards for an automobile sales and display lot, perimeter landscaping is required pursuant to Section 23-66(h)(5) of the Municipal Code. Based on the attached development plan, a 5-foot wide landscape buffer would be provided around the proposed display area, and a 6-foot high fence exists near the north lot line. This would satisfy the minimum standards for perimeter landscaping.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use(s) of a property. Based on the existing automobile maintenance shop (a permitted use in the C-2 District) and proposed automobile sales and display lot, a total of 19 parking spaces would be required. The 23 exterior parking spaces and four interior parking spaces (each service bay) shown on the attached development plan would exceed the minimum off-street parking requirement, allowing the proposed spaces at the north end of the property to function as display area.

Operational Information: A plan of operation is attached to the Staff Report.

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-1C Central City Residential District. The adjacent land uses to the north are currently single-family residential.

South: C-2 General Commercial District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of commercial and single-family residential.

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

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West: R-1C Central City Residential District. The adjacent land uses to the west are currently single-family residential.

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 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-66(h)(5) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the April 4, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #1-17 for an automobile sales and display lot at 524 North Clark Street (Tax Id #31-2-0697-00), as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following conditions:

1. The automobile sales and display lot use is limited to the part of parcel #31-2-0697-00 outlined on the attached City Plan Commission maps dated April 24, 2017.
2. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes and the Noise Ordinance, shall be complied with.
3. Any 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.

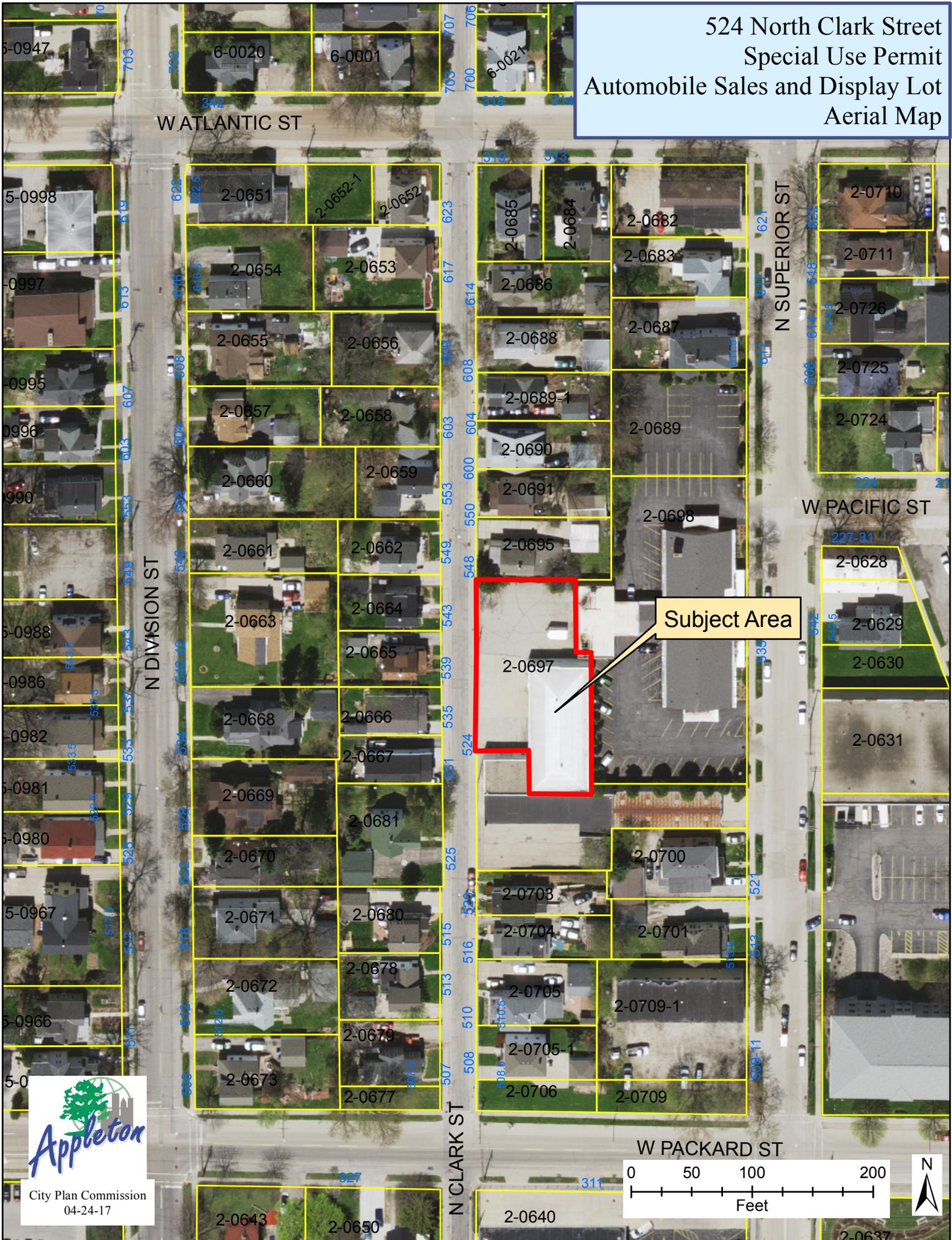
Special Use Permit #1-17

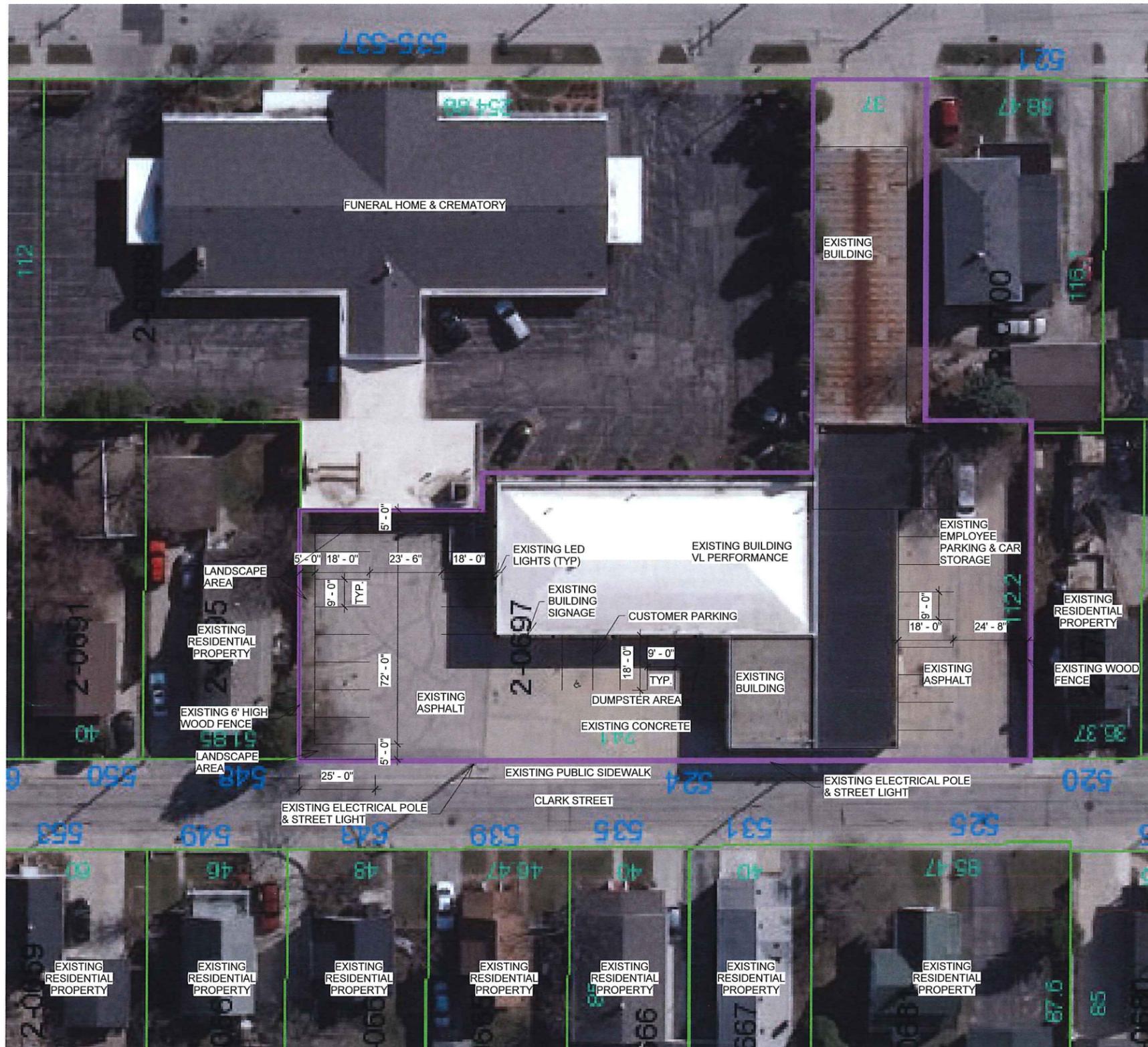
May 8, 2017

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4. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
5. 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.
6. The perimeter landscaping, fence, and parking lot striping shall be complete prior to a Certificate of Occupancy being issued by the Inspections Division for the automobile sales and display lot use or City signatures being affixed to the Motor Vehicle Dealer License.
7. Vehicles displayed for sale outdoors shall be kept within the area north of the building, near the perimeter landscaping, as shown on the development plan.
8. The Special Use Permit shall be deemed null and void if the use has not been established within twelve (12) months after Common Council approval, pursuant to Section 23-66(f)(3) of the Municipal Code.

524 North Clark Street
Special Use Permit
Automobile Sales and Display Lot
Aerial Map

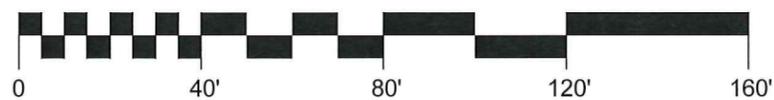




1 SITE LAYOUT
1" = 40'-0"



Graphic Scale: 1 inch = 40 feet

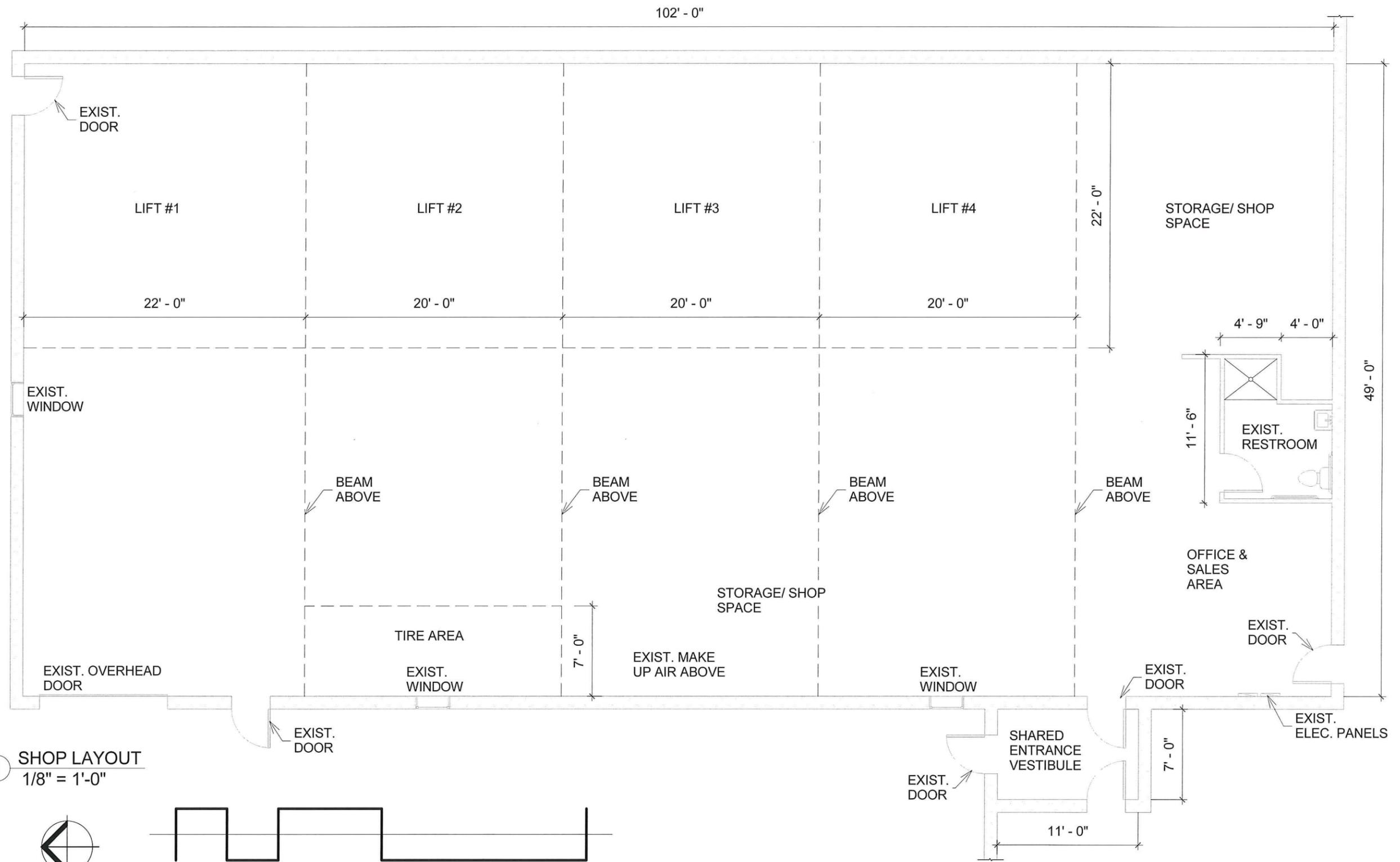


524 N. CLARK ST
SUITE #4
APPLETON, WI 54911

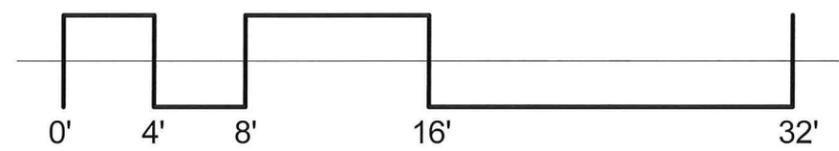
DATE

MAR. 28, 2017

SITE LAYOUT



1 SHOP LAYOUT
1/8" = 1'-0"



524 N. CLARK ST
SUITE #4
APPLETON, WI 54911

DATE MAR. 28, 2017

SHOP LAYOUT

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: VL Performance, LLC.

Years in operation: 2.5 years

Type of proposed establishment (detailed explanation of business):

VL Performance is a one stop performance/sales shop. We will offer our customers who are looking for a dealership alternative, a performance vehicle build, or looking to rebuild an engine or transmission, we have the knowledge, skills, and appropriate tools to complete the job correctly.

Proposed Hours of Operation:

Day	From	To
Week Day	9	5
Friday	9	5
Saturday	by appt.	
Sunday	closed	closed

Building Capacity and Area:

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: 300 persons

Gross floor area of the existing building(s):

5000 sq/ft

Gross floor area of the proposed building(s):

N/A

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

We do not store flammable liquids per our insurance company rules.

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

We installed a brand new make up air
unit in 2016.

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

Noise levels are minimum now. We have not
had any complaints in the years we have been here.
We are very professional and respect our neighbors.

How will the noise be controlled?

Our building has only one insulated noise proof
door. So that keeps levels down in itself.

Outdoor Lighting:

Type: We installed LED high efficiency lighting

Location: Top of building every 20 feet.

Off-Street Parking:

Number of spaces existing: ~~0~~ 23

Number of spaces proposed: ~~0~~ 23

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?

Yes, it is adequate. we do not have a lot
of traffic flow as is.

Outdoor Uses:

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

We do not store goods outside.

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

We do not have plantings/fencing/gating for outdoor storage.

Type, location, size of outdoor display area(s) of merchandise for sale:

We do not display merchandise for sale.

Number of Employees:

Number of existing employees: 7

Number of proposed employees: 8-9

Number of employees scheduled to work on the largest shift: 4

Legal Description of Land

The West 82.5' of the East 224' of Lot 11, the West 95' of the East 224' of Lot 12, the North 37' of the East 112' and North 72.73' of the East 111.2' of the West 120' of Lot 13, all in Block 65 of the Second Ward Plat, City of Appleton, Outagamie County, Wisconsin

Type of Proposed Establishment (detailed explanation of business):

VL Performance is a one stop automotive performance and repair shop. We are fully staffed with Master ASE Certified technicians for the repair work and have 3 mechanical engineers responsible for the design and engineering/performance work. I have been personally involved in the building of another used car sales shop located in Green Bay helping expand that business from \$25,000 a year to a \$3-4 million company. This is my true passion!! I aspire to develop a one stop shop for vehicle sales, with honest, professional repair work, and engineering. We will offer our customers with an alternative to large dealerships, a performance vehicle build, or assistance with rebuilding an engine/transmission. We have the knowledge, skills, and appropriate tools to complete the job correctly and professionally.

I have grown this business from a one stall garage 2.5 years-ago to a third, larger location where I plan to really expand this company. VL Performance has grown extensively over the three years from an annual gross of 32k the first year, 125k the second, and now in new location we were just shy of 500k in only our third year of business. We have gone this far by strictly word of mouth and social media advertising. Obtaining the dealer's license would allow for us to expand our social media advertising, develop a professional website for the car sales portion of business that will include links to other local businesses from whom we purchase our supplies, utilize newspaper/radio advertisements, earn magazine/internet publicity with our professional car builds, as well as allow VL Performance to continue supporting local car clubs/shows and fundraisers.

I pride myself on the quality of my staff and plan to hire additional people in the future as we expand. VL Performance has great reviews on both Google and Facebook with a BBB rating of an A. The facility is setup 100 percent currently after 2016 improvements including a make-up air unit and a 3-phase electrical upgrade. My largest priority right now is getting the city on board with what I want to build here, which in turn will improve the area that VL Performance is in now, bring in more jobs, tax revenue, and people from other parts of Wisconsin and the USA. I want to put Appleton on the map for a one of a kind automotive performance shop, engineering facility, and high quality vehicle sales. While creating new jobs, and help the community prosper.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #1-17

WHEREAS, VL Performance, LLC has applied for a Special Use Permit for an automobile sales and display lot located at 524 North Clark Street, also identified as Parcel Number(s) 31-2-0697-00; 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 is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on April 24, 2017, on Special Use Permit #1-17 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials 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)(1-6) and 23-66(h)(5) of the Municipal Code, and forwarded Special Use Permit #1-17 to the City of Appleton Common Council with a favorable 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 _____, 2017 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #1-17 for an automobile sales and display lot located at 524 North Clark Street, also identified as Parcel Number(s) 31-2-0697-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #1-17

1. The automobile sales and display lot use is limited to the part of parcel #31-2-0697-00 outlined on the attached City Plan Commission maps dated April 24, 2017.
2. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes and the Noise Ordinance, shall be complied with.
3. Any 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.

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8. The Special Use Permit shall be deemed null and void if the use has not been established within twelve (12) months after Common Council approval, pursuant to Section 23-66(f)(3) of the Municipal Code.

Adopted this _____ day of _____, 2017.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk