



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to  
the Community and Economic Development Department,  
920-832-6468.*

---

Wednesday, July 13, 2022

3:30 PM

Council Chambers, 6th Floor

---

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[22-0866](#) City Plan Minutes from 6-8-22

**Attachments:** [City Plan Minutes 6-8-22.pdf](#)

#### 4. Public Hearings/Apearances

[22-0867](#) Special Use Permit #7-22 to conform and expand an automobile sales and display lot located at 1608 East Wisconsin Avenue (Tax Id #31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #22-0868)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_MidwesternWheels\\_SUP#7-22.pdf](#)  
[PublicHearingNoticeNeighborhood\\_MidwesternWheels\\_SUP#7-22.pdf](#)

#### 5. Action Items

[22-0868](#) Request to approve Special Use Permit #7-22 to conform and expand an automobile sales and display lot located at 1608 East Wisconsin Avenue (Tax Id #31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_MidwesternWheels\\_SUP\\_For07-13-22.pdf](#)

[22-0869](#)

Request to approve Certified Survey Map #21-22, which crosses a plat boundary, to combine four adjacent parcels (Tax Id #31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00) into one new parcel as shown on the attached map and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_1608EWisconsinAv\\_CrossingPlatBoundary\\_For07-13-22.pdf](#)

## 6. Information Items

## 7. Adjournment

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed  
to the Community and Economic Development Department,  
920-832-6468.*

---

Wednesday, June 8, 2022

3:30 PM

Council Chambers, 6th Floor

---

1. Call meeting to order

**Meeting called to order by Chair Mayor Woodford at 3:31 p.m.**

2. Roll call of membership

*Commissioner Fenton appeared virtually and participated via Zoom.*

**Present:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

*Others present:  
Tracey Erickson, Peak Inc.  
Brian Jensen, Peak Inc.*

3. Approval of minutes from previous meeting

[22-0747](#)

City Plan Minutes from 5-11-22

**Attachments:** [City Plan Minutes 5-11-22.pdf](#)

**Uitenbroek moved, seconded by Robins, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

4. Public Hearings/Appearances

[22-0748](#)

Special Use Permit #6-22 for a car wash use located at 3200 E. Express Court (Tax Id #31-4-5568-00), as shown on the attached materials and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #22-0749)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_EExpressCt\\_SUP#6-22.pdf](#)  
[PublicHearingNoticeNeighborhood\\_EExpressCt\\_SUP#6-22.pdf](#)

**This public hearing was held, and no one spoke on the item.**

## 5. Action Items

[22-0749](#)

Request to approve Special Use Permit #6-22 for a car wash use located at 3200 E. Express Court (Tax Id #31-4-5568-00), as shown on the attached materials and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_Peak Car Wash\\_SUP\\_For06-08-22.pdf](#)

**Buetow moved, seconded by Robins, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

## 6. Information Items

[22-0750](#)

Overlapping Extraterritorial Plat Approval Jurisdictions

**Attachments:** [StaffMemo\\_ETJOverlap\\_For06-08-22.pdf](#)  
[ETJOverlap\\_Appleton-FoxCrossing-Greenville\\_BuffersOnly.pdf](#)  
[ETJOverlap\\_Appleton-FoxCrossing-Greenville\\_EquidistantLines.pdf](#)  
[ETJOverlap\\_Appleton-FoxCrossing-Greenville\\_Aerial+SectionLines\\_AgreedUponLine.pdf](#)

**This item was presented and discussed.**

## 7. Adjournment

**Palm moved, seconded by Robins, that the meeting be adjourned at 3:46 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Fenton, Buetow and Uitenbroek

**Excused:** 1 - Dane

**CITY OF APPLETON**  
**NOTICE OF PUBLIC HEARING**  
**PROPOSED SPECIAL USE PERMIT**

NOTICE IS HEREBY GIVEN of a Public Hearing to be held before the City Plan Commission on Wednesday, July 13, 2022, at 3:30 P.M., in Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering a Special Use Permit.

Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Midwestern Wheels Inc., owner/applicant, for property located at 1608 East Wisconsin Avenue (Tax Id #31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00) to obtain a Special Use Permit to conform and expand an automobile sales and display lot. In the C-2 General Commercial District, a Special Use Permit is required for an automobile sales and display lot.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at (920) 832-6428 or by email at [david.kress@appleton.org](mailto:david.kress@appleton.org).

CITY PLAN COMMISSION  
APPLETON, WISCONSIN

COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL - 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
(920) 832-6468

*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

RUN: June 28, 2022  
July 5, 2022

**NOTICE OF PUBLIC HEARING**  
**OF THE**  
**APPLETON CITY PLAN COMMISSION**

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, July 13, 2022, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the purpose of considering the following proposed Special Use Permit:

- Pursuant to Sections 23-66 and 23-113 of the Appleton Municipal Code, to consider a request by Midwestern Wheels Inc., owner/applicant, for property located at 1608 East Wisconsin Avenue (Tax Id #31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00) to obtain a Special Use Permit to conform and expand an automobile sales and display lot (Avis Car Sales). In the C-2 General Commercial District, a Special Use Permit is required for an automobile sales and display lot.
  
- ALDERMANIC DISTRICT: 2 – Alderperson Vered Meltzer

You are being notified as a policy of the City of Appleton Community and Economic Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

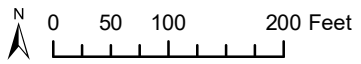
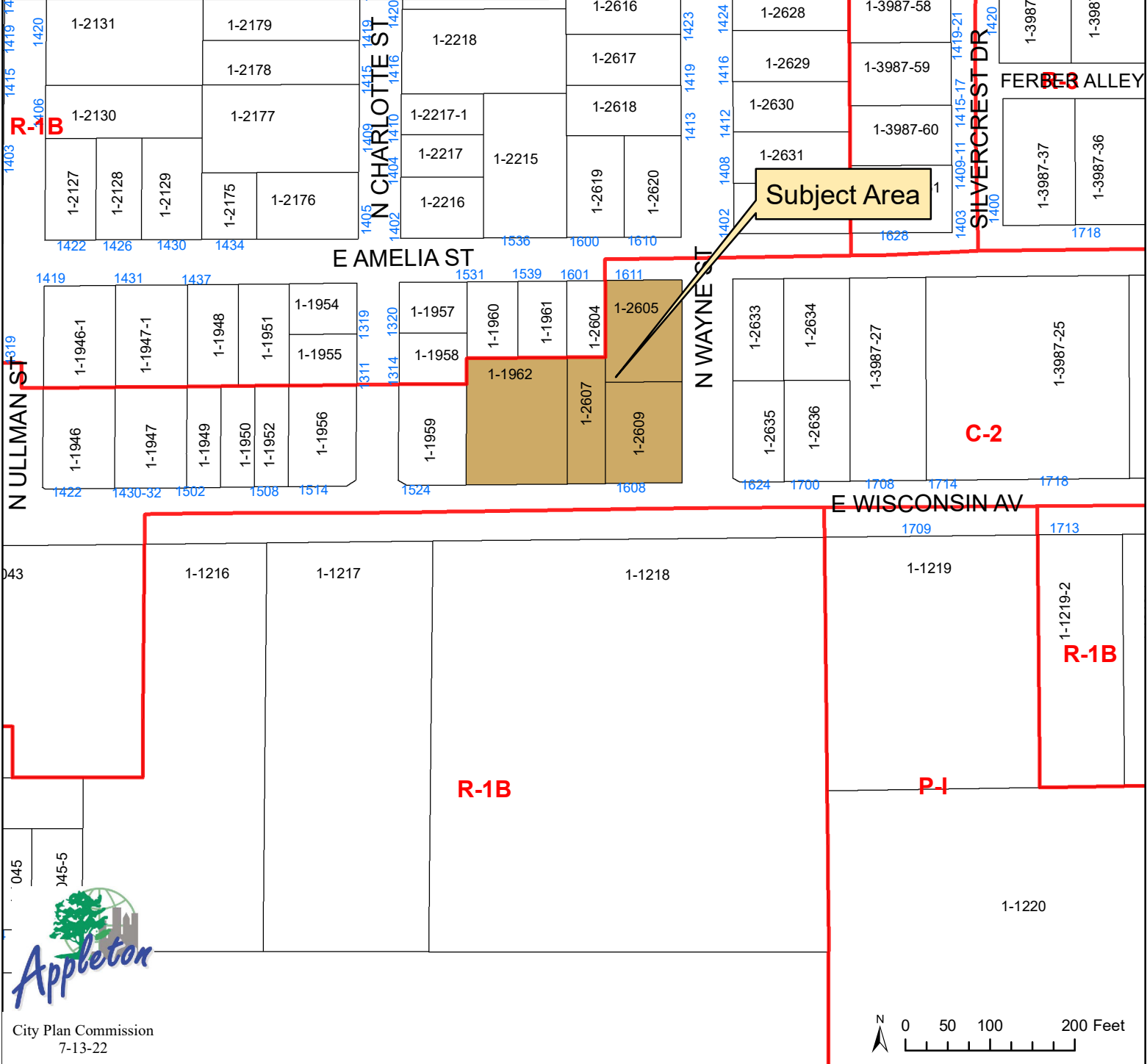
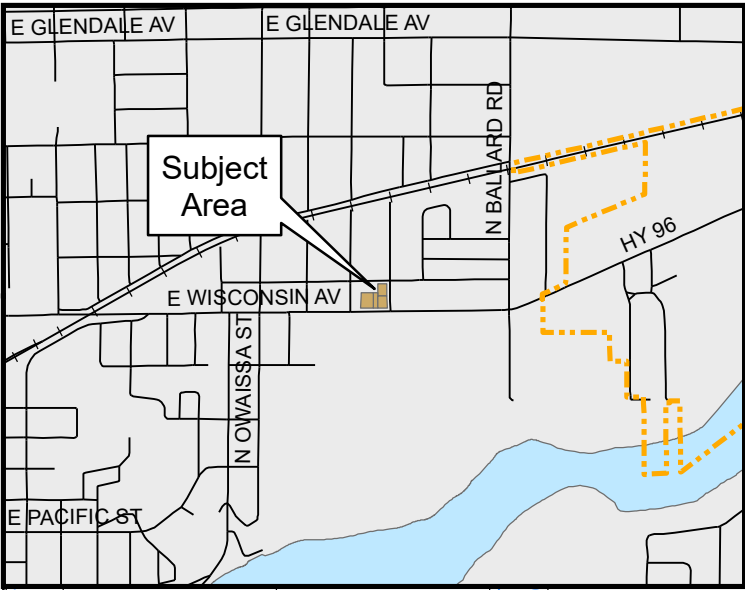
Any questions regarding this matter should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at [david.kress@appleton.org](mailto:david.kress@appleton.org).

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT  
CITY HALL - 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
920-832-6468

*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

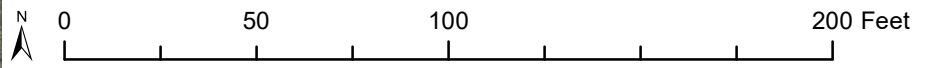
1608 East Wisconsin Avenue  
 Special Use Permit  
 Automobile Sales and Display Lot  
 Zoning Map



1608 East Wisconsin Avenue  
Special Use Permit  
Automobile Sales and Display Lot  
Aerial Map



Subject Area









WISCONSIN'S LARGEST TREE TRANSPLANTERS



STATE STREET MAPLE



ROYAL RED MAPLE



SPRING SNOW CRABAPPLE



SEA GREEN JUNIPER



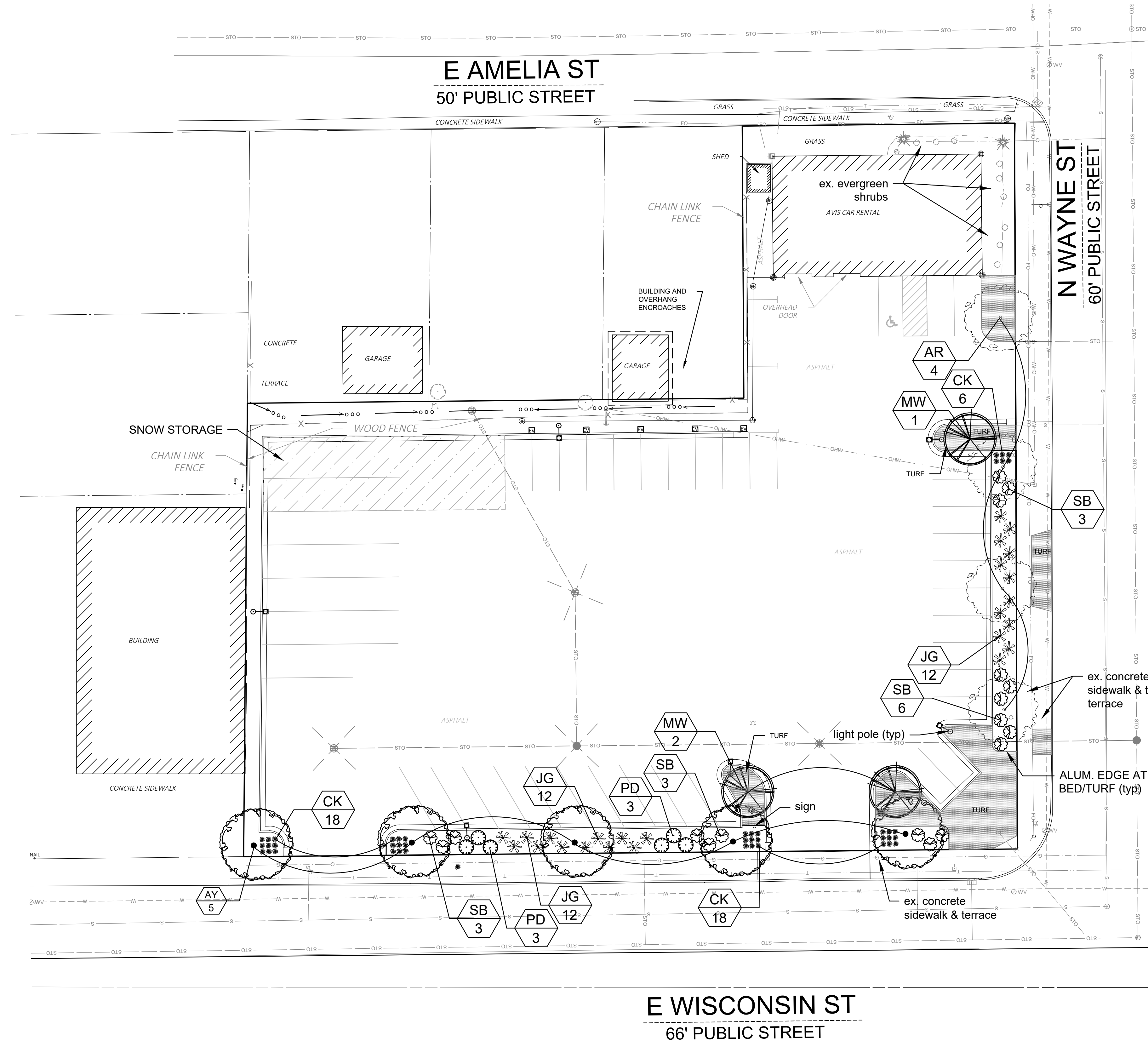
ANTHONY WATERER SPIREA



LITTLE DEVIL NINEBARK



KARL FOERSTER REED GRASS



Key	Botanical Name	Common Name	Qty.	Size	Root	Spacing
<b>SHADE TREES</b>						
AY	Acer miyabei 'Morton' State Street	State Street Maple	5	2.5" Cal.	B&B	as shown
AR	Acer platanoides 'Royal Red'	Royal Red Maple	4	2.5" Cal.	B&B	as shown
<b>ORNAMENTAL TREES</b>						
MW	Malus 'Spring Snow'	Spring Snow Crab	3	1.5 - 2" Cal.	B&B	as shown
<b>DECIDUOUS SHRUBS</b>						
PD	Physocarpus opulifolius 'Donna May'	Little Devil Ninebark	6	18" High	Container	48" o.c.
SB	Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spirea	18	18" High	Container	48" o.c.
<b>EVERGREEN SHRUBS</b>						
JG	Juniperus chinensis 'Sea Green'	Sea Green Juniper	24	24" spread	Container	5' o.c.
<b>PERENNIALS/GRASSES</b>						
CK	Calamagrostis acutiflora 'Karl Foerster'	Karl Foerster Reed Grass	42	1 Gal.	Container	20" o.c.



Toll Free (800) 242-8511  
Milwaukee Area (414) 259-1181  
Hearing Impaired TDD (800) 542-2289  
www.DiggersHotline.com

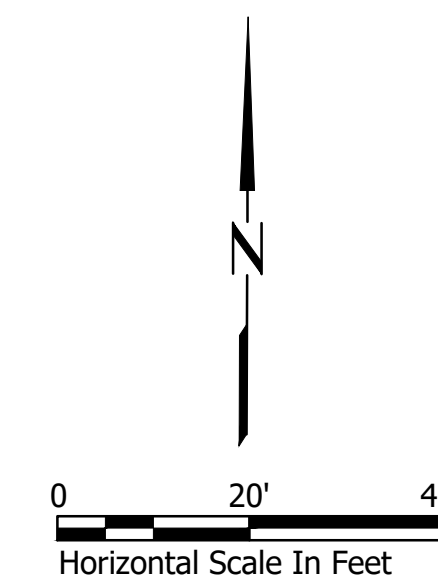


PLANTINGS, STRUCTURES AND OTHER REPRESENTATIONS SHOWN ON THIS PLAN ARE FOR THE PURPOSE OF CONVEYING LANDSCAPE DESIGN FEATURES. REFER TO PREPARED CONTRACT DOCUMENTS FOR SPECIFIC ITEMS INCLUDED IN ANY PARTICULAR PHASE OF LANDSCAPE CONSTRUCTION.



*Gerard A. Revolinski*

LANDSCAPE PLAN



**Premier Landscapes**

LANDSCAPE DEVELOPMENT FOR  
MIDWESTERN WHEELS-LOT RECONSTRUCTION  
1608 EAST WISCONSIN AVE.  
APPLETON, WISCONSIN

LANDSCAPE ARCHITECTURE

DESIGN BY: GAR  
DRAWN BY: GAR  
DATE: 5/23/2022  
REVISED:  
SCALE: 1"=20'-0"  
SHEET: L100

**TREES ON THE MOVE**

5611 S. Calhoun Road  
New Berlin, WI 53151  
Phone: (262) 679-5200  
treesonthemove.com



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** July 13, 2022

**Common Council Meeting Date:** July 20, 2022

**Item:** Special Use Permit #7-22 to conform and expand an automobile sales and display lot

**Case Manager:** David Kress, Principal Planner

### GENERAL INFORMATION

**Owner/Applicant:** Midwestern Wheels, Inc. c/o Bill Wallschaeger and Jeremiah Schwersenska

**Address/Parcel #:** 1608 East Wisconsin Avenue (Tax Id #31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit to conform and expand an existing automobile sales and display lot.

### BACKGROUND

The applicant already occupies parcels #31-1-2605-00 and #31-1-2609-00 on the subject site. According to the applicant, Midwestern Wheels, Inc. (doing business as Avis Car Sales & Rentals and Budget Car & Truck Rentals) has operated at this location for 45 years with automobile rental and sales. The existing operation predates the Special Use Permit requirement. In 2013, the applicant purchased parcels #31-1-2607-00 and #31-1-1962-00, which were previously used as a tavern. The tavern building was demolished in 2013. Before expanding the automobile sales and display lot onto parcels #31-1-2607-00 and #31-1-1962-00, the applicant must receive approval of a Special Use Permit.

A Certified Survey Map (CSM) was submitted in conjunction with the Special Use Permit request. The CSM would combine the subject parcels (#31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00) into one parcel. CSMs are typically administratively reviewed and approved by City staff, but because it crosses a plat boundary, the CSM must be approved by Plan Commission and Common Council. CSM #21-22 is also being presented at this July 13, 2022 Plan Commission meeting.

Site Plan #19-22 for the proposed expansion and reconstruction of an automobile sales and display lot on the subject area was submitted for review. Approval of the Special Use Permit and CSM is needed prior to Site Plan approval.

### STAFF ANALYSIS

**Project Summary:** The applicant proposes to conform and expand an existing automobile sales and display lot on the subject site. As shown on the attached development plan, the applicant proposes to expand and reconstruct the paved area to be utilized for automobile and truck rental, automobile sales and display, and customer/employee parking. Based on the information supplied through Site Plan #19-22, the total paved area would be approximately 35,956 square feet in size. The existing building, which is approximately 2,770 square feet in size, would continue to provide office space and an area to clean the

**Special Use Permit #7-22**  
**July 13, 2022**  
**Page 2**

interior and exterior of vehicles (rental and for sale vehicles only). As part of the project, the applicant also proposes to extend a wooden fence along the north and west ends of the site, add perimeter landscaping along Wisconsin Avenue and Wayne Street, and reduce the number of curb cuts.

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

**Existing Site Conditions:** The 1.06-acre site is currently developed with an existing single-story building, which is approximately 2,770 square feet in size. The site also includes an existing automobile rental, sales, and display lot, as well as a paved/gravel area previously used for a tavern. Access is provided by curb cuts on East Wisconsin Avenue and North Wayne Street.

**Current Zoning and Procedural Findings:** The subject property has a zoning designation of C-2 General Commercial District. An automobile rental lot is a permitted use in the C-2 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 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: R-1B Single-Family District. The adjacent land uses to the north are currently single-family residential.

South: R-1B Single-Family District. The adjacent land to the south is currently vacant and owned by Appleton Cemetery Association.

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

West: C-2 General Commercial District and R-1B Single-Family District. The adjacent land uses to the west are currently a mix of commercial and single-family residential uses.

**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.*

*Chapter 15: Wisconsin Avenue Corridor Plan, General Plan:*

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

**Technical Review Group (TRG) Report:** This item appeared on the June 21, 2022 TRG 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.

As part of the special regulations for an automobile sales and display lot, perimeter landscaping is required pursuant to Section 23-66(h)(5) of the Municipal Code. For the subject site, a minimum 5-foot wide landscape buffer is required in the front yards and the side yard abutting a commercially zoned district. A minimum 10-foot wide landscape buffer is required in the side and rear yards abutting a residentially zoned district, but this may be reduced by providing a 6-foot high board-on-board fence. Based on the attached development plan drawings, these dimensional requirements would be satisfied around the entire perimeter, except along neighboring parcel #31-1-2604-00. The reduced landscape buffer is an existing condition in this location, and the applicant proposes to install a 6-foot high wooden fence along this parcel. The planting materials shown on the development plan appear to comply with the requirements of Section 23-66(h)(5) of the Municipal Code; however, planting in the north landscape buffer is difficult due to the drainage swale, existing utilities, and fence.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. Based on the information supplied through Site Plan #19-22, a total of 15 parking spaces are required for the automobile rental, sales, and display lot use. There are 15 parking spaces identified on the development plan drawings. Final parking calculations and the location of customer/employee parking will be handled through the Site Plan review process. Site Plan #19-22 must be approved prior to the issuance of a paving permit by the Inspections Division.

**Finding of Fact:** This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under

Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

### **RECOMMENDATION**

---

Staff recommends, based on the above analysis, that Special Use Permit #7-22 to conform and expand an automobile sales and display lot located at 1608 East Wisconsin Avenue (Tax Id #31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00), as shown on the attached maps 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 applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.

*Substantial Evidence: Standardized condition to ensure the applicant understands the City's Municipal Code and all applicable State and Federal laws must be followed.*

2. The automobile sales and display lot use is limited to the proposed pavement area shown on the attached development plan drawings. Vehicles displayed for sale outdoors shall be kept within the broader pavement area, while maintaining adequate traffic circulation and the minimum off-street parking spaces required for customers/employees. Any future expansions or 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.

*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.*

3. This Special Use Permit is needed for the automobile sales and display lot use. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

*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.*

4. 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.

*Substantial Evidence: This condition provides notice to the applicant that they are required to comply with special regulations included in the Zoning Ordinance for this particular use.*

5. Prior to displaying vehicles for sale in the expansion area, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.

*Substantial Evidence: This condition provides notice to the applicant that a new or amended State license may also be needed prior to operating.*

6. Prior to expanding the automobile sales and display lot on what are currently parcels #31-1-2607-00 and #31-1-1962-00, all four subject parcels shall be combined via Certified Survey Map.

*Substantial Evidence: This condition provides notice to the applicant that a lot combination is needed when expanding a structure across lot lines. The CSM would eliminate interior lot lines. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the CSM needs to be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.*

7. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a paving permit by the Inspections Division. Zoning Ordinance requirements, including the minimum off-street parking spaces required, and other departmental comments will be examined further during review of Site Plan #19-22.

*Substantial Evidence: This condition provides notice to the applicant that Site Plan review is required for an expansion of the structure, as specified in the Zoning Ordinance.*

**CITY OF APPLETON  
RESOLUTION FOR SPECIAL USE PERMIT #7-22  
AUTOMOBILE SALES AND DISPLAY LOT  
1608 EAST WISCONSIN AVENUE**

**WHEREAS**, Midwestern Wheels, Inc. has applied for a Special Use Permit to conform and expand an automobile sales and display lot located at 1608 East Wisconsin Avenue, also identified as Parcel Numbers 31-1-2605-00, 31-1-2609-00, 31-1-2607-00, and 31-1-1962-00; 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 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 July 13, 2022 on Special Use Permit #7-22, 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 #7-22 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 July 20, 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 #7-22 to conform and expand an automobile sales and display lot located at 1608 East Wisconsin Avenue, also identified as Parcel Numbers 31-1-2605-00, 31-1-2609-00, 31-1-2607-00, and 31-1-1962-00, 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 #7-22 to conform and expand an automobile sales and display lot located at 1608 East Wisconsin Avenue, also identified as Parcel Numbers 31-1-2605-00, 31-1-2609-00, 31-1-2607-00, and 31-1-1962-00, 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 #7-22**

- A. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
  - B. The automobile sales and display lot use is limited to the proposed pavement area shown on the attached development plan drawings. Vehicles displayed for sale outdoors shall be kept within the broader pavement area, while maintaining adequate traffic circulation and the minimum off-street parking spaces required for customers/employees. Any future expansions or 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.
  - C. This Special Use Permit is needed for the automobile sales and display lot use. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
  - D. 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.
  - E. Prior to displaying vehicles for sale in the expansion area, the operator shall provide the Inspections Supervisor with a valid copy of their State of Wisconsin Motor Vehicle Dealer License, if required.
  - F. Prior to expanding the automobile sales and display lot on what are currently parcels #31-1-2607-00 and #31-1-1962-00, all four subject parcels shall be combined via Certified Survey Map.
  - G. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a paving permit by the Inspections Division. Zoning Ordinance requirements, including the minimum off-street parking spaces required, and other departmental comments will be examined further during review of Site Plan #19-22.
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.

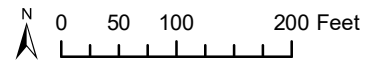
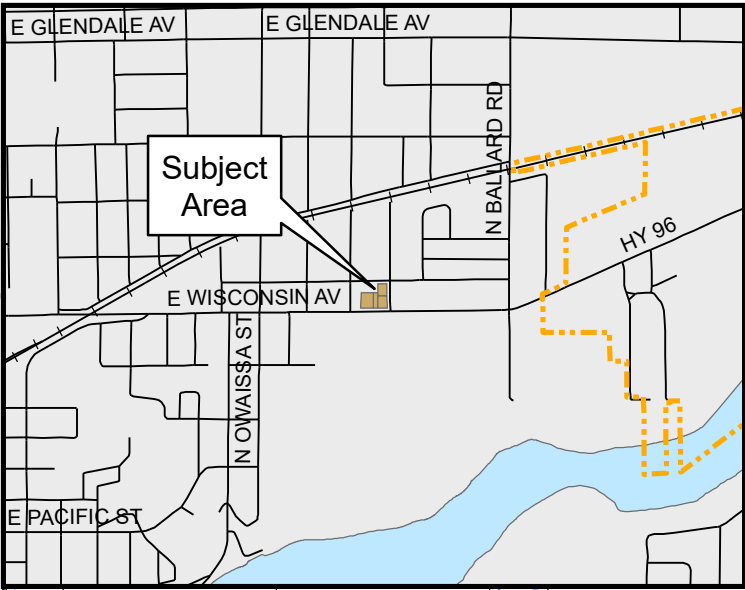
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk

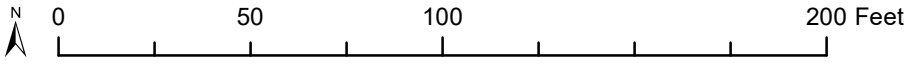
1608 East Wisconsin Avenue  
 Special Use Permit  
 Automobile Sales and Display Lot  
 Zoning Map



1608 East Wisconsin Avenue  
Special Use Permit  
Automobile Sales and Display Lot  
Aerial Map



Subject Area







WISCONSIN'S LARGEST TREE TRANSPLANTERS



STATE STREET MAPLE



ROYAL RED MAPLE



SPRING SNOW CRABAPPLE



SEA GREEN JUNIPER



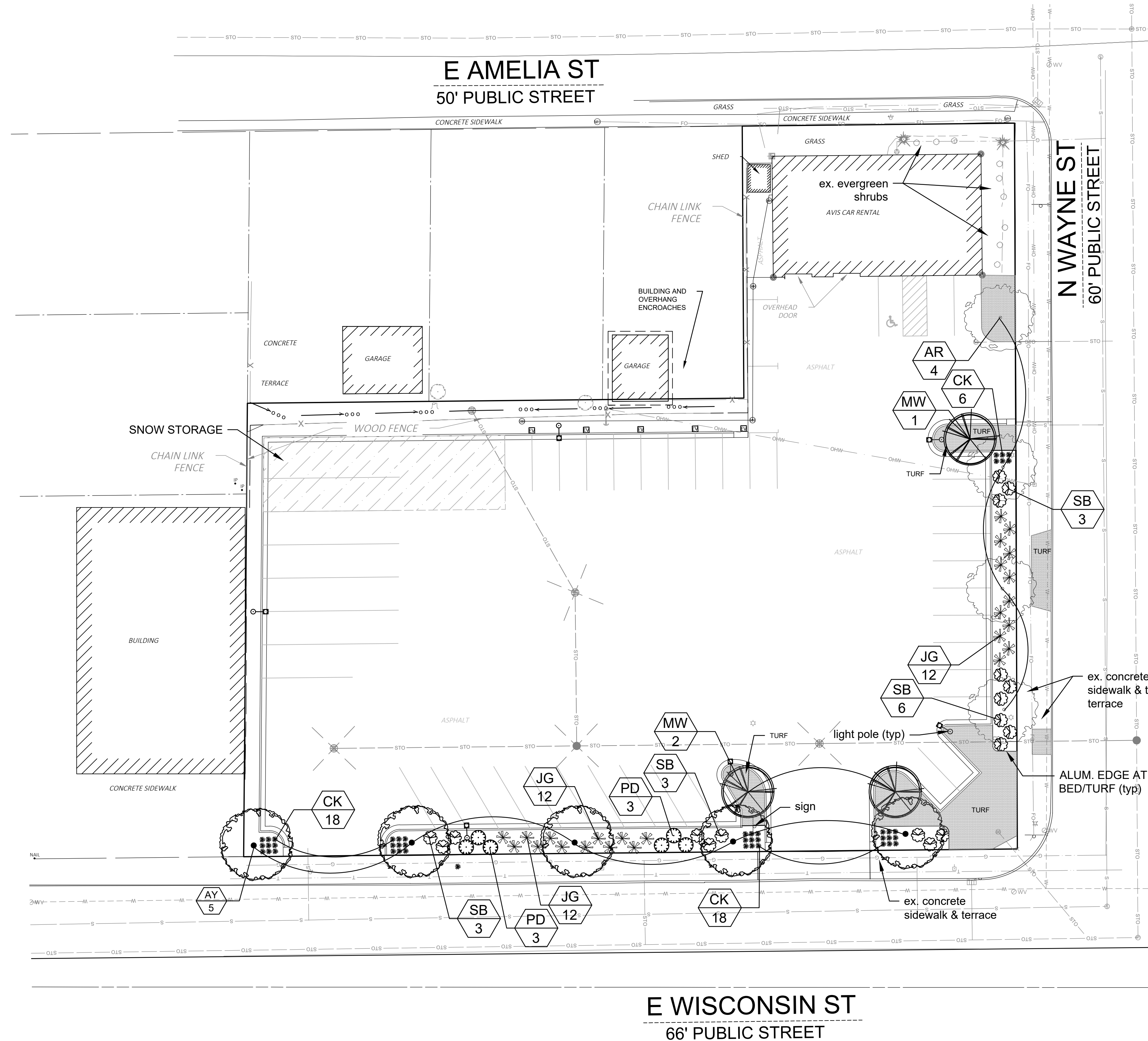
ANTHONY WATERER SPIREA



LITTLE DEVIL NINEBARK



KARL FOERSTER REED GRASS



Key	Botanical Name	Common Name	Qty.	Size	Root	Spacing
<b>SHADE TREES</b>						
AY	Acer miyabei 'Morton' State Street	State Street Maple	5	2.5" Cal.	B&B	as shown
AR	Acer platanoides 'Royal Red'	Royal Red Maple	4	2.5" Cal.	B&B	as shown
<b>ORNAMENTAL TREES</b>						
MW	Malus 'Spring Snow'	Spring Snow Crab	3	1.5 - 2" Cal.	B&B	as shown
<b>DECIDUOUS SHRUBS</b>						
PD	Physocarpus opulifolius 'Donna May'	Little Devil Ninebark	6	18" High	Container	48" o.c.
SB	Spiraea x bumalda 'Anthony Waterer'	Anthony Waterer Spirea	18	18" High	Container	48" o.c.
<b>EVERGREEN SHRUBS</b>						
JG	Juniperus chinensis 'Sea Green'	Sea Green Juniper	24	24" spread	Container	5' o.c.
<b>PERENNIALS/GRASSES</b>						
CK	Calamagrostis acutiflora 'Karl Foerster'	Karl Foerster Reed Grass	42	1 Gal.	Container	20" o.c.



Toll Free (800) 242-8511  
Milwaukee Area (414) 259-1181  
Hearing Impaired TDD (800) 542-2289  
www.DiggersHotline.com

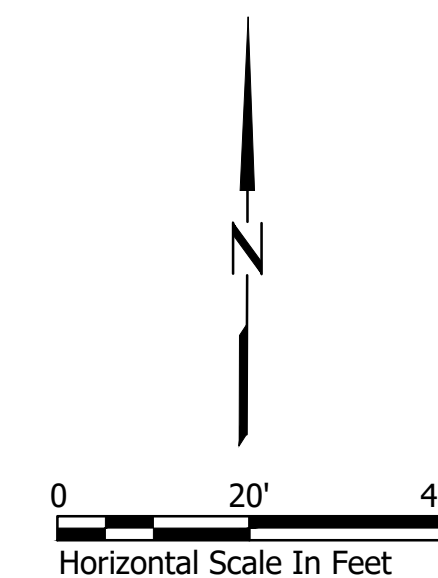


PLANTINGS, STRUCTURES AND OTHER REPRESENTATIONS SHOWN ON THIS PLAN ARE FOR THE PURPOSE OF CONVEYING LANDSCAPE DESIGN FEATURES. REFER TO PREPARED CONTRACT DOCUMENTS FOR SPECIFIC ITEMS INCLUDED IN ANY PARTICULAR PHASE OF LANDSCAPE CONSTRUCTION.



*Gerard A. Revolinski*

LANDSCAPE PLAN



**Premier Landscapes**

LANDSCAPE DEVELOPMENT FOR  
MIDWESTERN WHEELS-LOT RECONSTRUCTION  
1608 EAST WISCONSIN AVE.  
APPLETON, WISCONSIN

LANDSCAPE ARCHITECTURE

DESIGN BY: GAR  
DRAWN BY: GAR  
DATE: 5/23/2022  
REVISED:  
SCALE: 1"=20'-0"  
SHEET: L100

**TREES ON THE MOVE**

5611 S. Calhoun Road  
New Berlin, WI 53151  
Phone: (262) 679-5200  
treesonthemove.com

**PLAN OF OPERATION AND LOCATIONAL INFORMATION**

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

Trade Name: Midwestern Wheels, Inc.

Building Address: 1608 E Wisconsin Ave

Years in Operation: 45+ years

Type of proposed establishment (detailed explanation of business):

Car and truck rental and used retail car sales

**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, never to the public.

**Indoor Building Uses (check applicable boxes):**

- Office Space. Please identify the area of this space: 1855 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: Clean interior and exterior of vehicles. Not for hire for internal use only

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): 2770.

Gross floor area of the proposed building(s): 0.

**Employees:**

Number of existing employees: 2.

Number of proposed employees: 2.

Number of employees scheduled to work on the largest shift: 3.

**Proposed Business Hours of Operation:**

Day	From	To
Monday - Friday	0800 - 1700	0800 - 1700
Saturday	0800 - 1300	0800 - 1300
Sunday	Closed	Closed

**Outdoor Uses (check applicable boxes):**

Vehicle Sales and Display Lot is proposed. Please identify the area of this space: 6168 square feet.

Vehicle Sales and Display Lot is not proposed.

Other. If other, please describe other outdoor areas: Truck parking along West side of lot

Retail vehicle display along South and East, Car rental and employee parking in North stalls

**Outdoor Display Lot Screening/Landscaping:**

Type and height of screening with plantings/fencing/gating: 6ft screening fence,

plantings per the landscape plan

**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: Pole Mounted LED lighting

Location: Location as shown on the site plan

**Off-street parking:**

Number of customer spaces existing: 3

Number of customer spaces proposed: 3

Number of employee spaces existing: 2

Number of employee spaces proposed: 2

**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 improvements needed  
\_\_\_\_\_  
\_\_\_\_\_

**Describe any potential noise emanating from the proposed use:**

A. Describe the noise levels anticipated from all the proposed use: None  
\_\_\_\_\_  
\_\_\_\_\_

B. How will the noise be controlled? Not Applicable  
\_\_\_\_\_  
\_\_\_\_\_



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

No Flammable liquids stored on site

---

---

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

No smoke or odors

---

---



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** July 13, 2022

**Common Council Meeting Date:** July 20, 2022

**Item:** Certified Survey Map #21-22

**Case Manager:** David Kress, Principal Planner

### GENERAL INFORMATION

---

**Owner:** Midwestern Wheels, Inc. c/o Bill Wallschaeger

**Applicant:** Payne & Dolan, Inc. c/o Peter Nielson

**Address/Parcel:** 1608 East Wisconsin Avenue (Tax Id #31-1-2605-00, #31-1-2609-00, #31-1-2607-00, and #31-1-1962-00)

**Petitioner's Request:** The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary. The CSM would combine four adjacent properties into one lot.

### BACKGROUND

---

Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcels #31-1-2605-00, #31-1-2609-00, and #31-1-2607-00 were included in the Chas Besch Subdivision Plat (recorded in 1948), and parcel #31-1-1962-00 was included in the Ullman's Addition Plat (recorded in 1916). In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

Special Use Permit #7-22, to conform and expand an automobile sales and display lot on the subject property, is also being presented at this July 13, 2022 Plan Commission meeting. Site Plan #19-22, for the proposed expansion and reconstruction of the automobile sales and display lot, has also been submitted for administrative review. The proposed expansion of the structure would cross existing lot lines. Therefore, all four subject parcels must be combined via CSM prior to expanding the automobile sales and display lot.

### STAFF ANALYSIS

---

**Existing Conditions:** Currently, parcels #31-1-2605-00 and #31-1-2609-00 are developed with an existing automobile/truck rental business and automobile sales and display lot, which includes an existing office/service building that is approximately 2,770 square feet in size. Parcels #31-1-2607-00 and #31-1-1962-00 feature a paved/gravel area that was previously used for a tavern. The former tavern building was demolished in 2013. All parcels have a zoning designation of C-2 General Commercial District. If combined, proposed Lot 1 would be approximately 1.06 acres in size.

**Subdivision Ordinance Requirements:** Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the C-2 General

**Certified Survey Map #21-22**  
**July 13, 2022**  
**Page 2**

Commercial District, the minimum lot width is 60 feet and the minimum lot area is 14,000 square feet, per Section 23-113(h) of the Municipal Code. Proposed Lot 1 satisfies these lot development standards.

**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-1B Single-Family District. The adjacent land uses to the north are currently single-family residential.

South: R-1B Single-Family District. The adjacent land to the south is currently vacant and owned by Appleton Cemetery Association.

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

West: C-2 General Commercial District and R-1B Single-Family District. The adjacent land uses to the west are currently a mix of commercial and single-family residential uses.

**Appleton Comprehensive Plan 2010-2030:** Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Commercial uses shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map.

**Technical Review Group (TRG) Report:** This item appeared on the June 21, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

**RECOMMENDATION**

---

Based on the above, staff recommends that Certified Survey Map #21-22, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. On sheet 1, the name of the owner is incorrectly listed as "Appleton Property Ventures d/b/a Midwest Paper Group." Revise as necessary.
2. Under the notes on sheet 1, there should be an additional deed document listed (Document No. 948894 for parcel #31-1-2609-00).
3. Under the Surveyor's Certificate on sheet 2, there is a typo for the total square footage. Revise to match the information listed on sheet 1. It should be 46,332 square feet, not 146,332 square feet.
4. Under the Surveyor's Certificate on sheet 2, there is an incorrect reference to West Wisconsin Avenue. It should be East Wisconsin Avenue.
5. The final installment payment on all four parcels will need to be paid for Finance Department approval.

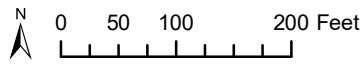
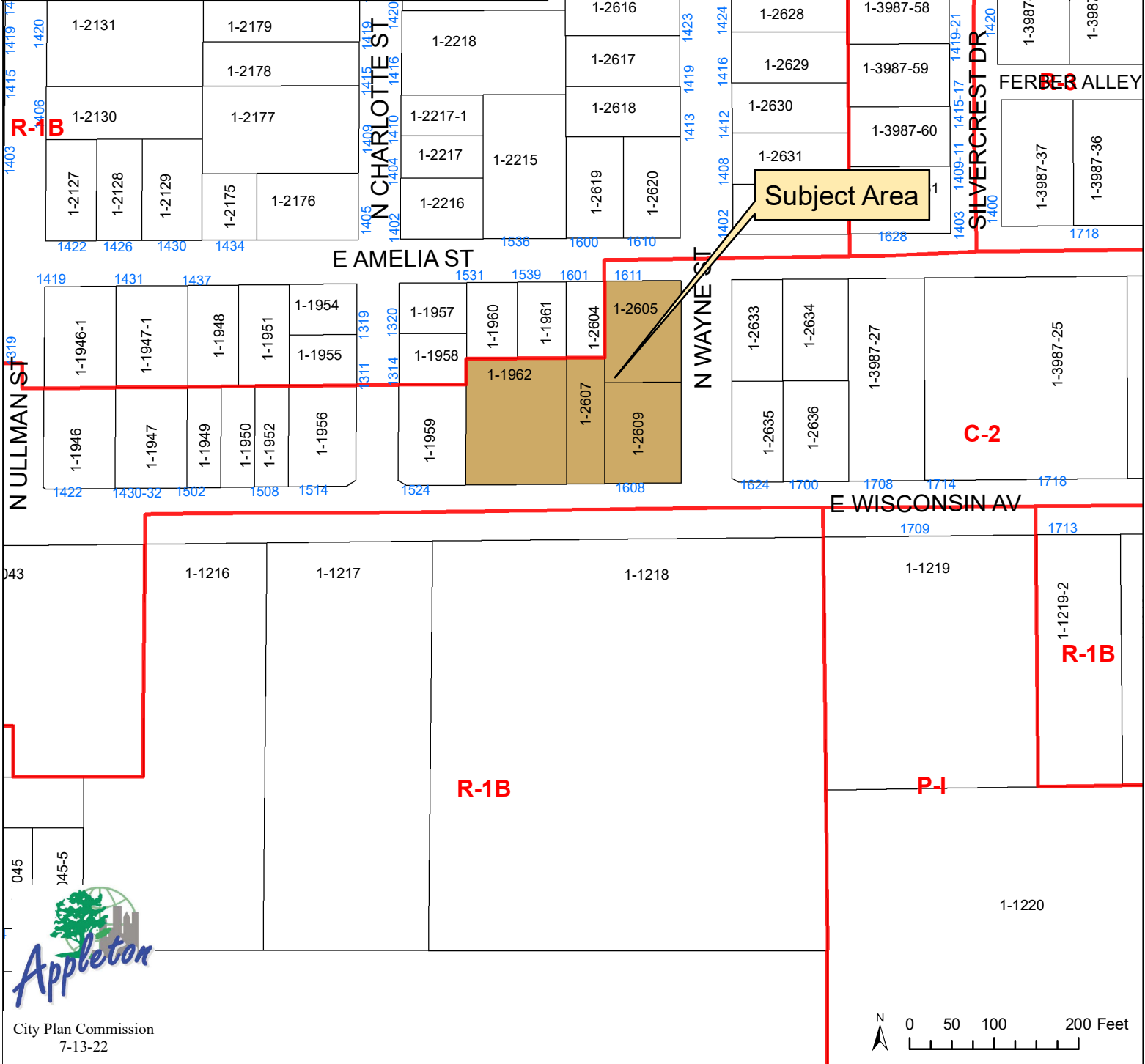
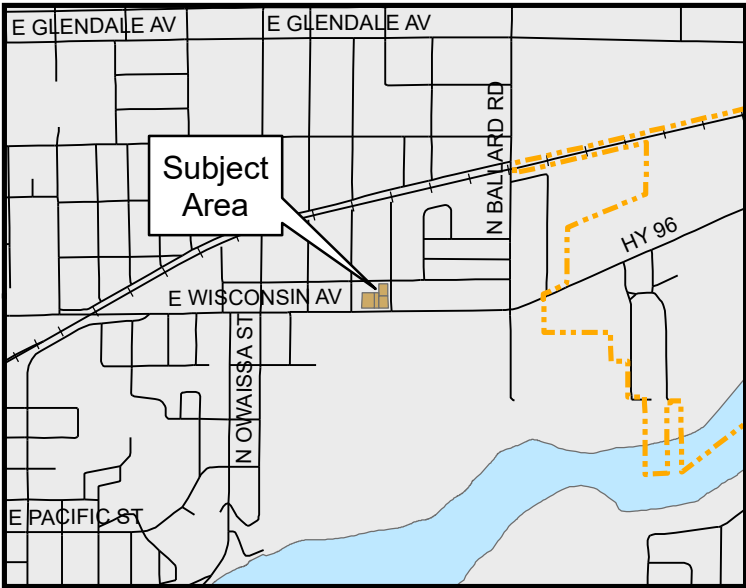
**Certified Survey Map #21-22**

**July 13, 2022**

**Page 3**

6. The Drainage Plan requirement for this CSM will be deferred and incorporated into the site plan review process.
7. Spell check "thje" in the legal description on top of sheet 2.
8. The bearing reference note shown in sheet 1 does not match the bearing shown between the section corners, revise as necessary.
9. Minimum length for set monuments per city ordinance is 24", revise as necessary.
10. Provide offset distances to the exterior boundary for the building shown on the CSM.
11. This CSM crosses the exterior boundary of a Plat, revise the CSM to meet the minimum requirements of §236.34(1)(dm) of the Wisconsin Statutes.
12. Provide the diameter of found iron pipe monuments (i.d. or o.d.).

1608 E. Wisconsin Avenue  
 Certified Survey Map #21-22  
 Crosses Plat Boundary  
 Zoning Map



1608 E. Wisconsin Avenue  
Certified Survey Map #21-22 -- Crosses Plat Boundary  
Aerial Map



1-2216

1-1957

1-1960

1-1961

1-2604

1-2605

1-1958

1-1962

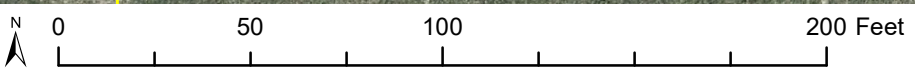
Subject Area

1-1959

1-2607

1-2609

1-1218

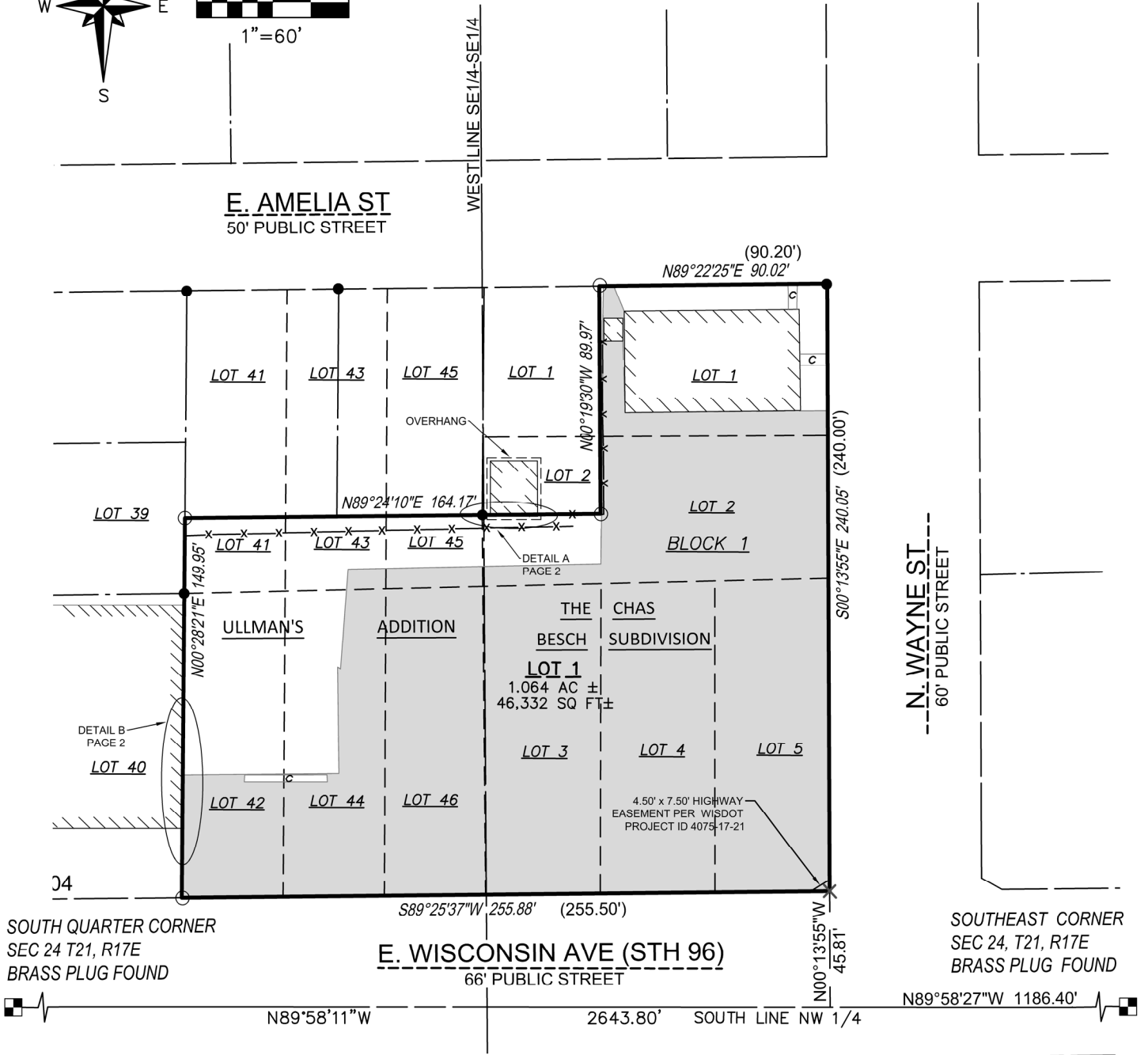
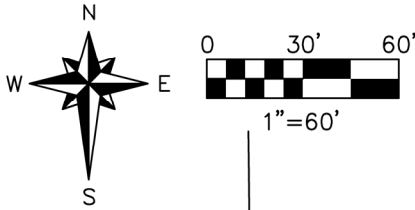


City Plan Commission  
7-13-22

RECEIVED  
 JUN 10 2022  
 CITY OF APPLETON  
 COMM/ECON DEV

CERTIFIED SURVEY MAP NO - \_\_\_\_\_

PART OF LOTS 1, 2, ALL OF LOTS 3, 4, 5, BLOCK 1, THE CHAS BESCH SUBDIVISION, ALL OF LOTS 42, 44, 46 AND PART OF LOTS 41, 43, 45 ULLMAN'S ADDITION, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 24, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



**NOTES:**  
 1) There are 1.011 Acres (44,034 Sq. Ft.) of impervious surface being 95.04% of the parcel area  
 2) This CSM is all of Tax Parcel No's 311260500, 311260700, 311260900, 311196200, with Midwestern Wheels Inc. as owners with Document No's 721277 & 1977411 as title of record.

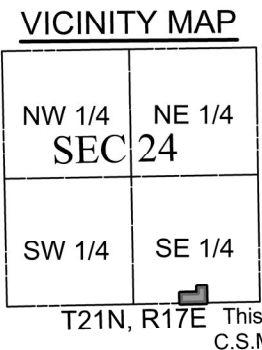
**BEARING REFERENCE:** Bearings are referenced to the Wisconsin County County System (Outagamie County) NAD 83 (1991) which the South line of the Southeast Quarter, Section 24 T21N, R17E, assumed to bears S89°58'27"W.

**SURVEYOR:**  
 PAYNE & DOLAN INC.  
 W6380 DESIGN DRIVE  
 GREENVILLE, WI. 54945

**OWNER:**  
 Appleton Property Ventures  
 d/b/a/ Midwest Paper Group



- LEGEND**
- IRON REBAR SET (#6 REBAR X 18", 1.50lbs./LIN. FT.)
  - IRON PIPE FOUND
  - × CROSS CUT FOUND
  - PLSS MONUMENT FOUND
  - ( ) RECORDED AS
  - x- EXISTING FENCE
  - ▨ EXISTING BUILDING
  - c EXISTING CONCRETE
  - EXISTING ASPHALT



Peter J. Nielson, PLS 2527  
 DATED MAY 12, 2022

**CERTIFIED SURVEY MAP NO - \_\_\_\_\_**

PART OF LOTS 1, 2, ALL OF LOTS 3, 4, 5, BLOCK 1, THE CHAS BESCH SUBDIVISION, ALL OF LOTS 42, 44, 46 AND PART OF LOTS 41, 43, 45 ULLMANS ADDITION, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND SOUTHWEST QUARTER OF THJE SOUTHEAST QUARTER, SECTION 24, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE**

STATE OF WISCONSIN)  
:SS  
OUTAGAMIE COUNTY)

I, Peter J. Nielson, Professional Land Surveyor, certify:

THAT I have surveyed, mapped and combined part of Lots 1, 2, all of Lots 3, 4, 5, Block 1, The Chas Besch Subdivision, all of Lots 42, 44, 46 and part of Lots 41, 43, 45 Ullman's Addition, being a part of the Southeast Quarter of the Southeast Quarter and Southwest Quarter of the Southeast Quarter, Section 24, T21N, R17E, City of Appleton, Outagamie County, Wisconsin, which is bounded and described as follows.


Commencing at the Southeast Corner of Section 24, thence N89°58'11"W along the South line of the Southeast Quarter of Section 24 a distance of 1186.40 feet; thence N00°13'55"W a distance of 45.81 feet to the Southeast Corner of Block 1, The Chas Besch Subdivison also being the point of beginning.

Thence S89°25'37"W along the North right-of-way line of West Wisconsin Avenue a distance of 255.88 feet; thence N00°28'21"E along West line of Lots 41 and 42, Ullman's Addition a distance of 149.95 feet; thence N89°24'10"E a distance of 164.17 feet; thence N00°19'30"W a distance of 89.97 feet; thence N89°22'25"E along the South right-of-way line of East Amelia Street a distance of 90.02 feet; thence S00°13'55"E along the West right-of-way line of North Wayne Street a distance of 240.05 feet to the point of beginning, containing 1.064 acres more or less (146,332 square feet more of less) and subject to all easements and restrictions of record.

THAT I have made the survey, land division and map by the direction of the owner, and that the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

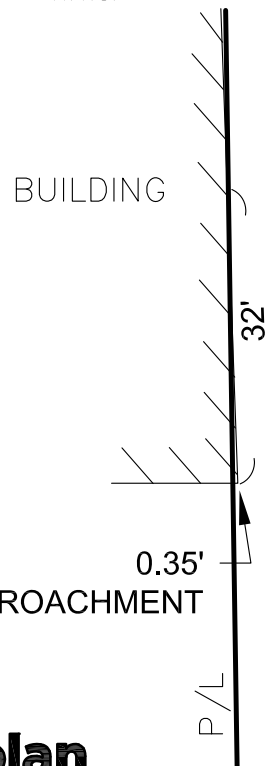
THAT I have complied with Chapter 236 of the Wisconsin Statutes and City of Appleton in surveying, mapping and combined of same. Per Wis. Stats. 236.21 (1), this certificate has the same force and effect as an affidavit.

Date: May 12, 2022

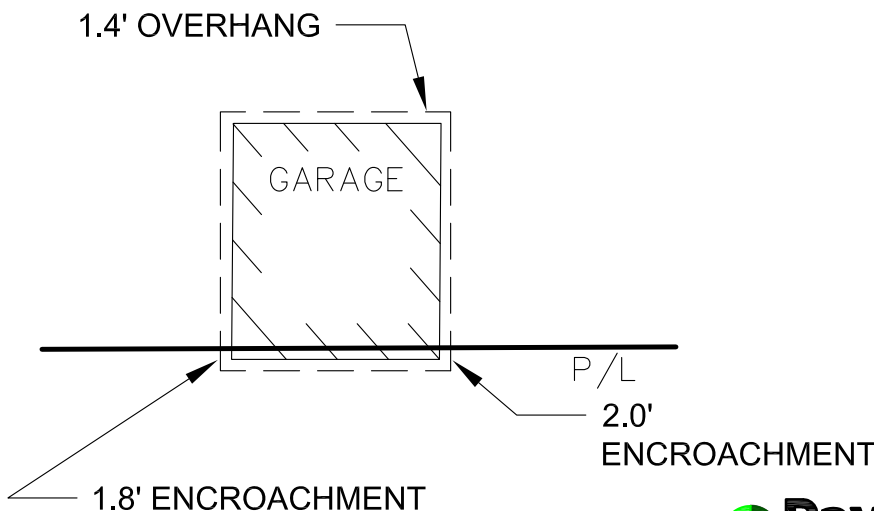
  
PETER J. NIELSON  
PROFESSIONAL LAND SURVEYOR S-2527



DETAIL B  
N.T.S.



DETAIL A  
N.T.S.





CERTIFIED SURVEY MAP NO - \_\_\_\_\_

PART OF LOTS 1, 2, ALL OF LOTS 3, 4, 5, BLOCK 1, THE CHAS BESCH SUBDIVISION, ALL OF LOTS 42, 44, 46 AND PART OF LOTS 41, 43, 45 ULLMANS ADDITION, BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND SOUTHWEST QUARTER OF SOUTHEAST QUARTER SECTION 24, T21N, R17E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

Midwestern Wheels Inc., as owners, we hereby certify that we caused the land described on this certified survey map to be surveyed, divided, mapped and combined as represented on the plat. We also certify this plat is required by s. 236.10 and s. 236.12 to be submitted to the following for approval or objection: City of Appleton.

In Witness Where thereof that Midwestern Wheels, Inc., has caused these presents to be signed

\_\_\_\_\_

this \_\_\_\_ day of \_\_\_\_\_, 2022.

STATE OF WISCONSIN}

:SS

OUTAGAMIE COUNTY}

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2022, \_\_\_\_\_, to me known to be the person executed the foregoing instrument, and to me known

[Seal]

\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission expires on \_\_\_\_\_

TREASURER'S CERTIFICATE

I, being duly elected, qualified and acting treasurer, do hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in this Certified Survey Map as of:

\_\_\_\_\_  
City Treasurer Date

\_\_\_\_\_  
County Treasurer Date

CITY OF APPLETON APPROVAL

This Certified Survey Map is approved by the City of Appleton on this \_\_\_\_ Day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jacob A. Woodford, Mayor Date

\_\_\_\_\_  
Kami Lynch, City Clerk Date



www.walbecgroup.com  
(920) 757-7559



*Peter J. Nielson*

Peter J. Nielson, PLS 2527  
DATED: May 12, 2022