

City Plan Commission

Wed, Nov 09, 2022, 3:30PM • 12:13

Mayor Jake Woodford 00:02

All right, good afternoon. I now call to order the Wednesday, November 9, 2022, meeting of the Appleton City Planning Commission. Roll call has been taken and all are present with the exception of Commissioner Palm and who was the other? Uiten, Uiten—Uitenbroek excuse me. Both of whom are excused.

Mayor Jake Woodford 00:29

So, with that, we'll move on to the minutes. Is there a motion to approve the minutes of the previous meeting? Okay, motion. We have a motion and a second. Any discussion of the minutes? Okay, hearing none, motion and a second to approve. All those in favor, please signify by saying aye. Aye. Any opposed? Hearing none. motion is approved.

Mayor Jake Woodford 00:52

All right, come now to public hearings and appearances. This is item 22-1441 special use permit number 1322 for gasoline sales and a carwash located at 1935 East Calumet Street, and here to tell us about that is Jessica Titel. All right, go ahead.

Principal Planner Jessica Titel 01:18

Alright, this is a special use permit for a gas station and carwash at the southwest corner of Calumet and Schaefer Streets. Currently, the property contains a vacant building that's been used as a bank with a drive thru. We received some emails regarding this proposal. So, during my presentation, I'm going to add a little bit of extra information to try to address some of the questions we've been receiving.

Principal Planner Jessica Titel 01:40

So, carwashes and gasoline sales—both are allowed as special uses in the C-2 zoning district, which is what this property is zoned. The applicant is proposing a convenience store with gas pumps and an associated carwash with this use.

Principal Planner Jessica Titel 01:53

Site Plan Review is also required for this development and needs to be approved prior to submitting for a building permit. A site plan has been accepted and is currently under review in our office. And while we review the site plan, staff will confirm compliance with all the zoning code regulations, all the conditions in the special use permit. And those will all be reviewed through the site plan approval—the items that are reviewed such as parking, landscaping, access points, and the like.

Principal Planner Jessica Titel 02:24

In your staff report, you'll also see comments from the city's traffic engineer underneath the TRG section. The traffic engineer is approving the access points as shown on Calumet Street and Schaefer Street. The applicant did reach out to our public works department ahead of time to work on the access points for this development. And it's also important to note that the plans that we get with the special use permits and preliminary plans and the final details are in the site plan review.

Principal Planner Jessica Titel 02:52

Also, on the on the concept plan, you'll see an access point that goes to the south and sends cars from the subject property on to the adjacent property. Staff would not approve an access point on to an adjacent

property unless we have approval from the adjacent property owner and an easement for those type of cross access points.

Principal Planner Jessica Titel 03:10

Another thing that's important to notice that the zoning code nor staff have the ability to regulate proximity of light like uses to each other or competition between similar businesses. So, staff has reviewed the proposal against the standards for granting a special use permit and would recommend approval subject to the stipulations that you see in the staff report.

Mayor Jake Woodford 03:31

All right, thank you. This is a public hearing. Is there anyone who wishes to speak on this item? This is a public hearing. Is there anyone who wishes to speak? This is a public hearing. Is there anyone who wishes to speak? All right, hearing none I declare this public hearing closed.

Mayor Jake Woodford 03:56

We'll move on now to the action item. This is item 22-1442 request to approve special use permit number 1322 for gasoline sales and a carwash located at 1935 East Calumet Street. Is there a motion? We have a motion. Is there a second? We have a motion and a second to approve. And we'll open the floor for discussion.

Mayor Jake Woodford 04:24

I see Alder van Zeeland. Okay. Alder Van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 04:30

Thank you, Your Honor. I represent the district where this gas station would be located, and I've received feedback from the neighboring businesses as well as the residents in the area, specifically from the neighboring business that was referenced in the plan. They said they would not be willing to give an easement as an access point. Based on what the plan—based on how the plan was submitted, the access point would be on their property. And that gentleman did want to come here to speak today but was unable to do so. And he had asked that the board consider holding this until there is an updated plan that does not include an access point on his property. Thank you.

Mayor Jake Woodford 05:21

Miss Titel, could you give us some context on this particular issue? I know you touched on it in in the staff report. But if we could just go back to that point about access, and if you have any insight to offer. Six, I'm sorry. Go ahead.

Principal Planner Jessica Titel 05:40

Yeah. So, on the site plan, you'll see that there is an access point. It's the—and again, these are preliminary plans submitted with a special use permits. And while we review these, a lot of times that an applicant wants to know whether or not their use is approved before they spend the time, energy, and money on preparing actual civil drawings. And so, this plan does show an access point on the south end of the property. Looks like it's kind of like a bypass of the carwash stacking spaces. And whenever we see this, when we're reviewing site plans on a staff level, one of the review comments would be that we would need to see the adjacent property owner approval, and we would also need to see an easement that's recorded that would allow that cross access.

Principal Planner Jessica Titel 06:22

In this case, we don't have that. As we go through the site plan review, we would ask for that. If we didn't get that then that access would need to be eliminated from the plan. It's not required per code, so that access point

isn't needed in order to meet code requirements for this particular development. So, if it's removed, it's not going to impact the ability of staff to approve a site plan that's similar to this.

Mayor Jake Woodford 06:46

Understood. So, in this case, it's shown provisionally on the on the map, but it's it wouldn't be necessary for the business to function on the on the site.

Principal Planner Jessica Titel 06:59

Uh, yes. And that also in the stipulations and the staff report for the conditional approval, it talks about meeting applicable codes, ordinances, and regulations. That's part of the approval, or part of the review, prior to site plan approval. And also, that site plan review is required. So that is as the kind of the second step as they go through their review and approval process prior to building permit.

Mayor Jake Woodford 07:26

Okay. I think just as we're, as we're considering the timing of this issue, it might be helpful for us just to, again, review what plan commission is actually reviewing and talking about here, which is the special use permit specifically. So maybe if we could just ask Attorney Abshire to, to remind us about the requirements of the plan commission as we're reviewing a request like this. Your mic number, please. Okay, go ahead.

Attorney Amanda Abshire (City Attorney) 08:01

Yeah, Your Honor, it's important to note that the scope of Plan Commission's review is really to look and see whether or not the applicant that's applying for the special use permit meets or agrees to meet all of the requirements and conditions that are specified within Appleton municipal code, within our ordinance, or those imposed by the city's zoning board. So, if those requirements are met, the state law that governs over this indicates that this body "shall grant" that special use permit. So, the authority and discretion is really limited to what's been codified already.

Mayor Jake Woodford 08:47

Okay, thank you. So just as I as I understand it then, the question of the access point onto a neighboring parcel is not material to the Plan Commission's review in terms of municipal code. They can function without that and still comply with the municipal code.

Principal Planner Jessica Titel 09:07

That's correct. We're reviewing the use for the property. Is a use as a carwash and gasoline sales appropriate for this particular parcel given the stipulations in the zoning code? And the details of the site plan, parking, landscaping, that all comes after the fact and is not part of the special use permit that the plan Plan Commission is looking at today.

Mayor Jake Woodford 09:29

Okay, thank you. Further discussion for the commission? Commissioner Fenton?

Aldersperson Denise Fenton (District 6) 09:35

Just a question for Miss Titel if I could. Could you speak to the first point that the email that talks about the drive to the south, that email could you speak to the point where they're talking about the entrance on Calumet being adjacent to the property of the rider on Calumet Street.

Principal Planner Jessica Titel 09:46

So, I believe the concern is that the access point that's along Calumet Street is shifting a little bit west with the new user. Which they're concerned about how close it's getting to their existing access point. Our traffic—like I said, our traffic engineer has reviewed the preliminary plans during the review process of the special use permit and has not brought any concerns to our attention. And that's another area that will be reviewed with the site plan exactly where that where those locations that are. The applicant has been proactive in reaching out to our public works department regarding the access points, knowing that in traffic these kinds of uses, it's important to get right, especially on intersections like this.

Alderspersion Denise Fenton (District 6) 10:49

Okay. Thank you

Mayor Jake Woodford 10:52

Further discussion or questions from the Commission?

Mayor Jake Woodford 11:00

Okay. I'll just say, there are still multiple steps that need to be followed before anything's going to happen on this property, including the Common Council taking up the special use permit. So, there will be further opportunities for input from the public on this item. So, I'm, I'm supportive of moving this forward today with the understanding that there are stipulations that will have to be met, conditions that have to be met in the staff report, and additionally, opportunities for public input in subsequent approvals. So, with that, is there any further discussion from the Commission? Hearing none, we have a motion and a second to approve. All those in favor, please signify by saying aye. Aye. Are there any opposed? Hearing none, the motion passes and the item has been approved.

Mayor Jake Woodford 11:57

Alright, we have no information items. I'll entertain a motion to adjourn. We have a motion. Is there a second? We have a motion and a second to adjourn. All those in favor, please signify by saying aye. Aye. Any opposed? Hearing none, we are adjourned. Thank you, everyone.