



CITY OF APPLETON

MEMORANDUM

Date: May 22, 2024
To: Plan Commission
From: Lindsey Smith, Principal Planner
Subject: Special Use Permit #3-24 for a wholesale facility in the C-2 General Commercial District

GENERAL INFORMATION

Owner: Wisconsin CVS Pharmacy

Applicant: Flatline Corporation

Address/Parcel Number: 1800 West College Avenue (Tax Id #31-5-1739-01)

Petitioner's Request: Operation of a wholesale facility, which includes warehouse, shipping, and receiving children's novelty items for wholesale customers

Plan Commission Public Hearing Date: May 22, 2024

Common Council Meeting Date: June 5, 2024

BACKGROUND

1996 – Site Plan #96-51 for construction of a commercial building for pharmacy use.

STAFF ANALYSIS

Project Summary: The applicant proposes to relocate the existing Flatline Corporation Wholesale Facility to 1800 W. College Avenue. The operation of the wholesale facility includes warehousing, shipping, and receiving children's novelty items for wholesale customers. The project includes interior renovations of the existing building.

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

Existing Site Conditions: The site consist of a 16,854 square foot commercial building, 72 on-site parking spaces, and sufficient on-site lighting. Access to the site is on N. Linwood Drive. The commercial building has been vacant for over 12 years.

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 wholesale facility 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 Use: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and industrial in nature.

North: M-2 General Industrial District. The adjacent land use to the north is recycling and warehouse facilities.

South: M-2 General Industrial District. The adjacent land use to the south is retail and warehouse facility.

East: C-2 General Commercial District. The adjacent land use to the east is a grocery store, Aldi's Food Market.

West: C-2 General Commercial District. The adjacent land use to the west is retail, St. Vincent de Paul Society.

Appleton Comprehensive Plan 2010-2030: Community 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.

Technical Review Group (TRG) Report: This item appeared on the April 30, 2024 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.

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 wholesale facility as a special use; 2. zoning district regulations: district*

regulations were reviewed pursuant to the attached development plan; 3. *special regulations*: not applicable to wholesale facility; 4. *consistent with comprehensive plan and other plans*: yes, see above analysis; 5. *traffic*: the proposed use is not expected to create undue traffic congestion; 6. *landscaping and screening*: not applicable to this use, changes to the existing parking are not being proposed with this request. 7. *neighborhood compatibility with predominant land uses in this area*: the proposed use is located near other commercial and industrial uses. 8. *impact on services*: the City has existing utilities and services in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #3-24 for a wholesale facility located at 1800 West College Avenue (Tax Id #31-5-1739-01), 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:

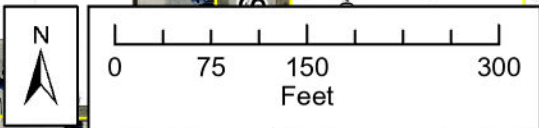
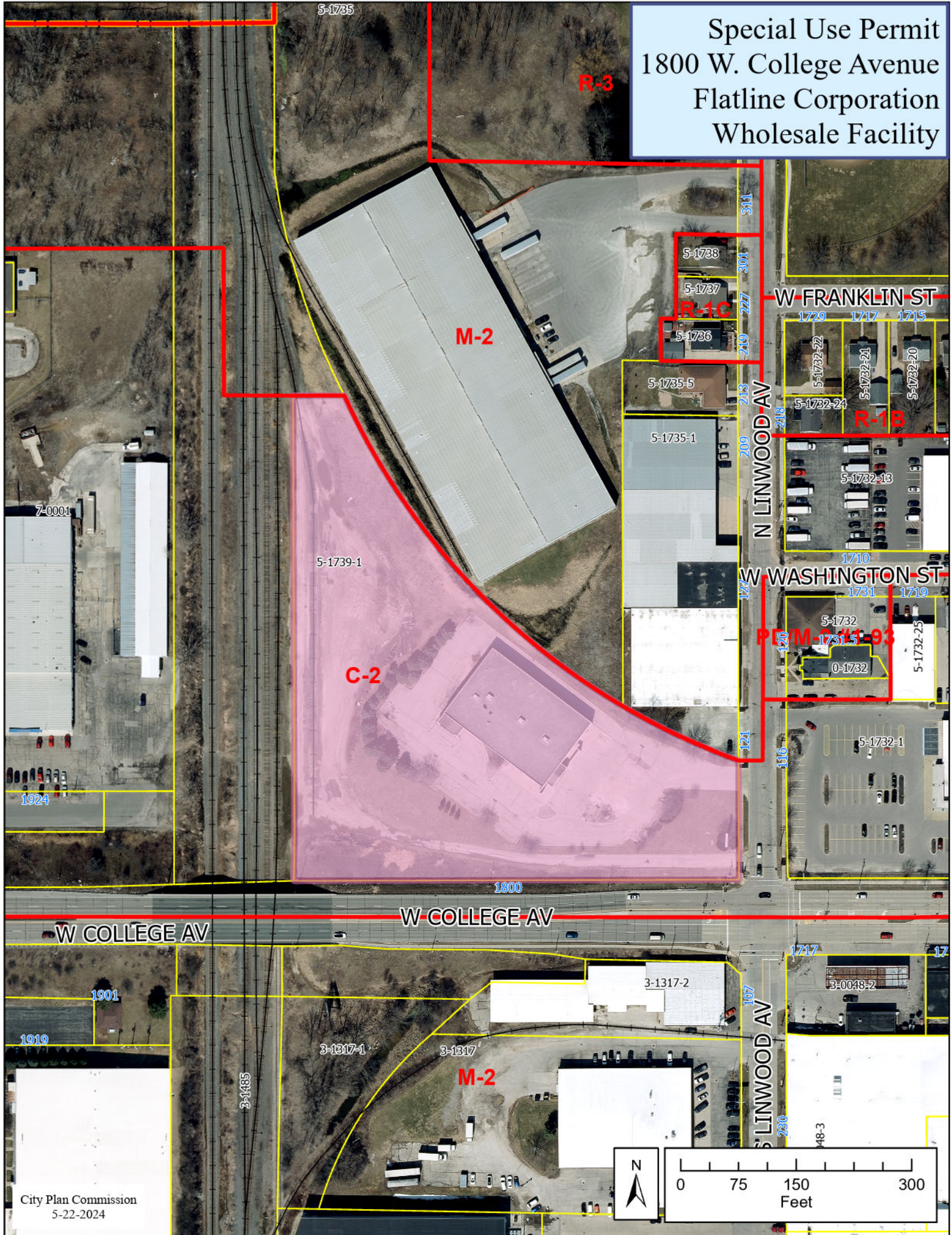
1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.

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. 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 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.

Special Use Permit
 1800 W. College Avenue
 Flatline Corporation
 Wholesale Facility



**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #3-24
WHOLESALE FACILITY
1800 WEST COLLEGE AVENUE**

WHEREAS, Flatline Corporation has applied for a Special Use Permit to establish a wholesale facility located at 1800 West College Avenue, also identified as Parcel Number #31-5-1739-01; and

WHEREAS, the proposed use 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 May 22, 2024 on Special Use Permit #3-24, 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 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 #3-24 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on June 5, 2024.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community 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 #3-24 to establish a wholesale facility located at 1800 West College Avenue, also identified as Parcel Number #31-5-1739-01 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 #3-24 to establish a wholesale facility located at 1800 West College Avenue, also identified as Parcel Number #31-5-1739-01, 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 #3-24:

- 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. 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 Development Department for review and approval.

Adopted this _____ day of _____, 2024.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Flatline Corporation

Years in operation: 25

Type of proposed establishment (detailed explanation of business):

Wholesale supplier of novelty toys to the amusement industry.

Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	8:00 am	5:00 pm
Friday	8:00 am	5:00 pm
Saturday		
Sunday		

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):

16,854

Gross floor area of the proposed building(s):

no change

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

none

Odor:

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

none

Noise:

Describe the noise levels anticipated from the proposed use and all mechanical equipment:

Any additional noise that we would create would be minimal. The only noises would come from the pick up and delivery of our products. The adjacent properties are industrial uses and the railroad, we feel that any noise that we would make would not be noticed.

How will the noise be controlled?

Outdoor Lighting:

Type: We would use existing lighting

Location: _____

Off-Street Parking:

Number of spaces existing on-site: 72

Number of spaces proposed on-site: 72

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?

Street access is adequate.

Outdoor Uses:

Size: none square feet

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

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

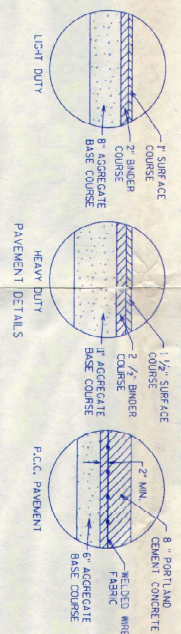
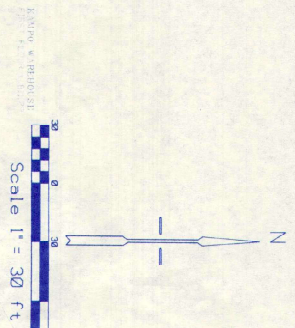
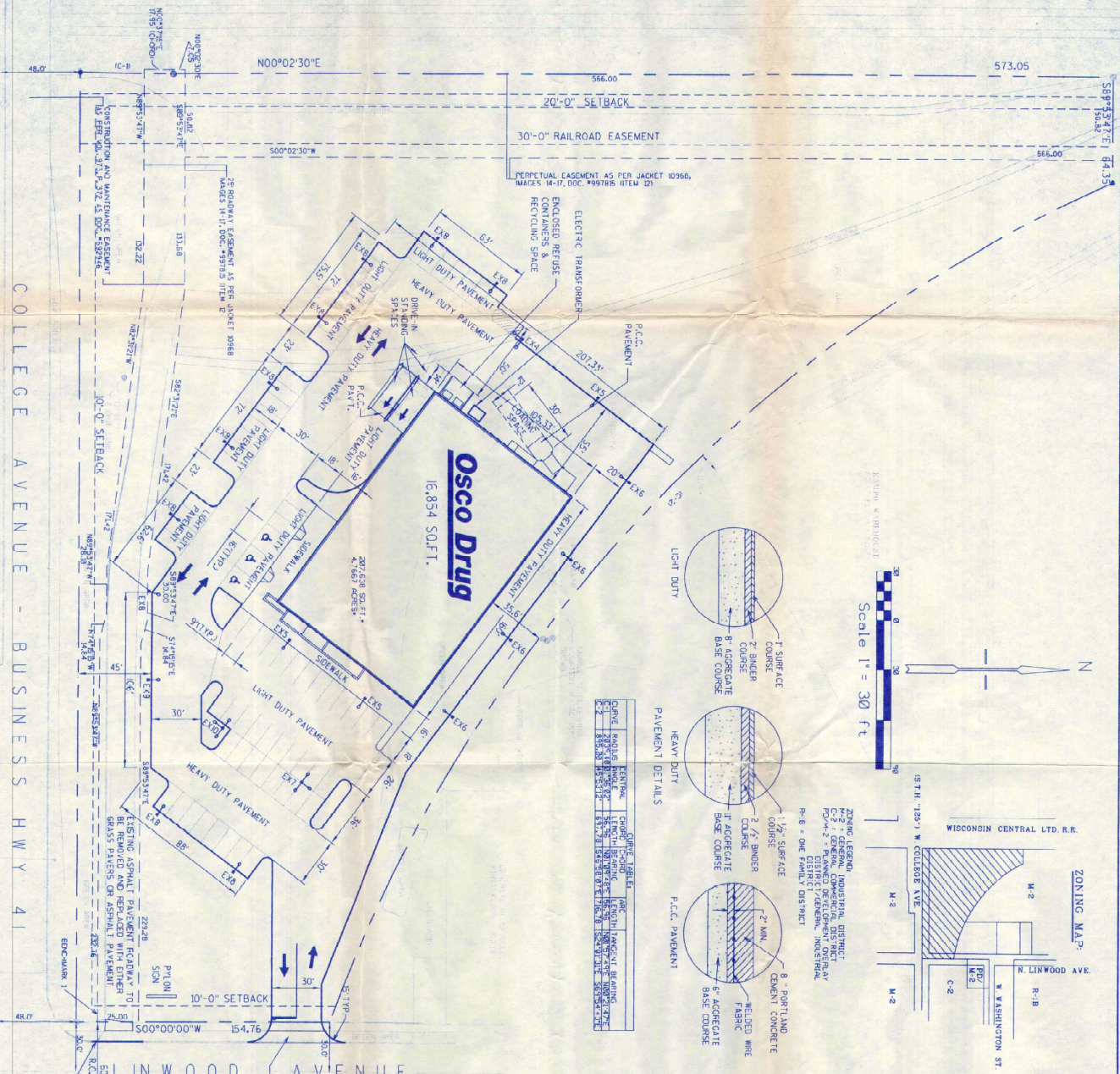
Type, location, size of outdoor display area(s) of merchandise for sale or other business property:

Number of Employees:

Number of existing employees: 12

Number of proposed employees: 12

Number of employees scheduled to work on the largest shift: 12



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SITE SUMMARY

SITE SUMMARY
 SITE AREA: 4.7657 ACRES
 SITE ZONING: M-2
 BUILDING SETBACKS: FRONT YARD: 10'-0" (BOTH SIDESTREETS), REAR YARD: 20'-0", SIDE YARD: 0'-0"
 LANDSCAPING: NOT LESS THAN 5% OF PARKING LOT ISLANDS SHALL BE A MIN. OF 400 S.F. & SHALL BE A MIN. OF 7'-0" WIDE.
 FLOOR AREA RATIO: NONE SPECIFIED
 HEIGHT RESTRICTIONS: 35'-0" MAXIMUM
 BUILDING SUMMARY: MAIN LEVEL: 16,854 S.F., MEZZANINE: C, 000 S.F., FLOOR AREA: 16,854 S.F.
 OUTSIDE RECYCLING SPACE: 9 CF x 1,000 SF = 133 CF
 PARKING SUMMARY: PARKING STALL SIZE: 9'-0" x 18'-0"
 PARKING REQUIREMENTS: (1) SPACE PER 200 SQ. FT. USABLE FLOOR AREA, (1) SPACE PER 300 SQ. FT. USABLE OFFICE FLOOR AREA
 PARKING PROVIDED: 59 STANDSTO STALLS, 3 ACCESSIBLE STALLS, 72 TOTAL STALLS
 GENERAL NOTES:
 1. SEE ATTACHED ALTAZASAS LAND TITLE SURVEY FOR LEGAL DESCRIPTION OF SUBJECT PROPERTY.
 2. RECORD PROPERTY OWNER: C/O DOWLER PROPERTIES, INC., 9615 COMMUNICATION DR., APPLETON, WI 54915, (414) 551-7000
 APPLICANT: A. EPSTEIN AND SONS INTERNATIONAL, INC., 600 WEST FULTON, CHICAGO, IL 60661-1189, (312) 454-5100 PR. (312) 559-1213 FAX (312) 559-1000
 PREPARED BY: AMERICAN STORES PROPERTIES, INC., 348 EAST SOUTH TEMPLE, SALT LAKE CITY, UT 84111
 CONTRACT NUMBER: 35
 ATTN: GENE JENSEN
 DATE: 8-24-17

Approved as noted with amendments
 Gene Jensen
 8-1-17



CONSTRAINT VISA NOT VALID FOR ANY OTHER CITY OF APPLETON STANDARD SHEETS.
 COLLECT VISA (SHEET 185)

C-1

NO.	REVISION	DATE
1	PRELIMINARY PLAN ISSUED FOR OWNER REVIEW	8-01-16
2	REVISIONS FOR SITE PLAN REVIEW COMMENTS	07-05-16
3	REVISIONS PER CITY COMMENTS	12-21-17
4	REVISIONS TO SITE LIGHTING	8-24-17



PRELIMINARY SITE PLAN

OSCO STORE

OSCO STORE #18-0509
 NW C. OF COLLEGE & LINWOOD
 APPLETON, WISCONSIN

A. EPSTEIN AND SONS INTERNATIONAL

EPSTEIN

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