



CITY OF APPLETON

MEMORANDUM

Date: June 25, 2025
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Comprehensive Plan Future Land Use Map Amendment #2-25 and Rezoning #6-25

GENERAL INFORMATION

Owner: Evelyn A. Hartwig, Trustee for Chris J. Hartwig Revocable Trust

Applicant: Devon Pittman, Development Manager - Briohn Building Corporation

Parcel Numbers: Generally located west of the CTH OO/USH 441 interchange (Tax Id #'s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00).

Applicant's Request: Applicant/owner requests to amend the City's Comprehensive Plan 2010-2030 Future Land Use Map to Commercial designation and rezone to C-2 General Commercial District as further described below. Briohn Building Corporation is working with Paul Davis Restoration and Rivian to construct a 77,000 square foot multi-tenant industrial style building on the east side of the project area. (See attached narrative)

Request #1: Comprehensive Plan Future Land Use Map Amendment #2-25:

The owner/applicant requested an amendment to the Comprehensive Plan Future Land Use Map, City of Appleton Comprehensive Plan 2010-2030 for the subject parcels 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00 from future Business/Industrial to future Commercial land use designation, per attached existing and proposed future land use maps.

Request #2: Rezoning #6-25 (Zoning Map Amendment):

The owner requested a rezoning of the subject parcels 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00 from AG Agricultural District and M-1 Industrial Park District to C-2 General Commercial District, including the adjacent road right-of-way, per attached zoning map. This will allow the owner/applicant to develop the subject parcels utilizing the current C-2 General Commercial District zoning regulations and align with the future land use map amendment request.

Plan Commission Public Hearing/Meeting Date: June 25, 2025

Common Council Public Hearing/Meeting Date: August 6, 2025

BACKGROUND

May 28, 2025 – The Plan Commission recommended approval of the Chris J. Hartwig Revocable Trust Annexation.

June 4, 2025 – The Common Council approved the Chris J. Hartwig Revocable Trust Annexation.

1987, 1990 and June 10, 2025 – The subject area was annexed to the City.

STAFF ANALYSIS

Procedural Findings: When requests are made to amend the Comprehensive Plan 2010-2030 Future Land Use Map and Official Zoning Map (rezonings) for the same development project, the respective staff reports are consolidated together as one.

Associated Action Item: Certified Survey Map #9-25 crossing a plat boundary line and release of public easement is also being presented at this June 25, 2025 Plan Commission meeting.

Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally commercial and industrial with a small portion being residential.

North: City of Appleton, M-1 Industrial Park District. The adjacent land uses to the north are commercial and light industrial.

South: City of Appleton, AG Agricultural District. The adjacent land use to the south is undeveloped land.

Town of Grand Chute. The adjacent land use to the south is residential.

East: Town of Grand Chute. The adjacent land use to the east is vacant commercial building.

West: City of Appleton, M-1 Industrial Park District. The adjacent land use to west is light industrial.

Request #1: Comprehensive Plan Future Land Use Map Amendment #2-25:

Findings: It is staff's opinion that the proposed Future Land Use Map Amendment request will facilitate the development of the subject parcels by the petitioner's request. It is also consistent with several goals, objectives, and policies from the City's Comprehensive Plan 2010-2030: (see below)

9.5 OBJECTIVE: Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

9.5.1: Ensure a continued adequate supply of industrial and commercial land to sustain new business development.

- Findings: Economic Development Proximity to Major State and County Highways: The subject parcels are located adjacent to CTH OO/USH 441 interchange, making it highly accessible to both local and regional traffic. This

location is ideal for commercial and/or light industrial development, where easy access and visibility are critical factors for attracting businesses that serve both local residents and travelers. By designating the subject parcels for commercial use, we ensure a continued adequate supply of commercial land to sustain new business development pursuant to the objectives above.

9.2 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.

- Findings: Economic Development Diverse Business Mix and Jobs: Commercial and/or light industrial development at this location would bring economic benefits to the region, including job creation, increased tax revenue, and opportunities for business growth. A shift to future commercial land use designation and C-2 zoning classification would promote the development of businesses that can take advantage of this high-visibility location, enhancing development of subject parcels pursuant to the objective above.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

7.1.1: Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

- Findings: Impact on Utilities and Community Facilities: The subject parcels are served and can be served by existing city infrastructure, including roads, utilities, and public services, which makes the land ready for immediate development. The future commercial and/or light industrial uses would take advantage of these existing facilities, minimizing the need for additional public infrastructure investments pursuant to the objectives above.

10.5 OBJECTIVE: Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

10.5.1: In conjunction with area neighborhoods, property owners, and other key stakeholders and the public, implement and eventually update the Wisconsin Avenue, Richmond Street, and South Oneida Street Corridor Plans, in addition to other corridors. Future updates should encourage additional tax base on underperforming parcels while enhancing community quality of life through the provision of additional neighborhood services, increased bike and pedestrian access, and other improvements.

- Findings: Land Use Considerations: The proposed future land use map amendment appears to align with broader planning goals that emphasize supporting the continued redevelopment and revitalization of land uses adjacent to key transportation corridors that enhance additional neighborhood services pursuant to the objectives above.

In conclusion, the amendment to the future land use map from Business/Industrial to Commercial appears to be justified by the location of the subject parcels, market demand for commercial and/or light industrial development, potential economic benefits, job growth and compatibility with surrounding land uses.

Request #2: Rezoning #6-25 (zoning map amendment):

Proposed Zoning Classification: The C-2 district is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
 - a. None.
 - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** Thirty-five (35) feet (See §23-113 (e)).

Standards for Zoning Map Amendments: This request was reviewed in accordance with the standards for granting a Zoning Map Amendment under Section 23-65(e)(1) a., b, and c of the Municipal Code: It appears the criteria established has been satisfied. Related excerpts are listed below.

Section 23-65(e) (1) Prior to making a recommendation on a proposed zoning amendment, the Plan Commission shall make a finding to determine if the following conditions exist. No zoning amendment shall be approved prior to finding at least one (1) of the following:

- a. The request for a zoning amendment is consistent with the Comprehensive Plan for the City of Appleton. *Findings: If Future Land Use Map Amendment #2-25 is approved, to identify the subject parcels for future commercial land use, the rezoning request will be in conformance with the Comprehensive Plan 2010-2030.*
- b. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject parcels more appropriate for a different district.
- c. There is an error in the zoning ordinance text or zoning map as enacted.

Development Review Group (DRT): These items were discussed at the June 3, 2025 Development Review Group meeting. No negative comments were received from participating staff.

STAFF RECOMMENDATION

Request #1: Based upon the above analysis, staff recommends City of Appleton Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-25 for the subject parcels from future Business/Industrial to Commercial land use designation, per attached future land use map and the attached resolution, **BE APPROVED**;

Request #2: Based upon the above analysis and the standards for zoning map amendments as required by Section 23-65(e)(1) a. of the Zoning Ordinance, staff recommends Rezoning #6-25 to

rezone the subject parcels from AG Agricultural District and M-1 Industrial Park District to C-2 General Commercial District, including to the adjacent right-of-way as shown on the attached map zoning map and described on the application form, **BE APPROVED**.

NOTE: If approved, Rezoning #6-25 and CSM #9-25, including the release of public easement, will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-25. This will be done simultaneously to coincide with the change in future land use from future Business/Industrial to Commercial land use designation, per attached future land use maps.



**Narrative to Comprehensive Land Use Plan Amendment
Northwest Corner of Northland Avenue and Highway 441
Appleton, Wisconsin**

Introduction

This narrative outlines the proposed comprehensive land use change for the proposed mixed-use development encompassing approximately 19 acres consisting of parcel numbers 101171300; 101171400; 101171500; 101171600; 101171800; 101171900; 311672800; 311672900; 311535201; 101171700; 101172000; 101172100; 311535100; and 311535200 consisting of lands located in the City of Appleton and recently annexed from the Town of Grand Chute. The proposal seeks to amend the existing land use designation(s) from Industrial (M-1) to Commercial (C-2).

The purpose of this land use change is to support less restrictive land use and zoning to encourage the development of this underutilized parcel of vacant land while aligning with the goals of the existing land use plan and to be in keeping with the surrounding area.

Background and Context

The project area is currently vacant with one approximately 20,000 light industrial building on parcel 311535100. Briohn Building is working with Paul Davis Restoration and Rivian to construct a 77,000 square foot multi-tenant industrial style building on the east side of the project area.

In order to accommodate these uses in the proposed building, it has been determined in conversations with the city staff that the existing Comprehensive Land Use Plan cannot accommodate these two uses in the proposed building without a change to the same.

Surrounding land uses include:

- **North:** Industrial (M-1)
- **South:** Agricultural (Ag)
- **East:** Highway 441
- **West:** Commercial (C-2)

Proposed Land Use Change

The applicant proposes to change the future land use designation from Business/Industrial to Commercial. This change will facilitate:

The flexibility to develop this corridor to accommodate a variety of uses not specific to industrial users.

Immediate impact via the construction of a Class A building to allow for Rivian to bring their service model to the Fox Valley and allow Paul Davis Restoration to relocate their local operations into an updated facility.

Future flexibility for the redevelopment of the existing industrial building on site and continued development of the lands to the west.

Key Elements of the Proposed Land Use:	Key Elements of Existing Land Use:
Min. Lot Acreage: Fourteen thousand 14,000 sq. ft.	Min. Lot Acreage: One 1 acre
Max. Lot Coverage: Seventy-five Percent (75%)	Max. Lot Coverage: Ninety Percent 90%
Min. Lot Width: Sixty (60) feet	Min. Lot Width: One hundred fifty (150) feet
Min Front Yard: Ten (10) feet	Min Front Yard: Forty (40) feet
Min Rear Yard: Twenty (20) feet	Min Rear Yard: Twenty-five (25) feet
Min. Side Yard: none	Min. Side Yard: Twenty-five (25) feet

Justification, Rationale and Community Impact

The proposed change is justified by:

Consistency with Regional Plans: The surrounding land use is generally consistent with Commercial uses. The industrial park to the north and commercial zoning to the west would align with C-2.

Economic Development: A portion of the property has been annexed from the Town of Grand Chute and when developed will add to the city's tax base.

Additionally, the development will immediately create a space for Rivian to begin their operations in the Fox Valley and allow Paul Davis to expand into a larger facility. Both of these users will create and maintain employment in the community.

Environmental Considerations: There are no sensitive environmental conditions located on the site or in the immediate vicinity. The property is currently rough graded and exists within the Northland Industrial Park.

Infrastructure Improvements: Generally speaking, the existing systems are adequate to service the proposed use. Additional infrastructure needed will include stormwater facilities to service on-site stormwater detention and road improvements to CTH 00 to provide for an additional access point to the project.

The applicant has conducted a TIA and the same has been submitted to the City of Appleton and Outagamie County Highway Department for their review and comment. At this time, those comments have been returned to the applicant's consultant who is making the required revisions.

**RESOLUTION
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

WHEREAS, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

WHEREAS, on March 3, 2010, the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the City and its statutory extraterritorial planning jurisdiction; and

WHEREAS, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

WHEREAS, members of the public were invited to make comments at a meeting held on June 25, 2025, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-25) herein adopted was reviewed and commented upon by members of the public; and

WHEREAS, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on June 25, 2025, and

WHEREAS, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution

1. Having been filed with the City Clerk by the City of Appleton Community Development Department requesting a Comprehensive Plan Future Land Use Map Amendment #2-25 to change future land use designations (Tax Parcel Numbers: 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00):

From: Future Business/Industrial land use designation, per attached map,

To: Future Commercial land use designation, per attached map.

WHEREAS, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

WHEREAS, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extraterritorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

WHEREAS, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

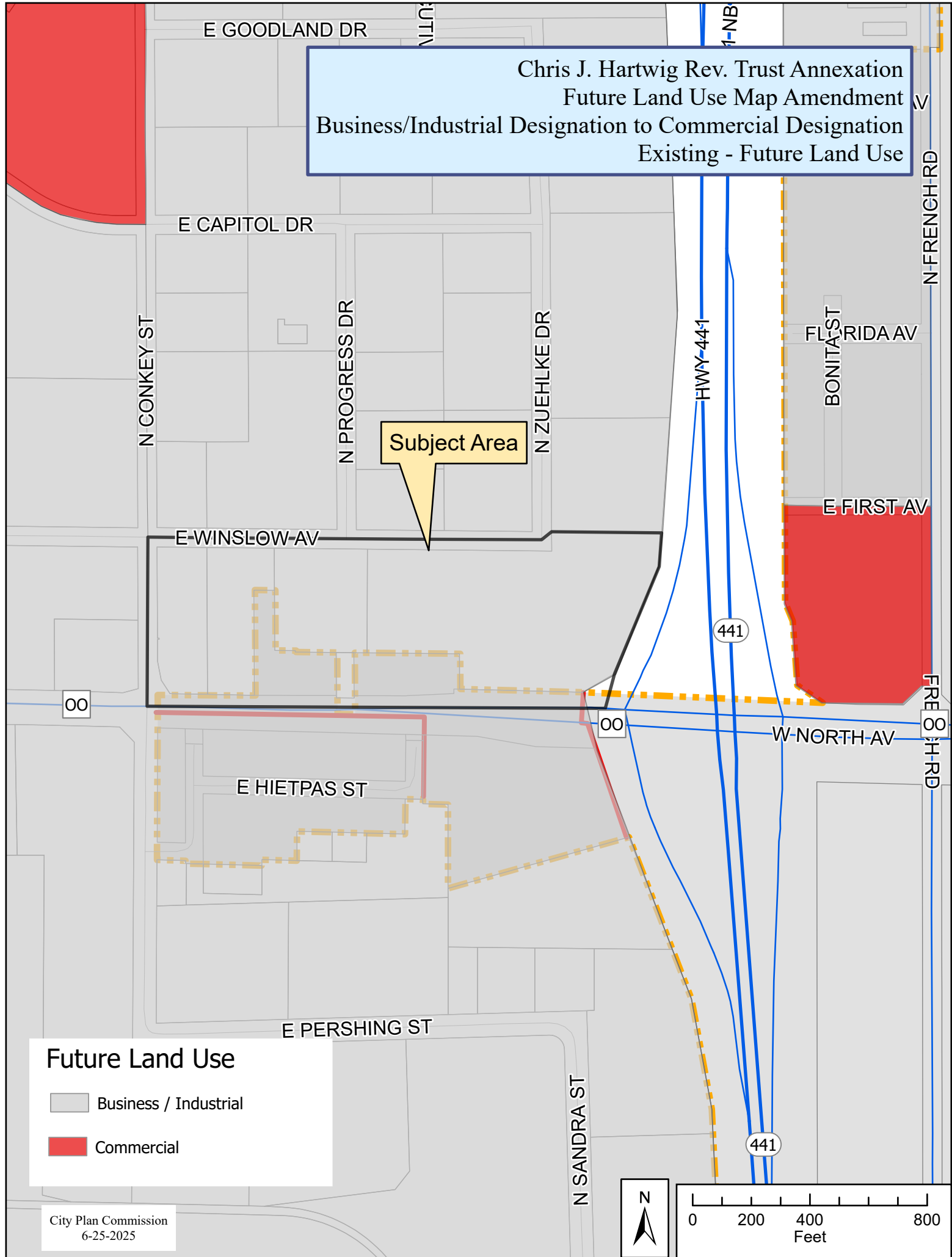
Adopted this _____ day of _____, 2025.

Jacob A. Woodford, Mayor

ATTEST:

Amy Molitor, Deputy City Clerk

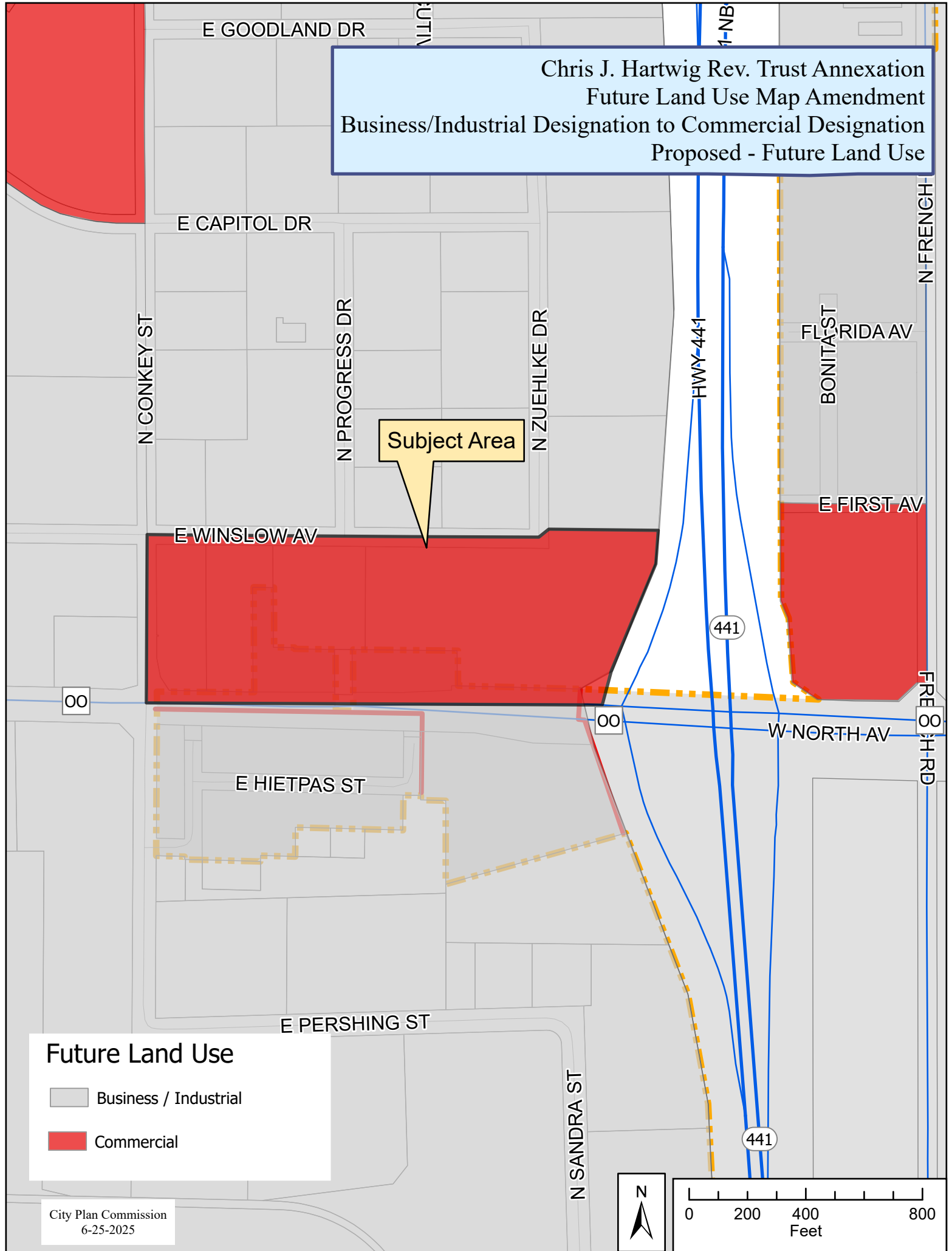
Chris J. Hartwig Rev. Trust Annexation
Future Land Use Map Amendment
Business/Industrial Designation to Commercial Designation
Existing - Future Land Use



Future Land Use

-  Business / Industrial
-  Commercial

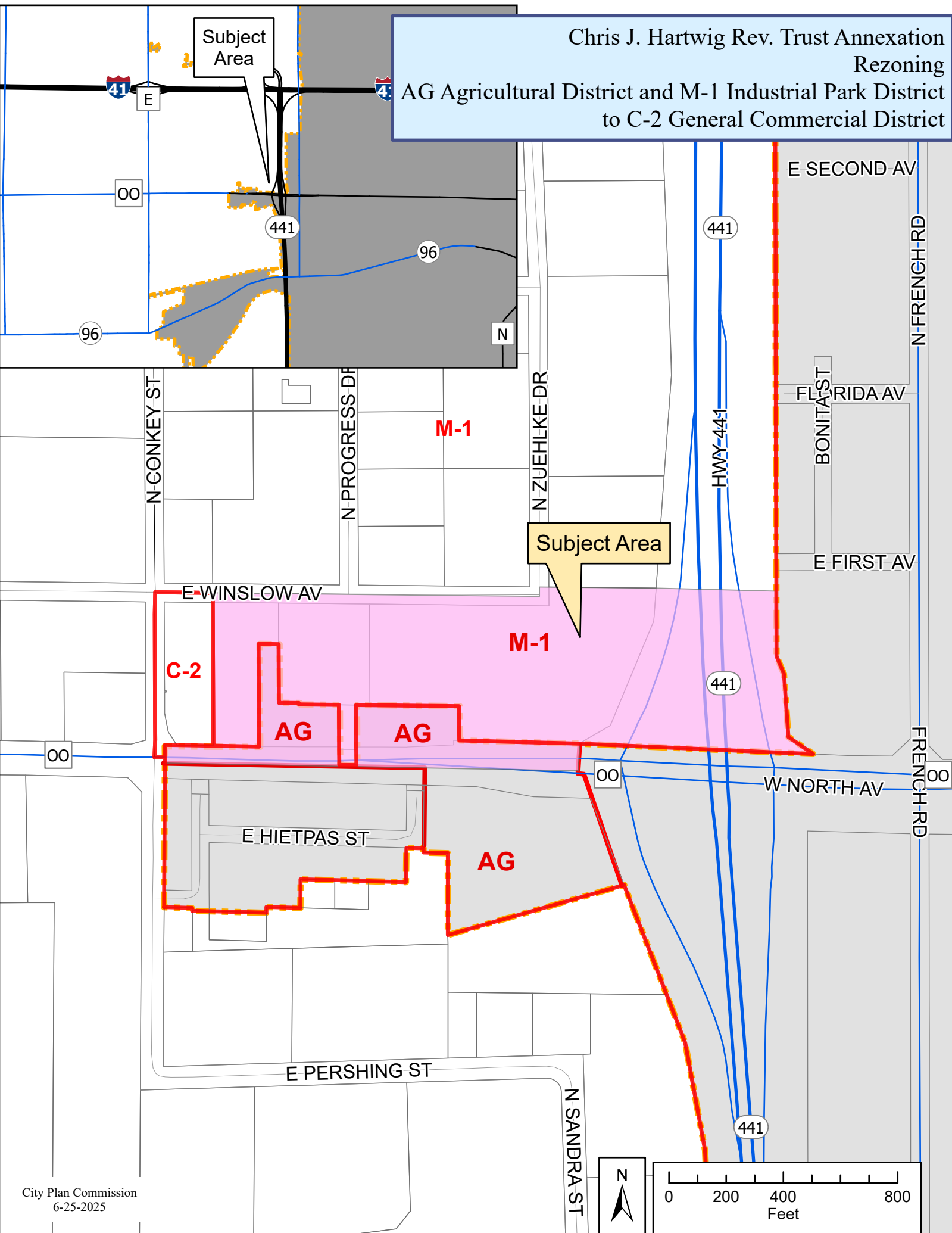
Chris J. Hartwig Rev. Trust Annexation
Future Land Use Map Amendment
Business/Industrial Designation to Commercial Designation
Proposed - Future Land Use



Future Land Use

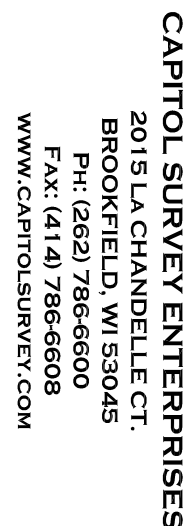
- Business / Industrial
- Commercial

Chris J. Hartwig Rev. Trust Annexation
Rezoning
AG Agricultural District and M-1 Industrial Park District
to C-2 General Commercial District



Subject Area

Subject Area



NORTH



REZONE EXHIBIT
FOR
NORTHLAND DEVELOPMENT
E. NORTHLAND AVE.
GRAND CHUTE, WI

DRAWN BY:	DHS	DATE:	MAY 20, 2025
CHECKED BY:	MJB	DRAWING NO.	EX-REZONE-0
CSE JOB NO.:	25037	SHEET	1 of 1