



# CITY OF APPLETON

## MEMORANDUM

**Date:** July 23, 2025  
**To:** Plan Commission  
**From:** Colin Kafka, Principal Planner  
**Subject:** Special Use Permit #4-25 for New Automobile, RV, Truck, Cycle, and Boat Sales and Display Lot in the C-2 General Commercial District.

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## GENERAL INFORMATION

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

**Applicant:** Devon Pittman, Development Manager - Briohn Building Corporation

**Address/Parcel Number:** 3275 E. Winslow Avenue Suite 100 (Lot 1 CSM #9-25, Future Tax Id #31-1-5900-01)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot located in the C-2 General Commercial District

**Plan Commission Public Hearing Date:** July 23, 2025

**Common Council Meeting Date:** August 6, 2025

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## BACKGROUND

May 27, 2025	Site Plan #16-25 submitted by applicant for the subject area. Site Plan #16-25 proposes a new 77,000 square foot building with space for two tenants. The site plan is currently under staff review pursuant to Sec. 23-570. The 1 <sup>st</sup> iteration of the site plan serves as the development plan for this special use.
June 4, 2025	The Common Council approved the Chris J. Hartwig Revocable Trust Annexation. A portion of the subject area was included in the annexation.
June 25, 2025	The Plan Commission recommended approval of Comprehensive Plan Future Land Use Map Amendment #2-25, Rezoning #6-25, and CSM #9-25 which included the subject area.

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## STAFF ANALYSIS

**Existing Site Conditions:** Vacant parcel

**Project Summary:** The applicant, with owner approval, proposes to use a portion of the subject area (Lot 1 CSM#9-25, future parcel #31-1-5900-01) for the pre-delivery and inspection of pre-ordered electric vehicles and for customer educational demo drives, auto repair, and service.

Per the attached plan of operation, the proposed use of the site for the temporary storage of pre-ordered vehicles, as well as their repair and service, meets the definition of a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot which is a special use in the C-2 General Commercial District. The proposed use will occupy the west half of a proposed 77,000 square foot building and the adjacent parking lot as identified in the attached development plan.

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

**Zoning and Procedural Findings:** The subject property is in the process of being rezoned from AG Agricultural District and M-1 Industrial Park District to C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot requires a Special Use Permit in the C-2 General Commercial District. To permit a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

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

East: City of Appleton, M-1 Industrial Park District. The adjacent land use to the east is undeveloped.

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

**Appleton Comprehensive Plan 2010-2030:** Community Development staff reviewed this proposal and determined it appears to be consistent 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 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.*

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

*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.*

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

**Development Review Team (DRT) Report:** This item appeared on the June 24, 2025 DRT 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 automobile, RV, truck, cycle and boat sales and display lots as a special use permit; *2. zoning district regulations:* the district regulations appear to be satisfied pursuant to the attached plan of operation and development plan, formal verification of regulations being satisfied will occur via the site plan review process pursuant to Sec. 23-570; *3. special regulations:* stipulations 1, 2, 3 and 4 (below) address the special regulations for automobile, RV, truck, cycle and boat sales and display lots; *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 per the Traffic Impact Analysis (TIA) submitted by the applicant and reviewed by City and County staff; *6. landscaping and screening:* review of Site Plan #16-25 pursuant to Sec. 23-570 will ensure compliance with all applicable landscape and screening standards; *7. neighborhood compatibility with predominant land uses in this area:* the proposed use is located near other commercial uses in this area of City; *8. impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

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## RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #4-25 for a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot at 3275 E. Winslow Avenue Suite 100 (Lot 1 CSM #9-25, Future Tax Id #31-1-5900-01), as shown on the attached development plan and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. Comprehensive Plan Future Land Use Map Amendment #2-25, Rezoning #6-25, and CSM #9-25 shall be approved by Common Council prior to the issuance of Special Use Permit #4-25.

*Substantial Evidence: This condition provides notice to the applicant that these items need to be approved by the Common Council before Special Use Permit #4-25 is issued.*

2. Pursuant to Section 23-570 of the Municipal Code, review of site plan #16-25 shall continue until approval is issued by the Community Development Department to ensure compliance with all applicable codes, ordinances, and regulations, including but not limited to Fire and

Building Codes. The site plan must be approved prior to the issuance of building permits by the Inspections Division.

*Substantial Evidence: This condition provides notice to the applicant that the project shall comply with all the applicable provisions of the Appleton Municipal Code. Staff will verify all applicable provisions will be met prior to Site Plan approval per Section 23-570.*

3. All proposed outdoor lighting to illuminate the automobile display lot shall comply with the standards in §23-53, Outdoor lighting.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)a. of the Zoning Ordinance for this particular use. This condition provides notice to the applicant that any outdoor lighting installed to illuminate the display lot area shall comply with §23-53. Staff will verify all applicable provisions will be met prior to Site Plan approval per Section 23-570.*

4. Landscaping shall comply with the standards specified under Chapter 23 Zoning, Section 23-66(h)(5)b. The location of perimeter and interior landscaping shall be reviewed and approved pursuant to site plan review under Chapter 23 Zoning Section 23-570.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)b. of the Zoning Ordinance for this particular use. Staff will verify all applicable provisions will be met prior to Site Plan approval per Section 23-570.*

5. The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan and development plan.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)c. of the Zoning Ordinance for this particular use.*

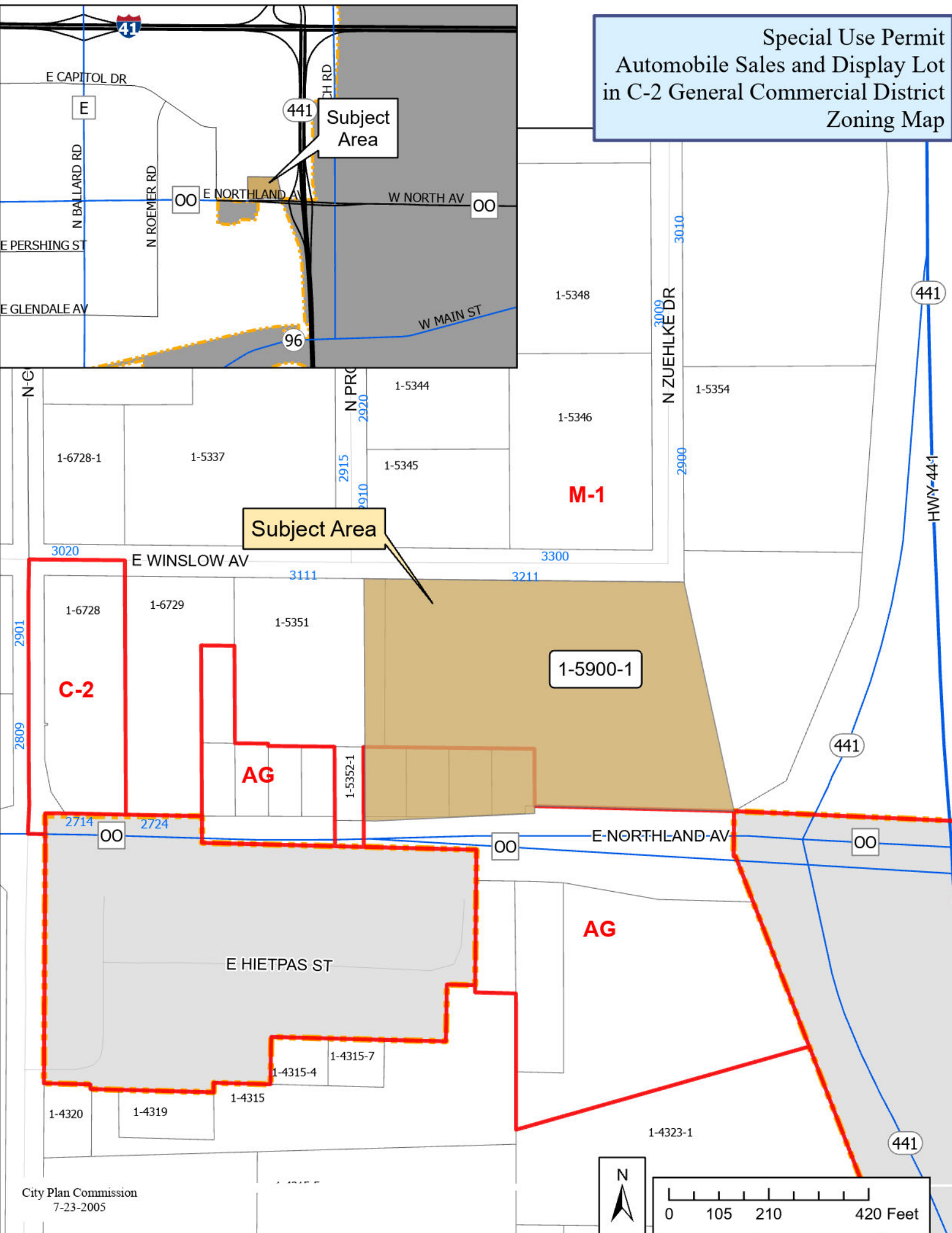
6. No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(5)d. of the Zoning Ordinance for this particular use.*

7. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community Development Department to discuss any proposed changes.

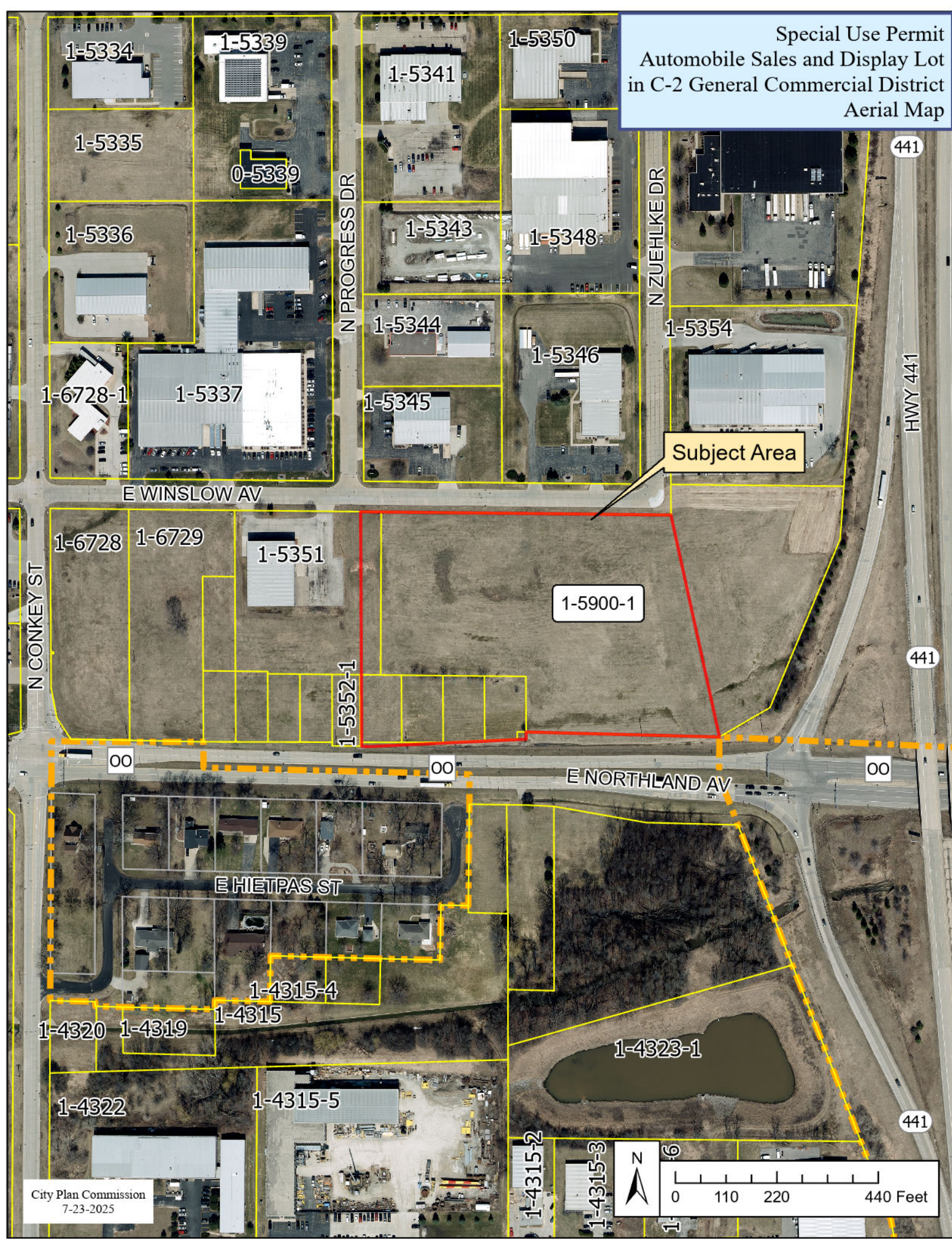
*Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to this proposed use.*

Special Use Permit  
Automobile Sales and Display Lot  
in C-2 General Commercial District  
Zoning Map





Special Use Permit  
Automobile Sales and Display Lot  
in C-2 General Commercial District  
Aerial Map





**CITY OF APPLETON**  
**RESOLUTION FOR SPECIAL USE PERMIT #4-25**  
**NEW AUTOMOBILE, RV, TRUCK, CYCLE AND BOAT SALES AND DISPLAY LOT**  
**3275 E. WINSLOW AVENUE SUITE 100**

**WHEREAS**, Briohn Building Corp c/o Devon Pittman, has applied for a Special Use Permit to establish a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot located at 3275 E. Winslow Avenue Suite 100, also identified as Lot 1 CSM #9-25, future parcel number #31-1-5900-01; 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 July 23, 2025 on Special Use Permit #4-25, 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 #4-25 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 August 6, 2025.

**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 #4-25 to establish a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot located at 3275 E. Winslow Avenue Suite 100, also identified as Lot 1 CSM #9-25, future parcel number #31-1-5900-01 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 #4-25 to establish an a New Automobile, RV, Truck, Cycle and Boat Sales and Display Lot located at 3275 E. Winslow Avenue Suite 100, also identified as Lot 1 CSM #9-25, future parcel number #31-1-5900-01, 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 #4-25:**

- A. Comprehensive Plan Future Land Use Map Amendment #2-25, Rezoning #6-25, and CSM #9-25 shall be approved by Common Council prior to the issuance of Special Use Permit #4-25.
- B. Pursuant to Section 23-570 of the Municipal Code, review of site plan #16-25 shall continue until approval is issued by the Community Development Department to ensure compliance with all applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes. The site plan must be approved prior to the issuance of building permits by the Inspections Division.
- C. All proposed outdoor lighting to illuminate the automobile display lot shall comply with the standards in §23-53, Outdoor lighting.
- D. Landscaping shall comply with the standards specified under Chapter 23 Zoning, Section 23-66(h)(5)b. The location of perimeter and interior landscaping shall be reviewed and approved pursuant to site plan review under Chapter 23 Zoning Section 23-570.
- E. The outdoor display of merchandise and vehicles for sale shall not be located in areas intended for traffic circulation according to the site plan and development plan.
- F. No outdoor loudspeakers shall be in use between the hours of 8:00 p.m. and 8:00 a.m. when adjacent to a residential district.
- G. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community Development Department to discuss any proposed changes.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

ATTEST:

\_\_\_\_\_  
Amy Molitor, City Clerk



## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: Rivian

Years in operation: 16 years

Type of proposed establishment (detailed explanation of business):

Rivian intends to use the property as a pre-delivery location for pre-ordered, pre-configured electric automobiles. The space will also function as a space open to the general public to learn about electric vehicles and offer demo drives. At this time, Rivian does not intend to carry vehicles for sale at the premises to the general public.

### Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	8:00 am	2:00 am
Friday	8:00 am	2:00 am
Saturday	9:00 am	4:00 pm
Sunday		

**\*Note that customer facing operations cease at 5pm but techs will work on the premises until 2am.**

### 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: 133 persons

Gross floor area of the existing building(s):

n/a

Gross floor area of the proposed building(s):

77,000 sq. ft.

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

See attached inventory and floor plan with locations of storage.

**Odor:**

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

There will be no odor or smoke introduced to the area by this facility.

**Noise:**

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

There is no loud equipment involved in the process at this facility.

How will the noise be controlled?

n/a

**Outdoor Lighting:**

Type: Light Poles and wall mounted lights on the building

Location: See attached photometric plan and associated cut sheet for details.

**Off-Street Parking:**

Number of spaces existing on-site: 0

Number of spaces proposed on-site: 145

**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?

New turn lane on Northland proposed by property owner and applicant as part of the development of the property. There is a Traffic Impact Analysis on file with the city which includes details on the proposed street improvements.

**Outdoor Uses:**

Size: 60,000 square feet

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

There is a parking lot available for customer vehicles located at the front of the building as well as a parking area for staging of the pre-ordered vehicles located on the west side of the building. No other business property or goods shall be stored outdoors excepting one display car located near the entrance to the building.

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

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

There will be one display car located near the front of the building.

**Number of Employees:**

Number of existing employees: 0

Number of proposed employees: 35

Number of employees scheduled to work on the largest shift: 25

DRAWN: 2400  
 CHECKED: MPH  
 DATE: 05-27-2022

[illegible]

**QUESTION**

LANDSCAPE PLAN

