

TOWN OF NEENAH
Plan Commission
Regular Meeting Agenda

DATE: MONDAY, May 15, 2023

TIME: Immediately Following the 7:00 p.m. Public Hearing

LOCATION: 1600 Breezewood Lane, Neenah WI 54956

The meeting will be held in person with an option to join virtually

Meeting ID: 852 0149 3385 / Passcode: 920057 Phone (312)626-6799

Zoom Link: <https://us02web.zoom.us/j/85201493385?pwd=SEJTMVN5N0pCSHB0MWtMMklhY2JHZz09>

1. Call Meeting to Order / Pledge of Allegiance.
2. Public Forum
3. Approve Meeting Minutes from November 21, 2022 Plan Commission Meeting
4. Input/Discussion/Action:
 - a. Resolution 2023-07 – Zoning Map Amendment
Applicant: Hot Head Properties LLC
Agent: None
Location of Premises Affected: 1577 Deerwood Drive, Neenah Wisconsin
Tax Parcel No: 010-0203-03
Current Zoning: B-3 Regional Business
Proposed Zoning: I-1 Light Industrial Business District
Explanation: Applicant is requesting a Zoning Map Amendment to rezone a parcel from B-3 (Regional Business) to I-1 (Light Industrial)
5. New Business
6. Old Business
7. Future Meetings / Agenda Items
 - a. Next Plan Commission Meeting, pending agenda items, Monday, June 19, 2023.
8. Adjourn

Closed Session Contemplated: **NO**

Respectfully Submitted,



Ellen Skerke
Administrator-Clerk-Treasurer
May 11, 2023

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Clerk at 725-0916

A quorum of Town Board, Sanitary Commissions or other committees may attend, but no official action will be taken by them.

Notice was posted on May 11, 2023 at www.townofneenah.com and Town of Neenah Municipal Building, 1600 Breezewood Lane,

TOWN OF NEENAH PLAN COMMISSION MEETING

Monday, November 21, 2022

Held at Town of Neenah Municipal Building, 1600 Breezewood Lane and offered virtually via Zoom

Present for Plan Commission: Plan Commission Chair Pete Weyenberg, Commissioner Jody Andres, Commissioner Joshua Lautenschlager, Commissioner Russ Meerdink, and Commissioner Don Nussbaum.

Present for Plan Commission via Zoom: Commissioner Brett Armstrong.

Also Present: Eric Van Dyke Town Board Supervisor James Weiss and Administrator-Clerk-Treasurer Ellen Skerke.

P. Weyenberg called the Public Hearing to order at 7:00 pm. The Pledge of Allegiance was recited.

Public Hearing for Variance Request

<i>Applicant:</i>	<i>Winnebago County Zoning Department</i>
<i>Agent:</i>	<i>O'Rourke, Brian, Winnebago County Zoning Dept</i>
<i>Location of Premises Affected:</i>	<i>Town-wide parcels that are currently zoned A-1</i>
<i>Tax Parcel No:</i>	<i>Various</i>
<i>Current Zoning:</i>	<i>A-1 Agribusiness</i>
<i>Proposed Zoning:</i>	<i>A-2 General Agriculture</i>
<i>Explanation:</i>	<i>Applicant is requesting a Zoning Map Amendment to rezone parcels from A-1 (Agribusiness) to A-2 (General Agriculture)</i>

The following comments were made in the Public Hearing:

- NONE

Chair Pete Weyenberg closed the Public Hearing at 7:01 p.m.

Plan Commission Meeting

Plan Commission Meeting was called to order at 7:01 p.m.

Approve August 15, 2022 Plan Commission Meeting Minutes

Motion: J. Lautenschlager / R. Meerdink to approve.

Motion carried by voice vote.

Public Forum

None

Input/Discussion/Action

Zoning Map Amendment

Recommendation to Town Board for response to Winnebago County Zoning Department Letter received 10-30-2022 regarding Town owned Parcel 010-0348.

- P. Weyenberg stated this parcel was donated by the Keating family to the Town of Neenah the he recommends approving the request to rezone from A-1 to A-2, saving the Town the cost of doing this in the future.

- E. Skerke stated that the Town of Neenah requested an extension from Winnebago County Planning and Zoning Department to submit their response on this parcel. County Zoning has adjourned taking action until December 2022.

Motion: D. Nussbaum / J. Andres to recommend adding the Town parcel to the list of county-wide parcels in the rezoning application from A-1 to A-2.

Motion Carried by voice vote

Resolution 2022-17 – Zoning Map Amendment

<i>Applicant:</i>	<i>Winnebago County Zoning Department</i>
<i>Agent:</i>	<i>O'Rourke, Brian, Winnebago County Zoning Dept</i>
<i>Location of Premises Affected:</i>	<i>Town-wide parcels that are currently zoned A-1</i>
<i>Tax Parcel No:</i>	<i>Various</i>
<i>Current Zoning:</i>	<i>A-1 Agribusiness</i>
<i>Proposed Zoning:</i>	<i>A-2 General Agriculture</i>
<i>Explanation:</i>	<i>Applicant is requesting a Zoning Map Amendment to rezone parcels from A-1 (Agribusiness) to A-2 (General Agriculture)</i>

- P. Weyenberg stated that as A-1 zoning was for Farmland Preservation, this is a procedural process to rezone to A-2 for these parcels.
- E. Skerke stated that the property owners had a choice to respond yes to the request to rezone to A-2. If a property owner did not respond with a confirmation that yes, they wanted to rezone, their parcel will not be rezoned to A-2 and will remain A-1.

Motion: D. Nussbaum / J. Lautenschlager to recommend approval with the added change of including the Town parcel to the list of parcels included in the county-wide parcels to be re-zoned to A-2.

Motion Carried by voice vote

Certified Survey Maps

Resolution 2022-18 – Certified Survey Map, Radcliff Road

<i>Property Owner(s):</i>	<i>Van Dyke, Eric & Michelle</i>
<i>Location of Premises Affected:</i>	<i>1288 Radcliff Rd, Neenah, WI 54956</i>
<i>Tax Parcel No:</i>	<i>010-1939</i>

- Property owner Eric Van Dyke spoke regarding his request. He stated that he would like to create the new parcel for a possibility of selling to his neighbor, giving the neighbor more space, or to sell for construction of a new home.
- P. Weyenberg discussed the original wetland delineation verses the newly delineated designation.
- P. Weyenberg stated he read through the covenants for the subdivision and did not see anything that prohibits subdividing a lot. Eric Van Dyke stated the Davel Engineering also reviewed the covenants and found nothing that would prohibit him from dividing the lot.
- J. Andres spoke about the frontage along the road.
- E. Skerke stated that there is no blasting allowed in the Town of Neenah, so any potential buyers of that parcel need to understand that before the purchase the lot.

Motion: J. Andres / D. Nussbaum to recommend approval.

Motion Carried by voice vote

Resolution 2022-19 – Certified Survey Map, Sherri-Lea Lane

<i>Property owner(s)</i>	<i>Murphy, Derek & Kimberly</i>
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Location of Premises Affected: *Sorensen, James & Sharon*
Tax Parcel No: *103 and 108 Sherri-Lea Ln, Neenah, WI 54956*
010-017207 & 010-01720902

- P. Weyenberg stated although the property owner is not present to address the CSM, it appears that 103 Cherri-Lea Lane needs additional space for setbacks in order to enlarge the existing garage. He has no issues with the CSM as presented.

Motion: J. Lautenschlager/ J. Andres to recommend approval.
Motion Carried by voice vote

Resolution 2022-20 – Certified Survey Map, Dartmouth Drive
Applicant: *Baer, Jerome & Virginia*
Location of Premises Affected: *706 Dartmouth Dr, Neenah, WI 54956*
Tax Parcel No: *010-1518 & 010-151602*

- E. Skerke stated that she spoke with property owner Jerome Baer, he was unable to attend the meeting, however he explained the request. J. Baer owns both parcels and is considering selling the second parcel, however he would like more space on the parcel with his home. Lot 2 already has a sewer stub and the newly drawn parcel is large enough for County requirements.
- P. Weyenberg stated he has no concerns with this request.

Motion: J. Andres / J. Lautenschlager to recommend approval.
Motion Carried by voice vote

Conditional Use Permit

Review status of Conditional Use Permit # 2020-CU-5430 issued to Parcel 010-010-034415, 1995 Breezewood Lane.

- R. Meerdink spoke regarding the approved Conditional Use Permit and the lack of compliance by WPS regarding the landscaping requirements. He had previously provided documentation regarding his concerns to the Plan Commission and the Town Board.
 - Under county Ordinance, there are specific landscaping requirements which are currently not being met. County Planning and Zoning has the obligation to ensure these requirements are met when issuing a Zoning Permit.
 - The Conditional Use Permit also includes a requirement to submit a landscape plan to the Town for approval, which has not been done.
- R. Meerdink stated the process was not completed correctly:
 - County Zoning issued a zoning permit without the proper landscape plan
 - The Building Inspector issued a Building permit, however he does not issue an occupancy permit signing off on satisfactory completion of the permit requirements
 - WPS has not complied with the radiance or the Conditional Use Permit requirement
- R. Meerdink would like to require WPS to submit a landscape plan to the Plan Commission for approval. The plan needs to meet County Zoning code and any additional requirements the Town of Neenah has as required by the Conditional Use Permit that was issued. There should be landscape planting along Breezewood Lane and Woodenshoe Road, this should be an attractive corner.
- P. Weyenberg agreed the site should be attractive and the plantings there now are small. The Town should go back to WPS and tell them what we want. R. Meerdink replied, No, WPS should follow the County Ordinance and create a plan that meets the requirements of the County and the Town. Town requirements can be more restrictive than the County, however cannot be less restrictive.

- J. Andres commented that the Conditional Use Permit requires the landscape plan to be approved by the Town, so a plan should be submitted to the Town Board for approval.
- E. Skerke stated she did receive an email from the project engineers several months ago which included a set of plans, however, she was unaware that within the set of plans there was a landscape plan. The email did not specifically say that they were submitting the landscape plan for approval. Chairman Schmeichel reviewed the landscape plan a few weeks ago, it did not go before the Town Board.
- J. Andres stated that WPS or their engineers should complete the process and submit an acceptable landscape plan to the Town Board for approval
- General discussion of who enforces the Conditional Use conditions. R. Meerdink's stated that the Town asked the County to impose conditions, however it is still the County's responsibility to enforce the conditions.
- P. Weyenberg stated it may be appropriate for the Plan Commission to recommend that the Town Board draft a letter to WPS requesting a landscape plan to be submitted to the Town for approval, per the conditional use permit requirement, including language that there is a need for significant landscaping to soften the appearance of the unattractive project.
- B. Armstrong agreed that the Town needs to see a Landscape Plan for approval.

Motion: J. Andres / B. Armstrong to request the Town to provide a letter to WPS requesting their presence at a Town Board Meeting and the submittal of a landscape plan to the Town Board for approval

Amended Motion J. Andre/ B. Armstrong to add to the motion to "include verbiage from point 35 in R. Meerdink's letter dated November 10, 2022 regarding the softening the appearance of the site

Amended Motion #2: J. Andres/ B. Armstrong to include verbiage in the letter to meet the landscape requirements as required by County ordinance and to submit the plan for Town Board approval per the Conditional Use Permit giving WPS a deadline of 60 days to respond.

Motion carried

R. Meerdink further commented that as part of the Town of Neenah Ordinance updates, the Board should consider adding a provision requiring an occupancy permit issued for completed permits.

Old Business

- None

New Business

- None

Next regularly scheduled Plan Commission Meeting, pending agenda items, Monday December 19, 2022 at 7:00 p.m.

Adjourn

Motion: D. Nussbaum / J. Lautenschlager to adjourn

Motion carried. Meeting Adjourned at 8:05 pm

Respectfully submitted,



Ellen Skerke
Administrator-Clerk-Treasurer

Approved: DRAFT – Pending Approval

Resolution 2023-07

FOR TOWN USE ONLY

TOWN ACTION FOR ZONING MAP AMENDMENT
TOWN OF NEENAH
WINNEBAGO COUNTY, WISCONSIN

RE: Petition for proposed zoning map amendment listed below affecting the Winnebago County Zoning Ordinance and the Office Map of the Town of NEENAH.

Owner(s): HOT HEAD PROPERTIES LLC

Agent: NONE

Parcel No.: 010-0203-03

Location of Premises Affected: 1577 DEERWOOD DR

Legal Description: Being part of the NE 1/4 of the NW 1/4 of Section 20, Township 20 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

Current Zoning: B-3 Regional Business

Proposed Zoning: I-1 Light Industrial

Explanation: Applicant is requesting a zoning change from B-3 (Regional Business District) to I-1 (Light Industrial District) for expansion of an existing business.

Resolved, by the Town Board of the Town of NEENAH, Winnebago County, Wisconsin, that the above indicated proposed amendment to the Town/County Zoning Code (Chapter 23) be and the same is hereby:

Approved

Disapproved

TOWN FINDINGS:

Town has an adopted land use plan

Town does not have an adopted land use plan

Action agrees with town land use plan

Action does not agree with town land use plan

Other: _____

I, Ellen Skerke, Town Clerk of the above named town, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Town Board of the Town of NEENAH.

DATED THIS _____ DAY OF _____, 20__

SIGNED: _____

INITIAL STAFF REPORT

Sanitation: Existing; Municipal

Overlays: Wetlands

Current Zoning: B-3 Regional Business

Proposed Zoning: I-1 Light Industrial

Surrounding Zoning: North: I-2;B-3; South: B-3; East: R-2; West: I-2;

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/APPLICANT

Describe present use(s): Landscape/construction business

Describe proposed use(s): Rental unit(s) for construction trades. Existing business to remain in current building, new building to be rented as multiple "like trade" construction businesses.

Describe the essential services for present and future use(s): Existing sewer, water, electric to be used for new rental building.

Describe why the proposed use would be the highest and best use for the property: The proposed rental building would generate additional businesses to be located in the Neenah area which will increase revenue for area business. This building will also make use of the current "non-used" area which will increase the value of the property and generate more more tax revenue for the Town/County/State.

Describe the proposed use(s) compatibility with surrounding land use(s): Surrounding propoerties are zoned I-2 & B-3.

SECTION REFERENCE AND BASIS OF DECISION

23.7-5 Basis of Decision

Zoning map amendment initiated by a property owner. If a proposed zoning map amendment is initiated by a property owner and would change the zoning classification of a parcel not classified as A-1, the Planning and Zoning Committee in making its recommendation and the Board of County Supervisors in making its decision shall consider the following factors:

- (1) whether the amendment is consistent with the county's comprehensive plan, including any future land use maps or similar maps;
- (2) the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and
- (3) any other factor not specifically or generally listed, but deemed appropriate by the committee or board given the particular circumstances.

PLAT OF SURVEY

A PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 20' T.20N., R.17E.,
TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN.

SURVEY PERFORMED PER DOCUMENT NO. 488887

PROPERTY DESCRIPTION

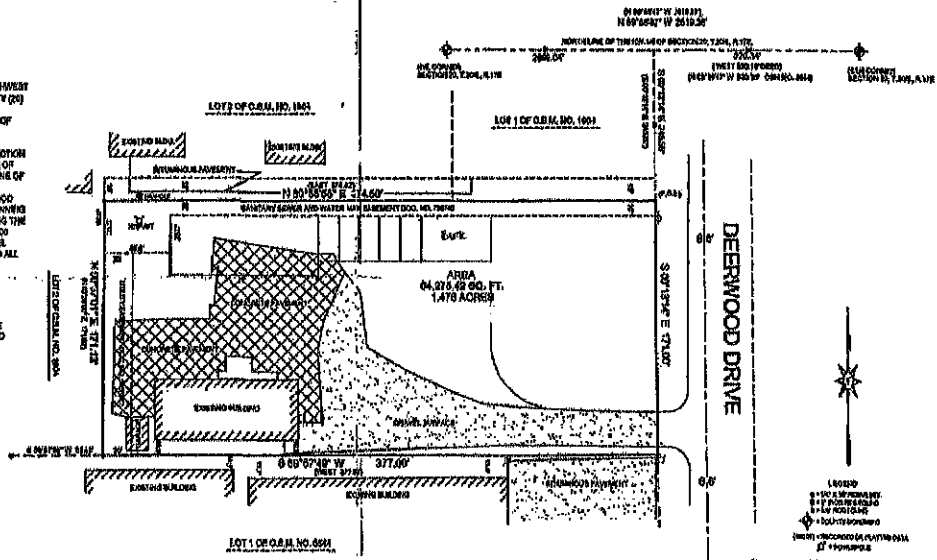
A PART OF THE NORTHWEST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4), SECTION TWENTY (20), TOWNSHIP TWENTY (20) NORTH, RANGE SEVENTEEN (17) EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN CONTAINING 1.478 ACRES OF LAND AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH-QUARTER CORNER OF SAID SECTION 20, THENCE THE NORTH 65.54 FEET ALONG THE WEST LINE OF THE NE 1/4 OF SAID SECTION 20 TO A POINT ON THE WEST LINE OF DEERWOOD DRIVE AND ITS EXTENSION THROUGH PINEAUX DRIVE TO A POINT 171.00 FEET ALONG THE WEST LINE OF DEERWOOD DRIVE THENCE S 89° 59' 10" W 371.00 FEET THENCE N 89° 59' 10" W 171.00 FEET THENCE ALONG THE WEST LINE OF DEERWOOD DRIVE TO THE POINT OF BEGINNING BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

L. LAWRENCE C. KRIESCHER, WINNEBAGO COUNTY REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE MAP SHOWN IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 15TH DAY OF AUGUST, 2007

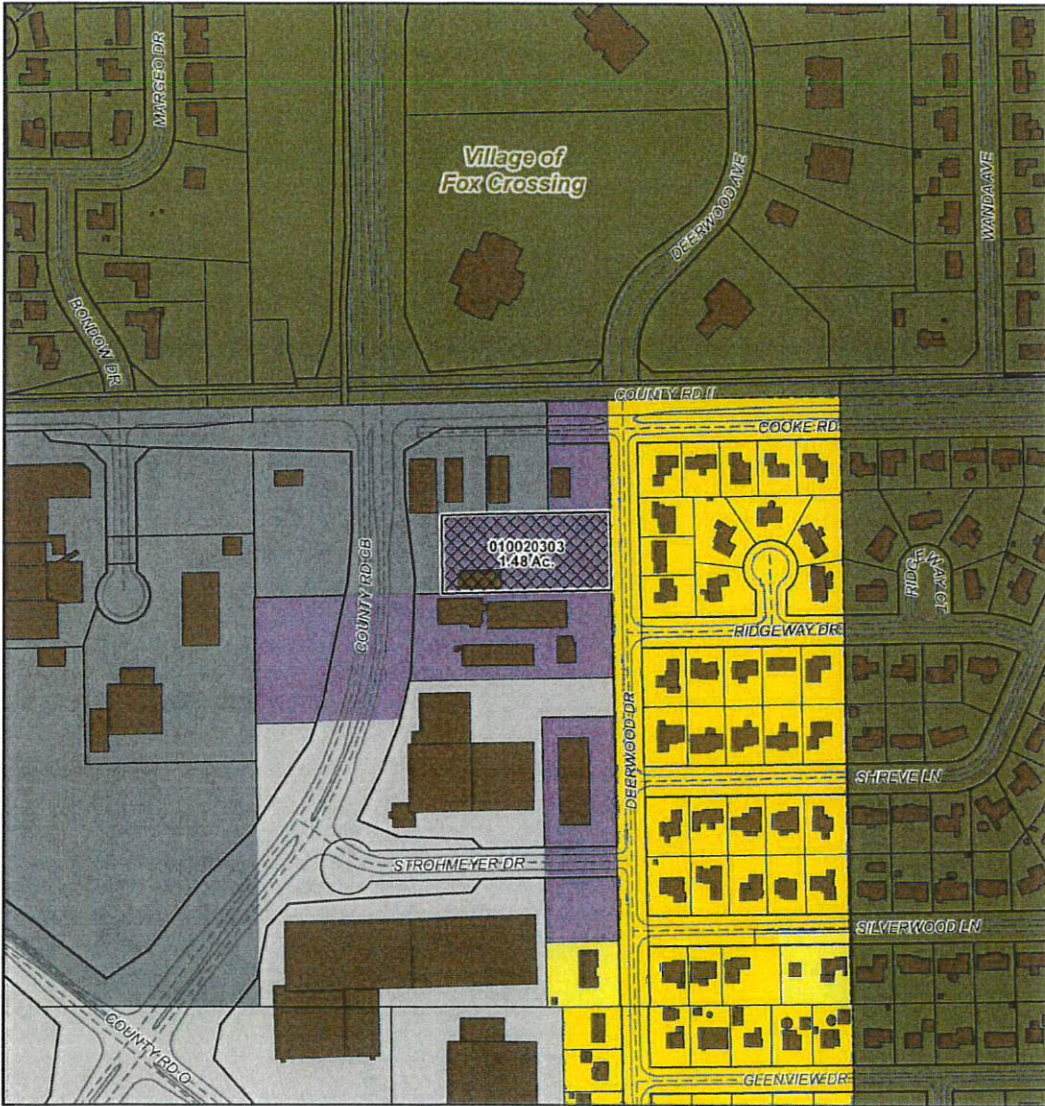
L. Lawrence C. Kriescher
LAWRENCE C. KRIESCHER



L.C. KRIESCHER AND ASSOCIATES LLC.
140 WEST MAIN STREET P.O. BOX 14 WINNEBAGO COUNTY
WINNEBAGO COUNTY, WI 54988
920-502-3133

SURVEY FOR:
STROHMAYER EXCAVATING CO.
1577 DEERWOOD DR.
NEENAH, WI 54956

PROJECT NO. 27901
FILED INTO RECORD BY
DATE 8/20/07
DRAWING NO. 03 01



Application #23-ZC-6330

Date of Hearing:
May 30, 2023

Owner(s):
HOT HEAD PROPERTIES LLC

Subject Parcel(s):
010020303



Winnebago County
WINGS Project

Scale
1 inch : 300 feet

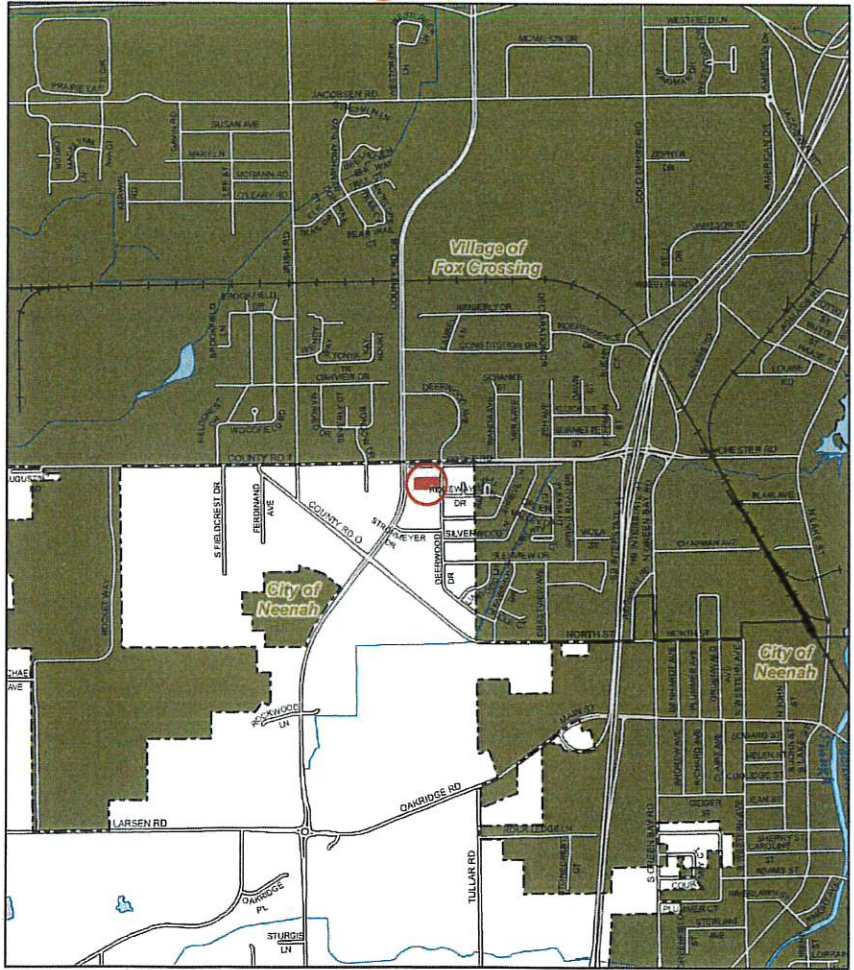
County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area

○ = SITE



1 inch : 2,000 feet

Application #23-ZC-6330

Date of Hearing:

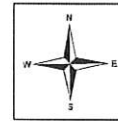
May 30, 2023

Owner(s):

HOT HEAD PROPERTIES LLC

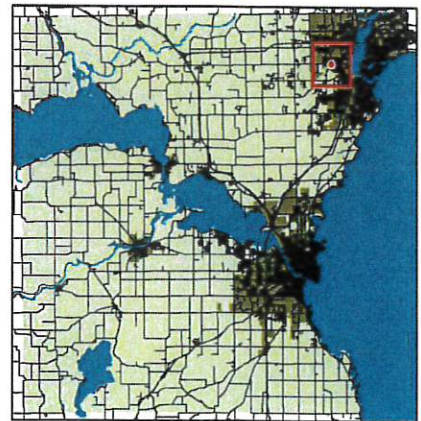
Subject Parcel(s):

010020303



Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY