

**TOWN OF NEENAH
Plan Commission
Regular Meeting Agenda**

DATE: Monday, May 19, 2025

TIME: Immediately Following the 7:00 PM Public Hearing

LOCATION: 1600 Breezewood Lane, Neenah WI 54956

The meeting will also be offered virtually via ZOOM.

Meeting ID : 874 0305 4386 Passcode: 540123 Phone (312) 626-6799

Zoom Link: <https://us02web.zoom.us/j/87403054386?pwd=TtuyeRbZRy5CUJLuiltylXJxCECMP2.1>

1. Call Meeting to Order / pledge of Allegiance
2. Public Forum
3. Approve Meeting Minutes from April 21, 2025 Plan Commission Meeting
4. Input/Discussion/Action:
 - a. Resolution 2025-11 – Zoning Map Amendment
Applicant: LFK Enterprises
Agent Davel Engineering
Location 1394 County Rd JJ
Tax Parcel No 010-0330-02
Explanation Applicant is requesting a Zoning Change from B-3 (General Business) District to R-1 (Rural residential) District
 - b. Resolution 2025-09 – Certified Survey Map
Applicant: LFK Enterprises LLC
Agent Davel Engineering
Location of Premises Affected: County Rd JJ, Neenah
Tax Parcel No: 010-033001 and 010-03300
 - c. Discussion/action regarding Conditional Use Permit issued to 1995 Breezewood Lane in 2020 for a natural gas distribution facility.
5. New Business
6. Old Business
7. Future Meetings / Agenda Items
 - a. Next scheduled Plan Commission Meeting Monday, June 16, 2025
8. Adjourn

Closed Session Contemplated: **NO**

Respectfully Submitted,
Ellen Skerke, Administrator-Clerk-Treasurer
May 15, 2025

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 920-725-0916

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 15, 2025 at www.townofneenah.com and Town of Neenah Municipal Building, 1600 Breezewood Lane,

TOWN OF NEENAH PUBLIC HEARING

Monday, April 21, 2025

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

Present for Public Hearing

Plan Commission Chair Pete Weyenberg, Commissioner Jody Andres, Commissioner Jeremy Kwiatkowski, Commissioner Brandon Nielsen, Commissioner Russ Meerdink, John Hogerty, Ed King, Town Board Supervisor David Bluma, and Administrator-Clerk-Treasurer Ellen Skerke.

Also Present Via Zoom: Carrie Sturn, Ganders.

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

Public Hearing for Conditional Use Permit Request

Applicant: *Bergstrom, John***Agent:** *Hogerty, John; Bergstrom Corporation***Location of Premises Affected:** *1347 County Rd G., Neenah***Tax Parcel No:** *010-006101***Explanation:** *Applicant is requesting a conditional use permit for a personal storage facility.*

The following comments were made in the Public Hearing:

- John Hogerty, representing John Bergstrom reviewed the application for the conditional use permit to build a third personal storage building.
 - He provided a drawing of the proposed building and discussed the location was shifted to move it out of the flood plain.
 - This structure should have no impact to surrounding properties, should not be visible to anyone.
- R. Meerdink questioned why the label on the documents are labeled Ogden-Bergstrom. Why is the Ogden name on the documents? J. Hogerty responded that Mr. Ogden assisted Mr. Bergstrom in the plans and recommended a contractor. Mr. Ogden has no interest in the project either personally or professionally. Ogden's have no financial interest and no part of the contract itself.

Having no one else interested in speaking, Chair Pete Weyenberg closed the Public Hearing at 7:06 p.m.

Respectfully submitted,
Ellen Skerke
Administrator-Clerk-Treasurer

TOWN OF NEENAH PLAN COMMISSION MEETING

Monday, April 21, 2025

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

Present for Plan Commission: Plan Commission Chair Pete Weyenberg, Commissioner Jody Andres, Commissioner Jeremy Kwiatkowski, and Commissioner Russ Meerdink.**Present for Plan Commission via Zoom:** Commissioner Brandon Nielsen**Excused:** Commissioner Brett Armstrong.**Also Present:** John Hogerty, Ed King, Town Board Supervisor David Bluma, and Administrator-Clerk-Treasurer Ellen Skerke.**Also Present Via Zoom:** Carrie Sturn.

P. Weyenberg called the meeting to order at 7:06 p.m. Pledge of Allegiance was recited previously at the Public Hearing.

Public Forum

- None

Approve March 17, 2025 Plan Commission Meeting Minutes**Motion:** J. Andres / P. Weyenberg to approve

Motion carried by voice vote. J. Kwiatkowski and R. Meerdink abstained

Input/Discussion/Action**Conditional Use Permit***Resolution 2025-10 Conditional Use**Applicant: Bergstrom, John**Agent: Hogerty, John; Bergstrom Corporation**Location of Premises Affected: 1347 County Rd G, Neenah**Tax Parcel No: 010-006101**Explanation: Applicant is requesting an conditional use request for a personal storage facility.**Code reference: Chapter 23, Sec23.8-47, Exhibit 8-1, 14.02***Motion** R. Meerdink / J. Andres to recommend approval of Conditional Use

- R. Meerdink inquired if this property was in the Town Growth or City Growth? If in the City Growth area, the Plan Commission is prohibited from approving this per the Boundary Agreement with the City of Neenah.
- E. Skerke provided the Boundary Agreement language in city Growth area Language states *"the Town will refer all conditional use permit applications to the City for its review and recommendation and will consider all recommendations before acting on the application. Failure of the City to respond within 30 days of notice shall be deemed a denial."*
- John Hogerty stated he has spoken to the City and they have approved it.
- E. Skerke confirmed she was aware of the City approval via John Hogerty, however, will refer the conditional use application and ask for written approval form the City.
- Discussion regarding the ability for the Plan Commission to act on the conditional use request.

Motion Amended: R. Meerdink / J. Andres to recommends the Town Board approval of conditional use permit subject to City of Neenah review and recommendation based on the Boundary Agreement.

Motion carried by voice vote.

- B. Nielsen questioned what the City of Neenah allowances are for the number of accessory buildings permitted on residential properties. P. Weyenberg replied that in the City of Neenah, there are different considerations depending on if it is detached or attached garage.
- J. Kwiatkowski asked for an explanation of a flood plain. P. Weyenberg explained it relates to the likelihood of a flood during the specific time period. It may have an impact of the ability to get flood insurance.

New Business

- R. Meerdink requested an addition to the next agenda to discuss the conditional use violation of the WE Energies gas facility down the road. The old structure has not been removed, and the conditions of the permit required a landscape plan to be reviewed prior to the start of the installation.
- General discussion about the conditions, and who enforces the conditions at the County and the Town. P. Weyenberg to contact Chairman Schmeichel regarding potential violations at the We Energies site on Breezewood Lane.
- P. Weyenberg to add Conditional Use violations to the next Plan Commission Agenda for discussion.

Old Business

- None

Next regularly scheduled Plan Commission Meeting, Monday May 19, 2025, at 7:00 p.m.

Adjourn:

Motion: B. Nielsen / J. Andres to adjourn. Motion carried. Adjourned at 7:35 pm

Respectfully submitted,

Ellen Skerke
Administrator-Clerk-Treasurer

Approved: DRAFT – Pending Approval

Zoning Map Amendment

RESOLUTION 2025-11

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): LFK ENTERPRISES LLC

Agent: ANDERSEN, SCOTT DAVEL ENGINEERING & ENVIRONMENTAL INC

Parcel No.: 010-0330-02

Location of Premises Affected: 1394 COUNTY RD JJ, NEENAH

Legal Description: Being part of the SW 1/4 of the NE 1/4 of Section 31, Township 19 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

Current Zoning: B-3 Regional Business

Proposed Zoning: R-1 Rural Residential

Explanation: Applicant is requesting a Zoning Change from B-3 (General Business) District to R-1 (Rural Residential) District.

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: Required; Municipal

Overlays: NONE

Current Zoning: B-3 Regional Business

Proposed Zoning: R-1 Rural Residential

Surrounding Zoning: North: R-2;R-1; South: R-1,B-3; East: R-1; West: B-3;

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/APPLICANT

Describe present use(s): Existing shop.

Describe proposed use(s): Condominiums. The parcel to be rezoned will mostly be used for Road was dedication. To help with consistency this parcel is asked to be zoned to match the rest of the development.

Describe the essential services for present and future use(s): None. As mentioned in C-2, the zone change is for road way and match existing lands for development.

Describe why the proposed use would be the highest and best use for the property: As mentioned in C-2, the zone change is for road way and match existing lands for development.

Describe the proposed use(s) compatibility with surrounding land use(s): As mentioned in C-2, the zone change is for road way and match existing lands for development.

SECTION REFERENCE AND BASIS OF DECISION

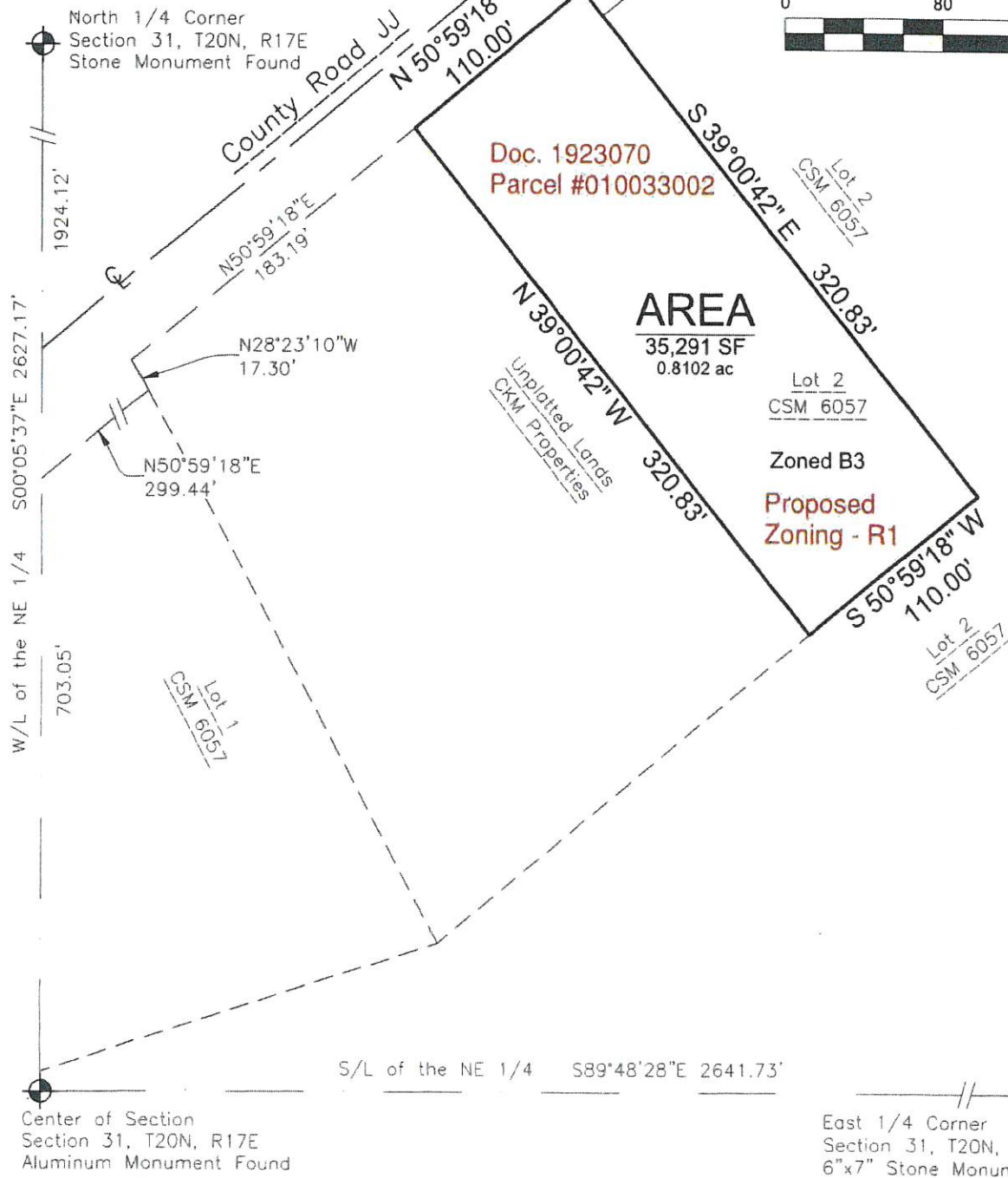
23.7-5 Basis of Decision

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.

Rezoning Exhibit Map

Part of the Southwest 1/4 of the Northeast 1/4 of
Section 31, Township 20 North, Range 17 East,
Town of Neenah, Winnebago County, Wisconsin.



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**

Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952

Ph: 920-991-1866 Fax: 920-441-0804

www.davel.pro

File: 7837Rezone.dwg

Date: 03/10/2025

Drafted By: kristy

Sheet: Exhibit

Certified Survey Map No. _____

All of Lot 2 of Certified Survey Map 6057 located in part of the Northwest 1/4 of the Northeast 1/4 and Part of the Southwest 1/4 of the Northeast 1/4, and Part of the Southwest 1/4 of the Northeast 1/4, All of Section 31, Township 20 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

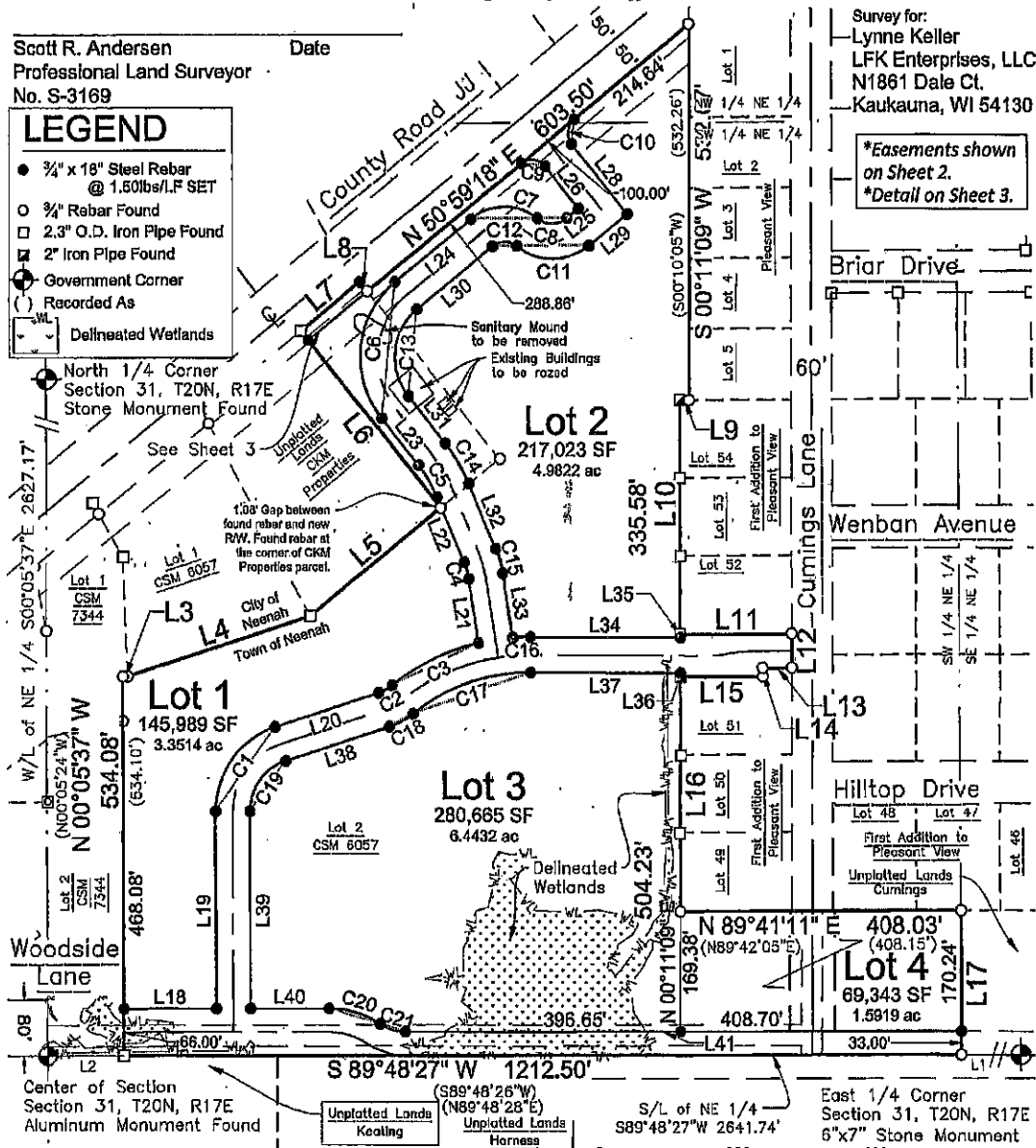
Caveat: Additional action is required. This map does NOT transfer ownership of the property or properties shown beyond road dedication. See Sheet 2 for road dedication. Sale or transfer of ownership requires a separate document to be recorded at the Register of Deeds office.

Scott R. Andersen
Professional Land Surveyor
No. S-3169

Date _____

LEGEND

- 3/4" x 18" Steel Rebar @ 1.50lbs/L.F. SET
- 3/4" Rebar Found
- 2.3" O.D. Iron Pipe Found
- 2" Iron Pipe Found
- Government Corner
- Recorded As
- ▨ Delineated Wetlands



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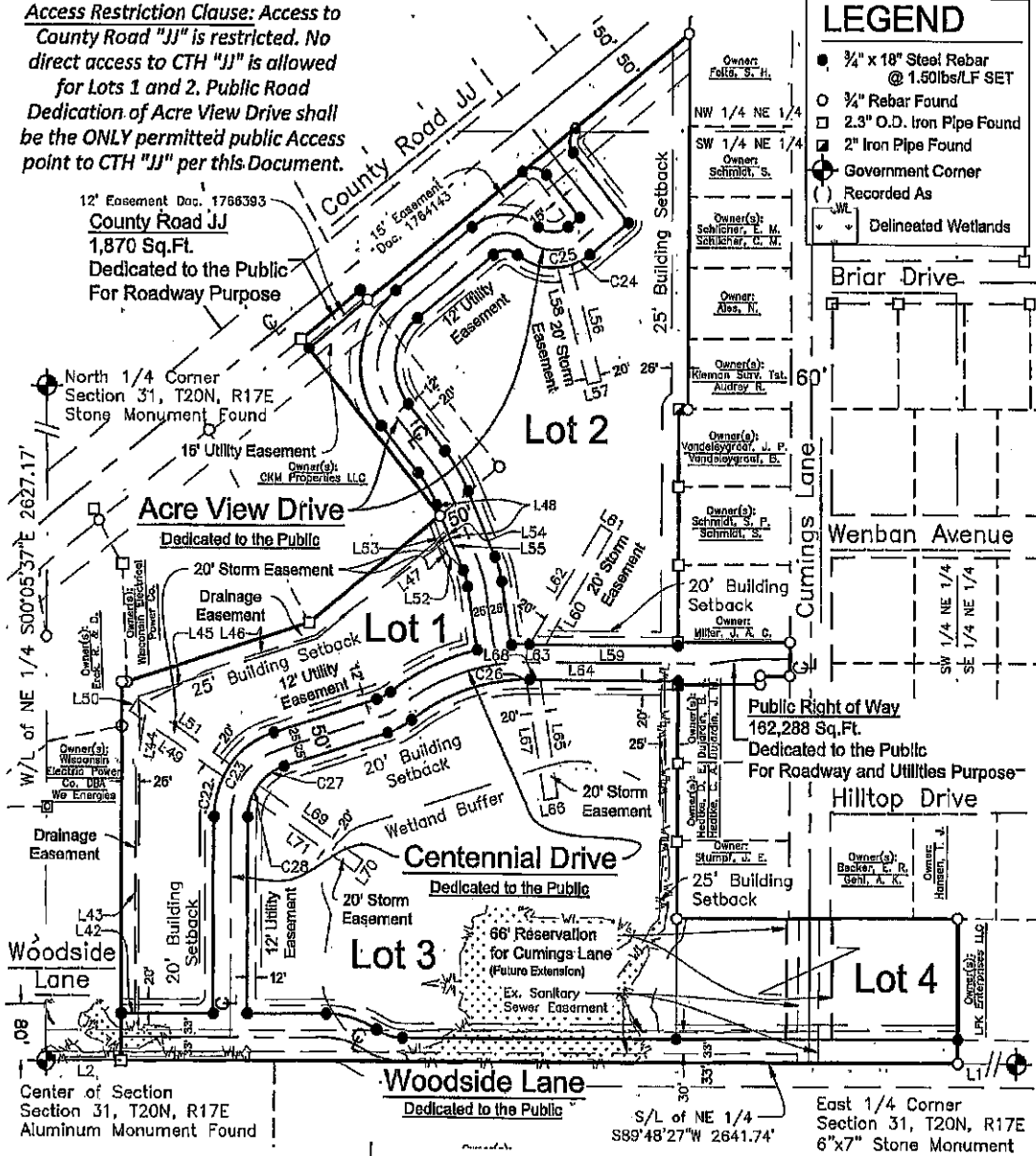
Bearings are referenced to the South line of the Northeast 1/4, Section 31, T20N, R17E, assumed to bear N89°48'28"E, base on the Winnebago County Coordinate System

File: 7837CSM.dwg
Date: 03/20/2025
Drafted By: scott
Sheet: 1 of 7

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Access Restriction Clause: Access to County Road "JJ" is restricted. No direct access to CTH "JJ" is allowed for Lots 1 and 2. Public Road Dedication of Acre View Drive shall be the ONLY permitted public Access point to CTH "JJ" per this Document.



LEGEND	
●	3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
○	3/4" Rebar Found
□	2.3" O.D. Iron Pipe Found
■	2" Iron Pipe Found
◆	Government Corner
()	Recorded As
W	Delineated Wetlands

0 200 400

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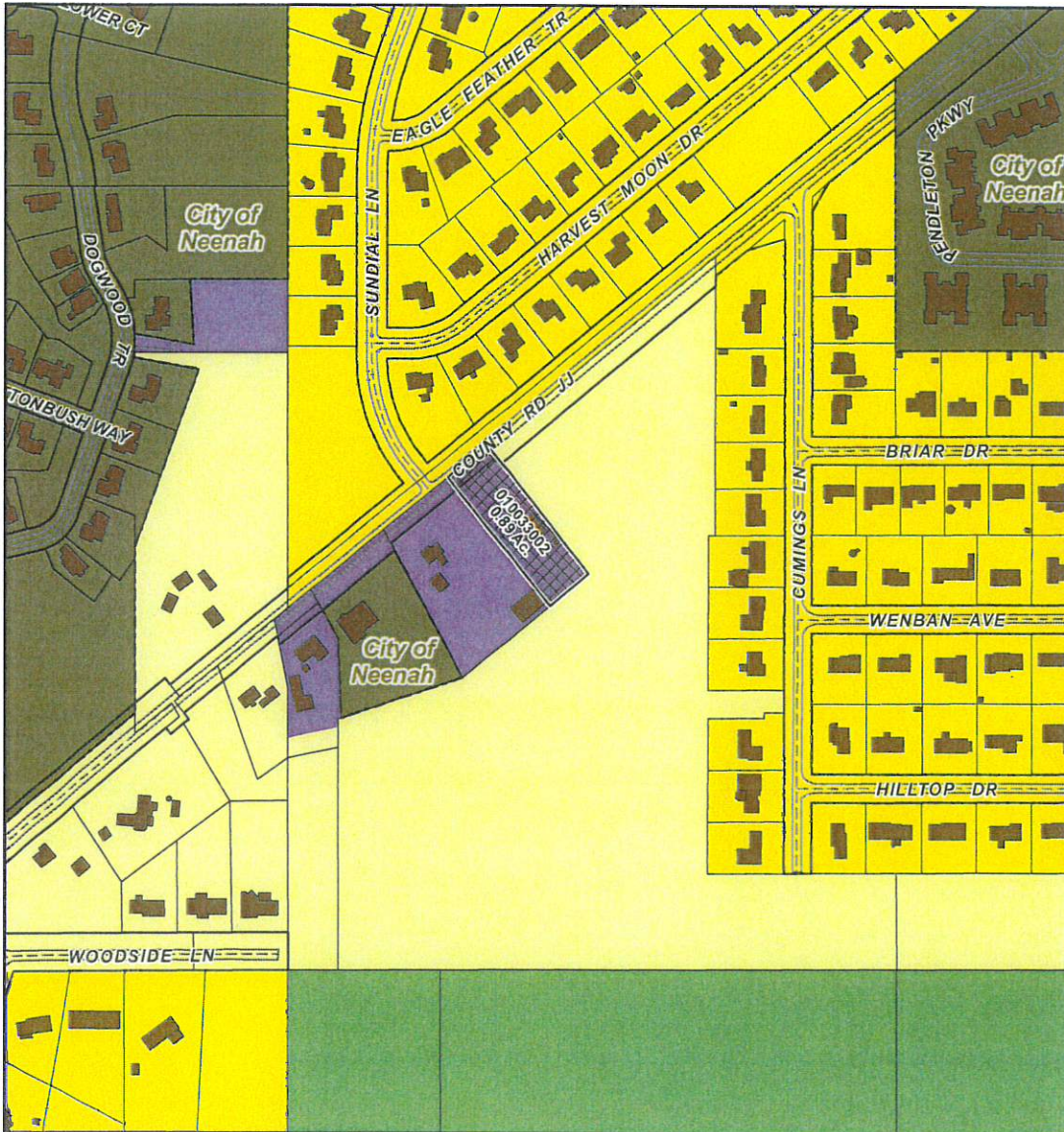


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Scott R. Andersen
 Professional Land Surveyor
 No. S-3169

Date _____

File: 7837CSM.dwg
 Date: 03/20/2025
 Drafted By: scott
 Sheet: 2 of 7



Application #25-ZC-6960

Date of Hearing:

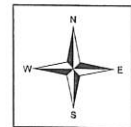
May 27, 2025

Owner(s):

LFK ENTERPRISES LLC

Subject Parcel(s):

010033002



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

Application #25-ZC-6960

Date of Hearing:

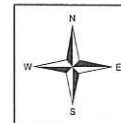
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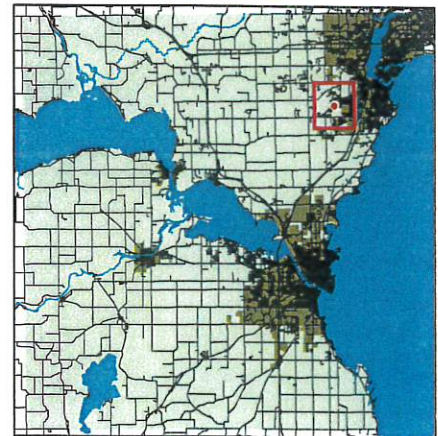
Subject Parcel(s):

010033002

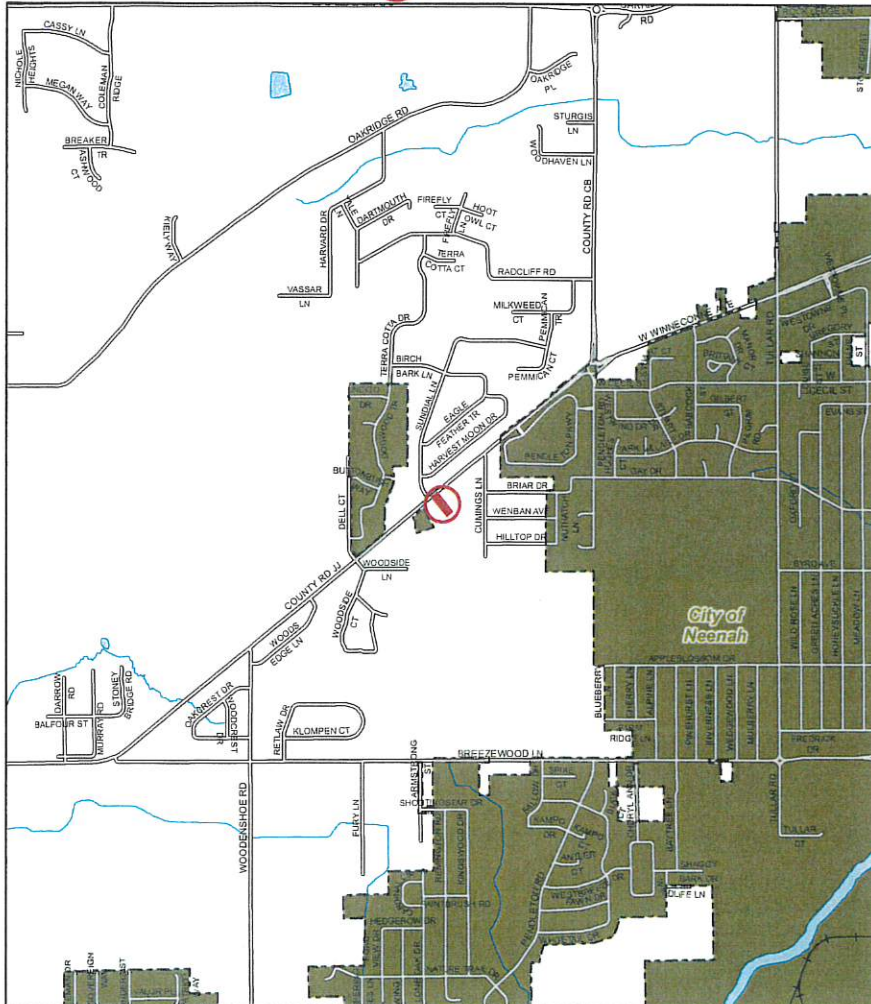


Winnebago County
WINGS Project

● = SITE



WINNEBAGO COUNTY



1 inch : 2,000 feet

CSM

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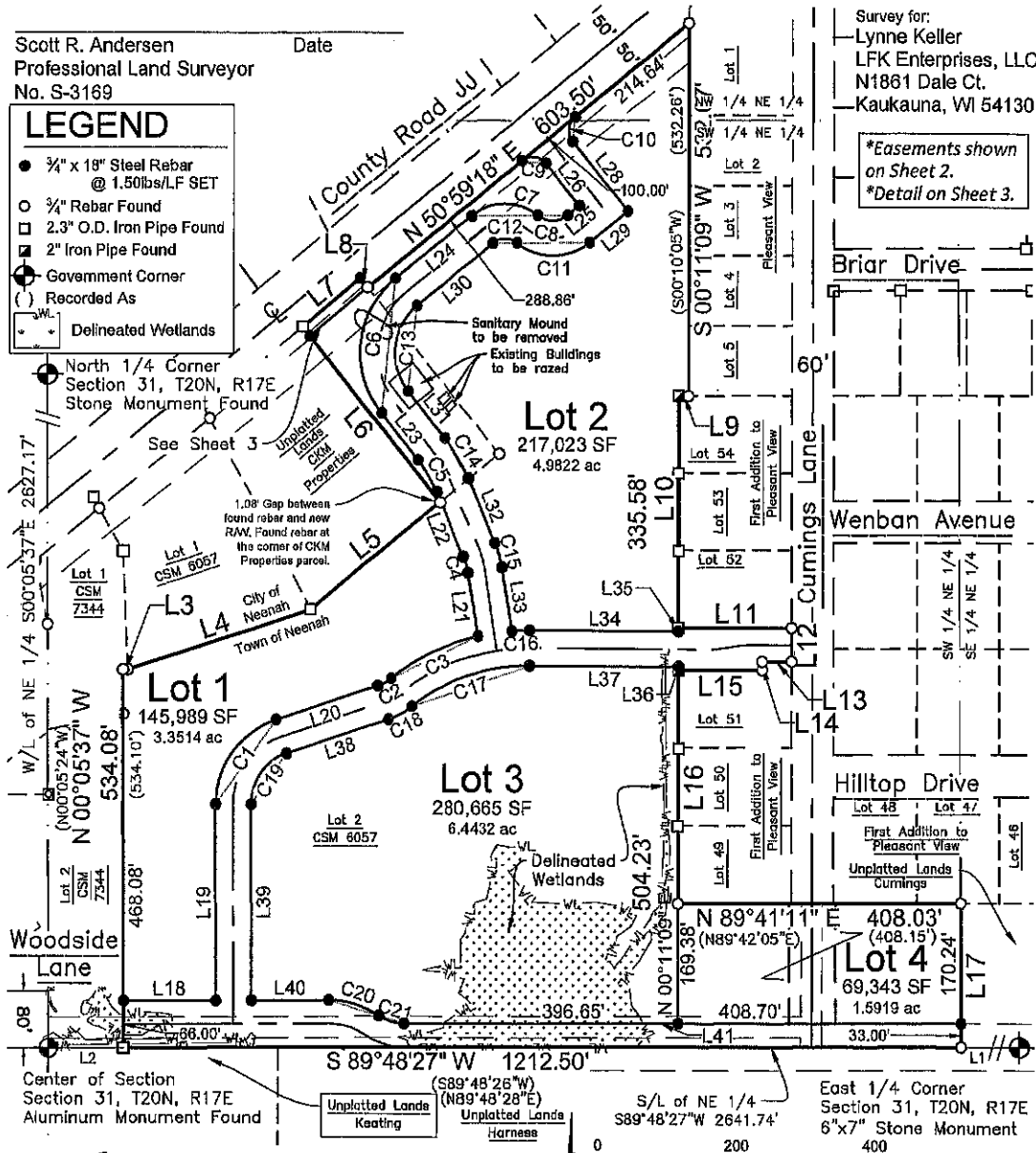
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- () Recorded As
- W/L Delineated Wetlands



Survey for:
Lynne Keller
LFK Enterprises, LLC
N1861 Dale Ct.
Kaukauna, WI 54130

*Easements shown on Sheet 2.
*Detail on Sheet 3.



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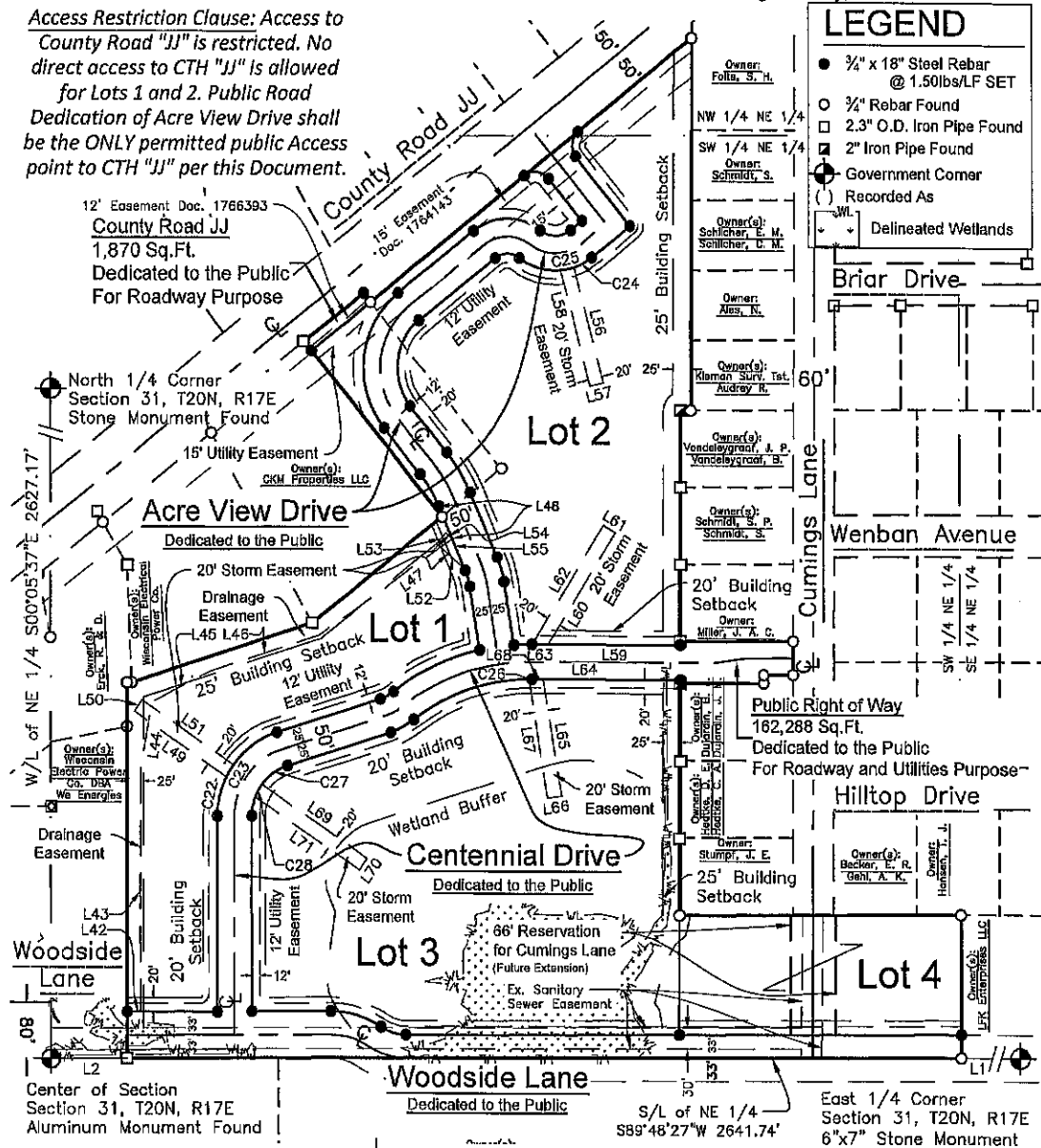
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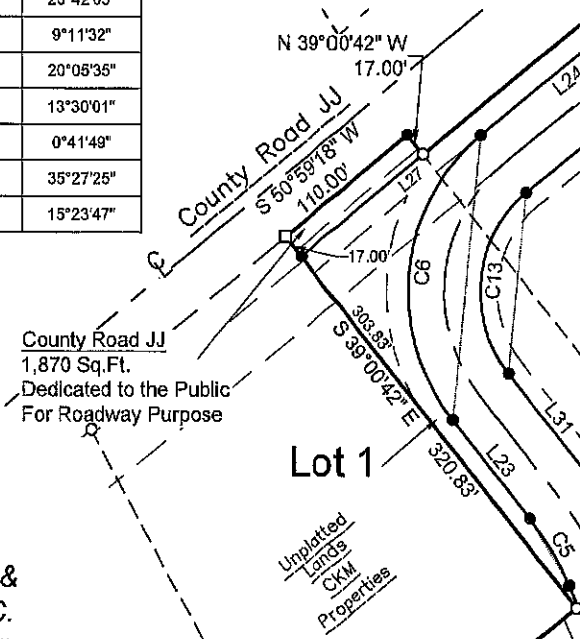
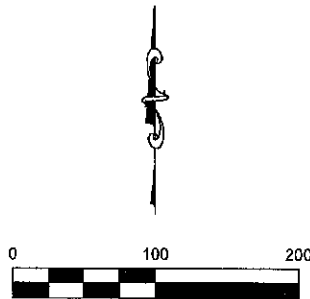
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CURVE TABLE					
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle
C1	125.00'	S 36°01'08" W	147.34'	157.57'	72°13'25"
C2	92.00'	S 62°01'47" W	21.75'	21.86'	20°12'07"
C3	325.00'	S 64°20'24" W	139.70'	140.80'	24°49'21"
C4	97.00'	S 15°54'33" E	23.88'	23.94'	14°08'36"
C5	188.00'	S 30°59'46" E	52.43'	52.60'	16°01'51"
C6	137.00'	S 06°59'18" W	193.75'	215.20'	90°00'00"
C7	78.00'	S 89°20'46" W	96.81'	104.44'	76°42'55"
C8	35.16'	S 89°23'43" W	43.59'	47.02'	76°37'01"
C9	25.00'	S 83°57'45" E	35.39'	39.31'	90°06'53"
C10	25.00'	N 06°02'15" E	35.33'	39.23'	89°54'07"
C11	85.16'	N 89°23'43" E	105.58'	113.88'	76°37'01"
C12	28.00'	N 89°20'46" E	34.75'	37.49'	76°42'55"
C13	87.00'	N 05°59'18" E	123.04'	136.66'	90°00'00"
C14	238.00'	N 30°59'46" W	66.37'	66.59'	16°01'51"
C15	147.00'	N 15°54'33" W	36.19'	36.29'	14°08'36"
C16	325.00'	N 87°52'22" E	26.06'	26.07'	4°35'46"
C17	275.00'	S 71°02'59" W	180.16'	183.55'	38°14'32"
C18	112.00'	S 62°01'47" W	39.29'	39.49'	20°12'07"
C19	75.00'	S 36°01'08" W	88.40'	94.54'	72°13'25"
C20	133.00'	S 73°30'01" E	76.40'	77.49'	33°23'03"
C21	67.00'	S 73°30'01" E	38.49'	39.04'	33°23'03"
C22	125.00'	N 13°15'28" E	57.73'	58.25'	28°42'05"
C23	125.00'	S 31°12'17" W	20.03'	20.05'	9°11'32"
C24	85.16'	S 61°08'00" W	29.71'	29.87'	20°05'35"
C25	85.16'	N 77°55'48" E	20.02'	20.07'	13°30'01"
C26	275.00'	S 89°49'21" W	3.34'	3.34'	0°41'49"
C27	75.00'	S 54°24'08" W	45.68'	46.41'	35°27'25"
C28	75.00'	S 28°58'32" W	20.09'	20.15'	15°23'47"

LEGEND	
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○	3/4" Rebar Found
□	2.3" O.D. Iron Pipe Found
■	2" Iron Pipe Found
⊙	Government Corner
()	Recorded As



Scott R. Andersen Date
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LINE TABLE			
Line	Bearing	Length	Recorded As
L1	S 89°48'27" W	1320.87'	(S89°48'26"W) (1320.88')
L2	N 89°48'27" E	108.37'	
L3	N 89°54'36" E	6.95'	(6.93')
L4	N 72°07'51" E	277.42'	
L5	N 50°59'18" E	243.38'	
L6	N 39°00'42" W	320.83'	
L7	N 50°59'18" E	110.00'	
L8	S 39°00'42" E	17.00'	
L9	S 89°43'09" W	14.00'	(S89°42'05"W)
L10	S 00°11'09" W	330.43'	(S00°10'05"W) (330.00')
L11	N 89°43'09" E	184.01'	(N89°42'05"E) (184.00')
L12	S 00°11'09" W	48.00'	(S00°10'05"W)
L13	S 89°43'09" W	43.00'	(S89°42'05"W)
L14	S 00°11'09" W	12.00'	(S00°10'05"W)
L15	S 89°43'09" W	121.00'	(S89°42'05"W)
L16	S 00°11'09" W	330.00'	(S00°10'05"W)
L17	S 00°02'32" E	203.24'	(S00°01'55"E)
L18	S 89°48'27" W	132.99'	
L19	S 00°05'35" E	277.41'	
L20	S 72°07'50" W	157.07'	
L21	S 08°50'15" E	91.52'	
L22	S 22°58'51" E	99.80'	
L23	S 39°00'42" E	85.22'	
L24	S 50°59'18" W	142.46'	
L25	S 51°05'11" W	21.53'	
L26	S 38°54'49" E	77.15'	
L28	N 38°54'49" W	127.32'	
L29	N 51°05'11" E	71.53'	
L30	N 50°59'18" E	142.46'	
L31	N 39°00'42" W	85.22'	
L32	N 22°58'51" W	99.80'	
L33	N 08°50'15" W	91.52'	
L34	S 89°49'45" E	216.41'	
L35	N 00°11'09" E	5.15'	
L36	N 00°11'09" E	4.85'	
L37	N 89°49'45" W	216.39'	
L38	S 72°07'50" W	157.07'	
L39	S 00°05'35" E	277.33'	
L40	N 89°48'27" E	114.07'	
L41	N 89°48'27" E	805.35'	

LINE TABLE			
Line	Bearing	Length	
L42	N 89°54'23" E	20.00'	
L43	N 00°05'37" W	341.37'	
L44	N 09°56'28" E	100.21'	
L45	N 62°35'29" E	96.62'	
L46	N 72°07'51" E	165.03'	
L47	N 54°20'27" E	239.25'	
L48	S 22°58'51" E	50.52'	
L49	S 55°30'28" E	163.77'	
L50	S 34°29'32" W	20.00'	
L51	S 55°30'28" E	162.62'	
L52	S 48°38'59" E	54.21'	
L53	N 41°21'01" E	20.00'	
L54	S 48°38'59" E	12.60'	
L55	N 22°58'51" W	46.17'	
L56	S 14°36'24" E	189.77'	
L57	N 75°23'36" E	20.00'	
L58	S 14°36'24" E	170.66'	
L59	N 89°49'45" W	192.43'	
L60	N 31°11'07" E	187.06'	
L61	S 58°48'47" E	20.00'	
L62	N 31°11'07" E	199.09'	
L63	N 89°49'45" W	23.34'	
L64	N 89°49'45" W	199.49'	
L65	N 08°50'57" W	168.42'	
L66	N 81°09'03" E	20.00'	
L67	N 08°50'57" W	171.58'	
L68	N 89°49'45" W	16.90'	
L69	S 55°30'28" E	185.29'	
L70	S 34°29'32" W	20.00'	
L71	S 55°30'28" E	183.36'	

Scott R. Andersen
Professional Land Surveyor
No. S-3169

Date

File: 7837CSM.dwg
Date: 03/20/2025
Drafted By: scott
Sheet: 4 of 7

Certified Survey Map No. _____

All of Lot 2 of Certified Survey Map 6057 located in part of the Northwest 1/4 of the Northeast 1/4 and Part of the Southwest 1/4 of the Northeast 1/4, and Part of the Southwest 1/4 of the Northeast 1/4, All of Section 31, Township 20 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

Surveyor's Certificate

I, Scott R. Andersen, Professional Land Surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Neenah and Winnebago County, and under the direction of LFK Enterprises, LLC, the property owners of said land, I have surveyed, divided, and mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 2 of Certified Survey Map 6057 (Doc. 1429306) located in part of the Northwest 1/4 of the Northeast 1/4 and part of the Southwest 1/4 of the Northeast 1/4 of Section 31, Township 20 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin, containing 877,178 Square Feet (20.1372 Acres) of land described as follows:

Commencing at the East 1/4 corner of said Section 31, Township 20 North, Range 17 East; thence along the South line of the Northeast 1/4 of said Section 31, S89°48'27"W, 1320.87 feet to the Southeast Corner of Lot 2, Certified Survey Map No. 6057 and to the point of beginning; thence continuing S89°48'27"W along said south line and the south line of said Lot 2, 1212.50 feet to the Southwest corner of said Lot 2; thence N00°05'37"W along the west line of said Lot 2, 534.08 feet to the Northerly line of said Lot 2 and the south line of Lot 1, Certified Survey Map No. 7344; thence N89°54'36"E along said common line, 6.95 feet to the Southwest corner of Lot 1, Certified Survey Map No. 6057; thence N72°07'51"E along the south line of said Lot 1, 277.42 feet to the Southeast corner of said Lot 1; thence N50°59'18"E along the southeasterly line of lands described in Doc. 1904626, 243.38 feet; thence N39°00'42"W along the easterly line of said described lands, 320.83 feet to the existing southerly right of way line of County Road "JJ"; thence N50°59'18"E along said right of way line, 110.00 feet; thence S39°00'42"E along said right of way line, 17.00 feet; thence N50°59'18"E along said right of way line, 603.50 feet to the west line of Pleasant View Plat; thence S00°11'09"W along said west line, 532.07 feet to the north line of Lot 54, First Addition to Pleasant View; thence S89°43'09"W along said north line, 14.00 feet to the Northwest Corner of said Lot 54; thence S00°11'09"W along the west line of Lots 54, 53, and 52, First Addition to Pleasant View, 330.43 feet to the south line of said Lot 52; thence N89°43'09"E along said south line, 164.01 feet to the west right of way line of Cumings Lane; thence S00°11'09"W along said right of way line, 48.00 feet; thence S89°43'09"W, 43.00 feet; thence S00°11'09"W, 12.00 feet to the north line of Lot 51, First Addition to Pleasant View; thence S89°43'09"W along said north line, 121.00 feet to the west line of said Lot 51; thence S00°11'09"W along the west line of Lots 51, 50, and 49, First Addition to Pleasant View, 330.00 feet to the south line of the First Addition to Pleasant View; thence N89°41'11"E along said south line, 408.03 feet to the East line of the Southwest 1/4 of the Northeast 1/4, Section 31, Township 20 North, Range 17 East; thence S00°02'32"E along said East line, 203.24 feet to the point of beginning. Described parcel is subject to all easements, and restrictions of record.

Given under my hand this _____ day of _____, _____.

Scott R. Andersen, Wisconsin Professional Land Surveyor No. S-3169

Certified Survey Map No. _____

All of Lot 2 of Certified Survey Map 6057 located in part of the Northwest 1/4 of the Northeast 1/4 and Part of the Southwest 1/4 of the Northeast 1/4, and Part of the Southwest 1/4 of the Northeast 1/4, All of Section 31, Township 20 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

Owner's Certificate of Dedication

LFK Enterprises, LLC, a limited liability company duly organized and existing under and by virtue of the Laws of the State of Wisconsin, as the property owner, does hereby certify that we caused the land above described to be surveyed, divided, mapped and dedicated all as shown and represented on this map.

We do further certify this Certified Survey Map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

Winnebago County Department of Development & Land Services
Town of Neenah
City of Neenah (Extraterritorial)

In the presence of: LFK Enterprises, LLC

Managing Member

Print Name

Date _____

State of Wisconsin)
)SS
 _____ County)

Personally came before me on the _____ day of _____, 20____, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

My Commission Expires

Notary Public, Wisconsin

15' Utility Easements

1. Areas identified as a Utility Easement are Easements in, over, under, and across the property that are granted to all Public Utilities as defined by Wisconsin Law. The common utility services expected to use the Easement are electricity and electric energy, natural gas, telephone, and cable television, although this list is not comprehensive and does not preclude other Public Utilities or Utility Services from using this Easement.
 2. The Easements are non-exclusive, and must be reasonably shared with other Public Utilities and with private property services that need to cross the Easement to connect to Municipal and/or other public services in the public right-of-way.
 3. Public Utilities may use these Easements to inspect, construct, install, operate, repair, maintain, and replace all lawful equipment and facilities that are consistent with the Public Utilities' services provided. Public Utilities must restore, or cause to be restored, the property to a condition that is substantially similar to the property condition before the Utility performed its work.
 4. All easements benefiting the Municipality, including drainage easements whether or not they are Municipal Utility Easements, have a priority over Utility Easements and private easements.
 5. Sidewalks, driveways, private storm drainage features, and private storm sewers are allowed to be installed over, under, and across the Utility Easement. The storm drainage and storm sewer locations are in private easements identified on the CSM. Sidewalks and driveways will be installed upon later development. Diggers hotline is always required before installation. Otherwise, the surface of the Easement must remain clear of buildings, structures, and vegetation except lawn grass. Fences compliant with the Municipal Code are only allowed with permission of the Public Utilities. After the final grade of the property is established, it shall not be altered by more than four inches without the written consent of the Public Utilities using the Easement at that time.
 6. Public Utilities are not responsible for damage to roots or vegetation primarily located in adjoining property but extending into the Easement, whether above or below ground. Public Utilities are allowed to trim trees or vegetation within the Easement or nearby as allowed by law.
 7. All use of the Easement, whether by the property owner or by Public Utilities, must be compliant with the Municipal Code and nothing in the foregoing easement conditions alter, limit, or waive any requirement of the Municipal Code.
- | | |
|---|------|
| Scott R. Andersen
Professional Land Surveyor
No. S-3169 | Date |
|---|------|

File: 7837CSM

Scott R. Andersen
Professional Land Surveyor
No. S-3169

File: 7837CSM.dwg
Date: 03/20/2025
Drafted By: scott
Sheet: 6 of 7

Certified Survey Map No. _____

All of Lot 2 of Certified Survey Map 6057 located in part of the Northwest 1/4 of the Northeast 1/4 and Part of the Southwest 1/4 of the Northeast 1/4, and Part of the Southwest 1/4 of the Northeast 1/4, All of Section 31, Township 20 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

Town Board Approval Certificate

Resolved, that this certified survey map in the Town of Neenah, Winnebago County, LFK Enterprises, LLC, the property owner, is hereby accepted and approved by the Town Board of the Town of Neenah.

Chairman _____ Print Name _____ Date _____

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Neenah.

Clerk _____ Print Name _____ Date _____

City of Neenah Approval Certificate

Resolved, that this certified survey map in the Town of Neenah, Winnebago County, LFK Enterprises, LLC, the property owner, is hereby approved by the City of Neenah.

Clerk _____ Print Name _____ Date _____

Treasurers' Certificate

We, being the duly elected, qualified and acting Treasurers' of the Town of Neenah and Winnebago County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this certified survey map.

Town Treasurer _____ Print Name _____ Date _____

County Treasurer _____ Print Name _____ Date _____

County Planning Agency Approval Certificate

Resolved, that this certified survey map in the Town of Neenah Winnebago County, LFK Enterprises, LLC, the property owner, is hereby approved by Winnebago County.

County Zoning Administrator _____ Print Name _____ Date _____

This Certified Survey Map is contained wholly within the property described in the following recorded instruments:

the property owners of record:
LFK Enterprises, LLC

Recording Information:
Doc. 1679440
Doc. 1923070

Parcel Number(s):
010033001
010033002

Scott R. Andersen
Professional Land Surveyor
No. S-3169

Mar 20, 2025 - 08:27 AM J:\Projects\7837fk\dwg\Civil 3D\7837CSM.dwg Printed by: scott

File: 7837CSM.dwg
Date: 03/20/2025
Drafted By: scott
Sheet: 7 of 7

Conditional Use

CARY A ROWE
Zoning Administrator



112 OTTER AVE, PO BOX 2808
OSHKOSH, WI 54903-2808

OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

Winnebago County
Zoning Department

Zoningdepartment@co.winnebago.wi.us

The Wave of the Future

CONDITIONAL USE PERMIT #2020-CU-5430

Owner: SWANSON, EILEEN M ; SWANSON, STEVEN G
7320 WOODENSHOE RD NEENAH, WI 54956

Agent: TREML, BRAD - ROBERT E LEE & ASSOCIATES
120 CENTENNIAL CENTRE BLVD HOBART, WI 54155

Location: SOUTH OF 7320 WOODENSHOE RD NEENAH, WI 54956 Tax Parcel No: 010-0344-15

Legal: Being all of Lot 3 of CSM-7635 located in part of the SW 1/4 of the SW 1/4, Section 31, Township 20 North, Range 17 East, Town of Neenah, Winnebago County, Wisconsin.

On 10/30/2020, a Conditional Use Permit was **GRANTED WITH CONDITIONS** to locate a natural gas distribution facility (Major Utility) on a vacant parcel.

Conditions:

Town:

1. Agent provides a landscape plan and has it approved by the Town of Neenah.
2. The existing building is removed within 365 days after the new building is put into operations.
3. Drainage should be managed in accordance with DNR standards.

County:

1. All required commercial storm water and erosion control review and permits are required prior to construction.
2. All required Federal, State, County, and Local permits shall be issued prior to construction.
3. The Winnebago County Planning and Zoning Committee shall review this Conditional Use Permit in twelve months.

SWANSON, EILEEN M ; SWANSON, STEVEN G **must sign and return this letter to the Winnebago County Zoning Dept, 112 Otter Ave, Oshkosh WI 54901, within 45 days of 10/30/2020. Their signature states that they are in agreement with the conditions that have been placed on the Conditional Use Permit. Failure to sign and return the decision notice within 45 days of the committee's decision shall void the approval. The decision notice shall become effective upon the property's owner signature.**

 
SWANSON, EILEEN M ; SWANSON, STEVEN G

The findings used to grant the conditional use have been made in accordance with section 23.7-114, 27.6-7(c) (Shoreland), and are as follows:

Town:

- 1) Plan Commission held a public hearing on October 19, 2020 and heard concerns from two neighbors regarding the aesthetics on the planned structure.
- 2) This is consistent with the utility structure located on the neighboring property.

County:

- 1) The Town of Neenah has approved with conditions.
- 2) There were no objections.
- 3) Proposed use is compatible with adjacent uses.

APPLICANTS RIGHTS:

23.7-119(a)

- (8) The applicant may appeal the decision to a court of competent jurisdiction.
- (9) An aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk.

11/02/2020
Date

Carol Rouse
Zoning Officer

NOTES:

1. Conditional Use granted by the Planning & Zoning Committee **shall expire within twelve (12) months** unless substantial work has commenced.
2. Approval of your Conditional Use application does not exclude the need to obtain the required building and zoning permits. **Please make application for these permits through your town building inspector and zoning department.**
3. For additional information regarding the appeal process relating to procedural requirements, contact the Zoning Office.

November 10, 2022

TO: Town of Neenah Board
Town of Neenah Planning Commission
Town of Neenah Building Inspector
From: Russell Meerdink

Subject: Landscape Requirements for WPS Project

1. In the summer of 2020, Wisconsin Public Service (WPS) began negotiations for the purchase of a land parcel on the NE intersection of Woodenshoe Road and Breezewood Lane which is zoned R-1 (rural residential). WPS's plan for the land was for the construction of a major natural gas distribution facility.
2. This parcel is in the heart of one of the Town's most desirable semi-rural residential areas and adjacent to large areas in both the Towns of Clayton and Vinland that are ripe for more residential development. Early on, the prospect of this facility being constructed here was seen by many in the town as an unsightly and an undesirable use in a prime area designated for rural residential development. Unfortunately, there are no alternative sites along the underground gas pipeline that are workable for the WPS project.
3. The County's zoning ordinance does not permit a natural gas distribution facility to be erected in R-1 zoning.
4. In October 2020, the landowners (Steve & Eileen Swanson) filed an application for a Conditional Use Permit which would allow this use in R-1.
5. On October 19, 2020, the Town's Planning Commission held a public hearing on the application from WPS for a Conditional Use exception to construct the facility on the R-1 zoned land. Members of the public and members of the Planning Commission expressed the need for significant landscaping to soften the appearance of this unattractive project. The discussion resulted in the following motion which was passed unanimously: Final motions - P Weyenberg / J . Andres to recommend approval with the following condition 1) WPS to provide a landscape site plan for approval by the Town 2) Current facility removed within 365 days of on-line operation of new facility
6. Later, on October 19, the Town Board accepted the Planning Commission's recommendations with some modification Final Motion: B. Cardoza / J. Weiss to approve Conditional Use Request with the following conditions: 1) WPS provide a landscape plan to be approved by Bob Schmeichel (rather than "the Town" in the Planning Commissions version); 2) The existing building is removed within 365 days of the new building becoming operational. 3) Drainage is maintained in accordance with DNR standards. Motion approved by voice vote.

7. The Winnebago County Board is the final approving authority for the granting of Conditional Use Permits. On October 30, 2020, after passage by the County Board, the Conditional Use was approved with, among others, the following conditions:
 - a. Agent provides a landscape plan and has it approved by the Town of Neenah.
 - b. Note that the County accepted the Planning Commission's recommendation that the plan be approved by "the Town" rather than the Town Board's recommendation that the Town Chairman be the approving authority).
 - c. The Winnebago County Planning and Zoning Committee shall review this Conditional Use Permit in twelve months (from 10/30/2020).
8. Clearly, the Planning Commission, the Town Board and the County Board all anticipated and agreed that the landscaping standards should be greater for this project than those required in the Winnebago County Zoning code.
9. Here are the minimum landscaping requirements for this project under the County's Zoning Code (See attached copy of Code for actual language).
 - a. Section 23 of chapter 29 of the County's Zoning Code establishes landscaping requirements for all structures except agricultural buildings, single family, and two-family residences.
 - b. **Section 23-9-8 Street frontage landscaping.** Street frontage landscaping is required along any road, road right-of-way, or ingress/egress easement. Clearly, Landscaping is required along both Breezewood and Woodenshoe, the only exception is for maintaining a vision corner clearance.
 - c. **Section 23-9-8 – (b) Street frontage landscaping requirements.** Street frontage landscaping shall meet the following standards: (1) A minimum of three trees shall be provided for every 100 linear feet of frontage, rounding up to the nearest whole tree. (2) Trees required by this section shall be located within the street yard setback area of the lot.
 - d. **Section 23-9-4-Specifications for landscaping materials** (a) Generally. Deciduous and non-deciduous trees may be used provided that they meet all other standards of this article. Plant material shall be healthy, vigorous, and free of disease and insects. (b) Minimum planting size. Required trees shall be at least four feet in height at the time of planting. (c) Mature heights required. Required trees shall be capable of attaining mature heights of at least 15 feet. (d) Vision clearance triangle. Landscaping within a vision clearance triangle shall be consistent with the standards in the county code of Winnebago County.
 - e. **Section 23-9-9 - Buffer yards** (a) Generally. A buffer yard consists of a strip of undeveloped land with landscaping or other visual screening and is intended to provide a physical and visual separation between two incompatible land uses. (b) Applicability. A buffer yard shall be required when the proposed development meets the applicability standards in s. 23.9-3 and when the lot abuts another lot in a different zoning district, per Exhibit 9-1. **Meerdink Note.** The clear intent of this section is to require a landscape buffer between this project and the property to the north. However, there is contradictory language in this section. Without a doubt, there is an "incompatible land

use” between the project and the residence to the north but the ordinance also states that the two lots must be “in a different zoning district.” Both parcels are zoned R-1 but a lot granted a special use is without doubt meets the intent of a different zoning district.

- f. **Section 23-9-9 (d) Buffer yard requirements** – This section lays out specific planting requirements and too long to reproduce here.

10. When does a Conditional Use Permit take effect? Who enforces the provisions of such a permit? Here is the County’s procedure for ensuring that zoning, Conditional Use Permits, and all other statutory and local ordinances are met:

- a. Before a building permit may be issued, the County’s zoning office must issue a Zoning Permit- The ordinance states - 23.6-17 Building permit - A building permit for the construction of a new building or the expansion of an existing building shall not be issued until such time as a zoning permit has been issued or a written determination is made that one is not required. 23.6.31 - Administrative decisions, such as a zoning permit, involve very little discretion. Either the proposed development meets the standards in this chapter, or it does not.
- b. Clearly, a Zoning Permit cannot be issued until a landscaping plan is approved. In this instance, a landscaping plan is required both by the County’s ordinance and by the Conditional Use Permit. No landscaping plan was submitted to either the County or the Town prior to the issuance of the Zoning Permit.

11. On April 22, 2022, the County erroneously issued the Zoning Permit which resulted in a building permit being issued for this project. The County erred in the following areas:

- a. No landscaping plan was presented to the Town and thus could not be approved by the Town County prior to the issuance of the Zoning Permit. Such an approved plan was required by the Conditional use permit.
- b. The County erred when issuing the Zoning permit by indicating on the permit that requirements for “Landscaping/Buffer Yards” was N/A (not applicable). Clearly the County Zoning Code requires such buffering which could be adjusted by the Town under its power granted it by the Conditional Use Permit.
- c. The County appears to have taken the erroneous position that: (1) it is the responsibility of the Town to enforce any landscaping requirements it may desire; (2) the County ignores that the fact that the Town has no power to enforce County Zoning ordinances or Conditional Use Permits approved by the County Board; and, (3) the entire purpose of County Zoning is for the County to provide professional staff for the administration of complicated zoning issues.
- d. No landscaping approved by the Town was received by the County prior to the issuance of the Zoning Permit. Such an approved plan was required by the Conditional use permit.
- e. The Conditional Use Permit required that it again be reviewed by the County Planning & Zoning Committee in 12 months of its issuance. Such a review was never held.

12. WPS has been able to skirt the landscaping requirements in the Zoning Ordinance and the Conditional Use Permit because of procedural errors by the County. The WPS landscape plan

provided to the Planning Commission on October 17, 2022, does not meet standards of the Zoning Ordinance and has not been acted upon by either the Planning Commission or the Town Board.

13. Where do we go from here?

- a. The Planning Commission should have this matter on its agenda for the next meeting and make a recommendation to the Town Board on how to proceed.
- b. It would be wise to invite the County's Zoning Administrator to the Planning Commission to discuss this issue.
- c. . Most communities have a requirement for an Occupancy Permit issued by the Building Inspector before a new structure may be put into service. It is unclear whether the Town has such a requirement. If it does, the Building Inspector should be directed to not issue the permit until the landscaping issue is resolved.
- d. Finally, the Winnebago County Planning and Zoning Committee was supposed to review the Conditional Use Permit in November 2021. As far as I know, this has not happened. If we hit a dead end, it would be appropriate that we ask for this review.

Attachments –

Copy of the Conditional Use Permit
Copy of the County's Landscape Ordinance
Copy of the Zoning Permit

ARTICLE 9 BUFFER YARDS AND LANDSCAPING

Sections

23.9-1	Legislative findings	23.9-6	Credit for preserving trees
23.9-2	Purpose	23.9-7	Maintenance
23.9-3	General applicability	23.9-8	Street frontage landscaping
23.9-4	Landscape plan	23.9-9	Buffer yards
23.9-5	Specifications for landscaping materials		

23.9-1 Legislative findings

The Board of County Supervisors makes the following legislative findings:

- (1) A healthy environment is an indication of a healthy community.
- (2) Landscaping helps to maintain and increase property values, which helps to protect public and private investment in a community.
- (3) Landscaping provides lasting social, economic, environmental, and aesthetic benefits to the community.
- (4) Landscaping helps to reduce the "heat-island" effect by shading parking lots, streets, and other hard-surfaced areas.
- (5) Flexible standards allow alternative design options that may better fit the needs of the landowner and that may be needed to address unique site characteristics.
- (6) Landscaped buffers are needed between parcels of incompatible land uses, and as the degree of incompatibility increases, the amount of buffering (width and landscaping) should increase.
- (7) Xeriscape planting techniques help promote water and energy conservation.
- (8) A variety of landscape plants is needed to ensure that the effect of a single disease (e.g., Dutch elm disease) or pest (e.g., emerald ash borer) on landscape plants is minimized.

23.9-2 Purpose

This article is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

- (1) make the developed areas of the county more attractive and aesthetically pleasing;
- (2) provide flexible standards where possible, rather than overly prescriptive requirements;
- (3) promote and improve public health and safety through the abatement of noise, the glare of lights, dust, and air pollution;
- (4) improve the aesthetic appearance of the built environment;
- (5) ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects;
- (6) create aesthetically pleasing tree-lined streetscapes;
- (7) promote economic development by providing a high quality of life;
- (8) enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and noise, glare, and heat abatement; and
- (9) encourage the preservation, expansion, protection, and proper maintenance of the community forest.

23.9-3 General applicability

The provisions of this article apply to the following:

- (1) construction of a principal building, except for single-family and two-family residences and agricultural buildings;
- (2) accumulative expansion of a principal building, that is subject to this article, by 50 percent or more of the original square footage of the building;
- (3) construction of a principal structure such as fueling stations and telecommunication towers, when the principal structure is the only structure or use on the lot; and
- (4) as a condition of a conditional use permit approved by the Planning and Zoning Committee.

23.9-4 Landscape plan

A landscape plan shall consist of a completed worksheet as may be used by the zoning administrator and a plan view drawing that shows where the required plants will generally be planted. Such drawing shall be drawn at the same scale as the site plan drawing.

23.9-5 Specifications for landscaping materials

- (a) **Generally.** Deciduous and non-deciduous trees may be used provided that they meet all other standards of this article. Plant material shall be healthy, vigorous, and free of disease and insects.
- (b) **Minimum planting size.** Required trees shall be at least four feet in height at the time of planting.
- (c) **Mature heights required.** Required trees shall be capable of attaining mature heights of at least 15 feet.
- (d) **Vision clearance triangle.** Landscaping within a vision clearance triangle shall be consistent with the standards in the county code of Winnebago County.

23.9-6 Credit for preserving trees

Existing trees, which meet the requirements of this article, may be used to meet the landscape buffer or street frontage landscaping requirements.

23.9-7 Maintenance

All landscaping shall be maintained in good condition. Plant materials which were planted as required by this article or existing plant materials that were incorporated into a required landscape plan and which die or are irreparably damaged shall be removed and replaced with living plant materials consistent with the approved landscape plan or as required by this article.

23.9-8 Street frontage landscaping

- (a) **Applicability.** Street frontage landscaping shall be required along any road, road right-of-way, or ingress/egress easement frontage when the proposed development meets the applicability standards in s. 23.9-3.
- (b) **Street frontage landscaping requirements.** Street frontage landscaping shall meet the following standards:
 - (1) A minimum of three trees shall be provided for every 100 linear feet of frontage, rounding up to the nearest whole tree.
 - (2) Trees required by this section shall be located within the street yard setback area of the lot.

23.9-9 Buffer yards

- (a) **Generally.** A buffer yard consists of a strip of undeveloped land with landscaping or other visual screening and is intended to provide a physical and visual separation between two incompatible land uses.
- (b) **Applicability.** A buffer yard shall be required when the proposed development meets the applicability standards in s. 23.9-3 and when the lot abuts another lot in a different zoning district, per Exhibit 9-1.
- (c) **Determination of required buffer yard.** The required buffer yard standard is determined using Exhibit 9-1. First determine which of the two zoning districts allows the most intense development. Next, find that zoning designation at the top of the table and then move down the column to the cell where the zoning designation of the other district intersects. If a buffer yard is required, the letter "R" will be shown in that cell. If the parcel being developed adjoins land in a city or village, that municipality's zoning classification that most closely corresponds to the county's zoning classification shall be used to determine buffer yard requirements.

(d) **Buffer yard requirements.** A buffer yard shall meet the following standards:

- (1) There shall be at least 10 non-deciduous trees per 100 linear feet of landscape buffer, or 15 deciduous trees per 100 linear feet of landscape buffer, or a combination of 70 percent non-deciduous and 30 percent deciduous accounting for at least 15 trees per 100 linear feet of landscape buffer.
- (2) The trees may be staggered provided that the centers of the trees are not greater than 15 feet apart, and provided there is at least one tree within each 15-foot horizontal segment of the landscape buffer,
- (3) The trees shall be located within 25 feet of the subject lot line that divides the incompatible land uses,
- (4) Alternative planting locations or other deviations from this section may be administratively approved due to unique limitations of the property, such as the locations of stormwater facilities, private onsite wastewater system (POWTS), or easements,

Exhibit 9-1 Standards for a buffer yard between different zoning districts

Zoning Districts Allowing the Greatest Intensity or Density

Other Zoning District	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
R-1		-	-	-	-	-	-	R	-	R	R
R-2			-	-	-	-	-	R	-	R	R
R-3	-			-	-	-	-	R	-	R	R
R-4	-	-			-	-	-	R	-	R	R
R-8	-	-	-			-	-	R	-	R	R
B-1	-	-	-	-			-	-	-	R	R
B-2	-	-	-	-	-			-	-	R	R
B-3	-	-	-	-	-	-		-	-	R	R
M-1	-	-	-	-	-	-	-		-	R	R
I-1	-	-	-	-	-	-	-	-		-	-
I-2	-	-	-	-	-	-	-	-	-		-

Notes:

1. A dash "-" means that a buffer yard is not required.
2. A "R" means that a buffer yard is required.

*** THIS IS NOT A BUILDING PERMIT - CONTACT YOUR LOCAL TOWNSHIP TO DETERMINE IF OTHER PERMITS ARE REQUIRED ***



IT IS UNLAWFUL TO COMMENCE WORK BEFORE THIS PERMIT IS
PLACED IN A CONSPICUOUS PLACE ON THE PREMISES



WINNEBAGO COUNTY

ZONING PERMIT

IN COMPLIANCE WITH THE WINNEBAGO COUNTY ZONING ORDINANCE

CONDITIONS

**CONSTRUCTION SHALL FOLLOW ALL
CONDITIONS STATED IN CONDITIONAL
USE PERMIT 2020-CU-5430.**

NOTE: PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE
UNLESS SUBSTANTIAL WORK HAS STARTED. REVISION
REQUIRES REVIEW / FEE / APPROVAL. NO FEE FOR LOCATION
CHANGES ONLY FOR 6 MO'S FROM ORIGINAL DATE.

PERMIT NO: 213307 DATE ISSUED: 04/22/2022

HAS BEEN ISSUED TO:

PAPLHAM, STEVE

FOR THE FOLLOWING WORK:

CONSTRUCTION OF A GAS GATE STATION

PROPERTY LOCATED AT:

1995 BREEZEWOOD LN NEENAH, WI 54956

SEC. 31 T. 20 N. R. 17 E. LOT: 3 BLK:

PLAT: CSM-7635

TOWN OF NEENAH

PARCEL ID: 010-034415

ZONING OFFICER:

Daniel LeFebvre
LEFEBVRE, DANIEL

SANITARY PERMIT: N/A

STAFF REVIEW ONLY

Zoning and Overlays:

Current Zoning R-1 SL U/S WL Nb
 Pot. WL U/S FP No AIR Nb
 SWDD Nb

Special Standards Section: 23.8-375Access Controlled? NoSite Plan? U/S Plan of Operation? N/AParking? N/A Landscaping/Buffer Yards? N/A**Sanitary Facilities:**☒ N/A

Sewer: Sanitary District: _____

Private: Permit No.: _____ / _____ Date: _____

Erosion Control/Storm Water:☒ N/A

Y Permit No.: _____ Date Issued: _____

Setbacks:**Principal**

Street - / - Rear - / - Shore - / -
 Side - / - Side - / - Other - / -

Accessory

Street 30' / >100' Rear 25' / 30' Shore 75' / >100'
 Side 10' / 48' Side - / - Other - / -

Issued by: Charles L. [Signature]Date: 4/27/2022Permit #: 213307 Census #: 1060Fee Received: \$165.00Received By: plhAssigned CEO: DRLLog No.: 213307Receipt # 30777**Notes/Conditions:**

Construction shall follow all conditions
stated in conditional use permit
2020-CU-5430.

Review fee: \$165.00

Complete & sign only this side of application

**WINNEBAGO COUNTY
ZONING PERMIT APPLICATION**

112 Otter Ave, 3rd Floor
Oshkosh, WI 54901
920-232-3344

Town of: Neenah Tax Parcel No.: 010034415

(STOP - If this property does not have an address assigned by OUR office, submit an on-line Address Request Application prior to submitting any permit applications)

Address of affected property: Breezewood - 1995

Postal City: Neenah Zip

Property Owner of Record: Wisconsin Public Service

Applicant/Builder: Brad Trembl - btrembl@releinc.com

(We can fill in the information below if you're not sure)

Plat name/CSM: 7635 Block Lot # 3

Contact information below is for: ☒ Owner ☐ Applicant/Builder

Contact Name: Steve Paplham

Mailing Address: 728 N. Main Street

City: Kewaunee ST WI Zip 54216

Contact Phone: (920) 660-4784 Cell Phone:

E-mail Address: steven.paplham@wisconsinpublicservice.com

I would like to receive my permit by: ☒ E-Mail ☐ Mail

Proposed start date: Mid April

Estimated Cost:

Type of Construction: ☒ New ☐ Addition ☐ Alteration

☐ Other:

Existing Use: ☒ Vacant ☐ Single Family Dwelling

☐ Other:

Existing Structures: ☒ Vacant ☐ House ☐ Attached Garage

Other/Additional Structures: ☐ Detached Garage

Describe your building/project (structure type, size, material, etc.):

Constructing a new gas gate station which will have a new 15'x40' building onsite.

All single and multi-family dwelling zoning permit applications MUST include first floor blueprints.

Is there a walk-out basement?: ☐ Yes ☒ No

1st Floor 2nd Floor Garage Other

Wall Hgt: 9'-10 3/4"

Sq. Ft: 600

Peak Height: Mid-Peak Height:

Applicant must read and sign:

1. In accordance with Wisconsin State Statute 59.691, the information provided herein is to give you notice regarding potential wetlands. You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open waters can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Department of Natural Resources Wetland Identification web page <http://dnr.wi.gov/topic/surfacewater/swdv> or contact your local DNR office.
2. As the applicant, I hereby acknowledge notice of this wetland information.
3. As the application I hereby grant permission for County Zoning Staff to enter the property for inspection purposes.
4. As the applicant I hereby acknowledge that this permit is null & void if issued in error or if any facts are misrepresented.

Signature: 

Date: 3-18-22

Submit application to our office with the **ORIGINAL INK** signature along with a **complete site plan** and the fee by mail or in person. DO NOT E-MAIL

Winnebago County Zoning Code – Landscape Requirements

Code Section	What is Required-Summary (See Attached ordinance for actual language)	Comments
Chapter 29- Section 23	Section 23 of chapter 29 of the County's Zoning Code establishes landscaping requirements for all structures except agricultural buildings, single family, and two-family residences.	It would appear that WE Energies project on the NE corner of Breezewood and Woodenshoe is governed by these requirements. The possible exception may be that since WE Energies is also regulated by the Wisconsin Public Service Commission that the agency may have rules which trump those of the County.
23.9-8	Street frontage landscaping. Street frontage landscaping is required along any road, road right-of-way, or ingress/egress easement.	Landscaping is required along both Breezewood and Woodenshoe.
23.9-8	Street frontage landscaping requirements. Street frontage landscaping shall meet the following standards: (1) A minimum of three trees shall be provided for every 100 linear feet of frontage, rounding up to the nearest whole tree. (2) Trees required by this section shall be located within the street yard setback area of the lot.	The landscaping plan submitted to the Planning Commission at its October meeting does not show any street frontage landscaping.
23.9-9	Buffer yards. A buffer yard consists of a strip of undeveloped land with landscaping or other visual screening and is intended to provide a physical and visual separation between two incompatible land uses. (b) Applicability. A buffer yard shall be required when the proposed development meets the applicability standards	Clearly there is an "incompatible land use" between the WE Energies project and the residence to the north. This was discussed during the hearing on the request for a special use permit. The utility's representative acknowledged that this was the case and seemed to indicate that this would be dealt with. The Town claims that a financial settlement was made with the adjoining owner and thus a buffer yard is not required. The ordinance does not provide

	in s. 23.9-3 and when the lot abuts another lot in a different zoning district, per Exhibit 9-1.	for any side deals. Land use planning is an attempt to look ahead years into the future. If the buffer yard is not required, the decision will bite the town in the future.
23.9.9 (d)	Buffer Yard Requirements - (1) There shall be at least 10 non-deciduous trees per 100 linear feet of landscape buffer, or 15 deciduous trees per 100 linear feet of landscape buffer, or a combination of 70 percent non-deciduous and 30 percent deciduous accounting for at least 15 trees per 100 linear feet of landscape buffer. (2) The trees may be staggered provided that the centers of the trees are not greater than 15 feet apart, and provided there is at least one tree within each 15-foot horizontal segment of the landscape buffer, (3) The trees shall be located within 25 feet of the subject lot line that divides the incompatible land uses, (4) Alternative planting locations or other deviations from this section may be administratively approved due to unique limitations of the property, such as the locations of stormwater facilities, private onsite wastewater system (POWTS), or easements.	<p>The landscape plan provided to the Planning Commission does not adhere to these standards.</p> <p>The power to deviate from these requirements rests with the County, not the Town.</p>
Special Use Permit	The Special Use Permit -The Planning Commission expressed its concern regarding the landscaping plan for what was likely to be an unattractive use. The Commission recommended that the final landscaping plan be subject to approval by the Town. The Town Board agreed with that recommendation. The County agreed that the final landscaping plan was to be approved by the Town.	<p>In requesting that the landscaping plan be subject to the Town's approval, the Commission anticipated a plan that would rise above the minimum standards contained in the County's zoning ordinance. It was never anticipated that the Town would desire or approve a plan that fell below the basic standards of the ordinance.</p> <p>Further, there is no provision in the County's ordinance to waive the standards for landscaping in other than exceptional circumstances. That power to waive the standards rests solely with the County, not the Town.</p>

		The WE Energies landscaping plan presented to the Town is unacceptable and should be sent back to the company for updating.