

**MINUTES OF THE NEENAH PLAN COMMISSION**  
**Tuesday, July 11th, 2023**  
**4:15 p.m.**

**Present:**

Mayor Jane Lang, Chairperson	PRESENT	Gerry Kaiser, Director of Public Works	PRESENT	Sarah Moore-Nokes	ABSENT
Kate Hancock-Cooke	PRESENT	Karen Genett	PRESENT	Betsy Ellenberger	PRESENT
Gerry Andrews	ABSENT	Alderman Dan Steiner	PRESENT		

**Also Present:**

Brad Schmidt, Deputy Director of Community Development	Kayla Kubat, Community Development Administrative Assistant	Chris Haese, Director of Community Development
Alderman John Skyrms	Alderman Cari Lendrum	Alderman Lee Hillstrom
David Rashid, City Attorney	SEE ATTACHED SIGN-IN SHEETS	

**Minutes:** MSC Ellenberger/Steiner, the Plan Commission, to approve the June 13, 2023, meeting minutes.  
**All voting Aye. Motion passed. Genett abstained.**

**Administrative:** Elect Vice Chair

Chairperson Mayor Lang opened nominations for Vice Chair.

Member Genett made nomination for Member Alderman Dan Steiner.

**MSC Genett/Ellenberger, the Plan Commission, to elect Member Alderman Dan Steiner as Vice Chair. All voting Aye. Motion passed.**

**Public Appearances:** Chairperson Mayor Lang opened public appearances to topics not related to the agenda.

Conley Hanson- Member of the Winnebago County Board of District 26. He is concerned about the silencing of voices if the zoning code is amended. Also, he asks to not change what is difficult or inconvenient in favor of what makes it easy.

No one else in attendance spoke. Chairperson Mayor Lang closed public hearing.

**Public Hearings:**

**a. Zone Code Amendment – Sec. 26-27(7) – Rezoning and Amendments**

Alex Collins- discussed the four points highlighted in the memo used to justify changing the zoning code. Alex stated that at an early June Council meeting, he had suggested a solution to the low threshold and petition confusion concerns, which would require a supermajority for all votes. He stated some changes should be slow and difficult, especially if they're contentious and to allow for more deliberation on certain issues. He suggested to invoke the change on January 1, 2025, to go along with state law.

Jennifer Sunstrom- Director of Public Relations and Government Affairs for the Realtors Association of Northeast Wisconsin. The Realtors Association strongly support the change to the ordinance and encourages the change to be made as soon as possible. She highlighted this legislation was already passed but more importantly passed by the Assembly unanimously and passed by the Senate with all but one vote. She went over the need to bring the state of Wisconsin and our communities more predictability in the development approval process and limit the “not in my backyard” movements that stop or delay the housing developments. This change will still allow residents to have an opportunity to give their voice. Jennifer went over the low housing supply currently in Wisconsin and the detriment it is having on workforce housing for businesses as well as creating housing and neighborhoods with a variety of price points.

Judd Stevenson- He stated his neighborhood is not opposed to development in the area and he is not opposed to the elimination of the supermajority voting. He is opposed to rushing the change through before January 1, 2025, and feels it will be a bad look for the City by eliminating the voices of the people around the community.

Alderman John Skyrms- He stated there is no need to wait until January 1, 2025, and striking the supermajority requirement will result in better governance for our community. Also, the minority will not disproportionately power to block measures. This also equals one vote having one vote. When each council member was elected, it was understood that everyone’s vote is equal.

Alderman Lee Hillstrom- He stated many cities before us have changed their ordinances due to it being unfair. He also stated if we were looking at this change in years past, it would have passed without a problem but now it seems like it is due to the Shattuck Middle School rezoning. But that is not the real reason, it is a bad rule, and we need to get it out of our ordinances.

Deputy Director Schmidt stated we also received four letters that were sent to the City. Three letters were sent to the Plan Commission yesterday. One was received today from the Fox Cities Chamber of Commerce. All letters received were printed for the Plan Commission members and will be included in the minutes.

**b. Special Use Permit – 407 Oak Street - Trinity Lutheran Church**

Chairperson Mayor Lang opened public hearing.

No one in attendance spoke. Chairperson Mayor Lang closed public hearing.

**Action Items:**

**a. Zone Code Amendment – Sec. 26-27(7) – Rezoning and Amendments**

Deputy Director Schmidt went over the request by Neenah’s Common Council, to review by Section 26-27(7) of the Zoning Code. This section outlines the process the Common Council must follow in the event of a valid protest petition against a rezoning request. Deputy Director Schmidt then went over the history of this code. He then discussed the reasons for this recommendation. Deputy Director Schmidt went over that if a rezoning petition of 20% of the owners of land within 100 feet of land adjacent to the rezoning is submitted and meets the requirements, this triggers the supermajority vote of the Common Council to approve. It is also the responsibility of the City

to determine whether a protest petition is valid, and this may cause confusion and unnecessary delays due to calculating the land within the 100 feet buffer and matching the signatures with the property owners in the 100 feet buffer. There is also no deadline for submitting a protest petition and those submitting the petition may not understand what is required to submit a valid petition and this can lead to great confusion. Supermajority voting also leads to an inequitable vote, where a vote of 6 to 3 to approve a rezoning, the request fails, and the rezoning denied. The 3 opposing votes have more weight than the 6 affirmative votes. With a simple majority, all votes are weighted equal. Regarding the City's Comprehensive Plan, it is developed with significant community input. Rather than allowing a few property owners from dictating the zoning of a property, the Comprehensive Plan is the appropriate document for the Plan Commission and Common Council to utilize when making zoning decisions.

With the change in State law, many municipalities have removed the rezoning protest petition language from their zoning code. The removal of this section will not prohibit the public from objecting to a rezoning request or submitting a formal or informal protest petition. This amendment eliminates the need for a supermajority vote of common council on rezoning request, which would be consistent with other zoning actions reviewed by Common Council including special use permits, project plan approvals, and subdivision plat review.

Member Ellenberger asked for clarification on a few things. She thought the petition for Shattuck was given a few days before and not the day of. Deputy Director Schmidt gave clarification of all the petitions received from residents. Member Ellenberger also asked if there was a petition or if this ever happened before. Deputy Director Schmidt stated on his research the last petition was for the Western Avenue townhomes in 2010. Before that was the Double House rezoning on Wisconsin Avenue. Also, in the early 90's there was a petition in regards to ThedaClark Hospital rezoning. Member Ellenberger stated it seems to be rare that these protest petitions happen. She also said she tried to listen to the people. Also, this seems to be not ideal timing and that this is going to go through anyway on January 1, 2025. Member Ellenberger feels like the community is stating they do not want the ordinance to be changed due to community involvement.

Member Alderman Steiner stated he feels like this change leads to a more democratic process and that it was also passed as bipartisan in the legislature. He sees no reason to delay until January 1, 2025. He stated this does not silence anyone as residents can still come and voice their opinion.

Member Genett stated she would like to see a more fair and equitable way of voting.

Member Hancock-Cooke stated she is surprised there are still voices stating things are still being done in a rushed way. City Government works in a very open and apparent manner. There are also timeframes that are in place, so everything goes through the proper channels.

Member Kaiser moves to recommend to Common Council approve Ordinance No. 2023-02, removing Section 26.27(7) of the City's Code of Ordinances related to rezoning protest petitions.

Member Alderman Steiner seconded this motion.

Member Kaiser stated when we find an ordinance that is poor, we shouldn't wait until another instance comes up, we should act now.

**MSC Kaiser/Steiner, the Plan Commission, to recommend to Common Council approve Ordinance No. 2023-02, removing Section 26.27(7) of the City's Code of Ordinances related to rezoning protest petitions. Mayor Lang, Genett, Steiner, Hancock-Cooke, Kaiser all voting aye. Ellenberger voting nay. Motion passed.**

**b. Special Use Permit – 407 Oak Street – Trinity Lutheran Church**

Special Use Permit (Sec. 26-48)

Deputy Director Schmidt went over what the church is proposing in regard to a new building addition and expansion of off-street parking. The applicant is proposing to demolish a portion of the north side of the building and construct a new building addition (approximately 3,400 square feet) in its place. The new building addition will function as a parish center. Additionally, a porte cochere (drive-thru canopy) will be added to the west side of the building. Finally, the off-street parking lot will be expanded along Franklin Avenue increasing parking by 23 stalls.

The proposed building addition, which will function as the parish center, will maintain a building setback of 10 feet, consistent with the residential homes along Franklin Avenue. The new building will have a maximum height of 25 feet and a roof-line height of about 15 feet. The building will be constructed of glass, stone veneer, and steel siding.

The off-street parking lot expansion will maintain a 10-foot setback from Franklin Avenue, consistent with the existing parking lot setback. In addition, the parking lot addition will maintain a 30-foot setback from the west side of the parking lot addition to the west property line. The 6-foot-tall fence and the landscape buffer on the west property line will remain. Landscaping along Franklin Avenue between the proposed parking lot addition and the front property line shall be planted with one shade tree and 6 shrubs for each 40 lineal feet of frontage (56 feet – 2 shade trees and 12 shrubs). Finally, a new light pole is proposed in the 30-foot buffer area along the west side of the parking lot expansion. A photometric plan is required, and lighting levels shall not exceed those listed in Chapter 26, Article XVI – Outdoor Lighting.

**MSC Ellenberger/Genett, the Plan Commission, finds the proposed use meets the findings of fact for a Special Use Permit (Sec. 26-48) and recommends Common Council approve a Special Use Permit for the building addition and off-street parking expansion located at 407 Oak Street subject to the conditions of the Special Use Review Letter. All voting aye. Motion passed.**

**c. Site Plan Review – 1021 Oak Street – Horace Mann School Playground**

Deputy Director Schmidt went over the site plan submitted by the Neenah Joint School District for review of a new playground on property located at 1021 Oak Street (Horace Mann Elementary School).

Neenah Joint School District is proposing to install a playground on the subject property in an area that is currently open space. The playground will be accessible via sidewalks along the perimeter and from exit doors on the building. In addition, a small off-street parking lot along

Haylett Street is proposed to be converted to a hard-surface play area. Also proposed to install a fence around the playground and hard-surface play area.

The subject site is zoned R-1, Single-Family Residence District. Playgrounds associated with schools are permitted in this zoning district. Land north, south, east, and west include single-family residences.

**MSC Ellenberger/Kaiser, the Plan Commission, approves the site plan for a new playground located at 1021 Oak Street subject to the conditions of the site plan review letter. All voting aye. Motion passed.**

**d. Site Plan Review – 601 S Commercial Street – Building Addition**

Deputy Director Schmidt showed site plans submitted for a building addition. The proposed building addition is located on the south side of the existing building and includes a building footprint of approximately 12,800 square feet. The multi-story building includes space for an evaporator, logistics area, and offices on the third floor. The total height of the building is 78 feet. As of last year, the homes on Jackson, Austin and McKinley streets were all vacated and consolidated into one parcel owned by Galloway.

In addition to the building expansion, an overhead pipe bridge is proposed to be relocated and the drive aisle adjusted. The plan includes future building expansions and projects, but these projects are not part of this site plan review.

Member Alderman Steiner wanted clarification that all properties have been vacated on the above-named streets. Deputy Director Schmidt stated yes, all homes have been vacated.

**MSC Genett/Steiner, the Plan Commission, approves the site plan to construct a building addition on property located at 601 S Commercial Street subject to the conditions of the site plan review letter. All voting aye. Motion passed.**

**e. Site Plan Review – 223 Edna Avenue – Accessory Storage Building**

Deputy Director Schmidt showed accessory storage building plans for Anchor Casting. Anchor Castings, located at 223 Edna Avenue, has submitted a proposal to construct a 30' by 60' storage building (1,800 square feet). The proposed structure, located on the north side of the property along the west property line, is a hoop-shaped structure with a fabric roof. The height of the structure is about 20 feet at its peak. The front of the structure includes a 12' by 10' opening and a man door. The inside of the building will remain open, with no partitions or separations. A similar structure was placed on the property in 2022.

The property is approximately 0.75 acres in size and includes the manufacturing facility on the south portion of the site, another accessory storage building on the north side, and open/paved areas north of the main building.

The subject property is zoned I-2, General Industrial District. The use of the property as a foundry is permitted, and storage buildings, like the one being proposed, is permitted in the Zoning Code.

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The Zoning Code does limit the building area on an I2 zoned property to no more than 60% of the total lot area. In this case the building coverage is equal to less than 45%.

**MSC Ellenberger/Genett, the Plan Commission, approves the site plan to construct an accessory storage building located at 223 Edna Avenue subject to the conditions of the site plan review letter. All voting aye. Motion passed.**

Discussion Items: None

Comprehensive Plan Review:

Deputy Director Schmidt went over how this Comprehensive Plan was adopted in 2017 and how this would be a 5-year review. There is new 2020 census data that can be included. Also, since the adoption, there has been the incorporation of Fox Crossing and the amended boundary agreement with the Town of Neenah. We can also now incorporate the new Downtown plan and the S. Commercial Street corridor plan as well as some annexations. There are also some items that can be eliminated from the plan. The plan with the review would be to bring changes into one document at the end of the review, have a public hearing to allow the public to speak on any changes and then go through the appropriate approval process.

Member Alderman Steiner brought up how several areas that have been addressed or are in the process of being addressed. Are there any areas that are no longer relevant? Deputy Director Schmidt stated we have looked at those internally and the easy ones to look at are the not relevant items or accomplished elements of the plan. Part of the review would be to look at the plan and see what is still relevant and what needs to be discussed.

Member Hancock-Cooke stated she read we increased land mass by 20% which decreased our population density. She is interested to see if the census has any new information for us and how that will update going forward. She also would like to see the areas where we have achieved the goals and what we are still coming back to. Deputy Director Schmidt will be hopefully showing all the changes and a narrative as to why there was a change made.

Deputy Director Schmidt stated due to the current time stamp of this meeting, we will start review of the plan at the next meeting.

Announcements and Future Agenda Items: Next meeting is scheduled for July 25, 2023

Adjournment: The Commission adjourned its meeting at 5:20 p.m. MSC Genett/Ellenberger. All vote Aye. Motion passed.

Respectfully Submitted,



Kayla Kubat  
Administrative Assistant, Department of Community Development