

MINUTES OF THE NEENAH PLAN COMMISSION
Tuesday, September 26, 2023
4:15 p.m.

Present:

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

Also Present:

Brad Schmidt, Deputy Director of Community Development	Kayla Kubat, Administrative Assistant of Community Development	David Rashid, City Attorney
Chris Haese, Director of Community Development	Char Nagel, City Clerk	Alderman Lee Hillstrom
Alderman Cari Lendrum	Tamara Hasz, 301 E Wisconsin Ave	Diane Eparvier, 669 Elm St
Roger Schregardus, Boldt	Bethanie Gengler, Neenah News	Samantha Cavalli, WBAY-TV

Minutes: MSC Genett/Nokes-Moore, the Plan Commission, to approve the August 29, 2023 meeting minutes. All voting aye. Motion passed. Members Ellenberger and Hancock-Cooke abstain.

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

Diane Eparvier- 669 Elm St – questioned who is responsible for the traffic lights in the City.
Member Kaiser stated she can get in contact with Public Works Traffic Engineer, James Merten.

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

Public Hearings:

- a. Zoning Code Amendment – Tourist Housing (Sec. 26-661 (11))

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

- b. Zoning Code Amendment – Sign Code (Chapter 24)

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

Action Items:

- a. Zoning Code Amendment – Tourist Housing (Sec. 26-661 (11)) – Ord No 2023-12

Deputy Director Schmidt went over how this change will help align the code to state law. In 2017, the City amended the Zoning Code to include regulations for tourist housing (short-term rentals). Under the current ordinance, property owners with a valid tourist housing license are allowed to rent their house for up to 120 days within a calendar year. A few months after the City adopted the tourist housing ordinance, the State of Wisconsin adopted 2017 Act 59 which included limitations on municipal regulations for short term rentals. Specifically, the State law prohibits a

municipality from limiting the number of days a property owner can rent their house to no less than 180 days. The City's language should be amended to be consistent with the State's minimum of 180 days or a number greater than that. Staff recommends amending the ordinance to increase the allowable rental days in a calendar year from 120 days to 180 days.

Member Hancock-Cooke asked if there has been a lot of concern being brought up to staff in regard to tourist housing we were trying to get ahead of in 2017. Deputy Director Schmidt stated there haven't been many applications for tourist housing and there are probably some properties being used for tourist housing the City is unaware of. It is difficult to enforce due to not having a database of addresses on sites like AirBnb. Overall, there haven't been many complaints.

MSC Kaiser/Ellenberger, the Plan Commission, recommend Common Council approve Ordinance No. 2023-12, amending Section 26-661 (11) of the Code of Ordinances relating to Tourist Housing. All aye. Motion passed.

b. Zoning Code Amendment -- Sign Code (Chapter 24) – Ord No 2023-13

ORDINANCE NO.
2023-13

Deputy Director Schmidt went over the City's Sign Code (Chapter 24), in its current form, was adopted in 1977. There have been minor amendments since that time, most recently in 2010. A lawsuit brought against the City earlier this year identified several inconsistencies with a recent U.S. Supreme Court decision (Reed vs. Gilbert) which prohibits the regulation of signs based on their content unless such is merely and wholly incidental to it. The Supreme Court case established that sign regulations must be content-neutral otherwise there is a risk of infringing on a person's rights guaranteed by the First Amendment. Following the Supreme Court decision, Sign regulations must be content neutral and only be regulated by their size (height and area), location (location within a district and location on a property), or sign construction (material). Deputy Director Schmidt went over the updates looking to be made in the code, such as updating definitions for clarity and consolidating a number of sign types into one sign type. The proposed amendments are intended to eliminate the First Amendment discrepancies, however, a full re-write of the sign code is expected in 2024.

Vice Chairperson Alderman Steiner clarified that municipalities are able to define certain category of sign and then put reasonable restrictions around the category as long as it is content neutral. He also asked if it could vary by different zonings. Deputy Director Schmidt stated yes, there can be regulation of size, location, number of signs, area of sign, material, but when talking about a sign related to its content, then it is illegal. He also went over the different sign allowances in residential zonings versus commercial zonings.

Member Ellenberger asked if this in response to the signs opposing the recent rezoning. Deputy Director Schmidt stated the City was aware of the Supreme Court case in 2015 and this code was being worked on prior to the lawsuits, however, the lawsuits pushed this amendment along quicker.

Member Hancock-Cooke added there were numerous political yard signs left after the election months afterwards, which was violating the sign code.

Member Ellenberger asked if this policy change is targeting the certain signs the City has enforced against. Deputy Director Schmidt stated that is not the case and this is directly in response to being in line with the Supreme Court case and also that there are issues with the current Sign Code related to having content-based regulations.

Member Hancock-Cooke stated, in relation to the rezoning signs or political signs, the timeframe is what is being ignored for the sign to be allowed in a resident's yard. Member Ellenberger responded that the timeframe was part of the policy prior to this proposed change. Deputy Director Schmidt brought up how the regulations are being relaxed. In the example of the political signs, currently a campaign sign can only be up during the campaign period. With this proposed change there is nothing preventing a campaign sign being up for one month, taken down for 60 days and then put back out for another 30 days.

Member Kaiser clarified in 2024 there would be a sign code rewrite and how that would differ from what is happening right now. Deputy Director Schmidt stated his intent is to bring a request forward to rewrite and modernize the code in 2024, however, this current amendment is semi-related to the lawsuit. He went on to say how the current sign code is out-of-date and does not address more modern signage such as electronic message centers. The lawsuit is pushing us to address the concerns with the content-based regulations. Hopefully in 2024 there will be another look at this with some community input as well.

Member Genett asked if this change takes away the City's ability to enforce any signs. Deputy Director Schmidt stated this change does not any enforcement abilities.

Member Moore-Nokes asked what a home occupation signs is. Deputy Director Schmidt explained in residential areas we allow for home occupations with a license or permit. These residents could advertise this home occupation.

MSC Steiner/Kaiser, the Plan Commission, recommend Common Council approve Ordinance No. 2023-13, repealing and recreating Chapter 24 of the Code of Ordinances relating to sign regulations. All aye. Motion passed.

c. Annexation #230 – Honor Street (Freedom Acres)

Deputy Director Schmidt went over the proposal to annex land contiguous to the City for the purpose of developing the First Addition to Freedom Acres subdivision. The 28.6 acres of land is currently undeveloped farmland located in the Town of Vinland west of Honor Street and north of CTH G. The Freedom Acres subdivision is located east of the annexation area. In 2020, the City purchased 130 acres of land along the Woodenshoe Road and County Highway G. This proposed annexation will be the fifth phase of the development.

Upon annexation the subject land will become part of the R-1, Single-Family Residence District. The City's Comprehensive Plan Future Land Use Map (2017) currently identifies the annexation area as Residential Neighborhood Investment Area. The proposed use is consistent with the City's Comprehensive Plan. This development will include 34 single-family lots and land intended for a future city park.

MSC Kaiser/Ellenberger, the Plan Commission, recommend Common Council approve Annexation #230 (Ordinance #2023-14) and the property also receive an R-1, Single-Family Residence District zoning classification. All aye. Motion passed.

d. **Preliminary Plat – 1st Addition to Freedom Acres**

CONSENT AGENDA

Deputy Director Schmidt went over the proposed plat, which is 28.6 acres in size, includes 48 single-family residential lots. The land is currently in the Town of Vinland but will be annexed to the City and receive a R-1, Single-Family Residence District zoning classification. The average lot size is approximately 21,022 square feet which exceeds the minimum lot size for single-family residential lots.

The plat proposes to extend Liberty Avenue, Founders Street and Honor Street to the west. One new street, Loyal Drive, is proposed. Staff is recommending changing the name of the proposed Honor Street extension to avoid confusion with Honor Street south and east of the proposed development. Lots which back up to County Road G shall include a note on the plat which states, "Access Restricted". This will prevent any of these properties from creating a driveway off County Road G. In addition, double frontage lots are prohibited unless there is an access restriction. Sidewalks are planned on both sides of all of the streets within the plat with the exception of Loyal Drive.

Member Genett wanted to make sure there are at least two forms of ingress and egress to this subdivision. Deputy Director Schmidt stated yes, there are three access points.

MSC Kaiser/Genett, the Plan Commission, recommend Common Council approve the Preliminary Plat for the First Addition to the Freedom Acres subdivision subject to the conditions on the preliminary plat review letter. All aye. Motion passed.

e. **Final Plat – 2nd Addition to the Homes at Freedom Meadows**

CONSENT AGENDA

Deputy Director Schmidt went over the final proposed plat, which is 19.94 acres in size, includes 34 single-family residential lots and three outlots. The land is currently zoned R-1, Single-Family Residence District. The average lot size is approximately 16,000 square feet which exceeds the minimum lot size for single-family residential lots. The residential lots range in width from 70 feet to 175 feet.

The development includes the west extension of Liberty Avenue and Freedom Meadows Drive. Two new streets, Valor Place and Patriot Way are proposed. The street right-of-way is 60-feet wide except for Freedom Meadows Drive which is 50 feet. Sidewalks are planned on both sides of all the streets within the development except for the northside of Freedom Meadows Drive.

Outlot 6 will be dedicated to the City as a public park. The park is 4.9 acres in size and has the possibility to expand north as future development occurs. The park will function as a neighborhood park, but could expand into a community park in the future.

MSC Ellenberger/Moore-Nokes, the Plan Commission, recommend Common Council approve the Final Plat for the Second Addition to the Homes at Freedom Meadows Subdivision. All aye. Motion passed.

f. Site Plan – 2475 Progress Court – Animal Shelter

Deputy Director Schmidt went over the site plan for the new Neenah Animal Shelter. The shelter currently operates at a facility located at 951 County Road G in the Town of Neenah. They are proposing to construct a new facility on an undeveloped site within the Neenah Southpark Industrial Center. The site plan includes a 7,238 square-foot building located on the east portion of the property. Off-street parking is located south and east of the building. An outdoor fence dog run is located north of the building. The west half of the 3.5-acre property will remain undeveloped. There would be landscape requirements along Progress Court and buffer yard standards due to the residents that are adjacent to this development. The fire department is also requiring fire truck access and turnaround requirements.

Vice Chairperson Alderman Steiner asked how much assessment there has been to noise carrying to the adjacent residents. Deputy Director Schmidt stated there hasn't been much assessment but hopefully with the buffer yard the noise will be reduced.

Vice Chairperson Alderman Steiner asked if the dogs would be outside in the evening. Roger Schregardus from Boldt stated the dogs will have a controlled access to the outside during the day but would not be out in the evening. He showed on the plan the noise would be directed to the industrial side and not towards the residential area.

MSC Ellenberger/Gennett, the Plan Commission, approve the site plan for a new animal shelter building located at 2475 Progress Court subject to the Site Plan Review letter comments. All aye. Motion passed.

Comprehensive Plan 2040 – 5-Year Review:

a. Chapter 4: Economic Development

Deputy Director Schmidt went over the updates to the chapter, such as the major employers in the community and updating labor statistics. Also adding language regarding closing TIF 5 and TIF 6 and opening TIF 11 and TIF 12. There are also updates to projects that have since been completed, like the Downtown Plan and adding the S. Commercial St corridor plan. There is also a lot of discussion of the potential closure of ThedaCare hospital, however, we can now add the improvements at the hospital in the years since. This chapter also talks about recommendations that are ongoing.

Member Hancock-Cooke suggested creating a separate document adjacent to this Comprehensive Plan that shows the projects that have been completed. Deputy Director Schmidt discussed how to prioritize these recommendations. More will be discussed about this in Chapter 10 of the Plan, which goes over the prioritization of projects and accomplishments.

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Vice Chairperson Alderman Steiner reiterated how this is only a planning document not set in stone, however, will there be opportunities to fine-tune some of the language instead of having vague recommendations. Deputy Director Schmidt said yes, when this was put together there was a comprehensive planning committee and with this review, there were will opportunities to update the language.

Announcements and Future Agenda Items: Next meeting is scheduled for October 10, 2023.

Adjournment: The Commission adjourned its meeting at 4:55p.m. MSC Genett/Kaiser. All voting Aye. Motion passed.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kayla Kubat". The script is cursive and fluid.

Kayla Kubat

Administrative Assistant, Department of Community Development