



NEENAH PLAN COMMISSION

Tuesday, March 12, 2019

4:15 P.M.

HAUSER ROOM, City Administration Building

1. Approval of Minutes: February 26, 2019
2. Public Appearances (Ten minutes divided among those wishing to speak on topics pertinent to the Plan Commission)
3. Public Hearings:
 - a. Rezoning - I-2 to C-1 - 140, 142 and 146 N. Lake Street
4. Action Items:
 - a. Rezoning - I-2 to C-1 - 140, 142 and 146 N. Lake Street (Ord. # 2019-09)
 - b. Preliminary Plat - Cardinal Plat
5. Announcements and future agenda items:
 - a. Next Meeting: March 26, 2019

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Department of Community Development Office
at 886-6125 at least 24 hours in advance of the meeting.

MINUTES OF THE NEENAH PLAN COMMISSION

Tuesday, February 26, 2019

4:15 p.m.

Present:

Mayor Dean Kaufert, Chairman	PRESENT	Gerry Kaiser, Director of Public Works	PRESENT	Nick Piergrossi, Vice Chairman	PRESENT
Kate Hancock-Cooke	ABSENT	Ald. Christopher Kunz	PRESENT	Karen Genett	ABSENT
Gerry Andrews	ABSENT	Ald. Jane Lang	PRESENT		

Also present:

Brad Schmidt, Deputy Director Community Development	Cassandra Kohls, Administrative Assistant Community Development	Chris Haese, Director Community Development

Minutes:

MSC Hancock-Cooke/Andrews to approve the February 12, 2019 meeting minutes. All Aye. Piergrossi abstained. Motion passed.

Mayor Kaufert called the meeting to order at 4:20 p.m.

Public Appearances: None

Public Hearings: Mayor Kaufert opened the Public Hearing for Zoning Code Updates (Ord. 2019-08). No one presented. Mayor Kaufert closed the Public hearing.

Action Items:

1. Zoning Code Updates (Misc. Updates) – Ord. No 2019-08

Deputy Director Schmidt explained the intent of the update is to clean up the code. From time-to-time the Community Development Department finds errors or other issues that aren't consistent with common practice or policy.

Ald. Kunz questioned the new definition of boarding house. Deputy Director Schmidt explained we have two instances of boarding houses in the city. Director Kaiser identified the boarding house locations as the intersection of Doty Avenue/Elm Street and Denhardt Avenue.

Deputy Director Schmidt noted the removal of the definition of church as it is redefined as a "religious institution". Ald. Kunz recommend the definition should align with State/Federal definitions. Deputy Director Schmidt explained the intent was to bring similar uses under one category.

Deputy Director Schmidt summarized definitions were added for electrical substation, mobile service facility, self- storage facility and telecommunication tower. Ald. Kunz questioned if the city could impose appearance guidelines for mobile service facilities. Deputy Director explained the site must adhere to State guidelines. Telephone exchange was removed from the Office Uses definition.

Member Piergrossi questioned the definition of religious institution would include vacant land owned by a church. Deputy Director Schmidt stated it would be defined as vacant land.

Deputy Director Schmidt explained the modifications now defined mini-warehouse, and telecommunication tower was now defined based off State Statutes. Member Piergrossi recommended an exception for amateur service communications per Federal Communication Commission SS. 97.15.

Ald. Kunz questioned the definition of mobile service facility. Deputy Director Schmidt indicated it includes the tower and everything pertaining to it. Mayor Kaufert questioned if the definitions conflict with the State. Deputy Director Schmidt indicated the definition is the same as the State.

Deputy Director Schmidt reviewed the standards modified in the R-1, residential single-family district: Eliminated utility substation as a permitted use and changed to a special use, and changed the name to electrical substation. Special use permits allow Plan Commission the authority to add protections to protect neighborhoods.

Member Piergrossi questioned how these modifications will impact amateur radio towers. Deputy Director Schmidt indicated this will not restrict where they can be built but will now require a special use permit.

Director Kaiser questioned the difference between an antenna verses a tower. Member Piergrossi stated an antenna is the equipment and the tower is the structure.

Director Haese questioned if the FCC will allow a tower taller than 50 feet. Member Piergrossi stated any tower over 200 feet will be required to be lighted. Ald. Kunz commented that the structure would need to be sound and questioned which building

Plan Commission Minutes
February 26, 2019
Page 2

codes would apply.

Deputy Director Schmidt indicated he would like to research the FCC regulations. He stated it has not been an issue in the past. The City Attorney's Office will look into this and bring info back to the Commission.

Deputy Director Schmidt indicated single-family attached dwellings were removed as a special use. Ald. Kunz opined that the special use permit is a useful tool and would imagine there would be more instances of it. Deputy Director Schmidt advised that the State changed how municipalities can handle special uses and made them more restrictive. Staff would like to continue to review the number of special uses in each district and make modifications to them.

Deputy Director Schmidt explained the modified language for front yard setback average setback. Modifications were made to development standards allowing structures to be in placed within 5 feet of the average setback. Member Piergrossi questioned how new development would be handled. Deputy Director Schmidt responded the setback would be kept at 25 feet. Member Piergrossi inquired about how larger lots would be handled. Deputy Director Schmidt indicated they would also have a 25 foot setback.

Discussion among members began on the 25 foot setback. Ald. Kunz was concerned how to handle new development in an established neighborhood. Director Haese indicated the setback is established with the Plat. The first to build in the development will have a 25 foot setback with a rear setback as well. He suggested the language could be modified to state the front yard setback could be no closer if the average setback is 25 feet or less. Deputy Director Schmidt stated Staff wants to create consistency with front yards and back yards. Flexibility helps the planning process.

Director Haese reiterated the intent is to codify policy into the code. Plan Commission may move forward with changes but Council can request modifications to the language. Member Piergrossi spoke in favor of modifying the language. Ald. Kunz expressed his frustration with the limiting effect of the ordinance. He stated 5 feet isn't much and would like flexibility to have a greater front yard setback. Member Piergrossi recommended Staff modify the language and bring back the modified language to Plan Commission.

Deputy Director Schmidt explained the changes to R-2, two-family district to remove utility substation as permitted use and changed to a special use. He clarified garage language to limit total area of all garages to a maximum of 816 square feet, and clarified accessory building language to limit total area of all accessory buildings to a maximum of 200 square feet. Director Haese explained this will eliminate two 816 square foot garages on one duplex. Modifications to setback language to be consistent with R-1, single family district.

Deputy Director Schmidt summarized changes to the M-2, multifamily district. Average setback will be streamlined to be consistent with R-1, single family district and R-2, two-family district. Staff removed utility substation as a permitted use and changed to a special use, added telecommunication tower to special use, and clarified side yard and rear setback when adjacent to single-family district.

General Commercial, C-1 district changes were explained by Deputy Director Schmidt. He indicated Sec. 26-234 was removed and explained 2020 Comprehensive Plan recommended a Neighborhood Commercial District which would differ from the C-1 District and allow for more compact commercial development. The Permitted uses section was removed and the uses placed under the permitted uses requiring site plan approval. Every use requires a site plan review. All permitted uses in M-2 District were removed with the exception of multi-family residences with 3 or more units. Member Piergrossi expressed concern regarding adult entertainment uses. Deputy Director Schmidt indicated there will be an ability to deny as it is not a permitted use. Director Haese explained new projects will all be brought through site plan approval.

Member Piergrossi questioned how existing buildings would be handled. Director Haese indicated it depended on the use. Most would be reviewed by Staff. Ald. Kunz questioned whether the change of use was codified. Deputy Director Schmidt indicated it was.

Deputy Director Schmidt summarized the following would be removed and changed to a special use:

- 1) Automotive and truck rentals, sales, service/auto body repair
- 2) Boat, camper, and travel trailer sales/rentals
- 3) Gasoline stations
- 4) Recreational vehicle sales/rental
- 5) Communications radio, microwave or television towers
- 6) Utility substation or tower

Banks and financial institutions and restaurants were modified to exclude drive-in facilities as a permitted use. Video arcades were removed as a permitted use. Produce terminal, wholesale and self-storage facilities (mini-warehouses) were removed as special uses. Electrical substation was added as a special use.

Plan Commission Minutes
February 26, 2019
Page 3

Deputy Director Schmidt explained these changes may create a non-conforming use. If substantial changes to an existing site should occur, the changes would have to come back through as a special use. If they were approved at some time they will be grandfathered in.

Ald. Kunz questioned whether tobacco shops should be a permitted use. Deputy Director Schmidt stated from a zoning administration perspective, Staff has not seen issues with tobacco shops popping up everywhere. If it becomes an issue it can be reviewed at that time.

MSC Piergrossi/Kaiser, Plan Commission recommends Common Council approve Ordinance No. 2019-08, amending Chapter 26 of the Code of Ordinances relating to miscellaneous corrections, additions/deletions, and modifications with the following:

- 1. Add an exception for amateur service communications to the telecommunication tower definition.**
- 2. Modify front setback language in the R-1, R-2, M-1 and M-2 District standards to state the front yard setback should be no closer than the average setback if the setback is less than 25 feet.**

All Aye.

Announcements and future agenda items:

Director Haese commented that Staff felt they must take out some special uses as State Statues now limit the ability to deny special uses or allow staff the latitude to decide what makes sense and is in the best interest of the community. The control has gone away. Deputy Director Schmidt indicated this will give Staff and Plan Commission the flexibility to protect neighborhoods and allow city growth.

Future Agenda items will include a preliminary plat and final plat.

Next Plan Commission meeting is scheduled for March 12, 2019.

Adjournment: The Commission adjourned its meeting at 5:25 P.M. MSC Piergrossi/Kunz. All Aye.


Respectfully Submitted,



Cassandra Kohls
Administrative Assistant, Community Development



MEMORANDUM

DATE: March 8, 2019
TO: Mayor Kaufert and Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director 
RE: Rezoning I-2 to C-1 District – 140, 142 and 146 N. Lake Street (Ord. No 2019-09)

Request

Mill City Church, on behalf of Coenen Properties, LLC, is requesting to rezone land located along the west side of N. Lake Street. The subject land is currently zoned I-2, General Industrial District. The applicant is proposing to rezone the subject land to C-1, General Commercial District.

Background

The applicant is proposing to rezone the property to C-1 to accommodate an assembly use in the building. The property was most recently used for manufacturing purposes and includes several residential rental units on the 2nd floor. The use will be associated with the Mill City Church located directly south of the property. In addition, the single-family residence located at 140 N. Lake Street will also be rezoned from I-2 to the C-1 District to avoid a spot zone situation. There are no intentions at this point of changing the use of 140 N. Lake Street.

Consideration

The subject land is approximately 0.80 acres in size. Land north, east and west of the subject area contains manufacturing and commercial uses and is zoned I-2, General Industrial District. Land south is zoned C-1, General Commercial District and contains the Mill City Church.

A change of use is occurring and a site plan is required. The site plan shall indicate the location of off-street parking, trash enclosure area, etc. If there are any modifications to the exterior of the building (e.g. building expansion), those items must be identified on the site plan. In addition, a building permit is required for any modifications or change of use of the building.

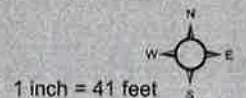
As with all rezoning requests, the proposed zoning classification must be consistent with the City's Comprehensive Plan 2040 Future land use designation. In this case, the future land use map identifies this area as Neighborhood Commercial. This category allows for neighborhood scale commercial uses and identifies C-1 as an appropriate zoning district.

Recommendation

Appropriate action at this time is for the Plan Commission to recommend Common Council approve Ordinance No. 2019-09 rezoning 140, 142 and 146 N. Lake Street to the C-1, General Commercial District.




Rezoning
I-2, General Industrial to C-1, General Commercial





MEMORANDUM

DATE: March 8, 2019
TO: Mayor Kaufert and Members of Plan Commission
FROM: Brad Schmidt, Deputy Director 
RE: Preliminary Plat Review, Cardinal Plat Subdivision

Request/Background

The Department of Community Development and Assessment has received a preliminary plat for the Cardinal Plat Subdivision. The subdivision concept plan was approved by Plan Commission on December 11, 2018 and the property was formally annexed to the City on February 6, 2019.

Consideration

The proposed plat, 14.51 acres in size, includes 17 single-family residential lots and one outlot which will be dedicated to the public for open space. The land is located west side of Eaglecrest Estates Subdivision and north of 2nd Addition to Nature Trail Subdivision. The land is currently zoned R-1, Single-Family Residence District. The average lot size is approximately 16,700 square feet which exceeds the minimum lot size for single-family residential lots. Land east and south of the subject property is located in the City and includes existing single-family residences. Land west and north of the development includes is located in the Town of Neenah and includes some single-family residences and farmland.

Outlot 1 is approximately 6 acres in size. The majority of the land has been identified as wetlands and the ability to develop the property is minimal. Due to the lack of development opportunity, the Developer offered to dedicate the land to the public for public open space. The Parks and Recreation Department would identify the land as open space with the future possibility of constructing a trail that would connect to the larger trail system around Nature Trail Subdivision and within Carpenter Preserve.

Lone Oak Drive and Paintbrush Road will both be extended into this new subdivision. Lone Oak will extend north and will dead-end until a time in the future where it will continue further north and connect to Breezewood Lane. The north terminus of Lone Oak Drive will need to include a temporary turnaround acceptable to the Department of Public Works. Both streets maintain the existing 60-foot right-of-way. A new street, Cardinal Circle, will contain a 50-foot right-of-way which is sufficient for a residential street. Lone Oak Drive will contain sidewalks on both sides of the street. Sidewalk will be extended west on the south side of Paintbrush Road and along lots 12 and 13 which would allow a connection to the public open space land.

The developer will be responsible for installing all public utilities (water, sanitary sewer, and storm sewer) as well as constructing all roads within the plat. As with all subdivisions in the City, an agreement outlining the fees and responsibilities between the City and the developer will be produced. That agreement will be reviewed by the Finance Committee and the Board of Public Works and ultimately approved by Common Council.

The Public Works Department has reviewed the engineering plans for this plat and have requested several minor changes. Those comments are located on the comment review letter sent to the developer and included as part of this memo.

Stormwater will be managed through rear yard drainage swales, storm sewers and ultimately stormwater from this plat will be diverted to an existing stormwater retention pond in the Nature Trail Subdivision.

Recommendation

Appropriate action at this time is to recommend Common Council approve the Preliminary Plat of the Cardinal Plat Subdivision subject comments on the Preliminary Plat Review Letter.



1 inch = 260 feet

Cardinal Plat Concept Plan

