

NEENAH PLAN COMMISSION

Tuesday, October 29, 2024 4:00 P.M. Hauser Room, City Administration Building

Virtual Meeting Option: This meeting is available virtually. To access the virtual meeting (Requires Microsoft Teams), please click on the link below:

Join the meeting now

Meeting ID: 279 734 793 500 Passcode: iUzij6

- 1. Approval of Minutes: October 8, 2024
- 2. Public Appearances (Ten minutes divided among those wishing to speak on topics pertinent to the Plan Commission)

3. Public Hearings:

- a. Special Use Permit 700 Main Street Class "A" License
- b. Special Use Permit 1013 Main Street Class "A" License
- c. Special Use Permit 1305 S. Commercial Street Class "A" License

4. Action Items:

- a. Special Use Permit 700 Main Street Class "A" License
- b. Special Use Permit 1013 Main Street Class "A" License
- c. Special Use Permit 1305 S. Commercial Street Class "A" License
- 5. Announcements and future agenda items:
 - a. Next Meeting: November 12, 2024

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Neenah will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance, or reasonable accommodation in participating in this meeting or event due to a disability as defined under the ADA, please call the Community Development Department Administrative Assistant at 920-886-6125 or the City's ADA Coordinator at (920) 886-6106 or email attorney@NeenahWI.gov at least 48 hours prior to the scheduled meeting or event to request an accommodation.

MINUTES OF THE NEENAH PLAN COMMISSION Tuesday, October 8, 2024 4:00 p.m.

Present:

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

Also Present:

Brad Schmidt, Deputy Director of	Kayla Kubat, Administrative Assistant	Troy Beyer, Galloway
Community Development	of Community Development	Company, 601 S Commercial
		St Neenah
Frank Cuthbert, 1533 Fallow Dr	Erich Lisser, Kwik Trip, 2533	Ron Albrecht, Kwik Trip, 1144
Neenah	Marathon Ave, Neenah	Westwind Ct Neenah
Troy Mleziva, Kwik Trip, 1626 Oak	Bethanie Gengler, 210 Water St	Travis Teesch, Neenah-
St, LaCrosse	Menasha	Menasha Fire Chief
Kurtis Geiger, 100 Camelot Drive		
Fond du Lac		

<u>Minutes:</u> MSC Moore-Nokes/Kaiser, the Plan Commission, to approve the September 24, 2024 meeting minutes. All voting aye. Motion passed. Member Genett abstained.

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

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

Public Hearings:

a. Special Use Permit – 903 S. Green Bay Road – Class "A" License

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

b. Rezoning – 154 Tyler Street – R2 District to I2 District

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

Action Items:

a. Special Use Permit – 903 S. Green Bay Road – Class "A" License

Report

Deputy Director Schmidt went over the updated ordinance with liquor licenses, particularly regarding retail stores that sell gasoline. Prior to this update, the city prohibited the sale of alcohol at any retail store that sold gas. The Council amended the ordinance to allow a liquor license for the sale of beer or other fermented malt beverages at retail stores that sell gas with certain restrictions. As part of the liquor license, the ordinance requires the business or owner to obtain a special use permit. This added more protection that if the business wasn't meeting the conditions in the ordinance, the special use permit could be revoked.

The first applicant is Kwik Trip located at S. Green Bay Road and Winneconne Avenue. The store is about 6,600 square feet and of that, 3,600 square feet is floor area. The rest is not accessible to customers, such as storage. The proposal identifies area of 25 square feet in lockable coolers with doors accessible to guests for the sale of fermented malt beverages. This area represents less than 1% of the total sales floor area of the building.

Deputy Director Schmidt went over some of the criteria that must be met with this liquor license and special use permit.

Director Kaiser asked if the business wanted to relocate the with the same liquor square footage, would it need to be brought back to Plan Commission for approval. Deputy Director Schmidt stated yes, if the selling space is relocated or expanded, it would need another review and approval.

Member Andrews asked since Plan Commission usually deals with land use, why isn't this a staff recommended versus the need for Plan Commission approval. Deputy Director Schmidt stated since in the ordinance, it requires a special use permit and those come through Plan Commission and Common Council for approval, the liquor license would go through the same process.

MSC Genett/Hancock-Cooke, the Plan Commission, finds the proposed floor plan meets the requirements listed under Section 4.95(f) of the Municipal Code for a Class "A" license and recommends Common Council approve a Special Use Permit for the issuance of a Class "A" license for property located at 903 S. Green Bay Road subject to the conditions of the Special Use Approval Letter. All voting aye. Motion passed.

b. Rezoning – 154 Tyler Street – R2 District to I2 District (Ord. No. 2024-21)

Deputy Director Schmidt went through the request to rezone a parcel, that was recently purchased by Galloway Company, from an R2 zoning to an I2 zoning. This is part of the larger master planning happening at Galloway Company. To consolidate lots that have been recently acquired, all lots must be zoned the same. The Comprehensive Plan Future Land Use Map identifies this area as the Neenah Industrial Corridor, which is consistent with the rezoning request.

MSC Kaiser/Moore-Nokes, the Plan Commission, to recommend Common Council approve Ordinance No. 2024-21 rezoning 154 Tyler Street to the I2, General Industrial District. All voting aye. Motion passed.

c. Site Plan – 601 S. Commercial Street – Parking Lot Expansion

Deputy Director Schmidt went over that this is an amendment to a site plan reviewed in 2023. He then went over the history of this area starting in 2022 with the vacating of streets, other properties being acquired, and rezonings. This site plan is expanding the current parking area and additional trailer storage parking on the southwest side of the site.

ORDINANCE NO. 2024-21 Plan Commission Minutes October 8, 2024 Page 3

With this expansion, Galloway is trying to maintain a standard 25-foot setback along Tyler Street, recognizing the three houses that are still there. This also includes tree plantings as well to create a buffer. There will also be a small storm water management pond on the site.

Director Kaiser asked if the trailer parking is intended to be permanent use or temporary. Deputy Director Schmidt stated his understanding it is more permanent. Troy Beyer from Galloway Company stated in the past they have utilized temporary parking spots but with continued growth, these would be a more permanent solution.

MSC Hancock-Cooke/Andrews, the Plan Commission, approve the site plan to construct semitrailer parking on property located at 601 S. Commercial Street, subject to the conditions of the Site Plan Review Letter. All voting aye. Motion passed.

d. Relocation Order (Amendment) – S. Commercial Street (Res. No. 2024-19)

Director Kaiser went over the amended relocation order for S. Commercial Street. Director Kaiser gave the history of this order and that this will be the final relocation order. This amendment also incorporates some changes to ownership that have changed during acquisitions. There were also parcels that changed in size and that is now reflected.

MSC Kaiser/Moore-Nokes, the Plan Commission, recommend Common Counsil approve Resolution 2024-19, the relocation order for the amended plat for the 2025 S. Commercial Street reconstruction project between Stanley Street and Tyler Street. All voting aye. Motion passed.

Housing Study and Needs Assessment

Deputy Director Schmidt gave an update on the Housing Study. Tom, the consultant from Stantec, gave a presentation last Plan Commission meeting and Spencer, the project lead, visited and toured the city last week Tuesday and Wednesday. This will give him an understanding of the community and where the developments are currently happening and the industries that are driving housing. Spencer also met with our Assistant Planner, Carol Kasimor to talk about low-income affordable housing options and programs in the city. Staff will meet with the consultant every other week to get progress reports and updates. They will also be sending sample community surveys.

Announcements and Future Agenda Items: Next meeting is scheduled for October 29, 2024.

<u>Adjournment:</u> The Commission adjourned its meeting at 4:25 p.m. MSC Genett/Kaiser. All voting Aye. Motion passed.

Respectfully Submitted,

hayla hubat

Kayla Kubat Administrative Assistant, Department of Community Development

Res. No. 2024-19



DATE:	October 29, 2024
TO:	Mayor Lang and Members of Plan Commission
FROM:	Brad Schmidt, AICP, Deputy Director
RE:	Special Use Permit – 700 Main Street – Class "A" License

Request

Deep Petroleum, Inc. (dba Neenah Mobil) has submitted a request obtain a Class "A" license to sell fermented malt beverage at their convenience store located at 700 Main Street.

Consideration

Convenience stores which sell gasoline are required to obtain a Class "A" license and a special use permit to sell fermented malt beverages. Chapter 4 of the Municipal Code includes further limitations related to Class "A" licenses for properties which sell gasoline:

- 1. Alcohol may only be displayed and sold from a lockable area such as a cooler, cage, or similar facility. No open floor display or sale from which will be permitted.
- 2. Total floor area allocated to alcohol sales shall be limited to no more than 10% of the total sales floor area of the store or 750 square feet, whichever is less.
- 3. The area from which alcohol is displayed and sold must be locked and inaccessible to the public between the hours of 9:00 PM and 8:00 AM, pursuant to Wis. State. §125.32(3)(d).
- 4. There shall be no sale of single serve fermented malt beverages in bottles or cans of fewer than 60 ounces per container.
- 5. Fermented malt beverages may only be sold or given away in four-pack or greater collective quantities of 12 or more ounce bottles or cans.
- 6. Advertisement for alcohol products may not be displayed in any exterior location of the business (including upon, at or near gasoline or other fuel pump islands).
- 7. Sales of fermented malt beverages in kegs, of any size, are not permitted.
- 8. Given the "quick stop" and high-volume nature of retail customer businesses at convenience stores, tasting events (i.e. the sale or provision of taste samples of fermented malt beverages) are not permitted on any premises licensed hereunder.
- 9. A cashier selling alcoholic beverages must be at least 18 years of age, and at least on on-duty employee must possess a legal operator's license while alcohol is being sold, being also within sight of all alcohol sales transactions.
- 10. Any license issued hereunder shall be immediately forfeited and surrendered should the convenience store cease to sell and dispense gasoline or other motor fuels.

Neenah Mobil is located on a 0.65-acre parcel and includes a 2,204 square-foot convenience store and gasoline pump islands. The total sales floor area of the building is about 850 square feet. The proposal is to include an alcohol sales area of 25 square feet in existing coolers with doors accessible to the guests. This area represents less than 3% of the total sales floor area of the building.

The proposed floor plan and sales area for the alcohol sales represents an area less than 10% of the total sales floor area and less than the maximum 750 square feet per the Municipal Code. Any future changes to the proposed alcohol sales floor area may require a modification to this special use permit and the Class "A" fermented malt beverages license. Failure to meet the requirements of the Class "A" license may constitute a forfeiture of the special use permit.

Recommendation

Plan Commission finds that the proposed floor plan meets the requirements listed under Section 4.95(f) of the Municipal Code for a Class "A" license and recommends Common Council approve a Special Use Permit for the issuance of a Class "A" license for property located at 700 Main Street subject to the conditions of the Special Use Approval Letter.



October 21, 2024

JASWINDER SINGH DEEP PATROLEUM INC 700 MAIN ST NEENAH, WI 54956

RE: Special Use Permit #4-24 - 700 Main St - Class "A" License Special Use Review () Status Approved

Dear JASWINDER SINGH:

We have completed our review of the plan identified above. The plan was approved per attached comments, if any. This letter is not to be construed as a zoning compliance, grading, building permit, certificate of occupancy, or a substitute for any permit or certificate required by any state or federal government entity.

Sincerely,

Brad Schmidt Deputy Director of Community Development and Assessment bschmidt@neenahwi.gov 920-886-6126

Plan Review Comments

Planning - Brad Schmidt - bschmidt@neenahwi.gov

Review Comments:

1. Alcohol may only be displayed and sold from a lockable area such as a cooler, cage, or similar facility. No open floor display or sale from which will be permitted.

2. Total floor area allocated to alcohol sales shall be limited to no more than 10% of the total sales floor area of the store or 750 square feet, whichever is less.

3. The area from which alcohol is displayed and sold must be locked and inaccessible to the public between the hours of 9:00 PM and 8:00 AM, pursuant to Wis. State. §125.32(3)(d).

4. There shall be no sale of single serve fermented malt beverages in bottles or cans of fewer than 60 ounces per container.

5. Fermented malt beverages may only be sold or given away in four-pack or greater collective quantities of 12 or more ounce bottles or cans.

6. Advertisement for alcohol products may not be displayed in any exterior location of the business (including upon, at or near gasoline or other fuel pump islands).

7. Sales of fermented malt beverages in kegs, of any size, are not permitted.

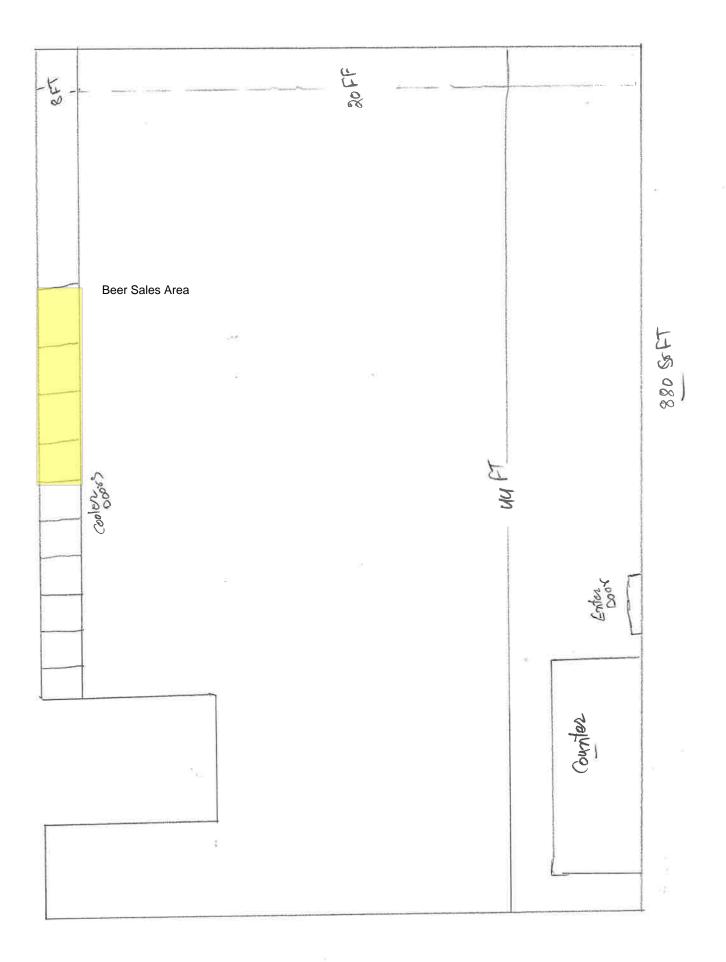
8. Given the "quick stop" and high-volume nature of retail customer businesses at convenience stores, tasting events (i.e. the sale or provision of taste samples of fermented malt beverages) are not permitted on any premises licensed hereunder.

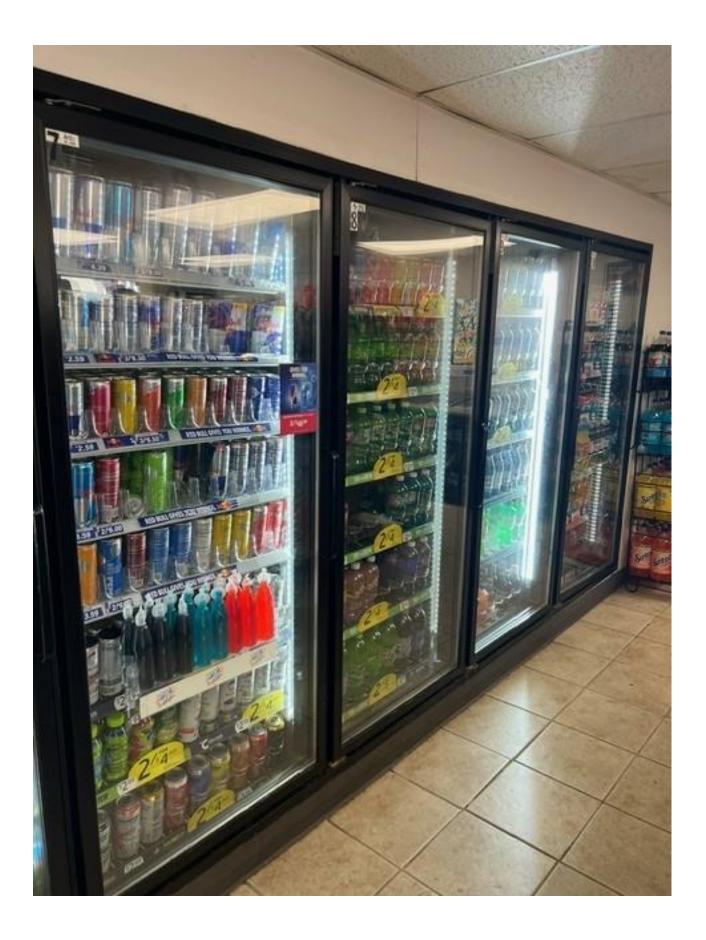
9. A cashier selling alcoholic beverages must be at least 18 years of age, and at least on on-duty employee must possess a legal operator's license while alcohol is being sold, being also within sight of all alcohol sales transactions.

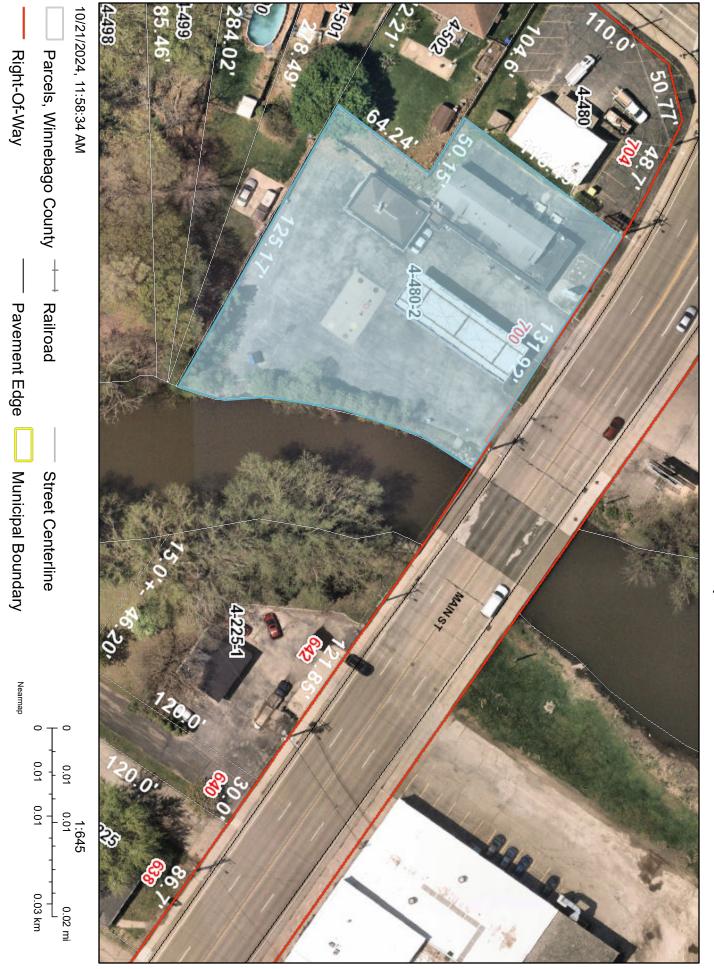
10. Any license issued hereunder shall be immediately forfeited and surrendered should the convenience store cease to sell and dispense gasoline or other motor fuels.

11. Modifications to the alcohol sales area requires an amendment to the special use permit.

12. Failure to adhere to these requirements may constitute a forefiture of the special use permit.







Web AppBuilder for ArcGIS Nearmap | Imagery Date: April 2020 | Intranet GIS Web Map



DATE:	October 29, 2024
TO:	Mayor Lang and Members of Plan Commission
FROM:	Brad Schmidt, AICP, Deputy Director
RE:	Special Use Permit – 1013 Main Street – Class "A" License

Request

Gauri Ganesh, LLC (dba Main St Amoco) has submitted a request obtain a Class "A" license to sell fermented malt beverage at their convenience store located at 1013 Main Street.

Consideration

Convenience stores which sell gasoline are required to obtain a Class "A" license and a special use permit to sell fermented malt beverages. Chapter 4 of the Municipal Code includes further limitations related to Class "A" licenses for properties which sell gasoline:

- 1. Alcohol may only be displayed and sold from a lockable area such as a cooler, cage, or similar facility. No open floor display or sale from which will be permitted.
- 2. Total floor area allocated to alcohol sales shall be limited to no more than 10% of the total sales floor area of the store or 750 square feet, whichever is less.
- 3. The area from which alcohol is displayed and sold must be locked and inaccessible to the public between the hours of 9:00 PM and 8:00 AM, pursuant to Wis. State. §125.32(3)(d).
- 4. There shall be no sale of single serve fermented malt beverages in bottles or cans of fewer than 60 ounces per container.
- 5. Fermented malt beverages may only be sold or given away in four-pack or greater collective quantities of 12 or more ounce bottles or cans.
- 6. Advertisement for alcohol products may not be displayed in any exterior location of the business (including upon, at or near gasoline or other fuel pump islands).
- 7. Sales of fermented malt beverages in kegs, of any size, are not permitted.
- 8. Given the "quick stop" and high-volume nature of retail customer businesses at convenience stores, tasting events (i.e. the sale or provision of taste samples of fermented malt beverages) are not permitted on any premises licensed hereunder.
- 9. A cashier selling alcoholic beverages must be at least 18 years of age, and at least on on-duty employee must possess a legal operator's license while alcohol is being sold, being also within sight of all alcohol sales transactions.
- 10. Any license issued hereunder shall be immediately forfeited and surrendered should the convenience store cease to sell and dispense gasoline or other motor fuels.

Main St Amoco is located on a 0.34-acre parcel and includes a 2,650 square-foot convenience store and gasoline pump islands. The total sales floor area of the building is about 1,944 square feet. The proposal is to include an alcohol sales area of 27 square feet in existing coolers with doors accessible to the guests. This area represents a little over 1% of the total sales floor area of the building.

The proposed floor plan and sales area for the alcohol sales represents an area less than 10% of the total sales floor area and less than the maximum 750 square feet per the Municipal Code. Any future changes to the proposed alcohol sales floor area may require a modification to this special use permit and the Class "A" fermented malt beverages license. Failure to meet the requirements of the Class "A" license may constitute a forfeiture of the special use permit.

Recommendation

Plan Commission finds that the proposed floor plan meets the requirements listed under Section 4.95(f) of the Municipal Code for a Class "A" license and recommends Common Council approve a Special Use Permit for the issuance of a Class "A" license for property located at 1013 Main Street subject to the conditions of the Special Use Approval Letter.



October 21, 2024

NEHA PATEL

215 DIVISION ST OSHKOSH, WI 54901

RE: Special Use Permit #2-24 - 1013 Main St - Class "A" License Special Use Review () Status Approved

Dear NEHA PATEL:

We have completed our review of the plan identified above. The plan was approved per attached comments, if any. This letter is not to be construed as a zoning compliance, grading, building permit, certificate of occupancy, or a substitute for any permit or certificate required by any state or federal government entity.

Sincerely,

Brad Schmidt Deputy Director of Community Development and Assessment bschmidt@neenahwi.gov 920-886-6126

Plan Review Comments

Planning - Brad Schmidt - bschmidt@neenahwi.gov

Review Comments:

1. Alcohol may only be displayed and sold from a lockable area such as a cooler, cage, or similar facility. No open floor display or sale from which will be permitted.

2. Total floor area allocated to alcohol sales shall be limited to no more than 10% of the total sales floor area of the store or 750 square feet, whichever is less.

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4. There shall be no sale of single serve fermented malt beverages in bottles or cans of fewer than 60 ounces per container.

5. Fermented malt beverages may only be sold or given away in four-pack or greater collective quantities of 12 or more ounce bottles or cans.

6. Advertisement for alcohol products may not be displayed in any exterior location of the business (including upon, at or near gasoline or other fuel pump islands).

7. Sales of fermented malt beverages in kegs, of any size, are not permitted.

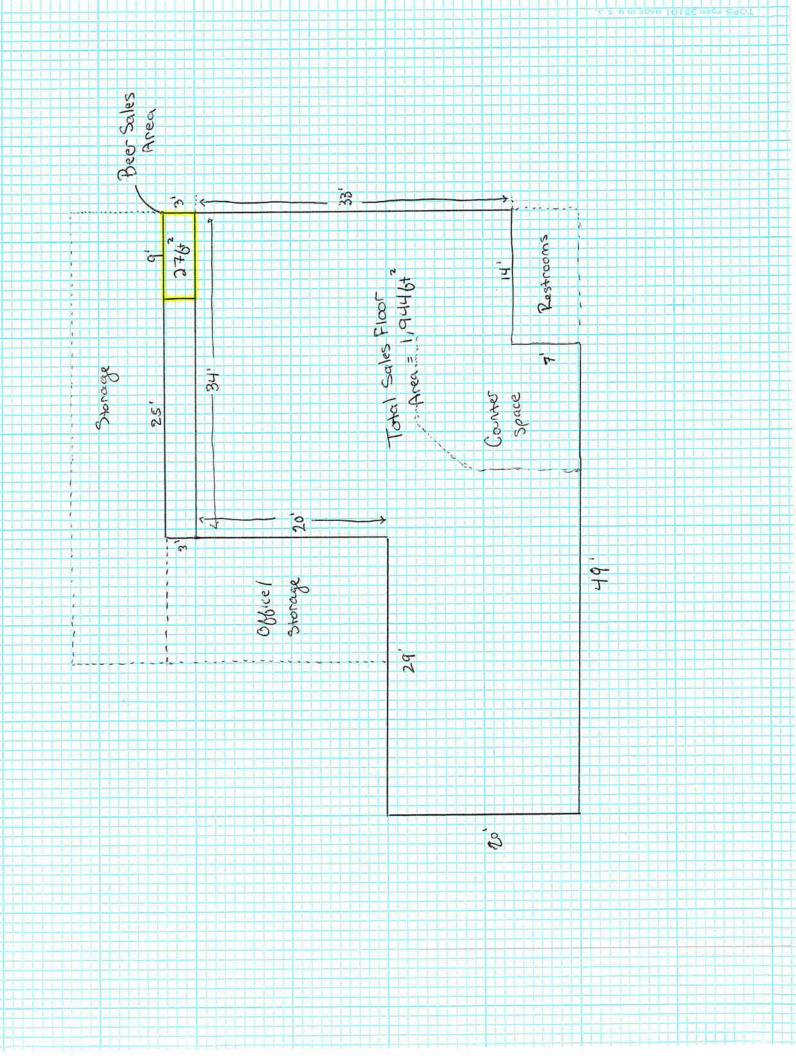
8. Given the "quick stop" and high-volume nature of retail customer businesses at convenience stores, tasting events (i.e. the sale or provision of taste samples of fermented malt beverages) are not permitted on any premises licensed hereunder.

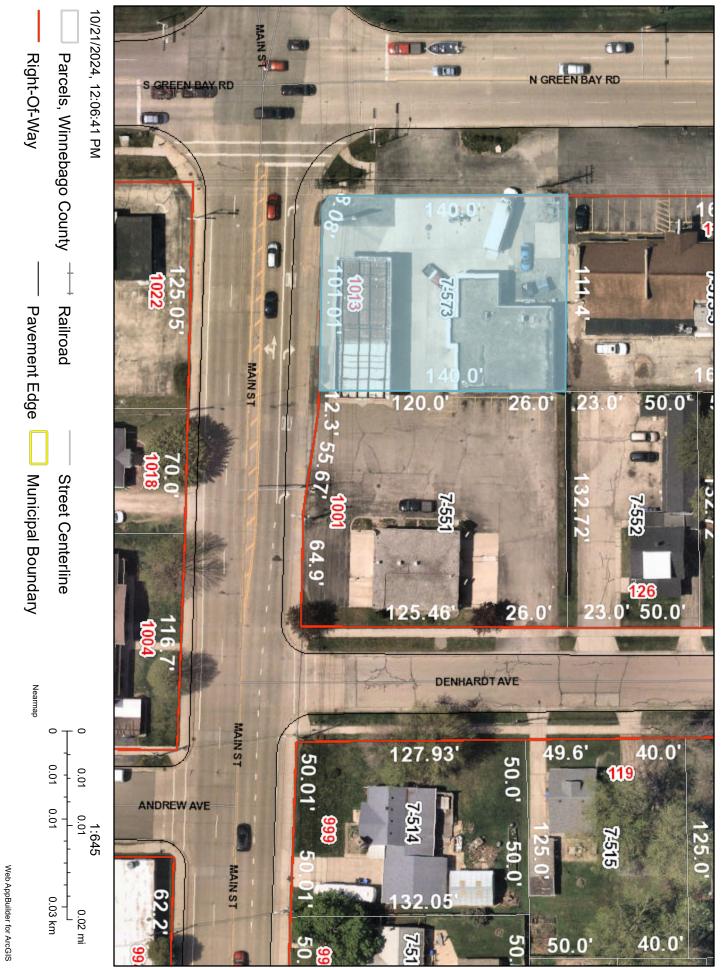
9. A cashier selling alcoholic beverages must be at least 18 years of age, and at least on on-duty employee must possess a legal operator's license while alcohol is being sold, being also within sight of all alcohol sales transactions.

10. Any license issued hereunder shall be immediately forfeited and surrendered should the convenience store cease to sell and dispense gasoline or other motor fuels.

11. Modifications to the alcohol sales area requires an amendment to the special use permit.

12. Failure to adhere to these requirements may constitute a forefiture of the special use permit.





Nearmap | Imagery Date: April 2020 |

Intranet GIS Web Map



DATE:	October 29, 2024
то:	Mayor Lang and Members of Plan Commission
FROM:	Brad Schmidt, AICP, Deputy Director
RE:	Special Use Permit – 1305 S. Commercial Street – Class "A" License

Request

Krist Oil Company has submitted a request obtain a Class "A" license to sell fermented malt beverage at their convenience store located at 1305 S Commercial Street.

Consideration

Convenience stores which sell gasoline are required to obtain a Class "A" license and a special use permit to sell fermented malt beverages. Chapter 4 of the Municipal Code includes further limitations related to Class "A" licenses for properties which sell gasoline:

- 1. Alcohol may only be displayed and sold from a lockable area such as a cooler, cage, or similar facility. No open floor display or sale from which will be permitted.
- 2. Total floor area allocated to alcohol sales shall be limited to no more than 10% of the total sales floor area of the store or 750 square feet, whichever is less.
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- 8. Given the "quick stop" and high-volume nature of retail customer businesses at convenience stores, tasting events (i.e. the sale or provision of taste samples of fermented malt beverages) are not permitted on any premises licensed hereunder.
- 9. A cashier selling alcoholic beverages must be at least 18 years of age, and at least on on-duty employee must possess a legal operator's license while alcohol is being sold, being also within sight of all alcohol sales transactions.
- 10. Any license issued hereunder shall be immediately forfeited and surrendered should the convenience store cease to sell and dispense gasoline or other motor fuels.

Krist Oil is located on a 1-acre parcel and includes a 3,600 square-foot convenience store and gasoline pump islands. The total sales floor area of the building is about 2,300 square feet. The proposal is to include an alcohol sales area of 27 square feet in existing coolers with doors accessible to the guests. This area represents less than 1% of the total sales floor area of the building.

The proposed floor plan and sales area for the alcohol sales represents an area less than 10% of the total sales floor area and less than the maximum 750 square feet per the Municipal Code. Any future changes to the proposed alcohol sales floor area may require a modification to this special use permit and the Class "A" fermented malt beverages license. Failure to meet the requirements of the Class "A" license may constitute a forfeiture of the special use permit.

Recommendation

Plan Commission finds that the proposed floor plan meets the requirements listed under Section 4.95(f) of the Municipal Code for a Class "A" license and recommends Common Council approve a Special Use Permit for the issuance of a Class "A" license for property located at 1305 S. Commercial Street subject to the conditions of the Special Use Approval Letter.



October 21, 2024

RICK ANGELI KRIST OIL COMPANY 303 SELDON ROAD IRON RIVER, MI 49935

RE: Special Use Permit #3-24 - 1305 S Commercial St - Class "A" License Special Use Review () Status Approved

Dear RICK ANGELI:

We have completed our review of the plan identified above. The plan was approved per attached comments, if any. This letter is not to be construed as a zoning compliance, grading, building permit, certificate of occupancy, or a substitute for any permit or certificate required by any state or federal government entity.

Sincerely,

Brad Schmidt Deputy Director of Community Development and Assessment bschmidt@neenahwi.gov 920-886-6126

Plan Review Comments

Planning - Brad Schmidt - bschmidt@neenahwi.gov

Review Comments:

1. Alcohol may only be displayed and sold from a lockable area such as a cooler, cage, or similar facility. No open floor display or sale from which will be permitted.

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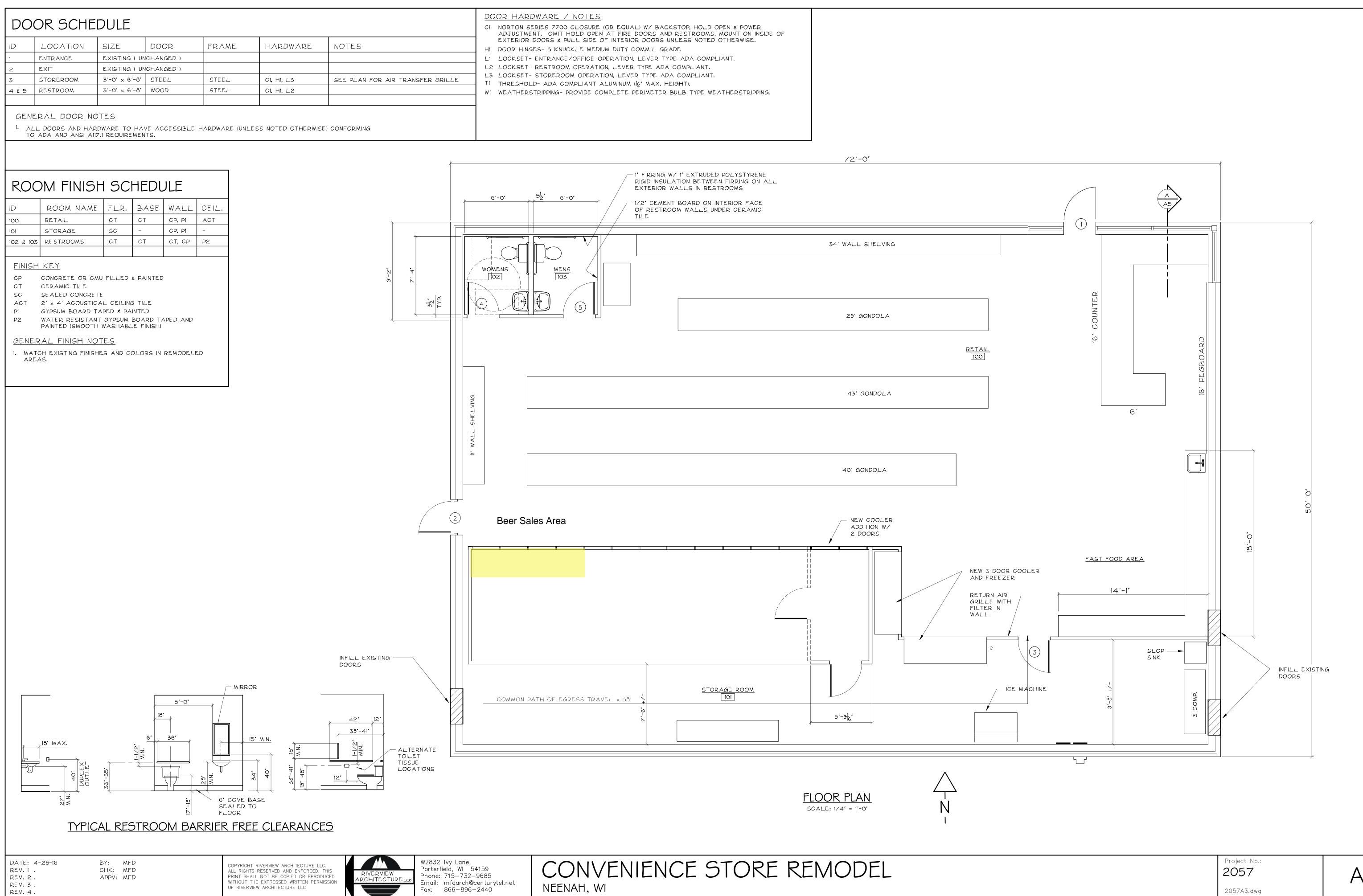
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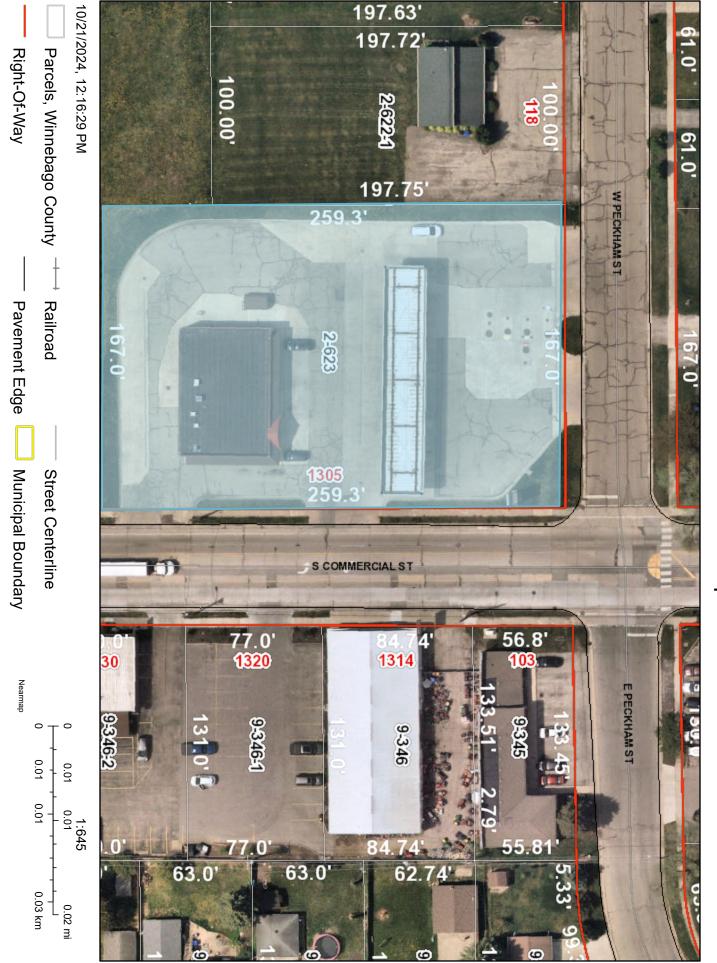
10. Any license issued hereunder shall be immediately forfeited and surrendered should the convenience store cease to sell and dispense gasoline or other motor fuels.

11. Modifications to the alcohol sales area requires an amendment to the special use permit.

12. Failure to adhere to these requirements may constitute a forefiture of the special use permit.



Project No.: 2057	A3
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Intranet GIS Web Map