

WINNEBAGO COUNTY  
PLANNING & ZONING COMMITTEE  
**PUBLIC HEARING**

June 29, 2010 at 6:30 P.M.  
Lounge Room – Courthouse

PRESENT: Supervisors Patrick Brennand, Chairman, Jeanette Diakoff, Thomas Egan, and Claud Thompson; Kathryn Larson, Assistant Zoning Administrator; and Karen Fredrick, court reporter.

ABSENT: Joanne Sievert

ALSO PRESENT: George Dearborn for the Town of Menasha, applicants, and interested citizens.

The Planning & Zoning Committee's Public Hearing was called to order by Patrick Brennand, Chairman, at 6:30 P.M. Chairman Brennand explained the procedure for the meeting and that the decision would be made by the Committee on July 6, 2010 at 7:30 a.m. Committee members and zoning staff introduced themselves, and staff explained the appeals procedure and stated that protests to rezoning must be made 24 hours prior to the County Board Meeting. C. Thompson read the introduction to each item on the agenda.

1. Town of Menasha (Applicant) for Ken Syring (Owner) – Rezoning from R-1 to R-2

George Dearborn explained the request for a small subdivision on a parcel adjacent to the Town's new detention pond. Town Board had recommended approval and the zoning and use will be in compliance with the Future Land Use plan. Chairman Brennand asked why the town wasn't applying for an R-5 district, similar to the new development across Forkin St., and Mr. Dearborn replied that the R-5 was not requested and that the development would be for eight individual lots.

Staff read the Town's resolution for approval; and there being no additional testimony, this portion of the hearing was closed.

2. J R Development – Town of Menasha – Rezoning from R-3 to R-2

Jonathon Bartz from Martenson & Eisele appeared for J R Development. He stated that the rezoning request to change the four duplex lots to single-family lots was at the request of the developer who was approached by Habitat for Humanity for creation of seven lots for new home projects. The approached the developer. Nothing is guaranteed.

G. Dearborn submitted the resolution from the Town approving the R-3 to R-2 request. FLU is low-density residential and the proposed change meets that criteria.

Chairman Brennand stated that his belief that the duplex zoning was a good use of the area. Mr. Dearborn replied that the area was zoned for duplex as part of the buffer for the subdivision, and that who buys these lots is not under the Town's purview. Chairman Brennand then acknowledged that the discussion should be for the zoning change only. Another process for reviewing the creation of the new lots will be forthcoming. Mr. Dearborn also acknowledged that he received responses from people who were concerned about the number of homes being proposed in that area, and he wanted to clarify that the new lots would be larger than the average of the lots in the same subdivision and all homes would be in compliance with the Town's building codes.

J. Diakoff than asked if the zoning change came in as a seven-lot request. Mr. Dearborn replied that the information was offered. The applicant did not need to specify the number of lots and the number will be addressed later.

Staff then read the Town's resolution recommending approval and also read a letter from Darci Demeio submitted in opposition to the rezoning. With no additional testimony offered, this item, too, was adjourned.

3. William Schmitt – Town of Wolf River – Conditional Use

Attorney Dave Winkel appeared on behalf of his clients. While the request was to be allowed five dogs, Mr. Winkel stated that one has since died and another dog is very old and will not be replaced. Mr. Schmitt has a large fenced area for dog containment; and while at one time the dogs did get out by digging under the fence, that has been corrected. The dogs are in the house most of the time.

The Town of Wolf River submitted a resolution approving the conditional use with the following findings:

1. When the fourth dog expires, it cannot be replaced.
2. Must comply with Winnebago County dog ordinance (two or three as Winnebago County deems so.)
3. If Mr. Schmitt's dogs get loose and proof provide[d] that dog(s) are (is) trespassing, The Conditional Use Permit becomes null and void.

Atty. Winkel asked that the Town's third condition be rescinded--that is was a little Draconian Chairman Brennand questioned whether the Committee had any freedom with regard to accepting the Town's conditions, and staff responded that because the subject area was under shoreland zoning jurisdiction, the Town's conditions were advisory.

There being no additional testimony or comments, this portion of the hearing was closed.

4. U S Cellular for George Brennand (Owner) – Town of Nekimi – Conditional Use

Note: Chairman Brennand recused himself from this portion of the meeting because of a family connection to the property.

Kelly Schmitz appeared for U S Cellular. This tower will provide coverage gaps for the Hwy. 45 and County Rd. I area. They are proposing a 113' monopole and 12' x 20' Equipment shelter. They will add landscaping (shrubs) to the existing wooded area. She also stated that placement of the tower is contingent on FAA approval and that they Will lower the tower if required.

John Dorsey, operations manager at Wittman Field, appeared and expressed concern about the different tower heights that he had been seeing. The limit is 130 MSL, and while what is being proposed is below the limit, he is concerned that the height not be increased.

Ms. Schmitz explained that the original height proposed was too high and that the final Proposed height is 119 ft. Mr. Dorsey stated that he then would recommend approval.

Staff read the Town's recommendation into the record. The Town's condition was "As Per County's standard conditions." Staff also read a letter from the State's Bureau of Aeronautics which stated that the antenna tower would comply with the HLZO.

With no other comments or testimony, this portion of the hearing was closed.

Chairman Brennand then rejoined the Committee and called for a motion to adjourn. Said motion was made by J. Diakoff, seconded by T. Egan, and carried unanimously. The meeting was adjourned at 7:14 p.m.

Respectfully submitted,

*Kathryn M. Larson*

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Recording Secretary