

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

March 31, 2020  
6:30 P.M.

First Floor Conference Room – County Administration Building

PRESENT: Supervisors, Thomas Egan, Chairman, Rob Keller (virtual), Maribeth Gabert, Ben Joas (virtual) and Brian Defferding (virtual). Cary Rowe - Zoning Administrator, Karen Fredrick - court reporter and guests present.

The meeting was called to order by Thomas Egan, Chairman at 6:30 P.M. Supervisor Egan explained the meeting protocol under the Governor's Emergency Order #12. Committee members introduced themselves and Zoning Administrator explained appeals procedure.

1 & 2. Harve Ross et al – West of 3903 Sand Pit Rd, Town of Omro – Conditional Use & Zoning Map Amendment (adjourned from the February 25, 2020 public hearing).

Applicant is requesting a zoning map amendment to A-2 (General Agriculture District) and a conditional use permit to develop a personal storage facility. Harve Ross – 3871 County Rd FF, Omro, was sworn in. Mr. Ross stated that there was no public support for his original request to rezone the property from B-2 to B-3. **The hearing was then paused due to an automated software update from 6:43 pm to 6:58 pm.** Hearing resumed at 6:43. Mr. Ross submitted a signed petition supporting the proposed development. Jim Smith – Martenson & Eisele, was sworn in by phone. Mr. Smith stated that he was in favor of the zoning map amendment and conditional use and would answer and questions of the committee. Charles Hertel – 4489 Sand Pit Rd, Oshkosh, was sworn in. Mr. Hertel stated that the town's position was that it would not be legal to approve the A-2 zoning since the town's future land use plan shows the subject property as commercial and the Smart Growth Law requires that the towns must follow their plans. Mr. Hertel also said Cary Rowe – Zoning Administrator, suggested rezoning the property to A-2 and applying for a conditional use permit for the personal storage facility. Mr. Hertel concluded by submitting a letter addressed to Attorney Karen Marone dated March 6, 2020, to the committee members and stating that it would be an error of law if the county denied the zoning map amendment based on the comp plan. Brian Seaman – 3569 Sand Pit Rd, Oshkosh, was sworn in by phone. Mr. Seaman spoke in favor of the storage units adding that they would be a good benefit and sound barrier. Wally Wagner – 2260 North Haven Ln, Oshkosh, was sworn in by phone. Mr. Wagner stated that he was interested in putting up storage units and requested a zoning change to B-3 but the Town of Omro Planning Commission denied the request. Mr. Wagner said he then applied for a zoning change to A-2 which allowed storage units, and the planning commission approved the request 4-1. The Town of

Omro Town Board then denied the request. Sundee Wagner – 4314 Stonegate Ct, Oshkosh, was sworn in. Mrs. Wagner spoke in favor of the request and supported the project. Eric Wagner – 4314 Stonegate Ct, Oshkosh, was sworn in. Mr. Wagner stated that he and Harve Ross met with the town after the last adjournment regarding the A-2 zoning proposal. Mr. Wagner said the town now claims it is prohibited from approving the A-2 zoning because it is in conflict with their land use plan. Mr. Wagner also stated that the Town of Algoma had not taken any official position on the matter as of March 6, 2020. According to Mr. Wagner, the town has cited a number of reasons it opposed the storage units including but not limited to: units are not using infrastructure, height of the units and compliance with land use plan. Mr. Wagner stated that he has been working on this project for over a year now and has 88 signatures supporting the project and has completed drainage plans for the project. Sandra Scrovonski – 4642 Rivermoor Rd, Omro, was sworn in by phone. Mrs. Scrovonski spoke in favor of the request and stated that the developer has a history of developing and maintaining nice facilities. Zoning Administrator stated that he had received a resolution from the Town Board of Omro recommending denial of the zoning map amendment with the following findings: 1) The requested zoning map amendment does not agree with the adopted plan. The Town of Omro future land use map shows this property as commercial. Other Findings: 1) The Town's comprehensive plan has as one of its objectives the requirement that the Town require separation of industrial uses from residential and commercial districts through adequate buffering and screening. Per the zoning code the only location that a personal storage facility is outright permitted is in the I-1 Light industrial zoning district. 2) While A-2 allows for personal storage as a conditional use, this zoning change would essentially be allowing a use that would otherwise require the more intensive use I-1 zoning. 3) A-2 by definition per 23.8.22 of the zoning code is "this district is intended to accommodate both large- and small-scale hobby farms. Although scattered residential lots are allowed, agriculture is the predominant land use. This district should be located in those areas suitable for agriculture, but not for large scale agriculture operations, and adjacent to urbanizing areas." 4) While the Town attempted to consider conditions that could be placed on a conditional use permit the elevation of the property in relation to the adjacent property presented great difficulty in providing adequate screening. The grade of the proposed storage site is nearly equal to the second-floor elevation of the adjacent homes. 5) Additionally, this area of the Town has existing Sewer and Water utilities installed that can serve this property. The proposed storage facility would not need or utilize these services and will result in the need of additional utilities having to be installed elsewhere if the Town wishes to encourage additional commercial development as included in the Town's Comprehensive Plan. 6) There are numerous other locations in the town where this type of facility could be constructed that have the A-2 zoning that would allow for a conditional use where appropriate conditions could be developed to protect the adjoining property owners from adverse impacts. 7) The existing B-2 Community Business District by definition per 23.8-22 "is intended to accommodate both large and small scale pedestrian and auto orientated commercial development that primarily serves the needs of the needs of the surrounding community, including professional offices, retail stores, service

establishments, overnight lodging, entertainment facilities and mixed use housing. Lots are connected to a public sanitary sewer system or have an on-site disposal system.” 8) Property owners who have expressed objection to this zoning change to allow this development purchased their properties with this property being zoned B-2 and have made the case that allowing this zoning change even with a conditional use will subject them to a more intensive use than the current zoning on this property. They have further established that the Town’s comprehensive plan and Future Land Use Map show this property as being Commercial and zoning this property to Agriculture would not be consistent with this plan. 9) The current property owner purchased this property in 2014 with the B-2 zoning. The Town comprehensive plan and future land use map remain unchanged since that purchase, and the owner can develop the property as it is currently zoned. Mr. Hertel stated that the findings from the town that were just read into the record by the Zoning Administrator were not made at the town board meeting.

3. Horseshoe Storage LLC – 41 Horseshoe Rd, Town of Algoma – Conditional Use (Adjourned from the February 25, 2020 public hearing).

Supervisor Egan stated that the applicant withdrew the application.

4. Horseshoe Storage LLC – 41 Horseshoe Rd, Town of Algoma – Zoning Map Amendment (adjourned from the February 25, 2020 public hearing).

Applicant is requesting a zoning map amendment from I-2 (Heavy Industrial) to I-1 (Light Industrial) to expand an existing storage facility. Larry Schmick – Owner, was sworn in. Mr. Schmick stated that the town approved the zoning change and would answer any questions. Zoning Administrator stated that the zoning office received correspondence from the Town Administrator stating that the Town of Algoma approved the zoning change from I-2 to I-1.

5. Howard Wojahn – West of 6009 Grandview Rd, Town of Winchester – Zoning Map Amendment (adjourned from the 02/25/20 public hearing).

Applicant is requesting a zoning map amendment from A-2 (General Agriculture) to R-1 (Rural Residential) to create a residential lot. Zoning Administrator stated that the owner requested that this portion of the hearing be adjourned for 30-days so he could continue working with the town to resolve access issue. Motion by Gabert, seconded by Joas, to adjourn the hearing for 30-days. Motion carried 5-0.

- 6 & 7. Edward Kerr – 7875 Cut-Off Ln, Town of Wolf River – Zoning Map Amendment & Conditional Use.

Applicant is requesting a zoning map amendment from B-2 (Community Business) to B-3 (General Business) and a conditional use to expand the number of campsites in an existing campground. Ed Kerr – 910 Beta Dr., Neenah, was sworn in by phone. Mr. Kerr explained the request and stated that the town has no issues

with the request. Dan Domrzalski – 7884 Cut-Off Ln, Larsen, was sworn in by phone. Mr. Domrzalski stated that he was in favor of the request. Dave Platta – 8819 South Rd, Fremont was sworn in by phone. Mr. Platta stated that he was in favor of the request. Mr. Platta also stated that he is the Fire Chief that inspects the campground and also an excavator that has installed the septic system for the campground.

8. Howard Schneider / Steve Bastin – East of 7181 and 7193 Clark Point Rd, Town of Winneconne - PDD

Applicant is requesting a Planned Development District to create residential parcels on a private road (Clarks Point Rd) through a PDD. Howard Schneider – 7181 Clark Point Rd, Winneconne, was sworn in. Mr. Schneider explained the request to convert unbuildable lots to buildable residential lots to be used for off-site garages. Zoning Administrator stated that he had received a resolution from the Town Board of Winneconne recommending approval of the zoning map amendment with the following findings: 1) The Town does have an adopted land use plan. 2) Map amendment does agree with the adopted plan.

9. Terry Coats et al – 7662 State Rd 21, Town of Omro – Zoning Map Amendment.

Applicant is requesting a zoning map amendment on two parcels that contain multiple zoning districts. One parcel (16-0047) contains B-2, B-3, A-2 and R-1 zoning districts. The second parcel (016-0047-02) contains B-3, R-1, and A-2 zoning districts. The applicant is proposing to have both parcels zoned entirely A-2. Zoning Administrator stated that he received an e-mail from the Town Planning Commission Chairman requesting that the matter be adjourned until the April public hearing. Motion by Joas, seconded by Keller, to adjourn the hearing for 30-days. Motion carried 5-0.

10. Jonmar Investments LLC – 5034 State Rd 21, Town of Omro – Zoning Map Amendment.

Applicant is requesting a zoning map amendment on multiple parcels that contain multiple zoning districts in place with a CSM. There are currently five parcels with the zoning districts of A-2, B-2, B-3 and R-1. The applicant is proposing to create four parcels with three zoned R-1 and one parcel zoned B-2. Scott Anderson – Davel Engineering, was sworn in by phone. Mr. Anderson explained the request and stated that a house is going to be constructed on the residential lot. Zoning Administrator stated that he had received a resolution from the Town Board of Algoma recommending approval of the zoning map amendment with the following findings: 1) Map amendment does agree with the adopted plan. 2) This request is consistent with the Town of Omro Comprehensive Plan. 3) This request fits the town sewer user agreement.

## ADJOURNMENT

MOTION made by M. Gabert to adjourn the meeting and reconvene Friday, April 8, 2020 at 7:30 am. Seconded by B. Joas. Motion carried 5-0. Meeting adjourned at 8:05 P.M.

Respectfully submitted,

Cary A. Rowe  
Recording Secretary