

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: *October 29, 2021*
TO: *County Board*
FROM: *Jerry Bougie, Director of Planning and Zoning, Cary Rowe, Zoning Administrator*
RE: *Approve Amendatory Ordinances*

Background:

Amendments to Town zoning ordinances are required to be adopted by the Winnebago County Board pursuant to section 60.62(3), Wis. Stats., and s. 8.04, Winnebago County General Code.

Policy Discussion:

County Zoning Staff receives Town zoning ordinance amendment(s) from the affected Town(s). Staff reviews the Town's action for completeness of information (i.e. findings of fact) and whether the proposed zoning amendment(s) is/are consistent with the Winnebago County Comprehensive Plan and subsequently prepares a Staff recommendation on each of the proposed zoning amendment(s). Town zoning amendments do not require a County public hearing, as the hearing has already occurred at the Town level.

For this month's agenda there are 3 Town Zoning Changes requested – they are:

1. **M7 Investment Group LLC, Town of Winchester.**
2. Wesley Maes and Holly Niemeyer, Town of Black Wolf
3. Luker Revocable Trust, Town of Black Wolf

Findings: All three Town Zone Changes are consistent with the Winnebago County Comprehensive Plan.

Requested Action:

Motion to approve Amendatory Ordinance No. 11/02/21 on behalf of M7 Investment Group LLC, Town of Winchester

Motion to approve Amendatory Ordinance No. 11/03/21 on behalf of Wesley Maes and Holly Niemeyer, Town of Black Wolf

Motion to approve Amendatory Ordinance No. 11/04/21 on behalf of Luker Revocable Trust, Town of Black Wolf

Committee Action:

1. **M7 Investment Group LLC, Town of Winchester. Motion by B. Defferding to forward zone change to County Board for approval. Motion seconded by M. Gabert. Motion approved 5-0.**

(continued next page...)

2. Wesley Maes and Holly Niemeyer, Town of Black Wolf. *Motion by R. Keller to forward zone change to County Board for approval. Motion seconded by B. Defferding. Motion approved 5-0.*
3. Luker Revocable Trust, Town of Black Wolf. *Motion by R. Keller to forward zone change to County Board for approval. Motion seconded by B. Defferding. Motion approved 5-0.*

Attachments:

See attached for Amendatory Ordinance Resolutions.

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 11/02/21

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF WINCHESTER in accordance with the petition of M7 Investment Group LLC and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF WINCHESTER, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 (General Agricultural District), B-2 (Community Business District) and B-3 (General Business District)** of said ordinance, which it now and heretofore had, to the zoned district of **B-2 (Community Business District)**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of Winchester)

PARCEL NO: **028-0433**; FROM **A-2, B-2 and B-3** TO **B-2**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2021.

Jon Doemel



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF OCTOBER 29, 2021

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAR*

RE: Review of Town Zoning Changes

1. **M7 Investment Group LLC - Town Zoning Change (Tax ID No: 028-0433) – Town of Winchester.**

The town zoning change for M7 Investment Group LLC is consistent with Winnebago County's Future Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District), B-2 (Community Business District) and B-3 (General Business District) to B-2 (Community Business District) and Winnebago County's future land use plan shows future land use as Non-residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

BD, M6 5-0 Approved

2. Wesley Maes and Holly Niemeyer - Town Zoning Change (Tax ID No: 004-0503-06) – Town of Black Wolf.

The town zoning change for Wesley Maes and Holly Niemeyer is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) and Winnebago County's future land use plan shows future land use as Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

RK, BD 5-0 Approved

3. Luker Revocable Trust - Town Zoning Change (Tax ID No: 004-0503-05) – Town of Black Wolf.

The town zoning change for Luker Revocable Trust is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) and Winnebago County's future land use plan shows future land use as Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

RK, BD₂₂ 5-0 Approved

Town of Winchester

A-2, B-2 to B-3 to B-2
FLU: Nov-185

Ordinance 2021-07
Ordinance to Amend the Official Town of Winchester Zoning Ordinance Map

- WHEREAS, One or more applications for amendments to the Map of the Town of Winchester Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and
- WHEREAS, following the requisite Notices and Public Hearings, the proposed amendment(s) have been reviewed and recommended to the Town Board by the Town's Plan Commission; and
- WHEREAS, the application(s) for amendment(s) to the Map of the Town of Winchester Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2016 update to the Town's Comprehensive Plan; and
- WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 17.59 of the Town of Winchester Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Winchester is amended as follows:

Property Owner: M7 Investment Group LLC

Legal description of property: The property located in the Town of Winchester and being specifically described as Tax ID 028-0433, in Section 14, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin.

Findings of Fact:

1. The Town of Winchester has an adopted Land Use Plan
2. The Adopted 20-year Future Land Use Map in the Land Use Plan shows the Lot as Highway Commercial
3. B-2 (Community Business District) zoning is consistent with the aforementioned land use district.
4. Therefore, a zoning change from A-2, B-2, and B-3 to B-2 is consistent with the adopted Land Use Plan.
5. The zoning change is compatible with adjacent land uses.

The above-described property is hereby rezoned from:

A-2 (General Agricultural District); B-2 (Community Business District); and B-3 (General Business District) to B-2 (Community Business District).

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. The amendment to the Town of Winchester Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 20th, day of September 2021

Vote: Yes: 3 No: 0 Absent: 0 Abstain: 0


Matthew J Olson, Chairman

Attest:

Holly Stevens, Clerk

Town of Winchester

8522 Park Way, Larsen, WI 54947

920.836.2948

September 20, 2021

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Dear Mr. Rowe,

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Winchester:

Re-zoning application submitted by DGI Winchester LLC, 200 E Washington St, Suite A, Appleton for property located in the Town of Winchester and being specifically described as Tax ID 028-0433, in Section 14, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone a portion of the property from A-2 (General Agricultural District); B-2 (Community Business District); and B-3 (General Business District) to B-2 (Community Business District).

Should you have any questions relative to this request, please feel free to call or email me.

Sincerely,

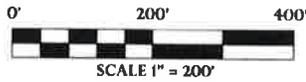


Holly Stevens
Town of Winchester Clerk

CC County Clerk, Sue Ertmer

CERTIFIED SURVEY MAP

BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4
OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF
WINCHESTER, WINNEBAGO COUNTY, WISCONSIN.



FIELDWORK COMPLETED
ON JUNE 16-18, 2021

BASIS OF BEARINGS

THE EAST LINE OF THE SW1/4 OF
SEC. 14, T.20N, R.15E, BEARS
N 00°12'01"W AS REFERENCED TO THE
WINNEBAGO CO. CRD SYSTEM, NAD 83 (2011).

SURVEYOR'S NOTE

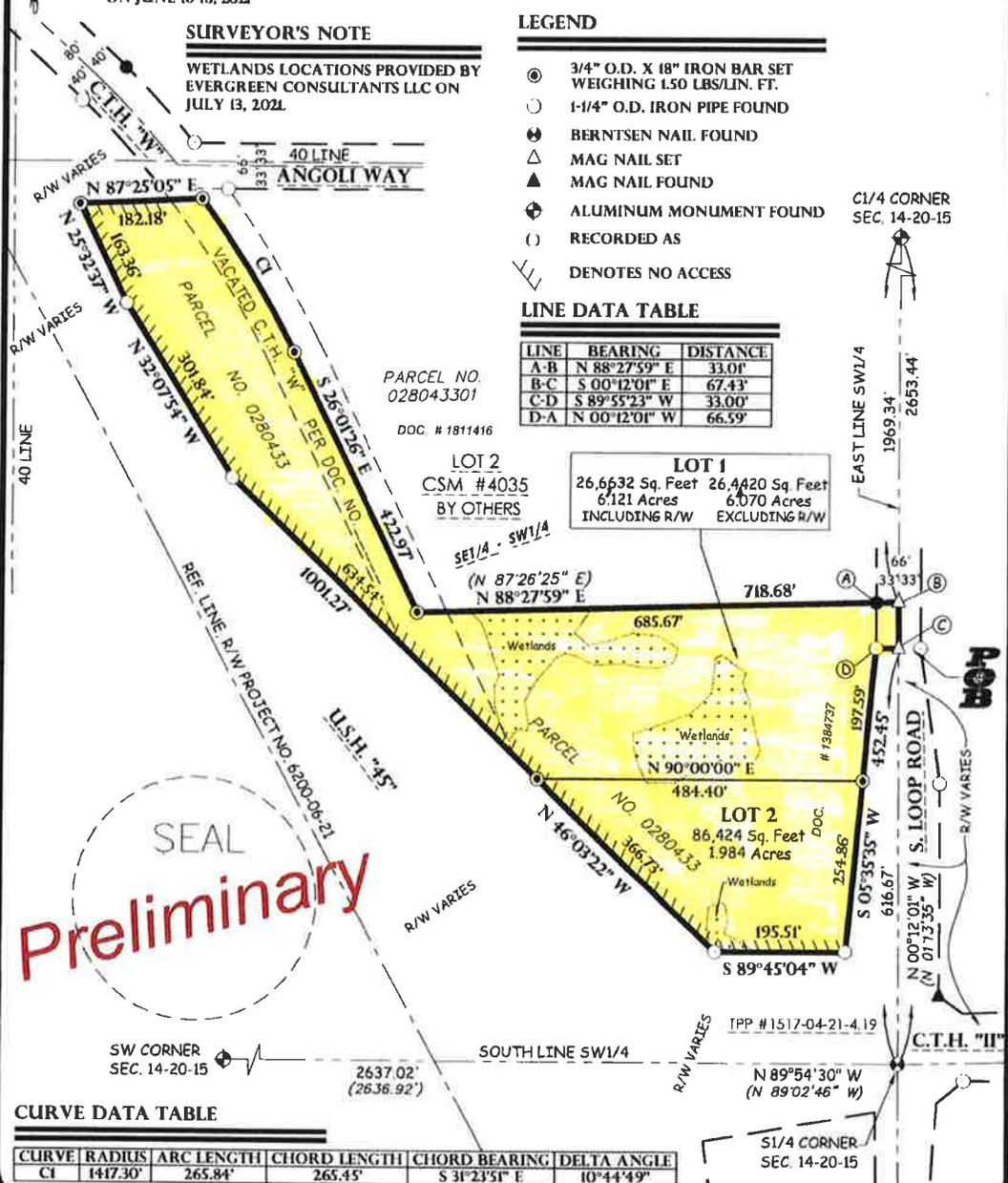
WETLANDS LOCATIONS PROVIDED BY
EVERGREEN CONSULTANTS LLC ON
JULY 13, 2021.

LEGEND

- ⊙ 3/4" O.D. X 18" IRON BAR SET
WEIGHING 150 LBS/LIN. FT.
- 1-1/4" O.D. IRON PIPE FOUND
- ⊕ BERNTSEN NAIL FOUND
- ▲ MAG NAIL SET
- △ MAG NAIL FOUND
- ⊕ ALUMINUM MONUMENT FOUND
- RECORDED AS
- ⊘ DENOTES NO ACCESS

LINE DATA TABLE

LINE	BEARING	DISTANCE
A-B	N 88°27'59" E	33.0'
B-C	S 00°12'01" E	67.43'
C-D	S 89°55'23" W	33.00'
D-A	N 00°12'01" W	66.59'



CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1417.30'	265.84'	265.45'	S 31°23'51" E	10°44'49"



Land Surveying
Civil Engineering
Landscape Architecture
Jordan G. Brost, PLS #3009
4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999 (M) 715.344.9922 (F)

THIS INSTRUMENT WAS DRAFTED BY JORDAN BROST
AND DRAWN BY TRAVIS PLANTICO

FIELD BOOK _____ PAGE _____
JOB # 21.056

SHEET 1 OF 3 SHEETS

CERTIFIED SURVEY MAP

BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN.

Surveyor's Certificate

I, Jordan G. Brost, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped part of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 20 North, Range 15 East, Town of Winchester, Winnebago County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of Section 14, Township 20 North, Range 15 East;
Thence N 00°12'01" W along the East line of the Southwest 1/4 of said Section 14, 616.67 feet to the Point of Beginning (P.O.B.) of the parcel to be described;
Thence S 89°55'23" W, 33.00 feet to the West right-of-way line of S. Loop Road;
Thence S 05°35'35" W along said West right-of-way line of S. Loop Road, 452.45 feet to the North right-of-way line of C.T.H. "II";
Thence S 89°45'04" W along said North right-of-way line of C.T.H. "II", 195.51 feet to the East right-of-way line of U.S.H. "45";
Thence N 46°03'22" W along said East right-of-way line of U.S.H. "45", 1001.27 feet;
Thence N 32°07'54" W along said East right-of-way line of U.S.H. "45", 301.84 feet;
Thence N 25°32'37" W along said East right-of-way line of U.S.H. "45", 163.36 feet;
Thence N 87°25'05" E along said East right-of-way line of U.S.H. "45", 182.18 feet to the center line of vacated C.T.H. "W";
Thence Southeasterly 265.84 feet along the arc of a curve, along said center line of vacated C.T.H. "W", concave southwesterly, having a radius of 1417.30 feet and whose long chord bears S 31°23'51" E, 265.45 feet;
Thence S 26°01'26" E along said center line of vacated C.T.H. "W", 422.97 feet;
Thence N 88°27'59" E, 718.68 feet to the East line of the Southwest 1/4 of said Section 14;
Thence S 00°12'01" E along said East line, 67.43 feet to the Point of Beginning (P.O.B.).

Containing 353,056 Square Feet - 8.105 acres.

Subject to (if any) covenants, conditions, restrictions, right-of-ways and easements of record.

That I have made such survey, land division and plat by the direction of DGI-Winchester, LLC
That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.
That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Subdivision Ordinance of the Town of Winchester in surveying, dividing and mapping the same.

Dated this _____ day of _____, 2021.

Jordan G. Brost
PLS No. S-3009



Winnebago County Planning and Zoning Certificate

Pursuant to the Land Subdivision Regulations of the County of Winnebago, Wisconsin, all the requirements for approval have been fulfilled. This Minor Subdivision was approved by the Winnebago County Planning and Zoning Committee on this _____ day of _____, 2021.

Chairperson, Planning and Zoning Committee

PREPARED BY:

Point of Beginning, Inc.
4941 Kirschling Court
Stevens Point, WI 54481

OWNER:

M7 Investment Group LLC
926 Jacobson Road
Neenah, WI 54956

CLIENT:

DGI-Winchester, LLC
200 E. Washington St., Suite 2a
Appleton, WI 54911



Land Surveying
Civil Engineering
Landscape Architecture
Jordan G. Brost, PLS #3009
4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999(PH) 715.344.9922(FX)

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AND DRAWN BY TRAVIS PLANTICO

FIELD BOOK _____ PAGE _____
JOB # 21.056

SHEET 2 OF 3 SHEETS

CERTIFIED SURVEY MAP

BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN.

Owner's Certificate

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the map. I also certify that this certified survey map is required by s236.34 to be submitted to the following for approval or objections:

Town of Winchester
Winnebago County

Witness the hand and seal of said owner this _____ day of _____, 2021.

M7 Investment Group LLC Representative, Owner

STATE OF WISCONSIN)
COUNTY OF WINNEBAGO)

Personally came before me this ____ day of _____, 2021, the above named M7 Investment Group Representative, to me known to be the person who executed the foregoing instrument and hereby acknowledge the same.

_____, Notary Public, _____, Wisconsin.

My commission expires _____.

Town of Winchester Board Resolution

Resolved that this certified survey map is approved for recording by the town board of the Town of Winchester.

I hereby certify that the foregoing is a resolution presented and adopted by the town board of the Town of Winchester on this _____ day of _____, 2021.

Town Chairperson

Town Clerk

Treasurer's Certificate

I hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands shown hereon.

Town Treasurer

Date

County Treasurer

Date

PREPARED BY:

Point of Beginning, Inc.
4941 Kirschling Court
Stevens Point, WI 54481

OWNER:

M7 Investment Group LLC
926 Jacobson Road
Neenah, WI 54956

CLIENT:

DGI-Winchester, LLC
200 E. Washington St., Suite 2a
Appleton, WI 54911

SEAL
Preliminary



Land Surveying
Civil Engineering
Landscape Architecture
Jordan G. Brost, PLS #3009
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FIELD BOOK _____ PAGE _____
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SHEET 3 OF 3 SHEETS