

DATE: 11/19/19

R E S O L U T I O N

No. 004

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 11/04/19

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF OSHKOSH in accordance with the petition of Brett Gelbach 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 OSHKOSH, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 (General Farming District)** of said ordinance, which it now and heretofore had, to the zoned district of **B-3 (General 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 Oshkosh)

PARCEL NO: **018-0414-05, 018-0408-01**; FROM **A-2** TO **B-3**

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 _____, 2019.

Mark Harris

County Board Supervisory district **12 - Gabert**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF NOVEMBER 1, 2019

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAA*

RE: Review of Town Zoning Changes

1. Kevin Hoppe - Town Zoning Change (Tax ID No: 006-0849-01) – Town of Clayton.

Kevin Hoppe
The town zoning change for Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *5-0 Approved*

2. Jack Borchert - Town Zoning Change (Tax ID No: 006-0317-01 & 006-0318-02) – Town of Clayton.

The town zoning change for Jack Borchert is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-2 (Suburban Residential District) and A-2 (General Agricultural District) to and I-2 (Heavy Industrial District) and Winnebago County's land use plan shows future land use as Non Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *5-0 Approved*

3. Brett Gelbach - Town Zoning Change (Tax ID No: 018-0414-05 and 018-0408-01) – Town of Oshkosh.

The town zoning change for Gelbach is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from A-2 (General Farming District) to B-3 (General Business District) and Winnebago County's land

use plan shows future land use as Non-residential (City of Oshkosh Future Land Use Plan – Draft) under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. 5-0 *Approved*

018-0414-05 & 018-0408-01 to B-3 (General Business)
Town FLU: General Commercial
Cosh FLU: Commercial

Reference #08-2019 – Zoning Ordinance Amendment

**AMENDMENT TO THE ZONING ORDINANCE
OF THE TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN**

BE IT ORDAINED by the Town Board of the Town of Oshkosh, Winnebago County, Wisconsin, that the Zoning Ordinance of said Town be, and the same is hereby amended, in the following manner, to wit:

Section 1. The following described lands are hereby rezoned to B-3 General Business District.

Property located at (un-addressed) County Road S, Oshkosh WI 54904; specifically described as Certified Survey Map document #3516 and further described as:

Parcel 018-0414-05:

PT SW NE DESC AS LOT 2 OF CSM-3516 EXC HWY-PT D1158127-3.60A & EXC HWY-D1175749-.26A 2.82 A.

Parcel 018-0408-01:

PT NW NE & PT SW NE DESC AS LOT 1 OF CSM-3516 EXC HWY-PT D115127-.83A 4.06 A.

Section 2. The zoning map of the Town of Oshkosh shall change to reflect the zoning amendment of parcels 018-0414-05 and 018-408-01 to B-3 General Business District.

Section 3. This Ordinance is effective by town board approval.

Adopted this 25th day of July, 2019.

TOWN OF OSHKOSH

By:

Jim Erdman - CH.
Jim Erdman, Chairperson

Attest:

Jeannette Merten, Clerk

PLANNING & ZONING COMMISSION RECOMMENDATION OF DECISION TO TOWN BOARD

Town Plan Commission Secretary: Sharon Karow Date: 7-26-2019

Town Plan Commission Chair: Jim Erdman - CH. Date: 7-30-2019

Decision Date: 7-26-2019 Actual date: 7-25-2019

Approved with stipulation Denied _____

Published Dates of public hearing (class 2 notice): July 11 + 18, 2019

Reasons for findings, including any stipulations or conditions:

~~The area is going commercial and change will take place in this area and the area can't be farmed any more~~ Outside storage be neat and in an orderly manner and stipulated by code 16-3-16(2) in the Town of Oshkosh Zoning Ordinances Should there be any complaints screen fencing may be required for the outside storage area

FINAL APPROVAL OF ZONING CHANGE REQUEST BY TOWN BOARD

Town Clerk: [Signature] Date: 7-29-2019

Town Board Chairman: Jim Erdman Date: 7-29-2019

Decision Date: July 25, 2019

Approved X Denied _____

Findings:

Commercial zoning is the trend in the surrounding area, which is near a major interchange to US Hwy 45, the property aligns alongside US Hwy 45, and there are other nearby commercial use properties

Stipulations/Conditions:

Outside storage is to be neat and in an orderly manner according to code 16-3-16(2) in Town of Oshkosh Zoning Ordinance. Should there be any complaints, screen fencing may be required for outside storage area.

STATE OF WISCONSIN
 BROWN COUNTY

TOWN OF OSHKOSH
 1076 COZY LN
 OSHKOSH WI 549011404

Received
JUL 24 2019
 Town of Oshkosh
 Winnebago, WI

Being duly sworn, doth depose and say that she/he is an authorized representative of the Oshkosh Northwestern, a daily newspaper published in the city of Oshkosh, in Winnebago County, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on

Account Number: GWM-N5839
 Order Number: 0003665896
 No. of Affidavits: 1
 Total Ad Cost: \$46.91
 Published Dates: 07/11/19, 07/18/19

(Signed) *Keena* (Date) 7-19-19
 Legal Clerk



Signed and sworn before me
M. Rome
 My commission expires 1-12-2021

TOWN OF OSHKOSH
 NOTICE OF PUBLIC HEARING
 PLANNING & ZONING COMMISSION
 OF THE TOWN OF OSHKOSH will conduct PUBLIC HEARINGS at 6:00 P. on THURSDAY, JULY 25, 2019, in TOWN HALL located at 230 E. COUN RD, Y, OSHKOSH, WI 54901. The purpose of the Public Hearings is to RECEIVE PUBLIC COMMENT regarding the following ZONING CHANGE application:
 A. THE PETITIONERS: Applic GELBACH INVESTMENTS LLC, BRETT GELBACH, Property Address: COUNTY RD S, OSHKOSH WI 549 request that the following property rezoned from A-2 General Farm District to B-3 General Business District specifically described as Tax Parcel 01-0414-05 & 08-0408-01;
 B. LEGAL DESCRIPTION DESCRIBED AS FOLLOWS:
 Parcel 01B-0414-05
 PT SW NE DESC AS LOT 2 OF CS 3516 EXC HWY-PT D1158127-3.60A EXC HWY-D1175749-.28A 2.82 A.
 Parcel 01B-0408-01
 PT NW NE & PT SW NE DESC AS L1 1 OF CSM-3516 EXC HWY-F D115127-.83A 4.06 A.
 All interested parties and any objection to the granting of this request will be heard at the Public Hearing. Dated this 2nd, day of July 2019. Published on July 11 & 18, 2019
 Jeannette Merten, Town Clerk
 Town of Oshkosh
 Run: July 11, 18, 2019, WNAXLP

TOWN OF OSHKOSH
 Re: July 25th

Received

JUL 01 2019

Town of Oshkosh
Zoning Change/Amendment Application

Check or Money Order payable to Town of Oshkosh Fee: \$450.00 receipt # ID Number
(Please print using black ink for duplication purposes)

A. CONTACT INFORMATION

1.) PROPERTY OWNER:

Name: Gelbach Investments LLC / Brett Gelbach

Mailing Address: 2962 Sunset Point Lane, Oshkosh WI 54904

Phone: Cell: 920-740-7817 Email: brett@oshkosdock.com

7817 920-289-0326

Permission is hereby granted for appropriate Town Staff to enter upon the property for the placement and removal of hearing notice sign, and conducting inspections prior to hearing. Said permission is to remain in force until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Signature: [Signature] Date: 6/28/19

2.) APPLICANT INFORMATION (if different than owner):

Name:

Mailing Address:

Phone: Cell: Email:

B. PROPERTY INFORMATION:

1.) Tax Key/Parcel #: 0180 46 801 / 0180 41 405

2.) Lot 1 and 2 Block Subdivision or CSM# 3516
Section 33 Town 19 North Range 16 East Acres 4.06/2.82

3.) Location of Property: County highway 5

4.) Zoning (Existing): A2 Zoning Proposed: B-3

5.) Use (Existing): Residential / Vacant
Use (Proposed): Business / commercial

6.) Existing Sewer: [X] Septic [] Mound [] Holding Tank [] Municipal [] or Needed

7.) Proposed site plan AND map of existing location as described in instructions included: Yes

C.) REASONS FOR CHANGE:

Describe the MAIN USE:
Shop for Boat Dock and Lift business - storage for boat docks and lifts.

Describe the PROPOSED USE:

Boat dock and lift ~~site~~ shop

Describe the essential services (sewer, water, streets, etc.) for present and future uses:

water/sewer

Describe why the proposed use would be the highest and best for the property:

Very high traffic area where residential property is not the best option - highway frontage on both sides of property

Describe the property use compatibility with surrounding land use:

Commercial Brewery not far away, storage units opposite side of road, Large Paper Manufacturing Facility nearby

A Public Hearing will be set upon the receipt of applications Z-100 & Z-101 including supplemental material and payment, whereas the applicant will furnish necessary information to the Zoning Administrator for processing of this application.

I ACCEPT THESE TERMS AND HEREBY SUBMIT THE APPLICATION FOR APPROVAL:

SIGNED:

[Signature]

DATE:

6/28/19

Print name:

Brett Gelbach (manager)

Date Application Received by Zoning Administrator:

7/2/19

Zoning Administrator signature:

[Signature]

FORM NO. 903-A
H.C. ITM

CERTIFIED SURVEY MAP NO. 3516

CURVE DATA TABLE:

CURVE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	TANGENT BEARINGS
1	1429.14	08-14-32	N38-53-04W	205.41	205.59	N43-00-20W N34-45-48W
2	1396.14	06-46-56	N38-09-16W	165.16	165.26	N41-32-44W N34-45-48W

SURVEYOR'S CERTIFICATE:

I, ROBERT F. REIDER, REGISTERED WISCONSIN LAND SURVEYOR, CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 16 EAST, TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 33, THENCE S89-58-23E, 1318.20 FEET ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 33 TO THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 33; THENCE S00-13-53W, 1189.48 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING; THENCE CONTINUING S00-13-53W, 1185.84 FEET ALONG SAID EAST LINE TO A POINT ON THE ARC OF A 1429.14 FOOT RADIUS CURVE OF THE CENTERLINE OF S.T.H. "110"; THENCE ALONG THE ARC OF SAID CURVE OF SAID CENTERLINE, THE CHORD WHICH BEARS N38-53-04W AND IS 205.41 FEET IN LENGTH TO THE TERMINATION POINT OF SAID CURVE; THENCE N34-45-48W, 1249.12 FEET ALONG SAID CENTERLINE TO THE NORTH LINE OF LANDS DESCRIBED IN DOCUMENT NUMBER 802636; THENCE S89-59-02E, 845.97 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY UNDER THE DIRECTION OF DAVID JACOBSON, 4300 HIGHWAY "110", OSHKOSH, WISCONSIN 54904.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCE OF WINNEBAGO COUNTY.



Robert F. Reider 8-21-96
 ROBERT F. REIDER, RLS-1251 DATED
 CAROW LAND SURVEYING CO., INC.
 P.O. BOX 1297, 1837 W. WIS. AVE.
 APPLETON, WISCONSIN 54912-1297
 A968.12 (ec-ms DGV) 8-19-96

TOWN BOARD APPROVAL:

WE HEREBY CERTIFY THAT THE TOWN OF OSHKOSH BOARD OF SUPERVISORS APPROVED THIS CERTIFIED SURVEY MAP ON THE 26th DAY OF

August, 1996.
James R. Fry
 TOWN CHAIRPERSON

Samuel Miller
 TOWN CLERK

COUNTY PLANNING AND ZONING COMMITTEE APPROVAL:

PURSUANT TO THE WINNEBAGO COUNTY SUBDIVISION ORDINANCE, ALL REQUIREMENTS FOR APPROVAL HAVE BEEN FULFILLED. THIS CERTIFIED SURVEY MAP WAS APPROVED THIS 30th DAY OF

August, 1996.
James M. Seibert
 CHAIRPERSON, WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE

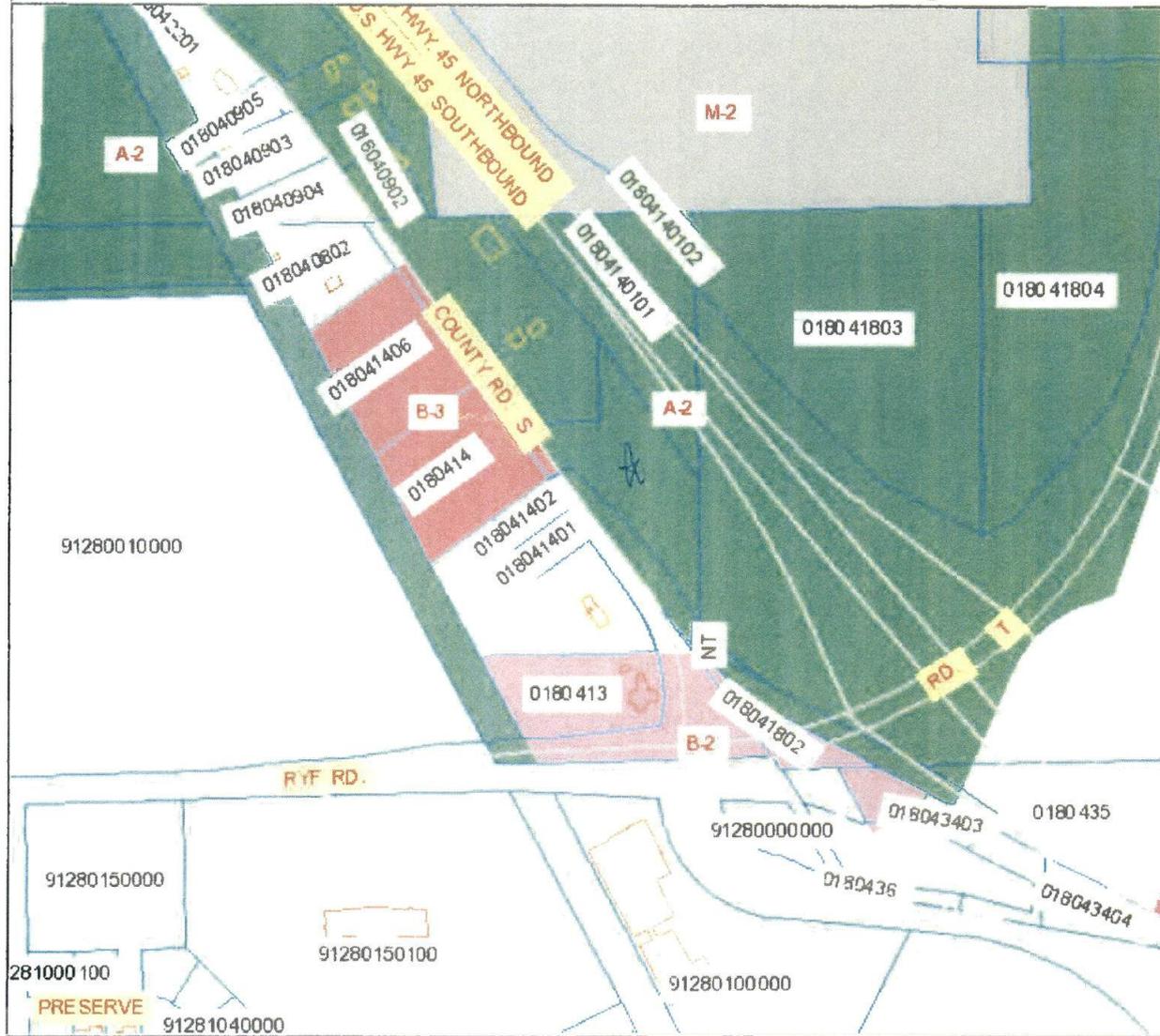
947470

Register's Office
 Winnebago County, Wis.
 Received for record this 31st
 day of Sept. A.D., 1996
 at 8:08 o'clock A.M. and
 filed in Vol. 1 of CSM
 on page 3516
Jane L. Chausse
 Register of Deeds

dy
11/8

Carroll Land Services

Profile Map View



Legend

- Road Centerline
- Building Footprint
- County Parcels
- Pool Lakes
- T. Oshkosh Zoning -----
- CA-1] AGRI-BUSINESS DISTRICT
- CA-2] GENERAL FARMING DISTRICT
- CB-1] LOCAL SERVICE DISTRICT
- CB-2] COMMUNITY BUSINESS DISTRICT
- CB-3] GENERAL BUSINESS DISTRICT
- CB-3(H.B.)] GENERAL BUSINESS DIST. (HWY BUSINESS USES)
- CB-4] BUSINESS PARK DISTRICT (SEWERED)
- CB-5] PLANNED COMMERCIAL BUSINESS DISTRICT (SEWERED ONLY)
- CM-1] LIGHT INDUSTRIAL & OFFICE DISTRICT
- CM-2] HEAVY INDUSTRIAL DISTRICT
- CMH-1] MOBILE HOME DIST. (SUBDIVED, SEWERED OR UNSEWERED)
- EP-1] INSTITUTION & RECREATIONAL PARK DISTRICT
- ER-1] RURAL RESIDENTIAL DISTRICT (NONSUBDIVIDED)
- ER-2] SUBURBAN RESIDENTIAL DISTRICT (SUBDIVIDED)
- ER-3] TWO-FAMILY RESIDENTIAL DISTRICT
- ER-4] MULTIPLE-FAMILY RESIDENTIAL DISTRICT
- ER-5] PLANNED RESIDENTIAL DISTRICT (SEWERED)

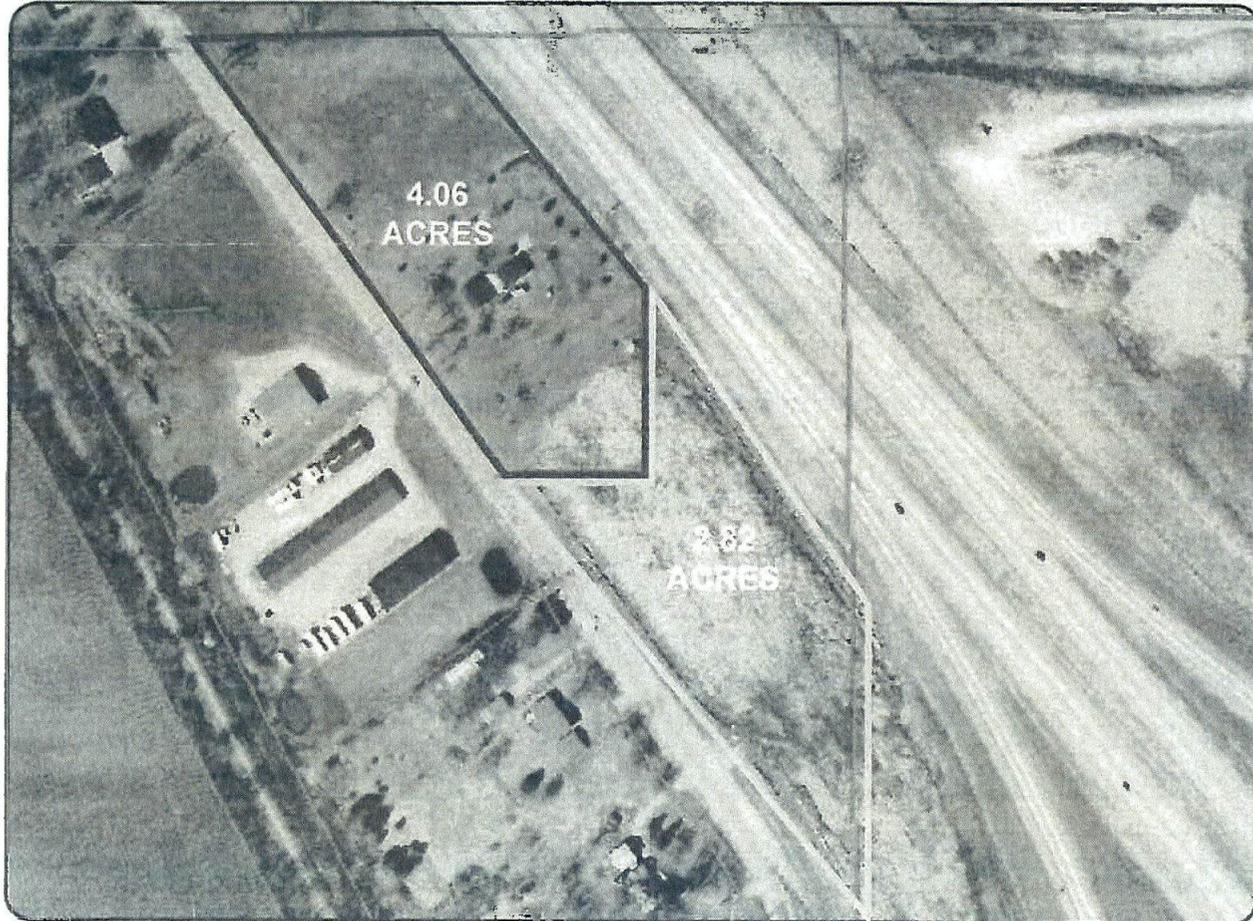
Received
 JUL 01 2019
 Town of Oshkosh
 Winnebago, WI

SCALE: 0 210 420 ft *** Powered by MapServer V4 ***

[Return to Profile Listings](#)

Commercial Land with House For Sale

4300 County S & Hwy 45, Oshkosh, WI.



APPROXIMATELY 7 ACRES OF LAND FOR SALE BETWEEN HIGHWAY 45 & COUNTY ROAD S / FULL INTERCHANGE ON HIGHWAY 45 AND COUNTY HWY T / OSHKOSH PUBLIC SCHOOLS OWN 40 ACRES NEARBY / NEAR CASTLE PRINTING COMPANY / POTENTIAL ANNEX TO CITY OF OSHKOSH / WELL / SEPTIC

Received

JUL 01 2019

Town of Oshkosh
Winnebago, WI

Asking Price:	4.06 Acre Lot = \$ [REDACTED] (Parcel #018040801) 2.82 Acre Lot = \$ [REDACTED] (Parcel #018041405)
Parcel Size:	6.88 Acres
House on-site has 3 bedrooms and 3 car garage with central air (rented for \$800/month)	



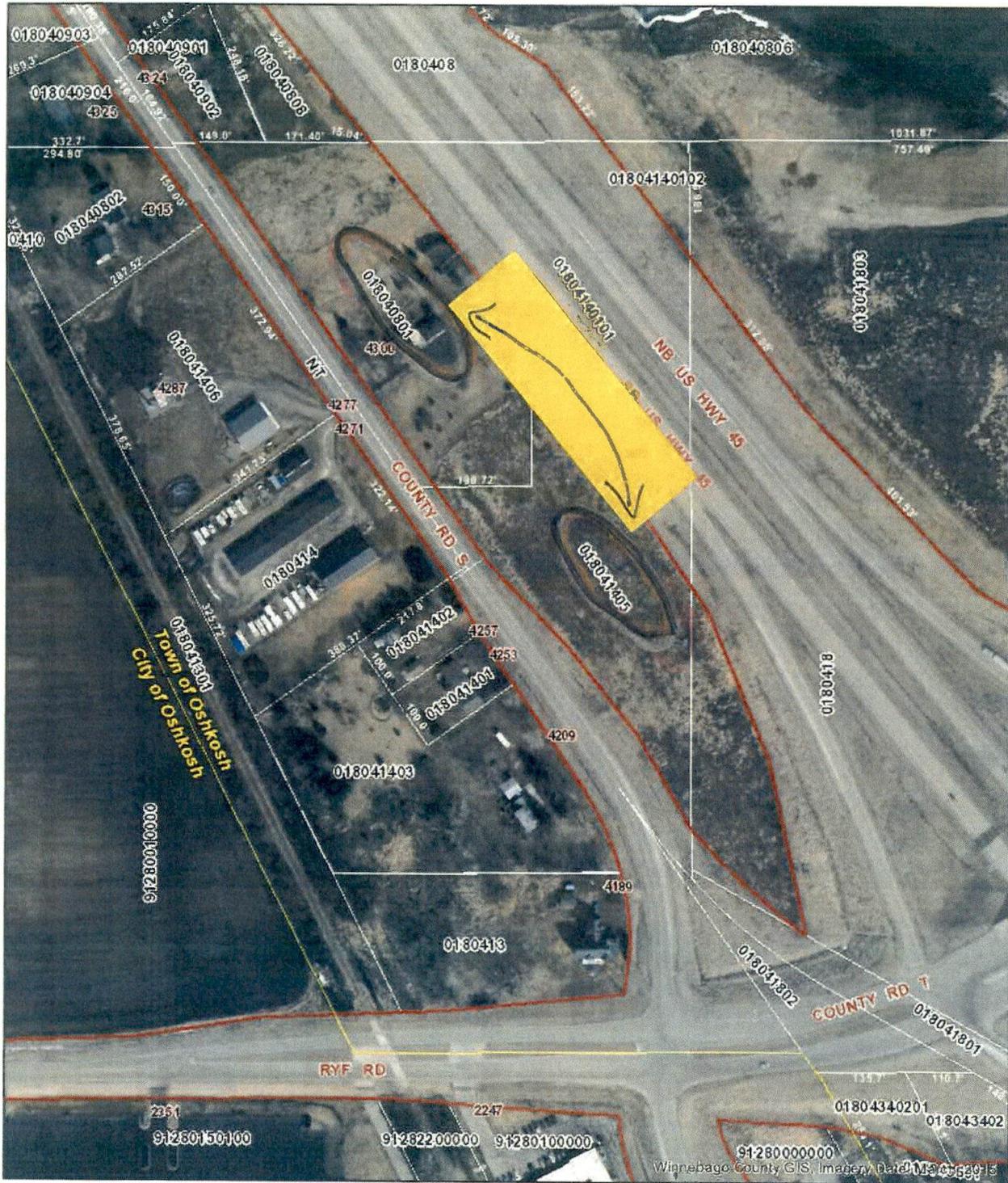
Newmark Grubb Exclusive Advisor:
Pfefferle

Bob Rossi
920.560.5065 bobr@ngpwi.com
www.ngpwi.com

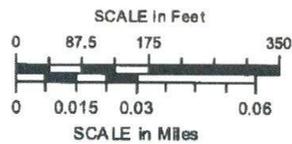
200 E Washington Street, 2A
Appleton, WI 54911
Main: 920.968.4700
Fax: 920.968.4300

The information contained herein was obtained from sources believed reliable; however, Newmark Grubb Pfefferle makes no guarantees, warranties, or representations as to the completeness or accuracy thereof. The presentation of this property is submitted subject to errors, omission, change of price or other conditions, prior sale or lease, or withdrawal without notice.

Site Map



July 2, 2019



W.I.N.G.S. Project Disclaimer
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Gelbach Zoning Change - mailing list

WET PAINT LLC
4189 COUNTY RD S
OSHKOSH WI 54904

STRAVELER, LUCAS T
STRAVELER, ASHLEY K
4209 COUNTY RD S
OSHKOSH WI 54904

GERLACH, RICHARD L
4253 COUNTY RD S
OSHKOSH WI 54904

GERLACH, RICHARD L
GERLACH, JACQUELINE M
4253 COUNTY RD S
OSHKOSH WI 54904

BUELOW, JON L
645 W FULTON ST
WAUPACA WI 54981

PASCARELLA CONSTRUCTION LLC
5159 HIGH POINTE DR
WINNECONNE WI 54986

CARNEY, BRAD M
JOLIN, LINDSY J
4315 COUNTY RD S
OSHKOSH WI 54904

HABER, THOMAS L
HABER, SHARON E
4325 COUNTY RD S
OSHKOSH WI 54904

GUNTHER, GERALD J
GUNTHER, DIONE M
1239 BAY SHORE DR
OSHKOSH WI 54901

JUNGWIRTH, JEFFREY R
5725 COUNTY RD A
OSHKOSH WI 54901

BRADLEY, BRIAN
MARIN, LINDA
4330 COUNTY RD S
OSHKOSH WI 54904

Brett Gelbach
2962 Sunset Point Ln
Oshkosh WI 54904

Minutes
Town of Oshkosh

Special Town Board Meeting – July 25, 2019 - 7:00 p.m. – Town Hall

PRESENT: Chair Jim Erdman, Supervisor Matt Merten, Supervisor Bill Demler, and audience of 0.

Chair Erdman called meeting to order at 7:33 p.m.

Applicant: BRETT GELBACH/GELBACH INVESTMENT LLC, 2962 SUNSET POINT LANE, OSHKOSH WI 54904 and;

Property Owner: BRETT GELBACH, 2962 Sunset Point Lane, Oshkosh WI 54904

request that the following property be rezoned from:

Agricultural A-2 to General Business District B-3, property located at (un-addressed)

County Road S, Oshkosh WI 54904; specifically described as

Parcel 018-0414-05

**PT SW NE DESC AS LOT 2 OF CSM-3516 EXC HWY-PT D1158127-3.60A
& EXC HWY-D1175749-.26A 2.82 A.**

Parcel 018-0408-01

**PT NW NE & PT SW NE DESC AS LOT 1 OF CSM-3516 EXC HWY-PT
D115127-.83A 4.06 A.**

Motion made by M. Merten, Demler seconded, to adopt **ORDINANCE ZONING AMENDMENT 08-2019, Brett Gelbach / Gelbach Investment LLC zoning change of two parcels 018-0408-01 and 019-0414-05 from A-2 to B-3.**

Findings:

Commercial zoning is the trend in the surrounding area, which is near a major interchange to US Hwy 45, the property aligns alongside US Hwy 45, and there are other nearby commercial use properties.

Stipulations/Conditions:

Outside storage is to be neat and in an orderly manner according to code 16-3-16(2) in Town of Oshkosh Zoning Ordinance. Should there be any complaints, screen fencing may be required for outside storage area.

Roll call.

Erdman, yes; M. Merten, yes; Demler, yes. Motion carried.

Motion made by Demler, M. Merten seconded, to adjourn.

Roll call.

Motion carried unanimously.

Meeting adjourned at 7:45 p.m.

Jeannette Merten
Town of Oshkosh Clerk
Minutes notes taken by Supervisor Matt Merten