

WINNEBAGO COUNTY
PLANNING & ZONING COMMITTEE
Deliberative

October 5th, 2015

7:30 A.M.

Planning & Zoning Department 3rd Conference Rm – County Administration Building

PRESENT: Supervisors Tom Egan, Chairman, Larry Kriescher, Robert Keller, Claud Thompson, Maribeth Gabbert, Brian P. O'Rourke - Associate Planner, Cary Rowe – Zoning Administrator, Lynne Egan - Court Reporter.

The meeting was called to order by T. Egan, Chairperson, at 7:30 A.M.

1. Fox Valley Huntsmens and Fishermens Club – 5934 County Rd E, Town of Omro – Zoning Map Amendment.

* C. Thompson was not present for this item. He arrived for the start of discussion of item #2.

Applicant is requesting a Zoning Map Amendment/Zoning Change from A-2 (General Agriculture), B-2 (Community Business), & R-1 (Rural Residential) to A-2 (General Agriculture) to eliminate multiple zoning districts for the construction of an agricultural storage building.

B. O'Rourke read the staff report into the record, which recommended approval of the proposed zoning change.

Motion to approve the zoning change by M. Gabert. Seconded by L. Kriescher. Motion carried 4-0.

There was no further testimony on this item.

2. Michael Butler – W of 9105 Eureka Lock Rd, Town of Rushford – Conditional Use Permit.

Applicant is requesting a conditional use permit for the construction of a pond in a shoreland district in order to use the spoils and fill for the creation of a single family home.

B. O'Rourke read the staff report into the record which recommended approval with conditions.

Motion to approve the proposed conditional use permit by L. Kriescher. Seconded by R. Keller. Motion failed 2-3.

The Committee members who voted in opposition to the motion to approve expressed concern over the potential of flooding due to the presence of the pond and did not want the flooding to be directed toward the road.

B. O'Rourke stated that in order to be able to verify that the pond would pose a flood risk a hydraulic study would be required, and that if they wished to deny the C.U.P. that a motion to that effect is required, as the motion to approve that failed is not a denial of the application.

M. Gabert stated that the Committee did not have a copy of the permit issued by the DNR.

B. O'Rourke stated that the permit was emailed from the DNR to Candace Bauer and that staff was in possession of the permit approving the pond.

C. Rowe stated that the DNR requires photographs of the project be sent to them in order to verify the pond was built to the requirements of their permit, and that verification of that requirement could be a proposed condition of the C.U.P.

Motion to approve the proposed C.U.P. by T. Egan with the two original conditions in the staff report, with the addition of two conditions: 1 – verification from the DNR that they have verified the pond was done to their permits specifications; 2 – any overflow from the pond shall be directed to the river. No second – motion failed.

B. O'Rourke stated that the Committee could also condition an on-site visit and review of the C.U.P. as a condition.

Motion to approve the C.U.P. by M. Gabert with the two original conditions listed in the staff report, the two additional conditions as stated in prior motion, and the addition of a fifth condition: The Planning and Zoning Committee shall conduct an on-site inspection of the property and review the C.U.P. at their approximate April, 2016 viewing. Motion seconded by C. Thompson. Motion carried 4-1.

There was no further testimony on this item.

3. Thomas Blank et al – E of Richter Ln, Town of Winchester – Zoning Map Amendment.

Applicant is requesting a Zoning Map Amendment/Zoning Change from A-2 (General Agriculture) to R-2 (Suburban Residential) in order to create garage lots.

B. O'Rourke read the staff report into the record which recommended approval. He also stated that the only lot creation that would be allowed of these two

existing properties would be for garage lots due to both roads being private. He also stated that garage lots must be deed restricted to an adjacent lot that contains a principal structure.

Motion to approve the zoning change by M. Gabert. Seconded by C. Thompson. Motion carried 5-0.

There was no further testimony on this item.

4. Winnebago County Zoning Department – Chapter 23 Text Amendment.

Applicant is requesting Text Amendments to the Winnebago County Zoning Code (Chapter 23) of the Winnebago County General Code. A complete text is on file with the Winnebago County Zoning Office.

B. O'Rourke read the staff report into the record which recommended approval.

Motion to approve the proposed text amendments by L. Kriescher. Seconded by M. Gabert. Motion carried 5-0.

There was no further testimony on this item.

ADJOURNMENT

Motion to adjourn by L. Kriescher. Seconded by M. Gabert. Motion carried 5-0.

Meeting adjourned at 8:30 A.M.

Respectfully submitted,

Brian P. O'Rourke, AICP
Associate Planner