

WINNEBAGO COUNTY
PLANNING & ZONING COMMITTEE
DELIBERATIVE

November 30, 2015

7:30 A.M.

3rd Floor Conference Room – County Administration Building

PRESENT: Supervisors Tom Egan, Larry Kriescher, Claud Thompson, Maribeth Gabert, and Robert Keller; Candace Bauer - Code Enforcement Officer and Karen Frederick - Court Reporter.

EXCUSED: None

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

1. **Ron Wachholz– Town of Nekimi – Zoning Map Amendment**

Applicant is requesting a zoning map amendment to A-2 General Agriculture.

C. Bauer read the staff report/findings.

Motion by M. Gabert to approve. Seconded by R. Keller.

Committee members voiced their concerns for the use that is taking place to the east of the subject property. C. Bauer explained that it is agriculturally zoned and therefore only those uses permitted in an A-2 district should be occurring on the property. The Committee asked staff to keep an eye on the property. C. Bauer acknowledged.

Motion carried 5-0.

2. **MS Real Estate Holdings LLC/Brian Chappa – Town of Omro – Zoning Map Amendment**

Applicant is requesting a zoning map amendment to R-1 Rural Residential.

C. Bauer read the staff report/findings.

Motion by R. Keller to approve. Seconded by L. Kriescher.

R. Keller inquired about the finding that the Town had right of approval or denial. C. Bauer explained that since the property is non-shoreland, that this is the accurate finding but that she would verify with the Zoning Administrator and/or ask for further clarification.

Motion carried 5-0.

3. Tri-County Recreation/Keith Kabat – Town of Menasha – Conditional Use

Applicant is requesting a conditional use permit to be allowed a duplex in a B-3 zoning district.

C. Bauer read the staff report/findings. C. Bauer explained the conditions and how they related to regulations in the Zoning Code.

T. Egan inquired why the property owner did not go forward with a rezoning instead of the conditional use request. C. Bauer explained that staff recommended to the prospective buyer at the time that a conditional use was optional but that to place the duplex on the property through a rezoning process would likely also require a Future Land Use Plan amendment.

R. Keller noted that the area is already of mixed uses, with both commercial and residential surrounding the subject property.

M. Gabert pointed out that the B-3 zoning district has a lot of allowed uses within it and that the duplex use does not fit within the B-3 zoning. C. Thompson added that it seemed odd not to allow a commercial use in a commercial district.

Staff and Committee members discussed the possibility of approving the use for just this property owner or future owners as well. The Committee also discussed the previous property owner's difficulty in selling the property and its limitations.

T. Egan made a motion to amend the fourth condition of the staff report/findings to read "Although the property is commercially zoned, no commercial uses shall take place, including minor or major home occupations" from "Although the property is commercially zoned, no commercial uses shall take place except for those minor or major home occupations approved by permit or conditional use". Seconded by L. Kriescher

Motion to approve the amendment carried 3-2 (Aye: L. Kriescher, R. Keller, T. Egan; Nay: M. Gabert, C. Thompson)

Several Committee members voiced their opinions and frustrations of not allowing a commercial use within a commercial zoning district.

C. Thompson inquired about fencing around the existing stormwater pond to the west of the subject property. C. Bauer explained that stormwater ponds have to meet certain state and local requirements, but that the Town of Menasha handles their own stormwater so it is unknown if a fence is a requirement.

The Committee continued to discuss the conflict of not allowing commercial uses in the B-3 district. C. Bauer noted that if the Committee felt there was a need for it, they could recommend to staff that this conditional use allowance in a B-3 district be reviewed the next time the ordinance is updated.

Vote on original motion to approve with amended condition: 0-5, motion denied.

A decision with sufficient findings was not formally made on this item. A special deliberative session will be held within 40 days of the public hearing.

ADJOURNMENT

Motion by L. Kriescher to adjourn. Seconded by M. Gabert. Motion carried 5-0. Meeting adjourned at 8:11 A.M.

Respectfully submitted,

Candace Bauer
Recording Secretary