

WINNEBAGO COUNTY
PLANNING & ZONING COMMITTEE
DELIBERATIVE

December 11, 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 Lynn Egan - Court Reporter.

EXCUSED: None

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

1. **Minute Approval – September 25, 2015; October 16, October 21, 2015; November 2 (Planning meeting), November 13, November 18, November 30 (Deliberative) and November 30, 2015 (Planning meeting)**

C. Bauer clarified that the minutes of September 25, 2015 did not need to be approved at this meeting as they were already approved at a previous meeting. T. Egan added that in the adjournment section of the minutes for October 21st, the vote specifies 5-0 when in fact it should have been 3-0 with 2 excused Supervisors.

Motion to approve as presented with the exclusion of the September 25, 2015 minutes and the change to the October 21, 2015 minutes made by M. Gabert, seconded by R. Keller.

Motion carried 4-0-1 (L. Kriescher excused).

2. **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 noted that the second deliberative session was being held because a decision with formal findings was not determined at the last deliberative. A revised staff report was submitted to the Committee for consideration in which recommended findings for approval and denial were listed. Also, C. Bauer pointed out that the Town's recommendation for approval was received after the last session, but could now be taken into consideration.

Motion made by M. Gabert to deny the request for the duplex use in the B-3 district; seconded by C. Thompson.

M. Gabert stated that her decision from the first deliberative did not change and that the Town of Menasha was only advisory to this type of request. L. Kriescher mentioned that he agreed

with M. Gabert and also added that the more appropriate process to allow this use in this location would be through a zoning map amendment.

R. Keller asked for a moment to look over the recommended findings. He added that he felt the sixth finding for denial was a very good point and should be emphasized. The finding states, "The establishment of a duplex use in a commercial zoning district hinders a viable commercial property from being used for the highest and best use possible." R. Keller added that the Committee does not know how long the previous property owners tried to sell the property for, but that it can take a long time to sell a property.

There was discussion on how motions should be phrased.

The following findings have been made in accordance with Section 23.7-114:

1. The Town of Menasha has recommended approval with conditions.
2. Town action is advisory due to shoreland jurisdiction.
3. There were no objections.
4. Low to medium density residential uses are typically seen as incompatible with the more intensive commercial uses and development of the B-3 Zoning District.
5. The establishment of a duplex use in a commercial zoning district hinders the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.
6. The establishment of a duplex use in a commercial zoning district hinders a viable commercial property from being used for the highest and best use possible.
7. The Committee feels that a duplex use should not be allowed within a B-3 zoning district, as is permitted by the Zoning Code. The Committee has recommended that the Zoning Department take this into consideration upon the next text amendment.

Motion to deny carried 5-0.

ADJOURNMENT

Motion by L. Kriescher to adjourn. Seconded by R. Keller. Motion carried 5-0. Meeting adjourned at 7:47 A.M.

Respectfully submitted,

Candace Bauer
Recording Secretary