

WINNEBAGO COUNTY  
PLANNING AND ZONING COMMITTEE

**PUBLIC HEARING**

Tuesday, July 28, 2015

6:30 P.M.

Room 408 – County Administrative Building

Present: Supervisors: Tom Egan, Larry Kriescher, Maribeth Gabert, Claud Thompson, and Robert Keller;  
Karen Fredrick – Court Reporter, Candace Bauer – Code Enforcement Officer, and guests

Excused: None

The meeting was called to order by Tom Egan, Chairman at 6:30 P.M. The Committee and staff introduced themselves and C. Bauer read the appeals process.

Supervisor Egan stated that the items on the agenda would be taken in a different order than what is stated.

1. **Ronald Wachholz**– 122 Black Oak School Rd, Town of Black Wolf – Zoning Map Amendment

The applicant is requesting a zoning map amendment to A-2 General Agriculture in order to sell the property.

No one was present to speak in regards to the item.

C. Bauer read a resolution from the Town Board of the Town of Nekimi recommending approval.

2. **Richard Peapenburg** – North of 8936 Clayton Ave, Town of Menasha – Conditional Use

The applicant is requesting a conditional use permit to establish two 12-unit apartment buildings.

Thomas Wood of Harris and Associates was sworn in and explained that the property owner would like to construct two 12-unit buildings for a total of 24 units on the property. The construction would require a lot of site grading within the shoreland district as well.

Supervisor Kriescher inquired if the conditional use permit was needed because there would be over 9 units. C. Bauer confirmed that a conditional use permit was needed in order to have more than 9 units in the R-4 zoning district. Supervisor Gabert inquired if staff could determine how many other areas there were with 9 or more units in an R-4 district.

George Dearborn, Town of Menasha Director of Community Development, was sworn in. He explained that the Town Board, Commission, and staff recommend approval of the item and listed the conditions placed upon the item by the town. Mr. Dearborn addressed Supervisor Gabert's earlier inquiry regarding other areas of this situation and explained that there are a few in the Town of Menasha specifically. He added that it has worked well, especially with the areas being on municipal water and sewer.

3. **Zink Investments LLC** – 2790 Yorkton Place, Town of Algoma – Zoning Map Amendment

The applicant is requesting a zoning map amendment to M-1 Mixed use.

Stephen Zink of 3009 Wylde Oak Ct and owner of Zink Investments was sworn in. Mr. Zink explained that the current uses of the building include a rental apartment and personal storage. He added that this use would remain; however, he would like to add a small batch brewery operation that would use about 600 sq ft of the building. Mr. Zink explained that it would not be evident to the outside and that there would be no tasting room or bottling, only filling kegs for delivery. Mr. Zink mentioned that he tried to meet with residents of the area in which 7 were ok with and supported his request and 3 were opposed.

Mr. Zink then addressed some of the concerns he had heard of. Mr. Zink explained that his proposal was consistent with the future land use plan and that he would only be able to conduct the use on this small lot as he does not own any other lots in the area. Mr. Zink explained that deliveries would only take place with his pickup truck and trailer, which are already present and used at the property. Mr. Zink addressed a concern about odor and mentioned that it would only be present for the 60-120 minutes per batch while proposing 2 batches per week. Finally, Mr. Zink added that the property is well suited for this use and that he'd invested in the property so he would not like to take it elsewhere.

Supervisor Keller asked for clarification regarding the zoning of the property. The current zoning is R-2 Suburban Residential; the proposed zoning is M-1 Mixed Use; and the future land use is commercial.

C. Bauer explained to the Committee and guests that staff had heard of several concerns that were raised at the Town meetings and tried to address them upfront. C. Bauer showed the future land use map on the overhead projector and screen. She indicated that only this one parcel was proposed as commercial on the plan and that all others would require the future land use plan to be amended prior to any other zoning map amendments for a commercial-related zoning. In summary, expansion of a commercial use beyond this particular parcel was not likely.

The following guests were opposed to the request and/or had concerns regarding meeting notifications, the future land use plan, concerns about the effect on the water table, traffic, incompatible use to surrounding uses, negative effects on property values, possible expansion of use within property and beyond property, odors, and attraction of rodents:

Kevin Harvot on behalf of his father, Richard Harvot at 2779 Westmoor Rd

Kim Bahr of 810 N Oakwood Rd

James Schuenke of 2848 Westmoor Rd

Thomas Schiessl of 2791 Westmoor Rd

Patrick Thomas of 802 N Oakwood Rd

Michelle Hamby of 823 Bison Pt

Samantha Thomas of 802 N Oakwood Rd

Carrie Shipman of 811 Bison Pt

Thomas Steffen of 2659 Yorkton Place

Supervisor Kriescher noted that traffic was a concern and inquired about how many times the truck and trailer would go to the property. Mr. Zink specified that he is already going there at least once a day and that in the future it would be very similar as he would buy his grain in bags on a weekly basis and haul with his pickup truck. Mr. Zink added that it would not be a come-and-go operation.

A guest inquired why the future land use was commercial. C. Bauer explained that it likely stemmed from the history of the parcel and then summarized the documentation on the property. It was zoned agricultural prior to becoming a part of the subdivision and had a conditional use permit for a home occupation/professional office, which is where the commercial history stems from.

After hearing concerns, Mr. Zink again approached the Committee and further explained the brewing process, amounts, etc. Mr. Zink said improvements have been made to the exterior of the property. He added that he will also need several approvals from the local Health Department, the State, and Federal governments.

C. Bauer read a resolution from the Town Board of the Town of Algoma recommending denial with the findings that they do have a land use plan and that the action does agree with the land use plan.

Supervisor Gabert inquired about the M-1 district and if other uses could take place. C. Bauer explained that once the property's zoning is changed to M-1, all those uses allowed in the M-1 district could take place on the property.

MOTION made by M. Gabert to send the item back to the Town of Algoma in order to obtain appropriate findings for their recommendation. Seconded by L. Kriescher. Motion carried unanimously.

### ADJOURNMENT

MOTION made by L. Kriescher to adjourn meeting. Seconded by M. Gabert. Motion carried unanimously. Meeting adjourned at 7:40 P.M.

Respectfully submitted,

Candace Bauer  
Recording Secretary