RESOLUTION

DATE: October 8, 2014

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 3

WHEREAS, it is desirable to amend the Zoning Ordinance and the Zoning Map of the TOWN OF OSHKOSH in accordance with the petition of <u>Grundy Enterprises</u> and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan and Winnebago County's Farmland Preservation Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the <u>TOWN OF OSHKOSH</u>, be and the same, are amended to provide that the attached described property be changed from the classification of <u>A-2</u> of said ordinance, which it now and heretofore had, to the zoned district of <u>B-3</u>.

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: 018-0409 FROM A-2 TO B-3. | |
| COUNTY DISCLAIMER: | |
| County Board approval does not include any respon effectiveness of the Town Zoning Amendment or the | |
| APPROVED BY WINNEBAGO COUNTY EXECUTI 2014. | VE THIS DAY OF, |
| ī | Mark Harris |

County Board Supervisory district 12

6/8-0409 --- B-3 FLV:

TOWN OF OSHKOSH RESOLUTION Z-2014-01

A RESOLUTION ADOPTING AN ORDINANCE TO AMEND THE OFFICIAL TOWN OF OSHKOSH ZONING ORDINANCE MAP

- WHEREAS, one or more applications for amendments to the Map of the Town of Oshkosh Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and
- WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Planning & Zoning Commission; and
- WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Title 16 of the Town of Oshkosh Zoning Code of Ordinances; and
- NOW, THEREFORE, BE IT ORDAINED THAT, the Town Board of the Town of Oshkosh, County of Winnebago, State of Wisconsin, pursuant to Title 16 of The Town of Oshkosh Zoning Code of Ordinances hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:
- Section 1: The Official Zoning Map of the Town of Oshkosh is amended as follows:
- A. Applicant: Go Green Properties LLC Dan Dringeli, 1325 Egg Harbor Lane, Oshkosh, WI 54904

Property Owner: Grundy Enterprises, 5148 Sand Pit Lane, Oshkosh, WI 54901

Legal description of property:

Property located at 4362 COUNTY ROAD S, OSHKOSH, WI 54901; specifically described as Tax ID # 018-0409, being PT NW NE & PT NE NW COM NE COR SEC 33 W 2093.75 FT POB S4DGE 1180 FT W 8.45 FT N25DGW 519.67 FT TO BELY COR D719289 S59DGW 198.78 FT TO HWY NWLY 890 FT TO EL RR NW TO NL SEC 33 E 460 FT E 538.65 FT TO POB D762362 EXC HWY-D1172236-12.00A ALSO PT DESC IN D1449282 3.52 A, Town of Oshkosh, County of Winnebago, State of Wisconsin (see Attachment A).

The above described property is hereby rezoned from:

A-2 (GENERAL FARMING DISTRICT) to B-3 (GENERAL BUSINESS DISTRICT)

Findings/Reasons.

Reasoned property is found to be consist with Town's Comprehensive Map and the surrounding area.

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Oshkosh Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 27th, day of May, 2014 by the Town Board of the Town of Oshkosh

Jim Erman, Chair

ATTEST:

Jeannette Merten/Town Clerk

Resolution Z-2014-01

Town of Oshkosh

Zoning Change Petition Application

| A. | |
|--|--|
| 1.) PROPERTY OW | |
| Name: Grandy | |
| | 148 Sand Pit Lane |
| Phone: | Cell: 920-420-1681 Email: ipp: 560 & Coi. Con. |
| earing notices, and conducti f the Public Hearing and is b | for appropriate Town Staff to enter upon the property for the placement and removal of ing inspections prior to hearing. Said permission is to remain in force until the conclusion inding upon all heirs and assigns. |
| Signature: Paul n | 1) - Inimb Date: 03-21-1-1 |
| 2.) APPLICANT INFO | ORMATION (If different than owner): |
| Name: Go (| Green Properties LLC - DAN Drivacti |
| Mailing Address: | |
| Phone (960) 232-33 | |
| 1.) Tax Key/Parcel # | see attached |
| 2.) Lot | |
| Section | |
| 3.) Location of Prop | perty: 4362 County Rd S |
| Zoning (Existing) | |
| 5.) Use (Existing): | empty lot - Farm Ignal |
| Use (Proposed): | Service business shop, mizrobroway at tap house |
| 6.) Existing Sewer:7.) Proposed site plan | septic Mount Holding Tank Municipal or Needed |
| C.) | |
| escribe the main use: | W == |
| currently and | previously- upcast form land |
| · · · · · · · · · · · · · · · · · · · | |
| | |
| | |
| escribe PROPOSED USE: | 000 01 1 11 11 |
| Approximately | 8000 sq Ft building containing office |
| shop area | microsrewey & DAR, Votentially make 2 12ts |
| T- / A | |

| Describe the essential services (sewer, water, streets, etc.) for present and future uses: (urrently there is nhave 3 nower, phone, natural gas at 10 + 11 |
|---|
| Currently there is phase 3 power, phone, natural gas at lot 1, future use it would be nice for water, sewer cable |
| Describe why the proposed use would be the highest and best for the property: Its on frontise rd right adjacent Highway 45 there are by sineses in the immediate area |
| Describe the property use compatibility with surrounding land use: The Breway & Taphouse (beer bar) would be Nice For people Using the Wiowasha trail, v where summer, Shop use is Nice For easy highway access |
| A Public Hearing will be set upon the receipt of this application and the fee, whereas the applicant will furnish information to the Town Plan commission necessary for processing of the application. |
| SIGNED: DATE: 3/26/14 |
| Date Application Received by Town: 3/26/2014 Public Hearing Date: Uni 17, 2014 Received by: 11.012 Kay Rod, 2019 |
| RECOMMENDATION OF APPROVAL OF ZONING CHANGE TO PLANNING & ZONING COMMISSION |
| Town Plan Commission Secretary: Sharm Kasner Date: 5-28-2014 |
| Town Plan Commission Chair: 2m Erdmon Date: 5-28-2014 |
| Stipulations: |
| Town Clerk: Date: 5-27-14 |
| Town Clerk: |
| Zoning Change Petition - Town of Oshkosh, Winnebago County, Wisconsin 07-18-13 Page 2 of 2 |

Owner (s):

Location:

Mailing Address:

GRUNDY ENTERPRISES
5148 SAND PIT LN

OSHKOSH, WI 54904-0000

School District:

4179 - OSHKOSH SCHOOL DIST

0409

Tax District:

018-TOWN OF OSHKOSH

Status:

Active

Acres:

3.5200

For a complete legal

description, see recorded document.):

PT NW NE & PT NE NW COM NE COR SEC 33 W 2093.75 FT POB S4DGE 1180 FT W 8.45 FT N25DGW 519.67 FT TO NELY COR D719289 S59DGW 198.78 FT TO HWY NWLY 890 FT TO EL RR NW TO NL SEC 33 E 460 FT E 538.65 FT TO POB D762362 EXC HWY-D1172236-12.00A ALSO PT DESC IN D1449282 3.52 A. Site Address (es):

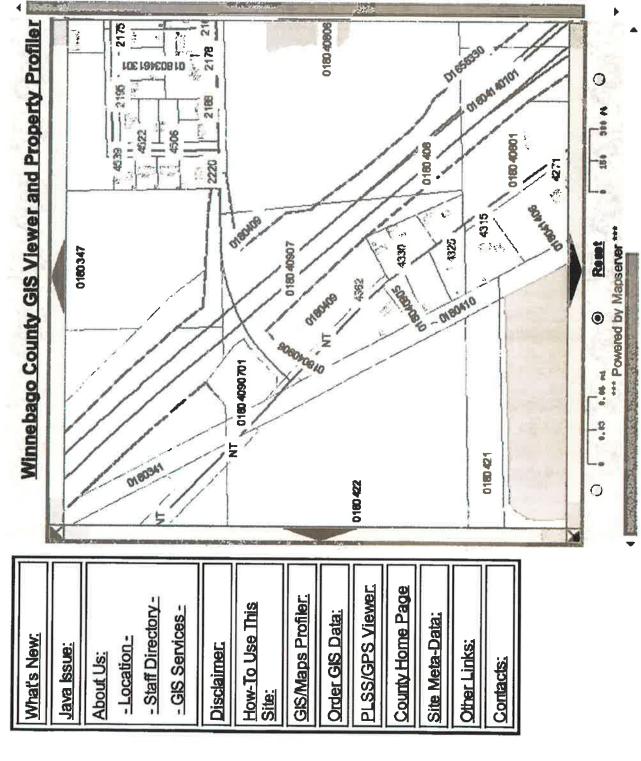
address

in lieu of legal description.)

4362 COUNTY RD S OSHKOSH, WI 54904

51772014

Winnebago County Geographic Information System





STATE OF WISCONSIN **BROWN COUNTY**

OSHKOSH, TOWN OF 1065 COZY LANE OSHKOSH, WI 549011404

Erin Duffy

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: N5839

Ad Number: 6971615

Published Date: May 05, 2014 Published Date: May 12, 2014

Total Ad Cost: \$59.38

5-12-19 (Date) (Signed) Legal Clerk Signed and sworn before me

Notary Public, Brown County, Wisconsin

My commission expires 9/25/2017

OSHKOSH, TOW

Re: Notice public l

JUL , 2014

PLAN COMMISSION STAFF REPORT

JULY 1, 2014

ITEM VII: COMPREHENSIVE LAND USE PLAN MAP AMENDMENT FOR

PROPERTY BOUNDED BY U.S. HIGHWAY 45, COUNTY ROAD Y, RYF

ROAD AND THE WIOUWASH STATE RECREATIONAL TRAIL

GENERAL INFORMATION

Petitioner:

Daniel Dringoli, Go Green Properties, LLC

Owner:

Grundy Enterprises

Action(s) Requested:

The applicant is requesting an amendment to the Recommended Land Use Map in the Comprehensive Plan. The subject area is designated for residential and industrial use; the applicant is requesting a change to a commercial land use designation.

Property Location and Background Information:

The petitioner is requesting a comprehensive land use map amendment of a 2.849 acre parcel located between U.S. Highway 45 and County Road S, south of County Road Y. The petitioner is interested in purchasing the property to develop a 9,000 square foot commercial structure to be occupied by PuroClean Disaster Recovery and possibly, a microbrewery. The property currently has a Town of Oshkosh zoning designation of A-2, General Farming District; on May 22, 2014 the Town of Oshkosh Planning and Zoning Commission approved a zone change from the A-2 District to B-3, General Business District to allow the proposed development, which is consistent with the Town of Oshkosh's comprehensive land use plan recommendation. However, the Winnebago County Planning and Zoning Department will not accept the zone change due to the conflict with the City of Oshkosh's residential land use recommendation.

Subject Site

| ĺ | Existing Land Use Zoning | | Zoning | ٦ |
|---|--------------------------|-----------------------|--------|---|
| | Undeveloped/Agricultural | A-2 (Town of Oshkosh) | 1 | |

Adjacent Land Use and Zoning

| Existing Uses | | Zoning |
|---------------|------------------------------|-----------------------|
| NW | Transportation (park & ride) | A-2 (Town of Oshkosh) |
| NE | U.S. Highway 45 | A-2 (Town of Oshkosh) |
| SE | Residential | A-2 (Town of Oshkosh) |
| SW | Residential | R-1 (Town of Oshkosh) |

Comprehensive Plan

| Land Use Recommendation | Land Use |
|-------------------------|-------------|
| 10 Year Recommendation | Residential |
| 20 Year Recommendation | Residential |

ANALYSIS

In March of 2005, the City adopted the 2005-2025 Comprehensive Plan, an update to the previous plan from 1993. Part of the update entailed refining the 20-Year Recommended Land Use Map and the creation of a 10-Year Land Use Map. The Land Use section of the plan states that, the maps are used to give the community a better idea of how land in the city will be used in the future. The future land use maps were created using a variety of resources. These resources include the existing land use map and special area plans, aerial photography, land use maps of adjoining communities, soils and environmentally sensitive areas map (which help to understand development limitations), utility and facility service area maps, and existing and future transportation corridors. The maps show the general location and type of land uses within the city and on the city's periphery. The maps are to be used as a basis for making general land use decisions relative to the City's land use control regulations. Land use designations will be evaluated in terms of their consistency with these maps and other applicable elements of this Plan and all other applicable Ordinances.

Again, these maps are intended to be used as a general reference tool for determining appropriate future land use and growth patterns. When creating the maps, recommended uses were determined on a broader scale rather than a parcel by parcel basis. The County correctly determined that the rezoning conflicted with the City's future recommended land use designation and denied the rezoning request.

Staff realizes that sections of the Comprehensive Plan, including mapping portions, need to be updated or revised periodically to accommodate logical requests/changes in future land use. In this case, the mapping was completed prior to the U.S. Highway 45 expansion and change in plans of the Oshkosh Area School District developing their site on Ryf Road. In looking at the current land use map, it is understandable why a residential designation was placed on the subject site, with it containing several existing residential uses, potential residential development to the west and the potential school location.

During staff review of the single lot designation change, it was determined that it would be logical to expand the review area and amend the entire area bounded by Highway 45, County Road Y, Ryf Road and the WIOUWASH State Recreational Trail, to be consistent with the Town of Oshkosh Comprehensive Plan's commercial land use recommendation. The area contains 20 parcels totaling approximately 34.16 acres (including right-of-way) and consists of 11 single-family parcels, a standalone accessory structure, mini warehousing, contractor yard and several vacant/undeveloped parcels and parcel remnants owned by the Wisconsin Department of Transportation. The expanded amendment area also includes a small portion of industrial designated land which was mapped to

accommodate the quarry operation east of Highway 45 (prior to Highway 45's construction). The use status of the existing homes would be unchanged as their use allowance is regulated by the base zoning the property is located in and no zone district changes (other than the petitioner's) is being proposed.

Upon review of the request, staff supports changing the projected land use from residential and industrial to commercial. County Road S generally serves as a frontage-style road for Highway 45 and is an appropriate location for commercial development as it is a frontage road similar to Koeller and Washburn Streets. The lot sizes and potential availability of land along County Road S is suitable to allow for future commercial development when the market dictates. In addition, with the Oshkosh Area School District abandoning its plans to build a school on Ryf Road, the demand for residentially designated land in this area has lessened. Staff feels the highest and best future use of this area is for commercial development and therefore believes this map change request is warranted.

RECOMMENDATION

Staff recommends approval of the Comprehensive Land Use Map amendment from residential and industrial to commercial for property bounded by U.S. Highway 45, County Road Y, Ryf Road and the WIOUWASH State Recreational Trail as proposed.



City of Oshkosh **General Application**

SUBMIT TO: Dept. of Community Development 215 Church Ave., P.O. Box 1130

Oshkosh, WI 54901 PHONE: (920) 236-5059

PLEASE TYPE OR PRINT USING BLACK INK

| APPLICANT INFORMATION | | | χ. | * |
|--|--|---------------------------------|----------------------------------|---------------------------------------|
| Petitioner: Go Green Properties LLC | , owner Daniel Dring | goli | I | Date: June 3, 2014 |
| Petitioner's Address: 1325 Egg Harbor | Lane | City: Neenah | State: V | VI Zip: 54904 |
| Telephone #: (920) 232-3511 F | ax: (866) 408-8914 | Other Contact # or E | _{mail:} dan@g | jopuro.com |
| Status of Petitioner (Please Check): Own | er Representative DI | enant Prospective Buyer | | |
| Petitioner's Signature (required): | Samo | | I | Date: June 3, 2014 |
| OWNER INFORMATION | | | | |
| Owner(s): Grundy Enterprises | | | | Date: June 3, 2014 |
| Owner(s) Address: 5148 Sand Pit Lane | Э | City: Oshkosh | State: V | VI Zip: 54904 |
| Telephone #: (920) 420-1681 F | ax: () | Other Contact # or E | mail: | |
| Ownership Status (Please Check): Individ | | | | |
| Property Owner Consent: (required) By signature hereon, I/We acknowledge that property to inspect or gather other informatic and may be postponed by the Planning Service Property Owner's Signature: TYPE OF REQUEST: Access Control Variance Easement Privilege in Street (identify) Other (identify) Comp Use Plan C | on necessary to process the ces Division for incomples | is application. I also understa | and that all meenistrative reaso | eting dates are tentati ons. |
| SITE INFORMATION | | | | · · · · · · · · · · · · · · · · · · · |
| Address/Location of Proposed Project: 430 | 62 County Rd S , Oshkosh | 1 WI 54904 | | |
| Proposed Project Type: Commercial use | | - 11 111 111 1 1 | | |
| Current Use of Property: empty lot | 21010 / 14111 1 | | Zoning: | Agricultural |
| Land Uses Surrounding Your Site: North: P | arking ,lot for Wiouwash | trail | | |
| South: H | ouse and outbuilding | | | |
| East: S | tate Highway 45 | | | |
| West: E | mpty lot which appears t | o be farmed | | |

- > Application fees are due at time of submittal. Make check payable to City of Oshkosh.
- > Please refer to the fee schedule for appropriate fee. FEE IS NON-REFUNDABLE

For more information please visit the City's website at www.ci.oshkosh.wi.us/Community_Development/Planning.htm

Staff DB Date Rec'd 6914

Written Explanation:

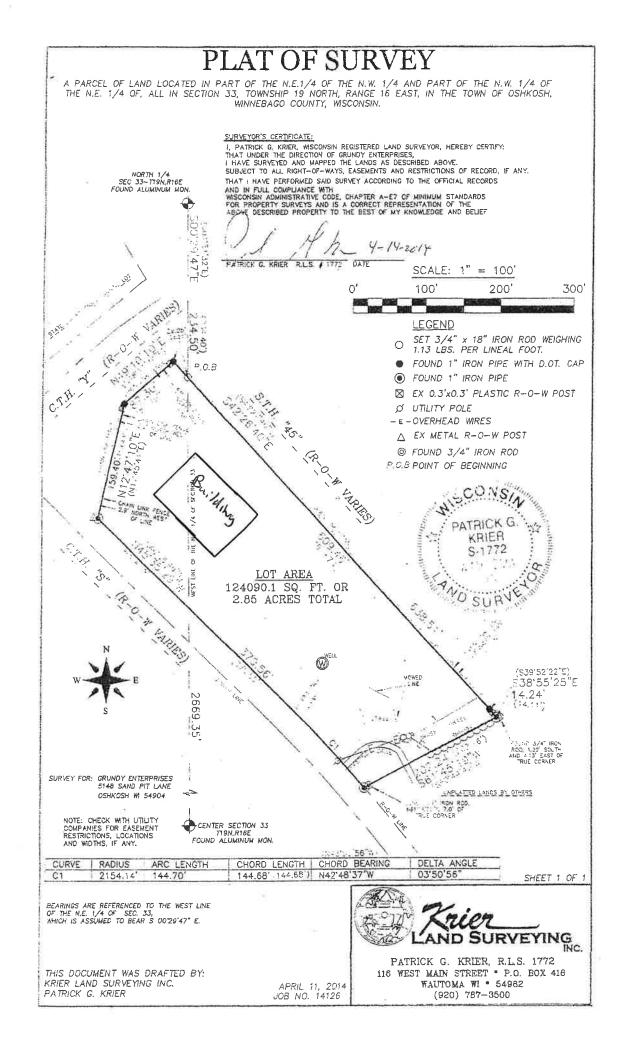
We are planning to build a 9000 square ft. steel structure with masonry façade on County Rd S. The building height would have 16' walls, single story along with a 4/12 roof pitch. The property is located at the southeast corner of the intersection of CTY S & CTY Y in the Town of Oshkosh. The building will house PuroClean Disaster Recovery which is a water/fire/mold property restoration company. PuroClean will have office and shop space in the structure totaling approximately 6,500 sq ft. Also with in the building is plans for 1250 sq ft microbrewery and 1250 sq ft tap room to serve micro brewed beer.

Currently the vacant 2.8 acre parcel is zoned agricultural and is farmed. There are no structures on the property at this time. There will be no proposed living areas on the lot as well. The Town of Oshkosh has approved the change from Agricultural to Commercial. It is our understanding the City of Oshkosh has on the "Future use plan" the lot is designated as residential. This designation may have been done prior to the new HWY 45. Based on the fact the lot abuts US HWY 45, and the frontage road has numerous business along the Cty S frontage road, we believe the better use for zoning would be commercial.

PuroClean has 8 employees and rarely has more than deliveries to the business. The anticipated Brewery traffic will be minimal as well. The tap room is estimated to have 30-40 visitors a day for the consumption of beer and the purchasing of take home ½ gallon "Growlers" of beer. The Wiouwash trail is expected to bring bicycle traffic in the summer. This would be a great draw for residents of Oshkosh to use the biking trail from the City and head north. The southernmost business with bathroom and accommodations would be Two Brothers restaurant at the corner or 21& 41. The next stop north along the trail with any services would be approximately 15 miles north in the Town of Clayton. Our tap room would provide bottled soda, tap root beer, regular micro beer and bottled water to patrons using the trail as well as provide running water and fully functional bathrooms. This could be a great stop for patrons of the trail to take a nice bike ride or jog and have a place to stop and refresh.

Dan Dringoli

920-740-6654







3019 HOLMGREN WAY GREEN BAY, WI 64304 Telephone: (920) 337-9416 Fex: (920) 337-9416

VRCHITECTS

ARCHITECT / ENGINEER

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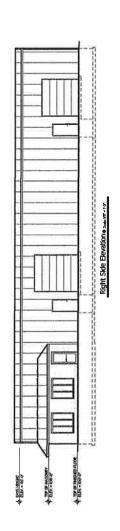
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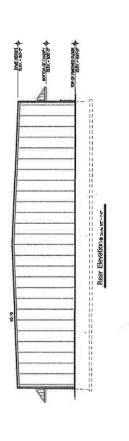
ELEVATIONS

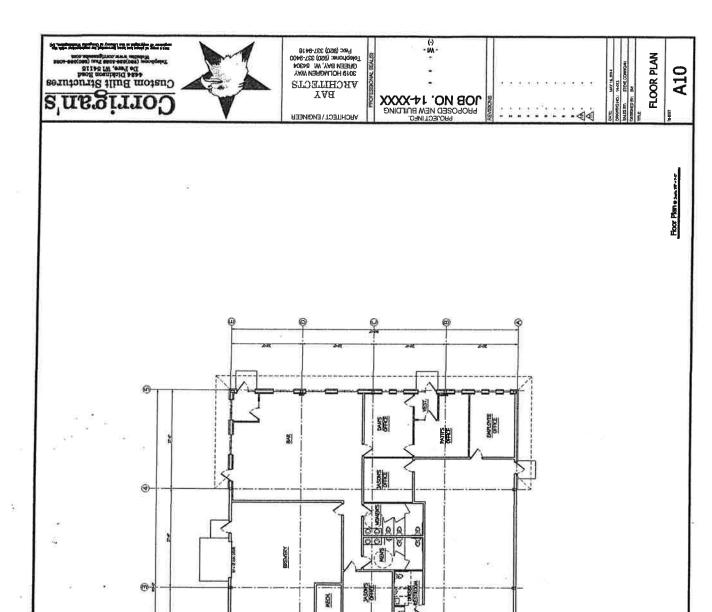
BOTTOM OF CANDTY A

Left Side Elevations satisfactor

DOTTON GECANDRY A BAN - TEAC

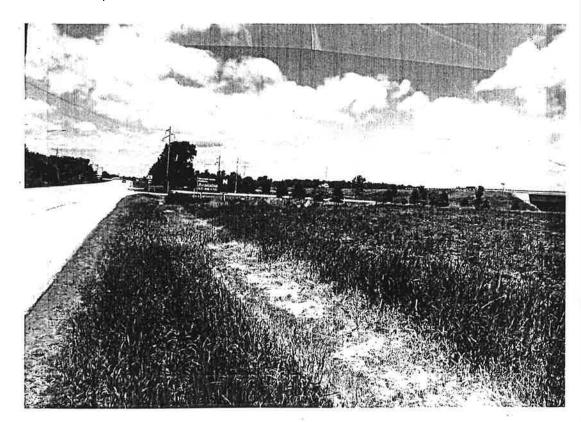




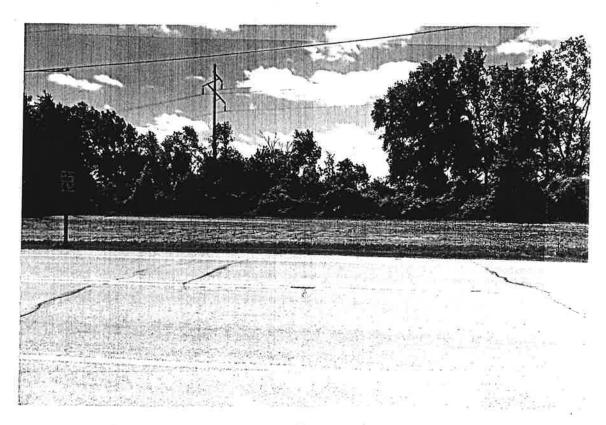


STORYG

Facing north standing mid lot on County S



Facing East empty lot



Facing South there is a garage



Facing East is HWY 45 right on the lot line



LAND USE AMENDMENT 4362 COUNTY RD S PC: 07-01-14

GRUNDY ENTERPRISES 5148 SAND PIT LN OSHKOSH WI 54904 0000

CARNEY, BRAD M 4315 COUNTY RD S OSHKOSH WI 54904 0000

GERLACH, RICHARD L BUELOW, JON L 4253 COUNTY RD S OSHKOSH WI 54904 0000

TOWN OF OSHKOSH JEANNETTE MERTEN 1076 COZY LN OSHKOSH WI 54901 STATE OF WISCONSIN 944 VANDERPERREN WAY GREEN BAY WI 54324 0080

GO GREEN PROPERTIES DANIEL DRINGOLI 1325 EGG HARBOR LN OSHKOSH WI 54904

JACOBSON, DAVID W 1020 TIMBER RUN DR NEENAH WI 54956 0000

DERBER, RYAN P 4357 COUNTY RD S OSHKOSH WI 54904 0000

GUNTHER, GERALD J 1239 BAY SHORE DR OSHKOSH WI 54901 0000

645 W FULTON ST WAUPACA WI 54981 0000

WET PAINT LLC 4189 COUNTY RD S OSHKOSH WI 54904 0000

BRADLEY, BRIAN 4330 COUNTY RD S OSHKOSH WI 54904 0000 OSHKOSH WI 54904 0000

WINNEBAGO COUNTY PO BOX 2808 OSHKOSH WI 54903 2808

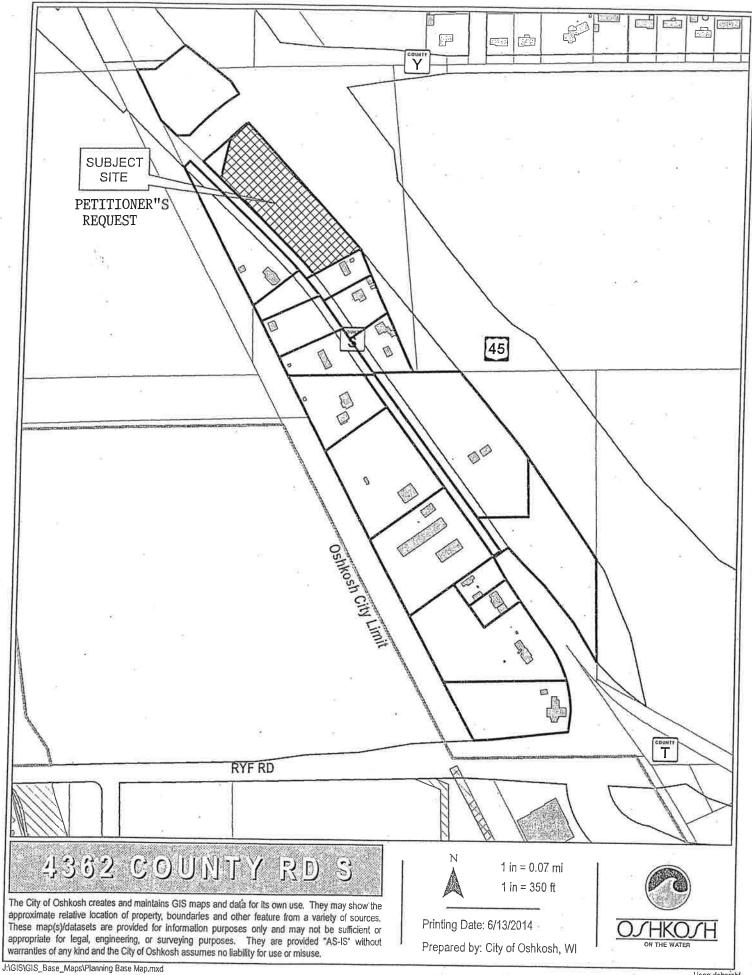
HABER, THOMAS L 4325 COUNTY RD S OSHKOSH WI 54904 0000

PASCARELLA CONSTRUCTION LLC 5159 HIGH POINTE DR WINNECONNE WI 54986 0000

REICHENBERGER, NORMAN 4209 COUNTY RD S OSHKOSH WI 54904 0000

WINNEBAGO COUNTY ZONING 112 OTTER AV OSHKOSH WI 54901

MACDONALD, JEFFREY S 4324 COUNTY RD S



User: deborahl

