



## Winnebago County Zoning Department

Zoningdepartment@co.winnebago.wi.us

The Wave of the Future

MEMO FOR P & Z COMMITTEE AGENDA OF February 8<sup>th</sup>, 2019

FM: Brian P. O'Rourke, AICP – Associate Planner

RE: Preliminary Plat Approval – Lakevista Estates

Applicant: AF Group LLC & Martenson & Eisele, Inc.

Owner: AF Group LLC

Location of Property: Area south of Leonard Point Lane, West of Leonard Point Road, Town of Algoma

Existing Use: Vacant

Proposed Use: Single Family (R-2) and Two Family (R-3)

Current Zoning: A-2 (General Agriculture) & R-1 (Rural Residential)

Adjacent Zoning: A-2, R-2 (Suburban Residential) & R-1

### Comments

1. Development is proposed to be serviced by public sewer.
2. Development is compatible with adjacent development.
3. Road construction agreement with the Town should be executed prior to submittal of final plat.
4. Proposed development is in compliance with the Winnebago County Comprehensive Future Land Use Plan and the Winnebago County Land Division Ordinance.

### Recommendation

Recommend approval subject to the following condition(s):

1. (a) DNR review of surface water runoff and/or detention facilities is required prior to final plat submittal if any portion of the subdivision is within 500' of a navigable body of water.  
(b) Any necessary Chapter 30 permits required in connection with the provision of surface water runoff or detention facilities shall be obtained prior to final plat submittal.
2. Final plat shall constitute the entire area of the preliminary plat.

3. Final Plat to contain a restriction that “roads shown to the exterior property line(s) may not be vacated without the express written approval of the Winnebago County Planning & Zoning Committee, it being the intent of the restriction to prevent elimination of right-of-way required as a condition of preliminary plat approval by Winnebago County without their authorization.”
4. Street names, if any, be verified in writing by County GIS Office prior to final plat submittal if not approved prior to preliminary approval.
5. Final plat to clearly show all current owners name, corporation title where applicable, and/or corporate name. Name(s) to be clearly shown underneath the signature line(s).
6. Final plat to be reviewed and approved by GIS Office and Property Lister **prior** to scheduling for final approval.
7. Final plat to have the following statement contained on the document: “This plat is contained wholly within the property described in the following recorded instruments (list appropriate document number[s] and corresponding tax parcel numbers).”
8. Prior to scheduling final plat for approval, written confirmation by the appropriate Sanitary District that the development is being serviced by public sanitary sewer shall be provided.
9. Any Officially Mapped rights-of-way shall either be shown as mapped on the final plat, or written notice from the mapping authority shall be submitted to the County stating that the mapped rights-of-way need not be shown because the map is being amended.
10. A note shall be placed on the face of the final plat stating that “Winnebago County shall not issue any permit for construction until such time as a ‘sewer’ permit, or other suitable written construction authorization, has been issued by the Sanitary District for connection to the Districts facilities.
11. A wetland delineation shall be submitted to the DNR and Corps of Engineers for their approval. A written copy of the aforementioned agencies approval shall be filed with this office prior to scheduling of the Final Plat. A copy of the delineation and accompanying maps shall simultaneously be filed with this office. The preliminary plat will not be approved if said delineation requires a major lot reconfiguration. In this instance, this preliminary plat will be denied and a new preliminary plat and review fee will be required.
12. Any riparian lot and/or lot wholly within 300 ft. from a navigable body of water shall be subject to County impervious surface standards.
13. The Final Plat shall not be scheduled for approval by Winnebago County until such time as written confirmation from the Town of Algoma stating their approval of said plat be submitted to this department.
14. The proposed zoning change from A-2 & R-1, to R-2 & R-3, must be approved by County Board prior to submittal of the Final Plat.
15. A commercial Stormwater and Erosion Control Plan shall be required for proposed development and shall be approved by this department prior to submittal of the Final Plat. In addition, any drainage easements shown, or required, shall be shown on the face of the final plat and shall be recorded as a separate document against the respective lot(s).

**ZONING MAP AMENDMENT/ ZONING CHANGE**  
**POST STAFF REPORT**

Applicable Ordinance:

<b>X</b>	Chapter 23: <i>"The following findings have been made in accordance with section 23.7-5(b)(1), (2), &amp; (3)"</i>
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Number	Letter
<b>1.</b>	The Town of ALGOMA has Approved

a.	Town action is advisory due to shoreland jurisdiction.
b.	Town has right of approval or denial per terms of zoning ordinance.

<b>2.</b>	Town findings for Approval were as follows:
a.	Town Does have an adopted land use plan.
b.	Action Does agree with Town adopted Town plan.
c.	In summary, the Board felt that the requested zoning change and plat would not negatively affect the community, instead it would enhance the already well established practice of residential growth in the Town of Algoma. Additionally, the concerns over road congestion and safety are either unjustified or are recognized and already in the Town's Capital Improvement Plan for future consideration. The development will not, by law, negatively affect downstream property owners relating to storm. The development is going to significantly slow the volume of water discharging through existing uncontrolled paths. Lastly, the Board felt that the R-3 zoning as proposed is considered low density and fits within the future land use recommendations of the town of Algoma Comprehensive Plan.
	There were no objections.
<b>3.</b>	There were objections to...
<b>4.</b>	Proposed use is compatible with adjacent uses.
<b>5.</b>	Zoning Map Amendment/ Zoning Change is required as a condition of plat/CSM approval and will place development in appropriate zoning district

<i>Number the following items if the property is within the A-1/Farmland Preservation Plan:</i>	
	Such land is better suited for a use not otherwise allowed in the A-1 district.
	The amendment is consistent with the county's comprehensive plan.
	The amendment is substantially consistent with the county's farmland preservation plan as certified by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
	The amendment will not substantially impair or limit current or future agricultural use of other protected farmland in the area.

<b>RECOMMENDATION:</b>	
<b>X</b>	<b>APPROVAL</b>
	<b>DENIAL</b>
	APPROVAL with an effective date to be upon the recording of the CSM, but in no case later than 1 months after the date of approval of the zoning map amendment by the Winnebago County Board of Supervisors