

R E S O L U T I O N

DATE: February 10, 2015

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 02-02-15

WHEREAS, it is desirable to amend the Zoning Ordinance and the Zoning Map of the TOWN OF OSHKOSH in accordance with the petition of YVONNE POMMERENING TRUST 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 TOWN OF OSHKOSH, be and the same, are amended to provide that the attached described property be changed from the classification of A-2 of said ordinance, which it now and heretofore had, to the zoned district of M-1.

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: 018-0359 (P) FROM A-2 TO M-1.

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS ____ DAY OF _____,
201 ____.

Mark Harris

County Board Supervisory district 12



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z PLANNING MEETING AGENDA OF FEBRUARY 2, 2015

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAR*

RE: Review of Town Zoning Changes

1. Yvonne Pommerening Trust. Town Zoning Change (Tax ID No: 018-0359 (p)) – Town of Oshkosh.

The town zoning change for Yvonne Pommerening Trust is not consistent with Winnebago County's Land Use Plan. The proposed zoning change eliminates dual zoning on a parcel of land with an established use. A certified survey initiated the need for the zoning change. The Town of Oshkosh approved the zoning change from A-2 (General Farming) to M-1 (Light industrial) and Winnebago County's land use plan shows future land use as residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Forward zone change to County Board for action.

*Approved to move to county board
5-0*

*FLU: Res-cash
note: eliminating
dual zoning*

**TOWN OF OSHKOSH
RESOLUTION Z-2014-02**

**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:** James E. Smith, Martenson & Eisele, Inc, 109 W. Main St., Omro, WI 54963

Property Owner: Yvonne Pommerening Trust – Nancy Hartman, trustee, 2682 Waupun Rd, Oshkosh, WI 54902

Legal description of property:

Property located at PARCEL JUST SOUTH OF M. SCHETTLE FREIGHT SALES at 5105 COUNTRY RD S; specifically described as Tax ID #018-0359, Being SECTION 29, TOWN 19, RANGE 16, APPROX. 0.63 ACRES, 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 M-1 (LIGHT INDUSTRIAL)

Findings/Reasons.

Reasoned property is found to be consistent 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 24th, day of November, 2014 by the Town Board of the Town of Oshkosh



Jim Erdman, Chair
ATTEST: 



Jeannette Merten/Town Clerk

November 13 2014

Meeting was called to order at 6:05 pm. Present were Carol Kaufmann, Alfred (Fritz) Ganther, Bob Walter, Ron Harrel, Fred Boss, Jim Erdman, and Sharon Karow.

Minutes from May 22 2014 –Ron made a motion to approve, Fritz second. Motion carried.

ZONING CHANGE

APPLICANT JAMES E SMITH, MARTENSON & EISEL, 109 W MAIN ST. OMRO WI 54963 AND PROPERTY OWNER: YVONNE POMMERENING TRUST-NANCY HARTMANN TRUSTEE 2682 WAUPUN ROAD OSHKOSH WI 54902 REQUEST THAT THE FOLLOWING PROPERTY BE REZONED FROM A-2(GENERAL FARMING DISTRICT) TO M-1 (LIGHT INDUSTRIAL), PROPERTY LOCATED AT PARCEL JUST SOUTH OF M. SCHETTLE FREIGHT SALES AT 5105 COUNTY RD S: SPECIFICALLY DESCRIBED AS TAX ID # 018-0359 BEING SECTION 29 TOWN 19 RANGE 16 APPROX. 0.63 ACRES, TOWN OF OSHKOSH COUNTY OF WINNEBAGO, STATE OF WISCONSIN.

Ron made a motion to approve of this zoning change from A-2 to M-1. Fred second.
Discussion- Carol has received 27 phone calls in regards to this property rezoning. The concerns were satisfied after talking to Carol as to what was being rezoned.
Vote- Sharon aye, Carol aye, Fritz aye, Bob aye, Ron aye, Fred aye, and Jim aye. Motion carried.

Bob made a motion to adjourn, Ron second. Motion carried. Meeting adjourned at 6:17 pm.

Commission hearing meeting.

Jim called the meeting to order at 6:17 pm.

The town board will approve of this zoning change as stated above from A-1 to M-1 and send that to Winnebago County.

Roy Schumacher property located at 2947 Jackson St. that wants a zoning change from M-1 to B-3 now is in Winnebago County jurisdiction as his land is in 300 feet of an open ditch.

Discussion on how the Town of Oshkosh could set a grade elevation or fill ordinance. Concerns were people having a lot and filling higher than a lot next to their property.

Comprehensive plans- The County is in process of redoing their comprehensive plan and asked towns to look over their plans and the towns can submit changes up to 1 year. We should look at our town use map. Jim Erdman-Town Commissions to look to update plans.

Bob made a motion to adjourn. Ron second. Motion carried. Meeting adjourned at 6:48 pm.

Respectfully submitted Sharon Karow

**TOWN OF OSHKOSH
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING COMMISSION OF THE TOWN OF OSHKOSH will conduct PUBLIC HEARINGS at 6:00 P.M. on THURSDAY, NOVEMBER 13TH, 2014, in the TOWN HALL located at 230 E. COUNTY RD. Y, OSHKOSH, WI 54901. The purpose of the Public Hearings is to RECEIVE PUBLIC COMMENT regarding the following RE-ZONING applications:

- A. THE PETITIONERS: Applicant: JAMES E SMITH, MARTENSON & EISELE, INC, 109 W MAIN ST OMRO WI 54963 and Property Owner: Yvonne Pommerening Trust – Nancy Hartman, trustee, 2682 Waupun Road, Oshkosh WI 54902 request that the following property be rezoned from A-2 (GENERAL FARMING DISTRICT) to M-1 (LIGHT INDUSTRIAL), property located at PARCEL JUST SOUTH OF M. SCHETTLE FREIGHT SALES at 5105 COUNTY RD S; specifically described as Tax ID # 018-0359, being SECTION 29, TOWN 19, RANGE 16, APPROX. 0.63 ACRES, Town of Oshkosh, County of Winnebago, State of Wisconsin.

All interested parties and any objections to the granting of this request will be heard at the Public Hearing.

Dated this 16TH, day of October, 2014

Publish on October 28, 2014
and
November 5, 2014

Town of Oshkosh

By: Jeannette Merten, Town Clerk

**TOWN OF OSHKOSH
WINNEBAGO COUNTY, WISCONSIN**

PUBLIC MEETING NOTICE

Type of Meeting: Planning & Zoning Commission Meeting

Date: Thursday, November 13, 2014

Time: Immediately following the 6pm public hearing, beginning at approx 6:30 pm

Place: Town Hall

Agenda:

- Call meeting to Order
- Approve Minutes.

- Determine recommendation to Town Board on the Zoning Change request of parcel south of M.Schettl Freight Sales on County Road S, property owner Yvonne Pommerening Trust, Nancy Hartman, Trustee

- Adjournment

Posted by: Chair of Commission/Jim Erdman

Special Notes:

1. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, call Jeannette Merten at 920-235-7771 or write to 1076 Cozy Lane, Oshkosh, WI 54901.
2. A quorum of sanitary district commissioners within the Town of Oshkosh may be in attendance at this meeting for purposes of asking questions and gathering information and it is not expected that the commission take any official action.

Post date: 10/20/14

RE: Public Hearing Notice - print dates October 28, 2014 and No...

Subject: RE: Public Hearing Notice - print dates October 28, 2014 and November 5, 2014
From: GPG-legals mbx <legals@greenbaypressgazette.com>
Date: 10/16/2014 4:30 PM
To: Town of Oshkosh <townofoshkosh@gmail.com>

Hello,

This will run in the Oshkosh Northwestern on October 28 & November 5, 2014. Cost for this run will be \$56.31.

Thank you,

Teresa Hurlbert | Gannett Wisconsin Media
thurlbert@greenbay.gannett.com | p. 877-925-0226 | f. 877-943-0443
www.wisinfo.com

-----Original Message-----

From: Town of Oshkosh [<mailto:townofoshkosh@gmail.com>]
Sent: Thursday, October 16, 2014 3:02 PM
To: OSH-Legals dg
Subject: Public Hearing Notice - print dates October 28, 2014 and November 5, 2014

Information attached.

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Jeannette Merten, Town Clerk Town of Oshkosh 920-235-7771 Website:
<http://www.townofoshkosh.com>

Oshkosh
Northwestern
media
A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

TOWN OF OSHKOSH

1076 COZY LN
OSHKOSH

WI 549011404

TOWN OF OSHKOSH
NOV 13 2014
RECEIVED

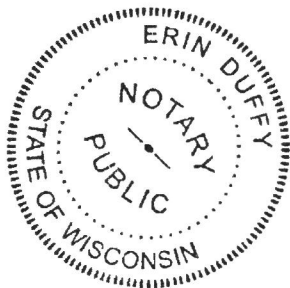
TOWN OF OSHKOSH
NOTICE OF PUBLIC HEARING
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PLANNING & ZONING COMMISSION
OF THE TOWN OF OSHKOSH will con-
duct PUBLIC HEARINGS at 6:00 P.M.
on THURSDAY, NOVEMBER 13TH,
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E. COUNTY RD. Y, OSHKOSH, WI
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regarding the following RE-ZONING ap-
plications:
A. THE PETITIONERS: Applicant
JAMES E SMITH, MARTENSON &
EISELE, INC, 109 W MAIN ST OMRO
WI 54963 and Property Owner, Yvonne
Pommerening Trust - Nancy Hartman
trustee, 2682 Waupun Road, Oshkosh
WI 54902 request that the following
property be rezoned from A-2 (GENER-
AL FARMING DISTRICT) to M-1 (LIGHT
INDUSTRIAL), property located at PAR-
CEL JUST SOUTH OF M. SCHETTLE
FREIGHT SALES at 5105 COUNTY RD
S; specifically described as Tax ID #
018-0359, being SECTION 29, TOWN
19, RANGE 16, APPROX. 0.63 ACRES,
Town of Oshkosh, County of Winnebago,
State of Wisconsin.
All interested parties and any objections
to the granting of this request will be
heard at the Public Hearing.
Dated this 16TH day of October, 2014
Publish on October 28, 2014
and
November 5, 2014
Town of Oshkosh
By Jeannette Merten, Town Clerk
RUN, Oct 28, Nov 5 2014 WNAXLP

Alexandra Zakowski

Being duly sworn, doth depose and say that she/he is an authorized representative of the Oshkosh Northwestern
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: GWM-N5839
Order Number: 0000141544
No. of Affidavits: 1
Total Ad Cost: \$56.31
Published Dates: 10/28/14, 11/05/14

(Signed) Alexandra Zakowski (Date) 11/5/14
Legal Clerk



Signed and sworn before me

E. R.

My commission expires 5-28-18

TOWN OF OSHKOSH
Re: Rezone Tax ID 018-0359

GANNETT WI MEDIA
435 EAST WALNUT ST.
PO BOX 23430
GREEN BAY, WI 54305-3430

GANNETT
Wisconsin Media
Delivering Customers. Driving Results.

PHONE 1-877-943-0446
FAX 877-943-0443
EMAIL legals@thenorthwestern.com

Town of Oshkosh Zoning Amendment Petition Application

Check or Money Order payable to Town of Oshkosh Fee: \$450.00 receipt # _____ ID Number _____
(Please print using black ink for duplication purposes)

A. CONTACT INFORMATION

1.) PROPERTY OWNER:

Name: VONNE TOMMERENING TRUST - NANCY HARTMAN, TRUSTEE
Mailing Address: 3682 WAUDDI ROAD, OSHKOSH, WI 54502
Phone: 231-2008 Cell: 379-9001 Email: NANCY.HARTMAN@N&J.PE.COM

Permission is hereby granted for appropriate Town Staff to enter upon the property for the placement and removal of hearing notices, and conducting inspections prior to hearing. Said permission is to remain in force until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

* Signature: Nancy J. Hartman Trustee Date: 10/08/14

2.) APPLICANT INFORMATION (if different than owner):

Name: JAMES E. SMITH - MARTENSON & FISKE, INC
Mailing Address: 109 W. MAIN ST, OSHKOSH, WI 54903
Phone: 685-6240 Cell: - Email: JIMS@MARTENSON-FISKE.COM

B. PROPERTY INFORMATION:

- 1.) Tax Key/Parcel #: 0180359
- 2.) Lot - Block - Subdivision - or CSM# - Section 29 Town 19 North 4 Range 16 East Acres 0.63
- 3.) Location of Property: SOUTH SIDE OF M. SCHELL FREIGHT SALES
- 4.) Zoning (Existing): A-2 Zoning Proposed: M-1
- 5.) Use (Existing): M. SCHELL FREIGHT SALES
Use (Proposed): M. SCHELL FREIGHT SALES
- 6.) Existing Sewer: Septic - Mound - Holding Tank - Municipal - or Needed -
- 7.) Proposed site plan AND map of existing location as described in instructions
Included: SEE ATTACHED CSM

C.) REASONS FOR CHANGE:

Describe the MAIN USE:

ADDING LANDS TO THE SOUTH SIDE OF M. SCHELL TO
CLEAN UP LANDS THAT M. SCHELL HAS BEEN OCCUPYING
FOR THE LAST 30+ YEARS

PETITION FOR
ZONING AMENDMENT

TO: Town of Oshkosh Board
1076 Cozy Lane
Oshkosh, WI 54901

The undersigned owner(s) of the property herein described petitions your honorable body for an amendment to the Town of Oshkosh Zoning Ordinance and Map to effect a change in the Zoning Classification of real estate in the Town of Oshkosh, Winnebago County, Wisconsin, more particularly described in summary as follows, to-wit: APPROX 0.63 AC ON SOUTH SIDE LOT 2 OF ATTACHED CSM

From A-2 zoning district to M-1 zoning district

per Certified Survey Map Number _____

Location of property by address/parcel number: PARCEL 0180359 (PART)

The land described above will be used for M. SCARTH FREIGHT SALES

If the amendment is adopted.

* Dated this 10 day of OCT, 2014.

Respectfully submitted:

NANCY HARTMAN, TRUSTEE OF YVONNE POMMERENY TRUST
(Name printed)

38 3682 WAUPUN ROAD, OSHKOSH, WI 54902
(Address)

(City, State, Zip)

* Nancy J. Hartman; Trustee
(Legal Signature)

Describe the PROPOSED USE:

M. SCHELL SALES PROPERTY

Describe the essential services (sewer, water, streets, etc.) for present and future uses:

NO SERVICES NEEDED

Describe why the proposed use would be the highest and best for the property:

THE PROPOSED USE IS THE EXISTING USE

Describe the property use compatibility with surrounding land use:

USE STAYS THE SAME

A Public Hearing will be set upon the receipt of applications Z-100 & Z-101 including supplemental material and payment, whereas the applicant will furnish necessary information to the Zoning Administrator for processing of this application.

Nov 13, 2014 @ pm

I ACCEPT THESE TERMS AND HEREBY SUBMIT THE APPLICATION FOR APPROVAL:

SIGNED:

James E. Smith

DATE:

10-30-14

Print name:

James E. Smith JAMES E. SMITH

Date Application Received by Zoning Administrator:

Zoning Administrator signature:

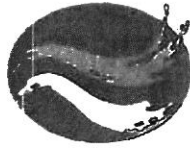
Carol Kaufmann

CARY A. ROWE
Zoning Administrator

112 OTTER AVE., PO BOX 2808
OSHKOSH, WISCONSIN 54903-2808

OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

zoningdepartment@co.winnebago.wi.us



Winnebago County

Zoning Department

The Wave of the Future

Yvonne Pommerening
~~XXXXXXXXXXXXXXXXXXXX~~

*City Rd S
Near Shutt's*

October 14, 2014

Jeannette Merten
Town of Oshkosh

Under the provisions of Section 18.16(1) of the Winnebago County Subdivision Ordinance, I am forwarding a copy of the Certified Survey Map for town review.

The Town has thirty (30) days of receipt of mailing to return its comments to this office. if you have questions on this matter please call me.

Respectfully,

Carol Salvinski

Carol Salvinski
Zoning Secretary

Enclosure(s): - CSM - Yvonne Pommerening

Approved

10-27-14

Town Board Mtg

Town of Oshkosh

Jeannette Merten

Town Clerk

