

WINNEBAGO COUNTY  
PLANNING AND ZONING COMMITTEE  
**PUBLIC HEARING**

Wednesday, November 16, 2011

6:30 P.M.

Lounge Room – Courthouse

Present: Supervisors: Pat Brennand – Chairman, Joanne Sievert, Claud Thompson, Jeanette Diakoff, Tom Egan; Candace Zeinert – Code Enforcement Officer; Karen Frederick – Court Reporter, and guests

The meeting was called to order by Patrick Brennand, Chairman at 6:33 P.M. Committee members introduced themselves and Code Enforcement Officer explained appeals procedure and stated that protests for rezoning must be made 24 hours prior to the County Board meeting.

1. Allen Lembcke, 1312 Appleton Rd, Town of Menasha – Zoning Change.

The request is for a rezoning from R-1 to B-3 General Business District for the construction of an O'Reilly Auto Parts store.

The applicant was not present to comment.

C. Zeinert read the resolution from the Town of Menasha, recommending approval.

George Dearborn, Town of Menasha Director of Community Development, was sworn in. T. Egan inquired if the neighboring residences were staying up. Mr. Dearborn replied yes, because they are not a part of the proposed project, but that the homes will be protect through the Town of Menasha's site plan approval.

2. Maribeth Monday/Leslie Flanagan, 3239 Delhi Rd, Town of Rushford – Zoning Change.

The request is for a rezoning from A-2 to R-1 to enlarge a parcel and place within the correct zoning district.

The applicant was not present to comment.

C. Zeinert read the resolution from the Town of Rushford, recommending approval.

3. Wesley Radloff, 2061 James Rd, Town of Utica – Zoning Change.

The request is for a rezoning from A-1 to A-2.

Mr. Radloff appeared and was sworn in. He informed the Committee that he is asking for the rezoning in order to build a home for his grandson in conjunction with the farming operations.

C. Zeinert read the resolution from the Town of Utica recommending approval.

4. L&M Real Estate Inc, E of 3952 County Rd N, Town of Nekimi – Conditional Use.

The request is for a conditional use permit for the governmental use of storing military vehicles.

**Charles Nelson**, agent for the applicant, was sworn in and described the proposed project. He stated that the property was no longer owned by L&M Real Estate Inc. Mr. Nelson described his experiences gained with Quality Paint and Coatings, an organization that works with Oshkosh Corp. The two organizations created a new group: Quality Storage and Services LLC (Quality Storage Properties LLC). The property was purchased to store military vehicles and trailers with the conditional use permit. Parcel 012-0269 was also purchased, but is reserved for future government projects, and is not under this conditional use request.

Mr. Nelson stated that engineering plans were in progress by McMahon and Associates, which address erosion control, storm water, and wetland delineation. The site would have valet style parking, would provide room to exercise the vehicles, is a convenient location for highway access, and would increase efficiencies by consolidating storage into an engineered, clean site. Mr. Nelson described that the area would be stripped and graveled. The topsoil stripped from the land would be used as berms for noise and vision barriers. The site will have retentions ponds and a privacy fence as well.

The Committee members asked several questions regarding the operations that would be taking place at this site. Below is a summation of the answers given by Mr. Nelson:

The trucks would be exercised on site on a crushed asphalt track 9/10 mile long at the northeast corner of the property. Government standards require that a stored trucked be exercised 1.8 miles every 45 days. Oshkosh Truck will exercise the vehicles at a 20 mph speed limit. The fenced-in/bermed track area would reduce the number of vehicles exercised on public roadways and that access would be from County Rd N, as far away from neighboring residences as possible. The proposed exercising times will not go past 8pm but could start up as early as 6am. Mr. Nelson stated that the hours of operation are not very negotiable, that 7am would be a deal breaker but that 6:30am start time may be possible. He stated that Oshkosh Corp wanted to run trucks from 5am to midnight with 2 shifts. Electronically locating the trucks will cut down the time needed to locate the vehicles and therefore to exercise them, compared to what is currently done at the airport storage area. Mr. Nelson was unable to answer the question of how many trucks would be exercised at one time, however, an estimate of 4.7 trucks per hour over 45 days would need to be exercised (added by Ronald Wolf of McMahon).

The berms will abate much of the noise created and that U.S. Highway 41 and State Rd 26 already create a noise corridor. In regards to lighting, the Town will be requiring low level lighting, which has been agreed to by Oshkosh Truck. 6 lights minimum will be needed on the property. 1,500-2,000 trucks will be stored at the facility, with the possibility to grown to 3,000 or more. Mr. Nelson stated that there are no weight restrictions for County Rd N; therefore maintenance of the roadway has not been addressed.

The lot will drain into two retention ponds, one on the north side and the other on the south side of the property. Snow plowing and snow removal will be done and the snow will go on the unused acres to the west. Mr. Nelson estimated that 90% of the properties will be impervious because of the gravel and crushed asphalt; however, this is necessary to eliminate the mud problem. There are currently no plans to restore the area in the event that the project is discontinued or downsized.

**Ronald Wolf** of McMahon was sworn in and described McMahon's involvement with the proposed project. Mr. Wolf described that there will be 2 drainage ponds. He added that storm water and erosion control plans were already submitted to the DNR and permits had been granted. Highway access to County Rd N was received from the County Highway Department and McMahon is currently working with the Land and Water Conservation Department on the County storm water permits.

**Thomas Powell** of 3952 County Rd N was sworn in and voiced his concerns with the application. He believes that the project should be covered by a zoning change, not a conditional use request (not a governmental use). His concerns were that the frequency of noise is going to carry long distances because of the topography and that the berms and fences will decrease property values. He also believed that the property will not be able to come back to agricultural land.

**Kristen Knutson**, attorney, on behalf of **Leonard Leverence**, was sworn in and read a letter drafted by Mr. Leverence. The letter described Mr. Leverence's questioning of this project's qualifications for a conditional use permit because he believes it is not a governmental use. Attached with the letter was a petition, said to be signed by 78% of the neighbors, opposing the request. Mr. Leverence gave some numbers as to the damages due to property value loss. The letter stated that the heavy industrial use is not compatible with the rural residential are and that the rural feel of the property should be maintained. The letter also voiced his concern with the hours of operation.

**David Coan**, resident at 3954 Fisk Avenue, was sworn in. He questioned why this endeavor isn't being pursued in an industrial park; why agricultural land was being used. He insisted that even with berms, he would be able to see the project from his residence. He was also concerned about the losses of property value, the hours of operation, and the large impact that such a large amount of trucks would have. Mr. Coan believes that this project will not create jobs and there are currently jobs at the other satellite facilities that will be lost/relocated.

**Ann Powell**, resident at 3952 County Rd N was sworn in. Mrs. Powell questioned the hours of operation, asking what time the trucks would be idling, not just running on the track. She said the berms will not reduce all of the noise and that the noise from the current construction is very loud: 7 days a week starting at 7am or 8am and going until 11pm. Mrs. Powell believes this project will displace more people than create jobs.

**Mark Thomas** of 3922 County Rd N was sworn in. He also raised the question of hours and number of days per week of operation. He is also concerned about the amount of dust that will be generated from the gravel. Mr. Thomas insisted that the noise generated by U.S. Hwy 41 and State Rd 26 is different than the noises created by the trucks, especially gear noise. Mr. Thomas mentioned that no improvements were made to Hughes Rd, which is currently used to exercise the trucks.

**Johnathan Mohnen** of 3910 Fisk Avenue was sworn in and questioned the number of days per week this operation would be working. He also mentioned that there is a proposed maintenance building which means there will be extra noise from repairs taking place.

**Tom Pollack**, Town Supervisor for the Town of Nekimi, was sworn in. He stated that no action was taken by the Board members yet and that they will be doing their homework. P. Brennan inquired if the Town would need more time and if so, the County could adjourn it till the deliberative. J. Diakoff inquired if Fisk Avenue was a Town road, to which Mr. Pollack replied that it is and that there are weight restrictions on Fisk Avenue. Mr. Pollack mentioned that the Town is working with John St. Peter, the Town Attorney and that they will not have a recommendation until Mr. St. Peter gives his opinion. Mr. Pallow asked if the Town future plan is industrial. Mr. Pollack replied that the 20 year plan has the area as residential. P. Brennan interjected and stated that the City of Oshkosh has the power of the future plan over the Town.

**Charles Nelson** reappeared to answer/clarify some questions that arose during the earlier testimony. Mr. Nelson reiterated that the project is for a storage lot, not a manufacturing plant/repair facility and that a conditional use versus a rezoning was sought because it offered a better timeline for starting the project. He pointed out that there are only 10 homes and property owners that abut the properties. Mr. Nelson said that current construction has not run till 11pm as mentioned earlier, but that they have started up as early as 6:30am. He added that when starting up the trucks, they would need to idle for 10-15 minutes to warm up. Mr. Nelson gave a rough estimate that there could be 80-90 trucks each day going in and out of the area.

C. Zeinert read a memorandum to Jerry Bougie and Cary Rowe from John Bodnar, Corporation Counsel regarding the consideration of this as a governmental use. Also read was a letter submitted by Thomas and Ann Powell opposing the conditional use request. Lastly a letter and petition was read, submitted by Mr. Leonard Leverage.

MOTION made by J. Sievert, seconded by P. Brennand, to adjourn the agenda item until November 28, 2011 to allow the Town of Nekimi to get additional testimony. Motion carried unanimously.

**George Gutierrez** of Ripon, in business consulting with Oshkosh Truck, was sworn in. He said that Oshkosh Truck is listening to concerns and is working to resolve those concerns. He also stated that although there currently isn't a plan for remediation, it is possible for one to be created. He mentioned that this project is a part of a chain that will help those serving our Country and that the government does in fact own the trucks through a contractual process. Mr. Gutierrez stated that this project would reduce the footprint in the Fox Valley area by consolidating trucks, which provides relief for some residents.

Chairman Brennand called for an approximate 10 minute recess at 8:32pm. The hearing was reopened at 8:39pm.

5. Katherine Treu, 182 S Clay Rd, Town of Nekimi – Zoning Change.

Herb Treu of 182 S. Clay Rd was sworn in. He explained that his daughter lives north of the farm buildings. They would like to give her 5 acres with the farm buildings to make sure she gets the farm when her parents pass.

ADJOURNMENT

MOTION made by T. Egan to adjourn meeting. Seconded by J. Sievert. Motion carried unanimously. Meeting adjourned at 8:42 P.M.

Respectfully submitted,

Candace Zeinert  
Recording Secretary