

WINNEBAGO COUNTY
PLANNING AND ZONING COMMITTEE
PUBLIC HEARING

Monday, November 28, 2011
7:30 A.M.

Conference Room – County Administration Building

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

The meeting was called to order by Patrick Brennand, Chairman at 7:30 A.M.

1. 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.

C. Zeinert read the Town of Nekimi's resolution and recommendation for approval with conditions. Also submitted was an email from Attorney Russell Reff stating that Chuck Nelson would like to have the application laid over for the deliberative because they did not receive final approval from Oshkosh Truck. P. Brennand stated that he had a conversation with Tom Pollack, Town of Nekimi Supervisor and that the conversation brought about the same conclusion.

Leonard Leverage, property owner at 4004 County Rd N, was sworn in and asked the Committee that condition 18 (Home Value Guarantee) of the Town's conditions be met before approval is granted.

Charles Nelson, applicant, was sworn in. He stated that the Home Value Guarantee condition (#18) was originally written for Vulcan Construction Materials LP, a much larger company. Mr. Nelson said that under this condition, if the property owner decides to sell their home and it does not sell within 9 months, Quality Storage Properties LLC would be required to buy it. He mentioned that this would not be possible for such a small company. He also mentioned that there was some dispute between which homeowners would enter in to the agreement (which property owners Quality Storage Properties LLC would be responsible for). Mr. Nelson said that the landscape plan was complete but that his client finds some of the requests (conditions) to be unreasonable and therefore they are requesting a postponement of the agenda item till the next public hearing.

C. Thompson and T. Egan are opposed to the construction of retention ponds before approval is given; however, staff stated that as long as the correct County permits are obtained, we cannot stop them from constructing the ponds.

J. Sievert inquired about the lack of a reclamation plan. Mr. Nelson explained that an agreement with the Town has been made and when required, the gravel and crushed asphalt will be reclaimed and the topsoil used to create the berms will be put back.

Mr. Nelson inquired what the County's conditions of the conditional use permit are likely to be, so that they could tell if there were going to be any further issues. C. Zeinert read the recommended conditions and Mr. Nelson agreed.

C. Thompson inquired why the company was not seeking a rezoning instead. Mr. Nelson explained that he had concern for the neighbors and that the Conditional Use allows the Town to place conditions on it, as well as the conditional use was going to be able to give him an answer before the rezoning would. Mr. Nelson also mentioned that the Town had advised him to go with the conditional use versus the rezoning.

Mr. Leverage stated that there is room for discussion on the Home Value Protection Plan and agreement. He inquired what the boundary agreement between the City and Town says regarding the zones of the parcel. P. Brennan clarified that the City's future land use plan supersedes the Town's, but questioned if the boundary agreement would have any influence on the decision. Mr. **Cary Rowe**, Zoning Administrator, was sworn in and added that the County does not require boundary agreements and that they are specifically between the Town and the City.

T. Egan stated that both sides seem to be able to come to an agreement regarding the conditional use and therefore an extension for the conditional use (versus a rezoning) should be given.

MOTION made by J. Sievert, seconded by C. Thompson, to adjourn the agenda item for the December 21, 2011 public hearing.

ADJOURNMENT

MOTION made by J. Sievert to adjourn meeting. Seconded by C. Thompson. Motion carried unanimously. Meeting adjourned at 8:18 A.M.

Respectfully submitted,

Candace Zeinert
Recording Secretary