

**CONDITIONAL USE  
POST STAFF REPORT**

**Applicable Ordinance**

- Chapter 23: “The following findings have been made in accordance with section 23.7-114”
- Chapter 27: “The following findings have been made in accordance with section 27.6-7(c)”

Number	Letter
<u>1</u>	The Town of OMRO has. a) Not Responded

X                                      Town action is advisory due to shoreland jurisdiction.  
     Town has right of denial per terms of zoning ordinance.  
     Town may approve, approve with conditions, or deny in non-shoreland area.

	Town findings were as follows: No Response
	Town denied zoning map amendment rendering the conditional use not applicable.
	There were no objections.
	There was objection to...
	Proposed use compatible with adjacent uses.

<i>Number the following items if the property is within the A-1/Farmland Preservation Plan:</i>	
	<b>Ch. 23:</b> The use supports agricultural uses in the A-1 zoning district in direct and significant ways, and is more suited to the A-1 zoning district than to an industrial or commercial zoning district.
	<b>Ch. 23:</b> The use and its location in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
	<b>Ch. 23:</b> The use and its location in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
	<b>Ch. 23:</b> The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
	<b>Ch. 23:</b> The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
	<b>Ch. 23:</b> Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

**RECOMMENDATION**

- APPROVAL
- DENIAL
- APPROVAL with the following conditions:
- Approval not as requested
- Approval not as requested with conditions

**Conditions**

TOWN:

COUNTY:

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

Applicable Ordinance:

X	Chapter 23: "The following findings have been made in accordance with section 23.7-5(b)(1), (2), & (3)"
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Number	Letter	
1		The Town of OMRO has Disapproved

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

	Town findings for Denial were as follows:
	Town Does have an adopted land use plan.
	Action Does Not agree with Town adopted Town plan.
	There were no objections.
X	There were objections to...
X	Proposed use is not compatible with adjacent uses.
	Zoning Map Amendment/ Zoning Change is required as a condition of plat/CSM approval and will place development in appropriate zoning district

See attached.

<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>	
	APPROVAL
X	DENIAL
	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

RESOLUTION of the Town  
Board of the Town of OMRO  
Winnebago County, Wisconsin

RE: Petition for the proposed zoning map amendment listed below affecting the Winnebago County Zoning Ordinance and the Official Map of the Town of OMRO.

**Applicant:** ROSS, HARVE C; ROSS, RENE M

**Agent:** SMITH, JAMES E – MARTENSON AND EISELE

**Location of Premises Affected:** West of 3903 Sand Pit Road

**Legal Description:** Being part of Lot 2 of CSM-5109, located in the SE 1/4 of the NW 1/4, Section 13, Township 18 North, Range 15 East, Town of Omro, Winnebago County, Wisconsin.

**Current Zoning:** B-2 Community Business

**Proposed Zoning:** A-2 General Agriculture

**Explanation:** Applicant is requesting a zoning map amendment to A-2 (General Agriculture District) to develop a personal storage facility.

Resolved, by the Town Board of the Town of OMRO, Winnebago County, Wisconsin, that the above indicated proposed amendment to the Town/County Zoning Code (Chapter 23) be and the same is hereby

Approved  Disapproved

Town Findings (Reasons):

1. The requested Zoning Map Amendment **DOES** ~~DOES NOT~~ agree with the adopted plan. (Circle **DOES** or **DOES NOT**)

The Town of Omro future land use map shows this property being commercial.

Other Findings:

There Towns comprehensive plan has as one of its objectives the requirement that the Town require separation of industrial areas from residential and commercial districts through adequate buffering and screening. Per the zoning code the only location that a personal storage facility is outright permitted is in the I-1 Light industrial zoning district.

While A-2 allows for personal storage as a conditional use, this zoning change would essentially be allowing a use that would otherwise require the more intensive use I-1 zoning.

A-2 by definition per 23.8.22 of the zoning code is "this district is intended to accommodate both large- and small-scale hobby farms. Although scattered residential lots are allowed, agriculture is the



*predominant land use. This district should be located in those areas suitable for agriculture, but not for large scale agriculture operations, and adjacent to urbanizing areas."*

While the Town attempted to consider conditions that could be placed on a conditional use permit the elevation of the property in relation to the adjacent property presented great difficulty in providing adequate screening. The grade elevation of the proposed storage site is nearly equal to the second-floor elevation of the adjacent homes.

Additionally, this area of the Town has existing Sewer and Water utilities installed that can serve this property. The proposed storage facility would not need or utilize these services and will result in the need of additional utilities having to be installed elsewhere if the Town wishes to encourage additional commercial development as included in the Town's Comprehensive Plan.

There are numerous other locations in the town where this type of facility could be constructed that have the A-2 zoning that would allow for a conditional use where appropriate conditions could be developed to protect the adjoining property owners from adverse impacts.

The existing B-2 Community Business District by definition per 23.8-22 *"is intended to accommodate both large and small scale pedestrian and auto oriented commercial development that primarily serves the needs of the surrounding community, including professional offices, retail stores, service establishments, overnight lodging, entertainment facilities and mixed use housing. Lots are connected to a public sanitary sewer system or have an on-site disposal system."*

Property Owners who have expressed objection to this zoning change to allow this development purchased their properties with this property being zoned B-2, and have made the case that allowing this zoning change even with a conditional use will subject them to a more intensive use than the current zoning on this property. They have further established that the Town's Comprehensive Plan and Future Land use Map show this property as being Commercial and zoning this property to Agriculture would not be consistent with this plan.

The current property owner purchased this property in 2014 with the current B-2 zoning. The Town comprehensive plan and future land use map remain unchanged since that purchase, and the owner can develop the property as it is currently zoned.

I, Paula Beulen, Town Clerk of the above named town, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Town Board of the Town of OMRO.

DATED THIS DAY OF MARCH 16<sup>TH</sup>, 2020

SIGNED:  \_\_\_\_\_

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

Applicable Ordinance:

X	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

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

	Town findings for Approval were as follows:
	Town Does have an adopted land use plan.
	Action Does agree with Town adopted Town plan.
X	There were no objections.
	There were objections to...
X	Proposed use is compatible with adjacent uses.
	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>	
X	APPROVAL
	DENIAL
	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

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

Applicable Ordinance:

X	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	
1		The Town of WOLF RIVER has Not Responded

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

		Town findings for No Response were as follows:
		Town has an adopted land use plan.
		Action agrees with Town adopted Town plan.
X		There were no objections.
		There were objections to...
X		Proposed use is compatible with adjacent uses.
		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>		
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		DENIAL
		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

**CONDITIONAL USE**  
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Number	Letter
<b>1</b>	The Town of WOLF RIVER has. a) Not Responded

X Town action is advisory due to shoreland jurisdiction.  
Town has right of denial per terms of zoning ordinance.  
Town may approve, approve with conditions, or deny in non-shoreland area.

	Town findings were as follows: No Response
X	There were no objections.
	There was objection to...
X	Proposed use is compatible with adjacent uses.

<i>Number the following items if the property is within the A-1/Farmland Preservation Plan:</i>	
	<b>Ch. 23:</b> The use supports agricultural uses in the A-1 zoning district in direct and significant ways, and is more suited to the A-1 zoning district than to an industrial or commercial zoning district.
	<b>Ch. 23:</b> The use and its location in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
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**RECOMMENDATION**

- APPROVAL
- DENIAL
- APPROVAL with the following conditions:
- Approval not as requested
- Approval not as requested with conditions

**Conditions**

TOWN:

COUNTY: 1. Campground shall meet all the special standards of 23.8-272 of the Winnebago County Zoning Code. 2. A zoning permit, site plan and plan of operation shall be provided to the Winnebago County Zoning Department. 3. Any required sanitary facilities shall be reviewed and approved by the Winnebago County Zoning Department. 4. Campground shall comply with Sec. 26.5-5 of the Winnebago County Floodplain Zoning Code.

Applicant: BASTIAN, CHRISTINE ; BASTIAN, STEVEN M ; SCHNEIDER, ELLEN J ; SCHNEIDER, HOWARD A  
Parcel Number: 030-129801, 030-129802  
Planned Development District #: 2020-PDD-5260

**PLANNED DEVELOPMENT DISTRICT**  
POST STAFF REPORT

*“The following findings have been made in accordance with Section 23.7-68”*

The Town of WINNECONNE has Approved

Town action is advisory due to shoreland jurisdiction

Town findings for Approval were as follows:

1. The Town does have an adopted land use plan.
2. The request does agree with the adopted plan.

There were no objections

**Staff Recommendation:**

APPROVAL

Proposed Use is compatible with adjacent uses.

Town Conditions:

County Conditions: 1, Restrictions 1, 3 & 4 are hereby lifted as listed on certified survey map 4795 by the Winnebago County Planning & Zoning Committee.



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

Applicable Ordinance:

X	Chapter 23: "The following findings have been made in accordance with section 23.7-5(b)(1), (2), & (3)"
---	---

Number	Letter	
1		The Town of OMRO has Approved

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

	Town findings for Approval were as follows:
	Town Does have an adopted land use plan.
	Action Does agree with Town adopted Town plan.

X	There were no objections.
	There were objections to...
X	Proposed use is compatible with adjacent uses.
X	Zoning Map Amendment/ Zoning Change is required as a condition of plat/CSM approval and will place development in appropriate zoning district

1. This request is consistent with The Town of Omro land use plan. 2. This request is consistent with the Town of Omro comprehensive plan. 3. This request fits the town sewer user agreement.

<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>	
X	APPROVAL
	DENIAL
	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