

ZONING MAP AMENDEMENT/ 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 NEKIMI has
	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.
	1. The Town Board approves change from A-2 to R-1.

2	There were no objections.
	There were objections to...
3	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

Number the following items if the property is within the A-1/Farmland Preservation Plan:	
	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.

RECOMMENDATION:	
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 AMEDEMMENT/ 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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1	The Town of WOLF RIVER has
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 N/A have an adopted land use plan.
	Action N/A agree with Town adopted Town plan.
	N/A

2	There were no objections.
	There were objections to...
3	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.

	RECOMMENDATION:
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

CONDITIONAL USE
POST STAFF REPORT

Applicable Ordinance

<input checked="" type="checkbox"/>	Chapter 23: "The following findings have been made in accordance with section 23.7-114"
<input type="checkbox"/>	Chapter 27: "The following findings have been made in accordance with section 27.6-7(c)"

Number	Letter
1	The Town of NEKIMI has. a) Disapproved
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 for Denial were as follows:
	See file for Town findings for denial.
	There were no objections.
2	There was objection to potential increase in traffic, noise, and safety concerns.
3	Proposed use compatible with adjacent uses.

Number the following items if the property is within the A-1/Farmland Preservation Plan:

	Ch. 23: 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.
	Ch. 23: The use and its location in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
	Ch. 23: 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.
	Ch. 23: The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
	Ch. 23: The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
	Ch. 23: Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

RECOMMENDATION

<input type="checkbox"/>	APPROVAL
<input type="checkbox"/>	DENIAL
<input checked="" type="checkbox"/>	APPROVAL with the following conditions:
<input type="checkbox"/>	Approval not as requested
<input type="checkbox"/>	Approval not as requested with conditions

Conditions

TOWN: N/A

COUNTY:

- Hours of operation are limited to 6:00 AM to 6:00 PM Monday through Friday and 6:00 AM to 2:00 PM on Saturdays, except in case of an emergency.

2. Reasonable measures will be taken to control dust, including the use of water trucks as needed.
3. The parcel will be screened by berms of at least 12 feet in height measured from existing grade.
4. No roads maintained by the Town of Nekimi will be utilized for access or truck exercise routes.
5. 6 foot security fence permitted inside the berm with barbed wire. Lighting plan must be approved by County Zoning Department staff and shall include no more than 4 lights placed no higher than 12 ft above the base parcel grade.
6. Acceleration, deceleration, and passing lanes will be constructed on County Highway N at the access location per Winnebago County Highway Commission approval.
7. Maximum storage of 2,400 vehicles. Approximately 100 vehicles entering and exiting per day.
8. Emergency response/environmental concern notification list will be provided to the Town and County.
9. A "Plan of Operation" shall be approved by the Winnebago County Zoning Department prior to the issuance of this Conditional Use Permit and/or any other required Federal, State, County, or Town permit.
10. The County Planning and Zoning Committee shall conduct a review of this Conditional Use Permit six months after permit issuance, and every 12 months after that date if Committee and/or Zoning Administrator so choose.



Date: 9/26/17

Winnebago County Zoning Department
Attn: Brian P. O'Rourke
112 Otter Ave, P.O. Box 2808
Oshkosh, WI 54903-23808

Re: P&Q Oshkosh LLC, Conditional Use Permit

Dear Mr. O'Rourke,

My name is Anthony Wheel and I work as a Director of Engineering with Oshkosh Defense. The purpose of this letter is to voice my strong support for the above-reference Conditional Use Permit. I ask the County Planning and Zoning Committee recognize the valuable contribution both Oshkosh Defense and Michels Corporation bring as major employers and contributing corporate citizens of the Winnebago County community and approve the pending application.

Sincerely,

A handwritten signature in blue ink that reads "Anthony M. Wheel".

Date: 9/22/2017

To: Winnebago County Zoning Department

Attention: Brian O'Rourke

From: Town of Nekimi Supervisors, Chairman, and Clerk

RE: P & Q Oshkosh LLC, Conditional Use Permit Request



At the direction of the County Zoning Department the Nekimi Town Board re-visited the above conditional use permit request on September 20, 2017 to further discuss the application and provide written findings for denial of the request by the Town Board. Along with this coversheet, I will send the Town Board's evaluation form, which includes written findings for denial.

Respectfully,

A handwritten signature in black ink, which appears to read "Kelsey Barthels", is written over the typed name.

Kelsey Barthels, Clerk

Town of Nekimi



TOWN OF NEKIMI
WINNEBAGO COUNTY, WISCONSIN

**Conditional Use Permit Findings of Fact
and Determination**

This form is used by the Town of Nekimi to evaluate applications for conditional use permits referred to the Town by Winnebago County. It is based on the "Basis of Decision" criteria included in Section 23.7-114 of the Winnebago County Zoning Ordinance, as amended. The Town should respond to each question below by answering "yes" or "no" and explaining the rationale for each answer in the space provided. At the conclusion of the form, the Town must indicate whether it recommends approval or denial of the application and, if the recommendation is to approve, whether the Town recommends any conditions of approval.

Name of Applicant: P & Q Oshkosh LLC.

Nature of Application: Conditional Use Permit for Parking Oshkosh Trucks

1. Is the size of the parcel on which the proposed use will occur appropriate for the proposed use?

Yes: x No: _____

Rationale: (2400 divide by 32 acres, 75 trucks per acre) The Town Board believes the size of the parcel is appropriate for the proposed use.

2. Are there other uses on the subject property that are incompatible with the proposed use?

Yes: x No: _____

(Conditional Use represents 160 acres) The Town Board believes there are other uses on the subject property that are incompatible with the proposed use, for example, one applicant is in control of two completely separate uses, a parking lot for thousands of trucks (a separate entity) and a quarry (for proposed applicant), essentially two incompatible operations.

3. Is the location of the proposed use within the subject property appropriate (i.e., will it interfere with existing or potential land uses on the same property)?

Yes: _____ No: x

The Town Board believes the proposed use could interfere with other uses, but doesn't necessarily see it as a problem as long as Michels and Oshkosh Truck agree.

4. Will the proposed use have an adverse impact on traffic safety and efficiency, both on- and off-site?

Yes: ☒ _____ No: _____

The Town Board believes traffic safety and efficiency will be severely adversely impacted, more off site. The biggest concern is the increase in the volume of trucks coming in and out of the roadway to the parking lot; this will be significantly more than current. It is more of a concern of the pulling in and out than the current driving practice in a linear direction, not having to slow down or stop, or pull out into traffic, and once the quarry is operational which Michel's representative stated would be 6 months to 1 year then even more volume is concerning, as there will be more traffic in and out, creating more dangers on the road. When there is an increase in vehicles on the road it will always raise more safety issues. There are concerns of the trucks being exercised on alternative un-designated routes, creating even more safety issues. The Board believes there isn't much concern on-site.

5. Will the proposed use have an adverse impact on pedestrian circulation, both on- and off-site?

Yes: ☒ _____ No: _____

The Town Board believes the proposed use will have an adverse impact on pedestrian circulation off site. There are no sidewalks, walkers and bike riders will be impacted with more traffic and increased chance of accidents and injuries.

6. Is the subject property suitable for the proposed use?

Yes: _____ No: ☒ _____

The Town Board believes the subject property is not suitable for the proposed use as is, if it is drastically changed then it could be. The conditional use is on agriculture land, if a parking lot is placed, it will most likely not be agriculture ever again.

7. Will the proposed use adversely affect surrounding properties?

Yes: ☒ _____ No: _____

The Town Board believes the proposed use will adversely affect surrounding property, even with conditional and proposed conditions, operating on a Saturday is a huge concern, with increased traffic, and the fact it's a weekend. The Town Board is not convinced the proposed conditions are adequate due to lack of resources to regulate and enforce them. The Town Board also believes the proposed conditional

use will adversely affect the resale of homes in the area, and also the airport will have increased safety concerns with all the fuel filled vehicles parked close to them.

8. Will the proposed use adversely affect the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district and adjacent zoning districts?

Yes: ☒ No: ☐

The Town Board believes the proposed use will adversely affect the normal and orderly development and improvement of surrounding properties in the permitted zoning district and adjacent zoning districts. The future land use plan for the Town will be impeded by the conditional use, and it will also adversely affect property owners to the West. The Town Board feels if Oshkosh Truck wouldn't want to use the property anymore there is uncertainty of what it would become, potentially affecting the Town adversely as well.

9. Are there other factors not mentioned above that served as a basis for the decision described below?¹

Yes: ☒ No: ☐

The Town Board believes it is a concern the conditional use would be used under Unspecified Public Use- the proposed use doesn't really fit there in the Town Boards opinion, the definition of Unspecified Public Use- is a broad one, malleable, and is difficult for anyone who reads it to understand what it means, it gives the County Zoning Administrators too much or almost full control and authority to decide what is intended as a public use, due to the definition wording being too vague and difficult to interpret. The Town Board feels the future of the Town would be significantly jeopardized by the conditional use, as it doesn't fit into the plan for the Town, many amounts of time, money, decisions and dedication have been spent updating the Town's Comprehensive Plan (just last year). The Town Board believes the conditional use will create another dilemma for the Town to "enforce" concerns when receiving complaints from residents, and the Town knows the County has a lot on its plate, and feels it would be difficult for the County to address the concerns in a timely manner as well, and even if the County is responsible for the issues that arise from the conditional use, the Town is going to be the go to for complaints and concerns.

¹ While conditional use permits are not required to be consistent with the Town's Comprehensive Plan or the Future Land Use Map included therein, those documents may nonetheless be considered by the Town in evaluating conditional use permit applications, as they are reflective of conditional use permit criteria including the Town's judgment regarding the suitability of various land uses to locations in the Town.

Based on the findings above, the Town recommends that the conditional use permit application be:

Approved: _____

Denied: x

Describe how the responses to Question 1-9 led the Town to its decision (e.g., whether certain factors were more significant for the Town than others):

The responses in bold in all of the above questions 1-9 were the ones the Town Board felt the proposed conditional use would have an adverse effect on the Town. Some of the main and heavily weighted questions and responses are explained below which heavily factored into the Town Boards decision. The Town Board believes safety is the number one concern, and the Town Board feels this conditional use has an adverse effect on the safety of all Town residents with the increased volume of traffic, entering and exiting from the driveway of the proposed use, as well as increasing safety concerns for pedestrians and bikers. Secondly the Town Board feels there will be a significant adverse effect on surrounding properties, such as, noise, lighting, dust, hours of operation, de-valuing residential residences, and the lack of the Town being able to eliminate concerns and enforce the proposed conditions. Third, the subject property is incompatible for the two separate uses being run by two different corporations, if problems were to arise between the two, it would be difficult for the Town to resolve. Fourth, the proposed use doesn't seem to be appropriate to fit under Unspecified Public Use as the definition is too broad and difficult for one to understand what qualifies under this. Fifth, the conditional use will impede the Town's plan for its future and the residents of the Town, as it doesn't represent the current or future plan for the Town. Lastly, the subject property isn't suitable for the proposed use as is, a lot of changes and demolition will need to occur prior for the conditional use to work.

If the Town's recommendation is to approve the conditional use permit application, identify any recommended conditions of approval: