

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMITTEE
March 29, 2022

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a Conditional Use which is regulated by either Chapter 23, the Town/County Zoning Code, or Chapter 27, the Shoreland Zoning Code. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

The Winnebago County Planning and Zoning Committee will be holding a public hearing on March 29, 2022 at 6:30 PM in Conference Room 120 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing may appear in person or via Zoom using the meeting information below. A direct link to the Zoom Meeting is available on the Winnebago County Meetings and Agenda calendar on the above indicated date.

Join Zoom Meeting: <https://www.co.winnebago.wi.us/planning-and-zoning/p-z-meeting-links>

Additional Instructions can be found at: <https://www.co.winnebago.wi.us/planning-and-zoning>

For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning office, where the application is available for viewing.

INFORMATION ON CONDITIONAL USE REQUEST

Application No.: 2022-CU-6000

Property Owner(s): LIPPOLD, PAUL

Agent: NONE

Tax Parcel No.: 004-0906, 004-0907

Location of Premises: 6441 S US HIGHWAY 45

Legal Description: Being a part of Lots 1 and 2 of Block B of the Plat of Decorah, located in the SE 1/4 of the NW 1/4, Section 28, Township 17 North, Range 17 East, Town of Black Wolf, Winnebago County, Wisconsin.

Code Reference: Chapter 23, Division 3, Sec. 23.8-41, Exhibit 8-1, Sec. 7.05 & 7.05

Description of Proposed Use: Applicant is requesting a conditional use permit to operate a vehicle sales and repair shop.

INITIAL STAFF REPORT

Sanitation: Existing; Private System

Overlays: Shoreland

Current Zoning: B-2 Community Business

Code Reference: Chapter 23, Division 3, Sec. 23.8-41, Exhibit 8-1, Sec. 7.05 & 7.05

Description of Proposed Use: Applicant is requesting a conditional use permit to operate a vehicle sales and repair shop.

Surrounding Zoning: **North:** R-2; **South:** R-2; **East:** R-2; **West:** R-2;

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER/AGENT

Describe the proposed use: Our proposed use is to include repair/service of motor vehicles, and sales of motor vehicles.

Describe how the proposed use will not have any adverse effects on surrounding property: We will follow all Winnebago County Special Standards applicable to our use. Our business will be open during "normal" daytime business hours. Our service activities will be conducted inside of our service area. We do not see noise being any factor as work will be carried out within enclosed buildings. We currently have ample parking on our property. If for any reason parking would become an issue, we will take steps necessary to prevent parking on the street, to include the expansion of our parking lot as permissible by Zoning. Our entrance into our parking lot is on a side street and not onto the main Highway. For the privacy of our business and surrounding neighbors, we will be planting natural vegetation and trees for the visual continuity of our surroundings. We will also be using fencing as permitted per Zoning guidelines to further privacy. By following the Winnebago County Special Standards, and our plans for the beautification of our property, we do not foresee our proposed use to have any negative impact on our surrounding, and we'll be taking steps to mitigate our "business" presence within the neighborhood.

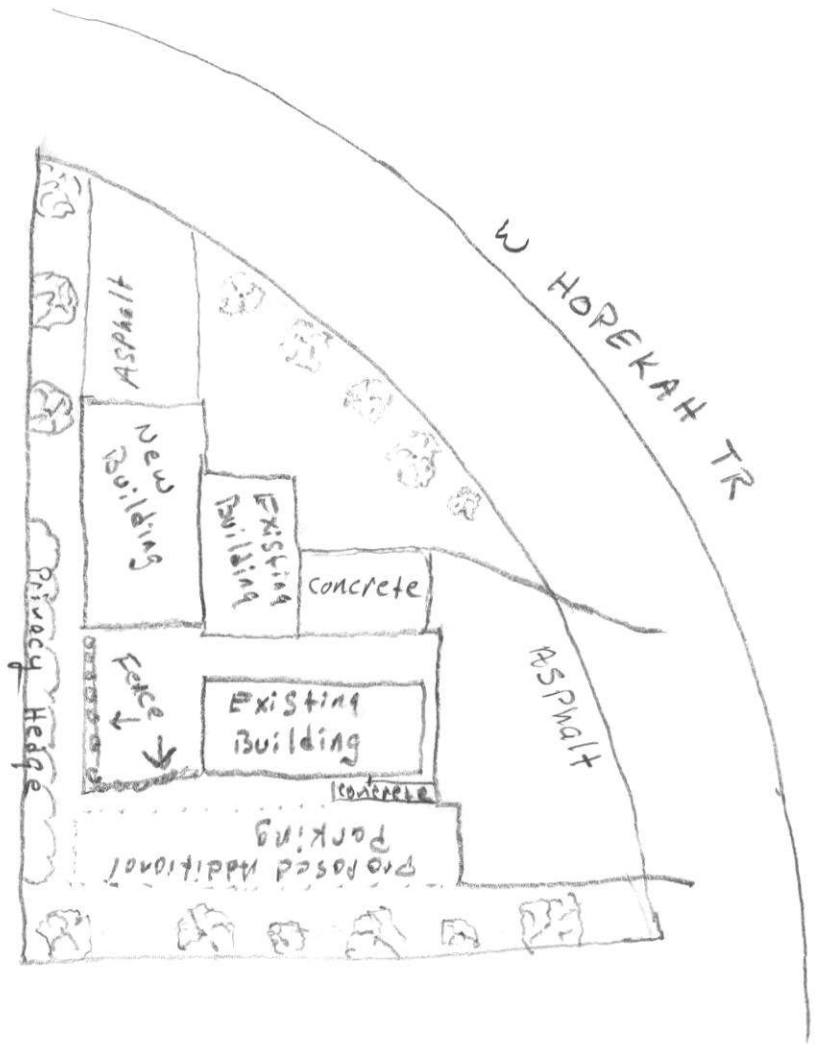
SECTION REFERENCE AND BASIS OF DECISION

Basis of Decision

The town board and town plan commission of the town in which the proposed conditional use is located in making their recommendation and Planning and Zoning Committee in making its decision shall consider the following factors:

- (1) the size of the parcel on which the proposed use will occur;
- (2) the presence of and compatibility with other uses on the subject property;
- (3) the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
- (4) effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
- (5) the suitability of the subject property for the proposed use;
- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter as set forth in s. 23.1-5 and other sections as may apply.

In the event the conditional use being proposed is an adult-oriented establishment, the above-named decision-making bodies shall not consider the nature of expressive conduct protected by the U.S. Constitution with regard to any of the above-mentioned criteria.



US Hwy 45

**Winnebago County Zoning Department**

P.O. Box 2808
112 Otter Ave, 3rd Floor
Oshkosh, WI 54903-2808
(920) 232-3344
(920) 232-3347 (fax)

For office use only



Receipt # _____

Application #: _____

SITE PLAN AND PLAN OF OPERATION APPLICATION**Fee: \$0.00**

(Please print or type. Please use black ink for duplicating purposes.)

Payable to: Winnebago County**A. PROPERTY OWNER:**A-1 NAME: Paul LippoldMailing Address: 6441 S US Hwy 45Phone: 920-203-1394E-mail: paul@consgunshop.com

Permission is hereby granted for appropriate County 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 effect until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Property Owner's Signature

Paul LippoldDate 1-28-22**I HEREBY APPOINT THE FOLLOWING AS MY AGENT FOR PURPOSES OF THIS APPLICATION:**

A-2 AGENT (NAME): _____

Mailing Address: _____

Phone: _____

E-mail: _____

Agent's Signature: _____

Date: _____

B. PROPERTY INFORMATION:

B-1 Tax Key/Parcel #: _____

B-2 Location of affected property: 6441 S US Hwy 45 Oshkosh WI 54902**C. TYPE OF APPLICATION: (check all that apply)**_____ Site Plan (complete **Section D** of this application)

_____ New site plan

_____ Amendment of a site plan approved on: _____

X Plan of Operation (complete **Section E** of this application)

_____ New plan of operation

_____ Amendment of a plan of operation approved on: _____

D. SITE PLAN:

D-1 Site plan. Attach the site plan (8 1/2" x 11" or 11" x 17") to this application. The site plan can consist of a single page or multiple pages depending on the complexity of the features that need to be depicted.

Please refer to the special standards of each use, found in Article 8 of the Town/County Zoning Code for additional requirements that must be indicated.

The following items must be included:

- exact dimensions of all existing and proposed structures
- setback distances from all lot lines to all existing and proposed structures
- distances between existing and proposed structures at their closest points
- street yard setback(s), measured to the road right-of-way (not pavement or centerline)
- shore yard setback(s), measured from the closest point of the ordinary high water mark to all proposed and existing structures; zoning staff must delineate the OHWM and verify setback when within 100ft

In addition, site plans should also include, if applicable:

- outdoor storage/activity areas
- landscaping features to include: fences, buffers, and berms; trees/shrubs to be retained; and trees/shrubs to be planted including a plant list and specs
- wetland and floodplain boundaries
- parking features including dimensions of stalls, access aisles, and driveways and designation of accessible parking stalls
- signage including setbacks and specifications of type, height, etc. (see Article 12 of Town/County Zoning Code)

D-2 Potential Expansion. If expansion of the building, parking lot, outdoor storage area, or other similar feature is anticipated, describe the expansion and timeline, and show such areas on the site plan.

A proposed additional parking area has been shown
on site plan. Parking lot would be after first year.

D-3 Parking. The number of required parking spaces is dependent on the type of use present/proposed. Refer to Article 11 of the Town/County Zoning Code to determine the standard by which the number of spaces is calculated.

Standard (from Exhibit 11-1): _____

Calculation (show determination):

1 Space for each 300 sqft gross floor space = 11
 1 Space for each Service Bay + 1 for each Empl. = 4
 ADA Parking Space per 28CFR 36 = 1

Required spaces as determined above (a) 16

Spaces Provided
 Regular 25
 Compact _____
 Accessible 1
 Total (b) 26

Spaces exceeding requirements as a percent 7

Note: calculate this value by dividing (b) by (a). If the number of spaces provided exceeds the number of required spaces by more than 15 percent, a special exception as approved by the Planning and Zoning Committee is required.

Will the project share parking spaces with an adjoining business as allowed under Article 11 of the Town/County Zoning Code?

☒ No

☐ Yes If yes, attach one copy of an existing or proposed Shared Parking Agreement.

Will the parking lot have outdoor lighting?

☒ No

☐ Yes If yes, attach one copy of the proposed outdoor lighting plan.

Light Already Exists on Property

D-4 Miscellaneous

Is a landscape plan required? A landscape plan is required when a proposed project meets one of the following criteria:

- (1) construction of a principal building, except for single-family and two-family residences and agricultural buildings;
- (2) accumulative expansion of a principal building by 50 percent or more of the original square footage of the building;
- (3) construction of a principal structure such as fueling stations and telecommunication towers, when the principal structure is the only principal structure/use on the lot; or
- (4) is a condition of a conditional use permit approved by the Planning and Zoning Committee?

☒ No

☐ Yes If yes, attached a landscape plan that meets the requirements of Article 9 of the Town/County Zoning Code.

Does the subject property adjoin another property that is located in a zoning district that is different than the zoning district in which the subject property is located (i.e. your property is zoned B-2 and adjoins a parcel that is zoned I-2)?

☒ No

☐ Yes If yes, is a buffer yard required under Article 9 of the Town/County Zoning Code? See Exhibit 9-1.

☒ No

☐ Yes If yes, show the buffer yard on the landscape plan.

Is there or will there be a trash enclosure?

☒ No

☐ Yes If yes, show the location on the site plan and provide a set of plans for the enclosure that includes dimensions, materials, and setbacks.

Will the site require a new access onto a state, county, or town road?

☒ No

☐ Yes If yes, attach one copy of the access and/or culvert permit.

Will the site share a single street access with an adjoining parcel?

☒ No

☐ Yes If yes, attach one copy of an existing or proposed joint access easement.

Will the project disturb more than 1,000 square feet?

☒ No

☐ Yes If yes, attach one copy of a stormwater and/or erosion control permit.

Will the project require a new or expanded private on-site waste water treatment system (POWTS)?

☒ No

☐ Yes If yes, attach one copy of the sanitary permit card.

E. PLAN OF OPERATION:

E-1 Describe the proposed use: Addition of Sales & Repair of
Motor Vehicles

E-2 Gross floor area:

Floor	Floor area (sq. ft.)	Uses (e.g., retail, office, storage, kitchen, manufacturing, warehousing, etc.)
1	800	Showroom Retail
1	2500	Service Area

E-3 Describe the days of operation and hours of operation: m-Sat 10-5

E-4 Miscellaneous

Will you need to obtain a permit, license, or other approval from the State of Wisconsin to operate this use?

☐ No
☒ Yes If yes, please explain: Motor Vehicle Dealer

Will you need to obtain a liquor license from the Town?

☒ No
☐ Yes

Does the use involve the production of any items?

☒ No
☐ Yes

If yes, please explain: _____

Will the use emit any type of smoke, vapor, steam, or dust?

☒ No
☐ Yes

If yes, please describe in detail (e.g., type, point of emission, emission levels, etc.): _____

Will the use utilize, store, or manufacture any Extremely Hazardous Substance (EHS) as regulated under Section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA)? Refer to the "Consolidated List of Lists" which is published by the U.S. EPA.

☒ No
☐ Yes

If yes, please list each substance and include the estimated quantity. Depending on the quantity, you may be required to develop a response plan in collaboration with Wisconsin Emergency Management and/or the Winnebago County Emergency Management Department. Attach additional pages if necessary.

1. _____
2. _____

Does the use utilize, store, or manufacture gasoline, diesel fuel, or any other petroleum-based fuel?

☒ No
☐ Yes

If yes, please explain: _____

Will the use include outdoor storage of materials or equipment?

☒ No
☐ Yes

If yes, please explain: _____

Lake
Winnebago

Application #22-CU-6000

Date of Hearing:

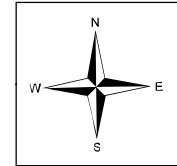
March 29, 2022

Owner(s):

LIPPOLD, PAUL R

Subject Parcel(s):

0040906 / 0040907



Winnebago County
WINGS Project

Scale

1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area

0040906
0.18 Ac.

0040907
0.23 Ac.

W DECORAH AVE

S US HWY 45

DECORAH AVE

CHEROKEE ISLAND RD

E DECORAH AVE

LEE HARBOR LN

○ = SITE

Application #22-CU-6000

Date of Hearing:

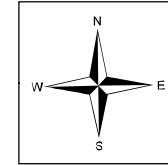
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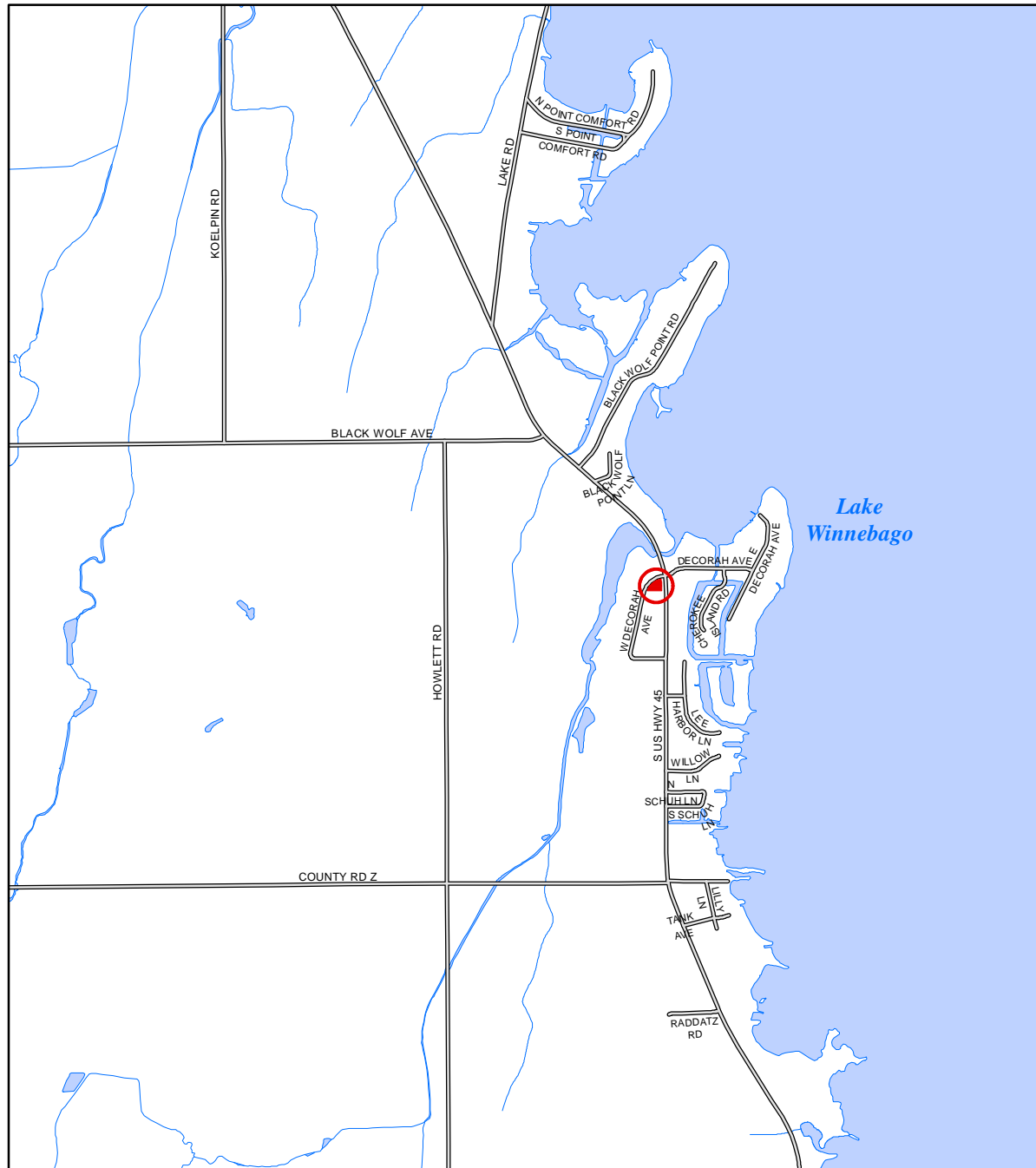
LIPPOLD, PAUL R

Subject Parcel(s):

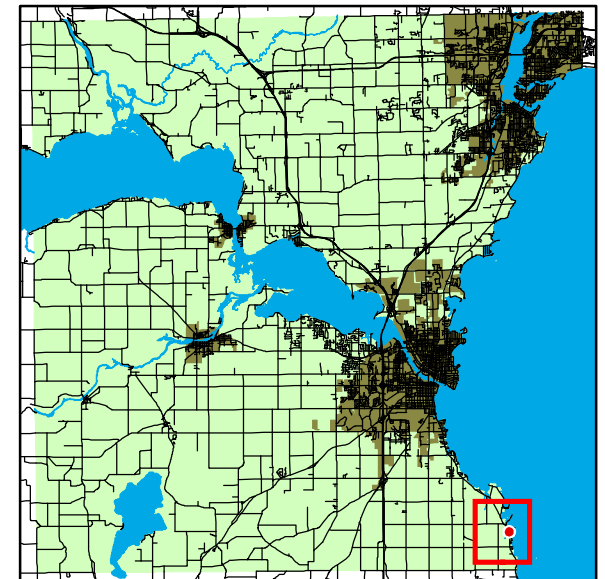
0040906 / 0040907



*Winnebago County
WINGS Project*



● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY