

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: *October 29, 2021*

TO: *Planning and Zoning Committee*

FROM: *Jerry Bougie, Director of Planning and Zoning, Cary Rowe, Zoning Administrator*

RE: *Committee review and action to forward Town Zoning ordinance amendments to County Board*

Background:

Amendments to Town zoning ordinances are required to be adopted by the Winnebago County Board pursuant to section 60.62(3), Wis. Stats., and s. 8.04, Winnebago County General Code.

Policy Discussion:

County Zoning Staff receives Town zoning ordinance amendment(s) from the affected Town(s). Staff reviews the Town's action for completeness of information (i.e. findings of fact) and whether the proposed zoning amendment(s) is/are consistent with the Winnebago County Comprehensive Plan and subsequently prepares a Staff recommendation on each of the proposed zoning amendment(s). Town zoning amendments do not require a County public hearing, as the hearing has already occurred at the Town level.

For this month's agenda there are 3 Town Zoning Changes requested – they are:

1. M7 Investment Group LLC, Town of Winchester.
2. Wesley Maes and Holly Niemeyer, Town of Black Wolf
3. Luker Revocable Trust, Town of Black Wolf

All three Town Zone Changes are consistent with the Winnebago County Comprehensive Plan. Details for each are shown on the attached Staff memo from the County Zoning Administrator.

Requested Action:

Approve a motion to forward zone change to County Board for action. (Note: separate action is taken on each of the zone changes, so there will be 3 motions by the Committee).

Committee Action:

(Added before full county board) Information on discussion at committee including who made the motion, the verbiage of the motion and any pertinent discussion items

Attachments:

See attached



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF OCTOBER 29, 2021

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAH*

RE: Review of Town Zoning Changes

1. **M7 Investment Group LLC - Town Zoning Change (Tax ID No: 028-0433) – Town of Winchester.**

The town zoning change for M7 Investment Group LLC is consistent with Winnebago County's Future Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District), B-2 (Community Business District) and B-3 (General Business District) to B-2 (Community Business District) and Winnebago County's future land use plan shows future land use as Non-residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Wesley Maes and Holly Niemeyer - Town Zoning Change (Tax ID No: 004-0503-06) – Town of Black Wolf.

The town zoning change for Wesley Maes and Holly Niemeyer is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) and Winnebago County's future land use plan shows future land use as Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Luker Revocable Trust - Town Zoning Change (Tax ID No: 004-0503-05) – Town of Black Wolf.

The town zoning change for Luker Revocable Trust is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) and Winnebago County's future land use plan shows future land use as Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

A-2, B-2 ~~B-3~~ to B-2
FLU: Nov-185

Town of Winchester

Ordinance 2021-07

Ordinance to Amend the Official Town of Winchester Zoning Ordinance Map

- WHEREAS,** One or more applications for amendments to the Map of the Town of Winchester Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and
- WHEREAS,** following the requisite Notices and Public Hearings, the proposed amendment(s) have been reviewed and recommended to the Town Board by the Town's Plan Commission; and
- WHEREAS,** the application(s) for amendment(s) to the Map of the Town of Winchester Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2016 update to the Town's Comprehensive Plan; and
- WHEREAS,** all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 17.59 of the Town of Winchester Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Winchester is amended as follows:

Property Owner: M7 Investment Group LLC

Legal description of property: The property located in the Town of Winchester and being specifically described as Tax ID 028-0433, in Section 14, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin.

Findings of Fact:

1. The Town of Winchester has an adopted Land Use Plan
2. The Adopted 20-year Future Land Use Map in the Land Use Plan shows the Lot as Highway Commercial
3. B-2 (Community Business District) zoning is consistent with the aforementioned land use district.
4. Therefore, a zoning change from A-2, B-2, and B-3 to B-2 is consistent with the adopted Land Use Plan.
5. The zoning change is compatible with adjacent land uses.

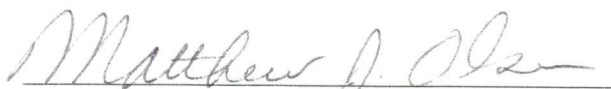
The above-described property is hereby rezoned from:

A-2 (General Agricultural District); B-2 (Community Business District); and B-3 (General Business District) to B-2 (Community Business District).

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. The amendment to the Town of Winchester Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 20th, day of September 2021

Vote: Yes: 3 No: 0 Absent: 0 Abstain: 0


Matthew J Olson, Chairman

Attest: 
Holly Stevens, Clerk

Town of Winchester

8522 Park Way, Larsen, WI 54947
920.836.2948

September 20, 2021

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Dear Mr. Rowe,

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Winchester:

Re-zoning application submitted by DGI Winchester LLC, 200 E Washington St, Suite A, Appleton for property located in the Town of Winchester and being specifically described as Tax ID 028-0433, in Section 14, Town 20 North, Range 15 East, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone a portion of the property from A-2 (General Agricultural District); B-2 (Community Business District); and B-3 (General Business District) to B-2 (Community Business District).

Should you have any questions relative to this request, please feel free to call or email me.

Sincerely,



Holly Stevens
Town of Winchester Clerk

CC County Clerk, Sue Ertmer

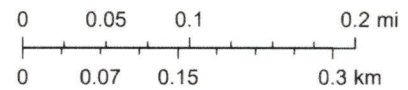
ReZoning 028-0433 Regional Location Map



9/21/2021, 8:05:36 AM

1:7,258

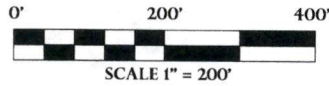
- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable - Permanent (unchecked)
- Navigable - Intermittent (unchecked)
- Navigable - Stream (unchecked)
- Navigable - Permanent (checked)
- Navigable - Intermittent (checked)
- Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Municipal Boundary



Winnebago County GIS, Imagery Date: April 2020

CERTIFIED SURVEY MAP

BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4
OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF
WINCHESTER, WINNEBAGO COUNTY, WISCONSIN.



FIELDWORK COMPLETED
ON JUNE 16-18, 2021

BASIS OF BEARINGS

THE EAST LINE OF THE SW1/4 OF
SEC. 14, T.20N, R.15E, BEARS
N 00°12'01"W AS REFERENCED TO THE
WINNEBAGO CO. CRD SYSTEM, NAD 83 (2011).

SURVEYOR'S NOTE

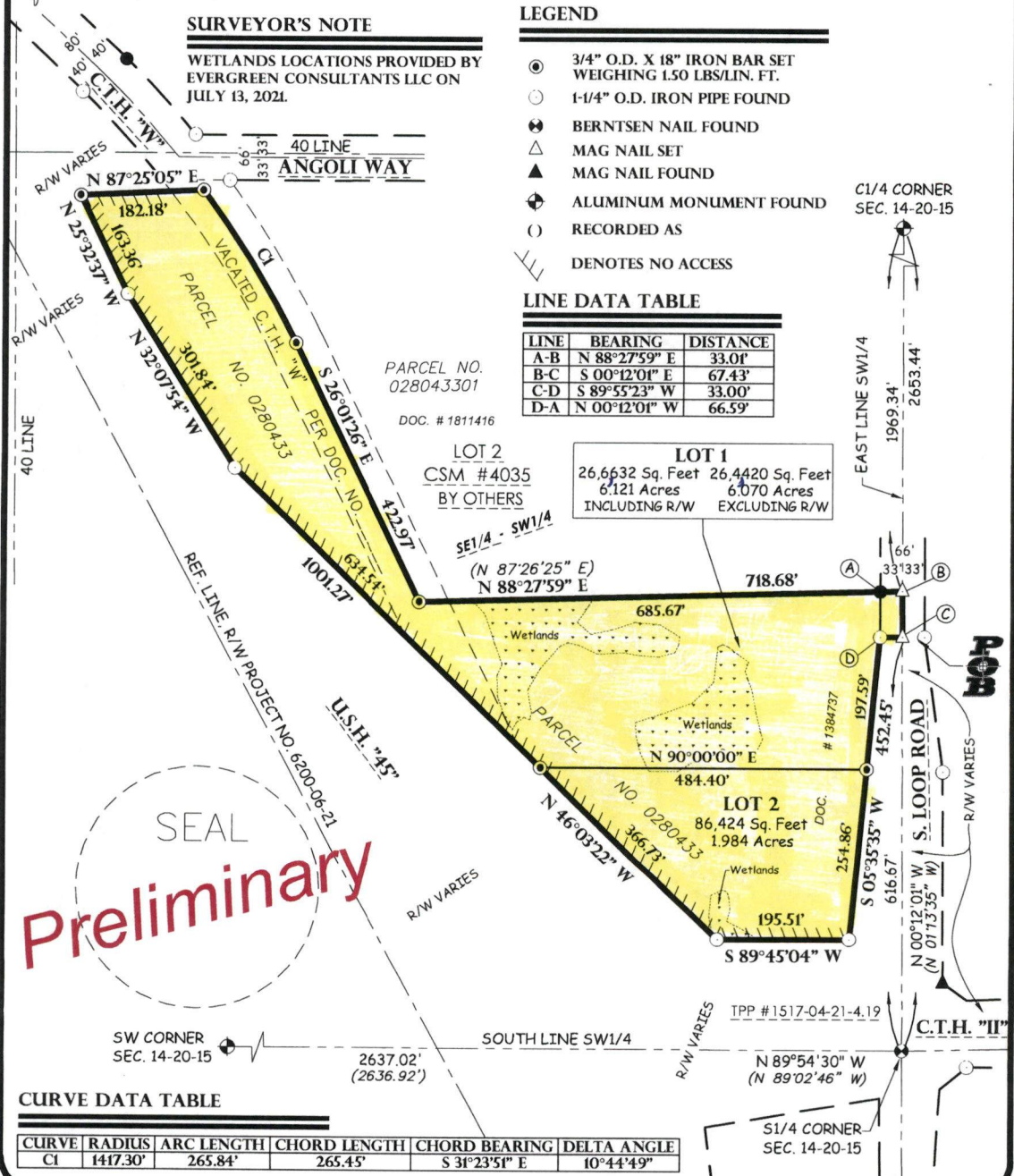
WETLANDS LOCATIONS PROVIDED BY
EVERGREEN CONSULTANTS LLC ON
JULY 13, 2021.

LEGEND

- 3/4" O.D. X 18" IRON BAR SET WEIGHING 1.50 LBS/LIN. FT.
- 1-1/4" O.D. IRON PIPE FOUND
- ⊕ BERNTSEN NAIL FOUND
- △ MAG NAIL SET
- ▲ MAG NAIL FOUND
- ⊙ ALUMINUM MONUMENT FOUND
- () RECORDED AS
- ⊘ DENOTES NO ACCESS

LINE DATA TABLE

LINE	BEARING	DISTANCE
A-B	N 88°27'59" E	33.01'
B-C	S 00°12'01" E	67.43'
C-D	S 89°55'23" W	33.00'
D-A	N 00°12'01" W	66.59'



CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CI	1417.30'	265.84'	265.45'	S 31°23'51" E	10°44'49"



Land Surveying
Civil Engineering
Landscape Architecture
Jordan G. Brost, PLS #3009
4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999(Ph) 715.344.9922(Fx)

THIS INSTRUMENT WAS DRAFTED BY JORDAN BROST
AND DRAWN BY TRAVIS PLANTICO

FIELD BOOK _____ PAGE _____
JOB # 21.056

SHEET 1 OF 3 SHEETS

CERTIFIED SURVEY MAP

BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN.

Surveyor's Certificate

I, Jordan G. Brost, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped part of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 20 North, Range 15 East, Town of Winchester, Winnebago County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of Section 14, Township 20 North, Range 15 East;
Thence N 00°12'01" W along the East line of the Southwest 1/4 of said Section 14, 616.67 feet to the Point of Beginning (P.O.B.) of the parcel to be described;
Thence S 89°55'23" W, 33.00 feet to the West right-of-way line of S. Loop Road;
Thence S 05°35'35" W along said West right-of-way line of S. Loop Road, 452.45 feet to the North right-of-way line of C.T.H. "II";
Thence S 89°45'04" W along said North right-of-way line of C.T.H. "II", 195.51 feet to the East right-of-way line of U.S.H. "45";
Thence N 46°03'22" W along said East right-of-way line of U.S.H. "45", 1001.27 feet;
Thence N 32°07'54" W along said East right-of-way line of U.S.H. "45", 301.84 feet;
Thence N 25°32'37" W along said East right-of-way line of U.S.H. "45", 163.36 feet;
Thence N 87°25'05" E along said East right-of-way line of U.S.H. "45", 182.18 feet to the center line of vacated C.T.H. "W";
Thence Southeasterly 265.84 feet along the arc of a curve, along said center line of vacated C.T.H. "W", concave southwesterly, having a radius of 1417.30 feet and whose long chord bears S 31°23'51" E, 265.45 feet;
Thence S 26°01'26" E along said center line of vacated C.T.H. "W", 422.97 feet;
Thence N 88°27'59" E, 718.68 feet to the East line of the Southwest 1/4 of said Section 14;
Thence S 00°12'01" E along said East line, 67.43 feet to the Point of Beginning (P.O.B.).

Containing 353,056 Square Feet - 8.105 acres.

Subject to (if any) covenants, conditions, restrictions, right-of-ways and easements of record.

That I have made such survey, land division and plat by the direction of DGI-Winchester, LLC
That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.
That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Subdivision Ordinance of the Town of Winchester in surveying, dividing and mapping the same.

Dated this _____ day of _____, 2021.

Jordan G. Brost
PLS No. S-3009

SEAL
Preliminary

Winnebago County Planning and Zoning Certificate

Pursuant to the Land Subdivision Regulations of the County of Winnebago, Wisconsin, all the requirements for approval have been fulfilled. This Minor Subdivision was approved by the Winnebago County Planning and Zoning Committee on this _____ day of _____, 2021.

Chairperson, Planning and Zoning Committee

PREPARED BY:

Point of Beginning, Inc.
4941 Kirschling Court
Stevens Point, WI 54481

OWNER:

M7 Investment Group LLC
926 Jacobson Road
Neenah, WI 54956

CLIENT:

DGI-Winchester, LLC
200 E. Washington ST., Suite 2a
Appleton, WI 54911



Land Surveying
Civil Engineering
Landscape Architecture

Jordan G. Brost, PLS #3009

4941 Kirschling Court
Stevens Point, WI 54481
715.344.9999(PH) 715.344.9922(FX)

THIS INSTRUMENT WAS DRAFTED BY JORDAN BROST
AND DRAWN BY TRAVIS PLANTICO

FIELD BOOK _____ PAGE _____
JOB # 21.056

SHEET 2 OF 3 SHEETS

CERTIFIED SURVEY MAP

BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4
OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 15 EAST, TOWN OF
WINCHESTER, WINNEBAGO COUNTY, WISCONSIN.

Owner's Certificate

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the map. I also certify that this certified survey map is required by s236.34 to be submitted to the following for approval or objections:

Town of Winchester
Winnebago County

Witness the hand and seal of said owner this _____ day of _____, 2021.

M7 Investment Group LLC Representative, Owner

STATE OF WISCONSIN)
COUNTY OF WINNEBAGO)

Personally came before me this ____ day of _____, 2021, the above named M7 Investment Group Representative, to me known to be the person who executed the foregoing instrument and hereby acknowledge the same.

_____, Notary Public, _____, Wisconsin.

My commission expires _____.

Town of Winchester Board Resolution

Resolved that this certified survey map is approved for recording by the town board of the Town of Winchester.

I hereby certify that the foregoing is a resolution presented and adopted by the town board of the Town of Winchester on this _____ day of _____, 2021.

Town Chairperson

Town Clerk

Treasurer's Certificate

I hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands shown hereon.

Town Treasurer

Date

County Treasurer

Date

PREPARED BY:

Point of Beginning, Inc.
4941 Kirschling Court
Stevens Point, WI 54481

OWNER:

M7 Investment Group LLC
926 Jacobson Road
Neenah, WI 54956

CLIENT:

DGI-Winchester, LLC
200 E. Washington St., Suite 2a
Appleton, WI 54911

SEAL

Preliminary



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FIELD BOOK _____ PAGE _____

JOB # 21.056

SHEET 3 OF 3 SHEETS



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF OCTOBER 29, 2021

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAH*

RE: Review of Town Zoning Changes

1. M7 Investment Group LLC - Town Zoning Change (Tax ID No: 028-0433) – Town of Winchester.

The town zoning change for M7 Investment Group LLC is consistent with Winnebago County's Future Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District), B-2 (Community Business District) and B-3 (General Business District) to B-2 (Community Business District) and Winnebago County's future land use plan shows future land use as Non-residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Wesley Maes and Holly Niemeyer - Town Zoning Change (Tax ID No: 004-0503-06) – Town of Black Wolf.

The town zoning change for Wesley Maes and Holly Niemeyer is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) and Winnebago County's future land use plan shows future land use as Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Luker Revocable Trust - Town Zoning Change (Tax ID No: 004-0503-05) – Town of Black Wolf.

The town zoning change for Luker Revocable Trust is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) and Winnebago County's future land use plan shows future land use as Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.



Town of Black Wolf

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902
Office: (920) 688-1404 info@townofblackwolf.com

ZONING CHANGE SUBMITTAL FORM

1. Name of Property Owner: Wesley Maes and Holly Niemeyer
Address of Owner: 7534 Swiss Rd
Oshkosh, WI 54902

2. Name of Applicant: Leon Luker
Address of Applicant: 7558 Swiss Rd
Oshkosh, WI 54902

3. Legal Description of area to be rezoned (attach CSM, if applicable): Lot 2 of CSM-7791

4. Tax Parcel Number (if existing parcel): 004-0503-06

5. Section: 31 Town: 17 N Range: 17 E

6. Existing Zoning: A-2 Name of District: General Farming

7. Proposed Zoning: R-1 Name of District: Rural Residential

To be completed by Town of Black Wolf:

8. Town Board Action: Approved Denied

9. Findings:

- The Town of Black Wolf has a Comprehensive Plan
- The zoning change is in compliance with that comprehensive plan.
-
- + Add an additional acre to an existing one acre parcel.
- + One acre taken from a parcel zoned A-2 and added to a parcel zoned R-1.
- + Zoning change will remove dual zoning on newly created parcel.

I, Thomas G. Verstegen, Town of Black Wolf Zoning Administrator, hereby certify that a Public Hearing was conducted on June 28, 2015, and that all required notices were posted and/or mailed as required by local ordinance.

Thomas G. Verstegen
Thomas G. Verstegen

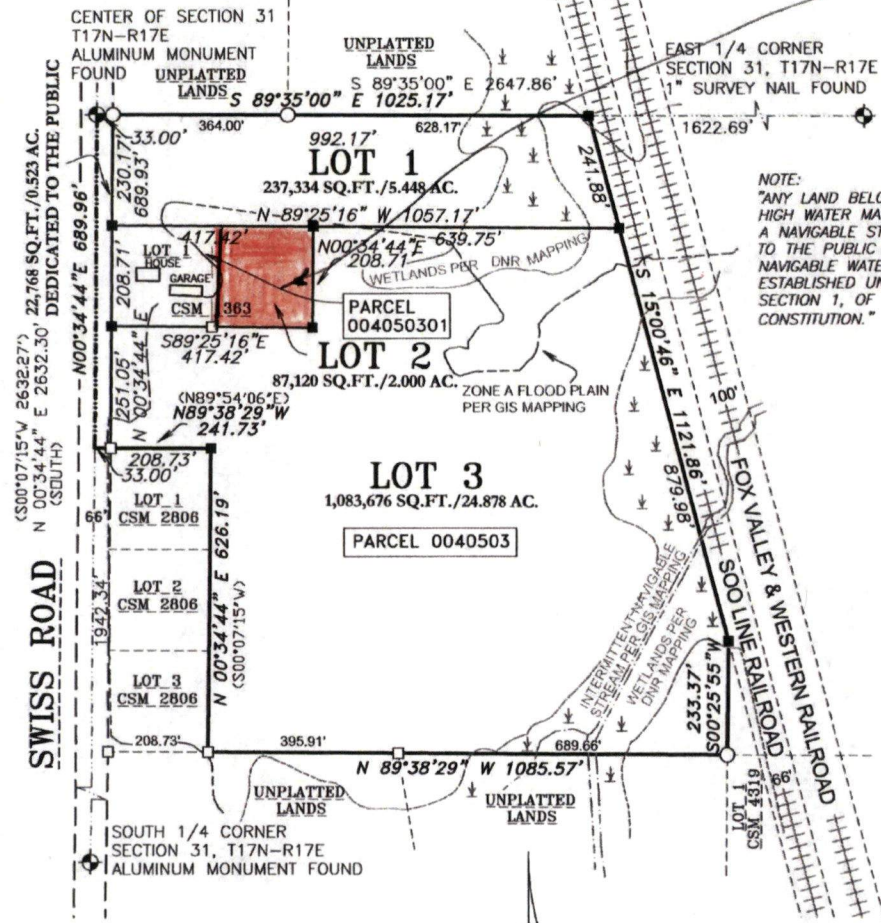
Date: 8-20-21

CERTIFIED SURVEY MAP NO. 7791

ALL OF LOT 1 OF CERTIFIED SURVEY MAP 1363,
AND PART OF THE NORTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 17
NORTH, RANGE 17 EAST, TOWN OF BLACK WOLF,
WINNEBAGO COUNTY, WISCONSIN.

*Area of
Requested
Zoning
Change*

SURVEY FOR:
LEON LUNKER
7558 SWISS ROAD
OSHKOSH, WI 54902

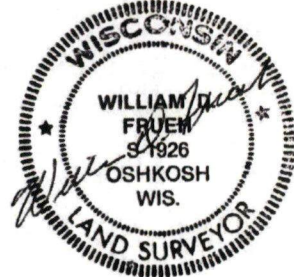


NOTE:
"ANY LAND BELOW THE ORDINARY
HIGH WATER MARK OF A LAKE OR
A NAVIGABLE STREAM IS SUBJECT
TO THE PUBLIC TRUST IN
NAVIGABLE WATERS THAT IS
ESTABLISHED UNDER ARTICLE IX,
SECTION 1, OF THE STATE
CONSTITUTION."

LEGEND

- 1-1/4" O.D. IRON PIPE SET, 18" LONG,
WEIGHING 1.130 LBS. PER LIN. FOOT
- 3/4" REBAR FOUND
- 1-1/4" O.D. IRON PIPE FOUND
- ⊕ GOVERNMENT CORNER FOUND
- () RECORDED AS

Scale 1 inch = 300 feet
0 150 300 600
BEARINGS ARE REFERENCED TO THE WINNEBAGO
COUNTY COORDINATE SYSTEM OF 1983(1991)
IN WHICH THE WEST LINE OF THE SOUTHEAST 1/4,
OF SECTION 31, BEARS N00°34'44"E



FRUEH CONSULTING SERVICES, LLC
ENGINEERING AND LAND SURVEYING
P. O. Box 282, Oshkosh, Wisconsin 54902
TELEPHONE (920) 235-0279

PROJECT NO. 0-1062-023
FILE 1062023CSM SHEET 1 OF 3
This instrument was drafted by: DSL



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF OCTOBER 29, 2021

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FM: Zoning Administrator *CAH*

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Town of Black Wolf

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902
Office: (920) 688-1404 info@townofblackwolf.com

ZONING CHANGE SUBMITTAL FORM

- Name of Property Owner: Luker Rev. Trust (Ann and Leon Luker)
Address of Owner: 7558 Swiss Rd.
Oshkosh WI 54902
- Name of Applicant: Leon Luker
Address of Applicant: Same
- Legal Description of area to be rezoned (attach CSM, if applicable): Lot 1 of CSM-7791
NW 1/4 of SE 1/4, Sec 31, T 17N, R 17E.
- Tax Parcel Number (if existing parcel): 004-0503-05
- Section: 31 Town: 17 N Range: 17 E
- Existing Zoning: A-2 Name of District: General Farming
- Proposed Zoning: R-1 Name of District: Rural Residential

To be completed by Town of Black Wolf:

8. Town Board Action: Approved ✓ Denied _____

9. Findings:

- The Town of Black Wolf has a Comprehensive Plan
- The zoning change is in compliance with that comprehensive plan.

➤ Town Zoning Ordinance requires 10 acres to maintain A-2 zoning.
 + Zoning change required for newly created parcel to be con farming. + Newly created parcel is 5.45 Acres.
 + Seven R-1 parcels within 1100 ft.

I, Thomas G. Verstegen, Town of Black Wolf Zoning Administrator, hereby certify that a Public Hearing was conducted on June 28, 2021, and that all required notices were posted and/or mailed as required by local ordinance.

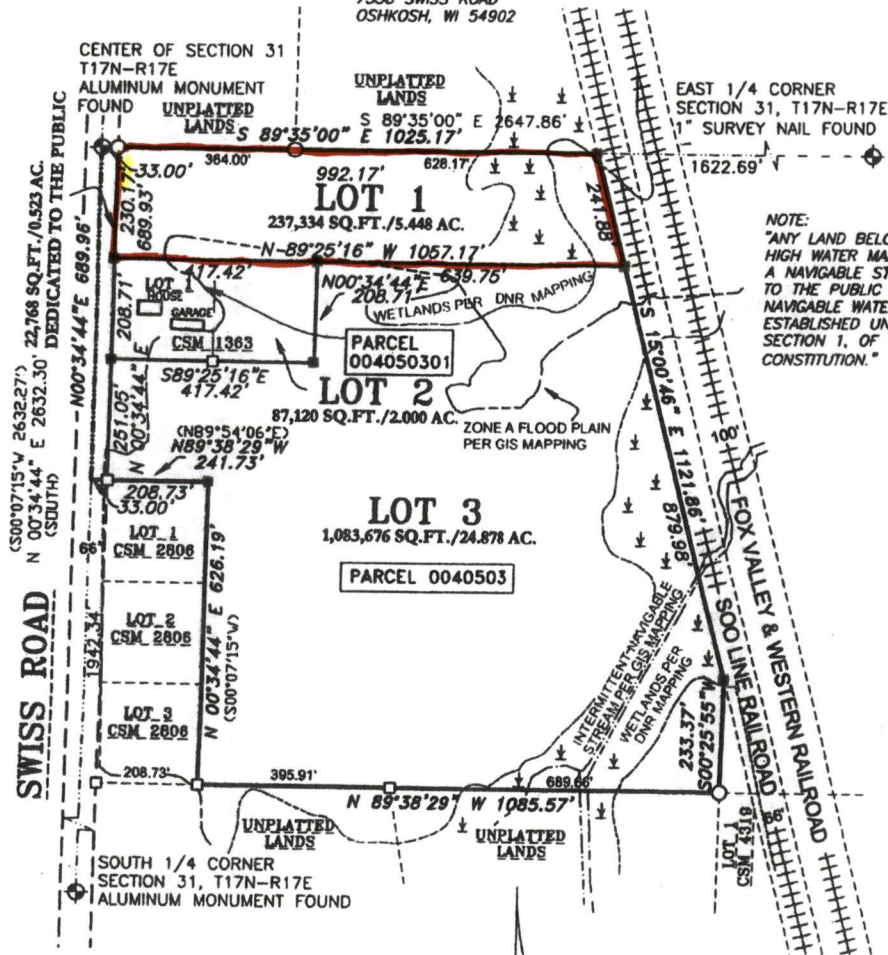
Thomas Verstegen
Thomas G. Verstegen

Date: 8-20-21

CERTIFIED SURVEY MAP NO. _____

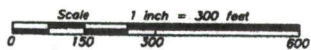
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WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:
LEON LUNKER
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- LEGEND**
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