



# TOWN OF BLACK WOLF

380 E. Black Wolf Ave. Oshkosh, Wisconsin 54902

## MINUTES OF THE May 2, 2022 PUBLIC HEARING & PLANNING AND ZONING WORKSHOP

The **Public Hearing** was called to order by Chairman Al Stenerson at 6:30 p.m. Members present: Eric Youngbauer, Jim Chitwood, Bryan Frank and Sandra Gollhofer. Also present: Zoning Administrator Tom Verstegen, Town attorney Alex Ackerman and P&Z Secretary Susan Snyder.

The public hearing was opened to discussion by Chairman Stenerson who explained the purpose of the Public Hearing was the Town Board recommended to hold a Public Hearing based on the County Planning and Zoning returning the matter to the town for consideration of hearing the Public on this matter and prior to the County P&Z hearing which is currently adjourned. Attorney Ackerman explained that at the conclusion of the Public Hearing, the Planning and Zoning committee may or may not make amended recommendations to the Board regarding the committee's advisory opinion. Upon completion of the Town Board Meeting, the Town will then issue the advisory ruling to Winnebago County on whether to approve or approve with conditions or deny the conditional use permit request.

Applicant Paul Lippold was present and when asked for information gathering purposes by Chairman Stenerson if he has been in this business before he advised that yes, he has in a limited capacity and scope of repair of used vehicles. Jim Chitwood asked how many cars he would have parked outside and what his intended hours of operation will be and Mr. Lippold responded that he has 15,000 sq ft of impervious surface area so two to three at any given time but he advised he would like to expand the parking area at some point. He advised that all repairs will be done indoors between the approximate hours of 9:00a.m to 5:00 p.m. or 10:00a.m. to 5:00 p.m. Sandra Gollhofer asked how many vehicles would be for sale at any given time. Mr. Lippold advised around four to five that would include the maximum allowed to be parked outside at any given time. Jim Chitwood asked if there was a residence attached to this building and Mr. Lippold advised that no, there is retail in the front with the service being in the back.

The hearing then opened to the Public for comment with numerous residents sharing concerns over issues such as but not limited to the following: (Josh Gross) traffic at the intersection, blind spots, and DOT crash statistics. (Randy Wegner) Noise levels such as compressors, impact wrenches, property values being affected, and lighting, junk vehicles as seen in other parts of the town. (Hillary Quella) read through portions of the Public Nuisance Ordinance on junked vehicles, noxious odors, water pollution and the likelihood of this all happening causing the constant police presence and asking about the roles and responsibilities of the zoning committee to enforce such. Decreasing property values of which she has expert testimony by Real Estate professionals stating this would happen if in fact the area is left unkempt. The yard is too small for a buffer yard, legacy zoning with change in use, it's out of place with neighboring properties, the site plan left out numerous amounts of information and the impervious surface should be double-checked. Those matters and neighbors with PTSD are issues the committee should take into consideration.

Attorney Ackerman asked if she had the professional testimony with her to submit to the committee as substantial evidence. Mrs. Quella advised she has the testimony in email format and will send. (Patty Wegner) shared her concerns on the driveway layout whereas their driveway comes right out and into hers and also mentioned the speed on the road which is not a marked road. (Mike Lueck) asked where the waste oil would be stored and/or recycled as there will be fluids changed in a shop like this and the details of this seem to be missing. (David Zarling) shared concerns on anything being spilt running through ditches that are already problematic and constantly full of water which could seep into their wells and asked how a spill could be kept from going into the creek as well? (Eric Quella) asked about the site and the missing dimensions. Wants to know the specifics on number of cars and hours of operations and says the applicant is refusing to provide concrete evidence of his intentions. He also mentioned the creek and wells in the area and wants more specific plans on how this will be managed. The road also does not allow for side by side driving as it is too narrow. Mrs. Quella submitted a list of suggested conditions of operations, given to Chairman Stenerson (Exhibit A). (Mary Ann Zarling) noted concerns with children in the area and maybe the putting up of signage if this passes. (Patty Wegner) asked that if the committee/board forwards conditions and all goes through at the county level but the conditions are somehow changed or not adhered to, how will that be handled and how would they even find out about it? Attorney Ackerman advised that would be a matter to bring before the County Committee at their Public Hearing but this would be a matter that would require another public hearing.

The Public Hearing portion was closed with rebuttals to be heard from Paul Lippold.

Attorney Ackerman asked Mr. Lippold if there was a traffic study and Mr. Lippold advised there was not one done. Attorney Ackerman asked about the lighting and Mr. Lippold advised there would be no reason to light up any portion of the building or anything on the W. Decorah side or add any lighting. Attorney Ackerman asked if he is in B2 Zoning or did he go through a rezone and Mr. Lippold advise that no, he did not and B2 is the current county zoning with special conditions. Jim Chitwood asked if Mr. Lippold intended to have outside storage and his answer was yes, shipping containers if needed for storage as they are allowable per the county. Jim Chitwood also asked about the type of work being performed and Mr. Lippold advised he is planning to do service work such as wheel balancing and alignments and drive line type of work but is not a lube center, no painting, will do motor vehicle sales and possibly sell tires. Sandra Gollither asked if the County deemed his application complete with missing dimensions and specifications for parking spaces and Mr. Lippold advised yes.

The meeting was closed for committee deliberation to recommend to Approve, Approve with Conditions or Deny the CUP application.

**Motion (Chitwood/Frank)** to modify the existing Town Resolution with approval pursuant to the following conditions and forward advisory opinion to the Board for consideration:

- 1) No additional lighting to be installed with exception of one light over the service door.
- 2) Maximum allowable vehicles is 5 at all times to include employees.
- 3) Business hours operation to be specified as
  - 7:00 a.m. to 5:00 p.m. Monday thru Friday
  - 8:00 a.m. to 12:00 p.m. Saturday
  - Closed on Sunday
- 4) All fluids must be contained pursuant to state laws and regulations.

- 5) Overhead door to be closed when air tools are in use
- 6) No Storage Containers allowed (see attached town ordinance)

**Motion CARRIED.**

**Motion (Youngbauer/Golliher) to adjourn Public Hearing. CARRIED.**

## **WORKSHOP**

Chairman Stenerson called to order the May 2nd Planning & Zoning Committee Workshop at approximately 8:01 p.m. Members present listed above.

**Motion (Chitwood/Youngbauer) to approve the April 6, 2022 P&Z Public Hearing and Workshop minutes. CARRIED.**

Chairman Stenerson noted no new or old business and the June 6, 2022 Workshop will be a Public Hearing to hear request(s) for possible revisions to the Aylah Vaughn Homes Conditional Use Permit, specific to clause on annual renewal language. Attorney Ackerman advised the CUP can be modified through a Public Hearing. Chairman Stenerson asked if a yearly review is necessary and Attorney Ackerman that no, it is not but the Board wanted to add it for the purpose annual oversight of operations but the owner is objecting to the language based on financing and other reasons. The committee can forward their recommendations to the Board.

Chairman Stenerson will not be at the June Public Hearing. Eric Youngbauer will Chair.

**Motion (Youngbauer/Chitwood) to adjourn until June 6, 2022. CARRIED**

Respectfully Submitted,  
Susan M. Snyder, Secretary to Planning & Zoning