

## MEMORANDUM

### Public Hearing B & Business Item C

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission Public Hearing on a Re-zoning application submitted by Devin Nikodem on behalf of Marty & Suzette Nikodem Revocable Trust, et. al., to re-zone Tax ID #006-0095-01-03 (Winnegamie Dr). The application is to re-zone the listed parcel from R-1 (Rural Residential District) to R-3 (Two-family Residential District).

AND

Plan Commission review & recommendation on Resolution 2024-001 making a Recommendation to the Town Board of Supervisors regarding a Re-zoning application submitted by Devin Nikodem on behalf of Marty & Suzette Nikodem Revocable Trust, et. al., to re-zone Tax ID #006-0095-01-03 (Winnegamie Dr). The application is to re-zone the listed parcel from R-1 (Rural Residential District) to R-3 (Two-family Residential District).

Please find the below comments from Code Administrator Kussow:

### Property Information Specific to Tax ID # 006-0420:

1. Specific Site Location: The subject property is 2.02 acres and located adjacent to the east of the property addressed 4063 Winnegamie Dr.
2. Additional applicable property information not included in the Parcel Profile Report is described below:
  - a. The subject property is currently located in the Town's Rural Residential (R-1) District.
  - b. Portions of the subject property are located in floodplain (Zone A), which are also considered "shorelands" and subject to shoreland zoning.
  - c. The portions of the subject property in the floodplain/shorelands are currently located in Winnebago County's Rural Residential (R-1) District.
  - d. There are no navigable streams on the subject property.
  - e. The subject property is not subject to airport zoning.
  - f. There is a mapped wetland in the southern portion of the property per the Winnebago County Hydrologic Viewer.
  - g. The subject property is not located in a sewer service area or sanitary district.
  - h. The Town Comprehensive Plan/Future Land Use Map identifies the future land use category/designation of the subject property as "Agriculture/Rural".
3. Zoning of Surrounding Properties:
  - a. North: Village of Greenville, Outagamie County, is adjacent to the north; Village's RR (Rural Residential) and GC (General Commercial) Districts
  - b. South: A-2 (General Agriculture) District
  - c. East: A-2 (General Agricultural) District
  - d. West: A-2 (General Agricultural) District

### Application Details:

Devin Nikodem on behalf of Marty & Suzette Nikodem Revocable Trust, et. al., is petitioning to rezone Tax ID #006-0095-01-03 (Winnegamie Dr) from R-1 (Rural Residential District) to R-3 (Two-family Residential District). The applicant is petitioning to rezone the property for the purpose of constructing a duplex on the subject property. Per the submitted application, the applicant is proposing to live in one half of the duplex and rent out the other half. Duplexes (i.e., "two-family building, 2 units" land use) is not an allowed land use in the current R-1 District, but is a Permitted Use in the proposed R-3 District.

### Comprehensive Plan Considerations:

- The Future Land Use Map of the Town Comprehensive Plan classifies this parcel as being in the “Agriculture/Rural” future land use category and the Tier 3 development tier.
- “Agriculture/Rural” Future Land Use Category Description:  
The Agriculture/Rural district exists to continue the accommodation of the Town’s agricultural activities. These rural lands are used for a variety of crops and other agricultural purposes and are planned to continue throughout the life of the Plan with minimal changes in land use. In general, the Agriculture/Rural district shall:
  - Accommodate existing and new forms of agriculture such as organic farms and farms that provide fresh produce to local stores, restaurants, and individuals, as well as hobby farms.
  - Allow for the production of renewable energy, per the Solar Energy System Overlay (see separate discussion and map).
  - Accommodate rural residential uses only within the limits of the Tiered Development System housing allocations, preferably on existing lots of record.
- Tier 3 Development Tier Characteristics & Provisions:
  - *“Working Lands” (agriculture, forestry, subsistence farming)*
  - *Right to Farm*
  - *Mining*
  - *Natural Areas*
  - *Renewable Energy Opportunities*
  - *CSM Land Divisions Only – No Subdivisions.*
  - 5% of new housing is allocated for Tier 3 through the year 2040. The Comprehensive Plan states: *The Plan Commission will likely use “new lot creation” to measure and monitor where and how much new housing is allowed within each Tier. Hence, **new homes on existing lots of record would not count toward the allocation limits, but they would still be tracked for informational purposes. Multi-unit residential developments will also be tracked as more than one unit can exist on a single lot of record.***
- Relevant Goals, Strategies, & Recommendations:
  - Goal 2.1: *Accommodate changing resident demographics in terms of housing, services, and economic needs.*
    - Strategy 2.1.1: *Shape new development to better accommodate the needs of an aging population.*
  - Goal 3.1: *Provide for a range of new housing types that meet the needs of the Town’s future population.*
  - Goal 3.3: *Ensure that the Town’s development regulations account for aspects of housing affordability.*

It is Staff’s opinion that the proposed rezoning from R-1 to R-3 is generally consistent with the Comprehensive Plan, particularly since the subject property is an existing lot of record.

**Staff Comments, Basis of Decision, and Staff Recommendation:**

**Staff Comments:**

It is staff’s opinion that:

1. The proposed rezoning from R-1 to R-3 is generally consistent with the Comprehensive Plan, particularly since the subject property is an existing lot of record; and
2. The proposed rezoning may be approved as proposed.

**Basis of Decision:**

The Plan Commission, in making its recommendation, and the Town Board, in making its decision, shall consider the following factors:

1. whether the amendment is consistent with the Town's comprehensive plan, including any future land use maps or similar maps;
2. the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and
3. any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Town Board of Supervisors given the particular circumstances.

**Staff Recommendation:**

Staff recommends approval of the Re-zoning Application to re-zone Tax ID #006-0095-01-03 (Winnegamie Dr) from R-1 (Rural Residential District) to R-3 (Two-family Residential District).

**SUGGESTED MOTION**

*Motion and **ROLL CALL** to approve Resolution 2024-001 Recommending the Re-zoning of Property from the R-1 (Rural Residential District) to the R-3 (Two-family Residential District).*

Respectfully Submitted,  
Kelsey