



Meeting Date: 2/28/2011
Agenda Item: # 7e

Mission Statement
 Provide quality services in a modern, courteous and cost-efficient manner.

VILLAGE BOARD STAFF REPORT

REPORT TO: President Burt McIntyre and Village Board Members **REVIEWED BY:**

REPORT FROM: Dave Wiese, Executive Director of Community Development

AGENDA ITEM: Action on Ordinance 2011-8, a request from Meacham Family Business II to rezone 4183 Shawano Avenue, parcel VH-13, from R-5 Rural Estate Residential to R-1 Residential Single Family

ACTION REQUESTED: Review and take action on Ordinance 2011-8.

POLICY ISSUE

Should the Village rezone VH-13 from R-5 Rural Estate Residential to R-1 Residential Single Family?

RECOMMENDED ACTION BY PLAN COMMISSION

The Plan Commission recommended denial of the rezoning on a 3-2 vote.
(Yes - B. Mc Intyre, J. Faikel, R. Strazishar; No - N. Prodel and J. Priewe).

POLICY ALTERNATIVE(S)

The Village Board could take the following action:

- Approve the request.
- Deny the request.
- Table the request until a later meeting date.

<u>BASIC INFORMATION</u>		<u>ADJACENT LAND/ZONING MATRIX</u>		
Project Name	Meacham Family II Rezoning	LAND USE		ZONING
Applicant	Debbie Meacham	North	Single Family/Rural	R-5, R-1
Phone	920-494-4557	South	Residential/Agriculture	R-5, A-1
Consultant/Engineer	Mau & Associates 434-9670	East	Agriculture/Rural Res.	R-5
Parcel Size	35.68 acres	West	Rural Residential/Agriculture	A-1
Existing Zoning	R-5 Rural Estate Residential			
Proposed Zoning	R-1 Residential Single Family			
Land Map Designation	Agriculture - Plan is being updated			

BACKGROUND

The subject property is currently located on Shawano Avenue west of Fire Station #2. The property was occupied by the Meacham Family Nursery. Several older farm buildings and a converted home occupy the property. Sewer needs to be extended on part of the property. Water is available but laterals would need to be installed. The property is currently zoned R-5 Rural Estate Residential. The applicant is requesting the property be rezoned to R-1 in order to create lots that would front on Shawano Avenue (approximately 10.) A couple of preliminary layouts have been attached as part of the staff report. If the zoning change is approved, a preliminary and final plat would need to be approved in order to create the lots.

EXECUTIVE ANALYSIS

1. **Zoning** The property is presently zoned R-5. A rezoning is necessary.
2. **Setbacks** A 35-foot setback to Shawano Avenue.
3. **Parking** N/A
4. **Floodplain, Shoreland Zoning & Stormwater Management** Stormwater would need to be provided on site and approved by the Village of Howard Engineering Department.
5. **Land Division** A Preliminary and Final Plat would need to be done in order to create the lots.
6. **Lighting** N/A
7. **Fire Protection** Directly Adjacent

REZONING CRITERIA The Zoning Ordinance requires that “Where the purpose and effect of the proposed ordinance amendment is to change the zoning district classification of a particular property, the Plan Commission shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

1. Existing land uses within the general area of the property in question.
2. The zoning district classification of land within the general area of the property in question.
3. The suitability of the property in question to uses permitted under the existing zoning district classification.
4. The trend of development in the general area of the property in question, including recent changes, if any, in zoning district classification.”

RECOMMENDED ACTION BY THE PLAN COMMISSION

The Village of Howard Plan Commission held the public hearing on February 21, 2011, received comments, and – after much debate – recommended denial of the proposed rezoning. The Plan Commission indicated the proposed request is not consistent with the future land-use map in the current Comprehensive Plan and that the Comprehensive Plan is currently being updated and that update should run its course. The Plan Commission considered the following options:

1. Approve the request as submitted.
2. Modify the request by either recommending another more restrictive district or rezoning less area.
3. Deny the request.
4. Table the request until the Village’s consultant can review the area prior to the Design Studio that is being completed in March. The design studio will be focusing in on the future land use patterns in that area.

The Plan Commission recommended denial of the rezoning on a 3-2 vote. (Yes – B. Mc Intyre, J. Faikel, R. Strazishar; No – N. Prodell and J. Priewe).

ATTACHMENTS

- I Ordinance 2011-7
- II Zoning map
- II Proposed Lot Layout

COPIES EMAILED TO: dchrouser@mau-associates.com

ATTACHMENT I

ORDINANCE NO. 2011-8

AN ORDINANCE REZONING PARCEL VH-13 LOCATED AT 4183 SHAWANO AVENUE FROM RURAL ESTATE (R-5) TO SINGLE FAMILY (R-1)

WHEREAS the Village Clerk published a notice of public hearing regarding such proposed zoning change and a public hearing was held at the Village Hall on February 21, 2011 at 6:45 P.M., whereupon the Plan Commission heard all interested persons and/or their agents and attorneys; and

WHEREAS the Village Board of the Village of Howard has received a written recommendation and findings of the Village Plan Commission regarding the following proposed change in the zoning district classification of the property described below;

NOW THEREFORE the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Zoning Ordinance be amended to read as follows:

SECTION 1 Section 50-317, together with the zoning map referred to therein, is hereby amended by rezoning the following property from Rural Estate (R-5) to Single Family (R-1):

Parcel VH-13 located at 4183 Shawano Avenue as identified on the plat map attached hereto and made part of this ordinance.

SECTION 2 All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3 This ordinance shall take effect upon its adoption and publication.

Approved and adopted this **28th day of February, 2011.**

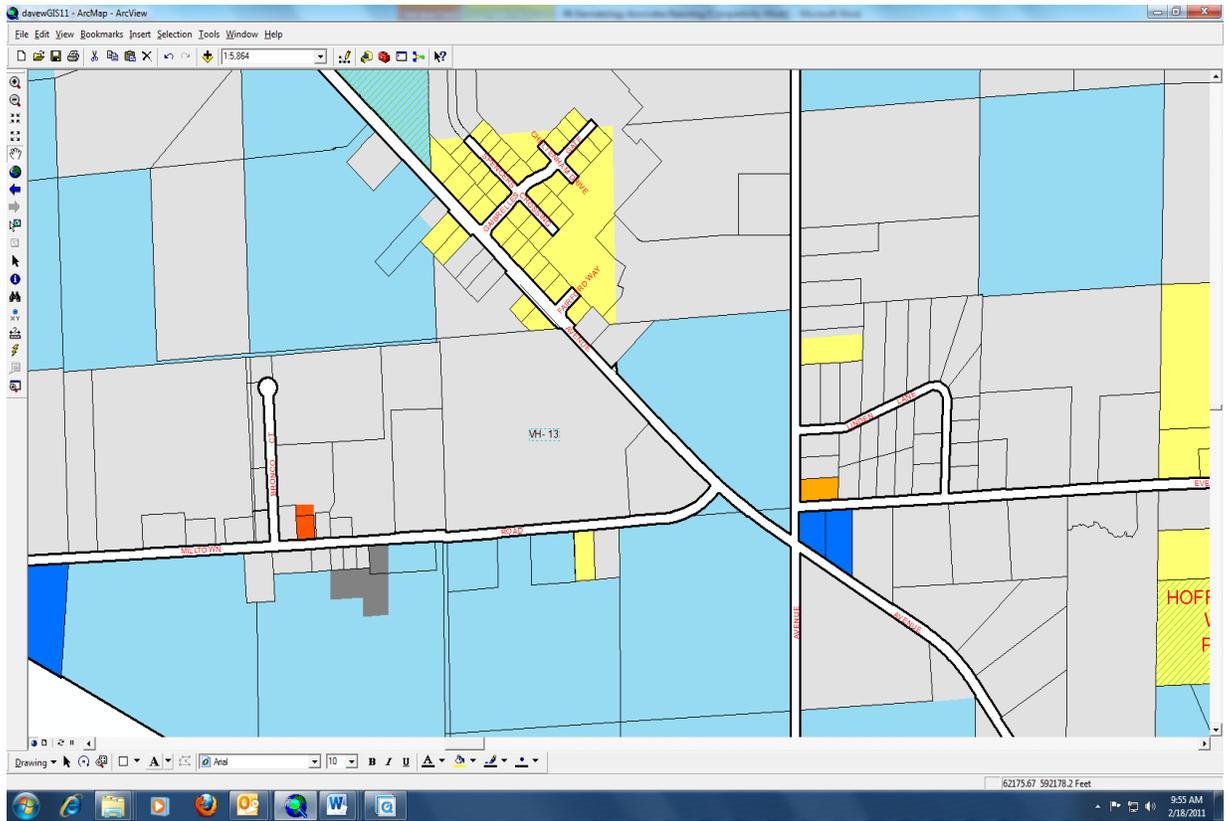
Burt McIntyre
Village President

ATTEST:

Robert Bartelt,
Administrator/Clerk

DATE OF PUBLICATION: 3/4/11

ATTACHMENT II



ATTACHMENT III





