

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
7:00 P.M. – on Wednesday, June 8, 2022  
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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I. Call to Order: Chair Knapinski called the meeting to order at 7:00 p.m.

A. Notice Verification, Roll

1. Pledge of Allegiance
2. Verification of Meeting Notice
3. Roll

a. Plan Commission Commissioners

Chair Knapinski	PRESENT
Commissioner White	EXCUSED
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	EXCUSED
Commissioner Dorow	PRESENT VIA ZOOM
Commissioner Haskell	PRESENT
Town Board Rep. Christianson	PRESENT

b. Staff

Administrator Straw	PRESENT
Clerk Faust-Kubale	PRESENT
Planner Jaworski	PRESENT
Engineer Hamblin	PRESENT

II. Public Hearings:

- A. Plan Commission Public Hearing on a Conditional Use Application submitted by Bayland Buildings, Inc., for property owned by H & W Real Estate, LLC, 4123 County Road II, Larsen, WI 54947, specifically described as Tax ID # 006-0527-04, being part of the Northeast ¼ of the Northeast ¼ of Section 20, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No discussion of the Public Hearing agenda item.

Public Hearing Closed at 7:02 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, May 11, 2022 Plan Commission Meeting.

**MOTION:**

**Motion by** Commissioner Nemecek

**Second by** Commissioner Haskell

**Motion made** to approve the May 11, 2022 Plan Commission Meeting Minutes as presented.

**Motion carried.**

IV. Open Forum: Town-related Matters not on the Plan Commission's Agenda: NONE

V. Correspondence:

A. Distribution of the May 2022 Building Inspector's Report.

- Chair Knapinski noted that the new building in the Town accounted for approximately 40% of new construction in all the communities served by the Building Inspector.

VI. Business:

A. Discussion/Recommendation: Plan Commission review and discussion on a Conditional Use Application submitted by Bayland Buildings, Inc., for property owned by H & W Real Estate, LLC, 4123 County Road II, Larsen, WI 54947, specifically described as Tax ID # 006-0527-04, being part of the Northeast ¼ of the Northeast ¼ of Section 20, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 4123 County Road II, Larsen, WI 54947, specifically described as Tax ID # 006-0527-04, being part of the Northeast ¼ of the Northeast ¼ of Section 20, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Bayland Buildings, Inc.  
3323 Bay Ridge Ct  
Hobart, WI 54155

Property Owners: H & W Real Estate, LLC  
4123 County Road II  
Larsen, WI 54947

Consultant: N/A

**Property Information:**

1. The surrounding properties are zoned:

- a. North:  
A-2 (General Agriculture District)
- b. South:  
M-1 (Mixed-Use District) and R-1 (Rural Residential District)
- c. East:  
R-2 (Suburban Residential District)

- d. West:  
A-2 (General Agriculture District)

**Property Information Specific to Tax ID# 006-0527-04:**

1. The property is owned by H&W Real Estate LLC, 4123 County Rd II, Larsen, WI 54947.
2. The property is 4 acres in size.
3. The property is in the Neenah Joint School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is not in any sanitary district.
6. The property is currently zoned B-3 (General Business District) by the Town and Winnebago County (shoreland zoning in southeast corner of property).
7. The southeast portion of the subject property, south of the exiting building, is in the County Shoreland Zoning 300-foot buffer; Zoned B-3 (General Business District) by Winnebago County.
8. The property is out of the County's Floodplain Zoning Area.
9. The property does not have a navigable stream.
10. The property does not contain mapped wetlands.
11. The property is not located in Outagamie County Airport Zoning.
12. The Future Land Use Plan designates the developed portion of the property as "Business" and the area of the proposed project as "Agriculture/Rural Residential". The Future Land Use Plan designates the entire parcel as "Working Lands" overlay.
13. The current land use is not consistent with the Town's adopted Future Land Use Plan.

**Project History**

This project is an expansion of the existing Accurate Fire Protection business currently operating out of the existing building on the subject property. Accurate Fire Protection is an automatic fire sprinkler contractor. The applicant is proposing to construct a 110' x 60' contractor office/shop building on the subject property. The project also includes widening the existing eastern driveway, a new driveway, parking, and a bioretention stormwater pond. Water will be provided via the existing private well on-site. Sanitary waste disposal will be provided via 2,500 gallon holding tank. The existing building serving the Accurate Fire Protection business has existing for more than 45 years. Accurate Fire Protection LLC was organized in 2013.

During the May 11, 2022 Plan Commission Meeting, the Code Administrator has added to his review that this particular business fit under "Contractor Yard" which is not permitted within the B-3 Zoning District. The Plan Commission and the Town Planner discussed the re-zone of this property to I-1 so as to conform to the zoning code. The Plan Commissioners and Staff agreed that this particular business should not be deemed a "Contractor Yard" and therefore, no re-zoning of this property was necessary. It was also part of the Site Plan Approval that this particular business submit a conditional use permit for this zoning district.

**Staff Comments on the proposed Re-Zoning:**

1. The Town's Zoning Code of Ordinances does not require a conditional use permit for general services or professional services within the B-3 Zoning District.
  2. Since the Commissioners and Staff agreed this particular business should not be deemed a "Contractor Yard", the Staff is recommending the Plan Commission recommend denial of this application and recommend the applicant get refunded the application fee.
- Chair Knapinski inquired if the business does not store much or anything outside in the yard currently, would this open the door to future outside storage issues.
  - Administrator Straw did not think there would be future issues as there has been no outside storage previously, and this new building is being constructed to accommodate the office, vehicles, as well as expanded storage for the business.
  - Engineer Hamblin provided to the Commissioners samples of what in his professional opinion contractor yards would look like. The photos included sites where heavy equipment and construction structures were present, and were semi-permanent outside storage areas.
  - Town Broker Dennis Jochman was in attendance and reminded the Commissioners that there are two similar business already in Town on American Dr and on Hwy 76, and that neither store materials outside with most of the materials being delivered directly to the job site.
  - Chair Knapinski questioned if the business/building is sold to another type of business in the future, does the Town have any protections.
  - Administrator Straw noted there have been discussions to this effect at the Staff level. Most neighboring communities have some type of business license (ex. Fox Crossing has one at a cost of \$25 per year) and the Town could make that licensing a part of the permitting process.
  - Chair Knapinski noted because of the addition or change in fees and permits, this would be something the Town Board may want to address on a future agenda and Administrator Straw concurred.
  - Commissioner Haskell noted we do not have this type of business (i.e. contractor service, plumber, etc.) in the zoning code, so it may be beneficial to define to further protect the Town in the event another similar business comes before the Commission.
  - Commissioner Nemecek noted his support for a business license fee so that there is an additional layer of review.

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Nemecek

**Motion made** to recommend denial to the Town Board of the Conditional Use Application submitted by Bayland Buildings, Inc. for property owned by H & W Real Estate, LLC, 4123 County Road II, Larsen, WI 54947, and refunding the application fee.

**Motion carried.**

- B. Discussion/Recommendation: Plan Commission review and discussion of the Parks & Trails Committee's (formerly the Green Space Committee) function and future responsibilities to planning efforts.

During the Wednesday, May 25, 2022 Plan Commission Meeting, there was discussion on what role/responsibility the Parks & Trails Committee would have in the development of Trails and Parks within the Town moving forward.

The Town Planner suggested that this item be placed on the meeting so that the Plan Commissioners could assist Staff in helping to create a more definitive purpose for the Parks & Trails Committee.

- Planner Jaworski noted that the Committee has been renamed and has been asked to be more involved in the Comprehensive Plan process. Both he and Eric Fowle attended the Parks & Trails Committee meeting earlier in the evening of June 8, 2022 and began to walk the Committee through the Comprehensive Plan update process. Planner Jaworski estimates the Committee will be working through the update for the next 2-3 meetings and then will have recommendations to present to the Commission.
- Chair Knapinski remarked that the Committee still seems to be searching for a new mission and assisting with the Comprehensive Plan is part of that. Chair Knapinski outlined the following ideas/questions to consider:
  - What is their vision of Parks & Trails in the Comprehensive Plan?
  - Highlighting the Friendship and WIOUWASH Trails and use them as a backbone for the rest of the future trail system
  - Verify and strengthen the requirement in subdivisions for trails, similar to the Pond Ordinance
  - How does the Committee see access to the new Neenah High School taking shape?
  - During the incorporation effort, it was noted that there should be more future park planning – what types of parks does the Committee see in the Town in the future. Major, neighborhood, etc.?
  - What is the vision for the established Clayton and Trailhead Parks?
- Commissioner Dorow asked these be shared with the Parks & Trails Committee also as this is helpful direction.
- Commissioner Haskell also noted that other tools are also available to the Committee during the planning process, specifically the Winnebago County GIS maps showing property lines and municipal borders.
- Commissioner Nemecek also noted it may be worth encouraging them to reach out to neighboring communities, like Fox Crossing, that have had to develop their park, trail, and recreation facilities over the last 20+ years.

#### **DISCUSSION ONLY – NO ACTION TAKEN**

- C. Review and Discussion: Plan Commission update on the Planning Initiatives for CY 2022 including discussion on next steps.

The Commissioners reviewed a copy of the Updated Planning Initiatives for CY 2022 with comments/direction from the Commissioners during the January, 2022 Plan Commission Meeting.

The Town Planner suggested that this item be placed on the meeting so that the Plan Commissioners could review the progress and time line of the planning projects to date.

- Chair Knapinski noted that the Public Information Meeting scheduled for June 22, 2022 will be the next major step on the Comprehensive Plan.
- Planner Jaworski reported that the Official Map has not yet been updated as it is still early in the Comprehensive Plan process.
- Planner Jaworski reported that marketing of the properties in the Hwy 10/76 Corridor is well underway and there have been developers showing interest in properties on the north side of Hwy 10/76. One of the major challenges are resources at the Town level, both with the TID not currently having a large amount of increment and the demands on current Staff to meet the timelines/demands/get responses to interested parties.
- Planner Jaworski also circled back to the topic of solar energy that was discussed at the beginning of CY 2022. The Commissioners may want to revisit what next steps may be if the Commissioners are wanting to pursue solar development in the Town. Chair Knapinski offered to reach out to his contacts at Appleton International Airport to specifics of what both they and the FAA may require if land in the Airport Overlay is still of interest.
- Administrator Straw also noted that a partnership with Outagamie County may be investigated in the future as they have approximately 80 acres of land at the end of the runway that could be utilized as well.
- Commissioner Haskell noted that there have been extensive solar developments between Two Rivers and Freedom and inquired if there was any knowledge how it was developed. Commissioner Haskell also reported she had spoken with a vendor at an outside event, and they noted a lot of varying difficulties working with utility companies.
- Planner Jaworski noted the direction being advised in general by the planning community is to have Towns drive any development of solar versus the solar companies driving the development, which is what the majority of historical development has been.
- Commissioner Dorow asked the difference between solar farms and micro grids. Planner Jaworski noted that solar farms generally are connected to the whole grid and the micro grids generally have more battery storage and more energy is kept at a specific facility/building/community. Planner Jaworski will do more research and will have more information for the Commissioners at a later date.

#### **DISCUSSION ITEM – NO ACTION TAKEN**

- D. Review and Discussion: Plan Commission review and discussion on the development of Design Standards including Site Plan Review procedures and requirements.

The Commissioners reviewed a copy of the Site Plan Review Procedures and Requirements from the Town's Zoning Code. The Commissioner's should all have a copy of the Zoning Code for your reference. If you do not have a copy, please call the office and one will be provided to you.

The updating of this section of the Zoning Code has been brought up several times within the past year. The Town Planner, the Town Engineer, and the Code Administrator have expressed concern as to the inflexibility of parts of the design standards.

They feel that the standards for multi-family development should be different than the standards for industrial/manufacturing development.

- Planner Jaworski noted that in the current process of Site Plan review the Commissioners make a lot of exceptions and the process can be quite lengthy.
- Planner Jaworski suggested 2 possible options for reviewing the Design Standards:
  - Looking at the existing Code and creating an ad hoc committee to focus on evaluating and proposing changes to it;
  - Setting aside the whole thing and creating new standards based on Town vision, neighboring communities, etc.
- Chair Knapinski noted his preference of a hybrid option of creating an ad hoc committee but also looking at other municipalities if they have design standards in line with the Town vision.
- Engineer Hamblin noted that the Commissioners are very involved in the Site Plan process unlike most other communities.
- Chair Knapinski also noted that Larsen may need to have different Design Standards as the Commission is entertaining the idea of it being a distinct rural village setting within the Comprehensive Plan.
- Chair Knapinski also noted that the Commission may need to define what a "major alteration" to a Site Plan would be so it can be more easily determined what needs to come back to the Commission for review, and what Staff could approve to keep the process moving forward.
- Chair Knapinski highlighted that receiving approval from the County or State on a Site Plan is not the same as receiving Town approval, and Administrator Straw noted there is already a pre-construction checklist available for builders/developers on the Town website.
- There was some discussion on flexibility with respect to design standards, and that the flexibility needs to be a two-way street with both the Town and developers. The Commissioners recognized that there needs to be the flexibility for innovation in building materials, design, etc. but also need to set a prescribed set of guidelines for development in the Town.
- Commissioner Haskell pointed out that when the Design Standards were developed to their present form, a lot of resident input was sought and obtained. Commissioner Haskell hoped that the major concerns brought up by residents (ex. buffer yards, lighting, etc.) would still be valued as the Standards are reviewed.

#### **DISCUSSION ITEM – NO ACTION TAKEN**

- E. Review and Discussion: Plan Commission review and discussion on a Town Policy outlining review guidelines for changes that occur to Site Plans after approved by the Plan Commission and Town Board.

The Commissioners reviewed a copy of an email correspondence from the Town Engineer regarding the possibility of a Town Policy for Staff to follow for minor changes of Site Plans after approved by the Commission and Board.

Going forward, the Town will continue to have new development with the Neenah High School and with the installation of sewer and water mains. If the developer needs to resubmit to the Plan Commission and Town Board with all changes, it will hold up the construction project and back-log the Plan Commission and Town Board meetings.

- Chair Knapinski noted this item is to raise discussion on how to make this process easier on both the Commission but also on Staff.
- Chair Knapinski in reviewing the examples Engineer Hamblin included in his email, he kept coming back to the word “impact” and how the current process affects the Town, project, utilities, etc.
- Engineer Hamblin noted that in the Town Zoning Code (Art. 1; Sec 9.01-05 and Art. 7; Div 13; Sec. 9.07-184) there are already some items for the Commission to consider if/when allowing Staff to review and/or approve changes to a Site Plan.

#### **DISCUSSION ITEM – NO ACTION TAKEN**

#### **VII. Upcoming Meeting Attendance**

- A. Plan Commission Comp Plan Meeting June 22, 2022 at 7:00 p.m.

#### **VIII. Adjournment**

##### **MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Haskell

**Motion to Adjourn** the meeting at 8:35 p.m.

**Motion carried**

Respectfully submitted,  
Kelsey Faust-Kubale, Clerk