

TOWN OF CLAYTON  
Town Plan Commission Meeting Minutes  
7:00 P.M. Wednesday, January 11, 2023  
Town Hall Meeting Room, 8348 County Road T, Larsen, WI 54947

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

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Verification of Meeting Roll

a. Commissioners

Chair Knapinski	PRESENT
Commissioner Ketter	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Dorow	ABSENT
Commissioner Haskell	PRESENT
Commissioner VACANT	
Town Board Rep. Christianson	PRESENT

b. Staff

Administrator Wisnefske	PRESENT
Clerk Faust-Kubale	PRESENT
Code Administrator Kussow	PRESENT
Engineer Werner	PRESENT

II. Public Hearings:

- A. Plan Commission Public Hearing on a Comprehensive Plan Amendment Application submitted by Seven for Land, LLC, requesting amendment to the Future Land Use Plan Map of the Town of Clayton Comprehensive Plan by amending the future land use category of Tax ID #006-0580 (8365 Oakwood Ave); Tax ID #006-0579; and Tax ID #006-0585, owned by Clayton Preserve, LLC. The application is to amend the future land use category of the listed parcels from “Agriculture/Rural Residential” and “Working Lands” to “Residential – Single and Duplex”.
  - Chad Shea representing Clayton Preserve, LLC, 1835 E Edgewood Dr, Appleton, WI 54913 noted Clayton Preserve, LLC is the parcel owner and would be available for questions if necessary.
  - Bill Graham, 3217 Fondotto Dr, Neenah, WI 54956 had questions regarding any possible restrictions under the proposed R-2 zoning, and why R-1 zoning would not be appropriate for these parcels. Code Administrator Kussow responded that major land divisions in the Town would fall under R-2 zoning and any restrictions would not be under consideration for this item.
  - Lisa Jansen, 8196 Galaxy Dr, Neenah, WI 54956 noted her confusion between the Comprehensive Plan and zoning. Ms. Jansen also referenced the Citizen Opinion Survey conducted as part of the Comprehensive Plan updates noting that seemed to show residents would favor limiting any development west of Oakwood Ave. Chair Knapinski pointed out that would restrict development in approximately 2/3 of the Town.
  - Kay Lettau, 3795 County Rd II, Larsen, WI 54947 expressed concern that this development would require sewer/water infrastructure and the Town is not in a

position to provide at this time. Ms. Lettau expressed she would like to see the best possible developments for the Town, and not just the most.

- Rock Suutala, 3215 Larsen Rd, Neenah, WI 54956 asked only the 3 parcels listed are under review for a Comprehensive Plan amendment and Chair Knapinski confirmed.
- Wanda Graham, 3217 Fondotto Dr, Neenah, WI 54956 asked for clarification on how many acres these parcels would total, as well as if any consideration has been given to widening Oakwood Ave if a large-scale development is planned. Code Administrator Kussow confirmed approximately 100 acres total. Chair Knapinski noted at this time there has been no discussion about altering Oakwood Ave.
- Dave Palau, 3570 Dekalb Ln, Neenah, WI 54956 asked if there would be any changes to the wetland delineations, and Chair Knapinski noted that is set by Winnebago County and the Department of Natural Resources (DNR).

### **PUBLIC HEARING CLOSED AT 7:30 PM**

- B. Plan Commission Public Hearing on a Re-Zoning Application submitted by Seven for Land, LLC, to re-zone Tax ID #006-0585; Tax ID #006-0579; and Tax ID #006-0580 (8365 Oakwood Ave), owned by Clayton Preserve, LLC. The application is to re-zone the listed parcels from A-1 (Agribusiness District) to R-2 (Suburban Residential District).
- Mr. Suutala asked if all potential subdivision lots would be zoned for single family homes and/or R-2 zoning, and Chair Knapinski confirmed. Mr. Suutala asked if individual lot owners could apply to change that zoning designation in the future, and Chair Knapinski confirmed.
  - Mr. Graham asked what is permitted under R-2 zoning and Code Administrator Kussow referenced the Town of Clayton Zoning Code of Ordinances Land Use Matrix, which is available to residents on the Town Website.
  - Ms. Jensen asked what the process is of designating areas of land and at what point does the Town say no to developments.
  - Kathy Welter, 3564 Dekalb Ln, Neenah, WI 54956 asked if the DNR would be involved with the wetlands and Chair Knapinski noted yes and that would be part of any site plan brought forward.

### **PUBLIC HEARING CLOSED AT 7:40 PM**

- C. Plan Commission Public Hearing on a Re-Zoning Application submitted by Martenson & Eisle, Inc to re-zone all of Tax ID #006-1241; Tax ID #006-1242-01; Tax ID #006-1243; Tax ID #006-1244; Tax ID #006-1245; and Tax ID #006-1246 (also described as all of Lots 1,3,4,5, and 6, and part of Lot 2, Winagamie Subdivision) and the discontinued Deer Run Court right-of-way, all owned by Winagamie, Inc. The application is to re-zone the listed parcels and discontinued Deer Run Court right-of-way from R-2 (Suburban Residential District) to R-1 (Rural Residential District).
- Brett Griffin, 810 N Perkins St, Appleton, WI 54914 noted he is planning to purchase this land and put up a residence, but in order to do so the original 30+ year old subdivision needs to be abandoned.

- Bob Duimstra, 1518 Alicia Dr, Appleton, WI 54914 spoke on behalf of Winagamie, Inc as President of their Board. The plat was developed in the 1970's and was not viable to develop. Winagamie, Inc is hoping this process can be completed to be able to complete the land sale with Mr. Griffin.
- Marie Luebke, 9547 Center Rd, Neenah, WI 54956 spoke in favor of the re-zoning but would like the entrance to the property be moved.

**PUBLIC HEARING CLOSED AT 7:46 PM**

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, December 14, 2022 Plan Commission Meeting.

**MOTION:**

**Motion by** Commissioner Nemecek

**Second by** Commissioner Haskell

**Motion made** to approve the December 14, 2022 Plan Commission Meeting Minutes as presented.

**Motion carried** by unanimous voice vote.

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

V. Correspondence:

- A. Distribution of the December 2022 Building Inspector's Report.

- Chair Knapinski noted there was approximately \$882,000 in development projects in the Town for December.
- Chair Knapinski also read the comments submitted by Trisha Akey, 8240 Oakwood Ave, Neenah, WI 54956 regarding the re-zoning of Tax ID #006-0585, Tax ID #006-0579, and Tax ID #006-0580 aloud for the Commissioners and Residents present.

VI. Business:

- A. Review/Recommendation: Plan Commission review & recommendation on a Comprehensive Plan Amendment Application submitted by Seven for Land, LLC, & Resolution 2023-001, A Resolution Recommending Amendment of the Town of Clayton Comprehensive Plan 2016-2036 for proposed amendment to the Town Comprehensive Plan Future Land Use Plan Map, amending the future land use category of Tax ID #006-0580 (8365 Oakwood Ave); Tax ID #006-0579; and Tax ID #006-0585 from "Agriculture/Rural Residential" & "Working Lands" to "Residential – Single & Duplex".

**MOTION:****Motion by** Commissioner Ketter**Second by** Commissioner Nemecek

**Motion made** to approve Resolution 2023-001 A Resolution Recommending Amendment of the Town of Clayton Comprehensive Plan 2016-2036 from “Agricultural/Rural Residential” & “Working Lands” to “Residential – Single & Duplex”.

**ROLL CALL:**

Chair Knapinski	Aye
Commissioner Ketter	Aye
Commissioner Nemecek	Aye
Commissioner Haskell	Aye
Representative Christianson	Aye

**Motion carried 5-0.**

- B. Review/Recommendation: Plan Commission review & recommendation on a Re-Zoning Application submitted by Seven for Land, LLC, & Resolution 2023-002, A Resolution Recommending the Re-zoning of Properties known as Tax ID #006-0585; Tax ID #006-0579; and Tax ID #006-0580 (8365 Oakwood Ave) from A-1 (Agribusiness District) to R-2 (Suburban Residential District).

**MOTION:****Motion by** Commissioner Nemecek**Second by** Commissioner Haskell

**Motion made** to approve Resolution 2023-002 A Resolution Recommending the Re-zoning of Properties from A-1 (Agribusiness District) to R-2 (Suburban Residential District).

**ROLL CALL:**

Representative Christianson	Aye
Commissioner Haskell	Aye
Commissioner Nemecek	Aye
Commissioner Ketter	Aye
Chair Knapinski	Aye

**Motion carried 5-0.**

- C. Review/Recommendation: Plan Commission review & recommendation on a Re-Zoning Application submitted by Martenson & Eisle, Inc, & Resolution 2023-003, A Resolution Recommending the

Re-zoning of Properties, to re-zone all of Tax ID #006-1241; Tax ID #006-1242-01; Tax ID #006-1243; Tax ID #006-1244; Tax ID #006-1245; Tax ID #006-1246; and the discontinued Deer Run Court right-of-way from R-2 (Suburban Residential District) to R-1 (Rural Residential District).

**MOTION:**

**Motion by** Commissioner Ketter

**Second by** Commissioner Haskell

**Motion made** to approve Resolution 2023-003 A Resolution Recommending the Re-zoning of Properties from R-2 (Suburban Residential District) to R-1 (Rural Residential District).

**ROLL CALL:**

Commissioner Ketter	Aye
Commissioner Nemecek	Aye
Commissioner Haskell	Aye
Town Board Rep. Christianson	Aye
Chair Knapinski	Aye

**Motion carried 5-0.**

- D. Review/Recommendation: Plan Commission review & recommendation on a Certified Survey Map (CSM) Review Application submitted by Winagamie, Inc. to combine/reconfigure all of Tax ID #006-1241; Tax ID #006-1242-01; Tax ID #006-1243; Tax ID #006-1244; Tax ID #006-1245; Tax ID #006-1246; & the discontinued Deer Run Court right-of-way in to four (4) lots.

Code Administrator Kussow noted the CSM lots comply with the Town zoning requirements. Commissioner Ketter asked if there was a limit on the number of driveways allowed on Center Rd, and Code Administrator Kussow replied that each parcel is allowed one access per the Town Code.

**MOTION:**

**Motion by** Representative Christianson

**Second by** Commissioner Ketter

**Motion made** to recommend approval of the CSM submitted by Winagamie, Inc with all Staff recommendations & conditions.

**Motion carried** by unanimous voice vote.

- E. Review/Recommendation: Plan Commission review & recommendation on a Site Plan Review Application submitted by GSS, Inc. for the construction of an unconcealed telecommunication facility consisting of a 155-foot monopole tower & associated equipment compound on Tax ID #006-0351 (8707/8709 Clayton Ave).

Staff Recommendations & Suggested Conditions prepared by Code Administrator Kussow and presented to the Commissioners:

The following are possible conditions of approval that may be relevant to ensure compliance with ordinance requirements:

1. The project shall comply with all applicable local, state, and federal codes/ordinances.
2. Winnebago County Stormwater and Erosion Control Permits shall be obtained by the applicant prior to commencing construction.
3. Prior to commencing construction, the applicant shall provide proof that all applicable requirements of the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) are being complied with.
4. Prior to the issuance of a building permit authorizing construction of a tower, the property owner shall provide a financial guarantee in a form acceptable to the Town of Clayton and in the amount of \$20,000. Such financial guarantee shall be maintained until the tower is removed and the site restored or at such time that is mutually agreeable to the property owner and the zoning administrator. If the Town exercises its right to use the financial guarantee and the amount of the financial guarantee does not cover the cost of removing the tower and restoring the site, the balance shall constitute a lien against the property as authorized by state law. *(A "Tower Removal Bond" in the amount of \$20,000 and executed on July 18, 2022 was submitted with the application)*
5. Any substantial changes and/or additions to the site plan shall be reviewed and approved by the Plan Commission and Town Board in accordance with the Town of Clayton Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

Chair Knapinski inquired if this is to be a monopole with no wires and Mike Huizenga, Associate Project Manager for GSS, Inc. representing US Cellular confirmed. Commissioner Haskell inquired if there was any landscaping plan submitted and Code Administrator Kussow noted none was requested or proposed, nor does the Ordinance require it.

#### **MOTION:**

**Motion by** Commissioner Nemecek

**Second by** Commissioner Haskell

**Motion made** to recommend approval of the Site Plan Application submitted by GSS, Inc with all Staff recommendations & conditions.

**Motion carried** by unanimous voice vote.

- F. Review/Discussion: Plan Commission review & discussion on a Concept Plan Review Application submitted by G&L Properties, LLC, for a proposed light industrial development consisting of a machining, fabricating, & mechanical assembly facility on Tax ID #006-0340-02-01.

KC Mauer, 9045 Clayton Ave, Neenah, WI 54956 was in attendance representing G&L Properties, LLC and provided an overview on the company and their objectives. Code Administrator Kussow noted the property has already been re-zoned for Light Industrial use, site plan approval is still needed, and this would be located in the Zone B architectural design zone. Code Administrator Kussow also noted that the development appears to meet the light industrial use, but foundry or processing of raw materials would not be an allowable use.

Mr. Mauer noted that the design standards that the Town has in place in Zone B may be hard to achieve on a building like this, and it may be a non-starter if the Town requires the use of higher materials. Code Administrator Kussow noted that there was a development that was presented to the Commissioners at the December 2022 meeting that was similar and met all the design standards, and Commissioner Haskell noted that with the activities of the Site Plan Ad Hoc Committee wrapping up, their recommendation to the Commission will be to increase the standards for development.

**DISCUSSION ITEM ONLY – NO ACTION TAKEN**

- G. Review/Discussion: Plan Commission review & discussion on defining “flex space” within the Town Zoning Code of Ordinances.

The Commissioners continued discussions on defining “flex space” within the Town. The Commissioners asked Staff to get some clarification from the Town Chair on what the Board may view as “flex space” and how that may or may not overlap with the concept of personal storage. The Commissioners also asked Staff to work and define the concept both in respect to new development, as well as repurposing existing spaces. This will be an ongoing discussion for the Commissioners.

**DISCUSSION ITEM ONLY – NO ACTION TAKEN**

- VII. Upcoming Meeting Attendance  
A. Site Plan Review Committee Meeting January 17, 2023 at 5 pm.

- VIII. Adjournment

**MOTION:**

**Motion by** Commissioner Haskell  
**Second by** Commissioner Nemecek

**Motion** to Adjourn the meeting at 8:54 pm.

**Motion carried** by unanimous voice vote.

Respectfully submitted,  
Kelsey Faust-Kubale, Clerk