

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
7:00 P.M. – on Wednesday, May 8th, 2019  
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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I. Call to Order:

A. Notice Verification, Roll

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

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner Wisnefske	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	EXCUSED
Commissioner Haskell	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Asst Admin/Treas Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning Application from R-1 (Rural Residential District) to R-2 (Suburban Residential District) submitted by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947 for property located at 8879 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID # 006-0348-01 located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Public Comments

Public Hearing Closed at 7:02 p.m.

B. Plan Commission Public Hearing on a Re-zoning Application from A-2 (General Agricultural District) and B-3 (General Business District) to R-2 (Suburban Residential District), B-3 (General Business District), and M-1 (Mixed Use District) submitted by Rick Christianson, PO Box 56, Larsen, WI 54947 for property located on the southwest corner of the intersection of County Road II and Pioneer Road and specifically described as Tax ID# 006-0527 and 006-0528 being a part Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Public Comments

Public Hearing Closed at 7:03 p.m.

## III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, April 10<sup>th</sup>, 2019 Plan Commission Meeting.**MOTION:**

Motion by Commissioner Nemecek

Second by Commissioner Linsmeier

Motion to approve the Wednesday, April 10<sup>th</sup>, 2019 Plan Commission Meeting Minutes

Motion carried by unanimous voice vote

## IV. Open Forum Town-related Matters not on the Plan Commission's Agenda:

Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present a question or issue; however, only limited discussion may occur and no action may be taken until specific notice of the subject matter of the proposed action can be given. If you wish to speak during the Open Forum portion of the meeting, please complete "Request to Speak at Meeting" form and give the form to the Town Staff.

- Kay Lettau, 3795 County Road II, Larsen, commented that the Commission had put the Farmland Preservation matter on hold within the past year, but she is concerned that the Winnebago County submissions deadline is July 1, 2019 and she would like an update as to what is happening with the program.
- Chairman Knapinski stated that the Town staff has been dealing with many challenges as they relate to the Incorporation and he is unsure of their ability to add yet another project to their work load
- Administrator Johnston confirmed the fact that staff has been extremely busy with the local census and many other matters but that if the Commission would like them to develop the farmland preservation submission, they would get it done somehow.
- Chair Knapinski inquired about the deadline and the submission requirements.
- Mrs. Lettau stated the map is basically completed as the Town's working lands map would be used to indicate the properties intended to be included in the program. She continued explaining the County is likely to require verification of property owner interest in participating in the program
- Planner Jaworski said that DATCP has already indicated the working lands map is acceptable. He confirmed that the County will be looking for owner participation. He also explained that missing the July 1 deadline means the tax credit will be lost, as well as the AEA options
- Chair Knapinski asked if the map alone can be submitted in order to extend the deadline.
- Planner Jaworski said that is an option, but it is likely that the County will not accept it without owner participation.
- Chair Knapinski asked if a public hearing were scheduled prior to their June Plan Commission meeting, would that satisfy the owner participation requirement?
- Commissioner Nemecek asked if there was any sense of the level of interest. Mrs. Lettau stated she has about 55% of the working lands map property owners who have indicated to her an interest, however, the State wants to have 70% participation

- Mrs. Lettau asked if there is a way of notifying the owners other than through a meeting posting. Administrator Johnston stated there is always a way to notify people.
- Planner Jaworski suggested the working lands map could be submitted to the County with an explanation that there has not been any contact with the individual property owners yet because the Town is in the process of determining the implementation strategy and would like more time to develop that process.
- Commissioner Linsmeier asked for clarification of the deadlines. Planner Jaworski explained that this is the last chance to participate. Without a submission, the program goes away.
- Chair Knapinski noted that it is clearly evident that the County does not want the program.
- Administrator Johnston also noted that there is very little interest in the program as only one town in the entire County has made a submission.
- Chair Knapinski stated he would like to discuss this matter further with staff to determine the best course forward.

V. Correspondence:

- A. CY 2019, April Building Inspection Report.
- B. Winnebago County Zoning Notice of Public Hearing—Town of Oshkosh Text Amendments

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from R-1 (Rural Residential District) to R-2 (Suburban Residential District) submitted by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947 for property located at 8879 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID # 006-0348-01 located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 8879 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID # 006-0348-01 located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Town of Clayton  
8348 CTR “T”  
Larsen, WI 54947

Property Owners: Town of Clayton  
8348 CTR “T”  
Larsen, WI 54947

Consultant: Gary A. Zahringer S-2098

Martenson & Eisele, Inc.  
1377 Midway Road  
Menasha, WI 54952

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: R-1 (Rural Residential District) and A-2 (General Agricultural District)
  - b) South: R-1 (Rural Residential District), A-2 (General Agricultural District), and I-1 (Heavy Industrial District).
  - c) East: Village of Fox Crossing
  - d) West: R-1 (Rural Residential District) and A-2 (General Agricultural District)

**Property Information Specific to Tax ID # 006-0348-01:**

1. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947.
2. The Lot is 4.38 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned by the Town as R-1 (Rural Residential District).
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no Wisconsin Wetland Inventory Information.
10. The Future Land Use Planning Information is Single Family Residential.
11. The current land use is consistent with the Town’s adopted Land Use Plan.
12. The proposed land use is consistent with the Future Land Use Plan.

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

1. Please be advised that the property is owned by the Town and the residential unit is rented for the Town by a leasing agency.
2. The re-zoning applies to the 3 new Lots created by a recent CSM from the existing property (Tax ID # 006-0348-01), the detail of the 3-Lots are as follows:
  - a. Lot-1 is 1.000 acres (43,564 Square Feet) in area and a new parcel with access to both Fairview Road and Clayton Avenue. Based on the Town’s Access Ordinance the Lot could take access from either road since both roads carry the same traffic rating. Please be advised that the septic drain field from Lot-3 intrudes into Lot-1. As a result, Lot-1 will not be buildable until the area is served by Municipal Sanitary Sewer allowing for the abandonment of the drain field, or there is an arrangement with the owner(s) of Lot-3 to have a shared septic drain field.
  - b. Lot-2 is 1.250 acres (54,454 Square Feet) is area with frontage on Fairview Road. Access for Lot-2 would come from Fairview Road.
  - c. Lot-3 is 1.302 (56,697 Square Feet) in area with an existing access point on Clayton Avenue. Lot-3 also contains an existing single-family dwelling with a detached garage.
3. The existing zoning, R-1 (Rural Residential Zoning District), is consistent with the existing land use and the proposed land use, however, because of the R-1 (Rural Residential District) road frontage requirements in the Town’s Zoning Code of

Ordinances, the 3 new Lots will need to be re-zoned to R-2 (Suburban Residential District).

- 4. All three lots in the proposed Re-zoning Application have sufficient frontage to allow for an Access Code compliant driveway onto either Fairview Road or Clayton Avenue.

**Staff Recommendations:**

Staff recommends approval of the proposed Re-zoning from R-1 (Rural Residential District) to R-2 (Suburban Residential District) subject to the following conditions:

- 1. Limitations on the sale of Lot-1 relating to the intrusion of the sanitary drain field from Lot-3.
  - 2. Documentation of the approval of the proposed re-zoning by any overlying unit of government having jurisdiction.
- Commissioner Schmidt recused herself from the business item
  - Chair Knapinski confirmed that the Village of Fox Crossing had no comment relating to the extra-territorial jurisdiction
  - Administrator Johnston noted the Lot 3 drain field encroachment on Lot 1. He explained that Lot 1 would need to deal with the issue in order to develop. He noted that though there is an issue, with the Town as current owner, the issue can be dealt with as part of a sale. He also noted that it is likely for Lots 1 and 2 to be further divided once municipal water and sewer is available to the lots.
  - Planner Jaworski stated that while Lot 1 will have constraints on it due to the drain field encroachment, that it is still a conforming lot for the zoning district

**MOTION:**

Motion by Commissioner Haskell

Second by Commissioner Wisniewski

Motion to recommend to the Town Board approval of the rezoning application as submitted by the Town of Clayton with staff recommendations.

Motion carried by a vote of 5-0, with 1 absence and with Commissioner Schmidt recusing herself.

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947 for property located at 8879 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID # 006-0348-01 located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 8879 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID # 006-0348-01 located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Town of Clayton  
8348 CTR “T”

Larsen, WI 54947

Property Owners: Town of Clayton  
8348 CTR “T”  
Larsen, WI 54947

Consultant: Gary A. Zahringer S-2098  
Martenson & Eisele, Inc.  
1377 Midway Road  
Menasha, WI 54952

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: R-1 (Rural Residential District) and A-2 (General Agricultural District)
  - b) South: R-1 (Rural Residential District), A-2 (General Agricultural District), and I-1 (Heavy Industrial District)
  - c) East: Village of Fox Crossing
  - d) West: R-1 (Rural Residential District) and A-2 (General Agricultural District)

**Property Information Specific to Tax ID # 006-0348-01:**

1. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947.
2. The Lot is 4.38 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned by the Town as R-1 (Rural Residential District).
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no Wisconsin Wetland Inventory Information.
10. The Future Land Use Planning Information is Single Family Residential.
11. The current land use is consistent with the Town’s adopted Land Use Plan.
12. The proposed land use is consistent with the Future Land Use Plan.

**Staff Comments on the CSM:**

1. Please be advised that the property is owned by the Town and the residential unit is rented for the Town by a leasing agency
2. The CSM does not change the existing use of the property and therefore it is consistent with the Town’s approved Future Land Use Plan.
3. The CSM **does** show the Right to Farm Language required by the Town.
4. The CSM creates 3 new Lots from the existing property (Tax ID # 006-0348-01), the detail of the 3-Lots is as follows:
  - a. Lot-1 is 1.000 acres (43,564 Square Feet) in area and a new parcel with access to both Fairview Road and Clayton Avenue. Based on the Town’s Access Ordinance the Lot could take access from either road since both roads carry the same traffic rating. Please be advised that the septic drain field from Lot-3 intrudes into Lot-1. As a result, Lot-1 will not be buildable until the area is served by Municipal Sanitary Sewer allowing for the abandonment of the drain field, or there is an arrangement with the owner(s) of Lot-3 to have a shared septic drain field.

- b. Lot-2 is 1.250 acres (54,454 Square Feet) is area with frontage on Fairview Road. Access for Lot-2 would come from Fairview Road.
  - c. Lot-3 is 1.302 (56,697 Square Feet) in area with an existing access point on Clayton Avenue. Lot-3 also contains an existing single-family dwelling with a detached garage.
5. The existing zoning, R-1 (Rural Residential Zoning District), is consistent with the existing land use and the proposed land use, however, because of the R-1 (Rural Residential District) road frontage requirements in the Town's Zoning Code of Ordinances, the 3 new Lots will need to be re-zoned to R-2 (Suburban Residential District).
  6. The proposed CSM deeds 0.860 (37,485 Square Feet) in area to the Town for the rights-of-way of Fairview Road and Clayton Avenue.

**Staff Recommendations on the CSM Application:**

Staff recommends that the Plan Commission approve the CSM subject to the following conditions:

1. That the Plan Commission recommend and the Board restrict the sale of Lot-1 until the area is served by Municipal Sanitary Sewer or there is an arrangement with the owner(s) of Lot-3 to have a shared septic drain field.
  2. That the Lots created by the proposed CSM are re-zoned from R-1 (Rural Residential District) to R-2 (suburban Residential District).
  3. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
  4. The Applicant provide a copy of the recorded document to the Town.
- Commissioner Schmidt recused herself from the business item
  - Chair Knapinski confirmed that access for all three lots was conforming
  - Commissioner Linsmeier inquired about changing the Lot 3 boundary so that the drain field does not encroach onto Lot 1
  - Administrator Johnston explained it could be reconfigured, but the current configuration was done in such a way as to allow for the future division of Lots 1 and 2 once municipal water and sewer become available
  - Commissioner Haskell inquired about the circumstance that the future owner of Lot 3 may not choose to hook-up to municipal utilities even if they become available
  - Administrator Johnston explained that because the Town owns the property, the encroachment issue will be dealt with at the time of the sale of the properties and any potential issues can be eliminated because the Town controls the sale of the property

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to recommend to the Town Board approval of the Certified Survey Map as submitted by the Town of Clayton for Tax ID # 006-0348-01 with staff recommendations

Motion carried by a vote of 5-0, with 1 absence and with Commissioner Schmidt recusing herself.

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from A-2 (General Agricultural

District) and B-3 (General Business District) to R-2 (Suburban Residential District), B-3 (General Business District), and M-1 (Mixed Use District) submitted by Rick Christianson, PO Box 56, Larsen, WI 54947 for property located on the southwest corner of the intersection of County Road II and Pioneer Road and specifically described as Tax ID# 006-0527 and 006-0528 being a part Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on the southwest corner of the intersection of County Road II and Pioneer Road and specifically described as Tax IDs# 006-0527 and 006-0528 being a part Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin

Applicants: Rick Christianson  
PO Box 56  
Larsen, WI 54947

Property Owners: Judy and Richard L. Christianson  
PO Box 56  
Larsen, WI 54947

Consultant: Robert F. Reider S-1251  
Carow Land Surveying CO., Inc.  
615 North Lynndale Drive  
P.O. Box 1297  
Appleton, WI 54912-1297

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: R-1 (Rural Residential District), A-1 (Agribusiness District) and A-2 (General Agricultural District)
  - b) South: R-1 (Rural Residential District), and A-2 (General Agricultural District)
  - c) East: R-1 (Rural Residential District), A-1 (Agribusiness District) and A-2 (General Agricultural District)
  - d) West: A-2 (General Agricultural District) and I-2 (Heavy Industrial District)

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

- 1) The property is owned by Judy and Richard L. Christianson, PO Box 56, Larsen, WI 54947.
- 2) The Lot is 17.45 acres.
- 3) The property is in the Neenah School District (3892).
- 4) The property is currently zoned by the Town as A-2 (General Agriculture District) and B-3 (General Business District).
- 5) The property is currently zoned by the County as A-2 (General Agriculture District) and B-3 (General Business District).
- 6) The property has split zoning under both the Town and the County Zoning Code.

- 7) The property has an Intermittent Navigable Stream (checked) under Navigable Stream and Surface Water Drainage Information.
- 8) The property has no Outagamie County Airport Zoning and Height Limitation Information.
- 9) The property is outside the County Floodplain and FEMA Special Flood Hazard Area.
- 10) The property has no Wisconsin Wetland Inventory Information.
- 11) The property is in the Department of Natural Resources Special Well Casing area.
- 12) The Future Land Use Planning Information is B-3 (General Business District) and A-2 (General Agricultural District).
- 13) The current land use is consistent with the Town's adopted Land Use Plan.
- 14) The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0528:**

1. The property is owned by Judy and Richard L. Christianson, PO Box 56, Larsen, WI 54947.
2. The Lot is 19.45 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property has no Navigable Stream and Surface Water Drainage Information.
6. The property has no Outagamie County Airport Zoning and Height Limitation Information.
7. The property is outside the County Floodplain and FEMA Special Flood Hazard Area.
8. The property has no Wisconsin Wetland Inventory Information.
9. The property is in the Department of Natural Resources Special Well Casing area.
10. The Future Land Use Planning Information is A-2 (General Agricultural District).
11. The current land use is consistent with the Town's adopted Land Use Plan.
12. The proposed land use is consistent with the Future Land Use Plan.

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

1. The re-zoning applies to the 4 new Lots created by a recent CSM from the existing properties (Tax ID # 006-0527 and Tax ID # 006-0528), the detail of the 4-Lots are as follows:
  - a) Lot-1 is 1.0963 acres (47,757 Square Feet) in area, a new parcel with access to Pioneer Road that is zoned B-3 (General Business District). The Applicant has asked the Town to re-zone Lot-1 to R-1 (Rural Residential District). The Lot has sufficient frontage on Pioneer Road to meet the R-1 Zoning Code requirements. The Lot has an existing Access Ordinance compliant access to Pioneer Road. The proposed Lot has a number of outbuildings that can be allowed under the Town's Zoning Code of Ordinances (see attached material). The Commission will need to recommend that the outbuildings be allowed to stay as existing nonconforming structures and/or accept the Zoning Administrator's designation of the outbuildings as Rural Accessory Structures.
  - b) Lot-2 is 4.0000 acres (174,240 Square Feet) is area with frontage on CTH II with split zoning of B-3 (General Business District) and A-2 (General Business District). The Applicant has asked the Town to re-zone the entire Lot to B-3 (General Business District). Access for Lot-2 would come from CTH II. The Lot has an existing and ongoing commercial concern on the site.
  - c) Lot-3 is 9.389 acres (409,000 Square Feet) in area with split zoning of B-3 (General Business District) and A-2 (General Business District) with a proposed

access point on Pioneer Road. Lot-3 is vacant land that the Applicant would like to have zoned M-1 (Mixed Use District). The proposed zoning would allow the Applicant to have a residential structure and a business facility on the same site. Please be advised that the residential structure would have to meet the Uniform Dwelling Code and the commercial structure would have to meet the State Commercial Code.

- d) Lot-4 is a farm field that is zoned A-2 (General Agricultural District), the only reason the lot was included in the survey was to move the west property line of Lots 2 and 3 to match an existing field entrance extending south from CTH II that could be used to access Lot-3 of the proposed CSM. The issue created by moving the west lot lines of Lots- 2 and 3 relates to the relative school districts. Lots 2 and 3 are in the Neenah School District, Lot-4 is in the Winneconne School District. Moving the lot line would require that the School Districts agree to the jurisdictional transfer. The Administration's experience with this process has been poor and unsuccessful. Based on that experience the Administration has recommended that the Applicant keep the existing west lot line of lots 2 and 3 in place.
2. The existing zoning recommendations are consistent with the existing land use and the proposed land use.
3. The unique feature of the proposed rezoning is the use of the M-1 (Mixed Use District). However, even the M-1 District is not significantly different than the extant conditions of the property.
4. As long as Lot-4 of the proposed rezoning is used for agricultural purposes it can continue to use the existing farm access point on CTH "II".

**Staff Recommendations:**

Staff recommends approval of the proposed rezoning from A-2 (General Agricultural District) and B-3 (General Business District) to A-2 (General Agricultural District), B-3 (General Business District) and M-1 (Mixed Use District) subject to the following conditions:

1. The Commission recommending that the outbuildings be allowed to stay as existing nonconforming structures and/or accept the Zoning Administrator's designation of the outbuildings as Rural Accessory Structures.
  2. The Applicant moving the west lot lines of Lots 2 and 3 so that they do not change the relative School Districts that provide education services to Lot 2, 3, and 4.
  3. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
- Chair Knapinski noted that this is the first re-zoning application requesting Mixed Use District
  - Administrator Johnston agreed, noting that the property, as it exists, is already a mixed use property.
  - Administrator Johnston explained the proposed division of the property which has resulted in the requirement for re-zoning
  - Chair Knapinski noted that Mixed Use is a version of Commercial and is therefore consistent with the Future Land Use Plan
  - Planner Jaworski noted that this appears a bit like spot zoning but he understands the reasoning and that the re-zoning would accommodate the existing uses

- Planner Jaworski noted that Lot 2 of the proposed CSM could also be zoned Mixed Use as a way of minimizing the spot zoning, however, it is not a requirement as the different uses function well together
- Chair Knapinski noted that as the property currently sits, it has dual zoning and the re-zoning and the upcoming CSM will help to clean up this issue

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to recommend to the Town Board approval of the re-zoning application as submitted by Rick Christianson with staff recommendations.

Motion carried by a vote of 6-0

- D. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Rick Christianson, PO Box 56, Larsen, WI 54947 for property located on the southwest corner of the intersection of County Road II and Pioneer Road and specifically described as Tax ID# 006-0527 and 006-0528 being a part Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on the southwest corner of the intersection of County Road II and Pioneer Road and specifically described as Tax IDs# 006-0527 and 006-0528 being a part Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin

Applicants: Rick Christianson  
PO Box 56  
Larsen, WI 54947

Property Owners: Judy and Richard L. Christianson  
PO Box 56  
Larsen, WI 54947

Consultant: Robert F. Reider S-1251  
Carow Land Surveying CO., Inc.  
615 North Lynndale Drive  
P.O. Box 1297  
Appleton, WI 54912-1297

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: R-1 (Rural Residential District), A-1 (Agribusiness District) and A-2 (General Agricultural District)
  - b) South: R-1 (Rural Residential District), and A-2 (General Agricultural District)
  - c) East: R-1 (Rural Residential District), A-1 (Agribusiness District) and A-2 (General Agricultural District)
  - d) West: A-2 (General Agricultural District) and I-2 (Heavy Industrial District)

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

1. The property is owned by Judy and Richard L. Christianson, PO Box 56, Larsen, WI 54947.
2. The Lot is 17.45 acres.
3. The property is in the Neenah School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agriculture District) and B-3 (General Business District).
5. The property is currently zoned by the County as A-2 (General Agriculture District) and B-3 (General Business District).
6. The property has split zoning under both the Town and the County Zoning Code.
7. The property has an Intermittent Navigable Stream (checked) under Navigable Stream and Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is outside the County Floodplain and FEMA Special Flood Hazard Area.
10. The property has no Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is B-3 (General Business District) and A-2 (General Agricultural District).
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0528:**

1. The property is owned by Judy and Richard L. Christianson, PO Box 56, Larsen, WI 54947.
2. The Lot is 19.45 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property has no Navigable Stream and Surface Water Drainage Information.
6. The property has no Outagamie County Airport Zoning and Height Limitation Information.
7. The property is outside the County Floodplain and FEMA Special Flood Hazard Area.
8. The property has no Wisconsin Wetland Inventory Information.
9. The property is in the Department of Natural Resources Special Well Casing area.
10. The Future Land Use Planning Information is A-2 (General Agricultural District).
11. The current land use is consistent with the Town's adopted Land Use Plan.
12. The proposed land use is consistent with the Future Land Use Plan.

**Staff Comments on the proposed CSM:**

1. The proposed CSM creates 4 lots by reconfiguring 2 existing lots, the existing properties (Tax ID # 006-0527 and Tax ID # 006-0528), the detail of the 4-Lots are as follows:
  - a) Lot-1 is 1.0963 acres (47,757 Square Feet) in area, a new parcel with access to Pioneer Road. The Lot has sufficient frontage on Pioneer Road to meet the R-1 Zoning Code requirements. The Lot has an existing Access Ordinance compliant access to Pioneer Road. The proposed Lot has a number of outbuildings that can be allowed under the Town's Zoning Code of Ordinances. The existing structures meet the Zoning Code setback requirements. The Commission will need to recommend that the outbuildings be allowed to stay as existing nonconforming

structures and/or accept the Zoning Administrator's designation of the outbuildings as Rural Accessory Structures.

- b) Lot-2 is 4.0000 acres (174,240 Square Feet) is area with frontage on CTH II with split zoning of B-3 (General Business District) and A-2 (General Business District). Access for Lot-2 would come from CTH II. The Lot has an existing and ongoing commercial concern on the site.
  - c) Lot-3 is 9.389 acres (409,000 Square Feet) in area with split zoning of B-3 (General Business District) and A-2 (General Business District) with a proposed access point on Pioneer Road. Lot-3 is vacant land that the Applicant has would like to have rezoned M-1 (Mixed Use District). The proposed zoning would allow the Applicant to have a residential structure and a business facility on the same site (see attached). Lot-3 meets the Zoning Code requirements for M-1 (Mixed Use District). Please be advised that the residential structure would have to meet the Uniform Dwelling Code and the commercial structure would have to meet the State Commercial Code.
  - d) Lot-4 is a farm field that is zoned A-2 (General Agricultural District) and meets the Zoning Code requirements for the Zoning district. The only reason the lot was included in the survey was to move the west property line of Lots 2 and 3 to match an existing field entrance extending south from CTH II that could be used to access Lot-3 of the proposed CSM. The issue created by moving the west lot lines of Lots 2 and 3 relates to the relative school districts. Lots 2 and 3 are in the Neenah School District. Lot-4 is in the Winneconne School District. Moving the lot line would require that the School Districts agree to the jurisdictional transfer. The Administration's experience with this process has been poor and unsuccessful. Based on that experience, the Administration has recommended that the Applicant keep the existing west lot line of lots 2 and 3 in place.
2. The CSM is consistent with the existing land use and the proposed land use.
  3. The unique feature of the proposed rezoning is the use of the M-1 (Mixed Use District). However, even the M-1 District is not significantly different than the extant conditions of the property.
  4. As long as Lot-4 of the proposed CSM is used for agricultural purposes it can continue to use the existing farm access point on CTH "II".

**Staff Recommendations:**

Staff recommends approval of the proposed CSM subject to the following conditions:

1. The Applicant moving the west lot lines of Lots 2 and 3 so that they do not change the relative School Districts that provide education services to Lots 2, 3, and 4.
  2. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
  3. The Applicant provide a copy of the recorded document to the Town.
- Administrator Johnston provided the Commission with a revised CSM noting that the first map as divided created an issue with LOT 4 lying in both the Winneconne and Neenah School Districts. He explained that the revised map placed the eastern boundary of Lot 4 back as it sits today in order to resolve the issue.
  - Planner Jaworski noted that LOT 2 was an unusual shape with the wide frontage and shallow depth. Administrator Johnston explained that it would allow for other similar businesses to develop along the County II corridor. He also noted that if this occurs in

the future, those businesses would likely all have to use a common access point with an interior drive to reach each of the businesses.

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Wisnefske

Motion to recommend to the Town Board approval of the revised CSM submitted by Rick Christianson with staff recommendations

Motion carried with a vote of 6-0

- F. Discussion/Recommendation: Plan Commission review, consideration and direction to staff relative to the creation of the project plan for Tax Incremental District #1 in the Town of Clayton.

The Commission reviewed copies of material provided by the Town’s consultant GWB Professional Services, specifically, Gary Becker (Gary). The material included a Draft Town of Clayton Tax Incremental District #1 (TID #1) Project Plan. Staff had reviewed the Project Plan and advised the Commission that it is recommending a number of changes to the Project Plan language and Financial Projections. Staff also noted they had scheduled a meeting with Gary the Town’s Financial Advisor and the Town’s Accounting Advisor. The proposed changes recommended by staff relate to the specific activities of recovering the significant dollars being spent by the Town and how they are described in the text of the Project Plan. Staff expects that the documents provided to the Commission for its June Meeting will be very close to the final document. Additionally, staff noted it would like to review some potential changes to the TID boundaries that are necessitated by potential development projects that have been presented to the Town.

- Mr. Becker presented a summary of the draft TID #1 Project Plan to the Commission.
- Mr. Becker noted he would like to present a revised Draft to the Commission at its June meeting and then, if the plan meets with the Commission’s approval, schedule a public hearing in July.
- Mr. Becker also noted that the Town Board must have an approved Project Plan no later than September 30<sup>th</sup> in order to have it be effective as of January 1, 2019.

**DIRECTION TO STAFF**

The Commission directed Staff to continue to work with Mr. Becker and present the information at the next Plan Commission meeting.

- VII. Upcoming Meeting Attendance:

- Board of Review will be held on May 21, 2019 from 10:00 a.m. to Noon.

- VIII. Adjournment

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion made to Adjourn the meeting at 8:32 p.m.

Motion carried by unanimous voice vote

Respectfully submitted, Holly Stevens, Clerk