

TOWN OF CLAYTON  
 Town Plan Commission  
 Meeting Minutes  
 7:00 P.M. – on Wednesday, May 9, 2018  
 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	ABSENT
Commissioner Haskell	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Deputy Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning Application submitted by Pete Vanden Heuvel, 6074 Green Valley Road, Oshkosh, WI 54904, for property owned by the Erdmann Trust, 7453 CTR “T” Oshkosh WI 54904; specifically described as part of Tax ID# 006-0834, being a part Section 33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone a portion of the property from A-1 (Agribusiness District) to A-2 (General Agricultural District).

- Kay Lettau, 3795 CTR II, inquired why the property was being rezoned from A-1 to A-2
- Administrator Johnston explained the A-2 zoning classification is more appropriate because the land will not be used for active crop production but rather as a residential parcel
- Mrs. Lettau asked how the property would be taxed
- Administrator Johnston explained the Assessor will look at the land use and it will be taxed accordingly. If it is being used to raise crops, it would be taxed accordingly; if the use is primarily related to the residential use, it would be taxed as residential land.
- Planner Jaworski added that the small parcels of agricultural lands usually do not meet the Farmland Preservation qualifications
- Pete Vanden Heuvel, 6074 Green Valley Road, Oshkosh asked if there would be a cost associated with taking the acreage out of Farmland Preservation
- Administrator Johnston said that he was informed there would be no cost burden associated with the removal from Farmland Preservation

Chairman Knapinski closed the Public Hearing at 7:06 p.m.

III. Approval of Minutes

A. Approval of the minutes of the Wednesday, April 11, 2018 Plan Commission Meeting.

**MOTION**

Motion by Commissioner Linsmeier

Second by Commissioner Haskell

Motion to approve the minutes of the Wednesday, April 11, 2018 Plan Commission meeting

Motion carried by unanimous voice vote

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

- Kay Lettau, 3795 CTR II, requested, in light of the County’s decision to turn Farmland Preservation jurisdiction over to Towns, that the Commission add the discussion to its next meeting agenda to see what the Town can do for Farmland Preservation
- Chair Knapinski acknowledged that the Commission had already requested the item be added for the June or July agenda.

V. Correspondence

A. April CY 2018 Building Inspection Report.

VI. Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a 2-Lot Certified Survey Map submitted by Pete Vanden Heuvel, 6074 Green Valley Road, Oshkosh, WI 54904, for property owned by the Erdmann Trust, 7453 CTR “T” Oshkosh WI 54904; specifically described as Part of Tax ID# 006-0834, being a part Section 33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is specifically described as part of Tax ID# 006-0834, being a part Section 33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Pete Vanden Heuvel  
6074 Green Valley Road  
Oshkosh, WI 54904

Property Owners: Erdmann Trust  
7453 CTR “T”  
Oshkosh WI 54904

Property Location: on the northeast corner of CTR “T” and Breezewood Lane.

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: A-1 (Agribusiness District) and A-2 (General Agriculture District)
  - b) South: Town of Vinland
  - c) East: A-1 (Agribusiness District) and A-2 (General Agriculture District)
  - d) West: A-1 (Agribusiness District) and A-2 (General Agriculture District)

**Property Information Specific to Tax ID # 006-0834**

1. The property is owned by Erdmann Trust 7453 CTR “T” Oshkosh WI 54904
2. The Lot is 40.000 acres.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property has an unchecked intermittent navigable stream.
6. The property is currently zoned by the County as A-1 (Agribusiness District).
7. The property is currently zoned by the Town as A-1 (Agribusiness District).
8. The property is in the County Farmland Preservation Plan, Planned Area, Tier I (eligible for parts of the Farmland Preservation Program).
9. The property is out of the County’s Flood Plain area.
10. The property is in the County Shoreland Jurisdiction Zoning, 300-foot buffer and the 1000-foot buffer.
11. The property is not in the County’s Wetland Identifier.
12. The land use is consistent with the Town’s adopted Land Use Plan.

**Staff Comments on the CSM Application:**

1. The proposed CSM does not change the existing use of the property and therefore it is consistent with the Town’s approved Future Land Use Plan.
2. The CSM **does** show the Right-to-Farm Language required by the Town.
3. Lot-1 of the proposed CSM is 33.70 acres (1,468,012 Square Feet) in area and does meet the A-1 (Agribusiness District) area requirements.
4. Lot-2 of the proposed CSM is 5.01 acres (218,400 Square Feet) in area and does meet the A-2 (General Agriculture District) area requirement.
5. The proposed CSM deeds 0.91 of an acre (43,598 Square Feet) to the Town as Right-Of-Way for Breezewood Lane.
6. Both Lot-1 and Lot-2 of the proposed CSM are vacant farmland property.
7. Lot-2 of the proposed CSM is to be used by the family for a new single family residential structure with outbuildings.

**Staff Recommendations on the CSM Application:**

Staff recommends approval of the proposed re-zoning application subject to the following conditions:

1. That Lot-2 of the proposed CSM be re-zoned from A-1 (Agribusiness District) to A-2 (General Agriculture District).
2. The Surveyor providing the Town with a recorded copy of the CSM.
3. Documentation of the approval of the proposed CSM Application by any overlying unit of government having jurisdiction.

- Commissioner Linsmeier questioned the map’s notations regarding the acreage split, noting that as marked, the acreage does not add to the full 40 acres of the parent parcel

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Wisnefske

Motion to recommend approval to the Town Board for the 2-Lot Certified Survey Map with clarification and/or correction of the mathematical calculation of the acreage split

Motion carried by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application submitted by Pete Vanden Heuvel, 6074 Green Valley Road, Oshkosh, WI 54904, for property owned by the Erdmann Trust, 7453 CTR “T” Oshkosh WI 54904; specifically described as part of Tax ID# 006-0834, being a part Section 33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone a portion of the property from A-1 (Agribusiness District) to A-2 (General Agricultural District).

Site Location: The property is specifically described as part of Tax ID# 006-0834, being a part of Section 33, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Pete Vanden Heuvel  
6074 Green Valley Road  
Oshkosh, WI 54904

Property Owners: Erdmann Trust  
7453 CTR “T”  
Oshkosh WI 54904

Property Location: on the northeast corner of CTR “T” and Breezewood Lane.

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: A-1 (Agribusiness District) and A-2 (General Agriculture District)
  - b) South: Town of Vinland
  - c) East: A-1 (Agribusiness District) and A-2 (General Agriculture District)
  - d) West: A-1 (Agribusiness District) and A-2 (General Agriculture District)

**Property Information Specific to Tax ID # 006-0834**

1. The property is owned by Erdmann Trust 7453 CTR “T” Oshkosh WI 54904
2. The Lot is 40.000 acres.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property has an unchecked intermittent navigable stream.

6. The property is currently zoned by the County as A-1 (Agribusiness District).
7. The property is currently zoned by the Town as A-1 (Agribusiness District).
8. The property is in the County Farmland Preservation Plan, Planned Area, Tier I (eligible for parts of the Farmland Preservation Program).
9. The property is out of the County's Flood Plain area.
10. The property is in the County Shoreland Jurisdiction Zoning, 300-foot buffer and the 1000-foot buffer.
11. The property is not in the County's Wetland Identifier.
12. The land use is consistent with the Town's adopted Land Use Plan.

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

1. The proposed re-zoning does not change the existing use of the property and therefore it is consistent with the Town's approved Future Land Use Plan.
2. Lot-1 of the proposed Re-zoning is 33.70 acres (1,468,012 Square Feet) in area and does meet the A-1 (Agribusiness District) area requirements.
3. Lot-2 of the proposed Re-zoning is 5.01 acres (218,400 Square Feet) in area and does meet the A-2 (General Agriculture District) area requirement.
4. Both Lot-1 and Lot-2 of the proposed Rezoning are vacant farmland property.
5. Lot-2 of the proposed Re-zoning is to be used by the family for a new single family residential structure with outbuildings.
6. The Re-zoning is premised on the fact that the 5 +/- acres of Lot-2 of the Re-zoning are expected to be used for living and recreational purposes and not actively farmed.

**Staff Recommendations on the Re-zoning Application:**

Staff recommends approval of the proposed Re-zoning application from A-1 (Agribusiness District) to A-2 (General Agricultural District for Lot-2 subject to the following conditions:

1. Documentation of the approval of the proposed Re-zoning Application by any overlying unit of government having jurisdiction.
  - Commissioner Haskell asked what the Town's Zoning Code Minimum Acreage requirement is for A-1 Zoning
  - Administrator Johnston clarified the following:
    - A-1 Residential Minimum lot size is 43,000 sf
    - A-1 Farm Minimum lot size is 5.0 acres
    - A-1 Nonresidential/Nonfarm Minimum lot size is 43,000 sf
  - Chair Knapinski asked if the rezoning would be in contradiction to the Town's Comprehensive Plan
  - Administrator Johnston confirmed it would not be in contradiction as it would still be zoned agricultural as an A-2 parcel
  - Planner Jaworski also confirmed that it is conducive to Working Lands as an A-1 or A-2 parcel

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Wisniewski

Motion to recommend approval of the Rezoning application submitted by Pete Vanden Heuvel as presented for Lot 2 of the CSM submitted by the same assuming the rezone is in agreement with the conditions placed upon the CSM approval.

- C. **Discussion/Recommendation:** Plan Commission review and recommendation on a Site Plan Amendment Minor for additional parking at Quietwoods RV Sales and Service, 9042 Campers Way, Neenah, WI 54956. Property owned by DKG Holdings LLC, Sturgeon Bay, WI 54235, specifically identified as Tax ID# 006-0336, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

**Site Location:** The site is located at 9042 Campers Way, Neenah, WI 54956. and specifically identified as Tax ID# 006-0336, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin in the Town of Clayton.

**Applicant:** Quietwoods RV Sales and Service  
9042 Campers Way  
Neenah, WI 54956

**Property Owner:** DKG Holdings LLC  
Sturgeon Bay, WI 54235

**Property Information:**

- 1) The surrounding properties are zoned:
  - a) North: B-3 (General Business District), and A-2 (General Agriculture District).
  - b) South: B-3 (General Business District), and I-1 (Light Industrial District).
  - c) East: B-3 (General Business District), and A-2 (General Agriculture District).
  - d) West: B-3 (General Business District), I-1 (Light Industrial District), and R-1 (Rural Residential District).

**Property Information Specific to Tax ID# 006-0320-03):**

- 1. The property is owned by DKG Holdings LLC, Sturgeon Bay, WI 54235.
- 2. The Lot is 9.520 Acres in size.
- 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 Lot is currently zoned B-3 (General Business District).
- 6. The property is in the Outagamie County Airport Overlay District, Zone 3.
- 7. The property is in the Outagamie County Airport Overlay Height Zoning.
- 8. The property is in the Village of Fox Crossing Extra-Territorial Zoning District.
- 9. The property is out of the County’s Floodplain Zoning Area.
- 10. The property is not in the County’s Wetland Identifier.
- 11. The land use is consistent with the Town’s adopted Land Use Plan.

**Application Details:**

- 1) The petitioner is proposing to add an additional 150-foot X 290-foot inventory parking area on the east side of the site (see photographs and site drawing). The need for the additional parking has been generated by additional inventory and the requirement by

the Town that the business no longer park inventory on the Public Rights-Of-Way. The site has sufficient room to allow for the additional parking without significantly changing the operations of the facility.

**Stormwater Management for the Site:**

The stormwater management function for the proposed project comes from an existing storm water management pond that ultimately drains to the Town road-side ditch on Clayton Avenue. The Storm Water Management Utility Fee for the site will increase based on the additional impervious surface created by the proposed additional parking area.

**Access to the Site:**

Access to the site comes from a public road known as Campers Way. The Campers Way driveway and access will not change as a part of this project.

**Building Details:**

The existing building will not be affected by the parking project.

**Parking:**

The project will generate additional parking for the site.

**Site Landscaping:**

There is no proposed landscaping for the project, however, the Plan Commission may wish to add a visual barrier on the east side of the site. The barrier could be created with plantings and/or an earthen berm that would include landscaping plantings.

**Staff Comments:**

The Minor Site Plan Application, as presented, is complete and accurate. Staff has no questions relative to the application as it relates to the Town's Site Plan Ordinance.

Conditions for approval:

1. That the Applicant obtains any and all Building Permits required for the project.
  2. That the Applicant obtains any required Outagamie County Airport Overlay Zoning Ordinance Approval for the proposed project.
  3. That the Applicant signs a Site Plan Approval document drafted by Town staff.
  4. That the project is approved by any and all overlying units of government having jurisdiction prior to the start of construction.
  5. That the Applicant agrees to any additional conditions placed on the project by the Plan Commission and the Town Board.
- Commissioner Linsmeier asked why the landscaping and lighting requirements recently applied to other site plans reviewed by the Plan Commission were not being applied to this site plan
  - Administrator Johnston explained that the business pre-existed the current Zoning Code of Ordinances and therefore the current requirements do not necessarily apply to the site plan. Additionally, the Site Plan Modification submitted is considered a minor amendment which does not trigger the inclusion of any new requirements.
  - Administrator Johnston explained the Plan Commission may place conditions onto the Site Plan approval such as landscaping and lighting if appropriate.

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Schmidt

Motion to recommend approval to the Town Board for the Site Plan Amendment Minor for additional parking at Quietwoods RV Sales and Service with the following conditions:

1. That the Applicant obtains any and all Building Permits required for the project.
2. That the Applicant obtains any required Outagamie County Airport Overlay Zoning Ordinance Approval for the proposed project.
3. That the Applicant signs a Site Plan Approval document drafted by Town staff.
4. That the project is approved by any and all overlying units of government having jurisdiction prior to the start of construction.
5. That the Applicant add, around the border of the new parking area, a berm with grass and/or vegetative cover that is maintained by mowing and/or grooming
6. That the Applicant agrees to any additional conditions placed on the project by the the Town Board.

Motion carried by unanimous voice vote

VII. Upcoming Meeting Attendance: NONE

VIII. Adjournment

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion made to Adjourn the meeting at 7:29 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,  
Holly Stevens, Deputy Clerk