

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
7:00 P.M. – on Wednesday, May 13, 2020  
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 Members

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

b. Staff

Econ. Dev. Director Johnston	EXCUSED
Administrator Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	EXCUSED

II. Public Hearings:

A. No Public Hearings—HEARING LISTED ON AGENDA WAS IN ERROR

I. Approval of Minutes:

A. Approval of the minutes of the Wednesday, March 11, 2020 Plan Commission Meeting.

**MOTION:**

**Motion by** Commissioner Linsmeier

**Second by** Commissioner Nemecek

**Motion to** approve the March 11, 2020 Plan Commission Meeting Minutes as presented.

**Motion carried** by unanimous voice vote

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

III. Correspondence:

A. March CY 2020, Building Inspection Report.

B. April CY 2020, Building Inspection Report.

C. Distribution of the Sewer Service Area Amendment Approval from East Central Regional Planning Commission and the Wisconsin Department of Natural Resources.

IV. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by the Estate of Mary L. Kronberg, 3022 W Shady Lane, Neenah, WI 54956, for property located on the north side of Shady Ln, specifically identified as Tax ID #006-0038, specifically described as all of Lot 3, CSM 3107 being part of the Southwest ¼ of the Southeast ¼ of Section 02, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3022 W Shady Lane, Neenah, WI 54956 and specifically described as Tax ID # 006-0038 located in Section 02, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: James R Sehloff, PLS (S-2692)  
Davel Engineering & Environmental, Inc.  
1164 Province Terrace  
Menasha, WI 54952

Property Owners: The Estate of Mary L. Kronberg  
3022 W. Shady Lane  
Neenah, WI 54956

Consultant: James R Sehloff, PLS (S-2692)  
Davel Engineering & Environmental, Inc.  
1164 Province Terrace  
Menasha, WI 54952

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0038:**

1. The property is owned by Mary L Kronberg, 3022 W Shady Lane, Neenah, WI 54956.
2. The Lot is 4.00 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 is in the Outagamie County Airport Overlay Height Zoning District.
8. The property is in the Outagamie County Airport Overlay Zone 3 District.
9. The property is in the Village of Fox Crossing Extra Territorial Zoning District (non-enforceable).
10. The property is outside the County Floodplain and FEMA Special Flood Hazard Area.

11. The property has no Wisconsin Wetland Inventory Information.
12. The Future Land Use Planning Information is Agricultural/Rural Residential.
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.

**Staff Comments on the CSM:**

1. 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.
2. The CSM **does** show the Right to Farm Language required by the Town.
3. The CSM creates 2 new Lots from the existing property (Tax ID # 006-0038) with the detail of the 2-Lots are as follows:
  - a) Lot-1 is 2.6838 acres (116,905 Square Feet) in area with frontage on Shady Lane and an existing residential structure. The existing access would remain on Shady Lane.
  - b) Lot-2 is 1.00 acres (43,561 Square Feet) in area with frontage on Shady Lane. Access for Lot-2 would come from Shady Lane.
4. The existing zoning, R-1 (Rural Residential Zoning District), is consistent with the existing land use and the proposed land use.
5. The proposed CSM deeds 0.3161 acres (13,769 Square Feet) in area to the Town for the right-of-way of Shady Lane.

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

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

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
  2. The Applicant provide a copy of the recorded document to the Town.
- Administrator Straw explained that the neighbor intends to purchase Lot 2 of the proposed CSM and then will be submitting another CSM for that and his property division at a future meeting.

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Wisnepske

**Motion to** recommend approval of the Certified Survey Map (CSM) Application submitted by the Estate of Mary L. Kronberg, 3022 W Shady Lane, Neenah, WI 54956, for property located on the north side of Shady Ln, specifically identified as Tax ID #006-0038 as presented and with staff recommendations.

**Motion carried** by unanimous voice vote

- B. **Discussion/Recommendation:** Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by the JBL Real Estate Investments, LLC, C/O Bechard Investments, Inc., 517 N. Westhill Blvd., Appleton, WI 54914 for property located at the Southwest Corner of Fairview Road and Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID # 006-0348-01-01 and Tax ID # 006-0348-01-02, specifically described as all of

Lots 1 and 2 of Certified Survey Map No. 7520, being part of the Northeast ¼ of the Northeast ¼, Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at Southwest corner of Fairview Road and Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID # 006-0348-01-01 and Tax ID # 006-0348-01-02, specifically described as all of Lots 1 and 2 of Certified Survey Map No. 7520, being part of the Northeast ¼ of the Northeast ¼, Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Dennis J Jochman  
JBL Real Estate Investments, LLC  
c/o Bechard Investments, Inc.  
517 N. Westhill Blvd.  
Appleton, WI 54914

Property Owners: JBL Real Estate Investments, LLC  
c/o Bechard Investments, Inc.  
517 N. Westhill Blvd.  
Appleton, WI 54914

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 # 006-0348-01-01:**

1. The property is owned by the JBL Real Estate Investments, LLC, 517 N Westhill Blvd., Appleton, WI 54914
2. The Lot is 1.00 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-2 (Suburban Residential District).
6. The property is in the Village of Fox Crossing Extra Territorial Zoning District (non-enforceable).
7. The property has no 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 Future Land Use Planning Information is Single and Two Family Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0348-01-02:**

1. The property is owned by the JBL Real Estate Investments, LLC, 517 N Westhill Blvd., Appleton, WI 54914
2. The Lot is 1.25 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-2 (Suburban Residential District).
6. The property is in the Village of Fox Crossing Extra Territorial Zoning District (non-enforceable).
7. The property has no 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 Future Land Use Planning Information is Single and Two Family Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

**Staff Comments on the CSM:**

1. Please be advised that the Zoning Code allows 65-foot road frontage lots with sewer and water and the 200-foot driveway separation would not apply to these lots.
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 4 new Lots from the existing property (Tax ID # 006-0348-01-01 and Tax ID # 006-0348-01-02), the detail of the 4-Lots is as follows:
  - a) Lot-1 is 0.721 acres (31,398 Square Feet) in area and a new parcel with access to Fairview Road. Access for Lot-1 would come from Fairview Road.
  - b) Lot-2 is 0.529 acres (23,056 Square Feet) in area with frontage on Fairview Road. Access for Lot-2 would come from Fairview Road.
  - c) Lot-3 is 0.479 acres (20,872 Square Feet) in area with frontage on Fairview Road. Access for Lot-3 would come from Fairview Road.
  - d) Lot-4 is 0.521 acres (22,692 Square Feet) in area with frontage on both Fairview Road and Clayton Ave. Access for Lot-4 would come from Clayton Ave.
5. The existing zoning, R-2 (Suburban Residential Zoning District), is consistent with the existing land use and the proposed land use.
6. The original CSM (CSM 7520) deeds 0.860 acres (37,485 Square Feet) in area to the Town for the rights-of-way of Fairview Road and Clayton Avenue. The proposed CSM shows the deeded acreage 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 building of all 4 Lots until the area is served by sewer and water.
  2. That the Plan Commission recommend and the Board require the driveway location of Lot-1, Lot-2, and Lot-3 be located in such a way as to prevent a traffic stacking problem.
  3. That the Plan Commission recommend and the Board require the driveway location of Lot-4 front on Clayton Avenue to the South end of the property to prevent traffic stacking at the intersection of Fairview Road and Clayton Ave.
  4. That the Plan Commission recommend and the Board require that the specific driveway locations be shown on the face of the CSM.
  5. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
  6. The Applicant provide a copy of the recorded document to the Town.
- Administrator Straw noted that she had highlighted the proposed driveway locations for each of the lots on the CSM for the Plan Commission.
  - The Commission expressed concern about the speed limits on the roads and the access points being close together and close to the intersection of Fairview Road and Clayton Avenue.
  - Administrator Straw agreed that the speed limits must be reviewed.
  - Administrator Straw also provided an aerial photo of properties located just to the east of Clayton Avenue which have lots of similar size and access spacing, noting that this type of development will become more prevalent with the availability of municipal sewer and water
  - It was noted that the access ordinance would need to be reviewed and revised to allow for this type of development
  - Dennis Jochman, representative for JBL Real Estate Investments, LLC, noted that the speed of cars will not be as much of a factor because the drivers are approaching a stop sign on Fairview and will naturally slow down as a result.
  - Mr. Jochman noted that the lots would also have restrictive covenants on them.

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Nemecek

**Motion to** recommend approval of the Certified Survey Map (CSM) Application submitted by the JBL Real Estate Investments, LLC, C/O Bechard Investments, Inc., 517 N. Westhill Blvd., Appleton, WI 54914 for property located at the Southwest Corner of Fairview Road and Clayton Avenue, Neenah, WI 54956 and specifically identified as Tax ID # 006-0348-01-01 and Tax ID # 006-0348-01-02 with staff recommendations and with the requirement of the access point locations being added to the CSM prior to recording.

**Motion carried** by unanimous voice vote

A. Upcoming Meeting Attendance:

- Annual Electors' Meeting, Thursday, May 28, 2020
- Board of Review Meeting Tuesday, May 19, 2020

B. Adjournment

**MOTION:**

**Motion by** Commissioner Haskell

**Second by** Commissioner Linsmeier

**Motion to Adjourn** the meeting at 7:21 p.m.

**Motion carried** by unanimous voice vote

Respectfully submitted,  
Holly Stevens, Clerk