

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
7:00 P.M. – on Wednesday, July 8, 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	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	EXCUSED
Commissioner Dorow	PRESENT
Commissioner Haskell	PRESENT
Town Board Representative Wisnefske	PRESENT

b. Staff

Administrator Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning Application from I-2 (Heavy Industrial) to B-2 (Community Business) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54947 for property located at 2788 Towne Court, Neenah, WI 54956, specifically described as Tax ID #006-0620-06 and Tax ID #006-1776 located in the Northeast ¼ of the Northwest ¼ of Section 24, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments

Public Hearing Closed at 7:02 p.m.

B. Plan Commission Public Hearing on a Re-zoning Application from R-1 (Rural Residential) to P-1 (Public Institutional) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54946, for properties located south of 8348 County Road T specifically described as Part of Tax ID #006-0535-03-01 and Part of Tax Id #006-0535-06-04, both located in the Southwest ¼ of the Northwest ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments

Public Hearing Closed at 7:03 p.m.

C. Plan Commission Public Hearing on a Re-zoning Application from R-1 (Rural Residential) to R-3 (Two-Family Residential) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54947. For property located south of 8326 County Road T, Larsen, WI 54947 specifically describes as Part of Tax ID # 006-0535-06-04 located in the Southwest ¼ of the Northwest ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments

Public Hearing Closed at 7:05 p.m.

D. Plan Commission Public Hearing on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Robbin Parker, 7364 Jensen Road, Oshkosh, WI 54904, for property located at 7364 Jensen Road specifically describes as Part of Tax ID #006-0817-05 being part of the Northwest ¼ of the Southeast ¼ and part of the Southwest ¼ of the Southeast ¼ of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments

Public Hearing Closed at 7:06 p.m.

E. Plan Commission Public Hearing on a Conditional Use Permit (CUP) Application submitted by Joseph and Nicole Malchow, 2285 Willow Way Dr., Oshkosh, WI 54904 for property located on the West side of Center Road approximately 2,500 feet South of Larsen Road specifically described as Tax Id #006-0701-02 located in the South ½ of the Southeast ¼ of the Northeast ¼ of Section 28, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments

Public Hearing Closed at 7:07 p.m.

I. Approval of Minutes:

A. Approval of the minutes of the Wednesday, June 10, 2020 Plan Commission Meeting.

**MOTION:**

Motion by Commissioner Nemecek

Second by Commissioner Dorow

Motion to approve the Wednesday, June 10, 2020 Plan Commission Meeting Minutes

Motion carried by unanimous voice vote

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

III. Correspondence:

A. Distribution of the June 2020 Building Permit Report.

IV. Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from I-2(Heavy Industrial) to B-2 (Community Business) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54947 for property located at 2788 Towne Court, Neenah, WI 54956, specifically described as Tax ID #006-0620-06 and Tax ID #006-1776 being part of Section 24, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 2788 Towne Court, Neenah, WI 54956, specifically described as Tax ID #006-0620-06 and Tax ID #006-1776 located in the Northeast ¼ of the Northwest ¼ of Section 24, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Town of Clayton  
8348 County Road T  
Larsen, WI 54947

Property Owners: Mag Properties, LLC  
1219 Appleton Road  
Menasha, WI 54952

Consultant: N/A

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0620-06:**

- 1. The property is owned by Mag Properties, LLC, 1219 Appleton Road, Menasha, WI 54952.
- 2. The Lot is 2.18 acres.
- 3. The property is in the Neenah Joint School District (3892).
- 4. The property is currently zoned by the Town as I-2 (Heavy Industrial District).
- 5. The property is **previously** zoned by the County as M-2 (Mixed-Use District).
- 6. The property is **not** located within the Shoreland Area.
- 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 in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
10. The property 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 Non-Residential, Business (Commercial & Industrial).
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 # 006-1776:**

1. The property is owned by Mag Properties, LLC, 1161 Industrial Parkway, Fond du Lac, WI 54937.
2. The Lot is 1.30 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as I-2 (Heavy Industrial District).
5. The property is **previously** zoned by the County as M-2 (Mixed-Use District).
6. The property is **not** located within the Shoreland Area.
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 in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
10. The property 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 Non-Residential, Business (Commercial & Industrial).
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 proposed Re-zoning:**

1. The re-zoning applies to Headliners Bar & Grill and the parking lot. The Staff received a call from a potential buyer of this property inquiring the use of the property as a funeral home. While researching this property, staff discovered that the current zoning of I-2 (Heavy Industrial District) does not allow Restaurants or Bars. Under the current zoning of I-2, Headliners Bar & Grill has been operating as a non-conforming business. The Town's Future Use Map shows this property as Business District.

**Staff Recommendations:**

Staff recommends approval of the proposed rezoning from I-2 (Heavy Industrial District) to B-2 (Community Business District) subject to the following condition:

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
- The Commission determined all was in order

**MOTION:**

**Motion by** Commissioner Haskell

**Second by** Commissioner Wisnepske

**Motion to** recommend to the Town Board approval of the Re-zoning Application from I-2 (Heavy Industrial) to B-2 (Community Business) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54947 for property located at 2788 Towne Court, Neenah, WI 54956, specifically described as Tax ID #006-0620-06 and Tax ID #006-1776 with Staff recommendations

**Motion carried** by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from R-1 (Rural Residential) to P-1 (Public Institutional) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54946, for properties located south of 8348 County Road T specifically described as Part of Tax ID #006-0535-03-01 and Part of Tax Id #006-0535-06-04, both located in the Southwest ¼ of the Northwest ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located south of 8348 County Road T specifically described as Part of Tax ID #006-0535-03-01 and Part of Tax Id #006-0535-06-04, both located in the Southwest ¼ of the Northwest ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Town of Clayton  
8348 County Road T  
Larsen, WI 54947

Property Owners: Town of Clayton  
8348 County Road 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), R-3 (Two-Family Residential District), and B-3 (General Business District)
  - b) South: R-1 (Rural Residential District), and B-3 (General Business District)
  - c) East: A-2 (General Agricultural District)
  - d) West: R-1 (Rural Residential District), R-3 (Two-Family Residential District) and A-2 (General Agricultural District)

**Property Information Specific to Tax ID # 006-0535-03-01:**

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947
2. The Lot is 11.71 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as P-1 (Public Institutional District) and R-1 (Rural Residential District).
5. The property is **not** located within the Shoreland Area.
6. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
7. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
9. The property has Wetland too small to delineate under the Wisconsin Wetland Inventory Information.
10. The property is in the Department of Natural Resources Special Well Casing area.
11. The Future Land Use Planning Information is Business (Commercial & Industrial), and Public/Institutional (Recreation/Conservation, Transportation, and Utilities/Public Facilities).
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 # 006-0535-06-04:**

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947
2. The Lot is .42 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as R-1 (Rural Residential District).
5. The property is **not** located within the Shoreland Area.
6. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
7. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
9. The property has no Wetland area under the Wisconsin Wetland Inventory Information.
10. The property is in the Department of Natural Resources Special Well Casing area.
11. The Future Land Use Planning Information is Public/Institutional (Recreation and Conservation) and Residential (Single and Two-Family).
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 proposed Re-zoning:**

1. The re-zoning applies to the portion of parcel 006-0535-06-04 that the Town is keeping and attaching to the Town's existing parcel which is zoned P-1.
2. The CSM dividing parcel 006-0535-06-04 is on the agenda.
3. The existing zoning recommendation is consistent with the existing land use and the proposed land use.

**Staff Recommendations:**

Staff recommends approval of the proposed rezoning from R-1 (Rural Residential) to P-1 (Public Institutional) subject to the following condition:

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction be provided.
- The Commission determined all was in order

**MOTION:**

**Motion by** Commissioner Haskell

**Second by** Commissioner Nemecek

**Motion to** recommend to the Town Board approval of the Re-zoning Application from R-1 (Rural Residential) to P-1 (Public Institutional) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54946, for properties located south of 8348 County Road T specifically described as Part of Tax ID #006-0535-03-01 and Part of Tax Id #006-0535-06-04 with Staff recommendations

**Motion carried** by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from R-1 (Rural Residential) to R-3 (Two-Family Residential) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54947. For property located south of 8326 County Road T, Larsen, WI 54947 specifically describes as Part of Tax ID # 006-0535-06-04 located in the Southwest ¼ of the Northwest ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located south of 8326 County Road T, Larsen, WI 54947 specifically describes as Part of Tax ID # 006-0535-06-04 located in the Southwest ¼ of the Northwest ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Town of Clayton  
8348 County Road T  
Larsen, WI 54947

Property Owners: Town of Clayton  
8348 County Road 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), R-3 (Two-Family Residential District), and B-3 (General Business District)
  - b) South: R-1 (Rural Residential District), and B-3 (General Business District)
  - c) East: A-2 (General Agricultural District)
  - d) West: R-1 (Rural Residential District), R-3 (Two-Family Residential District) and A-2 (General Agricultural District)

**Property Information Specific to Tax ID # 006-0535-06-03:**

1. The property is owned by White Feather Properties, LLC, 2517 N Alexander St, Appleton, WI 54911.
2. The lot is .21 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as R-3 (Two-Family Residential District).
5. The property is **not** located within the Shoreland Area.
6. The property **does not** have a Navigable Stream under the Navigable Stream and Surface Water Information.
7. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Flood Hazard Area (SFHA).
9. The property has no Wetland area under the Wisconsin Wetland Inventory Information.
10. The property is in the Department of Natural Resources Special Well Casing Area.
11. The Future Land Use Planning Information is Residential (Single and Two-Family).
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 # 006-0535-06-04:**

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947
2. The Lot is .42 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as R-1 (Rural Residential District).
5. The property is **not** located within the Shoreland Area.
6. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
7. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
9. The property has no Wetland area under the Wisconsin Wetland Inventory Information.
10. The property is in the Department of Natural Resources Special Well Casing Area.
11. The Future Land Use Planning Information is Public/Institutional (Recreation and Conservation) and Residential (Single and Two-Family).
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 proposed Re-zoning:**

1. The re-zoning applies to the .09 acre of parcel 006-0535-06-04 that the Town is selling to White Feather Properties, LLC for additional parking.

2. The CSM dividing parcel 006-0535-06-04 is on the agenda.
3. The existing zoning recommendation is consistent with the existing land use and the proposed land use.

**Staff Recommendations:**

Staff recommends approval of the proposed rezoning from R-1 (Rural Residential) to R-3 (Two-Family Residential) subject to the following condition:

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction be provided.
- The Commission determined all was in order

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Wisnefske

**Motion to** recommend to the Town Board approval of the Re-zoning Application from R-1 (Rural Residential) to R-3 (Two-Family Residential) submitted by the Town of Clayton, 8348 County Road T, Larsen, WI 54947 For property located south of 8326 County Road T, Larsen, WI 54947 specifically describes as Part of Tax ID # 006-0535-06-04 with Staff recommendations

**Motion carried** by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by the Town of Clayton 8348 County Road T, Larsen, WI 54947 and White Feather Properties, LLC, 2517 N Alexander Street, Appleton, WI 54911, for property located south of 8348 County Road T specifically described as Part of Tax ID #006-0535-03-01 and Part of Tax Id #006-0535-06-04, both located in the Southwest ¼ of the Northwest ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located south of 8348 County Road T specifically described as Part of Tax ID #006-0535-03-01 and Part of Tax Id #006-0535-06-04, both located in the Southwest ¼ of the Northwest ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants:                      Town of Clayton  
    White Feather Properties, LLC  
    8348 County Road T  
    2517 N Alexander Street  
    Larsen, WI 54947  
    Appleton, WI 54911

Property Owners:                Town of Clayton  
    White Feather Properties, LLC

8348 County Road T  
2517 N Alexander Street  
Larsen, WI 54947  
Appleton, WI 54911

Consultant: Gary Zahringer, S2098  
Martenson & Eisele, Inc  
1377 Midway Road  
Menasha, WI 54952

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0535-03-01:**

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947
2. The Lot is 11.71 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as P-1 (Public Institutional District) and R-1 (Rural Residential District).
5. The property is **not** located within the Shoreland Area.
6. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
7. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
9. The property has Wetland too small to delineate under the Wisconsin Wetland Inventory Information.
10. The property is in the Department of Natural Resources Special Well Casing area.
11. The Future Land Use Planning Information is Business (Commercial & Industrial), and Public/Institutional (Recreation/Conservation, Transportation, and Utilities/Public Facilities).
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 # 006-0535-06-03:**

1. The property is owned by White Feather Properties, LLC, 2517 N Alexander St, Appleton, WI 54911.
2. The lot is .21 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as R-3 (Two-Family Residential District).
5. The property is **not** located within the Shoreland Area.
6. The property **does not** have a Navigable Stream under the Navigable Stream and Surface Water Information.

7. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Flood Hazard Area (SFHA).
9. The property has no Wetland area under the Wisconsin Wetland Inventory Information.
10. The property is in the Department of Natural Resources Special Well Casing Area.
11. The Future Land Use Planning Information is Residential (Single and Two-Family).
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 # 006-0535-06-04:**

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947
2. The Lot is .42 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as R-1 (Rural Residential District).
5. The property is **not** located within the Shoreland Area.
6. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
7. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
9. The property has no Wetland area under the Wisconsin Wetland Inventory Information.
10. The property is in the Department of Natural Resources Special Well Casing area.
11. The Future Land Use Planning Information is Public/Institutional (Recreation and Conservation) and Residential (Single and Two-Family).
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 proposed CSM:**

1. The CSM does not change the existing use of the property, and 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 two (2) lots – Lot 1 (12.052 acres) and Lot 2 (.301 acres).
4. The CSM was created for the sale of approximately .09 acres of the existing parcel #006-0535-06-04 to be sold to White Feather Property, LLC for additional parking for the apartment building.
5. The CSM is consistent with the existing land use and the proposed land use.

**Staff Recommendations:**

Staff does recommend approval of the proposed CSM subject to the following conditions:

1. That the Lots created by the proposed CSM are re-zoned from R-1 (Rural Residential) to P-1 (Public Institutional) and R-3 (Two-Family Residential).
2. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
3. The Applicant provide a copy of the recorded document to the Town.

- The Commission determined all was in order

**MOTION:**

**Motion by** Commissioner Haskell

**Second by** Commissioner Nemecek

**Motion to** recommend to the Town Board approval of the Certified Survey Map (CSM) Application submitted by the Town of Clayton 8348 County Road T, Larsen, WI 54947 and White Feather Properties, LLC, 2517 N Alexander Street, Appleton, WI 54911, for property located south of 8348 County Road T specifically described as Part of Tax ID #006-0535-03-01 and Part of Tax Id #006-0535-06-04 with Staff recommendations

**Motion carried** by unanimous voice vote

- E. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Robbin Parker, 7364 Jensen Road, Oshkosh, WI 54904, for property located at 7364 Jensen Road specifically describes as Part of Tax ID #006-0817-05 being part of the Northwest ¼ of the Southeast ¼ and part of the Southwest ¼ of the Southeast ¼ of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 7364 Jensen Road specifically describes as Part of Tax ID #006-0817-05 being part of the Northwest ¼ of the Southeast ¼ and part of the Southwest ¼ of the Southeast ¼ of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin

Applicants: Robbin L. Parker  
7364 Jensen Road  
Oshkosh, WI 54904

Property Owners: Robbin L. Parker  
7364 Jensen Road  
Oshkosh, WI 54904

Consultant: Andrew Hunter, S-2835  
Wisconsin Land Surveying Inc  
5020 Leonard Point Road  
Oshkosh, WI 54904

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: A-2 (General Agriculture District), R-1 (Rural Residential District), and R-2 (Suburban Residential District)

- b) South: R-1 (Rural Residential District) and A-2 (General Agriculture District)
- c) East: A-2 (General Agricultural District)
- d) West: R-1 (Rural Residential District) and A-2 (General Agricultural District)

**Property Information Specific to Tax ID # 006-0817-05:**

1. The property is owned by Robbin L. Parker, 7364 Jensen Road, Oshkosh, WI 54904
2. The lot is 9.35 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 is currently zoned by the County as A-2 (General Agriculture District).
6. The property is located within the Shoreland Area (see attached map).
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.
9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has no Wetland area under the 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 Agricultural, Rural Residential, and Non-Residential (Abandoned Landfill Sites). (see attached map)
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 proposed Re-zoning:**

1. The re-zoning applies to the 4.33 acres of the southern portion of the existing parcel to comply with the Town's Zoning Code and Land Use Map.
2. The CSM dividing parcel 006-0817-05 is on the agenda.
3. The existing zoning recommendation is consistent with the existing land use and the proposed land use.

**Staff Recommendations:**

Staff recommends approval of the proposed rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District) subject to the following condition:

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction be provided.
- The Commission determined all was in order

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Haskell

**Motion to** recommend to the Town Board approval of the Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Robbin Parker, 7364 Jensen Road, Oshkosh, WI 54904, for property located at 7364 Jensen Road specifically describes as Part of Tax ID #006-0817-05 with Staff recommendations

**Motion carried** by unanimous voice vote

- F. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) submitted by Robbin Parker, 7364 Jensen Road, Oshkosh, WI 54904, for property located at 7364 Jensen Road specifically describes as Part of Tax ID #006-0817-05 being part of the Northwest ¼ of the Southeast ¼ and part of the Southwest ¼ of the Southeast ¼ of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 7364 Jensen Road specifically describes as Part of Tax ID #006-0817-05 being part of the Northwest ¼ of the Southeast ¼ and part of the Southwest ¼ of the Southeast ¼ of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin

Applicants: Robbin L. Parker  
7364 Jensen Road  
Oshkosh, WI 54904

Property Owners: Robbin L. Parker  
7364 Jensen Road  
Oshkosh, WI 54904

Consultant: Andrew Hunter, S-2835  
Wisconsin Land Surveying Inc  
5020 Leonard Point Road  
Oshkosh, WI 54904

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0817-05:**

1. The property is owned by Robbin L. Parker, 7364 Jensen Road, Oshkosh, WI 54904
2. The lot is 9.35 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 is currently zoned by the County as A-2 (General Agriculture District).
6. The property is located within the Shoreland Area (see attached map).
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property **is not** in the Outagamie County Airport Zoning and Height Limitation Information.

9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has no Wetland area under the 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 Agricultural, Rural Residential, and Non-Residential (Abandoned Landfill Sites). (see attached map)
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 proposed CSM:**

1. The CSM does not change the existing use of the property, and 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) lots – Lot 1 (5.00 acres) and Lot 2 (4.33 acres).
4. The CSM does not dedicate the road right-of-way adjacent to the property to the Town, however, the road right-of-way is shown on the CSM and is currently not dedicated to any unit of government.
5. The CSM is created for the purpose of dividing the existing parcel to create a new buildable lot.

**Staff Recommendations:**

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

1. That the southern lot created by the CSM be re-zoned from A-2 (General Agricultural District) to R-1 (Rural Residential District).
  2. Documentation of the approval of the proposed SCM by any overlying unit of government having jurisdiction.
  3. The Applicant provide a copy of the recorded document to the Town.
- The Commission determined all was in order

**MOTION:**

**Motion by** Commissioner Nemecek

**Second by** Commissioner Dorow

**Motion to** recommend to the Town Board approval of the Certified Survey Map (CSM) submitted by Robbin Parker, 7364 Jensen Road, Oshkosh, WI 54904, for property located at 7364 Jensen Road specifically describes as Part of Tax ID #006-0817-05 with Staff recommendations

**Motion carried** by unanimous voice vote

- G. Discussion/Recommendation: Plan Commission review and recommendation on a Conditional Use Permit (CUP) submitted by Joseph and Nicole Malchow, 2285 Willow Way Dr., Oshkosh, WI 54904 for property located on the West side of Center Road approximately 2,500 feet South of Larsen Road specifically described as Tax Id #006-0701-02 located in the South ½ of the Southeast ¼ of the Northeast ¼ of

Section 28, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on the West side of Center Road approximately 2,500 feet South of Larsen Road specifically described as Tax Id #006-0701-02 located in the South ½ of the Southeast ¼ of the Northeast ¼ of Section 28, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Joseph and Nicole Malchow  
2285 Willow Way Dr.  
Oshkosh, WI 54904

Property Owner(s): Joseph and Nicole Malchow  
2285 Willow Way Dr.  
Oshkosh, WI 54904

Consultant: N/A

**Property Information:**

- 1) The surrounding properties are zoned:
  - a) North: A-1 (Agribusiness District), A-2 (General Agriculture District), R-1 (Rural Residential District), and B-1 (Local Service Business District)
  - b) South: A-1 (Agribusiness District), and A-2 (General Agriculture District)
  - c) East: R-2 (Suburban Residential District), Emerald Valley Subdivision
  - d) West: A-1 (Agribusiness District)

**Property Information Specific to Tax ID # 006-0405-04:**

1. The property is owned by Joseph and Nicole Malchow.
2. The property consists of 14.76 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The property is currently Zoned A-2 (General Agricultural District) by the Town.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Airport Zoning and Height Limitation Information.
8. The property is outside of floodplain under the County Floodplain and FEMA Special Flood Hazard Area (SFHA) Information.
9. The property is not in the County’s Wetland Identifier.
10. The land use is consistent with the Town’s adopted Land Use Plan.
11. The Future Land Use is Agricultural and Rural Residential.

**Staff Comments:**

1. Based on detailed review of the Town’s Zoning Code of Ordinances followed by discussions the Town’s Planning Consultant, and the Plan Commission’s decision in August, 2015 with the Jankowski property, the Administration has come to the conclusion that in the Zoning Code compliant A-2 (General Agriculture District) a storage facility can be seen as an accessory use to the farming process, or in the alternative, the agricultural storage building can be seen as the principal use to the farming of the property.

**Staff Recommendations:**

Staff believes that the proposed agricultural storage facility does not require a Conditional Use Permit and recommends that the Plan Commission dismiss the Application with no further action required.

- Administrator Straw explained the Zoning Code indicates the use requires a CUP application however, as an Agricultural building, the CUP condition should not apply. She said the Zoning Code needs to be corrected.
- Administrator Straw noted a similar situation which occurred in 2015 at which time the Plan Commission did not require a CUP.
- Chair Knapinski requested the code be amended to correct the issue
- Commissioner Haskell noted that if such a situation occurs with the building being used for anything other than Agricultural purposes, a CUP would still be required.

**MOTION:**

Motion by unanimous consent to dismiss the application

- H. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. PLEASE NOTE THE PUBLIC HEARING FOR THIS AGENDA ITEM WAS JUNE 10, 2020.

Site Location: The property is located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Randy Oettinger  
Mach IV Engineering & Surveying  
2260 Salscheider Court  
Green Bay, WI 54313

Property Owners: Ryan and Amber Pheifer  
9336 Timber Ridge Road  
Neenah, WI 54956

Consultant: Randy Oettinger  
Mach IV Engineering & Surveying  
2260 Salscheider Court  
Green Bay, WI 54313

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0015-03:**

1. The property is owned by Ryan M. and Amber S. Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956
2. The Lot is 5.42 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property is currently zoned by the County as A-2 (General Agriculture District).
6. A portion of this property **is** located within the Shoreland Area (See attached Map).
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property **is** in the Outagamie County Airport Zoning and Height Limitation Information (Zone 2B).
9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has no Wetland under the 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 Residential Planned Use Development.
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 proposed Re-zoning:**

1. The re-zoning applies to 2.01 acres of the property on the south end adjacent to Shady Lane.
2. The CSM dividing the parent parcel and the proposed 2.01 acres on the southern part of the property is on the agenda.
3. The remainder of the parent parcel will remain A-2 (General Agricultural District).
4. The existing zoning recommendations are consistent with the Town of Clayton's existing land use and the proposed land use.
5. The proposed re-zoning and CSM are within the Outagamie County Airport Overlay District Zone 2B.
6. The Outagamie County Airport Overlay District Zone 2B requires a minimum of 2-acres.

**Staff Recommendations:**

Staff does recommend approval of the proposed rezoning from A-2 (General Agricultural District) to R-1 (Rural Residential District) subject to the following conditions:

1. The CSM does meet the requirements of the Outagamie County Airport Overlay District Zone 2B.
2. The applicant did provide documentation from Steven P. Swanson, Zoning Administrator, Outagamie County stating the lot needs to meet the density requirement of two acres.

3. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction be provided.

- The Commission noted that the CSM related to this rezoning was corrected to comply with the Outagamie County Airport Overlay District requirements, and all was in order

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Nemecek

**Motion to** recommend to the Town Board approval of Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 with Staff recommendations

**Motion carried** by unanimous voice vote

- I. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Randy Oettinger  
Mach IV Engineering & Surveying  
2260 Salscheider Court  
Green Bay, WI 54313

Property Owners: Ryan and Amber Pheifer  
9336 Timber Ridge Road  
Neenah, WI 54956

Consultant: Randy Oettinger  
Mach IV Engineering & Surveying  
2260 Salscheider Court  
Green Bay, WI 54313

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0015-03:**

1. The property is owned by Ryan M. and Amber S. Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956
2. The Lot is 5.42 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property is currently zoned by the County as A-2 (General Agriculture District).
6. A portion of this property **is** located within the Shoreland Area (See attached Map).
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property **is** in the Outagamie County Airport Zoning and Height Limitation Information (Zone 2B).
9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has no Wetland under the 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 Residential Planned Use Development.
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 proposed CSM:**

1. The CSM does not change the existing use of the property, and 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 two (2) lots – Lot 1 (3.41 acres) and Lot 2 (2.01 acres).
4. The CSM does not dedicate the road right-of-way adjacent to the property to the Town, however, the road right-of-way is shown on the CSM and is currently recorded as deeded to the Town as shown on the Winnebago County GIS Map.
5. The CSM is consistent with the existing land use and the proposed land use.
6. The CSM is within the Outagamie County Airport Overlay District Zone 2B.
7. The Outagamie County Airport Overlay District Zone 2B requires a minimum of 2-acres.

**Staff Recommendations:**

Staff does recommend approval of the proposed CSM subject to the following conditions:

1. The CSM does meet the requirements of the Outagamie County Airport Overlay District Zone 2B.
  2. The applicant did provide documentation from Steven P. Swanson, Zoning Administrator, Outagamie County stating the lot needs to meet the density requirement of two acres.
  3. The Applicant provide a copy of the recorded document to the Town.
- The Commission again noted the correction was made to the CSM to comply with the Outagamie County Airport Overlay District requirements
  - Commissioner Haskell noted there was a typographical error on the CSM in the Right-to-farm language (“ot” should be “to”)

**MOTION:**

**Motion by** Commissioner Haskell

**Second by** Commissioner Dorow

**Motion to** recommend to the Town Board approval of the Certified Survey Map (CSM) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 with Staff recommendations and with the typographical correction as noted.

**Motion carried** by unanimous voice vote

- J. Discussion/Recommendation: Plan Commission review and recommendation on a Site Plan Application submitted by Katherine Ratka/EEASE Properties, LLC, N3402 Dax Daniel Lane, Black Creek, WI 54106, for property located on Lind Lane specifically described as part of Tax ID #006-0006-10 located in part of the fractional Northwest ¼ of the Northwest ¼ and part of the Southwest ¼ of the fractional Northwest ¼ of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The site is located on Lind Lane on property on the north side of the Lind Lane/State Road 76 intersection in the Town of Clayton specifically known as Tax ID #006-0006-10 and owned by Kathrine Ratka/EEASE Properties, LLC, N3402 Dax Daniel Lane, Black Creek, WI 54106. Lind Lane is adjacent to the west and State Road 76 is adjacent to the east.

Applicant: Kathrine Ratka/EEASE Properties, LLC  
N3402 Dax Daniel Lane  
Black Creek, WI 54106

Property Owner: Big Ring Properties, LLC  
Gregory P. Landwehr Living Trust  
Lynn A. Landwehr Living Trust  
Mill Road Real Estate Company, LLC  
N1108 Whitney Street  
Hortonville, WI 54944

Consultant: Calvin Tollefson, P.E.  
Harris & Associates, Inc.  
2718 North Meade Street  
Appleton, WI 54911

**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), and A-2 (General Agricultural District)
  - c) East: I-2 (Heavy Industrial 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# 006-0335-03:**

1. The property is owned by Big Ring Properties, LLC, Gregory P. & Lynn A. Landwehr Living Trust, Mill Road Real Estate Company, LLC, N1108 Whitney Street, Hortonville, WI 54944
2. The Lot is 22.61 acres.
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 the Town of Clayton Sanitary District #1.
6. The property is zoned by the Town as B-1 (Local Service Business) and is located in the Personal Storage Unit Overlay.
7. The rezoning has been submitted to the County for approval to rezone the property to B-1 (Local Service Business).
8. The property is **not** located within the Shoreland Area.
9. The property **does not** have a navigable stream.
10. The property **is** located in Outagamie County Airport Zoning (Zone 3) and Airport Height Limitation Zone (1009).
11. The property is outside of the County Floodplain and FEMA Special Hazard Area (SFHA).
12. The property has “Wetland too small to delineate” per the Wisconsin Wetland Inventory.
13. The Future Land Use Plan designates this property as Business Planned Unit Development.
14. The proposed land use is consistent with the Future Land Use Plan.
15. The property is in the Village of Fox Crossing Extra Territorial Zoning District.

**Application Details:**

The petitioner has provided the attached material, staff has reviewed the Application material and believes that the Application is complete although not completely compliant with the Town’s Zoning Code of Ordinances. The Town’s Site Plan Ordinance sets the standards for review by development area. The proposed site is in the Town’s “Business Fringe Zone”.

**Driveways:**

Access to the site is via a new driveway to Lind Lane.

- Per the driveway requirements of the Horizontal Site Design Standards, driveways shall not exceed a maximum width of 36 feet at their juncture with the street pavement. **The new driveway is proposed to be 60 feet at its juncture with the street pavement which is not in compliance with the driveway requirements of the Horizontal Site Design Standards.**
- Also, per the Horizontal Site Design Standards, driveways shall list vision corners at all intersections with the public right-of-way. **Vision corners have not been listed which is not in compliance with the Horizontal Site Design Standards.**

**Stormwater Management and Erosion Control:**

The stormwater management function for the proposed project will come from a proposed stormwater detention pond in the southeast corner of the subject property. Conceptually, the stormwater from the project area flows south/southeast to the stormwater detention pond. Berms are being constructed along the north and east property lines to divert off-site runoff away from the detention area and direct on-site runoff to the detention area. Bypass

ditches are being constructed along the west property line to divert off-site runoff away from the detention area.

- Per the Storm Water and Erosion Control requirements of the Horizontal Site Design Standards, drainage calculations shall be submitted. **Drainage calculations were not submitted with the application as required by the Horizontal Site Design Standards.**
- Also, per the Storm Water and Erosion Control requirements of the Horizontal Site Design Standards, a “Wetland Delineation Report” is required if there are mapped wetlands or soils that may indicate the potential for wetlands on the property. Per the Wisconsin Wetland Inventory, a “Wetland too small to delineate” is mapped on the property.

#### **On-Site Wastewater Treatment:**

The proposed project will need to be served by an on-site wastewater treatment system.

- Per the On-Site Wastewater Treatment requirements of the Horizontal Site Design Standards, the site plan shall show the areas designated for construction of the on-site wastewater treatment soil absorption unit and the proposed septic tanks. The site plan shall also show an additional area designated for a future soil absorption unit to be used if failure of the system requires construction of a new drain field system. **The site plan does not show the areas designated for construction of the on-site wastewater treatment soil absorption unit and the proposed septic tanks nor an additional area designated for a future soil absorption unit as required by the Horizontal Site Design Standards.**

#### **Private Well Construction:**

The proposed project will need to be served by a private well.

- Per the Private Well Construction requirements of the Horizontal Site Design Standards, the site plan shall show the proposed location of the well. **The site plan does not show the proposed location of the well as required by the Horizontal Site Design Standards.**

#### **Stockpiling:**

- Per the Stockpiling requirements of the Horizontal Site Design Standards, temporary stockpiles of spoils and top soil shall be indicated on the site plan. **The temporary stockpiles are not indicated on the site plan as required by the Horizontal Site Design Standards.**

#### **Building Details:**

The property is located within a “Business Fringe Zone”.

- Per the Exterior Materials requirements for the “Business Fringe Zone” of the Architectural Design Standards, acceptable exterior building materials shall cover 33% or more of the wall surfaces facing a front-yard setback and 25% or more of the wall surfaces facing a side-yard setback. The proposed building’s exterior materials consist of “Hi-Rib Steel” siding on the majority of the building with a “Versetta Stone” wainscot” on the east side of the building and portions of the north and south side of the building. “Hi-Rib Steel” is not considered an acceptable exterior building material. “Versetta Stone” is considered an acceptable exterior building material. **The proposed exterior building materials do not comply with the Exterior Materials requirements of the Architectural Design**

**Standards.**

- The roofing materials will also be “Hi-Rib Steel”. The roofing materials comply with the Roofing Materials requirements for the “Business Fringe Zone” of the Architectural Design Standards,
- Architectural Screening Requirements: Is any roof/ground mounted mechanical equipment proposed?

**Landscape Design Standards:**

No Landscaping Plan submitted for review

**Environmental and Energy Efficiency:**

Strongly recommended, but not required.

**Outside Storage of Equipment, Products, and Materials:**

Is any outside storage proposed? Outside storage shall not be located on the lot side facing STH 76.

**Storage of Waste/Trash and Recyclables:**

The outdoor refuse/recyclables storage area is located on the south side of the building in compliance with the Storage of Waste/Trash and Recyclables requirements. Condition screening requirements.

**Lighting:**

No Lighting Plan submitted for review.

**Signs:**

No Sign Plan submitted for review.

**Parking:**

The parking plan for the facility is fully developed asphalt surface and is compliant with the Town Zoning Code requirements. However, the site plan for the proposed parking facilities does not show the Code required parking islands nor parking area landscaping.

**Staff Comments:**

The Site Plan Application, as presented, is incomplete.

**Staff Recommendation:**

The Administration and the Town Planner would recommend to the Commission to table this site plan application until the August 2020 Plan Commission Meeting with the completed requirements submitted by July 24, 2020.

- The Commission Tabled the business until such time as the Site Plan Submission is complete and ready for full evaluation.

- K. **Discussion/Recommendation:** Plan Commission review and recommendation on a resubmittal of a Site Plan Application and Building Color Pallet plan submitted by CRL Surveying, N1674 Median Dr, Greenville, WI 54942 for property located at 7577 Black Top Way, Neenah, WI 54956 specifically described

as Tax ID #006-0895-06 being a part of Section 36,  
Township 20 North, Range 16 East, Town of Clayton,  
County of Winnebago, State of Wisconsin

Site Location: The property is located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Craig Locy  
CRL Surveying LLC  
N1674 Medina Drive  
Greenville, WI 54942

Property Owner(s): JJJ2 LLC  
1991 West Wisconsin Avenue  
Appleton, WI 54913

Consultant: Craig Locy (S2940)  
CRL Surveying LLC  
N1674 Medina Drive  
Greenville, WI 54942

**Property Information:**

- 1) The surrounding properties are zoned:
  - a) North: A-2 (General Agriculture District), R-1 (Rural Residential District), and R-2 (Suburban Residential District).
  - b) South: B-2 (Community Business District), B-3 (General Business District), and A-2 (General Agricultural District)
  - c) East: A-2 (General Agriculture District) and A-2 (General Agricultural District with a Conditional Use)
  - d) West: A-2 (General Agriculture District), and R-1 (Rural Residential District)

**Property Information Specific to Tax ID# 006-0895-06:**

1. The property is owned by JJJ2 LLC, 1991 West Wisconsin Avenue, Appleton, WI 54913.
2. The Lot is 18.040 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 property has a 50-foot DOT setback from the Right-Of-Way.
6. The property has Officially Mapped Roads shown on it.
7. The property is currently zoned I-1 (Light Industrial District) by the Town.
8. The property is in the City of Neenah Extra Territorial Zoning District.
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is in the County Shoreland Zoning 300-foot buffer.
11. The property is not in the County’s Wetland Identifier.
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:**

The petitioner has resubmitted a revised site plan. This site plan has been approved by the State; however, it is not the site plan that was previously approved by the Town. The concept of the plan is compliant with the Town's Zoning Code of Ordinances. The Town's Site Plan Ordinance sets the standards for review by development area. The proposed site is in the Town's Business Fringe Zone. The proposed Site Plan Application divides the project into a number of phases. The proposed Site Plan Application covers the first phase of the Development with changes to the west side of the property. Please note that the building size was changed from 40' x 40' to 40' x 64' and the mini-storage buildings have been removed.

The Commission also reviewed the color pallet and building structure map which have coordinating numbers to allow the Commissioners to see the planned color scheme of the site.

Administrator Straw noted she continues to work with the applicants regarding the previous recommendations and conditions made by the Plan Commission and Staff. She recommended approval of the amended site plan as approved by the State with all State conditions and all prior conditions set by the Commission when the original site plan was submitted in April 2019.

- Chair Knapinski noted that the project had a previously approved site plan with conditions which have not been met, and now the applicant is changing the site plan.
- Administrator Straw noted that the mini-storage on the previous site plan was not approved and needed further review. She explained that after the project was started, they received requests for larger buildings. The applicant submitted the change in size to the State and received their approval, but did not submit the revised site plan to the Town until now.
- Chair Knapinski stated any changes have to be reviewed by the Town before implementation in order to eliminate any surprises and issues.
- Commissioner Haskell said she recalled the original discussion for the site plan review in April 2019 and the mini-storage was not approved because of drainage concerns. She explained that changing the size of the structures does not address the drainage issues. She said she viewed the site earlier in the day and the storm water pond is full with only one building constructed. She said she feels the pond is not large enough to handle the storm water.
- Chair Knapinski noted that more rooflines results in more runoff which needs to be addressed.
- Joe West, project representative, noted the site plan shows there is green space between each of the buildings to address this. He also noted that he was on site after a recent rain and the pond was working properly. He said the drainage issues are with the Town's ditches which are not flowing properly.
- Administrator Straw said she had met on site with the Town's Engineer to make sure the system is working correctly. She said the engineer had indicated there are minor adjustments which could possibly be made; however, the Administrator had not received a full evaluation from the engineer yet.
- Chair Knapinski noted that if the project goes through, there will be a lot of water coming off the structures. He said he is not comfortable with the plan for drainage and feels it is important and necessary to flush out the issues prior to construction.

- Commissioner Haskell noted that in the past, the Commission had approved site plans with conditions, but once the projects got started the conditions were not complied with which resulted in many issues for the Town. She said the Commission cannot allow circumstances like that to continue and therefore require, according to the adopted codes, complete applications and plans. She requested the applicant provide the information required for complete review.
- Mr. West said he has addressed everything the Administrator has requested.
- Administrator Straw explained there had been a meeting with the applicants and engineers during which the requirements were explained, but the information has been provided in a hodge-podge of submissions. She noted the Administration changed mid-project and it has been a strenuous process for everyone. She said as a result, she is turning all Site Plan reviews over to the Town's Planner.
- Chair Knapinski said the information the Commission has received is incomplete and he is not comfortable approving it.
- Commissioner Nemecek agreed noting the Town has an obligation to the surrounding property owners as well and they must exercise their due diligence in the review process.
- Commissioner Wisniewski said she too has been watching this project from the beginning and is very concerned with the drainage. She requested a more inclusive plan which indicates how the water will be handled.

**MOTION:**

**Motion by** Commissioner Nemecek

**Second by** Commissioner Haskell

**Motion to** table the Site Plan Application and Building Color Pallet plan submitted by CRL Surveying, for property located at 7577 Black Top Way, Neenah, WI 54956 specifically described as Tax ID #006-0895-06 until such time as the submission is complete and the issues identified are resolved.

**Motion carried** by unanimous voice vote.

- Mr. West stated he has a builder scheduled to start construction on three buildings on July 20<sup>th</sup>, 2020. He said if the construction does not begin, he is going to lose a buyer.
- Chair Knapinski stated the Commission is not comfortable with the incomplete submission.
- Mr. West said nothing has changed except the building size which will actually decrease the runoff. He asked if he could start the three buildings.
- Chair Knapinski noted he understands Mr. West's frustration, however, the Commission is not comfortable with the submission as presented. He said the Site Plan must be complete for the Commission to review it.

- L. Discussion/Recommendation: Plan Commission review and direction to staff regarding the amending of the Town of Clayton Chapter 9, Section 9.11 Access Control Ordinance.

The Commission reviewed a draft copy of the Town of Clayton Chapter 9, Section 9.11, Access Control Ordinance. Administrator Straw and the Town's Planner, Ken Jaworski have reviewed and made changes to the Ordinance implementing comments from the Commission at its June meeting.

Administrator Straw explained she is looking for some direction and input from the Commissioners as to how we might amend the Access Ordinance to better suit the current and future developments within the Town.

- Planner Jaworski explained the changes made were primarily language clean-up to eliminate contradictions within the code and with other approved Town codes.
- Planner Jaworski also noted the Ordinance references several maps, including an Access Control Map, a Road Class Map, and an official Map of the Town of Clayton which to his knowledge, have not been developed. He suggested the development of these maps as they would be useful references for enforcement of this and other ordinances.
- Planner Jaworski explained the major amendment to the Ordinance is the control of the driveway spacing which is now proposed to be based on the required road frontage for zoning districts.
- Commissioner Haskell noted that the R-1 zoning district minimum road frontage is listed as 33 feet. She said she is not comfortable with rural lots having driveways that closely spaced.
- Planner Jaworski said he thought the R-1 road frontage minimum was 200 feet.
- Clerk Stevens noted the 33-foot minimum listed in the code is a carryover error from the County's code from which the Town first developed its own Zoning Ordinance. She explained the 33-foot minimum is meant to be applied to R-1 lots on a cul-de-sac, not on straight-line roads. She also noted the error is on the list of items to be corrected when the Commission reviews and amends the code later in the year.

#### **DIRECTION TO STAFF**

The Commission directed staff to continue the refinement of language and to find and/or develop the maps noted; and to provide the information to the Commission for consideration.

A. Upcoming Meeting Attendance: NONE

B. Adjournment

#### **MOTION:**

**Motion by** Commissioner Haskell

**Second by** Commissioner Nemecek

**Motion to Adjourn** the meeting at 8:18 p.m.

**Motion carried** by unanimous voice vote

Respectfully submitted,  
Holly Stevens, Clerk