

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
7:00 P.M. – on Wednesday, August 14, 2019  
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 7:03 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 Wisnefske	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	PRESENT
Commissioner Haskell	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Asst Administrator Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning Application submitted by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904, for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317 and Tax ID# 006-0318-02, being a part Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-2 (Suburban Residential District) and I-2 (Heavy Industrial District) to A-2 (General Agricultural District).

- Administrator Johnston reported to the Commission that he had spoken with Mr. Borchert in regard to the rezoning and the issues associated with his request. He noted that as requested, to rezone to A-2, would not be code compliant. Administrator Johnston indicated his recommendation is to rezone to I-2. Because there is a significant difference between A-2 and I-2, he also recommended the rezoning go through a new noticing process for the September 11, 2019 Commission meeting.
- No other comments were received regarding the rezoning application.

The Public Hearing was closed at 7:06 p.m.

B. Plan Commission Public Hearing on a Re-zoning Application submitted by Kevin and Nancy Hoppe, 7674 Center Road, Neenah, WI 54956 for property located at 7674 Center

Road and specifically described as Tax ID# 006-0849-01, being a part Section 34, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-2 (Suburban Residential District).

- Planner Jaworski noted that in light of the historic use of the R-1 and R-2 zoning districts as they relate to properties in the Town of Clayton, his opinion and recommendation to the Commission is to rezone the properties as noted on the application to R-1 rather than to R-2. He clarified that the lots as created by the CSM division of land meet all of the code requirements for both R-1 and R-2 and the only affect the R-1 zoning classification would have would be a slightly different size limitation on detached accessory structures and this difference would be insignificant.
- Administrator Johnston agreed noting that staff feels the changing the rezoning class from R-2 to R-1 is a de minimis change
- No other comments were received regarding the rezoning application.

The Public Hearing was closed at 7:10 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, July 10th, 2019 Plan Commission Meeting.

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to approve the Wednesday, July 10th, 2019 Plan Commission Meeting Minutes.

Motion carried by unanimous voice vote

IV. Open Forum    Town-related Matters not on the Plan Commission's Agenda: No Requests

V. Correspondence:

- A. CY 2019, July Building Inspection Report

- B. Winnebago County Planning and Zoning Notice of Public Hearing Re: Town of Nepeuskun Farmland Preservation Program

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and consideration of a Certified Survey Map Application submitted by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904, for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317 and Tax ID# 006-0318-02, being a part Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3128 Fairview Road and specifically described as Tax ID# 006-0317 and Tax ID# 006-0318-02, being a part Section 11,

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

Applicants:            Jack Borchert  
                              6965 Thornberry Trail  
                              Oshkosh, WI 54904

Property Owners:     Jack Borchert  
                              6965 Thornberry Trail  
                              Oshkosh, WI 54904

Consultant:            Larry Kriescher S-1599  
                              L.C. Kriescher and Associates  
                              5251 Grandview Road  
                              Larsen, WI 54947

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0317:**

1. The property is owned by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904.
2. The Lot is 5.000 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as I-2 (Heavy Industrial District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zone 3 and Height Limitation Area.
9. The property is not in the County Shoreland Area.
10. The property has no navigable stream information.
11. The property is outside the County's floodplain area.
12. The property has no Wisconsin Wetland Inventory Information.
13. The Town's Future Land Use Planning Information is Business (Commercial & Industrial).
14. The current land use is consistent with the Town's adopted Land Use Plan.
15. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-031701:**

1. The property is owned by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904.
2. The Lot is 21.700 acres.
3. The property is in the Neenah School District (3892).

4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zone 3 and Height Limitation Area.
9. The property is not in the County Shoreland Area.
10. The property has no navigable stream information.
11. The property is outside the County's floodplain area.
12. The property has no Wisconsin Wetland Inventory Information.
13. The Town's Future Land Use Planning Information is Business (Commercial & Industrial).
14. The current land use is consistent with the Town's adopted Land Use Plan.
15. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0318-02:**

1. The property is owned by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904.
  2. The Lot is 0.720 acres.
  3. The property is in the Neenah School District (3892).
  4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
  5. The property is in the Department of Natural Resources Special Well Casing area.
  6. The property is currently zoned by the Town as R-2 (Suburban Residential District).
  7. The property has no Navigable Stream and Surface Water Drainage Information.
  8. The property is in the Outagamie County Airport Zoning, Zone 3 and Height Limitation Area.
  9. The property is not in the County Shoreland Area.
  10. The property has no navigable stream information.
  11. The property is outside the County's floodplain area.
  12. The property has no Wisconsin Wetland Inventory Information.
  13. The Town's Future Land Use Planning Information is Business (Commercial & Industrial).
  14. The current land use is consistent with the Town's adopted Land Use Plan.
- 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 3-Lots with a remnant parent parcel, the detail of the new Lots are as follows:
  - a. The proposed Lot-1 (the remnant parent parcel) is zoned A-2 (General Agriculture District) and would be 17.637 acres (768,250.62 Square Feet) in area with an existing code compliant access from Fairview Road. Lot-1 consists of vacant land that includes the remains of a borrow pit used as part of the construction of USH "10".
  - b. The proposed Lot-2 has mixed zoning and would have to be re-zoned to I-2 (Heavy Industrial District) in order to comply with the Town's Zoning Code of Ordinances and would be 7.31 acres (318,678 Square Feet) in area with a new code compliant access point on Fairview Road. Lot-2 contains an existing shed used in the operation of an ongoing business. The 55.00-foot access point onto

Fairview Road is part of a 66-foot wide ingress and egress easement required by CSM No. 5543 recorded in the Winnebago County Register of Deeds Office.

- c. The Lot-3 would be 3.098 acres (134,946.21 Square Feet) in area with an existing access point from Fairview Road. Lot-3 contains an ongoing metal finishing business with several outbuildings that are used in the daily operation of an ongoing business.
  - d. The proposed Lot-4 would be .463 acres (20,167.00 Square Feet) in area with an existing access from Fairview Road. Lot-4 is zoned R-2 (Suburban Residential District) and contains an existing single-family residential structure with Zoning Code compliant setbacks. Lot-4 also shows the an 11-foot portion of the 66.00-foot wide ingress and egress easement required by CSM No. 5543 recorded in the Winnebago County Register of Deeds Office.
4. The reason for the proposed CSM is to consolidate the properties that are being sold for business purposes.

**Staff Recommendations on the CSM Application:**

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

1. Conditioned on the re-zoning of Lot-2 of the proposed CSM in order to eliminate the mixed zoning created by the division of the properties.
  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.
- Administrator Johnston pointed out that the CSM presented shows a 66-foot road easement on Lots 2 and 4. He explained that it appears to have been placed on a previous CSM as part of the City of Neenah’s extraterritorial zoning. He noted that 11 feet of the easement is on Lot 4 with the remaining 55 feet on Lot 2.
  - Commissioner Haskell inquired regarding how that would affect a future owner if the lot(s) were sold. Administrator Johnston explained the easement would be evidenced during the background title work as part of the sale and any potential buyer would be made aware of the easement

**MOTION:**

Motion by Commissioner Dorow

Second by Commissioner Wisnefske

Motion to recommend to the Town Board approval of the Certified Survey Map submitted by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904, for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317 and Tax ID# 006-0318-02 contingent upon the required rezoning of the properties and with staff recommendations as follows:

1. Conditioned on the re-zoning of Lot-2 of the proposed CSM in order to eliminate the mixed zoning created by the division of the properties.
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.

Motion carried by unanimous voice vote

B. Discussion/Recommendation: Plan Commission review and consideration of a Re-zoning Application submitted by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904, for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317 and Tax ID# 006-0318-02, being a part Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-2 (Suburban Residential District) and I-2 (Heavy Industrial District) to A-2 (General Agricultural District).

Site Location: The for property located at for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317 and Tax ID# 006-0318-02, being a part Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants:            Jack Borchert  
                              6965 Thornberry Trail  
                              Oshkosh, WI 54904

Property Owners:     Jack Borchert  
                              6965 Thornberry Trail  
                              Oshkosh, WI 54904

Consultant:            Larry Kriescher S-1599  
                              L.C. Kriescher and Associates  
                              5251 Grandview Road  
                              Larsen, WI 54947

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0317:**

1. The property is owned by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904.
2. The Lot is 5.000 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as I-2 (Heavy Industrial District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zone 3 and Height Limitation Area.

9. The property is not in the County Shoreland Area.
10. The property has no navigable stream information.
11. The property is outside the County’s floodplain area.
12. The property has no Wisconsin Wetland Inventory Information.
13. The Town’s Future Land Use Planning Information is Business (Commercial & Industrial).
14. The current land use is consistent with the Town’s adopted Land Use Plan.
15. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0317-01:**

1. The property is owned by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904.
2. The Lot is 21.700 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is in the Outagamie County Airport Zoning, Zone 3 and Height Limitation Area.
9. The property is not in the County Shoreland Area.
10. The property has no navigable stream information.
11. The property is outside the County’s floodplain area.
12. The property has no Wisconsin Wetland Inventory Information.
13. The Town’s Future Land Use Planning Information is Business (Commercial & Industrial).
14. The current land use is consistent with the Town’s adopted Land Use Plan.
15. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0318-02:**

1. The property is owned by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904.
  2. The Lot is 0.720 acres.
  3. The property is in the Neenah School District (3892).
  4. The property is in the Village of Fox Crossing Extraterritorial Zoning Area
  5. The property is in the Department of Natural Resources Special Well Casing area.
  6. The property is currently zoned by the Town as R-2 (Suburban Residential District).
  7. The property has no Navigable Stream and Surface Water Drainage Information.
  8. The property is in the Outagamie County Airport Zoning, Zone 3 and Height Limitation Area.
  9. The property is not in the County Shoreland Area.
  10. The property has no navigable stream information.
  11. The property is outside the County’s floodplain area.
  12. The property has no Wisconsin Wetland Inventory Information.
  13. The Town’s Future Land Use Planning Information is Business (Commercial & Industrial).
  14. The current land use is consistent with the Town’s adopted Land Use Plan.
- The proposed land use is consistent with the Future Land Use Plan

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

1. Staff has noticed the Re-zoning Application as submitted. However, the Re-zoning Application as submitted does not comply with the Town’s Zoning Code of

Ordinances. The issue is with the Zoning District requested by the Applicant for Lot-2 of the proposed CSM (A-2 General Agriculture District). Specifically, the A-2 zoning district requires a minimum of 200-feet of road frontage, Lot-2 of the proposed CSM has 55-feet of road frontage. The re-zoning as presented by staff, re-zoning Lot-2 of the proposed CSM to I-2 (Heavy Industrial District) provides the Applicant with a Code compliant zoning district that fits within the Town’s Zoning Code. Should the wish to follow the Administration’s recommendations the re-zoning will need to be re-noticed and considered at the Commission’s Wednesday, September 11<sup>th</sup>, 2019 meeting.

2. A re-zoning is required to eliminate the mixed zoning on Lot-2 of the CSM submitted by the Applicant. The details of Lot-2 are as follows:
  - a. Lot-2 of the CSM submitted by the Applicant, if approved would have mixed zoning and should be re-zoned to I-2 (Heavy Industrial District) in order to comply with the Town’s Zoning Code of Ordinances. Lot-2 would be 7.31 acres (318,678 Square Feet) in area with a new code compliant access point on Fairview Road. Lot-2 contains an existing shed used in the operation of an ongoing business. The 55.00-foot access point onto Fairview Road is part of a 66-foot wide ingress and egress easement required by CSM No. 5543 recorded in the Winnebago County Register of Deeds Office.
3. The proposed re-zoning is consistent with the Town’s adopted Land Use Plan and Future Land Use plans and would have no impact on the existing use of the properties.

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

Staff recommends that the Plan Commission refer the re-zoning to the Wednesday, September 11<sup>th</sup>, 2019 meeting subject to the Applicant’s direction on the specific re-zoning districts.

- Administrator Johnston noted the current use and I-2 zoning of a portion of the property being consolidated by CSM and is the correct district for the property.
- Administrator Johnston again indicated it is his recommendation is to rezone to I-2 and due to the significant difference between A-2 and I-2, it is also his recommendation to postpone the rezoning in order to facilitate a new noticing process and public hearing for the September 11, 2019 Commission meeting.

**MOTION:**

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to postpone the rezoning submitted by Jack Borchert, 6965 Thornberry Trail, Oshkosh, WI 54904, for property located at 3128 Fairview Road and specifically described as Tax ID# 006-0317 and Tax ID# 006-0318-02 to the September 11, 2019 Plan Commission Meeting and to direct Staff to complete a new noticing process and schedule the required public hearing accordingly.

Motion carried by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review and consideration of a Certified Survey Map Application submitted by Kevin and Nancy

Hoppe, 7674 Center Road, Neenah, WI 54956 for property located at 7674 Center Road and specifically described as Tax ID# 006-0849-01, being a part Section 34, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 7674 Center Road, Neenah, WI 54956 for property located at 7674 Center Road and specifically described as Tax ID# 006-0849-01, being a part Section 34, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants:                    Kevin and Nancy Hoppe  
   7674 Center Road  
   Neenah, WI 54956

Property Owners:            Kevin and Nancy Hoppe  
   7674 Center Road  
   Neenah, WI 54956

Consultant:                    Keith W. Walenski S-2292  
   Harris & Associates  
   2718 North Mead Street  
   Appleton, WI 54911

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0849-01:**

1. The property is owned by Kevin and Nancy Hoppe, 7674 Center Road, Neenah, WI 54956.
2. The Lot is 6.570 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 by the Town as A-2 (General Agriculture District).
6. All or a portion of the property is in a Winnebago County Shoreland Zoning District.
7. All or a portion of the property is in the County Shoreland Area.
8. The property has a non-navigable permanent stream (checked).
9. The property is outside the County's floodplain area.
10. The property has no Wisconsin Wetland Inventory Information.
11. The Future Land Use Planning Information is Single 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.
14. The property **is not in** the Town's Working Lands Area.

**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 property **is not in** the Town's Working Lands Area
3. The CSM **does** show the Right to Farm Language required by the Town.
4. The CSM divides the property into two new Lots, the detail of the new-Lots is as follows:
  - a. The proposed Lot-1 would be 2.500 acres (108,900 Square Feet) in area with an existing code compliant access from Center Road.
  - b. The proposed Lot-1 contains an existing outbuilding that would be non-compliant (grandfathered) until the proposed new home is constructed and the existing mound system that could be used to serve the proposed new single-family home. Both the existing mound system and the existing outbuilding do and would meet the Town Zoning Code of Ordinances setback requirements as they sit.
  - c. The existing driveway providing access to Lot-1 would need to be extended to serve the proposed the new home on the Lot.
  - d. The proposed Lot-2 would be 4.070 acres (177,345 Square Feet) in area with an existing single-family home and pond on the site. Access to Lot-2 will need to come from a new access point on Center Road, given the Town's Access Ordinance, a Code compliant access point is available. Additionally, there would need to be a new on site waste water treatment system constructed on the Lot to serve the existing single-family residential structure.
  - e. The southern boundary of both proposed Lot-1 and Lot-2 have an existing 75-foot navigable waterway setback.
  - f. For consistency the Administration has recommended that both of the proposed Lots be re-zoned to R-2 (Suburban Residential District).
5. The recommended re-zoning from A-2 (General Agriculture District) to R-2 (Suburban Residential Zoning District), is consistent with the existing land use and the proposed land use.
6. The reason for the proposed CSM is to divide the property to allow for the construction of a new single-family residential structure.

**Staff Recommendations on the CSM Application:**

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

1. Commission and Town Board acceptance of the non-compliant (grandfathered) existing outbuilding until the proposed new home is constructed
  2. Approval of the re-zoning from A-2 (General Agriculture District) to R-2 (Suburban Residential Zoning District).
  3. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
  4. The Applicant provide a copy of the recorded document to the Town.
- Chair Knapinski noted the awkward shape of Lot 1 and questioned if there would be a better option for land division
  - Administrator Johnston explained that the geographical features of the land and the landscaping were limiting factors in the division of the land.

- Administrator Johnston pointed out that Lot 1 of the CSM, if approved, would be a non-conforming lot by allowing an accessory structure to exist prior to the construction of a primary residence. He noted that it is the owner’s intent to build a new home on Lot 1 which would then make it conforming, but in order to do so, he must first sell Lot 2 with the existing home.
- Commissioner Haskell requested to add language to the approval which would require the non-conforming structure be removed if the new residence is not constructed within a certain period of time.
- Administrator Johnston suggested a 5-year period be given to allow the owner time to sell his existing home and construct a new home. He also suggested modifying the language to require the property owner revisit the matter with the Plan Commission if he is unable to construct the home within the 5-year window of time, giving the Commission the opportunity to evaluate the circumstances and determine the appropriate course of action if needed. Administrator Johnston also suggested adding that language to the CSM in order to memorialize the requirement.

**MOTION:**

Motion by Commissioner Haskell

Second by Commissioner Schmidt

Motion to recommend to the Town Board approval of the Certified Survey Map Application submitted by Kevin and Nancy Hoppe, 7674 Center Road, Neenah, WI 54956 for property located at 7674 Center Road and specifically described as Tax ID# 006-0849-01 with a condition allowing a 5-year limit for construction of a primary residential structure on Lot 1 to bring it into code compliance. The condition allows the landowner to come before the Plan Commission for further consideration of the non-conformity if the requirement is not met within the timeline; and with Staff recommendations as follows:

1. Commission and Town Board acceptance of the non-compliant (grandfathered) existing outbuilding until the proposed new home is constructed
2. Approval of the re-zoning from A-2 (General Agriculture District) to R-1 (Rural Residential Zoning District).
3. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
4. The Applicant provide a copy of the recorded document to the Town.

Motion carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and consideration of a Re-zoning Application submitted by Kevin and Nancy Hoppe, 7674 Center Road, Neenah, WI 54956 for property located at 7674 Center Road and specifically described as Tax ID# 006-0849-01, being a part Section 34, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-2 (Suburban Residential District).

Site Location: The property is located at 7674 Center Road, Neenah, WI 54956 for property located at 7674 Center Road and specifically described as Tax ID# 006-0849-01, being a part Section 34, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Kevin and Nancy Hoppe  
7674 Center Road  
Neenah, WI 54956

Property Owners: Kevin and Nancy Hoppe  
7674 Center Road  
Neenah, WI 54956

Consultant: Keith W. Walenski S-2292  
Harris & Associates  
2718 North Mead Street  
Appleton, WI 54911

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0849-01:**

1. The property is owned by Kevin and Nancy Hoppe, 7674 Center Road, Neenah, WI 54956.
2. The Lot is 6.570 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 by the Town as A-2 (General Agriculture District).
6. All or a portion of the property is in a Winnebago County Shoreland Zoning District.
7. All or a portion of the property is in the County Shoreland Area.
8. The property has a non-navigable permanent stream (checked).
9. The property is outside the County's floodplain area.
10. The property has no Wisconsin Wetland Inventory Information.
11. The Future Land Use Planning Information is Single 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.
14. The property **is not in** the Town's Working Lands Area.

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

1. The 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. The property **is not in** the Town's Working Lands Area
3. The re-zoning provides for a Zoning Code compliant division of the property into two new Lots, the details of the re-zoning are as follows:
  - a. The proposed Lot-1 would be 2.500 acres (108,900 Square Feet) in area with an existing code compliant access from Center Road.

- b. The proposed Lot-2 would be 4.070 acres (177,345 Square Feet) in area. Access to Lot-2 will need to come from a new access point on Center Road.
  - c. The limitations caused by the existing pond and waterway on the south side of the site require that access to the proposed new Lot be located on the north side of the property.
  - d. In order to divide the property in a Code compliant manner without impacting the existing setback for the navigable waterway, the existing on-site water and waste water treatment systems, and the amenities on the site, the frontage available for the new Lot is limited, therefore, the most flexible zoning district the Applicant could use is the R-2 (Suburban Residential District). The R-2 district requires less road frontage in an area where road frontage is at a premium. Additionally, the R-2 district will allow for less disturbance of the existing landscaping on the site.
  - e. For consistency the Administration has recommended that both of the proposed Lots be re-zoned to R-2 (Suburban Residential District). However, the Commission has the option of re-zoning Lot-1 of the Hoppe CSM to R-2 (Suburban Residential District and Lot-2 of the CSM to R-1 (Rural Residential District).
4. The recommended re-zoning from A-2 (General Agriculture District) to R-2 (Suburban Residential Zoning District), is consistent with the existing land use and the proposed land use.

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

Staff recommends that the Plan Commission approve the Re-zoning subject to the following conditions:

1. Plan Commission and Town Board acceptance of the unique conditions that apply to both the Hoppe CSM and Re-zoning Application.
  2. Documentation of the approval of the proposed Re-zoning by any overlying unit of government having jurisdiction.
- Administrator Johnston again reviewed the historic use of the R-1 and R-2 zoning districts as they relate to properties in the Town of Clayton. He stated that it is his recommendation to the Commission to rezone the properties to R-1 rather than to R-2 and because it is a de minimis change, he is also of the opinion that requiring a new noticing process is not necessary.

**MOTION:**

Motion by Commissioner Dorow

Second by Commissioner Nemecek

Motion to recommend to the Town Board the approval of the rezoning submitted by Kevin and Nancy Hoppe, 7674 Center Road, Neenah, WI 54956 for property located at 7674 Center Road and specifically described as Tax ID# 006-0849-01 from A-2 (General Agriculture District) to R-1 (Rural Residential Zoning District) based on the recommendation of Administrator Johnston for the Plan Commission to make the de minimis change from R-2 to R-1 and with Staff recommendations as follows:

1. Plan Commission and Town Board acceptance of the unique conditions that apply to both the Hoppe CSM and Re-zoning Application.
2. Documentation of the approval of the proposed Re-zoning by any overlying unit of government having jurisdiction.

Motion carried by unanimous voice vote

VII. Upcoming Meeting Attendance: NONE

VIII. Adjournment

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Schmidt

Motion made to Adjourn the meeting at 7:40 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,  
Holly Stevens, Clerk