

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
5:00 P.M. – on Wednesday, October 12<sup>th</sup>, 2016  
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

---

I. Call to Order:

A. Notice Verification, Roll

1. Plan Commission Chairman Knapinski called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner Eckstein	PRESENT
Commissioner Haskell	PRESENT
Commissioner Wisnefske	PRESENT
Commissioner Dorow	PRESENT
Commissioner Linsmeier	PRESENT
Town Board Representative Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. The Plan Commission will hold a Public Hearing on an Application for re-zoning submitted by William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956 for property located north of 8933 Center Road, Neenah, WI 54956 (on the west side of Clayton Avenue north of Fairview Road), in the Town of Clayton and specifically described as Tax ID # 006-0242, Tax ID # 006-0246, and Tax ID# 006-0270 all in Section 9, 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-1 (Agribusiness Business District) to A-2 (General Farming District).

- Chair Knapinski made a correction on the property description, stating the property is located on the west side of CENTER Road rather than Clayton Ave as described on the agenda
- Cindy Behm, 9169 Center Road: Asked for clarification between A-1 and A-2 zoning. Administrator Johnston explained the classifications are very similar, with the main differentiation being A-1 is geared toward farming and qualifies for state programs and tax credits, while A-2 is not eligible for the programs and tax credits.
- Ron Petit, Coldwell Banker, listing agent for the Grotjans, explained the intention is to split the property into two parcels in such a way to allow access to each. The buyers for each parcel have no intent to develop the property but plan to build single family residences.
- Mr. Petit asked what the procedure is to complete the zoning change. Administrator Johnston explained the process includes Plan Commission review and recommendation to the Town

Board. Then the change will go to the Town Board for review and approval. Finally, the County Board will review and approve the changes.

The Public Hearing was closed at 7:11 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, September 14<sup>th</sup>, 2016 Regular Plan Commission Meeting.

**MOTION:**

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Eckstein

Motion: Motion to approve the Wednesday, September 14<sup>th</sup>, 2016 meeting minutes.

Vote: Carried by unanimous voice vote

IV. Open Forum – Town-related Matters not on the Agenda:

- A. No requests were made.

V. Correspondence:

- A. A copy of a Housing Development Toolkit provided by the Federal Government.  
B. A copy of the Town's September CY 2016 Building Inspection Report.  
C. A copy of amendments to the Winnebago County Ordinances.  
D. A copy of a Winnebago County Zoning Department Notice.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and consideration of a re-zoning application submitted by the petitioner(s), William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956 for property located north of 8933 Center Road, Neenah, WI 54956 (on the west side of Center Road north of Fairview Road), in the Town of Clayton and specifically described as Tax ID # 006-0242, Tax ID # 006-0246, and Tax ID# 006-0270 all in Section 9, 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-1 (Agribusiness Business District) to A-2 (General Farming District).

Plan Commission review and consideration of a re-zoning application submitted by the petitioner(s), William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956 for property located north of 8933 Center Road, Neenah, WI 54956 (on the west side of Center Road north of Fairview Road), in the Town of Clayton and specifically described as Tax ID # 006-0242, Tax ID # 006-0246, and Tax ID# 006-0270 all in Section 9, 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-1 (Agribusiness Business District) to A-2 (General Farming District).

Site Location: Property located north of 8933 Center Road, Neenah, WI 54956 (on the west side of Center Road north of Fairview Road), in the Town of Clayton and specifically described as Tax ID # 006-0242, Tax ID # 006-0246, and Tax ID# 006-0270 all in Section 9, 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-1 (Agribusiness Business District) to A-2 (General Farming District).

Applicants: William C. and Sarah M. Grotjan  
8933 Center Road  
Neenah, WI 54956

Property Owners: William C. and Sarah M. Grotjan  
8933 Center Road  
Neenah, WI 54956

Consultant: N/A

Property Location: North of 8933 Center Road  
Neenah, WI 54956

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0242:**

1. The property is owned by William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956.
2. The Lot is 40.000 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned by the County as A-1 (Agriculture Business District).
6. The property is currently zoned by the Town as A-1 (Agriculture Business District).
7. The property is eligible for parts of the Farmland Preservation Program.
8. The property is out of the County's Floodplain Zoning Area.
9. The property is in the County 300-foot Shoreland zoning buffer, the Shoreland Zoning Code is extended by the floodplain.
10. The property is not in the County's Wetland Identifier.

**Property Information Specific to Tax ID # 006-0246:**

1. The property is owned by William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956.
2. The Lot is 10.000 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned by the County as A-1 (Agriculture Business District).
6. The property is currently zoned by the Town as A-1 (Agriculture Business District).
7. The property is eligible for parts of the Farmland Preservation Program.
8. The property is out of the County's Floodplain Zoning Area.
9. The property is in the County 300-foot Shoreland zoning buffer.
10. The property is not in the County's Wetland Identifier.

**Property Information Specific to Tax ID # 006-0270:**

1. The property is owned by William C. and Sarah M. Grotjan, 8933 Center Road, Neenah, WI 54956.
2. The Lot is 40.000 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned by the County as A-1 (Agriculture Business District).
6. The property is currently zoned by the Town as A-1 (Agriculture Business District).
7. The property is eligible for parts of the Farmland Preservation Program.
8. The property is out of the County's Floodplain Zoning Area.
9. The property is in the County 300-foot Shoreland zoning buffer.
10. The property is not in the County's Wetland Identifier.

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

1. The Public Notice, Site Posting, and Neighbor Notices have been completed as required by the Town's Zoning Code of Ordinances.
2. The property is being re-zoned to allow for the sale of the property for family reasons.
3. The property is being re-zoned from A-1 (Agricultural Business District) to A-2 (General Agricultural District) to allow the possible sale of the property for the construction of a single family home.
4. The property being re-zoned is in the Town's CY 2015/16 Comprehensive Plan update Working Lands area.
5. The existing use of the property is consistent with the Town's approved Comprehensive Plan.

- 6. The proposed rezoning and future use of the property are not inconsistent with the Town’s approved Future Land Use Map.

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

Staff recommends approval of the proposed re-zoning application from A-1 (Agricultural Business District) to A-2 (General Agricultural District) subject to the following conditions:

- 1. Subject to payment of all fees due the Town.
  - 2. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.
- Discussed existing use as consistent with the Comprehensive Plan and the proposed A-2 use is not inconsistent with the Future Land Use Map
  - Clarified there is no airport overlay
  - Discussed access—200’ access has a current agricultural access, the lower parcel will have to create an access point

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion: To recommend to the Town Board, approval of the described property from A-1 to A-2 subject to payment of all fees due the Town and documentation of the approval of the proposed re-zoning Application by an overlying unit of government having jurisdiction.

Vote: Carried by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission review and consideration of a preliminary Site Plan for Chuck Krause, 835 Oneida Street, Menasha, WI 54952 for property located at 2896 CTH “JJ”, Neenah, WI 54956 and specifically identified as Tax ID# 006-0901-03-01 located in Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The site is located at 2896 CTH “JJ”, Neenah, WI 54956 and specifically identified as Tax ID# 006-0901-03-01 located in Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Chuck Krause  
835 Oneida Street  
Menasha, WI 54952

Property Owner: Chuck Krause  
835 Oneida Street  
Menasha, WI 54952

Consultant: N/A

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: M-1 (Mixed Use District) and A-2 (General Agriculture District)
  - b) South: Commercial and residential development in the Town of Vinland
  - c) East: A-2 (General Agriculture District), R-1 (Rural Residential District), and R-2 (Suburban Residential District)
  - d) West: B-3 (General Business District), I-1 (Light Industrial District), R-1 (Rural Residential District)

**Property Information Specific to Tax ID# 006-0901-03-01:**

1. The property is owned by Chuck Krause, 835 Oneida Street, Menasha, WI 54952.
2. The Lot is 2.000 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 is currently zoned B-3 (General Business District).
6. The property is in the City of Neenah Extra Territorial Zoning District.
7. The property is out of the County's Floodplain Zoning Area.
8. The property is not in the County's Wetland Identifier.

**Application Details:**

The Applicant has submitted a complete, zoning code compliant, preliminary Site Plan (Plan) that complies with the spirit of the Town's Zoning Code.

**Stormwater Management for the Site:**

The Town has experienced several stormwater management issues in the general area of the proposed development. In order to mitigate those issues the Town is in the process of developing an area wide stormwater management plan (see attached concept plan). The property being proposed for development is included in the area wide stormwater management plan. Therefore, the details of the stormwater management are under development with construction planned for CY 2018. It is the Administration's recommendation to the Applicant that development on the project be delayed until such time as the stormwater management plan is complete and construction finished. However, if the project were to move forward in CY 2017 the Town Board could expedite the construction of the area wide stormwater management system to facilitate the project.

**Access to the Site:**

Access to the site is available from the north side of CTH "JJ" just east of its

intersection with STH “76”. However, the State Department of Transportation (DOT) is in the process of planning for a roundabout at the intersection of STH “76” and CTH “JJ”. The construction of a roundabout at that intersection will have a significant impact on the access and development of the proposed project. The Applicant has included provisions for the roundabout in his submissions to the Plan Commission. Since the access to the site is controlled by the County and the State, the Town will have little input on the issue. However, staff is recommending that any driveway aprons for the project have rollback concrete curb returns to minimize the damage to the asphalt pavement and road shoulder by vehicles accessing the site.

### **Building Details:**

The proposed building is a typical commercial building consisting of a block and steel structure with prefinished metal siding and roofing with the amenities required by the Town’s Site Plan Section of the Zoning Code (see attached elevations). The structure is located north to south on the east central side of the site. The entrance to the building and the office and display functions are located on the southwestern end of the building. Vehicular access and visual access to the display is provided by means of a combination of large glass garage doors and matching windows on the southern and western façades of the building. Light and access to the office function is provided by doors and windows on the western facades of the building. The eastern side of the building is designed to allow for access to the building and the business.

The building is constructed with a block on the bottom 5+/- feet of the building and the upper portion of the building which is constructed of a light colored metal siding and a metal roof. The color palate has yet to be confirmed, however, it will fit the Town’s Ordinance as it relates to minimizing the heat island effect of the site.

### **Parking:**

Parking for the project will be contained on the site with the travel and building access areas being paved. The public access parking for the site does comply with the Zoning Code requirements. The Administration is comfortable with the parking layout as long as the customer and employee parking meet the Americans with Disabilities Act (ADA) and routine business needs. Staff has been assured that the parking area and the required islands will be in place and operational within 24 months of occupancy of the building. This timeline will allow for any fixing settling on the parking lot site before paving occurs.

### **Site Landscaping:**

The landscaping plan consists of the following features:

The landscaping plan uses the required landscaping to creatively screen the parking area of the business from the site, the use of a berm as part of the screening will minimize the impact of the vehicle lights on the traffic on CTH “JJ” and STH “76”. Specifically, a 3-foot berm is being proposed on the CTH “JJ” and STH “76” frontage of the property. The landscaping around the building is concentrated on the islands and the eastern facade of the building. The landscaping on the northern side

of the site is intended to meet the Zoning Code requirements while at the same time not impacting potential storm water management areas for the site should the Town's area-wide storm water management wetland plan not work or not be constructed in time. The only element missing from the landscaping plan is the inventory and size of the plants to be used in the landscaping.

**Site Lighting:**

Lighting for the site is to be limited to wall mounted lighting on the building and potentially using ground mounted lighting bollards in the parking lot area. The ground mounted lighting bollards will serve to provide a way finding element for the parking area while using ambient and intersection lighting as a secondary overhead lighting function. Any lighting proposed is intended to minimize the offsite lighting pollution from the development and to take advantage of the overhead lighting at the intersection.

**Site Signage:**

Signs for the site are routinely approved by staff subject to compliance with Article 12 "Signs" of the Town Zoning Code of Ordinances for the B-3 (General Business District); please see the attached copies of Zoning Code Articles.

**Staff Comments:**

The Site Plan Application, as presented, is complete. Staff is comfortable that the site plan meets the Town's Site Plan elements of the Zoning Code of Ordinances. Staff is recommending approval of the Site Plan subject to the following:

1. That the Applicant provide the required inventory and size of the plants to be used in the landscaping.
  2. That the Applicant provide samples of the colors of the materials to be used in the building.
  3. That the Applicant pay all associated fees with the Conditional Use Application.
- Reviewed site plan including building placement and parking
  - Discussed overflow parking for auctions
  - Discussed vegetative barrier
  - Discussed the need to add a berm to block headlights from cars in the parking lot from traffic at the intersection and future roundabout
  - Discussed access how the future roundabout at County Road JJ and Hwy 76 will affect it
  - Discussed storm water management

**MOTION:**

Motion by: Commissioner Linsmeier

Second by: Commissioner Reif

Motion: To recommend to the Town Board approval of the proposed site plan with the staff recommendations as listed in the memorandum.

Vote: Carried by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review and consideration of the application for an amendment submitted to the Winnebago County Planning and Zoning Department for an existing County Conditional Use Permit and a County Variance from the strict interpretation of the 75-foot Shoreland Zoning Setback submitted by Westin Land Holdings, LLC. 3461 De Kalb Lane, Neenah, WI 54956 for the Willie Beamons Complex located at 2590 CTH “II” Neenah, WI 54956 and specifically identified as Tax ID# 006-0370, Tax ID# 006-0370-03 and Tax ID# 006-0370-07 located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Based on complaints by area residents, the County is requiring that Westin Land Holdings, LLC. 3461 De Kalb Lane, Neenah, WI 54956 apply for an amendment to an existing Conditional Use Permit and a Variance from the strict interpretation of the County’s Shoreland Zoning Ordinance for the Willie Beamons Complex located at 2590 CTH “II” Neenah, WI 54956 and specifically identified as Tax ID# 006-0370, Tax ID# 006-0370-03 and Tax ID# 006-0370-07. Town staff originally started helping the Applicant with the application process. After realizing the complexity and the detail required by the process, the Administration recommended that the Applicant hire McMahon Group to facilitate the application process with the County. Ben Hamblin (Ben), an engineer for the McMahon Group, was hired by the Applicant to facilitate the project. Ben is asking the Town Board to review, comment on, and support the draft of the Applications. Ben would like to ask the Plan Commission and the Town Board if they have any potential input on the language and/or conditions outlined in the Application. Ben will be in attendance at the Plan Commission’s meeting to explain the details of the Application and to answer any questions Commissioners may have relative to the Application or the process.

- Ben Hamblin reviewed the history of the property in order to better explain the current request. He clarified the role of the Plan Commission and Town Board as having no jurisdiction over the request but he would ask for the Town’s support for it.
- Commissioner Knapinski discussed the various aspects of the site and the resident complaint which were made against it.

**MOTION:**

Motion by: Commissioner Linsmeier

Second by: Commissioner Reif

Motion: To recommend to the Town Board affirmation of support for the request

Vote: Carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and consideration of a request to the Town Board that it solicit a proposal from the Town’s Planning Consultant for creating administrative language relative to the Working Land Section of the Town’s Comprehensive Plan.

The Plan Commission and the Town Board have recently approved the CY 2015/16 Comprehensive Plan Update. That document contains an element titled “Working Lands”. The objective of the “Working Lands” designation is to protect and foster the Town’s agricultural heritage and agricultural industry. Given that goal, staff is of the opinion that there should be some process for opting out of the Working Lands designation and some benefit for opting into the Working Lands designation. In order to establish these processes and the mechanism for both opting in and out of the designation the Administration is recommending that the Plan Commission contract with the Town’s Planner to facilitate the development of the administrative language as well as outlining the processes, outlining the mechanism, recommending a Public Participation process, and presenting the finalized documentation to be used in conjunction with the Town’s Comp Plan. Under most circumstances a Plan Commission can solicit and authorize a contract for planning purposes. Historically, in the Town of Clayton the Plan Commission has requested that the Town Board solicit and authorize such contracts based on a recommendation by the Plan Commission.

- Discussed the cost and the necessity of the request

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion: To recommend to the Town Board to solicit a request for proposal from Planning Consultant Jaworski relative to the items stated in the memorandum

Vote: Carried by unanimous voice vote

VII. Upcoming Meeting Attendance

Elector’s Meeting to approve the Levy: November 2, 2016 at 7:00 PM

VIII. Adjournment

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion: To Adjourn the Plan Commission meeting at 8:05 PM.

Vote: Motion carried.

Respectfully submitted,  
Holly Stevens, Deputy Clerk