

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, August 12, 2020
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Chair Knapinski called the meeting to order at 7:00 p.m.

A. Notice Verification, Roll

1. Pledge of Allegiance
2. Verification of Meeting Notice
3. Roll

a. Plan Commission Members

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

b. Staff

Administrator Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT
Engineer Hamblin	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by James Sehloff, PLS Davel Engineering, 1164 Province Terr, Menasha, WI 54952, for properties owned by Luke and Ashley Herriges, located west and north of 3022 W Shady Lane, Neenah, WI 54956, specifically described as Tax ID# 006-0040-07, all of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the SW ¼ of the SE ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments presented

Public Hearing closed at 7:02 p.m.

B. Plan Commission Public Hearing on a Re-zoning application from R-1(Rural Residential) to A-2 (General Agriculture) submitted by Michael Yost and Penny Brazee, for property located at 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, being a part of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin

- No Comments presented

Public Hearing closed at 7:04 p.m.

- C. Plan Commission Public Hearing on a Re-zoning application from A-2 (General Agriculture) to R-4 (Multifamily Residential) submitted by Premier Real Estate management LLC and the Town of Clayton, for property located at south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329, being a part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Don Judnic, 9075 Clayton Avenue
 - Moved to Clayton 3½ years ago
 - Concerned about the effect the development will have on his property value
 - Can Clayton Avenue handle the increased traffic a multi-family complex will generate—cars and trucks, etc.
 - Has the developer considered other locations—why this location
 - Chair Knapinski explained developers look for properties which are located near similar types of development. This property is adjacent to the Village of Fox Crossing where many similar multi-family units have been developed. He explained this is the natural outgrowth from the metropolitan areas.
 - Mike Pheifer, 9350 Timber Ridge Road
 - Expressed concern for the infrastructure—Clayton Ave and Shady Lane are not made for the volume of traffic which will be generated
 - The Town of Clayton needs to address the roads first, before the development is allowed
 - Many moved to Clayton because it is rural—developers don't care about that—they will build hundreds of units in the area
 - What is the long-range plan?
 - Chair Knapinski explained it is required to have multi family housing development as part of the Comprehensive Plan and this area of Town has been slated for the potential area to serve that need. He said the Comprehensive Plan and the Future Land Use Map is developed by looking at trends, growth, and where the various types of development logically fit. It would not make sense to have this type of development on the west side of Town. He also pointed out that the same type of development is directly across the street in the Village of Fox Crossing and this is the natural continuation of that.
 - Mr. Pheifer noted he is concerned the infrastructure will not support the development
 - Dennis Jochman, Bechard Group, 517 Westhill Blvd, Appleton
 - Has worked with the Town since 2002, helping to develop Town Ordinances
 - The proposed rezoning and land use are consistent with the Comp Plan
 - Multi-family is a buffer between Commercial and Residential
 - Developer has moved the project up—was supposed to close next March, instead would like to start in September
 - Sewer construction is anticipated to begin in September
 - Village of Fox Crossing has agreed to provide a temporary water supply until the PSC approves the plans for Clayton water
 - Village of Fox Crossing has budgeted 2020 monies for Clayton Ave repairs—just waiting on sewer construction
 - This is multi-family development and should not generate significant truck traffic

- Average traffic access generated by this type of unit is 5/day/unit, while single family residential averages 13-17/day/home
- Multi-family housing development will help the Town of Clayton Incorporation

Public Hearing closed at 7:18 p.m.

D. Plan Commission Public Hearing on a Conditional Use Application, for construction of a multi-family housing development consisting of 96 units. The property is located south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329, being a part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments presented

Public Hearing closed at 7:20 p.m.

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, July 8th, 2020 Plan Commission Meeting.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion to approve the minutes of the Wednesday, July 8, 2020 Plan Commission Meeting as presented.

Motion carried by unanimous voice vote

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

- One submission by Gay Lynn Wolf, 3021 Windfield Drive—will speak during agenda item

V. Correspondence:

- A. Distribution of July 2020 Building Inspector’s Report
- B. Distribution of the Town’s Security Assessment Summary
- C. Distribution of the Municipal Center Emergency Plan

VI. Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by James Sehloff, PLS Davel Engineering, 1164 Province Terr, Menasha, WI 54952, for properties owned by Luke and Ashley Herriges, located west and north of 3022 W Shady Lane, Neenah, WI 54956, specifically described as Tax ID# 006-0040-07, all of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the

SW ¼ of the SE ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located west and north of 3022 W Shady Lane, Neenah, WI 54956, specifically described as Tax ID# 006-0040-07, all of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the SW ¼ of the SE ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: James R Sehloff, PLS (Reg. No. 2692)
Davel Engineering & Environmental, Inc.
1164 Province Terrace
Menasha, WI 54952

Property Owners: Luke & Ashley Herriges
1598 Redwing Drive
Neenah, WI 54956

Consultant: James R Sehloff, PLS (Reg. No. 2692)
Davel Engineering & Environmental, Inc.
1164 Province Terrace
Menasha, WI 54952

Property Information:

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

Property Information Specific to Tax ID # 006-0040-07:

1. The property is owned by Luke C. and Ashley R. Herriges, 1598 Redwing Dr., Neenah, WI 54956
2. The Lot is 6.73 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 Agricultural District).
5. The property is **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property no 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 Agricultural and Rural and Public/Institutional (Transportation).
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 rezoning of this property is related to the Certified Survey Map (CSM) that has also been submitted to the Plan Commission for dividing the existing property into 4 lots.
2. This property is just south of Windfield Place Subdivision.

Staff Recommendations:

Staff recommends approval of the proposed rezoning from A-2 (General Agricultural 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.

MOTION:

Motion by Commissioner Nemecek

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 James Sehloff, PLS Davel Engineering, 1164 Province Terr, Menasha, WI 54952, for properties owned by Luke and Ashley Herriges, located west and north of 3022 W Shady Lane, Neenah, WI 54956, specifically described as Tax ID# 006-0040-07 as presented

Motion carried by unanimous voice

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by James Sehloff, PLS Davel Engineering, 1164 Province Terr, Menasha, WI 54952, for properties owned by Luke and Ashley Herriges, located west and north of 3022 W Shady Lane, Neenah, WI 54956, specifically described as Tax ID# 006-0040-07, all of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the SW ¼ of the SE ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located west and north of 3022 W Shady Lane, Neenah, WI 54956, specifically described as Tax ID# 006-0040-07, all of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the SW ¼ of the SE ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: James R Sehloff, PLS (Reg. No. 2692)
Davel Engineering & Environmental, Inc.
1164 Province Terrace
Menasha, WI 54952

Property Owners: Luke & Ashley Herriges
1598 Redwing Drive
Neenah, WI 54956

Consultant: James R Sehloff, PLS (Reg. No. 2692)
Davel Engineering & Environmental, Inc.

1164 Province Terrace
Menasha, WI 54952

Property Information:

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

Property Information Specific to Tax ID # 006-0040-07:

1. The property is owned by Luke C. and Ashley R. Herriges, 1598 Redwing Dr., Neenah, WI 54956
2. The Lot is 6.73 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 Agricultural District).
5. The property is **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property no 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 Agricultural and Rural and Public/Institutional (Transportation).
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 # 006-0038-05:

1. The property is currently owned by Mary Kronberg, 3022 W Shady Lane, Neenah, WI 54956.
2. The Lot is 1.00 acres.
3. The property is in the Neenah Joint School District (3892).
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 has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments on the proposed CSM:

1. The CSM does change the existing use of the property unless the owner continues to have the property farmed, however, 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 four (4) lots – Lot 1 (1.2387 acres), Lot 2 (1.4074 acres), Lot 3 (2.5992 acres), and Lot 4 (1.5190 acres).
4. The CSM was created for the purposes of the owner building a home on one of the lots and selling the other 3 lots.
5. The CSM creates a Cul-de-Sac Road for access to all 4 Lots.

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 A-2 (General Agricultural District) to R-1 (Rural Residential District).
2. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
3. The property is not within the Airport Overlay District; however, the property is in the 10,000 feet buffer zone which may require permitting for any proposed Stormwater Management Facilities on any given Lot created by the CSM.
4. The Applicant provide a copy of the recorded document to the Town.

- Gay Lynn Wolf, 3021 Windfield
 - CSM has prompted questions regarding drainage. She said there is a lack of a comprehensive drainage plan for the development
 - Windfield Place has ongoing drainage issues
 - Main concern is runoff from the developing properties increasing the existing issues, as well as, the potential damage to the wooded areas, specifically killing the trees
 - Many wetlands on the properties already—their elimination removes a natural drainage system
 - Neighbors are unable to build berms due to tree cover
 - Requested approval of CSM contingent upon a comprehensive drainage plan
- Chair Knapinski explained drainage is supposed to be contained on each individual property or directed to a natural flow and is not allowed to negatively impact a neighboring property.
- Planner Jaworski agreed and added that storm water management and erosion control is permitted by Winnebago County prior to construction with drainage being addressed through those permits.
- Chair Knapinski noted the Commission does not easily approve developments with a single access ending in a cul de sac.
- Administrator Straw reported she had spoken with the Fire Chief in that regard and he was comfortable the department carries enough hose to reach any structures built at the end of the proposed road, even if entrance to the road is blocked.
- Chair Knapinski noted there are events other than fire which might block access, which could potentially trap residents—gas explosions, accidents, etc. He noted that in the last 10-15 years the Town has been actively promoting two means of access for developments
- Commissioner Haskell agreed and noted the potential for issues with plowing—cul de sacs slow the plowing process for a crew which is already pressed for time.

- Administrator Straw noted there are other places in Town which have only one entrance, for example Windfield Place.
- Commissioner Haskell noted that within that subdivision there are various routes to get to the single access on STH 76.
- Commissioner Linsmeier said as much as he does not like cul de sacs, the greater concern is access to Lot 3 of the proposed CSM. He pointed out the wetlands appear to block any potential location for a driveway.
- Engineer Hamblin said he was familiar with the area and he is comfortable with the area being sufficient for access and development of a house and mound. He also noted the wetlands indicated on Lots 1, 2, and 4 are classified as low-quality wetlands, while the wetland indicated on Lot 3 is classed as a medium-quality wetland. He said the DNR would work with property owners to deal with the wetlands.
- Mr. Hamblin also noted the runoff from lots 1, 2, and 4 could be developed to travel to the roadside ditch and then out to Shady Lane. He did note there is a cross culvert on Shady which will need repair sooner than later, but the drainage should not be a huge issue.
- Mike Pheifer, 9350 Timber Ridge Road explained the land belongs to his daughter who intends to build a home on one of the lots. Her mother-in-law intends to build a home on another of the lots. He said there is flexibility in this design and he is willing to work with the Commission to satisfy the concerns expressed.
- Commissioner Linsmeier noted that the while the lots meet the required standards for land division, he is concerned that the lots will not perk. He asked if a condition could be added to the approval to make sure they perk and proper drainage is implemented.
- Planner Jaworski asked who would make those determinations—there is no means for enforcement.
- Administrator Straw noted that years ago the Town had implemented the use of F550 trucks for plowing in subdivisions. Using the smaller trucks has eliminated the issues with cul de sacs which the bigger trucks had
- Administrator Straw also noted the CSM as presented is compliant and the Town should not overreach their authority
- Engineer Hamblin noted that the CSM is a minor land division but is beginning to look like a subdivision—it has a foot in both worlds. The Town has to be sure the road is built properly and the development of the parcels does not adversely affect any neighboring parcels.
- Mr. Pheifer requested the Commission postpone their decision noting the perk tests are in process, the results of which could be provided when complete. He also said he would talk with the surveyor regarding the engineering.

MOTION:**Motion by** Commissioner Linsmeier**Second by** Commissioner Haskell**Motion to** postpone the business to the September 9, 2020 Plan Commission Meeting**Motion carried** by unanimously

- C. Discussion/Recommendation: Plan Commission Public Hearing on a Re-zoning application from R-1 (Rural Residential) to A-2 (General Agriculture)

submitted by Michael Yost and Penny Brazee, 7611 County Road T, Oshkosh, WI 54904 for property located at 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, being a part 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 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, being a part of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Michael Yost and Penny Brazee
7611 County Road T
Oshkosh, WI 54904

Property Owners: Michael Yost and Penny Brazee
7611 County Road T
Oshkosh, WI 54904

Consultant: N/A

Property Information:

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

Property Information Specific to Tax ID # 006-0793:

1. The property is owned Michael J Yost and Penny E Brazee, 7573 Sunburst Lane, Neenah, WI 54956
2. The Lot is 3.13 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).
5. The property is **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town’s adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments on the proposed Re-zoning:

- 6. The rezoning of this property is related to the Certified Survey Map (CSM) that has also been submitted to the Plan Commission for approval (later on agenda).
- 7. The rezoning does not change the use of this property.

Staff Recommendations:

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

- 1. That the rezoning is condition of the approval of the Certified Survey Map (CAM) related to this property.
- 2. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion to recommend to the Town Board approval of the Re-zoning Application from R-1 (Rural Residential) to A-2 (General Agriculture) submitted by Michael Yost and Penny Brazee, 7611 County Road T, Oshkosh, WI 54904 for property located at 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793

Motion carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) application submitted by Gary Zahringer, Martenson & Eisele, Inc., 1377 Midway Road, Menasha, WI 54942, for properties owned by Brazee Ridge, Inc., 7573 Sunburst Lane, Neenah, WI 54956 and Michael Yost and Penny Brazee Trust, 7611 County Road T, Oshkosh, WI 54904 and located at 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, 006-0799, 006-0799-02, 006-0799-03, 006-0799-04, 006-0793-01, 006-0794, 006-0794-04, 006-0794-03, 006-0794-02, 006-0794-01, 006-0796, 006-0800, 006-0805, and 006-0801 being a part of the Northwest ¼ and the Northeast 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 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, 006-0799, 006-0799-02, 006-0799-03, 006-0799-04, 006-0793-01, 006-0794, 006-0794-04, 006-0794-03, 006-0794-02, 006-0794-01, 006-0796, 006-0800, 006-0805, and 006-0801 being a part of the Northwest ¼ and the Northeast ¼ of Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Gary Zahringer (Reg. No. S-2098)
Martenson & Eisele, Inc.
1377 Midway Road
Menasha, WI 54942

Property Owners: Brazee Ridge, Inc.

Michael Yost and Penny Brazee
7573 Sunburst Lane, Neenah and
7611 County Road T, Oshkosh

Consultant: Gary Zahringer (Reg. No. S-2098)
Martenson & Eisele, Inc.
1377 Midway Road
Menasha, WI 54942

Property Information:

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

Property Information Specific to Tax ID # 006-0793:

1. The property is owned by Michael J. Yost and Penny E. Brazee, 7573 Sunburst Lane, Neenah, WI 54956.
2. The Lot is 3.13 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 has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town’s adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0799:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 13.86 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 not located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0799:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 13.86 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0799-02:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 1.51 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0799-03:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 1.51 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.

8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0799-04:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 1.51 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0793-01:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 4.48 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0794:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 26.11 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town’s adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0794-04:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 1.06 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town’s adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0794-03:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 1.06 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town’s adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0794-02:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 1.34 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0794-01:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 1.50 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 **not** located within the Shoreland Area.
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no 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 Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0796:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 40.00 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 Winnebago County as A-2 (General Agriculture District).
6. The property is located within the Shoreland Area – Extended by Floodplain (see enclosed map).
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. A portion of this property is in the 100-Year Floodplain Zone A (No Base Flood Elevation Determined) and a portion is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area (see enclosed map).
10. The property has 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 Agricultural, Rural Residential and Public/Institutional (i.e. Transportation).
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 # 006-0800:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 40.00 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 Winnebago County as A-2 (General Agriculture District).
6. The property is located within the Shoreland Area – Extended by Floodplain and the 300' Buffer (see enclosed map).
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. A portion of this property is in the 100-Year Floodplain Zone A (No Base Flood Elevation Determined) and a portion is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area (see enclosed map).
10. The property has 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 Agricultural, Rural Residential and Public/Institutional (i.e. Transportation).
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 # 006-0805:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 37.75 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 Winnebago County as A-2 (General Agriculture District).
6. The property is located within the Shoreland Area – Extended by Floodplain and the 300' Buffer (see enclosed map).
7. The property has a Navigable – Intermittent (Unchecked) Stream located on the Eastern Parcel Border of the property, however, there is no Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. A portion of this property is in the 100-Year Floodplain Zone A (No Base Flood Elevation Determined) and a portion is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area (see enclosed map).

10. The property has 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 Agricultural and Rural Residential.
13. The current land use is consistent with the Town’s adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0801:

1. The property is currently owned by Brazee Ridge, Inc., 3270 County Road G, Neenah, WI 54956.
2. The Lot is 15.40 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 Winnebago County as A-2 (General Agriculture District).
6. The property is located within the Shoreland Area – Extended by Floodplain and the 300’ Buffer (see enclosed map).
7. The property has a Navigable – Intermittent (Unchecked) Stream, however, there is no Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is in the 100-Year Floodplain Zone A (No Base Flood Elevation Determined) of the County Floodplain and FEMA Special Flood Hazard Area (see enclosed map).
10. The property has 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 Agricultural and Rural Residential.
13. The current land use is consistent with the Town’s adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments on the proposed CSM:

1. The CSM does not change the existing use of the property.
2. The CSM **does** show the Right to Farm Language required by the Town.
3. The CSM creates two (2) lots – Lot 1 (184.854 acres) and Lot 2 (5.013 acres).
4. The CSM was created for the purpose of combining a number of smaller parcels (1-2 acres) that are currently zoned A-2 and non-conforming to the zoning code and for the purpose of Penny Brazee purchasing more property so as to create a 5+ acre lot.

Staff Recommendations:

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

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
2. The Applicant provide a copy of the recorded document to the Town.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Linsmeier

Motion to recommend to the Town Board approval of the Certified Survey Map (CSM) application submitted by Gary Zahringer, Martenson & Eisele, Inc., 1377 Midway Road, Menasha, WI 54942, for properties owned by Brazee Ridge, Inc., 7573 Sunburst Lane,

Neenah, WI 54956 and Michael Yost and Penny Brazee Trust, 7611 County Road T, Oshkosh, WI 54904 and located at 7611 County Road T, Oshkosh, WI 54904, specifically described as Tax ID# 006-0793, 006-0799, 006-0799-02, 006-0799-03, 006-0799-04, 006-0793-01, 006-0794, 006-0794-04, 006-0794-03, 006-0794-02, 006-0794-01, 006-0796, 006-0800, 006-0805, and 006-0801 as presented

Motion carried by unanimous voice vote

- E. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application from A-2 (General Agriculture) to R-4 (Multifamily Residential) submitted by Premier Real Estate Management LLC, 3120 Gateway Road, Brookfield, WI 53045 and the Town of Clayton, 8348 County Road T, Larsen, WI 54947 for property located at south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329, being a part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329, being a part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Premier Real Estate Management, LLC
3120 Gateway Road
Brookfield, WI 53045

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

Consultant: N/A

Property Information:

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

Property Information Specific to Tax ID # 006-0329:

- 1. The property is owned Town of Clayton, 8348 County Road T, Larsen, WI 54947
- 2. The Lot is 17.55 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 Agricultural District).
- 5. The property is currently zoned by Winnebago County as A-2 (General Agricultural District).
- 6. A portion of this property is located in the County’s Shoreland Zoning 1000’ Buffer (see enclosed map).

7. The property has no navigable streams and is not located in the Surface Water Drainage District.
8. The property is not located in Outagamie County Airport Zoning however, it is located in the Airport Height Limitation Zone (10,000-foot buffer).
9. The property is outside of the County's Floodplain Zoning Area.
10. The property has a "Wetland too small to delineate" in the Wisconsin Wetland Inventory Information. The wetland is located near the drainage course that runs through the property.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Plan designates this property as "Residential Planned Unit 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 Town's adopted Future Land Use Plan as a Residential Planned Use Development since the "Planned Unit Development" designation allows for flexibility in the type and design of developments that may be allowed.

Staff Comments on the proposed Re-zoning:

1. The rezoning of this property is contingent on the sale of the property.
2. The rezoning of this property will enable a proposed multifamily development to occur.

Staff Recommendations:

Staff recommends approval of the proposed rezoning from A-2 (General Agricultural District) to R-4 (Multifamily Residential) subject to the following condition:

1. That the rezoning is contingent on the sale of the property.
 2. The Town receive any and all documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
- Commissioner Haskell commented the Future Land Use for the property is Planned Unit Development (PUD). She noted the Zoning Code does not define a PUD; however, the State's definition says PUDs include common features for use within the development such as a swimming pool, tennis courts, meeting room, etc. She noted this is a multi-family apartment complex—it has no common features. She questioned if rezoning to multi-family is appropriate.
 - Planner Jaworski explained it is his recollection that the intent when developing the Future Land Use Map was to include this type of development in this area. He said while the R-4 Zoning District does not fit hand and glove with a PUD area, it is not far off and is the intent of the area. He explained it is a judgement call on the part of the Commission and the PUD area provides for flexibility in design. He recommended the rezoning of the property with the concerns expressed by Commissioner Haskell being addressed under the Conditional Use Application.
 - Administrator Straw noted the rezoning is contingent upon the sale of the property.
 - Julie Judnic, 9075 Clayton Ave requested to address the Commission. She stated she understands that one family is not going to stop the rezoning, but she requested the Town help them by preserving the wooded areas around them as much as possible. She explained they moved out of Town for a rural home and now development is taking over on both sides of them.
 - Chair Knapinski noted that the development is coming from both sides—it is inevitable. He said the Commission has to review the proposed developments presented to them to

determine how each will serve the Town as well as how it will affect the residents. He explained it is a stepped process and the rezoning is just the first step in the process. He encouraged continued involvement with the process because the Commission does receive and consider comments from the public regarding potential developments during the review process.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Wisniewski

Motion to recommend to the Town Board approval of the Re-zoning application from A-2 (General Agriculture) to R-4 (Multifamily Residential) submitted by Premier Real Estate Management LLC, 3120 Gateway Road, Brookfield, WI 53045 and the Town of Clayton, 8348 County Road T, Larsen, WI 54947 for property located at south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329 as presented

Motion carried by unanimous voice

Commissioner Nemecek requested a 5-minute recess at 8:21 p.m.

- F. Discussion/Recommendation: Plan Commission review and recommendation on a Conditional Use Application submitted by Premier Real Estate Management LLC, 3120 Gateway Road, Brookfield, WI 53045 for construction of a multi-family housing development consisting of 96 units. The property is located south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329, being a part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329, being a part of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Premier Real Estate Management, LLC
3120 Gateway Road
Brookfield, WI 53045

Property Owner(s): Town of Clayton
8348 County Road T
Larsen, WI 54947

Consultant: JMM Consulting, LLC
840 Challenger Dr., Suite 140
Green Bay, WI 54311

Property Location: South and west of 9147 Clayton Avenue, Neenah, WI 54956
Tax ID #006-0329

Property Information:

1. The surrounding properties are zoned:

- a) North: A-2 (General Agriculture District) and R-1 (Rural Residential District)
- b) South: A-2 (General Agriculture District) and R-1 (Rural Residential District)
- c) East: Village of Fox Crossing; R-1 (Rural Residential District) and A-2 (General Agriculture District)
- d) West: A-2 (General Agriculture District)

Property Information Specific to Tax ID # 006-0329:

1. The property is owned Town of Clayton, 8348 County Road T, Larsen, WI 54947
2. The Lot is 17.55 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 Agricultural District). Re-zoning application to re-zone from A-2 (General Agriculture to R-4 (Multifamily Residential) is on tonight's agenda.
5. The property is currently zoned by Winnebago County as A-2 (General Agricultural District). If re-zoning application is approved by Town, the re-zoning will need to be submitted to the County for approval to rezone the property to R-4 (Multifamily Residential).
6. A portion of this property is located in the County's Shoreland Zoning 1000' Buffer (see enclosed map).
7. The property has no navigable streams and is not located in a Surface Water Drainageway District.
8. The property is not located in Outagamie County Airport Zoning or the Airport Height Limitation Zone.
9. The property is outside of the County's Floodplain Zoning Area.
10. Per the "Wetland Delineation Report" dated August 28, 2018 prepared by Martenson & Eisele, Inc.; the property contains five (5) wetland areas consisting of 0.59 acres (25,903 sq. ft.).
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Plan designates this property as "Residential Planned Unit Development".
13. The current land use (Agriculture, crop) is not consistent with the Town's adopted Future Land Use Plan.
14. The proposed land use (Multifamily building) is consistent with the Town's adopted Future Land Use Plan since the "Planned Unit Development" designation allows for flexibility in the type and design of developments that may be allowed.

Staff Comments:

The applicant is proposing to construct eight (8) 12-unit apartment buildings on the subject property. The proposed development also includes internal driveways/parking areas, a detention pond, a mailroom enclosure, and an office/garage. As described above, the property contains five (5) wetland areas consisting of 0.59 acres (25,903 sq. ft.); and 7, 846 sq. ft. of wetlands are proposed to be disturbed (see Drawing No. 2). There are existing trees/woodlands located along the southern property line and within a wetland area in the middle of the property.

Decision Making Factors:

The following factors shall be considered by the Town in making its decision to approve or deny the conditional use:

1. The size of the parcel on which the proposed use will occur;
2. The presence of and compatibility with other uses on the subject property;

3. The location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
4. Effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
5. The suitability of the subject property for the proposed use;
6. Effects of the proposed use on the natural environment;
7. Effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
8. Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
9. Any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply.

Special Standards for Principal Land Uses:

Special standards for the “multifamily building” land use are found in Section 9.08-253 which states that more than one multifamily building with 3 or more dwelling units may be located on a parcel of land, provided the overall density is maintained. Furthermore, a multifamily building with 3 or more dwelling units shall meet the design and construction standards for a single-family dwelling under Section 9.08-254(c), which are:

1. Suitable roof coverings include clay or ceramic tiles, wood shingles or shakes, metal, or fiberglass or asphalt shingles.
2. Exterior wall surfaces shall be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer.
3. An overhang shall extend at least 12 inches beyond the face of the exterior wall.
4. The building shall be set on and anchored to a continuous permanent foundation that extends around its perimeter.

The proposed buildings comply with the design and construction standards for a single-family dwelling outlined above and the overall development complies with the special standards found in Section 9.08-253.

Appendix A – Map Requirements:

Per staff review, of Appendix A of the Town of Clayton Zoning Code of Ordinances, the following items/information are missing from the plan set and application submitted to the Town or need to be addressed:

1. Project Map shall identify the following items within 150’ of the subject property:
 - a. Property boundaries
 - b. Land uses
 - c. Zoning district boundaries
2. Project Map shall identify the existing woodlands.
3. Project Map shall identify existing buildings within 150’ of subject property.
4. Building setback from the property adjacent to the northeast is mapped incorrectly; Minimum required setback is 15’ but is mapped as a 30’ setback.
5. Plan of Operation shall be submitted.

See Appendix A attached to this memo.

Landscaping:

A landscaping plan has been submitted (see Drawing #6) which identifies the proposed site/grounds and building landscaping. The plan does not identify any buffer yard landscaping adjacent to the existing residential properties to the northeast and south. The

plan also does not identify the preservation of any of the existing trees/woodlands located along the southern property line and within a wetland area in the middle of the property. Staff recommends that buffer yard landscaping be incorporated into the landscaping plan and that the existing trees/woodlands on-site to be preserved to the maximum extent possible.

Refuse and Recycling:

Outdoor refuse and recycling storage areas are not identified on the site plan. Information regarding the handling of refuse and recycling were not provided with the application. Staff recommends that refuse and recycling storage area(s) be identified on the site plan; and that any outdoor refuse/recycling storage area(s) shall comply with the location and screening requirements outlined in Section 9.08-209 of the Town of Clayton Zoning Code of Ordinances.

Lighting:

A lighting plan was submitted with the application, but did not include a photometric plan identifying light dispersion patterns and light intensities. Two of the lighting fixture products do not have cut-off shielding that reflects light downward and their light source may be visible from adjacent properties and Clayton Avenue. Staff recommends that a new lighting plan be submitted in compliance with Section 9.08-210 of the Town of Clayton Zoning Code of Ordinances. Section 9.08-210 states:

“A lighting plan shall be submitted as part of the site plan. No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. All exterior lighting fixtures, either wall mounted or freestanding, shall be identified on the face of the site plan. The exterior lighting shall state the dispersion pattern, intensity of light, and cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties. No undue lighting shall extend beyond the property lines.”

Parking:

Per Article 11 of the Town of Clayton Zoning Code of Ordinances, a minimum of 2 spaces for each dwelling unit; plus one space for visitor parking for each 6 dwelling units; plus 7 handicap accessible parking spaces is required for this development. Therefore, 192 spaces for the dwelling units; 16 additional spaces for visitor parking; and 7 additional handicap accessible parking spaces are required. 215 total parking spaces are required to be provided on-site with 7 of the parking spaces being handicap accessible parking spaces. Per the site plan and building plans provided, each building provides 12 garage spaces and 13 outdoor parking spaces. There are 8 additional parking spaces across from the office/garage building. Therefore, 208 total parking spaces with only 4 spaces identified as handicap accessible are proposed which is **not** in compliance with Article 11 of the Town of Clayton Zoning Code of Ordinances.

Town Engineer Review Comments:

Please see the attached letter from the Town Engineer, Benjamin Hamblin of McMahon Associates, dated August 5, 2020.

Staff Recommendations:

Due to the numerous issues/concerns identified above and in the letter from the Town Engineer, staff recommends that the conditional use application be tabled and reviewed at a future meeting after revised plans have been submitted to the Town by the applicant.

The following are possible conditions of approval that may be relevant to ensure compliance with ordinance requirements and the Town's decision-making criteria for conditional uses:

1. The conditional use approval is contingent on the sale of the property to the applicant.
2. The conditional use approval is contingent on approval of re-zoning the property to R-4 (Multifamily Residential) by the Town of Clayton, Winnebago County, and any other overlying unit of government having jurisdiction.
3. Any and all documentation of approval of the proposed re-zoning by any overlying unit of government having jurisdiction shall be submitted to the Town prior to commencing construction.
4. The project shall comply with all applicable local, state, and federal codes/ordinances; including all necessary permits/approvals for the proposed wetland disturbance.
5. The Stormwater Management Plan and Erosion Control Plan shall be reviewed and approved by the Town Engineer for compliance with the requirements set forth in 23.15 of the Winnebago County Ordinance prior to commencing construction.
6. The 1,149 sq. ft. wetland in the southwest corner of the property shall remain undisturbed.
7. The existing trees/woodlands located along the southern property line and within a wetland area in the middle of the property shall be preserved to the maximum extent possible in locations where the internal driveways and buildings are not being proposed.
8. Buffer yard landscaping shall be provided along the shared lot lines with the properties addressed 9147 Clayton Avenue (PIN 006-0329-01) and 9075 Clayton Avenue (PIN 006-0340-01). Buffer yard landscaping shall comply with the requirements outlined in Attachment E, Section G (1) (a) 1) a) of the Town of Clayton Zoning Code of Ordinances.
9. A refuse and recycling storage area(s) shall be identified on the site plan. Any outdoor refuse and recycling storage area(s) shall comply with the requirements outlined in Section 9.08-209 of the Town of Clayton Zoning Code of Ordinances.
10. A lighting plans shall be submitted in compliance with Section 9.08-210 of the Town of Clayton Zoning Code of Ordinances and all exterior lighting shall comply with Section 9.08-210. No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. Cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties shall be required for all exterior lighting. No undue lighting shall extend beyond the property lines.
11. Additional parking spaces and handicap accessible parking spaces shall be provided so that the on-site parking complies with all requirements of Article 11 of the Town of Clayton Zoning Code of Ordinances; except there shall be 9 total handicap parking spaces provided on-site. There shall be a minimum of 1 handicap parking space provided for each apartment building and the office/garage building.
12. Screening shall be provided for any roof or ground mounted mechanical equipment that will be readily visible when viewed at ground level from other properties or

from major public ways. Screening of roof or ground mounted mechanical equipment shall be in compliance with the Attachment C, Section A. (8) of the Town of Clayton Zoning Code of Ordinances.

13. When either Smoke Tree Road or a new west road extending north from West American Drive is constructed, a driveway shall be constructed connecting to either of the new roads allowing another entrance to the apartment complex. At that time, one of the driveways accessing Clayton Avenue shall be eliminated. A plan sheet should identify this future work and be included in the developer's agreement. Driveway locations along Clayton Avenue may need to be relocated, and internal drive lanes redesigned, to accommodate this condition.
14. All recommendations as defined in the letter from the Town Engineer, Benjamin Hamblin of McMahan Associates, dated August 5, 2020 (see attached) shall be complied with or incorporated into the development plans and any future developers agreement; including, but not limited to, driveways, utility details/locations, stormwater management, lighting, landscaping, erosion control, and future parcel splits.
15. A sign permit shall be obtained from the Town of Clayton prior to installation/construction of any signage on-site.

- Chair Knapinski reviewed that any conditions placed on a CUP must be reasonable and measurable based on substantial evidence.
- Chair Knapinski noted the Commission can add an additional condition which is the approval of the full site plan.
- Administrator Straw added that the Commission should consider reviewing the Site Plan review process—she said apartment complexes and multi-family are not currently addressed by the Site Plan review process.
- Commissioner Haskell expressed concern regarding an approval of the CUP prior to a Site Plan review because the proposal does not fit the Future Land Use as a PUD. She noted that if this is going to move forward, a Comprehensive Plan Amendment would have to be completed to amend the Future Land Use Map.
- Planner Jaworski said the use is up for interpretation by the Commission. He said this decision is certainly setting a precedent, but he is comfortable that the proposal is consistent with the intent of the Future Land Use plan.
- Chair Knapinski said the development of the Comprehensive Plan was focused on flexibility because there was no way to predict what will be coming in the future. He noted that based on what was nearby, specifically at the corner of Jacobsen Road and Clayton Avenue, this type of development was anticipated.
- John Maas, consultant for Premier Real Estate Management, LLC, noted the property is not large enough to accommodate a traditional PUD development. He said he would be willing to schedule a special meeting to review the site plan and address the CUP concurrently. He said he would like to do so within a week or so though, because Wisconsin has a limited window during which certain phases of construction can occur and they need to get started in order to keep the project on schedule.
- Commissioner Haskell explained she was not opposed to the proposal for the multi-family units, she is concerned with the precedent which will be set if the approval is given without a Comprehensive Plan amendment.
- Planner Jaworski said a plan amendment may be in order.

- Dennis Jochman said Commissioner's concerns are valid, however, approving the CUP with a condition requiring a fully compliant site plan assures control by the Commission. He explained to stay on schedule, the applicant needs approval of the CUP.
- Chair Knapinski suggested adding the condition that the Plan Commission and Town Board approval of the CUP is contingent upon a fully compliant site plan with no construction to begin until all conditions of the CUP have been met.
- Commissioner Linsmeier agreed stating the addition of that condition addresses the concerns expressed.
- Commissioner Nemecek noted the Commission has an obligation to keep in mind the best interest of the Town along with the fiduciary interest of the tax payers. He said he believes this project accomplishes with the conditions as set forth is a good starting point.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Wisniewski

Motion to recommend to the Town Board approval of the Conditional Use Permit Application submitted by Premier Real Estate Management LLC, 3120 Gateway Road, Brookfield, WI 53045 for construction of a multi-family housing development consisting of 96 units at the property located south and west of 9147 Clayton Avenue, Neenah, specifically described as Tax ID 006-0329 with the following conditions:

1. The conditional use approval is contingent on the sale of the property to the applicant.
2. The conditional use approval is contingent on approval of re-zoning the property to R-4 (Multifamily Residential) by the Town of Clayton, Winnebago County, and any other overlying unit of government having jurisdiction.
3. Any and all documentation of approval of the proposed re-zoning by any overlying unit of government having jurisdiction shall be submitted to the Town prior to commencing construction.
4. The project shall comply with all applicable local, state, and federal codes/ordinances; including all necessary permits/approvals for the proposed wetland disturbance.
5. The Conditional Use Permit is contingent upon a fully compliant site plan being submitted and approved including but not limited to the following:
 - a) The Stormwater Management Plan and Erosion Control Plan shall be reviewed and approved by the Town Engineer for compliance with the requirements set forth in 23.15 of the Winnebago County Ordinance prior to commencing construction.
 - b) The 1,149 sq. ft. wetland in the southwest corner of the property shall remain undisturbed.
 - c) The existing trees/woodlands located along the southern property line and within a wetland area in the middle of the property shall be preserved to the maximum extent possible in locations where the internal driveways and buildings are not being proposed.
 - d) Buffer yard landscaping shall be provided along the shared lot lines with the properties addressed 9147 Clayton Avenue (PIN 006-0329-01) and 9075 Clayton Avenue (PIN 006-0340-01). Buffer yard landscaping shall comply with the requirements outlined in Attachment E, Section G (1) (a) 1) a) of the Town of Clayton Zoning Code of Ordinances.

- e) A refuse and recycling storage area(s) shall be identified on the site plan. Any outdoor refuse and recycling storage area(s) shall comply with the requirements outlined in Section 9.08-209 of the Town of Clayton Zoning Code of Ordinances.
 - f) A lighting plans shall be submitted in compliance with Section 9.08-210 of the Town of Clayton Zoning Code of Ordinances and all exterior lighting shall comply with Section 9.08-210. No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. Cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties shall be required for all exterior lighting. No undue lighting shall extend beyond the property lines.
 - g) Additional parking spaces and handicap accessible parking spaces shall be provided so that the on-site parking complies with all requirements of Article 11 of the Town of Clayton Zoning Code of Ordinances; except there shall be 9 total handicap parking spaces provided on-site. There shall be a minimum of 1 handicap parking space provided for each apartment building and the office/garage building.
 - h) Screening shall be provided for any roof or ground mounted mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways. Screening of roof or ground mounted mechanical equipment shall be in compliance with the Attachment C, Section A. (8) of the Town of Clayton Zoning Code of Ordinances.
 - i) When either Smoke Tree Road or a new west road extending north from West American Drive is constructed, a driveway shall be constructed connecting to either of the new roads allowing another entrance to the apartment complex. At that time, one of the driveways accessing Clayton Avenue shall be eliminated. A plan sheet should identify this future work and be included in the developer's agreement. Driveway locations along Clayton Avenue may need to be relocated, and internal drive lanes redesigned, to accommodate this condition.
 - j) All recommendations as defined in the letter from the Town Engineer, Benjamin Hamblin of McMahan Associates, dated August 5, 2020 (see attached) shall be complied with or incorporated into the development plans and any future developers agreement; including, but not limited to, driveways, utility details/locations, stormwater management, lighting, landscaping, erosion control, and future parcel splits.
 - k) A sign permit shall be obtained from the Town of Clayton prior to installation/construction of any signage on-site.
6. No construction is to begin until all conditions of the CUP have been met

Motion carried by unanimous voice vote

- G. Discussion/Recommendation: Plan Commission review and recommendation on a Site Plan Application resubmitted 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 #006-0006-10-01 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. The subject site is the southern 3 acres of Tax ID #006-0006-10-01. Lind Lane is adjacent to the west and State Road 76 is adjacent to the east of the subject site.

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: B-1 (Local Service Business) immediately north of the subject site; R-1 (Rural Residential District) and A-2 (General Agricultural District) north of Tax ID #006-0006-10.
 - 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# 006-0006-10-01:

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. The subject site is the southern 3 acres of Tax ID #006-0006-10.
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. Per the “Wetland Delineation Report” dated November 7, 2019 prepared by Cedar Corporation; the property contains two (2) wetland areas consisting of 0.46 acres (19,846 sq. ft.) located north of the subject site area. The subject site does not contain any wetlands.
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 approved a Certified Survey Map to divide the subject site on a separate lot and approved rezoning the property to B-1 (Local Service Business). The Certified Survey Maps has not been recorded in the Winnebago County Register of Deeds and approval of the rezoning by the County is still pending. 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. The proposed driveway access is in compliance with the “driveways” requirements.

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.

- As required by the “storm water & erosion control” requirements, the following items have been submitted:
 - Stormwater Management Plan which includes stormwater calculations, WinSLAMM Output, and an Operations & Maintenance Manual. *The Stormwater Management Plans is not included in your packet.*
 - Erosion Control Plan (Sheet 2) identifying drainage improvements for surface water conveyance and associated treatment, and erosion/sediment control best management practices.
 - A “Certificate of Permit Coverage” and determination letter from the Wisconsin Department of Natural Resources dated June 23, 2020 for coverage under “WPDES General Permit No. WI-S067831-05: Construction Site Storm Water Runoff” (also referred to as a Notice of Intent permit).
 - A letter from Gary E. Raasch of raSmith Inc. addressing his review of the stormwater management plan and erosion control plan and drawings in regards to their conformance with the Winnebago County Stormwater Management Ordinance.
- The Stormwater Management Plan and Erosion Control Plan has been forwarded to the Town Engineer to be reviewed for compliance with the requirements set forth in

23.15 of the Winnebago County Ordinance.

- As required by the “storm water & erosion control” requirements, a “Wetland Delineation Report” dated November 7, 2019 prepared by Cedar Corporation has been submitted. The “Wetland Delineation Report” identified two (2) wetland areas consisting of 0.46 acres (19,846 sq. ft.) located north of the subject site/project area. Neither of the wetland areas will be impacted by the proposed project. *The Wetland Delineation Report is not included in your packet.*

On-Site Wastewater Treatment:

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

- Per the “on-site wastewater treatment” requirements, 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 shows the proposed mound system location south of the southern parking area and the proposed septic tank immediately southeast of the building location. The site plan also shows “additional area designated for future soil absorption if mound system fails” in the southwest corner of the property.
 - The private on-site wastewater treatment system shall meet all requirements of Chapter SPS 388; soil and site evaluations shall be in accordance with Chapter SPS 385; and horizontal setback parameters included in Chapter SPS 383 shall be met.
 - The site designated for the proposed and future soil absorptions systems shall be areas with un-compacted soil. The areas designated for the soil absorptions system, plus 15 ft. on the down slope side of the mound system, shall remain un-compacted and free of vehicular traffic of any kind during construction for the life of the system.

Private Well Construction:

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

- Per the “private well construction” requirements, the site plan shall show the proposed location of the well.
 - The site plan shows the proposed private well location north of the building location.
 - Placement of the well shall meet the minimum separation distances required in Chapter NR 812.

Stockpiling:

- Per the “stockpiling” requirements, temporary stockpiles of spoils and top soil shall be indicated on the site plan.
 - The site plan indicates the temporary topsoil pile in the in the southwest corner of the property, in the same location as the “additional area designated for future soil absorption if mound system fails” shown on the site plan.

Building Details:

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

- The roofing materials are proposed to be “Hi-Rib Steel”. Per the “general design

criteria” and “business fringe” requirements, architectural metal roof panels are an acceptable roofing material for the proposed building.

- Roof materials shall have a Solar Reflective Index (SRI) of 29 or higher.
- The exterior building materials are proposed to be “Versetta Stone” and “Hi-Rib Steel”. Per the “business fringe requirements”, “acceptable exterior building materials” shall cover 33% or more of the wall surfaces facing the front-yard setback (east) and 25% or more of the wall surfaces facing the side-yard setbacks (north & south).
 - “Versetta Stone” is considered an “acceptable exterior building material”. 33.9% of the wall surfaces facing the front-yard setback (east) and 25.9% of the wall surfaces facing the side-yard setbacks (north & south) are proposed to be covered by “Versetta Stone” which are in compliance with the “business fringe” requirements.
- Per the building/site plans submitted, no roof or ground mounted mechanical equipment are proposed on the building/site. Per the “architectural screening requirements”, screening shall be provided for roof or ground mounted mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways.

Landscape Design Standards:

A landscape plan was submitted with the application, but is not completely compliant with all requirements of the following landscape design standards:

- Required Information
- General Design Criteria
- Parking Lot Landscaping
- Screening Requirements
- Building Landscaping
- Grounds Sign Landscaping

Environmental and Energy Efficiency (E³):

- E³ standards are strongly recommended, but not required.
- E³ elements/components included in the site plan design:
 - Roof Heat Island (required by ordinance)
 - Increase # of plants (in regard to Grounds Landscaping)
 - Storm Sewer Piping (required by ordinance)
 - Reduced Flow Leaving Site
 - Minimize Impervious Surface Areas (required by ordinance)
 - Maximize Storm Water Infiltration
- Plan Commission and Town Board may require additional elements from the E³ List of Recommendations to be added to the site plan prior to approval, based on environmental and engineering factors.

Outside Storage of Equipment, Products, and Materials:

No outdoor storage is planned with this project.

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. The dumpster enclosure details have not been provided but shall comply with the fence/screening

requirement of the “storage of waste/trash and recyclables” requirements.

Lighting:

A lighting/photometric plan was submitted with the application but is not completely compliant with the “lighting” requirements. Section 9.08-210 states:

“A lighting plan shall be submitted as part of the site plan. No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. All exterior lighting fixtures, either wall mounted or freestanding, shall be identified on the face of the site plan. The exterior lighting shall state the dispersion pattern, intensity of light, and cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties. No undue lighting shall extend beyond the property lines.”

Per the Lighting/Photometric Plan submitted, light is being dispersed beyond the parcel boundaries/property lines which is not in compliance with Section 9.08-210 – Lighting.

Signs:

A new freestanding sign is indicated along STH 76 and complies with the setback from the property line. No detailed sign plans have been submitted for review. Landscaping is required around the freestanding sign per the “grounds sign landscaping” requirements.

Parking:

The parking plan for the facility is fully developed asphalt surface and is compliant with the “parking” requirements. Parking lot landscaping does not comply with ordinance requirements as proposed.

Staff Comments:

The Site Plan Application, as presented, is complete, but is not completely compliant with ordinance requirements. The primary items that do not comply with ordinance requirements are landscaping and lighting.

Staff Recommendation:

If the Plan Commission determines that the overall site plan is adequate, staff recommends conditional approval of the site plan. The following are possible conditions of approval that may be relevant to ensure compliance with ordinance requirements:

1. The project shall comply with all applicable local, state, and federal codes/ordinances.
2. The Certified Survey Map shall be recorded in the Winnebago County Register of Deeds prior to commencing construction.
3. The re-zoning of the subject property to B-1 (Local Service Business) shall be approved by Winnebago County prior to commencing construction.
4. The Stormwater Management Plan and Erosion Control Plan shall be reviewed and approved by the Town Engineer for compliance with the requirements set forth in 23.15 of the Winnebago County Ordinance prior to commencing construction.

5. Roof materials shall have a Solar Reflective Index (SRI) of 29 or higher.
 6. Screening shall be provided for roof or ground mounted mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways. Screening of roof or ground mounted mechanical equipment shall be in compliance with the “Architectural Screening Requirements” of Attachment C – Architectural Design Standards.
 7. A landscape plan in compliance with all applicable requirements of Attachment E – Landscape Design Standards shall be submitted to and approved by the Town prior to commencing construction.
 8. The dumpster enclosure shall comply with Section 9.08-209 – Storage of Waste/Trash and Recyclables.
 9. A lighting plan in compliance with Section 9.08-210 – Lighting shall be submitted to and approved by the Town prior to commencing construction.
- Administrator Straw explained that since providing the meeting information to the Commission, additional requirements and recommendations were brought forward and the applicant has already provided the information requested and upon review it is compliant with the Town codes.
 - Planner Jaworski noted he has not seen the additional submissions, but he would be comfortable with the Commission recommending approval contingent upon the applicant working with Staff to fill in any gaps remaining.

MOTION:

Motion by Supervisor Haskell

Second by Supervisor Nemecek

Motion to recommend to the Town Board approval of the Site Plan Application resubmitted 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 #006-0006-10-01 contingent upon the applicant working with Staff to satisfy any missing requirements of the Site Plan

Motion carried by unanimous voice vote

- H. Discussion/Recommendation: Plan Commission review and recommendation on a Site Plan Application resubmitted 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. (Site Plan Phase 1 Area is 4.7 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 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.

Project History

The petitioner has resubmitted the attached material based on a conditional approval from April 2019. The Re-Application was most recently reviewed at the July 8, 2020 Plan Commission meeting but no action was taken due to the need for additional information and conformance. This site plan has been approved by the State; however, it is not the site plan that was previously approved by the Town. 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 Re-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.

Previous Reviews

July 8, 2020 Plan Commission 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.

April 10, 2019 Plan Commission Motion:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion to recommend approval of the Site Plan Application submitted by Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville for property location at the northern termini of Black Top Way, Neenah with Staff and Plan Commission recommendations as follows:

1. That the Applicant provide the Commission with a Zoning Code compliant Landscaping Plan for the storm water management pond in phase-1 of the development and a concept Landscaping Plan for the balance of the development. (The landscaping plan submitted for the development meets this condition. Furthermore, contact has been made with the Winnebago County Zoning Department on the completion of the stormwater pond requirements and comments are pending).
2. That the Applicant work with Town Fire Department staff to site and provide the design requirements for a hydrant on the proposed storm water management ponds. Applicant continues to work with the Fire Chief.
3. That the Applicant install mountable curb returns on the proposed driveway apron accessing Black Top Way. (Staff has determined adequate space for the mountable curb returns does not exist and has decided to waive this requirement.)
4. That the Commission recommend roof overhangs on all of the building facades to enhance the esthetic appeal of the structure. (No specific overhang dimensions were ever specified. However, plans do show moderate overhangs to the building. Staff concludes this condition will be met. Also see photo.)
5. That a Knox Box security system be installed on each building to give the Fire Department restricted access to the building. (The Knox Box has been ordered. Condition met).
6. That the Plan Commission recommend and Town Board approve the steel building materials. (Materials provided for the August 12 PC meeting. See attached correspondence, material UL standard for impact resistance and color pallets. Condition pending.)
7. That the Plan Commission agree that the only public frontage to the site is on the Black Top Way Cul-de-Sac. (Condition met.)

8. Any additional Site Plan requirements the Plan Commission may wish to recommend to the Town Board. (This condition was improperly listed. It is not applicable.)
9. A Condo Association Agreement shall provide for the Town to access the storm water management pond to perform maintenance if the Condo Association fails to properly maintain the pond; and the agreement shall provide for the Town to special assess the cost of any storm water management pond maintenance to the Condo Association.
10. The Condo Association Agreement must be recorded with the Winnebago County Register of Deeds prior to the issuance of any building permits.
11. A Maintenance Agreement for the shared access road be recorded with the Winnebago County Register of Deeds prior to the issuance of any building permits. (The town has obtained the agreements specified in conditions 9-11. These conditions have been met.)
12. Under no circumstances may any of the structures be utilized as residences (Condition will be monitored.)
13. No external storage is allowed at any of the buildings. (None proposed. Condition will be monitored.)
14. Lighting is to be limited to one hooded, LED light above the entrance door and one hooded, LED light above the garage/overhead door on each building. (Plans submitted are consistent with this requirement. Condition will be monitored).
15. No Signage may be placed on the STH “76” frontage. (No signs are proposed on STH 76. Condition will be monitored.)
16. Signage on the individual condo units is limited to a wall sign only which follows the Town’s adopted Zoning Code as it relates to signs. (Condition will be monitored. Any future signage will require a code compliant sign permit.)
17. This Plan Commission recommendation for approval to the Town Board is for Phase I of the project consisting of the first 18 condo buildings. (Re-application is consistent with this condition.)
18. The mini/self-storage buildings are NOT approved and will require a separate Site Plan Review prior to their construction. (Plans submitted as part of this reapplication do not include any mini/self-storage facilities. Applicant is in compliance with this condition.)

Motion carried by unanimous voice vote

Staff Comments:

To address the previous condition and actions taken by the PC, Staff met with representatives from the JJJ2 LLC group on July 29 to review the previous conditions, pending landscape plan and stormwater management concerns expressed by the PC at their July 8, 2020 meeting. The conclusions derived from that meeting and follow up review concluded the following:

Previous conditions (See April 10, 2019 Plan Commission Motion)

Staff’s comments are noted within the previously listed motion. Staff believes all conditions have been met or are in the process to be met.

Concept Landscape Plan

As previously noted, the Concept Landscape Plan meets the conditions previously approved by the Plan Commission. It should be noted that the term “Concept Plan” does not engage Attachment E of the Town Code and therefore is not a requirement for portions outside of the stormwater pond for Phase 1. Hence, the Concept Landscape Plan for the remainder of the property is satisfactory in meeting that condition. Attachment E of the Town Code does

address landscaping standards for detention/retention basins and ponds as follows:

- (h) Detention/retention basins and ponds shall be landscaped with appropriate plant material that controls sedimentation and erosion.

In Staff's opinion, "appropriate" is a very general term. The eight (8) Arborvitae trees shown on the plan positioned around the pond are certainly "appropriate. The code gives no standard for the number. Since the stormwater pond was already permitted, is already constructed per the requirements of the County, and is subject to a future management plan, pond erosion and maintenance procedures fall within their jurisdiction. A call was placed to the Winnebago County Zoning Department to their Erosion Control Technician, but as of the date of this Staff Review, no response has been received. It is Staff's position, landscaping and erosion control for the stormwater pond portion of the project are town code compliant if they meet the requirements of the Winnebago County stormwater pond permit and management plan.

Stormwater Management

Per the July 28, 2020 raSmith letter addressed to Woody Garrow (part of the applicant group), the applicant has received "general conformance with the Winnebago County Stormwater Management Ordinance per the revised site plan inclusive of the changed building sizes. The conformance letter specifies how site grading and stormwater management practices must function and meet design parameters.

The Town of Clayton does not have a specific stormwater management ordinance that defines stormwater pond design and maintenance standards. The town relies on Winnebago County to enforce stormwater pond standards.

However, Town Staff has met with the Town Engineer to address the existing stormwater pond outfall drainage situation and has developed an approach to better address the current drainage situation away from the JJJ2 site.

Given the above review, it is Staff's opinion that stormwater management provisions have been adequately addressed by the applicant.

Staff Recommendation:

The Staff recommends 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.

- Administrator Straw noted that the Landscaping Plan was submitted and meets the requirements; the Commission was provided a copy of the Winnebago County Compliance Report; and the applicant is working with the Fire Chief
- Commissioner Haskell noted the two deficiency notations regarding silt fence installation within the Winnebago County Compliance Report and asked if that has been rectified.
- Administrator Straw said she did not know.
- Planner Jaworski noted he had an exhaustive interview with Winnebago County regarding the project and he is comfortable that requirements will be met
- Jon Freier, 8504 Winncrest Dr., requested the Commission take this application

seriously because the development they are working on is needed in the Town. He has been waiting to purchase a garage to perform needed work.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Wisnepske

Motion to recommend to the Town Board approval of the Site Plan Application resubmitted 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 contingent upon the applicant working with Staff to satisfy any missing requirements of the Site Plan

Motion carried by unanimous voice vote

- I. 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 with previous amendments added to the Ordinance. Administrator Straw reported she found the official map and the Ordinance adopting the map of which copies were provided to the Commission. She noted the referenced Access Control Map and the Road Class Map have not been created. She said she will continue to work towards the creation of the Maps. Administrator Straw said she would plan to bring this agenda item back to the next meeting with the additional maps.

- Commissioner Haskell inquired about the separation of driveways modifications which were discussed at the previous meeting.
- Planner Jaworski noted those are addressed using the lot frontage requirements as defined by the Zoning Code

NO ACTION TAKEN

VII. Upcoming Meeting Attendance

- Chair Knapinski requested staff develop a submission policy which would provide a defined schedule for submissions which would include ample time for review by staff and modifications if needed prior to official Plan Commission review.

VIII. Adjournment

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion to Adjourn the meeting at 9:23 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Clerk