



# PLAN COMMISSION

Wednesday, October 11, 2023 – 6:30 PM

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Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947

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## AGENDA

### CALL TO ORDER

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday September 13, 2023 Plan Commission Meeting

### OPEN FORUM – Public comments addressed to the Plan Commission

**Individuals properly signed in may speak directly to the Plan Commission on non-repetitive Planning and Zoning matters whether on or not on the agenda.** Commentators must wait to be called, must speak from the podium, directing their comments to the Commission. Comments must be orderly, and will be limited to a maximum of **2 minutes** per person. **Public comment is not permitted outside of this public comment period. Note:** The Commission’s ability to act on or respond to the public comments is limited by Chapter 19, Wis. Stats. Please complete the “Request to Speak at Meeting” form located on the agenda/sign-in table and submit the form to the Town Clerk for in-person attendance.

### CORRESPONDENCE

- A. Distribution of the September 2023 Building Inspection Report

### BUSINESS

- A. Review/Recommendation: Plan Commission review & recommendation on a Site Plan Review Application submitted by RJ Albright, Inc. on behalf of Nikodem Revocable Trust for a 4,200 sq ft addition to the existing principal building and parking/pavement additions on Tax ID #006-1777-01 (2770 Towne Ct).
- B. Review/Recommendation: Plan Commission review & recommendation on a Concept Plan Review Application submitted by Steve Bieda of Vierbicher for a proposed mixed-use residential and commercial development; Tax ID #s 006-0352-01 (Fairview Rd), 006-0355, & 006-0354 (State Rd 76).

### UPCOMING MEETING ATTENDANCE

- A. Plan Commission (6:30 pm start unless otherwise noted) - Nov 8; Dec 13
- B. Annual Electors Meeting - Nov 15 starting at 6 pm
- C. Clayton Sanitary District #1 Commission Meeting - Nov 15 **immediately following the Annual Electors Meeting**
- D. Town Board (6:30 pm start unless otherwise noted) - Oct 18; Nov 1 & 15 (**following Clayton Sanitary District #1 Commission Meeting**); Dec 6 & 20

## **ADJOURNMENT**

Respectfully submitted,

Dick Knapinski  
Plan Commission Chair

*Pursuant to Wisconsin Statute 19.84 (2) and (3) notice is hereby given to the public and the media that two or more members of any or all Boards, Commissions, and Committees of the Town of Clayton, may attend the meeting of the Plan Commission in order to gather information. For purposes of the Open Meetings Law only; attendance at a meeting by a quorum of members of the Town Boards, Commissions, and Committees constitutes a meeting of the Board, Commission, or Committee, pursuant to Badke Vs. Village Board of Village of Greendale, 173 Wis2d 553, 494 NW2d 408 (1993), and must be noticed as such, although it is not contemplated that any formal action by those bodies will be taken. The only business to be conducted is for Plan Commission action.*

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please call the Town Office at 920.836.2007.*

**This agenda has been posted at the following locations in the Town of Clayton:**

1. The Town Hall Posting Board – 8348 Hickory Ave Larsen, WI 54947
2. The Town's Web Page: --



# PLAN COMMISSION

Wednesday, September 13, 2023 – 6:30 PM

Item A.

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Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947

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## MINUTES

**CALL TO ORDER** – Chair Knapinski called the meeting to order at 6:30 pm.

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### PRESENT

Chair Knapinski  
Commissioner Haskell  
Commissioner Nemecek  
Commissioner Ketter  
Commissioner Hopkins  
Town Board Rep. Christianson

### ABSENT

Commissioner Dorow

### STAFF

Administrator Wisnefske  
Planner Jaworski  
Code Administrator Kussow

## PUBLIC HEARING(S) AND/OR PUBLIC INFORMATION MEETINGS

- A. Plan Commission Public Hearing on a Re-zoning Application submitted by Carow Land Surveying on behalf of John & Barbara Kulogo to re-zone approximately 3.2 acres +/- of Tax ID #006-0420 (3438/3442 County Rd II) adjacent to County Rd II from the A-2 (General Agriculture District) to the R-1 (Rural Residential District).

**NO PUBLIC COMMENTS - HEARING CLOSED AT 6:32 PM**

## APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday August 9, 2023 Plan Commission Meeting

### MOTION

**Motion made** by Commissioner Haskell, **Seconded** by Commissioner Nemecek to approve the minutes of the Wednesday, August 9, 2023 Plan Commission Meeting.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins, Town Board Rep. Christianson.

**Motion carried 6-0.**

- B. Approval of the Minutes of the Wednesday August 23, 2023 Plan Commission Meeting

**MOTION**

**Motion made** by Commissioner Haskell, **Seconded** by Commissioner Nemecek to approve the minutes of the Wednesday, August 23, 2023 Plan Commission Meeting.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins, Town Board Rep. Christianson

**Motion carried 6-0.**

**OPEN FORUM – Public comments addressed to the Plan Commission - NONE**

**CORRESPONDENCE**

- A. Distribution of the August 2023 Building Inspection Report  
B. Distribution of the article "How to Grow Your Home"

**BUSINESS**

- A. Review/Recommendation: Plan Commission review & recommendation on Resolution 2023-006 for a Re-zoning Application submitted by Carow Land Surveying on behalf of John & Barbara Kulogo to re-zone approximately 3.2 acres +/- of Tax ID #006-0420 (3438/3442 County Rd II) adjacent to County Rd II from the A-2 (General Agriculture District) to the R-1 (Rural Residential District).

**MOTION**

Motion made by Commissioner Haskell, **Seconded** by Commissioner Ketter to approve Resolution 2023-006 Recommending the Re-Zoning of Properties from the A-2 (General Agriculture District) to the R-1 (Rural Residential District) with all Staff Recommendations & Conditions.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins, Town Board Rep. Christianson

**Motion carried 6-0.**

- B. Review/Recommendation: Plan Commission review & recommendation on a Certified Survey Map (CSM) submitted by Carow Land Surveying on behalf of John & Barbara Kulogo for approval of a CSM dividing Tax ID #006-0420 (3438/3442 County Rd II) and Tax ID #006-0420-01 (3464 County Rd II) into four (4) lots.

**MOTION**

**Motion made** by Commissioner Ketter, **Seconded** by Commissioner Nemecek to recommend approval of the CSM dividing Tax ID #006-0565 as presented.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins, Town Board Rep. Christianson

**Motion carried 6-0.**

- C. Review/Recommendation: Plan Commission review & recommendation on a Site Plan Review Application submitted by RJ Albright, Inc. on behalf of Nikodem



Revocable Trust for a 4,200 sq ft addition to the existing principal building and parking/pavement additions on Tax ID #006-1777-01 (2770 Towne Ct).

**AGENDA ITEM POSTPONED UNTIL THE LANDSCAPING PLAN IS IN COMPLIANCE WITH TOWN ORDINANCE**

- D. Review/Discussion: Plan Commission review & discussion on allowing more than one principal building on a parcel of land & other Code Amendments.

**DISCUSSION ITEM ONLY - NO ACTION TAKEN**

**UPCOMING MEETING ATTENDANCE**

- A. Plan Commission (6:30 pm start unless otherwise noted) - Oct 11; Nov 8; Dec 13
- B. Town Board (6:30 pm start unless otherwise noted) - Sept 20; Oct 4 & 18; Nov 1 & 15

**ADJOURNMENT**

**MOTION**

**Motion made** by Commissioner Haskell, **Seconded** by Commissioner Nemecek to adjourn at 7:26 pm.

**Voting Yea**: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins, Town Board Rep. Christianson

**Motion carried 6-0.**

Respectfully submitted,

Kelsey Faust-Kubale  
Town Clerk

PERMIT SPREADSHEET FOR SEPTEMBER 2023

YEAR TO DATE SUMMARY

DATE	PERMIT #	OWNER	ADDRESS	DESCRIPTION	CONTRACTOR	EST. PROJECT COST	PERMIT FEE	BLDING INSPECTOR FEE	TOWN	EST. PROJECT COST	PERMIT FEE	TOWN OF CLAYTON REVENUE	YEAR TO DATE TOTAL
<b>TOWN OF CLAYTON PERMITS:</b>													
9/1/2023	189-23-9E	CHERYL KUCKSDORF	3590 GOLF WOOD	SOLAR INSTALL	FREEDOM FOREVER	\$ 24,342.00	\$ 75.00		Town of Clayton	\$ 542,396.00	\$ 2,901.82	\$ 2,901.82	\$ 85,695.55
9/1/2023	190-23-9B	KEN WIRTZ	2854 ACORN	ADDITION	HEADLINER HOMES	\$ 100,000.00	\$ 199.36		Town of Vinland	\$ -	\$ -	\$ -	\$ 1,893.02
9/19/2023	191-23-9B	KEN CHRISTIAN	4711 N LOOP	NSFD	ALEXANDER HOMES	\$ 230,000.00	\$ 750.00		Town of Winneconne	\$ 478,150.00	\$ 2,140.08	\$ 1,712.06	\$ 15,236.44
9/25/2023	192-23-9B	JOHN GILMOUR	8611 OAKWOOD	DETACHED GARAGE	SELF	\$ 20,000.00	\$ 180.64		Town of Winchester	\$ 57,000.00	\$ 200.00	\$ 160.00	\$ 3,770.16
9/26/2023	193-23-9B	CHRIS NOWAK	3150 OAKRIDGE	REMOD	PORTSIDE BUILDERS	\$ 27,000.00	\$ 201.40		Town of Dale	\$ 173,000.00	\$ 556.50	\$ 445.20	\$ 8,190.67
9/26/2023	194-23-9E	CHRIS NOWAK	3150 OAKRIDGE	REMOD ELECT	SEC INC	\$ 3,300.00	\$ 88.20						
9/26/2023	195-23-9B	JULIE LUENENBURG	7973 NICHOLE HEIGH	REROOF	O'DANNY BOY BUIL	\$ 40,200.00	\$ 75.00		<b>Total</b>	<b>\$ 1,250,546.00</b>	<b>\$ 5,798.40</b>	<b>\$ 5,219.08</b>	<b>\$ 114,785.84</b>
9/26/2023	196-23-9H	BRYAN ROSIEJKA	2950 SAFFRON	FURNACE REPLACEM	HEALTHY HOME HVAC	\$ 12,604.00	\$ 75.00						
9/26/2023	197-23-9H	JOEL ORTIZ	7501 CORONA WAY	FURNACE REPLACEM	HEALTHY HOME HVAC	\$ 15,950.00	\$ 75.00		Full Burden Wage	\$ 9,374.70			\$ 82,845.54
9/26/2023	198-23-9E	DON HENNESSEY	9381 CENTER	NSFD ELECT	QUANTUM ELECT	\$ 25,000.00	\$ 533.50						
9/26/2023	199-23-9H	ALEX BRUSDA	3329 KNOX	NSFD HVAC	BLACK-HAAK	\$ 25,000.00	\$ 498.72		<b>Net Profit (Loss)</b>	<b>\$ (4,155.62)</b>			<b>\$ 31,940.30</b>
9/26/2023	200-23-9H	BILL GRAHAM	3271 FONDOTTO	REPLACE BOILER	BLACK-HAAK	\$ 14,000.00	\$ 75.00						
9/26/2023	201-23-9H	ANGIE CORSO	3546 DEKALB	FURNACE REPLACEM	BLACK-HAAK	\$ 5,000.00	\$ 75.00						
					<b>TOTALS</b>	<b>\$ 542,396.00</b>	<b>\$ 2,901.82</b>	<b>\$ -</b>					
<b>TOWN OF VINLAND PERMITS:</b>													
					<b>TOTALS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>					
<b>TOWN OF WINNECONNE PERMITS:</b>													
9/19/2023	113-23-9B	CHARLIE PRINCE	7122 WINDMILL	POLE BUILDING	WALTERS BLDG	\$ 58,000.00	\$ 243.00	\$ 194.40					
9/19/2023	114-23-9B	JOE LUEDTKE	5621 WOODLAND	POLE BUILDING	CLEARY BLDG	\$ 150,000.00	\$ 213.00	\$ 170.40					
9/20/2023	115-23-9B	LINDA MCCULLEN	5176 SOUTHWIND	REROOF	PRO RESTORATION	\$ 28,600.00	\$ 50.00	\$ 40.00					
9/20/2023	116-23-9B	RICK BORGARDT	5160 N HARBOUR	REROOF	SECURITY LUEBKE	\$ 24,551.00	\$ 50.00	\$ 40.00					
9/20/2023	117-23-9P	RANDY PARKS	6708 WHITE TAIL	NSFD PLUMB	T&J PLUMBING	\$ 8,000.00	\$ 210.00	\$ 168.00					
9/20/2023	118-23-9H	RANDY PARKS	6708 WHITE TAIL	NSFD HVAC	MARTENS HVAC	\$ 16,355.00	\$ 210.00	\$ 168.00					
9/20/2023	119-23-9E	JUSTIN COX	5546 LASLEY SHORE	NSFD ELECT	LUXURY ELECT	\$ 12,000.00	\$ 222.36	\$ 177.89					
9/20/2023	120-23-9H	JUSTIN COX	5546 LASLEY SHORE	NSFD HVAC	MARTENS HVAC	\$ 15,947.00	\$ 222.36	\$ 177.89					
9/20/2023	121-23-9P	JUSTIN COX	5546 LASLEY SHORE	NSFD PLUMB	J COX PLUMB	\$ 32,000.00	\$ 222.36	\$ 177.89					
9/20/2023	122-23-9E	ALLEN STABENOW	6400 PAULSON	GENERATOR INSTAL	RADDANT ELECT	\$ 11,620.00	\$ 60.00	\$ 48.00					
9/27/2023	123-23-9B	BRITTNEY FUERSTEN	6773 CLOW	GARAGE ADDITION	SELF	\$ 50,000.00	\$ 167.00	\$ 133.60					
9/27/2023	124-23-9B	LYNN KRAMER	5980 HARBOUR	REROOF	HOME PRO	\$ 38,058.00	\$ 50.00	\$ 40.00					
9/27/2023	125-23-9B	VICTORIA WOLOSEK	7102 SHORELINE	REROOF	ARC CONTRACTING	\$ 11,554.00	\$ 50.00	\$ 40.00					
9/27/2023	126-23-9B	DAN BISSETT	5199 HIGH POINT	REROOF	OVERHEAD SOLUTIO	\$ 19,965.00	\$ 50.00	\$ 40.00					
9/27/2023	127-23-9E	ANTHONY GUTSMEIDL	5706 SHUBERT	SERVICE CHANGE	SELF	\$ 1,000.00	\$ 60.00	\$ 48.00					
9/27/2023	128-23-9E	TOM STARK	6473 PAULSON RD	TEMP SERVICE	MK ELECT	\$ 500.00	\$ 60.00	\$ 48.00					
					<b>TOTALS</b>	<b>\$478,150.00</b>	<b>\$2,140.08</b>	<b>\$1,712.06</b>					
<b>TOWN OF WINCHESTER PERMITS</b>													
9/19/2023	29-23-9B	GENE WALTER	8325 PINE CONE CIRC	DETACHED GARAGE	SELF	\$ 16,000.00	\$ 100.00	\$ 80.00					
9/26/2023	30-23-9B	CRAIG HERNANDEZ	5376 CTY II	DETACHED GARAGE	GILBERT GARAGES	\$ 41,000.00	\$ 100.00	\$ 80.00					
					<b>TOTALS</b>	<b>\$ 57,000.00</b>	<b>\$ 200.00</b>	<b>\$ 160.00</b>					
<b>TOWN OF DALE PERMITS:</b>													
9/25/2023	66-23-9B	MARY FIESER	W8734 HWY 96	DETACHED GARAGE	SCHROEDER CARPEN	\$ 85,000.00	\$ 183.00	\$ 146.40					
9/27/23	67-23-9B	DAVE BUETTNER	N2022 CTY M	DETACHED GARAGE	SELF	\$ 25,000.00	\$ 202.50	\$ 162.00					
9/27/2023	68-23-9B	MIKE SWANSON	W8678 SPRING	DETACHED GARAGE	WYATT BAYER BUIL	\$ 63,000.00	\$ 171.00	\$ 136.80					
					<b>TOTALS</b>	<b>\$ 173,000.00</b>	<b>\$ 556.50</b>	<b>\$ 445.20</b>					

## MEMORANDUM

### Business Item A

From: Administrator/Staff  
 To: Plan Commission  
 Re: Plan Commission review & recommendation on a Site Plan Review Application submitted by RJ Albright, Inc. on behalf of Nikodem Revocable Trust for a 4,200 sq ft addition to the existing principal building and parking/pavement additions on Tax ID #006-1777-01 (2770 Towne Ct).

This agenda item was postponed at the September 13, 2023 meeting until the landscaping plan was in compliance with Town Ordinance. Staff sent a follow-up email to the applicant & contractors listing the below revisions that were needed prior to receiving Staff recommendation:

1. The existing site landscaping does not comply with the minimum landscaping required and approved at the time of original development approval in February 2018. Per the February 14, 2018 Plan Commission meeting minutes: *"The Landscaping Plan as proposed provides for vegetative cover on the north side, the east side, and the cul-de-sac frontage of the property. The plantings on the cul-de-sac frontage include 4 trees and various shrubs, the plantings on the north side of the building primarily grass cover the existing wetland vegetation, the plantings on the east side of the building include six evergreen trees and grass cover around the pond."* The Landscape Plan will need to be revised to bring the property into compliance with the 2018 approval.
2. The current development proposal requires the following landscaping per Attachment E, Landscape Design Standards, **in addition to** the minimum landscaping required at the time of the original 2018 development approval:
  - a. Grounds Landscaping:
    - i. 46 landscape points consisting of deciduous and evergreen trees, subject to the following limitations/requirements:
      1. Low deciduous trees shall not make up more than 50 percent (50%) of the total number of trees; and
      2. Evergreen trees shall make up at least 15 percent (15%) of the total number of trees.
    - ii. 31 landscape points consisting of deciduous and/or evergreen shrubs.
  - b. Building Landscaping: 75% of all building sides must be landscaped with a variety of appropriate plant materials in a wood mulch or stone landscaping bed which is a minimum of 6' wide measured from building façade.
3. The 2018 approval included 6 evergreen trees on the east side of the existing building for building screening purposes. The Plan Commission expressed that they want to see evergreen screening on along the entire east side of the building (existing building & proposed addition).

Staff did receive a revised plan on September 27, 2023. Please see the below follow-up comments from Code Administrator Kussow:

After review of the attached revised Landscape Plan for the Nikodem Site Plan Review Application, I have the following comments:

1. It appears the proposed landscaping will satisfy the landscaping requirements per the 2018 approval.
2. The proposed landscaping complies with minimum landscaping requirements for the current Site Plan Review Application for the proposed additions.

It is my opinion that this revised Landscape Plan may be put on a future Plan Commission meeting agenda for final approval at your discretion.

**Staff Recommendation & Suggested Conditions carried over from 9/13/23 Meeting:**

If the Town determines that the proposed exterior wall materials, roofing materials, and landscaping are acceptable, as proposed, it is staff's opinion that the Town may conditionally approve 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 minimum planting size of landscaping materials at the time of planting/establishment shall be in compliance with Attachment E, Landscape Design Standards.
3. Any proposed signage shall comply with the applicable requirements of Article 12 and Attachment E of the Town Zoning Ordinance.
4. Any substantial changes and/or additions to the site plan and/or building plans shall be reviewed and approved by the Plan Commission and Town Board in accordance with the Town of Clayton Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

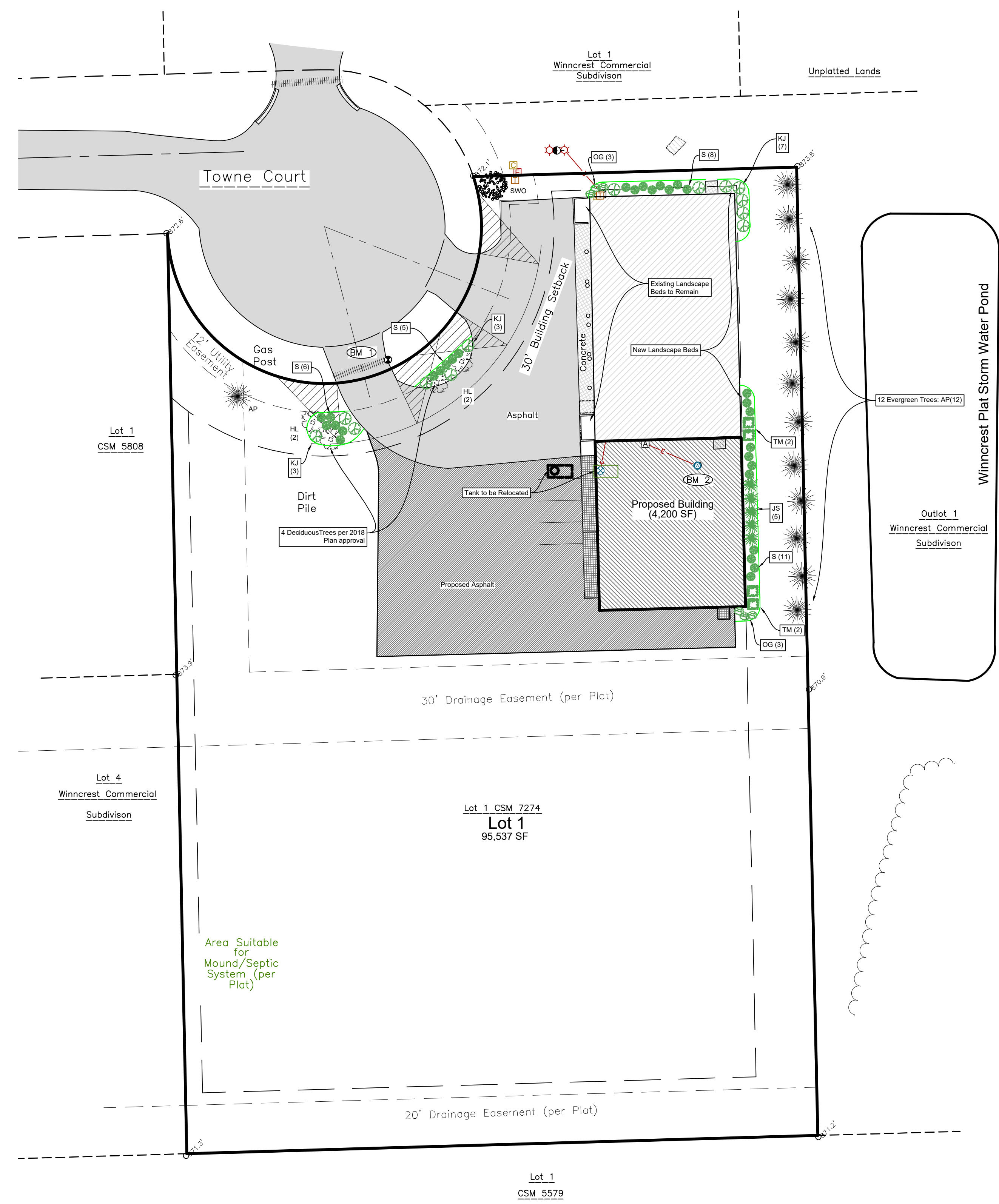
**Suggested Motion:**

*Motion to recommend approval of the Site Plan Review Application submitted by RJ Albright on behalf of Nikodem Revocable Trust with all listed Staff Recommendations & Conditions.*

Respectfully Submitted,  
Kelsey

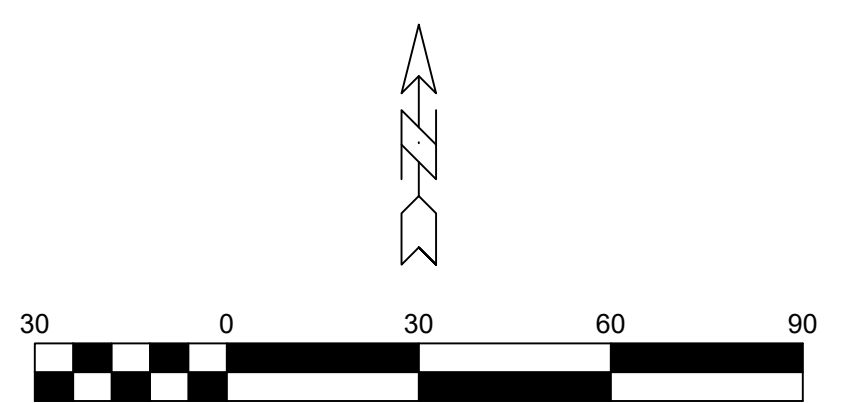
**LANDSCAPE PLAN**

**5215 Winncrest Commercial Plat Lot 2 & 3**  
 Town of Clayton, Winnebago County, WI  
 For: RJ Albright Inc.



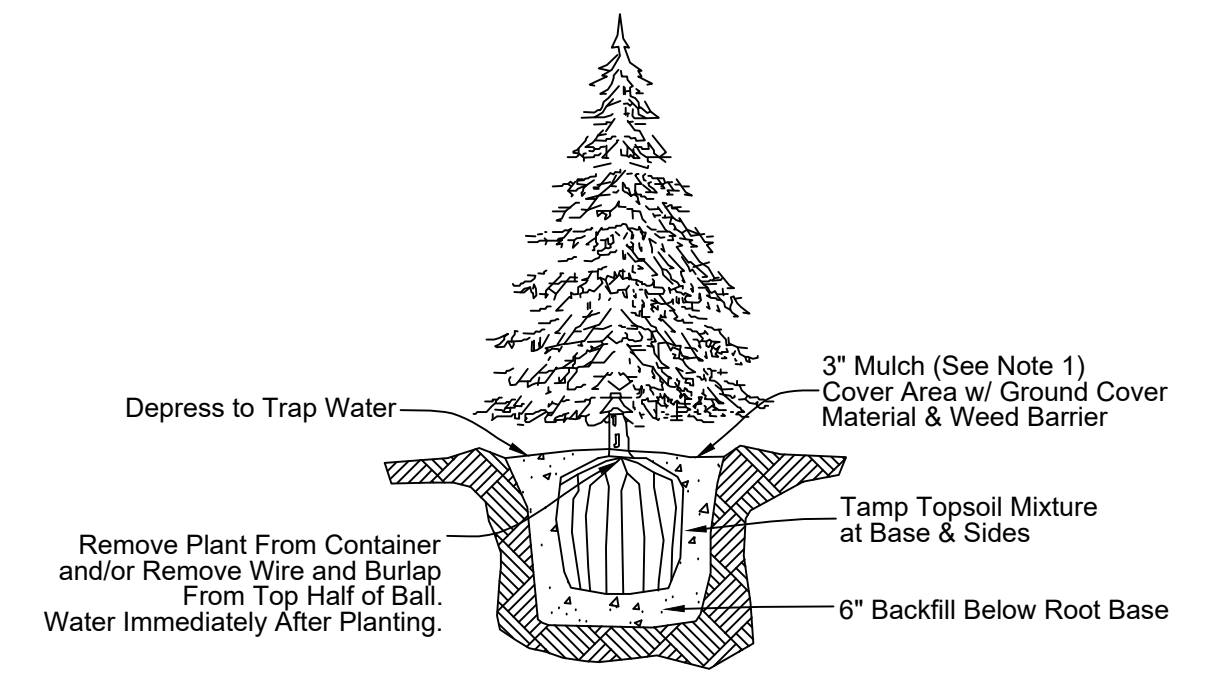
**LEGEND**

	Storm Sewer		Clean Out / Curb Stop / Pull Box		CATV Pedestal
	Underground Electric		Water MH / Well		Gas Regulator
	Treeline		Utility Meter		Post / Guard Post
	Culvert		Light Pole / Signal		Flag Pole
	Index Contour		Electric Pedestal		Benchmark
	Intermediate Contour		Air Conditioner		Asphalt Pavement
			Telephone Pedestal		Concrete Pavement
			+799.9 Ex Spot Elevation		Gravel

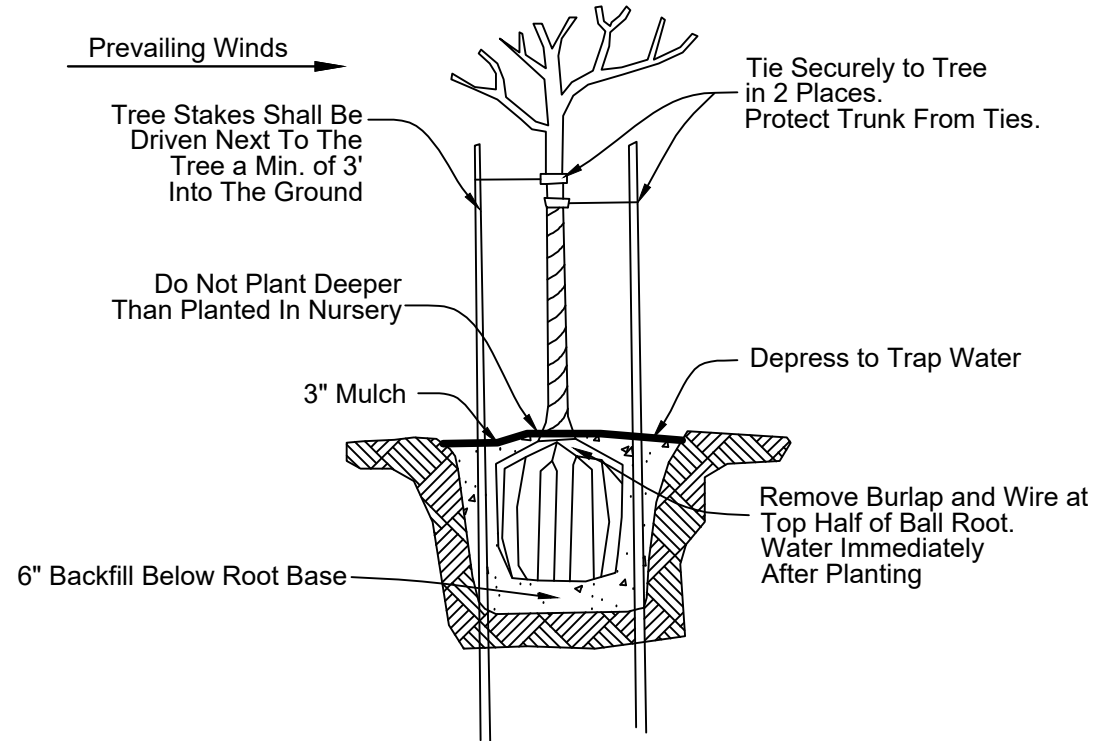


**Landscape Notes:**

- Landscape Beds:** All building foundation planting beds shall have landscape stone mulch with color and likeness similar to existing planting beds. Edge all planting beds with EdgeKing edging or approved equivalent. Low shrubs have a minimum planting height or spread of 18-inches, medium or tall shrubs shall be 24-inches in height.
- All Trees to be staked.** Trees in turf area or seeded area to have 3" dia. circle of shredded hardwood mulch at 3" depth and shovel cut edge separating mulch from lawn area. Deciduous trees shall have a minimum planting size of 2.5-inch caliper. Evergreen trees shall be minimum planting height of 6-foot.
- Plant Warranty Period:** All plant material will have (One) 1 full year warranty replacement from date of owner's acceptance.
- Lawn:** Per rates and areas listed on the erosion control plan. Seed areas installed on 5" minimum fertile topsoil. Loosen subgrade, remove stones, sticks, grasses and other extraneous materials. Fertilize using commercial grade starter fertilizer, non phosphorous at 1 lb. per 1000 sf. Straw mulch, clean mildew and seed free, or threshed straw of wheat, rye or oats. Plant during non-freezing weather.
- Species may be substituted** based on availability and local nursery stock.
- Building Landscape Requirement:** 75-percent of all new building sides (200' x 0.75 = 150'). Provide 6' wide planting bed per plan. The 150' minimum length extends to the existing building.
- Grounds Landscaping Requirement:** 20 tree landscaping points provide for every 4,500 square feet of impervious surface area = 56 points required. 3 shrub landscaping points provide for every 1,000 square feet of impervious surface area = 38 points required.



**SHRUB PLANTING DETAILS**



**TREE PLANTING DETAILS**

**Building Landscaping**

Plant	Code	Plant Schedule		Qty	Points (ea)	Total
		Common Name	Genus/Species			
Tree - Medium Evergreen	JS	Blue Arrow Juniper	Juniperus scopulorum 'Blue Arrow'	5		
Shrub - Medium Evergreen	KJ	Kalleys Compact Juniper	Juniperus x pfitzertiana	7		
Shrub - Medium Deciduous	S	Spiraea (variety)	Spiraea	19		
Perennial(1)	OG	Ornamental Grass	Hemecallis spp	6		
Shrub - Low Evergreen	TM	Dense Spreading Yew	Taxus x media 'Densiformis'	4		

**Grounds Landscaping**

Plant	Code	Plant Schedule		Qty	Points (ea)	Total
		Common Name	Genus/Species			
Shrub - Medium Evergreen	KJ	Kalleys Compact Juniper	Juniperus x pfitzertiana	6	5	30
Shrub - Medium Deciduous	S	Spiraea (variety)	Spiraea	11	3	33
Tree - Tall Deciduous	HL	Honeylocust	Gleditsia triacanthos	4		
Tree - Tall Deciduous	SWO	Swamp White Oak	Quercus bicolor	1	30	30
Tree - Tall Evergreen	AP	Austrian Pine	Pinus nigra	1	30	30
<b>Total</b>						<b>123</b>

**Misc. Plant Schedule**

Plant	Code	Common Name	Genus/Species	Qty	Points (ea)	Total
Tree - Tall Evergreen	AP	Austrian Pine	Pinus nigra	12		

## MEMORANDUM

### **Business Item B**

From: Administrator/Staff  
 To: Plan Commission  
 Re: Plan Commission review & recommendation on a Concept Plan Review Application submitted by Steve Bieda of Vierbicher for a proposed mixed-use residential and commercial development; Tax ID #s 006-0352-01 (Fairview Rd), 006-0355, & 006-0354 (State Rd 76).

Please see the below comments from Code Administrator Kussow:

### **Property Information Specific to Tax ID #'s 006-0352-01, 006-0352, 006-0355, & 006-0354:**

1. Specific Site Location: The subject site is 108 acres +/- located near the Fairview Rd/State Rd 76 intersection with frontage on both Fairview Rd and State Rd 76.
2. Parcel Profile Reports for each parcel are enclosed with this memo for your reference. Additional applicable property information not included in the Parcel Profile Report is described below:
  - a. The subject property is located in the Town's General Agriculture (A-2) and Personal Storage Facility (PSF) Overlay Districts.
  - b. There are no shoreland or floodplain concerns, and the subject property is not subject to County zoning.
  - c. There is a mapped wetland in the southeast corner of the subject property, more specifically in the southeast corner of PIN 006-0355, per the County Hydrologic Viewer. There are wetland indicators/soils on all of the subject parcels per the DNR Surface Water Data Viewer.
  - d. The western portion of PIN 006-0354 (adjacent to State Rd 76) and a small portion of PIN 006-0352 (adjacent to Fairview Rd) are located in the Outagamie County Airport Overlay District Zone 3, and the entire subject property is located in the 1,009 ft. Airport Height Limitation Zone.
  - e. All of the subject property is located in the Fox West Sewer Service Area and Town of Clayton Sanitary District.
  - f. The Future Land Use Map of the Town Comprehensive Plan identifies the following future land uses and features on the subject property:
    - i. The subject property is located in the Tier 1 Development Area
    - ii. Tax ID #006-0352-01 = "Medium and High Density Residential" future land use.
    - iii. Tax ID #006-0352 = "Medium and High-Intensity Residential", "Neighborhood Center Mixed Use", and "Parks and Recreation" future land uses.
    - iv. Tax ID #006-0355 = "Neighborhood Center Mixed Use" and "Parks and Recreation" future land uses.
    - v. Tax ID #006-0354 = "Gateway Commercial & Retail" and "Medium and High-Intensity Residential" future land uses.
    - vi. "Future Roads" to Fairview Rd. and State Rd 76 are mapped throughout the subject property.

- g. The Park and Trail Plan Map of the Town Comprehensive Plan identifies “Future Town Parks or Greenspace” in Tax ID #006-0352 and Tax ID# 006-0355, and a “Future Off-Road Trail” and “Future On-Road Trails” throughout the subject property.
  - h. The proposed commercial and residential (multi-family, condominium, and single-family) development is not allowed in the subject property’s General Agriculture (A-2) District. Therefore, rezoning of the subject property will be required in order for the proposed development to be allowed. Amendment(s) to the Town Comprehensive Plan/Future Land Use Map may be required, depending on final proposal.
3. Zoning of Surrounding Properties:
- a. North: R-1 (Rural Residential District) & A-2 (General Agriculture District)
  - b. South: B-3 (General Business District), I-1 (Light Industrial District) & R-1 (Rural Residential District)
  - c. East: A-2 (General Agriculture District)
  - d. West: A-2 (General Agriculture District)

#### **Application Details:**

The applicant has proposed a mixed-use residential and commercial development on the subject property consisting of:

- Multi-family residential(apartments) on approximately 83 acres +/- (864 units)
- Townhouses on approximately 4 acres +/- (20 units)
- Commercial development adjacent to State Rd 76 on approximately 10 acres +/-

Access to the development is proposed via two (2) new roads to Fairview Rd, one (1) new road to State Rd 76, and one (1) road stub to lands to the east.

#### **Park/Playground/Open Space Dedication Requirements:**

The Town Subdivision Ordinance requires one of the following options in regard to the dedication of park, playground, and recreational open space area(s):

1. Land dedication: The subdivider shall dedicate the following percentages of the parcel(s) to be divided/subdivided for park, playground and recreational open space:
  - a. Single-family zoning = 6% of the parcel to be divided/subdivided
  - b. Two-family zoning = 8% of the parcel to be divided/subdivided
  - c. Multiple family zoning = 12% of the parcel to be divided/subdivided
  - d. Planned Unit Developments = 12% of the parcel to be divided/subdivided
2. Fee in lieu of land dedication: In the event the Town Board deems a dedication is unsuitable, inadequate or inappropriate, a \$500 fee in lieu of dedication for each new dwelling unit shall be paid prior to issuance of a building permit.

#### **Staff Comments, Basis of Decision, and Staff Recommendation, & Suggested Conditions:**

#### **Specific items/issues recommended to be reviewed by Plan Commission and Town Board:**

1. Layout and configuration of the proposed uses: Commission should review overall development layout and configuration of proposed uses.
2. Street Layout & Design: Commission should review overall street layout and design. Staff recommends that all streets be required to be constructed to “urbanized” road standards with curb, gutter, and sidewalks.



3. Park/Playground/Open Space Dedication Requirements: No public recreational land is identified on the concept plan. The Town Comprehensive Plan's Future Land Use Map and Parks & Trails Plan Map identify future town parks within the development. Commission should review and consider requiring sidewalks, on-road trails, and/or off-road trails throughout the development. It should also be noted that a portion of the Phase 2 & 3 development area has been designated as a viewshed greenspace corridor within the Comprehensive Plan. This designation is designed to preserve a continuous, undisturbed view from STH 76, east to the Valley and Niagara Escarpment beyond. The Commission should also review and consider public park requirements for this development. Staff does not recommend permitting this development without public park, greenspace and/or sidewalks/trails.
4. Wetland Delineation: A wetland delineation of the entire property shall be required.
5. Outagamie County Airport Zoning Overlay: Outreach to the Outagamie should occur to coordinate and determine any design requirements in those portions impacted by the concept plan.

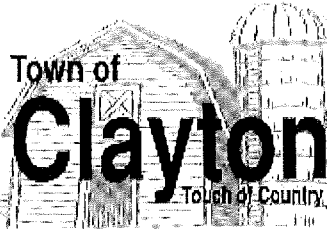
**Plan Commission/Town Board Direction:**

No formal recommendation or decision is needed for this application. The purpose of this application is for the Plan Commission and Town Board to preliminarily review a development, identify concerns/issues, and provide direction or recommendations to the applicant.

At a minimum, Staff recommends that the Plan Commission and Town Board review the specific items/issues listed above and provide direction/recommendations to the applicant. Continued concept plan review at a future Plan Commission meeting may be advised.

Respectfully Submitted,  
Kelsey





Concept Plan Review Application  
(Submit 15 copies of Drawings)

8348 County Road T, Larsen WI 54947  
Phone - 920-836-2007 Fax - 920-836-2026

Email - clerk@townofclayton.net Web Page - www.townofclayton.net

Property Owner (s): VanderHeiden Family LTD Partnership (Michael Coppens)

Address/Zip: \_\_\_\_\_

Phone: 920-562-0307 Fax: \_\_\_\_\_ E-Mail: MCOPPENS@DRSpecialists.COM

Applicant: Steve Bieda - Vierbicher

Check: Architect \_\_\_ Engineer \_\_\_ Surveyor X Attorney \_\_\_ Agent X

Address/City/Zip: 400 Security Blvd. GB WI 54313

Phone: 920-434-9670 Fax: \_\_\_\_\_ E-Mail: sbie@vierbicher.com

Describe the reason for the Concept Plan: Mixed use development

Project/Survey Specifics:

Type: CSM \_\_\_ Commercial X Industrial \_\_\_ Residential X Other \_\_\_\_\_

Total Acreage: 108.45± Tax Key No.: 006035201, 0060352, 0060355, 0060354

Existing Zoning: A-2 gen. Ag. Proposed Zoning: multiple...

I certify that the attached drawings are to the best of my knowledge complete and drawn in accordance with all Town of Clayton codes.

Applicant Signature: [Signature] Date: 9/7/23

For Town Use Only

Commercial/Industrial Fee (\$175 Base)

Residential Fee (\$275 (0-40 acres))

Residential Fee (\$525 (40 acres plus))

Fee: \_\_\_\_\_ Acct No: \_\_\_\_\_ Receipt: \_\_\_\_\_ Date: \_\_\_\_\_

Date Rec'vd Complete: \_\_\_\_\_ By: \_\_\_\_\_ Applic. No.: \_\_\_\_\_

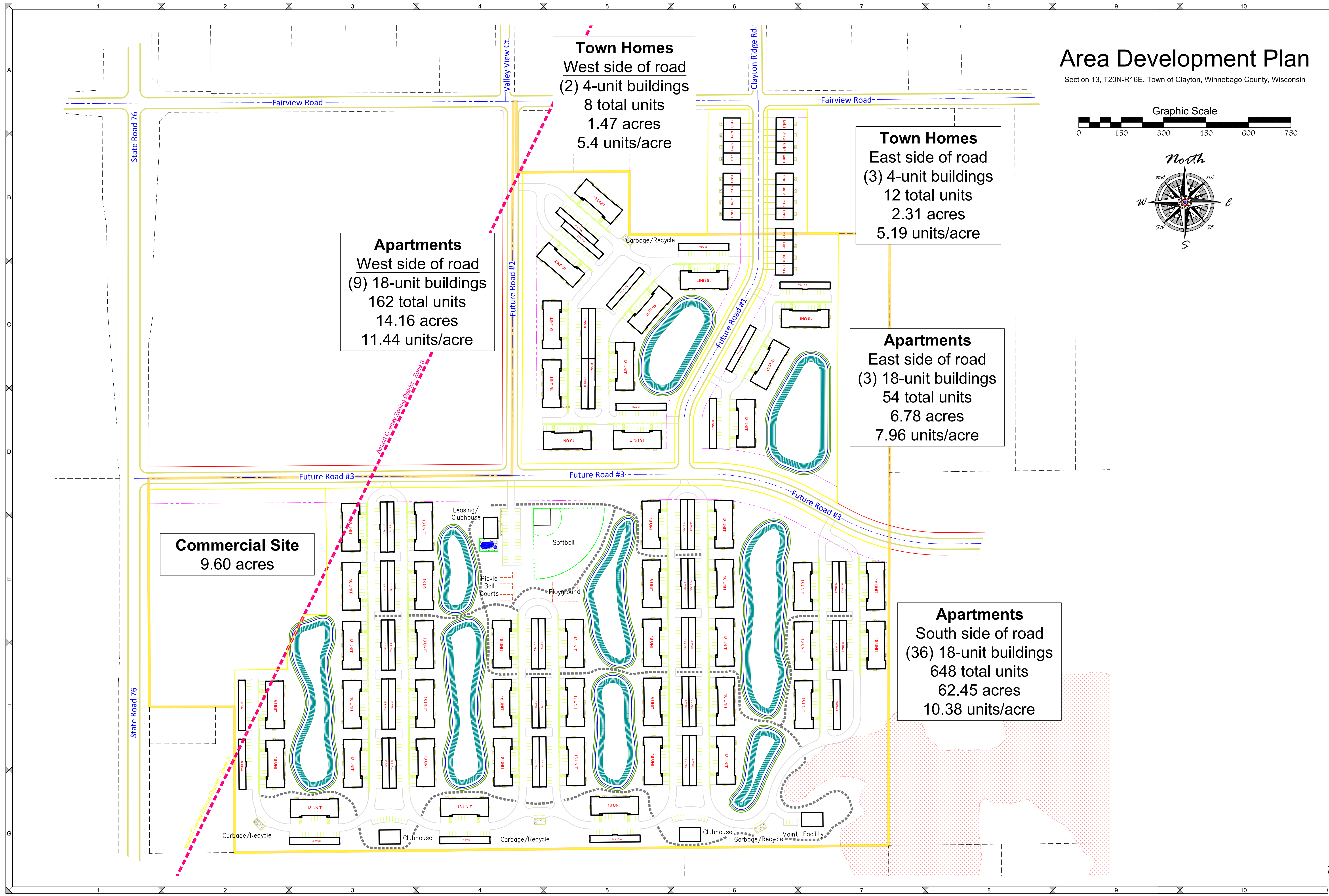
Review Meeting \_\_\_\_\_ History \_\_\_\_\_

Concept is: Approved \_\_\_\_\_ Approved with Condition \_\_\_\_\_ Denied \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

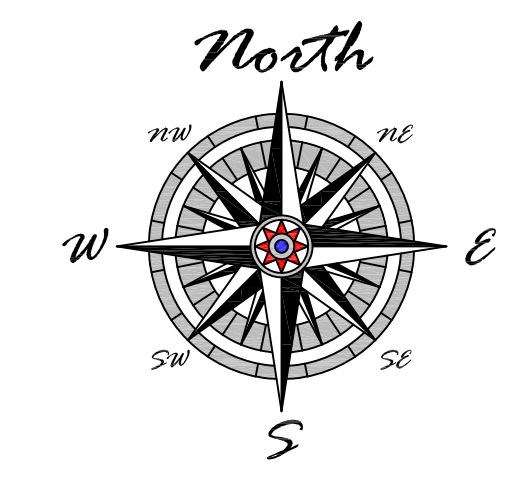
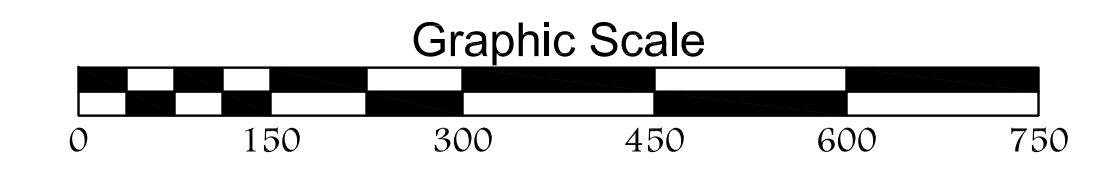
Notes: Please notify utility companies regarding your proposed development. Concept approval does not constitute approval of a building permit or any required approval of a highway connection permit. Concept & Fee must be submitted 10 working days prior to meeting.





# Area Development Plan

Section 13, T20N-R16E, Town of Clayton, Winnebago County, Wisconsin



SCALE  
1"=150'

DRAWN BY  
BAR

## Area Development Plan

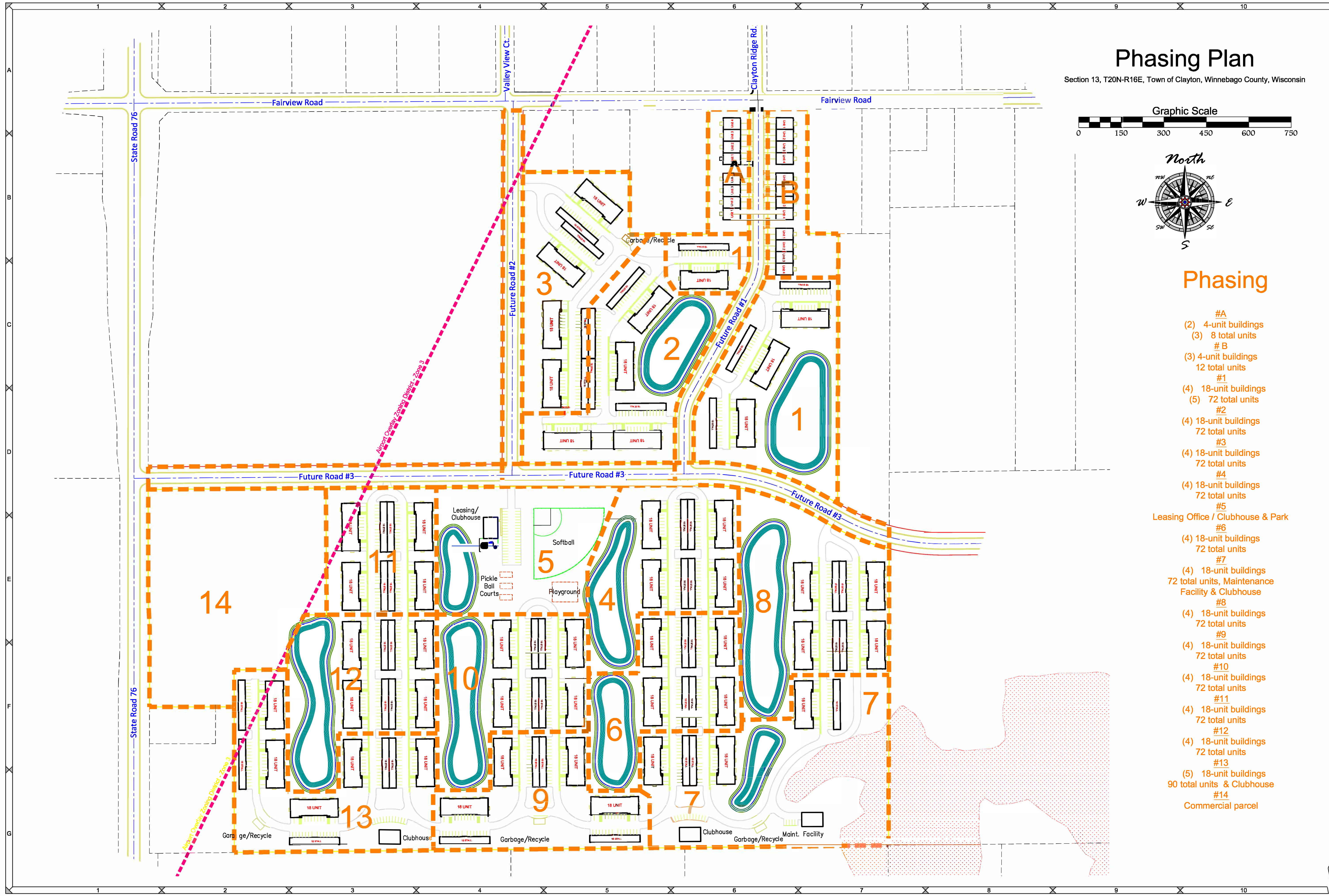
**Mau & Associates, LLP**  
 LAND SURVEYING & PLANNING  
 CIVIL & WATER RESOURCE ENGINEERING  
 Phone: 920-434-9670 Website: www.mau-associates.com  
 400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Michael Coppens

PROJECT NO.  
C-4421  
 SHEET NO.  
**1 of 2**  
 DRAWING NO.  
**S-3628**

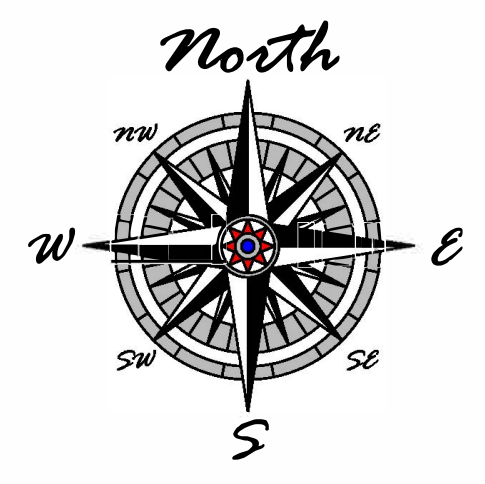
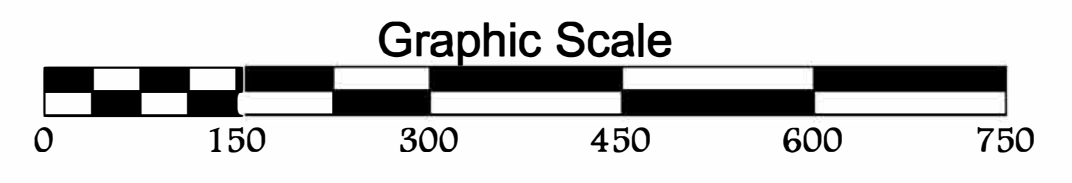
TAX PARCEL NO. 0060354  
 File: C-4421 Layout 090723.dwg  
 Fieldwork Completed: 09/16/22





# Phasing Plan

Section 13, T20N-R16E, Town of Clayton, Winnebago County, Wisconsin



## Phasing

- #A  
(2) 4-unit buildings  
(3) 8 total units
- #B  
(3) 4-unit buildings  
12 total units
- #1  
(4) 18-unit buildings  
(5) 72 total units
- #2  
(4) 18-unit buildings  
72 total units
- #3  
(4) 18-unit buildings  
72 total units
- #4  
(4) 18-unit buildings  
72 total units
- #5  
Leasing Office / Clubhouse & Park
- #6  
(4) 18-unit buildings  
72 total units
- #7  
(4) 18-unit buildings  
72 total units, Maintenance Facility & Clubhouse
- #8  
(4) 18-unit buildings  
72 total units
- #9  
(4) 18-unit buildings  
72 total units
- #10  
(4) 18-unit buildings  
72 total units
- #11  
(4) 18-unit buildings  
72 total units
- #12  
(4) 18-unit buildings  
72 total units
- #13  
(5) 18-unit buildings  
90 total units & Clubhouse
- #14  
Commercial parcel

SCALE  
1"=150'

DRAWN BY  
BAR

Area Development Plan  
Phases

**Mau & Associates, LLP**  
LAND SURVEYING & PLANNING  
CIVIL & WATER RESOURCE ENGINEER NG  
Phone: 920-434-9670 Website: www.mau-associates.com  
400 Security Blvd Ste 1, Green Bay, WI 54313-9712

Michael Coppens

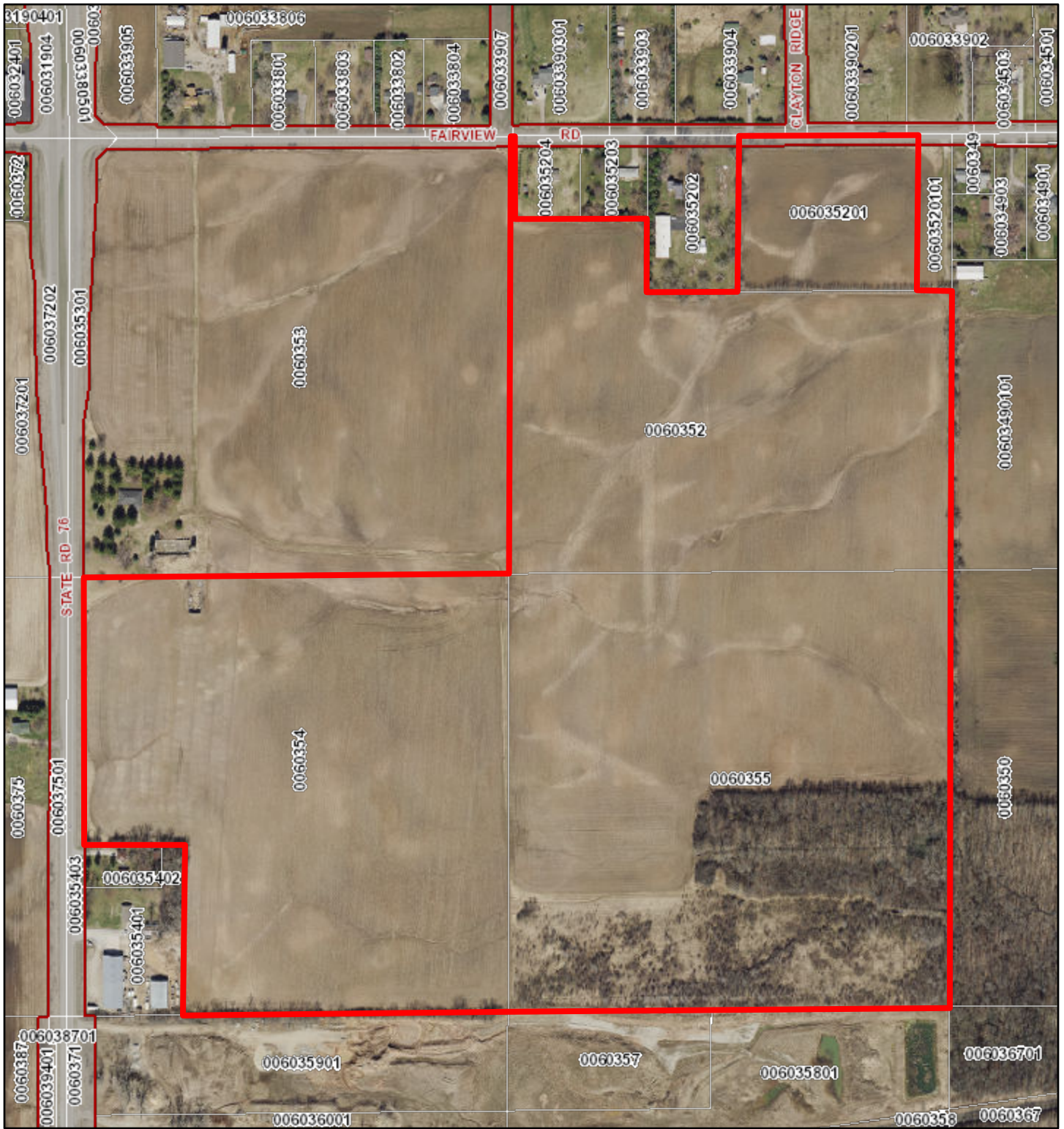
PROJECT NO.  
C-4421  
SHEET NO.  
**2 of 2**  
DRAWING NO.  
**S-3628**

TAX PARCEL NO. 0080354  
Fieldwork Completed: 09/15/22  
Data File: C-4421.dwg  
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# VanderHeiden/Coppens CPR App - Aerial Map 1

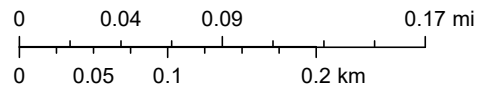
Item B.



9/29/2023, 11:53:07 AM

1:5,095

- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways**
- Navigable - Permanent (unchecked)
- Navigable - Intermittent (unchecked)
- Navigable - Stream (unchecked)
- Navigable - Permanent (checked)
- Navigable - Intermittent (checked)
- Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Municipal Boundary

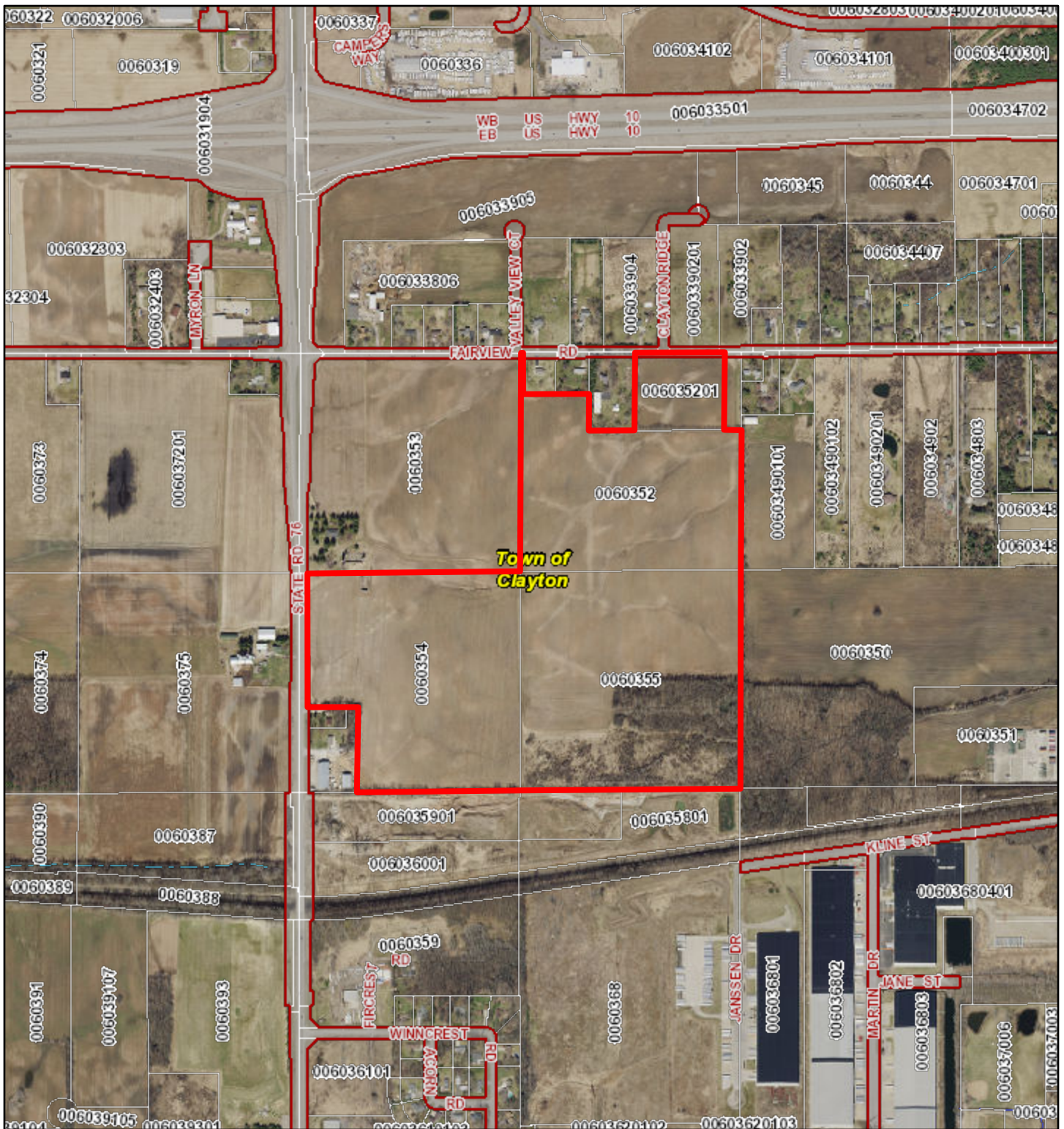


Winnebago County GIS, Imagery Date: April 2020















# VanderHeiden/Coppens CPR App - Aerial Map 2

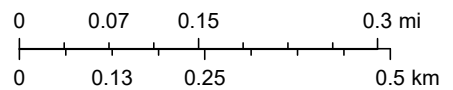
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1:10,190

- |   |  |
|---|--|
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|  Lakes, Ponds and Rivers              |  Navigable - Intermittent (checked) |
|  Navigable Waterways                  |  Navigable - Stream (checked)       |
|  Navigable - Permanent (unchecked)    |  Tax Parcel Boundary                |
|  Navigable - Intermittent (unchecked) |  Road ROW                           |
|  Navigable - Stream (unchecked)       |  Municipal Boundary                 |

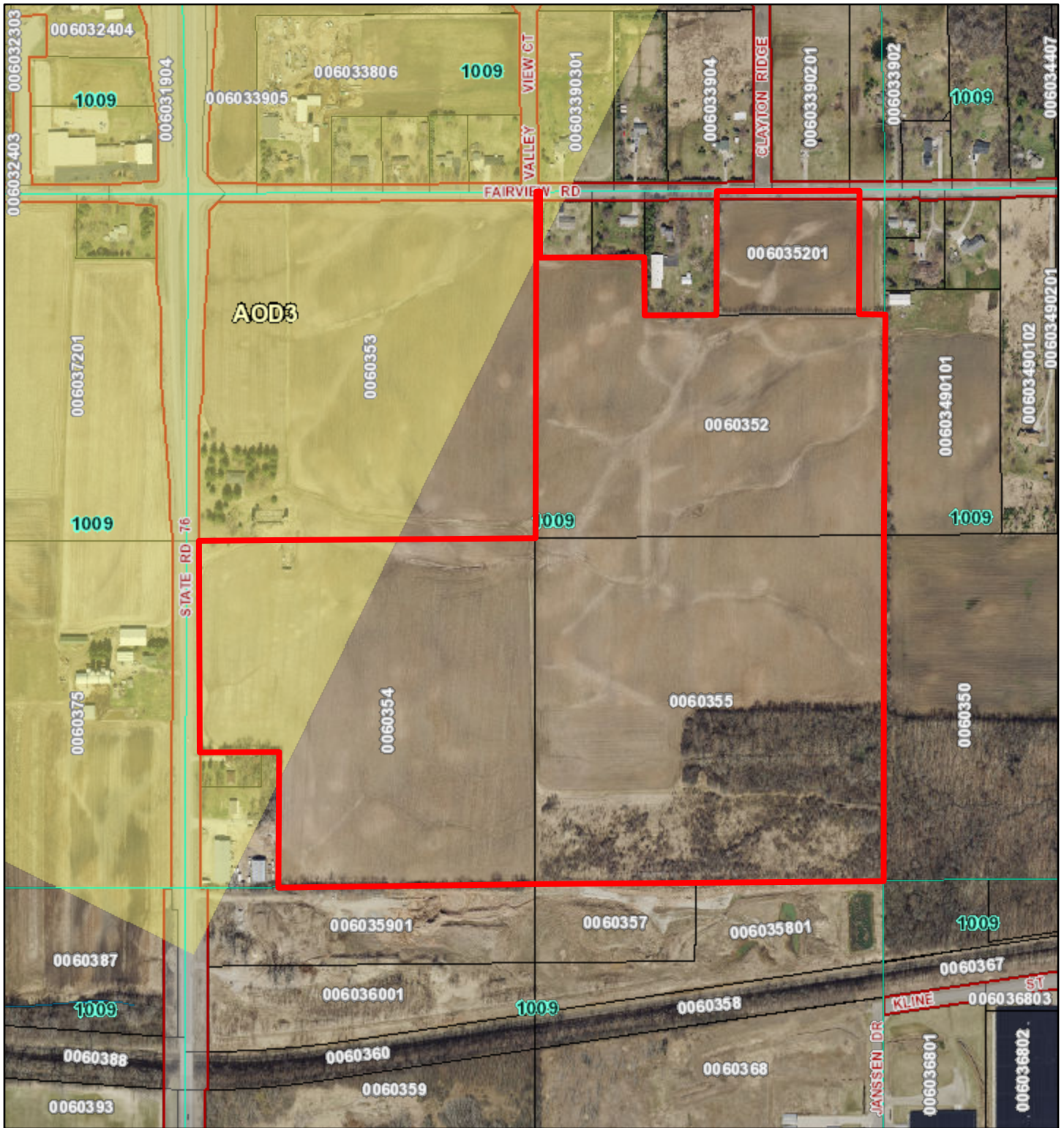


Winnebago County GIS, Imagery Date: April 2020



# VanderHeiden/Coppens Airport Zoning Map

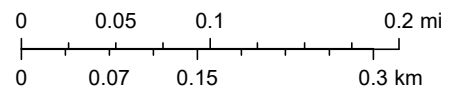
Item B.



9/29/2023, 12:25:48 PM

1:6,444

- Adjacent Counties
- Tax Parcels
- Waterways
- Road ROW
- Wittman Regional Airport
- AIR-1
- AIR-2
- AIR-3
- Appleton International Airport
- AOD1
- AOD2(A)
- AOD2(B)
- AOD3
- AOD3A
- Wittman Regional Airport

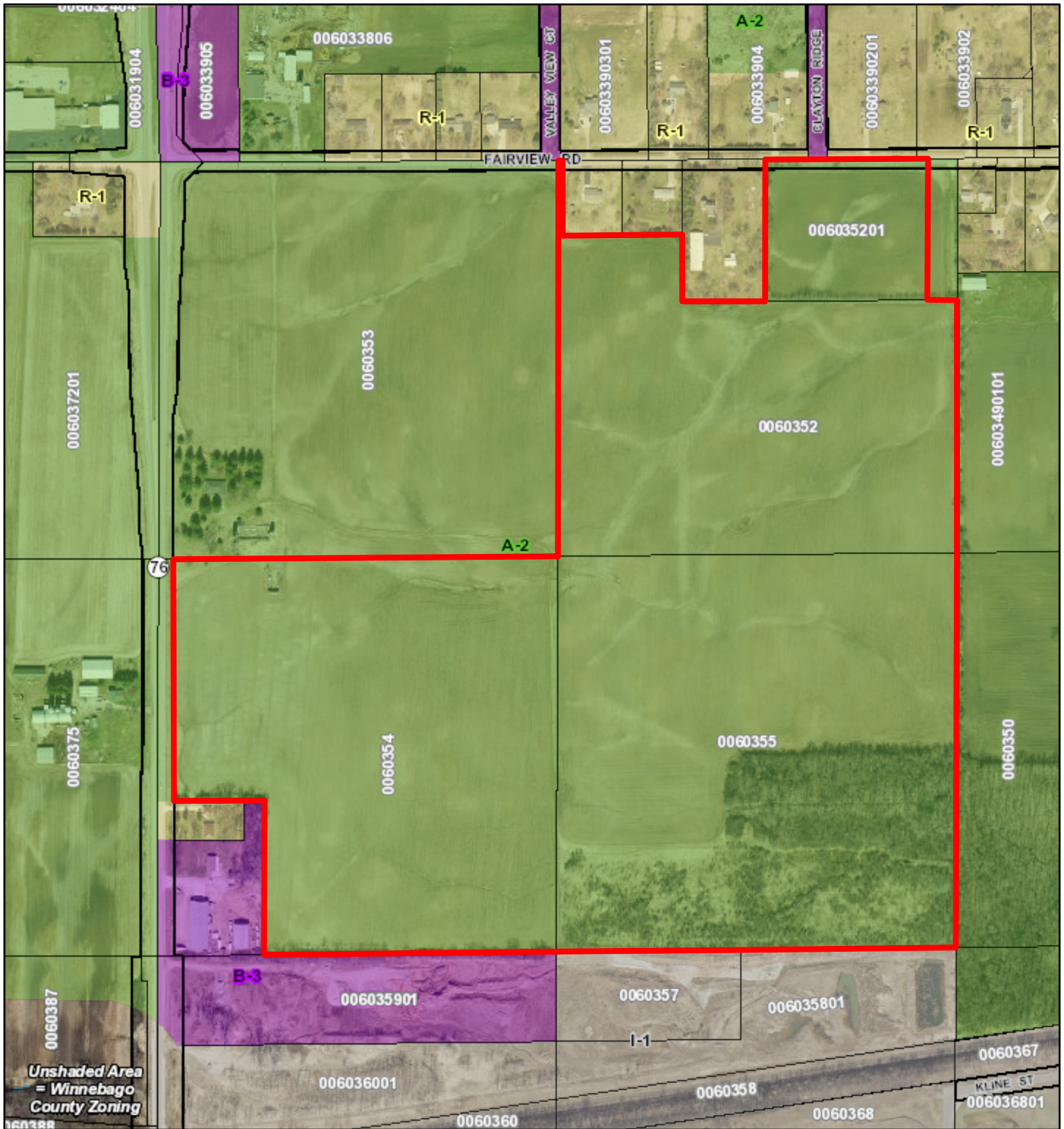


Winnebago County GIS, Imagery Date: April 2020



# VanderHeiden/Coppens Town Zoning Map 1

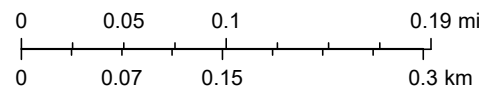
Item B.



9/29/2023, 12:29:05 PM

1:5,643

- |                               |                                      |
|-------------------------------|--------------------------------------|
| District Code / Description   | R-8 - Manufactured Housing Community |
| A-1 - Agribusiness            | PDD - Planned Development            |
| A-2 - General Agriculture     | B-1 - Local Service Business         |
| R-1 - Rural Residential       | B-2 - Community Business             |
| R-2 - Suburban Residential    | B-3 - General Business               |
| R-3 - Two-Family Residential  | P-I - Public Institutional           |
| R-4 - Multifamily Residential | I-1 - Light Industrial               |

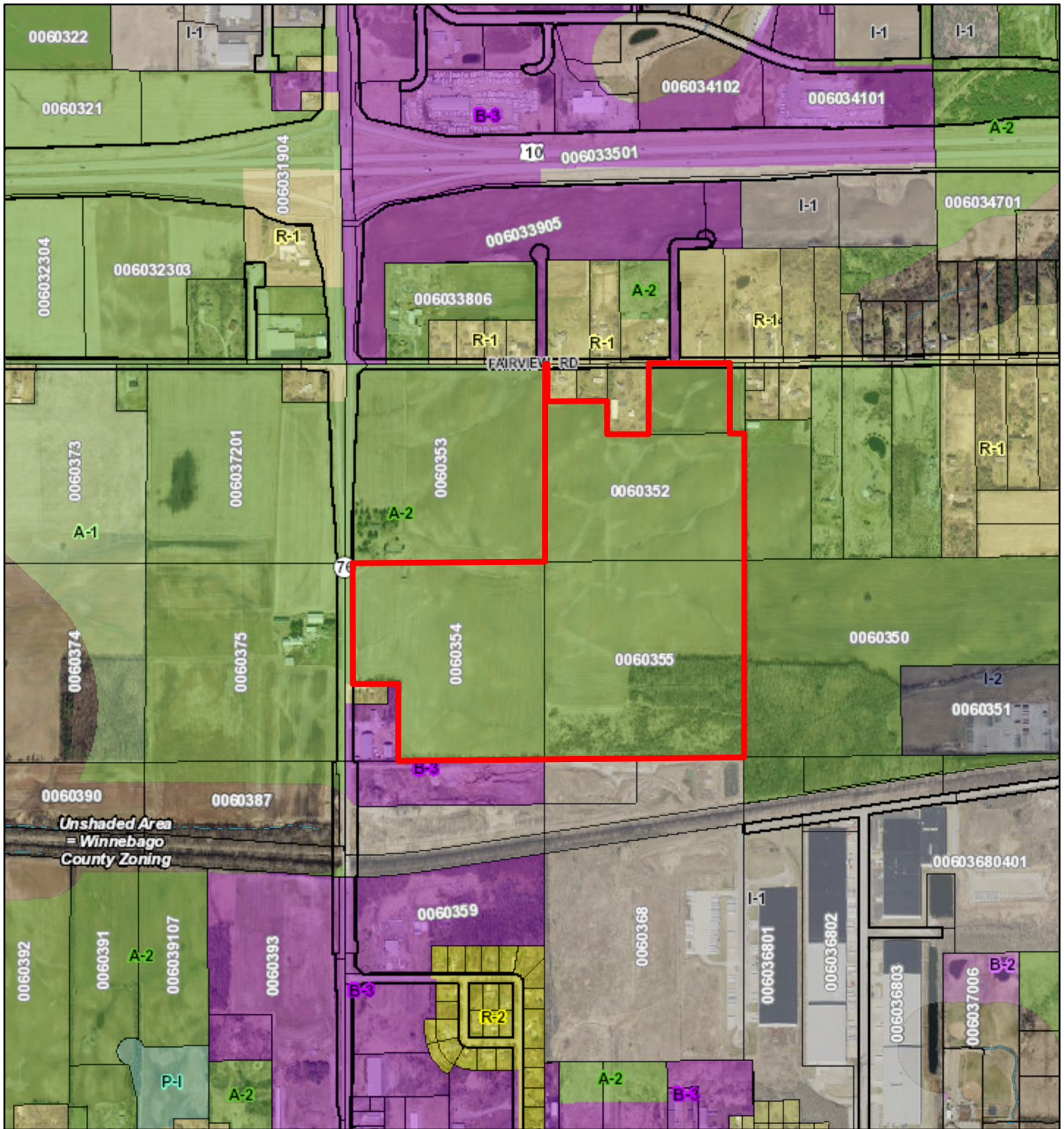


Winnebago County GIS, Imagery Date: April 2020



# VanderHeiden/Coppens Town Zoning Map 2

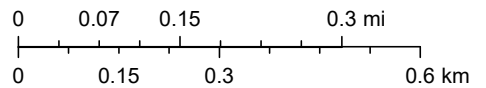
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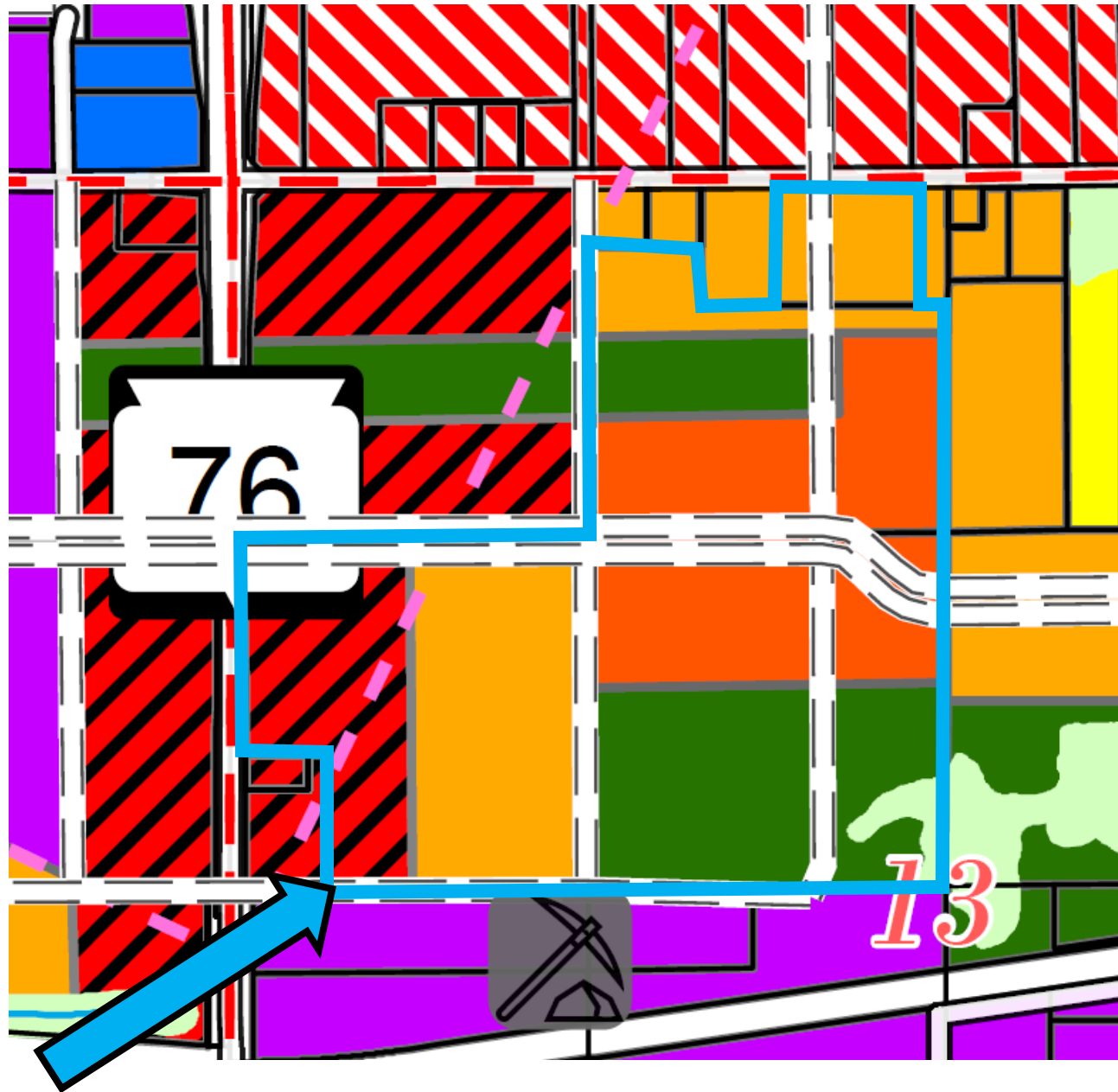
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|-------------------------------|--------------------------------------|
| District Code / Description   | R-8 - Manufactured Housing Community |
| A-1 - Agribusiness            | PDD - Planned Development            |
| A-2 - General Agriculture     | B-1 - Local Service Business         |
| R-1 - Rural Residential       | B-2 - Community Business             |
| R-2 - Suburban Residential    | B-3 - General Business               |
| R-3 - Two-Family Residential  | P-I - Public Institutional           |
| R-4 - Multifamily Residential | I-1 - Light Industrial               |



Winnebago County GIS, Imagery Date: April 2020



# Town of Clayton Winnebago County Future Land Use (2040) Tier 1

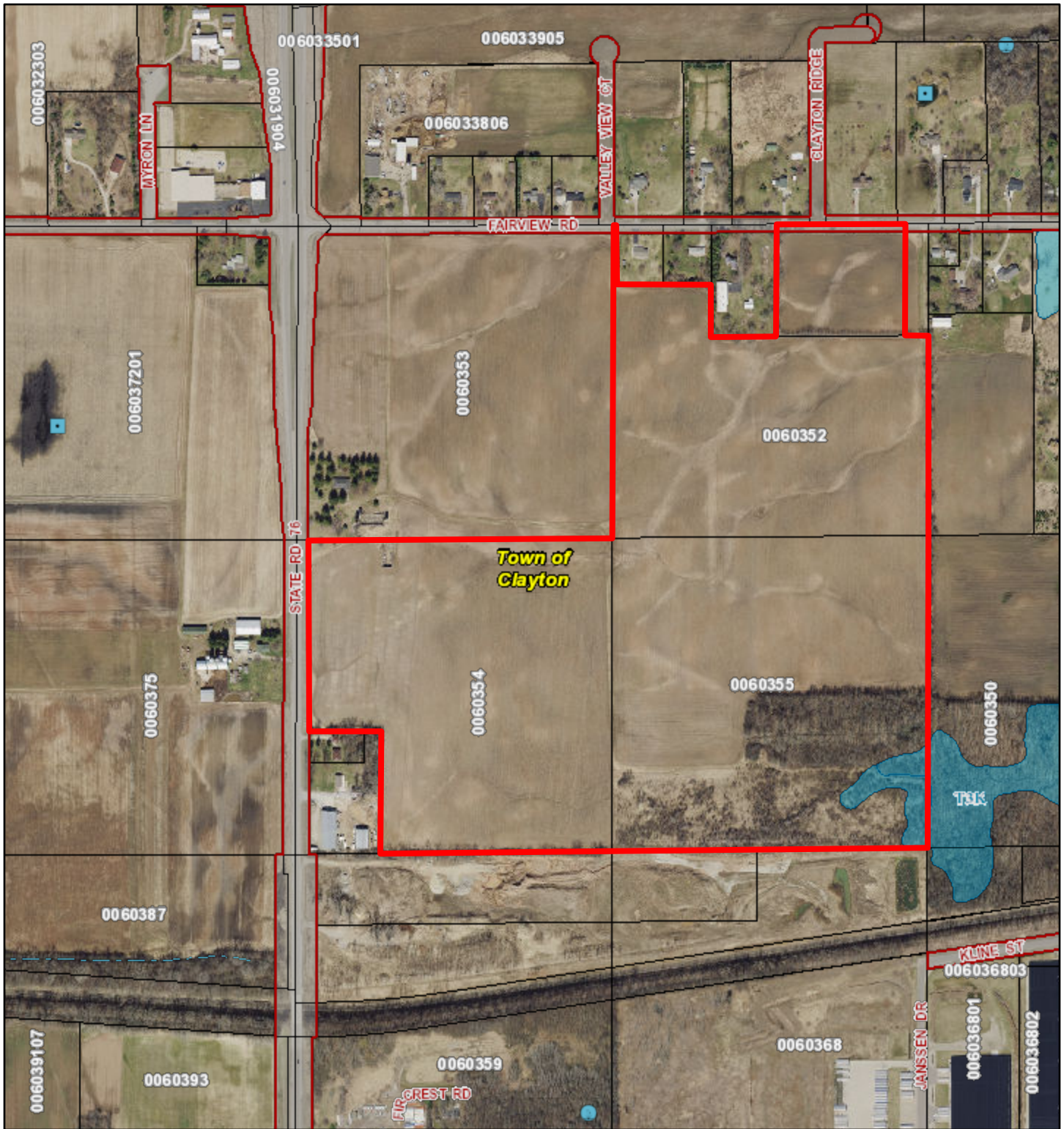


- Agriculture/Rural
- Conservation/Greenspace
- DNR Property
- Working Lands
- Residential - Single and Duplex
- Medium and High Density Residential
- Neighborhood Center Mixed Use
- Business
- Business Park
- Gateway Commercial & Retail
- Light Industrial, Warehousing, and Distribution
- Utilities and Public Facilities
- Parks and Recreation
- Abandoned Landfill Site
- Open Water/Pond/Lake
- Non-Metallic Mining Sites
- Other Non-Metallic Mining Sites

- Other Features**
- Cities, Towns, & Villages
  - Sections
  - Parcels
  - Airport Zoning
  - Town of Clayton Sanitary District #1
  - Roads
  - Future Roads
  - Recreation Trails
  - Navigable Waterways
  - Commercial Gateways

# VanderHeiden/Coppens Wetland Map

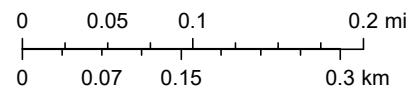
Item B.



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1:7,134

- |                              |                                      |
|------------------------------|--------------------------------------|
| Wetland Areas                | Project Review Area                  |
| Wetland                      | Surface Water Drainageway District   |
| Open Water Wetland           | Tax Parcels                          |
| Wetland Features             | Navigable Waterways                  |
| Undelineated Wetland < 2 Ac. | Navigable - Permanent (unchecked)    |
| Dammed pond                  | Navigable - Intermittent (unchecked) |
| Excavated pond               |                                      |

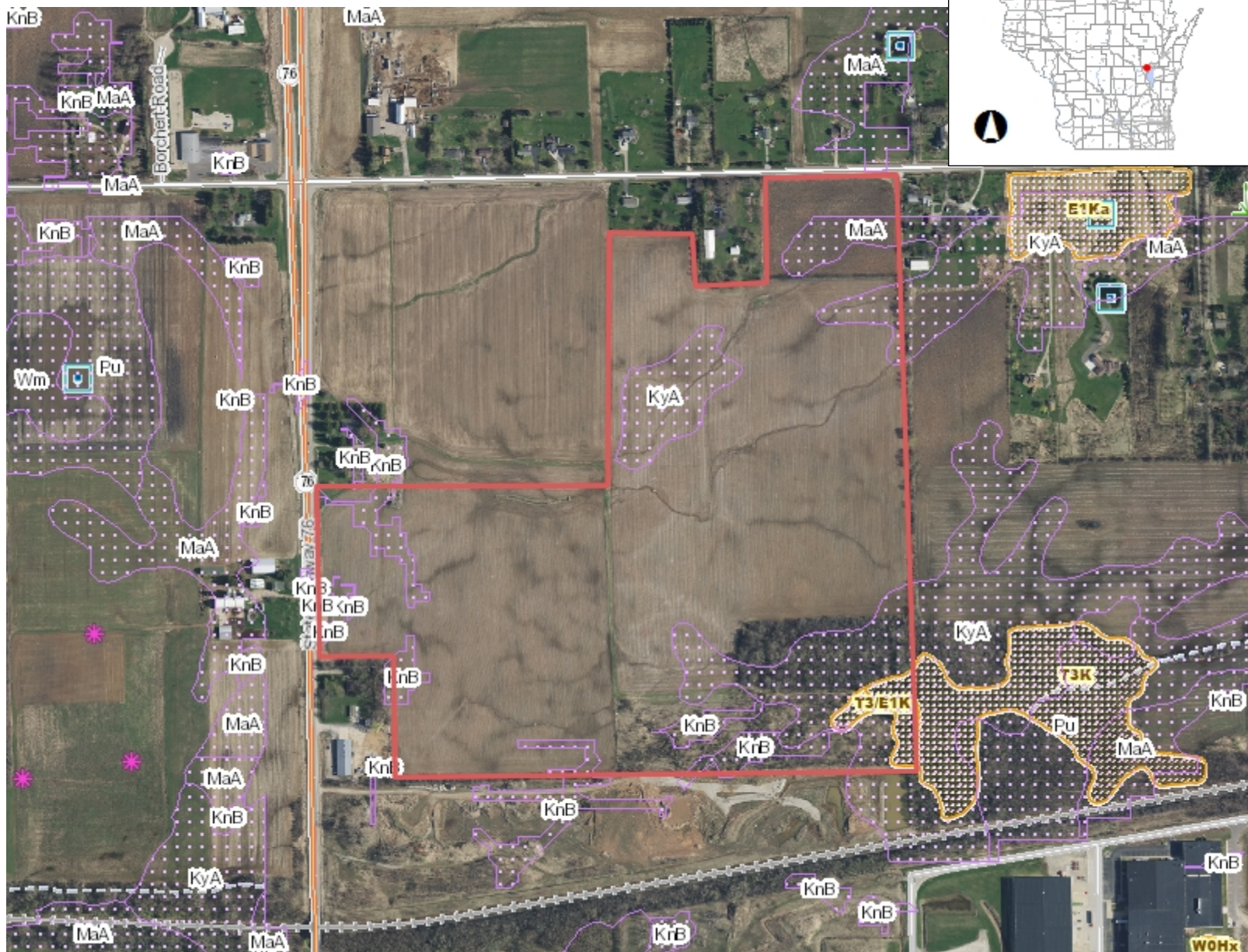


Winnebago County GIS, Imagery Date: April 2020





# Surface Water Data Viewer Map



- Legend**
- Wetland Indicators
  - Lake Class Areas
  - Riverine/ditch Class Areas
  - Wetland Class Areas
  - Wetland Class Points
  - Dammed pond
  - Excavated pond
  - Filled/draind wetland
  - Wetland too small to delineate
  - Filled excavated pond
  - Filled Points
  - Wetland Class Areas
  - Filled Areas
  - Lake Class Areas
  - Riverine/ditch Class Areas
  - Wetland Class Areas
  - Wetland Class Points
  - Dammed pond
  - Excavated pond
  - Filled/draind wetland
  - Wetland too small to delineate
  - Filled excavated pond
  - Filled Points
  - Wetland Class Areas
  - Filled Areas
  - Wetland Identifications and Confirmations
  - NRCS Wetspots
  - Municipality
  - State Boundaries
  - County Boundaries
  - Major Roads**
    - Interstate Highway
    - State Highway
    - US Highway

Item B.



NAD\_1983\_HARN\_Wisconsin\_TM

1: 7,920

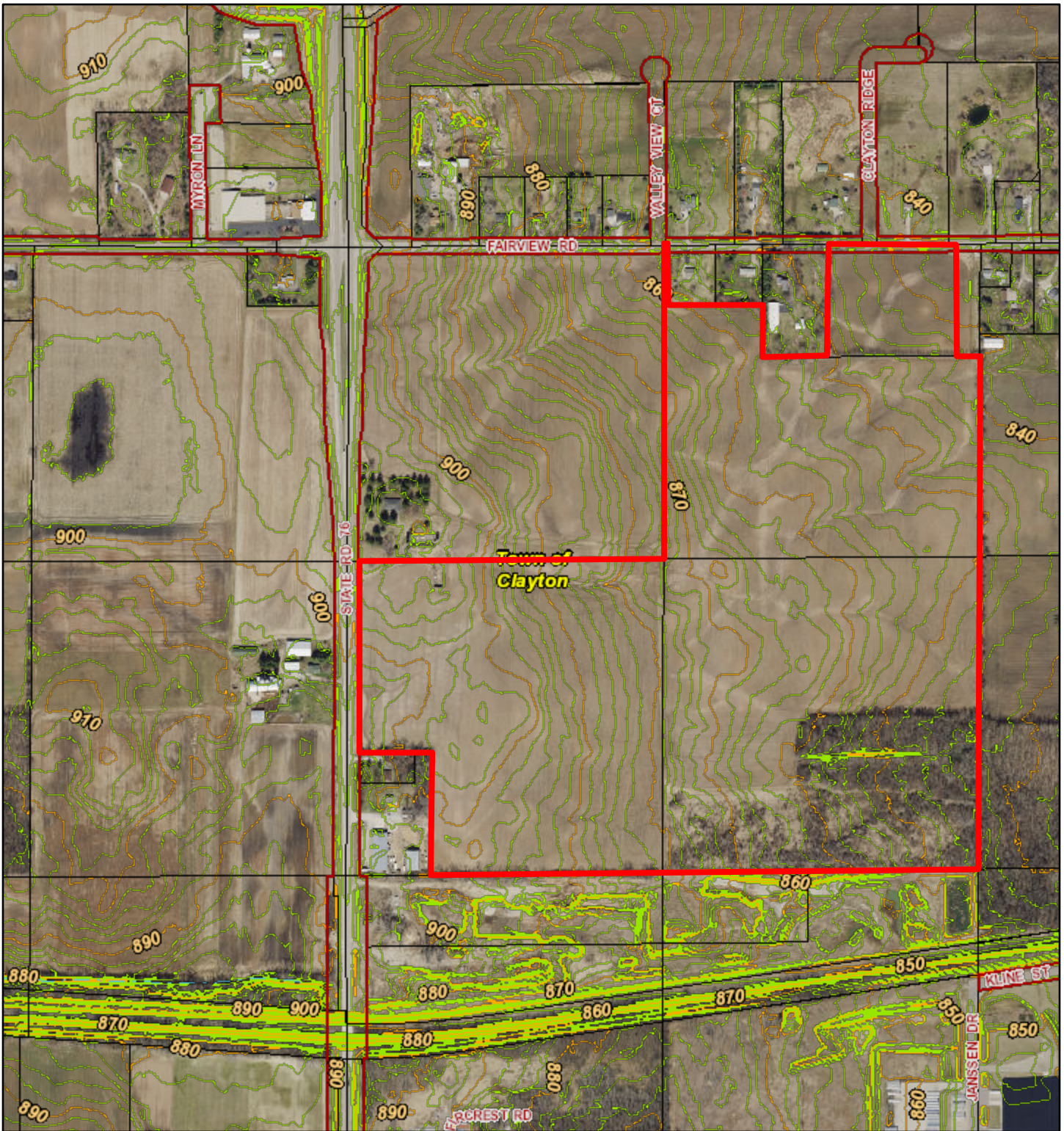
DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

## Notes



# VanderHeiden/Coppens Topographic Map

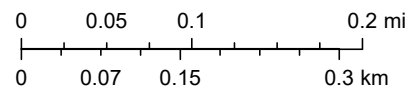
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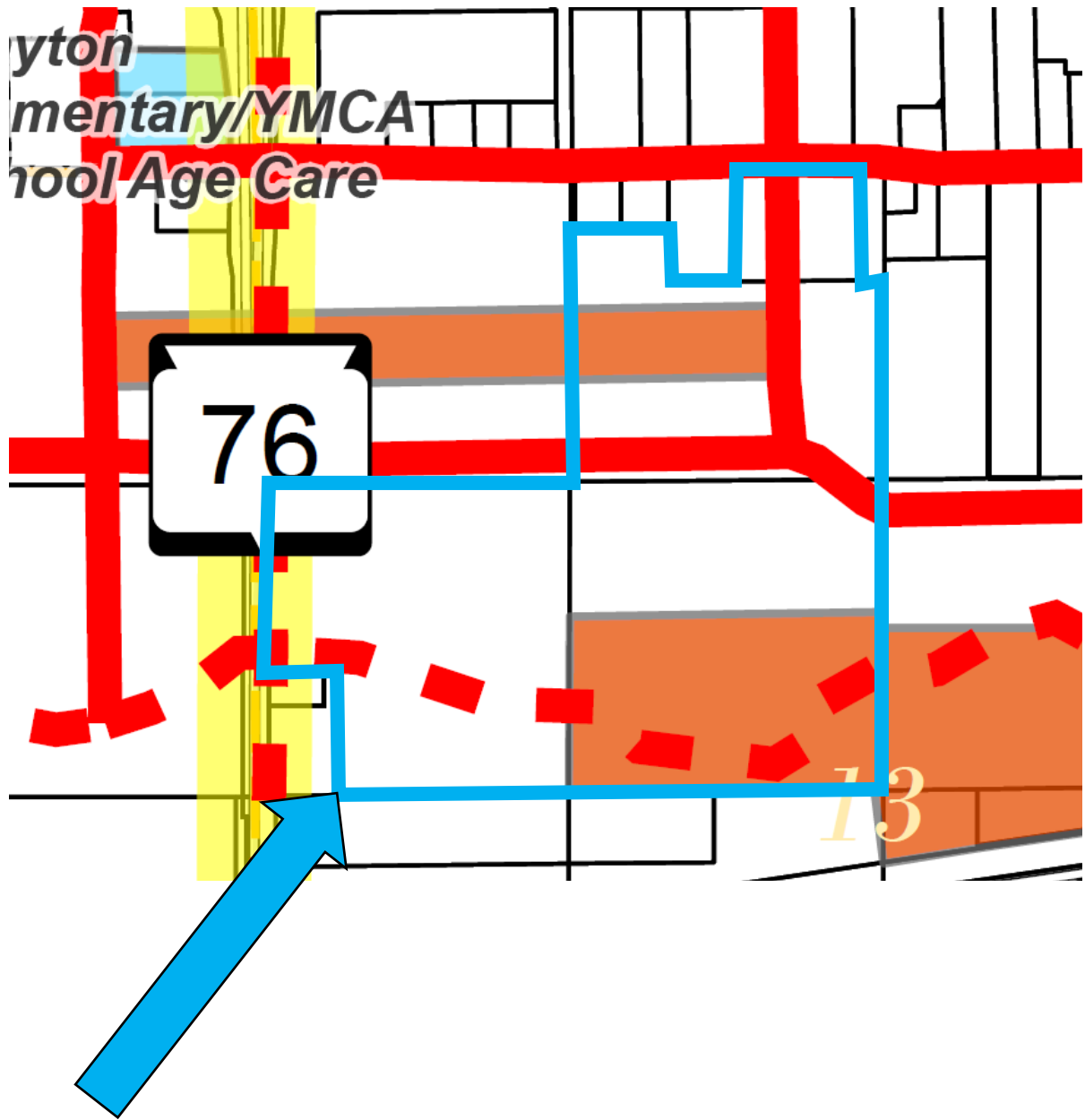
9/29/2023, 12:16:38 PM

1:7,134

- Contours
  - 10' Index Line
  - 2' Intermediate Line
  - Municipal Boundary
- Intermittent - - -
- Stream - - -
- Tax Parcels
- Road ROW
- Navigable Waterways
  - Permanent



Winnebago County GIS, Imagery Date: April 2020



# Town of Clayton

Winnebago County

## Park and Trail Plan

### Trails

- Existing Off-road Trail
- - - Future Off-road Trail
- Future On-road Trail
- Historic Yellowstone Trail Route
- Friendship State Trail
- WIOUWASH State Trail
- Existing/Planned Trails by Others

### Parks

- Existing Town Parks
- Other Existing Public Lands
- Existing Private Recreation Areas
- Future Town Parks or Greenspace

### Other Features

- Cities, Towns, & Village Borders
- Hamlet
- Sections
- Parcels
- Waterways
- Neenah High School
- Interstate Highways
- US Highways
- State Highways
- County Highways