

R E S O L U T I O N

DATE: July 22, 2014

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 4

WHEREAS, it is desirable to amend the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of Ken Tritt and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan and Winnebago County's Farmland Preservation Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON, be and the same, are amended to provide that the attached described property be changed from the classification of A-2 of said ordinance, which it now and heretofore had, to the zoned district of R-1.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

County Board Supervisor
(Town of CLAYTON)

PARCEL NO: 006-0395 FROM A-2 TO R-1.

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS ____ DAY OF _____,
2014.

Mark Harris

County Board Supervisory district 30



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z PLANNING MEETING AGENDA OF JUNE 30, 2014

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAR*

RE: Review of Town Zoning Changes

1. Luebke - Town Zoning Change (Tax ID Nos: 006-0566-02, 006-0566-03, 006-0566-04) – Town of Clayton.

The town zoning change for Luebke is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as agricultural and rural residential.

RECOMMENDATION: Forward zone change to County Board for action.

2. Tritt - Town Zoning Change (Tax ID No: 006-0395) – Town of Clayton.

The town zoning change for Tritt is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as agricultural and rural residential.

RECOMMENDATION: Forward zone change to County Board for action.

Approved 5-0



June 16th, 2014

County Zoning Office
Attn: Cary A. Rowe
112 Otter Ave
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following two changes in zoning in the Town of Clayton:

Rezoning Application made by Mark E. Luebke, and Laura C. Luebke, 3929 CTR "II", Larsen, WI 54947 and Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927. For property owned by the applicants and at located at 3919 and 3929 CTR "II" Larsen, WI 54947, specifically identified as Tax Id # 006-0566-02, Tax Id # 006-0566-03, and Tax Id # 006-0566-04 to be rezoned from A-2 (General Agriculture District) to R-2 (Suburban Residential District). Pursuant to Section 8.04 of the County Code, the Town Board is asking that the County Board approve the rezoning application.

Rezoning Application made by Kenneth W. Tritt, 5505 CTR "G", Winneconne, WI 54986. For property owned by the applicant and at located at 3373 Fairview Road, Neenah, WI 54956, specifically identified as Tax Id # 006-0395, to be rezoned from A-2 (General Agriculture District) to R-1 (Rural Residential District). Pursuant to Section 8.04 of the County Code, the Town Board is asking that the County Board approve the rezoning application.

Should you have any questions relative to this request please feel free to call or E-mail me.

Sincerely,

Richard Johnston
Town Administrator/Clerk

CC County Clerk, Sue Ertmer

**TOWN OF CLAYTON
RESOLUTION 2014-005
A RESOLUTION ADOPTING AN ORDINANCE TO AMEND THE OFFICIAL TOWN
OF CLAYTON ZONING ORDINANCE MAP**

WHEREAS, one or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of The Town of Clayton Zoning Code of Ordinances hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

A. Property Owner:

Mark E. and Laura C. Luebke, 3929 CTR II, Larsen, WI 54947 and Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927

Legal description of property:

Properties located at 3919 and 3929 CTR II, Larsen, WI, specifically described as Tax ID # 006-0566-02, and 006-0566-03, and 006-0566-04 being part of the northeast ¼ of the northwest ¼, and described as Lots 2, 3, and 4 of CSM 6693 of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (see Attachment A).

The above described property is hereby rezoned from:

A-2 (GENERAL FARMING DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT).

B. Property Owner:

Kenneth W. Tritt, 5505 CTR "G", Winneconne, WI 54986

Legal description of property:

property located at 3373 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0395 being part of the northeast ¼ of the northeast ¼, of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin (see Attachment A).


The above described property is hereby rezoned from:

A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

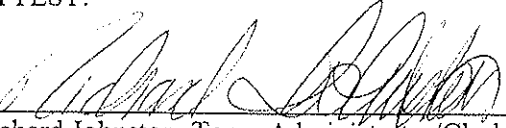
Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 21st, day of May, 2014 by the Town Board of the Town of Clayton

Vote: Yes 5, No 0


Mark E. Luebke, Chair

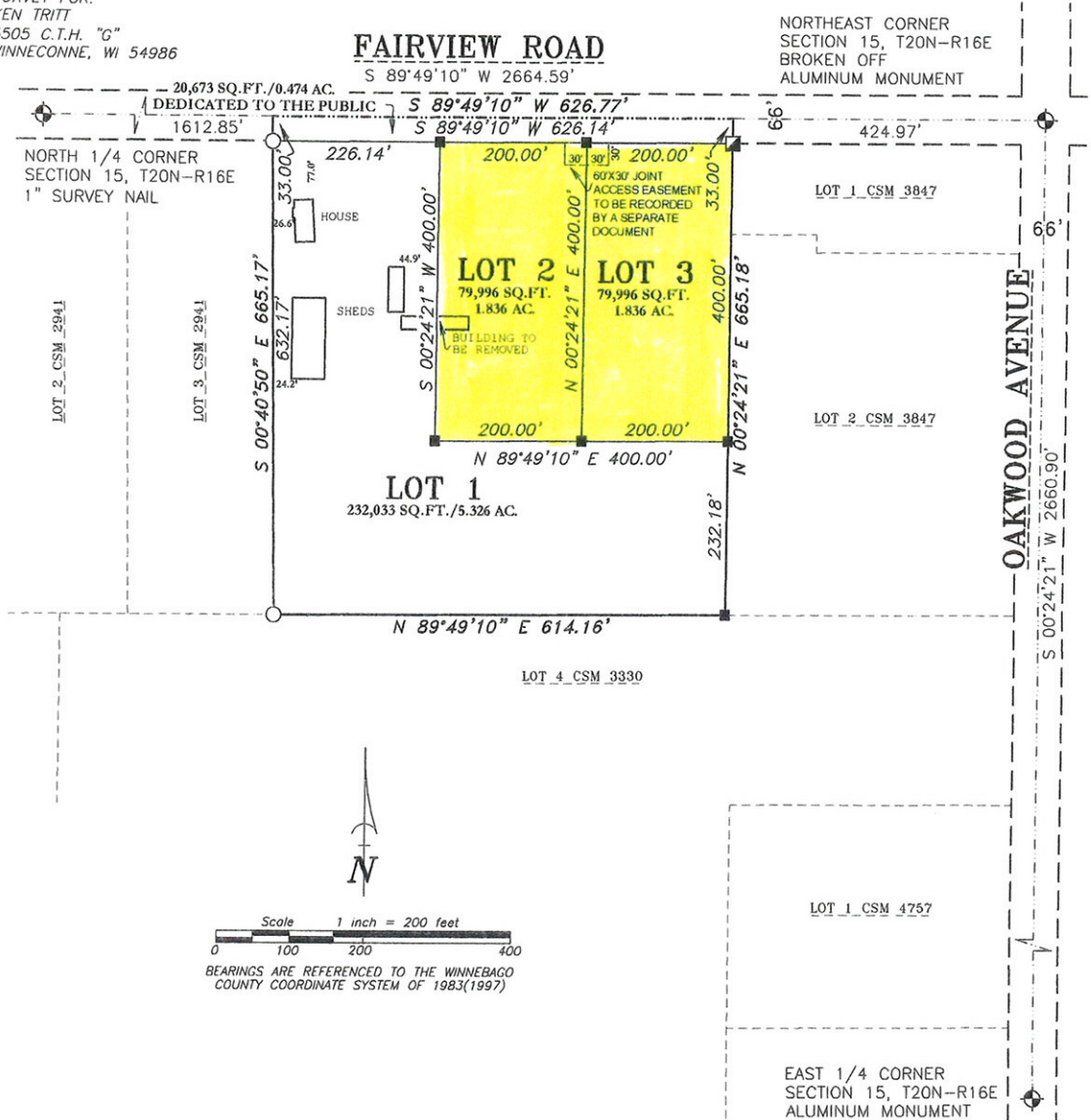
ATTEST:

 06/16/2017
Richard Johnston, Town Administrator/Clerk

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 20 NORTH,
RANGE 18 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:
KEN TRITT
5505 C.T.H. "G"
WINNECONNE, WI 54986



LEGEND

- 1-1/4" O.D. IRON PIPE SET, 18" LONG, WEIGHING 1.130 LBS. PER LIN. FOOT
- 3/4" REBAR FOUND
- 1-1/4" O.D. IRON PIPE FOUND
- ▣ 1-3/4" O.D. IRON PIPE FOUND
- ⊙ GOVERNMENT CORNER FOUND
- FENCE LINE
- () RECORDED AS

THE LOTS CREATED IN THIS MAP ARE ADJACENT TO PROPERTIES THAT, AS OF THE DATE OF THIS DOCUMENT, ARE BEING USED FOR AGRICULTURAL PURPOSES. SOME INDIVIDUALS BELIEVE THAT THE ACTIVITIES ASSOCIATED WITH THE AGRICULTURAL USE CONSTITUTE A NUISANCE OR CONFLICT WITH THE QUIET ENJOYMENT OF THEIR PROPERTY. THIS STATEMENT IS INTENDED TO PROVIDE THIRD PARTIES WITH NOTICE THAT AGRICULTURAL ACTIVITIES MAY EXIST ON THE ADJACENT PROPERTIES.

Martenson & Eisele, Inc.



109 West Main Street
Omro, WI 54963
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture



PROJECT NO. 0-1861-001
FILE 1861001CSM SHEET 1 OF 3
This instrument was drafted by: DSL

Certified Survey Map

SURVEYOR'S CERTIFICATE:

I, James E. Smith, Registered Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped, at the direction of Ken Tritt, part of the Northeast 1/4 of the Northeast 1/4 of Section 15, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, described as follows:

Commencing at the Northeast corner of said Section 15, thence South 89 degrees 49 minutes 10 seconds West 424.97 feet, along the North line of the said Northeast 1/4, to the point of beginning; thence South 89 degrees 49 minutes 10 seconds West 626.77 feet, along the said North line; thence South 00 degrees 40 minutes 50 seconds East 665.17 feet, along the East line of Lot 3 of Certified Survey Map 2941; thence North 89 degrees 49 minutes 10 seconds East 614.16 feet, along the North line of Lot 4 of Certified Survey Map 3330; thence North 00 degrees 24 minutes 21 seconds East 665.18 feet, along the West line of Lots 1 and 2 of Certified Survey Map 3847, to the point of beginning.

That I have fully complied with Chapter 236.34 of the Wisconsin Statutes in surveying, dividing, and mapping the same and the Town of Clayton, and Winnebago County Subdivision Ordinances.

This map is a correct representation of all of the exterior boundaries of land surveyed and the division thereof.

Given under my hand this 10 day of April, 2014.

James E. Smith
James E. Smith, WI. Land Surveyor, S-1803



Winnebago County Planning and Zoning Committee Certificate:

Pursuant to the Land Subdivision Regulations of the County of Winnebago, Wisconsin, all the requirements for approval have been fulfilled. This Minor Subdivision was approved by the Winnebago County Planning and Zoning Committee on _____ day of _____, 2014.

Chairman, Planning and Zoning Committee

Certified Survey Map

OWNERS CERTIFICATE:

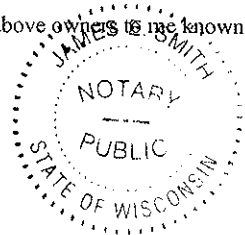
As owner, I the undersigned, hereby certify that I caused the land above described to be surveyed, divided, dedicated to the public and mapped all as shown and represented on this map.

Kenneth W. Tritt 4-10-14
Kenneth W. Tritt Date

State of Wisconsin)
)SS
Winnebago County)

Personally came before me on the 10 day of April, 2014, the above owner is known to be the persons who executed the foregoing instrument and acknowledge the same.

James E. Smith My Commission Expires 4-24-16



Treasurer's Certificate:

I hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands shown hereon.

Town Treasurer _____ Date _____

County Treasurer _____ Date _____

Town Board Approval:

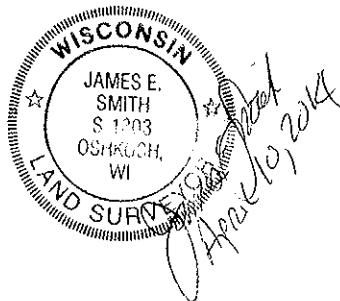
We hereby certify that the Town of Clayton has reviewed and approved this certified survey map.

Mark E. Gubler 5/21/14
Town Chairman Date

Richard L. Babin 05/21/14
Town Clerk Date

This CSM is contained wholly within the property described in the following recorded instruments:

| Owner(s) of record | Document(s) | Parcel Number(s) |
|--------------------|-------------|------------------|
| Kenneth W. Tritt | 1448719 | 0060395 |



008030402

008030501

FAIRVIEW RD.

0080396

0080398

008039803

008039804

0080396

008039801

0080378

008037805

008039801

00803

0080403

008040302

008040301

00804030102

00804030102

008039

Town of Clayton

Winnebago County, Wisconsin

Adopted Zoning Map
March 21, 2013

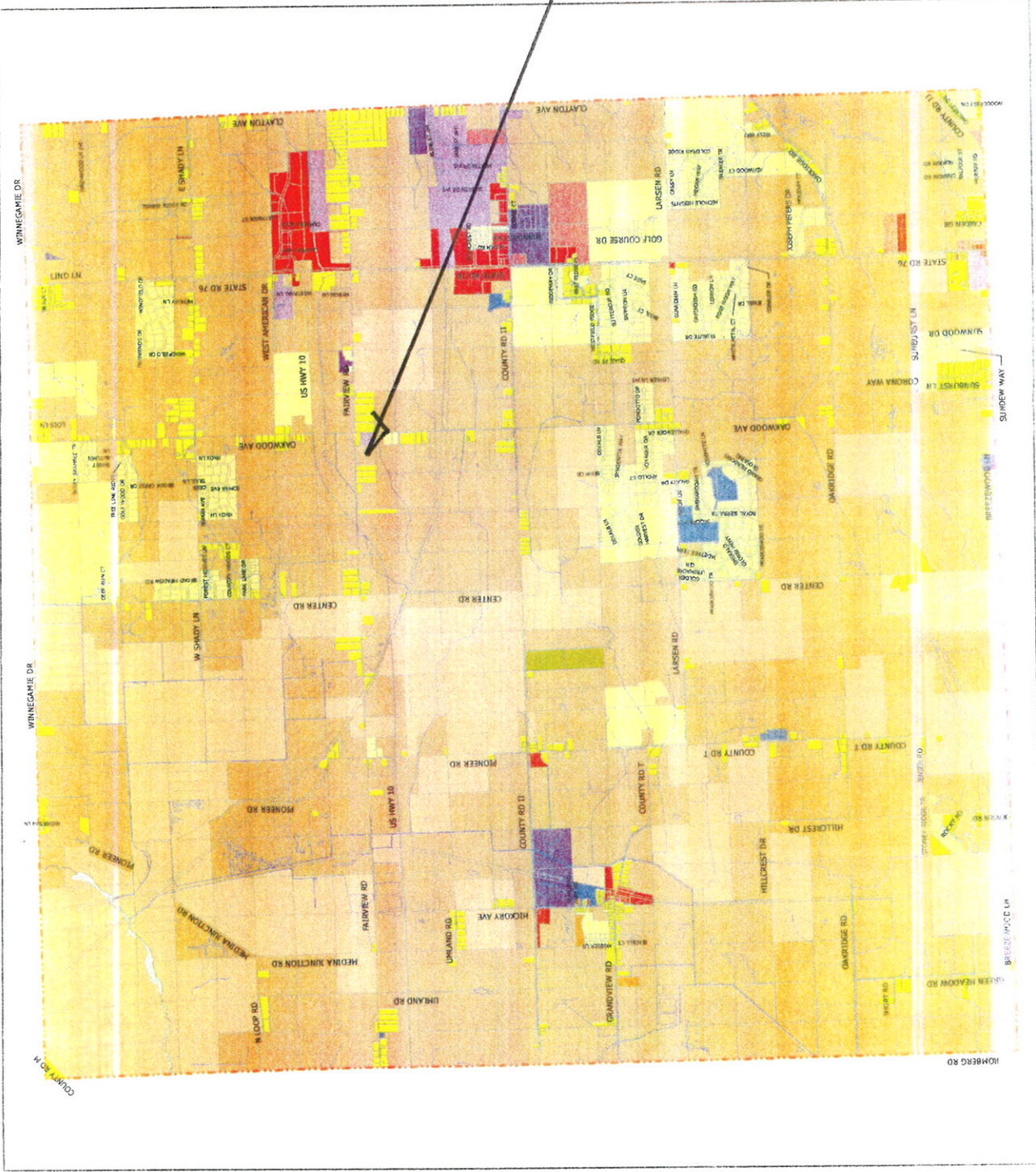
- Zoning Districts**
- A-1 Agribusiness
 - A-2 General Agriculture
 - R-1 Rural Residential
 - R-2 Suburban Residential
 - R-3 Two-Family Residential
 - R-8 Manufactured/Mobile Home Community
 - P-1 Public Institutional
 - B-1 Local Service
 - B-2 Community Business
 - B-3 General Business
 - I-1 Light Industrial
 - I-2 Heavy Industrial

REZONING SITE



This data was created for use by the Winnebago County Geographic Information System (WINGS) project. Any other use or reproduction of this information is the responsibility of the user and such use is not guaranteed by the Winnebago County. The user agrees to indemnify and hold the County harmless from any and all claims, damages, costs, and expenses, including attorneys' fees, arising from the use of this information for any use other than Winnebago County business.

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MEMORANDUM

Agenda Item V – C

Date: Friday, May 9th, 2014

From: Administrator

To: Plan Commission

Re: Plan Commission review and recommendation on a Rezoning Application submitted by Kenneth W. Tritt, 5505 CTR “G”, Winneconne, WI 54986 requests that the following property located at 3373 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0395 being part of the northeast ¼ of the northeast ¼, of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

Site Location: The property is located at 3373 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0395 being part of the northeast ¼ of the northeast ¼, of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin

Applicants: Kenneth W. Tritt
5505 CTR “G”,
Winneconne, WI 54986

Property Owners: Kenneth W. Tritt
5505 CTR “G”,
Winneconne, WI 54986

Property Information:

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

Property Information Specific to Tax ID # 006-0395:

1. The property is owned by Kenneth W. Tritt, 5505 CTR “G”, Winneconne, WI 54986.
2. The Lot is 9.470 acres in size.
3. The property is in the Neenah School District (3802).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned A-2 (General Agricultural District).
6. The property is in the Outagamie County Airport Overlay Height Restriction Overlay District.

7. The property is out of the County's Floodplain Zoning Area.
8. The property is in the County's 300-foot Shoreland Zoning Buffer.
9. The property is not in the County's Wetland Identifier.

Staff Comments:

FLU: Ag/Rural Res

1. The property has existing code compliant frontage and access from Fairview Road.
2. The applicant has a pending Certified Survey Map (CSM) application that divides the property into a parent parcel and two lots that are able to meet all of the Town's zoning code requirements.
3. The proposed rezoning is consistent with the Town's approved Future Land Use Map.

Staff Recommendations:

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

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.

Respectfully Submitted,
Richard Johnston