

# 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 3

WHEREAS, it is desirable to amend the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of Luebke 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-2.

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

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County Board Supervisor  
(Town of CLAYTON)

PARCEL NO: 006-0566-02, 006-0566-03 & 006-0566-04 FROM A-2 TO R-2.

### 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.

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Mark Harris



## 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

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*



JUN 18 2014

8348 County Road T  
Larsen, WI 54947

June 16<sup>th</sup>, 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).

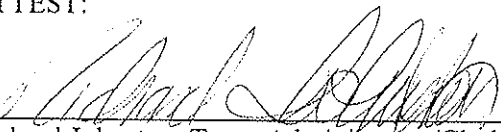
**Section 2:** This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 21<sup>st</sup>, day of May, 2014 by the Town Board of the Town of Clayton

Vote: Yes 5, No 0

  
Mark E. Luebke, Chair

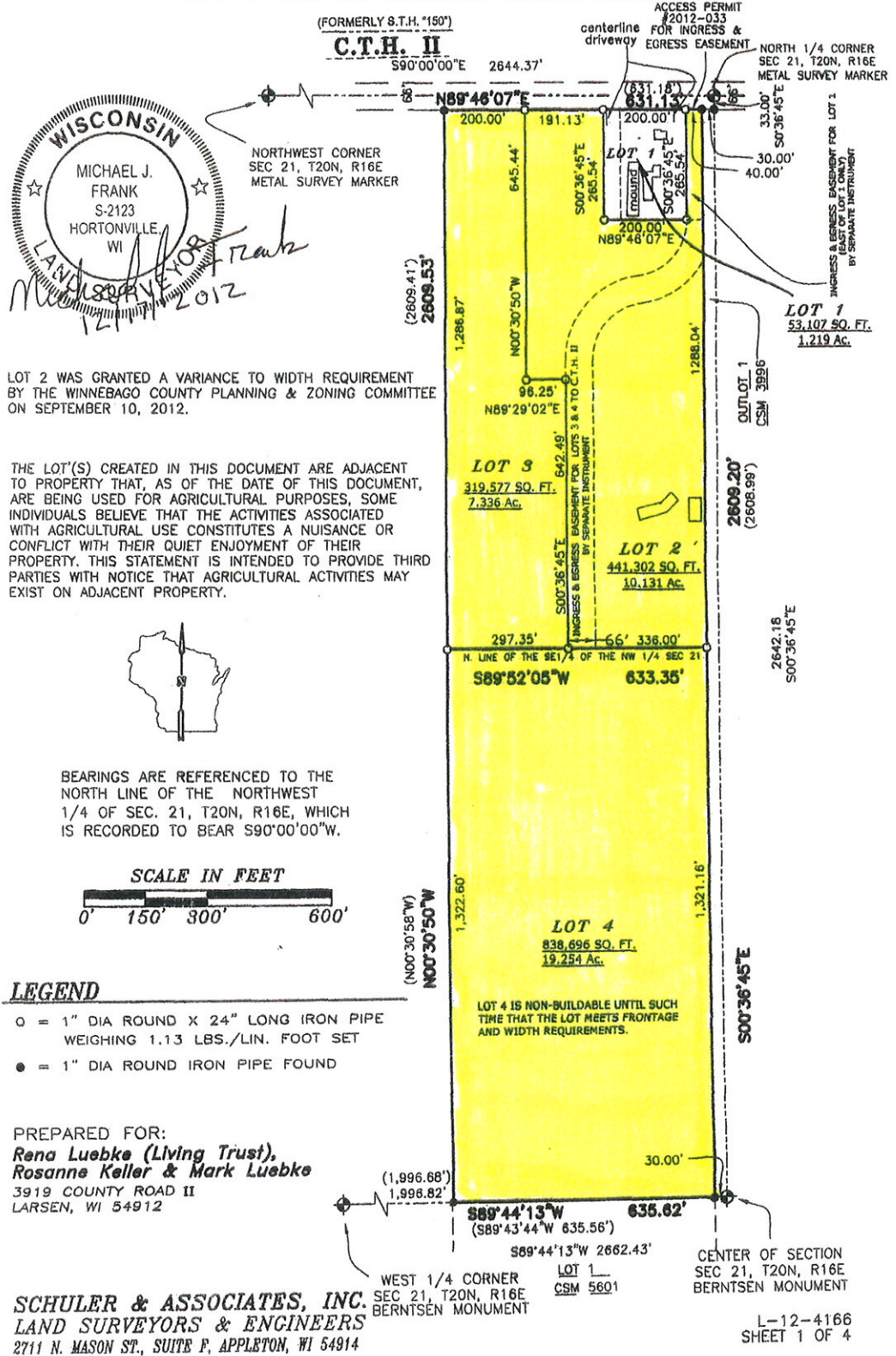
ATTEST:

 06/16/2014  
Richard Johnston, Town Administrator/Clerk



**CERTIFIED SURVEY MAP NO. 6693**

ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3996, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN





Stock No. 26273

CERTIFIED SURVEY MAP NO. 6693**SURVEYOR'S CERTIFICATE:**

I, MICHAEL J. FRANK, WISCONSIN REGISTERED LAND SURVEYOR S-2123, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3996 RECORDED IN VOLUME 1 OF CERTIFIED SURVEY MAPS ON PAGE 3996 AS DOCUMENT NO. 1011908 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST AND THE SOUTHEAST 1/4 OF THE NORTHWEST OF 1/4 OF SECTION 21, TOWNSHIP TWENTY (20) NORTH, RANGE SIXTEEN (16) EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 36 MINUTES 48 SECONDS EAST, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21, A DISTANCE OF 33.00 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 07 SECONDS WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF C.T.H. "II" (FORMERLY KNOWN AS S.T.H. "150"), A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 36 MINUTES 46 SECONDS EAST, ALONG THE WEST LINE OF OUTLOT 1 OF SAID CERTIFIED SURVEY MAP NO. 3996, A DISTANCE OF 2609.20 FEET (RECORDED AS 2608.99 FEET); THENCE SOUTH 89 DEGREES 44 MINUTES 13 SECONDS WEST (RECORDED AS SOUTH 89 DEGREES 43 MINUTES 44 SECONDS WEST), ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 21, A DISTANCE OF 635.62 FEET (RECORDED AS 635.56 FEET); THENCE NORTH 00 DEGREES 30 MINUTES 50 SECONDS WEST (RECORDED AS NORTH 00 DEGREES 30 MINUTES 58 SECONDS WEST), A DISTANCE OF 2609.53 FEET (RECORDED AS 2609.41 FEET); THENCE NORTH 89 DEGREES 48 MINUTES 07 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF C.T.H. "II", 631.13 FEET (RECORDED AS 631.18 FEET) TO THE POINT OF BEGINNING, CONTAINING 1,652,682 SQUARE FEET (37.940 ACRES) OF LAND, MORE OR LESS, AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY BY THE ORDER AND UNDER THE DIRECTION OF THE OWNERS OF SAID LAND.

THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATE OF WISCONSIN STATUTES AND THE LAND SUBDIVISION REGULATIONS OF THE TOWN OF CLAYTON AND WINNEBAGO COUNTY, IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS 17th DAY OF Dec., 2012  
Michael J. Frank  
 MICHAEL J. FRANK S-2123  
 WISCONSIN REGISTERED LAND SURVEYOR

**TOWN BOARD APPROVAL:**

WE HEREBY CERTIFY THAT THE TOWN OF CLAYTON BOARD OF SUPERVISORS APPROVED THIS CERTIFIED

SURVEY MAP ON THE 17th DAY OF OCTOBER, 2012

Mark E. Smith  
 TOWN CHAIRPERSON

1/3/2013  
 DATE

Michael J. Frank  
 TOWN CLERK

01/03/13  
 DATE



Stock No. 26273

CERTIFIED SURVEY MAP NO. 6693**TREASURERS CERTIFICATE**

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

Mark Brown  
 COUNTY TREASURER

1/4/13  
 DATE

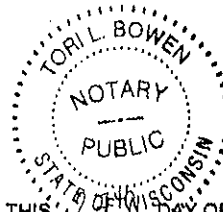
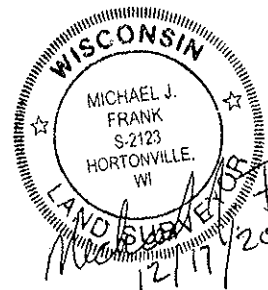
Tori Bowen  
 TOWN TREASURER

01/03/13  
 DATE
**WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE APPROVAL:**PURSUANT TO THE WINNEBAGO COUNTY SUBDIVISION ORDINANCE, ALL THE REQUIREMENTS FOR APPROVAL HAVE BEEN FULFILLED. THIS CERTIFIED SURVEY MAP WAS APPROVED THIS 4<sup>th</sup> DAY OF January, 2013 13
Pat J. Hume  
 CHAIRPERSON, WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE.

THIS CERTIFIED SURVEY MAP IS ALL OF TAX PARCEL NO. 006-0586-00 AND 006-0561-00 THE PROPERTY OWNERS OF RECORD ARE STEVEN J. JULIUS, ROSANNE C. KELLER AND MARK LUEBKE. THIS CERTIFIED SURVEY MAP IS WHOLLY CONTAINED IN THE PROPERTY DESCRIBED IN DOCUMENT NUMBERS 1486947, 1507244, 1264148 AND 1480349.

**OWNER'S CERTIFICATE:**

AS OWNER, I DO HEREBY CERTIFY THAT I CAUSED THE LANDS ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS MAP.

Steven J. Julius  
 STEVEN J. JULIUS
STATE OF WISCONSIN)  
Winnebago COUNTY) <sup>ss.</sup>PERSONALLY CAME BEFORE ME THIS 27<sup>th</sup> DAY OF December, 2012, THE ABOVE NAMED, STEVEN J. JULIUS, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.
Tori L. Bowen
NOTARY PUBLIC, Winnebago CO., WISCONSIN
12/07/2014  
 MY COMMISSION EXPIRES






Stock No. 26273

CSM # 6693

**OWNER'S CERTIFICATE:**

AS OWNERS, WE DO HEREBY CERTIFY THAT WE CAUSED THE LANDS ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS MAP.

Rosanne C. Keller  
ROSANNE C. KELLER

Mark E. Luebke  
MARK E. LUEBKE

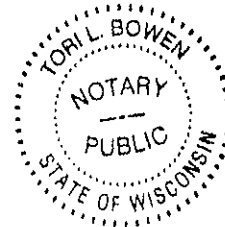
STATE OF WISCONSIN)

Winnebago ss.  
COUNTY)

PERSONALLY CAME BEFORE ME THIS 26th DAY OF December, 2012, THE ABOVE NAMED, ROSANNE C. KELLER AND MARK E. LUEBKE, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

Tori L. Bowen  
NOTARY PUBLIC, Winnebago CO., WISCONSIN

12/07/2014  
MY COMMISSION EXPIRES

**OWNERS CERTIFICATE:**

AS OWNER, I DO HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS MAP.

Rena E. Luebke  
RENA E. LIFE ESTATE INTEREST

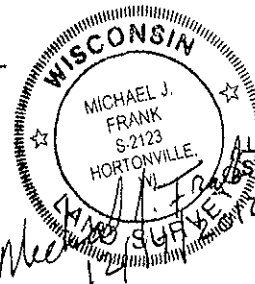
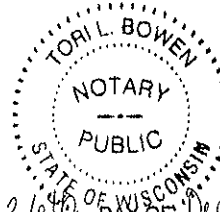
STATE OF WISCONSIN)

Winnebago ss.  
COUNTY OF OUTAGAMIE)

PERSONALLY CAME BEFORE ME THIS 26th DAY OF December, 2012 THE ABOVE RENA E. LUEBKE, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

Tori L. Bowen  
NOTARY PUBLIC, Winnebago CO., WI.

MY COMMISSION EXPIRES 12/07/2014



12-4166  
SHEET 4 OF 4

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*[Faint, illegible text]*

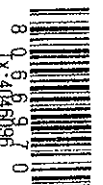
1625521

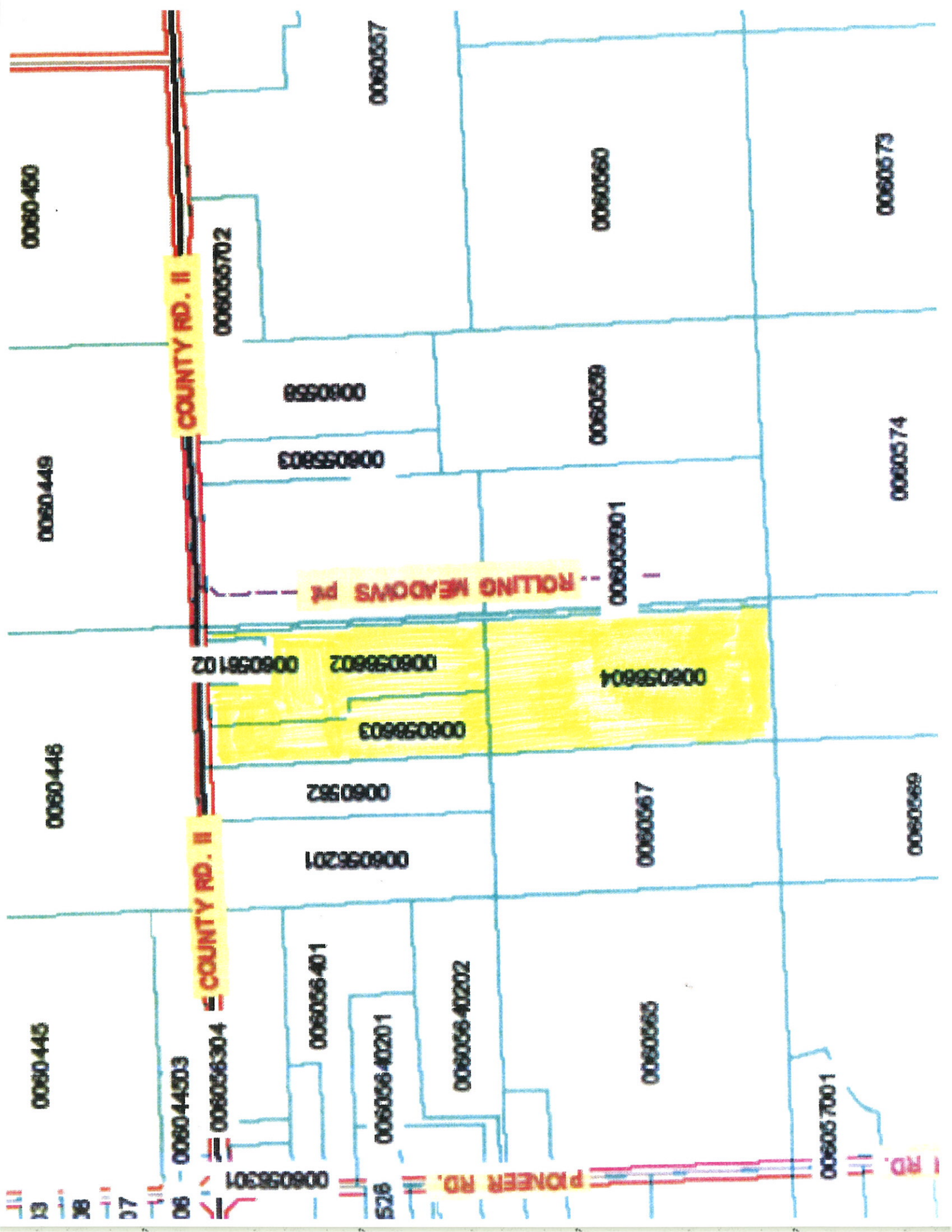
REGISTER'S OFFICE  
WINNEBAGO COUNTY, WI

RECORDED ON  
Vol 1 PG 6693  
01/04/2013 2:24 PM

JULIE PAGEL  
REGISTER OF DEEDS

RECORDING FEE 30.00





COUNTY RD. II

COUNTY RD. II

ROLLING MEADOWS PK

PIONEER RD.

0060450

0060449

0060448

0060445

006044503

006056304

006056401

00605640201

00605640202

006056201

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006056102

006056604

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0060574

0060569



# 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 by use of the Winnebago County Geographic Information System (WINGS) project. Any other use of this information is the responsibility of the user and does not constitute a warranty by the County. The County does not warrant the accuracy of the information for any use other than Winnebago County business.

**Martenson & Eisele, Inc.**  
1377 Skyway Road  
Winnebago, WI 54992  
www.martenson-eisele.com  
Phone: 920.733.1200  
Fax: 920.733.0551  
Email: info@martenson-eisele.com



## MEMORANDUM

### **Agenda Item V – B**

Date: Friday, May 9<sup>th</sup>, 2014

From: Administrator

To: Plan Commission

Re: Plan Commission review and recommendation on a Rezoning Application submitted by 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 request that the following 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 be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT).

Site Location: The property is 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

Applicants:	Mark E. Luebke 3929 CTR "II": Larsen, WI 54947	Rosanne Keller 5839 East Island Drive Butte Des Morts, WI 54927
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Property Owners:	Mark E. Luebke 3929 CTR "II": Larsen, WI 54947	Rosanne Keller 5839 East Island Drive Butte Des Morts, WI 54927
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### **Property Information:**

1. The surrounding properties are zoned:
  - a) North:  
A-1 (Agribusiness District)
  - b) South:  
A-2 (General Agricultural District) and R-2 (Suburban Residential District)
  - c) East:  
R-8 (Manufactured Housing Community), A-2 (General Agricultural District) and A-1 (Agribusiness District)
  - d) West:  
A-2 (General Agricultural District) and R-1 (Rural Residential District)

### **Property Information Specific to Tax ID # 006-0566-02:**

1. The property is owned by Rosanne Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3929 CTR "II, Larsen, WI 54947.
2. The Lot is 10.130 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 out of the County's Floodplain Zoning Area.
7. The property is not in the County's Wetland Identifier.

**Property Information Specific to Tax ID # 006-0566-03:**

1. The property is owned by Laura C. and Mark E. Luebke, 3929 CTR "II, Larsen, WI 54947.
2. The Lot is 7.330 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 out of the County's Floodplain Zoning Area.
7. The property is not in the County's Wetland Identifier.

**Property Information Specific to Tax ID # 006-0566-04:**

1. The property is owned by Rosanne Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3929 CTR "II, Larsen, WI 54947.
2. The Lot is 19.250 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 out of the County's Floodplain Zoning Area.
7. The property is not in the County's Wetland Identifier.

**Staff Comments:**

*FLU: Ag/Rural Res*

1. The properties have existing code compliant frontage and access from CTH "II".
2. There are plans in process to subdivide the property that include ordinance compliant access and compliance with the Town Development Ordinances; however, they require that the property be rezoned.
3. The rezoning is consistent with the applicants' application for a Comprehensive Plan Amendment to the Town's Future Land Use Map.
4. Rezoning the property to the R-2 (SUBURBAN RESIDENTIAL DISTRICT) will allow for the orderly development of the site with consideration of the impact of the development on the adjoining properties.

**Staff Recommendations:**

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

1. Payment of any fees due the Town for the Re-zoning Application.
2. Approval, by the Town Board of the Comprehensive Plan, Change in the Future Land Use Application submitted by the applicant.
3. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.

Respectfully Submitted,  
Richard Johnston