

Date	
To	
From	Krista Kamke, Planner
Subject	

Division 3 of Article 8 states the requirements for a commercial stable use across the zoning districts. Within the A-2 General Agriculture district, this use is only allowed by conditional use permit with an approved Site Plan review. The applicant's Site Plan was conditionally approved by the Town on May 20, 2026, with conditions of approval as listed at the end of this memo.

With their conditionally approved Site Plan, the applicant now looks to obtain a Conditional Use Permit for the commercial stable use. Division 4 of Article 7 (9.07-51 through 63) of the Town's Zoning Code documents the process and review criteria for a Conditional Use Permit.

Section 9.07-55 states the standards for imposing conditions of approval. Within that section, subsection (a) contains language that requires the applicant to provide substantial evidence verifying all conditions are, or shall be, met. Subsection (b) prohibits conditions that would otherwise lessen a development standard or other requirement contained in the chapter.

Section 9.07-57 requires the following information to be included in a staff report for a Conditional Use Permit:

1. Summary of comments received from interdepartmental and agency reviews
2. Preliminary findings based on decision criteria
3. Recommendation for action on the application (approve, conditionally approve, deny)
4. Preliminary list of conditions for the application regardless of recommended action
5. Other information as deemed necessary

Comments from other departments and agencies: The following departments and agencies were contacted for input on this Conditional Use Permit application:

- Winnebago County Land Conservation Department
 - Relative to the livestock waste management plans and permit, and stormwater management plan and permit.
- Wisconsin Department of Safety and Professional Services, Division of Industry Services
 - Relative to the status of commercial building approval for the existing building as well as the proposed new building.
- Village of Greenville Public Works Department
 - Relative to their jurisdiction over Winnegamie Drive at this site's access, and the access

being for both residential and commercial uses.

Preliminary Findings of decision criteria:

Size of parcel:

- The parcel is sized sufficiently for the proposed use, based on the site plans and maps submitted by the applicant.

Presence and compatibility of other uses on the property:

- The single-family home on the property is in direct conflict with ordinance standards. However, there is no remedy available that would meet dimensional requirements (i.e., requiring a survey of parcel to separate residential from commercial stable use would not allow sufficient area, setbacks, or road access to meet dimensional standards of the A-2 district). The house being situated on the same property as the existing and proposed stables and arenas may be considered compatible with the nature of keeping animals that need daily care, since the operator of the use occupies the home. A preliminary condition that would uphold the intent of separating these uses has been provided below, proposing to contain the use to the arena(s) and stall barns.

Location of this use relative to adjacent and nearby properties:

- The location of the use on this property does not have an immediate effect on adjacent or nearby land uses. In the longer term, the use may impact projected platting and residential development on parcels immediately adjacent to the site. This property is within the Tier 2 designation on the Town's Future Land Use map contained in the 2040 Comprehensive Plan; the Tier 2 area was envisioned as a rural transition area, and the site and surrounding lands were predicted for continued large-lot subdivision development and were not designated as Working Lands Initiative spaces. Maintenance and upkeep of required landscaping and screening as required within the Site Plan approval should help to offset future conflicts in land uses. Since this is a use that requires larger spaces and buildings, while maintaining sufficient access to main thoroughfares, this site in the Tier 2 area is considered suitable for a commercial stable use.

Construction of the use:

- A preliminary condition of approval provided below is to require construction plans for any and all structures to be used for the commercial stable use to receive commercial building plan approval from the state.

Maintenance of the use:

- As required in the Site Plan conditional approval, the applicant shall provide plans for livestock waste management to the Town. This is separate from any permitting for such through the County Land Conservation department and requires the applicant to provide the Town with written plans for the staging, storage, disposal, transport and/or application, and intervals of such for livestock waste generated on site.
- See attached letter sent by Winnebago County to every community this spring. The facility and use subject to this Conditional Use Permit review appears to meet the County's definition for a livestock facility, but final determination and requirements for permitting belong to Winnebago

County. If a permit is required by the County, the applicant shall provide a copy of their application and copy of the issued permit to the Town.

- Landscaping and architectural design standards were reviewed within the Site Plan application and conditionally approved.

Operation of the use:

- The applicant did not provide information specifying which days of the week they plan to normally operate or routinely be closed.
- The applicant lists that their lesson program typically operates five days a week, but that circumstances determine exact days.
- The lack of plainly stated open/closed days implies this site could operate every day of the year beyond regular care of the animals. If public operations on the site are effectively 7/365, that will impact the area traffic flow and change details of nuisance mitigation plans.
- The application materials state all access to the property for lessons or events requires prior scheduling. There is no required time frame for this prior scheduling, i.e. 24 hours in advance; hypothetically, someone standing in the driveway could schedule from a web-enabled device and be “prior scheduled” if slots are available. This is called out to identify the practical obstacles the Town may face in enforcing the plan as submitted by the applicant. It is up to the Town to determine if a condition to define and regulate the difference in walk-in vs scheduled appointments relates to the purposes and intents of the Town Zoning Code, and if that is something the Town wishes to take responsibility to enforce.
- The map and plans submitted for this application focus on the proposed new building. The Town should verify the extent of the use of the existing building in the operation’s plans. No information was provided in the conditionally approved Site Plan application, nor in this Conditional Use Permit application, directly stating how the existing building factors into the operation.
 - Separately, the Town received materials from the state regarding an approved variance from state fire code standards. This approved variance creates a path for the owners to obtain commercial building plan approval for the existing building. Information within the variance application, submitted by the owners to the state, indicates the existing building will continue utilization as part of the site’s commercial stable use.
 - The Town’s Conditional Use Permit review looks at the whole of the property, since any approval and conditions of approval are binding and run with the land on all future owners. (9.07-59)
 - Preliminary conditions have been included for the owner to provide maximum occupancy numbers for each building associated with the commercial stable use.
- The application called out ownership of the animals kept on site, instructor to participant ratios, and made references to varying group sizes. Beyond holding the applicant to their statements in the submitted Plan of Operation, the Town may choose to not require other conditions for these topics.
 - Applicant provided that they do not exceed a ratio of three participants per instructor.
 - Applicant provided they only stable horses personally owned. This is interpreted to be horses owned by the Voigts as owners of the property.
 - The animal capacity limits and ownership of animals kept on site are not regulated by Town standards. A maximum animal number is not provided in the materials but is

listed as likely to fluctuate based on operations (breeding initiatives and foaling, training, and other activities related to the commercial stable use).

Off-site impacts:

- There are no environmental concerns at this time from this use. Per Site Plan approval conditions, applicant must apply for and receive relevant construction site erosion control permits, and no waterways or other sensitive natural environments are expected to be impacted by this use. Additional details being provided by the applicant regarding livestock waste management will further confirm no environmental concerns exist.
- Traffic flow to and from the site remains a concern, based on conversations with and materials provided by the applicant and owners through this process. As of application, the state's Community Maps database of vehicle collisions has no non-deer accidents documented in the past three years near the property on Winnegamie Drive. With the vegetation management and signage alterations required by the Site Plan conditions, no additional conditions are suggested for this topic under the Conditional Use Permit review. Long-term monitoring and open discussions with the applicant and operators in future years may show the need for revisions to this stance, which will be addressed as necessary.

Recommendation:

It is recommended the Town Plan Commission and Town Board of Supervisors conditionally approve this Conditional Use Permit application for commercial stable use, with the following conditions.

Preliminary conditions of Conditional Use Permit approval:

1. The applicant agrees to provide substantial evidence the application does, or shall, meet all conditions applied by the Town under this conditional use permit approval.
2. Applicant shall obtain Site Plan approval from the Town of Clayton for the commercial stable use. This approval is limited to the proposed new equestrian building and associated site improvements as shown on the approved McMahon Associates site plan. Use of the existing barn for commercial stable purposes shall require prior Plan Commission review and approval of a revised Site Plan pursuant to §9.07-184.
3. The Town Plan Commission shall review and approve all changes to the Conditional Use Permit. (9.07-60)
4. As with the Site Plan approval, unless substantial progress towards the conditionally approved use is made and continues in good faith, this Conditional Use Permit approval expires 12 months from the date of Town action. Conditions applied by the Town must be met within this time frame, unless a condition was given a separate timeline.
5. Applications for extensions and/or amendments to the conditional use permit must be made using the procedures outlined in the Town Zoning Code.
6. As applicable, commercial building plan approval shall be obtained from the state for all structures to be used for the commercial stable use.
7. The commercial stable use shall be limited to non-residential structures on the property.
8. Occupancy limits of structures used for the commercial stable use shall be adhered to and not exceeded. Occupancy includes all people in a building, not just the participants.
9. To document maximum occupancy limits for local fire and emergency response, the occupancy

limit for each and any structure associated with this conditional use shall be provided to the Town for the project file and approval record.

10. The Plan of Operation submitted with this application is incorporated herein by reference and the representations contained therein shall be binding on the applicant and all successors in interest. This incorporation is expressly limited to activities conducted within the proposed new equestrian building and the site improvements shown on the approved site plan, and shall not be construed to authorize commercial stable operations in any existing structure on the property, including the existing barn; use of the existing barn for commercial stable purposes shall require prior Plan Commission review and approval of a revised site plan pursuant to §9.07-184. The Plan of Operation shall be used as the standard for compliance with and enforcement of this Conditional Use Permit. Any material modification to the Plan of Operation shall require prior review and approval by the Plan Commission pursuant to §9.07-60.
11. Without limiting Condition 10, and in furtherance of the Plan of Operation incorporated therein, the applicant shall designate the specific days of the week on which commercial stable operations will be conducted and shall provide written notice of those designated operating days to the Town prior to commencement of operations. Any proposed change to the designated operating days shall require prior written notice to the Town.

Site Plan conditions of approval, from May 20, 2026 Town Board action:

1. Applicant must provide proof of application and copies of approved permits to the Town. This includes but is not limited to state commercial building code, construction site erosion control and stormwater management at county and/or state level, livestock / animal waste management permits, private sanitary system permit, and others as relevant to the site construction and use prior to any construction beginning on the site.
2. Applicant shall provide plans to the Town for the handling and disposal of animal waste generated onsite. This is separate and in addition to the permits for such from the regulating agencies prior to any construction beginning on the site.
3. The final approved site plan as required in 9.07-181 must include the location for stormwater facilities and any required onsite animal waste management facilities or storage areas prior to any construction on the site.
4. Sign(s) on the property must be modified or relocated to be compliant with standards applied to other zoning districts that allow the commercial stable use, including the applicant obtaining any permits as required for such signs and placement within 6 months after the date of approval.
5. Applicant shall provide SRI values for the building materials. Values must meet the Town minimum standards as described in Attachment C prior to any construction on the site.
6. All landscaping required in this approval shall be installed within six months of occupancy of the building. Extensions to this timeline must be done through specific approval by the Town Board.
7. Applicant shall submit updated lighting plans showing compliance with 9.08-210 and install those compliant fixtures as required by the Town standards prior to any construction on the site.
8. No additional buffer yard landscape screening be required along the east, west, or south lot lines—acceptance of the provided building landscaping plan for the east aspect of the building.

If any of the buffer yard landscaping is removed, it must be replaced to maintain the status quo at the time of approval within 6 months of removal.

9. No additional parking lot landscaping is required.
10. Regarding access to the site, maintenance is to be done within six months of the date of the approval to perform maintenance on the vegetation near the driveway, including but not limited to tree trimming, coordinating with both the Town of Clayton & Village of Greenville.

Other information:

See attached letter from Winnebago County.