

MEMORANDUM

Business Item B

From: Administrator/Staff
To: Plan Commission
Re: Plan Commission review & recommendation on a Conditional Use Application submitted by Brittany & Chris Voigt for a proposed commercial stable use located at 3411 Winnegamie Dr, specifically described as Tax ID #006-0042-02.

The Town of Clayton Zoning Ordinance defines a commercial stable in Article 3, section 9.03-02, Series 5, 9.05

“Commercial stable A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides. Nonresidential buildings and other structures, such as barns, stables, riding arenas, and sheds, necessary for the operation are allowed.”

Commercial stable is a use under the General Services. It is not under the agricultural use umbrella. If the facility wants to claim they are more instructional services, that use is not allowed at all in A-2.

A land use of Commercial Stable is classified into the “General Services” category, and is not considered an Agricultural or Residential use under the Town of Clayton Zoning Ordinance. A Commercial Stable is only allowed by Conditional Use Permit (CUP), and is limited to parcels with zoning of either A-2 General agriculture district or I-1 Light industrial district. General Services includes uses like health care clinics and centers, veterinary clinics, professional services like real estate offices and law offices, and photography studios, etc., as well as the commercial kennels, commercial stables, large and small equipment rental facilities, and landscaping businesses. Activities occurring on the Voigt property in consideration under this CUP request meet this definition.

Conditional land uses are those that are not appropriate generally or without restriction, but if controlled as to the number, area, location, or relation to the surrounding properties by the imposition of appropriate conditions, could promote the public health, safety, or general welfare. Article 3, 9.03-01 (b)(102).

As a baseline, all Conditional Use permits require these items to be considered a complete application:

- Conditional Use Permit application
- Site plan as defined in Division 13 of Article 7, Zoning Ordinance; this includes a site map with all listed details included, as well as an operational plan, a landscaping plan meeting Attachment E standards, and building plans for all relevant structures. The submitted operational plan references a longer copy that as of writing, has not been submitted to the Town.

As allowed in 9.05-54 and 9.05-55, the Town Planning Commission has requested additional conditions that relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and other aspects of the use that impacts the public health, safety, and general welfare. These include requiring a copy of the following permits:

- Winnebago County address assignment application
- DNR Stormwater Notice of Intent
- Winnebago County Zoning Septic System permit servicing the barn facilities
- Town Sign permit, or information sufficient to prove exemption from permit requirements
- Approval of State Commercial Building Plans

- Valid Winnebago County Stormwater permit – required for activities related to commercial uses
- Valid Winnebago County Erosion Control permit
- Current Winnebago County Livestock Waste Management Permit
- ID from the Department of Agriculture, Trade, and Consumer Protection (DATCP) for livestock premise registration

A table listing these and showing the respective statuses of the applicant’s submissions follows this memo narrative. **In summary, the required information was not submitted for this matter to be considered a complete conditional use permit application.**

In cases where insufficient information is provided, the Town may extend the deadline for gathering and providing the documents by up to three months. A greater extension was provided at the March 12, 2025 Public Hearing and Plan Commission meeting, where the applicant was granted not more than 120 days to come before the Plan Commission again. The closest Plan Commission meeting to this July 10, 2025, deadline, is the July 9 meeting.

To assist the property owners in finding compliance with the ordinance standards, the Town provided outreach several times to the applicant with detailed instructions and directions on necessary information the Zoning Ordinance and Planning Commission required.

- Letter communication predating the March 2025 Planning Commission meeting was sent to the property owners, dated July 24, 2024, and February 3, 2025.
- Emails sent by the Town staff after the March Planning Commission meeting were dated March 21, and May 6. These communications respectively outlined starting points for standards, and detailed lists of expectations for CUP application submission materials.

All sites with livestock as defined by DATCP must register with the state and be provided an ID number. This year is a renewal year for all registered sites, and the Town requests verification the site is registered and has renewed for the next 3-year cycle. This information is requested for all livestock operations, even including backyard chicken permits.

County Land Conservation department has verified that if actions to manage and dispose of livestock waste have changed since the permit was issued in 2023, a revised plan must be filed with their office. Information provided at the March 2025 Public Hearing by the applicant and owners contradicts what was listed with the County as planned livestock waste management procedures, so the Town requests an updated permit. 9.08-315 allows the Town to regulate the handling and disposal of livestock waste for commercial stable operations.

| Review Item | Submission Status | Notes |
|---|-------------------|--|
| Conditional Use Permit application | Submitted | Submitted Town application document |
| Site Plan, as defined in Division 13 of Article 7 | Incomplete | Per ordinance, all of these listed inclusions of a Site Plan are required for CUP requests. With the application missing required documents and plans, this is an incomplete submission. Ordinance allowed for up to three months to obtain the required materials and resubmit, which was granted in March. |
| Ground contours of site & project location | Submitted | From residential building plans |
| Environmental areas of site | N/A | |

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| Buildings, all existing and proposed | Submitted | All existing buildings submitted; no future expansions or buildings noted |
| Outdoor storage, activity areas | Submitted | |
| Setbacks | Submitted | |
| Existing and proposed landscaping, meeting standards within Attachment E | None submitted | There were no landscaping plans submitted |
| Outdoor lighting plans; location and fixture specs | None submitted | There were no outdoor lighting plans submitted |
| Stormwater facilities, existing & proposed | None submitted | There were no plans to submitted to Town or County |
| Utilities, type and manner of installation | None submitted | No utility plans were submitted |
| Transportation facilities; driveways, fire lanes | None submitted | Firelane turnaround diagrams not provided; driveway location is included on applicant's site plan page |
| Parking areas; stalls with sizes, accessible stalls listed | Information submitted | Angled parking spaces (15) are outlined on Page T1 of Site Plan document. No dimensions listed. Standard stalls are required at a ratio of 1 parking space per 4 stable stalls. Site has 6 stalls, so at least 2 parking spaces is the minimum standard required. Accessible stall requirements are based on minimum standards, and 1 accessible space is required when standard stall requirements are under 25 spaces. Number of stalls meets ordinance standards. Overall compliance TBD based on dimensions. |
| Building plans for all structures related to the use | Residential plans submitted | All existing residential buildings' plans submitted |
| Operation plan for business use | Submitted | A paragraph was included on separated page |
| Review Item | Submission Status | Notes |
| Additional Permits as relevant to proposal: | | |
| County Address Assignment Application | Submitted | Use of property listed as Residential; address for home only, not barn or associated "outbuildings" |
| DNR - Stormwater Notice of Intent (NOI) for land disturbance in excess of 1 acre | Submitted | "Voigt Residence" permit; 5.09 ac listed for Residential project site. Claimed exemption from post-construction standards under allowances in NR151.121 for less than one acre final impervious surface. <i>Post construction standards are stormwater facilities like wet ponds, detention swales, and infiltraion devices.</i> Other CUP submission materials contradict this final impervious amount, detailing it closer to 1.25-1.5ac at completion. |

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| Private Onsite Wastewater Treatment System permit (commercial use system) | Rec'd from County | Town obtained copy of barn system permit from County |
| Sign permit | None submitted | Installed without permit, or installed without verification it meets criteria to be exempt from permitting. |
| State Commercial Building Plan Approval | None submitted | State reviewing plans that were submitted on June 18, 2025 |
| Stormwater permit with associated plans | None submitted | No stormwater permit, County or State, was applied for or issued. Winnebago County Stormwater Plan is required. |
| Valid County erosion control permit | Submitted old expired permits | Submitted expired permit |
| Current Livestock Waste Management Permit | Submitted old permit | Submitted partial documents of an outdated plan, new permit necessary per County staff since disposal of livestock waste has changed since 2023 permit. |
| Livestock premise registration ID from DATCP | None submitted | No known DATCP registration |

Respectfully Submitted,
Kelsey