

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, December 08, 2021
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Chair Knapinski called the meeting to order at 7:00 p.m.

A. Notice Verification, Roll

1. Pledge of Allegiance
2. Verification of Meeting Notice
3. Roll

a. Plan Commission Commissioners

Chair Knapinski	PRESENT
Commissioner White	EXCUSED
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	PRESENT
Commissioner Haskell	PRESENT
Town Board Representative Lettau	Arrived at 7:05 p.m.

b. Staff

Administrator Straw	PRESENT
Clerk Thurs	PRESENT
Planner Jaworski	PRESENT
Engineer Hamblin	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning application submitted by Anthony Walsh and Dennis Jochman for the property located on Clayton Ave, specifically described as Tax ID# 006-0327-03 being part of the Southeast ¼ of the Northeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture District) to R-4 (Multifamily Residential District).

- Adam Boutwell, 9189 Clayton Avenue, Neenah WI 54956.
 - Mr. Boutwell stated he is opposed to the re-zoning and that he had concerns from a zoning stand point
 - a Single residential surrounding by multifamily dwellings would cause privacy issues
 - b Project hadn't been thoroughly thought out
- Francisco Castillo, 9178 Clayton Avenue, Neenah WI 54956.
 - Mr. Castillo stated he is opposed to the re-zoning
 - a Concerns with future educational plans
- Suzanne Rusch, 9207 Clayton Avenue, Neenah WI 54956.
 - Mrs. Rusch stated she is opposed to the re-zoning
 - a Concerns with how the re-zoning will affect the water/drainage issues surrounding her home

- Steven Rusch, 9207 Clayton Avenue, Neenah WI 54956.
 - Mr. Rusch is not for or opposed to the re-zoning
 - a. Needs additional information
- Sarah Boutwell, 9189 Clayton Avenue, Neenah WI 54956.
 - Mrs. Boutwell stated that she is opposed to the re-zoning
 - a. Urged the Planning Commission to rethink the plan. One of her concerns is how this change will affect the animals on the property

Public Hearing Closed at 7:45 p.m.

B. Plan Commission Public Hearing on a Re-zoning application submitted by Town of Clayton for the property owned by Cody Robel, 9409 State Road 76, Neenah, WI 54956 located at 9409 State Road 76, Neenah, WI 54956 specifically described as Tax ID # 006-0034-01 being part of the Northeast ¼ of the Southeast ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-1 (Rural Residential District) and R-2 (Suburban Residential District) to R-1 (Rural Residential District).

- Andy Ujzdowski, N3386 Little Chicago Lane, Weyauwega WI 54983.
 - Asked the purpose of this re-zoning
 - Administrator Straw stated that Mr. Robel had requested a shed permit
 - Administrator Straw stated that this was an administrative clean up only as the parcel was dual zoned

Public Hearing Closed at 7:48 p.m.

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, November 10, 2021 Plan Commission Meeting.

- Commissioner Haskell stated that Item C motion was not complete as stated on the draft minutes and asked Chair Knapinski to reiterate what the motion contained.
 - Direction to Staff to correct the motion to read “Motion to recommend to the Town Board approval to allow for the permanent driveways on the North side and South side of the development with access to Clayton Ave on the East side of the development and the future Eagle Ridge Road on the West side of the development and direct Staff to study the West access points of the site so as to maintain traffic safety.”

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion made to approve the November 10, 2021 Plan Commission Meeting Minutes with suggested changes.

Motion carried

IV. Open Forum: Town-related Matters not on the Plan Commission's Agenda: NONE

V. Correspondence:

A. Distribution of the November 2021 Building Inspector's Report.

B. Distribution of a copy of an Open Letter regarding the intersection of Larsen Road and Hwy 76.

- Administrator Straw stated that she is in process of contacting Winnebago County

C. Distribution of a news article regarding the Two Creeks Solar Energy Parks.

- Plan Commission Chair Knapinski asked how many acres
- Planner Jaworski stated pushing 800 acres

VI. Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted by Anthony Walsh and Dennis Jochman for the property located on Clayton Ave, specifically described as Tax ID# 006-0327-03 being part of the Southeast ¼ of the Northeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture District) to R-4 (Multifamily Residential District).

Site Location: The property is located on Clayton Ave, specifically described as Tax ID# 006-0327-03 being part of the Southeast ¼ of the Northeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Anthony Walsh and Dennis Jochman, Agent
Bechard Group
517 N Westhill Blvd.
Appleton, WI 54914

Property Owners: Town of Clayton
8348 County Road T
Larsen, WI 54947

Consultant: N/A

Property Information:

The surrounding properties are zoned:

- a. North:
Village of Fox Crossing and R-1 (Rural Residential District)
- b. South:
R-4 (Multi-Family Residential District)
- c. East:
Village of Fox Crossing
- d. West:
A-2 (General Agriculture District)

Property Information Specific to Tax ID# 006-0327-03:

1. The property is owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947.
2. The Lot is 15.96 acres in size.
3. The property is in the Neenah School District (3892).
4. The Lot is currently zoned A-2 (General Agriculture District).
5. The property is located within the Village of Fox Crossing Extraterritorial Jurisdiction.
6. The property is located within Shoreland Zoning.
7. The property has a Navigable Stream – Intermittent (checked).
8. The property is not within the Outagamie County Airport Zoning.
9. The property is located in the Outagamie County Airport Height Limitation Zone (1009).
10. The property has no County Floodplain and FEMA Special Flood Hazard Area Information.
11. There is no Wetland Inventory Information.
12. The current land use is in conformance with the Town's adopted Land Use Plan.
13. The proposed land use is in conformance with the Future Land Use Plan.
14. The property is in the Department of Natural Resources Special Well Casing area.

Staff Comments on the proposed Re-Zoning:

1. The Re-zoning of this property is the result of an accepted offer to purchase on this property.
2. The Re-zoning of the property will enable a proposed multifamily development (Town Houses) to occur.
3. The Re-zoning of this property is contingent on the sale of the property.

Staff Recommendations:

Staff recommends approval of the proposed rezoning from A-2 (General Agricultural District) to R-4 (Multifamily Residential) subject to the following conditions:

1. That the rezoning is contingent on the sale of the property.

The Town receive any and all documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.

- Commissioner Haskell commented in response to a comment made during the Public Hearing stating that Mr. Jochman is not on any Town Board, Commission, or Committee for the Town of Clayton. Mr. Jochman is strictly the Town Realtor/Broker assisting the Town in selling Town-owned property.
- Commissioner Lettau expressed concern that the Plan Commission is re-zoning the property before knowing what is being developed.
- Town Planner Jaworski stated the Town has an approved Comprehensive Plan and an approved Highways 10 and 76 Corridor Land Use Master Plan that was approved as part of the Comprehensive Plan. The Plan Commission should be looking at whether the re-zoning to R-4 complies with the approved plan.
- Commissioner Dorow asked of there was anything that could be done to vote this down and Town Planner Jaworski stated the Plan Commission would need to meet certain criteria as to why the Plan Commission rejected the zoning change.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion made to recommend approval to the Town Board of the proposed rezoning from A-2 (General Agriculture District) to R-4 (Multi-Family Residential District) with all staff recommendations and conditions.

Motion carried

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted by Town of Clayton for the property owned by Cody Robel, 9409 State Road 76, Neenah, WI 54956 located at 9409 State Road 76, Neenah, WI 54956 specifically described as Tax ID # 006-0034-01 being part of the Northeast ¼ of the Southeast ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-1 (Rural Residential District) and R-2 (Suburban Residential District) to R-1 (Rural Residential District).

Site Location: The property is located at 9409 State Road 76, Neenah, WI 54956 specifically described as Tax ID # 006-0034-01 being part of the Northeast ¼ of the Southeast ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Town of Clayton
8348 County Road T
Larsen, WI 54947

Owners: Cody Robel
9409 State Road 76
Neenah, WI 54956

Consultant: N/A

Property Information:

1. The surrounding properties are zoned:
 - a. North:
A-2 (General Agriculture District) and R-2 (Suburban Residential District)
 - b. South:
A-2 (General Agriculture District)
 - c. East:
A-2 (General Agriculture District)
 - d. West:
R-2 (Suburban Residential District)

Property Information Specific to Tax ID# 006-0034-01:

1. The property is owned by Cody Robel, 9409 State Rd 76, Neenah, WI 54956
2. The Lot is 3.59 acres in size.
3. The property is in the Neenah School District (3892).
4. The Lot is currently zoned R-1 (Rural Residential District) (Town of Clayton).
5. The Lot is currently zoned R-2 (Suburban Residential District) (Town of Clayton).
6. The Lot is currently zoned R-1 (Rural Residential District) (Winnebago County).
7. The property is located within the Village of Fox Crossing Extraterritorial Jurisdiction.
8. The property is located within Shoreland Zoning.
9. The property has a Non-Navigable Stream – Intermittent (checked).
10. The property is within the Outagamie County Airport Zoning (Zones 2B and 3).
11. The property is located in the Outagamie County Airport Height Limitation Zone (962-1009) with a building height of 106-169.
12. The property has no County Floodplain and FEMA Special Flood Hazard Area Information.
13. There is no Wetland Inventory Information.
14. The current land use is in conformance with the Town's adopted Land Use Plan.
15. The proposed land use is in conformance with the Future Land Use Plan.
16. The property is in the Department of Natural Resources Special Well Casing area.

Staff Comments on the proposed Re-Zoning:

1. The Re-zoning of this property is the result of dual zoning on one parcel which was discovered by Town Staff when the owner applied for a zoning permit to construct a shed on his property.

Staff Recommendations:

Staff recommends re-zoning this property to R-1 (Rural Residential District) and eliminate the dual zoning of this property.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Linsmeier

Motion made to recommend approval to the Town Board of the proposed rezoning from R-1 (Rural Residential District) and R-2 (Suburban Residential District) to R-1 (Rural Residential District) to eliminate the dual zoning on this property.

Motion carried

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for the property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 and Kim C. Maurer, 9045 Clayton Ave, Neenah, WI 54956 located at 9045 Clayton Ave, Neenah, WI 54956 specifically described as Tax ID #006-0340-04 and Tax ID #006-0340-02 both being part of the Northeast ¼ of the Southeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 9045 Clayton Ave, Neenah, WI 54956 specifically described as Tax ID #006-0340-04 and Tax ID #006-0340-02 both being part of the Northeast ¼ of the Southeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Town of Clayton
 8348 County Road T
 Larsen, WI 54947

Property Owners: Town of Clayton
 8348 County Road T
 Larsen, WI 54947

Kim C. Maurer
9045 Clayton Ave
Neenah, WI 54956

Consultant: Gary A. Zahringer (PLS-2098)
Martenson & Eisele, Inc.
1377 Midway Road
Menasha, WI 54952

Property Information:

1. The surrounding properties are zoned:
 - a) North:
A-2 (General Agriculture District) and R-4 (Multi-family Residential District)
 - a) South:
A-2 (General Agriculture District)
 - b) East:
Village of Fox Crossing
 - c) West:
A-2 (General Agriculture District)

Property Information Specific to Tax ID# 006-0340-02:

1. The property is owned by Kim C. Maurer, 9045 Clayton Ave., Neenah, WI 54956
2. The Lot is 5.00 acres in size.
3. The property is in the Neenah School District (3892).
4. The Lot is currently zoned A-2 (General Agriculture District).
5. The property is currently within the Village of Fox Crossing Extraterritorial Jurisdiction.
6. The property is not within the Winnebago County Shoreland District.
7. The property does not have any Navigable Stream and Surface Water Drainage Information.
8. The property is not within the Outagamie County Airport Zoning.
9. The property is located in the Outagamie County Airport Height Limitation Zone (1009) with Building Height restrictions of 185-191.
10. The property is not located in the County Floodplain and FEMA Special Flood Hazard Area (SFHA).
11. The property does not have any Wisconsin Wetland Inventory Information.
12. A wetland delineation was completed for this property in 2017 and wetlands were delineated on the subject parcels (see attached).
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.
15. The property is in the Department of Natural Resources Special Well Casing area.

Property Information Specific to Tax ID# 006-0666:

1. The property is owned by the Town of Clayton, 8348 County Road T, Larsen, WI 54947.
2. The Lot is 12.73 acres in size.

3. The property is in the Neenah School District (3892).
4. The Lot is currently zoned A-2 (General Agriculture District).
5. The property is within any the Village of Fox Crossing Extraterritorial Jurisdiction.
6. The property is not within the Winnebago County Shoreland District.
7. The property does not have any Navigable Stream and Surface Water Drainage Information.
8. The property is not within the Outagamie County Airport Zoning.
9. The property is located in the Outagamie County Airport Height Limitation Zone (1009) with Building Height restrictions of 183-199.
10. The property is not located in the County Floodplain and FEMA Special Flood Hazard Area (SFHA).
11. The property does not have any Wisconsin Wetland Inventory Information.
12. A wetland delineation was completed for this property in 2017 and wetlands were delineated on the subject parcels (see attached).
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.
15. The property is in the Department of Natural Resources Special Well Casing area.

Staff Comments on the proposed CSM:

1. The CSM does not change the existing use of the property.
2. The CSM does show the Right to Farm Language required by the Town.
3. The subject parcels are located in the sanitary district and sewer service area.
4. The majority of the subject parcels are located within the 10,000-foot buffer from the Air Operations Area (AOA).
5. The Town has an accepted offer on Lot 3 of this CSM.
6. The Town will have to build approximately 550 – 600 feet of W. American Drive so that Mr. Maurer will have access to his property.
7. The proposed lots comply with the minimum lot size, width, and road frontage requirements of the Town Zoning Code for the A-2 district.

Staff Recommendations:

Staff recommends approval of the proposed Certified Survey Map as presented.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Haskell

Motion made to recommend approval to the Town Board of the Certified Survey Map submitted by the Town of Clayton for property owned by the Town of Clayton and Kim C. Maurer with all staff recommendations as presented.

Motion carried

- D. Discussion/Recommendation: Plan Commission update and discussion on the CY 2022 proposed planning projects and budget action.

- Chair Knapinski will work with Town Administrator Straw and Town Planner Jaworski.
- Commissioner Nemecek asked if a pecking order could be established.
 - Planner Jaworski confirmed that this was possible

NO ACTION TAKEN

VII. Upcoming Meeting Attendance: NONE

VIII. Adjournment

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Linsmeier

Motion to Adjourn the meeting at 8:23 p.m.

Motion carried

Respectfully submitted,
Sonji Thurs, Clerk