

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, January 12, 2022
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	PRESENT via zoom
Commissioner Nemecek	PRESENT via zoom
Commissioner Linsmeier	EXCUSED
Commissioner Dorow	PRESENT via zoom
Commissioner Haskell	PRESENT
Town Board Representative Lettau	EXCUSED

b. Staff

Administrator Straw	PRESENT
Clerk Thurs	EXCUSED
Treasurer Liebergen	PRESENT
Planner Jaworski	PRESENT
Engineer Hamblin	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning application submitted by Black Diamond Holdings, LLC 501 S Nicolet Road, Appleton, WI 54914, for property owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947 located north of State Hwy 10 on Clayton Ave, specifically described as Lot 3 of Certified Survey Map 7862 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. The application is to re-zone the property from A-2 (General Agriculture) to B-2 (Community Business).

- Barry Gill, owner of Black Diamond Holdings provided the Plan Commission with a preliminary site plan and described the project plan to the Commissioners.
- Chair Knapinski briefly discussed the access to the site and asked Staff if the zoning to B-2 was appropriate given the preliminary site plan. Administrator Straw stated that after careful review of the Zoning Code, B-2 zoning fit the planned development.
- Dennis Jochman, Bechard Investments, stated that the zoning is in line with the Town's Future Use Plan
- Chair Knapinski read an email received by Staff into the record and commented about the downward facing lighting that was mentioned in the email
- Barry Gill responded to the email concern regarding the trees stating the existing trees on the east and north sides of the property would remain as much to the

extent of a 20' buffer as possible and the trees on the west side of the property would be removed with the understanding there would continue to be business development to the west of the property.

- Mr. Jochman confirmed that although there is currently a residence to the west of the property, the western property has always been intended for business development.
- Ken Jaworski, the Town Planner, cautioned the Commissioners that the site plan is not under review and it should be used only as a concept to the Town's Zoning requirements.
- Chair Knapinski asked if the site plan meets the Zoning requirements to which Planner Jaworski stated that it did.

Public Hearing Closed at 7:12 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, December 08, 2021 Plan Commission Meeting.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell (Commission Dorow seconded via zoom lag in meeting)

Motion made to approve the December 08, 2021 Plan Commission Meeting Minutes as presented.

Motion carried

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

V. Correspondence:

- A. Distribution of the December 2021 Building Inspector's Report.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted by Black Diamond Holdings, LLC 501 S Nicolet Road, Appleton, WI 54914, for property owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947 located north of State Hwy 10 on Clayton Ave, specifically described as Lot 3 of Certified Survey Map 7862 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. The application is to re-zone

the property from A-2 (General Agriculture) to B-2 (Community Business).

Site Location: The property is located north of State Hwy 10 on Clayton Ave, specifically described as Lot 3 of Certified Survey Map 7862 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. The application is to re-zone the property from A-2 (General Agriculture) to B-2 (Community Business).

Applicant(s): Black Diamon Holdings, LLC
501 S Nicolet Road
Appleton, WI 54914

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

Consultant: N/A

Property Information:

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

Property Information Specific to Tax ID# 006-0340-04(Lot 3 of CSM 7862):

1. The property is owned by the Town of Clayton, 8348 County Road T, Larsen, WI 54947.
2. The Lot is 5.849 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 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 Wisconsin Wetland Inventory Information.
12. A wetland delineation was completed for this property in 2017.
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 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 mixed-used Business Development 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 Agriculture) to B-2 (Community Business) subject to the following conditions:

1. That the rezoning is contingent on the sale of the property.
2. The Town receive an and all documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
 - Commissioner Haskell noted a typographical error within the memo to the Commission and ask for clarification.
 - Chair Knapinski commented that the site plan and re-zoning of the property meets all qualifications of the Town Zoning Code.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Dorow

Motion made to recommend approval to the Town Board of the proposed rezoning from A-2 (General Agriculture District) to B-2 (Community Business) with all staff recommendations and conditions **and correction of the typographical error within the memo to the Commission.**

Motion carried

- B. Discussion/Recommendation: Plan Commission review and recommendation on an Airport Overlay District Special Exemption request submitted by Mark Van Stappen, 1508 Hoover Ave, Little Chute, WI 54140 for property located on E Shady Lane specifically described as Tax ID #006-0331-01 being part of the Northeast ¼ of the Northwest ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Commissioners were provided copies of email correspondence and documents from Steve Swanson, Outagamie County Zoning Administrator and also the recorded Certified Survey Map (CSM) from November, 1978.

Mr. Van Stappen contacted the Town Office regarding building on his parcel on Shady Lane. The Administration did inform Mr. Van Stappen that his parcel, being 1.42 acres, did not comply with the current Airport Overlay District Ordinance. The Administration did give Mr. Van Stappen the contact information for Mr. Swanson.

According to the correspondence from Mr. Swanson to Mr. Van Stappen, the Town needs to formally approve the special exception for Mr. Van Stappen prior to getting approval from Outagamie County. Mr. Van Stappen's parcel was clearly created prior to April 2, 2012 and therefore, is entitled to a Special Exception from Outagamie County to build a home.

- Commissioner Haskell reminded Staff that the Tax ID # as printed on the agenda for Mr. Van Stappen's property has an error – the property Tax ID is 006-0331-03 not 006-0331-01.
- Dennis Jochman asked what a "Special Exception" is.
- Chair Knapinski explained that there are some properties within the airport overlay that do not comply with the overlay zoning. The Special Exception allows parcels that were created prior to April 2, 2012 to be "grandfathered" in so as to be buildable. Chair Knapinski also reminded Staff to verify the Tax ID number prior to the Town Board meeting.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion made to recommend approval to the Town Board approval of the Special Exception for Mr. Van Stappen for property located on E Shady Lane specifically described as Tax ID #006-0331-03 being part of the Northeast ¼ of the Northwest ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin and direct staff to submit the approval to Mr. Van Stappen.

Motion carried

- C. Discussion/Recommendation: Plan Commission review and recommendation on a schedule and process for the Town of Clayton Comprehensive Plan update in CY 2022.

The Commissioners were provided a numeric listing of the proposed priority of the CY 2022 planning projects. The Administration and Staff have reviewed the list with the Plan Commission Chair.

This item is for discussion regarding possible an extra meeting/workshop per month as discussed at the December Plan Commission Meeting. The Administration will have additional information regarding the impact on the Town's CY 2022 Budget with the extra meetings.

Town Planner Jaworski led the discussion of the following planning projects:

1. Ongoing Planning and Zoning Services

Staff (Town & Cedar) are allocated to review all applications and discuss projects with applicants and developers. This effort is basically daily business, so it must be #1. Typically, Cedar staff is used for CSM & site plan reviews and any other specific requests or questions on code interpretation. The Town's Zoning Administrator Straw handles most other applications and inquiries.

- Continue to execute on a daily basis.

2. Comprehensive Plan & Official Map Updates

The Comp Plan update will take approximately 12 to 14 months to complete thus this is the reason to make this project a top priority. The Town has traditionally updated their Comp Plan every five years, so the project is consistent with that timeline. The update process will take significant effort but will benefit greatly from the recent adoption of the HWY 10/76 Corridor Master Plan. The Communities Official Map must be consistent with their comprehensive plan (WI Stats 66.1001) so it makes sense to coordinate both projects simultaneously. Obviously, the Official Map would be adopted shortly thereafter the Comp Plan is adopted. Initial PC decisions will require addressing how the Comp Plan update process will incorporate public input. All Comp Plan updates require the adoption of a Public Participation Plan (PPP) as the process begins. This should be developed and adopted by March, 2022. For that to occur, the PC will need to decide several items: 1. Should the process be guided directly by the PC **OR** through the development of an Ad-Hoc Committee? Remember, the process will likely require at least 1 meeting per month with the likely exception of July and December. Should the PC lead the effort, two PC meetings per month will need to be considered. Should an Ad-Hoc Committee be assembled, the PC should guide and recommend the members for town board approval.

- PC will continue as the primary committee to lead the Comp Plan with the expectation to meet twice a month: First meeting for regular business and the second for Comp Plan direction. Cedar to develop a DRAFT Public Participation Plan for Feb PC meeting which should include options for participation including an on-line survey, stakeholder workshop and public informational meetings. Cedar also to develop a timeline for the Comp Plan process to be reviewed in February.

3. Marketing the Hwy 10/76 Corridor

Promoting development within the newly created TID is very important for the town to create the funding base to tackle more infrastructure projects and to pay for investment in recently installed sewer and water. This effort will include working with developers that have already shown interest in property (there are some) and guiding them to create quality developments. However, part of this effort will also include creating marketing materials for the Town web site or other economic development promotions to attract interest by developers.

- Cedar to present information at the Feb PC meeting explaining the Gold Shovel process and benefits to the Town in promoting their properties along Hwy 10 as Gold Shovel Ready.

4. Investigate Solar Farm Opportunities

If the town is interested in promoting itself as a “Renewable Energy Community”, attracting a Renewable Energy Developer (RED) will be key to that goal. Renewable Energy Developers (REDs) are seeking locations and communities throughout Wisconsin that are acceptable to this growing movement with reduced barriers and push back. Communities that are more pro-active then re-active will likely get their attention. There are also financial reasons the town maybe interested in attracting a RED. Towns, and their host counties, can be paid quite handsomely, as much as \$250,000 annually, for hosting the facility. I’m sure Clayton would welcome that financial influx. In addition, other conditions can be mutually agreed upon with a RED through a “developer agreement”. Not all towns are acceptable locations RE facilities, but Clayton appears to have some advantages in that the Town is close to a large, developed area of users (The Valley). Plus, the Town also contains some large block of undeveloped land to accommodate such facility. REDs are very active right now is prospecting for future sites. Staff’s fear is most REDs will commit to other locations. Which means renewable energy opportunities in Clayton maybe lost if the Town doesn’t become pro-active. There are only so many REDs to go around.

- PC endorsed the initiative to move forward immediately. Jaworski to assemble an outline of tasks to complete outreach to potential solar developers. Chair Knapinski to continue communication with Appleton Airport Director, Abe Weber, on potential for solar farm near the airport. In addition to the airport properties, other areas for consideration include large undeveloped areas north of CTH II. Ken will also forward to PC members information and guidance from other solar projects.

5. Development of Design Standards

Setting design standards for development is very important to the Town. Especially, in new developing areas where once a precedent is set, standards can be difficult to change. The Town is not starting from scratch for this project. The Town’s current code addresses, in much detail, site plan review standards, lighting, signage, parking,

etc. Those standards may require adjusting to achieve the town's vision or be more acceptable to developers. The HWY 10/76 Corridor Master Plan has also delved into some possible standards based on input through that effort. The challenge will be to develop design standards that are not too complex and overly burdensome on developers which could drive opportunity away. Balancing regulation to achieve development yet ensure quality appearance and safety needs will be key to this effort. The thought behind this effort will be to develop a "Design Standard Guide" that can be referenced in the Town Code. The Guide could also be used as an educational piece to be given to developers and prospectors. Finally, this effort would establish a clear process and timeline for development application reviews and approval. (Ex. site plan reviews).

- PC is targeting June to start this process.

6. Various Code Changes

It was felt by Staff the above projects should be undertaken first as they may have a direct impact on any zoning or code changes. Plus, the Town is in the process of codifying its ordinances. It's very possible this project could get pushed into 2023 but it's important to keep in mind how recommendations in the prior projects listed above could influence a change in the Town's Code. That will certainly be in the back of Staff's mind as we navigate this list.

- Likely to start in fall based on the progress on the above. Town Planner and Staff will monitor.

VII. Upcoming Meeting Attendance:

A. Town of Clayton Annual Christmas Social, Saturday, January 22, 2022 at 6:00 p.m. at Willie Beamons.

- Please get attendance information to Administrator Straw as soon as possible.

VIII. Adjournment

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Dorow

Motion to Adjourn the meeting at 7:54 p.m.

Motion carried

Respectfully submitted,
Tori Straw, Administrator