

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, August 10, 2022
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Chair Knapinski called the meeting to order at 7:02 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
Commissioner Linsmeier	EXCUSED
Commissioner Dorow	PRESENT VIA ZOOM
Commissioner Haskell	PRESENT
Town Board Rep. Christianson	PRESENT

b. Staff

Administrator Straw	PRESENT
Clerk Faust-Kubale	PRESENT
Planner Jaworski	PRESENT
Engineer Hamblin	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on the Conditional Use Application submitted by Robert Ketter & Mary Platt for property located at 2682 Megan Way, Neenah, WI 54956, specifically described as Tax ID #006-1526, Breaker Ridge Plat Lot 37 and being part of the Northeast ¼ of the Northwest ¼ and the Northwest ¼ of the Northeast ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is Short-term Rental of their Single-Family Primary Residence.

- Charles Duffeck, 2671 Cassy Ln, Neenah, WI 54956 spoke against rezoning this property for commercial use as it goes against the Homeowner's Association (HOA) covenants. Mr. Duffeck stated the covenants highlight no commercial business can be run out of the property, he does not want the additional traffic of strangers in the neighborhood, and it will depreciate the value of homes in the area.
- Chair Knapinski asked Mr. Duffeck if the HOA is active, and Mr. Duffeck replied it is.
- Joe Varkoly, 8006 Nichole Heights, Neenah, WI 54956 spoke against rezoning this property again citing the HOA covenants which to not allow lots to be used for single-family residences, no commercial business conducted, and also stated he felt it was an abomination.
- Planner Jaworski reminded the residents in attendance that this hearing is regarding a Conditional Use Application and that the Town is not bound by them and has no jurisdiction under them.

- Lynn Wilson, 8003 Nichole Heights, Neenah, WI 54956 noted she is the President of the HOA and has received lots of calls from neighbors regarding this Application. Ms. Wilson noted that the covenants are important to them and this has been very upsetting to the neighbors.
- Chair Knapinski noted that any covenants signed by the property owner would be binding.
- Mr. Duffeck questioned how long the Applicants have owned the property and Ms. Wilson thought it was less than 1 year, which Mr. Duffeck thought meant the property was purchased with the purpose of putting in a rental unit.
- Rob Ketter, 2682 Megan Way, Neenah, WI 54956 clarified that the home will be maintained as a primary residence, he has already obtained the necessary license from Winnebago County to operate and that requires the owner's presence during all rentals. Mr. Ketter also cited Acts 59 and 67 which state that the conditional use cannot be denied on public comment alone. Mr. Ketter noted he had planned to deal with any issues the HOA may have separately from the Town, and wanted to begin the application process with the Town before approaching the HOA. Mr. Ketter noted he had already engaged in discussion with the immediate neighbors.
- Ms. Wilson noted Mr. Ketter had been working with the HOA with regards to the covenants and enhancements in the neighborhood, but not regarding this application.
- Chair Knapinski asked of Ms. Wilson what she envisioned as a short-term rental, and Ms. Wilson replied there could be many options and was unsure if it would be permanently listed on a site, if the owners would be present for every rental, and has heard there are already unregulated short-term rentals in the Town.
- Chair Knapinski read submitted comments from Lyle Hammerschmidt, 2717 Cassy Lane, Neenah, WI 54956 voicing opposition to the approval of the application and expressed that if the application moved on to the Town Board that there be a condition that the owners must live in and on the property.
- Commissioner Dorow asked if there is a planned maximum occupancy and Mr. Ketter noted the County does have a maximum they will allow.

Public Hearing Closed at 7:25 pm.

- B. Plan Commission Public Hearing on the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956, specifically described as Tax ID # 006-1174, being part of the Southwest ¼ of the Northwest ¼ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is for Backyard Chickens.

Public Hearing Closed at 7:26 pm.

- C. Plan Commission Public Hearing on a Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest ¼ of the Southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of

Clayton, County of Winnebago, State of Wisconsin. The Re-zoning is from A-2 (General Agriculture District) to R-1 (Rural Residential District).

Public Hearing Closed at 7: 27 pm.

- D. Plan Commission Public Hearing on a Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The re-zoning of this lot from A-2 (General Agriculture District) to R-2 (Suburban Residential District).
- Fran Caruana 2756 Holiday Ct, Neenah, WI 54956 inquired the difference between R-1 and R-2 zoning, why the need to change from agriculture to residential and if there is a future plan behind this application.
 - Administrator Straw noted R-1 is for rural residential parcels under 5 acres and R-2 is more of a distinction for subdivisions. Administrator Straw noted they are dividing the parcel with a CSM and because the 3-acre parcel will not qualify as A-2 it would need to be re-zoned.
 - Andrea Hogan, 2712 Oakridge Rd, Neenah, WI 54956 questioned how small of a parcel can be divided off, and Chair Knapinski noted because of the limited space it will be very restrictive.

Public Hearing Closed at 7:36 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, July 13, 2022 Plan Commission Meeting.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion made to approve the July 13, 2022 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 July 2022 Building Inspector's Report.

- Chair Knapinski noted that the new building in the Town was approximately \$860,000.00.

- Chair Knapinski also noted the Commissioners received prior to the meeting notice of a Public Hearing on August 23, 2022 held via Teams at 5 pm by the WI Department of Transportation regarding traffic control at the intersection of Hwy 76 and Larsen Rd.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on the Conditional Use Application submitted by Robert Ketter & Mary Platt for property located at 2682 Megan Way, Neenah, WI 54956, specifically described as Tax ID #006-1526, Breaker Ridge Plat Lot 37 and being part of the Northeast ¼ of the Northwest ¼ and the Northwest ¼ of the Northeast ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is Short-term Rental of their Single-Family Primary Residence.

Site Location: The property is located at 2682 Megan Way, Neenah, WI 54956, specifically described as Tax ID #006-1526, Breaker Ridge Plat Lot 37 and being part of the Northeast ¼ of the Northwest ¼ and the Northwest ¼ of the Northeast ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Robert Ketter & Mary Platt
2682 Megan Way
Neenah, WI 54956

Property Owners: Robert Ketter & Mary Platt
2682 Megan Way
Neenah, WI 54956

Consultant: N/A

Property Information:

1. The surrounding properties are zoned:
 - a. North:
R-2 (Suburban Residential District)
 - b. South:
R-2 (Suburban Residential District)
 - c. East:
R-2 (Suburban Residential District)

- d. West:
R-2 (Suburban Residential District)

Property Information Specific to Tax ID# 006-1526:

1. The property is owned by Robert Ketter & Mary Platt, 2682 Megan Way, Neenah, WI 54956.
2. The property is 1.64 acres in size.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned R-2 (Suburban Residential District) by the Town of Clayton.
5. The property is located within the Village of Fox Crossing Extraterritorial Jurisdiction.
6. The property is not located within Winnebago County Shoreland Zoning.
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property is **Not** located in Outagamie County Airport Zoning District.
9. The property has no County Floodplain and FEMA Special Flood Hazard Area (SFHA) Information.
10. The property has no Wetland Inventory Information.
11. The Future Land Use Plan (per the County Parcel Profile Report) designates the property as Residential – Single and Two Family”.
12. This property is located within the special well casing depth area for Winnebago County.

Staff Comments

1. Per Exhibit 8-1, Land Use Matrix, a “short term rental” accessory use is a conditional use in the subject property’s R-2 zoning district. Please note that Note #14 under Exhibit 8-1 states: *“This use may only occur with a principal residential use or where the residential dwelling is occupied by the owner.”*
2. Per Exhibit 8-1, a “short term rental” accessory use requires a Zoning Permit and Site Plan review/approval. Since new construction is not proposed per the information submitted with the application, Site Plan review/approval per Division 8 of Article 8 is not required.
3. “Short Term Rental (STR)” accessory land use is defined as: *“A single-family residence that offers overnight accommodations for a daily charge and that also serves as a primary residence of the operator or owner. A STR includes bed & breakfast establishments, rental vacation home by owner or other similar overnight private rental accommodations.”*
4. “Short term rental” accessory use is subject to the requirements of Section 9.08-445, Short Term Rentals (STR’s), described/outlined below:
“Short-term rentals are defined as a single-family residential structure that offers overnight accommodations for a daily fee that also serves as a primary residence of the operator or owner. A STR includes bed & breakfast establishments, rental vacation home by owner or other similar overnight private rental accommodations for fewer than 29 consecutive days.
 - a. County license. Prior to the establishment of a STR, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

- b. State license. Anyone who maintains, manages, or operates an STR for more than 10 nights each year is required to obtain a tourist rooming house license from the Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP).
- c. Type of dwelling. An STR shall only occur within a single-family residential dwelling.
- d. Conditional Use Permit (CUP). All STR structures require a onetime Conditional Use Permit as an Accessory Use to Single Family Residential as the Principal Use. A CUP can be transferable between property owners.
- e. Residency requirement. The operator or owner of a STR shall maintain the single-family dwelling as their primary residence during the time period when rooms are offered.
- f. Exterior character of the dwelling unit. The exterior appearance of the building shall not be altered from its single-family appearance. Signage shall conform with the standards identified in the Conditional Use Permit. However, the sign shall not exceed four (4) Sq. ft. in size.
- g. Food preparation. No food preparation or cooking shall be allowed in guest rooms.
- h. Meals. Meals shall only be offered to overnight guests.”
- i. Maximum stay. Rentals shall not exceed 29 consecutive days. Rental activity shall be limited to 180 days within any consecutive 365-day period.
- j. Required inspection for public safety. Before the issuance of any Conditional Use Permit, an inspection of the residential structure shall occur by the Town’s Building Inspector. All STR rooms for rent shall be UDC (Uniform Dwelling Code) compliant. Inspections shall occur every five years at a minimum.
- k. Parking. All vehicle parking (home owners and renters) must occur on site. No on-street parking.
- l. Tax Filing. All local, state and federal tax must be filed with the appropriate agencies. STR’s must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

- Items “a”, “b”, and “e” through “l” above may be addressed as conditions of approval for the CUP.
- Item “c” above states that “an STR shall only occur within a single-family residential dwelling.” The application states that the applicant is proposing “to utilize portions of my single family primary residence as a Short-Term Rental.” If only portions of the residence are proposed to be rented, I would recommend requesting the applicant to submit a floor plan identifying which portions of the residence will be rented to verify the single-family residence is not being converted to a duplex.
- Item “j” above requires an inspection of the residential structure by the Town’s Building Inspector and that all STR rooms for rent shall be UDC (Uniform Dwelling Code) compliant. I would recommend that you have the applicant and building inspector coordinate this inspection ASAP, preferably before the Plan Commission meeting in which this application will be reviewed.

Staff Recommendations:

1. The application states that the applicant is proposing “to utilize portions of my single family primary residence as a Short-Term Rental.” If only portions of the residence are proposed to be rented, Jeff Kussow would recommend requesting the applicant to submit a

- floor plan identifying which portions of the residence will be rented to verify the single family residence is not being converted to a duplex.
2. Jeff Kussow would recommend that you have the applicant and building inspector coordinate an inspection of the residence with re-inspections to occur every 5 years.
 3. That the Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
 4. That any Applicant that maintains, manages, and/or operates a short-term rental facility for more than 10-nights each year obtain a tourist rooming house license form the State Department of Agriculture, Trade, and Consumer Protection (DATCP).
 5. That all short-term rental activities shall only occur within a single-family residential dwelling.
 6. That all structures require a onetime Conditional Use Permit as an accessory use to a single family residential as the Principal Use.
 7. That a Conditional Use Permit for Short-term rentals be transferable between property owners.
 8. That the operator of a short-term rental facility maintains the single-family dwelling as their principal residence during the time period when rooms are offered.
 9. That the exterior appearance of the building shall not be altered from its single-family appearance.
 10. That all signage shall conform with the standards identified in the Conditional Use Permit, those being that the sign shall not exceed (4) square Feet in area.
 11. That no food preparation or cooking shall be allowed in guest rooms.
 12. That meals shall only be offered to overnight guests.
 13. That rentals shall not exceed 29 consecutive days.
 14. That rentals shall be limited to 180-days within any 365-day period.
 15. That all parking (home owner and renters) for the facility shall occur on site. No street parking is allowed.
 16. That all local, state and federal tax must be filed with the appropriate agencies. Short-term Rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.
- Commissioner Dorow asked if the Building Inspector had been able to do a walkthrough as outlined in the memo the Commissioners received and Administrator Straw noted he had not but could make it a condition of approval along with anything that would need remedy. Administrator Straw also reiterated that Mr. Ketter has already received his license from the County for operating.
 - Commissioner Haskell noted surprise at the amount of opposition as it clearly states the owners need to be present for rentals and when doing a drive through of the neighborhood, she noted the already congested traffic from the residents and that would be a greater concern. Commissioner Haskell asked of the neighbors to consider the effort that went into this application and process prior to coming to the Commission and that the owners could have just listed without any notice on a rental site.
 - Chair Knapinski noted there appears to be a conflict with the covenants and Town responsibilities and that the inspection needs to be completed as outlined in the memo, and hoped the owners would reach out to the HOA to resolve any outstanding issues.
 - Commissioner Haskell noted her preference to have the inspection done before approving the application and to get more information on any restrictions of bedrooms, bathrooms, etc. rather than proceeding with a conditional approval.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Dorow

Motion made to table the Conditional Use Application submitted by Robert Ketter & Mary Platt for property located at 2682 Megan Way, Neenah, WI 54956, specifically described as Tax ID #006-1526, Breaker Ridge Plat Lot 37 and being part of the Northeast ¼ of the Northwest ¼ and the Northwest ¼ of the Northeast ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin until the Building Inspector completes an inspection of the property.

Motion carried.

- B. Discussion/Recommendation: Plan Commission review and recommendation on the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956, specifically described as Tax ID # 006-1174, being part of the Southwest ¼ of the Northwest ¼ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is for Backyard Chickens.

Site Location: The property is located at 3620 Park Lane Dr., Neenah, WI 54956, specifically described as Tax ID # 006-1174, being part of the Southwest ¼ of the Northwest ¼ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Joe & Christy Pitsch

3620 Park Lane
Neenah, WI 54956

Property Owners: Joe & Christy Pitsch
3620 Park Lane
Neenah, WI 54956

Consultant: N/A

Property Information:

1. The surrounding properties are zoned:
 - a. North:

A-2 (General Agriculture District)

- b. South:
R-2 (Suburban Residential District)
- c. East:
A-2 (General Agriculture District)
- d. West:
R-2 (Suburban Residential District)

Property Information Specific to Tax ID# 006-1174:

1. The property is owned by Joseph and Christy Pitsch, 3620 Park Lane Dr., Neenah, WI 54956.
2. The Lot is 1.37 acres in size.
3. The property is in the Neenah School District (3892).
4. The Lot is currently zoned R-1 (Rural Residential District).
5. The property is within the Village of Greenville's Extraterritorial Jurisdiction.
6. The property is located within Shoreland Zoning.
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).
10. The property is not located in the Outagamie County Airport 10,000 ft. buffer zone.
11. The property has no Navigable Stream and Surface Water Drainage Information.
12. The property is outside of the County Floodplain and FEMA Special Flood Hazard Area.
13. The property has "Wetland too Small to Delineate".
14. The current land use is consistent with the Town's adopted Land Use Plan.
15. The proposed land use is consistent with the Future Land Use Plan.
16. The property is in the Department of Natural Resources Special Well Casing area.

Staff Comments(from Jeff Kussow, Cedar Corp):**Town Requirements:**

1. Per the Town's Zoning Ordinance, "backyard chickens" accessory use is a conditional use in the R-2 zoning district, and "backyard chickens" is defined as: *"A place where chickens are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of a chicken as part of a 4-H or similar educational project shall not be considered a commercial purpose."*
2. The "backyard chickens" accessory use is subject to the special standards outlined in Section 9.08-444 of the Town Zoning Ordinance, which are:
 - i. Number. The number of chickens on a nonfarm residence in the R-2 suburban residential zoning district will be determined by the Plan Commission during the review of the conditional use permit.
 - ii. Roosters. The keeping of roosters is prohibited when a conditional use permit is required.
 - iii. Slaughter of chickens prohibited. The slaughter of chickens on the premises in the R-2 suburban residential zoning district is prohibited.

- iv. Enclosure requirements. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times on a nonfarm residence in the R-2 suburban residential zoning district.
- v. Setback requirements. The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.
- vi. Registration required. The owner, operator, or tenant shall register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.

I am unable to determine compliance with Section 9.08-444 based on the limited information submitted with the application. I would recommend requesting the applicants to submit addition information addressing the number of proposed chickens and proposed covered enclosure/fenced enclosure. I would recommend requesting a site plan to show the enclosure(s) and setbacks from property lines and residential structures on an adjacent lot.

County Requirements (only applicable if proposed on the portion of the property located in the shorelands and Winnebago County zoning):

1. If the backyard chickens are proposed on the portion of the property located in the shorelands and Winnebago County zoning, the proposed “backyard chickens” accessory use will also be subject to the County’s Town/County Zoning Ordinance requirements.
2. Per the County’s Town/County Zoning Ordinance, “backyard chickens” accessory use is a permitted use in the R-2 zoning district, and the County’s “backyard chickens” definition is the same as the Town’s definition.
3. The “backyard chickens” accessory use is subject to the special standards outlined in Section 23.8-444 of the County’s Town/County Zoning Ordinance, which are:
 - a. Number. No more than 4 chickens may be kept.
 - b. Roosters. The keeping of roosters is prohibited.
 - c. Slaughter of chickens prohibited. The slaughter of chickens on the premises is prohibited.
 - d. Enclosure requirements. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
 - e. Setback requirements. The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.
 - f. Registration required. The owner, operator, or tenant shall register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.

I am unable to determine the applicability of County requirements and compliance with Section 23.8-444 based on the limited information submitted with the application.

Staff Recommendations:

Staff recommends approval of the proposed Conditional Use Application for the purposes of Backyard Chickens with the following conditions:

1. That the number of chickens be limited to six (6) as this is the standard number allowed.
2. That no roosters be allowed per the Town’s Zoning Code Sec. 9.08-444 – Backyard Chickens.
3. Chickens shall not be kept on the property for commercial purposes.

4. The slaughter of chickens on the premises is prohibited.
 5. That the chickens be provided with a covered enclosure and be required to be kept in the covered enclosure or a fenced enclosure at all times.
 6. That the enclosure be located at least 25 feet from any residential structure on an adjacent lot.
 7. The owner, operator, or tenant shall register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.
- Planner Jaworski suggested under Staff Recommendations that #4 be amended to no slaughter for commercial purposes.

MOTION:

Motion by Commissioner Dorow

Second by Commissioner Nemecek

Motion made to recommend approval to the Town Board the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956, specifically described as Tax ID # 006-1174, being part of the Southwest ¼ of the Northwest ¼ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, with all Staff recommendations including amending recommendation #4 to slaughter for commercial use is prohibited.

Motion carried.

- C. Discussion/Recommendation: Plan Commission review and recommendation on Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest ¼ of the Southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Re-zoning is from A-2 (General Agriculture District) to R-1 (Rural Residential District).

Site Location: The property is located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest ¼ of the Southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Bret Blickhahn
4362 Rocky Rd

Oshkosh, WI 54904

Property Owner(s): Bret Blickhahn
4362 Rocky Rd
Oshkosh, WI 54904

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) and R-1 (Rural Residential District)
 - c. East:
A-2 (General Agriculture District) and R-1 (Rural Residential District)
 - d. West:
R-1 (Rural Residential District) and R-2 (Suburban Residential District).

Property Information Specific to Tax ID# 006-0816-01(Lot 2 and Lot 3):

1. The property is owned by Bret Blickhahn, 4362 Rocky Rd., Oshkosh, WI 54904
2. The proposed Lot 2 is 1.00 acre in size.
3. The proposed Lot 3 is 1.88 acres in size.
4. The property is in the Winneconne School District (6608).
5. Lots 2 and 3 comply with the minimum lot size, lot width, and road frontage requirements for the R-1 district.
6. The property is not within the any Extraterritorial Jurisdiction.
7. The property is located within Shoreland Zoning, however, Cary Rowe, Winnebago County Zoning Administrator stated that the ponds in this area are not considered “navigable” and therefore not in the County Shoreland Zoning buffer.
8. The property does not have Navigable Stream and Surface Water Drainage Information.
9. The property is not within the Outagamie County Airport Zoning.
10. The property has no Navigable Stream and Surface Water Drainage Information per County Zoning Administrator.
11. The property is outside of the County Floodplain and FEMA Special Flood Hazard Area.
12. The property has no wetland information.
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.
16. The 2 lots are being re-zoned due to the proposed CSM approved last month.

Staff Recommendations:

Staff recommends approval of the proposed re-zoning of Lots 2 and 3 of the proposed CSM from A-2 (General Agriculture) to R-1 (Rural Residential) with the following conditions:

1. The Town receive any and all documentation of the approval of the proposed rezoning by an overlaying unit of government having jurisdiction.
 - Commissioner Dorow questioned if the drive for Lot 3 is too close to Lot 2, noting he saw no issues with the Lot 2 drive. Administrator Straw did note that it would meet access code requirements.

MOTION:**Motion by** Commissioner Haskell**Second by** Commissioner Nemecek

Motion made to recommend approval to the Town Board of a Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest ¼ of the Southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Motion carried.

- D. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map Review Application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Jim Sehloff (PLS-2692)
Davel Engineering & Environmental Inc.
1164 Province Terrace
Menasha, WI 54952

Property Owner(s): Paul & Jolene Moran
2741 Holiday Ct.
Neenah, WI 54956

Consultant: Jim Sehloff (PLS-2692)

Davel Engineering & Environmental Inc.
1164 Province Terrace
Menasha, WI 54952

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) and R-1 (Rural Residential District)
 - c. East:
A-2 (General Agriculture District) and R-1 (Rural Residential District)
 - d. West:
R-1 (Rural Residential District) and R-2 (Suburban Residential District).

Property Information Specific to Tax ID # 006-0652-03:

1. The property is owned by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956
2. The Lot is 9.3729 acres.
3. The property is in the Neenah School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agricultural District).
5. The property **is** within the City of Neenah Extraterritorial Jurisdiction.
6. The property **is not** within the Shoreland Area.
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
10. The property is within A2/W0H Aquatic Bed, open water Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Residential (Single & Two-family homes).
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.

Staff Comments on the proposed Rezone:

1. The proposed Lot 2 of the CSM is 3.14 acres and fits all requirements of rezone to R-2 (Suburban Residential District).

Staff Recommendations:

Staff does recommend approval of the proposed Re-zone with the following conditions:

1. Documentation of the approval of the proposed rezone by any overlying unit of government having jurisdiction.

- Commissioner Haskell asked if the standard measurement would be chord or arc to determine if the drive requirement of 33 feet would be met and Engineer Hamblin noted it would be arc and it does meet the 33-foot requirement.
- Commissioner Haskell also questioned if this would be considered a subdivision since all the other parcels are zoned agricultural and Engineer Hamblin noted there are other R-2 parcels in the area which would also meet the current zoning code.

MOTION:

Motion by Commissioner Dorow

Second by Commissioner Nemecek

Motion made to recommend approval to the Town Board of Certified Survey Map Review Application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all Staff Recommendations.

Motion carried.

- E. Discussion/Recommendation: Plan Commission review and recommendation a Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The re-zoning of this lot from A-2 (General Agriculture District) to R-2 (Suburban Residential District).

MOTION:

Motion by Commissioner Dorow

Second by Commissioner Nemecek

Motion made to recommend approval to the Town Board of a Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all Staff Recommendations.

Motion carried.

- F. Discussion/Recommendation: Plan Commission review and recommendation on a Sign Review Application submitted by Fox Cities Sign, 1125D Tuckaway Ln, Menasha, WI 54952 for property owned by Dale Mart, LLC, 8510 State Road 76, Neenah, WI 54956, specifically described as Tax ID 006-0361, being part of the Southwest ¼ of the Southwest ¼ of Section 13, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Staff received an additional sign application for this site. Due to the error of the company, the Administration is respectfully requesting the Plan Commission table this item to a future agenda.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion made to table a Sign Review Application submitted by Fox Cities Sign, 1125D Tuckaway Ln, Menasha, WI 54952 for property owned by Dale Mart, LLC, 8510 State Road 76, Neenah, WI 54956, specifically described as Tax ID 006-0361, being part of the Southwest ¼ of the Southwest ¼ of Section 13, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Motion carried.

- G. Discussion/Recommendation: Plan Commission review and recommendation on a Sign Review Application submitted by Nicolet Lumber Company, 4050 Nicolet Drive, Green Bay, WI 54311 for property owned by Premier Clayton, LLC, 9105-9121 Clayton Ave, Neenah, WI 54956, specifically described as Tax ID 006-0329, being part of the Southeast ¼ of the Northeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Commissioners reviewed a copy of the Sign Review Application and Sign Plan for Premier Clayton, LLC. Staff received prior to the meeting a revised application which was also distributed to the Commissioners for review.

Staff Comments/Recommendations:

1. This is the only freestanding sign being proposed on the property, which is in compliance with the Town Zoning Ordinance.
2. The subject property is located in the Multifamily Residential (R-4) District.

3. Town requirements for signs may be found in Article 12, Signs, of the Town Zoning Ordinance.
4. Table 12-2 in Section 9.12-10, Signs allowed in a residential zoning district by permit, describes requirements for on-premise signage in a residential district.
5. Signage on this parcel would be classified and regulated as an “identification sign for a residential complex” per Table 12-2.
6. Per Table 12-2, a freestanding sign (monument sign only) may be permitted, subject to the following requirements:
 - a. Number of signs: 1 per frontage
 - b. Maximum sign area: 32 sq. ft. when single sided; 32 sq. ft. per side when double-sided
 - c. Maximum sign height: 6 ft.
 - d. Illumination: External
 - e. Type of display permitted: Static display
7. Sec. 9.12-04, Measurement of sign area, states: “The area of a sign includes that area enclosing the outer limits of any emblem, representation, wording, or any figure of similar character, together with any area forming an integral part of the display, or which is used to differentiate the sign from the background, such as a wall, to which it may be affixed. Sign supports not otherwise included in the aforementioned description are not included in determining the sign area.”
8. Sec. 9.12-10(b), Landscaping requirement for monument signs, states: “When a monument sign is allowed in a residential zoning district, landscaping shall be provided around the base of the sign for a minimum distance of 6 feet. Such landscaping may consist of turf, shrubs, or ground cover.”
9. Sec. 9.12-13(b), Free-standing sign, states: “A free-standing sign shall comply with each of the following:
 - a. A sign when located above a walkway shall not be less than 10 feet above the surface of such walkway.
 - b. A sign when located above a driveway or an alley shall not be less than 15 feet above the surface of such driveway or alley.
 - c. No part of a sign may be closer than 10 feet to the front property boundary line or within the side yard or rear yard setback established for the zoning district in which the sign is located.”

The proposed sign does not comply with the maximum sign height requirement of the Town Zoning Ordinance. A new sign plan in compliance with all applicable requirements of Article 12, Signs, of the Town Zoning Ordinance shall be submitted prior to issuance of the Town Sign Permit.

- Commissioner Haskell questioned if the pad for the sign will be placed 10 feet off the Right of Way and Engineer Hamblin assured it will be.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Dorow

Motion made to recommend approval to the Town Board a Sign Review Application submitted by Nicolet Lumber Company, 4050 Nicolet Drive, Green Bay, WI 54311 for property owned by Premier Clayton, LLC, 9105-9121 Clayton Ave, Neenah, WI 54956, specifically described as Tax ID 006-0329, being part of the Southeast ¼ of the Northeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all Staff Recommendations and ensuring the pad will be placed 10 feet off the Right of Way on Clayton Ave.

Motion carried.

- H. Discussion/Recommendation: Plan Commission review and recommendation on appointing members to an Ad Hoc Committee to review/update/recreate the Town's Site Plan Review Procedures and Requirements.

The Commissioners reviewed a list of potential Ad Hoc Committee Members created by Town Staff. The Plan Commissioners are free to appoint all or part of the list.

- Commissioner Nemecek respectfully withdrew his name from consideration as the Plan Commission representative on this Ad Hoc Committee and Commissioner Haskell volunteered.

MOTION:

Motion by Commissioner Haskell
Second by Commissioner Dorow

Motion made to approve the list of potential members to an Ad Hoc Committee to review/update/recreate the Town's Site Plan Review Procedures and Requirements.

Motion carried.

- I. Review and Discussion: Plan Commission review and discussion on Farm-Raised Fish/Fish Farming in the Suburban Residential (R-2) District.

The Commissioners reviewed a memo from the Town's Code Administrator regarding Farm-Raised Fish/Fish Farming in the R-2 (Suburban Residential District).

This agenda item came up with the review of the expansion of a private pond located within Deer Trail Estates. The applicant added to the pond application that he stocks the pond on his property with fish for fishing with his children.

- Chair Knapinski questioned if this could be ensured to be a non-commercial venture.
- Commissioner Dorow questioned if the fish were fed and could they be considered farm raised, and Engineer Hamblin responded that the owner is only stocking the pond.

- Planner Jaworski noted the Commissioners could move forward on this item, but will need further consideration.
- Chair Knapinski voiced he would be in favor of recommending and treating similar to backyard chickens with further consideration needed. Chair Knapinski noted this would require a text amendment and would also like to see the Ad Hoc Committee on site plans address this at a future date.

MOTION:

Motion by Chair Knapinski

Second by Commissioner Haskell

Motion made to approve a text amendment for the Farm-Raised Fish/Fish Farming in the Suburban Residential (R-2) District and direct Staff to publish and post the proper notice.

Motion carried.

VII. Upcoming Meeting Attendance

A. Plan Commission Meeting August 24th to continue updating the Town's Comprehensive Plan.

VIII. Adjournment

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion to Adjourn the meeting at 9:17 p.m.

Motion carried

Respectfully submitted,
Kelsey Faust-Kubale, Clerk