

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, October 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 7:01 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 Ketter	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	ABSENT
Commissioner Dorow	PRESENT VIA ZOOM
Commissioner Haskell	PRESENT
Town Board Rep. Christianson	PRESENT

b. Staff

Administrator Wisnefske	EXCUSED
Clerk Faust-Kubale	PRESENT
Eric Fowle, Cedar Corp	PRESENT
Engineer Hamblin	PRESENT

II. Public Hearings: NONE

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, September 14, 2022 Plan Commission Meeting.

MOTION:

Motion by Representative Christianson

Second by Commissioner Nemecek

Motion made to approve the September 14, 2022 Plan Commission Meeting Minutes as presented.

Motion carried by unanimous voice vote.

IV. Open Forum: Town-related Matters not on the Plan Commission's Agenda:

- Kevin Pollard representing SBA Communications, W178 N9912 Rivercrest Dr Suite 102, Germantown, WI 53022 spoke regarding Agenda Business item B – the Site Plan Review submitted by Parallel Towers III, LLC. Mr. Pollard noted the ¼ mile distance between the existing tower and the proposed new tower and voiced objection to a new tower being

constructed. Mr. Pollard presented a copy of a letter to the Commissioners showing an offer of 50% reduction for rent.

- Commissioner Ketter questioned if there would, in fact, be a difference in coverage referencing maps provided by Parallel Towers III, LLC and Mr. Pollard noted there would be no difference in coverage between the existing and proposed new towers.
- Chair Knapinski questioned if the State has given any input on similar situations, to which Mr. Pollard replied the courts have upheld denials in certain situations and on occasion upheld approvals.

V. Correspondence:

A. Distribution of the September 2022 Building Inspector's Report.

- Chair Knapinski noted this was a slower month for the Town but overall, a strong growth and building year.

VI. Business:

- A. Review/Recommendation: Plan Commission review and recommendation on a Certified Survey Map Review Application submitted by Donald & Joan Gurski, 2537 Oakcrest Dr, Neenah, WI 54956 for Tax ID # 006-0953 and Tax ID #006-0954.

The Commissioner reviewed copies of the Parcel Profile Reports, and a copy of the CSM Review Application.

Property Information:

The surrounding properties are zoned:

North:

R-2 (Suburban Residential District)

South:

R-1 (Rural Residential District)

East:

R-2 (Suburban Residential District)

West:

R-2 (Suburban Residential District)

Staff Comments on the proposed CSM:

1. The purpose of this CSM is to combine PIN 006-0954 (2537 Oakcrest Dr) and PIN 006-0953 into one lot.
2. The subject property is located in the Suburban Residential (R-2) Town zoning district.
3. The subject property is located in the "shorelands" (i.e., within 300 ft. of a navigable stream) and the Suburban Residential (R-2) County zoning district.
4. The subject property has no floodplain or wetland concerns.
5. The minimum lot size, lot width, and road frontage requirements for the R-2 Town zoning district are as follows:
 - a. Minimum Lot Size: 20,000 sq. ft.

- b. Minimum Lot Width: 100 ft.
- c. Minimum Road Frontage: 33 ft.

The proposed lot complies with these lot requirements for the R-2 Town zoning district.

- 6. Since the lots being created are not adjacent to properties that are being used for agricultural purposes, it is my opinion that the “right to farm” statement is not required.

Staff Recommendations:

Staff does recommend approval of the proposed CSM as presented.

- Commissioner Haskell noted her preference to have the right to farm language included on all CSMs done in the Town.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion made to recommend approval of the Certified Survey Map submitted by Donald & Joan Guralski, 2537 Oakcrest Dr, Neenah, WI 54956 for Tax ID # 006-0953 and Tax ID #006-0954, including the right to farm language.

Motion carried by unanimous voice vote.

- B. Review/Recommendation: Plan Commission review and on a Site Plan Review for the construction of an unconcealed telecommunication facility and associated equipment compound submitted by Parallel Towers III, LLC for Tax ID #006-0895-06.

Property Information Specific to Tax ID # 006-0895-06:

The subject property is same property as the Garrow Man Caves Phase II development which was recently approved by the Town.

- 1. Specific Site Location: The subject site is located 540 ft. north of the northern terminus of Black Top Way and adjacent to the east of the property addressed 7578 State Rd 76 (Tax ID 006-0897-04).
- 2. Parcel Profile Report is enclosed with this memo for your reference. Additional applicable property information not included in the Parcel Profile Report is described below:
 - a. The subject lease/project area is 5,625 sq. ft. (75' x 75').
 - b. The proposed “unconcealed telecommunication facility” is a Permitted Use in the subject property’s I-1 district.
 - c. The proposed “unconcealed telecommunication facility” requires Site Plan Approval and a Zoning Permit.
 - d. No portion of the subject lease/project area is located in the County’s Shoreland Zoning or Floodplain Zoning.
 - e. There are no mapped wetlands, but there are “wetland indicators” in the subject lease/project area per the County’s Hydrologic Viewer and the Wisconsin Department of Natural Resources’ Surface Water Data Viewer.

- f. The Town's Future Land Use Plan designates this property as "Business/Light Industrial/Planned Unit Development".
 - g. The proposed telecommunications facility is consistent with the Town's Future Land Use Plan.
3. Zoning of Surrounding Properties:
- a. North: A-2 (General Agriculture District), R-1 (Rural Residential District), and R-2 (Suburban Residential District).
 - b. South: I-1 (Light Industrial District), B-2 (Community Business District), B-3 (General Business District), and A-2 (General Agricultural District)
 - c. East: A-2 (General Agriculture District) and A-2 (General Agricultural District with a Conditional Use)
 - d. West: A-2 (General Agriculture District), and R-1 (Rural Residential District)

Staff Comments, Basis of Decision, and Staff Recommendation, & Suggested Conditions:

Staff Comments:

It is staff's opinion that the Site Plan Application and proposed unconcealed telecommunication facility complies with all applicable Town Zoning Ordinance and State Statute requirements.

Basis of Decision:

The Town, in making its decision, shall consider the following factors:

1. effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
2. effects of the project on the natural environment;
3. effects of the project on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
4. compliance with the site design principles and architectural standards enumerated in division 8 of article 8;
5. compliance with other applicable requirements contained in this chapter; and
6. any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply.

Please note that §66.0404, Wis. Stats., would take precedent over the Town Zoning Ordinance requirements if there is a conflict between the Town Zoning Ordinance and State Statutes.

Staff Recommendation & Suggested Conditions:

Staff recommends approval of the Site Plan Review Application and the proposed unconcealed telecommunication facility consisting of a 170 ft. monopole tower and associated equipment compound.

The following are possible conditions of approval that may be relevant to ensure compliance with ordinance requirements:

1. The project shall comply with all applicable local, state, and federal codes/ordinances.
 2. Winnebago County Stormwater and Erosion Control Permits shall be obtained by the applicant prior to commencing construction.
 3. Prior to the issuance of a building permit authorizing construction of a tower, the property owner shall provide a financial guarantee in a form acceptable to the Town of Clayton and in the amount of \$20,000. Such financial guarantee shall be maintained until the tower is removed and the site restored or at such time that is mutually agreeable to the property owner and the zoning administrator. If the Town exercises its right to use the financial guarantee and the amount of the financial guarantee does not cover the cost of removing the tower and restoring the site, the balance shall constitute a lien against the property as authorized by state law. *(A "Tower Removal Bond" in the amount of \$20,000 and executed on July 18, 2022 was submitted with the application)*
 4. Any substantial changes and/or additions to the site plan shall be reviewed and approved by the Plan Commission and Town Board in accordance with the Town of Clayton Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.
- Scott Littell representing Parallel Towers III, LLC, 1026 S 57th St, West Allis, WI 53214 spoke to the proposed new tower having increased height and newer technology as the existing tower has been in service for approximately 20 years.
 - Robyn Gruner representing AT&T with Parallel Towers III, LLC, W8231 Celebration Dr, Hortonville, WI 54944 spoke to the desire of AT&T to invest in towers and the communities they are located in to improve service. Ms. Gruner went into further detail on how tower contracts are negotiated and other similar new tower proposals and the disputes around them.
 - Paul Jonas representing Parallel Towers III, LLC, 790 N Water St, Milwaukee, WI 53202 is legal counsel for Parallel Towers and spoke further on similar disputes between existing tower holders and proposed new tower construction. Mr. Jonas addressed the common question of proliferation of towers noting that if there is no service for 12 months, the tower will be taken down.
 - Commissioner Ketter asked for confirmation that SBA Communications was informed of the application and Mr. Jonas confirmed that was sent on November 7, 2018.
 - Commissioner Ketter questioned if newer technology could be added to the existing towers or no. Mr. Jonas replied that it may be possible, but in this competitive industry it would be time consuming and very costly.
 - Commissioner Haskell questioned if this would only impact cell service, or if it would also increase coverage for internet/Wi-Fi and Ms. Gruner replied this would only be impacting the mobility services.
 - Chair Knapinski asked if the map showing expanded coverage is mostly over Lake Winnebago and Ms. Gruner replied it was.
 - Commissioner Haskell noted that the language around the fall radius was rather vague and wanted more clarification on the design with some assurance that the whole 170 feet would not fall onto neighboring property or the roadways. Commissioner Haskell noted that the neighboring properties could be developed at a later point, and if the tower did not fail as designed at the halfway point, it could cause considerable damage. Commissioner Haskell

also pointed out that as a part of the approval of the Site Plan for the Garrow Man Caves Phase II development the Commission only approved the possibility for a tower to be placed and not a specific location on the parcel. Mr. Jonas responded that the co-location requirements had been met and moving the tower site cannot be considered by the Commission at this point.

MOTION:

Motion by Commissioner Nemecek
Second by Commissioner Ketter

Motion made to recommend approval of the Site Plan submitted by Parallel Towers III, LLC for Tax ID #006-0895-06 with all Staff Recommendations.

Motion carried by unanimous voice vote.

- C. Review/Discussion: Plan Commission review and recommendation on a Text Amendment to the Town's Zoning Code & Land Use Matrix regarding the keeping of farm-raised fish in the R-2 District.

The Commissioners reviewed sample diagrams/plans of what these types of developments may look like from neighboring communities.

- Chair Knapinski asked for this preliminary discussion because some examples of flex space have been used as storage, but the Town does not currently allow storage facilities in areas where the sewer & water utilities have been installed.
- Commissioner Haskell questioned how the Trident development may be considered flex space, and Chair Knapinski noted it was his understanding that the overarching idea is lots of square footage with minimal people/employees within. Mr. Fowle also noted that the definition is open to interpretation, with it being a hybrid of commercial and industrial uses.
- Chair Knapinski noted that a consideration for the Commission would be where this type of development may be a good fit within the Town. Engineer Hamblin noted that there are other interested developers who have proposed filling these spaces with small businesses that are looking to possibly expand from a home business but don't need a full warehouse square footage space to operate from.
- Chair Knapinski questioned if this may better be considered as a part of site plan review and building code review rather than a broad definition.
- Eric Jacobson, 733 Midway Rd, Menasha, WI 54952 commented that he owns the former Headliners property in Town and is interested in developing it into a space similar to what is being discussed. Mr. Jacobson also distributed photos to the Commissioners of some of his properties before Administrator Wisniewski reminded all in attendance that specific properties and proposals are not germane to this discussion.

NO ACTION TAKEN – DISCUSSION ITEM ONLY

VII. Upcoming Meeting Attendance

- A. Town Board Budget Meeting October 13, 2022 at 12:00 noon – CANCELLED DUE TO LACK OF QUORUM
- B. Plan Commission Comp Plan Meeting October 26, 2022 at 7:00 pm.
- C. Site Plan Review Committee Meeting October 27, 2022 at 5:00 pm.
- D. Plan Commission Meeting November 9, 2022 at 7:00 pm.

VIII. Adjournment

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion to Adjourn the meeting at 8:18 p.m.

Motion carried by unanimous voice vote.

Respectfully submitted,
Kelsey Faust-Kubale, Clerk