

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, November 9, 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 Ketter	ABSENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	ABSENT
Commissioner Dorow	ABSENT
Commissioner Haskell	PRESENT
Town Board Rep. Christianson	PRESENT

b. Staff

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

II. Public Hearings:

- A. Plan Commission Public Hearing on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-03. The application is to re-zone the property from A-2 (General Agricultural District) to I-1 (Light Industrial).

No public comments – hearing closed at 7:02 pm

- B. Plan Commission Public Hearing on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0340-02-01. The application is to re-zone the property from A-2 (General Agricultural District) to I-1 (Light Industrial).

No public comments – hearing closed at 7:03 pm

- C. Plan Commission Public Hearing on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-02. The application is to re-zone the property from A-2 (General Agriculture District) to R-4 (Multi-Family Residential District).

No public comments – hearing closed at 7:04 pm

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, October 12, 2022 Plan Commission Meeting.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion made to approve the October 12, 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:

- Chair Knapinski reported that the Citizen Opinion Survey has received 515 responses with a 93% completion rate taking residents an average of 13 minutes to complete.
- Chair Knapinski reported that he has attempted to communicate with Commissioner Linsmeier regarding his lack of attendance at meetings this year via phone and letter with no response. Chair Knapinski has consulted with Town Board Chair Geise, and that seat is now considered vacant. Both Chairs are accepting nominations for residents to fill that Plan Commission seat.

V. Correspondence:

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

- Chair Knapinski noted that there was a lot of growth and projects this month with approximately \$4 million in project costs.

VI. Business:

- A. Review/Recommendation: Plan Commission review and recommendation on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-03.

The Commissioners reviewed copies of the Parcel Profile Reports, a copy of the re-zoning application, and the Staff Report.

Staff Comments:

It is staff's opinion that the rezoning is consistent with the "Highways 10 & 76 Corridor Land Use Master Plan" and Town Comprehensive Plan.

Basis of Decision:

The Plan Commission, in making its recommendation, and the Town Board, in making its decision, shall consider the following factors:

1. whether the amendment is consistent with the Town’s comprehensive plan, including any future land use maps or similar maps;
2. the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and
3. any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Town Board of Supervisors given the particular circumstances.

Staff Recommendation:

Staff recommends approval of the Re-Zoning Application to rezone Tax ID #006-0328-03 from the General Agriculture (A-2) District to the Light Industrial (I-1) District.

- Chair Knapinski noted that in the Staff Report on item 3c of the Property Information Specific to Tax ID #006-0328-03 there are details regarding the adjacent east parcel left out that should be corrected.
- Staff reviewed and the proposed re-zoning of that parcel is to I-1 (Light Industrial District).

MOTION:

Motion by Commissioner Haskell

Second by Representative Christianson

Motion made to recommend approval of the Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-03 with all Staff Recommendations, and with the Staff Report correction to item 3c of the Property Information Specific to Tax ID #006-0328-03.

Motion carried by unanimous voice vote.

- B. **Review/Recommendation:** Plan Commission review and on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0340-02-01.

The Commissioners reviewed copies of the Parcel Profile Reports, a copy of the re-zoning application, and the Staff Report.

Staff Comments:

It is staff’s opinion that the rezoning is consistent with the “Highways 10 & 76 Corridor Land Use Master Plan” and Town Comprehensive Plan.

Basis of Decision:

The Plan Commission, in making its recommendation, and the Town Board, in making its decision, shall consider the following factors:

1. whether the amendment is consistent with the Town’s comprehensive plan, including any future land use maps or similar maps;

2. the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and
3. any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Town Board of Supervisors given the particular circumstances.

Staff Recommendation:

Staff recommends approval of the Re-Zoning Application to rezone Tax ID #006-0340-02-01 from the General Agriculture (A-2) District to the Light Industrial (I-1) District.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion made to recommend approval of the Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0340-02-01 with all Staff Recommendations.

Motion carried by unanimous voice vote.

- C. Review/Recommendation: Plan Commission review and recommendation on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-02.

The Commissioners reviewed copies of the Parcel Profile Reports, a copy of the re-zoning application, and the Staff Report.

Staff Comments:

It is staff's opinion that the rezoning is consistent with the "Highways 10 & 76 Corridor Land Use Master Plan" and Town Comprehensive Plan.

Basis of Decision:

The Plan Commission, in making its recommendation, and the Town Board, in making its decision, shall consider the following factors:

1. whether the amendment is consistent with the Town's comprehensive plan, including any future land use maps or similar maps;
2. the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and
3. any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Town Board of Supervisors given the particular circumstances.

Staff Recommendation:

Staff recommends approval of the Re-Zoning Application to rezone Tax ID #006-0328-02 from the General Agriculture (A-2) District to the Multi-Family Residential (R-4) District.

- Chair Knapinski noted that in the Staff Report on item 3c of the Property Information Specific to Tax ID #006-0328-02 there are details regarding the adjacent east parcel left out that should be corrected.
- Staff reviewed and the parcel is not to be re-zoned and the A-2 zoning listed in the Staff Report is correct.

MOTION:

Motion by Representative Christianson
Second by Commissioner Haskell

Motion made to recommend approval of the Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-02 with all Staff Recommendations, and with the Staff Report correction to item 3c of the Property Information Specific to Tax ID #006-0328-02.

Motion carried by unanimous voice vote.

- D. Review/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Review Application submitted by Keith & Katherine Salm, for Tax ID #006-0615 and Tax ID #006-0615-01.

The Commissioners reviewed Staff Comments prepared by Code Administrator Kussow. It is staff's opinion that the CSM may be approved, subject to the following condition:

1. The following "Right to Farm Statement" shall be included on the CSM:

"Right to Farm Statement"

The Lots created on the Certified Survey Map are adjacent to properties that, as of this document, are being used for agricultural purposes. Some individuals believe that the activities associated with the agricultural use constitute a nuisance or conflict with the quiet enjoyment of their property. This statement is intended to provide third parties with notice that agricultural activities may exist on the adjacent properties."

Mr. Kussow has already been in contact with the Surveyor regarding adding the Right to Farm Statement to the CSM and as of this writing, Staff has not seen a response from the Surveyor that it has been included.

- Chair Knapinski noted this appears to be cleanup of property lines as it goes through two buildings on the property as it stands now.
- Planner Jaworski noted that there will be a small area that will have split zoning, but in the opinion of the Code Administrator a re-zone was not necessary as the area is so small.
- Chair Knapinski noted that cleaning up the CSM and property lines would be the larger priority than the split zoning. Commissioner Haskell expressed the split zoning should also be cleaned up at the same time as the CSM, with Commissioner Nemecek concurring.

MOTION:

Motion by Commissioner Nemecek
Second by Commissioner Haskell

Motion made to recommend approval of the CSM Review Application submitted by Keith & Katherine Salm, for Tax ID #006-0615 and Tax ID #006-0615-01 with all Staff Recommendations, and contingent upon the inclusion of Right to Farm language and re-zoning of the entire new parcel.

Motion carried by unanimous voice vote.

- E. Review/Recommendation: Plan Commission review and recommendation on a Concept Plan Review Application submitted by Seven for Land LLC, 1445 McMahon Dr, Neenah, WI 54956 for a 55-lot subdivision.

Application Details:

The applicant is proposing to develop a 55-lot residential subdivision on Tax ID #'s 006-0585, 006-0579, and 006-0580 (8365 Oakwood Ave), located adjacent to the north of the Metzger Hills II Subdivision Plat and approximately ¼ mile south of the Oakwood Ave/County Rd II intersection.

1. Access to the subdivision is proposed via two (2) new roads connecting to Oakwood Ave. to the east and via the existing Behm Dr. road stub within the Metzger Hills II Subdivision Plat to the south.
2. Lots are intended for single family residential development.
3. Lots range in size from 1 acre to 7.86 acres in size, with the majority of the lots being between 1 and 3 acres in size.
4. Access to all lots is proposed via the new/proposed road system within the subdivision, except for the following lots:
 - Access to Lot 1 is proposed via a new private driveway access to Oakwood Ave.
 - Access to Lot 2 is proposed via the existing private driveway access to Oakwood Ave.
5. Wetlands were delineated within Lot 5 and Lot 9, and adjacent to the east of Lot 9.
6. Stormwater management is proposed to be handled via four (4) stormwater ponds as shown on the Stormwater Concept Map. Staff recommends that the area/lot with stormwater ponds be designated as “outlots” with direct access or easement access to a public road.

As part of this subdivision/development proposal, the applicant is proposing to:

1. Amend the Town Comprehensive Plan/Future Land Use Map to amend the future land use classification of the subject property from “Working Lands” to “Residential – Single and Duplex”.
2. Rezone the subject property from the Agribusiness (A-1) District to the Suburban Residential (R-2) District.

The Town Comprehensive Plan/Future Land Use Map amendment and rezoning will need to occur prior to approval of a Preliminary and Final Plat for this subdivision.

The minimum lot requirements for the R-2 zoning district are as follows:

- Minimum lot size: 20,000 sq. ft.
- Minimum lot width: 100 ft.
- Minimum road frontage: 33 ft.

All proposed lots comply with the minimum lot requirements for the R-2 zoning district outlined above.

Park/Playground/Open Space Dedication Requirements:

The Town Subdivision Ordinance requires one of the following options in regard to dedication of park, playground, and recreational open space area(s):

1. 6% of the parcel to be divided (6% of 100 acres = 6 acres); or
2. Fee in lieu of park/playground/open space dedication = \$500 per dwelling unit.

Staff recommends that the Town provide guidance on whether the applicant will be required to dedicate land for public park/playground/open space or if the in-lieu fee will be acceptable.

Streets:

1. A public street system within the proposed development is proposed. Access to the subdivision is proposed via two (2) public roads connecting to Oakwood Ave. to the east and via connection to the existing Behm Dr. road stub within the Metzger Hills II Subdivision Plat to the south. A road stub for future road connection to the north is proposed.
2. The Town Future Land Use Plan Map identifies “Future Roads” extending north and west from the subject property. The submitted plan identifies a future street stub to the north, but does not show a future street stub to the west. The Town Subdivision Ordinance states:
 - *Proposed streets shall extend to the boundary lines of the tract being divided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts.*
 - *The subdivider shall provide an environmental assessment as to the suitability of that portion of the adjacent land tract contemplated to be used for the future extension of the street.*
 - *Such streets shall terminate with a temporary turnaround of 120 feet right-of-way diameter and a roadway of not less than 90 feet in diameter.*

The proposed future street stub to the north does not identify a temporary turnaround as required by the Town Subdivision Ordinance.

3. The Town Subdivision Ordinance has the following requirements for cul-de-sacs:
 - *Cul-de-sac streets designed to have one end permanently closed should not normally exceed 600 feet in length, but can be up to 1,000 feet in length provided density is not more than 15 housing units being served by said street.*

The proposed subdivision shows two (2) cul-de-sacs in the western portion of the subdivision in excess of 600 feet, one of which is in excess of 1,000 ft. and serves more than 15 housing units. Approval of these cul-de-sacs, as proposed, will require approval by the Town Board.

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

Specific items/issues recommended to be reviewed by Plan Commission and Town Board:

1. Park/Playground/Open Space Dedication Requirements:

- The Town Subdivision Ordinance requires a minimum of 6 acres to be dedicated for park/playground/open space purposes or a fee in lieu of dedication

The Town should review and consider whether or not dedication of park land will be required or if a fee in lieu of dedication will be allowed.

2. Future Streets:

- The Future Land Use Plan Map identifies “Future Roads” extending north and west from the subject property. The submitted plan identifies a future street stub to the north, but does not show a future street stub to the west.

The Town should review and consider whether or not a future street stub will be required for property to the west.

3. Cul-De-Sac Design:

- As described above, the Town Subdivision Ordinance limits the length of permanently closed cul-de-sacs to 600 ft. unless approved by the Town Board.
- The proposed subdivision shows two (2) cul-de-sacs in the western portion of the subdivision in excess of 600 feet, one of which is in excess of 1,000 ft. and serves more than 15 housing units.

The Town should review and consider whether or not the cul-de-sacs, as proposed, may be allowed or if re-design is needed to comply with Town requirements.

- Chair Knapinski pointed out that the cul de sac is rather lengthy to the west and asked if that was primarily due to the wetlands located in that area, to which Doug Woelz, McMahon (Engineers on project) noted it was.
- Chair Knapinski asked if the Fire Chief had reviewed this plan prior with respect to fire safety and protective services, and Administrator Wisnefske noted he had and there are plans for dry hydrants.
- Chair Knapinski also noted concerns despite having 3 entrances to the proposed subdivision, that it may be difficult to out in an emergency, there does not seem to be any plans for a neighborhood park and/or trails.
- The gentleman purchasing the property (did not sign into the meeting or disclose full name and address) noted that the design of the subdivision was meant to copy the existing subdivisions in the area, to which Chair Knapinski replied those subdivisions are over 20 years old.
- Commissioner Haskell noted that she saw several issues: if the ponds are on residential lots how will the Fire Department access for use versus making them outlots; the design of the subdivision is outdated and expected to see something more modern and innovative

highlighting some of the comments from Chair Knapinski; and how the ditches will be cleaned for drainage to the ponds if the Fire Department will be accessing them, among other concerns.

- Chair Knapinski summarized the comments made by the Commission noting that they do like the idea of the subdivision in this area, but the long cul de sac causes some concerns and they would like to see a more modern concept including outlots for Fire Department access, trails, neighborhood park, and that perhaps smaller lot sizes overall could accommodate some of their suggestions. The Commissioners encouraged working with the Town Planner and Town Engineer to explore some more creative solutions and designs.

DISCUSSION ITEM ONLY – NO ACTION TAKEN

F. Review/Discussion: Plan Commission review and discussion on defining “flex space” within the Town Zoning Code of Ordinances.

- Planner Jaworski noted that the main concern stems from having buildings within buildings. Planner Jaworski noted that more research could be done into the concept, but as it is relatively new there may not be a lot of data to be found.
- Engineer Hamblin expressed he did not support this concept especially in the more highly developed areas of the Town around W American Dr and Hwy 76 where sewer/water have been installed. Engineer Hamblin pointed out that the Town has invested quite a bit into that utility infrastructure and a flex space concept building would make minimal use of that large investment.
- Planner Jaworski noted that the Commissioners and Board have expressed having anchored business that will make consistent use of the utility infrastructure, unlike storage units or possibly the flex space concept.
- The Commissioners discussed possible locations that would be appropriate for this type of development.

DISCUSSION ITEM ONLY – NO ACTION TAKEN

VII. Upcoming Meeting Attendance

- A. Town Elector’s Meeting November 16, 2022 at 6:00 pm
- B. Site Plan Review Committee Meeting November 17, 2022 at 5:00 pm.
- C. Plan Commission Comp Plan Meeting November 30, 2022 at 7:00 pm
- D. Plan Commission Meeting December 14, 2022 at 7:00 pm.

VIII. Adjournment

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion to Adjourn the meeting at 8:10 p.m.

Motion carried by unanimous voice vote.

Respectfully submitted,
Kelsey Faust-Kubale, Clerk