

# TOWN OF CLAYTON

## Town Plan Commission Regular Meeting Meeting Minutes

March 9, 2011  
7:00 p.m. – 8:31 p.m.

8358 County Road T Larsen, WI 54947

### I. Call to Order

Called to order at 7:00 p.m. by Chairperson Knapinski

Present: Commissioners Adler, Brucks, Geise, Hamblin, Haskell, and Van Airsdale

Absent: None

Staff Present: Town Administrator Johnston, Treasurer Bowen, Assessor Mark Brown, Town Engineer Jon Bartz

Guest Speakers: Outagamie County Zoning Administrator Tim Roach, Outagamie County Planning Director Mike Hendrick

Pledge of Allegiance recited.

Meeting properly posted; three locations in the Town.

### II. Approval of Minutes

- Regular Plan Commission – February 9, 2011
- Commissioner Hamblin added to the motion to approve the Minimum Road Design standards policy the following: “and Town Engineer construction staking involvement with private subdivision development.

**MOTION:** (Haskell, Brucks) Approve Regular Plan Commission meeting minutes of February 9, 2011, with corrections as stated by Commissioner Hamblin.

CARRIED by unanimous voice vote.

### III. Open Forum – Non-Agendized Town-related Matters

- NONE

### IV. Correspondence

- Winnebago County Zoning Department – No items for Town of Clayton to review for the March Public Hearing
- Winnebago County Zoning Department – Permit Issuing & Walk-In Office Hours (Changes in hours)
- Renewegy, LLC – Seminar: “Renewable Energy...How Might Communities Respond?” on Friday, March 25, 2011

### V. Business Items

- A. **Discussion / Recommendation:** – Plan Commission review of the Outagamie County’s Airport Zoning Overlay Ordinance, the Overlay Ordinance Map, and the Overlay Ordinance Implementation Matrix with affected property owners in the Town of Clayton and Outagamie County Planning staff and the Town of Clayton Assessor.

The current draft of the Outagamie County Airport Overlay Zoning Land Use Compatibility Matrix and associated Airport Overlay Zoning Map were available to residents at tonight’s meeting and Public Forum with the Town residents who own property in the overlay district. The property owners were notified of the meeting by mail.

Present: Tim Roach from the Outagamie Planning Department (presented the Overlay Zoning Ordinance)

Mark Brown of Associated Appraisal Consultants (Town’s Assessor)

Based upon the questions asked by property owners in the overlay zoning area, staff has also asked the Town’s Assessor to be in attendance at the Public Forum. This is not likely to be the last time the Commission visits the issue; however, unless the Commission schedules more forums, it is likely to be the only Public Forum that the Town will hold. Outagamie County will be holding Public Hearings

before several County Committees and the County Board as part of the Ordinance implementation process.

- Mr. Tim Roach, Outagamie County Zoning Administrator, provided a presentation of the Outagamie County Regional Airport Overlay Districts map. Chairperson Knapinski asked Mr. Roach to also explain the colors used on the map to mark the different zoning areas and restrictions around the airport as explained in the information sheet handout.
  - Mr. Mike Hendrick, Outagamie County Planning Director, presented an explanation of the Land Use Matrix handout.
  - Chairperson Knapinski asked Mr. Hendrick if there are any plans to expand the runways which would extend the overlay zoning into the Town of Clayton and affect more landowners. Mr. Hendrick explained that the airport is in the early stages of updating their master plan and they would ask Marty Lenss, Outagamie County Airport Manager, to try to provide some information to the Clayton representatives on the ad hoc committee, who can then share with the rest of the community.
  - The Administration of the Ordinance will depend on the township within the overlay. The zoning requirements solely depend on where the structure is located. Township zoning will prevail within the overlay district. All zoning permits will still be issued by the township in which the property is located. Zone 1 & 2 of the overlay will require a public hearing along with the permit. Mr. Roach stated that they do not have the staff to handle zoning permits.
  - Commissioner Haskell asked how the current property owners are affected. Mr. Roach replied that all existing properties are grandfathered in. The ordinance will only take affect when changes to the property occur. We do not know that property values will go down. That has not been the experience in Outagamie County. We do know that there are many options for the use of land that will exist. It has been our experience that the airport overlay zoning probably will enhance the value of property, rather than reduce the value of property.
  - Mark Brown, the Town of Clayton Assessor, explained that he goes with the highest and best use when assessing property and zoning changes might impact that process.
1. Mike Pheifer, 9350 Timber Ridge, Neenah, WI 54956

**What if my house burns? What about rebuilding?** You can rebuild. Existing non-conforming uses and structures would be allowed to build, rebuild or add onto the current structure. The property owner would first obtain an Airport Zoning Permit from the Outagamie County Zoning Administrator. A signed "Avigation Easement" would be part of the Airport Zoning permit. That document would be recorded with the Winnebago County Register of Deeds. The second option is to obtain a variance from the Outagamie County Board of Adjustment for the structural alteration or rebuilding of a non-conforming structure.

A property receives non-conforming use status (grandfathered-in) if it is an existing lot of record upon passage of the ordinance.

Mr. Pheifer suggested that the non-conforming use status be added to the ordinance stating that the existing residents are grandfathered in.

2. Wayne Sturn, 2681 Winnegamie Drive, Neenah, WI 54956

**Why do we need an overlay now?** This proposed overlay zone is designed to protect the residents from noise, crash, and debris hazards and to protect the airport from encroachment of non-compatible uses. Outagamie County did not implement the overlay district in Winnebago County back in 1981 as they did in Outagamie. At that time our efforts were devoted to the protection of the airport and surrounding residents in the county the airport was located in. We now realize that the residents in Winnebago County deserved to be protected as well as the airport from non-compatible land uses in our neighboring county as well. Should the ordinance be adopted, the dimensional aspects of the ordinance will be very similar to the Outagamie County Overlay. Consistency in zoning is important to maintaining a valid and enforceable ordinance.

Mr. Sturn, like Mr. Pheifer, would like to see the non-conforming use status in writing.

3. John Zeinert, 2699 Wrenwood Lane, Neenah, WI 54956
 

**Have lines been drawn to divide the zones? (Referring to plot map)** The 2010 aerial map is the best reference guide the County has at the present time. The specific dimensions of the overlay zone are available at Outagamie County.

**Will the existing acreage usage be restricted or grandfathered?** A property receives non-conforming use status (grandfathered-in) if it is an existing lot of record upon passage of the ordinance.

Mr. Zeinert agreed with the other residents in regards to the non-conforming use status agreement being added to the ordinance.
4. Commissioner Brucks asked if the fly zones were going to be extended. Mr. Roach explained that the fly zones would only be extended if the runways are extended. The airport is in the early stages of updating their master plan. Mr. Roach and Mr. Hendrick will ask Mr. Lenss to try and provide some information to the Clayton representatives on the ad hoc committee, who can then share the information with the rest of the community.
5. Jan Higgins, 9590 N Oakwood Ave. (9257 State Hwy 76), Neenah, WI 54956
 

**Would we be able to rebuild if a 2-story home burned?** Yes, a 2-story home does not generally exceed the height restrictions that would apply.
6. Larry Kronberg, 2792 E Shady Lane, Neenah, WI 54956
 

**How will the overlay ordinance affect the valuation of our land after this takes effect?** Mark Brown, the Town of Clayton Assessor, explained that he goes with the highest and best use when assessing property and zoning changes might impact that process. A review assessment of property may be needed.
7. Commissioner Geise asked about the time frame for passing the ordinance. Mr. Roach and Mr. Hendrick both replied that the Ad Hoc Committee had been extended to October 11, 2011 and public hearings would continue this summer and fall.
8. Commissioner Hamblin asked about the landscaping and development standards and which zoning laws would super cede in the area. The more restrictive zoning would control the type of landscaping and development that would be allowed. The concern is with tall trees and landscape lighting. The lighting concerns involve the reflectiveness of the lights and the direction of the lights.
9. Mike Pheifer, 9350 Timber Ridge, Neenah, WI 54956
 

**Can I build on my 2 acre lot?** Mr. Roach explained the process again with the Board of Adjustment and special use permits.
10. Dory Huffman, 3015 Shady Lane, Neenah, WI 54956
 

Ms. Huffman expressed the need for specific information on the height limitations for building of the overlay district. She is concerned because of the relationship of the overlay to her property. Mr. Roach stated the restrictions would apply depending on where the structure was located on the property.
11. Marion Sabee, 3033 W Shady Lane, Neenah, WI 54956
 

Ms. Sabee discussed the Farmland Preservation program, the value of the airport and the non-conforming land uses around the airport.
12. Dan Rau, 9134 State Rd 76, Neenah, WI 54956
 

Mr. Rau discussed the noise issues in relation to living by the airport and was referred to Marty Lenss to answer his questions on the noise levels of private jets.
13. Commissioner Haskell discussed the possibility of the Ad Hoc Committee considering a *Force Majeure* clause (act of God) in the ordinance to protect the residents within the overlay district.
14. Commissioner Geise discussed Avigation Easement that will be required of the residents to build, rebuild or add onto any current structure. Commissioner Geise and Mr. Roach also discussed the airport purchase of the easements next to the runway and also the mass permit issued for Greenville residents for rebuilding.

15. Commissioner Hamblin asked about the purchasing of land development rights around the airport and where one would go to obtain that type of information. Mr. Roach referred him to Marty Lenss.

**MOTION:** No Motion

**VII. Adjournment – 8:31p.m.**

**MOTION:** (Brucks, VanAirdale) Motion to Adjourn.  
CARRIED by unanimous voice vote.

Respectfully Submitted, Tori Bowen, *Treasurer*