

TOWN OF CLAYTON

Town Plan Commission

Meeting Minutes

7:00 P.M. – 7:49 P.M. on Wednesday, March 12<sup>th</sup>, 2014

Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

1. Plan Commission Chairman Knapinski called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner Jesse	PRESENT
Commissioner Eckstein	PRESENT
Commissioner Klingenberger	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Haskell	ABSENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Town Planner – Ken Jaworski	PRESENT

II. Public Hearing:

A. No Referrals

III. Approval of Minutes:

A. Plan Commission Meeting – February 12<sup>th</sup>, 2014

**MOTION:**

Motion by: Supervisor Schmidt

Seconded by: Commissioner Klingenberger

Motion: To approve the minutes of the Plan Commission Meeting for Wednesday, +February 12, 2014 as presented

Vote: Motion carried by unanimous voice vote.

IV. Open Forum – Non-Agendized Town-related Matters:

A. No Referrals

V. Correspondence:

A. Town of Clayton CY 2013 Building Report.

VI. Business:

- A. Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Jason D. Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956 and Keith Salm, 2830 Larsen Road, Neenah, WI 54956, for property located on the south side of Larsen Road east of CTH “T”, specifically described as Tax ID # 006-0645, and Tax ID # 006 0645-01 being part of the northwest ¼ of the northwest ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Jason D. Ehrmentraut  
2847 Larsen Road  
Neenah, WI 54956

Property Owner(s): Jason D. Ehrmentraut Keith Salm  
2847 Larsen Road 2830 Larsen Road  
Neenah, WI 54956 Neenah, WI 54956

Consultant: Christian A. Hausfeld – S-2492  
Precision Land Surveying, LLC  
1024 West Taylor Street  
Appleton, WI 54914

Property Location: 2847 Larsen Road  
Neenah, WI 54956

**Property Information:**

- 1) The surrounding properties are zoned:
  - a) North:  
R-2 (Suburban Residential District)
  - b) South:  
A-2 (General Agriculture District)
  - c) East:  
R-2 (Suburban Residential District)
  - d) West:  
B-3 (General Business District)  
R-1 (Rural Residential District)  
A-2 (General Agriculture District)  
R-2 (Suburban Residential District)

**Property Information Specific to Tax ID # 006-0645:**

- 1. The property is owned by Keith Salm, 2830 Larsen Road, Neenah, WI 54956.
- 2. The Lot is 31.080 acres in size.
- 3. The property is in the Neenah School District (3892).
- 4. The property is in the Department of Natural Resources Special Well Casing area.
- 5. The Lot is currently zoned A-2 (General Agriculture District).
- 6. The property is in the City of Neenah Extra Territorial Zoning Area.
- 7. The property is out of the County’s Floodplain Zoning Area.
- 8. The property is not in the County’s Wetland Identifier.

**Property Information Specific to Tax ID # 006-0645-01:**

1. The property is owned by Jason D. Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956.
2. The Lot is 6.96 acres in size.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The Lot is currently zoned A-2 (General Agriculture District).
6. The property is in the City of Neenah Extra Territorial Zoning Area.
7. The property is out of the County's Floodplain Zoning Area.
8. The property is not in the County's Wetland Identifier.

**Staff Comments:**

1. The proposed CSM does not change the existing use of the property and therefore it is not inconsistent with the Town's approved Future Land Use Plan.
2. The proposed CSM consolidates two properties (Tax ID # 006-0645 and 006-0645-01) and then divides them into 2-Lots, the first (Lot-1) is 23.370 acres and the second (Lot-2) is 14.385 acres.
3. Lot-2 of the proposed CSM contains the existing Ehrmentraut landscaping business and residential structure.
4. Please be advised that the Ehrmentraut landscaping business operates with a Conditional Use Permit that will not extend to the additional property being purchased by Mr. Ehrmentraut.
5. Any future expansion of the Ehrmentraut landscaping business will need to be approved by the Plan Commission and the Town Board as part of a Conditional Use Application for the additional property.
6. The proposed CSM does contain the Right to Farm Language required by the Town.
7. As proposed, the consolidated and then divided property does comply with the frontage requirements of the Town's Zoning Code of Ordinances and Access Ordinance.
8. Lot-1 of the proposed CSM is vacant land; however, the Town's Comprehensive Plan does show a future Town Road on the property adjacent to the east property line of the area defined as Lot-1 of the proposed CSM.
9. The proposed Town Road is part of the Town's long range planning efforts and an integral part of the ingress and egress for the Breaker Ridge and the adjoining properties.
10. Based on the Town's Comprehensive Plan, staff has required that the surveyor show the future Town Road right-of-way on the face of the proposed CSM.
11. Based on the CSM document, it appears that the existing ingress and egress from the residential site will remain as it is.
12. The Administration is aware that future development will likely access the site from STH "76". Access on STH "76" is controlled by the State Department of Transportation (DOT) and will need to have DOT's approval and meet the DOT standards and requirements.
13. The proposed CSM does dedicate approximately 40,000 +/- square feet of property to the Public for the right-of-way of Larsen Road.
14. If the proposed CSM is approved, all of the existing structures on the property will comply with the setback requirements of the Town's Zoning Code of Ordinances.

**Staff Recommendations:**

Staff recommends approval of the proposed CSM subject to the following conditions:

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

**Discussion:**

A brief discussion was held relative to the CSM, Chair Knapinski noted that fiber is misspelled on the face of the CSM document

**MOTION:**

Motion by: Commissioner Klingenberg

Seconded by: Commissioner Jesse

Motion: To recommend approval of the CSM submitted by Jason D. Ehrmentraut and Keith Salm as presented with the staff recommendations.

Vote: Motion carried by unanimous voice vote

**B. Plan Commission review and recommendation on a Certified Survey Map (CSM)**

Application submitted by Dorothy L. Gore, 58 Frankfort Street, Oshkosh, WI 54901, for property located at 3431 Winnegamie Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0042, being part of the east ½ of the northwest ¼ of the northeast ¼ of Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

1. That the Town Board approve a restriction on Lot 2 of the proposed CSM that would require that no structures be placed on the area of the future right-of-way and that all structures built on Lot 2 of the proposed CSM meet the setback requirements of the Town's Zoning Code when fronting on the proposed right-of-way.
2. That a note be placed on the face of the CSM identifying the possibility of the future Town Road and the possibility that the property owners of record may be liable for the costs of construction of the Town Road on the frontage of their property.
3. That the Town Board approve an exception to the requirements of the Town's Culvert and Access Ordinance granting Lot-2 of the proposed CSM a residential access on Winnegamie Drive.
4. That documentation is provided for the approval of the proposed CSM by any overlying unit of government having jurisdiction.
5. That the southern corner of the future Town Road on Lot 2 of the proposed CSM meet the required curve radius specified in the Town's Minimum Road Standards Ordinance.
6. That there be a requirement that access to Lot 1 and Lot 2 of the proposed CSM be taken from the future Town Road if and when it is constructed.

**Discussion:**

A lengthy discussion was held relative to the CSM and driveway access issues off Winnegamie Drive for future development and emergency crews. Setback requirements can be changed as needed in the future.

Also, add condition to approve with moving the driveway to show the radius. Add condition that any development with frontage to Winnegamie would have to take access off of the designated road as shown on the CSM as mapped on the Town of Clayton use map and also show the radius of the south 90 degree corner on Lot 2 (is that the one you are talking about Eric?). Yes, that's right. So those are the two that we could potentially add to any motion to approve the CSM.

**MOTION:**

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Eckstein

Motion: To recommend approval of the Certified Survey Map (CSM) Application submitted by Dorothy L. Gore, 58 Frankfort Street, Oshkosh, WI 54901, for property located at 3431 Winnegamie Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0042, being part of the east ½ of the northwest ¼ of the northeast ¼ of Section 3, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin, subject to the following conditions listed above as subsections 1 through 6. Accept this CSM with the conditions as forwarded by the

staff recommendation and also adding the condition that any development on the north end of Lot 2 would have to be configured such that it would take access off the future road as mapped and also that the proper radius be shown on the CSM Lot 2 matching the town standards.

Vote: Motion carried by unanimous voice vote.

- C. Plan Commission review and recommendation on the interpretation of the definition and the condition of approval for an Outdoor Shooting Range in the Town's Zoning Code of Ordinances.

Discussion: A number of phone calls have been received in the last six weeks about individuals asking if they can discharge a weapon on their property. Shooting range is more of a business than residential. According to the DNR regulations you can discharge a weapon 100 yards from your house as long as it remains on your property. The town can make their own ordinance on firearms.

A lengthy discussion was held relative to the CSM and driveway access issues off Winnegamie Drive for future development and emergency crews. Setback requirements can be changed as needed in the future.

- D. Staff update to the Commission on the Town Board's review and consideration of a request by staff for clarification on the Town's Zoning Code of Ordinances as it relates to artificial ponds and the Town's Pond Ordinance.

Attached, please find copies of documents provided to the Town Board relative to the above captioned issue. The Administration has noted an inconsistency in the artificial pond approval process. Based on the Board's direction, staff will be preparing an amended Artificial Pond Ordinance that will change the approval process to reflect the process outlined in the Town's Zoning Code. Specifically, where an artificial pond is an allowable use the permit will be administratively approved based on the Ordinance requirements. Where an artificial pond is a Conditional Use it will be recommended by the Plan Commission and approved by the Board. The Administration would like to review the Board's direction with the Commission in order to answer any questions that Commissioners may have relative to the proposed Ordinance changes.

- VII. Upcoming Meeting Attendance
  - a. None

- VIII. Adjournment – 7:49 P.M.

**MOTION:**

Motion by: Commissioner Eckstein

Seconded by: Commissioner Jesse

Motion to Adjourn

Motion carried by unanimous voice vote.

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant