

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, April 8th, 2015
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 Eckstein	ABSENT
Commissioner Haskell	PRESENT
Commissioner Jesse	ABSENT
Commissioner Dorow	PRESENT
Commissioner Linsmeier	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

The Public Hearing was called to Order by Chair Knapinski at 7:02 P.M.

- Andy Teska, 3159 Sundew Way, Neenah. Was not happy about a two-day notice on this issue.
- Chair Knapinski explained the conditional use permit. Many years ago there was a business there that went away. Extensive discussion from residents attending the meeting.
- Administrator Johnston explained the Future Land Use map.

Public Hearing was closed by Chair Knapinski at 7:08 P.M.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, March 11th, 2015 Regular Plan Commission Meeting.

MOTION:

Motion by: Commissioner Dorow

Seconded by: Commissioner Linsmeier

Motion: Motion to approve the Wednesday, March 11th, 2015 meeting minutes.

Motion carried.

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

Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present question or issue; however, only limited discussion may occur and no action may be taken until specific notice of the subject matter of the proposed action can be given. If you wish to speak during the Open Forum portion of the meeting, please complete “Request to Speak at Meeting” form located on the Agenda Table and give the form to the Town Clerk or Treasurer.

 - Mark Luebke, 3929 County Rd II, Larsen. Has decided to not run for re-election to the position as the Town Board Chair. Thanked everyone for their services on the boards. After the April 7, 2015 election Russ Geise is the new Town Board Chair.

- V. Correspondence:
 - A. March CY 2015 Building Inspection Report.
 - Two new homes and remodeling permits

- VI. Business:
 - A. Discussion/Recommendation: Plan Commission review and recommendation on a Site Plan Approval Application for an updated 150 foot monopole cellular communications tower made by CellCom, 2310 Mill Street, New London, WI 54961 for property leased from DSV, LLC, 2895 CTH “II”, Neenah, WI 54956 (TAX ID # 006-0621-01).

Site Location: 2895 CTH “II”
 Neenah, WI 54956
 (Tax ID # 006-0621-01)

Applicant: CellCom
 2310 Mill Street
 New London, WI 54961

Property Owner: DSV LLC
 3440 DeKalb Lane
 Neenah, WI 54956

Prepared for: CellCom
 2310 Mill Street
 New London, WI 54961

Property Status:

The statements on the status of the property are specific to the proposed project site.

1. The property Tax ID is # 006-0621-01.
2. The property consists of approximately 0.5 acres.
3. The property is in the Neenah School District.
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The property is in the Town of Clayton, Sanitary District No. 1.

6. The property is currently Zoned B-2 (COMMUNIT BUSINESS DISTRICT).
7. The property is in the City of Neenah’s Extraterritorial Zoning Area.
8. The property is out of the County’s Floodplain Zoning Area.
9. The property is not in the County’s Wetland Identifier.
10. The land use is consistent with the Town’s adopted Land Use Plan.
11. Pursuant to Section 2.0, General Provisions of the Town Site Plan Ordinance, the project is subject to the Town’s Site Plan Ordinance.

Application Details:

The petitioner has applied for approval to replace an existing cell tower antenna located on leased land at 2895 CTH “II”, Neenah, WI 54956 (Tax ID # 006-0621-01) with a 150 foot monopole cell tower antenna (see attached documentation). Based on the attached documentation the Administration believes that absent an Ordinance that is in compliance with State Statute 66.0404, neither the Town nor the County can regulate cell tower location and/or site development (see attached documentation). As part of the review process staff has asked the Applicant to enclose the cell tower and ground mounted equipment with a fence that matched in both appearance and materials the existing fencing on the property.

Site Details:

The leased property is located on the southeast corner of the bar adjacent to the dumpsters and other existing outside storage facilities. The ground mounted facilities for the existing antenna are located in a fenced area. This area will be enlarged to house the new antenna and ground mounted equipment. Other than making the area nominally larger the site will remain substantially the same.

Access Details:

Access to the cell tower site is available from CTH “II” through the facilities parking lot; this access will remain the same with the new cell tower.

Facility Details:

The facility consists of a 150 foot monopole cell tower with a small equipment shelter at the base of the antenna site. The larger antenna site will be enclosed by a fence that is similar in appearance and materials to the existing unit (see Site Plan C1 through C3). Entry to the cell tower site is through a gate on the south side of the facility.

Staff Comments:

The Site Plan Approval Application as presented is complete and accurate. Based on the lack of a State Statute compliant Town and/or County Ordinance, the application meets the requirements of the applicable law. The Administration recommends approval of Site Plan for a CellCom cell tower to be located on leased land at 2895 CTH “II”, Neenah, WI 54956 (Tax ID # 006-0621-01) subject to the following conditions:

1. That the project is approved by any and all units of government having jurisdiction prior to the start of construction.
 - Discussion by Ken Jaworski on the aesthetics and lighting of cell phone towers, etc.
 - Commissioner Haskell felt the brightness of the lighting should be pointed down and better for the neighbors.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Dorow

Motion: Motion that we recommend to the Town Board approval of the Site Plan Approval Application for an updated 150 foot monopole cellular communications tower made by CellCom, 2310 Mill Street, New London, WI 54961 for property leased from DSV, LLC, 2895 CTH “II”, Neenah, WI 54956 (TAX ID # 006-0621-01). Subject to the following conditions:

- That any new fencing around the base of the cell tower match the existing fencing in materials, look and quality.
- That the security lighting provided for the site meet the Town’s Site Plan Ordinance requirements as they relate to light spillover (they should be similar to the security lighting in the USF Holland parking facility).
- Approval by any overlying agency having jurisdiction over the process.

Motion: Motion carried.

B. Discussion/Recommendation: Plan Commission review and recommendation on a Conditional Use Application submitted by Jason and Robin Koslucher, 128 Washington Avenue, Neenah, WI 54956, to operate a Home Occupation Major (General Construction Work Shop Business) on property zoned A-2 (GENERAL AGRICULTURE DISTRICT). The property is located at 3158 Breezewood Lane, Neenah, WI 54956; specifically described as Tax ID # 006-0879, being located in Section 35, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. Copies of the Conditional Use Application are available at the Town Hall or by contacting the Town Clerk at (920) 836-2007. If you cannot attend the Public Hearing, you may submit written comments to the Town Clerk on or before the date of the Public Hearing.

Site Location: The property is located at 3158 Breezewood Lane, Neenah, WI 54956; specifically described as Tax ID # 006-0879, being located in Section 35, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Jason and Robin Koslucher
128 Washington Avenue
Neenah, WI 54956

Property Owners: Jason and Robin Koslucher
128 Washington Avenue
Neenah, WI 54956

Property Information:

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

- R-1 (Rural Residential District)
- R-2 (Suburban Residential District)
- b) South:
 - A-2 (General Agriculture District) in the Town of Vinland
- c) East:
 - A-2 (General Agriculture District) and R-2 (Suburban Residential District)
- d) West:
 - A-2 (General Agriculture District) and R-1 (Rural Residential District)

Property Information Specific to Tax ID# 006-0879:

1. Jason and Robin Koslucher, 3158 Breezewood Lane, Neenah, WI 54956.
2. The Lot is 5.31 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. There is an Officially Mapped right-of-way on the south property line.
6. The Lot is currently zoned A-2 (General Agriculture District).
7. The property is in the City of Neenah Extraterritorial Zoning District.
8. The property is out of the County's Floodplain Zoning Area.
9. The property is not in the County's Wetland Identifier.

Staff Comments:

1. Jason and Robin Koslucher purchased a property located at 3158 Breezewood Lane, Neenah, WI 54956. It is the Administration's understanding that the property used to be a single family home and a small trucking firm. In the late 2000's the home burned and the trucking firm went out of business. During the intervening years the burnt structure was removed and the property, along with the outbuildings, was cleaned. The Koslucher's are building a new home on the site and would like to use the outbuildings for their general construction business.
2. Jason and Robin Koslucher own a general construction business that would normally operate at an offsite construction location. They would like use the existing buildings on the site to store materials, equipment, to do prep work for construction projects and to store vehicles. Additionally, they may wish to have employees meet at the Breezewood Lane location before going to a construction site. During the early stages of developing the business most of the work at the site would be done by Jason Koslucher (Jason); as the business develops employees would be added to the mix.
3. The Town's Future Land Use Map shows property located at 3158 Breezewood Lane, Neenah, WI 54956 as reserved for business development. Given the use identified on the Future Land Use Map it would not be unreasonable for the property owners to petition the Town to approve splitting the property with a Certified Survey Map (CSM) and rezoning the divided property as commercial and residential thereby allowing the residential structure and a business on adjoining lots. This is a purely administrative process and as long as it complies with the Statutes and Codes it would have little to no public input.
4. The alternative that provides greater public input and control of the development process is a Conditional Use for a Home Occupation Major. This would allow the residents and the Plan Commission to have greater control of the process and how the site will develop. Additionally, should the Koslucher's discontinue their business, the Home Occupation Permit would terminate if it is not used by a new owner within a year.
5. Attached please find documentation relative to the proposed home occupation and a site plan for the development of the property. The documentation provides a good understanding of the work to be done at the site and how the petitioner intends to develop and landscape the site. The schedule for completing the development activities appears to be 2 years.

6. The only problem with using a Conditional Use for a Home Occupation Major process for this project is the limited number of non site specific residential employees allowed. The Zoning Code limits the number of onsite workers to the residents on the property plus one nonresident employee.
7. In order to keep the public and Plan Commission input on the process and still allow the Koslucher's the opportunity to build their business, the Administration is proposing to use the Conditional Use process and waive any Municipal Fees for a future CSM subdividing the site into two lots as well as the fees for rezoning the two lots created by the CSM.
8. Relative to the conditions on the proposed Conditional Use Application for a Home Occupation Major outlined by the applicant, the Administration is recommending a more defined timeline. Specifically, the landscaping work, fencing work, and the site cleanup work shall be completed by December 1st, 2016.
9. The proposed hours of operation appear to be reasonable given the size of the property and the distance from any other residential units.
10. The location of the landscaping on the site plan is good; however, the Plan Commission may wish to specify certain types of plantings on the northern perimeter of the site that will grow quickly and provide a good screen for the site; i.e. arborvitae plantings as a specific separation.
11. The only item that is missing from the documentation is a possible sign for the business, the Plan Commission should establish a Zoning Code designation for any possible sign i.e. B-3 (General Business District).
12. In general, what is being proposed by the applicant is reasonable and a workable starting point for the discussion with the neighbors and the Plan Commission. The Administration's only concern is with the number of non-resident employees. The Administration has provided what it thinks is a reasonable solution to the problem; the Plan Commission, the neighbors, and the applicant need to agree to a process that will allow for the business to grow or to proceed with a CSM and rezoning of the properties.

Staff Recommendations:

Staff recommends approval of the proposed Home Occupation Major, Conditional Use Permit for a shop and storage facility for a general construction business for Jason and Robin Koslucher, 3158 Breezewood Lane, Neenah, WI 54956 in an A-2 (General Agriculture District) subject to the following conditions:

1. That the Plan Commission recommend and the Town Board approve a possible Zoning Code designation for any sign be listed as a monument sign in the B-3 (General Business District) and that any sign for the site be compliant with the Town's Zoning Code of Ordinances for that District.
2. That any sign be maintained in good repair and in a businesslike order.
3. That the applicant comply with the conditions, landscaping plans, and hours of operation listed in the attached Application Document.
4. That the Applicant shall complete the proposed landscaping work, fencing work, and the site cleanup work by December 1st, 2016.
5. That the Plan Commission recommend and the Town Board approve waiving any Municipal Fees for a future CSM subdividing the site into two lots as well as the fees for rezoning the two lots created by the CSM.
6. That all employee and resident parking on the site be contained on the property.
7. That no parking for activities on the site be on the Breezewood Lane roadway and/or right-of-way.
8. That any future modifications to the approved Home Occupation Major, Conditional Use Permit be approved by the Town prior to change.
9. That any outside storage of equipment be orderly and short term.
10. That any outside storage be hidden from the adjoining residential units.
11. That any other conditions the Plan Commission may wish to recommend to the Town Board are met.

- Lengthy discussion regarding the hours of the business and the layout of the building. Commissioner Haskell discussed the lighting to be used at a business in a residential neighborhood.

MOTION:

Motion by: Commissioner Dorow

Seconded by: Commissioner Linsmeier

Motion: That the Commission recommends approval of the Conditional Use Application for a Home Occupation Major for property located at 3158 Breezewood Lane, Neenah with the staff recommendations to include the monument sign and the lighting recommendations made by the Commission.

Motion: Motion carried.

- C. Discussion/Recommendation: Plan Commission review and recommendation on the draft maps and demographic data to be used in the Town's CY 2015 Comprehensive Plan Update.

Attached please find copies of mapping and demographic material relating to the Town's CY 2015 Comprehensive Plan update. The material was provided by the Town's Planning Consultant as questions to the Administration relative to specific data points and should those data points be included in the CY 2015 Comprehensive Plan update. The Administration has always been of the opinion that these documents belong to the Town Board and the Committees and Commissions that create them. Therefore, staff would respectfully ask the Commission to review the questions and provide direction on the issues.

This Item was referred to Staff:

- D. Discussion/Recommendation: Plan Commission review and comment on an East Central Commission (ECWRPC) update of the Appleton (Fox Cities) Transportation Management Area (TMA).

Attached please find materials provided by the East Central Wisconsin Regional Planning Commission (ECWRPC) (Commission) relative to the update of the Commission's Appleton (Fox Cities) Transportation Management Area (TMA). The Commission is asking the Town if it has any comments on the Environmental Mitigation information in Chapter 16 of the TMA. Staff is respectfully asking the Commissioners to review the attached draft of Chapter 16 and the associated maps so that staff can forward any comments to the Commission's staff.

This Item was referred to Staff:

- E. Discussion/Recommendation: Plan Commission review and planning for the Town's input on a Winnebago County 10-year update of the County's Comprehensive Plan.

Attached please find documentation relative to the County's 10-year Comprehensive Plan update process. The County is in the process of updating its Comprehensive Plan and has asked the Town to provide a copy of its most current Future Land Use Map. The deadline for providing the map to the County is September 1st, 2015. Staff has looked at the Town's

Comprehensive Plan update schedule and is comfortable that the Town will be able to meet the County's timeline.

This Item was referred to Staff:

VII. Upcoming Meeting Attendance

VIII. Adjournment

MOTION:

Motion by: Committee Member: Schmidt

Second by: Committee Member: Haskell

Motion: To Adjourn the Plan Commission meeting at 8:12 PM.

Vote: Motion carried.

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk