

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, May 11th, 2016
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.
4. Roll

a. Plan Commission Members

| | |
|--------------------------------|---------|
| Chair Knapinski | PRESENT |
| Commissioner Eckstein | PRESENT |
| Commissioner Haskell | PRESENT |
| Commissioner Wisnefske | PRESENT |
| Commissioner Dorow | PRESENT |
| Commissioner Linsmeier | PRESENT |
| Town Board Representative Reif | PRESENT |

b. Staff

| | |
|------------------------|---------|
| Administrator Johnston | PRESENT |
| Treasurer Straw | PRESENT |
| Planner Ken Jaworski | PRESENT |

II. Public Hearings:

A. Public Hearing before the Plan Commission on a re-zoning application submitted by the petitioner(s), Jason Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956 for property located at 2847 Larsen Road, Neenah, WI 54956; specifically described as 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 to be rezoned from A-2 (General Farming District) to R-2 (Suburban Residential District).

No comments were received from the public and the Public Hearing was closed at 7:05 P.M.

B. Public Hearing before the Plan Commission on a Conditional Use Application submitted by the Petitioner(s): Nina Maroszek Brennan and Ryan Brennan, 3690 Park Lane, Neenah, WI 54956 for the purposes of having up to 4 back yard chickens. The property that will be subject to the conditional use is located at 3690 Park Lane, Neenah, WI 54956, specifically described as TAX ID# 006-1181, being part of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

One comment was received from the Public (Mary at 3680 Country Woods Court has no issues with approving the Conditional Use for up to 6 chickens.) The Public Hearing was closed at 7:10 P.M.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, April 13th, 2016 Regular Plan Commission Meeting.

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Eckstein

Motion: To approve the Wednesday, April 13th, 2016 meeting minutes subject to the correction on the posting locations.

Vote: 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.

There were no requests to speak at the Open Forum.

V. Correspondence:

- A. April CY 2016 Building Inspection Report.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a rezoning application submitted by the petitioner(s), Jason Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956 for property located at 2847 Larsen Road, Neenah, WI 54956; specifically described as 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 to be rezoned from A-2 (General Farming District) to R-2 (Suburban Residential District).

Site Location: The property is located at 2847 Larsen Road, Neenah, WI 54956; specifically described as 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: Jason D. Ehrmentraut
2847 Larsen Road
Neenah, WI 54956

Property Owner(s): Jason D. Ehrmentraut
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:
A-2 (General Agriculture District) and, 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# 006-0645-01:

1. The property is owned by Jason Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956.
2. The Lot including the parent parcel is 6.960 acres in size; the new residential Lot is approximately 0.762 acres (33,205 square feet).
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 property has an Officially Mapped 80-foot right-of-way on the STH “76” frontage.
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. The Public Notice, Site Posting, and Neighbor Notices have been completed as required by the Town’s Zoning Code of Ordinances.
2. The property is being re-zoned as a condition of approval of a Certified Survey Map (CSM) that has been recommended by the Town’s Plan Commission and approved by the Town Board.
3. The rezoning does not change the existing residential use of the lot created by the recent approval of a Certified Survey Map (CSM) and therefore it is consistent with the Town’s approved Future Land Use Plan.
4. The property is being re-zoned from A-2 (General Agricultural District) to R-2 (Suburban Residential District) to allow the lot created by the CSM to have consistent and uniform zoning with the surrounding properties.
5. The lot as approved and zoning as proposed, do meet all of the Town’s Zoning Code requirements

Staff Recommendations:

Staff recommends approval of the proposed re-zoning subject to the following conditions:

1. That the Applicant pays all fees related to the Conditional Use Permit, the Certified Survey Map, and Re-zoning Applications.
2. Documentation of the approval of the proposed re-zoning by any overlying unit of government having jurisdiction

MOTION:

Motion by: Commissioner Reif

Seconded by: Commissioner Haskell

Motion: To recommend approval of the Re-Zoning by the petitioner(s), Jason Ehrmentraut, 2847 Larsen Road, Neenah, WI 54956 for property located at 2847 Larsen Road, Neenah, WI 54956; specifically described as 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 from A-2 (General Farming District) to R-2 (Suburban Residential District).subject to the staff recommendations.

Vote: Motion carried.

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Conditional Use Application submitted by the Petitioner(s): Nina Maroszek Brennan and Ryan Brennan, 3690 Park Lane, Neenah, WI 54956 for the purposes of having up to 4 back yard chickens. The property that will be subject to the conditional use is located at 3690 Park Lane, Neenah, WI 54956, specifically described as TAX ID# 006-1181, being part of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: For property located at 3690 Park Lane, Neenah, WI 54956, specifically described as TAX ID# 006-1181, being part of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Nina and Ryan Brennan
3690 Park Lane
Neenah, WI 54956

Property Owners: Nina and Ryan Brennan
3690 Park Lane
Neenah, WI 54956

Property Information:

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

Property Information Specific to Tax ID# 006-1181:

1. Nina Maroszek Brennan and Ryan Brennan, 3690 Park Lane, Neenah, WI 54956.
2. The Lot is approximately 0.75 acres (38,350 Square Feet) in area.

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 R-2 (Suburban Residential District).
6. The property is in the Outagamie County Airport Height Zoning District.
7. The property is out of the County's Floodplain Zoning Area.
8. The property is in the County Shoreland Zoning Code 300 Foot Buffer Zone.
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.

Staff Comments:

1. The Town's Zoning Code of Ordinances requires a Conditional Use Permit for back yard chickens.
2. Attached please find a copy of the required Conditional Use Application.
3. The Brennans would like to have up to 4 chickens in a fully confined coop and undetermined free range activity in the back yard area; additionally, they have indicated that they do not want to have any roosters.

Staff Recommendations:

Staff recommends approval of the proposed Conditional Use Application for the purposes of having up to 4 back yard chickens subject to the following conditions:

1. That the Applicant comply with the Town's Zoning Code of Ordinances.
2. That the Applicant comply with the Statutory requirement that the premise be recorded with the State Department of Agriculture, Trade and Consumer Protection.
3. That the Commission set the number of chickens allowable under the Conditional Use.
4. That there shall be no roosters on site at any time.
5. The chickens shall be contained in the coop or in a confined area of the back yard of the property that meets the Zoning Code setback requirements.
6. The chickens shall not be allowed to free range on the property.
7. Should the animal husbandry cease for more than 12 consecutive calendar months the Conditional Use shall be deemed to have ceased and the Conditional Use Permit terminated.
8. Should the Conditional Use terminate, any structures specifically related to the animal husbandry and with no alternate use shall be removed.
9. Documentation of the approval of the proposed Conditional Use Permit by any overlying unit of government having jurisdiction.

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Wisnefske

Motion: To recommend approval of the Application submitted by the Petitioner(s): Nina Maroszek Brennan and Ryan Brennan, 3690 Park Lane, Neenah, WI 54956 for the purposes of having up to 4 back yard chickens. The property that will be subject to the conditional use is located at 3690 Park Lane, Neenah, WI 54956, specifically described as TAX ID# 006-1181, being part of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Plan Commission recommended that the limitation on the number of chickens be increased to 6.

Vote: Motion carried.

- C. **Discussion/Recommendation:** Plan Commission review and recommendation on a 2-Lot Certified Survey Map (CSM) Application submitted by Tami Vanderwoude Sankey, 3064 Saffron Lane, Neenah,
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WI 54956 for property located at 3064 Saffron Lane, Neenah WI and specifically described as Tax ID # 006-1426, being all of Lot 1 of CSM 6030 being all of Lots 34 and 35, The Ridges, Section 23, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3064 Saffron Lane, Neenah, WI and specifically described as Tax ID # 006-1426, being all of Lot 1 of CSM 6030 being all of Lots 34 and 35, The Ridges, Section 23, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Tami K. Vanderwoude Sankey
3064 Saffron Lane
Neenah, WI 54956

Property Owner(s): Tami K. Vanderwoude Sankey
3064 Saffron Lane
Neenah, WI 54956

Consultant: Hebert Associates, Inc.
1110 West Wisconsin Avenue
Appleton, WI 54914

Property Information:

- 1) The surrounding properties are zoned:
 - a) North:
R-2 (Suburban Residential District)
 - b) South:
R-2 (Suburban Residential District)
 - c) East:
R-2 (Suburban Residential District)
 - d) West:
R-2 (Suburban Residential District)

Property Information Specific to Tax ID# 006-1426:

1. The property is owned by Tami K. Vanderwoude Sankey, 3064 Saffron Lane Neenah, WI 54956.
2. The Lot is 2.030 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 R-2 (Suburban Residential District).
6. The property is in the City of Neenah Extraterritorial Zoning District.
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 CSM does not change the existing use of the property and therefore it is consistent with the Town's approved Future Land Use Plan.
2. The CSM **does** show the Right to Farm Language required by the Town.

3. The Lot being divided by the proposed CSM was originally created by combining two Lots in the Plat of The Ridges.
4. The CSM divides a single parcel into two new lots.
5. The new Lot-1 which is approximately 1.014 Acres (44,182 square feet) and Lot-2 which is approximately 1.017 acres (44,315 square feet).
6. Lot-1 of the proposed CSM contains a single family residential unit with the associated mound, well, and the existing landscaping.
7. The existing principal housing structure on Lot-1 of the proposed CSM does meet the setback requirements of the Town's Zoning Code of Ordinances.
8. Lot-1 of the proposed CSM will have one new access point onto Saffron Lane (see CSM).
9. Lot-2 of the proposed CSM is vacant land with no existing access to Saffron.
10. Please be advised that the Town's Access Ordinance does not limit access points to public roads in a subdivision.
11. The Administration did ask the Applicant how the sale of Lot-2 of the proposed CSM would impact the basketball hoop and the playground area that straddle the property line on the far north end of the property. The Applicant has indicated that the playground will stay with Lot-1 of the proposed CSM and the basketball hoop will go with Lot-2 of the proposed CSM and be removed following the closing of the sale of the property.

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

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Linsmeier

Motion: Motion to recommend approval of a 2-Lot Certified Survey Map (CSM) Application submitted by Petitioner(s) Tami Vanderwoude Sankey, 3064 Saffron Lane, Neenah, WI 54956 for property located at 3064 Saffron Lane, Neenah WI and specifically described as Tax ID # 006-1426, being all of Lot 1 of CSM 6030 being all of Lots 34 and 35, The Ridges, Section 23, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin subject to staff recommendations and an indication that the playground/basketball hoop should be removed if they crossed the new property lines.

Vote: Motion carried.

- D. Discussion/Recommendation: Plan Commission review, consideration, and recommendation to the Town Board of the draft of the CY 2015/16 updates to the Town's Comprehensive Plan and associated Maps based on Commission review and input from the Public Listening Session for the Town's CY 2015/16 Comprehensive Plan Update.

Staff distributed draft copies of the Town's CY 2015/16 Comprehensive Plan Update on Monday, May 2nd, 2016. Based on the distribution of the draft text to the Comprehensive Plan Update document the Commission should be ready to review the draft document with staff and make its recommendation to the Board. Following the May review and referral of the draft document by the Plan Commission, staff will make the final edits and present a completed draft document, inclusive of the maps, to the Board at its May 18th, 2016 meeting. Staff expects that the Board

will forward the final draft of the Town's CY 2015/16 Comprehensive Plan Update document to a future Board Agenda for a Public Hearing and adoption.

MOTION:

Motion by: Commissioner Dorow

Seconded by: Commissioner Eckstein

Motion: To recommend the Draft of the CY 2015/16 update of the Town's Comprehensive Plan to the Town Board with a recommendation that the Town Board hold the requisite Public Hearing before consideration of the adoption of the CY 2015/16 update to the Town Comprehensive Plan. Additionally, the Plan Commission recommended some minor clarifications to the draft document and directed staff to formally recognize the Green Space Committee's participation in the update process in the text of the Plan Commission Resolution recommending the CY 2015/16 update document to the Town Board.

Vote: Unanimous approval by roll call vote

VII. Upcoming Meeting Attendance
None.

VIII. Adjournment

MOTION:

Motion by: Commissioner Haskel

Second by: Commissioner Linsmeier

Motion: To Adjourn the Plan Commission meeting at 7:35 PM.

Vote: Motion carried.

Respectfully submitted,
Laurie Goffard, Deputy Clerk