

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
7:00 P.M. – on Wednesday, July 8<sup>th</sup>, 2015  
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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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	PRESENT
Commissioner Haskell	PRESENT
Commissioner Jesse	ABSENT
Commissioner Dorow	ABSENT
Commissioner Linsmeier	PRESENT
Commissioner Reif	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 Conditional Use Application submitted by the Petitioner(s), Keegan O’ Hearn, N8823 Lakeshore Drive, Van Dyne, WI 54979 for an Artificial Pond on property located at 9262 Bomar Avenue, Neenah, WI 54956, specifically identified as Tax ID # 006-1277, being described as Lot 22 of the Plat of Deer Trail Estates located in Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Public hearing closed at 7:03 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, June 10<sup>th</sup>, 2015 Regular Plan Commission Meeting.

**MOTION:**

Motion by: Commissioner Reif

Seconded by: Commissioner Linsmeier

Motion: To approve the Wednesday, June 10<sup>th</sup>, 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.

V. Correspondence:

- A. June CY 2015 Building Inspection Report.
- B. Winnebago County Plan Commissioner Network meeting information.
  - Plan Commission network meeting set for August 26<sup>th</sup>, 2015.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Conditional Use Application submitted by the Petitioner(s), Keegan O’ Hearn, N8823 Lakeshore Drive, Van Dyne, WI 54979 for an Artificial Pond on property located at 9262 Bomar Avenue, Neenah, WI 54956, specifically identified as Tax ID # 006-1277, being described as Lot 22 of the Plat of Deer Trail Estates located in Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 9262 Bomar Avenue, Neenah, WI 54956, and specifically described as Tax ID # 006-1277, being identified as Lot 22 of the Plat of Deer Trail Estates located in Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Keegan O’ Hearn  
N8823 Lakeshore Drive  
Van Dyne, WI 54979

Property Owner(s): Keegan O’ Hearn  
N8823 Lakeshore Drive  
Van Dyne, WI 54979

**Property Information:**

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

**Property Information Specific to Tax ID # 006-1277:**

1. Keegan O’ Hearn, N8823 Lakeshore Drive, Van Dyne, WI 54979.
2. The Lot is 4.65 acres in size.
3. The property is in the Neenah School District (3802).

4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned R-2 (Suburban Residential District) by the Town.
6. The property is in the Outagamie County Airport, Height Overlay 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.
9. The land use on the property is consistent with the Town's adopted Comprehensive Plan.

**Staff Comments:**

1. The Applicant has requested a Conditional Use Permit for the purposes of constructing an artificial pond on property located at 9262 Bomar Avenue, Neenah, WI 54956 and specifically identified as Tax ID # 006-1277, being described as Lot 22 of the Plat of Deer Trail Estates located in Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
2. Attached, please find the engineering design for the proposed pond; please be advised that the pond is going to require a Department of Natural Resources (DNR) Permit for a wet pond.
3. The Plans for the project do meet the Town's Artificial Pond, Ditches, and Dikes Ordinance requirements and subject to approval of the Conditional Use Permit could be constructed as a pond on private property.
4. Based on conversations with the design engineer staff expects that any outfall for the proposed pond will direct water into the Town's storm water management ditch on Shady Lane and ultimately into the stream west of the development.
5. The fill generated by the proposed pond will be used on site to grade the property following completion of the new home construction project.
6. Staff has confirmed with the design engineer that the proposed pond could be used to collect the water draining from the south between the existing housing units. This process would be beneficial to both the Town and the property owner. The process would benefit the Town in that it would slow the outfall of storm water into the stream to the west of the development, it would benefit the property owner in that it would provide a source of clean water that would flow into the pond.
7. The Commission and the Board should be advised that the area created by the 75 foot setback from the Shady Lane right-of-way and the ordinary high water mark of the pond is likely to become a wetland area with significant water tolerant vegetative growth.

**Staff Recommendations:**

Staff recommends approval of a Conditional Use Application submitted by the Petitioner(s), Keegan O' Hearn, N8823 Lakeshore Drive, Van Dyne, WI 54979 for an Artificial Pond on property located at 9262 Bomar Avenue, Neenah, WI 54956, specifically identified as Tax ID # 006-1277, being described as Lot 22 of the Plat of Deer Trail Estates located in Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin subject to the following conditions:

1. That the DNR approve any required permits and/or conditions.
2. That the proposed pond be constructed as designed by the Engineer and approved by the Town.
3. That the Applicant has a long-term maintenance agreement for the pond in place with the Town as part of the review and approval of the pond design.
4. That the Applicant have approval of the proposed pond by any overlying unit of government having jurisdiction.
  - Administrator Johnston discussed drainage issues and proposed solution.
  - Discussed setbacks and screenings.
  - Ben Hamblin, McMahan Engineering. Discussed progress of permits to obtain and changes in plans.

**MOTION:**

Motion by: Commissioner Haskell

Seconded by: Commissioner Eckstein

Motion: To recommend approval of the Conditional Use Application submitted by the Petitioner, Keegan O’ Hearn for an Artificial Pond on property located at 9262 Bomar Avenue, Neenah, WI 54956 along with the staff recommendations.

Motion: carried.

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Michael and Marian Sabee, 3033 West Shady Lane, Neenah, WI 54956 for property located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 described as Lot 1 of CSM 5393, in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 described as Lot 1 of CSM 5393, in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Kathleen and William Lynch  
N1351 Tuckaway Court  
Greenville, WI 54942

Property Owner(s): Michael and Marian Sabee  
3033 West Shady Lane  
Neenah, WI 54956

Consultant: Hebert Associates, Inc. S2312  
1110 West Wisconsin Avenue  
Appleton, WI 54914

Property Location: South side of Shady Lane west of STH “76”  
and specifically identified as Tax ID # 006-0306

**Property Information:**

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

## A-2 (General Agricultural District) and R-1 (Rural Residential District)

**Property Information Specific to Tax ID # 006-0306:**

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

1. The property Tax ID is # 006-0306.
2. The property consists of approximately 26.850 acres.
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 is currently Zoned A-2 (General Agricultural District) by the Town.
6. The property is in the Outagamie County Airport Overlay Zoning District Zone 3 and Zone 2-B.
7. The property is in the Outagamie County Airport Overlay Height Zoning Overlay.
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.

**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 CSM reconfigures the existing Lot into three Lots and a right-of-way reservation for a future road; the first (Lot-1) is 5.256 acres (218,260 sq. ft.) and the second (Lot-2) is 10.328 acres +/- (449,889 sq. ft. +/-), (Lot-3) is 11.258 acres (490,400 sq. ft.) the right-of-way is .328 acres (14,289 sq. ft.) and the area for the right-of-way comes from the area of Lot-2 of the proposed CSM.
4. The proposed right-of-way reservation is in line with and consistent with the proposed future road shown on the Town Comprehensive Plan Future Land Use Map.
5. All three Lots created by the proposed CSM are vacant land and do meet the minimum area requirement for the A-2 (General Agricultural District).
6. Lot-2 of the proposed CSM does have an existing agricultural ingress and egress access point from Shady Lane in the area of the road right-of-way reservation that would remain in place.
7. Lot-2 of the proposed CSM would need a residential ingress and egress access point to serve the new residential home intended to be constructed on the property.
8. Lot-2 of the proposed CSM is in the Outagamie County Airport Overlay Zoning District Zone 2-B and Zone 3.
9. Given where the buyers would like to locate their new home, an Outagamie County Airport Special Exception Permit will be needed (see agenda item VI-C).

**Staff Recommendations:**

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

1. Paying all fees owed to the Town.
2. The granting of an Outagamie County Airport Special Exception Permit.
3. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
  - Administrator Johnston discussed the CSM application and the division/creation of lots.
  - Discussed current access to property.
  - Discussed easement access and road.
  - Ben Hamblin, 2986 Shady Lane, Neenah, WI. Asked if the Sabee's know the long-term plan of the property. Discussed options available to the Sabee's relative to development of W. American Drive.

**MOTION:**

Motion by: Commissioner Haskell

Seconded by: Commissioner Eckstein

Motion: To recommend approval of the Certified Survey Map (CSM) Application submitted by Michael and Marian Sabee for the property located at 3033 West Shady Lane, Neenah, WI 54956 and Tax ID #006-0306 along with the staff recommendations.

Motion: carried.

- C. Discussion/Recommendation: Plan Commission review and recommendation on an Outagamie County Application for a Special Exemption Permit in the Outagamie County Airport Overlay Zoning District submitted by Kathleen and William Lynch, N1351 Tuckaway Court, Greenville, WI 54942 for property owned by Michael and Marian Sabee, 3033 West Shady Lane, Neenah, WI 54956 and located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 described as Lot 1 of CSM 5393, in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property in question is Lot 2 of the Sabee CSM and is located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 described as Lot 1 of CSM 5393, in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Kathleen and William Lynch  
N1351 Tuckaway Court  
Greenville, WI 54942

Property Owner(s): Michael and Marian Sabee  
3033 West Shady Lane  
Neenah, WI 54956

Property Location: South side of Shady Lane west of STH “76”  
and specifically identified as Tax ID # 006-0306

**Property Information:**

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

## A-2 (General Agricultural District) and R-1 (Rural Residential District)

**Property Information Specific to Tax ID # 006-0306:**

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

1. The property is Lot 2 of the Sabee CSM and part of Tax ID # 006-0306.
2. The property consists of approximately 10.000 acres.
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 is currently Zoned A-2 (General Agricultural District) by the Town.
6. The property is in the Outagamie County Airport Overlay Zoning District Zone 3 and Zone 2-B.
7. The property is in the Outagamie County Airport Overlay Height Zoning Overlay.
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.

**Staff Comments:**

1. The Sabee CSM reconfigures the existing Lot into three Lots and a right-of-way reservation for a future road; the first (Lot-1) is 5.256 acres (218,260 sq. ft.), the second (Lot-2) is 10.328 acres +/- (449,889 sq. ft. +/-), (Lot-3) is 11.258 acres (490,400 sq. ft.), the right-of-way is .328 acres (14,289 sq. ft.) and the area for the right-of-way comes from the area of Lot-2 of the proposed CSM.
2. The property in question is Lot 2 of the proposed Sabee CSM and consists of 10.328 acres +/- (449,889 sq. ft. +/-) minus the right-of-way which is .328 acres (14,289 sq. ft.) and comes from the area of Lot-2 of the proposed CSM.
3. The proposed right-of-way reservation is in line with, and consistent with, the proposed future road shown on the Town Comprehensive Plan Future Land Use Map.
4. Lot 2 of the proposed CSM is vacant land and does meet the minimum area requirement for the A-2 (General Agricultural District).
5. Lot-2 of the proposed CSM does have an existing agricultural ingress and egress access point from Shady Lane in the area of the road right-of-way reservation that would remain in place.
6. Lot-2 of the proposed CSM will need a residential ingress and egress access point to serve the new residential home intended to be constructed on the property.
7. Lot-2 of the proposed CSM is in the Outagamie County Airport Overlay Zoning District, Zone 2-B and Zone 3.
8. Given where the buyers would like to locate their new home, an Outagamie County Airport Special Exception Permit will be needed (see agenda item VI-C).
9. The Outagamie County Special Exemption Permit is a routine requirement of County's Airport Overlay Zoning District (see Section 10-608 Special Uses) on page 5 of the attached Ordinance.
10. Since the Applicant could build a home on the site in the Zone 3 area without a Special Use Permit, supporting the Applicant's request to build a home in the area Zoned 2-B is just part of the Airport Overlay District routine.

**Staff Recommendations:**

Staff recommends support for the Applicant's Outagamie County Special Exemption Permit subject to the following conditions:

1. Payment of all fees owed to the Town.
2. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
  - Administrator Johnston discussed the Airport Overlay Zoning relative to the Lynch's situation.

- Kathleen Lynch, 3033 Shady Lane, Neenah, WI discusses Airport Overlay Zoning suggestions relative to their Application.
- Discussed the zoning relative to taxes/assessments.

**MOTION:**

Motion by: Commissioner Reif

Seconded by: Commissioner Haskell

Motion: To support an application for an Outagamie County, Special Exemption Permit for the Outagamie County Airport Overlay Zoning District submitted by Kathleen and William Lynch, N1351 Tuckaway Court, Greenville, WI 54942 for property owned by Michael and Marian Sabee, 3033 West Shady Lane, Neenah, WI 54956 and located on the south side of Shady Lane west of STH “76” and specifically identified as Tax ID # 006-0306 described as Lot 1 of CSM 5393, in Section 11, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin along with the staff recommendations.

Motion carried.

- D. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Michael L. and Darla K. Schoenberger, 2559 Tournament Players Circle North, Blaine MN, 55449 for property located at 3025 and 3027 Winfield Drive, Neenah, WI, 54956 and specifically identified as Tax ID # 006-1232 and 006-1212 being all of Lot 17 and Out Lot 3 Winfield Place, Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3027 Winfield Drive, Neenah, WI, 54956 and specifically identified as Tax ID # 006-1232 and 006-1212 being all of Lot 17 and Out Lot 3 Winfield Place, Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Michael L. and Darla K. Schoenberger  
2559 Tournament Players Circle North  
Blaine, MN 55449

Property Owner(s): Michael L. and Darla K. Schoenberger  
2559 Tournament Players Circle North  
Blaine, MN 55449

Consultant: Hebert Associates, Inc. S2312  
1110 West Wisconsin Avenue  
Appleton, WI 54914

Property Location: 7490 Center Road  
Neenah, WI 54956

**Property Information:**

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

**Property Information Specific to Tax ID # Tax ID # 006-1232:**

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

1. The property Tax ID is # 006-1232 (Out Lot 3).
2. The property consists of approximately 1.500 acres.
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 is currently Zoned R-2 (Suburban Residential District) by the Town.
6. The property is in the Outagamie County Airport Overlay Height 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.
9. The land use is consistent with the Town's adopted Land Use Plan.

**Property Information Specific to Tax ID # Tax ID # 006-1212:**

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

10. The property Tax ID is # 006-1212 (Lot 17 of the Plat of Windfield Place).
11. The property consists of approximately 2.080 acres.
12. The property is in the Neenah School District (3892).
13. The property is in the Department of Natural Resources Special Well Casing Area.
14. The property is currently Zoned R-2 (Suburban Residential District) by the Town.
15. The property is in the Outagamie County Airport Overlay Height Zoning District.
16. The property is out of the County's Floodplain Zoning Area.
17. The property is not in the County's Wetland Identifier.
18. The land use is consistent with the Town's adopted Land Use Plan.

**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 CSM consolidates Out Lot 3 and Lot 17 of the Plat of Winfield Place into a single Lot that is buildable only in the area that is not in a delineated wetland that has been approved by the State Department of Natural Resources.
4. Both Lot 17 and Out Lot 3 are vacant land.
5. Based on the wetland delineation shown on the proposed CSM it appears that there is little buildable area on the consolidated Lots.
6. Despite Staff's concern relative to the buildable area of the consolidated Lots the CSM does meet the requirements for approval by the Town.
7. The issue of building adjacent to the wetlands on the consolidated Lot is subject to permitting and approval by the State Department of Natural Resources (DNR) (see attached information).

**Staff Recommendations:**

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

1. Payment of all fees owed to the Town.
2. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
  - Administrator Johnston discussed CSM application relative to combining Lot 17 and outlot 3 in Windfield Place.
  - Discussed DNR wetlands, permits and requirements for building a home. Planner Jaworski expressed opinion on the combining of the two lots. Will be difficult to figure out where the house will be built.
  - James Heubert, Heubert & Associates (surveyor), 1110 W. Wisconsin Avenue, Appleton, WI. DNR does not have control of the setbacks. This is an inland wetland and the DNR or Winnebago County does not have control of it. Discussed drainage issues. He felt that Lot 17 alone may be unlivable. Combining Outlot 3 and Lot 17 may make the land suitable to build on.

**MOTION:**

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Eckstein

Motion: To approve the Certified Survey Map (CSM) Application submitted by Michael L. and Darla K. Schoenberger, for property located at 3025 and 3027 Winfield Drive, Neenah, WI, 54956 and specifically identified as Tax ID #'s along with staff recommendations.

Motion carried.

**Recess taken for map review from 7:27 p.m. to 7:37 p.m.**

- E. Discussion/Recommendation: Plan Commission Review and direction to staff on the demographics and the maps to be included in the Town's CY 2015 Comprehensive Plan Update.

Attached please find copies of the demographic data and background maps for the Town's CY 2015 Comprehensive Plan Update project. Staff has given the Park and Open Space map to the Green Space Committee to review, additionally, staff has made some recommendations for changes and/or additions to the map. Staff would like to recommend that the Commission pay particular attention to the review and update of the Future Land Use Map. Specifically, the possible provision of municipal sanitary sewer and municipal water and the implementation of the Outagamie County Airport Overlay District Ordinance in the Town of Clayton will have a significant impact on the eastern quadrants of the Town. Staff has included copies of the Outagamie County Airport Overlay Map and the Executive Summary of the recent municipal sanitary sewer and municipal water utility study completed by Cedar Corp and presented to the Board at its June 17<sup>th</sup> 2015 Board Meeting.

- Administrator Johnston the 2 maps from the Green Space Committee need to be updated to add the Larsen Road trail.
- Planner Jaworski discussed the population growth for the Town of Clayton. Discussed how we present the future land use relative to maps. Discussed the use of statistics for the sanitary/water feasibility study.
- Extensive discussion regarding future land use development, etc.
- The Town of Clayton can move forward with work on the existing land use map.

VII. Upcoming Meeting Attendance

VIII. Adjournment

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Eckstein

Motion: To Adjourn the Plan Commission meeting at 8:27 PM.

Vote: Motion carried.

Respectfully submitted,

Laurie L. Goffard, Deputy Clerk