

TOWN OF CLAYTON

Town Plan Commission Regular Meeting Meeting Minutes

October 13, 2010
6:58 p.m. – 7:45 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 6:58 p.m. by Chairperson Knapinski
Present: Commissioners Adler, Brucks, Geise, Hamblin, Haskell, VanAirsdale
Staff Present: Town Administrator Johnston, Interim Treasurer Bowen
Pledge of Allegiance recited.
Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Special Plan Commission – August 25, 2010
MOTION: (Geise, Haskell) Approve Special Plan Commission meeting minutes of August 25, 2010.
CARRIED by unanimous voice vote.
- Regular Plan Commission – September 8, 2010
MOTION: (Hamblin, Haskell) Approve Regular Plan Commission meeting minutes of September 8, 2010. with changes mentioned
CARRIED by unanimous voice vote.
- Special Plan Commission – September 29, 2010
MOTION: (Hamblin, Brucks) Approve Special Plan Commission meeting minutes of September 29, 2010.
CARRIED by unanimous voice vote.

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

- No submissions

IV. Correspondence

- Winnebago County Zoning Department (rec'd 8/27/2010) – Notice of Winnebago County Land Use Plan Amendments
- Winnebago County Zoning Department (rec'd 9/24/2010) – No documents for the Town of Clayton to review for the September Public Hearing
- Winnebago County Zoning Department (October 2010) – No documents for the Town of Clayton to review for the October Public Hearing

V. Business Items

- A. **Discussion / Recommendation:** – Staff review of the Town's proposed wind energy device Ordinance.

The State Legislature and the Public Service Commission will likely finish their work on State Rules relative to the locating of wind energy devices by the end of October of CY 2010. In order to avoid revising the Commission's work based upon the final documents from the State, the Administration would like to forward this agenda item to the Commission's November, 2010, meeting.

Commission direction: refer the Town's proposed Wind Energy Device Ordinance to regular Commission meeting on November 10, 2010.

- B. **Discussion / Recommendation:** – Plan Commission review and recommendation on a CSM for Lois and Donald Shaw, 9670 Oakwood Avenue, Neenah, WI 54956, for property located on the northeast corner of West Shady Lane and Oakwood Avenue in the Town of Clayton (Tax ID #006-0031).

Staff Comments:

1. The proposed preliminary CSM divides the property (Tax ID# 006-0031 – Lot 1 of CSM-2765 EXC D764939 – 5.83 Acres) into 2 lots, each approximately 2.5 acres; the proposed division is from north to south. Neither Lot has sufficient frontage to meet the Town’s 600 foot separation between driveways. Lot 1 of the proposed CSM has 504.07 feet of frontage on North Oakwood Road and 208.84 feet of frontage on West Shady Lane. Lot 2 of the proposed CSM has 208.84 feet of frontage on West Shady Lane. Both lots have frontage on a private road known as Wismer Lane. The Administration has some concerns with allowing additional access points on private roads. Private roads are problematic as they relate to addressing and the provision of Police protection, Fire protection, and solid waste and recycling services. The Administration will not recommend the creation of additional private roads in the Town but does recommend that the Plan Commission and the Board provide direction on development on existing private roads in the Town. Both of the Lots proposed in the CSM could be serviced from municipal roads; however, this would require that the Town exercise the “no other alternative” clause in the Town’s Access Ordinance (see staff comment #9). The property is currently Zoned A-2, General Farming District and would have to be re-zoned to R-2 Suburban Residential as a condition of approving the proposed CSM.
2. The proposed CSM is consistent with the Town’s approved Land Use Plan.
3. Neither of the proposed lots is in the County’s Floodplain Zoning Area.
4. Neither of the proposed lots is in the County’s Wetland Identifier.
5. Both of the proposed Lots are in the County’s Shore Land Zoning District and carry a 300-foot shore land zoning limit that will need to be approved by the County.
6. The property is in the Neenah School District.
7. The property is in the Department of Natural Resources Special Well Casing area.
8. Both of the proposed lots are in the County’s Airport Overlay Zoning District and as such have building height restrictions. However, the Town has not formally adopted an Airport Zoning District overlay. Therefore, the Town can only encourage compliance with the Airport Zoning District overlay.
9. The Town’s Access Code requires a minimum separation between access points of 600 feet:
 - a. As shown, Lot 2 of the proposed CSM cannot meet the provisions of the Town’s Access Ordinance and could only be accessed from the Private Road on the north side of the property; the applicant owns a portion of that private access.
 - b. As shown, Lot 1 of the proposed CSM could take access from North Oakwood Avenue; however, the applicant cannot meet the 600-foot separation between access points.
 - c. As an alternative, both proposed Lots could take access from the private road on the north side of the property.

Staff recommends approval of the proposed CSM with the following conditions:

1. Payment of all municipal fees related to the CSM approval and the required re-zoning.
2. Clarification by the Plan Commission and the Board of the access issue on the site.
3. Approval of the required re-zoning of the property.
4. Documentation of the approval for the proposed CSM by any overlying unit of government having jurisdiction.

Mr Shaw expressed his intentions to make two lots, and expressed his concerns about the position of the driveway/private road.

MOTION: (Hamblin, VanAirsdale) Motion to immediate approval of CSM as presented with the requirement to limit access only to Wismer Lane and #1,2,3,4 of staff recommendations (Haskell amended) with Chairman Knapinski clarifying that this motion will not set a precedent.
CARRIED by unanimous voice vote.

- C. **Discussion / Recommendation:** – Plan Commission review and recommendation on a CSM for First Business Bank, P.O. Box 057, Appleton, WI 54912, for property located on the northwest corner of Larsen Road and Center Road extended in the Town of Clayton (Tax ID #006-0576)

Staff Comments:

1. The proposed CSM detaches a single Lot from the parent parcel Tax ID #006-0576. The new Lot is approximately 38.751 Acres. The proposed Lot is a vacant farm field that abuts the balance of the parent parcel on its east property line. The proposed CSM divides what was to be the western extension of the Plats of Metzsig Hills II and High Point Estates. The proposed Lot contains a portion of the northern extension of Center Road (see attached copy of the Town’s Official Map). To accommodate the northern extension of Center Road the proposed CSM dedicates approximately 1 acre as the western half of the right-of-way for the northern extension of Center Road. In order to protect the Town’s interest in the dedicated right-of-way and to allow the farming of the right-of-way the Administration would recommend a recorded memorandum of understanding between the Town and the property owner waiving the property owner’s right of adverse position for the right-of-way. This will allow for the long term farming of the property without the Town running the risk of the right-of-way being claimed by present and/or future property owners.
2. The property is currently Zoned A-2 GENERAL FARMING DISTRICT.
3. The proposed CSM is consistent with the Town’s approved Land Use Plan.
4. The property is in the Winneconne School District.
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is not in the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.
8. The property does contain a navigable waterway and is in the County’s Shore Land Jurisdiction Zoning.

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

1. Dedication of the right-of-way for the future northern extension of Center Road as shown on the Town’s Official Map.
2. Drafting and recording of a Memorandum of Understanding on the right to farm the Town’s dedicated right-of-way.
3. Documentation of the approval for the proposed CSM by any overlying unit of government having jurisdiction.

Kay Lettau asked the commission about landlocked parcels, how would anyone access other parcels? Johnston assures that there is farm access available on Larsen road for the parcels in question. Commissioner Hamblin and Commissioner Adler further discussed the CSM and how it may or may not affect the development of Center Road.

MOTION: (Adler, Haskell) Motion to approve the CSM including the three staff recommendations in memo dated October 7, 2010 to Committee
CARRIED by unanimous voice vote.

- D. **Discussion / Recommendation:** – Plan Commission review and recommendation on the Winnebago County Petition of Planning & Zoning Committee for the proposed text amendment change affecting Chapter 22, “Winnebago County Comprehensive Plan”, of the Winnebago County General Code

Discussion of clarification of the changes by Winnebago County took place among committee members and Mr. Johnston.

MOTION: (Adler, Brucks) Motion to take no action and forward to Town Board
CARRIED by unanimous voice vote.

VI. Upcoming Meeting Attendance

Kay Lettau mentioned the Farmland Preservation meeting that needs some members to attend.

Presentation was appreciated and complimented the hard work for fire station per Chairman Luebke.

VII. Adjournment – 7:48pm

MOTION: (Brucks, VanAirsdale) Adjourn.
CARRIED by unanimous voice vote.

Respectfully Submitted, Tori Bowen, *Interim Treasurer*