

TOWN OF CLAYTON

Town Plan Commission

Meeting Minutes

7:00 P.M. on Wednesday, May 8th, 2013

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

- I. The meeting was called to Order by the Chair at 7:00 P.M.
- A. Pledge of Allegiance recited.
 - B. Meeting properly posted at three locations in the Town.
 - C. Roll
 - Plan Commission Members
 - Chairperson Knapinski: PRESENT
 - Commissioner Klingenberger: PRESENT
 - Commissioner Brucks: PRESENT
 - Commissioner Schmidt: PRESENT
 - Commissioner Linsmeier: ABSENT
 - Commissioner Haskell: ABSENT
 - Commissioner Vacant:
 - Staff
 - Town Attorney Carlson: PRESENT
 - Administrator Johnston: PRESENT
 - Town Planner, Jon Bartz: PRESENT
- II. Approval of Minutes: Regular Plan Commission Meeting – Wednesday, April 10th, 2013.
- Motion by: Commissioner Brucks
 - Second by: Commissioner Schmidt
 - Motion: To approve the minutes of the Commission’s Wednesday, April 10th, 2013 meeting as presented.
 - Vote: Unanimously approved.
- III. Open Forum on Town-related Matters not on the Plan Commission’s Agenda: Please complete the “Request to Speak at Meeting” form and give it to the Clerk or Treasurer. Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present matters not on the Posted Agenda, however, only limited discussion may occur and no action may be taken until a specific notice of the subject matter of the proposed action can be given.
- IV. Correspondence:
A UW Extension, Plan Commissioner Network Meeting Notice was distributed to the Commission.
- V. Business:

- A. Plan Commission recommendation to the Town Board relative to edits to the Town's Zoning Code of Ordinances recommended by the Town's Attorney.

Town's Attorney Rich Carlson (Rich) was in attendance at the Commission's meeting to review his concerns with the Town's Zoning Code of Ordinances. Rich's concerns are primarily related to the administrative issues in the Code. The Commission reviewed the issues with the administrative functions in the Zoning Code. Those issues include but are not limited to the following items:

1. The Administrative implementation functions of the Planned Unit Development Overlay District.
2. The Administrative functions of the Zoning Board of Appeals should follow the State Statutes and case law.
3. The Public Notice requirements for the functions of the Zoning Code of Ordinances should follow the statutory requirements.
4. The revocation of Conditional Uses vs. Enforcement of the Zoning Code.

Following the review staff was directed to prepare the draft changes to the Zoning Code so that only the Statutory Administrative functions remain in the Zoning Code and to create Town Policies for how Zoning Code activities are conducted. Staff was also directed to keep the re-zoning signage in the Town's Policies. These documents are to be presented to the Commission at its June meeting for review and recommendation to the Board.

- B. Plan Commission recommendation to the Town Board relative to the Town Planner's recommendations for consistency between the Town's newly adopted Zoning Code of Ordinances, the Town's Site Plan Ordinance, the Town's Parking Ordinance, and the Town's Sign Ordinance.

Town Planner, Jon Bartz (Jon) is provided the Commission with materials relative to the changes needed to create consistency between the Town's newly adopted Zoning Code of Ordinances and the Town's Site Plan Ordinance, Parking Ordinance, and Sign Ordinance. Jon explained his recommendations and the impact they will have on the Town's existing Ordinances. Following a review of the documentation presented the Commission recommended that staff incorporate the recommendations into the Town's Zoning Code. The Commission will review the proposed changes and the revised document at its June meeting and make a recommendation to the Board. Based on the Commission's recommendation and the Board's approval, the Administration will prepare any documentation needed to legalize, post, and publish the revised Ordinance documents. The proposed changes will allow the Town Board to consider rescinding the Town's duplicative stand alone Ordinances.

- C. Plan Commission recommendation to the Town Board relative to the interpretation of the Town's Zoning Code of Ordinances. Article 8 (Land Uses), Exhibit 8-2, R-1 and R-2, Floor Area, Accessory Building.

The Administration has asking the Plan Commission and the Board for confirmation relative to its interpretation of the size of the accessory building language in the Town's Zoning Code of Ordinances. Specifically, the accessory building language in the Code's R-1 Residential District reads as follows:

R-1, Rural residential district (non-subdivided)
Single-family Nonresidential

Lot size:

Minimum, 43,000 sq. ft. for an unsewered lot
12,000 sq. ft. for a sewered lot

Floor area:

Principal building, minimum: 1,000 sq. ft.

Accessory buildings: maximum: 1,500 sq. ft. plus 1 percent of the lot area in excess of the minimum lot requirement.

The Administration's interpretation of this language is that an accessory building can be up to 1,500 Square feet plus the 1% function of the Lot area if applicable. The County uses the same language but requires that the garage area of the principal building be deducted from the accessory building size.

The Plan Commission has agreed with the Administration's interpretation and is recommending that the Board concur with its recommendation.

- D. Plan Commission recommendation to the Town Board Site Plan approval for additional inventory storage and parking, submitted by Jim Lombard of Tri-Lamm LCC for Quietwoods RV site, located at 9042 Campers Way, Neenah WI 54956, Tax ID # 006-0336.

Site Location: 9042 Campers Way, Neenah WI 54956, Tax ID # 006-0336.

Applicant: Jim Lombard, Agent
Quietwoods RV
9042 Campers Way
Neenah WI 54956

Property Status:

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

1. The property Tax ID is # 006-0336.
2. The property consists of approximately 9.52 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 currently Zoned B-3 (GENERAL BUSINESS DISTRICT).
6. The property is in the Outagamie County Airport Overlay Zoning 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.
12. The proposed project is covered in the Town's Site Plan Ordinance where it makes

reference to the “Attachment A - Horizontal Site Design Standards” and “Attachment D - Landscaping Design Standards”.

Application Details:

The petitioner has applied for approval to create additional inventory storage and display areas for recreational vehicles on the east side of the property fronting USH “10” (see attached site plan). Conceptually the project complies with the Town’s Site Plan Ordinance; however, it would need an exemption to the limitation of storage on the USH “10” frontage and at the Plan Commission’s and the Board’s discretion additional landscaping on the USH “10” frontage.

Site Details:

The existing site consists of a central maintenance, repair and display/office structure with paved customer parking adjacent to the building on the north, west and south sides. There are two gravel surface inventory storage and display areas on the west and east sides of the lot. Those portions of the site will remain substantially unchanged. The proposed project creates an additional inventory storage area on the southeast side of the site. The inventory storage area will be created by removing the top soil and then graveling approximately 1 additional acre of the site. The additional inventory storage area will not impact the existing pedestrian access, customer parking, or inventory storage areas. The project does not comply with the prohibition of storage in the USH “10” element of the Town’s Site Plan Ordinance. However, Section 3.0 SITE PLAN REVIEW CRITERIA, (2) Outside Storage of Equipment, Products and Material (a) does allow the Commission and the Board to make exceptions to the restriction based on limited storage area where alternative storage areas cannot reasonably be found on the site. One of the options available to the Commission and the Board is additional landscaping on the site. Since the site plan shows no landscaping, the Commission may want to recommend and define the additional landscaping it would like to see on the area in question.

Staff Comments:

The Site Plan Approval Application as presented is accurate. Based on a review of the Town Site Plan Ordinance, if the exception is granted for the location of the inventory storage area the application meets the requirements of the Code and with additional landscaping would merit approval. Staff has the following comments on the application as it relates to the Town’s Site Plan Ordinance:

1. Given the product that is sold on the site, inventory display and storage are one and the same and thus difficult to isolate on the site. As business improves, the need for additional inventory storage becomes critical; and since the only area of the site not dedicated to inventory storage is the southeast portion of the lot, it becomes reasonable to convert the grassy area to storage.
2. Given the location and the layout of the site, most inventory storage is visible from the USH “10” corridor and from the position of the business owner, this is a benefit to their marketing efforts.
3. With the addition of some landscaping, the gravel surface of the inventory storage area will be screened from sight and from any wind that may generate dust.

The Administration recommended approval of the Site Plan Amendment for additional inventory storage and parking submitted by Jim Lombard of Tri-Lamm LCC for Quietwoods

RV site, located at 9042 Campers Way, Neenah WI 54956, Tax ID # 006-0336 in the Town of Clayton with the following conditions:

1. That the Plan Commission recommends and the Board approves the exception for the inventory storage area fronting on USH “10”.
2. That the applicant agrees to any and all landscaping requirements recommended by the Plan Commission and required by the Board.
3. That the applicant has all Town and County permits, including building permits, in place prior to the start of construction.
4. That the applicant pays all fees relating to the proposed Site Plan amendment prior to starting the proposed project.
5. That the Applicant signs a Site Plan Amendment committing to the requirements recommended by the Commission and approved by the Board.
6. That the project is approved by any and all units of government having jurisdiction prior to the start of construction.

Motion by: Commissioner Klingenberger

Second by: Commissioner Schmidt

Motion: To approve the Site Plan Amendment Application for additional inventory storage and parking submitted by Jim Lombard of Tri-Lamm LCC for Quietwoods RV site, located at 9042 Campers Way, Neenah WI 54956, Tax ID # 006-0336 in the Town of Clayton subject to staff's conditions and the additional requirement that the applicant place a vegetative visual barrier on the UST 10 frontage of the project site.

Vote: Approved with 3 ayes and 1-nay (Klingenberger)

- E. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) for Robert L. Lemke, 3685 Fairview Road, Neenah, WI 54956 for properties located at 3685 Fairview Road, Neenah, WI 54956; specifically described as Tax ID # 006-0405, and 006-0404-01, being all of Lot 2 of Certified Survey Map No. 616 and part of the northwest ¼ of the northwest ¼ of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3685 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0405, and 006-0404-01, being all of Lot 2 of Certified Survey Map No. 616 and part of the northwest ¼ of the northwest ¼ of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Property Owners: Robert L. Lemke
3685 Fairview Road
Neenah, WI 54956

Consultant: Robert J. Harris, S-1943
Harris & Associates, Inc.
2718 North Mead Street
Appleton, WI 54911

Property Information:

1. The surrounding properties are zoned:

- a) North:
R-1 (Rural Residential District) and A-2 (General Farming District)
- b) South:
A-2 (General Farming District)
- c) East:
A-2 (General Farming District)
- d) West:
R-1 (Rural Residential District) and A-1 (Agribusiness District)

Property Information Specific to Tax ID # 006-0405:

- 1. The property is owned by Robert L. Lemke of 3685 Fairview Road, Neenah WI 54956.
- 2. The Lot is 22.360 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 property does have an identified intermittent navigable stream.
- 6. The Lot is currently zoned A-2 (General Farming District).
- 7. The property is out of the County's Floodplain Zoning Area.
- 8. The property has a 300-foot Shoreland Zoning Buffer Area.
- 9. The property is not in the County's Wetland Identifier.

Property Information Specific to Tax ID# 006-0405-01:

- 1. The property is owned by Robert L. Lemke of 3685 Fairview Road, Neenah WI 54956.
- 2. The Lot is 2.18 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-1 (Rural Residential District).
- 6. The property is out of the County's Floodplain Zoning Area.
- 7. The property is not in the County's Wetland Identifier.
- 8. The property has an existing single family residential unit and outbuildings on it.

Staff Comments:

- 1. The proposed CSM is consistent with the Town's approved Land Use Plan.
- 2. The proposed CSM consolidates two existing properties into a single property.
- 3. The existing properties and the proposed consolidated property comply with the frontage requirements of the Town's Zoning Code of Ordinances and Access Ordinance.
- 4. Lot 1 of the proposed CSM will have dual zoning. A condition of approval of the proposed CSM should include re-zoning all of Lot 1 of the proposed CSM from R-1 (Rural Residential District) and A-2 (General Agricultural District) to A-2 (General Agricultural District). If the CSM is conditionally approved the required re-zoning will appear before the Plan Commission for consideration at its Wednesday, June 10th, 2013 meeting.
- 5. Based on the CSM it appears that ingress and egress from the residential site will remain as they are.

Staff Recommendations:

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

- 1. Re-zoning Lot 1 of the proposed CSM from R-1 (Rural Residential District) and A-2 (General Agricultural District) to A-2 (General Farming District).
- 2. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

Motion by: Commissioner Klingenberg

Second by: Commissioner Brucks

Motion: To approve, with staff's recommendations the CSM for Robert L. Lemke, 3685 Fairview Road, Neenah, WI 54956 for properties located at 3685 Fairview Road, Neenah, WI 54956; specifically described as Tax ID # 006-0405, and 006-0404-01, being all of Lot 2 of Certified Survey Map No. 616 and part of the northwest ¼ of the northwest ¼ of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Vote: Unanimously Approved

- F. Plan Commission recommendation to the Town Board on a Certified Survey Map (CSM) for the Town of Clayton, 8348 CTR "T", Larsen, WI 54047, Christopher R. Clauson, 8338 CTR "T" Larsen, WI 54947, and Kenton L. Wiedenbeck, P.O. Box 24, Larsen, WI 54947, for properties located at 8348 CTR "T", Larsen WI 54947, 8328 CTR "T", Larsen, WI 54947, 8326 CTR "T", Larsen, WI 54947, 8338 CTR "T", Larsen WI 54947, and 8322 CTR "T", Larsen, WI 54947; specifically described as Tax ID# 006-0535-15, Tax ID# 006-0535-08, Tax ID# 006-0535-07, Tax ID# 006-0535-03, and Tax ID# 006-0535-06, being part of Lot 1 of Certified Survey Map 5886, and Part of the southwest ¼ of the northwest ¼, all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Town of Clayton

8348 CTR "T"

Larsen, WI 54947

Property Owners: Town of Clayton

8348 CTR "T"

Larsen, WI 54947

Christopher R. Clauson

8338 CTR "T"

Larsen, WI 45947

Kenton L. Wiedenbeck

8322 CTR "T"

Larsen, WI 54947

Consultant: James E Smith, S1803

Martenson and Eisele, Inc

109 W. Main Street

Omro, WI

Property Information:

The surrounding properties are zoned:

a) North:

B-3 (General Business District), R-1 (Rural Residential District) and I-2 (Heavy Industrial District)

b) South:

B-3 (General Business District)

c) East:

A-1 (Agribusiness District)

d) West:

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

Property Information Specific to Tax ID # 006-0535-15:

1. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947.
2. The Lot is 10.60 acres in size.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is in the Larsen/Winchester Sanitary District.
6. The property is currently zoned P-I (Public Institutional District).
7. The property is out of the County’s Floodplain Zoning Area.
8. The property is in the Larsen Drainage District.
9. The property is not in the County’s Wetland Identifier.
10. The property is the site of the Trail Head Park, the Town/Fire Hall Building, and the Town of Clayton Public Works Department facilities.

Property Information Specific to Tax ID# 006-0535-03:

1. The property is owned by Christopher R. Clauson, 8338 CTR “T”, Larsen, WI 54947.
2. The Lot is 1.2 acres in size.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The Lot is currently zoned R-1 (Rural Residential District).
6. The property is in the Larsen/Winchester Sanitary District.
7. The property is out of the County’s Floodplain Zoning Area.
8. The property is in the Larsen Drainage District.
9. The property is not in the County’s Wetland Identifier.
10. The property is the site of the Larsen Tap with a residential structure above the bar.

Property Information Specific to Tax ID # 006-0535-08:

1. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947.
2. The Lot is 0.56 acres in size.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is in the Larsen/Winchester Sanitary District.
6. The property is currently zoned R-1 (Rural Residential District).
7. The property is out of the County’s Floodplain Zoning Area.
8. The property is in the Larsen Drainage District.
9. The property is not in the County’s Wetland Identifier.
10. The property is the site of the single family residential unit formerly owned by Marshal Elmer that was purchased by the Town of Clayton for the purposes of developing a Town owned Yard Waste Site.

Property Information Specific to Tax ID # 006-0535-07:

1. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947.
2. The Lot is 0.200 acres in size.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is in the Larsen/Winchester Sanitary District.
6. The property is currently zoned R-1 (Rural Residential District).
7. The property is out of the County’s Floodplain Zoning Area.
8. The property is in the Larsen Drainage District.

9. The property is not in the County's Wetland Identifier.
10. The property was formerly owned by Marshal Elmer and was the site of a bar that was destroyed by a fire; the property was purchased by the Town of Clayton and the former bar was demolished for the purposes of developing a Town owned Yard Waste Site.

Property Information Specific to Tax ID# 006-0535-06:

1. The property is owned by Kenton L. Wiedenbeck, 8322 CTR "T", Larsen, WI 54947.
2. The Lot is 1.299 acres in size.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is in the Larsen/Winchester Sanitary District.
6. The property is currently zoned R-3 (Two Family Residential District).
7. The property is out of the County's Floodplain Zoning Area.
8. The property is in the Larsen Drainage District.
9. The property is not in the County's Wetland Identifier.
10. The property is the site of a duplex residential unit owned by Kenton L. Wiedenbeck.

Staff Comments:

- 1) The proposed CSM is consistent with the Town's approved Land Use Plan.
- 2) The proposed CSM consolidates, reconfigures, and rationalizes the properties involved in the CSM (see attached map).
- 3) To the extent possible, the consolidated properties comply with the frontage requirements of the Town's Zoning Code of Ordinances.
- 4) All of the properties have existing legal access points that could continue to be used following the reconfiguration of the properties by the CSM.
- 5) Some of the reconfigured Lots created by the proposed CSM will have dual zoning.
- 6) Any rezoning functions proposed by staff are intended to create consistency with the Zoning Code of Ordinances and are not intended to change the use of the property.
- 7) A condition of approval of the proposed CSM should include re-zoning all of the properties created by the proposed CSM so that the Zoning is consistent with the intended use and with the Town's Zoning Code of Ordinances.
- 8) If the CSM is conditionally approved the required re-zonings will appear before the Plan Commission for consideration at its Wednesday, June 10th, 2013 meeting.
- 9) Based on the proposed CSM it appears that ingress and egress from the sites may change in the following manner:
 - a) Access to the single family residential unit formerly owned by Marshal Elmer will move from the south side of the house to the north side of the house. This change is required to remove an encroachment onto the Wiedenbeck property by the existing driveway.
 - b) Access to the back of the duplex residential unit owned by Kenton L. Wiedenbeck will come from an ingress and egress easement on the south side of the duplex unit.
 - c) Lot 4 should be considered a Lot of Record and should continue to have access by means of a narrow strip on the south side of the property. When drafting the CSM Town staff has tried to improve the conformance with the Town's Zoning Code to the extent possible. The frontage of Lot 4 is 24.38 feet; the required frontage based on a B-2 (Community Business District) is 75 feet. The average frontage of Lot 4 is 54.65; this measurement is achieved by using the methodology outlined in the Zoning Code of Ordinances.

Staff Recommendations:

Given staff's involvement in creating the proposed CSM and the Town's participation in the project, The Administration will not make a recommendation on the proposed CSM.

However, the following conditions should be placed on any approval of the document:

1. Re-zoning of all of the proposed properties involved in the CSM to conform to the Town's Zoning Code of Ordinances.
2. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

Staff reviewed in detail the specific features of the proposed CSM with the Plan Commission. Based on that review the Plan Commission took the following action:

Motion by: Commissioner Klingenberger

Second by: Commissioner Brucks

Motion: To recommend, as presented and with staff's recommendation, the Certified Survey Map (CSM) for the Town of Clayton, 8348 CTH "T", Larsen, WI 54047, Christopher R. Clauson, 8338 CTR "T" Larsen, WI 54947, and Kenton L. Wiedenbeck, P.O. Box 24, Larsen, WI 54947, for properties located at 8348 CTR "T", Larsen WI 54947, 8328 CTR "T", Larsen, WI 54947, 8326 CTR "T", Larsen, WI 54947, 8338 CTR "T", Larsen WI 54947, and 8322 CTR "T", Larsen, WI 54947; specifically described as Tax ID# 006-0535-15, Tax ID# 006-0535-08, Tax ID# 006-0535-07, Tax ID# 006-0535-03, and Tax ID# 006-0535-06, being part of Lot 1 of Certified Survey Map 5886, and Part of the southwest ¼ of the northwest ¼, all in Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Vote: Unanimously approved

VI. Upcoming Meeting Attendance

The Administration advised the Commission that it would like to have the Plan Commission and the Zoning Board of Review attend training sessions on the implementation of the Town's new Zoning Code of Ordinances. Staff will advise the Commission and the Committee as the training opportunities become available.

VII. Adjournment:

Motion by: Commissioner Adler

Second by: Commissioner Haskell

Motion: To adjourn the Plan Commission Meeting at 8:33 P.M.

Vote: Unanimously approved

Respectfully submitted,

Richard Johnston, Administrator/Clerk