

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
7:00 P.M. – on Wednesday, September 9, 2020  
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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I. Call to Order: Chair Knapinski called the meeting to order at 7:00 p.m.

A. Notice Verification, Roll

- 1. Pledge of Allegiance
- 2. Verification of Meeting Notice
- 3. Roll

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner White	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	PRESENT
Commissioner Haskell	PRESENT
Town Board Representative Wisnefske	PRESENT

b. Staff

Administrator Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT
Engineer Hamblin	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning application submitted by Carl Rasmussen, for property located at Center Road, Neenah, WI 54956 specifically described as Tax ID# 006-0243, being a part of Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).

- Aaron Meloan, 2279 Deer Prairie Drive, Neenah
  - Planning to purchase the property to build a new home.
  - Rezoning to facilitate the construction

Public Hearing Closed at 7:03 p.m.

B. Plan Commission Public Hearing on a Re-zoning application submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01, being a part of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).

- No Comments presented

Public Hearing Closed at 7:05 p.m.

I. Approval of Minutes:

A. Approval of the minutes of the Wednesday, August 12<sup>th</sup>, 2020 Plan Commission Meeting.

- Chair Knapinski noted the letters in his name were transposed in two places on page 2, item C.
- Commissioner Haskell noted the word area was misspelled somewhere in the document but she couldn't remember where.

**MOTION:**

**Motion by** Commissioner Linsmeier

**Second by** Commissioner Haskell

**Motion to** approve the August 12, 2020 Plan Commission Meeting Minutes as corrected.

**Motion carried** unanimously

II. Open Forum Town-related Matters not on the Plan Commission's Agenda:

- Administrator Straw reported the Tech provider for the Town has resigned. She said she will be actively pursuing a replacement.

III. Correspondence:

A. Distribution of August 2020 Building Inspection Report

IV. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted by Carl Rasmussen, for property located at Center Road, Neenah, WI 54956, specifically described as Tax ID# 006-0243, being a part of Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).

Site Location: The property is located at Center Road, Oshkosh, WI 54904, specifically described as Tax ID# 006-0243, being a part of Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).

Applicants: Aaron Meloan  
2279 Deer Prairie Dr.  
Neenah, WI 54956

Property Owners: Carl Rasmussen

117 North Park Ave  
Neenah, WI 54956

Consultant: N/A

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0243:**

1. The property is owned by Carl A. and Ardythe E. Rasmussen Rev.Tst., 117 North Park Ave., Neenah, WI 54956.
2. The Lot is 3.39 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agricultural District).
5. The property is located within the Shoreland Area 300 Foot Buffer (see attached shoreland map).
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
9. The property is within the Wisconsin Wetland Inventory (see attached Hydrologic Viewer Map).
10. The property is in the Department of Natural Resources Special Well Casing area.
11. The Future Land Use Planning Information is Agricultural and Rural Residential.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

**Staff Comments on the proposed Re-zoning:**

1. The property is 3.39 acres and does not conform with the Town's Zoning Code as currently zoned A-2 (A-2 district has minimum of 5 acres).
2. The property does have some wetland and will most likely require wetland delineation prior to building a home on this site. Owner should contact Winnebago County Zoning Department to verify.

**Staff Recommendations:**

Staff recommends approval of the proposed rezoning from A-2 (General Agricultural District) to R-1(Rural Residential District) subject to the following condition:

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
  - The Commission determined all was in order and it was a basic "housekeeping" rezoning.

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Nemecek

**Motion to** recommend to the Town Board approval of the Re-zoning application submitted by Carl Rasmussen, for property located at Center Road, Neenah, WI 54956, specifically described as Tax ID# 006-0243 as presented and with Staff recommendations

**Motion carried** by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01, being a part of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).

Site Location: The property is located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01, being a part of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).

Applicants: Jeff Rustick (S-2036)  
Schuler & Associates, Inc.  
2711 N Mason St, Ste F  
Appleton, WI 54914

Property Owners: Robert and Janece Schommer  
8051 Rosemary Lane  
Neenah, WI 54956

Consultant: Jeff Rustick (S-2036)  
Schuler & Associates, Inc.  
2711 N Mason St, Ste F  
Appleton, WI 54914

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0664-01:**

- 1. The property is owned by Robert C. and Janece F. Schommer, 8051 Rosemary Ln, Neenah, WI 54956
- 2. The Lot is 5.00 acres.

3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agricultural District).
5. The property **is** within the Extraterritorial Jurisdiction of the City of Neenah.
6. The property is **not** within the Shoreland Area.
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
10. The property has no the Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Public/Institutional (Transportation) and Residential (single and two-family).
13. The current land use is consistent with the Town’s adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

**Staff Comments on the proposed Re-zoning:**

1. The re-zoning of this property is related to the Certified Survey Map (CSM) that is on the agenda for approval.
2. The re-zoning of this property is due to reducing this lot from 5.00 acres to 3.329 acres with the approval of the CSM.

**Staff Recommendations:**

Staff recommends approval of the proposed rezoning from A-2 (General Agricultural District) to R-1(Rural Residential District) subject to the following condition:

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
- Planner Jaworski cautioned the Commission regarding the “spot” zoning this action would create. He noted in this particular case, the rezoning aligns with the Comprehensive Plan and the proposed future land use, so it should not become an issue, however, he wanted the Commission to be aware of the potential problems which can arise from “spot” zoning.

**MOTION:**

**Motion by** Commissioner Nemecek

**Second by** Commissioner Haskell

**Motion to** recommend to the Town Board approval of the Re-zoning application submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01 as presented and with Staff recommendations.

**Motion carried** unanimously

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) submitted by Schuler and Associates, for property owned by Robert and Janece

Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01, being a part of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).

**Site Location:** The property is located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01, 006-0664-02 & 006-0664-03 being a part of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

**Applicants:** Jeff Rustick (S-2036)  
Schuler & Associates, Inc.  
2711 N Mason St, Ste F  
Appleton, WI 54914

**Property Owners:** Robert and Janece Schommer  
8051 Rosemary Lane  
Neenah, WI 54956

**Consultant:** Jeff Rustick (S-2036)  
Schuler & Associates, Inc.  
2711 N Mason St, Ste F  
Appleton, WI 54914

**Property Information:**

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

**Property Information Specific to Tax ID # 006-0664-01:**

1. The property is owned by Robert C. and Janece F. Schommer, 8051 Rosemary Ln, Neenah, WI 54956
2. The Lot is 5.00 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agricultural District).
5. The property **is** within the Extraterritorial Jurisdiction of the City of Neenah.
6. The property is **not** within the Shoreland Area.
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
10. The property has no Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.

12. The Future Land Use Planning Information is Public/Institutional (Transportation) and Residential (single and two-family).
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0664-02:**

1. The property is owned by Robert C. and Janece F. Schommer, 8051 Rosemary Ln, Neenah, WI 54956
2. The Lot is 18.96 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agricultural District).
5. The property **is** within the Extraterritorial Jurisdiction of the City of Neenah.
6. The property is **not** within the Shoreland Area.
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
10. The property has Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Public/Institutional (Transportation) and Residential (single and two-family).
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

**Property Information Specific to Tax ID # 006-0664-03:**

1. The property is owned by Robert C. and Janece F. Schommer, 8051 Rosemary Ln, Neenah, WI 54956
2. The Lot is 5.04 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agricultural District).
5. The property **is** within the Extraterritorial Jurisdiction of the City of Neenah.
6. The property is **not** within the Shoreland Area.
7. The property has no Navigable Stream and Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is in Zone X (Outside Floodplain) of the County Floodplain and FEMA Special Flood Hazard Area.
10. The property has Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Public/Institutional (Transportation) and Residential (single and two-family).
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

**Staff Comments on the proposed CSM:**

1. The CSM does change the existing use of the property unless the owner continues to have the property farmed, however, 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 creates three (3) lots – Lot 1 (3.329 acres), Lot 2 (6.560 acres) and Lot 3 (19.119 acres).
4. The CSM was created for the purposes of resizing the existing lots created by the underlying CSM 7316.

**Staff Recommendations:**

Staff does recommend approval of the proposed CSM subject to the following conditions:

1. That Lot 1 created by the proposed CSM is re-zoned from A-2 (General Agricultural District) to R-1 (Rural Residential District).
2. Show the underlying property lines per CSM 7316.
3. Show the right-of-way width for Rosemary Lane.
4. Amend the distance label on the South line of Lot 2 (331.52') and/or the South line of Lot 4 CSM 7316 (301.49') to the match the distance label for the North line of Lot 3 (633.02').
5. In the surveyor's certificate, change Wisconsin Registered Land Surveyor to "Wisconsin Professional Land Surveyor."
6. In the Owner's Certificate, remove the word dedication as there is no dedication proposed with this CSM.
7. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
8. The Applicant provide a copy of the recorded document to the Town.
  - Administrator Straw reported a copy of the staff report was provided to Mr. Schommer who intends to have the revisions made to the CSM and resubmitted to the Town prior to next week's Town Board meeting.

**MOTION:**

**Motion by** Commissioner Haskell

**Second by** Commissioner Dorow

**Motion to** recommend to the Town Board approval of the Certified Survey Map (CSM) submitted by Schuler and Associates, for property owned by Robert and Janece Schommer, 8051 Rosemary Lane, Neenah, located at Rosemary Lane at Larsen Road, specifically described as Tax ID# 006-0664-01 with technical corrections as noted and with all Staff recommendations; and recognizing the "spot" zoning the land division creates is allowable in this case because it aligns with the Comprehensive Plan Future Land Use.

**Motion carried** unanimously

- D. Discussion/Recommendation: Plan Commission review and recommendation on an Application Review Schedule establishing deadlines for submitting the various types of applications.



The Commission reviewed a draft copy of an Application Review Schedule for submitting applications to the Town Staff. The General Review Requirements allows for the zoning administrator to prepare a schedule establishing deadlines for submitting the various types of applications. Due to the new Administrator having to rely more heavily on the expertise of the Town Planner for application reviews, the need for submission deadlines has become apparent. The proposed schedule is a guideline and will likely need adjustment from time to time.

- Planner Jaworski explained the proposed schedule aligns with other municipalities and would provide sufficient time for the transference of materials and reviews. He also noted the schedule can be placed on the Town's website for easy access.
- Administrator Straw noted the extended submission period will also allow for the additional reviews needed for much of the development on the east side of Town. She said the Fox Crossing Utility Director has already requested to review some development plans and she expects the need for their review to continue.
- Engineer Hamblin added that the additional time also allows for the exchange of information between the reviewers and the applicants so the data which comes before the Commission will be more complete and able to be approved.

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Nemecek

**Motion to** recommend approval of the Schedule as presented.

**Motion carried** unanimously

- E. Discussion/Recommendation: Plan Commission review and approval to request a presentation by Outagamie County Zoning Department on the Airport Overlay District and Code.

The Commissioners reviewed a copy of the Airport Overlay District Map. Administrator Straw explained Town Staff has found over the past few months that the area around and within the Airport Overlay District has become more active with development and the developers, surveyors, engineers, etc. who come into the area are not necessarily aware of the Airport Overlay District.

Administrator Straw said she and the Town Planner would like to have the Outagamie County Zoning Administrator and/or one of their staff, come to the October Plan Commission Meeting to provide a presentation of the Overlay District and the Code associated with it. Staff would also like to know more about the County procedure when handling the Overlay District so as to better inform the public of the Outagamie County process.

- Planner Jaworski noted the Town does NOT administer the Overlay District regulations, however, the goal is to better understand the requirements and procedures.

**MOTION:**

**Motion by** Commissioner Dorow

**Second by** Commissioner Haskell

**Motion to** invite the Outagamie County Zoning Department to provide a presentation on the Airport Overlay District and Code at the October 2020 Plan Commission Meeting.

**Motion carried** by unanimous voice vote

- F. Discussion/Recommendation: Plan Commission review and direction to staff regarding the amending of the Town of Clayton Chapter 9, Section 9.11, Access Control Ordinance and map.

The Commission reviewed a DRAFT Copy of the Access Control Ordinance along with the Official Town Map and a Draft of the Road Classifications Map.

- Planner Jaworski provided a large format Road Classifications Map for the Commissioners review. He noted there are still some minor details which need to be added, but the map is nearing completion.
- Administrator Straw referenced a section of the Ordinance which refers to an Access Control Map. She explained that to create a map which showed “all points of access” would be excessively time consuming and cumbersome. She suggested the Commission consider removing the language from the Access Ordinance or revising the language to eliminate the need for such a map.
- Commissioner Haskell expressed concern regarding the R-1 District allowing a 33-foot separation. She explained that she calculated the potential access points along a 1000-foot section of her road which, with this regulation could be in excess of 15 access points. Her concern is that there should be a larger distance for separation on rural lots—100- or 200-feet. She noted she understands the purpose of the closer access points in the areas of Town where sewer and water will be available, but the rural areas of Town should have greater distances between driveways primarily for safety. She requested Staff revisit that portion of the Ordinance.

#### **DIRECTION TO STAFF**

Continue refining the Ordinance and present again at the October meeting

#### III. Upcoming Meeting Attendance

- Outagamie County notice of public hearing for the Mosquito Squad property on September 22, 2020 at 10:30 a.m.

#### VIII. Adjournment

##### **MOTION:**

**Motion by** Commissioner Haskell

**Second by** Commissioner Linsmeier

**Motion to Adjourn** the meeting at 7:54 p.m.

**Motion carried** by unanimous voice vote

Respectfully submitted,  
Holly Stevens, Clerk