

TOWN OF CLAYTON
 Town Plan Commission
 Meeting Minutes
 7:00 P.M. – on Wednesday, November 8th, 2017
 Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

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

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner Wisniewski	PRESENT
Commissioner Eckstein	ABSENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	ABSENT (EXCUSED)
Commissioner Haskell	PRESENT
Town Board Representative Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Deputy Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on the following COMPREHENSIVE PLAN AMENDMENT applications:

a. ADDITION OF ADMINISTRATIVE LANGUAGE RELATIVE TO WORKING LANDS

- NO PUBLIC COMMENTS

b. AMENDMENT TO FUTURE LAND USE PLAN TO CHANGE THE FOLLOWING TAX ID #s FROM RESIDENTIAL TO COMMERCIAL

Tax ID #	Acreage	Address / Location	Current Future Use	Proposed Future Use
All of 006-0306-07	5.01	Shady Ln/STH 76	Rural Res	Business
All of 006-0306-03	8.74	9257 STH 76	Rural Res	Business
A Portion of 006-0309	24.55	STH 76	Rural Res	Business
All of 006-0309-01	7.64	9131 STH 76	Rural Res	Business
All of 006-0309-02	2.11	2922 W American	Business	Business
A Portion of 006-0340	30.25	9045 Clayton Ave	Rural Res	Business
A Portion of 006-0342	9.26	At East terminus of W. American	Rural Res	Business

- NO PUBLIC COMMENTS

c. AMENDMENT TO INCLUDE THE FOLLOWING TAX ID # IN THE WORKING LANDS OVERLAY DISTRICT

THE PETITIONERS: Donald Schaefer and Sara Heironimus property:

<u>Tax ID #</u>	<u>Acreage</u>	<u>Address</u>	<u>Current Future Use</u>	<u>Future Use</u>
006-0435	25.37	3947 Fairview Rd	Ag/Rural Res	Ag/Rural Res

- NO PUBLIC COMMENTS

B. Plan Commission Public Hearing on a Conditional Use Application submitted by Adam Boutwell, 9189 Clayton Avenue, Neenah, WI 54956, to operate a Kennel Hobby on property zoned R-1 (Rural Residential District). The property is located at 9189 Clayton Avenue, Neenah, WI 54956; specifically described as Tax ID # 006-0330-01, being located in Sec. 12, T20N-R16E PT SE NE COM E1/4 COR SEC 12 N 982.30 FT POB N 327.55 FT W 435.67 FT S 326.92 FT E 435.67 FT TO POB D998325, Town of Clayton, County of Winnebago, State of Wisconsin

- James Affeldt, 9214 Clayton Avenue
 - Requested the Commission consider setting a limit to the number of dogs being outside at one time.
 - Primary concern was the kennel growing over time to a 50+ dog kennel
- Adam Boutwell, 9189 Clayton Avenue, Applicant
 - Kennel is for his daughter, a dog musher
 - Not a rescue kennel. One dog coming in at a time due to training requirements for each dog.
 - Kennel, at most, would grow to 8 dogs over a 2-year period
 - Mushing dogs “live” outside
 - Plans in place to control barking
 - Area will be fenced with 6’ fencing
 - Spoke with neighbors to alleviate concerns

C. Plan Commission Public Hearing on a Re-zoning Application submitted by Ron and Amy Jankowski, 3471 Knox Lane, Neenah, WI 54956, for property located at 3685 Fairview Road, Neenah, WI 54956 and specifically described as Tax ID# 006-0405-04-01, being part of Lot 1 of Certified Survey Map No. 6785 located in 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.

- NO PUBLIC COMMENTS

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, October 11th, 2017 Plan Commission Meeting.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Linsmeier

Motion to approve the minutes of the Wednesday, October 11th, 2017 Plan Commission Meeting.

Motion carried by unanimous voice vote

IV. Open Forum – Town-related Matters not on the Plan Commission’s Agenda:

A. None

V. Correspondence:

- A. October CY 2017 Building Inspection Report.
- B. County Zoning Informational Meeting for November 2017 Public Hearing Items.
- C. Communication relative to the CY 2018 Zoning Department meeting schedule from the Winnebago County Planning and Zoning Department.

VI. Business:

A. Discussion/Recommendation: Plan Commission Review and Recommendation on the following COMPREHENSIVE PLAN AMENDMENT applications:

a. ADDITION OF ADMINISTRATIVE LANGUAGE RELATIVE TO WORKING LANDS

- Commissioner Reif questioned why the language specifically calls out equestrian activities as agricultural use—should be more broad
- Ken Jaworski explained the language was added to the commonality of the activity in the area and because it is not specifically recognized by DATCP.
- Mr. Jaworski also noted the definition of agricultural use includes language stating “any other use that the Town approves as an agricultural use.”

b. AMENDMENT TO FUTURE LAND USE PLAN TO CHANGE THE FOLLOWING TAX ID #s FROM RESIDENTIAL TO COMMERCIAL

Tax ID #	Acreage	Address / Location	Current Future Use	Proposed Future Use
All of 006-0306-07	5.01	Shady Ln/STH 76	Rural Res	Business
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All of 006-0309-01	7.64	9131 STH 76	Rural Res	Business
All of 006-0309-02	2.11	2922 W American	Business	Business
A Portion of 006-0340	30.25	9045 Clayton Ave	Rural Res	Business
A Portion of 006-0342	9.26	At East terminus of W. American	Rural Res	Business

- Kay Lettau, 3795 CTR II, inquired if all of the property owners were notified of the proposed Re-zoning
- Administrator Johnston explained it is not a re-zoning but rather a change to the Future Land Use Map

c. AMENDMENT TO INCLUDE THE FOLLOWING TAX ID # IN THE WORKING LANDS OVERLAY DISTRICT.

i. THE PETITIONERS: Donald Schaefer and Sara Heironimus property:

<u>Tax ID #</u>	<u>Acreage</u>	<u>Address</u>	<u>Current Future Use</u>	<u>Future Use</u>
006-0435	25.37	3947 Fairview Rd	Ag/Rural Res	Ag/Rural Res

- Administrator Johnston explained the parcel originally did not meet the threshold to be included as Working Lands, but that changes had been made which now qualify the property.

MOTION:

Motion by Commissioner Reif

Second by Commissioner Wisnefske

Motion to recommend approval to the Town Board of the Comprehensive Plan Amendments, including the Administrative Language relative to Working Lands, the Future Land Use amendments, and the Inclusion of Tax ID # 006-0435 in the Working Lands overlay district, as presented.

Motion carried by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission Review and recommendation on a Conditional Use Application submitted by Adam Boutwell, 9189 Clayton Avenue, Neenah, WI 54956, to operate a Kennel Hobby on property zoned R-1 (Rural Residential District). The property is located at 9189 Clayton Avenue, Neenah, WI 54956; specifically described as Tax ID # 006-0330-01, being located in Sec. 12, T20N-R16E PT SE NE COM E1/4 COR SEC 12 N 982.30 FT POB N 327.55 FT W 435.67 FT S 326.92 FT E 435.67 FT TO POB D998325, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 9189 Clayton Avenue, Neenah, WI 54956; specifically described as Tax ID # 006-0330-01.

Applicants: Adam Boutwell
9189 Clayton Avenue
Neenah, WI 54956

Property Owners: Adam Boutwell
9189 Clayton Avenue
Neenah, WI 54956

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: R-1 (Rural Residential District) and A-2 (General Agriculture District)
 - b) South: R-1 (Rural Residential District), A-2 (General Agriculture District) and B-3 (General Business District)

- c) East: Village of Fox Crossing
- d) West: A-2 (General Agriculture District)

Property Information Specific to Tax ID# 006-0330-01:

1. Adam Boutwell, 9189 Clayton Avenue, Neenah, WI 54956
2. The Lot is approximately 3.270 acres in area.
3. The property is in the Neenah School District (3892).
4. The property has an Officially Mapped 100-foot right-of-way for Clayton Avenue.
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned R-1 (Rural Residential District).
7. The property is in the Outagamie County Airport Height Zoning District.
8. The property is in the Village of Fox Crossing's Extra-Territorial Zoning District.
9. The property is out of the County's Floodplain Zoning Area.
10. The property is in the County 1000-foot Shoreland Zoning Buffer.
11. The property is not in the County's Wetland Identifier.
12. The land use is consistent with the Town's adopted Land Use Plan.

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. In the R-1 (Rural Residential District) the Town's Zoning Code of Ordinances requires a Conditional Use Permit for a Kennel Hobby.
3. Attached please find a copy of the required Conditional Use Application.
4. The Boutwell's own the property located at 9189 Clayton Avenue. The Boutwell's live on the site in a single-family home residence with several out-buildings and have applied to operate a Kennel Hobby.
5. Specifically, the Boutwell's have an interest in Dog Sledding and would like to operate a dog sled team.
6. With an approved Conditional Use Permit this activity would meet the requirements of the Town's Zoning Code of Ordinances.

Staff Recommendations:

Staff recommends approval of the proposed Conditional Use Application for the purposes of operating a Kennel Hobby subject to the following conditions:

1. That the Applicant comply with the Town's Zoning Code of Ordinances.
2. That the Commission consider setting hours when the dogs would be allowed outside an enclosed kennel facility.
3. That the Commission consider recommending a total number of sledding dogs that can be kept on-site.
4. That the Commission consider recommending that the kennel facility be kept in a workman like manner and that any waste product be properly disposed of on a daily basis.
5. That the Commission recommend that if the animal husbandry activities cease for more than 12 consecutive calendar months the Conditional Use shall be deemed to have ceased and the Conditional Use Permit terminated.
6. That the Commission consider recommending that should the Conditional Use terminate, any structures specifically related to the animal husbandry activities and with no alternate use shall be removed.

7. That the Commission approve the Conditional Use Application with consideration to pet dogs that are not related to the Conditional Use activity.
 8. Documentation of the approval of the proposed Conditional Use Permit by any overlying unit of government having jurisdiction.
- Chair Knapinski reviewed the discussion from the public hearing held immediately prior to the Plan Commission meeting.
 - Mr. Boutwell explained
 - “mushers” are kept outside almost all of the time
 - Plans in place for separation to minimize noise
 - Plans in place for barking controls—part of training process
 - Fencing will be installed to contain kennel area and restrict the dogs’ visual stimulation
 - Some barking will occur naturally—feeding time, during harnessing—but should be minimal
 - The Commissioners discussed the Staff recommendations modifying items #2 and #3 as follows:
 2. ~~That the Commission consider setting hours when the dogs would be allowed outside an enclosed kennel facility.~~ Replaced with:
That the dogs’ barking be kept at a minimum level at all times as determined by the number of and nature of the complaints received.
 3. ~~That the Commission consider recommending a total number of sledding dogs that can be kept on-site.~~ Replaced with:
The total number of sledding dogs that can be kept on-site shall not exceed 8 dogs over a 2-year period.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Wisnefske

Motion to recommend approval to the Town Board of the Conditional Use Application as submitted by Adam Boutwell with Staff recommendations with the modifications to items #2 and #3 as made by the Commissioners

Motion carried by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application submitted by Ron and Amy Jankowski, 3471 Knox Lane, Neenah, WI 54956, for property located at 3685 Fairview Road, Neenah, WI 54956 and specifically described as Tax ID# 006-0405-04-01, being part of Lot 1 of Certified Survey Map No. 6785 located in 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 and is specifically described as Tax ID# 006-0405-04-01, being part of Lot 1 of Certified Survey Map No. 6785 located in 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.

Applicants: Ron and Amy Jankowski
3471 Knox Lane
Neenah, WI 54956

Property Owners: Ron and Amy Jankowski
3471 Knox Lane
Neenah, WI 54956

Property Location: 3685 Fairview Road, Neenah, WI 54956.

Property Information:

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

Property Information Specific to Tax ID # 006-0405-04-01

1. The property is owned by Ron and Amy Jankowski of 3471 Knox Lane, Neenah, WI 54956.
2. The Lot is 3.387 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 by the County as A-2 (General Agriculture District).
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property is out of the County's Flood Plain area.
8. The property is not in the County's Shoreland 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 on the Re-Zoning Application:

1. The re-zoning does not change the existing use of the property and therefore it is consistent with the Town's approved Future Land Use Plan.
2. Lot-1 of the recently approved CSM is 3.387 Acres (147,530 Square Feet) in area.
3. Lot-1 of the recently approved CSM does not meet the A-2 (General Agriculture District) area requirement and therefore the new Lot 1 will need to be re-zoned to R-1 (Rural Residential District).
4. Lot-1 of the recently approved CSM contains a single-family home, two sheds and a barn which are Zoning Code compliant in the R-1 (Rural Residential District).
5. Access to Lot-1 of the recently approved CSM and the buildings contained on the site is available from an existing Access Code compliant driveway on Shady Lane.

Staff Recommendations on the Re-zoning Application:

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

1. The Town receiving the \$250.00 payment for the re-zoning application.

2. Documentation of the approval of the proposed CSM Application by any overlying unit of government having jurisdiction.

- Administrator Johnston explained the Re-zone is a formality because the lot created by the CSM does not meet the minimum lot size requirement for A-2 zoning (5 acres) and therefore must be rezoned to R-1

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Wisnefske

Motion to recommend approval to the Town Board of the Re-zoning application as submitted by Ron and Amy Jankowski with Staff recommendations

Motion carried by unanimous voice vote

VII. Upcoming Meeting Attendance: NONE

VIII. Adjournment

MOTION:

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion made to Adjourn the meeting at 7:53 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Deputy Clerk