

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – 8:01 P.M. on Wednesday, May 14th, 2014
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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 | ABSENT |
| Commissioner Haskell | PRESENT |
| Commissioner Jesse | ABSENT |
| Commissioner Dorow | PRESENT |
| Commissioner Linsmeier | PRESENT |
| Town Board Representative Schmidt | PRESENT |

b. Staff

| | |
|------------------------|---------|
| Administrator Johnston | PRESENT |
| Ken Jaworski | PRESENT |

II. Public Hearings:

A. THE PETITIONER: Mark E. and Laura C. Luebke, 3929 CTR II, Larsen, WI 54947 and Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 request that the following properties located at 3919 and 3929 CTR II, Larsen, WI, specifically described as Tax ID # 006-0566-02, and 006-0566-03, and 006-0566-04 being part of the northeast ¼ of the northwest ¼, and described as Lots 2, 3, and 4 of CSM 6693 of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT).

- Kay Lettau (3795 County Road II, Neenah) spoke regarding the two addresses. One address used to be Mark Luebke’s mother’s house and the third address is the lot behind hers.

B. THE PETITIONER: Kenneth W. Tritt, 5505 CTR “G”, Winneconne, WI 54986 requests that the following property located at 3373 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0395 being part of the northeast ¼ of the northeast ¼, of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-1 (RURAL RESIDENTIAL DISTRICT).

- Doug Griffin (8811 N. Oakwood Ave, Neenah) spoke about what this exactly will do for future land use such as

residential, etc. New survey map done to separate into three lots over 10 acres.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, April 9th, 2014 Regular Plan Commission Meeting.

MOTION:

Motion by: Commissioner Schmidt

Seconded by: Commissioner Haskell

Motion: To approve the amended minutes of the Plan Commission Meeting for Wednesday, April 9, 2014 as presented

Vote: Motion carried by unanimous voice vote.

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. Building Inspector’s monthly building permit report.
- B. Winnebago County Plan Commissioner Network Information.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on Resolution 2014-001 A Resolution Recommending that the Town Board hold the required Public Hearing and consider approval of the following Comprehensive Plan Amendment Map Applications:

The Town of Clayton for the following properties owned by Michael and Marion Sabee:

| Tax ID # | Acreage | Address | Current Use | Future Use |
|-------------|---------|-----------------|---------------|--------------|
| 006-0309 | 24.550 | 3033 W Shady Ln | Rec. and Con. | Ag/Rural Res |
| 006-0308 | 27.080 | 3033 W Shady Ln | Rec. and Con. | Ag/Rural Res |
| 006-0307-06 | 29.980 | 3033 W Shady Ln | Rec. and Con. | Ag/Rural Res |
| 006-0313 | 28.230 | 3033 W Shady Ln | Rec. and Con. | Ag/Rural Res |

The Town of Clayton for the following property owned by Janice and Jeff Higgins:

| Tax ID # | Acreage | Address | Current Use | Future Use |
|-------------|---------|-------------|---------------------|------------|
| 006-0306-03 | 8.740 | 9257 STH 76 | Utilities & Pub Fac | Business |

Laura C. and Mark E. Luebke for the following property:

| Tax ID # | Acreage | Address | Current Use | Future Use |
|-------------|---------|-------------|--------------|----------------|
| 006-0566-03 | 7.330 | 3929 CTH II | Ag/Rural Res | Res 1/2 Family |

Rosanne C. Keller and Mark E. Luebke for the following properties

| Tax ID # | Acreage | Address | Current Use | Future Use |
|-------------|---------|-------------|--------------|----------------|
| 006-0566-02 | 10.130 | 3919 CTH II | Ag/Rural Res | Res 1-2 Family |
| 006-0566-04 | 19.25 | 3919 CTH II | Ag/Rural Res | Res 1-2 Family |

Staff Report of the Sabee Properties:

Site Location: The properties are located north of West American Drive extended, South of Shady Lane and East of STH “76”; specifically described as Tax ID# 006-0309, 006-0308, 006-0307-06 and 006-0313, all in Section 11, 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: Michael and Marion Sabee
3033 W Shady Lane
Neenah, WI 54956

Property Information:

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

Property Information Specific to Tax ID # 006-0309:

1. The property is owned by Michael and Marion Sabee, 3033 W Shady Lane Neenah, WI 54956.
2. The Lot is 24.55 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 is currently zoned A-2 (General Agricultural District).
6. The property has a Wisconsin Department of Transportation 50-foot setback from the STH “76” frontage of the property.
7. The property is in the Outagamie County Airport Overlay Zoning District, Zone 3 and Zone 2-B.
8. The property is in the Outagamie County Airport Overlay Zoning Height Restriction District.
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is not in the County’s Wetland Identifier.

Property Information Specific to Tax ID # 006-0308:

1. The property is owned by Michael and Marion Sabee, 3033 W Shady Lane Neenah, WI 54956.
2. The Lot is 27.080 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 is currently zoned A-2 (General Agricultural District).
6. The property is in the Outagamie County Airport Overlay Zoning District, Zone 3.
7. The property is in the Outagamie County Airport Overlay Zoning Height Restriction District
8. The property is out of the County's Floodplain Zoning Area.
9. The property is not in the County's Wetland Identifier.

Property Information Specific to Tax ID # 006-0307-06:

1. The property is owned by Michael and Marion Sabee, 3033 W Shady Lane Neenah, WI 54956.
2. The Lot is 28.980 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 is currently zoned A-2 (General Agricultural District).
6. The property is in the Outagamie County Airport Overlay Zoning District, Zone 3.
7. The property is in the Outagamie County Airport Overlay Zoning Height Restriction District
8. The property is out of the County's Floodplain Zoning Area.
9. The property is not in the County's Wetland Identifier.

Property Information Specific to Tax ID# 006-0313:

1. The property is owned by Michael and Marion Sabee, 3033 W Shady Lane Neenah, WI 54956. The Lot is 28.230 acres in size.
2. The property is in the Neenah School District (3892).
3. The property is in the Department of Natural Resources Special Well Casing area.
4. The property is currently zoned A-2 (General Agricultural District).
5. The property is in the Outagamie County Airport Overlay Zoning District, Zone 3.
6. The property is in the Outagamie County Airport Overlay Zoning Height Restriction District
7. The property is out of the County's Floodplain Zoning Area.
8. The property is in the County's Shoreland Zoning Code 300-foot buffer area.
9. The property is not in the County's Wetland Identifier.

Analysis of Proposed Comprehensive Plan Amendment:

1. Explain how the proposed amendment is consistent with the vision, goals, objectives, policies, and programs of the Comprehensive Plan:
As part of the Town's CY 2009 Comprehensive Plan update the properties in question were placed on the Future Land Use Map as property intended for Recreation and Conservation uses. At the time of the CY 2009 Comprehensive Plan update the Town's Green Space Committee was negotiating the purchase of the property for a nature and conservation park. In order to facilitate any Town grant funding applications for the project the property was placed in the Recreation and Conservation category on the Town's Future Land Use Map. The Town was unable to agree on a price for the property and unable to secure the funding for the price set by the property owners. At this time the property owners wish to sell and/or develop their property. In order to facilitate the development process the Town has been asked to amend its Comprehensive Plan to place the properties in the same future use category as the adjoining properties that are owned by the same individuals. The proposed change would remove the properties from the Recreation and Conservation land use category and place them in the Agriculture/Rural Residential land use category. This change is consistent with the future land use plan for the adjoining properties and consistent with the Town's long range plans for the area. As a courtesy to the property owners the

Town has agreed to assume the cost of the Comprehensive Plan Amendment since it placed the property in the Recreation and Conservation category for its own purposes and interests.

2. Explain how the proposed amendment will benefit the Town:

The proposed Comprehensive Plan amendment will allow the property owners to develop the site as a single unit with consistent uses. With the implementation of the Outagamie County Airport Overlay Zoning District in the Town of Clayton, the density and type of development that is allowable under the Overlay District is limited to low density residential and low density commercial/industrial. The proposed future land use category is consistent with low density residential development and best suited to property in the Outagamie County Airport Overlay District. Ultimately, the intended development will increase the taxable value of the Town and will result in greater tax revenue without increasing the Town's Mill Rate.

3. Describe surrounding land uses and whether the proposed amendment is compatible with surrounding uses:

Properties fronting the north and west side of the site are developed as agricultural and rural residential housing; the properties to the south and east of the site are developed as low density commercial and light industrial; the properties in question form the boundary between the agricultural/rural residential development and the low density commercial/light industrial development. How the properties in question develop is likely to be driven by the real estate market and the public infrastructure available with the limiting factor being the Outagamie County Airport Overlay District. The significant impediment to high density/high value added development is the Outagamie County Airport Overlay Zoning District. The Outagamie County Airport Overlay District limits the density of development and the density of the use of development in the area and as a result the taxable value of the area. The proposed future land use category allows for the greatest flexibility for the property owner and developers while remaining consistent with the Town's Long Range Development Plans.

4. Are public streets and other necessary public services available, or planned to be available in the near future, to serve the proposed development?

The Town has long range plans that include the development of the public infrastructure needed to serve any development in the area. The location of any new Town roads is conceptually provided for in the Town's Comprehensive Plan. The quality of any new Town roads in the area will be driven by the Town's Minimum Road Standards Ordinance. The allocation of the costs for all public infrastructure required for any development is controlled by the Town Board through a Public Infrastructure Improvement Agreement, and the specific location of all public infrastructure is based on State, County and Local Ordinances and the plans submitted by the Developer.

Staff Recommendations:

The Administration recommends that the Plan Commission approve Resolution 2014-001 recommending the Comprehensive Plan Amendment Application subject to the following conditions:

That the Town Board holds the required Public Hearing for the Comprehensive Plan Amendment.

Staff Report of the Higgins Property:

Site Location: The property is located at 9257 STH "76" Neenah, WI 54956; specifically described as Tax ID# 006-0306-03, all in Section 11, 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: Janice and Jeff Higgins
9257 STH “76”
Neenah, WI 54956

Property Information:

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

Property Information Specific to Tax ID # 006-0309:

1. The property is owned by the Janice and Jeff Higgins, 9257 STH “76”
Neenah, WI 54956.
2. The Lot is 8.74 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 is currently zoned A-2 (General Agricultural District).
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 Zoning Height Restriction District.
8. The property is out of the County’s Floodplain Zoning Area.
9. The property is not in the County’s Wetland Identifier.

Analysis of Proposed Comprehensive Plan Amendment:

1. Explain how the proposed amendment is consistent with the vision, goals, objectives, policies, and programs of the Comprehensive Plan:

As part of the Town’s CY 2009 Comprehensive Plan update the properties in question were placed on the Future Land Use Map as property intended for Utilities and Public Facility uses. At the time of the CY 2009 Comprehensive Plan update the Town was working with the property owners to develop a Community Based Residential Facility (CBRF) on the site. As a result of the discussions the property owners were having with the Town the property was placed in the Utilities and Public Facilities category to allow for the development of a CBRF on the site. With the Implementation of the Outagamie County Airport Overly Zoning District the development of a CBRF is no longer an option for the property owners. At this time the property owners would like to change their development plans and options for the site. In order to facilitate the development process the Town has been asked to amend its Comprehensive Plan to place the property in the business future use category. The proposed change would take the property from the Utilities and Public Facilities land use category to the Business land use category. Given the Light Industrial and Commercial zoning to the south of the site and the Commercial Zoning to the southeast of the site, the proposed change is not inconsistent with the future land use plan for the adjoining properties and not inconsistent with the Town’s long range plans for the area. As a courtesy to the property owners the Town has agreed to assume the cost of the Comprehensive Plan Amendment since it placed the property in the Utilities and Public Facilities category as a result of development plans that have been changed by the implementation of the Outagamie County Airport Overlay Zoning District in the Town of Clayton.

2. Explain how the proposed amendment will benefit the Town:

The proposed Comprehensive Plan amendment will allow the property owners to use the residential structure on the site while planning for future commercial or mixed development of the site. With the implementation of the Outagamie County Airport Overlay Zoning District in the Town of Clayton the type of development that is allowable under the Overlay District is limited to low density residential and low density commercial/industrial. The development options being investigated by the property owners fit both the density of development and the density of use requirements of the Airport Overlay Zoning District. Additionally, the proposed future land use category is well suited for the STH “76” frontage and consistent with the low density development required by the Outagamie County Airport Overlay District. Ultimately, there will be an increase in the taxable value created by the development of the site.

3. Describe surrounding land uses and whether the proposed amendment is compatible with surrounding uses:

Properties fronting the north and west side of the site are developed as agricultural and rural residential housing; the properties to the south and east of the site are developed as low density commercial and light industrial; the property in question extends the natural development of the existing low density commercial/light industrial development in the area. How the property in question develops is likely to be driven by the real estate market and the traffic on the STH “76” frontage with the limiting factor being the Outagamie County Airport Overlay District. The proposed future land use category allows for the greatest flexibility for the property owner and developers while remaining consistent with the Town’s Long Range Development Plans.

4. Are public streets and other necessary public services available, or planned to be available in the near future, to serve the proposed development?

The Town’s has long range plans that include the development of the public infrastructure needed to serve any development in the area. The specific site is served by the STH “76” frontage and is not likely to require additional public infrastructure to develop.

Staff Recommendations:

The Administration recommends that the Plan Commission approve Resolution 2014-001 recommending the Comprehensive Plan Amendment Application subject to the following conditions:

That the Town Board holds the required Public Hearing for the Comprehensive Plan Amendment.

Staff Report of the Luebke Property:

Site Location: The property is located at 3919 and 3929 CTR II, Larsen, WI, specifically described as Tax ID # 006-0566-02, and 006-0566-03, and 006-0566-04 being part of the northeast ¼ of the northwest ¼, and described as Lots 2, 3, and 4 of CSM 6693 of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin

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|-------------|------------------|---------------------------|
| Applicants: | Mark E. Luebke | Rosanne Keller |
| | 3929 CTR “II” | 5839 East Island Drive |
| | Larsen, WI 54947 | Butte Des Morts, WI 54927 |

| | | |
|------------------|------------------|---------------------------|
| Property Owners: | Mark E. Luebke | Rosanne Keller |
| | 3929 CTR “II” | 5839 East Island Drive |
| | Larsen, WI 54947 | Butte Des Morts, WI 54927 |

Property Information:

1. The surrounding properties are zoned:
 - a) North:
A-1 (Agribusiness District)
 - b) South:
A-2 (General Agricultural District) and R-2 (Suburban Residential District)
 - c) East:
R-8 (Manufactured Housing Community), A-2 (General Agricultural District) and A-1 (Agribusiness District)
 - d) West:
A-2 (General Agricultural District) and R-1 (Rural Residential District)

Property Information Specific to Tax ID # 006-0566-02:

1. The property is owned by Rosanne Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 10.130 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 is currently zoned A-2 (General Agricultural District).
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

Property Information Specific to Tax ID # 006-0566-03:

1. The property is owned by Laura C. and Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 7.330 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 is currently zoned A-2 (General Agricultural District).
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

Property Information Specific to Tax ID # 006-0566-04:

1. The property is owned by Rosanne Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 19.250 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 is currently zoned A-2 (General Agricultural District).
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

Analysis of Proposed Comprehensive Plan Amendment:

1. Explain how the proposed amendment is consistent with the vision, goals, objectives, policies, and programs of the Comprehensive Plan:

The Town’s CY 2009 Comprehensive Plan update calls for protecting the rural character of the Community; one of the ways identified in the Plan for accomplishing this goal is to allow for and encourage infill development. This application is a good example of infill development that protects the rural character of the Community. Specifically, the application incorporates a rural

residential subdivision adjacent to an existing manufactured housing community and a personal storage facility operating with a Conditional Use in an A-2 (General Agricultural District). Additionally to the south of the site there are approved but not developed rural residential subdivisions as well as fully developed rural residential subdivisions. This development has occurred while the Town has simultaneously protected the farm properties to the north and east by zoning them as A-1 (Agribusiness District).

2. Explain how the proposed amendment will benefit the Town:

The proposed Comprehensive Plan amendment will allow the community to grow its tax base while allowing the property owners to maximize the development value of their property; this is in keeping with the Comprehensive Plan Goal of protecting the rural character of the Community as defined by the Governing Body. Alternatively, the property owners could develop the site with a series of Certified Survey Maps: this type of disjointed development would not allow the Town to consider the impact of the proposed development on the adjoining properties.

3. Describe surrounding land uses and whether the proposed amendment is compatible with surrounding uses:

Many of the properties to the south of the site are developed or have been approved for development. The properties in the immediate area of the site are used for residential and commercial activities. The proposed Comprehensive Plan Amendment will allow the subject property to be developed in an organized, consistent, and unified manner. Specifically, the development of a property by means of a Plat allows the Town to consider all of the issues related to the development of the property and how they relate to, and impact, the adjoining properties. The only way this process can happen is with the approval of the proposed Comprehensive Plan Amendment.

4. Are public streets and other necessary public services available, or planned to be available in the near future, to serve the proposed development?

The Town has long range plans that include the development of the public infrastructure needed to serve any development in the area. The location of any new Town roads is conceptually provided for in the Town's Comprehensive Plan. The quality of any new Town roads in the area will be driven by the Town's Minimum Road Standards Ordinance. The allocation of the costs for all public infrastructure required for any development is controlled by the Town Board through a Public Infrastructure Improvement Agreement, and the specific location of all public infrastructure is based on State, County and Local Ordinances and the plans submitted by the Developer.

Staff Recommendations:

The Administration recommends that the Plan Commission approve Resolution 2014-001 recommending the Comprehensive Plan Amendment Application subject to the following conditions:

- That the Town Board holds the required Public Hearing for the Comprehensive Plan Amendment.
- Marion Sabee (3033 W. Shady Ln, Neenah) discussed changes to the land use map to R-1 which would give more flexibility for the future land use. Higgins property discussion and she wants some sort of plan on future development. She does not want the big warehouses in the area. Interest in her land would possibly be 95% residential. The area of Highway 76 (Higgins property) should we like to see this be residential. With it one mile away from a major highway interchange may not be residential and many people may not want to build that close to a

highway. With no sewer and water in this area does not mean it may not be there within 10 to 15 years. North of that area are business properties.

- Jeff Higgins (9590 N. Oakwood, Neenah) concerned about the potential of subdivisions going in. Wants to keep some of the land preserved. Lower impact businesses discussed by Administrator Johnston.
- Nancy Holman (9131 State Road 76, Neenah) discussion regarding not wanting a lot of businesses in that area.
- Jan Higgins (9590 N. Oakwood, Neenah) followed up on discussion by her husband, Jeff Higgins. Concerned about the land getting sold off and concerned about what may possibly go in there. Older retired population in that area.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Linsmeier

Motion: Motion that we recommend to the Town Board Resolution 2014-001 recommending that Town Board hold the required public hearing and consider approval of the following comprehensive plan amendment applications as listed along with staff recommendations.

Vote: Motion carried by unanimous voice vote.

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Rezoning Application submitted by Mark E. and Laura C. Luebke, 3929 CTR II, Larsen, WI 54947 and Rosanne C. Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 request that the following properties located at 3919 and 3929 CTR II, Larsen, WI, specifically described as Tax ID # 006-0566-02, and 006-0566-03, and 006-0566-04 being part of the northeast ¼ of the northwest ¼, and described as Lots 2, 3, and 4 of CSM 6693 of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin be rezoned from A-2 (GENERAL FARMING DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT).

Site Location: The property is located at 3919 and 3929 CTR II, Larsen, WI, specifically described as Tax ID # 006-0566-02, and 006-0566-03, and 006-0566-04 being part of the northeast ¼ of the northwest ¼, and described as Lots 2, 3, and 4 of CSM 6693 of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin

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| Applicants: | Mark E. Luebke 3929 CTR “II” Larsen, WI 54947 | Rosanne Keller 5839 East Island Drive Butte Des Morts, WI 54927 |
| Property Owners: | Mark E. Luebke 3929 CTR “II” Larsen, WI 54947 | Rosanne Keller 5839 East Island Drive Butte Des Morts, WI 54927 |

Property Information:

1. The surrounding properties are zoned:
 - a) North:
A-1 (Agribusiness District)
 - b) South:
A-2 (General Agricultural District) and R-2 (Suburban Residential District)
 - c) East:
R-8 (Manufactured Housing Community), A-2 (General Agricultural District) and A-1 (Agribusiness District)
 - d) West:
A-2 (General Agricultural District) and R-1 (Rural Residential District)

Property Information Specific to Tax ID # 006-0566-02:

1. The property is owned by Rosanne Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 10.130 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 A-2 (General Agricultural District).
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

Property Information Specific to Tax ID # 006-0566-03:

1. The property is owned by Laura C. and Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 7.330 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 A-2 (General Agricultural District).
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

Property Information Specific to Tax ID # 006-0566-04:

1. The property is owned by Rosanne Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 19.250 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 A-2 (General Agricultural District).
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

Staff Comments:

1. The properties have existing code compliant frontage and access from CTH “II”.
2. There are plans in process to subdivide the property that include ordinance compliant access and compliance with the Town Development Ordinances; however, they require that the property be rezoned.
3. The rezoning is consistent with the applicants’ application for a Comprehensive Plan Amendment to the Town’s Future Land Use Map.

4. Rezoning the property to the R-2 (SUBURBAN RESIDENTIAL DISTRICT) will allow for the orderly development of the site with consideration of the impact of the development on the adjoining properties.

Staff Recommendations:

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

1. Payment of any fees due the Town for the Re-zoning Application.
 2. Approval, by the Town Board of the Comprehensive Plan, Change in the Future Land Use Application submitted by the applicant.
 3. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
- Mark Luebke (3929 County Rd II, Larsen) discussion on the re-assessment and taxation of the properties.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Schmidt

Motion: Move that we make a recommendation on the rezoning application submitted by Mark and Laura Luebke and Rosanne Keller for properties located at 3919 and 3929 County Road II in Larsen. Motion to include a staff’s recommendation.

Vote: Motion carried by unanimous voice vote.

- C. Discussion/Recommendation: Plan Commission review and recommendation on a CSM Submitted by Kenneth W. Tritt, 5505 CTR “G”, Winneconne, WI 54986 requests that the following property located at 3373 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0395 being part of the northeast ¼ of the northeast ¼, of Section 15, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Kenneth W. Tritt
5505 CTR “G”,
Winneconne, WI 54986

Property Owners: Kenneth W. Tritt
5505 CTR “G”,
Winneconne, WI 54986

Property Information:

1. The surrounding properties are zoned:
 - e) North:
A-2 (General Agricultural District)
 - f) South:
A-2 (General Agricultural District), R-2 (Suburban Residential District), and R-1 (Rural Residential District)
 - g) East:

A-2 (General Agricultural District), R-1 (Rural Residential District) and I-1 (Light Industrial District)

h) West:

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

Property Information Specific to Tax ID # 006-0395:

1. The property is owned by Kenneth W. Tritt, 5505 CTR “G”, Winneconne, WI 54986.
2. The Lot is 9.470 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 A-2 (General Agricultural District).
6. The property is in the Outagamie County Airport Overlay Height Restriction Overlay District.
7. The property is out of the County’s Floodplain Zoning Area.
8. The property is in the County’s 300-foot Shoreland Zoning Buffer.
9. The property is not in the County’s Wetland Identifier.

Staff Comments:

1. The proposed CSM is consistent with the Town’s approved Future Land Use Plan.
2. The proposed CSM divides a single lot into a parent parcel (Lot 1) of approximately 5.326 acres in area and two new lots; Lot 2 is approximately 1.836 acres in area and Lot 3 is approximately 1.836 acres in area.
3. Lot 1 and Lot 2 of the proposed CSM consist of vacant land that is actively being farmed.
4. Lot 1 of the proposed CSM does have an area on the southern end of the property that is subject to the County’s Shoreland Zoning Ordinance.
5. The site has an existing structure that crosses the lot line between Lot 1 and Lot 2 of the proposed CSM; the structure is intended to be removed as part of the process of creating and selling the lots.
6. All of the other structures on Lot 1 of the proposed CSM comply with the setback requirements of the Town’s Zoning Code of Ordinances.
7. From the aerial photography it appears that the existing driveway for Lot 1 of the proposed CSM crosses onto Lot 2 as it approaches Fairview Road.
8. The proposed CSM does not contain the Right-to-Farm Language required by the Town.
9. As proposed, the CSM does comply with the frontage requirements of the Town’s Zoning Code of Ordinances and therefore would be buildable.
10. Based on the Town’s Access Ordinance neither Lot 2 nor Lot 3 of the proposed CSM can have direct access to Fairview Road.
11. The proposed CSM does dedicate approximately 20,673 square feet (0.474 acres) of property to the public for the right-of-way of Fairview Road.

Staff Recommendations:

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

1. Removal of the existing structure that encroaches on the lot line between Lot 1 and Lot 2 of the proposed CSM prior to the Town issuing a building permit for Lot 2 of the proposed CSM.
2. Removal of the driveway encroachment between Lot 1 and Lot 2 of the proposed CSM.
3. Placing the Right-to-Farm language on the face of the proposed CSM.
4. Granting a waiver from the driveway separation requirements of the Town’s Access Ordinance for Lot 2 and Lot 3 of the proposed CSM.
5. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

MOTION:

Motion by: Commissioner Schmidt

Seconded by: Commissioner Dorow

Motion: Motion that we approve the rezoning of the property owned by Kenneth Tritt, 5505 County Road G, for the property located at 3373 Fairview Road with all staff recommendations.

Vote: Motion carried by unanimous voice vote.

- D. Discussion/Recommendation: Plan Commission review and recommendation of a staff report on the Administration's interpretation of the Zoning Code conditions for the reconstruction of non-conforming manufactured housing structures destroyed by acts of vandalism and/or nature.

Attached please find copies of the sections of the Town's Zoning Code of Ordinances relating to the reconstruction of non-conforming manufactured housing structures destroyed by acts of vandalism and/or nature. Within the past month a property owner with a non-conforming manufactured housing structure experienced a fire that destroyed the manufactured housing unit. The Administration was asked if the manufactured housing unit could be replaced. Based on a review of the Town's Zoning Code of Ordinances the property owner was advised that the unit could be replaced with a unit of similar size that met all State and Federal Regulations. The Administration would like to review the methodology used to arrive at its conclusion with the Plan Commission and the Town Board. Town staff and Ken Jaworski, the Town's Planning Consultant will be in attendance at the meeting to answer any questions the Commission may have relative to the issue.

MOTION:

Motion by: Commissioner Dorow

Seconded by: Commissioner Haskell

Motion: Move to take action as recommended by the staff notes with the addition of the shared driveway between Lots 2 and 3.

Vote: Motion carried by unanimous voice vote.

- E. Discussion/Recommendation: Plan Commission review and recommendation of a staff report on the Administration's interpretation of the Zoning Code conditions for the reconstruction of non-conforming manufactured housing structures destroyed by acts of vandalism and/or nature.

VII. Upcoming Meeting Attendance

VIII. Adjournment – 8:22 p.m.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Schmidt

Motion to Adjourn

Vote: Motion carried by unanimous voice vote.

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant