

TOWN OF CLAYTON

Plan Commission  
Meeting Minutes

7:00 P.M. on Wednesday, May 9<sup>th</sup>, 2012

Town Office Meeting Room, 8358 County Road T, Larsen, WI 54947

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- I. Call to Order by the Chair at 7:00 P.M.
  - A. Pledge of Allegiance recited.
  - B. Meeting properly posted.
  - C. Roll
    - i. Plan Commission Members
      - 1. Chairperson Knapinski PRESENT
      - 2. Commissioner Adler PRESENT
      - 3. Commissioner Brucks ABSENT
      - 4. Commissioner Schmidt ABSENT
      - 5. Commissioner Hamblin PRESENT
      - 6. Commissioner Haskell PRESENT
      - 7. Commissioner VanAirsdale PRESENT
    - ii. Staff
      - 1. Administrator Johnston PRESENT
  
- II. Approval of Minutes:
  - A. Regular Plan Commission Meeting – Wednesday, April 11<sup>th</sup>, 2012.
    - i. Motion by: Commissioner Hamblin
    - ii. Second by: Commissioner Adler
    - iii. Motion: To approve the minutes of the Commission’s Wednesday, April 11<sup>th</sup>, 2012 meeting as presented.
    - iv. Vote: Unanimously approved
  
- III. Open Forum – Town-related Matters not on the Plan Commission’s Agenda:

Please complete “Request to Speak at Meeting” form located on the agenda table and give to the Town Deputy Clerk or Treasurer. 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 matters; however, limited discussion may occur but no action may be taken until specific notice of the subject matter of the proposed action can be given.

  - A. There were no requests to speak submitted
  
- IV. Correspondence:
  - A. Distribution of the New County Zoning Code and related Ordinances. The Commission will retrieve the documents from the County’s Planning and Zoning Department Home Page
  
- V. Business:
  - A. Plan Commission recommendation to the Board on a Certified Survey Map (CSM) for Claymann Creek LLC, 17 Park Place, Appleton WI 54914 for property located on the north side of West American Drive east of STH 76 and specifically described as Tax ID # 006-0343, All of Lot 2 of Certified Survey Map No. 6305, being part of the Northwest ¼

of the Southwest ¼ and part of the Northwest ¼ of the Southeast ¼, Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on the north side of West American Drive east of STH 76 and specifically described as Tax ID # 006-0343, All of Lot 2 of Certified Survey Map No. 6305, being part of the Northwest ¼ of the Southwest ¼ and part of the Northwest ¼ of the Southeast ¼, Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Jeff Miles, Partner  
Claymann Creek LLC

Property Owners: Claymann Creek LLC  
17 Park Place  
Appleton WI

Consultant: Michael J. Kaczmarzyk, S-2256  
Martenson & Eisele, Inc.  
1377 Midway Road  
Menasha, WI 54952

Prepared for: Claymann Creek LLC  
17 Park Place  
Appleton WI

**Property Information:**

1. The surrounding properties are zoned:
  - a) North: A-2 (GENERAL FARMING DISTRICT)
  - b) South: B-3 (GENERAL BUSINESS DISTRICT)
  - c) East: A-2 (GENERAL FARMING DISTRICT)
  - d) West: B-3 (GENERAL BUSINESS DISTRICT)  
B-3 (HB) [(GENERAL BUSINESS DISTRICT) HIGHWAY BUSINESS DISTRICT OVERLAY]

**Property Information Specific to Tax ID# 006-0343 (Claymann Creek LLC):**

1. The Lot is 5.70 Acres in size.
2. The property is in the Neenah School District.
3. The property is in the Department of Natural Resources Special Well Casing area.
4. The Lot is currently zoned B-3 (HB) [(GENERAL BUSINESS DISTRICT) HIGHWAY BUSINESS DISTRICT OVERLAY] .
5. A portion of the property is in the Outagamie County Airport Overlay Zone 3.
6. The property is in the Outagamie County Airport Overlay Height Zoning.
7. The property is in the City of Neenah’s Extraterritorial Zoning District.
8. The property contains Officially Mapped Roads by the City of Neenah (see attached e-mail from April Mielke).
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is in the County’s 300-foot Shoreland Zoning Code Buffer.

11. The property is not in the County's Wetland Identifier.

**Staff Comments:**

1. The proposed Certified Survey Map is consistent with the Town's approved Land Use Plan.
2. The proposed CSM complies with the County's Zoning Code of Ordinances.
3. The proposed CSM turns the existing Lot 2 of CSM 6305 into two properties identified as Lot 1 and Lot 2 of the proposed CSM.
4. The northern boundary of property (Outlot 1 of CSM 6305) contains a regional stormwater management pond. This pond will serve as the stormwater management device for any development on either Lot of the proposed CSM.
12. The western lot line area of Lot 1 of the proposed CSM is in the County's 300-foot Shoreland Zoning Code Buffer.
13. The eastern lot line area of Lot 2 of the proposed CSM contains a 50-foot drainage easement.
5. Lot 1 of the proposed CSM contains a City of Neenah Officially Mapped Road that will need to be removed from the City's Extraterritorially Mapped Roads (see e-mail from April Mielke).
6. The western side of Lot 1 of the proposed CSM is in the Outagamie County Airport Overlay District Zone 3. Given the County's interpretation of its Airport Overlay Zone Ordinance, as long as structures are out of the Airport Overlay Zone 3 area of the Lot the Ordinance will have no impact on the development of Lot 1 of the proposed CSM.

**Lot Zoning:**

The zoning of the Lots created by the proposed CSM is consistent with the proposed use of the properties and should not need to be changed.

**Lot Access:**

Both Lots on the proposed CSM contain access easements that will need to be vacated in favor of permanent access points with culverts installed per the Town's Access and Culvert Ordinance. The access point for Lot 1 of the proposed CSM is likely to be in the same area as the access easement thus mitigating the need for it to be vacated. The existing access easement for Lot 2 of the proposed CSM is on the eastern property line and should be vacated in favor of a more centrally located access point.

**Plan Commission Recommendation:**

The Commission recommends the proposed CSM subject to the following conditions:

1. Vacating the access easement on Lot 2 of the proposed CSM prior to the sale of the Lot.
2. Placing no structures in the area of Lot 1 of the proposed CSM that is in the Outagamie County Airport Overlay District Zone 3.
3. That any development on either Lot of the proposed CSM comply with the Outagamie County Airport Overlay Ordinance, the Winnebago Shoreland Zoning Ordinance and any and all other applicable Ordinances.
4. That the property owner indicate his desires relative to vacating the existing access easements.
5. That the applicant pay all fees related to the CSM approval process.
6. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

Motion by: Commissioner Hamblin

Second by: Commissioner Haskell

Motion: To recommend approval of the proposed CSM as presented and subject to the conditions recommended by staff.

Vote: Unanimously approved

- B. Plan Commission recommendation to the Board on a Site Plan Approval for Fire Stopping Specialist, LLC , 1100 ½ Wittman Drive, Menasha, WI 54952, for property located on the north side of West American Drive east of STH 76 and specifically described as Tax ID # 006-0343 in the Town of Clayton.

Site Location: The site is located on the north side of West American Drive east of STH 76 and specifically described as Tax ID # 006-0343 in the Town of Clayton.

Applicant: Jay Coopman, Owner  
Power Building LLC  
5964 Old Highway 29  
Pulaski, WI 54162

Property Owner: Claymann Creek LLC  
17 Park Place  
Appleton WI

Prepared for: Fire Stopping Specialist, LLC  
1100 ½ Wittman Drive  
Menasha, WI 54952

**Property Information:**

1. The surrounding properties are zoned:
  - a. North: A-2 (GENERAL FARMING DISTRICT)
  - b. South: B-3 (GENERAL BUSINESS DISTRICT)
  - c. East: A-2 (GENERAL FARMING DISTRICT)
  - d. West: B-3 (GENERAL BUSINESS DISTRICT) B-3 (HB) [(GENERAL BUSINESS DISTRICT) HIGHWAY BUSINESS DISTRICT OVERLAY]

**Property Information Specific to Tax ID# 006-0343 (Claymann Creek LLC):**

- 1) The Lot is 5.70 Acres in size.
- 2) The property is in the Neenah School District.
- 3) The property is in the Department of Natural Resources Special Well Casing area.
- 4) The Lot is currently zoned B-3 (HB) [(GENERAL BUSINESS DISTRICT) HIGHWAY BUSINESS DISTRICT OVERLAY] .
- 5) A portion of the property is in the Outagamie County Airport Overlay Zone 3.
- 6) The property is in the Outagamie County Airport Overlay Height Zoning.
- 7) The property is in the City of Neenah’s Extraterritorial Zoning District.
- 8) The property contains Officially Mapped Roads by the City of Neenah (see attached e-mail from April Mielke).
- 9) The property is not in the County’s Floodplain Zoning Area.
- 10) The property is in the County’s 300-foot Shoreland Zoning Code Buffer.
- 11) The property is not in the County’s Wetland Identifier.

**Application Details:**

- 1) The petitioner is proposing to develop the Lot of the Certified Survey Map (CSM) under consideration by the Plan Commission (see attached). The project consists of a structure that has 66' x 70' warehouse/shop area on the north side of the building and a 25' x 30' office area on the south side of the building. The parking area for the warehouse/shop is on the west side of the building and the parking area for the offices and customers is on the south side of the building. Pursuant to the following Section from the Town's Site Plan Review Ordinance, Section 2.0, General Provisions of the Town Site Plan Ordinance the project is subject to the Town's Site Plan Ordinance. Based on this Section the following areas of the project are subject to review:
  - a) Stormwater Management for the Site.
  - b) Access to the Site.
  - c) Building Details.
  - d) Building Elevations and Construction Materials.
  - e) Building Colors.
  - f) Parking.
  - g) Site Landscaping.
  
- 2) The Town's Site Plan Ordinance sets the standards for review by development area. The proposed site is in the Town's Zone A, Development Standards Area.

**Stormwater Management for the Site:**

The stormwater management function for the proposed project comes from the Regional Stormwater Management Pond created as part of the commercial plat of the area. Conceptually, the stormwater from the project flows into two areas. The first is the northern portion of the development which sheet flows directly into the area stormwater management pond. The second is the southern area of the development which flows to the roadside ditch on the north side of West American Drive and then through an easement on the west side of the adjacent lot to the stormwater management pond (see attached documentation from the Town Engineer).

**Access to the Site:**

Access to the site comes from a public road known as West American Drive. Pursuant to the Town's Codes and Policies, the applicant will need to apply for an access permit and a culvert permit as part of the Building Permit process. The access, as shown on the Site Plan, is placed over an existing access easement that was reviewed as part of the CSM Approval for the current property owner, Claymann Creek LLC. Staff's recommendation from the CSM review requires that the existing easement be vacated or that the access to the project site be placed over the easement.

**Building Details:**

The proposed building is a typical commercial building consisting of a steel structure with prefinished metal siding and roofing. The office portion of the structure has a brick façade that extends to the front face of the warehouse/shop structure. The warehouse/shop portion of the building is designed to be extended to the north. As a result of that building feature, the northern side of the structure has no decorative or landscaping features.

**Building Elevations and Construction Materials:**

The building elevations shown on the site plan consist of a 60' x 90' structure that consists of a 70' x 60' warehouse/shop area and a 50' x 25' office complex on the southern end of the building. The office portion of the structure has a brick façade that extends around the southern corners of the warehouse/shop area. The warehouse/shop area is covered with prefinished metal siding; the 4/12 pitch roof is covered

with prefinished metal roofing material. The office façade consists of a roofed portico and doorway with a total of 7 windows. The west elevation has the warehouse/shop vehicle access doors and two entry doors placed on either side of the vehicle access doors. The north elevation, which is designed to allow for expansion in the future, has no access or decorative features. The east elevation also has no access or decorative features.

**Building Colors:**

The applicant has been provided with a copy of the Town’s Site Plan Ordinance and advised that the Commission has expressed a desire to use lighter colors on structures in order to minimize the heat island affect of development. The builder plans on bringing samples of the construction materials to the Commission’s meeting.

**Parking:**

The project has approximately 13,900 square feet of paved surface. The paved surface is comprised of two parking areas: the first (approximately 7,300 square feet) provides parking for the staff and access to the warehouse/shop; the second (approximately 1,440 square feet) is customer parking. Based on the Town’s Site Plan Ordinance the applicant will need to provide parking islands for parking areas that are in excess of 5,000 square feet. The required parking island is located on the southwest corner of the structure and is used to divide/define the two parking areas. The customer parking area consists of six parking stalls, one of which is a handicapped accessible stall.

**Site Landscaping:**

The landscaping plan consists of the following features:

- 1) Three trees planted between the road right-of-way and the customer parking area (one of the trees is planted on the west side of the access driveway).
- 2) A new tree and six low level shrubs planted in the parking island.
- 3) Nine low level shrubs planted in the area surrounding the south and west façade of the office portion of the structure.

The only landscaping features that are not included in the plan, as presented, are the shrubbery used as visual screening on the west side of the employee parking area and the visual barrier on the east side of the building. As an alternative, the employee parking area could be screened by using a small berm that would help with directing the water flow off the parking lot to the stormwater management pond. The berm could be constructed as part of the earthwork for the building construction. The balance of the site would be maintained with a vegetative cover that would presumably consist of grass.

**Staff Comments:**

The Site Plan Approval Application, as presented, is complete and accurate. Staff has the following questions of the application as it relates to the Town’s Site Plan Ordinance:

1. Is the applicant willing to construct the visual screening berm on the west side of the employee parking lot?
2. Are the Commission and the Board willing to accept the lack of a visual barrier on the east side of the proposed structure? It is the Administration’s opinion that any development on the adjacent lot will need to be shifted to the west side of the lot because of the drainage easement on the east property line. This shifting will allow future development to screen the east side of the proposed building without negatively impacting the developer’s options relative to the site.

Should the Plan Commission agree with staff’s application of the Town’s Site Plan Review Ordinance, the Administration recommends the Site Plan, as submitted, with the following conditions:

1. That the Applicant pay the Town's Site Plan Approval Application Fee.
2. That the Applicant obtain any and all Building Permits required by the Town.
3. That the Applicant obtain an Outagamie County Airport Overlay Zoning Ordinance Approval for the proposed project.
4. That the Applicant obtain a Winnebago County Shoreland Zoning Permit for the project.
5. That the Applicant agree to placing the screening berm on the west side of the employee parking lot as part of the earthwork for the project.
6. That the Commission and the Board agree to the lack of landscaping on the eastern façade of the building.
7. That the Applicant sign a Site Plan Approval document drafted by Town staff.
8. That the project is approved by any and all units of government having jurisdiction prior to the start of construction.
9. That the Applicant agree to any additional conditions placed on the project by the Plan Commission and the Town Board.
10. That the Applicant complete the Site Plan and the Landscape Plan by adding the following information:
  - a. That the Applicant provide a planting list to include plant type and size pursuant to the Town's Ordinance.
  - b. That the Applicant provide a plant screening plan for the east side of the proposed building.
  - c. That the Applicant provide a plant screening plan for the west side of the parking area.
  - d. That the Applicant show the proposed berm on the west side of the paved area.
  - e. That the Applicant provide the 100-year elevation of the Storm Water Management Plan.
  - f. That the Applicant show the corner and floor elevations of the proposed structure.
  - g. That the Applicant show the grade of the pitch on the proposed paved area.
  - h. That the Applicant confirm that the handicapped parking area complies with the Americans with Disabilities Act.

A Motion was made by Commissioner Adler to refer the Site Plan Application to the Commission's June meeting so that the additional information requested of the Applicant could be reviewed by the Commission prior to making its recommendation to the Board. The Motion died due to the lack of a second.

Motion by: Commissioner VanAirdale

Second by: Commissioner Knapinski

Motion: To recommend approval of the Site Plan for Fire Stopping Specialist, LLC , 1100 ½ Wittman Drive, Menasha, WI 54952, for property located on the north side of West American Drive east of STH 76 and specifically described as Tax ID # 006-0343 in the Town of Clayton subject to the conditions recommended by staff and the additional conditions place on the approval by the Commission..

Commissioner Haskell offered a friendly amendment to the motion requiring that the additional information request of the Applicant be made available to the Board prior to its consideration of the Site Plan Approval. Staff indicated that it is routine to require that the Applicant provide any additional information requested by the Commission to the Town prior to the Board meeting where the item is to be considered. The friendly amendment never received a second and was never voted on.

Vote: 4 in favor and 1 opposed, Adler voted no.

- C. Plan Commission recommendation to the Board on a Site Plan Amendment Approval for MAG Properties LLC 1219 Appleton Road, Menasha, WI 54956, dba Headliners Bar and Grill, 2788 Towne Court, Neenah WI 54956 for property located at 2788 Towne Court and specifically described as Tax ID # 006-062006 in the Town of Clayton.

Site Location: 2788 Towne Court, specifically described as Tax ID # 006-062006 in the Town of Clayton

Applicant: Kenneth Zastrow, Agent  
MAG Properties LLC  
1219 Appleton Road  
Menasha, WI 54956

Property Owner: MAG Properties LLC  
1219 Appleton Road  
Menasha, WI 54956

Prepared for: Headliners Bar and Grill  
2788 Towne Court  
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 # 006-0620-06.
- 2) The property consists of approximately 2.18 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 in the Town of Clayton, Sanitary District No. 1.
- 6) The property is currently Zoned M-2 (HEAVY INDUSTRIAL 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 in the County’s 300 foot Shoreland Jurisdiction Zoning Buffer.
- 10) The property is not in the County’s Wetland Identifier.
- 11) The land use is consistent with the Town’s adopted Land Use Plan.
- 12) Pursuant to Section 2.0, General Provisions of the Town Site Plan Ordinance the project is subject to the Town’s Site Plan Ordinance.
- 13) The Architectural Zones section of the Town’s Site Plan Ordinance makes reference to “Attachment C - Town of Clayton Architectural Design Zones”. The architectural design of a building and site shall meet the requirements set forth in “Attachment B - Town of Clayton Architectural Design Standards”.

**Application Details:**

The petitioner has applied for approval to move the facility’s outdoor horseshoe pits and to construct a roof canopy over a portion of the patio area of the existing building that is operating as Headliners Bar and Grill, located at 2788 Towne Court, Neenah WI 54956 (see attached site plans for project details).

**Site Details:**

The existing site will remain substantially unchanged. The proposed project moves the existing set of horseshoe pits on the south side of the building adjacent to the Towne Court frontage and moves them to the west side of the building on the Winncrest Road frontage.. The existing facilities are of little use to the bar because of their location and the difficulty in accessing the facilities from the barroom area of the facility. The relocated facilities will be visible from the existing windows on the west side of the barroom and will eventually be directly accessible from a door that is planned for the west side of the building. As an interim step, the applicant intends to remove a small portion of the brick and fence patio enclosure to provide access to the horse shoe pits from the patio area of the facility.

Additionally, the applicant would like to construct a roof structure over a portion of the patio area. Specifically, the project would add an exposed wood beam structure to support a 30' x 27' x 12' metal roof structure. The roofing material would be consistent with the existing roof and the structure would be hipped from the existing roof on the north side of the building and extend over the patio area.

**Access Details:**

Access to the site would remain as it was approved in the original Site Plan.

**Facility Details:**

With the exception of the identified amendments to the existing approved Site Plan, access to the facility would consist of the existing driveways on the Towne Court frontage of the property.

**Staff Comments:**

The Site Plan Approval Application as presented is complete and accurate. Based on a review of the Town Site Plan Ordinance, the application meets the requirements of the Code and with some minor conditions merits approval. Staff has the following comments on the application as it relates to the Town's Site Plan Ordinance:

- 1) Moving the horseshoe pits to the proposed location will add to the quality of the facility and its ability to provide diversified amenities to its clientele. Access to the relocated facilities may present a challenge to the operator until the proposed door is added to the west side of the barroom facility. Staff believes that the proposed new site should be enclosed to keep the area secure and to minimize the potential for alcohol leaving the site.
- 2) The proposed addition of the exposed beam patio roof is consistent with the operation of the facility and would be an amenity to its customers. If the project is done in a reasonable manner the addition will blend with the existing building.

The Administration recommends approval of the Site Plan Amendment for MAG Properties LLC, 1219 Appleton Road, Menasha, WI 54956, dba Headliners Bar and Grill, 2788 Towne Court, Neenah WI 54956 for property located at 2788 Towne Court and specifically described as Tax ID # 006-062006 in the Town of Clayton with the following conditions:

- 1) That the Plan Commission recommend and the Board approve fencing for the proposed horseshoe pits that is similar in material, quality, and construction to the fencing included in the existing patio enclosure.

- 2) That the only access to the proposed horseshoe pits come from the secured existing patio area of the facility until the proposed door is installed on the west side of the barroom facility.
- 3) That the Applicant revise the service area of the facilities Liquor License to include the new horseshoe pits if liquor is to be served in the area.
- 4) That the new horseshoe pit enclosure not extend past the Town's Right-Of-Way for Winncrest Road
- 5) That the existing horseshoe pits are abandoned and the area seeded in grass that is mowed on a regular basis.
- 6) That the Plan Commission recommend and the Board approve the proposed exposed beam roof structure over the existing patio area of the facility.
- 7) That the exposed beams have an architectural look and quality that resembles rough hewn timbers or sistered structural lumber.
- 8) That the slope of the roof of the proposed patio structure match the slope of the existing structure.
- 9) That the proposed roof structure match in both color and quality the roofing material used on the existing structure.
- 10) That the applicant has all Town and County permits, including building permits, in place prior to the start of construction.
- 11) That the applicant pay all fees relating to the proposed Site Plan amendment prior to starting the proposed project.
- 12) That the project is approved by any and all units of government having jurisdiction prior to the start of construction.

Motion by: Commissioner Adler

Second by: Commissioner Haskell

Motion: To recommend approval of the Site Plan Amendment for MAG Properties LLC 1219 Appleton Road, Menasha, WI 54956, dba Headliners Bar and Grill, 2788 Towne Court, Neenah WI 54956 for property located at 2788 Towne Court and specifically described as Tax ID # 006-062006 in the Town of Clayton subject to the conditions recommended by staff.

Vote: Unanimously approved.

D. Plan Commission direction to staff relative to developing a local Wind Energy Ordinance.

Motion by: Commissioner Adler

Second by: Commissioner Hamblin

Motion: To direct staff to draft a Wind Energy Ordinance for the Commission's consideration and possible recommendation.

Vote: Unanimously approved

VI. Upcoming Meeting Attendance

VII. Adjournment

Motion by: Commissioner Hamblin

Second by: Commissioner VanAirdale

Motion: To adjourn the Plan Commission at 8:11 P.M.

Vote: Unanimously approved

Respectfully submitted,

Richard Knapinski, Plan Commission Chairperson