

TOWN OF CLAYTON

Town Plan Commission Regular Meeting Meeting Minutes

January 12, 2011
7:00 p.m. – 8:12 p.m.

8358 County Road T Larsen, WI 54947

I. Call to Order

Called to order at 7:00 p.m. by Chairperson Knapinski
Present: Commissioners Adler, Brucks, Geise, Hamblin, Haskell, and Van Airsdale
Absent: None
Staff Present: Town Administrator Johnston, Treasurer Bowen
Pledge of Allegiance recited.
Meeting properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Plan Commission – December 8, 2010
 - #3 open forum – Spell out Jon Bartz and title
- MOTION:** (Hamblin, Haskel) Approve Regular Plan Commission meeting minutes of December 8, 2010, as with Chairman’s comments.
CARRIED by unanimous voice vote.

III. Open Forum – Non-Agendized Town-related Matters

- None

IV. Correspondence

- Winnebago County Planning and Zoning Committee
 1. Approved Zoning Change for Don Shaw (NE corner of N. Oakwood Avenue & W. Shady Lane)
 2. Approved Land Use Plan Amendment(s)
 3. No document(s) for the Town of Clayton to review for the January Public Hearing (rec'd 12/21/2010)

V. Business Items

- A. **Discussion / Recommendation:** – Plan Commission review and recommendation on a Certified Survey Map (CSM) for Martin and Suzette Nikodem and Laura Dueitt 4085 Winnegamie Drive, Neenah WI 54956, for property located at 4063 Winnegamie Drive in the Town of Clayton and described as Tax ID #s 006-009501, 006-009500, and 006-009401, specifically known as: Part of Tract 1 of Certified Survey Map Number 554 as recorded in Volume 1 of Certified Survey Maps on page 554 and Part of the Northeast ¼ of the Fractional Northwest ¼ and the Northwest ¼ of the Fractional Northwest ¼ of Section4, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin

Site Location: Part of Tract 1 of Certified Survey Map Number 554 as recorded in Volume 1 of Certified Survey Maps on page 554 and Part of the Northeast ¼ of the Fractional Northwest ¼ and the Northwest ¼ of the Fractional Northwest ¼ of Section4, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin

Applicants: Martin and Suzette Nikodem and Laura Dueitt

Owners: Martin and Suzette Nikodem and Laura Dueitt, 4085 Winnegamie Drive, Neenah, WI 54956

Consultant: Tom Halverson, Wisconsin Registered Land Surveyor, Carow Land Surveying Co. Inc., 615 North Lyndale Drive, P.O. Box 1297, Appleton, WI 54912-5673

Staff Comments on the CSM:

The proposed CSM creates three (3) reconfigured lots out of the three original parcels of land (Tax ID #s 006-0095-01, 006-0095-00, and 006-0094-01). The purpose of the proposed CSM is to create a conforming lot (Lot 2 of the proposed CSM) for the newly-constructed home of Laura Dueitt (4063 Winnegamie Drive). The house was originally built on tax parcel # 006-0095-00. The construction was legal and in conformance with the County Zoning Code of Ordinance, however, in order to have title to the property and to be able to finance the construction of the house, a separate parcel was needed (Lot 2 of the proposed CSM). The proposed CSM is in compliance with the County's Code of Zoning Ordinances and the Town's Comprehensive Plan.

Staff Comments on Lot Access:

All three (3) of the existing and the proposed parcels have access issues. Based upon the Town's Access Ordinance, the minimum separation between driveways is 600 feet. The four (4) access points on what is Lot 1 of the proposed SCSM were likely constructed prior to CY 2001 and therefore, as specified in the language of the Town's Access Ordinance, should be grandfathered.

The Administration's difficulty is in providing access to Lot 3 of the proposed CSM. The applicant has an access point directly in front of the newly-constructed home on Lot 2 of the proposed CSM. Since the Administration considers the access points on Lot 1 of the proposed CSM to be grandfathered, the separation between one (1) of those access points and the access point proposed for Lot 2 of the CSM would have to be 600 feet to comply with the Town's Access Ordinance. If the westernmost driveway on Lot 1 of the proposed CSM is used as the measured access point, an Ordinance compliant driveway could be placed on the center of Lot 2 of the proposed CSM.

When the new home was constructed on Tax Parcel #006-0095-01, the Administration issued an access permit based upon the position that the existing access points (2 driveways) were farm access points. The position is based upon the agricultural function of the Anderson Sod Farm business. The applicant's CSM now creates a separate lot (Lot 2 of the proposed CSM) for the new home. The location of the access driveway has not changed and the Administration's position relative to the access point granted to the new home remains the same.

The only real problem is access to Lot 3 of the proposed CSM. A solution to the problem with Lot 3 of the proposed CSM is a shared driveway between Lots 2 and 3 of the proposed CSM with mutual ingress and egress easements shown on the face of the CSM. The other alternative to access to Lot 3 of the proposed CSM is to petition the Town Board to revisit the Town's Access Ordinance and make it consistent with the County's Zoning Code of Ordinances minimum lot frontage requirements. The risk with this option is if the Board does not change the Town's Ordinance and Lot 3 of the proposed CSM is only accessible by means of a shared driveway with Lot 2 of the proposed CSM.

The Town's Access Ordinance allows the Plan Commission and the Town Board to authorize a variance from the Code based upon practical difficulty and hardship as long as the public interest is served. The Administration believes that the extant conditions merit a Variance from the strict interpretation of the code and that this problem will continue as long as the Town's Access Ordinance and the County's minimum lot frontage requirements are not compatible.

Staff Comments on Zoning Issues:

Both Lots 2 and 3 of the proposed CSM will need to be rezoned to Zone R-1 (RURAL RESIDENTIAL DISTRICT – NONSUBDIVIDED).

Property Conditions Tax ID #006-0095-01:

1. The property consists of approximately 9.13 acres.
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 property is currently zoned A-2 (GENERAL FARMING DISTRICT).
5. The property is not in the County's Floodplain Zoning Area.
6. The property is not in the County's Shore Land Jurisdiction Zoning.
7. A portion of the property is in the County's Wetland Identifier and there are hydric soils present on the property.
8. The proposed CSM is consistent with the Town's approved Land Use Plan.

Property Conditions Tax ID #006-0095:

1. The property consists of approximately 6.52 acres.

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 property is currently zoned A-2 (GENERAL FARMING DISTRICT).
5. The property is in the County's Floodplain Zoning Area.
6. The property is in the County's Shore Land Jurisdiction Zoning. Shore Land zoning is extended by the floodplain.
7. A portion of the property is in the County's Wetland Identifier and there are hydric soils present on the property.
8. The proposed CSM is consistent with the Town's approved Land Use Plan.

Property Conditions Tax ID #006-0094-01:

1. The property consists of approximately 1.00 acre.
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 property is currently zoned R-1 (RURAL RESIDENTIAL DISTRICT – NONSUBDIVIDED).
5. The property is in the County's Floodplain Zoning Area.
6. The property is in the County' Shore Land Jurisdiction Zoning. Shore Land zoning is extended by the floodplain.
7. The property is not in the County's Wetland Identifier, however, there are hydric soils present on the property.
8. The proposed CSM is consistent with the Town's approved Land Use Plan.

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

1. A recommendation from the Plan Commission to the Board relative to the access to Lot 3 of the proposed CSM.
2. On rezoning both Lots 2 and 3 of the proposed CSM to R-1 (RURAL RESIDENTIAL DISTRICT – NONSUBDIVIDED).
3. Documentation of the approval for the proposed CSM by any overlying unit of government having jurisdiction.
4. Need to include as a condition for approval of CSM – the shared driveway recommendation as stated above for Lots 2 & 3

MOTION: (Adler, Hamblin) Recommend approval of Certified Survey Map (CSM) for Martin and Suzette Nikodem and Laura Dueitt 4085 Winnegamie Drive, Neenah WI 54956, for property located at 4063 Winnegamie Drive in the Town of Clayton and described as Tax ID #s 006-009501, 006-009500, and 006-009401, specifically known as: Part of Tract 1 of Certified Survey Map Number 554 as recorded in Volume 1 of Certified Survey Maps on page 554 and Part of the Northeast ¼ of the Fractional Northwest ¼ and the Northwest ¼ of the Fractional Northwest ¼ of Section4, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin, with the staff recommendations and conditions along with the amendment as given by Haskel which reads: "...a shared driveway between Lots 2 and 3 of the proposed CSM with mutual ingress and egress easements shown on the face of the CSM."

CARRIED by unanimous voice vote.

B. Discussion / Recommendation: – Commission review with staff of the Town's proposed wind energy device Ordinance

Public Service Commission of Wisconsin (PSC) pending Wind Siting Rules document provides a link to the actual rules on the PSC's website. Executive Order #1 from Governor Walker indicates that the Governor may want to change the PSC's rules on wind siting. Barring any changes by the Governor, the PSC's Wind Siting Rules will become effective on March 1, 2011. Staff is now ready to create a Draft Ordinance for the Commission to consider. Administration will be asking the Town's Engineer for a proposal for working on a draft ordinance with Town staff.

Administration will be asking the Commission to schedule a meeting on Wednesday, January 26, 2011, (estimated date per Mr. Johnston) to consider a County Conditional Use Application for a wind energy device in the Town of Clayton.

- Mr. Johnston and Commissioners discussed the different possibilities of the Small Wind Energy device ordinance the Town would be able to develop that would coincide with the State rules and the proposed gubernatorial changes that may occur in the future.

No motion

- C. **Discussion / Recommendation:** – Commission review with staff of the Outagamie County’s Airport Zoning Overlay and Matrix process

The Outagamie County Airport Overlay Zoning Land Use Compatibility Matrix Summary was included in the Commission’s meeting. The ADHOC Chair has asked the Administration to inform the Plan Commission that County staff will be available to meet with the Plan Commission and Town residents relative to the Airport Overlay Zoning implementation process. The Commission should be ready to schedule an informational meeting in late February or early March to meet with Outagamie County Staff and area residents.

County Planning Staff and the Municipalities are continuing the preliminary review of the Matrix Document. Staff would like to review the refined draft of the Matrix Document with the Plan Commission and to provide the Commission’s comments to the Ad Hoc Committee. Administration would forward any questions the Plan Commission may have relative to the implementation of the decision matrix to the Outagamie County Planning staff. The only real inconsistency between the matrix and the Overlay Map occurs in the Air industrial Park and the Airport Industrial District. Again, the plan Commission will have several more opportunities to review the document before it goes to the Outagamie County Board.

- Mr. Johnston and Commissioners discussed the Outagamie County’s Airport Zoning Overlay and Matrix process with regard to the future development of the Town in that area.

No motion

- D. **Discussion / Recommendation:** – Staff review of a Draft CY 2011 Town of Clayton Minimum Road Design Standards Policy

The Town Engineer has several recommendations regarding the Town’s Draft Minimum Road Design Standards Policy. The Commission’s final recommendations relative to the Town’s Minimum Road Design Standards Policy will be incorporated into the Town’s Subdivision Ordinance when it is revised. Please be advised that the Administration’s recommendations relative to this Policy are coming from the position that the Town will own the Public Improvements in perpetuity and that Town residents should not have to absorb any of the costs of development. Specifically, that the Public Improvements should be built to a standard that provides the Town with a quality product with a 20 to 30-year life expectancy and that the full burden of all the costs related to developing property and constructing development related to Public Improvements in the Town of Clayton should be paid for by the developer. This position is based upon direction received from the Town Board.

- Mr. Johnston, Aaron Madsen (Town Engineer), and Commissioners discussed the costs of paving the roads in the subdivisions, the responsibility of the Town to its residences, the quality of the materials that should be required, and what monies are available to use at this time.
- Chairman Knapinski wants members to look over the information provided and recommends this be put on next month’s meeting.

No motion

VI. Upcoming Meeting Attendance

- Chairman Knapinski and Mr. Johnston will keep Commissioners informed of the possibility of special meeting of Plan Commission January 26, 2011.

VII. Adjournment – 8:12 p.m.

MOTION: (Brucks, Adler) Adjourn.
CARRIED by unanimous voice vote.

Respectfully Submitted, Tori Bowen, *Treasurer*