

TOWN OF CLAYTON
 Town Plan Commission
 Meeting Minutes
 7:00 P.M. – on Wednesday, January 9, 2019
 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 Wisnefske	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	PRESENT
Commissioner Haskell	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Asst Admin/Treas Straw	PRESENT
Deputy Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. Public Hearing before the Plan Commission on a Re-zoning Application submitted by the Town of Clayton, 8348 CTR T, Larsen for property located on the south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID# 006-0339 and Tax ID# 006-0339-01, located in Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from I-1 (Light Industrial District) to B-3 (General Business District).

- Deb Manteufel, 2761 Fairview Road
 - Inquired regarding what the Re-zoning means in regard to the types of business which would be allowed
 - Will the Re-zoning increase semi traffic
- Chair Knapinski explained the following:
 - Re-zoning from I-1 to B-3 will narrow the scope of allowable businesses
 - I-1 allows more industrial businesses which likely would have more trucking traffic
 - B-3 is more akin to business offices such as banks, insurance, or medical facilities
- Tom Eckstein, 2878 Fairview Road
 - Inquired about the plan for the property
 - Concerned about potential owners having issue with his operations

- Concerned that the development will create issues for him
- Chair Knapinski explained the following:
 - Development is likely to be an office park or something on that order
 - Mr. Eckstein is operating under a Conditional Use Permit (CUP) and as long as he is operating within the parameters of the CUP, he should have no issues
- Randy Marquart, 2784 Fairview Road
 - Noted his land is identified as business on the Future Land Use (FLU) Map
 - Noted his land is located adjacent to a future road
 - Inquired regarding the impact on his property when the road is built and his property then is a corner lot
 - Concerned about the costs he faces when utilities come through
 - Inquired regarding the timeframe for development
- Chair Knapinski explained the following:
 - Having utilities available to the property is advantageous
 - Noted property owners will not be required to hook-up to utilities until their private systems have a failure.
 - Costs to hook-up have not been determined as the installations are still in development
 - Development is likely to occur within the next 2-4 years

The Public Hearing was closed at 7:14 p.m.

- B. Public Hearing before the Plan Commission on a Conditional Use Application for a Home Occupation Major submitted by B. Troy Ribble, 23532 CTR “JJ”, Chilton, WI 53014 for property located at 9618 Lind Lane, Neenah, WI 54956; specifically described as Tax ID #006-0006, being located in Section 1, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Troy Ribble, 23532 CTR JJ, Chilton
 - Noted he was in attendance to answer any questions

No other public comment was made. Public Hearing was closed at 7:16 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, December 9th, 2018 Plan Commission Meeting.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Dorow

Motion to approve the Wednesday, December 9th, 2018 Plan Commission Meeting

Minutes

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 a 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 and give the form to the Town Staff.

- NO Open Forum items presented

V. Correspondence:

- A. December CY 2018 Building Inspection Report

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application submitted by the Town of Clayton, 8348 CTR T, Larsen for property located on the south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID# 006-0339 and Tax ID# 006-0339-01, located in Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from I-1 (Light Industrial District) to B-3 (General Business District).

Site Location: The property is located on the south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID# 006-0339 and Tax ID# 006-0339-01.

Applicant(s): Town of Clayton
8348 CTR “T”
Larsen, WI 54947

Property Owner(s): Town of Clayton
8348 CTR “T”
Larsen, WI 54947

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: B-3 (General Business District) A-2 (General Agricultural District)
 - b) South: R-1 (Rural Residential District), A-2 (General Agricultural District).
 - c) East: R-1 (Rural Residential District), A-2 (General Agricultural District) and I-1 (Light Industrial District).
 - d) West: R-1 (Rural Residential District), B-3 (General Business District) and A-2 (General Agricultural District).

Property Information Specific to Tax ID # 006-0338-05:

The statements on the status of the property are specific to the proposed project site: The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947

1. The property consists of approximately 15.690 acres.

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 B-3 (General Business District) by the Town.
5. The property is in the Outagamie County Airport Overlay District Zone 3.
6. The property is in the Outagamie County Airport Overlay Height Zoning District.
7. The property is in the Village of Fox Crossing Extra-Territorial Zoning District.
8. The property is out of the County's Floodplain Zoning Area.
9. The property is not in the County's Wetland Identifier.
10. The current land use is consistent with the Town's adopted Land Use Plan.
11. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0339-01:

The statements on the status of the property are specific to the proposed project site:
The property is owned by the Town of Clayton, 8348 CTR "T", Larsen, WI 54947

1. The property consists of approximately 9.310 acres.
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 I-1 (Light Industrial District) by the Town.
5. The property is in the Outagamie County Airport Overlay District Zone 3.
6. The property is in the Outagamie County Airport Overlay Height Zoning District.
7. The property is in the Village of Fox Crossing Extra-Territorial Zoning District.
8. The property is out of the County's Floodplain Zoning Area.
9. The property is not in the County's Wetland Identifier.
10. The current land use is consistent with the Town's adopted Land Use Plan.
11. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0339:

1. The statements on the status of the property are specific to the proposed project site:
2. The property is owned by the Town of Clayton, 8348 CTR "T", Larsen, WI 54947
3. The property consists of approximately 8.500 acres.
4. The property is in the Neenah School District (3892).
5. The property is in the Department of Natural Resources Special Well Casing Area.
6. The property is currently Zoned I-1 (Light Industrial District) by the Town.
7. The property is in the Outagamie County Airport Overlay District Zone 3.
8. The property is in the Outagamie County Airport Overlay Height Zoning District.
9. The property is in the Village of Fox Crossing Extra-Territorial Zoning District.
10. The property is out of the County's Floodplain Zoning Area.
11. The property is not in the County's Wetland Identifier.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments:

1. The re-zoning applies to Lot-1 of the CSM that is going to be considered by the Plan Commission as part of its Meeting Agenda
2. Lot-1 of the proposed CSM consists of vacant land.
3. Portions of Lot-1 of the proposed CSM to be considered by the Plan Commission are Zoned B-3 (General Business District) and I-1 (Light Industrial District). The purpose of the Re-zoning Application is to create conformity in the zoning of the property that is consistent with the proposed use of the property. This re-zoning approval should be

considered a requirement of the CSM Application that the Commission will be considering.

- 4. Lot-1 of the proposed CSM has sufficient frontage to allow for 2 Access Code compliant points on the proposed new roads.

Staff Recommendations:

Staff recommends approval of the proposed Re-zoning from I-1 (Light Industrial District to B-3 (General Business District) subject to the following conditions:

- 1. Documentation of the approval of the proposed re-zoning by any overlying unit of government having jurisdiction.
- Ken Jaworski, Town Planner noted the following:
 - Consistent with Future Land Use Plan
 - The type of development occurring to the east along STH 10 is the same type of development which is likely to occur on this and adjacent properties in the Town of Clayton
 - The Re-zoning is a logical move for the area

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Dorow

Motion to recommend approval to the Town Board for the Re-zoning Application submitted by the Town of Clayton for the property located on the south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID# 006-0339 and Tax ID# 006-0339-01 with staff recommendations.

Motion carried by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by the Town of Clayton, 8348 CTR T, Larsen for property located on the south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID # 006-0338-05, Tax ID# 006-0339 and Tax ID# 006-0339-01, located in 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 south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID# 006-0339 and Tax ID# 006-0339-01.

Applicant(s): Town of Clayton
8348 CTR "T"
Larsen, WI 54947

Property Owner(s): Town of Clayton
8348 CTR "T"
Larsen, WI 54947

Property Information:

1. The surrounding properties are zoned:
 - a) North: B-3 (General Business District) A-2 (General Agricultural District)
 - b) South: R-1 (Rural Residential District), A-2 (General Agricultural District).
 - c) East: R-1 (Rural Residential District), A-2 (General Agricultural District) and I-1 (Light Industrial District).
 - d) West: R-1 (Rural Residential District), B-3 (General Business District) and A-2 (General Agricultural District).

Property Information Specific to Tax ID # 006-0338-05:

1. The statements on the status of the property are specific to the proposed project site:
2. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947
3. The property consists of approximately 15.690 acres.
4. The property is in the Neenah School District (3892).
5. The property is in the Department of Natural Resources Special Well Casing Area.
6. The property is currently Zoned B-3 (General Business District) by the Town.
7. The property is in the Outagamie County Airport Overlay District Zone 3.
8. The property is in the Outagamie County Airport Overlay Height Zoning District.
9. The property is in the Village of Fox Crossing Extra-Territorial Zoning District.
10. The property is out of the County’s Floodplain Zoning Area.
11. The property is not in the County’s Wetland Identifier.
12. The current land use is consistent with the Town’s adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0339-01:

1. The statements on the status of the property are specific to the proposed project site:
2. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947
3. The property consists of approximately 9.310 acres.
4. The property is in the Neenah School District (3892).
5. The property is in the Department of Natural Resources Special Well Casing Area.
6. The property is currently Zoned I-1 (Light Industrial District) by the Town.
7. The property is in the Outagamie County Airport Overlay District Zone 3.
8. The property is in the Outagamie County Airport Overlay Height Zoning District.
9. The property is in the Village of Fox Crossing Extra-Territorial Zoning District.
10. The property is out of the County’s Floodplain Zoning Area.
11. The property is not in the County’s Wetland Identifier.
12. The current land use is consistent with the Town’s adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0339:

1. The statements on the status of the property are specific to the proposed project site:
2. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947
3. The property consists of approximately 8.500 acres.
4. The property is in the Neenah School District (3892).
5. The property is in the Department of Natural Resources Special Well Casing Area.
6. The property is currently Zoned I-1 (Light Industrial District) by the Town.
7. The property is in the Outagamie County Airport Overlay District Zone 3.
8. The property is in the Outagamie County Airport Overlay Height Zoning District.
9. The property is in the Village of Fox Crossing Extra-Territorial Zoning District.
10. The property is out of the County’s Floodplain Zoning Area.

11. The property is not in the County's Wetland Identifier.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments:

1. The proposed CSM consolidates three Town owned Lots in to two new Lots.
2. Lot-1 of the proposed CSM is 26.501 Acres +/- (1,154,368 Square Feet) in area.
3. Lot-2 of the proposed CSM is 2.459 Acres +/- (107,094 Square Feet) in area.
4. Lot-1 has area dedicated to the Town as part of the Fairview Road frontage.
5. Both Lot-1 and Lot-2 have code compliant access point to Fairview Road from the proposed cul-de-sac roads to be constructed on the Town's property.
6. There are two 40-foot utility easements, one at the north end of the proposed cul-de-sac and the second on the property line between Lot-1 and Lot-2 of the proposed CSM.
7. The CSM **does show** the Right-to-Farm Language required by the Town.
8. Both of the proposed Lots created by the CSM are Zoning Code compliant.
9. The Lots created by the proposed CSM result in a dedication of right-of-way for Fairview Road.
10. In order to be Zoning Code Compliant portions of the property will need to be re-zoned from I-1 (Light Industrial District) to B-3 (General Business District).

Staff Recommendations:

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

1. Re-zoning portions of the property from I-1 (Light Industrial District) to B-3 (General Business District).
 2. The Applicant providing the Town with a copy of the Recorded the CSM.
 3. Documentation of the approval of the proposed re-zoning by any overlying unit of government having jurisdiction.
- Commissioner Haskell confirmed that the Right of Way (ROW) requirements will not affect the adjacent property owners.
 - Administrator Johnston confirmed it would not as the future roads are already mapped as 66-foot ROWs.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to recommend approval to the Town Board for the Certified Survey Map (CSM) Application submitted by the Town of Clayton for property located on the south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID # 006-0338-05, Tax ID# 006-0339 and Tax ID# 006-0339-01.

Motion carried by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Conditional Use Application for a Home Occupation Major submitted by B. Troy Ribble, 23532 CTR "JJ", Chilton, WI 53014 for property located at 9618 Lind Lane, Neenah, WI 54956; specifically described as Tax ID #006-0006, located in Section 1, Town 20 North, Range 16 East,

Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: For property located at 9618 Lind Lane, Neenah, WI 54956; specifically described as Tax ID #006-0006, located in Section 1, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s) B. Troy Ribble
23532 CTR “JJ”
Chilton, WI 53014

Property Owner(s): Duane E. Bann
9618 Lind Lane
Neenah, WI 54956

Property Information:

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

Property Information Specific to Tax ID# 006-0006:

1. The property is owned by Duane E. Bann, 9618 Lind Lane, Neenah, WI 54956.
2. The Lot is 21.700 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 Lot is currently zoned A-2 (General Agriculture District).
6. The property is in the Outagamie County Airport Zoning District, Zone-3.
7. The property is in the Outagamie County Airport Height Zoning District.
8. The property is in the Village of Fox Crossing Extraterritorial Zoning District.
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is not in the County’s Wetland Identifier.
11. The current land use is consistent with the Town’s adopted Land Use Plan.
12. The proposed land use is consistent with the Future Land Use Plan

Staff Comments:

1. The Town’s Zoning Code of Ordinances requires a Conditional Use Major Permit for a Home Occupation for the proposed project.
2. The Home Occupation Permit is for a Weather Guard Systems and Roof Medics, both firms are involved in roofing and roof drainage systems for residential and commercial facilities.
3. Attached please find a site plan map showing the features of the proposed Conditional Use Major Application.
4. The Site Plan includes two new gravel parking areas, the use of an existing barn as a storage facility for business inventory, and the location of a future office structure.
5. All of the Site Plan features are included in a Lot that is to be created by a Certified Survey Map (CSM) dividing the property into 2-lots.

6. The business will have one non-family related employee on the site, however, there are off-site employees that will pickup inventory before going to their offsite job sites.

Staff Recommendations:

Staff recommends approval of the proposed Conditional Use Application for the purposes of a Home Occupation Major subject to the following conditions:

1. That all vehicular travel lanes on the site be paved with an asphaltic surface.
 2. That all of the proposed gravel parking areas be screened from site on the Lind Lane frontage.
 3. That the conversion of any existing buildings for storage purposes be compliant with the State's Uniform Dwelling Code and the State's Commercial Building Code requirements.
 4. That any new structures be compliant with the State's Uniform Dwelling Code and the State's Commercial Building Code requirements.
 5. That any new structures constructed resemble the existing structures on the site.
 6. That inventory deliveries to the site be limited and occur between the hours of 8:00 A.M. and 8:00 P.M.
 7. That offsite employees enter and depart from the site in an orderly manner between the hours of 6:00 A.M. and 8:00 P.M.
 8. Any other conditions recommended by the Plan Commission and approved by the Town Board.
 9. The Applicant be approved by any overlying unit of government and/or agency having jurisdiction of the site.
- Chair Knapinski had the following questions:
 - Can Lind Lane support the type of traffic to be generated by this use
 - Questioned the number of deliveries each week
 - How will the gravel parking areas affect storm water management
 - Administrator Johnston explained the following:
 - As he understands the business, the traffic will not be excessive and is likely to be straight trucks which Lind Lane is able to support
 - The gravel parking areas are permeable and therefore will have less impact on storm water management
 - Mr. Ribble explained that during the summer months, the business receives two materials deliveries per week, one each on Tuesday and Friday
 - Ken Jaworski, Town Planner noted the code as written in his opinion may not allow for the construction of an additional building, however, this is a matter of interpretation
 - Administrator Johnston noted that as he reads the code, the additional building is allowable as long as it is compliant with the zoning code
 - Mr. Jaworski noted that depending on the conditions, the Commission may be setting precedent with this approval
 - Administrator Johnston stated that all of the conditions as proposed have already been applied to CUPs approved in the past, therefore the precedent is already in place
 - Commissioner Haskell questioned issuing a CUP rather than just Re-zoning the property to allow for the business

- Administrator Johnston explained that Mr. Ribble intends to purchase only a portion of the property contingent upon being able to locate the business there. The current owners did not want to Re-zone the entire parcel because the use may be different for the remaining property.
- The Commission discussed modifying the Staff Recommendations as follows:
 - Item #6: That inventory deliveries to the site be limited to a maximum of one per week day (5 per week) and occur between the hours of 8:00 A.M. and 8:00 P.M.
 - Item #7: That offsite employees enter and depart from the ~~site in an orderly manner~~ between the hours of 6:00 A.M. and 8:00 P.M. This change was made because the statement is not a measurable condition
 - Item #8: Any other measurable conditions recommended by the Plan Commission and approved by the Town Board.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Haskell

Motion to recommend approval to the Town Board for a Home Occupation Major submitted by B. Troy Ribble for property located at 9618 Lind Lane, Neenah, WI 54956; specifically described as Tax ID #006-0006 with the Staff Recommendations as modified by the Commission.

Motion carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and direction to staff relative to proposed Amendments to the Town's Zoning Code of Ordinances relating to Short Term Lodging Rentals.

The Commission reviewed copies of material provided by the Town's Planner (Ken Jaworski). Staff had also reviewed the material being provided and is respectfully asking the Commission for direction on amending the Town's Ordinances as they relate to short term lodging and rentals.

- Commissioner Linsmeier asked if it is possible to put a term or some type of limitation on the CUP in order to have some control over the activity.
- Planner Jaworski explained that 2017 Act 59 does allow setting a duration for a CUP.
- Commissioner Nemecek expressed concern about rentals being used for illegal activities and asked if there is a way to apply a condition which would revoke the CUP if a certain number of offenses are incurred.
- Administrator Johnston noted that law enforcement and judication of activities would be the only means of control

DIRECTION TO STAFF:

The Commission directed staff to prepare a finalized document for review at the February 13, 2019 Plan Commission Meeting.

- E. Discussion/Recommendation: Plan Commission review and direction to staff relative to proposed Amendments to the Town's Zoning Code of Ordinances relating to Signs.

The Commission reviewed copies of material provided by the Town’s Planner (Ken Jaworski). Staff had also reviewed the material being provided and asked the Commission for direction on amending the Town’s Ordinances as they relate to signs of the USH “10” frontage in the Town of Clayton and electronic display signs in the Town’s Zoning Code of Ordinances.

- Discussion was held about the speed of traffic and the ability to read signage along the highway frontage.
- Planner Jaworski noted that the proposed amendments take this into consideration and limit signage in order to minimize the “visual pollution” of multiple signs.
- Administrator Johnston noted that with the imminent development along the corridor, he would advise the Commission to expedite their review of the amendments

DIRECTION TO STAFF:

The Commission directed staff to prepare a finalized document for review at the February 13, 2019 Plan Commission Meeting

VII. Upcoming Meeting Attendance—None

VIII. Adjournment

MOTION:

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion made to Adjourn the meeting at 8:22 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Deputy Clerk