

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, February 12, 2020
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Chair Knapinski called the meeting to order at 7:00 p.m.

A. Notice Verification, Roll

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

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner White	EXCUSED
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	EXCUSED
Commissioner Haskell	PRESENT
Town Board Representative Wisnefske	PRESENT

b. Staff

Econ. Dev. Director Johnston	EXCUSED
Administrator Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. No Public Hearings.

I. Approval of Minutes:

A. Approval of the minutes of the Wednesday, January 8, 2020 Plan Commission Meeting.

MOTION:

Motion by Commissioner Linsmeier

Second by Commission Nemecek

Motion to approve the January 8, 2020 Plan Commission Meeting Minutes as presented.

Motion carried by unanimous voice vote

II. Open Forum Town-related Matters not on the Plan Commission’s Agenda: NONE

III. Correspondence:

A. January CY 2020 Building Inspection Report

- o The report was not distributed—will provide for the next meeting.

IV. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a CSM Application submitted by Claymann Creek LLC, 8120 South Frontage Road, Sheboygan, WI 53081, for property located at 2651 West American Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0341 and Tax ID #, 006-0335-02, described as All of Lots 2 and 3 of Certified Survey Map No. 6306, being part of the Northeast ¼ of the Southwest ¼, and part of the Northwest ¼ of the Southeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 2651 West American Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0341 and Tax ID # 006-0335-02.

Applicants: Claymann Creek LLC
Dennis Jochman
8120 South Frontage Road
Sheboygan, WI 53081

Property Owners: Claymann Creek LLC
8120 South Frontage Road
Sheboygan, WI 53081

Consultant: Martensen & Eisele Inc.
Gary A. Zahringer S-2098
1377 Midway Road
Menasha, WI 54952

Property Information:

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

Property Information Specific to Tax ID# 006-0341:

1. The property is owned by Claymann Creek LLC.
2. The Lot is 9.330 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 B-3 (General Business District).
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 # 006-0335-02:

1. The property is owned by Claymann Creek LLC.
2. The Lot is 11.35 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 B-3 (General Business District) by the Town.
6. The property is currently zoned B-3 (General Business District) by the County.
7. The property is in the Outagamie County Airport Overlay Height Zoning District.
8. The property is in the Outagamie County Airport Overlay Zone 3 District.
9. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
10. The property is in the Winnebago County Shoreland Zoning Area.
11. The property is out of the County's Floodplain Zoning Area.
12. The property is not in the County's Wetland Identifier.
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments on the CSM:

1. The CSM does not change the existing use of the property and therefore it is consistent with the Town's approved Future Land Use Plan.
2. The CSM **does** show the Right to Farm Language required by the Town.
3. The CSM re-configures 2-Lots to make a relatively minor change to the east property line of Lot 1, the detail of the new Lots are as follows:
 - a. The proposed Lot-1 is zoned B-3 (General Business District) and would be 10.00 acres (435,607 Square Feet) in area.
 - b. Lot-1 of the proposed CSM contains the Horn RV sales and service facilities.
 - c. The change to the property line of Lot 1 gives more frontage on West American Drive to the Lot and makes the existing development fully compliant with the Town's Zoning Code of Ordinances.
 - d. Lot-2 consists of vacant land that is partially in the Outagamie County Airport Overlay District Zone 2.
4. The reason for the proposed CSM is to configure the properties to meet the conditions of sale.

Staff Recommendations on the CSM Application:

Staff recommends that the Plan Commission approve the CSM subject to the following conditions:

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
2. The Applicant provide a copy of the recorded document to the Town.
 - Staff reported that the CSM was being completed as a condition for sale of the property, mapping what was previously a metes and bound description

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion to recommend to the Town Board approval of the CSM Application submitted by Claymann Creek, LLC, 8120 South Frontage Road, Sheboygan, WI 53081, for property located at 2651 West American Drive, Neenah, WI 54956, specifically identified as Tax ID # 006-0341 and Tax ID # 006-0335-02 with staff recommendations as presented

Motion carried by unanimous voice vote

- B. Discussion/Recommendation: Plan Commission review and recommendation on a CSM Application submitted by Guy Grenfell and Elizabeth Fedie, 4367 Stoney Ridge Trail, Oshkosh, WI 54904, for property located on the south side of Rocky Road between Stoney Ridge Trail and Jensen Road, specifically identified as Tax ID # 006-0808-04, specifically described as part of the Northeast ¼ of the Southwest ¼ of Section 32, 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 Rocky Road between Stoney Ridge Trail and Jensen Road, specifically identified as Tax ID # 006-0808-04.

Applicants: Guy Grenfell and Elizabeth Fedie
4367 Stoney Ridge Trail
Oshkosh, WI 54904

Property Owners: Guy Grenfell and Elizabeth Fedie
4367 Stoney Ridge Trail
Oshkosh, WI 54904

Consultant: Wisconsin Land Surveying Inc.
Andy Hunter S-2835
5020 Leonard Pt. Rd.
Oshkosh, WI 54904

Property Information:

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

Property Information Specific to Tax ID# 006-0808-04:

1. The property is owned by Guy Grenfell and Elizabeth Fedie, 4367 Stoney Ridge Trail, Oshkosh, WI 54904.
2. The Lot is 2.67 Acres in size.
3. The property is in the Winneconne School District (6608).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned A-2 (General Agriculture District).
6. All or portion of the property is located in the shoreland area.
7. The property is out of the County’s Floodplain Zoning Area.

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

Staff Comments on the CSM:

1. The CSM does not change the existing use of the property and therefore it is consistent with the Town's approved Future Land Use Plan.
2. The CSM **does** show the Right to Farm Language required by the Town.
3. The CSM re-traces the original property lines to confirm the area and configuration of the site, the detail of the new Lots are as follows:
 - a. The proposed Lot-1 is zoned A-2 (General Agriculture District) and would be 2.67 acres (116,148 Square Feet) in area.
 - b. The proposed CSM retraces the property lines of the site for the purposes of clearing issues with the current deeds to the property.
 - c. Staff is not recommending a rezoning because the property is not changing in configuration and when originally created, the lot was conforming to the County's zoning code.
 - d. Under the Town's current zoning code, the lot would be considered a non-conforming lot of record.
4. The reason for the proposed CSM is to retrace the property lines of the site for the purposes of clearing issues with the current deeds to the property.

Staff Recommendations on the CSM Application:

Staff recommends that the Plan Commission approve the CSM subject to the following conditions:

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
2. The Applicant provide a copy of the recorded document to the Town.
 - CSM is a requirement to clear up Deed issues with the property.
 - CSM traces the original lines of the property changing none of the boundaries
 - Lot 1 is Zoned A-2 but is only 2.67 acres
 - Rezoning is not required because it is a nonconforming lot of record as it was conforming to County Zoning when created. No changes are being made to the lot and therefore the zoning may remain as a nonconforming lot of record.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Wisnepske

Motion to recommend to the Town Board approval of the CSM Application submitted by Guy Grenfell and Elizabeth Fedie, 4367 Stoney Ridge Trail, Oshkosh, WI 54904, for property located on the south side of Rocky Road between Stoney Ridge Trail and Jensen Road, specifically identified as Tax ID # 006-0808-04 with staff recommendations as presented, and noting the correct Surveyor's address.

Motion carried by unanimous voice vote

- C. **Discussion/Recommendation:** Plan Commission review and direction to staff on Town Board Resolution 2020-001 recommending a 60-day extension on the Town Board approved moratorium on the

construction of any new self-storage facilities as defined in Chapter 9 – Town of Clayton Zoning Code of Ordinances, Article 3 – Definitions, Section 14.0 GENERAL STORAGE, 14.02 Personal Storage Facilities in the Town of Clayton Code of Ordinances.

In November of CY 2019, at the Plan Commission's recommendation, the Town Board passed a temporary moratorium on construction of new Personal Storage Units in the Town of Clayton. The intent of the moratorium is to allow the Plan Commission and the Town Board to consider propriety of these units in the areas of the Town where the extension of municipal water and municipal sanitary sewer utilities are likely in the foreseeable future. Specifically, do these units provide sufficient tax base to support the cost of providing municipal utilities in a newly created tax incremental district. Given the short term of the moratorium, the holiday season, and the tax collection season both Town staff and the Town's Planning Consultant have had little time to give the matter the proper research and consideration it deserves. Based on the listed points staff is respectfully requesting that the Plan Commission recommend that the Town Board approve Resolution 2020-001 extending the moratorium on construction of any new self-storage facilities in the Town of Clayton until Wednesday, April 15th, 2020.

- Chair Knapinski asked if anyone has contacted the Town indicating that the moratorium would do them harm. Staff confirmed no one has contacted the Town in that regard.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to recommend to the Town Board approval of Resolution 2020-001 A Resolution to Extend a Temporary Moratorium on Storage Facilities

Motion carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and direction to staff on preparing the documentation for the proposed amendments to the Town's Zoning Code of Ordinances.

The Commission reviewed copies of e-mails from the Town Planner, Ken Jaworski (Ken), a draft map of the proposed overlay district, and pertinent portions of the Town's Zoning Code of Ordinances. In his e-mail Ken suggested that, as a compromise, the Plan Commission look at allowing personal storage units in the B-1 (Local Services Business District) and the B-2 (Community Business District). Staff has no issues with the recommendation, but advised that if the Commission should wish to make such a compromise revision would be needed in Section 9.08-12 Establishment and Purpose of Zoning Districts. These revisions should bring these elements into concurrence with the proposed changes to the personal storage section of the Zoning Code.

Staff also suggested the Commission consider simply creating an overlay district as proposed which would prohibit any additional construction of personal storage units within that overlay boundary as shown on the draft map. This would require no additional changes to the Town's Zoning Code of Ordinances. The Town's Economic Development

Director is of the opinion that the rationale for the Overlay can be justified by the Town's investment in the municipal sanitary sewer and municipal water systems.

- The Commission discussed the options and determined that the draft map showing the overlay district boundary which outlines the outer boundary of the TID district and includes all the properties within that boundary is a logical and a sufficient boundary to apply the overlay restrictions to at this time.
- The Commission discussed the need to take the restrictions further by expanding the boundary, specifically considering the STH 76 corridor as an area to include; as well as, expanding the use into the B-1 and B-2 districts as a compromise to the restrictions
- The Commission also requested staff research neighboring communities to determine their methodology relating to self-storage facilities.

DIRECTION TO STAFF

The Commission directed staff to schedule the requisite public hearing for the Zoning Code amendments and mapped boundary relating to the Personal Storage Unit Restriction Overlay District; and to also continue researching the option to strategically extend the Overlay District to other areas of the Town as well as consideration of expanding the use into B-1 and B-2 districts and to provide the information to the Commission for its review and discussion at the April 2020 Plan Commission meeting.

A. Upcoming Meeting Attendance: NONE

B. Adjournment

MOTION:

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

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

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Clerk