

TOWN OF CLAYTON
 Town Plan Commission
 Meeting Minutes
 7:00 P.M. – on Wednesday, April 10, 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	EXCUSED
Commissioner Dorow	EXCUSED
Commissioner Haskell	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

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

II. Public Hearings:

A. Plan Commission Public Hearing on proposed Amendments to the Town of Clayton Zoning Code of Ordinances relating to Short Term Lodging Rentals.

- Shawn Flichman, 2545 Wrenwood, made comment that many neighboring communities are offering Air-BNB as a secure way for people to have a private setting while traveling
- Mr. Flichman noted that he has a 7,200 square foot home located on approximately 7 acres which is his primary residence along with his wife and eight children
- He has traveled on Air-BNB and found his experience to be very positive
- Nancy Wildenberg, 2575 Wrenwood, asked, if granted a Conditional Use Permit (CUP) for short term lodging, how likely it would be for the property to become a fully rented home.
- Chairman Knapinski explained that the proposed amendments to the zoning code limit the number of days a property can be rented for short term lodging. He noted that the Town has no regulation for long term rentals of a privately held home. He also noted that short term rentals and long-term rentals are two completely separate matters.
- Planner Jaworski explained that the State has passed legislation which allows for short term lodging but also allows for communities to have some control over the activity which is what the proposed amendments to the zoning code address

Public Hearing Closed at 7:14 p.m.

B. Plan Commission Public Hearing on proposed Amendments to the Town of Clayton Zoning Code of Ordinances relating to Signs.

- No Public Comments

Public Hearing Closed at 7:16 p.m.

C. Plan Commission Public Hearing on a Conditional Use Application, submitted by Shawn Flieman for short-term lodging rentals. The property is located at 2545 Wrenwood Lane, Neenah, WI 54956; specifically described as Tax ID #006-0004-03, being located in Section 1, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- John Zeinert, 2699 Wrenwood Lane, asked if the neighbors have any ability to stop the applicant from getting permission to rent his home because he is afraid of what it could become
- Chairman Knapinski asked Mr. Zeinert specifically what he feared regarding the application for Short Term Lodging. He said the purpose of the Public Hearing is to raise and address any and all concerns
- Mr. Zeinert explained that the area is supposed to be a community where neighbors interact and trust each other and renting of the home will bring in outsiders
- Mr. Zeinert also noted that Wrenwood is a private road which has an easement agreement which prohibits the use of the road for commercial use meaning that activities cannot be performed to make money if the activity is using the road. He continued by conveying an incident with a former resident who offered horse riding lessons in an effort to earn money to build a stable. He said that was not allowed.
- Mr. Zeinert also raised concern over where the guests would be roomed. He asked if there were rules for this.
- Chairman Knapinski noted that the Zoning Code is the Town's regulation of many activities and to Mr. Flieman's credit, he reached out to the Town to make sure that what he was proposing to do was legal and so that he was meeting all of the requirements set forth by the Town.
- Mr. Zeinert asked if there were rules for other activities, such as when he was raising Chinchillas in his basement or when he used to keep bees
- Chairman Knapinski explained the Zoning Code has allowable Uses clearly defined and then there are Conditional Uses which if certain conditions are met allow for specific activities.
- Administrator Johnston also noted that the activity involving the Chinchillas would likely not be an allowable use, as well as it was probably a venture to make money and therefore was in violation of the easement rules of the homeowners' association.
- Administrator Johnston noted that the Town does not have any authority regarding homeowners' associations and cannot enforce their covenants. He explained it is the property owners who must work together to enforce their covenants.
- Administrator Johnston also explained that long-term rental of a property is not regulated by the Town.
- Shawn Flieman, requested to address the Commission regarding the concerns expressed by Mr. Zeinert

- He explained that the home is his primary residence where he lives with his wife and eight of their nine children. He said the home has eight bedrooms within the residence and that there is no living space above the garage.
- Mr. Flielman further explained he would only be renting the property for two to three times each year, so there would not be an impact of increased traffic and no major upheaval.

Public Hearing Closed at 7:37 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, March 13th, 2019 Plan Commission Meeting.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Schmidt

Motion to approve the Wednesday, March 13th, 2019 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. Town of Clayton CY 2018 Annual Building Report.
- B. March CY 2019 Building Inspection Report.
- C. Temporary Sign Permit Issued to the Westridge Golf Course.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Breaker Girls LLC C/O Sue Edminster, 36 Corvette Circle, Fond Du Lac, WI 54935 for property located at 2595 Larsen Road, Neenah, WI 54956 and specifically described as Tax ID # 006-0637-01, and Part of Tax ID# 006-0638, located in Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 2595 Larsen Road, Neenah, WI 54956 and specifically described as Tax ID # 006-0637-001, and Part of Tax ID# 006-

0638, located in Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Breaker Girls LLC
36 Corvette Circle
Fond du Lac, WI 54935

Property Owners: Breaker Girls LLC
36 Corvette Circle
Fond du Lac, WI 54935

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

Property Information:

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

Property Information Specific to Tax ID # 006-0637-01:

1. The property is owned by Barbara J. Bombinski, 2595 Larsen Road, Neenah, WI 54956.
2. The Lot is 1.16 acres.
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 has Officially Mapped reservations for rights-of-way as listed below:
 - a) Town of Clayton right-of-way for Larsen Road.
6. The property is currently zoned by the Town as R-2 (Suburban Residential District).
7. The property is in the City of Neenah Extraterritorial Zoning District.
8. The property is not in the Wisconsin Wetland Inventory.
9. The property is not in the County Floodplain and FEMA Special Flood Hazard Area.
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 # 006-0638:

1. The property is owned by the Breaker Girls LLC, 36 Corvette Circle, Fond du Lac, WI 54935.
2. The Lot is 99.750 acres.
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 has several Officially Mapped reservations for rights-of-way as listed below:
 - a) City of Neenah: 100-foot reservation on the eastern side of the CSM for the southern extension of Clayton Avenue.

- b) City of Neenah: 66-foot reservation on the southern side of the CSM for the extension of a Municipal Road.
- c) Town of Clayton: 66-foot reservation approximately 2/3s of the way south of Larsen Road on the CSM for the eastern extension of Breaker Trail.
- 6. The property is currently zoned by the County as R-2 (Suburban Residential District).
- 7. The property is currently zoned by the Town as R-2 (Suburban Residential District).
- 8. The property is in the City of Neenah Extraterritorial Zoning District.
- 9. The property is in the County’s Surface Water Drainage Area.
- 10. The property is in the Wisconsin Wetland Inventory Information (Forested).
- 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 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 creates a single new parcel by adding property from the adjoining Lot (Tax ID# 006- 0638).
 - a. Lot-1 is 2.751 acres (119,841 Square Feet) in area.
- 4. The parent parcel (006-0638) has an existing shed on the property that should be removed to comply with the Zoning Code as it relates to principal and accessory structures. The shed could remain if the property were to be used for non-residential (agricultural) purposes.
- 5. Lot 1 of the proposed CSM does comply with all of the requirements of the Town’s Zoning Code of Ordinances for R-2 (Suburban Residential District).
- 6. Lot-1 has some unique features that include the following:
 - a) A farm access road that allows the parent parcel (Tax ID # 006-0638) to access Larsen Road by crossing Lot-1 of the proposed CSM. This farm road is intended to provide direct access to Larsen Road without having to drive farm vehicles through the residential driveway.
 - b) The CSM should include an easement on Lot-1 to formalize the farm access road that provides access to Larsen Road. As an alternate the Plan Commission could require that the CSM have a note on the Document that would require an alternate farm access to Larsen Road should the property be sold to a third party and used as farmland.
- 7. Lot-1 of the proposed CSM has an existing residential structure, the parent parcel consists of vacant farmland and an agricultural use structure.

Staff Recommendations on the Re-zoning Application:

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

- 1. That the Plan Commission recommend and the Board authorize the use of the existing farm access road with a note on the face of the document that would require an alternate farm access to Larsen Road should the property be sold to a third party and used as farmland.
- 2. Documentation of the approval of the proposed CSM and re-zoning by any overlying unit of government having jurisdiction.

- Commissioner Haskell questioned the authorization of use of the current farm access. She felt it would be better for the Plan Commission and the Town Board to remain silent on this matter and let the property owners deal with the issue.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion to recommend approval of the CSM as submitted to the Town Board

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, WI 54947 for property located at 8879 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID # 006-0348-01 located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Commissioner Schmidt recused herself from the discussion of this item because she rents the property.

Site Location: The property is located at 8879 Clayton Avenue, Neenah, WI 54956 and specifically described as Tax ID # 006-0348-01 located in Section 13, 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: Town of Clayton
8348 CTR “T”
Larsen, WI 54947

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

Property Information:

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

Property Information Specific to Tax ID # 006-0348-01:

1. The property is owned by the Town of Clayton, 8348 CTR “T”, Larsen, WI 54947.
2. The Lot is 4.38 acres.
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 by the Town as R-1 (Rural Residential District).
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no Outagamie County Airport Zoning and Height Limitation Information.
8. The property is outside the County Floodplain and FEMA Special Flood Hazard Area.
9. The property has no Wisconsin Wetland Inventory Information.
10. The Future Land Use Planning Information is Single Family Residential.
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 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 creates 3 new Lots from the existing property (Tax ID # 006-0348-01) with the detail of the 3-Lots are as follows:
 - a) Lot-1 is 1.000 (43,564 Square Feet) in area and a new parcel with access to both Fairview Road and Clayton Avenue. Based on the Town’s Access Ordinance the Lot could take access from either road since both roads carry the same traffic rating.
 - b) Lot-2 is 1.250 acres (54,454 Square Feet) is area with frontage on Fairview Road. Access for Lot-2 would come from Fairview Road.
 - c) Lot-3 is 1.302 (56,697 Square Feet) in area with an existing access point on Clayton Avenue. Lot-3 also contains an existing single-family dwelling with a detached garage.
4. Please be advised that the property is owned by the Town and the residential unit is rented for the Town by a leasing agency.
5. The existing zoning, R-1 (Rural Residential Zoning District), is consistent with the existing land use and the proposed land use, however, because of the R-1 (Rural Residential District) road frontage requirements in the Town’s Zoning Code of Ordinances, the 3 new Lots will need to be re-zoned to R-2 (Suburban Residential District).
6. The proposed CSM deeds 0.860 (37,485 Square Feet) in area to the Town for the rights-of-way of Fairview Road and Clayton Avenue.

Staff Recommendations on the Re-zoning Application:

Staff recommends that the Plan Commission Table the consideration of the proposed CSM until the Commission’s Wednesday, May 8th, 2019 Meeting. This process will allow staff to notice the proposed re-zoning and the Commission to consider both activities at the same meeting. Additionally, staff would be able to advise the Commission of any requirements placed on the approval of the CSM by the Village of Fox Crossing.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion to table the business item to the May 8, 2019 Plan Commission Meeting

Motion carried by unanimous voice vote.

- C. Discussion/Recommendation: Plan Commission review and consideration of proposed Amendments to the Town of Clayton Zoning Code of Ordinances relating to Short Term Lodging Rentals.

The Plan Commission held a Public Hearing on the proposed amendments to the Town of Clayton, Zoning Code of Ordinances relating to Short Term Lodging Rentals immediately prior to this meeting. The Commission reviewed the proposed amendments to the Town’s Zoning Code of Ordinances as they relate to Short Term Lodging Rentals.

- Chairman Knapinski read the proposed amendments to the code
- Planner Jaworski noted that most of the conditions come directly from the State statutes. He noted that at the Town level, there are the additional conditions for UDC compliance and for parking to be on the site (no street parking).

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion to recommend approval of the proposed amendments to the Town’s Zoning Code of Ordinances relating to Short Term Lodging Rentals to the Town Board.

- D. Discussion/Recommendation: Plan Commission Review and Consideration of a Conditional Use Application, submitted by Shawn Fliehman for short-term lodging rentals. The property is located at 2545 Wrenwood Lane, Neenah, WI 54956; specifically described as Tax ID #006-0004-03, being 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 2545 Wrenwood Lane (Private Road), Neenah, WI 54956; specifically described as Tax ID #006-0004-03, being located in Section 1, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s) Shawn Fliehman
2545 Wrenwood Lane
Neenah, WI 54956

Property Owner(s): Shawn Fliehman
2545 Wrenwood 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: R-1 (Rural Residential District) and A-2 (General Agriculture District)

- c) East: Village of Fox Crossing
- d) West: R-1 (Rural Residential District) and A-2 (General Agriculture District)

Property Information Specific to Tax ID# 006-0004-03:

1. The property is owned by Shawn Flichman, 2545 Wrenwood Lane, Neenah, WI 54956
2. The Lot is 6.440 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 zoned A-2 (General Agriculture District) by the Town of Clayton.
6. The property is zoned A-2 (General Agriculture District) by Winnebago County.
7. The property is in the Outagamie County Airport Zoning District, Zone-2B and Zone 3.
8. The property is in the Outagamie County Airport Height Zoning District.
9. The property is in the Village of Fox Crossing Extraterritorial Zoning District.
10. All or a portion of this property is located in a shoreland area.
11. The property is out of the County's Floodplain Zoning Area and the FEMA Special Flood Hazard 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:

1. The Town's revised 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 Short Term Rentals of an existing single-family residential structure by its occupants.
3. The Conditional Use Application indicates that the Applicant would rent the property for 1 to 10 individuals for up to 4 to 5 times per year.
4. Attached please find a site plan map showing the features of the site for the proposed Conditional Use Application.
5. The Site Plan includes an existing single-family residential structure and a detached garage along with driveway and parking facilities.
6. The proposed business will have no employees on the site.

Staff Recommendations:

Staff recommends approval of the proposed Conditional Use Application for the purposes of a Home Occupation Permit for Short Term Rentals subject to the following conditions:

1. That the Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
2. That any Applicant that maintains, manages, and/or operates a short-term rental facility for more than 10-nights each year obtain a tourist rooming house license from the State Department of Agriculture, Trade, and Consumer Protection (DATCP).
3. That all short-term rental activities shall only occur within a single-family residential dwelling.
4. That all structures require a onetime Conditional Use Permit as an accessory use to a single family residential as the Principal Use.
5. That a Conditional Use Permit for Short-term rentals be transferable between property owners.
6. That the operator of a short-term rental facility maintains the single-family dwelling as their principal residence during the time period when rooms are offered.

7. That the exterior appearance of the building shall not be altered from its single-family appearance.
 8. That all signage shall conform with the standards identified in the Conditional Use Permit, those being that the sign shall not exceed (4) square Feet in area.
 9. That no food preparation or cooking shall be allowed in guest rooms.
 10. That meals shall only be offered to overnight guests.
 11. That rentals shall not exceed 29 consecutive days.
 12. That rentals shall be limited to 180-days within any 365-day period.
 13. That before the issuance of any Conditional Use Permit for Short-term Rentals, an inspection of the residential structure shall occur by the Town's Building Inspector. All rooms for rent shall be Uniform Dwelling Code (UDC) compliant.
 14. UDC re-inspections shall occur every 5-years.
 15. That all parking (home owner and renters) for the facility shall occur on site. No street parking is allowed.
 16. That all local, state and federal tax must be filed with the appropriate agencies. Short-term Rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.
- Planner Jaworski noted that all the conditions recommended fall within ACT 67 requirements as reasonable and measurable
 - Administrator Johnston recommended that the neighbors deal with the covenants through the homeowners' association

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Wisniewski

Motion to recommend approval of the proposed Conditional Use Application made by Shawn Flieman, 2545 Wrenwood Lane, Neenah, for the purposes of a Home Occupation Permit for Short Term Rentals with the following conditions:

1. That the Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
2. That any Applicant that maintains, manages, and/or operates a short-term rental facility for more than 10-nights each year obtain a tourist rooming house license from the State Department of Agriculture, Trade, and Consumer Protection (DATCP).
3. That all short-term rental activities shall only occur within a single-family residential dwelling.
4. That all structures require a onetime Conditional Use Permit as an accessory use to a single family residential as the Principal Use.
5. That a Conditional Use Permit for Short-term rentals be transferable between property owners.
6. That the operator of a short-term rental facility maintains the single-family dwelling as their principal residence during the time period when rooms are offered.
7. That the exterior appearance of the building shall not be altered from its single-family appearance.
8. That all signage shall conform with the standards identified in the Conditional Use Permit, those being that the sign shall not exceed (4) square Feet in area.

9. That no food preparation or cooking shall be allowed in guest rooms.
10. That meals shall only be offered to overnight guests.
11. That rentals shall not exceed 29 consecutive days.
12. That rentals shall be limited to 180-days within any 365-day period.
13. That before the issuance of any Conditional Use Permit for Short-term Rentals, an inspection of the residential structure shall occur by the Town’s Building Inspector. All rooms for rent shall be Uniform Dwelling Code (UDC) compliant.
14. UDC re-inspections shall occur every 5-years.
15. That all parking (home owner and renters) for the facility shall occur on site. No street parking is allowed.
16. That all local, state and federal tax must be filed with the appropriate agencies. Short-term Rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

Motion carried by unanimous voice vote.

E. Discussion/Recommendation: Plan Commission review and recommendation on a Site Plan Approval Application submitted By Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville for property located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at the northern termini of Black Top Way, Neenah and specifically described as Tax ID# 006-0895-06, being a part Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Craig Locy
CRL Surveying LLC
N1674 Medina Drive
Greenville, WI 54942

Property Owner(s): JJJ2 LLC
1991 West Wisconsin Avenue
Appleton, WI 54913

Consultant: Craig Locy (S2940)
CRL Surveying LLC
N1674 Medina Drive
Greenville, WI 54942

Property Information:

1. The surrounding properties are zoned:
 - a) North: A-2 (General Agriculture District), R-1 (Rural Residential District), and R-2 (Suburban Residential District).

- b) South: B-2 (Community Business District), B-3 (General Business District), and A-2 (General Agricultural District)
- c) East: A-2 (General Agriculture District) and A-2 (General Agricultural District with a Conditional Use)
- d) West: A-2 (General Agriculture District), and R-1 (Rural Residential District)

Property Information Specific to Tax ID# 006-0895-06:

1. The property is owned by JJJ2 LLC, 1991 West Wisconsin Avenue, Appleton, WI 54913.
2. The Lot is 18.040 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 has a 50-foot DOT setback from the Right-Of-Way.
6. The property has Officially Mapped Roads shown on it.
7. The property is currently zoned I-1 (Light Industrial District) by the Town.
8. The property is in the City of Neenah Extra Territorial Zoning District.
9. The property is out of the County's Floodplain Zoning Area.
10. The property is in the County Shoreland Zoning 300-foot buffer.
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.

Application Details:

The petitioner has provided the attached material. Staff has reviewed the Application material and believes that the Application is mostly complete. The concept of the plan is compliant with the Town's Zoning Code of Ordinances. The Town's Site Plan Ordinance sets the standards for review by development area. The proposed site is in the Town's Business Fringe Zone. The proposed Site Plan Application divides the project into a number of phases. The proposed Site Plan Application covers the completed general plan for the site and the first phase of the Development in detail.

Stormwater Management for the First Phase of the Site Development:

The stormwater management function for the first phase of the proposed development will come from a private on-site stormwater management ditch system and a new stormwater management pond created as part of the Development. Conceptually, the stormwater from Phase-1 of the project area flows from north to south to the storm water management pond and then east to a navigable water way that runs east into the Town of Neenah. Staff has recommended that the Applicant try to make use of the existing stormwater management system as much as possible to deliver the water to the navigable waterway running to the east. The storm water management for the rest of the project runs from south to north into a conceptual pond on the northeast boundary of the site. The specific detail of that storm water management pond will need to be included in the project plans of Phase-2 of the project.

Access to the Site:

Access to the site comes from a new driveway on the public road known as Black Top Way. As part of the construction project, the Town will require that the Applicant install

mountable curb returns on the proposed driveway apron accessing Black Top Way. As shown, the Developer intends to share access to the site with the adjoining property owner to the east. Staff continues to recommend that the Plan Commission require recorded cross easements for the shared access, the shared driveway and recorded maintenance agreements for the shared facilities. This document should be provided prior to or in conjunction with any Building Permit Application for the project.

Building Details:

Phase-1 of the proposed project consists of 12, 40x40 condo workshops using a common driveway and individual access points. The proposed buildings are typical commercial buildings consisting of a steel structure with prefinished metal siding with a 3-foot wainscot, a portico roof over the main entrance door, and metal roofing, the elevations and amenities required by the Town's Site Plan Ordinance are provided. The interior layout of the structures shows restroom facilities as well as a slop sink, both requiring water and sanitary facilities. The Site Plan for Phase-1 of the project shows two proposed holding tanks on the south end of the Site and a well in the green space between the southernmost buildings in Phase-1 of the project. The Site Plan also shows the related water and sanitary sewer distribution and collection lines. The proposed buildings qualify as commercial structures and will require State approved plans. Staff is recommending that the Plan Commission require the Knox Box security system which will give the Fire Department restricted access to the building at all times. The Commission may wish to consider requiring that the building have a decorative change in color for the wainscoting, and roof overhangs on the front and back of the structures to enhance the aesthetic appeal of the buildings.

Parking:

The parking plan for phase-1 of the facility is fully developed asphalt surface and compliant with the Town Zoning Code requirements. Specifically, access to each Condo Unit will have asphalt driveway and parking areas.

Site Landscaping:

The lack of a landscaping plan continues to limit staffs' ability to comment of those amenities. However, the Administration is recommending that Plan Commission only require a code compliant landscaping plan for the storm water management pond for phase-1 of the development prior to approval of the Site Plan Application. Any other landscaping for the site would be unsustainable and become a detriment to the project.

Staff Comments:

The Site Plan Application, as presented, is complete with the exception of a Landscaping Plan.

Staff Recommendation:

Staff's comments on the proposed Site Plan are as follows:

1. That the Applicant provide the Commission with a Zoning Code compliant Landscaping Plan for the storm water management pond in phase-1 of the development and a concept Landscaping Plan for the balance of the development.
 2. That the Applicant work with Town Fire Department staff to site and provide the design requirements for a hydrant on the proposed storm water management ponds.
 3. That the Applicant install mountable curb returns on the proposed driveway apron accessing Black Top Way.
 4. That the Commission recommend roof overhangs on all of the building facades to enhance the esthetic appeal of the structure.
 5. That a Knox Box security system be installed on each building to give the Fire Department restricted access to the building.
 6. That Plan Commission may wish to consider requiring approval of any storage units when they are proposed to be constructed. This step would allow the Plan Commission to more carefully review the impact of the additional storage units on the site as it develops. If the Commission wishes to approve the storage units in Phase-1 of the project they should be required to have the NFPA required break in the structure units every 150-feet in order to allow the Fire Department access to the rear of the buildings.
 7. That the Plan Commission recommend and Town Board approve the steel building materials.
 8. That the Plan Commission agree that the only public frontage to the site is on the Black Top Way Cul-de-Sac.
 9. Any additional Site Plan requirements the Plan Commission may wish to recommend to the Town Board.
- The Commission discussed the Staff recommendations and made the following additional recommendations:
 1. A Condo Association Agreement shall provide for the Town to access the storm water management pond to perform maintenance if the Condo Association fails to properly maintain the pond; and the agreement shall provide for the Town to special assess the cost of any storm water management pond maintenance to the Condo Association.
 2. The Condo Association Agreement must be recorded with the Winnebago County Register of Deeds prior to the issuance of any building permits
 3. A Maintenance Agreement for the shared access road be recorded with the Winnebago County Register of Deeds prior to the issuance of any building permits
 4. Under no circumstances may any of the structures be utilized as residences
 5. No external storage is allowed at any of the buildings
 6. Lighting is to be limited to one hooded, LED light above the entrance door and one hooded, LED light above the garage/overhead door on each building
 7. No Signage may be placed on the STH “76” frontage
 8. Signage on the individual condo units is limited to a wall sign only which follows the Town’s adopted Zoning Code as it relates to signs
 9. This Plan Commission recommendation for approval to the Town Board is for Phase I of the project consisting of the first 18 buildings and with the exclusion of the mini/self-storage buildings.
 10. The mini/self-storage buildings are not approved and will require a separate Site Plan Review prior to their construction

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Haskell

Motion to recommend approval of the Site Plan Application submitted By Craig Locy, CRL Surveying LLC, N1674 Medina Drive, Greenville for property located at the northern termini of Black Top Way, Neenah with Staff and Plan Commission recommendations as follows:

1. That the Applicant provide the Commission with a Zoning Code compliant Landscaping Plan for the storm water management pond in phase-1 of the development and a concept Landscaping Plan for the balance of the development.
2. That the Applicant work with Town Fire Department staff to site and provide the design requirements for a hydrant on the proposed storm water management ponds.
3. That the Applicant install mountable curb returns on the proposed driveway apron accessing Black Top Way.
4. That the Commission recommend roof overhangs on all of the building facades to enhance the esthetic appeal of the structure.
5. That a Knox Box security system be installed on each building to give the Fire Department restricted access to the building.
6. That the Plan Commission recommend and Town Board approve the steel building materials.
7. That the Plan Commission agree that the only public frontage to the site is on the Black Top Way Cul-de-Sac.
8. Any additional Site Plan requirements the Plan Commission may wish to recommend to the Town Board.
9. A Condo Association Agreement shall provide for the Town to access the storm water management pond to perform maintenance if the Condo Association fails to properly maintain the pond; and the agreement shall provide for the Town to special assess the cost of any storm water management pond maintenance to the Condo Association.
10. The Condo Association Agreement must be recorded with the Winnebago County Register of Deeds prior to the issuance of any building permits
11. A Maintenance Agreement for the shared access road be recorded with the Winnebago County Register of Deeds prior to the issuance of any building permits
12. Under no circumstances may any of the structures be utilized as residences
13. No external storage is allowed at any of the buildings
14. Lighting is to be limited to one hooded, LED light above the entrance door and one hooded, LED light above the garage/overhead door on each building
15. No Signage may be placed on the STH "76" frontage
16. Signage on the individual condo units is limited to a wall sign only which follows the Town's adopted Zoning Code as it relates to signs
17. This Plan Commission recommendation for approval to the Town Board is for Phase I of the project consisting of the first 18 condo buildings.
18. The mini/self-storage buildings are NOT approved and will require a separate Site Plan Review prior to their construction.

Motion carried by unanimous voice vote

- F. Discussion/Recommendation: Plan Commission review and consideration of proposed Amendments to the Town of Clayton Zoning Code of Ordinances relating to Signs.

The Plan Commission held a Public Hearing on the proposed amendments to the Town of Clayton, Zoning Code of Ordinances relating to Signs immediately prior to this meeting. The Commission reviewed the proposed amendments to the Zoning Code as it relates to signs.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Wisnefske

Motion to recommend approval of the proposed amendments to the Zoning Code of Ordinances as they relate to signs

Motion carried by unanimous voice vote.

- G. Discussion/Recommendation: Plan Commission review, consideration and direction to staff relative to the creation of the project plan for Tax Incremental District #1 in the Town of Clayton.

- Administrator Johnston reported that Mr. Becker was unable to attend and make his presentation due to the inclement weather and his inability to travel.

DIRECTION TO STAFF

The Commission directed Staff to continue to work with Mr. Becker and present the information at the next Plan Commission meeting.

VII. Upcoming Meeting Attendance:

- Town of Clayton Annual Meeting, April 16, 2019 at the Town of Clayton Municipal Meeting Room, 8348 County Road T, Larsen

VIII. Adjournment

MOTION:

Motion by: Commissioner Haskell

Second by: Commissioner Nemecek

Motion made to Adjourn the meeting at 8:50 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Deputy Clerk