

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, June 10, 2020
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Vice Chair Haskell 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	EXCUSED
Commissioner White	PRESENT
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	PRESENT
Commissioner Haskell	PRESENT
Town Board Representative Wisnefske	PRESENT

b. Staff

Administrator Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. Plan Commission Public Hearing on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Richard and Judy Christianson, PO Box 56, Larsen, WI 54947 for property located south of Grandview Road and specifically described as part of Tax ID # 006-0519-03 located in the Northeast ¼ of the Southeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 19, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- No Comments

Public Hearing Closed at 7:02 p.m.

B. Plan Commission Public Hearing on a Re-zoning Application from A-2 (General Agricultural) to B-1 (Local Service Business) submitted by Big Ring Property LLC, et al, 14 Lawrence Court, Appleton, WI 54911, for property located on Lind Lane specifically described as part of Tax ID #006-0006-10 being part of the fractional Northwest ¼ of the Northwest ¼ and part of the Southwest ¼ of the fractional Northwest ¼ of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Tom Fisk, owner representative for 006-0006-10, said he and the other owners are very excited about the sale of this property noting that its development is likely to spur additional development in the area.

Public Hearing Closed at 7:04 p.m.

- C. Plan Commission Public Hearing on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Jeff Zarling, 2716 E Shady Lane, Neenah, explained his property is adjacent to the proposed rezoning and he had several questions.
 - What is the minimum lot size for the Airport Overlay? Administrator Straw said it is 2 acres for Zone B. Mr. Zarling then asked how this division is being allowed because it is not 2 acres. Vice Chair Haskell noted that question relates to the Certified Survey Map and not the Rezoning Public Hearing.
 - Mr. Zarling asked if the what the newly created lot could be used for, noting the property across the street is zoned R-1 and seems to be used as a care facility or half-way house. Vice Chair Haskell explained that the allowable uses for all zoning districts are defined in the Zoning Code. She noted that if he believes a use in violation of the code, he should contact the Town Office. Administrator Straw noted that without notification or complaint, staff has no way of knowing how a property is being used.
 - Mr. Zarling asked how to dispute the survey stakes as they have been placed for the land division—he said there seems to be a discrepancy between his stakes and the newly marked corners. He asked what can be done. Town Attorney Lafrombois said the question is outside the scope of the public hearing and he should contact the office regarding the issue.
 - Mr. Zarling asked about future meetings regarding these matters. Vice Chair Haskell provided the regular meeting schedule to Mr. Zarling
 - Town Board – First and Third Wednesdays of each month
 - Plan Commission – Second Wednesday of each month

Public Hearing Closed at 7:11 p.m.

I. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, May 13th, 2020 Plan Commission Meeting.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to approve the Wednesday, May 13, 2020 Plan Commission Meeting Minutes

Motion carried by unanimous voice vote

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

III. Correspondence:

A. Distribution of the May 2020 Building Inspection Report.

IV. Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Richard and Judy Christianson, PO Box 56, Larsen, WI 54947 for property located south of Grandview Road and specifically described as part of Tax ID # 006-0519-03 located in the Northeast ¼ of the Southeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 19, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located south of Grandview Road and specifically described as part of Tax ID # 006-0519-03 located in the Northeast ¼ of the Southeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 19, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Richard L. Christianson
PO Box 56
Larsen, WI 54947

Property Owners: Judy and Richard L. Christianson
PO Box 56
Larsen, WI 54947

Consultant: Robert F. Reider S-1251
Carow Land Surveying CO., Inc.
615 North Lynndale Drive
P.O. Box 1297
Appleton, WI 54912-1297

Property Information:

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

Property Information Specific to Tax ID # 006-0519-03:

1. The property is owned by Judy and Richard L. Christianson, PO Box 56, Larsen, WI 54947.
2. The Lot is 29.99 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property is currently zoned by the County as A-2 (General Agriculture District).

6. The property is located within the Shoreland Area (See Attached Shoreland Site Map).
7. The property has a Navigable Stream (Unchecked) under Navigable Stream and Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is in Zone A (100-year Floodplain) under the County Floodplain and FEMA Special Flood Hazard Area.
10. The property has an Emergent/Wet Meadow, a Forested Wetland, and an Excavated Pond under the Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is R-1 (Rural Residential District) and A-2 (General Agricultural District).
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 proposed Re-zoning:

1. The re-zoning applies to the 1-acre of the property due to the sale of the 1-acre to a neighbor that is zoned R-1(Rural Residential District).
2. The CSM removing the 1-acre from the parent parcel and adding the 1-acre to an existing parcel is on the agenda.
3. The remainder of the parent parcel will remain A-2 (General Agricultural District).
4. The existing zoning recommendations are consistent with the existing land use and the proposed land use.

Staff Recommendations:

Staff recommends approval of the proposed rezoning from A-2 (General Agricultural District) and R-1 (Rural Residential District) subject to the following conditions:

1. That the 1-acre parcel be included as part of Lot 1 in a future Certified Survey Map (CSM) and be combined with Lot 1 of Certified Survey Map Number 2294.
2. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
 - Administrator Straw noted the rezoning is the result of a property division to sell a 1-acre parcel to the neighbor

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Dorow

Motion to recommend to the Town Board approval of the application for rezoning from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Richard and Judy Christianson, PO Box 56, Larsen, WI 54947 for property located south of Grandview Road and specifically described as part of Tax ID # 006-0519-03 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 Richard and Judy Christianson, PO Box 56, Larsen, WI

54947 and Lyle and Doris Schwartz, 4611 Grandview Road, Larsen, WI 54947 for property located south of Grandview Road and specifically described all of Tax ID # 006-0519-02 and part of Tax ID # 006-0519-03 located in the Northeast ¼ of the Southeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 19, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located south of Grandview Road and specifically described as part of Tax ID # 006-0519-03 located in the Northeast ¼ of the Southeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 19, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants:	Richard and Judy Christianson PO Box 56 Larsen, WI 54947	Lyle and Doris Schwartz 4611 Grandview Road Larsen, WI 54947
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Property Owners:	Richard and Judy Christianson PO Box 56 Larsen, WI 54947	Lyle and Doris Schwartz 4611 Grandview Road Larsen, WI 54947
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Consultant: Robert F. Reider S-1251
Carow Land Surveying CO., Inc.
615 North Lynndale Drive
P.O. Box 1297
Appleton, WI 54912-1297

Property Information:

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

Property Information Specific to Tax ID # 006-0519-03:

1. The property is owned by Judy and Richard L. Christianson, PO Box 56, Larsen, WI 54947.
2. The Lot is 29.99 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property is currently zoned by the County as A-2 (General Agriculture District).
6. The property is located within the Shoreland Area (See Attached Shoreland Site Map).
7. The property has a Navigable Stream (Unchecked) under Navigable Stream and Surface Water Drainage Information.
8. The property has no Outagamie County Airport Zoning and Height Limitation Information.
9. The property is in Zone A (100-year Floodplain) under the County Floodplain and FEMA Special Flood Hazard Area.

10. The property has an Emergent/Wet Meadow, a Forested Wetland, and an Excavated Pond under the Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is R-1 (Rural Residential District) and A-2 (General Agricultural District).
13. The current land use is consistent with the Town's adopted Land Use Plan.
The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0519-02:

1. The property is owned by Lyle J. and Doris E. Schwartz, 4611 Grandview Road, Larsen, WI 54947
2. The Lot is .54 acres.
3. The property is in the Winneconne Community School District (6608).
4. The property is currently zoned by the Town as R-1 (Rural Residential District).
5. The property has no Navigable Stream and Surface Water Drainage Information.
6. The property has no Outagamie County Airport Zoning and Height Limitation Information.
7. The property is outside the County Floodplain and FEMA Special Flood Hazard Area.
8. The property has no Wisconsin Wetland Inventory Information.
9. The property is in the Department of Natural Resources Special Well Casing area.
10. The Future Land Use Planning Information is P-1 (Public Institutional District) and R-1 (Rural Residential District).
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 proposed 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 one (1) new Lot by adding the 1-acre parcel from TAX ID #006-0519-03 to Lot 1 of CSM #2294.
4. The CSM is consistent with the existing land use and the proposed land use.

Staff Recommendations:

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

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
2. The Applicant provide a copy of the recorded document to the Town.
 - Administrator Straw noted the CSM meets the Town requirements

MOTION:

Motion by Commissioner Dorow

Second by Commissioner Wisnepske

Motion to recommend to the Town Board approval of the Certified Survey Map (CSM) Application submitted by Richard and Judy Christianson, PO Box 56, Larsen, WI 54947 and Lyle and Doris Schwartz, 4611 Grandview Road, Larsen, WI 54947 for property

located south of Grandview Road and specifically described all of Tax ID # 006-0519-02 and part of Tax ID # 006-0519-03 with staff recommendations
Motion carried by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from A-2 (General Agricultural) to B-1 (Local Service Business) submitted by Big Ring Property LLC, et al, 14 Lawrence Court, Appleton, WI 54911, for property located on Lind Lane specifically described as part of Tax ID #006-0006-10 located in part of the fractional Northwest ¼ of the Northwest ¼ and part of the Southwest ¼ of the fractional Northwest ¼ of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on Lind Lane specifically described as part of Tax ID #006-0006-10 located in part of the fractional Northwest ¼ of the Northwest ¼ and part of the Southwest ¼ of the fractional Northwest ¼ of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Katherine Ratka
N3402 Dax Daniel Lane
Black Creek, WI 54106

Property Owners: Big Ring Properties, LLC
Gregory P. and Lynn P. Landwehr Living Trust
14 Lawrence Court
Appleton, WI 54911

Consultant: David Hebert, Surveyor
Hebert Associates, Inc.
1110 West Wisconsin Avenue
Appleton, WI 54914

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), and A-2 (General Agricultural District)
 - c) East: I-2 (Heavy Industrial District), and A-2 (General Agricultural District)
 - d) West: R-1 (Rural Residential District), and A-2 (General Agricultural District)

Property Information Specific to Tax ID # 006-0006-10:

- 1. The property is owned by Big Ring Properties, LLC, Gregory P. and Lynn P. Landwehr Living Trust, 14 Lawrence Court, Appleton, WI 54911.
- 2. The Lot is 22.61 acres.
- 3. The property is in the Neenah Joint School District (3892).
- 4. The property is currently zoned by the Town as A-2 (General Agriculture District).
- 5. The property is currently zoned by the County as A-2 (General Agriculture District).
- 6. The property is **not** located within the Shoreland Area.

7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property **is** in the Outagamie County Airport Zoning and Height Limitation Information (Zone 3).
9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has Wetland too small to delineate under the Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Business Planned Use Development.
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 proposed Re-zoning:

1. The re-zoning applies to 3-acres of the property due to the sale of the 3-acres to a Professional Services Business (Mosquito Squad).
2. The CSM dividing the parent parcel and the proposed 3-acres on the southern part of the property is on the agenda.
3. The remainder of the parent parcel will remain A-2 (General Agricultural District).
4. The existing zoning recommendations are consistent with the existing land use and the proposed land use.

Staff Recommendations:

Staff recommends approval of the proposed rezoning from A-2 (General Agricultural District) to B-1 (Local Service Business) subject to the following conditions:

1. The site plan, drainage plan, and landscaping plan for the proposed new business be submitted to the Town for approval.
2. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction be provided.
 - Administrator Straw said the rezoning is the result of the proposed land division and B-1 fits the use, the FLU Map and the Comp Plan

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to recommend to the Town Board approval of the Application for Re-zoning from A-2 (General Agricultural) to B-1 (Local Service Business) submitted by Big Ring Property LLC, et al, 14 Lawrence Court, Appleton, WI 54911, for property located on Lind Lane specifically described as part of Tax ID #006-0006-10 with staff recommendations

Motion carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Big Ring Property LLC, et al, 14 Lawrence Court, Appleton, WI 54911, for property located on Lind Lane specifically described as part of Tax ID #006-0006-10

located in part of the fractional Northwest ¼ of the Northwest ¼ and part of the Southwest ¼ of the fractional Northwest ¼ of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on Lind Lane specifically described as part of Tax ID #006-0006-10 located in part of the fractional Northwest ¼ of the Northwest ¼ and part of the Southwest ¼ of the fractional Northwest ¼ of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Katherine Ratka
N3402 Dax Daniel Lane
Black Creek, WI 54106

Property Owners: Big Ring Properties, LLC
Gregory P. and Lynn P. Landwehr Living Trust
14 Lawrence Court
Appleton, WI 54911

Consultant: David Hebert, Surveyor
Hebert Associates, Inc.
1110 West Wisconsin Avenue
Appleton, WI 54914

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), and A-2 (General Agricultural District)
 - c) East: I-2 (Heavy Industrial District), and A-2 (General Agricultural District)
 - d) West: R-1 (Rural Residential District), and A-2 (General Agricultural District)

Property Information Specific to Tax ID # 006-0006-10:

1. The property is owned by Big Ring Properties, LLC, Gregory P. and Lynn P. Landwehr Living Trust, 14 Lawrence Court, Appleton, WI 54911.
2. The Lot is 22.61 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property is currently zoned by the County as A-2 (General Agriculture District).
6. The property is **not** located within the Shoreland Area.
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property **is** in the Outagamie County Airport Zoning and Height Limitation Information (Zone 3).
9. The Airport Overlay Zoning District does allow Service Businesses within Zone 3.
10. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
11. The property has Wetland too small to delineate under the Wisconsin Wetland Inventory Information.
12. The property is in the Department of Natural Resources Special Well Casing area.

13. The Future Land Use Planning Information is Business Planned Use Development.
14. The current land use is consistent with the Town’s adopted Land Use Plan.
15. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments on the proposed CSM:

1. The CSM does change the existing use of the property, however, 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 two (2) lots – Lot 1 (3-acres) and Lot 2 (19.612-acres).
4. The CSM does not dedicate the road right-of-way adjacent to the property to the Town, however, the road right-of-way is shown on the CSM and is currently recorded as deeded to the Town as shown on the Winnebago County GIS Map.
5. The CSM is consistent with the existing land use and the proposed land use.

Staff Recommendations:

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

1. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
2. The Applicant provide a copy of the recorded document to the Town.

- Administrator Straw said the CSM is compliant

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner White

Motion to recommend to the Town Board approval of the Certified Survey Map (CSM) Application submitted by Big Ring Property LLC, et al, 14 Lawrence Court, Appleton, WI 54911, for property located on Lind Lane specifically described as part of Tax ID #006-0006-10 with staff recommendations

Motion carried by unanimous voice vote

- E. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Randy Oettinger
Mach IV Engineering & Surveying

2260 Salscheider Court
Green Bay, WI 54313

Property Owners: Ryan and Amber Pheifer
9336 Timber Ridge Road
Neenah, WI 54956

Consultant: Randy Oettinger
Mach IV Engineering & Surveying
2260 Salscheider Court
Green Bay, WI 54313

Property Information:

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

Property Information Specific to Tax ID # 006-0015-03:

1. The property is owned by Ryan M. and Amber S. Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956
2. The Lot is 5.42 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property is currently zoned by the County as A-2 (General Agriculture District).
6. A portion of this property **is** located within the Shoreland Area (See attached Map).
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property **is** in the Outagamie County Airport Zoning and Height Limitation Information (Zone 2B).
9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has no Wetland under the Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Residential Planned Use Development.
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 proposed Re-zoning:

1. The re-zoning applies to 1.38-acres of the property on the south end adjacent to Shady Lane.
2. The CSM dividing the parent parcel and the proposed 1.38-acres on the southern part of the property is on the agenda.
3. The remainder of the parent parcel will remain A-2 (General Agricultural District).
4. The existing zoning recommendations are consistent with the Town of Clayton’s existing land use and the proposed land use.
5. The proposed re-zoning and CSM are within the Outagamie County Airport Overlay District Zone 2B.

6. The Outagamie County Airport Overlay District Zone 2B requires a minimum of 2-acres.

Staff Recommendations:

Staff does not recommend approval of the proposed rezoning from A-2 (General Agricultura District) to R-1 (Rural Residential District) subject to the following conditions:

1. The CSM does not meet the requirements of the Outagamie County Airport Overlay District Zone 2B.
2. The Administration and the Plan Commission Chair agree the Town does not have authority to override the Outagamie County Airport Overlay District.
3. Prior to resubmittal to the Plan Commission for approval, documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction must be provided.
 - Administrator Straw noted that the rezoning is the result of a proposed land division. She noted that the request is compliant with the Town's code, however, the land division does not comply with the Outagamie County Airport Overlay District Zone B requirements and therefore she would recommend postponing any action until the applicant is able to provide documentation of their approval.
 - Attorney Lafrombois noted the Commission could legally recommend approval to the Town Board however, his recommendation would be to table the item to avoid any complications which might arise from an approval

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to table the application for Re-zoning from A-2 (General Agricultural) to R-1 (Rural Residential) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 until the CSM can be adjusted to comply with the overlying jurisdictions

Motion carried by unanimous voice vote

- F. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 located in part of the Southeast ¼ of the Southwest 1/4 of Section 1, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Randy Oettinger
Mach IV Engineering & Surveying
2260 Salscheider Court
Green Bay, WI 54313

Property Owners: Ryan and Amber Pheifer
9336 Timber Ridge Road
Neenah, WI 54956

Consultant: Randy Oettinger
Mach IV Engineering & Surveying
2260 Salscheider Court
Green Bay, WI 54313

Property Information:

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

Property Information Specific to Tax ID # 006-0015-03:

1. The property is owned by Ryan M. and Amber S. Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956
2. The Lot is 5.42 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as A-2 (General Agriculture District).
5. The property is currently zoned by the County as A-2 (General Agriculture District).
6. A portion of this property **is** located within the Shoreland Area (See attached Map).
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property **is** in the Outagamie County Airport Zoning and Height Limitation Information (Zone 2B).
9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has no Wetland under the Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Residential Planned Use Development.
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 proposed CSM:

1. The CSM does not change the existing use of the property, and 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 two (2) lots – Lot 1 (4.04-acres) and Lot 2 (1.38-acres).
4. The CSM does not dedicate the road right-of-way adjacent to the property to the Town, however, the road right-of-way is shown on the CSM and is currently recorded as deeded to the Town as shown on the Winnebago County GIS Map.
5. The CSM is consistent with the existing land use and the proposed land use.

6. The CSM is within the Outagamie County Airport Overlay District Zone 2B.
7. The Outagamie County Airport Overlay District Zone 2B requires a minimum of 2-acres.

Staff Recommendations:

Staff does not recommend approval of the proposed CSM subject to the following conditions:

1. The CSM does not meet the requirements of the Outagamie County Airport Overlay District Zone 2B.
 2. The Administration and the Plan Commission Chair agree the Town does not have authority to override the Outagamie County Airport Overlay District.
 3. Prior to resubmittal to the Plan Commission for approval, documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction must be provided.
 4. The Applicant provide a copy of the recorded document to the Town.
- Vice Chair Haskell noted that, as discussed, the land division is not compliant with the Airport Overlay District and therefore should also be tabled. She noted she would like to see written documentation of approval from all overlying districts with jurisdiction as a condition of approval.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to table the Certified Survey Map (CSM) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 until such time as the issues with the overlying districts are resolved.

Vice Chair Haskell presented a friendly amendment to the motion adding the following:

With the requirement of the applicant to provide written documentation of approval from all overlying districts with jurisdiction prior to Plan Commission consideration.

Commissioner Linsmeier accepted the friendly amendment.

Final Motion to table the Certified Survey Map (CSM) submitted by Ryan and Amber Pheifer, 9336 Timber Ridge Road, Neenah, WI 54956 for property located on Timber Ridge Road specifically described as part of Tax ID# 006-0015-03 until such time as the issues with the overlying districts are resolved and with the requirement of the applicant to provide written documentation of approval from all overlying districts with jurisdiction prior to Plan Commission consideration

Motion carried by unanimous voice vote

- G. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) submitted by Jeffrey W. and Wendy A. Eiden, 3430 Dekalb Lane, Neenah, WI 54956 for property located on Dekalb Lane specifically described as Tax ID # 006-1566 and Tax ID # 006-1567 located in part of the Northwest ¼ of the Southeast ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on Dekalb Lane specifically described as Tax ID # 006-1566 and Tax ID # 006-1567 located in part of the Northwest ¼ of the Southeast ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Jeffrey W. and Wendy A. Eiden
3430 DeKalb Lane
Neenah, WI 54956

Property Owners: Jeffrey W. and Wendy A. Eiden
Dino O. and Stacy M. Valeri
3430 DeKalb Lane
3440 DeKalb Lane
Neenah, WI 54956
Neenah, WI 54956

Consultant: Mike Haanes
Haynes Surveying & Mapping
204 E Bridge Court
Fremont, WI 54940

Property Information:

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

Property Information Specific to Tax ID # 006-1566:

1. The property is owned by Jeffrey W. and Wendy A. Eiden, 3430 DeKalb Lane, Neenah, WI 54956.
2. The Lot is 1.23 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as R-2 (Suburban Residential District).
5. The property **is not** located within the Shoreland Area.
6. The City of Neenah has Extraterritorial Jurisdiction.
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.

8. The property is not within the Outagamie County Airport Zoning and Height Limitation Information.
9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has no Wetland under the Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Residential Single and Two-Family.
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.

Property Information Specific to Tax ID # 006-1567:

1. The property is owned by Dino O. and Stacy M. Valeri, 3440 DeKalb Lane, Neenah, WI 54956.
2. The Lot is 2.75 acres.
3. The property is in the Neenah Joint School District (3892).
4. The property is currently zoned by the Town as R-2 (Suburban Residential District).
5. The property **is not** located within the Shoreland Area.
6. The City of Neenah has Extraterritorial Jurisdiction.
7. The property **does not** have a Navigable Stream under Navigable Stream and Surface Water Drainage Information.
8. The property is not within the Outagamie County Airport Zoning and Height Limitation Information.
9. The property is outside the County Floodplain and FEMA Special Hazard Area (SFHA).
10. The property has no Wetland under the Wisconsin Wetland Inventory Information.
11. The property is in the Department of Natural Resources Special Well Casing area.
12. The Future Land Use Planning Information is Residential Single and Two-Family.
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 proposed CSM:

1. The CSM does not change the existing use of the property, and 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 is an adjustment of the lot line between the two properties.
4. The CSM is consistent with the existing land use.

Staff Recommendations:

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

1. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction must be provided.
2. The Applicant provide a copy of the recorded document to the Town.
 - Administrator Straw explained the line adjustment was being made as the result of an overzealous landscaping project. She said the lot line is being moved so the landscaping is part of the correct property

- Attorney Lafrombois inquired about the properties being part of a plat and if the County regularly accepts property adjustments to a plat by CSM. Administrator Straw indicated the County does allow it.

MOTION:

Motion by Commissioner Dorow

Second by Commissioner Wisnefske

Motion to recommend to the Town Board approval of Certified Survey Map (CSM) submitted by Jeffrey W. and Wendy A. Eiden, 3430 Dekalb Lane, Neenah, WI 54956 for property located on Dekalb Lane specifically described as Tax ID # 006-1566 and Tax ID # 006-1567 with staff recommendations

Motion carried by unanimous voice vote

- H. Discussion/Recommendation: Plan Commission review and direction to staff regarding the amending of the Town of Clayton Chapter 9, Section 9.11, Access Control Ordinance.

The Commissioners reviewed a copy of the Town of Clayton Chapter 9, Section 9.11, Access Control Ordinance. Administrator Straw explained that as the development within the Town of Clayton continues to expand and utilities become available, the Access Control Ordinance is becoming more cumbersome regarding the driveway separation requirements on the Town's Class 2 Roads. The minimum driveway separation is 200 feet and yet the Town's Zoning Code lists a minimum road frontage of 33 feet for a sewer rural residential lot.

When traveling on Shady Lane and Fairview Road, there are "clusters" of developed R-1 properties with driveways which do not meet the minimum driveway separation required in the Access Control Ordinance. While these driveways are "grandfathered" and exempt from the code requirements, there are new homes being built creating issues.

Administrator Straw said staff is looking for some direction and input from the Commissioners for amendment to the Access Ordinance to better suit the current and future developments within the Town.

Planning Consultant Ken Jaworski explained there are discrepancies between the Access Code and the dimensional standards for lots as defined in the Zoning Code. He said the Access Code was developed for the more rural community layout and now with the advent of Municipal Water and Sewer, revised density standards need to be addressed in the Access code.

Vice Chair Haskell expressed concern about the reduction requirement for driveway spacing being applied to the more rural residential lots. She requested any revisions be made to eliminate the possibility for developers to avoid building subdivision roads by using smaller road frontage and driveway separation requirements to develop sections of land rather than platting full subdivisions.

Vice Chair Haskell also provided feedback from Chair Knapinski who inquired about applying the higher density standards within TID #1 only at this point. Additionally, he suggested speed limits restrictions be part of the consideration where higher density access

is permitted. Planner Jaworski noted the suggestions. He said the TID restriction is as an option but said he feels the code could be amended in such a way as to address the concerns expressed with creating the need to amend it again in the near future. He said the three main points which should drive the code are safety, drainage, and the character of the development.

DIRECTION TO STAFF

The Commission directed staff to draft an amended ordinance for their review at the next meeting with the concerns expressed taken into consideration.

A. Upcoming Meeting Attendance: NONE

B. Adjournment

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

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

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Clerk