

TOWN OF CLAYTON
 Town Plan Commission
 Meeting Minutes
 5:00 P.M. – on Wednesday, September 14th, 2016
 Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

1. Plan Commission Chairman Knapinski called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner Eckstein	PRESENT
Commissioner Haskell	PRESENT
Commissioner Wisnefske	PRESENT
Commissioner Dorow	PRESENT
Commissioner Linsmeier	PRESENT
Town Board Representative Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

- A. Public Hearing before the Plan Commission on a Re-zoning Application submitted by Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of property located at 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone a portion of the property from A-2 (General Farming District) to R-1 (Rural Residential District).

Plan Commission review and recommendation on a re-zoning application submitted by the petitioner(s), Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of property located at 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, Located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone a portion of the property from A-2 (General Farming District) to R-1 (Rural Residential District).

Site Location: 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265 and located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20

North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Roxanne and Robert Breaker
3664 Larsen Road
Neenah, WI 54956

Property Owners: Roxanne and Robert Breaker
3664 Larsen Road
Neenah, WI 54956

Consultant: L.C. Kriescher and Associates (S1599)
5251 Grandview Road
Larsen, WI 54947

Property Location: 3664 Larsen Road
Neenah, WI 54956

Property Information:

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

Property Information Specific to Tax ID # 006-0031-07-01:

1. The property is owned by Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956.
2. The Lot is 10.420 acres.
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 by the County as A-2 (General Agriculture District).
6. The property is currently zoned by the Town as A-2 (General Agriculture District).
7. The property is out of the County's Floodplain Zoning Area.
8. The property is in the County 300-foot Shoreland zoning buffer.
9. The property is not in the County's Wetland Identifier.

Staff Comments on the Re-zoning:

1. The Public Notice, Site Posting, and Neighbor Notices have been completed as required by the Town's Zoning Code of Ordinances.
2. The property is being re-zoned to allow for the consideration of a Certified Survey Map (CSM) that has been presented to the Town and placed on the Plan Commission's agenda for review and consideration.

3. The property is being re-zoned from A-2 (General Agricultural District) to R-1 (Rural Residential District) to allow the lot created by the proposed CSM to have consistent and uniform zoning.
4. The lot, as proposed, does meet all of the Town's Zoning Code requirements.
5. The existing use of the property is consistent with the Town's approved Comprehensive Plan.
6. The proposed rezoning and future use of the property are consistent with the Town's approved Future Land Use Map.

Staff Comments on the CSM:

1. The property as it exists has an existing non-conformity with two sheds that do not meet the minimum 10-foot separation between detached structures.
2. Specifically, the shed on the northern end of Lot-1 of the proposed CSM has a 5-foot +/- separation between it and the shed immediately to the north.
3. The proposed CSM places a property line between the two sheds.
4. Staff is comfortable that the proposed new lot can be made conforming with the Town's Zoning Code by making the separation between the shed on Lot-1 of the proposed CSM and the property line 3-feet as required by the Town's Zoning Code.
5. The issue is with the shed on the parent parcel, the separation between the two sheds would remain at 5+/- feet not the 10-feet required by the Town's Zoning Code.
6. Additionally, the side yard setback between the existing shed and the rear yard lot line for Lot-1 of the proposed CSM would be at less than the 3-feet required by the Town's Zoning Code.
7. The Administration has reviewed this issue with the Town's Building Inspector and the Town's Planner, all three parties have issues with approving the CSM as presented.
8. The Town's Building Inspector is of the opinion that approving the proposed CSM should be subject to an application for and approval of a variance for the non-conformities on the parent parcel.
9. The Town's Planner and the Town's Attorney are of the opinion that the Plan Commission should be given the option of recommending approval of either condition to the Board.
10. The Administration has some concerns with placing conditions on the parent because it is not included in the CSM.
11. The Administration believes that approving the CSM as presented with the adjustment to the rear lot line to meet the minimum 3-feet as required by the Town's Zoning Code is reasonable and consistent with the Zoning Code.
12. Specifically, the approval of the CSM with the specific condition on the lot line does not change the extant condition or the degree of non-conformity. Should the CSM be conditionally approved the change required to correct the non-conformity falls on the parent parcel. The non-conformities are the minimum set back from the property line and the 10-foot separation between detached structures. The action of correcting the existing non-conformity on the parent parcel, the 10-foot separation between detached structures, corrects the minimum setback from the property line.

Staff Recommendations on the CSM Application:

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

1. The Town's Plan Commission and the Town Board acknowledging the existing non-conformity on the parent parcel and recommending approval of the proposed CSM with

the adjustment to the north property line to reflect the required 3-foot set back from the detached accessory building so that Lot-1 of the proposed CSM is conforming to the Town’s Zoning Code of Ordinances.

2. The Town’s Plan Commission and the Town Board approving the proposed CSM with the condition that the Applicant apply for and be granted a variance from the strict interpretation of the Town’s Zoning Code of Ordinances as they relate to accessory building set back requirements and the 10-foot separation between detached structures.
3. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

Staff Recommendations on the Re-zoning Application:

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

1. Subject to a recommendation of approval of the proposed CSM for the property by the Plan Commission and approval by the Town Board of the proposed CSM.
2. Documentation of the approval of the proposed re-zoning Application by any overlying unit of government having jurisdiction.

Kevin Hillegas, 3602 Jadetree Terrace, Neenah, WI 54956

- Expressed concern for proper drainage of property.
- Expressed concern for added traffic on Larsen Road.
- It was explained to Mr. Hillegas that there would be no added homes, that no plat for a subdivision had been submitted to the Town, and that the original Farm Homestead was being rezoned.

NO ACTION TAKEN

Public Hearing closed at 7:04 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, August 10th, 2016 Regular Plan Commission Meeting.

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Haskell

Motion: Motion to approve the Wednesday, August 10th, 2016 meeting minutes as presented.

Vote: Motion carried.

IV. Open Forum – Town-related Matters not on the Plan Commission’s Agenda:

- A. Ken Jaworski, Town Planner from Martenson & Eisele, Inc.
 - Mr. Jaworski presented the Plan Commission Members with a poster board highlighting the updating of the Town’s Comprehensive Plan for the Town meeting room and individual poster boards for the members of the Plan Commission.

- Chair Knapinski expressed appreciation for Mr. Jaworski's assistance with updating the Comprehensive Plan.
- Administrator Johnston informed the Commissioners that Mr. Jaworski also gave the Town a CD with the Completed Comprehensive Plan on it. The Staff is working on bound copies for all of the Town Officials and putting the final version on the website.

V. Correspondence:

- A. August CY 2016 Building Inspection Report
- B. Memo from Winnebago County regarding the County Farmland Preservation Plan

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a 1-Lot Certified Survey Map (CSM) application submitted by Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of property located at 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Discussed the non-conforming condition regarding the out buildings
- Staff is recommending that the North lot line be moved 3 feet to conform to the zoning code
- Discussed the CSM relative to applying for a variance for the non-conforming condition and the fact the parent parcel is not shown on the CSM
- Mr. Breaker was asked why the lot line on the CSM was running between the out buildings. Mr. Breaker replied that there was no reason, it was how the surveyor placed the lot line
- Discussed the corrections to be made on the face of the CSM

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Wisnefske

Motion made to recommend to the Town Board approval of the 1-Lot Certified Survey Map (CSM) application submitted by Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of property located at 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, located in the Southwest ¼ of the Southwest ¼ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all staff recommendations including the adjustment to the rear lot line to meet the minimum 3-feet as required by the Town's Zoning Code.

Motion carried by unanimous voice vote.

- B. Discussion/Recommendation: Plan Commission review and recommendation on a re-zoning application submitted by the petitioner(s), Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 for a portion of property located at 3658 Larsen Road, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0589, being part of Lot 2 of CSM No. 5265, located in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone a portion of the property from A-2 (General Farming District) to R-1 (Rural Residential District).

- No discussion

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Eckstein

Motion made to recommend to the Town Board approval of the re-zoning application submitted by the petitioner(s), Roxanne and Robert Breaker, 3664 Larsen Road, Neenah, WI 54956 to re-zone a portion of the property listed above from A-2 (General Farming District) to R-1 (Rural Residential District).

Motion carried by unanimous voice vote.

- C. Discussion/Recommendation: Plan Commission review and recommendation on a 4-Lot Certified Survey Map (CSM) application submitted by Nick Schmidt, 3189 Winnegamie Drive, Neenah, WI 54956 for a property owned by David and Daniel Struensee et. al., located at 3023 Winnegamie Drive, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0020, being all of the Northwest $\frac{1}{4}$ and the Fractional Northeast $\frac{1}{4}$ and all of the Out Lot 1, Certified Survey Map4392 being part of the Northeast $\frac{1}{4}$ of the Fractional Northwest $\frac{1}{4}$ all being part of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3023 Winnegamie Drive, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0022, being all of the Northwest $\frac{1}{4}$ and the Fractional Northeast $\frac{1}{4}$ and all of the Out Lot 1, Certified Survey Map4392 being part of the Northeast $\frac{1}{4}$ of the Fractional Northwest $\frac{1}{4}$ all being part of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Nick Schmidt Construction
3189 Winnegamie Drive

Appleton WI 54914

Property Owners: David J. and Daniel L. Struensee et al
1311 Lakeview Lane
Appleton, WI 54952

Consultant: James R. Sehloff S-2692
Davel Engineering & Environmental, Inc.
1811 Racine Road
Menasha, WI 54952

Property Location: 3023 Winnegamie Drive
Appleton WI 54914

Property Information:

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

Property Information Specific to Tax ID # Tax ID # 006-0022:

1. The property is owned by David J. and Daniel L. Struensee et al, 1311 Lakeview Lane, Appleton, WI 54952.
2. The Lot is approximately 47.790 Acres in area.
3. The property is in the Neenah School District (3802).
4. The property may be in the Village of Fox Crossing's extraterritorial zoning jurisdiction.
5. The property is in the Department of Natural Resources Special Well Casing area.
6. The property is currently zoned A-2 (General Agriculture District).
7. The property is in the Outagamie County Airport Height Zoning.
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 property does have a waterway that runs from the east to the west on the southern end of the site.

Staff Comments:

1. The CSM does not change the existing use of the property from A-2 General Agricultural and therefore it is consistent with the Town's approved Future Land Use Plan.
2. The Concept Plan **does** show the Right to Farm Language required by the Town.
3. The Concept Plan reconfigures the existing parcel into 4-parcels ranging from 5.0047 acres to 10.0190 acres and a large parent parcel of 25.1320 acres.
4. The large parcel (Lot-2) has access to Winnegamie Drive by means of 200 feet of frontage on the Winnegamie Drive right-of-way between Lot-1 and Lot-3. The

- Applicant has indicated that he intends to present a County Plat to make best use of the 25.1320 acres of land contained in Lot 2.
5. The existing principal structure and outbuildings on Lot-3 do meet the setback requirements of the Town's Zoning Code of Ordinances.
 6. The Lots created by the concept plan do have Ordinance complying access to a public road from an existing driveway on Lot-3 and the additional driveways proposed to access Winnegamie Drive.
 7. The CSM does fit the Town's Access Ordinance intent to compel driveway access based development into areas where there is existing compatible development. Specifically, access to properties by means of driveways is being clustered off of the intersections of Town Roads; in this case the existing driveways are in the area of Lind Lane, Lois Lane and Oakwood Avenue.
 8. The CSM does correct a property line issue between Tax ID # 006-0022 and Tax ID # 006-0025-02 located on the west property line of the site.

Staff Recommendations:

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

1. That any future subdivision of Lot-2 is by means of a Plat compliant with Town Ordinances and that the Plat document identifies how the owner intends to maintain the storm water management drainage flow in the existing waterway.
 2. Documentation of the approval of any future Certified Survey Map and/or Plat by any overlying unit of government having jurisdiction.
- Reviewed the CSM application
 - Discussed Lot 2 of the CSM as public access
 - Discussed potential Shoreline Zoning
 - Discussed the location of the Right to Farm language on the CSM application

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Wisnefske

Motion made to recommend to the Town Board approval of a 4-Lot Certified Survey Map (CSM) application submitted by Nick Schmidt, 3189 Winnegamie Drive, Neenah, WI 54956 for a property owned by David and Daniel Struensee et. al., located at 3023 Winnegamie Drive, Neenah, WI 54956, in the Town of Clayton, specifically described as Tax ID # 006-0020, being all of the Northwest ¼ and the Fractional Northeast ¼ and all of the Out Lot 1, Certified Survey Map 4392 being part of the Northeast ¼ of the Fractional Northwest ¼ all being part of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all of the Staff recommendations.

Motion carried with unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review, recommendation, and direction to staff on a parking lot site plan for the Kimberly Clark facility located at 8556 Martin Drive and specifically identified as Tax ID # 006-0368-04-01.

The Administration has received the attached material relating to a parking lot site plan for the Kimberly Clark facility located at 8556 Martin Drive and specifically identified as Tax ID # 006-0368-04-01. The Administration has been working with the firm's engineer to determine the Zoning Code requirements for the proposed parking lot. The Administration's question for the Plan Commission and the Town Board involves how to apply the Zoning Code, do the Plan Commission and the Town Board wish to approve a site plan for a parking lot or do they wish to direct staff to implement the Zoning Code requirements at an administrative level. The Administration is comfortable with any process, however, timing becomes an issue when an Applicant wants to do a simple project to correct minor issues with their facility. In any case the Administration believes the Plan Commission and the Town Board must review site plans for new structures and/or significant additions to existing structure.

The Plan Commission directed staff to implement the Zoning Code requirements at an administrative level and if there are questions/issues to bring it back to the Plan Commission and Town Board.

- E. Discussion: Plan Commission review of a planning article on the concept and development of Agrihoods.

Attached please find a copy of an article provided to staff by the Town's Planner, the Administration believes that this concept may be of interest to property owners in the transition area of the Working Lands District of the Town. Additionally, this might be an option for areas that are not suitable for farming but would make for quality residential areas within the Working Lands District.

- Town Planner, Ken Jaworski presented the concept of the Working Lands District.
- Discussed the areas of the Town where a Working Lands District could be implemented.

NO ACTION TAKEN

VII. Upcoming Meeting Attendance:

- A. New County Farmland Preservation Plan Meeting: 09/21/16 – 7:00 p.m. at Town of Utica Town Hall, 1730 County Road FF, Oshkosh, WI
- B. New County Farmland Preservation Plan Meeting: 09/22/16 – 4:30 p.m. at Town of Vinland Town Hall, 6085 County Rd T, Oshkosh, WI
- C. New County Farmland Preservation Plan Meeting: 09/22/16 – 7:00 p.m. at Town of Clayton Town Hall, 8348 County Rd T, Larsen, WI

VIII. Adjournment:

MOTION:

Motion by: Commissioner Linsmeier
Second by: Commissioner Haskell

Motion made to adjourn at 7:47 p.m.

Motion carried with unanimous voice vote.

Respectfully submitted,

Tori Straw, Assistant Administrator/Treasurer/Acting Deputy Clerk