

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, October 9, 2019
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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

A. Notice Verification, Roll

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

a. Plan Commission Members

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

b. Staff

Administrator Johnston	PRESENT
Asst Administrator Straw	PRESENT
Clerk Stevens	PRESENT
Planner Ken Jaworski	EXCUSED

II. Public Hearings:

A. No Public Hearings.

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, September 11, 2019 Plan Commission Meeting.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to approve the Wednesday, September 11, 2019 Plan Commission Meeting

Minutes as corrected.

Motion carried by unanimous voice vote

IV. Open Forum Town-related Matters not on the Plan Commission’s Agenda: NO REQUESTS

V. Correspondence:

A. CY 2019, September Building Inspection Report

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a CSM for Daniel F. and Jacquelin W. Curtis, N638 CTR “X”, Berlin WI 54923, for properties located at 8214 CTR “T” Larsen, WI 54947, specifically identified as Tax ID# 006-0551-01, All of Lot 2 of CSM 6446, Located in the Northeast ¼ of the Southeast ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 8214 CTR “T” Larsen, WI 54947, specifically identified as Tax ID# 006-0551-01, All of Lot 2 of CSM 6446, Located in the Northeast ¼ of the Southeast ¼ of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicants: Daniel F. and Jacquelin W. Curtis
N638 CTR “X”
Berlin WI 54923

Property Owners: Daniel F. and Jacquelin W. Curtis
N638 CTR “X”
Berlin WI 54923

Consultant: Larry Kriescher S-1599
L.C. Kriescher and Associates
5251 Grandview Road
Larsen, WI 54947

Property Information:

1. The surrounding properties are zoned:
 - a) North: A-2 (General Agricultural District).
 - b) South: R-1 (Rural Residential District), A2 (General Agricultural District), and A-1 (Agribusiness District).
 - c) East: R-2 (Suburban Residential District), and A-2 (General Agricultural District).
 - d) West: A-2 (General Agricultural District).

Property Information Specific to Tax ID # 006-0551-01:

1. The property is owned by Daniel F. and Jacquelin W. Curtis, N638 CTR “X”, Berlin WI 54923.
2. The Lot is 14.3 acres.
3. The property is in the Winneconne Community 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 Town as A-2 (General Agricultural District).
6. The property is currently zoned by the County as A-2 (General Agricultural District).
7. All or a portion of the property is in the County Shoreland Area.
8. The property has an Unchecked Navigable Intermittent Stream and Surface Water Drainage Information.

9. The property is outside the County's floodplain area.
10. The property has no Wisconsin Wetland Inventory Information.
11. The Town's Future Land Use Planning Information is showing the property as agricultural/residential uses.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments 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 2-Lots from the parent parcel, the detail of the new Lots are as follows:
 - a. The proposed Lot-1 is zoned A-2 (General Agriculture District) and would be 8.49 acres (369,890 Square Feet) in area. As part of developing the property the existing code compliant field entrance will need to be upgraded to a code compliant residential access point from CTR "T". Lot-1 consists of vacant land.
 - b. The proposed Lot-2 is zoned A-2 (General Agricultural District) and would be 5.54 acres (241,473 Square Feet) in area. Lot-2 would need a new code compliant access point on Pioneer Road. Any new access point to Lot-2 would need approval from the County's Zoning Department because it would cross what is identified as a non-checked intermittent stream.
 - c. Both Lots created by the proposed CSM are zoned A-2 (General Agricultural District) and both new Lots do meet the Zoning Code requirements for the Zoning District.
 - d. Both Lots created by the proposed CSM are compliant with the existing zoning and would be buildable as they are being created.
 - e. The property owner should be advised that the Town is in the process of a jurisdictional right-of-way transfer with the County and that Pioneer Road will become the northern extension of CTR "T" and CTR "T" will become West Grandview Road within the next 2 to 5 years.
4. The reason for the proposed CSM is to divide the property for the purposes of residential development.

Staff Recommendations on the CSM Application:

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

1. As part of developing the property the existing code compliant field entrance will need to be upgraded to a code compliant residential access point from CTR "T".
2. Any new access point to Lot-2 would need approval from the County's Zoning Department because it would cross what is identified as a non-checked intermittent stream.
3. That the property owner be advised that the Town is in the process of a jurisdictional right-of-way transfer with the County and that Pioneer Road will become the northern extension of CTR "T" and CTR "T" will become West Grandview Road within the next 2 to 5 years
4. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
5. The Applicant provide a copy of the recorded document to the Town.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Dorow

Motion to recommend to the Town Board approval of the CSM for Daniel F. and Jacquelin W. Curtis, N638 CTR “X”, Berlin WI 54923, for properties located at 8214 CTR “T” Larsen, WI 54947, specifically identified as Tax ID# 006-0551-01, All of Lot 2 of CSM 6446 as presented and with staff recommendations.

Motion carried by unanimous voice vote.

- B. Discussion/Recommendation: Plan Commission review and recommendation of a preliminary Site Plan submitted for a Master Fleet Trailer Lot to be constructed on property located at 8527 Clayton Avenue, Neenah, WI 54956, specifically identified as Tax ID# 006-0370-02, Tax ID# 006-0370-03, Tax ID# 006-0370-04, and Tax ID# 006-0370-05, located in Section 13, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The applicant rescinded this item from consideration at this time. However, Administrator Johnston recommended the Commission consider the reviewing and revising the idiosyncrasies within the Town’s Zoning Code which this application has made apparent.

DIRECTION TO STAFF

The Commission requested Staff review the potential issues and present options for modification to the code to minimize or eliminate them.

- C. Discussion/Recommendation: Plan Commission review and direction to staff on preparing the documentation for imposing a moratorium on the construction of any new self-storage facilities as defined in Chapter 9 – Town of Clayton Zoning Code of Ordinances, Article 3 – Definitions, Section 14.0 GENERAL STORAGE, 14.02 Personal Storage Facilities in the Town of Clayton Code of Ordinances.

The Town Chair expressed a concern with the proliferation of storage facilities within the Town. Additionally, the Town Chair has been advised that area communities are placing moratoria on the construction of any future storage facilities. Given these circumstances, the Town Chair is concerned that development of storage facilities is being pushed into the Town of Clayton as evidenced by the recent influx. Therefore, he has asked the Plan Commission Chair to determine the Commission’s position relative to this type of development.

- Chair Knapinski stated he is very interested in the reasons the other area communities have imposed moratoria
- Assistant Administrator Straw said it is likely due to the aesthetics and to the fact that the particular type of development provides a relatively low tax base
- Administrator Johnston explained that the moratorium would be temporarily imposed in order to provide the Commission with the opportunity to review the Zoning Code and Comprehensive Plan relating to this type of development in order

to promote planned and orderly development within the Town while providing property owners the opportunity to best utilize their assets.

- Commissioner Nemecek asked how long the moratorium would last. Administrator Johnston estimated 120 to 150 days, which would allow the Commission time to review and consider code modifications.

DIRECTION TO STAFF

The Commission requested that staff develop the moratorium document for their consideration at the next meeting and to begin evaluation of the code and development of potential modifications.

- D. Discussion/Recommendation: Plan Commission review and direction to staff on a presentation by the Town's Planner on recent Court decisions relating to the planning process and planning activities.

The Commission reviewed material provided by the Town's planner Ken Jaworski (Ken). As the Plan Commission had recently updated the Town's Comprehensive Plan regarding Short Term Housing and Cell Towers, Ken thought this information would be useful. The information provided reviewed the topics that have spurred recent litigation and provides best practices for avoiding potential lawsuits.

NO ACTION TAKEN

VII. Upcoming Meeting Attendance:

- October 23, 2019 Joint Public Hearing with the Towns of Vinland, Winneconne, Winchester, and Neenah regarding Border Agreements
- November 6, 2019 Town of Clayton Special Electors Meeting to approve the 2019 Tax Levy
- November 13, 2019 Public Hearing regarding the Vacating of Medina Junction Road
- The Plan Commission Meeting scheduled for November 13, 2019 will need to be rescheduled to November 12 or 14, 2019 or cancelled.

VIII. Adjournment

MOTION:

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion made to Adjourn the meeting at 7:48 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Clerk