

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, November 13, 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	EXCUSED
Commissioner Haskell	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

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

II. Public Hearings:

A. Public Hearing on a Re-zoning Application from A-2 (general Agricultural District) to R-1 (Rural Residential District) submitted by Roydon and Frances Hart, 3006 Oakridge Road, Neenah, WI 54956, for properties located at 3006 Oakridge Road Neenah, WI 54956, specifically identified as Tax ID# 006-0677, Part of Lot 1 of Certified Survey Map No. 4259 filed in Volume 1 of Certified Survey Maps on Page 4259 as Document No. 1060146, located in and being part of the Southwest ¼ of the Southeast ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Mike Robillard, 341 W Florida Ave, Appleton, said he was Roydon Hart’s son-in-law and could answer any questions relating to the proposed land division and related zoning change.
- No Comments or questions were presented

Public Hearing Closed at 7:02 p.m.

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, October 9, 2019 Plan Commission Meeting.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to approve the Wednesday, October 9, 2019 Plan Commission Meeting Minutes as presented.

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, October Building Inspection Report

Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a CSM Application submitted by Roydon and Frances Hart, 3006 Oakridge Road, Neenah, WI 54956, for properties located at 3006 Oakridge Road Neenah, WI 54956, specifically identified as Tax ID# 006-0677, Part of Lot 1 of Certified Survey Map No. 4259 filed in Volume 1 of Certified Survey Maps on Page 4259 as Document No. 1060146, located in and being part of the Southwest ¼ of the Southeast ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3006 Oakridge Road Neenah, WI 54956, specifically identified as Tax ID# 006-0677.

Applicants: Roydon and Frances Hart
3006 Oakridge Road
Neenah, WI 54956

Property Owners: Roydon and Frances Hart
3006 Oakridge Road
Neenah, WI 54956

Consultant: Thomas M. Kromm S-2062
Thomas M. Kromm Surveying LLC.
200 Prospector Court
Kaukauna, WI 54130

Property Information:

1. The surrounding properties are zoned:
 - a) North: A-2 (General Agricultural District) and R-2 (Suburban Residential District).
 - b) South: R-1 (Rural Residential District), R-2 (suburban Residential District), A-2 (General Agricultural District), and A-1 (Agribusiness District).
 - c) East: R-1 (Rural Residential District), R-2 (Suburban Residential 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 # 006-0677:

1. The property is owned by Roydon and Frances Hart, 3006 Oakridge Road, Neenah, WI 54956.
2. The Lot is 37.76 acres.
3. The property is in the Neenah Joint 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 A-2 (General Agricultural District).
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no County Floodplain and FEMA Flood Hazard Area (SFHA) Information.
8. The property has no Wisconsin Wetland Inventory Information.
9. The Town's Future Land Use Planning Information is showing the property as agricultural/residential uses.
10. The Town's Future Land Use Planning Information is showing planned roads on the property.
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 reason for the proposed CSM is to divide the property in order to sell the existing residential structure.
4. The proposed CSM creates 1 new Lot by separating approximately 3.9986 acres from the 36.76-acre parent parcel known as Tax ID # 006-0677, the details of the new Lots are as follows:
 - a) Lot-1 is 3.9986 acres (174,178 Square Feet) in area and a new parcel with access to Oakridge Road. Based on the area (3.9986 acres) the proposed new Lot will need to be re-zoned to R-1 (Rural Residential District). The Lot has sufficient frontage on Oakridge Road to meet the R-1 (Rural Residential Zoning District) Zoning Code requirements. The new Lot has an existing Access Ordinance compliant access to Oakridge Road. The proposed new Lot has a number of outbuildings that can be allowed under the Town's Zoning Code of Ordinances. The existing structures meet the Zoning Code setback requirements for the R-1 (Rural Residential District) zoning district. The Commission will need to accept the Zoning Administrator's designation of the outbuildings as Rural Accessory Structures. The proposed CSM dedicates approximately 0.0444 acres (1,937 Square Feet) of land to the Town as part of the right-of-way of Oakridge Road.

Staff Recommendations on the CSM Application:

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

1. Re-zoning the proposed new Lot from A-2 (General Agricultural District) to R-1 (Rural Residential District) and documentation of the approval of the proposed re-zoning by any overlying unit of government having jurisdiction.
2. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
3. The Applicant provide a copy of the recorded document to the Town.

- The Zoning Administrator classified the accessory structures as rural accessory structures the use of which would not be changing and therefore are allowable as such.
- Everything else was confirmed as in order

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Wisnepske

Motion to recommend to the Town Board approval of the CSM for property located at 3006 Oakridge Road, Tax ID #006-0677, as submitted by Roydon and Frances Hart, with Staff Recommendations

Motion carried by unanimous voice

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning Application from A-2 (general Agricultural District) to R-1 (Rural Residential District) submitted by Roydon and Frances Hart, 3006 Oakridge Road, Neenah, WI 54956, for properties located at 3006 Oakridge Road Neenah, WI 54956, specifically identified as Tax ID# 006-0677, Part of Lot 1 of Certified Survey Map No. 4259 filed in Volume 1 of Certified Survey Maps on Page 4259 as Document No. 1060146, located in and being part of the Southwest ¼ of the Southeast ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3006 Oakridge Road Neenah, WI 54956, specifically identified as Tax ID# 006-0677.

Applicants: Roydon and Frances Hart
3006 Oakridge Road
Neenah, WI 54956

Property Owners: Roydon and Frances Hart
3006 Oakridge Road
Neenah, WI 54956

Consultant: Thomas M. Kromm S-2062
Thomas M. Kromm Surveying LLC.
200 Prospector Court
Kaukauna, WI 54130

Property Information:

1. The surrounding properties are zoned:
 - a) North: A-2 (General Agricultural District) and R-2 (Suburban Residential District).
 - b) South: R-1 (Rural Residential District), R-2 (suburban Residential District), A-2 (General Agricultural District), and A-1 (Agribusiness District).
 - c) East: R-1 (Rural Residential District), R-2 (Suburban Residential 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 # 006-0677:

1. The property is owned by Roydon and Frances Hart, 3006 Oakridge Road, Neenah, WI 54956.
2. The Lot is 37.76 acres.
3. The property is in the Neenah Joint 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 A-2 (General Agricultural District).
6. The property has no Navigable Stream and Surface Water Drainage Information.
7. The property has no County Floodplain and FEMA Flood Hazard Area (SFHA) Information.
8. The property has no Wisconsin Wetland Inventory Information.
9. The Town's Future Land Use Planning Information is showing the property as agricultural/residential uses.
10. The Town's Future Land Use Planning Information is showing planned roads on the property.
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 Re-zoning:

1. The re-zoning applies to the 1 new Lot created by the proposed CSM from the existing properties (Tax ID # 006-0677), the details of the new Lot are as follows:
 - a) Lot 1 is 3.9986 acres (174,178 Square Feet) in area and a new parcel with access to Oakridge Road. Based on the area (3.9986 acres) the proposed new Lot will need to be re-zoned to R-1 (Rural Residential District). The Lot has sufficient frontage on Oakridge Road to meet the R-1 (Rural Residential Zoning District) Zoning Code requirements. The new Lot has an existing Access Ordinance compliant access to Oakridge Road. The proposed new Lot has a number of outbuildings that can be allowed under the Town's Zoning Code of Ordinances. The existing structures meet the Zoning Code setback requirements for the R-1 (Rural Residential District) zoning district. The Commission will need to accept the Zoning Administrator's designation of the outbuildings as Rural Accessory Structures. The proposed CSM dedicates approximately 0.0444 acres (1,937 Square Feet) of land to the Town as part of the right-of-way of Oakridge Road
2. 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. The Commission accepting that the outbuildings be allowed to stay as existing nonconforming structures based on the Zoning Administrator's designation of the outbuildings as Rural Accessory Structures.
2. Documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.

- Chair Knapinski noted the zoning change was necessary because the newly created lot on the CSM in the previous business item is less than the required minimum acreage for the lot to remain A-2.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Wisnefske

Motion to recommend to the Town Board approval of the Rezoning Application for property located at 3006 Oakridge Road, Tax ID 006-0677, from A-2 (General Agricultural) to R-1 (Rural Residential) as submitted by Roydon and Frances Hart, with Staff recommendations

- 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 is considering a change to its zoning ordinance relating to personal storage. The first step being considered is a temporary restriction on new personal storage. The Commission reviewed a draft Resolution to enact a temporary moratorium on building self-storage facilities.

Attorney Lafrombois provided the following information for Plan Commission consideration when deciding to recommend a temporary restriction on development while the Town amends its zoning code to address current circumstances.

1. Whether the restriction and amendment are consistent with the comprehensive plan.
2. Identify the change in circumstances which prompts the review and supports the action being considered such as:
 - a. The potential change in the governance of the Town arising from its incorporation petition;
 - b. The impact of a tax increment finance (TIF) district and the financing impacts of the improvements being made within the district;
 - c. The means and methods of assuring that the TIF district meets its goals by having zoning that maximizes the property values in the district and throughout other commercial districts in the Town;
 - d. The review of the growth of the Town to assure that a variety of uses are allowed to develop over time to support the commercial and residential growth;
 - e. The review of available land to determine the risk to the Town of having one particular use, such as personal storage, using more land than is desirable, taking into account the long-term needs of the community;
 - f. The consideration of the land use to protect and preserve land for the uses that will provide the best land use in light of the significant changes the Town is experiencing;
 - g. The harm that could or would result if there is not restriction and no change to the zoning code.

- Chair Knapinski asked if there are any other communities which have gone through this or other similar changes to which the Commission can look for reference.
- Planner Jaworski noted that Suamico and Sturgeon Bay are two communities which he is aware of which had to deal with similar circumstances.
- Chair Knapinski asked if there was a downside to a moratorium.
- Administrator Johnston noted that the precedent has been set and is evident because of the numerous facilities already constructed. He said there are other property owners who may be intending to build self-storage and may be frustrated with a moratorium, but the moratorium would be short-term and would allow for the code to be modified in order to maximize the value of properties within the Town.
- Planner Jaworski noted that by taking this action, the Plan Commission and the Town Board would be acting proactively, getting ahead of a problem and providing resolution and solutions which best serve the property owners as well as the Town.

MOTION:

Motion by Commissioner Nemecek

Second by Commissioner Wisnefske

Motion to recommend to the Town Board approval of the Resolution to enact a temporary moratorium on storage facilities

Motion carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission review and consideration of a 1-year extension to an approved Conditional Use submitted by WEC Energy Group for a Temporary Construction Site for property owned by Bucklin's Bus Barn, LLC located at 8616 State Road 76, Neenah, WI 54956; specifically described as Tax ID# 006-0359, being located in Section 13, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Commission reviewed copy of an e-mail from Kim Michiels at WEC Energy Group (WEC) as well as a copy of the Approved Conditional Use Permit (CUP). The CUP as recommended by the Plan Commission and approved by the Town Board has a 1-year term from the date of approval. WEC is requesting a 1-year extension on the CUP so that they can complete their project. The Administration is of the opinion that the Plan Commission can extend the CUP without a Public Hearing. This opinion is based on the fact that the time limit was placed on the CUP by the Plan Commission, the fact that WEC has been operating in compliance with the CUP, and the fact that the Town has received no complaint and/or comments on their operation at the site.

- Assistant Administrator Straw also noted that the request for an extension was submitted prior to the expiration of the CUP.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to recommend to the Town Board approval of the 1-year extension of the CUP approved for WEC as requested.

Motion carried by unanimous voice vote

- E. Discussion/Recommendation: Plan Commission review and direction to staff relative to an administrative re-zoning from A-2 (General Agricultural District) to R-2 (Suburban Residential District) for Phase-2 of the Plat of Highland Wood.

The Commission reviewed a copy of a Re-zoning Application and Public Notice List for the proposed re-zoning of Phase 2 of the Plat of Highland Wood. As part of the review of the development project it has come to staff's attention that all but one of the Lots in Phase 2 of the Plat of Highland Wood are zoned A-2 (General Agricultural District). This zoning should have changed to R-2 (Suburban Residential District) as part of the Plat approval process. Since the Plat of Highland Wood was approved in CY 1999 with minor revisions in CY 2000, and a major revision in CY 2018, and the correction is to re-zone the site to R-2 (Suburban Residential District), the Administration is respectfully asking the Plan Commission if it is comfortable with an Administrative Re-zoning at no cost to the property owners. Should the Plan Commission recommend and the Town Board approve, the re-zoning would be scheduled for the Wednesday, December 11th, 2019 Plan Commission meeting with Board consideration at its Wednesday, December 18th, 2019 meeting.

- Administrator Johnston explained that because this phase of development has only one home constructed in the plat at this time, it is a simple process to complete the rezoning
- Administrator Johnston noted that the same issue exists in Phase 1 of the development which is Forest Heights Lane but because that Phase is fully developed, it would be less disruptive to property owners to make those changes as part of the Comprehensive Plan update process which will occur in a couple years. He noted that the A-2 zoning of the properties does not create a significant problem and therefore can be addressed at a later date.
- Commissioner Linsmeier asked how the Commission can be sure not to lose sight of that correction since it is a few years out.
- Administrator Johnston noted that staff would place the information into the calendar system to remind them annually of the need for correction.

DIRECTION TO STAFF

The Commission directed staff to move forward with the administrative rezoning for Phase 2 of the Highland Wood Subdivision

- F. Discussion/Recommendation: Plan Commission review and direction to staff on a request for consideration of a Comprehensive Plan Amendment (removal of a future planned road) made by Timothy Wrase of Wrase Realty for property located on the east side of Center Road north of Shady Lane.

The Commission reviewed a copy of a Letter from Tim Wrase of Wrase Realty relative to a Comprehensive Plan, Officially Mapped Future Road shown on the Town's Comprehensive Plan, Future Land Use Map. Specifically, Mr. Wrase would like to remove the future road between Tax ID# 006-0055-03 and Tax ID # 006-0055-02. Following a review of the future roads planned for the area with the Town's Fire Chief, the

Administration is of the opinion that there are better alternatives for access to the undeveloped areas than those shown on the Town's Future Land Use Map. It appears that the mapped future roads were generated with little thought given to the topographic features of the area and that consideration to those features would result in more efficient development with less costly long-term maintenance costs for the Town. The Administration asked the Plan Commission for direction relative to the request made by Mr. Wrase before it develops a new future road plan for the Plan Commission to consider.

- Administrator Johnston noted that Mr. Wrase has a potential buyer for the property but the buyer is hesitant to commit with the future road as it is currently mapped.
- Administrator Johnston also noted that the road as mapped does not make sense when traffic patterns and connectivity is considered because it does not provide a logical route to any significant destination.

DIRECTION TO STAFF

To move forward with the Comprehensive Plan Amendment to remove the mapped future road as requested.

G. Upcoming Meeting Attendance:

Wednesday, December 4, 2019 at 6:00 p.m. – Public Hearing regarding the abandonment of Medina Junction Road

Before Adjournment:

- Kay Lettau, 3795 County Road II, asked to address the Plan Commission stating that the revisions to the Zoning Code which the Commission will be considering provide the opportunity for the Town to implement environmentally conscientious requirements such as LEED standards. She said she would request that the Commission keep this in mind when developing amendments to the Code.
- Chair Knapinski noted that the Commission had addressed that a few years ago and the Town Board at the time did not want to implement those elements. He suggested that before the Commission puts the work into those types of requirements, there should be some discussion to determine whether the Town Board has an interest in entertaining those types of requirements.

H. Adjournment

MOTION:

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion made to Adjourn the meeting at 7:59 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Clerk