

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, November 14th, 2018
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order:

A. Notice Verification, Roll

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

a. Plan Commission Members

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

b. Staff

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

II. Public Hearings:

A. No Public Hearings.

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, October 10th, 2018 Plan Commission Meeting.

- Commissioner Haskell noted a correction on page 13 noting that the Commission had limited the number of Chickens for the CUP application to six (6).

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Haskell

Motion to approve the Wednesday, October 10th, 2018 Plan Commission Meeting Minutes as amended

Motion carried by unanimous voice vote

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

Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present a question or issue; however, only limited discussion may occur and no action may be taken until specific notice of the subject matter of the proposed action can be given. If you wish to speak during the Open Forum portion of the meeting, please complete "Request to Speak at Meeting" form and give the form to the Town Staff.

V. Correspondence:

A. October CY 2018 Building Inspection Report.

VI. Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Scott Schutte, 7320 Jensen Road, Oshkosh, WI 54904 for property located at 7320 Jensen Road, and identified as Tax ID # 006-0817-06 and specifically described as Part of the southwest ¼ of the southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 7320 Jensen Road, and identified as Tax ID # 006-0817-06.

Applicant(s): Scott Schutte
7320 Jensen Road
Oshkosh, WI 54904

Property Owner(s): Scott Schutte
7320 Jensen Road
Oshkosh, WI 54904

Consultant: James A. Smith (1803)
Martenson & Eisele, Inc.
101 West Main Street
Omro, WI 54963

Property Location: 7320 Jensen Road, identified as Tax ID # 006-0817-06.

Property Information:

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

Property Information Specific to Tax ID # 006-0817-06:

The statements on the status of the property are specific to the proposed project site:
The property is owned by Scott Schutte, 7320 Jensen Road, Oshkosh, WI 54904

1. The property consists of approximately 9.710 acres.
2. The property is in the Winneconne School District (6608).
3. The property is in the Department of Natural Resources Special Well Casing Area.
4. The property is currently Zoned A-2 (Rural Residential District) by the Town.
5. The property is currently Zoned A-2 (Rural Residential District) by the County.

6. The property is out of the County's Floodplain Zoning Area.
7. The property is in the County's Shoreland Jurisdiction Zoning 1000-foot and 300-foot buffer (see attached map).
8. The property is not in the County's Wetland Identifier.
9. The current land use is consistent with the Town's adopted Land Use Plan.
10. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments:

1. The CSM divides one existing 9.710 Lot into two Lots. The first, Lot-2, is the parent parcel that is 7.627 acres and includes the existing home and outbuildings. The second, Lot-1, is 2.085 acres and consist of vacant land.
2. The CSM **does not show** the Right-to-Farm Language required by the Town.
3. Lot-2 of the proposed CSM will consist of a Zoning Code compliant property of approximately 7.627 acres with an Access Code compliant driveway to Jensen Road.
4. The Lot-1 that is being created by the proposed CSM is Zoning Code compliant to an R-1 (Rural Residential District) standard and will need to be re-zoned from A-2 (General Agricultural District) and R-2 (Rural Residential District).
5. Lot-1 of the proposed CSM has sufficient frontage to allow for an Access Code compliant driveway onto Jensen Road.
6. Both properties are in the County's Shoreland Zoning District, however, both Lots have buildable area outside of the County's shoreland restrictions (see attached map).

Staff Recommendations:

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

1. Showing the Right-to-Farm Language required by the Town.
2. Submission of a re-zoning petition to the Plan Commission for recommendation and the Town Board for approval.
3. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
4. The Applicant providing the Town with a Recorded Copy of the CSM.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Haskell

Motion to recommend approval of the CSM Application submitted by Scott Schutte with staff recommendations and with the requirement to have the parcel re-zoned from A-2 to R-1.

Motion carried by unanimous voice vote

- B. **Discussion/Recommendation:** Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Wayne Behnke, W7115 Firelane 2, Menasha, WI 54952 for property located on the southeast corner of STH "76" and Winnegamie Drive, and identified as Tax ID # 006-0005 and Tax ID # 006-0010, specifically described as Part of the northwest ¼ of fractional Section 1, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located on the southeast corner of STH “76” and Winnegamie Drive.

Applicant(s): Wayne Behnke
W7115 Fire Lane 2
Menasha, WI 54952

Property Owner(s): Nancy Sturn and Wayne Behnke
W7115 Fire Lane 2
Menasha, WI 54952

Consultant: Christian A. Hausfeld (2492)
Precision Land Surveying LLC.
1024 West Taylor Street
Appleton, WI 54914

Property Location: The property is located on the southeast corner of STH “76” and Winnegamie Drive.

Property Information:

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

Property Information Specific to Tax ID # 006-0010:

The statements on the status of the property are specific to the proposed project site:

1. The property is owned by Nancy Sturn and Wayne Behnke, W7115 Fire Lane 2, Menasha, WI 54952
2. The property consists of approximately 20.000 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The property is currently Zoned A-2 (General Agricultural District) by the Town.
6. The property is currently Zoned A-2 (General Agricultural District) by the County.
7. The property is in the Outagamie County Airport Zoning District Zone 3, Zone 2-A, Zone 2-B, and Zone 1.
8. The property is in the Outagamie County Airport Height Zoning District.
9. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
10. The property is out of the County’s Floodplain Zoning Area.
11. The property is in the County’s Shoreland Jurisdiction Zoning 300-foot buffer (see attached map).
12. The property is not in the County’s Wetland Identifier.
13. The current land use is consistent with the Town’s adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0005:

The statements on the status of the property are specific to the proposed project site:

1. The property is owned by Nancy Sturn and Wayne Behnke, W7115 Fire Lane 2, Menasha, WI 54952
2. The property consists of approximately 42.960 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The property is currently Zoned A-2 (General Agricultural District) by the Town.
6. The property is currently Zoned A-2 (General Agricultural District) by the County.
7. The property is in the Outagamie County Airport Zoning District Zone 3, Zone 2-A, and Zone 2-B.
8. The property is in the Outagamie County Airport Height Zoning District.
9. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
10. The property is out of the County's Floodplain Zoning Area.
11. The property in the County's Shoreland Jurisdiction Zoning 300-foot buffer (see attached map).
12. The property is not in the County's Wetland Identifier.
13. The current land use is consistent with the Town's adopted Land Use Plan.
14. The proposed land use is consistent with the Future Land Use Plan.

Staff Comments:

1. The CSM consolidates two existing Lots and re-divides them into 2 re-configured Lots.
2. The first, Lot-1, is the parent parcel that is 22.621 acres and includes the existing home and outbuildings.
3. The second, Lot-2, is 40.318 acres and consists of vacant land.
4. The CSM **does show** the Right-to-Farm Language required by the Town.
5. Lot-1 of the proposed CSM consists of a Zoning Code compliant property of approximately 22.621 acres with an Access Code compliant driveway to Winnegamie Road.
6. The Lot-2 that is being created by the proposed CSM is Zoning Code compliant to an A-2 (General Agricultural District) standard.
7. Lot-2 of the proposed CSM has sufficient frontage to allow for an Access Code compliant driveway onto Winnegamie Road.
8. Both Lot-1 and Lot-2 of the proposed CSM are bisected from north to south by a navigable stream that is used as a property line.
9. Both Lots created by the proposed CSM are dedicating approximately 36,065 Square feet of the right-of-way of Winnegamie Road to the Public.
10. Both properties are in the County's Shoreland Zoning District, however, both Lots have buildable area outside of the County's shoreland restrictions (see attached map).

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.
2. The Applicant providing the Town with a Recorded Copy of the CSM.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Wisnefske

Motion to recommend approval of the CSM Application submitted by Wayne Behnke with Staff Recommendations and with consideration of who will be responsible for the maintenance of the navigable waterway which divides the two Lots.

Motion carried by unanimous voice vote

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Kyle A. Miller, 3102 Fairview Road, Neenah, WI 54956, Richard L. Gabert and Thomas N. Rusch, P.O. Box 3808, Oshkosh, WI 54903 for property located at 3102 Fairview Road, and specifically identified as Tax ID # 006-0323-01, Tax ID # 006-0323-02, Tax ID # 006-0323, and Tax ID # 006-0324, All of Lot-1 of Certified Survey Map 587, Part of the southwest ¼ of the southeast ¼ and part of the southeast ¼ of the southeast ¼, all in of Section 11, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3102 Fairview Road, and specifically identified as Tax ID # 006-0323-01, Tax ID # 006-0323-02, Tax ID # 006-0323, and Tax ID # 006-0324.

Applicant(s): Janes E. Smith (1803)
Martenson & Eisele Inc.
101 Main Street
Omro, WI 54963

Property Owner(s): Kyle A. Miller Thomas N. Rusch and Richard L. Gabert
3102 Fairview Road P.O. Box 3808
Neenah, WI 54956 Oshkosh, WI 54903-3808

Consultant: Janes E. Smith (1803)
Martenson & Eisele Inc.
101 Main Street
Omro, WI 54963

Property Location: The property is located at 3102 Fairview Road.

Property Information:

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

Property Information Specific to Tax ID # 006-0323-01:

The statements on the status of the property are specific to the proposed project site:

1. The property is owned by Kyle A. Miller, 3102 Fairview Road, Neenah, WI 54956.
2. The property consists of approximately 1.000 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The property is currently Zoned R-1 (Rural Residential District) by the Town.
6. The property is in the Outagamie County Airport Zoning District Zone 3.
7. The property is in the Outagamie County Airport Height Zoning District.
8. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
9. The property is out of the County's Floodplain Zoning Area.
10. The property is not in the County's Wetland Identifier.
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.

Property Information Specific to Tax ID # 006-0323-02:

The statements on the status of the property are specific to the proposed project site:

11. The property is owned by Thomas N. Rusch and Richard L. Gabert, P.O. Box 3808, Oshkosh, WI 54903-3808.
12. The property consists of approximately 10.980 acres.
13. The property is in the Neenah School District (3892).
14. The property is in the Department of Natural Resources Special Well Casing Area.
15. The property is currently Zoned A-2 (General Agricultural District) by the Town.
16. The property is in the Outagamie County Airport Zoning District Zone 3.
17. The property is in the Outagamie County Airport Height Zoning District.
18. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
19. The property is out of the County's Floodplain Zoning Area.
20. The property is not in the County's Wetland Identifier.
21. The current land use is consistent with the Town's adopted Land Use Plan.
22. The proposed land use is consistent with the Future Land Use Plan.

Property Information Specific to Tax ID # 006-0323:

The statements on the status of the property are specific to the proposed project site:

1. The property is owned by Thomas N. Rusch and Richard L. Gabert, P.O. Box 3808, Oshkosh, WI 54903-3808.
2. The property consists of approximately 21.530 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The property is currently Zoned A-2 (General Agricultural District) by the Town.
6. The property is in the Outagamie County Airport Zoning District Zone 3.
7. The property is in the Outagamie County Airport Height Zoning District.
8. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
9. The property is out of the County's Floodplain Zoning Area.
10. The property is not in the County's Wetland Identifier.
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.

Property Information Specific to Tax ID # 006-0324:

The statements on the status of the property are specific to the proposed project site:

1. The property is owned by Thomas N. Rusch and Richard L. Gabert, P.O. Box 3808, Oshkosh, WI 54903-3808.
2. The property consists of approximately 9.620 acres.
3. The property is in the Neenah School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The property is currently Zoned A-2 (General Agricultural District) by the Town.
6. The property is in the Outagamie County Airport Zoning District Zone 3.
7. The property is in the Outagamie County Airport Height Zoning District.
8. The property is in the Village of Fox Crossing Extra Territorial Zoning District.
9. The property is out of the County's Floodplain Zoning Area.
10. The property is not in the County's Wetland Identifier.
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:

1. The proposed CSM corrects a property line issue with the Miller property (Tax ID # 006-0323-01) at 3102 Fairview Road. As a result of the process and the dedication of the right-of-way for Fairview Road the Miller property will be a non-conforming lot of record. Specifically, the Town's Zoning Code requires 43,000 square feet of area for an R-1 (Rural Residential District) Lot. The Miller property will have 41,011 square feet of area and will have dedicated 5,881.47 feet of right-of-way for Fairview Road. The Administration would consider the Miller property a Non-conforming R-1 (Rural Residential District) Lot of record with no limitations to its use as it relates to the area of the R-1 Lot. However, any future sub-divisions of the Lot would have to meet the requirements of the Town's Zoning Code of Ordinance in place at the time of sub-division.

Relative to the other properties divided by the proposed CSM:

1. The original three Lots owned by Thomas N. Rusch and Richard L. Gabert, the three properties are consolidated and then divided into 2-Lots.
2. The first, Lot-1 is 21.520 acres (937,400 square feet) with 686.98 feet of frontage on Fairview Road.
3. The second, Lot-2 is 21.520 acres (937,396 square feet) with 768.21 feet of frontage on Fairview Road.
4. The CSM **does not show** the Right-to-Farm Language required by the Town.
5. Both of the proposed Lots created by the CSM are Zoning Code compliant.
6. The Lots created by the proposed CSM result in a dedication of approximately 1.471 acres (64,088 square feet) of right-of-way for Fairview Road dedication.

Staff Recommendations:

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

1. The Plan Commission recommending and the Board approval of the Lot of record for the Kyle A. Miller, 3102 Fairview Road, Neenah, WI 54956, specifically identified as Tax ID# 006-0323-01.
2. Addition of the Right-to-Farm Language as required by the Town
3. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.
4. The Applicant providing the Town with a copy of the Recorded the CSM.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Schmidt

Motion to recommend approval of the CSM Application submitted by Kyle A. Miller, and Richard L. Gabert and Thomas N. Rusch with Staff Recommendations

Motion carried by unanimous voice vote

- D. Discussion/Recommendation: Plan Commission recommendation to the Board on a staff request to consider amending the square footage limitation in the Town’s Sign Ordinance for properties fronting on STH 10.

The Administration has received a number of questions relative to the allowable size of signs on the frontage of USH “10”. The Commission reviewed a copy of the Sign Ordinance Section of the Town’s Zoning Code of Ordinances. They also reviewed a drawing of a sign for the recreational vehicle dealer on the USH “41” frontage in the Town of Vinland. The Town of Vinland has approved a variance from the strict interpretation of the Zoning Code for this sign. The business owner has now asked for an additional variance for an even larger sign. The Administration does not see any grounds for granting a variance. Before this process becomes an issue in the Town of Clayton staff would respectfully ask the Commission if it would consider changes to the Town’s Sign Ordinance as it related to the USH “10” frontage.

- The Commission discussed the current sign ordinance and the issues which could potentially create sign “pollution” along the STH 10 corridor.
- The Commission determined a proactive approach is prudent to the controlled development of the Town
- Administration noted that using properties for Airbnb is another issue Staff has received several inquiries regarding recently and suggested that as long as the Commission may be amending the Ordinance, that is a subject they may want to review as well.

DIRECTION TO STAFF:

To prepare documentation for proposed changes for the Commission to consider over the winter months.

VII. Upcoming Meeting Attendance—None

VIII. Adjournment

MOTION:

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion made to Adjourn the meeting at 7:42 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Deputy Clerk