

TOWN OF CLAYTON
 Town Plan Commission
 Meeting Minutes
 7:00 P.M. – on Wednesday, December 12th, 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	PRESENT
Commissioner Linsmeier	PRESENT
Commissioner Dorow	PRESENT
Commissioner Haskell	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

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

II. Public Hearings:

A. Public Hearing before the Plan Commission on a Re-zoning application submitted by Daniel Schutte, 2691 Marathon Ave, Neenah, WI 54956 for property located 7320 Jensen Road, Oshkosh, WI 54904 and specifically described as a part of Tax ID# 006-0817-06, being a part Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential).

- Vicki Schmidt, 7382 Jensen Road, Oshkosh, adjacent to property being rezoned
 - No major objections, just some questions
 - Where will house be sited
 - What type of septic—mound or traditional
 - Family member buying property—will there be some sort of family business there
 - Requests that property owner understands the mature trees on the north side of the property belong the them and he/she may not remove them
- Administrator Johnston stated the following:
 - No building permit application has been submitted but the placement of the home is dictated by the parcel boundaries and the shoreland zoning limitations
 - Any residence would have to be compliant with the Town of Clayton Zoning Code, including set-back requirements

- Septic is controlled by Winnebago County Zoning Department
- Chair Knapinski stated the other inquiries are outside of the Plan Commission’s jurisdiction and suggested Mr. and Mrs. Schmidt talk with the property owner
- Vicki Schmidt asked if they are allowed to have animals other than domestic animals
- Administrator Johnston explained the property is requesting R-1 zoning which only allows for domestic animals and/or chickens by Conditional Use Permitting
- Tim Lemke, 7325 Jensen Road, Oshkosh, across the road from the property
- Inquired about the difference between A-2 and R-1
- Administrator Johnston explained the basic difference.
 - A-2 is a General Agricultural District with a minimum lot size of 5 acres. R-1 is Rural Residential which allows for single family homes in rural areas (outside of subdivisions).
 - Because the property is less than 5 acres, it must be re-zoned from A-2 to R-1.

The Public Hearing was closed at 7:08 p.m.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, November 14th, 2018 Plan Commission Meeting.

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Haskell

Motion to approve the Wednesday, November 14th, 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. November CY 2018 Building Inspection Report
- B. Winnebago County Zoning Department Notice of no December public hearings relating to the Town of Clayton

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted By Daniel Schutte, 2691 Marathon Ave, Neenah, WI 54956 for property located 7320 Jensen Road, Oshkosh, WI 54904 and specifically

described as part of Tax ID# 006-0817-06, being a part Section 32, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential).

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

Applicant(s): Daniel Schutte
2691 Marathon Ave
Neenah, WI 54956

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

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: R-2 (Suburban Residential District), and A-2 (General Agricultural District)
 - b) South: A-2 (General Agriculture) and 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 2.085 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 (General Agricultural District) by the Town.
- 5. The property is currently Zoned A-2 (General Agricultural 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 re-zoning applies to Lot-1 of the CSM recently approved by the Town Board. Lot-1 is 2.085 acres +/- and consists of vacant land.
- 2. Lot-1 of the recently approved CSM is Zoning Code compliant to an R-1 (Rural Residential District) standard and was to be re-zoned from A-2 (General Agricultural District) to R-1 (Rural Residential District) as a condition of approval of the CSM.

3. Lot-1 of the proposed CSM has sufficient frontage to allow for an Access Code compliant driveway onto Jensen Road.
4. Lot-1 of the recently approved CSM is in the County’s Shoreland Zoning District, however, the Lot has buildable area outside of the County’s shoreland restrictions.

Staff Recommendations:

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

1. Documentation of the approval of the proposed re-zoning by any overlying unit of government having jurisdiction.
 - Chair Knapinski noted if a home is constructed, it would have to comply with the Town’s Zoning Code of Ordinances.
 - Chair Knapinski suggested staff, if given the opportunity, request the property owner to contact his neighbors

MOTION:

Motion by Commissioner Linsmeier

Second by Commissioner Nemecek

Motion to recommend approval of the Re-zoning Application as submitted by Daniel Shutte, with all 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 Donald E. Breaker and Phyllis A. Breaker, 2665 Larsen Road, Neenah, WI 54956 for property located at 2665 Larsen Road, Neenah, WI 54956, and identified as Tax ID # 006-0639-01 and specifically described as All of Lot-1 of Certified Survey Map 4904 being part of the Northwest ¼ of the Northeast ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: 2665 Larsen Road, Neenah, WI 54956, and identified as Tax ID # 006-0639-01.

Applicant(s): David Hebert (S-2312)
Hebert Associates, Inc.
1110 West Wisconsin Avenue
Appleton, WI 54914

Property Owner(s): Donald E. Breaker and Phyllis A. Breaker
2665 Larsen Road
Neenah, WI 54956

Consultant: David Hebert (S-2312)
Hebert Associates, Inc.

1110 West Wisconsin Avenue
Appleton, WI 54914

Property Information:

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

Property Information Specific to Tax ID # 006-0639-01:

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

1. The property is owned by Donald E. Breaker and Phyllis A. Breaker, 2665 Larsen Road, Neenah, WI 54956.
2. The property consists of 1.650 +/- 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 Village of Fox Crossing/City of Neenah Extra Territorial Zoning District.
7. The property is out of the County's Floodplain Zoning Area.
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 proposed CSM is intended to resolve several issues with CSM 4904 recommended by the Plan Commission to the Town Board on September 19th, 2001 and approved by the Town Board September 24th, 2001 (see attached copies of the Plan Commission and Town Board minutes). Specifically, the Plan Commission's recommendation and the Board's approval of CSM 4904 required the removal of the second driveway to the property as well as the removal of the metal buildings on the property when it was to be sold by the Breaker's (see detail sheet of CSM 4904). Based on a review of the new CSM submitted by the Breaker family the second driveway has been removed. Staff has questions relative to the language requiring the removal of the existing metal buildings when the property was to be sold by the Breaker's. Specifically, the Plan Commission required the removal of the existing barn, the Town Board appears to have added the removal of the barn and the shed. Using the Town's existing Code of Ordinances for the R-2 (Suburban Residential District) the shed as shown on the new CSM conforms with the Town Zoning Code. The R-2 (Suburban Residential District) (see attached copy) allows accessory buildings of 1,200 square feet plus 1% of the lot area in excess of the minimum lot area, see calculation:

Minimum Lot area:	20,000	square feet
Lot area:	72,558	square feet
Excess Lot area:	52,558	square feet
1% of excess Lot area:	525.58	square feet

Allowable accessory building: District)	1,200	square feet (R-2 Zoning
1% of excess Lot Area:	525.58	square feet
Allowable accessory building:	1,725.58	square feet
Existing accessory buildings:	1,543.00	square feet

Given the age and area of the accessory buildings, under the existing Zoning Code they would be considered existing non-conforming structures. The reason for the non-conformity would be the construction materials of the accessory buildings. Under the Town's adopted Zoning Code of Ordinances, the structures would have to resemble the residential building

Relative to the other functions of the proposed CSM:

1. Lot-1 of the proposed CSM 1.666 acres +/- (72,588 square feet) with 278.00 feet of frontage on Larsen Road.
2. The CSM **does not show** the Right-to-Farm Language required by the Town.
3. The Lot created by the proposed CSM are Zoning Code compliant.
4. The Lots created by the proposed CSM has an existing access code compliant driveway onto Larsen Road.

Staff Recommendations:

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

1. The Plan Commission recommending and the Board approve the removal of the restrictive language requiring the removal and replacement of the 54' X 45' metal building on the property to comply with Town of Clayton and County of Winnebago Ordinances.
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.
 - Commissioner Linsmeier asked if there was any other insight into why this was required because it seems like a lot of effort and very little documentation to support it, especially considering that at the time, the building would have been compliant.
 - Chair Knapinski noted that Commissioner Haskell was serving on what at the time was the Planning Committee and asked her if she remembers this business and why the notation was added to the CSM.
 - Commissioner Haskell said that she did remember the business and said, in her opinion, there was a lot of posturing going on at the time and the CSM notation was likely the result of that behavior.
 - Commissioner Linsmeier asked if there is any negative impact to the neighbors if the Commission makes the recommendation to approve the new CSM with the language removed and the building allowed to remain.
 - Administrator Johnston stated there was not because the building existed when all of the development occurred around it, and therefore, nothing would be changing for the neighbors.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Linsmeier

Motion to recommend approval to the Town Board of the CSM as submitted which removes the language requiring the removal of the accessory structure and allows the building to remain, and with all staff recommendations.

Motion carried by unanimous voice vote.

VII. Upcoming Meeting Attendance—None

VIII. Adjournment

MOTION:

Motion by: Commissioner Haskell

Second by: Commissioner Linsmeier

Motion made to Adjourn the meeting at 7:21 p.m.

Motion carried by unanimous voice vote

Respectfully submitted,
Holly Stevens, Deputy Clerk