

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – 8:36 P.M. on Wednesday, June 11th, 2014
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	ABSENT
Commissioner Haskell	PRESENT
Commissioner Jesse	ABSENT
Commissioner Dorow	PRESENT
Commissioner Linsmeier	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Ken Jaworski	PRESENT

II. Public Hearings:

A. No Public Hearings

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, May 14th, 2014 Regular Plan Commission Meeting.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Schmidt

Motion: Move that we approve the minutes of the Plan Commission Meeting for Wednesday, May 14th, 2014. Correction on page 12 to state “to include the staff’s recommendation.”

Vote: 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 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 located on the Agenda Table and give the form to the Town Clerk or Treasurer.

V. Correspondence:

- A. Building Inspector’s monthly building permit report.
- B. Winnebago County Plan Commissioner Network Information.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and consideration of the appointment/election of a Vice-chair for the Commission. This item was placed on the agenda at the request of the Commission Chair. Chair Knapinski has expressed a desire to appoint/elect a Vice-Chair to run the meetings in his absence. On rare occasions the Chair may not be able to attend a Commission’s meeting and in that event it would be preferable to have an appointed/elected Vice-Chair in place to run the meeting. In order to account for a possible absence from a Commission meeting the Chair will entertain nominations or volunteers to serve as the Commission’s Vice-Chair. Once that individual is selected, staff will ask the Board to ratify the Commission’s action.

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Dorow

Motion: To nominate Becky Haskell as the Vice-chair for the Commission

Vote: Motion carried by unanimous show of hands vote 3 to 2.

Nomination by Supervisor Schmidt to appoint Becky Haskell as the Vice-chair for the Commission.

- B. Discussion/Recommendation: Plan Commission review and recommendation on the Final Plat of Whispering Meadows submitted by RRM Properties, 3929 CTR II, Larsen, WI 54947 for property specifically described as Tax ID # 006-0566-01, and 006-0566-02, and 006-0566-03 being part of Outlot 1 of Certified Survey Map No. 3996 and all of Lots Two (2) and Three (3) of Certified Survey Map No. 6693, Being Part of the northeast ¼ of the northwest ¼, of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The site is located at 3929 CTR II, Larsen, WI 54947 and specifically described as Tax ID # 006-0566-01, and 006-0566-02, and 006-0566-03 being part of Outlot 1 of Certified Survey Map No. 3996 and all of Lots Two (2) and Three (3) of Certified Survey Map No. 6693, Being Part of the northeast ¼ of the northwest ¼, of Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Schuler & Associate, Inc
 2711 N Mason Street, Suite F
 Appleton, WI 54914

Property Owner: RRM Properties
 3929 CTR II
 Larsen, WI 54947

Property Information:

- 1) The surrounding properties are zoned:
 - a) North: A-1 (AGRI BUSINESS DISTRICT) and R-1 (RURAL RESIDENTIAL DISTRICT)

- b) South:
A-2 (GENERAL FARMING DISTRICT) and R-2 (SUBURBAN RESIDENTIAL DISTRICT)
- c) East:
MH-1 (MANUFACTURED HOUSING DISTRICT) and A-2 (GENERAL FARMING DISTRICT)
- d) West:
A-2 (GENERAL FARMING DISTRICT) and R-1 (RURAL RESIDENTIAL DISTRICT)

Property Information Specific to Tax ID # 006-0566-01:

1. The property is owned by Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 1.790 acres in size.
3. The property is in the Neenah School District (3802).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned R-2 (Suburban Residential District)*.
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

Property Information Specific to Tax ID # 006-0566-02:

1. The property is owned by Rosanne Keller, 5839 East Island Drive, Butte Des Morts, WI 54927 and Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 10.130 acres in size.
3. The property is in the Neenah School District (3802).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned R-2 (Suburban Residential District)*.
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

Property Information Specific to Tax ID # 006-0566-03:

1. The property is owned by Laura C. and Mark E. Luebke, 3929 CTR “II, Larsen, WI 54947.
2. The Lot is 7.330 acres in size.
3. The property is in the Neenah School District (3802).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is currently zoned R-2 (Suburban Residential District)*.
6. The property is out of the County’s Floodplain Zoning Area.
7. The property is not in the County’s Wetland Identifier.

*** Please not that the Town Board has approved the re-zoning of the properties from A-2 (General Farming District) to R-2 (Suburban Residential District) and that the re-zonings have been submitted to the County for their pro-forma approval.**

Final Plat Plan Details

General Information:

The Final Plat, as submitted, required that the properties be rezoned from A-2 (GENERAL AGRICULTURE DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT), an amendment to the Town’s Comprehensive Plan, and an amendment to the Town’s approved Future Land Use Plan. All of these changes have been applied for by the Developer, recommended by the Town’s Plan Commission and approved by the Town

Board. Additionally, please be reminded that the same development could be done in the R-1 (RURAL RESIDENTIAL DISTRICT) with a series of Certified Survey Maps and Right Of Way dedications and no changes to the Town's Comprehensive Plan or Future Land Use Map. The Applicant is showing a Final Plat of approximately 17.00 +/- acres of property including the two existing single family homes on the site. The Final Plat shows 10 Lots (ranging from Lot 7 at 52,528 square feet to Lot 10 at 75,178 square feet) and 1 Out Lot which contains the stormwater management pond for the development. Any additional stormwater from the southern 2 Lots in the Plat is drained to the property to the south of the Plat. The stormwater management plan for the Plat is currently being reviewed by the County, staff expects to have the approval documentation within 60 days. The Final Plat also shows approximately 1,350 +/- linear feet of road Right Of Way and an equal number of linear feet of developed Town Road. The length of the developed road exceeds the rule for a single access development. However, the concept plan for the development shows multiple connection points in future phases. Additionally, the length of developed road could be made to comply with the rule by not developing the road past the access point of Lots 4 and 5. The end result of this process would require provisions be made for the future costs of constructing the road; since the additional road frontage does not create a safety issue staff sees no problem with developing the road as shown on the Final Plat.

Sanitary Sewer and Water Utilities:

The Lots being created by the development of the property will be served by private on-site sanitary sewer and water systems. The Developer continues to indicate that some consideration is being given to shared wells between adjoining properties. Both of these options fit within the Town's Ordinances and Policies; the shared wells would also reduce the intrusions in the area aquifer.

Wetlands:

The site has a small wetland area on the northwest corner; specifically, the site is located in the area of Out Lot 1. The wetland area has been delineated and received a letter of concurrence from the State Department of Natural Resources. The delineated area did have some impact on the shape of a stormwater management pond, however, the wetland area did not impact the quality or the operation of a stormwater management pond designed to serve the development site.

Stormwater Management for the Site:

The stormwater management plan for the Final Plat consists of a pond located on the northwest corner of the property (Out Lot 1) that would service the existing natural drainage basin. The low areas on the property are on the west side and provide natural conduits to the stormwater management devices. An easement and a swale have been added to the west side of the property to direct the water from the Lots to the stormwater management pond. Stormwater from the east side of the proposed road as well as the stormwater from the roadside ditches will be conveyed to the pond through a 20-foot drainage easement between Lots 9 and 10. By design, this stormwater will be conveyed in a pipe and any overflow will get to the pond by means of a shallow swale in the same easement. The stormwater management pond for the site is a wet pond with an outfall into the County's stormwater management ditch on CTH "II". There is also a natural drainage course that runs to the west from Lot 4 and 5 and then onto the property to the south. The stormwater management plan takes this water onto the adjoining property in a swale that

runs across the south side of Lots 4 and 5 then south to a low area. All of the easement and the related swale are on property owned by the Developer. This drainage course will remain in place and continue to convey stormwater to the west across a natural drainage way. Generally speaking, the stormwater management plan for the Final Plat is a conventional rural design that consists of open ditches and wet stormwater management ponds. The only additional feature is the inclusion of drain tile under the flow line of the ditches. This feature is intended to dry the ditches and control the hydric growth in the road side ditches. The final details of the stormwater management plan are being reviewed by the County's Engineer; however, the concept shown on the Final Plat is reasonable and makes good use of the existing drainage features of the property.

Access to the Site:

Access to the site comes from the public frontage along CTR II. The County's Access Permit for the Final Plat consolidates the access to the existing homes on the site: the existing farm house, the existing manufactured housing park, and the lots created by the Plat into a single access point in an area that meets the County's preference. In addition to consolidating the multiple access points, the Plat places the new access points in a better location with better lines of sight from both CTR II and the developed properties. In order to make the access points work, the Developer has gained control of the requisite right-of-way and received approval from the County for any work needed to access CTR II. The County is requiring that the Developer install a passing lane for west bound traffic on CTH "II" and acceleration and deceleration lanes for traffic entering and exiting the access point. Town staff has worked with the County to make it possible to install the needed improvements to CTH "II" within the County's existing right-of-way. Based on the limitations of the existing right-of-way a fully improved intersection is not possible.

Pedestrian Trails:

The Town's Ordinances require that the Plan Commission and the Board consider the propriety of pedestrian trails in the development process. The Town's Park and Open Space Map does not show any planned or future trails in the area of the Final Plat. However, the Plan Commission is able to recommend the installation of trails in the Town's rights-of way as it sees fit.

Public Infrastructure Improvements:

Other than the improvements to the access point at CTH "II" the Final Plat shows approximately 1,500 feet of public right-of-way with two curves in approximately 1,350 feet of new Town Road that terminates in a temporary cul-de-sac at the south end of the Plat.. The curve radii meet the Town's Minimum Roads Standards requirements and, at the Developer's request, the temporary cul-de-sac has been offset onto Lot 5 of the Plat. The new Town Road is named Whispering Meadows Drive. The proposed Town Road would have to be constructed to the Town's Minimum Road Standards by the Town with funding for the project from the Developer. In order to protect the Town, the project would need to be publicly bid and a Public Improvements Agreement would need to be drafted and signed using the bid costs plus contingencies as the funding requirements. The single outstanding issue with the proposed Town Road is its length as both the Town and the County have prohibitions on cul-de-sacs that exceed 1,000 feet. The best way of protecting the Town from any future issues with the proposed Town Road would be to construct it approximately 1,350 feet to the south property line of the Plat. However, this would violate the Town's Ordinances and Policies. The road as proposed could be

measured at 957.79 and not negatively impact the proposed development. However, if the Town Road were to be constructed to the 957.79 foot measurement, a Memorandum of Understanding would need to be drafted and recorded that clearly identifies the liability for the costs of construction of the future road and the conditions of granting access to Lots 4 and 5 of the Final Plat.

Final Plat Out Lots:

The Final Plat, as proposed, has one Out Lot that contains the stormwater management pond for the development. The Administration is recommending that it be dedicated to the Town as part of the Final Plat approval process.

Public Utilities:

Public Utilities (gas, electric, telephone and cable) have been extended to the two existing housing units on the site (Lots 3 and 6). The utilities were extended in an easement granted to the Public Utility Companies that is outside of the Public right-of-way granted to the Town. This process should eliminate the conflicts that occur when utility companies place the infrastructure in the bottom of the Town's ditches.

Area Development Plan:

Future connectivity to the south of the Final Plat site was shown in the Concept Plan provided by the Developer and approved by the Town Board (see attached). Conceptually, connectivity is provided by a short road on the south side that provides access to the property to the west. Additionally, the Concept Plan shows connectivity to the properties to the east and the south by means of future roads that can loop back to CTR II in compliance with the County's existing Access Ordinance. The Plan also shows a connection to the private road in the Manufactured Housing Park that could be used for emergency ingress and egress from the area. Please be advised that this Connectivity Plan may vary based on future development in the area.

Site Landscaping:

The only landscaping shown on the Final Plat consists of a berm and planned vegetative screening from CTR II frontage in the area of Lot 10. The Developer has started the screening process by constructing the berm and has indicated that the vegetative screening should be completed early in CY 2015.

Planning Documentation:

The Developer has applied for and been granted the required amendment to the Town's Comprehensive Plan and the re-zoning of the property from A-2 (GENERAL AGRICULTURE DISTRICT) to R-2 (SUBURBAN RESIDENTIAL DISTRICT) has been recommended by the Town's Plan Commission and approved by the Town Board.

Staff Comments:

The Final Plat, as presented, is complete and well thought out. It makes good use of the existing topographical features of the site and is consistent with the existing development in the area. Additionally, the Final Plat takes into account and satisfies the access restrictions placed on the area by the County, options for the long range development of the adjoining properties, and the long range future of the existing Manufactured Housing Park. The Administration has some reservations relative to installing pedestrian trails on the site. Specifically, given that the only access to the site is from a relatively heavily

travelled CTH “II”, the only viable trails would be in the public right-of-way and since these would be the equivalent of sidewalks the Town always has the option of building them in the future.

Staff Recommendation:

Staff recommends approval of the Final Plat of Whispering Meadows subject to the following conditions:

1. Show the Town’s “right to farm” language on the face of the Plat.
2. Show the location of the area of each lot suitable for the required sanitary sewer facilities on the face of the Plat.
3. Show completion and approval of the public infrastructure engineering for the project, including road and stormwater management design and approval.
4. Confirm the size of, and/or adjust the size of, Out Lot 1 so that it is sized correctly to allow for the needed stormwater management pond on the site.
5. Complete and document to the Town’s satisfaction, the negotiations with the County on the access improvements to CTH “II” and the proposed new Town Road.
6. If the road is not constructed to its southern terminus the Developer must complete in a recordable format, to the satisfaction of the Town’s Attorney, the language for assessing the costs of construction for the Public Infrastructure required to develop the road to its southern terminus.
7. Complete the vegetative barrier on the CTH “II” berm prior to the construction of any public improvements on the Plat.
8. Complete the consolidation of the three ingress and egress points to CTH “II” as required by the County or within 3 years of the acceptance of the public improvements (Town Road) by the Town.
9. Satisfy the conditions placed on the approval for the Final Plat of Whispering Meadows by the State and the County (see attached).
10. That the Applicant pay any fees owed to the Town for the Re-zoning and the Final Plat Application.
11. Include any additional conditions placed on the approval of the Final Plat of Whispering Meadows by the Plan Commission and/or the Town Board.

MOTION:

Motion by: Commissioner Dorow

Seconded by: Commissioner Haskell

Motion: Make the motion to approve this with the staff recommendations as listed.

Vote: Motion carried by unanimous voice vote.

- C. Discussion/Recommendation: Plan Commission review and recommendation on a Site Plan Application for a metal storage structure submitted by Mark Caswell for Treeo’s, 8889 Oakwood Avenue, Neenah, WI 54956, specifically identified as Tax ID # 006-0396-01 being part of the northeast ¼ of the northeast ¼ described as Lot 2 of Certified Survey Map 3847 in Section 15, Township 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: Treeo's, 8889 Oakwood Avenue, Neenah, WI 54956, specifically identified as Tax ID # 006-0396-01 being part of the northeast ¼ of the northeast ¼ described as Lot 2 of Certified Survey Map 3847 in Section 15, Township 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Treeo's
c/o Mark Caswell
8889 Oakwood Avenue
Neenah, WI 54956

Property Owner: Joes Auto Repair, LLC
8889 Oakwood Avenue
Neenah, WI 54956

Prepared for: Treeo's
c/o Mark Caswell
8889 Oakwood Avenue
Neenah, WI 54956

Property Status:

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

1. The property Tax ID is # 006-0396-01.
2. The property consists of approximately 4.810 acres.
3. The property is in the Neenah School District.
4. The property is in the Department of Natural Resources Special Well Casing Area.
5. The property is currently Zoned I-1 (LIGHT INDUSTRIAL DISTRICT).
6. The property is in the Outagamie County Airport Overlay Height Restriction Area.
7. The property is out of the County's Floodplain Zoning Area.
8. The property is in the County's Shoreland Zoning Code 300-foot buffer.
9. The property is not in the County's Wetland Identifier.
10. The land use is consistent with the Town's adopted Land Use Plan.
11. Pursuant to Section 2.0, General Provisions of the Town Site Plan Ordinance the project is subject to the Town's Site Plan Ordinance.

Application Details:

The petitioner has applied for approval to construct a large Quonset hut type structure for the purposes of storing machinery and equipment. The Applicant has the proposed building stored in a trailer that is on site and would like to erect the building in order provide the firm with additional storage capacity. Given the specific nature of the structure and the location of the facility, staff is of the opinion that the best application of the Town's Site Plan Ordinance would be to shield the building from sight. Specifically, staff has drawn a site plan that would allow the Plan Commission and the Board to screen an older facility from sight. Specifically, if the screening were to be placed on the east and west sides of the existing building and parking areas the improvements would cover the existing buildings and the proposed building.

Site Details:

The existing site will remain substantially unchanged. The proposed project places the new structure on the west side of the site adjacent to the existing building (see attached Site Plan).

Access Details:

Access to the site would not change from the extant condition.

Staff Comments:

The Site Plan Approval Application as presented is accurate. Based on a review of the Town's Site Plan Ordinance the proposed building fails to meet the requirements of the Code; however, with some conditions it would merit approval. Staff has the following comments on the application as it relates to the Town's Site Plan Ordinance:

1. The structure that is being proposed, a quonset hut, cannot meet the architectural requirements of the Town's Site Plan Ordinance. However, the property has been used as an industrial site for a significant period of time. The operations precede most of the Town's commercial and industrial site improvement Ordinances. Given that understanding there may be some benefit to allowing the proposed building and using the Site Plan Application to screen both the new and old portions of the facility. Specifically, screening the Oakwood Avenue (east) frontage and the west frontage of the site would greatly improve the appearance of the building.

The Administration recommends conditional approval of the Site Plan for a metal storage structure submitted by Mark Caswell for Treeo's, 8889 Oakwood Avenue, Neenah, WI 54956, specifically identified as Tax ID # 006-0396-01 being part of the northeast ¼ of the northeast ¼ described as Lot 2 of Certified Survey Map 3847 in Section 15, Township 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin subject to the following conditions:

1. That the Plan Commission require a berm on the west side of the site and that the screening landscaping requirements for the berm areas include a vegetative visual barrier such as arborvitae plantings that will fill in and grow up over time.
2. That the Plan Commission require a berm on the east side of the site (between the driveways) and that the screening landscaping requirements for the berm areas include a vegetative visual barrier such as arborvitae plantings that will fill in and grow up over time.
3. That any unused storage trailers be removed from the site and not replaced with new temporary storage devices.
4. That the Applicant make a concerted effort to not burn wood byproducts on the site.
5. That the Applicant pay all fees related to the project.

MOTION:

Motion by: Commissioner Schmidt

Seconded by: Commissioner Linsmeier

Motion: To approve the conditional approval for the site plan of the metal storage structure submitted by Mark Caswell for Treeo's, 8889 Oakwood Avenue, Neenah, WI as described in our paperwork with all staff and planning committee recommendations.

Vote: Motion carried by unanimous voice vote.

D. Discussion/Recommendation: Plan Commission review and recommendation on a Site Plan Application for a parking lot expansion submitted by Dino Valeri, for DSV LLC, 3440 DeKalb Lane, Neenah, WI 54956 for the Woodshed Bar and Grill located at 2895 CTR “II” Neenah, WI 54956, and 8472 STH “76” specifically identified as Tax ID # 006 0621-01 and Tax ID # 006 0621-02 both located in Section 24, Township 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: Woodshed Bar and Grill located at 2895 CTR “II” Neenah, WI 54956, and 8472 STH “76” specifically identified as Tax ID # 006 0621-01 and Tax ID # 006 0621-02 both located in Section 24, Township 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Dino Valeri
for DSV LLC
3440 DeKalb Lane
Neenah, WI 54956

Property Owner: for DSV LLC
3440 DeKalb Lane
Neenah, WI 54956

Prepared for: Dino Valeri
3440 DeKalb Lane
Neenah, WI 54956

Property Status:

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

The property Tax ID is # 006-0621-01.

1. The property consists of approximately 0.5 acres.
2. The property is in the Neenah School District.
3. The property is in the Department of Natural Resources Special Well Casing Area.
4. The property is in the Town of Clayton, Sanitary District No. 1.
5. The property is currently Zoned B-2 (COMMUNIT BUSINESS DISTRICT).
6. The property is in the City of Neenah’s Extraterritorial Zoning Area.
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 land use is consistent with the Town’s adopted Land Use Plan.
10. Pursuant to Section 2.0, General Provisions of the Town Site Plan Ordinance the project is subject to the Town’s Site Plan Ordinance.
11. Pursuant to Section 2.0, General Provisions of the Town Site Plan Ordinance the project is subject to the Town’s Site Plan Ordinance.

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

1. The property Tax ID is # 006-0621-02.
2. The property consists of approximately 3.60 acres.
3. The property is in the Neenah School District.
4. The property is in the Department of Natural Resources Special Well Casing Area.

5. The property is in the Town of Clayton, Sanitary District No. 1.
6. The property is currently Zoned B-2 (COMMUNITY BUSINESS DISTRICT).
7. The property is in the City of Neenah's Extraterritorial Zoning Area.
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 land use is consistent with the Town's adopted Land Use Plan.
11. Pursuant to Section 2.0, General Provisions of the Town Site Plan Ordinance the project is subject to the Town's Site Plan Ordinance.

Application Details:

The petitioner has applied for approval for an expansion of the deck on the east side of the bar facility and approval to expand the facility's parking lot to the south onto newly acquired property adjacent to the existing parking area (see attached site plans for project details). The project would include a 100' X 60' parking area expansion. As shown, the project does not include lighting or a berm to screen the expanded parking facility. Access to the new parking area would come from contiguity with the existing parking area with no additional ingress or egress facilities. The new parking area would be paved with asphalt and the parking areas delineated as they are on the existing paved parking surface.

Site Details:

The existing site will remain substantially unchanged. The proposed project increases the parking area for the establishment by adding parking on undeveloped property to the south of the existing facility.

Access Details:

Access to the site would not change from the extant condition.

Staff Comments:

The Site Plan Approval Application as presented is accurate. Based on a review of the Town Site Plan Ordinance the application fails to meet the requirements of the Code; however, with some minor conditions it would merit approval. Staff has the following comments on the application as it relates to the Town's Site Plan Ordinance:

1. In order to submit the Application for an expansion of the deck on the east side of the bar facility, the Applicant will need to combine the properties so that the expanded deck does not infringe on the setbacks required by the Town's Zoning; or the Applicant may provide the alternative recordable documentation as outlined in the Zoning Code of Ordinances (see attached).
2. The Site Plan fails to describe the parking lot design and the landscaping features that will be added as amenities i.e.; berms and landscaping. Staff is operating under the presumption that the new parking facility will replicate the existing parking areas. If this presumption is accurate the parking facilities will not meet the requirements of the Town's Site Plan Ordinance.
3. The Site Plan fails to describe the landscaping features or if there are any berms proposed for the west and south sides of the property. The Administration believes that if required, berms will screen the parking areas from the STH "76" frontage and the buildings on the west side of the site. The only additional item that needs to be specified is the type and quantity of the landscaping that will be applied to the berms to improve their esthetic appeal and screening capacity.

The Administration recommends conditional approval of the Site Plan Amendment for a parking lot expansion submitted by Dino Valeri, for DSV LLC, 3440 DeKalb Lane, Neenah, WI 54956 for the Woodshed Bar and Grill located at 2895 CTR “II” Neenah, WI 54956, and 8472 STH “76” specifically identified as Tax ID # 006 0621-01 and Tax ID # 006 0621-02, both located in Section 24, Township 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin subject to the following conditions:

1. That the Commission recommend denial of the expansion of the deck on the east side of the bar facility until the Applicant either combines the properties so that the expanded deck does not infringe on the setbacks required by the Town’s Zoning Code or the Applicant provides the alternative recordable documentation as outlined in the Zoning Code of Ordinances (see attached).
2. That the Plan Commission requirement for a berm on the west side of the site and that the landscaping requirements for the berm areas be clarified before the Site Plan is presented to the Board.
3. That all of the parking lot amenities match the existing parking areas.
4. That any lighting in the new parking areas match, to the extent possible, the style of the existing parking lot lighting.
5. That the applicant has all Town and County permits, including building permits, in place prior to the start of construction.
6. That the applicant pays all fees relating to the proposed Site Plan amendment prior to starting the proposed project.
7. That the project is approved by any and all units of government having jurisdiction prior to the start of construction.
8. That the applicant works with Town staff to submit a more complete Site Plan to the Town prior to presenting the Commission’s recommendation to the Town Board.
9. Alternatively, that the applicant submits the revised Site Plan to the Plan Commission for review and recommendation prior to referring the document to the Town Board for review.

MOTION:

Motion by: Commissioner Linsmeier

Seconded by: Commissioner Dorow

Motion: Move to approve the recommendation of the site plan as written with staff recommendations.

Vote: Motion carried by unanimous voice vote.

- E. Discussion/Recommendation: Plan Commission Review and Recommendation on a Temporary Conditional Use Application for a fundraising event in the Headliners Bar and Grill parking lot, submitted by Ken Zastrow, for Pubs & More LLC (DBA Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956 specifically identified as Tax ID # 006-0620-06 located in Section 24, Township 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Kenneth Zastrow, Agent
MAG Properties LLC
1219 Appleton Road
Menasha, WI 54956

Property Owner: MAG Properties LLC
1219 Appleton Road
Menasha, WI 54956

Prepared for: Headliners Bar and Grill
2788 Towne Court
Neenah, WI 54956

Property Status:

The statements on the status of the property are specific to Tax ID is # 006-1776.

1. The property consists of approximately 1.300 acres.
2. The property is in the Neenah School District.
3. The property is in the Department of Natural Resources Special Well Casing Area.
4. The property is in the Town of Clayton, Sanitary District No. 1.
5. The property is currently Zoned I-2 (HEAVY INDUSTRIAL DISTRICT).
6. The property is in the City of Neenah’s Extraterritorial Zoning Area.
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 land use is consistent with the Town’s adopted Land Use Plan.

The statements on the status of the property are specific to Tax ID is # 006-0620-06.

1. The property consists of approximately 2.18 acres.
2. The property is in the Neenah School District.
3. The property is in the Department of Natural Resources Special Well Casing Area.
4. The property is in the Town of Clayton, Sanitary District No 1.
5. The property is currently Zoned I-2 (HEAVY INDUSTRIAL DISTRICT).
6. The property is in the City of Neenah’s Extraterritorial Zoning Area.
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 land use is consistent with the Town’s adopted Land Use Plan.

Application Details:

Please be advised that under a strict interpretation of the Town’s Zoning Code of Ordinances (Code) the Administration cannot find where this specific use is allowable under the Code. The Administration believes that this issue was caused by an oversight during the development of the Town’s Zoning Code. Based on that understanding and a conversation with the Commission Chair, staff is using a combination of the Special Event and the Conditional Use process to review the Application. Specifically, the Special Event Permit is reviewed and recommended by the Commission and granted by the Town Board. The Special Event Application requires no specific notice to area residents or publication in the paper of record. The Conditional Use Permit is also reviewed and recommended by the Commission and granted by the Town Board. However, the Conditional Use Permit does carry a requirement of Class 2 Notice in the paper of record and notice to property owners within 300-feet of the subject property. The Administration is using all but the publication in the paper of record requirements of the Conditional Use Permit. The choice not to publish is based on the temporary nature of the event.

The Applicant is applying for a permit to conduct a charitable special event that would benefit the Kiwanis Autism Project. The event is scheduled to be held in the Headliners facility and on the parking lot for the facility. Attached please find a copy of the executive summary for the event, notes from a meeting between the organizers and Town staff, and a map that identifies the site plan for the event.

Site Details:

The existing site will remain substantially unchanged. The proposed event does commit the facilities parking area to event activities, vendors, VIP seating and stage area. It is understood that the bulk of the VIP parking will be provided on Towne Court and by means of a shuttle service off site. Any offsite parking for the event will require a Special Event Parking, Conditional Use Permit Application by the property owners.

Staff Comments:

Other than the issues with the Town's Zoning Code of Ordinances, the Administration has few issues with the Event or the planning for the event. The Applicant and the Organization have been in contact with the Town for the past few months and as a result of those conversations there is little about the site planning for the event that the Administration does not understand or has not had input in. At this time staff would like to remind the Applicant and the Organizers that a Special Event Parking Conditional Use Permit is required for the offsite parking and that the Applicant's Liquor License Serving Area will need to be amended by the Board on a temporary basis. The Administration would also like to have written evidence that the regulatory agencies have been contacted and that the property owners' abutting Towne Court do not object to the closing of the street for the duration of the event.

The Administration, subject to the stated application of the Town Zoning Code of Ordinances, recommends approval of a Temporary Conditional Use Application for a fundraising event in the Headliners Bar and Grill parking lot, submitted by Ken Zastrow for Pubs & More LLC (DBA Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956 specifically identified as Tax ID # 006-0620-06 and 006-1776, located in Section 24, Township 20, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin subject to the following conditions:

1. That the Plan Commission recommend and the Town Board approve the methodology, interpretation, and application of the Town's Zoning Code of Ordinances.
2. That the Applicant apply for and the Town Board approve a temporary amendment to the Liquor License for Pubs & More LLC (DBA Headliners Bar and Grill), 2788 Towne Court, Neenah, WI 54956 to include the parking areas being used to serve alcohol during the event.
3. That the Applicant submit or cause to be submitted the required Special Event Parking Conditional Use Permits prior to Monday, June 30th, 2014.
4. That the Applicant provide written evidence that the abutting property owners on Towne Court do not object to the closure of Towne Court.
5. That the Town Board approve the closure of Towne Court for the duration of the event.
6. That the Applicant provide, prior to Monday, August 4th, 2014, written evidence from those Agencies and Firms cited in the written documentation for the event, that they are willing and able to meet their commitments to the event.
7. Access to Towne Court for emergency vehicles (added by Plan Commission)
8. No parking signs to be added on Winncrest road north of County Road II (added by Plan Commission)

- Aaron Klockzien (2757 County Road II, Neenah) commented on his neighbor having kids and concerned about the noise. Parking concerns on County Road II. Surrounding overflow parking areas will have busses to bring patrons to Headliners.
- Discussion by Eric Linsmeier comments regarding Towne Court being blocked but being open for Matrix and for vehicles to access area for emergencies
- Discussion by David Dorow regarding the notice given to surrounding residents. Administrator Johnston went about 1,100 feet away to more than cover the 300 feet away Town ordinance.

MOTION:

Motion by: Commissioner Schmidt

Seconded by: Commissioner Haskell

Motion: To approve the temporary conditional use application for a fundraising event at Headliner's Bar and Grill in the parking lot with all staff and Plan Commission recommendations.

Vote: Motion carried by unanimous voice vote.

- F. Discussion/Recommendation: Plan Commission Review and Recommendation on proposed amendments to the Town's Access Control Ordinances including, but not limited to, the driveway separation requirements of the Ordinance.

Attached, please find a copy of the Town's existing Access Control Ordinance (Ordinance); also attached is a copy of the June 3rd, 2011 Memorandum to the Commission of the Administration's issues with the Ordinance. The only significant change from the 2011 discussion is the Town's new Zoning Code of Ordinances. Before trying to prepare a draft revision of the Ordinance the Administration is looking for direction from the Commission on what it would like to see in the Ordinance. As the Commission knows, the Administration would recommend that the access separation in the Ordinance match the minimum lot frontage in the Zoning Code; however, the Administration understands that there is a lack of consensus on this position. Additionally, the Administration would like direction from the Commission of the road classification system required by the Ordinance. It would be good if the Commission would review the existing Ordinance and the June, 2011 Memorandum as a starting point for the proposed discussion and direction to staff.

NO ACTION TAKEN

- G. Discussion/Recommendation: Plan Commission review and recommendation on proposed changes to the specific culvert diameter requirements of the Town's Access and Culvert Permit Policy.
- Attached, please find a copy of the Town's Access and Culvert Policy (Policy) application. Staff has come to the conclusion that the Commission and the Board should be asked to review this Policy. Specifically, the Policy requires a minimum of an 18-inch x 30-foot culvert with end walls. In most cases this requirement is sufficient to provide adequate stormwater flow in the Town's ditches; however, there are areas in the Town with substantial grade and significant stormwater flows. In most cases, when staff was doing

the work it was able to resolve the stormwater flow issues by sistering 18-inch pipes. This option is not available to the Town when the property owner is installing the culvert, and given the cost of a larger diameter culvert, property owners have been reticent to install them. The Administration would like to offer the following solution to the problem; the Policy should be revised to add the following requirement:

Where new culverts are being installed and the diameter of the existing upstream and downstream culverts is larger than 18-inches the minimum diameter of the new culvert should be the average diameter of the existing upstream and downstream culverts.

The Administration is also recommending that the approval of the Access and Culvert Policy be included in the Town's Access Control Ordinance. Should the Commission agree with the Administration's recommendations, a motion to recommend the amendments to the Policy to the Board would be in order.

NO ACTION TAKEN

VII. Upcoming Meeting Attendance

VIII. Adjournment – 8:36 p.m.

MOTION:

Motion by: Commissioner

Seconded by: Commissioner

Motion to Adjourn

Vote: Motion carried by unanimous voice vote.

Respectfully submitted,
Laurie L. Goffard, Administrative Assistant