

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes

7:00 P.M. – 8:03 P.M. on Wednesday, September 10th, 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	PRESENT
Commissioner Haskell	PRESENT
Commissioner Jesse	PRESENT
Commissioner Dorow	PRESENT
Commissioner Linsmeier	PRESENT
Town Board Representative Schmidt	PRESENT

b. Staff

Administrator Johnston	PRESENT
Ken Jaworski	PRESENT
Rose Simon	PRESENT

II. Public Hearings:

- A. No Public Hearings.

III. Approval of Minutes:

- A. Approval of the minutes of the Wednesday, August 13th, 2014 Regular Plan Commission Meeting.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Linsmeier

Motion: Move to accept the minutes of August 13th, 2014 with the corrections. Correction that Mary Jo Miller was there and not Ken Jaworski. Name correction on page 2 to Lloyd Thede (was Floyd).

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. August Building Inspection Report
- B. Plan Commissioner Network Meeting Information
- C. Article on Barn Weddings
- D. Article on the Town of Menasha Incorporation
- E. Winnebago County Comprehensive Plan Regional Input Sessions

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and recommendation on an application submitted by the petitioners, Rodger A. and Janet J. Cavanaugh, 3910 Fairview Road, Neenah WI 54956, for an amendment to an existing Conditional Use permit to operate a wedding and event facility on property zoned A-2 (GENERAL AGRICULTURE DISTRICT). The property is located at, 3910 Fairview Road, Neenah WI 54956, specifically described as Tax ID # 006-0267, being located in Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 3910 Fairview Road, Neenah, WI 54956, specifically described as Tax ID # 006-0267, being located in Section 9, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant: Rodger A. and Janet J. Cavanaugh
3910 Fairview Road
Neenah, WI 54956

Property Owners: Rodger A. and Janet J. Cavanaugh
3910 Fairview Road
Neenah, WI 54956

Property Information:

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

Property Information Specific to Tax ID # 006-0267:

1. The property is owned by Rodger A. and Janet J. Cavanaugh, 3910 Fairview Road, Neenah, WI 54956.
2. The Lot is 19.50 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 has a suspected navigable stream that has not been checked by the State Department of Natural Resources.
6. The property is currently zoned A-2 (General Agricultural District).
7. The property is out of the County's Floodplain Zoning Area.
8. The property is in the County's 300-foot Shoreland Zoning Code Buffer.
9. The property is not in the County's Wetland Identifier.

Staff Comments:

1. Rodger A. and Janet J. Cavanaugh (the Applicants) have applied for an Amendment to their existing Conditional Use Permit.
2. The Applicants want to replace one of their existing buildings with a new approximately 5,184 square foot building (see attached floor and elevation plans).
3. Based on the zoning of the property (A-2 (General Agricultural District)) the Applicants can build the proposed building on the site provided that it meets the Zoning Code requirements as they relate to structures.
4. The question is the existing non-conforming use; staff can find no file evidence of a Conditional Use Permit or limitations on what is permissible on the site.
5. Staff has been able to determine that the Applicants have been conducting a business on the site for the past 25 to 30 years.
6. Staff is also comfortable with the assertion that the Applicants have been through 3 different Zoning Codes and were allowed to continue to operate under all three Codes.
7. The Administration is questioning the need for an Amendment to a Conditional Use Permit since what the Applicants want to do is no different than what they are doing now.
8. In order to clarify the issue the Administration has asked the Town's Attorney for a legal opinion on the issue; the opinion will be ready for the Commission's Wednesday, September 10th, 2014 meeting.

Staff Recommendations:

1. Pending the receipt of the Town Attorney's legal opinion staff is not making any recommendations at this time. However, the Administration would advise the Applicants to take the input from the Public Hearing to improve their relations with their neighbors.
 - Administrator Johnston discussed what the previous conditional use application all includes when it shows specifically what is allowed in the permit and then the etc. The etc needs to be defined more specifically as a use in the Conditional Use Permit. Alcohol that is served at weddings with no charge to the guests does not require that an alcohol license. Staff was unable to locate the original conditional use permit from the early 1980's.
 - Attorney Simon discussed her legal opinion.

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Linsmeier

Motion: Motion that the findings do show that a conditional use permit does exist. With that understanding the motion is to include that a representative of the Plan Commission, the Cavanaugh's and the neighborhood representatives will meet to discuss the conditions of said Conditional Use and define those conditions. If the meeting is unable to take place or the representative come to a consensus the Plan Commission and the Town Board will need to step in and make the decision.

Vote: Motion carried by unanimous voice vote.

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Ross and Katie Thompson, 8950 Center Road, Neenah, WI 54956, for property located at 8950 Center Road, Neenah, WI, 54956 and specifically identified as Tax ID # 006-0296 being all of Lot 1 of Certified Survey Map No. 4090 as recorded in volume 1 of Certified Survey Maps on Page 4090 as Document No. 1030062 and being part of the southwest ¼ of the southwest ¼ and the northwest ¼ of the southwest ¼ of Section 10, Township 20 North , Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is located at 8950 Center Road, Neenah, WI, 54956 and specifically identified as Tax ID # 006-0296 being all of Lot 1 of Certified Survey Map No. 4090 as recorded in volume 1 of Certified Survey Maps on Page 4090 as Document No. 1030062 and being part of the southwest ¼ of the southwest ¼ and the northwest ¼ of the southwest ¼ of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Ross and Katie Thompson
8950 Center Road
Neenah, WI 54956

Property Owner(s): Ross and Katie Thompson
8950 Center Road
Neenah, WI 54956

Consultant: Robert F. Reider, S-1251
Carow Land Surveying
615 Lynndale Drive
Appleton, WI 54912-1297

Property Location: 8950 Center Road
Neenah, WI 54956

Property Information:

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

Property Information Specific to Tax ID # 006-0296:

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

1. The property Tax ID is # 006-0296.
2. The property consists of approximately 19.440 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).
6. The property is out of the County's Floodplain Zoning Area.
7. The property is not in the County's Wetland Identifier.
8. The land use is consistent with the Town's adopted Land Use Plan.

Staff Comments:

1. The CSM does not change the existing use of the property and therefore it is consistent with the Town's approved Future Land Use Plan.
2. The CSM does show the Right to Farm Language required by the Town.
3. The CSM divides the parent parcel into 2-Lots, the first (Lot-1) is 2.99 acres (130,681 sq. ft.) and the second (Lot-2) is 16.43 acres (716,150 sq. ft.).
4. Lot-1 of the proposed CSM contains the existing residential structure and outbuildings.
5. Lot-1 of the proposed CSM does not meet the minimum area for the A-2 (General Agricultural District) and would need to be rezoned to R-1 (Rural Residential District).
6. Lot-1 of the proposed CSM does have an existing ingress and egress access point on North Center Road.
7. Lot-2 of the proposed CSM is vacant land.
8. Lot-2 of the proposed CSM does meet the minimum area for the A-2 (General Agricultural District).
9. Under the Town's current Access Ordinance Lot-2 of the proposed CSM does have sufficient frontage to create a conforming ingress and egress access point on North Center Road.
10. Both Lots created by the proposed CSM do comply with the frontage requirements of the Town's Zoning Code of Ordinances and Access Ordinance.
11. If the CSM is approved, all of the existing structures on the property will comply with the setback requirements of the Town's Zoning Code of Ordinances.

Staff Recommendations:

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

1. Requiring that Lot-1 of the proposed CSM be re-zoned to R-1 (Rural Residential District).
2. Requiring that final approval of the proposed CSM be contingent on meeting the access requirements of the Town's revised Access Ordinance and approval by the Town Board of the proposed revisions to the Town's Access Ordinance.
3. Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

MOTION:

Motion by: Commissioner Schmidt

Seconded by: Commissioner Haskell

Motion: Motion to approve the Certified Survey Map (CSM) submitted by Ross and Katie Thompson, 8950 Center Road, Neenah with all staff recommendations.

Vote: Motion carried by unanimous voice vote.

- C. 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 draft copy of the final revisions to the Town’s Access Control Ordinance. The draft revisions are based on direction given to staff during the review process for the Access Control Ordinance. If the Commission is comfortable with the finalized document and the related attachments, a motion to refer the revised Access Control Ordinance to the Town Board would be in order.

Attached please find a draft copy of the final revisions to the Town’s Access Control Ordinance. The draft revisions are based on direction given to staff during the review process for the Access Control Ordinance. If the Commission is comfortable with the finalized document and the related attachments, a motion to refer the revised Access Control Ordinance to the Town Board would be in order.

MOTION:

Motion by: Commissioner Jesse

Seconded by: Commissioner Eckstein

Motion: To revise the Access Control Ordinance and refer the document to the next Town Board meeting

Vote: Motion carried by unanimous voice vote.

- D. Discussion/Recommendation: Plan Commission review and recommendation on the proposed rescission of the Town’s stand-alone Site Plan Ordinance.

Given some of the activities with Town staff the Administration will be distributing the CD with the finalized version of the Town’s Zoning Code of Ordinances to the Commission at its Wednesday, September 10th, 2014 meeting with the intent of referring the agenda item to the Commission’s October 2014 meeting. Should any of the Commissioners wish to start their review process prior to the September meeting the revised Zoning Code of Ordinances is available on the Town’s internet Home Page.

NO ACTION TAKEN

- E. Discussion/Recommendation: Plan Commission review and recommendation on a Wisconsin Court of Appeals decision relating to Farmland Preservation Zoning Ordinances.

NO ACTION TAKEN

The State’s Court of Appeals has published an opinion that significantly impacts Shoreland Zoning and, by inference, Farmland Preservation Zoning in the State. There is little the Town can do at this point; however, staff would like to review the effect of the Court’s ruling on the Town’s Zoning Code of Ordinances and the enforcement of that Code.

VII. Upcoming Meeting Attendance

VIII. Adjournment – **8:03 p.m.**

MOTION:

Motion by: Commissioner Haskell

Seconded by: Commissioner Schmidt

Motion to Adjourn.

Vote: Motion carried by unanimous voice vote.

Respectfully submitted,

Laurie L. Goffard, Administrative Assistant