

MEMORANDUM

Public Hearing B, Business Item C

From: Administrator/Staff
To: Plan Commission
Re: Public Hearing on a Conditional Use Application submitted by Brandon Flees for a proposed retention pond residential accessory use located at 8375 Whispering Meadows Dr, specifically described as Tax ID #006-0566-04-09.

AND

Plan Commission review & recommendation on a Conditional Use Application submitted by Brandon Flees for a proposed retention pond residential accessory use located at 8375 Whispering Meadows Dr, specifically described as Tax ID #006-0566-04-09.

Please find the below comments from Code Administrator Kussow:

Property Information Specific to Tax ID # 006-0566-0409:

1. Specific Site Location: The subject site is addressed 8375 Whispering Meadows Dr, located at the southern end of Whispering Meadows Dr.
2. Parcel Profile Report is enclosed with this memo for your reference. Additional applicable property information not included in the Parcel Profile Report is described below:
 - a. The subject property is located in the Town's Suburban Residential (R-2) District.
 - b. There are no wetland or floodplain concerns.
 - c. No portion of the subject property is located within shoreland and therefore, the subject property is not subject to Winnebago County zoning jurisdiction.
 - d. The subject property is not subject to Outagamie County Airport Zoning.
 - e. The subject property is not located in any sanitary district or sewer service area.
3. Zoning of Surrounding Properties:
 - a. North: R-2 (Suburban Residential District)
 - b. South: A-2 (General Agriculture District); R-2 (Suburban Residential District) to the southwest
 - c. East: R-2 (Suburban Residential District)
 - d. West: A-2 (General Agriculture District)

Application Details:

The applicant is proposing a 3,825 sq. ft. (7,876 cu. ft.) private retention pond for the purpose of retaining stormwater in an area of recurring ponding on the subject property. The subject property is a residential lot containing a single-family residence. The proposed pond is located in the rear of the residence. The parcel adjacent to the north is a vacant residential lot and the parcel adjacent to the west is a vacant agricultural cropland lot.

Special Standards for Principal Land Uses:

Special standards for the "pond" accessory use are found in Sec. 9.08-472, which states: "Ponds shall comply with the Town of Clayton's ordinance for artificial ponds."

The proposed pond plans were reviewed by Matt Stephan, P.E, Cedar Corporation, for compliance with the Town's Pond Ordinance (Town Ordinance 2022-002). Per Matt Stephan's review, **the proposed pond plans comply with the Town's Pond Ordinance and are approvable with the following concerns:**

1. **Point discharge onto a neighboring property may create adverse conditions. We recommend coordination with the neighbor on discharge location or make use of a level spreader type of diffuser prior to draining to neighboring property.**

2. **Applicant should be aware that a DNR Pond General Permit 3500-144 and Winnebago County stormwater management/erosion control permit(s) may be required.**

Staff Comments, Basis of Decision, and Staff Recommendation, & Suggested Conditions:

Staff Comments:

The proposed pond complies with all Town Zoning Ordinance and Town Pond Ordinance requirements.

Basis of Decision:

Conditional Use:

The Town, in making its decision, shall consider the following factors:

1. the size of the parcel on which the proposed use will occur;
2. the presence of and compatibility with other uses on the subject property;
3. the location of the proposed use on the subject property (e.g., proximity of the proposed use to other existing or potential land uses);
4. effects of the proposed use on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
5. the suitability of the subject property for the proposed use;
6. effects of the proposed use on the natural environment;
7. effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
8. effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
9. any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply.

Staff Recommendation & Suggested Conditions:

Staff recommends approval of the conditional use permit.

The following are possible conditions of approval that may be relevant:

1. The project shall comply with all applicable local, state, and federal codes/ordinances. Applicant should be aware that a Wisconsin Department of Natural Resources (WisDNR) Pond General Permit 3500-144 and Winnebago County stormwater management/erosion control permit(s) may be required for this project. It is the applicant's responsibility to comply with any applicable WisDNR and Winnebago County permit/approval requirements and obtain any required WisDNR and Winnebago County permits/approvals prior to commencing construction.
2. Applicant should be aware that point discharge of water from the pond onto a neighboring property may create adverse conditions. The Town recommends coordination with the neighbor on discharge location or make use of a level spreader type of diffuser prior to draining to neighboring property.
3. Any substantial changes, additions, and/or expansions to the pond shall be reviewed and approved by the Plan Commission and Town Board in accordance with the Town of Clayton Zoning Ordinance and the Town of Clayton Pond Ordinance (Town of Clayton Ordinance 2022-002). Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

SUGGESTED MOTION

Motion to recommend approval of the Conditional Use Application submitted by Brandon Flees with all listed Staff Recommendations & Conditions.

Respectfully Submitted,
Kelsey