



PLAN COMMISSION

Wednesday, June 12, 2024 – 6:30 PM

Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947

MINUTES

CALL TO ORDER

Chair Knapinski called the meeting to order at 6:31 pm

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

PRESENT

Chair Knapinski
Commissioner Haskell
Commissioner Nemecek
Commissioner Ketter
Commissioner Hopkins

EXCUSED

Commissioner Dorow
Town Board Rep. Christianson

STAFF

Administrator Wisnefske
Clerk Faust-Kubale
Planner Jaworski
Code Administrator Greenburg

PUBLIC HEARING(S) AND/OR PUBLIC INFORMATION MEETINGS

- A. Plan Commission Public Hearing on a Conditional Use Application submitted by Keegan O'Hearn for a proposed short-term rental accessory use on Tax ID #006-1277 addressed as 9262 Bomar Ave.

NO COMMENTS RECEIVED - HEARING CLOSED AT 6:32 PM

- B. Plan Commission Public Hearing on a Conditional Use Application submitted by Brian Piechocki for a proposed short-term rental accessory use on Tax ID #006-0888 addressed as 2675 Oakridge Rd.

Brian Piechocki, 2675 Oakridge Rd, Neenah WI noted he was available if the Commissioners had any questions regarding the application.

HEARING CLOSED AT 6:34 PM

- C. Plan Commission Public Hearing on a Conditional Use Application submitted by Jesse Gander for a proposed short-term rental accessory use on Tax ID #006-0564 addressed as 8426 County Rd T.

Jesse Gander, 8426 County Rd T, Larsen WI voiced displeasure with the process and requirements of the Conditional Use Permit process.

HEARING CLOSED 6:43 PM

- D. Plan Commission Public Hearing on a Conditional Use Application submitted by Patrick Ostroth for a proposed short-term rental accessory use on Tax ID #006-0782-01 addressed as 7539 Green Meadow Rd.

Patrick Ostroth, 7539 Green Meadow Rd, Oshkosh WI, voiced displeasure with the process and requirements of the Conditional Use Permit process.

HEARING CLOSED 6:48 PM

- E. Plan Commission Public Hearing on a Conditional Use Application submitted by Louis Braatz & Nicole Schroeder for a proposed short-term rental accessory use on Tax ID #006-1699 addressed as 3646 Emerald Crown Pkwy.

NO COMMENTS RECEIVED - HEARING CLOSED AT 6:49 PM

APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday, May 8, 2024 Plan Commission Meeting

MOTION

Motion made by Commissioner Nemecek, **Seconded** by Commissioner Hopkins to approve the Minutes of the Wednesday, May 8, 2024 Plan Commission Meeting.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

OPEN FORUM – Public comments addressed to the Plan Commission – NONE

CORRESPONDENCE

- A. Distribution of the May 2024 Building Inspection Report

BUSINESS

- A. Review/Recommendation: Plan Commission review & recommendation on a Conditional Use Application submitted by Keegan O'Hearn for a proposed short-term rental accessory use on Tax ID #006-1277 addressed as 9262 Bomar Ave.

MOTION

Motion made by Commissioner Ketter, **Seconded** by Commissioner Nemecek to recommend approval of the Conditional Use Permit Application submitted by Keegan O'Hearn with the following Staff Recommendations & Conditions:

1. If only portions of the residence are proposed to be rented, the applicant should submit a floor plan identifying which portions of the residence will be rented to verify the single-family residence is not being converted to a duplex.
2. Applicant and Building Inspector coordinate an inspection of the residence with re-inspections to occur every 5 years.
3. Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
4. Any applicant that maintains, manages, and/or operates a short-term rental facility for more than 10 nights each year obtain a Tourist Rooming House License from the State Department of Agriculture, Trade, and Consumer Protection (DATCAP).
5. All short-term rental activities shall occur within a single-family residential dwelling.
6. All structures require a one-time Conditional Use Permit as an accessory use to a single-family residential as the Principal Use.
7. A Conditional Use Permit for short-term rentals be transferable between property owners.
8. The operator of a short-term rental facility maintains the single-family dwelling as their principal residence during the time period when rooms are offered.
9. The exterior appearance of the building shall not be altered from its single-family appearance.
10. All signage shall conform with the standards identified in the Conditional Use Permit, those being that the sign shall not exceed four (4) square feet in area.
11. No food preparation or cooking shall be allowed in guest rooms.
12. Meals shall only be offered to overnight guests.
13. Rentals shall not exceed 29 consecutive days.
14. Rentals shall be limited to 180 days within any 365-day period.
15. All parking (homeowner and renters) for the facility shall occur on site. No street parking is allowed.
16. All local, state, and federal taxes must be filed with the appropriate agencies. Short-term rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

- B. Review/Recommendation: Plan Commission review & recommendation on a Conditional Use Permit Application submitted by Brian Piechocki for a proposed short-term rental accessory use on Tax ID #006-0888 addressed as 2675 Oakridge Rd.

MOTION

Motion made by Commissioner Hopkins, **Seconded** by Commissioner Haskell to recommend approval of the Conditional Use Permit Application submitted by Brian Piechocki with the following Staff Recommendations & Conditions:

1. If only portions of the residence are proposed to be rented, the applicant should submit a floor plan identifying which portions of the residence will be rented to verify the single-family residence is not being converted to a duplex.
2. Applicant and Building Inspector coordinate an inspection of the residence with re-inspections to occur every 5 years.
3. Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
4. Any applicant that maintains, manages, and/or operates a short-term rental facility for more than 10 nights each year obtain a Tourist Rooming House License from the State Department of Agriculture, Trade, and Consumer Protection (DATCAP).
5. All short-term rental activities shall occur within a single-family residential dwelling.
6. All structures require a one-time Conditional Use Permit as an accessory use to a single-family residential as the Principal Use.
7. A Conditional Use Permit for short-term rentals be transferable between property owners.
8. The operator of a short-term rental facility maintains the single-family dwelling as their principal residence during the time period when rooms are offered.
9. The exterior appearance of the building shall not be altered from its single-family appearance.
10. All signage shall conform with the standards identified in the Conditional Use Permit, those being that the sign shall not exceed four (4) square feet in area.
11. No food preparation or cooking shall be allowed in guest rooms.
12. Meals shall only be offered to overnight guests.
13. Rentals shall not exceed 29 consecutive days.
14. Rentals shall be limited to 180 days within any 365-day period.
15. All parking (homeowner and renters) for the facility shall occur on site. No street parking is allowed.
16. All local, state, and federal taxes must be filed with the appropriate agencies. Short-term rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

- C. Review/Recommendation: Plan Commission review & recommendation on a Conditional Use Permit Application submitted by Jesse Gander for a proposed short-term rental accessory use on Tax ID #006-0564 addressed as 8426 County Rd T.

MOTION

Motion made by Commissioner Haskell, **Seconded** by Commissioner Ketter to recommend approval of the Conditional Use Permit Application submitted by Jesse Gander with the following Staff Recommendations & Conditions:

1. If only portions of the residence are proposed to be rented, the applicant should submit a floor plan identifying which portions of the residence will be rented to verify the single-family residence is not being converted to a duplex.
2. Applicant and Building Inspector coordinate an inspection of the residence with re-inspections to occur every 5 years.
3. Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
4. Any applicant that maintains, manages, and/or operates a short-term rental facility for more than 10 nights each year obtain a Tourist Rooming House License from the State Department of Agriculture, Trade, and Consumer Protection (DATCAP).
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16. All local, state, and federal taxes must be filed with the appropriate agencies. Short-term rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

- D. Review/Recommendation: Plan Commission review & recommendation on a Conditional Use Permit Application submitted by Patrick Ostroth for a proposed short-term rental accessory use on Tax ID #006-0782-01 addressed as 7539 Green Meadow Rd.

MOTION

Motion made by Commissioner Ketter, **Seconded** by Commissioner Haskell to recommend approval of the Conditional Use Application submitted by Patrick Ostroth with the following Staff Recommendations & Conditions:

1. If only portions of the residence are proposed to be rented, the applicant should submit a floor plan identifying which portions of the residence will be rented to verify the single-family residence is not being converted to a duplex.
2. Applicant and Building Inspector coordinate an inspection of the residence with re-inspections to occur every 5 years.
3. Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
4. Any applicant that maintains, manages, and/or operates a short-term rental facility for more than 10 nights each year obtain a Tourist Rooming House License from the State Department of Agriculture, Trade, and Consumer Protection (DATCAP).
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15. All parking (homeowner and renters) for the facility shall occur on site. No street parking is allowed.
16. All local, state, and federal taxes must be filed with the appropriate agencies. Short-term rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

- E. Review/Recommendation: Plan Commission review & recommendation on a Conditional Use Permit Application submitted by Louis Braatz & Nicole Schroeder for a proposed short-term rental accessory use on Tax ID #006-1699 addressed as 3646 Emerald Crown Pkwy.

MOTION

Motion made by Commissioner Nemecek, **Seconded** by Commissioner Ketter to recommend approval of the Conditional Use Permit Application submitted by Louis Braatz & Nicole Schroeder with the following Staff Recommendations & Conditions:

1. If only portions of the residence are proposed to be rented, the applicant should submit a floor plan identifying which portions of the residence will be rented to verify the single-family residence is not being converted to a duplex.
2. Applicant and Building Inspector coordinate an inspection of the residence with re-inspections to occur every 5 years.
3. Applicant obtain a Winnebago County Health Department License and keep that License active for the duration of the short-term rental activity.
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11. No food preparation or cooking shall be allowed in guest rooms.
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13. Rentals shall not exceed 29 consecutive days.
14. Rentals shall be limited to 180 days within any 365-day period.
15. All parking (homeowner and renters) for the facility shall occur on site. No street parking is allowed.
16. All local, state, and federal taxes must be filed with the appropriate agencies. Short-term rental facilities must comply with the provisions of Section 9.1 of the Town of Clayton Municipal Code pertaining to hotel and motel room tax.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

- F. Review/Recommendation: Plan Commission review & recommendation on a Certified Survey Map (CSM) submitted by Nick Schmidt on behalf of Big Ring Properties, LLC for a proposed CSM dividing Tax ID #006-0006-10-02 (Lind Ln) into two (2) lots.

MOTION

Motion made by Commissioner Haskell, **Seconded** by Commissioner Nemecek to recommend denial of the CSM Review Application submitted by Nick Schmidt on behalf of Big Ring Properties, LLC.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

- G. Review/Recommendation: Plan Commission review & recommendation on a Certified Survey Map (CSM) submitted by Corey Kalkofen of McMahon Associates Inc. on behalf of Pint, LLC & KBN LLC for a proposed CSM dividing & reconfiguring Tax ID #006-0370 (2590 County Rd II), Tax ID #006-0370-06, & Tax ID #006-0370-07 into two (2) lots.

MOTION

Motion made by Commissioner Ketter, **Seconded** by Commissioner Nemecek to recommend approval of the CSM Review Application submitted by Corey Kalkofen of McMahon Associates Inc. on behalf of Pint, LLC & KBN LLC with the following Staff Recommendations & Conditions:

1. Based on the County GIS, a number of structures defined as buildings (shelter & gazebos) are not shown and shall be added to the CSM. If those buildings have been or are to be razed, documentation for the removal shall be provided to the Town prior to approval of the CSM.
2. The WDNR Surface Water Data Viewer identifies two areas associated with the ponds on proposed Lot 2. Those artificial ponds shall be added to the CSM with the source of the information.
3. The typographical error in the Right to Farm Covenant shall be corrected to "The lots created on this map are adjacent to..." prior to approval of the CSM.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

- H. Review/Recommendation: Plan Commission review & recommendation on a Conditional Use Application submitted by Kunes Appleton Properties for a proposed addition to the existing heavy vehicle sales and rental principal building located at 2615 West American Drive, specifically described as Tax ID #006-0341-01.

MOTION

Motion made by Commissioner Ketter, **Seconded** by Commissioner Hopkins to recommend approval of the Conditional Use Application submitted by Kunes Appleton Properties with the following Staff Recommendations & Conditions:

1. The project shall comply with all applicable local, state, and federal codes/ordinances.
2. An up-to-date Site Plan must be on file, at all times with the Town of Clayton.
3. All activities on the subject property shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, order or any other similar factor.
4. Subject to the applicant allowing the subject property to be available for inspection by the Town of Clayton officials at any reasonable time and upon reasonable notice.
5. Winnebago County & Wisconsin Department of Natural Resources (DNR) permits/approvals for stormwater management and erosion control shall be

obtained and copies of such permits/approvals shall be submitted to the Town prior to commencing construction of the building addition.

6. DNR approval for wetland disturbance/filling shall be obtained and a copy of such approval shall be submitted to the Town within six (6) months of Conditional Use and Site Plan approvals. If the applicant fails to provide the Town a copy of the DNR approval for wetland disturbance/filling within six (6) months of Conditional Use Permit and Site Plan approvals, all illegal fill within the wetland shall be removed and the wetland shall be restored to preexisting conditions prior to the wetland fill violation.

7. Documentation shall be provided that the required wetland restoration activities have been completed per the restoration plan, including fill removal, reseeding, and site stabilization, prior to commencing construction of the proposed building addition.

8. Documentation of the Solar Reflective Index (SRI) of the proposed roofing materials shall be provided, prior to commencing construction of the proposed building addition.

9. Documentation shall be provided to verify all exterior lighting is IDA (International Dark-Sky Assoc.) certified, prior to commencing construction of the proposed building addition.

10. Any future proposed signage shall comply with the applicable requirements of Article 12 and Attachment E of the Town Zoning Ordinance.

11. Any substantial changes and/or additions to the site plan and/or building plans shall be reviewed and approved by the Plan Commission and Town Board in accordance with the Town Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

12. The location of the refuse/recycling enclosure must be clearly identified on the site plan. All outside store of waste/trash or recyclables shall be screened from view and enclosed by a fence or wall that extends to the tallest point of waste/trash or recyclable container(s), but not less than six (6) feet in height. Fencing or walls shall meet all applicable design and dimensional requirements of Sec. 9.08-209. The Plan Commission reserves the right to require additional vegetative screening to ensure the enclosure is adequately screened from view.

13. If the new proposed driveway on the eastern side of the property to W American Dr. is to exceed the maximum width of 36 feet at its juncture with the street pavement, a culvert clean-out shall be constructed to meet the Town's standards.

Voting Yea: Chair Knapinski, Commissioner Ketter, Commissioner Hopkins

Voting Nay: Commissioner Haskell

Abstaining: Commissioner Nemecek

Motion carried 3-1 with 1 abstention.

- I. Review/Recommendation: Plan Commission review & recommendation on a Site Plan Application submitted by Kunes Appleton Properties for a proposed addition to the existing heavy vehicle sales and rental principal building located at 2615 West American Drive, specifically described as Tax ID #006-0341-01.

MOTION

Motion made by Commissioner Haskell, Seconded by Commissioner Ketter to recommend approval of the Site Plan Application submitted by Kunes Appleton Properties with the following Staff Recommendations & Conditions:

1. The project shall comply with all applicable local, state, and federal codes/ordinances.
2. An up-to-date Site Plan must be on file, at all times with the Town of Clayton.
3. All activities on the subject property shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, order or any other similar factor.
4. Subject to the applicant allowing the subject property to be available for inspection by the Town of Clayton officials at any reasonable time and upon reasonable notice.
5. Winnebago County & Wisconsin Department of Natural Resources (DNR) permits/approvals for stormwater management and erosion control shall be obtained and copies of such permits/approvals shall be submitted to the Town prior to commencing construction of the building addition.
6. DNR approval for wetland disturbance/filling shall be obtained and a copy of such approval shall be submitted to the Town within six (6) months of Conditional Use and Site Plan approvals. If the applicant fails to provide the Town a copy of the DNR approval for wetland disturbance/filling within six (6) months of Conditional Use Permit and Site Plan approvals, all illegal fill within the wetland shall be removed and the wetland shall be restored to preexisting conditions prior to the wetland fill violation.
7. Documentation shall be provided that the required wetland restoration activities have been completed per the restoration plan, including fill removal, reseeding, and site stabilization, prior to commencing construction of the proposed building addition.
8. Documentation of the Solar Reflective Index (SRI) of the proposed roofing materials shall be provided, prior to commencing construction of the proposed building addition.
9. Documentation shall be provided to verify all exterior lighting is IDA (International Dark-Sky Assoc.) certified, prior to commencing construction of the proposed building addition.
10. Any future proposed signage shall comply with the applicable requirements of Article 12 and Attachment E of the Town Zoning Ordinance.
11. Any substantial changes and/or additions to the site plan and/or building plans shall be reviewed and approved by the Plan Commission and Town Board in accordance with the Town Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.
12. The location of the refuse/recycling enclosure must be clearly identified on the site plan. All outside store of waste/trash or recyclables shall be screened from view and enclosed by a fence or wall that extends to the tallest point of waste/trash or recyclable container(s), but not less than six (6) feet in height. Fencing or walls shall meet all applicable design and dimensional requirements of Sec. 9.08-209. The Plan Commission reserves the right to require additional vegetative screening to ensure the enclosure is adequately screened from view.
13. If the new proposed driveway on the eastern side of the property to W American Dr. is to exceed the maximum width of 36 feet at its juncture with the

street pavement, a culvert clean-out shall be constructed to meet the Town's standards.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Ketter, Commissioner Hopkins

Abstaining: Commissioner Nemecek

Motion carried 4-0 with 1 abstention.

- J. Review/Discussion: Plan Commission review & discussion on a Concept Plan Review Application submitted by Troy Ribble for a proposed land division reconfiguring a portion of Tax ID #006-0006-02-02 (9670 Lind Ln); Tax ID #006-0006-09 (9618 Lind Ln); and all of Tax ID #006-00006-10-02 into five lots.

DISCUSSION ITEM ONLY - NO ACTION TAKEN

- K. Review/Discussion: Plan Commission review & discussion on a Concept Plan for the proposed move of a Habitable Building to Tax ID #006-0006-06 (Lind Ln) indicating where the final structures will be located.

DISCUSSION ITEM ONLY - NO ACTION TAKEN

UPCOMING MEETING ATTENDANCE

- A. Plan Commission (6:30 pm start unless otherwise noted) - July 10; Aug 14; Sept 11
- B. Town Board (6:30 pm start unless otherwise noted) - June 19; July 3 & 17; Aug 7 & 21
- C. Town of Clayton TID #1 Annual Meeting - June 20 starting at 10 am

ADJOURNMENT

MOTION

Motion made by Commissioner Haskell, **Seconded** by Commissioner Nemecek to adjourn at 9:10 pm.

Voting Yea: Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Ketter, Commissioner Hopkins

Motion carried 5-0.

Respectfully submitted,

Kelsey Faust-Kubale
Town Clerk