

MEMORANDUM

Agenda Items: Public Hearing A, Business B, & Business C

From: Administrator/Staff
To: Plan Commission
Re: Public Hearing and Plan Commission review & recommendation on a Conditional Use Application submitted by McMahan Associates on behalf of Clayton Development Group, LLC for a proposed multifamily housing development consisting of fifteen (15) 12-unit multi-family buildings located on approximately 19.6 acres of Tax ID #006-0617 addressed 2689 County Rd II, Neenah, WI.

AND

Plan Commission review & recommendation on a Site Plan Review Application submitted by McMahan Associates on behalf of Clayton Development Group, LLC for a proposed multi-family housing development consisting of fifteen (15) 12-unit multi-family buildings located on approximately 19.6 acres of Tax ID #006-0617 addressed 2689 County Rd II, Neenah, WI.

Property Information Specific to Tax ID # 006-0617:

1. Specific Site Location: The subject site is located on the property addressed 2689 County Rd II. The subject site is adjacent to the south of the County Rd II/Martin Dr intersection.
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 Multifamily Residential (R-4) District. Rezoning approved by Town in May 2023.
 - b. There is one (1) "non-navigable" intermittent stream/drainage way running adjacent to the south of Lot 4 of the proposed Scholar Ridge Estates final plat.
 - c. There are no wetlands on the subject property.
 - d. No portion of the subject property is located in shorelands or floodplain.
 - e. No portion of the subject property is located in located in Outagamie County Airport Zoning or an Airport Height Limitation Zone.
 - f. All of the subject property part of the final plat is located in the Fox West Sewer Service Area and Town of Clayton Sanitary District #1.
 - g. The adopted "Highways 10 & 76 Corridor Land Use Master Plan" identifies the future use of the subject property as "Medium and High Intensity Residential". This Master Plan was adopted as part of the Town Comprehensive Plan and serves as a more detailed future land use map for the Highways 10 and 76 Corridor. This Master Plan Map is a supplement to and supersedes the Future Land Use Plan Map classifications.
 - h. The PRELIMINARY/DRAFT Future Land Use Map of the updated 2023 Comprehensive Plan identifies the future use of the subject property as "Medium and High Intensity Residential". This preliminary/draft Future Land Use Map has not yet been adopted by the Town.
 - i. The proposed development is a Conditional Use in the subject property's Multifamily Residential (R-4) District.
3. Zoning of Surrounding Properties:
 - a. North: B-2 (Community Business District)
 - b. South: R-3 (Two-Family Residential District)
 - c. East: A-2 (General Agriculture District)
 - d. West: A-2 (General Agriculture District)

Application Details:

The applicant is proposing a multi-family housing development consisting of fifteen (15) 12-unit multi-family buildings on the subject property.

- Twelve (12) of the multi-family buildings are proposed on Lot 4 of the proposed Scholar Ridge Estates final plat

- Three (3) of the multi-family buildings are proposed on Lot 5 of the proposed Scholar Ridge Estates final plat

The proposed development also includes dumpster enclosures and internal driveways/parking areas. There are two (2) proposed driveways to Marlo Ave from the western portion of the development on Lot 4 of the proposed Scholar Ridge Estates final plat. There are two (2) proposed driveways to Marlo Ave and one (1) proposed driveway to St Thomas Ln from the eastern portion of the development on Lot 5 of the proposed Scholar Ridge Estates final plat. Stormwater management is proposed to be handled by the stormwater pond proposed to be constructed on Outlot 1 of the proposed Scholar Ridge Estates final plat, located north/northeast of the proposed development. The subject property is currently vacant land with wooded areas in the northern portions of Lots 4 and 5 of the proposed Scholar Ridge Estates final plat.

“Multifamily building, 9 or more units” is a Conditional Use in this property’s Multi-Family Residential (R-4) District. A Conditional Use Permit and Site Plan Review/Approval are required for this development.

Special Standards for Principal Land Uses:

Special standards for the “Multifamily building, 9 or more units” land use are found in Sec. 9.08-253, as follows:

1. Number of principal buildings per parcel. More than one multifamily building with 3 or more dwelling units may be located on a parcel of land, provided the overall density is maintained.
2. Design and construction. A multifamily building with 3 or more dwelling units shall meet the design and construction standards for a single-family dwelling under s. 9.08-254(c), which are:
 - Suitable roof coverings include clay or ceramic tiles, wood shingles or shakes, metal, or fiberglass or asphalt shingles.
 - Exterior wall surfaces shall be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer.
 - An overhang shall extend at least 12 inches beyond the face of the exterior wall.
 - The building shall be set on and anchored to a continuous permanent foundation that extends around its perimeter.
 - Consistent with the requirements in Article 7 of this chapter, the Plan Commission may approve a special exception authorizing the use of an exterior material not specifically allowed in this subsection.

The proposed roofing material is Aged Cedar or Weathered Wood color asphalt shingles. The proposed exterior wall materials consist of Aztec White color brick veneer and Savannah Wicker color vinyl siding. The proposed development appears to comply with all special standards outlined in Sec. 9.08-253. Color sample documents are included for Town review.

Special Site Design Principles and Architectural Standards

The “Multifamily Building” land use is subject to the special site design principles and architectural standards outlined in Division 8 of Article 8 of the Town Zoning Code of Ordinances. This section of the ordinance makes reference to the following attachments of the zoning code:

- Attachment B, Horizontal Site Design Standards
- Attachment C, Architectural Design Standards
- Attachment D, Architectural and Landscape Design Zones
- Attachment E, Landscape Design Standards
- Attachment F, Environmental and Energy Efficiency (E³) Guidelines

Per Attachment D, this property is located in the Tier 1 architectural and landscape design zone.

Horizontal Site Design Standards (Attachment B):

Driveways:

- Lot 4 of the proposed Scholar Ridge Estates final plat: Two (2) driveways to Marlo Ave.
- Lot 5 of the proposed Scholar Ridge Estates final plat: Two (2) driveways to Marlo Ave & one (1) driveway to St Thomas Ln

Per Section A (1) (f): “Driveways shall be located to minimize potential interference and conflicts with the use of buildings, roadways and driveways located on the opposite side of the street. To the greatest extent possible, driveways should align with existing driveways or roads on the opposite side of the street.” **In accordance**

with this ordinance section, staff recommends reconfiguring the southern driveway on Lot 4 to align with St Thomas Ln on the opposite side of Marlo Ave.

In response to staff's recommendation, the applicant's engineer provided the following statement:

"Moving the driveway would force the southernmost buildings into the 30' side yard setback. This would also eliminate space for a vegetated buffer along the South property line of Lot 4. If the current driveway location is not acceptable to the Town, further discussion can be had to determine an appropriate location"

Stormwater and Erosion Control:

Stormwater management is proposed to be handled by the stormwater pond proposed to be constructed on Outlot 1 of the proposed Scholar Ridge Estates final plat, located north/northeast of the proposed development. Stormwater management plans require review and approval by the Town and Winnebago County. Applicant shall also provide copies of stormwater management and erosion/sediment control permits/approvals obtained from Winnebago County and the Wisconsin Dept. of Natural Resources for this development.

Architectural Design Standards (Attachment C):

The subject property is located in the Tier 1 architectural design zone per Attachment D, Architectural and Landscape Design Zones.

Exterior Wall Materials:

The proposed exterior wall materials consist of Aztec White color brick veneer and Savannah Wicker color vinyl siding.

Sec. A. (2) (a) states:

- 1) *Except as provided below, Acceptable Exterior Building Materials shall cover 75 percent or more of all exterior wall surfaces. Windows and doors, including overhead doors, shall not be included in the total wall surface area calculation.*

"Acceptable exterior building materials" listed in Sec. A. (1) (d) include the following:

- Clay or masonry brick
- Natural or manufactured stone
- Decorative concrete masonry (sealed) with color consistent with design theme.
- Poured-in-place, tilt-up or precast architectural concrete (shall have stone, texture or coating appearance consistent with design theme)
- Glass curtain walls (Note: Glass windows and doors are not considered glass curtain walls)
- Other materials as approved by the Town Board

The proposed exterior materials do not comply with the requirements of Sec. A. (2) (a) since greater than 25% of the exterior wall surfaces are proposed to be covered with vinyl siding. However, there is a clear conflict between the special standards described in Sec. 9.08-253 (see above) and architectural design standards in Attachment C. The applicant is proposing approximately 50% (1st floor) to be covered with brick veneer, consistent with the Premier Apartments developments. In order to address this issue, the Town may:

1. Require the applicant to comply with minimum code requirements of Attachment C; or
2. Reduce the percentage of the exterior wall surfaces needing to be covered with acceptable exterior building materials to approximately 50% (1st floor) as proposed.

The Town may approve the building plans as proposed via #2 above. **Staff recommends approving the building plans as proposed to be consistent with the Town's approval of the existing Premier Apartments developments.**

Roofing Materials:

The proposed roofing material is Aged Cedar or Weathered Wood color asphalt shingles. "Asphalt, fiber-cement, slate or wood shingles" is listed as an acceptable roofing material per Sec. A. (1) (c).

Per Sec. A. (1) (c), the proposed roof material shall have a Solar Reflective Index (SRI) of 29 or higher. The SRI for Aged Cedar color asphalt shingles is 28 and the SRI for Weathered Wood color asphalt shingles is 19. **Both of these roofing materials do not comply with the code's SRI requirement.**

The applicant is requesting a waiver to this requirement and provided the following statement:

"We are proposing the use of 'Aged Cedar' or 'Weathered Wood' color of the Landmark shingle material produced by Certainteed, which has an SRI of 28 and 21 respectively. Additionally, we discussed the SRI requirement at length with Chad Pingel at RODAC (the builder of Legacy Park Apartments), and it seems the SRI requirement of 29 should be applied to commercial construction and doesn't necessarily apply to residential projects with shingle roofs in the same manner. In reviewing the LEED rating system, we believe the LEED for commercial requirement of 29 for SRI is relevant to commercial projects with metal or TPO roof systems. When being applied to residential projects with asphalt roofs of this type, the LEED for Homes/Residential system would be the most relevant. In speaking with the two largest manufacturers of asphalt shingles, there is only 1 color amongst all of them that exceeds the SRI requirement of 29. The following are comments from my Chad who has an extensive background in materials and efficiency:

"Please see attached information that reflects the most current data available for: Solar Reflectance, Solar Reflective Index, and those shingles that comply with Cal Title 24 Part 6 (shingles allowed for use in California's hot climate). When it comes to saving on energy costs related to cooling loads based on a light colored shingle or any roofing material for that matter, it ends up being a wash in cost at this latitude due to the amount of degree heating and cooling days being almost the same. Therefore, it doesn't make sense to have the SRI requirement tied to Multifamily Residential Construction. LEED utilizes the SRI value when looking at what is known as the "Heat Island Reduction". The roofing surface is only (1) part of what is considered along with areas of green space and areas of shade due to trees within the building site. Heat island reduction focuses on keeping the climate surrounding a building's surfaces cool. This is where the SRI value plays part in material selection and hard surfaces along with green space and shade."

Staff recommends approval of the requested waiver to allow for the Aged Cedar color asphalt shingles with an SRI of 28.

Sustainable Design:

Sec. A. (11) states: *"It is the intent of the Town of Clayton to encourage sustainable development and design. Sustainable design reduces dependency upon energy and impact on the environment while meeting development needs of the community. While certification to a specific environmental standard (e.g., LEED, Green Globe, Energy Star) is not required, the site plan review process will include review of a project's adherence to Attachment F, Environmental and Energy Efficiency (E3) Guidelines, of this Chapter. Projects that aim to meet an established, specific environmental standard such as those named above are strongly encouraged."*

Exceptions:

Sec. A. (14), states: *"Should a particular parcel present an undue hardship or needs arise to mitigate adjoining land use impacts, the Town Board may modify provisions of these regulations so long as the intent is protected and such modifications are not utilized in significant fashion as to warrant revision."*

Landscape Design Standards (Attachment E):

The subject property is located in the Tier 1 landscape design zone per Attachment D, Architectural and Landscape Design Zones.

General Design Criteria:

A Landscape Plan was submitted which identifies Buffer Yard Landscaping, Parking Lot Landscaping, Screening Requirements, and Building & Grounds Landscaping. The submitted plans also identify preserving a portion of the existing wooded area adjacent to the intermittent stream/drainage way adjacent to the south of Lot 4 of the proposed Scholar Ridge Estates final plat.

Design Standards:

The following landscaping types are required per Attachment E:

- Buffer Yard Landscaping along the southern lot line of Lot 4
- Parking Lot Landscaping
- Screening Requirements (i.e., screening around service, storage, and trash collection structures and areas)
- Building and Grounds Landscaping
- Ground Sign Landscaping

Buffer Yard Landscaping:

Per Sec. C. (1) (a):

- Buffer yard landscaping is required along the southern lot line of Lot 4.
- Required buffer yards shall be landscaped as described below. Combinations of trees and shrubs (at maturity), berms and fences shall create a 100 percent screening of visual sight from the normal finished ground elevation to six feet (6') above the ground elevation.
- Buffer yard shall be a minimum of 20 feet wide and shall be in accordance one of the two options below:
 1. Planted with 350 landscape points per 100 linear feet. At minimum, the following landscaping plantings shall be incorporated into the buffer yard:
 - Three (3) tall or medium deciduous or evergreen trees with a minimum height of 25 feet at maturity;
 - Ten (10) evergreen trees or shrubs with a minimum height of ten (10) feet at maturity; and
 - Fifteen (15) deciduous or evergreen shrubs with a minimum height of four (4) feet at maturity.

A total of 3,691 landscape points would be required for this option.

2. An opaque fence with a minimum height of six (6) feet and 175 landscape points per 100 linear feet. The required landscaping plantings shall be located on the outside of the fence. At minimum, the following landscaping plantings shall be incorporated into the buffer yard:
 - Three (3) tall or medium deciduous or evergreen trees with a minimum height of 25 feet at maturity;
 - Five (5) evergreen trees or shrubs with a minimum height of ten (10) feet at maturity; and
 - Eight (8) deciduous or evergreen shrubs with a minimum height of four (4) feet at maturity.

A total of 1,845 landscape points would be required for this option.

The proposed buffer yard landscaping does not comply with code requirements. Applicant requesting a waiver to this requirement to allow for the proposed buffer yard landscaping consisting of 720 total landscape points via the following landscaping materials along the southern lot line of Lot 4:

- 12 Vanderwolf's Pyramid Pine
- 6 Black Hills Spruce
- 6 Autumn Blaze Maple

Staff recommends requiring buffer yard landscaping along the south lot line of Lot 4 in compliance with the requirements of Attachment E.

Parking Lot Landscaping:

Per Sec. C. (1) (b) 3) b), Parking Lot Perimeter Landscaping, "One (1) tall or medium deciduous or evergreen trees per 50 linear feet of parking lot perimeter shall be equally spaced around the perimeter of the parking lot."

The Landscape Plan does not technically meet this requirement since Ivory Silk Lilac is proposed adjacent to the parking areas on Lot 5, which is a "low" deciduous tree. In order to address this issue, the Town may:

1. Require the applicant to comply with minimum code requirements and replace the Ivory Silk Tree Lilac "low deciduous trees" with tall or medium deciduous or evergreen trees; or

2. Waive this requirement and allow for the Ivory Silk Tree Lilac “low deciduous trees” in lieu of tall or medium deciduous or evergreen trees, as proposed.

The Town may approve the Parking Lot Landscaping as proposed via #2 above.

Grounds Landscaping:

Per Sec. C. (1) (d) 1):

- *A minimum of 20 landscape points consisting of deciduous and evergreen trees shall be provided on a prorated basis for every 4,500 square feet of impervious surface area. Low deciduous trees shall not make up more than 50 percent (50%) of the total number of trees. Evergreen trees shall make up at least 15 percent (15%) of the total number of trees.*
 - Lot 4 requires 1,378 landscape points consisting of trees. The Landscape Plan proposes 2,610 landscape points consisting of trees. **The Landscape Plan for Lot 4 exceeds this requirement.**
 - Lot 5 requires 392 landscape points consisting of trees. The Landscape Plan proposes 660 landscape points consisting of trees. **The Landscape Plan for Lot 5 exceeds this requirement.**
- *A minimum of three (3) landscape points consisting of deciduous and/or evergreen shrubs shall be provided on a prorated basis for every 1,000 square feet of impervious surface area.*
 - Lot 4 requires 930 landscape points consisting of shrubs. The Landscape Plan proposes 360 landscape points consisting of shrubs. **The Landscape Plan for Lot 4 does not meet this requirement since Reed Grass does not count for any points.**
 - Lot 5 requires 264 landscape points consisting of shrubs. The Landscape Plan proposes 90 landscape points consisting of shrubs. **The Landscape Plan for Lot 5 does not meet this requirement since Reed Grass does not count for any points.**

The applicant is requesting that the Town consider/allow Reed Grass as being equivalent to a “low shrub” equaling 3 landscape points per Reed Grass planting. If allowed by the Town, then the Landscape Plan for Lot 4 would comply with this requirement, but the Landscape Plan for Lot 5 would still not comply with this requirement.

Building Landscaping:

Per Sec. C. (1) (d) 2), “75% of all building sides must be landscaped with a variety of appropriate plant materials in a wood mulch or stone landscaping bed which is a minimum of 6’ wide measured from building façade.”

The Landscape Plan does not comply with this requirement.

Ground Sign Landscaping:

Signage plans and ground sign landscaping plans were not submitted.

Modifications of Standards:

Sec. F states: “The Town Board shall have the authority to waive or modify the requirements and standards of this section for good cause shown by the applicant. In lieu of any modification, a substitution of higher standards or inclusion of E3 components described in Attachment F can be required by the Town Board to offset any corresponding waiver or modification. Documentation of any modification shall be on file at the Town of Clayton and available for public review.”

Environmental and Energy Efficiency (E³) Guidelines (Attachment F):

The E³ standard is strongly recommended, but not required. Per review of the application materials, the following E³ components are included in this development:

- Increase number of plants. The total number of trees and shrubs required for “grounds landscaping” exceeds minimum requirements
- Storm sewer piping. Only hard piping of stormwater directly off-site is proposed to the stormwater pond on Outlot 1 which is anticipated to be approved by the Town & County.
- Minimize sprawl. Development is proposed within 1/8 mile of existing commercial development.

- Light Pollution. Proposed lighting is further reduced beyond current ordinance requirements.
- Minimize impervious surfaces. Proposed impervious surface percentage is less than 47% which is well below the maximum 70% requirement.

Storage of Waste/Trash and Recyclables (Sec. 9.08-209):

Per Sec. 9.08-209:

- Outside Storage 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.
- Screen fencing or walls shall be of a continuous wood, brick, or vinyl surface, or other material(s) as approved by the Town Board.
- When a fence has two distinct sides, the side with protruding posts, studs, etc. shall face the inside of the enclosure.

The trash enclosure is proposed to be enclosed via chain link fence with privacy slats, which may be allowed if the Town approved the proposed materials (i.e., chain link fence with privacy slats).

Exterior Lighting (Sec. 9.08-210):

An exterior lighting plan consisting of only building-mounted fixtures was submitted and substantially complies with code requirements.

Comprehensive Plan Considerations:

- The “Highways 10 & 76 Corridor Land Use Master Plan” classifies this parcel as being in the “Medium and High Intensity Residential” land use district. This Master Plan was adopted as part of the Town Comprehensive Plan and serves as a more detailed future land use map for the Highways 10 and 76 corridor. This Master Plan Map is a supplement to and supersedes the Future Land Use Plan Map classifications.
- “Medium and High Density Residential District” Land Use District Description:
“This district is present in various portions of the Study Area and is intended to accommodate both single-family and multiple-family housing units that are connected to public sewer and water. Planned densities should fall between 6 and 12 dwelling units per acre. This district is designed to better accommodate more affordable ‘workforce’ housing and those types of units which are often referred to as ‘the missing middle’ (Figure 2-2). The Missing Middle housing types provide diverse housing options, such as duplexes, fourplexes, cottage courts, and townhouses. This definition does not include typical 8-plex and 16-plex apartment buildings. These house-scale buildings should fit seamlessly within residential neighborhoods and support walkability. They provide solutions along a spectrum of affordability to address the mismatch between the available housing stock and shifting demographics combined with the growing demand for walkability.”

The proposed development is consistent with the “Medium & High Density Residential District” land use district as mapped and described in the “Highways 10 & 76 Corridor Land Use Master Plan”.

Staff Comments, Basis of Decision, & Suggested Conditions:

Staff Comments:

Plan Commission/Town Board will need to consider and discuss the following outstanding items/issues:

1. Horizontal Site Design Standards (Attachment B):
 - a. Location of Southern Driveway on Lot 4:
 - i. Per Section A (1) (f): “Driveways shall be located to minimize potential interference and conflicts with the use of buildings, roadways and driveways located on the opposite side of the street. To the greatest extent possible, driveways should align with existing driveways or roads on the opposite side of the street.”
 - ii. The southern driveway on Lot 4 does not align with St Thomas Ln, east of Marlo Ave.

- iii. Applicant is requesting a waiver to this requirement to allow the driveway location as proposed.
- iv. Staff Recommendation: Staff recommends requiring reconfiguration of the southern driveway on Lot 4 to align with St Thomas Ln on the east side of the Marlo Ave.

2. Architectural Design Standards (Attachment C):

a. Exterior Building/Wall Materials:

- i. Proposed exterior building/wall materials do not comply with the requirements of Attachment C. Code requires 75% or more of wall surfaces to be covered in "Acceptable Exterior Building Materials" listed in Attachment C. However, there is a clear conflict between the special standards per Sec. 9.08-253 for multifamily buildings and the architectural design standards in Attachment C.
- ii. Applicant is requesting a waiver to this requirement and is proposing approximately 50% (1st floor) to be covered with brick veneer, consistent with the Premier Apartments developments
- iii. Staff Recommendation: Staff recommends approving the building plans as proposed due to the code inconsistency between Sec. 9.08-253 and Attachment C. Furthermore, approving the plans as proposed will be consistent with the Town's approval of the Premier Apartments developments.

b. Roofing Materials:

- i. Proposed roofing materials do not comply with the Solar Reflective Index (SRI) requirement of Attachment C. Code requires roof materials to have an SRI of 29 or higher.
- ii. Applicant is requesting a waiver to this requirement and is proposing Aged Cedar color asphalt shingles with an SRI of 28 or Weathered Wood color asphalt shingles with an SRI of 19.
- iii. Staff Recommendation: Staff recommends approval of the requested waiver to allow for the Aged Cedar color asphalt shingles with an SRI of 28.

3. Landscape Design Standards (Attachment E):

a. Landscaping within Temporary Cul-de-Sac Right-of-Way:

Landscaping is proposed within the temporary cul-de-sac right-of-way at the east end of St Thomas Ln. Landscaping plan will need to be revised to address this issue.

b. Buffer Yard Landscaping:

- i. Proposed buffer yard landscaping along southern lot line of Lot 4 does not comply with the requirements of Attachment E.
- ii. Code requires 3,691 landscape points without a screening or 1,845 landscape points with a screening fence.
- iii. Applicant is requesting a waiver to this requirement to allow for a buffer yard landscaping consisting of 720 landscape points.
- iv. Staff Recommendation: Staff recommends requiring buffer yard landscaping along the south lot line of Lot 4 in compliance with the requirements of Attachment E.

c. Parking Lot Landscaping:

- i. Attachment E requires TALL or MEDIUM deciduous or evergreen trees to be planted adjacent to the parking areas.
- ii. On Lot 5, applicant is proposing Ivory Silk Lilac trees adjacent to parking areas on Lot 5, which is a low deciduous tree. Since Ivory Silk Lilac is a LOW deciduous tree which does not comply with this requirement.
- iii. The Town may waive this requirement and approve the Parking Lot Landscaping as proposed or require the applicant to replace the Ivory Silk Lilac trees with tall or medium deciduous or evergreen trees.

- d. Grounds Landscaping:
 - i. Proposed grounds landscaping does not comply with the shrub requirements of Attachment E.
 - ii. Code requires 930 landscape points consisting of shrubs on Lot 4 and 264 landscape points consisting of shrubs.
 - iii. On Lot 4, applicant is proposing 360 landscape points consisting of shrubs with an additional 192 Reed Grass plantings. (*Note: Reed Grass does not count towards any landscape points since it is not a shrub*)
 - iv. On Lot 4, applicant is proposing 90 landscape points consisting of shrubs with an additional 192 Reed Grass plantings. (*Note: Reed Grass does not count towards any landscape points since it is not a shrub*)
 - v. Applicant is requesting that the Town consider/allow Reed Grass as being equivalent to a “low shrub” equaling 3 landscape points per Reed Grass planting. If this waiver request is allowed by the Town, then the Landscape Plan for Lot 4 would comply with this requirement, but the Landscape Plan for Lot 5 would still not comply with this requirement.
 - e. Building Landscaping:
 - i. Proposed building landscaping does not comply with the requirements of Attachment E.
 - ii. Staff Recommendation: Due to the building configurations having garages on each end, compliance is not possible. Staff recommends waiving this requirement, but requiring modification of the landscape plan so 100% of the non-garage sides of the buildings are landscaped.
4. Storage of Waste/Trash and Recyclables (Sec. 9.08-209):
- a. Applicant is proposing chain link fence with privacy slats for screening of trash enclosures.
 - b. Code states that screen fencing or walls shall be of a continuous wood, brick, or vinyl surface, or other material(s) as approved by the Town Board
 - c. Since “chain link fence with privacy slats” is not listed as an approved fencing material, the proposed materials may only be allowed with Town approval.

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.

Site Plan Review:

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

1. Effects of the project on traffic safety and efficiency and pedestrian circulation, both on-site and off-site;
2. Effects of the project on the natural environment;

3. Effects of the project on surrounding properties, including but not limited to operational considerations relating to hours of operation and creation of potential nuisances such as noise, odor, fumes, dust, and light;
4. Compliance with the Special Site Design Principles and Architectural Standards described in Division 8 of Article 8;
5. Compliance with other applicable requirements contained in this Chapter; and
6. Any other factor that relate to the purposes of this Chapter as set forth in section 9.01-05 and other applicable sections.

Staff Recommendation & Suggested Conditions:

If the Town determines that the exterior wall materials, roofing material, and overall site plan are adequate, as proposed, it is staff's opinion that the Town may conditionally approve the conditional use permit and site plan.

The following are possible conditions of approval that may be relevant to ensure compliance with ordinance requirements:

1. The project shall comply with all applicable local, state, and federal codes/ordinances.
2. Stormwater management and grading/erosion control plans shall be approved by the Town, Winnebago County, and Wisconsin Department of Natural Resources prior to commencing construction. Winnebago County and Wisconsin Department of Natural Resources permits/approvals for stormwater management and erosion control shall be obtained prior to commencing construction.
3. Future accessory buildings shall maintain the same theme and material selections as the principal buildings.
4. A revised Landscape Plan shall be submitted to the Town for review and approval by the Plan Commission and Town Board. The revised Landscape Plan shall be approved and all landscaping shall be installed prior to issuance of any occupancy permit(s)/approval(s) by the Town.
5. No obstructions, such as structures, parking or vegetation, greater than 3 feet in height above the centerline of intersecting street or driveway grades, whichever grade is lower, shall be permitted in a vision clearance triangle.
6. Any proposed signage shall comply with the applicable requirements of Article 12 and Attachment E of the Town Zoning Ordinance.
7. 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 of Clayton Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

Suggested Motions:

*Motion to recommend approval of the **Conditional Use Permit** for Clayton Development Group, LLC with all Staff recommendations & conditions.*

*Motion to recommend approval of the **Site Plan Application** for Clayton Development Group, LLC with all Staff recommendations & conditions.*