

## MEMORANDUM

### **Business Item A**

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & recommendation on a Site Plan Review Application submitted by McMahon Associates on behalf of Chris & Brittany Voigt for a new equestrian building located at 3411 Winnegamie Dr.

Please see the below comments from Code Administrator Kamke:

The Town of Clayton Zoning Ordinance states these requirements and documents must be submitted:

9.07-173 : ...plan(s) depicting information in Appendix A and other applicable supplemental materials. Such information and materials shall show compliance with all applicable requirements, including but not limited to Article 8, Article 11, Article 12, Appendix A, and Attachments B-F.

By definition (9.05 of Article 3, Definitions), a commercial stable is a place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides. Nonresidential buildings and other structures such as barns, stables, riding arenas, and sheds, necessary for the operation are allowed. Other definitions in this same article specifically exclude commercial stables from the category of general agriculture (1.03 of Article 3).

Using these categories, Article 8 requires a Conditional Use Permit, Site Plan approval, and any other zoning and building permits as needed for a commercial stable land use per Exhibit 8-1, Land Use Matrix. Additional special standards for commercial stables include minimum lot size of 5 acres and certain review parameters that must be included in the site plan and operation plan review. “[T]he handling and disposal of animal waste generated by this use shall be addressed along with required setbacks from adjoining properties and the maximum number of livestock that may be kept on the premise.” (9.08-315)

The land is at least 5 acres, but has a residence on the same parcel, which is in conflict with the ordinance allowances for commercial stable use. The applicant did not submit preliminary plans, proof of application for County permits, or other documents that would outline their proposed process for the handling and disposal of animal waste generated by the use.

**Article 11** outlines the requirements for parking. Minimum requirements listed in Exhibit 11-1 mandate at least one parking space per four stalls in the building. The building plan submitted shows eight stalls, which means at least two regular parking spaces must be provided. Section 9.11-09 (b) states that if parking spaces are required, accessible spaces must be provided in addition to the required regular spaces. At least one accessible space must be provided based on the total number of required parking spaces. The site plan submitted provides for six regular spaces and two accessible spaces, meeting the minimum requirements of this article.

**Article 12** states the allowances and standards for signs. The A-2 General Agriculture district allows the installation of a 'farm sign', which is a permanent on-premise sign identifying a farm by its name or by the operator's name. As referenced in 9.12-09 and Table 9.12-1, a 'farm sign' is limited in area to 32 square feet per side, and must not be closer than 10 feet to the front property boundary line, and cannot be within side yard or rear yard setbacks. A 'farm sign' can be installed without a permit if these standards are met.

The sign installed on the site does not meet the dimensional and siting standards for a 'farm sign'. It is both larger than 32 square feet per side and is within the 10 foot setback from the road right-of-way line that is the parcel boundary.

Further, Article 12 groups regulations for permit-required signs by zoning district. While this Site Plan application is for a commercial stable use, it is located on agriculturally zoned land. The Town Zoning Ordinance only allows the listed signs without permits (Table 9.12-1), and does not allow any signs requiring permits when they are proposed for agricultural zoning districts lands.

While the current zoning ordinance standards do not allow any signs requiring permits in the agricultural zoning districts, this has been identified as an area where the Town Zoning Ordinance could and should be amended. The provisions for conditional uses in the A-1 and A-2 districts that relate to all uses beyond agriculture indicate the Town's desire to allow these uses with certain oversight. It is reasonable to assume those conditional uses will want to have signage installed on their sites. This Site Plan Review cannot change the ordinance. The Town may only impose conditions on this site plan review that relate to any aspect of the use that impacts the public health, safety, morals, comfort, or general welfare. A recommended condition of approval is to move the sign for the commercial stable to a location that is code-conforming in another district that allows this use. The Town can then plan to update their code accordingly.

The other district that allows commercial stable use by conditional use permit is the I-1, Light Industrial District. That district allows one free-standing sign per frontage, with a maximum of 50 square feet per side and no higher than 8 feet tall. Section 9.12-13(b)(3) requires the free-standing sign to be no closer than 10 feet from the front property boundary line, and no part of the sign can be within the viewing clearance triangle. A parking lot entrance sign cannot exceed 12 square feet per side, be a maximum height of 5 feet, and cannot be closer than 100 feet to another free-standing sign.

**Appendix A** lists the required information for a Site Plan map. Provided materials by the applicant included most but not all items. Building plans from the contractor showed inaccurate north arrow orientation, and the Town should use the plans from the engineer as the intended site layout. No map indicated where any stormwater management facility will be located, and no plans or calculations were submitted for Town comment. No preliminary proof of application to the County for these permits was submitted by the applicant to the Town. All other information required in Appendix A was provided and meets ordinance requirements, including background information on the site, survey details and setting information, site features, setbacks, utilities, and parking plans.

**Attachment B** discusses the connection to public roads from the site. In the submitted letter by the applicant, they note that a traffic hazard exists due to location of the driveway

relative to the site and vegetation on adjacent properties. In a review for a proposed use, the Town would be able to recommend moving a proposed driveway for commercial stable use to an area of higher visibility as the majority of traffic travels westbound on Winnegamie Drive. The Village of Greenville and Town of Clayton have an agreement for portions of this road, and the subject site is in a stretch maintained by the Village. Any new commercial use would involve the Village to plan and safely place the new driveway. However, as this Site Plan review is part of the journey to obtain compliance for a use established without relevant approvals, the site is now substantially developed. Alternative driveway locations on the west side of the property have multiple septic systems that serve the home and existing horse barn and arena. To mitigate the safety access issue created by the applicant's placement of the driveway, there should be discussion on the feasibility for adding a center turn lane to this stretch of road. This would be done at applicants' cost, and details would be determined between T. Clayton and V. Greenville, with the applicant entering a public improvement agreement contract with the Town as allowed in 9.07-182, and providing the Town appropriate financial securities for such work.

**Attachment C** describes the Architectural Design Standards, and **Attachment D** shows the extent of each tier. The site is within the Tier 2 Rural Transition design zone, and at least 50% of exterior wall surfaces facing street and side yards must be covered by acceptable exterior building materials. Rear yard facing aspects shall be covered by 33% or more of said materials. While steel panels are not listed under Acceptable Exterior Building Materials in Attachment C .(1)(d) , other materials can be approved by the Town Board. Steel panels are planned for the roof, and have both a 4:12 and <2:12 slope planned for sections of the building. The SRI must be at least 78 or higher for the <2:12 slope, and at least 29 on the 4:12 slope areas. No values were provided for the planned material by the applicant.

**Attachment E** contains the landscaping requirements. Under the ordinance, residences are not allowed on the site of commercial stables. The landscaping of the home may be considered relevant to this Site Plan review only as it pertains to the visibility from the road right-of-way. Alternative compliance is an option offered to applicants under Attachment E, E. Alternative compliance standards require the applicant to demonstrate how the intent of the landscaping standards can be met more effectively through alternative means. The Town can further waive or modify the requirements when good cause is shown by the applicant as allowed in Att. E, F.(1).

Buffer Yard landscaping shall be at least 20 feet wide along the side or rear yards that share a common lot line with existing and future residential uses, as determined by existing zoning, existing use, or Comprehensive Plan Future Land Use map designations. The subject site qualifies for this category on every side except their north lot line. Density requirements are 350 points per 100 linear feet, and with 3,986 linear feet along those lot lines, a minimum of 13,951 points would be required. Each tall or medium deciduous tree and each evergreen tree count as 30 points, so 465 of those trees would be required by ordinance standards. Without verifying the quantity of trees existing on the site, the supplied photos from the applicant appear to meet the intent of the standard to create a dense, tall barrier between this use and adjacent residential uses.

Grounds Landscaping requirements. Based on Sheet 03 of the plans from the applicant, a total of 141,031 square feet of new impervious surfaces are proposed

for this project. Attachment E requires a minimum of 20 landscaping points for every new 4,500 square feet. Total points required under the ordinance would be 627 points of landscaping, of which not more than 50% shall be low deciduous trees. The applicant is asking for alternative compliance on this standard due to site limitations and potential harm to users of the site.

Building Landscaping required in Tier 2 is for 100% of the building sides facing public right-of-way to be landscaped in beds a minimum of 6 feet wide as measured from the building façade, with wrapping around corners extending at least 25% the entire side wall length. The applicant asks the Town to consider the landscaping on the residence as sufficient for this standard, due to the distance the proposed building is to be located from the right-of-way.

Parking lot landscaping has two parts, the screening from view from off-site, and the intermittent placement in the parking area of islands or peninsulas. Parking lot screening is likely covered by the buffer yard landscaping and alternative compliance requested there. The applicant asks for a reduction in the parking area landscaping standards, due to the siting of the building far from the road and the incompatibility of the use with aesthetic vegetation. Applicant's letter states safety reasons (horses spooking or attempting to ingest the plantings) and the space being otherwise needed for maneuvering of trailers, accessible vehicles, and accessibility supports.

**Attachment F** contains suggestions for the Town to consider if they are relaxing any standards. This section outlines the E3 standards, being the Environmental and Energy Efficiency Guidelines encouraged in new commercial construction. The Town does not require most of these components, but may look to implement them in exchange for modifications and waivers of other site design standards per Att. F, C.(2).

After review, the recommendation of the Plan Commission and of the decision by the Town Board must be based on items listed in 9.07-175. This includes: the effects of the project on traffic safety and efficiency and pedestrian circulation, being both on-site and off-site; effects of the project on the natural environment; effects of the project on surrounding properties, including but not limited to operation considerations related to hours of operation and creation of potential nuisances such as noise, odor, fumes, dust, and light; compliance with the Special Site Design Principles and Architectural Standards (Attachments B-F); and any other factors that relate to the purposes of the Zoning Ordinance. (9.07-175)

Conditions of approval may be imposed in granting approval. Conditions and restrictions in site plan review may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect that impacts those things the Zoning Ordinance strives to protect, including the public health, safety, morals, comfort, or general welfare of the community. (9.07-176)

Approval of a site plan is binding and runs with the land, but expires after 12 months if no substantial work has started and is proceeding. (9.07-178 and 179)

Suggested conditions of approval:

1. Applicant must provide proof of application and copies of approved permits to the Town. This includes but is not limited to state commercial building code, construction site erosion control and stormwater management at county and/or state level, livestock / animal waste management permits, private sanitary system permit, and others as relevant to the site construction and use.
2. Applicant shall provide plans to the Town for the handling and disposal of animal waste generated onsite. This is separate and in addition to the permits for such from the regulating agencies.
3. The final approved site plan as required in 9.07-181 must include the location for stormwater facilities and any required onsite animal waste management facilities or storage areas.
4. Sign(s) on the property must be modified or relocated to be compliant with standards applied to other zoning districts that allow the commercial stable use, including the applicant obtaining any permits as required for such signs and placement.
5. Applicant shall provide SRI values for the building materials. Values must meet the Town minimum standards as described in Attachment C.
6. All landscaping required in this approval shall be installed within six months of occupancy of the building. Extensions to this timeline must be done through specific approval by the Town Board.

Choose an option or edit these to other language as discussed in the Town meetings:

7. Lighting:
  - a. Applicant shall submit updated lighting plans showing compliance with 9.08-210 and install those compliant fixtures as required by the Town standards.  
OR
  - b. Town accepts as an exception the lighting plans as submitted, since the materials submitted by the applicant show compliance with the standards required to become Dark Sky Certified, even though the fixtures have not received the certification itself.
8. **IF** approving of proposed alternative compliance allowances for landscaping includes the following:
  - a. No additional buffer yard landscape screening required along the east, west, or south lot lines.
  - b. Acceptance of the provided building landscaping plan for the east aspect of the building.
  - c. No additional parking lot landscaping is required.
  - d. Reduction OR complete waiver of the required grounds landscaping standards based on potential harm to users of the site and existing soil limitations. *Must affirm if any grounds landscaping is required, or if standard eliminated entirely.*
9. Access to the site:
  - a. Applicant must relocate driveway. OR
  - b. Applicant shall enter into a public improvement agreement with the Town as outlined in 9.07-182. The intent will be to install a turn lane for westbound

- traffic, or other purpose as discussed and agreed upon between the applicant and Town to alleviate safety hazards in accessing the site. OR
- c. Other provisions to address safe access to the site. Could be installation of a turn-around, or other option.

**SUGGESTED MOTION(S):**

*Motion to recommend approval of the Site Plan Application submitted by McMahon Associates on behalf of Chris & Brittany Voigt with the nine (9) listed conditions – MUST CLARIFY OPTIONS FOR 7-9*

*Motion to recommend denial of the Site Plan Application submitted by McMahon Associates on behalf of Chris & Brittany Voigt.*

If you have any questions about this information, please call or e-mail me.

Respectfully Submitted,  
Kelsey