

## MEMORANDUM

### Business Item D

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & recommendation on a Site Plan Review Application submitted by Utschig, Inc. on behalf of Positive Ventures, LLC for conversion of the existing restaurant/tavern building to a multi-tenant industrial/commercial building on Tax ID #006-0620-06 (2770 Towne Court).

### Property Information Specific to Tax ID # 006-0620-06:

1. Specific Site Location: The subject parcel is located at the former Headliners Bar & Grill property addressed 2788 Towne Ct., bordered on 3 sides by County Rd II to the north, Winncrest Rd to the west, and Towne Ct to the south.
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 parcel is located in the Heavy Industrial (I-2) District.
  - b. The subject parcel is not located in the Personal Storage Facility/Unit (PSF) Overlay District.
  - c. There are no shoreland, floodplain, or wetland concerns/considerations for the subject parcel.
  - d. The subject parcel is not located in Outagamie County Airport Zoning or an Airport Height Limitation Zone.
  - e. The subject parcel will continue to be served by public sewer/water.
  - f. The "Highways 10 & 76 Corridor Land Use Master Plan" classifies this parcel as being in the "Gateway Commercial & Retail" 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.
3. Zoning of Surrounding Properties:
  - a. North: R-2 (Suburban Residential District), B-3 (General Business District), & Personal Storage Facility/Unit (PSF) Overlay District
  - b. South: I-2 (Heavy Industrial District)
  - c. East: I-2 (Heavy Industrial District) & Personal Storage Facility/Unit (PSF) Overlay District
  - d. West: I-2 (Heavy Industrial District)

### Application Details:

The applicant is proposing to convert the former Headliners Bar & Grill building on the property addressed 2788 Towne Ct (PIN 006-0620-06) to a multi-tenant industrial/commercial building. The proposal also includes additional paving and one (1) additional driveway to Towne Ct on the south side of the building. There is one (1) existing driveway from the subject parcel to Towne Ct.

The application identifies the proposed use of the building/tenant spaces as a "warehouse" land use, which is a Permitted Use in the Heavy Industrial (I-2) District. The "Warehouse" land use is defined in Sec. 9.03-02 as: *"A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage."*

Only uses/businesses listed in Exhibit 8-1, Land Use Matrix, as Permitted or Conditional uses in the I-2 District may be established on/in the subject property/building unless the property is rezoned. If any use listed in Exhibit 8-1 as a Conditional Use proposes to occupy a tenant space, the property owner shall obtain a Conditional Use Permit from the Town prior to such use occupying any tenant space. This project requires Site Plan Review/approval since the proposal is to convert the existing building to a multi-tenant nonresidential building.

### Special Standards for Principal Land Uses:

Special standards for the "Warehouse" land use are found in Sec. 9.08-404, as follows:

1. Setback of outdoor storage area. Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.
2. Control of fugitive dust. As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.

**The proposed development appears to comply with all special standards outlined in Sec. 9.08-404.**

### **Special Site Design Principles and Architectural Standards**

The proposed conversion 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 (E<sup>3</sup>) Guidelines

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

### **Horizontal Site Design Standards (Attachment B):**

#### Driveways:

One (1) new driveway, resulting in two (2) driveways from the subject parcel to Towne Ct. is proposed. Per Sec. A. (1) (e), "Driveways shall not exceed a maximum width of 36 feet at their juncture with the street pavement or 30 feet in width at the public right-of-way line." **The proposed new driveway complies with the requirements of Attachment B.**

#### Vision Clearance Triangle:

The vision clearance triangles per Sec. A. (2) (b) are not shown on the site plan. **The vision clearance triangles shall be shown on the site plan.**

#### Stormwater and Erosion Control:

Stormwater management plan is not required for this project per the Winnebago County zoning ordinance. 5,334 sq. ft. of impervious surfaces are proposed to be added to the site.

### **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. The applicant is proposing the following changes to the exterior walls:

- North wall (facing Country Rd II): No changes
- East wall: Reconstruct large portions to add man doors and overhead doors for tenant spaces 3, 4, and 5.
- South wall (facing Towne Ct): Reconstruct large portions to add man doors and overhead doors for tenant spaces 1 and 2.
- West wall (facing Winncrest Rd): Reconstruct small portions to add two (2) man doors.

#### Exterior Wall Materials:

The existing exterior walls consist of brick and metal wall sheeting. The proposed exterior walls will remain the same except for the addition man doors and overhead doors, and the infilling of an existing door opening with brick on the east wall.

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.*
- 2) *In those areas deemed to be of limited exposure to the general public, percentages may be decreased so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.*

- 3) ***For those uses that require the location of exposed overhead or coiling doors, and not allow for the aggregate percentages to be achieved, acceptable building materials may be decreased to accommodate their necessity for the building use, so long as the intent of this provision is maintained. The Town Board has the authority to approve additional landscaping, acceptable material in other areas, screening, environmental and energy efficiency provisions, a reduction in the number of doors and building location within the parcel to maintain the aesthetic value of the area and maintain the intent of this provision.***

“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 existing and proposed exterior materials do not comply with the requirements of Sec. A. (2) (a) since “acceptable exterior building materials” listed in Sec. A. (1) (d) do not cover 75% or more of the wall surfaces on the south, east and west sides of the building. The Town may approve the proposed exterior materials as proposed via the ordinance provision which allows the Town to decrease aggregate percentages due to the necessity of exposed overhead or coiling doors, as per Sec. A. (2) (a) 3).**

#### Roofing Materials:

The existing roofing material consists of metal sheeting. No changes to the roofing material is proposed. **“Architectural metal roof panels” is listed as an acceptable roofing material per Sec. A. (1) (c).**

#### Existing Structures:

Sec. A. (5) states: “It is the intent to improve the architectural design of existing development governed by these standards.

- Principal buildings or structures that have been erected or constructed prior to the effective date of adoption of these provisions are allowed to make minor improvements to these structures.*
- These improvements must make significant efforts to conform to the intent of the architectural design standards.*
- Any additional square footage added to these structures must be in full compliance to the architectural design standards.*
- Percentages of Acceptable Exterior Building Materials may be decreased to allow for consistency in architectural design with the existing structures.*

**The Town may approve the proposed exterior materials as proposed via this ordinance provision. No additional square footage is proposed to be added to the existing building.**

#### Loading Docks and Overhead Doors:

Per Sec. A. (9):

- Adequate loading dock space shall be provided to address the needs of a building function.*
- Except as provided in sub. (c) below, loading docks and overhead doors shall be located in the side yard or rear yard and shall not be located facing a street yard.***
- Should the building orientation or parcel not provide a suitable accommodation or present an undue hardship for locating loading docks and overhead doors in and/or facing the side or rear yard, the Town Board may allow loading docks in and/or facing the street yard if a practical alternative does not exist.***
- A landscape buffer yard shall be constructed, according to “Buffer Yard Landscaping Requirements” of Attachment E of this Chapter between loading docks and/or overhead doors and any residentially zoned property or property containing a single-family dwelling, two-family building, or twin home.*

- (e) Loading docks and overhead doors shall be located on the site such that they fully accommodate the length and maneuvering clearances required without extending into required landscaped buffer yards or street yard setbacks, unless allowed by the Town Board in accordance with sub. (c) above.
- (f) Maneuvering of vehicles to enter or exit from the loading docks or overhead doors shall not encroach upon any public or private road right-of-way or easement.

**Overhead doors are proposed on the south side of the building facing Towne Ct, which does not comply with item (b) above. The Town may allow the overhead doors on the south side of the building facing Towne Ct via item (c) above. Due to this property having street frontage on three (3) sides of the lot, staff feels allowing overhead doors on the south side of the building facing Towne Ct may be acceptable.**

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 (E<sup>3</sup>) 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.

The existing building landscaping on the east side of the building is proposed to be removed to accommodate overhead door locations serving tenant spaces 3, 4 and 5. **No Landscape Plan was submitted and no additional landscaping is proposed.**

General Design Criteria:

No Landscape Plan was submitted and no additional landscaping is proposed.

Per Sec. B. (1):

- **“Development sites shall have no more than 70 percent impervious surface.” The proposed development with the additional 5,334 sq. ft. of impervious surfaces will exceed this requirement. Options to address this issue include:**
  - Require removal of impervious surface from other portions of the site to comply with this requirement.
  - Require the subject parcel and the parcel adjacent to the east, which is owned in common, to be combined into one (1) lot. *(Note: Since the parcel adjacent to the east is included in the Town’s Tax Increment District, this option would require an amendment to the TID boundary so that the TID boundary follows lot lines; a lot may not be partially in and partially out of a TID)*

Screening Requirements (i.e., screening around service, storage, and trash collection structures and areas):

Per Sec. C. (1) (c), *“A continuous staggered planting of evergreens or fencing shall enclose service, storage, and trash collection areas so they are not visible from adjacent properties and public right-of-ways.”*

**The trash enclosures are proposed to be enclosed on all sides with slate fencing and a slate gate, which is in compliance with this requirement.**

**The Town may require additional/replacement landscaping on the parcel and require submittal of a Landscape Plan for Plan Commission/Town Board review and approval.**

**Environmental and Energy Efficiency (E<sup>3</sup>) Guidelines (Attachment F):**

The E<sup>3</sup> standard is strongly recommended, but not required. Since there are only changes to the exterior walls with some additional paved area, E<sup>3</sup> components included in the plan are either not applicable or are not identifiable with the submitted plans.

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

Per Sec. 9.08-209:

- **Any outdoor refuse or recyclables storage area shall be located in the side or rear yard.**
- 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.
- A minimum 50-foot direct front access on the approach to the dumpster is needed.

**The proposed waste/trash/recyclables enclosures are proposed to be enclosed on all sides with slate fencing and a slate gate, which may be approved by the Town. However, both waste/trash/recyclables enclosures are proposed in the street yards of all adjacent streets (County Rd II, Winncrest Rd, & Towne Ct). The Town may require relocation of the waste/trash/recyclables enclosures in compliance with these requirements.**

**Exterior Lighting (Sec. 9.08-210):**

A Lighting Plan was not submitted. The submitted plans, do not show any new exterior lighting being proposed.

**Signs (Sec. 9.08-211):**

A Sign Plan was not submitted.

**Comprehensive Plan Considerations:**

- The “Highways 10 & 76 Corridor Land Use Master Plan” classifies this parcel as being in the “Gateway Commercial & Retail” 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.
- “Gateway Commercial & Retail” Land Use District Description:  
*“Located primarily along STH 76, along with some frontage on CTH II, this district is intended to accommodate typical highway interchange types of uses including fast food, gas stations, restaurants, a grocery store, childcare, banking, and other retail, and service-oriented businesses that are aimed at travelers and local residents. Requiring that all development occur under a Planned Unit Development (PUD) condition will help to ensure the quality of the development and its buildings.”*

**The proposed development is generally consistent with the “Gateway Commercial & Retail” land use district as mapped and described in the “Highways 10 & 76 Corridor Land Use Master Plan”, but since this property is on the back end of the “Gateway Commercial & Retail” land use district and the property is currently in the Heavy Industrial (I-2) District, this designation is a minor consideration for this proposal.**

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**Staff Comments, Basis of Decision, & Suggested Conditions:**

**Staff Comments:**

The Site Plan does not comply with the following Town Zoning Ordinance requirements:

1. Horizontal Site Design Standards (Attachment B):
  - a. Vision clearance triangles adjacent to driveways are not identified on plans.
2. Architectural Design Standards (Attachment C):
  - a. The existing and proposed exterior building/wall materials do not comply with the requirements of Attachment C, Architectural Design Standards. *(However, the Town may approve the proposed exterior materials as proposed via the ordinance provision which allows the Town to decrease aggregate percentages due to the necessity of exposed overhead or coiling doors)*
  - b. Overhead doors are proposed on the south side of the building facing Towne Ct, which does not comply Attachment B. *(However, the Town may allow the overhead doors on the south side of the building facing Towne Ct. Due to this property having street frontage on three (3) sides of the lot, staff feels allowing overhead doors on the south side of the building facing Towne Ct may be acceptable.)*
3. Landscape Design Standards (Attachment E):
  - a. No Landscape Plan was submitted and no additional landscaping is proposed. The Town may require additional/replacement landscaping on the parcel and require submittal of a Landscape Plan for Plan Commission/Town Board review and approval.
  - b. The proposed development with the additional 5,334 sq. ft. of impervious surfaces will exceed the 70% maximum impervious surface requirement. Options to address this issue include:
    - i. Require removal of impervious surface from other portions of the site to comply with this requirement.
    - ii. Require the subject parcel and the parcel adjacent to the east, which is owned in common, to be combined into one (1) lot. *(Note: Since the parcel adjacent to the east is included in the Town's Tax Increment District, this option would require an amendment to the TID boundary so that the TID boundary follows lot lines; a lot may not be partially in and partially out of a TID)*
4. Storage of Waste/Trash and Recyclables (Sec. 9.08-209):
  - a. Both waste/trash/recyclables enclosures are proposed in the street yards of all adjacent streets (County Rd II, Winncrest Rd, & Towne Ct), which is not allowed. The Town may require relocation of the waste/trash/recyclables enclosures in compliance with Sec. 9.08-209.

**Basis of Decision:**

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 and overhead door locations are adequate, as proposed, it is Staff's opinion that the Town may conditionally approve the 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. Vision clearance triangles as required per Attachment B of the Town Zoning Ordinance shall be added to the site plan. Revised site plan(s) showing this revision shall be submitted to the Town for staff-level review/approval prior to commencing construction.

3. Revised site plan(s) shall be submitted showing compliance with the 70% maximum impervious surface requirement. Revised site plan(s) showing this revision shall be submitted to the Town for staff-level review/approval prior to commencing construction.
4. Waste/trash/recyclables enclosures shall be revised in compliance with Sec. 9.08-209 of the Town Zoning Ordinance. Revised enclosure detail showing this revision shall be submitted to the Town for staff-level review/approval prior to commencing construction.
5. Any proposed signage shall comply with the applicable requirements of Article 12 and Attachment E of the Town Zoning Ordinance.
6. 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.

**Suggestion Motion:**

*A motion to recommend approval of the site plan application submitted by Utschig, Inc. with all Staff recommendations & conditions.*

Respectfully Submitted,

Kelsey