

MEMORANDUM

Agenda Items: Pub. Hearing A, Business B, & Business C

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & recommendation on a Site Plan Review Application and Conditional Use Application submitted by Robert E Lee & Associates, Inc. on behalf of PRE/3, LLC for a proposed multi-family housing development consisting of six (6) 12-unit multi-family buildings located on Eagle Heights Dr, specifically described as Tax ID #006-0328-02-02.

Property Information Specific to Tax ID # 006-0328-02-02:

1. Specific Site Location: The subject parcel is located:
 - a. Adjacent to the west of the Premier Clayton LLC apartments property addressed 9117 Clayton Ave. and Eagle Heights Dr.; and
 - b. Adjacent to the north of the property containing the new National Lighting Electrical Services development addressed 2586 West American Dr.
2. Parcel Profile Report is enclosed with this memo for your reference. Additional applicable property information not included in the Parcel Profile Report is described below:
 - a. The subject parcel is located in the Multi-Family Residential (R-4) District. (Rezoning approved by Town in November 2022)
 - b. There is a navigable stream along the west/northwest property line.
 - c. A wetland delineation was completed which identified wetlands on the subject property, adjacent to the stream, in the wooded area, and near the southern lot line.
 - d. The southwest corner of the subject parcel is located in the Airport Overlay Zoning District Zone 3.
 - e. The subject parcel is located in the 1,009 ft. Airport Height Limitation Zone.
 - f. The subject parcel will be served by public sewer/water.
 - g. The "Highways 10 & 76 Corridor Land Use Master Plan" classifies this parcel as being in the "Medium or 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.
3. Zoning of Surrounding Properties:
 - a. North: R-4 (Multi-Family Residential District) & A-2 (General Agriculture District)
 - b. South: I-1 (Light Industrial)
 - c. East: R-4 (Multi-Family Residential District)
 - d. West: A-2 (General Agriculture District)

Application Details:

The applicant is proposing a multi-family housing development consisting of six (6) 12-unit multi-family buildings on the subject property. The proposed development also includes an office, mailroom, trash enclosure, monument sign, and internal driveways/parking areas. There are two (2) proposed driveways to Eagle Heights Dr. Stormwater management during construction will need to be handled on-site. Stormwater management post-construction is proposed to be handled by the regional stormwater pond being constructed on the parcel adjacent to the north/northeast. The subject property is currently vacant land with a wooded area in the southwest corner of the property.

"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, 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 dimensional shingles”. The proposed exterior wall materials consist of dutchlap siding, staggered shake siding in the gables, and brick veneer. **The proposed development appears to comply with all special standards outlined in Sec. 9.08-253.**

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:

Two (2) driveways to Eagle Heights Dr. 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 driveways are 66 ft. wide at their juncture with the street pavement which does not comply with this code section.**

Vision Clearance Triangle:

The 25 ft. driveway vision clearance triangle per Sec. A. (2) (b) 1) is not shown on the site plan and the proposed monument sign is located within the 25 ft. vision clearance triangle of the northern driveway. **The vision clearance triangles shall be shown on the site plan, and the monument sign and landscaping/trees shall be relocated to outside of vision clearance triangles.**

Stormwater and Erosion Control:

Stormwater management during construction will need to be handled on-site. Stormwater management post-construction is proposed to be handled by the regional stormwater pond being constructed on the parcel adjacent to the north/northeast. **Revised stormwater management and erosion control plans are required to be submitted for review and approval by the Town and Winnebago County.**

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 dutchlap siding, staggered shake siding in the gables, and brick veneer

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.*

“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 a majority of the exterior wall materials on all buildings is dutchlap and staggered shake 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. In order to address this issue, the Town may:

1. Require the applicant to comply with minimum code requirements of Attachment C; or
2. Consider dutchlap and staggered shake siding as acceptable exterior building materials (via other materials as approved provision), which would make the plan compliant as proposed.

The Town may approve the building plans as proposed via #2 above. 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 existing multifamily development adjacent to the east of Eagle Heights Dr.

Roofing Materials:

The proposed roofing material is dimensional shingles. **“Asphalt, fiber-cement, slate or wood shingles” is listed as an acceptable roofing material per Sec. A. (1) (c). Also per Sec. A. (1) (c), the proposed roof material shall have a Solar Reflective Index (SRI) of 29 or higher.** This SRI requirement is included in the suggested conditions section of this memo.

Accessory Buildings:

Building plans for accessory office and mail room buildings were not submitted. **Per Sec. A. (7), accessory buildings shall maintain the same theme and material selections as the principal building.** This requirement is included in the suggested conditions section of this memo.

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 Building Landscaping, Grounds Landscaping, and Ground Sign Landscaping. The Landscape Plan also identifies the existing wooded area in the southwest corner of the site to remain.

Per Sec. B. (1):

- **“Development sites shall have no more than 70 percent impervious surface.” The proposed development only has 38.5% impervious surface area which substantially complies with this requirement.**
- **“Any landscaping located within required vision corners or within fifteen (15) feet of road right-of-ways/easements (public or private) shall be no greater than (3) feet in height above the centerline of intersecting street or driveway grades, whichever grade is lower.” The trees located along Eagle Heights Dr. and Wing Ln. are located within 15 ft. of the right-of-ways and/or the driveway vision triangles, which does not comply with this requirement. The Landscape Plan will need to be revised to comply with this requirement.**
- The minimum size of proposed plant material at the time of planting/establishment shall be:
 - Tall and medium deciduous trees: 2 ½ inch caliper
 - Low deciduous tree: 1 ½ inch caliper
 - Evergreen Tree: 6 ft. in height
 - Tall and medium shrub: 24 inches in height
 - Low shrub: 18 inches in height or spread

The Landscape Plan does not comply or does not identify compliance with the minimum size requirements. The Landscape Plan will need to be revised to comply with the minimum size requirements.

Design Standards:

The following landscaping types are required per Attachment E:

- Parking Lot Landscaping (except Parking Lot Screening not required)
- Screening Requirements (i.e., screening around service, storage, and trash collection structures and areas)
- Building and Grounds Landscaping
- Ground Sign Landscaping

Buffer Yard Landscaping and Parking Lot Screening are not required since the development and parking areas do not share a common side/rear lot line and are not within 100 ft. of a property that:

- Is located in the Rural Residential (R-1), Suburban Residential (R-2) or Two-Family Residential (R-3) District;
- Contains a Single-Family Dwelling, Twin Home or Two-Family Building use; or
- Is designated in the Town Comprehensive Plan for future single and/or two-family residential purposes

Parking Lot Landscaping:

Per Sec. C. (1) (b) 1), *“Any off-street parking area in excess of 5,000 square feet shall have landscaped areas equaling not less than 15 percent of the parking area intermittently placed within the parking area or within 10 feet of the parking area perimeter. Planting requirements shall be consistent with Town requirements and are factored into their provisions where applicable. Curbed planting islands or peninsulas shall be provided as described below.”*

It is Staff’s opinion that the Landscape Plan meets the purpose and intent of this requirement.

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 meet this requirement since:

- **Callery Pear is proposed adjacent to the parking areas, which is a "low" deciduous tree; and**
- **No landscaping is proposed adjacent to the parking area on the west side of Building 6.**

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 enclosure is proposed to be enclosed on three (3) sides with a cedar fence, but the trash containers may still be visible from Eagle Heights Dr since there no fence/gate proposed on the front/east-facing side. **It is Staff's opinion that the proposed enclosure does not meet this requirement since the trash containers may still be visible from Eagle Heights Dr due to no fence/gate being proposed on the front/east-facing side.**

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.*

This development requires 1,045 landscape points consisting of trees. The Landscape Plan proposes 1,330 landscape points consisting of trees. **The Landscape Plan complies with 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.*

This development requires 705 landscape points consisting of shrubs. The Landscape Plan proposes 837 landscape points consisting of shrubs. **The Landscape Plan complies 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:

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

- *Plantings around the base of ground signs is required. A minimum area equal to the total sign face area of one (1) side of a sign shall be landscaped at the base of the sign.*

A sign plan was not submitted, but a ground sign landscaping plan was included in the Landscape Plan which appears will comply with this requirement.

- *Lighting for externally illuminated signs shall be shielded with landscaping so the light fixture and/or source is not visible from off-site.*

A sign lighting plan was not submitted. This requirement is included in the suggested conditions section of this memo.

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:

- Roof heat island. Solar Reflective Index (SRI) of roof materials will be required to be 29 or higher
- 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 regional stormwater pond which is anticipated to be approved by the Town
- Natural feature preservation. Existing wooded area in southwest corner of property and existing wetlands are proposed to be preserved.
- Minimize sprawl. Development is proposed within 1/8 mile of existing multifamily and commercial developments.
- Light Pollution. Proposed lighting is further reduced beyond current ordinance requirements.
- Minimize impervious surfaces. Proposed impervious surface percentage is 38.5% which is well below the maximum 70% requirement.

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 enclosure complies with these requirements except the containers may still be visible from Eagle Heights Dr due to no fence/gate being proposed on the front/east-facing side.

Exterior Lighting (Sec. 9.08-210):

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

Signs (Sec. 9.08-211):

The proposed monument sign shall be located outside of the driveway vision triangle/corner.

Comprehensive Plan Considerations:

- The “Highways 10 & 76 Corridor Land Use Master Plan” classifies this parcel as being in the “Medium or 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 & 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:

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

1. Horizontal Site Design Standards (Attachment B):
 - a. Driveway widths at their juncture with the street pavement exceed maximum width requirement.
 - b. Vision clearance triangles adjacent to driveways are not identified on plans, and monument sign and landscaping/trees are shown within vision clearance triangle areas which is not allowed.
 - c. Revised stormwater management and erosion control plans are required to be submitted for review/approval by Town and County.
2. Architectural Design Standards (Attachment C):
 - a. Exterior building/wall materials do not comply with the requirements of Attachment C, Architectural Design Standards. *(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. 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 existing multifamily development adjacent to the east of Eagle Heights Dr.)*
3. Landscape Design Standards (Attachment E):
 - a. Trees located along Eagle Heights Dr and Wing Ln do not comply with 15 ft. setback and driveway vision clearance triangle requirements.
 - b. Landscape Plan does not comply or does not identify compliance with minimum size requirements for plant material at the time of planting/establishment.
 - c. Landscape Plan does not comply with Parking Lot Perimeter Landscaping requirements.
 - d. Trash collection area enclosure does not comply with Screening Requirements since the containers may still be visible from Eagle Heights Dr.
 - e. Landscape Plan does not comply with Building Landscaping requirement.
4. Storage of Waste/Trash and Recyclables (Sec. 9.08-209):
 - a. Waste/trash/recyclables collection area enclosure does not comply with enclosure requirements since the containers may still be visible from Eagle Heights Dr.
5. Signs (Sec. 9.08-210):
 - a. Proposed monument ground sign is proposed within vision clearance triangle.

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 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. A revised stormwater management and grading/erosion control plan for both construction best management practices (BMPs) and post-construction BMPs shall be submitted to the Town for review and approval 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. Driveway widths at their juncture with the street pavement shall be reduced to a maximum of 36 ft., as required per Attachment B of the Town Zoning Ordinance. Revised site plan(s) showing this revision shall be submitted to the Town for staff-level review/approval prior to commencing construction.
4. Vision clearance triangles as required per Attachment B of the Town Zoning Ordinance shall be added to the site plan. Any structure(s), sign and/or landscaping exceeding 3 ft. in height above the centerline of Eagle Heights Dr. shall be relocated to outside the vision clearance triangle. Revised site plan(s) showing this revision shall be submitted to the Town for staff-level review/approval prior to commencing construction.
5. The roof material shall have a Solar Reflective Index (SRI) of 29 or higher. Applicant shall submit documentation showing compliance with this requirement to the Town for staff-level review/approval prior to commencing construction.
6. Accessory buildings, including but not limited to the office and mail room, shall maintain the same theme and material selections as the principal buildings.
7. A revised Landscape Plan in compliance with Attachment E of the Town Zoning Ordinance 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.
8. If the sign is externally luminated, such lighting shall be shielded with landscaping so the light fixture and/or source is not visible from off-site.
9. The waste/trash/recyclables collection area enclosure shall be revised in compliance with Attachment E and 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.
10. Any 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 of Clayton Zoning

Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

Suggested Motion:

A motion to recommend approval of the Conditional Use Permit / Site Plan with all Staff recommendations & conditions.

Respectfully Submitted,

Kelsey