

TOWN OF CLAYTON
Town Plan Commission
Meeting Minutes
7:00 P.M. – on Wednesday, May 11, 2022
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Chair Knapinski called the meeting to order at 7:00 p.m.

A. Notice Verification, Roll

1. Pledge of Allegiance
2. Verification of Meeting Notice
3. Roll

a. Plan Commission Commissioners

Chair Knapinski	PRESENT
Commissioner White	EXCUSED
Commissioner Nemecek	PRESENT
Commissioner Linsmeier	EXCUSED
Commissioner Dorow	PRESENT
Commissioner Haskell	PRESENT
Town Board Rep. Christianson	PRESENT

b. Staff

Administrator Straw	PRESENT
Clerk Faust-Kubale	PRESENT
Planner Jaworski	PRESENT
Engineer Hamblin	PRESENT

II. Public Hearings:

- A. Plan Commission Public Hearing on a Re-zoning application submitted by the Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by the Town of Clayton, 8348 County Rd T, Larsen, WI located on US Highway 10 and Clayton Ave., specifically described as Lot 2 of CSM-5571, Tax ID #006-0347-01, being part of the Southeast ¼ of the Southeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture District) to B-2 (Community Business).

- No discussion of the Public Hearing agenda item.

Public Hearing Closed at 7:02 p.m.

- B. Plan Commission Public Hearing on a Re-zoning application submitted by the Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by the Town of Clayton, 8348 County Rd T, Larsen, WI 54947, located on US Highway 10 and Clayton Ave., specifically described as Tax Id #006-0344, #006-0345, and Tax Id #006-0339-06, all being part of the Southeast ¼ of the Southeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone property from B-3 (General Business) and I-1 (Light Industrial) to B-2 (Community Business).

- Planner Jaworski noted that for both re-zoning applications, it is being requested as part of the Gold Shovel Program certification. Planner Jaworski reminded that this program can assist the Town in marketing these parcels to developers as ready to build property.
- Administrator Straw also noted there is already sewer, water, and 3-phase power on these sites.
- Randy Dumke, 2594 Fairview Rd, Neenah, WI 54956 inquired what will be done to protect the residents in the area from lighting, traffic, etc. as these parcels are developed.
- Chair Knapinski noted there are no developments currently proposed for these parcels, this is just an application to re-zone. Chair Knapinski let Mr. Dumke know that those issues would be addressed at the point of site plan review for any future developments on these parcels.

Public Hearing Closed at 7:08 p.m.

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, April 13, 2022 Plan Commission Meeting.

- Chair Knapinski noted a typographical error to be corrected on page 5 of the minutes.

MOTION:

Motion by Commissioner Dorow

Second by Commissioner Nemecek

Motion made to approve the April 13, 2022 Plan Commission Meeting Minutes with the noted correction.

Motion carried

IV. Open Forum: Town-related Matters not on the Plan Commission's Agenda: NONE

V. Correspondence:

A. Distribution of the April 2022 Building Inspector's Report.

- Chair Knapinski noted continued growth in the Town in the month of April which is a positive trend.

VI. Business:

- A. Discussion/Recommendation: Plan Commission review and discussion on a Re-zone application submitted by the Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by the Town of Clayton, 8348 County Rd T, Larsen, WI located on US Highway 10 and Clayton Ave., specifically described as Lot 2 of CSM-5571, Tax ID #006-0347-01, being part of the Southeast ¼ of the Southeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State

of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture District) to B-2 (Community Business).

Site Location: The property is located on US Highway 10 and Clayton Ave., specifically described as Lot 2 of CSM-5571, Tax ID #006-0347-01, being part of the Southeast ¼ of the Southeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Town of Clayton
8348 County Road T
Larsen, WI 54947

Property Owners: Town of Clayton
8348 County Road T
Larsen, WI 54947

Consultant: N/A

Property Information:

1. The surrounding properties are zoned:
 - a. **North:**
A-2 (General Agriculture District) and P-1 (Public Institutional)
 - b. **South:**
A-2 (General Agriculture District) and R-1 (Rural Residential District)
 - c. **East:**
Village of Fox Crossing
 - d. **West:**
I-1 (Light Industrial District)

Property Information Specific to Tax ID# 006-0347-01:

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947
2. The Lot is 11.53 acres in size.
3. The property is in the Neenah School District (3892).
4. The property is located within the Village of Fox Crossing Extraterritorial Jurisdiction.
5. The Lot is currently zoned A-2 (General Agricultural District).
6. The property is within the Winnebago County Shoreland District (see attached map).
7. The property does not have Navigable Stream and Surface Water Drainage Information.
8. The property is not within the Outagamie County Airport Zoning.
9. The property is located in the Outagamie County Airport Height Limitation Zone (1009-1009) Building Height 179-185.
10. The property is not located in the County Floodplain and FEMA Special Flood Hazard Area (SFHA).
11. The property does not have Wisconsin Wetland Inventory Information.

12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.
14. The property is in the Department of Natural Resources Special Well Casing area.

Staff Comments on the proposed Re-zoning:

1. The Re-zoning of this property is for the "Gold Shovel" program.

Staff Recommendations:

Staff recommends approval of the proposed rezoning from A-2 (General Agriculture) to B-2 (Community Business) subject to the following conditions:

1. The Town receive any and all documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
- Chair Knapinski noted that this parcel is facing Clayton Ave and opened the floor for any further comments from the Commissioners.
 - Commissioner Haskell noted the re-zone had already been discussed as part of their approval of moving forward with the Gold Shovel Program.

MOTION:

Motion by Commissioner Dorow

Second by Commissioner Nemecek

Motion made to recommend approval to the Town Board of the proposed rezoning from A-2 (General Agricultural District) to B-2 (Community Business District) with all staff recommendations and conditions.

Motion carried.

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Re-zoning application submitted by the Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by the Town of Clayton, 8348 County Rd T, Larsen, WI 54947, located on US Highway 10 and Clayton Ave., specifically described as Tax Id #006-0344, #006-0345, and Tax Id #006-0339-06, all being part of the Southeast ¼ of the Southeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone property from B-3 (General Business) and I-1 (Light Industrial) to B-2 (Community Business).

Site Location: The properties are located on US Highway 10 and Clayton Ave., specifically described as Tax Id #006-0344, #006-0345, and Tax Id #006-0339-06, all being part of the Southeast ¼ of the Southeast ¼ of Section 12,

Town 20 North, Range 16 East, Town of Clayton, County of Winnebago,
State of Wisconsin.

Applicant(s): Town of Clayton
8348 County Road T
Larsen, WI 54947

Property Owners: Town of Clayton
8348 County Road T
Larsen, WI 54947

Consultant: N/A

Property Information:

1. The surrounding properties are zoned:
 - a. **North:**
A-2 (General Agriculture District) and B-3 (General Business District)
 - b. **South:**
A-2 (General Agriculture District) and R-1 (Rural Residential District)
 - c. **East:**
A-2 (General Agriculture District)
 - d. **West:**
B-3 (General Business District)

Property Information Specific to Tax ID# 006-0344:

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947.
2. The Lot is 8.58 acres in size.
3. The property is in the Neenah School District (3892).
4. The property is located within the Village of Fox Crossing Extraterritorial Jurisdiction.
5. The Lot is currently zoned I-1 (Light Industrial District).
6. The property is not within the Winnebago County Shoreland District.
7. The property does not have Navigable Stream and Surface Water Drainage Information.
8. The property is not within the Outagamie County Airport Zoning.
9. The property is located in the Outagamie County Airport Height Limitation Zone (1009-1009) Building Height 179-181.
10. The property is not located in the County Floodplain and FEMA Special Flood Hazard Area (SFHA).
11. The property does have Wetland “too small to delineate”.
12. The current land use is consistent with the Town’s adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.
14. The property is in the Department of Natural Resources Special Well Casing area.

Property Information Specific to Tax ID# 006-0345:

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947.

2. The Lot is 8.53 acres in size.
3. The property is in the Neenah School District (3892).
4. The property is located within the Village of Fox Crossing Extraterritorial Jurisdiction.
5. The Lot is currently zoned I-1 (Light Industrial District).
6. The property is not within the Winnebago County Shoreland District.
7. The property does not have Navigable Stream and Surface Water Drainage Information.
8. The property is not within the Outagamie County Airport Zoning.
9. The property is located in the Outagamie County Airport Height Limitation Zone (1009-1009) Building Height 177-181.
10. The property is not located in the County Floodplain and FEMA Special Flood Hazard Area (SFHA).
11. The property does not have Wisconsin Wetland Inventory Information.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.
14. The property is in the Department of Natural Resources Special Well Casing area.

Property Information Specific to Tax ID# 006-0339-06:

1. The property is owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947.
2. The Lot is 2.45 acres in size.
3. The property is in the Neenah School District (3892).
4. The property is located within the Village of Fox Crossing Extraterritorial Jurisdiction.
5. The Lot is currently zoned B-3 (General Business District).
6. The property is not within the Winnebago County Shoreland District.
7. The property does not have Navigable Stream and Surface Water Drainage Information.
8. The property is not within the Outagamie County Airport Zoning.
9. The property is located in the Outagamie County Airport Height Limitation Zone (1009-1009) Building Height 175-177.
10. The property is not located in the County Floodplain and FEMA Special Flood Hazard Area (SFHA).
11. The property does not have Wisconsin Wetland Inventory Information.
12. The current land use is consistent with the Town's adopted Land Use Plan.
13. The proposed land use is consistent with the Future Land Use Plan.
14. The property is in the Department of Natural Resources Special Well Casing area.

Staff Comments on the proposed Re-zoning:

1. The Re-zoning of this property is for the "Gold Shovel" program.

Staff Recommendations:

Staff recommends approval of the proposed rezoning from B-3 (General Business District) and I-1 (Light Industrial) to B-2 (Community Business) subject to the following conditions:

1. The Town receive any and all documentation of the approval of the proposed rezoning by any overlying unit of government having jurisdiction.
- Administrator Straw noted these parcels were formerly part of the Ballard property.

- Chair Knapinski noted that the proposed zoning would prevent industrial development on these parcels.
- Administrator Straw concurred, noting that the proposed zoning would provide more variety and flexibility to developers in what could be put in these parcels.

MOTION:

Motion by Commissioner Haskell

Second by Town Board Representative Christianson

Motion made to recommend approval to the Town Board of the proposed rezoning from B-3 (General Business District) and I-1 (Light Industrial District) to B-2 (Community Business District) with all staff recommendations and conditions.

Motion carried.

- C. Review and Discussion: Plan Commission review and recommendation on a Site Plan Application submitted by Mark Wegand, Accurate Fire Protection, LLC, 4123 County Road II, Larsen, WI 54947 for property owned by H & W Real Estate, LLC, 4123 County Rd II, Larsen, WI 54947 and located at 4123 County Road II, Larsen, WI 54947, specifically described as Tax ID #006-0527-04, being part of the Northeast ¼ of the Northeast ¼ of Section 20, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Site Location: The property is addressed 4123 County Rd II, Larsen, Tax ID# 006-0527-04, being Lot 2 of CSM 7485 located in part of Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Mark Wegand
Accurate Fire Protection LLC
4123 County Rd II
Larsen, WI 54947

Property Owner(s): H&W Real Estate LLC
4123 County Rd II
Larsen, WI 54947

Consultant: Brandon Robaidek, P.E.
Robert E. Lee & Associates Inc.
1250 Centennial Centre Blvd.
Hobart, WI 54155

Property Information:

1. The surrounding properties are zoned:
 - a. **North:**
A-2 (General Agriculture District)
 - b. **South:**
M-1 (Mixed Use District) and R-1 (Rural Residential District)
 - c. **East:**
R-2 (Suburban Residential District) and R-1 (Rural Residential District)
 - d. **West:**
M-1 (Mixed Use District) and A-2 (General Agriculture District)

Property Information Specific to Tax ID# 006-0527-04:

1. The property is owned by H&W Real Estate LLC, 4123 County Rd II, Larsen, WI 54947.
2. The property is 4 acres in size.
3. The property is in the Neenah Joint School District (3892).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property is not in any sanitary district.
6. The property is currently zoned B-3 (General Business District) by the Town and Winnebago County (shoreland zoning in southeast corner of property)
7. The southeast portion of the subject property, south of the exiting building, is in the County Shoreland Zoning 300-foot buffer; Zoned B-3 (General Business District) by Winnebago County.
8. The property is out of the County's Floodplain Zoning Area.
9. The property does not have a navigable stream.
10. The property does not contain mapped wetlands.
11. The property is not located in Outagamie County Airport Zoning.
12. The Future Land Use Plan designates the developed portion of the property as "Business" and the area of the proposed project as "Agriculture/Rural Residential". The Future Land Use Plan designates the entire parcel as "Working Lands" overlay.
13. The current land use is not consistent with the Town's adopted Future Land Use Plan.
14. The proposed/continued land use is not consistent with the Future Land Use Plan.

Project History

This project is an expansion of the existing Accurate Fire Protection business currently operating out of the existing building on the subject property. Accurate Fire Protections is an automatic fire sprinkler contractor. The applicant is proposing to construct a 110' x 60' contractor office/shop building on the subject property. The project also includes widening the existing eastern driveway, a new driveway, parking, and a bioretention stormwater pond. Water will be provided via the existing private well on-site. Sanitary waste disposal will be provided via 2,500 gallon holding tank. The existing building serving the Accurate Fire Protection business has existing for more than 45 years. Accurate Fire Protection LLC was organized in 2013.

The subject property is currently zoned B-3 (General Business District). The existing use and proposed/continued use of the property is "contractor yard" under the terms of the Town Zoning Code, and is defined as follows:

“Contractor yard: A place where a contractor or builder may establish a base of operation, which may include one or more of the following: office space; indoor and outdoor storage of construction materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.”

Contractor yard is not a permitted use in the B-3 district. Contractor yard is a permitted use in the I-1 Light Industrial district and a conditional use in the I-2 Heavy Industrial district.

Therefore:

- The existing and proposed/continued “contractor yard” use of the subject property is a nonconforming use.
- Per Section 9.13-04 of the Town Zoning Code, *“a nonconforming use shall not be enlarged, increased, or expanded and shall not occupy a greater area than what existed on the effective date of this chapter or any amendment thereto that created the nonconforming use.”*
- The subject property will need to be rezoned from the B-3 General Business district to the I-1 Light Industrial district or I-2 Heavy Industrial district in order for the proposed development to be permitted. If rezoned to I-2, a Conditional Use Permit will also be required.
- Prior to or in conjunction with the rezoning, the Future Land Use Plan map of the Town’s Comprehensive Plan should be amended to change the future land use designation of the subject property from the Business, Agriculture/Rural Residential, and Working Lands designation to the Business/Light Industrial designation.

Special Standards for Contractor Yards:

Section 9.08-416 of the Town Zoning Code sets special standards for contractor yards.

Section 9.08-416 (c), Storage of Material, states:

“When a contractor yard is located next to a property in a residential, mixed-use, or commercial zoning district, exterior storage of construction materials, wastes, and the like shall be screened with a solid, 6-foot high fence and such materials shall not be placed higher than the height of the fence.”

The property adjacent to the east is located in a residential zoning district, and the property adjacent to the south and west is located in a mixed-use zoning district. No exterior storage is identified on the proposed site plan. Staff recommends that this requirement be included as a condition of approval.

Special Site Design Principles and Architectural Standards

Contractor Yard land uses are subject to the special site design principles and architectural standards outlined in Article 8, Division 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 Design Zones
- Attachment E, Landscape Design Standards
- Attachment F, Environmental and Energy Efficiency (E³) Guidelines

Per Attachment D, this property is not located in the Zone A or Zone B architectural design zones. Therefore, by default, this property is located in the “Business Fringe Zone”.

Horizontal Site Design Standards (Attachment B)

Driveways

The existing eastern driveway is proposed to be widened, the existing western driveway is proposed to be eliminated, and a new driveway on the west side of the new development area is proposed. The driveways provide access to the site from County Rd II. Driveway permits for both the remaining and new driveway have been obtained from Winnebago County (Permit #'s 2022-001 & 2022-002)

Per Section A. (1) (e), Driveways shall not exceed a maximum width of 36 ft. at their juncture with the street pavement or 30 ft. in width at the property line.

- The remaining/widened eastern driveway is proposed to be 70 ft. wide at its juncture with the street pavement and 45 ft. wide at the property line.
- The new western driveway is proposed to be 75 ft. wide at its juncture with the street pavement and 45 ft. wide at the property line.

Both driveways do not comply with this requirement.

Per Section A. (1) (g), driveways shall list vision corners at all intersections with the public right-of-way. These shall be indicated to provide 25' from the intersection into the property and 25' along the property with a connecting line between their furthest point. **The site plan submitted does not list vision corners and does not comply with this requirement.**

Stormwater & Erosion Control

Stormwater management and erosion control plans were completed by Robert E. Lee & Associates Inc. for this project. Winnebago County regulates stormwater management and erosion control in the Town. Stormwater is proposed to be managed via a bioretention pond located south of the proposed building, along the rear lot line. The stormwater management and erosion control plans meet Town, County and State requirements, and a Winnebago County Stormwater/Erosion Control Permit was issued on February 8, 2022. A copy of the approval letter dated January 1, 2022 (from Gary E. Raasch of R.A. Smith Inc. on behalf of Winnebago County) and a copy of the County Stormwater/Erosion Control Permit issued on February 8, 2022 are included in your packet.

On-Site Wastewater Treatment

On-site wastewater treatment or private on-site wastewater treatment systems (POWTS) are regulated by Winnebago County. County Sanitary Permits will need to be obtained prior to occupancy of the proposed building. The proposed building is proposed to be served by 2,500 gallon holding tank as shown on the site plan.

Private Well Construction

Wells are regulated by the Wisconsin Department of Natural Resources. One shared private well is proposed to serve the entire phase 2 development. The shared private well location is identified on the site plan between Units 7 and 36.

Architectural Design Standards (Attachment C)

The subject property is in the Town's "Business Fringe Zone" per Attachment D, Architectural Design Zones.

Exterior Wall Materials

The proposed exterior wall materials are:

- 4 ft. high cultured stone and metal wall panels on the front of the building.
- Metal wall panels on the sides and rear of the building.

Section A. (4) (a) states:

"Acceptable Exterior Building Materials shall cover 33 percent or more of wall surfaces facing a front-yard setback, 25 percent or more of wall surfaces facing a side-yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered 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.

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 lowered to accommodate their necessity. 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 ascetic value of the area."

"Acceptable exterior building materials" listed in Attachment C 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
- Other materials as approved

The proposed cultured stone on the front of the building is considered an "acceptable exterior building material", but **this material does not cover the minimum percentages of the front and side wall surfaces as required by code.** In order to address this issue, the Town may:

1. Require the applicant to comply with minimum code requirements;
2. Lower the percentage of front and side wall surfaces needing to be covered with acceptable exterior building materials due to limited exposure to the general public and/or due to the presence of exposed overhead doors which do not allow for the aggregate percentages to be achieved; or
3. Consider metal wall panels as an acceptable exterior building material (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 and/or 3 above.

Roofing Materials

The proposed roofing material is 24 gauge standing seam metal roof panels, which is an acceptable roofing material per Attachment C. Per Attachment C, the proposed roof material on the flat roof shall have a Solar Reflective Index (SRI) of 78 or higher and the roof material on the canopy/sloped roof shall have an SRI of 29 or higher. This SRI requirement is included in the suggested conditions section of this memo.

Landscape Design Standards (Attachment E)

The subject property is in the Town's "Business Fringe Zone" per Attachment D, Architectural Design Zones.

A Landscaping Plan was submitted which identifies 7 trees and 2 shrubs, further broken down as follows:

- 4 Maple/shade trees
- 3 Spruce/conifer trees
- 2 Arborvitae shrubs

Buffer Yard Landscaping:

Per Section G. (1) (a), Buffer Yard Landscaping:

"Any commercial, institutional, or industrial use that shares a common side or rear yard lot line with a property that is either zoned or used for residential purposes shall provide a landscaped buffer yard along the full length of the common lot line to afford protection to the residential uses from the glare of lights, from visual encroachment, and from the transmission of noise. The required buffer yard shall be a green space where no portion of a building, parking, driving, loading, or storage area may be located. Required buffer yards shall be landscaped as described below. Combinations of trees, shrubs, 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."

The existing business shares a common side lot line with a residential property to the east. The proposed building is further west than the existing business' building and is mostly screened from this residential property via the existing business' building. The Town may waive this requirement. Staff recommends waiving this requirement due to the proposed development being further west from the residential property than the current business.

Grounds Landscaping:

Per Section G. (1) (e) 1) (b), the following grounds landscaping is required:

- One (1) shade tree, conifer or ornamental tree for every 4,500 square feet of developed area. Ornamental trees may comprise up to fifty (50) percent of the total number of trees with conifers being at least fifteen percent of the total number of trees.
- One (1) understory shrub for every one thousand (1,000) square feet of developed area. "Developed area" is the total impervious surface area of the development/project. Per the plans provided, approximately 12,250 sq. ft. of additional impervious surfaces are proposed with this project. Therefore, the following minimum grounds landscaping would be required for compliance:
 - 3 shade trees, conifer or ornamental trees.
 - 13 understory shrubs

Section H allows for substitutions and modifications, as follows:

(1) To meet unique site design conditions or to overcome obstructions, conflicts or other factors, the Town Administrator may approve planting substitutions as described below:

- (a) Two ornamental trees may be substituted in place of one shade tree.*
- (b) Two evergreen trees may be substituted in place of one shade tree.*
- (c) One evergreen tree may be substituted in place of five shrubs.*
- (d) One shade tree may be substituted in place of ten shrubs.*

If the Town allows for substitutions and modifications as allowed per Section H described above, the proposed landscaping plan meets the minimum grounds landscaping requirements of Section G. (1) (e) 1) (b). **One issue is a shade tree is proposed in the vision corner of the driveway/road intersection. Staff recommends requiring relocation of tree to outside of vision corner.**

Building Landscaping:

Per Section G. (1) (e) 2) (c), the following building landscaping is required:

- 100% of the building façade facing all public streets must be landscaped with a variety of appropriate plant materials in a mulched bed a minimum of 6' wide measured from building façade.

The entire building façade facing the street consists of parking and overhead doors, and no building landscaping is proposed. The Town may waive this requirement.

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
- Storm sewer piping
- Minimize impervious surfaces

Outdoor Storage of Equipment, Products, & Materials

No outdoor storage of equipment, products, or materials is shown on the submitted plans.

Storage of Waste/Trash and Recyclables

No new outdoor refuse and recyclables storage area is shown on the submitted plans.

Lighting

A lighting plan was submitted identifying 5 wall pack light fixtures attached to the exterior of the building. Section 9.08-210 states:

“No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries... The exterior lighting shall state the dispersion pattern, intensity of light, and cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties. No undue lighting shall extend beyond the property lines”

The proposed light fixtures do not have cut-off shielding and the light source will be visible from adjacent properties. Therefore, the proposed light fixtures do not comply with code requirements.

Signage

No new signage is proposed per the submitted plans.

Staff Comments & Suggested Conditions:**Issues needing to be addressed:**

The submitted proposed project does not comply with the following code requirements which need to be reviewed/considered by the Town:

1. Current zoning does not allow for the proposed use (Comprehensive Plan amendment and rezoning required)
2. Proposed driveways do not comply with maximum driveway width requirements.
3. Site plan does not list/show vision corners at the driveway intersections with County Rd. II.
4. Exterior wall materials do not comply with code requirements.
5. Buffer yard landscaping is not provided along east lot line. *Staff recommends waiving this requirement.*
6. A tree is proposed in the vision corner of the driveway/road intersection.
7. Building landscaping is not provided along the front of the building.

Suggested conditions:

The following are possible conditions of approval that may be relevant:

1. Site Plan Approval is conditioned upon amending the Future Land Use Plan designation of the subject property to Business/Light Industrial and rezoning the property to the I-1 Light Industrial district.
2. The project shall comply with all applicable local, state, and federal codes/ordinances.
3. Exterior storage of construction materials, wastes, and the like shall be screened with a solid, 6-foot high fence and such materials shall not be placed higher than the height of the fence; as required per Section 9.08-416 (c) of the Town of Clayton Zoning Code of Ordinances.
4. The Site Plan shall show vision corners at all driveway intersections with the public right-of-way
5. The Solar Reflective Index (SRI) of the roofing material on the main, flat roof shall be 78 or higher. The SRI of the roofing material on the canopy, sloped roof shall be 29 or higher.
6. Landscaping within vision corners shall be relocated to outside the vision corners.
7. Exterior lighting fixtures shall be changed to lighting fixtures with cut-off shielding so that the light source is not visible from adjacent properties
8. 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

requirements of Article 8, Division 8, Special Site Design Principles and Architectural Standards, of the Town of Clayton Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator.

- Chair Knapinski noted there has already been activity on the site. Administrator Straw confirmed and noted she had issued an early site permit for footings only.
- The Commission's discussion with Administrator Straw and Planner Jaworski centered around the classification of contractor yard, and if this particular business would require a conditional use permit. Administrator Straw noted that this business had been in service prior to the Town taking over zoning responsibility from the County.
- Commissioner Haskell noted the directional markings on the submitted elevation descriptions are incorrect and will need correction.

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion made to recommend approval to the Town Board the Site Plan Application submitted by Mark Wegand, Accurate Fire Protection, LLC, 4123 County Road II, Larsen, WI 54947 for property owned by H & W Real Estate, LLC, 4123 County Rd II, Larsen, WI 54947 and located at 4123 County Road II, Larsen, WI 54947, with the following conditions:

1. Compliance within the future amended 2022 Comprehensive Plan update as an extended commercial area,
2. Obtain a Conditional Use Permit within B-3 zoning,
3. The project shall comply with all applicable local, state, and federal codes/ordinances,
4. Exterior storage of construction materials, wastes, and the like shall be screened with a solid, 6-foot high fence and such materials shall not be placed higher than the height of the fence; as required per Section 9.08-416 (c) of the Town of Clayton Zoning Code of Ordinances,
5. The Site Plan shall show vision corners at all driveway intersections with the public right-of-way,
6. The Solar Reflective Index (SRI) of the roofing material on the main, flat roof shall be 78 or higher. The SRI of the roofing material on the canopy, sloped roof shall be 29 or higher,
7. Landscaping within vision corners shall be relocated to outside the vision corners,
8. Exterior lighting fixtures shall be changed to lighting fixtures with cut-off shielding so that the light source is not visible from adjacent properties,
9. 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 requirements of Article 8, Division 8, Special Site Design Principles and Architectural Standards, of the Town of Clayton Zoning Ordinance. Determination of whether a change or addition is substantial shall be at the discretion of the Town Administrator,
10. Elevation descriptions (North, South, East, West) shall be corrected,

11. Modified landscaping plan for the front of the building shall meet recommendations contained in the site plan review,
12. Town acknowledges lowered percentages of acceptable exterior building materials on the front and side walls due to limited exposure to the general public and/or due to the presence of exposed overhead doors that do not allow for the aggregate percentages to be achieved.

Motion carried.

VII. Upcoming Meeting Attendance

- A. Board of Review, Tuesday, May 24, 2022 from 10:00 a.m. – 12:00 noon.
- B. Plan Commission Meeting/Workshop on Comprehensive Plan Updates, Wednesday, May 25, 2022 at 7:00 p.m.

VIII. Adjournment

MOTION:

Motion by Commissioner Haskell

Second by Commissioner Nemecek

Motion to Adjourn the meeting at 7:53 p.m.

Motion carried

Respectfully submitted,
Kelsey Faust-Kubale, Clerk