

MEMORANDUM

Business Item D

From: Administrator/Staff
To: Plan Commission
Re: Plan Commission review & recommendation on a Final Plat Review Application submitted by McMahon Associates on behalf of Clayton Development Group, LLC for the 2nd Addition of Scholar Ridge Estates.

Please see the comments below from Code Administrator Kamke:

Property information specific to tax IDs 006-061801 and 006-0632:

The site subject to this request is approximately 13.6 acres. All lands under this request are zoned R-2 Suburban Residential. Lands adjacent to the site are zoned R-2 Suburban Residential to the north and south, B-1 Local Service Business to the west, and A-2 General Agriculture to the east and further south.

The County Shoreland Ordinance applies to some of the lots, including the proposed lots 93, 98-102, and 107-117, as those are riparian (front on the navigable waterway) or exist entirely within 300ft of the identified Ordinary High Water Mark of the waterway.

No part of this phase of the development contains delineated wetlands, nor exists within mapped floodplain extents. There is no Airport Overlay jurisdiction from Outagamie County. The site is within the Fox West Sewer Service Area, and after the July 2025 amendment to the Clayton Sanitary District #1 boundary, the whole of this phase is within the Town's Sanitary District. The site is within the extraterritorial plat review jurisdiction of the Village of Fox Crossing.

The Future Land Use map identifies this area as Residential – Single and Duplex, and this plat development proposes to meet that use. It is within the Tier 1 area of the Future Land Use map, which within the 2040 Town of Clayton Comprehensive Plan, Tier 1 is the area where most (85%) residential use would be encouraged and permitted.

Application Details:

McMahon Associates, on behalf of Clayton Development Group LLC, requests approval of the Final Plat for the Second Addition to Scholar Ridge Estates. This proposal is to divide all of 006-061801 and part of 006-0632 into 35 buildable parcels and approximately 2.55 acres of roadway to be dedicated to the Town of Clayton. No new outlots are proposed within this final plat. The Preliminary Plat for Phases 2-4 was approved by the Town July 17, 2024. Phase 2 Final Plat was approved by the Town on November 20, 2024, and recorded in August 2025.

The proposed lots generally comply with the dimensional requirements for the R-2 Suburban Residential zoning district, with the exception of Lot 100. The Town Zoning Ordinance requires a minimum of 65ft of frontage on waterways, and Lot 100 has approximately 16ft, based on scaling. However, this was not referenced by any jurisdiction in previous approvals and therefore cannot be the sole reason a Final Plat could be denied. Since the Second Addition does appear to conform substantially to the approved Preliminary Plat, state statutes require the approval, or approval with conditions, of this Final Plat.

Town Subdivision Ordinance, Final Plat Review:

State agency review comments, or certification there are no objections to the final plat, must be provided to the Town for inclusion in the review. No comments or certifications from the state were provided by the applicant. If comments from the state require any changes to the plat before recording, additional reviews by the Town may be necessary. The Town reserves the right to require this additional review prior to recording the final plat if any changes are required by the state agencies.

Covenants are to be submitted with the final plat for review, per Section 7.10.13 (1) (d) of the Town Subdivision Ordinance. None were filed with this final plat. The applicant is encouraged to confirm if restrictive covenants are intended to be required for these lots, and if so, to provide a copy of those documents and speak to the intent of the covenants for inclusion in the Town's review and public record.

Road access and naming was approved under the Preliminary Plat for Phases 2-4, and the submitted Final Plat for Phase 3 matches the preliminary approval layout. Drainage and Stormwater management is addressed under the Town Engineer Review. A Public Improvement Agreement shall be entered into between the Town and the subdivider prior to recording, as a condition of the final plat approval.

Mailbox access: The USPS required cluster mailbox units for prior phases of this subdivision. If mailboxes serving these new lots are to be placed with the other clustered mailboxes in earlier phases, that should be confirmed prior to final approval.

Dedications and Reservations. The approved preliminary plat did not contain any pedestrian/recreation trails in this phase of the development. The Town Subdivision Ordinance requires either a land dedication or *fee in lieu* of land dedication for park, playground, and recreational open space areas. During preliminary plat approval, the Town Board allowed for the *fee in lieu* dedication option of \$500 for each new dwelling unit, to be paid prior to building permit issuance. The applicant agrees with the fee in lieu of land dedication option.

Town Engineer Review Comments:

Provide copies of all submitted applications and their approvals once received. These include the WDNR Watermain Permit, the Village of Fox Crossing for watermain access, WDNR Sewerage System Permits, 208 Approval Letter from ECWRPC, signed copy of the Fox-West Regional Sewer Service approval letter, WPDES General Permit for construction site stormwater runoff from the WDNR for the erosion control and grading including the USLE soil loss spreadsheet, the Winnebago County Erosion Control Permit, and any approvals from the Town of Clayton Sanitary District, if necessary.

Town of Clayton Minimum Road Design Standards require the finished ditch grades to be no less than 1%. A summary of any proposed variations to this must be provided to the Town Board for approval. The applicant cites limiting factors of the site as reason the plans contain a minimum 0.50% slope. Per applicant responses, the 0.5% slope when combined with the proposed drain tiles within the ditches should provide adequate drainage to meet the intent of the ordinance. The proposed 0.5% slope meets the state DOT development manual, but not the Town's steeper slope (1%) standard. Attached exhibit map shows the areas within this phase of the development that will not meet the minimum 1%, but meet or exceed the state standard 0.5% slope.

All other engineering review notes were adequately responded to by the applicant with supporting documentation that meets or exceeds the Town standards. Some of the above approvals have been submitted, and the remaining items will be provided to the Town once issued by the respective entities. Stormwater from this development will route to existing, previously approved facilities.

Plan Commission / Town Board Direction by Ordinance:

The final plat and covenants shall be reviewed by the Plan Commission for conformance with this ordinance and all other ordinances, rules, regulations, and the Town's Comprehensive Plan. The final plat shall then be forwarded to the Town Board with a Plan Commission recommendation for approval or rejection. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, then it is entitled to approval.

The Town Board shall, within sixty days of the date of filing of the original final plat with the Town Clerk, approve or reject such plat, unless the time is extended by written agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and forwarded to the subdivider with a copy to the Town Plan Commission. If the Board fails to act within sixty days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the Town Clerk. **The Town Board shall act on the final plat on or before February 13, 2026, unless the time is extended by written agreement with the subdivider.**

Actions:

1. Table final plat review for review at a future meeting after outstanding documents and approvals from other jurisdictions are received and provided to the Town.
2. Reject the final plat due to the outstanding issues.
3. Approve the final with conditions.

Suggested conditions of approval:

1. The subdivider shall provide copies of all submitted applications and their approvals once received. This includes but is not limited to all DOA approvals and comments, WDNR permits, County permits, and letters of approval from local and regional jurisdictions as applicable.
2. If state agencies require changes to the final plat, the Town Board may require new review of the final plat. Determination of necessity of this additional review to be made by the Town, their Counsel, or other assignee.
3. A copy of restrictive covenants shall be provided to the Town for their review prior to the Town signing the final plat for recording.
4. The subdivider is required to install and construct all public improvements.
5. The subdivider shall execute a Public Improvement Agreement with the Town prior to Town signatures on the final plat. The agreement shall address items such as construction timelines, financial security, and other requirements as deemed necessary.

Respectfully Submitted,
Kelsey