

MEMORANDUM

Business Item B

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 approval of the Scholar Ridge Estates Final Plat, dividing Tax ID #006-0617-01; Tax ID #006-0618-01; and Tax ID #006-0632 into 43 lots and 2 outlots intended for single-family residential use.

Plat Revision Date: September 6, 2024.
Date Plat Received: September 9, 2024

Property Information Specific to Tax ID #'s 006-0618-01 & 006-0632:

1. Specific Site Location: The subject plat contains approximately 20.72 acres and is located south of the recently platted Scholar Ridge Estates (Phase I). The Westridge Golf Course is adjacent to the southwest.
2. Parcel Profile Reports Additional applicable property information not included in the Parcel Profile Report is described below:
 1. The subject property is located in the Town's Suburban Residential (R-2) District.
 2. A navigable intermittent stream runs along the north edge of the subject property and generally separates the previously platted phase from the subject lands.
 3. Lands within 300 ft. of the waterway are subject to the standards of the County's Shoreland Zoning Ordinance and General Agriculture (A-2) District.
 4. Winnebago County requires a 75 ft. setback for structures from navigable waterways.
 5. Per the Town Subdivision Ordinance, the minimum environmental setback corridor for these streams is 35 ft. based on the watershed size of the stream.
 6. A 2023, WDNR navigability determination letter noted that a drain tile and intake structure and drainage system within the waterway, as well as multiple rock wall/dam structures found constructed across the waterway channel, considered unauthorized dams per WI. Chapter 31 and would need to be addressed before moving forward with additional projects on the property.
 7. No portion of the subject property is located in a floodplain.
 8. No portion of the subject property is located in Outagamie County Airport Zoning or an Airport Height Limitation Zone.
 9. The subject lands are located in the Fox West Sewer Service Area and Town of Clayton Sanitary District #1.
 10. The adopted "Highways 10 & 76 Corridor Land Use Master Plan" identifies the following proposed land use districts and features on the subject property:

- Tax ID #006-0618-01 = “Medium and High Intensity Residential” in the western half and “Recreation and Conservation” in the eastern half.
 - Tax ID #006-0632 = “Single & Two Family Residential”.
 - Future road extensions to Larsen Rd and Clayton Ave. are identified throughout the subject property.
 - A future on-road trail is identified running north/south through the subject property.
 - A future off-road trail is identified along the intermittent stream.
11. The Future Land Use Map of the 2023 Comprehensive Plan identifies the subject lands in the “Residential – Single and Duplex” plan category.
 12. The adopted Park and Trail Plan map identifies “Future Town Parks or Greenspace” in the east half of Tax ID #006-0618-01, a “Future On-road Trail” running north/south adjacent to the subject property, and a “Future Off-Road Trail” along the intermittent stream and along the west parcel line of Tax ID #006-0632.
 13. All of the lots in this phase are proposed for single-family use, which is a permitted use in the R-2 Suburban Residential District.
 14. All of the proposed lots meet the dimensional standards of the R-2 Suburban Residential District, which requires sewered lots to be a minimum width of 65 feet and a minimum size of 9,000 sq. ft. for non-shoreland lots and 10,000 sq. ft. for shoreland lots.
 15. The subject property is within extraterritorial plat review jurisdiction of the Village of Fox Crossing and City of Neenah.
3. Zoning of Surrounding Properties:
- North: R-2 (Suburban Residential District) & R-3 (Two Family Residential District)
 - South: A-2 (General Agriculture District)
 - East: A-2 (General Agriculture District)
 - West: B-2 (Community Business District) & R-2 (Suburban Residential District)

Application Details:

As part of this subdivision/development proposal, the Town previously rezoned the subject property to the Suburban Residential (R-2) District to accommodate the single-family uses. The Town of Clayton Sanitary District #1 amendment to include all future phases of development is in process.

These lands are part of the roughly 100-acre Scholar Ridge Preliminary Plat approved by the Town and County in 2023. A final plat of the northern portion (Phase I), Scholar Ridge Estates, was subsequently recorded. A revised Preliminary Plat for the remainder was submitted and approved by the Town Board on July 17, 2024, subject to several conditions. That Preliminary Plat included Phases II, III, and IV of the development. This final plat is for Phase II only.

Use of Outlots:

Outlots 3 & 4 are proposed for stormwater management purposes and are to be dedicated to the Town.

Preliminary Plat Approval Conditions:

On July 17, 2024, the Town Board of Supervisors approved the preliminary plat subject to the following conditions (*staff notes in bold italics*):

1. Environmental Corridor setback provisions shall be noted on the plat. ***This is noted correctly on the plat.***
2. Stormwater management plans are required to be provided to the Town in conjunction with Winnebago County requirements. This shall include drainage, grading, storm sewer plans, and profile drawings prior to final plat approval.
3. Drainage easement restrictions, and grading & drainage notes shall be noted on the plat prior to final plat approval. ***This is noted correctly on the plat.***
4. Detailed road, sanitary sewer, and water main plans and profile drawings shall be provided to the Town for review prior to final plat approval.
5. Boundary amendment to Clayton Sanitary District #1 is required prior to final plat approval. ***Clayton Sanitary District #1 boundary amendment is in process.***
6. Road dedications shall be explicitly stated on the plat, and ownership and intended use of all outlots shall be stated on the plat prior to final plat approval. ***This is noted correctly on the plat.***
7. Existing zoning on the adjacent lots are incorrect and should be corrected prior to final plat approval. ***This was addressed on the plat.***
8. Right to Farm language shall be added to the plat prior to final plat approval. ***This is noted correctly on the plat.***
9. Since there are no longer any wetlands within the plat boundary, the wetlands reference should be removed from the legend prior to final plat approval. ***This was addressed on the plat.***
10. Per WI Chapter 236, the exact width of the drainage easement running with the intermittent stream must be noted on the plat prior to final plat approval. ***This is not noted on the plat.***
11. Prior to final plat submittal, documentation shall be provided to the Town indicating the drain tile, intake structure, and multiple rock wall/dam structures identified in the WDNR navigability letter have been removed and/or adequately addressed. ***Documentation has not been provided to the Town regarding the dam structures identified by the WDNR.***

Town Subdivision Ordinance Review

Road Access:

All roads are proposed to be dedicated to the Town. Access from County Road II is proposed via the southerly extension of Marlo Ave. An internal road network is proposed with three (3) road stubs connected to future phases of the development and lands to the east.

Wetlands/Floodplain:

There are no existing wetlands located within the subject lands. The subject lands are not located within the 100-year floodplain.

Environmental Corridor Setbacks:

Per the Town Subdivision Ordinance, 35 ft. environmental setback corridors shall be provided on each side of the intermittent streams on the subject property. ***These are being correctly shown on the plat.***

Minimum Road Design Standards:

Road design plans have not been submitted. Therefore, no technical engineering review comments can be provided at this time.

Drainage & Stormwater Management (Sec. 7.10.05, Town Subdivision Ordinance):

Stormwater management and erosion control within the Town are regulated by Winnebago County and the WDNR. The applicant provided a Stormwater Management Plan and detailed utility and road construction plans prepared by McMahan Associates. The Town Engineer has conducted an initial review and provided technical engineering review comments to the Town as part of the 2023 preliminary plat approval. No updated stormwater management plans have been submitted to the Town Engineer with the 2024 revised preliminary plat.

Construction of Public Improvements/Public Improvement Agreement (Sec. 7.10.06, Town Subdivision Ordinance):

The subdivider is required to install and construct all public improvements (e.g., roads, sewer, water, stormwater management facilities, trails, sidewalks, etc.). Road, sewer, and water main engineering plans have not been submitted to the Town Engineer. Therefore, no technical engineering review comments can be provided at this time.

Dedications and Reservations (Sec. 7.10.08, Town Subdivision Ordinance):

- Pedestrian Trails: Any recreational trail(s) designated in an adopted Town plan shall be made part of the plat and either dedicated to the Town or reserved by the subdivider in locations and dimensions indicated on such plan.
 - The “Highways 10 & 76 Corridor Land Use Master Plan” identifies a future on-road along County Rd II, north of the subject property, and a future off-road trail along the southerly intermittent stream/drainage way on Tax ID #006-0618.

The approved preliminary plat identified an 8 ft. wide trail along the right-of-way on Marlo Dr. which is not shown on the final plat.

- Dedication Requirements for Park, Playground, & Recreational Open Space:
The Town Subdivision Ordinance requires one of the following options in regard to dedication of park, playground, and recreational open space area(s):
 1. Land Dedication in the following percentages of land area by zoning:
 - Single-family zoning: 6%
 - Two-family zoning: 8%
 - Multiple-family zoning: 12%
 2. Fee in lieu of land dedication: In the event the Town Board deems a dedication unsuitable, inadequate or inappropriate, a \$500 fee in lieu of dedication for each new dwelling unit shall be paid prior to issuance of a building permit.

During preliminary plat review/approval, the Town Board allowed for the fee in lieu of land dedication option. The applicant agrees with the fee in lieu of land dedication. Regarding a park, this has been discussed on previous occasions. To the Chair's point of view, this has been the developer has followed the guidelines in place with the initial application.

Street Arrangement/Temporary Turnarounds (Section 7.10.18 (1) (c) 5, Town Subdivision Ordinance):

Temporary turnarounds of 120 ft. right-of-way diameter and a roadway of not less than 90 ft. in diameter shall be provided in the following location as required by the Town Subdivision Ordinance:

- West terminus of Cornell Ave

Compliant temporary turnarounds are missing from or insufficient in the following locations:

- *West terminus of Cornell Ave (none shown)*

USPS Postal Service:

If cluster mailbox units (CBUs) are utilized for this subdivision, the location of the CBUs should be identified on the final plat prior to approval. Initial purchase and installation of the CBUs and associated walkways, foundations, etc. are the developer's responsibility. USPS National Delivery Planning Standards Handbook P0-632 provides guidance for CBUs. In addition to identifying the location of the CBUs on the final plat, a note should be added to the final plat indicating that lot owners are responsible for all CBU structure and foundation maintenance and replacement costs. The note is important to convey that:

- The Town does not maintain mailboxes
- Lot owners immediately abutting a CBU are responsible for the short-term maintenance and accessibility to the CBU with respect to grass cutting, snow removal, and keeping the CBU in a presentable, functional state.
- All lot owners associated with a particular CBU are responsible for long-term maintenance, repair, or replacement.
- The lot owners associated with a designated CBU must keep the CBU in a presentable and functional state.

State Certification of Final Plat: The subdivider must provide the Town with a copy of the State certification that there are no objections to the final plat. *State certification has not been provided to the Town.*

Staff Comments, Plan Commission/Town Board Direction, & Staff Recommendation:

Specific items/issues that should be reviewed by the Town and/or addressed by the applicant:

1. Drainage & Stormwater Management (Sec. 7.10.05, Town Subdivision Ordinance):
The following items/issues need to be addressed by the applicant:
 - a. Final drainage and stormwater management plans addressing any outstanding concerns shall be submitted for Town review/approval prior to final plat approval.
 - b. Dedication of Drainage Facilities/Outlot Dedication: Outlots 3 & 4 are proposed for stormwater management purposes and are to be dedicated to the Town. The Town should verify that it is willing to accept said dedications.
2. Construction of Public Improvements (Sec. 7.10.06, Town Subdivision Ordinance):
 - a. Road, sewer, and water plans will need to be submitted for Town review/approval prior to final plat approval.
 - b. Future road construction plan submittals shall identify the proposed 8 ft. wide public trail along the east side of Marlo Drive.
 - c. The subdivider is required to install and construct all public improvements (e.g., roads, sewer, water, stormwater management facilities, trails, sidewalks, etc.).
3. Street Arrangement/Temporary Turnarounds (Section 7.10.18 (1) (c) 5, Town Subdivision Ordinance):
Temporary cul-de-sac turnarounds are missing from or insufficient in the following locations:

a. *West terminus of Cornell Ave (none shown)*

4. USPS Postal Service:

If cluster mailbox units (CBUs) are utilized for this subdivision. The location of the CBUs should be identified on the final plat prior to approval. In addition to identifying the location of the CBUs on the final plat, a note should be added to the final plat indicating that lot owners are responsible for all CBU structure and foundation maintenance and replacement costs.

5. Prior to consideration of the final plat, documentation shall be provided to the Town indicating the drain tile, intake structure, and multiple rock wall/dam structures identified in the WDNR navigability letter have been removed and/or adequately addressed.

6. Per WI. 236.20(2)(f), the exact width of the drainage easement running with the intermittent stream shall be noted on the plat.

7. State Certification of Final Plat:

State certification has not been provided to the Town.

Town Application Progression:

1. 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.

2. The final plat shall then be forwarded to the Town Board with a Plan Commission recommendation.

3. 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, it is entitled to approval.

4. The Town Board shall, within sixty (60) 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.

a. 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.

b. If the Board fails to act within sixty (60) 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 November 7, 2024, unless the time is extended by written agreement with the subdivider.

SUGGESTED MOTION(S):

Motion to recommend approval of the Final Plat Review Application submitted by McMahon Associates on behalf of Clayton Development Group, LLC as presented.

Respectfully Submitted,
Kelsey