

## MEMORANDUM

### Business Item A

From: Administrator/Staff

To: Plan Commission

Re: Public Hearing and Plan Commission review and 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 (2689 County Rd II) & Tax ID #006-0618 into 49 lots and 2 outlots intended for a combination of commercial/business, multi-family residential, two-family residential, & single-family residential uses.

### Property Information Specific to Tax ID #'s 006-0617 & 006-0618:

1. Specific Site Location: The subject site is located on the property addressed 2689 County Rd II and the parcel adjacent to the south. The subject site is adjacent to the south of the County Rd II/Martin Dr intersection and adjacent to the northeast of the Westridge Golf Course.
2. Parcel Profile Reports for each parcel are enclosed with this memo for your reference. Additional applicable property information not included in the Parcel Profile Report is described below:
  - a. The subject property is located in the Town's Community Business (B-2) District, Multifamily Residential (R-4) District, Two-Family Residential (R-3) District, and Suburban Residential (R-2) District. Rezoning approved by Town in May 2023.
  - b. A small area in the northeast corner of Tax ID #006-0617, adjacent to County Rd II, is located in the County's Shoreland Zoning and General Agriculture (A-2) District. This is due to a navigable stream located on the north side of County Rd II.
  - c. There are two (2) "non-navigable" intermittent streams/drainage ways running through the subject property as identified on the preliminary plat:
    - i. Per the Town Subdivision Ordinance, the minimum environmental setback corridor for these streams is 35 ft.
    - ii. Winnebago County has no setback requirement for these intermittent streams/drainage ways.
  - d. A wetland delineation of the subject property was completed in October 2022 which identified five (5) small wetlands:
    - i. Four (4) small wetlands are within/near the northerly intermittent stream/drainage way on Tax ID #006-0617, within Lots 2 and 3, and Outlot 1 of the final plat; and
    - ii. One (1) small wetland is in the southwest corner of Tax ID #006-0618, within and adjacent to the south of Lot 45 of the final plat.
  - e. No portion of the subject property is located in a floodplain.
  - f. No portion of the subject property is located in located in Outagamie County Airport Zoning or an Airport Height Limitation Zone.
  - g. All of the subject property part of the final plat is located in the Fox West Sewer Service Area and Town of Clayton Sanitary District #1.
  - h. The adopted "Highways 10 & 76 Corridor Land Use Master Plan" identifies the following proposed land use districts and features on the subject property:
    - i. Tax ID #006-0617 = "Gateway Commercial & Retail" adjacent to County Rd II and "Medium and High Intensity Residential" throughout the remainder of the parcel.
    - ii. Tax ID #006-0618 = "Medium and High Intensity Residential"
    - iii. Future roads are identified throughout the subject property, along parcel lines.
    - iv. A future on-road trail is identified along County Rd II, north of the subject property.
    - v. A future off-road trail is identified along the southerly intermittent stream/drainage way on Tax ID #006-0618.

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.

- i. The PRELIMINARY/DRAFT Future Land Use Map of the updated 2023 Comprehensive Plan identifies the following future land use categories/designations on the subject property:
  - i. Tax ID #006-0617 = “Business” adjacent to County Rd II, “Neighborhood Center Mixed Use” near County Rd II and adjacent to the east parcel line, and “Medium and High Intensity Residential” throughout the remainder of the parcel.
  - ii. Tax ID #006-0618 = “Medium and High Intensity Residential” in the western 2/3, “Neighborhood Mixed Center” in the northeast corner, and “Recreation and Conservation” in the southeast corner of the parcel.

This preliminary/draft Future Land Use Map has not yet been adopted by the Town.

- j. The PRELIMINARY/DRAFT Parks and Recreation Facilities Map of the updated 2023 Comprehensive Plan identifies “Future Town Parks or Greenspace” in the southeast corner of Tax ID #006-0618, a future on-road trail along County Rd II, north of the subject property, and “Future Off-Road Trail” along the southerly intermittent stream/drainage way on Tax ID #006-0618.

This preliminary/draft Parks and Recreation Facilities Map has not yet been adopted by the Town.

- k. The proposed commercial and residential development is allowed in the subject property’s Community Business (B-2), Multifamily Residential (R-4), Two-Family Residential (R-3), and Suburban Residential (R-2) Districts.
- l. The subject property is within extraterritorial plat review jurisdiction of the Village of Fox Crossing.

### 3. Zoning of Surrounding Properties:

- a. North: R-1 (Rural Residential District) & I-1 (Light Industrial District)
- b. South: R-2 (Suburban Residential District)
- c. East: A-2 (General Agriculture District)
- d. West: R-1 (Rural Residential District), A-2 (General Agriculture District), B-2 (Community Business District), & R-2 (Suburban Residential District)

### Application Details:

McMahon Associates, on behalf of Clayton Development Group, LLC, requests approval of the Scholar Ridge Estates Final Plat, dividing Tax ID #006-0617 (2689 County Rd II) & Tax ID #006-0618 into 49 lots and 2 outlots intended for a combination of commercial/business, multi-family residential, two-family residential, & single-family residential uses. In May 2023, the Town approved rezoning the subject property to the Community Business (B-2), Multifamily Residential (R-4), Two-Family Residential (R-3), and Suburban Residential (R-2) Districts to accommodate the various uses and housing types as described in more detail below:

- Commercial/business uses are proposed on Lots 1 through 3, adjacent to County Rd II. These lots and Outlot 1 are in the Community Business (B-2) District.
- Multi-family residential use is proposed on Lots 4 and 5. These lots are in the Multifamily Residential (R-4) District.
- Two-family and single family residential uses are proposed on Lots 6 through 17, Lots 27 through 30, and Lots 35 through 37. These lots and Outlot 2 are in the Two-Family Residential (R-3) District.
- Single-family residential uses are proposed on Lots 18 through 26, Lot 31 through 34, and Lots 38 through 49. These lots are in the Suburban Residential (R-2) District.
- All Outlots (Outlots 1 & 2) are proposed for stormwater management facilities (e.g., ponds). All Outlots are proposed to be dedicated to the Town.

All proposed lots comply with the minimum lot dimensional requirements for each respective zoning district in which the lots are located.

### Preliminary Plat Approval Conditions:

A copy the letter outlining preliminary plat approval conditions and the applicant’s response to each condition (in red) is included with this packet for your reference.

## Town Subdivision Ordinance Review:

### Road Access:

Access to the subdivision is proposed via one (1) new road connecting to County Rd II, directly across from the existing Martin Dr north of County Rd II. An internal road network is proposed with:

- Three (3) road stubs for future road access to property adjacent to the east;
- Two (2) road stubs for future road access to property adjacent to the south; and
- One (1) road stub for future road access to the property adjacent to the west.

*Town staff, including Fire Chief Scott Rieckmann, have concerns with only one (1) road access to the subdivision until adjacent properties are developed and road access from adjacent properties is established. The Town should consider requiring an additional road access to County Rd II.*

### Road Names:

Per the final plat, it appears Princeton Dr changes to St Norbert Dr at the curve in the road near Lots 16 and 17.

*It is staff's opinion that the Princeton Dr and St Norbert Dr road segment(s) should be revised to one (1) road name for the entire continuous roadway, primarily for emergency services purposes. Having a road name change in the middle of a road segment or at a curve in a road may cause issues/confusion in finding the property in emergency situations.*

### Wetlands:

As described earlier in this memo, a wetland delineation of the subject property was completed in October 2022 which identified five (5) small wetlands. One (1) small wetland within and adjacent to the south of Lot 45 is proposed to be filled, which will require approval from the WisDNR.

### Minimum Road Design Standards:

- The applicant is requesting a variance to the Town's Minimum Road Design Standards Policy to allow for the following design for all roads:
  - 12 inches of gravel base course with geogrid installed below the pavement and shoulders; and
  - 4 inches of compacted asphalt surface.
- Preliminary Plat Approval Condition: "If requested by the subdivider, the Town Board allow for an exception/variance to the minimum road design standards for all platted roads, except Marlo Dr, Princeton Dr, and St Norbert Dr, to be constructed with 4 inches total asphalt pavement (2.25" binder layer & 1.75" surface layer), 12 inches total gravel base (6 Inches of 3" B.A.D. & 6 Inches of ¾" B.A.D.), and geogrid, subject to: 1) The subdivider conducting soil borings and providing the Town a detailed geotechnical report with design calculations proving the proposed road design is suitable for the site; and 2) The subdivider providing the Town an irrevocable financial commitment to cover the cost of road failure if road failure were to occur within 25 years after construction."
- Town Engineer Recommendation: *Town Engineer recommends that the Town not allow an exception/variance to the minimum road design standards, and that all roads be constructed to the Town's minimum road design standards. This is due to the amount of heavy vehicle/equipment traffic that will be occurring on all roads during individual lot development and during future development of the remaining southern property included in the preliminary plat approval.*

### 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 WisDNR. Applicant provided a Stormwater Management Plan and detailed utility and road construction plans prepared by McMahan Associates. Town Engineer has conducted an initial review and provided technical engineering review comments to the Town.

*The following items/issues need to be addressed by the applicant:*

- *Additional information and revised plans addressing the Town Engineer review comments will need to be submitted for Town review/approval prior to final plat approval.*
- Dedication of Drainage Facilities/Outlot Dedication: *The note on the plat regarding ownership of Outlots 1 and 2 may need to be revised to memorialize maintenance responsibilities if outlots are proposed to*

be dedicated to and if they are accepted by the Town. The Town is not required to accept the outlots and/or maintenance responsibilities.

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

- Town Engineer has conducted an initial review and provided technical engineering review comments to the Town regarding road, sanitary sewer and water main construction. *Additional information and revised plans addressing the Town Engineer review comments will need to be submitted for Town review/approval prior to final plat approval.*
- The subdivider is required to install and construct all public improvements (e.g., roads, sewer, water, stormwater management facilities, trails, sidewalks, etc.). *As a condition of final plat approval, the subdivider shall enter into a Public Improvement Agreement in recordable form with the Town. The Public Improvement Agreement shall contain the provisions described in Section 7.10.06 (4) of the Town Subdivision Ordinance, addressing items such as construction timelines, financial security, and other requirements as deemed necessary.*

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.

*Per the submitted Utility & Road Construction Plans, the only proposed pedestrian facility is an 8 ft. wide public trail along the east side of Marlo Drive. The approved preliminary plat identified the 8 ft. wide trail continuing within and along the southern edge of the County Rd II right-of-way from Marlo Dr to the east lot line of PIN 006-0617, which is not shown on the submitted Utility & Road Construction Plans.*

- 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 is 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.*

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 locations as required by the Town Subdivision Ordinance:

- East terminus of St Thoms Ln
- South terminus of Marlo Ave
- South terminus of St Norbert Dr
- West terminus of Lawrence Ln

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

- *East terminus of St Thoms Ln (temporary turnaround identified on plat does not meet minimum dimensional requirements.)*
- *South terminus of Marlo Ave (none shown)*

- *West terminus of Lawrence Ln (none shown)*

In an attempt to address this issue, the applicant included access restrictions to Marlo Ave for Lot 37 and to Lawrence Ln for Lots 22 and 46. The applicant's engineer stated the access restriction eliminates the need for a temporary cul-de-sacs in these locations.

**USPS Postal Service:**

It is staff's understanding/assumption that USPS will require cluster mailbox units (CBUs) 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 developers 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 in regard 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.
- If the lot owners associated with a designated CBU fail to keep the CBU in a presentable and functional state, the Town may assess/charge designated CBU lot owners for the shared cost of required maintenance.

**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 need to be reviewed by the Town and/or addressed by the applicant:**

1. **Road Access:** Town staff, including Fire Chief Scott Rieckmann, have concerns with only one (1) road access to the subdivision until adjacent properties are developed and road access from adjacent properties is established. The Town should consider requiring an additional road access to County Rd II.
2. **Road Names:** It is staff's opinion that the Princeton Dr and St Norbert Dr road segment(s) should be revised to one (1) road name for the entire continuous roadway, primarily for emergency services purposes. Having a road name change in the middle of a road segment or at a curve in a road may cause issues/confusion in finding the property in emergency situations.
3. **Wetland Filling/DNR Permit Approval:** DNR approval for filling the wetland within and adjacent to the south of Lot 45 shall be obtained and should be provided to the Town prior to final plat approval.
4. **Minimum Road Design Standards:**
  - a. The applicant is requesting a variance to the Town's Minimum Road Design Standards Policy to allow for the following design for all roads:
    - i. 12 inches of gravel base course with geogrid installed below the pavement and shoulders; and
    - ii. 4 inches of compacted asphalt surface.
  - b. **Preliminary Plat Approval Condition:** "If requested by the subdivider, the Town Board allow for an exception/variance to the minimum road design standards for all platted roads, except Marlo Dr, Princeton Dr, and St Norbert Dr, to be constructed with 4 inches total asphalt pavement (2.25" binder layer & 1.75" surface layer), 12 inches total gravel base (6 Inches of 3" B.A.D. & 6

Inches of ¾" B.A.D.), and geogrid, subject to: 1) The subdivider conducting soil borings and providing the Town a detailed geotechnical report with design calculations proving the proposed road design is suitable for the site; and 2) The subdivider providing the Town an irrevocable financial commitment to cover the cost of road failure if road failure were to occur within 25 years after construction."

- c. Town Engineer Recommendation: Town Engineer recommends that the Town not allow an exception/variance to the minimum road design standards, and that all roads be constructed to the Town's minimum road design standards. This is due to the amount of heavy vehicle/equipment traffic that will be occurring on all roads during individual lot development and during future development of the remaining southern property included in the preliminary plat approval.

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

The following items/issues need to be addressed by the applicant:

- a. Additional information and revised plans addressing the Town Engineer review comments will need to be submitted for Town review/approval prior to final plat approval.
- b. Dedication of Drainage Facilities/Outlot Dedication: The note on the plat regarding ownership of Outlots 1 and 2 may need to be revised to memorialize maintenance responsibilities if outlots are proposed to be dedicated to and if they are accepted by the Town. The Town is not required to accept the outlots and/or maintenance responsibilities.

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

- a. Additional information and revised plans addressing the Town Engineer review comments will need to be submitted for Town review/approval prior to final plat approval.
- b. The subdivider is required to install and construct all public improvements (e.g., roads, sewer, water, stormwater management facilities, trails, sidewalks, etc.). As a condition of final plat approval, the subdivider shall enter into a Public Improvement Agreement in recordable form with the Town. The Public Improvement Agreement shall contain the provisions described in Section 7.10.06 (4) of the Town Subdivision Ordinance, addressing items such as construction timelines, financial security, and other requirements as deemed necessary.

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

- a. Per the submitted Utility & Road Construction Plans, the only proposed pedestrian facility is an 8 ft. wide public trail along the east side of Marlo Drive. The approved preliminary plat identified the 8 ft. wide trail continuing within and along the southern edge of the County Rd II right-of-way from Marlo Dr to the east lot line of PIN 006-0617, which is not shown on the submitted Utility & Road Construction Plans.

8. 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. East terminus of St Thoms Ln (temporary turnaround identified on plat does not meet minimum dimensional requirements.)
- b. South terminus of Marlo Ave (none shown)
- c. West terminus of Lawrence Ln (none shown)

In an attempt to address this issue, the applicant included access restrictions to Marlo Ave for Lot 37 and to Lawrence Ln for Lots 22 and 46. The applicant's engineer stated the access restriction eliminates the need for a temporary cul-de-sacs in these locations.

9. USPS Postal Service:

It is staff's understanding/assumption that USPS will require cluster mailbox units (CBUs) 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.

10. State Certification of Final Plat: State certification has not been provided to the Town.

**Plan Commission/Town Board Direction:**

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 for approval or rejection.
3. The subdivider shall execute a Public Improvement Agreement with the Town and provide the requisite financial security pursuant to Section 7.10:15(4) (b) prior to Town approval and as a condition of Town approval of a final plat. Failure to submit an approved, executed Public Improvement Agreement and approved, executed financial guarantee shall be deemed an incomplete final plat submittal.
4. 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.
5. 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 August 4, 2023, unless the time is extended by written agreement with the subdivider.**

**Staff Recommendation:**

Due to the outstanding issues described above, staff recommendation is to either:

1. Table final plat review for review at a future meeting after all outstanding issues have been adequately addressed to the satisfaction of the Town. *(This option will most likely require the Town to enter into a written agreement with the subdivider to extend the time limit in which the Town Board shall approve or reject the plat);*

OR

2. Reject the final plat due to the outstanding issues described above.