

MEMORANDUM

Business Items A & B

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & recommendation of Resolution 2026-008 Making a Recommendation to the Town Board of Supervisors regarding Comprehensive Plan Amendment Application submitted by Vierbicher on behalf of VanderHeiden Family Partnership, Wayne VanderHeiden & Mary Jane Volkman et. al., and Jennifer Olson & Jacqueline Maynard et.al, for a proposed amendment to the Future Land Use Map of the Town of Clayton Comprehensive Plan 2040 in the area immediately adjacent to the corner of State Rd 76 & Fairview Rd, being Tax ID #006-0352; Tax ID #006-0352-01; Tax ID #006-0352-01-01; Tax ID #006-0353; Tax ID #006-0354; and Tax ID #006-0355 to amend the Future Land Use Map from 45.02 acres of Gateway Commercial & Retail to approximately 13.24 acres; 27.82 acres of Medium & High Density Residential to approximately 25.55 acres; 30.79 acres of Neighborhood Center Mixed Use to 0 acres; 37.85 acres of Parks & Recreation to approximately 22.96 acres; and add 79.73 acres of Single & Duplex Residential

AND

Plan Commission review & consideration of Resolution 2026-009 Making a Recommendation to the Town Board of Supervisors regarding a Rezoning Application submitted by Vierbicher on behalf of VanderHeiden Family Partnership, Wayne VanderHeiden & Mary Jane Volkman et. al., and Jennifer Olson & Jacqueline Maynard et.al, requesting approval to re-zone approximately 141.48 acres from A-2 (General Agriculture District) to approximately 79.73 acres of R-2 (Suburban Residential District); approximately 25.55 acres of R-4 (Multi-Family Residential District); approximately 13.24 acres of B-2 (Community Business District); and approximately 22.96 acres of P-I (Public Institutional District).

Please see the comments below from Code Administrator Kamke:

The applicants approached the Town in 2025 to inquire on the process for developing the current agricultural and farm residence property into subdivision residential use. The following months provided discussions between the developer, agent, and Town staff; Plan Commission reviews of Concept Plans; and other discussions with additional jurisdictions such as the Wisconsin Department of Transportation for their needs and requirements regarding the change in traffic flow at intersections that would serve this development. Town staff have done estimates on the service needs and demands a development of this size would entail, from fire and emergency response to the impacts on elections.

Primarily, the Town Plan Commissioners and Town staff comments to this point have urged the applicant to incorporate more elements and uses as were identified in the 2023 update of the Town's Comprehensive Plan. During that update, this area was

identified as best suited for light industry, commercial, and mixed-use opportunities. Driving those decisions were the limitations applied by the Outagamie County Airport Overlay Districts and nearby existing industrial uses (railroad, nonmetallic mining). The Outagamie County ordinance controls which uses, densities, and building heights are allowed in the overlay district boundaries, as safeguards protecting the public from the airport runway shadows and impacts. Generally, residential uses are discouraged in all Airport Overlay Districts, but may be allowed if the density is low enough (one unit per acre in the overlay district that applies to this subject site). The Town has requested input by Outagamie County on this application, as their determination will impact the process for the Town's action.

When a rezone is required, it must be consistent with the Comprehensive Plan Future Land Use map (state law). Because a Comprehensive Plan is a living document, it can be amended at any time. If a proposed development is inconsistent with the category for the site on the Future Land Use map, an amendment request must be submitted for review. The Town will then review the proposal against the other elements and aspects of the Comprehensive Plan, being the goals, strategies, and recommendations. The decision should encompass the area of the Town being suitable for this type of use, otherwise may be considered a spot-zoning action. The requirement for consistency between the zoning actions and the Comprehensive Plan elements prioritizes the whole community's future and goals over one person or owner.

Housing goals were to provide for a range of new housing types, specifically by requiring future residential development to provide a variety of housing types and densities. From page 3-11 of the Town's Comprehensive Plan:

Recommendation: Multi-family housing should be directed to planned locations with appropriate zoning, and where practicable, should be dispersed throughout new subdivision developments versus being concentrated within one part of the development.

This goal and recommendation are not met in the proposed layout, as the types of housing are grouped together, with the higher-traffic multi-family units in the back/south area of the development.

Another strategy listed is to locate future housing adjacent to services and amenities home buyers will find attractive; this was to be done specifically by ensuring that adequate public greenspace is provided in the form of parks and trail corridors. This strategy may be met by the types of business that establish in the corner of Fairview and STH 76, and by the park areas that are proposed. However, housing goals for diverse walkable neighborhoods that address including a variety of styles of housing, ranging from townhomes and condos to cottage-style developments, are not met in this proposal.

The request does align with some of the Medium and High Density Residential uses and plans within the Comprehensive Plan Future Land Use Map and text chapters. The Town intended for new residential to be primarily located within the Tier 1 area ("85% of new development in Tier 1"), which the subject site meets. This was recommended so that infrastructure services would be available for the anticipated higher-use sites. The subject site is within the Clayton Sanitary District #1 boundary and will be served by the water utility as well.

The areas within the Gateway Commercial & Retail were “designed to welcome visitors into the Clayton community”, with “development standards [to] set the tone for a traveler’s impression of the Town”; anticipated types of uses were restaurants, gas stations, grocery and other community-oriented services like banks and service provider offices (internet, phone), being located primarily along STH 76. This site was within the STH 76 Corridor, and was identified as attractive to commercial and industrial land uses due to the accessibility and visibility of the site from the state highway. Uses projected were regional in nature, meaning they were anticipated to serve a broader market than just the Town of Clayton. Reference page 11-22 of the Town’s Comprehensive Plan for these descriptions. Suggested zoning to match this Future Land Use category were B-2 Community Business and B-3 General Business Districts. Currently, 45 acres of Gateway Commercial & Retail are on the Future Land Use map; 13.24 acres are proposed to remain if the amendment is approved, with proposed zoning in the B-2 Community Business district.

Economic development goals within the Comprehensive Plan primarily looked to develop standards within the Town Zoning Codes and other ordinances to guide development in the Gateway Commercial category. Site Design Standards were adopted in 2023 that would apply to development in this area.

The development of this area would likely spur the upgrade of the STH 76/Fairview Rd intersection. This was identified in the Transportation chapter of the Town’s Comprehensive Plan, and a Traffic Impact Analysis is in development by the applicant for the intersection. That information would be evaluated by the Town when a plat is proposed.

This site is within the Town’s Mixed Use Tax Increment District area. The Town is allowed to have residential development within the TID boundary, but is capped at 35% of the real property area becoming newly platted residential development over the life of the TID. Using this requirement, of the approximately 1,632 acres of real property within the TID, a maximum of 636 acres within the TID can become newly platted residential. Acreage of approvals since the TID went into effect, and including areas of preliminarily approved subdivision plats, total +/-126 acres, or approximately 7.71%. This development with 141.48 acres, would be an additional 8.67% of the TID area. While those two together are still under the 35% cap ($7.71+8.67=16.38\%$), this would more than double the residential development within the TID, and eliminate that area from ever generating the projected revenue as forecast in the creation of the Tax Increment Fund. Commercial and industrial tax rates are substantially higher than residential uses, and this information was accounted for in the projections and plans that created the Tax Increment District and Fund. This reduction in the anticipated benefit of the Town’s plans should be a consideration in the evaluation of this Plan Amendment request.

Neighboring uses range from existing single-family dwellings, business uses, active farms, active railroad line, to a nonmetallic mining extraction and operations site. Zoning designations range from A-2 General Agriculture, R-1 Rural Residential, B-3 General Business, to L-1 Light Industrial.

A Comprehensive Plan cannot be conditionally amended. The Town recommendation and action is either approval, or denial. If the Town is satisfied that the intents (goals,

strategies, recommendations) of the existing Comprehensive Plan are upheld by the amendment of the Future Land Use map as described in the applicant's proposal, the Plan Commission should recommend approval to the Town Board.

If the Comprehensive Plan Amendment request is denied, the rezone is not consistent with the Future Land Use map and cannot be approved. If the Comprehensive Plan Amendment is approved, the rezone would be consistent with the Future Land Use map, and could also be approved.

SUGGESTED MOTION(S):

*Motion **AND ROLL CALL** to approve Resolution 2026-008 recommending approval / denial of amendment of the Town of Clayton Comprehensive Plan 2040.*

*Motion **AND ROLL CALL** to approve Resolution 2026-009 recommending approval / denial of the rezoning.*

If you have any questions about this information, please call or e-mail me.

Respectfully Submitted,
Kelsey