

## MEMORANDUM

### **Business Item E**

From: Administrator/Staff  
To: Plan Commission  
Re: Plan Commission review & recommendation on a Concept Plan Review Application submitted by Vierbicher on behalf of Vander Heiden Family Limited Partnership for a proposed mixed-use development.

Please see the comments below from Code Administrator Kamke:

This concept plan is provided to demonstrate the proposal's consistency with all applicable land use regulations for the site, including the Town's adopted Comprehensive Plan, Town Ordinances for Zoning, Land Division, and Access Control, as well as Town service boundaries and plans. Also applying to this specific site are regulations enforced by Outagamie County related to the Appleton International Airport, which limit permitted uses and their densities. No County shoreland or floodplain jurisdiction is mapped for this property.

### **Site Information:**

The ±147 acres of this proposal comprise most of the NW corner of Section 13, in Township 20N, Range 16 East. This site is located at the southeast corner of the intersection at Fairview Drive and State Rd 76. The subject property is within the boundary for both the Town of Clayton Sanitary District #1 and the Town's Tax Increment District #1 area. If eventually approved, these lands would consume around 9% of the maximum 35% new platted residential within the TID boundary, and these lands were not included in the drafted TID as residential designations. This means the map for the TID will need to be updated as other developments may be requested within the TID, as otherwise those will exceed the statutory allowances for new platted lands.

Utilities would need to be accessed by installation of new lines from Clayton Ave up Fairview Rd to the subject site. The Town of Clayton works with the Village of Fox Crossing and their Utilities Department for sewer service. If future development plans are approved, the Town and applicant will need to work with the Village on capacity, installation timelines, and other required decisions.

The property is zoned A-2 General Agricultural. This location is identified in the Town's Comprehensive Plan Future Land Use map as anticipated and planned for Gateway Commercial & Retail uses. To be consistent with required planning documents, any future approval would need a Comprehensive Plan amendment, site rezones, and plat approvals.

There is an area in the north half of this subject site that was discussed during the Comprehensive Plan update process in 2023 as a good candidate for conservation purposes. This references the subject site characteristic being one of the highest points in the Town, with a scenic viewshed aimed towards Lake Winnebago. Park and lands for public uses that would be within this identified viewshed would meet the adopted Future Land Use map and Plan. The submitted concept plan with proposed park areas does not match with where the desired viewshed area is located.

### **Single-family residential proposed:**

The concept plan proposed is for approximately 83 acres of the ±147 acres to be subdivided by plat into 119 buildable single-family lots. Of that 83 acres of new single-family residential, 40 acres is proposed to be divided into 84 smaller lot size single-family dwellings outside the airport overlay district boundary. For these lots, Town dimensional standards require sewered lots each to be at least 9,000 square feet. Lots

23-25 may be too small as drawn, but any future approval would be contingent on all standards being met.

To meet the Airport Overlay residential density regulations, the remaining approximately 43 acres of single-family residential use would be divided into 35 lots. For these lots, Town standards are met, but several of the lots (proposed lots 85 and 114) in this Airport Overlay District 3 may need area increases/lot line adjustments to meet Outagamie County's requirements, as they are each less than one acre but straddle the overlay district boundary; County decision TBD.

**Multifamily use proposed:**

Two lots, totaling nearly 50 acres, are proposed as R-4 Multifamily Residential zoning, with three 40-unit buildings and nineteen 30-unit buildings, being 690 total units. Several stormwater ponds would also be located on these lands; five are drawn on the concept but area and number will be determined by final impervious numbers.

The multi-family residential zoning district requires at least 40 feet from road right-of-way to any structure, including parking areas. Required rear lot line<sup>1</sup> setbacks are also 40ft. Each unit must be at least 500 square feet, and each accessory building must provide at least 500 square feet per dwelling unit.<sup>2</sup> Detailed plans are not provided at the concept plan stage to determine if these standards are met.

Ordinance requirements for multifamily use (9+ units of multifamily) include a Site Plan and a Conditional Use permit, which will review compliance with the Town's regulations, including the adopted horizontal site design standards, architectural design standards, landscaping plans, and environmental and energy efficiency guidelines (Zoning Ordinance Attachments B-F).

These standards identify this land as within the Tier 1 development area of the Town. Tier 1 development standards mean roofing materials must be of approved materials and meet the Solar Reflective Index (SRI) number, which is dependent on roof slope. With the site characteristic having an elevated view from the road right-of-way and many new roof areas proposed, it is likely the SRI of the materials will be very important in the site plan review process. For exterior building materials, at least 75% of the exterior wall must be covered by approved materials as listed in Attachment C.

Landscape design standards will include: screening of storage areas and trash collection areas, and landscaping for parking lots, buffer yards and associated fence screening, and buildings and grounds. Grounds landscaping is based on impervious surface calculations for the multifamily development. Parking lot landscape standards are based on linear feet of parking area, and parking areas need more stalls.

Parking space requirements for multifamily uses are two (2) parking spaces per unit. At 690 units proposed, a minimum of 1,380 spaces must be provided. Since the proposal is not fronting a street, no additional visitor parking spots are required. Section 9.11-09(b) requires additional parking spaces that are compliant with the Americans with Disability Act. For a requirement of 1,380 standard spaces, an additional 24 accessible spaces must be added throughout the multifamily development. In all, 1,404 stalls are required by ordinance. The provided information has 711 total spaces, which will need increases to meet the Town's standard.

**Parks and Stormwater Ponds**

Another 8.84 acres is proposed as green space for stormwater management devices and future park purposes. At the base of the property, it is unlikely to capitalize on the viewshed towards Lake

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<sup>1</sup> Rear lot line is the lot line opposite the road right-of-way.

<sup>2</sup> Exhibit 8-2, dimensional standards by zoning district for R-4; Pg 8-26 of ordinance.

Winnebago. A neighborhood clubhouse, ball diamond, and pickleball courts are shown as examples of possible development amenities and park layout.

**Overview:**

# New Lots	Approx. Acres	Proposed Zoning District	Notes
35	43	R-2 Subdivision Residential	35 units proposed
84	40	R-2 Subdivision Residential	84 units proposed
2	50	R-4 Multifamily Residential	690 units proposed
Outlot 1	3.71	A-2 General Agriculture	No zoning change
Outlot 2	8.84	Parks / Green Space	
Outlot 3	0.71	R-2 Subdivision Residential	
ROW	11.4*	*Estimated area	
<b>Total:</b>	<b>157.66</b>	<i>Does not total 147 due to ROW estimates and possible Outlot 1 swapping ownership for applicant to obtain secondary access to Fairview Rd, as proposed Lots 1-6 and 16-21 are not currently under ownership of applicant.</i>	

**Additional considerations:**

Using 2020 Census data, Town of Clayton had the lowest rental-occupied housing units of any surrounding municipality. With a total population then of 4,329 and 1,570 housing units, an average of 2.76 people resided in each housing unit. Over 75% of the people in the Town of Clayton were of age 18 or older, which is around two people of voting age in every average size household.

Projections on population increase provided here are estimates. Assuming the single-family units become occupied by the average 2.76 people, that's 119 SFD x 2.76 = 328 people, of which 248 people would be voting age. For the 690 multifamily units proposed, using the average 2.76 people per unit adds 1,918 people to the Town population. In all, 2,247 people could be added to the Town population from this type and intensity of development. With 4,329 people in the Town as of 2020, this would be a 52% increase in Town population. For reference, statutes impose a 1,000-person limit per polling ward. While residential development has a larger impact on the tax base than agriculture lands, residential comes with other long-term increased costs like emergency response, road maintenance, and new voting wards, polling locations, election equipment and staffing needs, among many other considerations.

2020 Census data for Clayton and surrounding municipalities for reference:

2020 Census data	Total Pop	Total Households	Pop in Households		PPL per Household	PPL age 18+		PPL age 18+ per household	Owner-occupied housing units		Renter-occupied housing units	
<b>Clayton</b>	<b>4,329</b>	<b>1,570</b>	<b>4,329</b>	<b>100%</b>	<b>2.76</b>	<b>3,271</b>	<b>75.56%</b>	<b>2.08</b>	<b>1,469</b>	<b>93.57%</b>	<b>101</b>	<b>6.43%</b>
T. Vinland	1,769	736	1,769	100%	2.40	1,455	82.25%	1.98	677	91.98%	59	8.02%
T. Winchester	1,794	724	1,794	100%	2.48	1,413	78.76%	1.95	660	91.16%	64	8.84%
T. Greenville*	12,687	4,478	12,637	99.61%	2.82	9,081	71.58%	2.03	3,998	89.28%	480	10.72%
C. Neenah	27,319	11,686	27,182	99.50%	2.33	20,735	75.90%	1.77	7,560	64.69%	4,126	35.31%
V. Fox Crossing	18,974	8,224	18,846	99.33%	2.29	15,085	79.50%	1.83	5,315	64.63%	2,909	35.37%
C. Menasha	15,261	6,815	15,206	99.64%	2.23	11,959	78.36%	1.75	4,087	59.97%	2,728	40.03%
T. Grand Chute	23,831	10,830	23,419	98.27%	2.16	19,316	81.05%	1.78	5,438	50.21%	5,392	49.79%
Outagamie Co	190,705	76,237	186,912	98.01%	2.45	146,186	76.66%	1.92	53,351	69.98%	22,886	30.02%
Winnebago Co	171,730	71,473	164,367	95.71%	2.30	128,897	75.06%	1.80	46,259	64.72%	25,214	35.28%

*Greenville was an unincorporated Town at the time of the 2020 Census. It met criteria and passed referendum to incorporate effective in 2021.*

Respectfully Submitted,  
Kelsey