

MEMORANDUM

Public Comment A & Business A

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & recommendation on a Preliminary Plat Review Application submitted by McMahon Associates on behalf of Clayton Development Group, LLC, for approval of the Scholar Ridge Estates Preliminary Plat, dividing Tax ID #006-0617 (2689 County Rd II), Tax ID #006-0618, & Tax ID #006-0632 into 158 lots and 4 outlets intended for a combination of commercial/business, multi-family residential, two-family residential, & single-family residential uses.

Please see the below comments from Code Administrator Kussow:

Property Information Specific to Tax ID #'s 006-0617, 006-0618, & 006-0632:

1. **Specific Site Location:** The subject site is located on the property addressed 2689 County Rd II and the two parcels 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 General Agriculture (A-2) District.
 - 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 25 – 45 ft, depending on the watershed size for each stream/drainage way.
 - 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 preliminary plat; and
 - ii. One (1) small wetland is in the southwest corner of Tax ID #006-0618, within Lots 45, 46, and 47 of the preliminary 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 is located in the Fox West Sewer Service Area.
 - i. Tax ID # 006-0617 and Tax ID # 006-0618 are located in the Town of Clayton Sanitary District #1.
 - ii. Tax ID # 006-0632 is not located in a sanitary district; **A boundary amendment to the Town of Clayton Sanitary District #1 will be required to add Tax ID # 006-0632 to the sanitary district.**
 - 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. Tax ID #006-0632 = “Recreation and Conservation” in the eastern 1/3 and “Single & Two Family Residential” throughout the remainder of the parcel
- iv. Future roads are identified throughout the subject property, along parcel lines.
- v. A future on-road trail is identified along County Rd II, north of the subject property.
- vi. A future off-road trail is identified along the southerly intermittent stream/drainage way on Tax ID #006-0618 and along the west parcel line of Tax ID #006-0632.

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.
 - iii. Tax ID #006-0632 = “Residential – Single and Duplex”

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 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 and along the west parcel line of Tax ID #006-0632.

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

- k. Officially mapped road right-of-way/road extensions per the City of Neenah Official Street Map are identified along the west parcel lines of Tax ID #006-0617 and Tax ID #006-0618, along the common parcel line of Tax ID #006-0618 and Tax ID #006-0632, and through Tax ID #006-0632.
- l. The proposed commercial and residential (multi-family, condominium, and single-family) development is not allowed in the subject property’s General Agriculture (A-2) District. Therefore, rezoning of the subject property will be required in order for the proposed development to be allowed. The applicant has submitted a Re-Zoning Application which will be reviewed at a future Plan Commission meeting.
- m. The subject property is within extraterritorial plat review jurisdiction of the Village of Fox Crossing and City of Neenah.

3. Zoning of Surrounding Properties:

- a. North: R-1 (Rural Residential District) & I-1 (Light Industrial District)
- b. South: A-2 (General Agriculture 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 Preliminary Plat, dividing Tax ID #006-0617 (2689 County Rd II), Tax ID #006-0618, & Tax ID #006-0632 into 158 Lots and 4 Outlots intended for a combination of commercial/business, multi-family residential, two-family residential, & single-family residential uses. As part of this subdivision/development proposal, the applicant is proposing to rezone the

subject property to the Community Business (B-2) District, Multifamily Residential (R-4) District, Two-Family Residential (R-3) District, and Suburban Residential (R-2) District 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 proposed to be rezoned to the Community Business (B-2) District.
- Multi-family residential use is proposed on Lots 4 and 5. These lots are proposed to be rezoned to 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 proposed to be rezoned to 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 158. These lots and Outlots 3 and 4 are proposed to be rezoned to the Suburban Residential (R-2) District.
- All Outlots (Outlots 1 through 4) are proposed for stormwater management ponds and park/playground/recreation open space. 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 proposed to be rezoned.

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.

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 is within Lots 45, 46, and 47 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. The Town's Minimum Road Design Standards Policy requires:

- 21 inches of gravel base course or 18 inches of gravel base course if geogrid is installed below the pavement and shoulders; and
- 3.5 inches of compacted asphalt surface.

The applicant is requesting a variance to these standards to allow for:

- 12 inches of gravel base course with geogrid installed below the pavement and shoulders; and
- 4 inches of compacted asphalt surface.

Town Engineer's Recommendation: The applicant should conduct soil borings and provide the Town a detailed geotechnical report with design calculations proving the proposed road design is suitable for the site. If the Town approves this request, the Town should require irrevocable financial commitment from the developer to cover the cost of road failure if road failure were to occur within 25 years after construction.

Environmental Setback Corridors (Sec. 7.10.04, Town Subdivision Ordinance):

Per the Town Subdivision Ordinance, 35 ft. environmental setback corridors shall be provided on each side of the intermittent streams on the subject property. The setbacks from these streams identified on the plat are not consistent with the Town's requirement. Setbacks exceed the minimum environmental setback corridor in some most locations and do not meet the minimum environmental setback corridor in other locations.

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

Stormwater management and erosion control within the Town are regulated by Winnebago County. Drainage and stormwater management plans are required to be submitted to the Town for review and comment at the time of preliminary plat submittal. The applicant provided a Stormwater Management Plan prepared by McMahon dated April 26, 2023, but detailed drainage, grading, and storm sewer plans and profile drawings were not provided. The Town

Engineer will conduct a thorough review after detailed plans and profile drawings are provided. These plans shall be approved by the Town prior to final plat approval.

Construction of Public Improvements (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.). As a condition of final plat approval, the subdivider shall enter into a Public Improvement Agreement with the Town addressing items such as construction timelines, financial security, and other requirements as deemed necessary.

Sewage Disposal Systems (Sec. 7.10.07, Town Subdivision Ordinance):

The subdivision is proposed to be served by public sewer and water via the Town of Clayton Sanitary District #1. Tax ID # 006-0617 and Tax ID # 006-0618 are already located in the Town of Clayton Sanitary District #1, but Tax ID # 006-0632 is not located in a sanitary district. Therefore, a boundary amendment to the Town of Clayton Sanitary District #1 should be required to add Tax ID # 006-0632 to the sanitary district prior to final plat approval.

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 and along the west parcel line of Tax ID #006-0632.

The preliminary plat identifies an 8 ft. wide public trail within the County Rd II right-of-way, north of Outlot 1 and along the east side of Marlo Drive which would run south from County Rd II to the southern boundary of the subject property.

- Dedication Requirements for Park, Playground, & Recreational Open Space:
 1. The Town Subdivision Ordinance requires one of the following options in regard to dedication of park, playground, and recreational open space area(s):
 - Single-family zoning: 6% (3.49 acres)
 - Two-family zoning: 8% (0.93 acres)
 - Multiple-family zoning: 12% (2.55 acres)
 - **Total Dedication Requirement: 6.97 acres**
 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.

The applicant is proposing to satisfy this requirement via dedication of the trail and all four (4) Outlots, which equals 7.48 acres.

It is staff’s opinion that the applicant’s proposed dedication is not acceptable since the majority of the area proposed to be dedicated will consist of stormwater ponds.

Staff Comments & Plan Commission/Town Board Direction:

Specific items/issues recommended to be reviewed by Plan Commission and Town Board:

1. Minimum Road Design Standards:
 - a. The applicant is requesting a variance to the Town’s Minimum Road Design Standards Policy.
 - b. Town Engineer’s Recommendation: The applicant should conduct soil borings and provide the Town a detailed geotechnical report with design calculations proving the proposed road design is suitable for the site. If the Town approves this request, the Town should require irrevocable financial commitment from the developer to cover cost of road failure if road failure were to occur within 25 years after construction.

2. Environmental Setback Corridors (Sec. 7.10.04, Town Subdivision Ordinance):
 - a. Per the Town Subdivision Ordinance, 35 ft. environmental setback corridors shall be provided on each side of the intermittent streams on the subject property.
 - b. The setbacks from these streams identified on the plat are not consistent with the Town's requirement. Setbacks exceed the minimum environmental setback corridor in some locations and do not meet the minimum environmental setback corridor in other locations.
3. Drainage & Stormwater Management (Sec. 7.10.05, Town Subdivision Ordinance):
 - a. The applicant provided a Stormwater Management Plan prepared by McMahon dated April 26, 2023, but detailed drainage, grading, and storm sewer plans and profile drawings were not provided. The Town Engineer will conduct a thorough review after detailed plans and profile drawings are provided. These plans shall be approved by the Town prior to final plat approval.
4. Road, Sanitary Sewer, & Water Main Engineering Review:
 - a. Detailed road, sanitary sewer, and water main plans and profile drawings were not provided. The Town Engineer will conduct a thorough review after detailed plans and profile drawings are provided. These plans shall be approved by the Town prior to final plat approval.
5. Sewage Disposal Systems (Sec. 7.10.07, Town Subdivision Ordinance):
 - a. The subdivision is proposed to be served by public sewer and water via the Town of Clayton Sanitary District #1. **A boundary amendment to the Town of Clayton Sanitary District #1 should be required to add Tax ID # 006-0632 to the sanitary district prior to final plat approval.**
6. Dedications and Reservations (Sec. 7.10.08, Town Subdivision Ordinance):
 - a. The Town should review and discuss trail and Park/Playground/Recreational Open Space requirements vs. proposed dedications. Fee in lieu of land dedication is an option the Town may allow.

Plan Commission/Town Board Direction:

1. The preliminary plat shall be reviewed by the Plan Commission for conformance with the Town Subdivision Ordinance, Zoning Ordinance, and all other ordinances, rules, regulations, and the Town's Comprehensive Plan.
2. The preliminary plat shall then be forwarded to the Town Board with a Plan Commission recommendation for approval or rejection. The Town Board is the approving authority for preliminary plats.
3. Within 90 days of filing the preliminary plat with the Town Clerk (i.e., on or before July 9, 2023), the Town Board shall approve, conditionally approve, or reject such plat in accordance with State Statute unless time is extended by written agreement with the subdivider. Failure of the Town Board to act within 90 days shall constitute an approval.
4. After preliminary plat approval, final plat review/approval by Plan Commission and Town Board will be required.

Suggested Motion:

A motion to recommend conditional approval of the preliminary plat with all Staff recommendations.

Respectfully Submitted,
Kelsey