

## MEMORANDUM

### Business Item F

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 revisions to Scholar Ridge Estates Plat, dividing Tax ID #006-0618-01(Marlo Ave / St Norbert Dr) & Tax ID #006-0632 into 106 lots intended for a combination of two-family residential & single-family residential uses.

Please find the below comments from Code Administrator Greenberg:

Revision Date of Plat: June 6, 2024.

Site Location: The subject site is 44.9 acres and located south of the recently platted Scholar Ridge Estates (phase one). The Westridge Golf Course is adjacent to the southwest.

#### Project History:

These lands were 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, Scholar Ridge Estates, was subsequently recorded. In April 2024, a final plat for the additional phases was submitted to the Town. The revisions from the original preliminary plat included a revised lot count and modification of some lot dimensions.

Staff determined that the changes did not substantially comply with the approved preliminary plat and were not entitled to final plat approval as reflected in Section 7.10.13 (5) of the Towns Subdivision Ordinance and Wisconsin Statute 236.11. As a result, the applicants are required to submit a new preliminary plat for the remaining lands.

#### Application Details:

McMahon Associates, on behalf of Clayton Development Group, LLC, requests approval of the Scholar Ridge Estates Preliminary Plat for Phases 2,3 and 4, dividing Tax ID #006-0618-01 & Tax ID #006-0632 into 106 single family lots and two (2) outlots. 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.

- Outlots 3 & 4 are proposed for stormwater management. Though not noted on the preliminary plat, all Outlots are proposed to be dedicated to the Town.

#### 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)

### 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 property, excepting two lots north of the waterway (Lots 112 and 113).
3. Lands within 300 feet 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 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. An assured wetland delineation was completed in October 2022 which identified five (5) small wetlands in the initial phase of the project. In 2023, the developer obtained DNR permits to fill one of the wetlands located on lots 112 and 113 of the proposed plat.
8. No portion of the subject property is located in a floodplain.
9. No portion of the subject property is located in located in Outagamie County Airport Zoning or an Airport Height Limitation Zone.
10. All of the subject property is located in the Fox West Sewer Service Area.
  - Tax ID # 006-0618-01 is located in the Town of Clayton Sanitary District #1.
  - Tax ID # 006-0632 is not located in a sanitary district.
11. 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 roads 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.
12. The Future Land Use Map of the 2023 Comprehensive Plan identifies the subject lands in the "Residential – Single and Duplex" plan category.

13. 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 on Tax ID #006-0618 and along the west parcel line of Tax ID #006-0632.
14. Officially mapped road right-of-way/road extensions per the City of Neenah Official Street Map are correctly identified along the west, east, and southern plat boundaries.
15. All of the lots in this phase proposed for single-family use, which is a permitted use in the R-2 Suburban Residential District.
16. All of the proposed lots meet the dimensional standards of the R-2 Suburban Residential District, which requires sewered lots 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.
17. The subject property is within extraterritorial plat review jurisdiction of the Village of Fox Crossing and City of Neenah.

#### Road Access:

Though not noted on the preliminary plat, all roads and trails are proposed to be dedicated to the Town. Access from County Road II is proposed via the southerly extensions of St. Norbert Dr. and Marlo Ave. An internal road network is proposed with:

- Two (2) road stubs for future road access to property adjacent to the east; and
- Two (2) road stubs for future road access to property adjacent to the south.

#### Wetlands:

As described earlier in this memo, one (1) small wetland within Lots 112 and 113 is proposed was previously filled. There are no remaining wetland areas within the plat.

#### Minimum Road Design Standards:

Consistent with the prior phase of the subdivision, the applicant intends to meet the Town’s Minimum Road Design Standards Policy.

#### 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. **These are being correctly shown on the plat.**

#### 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 has not provided an updated Stormwater Management Plan, or detailed drainage, grading, and storm sewer plans and profile drawings. 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 will be served by public sewer and water via the Town of Clayton Sanitary District #1. 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):

1. 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 map and adopted Park and Trail Plan map identify a future on-road trail running north/south along the east edge of the plat and a future off-road trail along the southerly intermittent stream.
  - The preliminary plat identifies an 8 ft. wide public trail extension along the east side of Marlo Drive which will run from County Rd II to the southern boundary of the subject property.
2. 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): Single-Family use: 6% of (44.86 acres) = 2.69 acres **Total Dedication Requirement: 2.69 acres**

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 two (2) Outlots, which equals 2.32 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 Recommendation:**

The following items should be addressed prior to final approval/Town signatures:

1. Environmental Setback Corridors (Sec. 7.10.04, Town Subdivision Ordinance):
  - a. Per the Ordinance, the Environmental Corridor setback provisions shall be noted on the plat (see enclosed language).

2. Drainage & Stormwater Management (Sec. 7.10.05, Town Subdivision Ordinance):
  - a. The applicant is required to provide the Town with stormwater management plans (for review and comment) in conjunction with Winnebago Co. requirements at the time of Preliminary Plat submittal. To date, no updated plans have been provided.
  - b. The applicant has not provided drainage, grading, storm sewer plans and profile drawings.
  - c. The Town Engineer will conduct a thorough review after detailed plans and profile drawings are provided.
  - d. These plans shall be approved by the Town prior to final plat approval; however, it is recommended that the Town Engineer review stormwater management plans prior to Preliminary Plat approval.
  - e. Per the Ordinance, the enclosed Drainage Easement Restrictions shall be noted on the plat.
  - f. Per the Ordinance, the enclosed Grading and Drainage note shall be noted on the plat.
3. 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.
4. 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 is required to add Tax ID # 006-0632 to the sanitary district prior to final plat approval.**
5. 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.
  - b. Road dedications shall be explicitly stated on the plat.
  - c. The ownership and intended use of all outlots shall be stated on the plat.
6. Preliminary Plat Requirements (Section 7.10.10, Town Subdivision Ordinance):
  - a. The existing zoning on the adjacent lots is incorrect and should be corrected. If both the Town and County require zoning designations on the plat, specific reference to the respective Ordinance or jurisdiction should also be noted to avoid confusion.
  - b. The right to farm note shall be added to the plat (see enclosed language).
  - c. Since there are no longer any wetlands within the plat boundary, the wetlands reference should be removed from the legend.
7. WI Chapter 236 Requirements:

- a. The exact width of the drainage easement running with the intermittent stream must be noted on the plat.
8. Other Requirements:
- a. Prior to final plat submittal, documentation shall be provided to the Town indicating that the drain tile, intake structure and multiple rock wall / dam structures identified in the WDNR navigability letter have been removed and/or adequately addressed.

**Process Steps:**

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, 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**

*Motion to recommend approval of the Preliminary Plat Review Application submitted by McMahon Associates on behalf of Clayton Development Group LLC with the eight (8) listed Staff Recommendations.*

Respectfully Submitted,  
Kelsey