

VILLAGE OF FOX CROSSING
PLANNING COMMISSION MEETING
Municipal Complex – Arden Tews Assembly Room
Wednesday, March 20, 2024 at 5:15 PM

Minutes

CALL TO ORDER

The Planning Commission meeting was called to order by Chairman Jochman at 5:15 p.m.

PRESENT: Chairperson: Mr. Dennis Jochman
Commissioners: Mr. Aaron Sabel
Mr. Tom Young
Mr. Morris Cox
Ms. Tracy Romzek
Mr. Michael Scheibe
Mr. Thomas Willecke

Staff: Community Development Director George Dearborn
Associate Planner Dan Dieck
Village Manager Jeffrey Sturgell
Village President Dale Youngquist

Other: 18 others present

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – January 17, 2024 (No Meeting in February)

MOTION: Mr. Cox, seconded by Mr. Willecke to approve the meeting minutes of January 17, 2024.
Motion carried 7-0-0.

PUBLIC HEARING

1. Conditional Use Permit Dance Studio – Encore Dance Academy, LLC – 2318 American Dr.

MOTION: Mr. Willecke, seconded by Mr. Sabel to open the public hearing. Motion carried 7-0-0.

Director Dearborn stated that a church was the former use of the property and it is puzzling to him that a dance studio needs a conditional use permit in the current zoning. Staff feel it is an appropriate use for this property and recommends approval of the conditional use permit.

Commission Chair Jochman asked if there was anyone present that wanted to make public comments.

Jeff Nooyen - 1754 N. Windsong Ln, Grand Chute

Mr. Nooyen stated his daughter is the applicant and she cannot be here tonight because she is teaching dance at her studio. She has been in business for 14 years on South Oneida St. She offers dance classes from 3 years old through high school. She is hoping this gets approved, because if it does not, she is going to own a church.

MOTION: Mr. Sabel, seconded by Mr. Scheibe to close the public hearing. Motion carried 7-0-0.

PUBLIC HEARING

2. Conditional Use Permit - Habitat for Humanity, Inc. - 1007 & 1011 Wheeler Rd.

MOTION: Mr. Willecke, seconded by Mr. Scheibe to open the public hearing. Motion carried 7-0-0

Director Dearborn provided an overview stating the property is zoned M-1 Mixed Use District and only allows single-family residential as a conditional use. The surrounding properties in the area are single family homes and staff feel this is an appropriate use for the properties. They will build single family homes with a minimum size of 900 square feet and two car garages.

Commission Chair Jochman asked if there was anyone present that wanted to make public comments.

MOTION: Mr. Scheibe, seconded by Mr. Willecke to close the public hearing. Motion carried 7-0-0

PUBLIC HEARING

3. Jacobson Prairie Preliminary Platt - Good Faith Funding, LLC - North side of Jacobsen Rd.

MOTION: Mr. Scheibe, seconded by Mr. Willecke to open the public hearing. Motion carried 7-0-0

Director Dearborn gave a summary stating there have been a number of previous actions, there was a rezoning, to Planned Unit Development restricting the use to single family homes only. What we have before us tonight is the Preliminary Platt which was already distributed to all property owners within 300 feet of the project. There are a number of conditions stated in the PUD, the Parks Commission might require a park which will be determined at a later date. Staff is recommending approval.

Commission Chair Jochman asked if there was anyone present that wanted to make public comments.

Wende Regel – 1415 Prairie Lake Circle

Ms. Regel stated she is concerned the eighteen (18) homes being proposed to front on Jacobsen Road will be cutting through the trail that is located on the north side of the road. She stated she is concerned for the safety of pedestrians using the trail with the vehicles entering and exiting the driveways. She is also concerned about the increase in traffic from the additional homes. She wondered if the tree line that is currently there between Prairie Lake Circle and the new proposed subdivision would need to be removed.

Michael Lyle - 1981 Jacobsen Road

Mr. Lyle stated he has a concern about the increase in traffic along Jacobsen Road, and the speed of traffic along Jacobsen Road. He stated that if the subdivision moves forward, the speed should be reduced from 35 mph to 25 miles per hour. He also recommended a four (4) way stop sign at the intersection of Jacobsen Road and Irish Road.

Laura Zahringer – 1409 Prairie Lake Circle

Ms. Zahringer stated that speed is a major concern for her along Jacobsen Road, and she would like the Village to consider placing a speed monitoring sign along Jacobsen Road. She said drivers are definitely driving faster than 35 mph. She also asked the Village to consider placing signs that state “Hidden Driveways” along either side of the curve so people are aware of the driveways that will be along the curve in the road.

Mitch Marohl – 1991 Jacobsen Road

Mr. Marohl stated the speed along Jacobsen Road needs to be reduced from 35 mph to 25 mph. He also would like the Village to consider stop signs on Jacobsen Road at the intersection of Gavin Road.

Joe Nemececk - 1992 Susan Lane

Mr. Nemececk stated he served on the Parks Commission for many years and it was never the intention for the community to have driveways continually cross the trail system. He also explained how He purposefully designed his Red Tail Crossing development on West American Drive to “face away” from the trail so that driveways would not cross it. He stated that he was not against the development, and actually was for the development of the parcel, but thought it needed to be redesigned so the homes along Jacobsen Road would face into an interior road, and not entering and exiting from Jacobsen Road.

Mr. Nemececk also stated his concern regarding the development only having one road in and out onto Jacobsen Road. He said he understood that the road going into the subdivision would eventually connect to the east and to the north, but for now it was not a good practice to have only one road in and out of the subdivision. Mr. Nemececk also has a concern about the increased traffic on Jacobsen Road. He stated that Jacobsen Road to County Highway CB was the only way you can travel anymore since the new Neenah High School was built. He said people have a difficult time traveling south on Clayton Avenue or Irish Road to get to Winchester Road. Having more vehicles entering and exiting out of their driveways onto Jacobsen Road only increases the chances for an accident.

Laura Zahringer - 1409 Prairie Lake Circle

Ms. Zahringer spoke again stating she had a concern about what happens to Jacobsen Road when these homes are being constructed, and wondered if the trail would be closed.

Michael Lyle - 1981 Jacobsen Road

Mr. Lyle spoke again and stated that he echoed many of Mr. Nemececk’s points, and asked what the values of the houses would be.

John Davel – 1164 Province Terrace

Mr. Davel introduced himself as the engineer for the proposed development. He reminded everyone that the primary goal of this project was to attempt to provide affordable single-family housing for the community. He stated that by placing one tier of homes along Jacobsen Road, the cost of developing those lots were approximately \$12,000 per lot. The costs of developing the interior lots were approximately \$40,000 per lot. If the development was not allowed to take advantage of the already existing infrastructure on Jacobsen Road, the costs of the development would greatly increase. When asked by a person in the audience what the definition of affordable housing meant, Mr. Davel said that no newly constructed home in this development would cost less than \$325,000. He also stated all homes would have a two car attached garage. Mr. Davel answered a previous question regarding the tree line between Prairie Lake Circle and the new development, indicating there was no need to remove the trees. However, he said that eventually that tree line will be on a homeowner’s private property, and the homeowner would have the right to remove the trees at that time. Mr. Davel said that a conservatory easement could potentially be placed on the area of the trees, but there is no easement at this time. He addressed the concern of speed along Jacobsen Road, stating that a reduction of speed could certainly be something the Village could review and thought it would be appropriate.

Commissioner Cox requested clarification regarding the setback along Jacobsen Road. Mr. Davel stated there is a thirty (30) foot setback between the property line and the structure.

Mr Davel responded to a question regarding stormwater requirements for the project, stating he hopes it will be able to utilize the Church Pond, but if that does not work he will likely have to design a small treatment pond on site.

MOTION: Mr. Cox, seconded by Mr. Scheibe to close the Public Hearing. Motion carried 7-0-0.

OLD BUSINESS

None

NEW BUSINESS

1. Conditional Use Permit - Encore Dance Academy, LLC - 2318 American Dr.

Director Dearborn stated that staff is recommending approval. There was very little discussion.

MOTION: Mr. Sabel, seconded by Ms. Romzek to approve the conditional use permit with three (3) conditions:

1. Parking is identified on site
2. Permits are obtained for any new signage
3. Applications are made for any building remodeling

Motion carried 7-0-0

2. Conditional Use Permit - Habitat for Humanity, LLC - 1007 & 1011 Wheeler Rd.

Director Dearborn stated that staff is recommending approval. There was very little discussion regarding this item.

MOTION: Mr. Sabel, seconded by Mr. Cox to approve the Conditional Use Permit with two conditions:

1. A single family home with a minimum of 900 square feet and a two car garage shall be constructed on each parcel
2. Homes shall conform to set backs specified in the R-2 zoning district

Motion carried 7-0-0.

3. Jacobson Prairie Preliminary Platt - Good Faith Funding, LLC - North Side of Jacobsen Road

Director Dearborn provided a brief review of the issues.

Commissioner Romzek stated she was concerned regarding the eighteen (18) driveways crossing the trail. She further stated that one of the greatest parts about living in the Village of Fox Crossing is its wonderful trail system. Commissioner Romzek felt that the driveways are chipping away at the integrity of the trail system. She wondered if there was not a way to be creative to minimize the disruption of the trail.

Commissioner Cox stated the proposed driveways are no different than what currently exists on Cold Spring Road and other parts of Jacobsen Road. He said the driveways are a compromise to get affordable single family housing. He also said he agrees with the comments regarding the speed on Jacobsen Road and that the speed limit should be reduced.

Commissioner Sabel stated that for many years he has been an advocate for less multi-family developments and more single-family developments in the community. He expressed his concern for the driveways and also wondered if there was a creative way to mitigate the impact of the driveways on the trail.

Commissioner Young explained that just this past January, when the parcel was being rezoned from A-2 General Agriculture to a Planned Development District, he heard public comment stating the parcel should be zoned for a single-family development and not a multi-family development. He also said the Planning Commission heard testimony from housing officials in the Fox Cities who stated that affordable housing was becoming a significant issue in the Fox Cities, and that any steps that could be taken to improve the affordability of homes in the area should be considered in a community's planning process. He saw the

proposed single-family development as a good compromise between the wants and needs of the community, and he stated that he would be voting yes to the plat.

Chairman Jochman stated that he “dittoes” Commissioner Young’s comments, and added that it has been hard to get single-family developments in the Village as most developers want to construct multi-family housing projects. He viewed this development as a win, and stated that he would be voting yes to the plat.

Commissioner Scheibe stated that he remembered during the discussion in January regarding the rezoning of the parcel that the residents of Prairie Lake Circle indicated that under no circumstances did they want Americus Street (the interior road of the development) to connect with Prairie Lake Circle. Commissioner Scheibe asked Mr. Davel if there was any iteration of the design of the development that would allow the development to be significantly reconfigured to not have homes front Jacobsen Road if the connection was allowed from Americus Street to Prairie Lake Circle.

Mr. Davel answered no, the connection of Americus Street to Prairie Lake Circle would not provide any additional benefit that would allow the development to be reconfigured such that the homes would not front Jacobsen Road.

Commissioner Willecke requested clarification that the setback from Jacobsen Road was thirty (30) feet as opposed to the setback of twenty (20) feet that was allowed in the interior of the development. Director Dearborn clarified that yes, the setback for the homes fronting Jacobsen Road was thirty (30) feet. After some discussion from the Commissioners, it was decided to add a condition to the list of conditions for the platt that the setback for homes fronting Jacobsen Road would be thirty (30) feet.

Commissioner Cox asked to add a final condition to the list which was to ask the Police Department to review the traffic and speed conditions on Jacobsen Road from Clayton Avenue to County Highway CB.

MOTION: Mr. Cox, seconded by Mr. Willecke to approve the preliminary platt with the following conditions:

1. The subdivision shall provide all required information as specified in the Village’s Chapter 419 for preliminary platts.
2. Full submittal, review and approval of the drainage plan is required meeting Village and Department of Natural Resources (DNR) requirements.
3. Receipt of the recommendation of the Park Commission.
4. Owners of adjacent land must be identified.
5. A neighborhood location map must be provided.
6. A feasibility report on sewage and water facilities must be provided.
7. Zoning must be shown within and adjacent to the subdivision.
8. A drawing of present and proposed street grades and storm water drainage must be provided.
9. A draft of the covenants or restrictions, if proposed, must be provided.
10. A Development Agreement shall be executed prior to any lot sales.
11. The temporary cul-de-sac shall be more clearly defined showing the lots 40 and 41 are not developable until Americus Street is extended east.
12. A clarification that there is a thirty (30) foot setback for the homes fronting Jacobsen Road.
13. The Police Department reviews speed limit along Jacobsen Road from Clayton Avenue to County Highway CB.

Motion carried 6-1-0 (Commissioner Romzek voted no)

4. MS4 Report

Director Dearborn presented the annual MS4 report. There was very little discussion.

MOTION: Mr. Cox, seconded by Mr. Sabel to approve the MS4 report and send it to the Village Board.

Motion carried 7-0-0

OTHER BUSINESS

1. Development Activity Report

Director Dearborn reviewed the Development Activity Report.

COMMUNICATIONS

1. Sustainability Committee

Director Dearborn reported on the efforts of the Sustainability Committee.

PUBLIC FORUM

There was a short discussion among staff and Commissioners.

ADJOURN

At 6:56 p.m., **MOTION:** Mr. Sabel, seconded by Mr. Scheibe to adjourn. Motion carried 7-0-0.

Respectfully submitted,

Daniel Dieck
Associate Planner

Note: These minutes are not considered official until acted upon at an upcoming meeting; therefore, are subject to revision.