



PLANNING COMMISSION
MEETING WEDNESDAY, January 20th, 2021 at 5:15 PM
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE

CALL TO ORDER: Mr. Sabel called the Planning Commission meeting of January 20th, 2021 to order at 5:15 pm.

PRESENT: Chairperson: Chair Dennis Jochman & Vice Chair Aaron Sabel
(Mr. Sabel began as Chair while Mr. Jochman recused himself from the first part of the meeting until after the public hearings)

Commissioners: *Mr. Tom Young,
Mr. Morris Cox,
*Mr. Michael Scheibe,
Mr. James Zielinski,
Ms. Tracy Romzek
(* indicates they were present via video call)

Staff: Community Development Director George Dearborn
Associate Planner Farrah Yang

Other: Village Manager Jeff Sturgell
Village President Dale Youngquist
*Trustee Dale McNamee
*Trustee Kris Koepp
Kim Dahl, 2229 Deer Prairie Drive
Sean Vindhurst, 1231 Allison Drive
Mike Debruin, 2291 Ladybird Drive
Nick Kiley, 1274 E. Shady Lane
Kevin Ronski, 2226 Deer Prairie Drive
Jane Van Dinter, 1171 Sandpoint Ridge
Mike Bast, 1161 Sandpoint Ridge
Nancy Gerber, 2181 Deer Prairie Drive
Gregg Frank, 2319 Deer Prairie Drive
Ben Gloudermans, 2194 Deer Prairie Drive
Barry, Gill, 1031 W. Lake Street
Ryan Duescher, 2178 Deer Prairie Drive
Steve and Alison Spindler, 2186 Deer Prairie Drive
Megan and Steve Mantey, 2210 High Meadows Lane
*Pamela Theabo
*John Theabo, 2140 Deer Prairie Drive
*Matt Henning, 2090 Deer Prairie Drive
*Kyle Schmidt, 2349 Deer Prairie Drive
*Christina Herschleb, 2311 Lacewing Drive
*T. Edward and Dawn Drengler, 2170 Deer Prairie Drive
*Debra and Richard Scott, 1235 Woodgate Lane
*Brooke and Alan Berg, 2120 Deer Prairie Drive
*Suzanne Rettler, 2076 Deer Prairie Drive
*Jenna and Josh Tentcher, 2323 Lacewing Drive

Other cont'd:

- *Judy Jung, 2080 Deer Prairie Drive
- *Scott and Debbie Thomson, 1247 E. Shady Lane
- *Brian and Megan Bobbe, 1110 E. Shady Lane
- *Richard and Mary Bowden, 2324 Lacewing Drive
- *Amy Vindhurst, 1231 Allison Drive
- *Glen and Janet Lashbrook, 1216 Woodgate Lane
- *Julie Holcomb, 2211 Deer Prairie Drive
- *Jen and Kyle Jansen, 2313 Ladybird Drive
- *Brad Schmoll, 1247 Woodgate Lane
- *Virginia and Clinton Peters, 2100 Deer Prairie Drive
- *Peter Kurtti, 2202 Deer Prairie Drive
- *Mike Van Dyke, 1341 Martingale Lane
- *Bobbi Jo Debruin, 2291 Ladybird Drive
- *Bryan Clark, 2101 Deer Prairie Drive
- *Ted Ross, 2292 Lacewing Drive
- *Michelle Leiting, 2191 Deer Prairie Drive
- *Lisa Erickson, 2249 High Meadows Lane
- *Jessica Hendrickson, 2228 High Meadows Lane
- *Kelly Ormes, 1111 Sand Point Ridge
- *Ashley Kiley, 1274 E. Shady Lane
- *Kyle Schmidt, 2349 Deer Prairie Drive
- *Bobbi Jo Debruin, 2291 Ladybird Drive
- *Steven Meylink, 1176 Woodgate Lane
- *Owen and Rachel Rice, 2110 Deer Prairie Drive
- *11 others that did not display their names

*The chat room is on file at the Village of Fox Crossing Community Development Director.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – December 9th, 2020

A motion was made by Mr. Cox, seconded by Ms. Romzek, to approve the meeting minutes of Wednesday, December 9th, 2020 with no corrections, previously discussed with Recording Secretary.

The motion carried 5-0. Mr. Jochman abstained and Mr. Scheibe was present virtually, but his vote was unable to be recorded.

PUBLIC HEARING

Rezoning – Parcel # 121017404

A motion was made by Mr. Zielinski, seconded by Ms. Romzek, to open the public hearing for the Rezoning of parcel #121017404 from A-2 to PDD.

The motion carried 5-0. Mr. Jochman abstained and Mr. Scheibe was present virtually but his vote was unable to be recorded.

Director Dearborn explained that the applicant is proposing to rezone this parcel from General Agriculture to a Planned Development District. He pointed to the screen to show the proposed development as submitted. He added that it will be 142 units with a combination of duplexes and townhomes. Director Dearborn said staff does not want cul de sacs and would prefer lower density. This rezoning ties into the next public hearing for the Future Land Use Map change to change the density. The Planned Development as presented cannot be approved without the density change.

Sean Vindhurst, 1231 Allison Drive, said he is the spokesperson for the neighborhood.

Mr. Vindhurst said his family built their home on Allison Drive six years ago. He is a business owner here in Neenah and his family currently owns land right here on the west side of Fox Crossing, with the hopes of expanding their business to this area. He mentions this information to show how deeply invested he is in the future of this Village, just as many of the residents are as well. He was asked by the people on the petition that were unable to attend to be a spokesperson for the High Plains Meadows Subdivision located to the east and to the north of the proposed rezoning. Due to time restraints, they were not able to include the neighborhood to the South off East Shady Lane, who will also be affected by this. There are 116 signatures on this petition. Because he is speaking for all of those whom signed the petition, he said his statement will be a little bit longer than the two minutes, as he will try to give them multiple reasons why we the taxpaying residents of the Village strongly disapprove of this proposal. First, he explains the petition that went around the neighborhood was signed by 81 houses that are directly affected by this project. Not one single person that he spoke to going door to door through this neighborhood thought it was a good idea to have this project in our neighborhood. Mr. Vindhurst said he did attend the presentation put on by the developer on Monday along with roughly 20 other people. The presenters spoke of selling points such as quality of products used and the high prices between \$1400 to \$1800 per unit. They also showed pictures of comparison houses from around the area and spoke on these townhomes having an apparent demand for the style of unit, yet had no actual data or any research whatsoever to show this fact or this demand except telling everyone about a young person had a hard time finding a home. After Mr. Vindhurst asked many questions to better understand the project, he said it was very clear to just about everyone in that room, that there was simply nothing positive being brought to the neighborhood. Mr. Vindhurst continued with his reasons to not approve the rezoning for the neighborhood saying that the neighborhood is zoned low density, single-family homes for a reason. When the Village gave [this area] that zoning, they determined that with the amount of space at this location, the Village could only safely accommodate so many residents. There are no sidewalks, inadequate street lighting and our neighborhood is full of families who are constantly out walking their dogs. We always have kids riding bikes and with the addition of the Woodland Prairie Park, we are already seeing an increase in cars and bike traffic that are using Allison Drive to access through the back way. Adding over 280 cars through this neighborhood is simply a safety nightmare waiting to happen. Mr. Vindhurst asked the developer why the developer needed a higher density change when the Village did not have any problems with the current density requirement. The developer responded with that it is simply not profitable for this project without adding those extra units. Mr. Vindhurst expressed that this reason was not sufficient for the neighborhood. He said that no family and no child in this neighborhood should be put in an increased risk of severe injury, simply so a few people can make some money. Mr. Vindhurst went on to say that six years ago, when the

opportunity came for him to build his home, the first thing that he did was visit the zoning department and asked them what was allowed to be built behind this lot. He did not want commercial buildings, duplex rentals, and such in his backyard. He said he was told the land was zoned as R-2, which is low density residential, meaning only single family homes can be built there. Mr. Vindhurst then asked how difficult would it be for someone to change that and was told it would be very difficult, especially because the Village wants single-family homes there to match the existing neighborhood. After hearing this answer, Mr. Vindhurst decided to invest his money there knowing that the land was going to be developed but into single-family homes to match the existing subdivisions. Mr. Vindhurst also talked about the value of homes as another reason for opposing the project. He said that one thing that is certain and everyone can pretty much agree on is that it is certainly not going to raise the value of our homes. Many residents stated that when looking to move here, if that lot had multifamily units on it, they would have looked elsewhere. It is simply unappealing and unsafe in this state to have that [multi-family rental units] in the same type of small neighborhood that devalues your homes. He also mentioned how this project could easily take over four years to be completed which means anyone looking to buy or sell in this area will have the burden of explaining the mess of a half done project that simply does not fit the neighborhood. Mr. Vindhurst also mentioned how property taxes continue to go up and the Village is not going to go back and reassess our property to give residents their money back. We also know that the Village is not about to go around and reassess our homes and give us our tax dollars back. Mr. Vindhurst said, "it all comes down to this, go forward with this project or keep our words as adults and maintain the image and vision that the Village worked so hard to achieve. We can show residents that their voice matters because they are the ones that make this Village what it is. There is a reason people want to move here and they are the ones that are in this for the long haul". Mr. Vindhurst concluded his statement with saying that at Monday night's meeting, one of the gentlemen giving the presentation continued to repeat the words, "be careful what you wish for" when he was told people were not in favor of the multi-family units. Mr. Vindhurst said this gentleman said these words 4, maybe 5 times during his presentation. Multiple times people tried to get a little more information out of him about what he meant. One time he brought up that the site was proposed for an assisted living facility, to which one person immediately stood up and said, "Well, I would rather have that than rental." Mr. Vindhurst said the entire room smiled and nodded in agreement. After more displeasure from the group about the project, the gentleman again stated, "be careful what you wish for. They could put very small single-family houses in there instead". To which one of the young ladies immediately responded, "You mean, just like mine?" Mr. Vindhurst said the room was in shock as it was such a great response. Mr. Vindhurst said people may not see the value in 1300-1800 square foot homes, but the residents still do. He finished with "This is our neighborhood. Our kids are roaming the streets and you know what? We want to keep it this way."

Jan Van Dinter, 1176 Sandpoint Ridge, said Mr. Vindhurst was a hard act to follow but he brought up a few things she wanted to talk about. She said that she also came here to ask what would be going in the vacant lot and was also told single-family residence. She said if it wasn't going to be then she would have not bought her home. She understood that someday she would have a neighbor next to her but she did not think it would be 144 rotating neighbors. She said with this many units, there is a potential of 200 more cars coming to the neighborhood and there are people that walk their dogs and kids. She also mentioned that someday when the kids get back to school, kids are going to be walking to the bus and the neighborhood does not need more cars running through there while kids are standing at the bus stop. Ms. Van Dinter shared about a lady who does her physical therapy with her walker walking up and down the streets. When the weather is not very good for her, her daughter is pushing her in a wheelchair. She said the residents in this neighborhood all know about this so everyone is careful, but rotating residents may not know and it would be like dodging trucks. Ms. Van Dinter said another safety

concern is as Mr. Vindhurst already mentioned, this project is going to take four years to do. That means trucks coming in and out and another thing, something that we all know that comes with construction is vandalism. She said we all know that they're going to be people probably sneaking through our neighborhood to get there for vandalism. Ms. Van Dinter said they don't need that in their backyard. Regarding property values, she said she ran across a couple realtors that she knows and was told her property value would decrease by 10%. Selling her house would be a little bit more of a challenge because of the rental property next to it. She also said that on her way over, she talked to one of the Village appraisers and the appraiser said that Fox Crossing has the highest demand for single-family homes. Ms. Van Dinter said she understands this property needs to be sold and suggests that it be something that would benefit the community as a whole not another private developer. She gave options like the assisted living or daycare that would be minimal traffic coming through the neighborhood. Ms. Van Dinter concludes with, "I beg the planning committee to consider the number of apartment complexes already located. In fact, we are slowly becoming a transient Village with regard to the single-family owners who care and are faithful to this community. So please do not let us down. Please deny this."

Nancy Gerber, 2181 Deer Prairie Drive, also said that she is concerned with the traffic because with the trail nearby she has seen quite a number of cars coming to and from the park that do not live in the neighborhood. She includes that the intersections are yields and not stop so those who do not live in the neighborhood goes through those intersections without realizing they do not have the right of way. She also said that she has concerns for the time it will take to complete the project. Additionally Ms. Gerber said she also bought her home 8 years ago knowing that single-family homes would be going there and does not want the community to change. This is not what 142 neighbors signed up for and they are not in favor of the project.

Mike Debruin, 2282 Lady Bird Drive, said there's a fundamental flaw in the subdivision and if you look at the map it is obviously for a lower density, 94 people. If you look at the map, there is no access on the upper half of the map and there is no access to the lower half of the map. You have a park and already have a subdivision that is established. So looking at the west and east side, there is no access. Mr. Debruin said the project is pushing all the traffic, anyone that goes to 41 is going to go through Allison Drive and anyone that goes to 441 is going to go to Shady. He averages 125 cars pushing to one side of the subdivision and 125 cars to the other side of the subdivision. He said there would be direct conflict with dogs, kids, and families walking. The second issue, Mr. Debruin, said was raising from low density to medium density. High density in the codebook is a district contended to accommodate buildings and townhomes in urban densities. He said that to him, how do you classify yourself what residents want from a low density, medium density, but once you start doing low density to high density, he thinks there's an issue.

There was a brief interruption as the Village had lost audio for the virtual attendees.

Mr. Debruin continued where he left off about the density changes. His main concern is how it is a public egress for the community and it does not seem to work. He then added with his third item, which was that he did not think the developer did their book work for the community. He said that the residents got a mailer on Friday about meeting up on Monday. The residents do not know anything from the city and from the developer on how taxes are going to go up, the land value or how long the project will take. He asked, "How can we decide on something this large when we don't have the

information to even put a marker in there?" He felt that this project came out of nowhere as the notice came out the Tuesday or Wednesday prior and the residents had to campaign to get the township signer stuff. They got two thirds of the community to sign all of their stuff in a week which shows there is a majority of the Village against this. He concluded that he thinks the project is fundamentally flawed as the developer did not do any book work and hopes people vote against rezoning this property.

Director Dearborn interjected to inform all attendees that the notices were mailed two weeks prior and notices of this public hearing were posted online. The meeting on Monday was a private meeting held by the developers. Though it was held at the Municipal Complex, the Village had nothing to do with the meeting.

Ryan Duescher, 2178 Deer Prairie Drive, said that just as others have spoken so far, he is against this rezoning. He said he did not sign the petition because he was not home when Mr. Vindhurst came around. He added that 2/3 of people signed the petition shows how whole-heartedly against this for very justified reasons. When he purchased his home 4-5 years ago, he also looked at what this property would be used for and was comfortable with single-family homes. He hoped it would retain the tree line behind him. This project is not what he had envisioned nor anyone else and he wanted to state his opposition to the change of this zoning.

Gregg Frank, 2319 Deer Prairie Drive, said he has been in his house since 2006 and he absolutely loves the neighborhood. He is completely against this. Everything that Mr. Vindhurst and everyone else has said before could be a breaking point for him within the next few years.

Steve Spindler, 2186 Deer Prairie Drive, said his property backs up against where the development will be and he has been there for 10 years. He loves the neighborhood and friendly people. He said that in the past there were already issues with the police putting digital speedometers on Allison Drive because of speeding issues with people coming through there. In his opinion, he said adding about 280 cars through the little neighborhood is dangerous as heck. There are already problems now and he is totally against it as it is not something he wants in his backyard.

Kim Dahl, 2229 Deer Prairie Drive, said she wanted to reiterate what everybody else said. She lived in the area for 15 years. When she bought the house, there was a little barn on it with a bunch of horses running around. They were told also that if the land were ever to be developed, that it would be single-family living. She is concerned for safety issues with little children running around. She also includes that when there are apartments there, people do not live there for 10-15 years. People move in one year and then the next year is somebody else. She feels that that is a huge safety hazard for the neighborhood as far as feeling comfortable in their community. She said that some of the residents there live alone and they do not feel safe with having that many people in a small community. She does not think that there would be a problem selling the land because people were waiting in lines for the lots on the other side. She ended with being against this proposal and wanting to get more single-family dwellings back there.

Nick Kiley, 1274 East Shady Lane, said that East Shady Lane has not talked yet and they do not approve either. Mr. Kiley said that he is the one house next to the property there. He bought the property two and half years ago because they lived in the City of Menasha across from the lake, but their children go to New Hope Christian School. They wanted to be closer to school and church so they moved to this area. They knew the whole time that the property here could have new owners eventually, but was not expecting 144 neighbors. He expressed that safety is number one for his family being right there. He

has three young kids, two dogs and there is a lot of traffic that goes right by their house. This project would make them a corner lot now and he disapproves.

Peter Kurtti, 2202 Deer Prairie Drive, said he has lived in this house since 2003 and said there is a tree line behind his house that he really enjoys. He is uncertain how that tree line will be affected by this development.

At this time, Vice Chair Aaron Sabel informed virtual attendees that he would call on virtual attendees to speak after everyone in-person whom wished to speak had spoken.

Barry Gill, 1031 N. Lake Street, said he is the attorney for the developer on this project and a resident of the Village of Fox Crossing. He wanted to frame for everyone for what is being proposed. From the standpoint of what the property is currently zoned and what is the allowable zoning and in terms for it being a rental, that is already an allowed use in the zoning code. Mr. Gill said that the developer is asking in the proposal to change the density from low density to medium density. He adds that when it comes to multi-family or single-family, the zoning code allows that as well and it is just a matter of how many units can be placed per acre. Their current proposal is asking to go from 4 units which is roughly 94 units and in the proposed Planned Unit Development is 142. He also mentions the timing requirement saying that it would not change whether you put in this development or single-family homes.

Anthony Walsh, whom is a current resident of the Village, said he was a native of Wisconsin and graduated from Appleton West in 1995. He owns a roofing and restoration company in Appleton, Madison, and Chicago Suburbs. He said he started investing in real estate in 2003, starting with single-family homes. He purchased his first multi-family home 2 years ago. Mr. Walsh said he was looking for additional property to buy and came across this land being sold in February 2020. He explained this project is an executive townhome geared towards young professionals, families, and empty nesters. He clarified that they are not apartment style and designed to look like a home. The project is modeled after the photos on the screen. There will be landscaping screening between the neighborhoods. The size of the units range from 3 bedroom, 2 bath with 1600 to 2500 square feet. Some of the duplexes would be 4 bedroom, 2 bath so that someone can use the extra bedroom as an office. The rents would range from \$1400 to \$1800 per month. As mentioned, they plan to do the project in 4 phases that ranges from 2-4 years. He said that someone on Monday had mentioned the quality of tenants and how the screening works so he invited his property management company to give a brief summary of how it works.

Pat Adams, a partner at Blue Frog property management, said that they manage 1600 units of all kinds. Blue Frog does not simply place unqualified tenants. Mr. Adams said that everything they can legally screen for, they do and anything that is illegal they will not touch. He said that they run a credit check, a national criminal background check, verify their income that needs to be at least 3 times what rent is so the tenants have to be qualified tenants.

Dennis Jochman said that he is also a resident of the Village and lives on Whipple Tree. He said he wanted to add a few things to Attorney Gill and Anthony and that he is part of Bouchard Investment Group. He pointed out that this project is not asking for any TIF or tax credits of the community. He mentioned the previous proposed project, an assisted living, was requesting TIF. He continued with explaining the densities again. Mr. Jochman said it is important to note that other communities have density requirements as well that this project is modeled after. The picture is the lower right hand

corner is in the Town of Grand Chute and those were six units per acre. He mentioned townhomes in Winneconne that are high-end like this project that is 6.7 units per acre. There is also Cobblestone Creek is 10.7 units per acre. There is a project about to go up in Clayton and is 6 units per acre similar to this project.

Kevin Rowski, 2226 Deer Prairie Drive, said that he bought his house 4 years ago with the intentions of retiring in a quiet subdivision. He said that the gentlemen before him mentioned the luxury apartments at Pendleton Road and that his sister lives in those apartments. Mr. Rowski said he goes there often and it is quite loud because of the amount of traffic. He said that it is not like his neighborhood. He can go out at 8pm and it is not loud. He said that luxury apartments are not quiet and bring in all kinds of traffic. He concludes with saying he does not want it for his neighborhood and he opposes it.

Steven Mantey, 2210 High Meadows Lane, said that he is legally blind and works at Community Credit Union. He said that during the summer months he would drive his 3-wheel bike down High Meadows Lane and take the street to Cold Spring Road. He said that he has almost been hit by cars before and with the density there would just be more cars going through. He asked the man that was before him talking about all the other densities, how many of those projects had to be rezoned.

Ben Gloudemans, 2194 Deer Prairie Drive, said he has lived there for 3 years. He bought his house asking the same questions everyone else did about single-family being behind his house. He said that his kid is just a little over a year and he wanted to take his kid around the corner to the park and play in the woods. He highly doubts that will be an option if the project goes through. He ended with saying that safety and quality of life in the neighborhood is why they live there. He is strongly opposed.

Vice Chairman Sabel asked if anyone else attending in-person would like to speak. No one responded so he said he will open it up to the virtual attendees and will go off the list Ms. Yang gave him.

Brook and Alan Berg, 2120 Deer Prairie Drive, said that they have two concerns. The first is safety because right now residents use the road as their sidewalk and that would not be safe with the amount of units in this project. The other thing they mentioned is that when they were going to purchase their house they were told that the parcel would be zoned for low density. If they knew it was going to be a higher density, they would have reconsidered getting their house. Mr. Berg said that when they were planning to make improvements on their residence, he called the zoning department to see what that field would be zoned as and made plans off that to upgrade their home. He said that the same things are being said over and over again that he is starting to feel like this is an episode of Parks and Rec. He said he loves living there because he can go jogging down the street and feels safe.

Brian and Megan Bobbe, 1110 E. Shady Lane, said that they have a property adjacent to the Planned Development and do not approve the rezoning. Mr. Bobbe said that according to the Village Comprehensive Plan, medium density residential are primarily single-family housing with density of 4-9 units per acre. The current plan is 80% townhomes, 20% duplexes, 0% single-family. Even if the future planning allowed for medium density residential, Mr. Bobbe would be disapproving the project.

Clinton Peters, 2100 Deer Prairie Drive, said that he strongly dislikes this rezoning. He said that safety is an issue even if they were to get sidewalks, there would be way too many cars going through there. He also pointed out on the document the word "cohesiveness" and said that there is no way to make this cohesive. He said that on the paperwork it says it could go 6-9 units per acre, this is for 6 units. I want to make sure that plans do not change and all of sudden go to 9 units per acre which is quite different. He

added that the Monday meeting was a private action, but the private action was by the committee member who could possibly make money off this project and the committee member is the chair.

Vice Chair Sabel clarified that that committee member has recused himself of this public hearing. Vice Chair asked Director Dearborn that if this parcel is rezoned, is there a prohibition to going to the 9 units per acre?

Director Dearborn explained that there are two parts of this; one is the Land Use Map change and then this rezoning. If the Land Use is not approved, then it stays at four units per acre. Part of this is the Planned Development and you can restrict this with the design. He reemphasized that there are two separate hearings even though they are tied together.

Christina Herschleb, 2311 Lacewing Drive, said her main concerns are with safety because she has two children at the corner of Lacewing and Allison Drive. She said that she and her husband have lived in Fox Crossing since 2007. Her husband purchased their home as a bachelor pad and when they got married, they looked to move somewhere else. After looking for a while, they decided that they could not find a better neighborhood. She said the neighborhood is quiet; they know their neighbors and care for them deeply. She also mentioned that Fox Crossing has changed in the last few years and they decided to stay in their home. She concludes that they have done the suburban sprawl before and they appreciate the strategic planning the Village has done to help improve their lives.

Bryan Clark, 2101 Deer Prairie Drive, said everyone is very adamantly against this and see no positives for anyone in this neighborhood. The only people that are going to benefit are the developers. He said that they have already been raked over with taxes for too long now. He asked that this be kept as single-family, simple and quiet.

Peter Purtti, 2202 Deer Prairie Drive, said that there are two, two story houses there. He asked about the tree line and how that would be affected with this project. He also asked about the blasting because a few houses have been affected by the blasting before. He mentions that he also purchased his home because he was told behind his house would be single-family. He also said that rental brings in a different type of resident with people moving in and out. He said there are other things you can do, single-family homes or building a park.

Steven Meylink, 1176 Woodgate Lane, said that he is not in favor of the proposal because of the traffic going through there. The bike path needs to be part of this proposal. He said that he has ditch issues already and any additional ponding water will add to additional basement issues. He said that they are not against people living there but are not okay with the number of units per acre.

Kyle Jansen, 2313 Lady Bird Drive, wanted to add about safety issues. Children are always coming and going and there are no sidewalks. He wanted to express his opposition to this proposal.

Mr. Clark posed a question asking if anyone has come here to support the project.

Vice Chair Sabel said that he thinks the developer supports the project.

Owen Rice, 2110 Deer Prairie Drive, wanted to echo the entire group that he is extremely opposed to the project. He has two little kids, both under 3 years old. He purchased his home there to start his family and adding more density in the area is a big concern for him.

Vice Chairman Sabel asked if anyone else wanted to speak.

A motion was made by Mr. Cox, seconded by Ms. Romzek to close the public hearing for the Rezoning of parcel #121017404 from A-2 to PDD.

The motion carried 5-0. Mr. Jochman abstained and Mr. Scheibe was present virtually but his vote was unable to be recorded.

Future Land Use Map change for Parcel # 121017404

A motion was made by Ms. Romzek, seconded by Mr. Cox to open the public hearing for the Future Land Use Map change of parcel #121017404 from low density residential to medium density residential.

The motion carried 5-0. Mr. Jochman abstained and Mr. Scheibe was present virtually but his vote was unable to be recorded.

Director Dearborn clarified that the first Public Hearing was for the re-zoning of the development from General Agriculture to Planned Development District. He said that this is the more critical part of this process because it is an amendment to the Comprehensive Plan. This was a long process soliciting public input and looked at the area to see what should be there. The proposal is to change this parcel to medium density so that the proposal can contain six units per acre. However, if this passes and someone else comes with a different plan, they are allowed to go up to 9 units per acre if the PDD fails.

Mr. Cox asked if after it is changed, would it be able to be changed back to single-family to low density?

Director Dearborn said he cannot imagine someone would change it back because in medium density, single-family homes are allowed.

Vice Chair Sabel let everyone know that there was no vote after the public hearing. The motions were just to close and open the public hearings. The vote to approve or deny will take place after the public hearings.

Gregg Frank, 2319 Deer Prairie Drive, said that Julie Ruth, he does not represent her, owns an accounting firm near townhomes. He said there has been garbage, disruption of business, and illegal parking from the residents of the townhomes. He said that she just responded to him and said that she does not recommend this type or project in a business district let alone a residential area.

Mike Debruin, 2282 Lady Bird Drive, asked if there is anything out there for four units per acre development on this property.

Vice Chairman Sabel said the commission would not have that information.

Mr. Debruin referred to the developer and asked him if he ever considered the 4 unit plan.

The developer responded with no.

Mr. Debruin asked if there were restrictions on how many units can go there.

Director Dearborn said that this is a two-step process. If the Land Use map change does not go through, they would have to resubmit something else. If the Planning Commission and Village Board denies the rezoning, they would have to rezone it to something else if they resubmit.

Mr. Debruin said his comment is that the developer did not have a plan for 4 units and to him it seems like the developer came in without a good plan and just came to rezone it. The community was not educated by it and he is not for this project.

Dale Youngquist, 1325 Prairie Lake Circle, asked Director Dearborn to slowly re-explain the points he just covered because it was too fast. He said that he cannot believe he is the only one concerned about would happen if one was approved and the other was not. Mr. Youngquist clarified that the zoning on the property is A-2 and is not Low Density. It has to be changed to some type of residential. If it is changed to R-1 or R-2, only single-family homes can go in there.

Director Dearborn said that current Land Use Map shows what you can zone properties to under the Comprehensive Plan. The zoning map shows that the property is A-2, which is agriculture, typically for farming. But you can build one house on it or have live stock. The separate issue is the rezoning, if it remains low density residential, you can do R-1, R-2, or a Planned Unit Development. You can put a school there too but not multi-family or multiple-units. If the Land Use Map stays the same, then those other uses can be applied on it. The applicant explained that it is not feasible if they do 4 units per acre. That is why they asked for both. We have to accept whatever application we get whether we agree with it or not. We have to process it, analyze it, and present it to the Planning Commission. If they were to leave it as is, the first item could not be approved and would have to be modified to 4 units per acre. There are other parts of the project that have concerns as well such as cul de sacs and screening. Those do not have to be discussed at this point but also have to occur.

Debra Scott, 1235 Woodgate Drive, said that she is opposed to any change to the zoning and density. She has been a long time resident of Fox Crossing. She said that she enjoys what she has seen. Multi-family won't benefit the community. She also raised a concern that the Chairman of the Planning Committee is the realtor on this project that will make money if this project goes through.

Mr. Vindhurst urge the Planning Commission to do what is best for the residents. The residents do not care about the zoning, they just want single-family homes. He said that if this gets passed, either one of these, there is going to be a serious problem because not one person wants this.

Ms. Van Dinter said in the letter that was sent out it says that current Agriculture zoning does not allow any type of residential homes except for single-family. She added that many people said earlier that before they bought their home, they came here to ask what was going to be there and everyone was told that it would be single-family homes.

Director Dearborn clarified that if anyone asked what would be allowed, the Village would state that it would have to be low density residential. But we cannot tell you what people will propose in the future whether it is single-family, industrial, or something else. That is why we have this protection process where you can look at the Future Land Use Map and see that if there was a change proposed, you would

have full opportunity to input and object to it. We cannot tell you in the long run what will be proposed in the future.

Mr. Cox asked if the A-2 was an old zoning before it got to the Comprehensive Plan or Future Land Use Map? So because it is A-2, it can only be used as single-family homes.

Director Dearborn said no that is just what it was zoned as. The zoning is A-2 and can be used as agriculture or you can build a single-family home on it.

Ms. Romzek asked if people wanted to put single-family homes there such as an identical subdivision, the zoning would have to change from A-2 to R-1 or R-2?

Director Dearborn said yes, it would have to change either way.

Vice Chairman Sabel wanted to present a clarification for those who are online. He said the expectation is that this is going to be low density, 4 units per acre at some point. He asked if the audience understood that and if this is what you all are accepting, but not the medium density.

Audience agrees.

Ms. Gerbert said that the reason she is against changing it to medium density because if the first part does not pass, medium density would be harder to change back to low density.

Mr. Frank asked that right now in a A-2, you can only put one house on the land. If we want to do anything on it, it needs to be rezoned? Unless someone wants to buy the whole thing, unless it is for agriculture purposes, you would still have to rezone it.

Director Dearborn said yes that is correct.

A motion was made by Mr. Cox, seconded by Ms. Romzek to close the public hearing for the Future Land Use Map change of parcel #121017404 from low density residential to medium density residential.

The motion carried 5-0. Mr. Jochman abstained and Mr. Scheibe was present virtually but his vote was unable to be recorded.

OLD BUSINESS

None

NEW BUSINESS

Item 1 – Future Land Use Map change for Parcel # 121017404

Vice Chairman Sabel said he will have Director Dearborn speak about the proposal. Then he will open it up to questions from the Commissioners. He will also open up for questions from the audience.

Director Dearborn said that in the memo to the Planning Commission, staff recommends denial based on the Comprehensive Plan. This proposal is inserting medium density in a place that the plan indicates would not be appropriate. If it were to change to medium density, anyone can apply for an R-3 or R-4, which would limit the Planning Commission and Village Board to deny that in the future.

Vice Chairman Sabel asked for clarification that the options are to not change the Future Land Use Map or to change it to medium density.

Director Dearborn said yes and added that when we get to the second item of rezoning, the Planning Commission could postpone action to ask the developer to resubmit something else. That would still need public input for the design too or the Planning Commission could deny it all.

Vice Chairman Sabel opened up to Commissioners if they had any questions.

Ms. Romzek said that from all the feedback, input, and just looking at it, she felt it would be best kept as is.

Mr. Cox said that from everything they have heard, the residents want it to stay single-family.

Mr. Zielinski said that in light of the opposition from the residents, he would like to make a motion to deny the Future Land Use Map change.

Ms. Romzek seconded the motion.

Vice Chairman Sabel said before the Commission votes, he wanted to open it up to anyone from the public or the developer to share further input. He added that from his analysis and previous experience, the neighbors brought up concerns and they made decisions based on the zoning. He holds that in high regard because it is great that they want to invest in our community. In respect to the Future Land Use Map, his analysis is that the proposal does not seem appropriate at this time.

Mr. Walsh said that he and Mr. Jochman had a meeting with Director Dearborn and said we would be willing to change our proposal and resubmit it.

Vice Chairman Sabel said that, the resubmission will happen under the rezoning.

A motion was made by Mr. Zielinski, seconded by Ms. Romzek, to deny the Future Land Use change from Low Density to Medium Density for parcel #121017404.

The motion carried 5-0. Mr. Jochman abstained and Mr. Scheibe was present virtually but his vote was unable to be recorded.

Item 2 – Rezoning of Parcel # 121017404

Director Dearborn said that since the Planning Commission denied Future Land Use Map change the current plan for the PDD cannot be approved as presented. The Planning Commission has the option of outright denying it or the developer expressed wanting to postpone action to give a different version. In the memo, staff did say that the current design is not acceptable.

Mr. Walsh said that at this time he asked that this action be postponed to allow him to resubmit a new plan.

Vice Chairman Sabel reiterated to the audience that there is the option to postpone action for this item to allow Mr. Walsh to resubmit a new plan. He then opened up the floor to the attendees.

Mr. Vindhurst said "Out right denial". He said it does not matter how many units, rent, or cost of the units, the residents want single-family homes.

Many of the attendees said they agreed. There were at least 6 people who voiced that they agreed.

Ms. Van Dinter asked the developer what kind of plan he would bring back if at his meeting on Monday, he had said 94 units would not be feasible.

Mr. Walsh said they would have to look at different options.

Ms. Van Dinter asked another question, if Mr. Walsh came back with a plan, if he would present what it would actually look like and not just show comparable pictures from different areas.

Mr. Walsh responded that he is not going to pay an architect if it is not going to be approved. He said that the first step is to get it approved.

Mr. Frank asked that if the proposal came back would it be a non-rental plan.

Mr. Walsh said no.

Mr. Frank then said he officially requests an outright denial.

Ms. Romzek said that from what has been said so far, even if Mr. Walsh comes back with a new plan, the reaction would be the same. So the Commission has to think whether it is worth the time for all to create a new plan.

Mr. Cox said that there are people out there that really do not want this in their neighborhood. If we deny it, there is no reason for them to come back.

Vice Chairman Sabel asked Director Dearborn to clarify the benefits of postponing action.

Director Dearborn said that the developers could resubmit something for a PDD for a single-family with reduced setbacks. The Village has done that before, but it is up to the Planning Commission if they want to go that route. If it were denied, they would have to reapply for a different zoning and go through the process again. The only advantage is to the developer because it would save them \$500 to not have to reapply. If they were interested in something that would work instead of outright denying it but from what is being said the developer does not seem to want to put any additional money into the design for the presentation. Other developments, we have seen projects where they show layout

design with images of how it will actually look. They could do that if they would like but it is at the discretion of the Planning Commission.

Mr. Cox said that would mean another public hearing and what we are going through now again.

Director Dearborn said yes.

A motion was made by Mr. Zielinski, seconded by Ms. Romzek, to deny the Rezoning of parcel #121017404 from A-2 to PDD.

The motion carried 5-0. Mr. Jochman abstained and Mr. Scheibe was present virtually but his vote was unable to be recorded.

(At this point, Vice Chairman Sabel stepped down from chairing the meeting and Chairman Jochman stepped in again)

Item 3 – Certified Survey Map - new Neenah High School property

Director Dearborn said that the Neenah Joint School District had a different Certified Survey Map for this property where they combined all the parcels into one parcel. They made this decision to create two separate parcels based on the impact fee for sewer. A portion of it would be rezoned to M-1 and the balance will be A-2. It meets all the requirements and staff recommends approval.

A motion was made by Mr. Cox, seconded by Mr. Sabel, to approve the Certified Survey Map for the new Neenah High School property as presented with the following conditions:

1. All taxes are paid.
2. A copy of the recorded CSM must be given to the Community Development Department.

The motion carried 6-0. Mr. Scheibe was present virtually but his vote was unable to be recorded.

Item 4 – Certified Survey Map - 1116 Lakeshore Drive

Director Dearborn said this CSM is for the owner to combine the two lots into one lot. Staff recommends approval.

A motion was made by Mr. Zielinski, seconded by Ms. Romzek, to approve the Certified Survey Map for 1116 Lakeshore Drive as presented with the following conditions:

1. All taxes are paid.
2. A copy of the recorded CSM must be given to the Community Development Department.

The motion carried 6-0. Mr. Scheibe was present virtually but his vote was unable to be recorded.

Item 5 – Certified Survey Map - 858/860 Highland Park Road

Director Dearborn said this is an existing duplex. The applicant seeks to create a o-lot line to split the duplex into two different homes. These have been done quite frequently and allows separate ownership.

A motion was made by Mr. Sabel, seconded by Ms. Romzek, to approve the Certified Survey Map for 858/860 Highland Park Road as presented with the following conditions:

1. All taxes are paid.
2. A copy of the recorded CSM must be given to the Community Development Department.

The motion carried 6-0. Mr. Scheibe was present virtually but his vote was unable to be recorded.

Item 6 – Certified Survey Map - 1623 Brighton Beach Road

Director Dearborn said that these are historic lots originally under Winnebago County. These are lots that are on the lake that also have garage lots. Most of them are split so that there can be a home on each side of the lot. Some just have a garage there. This CSM is to split this lot into two separate parcels so that there would be separate ownership. The CSM meets the requirements. The lot has less setbacks but that is usually allowed on lake lots. Staff recommends approval.

Mr. Cox had a question about which lot would get which address.

Ms. Yang explained that the addresses would stay the same. The north lot would get 1622 and the south lot on the lake would get 1623.

A motion was made by Mr. Cox, seconded by Ms. Romzek, to approve the Certified Survey Map for 1623 Brighton Beach Road as presented with the following conditions:

1. All taxes are paid.
2. A copy of the recorded CSM must be given to the Community Development Department.

The motion carried 6-0. Mr. Scheibe was present virtually but his vote was unable to be recorded.

Item 7 – Extraterritorial Certified Survey Map – 9089/9071 Westphal Lane

Director Dearborn said that there is no action to be taken, this is just for information purposes. He explained that the Village does extraterritorial reviews of CSMs in surrounding townships. There is an agreement with the Town of Clayton to review the CSM but no action should or can be taken.

Mr. Cox had a question about the orientation of the memo map and the CSM.

Ms. Romzek said the lot on the memo map only shows lot 2 and 3 and is just missing lot one.

Mr. Cox asked again if there would be a vote.

Director Dearborn said no, this is only for information.

OTHER BUSINESS

1. Development Activity Report

Director Dearborn said that this month there were 2 single-family homes so far for January and we anticipate to get more. For 2020, there was a total of 23 single-family homes, down from 38 last year. However there were 10 commercial for 2020 compared to 6 from 2019. 2020 values were a bit under 2019.

COMMUNICATIONS

2. Sustainability Committee Report

Director Dearborn said that at the meeting there was a long discussion about Community Garden terms.

Ms. Yang added that there was also a discussion on future projects but nothing was finalized. Ideas were only brought up.

PUBLIC FORUM

ADJOURNMENT: A motion was made by Mr. Sabel, seconded by Mr. Romzek, to adjourn.

The motion carried 6-0. Mr. Scheibe was present virtually but his vote was unable to be recorded.

7:54 p.m.

Plan Commission

January 20, 2020 Minutes

Farrah Yang, *Recording Secretary*