

VILLAGE OF FOX CROSSING  
PLANNING COMMISSION MEETING  
Municipal Complex – Arden Tews Assembly Room  
Wednesday, December 6, 2023 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: Chair Dennis Jochman  
Commissioners: Mr. Aaron Sabel  
Mr. Tom Young  
Mr. Morris Cox  
Ms. Tracy Romzek  
Mr. Michael Scheibe  
Mr. Thomas Willecke (via teleconference)

Staff: Community Development Director George Dearborn  
Village Clerk Darla Fink  
Village Manager Jeffrey Sturgell

Other: Joey Dallman  
Melody Dallman  
Garth Zimmerman  
Laurie Rhode  
Ronald Jahnke  
Sharol Jahnke

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES** – November 15, 2023

**MOTION:** Mr. Cox, seconded by Mr. Scheibe to approve the meeting minutes of November 15, 2023.  
Motion carried 7-0-0.

**PUBLIC HEARING**

1. Preliminary and Final Plat – Habitat for Humanity – Tayco Road

**MOTION:** Mr. Sabel, seconded by Mr. Cox to open the Public Hearing. Motion carried 7-0-0.

Director Dearborn provided information on this Preliminary and Final Plat. He advised the first four lots are fronting on Tayco Road, and lot #5 is planned to be developed as a condominium plat at a future date. At this time, we do not have a Development Agreement from Habitat for Humanity, but this will be required prior to developing lot #5. He stated the plat meets all requirements, and the Plan Commission previously approved the lot sizes and setbacks as shown.

*Garth Zimmerman – 1134 Lake Breeze Court, Menasha*

Mr. Zimmerman stated his issue with this project is regarding the addition of another driveway in the cul de sac on Lake Breeze Court for lot #5. He stated he was under the impression that any additional

road would need to be further from the highway, and is also concerned about additional traffic on Lake Breeze Court. He explained his frustrations with the lack of communication from Habitat for Humanity. He stated the homes that Habitat has previously built in this area are extremely close the street and questions how they meet Village requirements. He also commented on the small size of the map that was sent to the residents and asked for future information to be sent in a better format.

Director Dearborn reminded residents that the condominium plat is not currently on the agenda, and will be discussed at a future meeting. The pond will be designed by an engineer at the depths that are required by the Wisconsin DNR and is not something residents would typically review. Commissioner Cox asked if we can print the map for this project in a larger format for any interested parties. Director Dearborn stated we can print them out in any size the residents would like. Commissioner Sabel stated the size of the subdivision and amount of impervious surface will determine the size of the pond based on DNR regulations.

Joey Dallman – 1123 Tayco Street, Menasha

Mr. Dallman asked if the new pond that will be constructed for this project will be connected to the ponds that have already been built in this area. Director Dearborn advised that is not allowed. Mr. Dallman asked who will own that property. Director Dearborn stated the current plan is for Habitat for Humanity to own the property, but eventually it could be a condo association. Mr. Dallman asked for the timing on the next set of homes to be built. Director Dearborn stated that is up to the developer, however there are a few steps that need to come first, including the preliminary and final plat currently under discussion, prior to breaking ground.

Garth Zimmerman – 1134 Lake Breeze Court, Menasha

Mr. Zimmerman asked who will be responsible for maintaining the pond once it is built. Director Dearborn advised the owner(s) of lot 5, where the pond will be built, will be responsible for the pond, similar to the condo association on Lake Breeze Court being responsible for their pond. Mr. Zimmerman asked how many individual condos will be built on lot 5. Director Dearborn said we do not have that information, however affected residents will receive notice for that Public Hearing to provide input at that time. Mr. Zimmerman stated he is unhappy with how this project has been handled so far and by the lack of communication from Habitat for Humanity. He stated any future private road should really be built off of Tayco Street rather than Lake Breeze Court.

Ron Jahnke – 1120 Lake Breeze Court, Menasha

Mr. Jahnke asked if the driveway for this new condominium association will come off of Lake Breeze Court and therefore take up more land on the cul de sac. Commissioner Jochman stated Lake Breeze Court is a public street which the Village maintains. If it were a private street, there couldn't be access to an additional property. Mr. Jahnke asked what part of the property on the cul de sac is owned by the Village. Director Dearborn pointed out the Village's right-of-way on the project map. He reminded the residents that there will be another public hearing if/when the condominium plat moves forward. Mr. Jahnke stated he agrees with Mr. Zimmerman's opposition to this project.

Commissioner Jochman asked what the current setbacks are on Tayco Street. Director Dearborn stated they are 30 feet which is a standard setback. The only variance on the new lots are to the side setbacks to adjust lot sizes. The setbacks on Lake Breeze Court were reduced for the condominium association so the properties on Tayco Street are actually set further back than those on Lake Breeze Court. Commissioner Sabel asked for more information on the side setback variances on the new lots. Director Dearborn stated the lot sizes were adjusted and side setbacks reduced to 5 feet, rather than the typical 7-10 feet, similar to what was done for Jacobsen Meadows.

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

## OLD BUSINESS

None

## NEW BUSINESS

### **1. Preliminary and Final Plat – Habitat for Humanity – Tayco Road**

Director Dearborn stated they would normally handle the preliminary and final plat in two separate meetings, however due to the simplicity of this plat, they felt this would be a situation to handle together prior to going to the Village Board for final approval.

Commissioner Young stated he understands the concerns of the residents, and reminded the public that they are only discussing the approval of the plat for these five lots, not the design of the condominiums. Since this project meets the Village's requirements, he will be voting to approve.

Commissioner Cox stated the cul de sac of Lake Breeze Court does not belong to the residents, it belongs to the public. A piece of that cul de sac may go away if this private road is developed for vehicles to access lot 5 once developed. He stated there is no reason why Habitat for Humanity shouldn't have the ability to develop lots 1 – 4 with small homes with proper setbacks, and therefore he will be voting to approve this preliminary and final plat.

Commissioner Sabel asked if the Commission is required to allow a private road off of a public road. Director Dearborn stated the property has the right to access that cul de sac right now, so if anything is built on lot 5, they will have access to the public road. Commissioner Sabel asked if there were previous roads that were denied, and Director Dearborn advised that there have not been. The design of these lots could have been laid out differently, however this is the design that has been proposed. He also stated the owner of Lake Breeze Condominium could have chosen to make Lake Breeze Court a private road, but they did not.

Commissioner Romzek stated the residents could still speak with their condominium association to purchase the property that Habitat for Humanity previously offered to them. Commissioner Jochman advised we currently have no idea what the future of lot 5 will be, this is simply the starting to the process. Commissioner Young noted that a thru road would have taken up a lot more land and likely would have increased traffic, but the plan of using the cul de sac and private road will encourage less traffic than a thru road.

**MOTION:** Mr. Young, seconded by Mr. Cox to approve the Preliminary and Final plat as submitted. Motion carried 7-0-0.

## OTHER BUSINESS

### **1. Development Activity Report with 2023 Summary and Future Trends**

Director Dearborn reviewed the Development Activity Report for November as well as the Annual Building Report for 2023. He compared the numbers for this year to last year and the effect on taxes to the Village. For development in 2024, he is currently aware of the project discussed tonight along with four other CSMs that have already been approved.

## COMMUNICATIONS

### **1. Sustainability Committee**

Director Dearborn advised there was no Sustainability Committee meeting in December and has nothing further to report.

**PUBLIC FORUM**

No comments.

**ADJOURN**

At 6:12 p.m., **MOTION:** Mr. Scheibe, seconded by Mr. Cox to adjourn. Motion carried 7-0-0.

Respectfully submitted,

Darla M. Fink  
Village Clerk

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