



PLANNING COMMISSION  
MEETING WEDNESDAY, February 17<sup>th</sup>, 2021 at 5:15 PM  
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE

**CALL TO ORDER:** Chairman Jochman called the Planning Commission meeting of February 17<sup>th</sup>, 2021 to order at 5:15 pm.

- PRESENT:**
- Chairperson: Chair Dennis Jochman
  - Commissioners: Mr. Aaron Sabel  
Mr. Tom Young,  
Mr. Morris Cox,  
Mr. James Zielinski,  
Ms. Tracy Romzek,  
\*Mr. Michael Scheibe (*Mr. Scheibe votes were not able to be recorded because he was muted the entire meeting.*)  
(\* indicates they were present via video call)
  - Staff: Community Development Director Dearborn  
Associate Planner Farrah Yang
  - Other: Village Manager Jeff Sturgell  
Village President Dale Youngquist  
Ryan Gerner, N9519 Silver Ct.  
Lana Metko, 1124 Lake Breeze Ct.  
Ron and Sharol Jahnke, 1120 Lake Breeze Ct.  
Joey and Melody Dallman, 1123 Tayco Rd.  
Laurie Rhode, 1139 Tayco Rd.  
Dann & Donna Myers, 1130 Lake Breeze Ct.  
Dave and Colleen Deaton, 773 Blackmoor Cir.  
Harry Sturgis, 167 Rockwood Ln.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – January 20<sup>th</sup>, 2021**

A motion was made by Mr. Cox, seconded by Mr. Sabel, to approve the meeting minutes of Wednesday, January 20<sup>th</sup>, 2021 with no corrections.

The motion carried 6-0.

**Public Hearing**

1. ReZoning – Neenah Joint School District for the new Neenah High School

A motion was made by Ms. Romzek, seconded by Mr. Zielinski to open the public hearing for the ReZoning of the Neenah Joint School District new high school property.

The motion carried 6-0.

Director Dearborn said this is part two. The first was the Certified Survey Map in January where they split the land into two. They want to rezone one of the parcels to Mixed Use. The remaining parcel will stay General Agriculture so that it reduces the cost to connect to water and sewer. Mixed Use allows an educational building and many other uses by right. If they left the parcels as General Agriculture, every structure would need a Conditional Use Permit.

A motion was made by Mr. Sabel, seconded by Ms. Romzek to close the public hearing for the ReZoning of the Neenah Joint School District new high school property.

The motion carried 6-0.

2. ReZoning – Parcel # 1210308 at 1101 Tayco Rd

A motion was made by Mr. Cox, seconded by Ms. Romzek to open the public hearing for the rezoning of Parcel #1210308 at 1101 Tayco Road.

The motion carried 6-0.

Joe Dallman, 1123 Tayco Road, said he heard it was going to be single-family. He asked if the individual who owns the land now would be the owner.

Director Dearborn said it would be a new owner and he could not give that information.

Mr. Dallman asked if the size of the single-family homes would be between 1000 to 1400 square feet.

Director Dearborn said these would be a little larger than that.

Dann and Donna Myers, 1130 Lake Breeze Court said they are in the Lake Breeze Condos. They asked how they could be in favor of this rezoning if there is no further details coming. They don't know the price ranges and do not want something that may impact the current value of their condos. They thought the commission already addressed this issue but they are new to the area. They have a list of questions: What kind of ingress/egress road would be there? Where is the road coming? Does the Development impact the cul de sac?

Director Dearborn said the legal access is off Tayco Road. There is no legal access off the cul de sac. The developer would have to acquire additional land or not use that as an access. This is a change in the zoning and not a subdivision plat. This parcel can be rezoned to single-family residential. The current zoning R-1 would allow a few lots as well. The Village cannot dictate the design until it is provided with a site plan.

Chairman Jochman said that it is a state law that this can only be rezoned with conditions. The rezoning is first and then the developer will come back with a plan.

Director Dearborn said PDD dictates the size of the lots and the size of the homes. PDD allows duplexes and other uses but the application is asking for it to be single-family homes.

Ms. Myers asked what type of homes could be there. She asked if they will be manufactured, mobile homes, or stick homes.

Director Dearborn said that the Village cannot specify the types of homes and costs. That would be illegal. He explained that manufactured homes are by right per state law. He also said that it cannot be mobile homes because of the density. They can put manufactured homes as long as the foundation is fixed or permanent.

Ms. Myers asked who would be responsible for adding sewer and water if the property does not currently have it and where the plat is showing the number of homes.

Director Dearborn said the developer is responsible to put sewer and water in and explained that there were no plats other than lot sizes and various configurations. He said that staff did advise that the cul de sac will be an issue for any buyers when and if this moves on to the next phase.

Ms. Myers asked if there was land for sale that the buyer could put a road in that cul de sac and connect it to Tayco Road.

Director Dearborn said the State owns the State ROW (right-of-way) but the cul de sac is public right of way. The cul de sac could connect to Tayco Road only if the state is willing to sell it.

Ms. Myers asked if Lake Breeze would be able to do additional landscaping by the cul de sac.

Director Dearborn said that the public owns the ROW so they could only do landscaping within the condo's property.

Mr. Myers said there is an eagle's nest in the tree by the nearby pond. He said that eagles are protected by the Department of Interior and prohibits any disturbance of the eagles. If there is any activity with trucks, the eagles will abandon those nests. He asked if the Village considered the eagles. Ms. Myers said the specific requirements is that it needs to be 660-1000 feet from the eagle's nest site.

Director Dearborn said that anyone has the right to build on the lot. If there is any cause of disturbance to protected species, that would go through the DNR. The Village would consult with the DNR but Director Dearborn said he has never heard of the DNR prohibiting construction in disturbance of eagles.

Mr. Myers also questioned the word choice "advantageous" in the staff recommendation. He asked for whom?

Director Dearborn said that it is currently zoned R-1 which would allow for horses and other live stock. He said that staff felt that single-family homes would be good for the area.

Ron Jahnke, 1120 Lake Breeze Court, said that his big concern about this is the little corner off the cul de sac. The owner of the other land wants to put a road there. I talked to Director Dearborn who said he can use as a ROW but not a driveway. Mr. Jahnke said he talked to a real estate representative for WI who said they will not move the fence to make enough room. He said he believes the neighbor needs 6' of land to make a road there and it's short. His other concern about road is that there is no place to put the snow. The only other place would be on his property. He said they moved there cause it was quiet. He called zoning officer the first time, explained the situation, and was told that there was not enough room to put a driveway on Tayco Road. He cannot use this as a driveway. He said he called the zoning officer a month later, asked about the man wanting to put in a driveway, and was told he could. Mr. Jahnke told them about how one time he got a certified letter in a different town where they were going to make a single-family house into duplexes. When he went to the meeting, the chairman of the board said "it's all over, we already decided." Mr. Jahnke said he was worried that the same thing will happen. He said that he would like assurance that this is not going to be the same way. He also asked who will put water and sewer in and if that will be a street or driveway.

Chairman Jochman said the developer will be responsible for sewer, water, streets, and lights. He does not know who the developer is at this point.

A motion was made by Mr. Sabel, seconded by Mr. Cox to close the public hearing for the rezoning of Parcel #1210308 at 1101 Tayco Road.

The motion carried 6-0.

3. Conditional Use Permit – 1007 Wheeler Road

A motion was made by Mr. Zielinski, seconded by Mr. Cox to open the public hearing for the Conditional Use Permit for 1007 Wheeler Road.

The motion carried 6-0.

Director Dearborn said it is zoned Mixed-Use. The applicant wants to put a single-family home, which requires a Conditional Use Permit. It is near single-family homes so staff thought it was appropriate use of the property.

Chairman Jochman asked if anyone wants to speak 3 times and no one responded.

A motion was made by Mr. Sabel, seconded by Ms. Romzek to close the public hearing for the Conditional Use Permit for 1007 Wheeler Road.

The motion carried 6-0.

4. ReZoning – Parcel # 121026402

A motion was made by Mr. Cox, seconded by Ms. Romzek to open the public hearing for the rezoning of parcel #121026402

The motion carried 6-0.

Dave Deaton, 773 Blackmoor Circle, said he owns the 3<sup>rd</sup> lot above that area in question. He said that when they bought this land, that property was zoned to single-family. If it gets changed, his land would not be worth as much. He asked what has to happen for it not to be changed. He said he is opposed to the change.

Mr. Sabel said this is a public hearing. The voting comes later in the agenda.

Director Dearborn said the lot is too small to build on.

Mr. Deaton asked where the drainage would go for the houses built on that property because all the houses above are going into the pond.

Director Dearborn said houses built on that property do not require stormwater and will flow into West American or to the ditch.

A motion was made by Mr. Sabel, seconded by Ms. Romzek to close the public hearing for the rezoning of parcel # 121026402

The motion carried 6-0.

**OLD BUSINESS**

None

## NEW BUSINESS

### 1. Rezoning – Neenah Joint School District for the new Neenah High School

Mr. Young asked if this area was in the exterritorial area. He asked Director Dearborn to comment on the rezoning from General Agriculture to Mixed Used. He said there have been a few in the past and recently that were relative to the Future Land Use Map and asked Director Dearborn to comment on why that would be appropriate.

Director Dearborn said when the Village did the original plan; they did not know this was going to be annexed. The school could go on the A-2 zoning with a Conditional Use Permit, but Mixed-use would be more flexible for the school in the future. If it were not changed, any time they wanted to build another building, they would have to go through a CUP for the building. This summer there will be some redo and amendments on the Village's comprehensive plan to include the changes of the annexations.

Chairman Jochman said staff recommends approval and asked if anyone else on the commission had questions or comments.

A motion was made by Ms. Romzek, seconded by Mr. Zielinski to approve the rezoning of the Neenah Joint School District new high school property.

The motion carried 6-0.

### 2. Rezoning – Parcel # 1210308 at 1101 Tayco Rd.

Mr. Sabel said if it remains as is after today as medium density landuse and a multifamily comes in the future, it would be harder to pass. He said he was saying this for those in attendance. If it is not rezoned, it could become multi-family like apartments. He said his own personal analysis would be to take it that the neighborhood would prefer single family in the future.

Mr. Young said he completely understands, if he lived in a cul de sac, he wouldn't want people running over the cul de sac. He also knows that this property will not stay vacant. Single-family seems ideal especially because of the Future Land Use Map.

Ms. Myers said she is not opposed to single-family homes. She just has concerns of the prices of the homes and the proximity to the eagle's nest. The largest concern she feels the condos residents have is the road going out of the cul de sac.

Chairman Jochman said he does not know if they can allow that with a PDD. There are limitations because the state owns the land next to the cul de sac.

Ms. Romzek asked if one lot can have a driveway off the cul de sac.

Director Dearborn said it could if it touches the right-of-way. He explained that in the PDD, conditions and provisions will be added on what is allowed. If the lot is to be created by the cul de sac, additional right-of-way would have to be acquired. The developer may negotiate with the adjacent property owner to sell that property.

Mr. Young said it would be unusual for the State to sell State ROW (right-of-way) so that they could put in at least a driveway.

Chairman Jochman said he concurs with Mr. Young with the neighborhood being all single-family homes. He feels it would be a good fit because the alternative is multi-family.

Mr. Myers asked about multi-family and what is to stop multiple families living in one single family home.

Director Dearborn said the Village cannot regulate that.

Mr. Myers also said that their HOA does not allow parking 24 hours. He adds that he's worked with appraisers and visuals of surrounding homes changes values of homes.

Ryan Gerner, 2310 Carlton Avenue, said he bought this property originally to build his dream home. Some neighbors welcomed him with open arms and some called him out for every little thing. So he decided to sell the land. He believes the PDD is the best for the community, putting in single-family. Voting it into PDD would stop it from becoming multifamily. He said he is done with the property now and looking out for everyone else.

There was a discussion on the current owner using the cul de sac as a driveway which Director Dearborn said the owner is allowed to do so since it is public right of way.

A motion was made by Mr. Young, seconded by Ms. Romzek to approve the rezoning of Parcel #1210308 at 1101 Tayco Road for the following reasons and conditions:

1. This property has been vacant for a long period now and building single-family homes would be advantageous for this area.
2. The Future Land Use map shoes this parcel as medium density residential, however single-family homes are permitted in any medium density residential zoning and therefore it meets the Future Land Use map requirements.
3. When the property is divided, all lots created shall meet a minimum of 7,000 square feet and 53 feet of frontage.

Mr. Zielinski asked how many homes would fit into the lot.

Director Dearborn estimated 6-7 homes depending on if they use the cul de sac or build a road and would have to include a detention pond. He said it is hard to make those calculations.

The motion carried 5-1. Mr. Sabel had the opposing vote.

### 3. Conditional Use Permit – 1007 Wheeler Road

Mr. Young said the previous owner wanted to put a duplex home there and this is along a busy street. He believes a single-family home would work for this parcel.

A motion was made by Mr. Sabel, seconded by Ms. Romzek to approve the Conditional Use Permit for 1007 Wheeler Road.

The motion carried 6-0.

4. ReZoning – Parcel # 121026402  
Nate Jochman, applying for rezoning

Director Dearborn said this is a rezoning from R-2 to R-3. It is not a buildable lot. If it does not change, it could still proceed but with a different configuration. The CSM shows that this parcel will just be the driveway.

Mr. Deaton asked if there would be enough room to put in two duplexes in the area because he does not believe there will be enough space. He said single-family is more desirable and if two duplexes are built there all the other properties are going to go down in value.

Director Dearborn said they are both large lots.

Chairman Jochman said he does not know if they can say that it will devalue the property. He pointed out that across the street from this property are already a few duplexes.

Ms. Deaton said that when they bought this piece of property that is behind the lots, 17 years ago, the State owned land. The State sold it and they didn't know it. They thought that this was going to be single-family and not duplexes. She adds that the lot drains nearby their property. The water goes down American Drive into a pond or drain field. The field across is a drain field and the pond is connected to it. She said they pay maintenance on this pond. She asked if they would be accountable to pay for the drainage and maintenance for that lot.

Director Dearborn said the pond was decorative and that this property would drain along West American.

Ms. Deaton said she was told that the water was connected to the pond.

Mr. Cox asked if the grade is higher on American Drive than Mr. and Ms. Deaton's subdivision.

Director Dearborn said that everyone pays the storm water fee. He mentioned again that the pond is decorative and not a drainage pond. The property would drain to the nearest ditch that flows to American Drive.

The Commissioners had questions on why the lot was only 4,000 square feet. Director Dearborn said it may be left over from a road that was supposed to go there.

Mr. Deaton asked if the duplexes would be part of Golf Village subdivision because they have covenants that require certain sizes of homes.

Director Dearborn said no and that the Village will always issue permits if it meets Village codes, but it is up to subdivisions to enforce the covenants in those subdivisions.

Ms. Romzek asked if this rezone would be for uniformity and taking care of this little lot.

Chairman Jochman replied that it would clean up what is there. The duplex can still go there with or without a rezoning.

A motion was made by Ms. Romzek, seconded by Mr. Cox to approve the rezoning for parcel #121026402.

The motion carried 5-1. Mr. Sabel had the opposing vote.

5. CSM – 900 Wittmann Dr.  
Marcus Dreger, Parcels #12103380101 and #12103380102

A motion was made by Mr. Sabel, seconded by Ms. Romzek to approve the Certified Survey Map for 900 Wittmann Drive with the following conditions:

1. All taxes must be paid prior to recording the Certified Survey Map.
2. A copy of the recorded CSM must be given to the Village's Department of Community Development.

The motion carried 6-0.

6. CSM – Parcel #121026402 & #121026401  
Nate Jochman, CSM to change the property lines

Director Dearborn said this CSM cannot happen without approval of the rezoning.

A motion was made by Ms. Romzek, seconded by Mr. Sabel to approve the Certified Survey Map for parcels #121026402 and #121026401 with the following conditions:

1. All taxes must be paid prior to recording the Certified Survey Map.
2. A copy of the recorded CSM must be given to the Village's Department of Community Development.
3. Provided that the rezoning of parcel #121026402 is approved by the Village Board – **see item #4.**

The motion carried 6-0.

## **OTHER BUSINESS**

1. Development Activity Report

Director Dearborn said this is for January. There are already 8 single-family homes compared to 0 last year. The values are over \$4 million compared to \$5 million from last year. There are more single-family homes coming soon with Winding Creek 4's final plat.

## **COMMUNICATIONS**

1. Sustainability Committee Report

The Sustainability Committee discussed the Community Gardens as always. They finalized the garden terms and talked about the water bill for the gardens. They also discussed the plastic bag collection and the upcoming Electronic Recycling event on April 17<sup>th</sup>.

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

The motion carried 6-0.

6:25 p.m.  
Plan Commission  
January 20, 2020 Minutes  
Farrah Yang, *Recording Secretary*