

**VILLAGE OF FOX CROSSING  
PLANNING COMMISSION MEETING  
WEDNESDAY, July 21st, 2021 @ 5:15 PM  
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – June 16<sup>th</sup>, 2021**

**PUBLIC HEARING**

1. ORDINANCE AMENDMENT – Caretaker Home
2. REZONING – 7241 County Road BB (#12101820201)

**OLD BUSINESS**

None

**NEW BUSINESS**

1. ORDINANCE AMENDMENT – Caretaker Home
2. REZONING – 7241 County Road BB (#12101820201)
3. CERTIFIED SURVEY MAP - 7241 County Road BB (#12101820201 and #121018202)

**OTHER BUSINESS**

1. Development Activity Report

**COMMUNICATIONS**

1. Sustainability Committee Report
2. EXTRATERRITORIAL CERTIFIED SURVEY MAP – Eagle Heights Drive

**PUBLIC FORUM: Non-Agendized Village Related Matters**

*Pursuant to WI Statutes 19.83(2) & 19.84(2), the public may present matters; however, they cannot be discussed or acted upon. Limited to ten minutes - non-repetitive matters.*

**ADJOURNMENT**

If you have any questions, please call (920) 720-7105 for information. You may also access the staff recommendations on the website, [www.foxcrossingwi.gov](http://www.foxcrossingwi.gov). From the main page, click "Meetings," then "Agendas." The recommendation is posted on the website the Thursday or Friday preceding the Plan Commission meeting.

**PLEASE NOTE:** It is possible that members of and possibly a quorum of Village Board members or other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body other than the governmental body specifically referred to on the agenda above.

The Commission reserves the right to take up any item on the agenda at any time after the meeting commences.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Administration Office at (920) 720-7101.



PLANNING COMMISSION  
MEETING WEDNESDAY, June 16<sup>th</sup>, 2021 at 5:15 PM  
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE

**CALL TO ORDER:** Chairman Jochman called the Planning Commission meeting of June 16<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
  - Staff: Community Development Director George Dearborn  
Associate Planner Farrah Yang  
Planning Intern Isabel Taubel
  - Other: Adam Ley, WE Energies Representative  
Taylor Roloff, 836 9<sup>th</sup> Street

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES – May 19<sup>th</sup>, 2021**

A motion was made by Mr. Cox, and seconded by Mr. Sabel to approve the meeting minutes of Wednesday, May 19<sup>th</sup>, 2021.

The motion carried 7-0.

**PUBLIC HEARING**

**1. Conditional Use Permit – WE Energies Natural Gas Regulation Pit**

A motion was made by Mr. Cox, and seconded by Mr. Zielinski to open the public hearing.

The motion was carried 7-0.

Director Dearborn said that there are currently natural gas pits in the right-of-way on 9<sup>th</sup> Street. They are not adequate for high pressure gas lines. WE Energies acquired a lot nearby that only has a storage building. They proposed to put their regulation pit there, but a Conditional Use Permit is required. This process requires formal review for screening and design, and is an allowed use that can be approved as long as it meets the given requirements.

Taylor Roloff, 836 9<sup>th</sup> Street, had the following concerns:

- The proposed fence for the structure runs close to the property line.
- He does not want the finished structure to bring down the value of his property.
- He wanted to know if the existing tree on the lot would be taken down.
- He wanted to see other similar properties for the natural gas pit buildings.

Director Dearborn said that no fences may be closer than 6 feet from the property line.

Adam Ley, WE Energies, addressed Mr. Roloff's concerns:

- WE Energies will maintain the 10 feet buffer zone required by Fox Crossing.
- WE Energies will have a small asphalt parking lot so that they can access the building once per month for routine checks.
- WE Energies would like to keep the trees on the property, however, if they get in the way of the design, they will be removed.

The Commissioners had the following questions and comments:

- Ms. Romzek asked for the height of the structure.
- Mr. Scheibe asked for the definition of natural gas pits.
- Mr. Sabel asked if there are any odors that would affect neighbors near the site.
- Mr. Sabel also asked where they would put their vehicles and how they will handle lawn care and snow removal.
- Chairman Jochman asked if there are any landscaping requirements.
- Mr. Cox suggested WE Energies create a berm with bushes on the side of Mr. Roloff's property.

Mr. Ley addressed the Commissioners questions and comments:

- Natural gas pits are high pressure gas from the transmission company, Winchester Gate. They take the gas and slow it down, reducing the pressure and deodorizing it. The gas goes from 150psi to 60psi and then feeds into home meters in the area. When the gas gets to the homes there is no longer any odor.
- The structure will be a new facility to bring the pits above ground and enclose it in a new building. The height of the structure would be no higher than 11 to 13 feet.
- WE Energies vehicles will only be on site once a month and they will have contractors taking care of snow removal and lawn care.
- WE Energies will agree to implement landscaping in the project.
- The height of the fence around the structure will be six feet high.

Mr. Roloff asked if the building could be moved to the middle of the property.

A motion was made by Mr. Sabel, and seconded by Mr. Scheibe to close the public hearing.

The motion was carried 7-0.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### 1. Conditional Use Permit – WE Energies Natural Gas Regulation Pit

Director Dearborn said this is the time for questions and discussion of the Conditional Use Permit (CUP). We will do a site plan review at staff level to address any concerns.

Mr. Sabel, Chairman Jochman, and Mr. Young all agreed that the structure should be centrally located.

Chairman Jochman included that the property should maintain proper landscaping.

Mr. Sabel announced that centrally locating the structure will be the fifth condition for the approval of the CUP.

A motion was made by Mr. Sabel, seconded by Mr. Cox to approve the Conditional Use Permit with the following conditions:

1. A fence and landscaping shall be provided to screen the use from adjacent residential homes. The fencing shall incorporate some type of solid fencing.
2. The fence shall comply with the Village's fence ordinance for R-1 Rural Residential District.
3. The building will require a building permit and shall be designed to be compatible with the surrounding residential land uses and meet setback requirements.
4. A permit is required from the Street Department for any culverts done in the right-of-way.
5. The location of the building and fenced area shall be centrally located on the lot.

The motion carried 6-0-1, Mr. Young abstained.

## **OTHER BUSINESS**

### 1. Development Activity Report

Director Dearborn said that there were 22 single-family homes as opposed to 12 last year. There have not been any commercial buildings this year yet. The values are almost \$20 million right now versus \$18 million a year ago. We are still waiting for activity for multi-family buildings at this time. Golf Bridge Town Homes should be coming soon.

Chairman Jochman said he expects stimulus money to go into home upgrades, especially for those working from home.

## **COMMUNICATIONS**

### 1. Sustainability Committee Report

Director Dearborn said we completed No Mow May without any complaints and it went well. The Community Gardens had some issues with hoses that our new intern and Farrah took care of. Director Dearborn introduced the new planning intern, Isabel Taubel, who had been working on a number of projects such as business licenses. He continued to say that plastic film was a big success. One of the Committee members is taking the bags now too. Lastly, the committee is working on educating residents on recycling and encouraging people to understand that it keeps the cost down for the Village.

Mr. Young said he was surprised there was a lot of participation in No Mow May. He suggested to Ms. Yang that she should find the sign up so we know who is participating.

### **PUBLIC FORUM**

Ms. Yang is continuing to look for a house.

Mr. Scheibe asked about new construction on West American where the boulevard is filling with dirt and landscaping.

Director Dearborn said Randy, Street Superintendent, is pulling out bad sections of concrete and replacing them at that area.

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

The motion carried 7-0.

5:40 p.m.  
Plan Commission  
June 16<sup>th</sup>, 2021 Minutes  
Farrah Yang, *Recording Secretary*

# PLANNING COMMISSION MEMO

**Date:** June 23, 2021  
**To:** Village Planning Commission Members  
**From:** Department of Community Development Staff  
**RE:** Agenda Item #1 – Caretaker Housing – I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts

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## **Overview**

Our current zoning ordinance does not have any provisions for caretaker housing in I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts. In some circumstances, housing for a caretaker is desirable for both maintenance and security. The proposed zoning ordinance amendment would allow one detached dwelling unit for this purpose for a facility consisting of one industrial parcel.

Chapter 435 17.0 of the Village Zoning Ordinance Accessory Uses is proposed to be amended to include 17.09 Caretaker home. A single-family home for a caretaker of property zoned I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts. The balance of this section will be renumbered.

Then Table 7-1 Land Use Matrix will be amended to include a caretaker home in I-1 and I-2 zoning districts by conditional use and the balance of the table will be renumbered.

ORD #210726-1:ORD *First Reading*

**AMEND FOX CROSSING MUNICIPAL CODE CHAPTER §435 CARETAKER HOUSING IN I-1 AND I-2 INDUSTRIAL ZONING DISTRICTS**

*The Village Board of the Village of Fox Crossing do ordain as follows:*

Part I. Chapter §435 Zoning, is hereby amended and renumbered to read as follows (amendment in red):

**Chapter §435.3-02 Land use definitions.**

**17.0 Accessory Uses**

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**17.08.** Boathouse. A building placed above or near a water body that is used for the noncommercial storage of one or more watercraft and related equipment.

**17.09.** Caretaker home. A single-family home for a caretaker of property zoned I-1 Light Industrial and I-2 Heavy Industrial Zoning Districts.

**17.10.** ~~17.09~~-Commercial truck parking. The parking of a commercial-type vehicle on a residential lot when such vehicle is owned or leased and operated by a person living in the dwelling unit.

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**Chapter §435 Attachment 2 – Table 7-1 Land Use Matrix.**

17	Accessory Uses															
17.01	Adult family home	ZP	31.7-157	P	P	P	P	P	P	P	P	P	P	P	-	-
17.02	Amateur radio antenna	-	31.7-158	P	P	P	P	P	P	P	P	P	P	P	-	-
17.03	Automated teller machine	ZP	31.7-159	-	-	-	-	-	-	P	P	P	P	P	-	-
17.04	Backyard chickens	-	31.7-160	P	P	P	P	-	P	-	-	-	-	P	P	
17.05	Bed and breakfast	ZP, BP, SP, PO	31.7-161	C	C	C	C	-	-	P	P	-	P	-	-	
17.06	Beekeeping	-	31.7-162	P	P	P	P	-	P	-	-	-	-	P	P	
<del>17.10</del> 17.09	<u>Caretaker home</u>	<u>ZP</u>	<u>436.7-49</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>C</u>	<u>C</u>
<del>17.10</del> 17.09	Exterior communication device	-	31.7-163	P	P	P	P	P	P	P	P	P	P	P	P	P

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All section references to Table 7-1 Land Use Matrix shall be modified/renumbered throughout the Village Municipal Code to match the updated Land Use Matrix numbering for 17.09 through 17.44 Yard.

Part II. All ordinances or parts of ordinances contradicting the provisions of this ordinance are hereby repealed.

Part III. This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced: July 26, 2021  
Date Adopted: \_\_\_\_\_

*Requested by: George Dearborn, AICP, Director Community Development*  
*Submitted by: Dale A. Youngquist, Village President*

\_\_\_\_\_  
Dale A. Youngquist, Village President

\_\_\_\_\_  
Attest: Darla M. Fink, Village Clerk



# VILLAGE OF FOX CROSSING MEMO

**Date:** July 1<sup>st</sup>, 2021  
**To:** Village Planning Commission Members  
**From:** Department of Community Development Staff  
**RE:** Agenda Item #2 - Rezoning parcel #1210820201 from A-2 General Agriculture to I-1 Light Industrial

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## Overview

The applicant, Joel Johnson, is requesting a zoning change for parcel #12101820201 with an address of 7241 County Road BB. The property is located off County High Way BB between Clayton Avenue and Irish Road, directly south of the Appleton International Airport. Currently the applicant owns the parcel under the business name, Prospect Properties, LLC. On this 5 acre parcel is a house, detached garage, and a barn. The parcel is zoned A-2 General Agriculture and majority of it is under the Airport Overlay.

Mr. Johnson wishes to change the zoning of this parcel to I-1 Light Industrial District in order to combine it with the adjacent parcel #12101820202, which is zoned I-1. Mr. Johnson also owns the adjacent parcel and has a small mini storage business with 10 storage buildings. With both the parcels combined, there would be a total of 19.23 acres. All the zoning surrounding both these parcels are A2 General Agriculture. The parcels to the north of these two parcels are located in the Village of Greenville. On the next page is a location map (Map 1) and a zoning map (Map 2) to show the different districts.

## Findings of Fact

The Community Development Staff reviewed this request considering the Comprehensive Plan, Chapter 419 Land Division and Chapter 435 Zoning of the Village Ordinance. Staff finds the following:

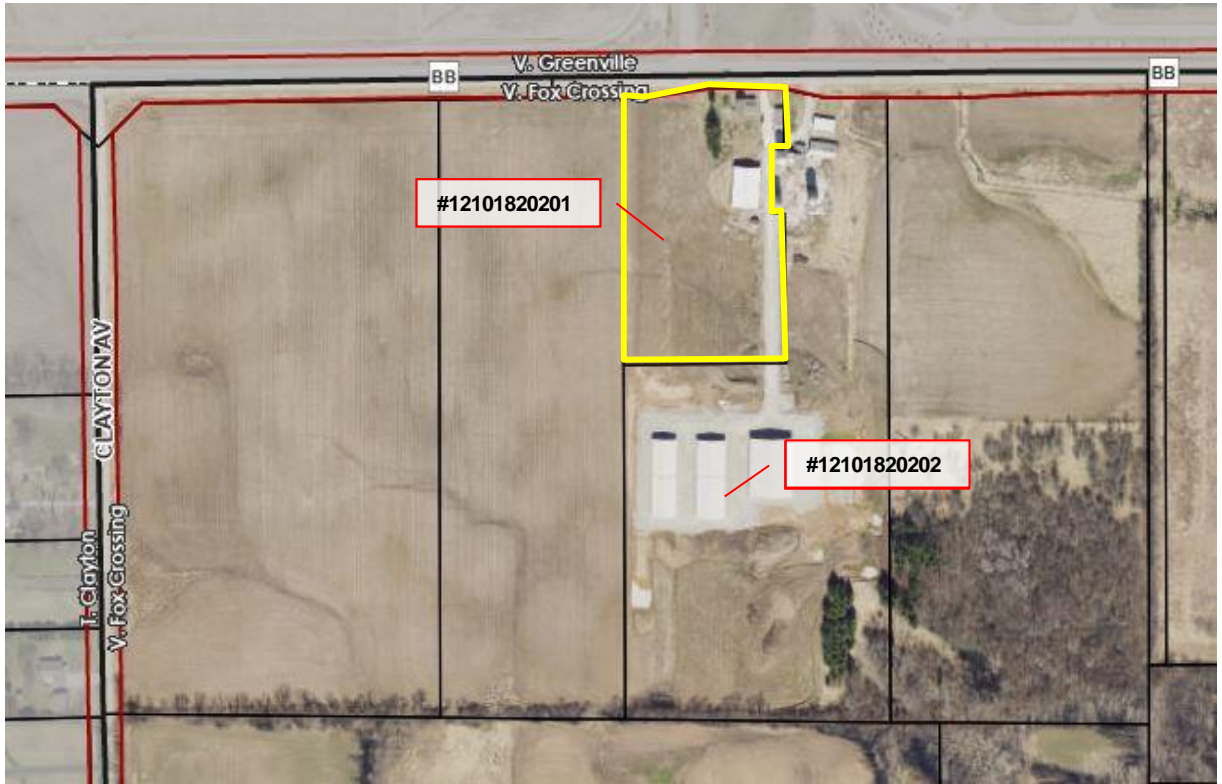
1. The rezoning complies with the Future Land Use Map in the Comprehensive Plan. The Future Land Use Map shows parcel #12101820201 as Industrial and the rezoning would fit in with the surrounding parcels. Map 3, on page 3, shows the Future Land Use Map for the northwest corner of the Village that includes this parcel.
2. Under Chapter 419 Land Division, two parcels cannot combine if they have different zoning districts. Therefore, this zoning change is necessary prior to a Certified Survey Map. The rezoning would make both parcel #12101820201 and parcel #12101820202 I-1 Light Industrial District.
3. Single-family dwellings are not permitted in Industrial zones under the Zoning Ordinance even with a Conditional Use Permit. Rezoning this parcel would make the single-family dwelling non-conforming. There would need to be a Zoning Ordinance Amendment to allow a single-family dwelling in industrial zones.

## Staff Recommendation

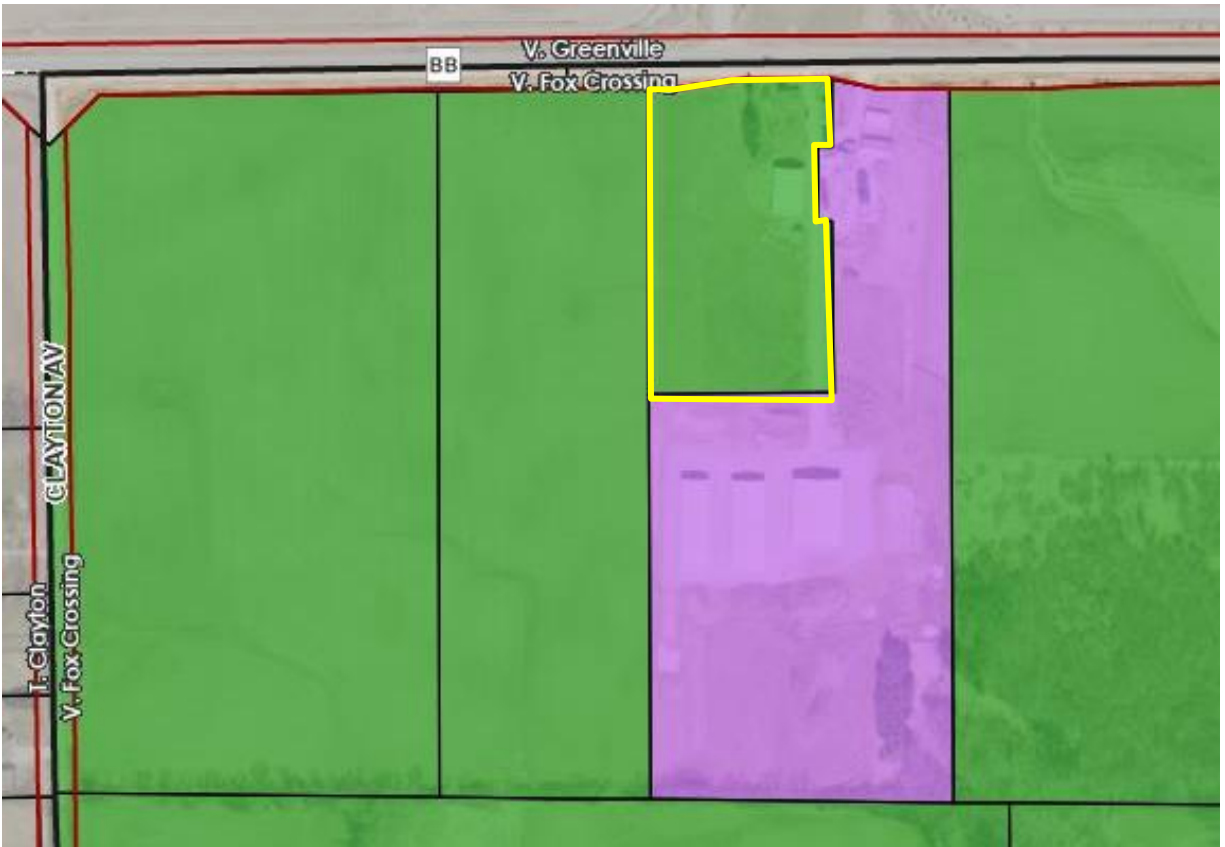
Staff recommends approval of the rezoning of parcel #12101820201 as submitted with the following conditions:

1. The Caretaker Home ordinance that allows a single-family dwelling in industrial zones shall be approved by the Village Board.
2. Any changes in use on both parcels shall be reported to the Community Development Department and all required permits must be pulled.
3. Any structures that are erected on either parcel shall be reviewed through the Site Plan Review Process.

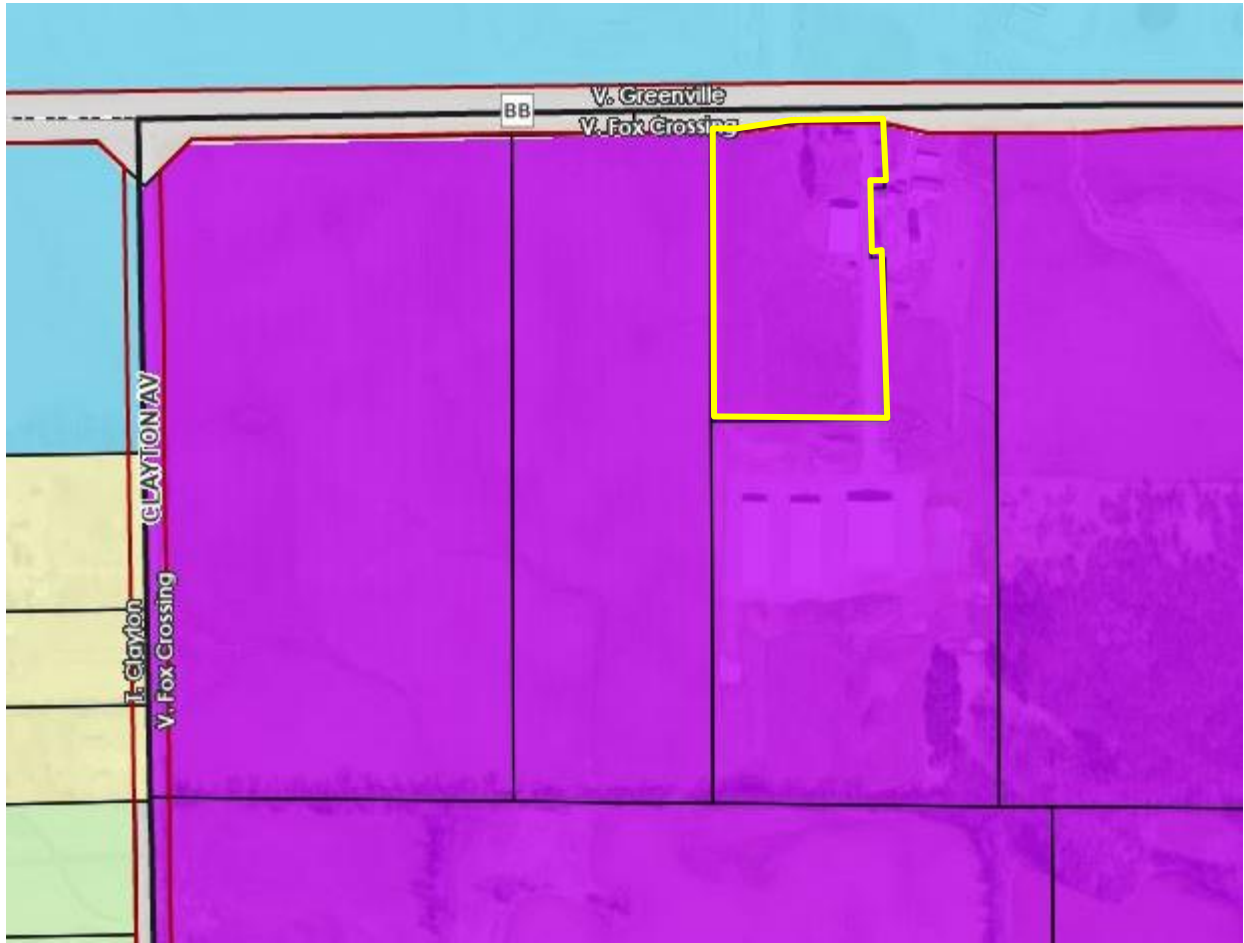
Map 1 – Location Map



Map 2 – Zoning Map



Map 3 – Future Land Use Map



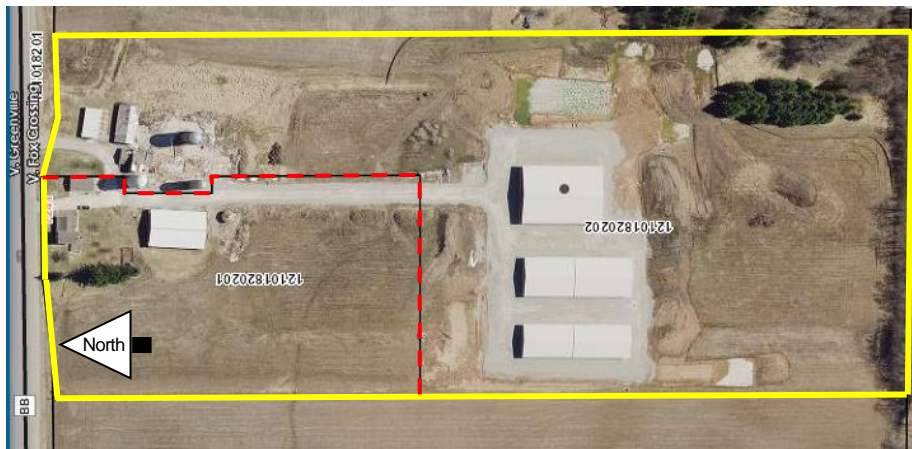
# PLANNING COMMISSION MEMO

**Date:** July 7, 2021  
**To:** Village Planning Commission Members  
**From:** Department of Community Development Staff  
**RE:** Agenda Item #3 – Certified Survey Map for 7241 County Road BB

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## Overview

The applicant, Prospect Properties LLC, is applying for a Certified Survey Map for 7241 County Road BB on parcel #12101820201 and parcel #12101820202 (no address). The applicant owns both parcels where the parcel with an address has a farmhouse and the other parcel has a utility shed, concrete silos, and MiniMax Storage buildings. The first parcel is zoned I-1 Light Industrial, while the second parcel is zoned A-2 General Agriculture. The applicants would like to combine both parcels into one parcel for the singular business existing on both. This requires a change the zoning of parcel #12101820201 A-2 General Agriculture to I-1 Light Industrial to match parcel #12101820202. This will then allow both parcels of the same zone to be combined as one parcel for the singular business existing on both. The Future Land Use zone of both parcels is Industrial. Below is a locator map of the two parcels. The yellow lines represents the new parcel and the red line shows where the parcels were originally divided. On the next page is the Certified Survey Map.



## Staff Recommendation

Staff recommends approval of Certified Survey Map with the following conditions:

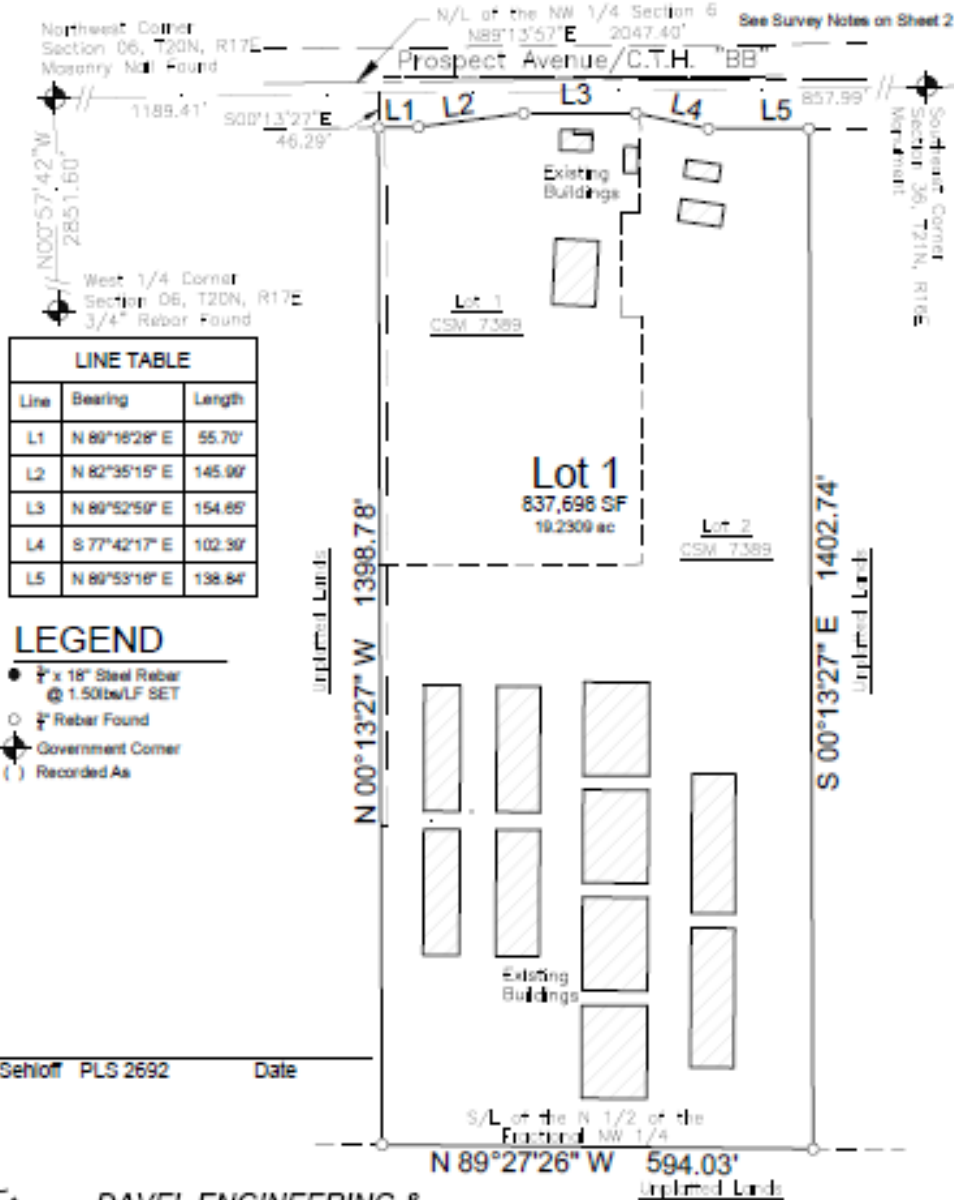
1. All taxes must be paid prior to recording the Certified Survey Map.
2. Rezoning shall be approved by Community Development prior to the CSM.
3. A copy of the recorded CSM must be given to the Village's Department of Community Development.

**Certified Survey Map No. \_\_\_\_\_**

All of Lot 1 and Lot 2, Certified Survey Map 7389 being part of the  
 Northeast 1/4 of the Fractional Northwest 1/4 of Section 06,  
 Township 20 North, Range 17 East,  
 Village of Fox Crossing, Winnebago County, Wisconsin.



Bearings are referenced to the East line of the  
 Northeast 1/4, Section 30, T20N, R17E,  
 assumed to bear N00°03'40"W, base on the  
 Winnebago County Coordinate System.



James R. Schloff PLS 2692 Date \_\_\_\_\_



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
 Civil Engineers and Land Surveyors  
 1184 Province Terrace, Menasha, WI 54952  
 Ph: 920-491-1888 Fax: 920-441-0804  
 www.davel.com

Survey for:  
**Prospect Properties LLC**  
 1860 Bud Drive  
 Menasha WI 54952

File: 5378csm.dwg  
 Date: 05/25/2021  
 Drafted By: jim  
 Sheet: 1 of 3



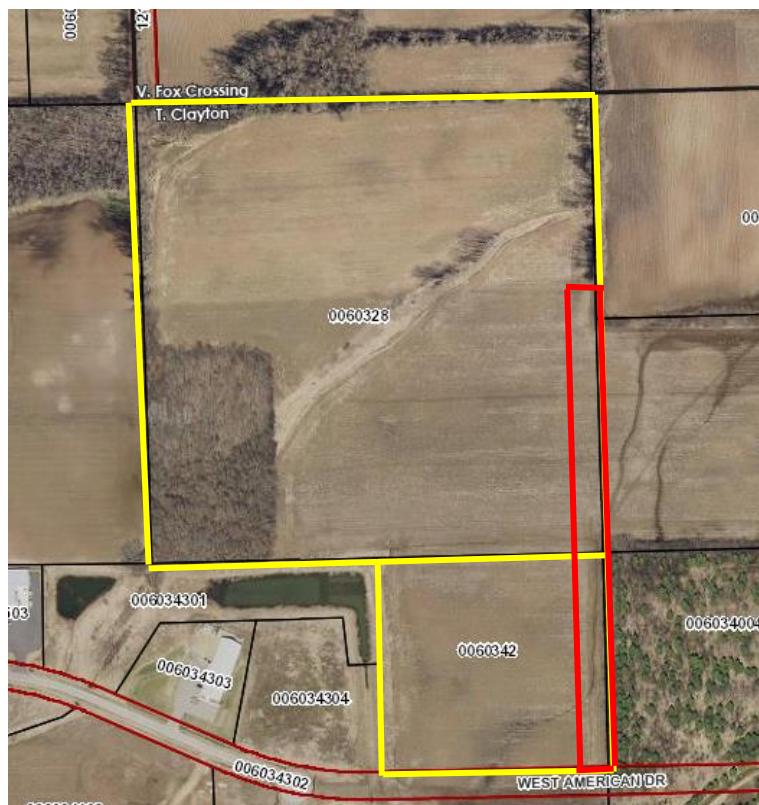
# PLANNING COMMISSION MEMO

**Date:** July 12, 2021  
**To:** Village Planning Commission Members  
**From:** Department of Community Development Staff  
**RE:** Communications 2 - Informational Extraterritorial Certified Survey Map Eagle Heights Drive

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## Overview

This Certified Survey Map (CSM) is informational only since the Village waived its rights to extraterritorial reviews of land in the Town of Clayton. These properties are located along the North right-of-way line of West American Drive in the Town of Clayton. The parcel IDs are 0060328 containing 40.00 acres of land and 0060342 containing 9.26 acres. The Town of Clayton would like to add a new road that is dedicated to the public from the southeast corner of parcel #0060342 north to a cul-de-sac in parcel #0060328. This road will be named "Eagle Heights Drive" and will take a total of 2.496 acres from the combined parcels. Below is the location map where the yellow line shows the original parcels and the red line shows where Eagle Heights Drive will be. The CSM is on the second page.



## Review Process

Land divisions in extraterritorial areas in the Town of Clayton unlike other Towns adjacent to the Village are advisory only. Staff does find that this CSM complies with the Village of Fox Crossing's Chapter 419 Land Division Ordinance with the following condition:

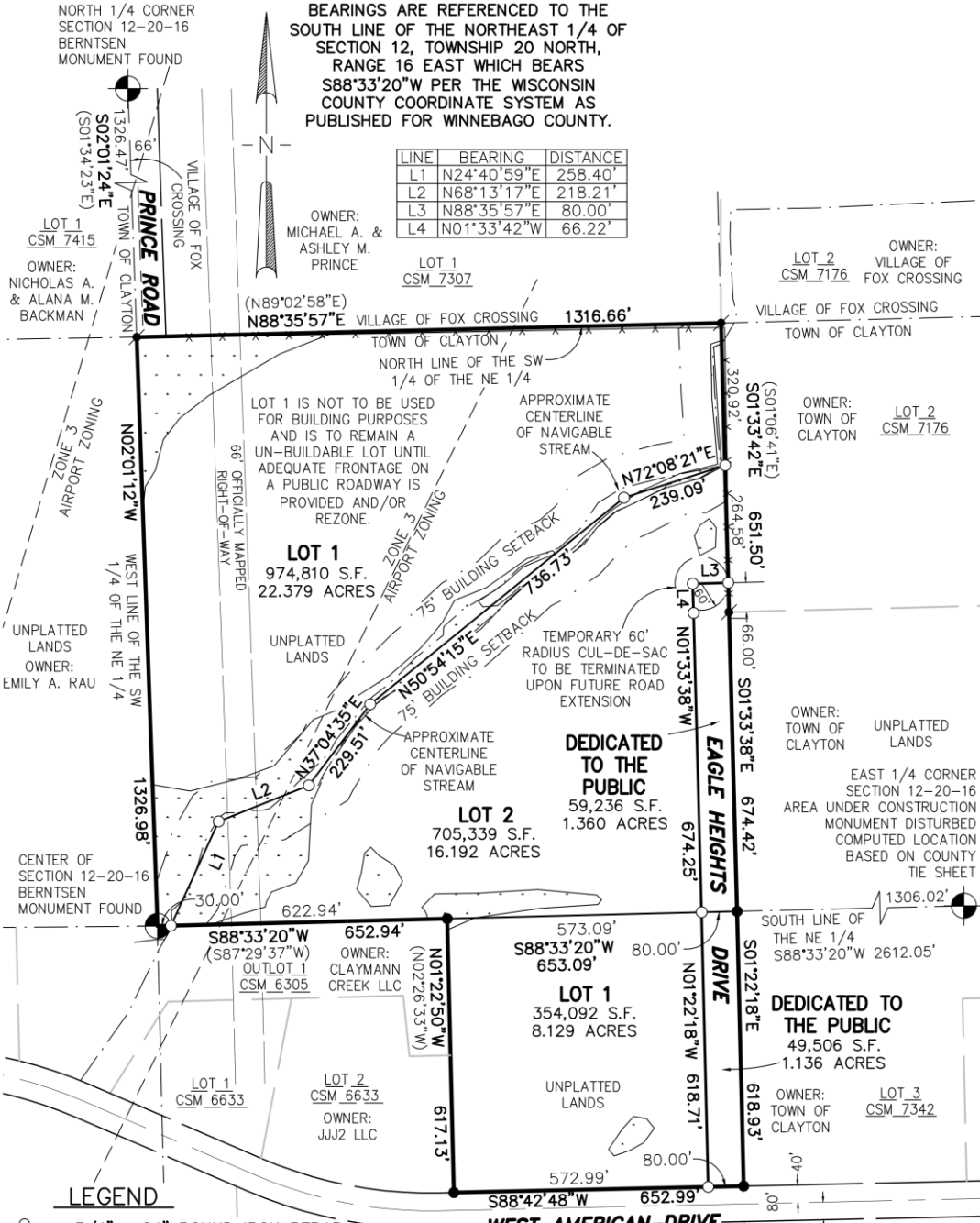
1. The applicant shall provide the Village with a copy of the recorded CSM.

CERTIFIED SURVEY MAP NO. \_\_\_\_\_ SHEET 1 OF 4  
 A L OF 1/4 THE SOUTHWEST 1/4 OF 1/4 THE NORTH EAST 1/4 AND  
 A PART OF NORTHWEST 1/4 OF THE SOUTHEAST 1/4  
 OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 16 EAST,  
 TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 16 EAST WHICH BEARS  $S88^{\circ}33'20''W$  PER THE WISCONSIN COUNTY COORDINATE SYSTEM AS PUBLISHED FOR WINNEBAGO COUNTY.

LINE	BEARING	DISTANCE
L1	$N24^{\circ}40'59''E$	258.40'
L2	$N68^{\circ}13'17''E$	218.21'
L3	$N88^{\circ}35'57''E$	80.00'
L4	$N01^{\circ}33'42''W$	66.22'

cskalkofen, w:\PROJECTS\CO223\092100286\08 strafe line, csm\CAUD\Civil3D\Survey Documents\CSM\STRAW LANE CSM REV.dwg, sheet 1, Plot Date: 6/14/2021 10:56 AM, xrefs: (hyperlink) \co-winnebago\_2016\_03\_officialmapdrawextensions)



- LEGEND**
- - 3/4" x 24" ROUND IRON REBAR WEIGHING 1.5 lbs./lineal ft. SET
  - - 3/4" ROUND STEEL REBAR FOUND
  - - 1" IRON PIPE FOUND
  - ⊙ - CERTIFIED LAND CORNER WINNEBAGO COUNTY
  - ( ) - RECORDED BEARING AND/OR DISTANCE
  - S.F. - SQUARE FEET
  - - - - APPROXIMATE WETLAND LIMITS PER WETLAND DELINEATION REPORT BY MARTENSON & EISELE, INC. DATED AUG. 28, 2018

LOT 1 CSM 7607 OWNER: KUNES APPLETON PROPERTIES LLC

300 150 0 300

SCALE - FEET

U.S.H. "10"

FOR: -TOWN OF CLAYTON  
 -8348 COUNTY ROAD T  
 -LARSEN, WI 54947  
 -PHONE: 920-836-2007