

**VILLAGE OF FOX CROSSING
PLANNING COMMISSION MEETING
WEDNESDAY, DECEMBER 8, 2021 @ 5:15 PM
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – October 20th, 2021

PUBLIC HEARING

1. Tax Increment District #5
2. Overlay District for Parcel #12104710101
3. Rezoning of Parcel #1214813

OLD BUSINESS

None

NEW BUSINESS

1. Tax Increment District #5
2. Overlay District for Parcel #12104710101
3. Rezoning of Parcel #1214813
4. CSM – 1403 Ridgeway Drive

OTHER BUSINESS

1. Development Activity Report

COMMUNICATIONS

None

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. 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, OCTOBER 20th, 2021 at 5:15 PM
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE

CALL TO ORDER: Chairman Jochman called the Planning Commission meeting of October 20th, 2021 to order at 5:15 pm.

PRESENT: Chairperson: Chair Dennis Jochman
 Commissioners: Mr. Aaron Sabel*,
 Mr. Morris Cox,
 Mr. James Zielinski,
 Ms. Tracy Romzek,
 Mr. Michael Scheibe
 *attended virtually

 Excused: Mr. Tom Young

 Staff: Community Development Director George Dearborn
 Associate Planner Farrah Yang
 Village Manager Jeff Sturgell

 Other: Dale Youngquist, Village President
 Eric Omdel, 1887 Eagle Drive
 Michael Van Abel

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – September 15th, 2021

A motion was made by Mr. Zielinski, and seconded by Ms. Romzek to approve the meeting minutes of Wednesday, September 15th, 2021 with minor corrections.

The motion carried 6-0.

PUBLIC HEARING

- 1. Reduced Setback Overlay District

A motion was made by Mr. Zielinski, seconded by Mr. Cox, to open the public hearing for the Reduced Setback Overlay District.

The motion carried 6-0.

Director Dearborn said that this has been an issue for a while especially in older parts of the industrial areas where buildings were built before ordinances and provisions. This overlay district will apply to properties that cannot meet certain setbacks. This will prevent tearing down older buildings that are still in good conditions just to meet current requirements and allow those buildings to make improvements. He also mentioned that other cities have zero setbacks all the way to the sidewalks. This will be a case by case matter.

A motion was made by Mr. Scheibe, seconded by Mr. Cox, to close the public hearing for the Reduced Setback Overlay District.

The motion carried 6-0.

Chairman Jochman recused himself and Mr. Scheibe took over to Chair the meeting.

2. Personal Storage Amendment

A motion was made by Mr. Zielinski, seconded by Mr. Cox, to open the public hearing for the Personal Storage Amendment.

The motion carried 5-0.

Director Dearborn said that the Village amended its ordinance not too long ago for personal storage buildings where they would have to include a commercial component if they are located within less than a mile of another personal storage facility. There are still areas where water and sewer does not reach, especially in the area near Belaire Road where the residences there are having failed well and septic systems. This amendment adds provision that if this area cannot get water and sewer yet, a private well and septic system can be installed but they are required to abandon that system and connect within a year when water and sewer becomes available. Installing holding tank could be an alternative and this amendment preserves the original provision.

Eric Omdel, 1887 Eagle Drive, said that he wants to purchase a piece of property and do a combination of commercial contractor type units and personal storage. The piece of property has not brought a lot of value and the code right now makes it impossible to move forward and for anyone to develop this property. He said he would be happy to meet the requirement for this ordinance but his preference would be to sign something that says he will connect to water and sewer when it becomes available without having to do well and septic. However, he would like holding takes to be considered. He is in favor of this amendment or if there is an alternative path forward.

Director Dearborn said that when a new private home comes in, there is a specific provision that they have to connect when water and sewer becomes available. This is not the same but the Village does require a 10% provision.

Mr. Omdel clarified that the 10% provision requires that 10% of the development has to include a functionality that uses water and sewer.

Mr. Scheibe asked where the piece of property is that Mr. Omdel is trying to acquire.

Mr. Omdel explained it was off of County BB just east of CB and is 7 acres.

Director Dearborn added that there are currently two personal storages to the left of it already.

Ms. Romzek asked how far water and sewer is from the property.

Ms. Yang said that it stops at Secura coming from the south and it stops at Cold Spring coming from the east.

Mr. Jochman, 1250 Whippetree Lane, said that the systems by Belaire Court are failing. There are wetlands in the area and it is a hard piece of property to deal with because extending water and sewer would be very costly.

Mr. Cox asked about mounded the system and more specifics about the property.

Ms. Romzek reminded everything that the amendment is a general amendment and not specific about this particular parcel.

Mr. Omdel added that he is not expecting to bring in a lot of fill and does intend to put in a stormwater pond.

Mr. Jochman asked that the wording for the amendment be changed to include holding tanks as an alternative which costs less than septic mound system.

Director Dearborn said the disadvantage of holding tanks is pumping it, but mound systems are very expensive.

A motion was made by Mr. Cox, seconded by Ms. Romzek, to close the public hearing for the Personal Storage Amendment.

The motion carried 5-0.

OLD BUSINESS

None

Mr. Jochman returned to Chair the meeting.

NEW BUSINESS

1. Reduced Setback Overlay District

Mr. Jochman said that this is something that has come up before and now this particular project needs it.

Director Dearborn clarify that this is just an amendment, not specifically creating an overlay for the specific district. No one has applied for anything yet.

A motion was made by Mr. Scheibe, seconded by Mr. Cox, to approve the Reduced Setback Overlay District.

The motion carried 5-0.

Chairman Jochman recused himself and Mr. Scheibe took over to Chair the meeting.

2. Personal Storage Amendment

Director Dearborn encourage discussion to clarify whether a holding tank could be included in this amendment. He said a septic is preferred but its understanding able that there are areas that would be difficult to put a raised system. He said that holding tanks would not be encouraged but only in this situation with a personal storage.

A motion was made by Ms. Romzek, seconded by Mr. Cox, to approve the Personal Storage Amendment.

The motion carried 5-0.

Mr. Jochman returned to Chair the meeting.

OTHER BUSINESS

1. Development Activity Report

Director Dearborn said that there were four single-family homes, two duplexes, and now up to three commercial buildings. There is a total of 35 single-family homes for this year. This year is well above for single-family but last year had more commercial. Construction values are less by \$0million but the school has not come in yet. School is just construction value and not taxable value. There should be another multi-family coming soon on West American Drive.

COMMUNICATIONS

1. Sustainability Committee Report

Director Dearborn said that the Electronic Recycling event happened. There was a discussion on Community Gardens and wrapping up the season. Recycling and Stormwater materials were handed out at the Electronic Recycling event.

Mr. Zielinski asked about the fee for the Electronic Recycling event.

Ms. Romzek clarified that the company "Recycling That Stuff" are the people who does the most work at the events and it is their vehicles that are hauling those things away.

PUBLIC FORUM

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

The motion carried 6-0.

6:03 p.m.
Plan Commission
October 20th, 2021 Minutes
Farrah Yang, *Recording Secretary*

PLANNING COMMISSION MEMO

Date: December 1, 2021
To: Village Planning Commission Members
From: Department of Community Development Staff
RE: Agenda Item #1 – Tax Incremental District (TID) #5

Overview

This our fifth Tax Incremental District. Below are the specifics of the project. Attached is also the approval resolution and the Project Plan to this memo.

DEVELOPER AGREEMENT & TID #5 TALKING POINTS

1. The Developer, Mr. Michael Coppens, desires to construct a new multi-family residential project at the southwest corner of the intersection of Clayton Avenue and East Shady Lane in the Village of Fox Crossing.
2. Developer warrants and represents to the Village that the Project will contain at least 200 residential units, with Project improvements achieving an assessed value of at least \$5,000,000 (or \$20,000,000 to achieve the highest level of developer incentive from the Village).
3. Developer anticipates that construction of the Project will commence in May 2022, and that the Project will be completed by December 31, 2028.
4. Developer warrants and represents to the Village that but for the developer incentive being provided by the Village that the Developer would not proceed with the project.
5. The Village will provide a development investment in a tiered amount based on the lessor amount of the following schedule:
 - a. Three Million Five Hundred Thousand Dollars (\$3,500,000); or
 - b. A percentage of the equalized value growth (from January 1 of the year the project is first fully assessed, minus the base value of the property on January 1 of 2022) based on the following schedule:

i. \$20,000,000 or greater	15.0%
ii. \$15,000,000 to \$19,999,999	12.5%
iii. \$10,000,000 to \$14,999,999	10.0%
iv. \$5,000,000 to \$9,999,999	5.0%
v. \$0 to \$4,999,999	0.0%
 - c. Should the Project reach full completion with equalized value growth \$20,000,000 or greater by December 31, 2027, then a 2.5% premium is added to the development incentive (i.e. the development incentive will be 17.5%).
6. The Village shall pay the development incentive to the Developer in annual installments—each annual installment shall be equal in amount to ninety percent (90%) of the Tax Increments attributable to and actually received from the property during the proceeding calendar year.
7. Developer incentive will be paid off in 13 years with proceeds from the increment.
8. The Development Agreement will be contingent upon the successful creation of Tax Increment District #5.

9. The territory consists of 28.64 acres of land located at the southwest intersection of Clayton Avenue and East Shady Lane.
10. Developer is responsible, at Developer's cost, for the extension of water and sanitary sewer main utilities approximately 745 feet along East Shady Lane from Clayton Avenue westerly to the end of subject property.
11. The Project Plan for TID #5 includes \$1.5 million for the Village to conduct potential road, stormwater, water, and sanitary sewer improvements near the TID area. The TID is economically feasible.

RES #180620-1:PLAN

**A RESOLUTION DESIGNATING THE PROPOSED DISTRICT BOUNDARIES
AND APPROVING THE PROJECT PLAN FOR VILLAGE OF FOX CROSSING
TAX INCREMENT DISTRICT NO. 5**

WHEREAS, Section 66.1105 of the Wisconsin Statutes (the Tax Increment Law) provides the authority and establishes procedures for creating tax increment districts and approving project plans; and

WHEREAS, the Village of Fox Crossing Planning Commission did schedule, gave notice of and on December 8, 2021 held a public hearing, wherein interested parties were afforded a reasonable opportunity to express their views on the proposed creation of Tax Increment District No. 5, the Project Plan, and the district boundaries; and

WHEREAS, the Planning Commission, after due consideration of the findings of the Project Plan and testimony provided at the public hearing, has determined that creation of Tax Increment District No. 5 within the proposed boundaries described in Exhibit A, incorporated herein, will provide the Village of Fox Crossing the opportunity to promote mixed-use development and strengthen the economic well-being of the entire community by spurring creation of new jobs and tax base; and

WHEREAS, the Village of Fox Crossing Attorney has provided a written opinion that the Project Plan for Tax Increment District No. 5 contains the necessary information, is complete and complies in all respects with the requirements of Section 66.1105 of the Wisconsin Statutes; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, before the Village Board may create a tax increment district, the Planning Commission must designate the boundaries of said district, approve the project plan of said district, and submit to the Village Board its recommendation concerning the creation of said district.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the Village of Fox Crossing as follows:

1. That the Planning Commission hereby designates the boundaries specified in Exhibit A, incorporated herein, as the boundaries of Tax Increment District No. 5, and recommends that said district be created by the Village Board of the Village of Fox Crossing within the area enclosed by said boundaries.
2. That the Planning Commission hereby adopts such Project Plan for Tax Increment District No. 5, incorporated herein as Exhibit B, and recommends to the Village Board of the Village of Fox Crossing that it approve such Project Plan.
3. That the Planning Commission finds that the creation of Tax Increment District No. 5 promotes the economic well-being and orderly development of the Village and hereby recommends that the Village Board of the Village of Fox Crossing adopt a resolution and thereby formally create Tax Increment District No. 5 and approve its Project Plan in accordance with the provisions of the Tax Increment Law.

Planning Commission: _____ Aye _____ Nay _____ Excused _____ Abstained

ADOPTED this 10th day of January, 2022

Village of Fox Crossing Officials

PROJECT PLAN

TAX INCREMENTAL DISTRICT NO. 5

VILLAGE OF FOX CROSSING

Draft November 11, 2021

Village Board

Dale A. Youngquist, Village President
Michael Van Dyke, Trustee 1
Kris Koeppe, Trustee 2

Village of Fox Crossing

Joint Review Board Organizational Meeting:	November 18, 2021
Public Hearing:	December 8, 2021
Tax Increment District Creation Resolution Approval:	January 10, 2022
Joint Review Board Final Approval:	January XX, 2022

Gregory Ziegler, Trustee 3
Mark Englebert, Trustee 4
Dale McNamee, Trustee 5
Barbara Hanson, Trustee 6

Village Staff

Jeffrey Sturgell, Village Manager
Darla M. Fink, Village Clerk
Myra Piergrossi, Finance Director
George Dearborn, AICP, Director of Community Development
Farrah Yang, Associate Planner

Planning Commission

Dennis Jochman, Chair
Morris Cox
Michael Scheibe
James Zielinski
Tracy Romzek
Aaron Sabel
Thomas Young

Joint Review Board

Dale A. Youngquist, Village Representative
Jon Doemel, Winnebago County
Amy Van Straten, Fox Valley Technical College
Jon Joch, Neenah Joint School District
Bill Breider, Public Member

PROJECT PLAN - SUMMARY FINDINGS

TAX INCREMENTAL DISTRICT NO. 5 – VILLAGE OF FOX CROSSING

District Name: Tax Incremental District No. 5 – Village of Fox Crossing

Location: A 28.64 acre parcel bounded by East Shady Lane on the north side and Clayton Avenue on east as shown on the location map attached to this project plan.

Effective Date: January 10, 2022

Purpose: Promote mixed use development to strengthen the economic well-being of the entire community, by spurring creation of new jobs and tax base.

Project Costs: \$5.0 million of public investment in site grading, water and sanitary sewer system improvements, storm water management system improvements, electric service, gas service, communications infrastructure, street improvements, lighting, sidewalks, professional and organizational services, administrative costs, finance costs, and developer cash grants as appropriate.

Project Financing: General Fund transfers to be replenished from property tax increments; developer's borrowing with repayment partially funded from cash grants derived from property tax increments; and the issuance of General Obligation and/or Revenue notes to fund infrastructure improvements with repayments possibly funded from property tax increments.

Projected Revenues: Village of Fox Crossing Tax Incremental District No. 5 is projected to generate from \$20 to \$25 million of new tax base through its maximum life period (expiring in 2042). It will generate an estimated \$7.5 to \$8.5 million in tax increment during that same period.

Economic Feasibility:

Wisconsin law provides that Tax Incremental Districts created for mixed use development purposes are allowed up to 15 years to pay for project costs and up to 20 years to collect incremental tax revenue. Based on projected expenditure and revenue levels, all obligations of Tax Incremental District No. 5 will be paid in full during calendar year 2039. Upon closure and dissolution of the District, all accrued and unencumbered increments will be promptly distributed among the local taxing entities (School District, County, Technical College District, and Village). From that point forward, the tax base that was created as a result of the investment in the District will benefit all the taxing entities and all future tax revenues will be distributed directly to them.

TAX INCREMENTAL DISTRICT NO. 5 – VILLAGE OF FOX CROSSING PROJECT PLAN

1. Intent and Purpose

Tax Incremental District No. 5 (the “District”) is being created by the Village of Fox Crossing (the “Village”) under the authority granted it by Wisconsin Statutes §66.1105 “Tax Increment Law.” The purpose for creating the District is to promote mixed use development consistent within the meaning of state and local law, and in conformance with the community’s Comprehensive Plan. The District boundaries, as shown in Figure 1, are generally bounded by single-family residential and East Shady Lane on the north, Clayton Avenue on the east, single-family residential and vacant agricultural property to the south, and vacant agricultural property on the west. The District consists of 28.64 acres. A map of existing uses and conditions in the District is illustrated in Figure 2.

The Village of Fox Crossing encourages and promotes the vitality of the community through initiatives intended to generate new jobs and tax base, while diversifying the local economy. Providing greater employment opportunities and expanding the Village’s tax base helps relieve the tax burden of residents and homeowners. The property to be included in the District is appropriately designated in the “Village of Fox Crossing-Winnebago Comprehensive Plan 2003-2023” for development of commercial/light industrial and mixed uses. By creating a Tax Increment District, the Village will be able to assist with site grading, water and sanitary sewer system improvements, storm water management system improvements, electric service, gas service, communications infrastructure, street improvements, lighting, sidewalks, professional and organizational services, administrative costs, finance costs, and developer cash grants as appropriate. The public investment in the District will promote business expansion and attraction; improve the overall function and appearance of public right-of-way; and, strengthen the economic well-being of the entire community by spurring creation of new jobs and increasing the tax base.

2. Statement of Proposed Costs, Public Works and Improvement Projects

Proposed project activities in the District are listed below. Any costs directly or indirectly related to the project activities are considered project costs eligible to be paid with tax increment revenues generated in the District. Project activities could include, but are not limited to:

- Site development activities including, but not limited to, soil stripping, remediation, erosion controls, filling, grading, landscape screens or buffers, and associated clearing and grading of land.
- Construction and/or reconstruction of sanitary sewer collection systems including, but not limited to, sewer mains, manholes, laterals, force mains, lift stations, and related appurtenances.
- Construction and/or reconstruction of water distribution systems including, but not limited to, water mains, valves, hydrants, service connections, laterals, and related appurtenances.
- Construction and/or reconstruction of public streets and roadways including, but not limited to, right-of-way acquisition, grading, gravel base, curb and gutter, asphalt and/or concrete paving, walkways, terrace grading and seeding, street trees, streetlights, traffic signals, signage, and related appurtenances.
- Construction and/or reconstruction of roadway access improvements, including, but not limited to, roundabouts, intersection improvements, turn lanes, medians, acceleration/deceleration lanes, streetlights, traffic signals, signage, and related appurtenances.
- Construction and/or reconstruction of storm water drainage facilities including, but not limited to storm sewer mains, manholes, inlets, drains, conveyance systems, acquisition of land and construction of retention or detention basins and ponds, and related appurtenances.
- Installation and/or relocation of electric, gas, phone, fiber, and cable service, and the acquisition of associated equipment to service the District.
- Financing costs including, but not limited to, interest, finance fees, bond discounts, redemption premiums, legal opinions, credit ratings, capitalized interest, insurance, and other related expenses.
- Administrative expenses including, but not limited to, reasonable charges for the time spent by Village employees, contracted service providers, consultants, or other professionals directly involved in the implementation of the Project Plan; the costs of conducting traffic impact studies, other necessary studies, publication fees, printing expenses, and fees for financial consultants, attorneys, engineers, planners, surveyors and other service providers; promotion and marketing costs including, but not limited to, professional marketing services, recruitment, promotional services and materials, advertising expenses, and administrative support costs; and, audit costs and other expenses associated with closure and dissolution of the District.
- Environmental audit and remediation costs, if any, related to environmental assessments, the removal, containment, or restoration of soil or groundwater, and associated clearing and grading of land.

- Project costs that are incurred for territory located outside the boundaries of the District. In accordance with Wisconsin Statutes §66.1105(2)(f)1.n, a proportionate share of costs for projects within a one-half mile radius of the District’s boundaries may be included as project costs of the District, to the extent that they benefit the District.
- Payments made at the discretion of the Village including, but not limited to, payments that are found to be necessary and convenient to the creation of the District or the successful implementation of the Project Plan including payments to developers to assist with the forgoing activities.

A detailed annual list of proposed public works and improvements is provided in Table 1. The locations of proposed improvements and uses of the District are illustrated in Figure 3. Project costs as outlined in the Project Plan consist of any eligible expenditures made or expected to be made, or monetary obligations incurred or expected to be incurred by the Village or private developers. Project costs, if any, incurred by private developers must be in conformance with development agreements as approved by the Village. Project costs will be offset by any investment proceeds, land sales proceeds, or revenues other than tax increments. All project costs identified in the Project Plan are based on preliminary estimates, and are subject to change upon completion of design engineering. Prorated costs in the Project Plan are also based on preliminary estimates, and are subject to change based upon actual contract amounts and project implementation. There are no anticipated non-project costs within the District.

The Village intends to finance project costs through General Fund, third-party financing arranged by the developer, and the issuance of General Obligation debt and/or Revenue Bonds by the Village. Full or partial reimbursement will be primarily funded from property tax increments generated by new tax base growth in the District. Additional revenue sources will include investment proceeds or other revenues. The Village reserves the right to use alternate financing instruments as may be appropriate to ensure the successful implementation of the Project Plan.

Proposed project costs are for those projects identified at the time the District was created. Future development and infrastructure needs may dictate additions or deletions to the project costs schedule. The Village reserves the future right to approve project cost additions or deletions, to the full extent allowed by State law. The Village also reserves the right to implement only those projects that remain economically viable as the eligible expenditure period proceeds in the future.

**Table 1
Schedule of Public Works & Improvements and Project Costs**

Project Description Estimated Timing	Total Cost	
• Developer Cash Grants	\$3,500,000	2022-2036
• Municipal Infrastructure Improvements	\$1,500,000	2022-2039
• Administrative Expenses	\$ 10,0000	2022-2039

2022-2039	TOTAL	\$5,010,000
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3. Changes in Zoning Ordinances, Master Plan, Building Codes, Maps, Ordinances

The property to be included in the District is appropriately zoned and designated in the “Village of Fox Crossing Comprehensive Plan 2018-2038” for development of commercial uses. Various public road and utility improvements will occur in this District. No changes to building codes are proposed.

4. Orderly Development of the Village

Creation of the District generally contributes to the orderly development of the Village by supporting business expansion, improving the overall function and appearance of public right-of-way, and strengthening the economic well-being of the entire community by spurring creation of new jobs and tax base. Creation of the District specifically contributes to the orderly development of the Village by making the subject mixed-use project possible, the creation of additional mixed-use development being a goal of the Village Board.

5. Relocation

In the event relocation of persons or businesses would be necessary in the implementation of the Project Plan, the Village would act in accordance with the procedures, payments and benefits as required by Wisconsin Statutes §32. At this time, there is no known necessity to relocate persons or businesses.

6. Economic Feasibility

Based on projected expenditure and revenue levels, all obligations of Tax Incremental District No. 5 will be paid in full during calendar year 2039, the 17th year of the District. Consequently, the District is economically feasible. Any unpaid obligations of Tax Increment District No. 5 upon closure and dissolution will be forgiven in accordance with the terms of a development agreement.

Projected tax base and growth of the District along with the financing and feasibility plan is provided in Appendix A. Parcel base values are detailed in Appendix B.

Upon closure and dissolution of the District, all accrued and unencumbered increments will be promptly distributed among the local taxing entities (School District, County, Technical College District, State, and Village). Following closure and dissolution, projected after the 17th year of the District, the tax base that was created as a result of the Village’s investment in the District will benefit all the taxing entities and all future tax revenues will be distributed directly to them.

Recognizing that all taxing entities involved in the District will accrue significant long-term benefits from the projected success of Tax Increment District No. 5 the Village acknowledges that each entity is also a continuing partner in that they will forego tax benefits on new development in the District until such time as it is dissolved.

Assumptions applied in preparing the financing/feasibility plan of the District were:

- The base value of the District is \$716,000, which was the equalized value of real property within the District boundaries on January 1, 2022.
- Property value is assumed to appreciate at a rate of 3.0% annually throughout the life of the District.
- The equalized tax rate is projected at \$18.00 for 2022, and is assumed to remain level at \$18.00 and continuing throughout the life of the District.

7. Statutory Findings

The following findings provide evidence of compliance with statutory requirements and eligibility for creation of the District under Wisconsin Statutes §66.1105:

- In accordance with §66.1105(4)(gm)4.a., as of the date of creation of the District, not less than 50%, by area, of the real property within the District, is suitable for mixed uses within the meaning of §66.1101.
- In accordance with §66.1105(4)(gm)4.b., the project costs detailed in the Project Plan will enhance significantly the value of all real property in the District, as documented in Appendix A.
- In accordance with §66.1105(4)(gm)4.bm., the project costs of the public works and improvements detailed in the Project Plan (Table 1) directly serve to promote mixed-use development, consistent with the purpose for which the District is created.
- In accordance with §66.1105(4)(gm)4.c., as of January 1, 2021, the total equalized value of the Village was \$2,029,944,500, indicating that the maximum allowable equalized value of real and personal property proposed to be included as base value in Tax Incremental District No.5 may not exceed the following:

\$243,593,340	12% of Village's total equalized value
- \$ 33,278,000	Value increment of TID #1
- \$ 53,533,200	Value increment of TID #2
- \$ 67,342,000	Value increment of TID #3
- \$ <u>899,600</u>	Value increment of TID #4
\$ 88,540,540	Maximum value allowed

The base value for Tax Incremental District No. 5 has been estimated at \$716,000 which is well under the maximum allowable amount.

- In accordance with §66.1105(4m)(b) and (c), the Village has presented sufficient proof for a Joint Review Board finding that, but for the use of tax increment financing to overcome excessive infrastructure improvement and property assembly costs, and due

to the competitive economic development climate that exists, the development proposed for the District would not occur as proposed, with the same level of value, or within the same timeframe.

Figure 1
Village of Fox Crossing Tax Incremental District # 5
District Boundaries

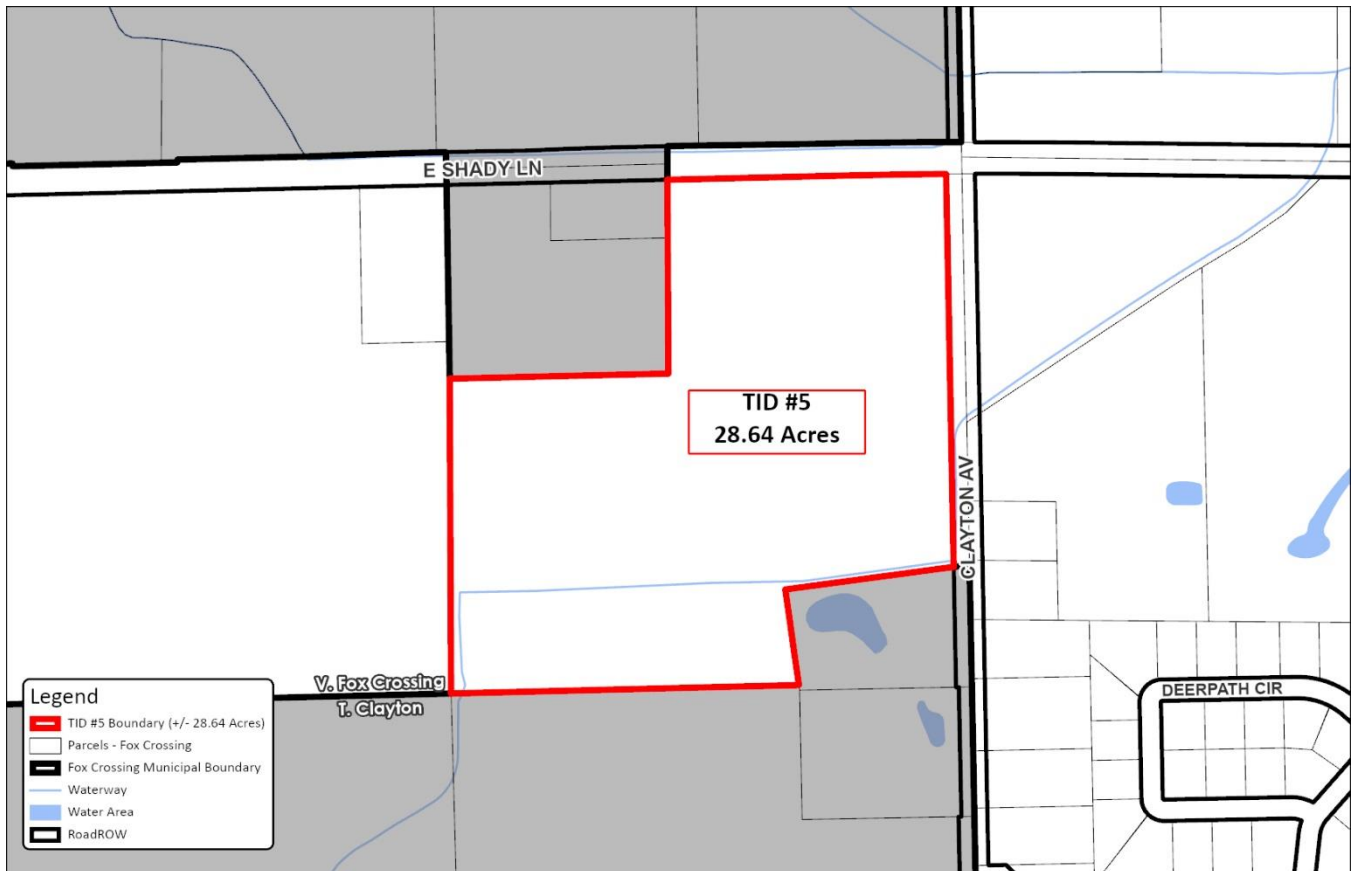


Figure 2 Village of Fox Crossing District # 5 Existing Uses and Conditions

The TID is undeveloped. The surrounding property is a mix of agricultural land and single-family residential uses as shown on the map below.

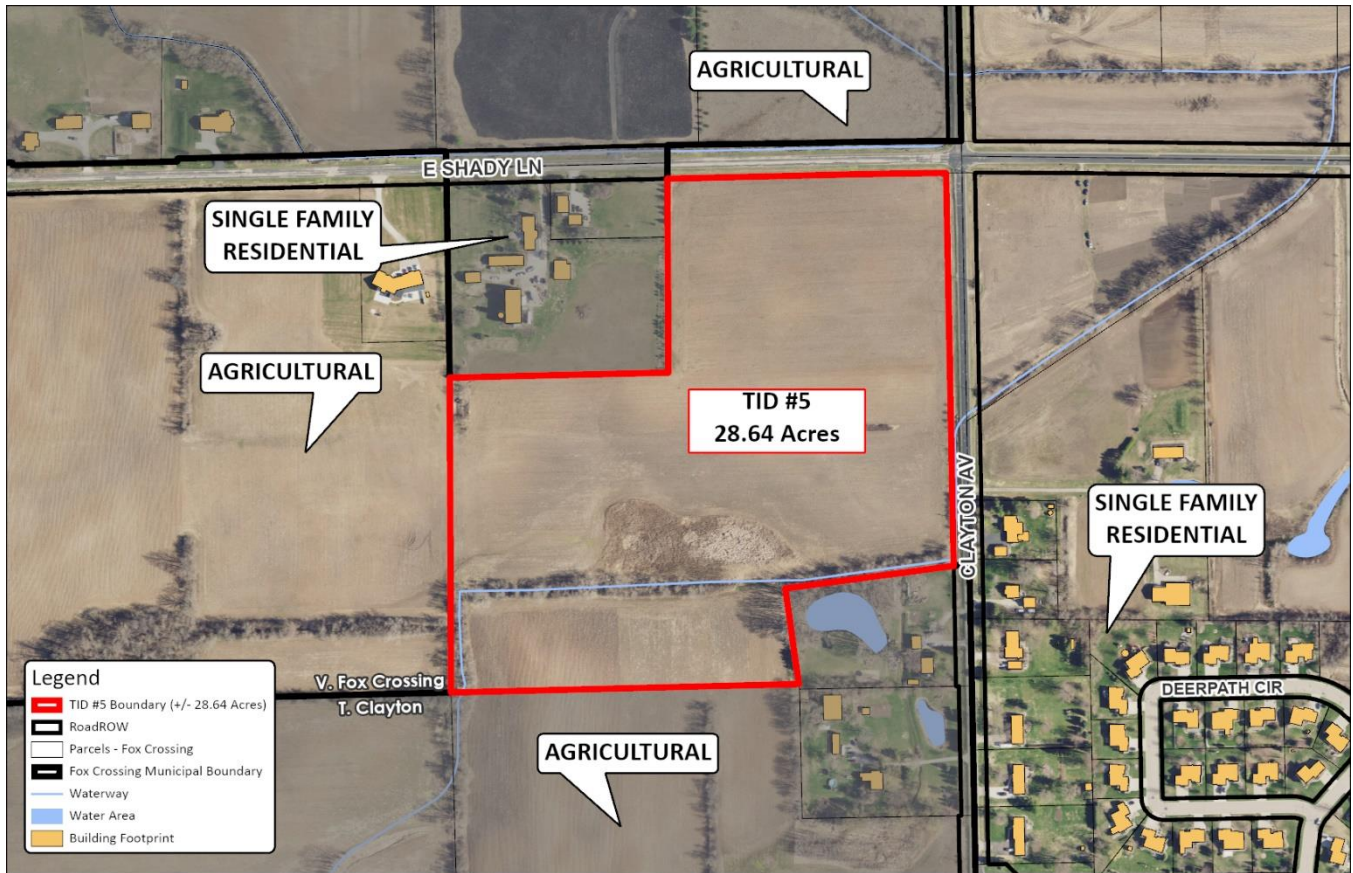
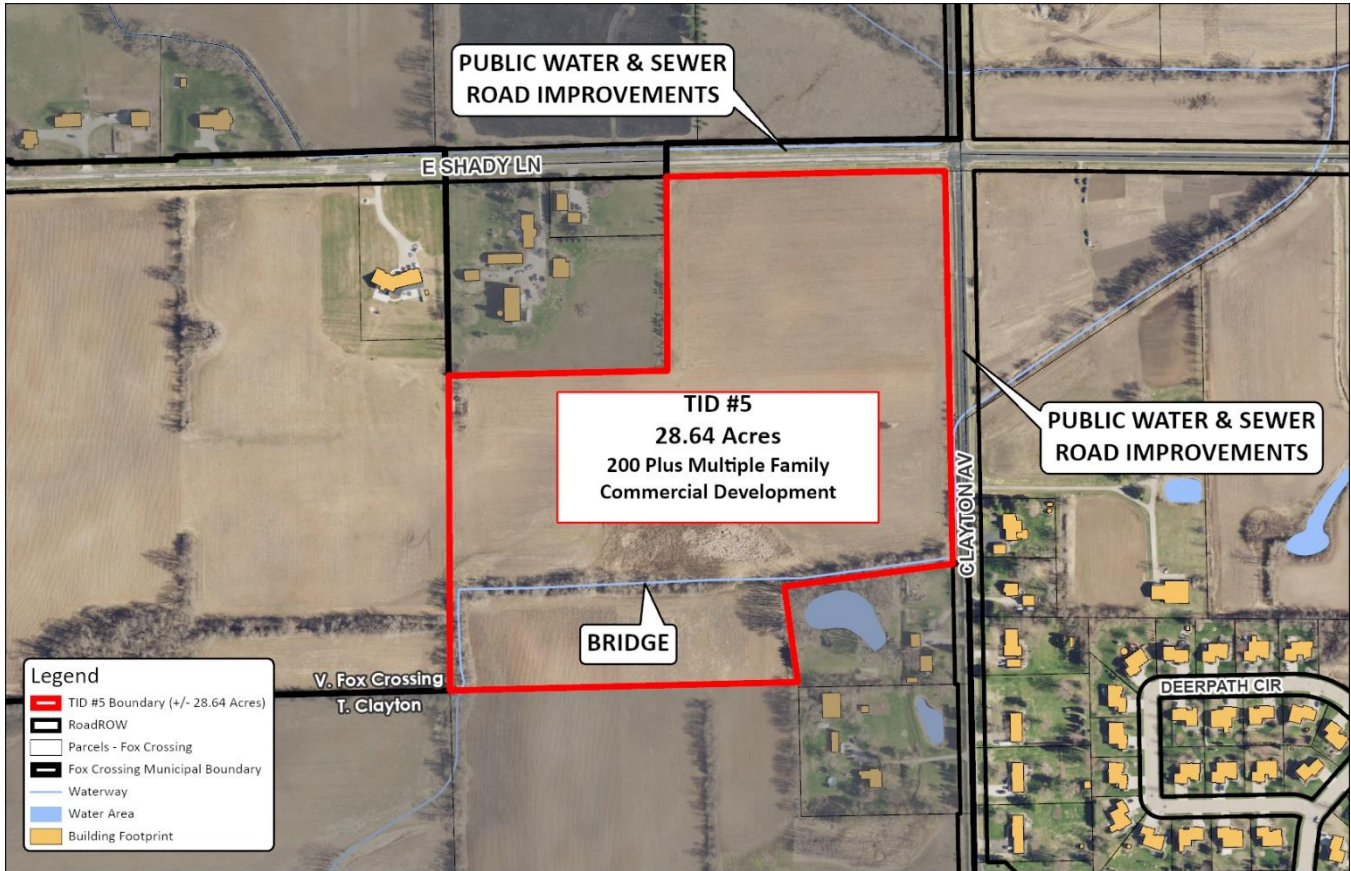


Figure 3
Village of Fox Crossing Tax Incremental District # 5
Proposed Improvements and Uses



Appendix A Tax Base and Feasibility

Village of Fox Crossing Tax Increment District #5 Cash Flow Proforma Analysis

Assumptions									
					3.00%				
					\$18.00				
					0.00%				
					0.25%				
Background Data									
Year	(a)	(b)	(c)	(d)	(e)				Year
						Revenues			
						(f)	(g)	(h)	
						Tax Revenue	Investment Proceeds	Total Revenues	
(January 1)									
Base Value									
\$716,000									
						(1)			
2022	\$716,000	\$21,480	\$3,000,000	\$3,021,480	\$18.00	\$0	\$0	\$0	2022
2023	\$3,737,480	\$112,124	\$3,000,000	\$6,133,604	\$18.00	\$0	\$0	\$0	2023
2024	\$6,849,604	\$205,488	\$3,000,000	\$9,339,093	\$18.00	\$54,387	\$0	\$54,387	2024
2025	\$10,055,093	\$301,653	\$3,000,000	\$12,640,745	\$18.00	\$110,405	\$0	\$110,405	2025
2026	\$13,356,745	\$400,702	\$4,000,000	\$17,041,448	\$18.00	\$168,104	\$0	\$168,104	2026
2027	\$17,757,448	\$532,723	\$4,000,000	\$21,574,171	\$18.00	\$227,533	\$0	\$227,533	2027
2028	\$22,290,171	\$668,705		\$22,242,876	\$18.00	\$306,746	\$0	\$306,746	2028
2029	\$22,958,876	\$688,766		\$22,931,643	\$18.00	\$388,335	\$0	\$388,335	2029
2030	\$23,647,643	\$709,429		\$23,641,072	\$18.00	\$400,372	\$0	\$400,372	2030
2031	\$24,357,072	\$730,712		\$24,371,784	\$18.00	\$412,770	\$0	\$412,770	2031
2032	\$25,087,784	\$752,634		\$25,124,417	\$18.00	\$425,539	\$0	\$425,539	2032
2033	\$25,840,417	\$775,213		\$25,899,630	\$18.00	\$438,692	\$0	\$438,692	2033
2034	\$26,615,630	\$798,469		\$26,698,099	\$18.00	\$452,240	\$0	\$452,240	2034
2035	\$27,414,099	\$822,423		\$27,520,522	\$18.00	\$466,193	\$0	\$466,193	2035
2036	\$28,236,522	\$847,096		\$28,367,618	\$18.00	\$480,566	\$0	\$480,566	2036
2037	\$29,083,618	\$872,509		\$29,240,126	\$18.00	\$495,369	\$0	\$495,369	2037
2038	\$29,956,126	\$898,684		\$30,138,810	\$18.00	\$510,617	\$0	\$510,617	2038
2039	\$30,854,810	\$925,644		\$31,064,454	\$18.00	\$526,322	\$0	\$526,322	2039
2040	\$31,780,454	\$953,414		\$32,017,868	\$18.00	\$542,499	\$1,231	\$543,730	2040
2041	\$32,733,868	\$982,016		\$32,999,884	\$18.00	\$559,160	\$2,590	\$561,751	2041
2042	\$33,715,884					\$576,322	\$3,995	\$580,316	2042
			<u>\$12,999,884</u>	<u>\$20,000,000</u>			<u>\$7,542,170</u>	<u>\$7,816</u>	<u>\$7,549,987</u>

Type of TID: Mixed-Use

- 2022 TID Inception
- 2037 Final Year to Incur TIF Related Costs
- 2042 Maximum Legal Life of TID (20 Years)

(1) Per Village Estimates.

Appendix B

Parcel Base Equalized Values (Estimate for January 1, 2022)

<u>Parcel Number</u>	<u>Owner</u>	<u>Land Value</u>	<u>Improvements</u>	<u>Total</u>
121021007	Advanced Management, Inc.	\$716,000.00	0.00	\$716,000

Appendix C

Legal Description

Village of Fox Crossing TID # 5

This property is described as consisting of Lot 2 of CSM-7176 laying within Village of Fox Crossing per Annexation D1750892 (Balance in Town of Clayton-006-032703) all located within part of the northeast, northeast section of section 12, township 20 north, range 16 east all in Village of Fox Crossing, Winnebago County, Wisconsin consisting of 28.64 acres.

Appendix D

Attorney Letter Approval

800 N. Lyndale Dr.
Appleton, WI 54914
920.739.7344
Fax: 920.739.6412

Green Bay:
920.468.7344
Oshkosh:
920.785.0016

November 11, 2021

Village of Fox Crossing
Attn: Jeff Sturgell
2000 Municipal Drive
Neenah, WI 54956

RE: Opinion of the Village Attorney
Tax Incremental District No. 5
Project Plan
Village of Fox Crossing

Dear Mr. Sturgell:

This opinion relates to the compliance of the proposed Project Plan for Tax Incremental District No. 5 - Village of Fox Crossing, Winnebago County, Wisconsin, with the requirements of § 60.23(32) and § 66.1105(4)(f) and § 66.1105(4)(h) of the Wisconsin Statutes.

I have examined said Project Plan and find that it is complete and complies in all respects with the requirements of § 66.1105 of the Wisconsin Statutes. In particular it contains the following necessary information:

1. A statement as to how the creation of the Tax Incremental District promotes the orderly development of the Village.
2. A statement listing the kind, number and location of all proposed public works or improvements within the district or, to the extent provided by law, outside the district.
3. An economic feasibility study.
4. A detailed list of estimated project costs.
5. A description of the methods of financing all estimated project costs and the time when the costs or monetary obligations related thereto are to be incurred.

Alan D. BEHNENDER
John J. CLARKINSKI
John D. CLAYPOPE
Greg F. CURTIS
Richard T. ELWOOD
Gabriel D. GRABER
Paul A. HAMER
Kelly S. KIELY
Charles D. KOEHLER
Kevin LEINERMAN
Robert B. LUDWIG
Andrew J. ROSSMEISS
Kathryn C. SANDFORD
Krisco S. SCHEIDTMAN
Michael S. SEIDALL
OF COUNSEL
Dana R. HERRLING
Rogay W. CLARK

Christy J. HARTZHEM
-2021-2022
Law Practice - 1872-2021

6. A map showing existing uses and conditions of real property in the district.
7. A map showing proposed improvements and uses in the district.
8. Proposed changes in zoning ordinances, master plan, building codes and Village ordinances.
9. A statement of the proposed method for the relocation of any persons to be displaced.

Accordingly, it is my opinion that the Amendment complies with all statutory requirements.

Very truly yours,



Andrew J. Rossmeissl
Direct Dial: (920) 882-3219

AJR/ltn

PLANNING COMMISSION MEMO

Date: November 18, 2021

To: Village Planning Commission Members

From: Department of Community Development Staff

RE: Agenda Item #2 –Reduced Setback Overlay District for 1066 American Drive (Parcel #12104740101)

Overview

The applicant, Servpro, is applying to create a Reduced Setback Overlay District at 1066 American Drive on parcel # 12104740101. They will be moving into the building that was originally owned by Keyes and Sons and would like to make significant improvements to the front façade of the building. The building is older, built prior to the 90's when the County still had jurisdiction. Therefore, it currently does not meet the required 30 feet setback from the street property line. Servpro's improvements would make the building even more nonconforming.

The Village recognizes that many areas with older buildings have similar problems and recently adopted a Reduced Setback Overlay District ordinance for to allow businesses to make improvements. The overlay district is allowed in the following zoning districts: B-1 Neighborhood Business, B-2 Community Business, B-3 General Business, I-1 Light Industrial, and I-2 Heavy Industrial. The Reduced Setback Overlay District ordinance also has the following standards:

1. Minimum front yard – setback, none, unless off-street parking spaces are located between the right-of-way line and any buildings on the lot then a minimum of a ten-foot setback is required.
2. Minimum side yard – none, but subject to fire codes for the specific use.
3. Minimum rear yard – as per principal zoning district.
4. Height – as per principal zoning district.

Servpro is requesting this Reduced Setback Overlay District to allow a setback of 2 feet from the street property line. They plan to extend 29 feet wide of the front wall about 15 inches in depth towards the street property line, which would change the setback from the street property line to under 21 feet. Then the freestanding sign in front of the building will be adding an additional 2 feet to the top of the sign and an additional 5.5 feet to the pole of the sign. The sign would then leave only about 6 feet to the property line versus the original 12 feet. Below is the locator map of where this overlay district will be located. Pages 3 and 4 shows the improvements Servpro intends to do to the building and the current sign. Page 2 shows what it looks like now.



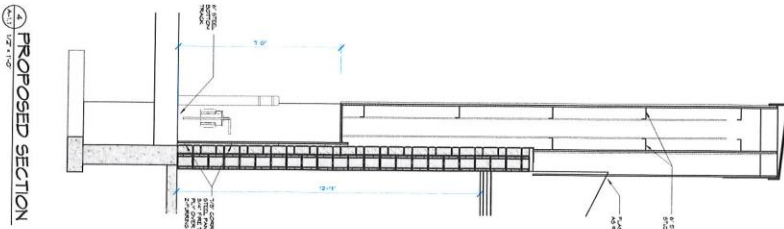
Recommendation

Staff feels that the improvements to the building will significantly improve the frontage of that area and recommends approval of this Reduced Setback Overlay District with the following conditions:

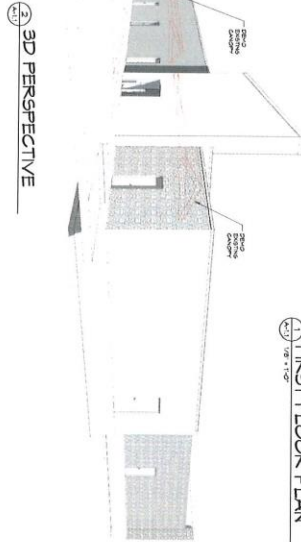
1. The front of this building shall not be used for parking or as a drive for vehicles. Signs or pavement marks shall be placed saying "no thru traffic" and "no parking" along the front of the building.
2. The Community Development Department shall be notified of any additional improvements to the building and site. The approval of these changes shall be at the discretion of the Community Development Department.
3. The width of the sign shall not pass the street property line located where the grass starts in front of the building.
4. Permits for the building and sign are required.
5. All projects shall comply with all other local, state, and federal regulations.

Current Building at 1066 American Drive

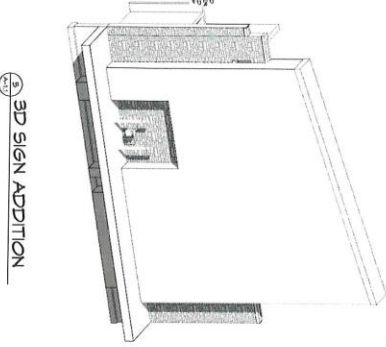




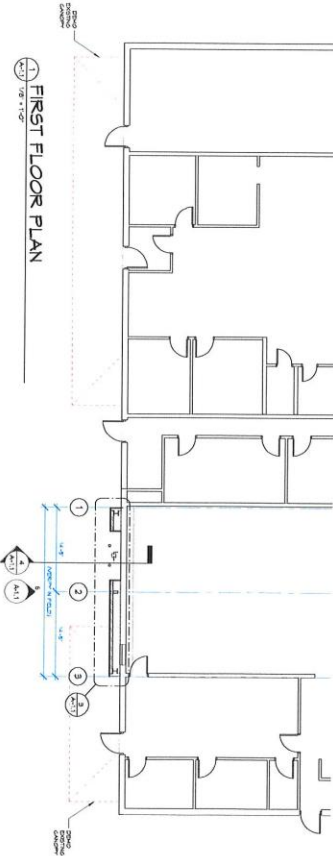
PROPOSED SECTION
1/2" = 1'-0"



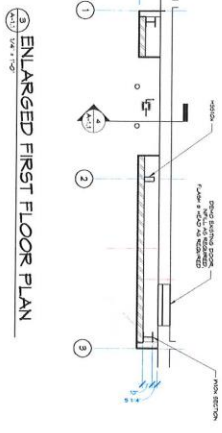
3D PERSPECTIVE



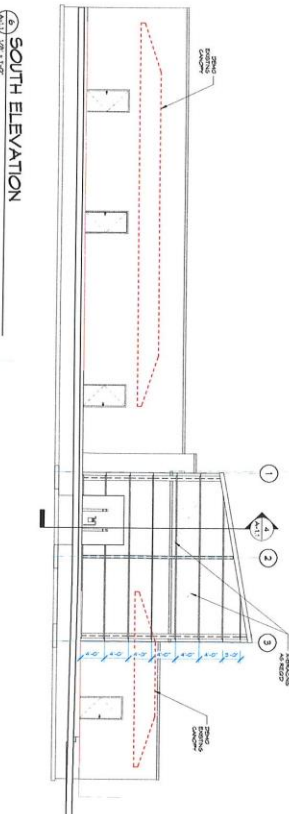
3D SIGN ADDITION



FIRST FLOOR PLAN
1/8" = 1'-0"

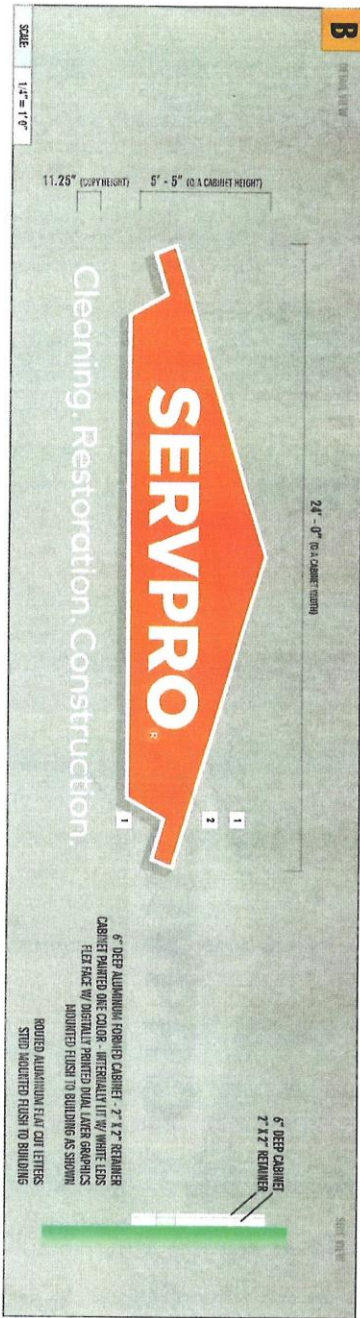


ENLARGED FIRST FLOOR PLAN
1/4" = 1'-0"



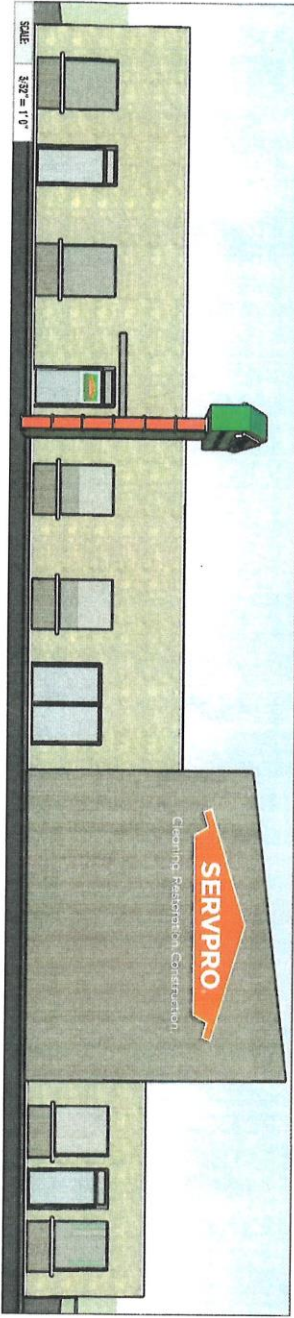
SOUTH ELEVATION
1/8" = 1'-0"

A-1.1	PROPOSED ALTERATION FOR:	 SERVPRO NEENAH, WI	 Gries Architectural Group Inc. <small>200 North Commercial Street Neenah, Wisconsin 54956 Phone: 920-721-2483 Fax: 920-722-6488 www.gries-arch.com</small>
	<small>DATE: 08/17/2021 BY: JCS REV: 02/24/2021</small>		



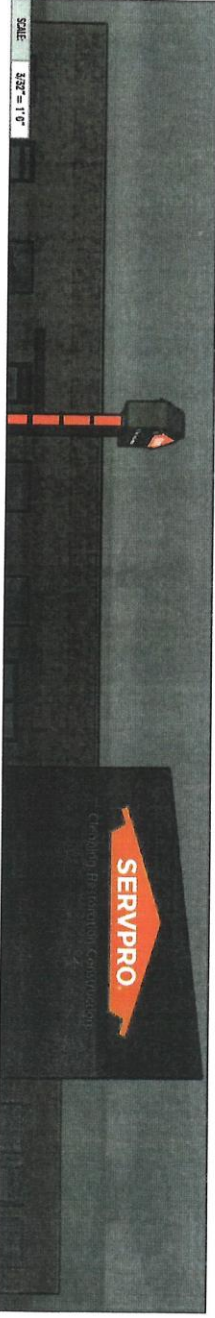
SCALE: 1/4" = 1'-0"

SECTION VIEW



SCALE: 3/32" = 1'-0"

LOCATION VIEW



SCALE: 3/32" = 1'-0"

LOCATION VIEW

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B. SEE PAGE ONE FOR DESCRIPTION

Appleton SIGN
2401 Hwy 100 • Newton, WI 53055
Tel: 707.351.1401 • Fax: 707.351.1422
www.AppletonSign.com

CLIENT: SERVPRO
STREET ADDRESS: 1044 AMERICAN DR
CITY/STATE: BIRMINGHAM, AL
DATE: 5/27/21
SALES: JOHN THOMSON
DESIGNER: JAMES FERGUSON
GENERAL SPECIFICATIONS:
VOLUME:
PROJECT NAME: 120 - APPOINT
SQUARE FOOTAGE: 120 - APPOINT

REMOVED ITEMS FROM CLIENT
REVISIONS: ALL ARE ASSUMPTIONS THE USER IS RESPONSIBLE FOR. PROJECT IS PRODUCTION READY APPROXIMATE COSTS ARE NOT PROVIDED BY CLIENT/PROJECT TO PROVIDER.
1. COLOR SCHEDULE
2. PAINT TO MATCH COLOR CODES

SCORED ITEMS REQUIRED
1. FIELD SIGNAGE ALL FIELD SIGNAGE ASSOCIATED WITH THIS DESIGN IS TO BE PROVIDED BY CLIENT/PROJECT TO PROVIDER.
2. DIE CUT COLOR MATCH

3. AVAILABLE AREA YES NO
4. FIELD SIGNAGE YES NO
5. ELECTRICAL SIGNAGE YES NO
6. ALL SIGN SERVICES YES NO
OTHER:

APPROVALS:
CLIENT: _____
DESIGNER: _____
DATE: _____

B OPT. 2 210613-04
CONCEPTUAL DESIGN ONLY!
NOT TO BE USED FOR PRODUCTION

PLANNING COMMISSION MEMO

Date: December 1, 2021
To: Village Planning Commission Members
From: Department of Community Development Staff
RE: Agenda Item #3 – Rezoning for parcel #1214813

Overview

The applicant, SP South, LLC, is applying for a rezoning of parcel #1214813 from (R-3) Suburban Medium Density Residential to (M-1) Mixed-Use. The lot is 2.73 acres and currently has two pole buildings and a shed on the parcel. The parcel northwest of parcel #1214813 is zoned (R-3) Medium Residential and the parcel northeast of parcel #1214813 is zoned (I-2) Heavy Industrial. The parcel exactly east of parcel #1214813 is zoned (I-2) Heavy Industrial and the parcels to the west are zoned (A-2) General Agriculture, (I-1) Light Industrial, and (I-2) Heavy Industrial. The properties south of parcel #1214813 are zoned (R-2) Suburban Low Density Residential.

The current owner of this property also owns the two parcels just north of this parcel. The applicant intends to purchase parcel #1214813 and build flex space condominiums on the property. Pages 3 and 4 shows their concept plans and images of how these condominiums would look like when built. The rezoning does comply with the Future Land Use Map that shows this parcel to be a Neighborhood Mixed Use. The project would be subject to a site plan review.

Below is a locator map of the parcel and on the next page is a zoning map and future land use map for the area where the parcel is located.



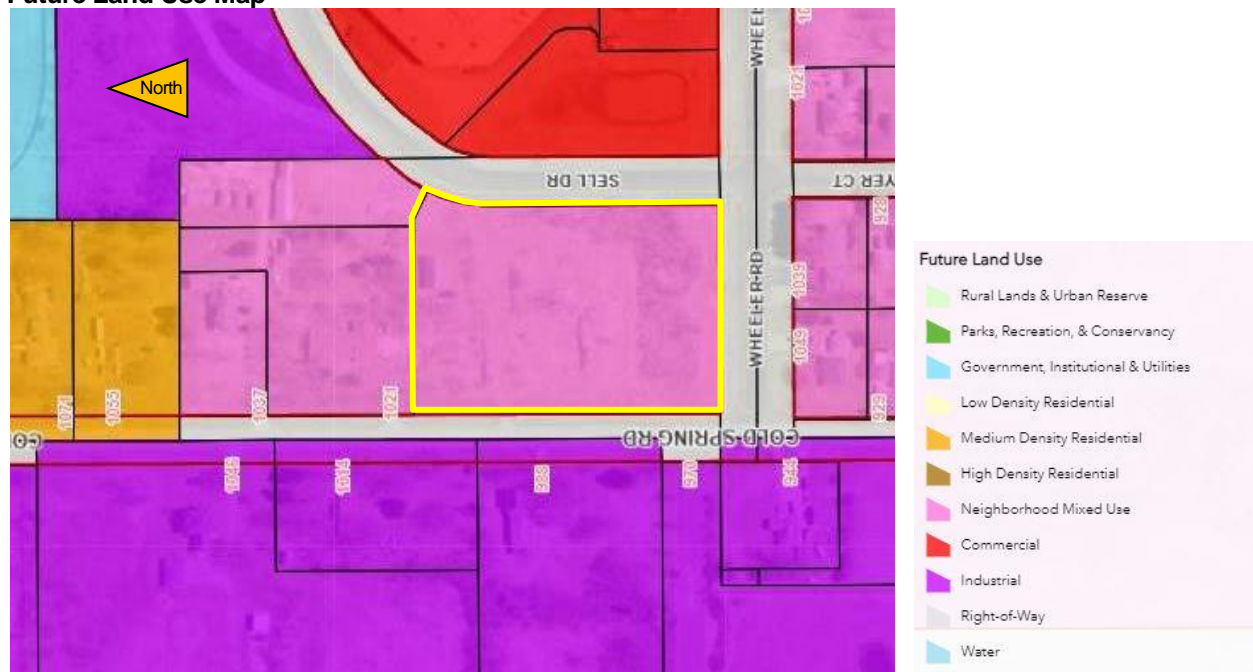
Recommendation

Staff recommends approval of this rezoning. It is in compliance with the future land use map. It is a mixed use that includes offices with water and sewer and some internal storage offering flexibility of use for the owners.

Zoning Map



Future Land Use Map



Images of Similar Storage Condominiums



PLANNING COMMISSION MEMO

Date: December 1, 2021
To: Village Planning Commission Members
From: Department of Community Development Staff
RE: Agenda Item #4 – Certified Survey Map for 1403 Ridgeway Drive

Overview

The applicant, Asher Jacobson, is applying for a Certified Survey Map (CSM) for 1403 Ridgeway Drive on parcel #1213828 and 1401 Ridgeway Drive on parcel #1213829 to move the shared property line towards 1401 Ridgeway Drive by approximately 2.5 feet. Mr. Jacobson or the residents, Mr. Trendon and Ms. Abbey Albers of 1403 Ridgeway Drive intend to purchase part of his neighbor's property, 1401 Ridgeway Drive, and combine it with the 1403 Ridgeway Drive property.

The reason for this CSM is to make the Alber's deck conform to the required setbacks. The original deck was built prior to the Albers owning this home and was built without permits, which would consider it an illegal nonconforming structure. Mr. Jacobson, a licensed contractor, was hired by the Albers to fix a few planks on the deck. A building permit was applied for and issued for the deck repairs as required. However, the deck was completely torn down and rebuilt in the original location without notification to the building inspector. Wisconsin State Statutes and Village Ordinances allows the repair, maintenance, renovation or remodeling of a nonconforming structures if destroyed by damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation. Since the deck was torn down without notice to the Village to the Village of need to reconstruct it based on the above reasons, the new deck must conform to the current setbacks of 7 feet from the property line. The Community Development Department gave the Mr. Jacobson and the Albers two options. One would be to fix the deck to meet setback requirements or the other option would be to create a CSM that moves the shared property line so long as the neighbor agrees to it. The applicant decided on a CSM to correct the deck violation.

It should also be noted that the original owners of 1401 Ridgeway Drive have sold their home and the new owners are waiting on their lenders to close on the home.

The next page is a locator map of the two parcels. The yellow lines highlight the original parcels and the red line shows where the new property line will be located. The following 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. The Owner's Certificate's names be changed to the new buyers of 1401 Ridgeway Drive.
3. A copy of the recorded CSM must be given to the Village's Department of Community Development

