

VILLAGE OF FOX CROSSING
PLANNING COMMISSION MEETING
Municipal Complex – Arden Tews Assembly Room
Wednesday, August 21, 2024 at 5:15 PM

Minutes

CALL TO ORDER

The Planning Commission meeting was called to order by Chairman Jochman at 5:15 p.m.

PRESENT: Chairperson: Mr. Dennis Jochman
Commissioners: Mr. Tom Young
Mr. Morris Cox
Mr. Michael Scheibe
Mr. Thomas Willecke

EXCUSED: Ms. Tracy Romzek
Mr. Michael Prince

Staff: Community Development Director George Dearborn
Associate Planner Dan Dieck
Village Manager Jeffrey Sturgell
Planning Intern Lindsey Karczewski

Other: 16 others present

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – June 19, 2024 (No Meeting in July)

MOTION: Mr. Cox, seconded by Mr. Willecke to approve the meeting minutes of June 19, 2024.

Motion carried 5-0-0.

PUBLIC HEARING

1. Conditional Use Permit (CUP) Residential Duplexes – Gloss Construction, Inc. – American Dr.

MOTION: Mr. Cox, seconded by Mr. Scheibe to open the public hearing. Motion carried 5-0-0.

Director Dearborn stated that the proposed land use of residential duplexes on American Drive requires a CUP since it's currently zoned as B-3 Regional Business District. He pointed out that a CUP is allowed by state statute if all criteria is met. Director Dearborn explained what is being proposed on the property. He informed the public that there were some safety concerns regarding previous designs and that the current proposed design feels the safest way to go.

Commission Chair Jochman asked if there was anyone present who wanted to make public comments.

Jane McCormick – 741 Blackmoor Cr.

Ms. McCormick questioned why driveway access onto American Drive is being allowed in the proposed design when it wasn't allowed in past situations.

Director Dearborn specified that since the parcel is land locked, the only access to the proposed duplexes would be from American Drive and that access must be allowed by right.

Ms. McCormick questioned what the plan is for stormwater runoff.

Director Dearborn specified that it is required to have a stormwater plan addressed on site for this project and that the project's plan hasn't been approved yet.

Ms. McCormick expressed concern regarding the distance from the new proposed duplexes to her property line and asked what the legal setback would be in terms of this situation.

Director Dearborn communicated to Ms. McCormick that the front yard setback has to be a minimum of 30 feet.

Ms. McCormick stated that she wanted to make sure it's known that the property needs to be well maintained.

Thomas Danz – 716 Treyburn Ct.

Thomas Danz expressed his concerns regarding motorists speeding on American Drive and the risks vehicles would encounter as they enter and exit the proposed driveways. He explained how coming from the north to the south, at speed limit, a motorist has 1.6 seconds reaction time from the time you see the property to the time you get there. He's also concerned about the negligible visibility for drivers since the property resides off of a curved road. He wonders how service vehicles such as mail, garbage, and construction would operate within this development.

Shawn Schafer – 720 Treyburn Ct.

Mr. Schafer voiced his concern about the safety of the proposed project and the interconnectedness of the proposed driveways onto American Drive. He questioned why this design is being considered and if there had been any type of safety evaluation done.

Director Dearborn indicated that there had been multiple authorities such as the Police Department reviewing and stating that the project is not unsafe. He mentioned that there's also been multiple designs proposed for the project and that the design presented at tonight's meeting deemed the safest.

Bret McCormick – 741 Blackmoor Cr.

Mr. McCormick questioned what the regulations will be with the activity that takes place on the trails residing along the property and wants to know when an official decision will be made on the project.

Chairman Jochman explained that a decision to approve, postpone, or deny the project will be made tonight.

Marty Kempf – 677 Copperhead Dr.

Mr. Kempf added to the discussion that the reaction time for turning onto American Drive from the current residential areas is already a risk for residents.

Julie Lambie – 745 Blackmoor Cr.

Ms. Lambie pointed out her concerns for hazardous winter driving conditions that occur at this location.

Daniel Susdorf – 1751 Mill Pond Ln.

Mr. Susdorf voiced his concern on the frequency of motorists speeding on American Drive.

Victoria Runner – 663 Copperhead Dr.

Ms. Runner expressed her concerns on the short reaction time when turning onto the curved road and of the conflicts that could occur between vehicular traffic and trail activity on the proposed development. Ms. Runner believes the land should only be used as commercial use, not residential.

Marilyn Danz – 716 Treyburn Ct.

Ms. Danz stated her concerns on the safety of children and/or pets who could reside on this development. She's also curious about which police officer considers this project safe and wants to contact them with concern.

Director Dearborn acknowledged the concerns of Ms. Danz and reminded Ms. Danz that the property owner has rights to this parcel of land and that it will be up to the planning commission on how they want to proceed with this matter.

Jane McCormick – 741 Blackmoor Cr.

Ms. McCormick questioned if there could be a land use other than residential developed onto the property or if only one driveway could be proposed instead of two. She also stated that she thinks there could be a better method to placing the driveway(s) rather than on the curve.

Josh Jackals – 712 Treyburn Ct.

Mr. Jackals voiced his concern on how delivery service vehicles will safely operate if this project were to go fourth. He's concerned about the entry and exit approaches that would take place here.

Shawn Shafer – 720 Treyburn Ct.

Mr. Shafer asked if there could be an additional meeting with other staff in order to get a further understanding of why this development shouldn't be a concern to safety.

Thomas Danz – 716 Treyburn Ct.

Mr. McCormick voiced his opinion on the project and thinks it's a wrong use of the land.

Vicky Lehman – 747 Copperhead Dr.

Ms. Lehman explained how the current conditions when turning onto American Drive are already a safety concern. She also stated that there's been muddy water from a nearby construction site flowing down the street into the nearby drains and is concerned about the cleanliness of her neighborhood during the construction that would take place during this project.

Julie Lambie – 745 Blackmoor Cr.

Ms. Lambie expressed her opinion on how the parcel should be developed as commercial, not residential. She also questioned what the operation will be in the winter regarding the placement of snow from snow plow trucks. She thinks it will cause a visibility hazard for residents.

Scott and Crystal Elliot – 668 La Quinta Ct.

The Elliot's communicated their opposition to this development because of safety concerns and the icy conditions that would occur on American Drive during winter months.

MOTION: Mr. Scheibe, seconded by Mr. Cox to close the public hearing. Motion carried 5-0-0.

PUBLIC HEARING

2. Conditional Use Permit – Personal Storage Conversion of former Pitney Bowes Building – Phoenix Menasha Industrial Investors, LLC – American Dr.

MOTION: Mr. Cox, seconded by Mr. Willecke to open the public hearing. Motion carried 5-0-0.

Director Dearborn provided an overview stating that Phoenix Menasha Industrial Investors, LLC is requesting a CUP for a personal storage facility in the former Pitney Bowes building. He mentioned that the request meets all criteria and that staff recommends approval of the CUP with the conditions stated in the memo.

Commission Chair Jochman asked if there was anyone present that wanted to make public comments.

Kelly Rousseau – 2235 Northern Rd.

Mr. Rousseau questioned what the developer has planned for the existing large parking lot.

Director Dearborn explained that the CUP would only be for the former Pitney Bowes building, not the parking lot.

MOTION: Mr. Cox, seconded by Mr. Scheibe to close the public hearing. Motion carried 5-0-0.

OLD BUSINESS

1. CSM – American Dr. Parcel #1210253 – Gloss Construction, Inc.

Director Dearborn briefly explained how this CSM for American Dr. relates to the following CUP on American Dr. He suggests that the planning commission should postpone action on this until the next Planning Commission Meeting on September 18th, 2024.

MOTION: Mr. Young, seconded by Mr. Scheibe to **postpone the CSM application until the next Planning Commission meeting on September 18, 2024.** Motion carried 5-0-0.

NEW BUSINESS

1. Conditional Use Permit (CUP) – Residential Duplexes – Gloss Construction, Inc. – American Dr.

Director Dearborn reminded the public that this particular conditional use is appropriate for the current zoning standards and that a CUP is a common practice amongst developers.

Chairman Jochman opened up conversation to the commissioners to make comments.

Commissioner Young requested Director Dearborn to clearly explain why a CUP is needed for this particular project.

Director Dearborn explained that although the current zoning for the proposed property is B-3 Regional Business District, under the approval of a CUP, the developer can go fourth with the proposed residential duplexes since it is a listed conditional use. He mentioned that commissioners can address issues with designs, plans, etc., and justify a denial of the CUP based off valid reasoning.

Commissioner Young stated how he would like to see this property developed and that realistically speaking, there has to be a driveway of some sort no matter what the development may be.

Chairman Jochman wanted to let everyone know that there's been a lot of thought and input put into this project. He suggested to gather a group of neighbors, staff, and planning commissioners to further discuss the safety concerns for this project and come up with other options.

Commissioner Willecke commented on having a meeting or a presentation to address the reasons why other Village authorities think that this project is not a safety concern. Discussion amongst commission members continued.

Gwen Gloss – 42 Brentwood Ln.

Ms. Gloss made comments and questioned if the developer, David Gloss, would be a part of the group gathering suggested by Chairman Jochman. Mr. Gloss refused to be involved in the gathering.

Conversation on arranging a group discussion meeting and on the safety concerns of the current proposed design persisted. Mr. Willecke recommended that the design should have only one driveway or one ingress and one egress.

Bret McCormick – 741 Blackmoor Cr.

Mr. McCormick expressed his frustrations with the developer not wanting to meet and discuss other solutions for this project with the nearby residents.

Josh Jackals – 712 Treyburn Ct.

Mr. Jackals mentioned that the HOA of the neighborhood has a board of directors and that could meet with staff and commissioners. Director Dearborn explained to Mr. Jackals that the planning commissioners cannot meet outside of quorum. Mr. Jackals suggested that the HOA Board can act as a representative to meet with village staff internally. Mr. Young recommended to postpone the approval of the CUP until further information has been discussed.

MOTION: Mr. Young, seconded by Mr. Cox to **postpone the conditional use permit until the next planning commission meeting on September 18th, 2024 with the request that the following are presented:**

1. Staff recommendations after meeting with interested parties (HOA representatives, residents, developer)
2. Additional safety mitigation strategies

Motion carried 5-0-0.

2. Conditional Use Permit – Personal Storage Conversion of former Pitney Bowes Building – Phoenix Menasha Industrial Investors, LLC – American Drive

Director Dearborn stated he has no additional comments for this matter.

MOTION: Mr. Cox, seconded by Mr. Willecke to approve the Conditional Use Permit for a personal storage facility in the former Pitney Bowes building. Motion carried 5-0-0.

3. CSM – 161 Gardeners Row, Parcels #1211325, 1211326 – Debra Pontow

Director Dearborn provided a brief overview of the requested CSM. He stated that the CSM would combine two lots into one and that staff recommends approval of this item.

MOTION: Mr. Cox, seconded by Mr. Willecke to approve the CSM with the following conditions:

1. All taxes shall be paid prior to recording.
2. The Village shall be provided with a copy of the recorded CSM.

Motion carried 5-0-0.

OTHER BUSINESS

1. Development Activity Report

Director Dearborn reviewed the Development Activity Report for July 2024.

COMMUNICATIONS

1. Sustainability Committee

Director Dearborn reported on the efforts of the Sustainability Committee.

PUBLIC FORUM

No comments.

ADJOURN

At 7:06 p.m., **MOTION:** Mr. Scheibe, seconded by Mr. Cox to adjourn. Motion carried 5-0-0.

Respectfully submitted,

Daniel Dieck
Associate Planner

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