

VILLAGE OF FOX CROSSING
PLANNING COMMISSION MEETING
Municipal Complex – Arden Tews Assembly Room
Wednesday, January 15, 2025
at 5:15 PM
Minutes

CALL TO ORDER

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

PRESENT: Chairperson: Chair Dennis Jochman
 Commissioners: Mr. Morris Cox
 Ms. Tracy Romzek
 Mr. Thomas Willecke
 Mr. Tom Young
 Mr. Michael Prince
 Mr. Michael Scheibe

EXCUSED: None

Staff: Community Development Director George Dearborn
 Associate Planner Daniel Dieck
 Village Manager Jeffery Sturgell
 Village President Dale Youngquist
 Village Attorney Andrew Rossmeissl

Other: 10 others present

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES – December 4, 2024

MOTION: Mr. Cox, seconded by Mr. Willecke to approve the meeting minutes of December 4, 2024.
Motion carried 5-0-2 (Mr. Prince, Mr. Scheibe abstained)

PUBLIC HEARING

None

OLD BUSINESS

None

NEW BUSINESS

1. CSM – Mike Coppens – Fox Crossing Creek Apartments, LLC – Parcell 121021007

Director Dearborn stated the applicant is requesting a CSM to divide the property into two (2) separate parcels. He told the Commission that the property is in a Tax Increment Development

District and there could be some future considerations to be made by the Village if the property was ever sold.

There was a short discussion among the commissioners.

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

1. All taxes shall be paid prior to the Village affixing signatures on the CSM.
2. The applicant shall provide the Village with a copy of the recorded CSM.
3. This CSM is part of a Tax Increment Development District and any future land sales may need to be reviewed by the Village.

Motion carried 7-0-0

2. CSM – Holly Dorn – 1366 Appleton Road – Parcel 121033601

Director Dearborn said the applicant is requesting the CSM to create a second lot on the property from the current one owned by Unity Church. She owns the adjoining property and plans to develop the lot.

There was a brief discussion among the commissioners regarding this CSM.

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

1. All taxes to be paid prior to Village affixing signatures on the CSM.
2. A final copy of the recorded CSM shall be forwarded to Community Development Department staff.

Motion carried 7-0-0

3. CSM – Wild Ones Natural Landscapers, LTD – 2288 Butte Des Morts Beach Road – Parcel 121010101702

Director Dearborn explained, the applicant is requesting approval of a CSM to create two (2) parcels from the current parcel, which was created in 2012, to separate out a .5 acre parcel containing a single-family house that was used as a headquarters. A conditional use permit was granted in 2008 for the use of a home for Wild Ones to use as its headquarters. A combination of Stewardship funds and private donations were used to purchase and assemble the conservation area of 16.01 acres for the enjoyment of the public. Director Dearborn stated that after an extensive review and consulting with the Village attorney he reluctantly recommends approval of the CSM.

Typically, a public hearing is not held for a CSM, Commission Chair Jochman did allow interested individuals in attendance to make public comments regarding this item.

Mr. Dick Nikolia – 3 Eastfield Court, Appleton

Mr. Nikolia said he is a retired Department of Natural Resources (DNR) employee who was involved with the Wild Ones purchase of the property at that time. He said the land was placed in conservancy under the DNR using the grants funds and he felt that it was necessary for the conservation center to remain with the rest of the property to both maintain and administer the rest of the conservancy property.

Ms. Sue Pack, member of the local Wild Ones chapter

Ms. Pack provided documents regarding the deed restrictions of the property and presented background information regarding the property. She stated that she is extremely concerned about the property being separated out from the rest of the property. She gave the documents the Village attorney Rossmeissl, which reviewed during the meeting.

Ms. Emily Dunham, 1930A Algoma BLVD, Oshkosh

Ms. Dunham introduced herself as the attorney representing Wild Ones Natural Landscapers, LTD, headquarters in New York. She stated Wild Ones was aware of the deed restrictions but argued that Wild Ones was seeking a land division at this time and nothing in the deed restrictions limits Wild Ones from creating a CSM. She reminded the Plan Commission that if the Commission voted to deny the CSM, the reasons for denial would need to be stated on the record in accordance with State Statutes.

Mr. Rich Fischer, 8685 Oakwood Ave., Neenah

Mr. Fischer stated he has been a member of the local chapter of Wild Ones for over 23 years and has volunteered to work on the property for several years. He said that he agreed with Mr. Nikolai that the conservation center is necessary for the administration and maintenance of the property and the center should not be separated from the rest of the property.

Chair Jockman asked attorney Rossmeissl if he would respond to the statements made in the public comments. Attorney Rossmeissl stated that he agreed with Wild Ones attorney Dunham and told the Plan Commission that even though they might not like the CSM and what might happen after the CSM occurs, the Planning Commission has a very narrow window in which to review this item, and there is really no basis to deny the CSM.

Chair Jockman called the Commissioners for discussion. Mr. Young said he completely understood the feelings and arguments of those in attendance against the approval of the CSM, he agreed with Attorney Rossmeissl and Director Dearborn, and could not see how the Commission could deny the CSM. He explained it was not the place for the Planning Commission to enforce the deed restrictions and that the Commission's review is limited to the land division action. He stated that he would be voting in favor of approval.

Mr. Scheibe echoed the thoughts of Mr. Young and said he would also be voting favor of the CSM.

Mr. Willecke stated he reviewed the Village ordinances, and along with the advice of legal council, could not see any reason the Commission could deny the CSM, he will also be voting to recommend approval of the CSM.

MOTION: Mr. Young, seconded by Ms. Romzek to approve the CSM with the following conditions:

1. All fees to be paid prior to Village affixing signatures on the CSM.
2. A final copy of the recorded CSM shall be forwarded to Community Development Department staff.

Motion Carried 6-1-0 (Mr. Cox voted against)

OTHER BUSINESS**1. Development Activity Report**

Director Dearborn reviewed the 2024 Building Report.

COMMUNICATIONS

1. Sustainability Committee

Director Dearborn provided a summary of activities.

PUBLIC FORUM

No comments.

ADJOURN

At 6:13 p.m., **MOTION:** Ms. Romzek, seconded by Mr. Cox to adjourn. Motion carried 7-0-0

Respectfully submitted,

Dan Dieck
Associate Planner

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