

Sherwood Plan Commission Meeting Minutes

February 1, 2016

- 1) Call to Order/Roll Call. – Acting *Chairman Sheppard* called the meeting to order at 6:30 p.m. with roll call:

Present

Bob Gillespie
Joe Hennlich
Kathy Salo
Scott Sheppard

Absent

Jim Rath, excused
John Sharer, excused
Steve Summers, excused

Others Present

Randy Friday, Administrator
Susan Williams, Clerk-Treasurer

- 2) Pledge of Allegiance. – *Recited.*
- 3) Approval of the Agenda. – ***Hennlich moved to approve the agenda as presented. Salo 2nd. Motion carried unanimously.***
- 4) Approval of Minutes: Jan. 4 (Regular Meeting). – ***Gillespie moved to approve the minutes of the regular meeting of the Plan Commission of January 4, 2016, as presented. Salo 2nd. Motion carried unanimously.***
- 5) Citizen comments on agenda items.

Gary Zahringer, 1377 Midway Rd., Menasha – regarding agenda item 9) c).

Tom Sanderfoot, N8045 State Park Road, Sherwood – regarding agenda item 8) b).

Dave Schmalz, W5884 Sweet William Dr., Appleton – regarding agenda item 8) b).

Bruce Laughrin, N7774 Sundown Ct., Sherwood – regarding agenda item 9) d).

- 6) Officer's Report
- a. Plan Commission Chair
 - b. Zoning Administrator

Friday stated Sharer's addition to the calendar review is the 4 times a year Village newsletter.

- 7) Extraterritorial Review: None.
- 8) Old Business:
- a. *Calendar: Annual Review of Comprehensive Plan obligations – None.*
 - b. *CSM #2016-01: CSM Request (Sanderfoot; W5409 Mielke Road – Harrison): Request to divide out and create Lot #1 (7.188 ac.) from a 15.09 ac. parcel (N8045 State Park Road – Sherwood; Tax ID #31250).*

Friday reminded the Commissioners that once a CSM petition is received, the municipality has 60 days to act and if no action takes place the CSM is automatically approved.

Schmalz requested a 60 day extension on the CSM Petition.

Gillespie moved to grant a 60 day extension to the CSM #2016-01: Request to divide out and create Lot #1 (7.188 ac.) from a 15.09 ac. parcel (N8045 State Park Road – Sherwood; Tax ID #31250). Salo 2nd. Motion carried unanimously.

9) New Business:

- a. *Developer Agreement: Consider proposed terms for water and sewer lateral extension on in conjunction with RP #2016-01 (N8045 State Park Road; Sanderfoot).*

Friday distributed red-lined agreement that Sanderfoot sent earlier in the day. Friday informed the Commissioners that a rezoning application form was sent to Sanderfoot the week before and as of the meeting time had not been returned completed or the \$350 fee.

Sanderfoot stated that the equipment he would house in the shed would be his personal use, his business equipment is kept in Neenah.

Sheppard went through the proposed changes to the developers' agreement with the Commissioners and Sanderfoot and all agreed to the following;

Page 1 – adding equipment washing to 6th paragraph after bathroom/restroom

Page 1 – adding including grease trap, sump and other equipment to meet State and Local code(s) including Village Fats, Oils and Grease (FOG) policies to 8th paragraph after municipality,

Page 2 – adding from floor drains used in vehicle/equipment or related cleaning activities after and, and removing from no other source or activity both in 1st paragraph,

Page 2 – removing at time of connection, anytime and retaining as per local ordinances in 2nd paragraph,

Page 2 – removing 1/2 of the, along the entirety of and five year (5), retaining running along the developers, adding side of after developers in 5th paragraph and,

Page 3 – removing at it's current rate, retaining as per agricultural usageagricultural land in 1st paragraph,

Page 3 – removing 5 year (five) from 2nd paragraph,

Page 4 – section VI subsection 2, remove Developer insert Village at Developers cost.

(Technical clarification from Administrator Friday item discussed during the meeting Section IV. Subsection 2, addition of appropriate after pay and addition of [ex. single-family appurtenances] after \$4,500)

Commissioners stated agreement with modifications to developers' agreement and requested return of agreement with rezoning application.

Hennlich suggested the rezoning application and developers' agreement should be presented together.

Sheppard requested Sanderfoot/Schmalz to walk the Commission through the rezoning application.

Schmalz responded none was filled out. Schmalz voiced concerns of Sanderfoot that the rezoning application being approved and the developers agreement not being approved.

Friday reported that the application form was sent out to Sanderfoot the week before and Schmalz/Sanderfoot are requesting approval of a document that is not completed or presented for approval.

Salo inquired if the Commission could consider a motion to approve the developers' agreement per the changes with an acceptable rezoning petition.

Friday stated he could, time is not of the essence, the Commissioners could ask for the application to be filled out and turned in tomorrow and does not believe the Commissioners have a problem with the rezoning.

Sheppard asked if the property is rezoned if it could still be used as agricultural and Friday stated assessor and zoning have two different compasses and the use trumps zoning.

Sheppard inquired if additional agricultural improvements could be added after the rezoning. Friday replied no.

Gillespie moved to recommend approval of developers' agreement as modified based on approval of a rezoning petition.

Salo asked if it has to be submitted and approved by the Plan Commission or Village Board and Friday responded that it goes to the Village Board with the Plan Commission's recommendation.

Friday stated the only thing holding this up is the rezoning petition application. Friday informed the Commission that he gave Sanderfoot a packet with a questionnaire in order to have everything in order.

Salo asked Schmalz/Sanderfoot if the approval of the developers' agreement language changes is enough for them to return with a completed rezoning petition application and Schmalz responded that the rezoning petition at the Board's

discretion is non-revocable once submitted, where the developers' agreement can be tossed.

Motion failed for lack of second.

Hennlich stated the Commission concurs on the developer agreement language.

Sheppard asked if the statement of the petition being non-revocable and the agreement could be discarded and Friday replied yes.

Sanderfoot asked if he sat down and filled out the rezoning petition application and handed it in if the Commission could it be recommended it to the Village Board.

Friday requested and the Commission agreed to go through the rezoning checklist.

Sheppard moved contingent upon the rezoning petition application being filled out to the approval of the Village Administrator that the developers agreement as modified be recommended to the Village Board with along with the rezoning application. Hennlich 2nd with the amendment that it has to be done by noon Wednesday so to be ready for the Village Board packet. Sheppard agreed to the amendment. Motion carried unanimously.

- b. *RP#2016-01: Rezoning Petition (Sanderfoot; W5409 Mielke Road – Harrison): Request to rezone 15.09 ac. parcel (N8045 State Park Road – Sherwood; Tax ID #31250) from Agri. to Residential (R-1; single-family).*

Recommended approval only in conjunction with approved Developer Agreement (see action in agenda item 9) a) above).

- c. *Request to release Drainage Easement – State Park Estates IV (Lots #110 thru 114; RBH Development).*

Friday distributed e-mail from Martenson & Eisele Inc. representative Zahringer with input from Cedar Corporation Engineer and explained to the Commission that the request is to modify the berm, reducing it by 1 (one) foot in height and remove the stormwater easement of State Park Estates IV lots 110 – 114 in order to make the lots buildable.

Friday inquired of Zahringer if the Railroad was approached.

Sheppard moved to recommend to the Village Board vacation of the Drainage Easement, per the request, pending the public notification required. Salo 2nd.

Friday suggested the developer be charged the costs related to the vacation.

Sheppard and Salo agreed to the addition. Motion carried unanimously.

- d. *Request to change approved Site Plan:* Consider request to place drive-thru service at *Castle Square Condos Association* (Laughrin).

Laughrin identified on the map projected on the Board Room wall the potential project layout of the drive through service. Laughrin stated he would be the owner dependent on if the site plan could be changed,

Friday stated the plan presented would require asphaltting of the driveway coming off of Knight Drive potentially within 24 months of business opening. Friday stated the Plan Commission would require a letter of credit to cover the cost of the driveway.

Gillespie inquired as to what was being requested of the Commission.

Friday and Laughrin replied that preliminary agreement would requested for change to the original site plan and anticipated traffic changes with the understanding a formal plan would be submitted later.

Commissioners voiced agreement of a conceptual nod to the proposed plan.

10) Correspondences: None.

Sanderfoot presented the completed rezoning petition application to the Village Clerk and Administrator with the fee to be delivered the next day.

11) Adjournment. – *Gillespie moved to adjourn the meeting at 8:15 p.m. Hennlich 2nd. Motion carried unanimously.*

Respectfully submitted for review and approval by Susan Williams, Clerk.