

Sherwood Plan Commission Special Meeting Minutes

January 2, 2018

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

Present:

*Jean DeKeyser
Bob Gillespie
Joyce Laux
Kathy Salo
Scott Sheppard
Steve Summers*

Plan Commission Absence:

Brad Schmidt, excused

Others Present:

*Randy Friday, Administrator
Susan Williams, Village Clerk-Treasurer*

- 2) Pledge of Allegiance. – recited.
- 3) Approval of the Agenda. – *Sheppard moved to approve the agenda as presented. Salo 2nd. Motion carried unanimously.*
- 4) Approval of Minutes: December 4 (Special Meeting) – *Salo moved to approve the minutes of the regular meeting of December 4, 2017 as presented. DeKeyser 2nd. Motion carried unanimously.*
- 5) Citizen comments on agenda items.

Tom Werth, 4836 N Sourapple Ave., Appleton – regarding agenda item 8) c) asked questions of the Commission and responded to their questions.

Robert Wittman, W5146 Natures Way Dr., Sherwood – regarding agenda item 8) c) voiced support of the development.

Tom Schuler, N369 Ridgewood Ct., Appleton – regarding agenda item 8) c) voiced support of the development.

Summers requested the Commission to move agenda item 7) c) to 8) d).

Gillespie moved to move agenda item 7) c) to 8) d). Sheppard 2nd. Motion carried unanimously.

- 6) Officer's Report
- a. Plan Commission; Chair – no report.
- b. Member Goals:
- Zoning Code Update: 'Items for Change' (completed).
 - Zoning Code Update: Assist staff hiring consultant by March 1, 2018.
 - Zoning Code Update: Complete by Sept. 4, 2018 and forward to V. Board.
- c. Zoning Administrator. – no report.

7) Old Business:

- a. *Comprehensive Plan Update* – Discuss and update previously presented information submitted by ECWRPC:
 - *Ch. 5: Agricultural, Natural, and Cultural Resources.*
 - *Ch. 6: Economic Development.*

Summers stated the ECWRPC representatives could not be in attendance and the item will be on the February 2018 meeting agenda.

- b. *Calendar:* Review of (annual) Comprehensive Plan obligations (May and Dec.). Ordinance conformance.
- c. *Business Signage inventory:* Conforming vs. non-conforming signs (Member review of documentation in Dec.)

Summers reviewed and discussed the list in the packet. Salo stated the results of the sign ordinance revamp was that reader boards should be removed. Salo suggested some signs would fall under the legal non-conforming stipulation of the sign code. Gillespie questioned and cautioned the Commission if it wants to be the selection committee since there is a sign ordinance. Summers stated the update to the sign ordinance was to do an upgrade to the signs in the Village and to work with the CDA in order to improve the looks of the Village.

Gillespie suggested that when new businesses apply to the Village for permitting they are informed of the Village Sign Code.

Gillespie moved to forward the sign inventory to the Village Board. DeKeyser 2nd. Motion carried unanimously.

- d. *CSM #2017-05:* Certified Survey Map request (Enders) for a one-lot CSM re-creating Tax ID#13531 (Erdman; 1.08ac.) to include two acres from Tax ID #13529 (Erdman; 29.39ac.) from two existing parcels, one of which is zoned 'Industrial' (#13531), the other being zoned 'Agricultural' (#13529).

Summers stated the Commission previously approved this and the Village Board referred it back to them.

Friday informed the Commission they had not seen this CSM and a culvert has been installed without Village approval on the north side of the property. Friday questioned the Village Board about the existing ingress/egress easement and if the CSM should eliminate it.

Friday stated the Village Board directed the CSM back to the Commission to consider the new information.

Salo stated the Commission is being asked to remove the language of the easement. Friday replied that it could be approved conditionally.

Salo moved to approve CSM #2017-05: Certified Survey Map request (Enders) for a one-lot CSM re-creating Tax ID#13531 (Erdman; 1.08ac.) to include two acres from Tax ID #13529 (Erdman; 29.39ac.) from two existing parcels, one of which is zoned 'Industrial' (#13531), the other being zoned 'Agricultural' (#13529), contingent upon removal of the easement language. Laux 2nd.

Sheppard questioned the ability of the Village to protect future owners.

Motion carried unanimously.

- e. *Comprehensive Plan – Future Land Use Map Amendment: A request (Enders) to amend the Village Comprehensive Plan changing the future land use map at N613 Military Road (Tax ID #13531; 1.08 acres) from 'Industrial' to 'Agricultural' (Note: See also Rezoning Petition below.)*

Salo moved to approve Comprehensive Plan – Future Land Use Map Amendment: A request (Enders) to amend the Village Comprehensive Plan changing the future land use map at N613 Military Road (Tax ID #13531; 1.08 acres) from 'Industrial' to 'Agricultural' (Note: See also Rezoning Petition below.), as presented. DeKeyser 2nd. Motion carried unanimously.

- f. *RP #2017-03: A Rezoning Petition (Enders) for a one-lot rezoning (Tax ID # 13531; 1.08 acres) currently zoned 'Industrial' changing to 'Agricultural' matching existing zoning of surrounding parcels (previously Erdman).*

Sheppard moved to approve RP #2017-03: A Rezoning Petition (Enders) for a one-lot rezoning (Tax ID # 13531; 1.08 acres) currently zoned 'Industrial' changing to 'Agricultural' matching existing zoning of surrounding parcels (previously Erdman), as presented. Salo 2nd. Motion carried unanimously.

- g. *CSM #2017-04: Certified Survey Map request (Stumpf; N465 Lorraine St. [0.787 ac.] & N442 Stumpf Ave. [1.33ac.] and a portion of Tax ID#13549) re-combining as three lots: Lot #1 = N465 Lorraine St. [1.01 ac]; Lot #2 = N442 Stumpf Ave. [0.7ac]; Lot #3 = 1.09ac unplatted land along STH 55/114. NOTE: Relates to Rezoning Petition request.*

Gillespie moved to approve CSM #2017-04: Certified Survey Map request (Stumpf; N465 Lorraine St. [0.787 ac.] & N442 Stumpf Ave. [1.33ac.] and a portion of Tax ID#13549) re-combining as three lots: Lot #1 = N465 Lorraine St. [1.01 ac]; Lot #2 = N442 Stumpf Ave. [0.7ac]; Lot #3 = 1.09ac unplatted land along STH 55/114, as presented. Laux 2nd.

Summers reported the CSM has returned to the Commission with the third lot identified.

Salo questioned if this is the first time the Commission has seen the CSM.

Friday responded by projecting the CSM on the Board Room wall and identifying the new lot configuration, the existing zoning and zoning petition request to follow.

Motion carried unanimously.

8) New Business:

- a. *RP#2018-01: A Rezoning Petition (Stumpf) to change N465 Lorraine Street (0.787 ac.) from R-1A zoning & W442 Stumpf Ave. land (home) currently zoned C-1 (Commercial) to R-1 (Single-family), matching W442 Stumpf Ave. (garage). Note: Action brings properties into conformance with the existing Comp. Plan – Future Land Use Map.*

Gillespie moved to approve RP#2018-01: A Rezoning Petition (Stumpf) to change N465 Lorraine Street (0.787 ac.) from R-1A zoning & W442 Stumpf Ave. land (home) currently zoned C-1 (Commercial) to R-1 (Single-family), matching W442 Stumpf Ave. (garage), as presented. DeKeyser 2nd. Motion carried unanimously.

- b. *CSM #2018-01: Certified Survey Map request (Clinefelter; Lots #12-14) combining and recreating existing three lots into two (Lot #1; 0.3875ac. [Martell]; Lot #2; 0.3717ac. [Clinefelter]) along Park Drive, immediately west of its intersection with Pigeon Road (Tax ID #s: 13923; 13924; 13925).*

Sheppard moved to approve CSM #2018-01: Certified Survey Map request (Clinefelter; Lots #12-14) combining and recreating existing three lots into two (Lot #1; 0.3875ac. [Martell]; Lot #2; 0.3717ac. [Clinefelter]) along Park Drive, immediately west of its intersection with Pigeon Road (Tax ID #s: 13923; 13924; 13925), as presented. Gillespie 2nd. Motion carried unanimously.

- c. *Potential subdivision development: Re-submittal by developer of previously- approved Preliminary Concept regarding possible land subdivision/development and roadway layout between Natures Way (LakeShore Estates – East) terminus and Stommel Road (Wittman).*

Summers informed the Commission the plan is the 3rd submittal, the first with 40 lots in alignment with the approved street map, the second with 45 lots and the 3rd with 42 lots, both with a different street layout not according to the approved street map.

Tom Shuler requested the Village Administrator to present the re-submittal.

Friday projected the re-submittal and directed the Board to the additional points in a handout presented by the developers on the Board Room wall.

Friday stated Shuler and himself communicated back and forth and the consideration points presented at the meeting are: extending the water main to the east end of Carrington Court, the water main will be extended to tie into the end of the cul de sac to loop the system without pressure problems.

Sheppard questioned the location of the main and Schuler identified the layout on the projected plan.

Friday went to state the second point from the developers was in regards to the change in the roadway layout due to wetland law changes. Friday stated he would like to understand more what that means to the Village.

Schuler responded their wetlands expert Stuart Boerst from McMahan performed analysis to determine the wetlands location. Schuler requested a shift of the wetlands and in order to pave and Boerst responded the Wisconsin Department of Natural Resources would not allow that. Schuler stated he also requested to find out the DNR's opinion of the original plan and the response was that was not allowed either.

Summers requested documentation from Boerst's work. Schuler stated he did not have it but could provide it to the Village. Schuler reported some wetlands are designated State and some are Federal and those are not treated the same.

Schuler presented a DNR document to the Williams. *Summers questioned why the wetland document did not have the DNR approval noted on it. Schuler stated the DNR approved the wetlands delineation made by McMahan, but it was not an approval to act.*

Friday stated there were valid reasons why the Village approved the current layout of the future road.

Friday stated the final point on the developer's list and it was in relation to lot width; Carrington Court development has 75 ft. widths and how could the concept of 90 ft. not be allowed.

Schuler stated the property is zoned R1 which is 75 ft. minimum.

Summers replied Carrington Court development originally was a planned unit development with 14 lots originally with 4 twin-dominium.

Friday stated the subdivisions discussed previously to the east and west have widths of 105 and 110, but Carrington Court was not included in that discussion.

Friday questioned what the length of the cul de sac was. Schuler thought 800 to 850 ft.

Gillespie suggested the developers have responded to the issues identified previously. Summers responded the on-going concerns were the length of the cul de sac, size of the

lots, road safety, and with the different roadway layout the comprehensive plan would need to be changed.

Friday concurred and added the cul de sac length had been debated and the current proposal to have a maximum of 800 ft.

Schuler stated the wetland law changes caused the re-submittals.

Summers questioned who stated the 1st submittal would not work. Schuler replied Boerst (McMahon). Summers asked if that information was in written form. Schuler stated he could get that in writing.

Friday suggested the developer needs to have the documented reasons why the Village should be considering proposals outside of current regulations.

Schuler stated he would get a letter to support the reason why the original plan would not work and why the 3rd submittal would.

Sheppard requested the difference between the State and Federal wetlands and what can be done with either. Schuler responded that the documentation is voluminous.

Summers questioned if the Commission wanted to table the topic until the documents are received.

Sheppard moved to table the topic.

Schuler requested conditional approval. Schuler stated he has 600 pages of documentation.

Summers questioned if there was a second for the motion.

Gillespie stated that Schuler has a point, if the Commission's concern is only the wetlands. Summers stated the other concern is the cul de sac length.

Commission members suggested different road layouts, eliminating lots, looping the cul de sac, etc.

Gillespie stated Werth's economic concern is valid and questioned if the Comprehensive Plan had to be changed. Summers replied that the 3rd submittal is different than the approved street map and a change like that requires a public hearing.

Summers stated since the 2nd never occurred the motion is removed from the table.

Robert Wittman stated he receives many inquiries of when the connector road will be constructed.

Werth stated any reduction in the number of lots will cause prices on the remaining lots to increase.

Salo questioned if the change to the Comprehensive Plan should happen after an acceptable map. Friday suggested "Yes".

Salo questioned other than the cul de sac length, if there were other issues to resolve. Friday stated the size of the bulb of the cul de sac and the looping of the system are both positives. Friday suggested if the length of the cul de sac is the best the developer can do, it could be allowed. Friday questioned if the developers considered placing singly owned two family homes on corners to improve the economics. Friday stated he could come up with other thoughts.

Werth stated that questions can come up during the public hearing for the change to the Comprehensive Plan.

Werth questioned if conditional approval can take place.

Sheppard stated that approval cannot take place on verbal information from the developer's expert. Sheppard questioned if the wetlands can be identified with the remedies for both would be helpful to the Commission.

Friday identified wetlands on the projected plan.

Werth stated they will present satisfactory documentation from the wetlands delineator.

Friday suggested that the letter should include that the current Official Map is not doable per the reasons.

Werth stated the second point is the Comprehensive Plan change via public hearing. Werth questioned what is needed with the cul de sac. *Friday replied that there are language changes proposed currently.*

Summers stated the Commission is choosing to take no action at the present time until proper documentation is received.

Friday questioned if the developers would consider doing a PDD, reducing the width of the road on the cul de sac to widen the lots adjacent to the Miller Pond property.

Schuler stated they were planning on 90 ft. width of lots at the narrowest part of the building, some lots at the rear or the home, some lots at the front of the home.

Summers suggested eliminating lots 41 and 42.

Schuler stated 42 must stay since they have an interested party, but would consider eliminating 41, with enlarging the remainder lots along that side of the street. Werth

stated that would cause the remaining lot prices to increase \$5,000 more or less to make up the loss of that one.

Werth and Schuler agreed they will provide the requested documentation and remove one lot on the southern side of the new connector street. Schuler requested if there are any further questions to let them know as soon as possible.

Friday reminded the developers that the proposed lot 42 has a natural trail with a lot of usage.

Summers stated the topic will be on the February agenda.

- d. *Subdivision Ordinance:* Proposed changes to the Municipal Code, Chapt. 24 – Subdivision & Platting (street design & lot sizes on cul-de-sacs; mailbox placement).

Friday projected the additional rewrite worked out by Summers and himself on the Board Room wall.

Additional points not included in the packet but presented by the Administrator are:

§ 24-7• Definitions

RESERVE STRIP

A strip of land not less than one foot in width deeded to the Village for the purpose of regulating access to any arterial street or to a partially dedicated or dead-end, lane, street or highway.

TANGENT

A series of horizontal tangents and curves that define alignment of a roadway route.

§ 24-10. Condominium developments.

~~The Village Board finds that condominium development raises issues of land suitability, adequate public facilities, and coordination with existing public facilities, and, therefore, certain requirements of this chapter are applicable to condominiums.~~

- A. ~~The following provisions of this chapter are applicable to condominiums: § 24-9, Land suitability; § 24-21, Preliminary plats, as applicable; § 24-27D, Surface water and stormwater drainage facility protections; § 24-29, Environmental setback corridor; and Article VIII, Dedications and Reservations.~~
- B. ~~No part of this chapter shall apply to the conversion of a building or structure to the condominium form of ownership.~~

Friday reviewed the remaining points in the packet.

Gillespie moved to change the cul de sac length in § 24-24 Street Design from 800 feet to 1,000 feet. Laux 2nd. Sheppard – nay, motion carried.

DeKeyser moved to approve Chapter 24 Subdivision & Platting as modified, discussed and presented. Salo 2nd. Laux – no, motion carried.

9) Correspondences: None.

Summers commented on the new subdivision, stating he is not opposed to the development, but it is the Commission's responsibility to require the documents and resolution of points that were requested of the developers.

10) Adjourn. – ***Sheppard moved to adjourn the meeting at 8:25 p.m. Laux 2nd. Motion carried unanimously.***

Minutes prepared for review and approval by Susan Williams, Clerk-Treasurer.