

Sherwood Plan Commission Meeting Notice and Agenda

Aug. 3, 2020 – 6:30 p.m.

Village Hall – W482 Clifton Road, Sherwood, Wisconsin

NOTE: Due to COVID-19 restrictions, residents are not allowed in the Village Hall.

To *'join'* the meeting at 6:30pm via Webex: Go to the Village home page at www.villageofsherwood.org. The Webex meeting link is located in the upper right-hand side of your computer screen. You may print or save a copy of the complete meeting packet.

Join via telephone (without video): Tel #: 1-408-418-9338. Access Code: 628 186 722# Attendee ID: 51#

Regarding Public Hearings (and only if a Public Hearing is scheduled): Speakers will be allowed in the Village Hall and may speak directly to the Board one person at a time for up to 3 minutes, and only wearing a face mask.

- 1) Call to Order/Roll Call.
- 2) Pledge of Allegiance.
- 3) Approval of the Agenda.
- 4) Approval of Minutes: July 6 (Regular Meeting).
- 5) Citizen comments on agenda items.
- 6) Officer's Report
 - a. Plan Commission – Chair.
 - b. Zoning Administrator.
- 7) Old Business:
 - a. *Protest Petition regarding The Cottages at High Cliff (RP #2019-01 & PUD #2019-02)*
Note: Referred back to Plan Commission by Village Board per Zoning Code.
 - i. *RP #2019-01: Request to rezone from IR-1 to IR-2 zoning on current Hole #18 at High Cliff Golf Course (Tax ID #13425; 11.3 acres).*
 - ii. *PUD #2019-02: Request to construct 22 buildings (44 duplex units) on current Hole #18 at High Cliff Golf Course (Tax ID #13425; 11.3 acres).*
 - b. *Area Development Plan (ADP #2020-01): Consider development proposal (Parcel #13697; 10.2acres; Schulz, Burzynski). Note: Previous plan reviewed in 1997 for development as Sherwood Forest 2nd Addition. Only one lot approved, via CSM, for construction of a single-family home (Schultz).*
 - c. *CSM #2020-03: Request (West) to re-create Tax ID #s 13504 (N364 Military Road; 11ac.) as two lots; Lot #1 (2.0ac.) continues as IR-2 residential zoning and remainder, Lot #2 (9.0ac) to be split off for commercial development (see RP#2020-01).*
NOTE: RP #2020-01: PC recommended rezoning approval of Tax ID #13504 (N364 Military Road) from current IR-2 zoning into two parcels; Dwelling (2ac.) remains IR-2, Remainder (9.0ac.) rezoned C-2 (Commercial) for future warehouse-type building.

Welcome to the Village of Sherwood Plan Commission Meeting

To assist the Commission in conducting its business, we ask that you observe the following:

1. Please speak only to items on the agenda.
2. Please limit your presentation to three (3) minutes.
3. Please do not address the Commissioners during deliberations unless requested to do so.
4. Any item listed on the Agenda may be acted upon by the Commission.
5. Requests from persons w/ disabilities who need assistance to participate should be made to the Clerk's Office (989-1589).
6. A quorum of Village Board members may be present at this meeting. Their presence is for informational purposes only, and no business or action of the Village Board will be transacted.

- 8) New Business: None.
 - a. *Request to amend Developer Agreement (Sanderfoot)*: Land Use Permit request to construct addition to existing, non-conforming use (warehouse) building by amending Developer Agreement (2016) regarding 15.09ac of R-1 (Single-family) zoned property on State Park Road (Tax ID #31250; Sanderfoot).
- 9) Correspondences: None.
- 10) Adjourn.

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2. Please limit your presentation to three (3) minutes.
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6. A quorum of Village Board members may be present at this meeting. Their presence is for informational purposes only, and no business or action of the Village Board will be transacted.

Sherwood Plan Commission Meeting Minutes July 6, 2020

NOTE: Due to COVID-19 restrictions, residents are not allowed in the Village Hall.

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Join via telephone (without video): Tel #: 1-408-418-9338. Access Code: 628 186 722# Attendee ID: 51#

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

Present	Absent
Jean DeKeyser (virtual)	None
Bob Gillespie	Others Present
Joyce Laux	Randy Friday, Administrator
Kathy Salo (virtual)	Kathy Mader, Acting Clerk
Brad Schmidt (virtual)	Craig Hamilton, AIT
Scott Sheppard	
Steve Summers	

2) Pledge of Allegiance – *Recited.*

3) Approval of the Agenda – *Salo moved to approve the agenda. Sheppard seconded. Motion carried unanimously.*

4) Approval of Minutes: June 1 (Regular Meeting) – *Gillespie moved to approve the June 1, 2020 meeting minutes. Schmidt seconded. Motion carried unanimously.*

5) Citizen comments on agenda items – *None*

6) Officer's Report

a. Plan Commission – Chair – *Summers stated he, Laux and Friday had met with High Cliff Golf Course engineers at the Village office on July 2nd regarding variances for the proposed project.*

b. Zoning Administrator – *Friday posed a question regarding a request received from resident, Ryan Kolosso. Friday explained Kolosso owns a vacant parcel on the "lake side" of State Park Road and another parcel directly across the road from the "lake side" parcel. His house is built on the "land side" parcel. Mr. Kolosso is requesting to build a boat house, an accessory building, on the "lake side" parcel which is a buildable lot. Friday stated both lots are zoned R1-A, single family district. Sherwood Code indicates the primary use for R1-A parcels is for a residence. Friday explained, under Sherwood R1-A zoning, the two lots could be combined by CSM as a conditional use permit which requires a public hearing and would allow for a boat house. All were in*

consensus of requiring a CSM to combine the lots to allow for the boat house as an accessory building.

7) Old Business:

- a. Area Development Plan (ADP #2020-01): Consider development proposal (Parcel #13697; 10.2acres; Schulz, Burzynski). Note: Previous plan reviewed in 1997 for development as Sherwood Forest 2nd Addition. Only one lot approved, via CSM, for construction of a single-family home (Schultz) – *Burzynski notified (virtually) the commission he closed on the property and intends to provide plans to the Plan Commission in the near future.*

8) New Business:

- a. CSM #2020-01: Request for creation of (new) Condon Road Right-of-Way for roadway placement (Village of Sherwood) - ***Sheppard recommends VB approval of CSM #2020-01 for creation of (new) Condon Road R.O.W for roadway placement. Schmidt seconded. Motion carried unanimously.***
- b. CSM #2020-02: Request to re-create Tax ID #s 13530 (N599 Military Road, et. al.; 41.55ac – predominantly farmland), #13532 (1.32ac – Sherwood Elevator operations); #13524 (0.22ac – Sherwood Elevator operations); #13511 (0.63ac - Sherwood Elevator operations), into Lot #1 (7.813 ac. – Sherwood Elevator operations) and Lot #2 (37.396ac. – all Ag. land) – ***Sheppard recommends VB approval of CSM #2020-02 to re-create Tax ID #s 13530, #13532, #13524 and #13511 into Lot #1 and Lot #2. Gillespie seconded. Motion carried unanimously. Schmidt questioned access to Lot #2 for future planning.***
- c. RP #2020-01: Request to rezone Tax ID #13504 (N364 Military Road) from current IR-2 zoning into two parcels; One with existing dwelling (2.0ac.) remains IR-2, the other (9.0ac.) to be rezoned as C-2 (Commercial) for use as future warehouse-type building – ***Schmidt recommends VB approval of RP #2020-01, request to rezone Tax ID #13504 from current IR-2 zoning into two parcels; one with existing dwelling (2.0 ac) remaining IR-2, the other (9.0ac) to be rezoned C-2 for use as future warehouse type building, contingent upon CSM. Salo seconded. Motion carried. Laux - nay***
- d. Outdoor Entertainment Area (Djupstrom): Request to place 24 X 24 outdoor entertainment space in rear yard - *No action taken. Friday stated this is a request for a stand-alone structure. He explained, with the size of the planned structure, this would be a major structure and the lot size does not allow for a 2nd major structure, the first being the attached garage. Friday said one option would be to attach the structure to the principle structure as an addition. Another option would be to request changing the Zoning Code language to accommodate this size of a second outdoor accessory use structure. This would need to be reviewed during the Winter months could take approximately a year to complete.*

e. (Discussion) Concept Plan – Sherwood Forest Golf Course redevelopment (Genisot; UP Builders) - *No action taken. Commission reviewed re-purposing plans for the former Sherwood Forest nine-hole golf course.*

9) Correspondences: *None.*

10) Adjourn – *Sheppard moved to adjourn at 8:03 p.m. Laux seconded. Motion carried unanimously.*

Respectfully submitted for review and approval by Kathy Mader, Acting Clerk

**DO NOT REMOVE
OFFICIAL OFFICE COPY**

RECEIVED
JUL 08 2020
V. SHERWOOD TREASURER

**PROTEST PETITION REGARDING PROPOSED ZONING CHANGE FOR
TAX PARCEL 13425
IN THE VILLAGE OF SHERWOOD, WISCONSIN
Pursuant to § 22-109(H) of the Village of Sherwood Zoning Ordinance
and § 62.23(7) of the Wisconsin Statutes**

We, the undersigned, hereby petition and declare to the Village Board of the Village of Sherwood as follows:

- A. Based upon information and behalf, Drive Fore Success, LLC has filed a request with the Village of Sherwood to have all or part of Calumet County Tax Parcel No. 13425 (the "Subject Property" rezoned from IR-1 (Recreation Industry District) to IR-2 (Recreation Industry/Residential District) under the Village of Sherwood Zoning Ordinance.
- B. The approximately location of the Subject Property is further shown on the attached Exhibit A (where the Subject Property is outlined in red).
- C. This Petition is being made pursuant to § 22-109(H) of the Village of Sherwood Zoning Ordinance and § 62.23(7) of the Wisconsin Statutes. § 22-109(H) of the Village of Sherwood states:

(1) Filing of protest petition and verification. In the event a protest against a proposed change or amendment is filed under § 62.23(7)(d), Wis. Stats., with the Village Clerk-Treasurer at least 24 hours prior to the time of the meeting of the Village Board at which the recommendation of the Plan Commission is to be considered, appearing to be duly signed and acknowledged by the owners of 20% or more of the area proposed to be altered, or by abutting owners of over 20% of the total perimeter of the area proposed to be altered included within 100 feet of the parcel or parcels proposed to be rezoned, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, action on such ordinance may be deferred until the Village Clerk-Treasurer has had a reasonable opportunity to ascertain and report to the Village Board as to the authenticity of such ownership statements.

(2) Extra majority required. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the Village Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

- D. As such, by filing this petition, the undersigned are requiring that any amendment to rezone all or part of Calumet County Tax Parcel 13425 be approved by the affirmative vote of 3/4 of the members of the Village Board present and voting as they represent over 20% of the total perimeter of the area proposed to be altered included within 100 feet of the Subject Property.

In witness whereof, the undersigned have executed this Petition on the date below their respective names.

(Execution on following pages.)

**DO NOT REMOVE
OFFICIAL OFFICE COPY**

(NOTE: 7 pgs. total) (E)

The following is a list of all of the owners believed to be within 100 feet of the Subject Property, but only more than 20% of the undersigned are required to sign.

N7759 Palisades Tr – Parcel No. 14120:

Daniel T. Christ
Daniel T. Christ
Dated: 12/5/2019

Karin A. Christ
Karin A. Christ
Dated: 12-5-2019

N7816 Palisades Cir – Parcel No. 14035:

Michael J. Finet
Michael J. Finet
Dated: 12/8/19

Juliana Flavin
Dated: 12-4-19

N7817 Palisades Cir – Parcel No. 14036:

Benjamin L. Thompson
Benjamin L. Thompson
Dated: 12-07-2019

Katherine M. Thompson
Dated: _____

N7827 Palisades Cir – Parcel No 14037:

Troy A. Neuber
Troy A. Neuber
Dated: 12/27/19

Dated: _____

N7760 Palisades Tr – Parcel No. 14032:

Jean M. Dekeyser Revocable Trust

By: _____
Kerry J. Dekeyser, Trustee
Dated: _____

By: _____
Jean M. Dekeyser, Trustee
Dated: _____

Petition to Village of Sherwood
Page 3

N7770 Palisades Tr – Parcel No. 14033:

Michael Cook
Michael J. Cook
Dated: 2/13/2020

Suzanne M. Cook
Dated: _____

W4897 Golf Course Rd – Parcel No. 13642:

Booher Trust

By: [Signature]
Name & Title: _____
Dated: 5-17-2020

By: _____
Name & Title: _____
Dated: _____

W4900 Golf Course Rd – Parcel No. 14065:

Richard T. Ball
Dated: _____

Karen Ball
Dated: _____

W4906 Golf Course Rd – Parcel No. 14064:

Calvin D. Hayden
Dated: _____

Joan M. Hayden
Dated: _____

W4916 Golf Course Rd – Parcel No. 14063:

Christopher Canino
Christopher V. Canino
Dated: 12/3/19

Jennifer L. Canino
Jennifer L. Canino
Dated: 12/23/19

W4923 Golf Course Rd – Parcel Nos. 14038 & 13423:

James M. Welisek
James M. Welisek
Dated: 12/4/19

Brida A. Welisek
Dated: 12-4-19

W4933 Golf Course Rd – Parcel No. 14039:

Mark J. Damro
Mark J. Damro
Dated: 12/4/19

Mary Beth Damro
Mary Beth Damro
Dated: 12/4/2019

W4947 Golf Course Rd – Parcel No. 14878:

Patrick J. McMullen
Patrick J. McMullen
Dated: 12/7/20

Pauline R. McMullen
Dated: _____

N7830 S Niagara Ct – Parcel No. 14041:

Michael W. Wood
Michael W. Wood
Dated: 12/4/2019

Kristin A. Goerg-Wood
Dated: _____

N7820 S Niagara Ct – Parcel No. 14042:

Christopher H. Fielder
Christopher H. Fielder
Dated: 12/3/19

Jasmine M. Morrison
Dated: _____

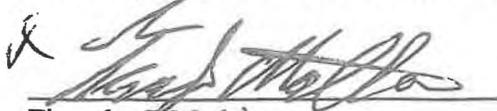
N7829 S Niagara Ct – Parcel No. 14043:

Robert W. Anderson
Robert W. Anderson
Dated: 12/3/19

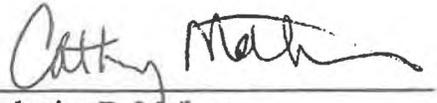
Deanne C. Anderson
Deanne C. Anderson
Dated: 12-3-19

Petition to Village of Sherwood
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N7790 Spurline Ct – Parcel Nos. 13424 & 14046:

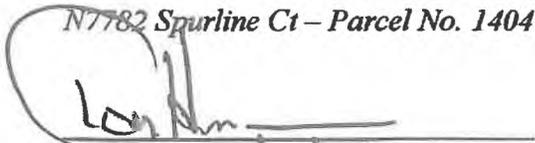


Timothy J. Mathers
Dated: 12/21/19



Catherine R. Mathers
Dated: 12/21/19

N7782 Spurline Ct – Parcel No. 14047:



Thomas Herrmann
Dated: 12/8/19

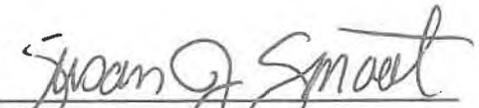


Sue Ellen Herrmann
Dated: 12-8-19

N7779 Spurline Ct – Parcel No. 14048:



Roland N. Smoot III
Dated: 12-3-2019



Susan J. Smoot
Dated: 12-3-19

W5045 Golf Court Rd – Parcel No. 13443:

Kenneth Frozena
Dated: _____

W5082 Fox Ln – Parcel No. 14390:

Jamie E. Duchow
Dated: _____

Ann M. Duchow
Dated: _____

Petition to Village of Sherwood
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W4930 14th Ct. - Parcel No. 14061

Ronald G. Schneider
Ronald Schneider
Dated: 12-3-19

Donna Schneider
Donna Schneider
Dated: 12-4-19

W4981 Golf Course Rd. - Parcel No. 14044

Boyd Helmich
Boyd Helmich
Dated: 12-3-19

Roxanne Helmich
Roxanne Helmich
Dated: 12/3/19

N7798 Spurline Ct. - Parcel No. 14045

Mark Pluimer
Mark Pluimer
Dated: 12-3-19

Moved to
another location
in Sherwood

Laurie Pluimer
Laurie Pluimer
Dated: 12.3.19

W4936 14th Ct. - Parcel No. 14060

Kevin Greiger
Kevin Greiger
Dated: Dec 3, 19

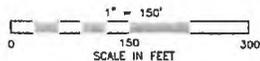
Lisa Greiger
Lisa Greiger
Dated: 12-3-19

W4924 14th Ct. - Parcel No. 14062

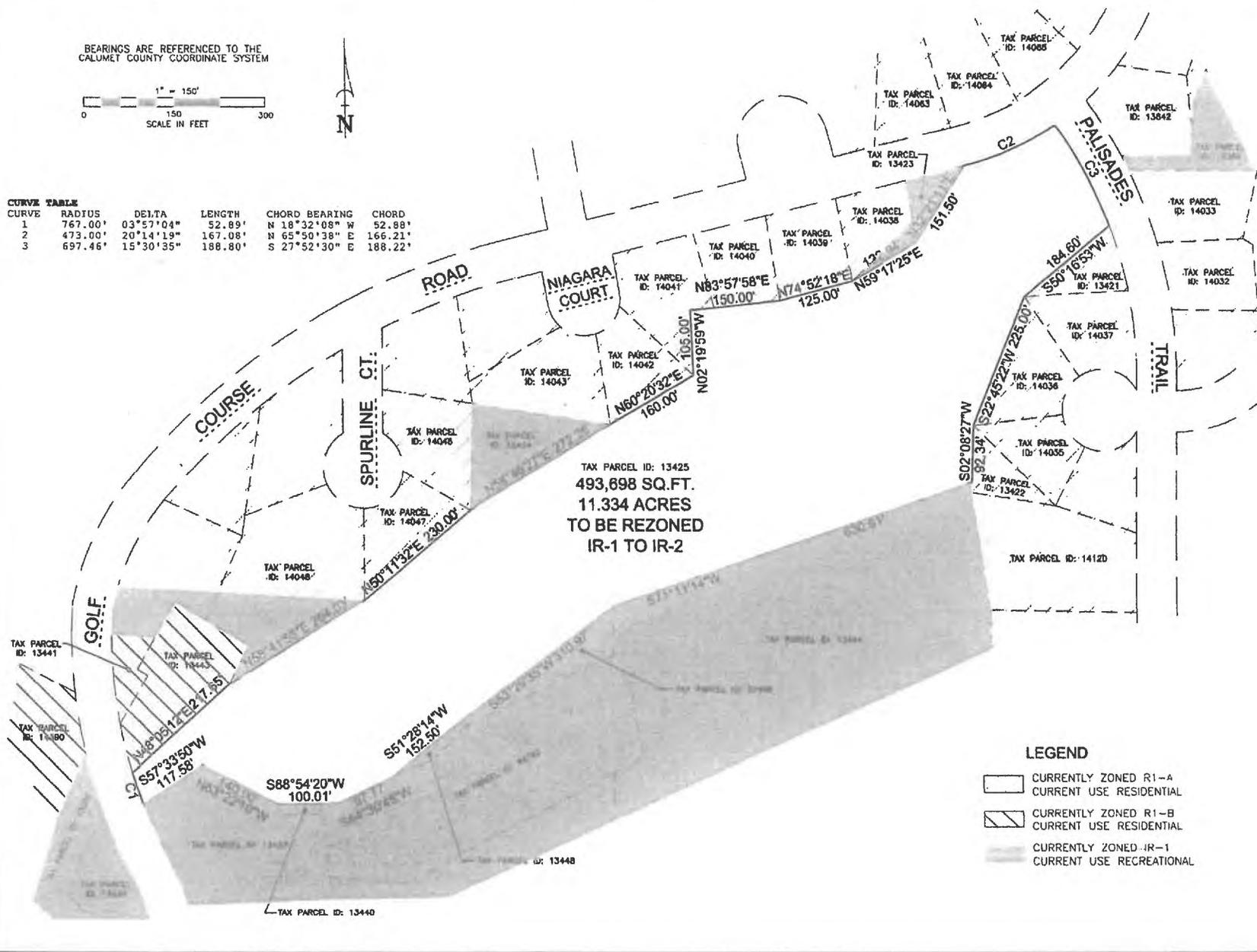
Jane R. Shaw
Jane Shaw
Dated: 12.4.19

Rob Shaw
12/4/19
W5035 Golf course rd

BEARINGS ARE REFERENCED TO THE CALUMET COUNTY COORDINATE SYSTEM



CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
1	767.00'	03°57'04"	52.89'	N 18°32'08" W	52.88'
2	473.00'	20°14'19"	167.08'	N 65°50'38" E	166.21'
3	697.46'	15°30'35"	188.80'	S 27°52'30" E	188.22'



TAX PARCEL ID: 13425
 493,698 SQ.FT.
 11.334 ACRES
 TO BE REZONED
 IR-1 TO IR-2

- LEGEND**
- CURRENTLY ZONED R1-A
CURRENT USE RESIDENTIAL
 - CURRENTLY ZONED R1-B
CURRENT USE RESIDENTIAL
 - CURRENTLY ZONED IR-1
CURRENT USE RECREATIONAL

Martenson & Eisele, Inc.
 Planning
 1377 Moline Road
 Menasha, WI 54952
 www.martensoneisele.com
 Environmental
 Surveying
 Engineering
 ARCHITECTURE
 920.731.0311 FAX 920.738.0311

NO.	DATE	BY	CHECKED	APPROVED	REVISION

REZONING
 PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4 AND
 SOUTHWEST 1/4 OF THE SOUTH, RANGE 18 EAST
 SECTION 25, TOWNSHIP 20 NORTH, RANGE 18 EAST
 VILLAGE OF SHERWOOD, CALUMET COUNTY,
 WISCONSIN.

SCALE: 1"=150'
 DATE: Feb. 2019
 COMPUTER FILE
 1-1283-001 rezoning.mxd

DRAWING NO.
 1-1283-001

(Village - indicated)

C.P.A. #2020-01 (Village)
Comp. Plan Amendment
RE: Camps & High Cliff
IR-1 to IR-2
HOUSES



§ 22-109 Amendments. (Rezoning)

P.P.
↓
A. Intent. It is the intent of this chapter to provide stability and regularity in the zoning of the property in the Village of Sherwood; nevertheless, to best achieve the full purposes of this chapter, it is likely that from time to time amendments will be necessary in the text or in the district map portions of this chapter to recognize that changing conditions or expectations call for changed plans, and changed plans call for changed regulations. As a result, owners of property subject to particular regulations under this chapter cannot enjoy an eternally vested right to those regulations if the public interest demands otherwise. Among the conditions which may be expected to require zoning changes are:

- (1) Holding districts, which constitute a form of temporary zoning, may require rezoning to other basic or overlay districts as full development becomes imminent.
- (2) Additional state-imposed regulations may require amendments to this chapter to conform to such state mandates.
- (3) Village Plan amendments or refinements may require adjustments in the boundaries of districts or in the form of text regulation in order to reflect the new knowledge added to the plan.
- (4) County and regional plan amendments or refinements may, as in Subsection A(3) preceding, require similar adjustments.
- ✓ (5) Property owners' petitions in which owners may propose modifications to the zoning in which they are located in order to better do their part in carrying out the Village Plan and in serving the public interest.

~~B. Authority. Whenever the public necessity, convenience and general welfare require, the Village Board may, by ordinance, as provided for in § 62.23(7)(d)2, Wis. Stats., amend any part of this chapter, including amending the textual regulations, the district regulations, or the reclassifying of property into other districts. Such amendments shall be by petition and be considered as provided for herein.~~

C. Initiation. A petition for change or amendment may be made by any property owner or agent of the owner in the area to be affected by the change or amendment, by the Village Board, or by the Plan Commission.

D. Filing of petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk-Treasurer, together with the fee required in § 22-107H and the following information, where appropriate, on forms supplied by the Village:

- (1) Required information for district map changes.
 - (a) Plot plan or map drawn to scale, or map of legal descriptions, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of adjacent properties.
 - (b) Owners' names and addresses, as listed on such records as the Village Assessor's maps or Village tax roll, of all properties lying within 100 feet of a proposed district change.^[1]
 - (c) Additional information as required by the Village Board or Plan Commission on forms available from the Zoning Administrator.
- (2) Required information for text amendments.

- (a) Proposed text amendment language and, if possible, a defense of the necessity for such a change.
- (b) Owners' names and addresses as described in Subsection **D(1)(b)** preceding if it is determined by the Zoning Administrator or by said office in consultation with the Village Attorney that the amendment is sufficiently site specific to consider protest petitions, as provided for in § 62.23(7)(d)2m, Wis. Stats., and Subsection **H** herein.

(c) Additional information as required on forms available from the Zoning Administrator.

E. Referral and recommendations.

(1) **Referral to Plan Commission.** The Zoning Administrator shall check the petition for completeness, conferring with the petitioner as necessary. When the petition appears complete, the Zoning Administrator shall place it upon the Plan Commission agenda, with copies to other Village staff that the Commission is likely to consult on the petition.

(2) **Plan Commission review and recommendations.** Upon receipt of the petition, the Commission shall conduct the necessary study and investigation in order to provide, as promptly as possible, a recommendation to the Village Board, as set forth in § 66.23(7)(d)1b, Wis. Stats., and § 22-104D(2) of this chapter.

(a) **Commission public interest criteria.** In making its recommendations, the Commission shall always be guided by a finding that the change or amendment would be in the public interest and not solely for the benefit of the applicant. The public interest shall be found by weighing the following:

- [1] Compliance with the Village Plan adopted by the Commission.
- [2] Compliance with county, regional or other such plans as adopted by the Commission.
- [3] Compliance with the purpose of this chapter as set forth in § 22-3 of this chapter.

(b) **Information hearings.** In developing its recommendations, the Commission may hold an informational hearing, noticed as it determines in each case.

F. Official hearing. The Village Board shall hold a public hearing upon each proposed change or amendment, the Village Clerk-Treasurer giving notice of the time and place of such hearing by:

- (1) Publication of a Class 2 notice under Ch. 985, Wis. Stats.
- (2) Mailed notice to the owners of record on Village tax rolls or Assessor maps of all lands lying within 100 feet of any part of the land involved in either a zoning district change or an ordinance text amendment found to have specific impact upon only a few properties.

(a) **Mailed notice postmark.** Such mailed notice shall be postmarked at least 10 days prior to the date of hearing. The failure of such notice to reach any property owner, provided that such failure is unintentional, shall not invalidate any amending ordinance or other action taken upon the matter noticed.

G. Action

(1) **Village Board.** After such public hearing and no later than the second Village Board meeting following receipt of the Plan Commission's recommendations, the Village Board shall act to approve, modify and approve, or disapprove the proposed change or amendment.

(2) **Re-referral to Plan Commission.**

(a) The Village Board shall not take action without having first heard the recommendations of the Plan Commission. Should the Village Board not concur in the recommendation of the Plan Commission,

Refer back
to Plan
Comm'n

(*) including an intent to approve with modifications not contained in the Commission recommendation, the Village Board shall re-refer the matter to the Commission for reconsideration before taking final action, specifying the amount of time available to the Commission for its reconsideration. When the matter so re-referred to the Plan Commission returns to the Village Board, the Village Board shall assume the sole responsibility for disposition of the proposed change or amendment.

(b) Once the Village Board has so assumed the sole responsibility for the disposition of the proposed change or amendment, the following action may take place:

[1] If the Village Board acts to disapprove, the amendment is defeated.

[2] If the Village Board acts to approve, or modify and approve, so approved.

(3) Provisional zoning. In connection with its action to modify and approve (or to approve if already so recommended by the Plan Commission), the Village Board may provisionally rezone the property which is the subject of the petition. Any such provisional rezoning shall become permanent, provided that the conditions imposed by the Village Board have been complied with within such period of time as may be designated by the Village Board, but not to exceed three years.

(a) Zoning Map notation. For such period of time until the provisions have been met and so certified by the Zoning Administrator, the Official Zoning Map of the Village shall show the property to be zoned "P* ____" (* for provisional).

(b) Waiver of vested interest. By accepting the provisional rezoning, the petitioner is deemed to waive any claim of vested rights in the property during the period of provisional rezoning.

(c) Title recording. The Village Board, in its discretion, may cause notice of the provisional rezoning, together with the provisions imposed, to be recorded in the office of the Register of Deeds.

H. Protest.

(1) Filing of protest petition and verification. In the event a protest against a proposed change or amendment is filed under § 62.23(7)(d), Wis. Stats., with the Village Clerk-Treasurer at least 24 hours prior to the time of the meeting of the Village Board at which the recommendation of the Plan Commission is to be considered, appearing to be duly signed and acknowledged by the owners of 20% or more of the area proposed to be altered, or by abutting owners of over 20% of the total perimeter of the area proposed to be altered included within 100 feet of the parcel or parcels proposed to be rezoned, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, action on such ordinance may be deferred until the Village Clerk-Treasurer has had a reasonable opportunity to ascertain and report to the Village Board as to the authenticity of such ownership statements.

(2) Extra majority required. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the Village Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

If 7; then 6.

If 6; then 5.

If 5; then 4.

If Members, then "X" votes needed to affirm.

Protest.

Zoning and Municipal Code Fees



W482 Clifton Road
 PO Box 279
 Sherwood, WI 54169
 Ph: 920-989-1589

FOR OFFICE USE ONLY	
<input checked="" type="checkbox"/>	Fee Enclosed CK # <u>20160</u>
<input type="checkbox"/>	Complete Application (See Listings)
Date Received: <u>NOV 27 2019</u>	
V. SHERWOOD TREASURER	

Date of Application: 11/27/19

Applicant/Property Owner: DRIVE FORE SUCCESS, LLC AKA High Cliff Public Golf Course, Inc
 Project Address: WS655 Golf Course Road Sherwood, WI
Tax ID 13425
 Phone: 920-989-1045 / Email: daw@highcliffgolf.com

	Type	Description	Cost
<input type="checkbox"/>	Certified Survey Map (Review)	_____	\$ 50
<input type="checkbox"/>	Extra-Territorial CSM (Review)	_____	\$ 75
<input type="checkbox"/>	Rezoning Petition	_____	\$ 350
<input type="checkbox"/>	Variance Request	_____	\$ 350
<input type="checkbox"/>	Conditional Use	_____	\$ 350
<input type="checkbox"/>	Zoning or Municipal Amendment	_____	\$ 350
<input checked="" type="checkbox"/>	PDD / PUD / Subdivision Review <u>(#13425) PUD Application</u>	_____	\$ <u>350</u>
<input type="checkbox"/>	Site Plan Review	_____	\$ 500
<input type="checkbox"/>	Official Map Amendment	_____	\$ 350
<input type="checkbox"/>	Change in Use (Commercial)	_____	\$ 25

Signature of Property Owner: *Dan Biegel*

Printed: 11/27/19

§ 22-112 Planned Development Projects.

RE: The Cottages at High Cliff

A. Introduction and purpose.

(1) Uniform and individual lot regulations. This chapter is predicated upon regulating the land development and use maintenance process primarily on an individual lot or tract basis, with all lots in the same district being subject to regulations which are uniform throughout that district, as prescribed by § 62.23(7)(b), Wis. Stats., in order to achieve the purpose set forth in § 62.23(7)(c), Wis. Stats., and in § 22-3 of this chapter.

(2) Diversified and grouped lot regulations. However, as also provided for in said § 62.23(7)(b), Wis. Stats., with the consent of the landowners, there may be and hereby is established a special district in which the regulations need not be uniform throughout the district, so that there may be permitted development regulations which have the same purpose as § 62.23(7)(c), Wis. Stats., and § 22-3 of this chapter, but which seek to allow regulation on a project basis, possibly involving many lots or tracts or multiple structures, including possibly allowing more than one principal structure per lot, which regulations as set forth in said § 62.23(7)(b), Wis. Stats., will tend to promote over time the maximum benefits of:

- (a) Coordinated area site planning.
- (b) Diversified location of structures.
- (c) Mixed compatible uses.
- (d) Safe and efficient pedestrian and vehicle traffic system.
- (e) Attractive recreation and landscaped open spaces.
- (f) Economic design and location of public and private utilities and community facilities, ensuring adequate standards for construction and planning.

B. District establishment.

(1) PUD Planned Unit Development District. The regulations of this section shall operate in conjunction with the application to specific tracts of land of the PUD Planned Unit Development District as established in Article II of this chapter.

(2) Minimum area required. In order to be regulated under this section, proposed project plans must be no less than the following minimum size:

<u>Proposed Principal Uses</u>	<u>Minimum Project Size (square feet)</u>
Residential and open space uses	100,000
Mixed compatible uses	200,000
Commercial or industrial uses	200,000

(3) Ownership consent. As required by § 62.23(7)(b), Wis. Stats., a proposed development at the time of application of the PUD Planned Unit Development District shall require the consent of the owners to the regulations as shall apply to their individual tracts through the approved PUD District project plan.

C. Uses permitted.

(1) Underlying district uses. All uses as permitted by the underlying district or districts within the boundaries of the overlay PUD District may be permitted in the project plan approved as part of the PUD regulations as stated therein, subject to Subsection C(4) below. Said plan may also provide for excluding uses that are otherwise permitted by the underlying districts, or for follow-up approval of building, site and operational plans as provided for in §22-111 of this chapter.

(2) Other uses permitted. In addition to Subsection C(1) preceding, any other use permitted by this chapter may be permitted as part of the project plan approved as part of the PUD regulations, consistent with the approval criteria set forth in Subsection E hereunder.

(3) Individual uses and structures need not necessarily comply with the specific building location, height, building size, floor area ratio, lot size or open space requirements of the underlying district, provided that benefits as set forth in § 62.23(7)(b), Wis. Stats., and Subsection A(2) of this section justify deviation from said requirements.

(4) Conditional use processing. Uses permitted in an underlying district or elsewhere in this chapter by conditional use grant, if not permitted by right in one of the underlying districts, shall only be permitted through the PUD regulations as a conditional use. The petition, application materials, and hearing for said conditional uses may be part of the PUD process to avoid dual processing, unless the PUD plan specifically determines that the conditional uses are to be separately evaluated and processed.

D. Procedure.

- ✓ (1) Pre-petition conference. Prior to official submittal of a petition, the petitioner shall meet with the Plan Commission for a preliminary discussion as to the scope and proposed nature of the contemplated development, especially as relates to the petitioner's intentions to submit a general or detailed application.
- ✓ (2) Petition. Following the pre-petition conference, petition may be made to the Zoning Administrator by the owners or agents of properties proposed for such development to amend the Zoning Map by the overlaying of a PUD District in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee as required in § 22-107H and the following information in appropriate detail as to the type of approval, general or detailed, desired (see determination in Subsection F):
 - ✓ (a) A statement describing the general character of the intended development and the desirability of applying the requirements of this section and the PUD District rather than those ordinarily applicable through basic underlying zoning. This statement should at least include:
 - ✓ [1] Statistical data on total size of the project area, area of open space, residential density computation and proposed number of dwelling units, population analysis, market analysis, economic analysis, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - ✓ [2] A financial factors general summary, including the value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.

[3] Organizational and service structure general outline related to intended property owners' association, deed restrictions, and provision of private services.

(b) A general development plan and related maps and plans, including descriptive statements of objectives, principles and standards used in its formulation of the project, showing at least the following information as may be required by the Plan Commission and Village Board to apply the criteria for approval as hereinafter set forth:

[1] An accurate map of the project area, including its relationship to surrounding properties.

[2] The pattern of public and private roads, driveways, and parking facilities and intended design standards.

[3] The size, arrangement and location of lots or of proposed building groups.

[4] The location of recreational and natural open space areas and areas reserved or dedicated for public uses such as school, park, nature preserve, etc.

[5] The type, size and location of structures.

[6] General landscape treatment.

[7] Architectural drawings and sketches or photos of similar developments illustrating the design and character of proposed structures.

[8] The location of present and proposed sanitary sewer and other utility facilities if necessary to an evaluation of the project plan.

[9] Existing topography and storm drainage pattern and proposed storm drainage system showing basic topography changes, if deemed necessary for project evaluation.

~~(3) Referral to Plan Commission. Such petition shall be referred to the Plan Commission and processed as a zoning change. Upon completion of necessary study and investigation, the Plan Commission shall make its recommendation to the Village Board as to the appropriateness and desirability of the application of the PUD District as relates to the suitability of the building, site and development plans and any additional conditions which the Commission may feel necessary or appropriate.~~

~~(4) Public hearing. The Plan Commission, before taking affirmative action to approve such petition, shall hold a public hearing pursuant to statutory provisions for zoning amendments. Notice for such hearing shall include reference to the consideration of the proposed project development plans coincident with the requested zoning change to PUD.~~

~~E. Basis for approval. The Plan Commission, in making its recommendations, and the Village Board, in making its determination, shall give consideration and satisfy themselves as to the following:~~

~~(1) Construction schedule. That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project and requested overlay for the PUD District, and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.~~

~~(2) Adequate professional assistance. That the project plan has been prepared with adequate professional assistance, especially as relates to justifying deviation from standards as set forth in the~~

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underlying basic zoning districts or from other development standards such as for streets and utilities, and to achieving Subsection E(3) and (4) below.

(3) Conformity to Village Plan. That the project plan serves to implement the spirit and intent of the Village Plan, especially as relates to preservation of conservation areas and creation of common open spaces, and to creation of a more diversified and interesting use pattern than might otherwise result from application of underlying zoning patterns.

(4) Achievement of purposes and benefits. That the project plan achieves the purpose for zoning as set forth in § 62.23(7)(c), Wis. Stats., and § 22-3 of this chapter, as well as the benefits of planned development projects as set forth in § 62.23(7)(b), Wis. Stats., and Subsection A(2) of this section.

(5) Preservation and care of open space.

(a) That the resultant common open space is suitable for its use as relates to location, access, size and shape, proposed degree of improvement for recreational use, or proposed degree of protection from damage if a natural area.

(b) That adequate guarantee for retention of proposed private open spaces in their proposed uses and against building or other development (except as consistent with the open space objective) shall be accomplished by conveying to the municipality as part of the conditions of approval a land covenant to be approved by the Plan Commission and recorded at the County Register of Deeds office restricting the area as herein required.

(c) That in the case of a private open space proposal, the care and maintenance of such open space shall be ensured either by establishment of an appropriate management organization or property owners' association for the project or by agreement with the municipality for establishment of a special service district for the project area on the basis of which the municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the Village shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Village.

(d) That ownership and tax liability of private open space areas shall be established in a manner acceptable to the municipality and made a part of the conditions of the plan approval.

(e) That adequate financial guarantee that such common open space will be developed or protected as proposed is made by the owners or developers in the form of bonds, sureties, or letters of credit acceptable to the Village pursuant to the procedures used in the building and platting of public streets.

(6) Proposed residential developments.

(a) That such development will create an attractive residential environment of sustained desirability and economic stability, including placement of structures in relation to terrain and soils, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood.

(b) That the population composition of the development will not result in adverse effect from that anticipated in the Village Plan upon the community's capacity to provide needed school or other municipal service facilities.



(c) That adequate guarantee is provided for permanent retention as open area of open land area resulting from the application of these regulations either by dedication to the public or by private reservation as regulated by Subsection E(5) preceding.

- (7) Proposed commercial developments. (N/A).
- (8) Proposed industrial developments. (N/A).
- (9) Proposed mixed-use developments. (N/A).

parts etc. ; H.C.C.C.

F. Determination.

(1) Denial or approval. The Village Board after due consideration, upon recommendation of the Plan Commission, may deny or approve the petition as submitted or approve the petition subject to changes or additional conditions.

(2) Representations and conditions incorporated. The general or detailed approval of a petition and consequent amending of the Zoning Map by overlay of the PUD District shall be based upon, and thereby incorporate, all the representations contained in the petition and its accompanying written and other exhibits offered by the petitioner, as modified by the Village's part of the review and approval process.

✓ (a) General approval. Plans submitted for such an approval need not necessarily be completely detailed at the time of overlay zoning, provided that they are of sufficient detail to satisfy the Plan Commission and Village Board as to the general character, scope and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets and size and arrangement of lots as in the preliminary platting process, which may indeed also be involved, and the basic pattern of land use, with an illustration of a typical example, of the development proposed. The approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses, so that all detailed approvals are complete before an occupancy permit is required.

✓ (b) Detailed approval. Plans submitted for detailed approval shall be sufficiently complete that the factors normally associated with issuance of a zoning permit under this chapter, such as a developer's agreement (or) approval of a property division under Chapter 24, Subdivision and Platting, of this Code, are presented. Without prejudice because of enumeration, this can include information related to the following: § 22-110, Conditional uses, § 22-111, Building, site and operational plans, Article X, Performance Standards, and preliminary or final plats under Chapter 24, Subdivision and Platting, of this Code.

✓ (3) Subsequent changes. Proposed changes to approved project plans, judged insubstantial by the Plan Commission, may be approved by the Commission and added to the project file. Proposed changes which the Commission judges to be substantial shall require approval by the Village Board, after review and recommendation by the Commission and after public hearing as set forth in Subsection D(4) preceding.

(4) Project terminations. Approved planned development projects, including those which have begun development under the terms of the approved project plan, may be modified so as to terminate all or some

= PUD
App/ Denial

of the special conditions approved under the plan, in order to return to basic underlying zoning regulations for all or some of the developed or undeveloped portions of the project area.

(a) Petition. Where the original project petitioners or their successors are able to initiate a petition, they may file a petition seeking project plan termination, suggesting how area already developed under the project plan may be made conforming to underlying zoning regulations, or how those areas might remain under a reduced area project plan. Where said original petitioners are no longer able to file such a petition, the Plan Commission may act as a petition filer.

(b) Hearing and recommendations. When a petition is filed to terminate a project plan in whole or part, the Commission shall hold an informational hearing, notifying all affected parties, so that the Commission may learn what form of project plan termination would best serve the interests of all affected parties. The Commission shall then recommend to the Village Board such project plan modifications or termination as it deems appropriate. The Village Board shall treat said recommendation as a zoning petition and hold the necessary hearing before acting.

(c) Determination. In the manner set forth in this subsection preceding, the Village Board shall act upon the petition. The project file and Zoning Map shall be appropriately modified with the changes adopted by the Board, and as necessary any land covenants, plats or other recorded documents amended as required to conform to the revised regulations, with the costs apportioned as directed by the Board.

- § 22-3 Purpose.

This chapter is adopted for the purpose of promoting the health, safety, morals or the general welfare of the community through the comprehensive regulation of land use within the Village

- § 62.23(7)(b)(c), Wis. Stats.

7) Zoning.

(b) Districts. For any and all of said purposes the council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts. No ordinance enacted or regulation adopted under this subsection may prohibit forestry operations that are in accordance with generally accepted forestry management practices, as defined under s. 823.075 (1) (d). The council may establish mixed-use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form. The council may with the consent of the owners establish special districts, to be called planned development districts, with regulations in each, which in addition to those provided in par. (c), will over

a period of time tend to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and insure adequate standards of construction and planning. Such regulations may also provide for the development of the land in such districts with one or more principal structures and related accessory uses, and in planned development districts and mixed-use districts the regulations need not be uniform.

(c) *Purposes in view.* Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to preserve burial sites, as defined in s. 157.70 (1) (b). Such regulations shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

CASH
CHARGE

Zoning FAQ 5

May a municipality include a process in its zoning code by which property owners affected by a proposed rezone may file a protest petition triggering an extraordinary vote requirement for passage of the zoning change even though 2017 Wisconsin Act 243 repealed Wisconsin Statute § 62.23(7)(d)2m.a, the protest petition law?

Yes. A municipality may create by ordinance a protest petition process like former Wis. Stat. § 62.23(7)(d)2m.a, which was repealed by 2017 Wisconsin Act 243, effective April 5, 2018. The former statute had provided as follows:

In case of a protest against a [proposed zoning] amendment ... duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed amendment, or by the owners of 29% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change.

Nothing in state law expressly prohibits a municipality from adopting by ordinance the same or a similar protest petition process triggering an extraordinary vote requirement for passing a zoning change.

The ordinance should not refer to former Wis. Stat. § 62.23(7)(d)2m.a, since that statute no longer exists. Rather, a municipality may rely on its broad legislative home rule powers (Wis. Stat. § 61.34 for villages and Wis. Stat. § 62.11(5) for cities) and broad zoning powers under Wis. Stat. sec. 62.23(7) to adopt its own version of a protest petition process (per Wis. Stat. § 61.35, § 62.23 also applies to villages).

A related question has come up as to whether a municipality that has an ordinance mirroring the repealed statute, must replace that ordinance with another establishing the same or a similar protest petition process. If the ordinance makes no reference to the old statute, there is no need to update it. However, any references in the ordinance to the previous statute should be repealed (and replaced, if desired).

(rev. 11/19)



The ordinance should say what the report of the commission is to include, particularly answering the question of whether the commission is to draft or cause to have drafted the appropriate ordinance terms so that the council will have before it the amendment in a form that can be acted upon. The ordinance should also address whether the commission should recycle through the hearing process if the commission reports out an amendment in a significantly amended form.

The general law on this question is that a substantial change in an amendment proposal can require a recycling if the original notice was not broad enough to indicate that such change might be made and if the possibility of such alterations was not discussed openly at the hearing where persons interested in the amendment and its alternatives were able to learn of the possibility and comment upon it. See Annotations: Validity and Construction of Statutory Notice Requirements Prerequisite to Adoption or Amendment of Zoning Ordinances or Regulations, 96 ALR 2d 449, sec. 19. See also 39-292 OAG (1950).

The commission should take into account responses made by the persons who appear at the hearing and otherwise communicate on the amendment proposal. The commission is not, however, mandated as to its recommendation by any particular response it receives. This contrasts with the statutory mandate that a county plan commission must issue a negative recommendation if certain communications are received from town boards.

40. City and village law on protest petitions includes the following rules:

a. Area eligible to sign protest petitions:

1. Owners of 20% or more of the area included in the proposed amendment; or
2. Owners of 20% or more of the area immediately adjacent and extending 100 feet there from; or
3. Owners of 20% or more of the land directly opposite and extending 100 feet from the street frontage of such opposite land.

b. Signing and acknowledgement. The petition must be "duly signed and acknowledged" by the eligible owners.

c. Method and timing of submission. The statutes are silent, but it is unlikely that a city or village could ignore or dismiss an otherwise valid protest petition which was submitted in fact to the council or village board at any time before the legislative body was to vote on the amendment.

d. Vote requirement. A valid protest petition requires a three-fourths majority of the members of the city council or village board voting to pass the protested petition.

Sherwood Plan Commission Meeting Minutes
Special Meeting
May 18, 2020

NOTE: Due to COVID-19 restrictions, residents are not allowed in the Village Hall but may 'join' the meeting at 6:30pm via WebEx meeting home page at www.villageofsherwood.org. On the upper right-hand side of your computer screen you will see the link to join the WebEx meeting. You may also print or save a copy of the complete meeting packet.

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

	Present	Absent
	Jean DeKeyser (virtual)	None
	Bob Gillespie	Others Present
	Joyce Laux	Randy Friday, Administrator
	Kathy Salo (virtual)	Kathy Mader, Acting Clerk
	Brad Schmidt	Craig Hamilton, AIT
	Scott Sheppard (virtual)	
	Steve Summers	

2) Pledge of Allegiance – *Recited*

3) Approval of the Agenda – *Schmidt moved to approve the agenda. Laux seconded. Motion carried unanimously.*

4) Approval of Minutes: March 2 – *Gillespie moved to approve the March 2, 2020 meeting minutes. Schmidt seconded. Motion carried unanimously.*

5) Citizen comments on agenda items

- *Bob Anderson (virtual) N7829 S Niagara Ct Re: 7 c – 7 f
Anderson believes the High Cliff Golf Course proposed development will be a high density develop and suggests the Village consider revising the high-density policy. He also inquired whether or not the Village engineer checked the traffic issues as suggested by the Plan Commission at the March meeting? Would it be gated as suggested by Corey Feller, HCGC? He requests the PC to take these concerns into consideration before moving forward.*

- *Lucia Moburg (virtual) W4864 Forest Lane Re: 7 c – 7 f
Moburg opined the preservation of Sherwood as it is today is to care for the future generations of Sherwood. She questioned why progress needs to be development rather than the preservation of the existing.*

- *Craig Booher (virtual) W4897 Golf Course Rd Re: 7 c – 7 f
Booher expressed concern regarding the traffic at the intersection of Golf Course Road and Palisades Trail. He requests the Plan Commission to not approve the development.*

- *Roland Smoot (virtual) N7779 Spurline Ct Re: 7 c – 7 f
Smoot stated he had a direct conversation with Dan Rippl, High Cliff Golf Course, and understands the reason HCGC needs to build the development is because they bought the High Cliff Restaurant and, now, they need revenue.*

6) Officer's Report

- a. Plan Commission – Chair – *Summers thanked Sheppard for chairing the March 2 meeting and stated the Open Burning results and Fire Pit Regulations discussion will be moved to the June agenda.*

Summers reminded everyone in attendance (in-person and via virtual) the Plan Commission is a recommending body. Therefore, the final discussion to approve or deny will occur at the Village Board level.

- b. Zoning Administrator – *Friday said the permitting season is very busy and, in the near future, there might be discussion regarding the current versus future use of Sherwood Forest Golf Course property.*

7) Old Business:

- a. Open Burning: Survey results (Salo; June).
- b. Fire Pit regulation: Ordinance review (Summers; June).

NOTE: For prior information regarding items 7c thru 7f., refer to March 2. New information, only, included in May 18 paper copy packet.

- c. RP #2019-01: (Note: Public Hearing conducted March 2) A rezoning petition (Drive Fore Success, LLC) to rezone parcel #13425 (18th Hole) from IR-1 to IR-2 zoning district. – *Salo moved and Laux seconded to recommend Village Board approval of RP #2019-01, rezoning parcel #13425 from IR-1 to IR-2, contingent upon the Village Board negating or dissolving the 2010 Developer's Agreement. Unanimous approval.*

Schmidt requested clarification of Village Zoning Code district standards for IR-2 district; inquired of High Cliff Golf Course representatives and their engineers what part of the IR-2 standards will the development not be able to meet if they are requesting the PUD.

Gary Zahringer (virtual), Martenson & Eisele, responding to Schmidt, stated the front yard setbacks are 17' versus 30' required in IR-2; the closer-to-the-private-drive front yard setbacks allow larger backyards that will abut Golf Course Road residences. Zahringer explained a normal public street is 66 feet wide road-right-of-way. While this private development drive area width is considerably smaller since it is a private drive.

**P.C.
VOTES**

Sheppard stated the High Cliff Golf Course is a private entity not a public entity such as the High Cliff State Park, therefore, their financial situation is not an issue for the Plan Commission.

Gillespie requested clarification of the motion. Salo explained, since the TID 1 is closed, to consider approval or denial of this item, the agreement should be negated or dissolved.

Salo questioned Dan Rippl (virtual), High Cliff Golf Course, if they would consider a lower density development, for example 10 buildings with 20 units. Rippl responded it would not be fiscally prudent for the needed revenue.

d. PUD #2019-02: (Note: Public Hearing conducted March 2) Consider a Planned Unit Development (22 buildings as 44 duplex units) based on RP #2019-01 (Drive Fore Success, LLC) allowing development of duplex units on current 18th Hole of HCGC (11.3 acres) – *Gillespie moved to recommend the Village Board approve PUD #2019-02 conditional upon completion of the WDNR wetland delineation study. Laux seconded. Dekeyser – Nay, Gillespie – Aye, Laux – Aye, Salo – Nay, Schmidt – Nay, Sheppard – Nay, Summers – Aye. Vote 4-3 to deny.*

e. CPA #2020-01: (Note: Public Hearing conducted March 2) A Comprehensive Plan Amendment in concert with RP #2019-01 and/or PUD #2019-02 regarding the land use of High Cliff Golf Course Hole #18 (Parcel #13425; Drive Force Success, LLC); Maps 8-3 (Land Use) and 8-4 (Future Land Use) – *Sheppard moved to recommend the Village Board approve CPA #2020-01, Comprehensive Plan Amendment in concert with RP #2019-01, regarding the land use of High Cliff Golf Course Hole #18, Parcel #13425; Maps 8-3 (Land Use) and 8-4 (Future Land Use). Gillespie seconded. Dekeyser – Nay, Gillespie – Aye, Laux – Aye, Salo – Aye, Schmidt – Aye, Sheppard – Aye, Summers – Aye. Vote 6-1 to approve.*

f. Concept Plan: (Tabled from Dec, 2019) Consider updated High Cliff Golf Course (Drive Fore Success, LLC) proposed development on 18th hole (Parcel #13425) – *Gillespie moved to recommend Village Board approval of the updated Concept Plan for the High Cliff Golf Course proposed development on the 18th hole, Parcel #13425. Laux seconded. DeKeyser – Nay, Gillespie – Aye, Laux – Aye, Salo – Aye, Schmidt – Nay, Sheppard – Aye, Summers – Aye. Vote 5-2 to approve.*

8) New Business:

a. Area Development Plan (ADP # 2020-01): Consider development proposal (Parcel #13697; 10.2 acres; Schulz, Burzynski). Note: Previous plan reviewed in 1997 for development as Sherwood Forest 2nd Addition. Only one lot approved, via CSM, for construction of a single-family home (Schultz) – *In consensus, the Plan Commission suggested Burzynski continue discussions with a civil engineer to ensure the utilities on the ADP are placed in such a way as to not impact possible future lot(s) development.*

- 9) Correspondences:
- a. (Per P.C. request) Legal Review of 2010 'Redevelopment Agreement' between Village and High Cliff Golf Course, Inc. (Town Counsel Law & Litigation, LLC; March 25) – Reviewed.
 - b. Consideration for guidelines regarding 'Open Burning' [post-Survey] (Kosiorek; March 29) – Reviewed.
 - c. Condon Road project: T-33 aircraft/Veteran's Memorial location (American Legion Post #496; May 7) – Reviewed.
 - d. HCGC Agenda business items (see above): 'Comments regarding The Cottages project', 'Responses to Citizen Letter', 'A Letter from the CEO' (HCGC – Dan Rippl; May 14) – Reviewed.
- 10) Adjourn – *Schmidt moved to adjourn at 8:48 p.m. Laux seconded. Motion carried unanimously.*

Respectfully submitted for review and approval by Kathy Mader, Acting Clerk

**Summary of why the Cottages Project will be beneficial to the ENTIRE
Village of Sherwood.**

1. This Project is a win-win project for both the Village of Sherwood and High Cliff Public Golf Course.

- a. It provides taxable quality property to the Village.
- b. No maintenance cost to the Village..... ONLY tax and fee collection.
- c. The project helps provide financial security to High Cliff Golf Course, the Villages largest tax payer and employer, for generations to come regardless of weather or unexpected occurrence such as the current pandemic.

2. The Project accomplishes exactly what the 2030 Master Comprehensive Plan for the Village states. The Project is for the 55 and over age group.

- a. Section 2.7 Housing for All Age Groups and Persons with Special Needs:
 - i. "This is particularly true in communities where a large proportion of the population has been long-time residents and there is a desire for these residents to remain in the area during their retirement years".
- b. High Cliff Cottages meet these needs with zero clearance entrance, 36" doors, lawn and winter work included and a senior couple membership at the golf course.
- c. At this point in time, there isn't a residential development for the aging population of the Village seeking to downsize to a home that meets their needs in Sherwood, forcing this valuable age group to move outside the Village.
- d. See Delfosse Letter (See Exhibit A)

3. The homes will be a beautiful asset to the Village.

This project offers attractive, higher value homes very similar to the developments in Door County near Horseshoe Bay or other successful golf course developments.

4. Why we went from 18 to 22 units.

- a. We originally had 18 units approved, we added 4 more units when the additional space was created by moving the tee boxes forward to help address the Christ and Jacks concerns of having a golf hole near their property. With the shortened hole, tee shots are no longer an issue.
- b. The revenue these additional units will provide will help defer costs from delays, suits and create future revenue.
- c. The original 18 units approved have not changed. There is still 3 acres of green space within the 11 acre project. The golf course is 192 acres.

5. Why a PUD is vital to the project..

- a. A valuable attraction of this project is that it will be golf cart friendly, and currently golf carts are not allowed on public streets in Sherwood.
- b. Keeping the homes backyard further away from the neighbors is important to the existing homes on #18. A PUD allows us to move the homes closer to the road.
- c. Lower or no traffic as a thoroughfare. This would be a private road and public traffic would not be allowed. The east end would be gated for emergency use only, which keeps traffic out of that neighborhood.
- d. The project will have very strict rules to insure the beauty and integrity of the neighborhood.

6. This is not high density housing.

- a. A housing unit with 30 housing units on less than 3 acres of land off of Golf Course Road is a better example of high density housing..
- b. A 20 unit apartment located on 1.5 acres next to the project is a better example of high density housing..
- c. There are more than 3 acres of green space within the project.
- d. Only 2 residents maximum are allowed in the Cottages, unless an illness requires a family member or health provider to stay with the owners. The current housing population in Sherwood is 2.8. The number of residents is limited and they must be 55+. Even if a unit is leased, all rules will still apply to the lessors.
- e. See Exhibits B and C for examples of unit spread. We average 28 feet.

7. Addresses Neighbors concerns.

- a. There will no longer be water issues in the backyards of the homeowners on existing 18 because of our engineered water management system.
- b. Blacktop golf cart paths to keep dust to a minimum.
- c. The appearance of the project will be much more aesthetically pleasing than the apartment building they look at now. . These will be beautiful homes on a very decorative, quiet street. This development will fit the character of the surrounding village.

8. Traffic Concerns

- a. Gated east end.
- b. Quiet owners.
- c. Mature, safe drivers.
- d. No loud vehicles.
- e. Golf Cart Community. Driving frequency is less.
- f. Many owners will likely be snowbirds making winter driving even less.
- g. Statistics show that the age group of 55+ are less frequent drivers.

9. This 55 and over age group.

- a. By nature, this group will shop local. They will eat in Sherwood restaurants. They will buy groceries at Dick's and get gas at the local gas station.
- b. Other businesses like the dentist and the credit union can also benefit from this age group.

10. This is not the first, second, third or even fourth time the course has been reconfigured.

- a. High Cliff Golf Course has been reconfigured as a golf course to benefit the population growth and needs of Sherwood many times before.
- b. The benefit with this plan is the sustaining nature of the Project.
- c. By design, the Project will greatly reduce or eliminate our debt. Additionally, it will provide a valuable income stream through maintenance fees to a business that is highly affected by unpredictable weather and a short golfing season.
- d. It will also provide valuable tax dollars to the Village and the Taxpayers of Sherwood.

11. This project has been approved by the DNR and no issues have arisen.

Engineering will address this in their report and documents.

12. All engineering concerns have been addressed.

- a. Along with our well respected Engineering firm Martenson and Eselie, collectively, we have addressed each and every concern that the Village has brought forth, and complied with all zoning and legal requirements that have been asked of us.
- b. We have also responded and adapted to concerns that have been brought up by the residents it affects.

13. High Cliff Golf Course, often referred as the gem of Sherwood, will remain an 18 hole course regardless of any legal issues currently being litigated on new hole 18.

- a. Contrary to belief and false accusations, the golf course will only be enhanced and not "butchered".
- b. We are golfers, Corey Feller is a PGA Professional and we all appreciate and want a fun, playable golf course that will draw golfers from the entire State of Wisconsin to participate in daily play or our 40 plus golf outings a year.

14. We are completely open to renegotiate the Redevelopment Agreement

- a. To the benefit of both the Village and the Course.
- b. This is not a factor to us and has always been looked at by us as a team effort between the golf course and the Village of Sherwood.

15. Just the Facts. For the Record

- a. We have heard many negative comments regarding funds the Golf Course received in TIF #1 for the irrigation system which was clearly stated in the agreement that we would receive.
- b. The Village has also greatly benefited from the TIF. Over \$107,000,000 of taxable property built on roads and infrastructure that were paid for from the TIF, most of the entire west side of Sherwood neighborhoods are a result of the TIF.
- c. With new easements for walking paths and donated parcels of land to the village, this was a win-win for partnership for all parties.
- d. The fact is.....Without this signature project, (page 3 of the TIF) written by Frank Schneider and Max Anderson, the TIF would have never been granted and the Village would not look like it currently does. Among other projects, the Village projects that are a direct result of this TIF include:
 - 1. Wanok Park
 - 2. Village Maintenance Building
 - 3. Most of the newer neighborhoods in lower Sherwood
 - 4. Many roads, including the Sherwood Forest area.

16. Contrary to what some might think, we do have **compassion for the neighbors nearest to the project.**

- a. There was never a guarantee that this property was always going to remain a golf hole when their homes were purchased.
- b. We are in the golf business, and In today's golf business environment, additional revenue streams are a vital element to the long term success in the golf business. You can ask any golf course owner and look no further than Sherwood Forest, which is already headed to development. We want it to remain a course!

- c. The Village and course has seen many owners come and go, taking money out of the business and running. You couldn't ask for a more caring, knowledgeable and engaged ownership group for this facility than our group which has a long history in the Village of Sherwood.
- d. Again, contrary to false accusations this is not a money grab, this is a business investment.

17. Points of Success

- a. We have invested every dime of profit back into the course. This is amplified by our success in the Best of the Valley competition, eight years in a row.
- b. We first took over a dilapidated golf course and made it a gem in the golf industry.
- c. We took a dilapidated building and a failing business and revitalized it. The restaurant portion of the business hadn't made a profit in 22 years. The investment in the building was a much better option than letting it sit vacant to deteriorate in a beautiful area with no owner and loss of jobs.
- d. We enhanced the facility with a pub that perfectly fits the needs of the golf course.
- e. We took a risk, and that risk is showing great promise by the amount of bookings we have in the two great banquet halls that are now the talk of the wedding world.
- f. The building purchase allowed us to keep over 40 golf outings each year which may have gone elsewhere without a place to host their banquets.
- g. Our investment in the building and the golf course have kept and now provide over 55 jobs to employees of the area.
- h. Our investment has allowed the Vanden Wymelenbergs at Cliff View Catering to start their dream business IN the Village of Sherwood and provide more employment to the area.
- i. The addition of Holtze's Golf Shop to our facility provides onsite services important to golfers. We are now the leader in growing the game of golf.
- j. With the investment in the building, we have diversified our portfolio to not be completely dependent on golf revenue. The cottage project will add to this diversity..

18. **In 2020, we had over 100 events scheduled in our halls.**

- a. This proves we were on the right track, then Covid hit ending or postponing many of those events.
- b. Proving again the need for the financial security that this project provides.
- c. Growing and expanding your business to find new revenue streams is only smart business not a so-called "money grab" as some would say.

Finally, in the simplest terms..... without all the politics, this small piece of land (5.64%) is within a larger piece of land (192 acres) owned by us..... we are not tearing down buildings, no one has to move, it's not on a roadway, it doesn't affect the environment, we are not disturbing anything. Being within our property, when this is finished, it will blend in just like any other neighborhood in Sherwood. Nobody will know it's any different from any other property and will ultimately benefit many, including the tax payers of Sherwood.

We only have to look within our Village boundaries to see what can happen to a golf course in today's world. When Frank Schneider's dream came to fruition 52 years ago, there were 325 residents that called Sherwood home. Today, the Village is 10 times that size. We want to continue the legacy that Frank began, and this project will insure it does for future generations.

We thank you for your time and consideration of our project. We are excited to get the project started and are also excited about the opportunity this project offers to High Cliff Golf Course and the entire Village of Sherwood. We have people ready to build and we are hopeful for your support to change the zoning from the current IR-1 to IR-2 and to allow us a Private Unit Development for the entire 22 units on Monday evening.

Thank You!

Team Drive Fore Success





Corey Allen Feller <corey@highcliffgolfandeventcenter.com>

Cottages at High Cliff

1 message

Mark Delfosse <mjdmjdwi@yahoo.com>

Thu, Jun 11, 2020 at 11:29 AM

To: corey@highcliffgolfandeventcenter.com, Dan Rippl <dan@highcliffgolfandeventcenter.com>

Hi Cory and Dan - we saw that the Village Board will be meeting again on the Cottages as well as a public Hearing in July.....is there anything we can do to help move this project along? As you know, we are very interested in the positive outcome for this project.

In 1999, we purchased a lot and built at home in Sherwood. We have continued to regard Sherwood as our home and would like to continue to reside in Sherwood.

However, in the 20 plus years we have lived here, our needs, health and age have changed. We no longer need a four bedroom/3 bath home. The two bedroom/two bath home that the design for Cottages at High Cliff has put forth is very attractive to the changes in our lives.

The zero entrance along with snow and grass maintenance is now needed!

The opportunity to do both - continue living in Sherwood and having a home that fits our current needs - is exactly what we are looking for.

Again, if there is anything we can do to help your project move forward quickly, please let us know. We are past ready to move!

Thanks
Mark and Mary Jo Delfosse
N7820 Lakeshore Lane
Sherwood, WI 54169

929-989-2460
mjdmjdwi@yahoo.com

EXHIBIT A

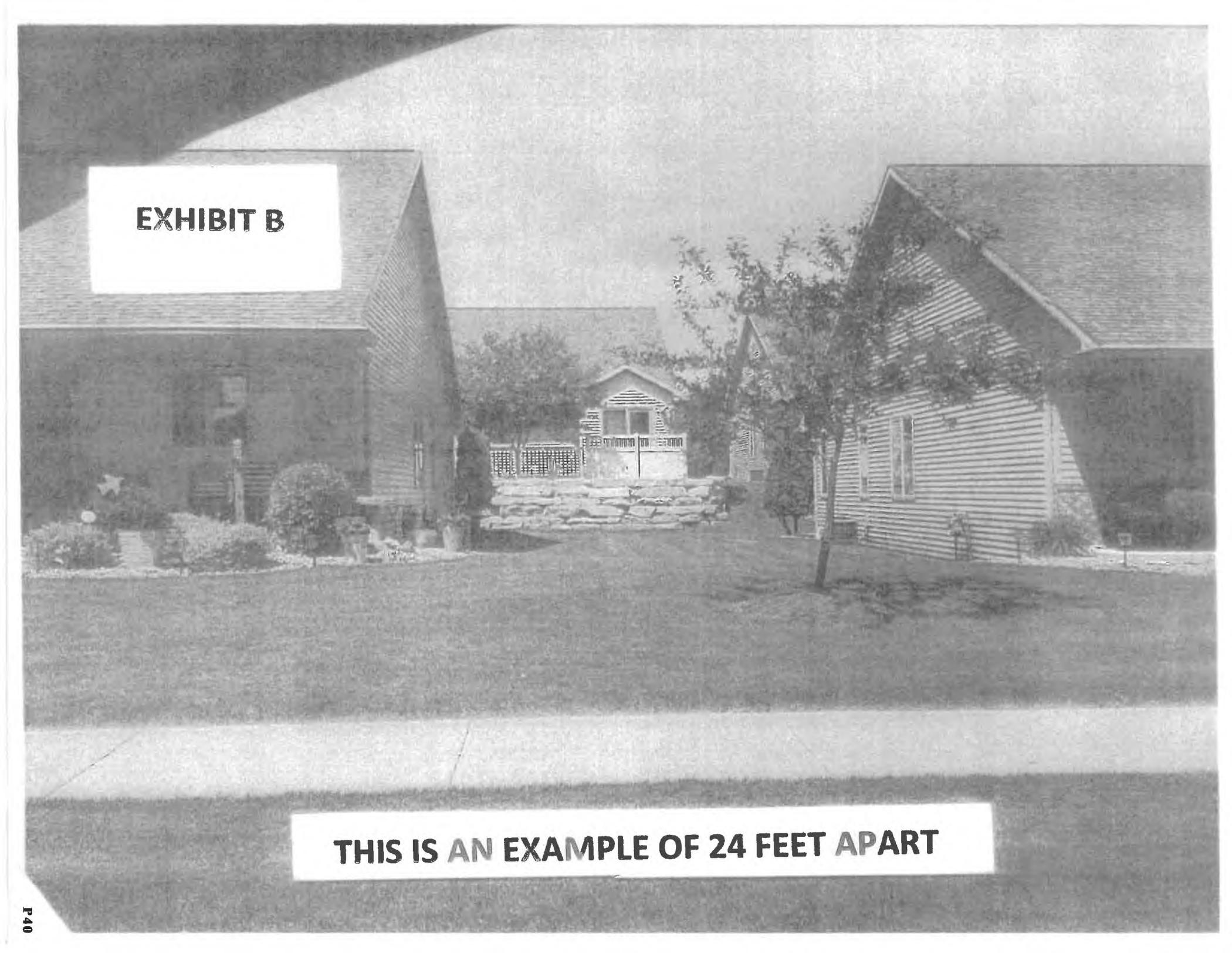


EXHIBIT B

THIS IS AN EXAMPLE OF 24 FEET APART

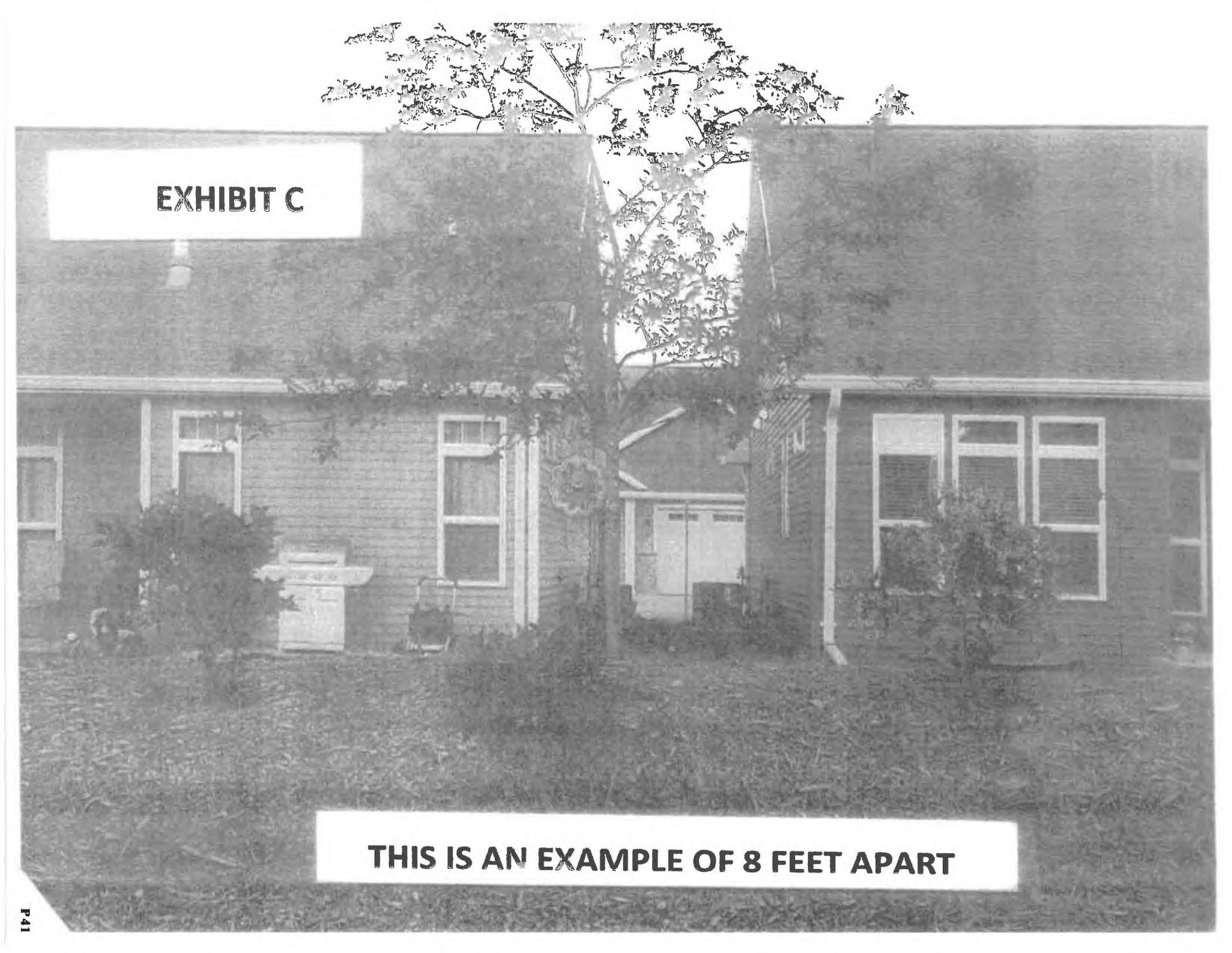
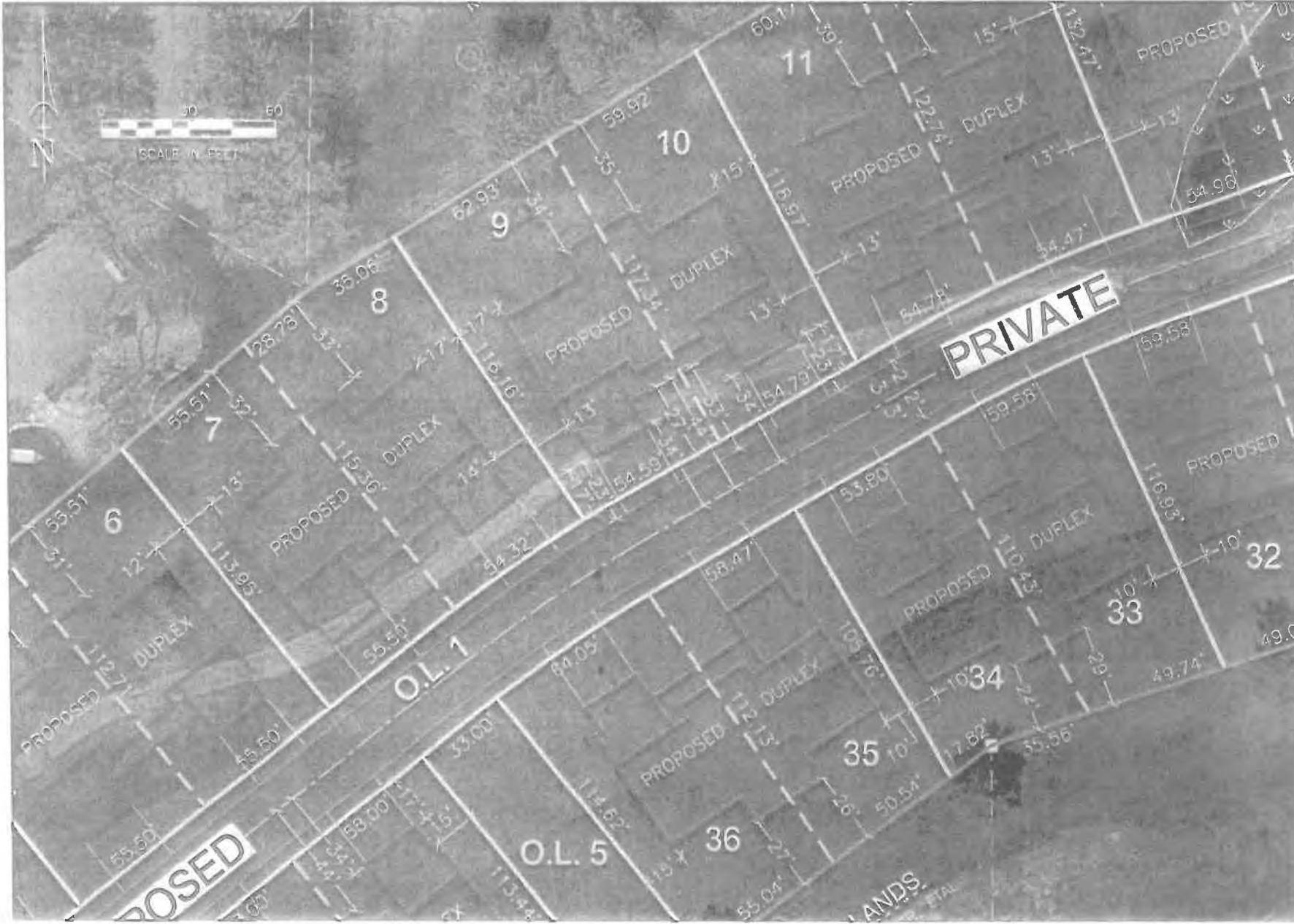


EXHIBIT C

THIS IS AN EXAMPLE OF 8 FEET APART



Martenson & Eisele, Inc.
 Planning
 Environmental
 Engineering
 Architecture
 1377 Military Road
 Milwaukee, WI 53202
 www.martensoneisele.com
 info@martensoneisele.com
 414.224.0381 1.800.228.0381

DATE	BY	REVISION	APPROVED				
				DATE	BY	REVISION	APPROVED

PUD - DUPLEX DEVELOPMENT
THE COTTAGES AT HIGH CLIFF
 VILLAGE OF SHERWOOD, CALUMET COUNTY, WISCONSIN

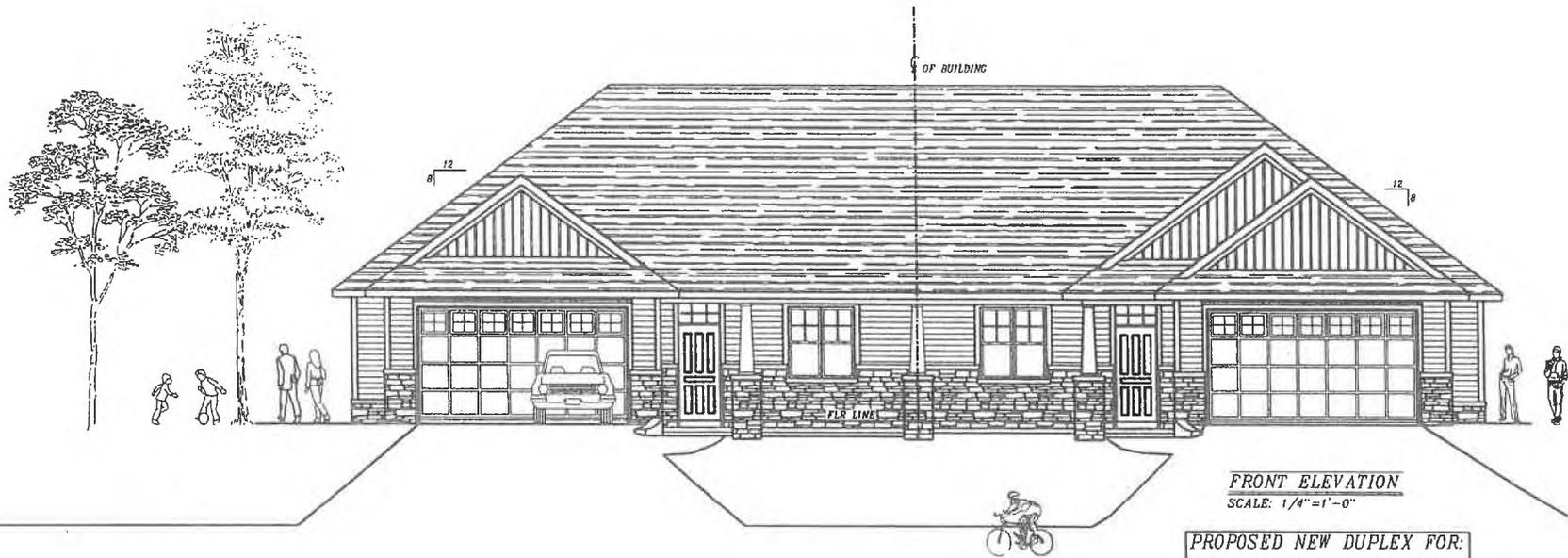
SCALE: 1"=20'
 BAR GRAPH: 07-07-2020
 COMPUTER FILE: 1-1283-001.dwg

DRAWING NO: 1-1283-001

Elevations



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

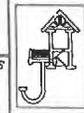


FRONT ELEVATION
SCALE: 1/4" = 1'-0"

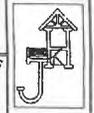
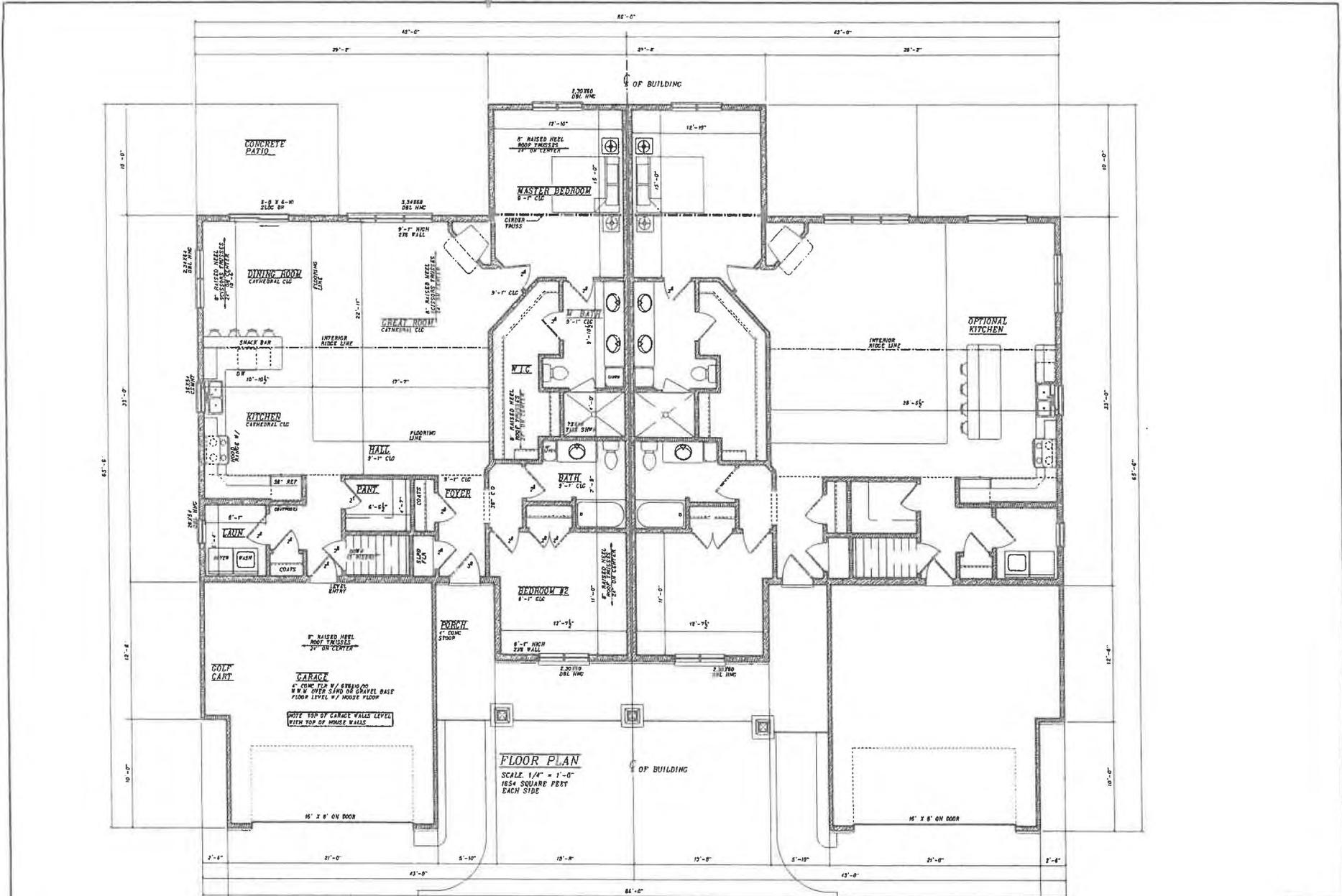
PROPOSED NEW DUPLEX FOR:
HIGH CLIFF COLF COURSE

PROPOSED NEW DUPLEX FOR
HIGH CLIFF COLF COURSE
SHIMWOOD WISCONSIN
SHEET # 1 DATE 10/15/79

JEFF HIBBARD DESIGN SERVICES
1004 OLDE GWEIDA STREET
APPLETON, WI 54915
PHONE: (920) 731-7365



Floor Plans







RE: SANDERFOOT REQUEST.

(CONTACT - TONY BORG 360-2685)

Village of Sherwood
Department of the Code Administrator
Sherwood, WI 54189

APPLICATION FOR LAND USE PERMIT

(Do not write in this space--for office use only)

Application No.: _____ Fee Paid \$ _____
Zone District Classification: _____ Date: _____
CULVERT PERMIT WATER TAPPING FEES METER HOOK-UP FEES

Instructing to Applicants: Before beginning any construction, a Land Use Permit must be obtained from the Code Administrator. Application for permits must be made by the owner of the property on which the construction is to take place or his duly-authorized agent. A legal description of the property and a site plan of the proposed construction must be included with this application. Below, which may be used for drawing the site plan, state information which must be shown. If the proposed construction meets the zoning requirements, a permit will be issued. If the Code Administrator determines that it does not comply with requirements of the zoning ordinance, the applicant may request an interpretation of the regulations by the Zoning Board of Appeals or he disagrees with the Code Administrator or he may request a variance or zoning amendment. All information requested below must be provided before any permits will be issued. Applicants are encouraged to visit the office of the Code Administrator for any assistance needed in completing this form.

- Name of Applicant(s): Stata Park Properties LLC Phone: 920-328-3054
Address: (Street) 2424 Progress Ct (City) Neenah WI (Zip) 54956
- Property Interest of applicant:
 Owner Lessee Contract Purchaser Other
- Name of owner: Tom Sanderfoot Phone: 920-328-3054
(If other than applicant) Address: (Street) N 8046 Stata Park Rd (City) Menasha WI (Zip) 54952
- Location of proposed construction:
Address: (Street) N 8046 Stata Park Rd (City) Menasha (Zip) 54952
Legal Description: (Lot, block, and subdivision; or metes and bounds description and acreage)

5. Proposed Improvement: (check applicable items)

- New building
 Addition or alteration (explain): Man Cave
 Mobile home on permanent foundation
 Relocation of existing building
 Other (explain): _____

6. Proposed structure: No. of rooms: 2 Sq. ft. of structure: 4130
No. of stories: 1 Cost of structure: 199,000.00

7. Utilities: Public Water Service Public Sewer Service
 Private Well Septic Tank
 Other: _____ Other: _____

8. Present use of property:

- Residential:
 Single Family Vacant Lot
 Two Family Business (type) _____
 Multi-Family Industrial (type) _____
No. of Units: _____ Other: _____

9. Proposed use of property:

- Residential: Garage Accessory: _____
 Single Family Carport Business (type) _____
 Two Family Storage Shed Industrial (type) _____
 Multi-Family Other: _____ Other: _____

10. Application is hereby made for a Land Use Permit as required under the Zoning Ordinance of _____ for the erection, moving or alteration, and use of buildings and premises. In making this application the applicant represents all of the above statements and any attached maps or drawings to be true description of the proposed new or altered uses and/or buildings. The applicant agrees that the permit issued may be revoked without notice on any breach of representation or conditions.

It is understood that any permit issued on this application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Zoning Ordinance, or by other ordinances, codes or regulations of _____

Applicant: _____

CERTIFICATE OF OCCUPANCY

The plans and specifications submitted with this application are in conformity with the zone district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate village officials. Failure to comply with the above shall constitute a violation of the provisions of the _____ Zoning Ordinance. This permit shall be a final permit when signed by the Code Administrator after a required final inspection.

Permit issued this _____ day of _____, _____

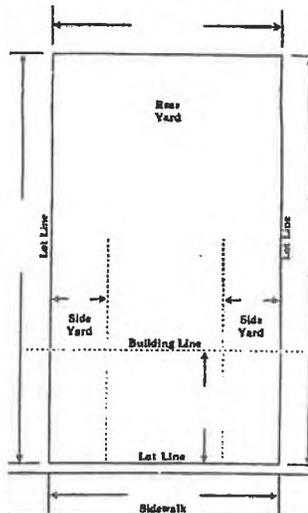
Final Inspection Code Administrator _____

Date: _____

SITE PLAN

A site plan must be attached or drawn below at a scale large enough for clarity showing the following information:

- Location and dimensions of: Lot, buildings, driveways, and off street parking spaces.
- Distance between: Buildings and front, side, and rear lot lines; Principal building and accessory buildings; Principal building and principal buildings on adjacent lots.
- Location of: Signs, easements, underground utilities, septic tanks, tile fields, water wells, etc.
- Any additional information as may reasonable be required by the Code Administrator and applicable sections of the Zoning Ordinance.



Randy Friday

From: Dave Schmalz <DSchmalz@mcmgrp.com>
Sent: Monday, June 08, 2020 4:55 PM
To: Randy Friday
Cc: Tom Sanderfoot (tsanderfoot@sanderfootwind.com); Nick Vande Hey; Doug Woelz; Tony@burghomesllc.com
Subject: FW: Sanderfoot property (15.09 acres; N8045 State Park Road) proposed building addition
Attachments: Village of Sherwood Sanderfoot Developer's Agreement recorded as doc. number 153133.pdf; Vill. Plan Commsiion and Board Feb. 2016 Sanderfoot (Rezoning & Developer Agreement approvals).pdf; Sanderfoot Foundation Plan .125 Scale.pdf; Sanderfoot Floor Plan .125 Scale.pdf; Sanderfoot Floor Plan .25 Scale.pdf; Sanderfoot Elevations.pdf
Categories: Red category

Randy,
I have not heard back from you about Tom's request as noted below. Is there anything Tom can do to add the addition to the SW corner of the existing shed?
Thank you.
Dave Schmalz

From: Dave Schmalz
Sent: Monday, May 18, 2020 1:03 PM
To: Randy Friday (administrator@villageofsherwood.org) <administrator@villageofsherwood.org>
Cc: Tom Sanderfoot (tsanderfoot@sanderfootwind.com) <tsanderfoot@sanderfootwind.com>; Nick Vande Hey <NVandehey@mcmgrp.com>; Doug Woelz <DWoelz@mcmgrp.com>; Tony@burghomesllc.com
Subject: Sanderfoot property (15.09 acres; N8045 State Park Road) proposed building addition

Randy,
Tom would like to request an amendment to the first attachment being the recorded Developer's agreement. This amendment is allowed per section **VIII. Modification of Agreement. 1. This instrument may be modified only by an instrument in writing executed by all parties here to.**

The property is now zoned R-1 per the 2nd attachment by Board action in Feb. 2016.

Tom wants to add a +/- 80' X 60' addition to the SW corner of the building. See attachments 3 thru 6 for the addition plans. Is there any way to do this in the current r-1 zone?

Tom can add whatever is needed to the plan to meet code requirements.

Please contact me to go over Tom's new project.
Thank you.

David M. Schmalz, PLS
Vice President Land Surveyor
McMahon Associates Inc.
P.O. Box 1025 Neenah, WI. 54957-1025
1445 McMahon Dr. Neenah, WI. 54956
Ph 920-751-4200

Cell 920-450-2678
Fax 920-751-4284
email: dschmalz@mcmgrp.com
website: www.mcmgrp.com

From: Tony Burg <Tony@burghomesllc.com>
Sent: Thursday, May 14, 2020 2:26 PM
To: Tom Sanderfoot <TSanderfoot@SanderfootWind.com>
Subject: FW: State park property (15.09 acres; N8045 State Park Road

Tom,
Attached is what I got from Randy.

Thank you,

Tony Burg
Project Manager/Owner



Burg Homes LLC
N7912 US Hwy 151, Fond du Lac, WI 54937
Office: 920.923.3231 Cell:920-960-2685

From: Randy Friday [<mailto:administrator@villageofsherwood.org>]
Sent: Thursday, May 14, 2020 2:15 PM
To: Tony Burg <Tony@burghomesllc.com>
Subject: RE: State park property (15.09 acres; N8045 State Park Road

Tony, See attachments.

Randy Friday
Village Administrator

Village of Sherwood
W482 Clifton Road
Sherwood, WI 54169

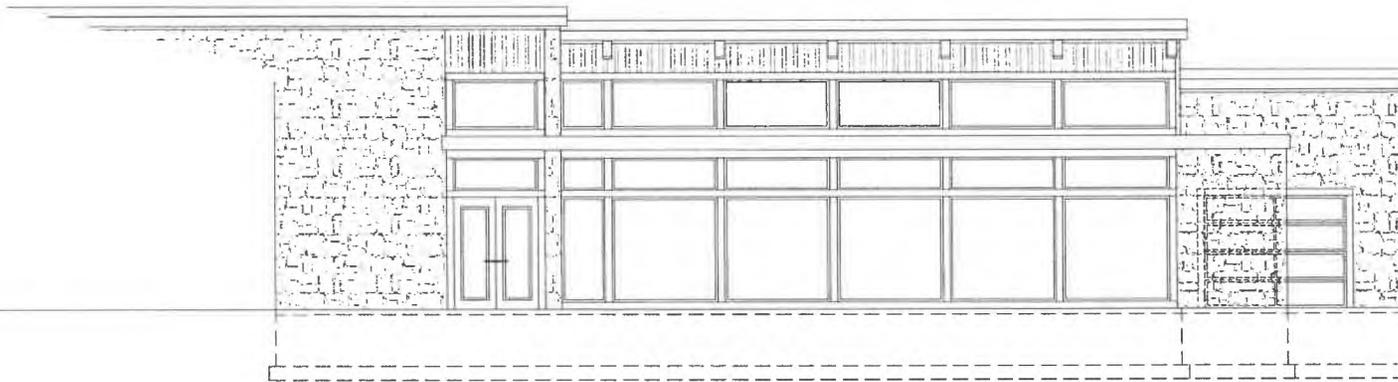
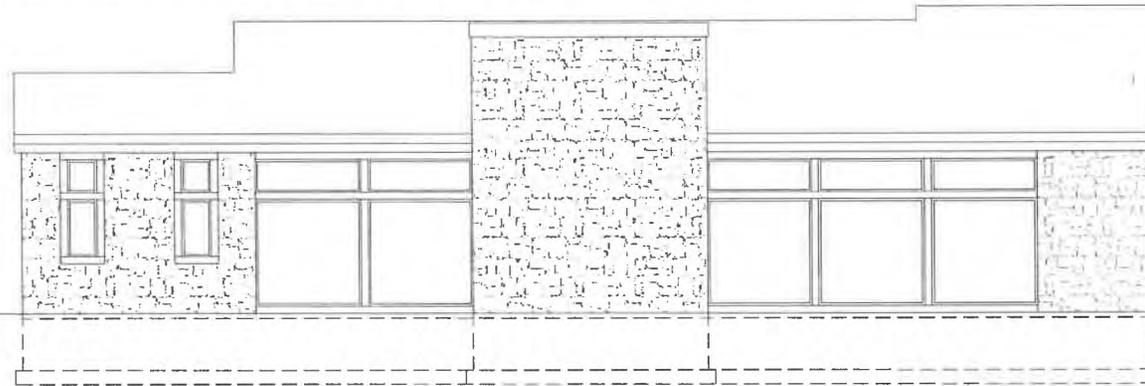
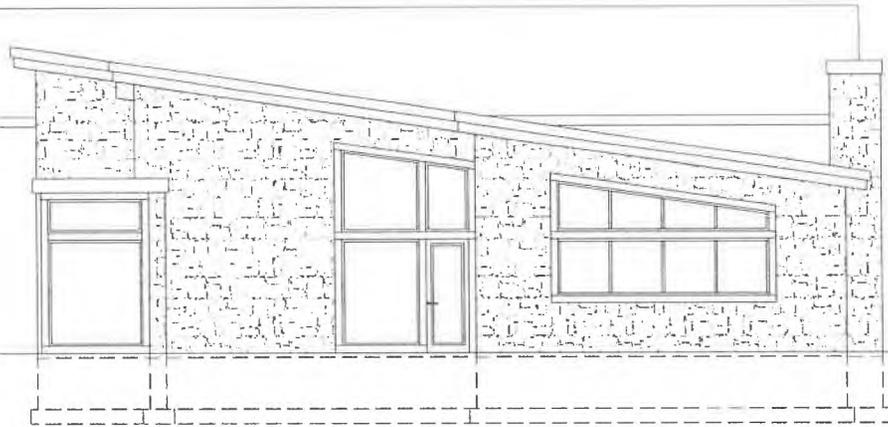
Tel: 920/989-1589
Fax: 920/989-4084
www.villageofsherwood.org

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Confidentiality Statement

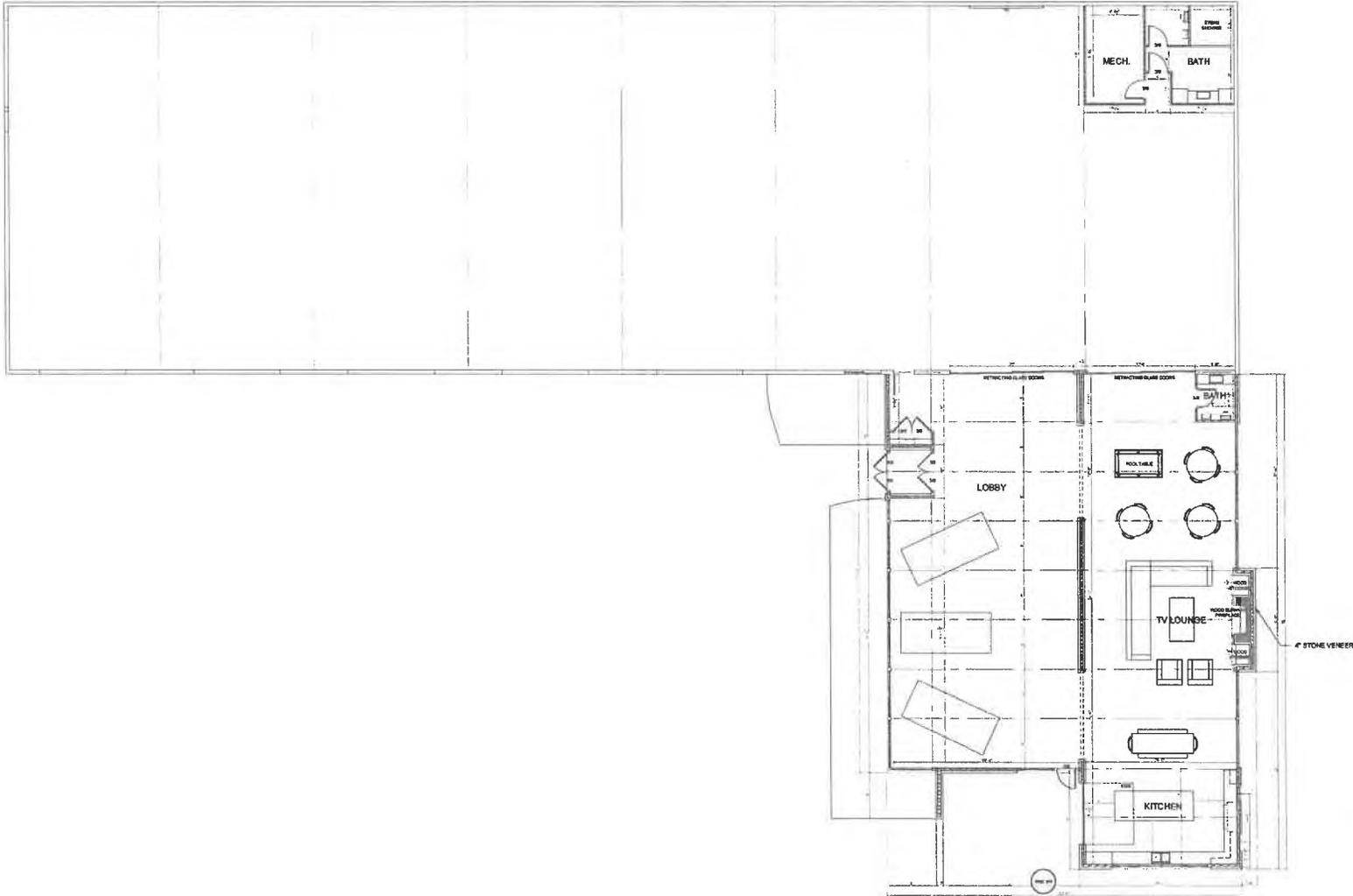




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BURG HOMES LLC		
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: 03/16/2020		REVISED:
SANDERFOOT SHOP ADD.		
DRAWING NUMBER		



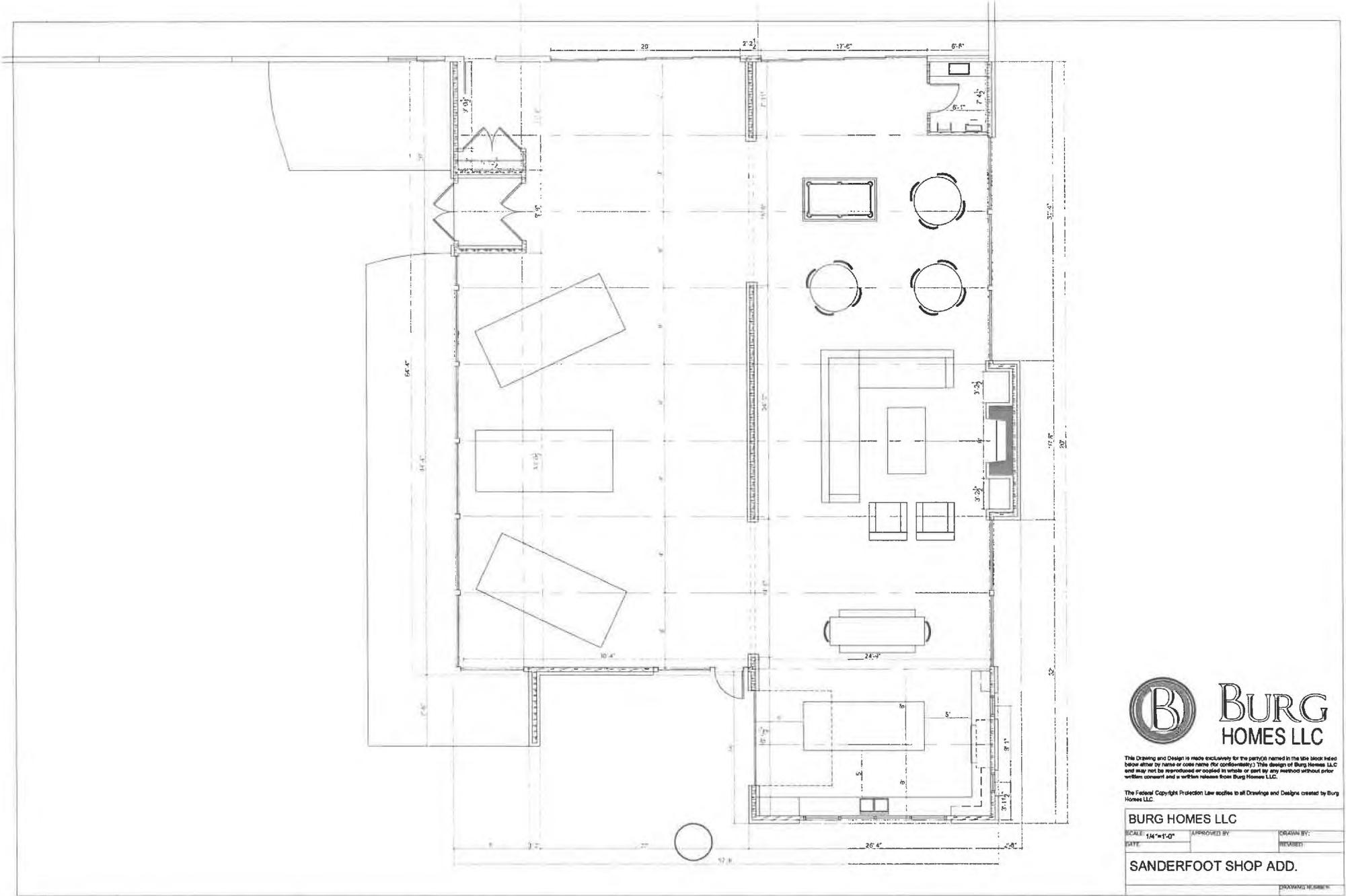
ADDED SQ FT: 4130



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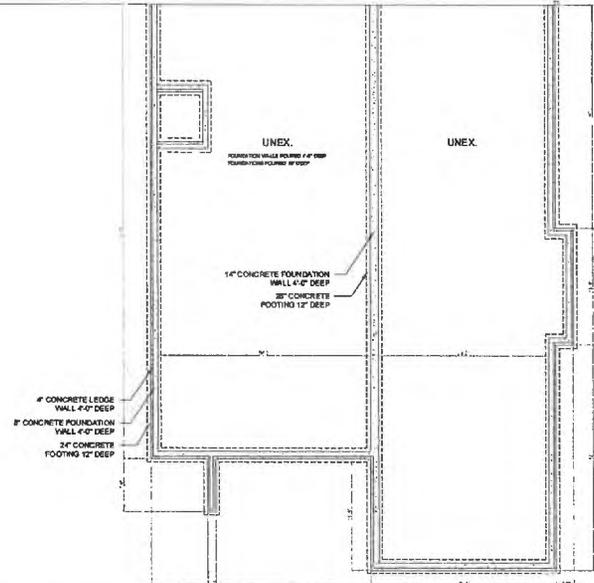
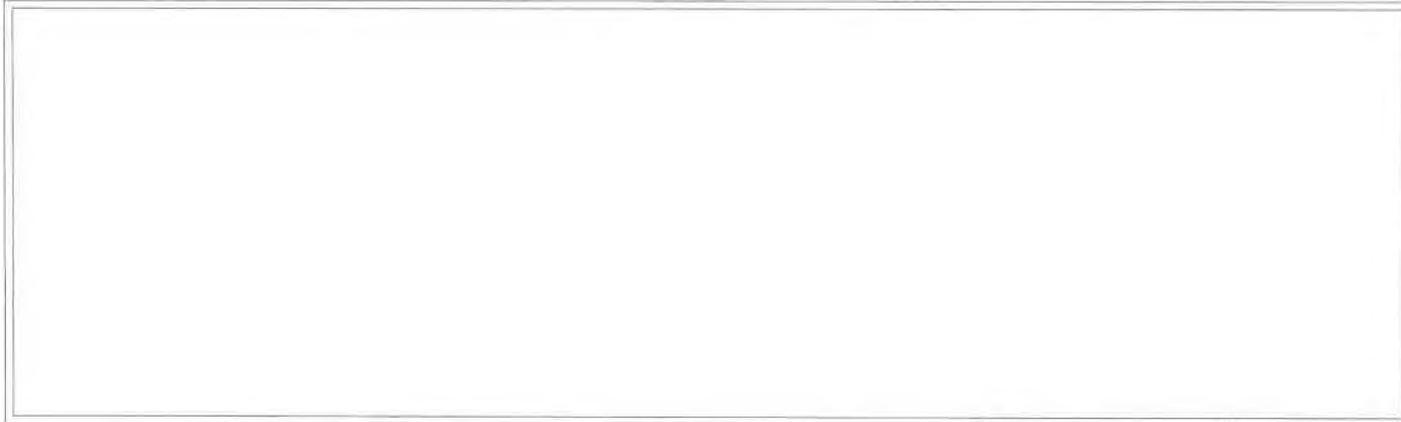
BURG HOMES LLC		
SCALE: 1/8" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE: 02/26/2025	REVISED:	
SANDERFOOT SHOP ADD.		
DRAWING NUMBER:		



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BURG HOMES LLC		
SCALE: 1/4"=1'-0"	APPROVED BY:	DRAWN BY:
DATE:	REVISION:	
SANDERFOOT SHOP ADD.		
DRAWING NUMBER:		



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BURG HOMES LLC		
SCALE: 1/8"=1'-0"	APPROVED BY:	DRAWN BY:
DATE: 02/18/2020		REVISED:
SANDERFOOT SHOP ADD.		
DRAWING NUMBER:		

18 VILLAGE OF SHERWOOD

Sanderfoot Developer Agreement



8 0 4 8 1 4 3
Tx:4031289

Document Number

Document Title

DOCUMENT # 512983

**TAMARA ALTEN
REGISTER OF DEEDS
CALUMET COUNTY, WI
05/09/2016 3:17 PM
RECORDING FEE: 30.00
OF PAGES: 18**

Recording Area

Name and Return Address
Susan Williams, Clerk
Village of Sherwood
PO Box 279
Sherwood, WI 54169-0279

179-0000-0000000-000-0-01826-05-010G

Parcel Identification Number (PIN)

Drafted by:
Susan Williams, Clerk
Village of Sherwood, WI

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. NOTE: Use of this cover page adds one page to your document and **\$2.00 to the recording fee**. Wisconsin Statutes 59.43 (2m) WRDA 10/99

DEVELOPER AGREEMENT

This agreement is made and entered into this 25th day of April, 2016, by and between the Village of Sherwood, an incorporated municipality located in Calumet County, Wisconsin (hereinafter referred to as "Municipality") and State Park Properties. LLC, Tom Sanderfoot, Member (hereinafter referred to as "Developer").

Recitals

WHEREAS, the Developer desires to rezone for future development lands known as Tax Key No. 179-0000-0000000-000-0-201826-05-010G (Parcel #31250; N8045 State Park Road) hereinafter referred to as "development" constituting a part of the Municipality, more particularly described in the legal description attached hereto and incorporated herein as Exhibit "A" as shown on a proposed Rezoning Petition map presented to the Plan Commission; and,

WHEREAS, the Developer also wishes to have a *Developer's Agreement* in place for the simultaneous approval of said document and the rezoning request; and,

WHEREAS, Section 236 of the Wisconsin State Statutes and the Sherwood Development Ordinance(s) provide that the governing body of a Municipality within which the subject lands lie shall require that the Developer make and install any improvements reasonably and professionally; and,

WHEREAS, said Development is presently zoned Agricultural and Developer wishes to rezone the land to single-family residential for future development purposes; and,

WHEREAS, the Developer and Municipality desire to enter into this Agreement to ensure the Developer will make and install all private improvements necessary for the purpose of providing private water and sewer laterals for typical bathroom/restroom and equipment washing-related service in a single, 12,000 sq. ft. out-building (shed), only, located at the westerly corner on said property lying within the Village of Sherwood; and,

WHEREAS, the Developer will be 100% responsible for the cost of and proper connection of a private water and sewer lateral connection to the municipal water and sewer system; and,

WHEREAS, the Developer shall provide the Municipality plans for said improvements, or any other improvements and they shall be constructed to municipal specifications, all applicable governmental regulations, as required by the Municipal Engineer, and that will be reviewed by and must meet the legal code requirements for installation without cost to the municipality, including grease trap, sump and/or other equipment to meet State and Local Code requirements, including, but not limited to the Village Fats, Oils and Grease (FOG) requirements Exhibit "B"; and,

WHEREAS, the Developer shall only be allowed to connect this one out-building (shed) to the municipal water and wastewater systems; and,

WHEREAS, the Developer shall only discharge gray & black water into the wastewater system connected to said facility's restroom/bathroom service, and from floor drains used in vehicle/equipment or related cleaning activities; and,

WHEREAS, the Developer shall grant the Municipality, its personnel or its designees the right of inspection as per local ordinances; and,

WHEREAS, the Developer shall be responsible for any and all related permit, review and inspection fees relative to this Agreement and the Rezoning Petition; and,

WHEREAS, the Developer shall be responsible for any and all infrastructure hook-on fees and impact fees associated with the development; and,

WHEREAS, the Developer agrees they will not now or at any time in the future make this parcel or any portion thereof lying in Sherwood become their place of business, including any future heirs, successors, and assigns, notwithstanding any allowances for business(es) as allowed by the local Zoning Code; and,

WHEREAS, the Developer waives the right to a public hearing at such time as the Municipality desires to place and specially assess back to the Developer costs associated with water and/or sewer infrastructure along the Developer's side of property on State Park Road abutting and/or potentially serving residential development of said property, whose repayment terms shall be based on a five-year (5) repayment schedule and per local ordinance(s) and policies; and,

WHEREAS, said 'waiver of rights' relative to special assessments shall inure and 'run with the land' if the property the property is sold or otherwise disposed of; and,

WHEREAS, this Agreement is deemed necessary to implement the municipal zoning and *Village of Sherwood Year 2030 Comprehensive Plan – Future Land Use* planning goals; and,

WHEREAS, the Municipality believes the orderly, planned development of the said lands will best promote the health, safety, and general welfare of the Village of Sherwood, and hence, is willing to permit the installation of certain private improvements, heretofore described as a private water and sewer lateral to service one out-building (shed).

NOW, THEREFORE BE IT RESOLVED, in consideration of the mutual promises and covenants contained herein, the Municipality shall adhere to the following conditions:

BE IT RESOLVED, the Municipality agrees to approve a rezoning request of said 15.09 acre

parcel from Agricultural to R-1 Single Family zoning upon receipt of a formal *Rezoning Petition* from the Developer and following the necessary public hearing, as dictated by Wis. Stats.; and,

BE IT FURTHER RESOLVED, the Municipality will approve plans for private lateral extension of water and sewer service to said structure, only, upon receipt of legally acceptable plans, and not later than 30 (thirty) days after the acceptable plans are received; and,

BE IT FURTHER RESOLVED, the Municipality will provide a statement from its hired assessors noting the land in question will be assessed as per agricultural usage (approx. 14 acres), with only the out-building (shed) being assessed at a higher rate, as is currently the case, due to the nature of its improved value relative to the bare, agricultural land; and,

BE IT FURTHER RESOLVED, at its convenience, the Municipality shall install public water and sewer mains along State Park Road and assess said infrastructure back to the Developer on a five-year (5) repayment schedule.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the text included above and the articles listed below shall constitute the entirety of the Developer Agreement and the Developer and Municipality herewith agree to the terms of this Agreement.

II. General Provisions

1. Other Jurisdictions. Areas of the Development under the jurisdiction of other agencies, such as Calumet County, the State of Wisconsin Department of Natural Resources or the Wisconsin Department of Transportation shall be developed in conformance with the requirements of those agencies.
2. Quality of Work. All work performed under the provisions of this Agreement shall be done in a workmanlike manner in accordance with prevailing standards in the construction industry in Calumet County and the Fox Valley Metro Area.
3. Finalization of Plans. All plans, specifications and drawings for public improvements shall be subject to approval of the Municipal Engineer.
4. Approvals. Any plans and specifications subject to approval by the State of Wisconsin Department of Natural Resources or any other agency will be submitted for approval by the Developer and said approval by said government agency shall be required before construction is commenced. Upon completion of the improvements, a mylar duplicate of the tracings and/or copy of the specifications shall be furnished to the Municipality for its records. The duplicates shall contain as-constructed information (i.e., elevations, distances, reference measurements) that will be placed in the Developer's private property folder held at the Village Hall, for future reference.

III.**Construction/Issuance of Building Permits**

1. It shall be the Developer's responsibility to contract for and cause all of the aforementioned private improvements to be installed in compliance with the terms of this Agreement.
2. The Municipality, through its Agent(s), shall inspect all work performed within the rights-of-way. No work shall be concluded without inspection. Advance notice of not less than 72 hours for such inspection shall be made to the Municipality.
3. The improvements set forth in Section 1 above shall be completed by the Developer in within one (1) year from the signing of this Agreement.

IV.**Costs**

1. All administration, engineering, planning, and legal costs incurred by the Municipality shall be reimbursed to the Municipality by the Developer. Payment shall be made within 30 days of receiving the invoice.
2. Developer shall pay appropriate water and sewer connection and hook-on fees in effect at the time of this agreement (current total = \$4,500 [ex. single-family appurtenances]).

V.**Developer Responsibility**

1. Compliance with Laws and Regulations. Developer shall, in the performance of this Agreement, comply with and give all stipulations and representations required by all applicable federal, state, and local laws, ordinances and regulations. Developer shall also require such compliance, stipulations and representations with respect to any contract entered into by the Developer with others (pertaining to the work covered by this Agreement) as may be required by all applicable federal, state, and local laws, ordinances, and regulations.

VI.**Miscellaneous**

1. Covenants to Run with the Land. It is expressly understood and agreed that the terms of this Agreement are covenants running with the land and shall be binding on the Developer and any successors and assigns of the Developer.

2. This agreement shall be recorded with the Calumet County Register of Deeds by the Village, at Developer's expense.
3. Developer shall be responsible for the repair to existing roadways and infrastructure for damage caused as a result of its construction activities.
4. Developer shall promptly remove all construction debris including but not limited to paper, plastic insulation packaging etc. and will take adequate measures to keep all debris on the lot/site to prevent littering adjoining properties.
5. Developer agrees to indemnify and hold harmless the Village as and against any and all claims, demands, actions, causes of action, including but not limited to, reasonable attorney fees, which may be claimed against the Village as the result of the failure of the Developer and/or their agents, officers, contractors subcontractors or assigns to comply fully with the terms of any legal matters that shall arise as the result of Developer's construction activities.

VII.

Commencement Completion

1. All improvements noted herein shall be completed by the Developer and its subcontractors in total within twelve (12) months from the date of this Agreement.

VIII.

Modification of Agreement

This instrument may be modified only by an instrument in writing executed by all parties hereto.

IX.

Municipal Liability

1. The Developer shall save and indemnify and hold harmless the Municipality against any and all liability, judgements, costs, and expenses incurred as a result of action by any third party against the Municipality or against the Developer, or both, arising out of the failure of the Developer in the performance under this Agreement or resulting from the intentional acts, carelessness or negligence of the Developer, their agents or employees.

X.

Insurance

1. The Developer and all contractors working for the Developer shall maintain insurance coverage at all times.

This Agreement dated this 25th day of April, 2016.

VILLAGE OF SHERWOOD

DEVELOPER

Jim Rath
Jim Rath; Sherwood Village President

Tom Sanderfoot
Tom Sanderfoot; Developer
State Park Properties, LLC, Member

Susan Williams
Susan Williams; Village Clerk

ACKNOWLEDGEMENTS

STATE OF WISCONSIN

CALUMET COUNTY

Personally came before this 25th day of April, 2016 the above named Tom Sanderfoot, to me known to be the person who executed the foregoing instrument and acknowledge the

Susan M. Williams
Notary Public Calumet County, WI
My Commission expires 12/27, 2017

STATE OF WISCONSIN

CALUMET COUNTY

Personally came before this 25th day of April, 2016 the above named Jim Rath and Susan Williams, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Debbie Thiel
Notary Public Calumet County, WI
My Commission expires 12/27, 2019



Exhibit A
Legal Description

(Attach/Type here)

Dec. 17. 2015 10:22AM CAL. CTY. REG. OF DEEDS

No. 5151 P. 2

3



Exhibit A

Document Number

WARRANTY DEED

DOCUMENT # 494758

TAMARA ALTEN REGISTER OF DEEDS CALUMET COUNTY, WI RECEIVED FOR RECORD 03/20/2014 3:27 PM

RECORDING FEE: 30.00 TRANSFER FEE: 1131.90

RETURN TO: EXEMPT #: Twohlg Rietbroek Schneider & Halbach S.C. 102 N. Madison Street, PO Box 188 Chilton, WI 53014

For valuable consideration Mielkmann, L.L.C., a Wisconsin Limited Liability Company, (the "Grantor"), conveys to State Park Properties, LLC, a Wisconsin limited liability company, ("Grantee"), the following described real estate in Calumet County, Wisconsin, together with all the hereditaments and appurtenances thereunto belonging:

A parcel of land in Government Lot One (1) of Section Twenty-six (26), Township Twenty (20) North, Range Eighteen (18) East, Town of Harrison, n/k/a Village of Sherwood, Calumet County, Wisconsin described as follows:

Commencing at a point in the East line of the said Section 26 which is 1005.92 feet North of the East Quarter corner of said Section; thence North 76 deg. 00 min. West 387.28 feet; thence North 39 deg. 46 min. West 452.5 feet to the point of beginning; thence Easterly to a point on the East line of the said Section which is 1450.92 feet North of the East quarter corner of said Section; thence North along the East line of said Section to the Northeast corner of said Section; thence West along the North line of said Section 945 feet; thence South 7 deg. 12 min. West, 931.47 feet (recorded as 941.47 feet); thence South 46 deg. 48 min. East 210.71 feet; thence North 48 deg. 20 min. 00 sec. East 45.28 feet, thence North 70 deg. 07 min. 00 sec. East, 70.18 feet to a point where said course is intersected by a line bearing North 39 deg. 46 min. West from the point of real beginning; thence South 39 deg. 46 min. East to the point of real beginning.

EXCEPTING THEREFROM Outlot One (1), Volume 2 Certified Survey Map No. 225 recorded in Volume 2 of Certified Survey Maps, Page 151, as Doc. No. 131588 and Lots One (1) and Two (2) of Certified Survey Map No. 2625 as recorded in Volume 20 Certified Survey Maps, Page 358, as Doc. No. 368555; both maps being part of Government Lot One (1), in Section Twenty-six (26), Township Twenty-six (26), Township Twenty (20) North, Range Eighteen (18) East, Town of Harrison, n/k/a Village of Sherwood, Calumet County, Wisconsin.

Subject to Reservation of Drainage Easement on Warranty Deed, dated March 12, 2004, and recorded in the Office of the Register of Deeds for Calumet County, Wisconsin, on March 14, 2004, at 15:29, as Document No. 374202.

Tax Parcel No.: 179-0000-0000000-000-0-201826-05-010G

This is not homestead property.

The Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances, recorded easements for public utilities, recorded building restrictions and any other easements, and/or restrictions of public record.

Dec. 17. 2015 10:22AM CAL. CTY. REG. OF DEEDS

No. 5151 P. 3

Dated this 19th day of March, 2014.

Mielkmann, L.L.C.

By: Donald R. Mielke
Donald R. Mielke, Member

By: Marjorie D. Hartmann
Marjorie D. Hartmann, Member

STATE OF WISCONSIN)
)ss
COUNTY OF CALUMET)

Personally came before me this 19th day of March, 2014, Donald R. Mielke and Marjorie D. Hartmann known to me the persons who executed the above instrument on behalf of Mielkmann, L.L.C., (the "Company"), and who acknowledged that: (1) they are Members of the Company, (2) that they executed the above instrument on behalf of the Company, and (3) that the instrument was executed pursuant to the Company's Articles of Organization and Operating Agreement and/or by duly adopted resolution of its Members; and (4) that this instrument constitutes a binding contract of the Company.

Timothy R. Halbach
Timothy R. Halbach
Notary Public, Calumet County, WI
My commission is permanent.

ASSIGNMENT OF EASEMENTS

Further, by his execution below, Donald R. Mielke hereby assigns to the Grantee all of his rights and interest that he has pursuant to and as described in the following documents: (1) a Drainage Easement dated March 12, 2004, and recorded in the Office of the Register of Deeds for Calumet County, Wisconsin, on March 14, 2004, at 15:29, as Document No. 374202; (2) a Drainage Easement dated October 24, 2003, and recorded in the Office of the Register of Deeds for Calumet County, Wisconsin, on October 24, 2003, at 15:59, as Document No. 368750; and (3) to the extent assignable, a Drainage Easement as described on Certified Survey Map No. 2625, recorded October 22, 2003, as Document No. 368555.

Donald R. Mielke
Donald R. Mielke

Dec. 17. 2015 10:22AM CAL. CTY. REG. OF DEEDS

No. 5151 P. 4

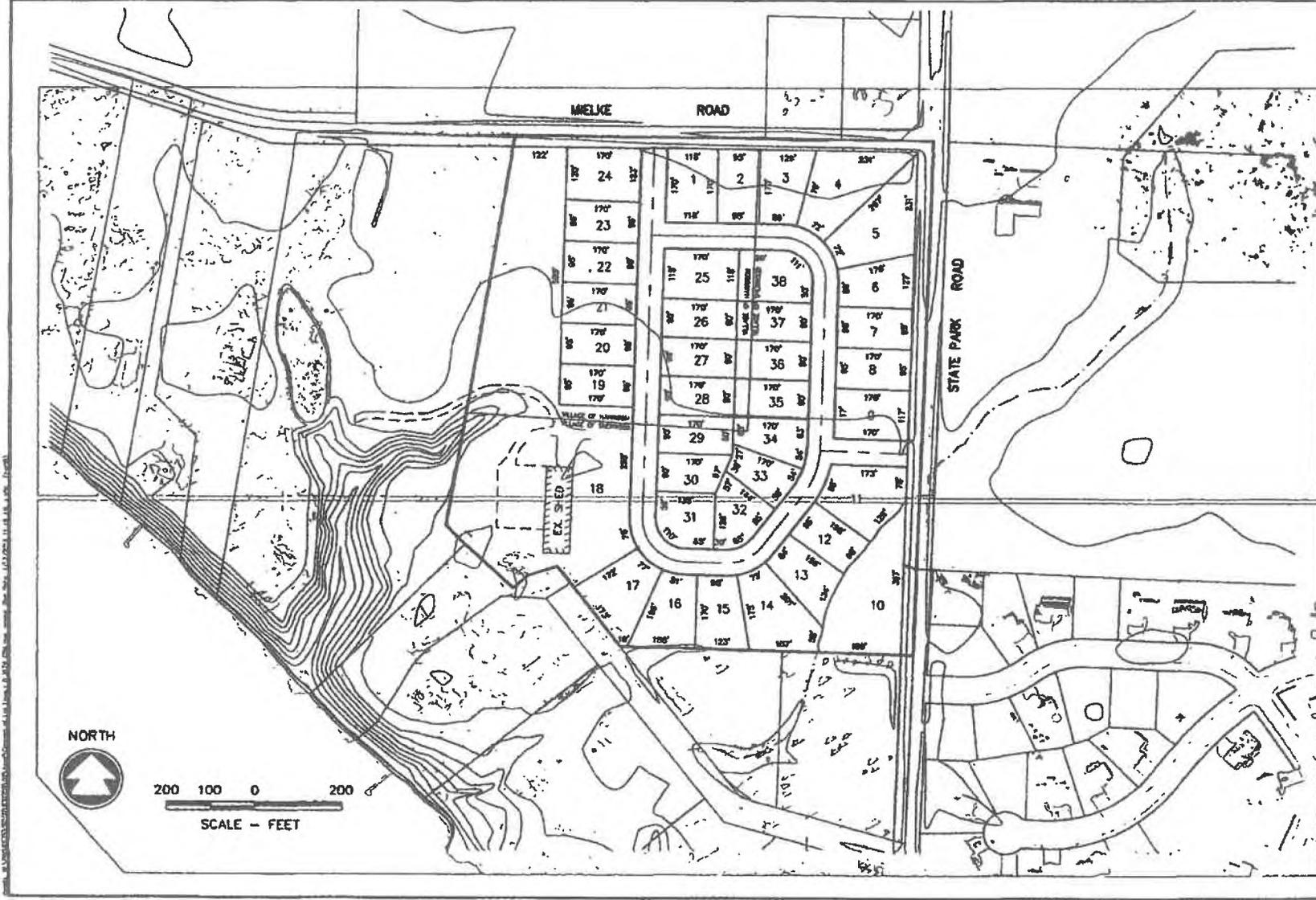
STATE OF WISCONSIN)
)ss
COUNTY OF CALUMET)

Personally came before me this 19th day of March, 2014, the above named Donald R. Mielke to me known to be the person who executed the foregoing instrument and acknowledged the same.



Timothy R. Halbach
Notary Public, Calumet County, WI
My commission is permanent.

This Deed Drafted by:
Attorney Timothy R. Halbach
Twohig Rietbrock Schneider & Halbach S.C.



McMAHON
 SURVEYING & CONSULTING
 1445 MADISON DRIVE, REBAMA, WI 53081
 MADISON, WI 53705
 TEL: (608) 751-4300 FAX: (608) 751-4304

SEPARATE SERVICES LIKE
 PLANNING, ENGINEERING, AND
 ARCHITECTURE ARE NOT
 INCLUDED IN THIS FEE. THE
 FEE IS BASED ON THE
 SQUARE FOOTAGE OF THE
 LOTS. THE FEE DOES NOT
 INCLUDE THE COST OF
 RECORDING THIS PLAN OR
 ANY OTHER COSTS OF
 RECORDING OR FILING.

**CONCEPTUAL FUTURE LOT LAYOUT
 VILLAGE OF HARRISON/SHERWOOD
 TOM SANDERFOOT**

RECORD	DATE
INDEX	DEC. 2015
SHEET NO.	

Exhibit B
Fats, Oils, Grease and Sand Separator

(Attach/Type here)

Sherwood Plan Commission Meeting Report

February 1, 2016

Action Items:

- a. *CSM#2016-01: Certified Survey Map request (Sanderfoot; W5409 Mielke Road – Harrison) to divide out and create Lot #1 (7.188 ac.) from a 15.09 ac. parcel (N8045 State Park Road – Sherwood; Tax ID #31250).*

At Applicant's request, the Commission recommends approval of a 60-day extension to the CSM review process, from Jan. 30 to March 30.

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

Commission and Applicant modified proposed Developer Agreement terms. Approval recommended contingent upon receipt of properly completed rezoning petition application and fee payment. (Note: Completed application and fee have been received at Village Hall).

- c. *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).*

Approval recommended only in conjunction with approved Developer Agreement.

- d. *Drainage Easement release – Request to release State Park Estates IV (Lots #110 thru 114; RBH Development) rear yard drainage easement (berm) due to development hardship associated with berm location vis-à-vis lot size(s).*

Approval recommended pending clarification of public notification requirements and the stipulation that any costs of this action to be charged to the Developer.

Informational Items:

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

Commissioners voiced conceptual agreement to the proposed plan to add a drive-thru window, noting the need to also add an asphalt driveway within 24 months.

Respectfully submitted for review by Susan Williams, Clerk.

Village Board Meeting Minutes
Feb. 22, 2016

- 1) Call to Order and Roll Call. – *President Rath called the meeting to order at 6:30 p.m. with roll call:*

<i>Present</i>	<i>Absent</i>
<i>Bob Benz</i>	<i>none</i>
<i>Stacy Gedman</i>	
<i>Joe Hennlich</i>	
<i>Roger Kaas</i>	<i>Others Present</i>
<i>Joyce Laux</i>	<i>Susan Williams, Clerk-Treasurer</i>
<i>David Miller</i>	<i>Randy Friday, Administrator</i>
<i>Jim Rath</i>	<i>Brenda Stumpf, Recreation Programming</i>

- 2) Pledge of Allegiance. – *Recited.*
- 3) Approval of the Agenda. – *Benz moved to approve the agenda as presented. Hennlich 2nd. Motion carried unanimously.*
- 4) Approval of Minutes: Feb. 8 (Regular Meeting). – *Benz moved to approve the minutes as presented. Miller 2nd. Kaas stated the following language under agenda item 6):*
Kaas noted local residents met with a DNR representative where the following options were discussed: (1) Submit a dam transfer request along with dam repair plans; (2) Transfer ownership to another entity that would submit dam repair plans; and (3) Dam removal
was incorrect and those three options were given to the High Cliff Public Golf Course in a letter from the Wisconsin Department of Natural Resources.
And
Kaas responded 51% of all land owners, *stated this was incorrect, in a Village there is no requirement of a petition, the Village Board may approve through resolution, they circulated a petition to demonstrate support. Benz and Miller agreed to the amendments.*
Motion as amended carried unanimously.
- 5) Registered Citizen Comments on Agenda Items.

Mary Pat Thomson, W4811 Spring Hill Dr., Sherwood – regarding agenda item 8) and 15) a) voiced concerns of the Lake District formation and the financial impact to the property owners adjacent to the pond. (after comments handed the Clerk a statement).

Ron Wenzel, N7751 Windswept Ln., Sherwood – regarding agenda item 8) and 15) a) voiced concerns of the Village taking over the pond, it's a personal situation not the Village's.

Phillip Zoellner, W4892 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) voiced seeing the value of the pond, questioning the watershed impact, concerned if dam is removed what will happen to the sediment.

Roger Kaas, W4840 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) voiced concerns as a citizen after stepping down from the Board Table, stated 2 options he had presented at the previous Village Board meeting.

Tom Sanderfoot, N8045 State Park Rd., Sherwood – regarding agenda item 7) and 14) requesting support of the developer agreement and rezoning petition.

Julianne Hargarten, W4841 Spring Hill Dr., Sherwood – regarding agenda item 8) and 15) a)



Williams Hargarten, W4841 Spring Hill Dr., Sherwood – regarding agenda item 8) and 15) a) commented that the Village and property owners adjacent to the pond believed that it is an asset, requested the Village to protect it, would go along with lake district and financial responsibility.

Albert Cole, W4860 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) stated has been enjoying the pond for 13 years, voiced concerns of the lifetime of the pond and if it will silt up and is waiting for the stormwater analysis.

Bill Rogers, W4716 Nature Ct., Sherwood – regarding agenda item 8) and 15) a) stated concerns of the Village jumping in when it is an issue between the golf course and the State.

Ned Marks, W4897 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) stated living on the pond for 26 years and if the pond is not part of the stormwater, cannot imagine the Village taking it on and concerned about having resources for police protection.

Dave Schmalz, W5884 Sweet William, Appleton – regarding agenda item 7) and 14) requesting support of the developer agreement and rezoning petition.

Martina Maki, W4887 Spring Hill Dr., Sherwood – regarding agenda item 8) and 15) a) stated seeing both sides of the situation, having great respect for all involved, questioned the title insurance identifying the ownership and concerns if the lake district is formed the maximum tax rates and special assessment that can be charged.

Ryan Propson, W4878 Escarpment Ter., Sherwood – regarding agenda item 8) and 15) a) requested the Village to allow the pond to remain, recognizes both sides, concern that if golf course is allowed to remove that they will not maintain it in a natural state.

Question from audience if the pond would be subject to the Village Weed Ordinance. Kaas replied that it would depend on the zoning.

- 6) Presentation: FY2015 Annual Review and FY2016 Preview (Harrison Fire & EMS; Chief Kevin Kloehn).
- 7)  Public Hearing: Rezoning Petition #2016-01: Request (T. Sanderfoot; W5409 Mielke Road) to rezone 15.09ac. parcel (N8045 State Park Rd.) from Agri. to R-1 (Single-family) per adopted Comprehensive Plan – Future Land Use Map (Note: Plan Commission recommendation to consider *Developer Agreement* in conjunction with RP; See 14a/b/c).

After three (3) calls for the public hearing Rath opened the hearing at 7:47 p.m.

Benz moved to close the public hearing at 7:48 p.m. Kaas 2nd. Motion carried unanimously.

- 8) Public Hearing: Residents/Property owners around ‘Palisades Pond’ requesting Village Board to consider creation of a ‘Lake District’.

Kaas stepped down to the audience from the Board Room table.

After three (3) calls for the public hearing Rath opened the hearing at 7:48 p.m.

Benz moved to close the public hearing at 7:49p.m. Miller 2nd. Motion carried unanimously.

Kaas returned to the Board Room table.

- 9) Report of the Community Development Authority (Feb. 8)
 - a) Consider/Approve Resolution #01-2016 – Property Purchase (N407 Harrison Street).

Kaas reported the CDA held a special meeting to approve the purchase of the final part of the portion of the properties to be obtained for development along this side of Hwy 114/55.

Benz questioned the Board if the Wis. DOT expert Jeff Saxby was consulted about the Village proceeding with property purchases. Kaas stated the S.E.H. professionals were to give the Village a revised response to the DOT communications.

Benz requested Friday to follow up. Friday stated he would contact Jeff Saxby/Glen Van Warner from S.E.H. for an update.

10) Report of the Park, Recreation and Urban Tree Board (Feb. 17)

- a) *Sell Attraction Tickets thru Wis. Parks & Recreation Assoc.*

Benz moved to approve the PRUT to sell attraction tickets through Wis. Parks & Recreation Association. Miller 2nd. Motion carried unanimously.

- b) *N.E.W.P.R.O. – Monthly meeting attended.*

Stumpf reported attending a recent meeting during which a topic discussed was development of “Friends” groups and Hennlich offered Stumpf his assistance.

- c) *Pickleball Survey in upcoming Newsletter.*
- d) *Easter Egg Hunt: March 26 (volunteers welcome).*
- e) *Amphitheater Entertainment: Summer schedule of events.*

Stumpf reported Sunday afternoon events at Wanick Park scheduled so far:

June 26th Miller and Miller (Juggling and Comedian Combo)

July 10th Randy Peterson (Children Guitarist and Entertainer)

August 4th Mr. Billy (Children Entertainer)

August 14th TBD

- f) *PT Employee Job Description: Update.*
- g) *Concession Stand: Sub-committee to review lay-out and products.*

Kaas informed Stumpf he had received calls in opposition to the trailer and the callers voiced concerns about detriment to local businesses and the cost versus income.

- h) *Donation Recognition: Continue discussion of ‘donation levels’.*
- i) *Future Meetings: Consensus is to move to 3rd Mondays, monthly.*

Kaas questioned Stumpf if the Farmers Market concept is being worked on and Stumpf stated she is continuing to gather information.

Question from audience commented that the soccer field at Wanick Park being too rough for play in the fall of 2015.

Benz complimented Stumpf on a good job.

11) Report of Village Officers.

a) Village President

Rath reported a resident commented on heavy equipment seen on along the Quarry ridge questioning if the Board or Staff heard of the work starting up when he was under the impression it was winding down/stopping.

Rath stated all Trustees/Board/Commission Members obtaining proper permitting when doing work at their homes.

b) Clerk/Treasurer

i. Review/Approve financial reports.

Hennlich moved to approve the financial reports as presented. Laux 2nd.

Benz questioned the valve exercising of the MCO bill. Friday stated the invoices reflect the contract and budget. Rath asked for the minutes to be checked.

Motion carried unanimously.

ii. Operator's Licenses.

- Marissa Hintz
- Brittany Vandenberg

Benz moved to approve the license applications presented. Kaas 2nd. Motion carried unanimously.

Williams reported the auditor's fieldwork completed last week, the Village Election turnout was 16% and the last page of the packet was a communication from the Calumet County Bank about the pending merger with State Bank of Chilton.

12) Village Engineer: Project Update(s).

Friday directed Trustees to the schedule included in packet, with bid opening March 23, 2016, consideration/approval at the Village Board meeting March 28, 2016 and construction phase July – August.

Benz inquired of Friday the reason the settling occurred on Creekside Drive and Arbor Vitae Drive. Friday replied the compaction was not conducted properly.

13) Village Administrator: Project Update(s).

Friday reported attended Calumet County Local Emergency Planning Committee meeting last week and attended TIF conference the week before. Friday stated he will be reporting to the CDA on recent legislation/information.

14)

Old Business:

- a) *Developer Agreement (Sanderfoot): Consider allowing extension of private water & sewer service laterals to N8045 State Park Road in conjunction with rezoning of said parcel from Ag. to R-1. Single-family residential (see 'b' and 'c').*

Friday reported to the Trustees the recommendation from the Plan Commission was for the Developer Agreement and Rezoning Petition be approved together.

Friday went through the Developers Agreement, highlighting some language. Friday stated if the Agreement and the Request are approved then the CSM would be withdrawn.

Hennlich asked for clarification on the use of the property if rezoned to residential if Sanderfoot is prohibited from making it his business. Friday replied at home businesses are allowed in the Village, but this property the answer would be 'no'. Rath questioned Sanderfoot if he would agree to stipulate to that and Sanderfoot agreed. Hennlich suggested adding that language to the Developers Agreement.

Rath stated his concern is the repayment plan for special assessment is stretched to 10 years which should be over 5 years.

Benz addressed Sanderfoot that he was an advocate for Village services. Benz reported being more comfortable with Sanderfoot keeping the property rural, will it become commercial someday or is it today.

Sanderfoot replied that the existing building would never house his business and the equipment on site is being used to finish the building.

Rath stated that the Board must be open and follow due process.

Benz directed the Board to the packet page which identified the adjacent property owners and asked if any property owners were present to contest the application. Benz inquired of Staff if all property owners were notified and Williams responded only those within the Village were.

No audience members indicated they were present in opposition to the application.

Benz moved on to the checklist the Plan Commission reviews with these type of applications and inquired as to who completed it. Friday stated the Plan Commission goes through it. Benz questioned the population density change effecting the Village services point, stating residential would be a higher use than agriculture.

Laux stated she believes Sanderfoot's current use has already impacted services.

Friday directed the Board to the projection on the Board Room wall of the additional language added to the Developers Agreement of:

Whereas, the Developer agrees they will not now or at any time in the future make this parcel or any portion thereof lying in Sherwood become their place of business, including any future heir's, successors, and assigns, notwithstanding any allowances for business(s) as allowed by the local Zoning Code.

Laux questioned Sanderfoot's intention of keeping equipment on the parcel outside the building.

Sanderfoot stated the equipment remains since the building is not finished, after the petition is approved services can be completed and a cement floor poured.

Hennlich moved to approve the Developers Agreement as amended and the RP #2016-01 as presented. Gedman 2nd.

Rath commented he was struggling with the 10 year repayment term, and his vote would be placed accordingly. Rath suggested if Sanderfoot would be willing to switch to the 5 year plan that is the only thing holding him up.

Sanderfoot agreed to change the language to 5 year repayment term.

Hennlich and Gedman agreed to the change of language in the Developers Agreement to 5 year term.

Rath called for a roll call vote: Benz – aye, Gedman – aye, Hennlich – aye, Kaas – aye, Laux – nay, Miller – abstain, Rath – aye. Motion carries.

b) *RP #2016-01: Request (Sanderfoot; W5409 Mielke Rd.) to rezone 15.09ac. parcel at N8045 State Park Rd. from Agri. to R-1 Single-family zoning.*

Acted upon under 14) a) above.

c) *CSM #2016-01: Certified Survey Map request to divide out 7.19ac. of 15.09ac. parcel along west side of State Park Road. adjacent to Mielke Road (Sanderfoot; 60-day extension thru April 30). (Note: 'Withdraw' with RP #2016-01 approval).*

Friday questioned Sanderfoot and Schmalz if they are in agreement to withdrawal of the CSM request and both verbally agreed.

NOTE: I deleted the remainder of the Village Board Minutes as they have nothing to do with Tom's item.



Village of Sherwood, WI / THE CODE / Zoning

Article XIV Locational Regulations

- § 22-92 **Location restricted.**
- § 22-93 **Front setbacks.**
- § 22-94 **Side yards and rear yards.**
- § 22-95 **Height regulations.**
- § 22-92 **Location restricted.**

§ 22-95 Height regulations.

A. Maximum height restricted. In any district, no building or structure shall be hereafter erected or structurally altered to a height in excess of that herein specified by the regulations for that district. ((Note: Commercial & Residential – 35' Max. w/out 'permitted increase'.))

B. Exceptions. The following shall be excepted from the height regulations of all districts:

(1) Chimneys, flues, and electrical or telephone and telegraph transmission and distribution structures.

(2) Subject to approval of the Plan Commission, which shall be guided by the standards of § 22-111, Building, site and operational plans, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts, aerials and dish antennas and necessary mechanical appurtenances.

C. Increase permitted. Subject to approval of the Plan Commission, which shall be guided by the standards of § 22-111, Building, site and operation plans, the maximum height in commercial, industrial, and other non-residential districts as permitted under §§ 22-7G, 22-9F and 22-10E may be increased, provided that the required setbacks and offsets affecting the portion of the structure having increased height shall be increased by one foot for each foot in excess of the height limit in the district but in no case more than one story