

Sherwood Plan Commission Meeting Minutes
March 2, 2020

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

Present

*Jean DeKeyser
Bob Gillespie
Joyce Laux
Kathy Salo
Brad Schmidt
Scott Sheppard*

Absent

Steve Summers, excused

Others Present

*Randy Friday, Administrator
Kathy Mader, Acting Clerk
General Public for Public Hearings*

- Salo moved to approve Sheppard as Acting Chairman. Laux seconded. Motion carried unanimously.***
- 2) Pledge of Allegiance – *Recited.*
- 3) Approval of the Agenda – ***Salo moved to approve the Agenda. Schmidt seconded. Motion carried unanimously.***
- 4) Approval of Minutes: Dec. 2, 2019 (Regular Meeting) – ***Gillespie moved to approve the December 2, 2019 Meeting Minutes. DeKeyser seconded. Motion carried unanimously.***
- 5) Citizen comments on Agenda items – *Sheppard addressed the audience and told those who have signed up to speak to state name, address and item upon which they will be commenting.*
- Sheppard stated there are three Public Hearing items. Sheppard explained he will read through all three Public Hearing items individually and fully with the understanding all three items are closely related and revolve around one topic so three readings will not be done for each of the three items. Comments will be limited to three minutes or less.*
- 6) Public Hearings:
Sheppard Opened the Public Hearing at 6:39 p.m.
- a) RP #2019-01: A rezoning petition (Drive Fore Success, LLC) to rezone parcel #13425 (18th Hole) from IR-1 to IR-2 zoning district, allowing housing construction.
- b) PUD #2019-02: Consider a Planned Unit Development (Drive Fore Success, LLC) based on RP #2019-02 standards allowing development (22 buildings) of condominium/duplex units on current 18th Hole of HCGC (11.3 acres).

c) CPA #2020-01: A Comprehensive Plan Amendment in conjunction with RP #2019-01 and PUD #2019-02 regarding 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).

- *Roland Smoot* *N7779 Spurline Court*
Would like the golf course to preserve the beauty of the 18th fairway and is concerned no wetland delineation has been done.
- *Bill Troestler* *N7853 N Niagara Ct*
Questioned what will happen to the golf course if the 18th hole is allowed to rezone and become a PUD housing with condos.
- *Bob Anderson* *N7892 Niagara Ct*
Would like the Board to remember what the Village has already done for the golf course financially and to their benefit.
- *Karen Christ* *N7759 Palisades Trail*
Would like the Board to be aware Dan Ripple, HCGC, has made misleading and erroneous comments in regard to their legal case against them. She, also, stressed her disapproval for the condo development.
In response, Dan Ripple, HCGC, stated mediation is scheduled for March 16, 2020 and, on advice of attorney, cannot make any further comments.
Attorney Tim Halbach stated the temporary injunction is still in place.
- *Terry Adler* *W4864 Forest Ln*
Believes the proposed development will interfere with the relationship he has enjoyed with nature since he moved to the village, near the 17th fairway.
- *Jack Kruse* *W4873 Mustang Drive*
Supports the condo development> Kruse believes it can be a positive attraction for other developers.
- *Bob Gehring* *W4816 Questa Ct*
Supports the project, does not wish to see the golf course fail.
- *Joe Hennlich* *W410 Margaret Ct*
Advises the Village Board to not change zoning or the Comprehensive Plan.
- *Jim Welisek* *W4923 Golf Course Rd*
Questions why parcel should be rezoned when they bought a golf course and not a housing development.
- *Tim Halbach* *W612 Clifton Rd*
If allowed to rezone and develop, the golf course will go from a Par 71/72 to Par 68/69.
- *Jesse Troestler* *W5031 Cherrywood Drive*
Suggests if Village Board does approve to rezone, consider conditional approval to not allow the golf course to become a Par 68/69.
- *Patrick Ambroso* *N7868 Lakeshore Ln*
Praised the current owners for their care of the golf course, improvements during the past seven years. Would like the Village Board to consider, if the current owners are not allowed to proceed, the current owners could sell the golf course and new owners might develop the entire golf course into housing, thus, losing all of the green space.
- *Paul Grube* *W4896 Golf Course Rd*

Expressed that if the current owners are allowed to rezone to IR-2, the golf course will be changed forever.

- *Ben Fauske N7919 Lakeshore Ln
Stated he is a golf enthusiast. He praised the High Cliff Golf Course ownership for their leadership vision. He sees their plans as an opportunity for partnership and making the future greater for Sherwood.*
- *Ned Marks W4897 Escarpment Terrace
Concerned whether the proposed Homeowner's Association would be legal if members are 3 of the golf course representatives and 2 residents.*
- *Troy Neuber N7827 Palisades Circle
Presented a Power Point presentation which displayed covenants he received when he purchased the property. He believes the development will detract from his property value. He requests the Village Board support residents against the rezoning and proposed development.*
- *Tom Herrmann N7782 Spurline Ct
Would like the wetland delineation addressed.*

Sheppard declared the Public Hearing closed at 7:21 p.m.

7) Officer's Report

- a) Plan Commission – Chair – *None*
- b) Zoning Administrator – *Friday reported 2 “safe” water samples have been received for Pond View Estates subdivision and developer will request to tap into the Village water system.*

Other Discussion: Salo reported the March 1st closure of the “Open Burning” survey. She stated a majority are in favor of open burning and not in favor of raising taxes to accommodate more Yard Waste Site costs associated with hauling yard waste. A compilation of the results will be available at the next meeting.

8) Old Business:

- a) Calendar: Review of annual Comprehensive Plan obligations (May and Dec.) – *Nothing.*

Prior to discussion of item 8) b, Sheppard explained the conceptual design previously discussed, 18 building with 36 units, is different than the design being presented at this meeting, 22 buildings with 44 units.

- b) RP #2019-01: (Tabled from Dec, 2019) A rezoning petition (Drive Fore Success, LLC) to rezone parcel #13425 (18th Hole) from IR-1 to IR-2 zoning district – ***Gillespie moved to rezone from IR-1 to IR-2. Sheppard seconded. Motion withdrawn after discussion.***

- c) PUD #2019-02: Consider a Planned Unit Development (22 buildings) based on RP #2019-02 (Drive Fore Success, LLC) allowing development of condominium/duplex units on current 18th Hole of HCGC (11.3 acres).
- d) Concept Plan: (Tabled from Dec, 2019) Consider updated High Cliff Golf Course (Drive Fore Success, LLC) proposed development project on 18th hole (Parcel #13425).

Gary Zahringer, Martenson & Eisele Inc, project design team, described the proposed 44 platted lot subdivision, not condominiums, each lot with 2 zero-lot-line units, 1600 square feet each, with required setbacks. The proposed is for a private road between Golf Course Road to Palisades Trail. The existing pond will be revised to stormwater requirements.

Friday questioned, regarding the stormwater pond, can the Village expect MS4 agreement cooperation from the unit owners/housing development owners. Jack Richardson, Martenson & Eisele Inc, responded an agreement is extended with the stormwater plan submitted.

Sheppard questioned the legal injunction status. Tim Halbach, Attorney, stated the temporary injunction is still in place. Dan Rippl, President High Cliff Golf Course, under advisement of their attorney, said no comment can be made at this time. Rippl did share the mediation is scheduled for March 16th.

Schmidt questioned Friday if the village engineer had looked at the plans. Friday responded they have not. Schmidt would like the Engineer to conduct a traffic analysis of the proposed private road, if density is considered an issue.

Corey Feller, High Cliff Golf Course, suggested the proposed private drive can be gated for "emergency use only" at the Palisades Trail end.

Gillespie stressed the role of the Plan Commission is to consider the future of the Village and how this development may affect its vision and future.

Salo, referencing the 2010 Redevelopment Agreement, Paragraph 4.j representation warranty and waivers, states only owners can occupy the property of which present 18th Hole is shown (Exhibit). Salo questioned whether or not this would be a direct violation of the agreement since High Cliff Golf Course representatives would not be occupants of the property now known as the 18th Hole if redeveloped? Friday stated the agreement can be amended. Also, inquired of the High Cliff Golf Course representatives whether or not they have a plan to keep the golf course an 18-hole course if remediation does not go in their favor.

DeKeyser questioned the High Cliff Golf Course representatives if there is a binding contract stating units will be sold only to the 55 and older group?

DeKeyser's concern is, if the 2010 Redevelopment Agreement can be amended, can the "55 and Older" agreement be amended if the units are not selling.

Schmidt questioned Friday if the next step would be an amendment to the Comprehensive Plan, Future Land Use Map, for this request to move forward? Friday suggested the amendment to the Comprehensive Plan might happen after the approval of the request.

Commission suggests getting PUD development standards in writing and determine if rezoning request is consistent with the comprehensive plan.

9) New Business:

- a) Comprehensive Plan Amendment (CPA # 2020-01): Consider change to Village Comp. Plan on HCGC, Parcel #13425 (18th Hole) allowing housing development, in addition to golfing-related operations as a part of High Cliff Golf Course.

Sheppard moved to seek legal clarification of the occupancy verbiage in the 2010 Irrigation Agreement between the High Cliff Golf Course, the Village, and the bank as it would relate to the proposed PUD occupancy at the 18th fairway. Gillespie seconded. Motion carried unanimously.

Gillespie moved to TABLE item until legal interpretation is brought forth. Sheppard seconded. Motion carried unanimously.

10) Correspondences:

- a) Supporting housing development on 18th Hole (Corey Feller; Dec. 5, 2019).
- b) Expressing concerns about housing on 18th Hole (Jesse Troestler; Dec. 26, 2019).
- c) Expressing concerns about development on 18th Hole (Bill Troestler; Jan. 2020.)
- d) Concerns of additional High-Density Housing (Bob Anderson, Craig Booher, Mike Cook; Feb. 19).
- e) Expressing concerns about wetlands on 18th Hole (Smoot; Feb. 27).
- f) Guidance request for development of property along CTH 'M' at railroad tracks (John West; Feb. 27) – *Commission suggested West consider rezoning the property to C-2.*

11) Adjourn – *Salo moved to adjourn at 9:12 p.m. Schmidt seconded. Motion carried unanimously.*

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