

Plan Commission Agenda – Special Meeting, Monday, May 18 – 6:30pm

RE: High Cliff Golf Course (Drive Fore Success, LLC) – Requests for:

- Rezoning Petition (IR-1 to IR-2).
- Planned Unit Development.
- Comprehensive Plan Amendment.
- Concept Plan.

New information, only, is presented in paper form due to prior discussion and conclusion of public hearings on matters noted above.

Information can be viewed at: www.villageofsherwood.org – Upper right hand corner.

Board Members are not mandated to attend in-person.

Meeting access: Webex meeting and/or to download documents.

Sherwood Plan Commission Special Meeting Notice and Agenda

May 18, 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 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.
- 2) Pledge of Allegiance.
- 3) Approval of the Agenda.
- 4) Approval of Minutes: March 2.
- 5) Citizen comments on agenda items.
- 6) Officer's Report

- a. Plan Commission – Chair.
- b. Zoning Administrator.

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.
 - 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).
 - 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).
 - f. *Concept Plan*: (Tabled from Dec, 2019) Consider updated High Cliff Golf Course (*Drive Fore Success, LLC*) proposed development on 18th hole (Parcel #13425).
- 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

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.

development as *Sherwood Forest 2nd Addition*. Only one lot approved, via CSM, for construction of a single-family home (Schultz).

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).
- b. *Consideration for guidelines regarding 'Open Burning' [post-Survey]* (Kosiorek; March 29).
- c. *Condon Road project: T-33 aircraft/Veteran's Memorial location* (American Legion Post #496; May 7).
- 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).

10) Adjourn.

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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.

RE: High Cliffs Golf Course proposal.

[Handwritten signature]

§ 22-112 **Planned development projects.**

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:

Proposed Principal Uses	Minimum Project Size (square feet)
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 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.

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.^[1]

(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 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.

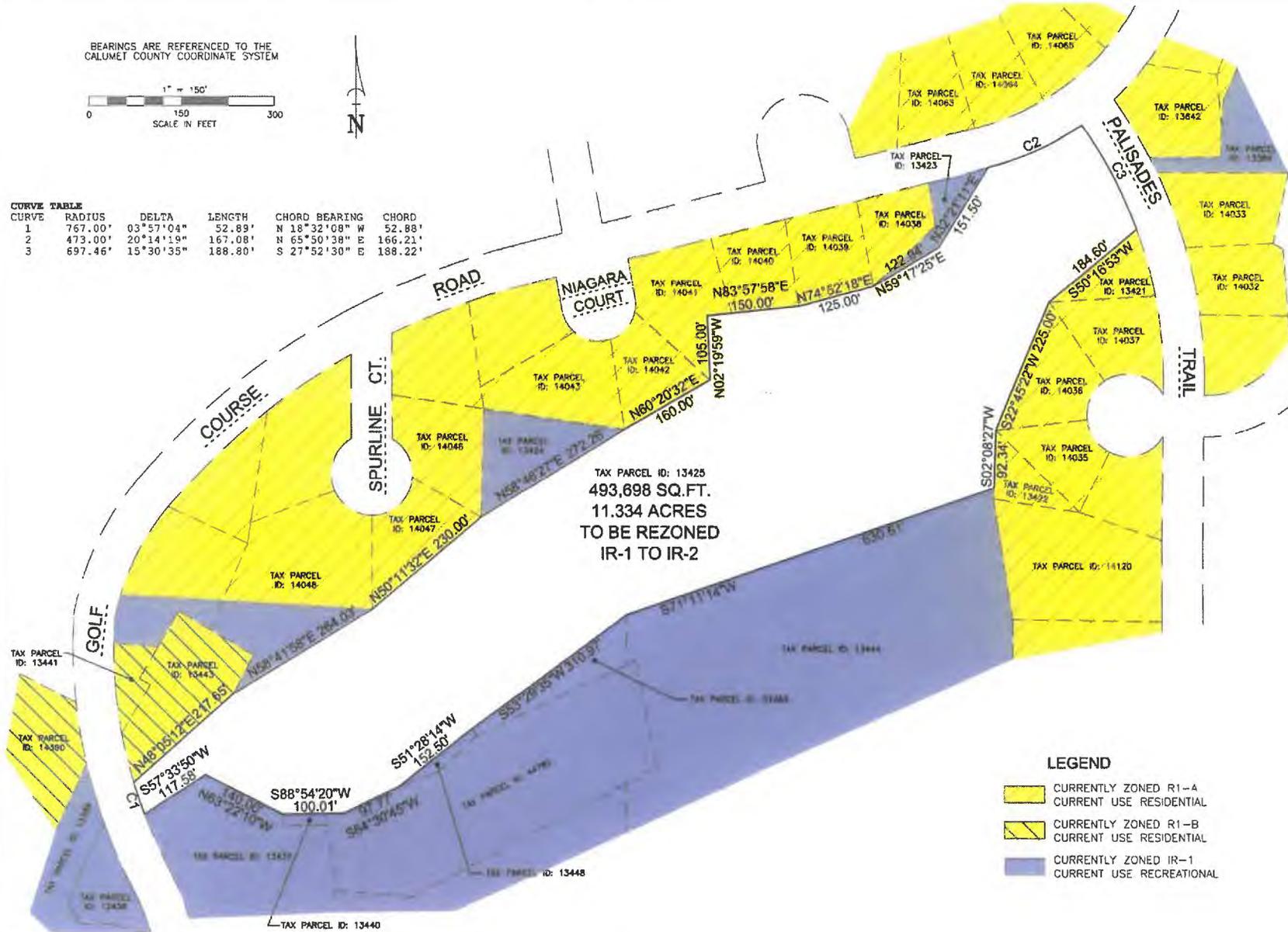
(c) Determination. In the manner set forth in this subsection preceding, the Village Board shall act upon the petition. The project file and Zoning Map shall be appropriately modified with the changes adopted by the Board, and as necessary any land covenants, plats or other recorded documents amended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

BEARINGS ARE REFERENCED TO THE CALUMET COUNTY COORDINATE SYSTEM



CURVE TABLE

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'



LEGEND

	CURRENTLY ZONED R1-A
	CURRENT USE RESIDENTIAL
	CURRENTLY ZONED IR-1
	CURRENT USE RECREATIONAL

Martenson & Eisele, Inc.
 Planning
 1277 Main Street
 West Troy, WI 53180
 www.martenson-eisele.com
 info@martenson-eisele.com
 262.731.0531 1.800.226.0381

Professional Engineer
 Professional Surveyor
 Professional Architect

NO.	DATE	CHANGED BY	APPROVED	REVISION

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

SCALE 1"=150'	DATE Feb. 2019
COMPUTER FILE 1-1263-001rezoning.dwg	

DRAWING NO.
1-1263-001

Sherwood Plan Commission Meeting Report
Aug. 5, 2019

1) ACTION ITEMS



- a. Concept Plan ('The Cottages at High Cliff'): Consider concept plan for development of Planned Unit District regarding a 36 unit 18-lot residential subdivision development on the 18th hole of High Cliff Golf Course.

- *Private Road*
- *Private snow and grass removal*
- *Private Refuse/Recycle removal*
- *55 and over development*
- *Relocating the 18th hole to the other side of the property to allow for a correction of the design.*
- *The units would be located where the existing 18th hole is.*

By 7 to 0 vote approval, Commission moved to recommend approval of the Concept Plan for the Cottages of High Cliff PUD contingent upon submittal of the proper land division documents as prescribed in the Sherwood Code of Ordinance and State Statutes, and with the property obtaining a zoning change for the affected portion of the current High Cliff Golf Course property.

2) INFORMATION ITEMS

- a. Zoning Code updates – *Commissioners Salo, Schmidt and Summers worked together on the updates.*

Respectfully submitted for review and approval by Jo Ann Lesser, Clerk/Treasurer.

- Additionally, the houses on this new hole are much further away from the fairway offering safety to those home on the new hole.
- Just as joining the Club House and golf course under one ownership umbrella again created continuity in member experience, this is another step in our continuing effort to return to our community roots.
- The view of this finishing hole from the Pro Shop, Pub, Patio and Ballrooms will be spectacular and ecstatically pleasing to say the least. More importantly, the revenue will allow us to continue to be a destination and hub in the community we all share.

Revised
 (02-2020)

22 duplex structures (44 units)

- From this point we will construct ~~48 duplexes~~ each on lot sizes of approximately 140 feet wide by 110 feet deep on our existing hole number 18. Our company will act as the General Contractor for the units. We are in negotiations with the General to work out terms.
 - We will offer four different exterior designs buyers can choose from. We believe given the desire for property like this the units will sell fast. The initial interest has been exceptionally high. The outside shell will have a Door County Cottage feel and appearance to them.
 - These open concept units will range from 1,450 to 1,640 square feet with each having 2 bedrooms and 2 baths and will have zero clearance entrances.
 - They will be single story units with basements with the option for one or two egress windows. Each unit will have an oversized two car attached garage with the outside stall being deeper than the inside.
 - The garage will be located toward the outside of the units with a small garage door located toward the rear for golf cart entrance.
 - A home owner will select a design from one of those offered as well as the lot they desire.
 - We will require that all lots be built on within 24 months from the date of sale.
 - The Cottages at High Cliff Association will be restricted to at least one member of the household age 55 and over.
 - The residents will own their homes as well as one half of the duplex lot and be responsible for any property taxes.

Highway Finance Data Collection

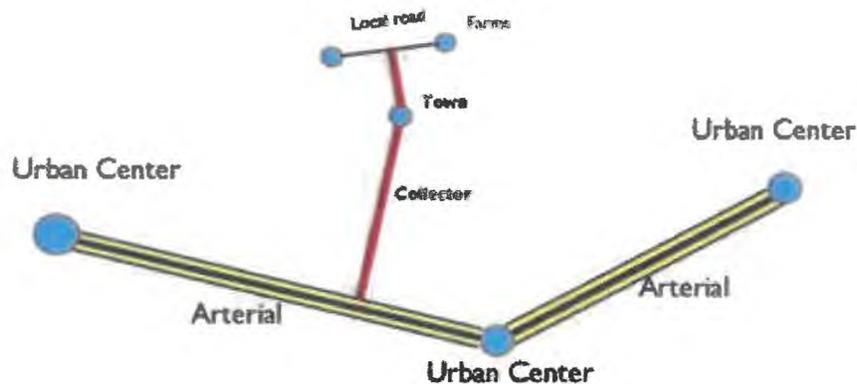
Our Nation's Highways: 2011

Highway Infrastructure

Since the early 20th century the nation has devoted significant resources to the creation of a roadway system that connects every major population center. Over 164,000 miles of highways in the National Highway System form the backbone of our 4-million-mile public road network.

In 1989 FHWA established a Functional Classification System that categorizes roadways with similar characteristics. Our highway system comprises three fundamental building blocks: local roads; collectors; and arterials. Local roads serve homes, businesses, farms, and small communities, and provide access to collector roadways. Collectors channel traffic from local roads to arterials, which provide safe, reliable, and efficient travel between towns and cities.

Figure 1-1: Hierarchy of Our Highway System



An ideal roadway is one that connects to our driveways (access) and at the same time leads to interruption-free drives to our destinations (mobility). To accomplish this, roadways are planned and designed differently. Local roads are chiefly to provide access (driveways, median openings), while mobility is the primary function of arterials.

Source: US DOT; Federal Highway Administration; Office of Highway Policy Information

Freeways

At the top of the hierarchy are limited access roads Freeways or Expressways, including most toll roads. These roads provide largely uninterrupted travel, often using partial or full access control, and are designed for high speeds. Some freeways have collector/distributor lanes (also known as local lanes) which further reduce the number of access ramps that directly interface with the freeway; rather, the freeway periodically interfaces with these parallel roadways, which themselves have multiple on and off-ramps. These allow the freeway to operate with less friction at an even higher speed and with higher flow. Often freeways are included in the next category, arterials

Arterials

Arterials are major through roads that are expected to carry large volumes of traffic. Arterials are often divided into major and minor arterials, and rural and urban arterials.

In some places large divided roads with few or no driveways cannot be called freeways because they have occasional at-grade intersections with traffic lights that stop traffic (expressways in California, dual carriageways in Britain) or they are just too short (super-arterials in Nevada). Such roads are usually classified as arterials.

Frontage roads reduce conflict between the high-speed nature of an arterial and property access concerns.

Collector roads can vary widely in appearance. Some are wide boulevards entering communities or connecting sections. Others are residential streets, wider than local roads, although few are wider than four lanes. Small-scale commercial areas can be found on collector roads in residential areas. Key community functions such as schools, churches, and recreational facilities can be found on collector roads.

A collector road usually consists of a mixture of signaled intersections, roundabouts, traffic circles, or stop signs, often in the form of a four-way stop. Two-way stops are generally used at intersections with local streets that favor traffic movement on the collector. A collector road normally has traffic lights at an intersection with an arterial road, whereas roundabouts and two-way stops are more commonly used in Europe.

Speed limits are typically 20-35 mph (or 30-55 km/h) on collector roads in built-up areas, depending on the degree of development and frequency of local access, intersections, and pedestrians, as well as the surrounding area (the speed tends to be lowest in a school zone). Traffic calming is occasionally used in older areas on collector roads as well.

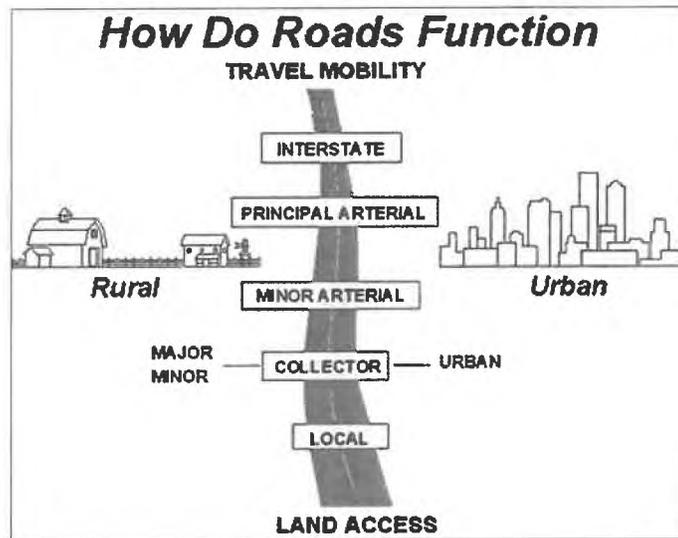
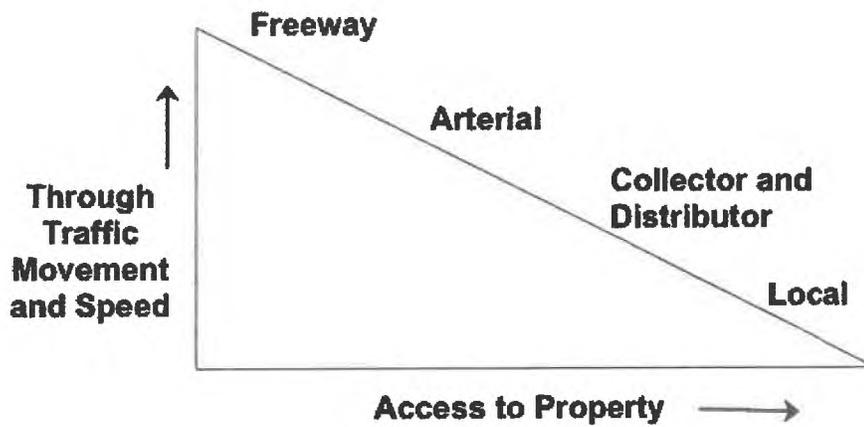
Local roads

At the bottom of the hierarchy are local streets and roads. These roads have the lowest speed limit, and carry low volumes of traffic. In some areas, these roads may be unpaved.

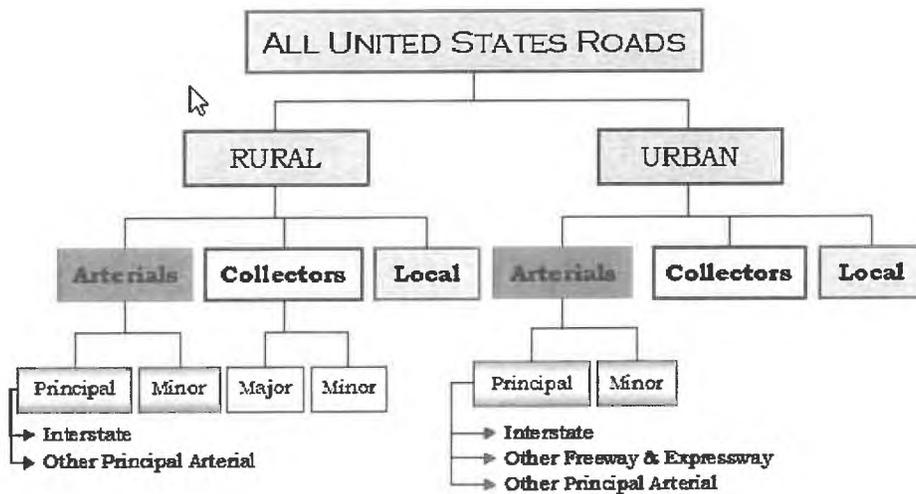
In the United States, laws distinguish between *public roads*, which are open to public use, and *private roads*, which are privately controlled.

Maintenance is becoming an increasing problem in the United States. Between 1997 and 2018, the percentage of existing roads too bumpy to drive on compared to roads with decent surfaces increased from 10 to 21 percent.

Source: MUTCD; Wikipedia



Source: WisDOT.



Proposed Land Use

Parcel ID# 13697

BRAD BURZYNSKI

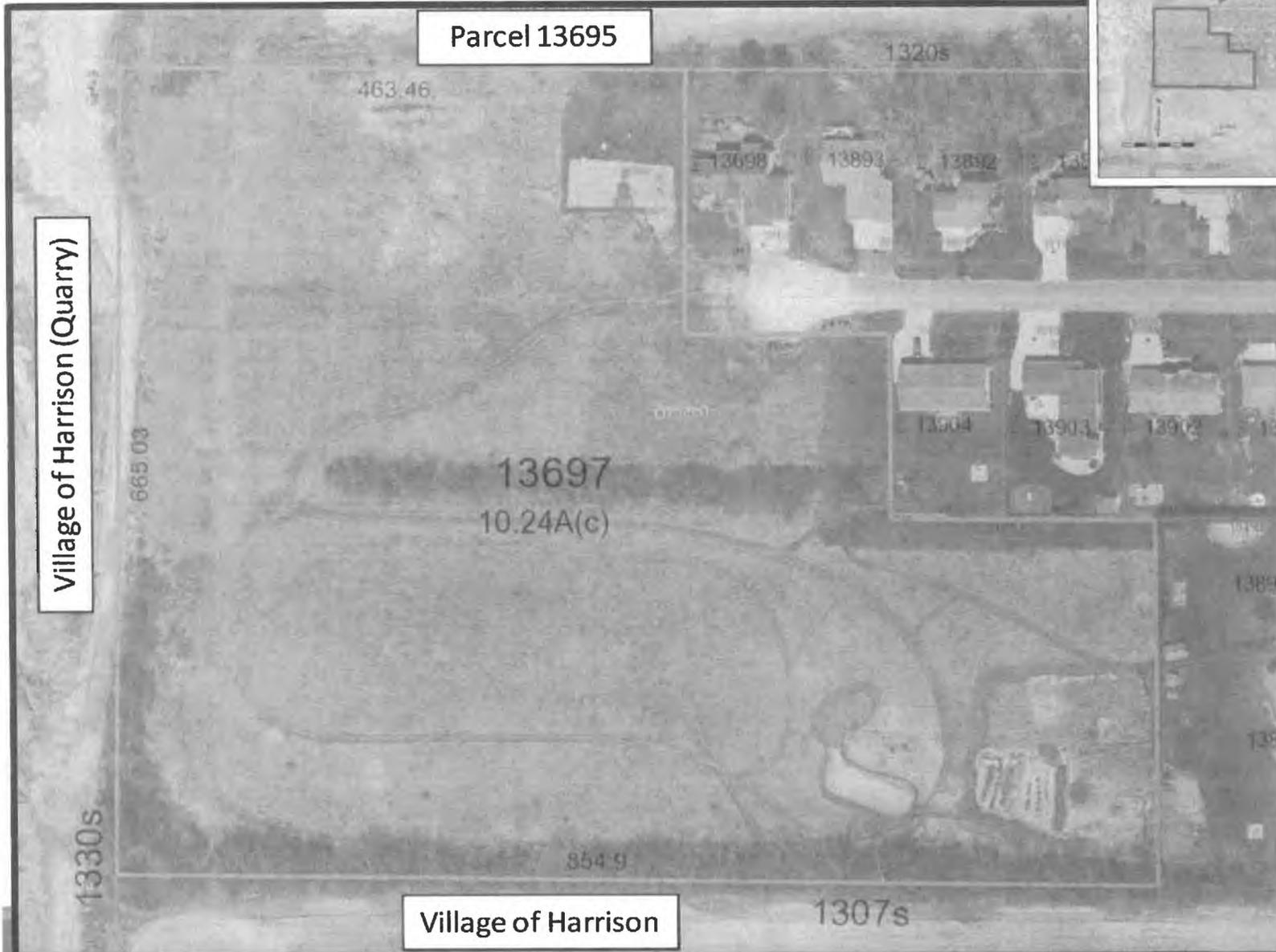
Why Am I Here?

- Currently have an accepted offer to purchase Parcel 13697
- Goals:
 1. Seek approval to build a residence on the parcel
 - High level proposals
 2. Understand Village desires to extend Kings Way to North, connecting to future development land (Parcel ID 13695)
 3. Understand next steps to achieve

Outline

1. Parcel Location / Map
2. Parcel Information / History
3. Concept Plans
 1. Single family use
 2. 9 lot subdivision
 3. 10 lot subdivision
 4. 11 lot subdivision
4. Possible drainage locations
5. Village Plan

1. Parcel Location / Map



2. Parcel Information / History

Parcel ID: 13697

Size: 10.24 acres

Location: End of Kings Way

Zoning: R-1 (Single-family residential)

History: Drawings ranging in dates from 1987 to 1998 (See Next Slide)

- Extend Sherwood Forrest subdivision to the West, curving South into what is currently Village of Harrison
- My understanding, Village has desire to connect to North (Parcel 13695) rather than South

3. Concept Plan

General Notes for all Proposals:

- Yellow Dot – Approx manhole (sewer location)
- Red Dot – Approx fire hydrant location
- Roadway is 30' wide
 - Yellow lines around extension of Kings Way – 18' Right of Way
- Private Driveway to be 18' wide
 - Orange line around driveway – 18' Right of Way
 - Driveway location is approximate

3.1 Concept Plan

Proposal 1 Notes:

1. Build a single-family residence on parcel (Lot 1)
 - Position Driveway to allow for future expansion of lots
2. Allow for future extension of Kings way to North
 - Example shown (Creates Lot 2)

3.1 Concept Plan 1 Drawing



3.2 Concept Plan

Proposal 2 Notes:

1. Build a single-family residence on parcel (Lot 6)
 - Driveway in place for future lots
2. Private driveway to support lots 2, 3, 4, 5, and 6

Approx Lot Size		
Lot #	Sq Feet	Acres
1	25,321	0.581
2	23,151	0.531
3	53,970	1.239
4	53,487	1.228
5	54,957	1.262
6	55,346	1.271
7	54,752	1.257
8	44,581	1.023
9	19,587	0.450

3. Allow for future extension of Kings way to North

3.3 Concept Plan

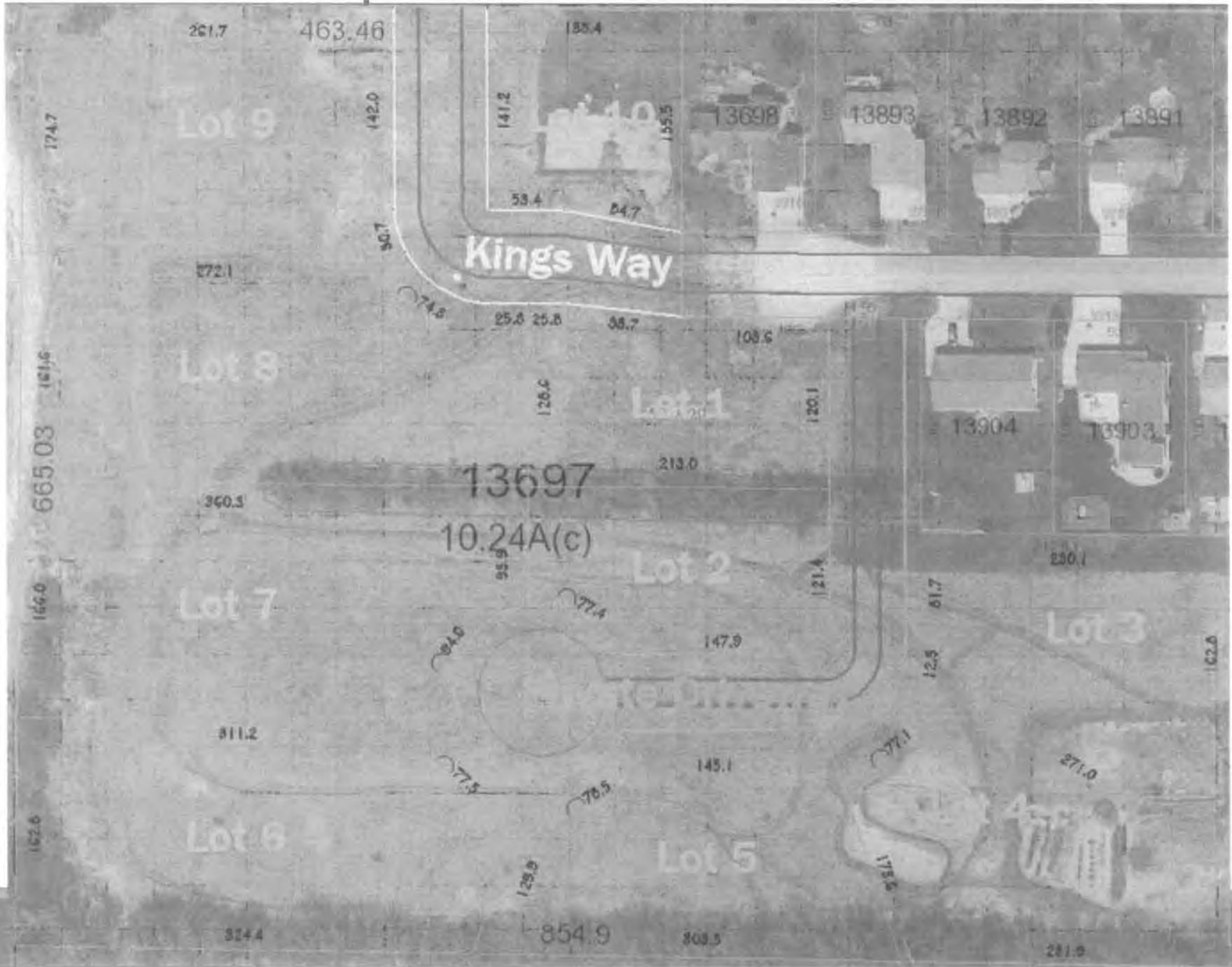
Proposal 3 Notes:

1. Similar to Proposal 2 – Lots 3 and 4 split to become lots 3, 4, and 5
2. Build a single-family residence on parcel (Lot 7)
 - Driveway in place for future lots
3. Private driveway to support lots 2, 3, 4, 5, 6, and 7

Approx Lot Size		
Lot #	Sq Feet	Acres
1	25,929	0.579
2	23,707	0.530
3	36,939	0.825
4	36,575	0.817
5	36,485	0.815
6	56,277	1.257
7	56,675	1.266
8	56,067	1.252
9	45,652	1.020
10	20,057	0.448

4. Allow for future extension of Kings way to North

3.3 Concept Plan



3.4 Concept Plan

Proposal 3 Notes:

1. Similar to Proposal 2 – Lots 3 and 4 split to become lots 3, 4, 5, and 6
2. Build a single-family residence on parcel (Lot 8)
 - Driveway in place for future lots
3. Private driveway to support lots 2, 3, 4, 5, 6, 7 and 8

Approx Lot Size		
Lot #	Sq Feet	Acres
1	25,232	0.579
2	23,069	0.530
3	25,591	0.587
4	29,725	0.682
5	26,408	0.606
6	26,849	0.616
7	54,763	1.257
8	55,150	1.266
9	54,559	1.252
10	44,424	1.020
11	19,517	0.448

4. Allow for future extension of Kings way to North

4. Possible Drainage

Proposal 3 Notes:

1. Current contours of land allows for natural drainage locations
2. Possible drainage location designated by Orange X (See next slide)

4. Possible Drainage



5. Connecting the Dots (Village Plan)



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March 25, 2020

Randy Friday
Village of Sherwood
P.O. Box 279
W489 Clifton Road
Sherwood, WI 54169

Re: High Cliff Golf Course

Dear Mr. Friday:

You have asked for a legal opinion regarding the impact and applicability of the 2010 "Redevelopment Agreement" between the Village of Sherwood and High Cliff Golf Course, Inc., relative to a proposed residential development on a portion of the golf course. The location is Tax Parcel 13425 consisting of 11.33 acres. It is my understanding that at the present time most, if not all, of Tax Parcel 13425 is used as an active part of the golf course. The proposal would involve moving that part of the active course south, to another parcel to maintain an 18 hole course.

1. The Agreement

The Redevelopment Agreement was made in connection with Village Tax Incremental District No. 1, (TID No. 1). The primary purpose of the Project was to enhance the financial efficacy of the golf course. Village obligations include a grant of \$349,000 for the construction of an irrigation system and granting necessary access easements over Village property. The design and specifications of the system required Village approval. The system location is not fixed by easement or described with any particularity in a legal context.

High Cliff obligations include the construction of an irrigation system; grants of stormwater, trail and cross-country ski easements to the Village; and conveyance of property to the Village referred to as the Woodland parcels. The easements and conveyances are stand alone documents recorded with the Register of Deeds.

High Cliff obligations also include operating the Project property continuously as a golf course for 25 years. High Cliff is also obligated to grant the Village an option to purchase the Project property in the event it ceases to be used for golf course purposes for a period of 12 consecutive months. It is my understanding that TID No. 1 has recently been closed out as the tax increment has covered Village costs.

The Agreement goes on to provide that all of the obligations, terms and provisions contained in the Agreement and the stand alone documents survive all actions and events

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(920) 725-1233 • www.towncounselawfirm.com

contemplated by the Agreement. The terms and provisions are binding on the parties, their successors and assigns and shall be deemed covenants running with the land.

2. Issues

1. **Would the Redevelopment Agreement prohibit or preclude the Village from rezoning Tax Parcel 13425 for the proposed development?** In my opinion, no. The Redevelopment Agreement is a contract between High Cliff Golf Course and the Village. A restriction for golf course use is part of that contract. The Village could simply agree to revise the Agreement or simply agree to terminate or release the Agreement in its entirety. With the close-out of TID No. 1 and payment of Village costs, the Agreement has diminished importance.

I do not see any aspect of the restriction on use as a “general plan or scheme” for protection beyond the golf course property itself which might enable non-contractual parties like adjacent landowners to enforce the restrictions in equity. Similarly, I do not see any non contractual parties like adjacent landowners as “third party beneficiaries” of the Redevelopment Agreement.

To maintain an action as a third party beneficiary, a plaintiff must show that the parties to the contract intentionally entered their agreement directly and primarily for the plaintiff's benefit. *Schell v. Knickelbein*, 77 Wis. 2d 344, 348, 252 N.W. 2d 921 (1976) quoting *Ampex v. Sound Institute, Inc.*, 44 Wis. 2d 674, 683, 172 N.W. 2d 170 (1969). (Emphasis added.) A third party cannot maintain an action as a third party beneficiary if under the contract his was only an indirect benefit merely incidental to the contract between the parties. Id.

Although the general rule is that only a party to a contract may recover under it, there is an exception for a contract specifically made for the benefit of a third person. *Gossen v. Estate of Standaert*, 189 Wis. 2d 237, 249, 525 N.W. 2d 314, 319 (Ct. App. 1994). The person claiming to be a third party beneficiary must show the contract was entered in to by the parties to the contract directly and primarily for the benefit of the third party. Id. An indirect benefit incidental to the contract is not sufficient. Id. The contract must indicate that the third party was specifically intended to benefit from the contract, or is a member of a class the contracting parties intended to benefit. Id. Such a contract is subject to the same rules governing the formation of all contracts. *Pappas v. Jack O.A. Nelson Agency, Inc.*, 81 Wis. 2d 363, 371, 260 N.W. 2d 721, 725 (1978).

In this case, it should also be noted that the Redevelopment Agreement itself has a provision which states in part: “the rights and benefits of Redeveloper hereunder are solely for the benefit of Redeveloper named herein and no other party or parties.”

As a final comment, no municipality has the authority to enter into an agreement or contract that limits or controls the exercise of a legislative power or authority. An agreement between a property owner and municipality that limits the power to zone or rezone or not to rezone is illegal and void, because a municipality may not surrender any of its future legislative authority. A rezoning is a legislative act. *Zupanic v. Schimens*, 46 Wis. 2d 22, 174 N.W. 2d 533 (1970).

2. Would the Redevelopment Agreement prohibit or preclude High Cliff Golf Course, Inc., from developing Tax Parcel 13425 if it was rezoned? In my opinion, probably not. (Of course it would not if the Village revised or released the Agreement).

Under Wisconsin law, any of the use restrictions in the Agreement would be narrowly construed in favor of the free use of the property. Public policy favors the free and unrestricted use of property. Accordingly, restrictions contained in deeds and zoning ordinances must be strictly construed to favor unencumbered and free use of property. *Crowley v. Knapp*, 94 Wis. 2d 421, 434, 288 N.W. 2d 815 (1980) citing *McKinnon v. Benedict*, 38 Wis. 2d 607, 619, 157 N.W. 2d 665 (1968); *State ex rel. Bollenbeck v. Shorewood Hills*, 237 Wis. 501, 297 N.W. 568 (1941); *Cohen v. Dane County Bd. of Adjustment*, 74 Wis. 2d 87, 91, 246 N.W. 2d 112 (1976).

A provision in a zoning ordinance or deed restriction which purports to operate in derogation of the free use of property must be expressed in clear, unambiguous and peremptory terms. *Crowley* at p. 435. A violation occurs only when there is a plain disregard of its limitations imposed by its express words. *Browndale Intern. Ltd. V. Board of Adjustment*, 60 Wis. 2d 182, 200, 208 N.W. 2d 121 (1973); *Missionaries of La Salette v. Whitefish Bay*, 267 Wis. 609, 614, 66 N.W. 2d 627 (1954).

I am not sure of the full legal description of the High Cliff Golf Course. As much as I know, there appears to be well over a dozen parcels. Whether or not each and every parcel is “operated as a golf course” is somewhat questionable. Likewise, whether the Redevelopment Agreement restricts each and every parcel to operation of a golf course is somewhat questionable. That High Cliff intends to reconfigure the course to maintain 18 holes may be material to whether there would be a “violation” of the restriction. The Agreement does not appear to delineate what is the “golf course” with any particularity. I have doubts about whether the Agreement requires a status quo golf course layout.

Finally, it is my opinion that Community First, as mortgagee, would not be bound by the restrictions in a foreclosure. In fact, the Community First Consent states as much: “This covenant does not constitute an acknowledgement by Lender that any of the terms and conditions of this Agreement are binding upon it except as hereinafter stated.”

3. Conclusion

The primary purpose and intent of the conditions and restrictions in the Redevelopment Agreement is to ensure that the Village grant of \$349,000 will be used to construct an irrigation

system and that these funds will be recovered by an increment in property values over the life of TID No. 1. As TID No. 1 has closed, the primary purpose has been achieved. I do not see the Redevelopment Agreement as an impediment to the Village exercising its legislation discretion on whether to rezone or not to rezone for the proposed development. I have significant doubts that adjacent property owners would be able to successfully enforce the Redevelopment Agreement as to High Cliff or the Village such that Tax Parcel 13425 could not be rezoned or that it must be used as an active part of the golf course layout.

Sincerely,
TOWN COUNSEL LAW & LITIGATION, LLC
s/Richard J. Carlson
Richard J. Carlson
Attorney

RJC:lb

March 29, 2020

Village of Sherwood
W482 Clifton Rd
Sherwood, WI 54169

To:
Randy Friday, Village Administrator
Village Trustees
Plan Commission Members

RECEIVED

APR 9 2020

V. SHERWOOD TREASURER

(*)

Note: Received post-submittal date for open-burning report to K-Sald (03-01).

(K)

As Sherwood residents since the early 1980's, we have watched our Village grow from a rural setting to one that is now predominantly residential. The plans for future development will encourage more residential growth. The Village has codes in place regarding public nuisances (including those affecting health) and loud and unnecessary noise. As more residents will be living in close proximity to their neighbors, we believe that it is time to seriously consider enacting legislation regarding open fires within the Village limits.

As much as we would like to address the Planning Committee and the Village Board in person, the current Wisconsin Safer at Home order makes that impossible. Being in an older age demographic with pre-existing medical conditions has put one of us in precautionary at-home quarantine (now in week 4), and has had the other of us practicing safe social distancing with limited exposure to other people. Therefore, we are submitting this letter in hopes that our thoughts on the subject be brought to the attention of Village officials that will take them into consideration for the betterment of the community as a whole.

It was good to see the code reminders listed in the April 2020 edition of the Village of Sherwood News. Although the reminder to be courteous to your neighbors with regard to nuisances and smoke is commendable, we don't think it has much merit as there is nothing in the current code specific to recreational fires. We would love to be able to keep windows open to enjoy the fresh air during the warmer months, but have been forced to spend more time than we would like closed up in the house or in air conditioning because of smoke and its associated smell permeating the air.

When people have recreational fires in their yard, it's common practice to sit upwind and not in the path of the smoke. Winds often move smoke to a neighbor's yard, where they generally do not have the option of moving out of the path of the smoke. We have good neighbors that always check weather, wind speed and direction before starting a fire. We also have neighbors that seem to be oblivious to weather conditions and the comfort of their neighbors when lighting their recreational fires. We have spoken with them about the situation to no avail. One conversation ended when we were instructed to go into our house, close the windows and quit complaining if we didn't like their fire. On two occasions we contacted the Sheriff's Department regarding a neighbor's fire that forced us to go indoors and close all of the windows to escape from the smoke permeating our yard and home. The deputy's response on both occasions was that there

was nothing that they could do about it other than to speak with the neighbors because there is no specific ordinance in place regarding recreational fires.

We think that residents should be able to have recreational fires in their yards. We also think that residents should be able to sit outside in their yards and enjoy the fresh air without having to deal with inhaling wood smoke from a fire not of their making. These things don't necessarily have to be mutually exclusive if some common sense measures are addressed in the Village Code.

We are familiar with the open burning ordinances in-force in our neighboring communities of Little Chute, Appleton, Menasha and Neenah. Consideration might be given to the following items when compiling a code for open burning within the Village limits:

- Requiring a fee for burning permits
- Structural specifications for portable or permanent fire pits
- Specification for placement of fire pits away from buildings and other structures
- Acceptable hours for burning
- Weather restrictions, particularly a maximum wind speed for allowed burning
- A caveat that a recreational fire not create a nuisance for neighboring property owners

We would appreciate it if appropriate consideration be given to adding a section to the current municipal code that specifically addresses guidelines for open burning and recreational fires within the Village limits.

Sincerely,
Thomas and Mary Jo Kosiorek
W200 Kings Way
Sherwood, WI 54169
(920) 858-8457

THE AMERICAN LEGION

THOMAS E. KEES POST 496
SHERWOOD, WISCONSIN 54169



VETERANS STILL SERVING AMERICA

5/7/2020

Village of Sherwood Board

About three years ago, the Village Administrator contacted Post 496 to let us know the Village was planning to widen the road to the west of the village community center. In accordance with the agreement made when the Legion Park was donated to the Village, it requires Post approval before anything can be done to change the use of the park property. With that in mind, a dialog was opened and discussions started as to what to do with the T33 Memorial Aircraft on display to the west of the building.

The Village agreed to transfer comprehensive insurance coverage on the T33 Memorial Aircraft over to the Village and pick up the liability insurance for the Memorial Day parade. The Post agreed to allow the Village to move the T33 Memorial Aircraft out of the road right of way where it is displayed now at village expense, across the street to the north, to a site west of the village hall or across the street to the west of the Village community center where the Post holds its meetings and activities.

As time went on, the Village Administrator/Board inquired if the Post would consider returning the plane to the Air Force museum at Village expense, in exchange for the Village building a five-service memorial in a location and design approved by the Post. After checking with the Air Force museum, they agreed to take the T33 Memorial Aircraft back and referred us to a company in Texas for a quote to take it apart and transport it back to Tucson, AZ. That quote was for \$40,000, so we checked around for local contractors to take it apart and ship it. The quotes came in at \$5,250 to take it apart and load it on a flat bed and \$6,000 to transport it to Tucson, a total of \$11,250.

"To proceed, the Village Board would need to present a detailed proposal, including cost and a timeline, for the Post and Air Force museum to consider for approval. This would need to address both the T33 Memorial Aircraft and the service memorial pledged by the Village"

This could take considerable time; therefore, we need a decision soon to avoid delaying road construction this fall.

I am available (920-740-6177) to try and answer any questions or attend your meeting on May 11th.

Robert Vande Hey

Post 496 Chaplin/Treasurer/Spokes Person

Randy Friday

From: Dan Rippl <highcliffgc.dan@gmail.com>
Sent: Thursday, May 14, 2020 6:05 PM
To: Randy Friday
Subject: Corrected Copy of our Responses to the Citizen Letter
Attachments: Message to the Board Q & A.docx; Comments Regarding the Cottages Project.docx

Follow Up Flag: FollowUp
Flag Status: Flagged

Hi Randy,

Attached is the corrected copy of our responses to the citizen letter that went out several weeks ago. Their concerns are in quotes. Our responses are in bold print.

The initial results from the delineation study (wetland) show nothing that we didn't know, that is very good news. The final step is that the DNR has to concur with the results, which they typically do given the results. This process usually takes 2 weeks, but with Covid, it could take a bit longer.

With regards to the Suit that was filed against us by the Christs and the Jacks, a mediation was court appointed by Judge Froehlich. To date, we still have not had that mediation session. The reason we have not met yet is because of the Covid event. We were originally going to meet at our attorney's office, but that was rejected. We then offered our building, they could use the ballroom and we'd be in our office and again that was rejected. We suggested zoom or something like that, and the mediator, former Judge Don Poppy prefers to see people in person, so we are at a standstill.

No matter which way the suit goes, we are still moving forward with the Cottages project. The two are independent of each other. The items that is holding us up is getting the Zoning designation change from IR-1 to IR-2. If the deeded area can't be a golf hole, we will move forward with plan B, to split hole 14 into two holes. To add additional character to one of the new holes, we propose to add an island green which would offer golfers a very competitive feel. At the Planning Meetings Public hearing comments were made about Plan B, that this would adversely effect the course. Simply put, these comments are unfounded. Arguably one of the best courses in the area is North Shore Country Club. Plan "B" would place our length very comparable to North Shore.

Here is what we would like see. We would like to see a positive vote from the Planning Commission changing hole 18 from an IR-1 to IR-2... It can be pended, based on the final concurrence from the DNR regarding the delineation. But please vote.

My final comments:

We are the largest tax payer in town, by far. We employ the most people in town, 53 seasonally. We also support two additional business, Cliff View Catering and Holtze's Golf Shop, which employ another 22 people. In the past we have provided financial support for the Water in Wanek Park, asking for nothing in return. For the good of the community, we hosted High Cliff Fest for two years, losing money both years.... The golf industry has changed and whether we own it or someone else owns it, if an additional revenue stream (from the Cottages) is not developed quick, the future of the course is in jeopardy.

I've heard people comment "your taking away green space". That green space is our green space and we pay the taxes on it. From a business fiscal standpoint, while beautiful to look at, it has to generate income.

Now Covid.... While it might look like we are busy, our tee times had been limited to 12 minutes apart as opposed to our normal 7 minutes. We are renting 16 additional carts to accommodate everyone. I'm not complaining, I'm very thankful we are open. Of the 38 outings we have scheduled this year, 18 have cancelled, so far. We have lost 20 wedding/events so far. We have a no refund policy from down payments, but given the situation, in good conscience, we can't enforce that rule and have been cutting more refund checks than I care to think about. If the limit on crowd size are still in effect, and a 300 person wedding is reduced to 50, the financial implication will be devastating. Less people means less drinks to serve and for our caterer, less food to make. We can't ask our caterer to pay their rent when they have no money coming in. So you see, contrary to what some might say, we actually have a pretty big heart.

Finally a little bit about me. I have been a Rotarian in the Neenah Rotary Club and the Menasha Rotary Club combined for close to 30 years. Simply put, the purpose of Rotary is to help their fellow man. I have volunteered countless hours helping others, its in my soul. I've held Board positions with Rotary, the Doty Island Development Council and the YMCA, all unpaid. I've volunteered time and financial resources to the NM ARC. I am the 5th highest paid employee here at the course. I don't do this for the money. Last summer I averaged close to 80 hours a week. You couldn't ask for a more dedicated CEO than me. I want whats best for the course and best for the community. I ask for your positive vote on the rezoning project, let's get this moving forward.

As always, if you ever have any comments, please feel free to contact me.

Best Regards:

Dan

--

Dan Rippl

President/CEO
High Cliff Public Golf Course, Inc.
W5055 Golf Course Road
Sherwood, WI 54169
Ph. (920)-989-1045
Fx. (920)-989-1046
Cell. (920)-851-8599

(05-19-20
via E-Mail)
FR

A letter from the CEO...

Hello, My name is Dan Rippl. I am President/CEO of High Cliff Public Golf Course.

Thank you for visiting our website. On this site, you will also see our responses to the letters that were sent out a few weeks ago from concerned citizens.

I would invite you to take a few minutes and read about our story.

We hope that this website will help clear up some of the confusion that has been put out there regarding our development project.

First, a little history.

High Cliff Golf Course was the dream of Frank Schnieder, whose family owned a large portion of the farmland in this area. Frank, a pilot war veteran, had the vision to build a golf course, and in 1968 High Cliff Golf Course was born. The area had big plans that included a three-story hotel to be located between our building and the Butterfly pond. The area also had plans for an airstrip. At the time, this was "the" course to play. The course, in its early years, was very successful as it was one of the only courses in the area. If you wanted to play on the weekend, you'd better make a reservation by Wednesday.

A restaurant was added, and later a ballroom as well. Things were running pretty well for the business. High Cliff was the place to come for Friday Night Fish when they served over 500 fish dinners.

Over the years, as more golf courses were constructed in the area, as well as banquet halls, the number of visitors to the facility leveled off. The course itself went through several configurations. Land that had been golf holes was converted to homes. I've put drawings of the old hole configuration below. The houses south of Schneider Park and the park itself on Spring Hill Road and Spring Hill Court were once golf holes.

The course went through some ups and downs, particularly with play. When Tiger Woods hit the world stage, the industry saw a tremendous surge in popularity. We also witnessed a significant jump in golf course construction. Ultimately this led to an overabundance of courses, and when the popularity faded and the economy tightened, golf courses began to fail. Through all this time, the weather was never an issue. The best financial years for both the restaurant/banquet building and golf course were when they both operated under single ownership.

Frank sold the course and the restaurant/banquet hall separately. The restaurant building and the golf course have had many ownership teams over the years. With all due respect to all the prior owners, it seemed as though the facility went down with each new owner.

When we started;

In 2012, the owner of the course at that time fell on hard times. The course was not maintained at the level it had been, and play was diminishing because of these poor conditions. The Tiger Woods effect was over, and there were too many courses to support a diminishing golf population. The course ended up back in the hands of the mortgage holder, Community First Credit Union.

At the time this occurred, there was much talk about the course closing and becoming a residential development. I've played at the course since 1972, 48 years. This was our home course for our high school golf team, and you could say that I loved this course. It was sad watching it deteriorate over time.

I spent 32 years in the insurance industry. I was employed with and later purchased three agencies in Menasha and Neenah. Then, I sold my agencies and became a manager for the new owner. One of the hats I wore during my insurance career was acquisitions. I would examine agencies, using a model we had developed to determine whether prospects were profitable and a good mix to join our family of agencies. When High Cliff came up for sale, I applied their numbers to our model and determined that with vastly different business philosophies, we could turn High Cliff Golf Course around.

The course went up for auction, and no one met the minimum bid. We approached the Credit Union with our business plan and struck a deal with the Credit Union that was favorable for all parties involved. In March of 2013, we purchased the Golf Course.

Since 2013 we have put every dime of profit back into the course. This paid off with us being awarded the title of Best of the Valley, in the golf course category of a survey done by the Post-Crescent for various types of businesses. Golfers started to return to the course, and we witnessed a steady increase in play on an annual basis. We have been voted Best of the Valley 7 years in a row. No other course can make that claim.

In 2017 the separately owned restaurant business filed bankruptcy. According to the owner, they hadn't made money in the restaurant for 22 straight years. The company was held up by its catering and banquet business. The building was being purchased on a land contract from the prior owner. Upon getting the building back, the preceding owner immediately called us to see if we were interested in buying the building. Being prudent businessmen, we had run the numbers on the structure, and it made solid fiscal sense to buy the building if we could buy it correctly, the numbers had to make sense. We made them an offer for the building, and after a little negotiating, they accepted our offer.

There were extensive remodeling and repairs that needed to take place. Just bringing items back up to code proved to be more expensive than our contractor had estimated. We were told the roof would last 2 to 3 years. It leaked so severely a brand-new roof was needed immediately. The building was grossly under heated and cooled, and we had to add four new furnaces. The list went on. As I stated earlier, the restaurant hadn't made money in 22 years, that it was being supported by their catering and banquet business. As a result, we decided not to reopen the restaurant upstairs. This space was converted to a second banquet hall.

Something many people don't know is that 33 weddings were scheduled to take place at the course the year after the former owner filed bankruptcy. These weddings had either paid an \$800 minimum down payment or more and in two cases, had paid for the wedding entirely. Rather than telling these wedding folks their money was gone, we ate that entire cost. Every wedding went off as if nothing had happened.

The remodeling costs proved to be higher than we were told but were necessary. While this additional expense would make our margins a little thinner, we were confident that with a regular golf season, things would be just fine. We had no reason to believe that things would be any different because we had the historical data to back it up. So here we were with a new building, costs that were over what we were told and weddings that we committed to pay for. No problem... right? Well, then the weather took the worst turn possible. The amount of rain in 2018 replaced records that had been around for 60 years. And those records were literally drowned by the rain that came in 2019..... A perfect storm.

Even if we hadn't purchased the building, we would be in the same boat, with revenues falling as much as they have because of the weather.

The leading economic indicator for a golf course is the number of playing days that are available in any particular year. Playing days are described as days when golfers can play on the course. In 2016 we had 238 golf days. In 2017 we had 231 golf days. In 2018 the number of golf days dropped to 189, and in 2019 just when we didn't think it could get any worse, it dropped to 176 playing days—100 % weather-related. We were hoping for a great start in 2020. The weather was finally cooperating, the course was drying out.... then COVID hit.

We've had long time industry people tell us that these last two years have been the worst weather conditions they have witnessed in their 40 years of being in the golf business. You have to look no further than local newspapers to see what is happening to golf courses in the area. Another example of how bad things have gotten is that in the seven counties that make up the Greater Minneapolis-Saint Paul area, 31 Golf Courses have closed.

So we had to come up with a plan that will put the course back on steady ground. We went back to an idea that had been spawned more than 30 years ago.

If you go to the Calumet County Tax maps, you can view an aerial map of the tax ID plots for the Village of Sherwood. You will see that the golf course has many tax ID identifying numbers. You will see a tax ID that encompasses most of the front nine, and you will see a tax ID that defines most of the back nine. You will see a tax ID for the restaurant building, the parking lot, the area in front of the restaurant building, and for an area called old hole number one. One thing you will also notice is that the existing hole 18 sits on its own tax ID. This was done for a reason. As stated, this plan was fostered more than 30 years ago that if the golf course ever ran into financial challenges that hole 18 could be converted to lots.

The question becomes, would we be building this development if weather conditions would be normal? The answer to that question is no; we would not. We have lost revenue for the last two years. We, the owners, have gone months without taking a paycheck. It's not unusual for us to work up to 65 hours a week. Will this get better? If you believe in climate change, this may be what our weather is going to be like from now on. We don't know for sure, but if the years to come are anything like the past two years, something has to be done, and quick.

Any good business team will make fiscally sound decisions to ensure its financial vitality. The ways to do this include cutting expenses, creating additional sales, or creating other revenue streams. The development we are proposing accomplishes these objectives.

The Plan;

All profit generated from the sale of the homes will go towards eliminating our mortgage payments. Additionally, the Homeowners Association fee that we charge each of the homeowners will create a revenue stream that will allow the course to "weather" years like we have been having. The combination of no debt and a new six-figure revenue stream will ensure the course's financial stability for many, many years to come.

This plan ensures that High Cliff Golf Course will be around for many, many years to come.

What we've heard:

We've been to many Village meetings and have listened to many different opinions. One opinion that continues to be raised is the Village will be losing green space. What folks fail to realize is that that green

space is our business. It's not green space provided for the Village, such as a park. That green space is how we make our money. If that green space isn't profitable, it's not doing any good for our business. We pay taxes on this green space; no one else does. We are the largest taxpayers in the Village.

Another opinion we've heard is that building this development... is only a "money grab" on our part, we are just going to line our pockets... This couldn't be further from the truth. We are doing this to save the course and ensure the course will be here for many, many years to come.

My Final Thoughts;

Imagine if you will, you want to put a deck on the back of your house. The neighbor that lives behind your home doesn't want to look at your deck and objects to you putting that deck on the back of your house. How would that make you feel? Is that fair to you? We want to build owner-occupied duplexes for those who are 55 and over on our existing hole 18. The folks that currently live along hole 18, and some others are objecting to our plan. How would you feel about your neighbor telling you what you can do on your property? This is the exact situation we are in.

Let me offer another couple of examples. I spoke to a resident recently who used to get up in the morning and sit on his front porch sipping coffee, watching horses run in the field across the street. Now, there are homes there.

Another Sherwood resident shared this story with me. He purchased a home on the cliff and paid extra money for the lot because of the view. They built their dream home and enjoyed those spectacular views, for seven years. As trees matured, his view disappeared.

Both of these are examples of progress. What we are asking for is progress.

In the big picture, this project offers several benefits. While a small number of homeowners will be directly affected by the development, 1,200 homes **will** benefit. In addition to what I explained above, the taxes, \$200,000+, that this project will generate will help the Village and County. We are not asking for money from the Village for installing sewer and water and other utilities. We are not asking for money for the road. We aren't even asking for money to maintain or plow the road. What this is, is a lottery-type win for the Village and County. We estimate that the Village will garner approximately \$55,000 and will increase as fees rise. That is money the Village will receive for no expense on their part. These residents will also pay into the monthly utility fee.

In conclusion, the development uses a bit more than five percent of our total property. The small piece of property will ensure the financial vitality of High Cliff Golf Course for their future.

We hope you will agree.

Thank you.

(05-14-20
via E-Mail
E)

Drive Fore Success LLC (hereafter DFS) is seeking to rezone the entire 18th hole of High Cliff Golf Course (hereafter HCGC) in order to develop a Condominium Complex...”

This isn't a condominium project, these are owner occupied homes. With a condo, the condo owners have no vested interest in how their property appears nor do they own any property around their unit. A Condo association usually owns the outside shell of the structure. With the Cottages, the owners own their entire building AND the property around the building. The only difference between the Cottages and a regular home is that they have zero lot line boundaries on one side of their home, a common middle boundary with their next-door neighbor.

“After initially publicly revealing that the scope of the project would be 36 units, DFS has subsequently modified the scope several times, revealing a project that could contain as many as 48 units with a thru-road extending from near the clubhouse to and eastern egress onto Palisades Trail in the area of the current cart path.”

We have been trying to address the concerns of the residents we have heard from. A suit was filed against us where two of the homeowners expressed concern over the safety of their children and property. Their thinking is that someone from the back-tee boxes could hit a ball into their backyard. To address this concern, we've moved the back-tee box forward to a point where a right-handed golfer would have to hit a ball between his legs to get to their yard. This created additional space and we decided that rather than leaving the property vacant, it made fiscal sense to build two additional duplexes in place of the old back-tee box. The total number of buildings is 22 or 44 units. With regards to the second entrance, a comment made at a meeting stated that we should be concerned about an ambulance or fire truck having to travel all the way to the entrance, on Golf Course Road, to get to a house on the east end. Our original plan called for a cul-de-sac. To quell this concern, we ran the road all the way through to Palisades Drive. But this was not our idea. We were simply trying to satisfy the concern.



“Each unit will include a two-car garage and a golf cart enclosure yielding and additional 80-100 vehicles to village roads in the immediate vicinity.”

There isn't a separate enclosure for golf carts. I will address in the Traffic section.

"Both Golf Course Road and Palisades Trail were developed when Sherwood was in its infancy, and as such they were not designed to support the traffic they now hold, much less any additional heavy traffic. Foot traffic, bike traffic, roller skaters, pet walkers and families walking with their children are seen by those of us who love in the area. Add the traffic increase that comes in the summer due to the popularity of the State Park, and we are in an overload situation with the potential for many safety concerns without the addition of potentially 100 new vehicles using these roads on a daily basis."

As stated above, our original plan called for one entrance/exit onto Golf Course, next to our parking lot with a cul-de-sac at the end. At a meeting, a concern was voiced by a citizen that one entrance created a safety hazard because an emergency vehicle would have to travel all the way to the entrance and then travel all the way down the private road to get to a person in need. Then, if they have to retrace their path to exit back to a hospital, wasting potential life saving time. As a result, we added a second entrance to Palisades drive. Now we are receiving opposition to that. It is obvious that with more residences, comes more traffic. However, let's talk about the residents of this development. The vast majority of these owners will be retired. Some may even only have one vehicle. We looked up vehicle usage by age and will report that data in the section below. These statistics from the National Transportation Safety Board report that retired folks don't go out as much as younger families. They no longer have kids to go to school or other events. These folks are seeking a quiet more relaxing lifestyle not the hustle and bustle of daily working life. Their trips after dark also diminish greatly.

In its infancy It was never thought that High Cliff State Park would become the second most visited state park in Wisconsin. The incoming roads have handled this traffic quite nicely. There is no reason to believe this trend with the traffic flow won't continue.

"An entrance/exit road connection the condominium development to Palisades Trail would lead to unwieldy traffic congestion as the proposed egress location is less than 50 yards from the "T" intersection between Palisades Trail and Golf Course Road. One could easily imagine traffic backups through the intersection as cars stopped at the intersection block or are blocked by cars seeking to enter or exit the gated road into the condominium development."

The intersection is 50 yards away from the 3-way intersection of Golf Course Road and Palisades Trail. Intersections too close together are something that can cause traffic congestion and safety, however because the new intersection is on Palisades Trail where cars will be already slowing to turn onto Golf Course Road and should not be a safety concern. There is one intersection that I could find in Sherwood that is only 33 yards away from another intersection (Birchwood and Cherrywood Drives), so this isn't unprecedented and typically residential intersections not on major collector roads have more flexibility in design and separation distances than more trafficked or higher-speed intersections. There is less traffic at that intersection, but it means this isn't unprecedented.

"Additionally, Stommel Road will experience a significant increase in traffic volume. The Post Crescent recently (2/5/2020) report that a proposed 308 – unit housing complex – each unit with a two car garage – in the Town of Harrison would generate 1986 vehicle trips per day. That's over six vehicle/trips/units/day. Assuming a similar factor, the DFS project most likely will add 250-300 vehicle trips per day anticipated when the Pond View Estates sub-division is completed (again, based on the Town of Harrison calculations)."

Using the traffic numbers that were cited in this section are not applicable for this population. By the nature of their age, the frequency of vehicle operations per day drops significantly. According to the National Transportation Safety Board, 2018 and the most current numbers from the Department of Transportation Federal Highway Administration, the vehicle usage from the age group 35 to 54 to the 55 to 64 age group drops more than 27.7%. The reduction from 25 to 54 to 65+ is 50%. Using this national data, their numbers are much less. Remember, this is a 55+ development.

“Another major consideration for Sherwood as a whole is the image we want to promote within the Valley. Our community is unique in that we would be considered urban in many respects. But we retain a rural aura, with large yards, no fences, lack of street-light pollution, the ability to have children ride bikes without traffic concerns, fishing in our retention ponds and all items that make our community unique to the Valley. The ratio of green space to developed areas is one of the main attractions of our community.

The Village of Sherwood Comprehensive Plan Update 2040 (June 11, 2018) emphasized the value of these characteristics when it adopted the following Land Use Goals and objectives (page 8-12):

7. Enhance and maintain neighborhoods in the Village of Sherwood
8. Maintain the Village of Sherwood as a predominantly single-family community
9. Preserve and establish visually attractive development
The development proposed by DFS would definitely NOT enhance the current neighborhood, would not act as a single-family community, and would NOT appear as a visually attractive development given its jarringly dissimilar appearance with respect to the surrounding established neighborhood.”

As this is a private, potentially gated development, exposure to the general public will be very minimal. The area will be tastefully appointed with nature local stone and greenery to enhance the attractiveness of the property. We believe just the opposite. That this development will be one of the more attractive areas in Sherwood.

“Furthermore, several pages later in the 2040 Updated, Map 8-4 entitled Village of Sherwood Comprehensive Plan Update – Future Land Use, graphically represents “the desired (emphasis added) arrangement of land use for the next 20 years”. This map strikingly and convincingly specifies that the Village expects the entire 18th hole of HCGC to continue to exist as a private recreation area (a golf hole), not a residential area. With the existing condos as well as old condos on Golf Course Road and the 40-some unit complex proposed by DFS, we would begin trending towards a high-density housing community, which is contrary to our traditional values and our village development plans.”

2.10 They cited the master comprehensive plan: Single Family community: these are single family homes with a zero center-lot line. This development speaks directly to the housing concerns that are stated in the Comprehensive Master Plan (CMP). The need for multifamily housing is addressed as well as senior housing. This is the best possible scenario as this area and will be strictly ruled to insure the beauty and integrity of the development. The CMP also clearly states a lack of senior housing. This development addresses this directly. These homes are zero clearance entrance with 36” doors designed for the aging population of Sherwood, according to the Plan. (2.7) to quote; “this is particularly true in communities where a large portion 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. The age structure of the village of Sherwood is shifting to older age groups." We already have two senior couples that currently reside in Sherwood that want to stay in Sherwood, but current can't because there is no senior housing in town, that want a house in the cottages, and we haven't really advertised yet.

The golf course will continue to be an 18-hole course. We are exchanging land that is currently not being used, for green space for the course. The rules we have laid out are very restricted and will ensure the beauty and integrity of the property. Each resident must conform to the rules and regulations spelled out in the legal, binding, agreement. With regards to density, currently the village averages 2.1 buildings per acre. Using this equation, our property could hold 23.1 buildings. Our plan calls for 22 buildings. There is actually more space between Cottages than the existing duplexes on Blue heron Ct., off Pigeon Road.

As stated, this development is private. We aren't asking for financial involvement from the Village for any part of our project, no money for utility installation, no money for road installation, no TID money, nothing. Other developers ask for assistance, we are not. The CMP also speaks to the continued economic vitality of the community. This project will employ personnel to maintain the property, but also ensure the vitality of the Golf Course, where 53 full and part time employees are employed, as well as two other businesses that collectively employee 15 full and part time additional employees.

"The Village's treatment facility is nearing capacity. The Village's Wastewater Treatment Facilities Plan, published in 1995, presented a 20-year plan for the utility. In the absence of an updated plan, it is difficult to anticipate the full effect high-density housing. However, given the proposed condominiums are outside the scope of the Village of Sherwood Year 2030 Recommended Comprehensive Plan (January, 2008) and the Village of Sherwood Comprehensive Plan Updated 2040 (June 11, 2018), it would only seem logical that the Village would have to accelerate its schedule for upgrading the treatment facility. Funding that was earmarked for later expenditure will now have to be invested earlier than planned. Where will the additional funds be found? Will other planned projects be delayed because of this request?"

The Village has a plan for wastewater and stormwater. It is their job to plan for anticipated development. As far as we know the system is not at capacity yet, and the letter just says it is "nearing capacity". We should get input from the utility superintendent, but that capacity verification is something that would be coming up soon in the development process now that we have plans to share with the Village. It would not be fair to halt our development just to leave room for the next developer. The Village is going to grow and I know they have plans to serve this growth. Hopefully they can back this up for us with real numbers. It should be noted that because the development is private, we will take care of items like utility installation, road installation, road repair and maintenance including all snow removal. The taxes generated will provide income to the rest of the village for projects like sewage expansion, again at no cost to the village.

"Water has always been a problem for the backyards adjacent to HCGC. Adding a concentration of basements, driveways and a road to this area will undoubtedly lead to more stormwater runoff further threatening the yards and basements adjacent homes with flooding."

We are adding in stormwater management to control peak flows and improve water quality of the site runoff. All of the runoff during most storms will be bypassed to the stream to the south and the houses on Golf Course Road should have less water to deal with. I will have the peak flow and water quality numbers at the meeting. I think this will go away when I actually talk through our plans for managing the stormwater. What this means is that there will be less water for neighbors to deal with. The drain for the large pond will be redirected to the private utilities.

“In 2010 the Village signed a document called the Redevelopment Agreement with the owners of HCGC. The legal document spells out an arrangement between the Village and the owners wherein the Village agreed to use a TAX Incremental District (TID) to fund up to \$349,000 for an irrigation system for the golf course (Including down the 18th fairway). In return, the owners agreed (Among other things) that the golf course would continue in existence as a golf course for 25 years. Here’s where an important distinction must be made. There is a difference between the entity which is the owners of the golf course (DFS) and the entity which is the golf course itself (HCGC). Owners come and go, (In Fact, there have been two ownership groups between 2010 and the present), but this agreement states the golf course (HCGC) must continue to exist for 25 years, regardless of who owns it. To state it bluntly, the golf course (HCGC) will continue to exist for at least 15 more years regardless of who does or doesn’t own it.”

Several important facts are being missed with this section. First off, the golf course exchanged portions of land that are being used to this day for parks and the walking paths everyone enjoys. Without this exchange, the walking paths would not be continuous. The second items as to do with the TID. TID number 1 was sent up as a Recreational TID. There are very few if any of these in the State of Wisconsin. Max Anderson and Frank Schneider were the driving force behind this TID. Areas such as Wanek Park, the new Public Works building, the Water Connection Project and Sherwood Forest Development would not have occurred without this TID. This TID generated over \$107,094,800 of taxable property for the Village. High Cliff Golf Course was an integral part of the development of this entire village. Finally, the most important part of this section is that the TIF contains language saying that the Golf Course was to receive a new irrigation system. It was written right in the TIF.

“The DFS is a great community partner and HCGC is a tremendous asset to the Village. Obviously. We want both to continue to succeed and recognize the financial challenges of golf courses in general. Accordingly, we would understand the DFS’s desire for an alternative source of income. However, for the reasons outlined above, the proposed condominium development is not the best interests of the Village.”

It is imperative for the survival of golf courses that alternative sources of income are developed. Since 2014, in the seven counties that make up the Twin Cities, 31 golf courses have closed. The City of Madison has 4 golf courses. In 2018 they lost over \$832,000. Last year they lost over \$500,000. They are considering selling them for development. Another idea is to convert two of them to 12-hole courses and sell the remaining land for development, including senior housing. HCGC is not unique to the dilemma. We have to act now. It is important to note these numbers; in 2016 we had 238 golf days, in 2017 we had 231, in 2018, the numbers dropped to a record low of 189 and just when we didn’t think it could get any worse, 2019 dropped to 176 playing days. These are very serious numbers. These numbers equate to this. We had 21,742 golfers in 2016. In 2019 we had 16,659, a 5000+ drop, all because of the weather. Over the last four years, we are down over \$200,000 in golf

alone. You only have to look around the area to see the number of courses that have closed in the last year, locally. We have taken a golf course that was often called a bowling alley because of its poor condition and turned it into a seven time Best of The Valley course. There is not another course that can claim that record. We have stuck our heart and soul into this course bring it back to the shining star of the Village. Every dime of profit has gone back into the course. There have been owners before us that have done nothing but take as much out of the course as possible. We have done the opposite, we have stuck every dime of profit, when there was some, back into the course. We took on a building that was in a deteriorating state and brought it back to the point where we actually won the Best of the Valley voting for banquet facilities. We are the largest tax payer in town and employ 53 full and part time employees. We also support Cliff View Catering and Holtz's Golf Shop. We are here to stay and truly love this area. It is our sincere hope that you will help us continue to lead this facility in the positive direction by approving this project. Do we feel bad for the folks on 18, that they won't have a golf course in their backyard anymore? Yes... but at this point, we don't have any other alternatives.



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