

# **APPROVED MINUTES**

Page 1 of 1

**April 28, 2010 Special Plan Commission Meeting**

## **CALL TO ORDER & DECLARATION OF OPEN MEETING:**

Meeting called to order by Fred Goebel, acting in place of Chair Fuller in his absence, at 7:01 p.m. and meeting declared an open meeting.

**PRESENT:** Plan Commissioners MaryAnn Bergin, Fred Goebel, Jim Kummer, Rich Ternes, David Schleicher and Phyllis Summers. **Absent/excused:** Doug Fuller and June Spoerl. **Also present:** Attorney John St. Peter, Guy Jones, David Gartman, Dale Sommer, David Senkbeil, Steve Boll, Steve Westphal, Terry Johnson, Scott Anderson, Marko Zagar, Cheryl Rostollan and Rick Meyer.

## **PUBLIC HEARING:**

1. Request from Kohler Company to rezone various parcels of real estate owned by Kohler, which parcels are intended to be developed for a residential subdivision known as Deer Park Subdivision for rezoning to R-1, R-3 and Conservancy (a map and complete legal descriptions may be obtained from the town clerk).

*Public Hearing opened at 7:02 p.m.*

Scott Anderson, President of Kohler Company Hospitality thanked everyone for their hard work on this project. Steve Boll reviewed and explained the process to-date. Marko Zagar expressed that he is opposed to the portion of land along the river being dedicated to the town.

*Public Hearing closed at 7:07 p.m.*

## **NEW BUSINESS:**

2. Plan Commission recommendation to Town Board regarding Kohler Company's rezoning request:
  - a. Approximately 55 acres of land to be rezoned R-1;
  - b. Approximately 17.11 acres of land to be rezoned R-3;
  - c. Approximately 1.69 acres of land to be rezoned Conservancy; and
  - d. Approximately 8.783 acres of land to be rezoned A3.

Attorney John St. Peter requested to have the effective date of rezoning to be upon the execution of an acceptable Development Agreement. Attorney St. Peter also spoke to the potential circumstances of the Farmland Preservation Act and the associated conversion fee. Sheboygan County is looking into this and it is believed that the conversion fee only applies to applications received on or after January 1, 2010, however Sheboygan County has not verified this to be a fact as of yet. Kohler Company's application pre-dates January 1, 2010, but if Sheboygan County or John St. Peter are incorrect, a large conversion fee would be triggered and due. A User Assessment Fee has always been in place for converted agriculture land. Until the Development Agreement is executed, the rezoning is not in place so Kohler Company has the option of not to sign the Development Agreement if a large fee would be due. Motion by Kummer to accept rezoning conditionally upon execution of the Development Agreement; seconded by Ternes; motion carried with Kummer, Bergin, Summers, Ternes and Goebel voting aye and Schleicher abstaining.

## **ADJOURN**

Motion by Schleicher to adjourn; seconded by Kummer; motion unanimously carried and meeting adjourned at 7:20 p.m.

Minutes submitted by: Cheryl Rostollan, Clerk  
Mary Ann Bergin, Secretary