

VILLAGE OF CHENEQUA

CHENEQUA VILLAGE PLAN COMMISSION MEETING

Minutes of Tuesday, January 15, 2013.

Unofficial until approved by the Plan Commission.

Approved as written () or with corrections () on 2-11-13.

The regular monthly meeting of the Plan Commission of the Village of Chenequa was held at 6:00 p.m. on **Tuesday, January 15, 2013**, at the Village Hall, 31275 W. Hwy K, Chenequa, Wisconsin. Legal requirement for notification of the news media had been met. The following Commission members were in attendance:

Mr. Foote, Jr. / Chairperson – present
Ms. Wilkey / Member – present
Mr. Bellin / Member – present
Mr. Zlotocha / Member – present
Mr. Keidl / Member – present
Ms. Surles / Member – present
Mr. Pranke / Member – present
Mr. Tising / Building Inspector – present
Attorney Michelle Wagner Ebben / Village Attorney – present
Mr. Robert Douglas / Administrator/Police Chief – present
Ms. Little / Clerk/Treasurer – present

Attendance

For Tranquility, Inc: Attorneys Joseph Kershek & Kathy Gutenkunst, Terry Wilkens, William F. Sauer and Harry Nunnemacher;

For Lake Country Bible Church: Mike VanDine, Richard Lartz, Kevin Wahlgren, Sal Massa, Tom Urban, and Mike Koehn;

Reporter Kelly Smith

Public Comment

None

Chairman's Report

No report

Approve minutes of the October 8, 2012 Plan Commission meeting.

Motion (Wilkey/Bellin) to approve the Plan Commission minutes of the meeting held December 10, 2012. *Carried Unanimously.*

Review and consider land division plans submitted for Tranquility, Inc. by Barbara N. McCallum of 4898 N Highway C.

Chairperson Foote reviewed with the Members that there was a preliminary request for preliminary approval regarding the division of a 15 acre parcel into three lots, 5 acres each. This matter was deferred to the land owners so that they may possibly resolve the access issue. Preliminary approval was given but in order for final approval, the land owners would need to work out how the new lots would have access to CTH C. The Village was not made aware of any resolution.

Objections to the request by Tranquility, Inc. were then presented by Attorney Joseph Kershek who represents Dr. Terrance R. Wilkens and his wife, Coral Wilkens. (See attached letter to the Village of Chenequa Plan Commission dated January 10, 2013.)

William Sauer then voiced his concerns regarding the proposed Tranquility, Inc. land division. (See attached letter to the Village of Chenequa Planning Commission dated January 15, 2013.)

Dr. Terrance Wilkens added additional comments based on the last Plan Commission meeting.

Harry Nunnemacher then gave a progress report and presented to the Members his supporting documentation of family members owning a parcel of land that would give access to CTH C for the proposed new lots. Attorney Wagner Ebben advised that the Village would want to see a signed easement/access agreement between family members and Tranquility, Inc.

Attorney Kathy Gutenkunst then reported that she was the Trustee for the Nunnemacher 19 acre parcel. The property is for sale and is being sold with a potential for division. Attorney Gutenkunst advised that the title is vested in Harry Nunnemacher's great, great grandmother. Technically, property owners on CTH C do not have access. The Trust's position is that they want to work cooperatively with neighbors. The Trust does not want to get involved in a lawsuit or battle with the neighbors. Documents are available for all parties to view.

The public was then reminded that without Village approval of land division, after 90 days, the lots would be dividable by State requirements (Chapter 236).

Preliminary - Review Lake Country Bible Church plans for a new church structure on Watertown Plank Road.

Kevin Wahlgren of Wahlgren-Schwenn then presented for Lake Country Bible Church (LCBC). A conceptual review of the new church development was provided. LCBC inquired on the process to de-annex from the Village of Chenequa (VOC) and annex into the Village of Nashotah (VON). It would be advantageous for LCBC to de-annex from the VOC and annex into the VON because of logistics and they would then have access to the Del-Hart sewer system. LCBC would like to work with both municipalities in terms of conditional use permits.

The process was discussed between LCBC, VOC Plan Commission and VON representative Rich Lartz. All were in agreement with the process to go forward. Progress will be reviewed at next month's meeting.

Building Inspector's Report

Building Inspector Tising reported that three permits have been issued this year.

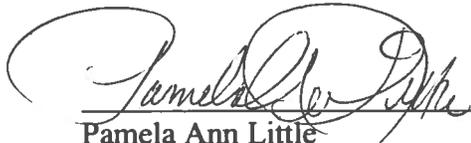
Administrator's Report

None

Adjournment

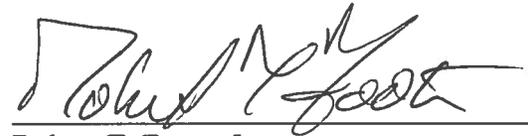
Motion (Zlotocha/Bellin) to adjourn the January 15th meeting of the Plan Commission at 6:52 p.m. Carried Unanimously.

Respectfully submitted by:



Pamela Ann Little
Chenequa Clerk - Treasurer

Approved and Ordered Posted by:



Robert T. Foote, Jr.
Chenequa Village President



KERSHEK LAW OFFICES

E. JOSEPH KERSHEK
COURT COMMISSIONER

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January 10, 2013

Village of Chenequa Plan Commission
31275 W. Hwy K
Chenequa, WI 53029

Re: January 15, 2013 Preliminary Review and
Consideration of the Land Division Plan
Submitted by Tranquility, Inc. by Barbara M. McCallum
Of 4898 North Highway C
My File Number 9836JK

Dear Plan Commission Members:

Our law office represents Dr. Terrance R. Wilkens and his wife, Coral Wilkens ("Dr. Wilkens"), who reside at 4922 North Highway C in the Village of Chenequa. Dr. Wilkens' property is located at the end of the private road, but is affected by the proposed land division of Tranquility, Inc. ("Tranquility"). The purpose of this letter is to outline the serious objections that Dr. Wilkens has to any final approval by the Village of Chenequa Plan Commission to the development request of Tranquility. Dr. Wilkens' objections are as follows.

First, there are already five homes, four of which are occupied, that are serviced by the private driveway which will be used by the future owners of the Tranquility tract of land ("Tranquility Tract"). The private drive is approximately ten feet wide and was not meant to service any more than four or five homes. Dr. Wilkens has serious concerns related to the safety of the private drive by adding more homeowners and users of the private drive. It is already difficult for any emergency vehicles to access the homes. It will be impossible for any large construction vehicles which would attempt to access any of the Tranquility lots for future home construction and landscaping.

Second, more importantly is the fact that immediately adjacent to the Tranquility fifteen-acre tract is a nineteen-acre tract of land owned and/or controlled by the Nunnemacher family or their representatives ("Nunnemacher Tract"). Both the Tranquility Tract and the Nunnemacher Tract are for sale and have been listed with local real estate sales agents. It should be incumbent upon the Plan Commission to determine the future use and development aspects of both tracts. As the Plan Commission is fully aware, there is a Village of Chenequa Subdivision Ordinance that requires compliance with your Subdivision standards if the act of division creates four or more parcels with ten acres or less in area. By submitting two separate development requests for two adjoining parcels of land owned or controlled by the same family would be a clear attempt to avoid the requirements of your Subdivision Ordinance. Before any approval of the land division for the Tranquility tract, the Plan Commission should give serious consideration as to the future use of both adjoining parcels. This is particularly true if there will be three to four additional lots created by the Nunnemacher Tract. Obviously, this will cause substantial safety issues concerning the use of a ten-foot private driveway that was never intended to service approximately ten or more homes.

Third, Dr. Wilkens seriously questions whether the Tranquility Tract has proper deeded access to Highway C or proper grants of easement use over the existing private road. It does not appear that this issue has been satisfactorily addressed as part of this land division request. As noted on the drawing submitted for the Tranquility land division approval, there is an access shown to a private road to the north of the Tranquility property accessing Maple Lane. Prior to the approval of any land division for Tranquility, the Plan Commission should satisfy themselves as to the proper access to any approved lots.

Fourth, it is also incumbent upon the Village of Chenequa that if deeded access to Highway C or Maple Lane is proven that Tranquility have in place a proper road maintenance agreement with all land owners using the private driveway. Any road maintenance agreement should be satisfactory to and approved by the Village of Chenequa through its Village Attorney. This would insure the future safety of the use of this private road by the Village of Chenequa residents. This apparently has not been considered by the Plan Commission. Although there is a 1953 Maintenance Agreement in effect, there has been no contribution made by Tranquility for the upkeep of the private drive. Implicit in this 1953 Maintenance Agreement is that any expansion to the use of the private roadway needs to be approved by all current land owners utilizing the private driveway.

Fifth, to avoid any future safety issues and to insure adequate future use for emergency vehicles, this Plan Commission should, as a condition to the approval of the requested Tranquility land division, require Tranquility to install a Village roadway from Highway C to the Tranquility Tract in full compliance with all Village specifications for such public roadways.

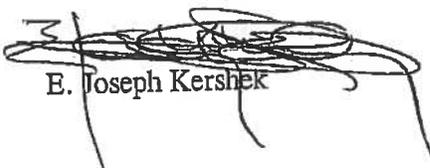
Sixth, of particular concern to Dr. Wilkens is the fact that his property is located at the end of this private roadway. He is constantly harassed with vehicles trespassing down the private driveway to his property. These trespassers then use his property and driveway area as a turnaround to exit back to Highway C. The approval of any future land division will increase the traffic flow on the private road and will increase the trespassing to the Wilkens property. In order to protect Dr. Wilkens' privacy, he would be required to install a separate gate to the entrance area of the private road where it enters his property. This would force Dr. Wilkens to incur a substantial expense.

Seventh, after a review of the Certified Survey Map, it is clear that it is deficient in that there were no soil borings or testing data noted thereon. Prior to any approval of this land division, the Plan Commission should insure itself that the lots created are, in fact, buildable and can accommodate acceptable sanitary systems.

It is the hope of Dr. Wilkens and his wife, Coral, that the Plan Commission takes into consideration the above concerns. It is imperative that the Plan Commission thoroughly review the land division request to avoid future litigation between the parties, which will inevitably include the Village if a proper and thorough review is not taken. Your consideration of the above concerns is greatly appreciated.

Sincerely Yours,

KERSHEK LAW OFFICES


E. Joseph Kershek

EJK:rjp

cc: Dr. Terrance and Coral Wilkens (by email)

William F. & Joan M. Sauer
4850 Hwy C
Nashotah, WI. 53058

January 15, 2013

Village of Chenequa Planning Commission
31275 W. Hwy K
Chenequa, WI 53209

Re: January 15, 2013 Preliminary review and Consideration of the Tranquility land division submitted by Barbara M. McCallum of 4898 N. Hwy C.

Planning Commission,

This letter is in regards to the proposed Tranquility land division submitted by Barbara M. McCallum. While we have been aware that the Tranquility land along with the adjoining Nunnemacher Trust land has been up for sale for some time, it was only recently that we have been made aware of the requested land division by notification from the Village Planning Commission. We are assuming that the purpose of this request is to increase the value and marketability of the land by creating three separate parcels verses one larger one. As such, our concerns mirror those of Dr. Wilkens' and his wife, as submitted by their attorney.

Our major concern is the ingress and egress to our private road with three separate home sites. If the Planning Commission grants the Tranquility land division solely on meeting the requirements of the existing zoning code without taking into consideration the issues regarding the impact and use of our private road to the current homeowners, we believe that another land division could be requested for the adjoining Nunnemacher Trust land. This potentially could create another three to four parcels, bringing the total to six or more home sites along our road. A division of this size would then be considered a Subdivision development, which would require the owners / developer to meet strict zoning criteria including the impact to current home owners and land values. This would result in even further traffic issues along our private road.

While the Nunnemacher Trust land does in fact have an existing home with a gravel driveway to our common private road, the Tranquility land in question does not. A survey submitted to the Planning Commission by Tranquility shows an existing road to Maple Lane on the north side of their land. In the previous Planning Meeting of December 2012, Maple Lane residents were present who voiced their concern over Tranquility's right to access Maple Lane. As such, I would respectfully request the Planning Commission condition or deny the approval of the Tranquility land division until the issue of ingress and egress to a road is resolved to the satisfaction of the homeowners (including Maple Lane residents). This would include a consideration to having three separate driveway entrances from the Tranquility home sites to instead having one single entrance, allowing ingress and egress to the road. This could be accomplished by construction of a new road on the Tranquility land, running parallel to the existing road. This new road would run the length of the Tranquility land (east to west) with a single entrance / exit to the private road at the furthestmost western edge of the property (closest to Hwy C). This would eliminate the major congestion issue that would exist with three separate driveway entrances to our road. While this will not satisfy the concern regarding trespassing of vehicles down to the Wilkens' property at the end of the private road (we already have gates installed at a substantial expense) it would lessen the congestion on the narrow roadway to our homes. We do not have easement rights to widen this road further, as the easement extends only four (4) feet either way from the edge of the existing 10-12 foot roadway. When two opposing vehicles come down this roadway it requires one or the other to pull off to the side road into the trees (where possible) to allow another the other vehicle to pass. This issue is compounded during the winter months, when the road narrows even more due to the snow banks created by the Village plows. This results in one or the other vehicle potentially getting stuck in the snow banks or in the summer months damaging the cars from the overhanging trees. This can be substantiated by the Village Police Department who accesses our road for security checks.

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Tranquility Land division request

The Planning Commission has limited development within the Village over the years, and has maintained itself as a unique place unlike any other in the Lake Country area. While I respect Tranquility's desire to sell this property, I would trust that it will not be done at the expense of us home owners that use the road. The Planning Commission has long kept the purpose and intent of the Village's long term plan in mind when reviewing requests such as this. If the Tranquility land division is granted without regards to the impact it will have on us home owners, then the possibility exists that the Nunnemacher Trust land could also request a division. As such, I ask the Planning Commission to take this into consideration when deciding on this request.

Respectfully,

William F. Sauer
4850 Hwy C
Nashotah, WI 53058