

VILLAGE OF CHENEQUA

CHENEQUA VILLAGE PLAN COMMISSION MEETING
Minutes of Monday, May 13, 2013.
Unofficial until approved by the Plan Commission.
Approved as written (✓) or with corrections () on 6-10-13

The regular monthly meeting of the Plan Commission of the Village of Chenequa was held at 6:00 p.m. on **Monday, May 13, 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 – absent
Ms. Wilkey / Member – present
Mr. Bellin / Member – absent
Mr. Zlotocha / Member – present
Mr. Keidl / Member – present
Ms. Surles / Member – present
Mr. Pranke / Member – absent
Mr. Tising / Building Inspector – present
Attorney Michelle Wagner Ebben / Village Attorney – present
Mr. Robert Douglas / Administrator/Police Chief – present
Ms. Little / Clerk/Treasurer – present

- Ms. Wilkey was acting Chairperson for this meeting

Attendance

Jon Schoenheider, Mike Bertram, Ron Fickel, Peggy Maas, Sally Manegold, Katy Luedke, Grace and Gordon Gunnlaugsson, John and Marjory Yewer, Scott and Sally Plummer, Sal Massa, Attorney Kathy Gutenkunst, Paul and Joni Villavicencio, Rich Lartz, Carol Manegold, Kevin Wahlgren, Bryan Tom, John Taylor, John and Sherri Kasdorf, Jeri Mesching, Andy Gehl and Michael Van Dine.

Public Comment

No Comment.

Chairman's Report

No report.

Approve minutes of April 8, 2013 Plan Commission meeting.

Motion (Surles/Keidl) to approve Plan Commission minutes of meeting held on April 8, 2013.
Carried Unanimously.

Preliminary - Review and consider plans for a detached garage submitted by Ron and Karen Fickel of 31048 Chequamegon Drive.

Administrator Douglas then reviewed the plans for the detached garage. This application was originally brought before the Plan Commission in August 2012. The Village zoning requirements are met for the proposed 1,993 s.f. detached garage and it meets all side yard

setbacks. This is not a lake lot but a legal and conforming 5 acre parcel. The proposed garage is approximately 600 ft from Beaver Lake. Last fall, it was learned that there were deed restrictions on this subdivision (7 lots) which states that majority of property owners had to approve any new additions for garages, stables, etc. Mr. Brian Nahey is the owner of 4 of the 7 lots so he controls majority interest. Mr. Nahey has written a letter to the Village stating that he has no issue with this proposal and chooses not to exercise his rights in this application. The garage will be screened with yews or evergreens for the neighboring property owners, the Yewers. According to the Waukesha County GIS maps, there is no flood plain, FEMA or SWRPAC mapped in this area. From the Village standpoint, we see no issue for not approving the plans.

Building Inspector Tising (BI Tising) then added that the Fickels have had arborists and landscapers examine the area and it has been determined that this is not a wetland, and further noted that it's not identified as wetland on any GIS or government map. Therefore, BI Tising had no objections to the building of this structure. BI Tising requested screening on the side of the garage that faces the Yewer property. The owners have indicated this will be done.

Mr. Bertram from Regency Builders reported then that there would be a minimal amount of trees taken off the property. A small bobcat would be used so there would be very little fill around the garage. In addition, many of the gutter downspouts would run towards the front of the building to get as much rooftop water onto the front of the proposed garage addition. Due to possible problems or questions about the grass area that would be taken away for water absorption, Mr. Bertram had some water calculations done and added this to the plan. He also expressed that he personally did not feel it was necessary based on the calculations, but if needed, a water retention area was designated on the drawing.

Mr. Yewer then expressed his concerns and proposal regarding the location of the garage on the Fickel property. He felt the location of the garage straddled a watershed that feeds runoff waters into Beaver Lake, and that there may be an ecological impact on the lake associated with blocking or diverting rainwater runoff away from the lake. Mr. Yewer proposed two other possible locations on the Fickel property where the garage could be built. If this was not possible and the proposed site was approved, Mr. Yewer hoped the Plan Commission would require that as part of the building and landscaping plan, effective engineering steps would be taken to gather the periodic runoff waters and return them to their natural path beyond the garage so they may flow unimpeded into the lake, thus protecting the Yewer home and property from possible water damage and minimizing any ecological impact on the lake. Mr. Yewer further requested that the Plan Commission/Village Board delay approval of the submitted plans for a minimum of 30 days to find engineering solutions to address the water flow issues.

BI Tising reviewed with Members the Waukesha County GIS map and storm water map which showed the low land area in comparison of where the garage would be located and how the water flow would be more to the east. After studying all maps to see if it was feasible and walking the site, BI Tising saw no problems with this location.

Administrator Douglas provided additional information after his discussion with Forester Kante. Forester Kante did not see a lot of water flow in the area and based on the vegetation that is in the ravine he does not perceive that area as ever having too much water.

Motion (Keidl/Zlotocha) to approve plans for a detached garage submitted by Ron and Karen Fickel of 31048 Chequamegon Drive. *Carried Unanimously.*

Preliminary - Review and consider plans for a 2,851 s.f. addition to the existing dwelling and a 1,080 s.f. addition to the garage of the Gordon and Grace Gunnlaugsson residence located at 31824 W Muscovy Road.

Administrator Douglas then reviewed the plans with Members advising that this is a 3,900 s.f. addition to a current residence that is a legal and conforming lake lot on Pine Lake. All side yard setbacks have been met and from a zoning standpoint, saw no problems.

BI Tising advised he did not have enough information to issue a permit. The architect is currently in China. BI Tising has surveys and pictures that show setbacks and we have heights. Items that still need to be provided are the final set of plans, landscaping plans and lighting plans. If the committee decides to approve the plans tonight, it would be subject to the final set of working drawings which BI Tising would then want Administrator Douglas and himself to approve. Otherwise, BI Tising would ask that this be carried over to June.

Motion (Keidl/Zlotocha) to approve plans for a 2,851 s.f. addition to the existing dwelling and a 1,080 s.f. addition to the garage of the Gordon and Grace Gunnlaugsson residence located at 31824 W Muscovy Road with the exception that final plans must be approved by Administrator Douglas and BI Tising. *Passed by Majority Vote. Member Zlotocha wanted to see proper form.*

Based on the outcome of the vote, Chairperson Wilkey advised BI Tising that once plans were approved they be brought back to the Plan Commission for information purposes only.

Review proposed draft deed restrictions regarding Lake Country Bible Church.

Attorney Wagner Ebben gave background information to Members. At last month's meeting, it was requested that draft deed restrictions be prepared so it may be attached to the parcel as a condition to the detachment from the Village of Chenequa (VOC) to the Village of Nashotah (VON). Draft deed restrictions were reviewed item by item.

Use: LCBC was not comfortable with the language relating to "...shall not be leased, rented or otherwise...", claiming that it is broad and limits their ability to conduct religious activity on the site (i.e. allowing a church member to hold a wake after a funeral, etc.) The language is intended to prevent commercial or business use or transferring rights to a third party. The language as drafted already presupposes that "religious" use includes social activities, such as weddings or funerals. After discussion, *Members Agreed that the definition of use as proposed by the VOC be maintained.*

Setback Restrictions: LCBC provided drawings of setbacks proposed by the VOC and LCBC. LCBC felt the 150' and 75' setback requirements would render the site unbuildable. LCBC would agree to the setbacks as noted on their proposal showing a 25' setback for impervious surfaces and 50' setbacks for buildings, with the exception to the 100' setback from the current VON line to the west. After discussion, *Members Agreed to amend the deed restriction to reflect the setbacks set forth in the proposal provided by LCBC (100' setback from Watertown Plank Road and 25' setback for impervious surfaces and 50' setback for buildings).*

Footprint / Impervious Surfaces: LCBC claims that the requirement for the footprint of all structures, buildings, improvements and other impervious surfaces shall not exceed 30% of the total area of the property is more restrictive than the Village code and would like to commit to a 40% “open space” requirement, as that term is defined by the VON. After discussion, *Members Agreed to Amend the deed restriction to use the term “green space” instead of “open space” and accept the 40/60 ratio as proposed by LCBC.*

Screening: LCBC states that it will not agree to the 50% screening requirements as provided in the Village code and included in the deed restriction. After discussion, *Members Agreed and will remove this restriction.*

Height: LCBC is requesting 45’ limitation in height of any building on the property; the draft deed restriction has a 35’ height limitation. The Village code allows for a 45’ height *if* the side yard setback is increased by one and one-half feet for each additional one foot of height above 35’. After discussion, *Members Agreed to amend the height restrictions from 35’ to the requested 45’ height limitation.*

Maintenance: LCBC indicates that they feel it would be appropriate to only restrict the property to be maintained in accordance with the VON code. After discussion, *Members Agreed to remove this restriction.*

Lighting: LCBC is requesting that the reference to Watertown Plank Road be deleted. After discussion, *Members Agreed to amend the restriction by deleting the reference “Watertown Plank Road”.*

Signs: LCBC is requesting that the section regarding signage be deleted and this issue dealt with by the VON. The VON has a fairly comprehensive signage requirement. The current VON code addresses this issue. After discussion, *Members Agreed to remove this restriction.*

Chairperson Wilkey will present to the Village Board the proposed draft deed restrictions with amended revisions.

Review and consider Petition for Detachment of Property from the Village of Chenega to the Village of Nashotah, and review and consider adopting Ordinance regarding the Detachment of Property, pursuant to the requirements set forth in Wisconsin Statutes Section 66.0227. The legal description for the property in question is: PT NE1/4 SEC 5 T7N R18E N OF RR & S OF HWY 16 13.64 AC EX VOL 281/367 DEEDS DOC# 3268530; Chenega Village Tax Key # CHQV 07370998.

Attorney Wagner Ebben then requested a motion be made to recommend detachment of the property to the VON.

Motion (Surles/Zlotocha) to recommend to the Village Board detachment of the property described as: PT NE¼ SEC5 T7N R18E N of RR & S of HWY 16 (CHQV 07370998).
Carried Unanimously.

Review all open permits through May.
Report submitted for review by Members.

Administrator's Report

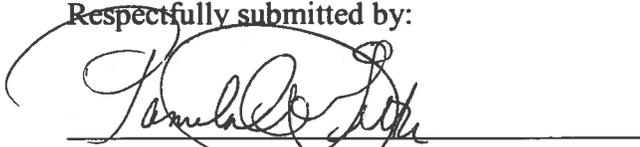
No report.

Adjournment

Motion (Keidl/Zlotocha) to adjourn the May 13th meeting of Plan Commission at 7:17 p.m.

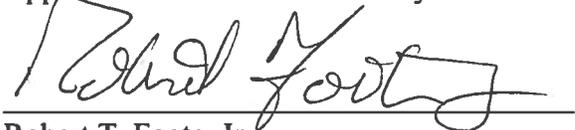
Carried Unanimously.

Respectfully submitted by:



Pamela Ann Little
Chenequa Clerk - Treasurer
020446-0001\13166201.1

Approved and Ordered Posted by:



Robert T. Foote, Jr.
Chenequa Village President