

## **SPECIAL PLAN COMMISSION MEETING JUNE 16, 2014**

The Special Plan Commission meeting was called to order at 7:00 p.m. by Chairman John Meyer. Members present Jeff Roth, Jeffery Flaws, John Meyer, Alan Theis, Wanda Gosa, Larry Rigden, and Patrick Hess.

Excused: Dave Jennings, Uriah Wolfe, and Wayne McStrack.

Also Present: Deputy Clerk-Treasurer Wigderson; Clerk-Treasurer Tamez; Village Trustee John Reinbold; Village Trustee Dave Lang; Village Trustee Eugene Mayernick; Village Trustee Ken Mace; Village Trustee Wolfgang Henschik; Village Engineer Steve Hanson; Chris Jaekels, Village Attorney; Don Murn; Mark & Sue Neumann; Josh Pudelko of Trio Engineering; Traci & Ben Fronk, 108 E Oak Crest Drive; Tom & Beth Vershowske, 126 E Oak Crest Drive; Dale & Laura Swenson, S93 W32669 Kettle Field Court, Waukesha, WI 53189; David Karaseh; Jo Ann Duke, S27 W33101 Morris Rd, Dousman, WI 53118; Jessica Marschall, 371 Legend View; Anne Zupan, S15 W32260 Moraine View Dr., Delafield, WI 53018; C. Purnell, W349 S3090 Waterville Road, Oconomowoc, WI 53066; and Amy Barrows, 421 Pebble Creek Pass.

It was noted that proper notice of this meeting had been posted in accordance with the open meeting laws of the State of Wisconsin.

### **PUBLIC COMMENT**

No Public Comment.

### **REQUEST FOR APPROVAL SITE PLAN, PRELIMINARY & FINAL PLAT, PRELIMINARY DEVELOPMENT PLAN, LANDSCAPING PLAN & PLANNED UNIT DEVELOPMENT AGREEMENT FOR THE LINCOLNSHIRE**

**REQUESTED BY:** Mark Neumann  
N27 W24075 Paul Court  
Pewaukee, WI 53072

**PRESENTED BY:** Josh Pudelko

**DISCUSSION:** Plans have been submitted to the State, County, WI DNR, and SEWRPC for their review of the development. The retention pond to the west of the private entrance road only receives about 13% of the water from the Lincolnshire development, while the remaining 87% of the water comes from other surrounding properties. The developers will be granting an easement to the Kettle Moraine School District to allow their water to enter the retention pond. The pond will be installed to handle the 100 year storm level. The Chase Bank property to the west may have some minor water runoff on their property from a 100 year storm, but it should not have a significant impact. The Village Engineer provided a review letter on the development stating all requirements have been met. The Wales Genesee Fire Department has provided a letter to the Village stating that the development has met their requirements. Trio Engineering could not locate any culvert connecting the development to "Lake Wales" on the other side of the Glacial Drumlin bike trail and has determined that water from The Lincolnshire stays in detention ponds on their property. At this time the Hwy 83 entrance is for emergency access only. If in the future something could be worked out with the property to the north, the entrance could be shared as right turn in and right turn out only. The Village will form a sewer utility district to maintain the sanitary sewer under the private road. The owner of the sewer infrastructure, to be determined at a later date, will be either the Village or its sewer utility. An easement will be granted by the Village to allow School District and possible Village Center area use. This does not set a precedent for other properties in the sewer district.

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In the PUD Agreement, the written documents for "Exhibit C" still need to be attached. A sunset clause of 2018 will be added. The Sanitary Sewer schedule dates for completion of the lift station and the sewer system need to be added. The dates for the Phases of the sewer project need to be established by the Village Engineer. The Village Attorney stated that he had reviewed the Neumann's financials and their personal guarantee for the development was satisfactory. The Village is working with the City of Waukesha to get the sewer issues resolved. The Owner Approval Letter should be ready within the next couple of days and will be given to Waukesha County. There are some final wording issues that can be resolved by the Village Counsel, Village Engineer and Village Board.

**MOTION:** Motion by Jeff Roth to recommend approval of the Site Plan Preliminary and Final Plat, Preliminary Development Plan, Landscaping Plan, and the Planned Unit Development Agreement, contingent on final wording being approved by the Village Attorney, Village Engineer and the Village Board, as submitted, second Jeff Flaws. Motion passed. Wanda Gosa opposed.

The Special Plan Commission meeting was recessed at 7:23 p.m. to allow the Village Board to reconvene to review this agenda item.

The Special Plan Commission meeting was reconvened at 7:39 p.m.

### **REQUEST FOR APPROVAL TO AMEND THE CONDITIONAL USE PERMIT FOR BRIGHT IDEAS TO ALLOW 12 MORE ENROLLMENTS 108-110 OAK CREST DRIVE**

**REQUESTED BY:** Traci & Ben Fronk  
108-110 Oak Crest Drive  
Wales, WI 53183

**PRESENTED BY:** Traci & Ben Fronk

**DISCUSSION:** Bright Ideas would like to add an extra toilet which would allow them to increase their enrollment by 12. At the June 2, 2014, Special Plan Commission meeting Plan Commission members requested that the parties involved meet and try to work out some resolution to the noise complaint that was received. The parties met and could not come to a compromise regarding the noise complaint. The Fronks had people in attendance who supported their request to amend their Conditional Use Permit. The current fenced play area does have issues when it rains and snows, and they would like more hard space to accommodate the children when they play or have activities outside. Dale Swenson submitted a marked-up map with zones that will be attached to these minutes. The Fronks would like to have zone areas 2 & 3 be used as a no play area, it would be used as a drop off/pick up area only. Zone areas 4 & 5 would be used for lunch/picnics and quiet activities only. Zone areas 6 & 7 could be used at any time and any activities for the children. The children are not outside all day every day. They are out when the weather is nice and for a couple of hours during the day. The children mostly go out in smaller groups, but at times all the children are outside at one time. The Vershowskes would like for the children to stay out of zone areas 2, 3, 4, & 5 at all times. Beth Vershowske is on the phone at all times of the day for her job, and the noise is a problem. She has to close the windows in her home all the time. Beth asked if the fenced play area could be expanded to keep the children on the south and west side of the building. The fence is as large as it can be. The Vershowskes feel that they had an agreement with the Fronks from the beginning and the Fronks have not honored that agreement. A Plan Commission member asked if noise cancelling headsets had been tried, and no they have not. Dale Swenson has stated that he as the property owner did not know that the noise issue has been an ongoing issue. He is trying to work on a resolution to this issue.

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He has built a berm on the property, installed a fence and planted trees to try and keep the noise down. They have considered moving dirt from the west side of the property to build a berm on the east of the property, but this is expensive and at this time they cannot afford it. If they move the dirt they would install a paved area for the children, but this is just not an option at this time. The Fronks did not think that they would be required to have keep the children to the fenced area when they first applied to run their business. Some Plan Commission members feel the compromise to the noise issue has been all one-sided. Plan Commission members would like to recommend that noise cancelling head phones be used. Plan Commission suggested a compromise that allows the Fronks to use zone areas 2 & 3 for drop off/pick up only and zone areas 4 & 5 for quiet activities, picnics and lunch only. Zone areas 6 & 7 can be used at any time for the children to play. The Plan Commission is asking that the parties attend the meeting in July to see if this will resolve the noise issue. It was noted that the Conditional Use Permit can be readdressed at any time.

**MOTION:** Motion by Jeff Flaws to recommend approval of the Amendment of the Conditional Use Permit to allow 12 additional enrollments to a maximum of 37 enrollments for Bright Ideas and to have the marked areas on the submitted map used for a trial period as follows: zone areas 2 & 3 to be used as drop off/pick up only; zone areas 4 & 5 for quiet activities, picnics and lunch only; and zone areas 6 & 7 to be used any time by the children, as submitted, second Alan Theis. Motion passed unopposed.

The trial period will be re-addressed at the July Plan Commission meeting.

Traci Fronk stated that she was displeased with the decision.

### **ADJOURNMENT**

Motion by Alan Theis to adjourn, second by Jeff Roth, motion passed, unopposed. The Special Plan Commission meeting was adjourned at 8:50 p.m.

Submitted by

Pauline Wigderson  
Deputy Clerk-Treasurer