

PLAN COMMISSION MEETING MINUTES
FEBRUARY 27, 2008
VILLAGE HALL @ 7:00PM

tape available indefinitely
minutes transcribed from tape by Lorna B. Ryan
unapproved minutes subject to board approval

*Denotes notification of residents within 200 feet of project

CALL TO ORDER – 6:38PM/PLEDGE OF ALLEGIANCE/ROLL CALL: Karow, , Deeter, Destree, Diedrich and Skinner Present. Beyer, absent. Also in attendance were David Cox, Village Administrator, Tim Popanda, Building Inspector and Dan McAuliffe of PDI. Present in the audience were Trustee Bower, Trustee Moran and Trustee Fitzgerald.

SPECIAL PERMITTED USE FOR A SELF STORAGE FACILITY-ERV HINTZ-1032 LANCE DRIVE-PARCEL #85-4-119-204-3901*

Erwin Hintz distributed a correction to the plans. Item was a secondary door in the center unit. Since the fire years back this plan will enhance the area. Colors and landscape were discussed. This building is different because it has the possibility to place a few small business type units in the front and create a ginger bread look. Possibility of a climate control storage area in the center. Popanda stated as long as it is not an occupancy space. Karow stated the main discussion is to focus on the use. The units around the parameter will be used for cold storage. So those units are consistent with everything else that will be on the site. The only thing new for the site is the addition of the rental units and with those proper parking spaces needed to be provided. Advertising and signage was discussed for the rental units. Hintz stated that topic has not been discussed but probably would be requested. Karow stated the Design Review Board and Zoning would need those plans as for review. Karow stated he had no concerns with the storage issue and asked the members if they had concern with the rental units. Hintz stated once the plan is approved the engineering company would address all the issues for the Design Review Board. Hintz state his only concern was energy codes and separations between units.

MOTION BY SKINNER, KAROW, CARRIED, TO RECOMMEND APPROVAL TO THE VILLAGE BOARD CONDITIONED ON FINAL APPROVAL OF THE DESIGN REVIEW BOARD- FOR SPECIAL PERMITTED USE FOR OF A SELF STORAGE FACILITY-ERV HINTZ-1032 LANCE DRIVE-PARCEL #85-4-119-204-3901.

CONCEPTUAL REVIEW OF MINOR LAND DIVISION-ROBERT M & ANGELA M. HAWKE-1339 LEGION DRIVE-PARCEL #85-4-119-224-1060* Karow stated this was a large parcel of land with a small division off the front of Legion Dr.

Robert Hawk, 805 Vincent Rd, Twin Lakes. Parcel is 5-6 acres of land and wants to break off one (1) acre parcel to build a house for his family where the horse pasture used to be with a barn. Next step is to provide a CSM. Popanda had concern with the existing garage that is part of the original homestead , along with the barn., which would then become a non-conforming accessory structure. The Village Ordinance requires an accessory structure be subordinate to the principal structure and Popanda requests that if a home is not built within five (5) years that the accessory structure be razed. Skinner asked if the Hawks proceeds with the construction of the home, the barn can stay. Popanda stated that would be fine because the barn would then become an accessory to a principal structure. Hawk stated the plans are to start construction next summer.

Karow stated there is a dedicated right-of-way for Legion Dr and to make sure the surveyor takes care of that within the legal description. Destree asked if the sanitary access was right at the Eagle Creek line. Destree stated an evaluation report was submitted for a conventional septic system on site.

MOTION BY KAROW, DESTREE, CARRIED, TO RECOMMEND APPROVE TO THE VILLAGE BOARD TO ACCEPT THE CONCEPTUAL REVIEW OF MINOR LAND DIVISION-ROBERT M & ANGELA M HAWKE-1339 LEGION DRIVE-PARCEL #85-4-119-224-1060. WITH CONDITIONS OF THE PRINCIPAL STRUCTURE BE BUILT WITHIN FIVE (5) YEARS OF THE LAND DIVISION OTHERWISE THE ACCESSORY STRUCTUR WILL NEED TO BE RAZED AND ALSO THAT THE RIGHT-OF-WAY BE DEDICATED FOR LEGION DR.

Amendment to the Motion by Karow, Destree, carried to add if the Municipal sewer in the future were ever to run a line then the parcels would be required to hook up and also mentioned on the CSM

SPECIAL PERMITTED USE FOR A U-HAUL OPERATION –ED VARDON-210 N. LAKE AVENUE-PACEL #85-4-119-211-4902*

Skinner stated with PDI's recommendation, no more than 7 trucks would be allowed at the site which is exclusive to the party and not the property. A copy of the recommendation was submitted to Vardon.

MOTION BY SKINNER, DESTREE, CARRIED, TO RECOMMEND APPROVAL TO THE VILLAGE BOARD, CONDITIONAL USE FOR A U-HAUL OPERATION FOR ONE YEAR AT THIS LOCATION, AFTER WHICH VARDON WILL NEED TO COME BEFORE THE PLAN COMMISSION FOR REVIEW.

CSM #219-JEROME AND KATHRYN NERI-000 MATTHEW AVENUE (OUTLOT2)-PARCEL #86-4-119-331-1080*

Karow stated the parcel is a remnant of the Whispering Oaks Subdivision. Neri is proposing to divide the parcel into to four (4) lots. Debra Miller, Century 21 Larry Hodges Realty representing Jerome Neri stated he received recommendations from the engineers regarding culvert size and be part of the Covenants.. Miller stated those conditions would be met prior to the Village Board meeting. Karow read the letter from Baxter and Woodman with regard to the recommendations. Karow stated originally it was intended to block this parcel off as four (4) lots from the beginning and that is why the sewer lateral was installed.

MOTION BY KAROW, SKINNER, CARRIED. TO RECOMMEND APPROVAL TO THE VILLAGE BOARD TO APPROVE CSM#219 FOR JEROME AND KATHRYN NERI.

Discussion: Destree asked why outlot #2 was not divided at the time of the original submittal for development. Miller stated the curve in the road was an issue at the original submittal. Popanda stated at the time of the original submittal the ownership of the parcel was at question.

REQUEST FOR REZONING AND CONDOMINIUM-DONALD AND CAROL SCHNEIDERMAN C/O DAVID T. SMITH- 623 & 627 VINCENT ROAD AND 624 LAKE STREET-PARCEL #85-4-119-223-2140 & 85-4-119-223-2125 & 85-4-119-223-3030*

Donald L. Schneiderman, 9041 360th Ave, Twin Lakes, WI stated the lot is non-conforming. There are existing structures on the parcel that need to be rehabilitated. Due to encroachment issues the Building Inspector recommended re-zoning the parcel to Condominium. The parcel consists of six (6) units. The Village is requiring that the small structure on the parcel be removed due to noncompliance. One unit will be removed. Schneiderman presented two (2) proposals. Keep the existing Duplex and build a single residence or turn the existing Duplex into a single residence and build a Duplex. His preference, turning the existing Duplex into a single family residence.

Popanda stated when Mr. Schneiderman purchased the property in June of 2007, he proceeded to make repairs to the three buildings on Vincent. Units one, two and three. Unit four (4) , off of Lake St has the most unique limitations of the entire complex. The first survey that was provided by the Auction Company labeled Unit four (4) as a garage. However in use it was a single family unit. No sewer fees were ever paid and Schneiderman would have to correct a non-conforming condition being the encroachment. If the unit was razed, another encroachment would occur from Unit three (3). Options: remove the encroachment which would not solve the rear yard setback problems and leave it as three (3) individual properties. Or leave the encroachment of Unit 3 and take the garage, cottage down and condo the entire complex. It also needed to be rezoned as well. The first survey that was presented was made at deadline and that represents six & seven units. The second survey n/k/a Twin Lakes Condominium is now submitted for five & six units.

Cox stated the proposal consists of one unit on the Lake Street property and construct two (2) new units on the Vincent property to the east. Basically it will become a total of six (6) units on the property, remove the garage on the Lake St property that encroaches onto the adjacent property on the eastern Vincent property. Remove the shed and construct two (2) additional units there and then address the parking. Under the proposal all the properties will be combined into one, be re-zoned Multi-family, the density of 5000 sq ft per unit is met by the six (6) units design.

Destree asked if the creation of units 5 & 6 create any non-conformities? Cox stated they would be within the amount of units that would be allowed under the Multi-family zone and they would be located in such a way they would be conforming as to side yards, etc. Skinner stated the older structures would still be non-conforming but they are pre-existing so it would be allowed. Cox stated the Board would propose they be allowed. Yes. He further stated the Board might want to consider as part of its approval requiring that a building that is significantly damaged more than one-half of its value or completely damaged in a fire that it be relocated to a conforming position on the property. All of the existing structures have some kind of non-conformity. Destree asked if the board was approving a condo in the locations of the homes as part of the Condo, is that the difference? Popanda stated the Board would not be approving the non-conformities, these are pre-existing non-conforming conditions. The Board is not granting a Variance. A Variance can not allow an encroachment on someone else's property. This is an existing problem that dates back to 1933. Cox asked Popanda what the minimum requirement is for separation between buildings. Popanda stated the Village and State fire regulation is 10 ft. Cox stated PDI has made some recommendations. Most significant is to conceptually approve the requested zoning change and to not take formal action until the Board looks at the design, agree on a potential design for the proposed units 5 & 6 on the eastern property on Vincent as a means to come to closure on the site plan. PDI has some ideas about the site which may be beneficial to Mr. Schneiderman. Parking needs to be addressed.

Mark Smith from PDI stated perhaps a PUD approach may be a way around the non-conformities. It may be a complicated process. Popanda stated that a PUD could be an option, however he would not want to see the non-conforming structures stay up. In the next submittal show where there would possibly be future locations of the units and be in compliance. A building pad for reconstruction in the future. Skinner stated Schneiderman could depict where the structures should go should something happen to them. Popanda agreed.

Tom Calkins, 709 Vincent Rd. stated this is the old Green Cottage property and has always been locked in together. Mr. Schneiderman has been improving the property since he purchased the parcel. Calkins is in favor of the improvements.

John Cashlin, 808 Elm St. concerned about the Manor's Association swim area. That has been part of the Association by Lake St, Manor Dr. Elm, Maple only are part of the Association. Schneiderman stated he would work with them with regard to the swim area.

The Board agreed Schneiderman could proceed with PUD.

CONSIDERATION OF SITE PLAN AND RELATED AMENDMENTS TO THE ZONING CODE FOR THE REPLACEMENT PARKING AREA AT THE VILLAGE MARINA ON LAKE ELIZABETH-VILLAGE OF TWIN LAKES AND STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES-3101 EAST LAKE SHORE DRIVE AND 000 EAST LAKE SHORE DR-PARCEL #86-4-119-324-3091 AND 86-4-119-324-3092*

Discussion consisted of improvements to the parking area. Repave into a hard pavement, clean up, reshape and prepare for the long term future. The Village requires 24 parking spaces for the Marina and the DNR has requested the Village strive for 25 parking spaces for cars and trailers. An "entrance" on the North side and an "exit" on the South side would help with the flow of traffic. However to accomplish that the Plan Commission is been requested to recommend to the Village Board to authorize some exceptions to the Code.

The Village zoning code requires that off-site parking spaces be in the same zoning district and within 400 ft of the principal use. This lot is zoned commercial and the Millennium Park property is zoned residential. It is probably 1,200 ft to the other two parking lots. So an exception to both rules need to be made. Furthermore no parking spot or drive isle can be closer than 25 ft to a residential district lot line. The north property line is the edge of the commercial district. The northern properties are residentially zoned. On that side the plan is requesting permission to have the drive by at the northern property line. The south drive by would be five (5) ft off the south line however that property is zoned commercial but used residentially. In regard to the driveway access at the property line and the street. The code requires the width of the entry way not exceed 24 ft at the property line nor 30 ft the street line. This property is paved north to south and has been for many years. The proposal is to keep that arrangement and just simply operate the pavement in a different way. The plan shows that the wider frontage is to be used by three (3) "vehicle only" parking spaces. Also the code requires that there be an island between driveway openings, it is being requested that requirement be waved as well.

Cox stated the Commission also has the Design Review function as well for the basic design of the property and that involves the green spaces that have been improved. Did not put lighting in the plan as of yet, much discussion from the committee as to placement of lighting for safety and security. Lighting for sure will be out towards the pier entrance at the lake side. Signage was discussed at the launch.

Kevin Fitzgerald, 142 Schoors Ln. The lighting was left as a last decision and type of lighting will be determined. Placement would be likely down the center or out to the sides and shine in. Skinner stated keeping the lighting in the center would protect them from damage by vehicles, together with concerned neighbors in the area with the lights shining. This way the lights will shine down, similar to the gas stations.

Cox stated part of the parking lot layout approve is a factor in applying for grant funds to redo the launch this year.

Sharon Bower, 1608 Sunset Dr, asked what the numbers meant on the plan in the corner. Cox stated designated vehicle only parking spaces, and other spaces are numbered on the plan for boat trailers and other sites north of the deck.

Discussion followed with concerns in regard to the position of the sand box, design of the launch and center placement of piers for slips. Golf cart parking and parking lot number 11 being a tight turn to get in and around.
MOTION BY KAROW, DESTREE, CARRIED, TO RECOMMEND APPROVAL TO THE VILLAGE BOARD TO APPROVE THE LAKE ELIZABETH MARINA PARKING LOT. CONCEPTUAL LAY OUT WITH THE VARIATIONS TO THE CODES THAT ARE LISTED ON THE MEMORANDUM DATED FEBRUARY 21, 2008 (SEE ATTACHED).

REVIEW OF PROPOSED AMENDMENTS TO TIF DISTRICT #1

The Village has received two (2) proposals for a PUD related to downtown development in the TIF District. Lakeview Terrace Condominiums is replacing the Lakeview Motel and requires an amendment to the TIF District in terms of boundary. One of the parcels involved is not in the TIF District. The Commission will consider adding that parcel and some others to the District as part of a Public Hearing. The Commission will be looking at the concept plan for the PUD for the Lakeview Terrace Condominium and also looking at the concept plan PUD for a bank building and retail commercial space building for Bear Realty and Southport Bank on Main Street and South Lake Av. Also, an amendment to the Project Plan for the TIF District that includes addition of a fire suppression water system for the downtown area. Perhaps in April an application will be submitted from Walgreens, the Village is anticipating that as well.

Cox stated there are two amendments the Village can make to the TIF District. One is an economic change and there are no limits to the number of economic changes. The Village is allowed four (4) boundary agreements over the life of the District.

Motion by Skinner, Destree, Carried to adjourn at 8:48pm.

SIGNED COPY AVAILABLE AT THE VILLAGE HALL

David E. Cox
Village Administrator

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