

VILLAGE OF TWIN LAKES

105 East Main Street P O Box 1024 Twin Lakes, Wisconsin 53181 Phone (262) 877-2858 Fax (262) 877-4019

AGENDA

PLAN COMMISSION MEETING Wednesday, February 1st, 2023 at 6:30pm VILLAGE HALL

- 1. Call to order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Consideration of a motion to approve Plan Commission minutes from January 18, 2023.
- 5. Conceptual Plan Review for Sunset Subdivision at 2301 East Lake Shore Drive, Parcel #86-4-119-332-4000.
- 6. Adjourn

Roll Call:

Destree, Todd Busse, Bill Karow, Aaron Perl, Ken Richter, Bran Smith, Carl Skinner, Howard-Chair

LEGAL DISCLAIMER: THE BOARD MAY AT ANY TIME MAKE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO SEC. 19.85(1)(A) AND 19.85(1)(G), WIS. STAT., DELIBERATING CONCERNING A CASE SUBJECT TO A QUASI-JUDICIAL HEARING BEFORE THIS GOVERNMENTAL BODY; AND, CONFERRING WITH LEGAL COUNSEL REGARDING STRATEGY AS TO LIKELY LITIGATION.

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE VILLAGE BOARD AND/OR LAKE PROTECTION AND REHABILITATION DISTRICT BOARD OF COMMISSIONERS OR OTHER RELATED GOVERNMENTAL BODIES MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY. NO ACTION WILL BE TAKEN BY ANY GOVERNMENTAL BODY AT THIS MEETING OTHER THAN THE GOVERNMENTAL BODIES SPECIFICALLY REFERRED TO IN THIS INSTANT NOTICE. THIS CONSTITUTES A MEETING OF THE VILLAGE BOARD PURSUANT TO STAT EX REL BADKE VS. GREENDALE VILLAGE BOARD, 173 WIS 2D 553, 494 NW 2D 408 (1993), AND MUST BE NOTICED AS SUCH.





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[DRAFT] MEMORANDUM

TO: Plan Commission Village of Twin Lakes

FROM: GRAEF

Larry Witzling, Senior Planner & Urban Designer Dominic Marlow, Planner & Urban Designer

DATE: December 6, 2022 (Note this memo has been updated since it was last reviewed by the Plan Commission in September 2021)

SUBJECT: Conceptual Review for the proposed Sunset East Subdivision at 2301 E Lake Shore Drive

A. PURPOSE

Discuss and comment upon a Conceptual Plan from Jimmy Ellis (Owner & Applicant) and Chris Hodges (Engineer – Farris, Hansen & Associates Inc.) for a new single-family subdivision development at 2301 E Lake Shore Drive. This draft memorandum is for conceptual review only by the Plan Commission and Village Board to submit comments for consideration by the Applicant. As a result of this feedback, the Applicant may be advised to revise subsequent submittals including a review of a Preliminary Plat. The inclusion of a draft preliminary plat at this time may not be considered for approval or rejection.

This conceptual review should consider the following items:

- Draft Preliminary Plat for Sunset East Subdivision for parcel #86-4-119-332-4000
- Concept Plan: Ellis Development for parcel #86-4-119-332-4000
- Concept Plan: Forest for parcel #86-4-119-332-4000
- Map of areas that have been cleared of trees and areas that have been replanted with new trees by the applicant

In addition, the following item(s) are pending submission but not submitted at the time of this writing:

Project narrative (pending)

B. BACKGROUND

The Owners & Applicants have proposed a single-family subdivision with twenty-one (21) parcels to the east of Lake Shore Drive and three (3) parcels to the west of Lake Shore Drive.

The proposed development would take place on the following parcel:

- #86-4-119-332-4000 18.29 acres with 760 ft of frontage on the west side and 728 ft of frontage on the east side of E. Lake Shore Dr. on either side, totaling 1488 ft of frontage.
- The parcel is currently zoned as RES "Residential District".
- The land was recently woodlands and was designated as a Primary Environmental Corridor (PEC) by the Southeast Wisconsin Regional Planning Commission (SEWRPC). The parcel has been cleared of the majority of the trees by the Applicant prior to this conceptual review.



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Figure 1: Parcel #86-4-119-332-4000

Kenosha County Interactive GIS – yellow boundary highlights the parcel included in this proposal.



C. CONCEPTUAL PLAN REVIEW REQUIREMENTS (§16.12.030)

The conceptual plan is intended to provide the Village Building Inspector, Village Plan Commission and the Village Board with an early opportunity to review policy issues relating to the proposed development and any possible adverse effects on the adjacent neighborhood and community. A conceptual plan review is required for the proposed subdivision because it will create five or more buildable lots and will require the installation or construction of infrastructure. According to the Village's code, the conceptual plan shall include the following information. GRAEF comments are in **bold** following each requirement:

- Neighborhood sketch plan, if required Not required
- Graphic scale and north arrow Included
- Project name Included
- Name, address and telephone number of the developer, engineer and architect; parcel number of property and owner's name and mailing address - Included
- Topographic contours of two-foot intervals Included
- Lands to be dedicated or served for streets, parks, schools, or other public purposes included, however, more information may be needed regarding use and access to outlots
- Proposed conceptual landscaping (other than single-family residential development) No conceptual landscaping is included. A rough exhibit of replated trees is included.
- Number of dwelling units per acre 1 dwelling unit per 3/4 acre (1.33 DUA).
- Conceptual building layouts and parking areas for all uses (other than single-family residential development) – Not included; not required for single-family development at this stage.



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- Artist's renderings of structures and facilities, floor plans, if available (not required for single-family residential development) Not included; not required for single-family development at this stage.
- Identification of existing and proposed zoning districts Included.
- Significant environmental features, including without limitation, navigable waters, wetlands, floodlands and woodlands Navigable waters have been identified and wetlands are delineated. Woodlands are not shown on the conceptual plan, due to the clearing that the applicant initiated before this review. The applicant has provided an exhibit with the area that was cleared noted on a map, and the area that has been replanted with trees. (See Figure 5)
- Public/private street layout pattern, existing and proposed; all roads to be named, existing or proposed; (no new road names to be similar to existing road names) – Included.
- Lot or parcel layout, existing and proposed including areas and dimensions of each Included.
- Vicinity sketch showing adjacent subdivisions and boundaries of unsubdivided land Included.
- Proposed techniques for handling on-site stormwater, retention/detention facilities Included. To be discussed in more detail and should be subject to engineering review
- Location of existing and proposed sanitary, storm sewer and water facilities (when required) and existing and proposed utility and drainage easements – Easements for drainage ditches and well locations should be subject to engineering review.
- Land uses, existing and proposed Included.
- Any other information which the divider or the Village Building Inspector, Plan Commission or Village Board believes will be helpful in reviewing the conceptual plan — In addition to the map of cleared land and the re-planted land (quantities and species of new plants), the Village has requested a narrative describing the development from the Applicant.

D. CONSIDERATIONS REGARDING THE SUBDIVISION STANDARDS

The proposed development includes a 21 lot subdivision on the section of the parcel east of Lake Shore Drive. The subdivision includes two cul-de-sacs and easements on the north, west, and south boundaries of the site for storm water facilities. The following considerations for subdivision standards are included for review by the Plan Commission to suggest revisions by the Applicant. **GRAEF recommendations are in bold.**

- Subdivisions are subject to review for compatibility with the Comprehensive Plan during review of the Preliminary Plat and Final Plat design.
 - The proposal should be prepared for review of its compatibility with the Future Land Use Component of the Comprehensive Plan in preparation for the review of the Preliminary Plat. Issues such as the preservation of environmental features, water quality, and ecology are all recognized in the Comprehensive Plan for the Lake Community: Elizabeth East Land Use. Note that updates to the Comprehensive Plan were made in 2009 and should supersede details from previous plans.
- The subdivision code states that accessways and private entrances on major streets shall be kept to a minimum.
 - The Village Engineer and Chairman of the Street Committee should determine the appropriate number and locations of vehicular access onto Lake Shore Drive (County Trunk Highway "Em").



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- The subdivision code states that minor residential streets should have a minimum right-of-way of sixty-six (66) feet, maximum cul-de-sac length of four hundred (400) feet, minimum cul-de-sac width of sixty-six (66) feet, and minimum cul-de-sac radius of seventy-five (75) feet unless approved as an exemption by the Village Department of Public Works.
 - Applicant should redesign cul-de-sacs to appropriate standards where feasible, rather than seek exemption.
 - Applicant should state in which cases they wish to seek exemption from residential street design standards and why those standards cannot be met technically, such as cul-de-sac radius and culde-sac length.
- The subdivision code states that changes to an existing super block by a development pertaining to the creation of public areas should be covered by an agreement as to their development and maintenance.
 - Applicant should submit a proposed agreement for the development and maintenance of public areas created and for maintenance, operation, and repair of stormwater, utility, and street infrastructure
- The subdivision code states that lot widths must be at least eighty (80) feet at the front setback line, and lot areas must be at least 8,000 square feet.
 - O Any changes to lot widths and area should be reviewed for compliance before final approval.
- The subdivision code states that storm water easements should be provided where traversed by a
 water course. Storm water easements appear to be marked with dashed lines on submittals but are
 not clearly indicated and labelled.
 - Applicant should clearly indicate and label easements for storm water drainage on subsequent submissions.
- The subdivision codes states that the Plan Commission may determine that a portion of the plat be required for public access to the lake, reserved for purchase for not longer than five (5) years.
 - GRAEF recommends the Plan Commission determine the need for public access to the lake from Lots 22 and 23 in anticipation of future purchase.
- The subdivision code requires the dedication of public land for park, recreation, and open space needs generated by the site equal to 10% of the value of the lots created.
 - Village Assessor should determine the value of lots created for dedication of public land. In lieu
 of such dedication, a statement of intent to pay a fee of \$1,500 per platted plot will be
 requested in subsequent submissions.

E. CONSIDERATIONS REGARDING COMPLIANCE WITH THE PROPOSED USE AND THE ZONING DISTRICT

The Application indicates that the proposed development will feature a single-family subdivision including 24 lots. 21 lots are located east of Lake Shore Drive (County Trunk Highway "EM") and 3 lots are located east of Lake Shore Drive. The Future Land Use of the Property is LC – Elizabeth East (LC: Lake Community).

In 2009, the current Land Use Plan for the Village was adopted as an update to the Comprehensive Plan. Requirements from the Zoning and Subdivisions ordinances refer to the Comprehensive Plan for compatibility with future land use. The following section outlines the future land use for the site as determined by the 2009



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Land Use Plan Update. The desirable land uses are considered *preferred* and are not explicitly required as a condition of the Comprehensive Plan.

LC - Elizabeth East Preferred General Character of Neighborhood or District:

"Maintain existing traditional lake neighborhood character with narrow lots and at moderate density along the shore. Encourage maintenance and upgrades of existing structures and preservation of shoreline views. Development must preserve environmental features and protect lake water quality and ecology. Encourage the creation of a neighborhood park to serve this area as the Park Plan recommends."

- Preferred Future Land Uses and Activities:
 - Single Family "D: Desirable These uses should be encouraged and support the desired character of the area."
 - The proposed single-family use is considered desirable.
- Preservation of Environmental Features:
 - The woodlands previously located on the site may be considered environmental features. The parcel is categorized as a PEC: Primary Environmental Corridor by Kenosha County. SEWRPC has been requested to review the environmental features on the site, since they maintain and update the Environmental Corridor inventory. However, there is no regulatory authority applicable to the site except for that which comes from the Village's Municipal Code and Comprehensive Plan.
 - GRAEF recommends that development of the site be sensitive to the quality of environmental features present and consideration of (a) replacement of environmental features on this land and/or (b) implementation of environmental features on other public land that might be reasonable to consider as a replacement for the environmental features that have been removed, especially with regard to water quality and run off.
- Protection of lake and water quality and ecology
 - GRAEF recommends that the proposal be reviewed by an arborist or similar expert to conduct a stormwater flow analysis to determine whether extra runoff flows into the lake as a result of woodlands clearing.

Use of the 2009 Land Use Plan as a guideline for development review:

The recommendations above are consistent with the updates to the Comprehensive Plan in 2009, including the Land Use Plan Update which created the Lake Community – Elizabeth East land use. However, the previous outdated land use maps from the old Comprehensive Plan are still published alongside current maps on the Village website and should be removed in order to avoid misperception of the applicable maps

 GRAEF recommends the removal of outdated plan documents from the Village website to prevent perceived conflicts with requirements from the Comprehensive Plan.

Compliance with the Zoning District:

The proposed subdivision is currently zoned Residential. The proposed concept is compliant with applicable Residential District requirements. Most statutes related to zoning, which includes requirements for structures, are not applicable at the Conceptual Review phase which does not include structures at this time. However, the proposal is compliant with lot area minimums and shoreland setbacks for Residential Districts.

 Any changes to the lot proposed lot areas or plat of subdivision should be reviewed for compliance with zoning regulations.



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F. CONSIDERATIONS WITH ROADWAY REQUIREMENTS

The proposed subdivision has frontage on Lake Shore Drive and includes the creation of two new streets called Ellis Avenue and Wyatt Way. The development is proposed on a parcel which terminates only a few feet from Matthew Avenue to the east, bordered by an outlot on parcel #86-4-119-331-1079.

Privacy of Proposed Streets:

The proposed streets are labeled as "(Public)" on the Concept Plan for Sunset East Subdivision.

Future Connection to Matthew Avenue:

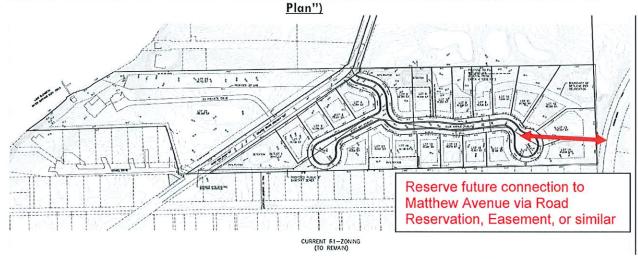
The proposed street named Ellis Avenue on the Draft Preliminary Plat terminates approximately ~200 feet away from Matthew Avenue. The Applicant does not own the land which would allow for a connection to Matthew Avenue. Construction of a street in anticipation of connection to Matthew Avenue should be discussed given the following considerations:

- Section 16.24.020 of the subdivision code states that the length of blocks in residential areas along
 major streets or highways (in this case, Lake Shore Drive to the west) shall normally be not less than
 eight hundred (800) feet.
- Section 16.24.030 of the subdivision code states that the width of blocks shall be sufficient to allow two (2) tiers of lots of appropriate depth.
 - O GRAEF recommends to the Plan Commission the consideration of a future public street constructed in anticipation of future connection to Matthew Ave which would create a new block of approximately ~1,000 feet in length and with sufficient width to allow for two tiers of lots of appropriate depth. This would need to be discussed with the larger residential area.
 - In lieu of such a public street connection, GRAEF recommends to the Plan Commission the consideration of pedestrian and bicycle paths constructed with or without future connection to Matthew Avenue.
- Section 16.16.080 of the subdivision code states that a minor residential street dead-ending at the boundary of a plat shall be provided with a temporary cul-de-sac with a radius of not less than fifty (50) feet and/or a twenty-four (24) foot paved T-type turnaround.
 - GRAEF recommends to the Plan Commission the requirement of a temporary cul-de-sac or Ttype turnaround determined by the Village Department of Public Works for the construction of a new residential street in anticipation of future connection with Matthew Avenue to the east.



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Figure 2: GRAEF Recommended Future Connection to Matthew Avenue (Source: Applicant - "Concept



- Upon revision of the site plan based on the Plan Commission's recommendation, a reserved
 future connection to Matthew Avenue should be included specifying the method of reservation.
 If a revised site plan significantly reduces the need for a street connection to Matthew Avenue
 based on the criteria outlined in this Section F of this memorandum, then such a reservation
 may not be appropriate.
- Without a connection to Matthew Avenue, Schoors Lane will likely be utilized for most local traffic access into the subdivision from certain directions.



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G. OTHER CONSIDERATIONS

Clearing of Woodlands:

Figure 3: Pre-Clearing Woodlands (June 2020) Google Earth



Figure 4: Post-Cleared Woodlands (May 2021) Google Earth



*Note: Photo taken as of May 2021. Current status of woodlands clearance should be provided by the applicant including number, species, and locations of trees replanted.



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Figure 5: Tree Planting Exhibit Submittal

The Applicant has submitted an exhibit at the request of GRAEF which roughly estimates the areas of 340 arborvitae trees replanted for consideration by the Plan Commission. Note this exhibit is provided on a previous concept plan from 2021 which has since been revised.

Considerations for the development of the site sensitive to environmental features:

- The Applicant may develop the site in a way which is sensitive to the environmental features present or historically present. The following methods may be appropriate for environmental quality:
 - o Replanting of trees on site equal to the quantity and species removed.
 - Analysis of stormwater flow and infiltration without trees and replanting of the amount needed to mitigate increased stormwater flows, or equivalent green stormwater infrastructure installation on site.
 - Off-site mitigation of removed canopy by planting equivalent acreage.
 - Off-site mitigation of green space funded through a pre-determined fee per lot dedicated to restoration of environmental quality.
 - Other strategy deemed appropriate by the Plan Commission

SEWRPC Guidelines for Development within Environmental Corridors:

- SEWRPC provides guidelines for development within environmental corridors applicable to the Subject Property. The Subject Property once contained woodlands. The following guidelines apply to woodlands within Primary Environmental Corridors for reference. Note that these guidelines are not place specific and should be used in conjunction with understanding of their context:
 - Guideline 1: Rural Density Residential Development may be accommodated in woodlands, provided that buildings are kept off steep slopes. The maximum number of housing units accommodated at a proposed development site within the environmental corridor should



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be limited to <u>one (1) housing unit per five (5) acres</u> not covered by surface water and wetlands. The permitted housing units may be in single-family or multi-family structures. Conservation subdivisions are strongly encouraged.

- The Subject Property is 18 acres, and would allow nearly 4 housing units at the SEWRPC recommended density. Further consideration from SEWRPC is recommended given the existing clearing of woodlands and opportunities for mitigation.
- The proposed development may be revised to accommodate a larger number of units as a conservation subdivision.
- O Guideline 2: In lieu of rural density residential development, up to 10 percent of the upland corridor area in a parcel may be disturbed in order to accommodate urban residential development under the following conditions:
 - The area to be disturbed is compact rather than scattered in nature;
 - The disturbance area is located on the edge of a corridor or on marginal resources within a corridor;
 - The development does not threaten the integrity of the remaining corridor;
 - The development does not result in significant adverse water quality impacts; and
 - Development of the remaining corridor lands is prohibited by a conservation easement or deed restriction. Each such proposal must be reviewed on a site-bysite basis.
 - If built on 10 percent of the subject property, approximately 1.8 acres could
 be developed at an urban residential density as a conservation subdivision on
 the margin of the site, preserving the rest of the site as an environmental
 corridor and protecting it from development with a conservation easement
 following mitigation of the removed woodlands.
- Guideline 3: Buildings should only be constructed in woodlands if no alternative is available.
- Following coordination with SEWRPC, the Applicant should have a pre-application conference with the Village to discuss concept revisions.



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H. APPENDIX

1. Review of Applicable Code:

I. Review of Applicable Cod	COMMENTS	
Chapter 17.04. Zoning: Interpretation and Purpose		
17.04.040 Intent	The zoning code intends to implement regional comprehensive plans or components of such plans adopted by the Village. Review of the proposal's compatibility with the Comprehensive Plan will occur in the next phases with the review of the Preliminary and Final Plats.	
Chapter 17.20. Zoning: Residential District		
17.20.060 Lot Area Per Family	All proposed lots meet the minimum lot area requirement of 8,000 square feet. Any changes to lots should be reviewed for compliance with this requirement.	
Chapter 17.39. Zoning: Shoreland Protection Overlay District		
17.39.070 Special Regulations	The proposed setback of any principal structures should be reviewed for compliance with shoreland setbacks from the Ordinary High Water Mark (OHWM) by the Village Engineer. Current proposal will require a design and maintenance plan for a fifteen (15) foot vegetative buffer, deemed acceptable to the Village.	
Chapter 16.08 Subdivisions: Authority		
16.08.015 Purpose and Intent	The subdivision code intends to implement municipal Comprehensive Plans adopted by the Village and facilitate enforcement of Village development standards as set forth in adopted Comprehensive Plans. Review of the proposal's compatibility with the Comprehensive Plan will occur in the next phases with the review of the Preliminary and Final Plats.	
Chapter 16.16 Subdivisions: Streets and Accessways		
16.16.010 Street Arrangement.	No apparent conflicts with existing or planned streets.	



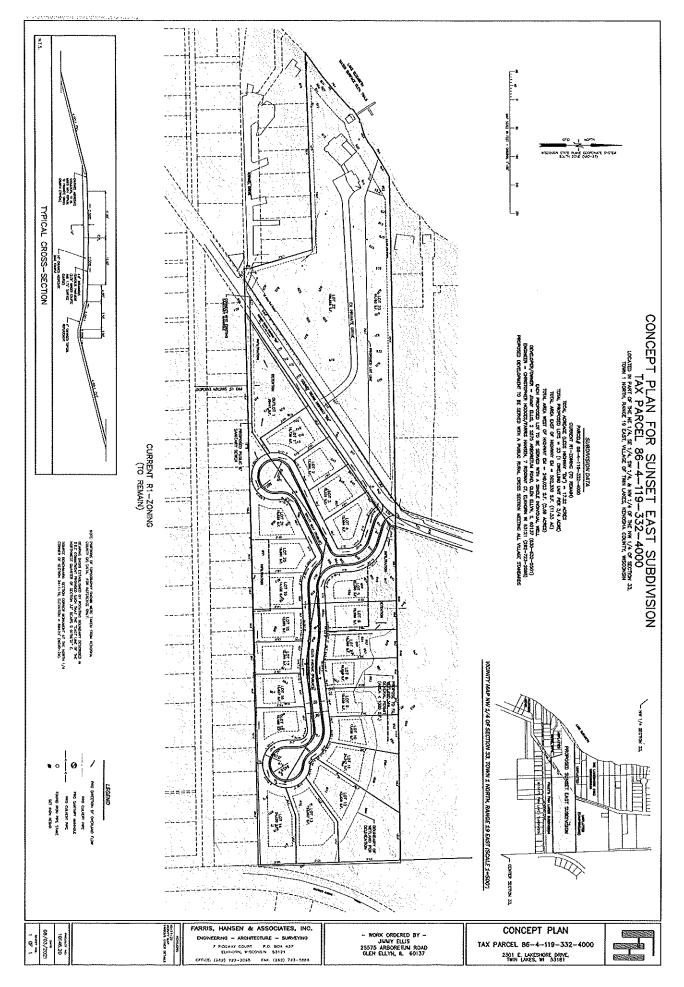
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REVIEW STANDARD	COMMENTS
16.16.060 Accessways and Private Entrances.	Accessways and private entrances on major streets shall be kept at a minimum. Lake Shore Drive is a County Trunk Highway. The proposed plan includes one private drive, one asphalt drive, and one drive apron on the west of Lake Shore Drive. The Village Engineer and Chairman of the Street Committee should determine the appropriate vehicular access onto a curved section of Lake Shore Drive for recommendation to the Plan Commission. Applicant should specify the types of vehicles intended for the 10 foot asphalt drive to the south in Lot 22.
16.16.080 Street Widths.	Minor residential streets should have a minimum right-of-way of sixty-six (66) feet. Right-of-way for streets does not appear to be indicated on submittals. Cul-de-sac length appears to exceed maximum length of four hundred (400) feet allowed but dimensions do not appear to be indicated on submittals. Will require approval as an exemption. Cul-de-sac width and radius appear to be less than minimum sixty-six (66) feet in width and seventy-five (75) feet radius. Will require approval as an exemption.
16.15.090 Road Systems.	Plan Commission and/or Village Board may wish to require the extension of the proposed ELLIS AVENUE to the next available intersecting street, Matthew Ave. A walking path connection to Matthew Ave. may be an appropriate alternative to prevent too many intersections with the traffic way.
Chapter 16.24 Subdivisions:	Blocks and Lots
16.24.050 Irregular-Shaped Blocks.	The changes to the existing super block created by the proposed development, pertaining to the creation of public areas, should be covered by an agreement as to their development and maintenance.
16.24.070 Width of Residential Lots.	Lot widths should be a minimum of eighty (80) feet at the setback line and should be reviewed for compliance should any changes to lots be made upon review of the Preliminary Plat.
16.24.080 Area of Residential Lots	The lots are all at least 8,000 SF and served by sanitary sewers. Any changes to lots should be reviewed for compliance.
16.24.090 Depth of Residential Lots.	Lots must be one hundred (100) feet deep. The final design for lots 5, 6, 19, 20, and any substantially changed lots should be reviewed for compliance upon review of the Preliminary Plat. Lot depth dimensions do not appear on all lots.



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REVIEW STANDARD	COMMENTS	
16.24.100 Side Lot Lines.	Side lot lines appear radial and perpendicular to street lines.	
Chapter 16.28. Subdivisions: Easements.		
16.28.030 Storm Water Drainage.	Ditch and pond formation goes along the two adjacent property lines. The easements for storm water drainage appear to be marked with dark dashed lines but not indicated as easements on the submittals.	
Chapter 16.33 Subdivisions: Open Space and Public Use Areas		
16.33.020 Reservation of Potential Sites.	Lake access is proposed in Lot 22 via ten (10) foot asphalt drive. Plan Commission may determine that a portion of the plat is required for public site or open spaces through purchase of the portion within five (5) years.	
16.33.030 Dedication of Sites.	The subdivider shall dedicate to the public adequate land for park, recreation, and open space needs generated by the site equal to 10% of the value of the lots created by the development, determined by the Village Assessor.	
16.33.040 Proportionate Payment in Lieu of Dedication.	If dedication of land is determined not feasible or compatible with the Comprehensive Plan and recreation plan, the subdivider shall pay to the Village a fee of one thousand five hundred dollars (\$1,500.00) for each unit per platted plot.	





December 26, 2022

To whom it may concern,

We made multiple trips between August 2020 and October 2021 to the property located at 2301 E. Lakeshore Dr, Twin Lakes, WI to assess the condition of trees in multiple locations. We found that all of the trees located near the shoreline (within \sim 15') were either dead, dying or diseased. We informed the contractor in charge of our findings.

Sincerely,
John Dawson

John Dawson

IL-5229A