

AGENDA
CITY OF BERLIN PLAN COMMISSION
TUESDAY, JULY 31ST, 2018 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
CITY OF BERLIN, WI

- 1) Call meeting to order - Roll Call
- 2) Public Participation
- 3) Approval of Minutes –Plan Commission Meeting June 26th, 2018
- 4) PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR 327 SW FRANKLIN AVE. FOR 6 FOOT FENCE IN FRONT YARD SETBACK

Recommendation: Discuss and recommend the CUP to Common Council for approval.
- 5) Old Business
- 6) New Business
- 7) Next meeting date – August 28th, 2018
- 8) Adjourn

In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.

PLEASE CONTACT LINDSEY IF YOU CANNOT ATTEND - (920) 361-5156

CITY OF BERLIN PLAN COMMISSION MINUTES

June 26, 2018

CITY OF BERLIN BERLIN, WISCONSIN

The June 26, 2018 City Plan Commission meeting was called to order at 6:00 p.m. by Mayor Schramer. Roll call present were: Mayor Schramer, Bobbie Erdmann, Charlie Beard, Ed Marks, Justin Lindahl, and Dave Secora. Also present were Lindsey Kemnitz and Attorney Chier.

First item on the agenda was approval of the May 29th, 2018 Plan Commission minutes. Marks moved to approve the May 29th, 2018 Plan Commission minutes with correction of adding him to the present list for the meeting. Secora seconded the motion, which was carried by a voice vote.

Second item on the agenda was the request of a conditional use permit for 327 SW Franklin Street for a 6 foot fence in the front yard setbacks. Attorney Chier updated the Plan Commission that there has been a law change for CUP due to a case last year. Normally CUP would allow the Plan Commission to require special requirements for the CUP, but now the Plan Commission cannot put additional requirements at the meeting. The Plan Commission has to review the application to verify that there is substantial evidence that the applicant meets the CUP requirements. If the applicant meets the CUP requirements, the Plan Commission must approve the CUP. The City has the ability to put set requirements in the zoning code for specific CUP's. Attorney Chier and staff will be working on drafting requirements for each CUP. Secora asked what will happen to the properties that have already approved with special requirements for CUP. Attorney Chier stated the properties can continue current uses, as legal nonconforming. Marks asked if we need to follow the new law for this applicant and Attorney Chier said yes.

Beard made a motion to schedule the public hearing for 327 SW Franklin Street for the August meeting. Marks 2nd the motion, which was carried by a voice vote.

The last item on the agenda was the public hearing for the Comprehensive Plan update. The Mayor opened the public hearing at 6:14pm. Kemnitz gave an overview on the proposed changes to the Comprehensive Plan. The future land use map includes the changes that have been previously approved by the Plan Commission and Council. The current land use map had a couple of properties updated as the uses have changed over the years. The zoning map is only for the City of Berlin and does not include the ETZA on the map. Within the text portion of the Comprehensive Plan, the "ETZA" language has been removed and the County Zoning and Planning Committee have been added. The "BID" language has also been removed from the Comprehensive Plan. The last change was the time periods have all been changed to ongoing rather than specific time period. The Mayor asked for any questions. Tony Daley from the Berlin Journal asked if the Town's would automatically adopt the County Zoning. Kemnitz said there is a process behind the Town's adopting the County Zoning. She said working with the two Counties; they are working on that transition to occur. The Mayor asked three times for anyone to speak for and three time for anyone to speak against it. The public hearing was closed at 6:22pm. The discussion then was opened up to the Commission. Marks made a motion to approve the amendment to the Comprehensive Plan and resolution with the change of the future land use map to the previous Juliette Manor site to be changed to mixed use. The motion was seconded by Beard and carried by a voice vote.

There was no new or old business.

Marks moved to adjourn at 6:32 p.m. Secora seconded the motion, which carried by voice vote.

Lindsey Kemnitz, Community Development Director

CUP for 6' fence in front yard setback

July 23, 2018

TO: Plan Commission

FROM: Lindsey Kemnitz

SUBJECT: CUP for 6' fence in front yard setback

Charles Pfrang the representative of TCG Holdings 5 LLC at 327 SW Franklin Street is requesting to install a 6 foot fence in the front yard setbacks. The fence is already installed on SW Franklin Street. Attached is a picture of the fence. The reason for the fence is he is trying to sell the property and wanting to mask the neighbor's blighted property. Below is the section within the municipal code that is applicable. Attached is section 82-641 "Consideration of factors in granting permit". This section refers to the requirements that the zoning code has for Conditional Use Permits.

Section 82-567 Fences

(c) Height (1) In residential districts, only open or lattice type fences or hedges shall be permitted. Residential fences in side and rear yards shall not exceed six feet in height, with the exception of any portion of side yard fences within the front yard setback area, which shall not exceed four feet in height, without a conditional use permit. Residential fences and hedges located in the front yard or in the front yard setback area shall not exceed four feet in height, without a conditional use permit. A conditional use permit for residential fences and hedges located in the front yard or within the front yard setback area may only permit the fence to be increased to a maximum of six feet in height.

Recommendation: Recommend to Common Council the CUP for a 6 foot fence in the front yard setbacks at 327 SW Franklin Street.

CITY OF BERLIN
REQUEST FOR CONDITIONAL USE PERMIT

CITY OF BERLIN or

EXTRATERRITORIAL ZONING JURISDICTION

I/We TCG Holding 5 LLC of 327 SW Franklin St
(name) (mailing address)

hereby request the Plan Commission to recommend to the Common Council of the City of Berlin the approval of a conditional use permit under the Zoning Code of the City of Berlin pursuant to Chapter 82 of the Municipal Code.

Current Zoning of property R-2

Address of Property 327 SW Franklin Ave Berlin WI

Legal Description Van Horns Add S 1/2 of Lot 5 Bk C 60

Reason for request: Fence @ 6' height - 2-4' sections
Selling property, Masking neighbors
blighted property.

Lot Size _____

Parcel Number 206 015 42 0000

Present Improvements (Structures etc.) on Lot:

Home

Such proposed conditional use permit would be compatible with the character of the neighborhood because:

existing FENCES IN AREA
NO Negative impact or sight
obstructions.

6/13/18
Date Filed

[Signature]
Petitioner/Agent

Conditional Use Permit Fee \$200.00 - Fee must accompany this appeal payable to the City of Berlin

FOR OFFICE USE ONLY
Meeting advertised 7/12+19/18 Date of Commission Meeting 7/31/18

Commission Recommendation Approve / Deny

Special Conditions:

Council Decision Approve / Deny Date _____

Special Conditions:

Sec. 82-641. - Consideration of factors in granting permit.

- (a) When granting a conditional use permit, the common council shall take into consideration, in addition to the specific conditions provided in this article, the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands. The common council shall consider, among other things, the particular facts and circumstances of each proposed use in terms of the following standards, and shall find adequate evidence that such use on the proposed location will:
- (1) Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the area.
 - (2) Not be hazardous or disturbing to existing or future neighboring uses.
 - (3) Not be detrimental to property in the immediate vicinity or to the community as a whole.
 - (4) Be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
 - (5) Have vehicular approaches to the property which shall be designed not to create interference with traffic on surrounding public streets, alleys, roads or sidewalks.
 - (6) Not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (7) Not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (8) Not violate state or federal floodplain or wetland areas.
- (b) The common council, with the recommendation of the plan commission, may require additional standards and conditions that may be deemed necessary in order for the conditional use requested to meet the standards of this article. Such additional standards and conditions may include, but not limited to, requirements pertaining to lot coverage, lot area, setbacks, off-street parking and loading, pedestrian and vehicular accessways, storage, fencing, screening, landscaping, open space, height limitations, lighting and hours of operation.

(Code 1989, §§ 13-1-64, 13-1-65)

GIS Viewer Map

Green Lake County, WI

Floodplain Zoning Districts
02-03-2010

MAP NUMBER: 55047C0PANEL-C

- Floodway ZONE AE
- Flood-Fringe ZONE AE
- General Floodplain ZONE A
- areas not A or AE are ZONE X
- Map Panel
- Cross Section
- Flood Water Surface Elevation

Zoning Districts

- A-1 Farmland Preservation
- A-2 General Agriculture
- C-1 General Commercial
- C-2 Extensive Commercial
- I Industrial
- M-1 Mineral Extraction
- M-2 Sanitary Landfill
- NRC Natural Resource Conservancy
- R-1 Single Family Residence
- R-2 Single Family Mobile Home Residence
- R-3 Multiple Family Residence
- R-4 Rural Residential
- RC Recreation
- AO Adult Orientated Establishment
- ETZA Extra Territorial Zoning Area

Land Use

- Agriculture
- Commercial
- Industrial
- Mixed Use
- Public
- Residential

Base Map

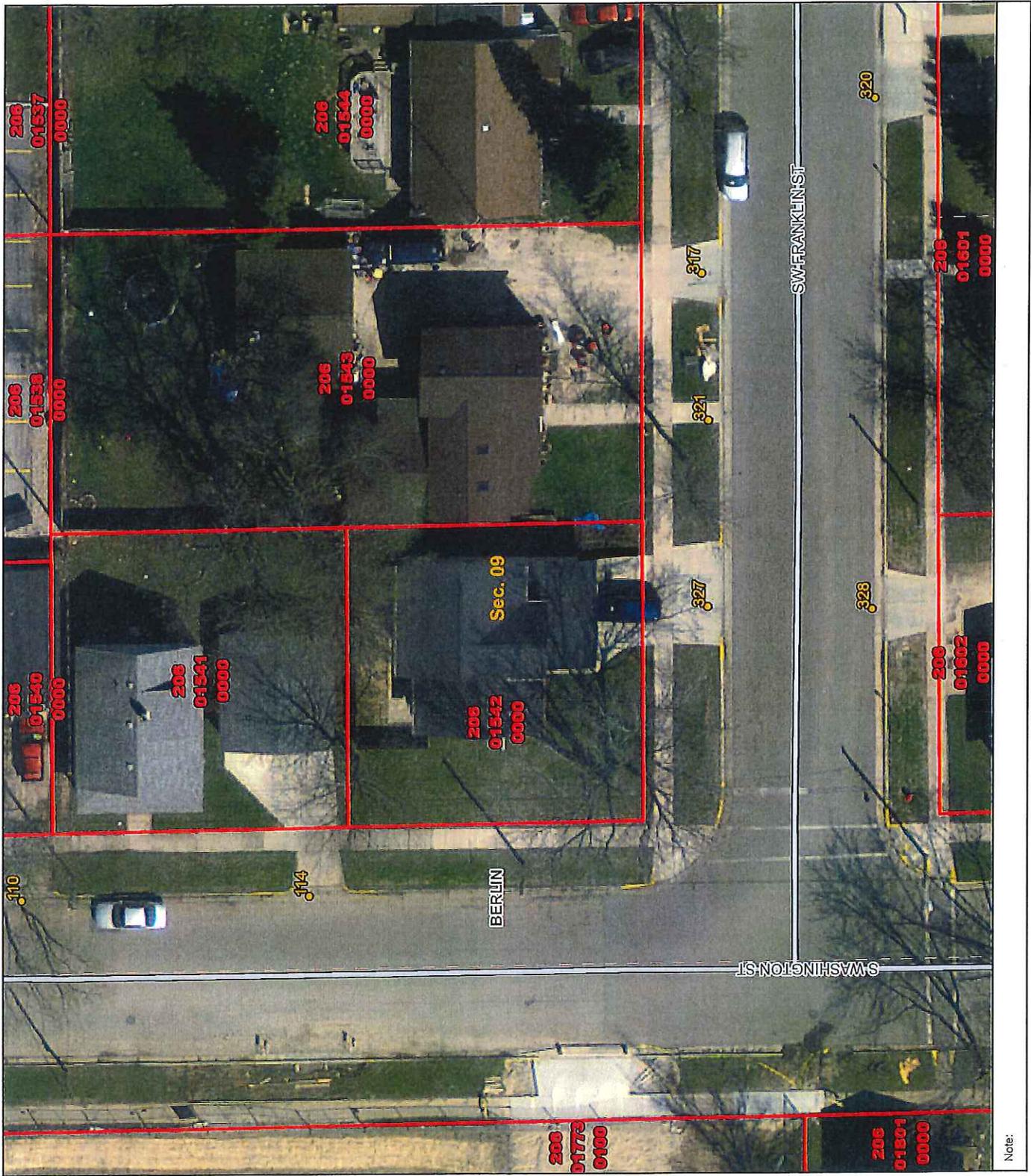
- Parcel
- Address
- City Village Town
- Section
- State Road
- County Road
- City Village Town Road
- Private Road
- Lake River
- River Stream

Time: 9:25:49 AM

Date: 7/24/2018

1 inch = 30 feet

Geographic Information System (GIS)
<https://gis.co.green-lake.wi.us/>



Black line is location of the fence

Note:

