

**AGENDA
CITY OF BERLIN PLAN COMMISSION
TUESDAY, FEBRUARY 26TH, 2019 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 January 21st, 2019
- 4) Public Hearing for Conditional Use Permit Request at 192 E. Huron Street for adaptive reuse of church.
Recommendation: Discuss and recommend the CUP for 192 E. Huron Street for adaptive reuse of church to Common Council.
- 5) Review and Discuss Buffer Ordinance
Recommendation: Direct staff to finalize the ordinance and schedule public hearing for March meeting. Request Rezone request for 206-01178-0200, 206-01178-0100- and 206-01180-0000 on the agenda for the March meeting.
- 6) Review and Discuss Conditional Use Permit Ordinance
Recommendation: Action as Appropriate
- 7) Review and Discuss Temporary and Accessory Structure Ordinance
Recommendation: Action as Appropriate
- 8) Old Business
- 9) New Business
- 10) Next meeting date --March 26, 2019
- 11) 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
January 21st, 2019
CITY OF BERLIN
BERLIN, WISCONSIN

The January 21st, 2019 City Plan Commission meeting was called to order at 1:00 p.m. by Mayor Schramer. Roll call present were: Mayor Schramer, Ed Marks, Justin Lindahl, Mary Kubiak, Bobbie Erdmann and Dave Secora. Also present were Lindsey Kemnitz and Attorney Chier.

First item on the agenda was approval of the December 18th, 2018 Plan Commission minutes. Marks moved to approve the December 18th, 2018 Plan Commission minutes as presented. Kubiak seconded the motion, which was carried by a voice vote.

The first discussion item was the agenda was the public hearing for amending the future land use map. Kemnitz provided a background stating the future land use map amendment was for the rezone which is the next item on the agenda for Majik Sweep. Schramer opened the public hearing at 1:05pm. Mayor Schramer asked if there were any questions. No questions were asked. Mayor Schramer asked for anyone to speak for. Dan Hertzburg the owner of Majik Sweep was present to speak for. He stated that he would like to build a warehouse for additional storage for related items to his business. Mayor Schramer asked for anyone speaking for two more times. No others spoke. Mayor Schramer asked for anyone to speak against. Gordon Johnson of 401 E. Park Ave was present to speak against. Johnson suggested the Plan Commission to have him apply for a use variance or conditional use permit rather than a rezone. He stated he owns two properties that are adjacent to the subject property. Johnson was worried about a potential gas station going there in the future if the property was rezoned to B-2. Johnson would like to keep a buffer between the residential and commercial properties. Mayor Schramer asked for anyone else to speak against two more times. No one spoke. The public hearing was closed at 1:13pm.

Mayor Schramer opened the discussion for the Plan Commission. Attorney Chier started the discussion, he mentioned that he spoke with Kemnitz about the potential use variance and Attorney Chier stated it would not pass the three part test. Also currently we do not allow businesses as a CUP in our residential district.

Erdmann mentioned that Johnson does not own any land directly abutting Majik Sweep. She also mentioned that Johnson's house is setback from the Majik Sweep. Since 1950 the property has been used for a business. Erdmann also mentioned there are a couple of businesses on that corridor such as auto repair, storage units, clinic, DK Trucking, Sadoff, and Hoppa Trucking.

Secora agreed with requiring some type of buffer between the residential and commercial properties. Secora asked if there is something in the zoning code that we can require it. Attorney Chier did not believe we do in the subdivision code. Secora recommended we postpone until the zoning code changes to require some type of buffer between the residential and commercial properties. Lindahl seconded the motion, which was carried by a voice vote.

Secora made a motion to postpone the public hearing for the rezone request until the buffer issue is resolved. Marks seconded the motion which was carried by a voice vote. Mayor Schramer asked for Kemnitz to send out updated notice when the rezone was going to be on the agenda again.

The next item on the agenda was a CUP request for 192 E. Huron Street. Mary Kubiak was there on behalf of the owner Jerry Plockelman. Plockelamn currently owns two buildings in the downtown, old church, and church in the community Kubiak provided the commission an overview of her request. She mentioned that vacant buildings deteriorate fast and can be costly to maintain. The building is on the historic register and is a landmark to the community. There would be community events such as concerts, recitals, educational classes. The sales would be one day events except in March.

Marks inquired the condition of Plockelman's current buildings. Kubiak mentioned that Kemntiz was just in the building this past week and she can give you her opinion of it. Kemntiz said the building is maintained. With older buildings there is always a large expense to maintain them and Plockelman is doing that. Erdmann mentioned that we need a place like this in our community.

The Commission request Kubiak provides them a list of all the potential events that could occur at the previous church. Erdmann made a motion to schedule the public hearing for the February Plan Commission meeting. Lindahl seconded the motion. There was a voice vote and Kubiak abstained from the vote and was passed.

The Commission continued to review the CUP ordinance.

The Commission did not discuss the accessory structure ordinance at all due to time.

There was no new or old business.

Secora moved to adjourn at 2:35 p.m. Lindahl seconded the motion, which carried by voice vote.

Lindsey Kemnitz, Community Development Director

CITY OF BERLIN
REQUEST FOR CONDITIONAL USE PERMIT

CITY OF BERLIN or EXTRATERRITORIAL ZONING JURISDICTION

I/We JERRY PROCKELMAN of 170 W. WISCONSIN
(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 R2

Address of Property 192 EAST HURON

Legal Description FIRST EDITION, LOTS 445, BLOCK 9

Reason for request: SEE ATTACHED

Lot Size .4 ACRE

Parcel Number 200-00393-0000

Present Improvements (Structures etc.) on Lot:
CHURCH

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

SEE ATTACHED

7/14/2019
Date Filed

Mary Kubiak for Jerry Prockelman
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 _____ Date of Commission Meeting _____

Commission Recommendation Approve / Deny

Special Conditions:

Council Decision Approve / Deny Date _____

Special Conditions:

PROPOSED CONDITIONAL USE PERMIT

THE FEDERATED CHURCH OF BERLIN, U.C.C. was purchased in late August of 2018 when the existing Pastor retired and the building was no longer utilized as a church. It is my intention to utilize the building as an event location for periodic one day event vintage sales, community events, concerts, recitals, meetings, etc.

The building is now named The Union at Berlin to reflect the the name on the 1898 cornerstone of this historic building. I feel it is vital to preserve this building as an anchor to the Berlin historic home district, Nathan Strong Park, and a welcome beacon the visitors entering the city.

My representative has spoken to adjoining property owners and has received extremely positive feedback, as they are delighted this property will not be abandoned and left in disarray. Also, the fact that there will be occassionly activity in the building helps to eliminate the chance of vandalism.

I feel the precedent for this use is the utilization of the old St. Joseph's church now occupied by Saving Grace Salvage. My proposed use will not be set up as a retail location, but will be staged for the specific event sales. There will be no more than one sale a month, and will not be over the entire 12 month period as it takes time to set-up and take down these events.

In addition, the building will be available for meetings, concerts, recitals, etc. for the Berlin community at large. Avaiabilty for these functions will be determined by the event sales and type of proposed activity.

Buffer Ordinance

February 19th, 2019

TO: Plan Commission

FROM: Lindsey Kemnitz

SUBJECT: Buffer Ordinance

I have attached a couple of options for buffer ordinances. I am unsure of how complex the Commission would like this ordinance to be. Some communities provide just one sections saying a buffer is required adjacent from all residential areas and others get into tables depending on the adjacent zoning district.

Recommendation: Direct staff to finalize the ordinance and schedule public hearing for March meeting. Request Rezone request for 206-01178-0200, 206-01178-0100- and 206-01180-0000 on the agenda for the March meeting.

DePere

7) Buffers. That portion of any Business, Industrial, or Multifamily District that is abutting property zoned for single or two-family residential development shall have a landscaped area of at least six (6) feet wide extending the full length of the Business, Industrial, or Multifamily District and meeting the following minimum requirements:

- a) One (1) tree per thirty-five (35) lineal feet, or fraction thereof, of lot line bordering Single and/or Two-Family Districts.
- b) A shrub, border, hedge, wall, fence, earthen berm, or other durable landscape barrier, or combination thereof, at least four (4) feet high, but not exceeding six (6) feet high, which is ninety (90) percent impervious to sight placed along the perimeter of such landscaped strip, except in the front yard setback.

Howard

(6) Landscape buffers (trees, hedges, plantings, berms or a combination thereof) shall be installed adjacent to and across from all residential areas.

Kaukauna

(c) *Required yards* . Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of section 17.32(10). (This was in located in each zoning district)
(10) *Landscaped buffer* . The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

(a) *Requirements* . Where these regulations require a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line.
2. The area shall be so designed, planted, and maintained as to be 75 percent or more opaque between two feet and six feet above average ground level when viewed horizontally.
3. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.
4. Plantings shall be of a size and type which will ensure the meeting of the 75 percent opacity requirement within no longer than 12 months of the date of the first planting.
5. Failure to maintain the landscaped buffer area as set out above shall be a violation of this chapter.

(b) *Substitution for landscaped buffer area* . Except when otherwise specifically provided by this chapter, a six feet high opaque structure set in a six feet wide landscaped buffer area may be substituted for the six feet high planted buffer above. If such opaque structure is of nonliving material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscaping.

Ripon

23.05.010 - Purpose.

This section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this chapter. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.

Rationale . One of zoning's most important functions is the separation of land uses into districts which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the City of Ripon, this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial uses were located next to one another long before the effective date of this chapter. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

23.05.020 - Required locations for bufferyards.

Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards or street side yards.

23.05.030 - Determination of required bufferyard.

The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using the required bufferyard opacity values table. Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by this table is directly related to the degree to which the potential character of development differs between different zoning districts. The provisions of this section indicate the minimum requirements for bufferyards located along zoning district boundaries.

23.05.040 - Identification of required level of opacity.

The "Required Bufferyard Opacity Values" table shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.

23.05.050 - Identification of detailed bufferyard requirements.

A. If a proposed use adjoins a parcel for which a bufferyard is required by the presence of a zoning district boundary, that use shall provide a bufferyard with the level of the opacity indicated in the required bufferyard opacity values table.

B. For each level of opacity listed in this table, a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in detailed bufferyard requirements table. These requirements pertain to the number of landscaping points, the minimum bufferyard width, and the type

23.10.010 - Appendix A—Detailed bufferyard requirements.

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.05	00	10'+	Minimum 44' picket fence *
	00	10'+	Minimum 4' wood rail fence *
	40	10'	-
	36	15'	-
	33	20'	-
	31	25'	-
	29	30'	-
0.10	00	10'+	Minimum 44" picket fence *
	38	10'+	Minimum 4' wood rail fence *
	91	10'	-
	80	15'	-
	73	20'	-
	68	25'	-
	65	30'	-
	62	35'+	-
	00	35'+	Minimum 4' berm
0.20	00	10'+	Minimum 6' solid fence *

	84	10'+	Minimum 44" picket fence *
	133	15'+	Minimum 4' wood rail fence *
	198	15'	-
	173	20'	-
	158	25'	-
	149	30'	-
	140	35'	-
	10	35'+	Minimum 4' berm
	135	40"+	-
	00	40'+	Minimum 5' berm
0.30	00	10'+	Minimum 6' solid fence *
	198	15'+	Minimum 44" picket fence *
	320	20'	-
	240	20'+	Minimum 4' wood rail fence *
	276	25'	-
	252	30'	-
	235	35'	-
	104	35'+	Minimum 4' berm
	223	40'	-

	44	40'+	Minimum 5' berm
	215	45'	-
	209	50'+	-
	00	50'+	Minimum 6' berm
0.40	53	10'+	Minimum 6' solid fence *
	330	20'+	Minimum 44" picket fence *
	440	25'	-
	362	25'+	Minimum 4' wood rail fence *
	385	30'	-
	349	35'	-
	208	35'+	Minimum 4' berm
	327	40'	-
	148	40'+	Minimum 5' berm
	310	45'	-
	299	50'+	-
	56	50'+	Minimum 6' berm
0.50	135	15'+	Minimum 6' solid fence *
	564	30'	-
	405	30'+	Minimum 44" picket fence *

	492	30'+	Minimum 4' wood rail fence *
	499	35'	-
	319	35'+	Minimum 4' berm
	454	40'	-
	261	40'+	Minimum 5' berm
	422	45'	-
	405	50'	-
	160	50'+	Minimum 6' berm
	388	55'	-
	374	60'+	-
0.60	221	20'+	Minimum 6' solid fence *
	433	35'+	Minimum 4' berm
	541	35'+	Minimum 44" picket fence *
	630	35'+	Minimum 4' wood rail fence *
	626	40'	-
	379	40'+	Minimum 5' berm
	570	45'	-
	525	50'	-
	270	50'+	Minimum 6' berm

	500	55'	-
	480	60'+	-
0.80	415	30'+	Minimum 6' solid fence *
	655	40'+	Minimum 4' berm
	627	45'+	Minimum 5' berm
	873	45'+	Minimum 44" picket fence *
	910	50'	-
	505	50'+	Minimum 6' berm
	809	50'+	Minimum 4' wood rail fence *
	804	55'	-
	744	60'	-
	710	65'	-
	677	70'+	-
	1.00	636	40'+
732		50'+	Minimum 8' solid fence
751		50'+	Minimum 8' solid fence
867		55'+	Minimum 8' solid fence
1091		60'+	Minimum 8' solid fence
1136		60'+	Minimum 8' solid fence

1083	65'	Minimum 8' solid fence
994	70'	Minimum 8' solid fence
934	75'	Minimum 8' solid fence
892	80'+	Minimum 8' solid fence

- * Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

(Ord. No. 1393, 4-23-2012)

Conditional Use Permit & Temporary and Accessory Structure Ordinance Update

February 19th, 2019

TO: Plan Commission

FROM: Lindsey Kemnitz

SUBJECT: Ordinance Update

The commission will continue to review the ordinances. Please bring the ordinances with from the last packet.

Recommendation: Action as appropriate.