

PLAN COMMISSION AGENDA

September 16, 2013
5:30 p.m.

Meeting Rooms D & E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

I. OPENING CEREMONIES

- A. Attendance
- B. Declaration Quorum Present

II. APPROVAL OF MINUTES

July 15, 2013

III. PUBLIC HEARINGS

A. ZONING

Effect: Zone annexed property R-2 (Single Family Residential District)
Location: East Division Street
Initiator: Marian University

IV. PETITIONS AND COMMUNICATIONS

- A. Director of Administration
Subject: Five Year Capital Improvement Program

(Proposed Action: Recommend approval of Plan to City Council)

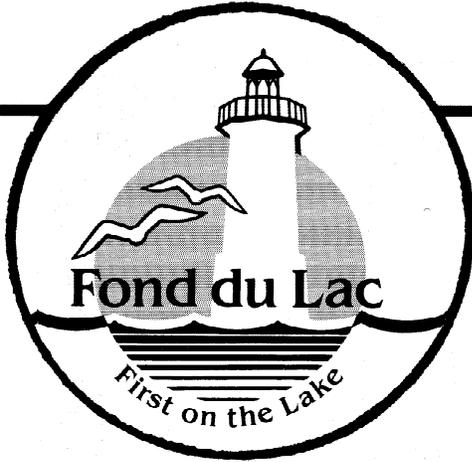
B. SPECIAL USE PERMIT

Effect: Install 500-gallon aboveground propane storage tank
Location: 465 South Pioneer Road
Initiator: Schiek's Camping Center

V. REPORTS OF OFFICERS

- A. City Code Recodification - Zoning Code
Subject: Informational update of future Zoning Code revisions and preliminary review.

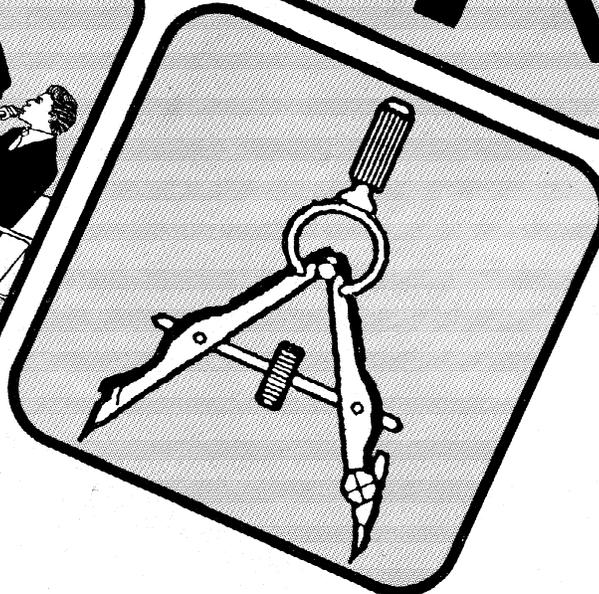
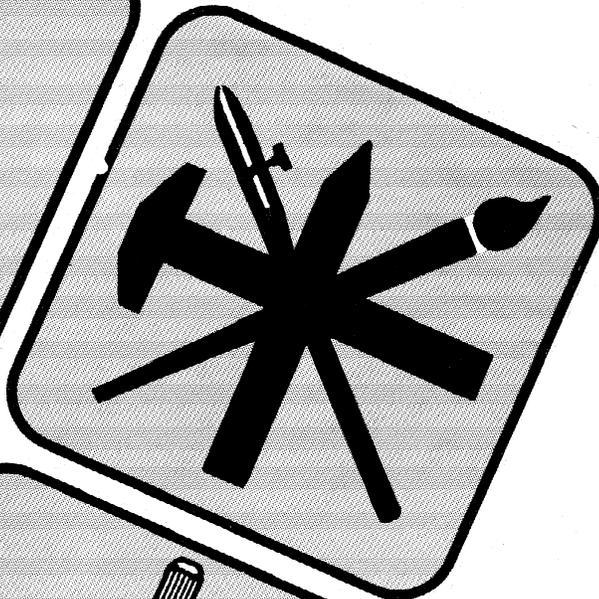
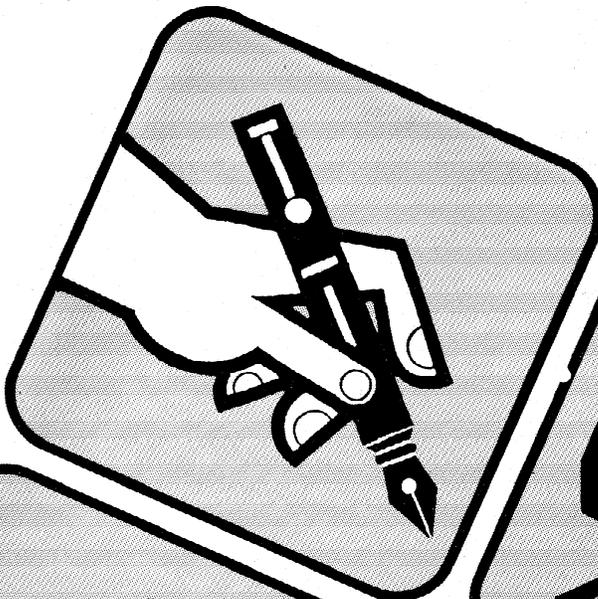
VI. ADJOURN



City Planning Commission

Sep. 16, 2013

5:30 pm



PLAN COMMISSION MINUTES

July 15, 2013
5:30 P.M.

Meeting Rooms D&E
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

ROLL CALL: Present - Dave Erickson
Lee Ann Lorrigan
Jordan Skiff
Brent Schumacher
Paul Smedberg
Stan Ramaker

Absent - David Washkoviak (excused)
Marilyn Zangl (excused)
Hertha Longo (excused)

Administrative Staff - Joellyn Dahlin, Principal Planner

Chairman Smedberg declared a quorum present.

APPROVAL OF MINUTES

July 17, 2013

Motion made by Commissioner Skiff to approve the July 17, 2013 minutes of the Plan Commission as presented.
Seconded by Commissioner Lorrigan.

ROLL CALL VOTE: Aye - Lorrigan, Ramaker, Skiff,
Schumacher, Smedberg

Nay - Erickson

Carried.

PETITIONS AND COMMUNICATIONS

SPECIAL USE PERMIT

Effect: Install two 20,000 gallon diesel above ground storage tanks

Location: 1674 Fox Ridge Drive

Initiator: Kory D. Anderson, General Engineering Company

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 PM, September 16, 2013 in meeting rooms D & E of the City-County Government Center, 160 South Macy Street, at the request of Marian University to zone property being annexed to R-2, Residential located at:

ANNEXATION LEGAL DESCRIPTION

A parcel of land located in the S.E. 1/4 of the S.W. 1/4 of Section 12, Township 15 North, Range 17 East in the Town of Fond du Lac, Fond du Lac County, Wisconsin and is more particularly described as follows:

Commencing at the S.E. Corner of the S.W. 1/4 said Section 12; Thence Northerly 662.7 feet more or less along the East Line of the S.W. 1/4 said Section 12 to the centerline of East Division Street; Thence Westerly 349.2 feet more or less along said centerline of East Division Street and the existing City Limits Line to the N.E. Corner of lands described in Volume 382 on Page 558 of Deeds as recorded in the Fond du Lac County Register of Deeds Office and the Place of Beginning for this description; Thence Southerly 215 feet more or less along the East Line of lands described in said Volume 382 on Page 558 and the existing City Limits Line to the S.E. corner of lands described in said Volume 382 on Page 558; thence Westerly 80 feet more or less along the South line of lands described in said Volume 382 on Page 558 and the existing City limits Line to the S.W. corner of land described in said Volume 382 on Page 558; thence Northerly 215 feet more or less along the West line of lands described in said Volume 382 on Page 558 and the existing City Limits Line to the N.W. Corner of lands described in said Volume 382 on Page 558; thence Easterly 80 feet more or less along said centerline of East Division Street to said N.E. Corner and the Place of Beginning containing 0.39 Acres (16,960 sq. ft.) of land more or less.

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered.

Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this 20th day of August, 2013

Sue L. Strands
City Clerk

Published: September 8th, 9th & 10th, 2013

PETITION FOR DIRECT ANNEXATION

To: City Council
City of Fond du Lac, Wisconsin

We, the undersigned electors and/or landowners, pursuant to Chapter 66 of the Wisconsin Statutes, respectfully petition the City of Fond du Lac for direct annexation to the City of Fond du Lac of the following described territory which is presently in the Town of Fond du Lac, Fond du Lac County, Wisconsin.

Legal Description of Territory to be Annexed

See Exhibit B

A scale map of the territory to be annexed is attached hereto and marked Exhibit A.

In support of this petition, the petitioners say to the City Council:

1. The total number of residents in the territory proposed to be annexed is 0.
2. Your petitioners constitute the owners of all of the land in area within such territory, and in assessed value.
3. There is 0 dwelling unit(s) on the property being annexed.
4. The area will be located in the 19 Ward of the City upon annexation.

We, the undersigned, elect that this annexation shall take affect to the full extent consistent with outstanding priorities of other annexations, incorporation or consolidation proceedings, if any.

We, the petitioners herein, do affirm that we have filed a copy of this petition with the Town Clerk of the town in which this territory is located, together with a scale map of such territory and that within five (5) days of the filing of this petition we will mail a copy of said scale map and description of such territory to be annexed to the State of Wisconsin Department of Administration.

We further respectfully request that the subject property be zoned R-2.

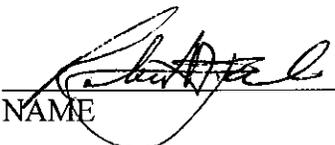
RECEIVED BY CITY CLERK
8-16-2013 8:25AM

SIGNATURE

DATE

OWNER

ELECTOR



NAME

8/14/13

X

45 S. National Av

ADDRESS

Fdl, WI 54935

CITY, STATE, ZIP CODE

NAME

X

ADDRESS

CITY, STATE, ZIP CODE

NAME

X

ADDRESS

CITY, STATE, ZIP CODE

kay/annex/petition.edivision

Exhibit "B"

Description for Annexation

A parcel of land located in the S.E. 1/4 of the S.W. 1/4 of Section 12, Township 15 North, Range 17 East in the Town of Fond du Lac, Fond du Lac County, Wisconsin and is more particularly described as follows:

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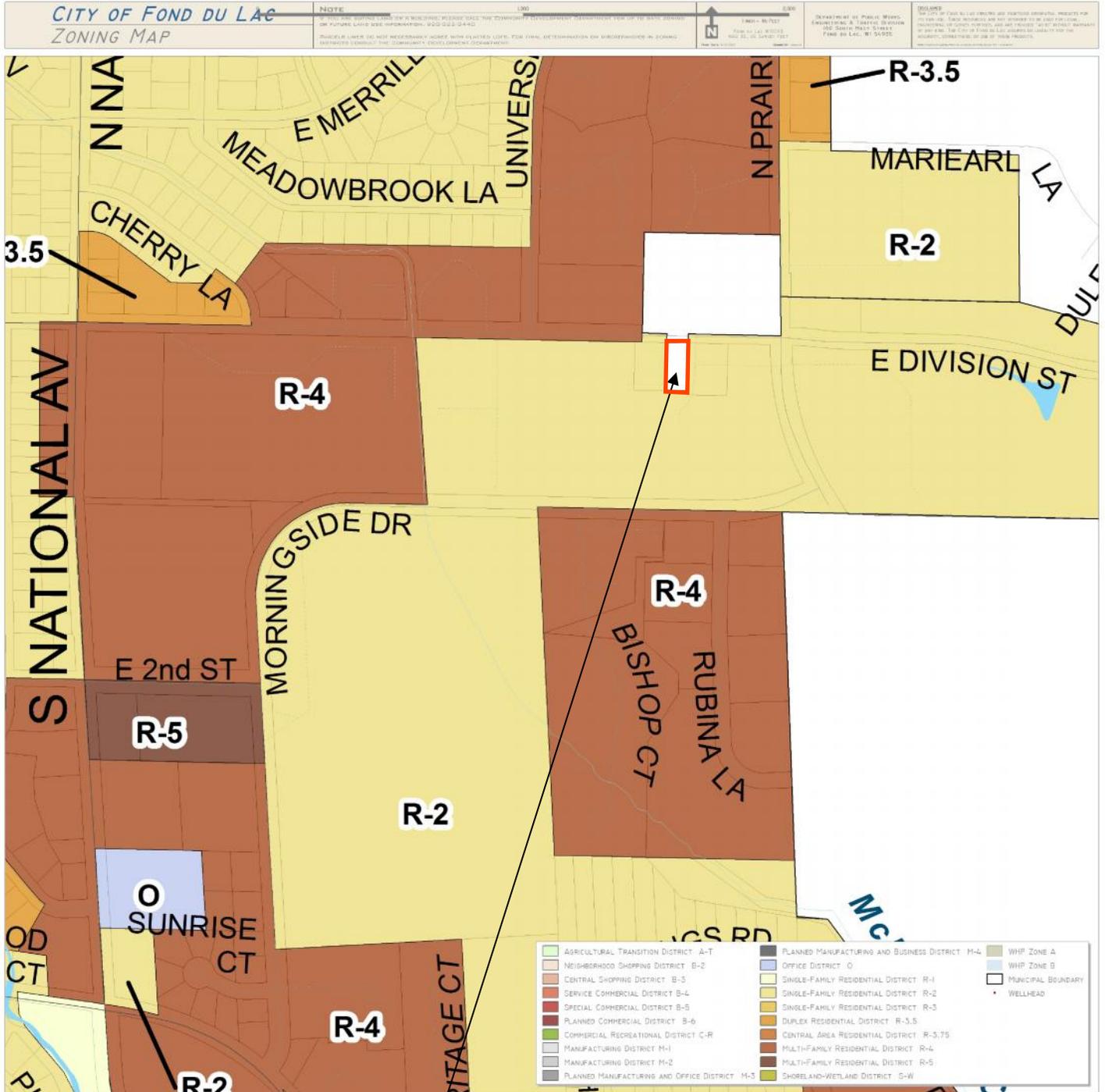
ANNEXATION – MARIAN UNIVERSITY



AREA OF ANNEXATION (16,960 SQ. FT.)

ZONING UPON ANNEXATION – MARIAN UNIVERSITY EAST DIVISION STREET

RECOMMENDED ZONING R-2



SITE



plan commission memorandum

Date: September 11, 2013
To: Plan Commission
From: Joellyn Dahlin, Principal Planner
RE: Zoning Upon Annexation – Marian University

Location: East Division Street

Applicant: Marian University

Request: Zone land to be annexed R-2 (Single Family Residential)

Zoning: Site: Residential Medium Density (Town of FDL)
North: Residential Medium Density
South: R-2 (Single Family Residential)
East: R-2
West: R-2

Land Use: Site: Vacant Lot
North: Single Family Dwelling
South: Marian University Campus
East: Marian University Campus
West: Marian University Campus

Comprehensive Plan: Calls for residential land use.

Analysis

The property to be annexed is a small lot on East Division Street that is owned by Marian University. Except for this lot, the campus is situated entirely within the boundaries of the City. Annexation of the .39-acre lot is planned. The issue of annexation does not fall within the purview of the Plan Commission. The Plan Commission is charged with the task of determining

appropriate zoning for the property. A designation of R-2 (Single Family Residential) is proposed upon annexation.

The existing zoning of the university is R-2. Colleges and universities are permitted in residential districts. The subject land area is surrounded on three sides by the lands of Marian University. The proposed zoning is a logical extension of the existing zoning designation for the university.

The subject lot is not developed. When incorporated into the university campus, the land is intended to accommodate a hoop greenhouse. The Marian University Biology Program has received a grant from a donor to construct a hoop house. A hoop house is similar to a greenhouse, but is covered with plastic rather than glass. Hoop houses are designed with strong steel frames to handle winds and snow. This type of use is a natural fit for the Biology Department.

The proposed zoning designation reflects zoning of the university and adjacent properties in the City and it reflects long term development plans of the Comprehensive Plan.

Recommendation

Community Development staff suggests that the Plan Commission recommend to the City Council a zoning designation of R-2 upon annexation of the subject property.

Public Notification - Zoning Upon Annexation
Marian University - East Division Street

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-12-43-500-00	55 NORTH PRAIRIE RD	FOND DU LAC	WI	54935	55 N PRAIRIE RD
FDL-15-17-12-34-819-00	45 S NATIONAL AVE	FOND DU LAC	WI	54935	0 E DIVISION ST
FDL-15-17-12-34-809-00	875 E DIVISION ST	FOND DU LAC	WI	54935	875 E DIVISION ST

ZONING PETITION – SPECIAL USE PERMIT



PROPERTY ADDRESS OF SPECIAL USE PERMIT: 465 S Pioneer Road

Petitioner: Joseph & Thomas Schiek dba Schiek's Camping Center 406 E Main St, Eden 53019
(Name) (Address)

Petitioner Phone Number: () Gary Merwin

Email: _____

Property Owner: _____
(If not the same as Petitioner) (Name) (Address)

PROPOSAL: Install aboveground propane fuel storage tank.

Property zoning classification:

- | | | |
|--|--|---|
| <input type="checkbox"/> B-2 (Neighborhood Shopping) | <input type="checkbox"/> R-2 (Single Family Residential) | <input type="checkbox"/> CR (Commercial Recreation) |
| <input type="checkbox"/> B-3 (Central Shopping) | <input type="checkbox"/> R-3 (Single Family Residential) | <input checked="" type="checkbox"/> M-1 (Manufacturing) |
| <input type="checkbox"/> B-4 (Service Commercial) | <input type="checkbox"/> R-3.5 (One & Two Family) | <input type="checkbox"/> M-2 (Manufacturing) |
| <input type="checkbox"/> B-5 (Special Commercial) | <input type="checkbox"/> R-3.75 (Central Area Residential) | <input type="checkbox"/> M-3 (Planned Manufacturing/Office) |
| <input type="checkbox"/> B-6 (Planned Shopping) | <input type="checkbox"/> R-4 (Multifamily Residential) | <input type="checkbox"/> M-4 (Planned Manufacturing/Business) |
| <input type="checkbox"/> O (Office) | <input type="checkbox"/> R-5 (Multifamily Residential) | |

Description of Existing Land Use and/or Development:

- RESIDENTIAL _____
- COMMERCIAL Schiek's Camping Center (retail sale of towable camping equipment)
- INDUSTRIAL _____
- VACANT _____
- OTHER _____

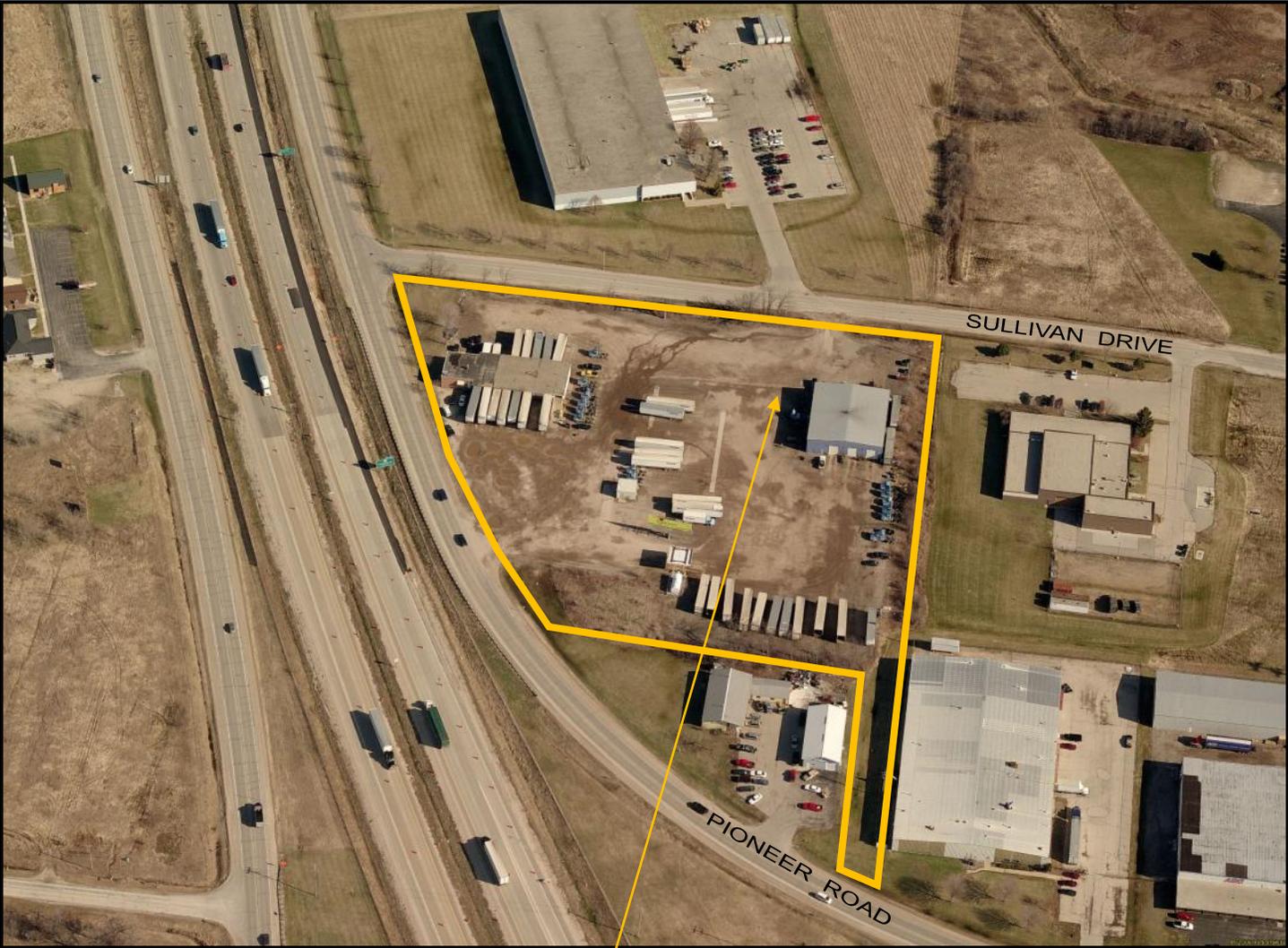
Type of Proposed Development: New construction. Remodel/expand existing building.

Proposed time schedule for development and/or use of the property: July 2013

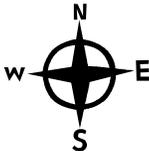
PETITIONER SIGNATURE

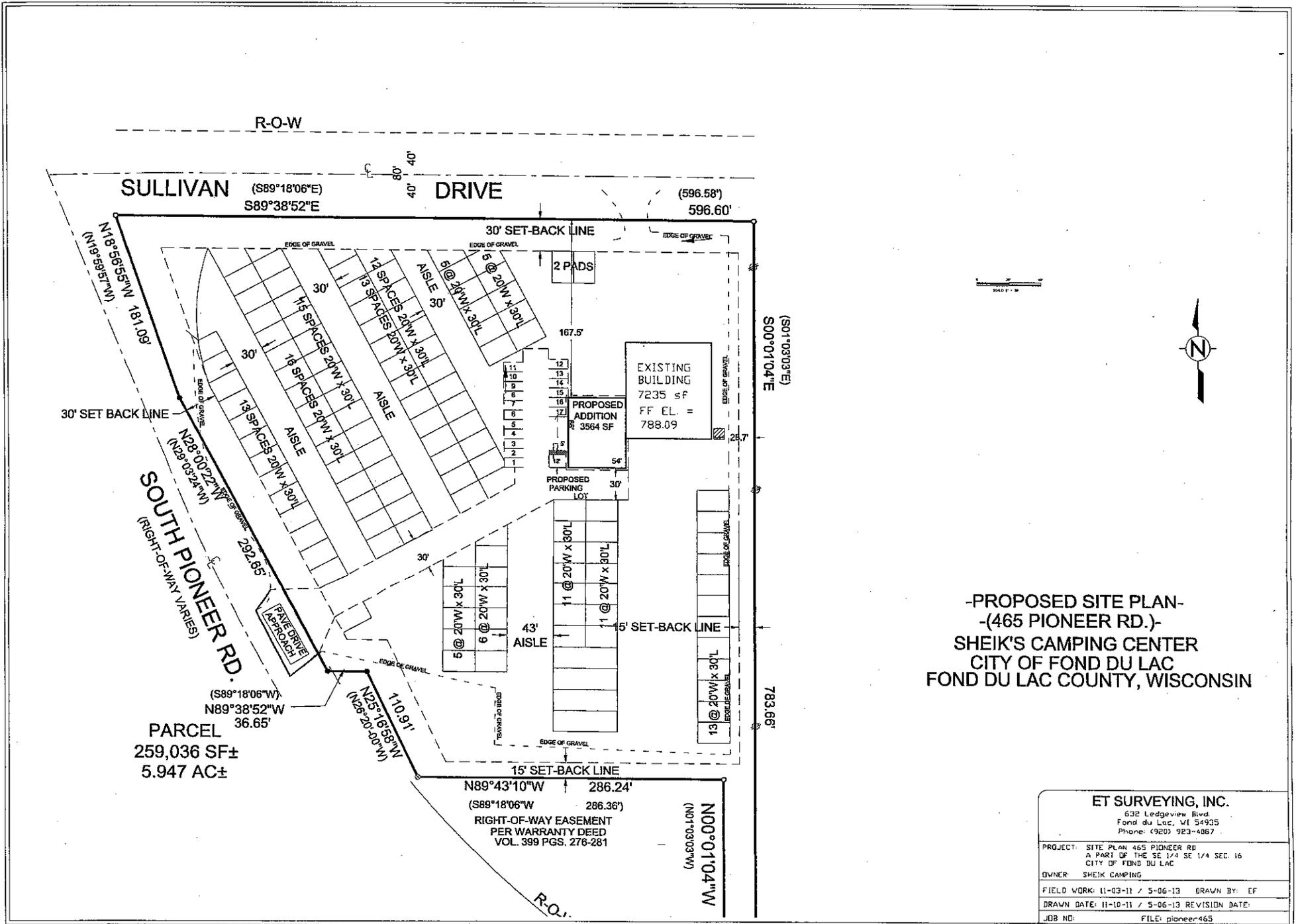
City Clerk: _____ Date Rec'd _____ Receipt # _____ Project # _____

SPECIAL USE PERMIT – SCHIEK
465 S PIONEER ROAD



PROPOSED PROPANE TANK LOCATION





-PROPOSED SITE PLAN-
-(465 PIONEER RD.)-
SHEIK'S CAMPING CENTER
CITY OF FOND DU LAC
FOND DU LAC COUNTY, WISCONSIN



ET SURVEYING, INC. 632 Ledgview Blvd. Fond du Lac, WI 54935 Phone: (920) 923-4867	
PROJECT:	SITE PLAN 465 PIONEER RD A PART OF THE SE 1/4 SE 1/4 SEC. 16 CITY OF FOND DU LAC
OWNER:	SHEIK CAMPING
FIELD WORK:	11-03-11 / 5-06-13 DRAWN BY: EF
DRAWN DATE:	11-10-11 / 5-06-13 REVISION DATE:
JOB NO:	FILE: pioneer465

PARCEL
259,036 SF±
5.947 AC±

RIGHT-OF-WAY EASEMENT
PER WARRANTY DEED
VOL. 399 PGS. 276-281

-O-W

39°18'06"E)
1°38'52"E

80' 40' 40'

DRIVE

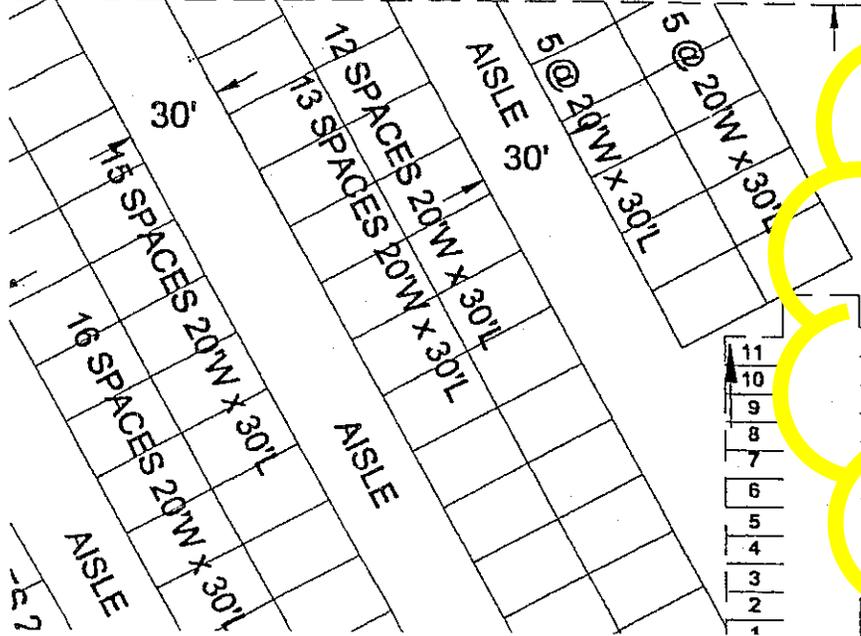
(596.58')
596.60'

30' SET-BACK LINE

EDGE OF GRAVEL

EDGE OF GRAVEL

EDGE OF GRAVEL



167.5'

PROPOSED ADDITION
3564 SF

EXISTING BUILDING
7735 SF
FF EL. = 788.09

Pad for LP Tank

(S01°03'03"E)
S00°01'04"E

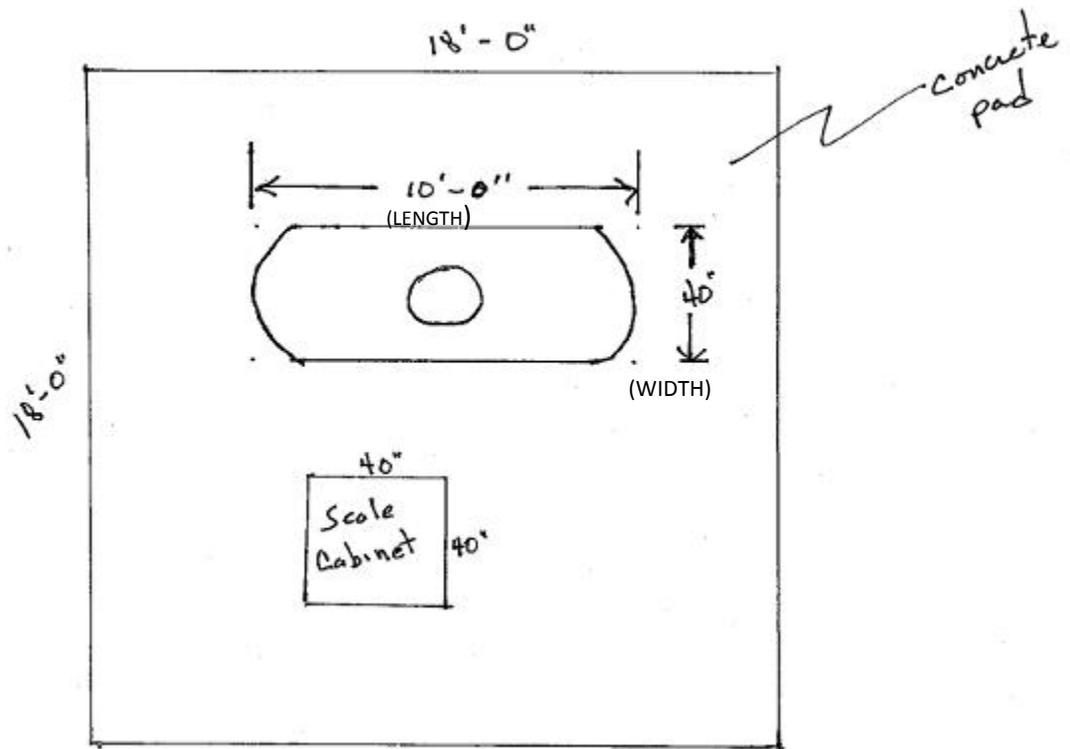
EDGE OF GRAVEL

28.7'

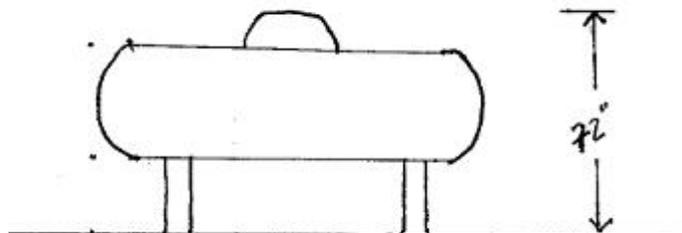
54'

SPECIAL USE PERMIT - 465 S PIONEER ROAD

PROPOSED PROPANE FUEL TANK



PROPANE TANK - SIDE ELEVATION



plan commission memorandum

Date: September 11, 2013
To: Plan Commission
From: Joellyn Dahlin, Principal Planner
RE: Request for Special Use Permit – Schiek’s Camping Center

Location: 465 South Pioneer Road

Applicant: Joseph & Thomas Schiek dba Schiek’s Camping Center

Request: Install 500-gallon aboveground propane fuel storage tank.

Zoning: Site: M-1 (Manufacturing)
North: M-1
South: B-5 (Special Commercial)
East: M-1
West: M-1

Land Use: Site: Schiek’s Camping Center
North: Quality Packaging
South: Johnson Auto Repair
East: National Guard Armory
West: U.S. Highway 41

Analysis

The subject property was formerly used by Mid-States Express for a truck terminal. The petitioners purchased the property for a new location for Schiek’s Camping Center. The business offers the retail sale of towable recreational vehicles. Approval of a special use permit is requested for the installation of a 500-gallon aboveground propane fuel storage tank. The purpose of a special use permit is to assure a use appropriate for a property and compatible with the surrounding area.

The site is 6 acres in size with frontage along South Pioneer Road and Sullivan Drive. The property will be resurfaced and landscaped. An addition to the existing building located at the far eastern side of the property is underway. The building will accommodate a sales office and a repair/service area.

The proposed propane tank would be sited on the west side of the building. The 6'-high tank is 10 feet in length and 40" in diameter. The 500-gallon tank would rest on a concrete pad. The tank is intended to refill cylinders that most campers carry. Most of the refillable cylinders are 20#, a size typical for outdoor grills. The propane is not intended for general retail sales, the fuel is simply a service the petitioners would like to provide for their customers.

The substantial property size easily accommodates siting of the tank without conflict to any nearby properties or uses. The tank would be more than 250 feet west of the nearest neighboring building. Strict compliance with City and State Fire and Building Codes will assure a safe use.

Recommendation

Community Development staff suggests a motion to recommend to the City Council approval of the Special Use Permit, subject to the following condition:

1. Fuel tank siting shall be in the approximate location shown on the site map submitted with the special use permit petition.

Public Notification - Special Use Permit Schiek's Camping Center - 465 S Pioneer Road

Parcel Number	Mailing Address 1	Mailing City	Mailing State	Mailing Zip	Site Address
FDL-15-17-16-34-762-00	PO BOX 1927	FOND DU LAC	WI	54936	791 S PIONEER RD
FDL-15-17-16-33-506-00	W4002 HWY 149	FOND DU LAC	WI	54935	651 S PIONEER RD
FDL-15-17-16-33-500-00	851 SULLIVAN DR	FOND DU LAC	WI	54935	851 SULLIVAN DR
FDL-15-17-16-33-505-00	406 E MAIN ST	EDEN	WI	53019	465 S PIONEER RD
FDL-15-17-16-34-755-00	944 VANDERPERREN WAY	GREEN BAY	WI	54304	796 SULLIVAN DR

plan commission memorandum

Date: September 11, 2013
To: Plan Commission
From: Joellyn Dahlin, Principal Planner
RE: Zoning Code – Chapter 720

The process of re-codifying the City Code is nearing completion. The upcoming review and implementation process is outlined by City Attorney Deborah Hoffmann in the attached memorandum.

The Zoning chapter requires review by the Plan Commission prior to City Council adoption. As a preview of the document that will be submitted to the Plan Commission for a recommendation in a few months, a draft of the proposed chapter will be discussed with the Plan Commission at its September 16th meeting.

Generally, the ‘new’ Zoning Code will be user-friendly with fewer pages and easy navigation. Text revisions remove inconsistencies and/or conflicts between sections of the Zoning Code and other chapters of the City Code, and address certain provisions that are out of date, obsolete or not enforced. Changes in State law are incorporated, such as regulations which affect group living arrangements and regulations pertaining to nonconforming land uses. The Historic Preservation ordinance has been separated from the Zoning Code and established as a separate Chapter.

The edited version of Chapter 720 will be provided to the Plan Commission in an electronic version. Should any Commissioner have difficulty viewing the electronic file, a paper copy could be made available. Proposed text revisions are highlighted in color; text of the existing zoning ordinance is in black.

CITY OF FOND DU LAC - Memorandum

City Attorney/Human Resources Department

Date: August 27, 2013
To: Common Council
From: Deborah Hoffmann, City Attorney/Director – Human Resources
Re: Recodification

After I became the City Attorney, we embarked on the process of re-codifying our City Code. We contracted with General Code Publishing, which is in the business of writing municipal codes and hosting such codes on their website. They have re-formatted our code, putting each chapter in alphabetical order and updating all references to state or federal law. They provided us with a manuscript and a list of editorial choices we needed to make. We've worked thru all the choices and returned the revised manuscript to General Code. They will now finish the process and return to us a final draft to be reviewed and adopted.

Normally, we publish a summary of all new ordinances in the newspaper. However, to publish our entire new code in the newspaper would be cumbersome and expensive. The State code does have a provision to address this, allowing us to incorporate the code by reference.

66.0103. Code of ordinances **Currentness**

- (1) The governing body of a city, village, town or county may authorize the preparation of a code of some or all of its general ordinances. The code may be enacted by an ordinance that incorporates the code by reference. A copy of the code shall be available for public inspection not less than 2 weeks before it is enacted. After the code is enacted, a copy shall be maintained and available for public inspection in the office of the city, village, town or county clerk.
- (2) Publication of a code enacted under sub. (1), in book or pamphlet form, meets the publication requirements of ss. 59.14, 60.80, 61.50(1) and 62.11(4)(a).

Wis. Stat. Ann. § 66.0103 (West)

(4) Publication. (a) Proceedings of the council shall be published in the newspaper designated under s. 985.06 as a class 1 notice, under ch. 985. The proceedings for the purpose of publication shall include the substance of every official action taken by the governing body. Except as provided in this subsection every ordinance shall

Re: Recodification

August 27, 2013

Page 2

be published in its entirety, as a class 1 notice, under ch. 985, or as a notice, as described under par. (c)2., within 15 days of passage, and shall take effect on the day after the publication or at a later date if expressly prescribed...

(c)1. In this paragraph, “summary” has the meaning given in s. 59.14(1m)(a).

2. A notice of an ordinance that may be published under this paragraph shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

- a. The number and title of the ordinance.
- b. The date of enactment.
- c. A summary of the subject matter and main points of the ordinance.
- d. Information as to where the full text of the ordinance may be obtained, including the phone number of the city clerk, a street address where the full text of the ordinance may be viewed, and a Web site, if any, at which the ordinance may be accessed.

Wis. Stat. Ann. § 62.11 (West)

We will publish a notice in the newspaper stating that the new code is available in the City Clerk’s office and the public library. After the necessary time period has passed, we’ll bring an ordinance to the Council asking them to adopt the new code and repeal the old code.

Once our new code is online, anyone with computer access will be able to go online and search by key word in our code. We will have hard copies available in the Clerk’s office and the Library for anyone that does not want to look at the code online.

I’ve been thru this process several times with other municipalities I’ve worked with. Invariably, we will find errors or omitted materials. It’s likely I will bring back some corrections that we’ll find after the fact. That’s to be expected, especially after the code goes online and so many additional eyes are looking at it and noticing things.

As we worked through the process, we tried to address problems or aspects of the code that were missing or not working well. We also tried to make sure to remove anything that was in conflict with existing state or federal law or things that were outdated and no longer of use. I’m happy to provide more detail on any code changes if anyone is interested, please call or stop by the office.