

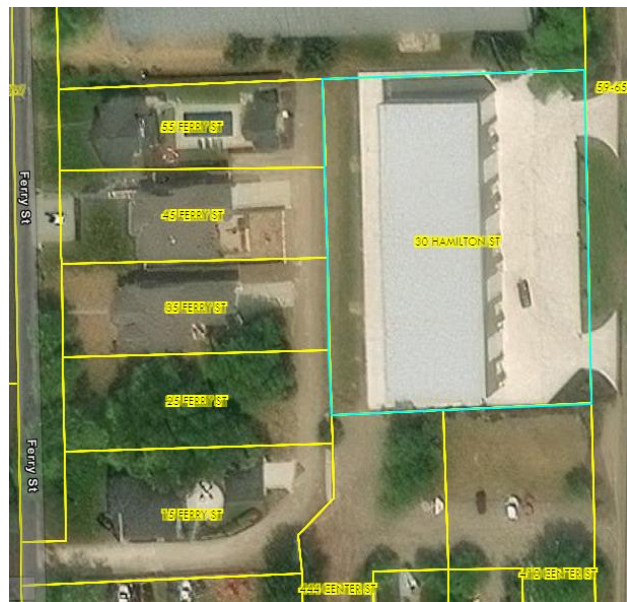
To: City of the Village of Douglas City Council
Date: September 3, 2024
From: Sean Homyen, Planning & Zoning Administrator
RE: 30 Hamilton – Site Plan Revision



The Village of Friendliness – Since 1870

Request. Mr. Jeff Klemm has submitted an application for an amendment to the site plan under Section 24.06(1), located at 30 Hamilton St, in a R-4 Harbor Residential District. The proposed amendment involves the request to modify one of the Planning Commission’s conditions to a site plan that was approved back in 2021.

Background. The subjected property is located at 30 Hamilton St., zoned as R-4 Harbor Residential, and is 1.01 acres (43,995.6 SF). This parcel is a part of the Terrace Park Heights Plat. On November 10, 2021, the Planning Commission gave Special Land Use approval for the marine storage use, subject to the following three conditions:



- 1) The vegetative screen must meet 80% capacity in three years, or a fence is required,
- 2) The proposed lighting on the west side of the structure is adjusted to eight feet, ten inches
- 3) that all unpaid fees associated with the applicant be paid.

The condition of approval was to plant trees to create screening between the nonresidential and residential areas. To date, the applicant has not complied with condition #1. When Mr. Klemm was notified that he is in violation of the site plan conditions on October 16, 2023, he offered to have the landscaping planted OR install a fence by May 30, 2024. Upon notifying staff that he made the improvements required by condition #1, it was discovered that the 80% opacity in the condition was taken quite literally, as spaces between the fence panels were left unfenced, so as not to exceed 80%. He now would like to request that condition be modified to allow a tree between the spaces of each fence panel. The trees will be planted between the fencing and

seeks to reduce the number of the original approved trees from 20 to 11. This proposal would necessitate an amendment to the site plan, as well as approval from the Planning Commission.

The ordinance and definition of “buffer zone” is provided below.

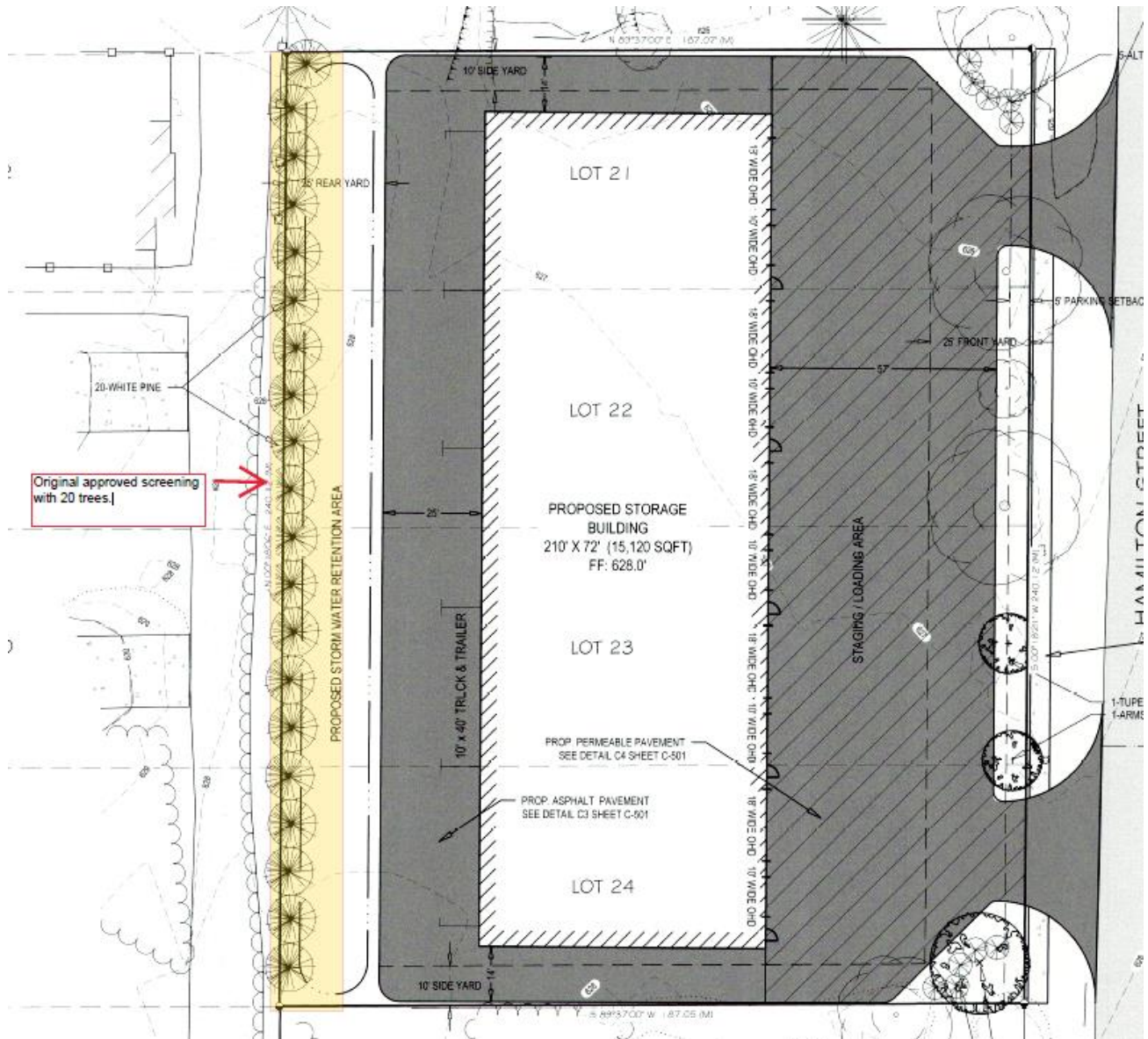
BUFFER ZONE. A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this Ordinance.

Section 21.01 Landscaping, Buffering, and Fencing states:

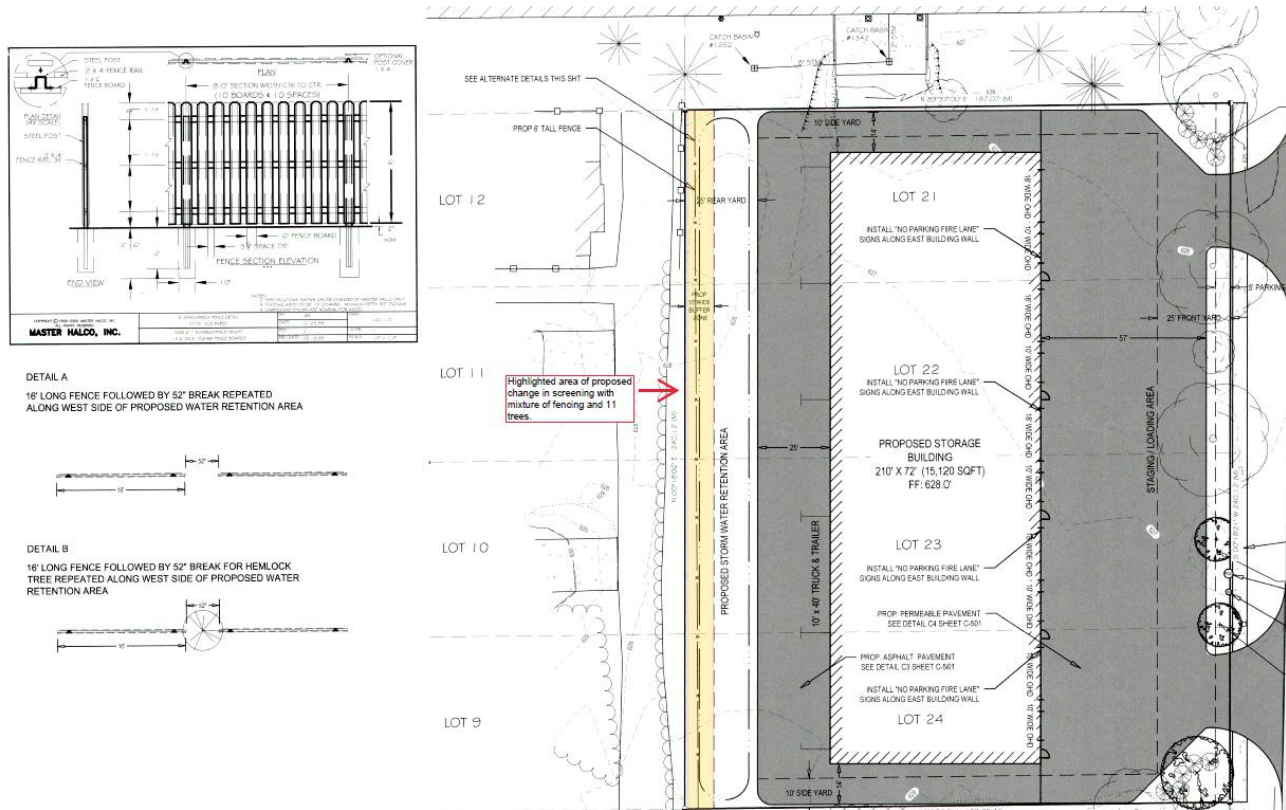
3) Screening Between Land Uses:

- a) Upon any improvement for which a site plan is required, or whenever a nonresidential use or multiple family dwelling abuts a residentially zoned or used property, the Planning Commission may require that screening be constructed at least six (6) feet in height along all adjoining boundaries with residentially zoned or used property. Either a buffer zone or solid wall may be used to provide the screening as provided below, or when the distance between structures or adjoining lots is greater than twice the minimum setbacks would require, a fence meeting the requirements of Subsection 10 may be required at the discretion of the Planning Commission. A buffer zone, at least ten (10) feet in width, may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least eighty (80) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings shall meet this standard based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in writing to install solid fencing after the expiration of the three (3)-year period, in the event that the landscaping has not totally blocked the view of areas required to be screened. The Planning Commission may waive some or all of these provisions for a planned unit development where the waiving of said provisions will strengthen the planned unit development concept.*

2021 Approved Site Plan



Proposed Site Plan Amendment



Procedure. This request qualifies as a major change/amendment under Section 24.06(1)(b). As such, the Planning Commission is tasked with reviewing the site plan providing an approval, with or without conditions, denial, or tabling of the request.

Recommendation. At the upcoming Planning Commission meeting, the Planning Commissioners should carefully consider the information presented in this report, comments given by the applicant, and comments provided by the public. If the Planning Commission chooses the deny the request, the applicant will still be tied to the original approved site plan, and the City will continue the enforcement completing the condition of a complete solid fence per Section 21.01 (3) (a) due to the expiration of the 3-year period. If the Planning Commission decides to approve the request, a suggested motion is shown below with conditions:

Suggested Motion:

I move to **[approve/table/deny]** the site plan amendment request to modify the original condition of approval which to allow a mix of fencing and trees to serve as a buffer, which would reduce the number of trees from 20 to 11, for 30 Hamilton in the R-4 Harbor Residential District, (PPN 59-650-002-20), subject to the following conditions:

1. Applicant shall plant the trees no later than 10/31/2024.
2. All dead or diseased trees planted by the applicant shall be replaced in a timely matter.
3. If the trees are not planted by 10/31/2024 the applicant shall submit a performance guarantee to the City in the amount equal to the cost to install the trees in between fence panels, in accordance with the quote from the applicant's landscaping contractor that will install the trees.
4. Applicant shall obtain a fence permit from the City and pay the \$500 penalty fee due to constructing the fence without a permit by 10/31/2024.