



**Meeting Date:** 10/15/12  
**Agenda Item:** #8-9

**Mission Statement**  
 Delivering quality services in a courteous, cost-effective and efficient manner

**PLAN COMMISSION STAFF REPORT**

**REPORT TO:** President Burt McIntyre and Village Plan Commission

**REPORT FROM:** Dave Wiese, Director of Community Development

**AGENDA ITEM:** Review a request for conditional use approval from Arnold Moder to erect a 30' x 96' "high tunnel," unheated greenhouse at 3439 Lineville Road, VH-194-1.  
**THIS WILL BE A RECOMMENDATION TO THE VILLAGE BOARD FOR THE OCTOBER 22, 2012 VILLAGE BOARD MEETING.**

**POLICY ISSUE**

Should the Village approve the conditional use thereby allowing the erection of a 30' x 96' "high tunnel," unheated greenhouse at 3439 Lineville Road, VH-194-1?

**RECOMMENDED ACTION BY PLAN COMMISSION**

It is recommended that the Plan Commission open the public hearing and ask the applicant to explain his request in detail. Subsequently, the Plan Commission should invite comments from the public and then close the public hearing. After the public hearing is closed, the Plan Commission should review the applicant's request, including how the Conditional Use Standards will be met. Finally, if satisfied with the proposal, the Plan Commission should recommend approval to the Village Board with any specific conditions as may be necessary to address concerns voiced by the public, staff or Commission members.

**BASIC INFORMATION**

Project Name	Arnold Moder Conditional Use
Applicant	Arnold Moder
Phone	920-434-0730
Consultant/ Engineer	N/A
Parcel Size	4.88 Acres
Existing Zoning	R-5
Proposed Zoning	N/A
Land Map	Agricultural

**ADJACENT LAND/ZONING MATRIX**

	LAND USE	ZONING
North	Town of Pittsfield	NA
South	Vacant Land & Rural Residential & Ag	A-1 R-5
East	Vacant Land & Rural Residential & Ag	A-1 R-5
West	Vacant Land & Rural Residential & Ag	A-1 R-5

## **POLICY ALTERNATIVE(S)**

The Plan Commission could take any of the following actions:

- Approve the request without conditions.
- Approve the request with conditions.
- Deny the request
- Table the request until a later meeting date

**BACKGROUND** The applicant is requesting conditional use approval to construct a 30' x 90' greenhouse at the referenced address. The proposed greenhouse is a "Temporary Building" by definition. A conditional use permit is required per Section 50-1012 of the Zoning Ordinance which requires that *"temporary buildings erected or used for a period exceeding 60 days per calendar year per parcel shall be allowed as a conditional use only."*

## **EXECUTIVE ANALYSIS**

1. The property is presently zoned R-5. Temporary buildings erected or used for a period exceeding 60 days per calendar year per parcel are allowed as a conditional use only in the R-5 Zone.
2. **Setbacks** The use of the proposed structure is expected to be agricultural in nature. Permanent agricultural buildings are required to be set back a minimum of 75 feet from a front property line and 50 feet from a side or rear property line. Temporary buildings, even if used for agricultural purposes, are not required to comply with the setback regulations applicable to permanent buildings. The Plan Commission may wish to use the minimum setbacks applicable to permanent buildings as a guideline for placement of temporary buildings, however, Section 50-1014 allows the Plan Commission to establish the minimum setbacks as part of the approval process. The proposed location of the greenhouse is 250+ feet from a front property line, 15 feet from the west side property line and 100+ feet from the east side property line.
3. **Parking** N/A
4. **Floodplain, Shoreland Zoning & Stormwater Management** N/A
5. **Land Division** No land division is being proposed in this request.
6. **Lighting** N/A
7. **Fire Protection** This property is not currently served by the municipal water system and is located approximately 3.0 road miles from the nearest fire station.

**CONDITIONAL USE STANDARDS** Section 50-267 of the Zoning Ordinance requires that *"The Plan Commission shall not recommend and the Village Board shall not approve a conditional use unless findings are first made, based on evidence presented, that the following standards are met."*

1. The conditional use shall not be detrimental to or endanger the health, safety, morals, comfort or general welfare of the public.
2. The conditional use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor shall it substantially diminish or impair property values within the neighborhood.
3. The conditional use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
4. The exterior architectural appeal and functional plan of proposed buildings and structures shall not be so at variance with existing buildings and structures, or buildings and structures under construction in the immediate area, or the character of the zoning district, as to cause a substantial depreciation in property values within the neighborhood.
5. Adequate utilities, access roads, drainage and necessary facilities are in place or will be

- provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  7. The conditional use shall, in all other respects, conform to applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Village Board pursuant to Plan Commission recommendations.

**CONDITIONS REQUIRED BY CODE**

1. 50-1012(1) No conditional use approval granted by the village board shall be valid unless the building location (distance from property lines and other structures), intended use, size (length, width and height), composition of materials, exterior colors, and permitted duration of use are specifically approved by the village board upon village plan commission recommendation.
2. 50-1012(2) No building shall be installed, placed, used or occupied without a building permit being obtained in accordance with chapter 40.
3. 50-1013 A conditional use approval granted by the village board per section 50-1012 shall be valid for a period not to exceed five years at which time the approval shall expire and the structure shall be dismantled and removed from the property.
4. No temporary building shall be located in a required yard as specified in section 50-905 unless specifically permitted as a conditional use per section 50-1012.

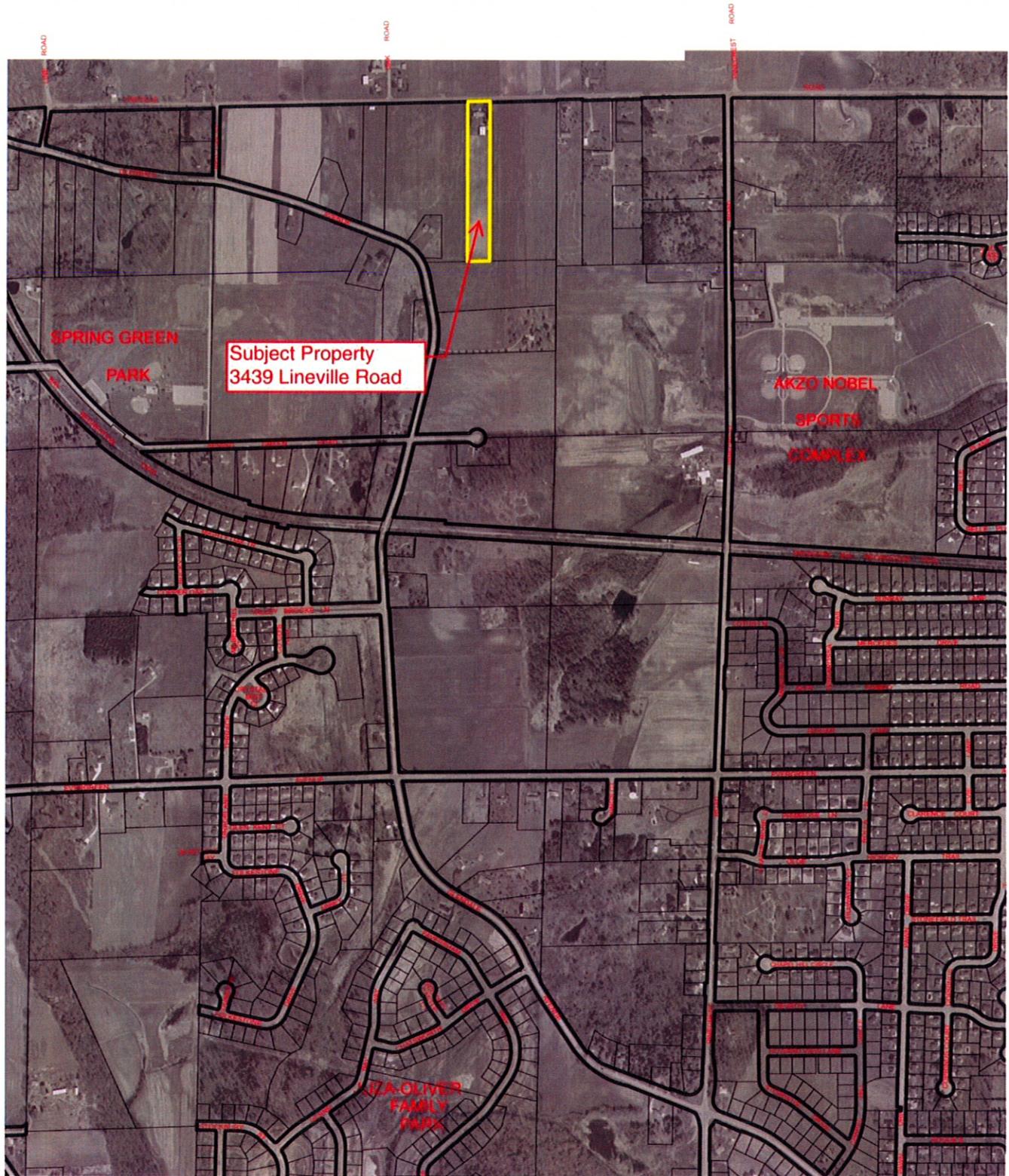
**STAFF RECOMMENDED CONDITIONS**

1. The building location shall be as specifically shown on the site plan submitted.
2. The size of the greenhouse shall be 30' x 96' and the height shall not exceed 13 feet.
3. The greenhouse shall be constructed of steel framework with clear polyethylene film exterior surface.
4. No permanent sewer, water, heating or electrical power shall be provided to the structure.

**ATTACHMENTS**

- I** Property Location Photo
- II-III** Completed Conditional Use Permit Application
- IV** Site Plan

**ATTACHMENT I**





2456 Glendale Ave  
Green Bay, WI 54313

**CONDITIONAL USE PERMIT  
APPLICATION**

See Following Pages  
for Materials to be  
submitted with this  
application

Application Fee: \$250.00

Date: \_\_\_\_\_

Initials: \_\_\_\_\_

Application #: \_\_\_\_\_

**Applicant**

Name: ARNOLD MODER  
Address: 3439 LINEVILLE RD  
Phone: (920) - 920 - 434 - 0730 Email: AMODER@NEW.RR.COM  
Business Name: MODERS GARDENS  
Conditional Use Site Address: 3439 LINEVILLE RD.  
Landowner of Record: ARNOLD + JOAN MODER  
Address: 3439 LINEVILLE RD.  
Phone: (920) - 434 - 0730 Email: AMODER@NEW.RR.COM

**Consultant(s)**

**Architect**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( ) - - \_\_\_\_\_ Email: \_\_\_\_\_

**Contractor/Engineer**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: ( ) - - \_\_\_\_\_ Email: \_\_\_\_\_

**Parcel/Building Information**

Lot Size: 5 Acres/Sq. Ft      Current Zoning: FARMING      Parcel Number: VH - \_\_\_\_\_  
Lot Dimensions: 187 x 1320      Does Current Zoning Permit Intended Use: \_\_\_\_\_  
Bldg. Sq. Footage: \_\_\_\_\_      Street Frontage: \_\_\_\_\_

**Describe Specifically the Nature of the Request:** FOR A 30' X 96' GREENHOUSE

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_

**REQUIRED**

**(Check the Box to Signify Your Submittal of Listed Items Which Apply to Your Request)**

- A plat of survey or the equivalent thereof depicting the location, dimensions, boundaries, uses and size of the site.
- A site plan including the following:
  - Density and floor area ratio
  - Building heights and setbacks
  - Size & location of lots
  - Screening and fencing
  - Location of sanitary and storm sewer lines
  - Location of water mains
  - Site drainage
  - Location of roads, driveways and walks
  - Existing and proposed structures, parking, loading areas, ingress/egress points
  - Location of recreational and open space areas reserved or dedicated for public uses
  - Percentage of green space & impervious surface
- Landscape plan including table depicting quantity, size and name of species.
- Lighting plan showing photometrics and a specification sheet of all fixtures to be used.
- Full-color rendering of building facades and large samples of colors and building materials that will be used on the project.
- An attachment stating the methods and hours of operation.
- Sign plan with dimensions of sign.

**Submit 10 copies of all color documents. If possible, provide electronic versions (pdf, word, excel, etc) of plans.**

With this signature, I certify that all required materials above have been submitted. Furthermore, I understand any required materials not submitted will result in an incomplete application. Incomplete applications will be returned to the applicant until all required materials are submitted.

x Arnold M. Jones  
Applicant Signature

9-4-2012  
Date

Please direct all questions to Dave Wiese at 434-4640 or [dwiese@villageofhoward.com](mailto:dwiese@villageofhoward.com)

N

LINEVILLE RD.

187' LOT

EXISTING HOUSE  
3439 LINEVILLE RD

20  
EXISTING GREEN HOUSE  
60

EXISTING POLE BUILDING

EXISTING GARAGE

230' FROM RD.

W

15'

30  
NEW GREEN HOUSE  
96

30  
EXISTING GREEN HOUSE  
96

E





## HOWARD, WI VILLAGE

2456 Glendale Ave

PO Box 12207

Green Bay WI 4307--2207

920-434-4642

Transaction 22484-4391

04-Sep-12 12:21pm

Other Permits & Fees

\$250.00

CONDITIONAL USE PERMIT ARTHOLD MODER 3439 LINEVI  
RD

**Subtotal** \$250.00

Check \$250.00