

**CITY OF BERLIN PLAN COMMISSION MINUTES
DECEMBER 29TH, 2020
CITY OF BERLIN
BERLIN, WISCONSIN**

The December 29th, 2020 City Plan Commission meeting was called to order at 6:00 p.m. by acting chairman Erdmann. Roll call present were: Bobbie Erdmann, Ed Marks, Victoria Hill, Dick Schramer and Mary Kubiak. Also present was Lindsey Kemnitz and Attorney Chier.

First item was approval of the November 17th, 2020 Plan Commission minutes. Hill moved to approve the November 17th, 2020 Plan Commission minutes as corrected. Marks seconded the motion, which was carried by a voice vote.

Erdmann opened the public hearing for amending zoning regulations relating to pet services at 6:01pm. Erdmann asked three times for anyone to speak in favor of the amendment and three times for anyone to speak against the amendment. No one spoke in favor or against the amendment. The public hearing was closed at 6:03pm. Marks had one correction on page 4 (g) change from mut to must. Marks made a motion to recommend the approval of the amendment of the pet service ordinance to Common Council. Hill seconded the motion, which was carried by a voice vote.

The next item was to discuss was the live/work ordinance. Attorney Chier stated he drafted the changes as directed from the past meeting. One addition that was not discussed before was a condition that each dwelling unit must be a minimum of 950 sq ft. Kemnitz stated that currently it is required in R-1 and R-2 zoning district. Hill asked if there was a minimum square footage for units in R-3 district. The commission was concerned that 950 sq ft is a large amount for some downtown buildings. When reviewing the ordinance the 950 sq ft was for the primary structure not the dwelling unit. Marks were concerned with removing the minimum area for health standards for units. Kemnitz stated the health and housing code addresses the amount of daylight required and area per individual in the unit. Hill made a motion to schedule public hearing and to remove the 950 sq ft requirement. Marks seconded the motion, which was carried by voice vote.

Rodney & LeNae of 175 S. Johnson Street spoke in favor of amending the accessory structure ordinance due to them owning over an acre of land and pay extra taxes are have the same restrictions as single lot in the city. He stated it may interest adjacent land owners to buy the vacant land to build on. Marks asked if he had any proposals. Rodney requested additional structures and square footage.

Tom Malchetske 290 N. Washington Street stated he owns 2.5 acres and suggested a sliding scale or percentage base for accessory structures. He expressed the need for the accessory structures to be aesthetically pleasing for the adjacent neighbors too. Tom mentioned as a local broker several people are looking for a minimum of three car garage, which is 900 sq ft. Hill asked Tom advice on impact on new development. Tom did not have specific examples, but allowing flexibility but still continue the purpose of the ordinance.

Hill stated she liked the example that was included in the packet from the City of Oshkosh that increase the number of accessory structures and allowable size based on the lot size. Kubiak

stated there has been a couple of variance request recently to allow large accessory structures. Marks agreed with reviewing the allowable sizing and incorporating the aesthetic aspect. Marks directed staff to research and draft ordinance with sliding scale larger than current, increase number of structures, and include the aesthetics component. Hill seconded it. Schramer suggested 900 sq ft for 1 lot, 1200 sq for 2 lots, and sliding scale over acre.

Next item was to discuss the proposed amendments to the protective covenants to the north business park. Kemnitz stated that this review was initiated after the variance request from North Express Bus Service for the pole type structure. Kemnitz would prefer this amendment would include all parcels within the north business park, which requires all property owners to agree too. Second comment is retail/commercial trade is prohibited, but the CUP ordinance was amended to allow certain commercial trade as CUP in M-2 zoning district. This change would need to be approved by the Town of Aurora. Next change is reducing setback to right of way to 30 feet. Attorney Chier explained the next section about tax exempt. This section would require notice to the City of Berlin if the property was going to be sold or leased to party that would result portion or all land become tax exempt. The owner would enter a pilot agreement with the City to make payments in lieu of property taxes. The sign section was removed completely has the sign code has been updated. Kemnitz stated the next section addresses site plan approval, which is more restrictive in the zoning code. The final change is the covenants had timeline requirements for completion of construction that was not enforceable. Attorney Chier stated that the timeline requirements should be addressed in the deed restrictions similar to recent transaction with Northern Express Bus Service. This last section was changed to address the City's first right to purchase vacant land in the business park. The board agreed with the changes and asked staff to work with Town of Aurora and other property owners to review.

Last item was review site plan amendment for 824 Broadway. Kemnitz stated 824 Broadway is Tractor Supply. Tractor Supply is requesting to reduce the handicap stalls down to four. Kemnitz reviewed the original site plan with the City Engineer and did not find anything that addressed the number of handicap stalls required. Per City ordinance, they are only required three stalls. Marks did not see any issues with the amendment. Hill made a motion to approve the site plan amendment to reduce the handicap stalls for four for Tractor Supply at 824 Broadway. Kubiak seconded the motion, which was carried by voice vote.

No new or old business.

Next meeting date is January 26, 2021

Marks moved to adjourn at 7:10p.m. Hill seconded the motion, which carried by voice vote.

Lindsey Kemnitz, Community Development Director