

CITY OF BERLIN PLAN COMMISSION MINUTES
AUGUST 27 2024
CITY OF BERLIN, WISCONSIN

PRESENT: Mayor- Joel Bruessel, Luke Dretske, Paul Hanan, Victoria Hill, Carol Hughes, and Mary Kubiak

ALSO PRESENT: City Attorney- Matthew Chier, Tim Ludolph, Lori Drover-546 Ann Ct., Joyce Labuda- 558 Ann Ct, Juan Fuentes- 199 Mound St, Susan and Gerald Thom 398 NW Cumberland St, Karen and Richard Moriarty, Robert Moriarty- 312 N Washington St., Jean Dretske- 295 N Washington, Gordon Johnson- 401 E Park Ave., John Behm- 349 E Park Ave., Peter Mauel, Gerald Bella and additional members of the public.

The City of Berlin Plan Commission meeting was called to order at 6:01 p.m. by Mayor Bruessel.

The Minutes of the July 30th Plan Commission meeting were approved on a motion by Hill with language modified to reflect the Public Hearing for the Text Amendment on Definition of Family. Hughes seconded the motion, which was carried by a voice vote.

The next item was a Public Hearing in regards to Amending the Zoning Code pertaining to the Residential District and definitions of Family and Household.

Before commencing the Public Hearing, Mayor Bruessel shared his views regarding the text amendment aimed at defining family and household. Dretske responded by noting that the proposed amendment resembled previously tested amendments, such as those in Milton, which addressed concerns raised the prior month about multi-generational households and other scenarios where cost-sharing involves non-traditional families, while also considering staff feedback.

The commission engaged in a general discussion on these aspects in support of the amendment, leading Mayor Bruessel to officially open the hearing at 6:05 PM.

Mayor Bruessel invited anyone wishing to speak in favor of the amendment to make comments for the amendment. Joyce LaBuda addressed the situation on Ann Ct, emphasizing the need for the zoning code to be more precise due to the specific violations arising from Berlin's ambiguous regulations. She also represented the interests of both present and absent individuals affected in the area.

Mayor Bruessel then invited comments against the request. Following this, he closed the public hearing at 6:13 PM and encouraged commissioners to share their questions or comments. Kubiak provided further insight into her dissenting vote and offered background information on Legacy Labor. Dretske highlighted the potential unintended consequences of maintaining the current code without changes.

Dretske motioned to recommend to common council to accept the proposed Amendment of the Zoning Code Sections 82-4, 82-286m 82-311, and 892-336. Hill seconded the motion The motion was carried by roll call (4-2).

The next item was a Public Hearing in regards to of the Rezoning request from Brown Wilcox Home Inc. Bruessel opened the Public Hearing at 6:29 PM and invited anyone wishing to speak in favor of the amendment to make comments for the amendment

Hill motioned to recommend to Common Council to accept the proposed Rezoning of 347 E Huron St LOT 1 CSM Map #38 41 V23 PIN #206-00722-0100 from R-2 Residential to R-3 Residential. Kubiak seconded the motion and it was subsequently carried by voice vote (6-0).

The next item was a Public Hearing in regards to the Rezoning request submitted by Juan Fuentes. Bruessel asked three times for anyone to speak for the request. Bruessel asked three times for anyone to speak against the request. Neighbors spoke against the rezoning application on the basis they operate home occupations and/or businesses in their adjacent lots. Ludolph provided context application, suggesting it was minimally appropriate for the requirements of rezoning, regardless of the Commission's Decision. Hill motioned to recommend to Common Council to accept the proposed Rezoning of 303 N Washington Street from B-2 to R-2. The motion was denied through a voice vote (0-6).

The next item was a request for Minor Subdivision for 312 Ripon Rd. Ludolph presented the staff report finding the CSM appropriate to plan and ordinance requirements. Hill inquired about the fence on the map and Ludolph stated discussions with the Surveyor and property owner had said it had been moved to the property line since the CSM was drafted. Hill motioned to approve the CSM for 312 Ripon Rd as presented. Kubiak seconded the motion which passed by voice vote. (6-0)

The next item was a request for Minor Subdivision for 250 Leffert St. Ludolph presented the staff report finding the CSM appropriate to plan and ordinance requirements. Don Lenz answered additional Question. Hill motioned to approve the CSM for 250 Leffert St as presented. Dretske seconded the motion which passed by voice vote. (6-0)

The next item was the preliminary discussion of a Text Amendment to prohibit aircraft landings and takeoffs in the Residential Districts. Attorney Chier presented the background, stating the additional Amendment done for Nuisance and distinguishing how this is relevant to Zoning separately. Dretske motioned to schedule a Public Hearing to for September 24th 2024 at 6 PM to present the drafted Ordinance Amendment. Kubiak seconded the motion which passed by voice vote. (6-0)

The next item was an update on the proposal for the creation of a Rural Residential District. Ludolph reiterated the materials distributed drawing most attention to Green Lake County. Hill asked about this district if this district should include Animal Husbandry. Dretske asked for clarification about where the proposal for lot size came from. Attorney Chier clarified the standards that would be required for a new zone and how this would have to work seamlessly with the Subdivision Code, Special Assessments, and other Ordinance and the Commission should be aware of unintended consequences. There are numerous residential-specific elements of the Accessory Uses section which should be considered on a line by line basis. Chier recommended he talk with staff to come up with a meaningful proposal, the next time this is to be presented. No additional action was taken.

No Old Business was brought up for discussion at the next meeting.

No New Business was brought up for discussion at the next meeting.

Next meeting date is Tuesday September 24^h 2024

Hill moved to adjourn at 7:11 pm. Dretske seconded the motion, which carried by voice vote.

Respectfully Submitted by Timothy Ludolph, Planning and Development Director