



**Administration Department**

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**Minutes  
City of Burlington Plan Commission  
Police Dept. Courtroom  
March 12, 2013, 6:30 p.m.**

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. Roll call: Aldermen Tom Vos and Robert Prailes; Commissioners Darrel Eisenhardt, Chris Reesman, Michael Deans and John Lynch were present. Student representatives Bianca Clayton and Caitlin Yonash; and Town of Burlington Representative Phil Peterson were absent. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan, Zoning Administrator Patrick Scherrer, Fire Chief Dick Lodle, Public Works Director Craig Workman and City Engineer Tom Foht.

**APPROVAL OF MINUTES**

Alderman Vos moved and Commissioner Deans seconded to approve the minutes of February 12, 2013. All were in favor and the motion carried.

**CITIZEN COMMENTS**

None

**LETTERS & COMMUNICATIONS**

None

**PUBLIC HEARINGS**

A. A Public Hearing to hear public comments regarding a Conditional Use application from RFD II, LLC for property located at 32435 Yahnke Road to use the 80 +/- acre parcel for quarrying and non-metallic mining with future industrial use.

- Mayor Miller opened the Public Hearing at 6:32 p.m.
- Commissioner Reesman recused himself from this subject at 6:33 p.m.
- Greg Reesman of RFD II, LLC gave a brief presentation of the project explaining the property is the former proposed Schaefer Subdivision. He further explained they only intend to level the land indicated on the Conditional Use Permit to use for industrial use in the future.
- Rosemary Badame, N1166 Tombeau Road, Genoa City, inquired exactly which parcel was going to be leveled. Mr. Reesman showed Ms. Badame the location on a map.
- Ben Templin, 6216 Condrad Court, Burlington, questioned if there were any plans with the strip of land that leads to Yahnke Road. Mr. Reesman indicated this would be zoned as park land. Mr. Templin questioned if the current road on that strip of land would be

abandoned. Mr. Reesman stated it would be up to the city to abandon it or use it as an emergency access drive. He further stated RFD intends to restore that area to natural settings. Alderman Vos questioned if the drive connects with Yahnke Road and if there would be truck traffic on it. Mayor Miller responded that it does connect with Yahnke but there would be no truck traffic there. Administrator Lahner stated the original plans for this area before the subdivision proposal in 2008 showed this drive as a secondary access point for the industrial park.

- There were no further comments.

Alderman Vos moved and Commissioner Deans seconded to close the Public Hearing at 6:40 p.m. All in favor and the motion carried.

Commissioner Reesman returned to the meeting at 6:40 p.m.

### **OLD BUSINESS**

#### **A. Consideration to approve a Site Plan from the City of Burlington for property located at 165 and 181 W. Washington Street to use the property as a parking lot for the Fire Department.**

- Mayor Miller opened this item for discussion.
- Administrator Lahner gave an overview of three new alternatives of the site plan as requested by the Plan Commission at the February 12 meeting. He stated staff continues to recommend the original plan presented in February.
- Craig Workman explained the three alternatives in detail providing the pros and cons of each. The three alternatives are summarized as follows:
  - Alternative 1 includes the expansion of the “front apron” of the station to the southeastern edge of the Milwaukee right-of-way, eliminating the north side of the Milwaukee/Washington intersection.
  - Alternative 2 does not include any expansion of the “front apron” of the station. The north side of the Milwaukee/Washington intersection will remain intact, allowing vehicles to enter Milwaukee from Washington, and vice versa.
  - Alternative 3 includes the expansion of the “front apron” of the station to the southeastern edge of the Milwaukee right-of-way and modifies the north side of the intersection by preventing any traffic on Milwaukee from turning onto Washington. Only westbound traffic on Washington will be able to turn onto Milwaukee.
- Chief Lodle gave a video presentation created by staff which showed several scenes of the aerial and engine fire trucks entering and exiting the fire station and problems faced with oncoming traffic.
- Alderman Prailes questioned in regards to Alternate #2, if the fire truck could be turned slightly to the left to perform maintenance to allow traffic to flow. Chief Lodle stated it may block the members of the Rescue Squad from accessing their trucks.

- Commissioner Lynch questioned what the response time is for a rescue call. Chief Lodle stated he couldn't answer that 100% since it is a different department, but believes it is around two minutes.
- Commissioner Lynch stated the openings in Alternative 1 and Alternative 3 look the same. Chief Lodle stated Alternative 1 has a wider area for the trucks. Lynch further questioned why the Fire Department couldn't get assistance from the Police Department to stop traffic when entering and exiting the fire station. Lodle stated typically officers go to the scene first but would help if they are available.
- Commissioner Lynch stated he is in favor of Alternative 3 as it still allows for traffic to access Milwaukee Avenue. He further stated he feels closing the Washington Street intersection would choke off access to the downtown and feels the intersections at Kane and Johnson are difficult to use.
- Alderman Vos stated the video shows traffic does not always follow the law with emergency vehicles; however, he is concerned with the cost of the project and feels the city is putting all its eggs in one basket, particularly if a joint station were to be built in the future. Chief Lodle stated if a satellite station were to be built only an engine would go there while the Washington Street location would be the central station.
- Alderman Prailes stated he wants the Fire Department personnel to be safe but feels there will be safety issues at the Johnson St./Milwaukee Ave. and Kane St./Milwaukee Ave. intersections if Washington St. were to be closed. Administrator Lahner stated it is hard to predict where traffic will go if Washington is closed. He further stated the City Engineers looked at traffic simulations of the area and feel the Johnson/Milwaukee intersection has better visibility than Washington/Milwaukee. Mayor Miller stated traffic may choose to take State Street instead. He further stated per past projects it took about two weeks for traffic to find alternate routes. Prailes stated he feels people will become impatient at the alternate intersections and cause traffic safety issues.
- Alderman Vos questioned if a traffic count had been done. Mayor Miller stated there has not been a count done due to the potential of the equipment not working properly with cold and snow.
- Administrator Lahner stated he understands if the Plan Commission would like a different plan.
- Alderman Prailes stated he would only be in support of Alternate 2. Mayor Miller replied that Alternate 2 could potentially block traffic and prevent the fire trucks from exiting the station.
- Commissioner Deans stated he feels the Fire Department would have difficulties with any Alternative when entering Milwaukee Avenue if there is traffic congestion when a train would go through town. He further questioned why staff isn't recommending Alternative 3. Chief Lodle stated the city would need to acquire land for easements and he is not sure a fire truck could fully turn right with the green space used as a divider on Washington Street.

- Commissioner Reesman stated he is in favor of Alternative 1 and feels the other two alternatives do not allow for what the Fire Department needs in regards to safety. He further stated that if Alternative 1 was chosen he would recommend there be no parking on Johnson Street from Milwaukee Ave. to Washington St. Alderman Vos stated no parking on Johnson St. would hurt patrons of the church and gas station, especially truck traffic that use that area for unloading.
- Alderman Vos stated it would be easy for the Plan Commission to vote on this item and block off Washington Street but he is worried about the long term ramifications.
- Commissioner Lynch questioned what other routes people would use to get downtown if they were heading northbound. Administrator Lahner stated traffic would likely go on State St., Johnson St. and Kane St. but there is no way to know for sure right now.
- Alderman Prailes questioned if Washington Street could be closed temporarily for a week to determine where traffic goes. Lahner stated it could be done with baseline readings done prior to closure. Mayor Miller stated it would likely take longer than a week to get an accurate reading as the first week traffic counts may show congestion that wouldn't typically be there.
- Mayor Miller stated he would be tabling this item for further review of traffic patterns by staff.
- There were no further comments.

Commissioner Lynch moved and Commissioner Reesman seconded to table this item. *All in favor and the motion carried.*

## **NEW BUSINESS**

### **A. Consideration to approve a Conditional Use Permit request from RFD II, LLC for property located at 32435 Yahnke Road to use the 80 +/- acre parcel for quarrying and non-metallic mining with future industrial use.**

- Mayor Miller opened this item for discussion.
- Commissioner Reesman recused himself from this topic at 8:11 p.m.
- Alderman Vos questioned if the neighbors were notified of this conditional use including people in the Town of Burlington. Administrator Lahner stated all residents within three-hundred feet were notified of the conditional use, rezone and annexation requests, including town residents.
- Commissioner Lynch questioned if this is in our land use plan. Patrick Meehan stated a land use plan amendment is required and that the original plan was for this property to be industrial prior to the Schaefer Subdivision proposal in 2008. Meehan further stated land for industrial park use would need to be graded anyways.
- There were no further comments.

Commissioner Deans moved and Alderman Vos seconded to recommend approval of a Conditional Use Permit request from RFD II, LLC for property located at 32435 Yahnke Road, subject to Patrick Meehan's February 27, 2013 and Kapur & Associates' March 4, 2013 memorandums to the Plan Commission as follows:

- Conditional Use Requirements for quarrying and non-metallic mining: Section 315-34 "Q-1, Quarrying/Extractive District" of the City Zoning Ordinance requires that quarrying and nonmetallic mining meet the following conditions:
  - a. The quarrying and nonmetallic mining use shall be subject to the lot area and width requirements set forth under the provisions of Section 315-34D of Chapter 315, Zoning, of the City of Burlington Municipal Code.
  - b. The quarrying and nonmetallic mining use shall be subject to the building height requirements set forth under the provisions of Section 315-34E of Chapter 315, Zoning, of the City of Burlington Municipal Code.
  - c. The applicant's submitted Sheet 6 of 6 titled "Extraction Plan" as prepared by DAAR of Milwaukee (undated but submitted with the applicant's Conditional Use Application dated 2/5/13) and as described in the document titled "Non-metallic Mining Reclamation Plan Narrative" dated 2/5/13, is not clear that the requirement set forth under the provisions of Section 315-34F(1) of Chapter 315, Zoning, of the City of Burlington Municipal Code that: "The extractive operation shall be 200 feet from the street right-of-way line of all highways, streets, or roads and all exterior property lines" has been met by the submitted plans. Therefore, this required setback shall be drawn on a REVISED AND DATED Sheet 6 of 6 titled "Extraction Plan" and shall be submitted to the City of Burlington staff indicating this required 200-foot setback of extractive operations from the exterior property lines.
  - d. The quarrying and nonmetallic mining use shall be subject to the special site regulations for shoreland areas set forth under the provisions of Section 315-12.1 of Chapter 315, Zoning, of the City of Burlington Municipal Code (as may be applicable).
  - e. The quarrying and nonmetallic mining use shall be subject to the Quarrying/Extractive District's special regulation set forth under the provisions of Section 315-34G of Chapter 315, Zoning, of the City of Burlington Municipal Code. Section 315-34G which requires the following:
- Special regulation.
  - (1) Application for a conditional use permit shall be made to the Zoning Administrator by the property owner or long-term lessee, either of whom shall be directly responsible in the extracting or removal of the mineral, gravel, sand, rock, slate, or topsoil. Applications shall be accompanied by the following: a fee as set by the Common Council for one year of operation; a plat of survey of the proposed site and an adequate description of the operational methods; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of water to be used; a topographic map of the site showing existing contours with a minimum

vertical of five feet; trees; proposed and existing access roads; the depth of all existing and proposed excavations; and a restoration plan.

- (2) The restoration plan provided by the applicant shall contain proposed contours after filling or restoration, depth of the restored topsoil, type of fill, planting or reforestation, and restoration commencement and completion dates including the following:
  - a. Proposed site contours, noting elevations and final slopes.
  - b. Topsoil stockpile areas, with drainage being diverted away from and around these locations.
  - c. Restored topsoil depths. Depths are listed as existing between 6"-15" and restoration should have a minimum 6" restored depth.
  - d. Location of the various outlined erosion control practices that are anticipated to be used.
  - e. Seeding limits for alfalfa mix vs. lawn mix on the perimeters and buffers areas.
  - f. Detail regarding sequencing of construction, specifically storm water ponds, topsoil removal and stabilization.
  - g. Provide engineered detail in regards to the storm water basins, size, capacity, overflow or outlet routes, detail erosion control of the facilities, matting on side slopes, spillways, etc. maintenance schedule.
  - h. Please provide copies of all DNR permits and correspondence as it is received.

The applicant shall furnish the necessary fees to provide for the City's inspection and administration costs. The applicant and/or owner of the land from which the mineral, gravel, sand, rock, slate, or topsoil is being removed or extracted shall furnish the necessary sureties which will enable the City to perform the planned restoration of the site in the event of default by the applicant. A "Plat of Survey" (up to date) needs to be submitted to the City; a list of equipment, machinery, and structures to be used needs to be submitted to the City; the source, quantity, and disposition of water to be used needs to be submitted to the City; proposed access roads (labeled as such on a REVISED plan submitted to the City); and a restoration plan (which FULLY addresses the final grading plan). Also, all of the requirements of Section 315-34G need to be met by the applicant with adequate documentation (as described herein) submitted to the City INCLUDING ALL REQUIRED FINANCIAL SURETIES. All quarrying and nonmetallic materials mining operation activities shall be in compliance with Wisconsin Administrative Code's NR 135 "Nonmetallic Mining Reclamation" (including the preparation of all required plans under NR 135). Copies of all plans and materials submitted to the State, as well as State responses to those materials so submitted, in compliance with NR 135 shall also be copied to the City of Burlington.

- Surety Bond. A surety bond in the amount of \$78,000 (as described in the breakdown below) be obtained for the reclamation cost. The narrative anticipates a maximum 15 acres of disturbance at one time.
  - 72,600 SY of topsoil @0.85/YD = \$61,700
  - Various Seed Mixes DOT #20, and DOT #40@5.00/LB (655lbs at a 1lb/1000SF) = \$3275
  - 20% contingency for bidding, erosion control, landscaping, common excavation etc. = \$12995

Said required financial sureties shall be submitted prior to the issuance of a Conditional Use Permit which will enable the City to perform the planned restoration of the site in the event of default by the applicant.

Roll call vote ayes: Vos, Prailes, Lynch, Deans, Eisenhardt; Nays: None. Vote: 5-0. *All in favor and motion carried.*

**B. Consideration to approve Resolution 16 to amend the Multi-Jurisdictional Comprehensive Plan at property located at 32435 Yahnke Road and property on S. Pine Street from Medium and High Density Residential, Secondary Environmental Corridor and Recreational to Extractive/Industrial, Commercial and Primary Environmental Corridor.**

- Mayor Miller opened this item for discussion.
- Alderman Vos questioned if SEWRPC was alright with the Primary Environmental Corridor (PEC) relocation on the proposed plan. Administrator Lahner stated RDF II, LLC received approval of the plans with the PEC.
- Patrick Meehan informed the Plan Commission members that this amendment includes a split land use category of Extractive and Industrial. This was done so the owner will not have to complete a Comprehensive Plan amendment in the future when they apply for rezoning for industrial use.
- There were no further comments.

Alderman Vos moved and Commissioner Eisenhardt seconded to approve Resolution 16 to amend the Multi-Jurisdictional Comprehensive Plan at 32435 Yahnke Road and property on S. Pine Street, subject to Patrick Meehan's February 27, 2013 memorandum to the Plan Commission as follows:

- That the Common Council amend by ordinance, the Comprehensive Plan, as it pertains to the entire subject property currently shown as "Commercial" land use classification to the "Governmental and Institutional" land use classification under the provisions of both Section 66.1001(4) of the Wisconsin Statutes and Chapter XV titled "Implementation Element" of the recent City-adopted SEWRPC Community Assistance Planning Report No. 301 titled A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035.

All in favor and motion carried. This item will move forward to the March 19, 2013 Committee of the Whole meeting.

**C. Consideration to recommend approval of a rezone request from RFD II, LLC for property located at 32435 Yahnke Road and property on S. Pine Street from Rs-1 and Rs-2, Single-Family Residential District; Rm-2, Multi-Family Residential District; P-1, Park District; and C-1, Conservancy District to Q-1, Quarrying/Extractive District; B-1, Neighborhood Business District; and C-1, Conservancy District.**

- Mayor Miller opened this item for discussion.
- There were no comments.

Alderman Vos moved and Commissioner Lynch seconded to recommend approval of a rezone request for at 32435 Yahnke Road and property on S. Pine Street, subject to Patrick Meehan's February 27, 2013 and Kapur & Associates' March 4, 2013 memorandums to the Plan Commission as follows:

- That a public hearing for the proposed rezoning is to be held pursuant to the provisions of Section 315-121 of the City Zoning Ordinance.

Roll call vote ayes: Vos, Prailes, Lynch, Deans, Eisenhardt; Nays: None. Vote: 5-0. *All in favor and motion carried.* This item will move forward to the March 19, 2013 Committee of the Whole meeting.

**D. Consideration to recommend approval of an Annexation request with permanent zoning from the RFD II, LLC for property located on S. Pine Street (002-02-19-09-002-010).**

- Mayor Miller opened this item for discussion.
- There were no comments.

Commissioner Eisenhardt moved and Commissioner Deans seconded to recommend approval of an annexation for property located on S. Pine Street (002-02-19-09-002-010).

Roll call vote ayes: Vos, Prailes, Lynch, Deans, Eisenhardt; Nays: None. Vote 5-0. *All in favor and motion carried.* This item will move forward to the March 19, 2013 Committee of the Whole meeting.

**ADJOURNMENT**

Alderman Prailes moved and Commissioner Lynch seconded to adjourn the meeting at 8:20 p.m. *All were in favor and the motion carried.*

Recording Secretary  
Megan E. Watkins  
Assistant to the City Administrator