



**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**August 13, 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: Alderman Ruth Dawidziak; Commissioners Michael Deans, Chris Reesman and John Lynch; and Town of Burlington Representative Phil Peterson were present. Alderman Tom Vos was excused. Commissioner Darrel Eisenhardt was absent. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan and Zoning Administrator Patrick Scherrer.

**APPROVAL OF MINUTES**

Commissioner Lynch moved, and Commissioner Reesman seconded, to approve the minutes of July 9, 2013. All were in favor, and the motion carried.

**CITIZEN COMMENTS**

None

**LETTERS & COMMUNICATIONS**

Commissioner Lynch moved, and Commissioner Deans seconded, to approve a letter from Alderman Vos regarding his absence from the August 13, 2013 meeting. All were in favor, and the motion carried.

**PUBLIC HEARINGS**

**A. A Public Hearing to hear public comments regarding a Conditional Use Application from Bertha Benitez of Los Compadres for property located at 725 Milwaukee Avenue to allow for outdoor seating with food and alcohol consumption.**

- Mayor Miller opened the Public Hearing at 6:33 p.m.
- There were no comments.

Commissioner Deans moved and Commissioner Reesman seconded to close the Public Hearing at 6:34 p.m. All in favor and the motion carried.

**B. A Public Hearing to hear public comments regarding a Conditional Use Application from Bear Development, LLC for property located at 200 Bridge Street to construct two 24-unit apartments in the Rm-4 District with a Floodfringe Overlay.**

- Mayor Miller opened the Public Hearing at 6:34 p.m.

- S.R. Mills of Bear Development stated he was available for any questions and that the project is moving along well with all agencies involved.
- There were no further comments.

Commissioner Lynch moved, and Commissioner Deans seconded, to close the Public Hearing at 6:36 p.m. All were in favor, and the motion carried.

## **NEW BUSINESS**

### **A. Consideration of a Site Plan and Conditional Use from Bertha Benitez of Los Compadres for property located at 725 Milwaukee Avenue to allow for outdoor seating with food and alcohol consumption.**

- Mayor Miller opened this item for discussion.
- Commissioner Lynch questioned if there are time frame restrictions on serving outside per code regulations. Administrator Lahner stated that it would be during their normal business hours. Patrick Scherrer agreed and stated the business must be open to serve the outdoor seating areas. Patrick Meehan stated the application states the hours of 11 a.m. to 9 p.m. Monday through Saturday.
- There were no further comments.

Commissioner Lynch moved, and Commissioner Reesman seconded, to approve a Conditional Use Permit and Site Plan for 725 Milwaukee Avenue, subject to Patrick Meehan's July 19, 2013 and Kapur & Associates' July 29, 2013 memorandums to the Plan Commission as follows:

- The proposed outdoor dining area is proposed to be located only 5 feet from the side property line located on the southwest side of the property and NOT the minimum required 10 feet. Therefore, the Site Plan and "Partial Floor Plan with Outdoor Seating Area" shall be modified accordingly and revised plans submitted to the City staff for review for compliance.

*All were in favor, and the motion carried.*

### **B. Consideration of a Site Plan and a Conditional Use Application from Bear Development, LLC for property located at 200 Bridge Street to construct two 24-unit apartments in the Rm-4 District with a Floodfringe Overlay.**

- Mayor Miller opened this item for discussion.
- S. R. Mills of Bear Development gave a presentation regarding the apartment project. Mr. Mills stated there will be two 24-unit apartment buildings constructed over two phases, with Phase 1 on the north end of the parcel. The buildings will be one hundred percent masonry, three stories and having parking on the first floor. He is anticipating a start date for construction this fall. Mr. Mills further stated the entire site will undergo remediation and the pads will be installed for both phases at the same time.

- Patrick Meehan stated he is recommending approval of the yard requirements as the Planned Unit Development (PUD) Overlay would allow.
- Commissioner Lynch stated he thought the site had been remediated previously. Administrator Lahner replied that there was a closure letter from the DNR for the previous Mesec project at that site. He further stated that since this new proposed development will have greater soil disruption than the Mesec project, more remediation will be needed.
- Commissioner Lynch questioned if the City has made arrangements in case the development stops half-way through the project. Mr. Mills responded that Bear Development is working with several debt and equity partners that require bonding and Letters of Credits to secure their investment until the project is complete.
- Commissioner Lynch questioned what the Phase 2 site will look like if the pad is installed early. Mr. Mills stated it would be finely graded and seeded with grass until construction commences. He further stated the plan is to bring the Phase 2 Site Plans before the Commission in a year.
- There were no further comments.

Commissioner Deans moved, and Alderman Dawidziak seconded, to approve a Conditional Use Permit and Site Plan for 200 Bridge Street, subject to Patrick Meehan's July 19, 2013 and Kapur & Associates' July 29, 2013 memorandums to the Plan Commission as follows:

- Permanent Marking of Off-Street Parking Area
  - Section 315-48(G) of the City Zoning Ordinance requires that all off-street parking stalls serving five (5) or more vehicles shall have all parking stalls permanently marked by painted lines or other approved material, and said marking shall be maintained so as to be legible at all times. This requirement will need to be met prior to the issuance of an Occupancy Permit.
- Landscape Plan
  - Based upon a review of the proposed plans, this requirement does NOT appear to be met for the minimum size of trees to be provided in the landscape areas of the parking lot since only 2-inch caliper trees have been proposed. Therefore, a revised "Landscape Plan: C1.6" needs to be submitted to the City addressing the above requirement to provide canopy trees of a minimum size of 3-inch caliper and indicating landscape plant materials located in the 310-foot (+-) area between the parking lot and the adjacent the Bridge Street right-of-way pursuant to the requirement of Section 315-48(D)(6) of the City Zoning Ordinance prior to the issuance of an Occupancy Permit.
- PUD District Detailed Plan Requirements
  - Under the provisions of Section 315-43(K)((2)(b) of the City Zoning Ordinance, a letter of credit for all improvements shall be submitted before final approval is given. Also, a review of the "Developer's Agreement" ("Planned Unit Development

Agreement") shall be conducted by the City Attorney relating to any required public improvements associated with the development and a letter of credit for said public improvements associated with the development (as required under the provisions of Section 315-43(K)(2)(b) of the City Zoning Ordinance), and that all applicable City of Burlington application and review fees shall be paid by the developer.

- That no Building Permits shall be issued until: a) any needed sanitary and storm sewer and water mains have been installed, tested, and approved by the City of Burlington; b) drainage has been rough graded and approved by the City of Burlington; and c) the property has been rough graded and approved by the City of Burlington.
- That no Occupancy Permits shall be issued until: a) private drives and parking areas have been paved except for the final lift of asphalt; b) the gas, telephone, and electrical services have been installed and are in operation; c) the water system is installed, tested, and approved by the City of Burlington; d) the sanitary sewer system is installed, tested, and approved by the City of Burlington; and e) all City of Burlington codes and ordinances and Building Codes have been complied with.
- A statement which sets forth the relationship of the proposed PUD to the City's adopted Master Plan, Neighborhood Plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
  - A general summary of the estimated value of structures and site improvement costs, including landscaping and special features, and a general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services. The general summary of the estimated value of structures and site improvement costs (including landscaping and special features) needs to be submitted by the applicant.
  - Any proposed departures from the standards of development as set forth in the City zoning regulations, Chapter 278, Subdivision of Land, of this Code, other City regulations or administrative rules, or other universal guidelines.
  - The departures from Rm-4 District requirements pertaining to minimum lot area and side yard setbacks on a corner lot are requested by the applicant as indicated in the various drawings submitted by the applicant.
  - The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
- The applicant has applied for a modification of the minimum lot area requirement of 130,680 square feet for proposed Lot 1 and minimum side yard requirement of 30 feet which shall be indicated on the revised Detailed Plans and submitted to City staff.
- A pre-construction meeting is required before construction begins. This meeting is to be scheduled by the general contractor, architect or engineer responsible for the

management of the project. All permits shall be in place prior to the pre-construction meeting.

- A City permit for utility and construction work in the right-of-way is required before construction can begin.
- A Department of Natural Resource Notice of Intent permit is required and must be posted on site before work can proceed.
- A wetland delineation report was included as part of the submittal. A copy of the Wisconsin Department of Natural Resources concurrence letter is required prior to construction.
- The proposed block retaining wall at the rear of building #2 (4.5 feet to 7 feet high in areas) shall have a required manufacturer submittal to constructing the wall. This wall may require a fence or rail for safety, and will require special design considerations due to its height.
- Storm Sewer Requirements
  - Storm sewer is required to have a manhole at all bends and changes in direction, curving the pipe around the light pole bases are not acceptable. The storm sewer pipe is specified as HDPE (High Density Polyethylene). Material specifications for the corrugated HDPE pipe, with bell and spigot joint must be provided.
  - Label or number all structures on the plan set for reference.
  - A 10" storm sewer line is proposed to collect the two 6" discharge pipes from Bridge Street, route it around the proposed basin and discharge to the wetlands. Eliminate this 10" storm sewer and collect the pipes into the proposed basin. The City will allow this flow to bypass through the basin.
  - *Storm Sewer Routing:* Manholes are required at all changes in pipe alignment. This alignment adds a single inlet structure and eliminates about 375' of 10" storm sewer.
  - A sanitary cleanout is required at the bend on the lateral from building #2.
  - The curb inlet label receiving the lateral from Building #1 should be revised to PVC for the 10" sewer lateral.
  - Additional details are required for erosion control measures and utilities. Provide details for the sanitary manhole, sanitary cleanout, tracking pad, coir logs, silt fence, and rip-rap placement.
- Water Management

- A maintenance agreement required for storm water management practices under § 270-8B shall be an agreement between the City and the permittee to provide for maintenance of storm water practices beyond the duration period of this permit. The agreement should be customized to the site specific maintenance needs and schedule taking into account the detention basin and outlet structure. The agreement or recordable document shall be recorded with the County Register of Deeds so that it is binding upon all subsequent owners of land served by the stormwater management practices.
- As part of the Maintenance Agreement, a storm water access and basin easement is required for the proposed detention basin. This easement should be provided in a recordable form and be included as part of the Maintenance Agreement.
- The rainfall intensity used in the modeling of the report shall be revised to the values as specified by SEWRPC TR-40 for Southeast Wisconsin. Corresponding values are 2-year storm (2.57"), 10-year storm (3.62") and 100-yr storm is (5.88"). A revised SWMP model is required.
- The SLAMM model is required by NR 151.12(b) to be run with model dates 3-28-69 thru 12-6-69. The model that was submitted was processed using the entire year. Revise the SLAMM model using the appropriate dates.
- The outlet structure for the pond needs to be revised to prevent plugging. A 3" orifice at the surface elevation will plug extremely easily with floating debris and trash. This can be done by various methods. A concrete weir wall within the manhole, a submerged inlet pipe or a larger inlet pipe with trash grate and restricting orifice.
- A fore bay is recommended near the primary inlet pipe to capture sediments. This will allow for improved maintenance of the basin.
- Provide on a disc or email copy of PDF's of the plans, report and the hydraulic model data.
- Revise the spillway reinforcement to a Class III, Type D Turf Reinforcement Mat, such as Pyramat or equal. The spillway TRM should be covered with a minimum 5" of topsoil and then matted, seeded, fertilized and mulched per restoration standards. Included is a typical detail for the spillway. Using the matting and topsoil improves the maintenance and aesthetics.
- The pond is required to be certified by the City of Burlington. After construction, but prior to holding water, the City Engineer must be notified for inspection and certification of the detention basin and outlet.

*All were in favor, and the motion carried.*

**C. Consideration of a Planned Unit Development Overlay request from Bear Development, LLC for property located at 200 Bridge Street to construct two 24-unit apartment buildings.**

- Mayor Miller opened this item for discussion.
- Attorney John Hotvedt, 369 Indian Bend Road, stated his client, Bear Development, is concerned with the requirement for a Letter of Credit for public improvements when there will not be public improvements on this site. S.R. Mills stated he will provide a Letter of Credit for the development as whole, including the buildings.
- There were no further comments.

Commissioner Lynch moved, and Commissioner Deans seconded, to recommend approval of a Planned Unit Development Overlay District, subject to Patrick Meehan's July 19, 2013 and Kapur & Associates' July 29, 2013 memorandums to the Plan Commission as follows:

- A Public Hearing is held before the Common Council prior to approval.

*All were in favor, and the motion carried. This item will move on to the August 20, 2013 Committee of the Whole meeting.*

**D. Consideration of a Certified Survey Map from Bear Development, LLC for a redivision of Lot 1 at 200 Bridge Street.**

- Mayor Miller opened this item for discussion.
- There were further comments.

Commissioner Lynch moved, and Commissioner Reesman seconded, to recommend approval of a Certified Survey Map, subject to Patrick Meehan's July 19, 2013 and Kapur & Associates' July 29, 2013 memorandums to the Plan Commission as follows:

- Section 278-39(A)(6) of Chapter 278 requires the date of the Certified Survey Map be indicated. Each sheet of the proposed Certified Survey Map shall be labeled with the same date and a revised dated Certified Survey Map shall be submitted to the City staff for review for compliance.
- Show the setback line for the setback from the wetlands and the Fox River.
- Show confirmation the wetlands were staked by the DNR or SEWRPC.
- List the South Zone as indicated with the Wisconsin Coordinate System.
- Include the centerline for Bridge Street.
- Label the area between the meander lines and the shoreline as the area +/-.

*All were in favor, and the motion carried. This item will move on to the August 20, 2013 Committee of the Whole meeting.*

**ADJOURNMENT**

Commissioner Deans moved, and Alderman Dawidziak seconded, to adjourn the meeting at 6:56 p.m. *All were in favor, and the motion carried.*

Recording Secretary  
Megan E. Watkins  
Director of Administrative Services