

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
January 12, 2010, 6:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Alderman Steve Rauch, Commissioners John Lynch, Chris Reesman, Darrel Eisenhardt and Bob Henney. Student Representatives Carrie Coppernoll and Richie Hoffman were present. Alderman Tom Vos was excused. Town of Burlington Representative Phil Peterson was absent. Also present were City Planner Patrick Meehan and Building Inspector/Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Lynch moved and Commissioner Eisenhardt seconded to approve the minutes of October 13, 2009. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

A. Public Hearing to hear public comments regarding a Conditional Use Application from Mary Koldeway for property located at 5821 S. Pine Street to use as a Dog Grooming and Doggie Day Care facility.

- Mayor Miller opened the public hearing at 6:34 p.m. There were no comments. Commissioner Lynch moved and Alderman Rauch seconded to close the Public Hearing at 6:34 p.m. All were in favor and the motion carried.

B. Public Hearing to hear public comments regarding a Conditional Use Application from Southern Lakes Area Love Inc. for property located at 446 S. Pine Street to use as a Used Book Store.

- Mayor Miller opened the public hearing at 6:35 p.m. There were no comments. Commissioner Lynch moved and Commissioner Henney seconded to close the Public Hearing at 6:35 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use and Site Plan Application from Mary Koldeway for property located at 5821 S. Pine Street to use as a Dog Grooming and Doggie Day Care facility.

- Mayor Miller opened this issue for discussion.

- Commissioner Lynch inquired if the dogs are going to be walked and how clean up after the dogs will occur. Mary Koldeway, applicant, stated they will not be walking the dogs however there is a fenced in area behind the building that the dogs will be allowed to run in for a short period of time. Patrick Meehan stated this was not indicated in the application or on the Site Plan and this type of service is not a permitted use per city code. Ms. Koldeway stated the amount of time the dogs will be allowed outside will be minimal, approximately ten to fifteen minutes at a time, and they will be supervised.
- Commissioner Henney questioned if there would be kenneling over night. Ms. Koldeway stated the business hours are from 8 a.m. to 5 p.m. with no over night kenneling.
- Patrick Meehan stated that since the fenced area is not referenced on the Site Plan, a new plan should be submitted to the city indicating the area. He recommended the Plan Commission approved the Conditional Use Permit contingent upon staff review of the facility in a year to ensure the outdoor area does not become a public nuisance or violation. He further stated that the Plan Commission should be aware that approval of the outdoor area could set precedence to future applicants of this nature that would be located closer to residential areas and cause problems. Commissioner Lynch stated he doesn't see a problem with approving the Conditional Use Permit however he did not want to set a precedence.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Henney seconded to recommend approval of a Site Plan and Conditional Use Application for Mary Koldeway at 5821 S. Pine Street, subject to Kapur & Associate's January 4, 2010 and Patrick Meehan's December 28, 2009 memorandums to the Plan Commission as follows:

- The submitted drawings appear to meet the various Site Plan requirements of Section 315-137(C) of the City Zoning Ordinance except as noted below:
 - Existing and proposed topography (if required by the City Engineer).
 - The 100-year recurrence interval floodplain noted on the Site Plan and a revised Site Plan submitted to the City for City staff review (if required by the City Engineer).
 - If new outdoor lighting is to be provided on the subject property, outdoor lighting data shall be submitted which indicates the location, type, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site. In addition, all new outdoor lighting will need to meet the requirements of Ordinance No. 1798(2) of the City of Burlington Municipal Code and a Lighting Plan shall be submitted to the City for City staff review.
 - The location of all existing and proposed easements (if any) on the site, including utility easements, and all other easements, shall be noted on the site plan and a revised Site Plan submitted to the City for City staff review.

- Provide an amended Site Plan to Patrick Scherrer indicating the fenced in outdoor area, including type of fence, height, gate location and dimensions.
- Review of Conditional Use after one year by City staff.

All in favor and the motion carried.

B. Consideration to approve a Conditional Use and Site Plan Application from Southern Lakes Area Love Inc. for property located at 446 S. Pine Street to use as a Used Book Store.

- Mayor Miller opened this issue for discussion.
- Commissioner Henney questioned if this business will cause a problem with parking in the existing multi-tenant lot. Bill Schoessling of Love, Inc., applicant, stated there will only be one employee working at a time and thus far the businesses seem to work well together in regards to hours open and parking availability.
- There were no comments.

Commissioner Lynch moved and Alderman Rauch seconded to recommend approval of a site plan and Conditional Use Permit for Love Inc., subject to Kapur & Associate's January 4, 2010 and Patrick Meehan's December 28, 2009 memorandums to the Plan Commission as follows:

- If any new outdoor lighting is contemplated to serve the off-street parking lot, outdoor lighting data needs to be submitted which indicates the location, type, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site. It is recommended that total cut-off luminaires be used throughout the site meeting the requirements of Sections 315-137(C)(25) of the City Zoning Ordinance.

All in favor and the motion carried.

OTHER MATTERS

ADJOURNMENT

Commissioner Eisenhardt moved and Commissioner Henney seconded to adjourn the meeting at 6:50 p.m. All were in favor and the motion carried.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator