



Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
September 14, 2010, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Aldermen Tom Vos and Robert Prailes; Commissioners Chris Reesman, Darrel Eisenhardt, John Lynch and Bob Henney were present. Town of Burlington Representative Phil Peterson was absent. Also present were City Administrator Kevin Lahner, Zoning Administrator Patrick Scherrer and City Planner Patrick Meehan.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Alderman Vos seconded to approve the minutes of August 10, 2010. All were in favor and the motion carried.

CITIZEN COMMENTS

None

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use Application from Burlington Area School District for property located at 380 McCanna Parkway to install an electronic message board on the HERO Center sign.

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

B. A Public Hearing to hear public comments regarding a Conditional Use Application from Tractor Supply Company for property located at 1801 Milwaukee Avenue for the placement of a retail propane dispenser tank.

- Mayor Miller opened the public hearing at 6:35 p.m.
- Hans Mueller representing AmeriGas was on hand to answer questions and gave a brief overview of the project.
- There were no comments. Alderman Vos moved and Commissioner Reesman seconded to close the Public Hearing at 6:37 p.m. All were in favor and the motion carried.

C. A Public Hearing to hear public comments regarding a Conditional Use Application from Thomas Mendicino for property located at 817 N. Pine Street to use the property as an automotive repair shop.

- Mayor Miller opened the public hearing at 6:37 p.m.
- There were no comments. Commissioner Lynch moved and Commissioner Eisenhardt seconded to close the Public Hearing at 6:38 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Site Plan Application and Conditional Use Application from Burlington Area School District for property located at 380 McCanna Parkway to install an electronic message board on the HERO Center sign.

- Mayor Miller opened this issue for discussion.
- Patrick Meehan stated in his memorandum he recommends that illumination from the sign shall not exceed 1.0 footcandle at any point along the boundary line and for the sign to have only one color. Alderman Prailes questioned why Mr. Meehan recommends only one color to be used and Mr. Meehan stated multi-colors can be distracting and harder to read.
- Commissioner Lynch stated he is concerned this may set a precedence for other applicants in I-1 Districts and is concerned for areas where residential districts abut institutional districts. Mayor Miller stated the ordinance reflects his concerns as electronic signs are now a conditional use in the I-1 District allowing the Plan Commission to review each request on a case by case basis.
- There were no further comments.

Commissioner Reesman moved and Alderman Vos seconded to approve the Conditional Use and Site Plan Application for 380 McCanna Parkway, subject to Patrick Meehan's August 30, 2010 memorandum to the Plan Commission:

- Electronic signs that display messages in addition to or other than the time or temperature must be freestanding or monument signs meeting the requirements of this chapter. The display message area shall be a maximum of 25% of the entire sign area.
- The display on an electronic sign shall meet the following requirements:
 - The sign shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions.
 - Illumination from the sign shall not exceed 1.0 footcandle as measured at any point along the property boundary line. The maximum brightness level for the electronic sign shall not be obtrusive (as determined by the Zoning Administrator) to the surrounding and abutting properties or the neighborhood, and at no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.

- The display of the sign shall not change more rapidly than once every five seconds.
- The display of the sign shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; and the display of the sign shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.
- No message shall require more than 10 seconds to be displayed in its entirety.
- Scrolling or traveling of a display onto the sign shall be from one direction only, provided that once the entire message is displayed, each message remains in a static state for at least 1.5 seconds. There shall be two seconds of still image or blank screen following every scrolling or traveling display.
- The sign display shall have a dark background with only the message or foreground lit in a white, red, orange, yellow, amber or light tone or shade of said colors. A maximum of one (1) such color for sign illumination shall be allowed.

All in favor and the motion carried.

B. Consideration to approve a Site Plan Application and Conditional Use Application from Tractor Supply Company for property located at 1801 Milwaukee Avenue.

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned if the propane tank will be in a fenced area. Hans Mueller replied it will be in a locked fenced area that is accessible only when the business is open.
- There were no further comments.

Alderman Vos moved and Commissioner Eisenhardt seconded to approve a Conditional Use and Site Plan Application for 1801 Milwaukee Avenue, subject to Patrick Meehan's August 30, 2010 memorandum to the Plan Commission as follows:

- Pursuant to the requirements of Section 315-26(D)(34)(c)(6) of the City Zoning Ordinance, all outdoor display of merchandise areas shall be required to be paved with pavement of either asphalt or concrete. The applicant proposes a gravel surface. Therefore, the Site Plan drawing will need to be revised and resubmitted to the City to indicate pavement of either asphalt or concrete and said pavement of either asphalt or concrete shall be installed at the subject property. The submission of a revised Site Plan shall be prior to the issuance of a Conditional Use Permit.

All in favor and the motion carried.

C. Consideration to approve a Site Plan Application and Conditional Use Application from Thomas Mendicino for property located at 817 N. Pine Street.

- Mayor Miller opened this issue for discussion.
- Alderman Prailes questioned what the building was used for prior to this request. Pat Scherrer stated there was an automotive detail shop that received a Conditional Use Permit in 2008.
- Pat Scherrer requested the commission set a deadline for completion of the conditional use compliance requirements as the requirements from the 2008 Conditional Use Permit (CUP) were never fulfilled. He explained the tenant with the automobile detail shop moved out shortly after receiving Plan Commission approval.
- Mayor Miller stated the outdoor storage of vehicles needs to be closely monitored due to the type of business going in.
- Commissioner Eisenhardt questioned if there is existing on-site parking. Mr. Scherrer stated there are some existing parking stalls and a handicap stall needs to be added.
- Alderman Vos questioned if there is a clear delineation of the neighboring property line as there is a parking lot adjacent the proposed parking stalls, and if it will need to be screened. Both Mr. Scherrer and Mr. Meehan responded that the property line is clear, screening is not necessary due to both properties having the same zoning and that there should not be any issues in regards to confusion of where people should park.
- Commissioner Lynch recommended the commission approve a sixty (60) day deadline for completion of requirements with the CUP.
- There were no further comments.

Commissioner Lynch moved and Commissioner Henney seconded to approve a Conditional Use and Site Plan Application for 817 N. Pine Street with a 60-day deadline to complete necessary requirements as stated in Kapur & Associates' September 7, 2010 and Patrick Meehan's August 31, 2010 memorandums to the Plan Commission as follows:

- Based upon the requirements of Section 315-48(H) and Table 4 of the City Zoning Ordinance, one (1) off-street parking space to serve persons with disabilities needs to be actually marked on the pavement. It is recommended that the 10-foot x 10-foot outdoor storage/garbage area be reconfigured and the proposed off-street parking space to serve persons with disabilities be moved further to the northwest in order to allow space No. 3 to adequately function and a revised Site Plan submitted to the City.
- The applicant shall meet all of the requirements of Section 315-26(M) of the City Zoning Ordinance regarding outdoor storage.
- All trash dumpsters shall meet the various requirements of Section 315-26(O) of the City Zoning Ordinance.
- Pursuant to the requirements of Section 315-137(C)(25) of the City Zoning Ordinance, if any new outdoor lighting is proposed, outdoor lighting data would need to be submitted to the

City which indicates the location, type, and illumination level (in footcandles) of all proposed new outdoor lighting.

- If such signs are installed, the requirements of Section 315-64(D) shall be met and:
 - Pursuant to the requirements of Section 315-71(C) of the City Zoning Ordinance, the maximum total sign area of any new freestanding sign for a parcel such as the subject property in the B-1 District is 150 square feet.
 - Pursuant to the requirements of Section 315-71(D) of the City Zoning Ordinance, the maximum total sign area for all wall, fascia, awning/canopy, marquee, and graphic signs for a parcel such as the subject property in the B-1 District is 1.40 square feet proportionally per 1 linear foot of exterior storefront wall width that fronts on a public street; however, no sign for any 1 exterior store front which fronts upon any public street or no sign for any 1 tenant which fronts upon any public street shall exceed 200 square feet in area.
 - Pursuant to the requirements of Section 315-71(E) of the City Zoning Ordinance, the maximum height of a new freestanding sign for a parcel such as the subject property in the B-1 District is 15 feet.
- The existing asphalt has cracks and depressions and may need repair. A paving plan needs to be submitted that includes paving construction limits. The paving plan should clearly delineate existing and proposed grades and drainage patterns.
- Storage of any vehicles outdoors which are either awaiting repairs or have completed repairs, shall be limited to three (3) and shall not be parked within any of the four (4) required off-street parking spaces.

All in favor and the motion carried.

At this time, 6:50 p.m., Alderman Vos stepped out of the meeting and joined the audience.

D. Consideration to approve a Site Plan Application from T & M Rental, LLC for property located at 150 Longmeadow Drive to construct a cold storage addition to the existing building.

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

Commissioner Henney moved and Commissioner Lynch seconded to approve the Site Plan Application for 150 Longmeadow Drive, subject to Kapur & Associates' August 31, 2010 and Patrick Meehan's August 31, 2010 memorandums to the Plan Commission

- An existing accessory shed which infringes upon the subject property from 13.2 feet to 14.6 feet either be relocated or removed prior to the sale of either properties.
- A total of ten (10) off-street parking spaces need to be provided for the existing and proposed uses. The total number of nine (9) functional Site Plan-designated off-street parking spaces does not meet this requirement. Adequate space is provided in the rear

(north side) of the proposed building addition for a minimum of one (1) off-street parking space. Use of this assumes the removal of the existing wood storage frame with no foundation now located on the north side of the proposed addition. It is recommended that provisions be made to allow the parking of one (1) vehicle on the north side of the building addition as may be needed.

- If any outdoor lighting is contemplated to serve the off-street parking lot, outdoor lighting data is required which indicates location, type, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site meeting the requirements of Sections 315-31(H) of the City Zoning Ordinance. It is recommended that total cut-off luminaires be used throughout the site meeting the requirements of Sections 315-31(H) and 315-137(C)(25) of the City Zoning Ordinance.
- The landscaping plan that was provided appears to be a proposed plan from 2008. It does not appear to accurately depict the existing landscape, specifically at the rear of the property which shows no green space located at the rear of the property and there is a storage shed and stone lined drainage swale in an easement. Also it appears some of the plantings may be absent from the existing site. A revised Landscape Plan shall be submitted to City Staff for review.

All in favor and the motion carried.

At this time, 6:52 p.m., Alderman Vos reentered the meeting.

E. Consideration to approve an extension to a Conditional Use Permit (CUP) for one year for FCF Metal Salvage located at 680 Maryland Avenue.

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned if the extension request was for one year or three years before the next Plan Commission review. Pat Scherrer recommended the time period to be indefinitely where review would occur by staff on an as needed basis. He further explained that he has never had a problem with this business being compliant and never received a complaint about FCF Metal Salvage. Alderman Vos agreed with Mr. Scherrer and further stated he feels this should be done with more CUP properties that require Plan Commission review and keep it more on a staff level.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to recommend approval of a Conditional Use Permit indefinitely for FCF Metal Salvage at 680 Maryland Avenue.

All in favor and the motion carried.

F. Consideration to approve an extension to a Conditional Use Permit (CUP) for one year for J.W. Peters located at 500 W. Market Street.

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

Commissioner Lynch moved and Commissioner Henney seconded to recommend approval of a Conditional Use Permit extension for one year for 500 W. Market Street.

All in favor and the motion carried.

ADJOURNMENT

Alderman Vos moved and Commissioner Henney seconded to adjourn the meeting at 6:58 p.m. All were in favor and the motion carried.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator