



**AGENDA**  
**PLAN COMMISSION**  
**Tuesday, December 13, 2016 at 6:30 p.m.**  
**Common Council Chambers, 224 East Jefferson Street**

**Mayor Jeannie Hefty**, Chairman  
**Tom Vos**, Aldermanic Representative  
**Bob Grandi**, Aldermanic Representative  
**Darrel Eisenhardt**, Park Board President  
**Chad Redman**, Commissioner  
**Chris Reesman**, Commissioner  
**Andy Tully**, Commissioner

1. Call to Order
2. Roll Call
3. Approval of the minutes of November 8, 2016
4. Letters and Communications: None
5. Citizen Comments
6. Public Hearings:
  - A. A Public Hearing to hear comments regarding a Conditional Use application from Nicholas Lovrine, for property located at 357 S. Perkins Blvd., to allow a duplex to convert back to a single-family residence.
7. Old Business:
  - A. Revocation Hearing for Conditional Use Permit No. 71261 with Motor Sports Auto Sales for property located at 1157 Milwaukee Avenue, which was tabled at the November 8, 2016 meeting.
  - B. Consideration to recommend approval by the Common Council of an ordinance to amend Chapter 315-27, "B-2 Central Business District" in the Municipal Code creating trash dumpster and garbage receptacle requirements

8. New Business:

- A. Consideration to approve a Conditional Use application from Nick Lovrine for property located at 357 S. Perkins Blvd., to allow a duplex to convert back to a single-family residence, subject to Gregory Guidry's December 2, 2016 memorandum to the Plan Commission.

9. Adjournment.

*Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.*

*Note: Notice is hereby given that a majority of the members of the Common Council may be present at the meeting. Although this may constitute a quorum of the Council, the Council will not take any action at this meeting.*



**Minutes**  
**City of Burlington Plan Commission**  
**November 8, 2016, 6:30 p.m.**

Mayor Jeannie Hefty called the Plan Commission meeting to order at 6:30 p.m. Roll call: Alderman Bob Grandi; Commissioners Darrel Eisenhardt; Chad Redman; Chris Reesman; and Andy Tully were present. Alderman Tom Vos was excused.

**APPROVAL OF MINUTES**

Commissioner Eisenhardt moved, and Commissioner Reesman seconded to approve the minutes of October 11, 2016. All were in favor, and the motion carried.

**LETTERS & COMMUNICATIONS**

None

**CITIZEN COMMENTS**

None

**PUBLIC HEARINGS**

**A. A Public Hearing to hear public comments regarding a Conditional Use application from Pinnacle Construction for property located at 980 Milwaukee Avenue, Suite #100 to allow a drive-thru window at Jimmy John's Restaurant.**

- Mayor Hefty opened the Public Hearing at 6:31 p.m.
- There were no comments.

Alderman Grandi moved, and Commissioner Tully seconded to close the Public Hearing at 6:32 p.m. All were in favor and the motion carried.

**OLD BUSINESS**

None

**NEW BUSINESS**

**A. Consideration to approve to the Common Council of a Conditional Use application from Pinnacle Construction for property located at 980 Milwaukee Avenue, Suite #100 to allow a drive-thru window at Jimmy John's Restaurant, subject to Gregory Guidry's October 25, 2016 memorandum to the Plan Commission.**

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

Commissioner Eisenhardt moved, and Commissioner Reesman seconded to recommend approval of a drive-thru window.

**B. Consideration to recommend approval to the Common Council of Resolution 23 to amend the Multi-Jurisdictional Comprehensive Plan for property located at 672 W. State Street.**

- Mayor Hefty opened this item for discussion.
- Gregory Guidry, Building Inspector, explained this property is next to Gooseberries. The October 11, 2016 Plan Commission meeting approved the rezone from B-1 to I-1. Mr. Guidry also explained, making this amendment was the next step to complete the process for the church to expand for future parking.
- There were no further comments.

Alderman Grandi moved, and Commissioner Tully seconded to recommend approval of Resolution 23.

*All were in favor and the motion carried.*

**C. Revocation Hearing for Conditional Use Permit No. 71261 with Motor Sports Auto Sales for property located at 1157 Milwaukee Avenue.**

- Mayor Hefty opened this item for discussion.
- Carina Walters, City Administrator, stated that staff recommends tabling this item. Ms. Walters explained the City Attorney suggested to give appropriate notice of the hearing to Jeff Way and allow Mr. Way to remove cars from the front and side of the building prior to the next meeting. The barbwire fence that runs parallel to Milwaukee Avenue and numerous cars were not allowed in the original Conditional Use Permit. Ms. Walters also stated Mr. Way will be selling his property. Ms. Walters explained by waiting, it would give him the chance to become more in compliance and staff will meet with Mr. Way to see how he plans on being in compliance with the outstanding items. If Mr. Way has not corrected these items by the December 13, 2016 meeting, the Plan Commission will consider revoking his Conditional Use Permit since the issues have been continuing for the past seven years. Commissioner Tully asked if cars were allowed to be parked in the front of the building. Mr. Guidry replied that only two cars in front were allowed and behind the second fence. Alderman Grandi questioned who is responsible for the cost of sending letters and time staff has put into the research. Ms. Walters responded that the City is. Alderman Grandi stated that the City should not be paying for all the expenses since no improvements have been done for years.
- There were no further comments.

Commissioner Tully moved, and Commissioner Reesman seconded to approve tabling the revocation hearing at the December 13, 2016 meeting.

*All were in favor and the motion carried*

**D. Consideration to recommend approval by the Common Council of an ordinance to repeal and recreate Chapter 315-51, "Fences" in the Municipal Code of the City of Burlington.**

- Mayor Hefty opened this item for discussion.
- Gregory Guidry stated the existing 3 foot high fence is causing issues for residents, it is not high enough for dogs and the standard size when purchasing a fence is usually 4 feet. Mr. Guidry stated the fence has to have an 80% visibility and cannot obstruct view in the street yard. Commissioner Eisenhardt questioned if the fence can be wood or any color. Mr. Guidry replied, yes, as long as everyone can see through it. Commissioner Redman stated that the 4 foot fence would have to be either a chain link or slotted.
- There were no further comments.

Alderman Redman moved, and Commissioner Reesman seconded to recommend approval of an ordinance change for a 4 foot high fence.

*All were in favor and the motion carried.*

**E. Consideration to recommend approval by the Common Council of an ordinance to amend Chapter 315-27, "B-2 Central Business District" in the Municipal Code creating trash dumpster and garbage receptacle requirements.**

- Mayor Hefty opened this item for discussion.
- Gregory Guidry stated the City is trying keep trash bags off the streets downtown and trash from blowing everywhere, by making sure trash receptacles are being used with lids, and not put out more than 12 hours prior to pick-up, this also includes mixed-use businesses. The owner of a downtown business are to supply service for the upstairs units.
- Judith Schulz, 533 Milwaukee Avenue, questioned what would an owner do if they had a zero lot line in the front and back. Ms. Walters stated a small garbage receptacle was sufficient regardless of having a zero lot line, a dumpster was not necessary. Ms. Walters explained that staff had received numerous complaints of trash blowing down the streets. Jim Wallace, 124-126 W. Chestnut Street, stated the amended letter businesses received mentioned that enclosure was required. Mr. Walters stated the enclosure had been modified since then, so the enclosure would not be required around the receptacles. Tina Wetzel, 412 N. Pine Street, asked if a specific type of receptacle is required. Jim Bergles, Department of Public Works Director, stated according to the contract with John's Disposal any size of garbage receptacle is acceptable. Ms. Wetzel stated there are not enough containers for the garbage. Ms. Walters commented that if the appropriate size containers were provided, then there would be enough containers for the garbage. Mr. Guidry suggested that multiple owners could share a dumpster instead of supplying little ones. Doug Harris, 525 Milwaukee Avenue, stated he is in favor of screening the dumpsters. Mr. Harris stated that his second floor tenant is residential, used as a mixed-use building. Mr. Harris stated he interprets that what the City is proposing is mirroring the B-1 District ordinance for the B-2 District. Mr. Harris questioned with the second floor being a rental unit, it is considered a residential and according to the B-2 District ordinance there is nothing written regarding the disposal of garbage. Mr. Harris stated that since there is no ordinance, citizens are using the B-1 District ordinance, which can be placed by the curb. He is also concerned how the City is going to address the second floor tenants that pay for property taxes which include

garbage pick-up. Mr. Bergles explained according City Attorney John Bjelajac, if there is a business downstairs and an apartment upstairs it no longer residential, and considered commercial. If it were residential with 4 unit or less then pick-up would fall under the residential ordinance. Ms. Walters stated it is up to the owner to supply the garbage receptacle for the tenants since downtown is considered commercial, but if a lease was drawn between the owner and the tenant then it is not the City's responsibilities to collect. Ms. Walters also stated there are a few businesses that may have been grand-fathered in before the codes were written and staff will work with the owner on a case by case basis if need be. Mr. Wallace asked if there could be a discount for property taxes since the owners are paying for pick-up, but not receiving the service. Ms. Walters gave an example that residents are paying taxes for schools even if they have no children going to school. Commissioner Eisenhardt asked about the "paved slab" being required. Megan Watkins, Director of Administrative Services, stated that has been amended to read "paved surface".

- There were no further comments.

Alderman Reesman moved, and Commissioner Eisenhardt seconded to recommend tabling this item based on the input of the residents heard at the meeting.

**F. Consideration to recommend approval by the Common Council of an ordinance to repeal Chapter 142-2, "Electrical License" in the Municipal Code of the City of Burlington.**

- Mayor Hefty opened this item for discussion.
- Gregory Guidry explained all electrical work is required to be completed by a licensed contractor that is registered through the State. The city would like to remove the section of being licensed with the city, since the State now requires it.
- There were no further comments.

Commissioner Tully moved, and Alderman Grandi seconded to recommend approval of an ordinance to repeal Chapter 142-2.

**G. Consideration to recommend approval by the Common Council of an ordinance to amend Chapter 243, "Plumbing" in the Municipal Code to amend references to State of Wisconsin agencies and codes.**

- Mayor Hefty opened this item for discussion.
- Gregory Guidry stated the plumbing numbering system was changed by the State of Wisconsin and the city would like to update the ordinance to match the State's codes.
- There were no further comments.

Commissioner Reesman moved, and Alderman Grandi seconded to recommend approval of an ordinance to amend Chapter 243.

**H. Consideration to recommend approval by the Common Council of an ordinance to amend Chapter 115, "Building Construction" in the Municipal Code to amend references to State of Wisconsin agencies and codes.**

- Mayor Hefty opened this item for discussion.
- Gregory Guidry stated the building construction numbering system was changed by the State and the city would like to update the ordinance to match the State's codes.
- There were no further comments.

Commissioner Eisenhardt moved, and Commissioner Tully seconded to recommend approval of an ordinance to amend Chapter 115.

**ADJOURNMENT**

Alderman Grandi moved, and Commissioner Redman seconded to adjourn the meeting at 7:17 p.m. *All were in favor and the motion carried.*

Recording Secretary  
Kristine Anderson  
Administrative Assistant



**PLAN COMMISSION**

**ITEM NUMBER: 6A**

**DATE:** December 13, 2016

**SUBJECT:** A Public Hearing for a Conditional Use application at 357 S. Perkins Blvd.

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

**PROJECT/SCOPE:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from Nicholas Lovrine for property located at 357 S. Perkins Blvd. The applicant is proposing to allow a duplex to convert back to a single-family residence.

**ZONING:**

The parcel is zoned Rd-2, Two-Family Residential.

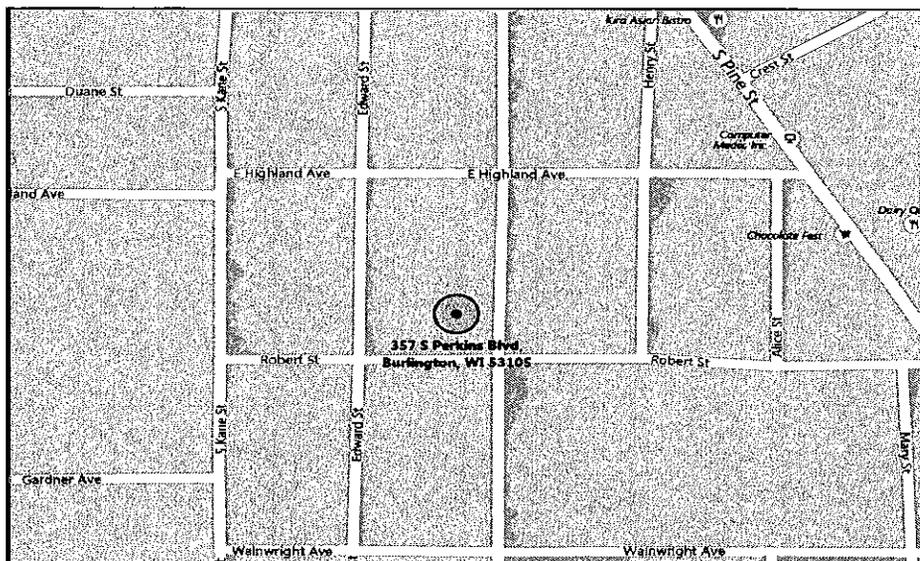
**RECOMMENDATION:**

N/A

**TIMING/IMPLEMENTATION:**

This item is for a Public Hearing at the December 13, 2016 Plan Commission meeting and will be for discussion the same night.

**MAP:**



THE PLAN COMMISSION IN AND FOR THE CITY OF BURLINGTON

Notice of Hearing on  
Proposed Conditional Use Permit  
Rd-2, Two-Family Residential

TO WHOM IT MAY CONCERN:

**NOTICE** is hereby given that the Plan Commission of the City of Burlington, Racine County, Wisconsin, will conduct a hearing to discuss the proposed Conditional Use Permit for:

**Owner:** Nicholas Lovrine  
**Applicant:** Nicholas Lovrine  
**Location:** 357 S. Perkins Blvd.  
**Zoning:** Rd-2, Two-Family Residential  
**Use:** To allow a duplex to convert back to a single-family residence

**NOTICE IS FURTHER GIVEN** that a hearing on the above-mentioned Conditional Use Permit will be held by the City Plan Commission in the Courtroom of the Police Department, in the City of Burlington on:

**TUESDAY, DECEMBER 13, 2016 DURING THE MEETING OF THE PLAN COMMISSION SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER**

To consider the above Conditional Use Permit and to hear persons in support thereof or opposition thereto.

CITY OF BURLINGTON  
PLAN COMMISSION

Dated at Burlington, Wisconsin, 21<sup>st</sup> day of November, 2016.

Diahnn Halbach, City Clerk

*Published in the Burlington Standard Press  
November 24<sup>th</sup>, 2016 and December 1<sup>st</sup>, 2016*



DATE: December 13, 2016

SUBJECT: Revocation Hearing of a Conditional Use Permit at 1157 Milwaukee Avenue.

SUBMITTED BY: Carina Walters, City Administrator

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**PROJECT/SCOPE:**

A revocation hearing for the Conditional Use Permit at 1157 Milwaukee Avenue was scheduled for the November 8, 2016 Plan Commission meeting. Prior to the Plan Commission meeting, Mayor Hefty and I met with Mr. Way and ultimately agreed to allow Mr. Way until December 13 to fulfill the outstanding compliance issues at said property.

At a follow-up meeting on November 15, Mayor Hefty, Gregory Guidry and I met with Mr. Way to create an action plan to come into compliance with the outstanding violations. From this meeting, Mr. Way agreed to correct the following as listed on the Conditional Use Permit before December 13:

1. Parking and Vehicle Display:
  - a. 44 striped customer parking stalls, including 3 parking spaces to serve persons with disabilities.  
*Mr. Way indicated he is not open to the public and will not be striping his lot.*
  - b. Maximum of 85 vehicles for display as shown on the site plan.  
*Mr. Way stated there will not be 85 vehicles and none will be on display*
  - c. Minimum size of off-street parking spaces to be 9' x 20'.  
*Mr. Way indicated he is not open to the public and will not be striping his lot.*
2. Site Lighting: A revised site plan is required to be submitted to the City for the removal, continued use, or proposed replacement of any existing lighting at the subject property in order to determine if there are any conflicts with the City Zoning Ordinance. Photometrics are required.  
*Mr. Way indicated he is not open for business and will not be altering the current lighting.*
3. Outdoor Storage: No outdoor storage was applied for. This would include selling truck caps which would require an additional site plan and conditional use permit approved from the City.  
*Mr. Way indicated he is not open for business and have outdoor storage; however, he indicated he will store his personal vehicles on site that need service.*
4. No trash dumpsters: No trash dumpsters were proposed. Need City approval first.  
*Mr. Way indicated there is a trash dumpster which is enclosed and not viewable from the street*
5. Fencing: Fencing including barbed wire fencing to be removed as indicated on the site plan  
*Mr. Way has removed the fence according to the site plan attached.*

Mr. Way further stated he would not park vehicles in the front portion of the property. He has listed the property with Bear Realty the intention is to sell the property before Spring 2017. If it does not sell by then, Mr. Way will come back before the Plan Commission with a revised site plan.

As Mr. Way was granted until December 13 to come into compliance with outstanding violations, updated photos of Mr. Way's progress will be supplied to you at the December 13 meeting. These items include removing the vehicles from the front and side of the building prior and removing the fence that runs parallel to Milwaukee Avenue.

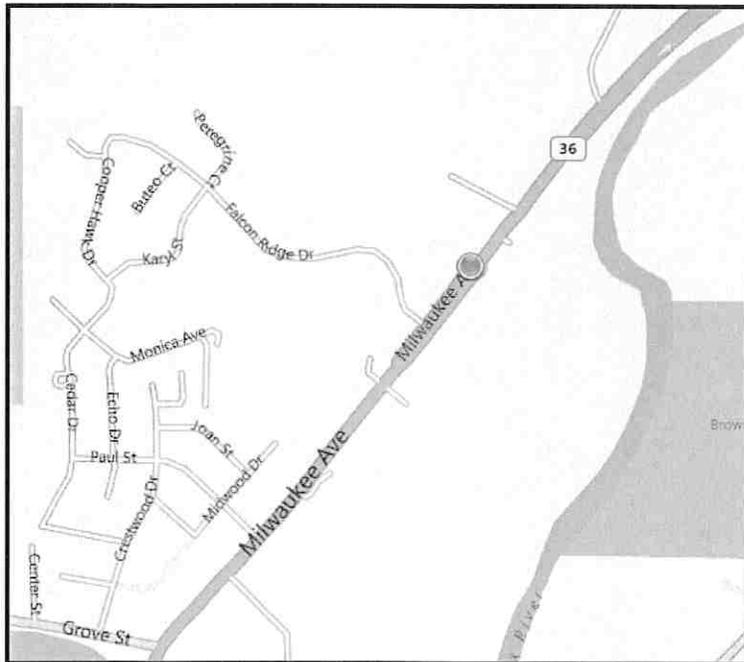
**ZONING:**

The parcel is zoned B-1, Neighborhood Business District.

**TIMING/IMPLEMENTATION:**

This item is for recommendation to the Common Council at the December 13, 2016 Plan Commission meeting.

**MAP:**





## CITY OF BURLINGTON

### Administration Department

300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1161 – (262) 763-3474 fax  
www.burlington-wi.gov

November 15, 2016

Jeff Way  
N7119 Honey Creek Road  
Burlington, WI 53105

**Re: 1157 Milwaukee Avenue**

Dear Mr. Way:

On November 8, 2016 you, Mayor Hefty and I met to discuss continuing compliance problems at your property on 1157 Milwaukee Avenue. This meeting was a result of a possible revocation hearing of your Conditional Use Permit (CUP) that evening before the Plan Commission.

From our staff meeting, you respectfully requested the Conditional Use Permit hearing be postponed until December 13. Please be advised the Plan Commission granted your request based on your commitment to compliance, as you removed all of the cars in the front and side yards with the exception of approximately 14 cars, in which you committed to removal before December 13. Additionally, in a letter dated November 8 from you to the City, you would be also removing the barbwire fencing in accordance of the CUP also before December 13.

In the staff meeting of November 8, you also agreed to meet with myself and Gregory Guidry, Building Inspector to discuss the other remaining items of your non-compliant CUP to come into compliance before the revocation hearing date. **Therefore, please be advised that the City of Burlington's Plan Commission will conduct a hearing to revoke your Conditional Use Permit on Tuesday, December 13 at 6:30 p.m.**

You and/or your representative are advised to attend this revocation hearing. You will be provided an opportunity to provide information to the Plan Commission for their consideration in making a decision. In addition to the Plan Commission action, the City may file a legal action in Racine County Circuit Court seeking injunctive relief with respect to your continued illegal use of the property.

I look forward to working with you.

Sincerely,

Carina G. Walters  
City Administrator

C: City Attorney John Bjelajac  
City of Burlington Plan Commission

**CONDITIONAL USE PERMIT**  
**City of Burlington**

Cup No.: 71261

Zoning District: B-1

Date: 12/14/07

Business Name: Motor Sports Auto Sales Tax Key No: 03-19-28-026-000

Business Address: 1157 Milwaukee Ave. Type of Business: Automotive Sales and Service

**CONDITIONS FOR APPROVAL:**

- 1.) Plan Commission meeting minutes dated June 12, 2007.
- 2.) June 4, 2007 Kapur & Associates, Inc. memorandum as well as Patrick Meehan's May 28, 2007 memo to the Plan Commission.
- 3.) Parking and Vehicle display:
  - 44 striped customer parking stalls, including 3 parking spaces to serve persons with disabilities.
  - Maximum of 85 vehicles for display as shown on site plan.
  - Minimum size of off-street parking spaces to be 9' x 20'.
- 4.) Site Lighting: A revised site plan is required to be submitted to the City for the removal, continued use, or proposed replacement of any existing lighting at the subject property in order to determine if there are any conflicts with the City Zoning Ordinance. Photometrics are required.
- 5.) Outdoor Storage: No outdoor storage was applied for. This would include selling truck caps which would require an additional site plan and conditional use permit approved from the City.
- 6.) No trash dumpsters: No trash dumpsters were proposed. Need City approval first.
- 7.) Fencing: Fencing including barbed wire fencing to be removed as indicated on the Site Plan.

*This permit shall be displayed in a conspicuous place and is non-transferable. It is unlawful to occupy or use this building except in the manner for which this permit is intended.*

Approved by the Burlington Planning Commission on: June 12, 2007

Issued By: Patrick Scherer, Zoning Administrator





## CITY OF BURLINGTON

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI 53105  
(262) 342-1163 – (262) 763-3474 fax  
[www.burlington-wi.gov](http://www.burlington-wi.gov)

To: City of Burlington Plan Commission  
From: Gregory Guidry City Zoning Administrator  
Date: November 3, 2016  
Re: Conditional Use Permit, 1157 Milwaukee Ave.

Members of the Plan Commission, this item is before you for the consideration of revoking the Conditional Use Permit at 1157 Milwaukee Avenue. Mr. Jeff Way requested a Conditional Use Permit, which was approved at the December 14, 2007 Plan Commission meeting. Since that time, to the best of my knowledge, prior correspondences between City staff to Mr. Way reflect limited work done to satisfy the original Conditional Use Permit requirements.

In September 2016, I mailed to Mr. Way, the Plan Commission, Common Council, City Attorney and staff a packet which included copies of complaints, photos and correspondence regarding violations with this property. At the November 8, 2011 Plan Commission meeting, a revocation hearing was scheduled; however, the hearing was cancelled as Mr. Way proposed to correct a number of the violations and come closer to in compliance with the terms of his Conditional Use Permit.

Today, five years later, there are a number of items still not completed or corrected. Since I have been the Inspector and Zoning Administrator, there has been minimal work done on the property to satisfy the requirements of the Conditional Use.

Further, during my employment with the City, I have witnessed other violations to the Conditional Use Permit. I have witnessed people working on cars in the building, viewed and counted more than the approved 85 cars on the premises, viewed cars parked off the pavement and parked on the side of the building, viewed more than two vehicles parked in front of the building along with transporters parked on the lot and the abandoned sign is still standing. Mr. Way advised me that a new façade was going to be installed in late 2015/early 2016; however, no changes have been completed. For your convenience, I have included photos that were taken of the site on Tuesday, November 1, 2016.

At Tuesday's Plan Commission meeting, staff will reiterate the facts and will recommend to the Plan Commission a revocation of the Conditional Use Permit. Should you have any questions, please contact me directly at 262-342-1163.

Sincerely,

Gregory Guidry  
City of Burlington Zoning Administrator



## CITY OF BURLINGTON

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

September 30, 2016

Jeffrey Way  
7119 Honey Creek Road  
Burlington, WI 53105

VIA CERTIFIED MAIL

Dear Mr. Way,

This letter is in response to the continuing phone calls received by the Building Department and to our elected officials relating to your property located at 1157 Milwaukee Avenue. The City is respectfully request you to appear before the Plan Commission on November 8, 2016 to inform the commissioners of your plans, including a time frame to comply with the Conditional Use Permit for this property. The City has been more than patient and fair with you in your lack of cooperation over these last eight and a half years.

The items listed below and attached for your convenience relate to compliance of the conditional use permit (CUP) since 2008, which have not been remedied. Likewise, we have had numerous phone calls in the last year and a half regarding the façade upgrades, vehicle repair in the building and overall compliance with the CUP.

- Conditional Use Permit dated December 14, 2007
- December 29, 2008 Letter from Patrick Scherrer, Building Inspector
- June 11, 2010 Letter from City Attorney John Bjelajac
- August 9, 2010 Letter to your attorney John Hotvedt
- October 12, 2011 Letter from City Administrator Kevin Lahner
- November 1, 2011 Letter from Kevin Lahner to City Plan Commission
- November 7, 2011 Letter to Attorney Hotvedt from Kevin Lahner
- November 8, 2011 Plan Commission CUP revocation hearing minutes
- Site photos from 2010 - 2016

You will be placed on the November 8, 2016 Plan Commission agenda. The meeting starts at 6:30 pm in the Common Council chambers, 224 E. Jefferson Street. Should you not appear before the Plan Commission, your CUP is at risk of being revoked.

Thank you for your attention to this matter.

Gregory Guidry,  
Building Inspector/Zoning Administrator

cc: Mayor Hefty, City of Burlington Common Council, City Attorney John Bjelajac, City Administrator Walters, City of Burlington Plan Commission members



**PLAN COMMISSION**

**ITEM NUMBER: 7B**

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**DATE:** December 13, 2016

**SUBJECT:** Consideration to recommend approval of a text amendment to Ch. 315-27, Garbage in the B-2 District.

**SUBMITTED BY:** Jim Bergles, Public Works Director and Gregory Guidry, Building Inspector

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**PROJECT/SCOPE:**

Currently, the B-2, Central Business District does not have language in the Municipal Code requiring property owners to supply a dumpster or garbage receptacle for trash, as the B-2a, Central Business Transition District or B-1, Neighborhood Business Districts do. The Department of Public Works has received several complaints that residents in the downtown area are placing their trash at the curb without being in a receptacle several days prior to their scheduled weekly pick-up. This ordinance would stop this aesthetic issue of trash on the curb in our downtown district with both commercial and mixed commercial buildings, and align the B-2 District requirements for trash to be placed in a dumpster, or garbage receptacle, as required in the B-2a District. This is not without specific challenges since the B-2 District allows zero setbacks in regards to the lot lines. For example, this requirement may need to be reviewed on a case by case basis in order for the ordinance to be enforced.

This proposed amendment went before the Plan Commission on November 8 with much discussion. After receiving feedback from the commissioners and several business owners, the ordinance was tabled to the December meeting. Staff incorporated the recommended changes into the draft ordinance as indicated in red on the attached ordinance.

Further, an additional text amendment has been drafted for Ch. 265-3(A), "Refuse Disposal", that references residential units within a commercial building shall be considered commercial. This amendment would require owners/tenants of mixed-use buildings to secure their own solid waste and recycling collection contractor, as opposed to utilizing city services. As a courtesy, a copy of this draft ordinance has been attached for your convenience; however, it does not require consideration by the Plan Commission.

**ZONING:**

B-2, Central Business District

**RECOMMENDATION:**

Staff recommends approval of this text amendment

**TIMING/IMPLEMENTATION:**

This item is for recommendation to the Council at the December 13, 2016 Plan Commission meeting, for discussion at the December 20, 2016 Committee of the Whole meeting and is scheduled a Public Hearing the same night and for consideration at the January 3, 2017 Common Council meeting.

**AN ORDINANCE AMENDING SECTION 315-27 TITLED "B-2 CENTRAL BUSINESS DISTRICT" OF THE CODE OF THE CITY OF BURLINGTON CREATING TRASH DUMPSTER AND GARBAGE RECEPTACLE REQUIREMENTS**

**NOW THEREFORE BE IT ORDAINED** by the Common Council of the City of Burlington as follows:

I. Chapter 315-27 of the Code of Burlington, Racine and Walworth Counties, Wisconsin, entitled "B-2 Central Business District", is hereby amended as follows:

L. Trash dumpster and garbage receptacles (trash and garbage storage). The following requirements shall be met for trash dumpsters and garbage receptacles in the B-2 Central Business District:

1. Trash dumpster and garbage receptacle enclosures required. All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view.
2. Trash dumpster and garbage receptacle maintenance required. All garbage cans, trash containers, and other garbage storage devices shall be emptied and the contents thereof properly disposed of in a timely manner not less than once every fourteen days and kept litter-free~~disposed of not less than once every seven days.~~ Refuse or recyclable material that has been scattered by wind, animals or vandals is the responsibility of the resident and owner.
3. Unenclosed storage of trash or waste prohibited. No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.
4. Trash dumpster and garbage receptacle location in off-street parking space or drive is prohibited. No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.
5. Paved surface slab~~—~~required. All trash dumpsters and garbage receptacles shall be placed upon a paved surface slab.
6. Adequate size to accommodate recycling materials. All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.
7. Building permit required for the construction of garbage, trash, waste, and dumpster enclosures. A building permit shall be required for the construction of any garbage, trash, waste, or dumpster enclosure.

II. It is further ordained that the application of this ordinance shall be effective after its passage

and publication as required by law.

III. All other provisions as contained in Chapter 315 of the Municipal Code of the City of Burlington shall continue and in full force and effect.

Introduced:  
Adopted:

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Jeannie Hefty, Mayor

Attest:

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Diahnn Halbach, City Clerk

**Ordinance No:**  
**Introduced by: Committee of the Whole**

**AN ORDINANCE TO AMEND CHAPTER 265-3(A), "REFUSE DISPOSAL" OF  
THE CODE OF THE CITY OF BURLINGTON**

- I. Chapter 265-3 of the Code of the City of Burlington, Racine County, Wisconsin, "Refuse Disposal" is hereby amended as follows:

Household solid waste. All residences located in any area in which refuse collection is done by the City or approved contractors shall have sufficient container capacity to accommodate their normal volume of solid waste between collections. All refuse shall be collected from every residential dwelling of four units or fewer at least once per week. Residential units developed within a commercial development shall be considered commercial. Refuse and recyclable material are to be collected from the residences at the street curb or behind residences where City alleys exist.

- II. It is further ordained that the application of this ordinance shall be effective after its passage and publication as required by law.
- III. All other language as contained in Chapter 50 of the Municipal Code of the City of Burlington shall remain without change and in full force and effect.

Introduced:  
Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahn Halbach, City Clerk



**PLAN COMMISSION**

**ITEM NUMBER: 8A**

**DATE:** December 13, 2016

**SUBJECT:** Consideration to approve a Conditional Use and application at 357 S. Perkins Blvd.

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator.

**PROJECT/SCOPE:**

This item is to consider approving a Conditional Use application from Nicholas Lovrine for property located at 357 S. Perkins Blvd. The applicant is proposing to convert a duplex back to a single-family residence, which is permitted as a Conditional Use.

This property was converted from a single-family residence to a two-family in 1953.

**ZONING:**

The parcel is zoned Rd-2, Two-Family Residential.

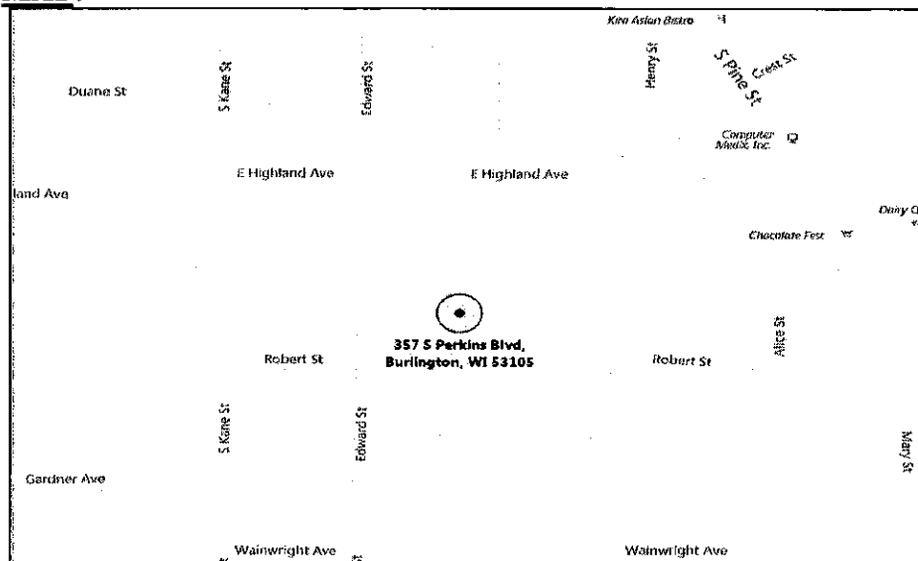
**RECOMMENDATION:**

Gregory Guidry recommends approval of this Conditional Use, subject to items listed in his December 2, 2016 memorandum.

**TIMING/IMPLEMENTATION:**

This item is for consideration at the December 13, 2016 Plan Commission meeting. No further action is necessary.

**MAP:**





## CITY OF BURLINGTON

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

To: City of Burlington Plan Commission  
From: Gregory Guidry Building Inspector/Zoning Administrator  
Date: December 2, 2016  
Re: Application for Conditional Use Permit, 357 S. Perkins Blvd.

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**Requested Approval:** Conditional Use Permit approval for converting a duplex into a single-family residence

**Location:** 357 S. Perkins Blvd.

**Current Land Use:** Two-family residence

**Proposed Use:** Single-family residence

**Current Zoning District:** Rd-2, Two-Family Zoning District

**Surrounding Zoning and Land Use:** Rd-2, Two-Family Residential District and Rs-3, Single-Family Residential District

**Analysis:** A single-family residence is permitted in the Rd-2 Zoning District with a Conditional Use. There is Rs-3, Single-Family Residential District across the street and down the street on the same side, within the Rd-2 District, there is one parcel zoned Rs-3, Single-Family District. The proposed Conditional use for 357 S. Perkins Blvd. meet the Zoning Ordinance standards for granting approval.

**Recommendation:** Considering any comments at the Public Hearing, I recommend that the Commission approve a Conditional Use Permit for a single-family residence, subject to the following conditions:

1. The owner will be required to pull a building permit in order for the building inspector to inspect the dwelling to make sure that the house meets all applicable building codes for a single-family dwelling.
2. Should there be additional work needed to satisfy the code, additional permits shall be pulled as required and inspections passed.
3. The applicant shall satisfy any other requirements of the Plan Commission, Zoning Administrator, and Building Inspector that relate to Zoning Ordinance, or Conditional Use Permit standards.



CITY OF BURLINGTON

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APPLICATION FOR A ZONING PERMIT,  
CERTIFICATE OF COMPLIANCE,  
OR  
CONDITIONAL USE PERMIT

<b>FOR OFFICE USE ONLY</b>	
PERMIT NO. (not C.U.)	_____
AMOUNT PAID \$	<u>500-</u>
DATE FILED	<u>11/10/16</u>
DATE PUBLISHED	_____
PUBLIC HEARING DATE:	_____
RECEIVED BY:	<u>JA</u>

- Zoning Permit - \$25.00                       Joint Zoning/Certificate of Compliance - \$35.00
- Certificate of Compliance - \$15.00        Conditional Use Permit - \$500 Deposit +/- Actual cost

**Instructions:** Applications are to be filed with the Zoning Administrator, who shall refuse applications that are not complete or that are not legible.

**NAMES AND ADDRESSES**

Applicant Nicholas A. Lorraine

Phone No. 262-613-2673 Fax No. \_\_\_\_\_

Applicant's Address W 2513 Whitmore Rd Elkhorn WI 53121

Owner of the site Nicholas A Lorraine

Phone No. 262-613-2673 Fax No. \_\_\_\_\_

Owner's address W 2513 Whitmore Rd. Elkhorn WI 53121

Architect / Professional Engineer \_\_\_\_\_

Architect / Professional Engineer Address \_\_\_\_\_

Contractor \_\_\_\_\_

Contractor's Address \_\_\_\_\_

**DESCRIPTION OF THE SUBJECT SITE**

Address 357 S. Perkins Blvd                      359 S. Perkins Duplex

Or if no address exists: Parcel Identification No. \_\_\_\_\_

Existing Zoning classification Rd-2

Description of existing use Duplex

Description of the proposed use Single family

Number of employees / Hours of operation Ø

**ATTACHMENTS –  
THE FOLLOWING ITEMS MAY NEED TO BE ATTACHED TO THIS APPLICATION:**

**PLAT OF SURVEY** – prepared by a registered land surveyor showing the location, boundaries, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within (40) feet of the subject site.

If municipal sewage service or water service is not available, a plan shall be approved by the City Engineer who shall certify in writing that satisfactory, adequate and safe sewage disposal and/or a safe supply of water, is possible on the site as proposed by the plan in accordance with applicable local, county and state board of health regulations.

**Additional information as may be required by City Officials.**

**Reason for requesting a Conditional Use (for Conditional Use Permit Only):**

Return residence to Single family property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Certificate – I hereby certify that all the preceding statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.	
Applicant <u>[Signature]</u> (Signature)	<u>Nicholas A. Couriel</u> (Print)
Owner <u>[Signature]</u> (Signature)	<u>Nicholas A. Couriel</u> (Print)
Date: <u>11-10-16</u>	Date application Filed: <u>11-10-16</u>

- Applications will not be processed without the property owner's signature.
- Permit may be revoked without notice if misrepresentation of any of the above information or attachments is found to exist.
- Permit is Null and Void if issued in error. It is understood that any permits issued on this application will not grant any right or privilege to erect any structure or to use any premises for any purpose that is prohibited by the Zoning Ordinance or any other state or local laws.
- Changes in the plans or specifications submitted in the original application shall not be made without prior written approval of the Zoning Administrator.

Zoning Administrator: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_