



**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