



Minutes
City of Burlington Plan Commission
December 13, 2016, 6:30 p.m.

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

APPROVAL OF MINUTES

Alderman Vos moved, and Commissioner Redman seconded to approve the minutes of November 8, 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 Nicholas Lovrine for property located at 357 S. Perkins Blvd. to allow a duplex to convert back to a single-family residence.

- Mayor Hefty opened the Public Hearing at 6:31 p.m.
- Nicholas Lovrine, owner, stated the house was originally a single-family residence, but due to the selling market it is advantageous to switch it back to a single-family instead of keeping it currently as a duplex.
- There were no further comments.

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

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.

- Mayor Hefty opened this item for discussion.
- Carina Walters, City Administrator, explained that staff met with Mr. Way after the November 8, 2016 meeting at the property and found several items from the original Conditional Use were still not in compliance. Even though the business is not in operation, this does not exclude Mr. Way of making any necessary corrections of the Conditional Use,

except the two vehicles parked in front of the building. Ms. Walters stated the property is for sale by Bear Realty and that the Plan Commission can require a revised Site Plan if the property is not sold by March.

- Mr. Way stated the property was placed on the market to sell or lease by June 3, 2017 and not March. Mr. Way explained the vehicles in front have been removed as requested. The few vehicles remaining were sold to either salvage yards or dealers and will be picked up soon. Unfortunately, the key to the Trail Blazer is lost and is in the process of getting one. Mr. way also stated five more vehicles were removed after the pictures were taken in the afternoon on December 13, 2016. Mr. Way explained there are roughly 70 vehicles behind the fence and the fence that runs parallel to Milwaukee Avenue was taken down as requested.
- Ms. Walters stated since most of the issues have been mitigated, the Plan Commission has two options for this revocation. 1) Continue to allow Mr. Way to keep making corrections to become compliant with the original Conditional Use by June 30, 2017 or 2) Chose to revoke the Conditional Use. Commissioner Tully stated since the property is listed for sale, he does not see the point in revoking the Conditional Use, since Mr. Way is making progress in correcting the violations. Mr. Way explained if the property did not sell by June, he would come back to the Plan Commission with a new Conditional Use and Site Plan application, and in the meantime would keep cleaning up the property. Mr. Way suggested the parking spaces should be based on the type of business and not just a specific amount of spaces. Alderman Vos stated it would be a good idea to allow Mr. Way to work out the details with the City. Alderman Vos also stated this issue should have been brought to the Plan Commission a long time ago since this started in 2007. Ms. Walters commented that the City had many attempts to hold revocation hearing, to move forward and work with Mr. Way. Mr. Way agreed with Alderman Vos, that if this was taken care of, money could have been made.
- Attorney John Bjelajac stated that any new buyer would be required to have their own Conditional Use application. Attorney John Bjelajac also stated the Plan Commission body has the power to change parking spaces that seem fit. Mr. Guidry stated if Mr. Way does not sell the property by June, there would be less cars if a new Conditional Use application was applied for. Attorney John Bjelajac stated the Plan Commission could motion to defer to a specific date set by Ms. Walters for everything to be resolved. Ms. Walters stated this property can be brought to the Plan Commissioner earlier if it gets sold.
- There were no further comments.

Alderman Vos moved, and Commissioner Eisenhardt seconded to close the Revocation Hearing.

Attorney John Bjelajac reminded the Plan Commission to vote on a decision. Commissioner Eisenhardt questioned if an update could be given in 60-90 days from now and Ms. Walters stated the Plan Commissioner would be notified.

Alderman Vos moved, and Commissioner Tully seconded to rescind the Revocation Hearing at this time allowing time to comply with the violations.

All were in favor and the motion carried.

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.

- Mayor Hefty opened this item for discussion.
- Gregory Guidry, Building/Zoning Administrator, stated the City is trying to avoid garbage in the downtown streets from blowing everywhere, by making sure trash receptacles are being used with lids. Commissioner Reesman clarified that the owners of downtown commercial buildings are responsible to supply service for the upstairs rental units. Mike Springer, 472 N. Pine Street, stated that he got rid of their receptacles, since it required a fencing around it and there was no room. Megan Watkins, Director of Administrative Services, and Ms. Walters stated the code does not require an enclosure around the receptacle, only a paved surface.
- There were no further comments.

Commissioner Eisenhardt moved, and Alderman Vos seconded to recommend approval of an ordinance to amend Chapter 315-27, “B-2 Central Business District”.

All were in favor and the motion carried.

NEW BUSINESS

A. Consideration to approve to the Common Council of 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, subject to Gregory Guidry’s December 2, 2016 memorandum to the Plan Commission.

- Mayor Hefty opened this item for discussion.
- Commissioner Eisenhardt questioned what the properties on either side were, whether they were single-family or duplex. Mr. Guidry replied, that on either side of 357 S. Perkins Blvd. was a single-family and a two-family residence.
- Alderman Vos clarified that if a two-family residence was changed to a single-family and there were two kitchen sinks, one sink would have to be removed to meet the single-family residential code. Mr. Guidry answered yes and would see to it that other inspections were in compliance with the city code.
- There were no further comments.

Alderman Vos moved, and Commissioner Reesman seconded to approve a Conditional Use to allow a duplex to convert back to a single-family residence.

All were in favor and the motion carried.

ADJOURNMENT

Alderman Grandi moved, and Commissioner Eisenhardt seconded to adjourn the meeting at 7:23 p.m.
All were in favor and the motion carried.

Recording Secretary
Kristine Anderson
Administrative Assistant