



AGENDA
PLAN COMMISSION
Tuesday, August 8, 2017 at 6:30 p.m.
Common Council Chambers, 224 East Jefferson Street

Mayor Jeannie Hefty, Chairman
Tom Vos, Aldermanic Representative
Bob Grandi, Aldermanic Representative
Chad Redman, Commissioner
Andy Tully, Commissioner
John Ekes, Commissioner
Art Gardner, Commissioner

1. Call to Order
2. Roll Call
3. Approval of the minutes of July 11, 2017
4. Letters and Communications: None
5. Citizen Comments
6. Public Hearings:
 - A. Public Hearing to hear public comments regarding a Conditional Use application from Lucinda Lester for property located at 940 S. Pine Street to operate a memory care center.
7. Old Business: None
8. New Business:
 - A. Consideration to approve a Conditional Use application from Lucina Lester for property located at 940 S. Pine Street to operate a memory care center, subject to Graef's August 3, 2017 memorandum to the Plan Commission.
 - B. Consideration to recommend approval to the Common Council of Ordinance 2029(6) to create a new Section 315-95 of the Municipal Code regarding "Noise".

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
July 11, 2017, 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 Chad Redman; Art Gardner; and Andy Tully were present. Commissioner John Ekes was excused.

APPROVAL OF MINUTES

Alderman Vos moved, and Alderman Grandi seconded to approve the minutes of June 13, 2017. 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 Brian Griffiths for property located at 648 McHenry Street to operate an indoor bounce house facility.

- Mayor Hefty opened the Public Hearing at 6:31 p.m.
- Gregory Guidry, Building Inspector, explained that this property is vacant, was previously a flooring company, and Brian Griffiths, owner, would like to operate an indoor bounce house business. Alderman Vos questioned if the new use meets the parking requirements. Tanya Fonesca, from Graef, stated they are under about 20 parking spaces and currently there are 21 parking spaces. Alderman Vos questioned if the 21 spaces included the lot on the side and back of the building. Ms. Fonesca replied, they were not sure since they received an old Certified Survey Map. Mr. Guidry stated the parking stalls will be painted accordingly. Mr. Griffiths estimated he would be able to get 46 parking spaces with the shared driveway or 40 spaces with another option.
- Commissioner Gardner questioned if the electrical for the bounce houses meet the codes. Mr. Griffiths stated he owns an outdoor bounce house and has no problem with the number of circuits used. Mr. Griffiths stated he would have to do more research for the number of circuits that will be required.
- There were no further comments.

Alderman Vos moved, and Alderman Grandi seconded to close the Public Hearing at 6:38 p.m. All were in favor and the motion carried.

B. A Public Hearing to hear public comments regarding a Conditional Use application from Cindi Schweitzer for Property located at 2789 Browns Lake Drive to construct a one-unit apartment within Integrity Funeral Home.

- Mayor Hefty opened the Public Hearing at 6:39 p.m.
- Mr. Guidry explained this is a new commercial project for funeral services/celebrations to be rented out for private functions. There will be no preparation or cremation services. Tom Stelling, Stelling & Associates, stated a Conditional Use is required to have a residential unit. Ms. Walters asked what it would be used for. Cindi Schweitzer, applicant, stated it is to provide housing for the directors, since the business is open 24 hours.
- Brian Cartwright, 9N Browns Lake Drive, mentioned that the driveway for the funeral home would be along his entire lot line. Mr. Guidry stated the driveway was approved many years ago. Ms. Walters stated the homeowners can address their concerns or questions at this public hearing. Daniel Dummert, 2681 Timber Lane, was concerned about the lights shining along the entire driveway in the back of the house and the noise being too loud. Mr. Stelling stated this driveway is the only access point in and out and is 45 feet away from the lot line. Mr. Stelling commented that another option, such as a restaurant, could be worse for the noise level. Alderman Grandi stated there will be more discussion later in the meeting and are welcomed to stick around. Alderman Vos stated this is the last meeting to speak your concerns. Ms. Walters stated if we are aware of the concerns, the City will work with the funeral home as it builds up. Andrea Hancock, 30905 Hunter Glen Road, questioned if other owners received the notices because of difficulties finding the address on Google. Ms. Hancock stated Google's direction was to the golf course. Ms. Walters stated Judy Gerulat, Engineering Technician, assigns addresses for the City of Burlington.

Alderman Grandi moved, and Commissioner Tully seconded to close the Public Hearing at 7:01 p.m. All were in favor and the motion carried.

OLD BUSINESS

None

NEW BUSINESS

A. Consideration to approve a Conditional Use application from Brian Griffiths for property located at 648 McHenry Street to operate an indoor bounce house facility, subject to Graef's July 6, 2017 memorandum to the Plan Commission.

- Mayor Hefty opened this item for discussion.
- Gregory Guidry, Building Inspector, explained this facility would be used for kids' birthday parties and requires a Conditional Use. The number of parking stalls will be discussed. Ms. Walters stated the City would like to see 41 parking spaces. Mayor Hefty asked how many bounce houses there would be. Mr. Griffiths replied there would be a total of 6. Commissioner Tully inquired about the exit lights for fire prevention as well as how many kids they anticipate in the building at the same time. Mr. Guidry stated the exit lighting will be addressed. Mr. Griffiths responded that about 30-40 kids would be in the building at once. Commissioner Gardner clarified that this facility is privately owned as well as serving prepackaged food, snacks and beverages.

- There were no further comments.

Alderman Vos moved, and Alderman Grandi seconded to approve a Conditional Use for the bounce house provided there would be a minimum of 41 parking spaces.

All were in favor and the motion carried.

B. Consideration to recommend approval to the Common Council of an Extraterritorial Certified Survey Map from Randolph French on behalf of Chemical Bank for property located at Schaal Road in the Town of Burlington to re-divide a parcel, subject to Graef's July 6, 2017 memorandum to the Plan Commission.

- Mayor Hefty opened this item for discussion.
- Mr. Guidry explained this property in the Town of Burlington was divided into 8 parcels in 2007 and went into foreclosure. The bank would like to sell the property and by reducing it down to 2 parcels, to make it easier to sell.

Commissioner Tully moved, and Commissioner Redman seconded to recommend approval of an Extraterritorial Certified Survey Map for Schaal Road in the Town of Burlington.

All were in favor and the motion carried.

C. Consideration to recommend approval to the Common Council of a Certified Survey Map Amendment application from Rodney Wekkin for property located at 2100 Milwaukee Avenue for lot separation to make outlot for the detention ponds, subject to Graef's July 6, 2017 memorandum to the Plan Commission.

- Mayor Hefty opened this item for discussion.
- Mr. Guidry explained the outdoor woods facility is acquiring property from Lynch. The property line will be shifted so it does not go through the new addition of the building where the lumber is stored, as well as submitting a new Certified Survey Map. Mr. Guidry stated the detention pond will be modified to meet the requirements. Rodney Wekkin, applicant, showed a diagram of the Certified Survey Map extending the property line and stated he will work with the City to relocate it. Commissioner Gardner questioned how much of the pond remains after the removal. Mr. Wekkin stated just a portion of one pond is being removed, roughly 15% would remain. Mr. Wekkin also stated the detention pond was built oversize to begin with.
- There were no further comments.

Alderman Vos moved, and Commissioner Gardner seconded to recommend a conditional approval of a Certified Survey Map Amendment for lot separation.

All were in favor and the motion carried.

D. Consideration to approve a Site Plan from Rodney Wekkin for property located at 2100 Milwaukee Avenue for a warehouse expansion for Menards, subject to Graef's July 6, 2017 and Kapur & Associates' July 3, 2017 memorandums to the Plan Commission.

- Mayor Hefty opened this item for discussion.
- Mr. Guidry explained this warehouse is an expansion for outdoor storage with minor alterations to the building. Ms. Fonesca stated the deed restriction on the pond will need to be updated and the Developer's Agreement from 2005 will expire in 2020. Ms. Fonesca also commented the Performance Bond for funds would not be available until 2020 should the City need to demolish the building if it were to be vacated long term. Ms. Walters stated the City will review the entire document before it expires. Mr. Wekkin stated he does not see the store closing at any time. Mayor Hefty asked if there are a lot of online orders that are being full-filled. Mr. Wekkin responded yes and that is what they are trying to capture.
- There were no further comments.

Alderman Grandi moved, and Alderman Vos seconded to approve a Site Plan for the warehouse expansion based on Kapur & Associates recommendations.

All were in favor and the motion carried.

E. Consideration to approve a Conditional Use and Site Plan from Stelling & Associates on behalf of Integrity Funeral Home for property located at 2789 Browns Lake Drive, to construct a new facility for funeral celebrations and a one-unit apartment within Integrity Funeral Home, subject to Graef's July 6, 2017 and Kapur & Associates' July 3, 2017 memorandums to the Plan Commission.

- Mayor Hefty opened this item for discussion.
- Mr. Guidry explained the number of parking stalls are under the requirement.
- Alderman Vos stated the lot size is determined by the square footage and type of business. Ms. Fonseca replied 150 parking spaces are required, and would be short 53 parking spaces. Mr. Stelling stated there may be enough parking if the lot expansion is needed, but usually the whole parking lot does not get used. Mr. Stelling explained the City ordinance has a restriction regarding full cut-off lights so the lights cannot come across the property line. Mr. Cartwright asked where the over-flow parking would be. Mr. Stelling replied it would be in the grass area. Cindi Schweitzer, applicant, stated she would like to keep the property as private as possible. Mr. Cartwright asked if the elevation would be raised. Mr. Stelling stated Kapur & Associates would determine if elevation would be raised, but understood it should be kept as level as possible.
- Ms. Walters received confirmation that 2789 Browns Lake Drive is the correct address. Ms. Walters stated 2789 South Browns Lake Drive is the golf course and that is where the confusion is.

- Mr. Stelling explained the City ordinance states the parking spaces need to be 180 square feet, 10 feet wide and 18 feet deep with 24 foot aisles. Mr. Stelling stated there should be enough parking spaces. Mr. Guidry commented that he will work with Stelling & Associates on the size of the parking spaces. Alderman Grandi asked if Graef compared the parking spaces with other similar lots in the area. Mr. Fonesca replied Schuette Daniels Funeral Home has 102 parking spaces for the 11,000 square foot lot. Mr. Cartwright verified that only services and celebrations will be held.
- There were no further comments.

Commissioner Tully moved, and Alderman Vos seconded to conditionally approve a Conditional Use and Site Plan to construct a new facility provided the owners work with the City for the lighting issues.

All were in favor and the motion carried.

ADJOURNMENT

Alderman Vos moved, and Commissioner Redman seconded to adjourn the meeting at 7:45 p.m. *All were in favor and the motion carried.*

Recording Secretary
Kristine Anderson
Administrative Assistant



PLAN COMMISSION

ITEM NUMBER: 6A

DATE: August 8, 2017

SUBJECT: A Public Hearing for a Conditional Use application at 940 S. Pine Street, Suite 2.

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 Lucinda Lester for property located at 940 S. Pine Street, Suite 2. The applicant is proposing to operate a memory care center. The activity center will specialize in memory care, mind-body wellness, support and education. Up to ten participating students will be present at a time with up to three employees.

ZONING:

The parcel is zoned M-1, Light Manufacturing District.

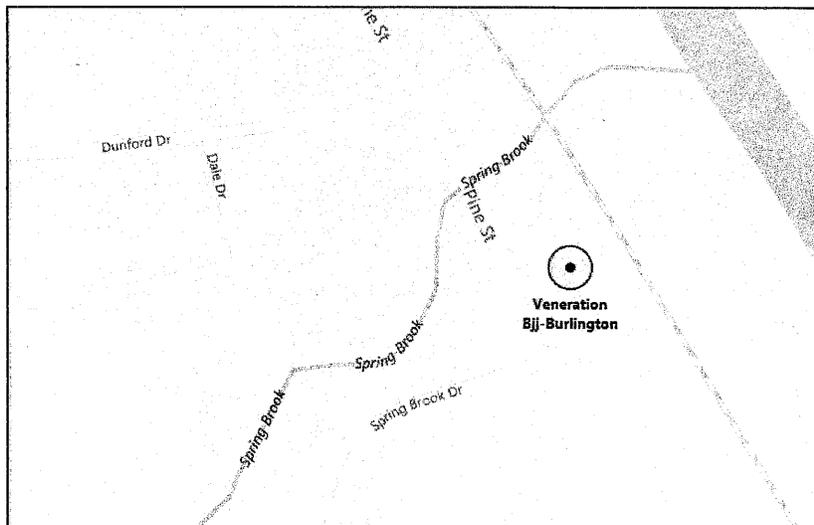
RECOMMENDATION:

N/A

TIMING/IMPLEMENTATION:

This item is for a Public Hearing at the August 8, 2017 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
M-1, Light Manufacturing District

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: Nancy Schvetz
Applicant: Lucinda Lester
Location: 940 S. Pine Street
Business Name: Memory, Mind & Motion, LLC
Zoning: M-1, Light Manufacturing District
Use: Activity Center specializing in memory care, mind-body wellness support and education

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, AUGUST 8, 2017 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, 21st day of July, 2017.

Diahnn Halbach, City Clerk

*Published in the Burlington Standard Press
July 27th, 2017 and August 3rd, 2017*



PLAN COMMISSION

ITEM NUMBER: 8A

DATE: August 8, 2017

SUBJECT: Consideration to approve a Conditional Use application at 940 S. Pine Street, Suite 2.

SUBMITTED BY: Gregory Guidry, Building Inspector and Zoning Administrator

PROJECT/SCOPE:

This item is to consider approving a Conditional Use application from Lucinda Lester, for property located at 940 S. Pine Street, Suite 2. The applicant is proposing to operate a memory care center. The activity center will specialize in memory care, mind-body wellness, support and education. Up to ten participating students will be present at a time with up to three employees.

ZONING:

The parcel is zoned M-1, Light Manufacturing District.

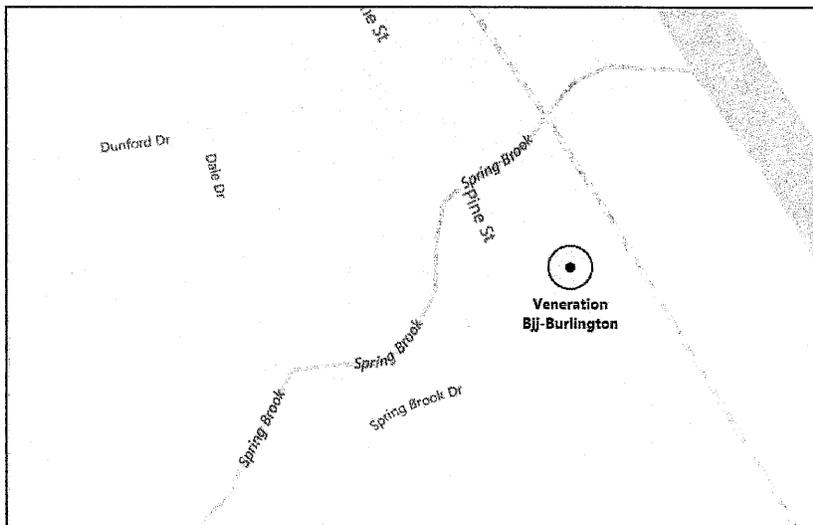
RECOMMENDATION:

Graef recommends a conditional approval of this Conditional Use, subject to items listed in the August 3, 2017 memorandum.

TIMING/IMPLEMENTATION:

This item is for consideration at the August 8, 2017 Plan Commission meeting. No further action is necessary.

MAP:





collaborāte / formulāte / innovāte

MEMORANDUM

TO: Plan Commission
City of Burlington

Copies to: Carina Walters, City Administrator
Megan Watkins, Director of Administrative Services
Gregory Guidry, Building Inspector
Gregory Governatori, City Engineer, Kapur & Associates, Inc.
Lucinda Lester, Memory, Mind & Motion LLC, Applicant

FROM: GRAEF
Kristian Vaughn
Tanya Fonseca, AICP

DATE: August 3, 2017

SUBJECT: Review of Conditional Use Permit Application for Memory Care Activity Center at 940 S. Pine Street, Suite 2, Burlington, WI 53105

A. PURPOSE

- 1) Consider for approval the Conditional Use Permit Application from Lucinda Lester of Memory, Mind & Motion LLC for property located at 940 S. Pine Street, Suite 2 for a memory care activity center.

B. RECOMMENDATION

Based upon the review of the submitted materials, GRAEF recommends that the Plan Commission recommend to the Common Council the **CONDITIONAL APPROVAL** of the following:

- a. the Conditional Use Permit Application from Lucinda Lester of Memory, Mind & Motion LLC for property located at 940 S. Pine Street, Suite 2 for a memory care activity center subject to the following consideration and conditions:
 - (1) The Applicant is required to provide property owner consent before building occupancy;
 - (2) As discussed in Section E of this Memorandum, the Plan Commission, at its discretion, may find the 14 parking spaces to be sufficient assuming a shared parking scenario, thereby waiving the requirement for the provision of a combined total number of spaces pursuant to §315-48(L); and,
 - (3) Pursuant to Chapter 315 Table 4 "Minimum Number of Accessible Parking Spaces," the striping of one van-accessible parking space will be required, if the accessible space does not exist on site at present.

C. BACKGROUND

Lucinda Lester of Memory, Mind & Motion LLC of 7800 Shorewood Drive, Salem, WI 53168 (Applicant) submitted a Conditional Use Permit Application to operate a memory care activity center on parcel 206-02-19-04-022-010 at 940 S. Pine Street, Suite 2, Burlington, WI 53105.

The proposed memory care activity center will occupy the now-vacant Suite 2 in the multi-tenant building. The activity center will specialize in memory care, mind-body wellness, support, and education. Up to 10 participating students will be present at a time with up to three employees. The activity center will operate Monday thru Friday from 8:30am to 4:00pm. Evening classes will be offered on occasion.

Parcel 206-02-19-04-022-010 is split zoned M-1 "Light Manufacturing District" and FW "Floodway District." The parcel shares boundaries with other M-1 parcels along the east side of S. Pine Street. Some of these parcels are also split zoned with the FW district. Single-family residences lie across the street on the west side of S. Pine Street.

The Applicant submitted the following materials:

- a. Conditional Use Permit Application (3 sheets, as prepared by Lucinda Lester, dated July 18, 2017)

Note: The property owner did not sign the Conditional Use Permit Application. A condition of approval will be a statement that provides property owner consent for building occupancy.

- b. Memory, Mind & Motion LLC Brochure (1 sheet)

Note: The determination of compliance of the Applicant's proposed use was made using materials supplied by the Applicant as well as those supplied by a previous conditional use permit applicant that occupied the multi-tenant building in spring 2016. A certified survey map and site plan drawing from that applicant's 2016 submittal were used to develop this Memorandum. Those materials are attached as Attachments 1 and 2.

D. CONDITIONAL USE WITHIN ZONING CODE §315-30 "M-1 LIGHT MANUFACTURING DISTRICT"

Activity and recreation centers are not listed as permitted or conditional uses in the M-1 "Light Manufacturing District," per Zoning Code §315-30. As a result, the granting of a conditional use permit will be at the discretion of the Plan Commission. The proposed activity center use is appropriate given the surrounding context, notably that it will be located in a multi-tenant building and intensive manufacturing does not occur on site. Additionally, the building's other tenants are small businesses of a similar character to the Applicant.

As it is unlikely that the proposed use will generate an intense level of activity, there are few anticipated negative consequences of the Applicant's occupancy of Suite 2 on parcel 206-02-19-04-022-010. As the Applicant does not require physical alterations to the existing structure, the structure will maintain its current lawful nonconforming status. The occupancy of the Applicant's business within the structure on parcel 206-02-19-04-022-010 is appropriate and compliant.



E. COMPLIANCE WITH ZONING CODE §315-48 “PARKING REQUIREMENTS”

The 2016 building site plan indicates 14 parking spaces on site, and identifies Suite 2 as occupying 2,086 square feet in the multi-tenant building. The 14 parking spaces are shared between the building’s existing tenants. To determine compliance with Zoning Code §315-48, the Applicant’s parking demand is considered in conjunction with that of the other building tenants. The parking calculation assumes that the retail use in Suite 1 and the automotive repair use in the rear of the building require parking throughout the business day. The combined parking demand for the three building tenants can be found in Table A below. The combined parking total does not assume a shared parking scenario.

Table A: Combined Parking Demand

Tenant	Area of Use	Parking Ratio* <small>*As required by Chapter 315 Table 5 “Off-Street Parking and On-Site Queuing Requirements for Use Types”</small>	Required Parking
Retail	1,841 sq.ft.	5 spaces/1,000 sq.ft.	10 parking spaces
Recreation/Activity Center (Applicant’s Use)	2,086 sq.ft.	5 spaces/1,000 sq.ft. + 6 for queuing + 1 space/0.5 employees	12 parking spaces* <small>*Parking lot configuration satisfies the queuing requirement.</small>
Automotive Repair	2 vehicle bays	4 spaces/vehicle bay	8 spaces
Combined Parking Total			30 spaces

When the combined parking total is modified to simulate a shared parking scenario, the available parking spaces may satisfy the demand of the tenants. The retail use will require a few spaces for employees with the remaining spaces being used at varying levels of intensity depending on customer activity. The Applicant’s activity center use will require 2 spaces for employees and may require the other 10 spaces if each student drives him or herself to the activity center; if a student is driven by a family member, friend, or van service, the parking demand would be reduced. The automotive repair use will require a few spaces for employees with the remaining spaces being used as the number of vehicles being serviced varies. Assuming each use will not generate a high level of parking demand, the current 14 spaces may be sufficient.

At its discretion, the Plan Commission may find the 14 parking spaces to be sufficient assuming a shared parking scenario, thereby waiving the requirement for the provision of a combined total number of spaces pursuant to §315-48(L). One of the 14 spaces will be required to be a van-accessible parking space pursuant to Chapter 315 Table 4 “Minimum Number of Accessible Parking Spaces.” If a van-accessible parking space is not present on site, the approval of the Applicant’s conditional use permit will be conditioned upon the striping of a van-accessible parking space.

F. COMPLIANCE WITH ZONING CODE §315-130 “CONDITIONAL USE PERMIT”

Considering the consultation of the attached 2016 certified survey map and site plan, the Applicant’s materials comply with the provisions enumerated in §315-130(A) “Application for conditional use permit.”

CERTIFIED SURVEY MAP NO. _____

BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

PART OF TAX PARCEL NO. 206-02-19-04-022-000

PREPARED FOR: YVONNETTE SCHNEIDER AND KAREN THATE
2710 BIENEMAN ROAD
BURLINGTON, WI 53109
C.S.M. LOCATION: 6831 S. PINE ST.

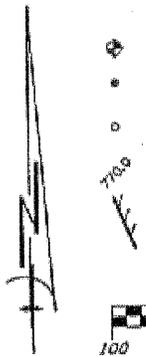
PREPARED BY: B.W. SURVEYING, INC.
412 N. PINE STREET
BURLINGTON, WI 53106
(262)-787-0225
JOB NO. 6802

D.O.T. APPROVAL NO. 51-83-0199-01

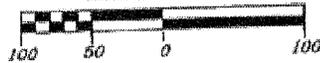
SEE SHEET 4 FOR D.O.T. NOTES

LEGEND

- ◆ FOUND RACINE COUNTY STANDARD MONUMENT
- FOUND IRON PIPE
- SET 1" X 24" IRON PIPE WEIGHING NOT LESS THAN 1.13 POUNDS PER LINEAL FOOT.
- EXISTING ELEVATION
- RESTRICTED NO ACCESS



GRAPHIC SCALE

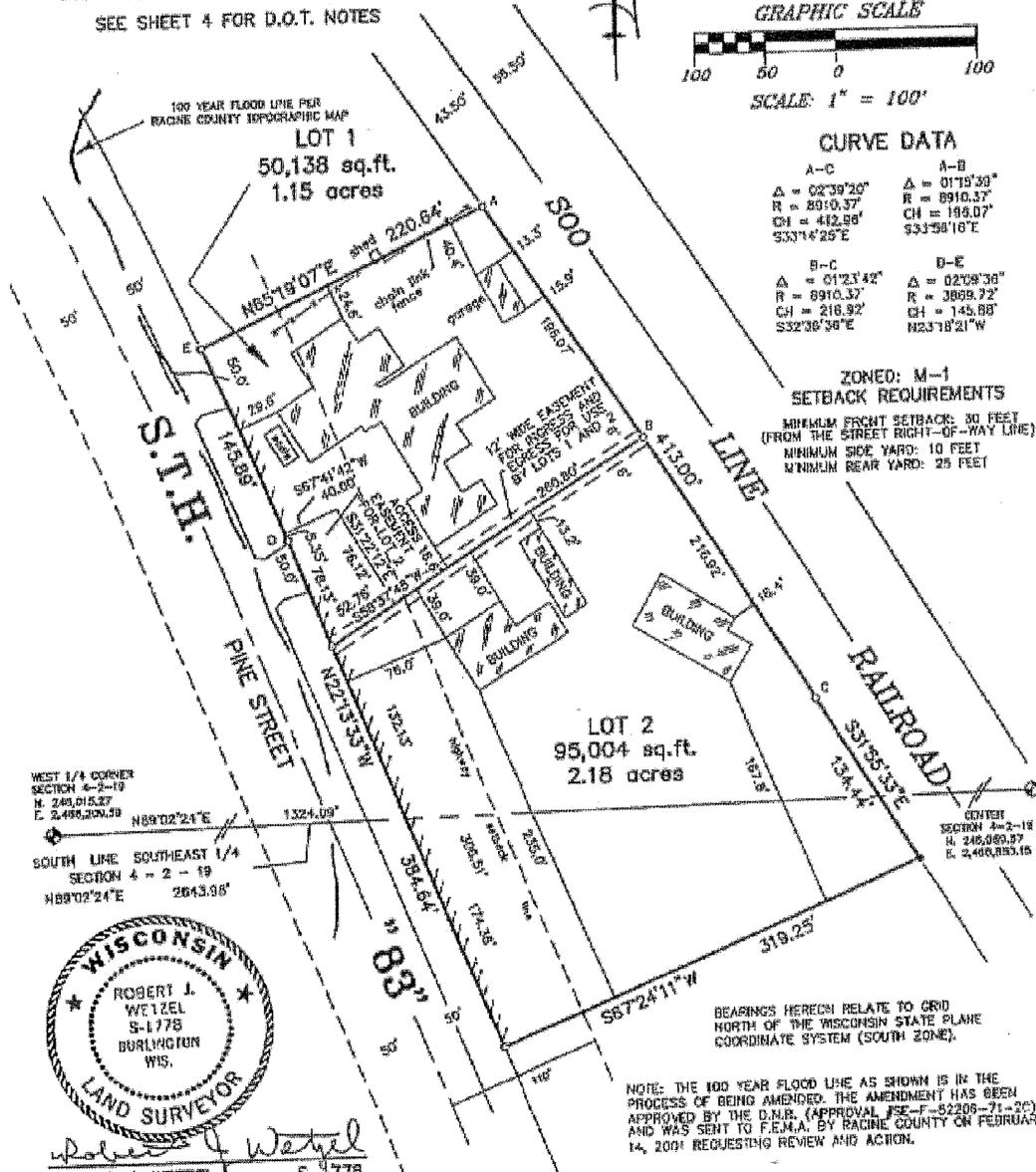


SCALE: 1" = 100'

CURVE DATA

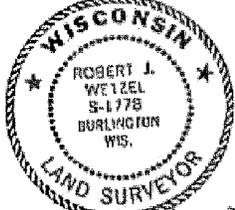
A-C	A-B
Δ = 02°39'20"	Δ = 01°19'39"
R = 8910.37'	R = 8910.37'
CH = 412.58'	CH = 198.07'
S33°14'29"E	S33°58'18"E
B-C	D-E
Δ = 01°23'42"	Δ = 02°09'38"
R = 8910.37'	R = 3869.72'
CH = 218.92'	CH = 145.88'
S32°38'38"E	N23°18'21"W

ZONED: M-1
SETBACK REQUIREMENTS
MINIMUM FRONT SETBACK: 30 FEET
(FROM THE STREET RIGHT-OF-WAY LINE)
MINIMUM SIDE YARD: 10 FEET
MINIMUM REAR YARD: 25 FEET



WEST 1/4 CORNER
SECTION 4-2-19
N. 246,015.27'
E. 2,400,200.59'

SOUTH LINE SOUTHEAST 1/4
SECTION 4-2-19
N89°02'24"E 2643.98'



Robert J. Wetzel
ROBERT J. WETZEL S-1778
JUNE 22, 2001
REVISED: JUNE 29, 2001
REVISED: AUGUST 15, 2001

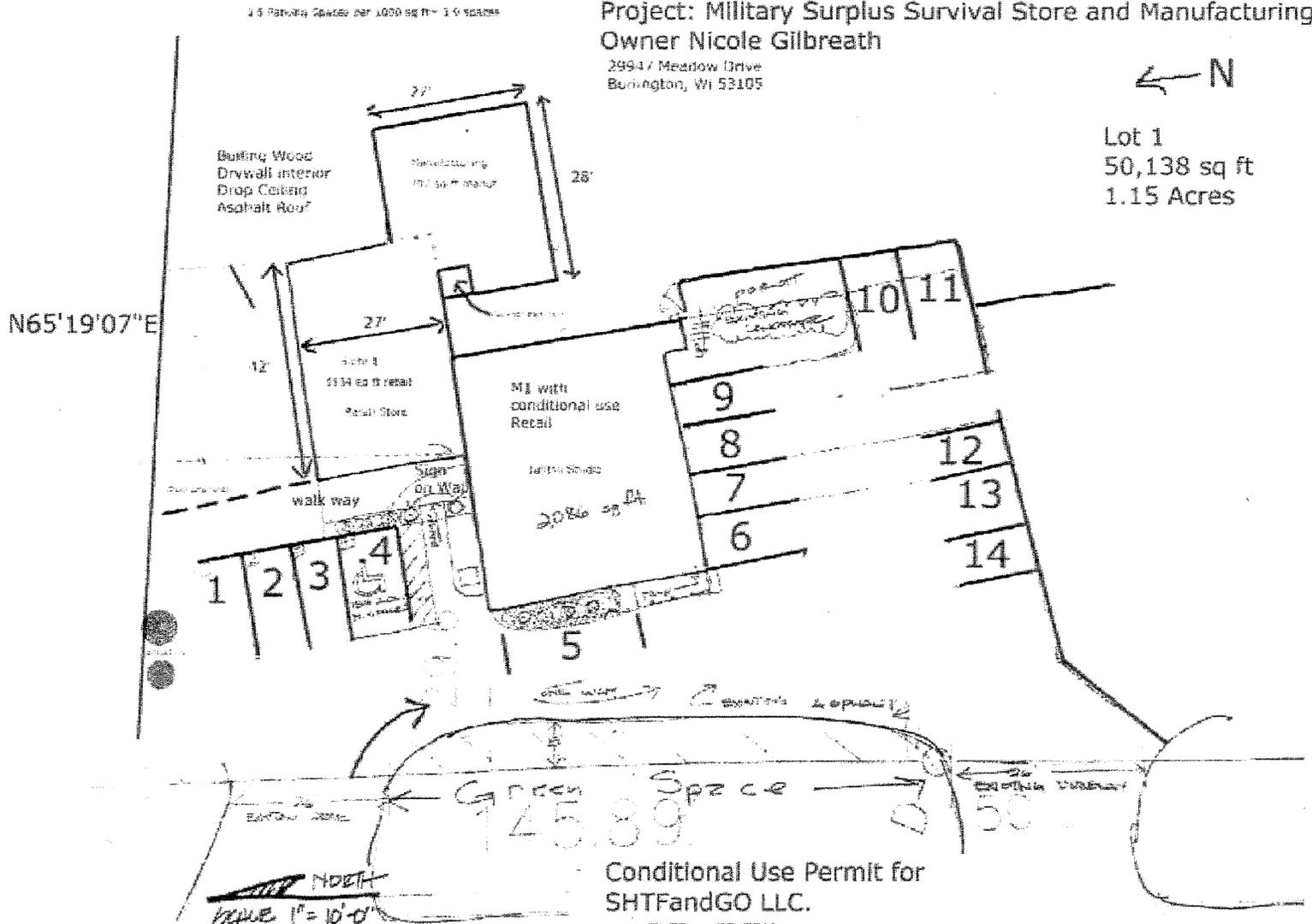
BEARINGS HEREON RELATE TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE).

NOTE: THE 100 YEAR FLOOD LINE AS SHOWN IS IN THE PROCESS OF BEING AMENDED. THE AMENDMENT HAS BEEN APPROVED BY THE D.N.B. (APPROVAL FSE-F-52208-71-20) AND WAS SENT TO F.E.M.A. BY RACINE COUNTY ON FEBRUARY 14, 2001 REQUESTING REVIEW AND ACTION.

Attachment 2 - 2016 Site Plan

Project: Military Surplus Survival Store and Manufacturing
 Owner Nicole Gilbreath
 29947 Meadow Drive
 Burlington, WI 53105

← N
 Lot 1
 50,138 sq ft
 1.15 Acres



Conditional Use Permit for
 SHTFandGO LLC.
 SHTFandGO.COM

Drawing 02/16/16
 Richard Gilbreath



CITY OF BURLINGTON

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

FOR OFFICE USE ONLY
PERMIT NO. (not C.U.)
AMOUNT PAID \$ 500
DATE FILED 7/18/17
DATE PUBLISHED
PUBLIC HEARING DATE:
RECEIVED BY: KA

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

- Zoning Permit - \$25.00
Certificate of Compliance - \$15.00
Joint Zoning/Certificate of Compliance - \$35.00
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 Lucinda Lester
Phone No. 262 210-9783 Fax No.
Applicant's Address 7800 Shorewood Dr. Salem WI 53168
Owner of the site Nancy Schwetz DVA ans Properties
Phone No. 262 490-4845 Fax No.
Owner's address 164 W. State St. Burlington WI 53105
Architect / Professional Engineer
Architect / Professional Engineer Address
Contractor
Contractor's Address

DESCRIPTION OF THE SUBJECT SITE

Address 940 S. Pine Suite 2 Burlington WI 53105
Or if no address exists: Parcel Identification No.
Existing Zoning classification M-1

Thanks for your consideration for the august hearing but we certainly understand if not.
if it is meant to be it will be!
Appreciative
Cindy Deane

Description of existing use Vacant

Description of the proposed use Activity Center specializing in Memory Care, Mind-Body Wellness
Participating students - up to 70 Support & Education

Number of employees / Hours of operation 1 Solo employee, 2 contracted M-F 8:30-4pm occasional Eve. classes

No 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):

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 Lucinda Lester (Signature) Lucinda Lester (Cindy) (Print)

Owner _____ (Signature) _____ (Print)

Date: 7-18-17 Date application Filed: 7-18-17

- 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: _____



PLAN COMMISSION

ITEM NUMBER: 8B

DATE: August 8, 2017

SUBJECT: Consideration to recommend approval Ordinance 2029(6) to create a new Section 315-95 of the Municipal Code regarding "Noise".

SUBMITTED BY: Attorney John Bjelajac and Gregory Guidry, Building Inspector/Zoning Administrator

PROJECT/SCOPE:

For approximately two years, the City has been working with Nestle's in respect to noise and light pollution stemming from surrounding neighbors.

As this complaint was brought to Nestle's attention and per Nestle's protocols they must mitigate the issues in order to be in good standing.

Working with Nestle's, the City Attorney and Kapur completed due diligence to compare surrounding municipal ordinances and added Section 315-95 to the City Code.

Section 315-95 of the City of Burlington zoning code imposes certain noise limitations in different zoning categories throughout the City. A review of the current Section 315-95 by City staff and the City Attorney has indicated that it is outdated and not in keeping with the noise limitations and noise enforcement procedures of other communities. The attached new Section 315-95 has been drafted by the City Attorney, with input from other local noise ordinances and similar proposed noise ordinances.

ZONING:

The parcel is zoned M-1, Light Manufacturing District.

RECOMMENDATION:

Graef recommends a conditional approval of this Conditional Use, subject to items listed in the August 3, 2017 memorandum.

TIMING/IMPLEMENTATION:

This item was discussed at the August 1, 2017 Committee of the Whole meeting, is scheduled for a Public Hearing and consideration at the September 5, 2017 Common Council meeting.

MAP:

City-wide

(Draft: 7/25/17)

Ordinance No. 2029(6)
Introduced by: Committee of the Whole

**ORDINANCE TO CREATE A NEW SECTION 315-95
OF THE MUNICIPAL CODE REGARDING “NOISE”**

The City Common Council of the City of Burlington, Wisconsin, do ordain as follows:

Section 1. Section 315-95 of the City of Burlington Code of Municipal Ordinances, entitled “Noise”, is deleted in its entirety, and the following new replacement Section 315-95 is hereby adopted:

Chapter 315

ZONING

§ 315-95. Noise.

- A. Sound Limitation. The maximum allowable hourly average sound level emitted from any stationary sound source shall not exceed the limits set forth in Table 1 when measured at the nearest lot line of premises from which sound complaints are received.

TABLE 1

Land use category	Time	One-hour average sound level (dBA)
Manufacturing Districts and Quarrying/Extractive Districts	Any time	75
Business Districts	Any time	70
All other zoning districts	10:00 p.m.— 7:00 a.m. 7:00 a.m.—10:00 p.m.	55 60

“Average sound level” means a sound level typical of the sound levels observed at a certain place during a given period of time averaged by the general rule of combination for sound levels, such general rule being set forth in ANSI specifications for sound level meters. “Average sound level” is also called “equivalent continuous sound level (Leq).”

- (1) Correction for ambient conditions. Where the ambient sound level influences a measurement at a property boundary, such sound will be accounted for by applying the following correction factors:

TABLE 2

If the ambient sound level is less than the sound source by:	Add the following to the sound limit:
0—1 dBA	3 dBA
2—3 dBA	2 dBA
4—9 dBA	1 dBA

If the ambient sound level is greater than the sound limit, the sound source shall not be allowed to exceed the ambient level.

“Ambient sound level” means the sound pressure level of all-encompassing sounds associated with a given environment, being a composite of many sounds. For the purposes of this chapter, such term is the sound pressure level exceeded 90 percent of the time, based upon a measurement of not less than ten minutes and excluding the alleged offensive sounds.

- (2) Exemptions. The provisions of this Section shall not apply to:
- (a) Any sounds allowed under other provisions of the City of Burlington Code of Municipal Ordinances. This shall expressly include, but not be limited to, sounds allowed under Section 219-3 and/or this Chapter 315 of the Code of Municipal Ordinances (such as, but not limited to, a variance and/or a conditional use permit).
 - (b) Any sounds generated in a manufacturing, business, and/or quarrying/extractive district that do not comply with the sound levels of this ordinance, but which are nonetheless still approved by the City of Burlington Common Council, because the non-compliant sound is, as determined by the Common Council, in its sole and absolute discretion, (i) necessary for the conducting of the lawful activities otherwise allowed on the site in question, but (ii) such non-compliant sound is not reasonably capable of being made compliant for technical and/or economic reasons, and (iii) such non-compliant sound is not contrary to the public safety, health, and welfare of the community. The approval of the Common Council of the non-compliant sound may be subject to such conditions and/or limitations as the Common Council may determine.

B. Method of Measurement.

- (1) Equipment. Sound measurement shall be made with a sound level meter manufactured according to the specifications of the American National Standards Institute, USA Standard Specifications for General Purpose Sound Level Meters and Preferred Center Frequencies for Acoustical Measurements, or any subsequent nationally adopted standards superseding the above standards.
- (2) Location and interpretation. Sound measurement shall be made at the nearest lot line of premises from which sound complaints are received and shall be made at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions or sound reflective surfaces. Where the nature of the sound level permits, the slow response setting shall be used to obtain the sound level on the sound level meter.

C. Application for Exemption Stays Prosecution. If a person or entity is given a citation in the City of Burlington Municipal Court system for a violation of this ordinance, and if that person/entity so cited applies for an exemption from the said sound violation under above Subsection (2)(b) of this ordinance within Fifteen (15) calendar days after the date of the issued citation, the action in the Municipal Court shall be stayed until the Common Council makes its determination under above Subsection (2)(b). If the Common Council approves the application filed under Subsection (2)(b) for the allowance of the non-compliant sound (whether with or without conditions or limitations), the legal proceeding in the Municipal Court shall then be dismissed.

Section 2. This ordinance shall take effect and be in full force after its passage and publication as required by law.

Introduced: August 1, 2017
Adopted:

Jeannie Hefty, Mayor

Attest:

Diahnn Halbach, City Clerk