CITY OF BURLINGTON

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

AGENDA
PLAN COMMISSION
Tuesday, October 10, 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 September 12, 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 Big R Stores for property located at 1058 Milwaukee Avenue to allow for outdoor seasonal lawn and garden sales, as well as the storage of a propane tank for propane gas sales.

   B. Public Hearing to hear public comments regarding a Conditional Use application from Planet Fitness for property located at 1120 Milwaukee Avenue, Suite #120 to operate a fitness center greater than 4,000 square feet.

7. Old Business: None

8. New Business:

   A. Consideration to approve a Site Plan application from Sandra Miller for property located at 2548 S. Teut Road to expand the existing veterinary clinic and parking lot, subject to Graef's October 3, 2017 memorandum to the Plan Commission.

B. Consideration to approve a Conditional Use and Site Plan application from Big R Stores for property located at 1058 Milwaukee Avenue to allow for outdoor seasonal lawn and garden sales, as well as the storage of a propane tank for propane gas sales, subject to Graef's October 3, 2017 memorandum to the Plan Commission.

C. Consideration to approve a Conditional Use application from Planet Fitness for property located at 1120 Milwaukee Avenue, Suite #120 to operate a fitness center greater than 4,000 square feet, subject to Graef's October 3, 2017 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.*

CITY OF BURLINGTON

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Minutes
City of Burlington Plan Commission
September 12, 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; Commissioners Art Gardner and John Ekes were present. Alderman Bob Grandi; Commissioners Andy Tully and Chad Redman were excused.

APPROVAL OF MINUTES

Commissioner Ekes moved, and Alderman Vos seconded to approve the minutes of August 8, 2017. All were in favor and the motion carried.

LETTERS & COMMUNICATIONS

None

CITIZEN COMMENTS

None

PUBLIC HEARINGS

None

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 December 13, 2016 meeting allowing six months to comply.

- Mayor Hefty opened this item for discussion.

- Attorney John Bjelajac explained this meeting is for a possible revocation of a Conditional Use Permit that was granted for 1157 Milwaukee Avenue on June 12, 2007 for auto sales and service business. The Plan Commission is to consider revoking the permit, since during the entire duration of 10 years this property has not been used as that.

- Jeff Way, owner, stated he is trying to sell the property and has never operated as a business that it was intended for and does not want to be fined for storing vehicles on the property. Mr. Way stated he has had several prospective buyers and thinks if the Conditional Use is revoked, it would have a negative impact on the potential new buyer. Mr. Way explained 75 vehicles have been removed from the lot, which are used for wholesale, junk or sold at auctions. Mr. Way stated he feels he is being singled-out, since other properties have vehicles sitting as well, such as Lynch.

- Gregory Guidry, Building Inspector, explained that this has been going on for 10 years and Mr. Way agreed to the conditions back in December 13, 2016. The conditions were to either comply with the original Conditional Use by June 2017, which gave him an additional six

months, or if the property was not sold by June 30th, 2017 he would apply for a new Conditional Use and Site Plan application.

- Carina Walters, City Administrator, stated that Mr. Way is still not in compliance and does not see the desire in him to want to be in compliance since this has been occurring for 10 years. Ms. Walters stated the Commissioners should consider revoking the Conditional Use Permit, have Mr. Way remove all of the vehicles and let the new buyer come before the City with a Conditional Use request and start fresh.

- Mr. Way asked why the vehicles parked on S. Pine Street and the old Lynch property were allowed to remain on the property. Ms. Walters stated that staff has been working on this ever since it was brought to their attention.

- Alderman Vos commented that an extension of six months was granted to Mr. Way to allow him time to comply, and he has not. This non-compliance has been happening for 10 years. Alderman Vos stated by revoking the Conditional Use it will not be detrimental to the new buyer and then they can re-apply.

- Mr. Way stated his Conditional Use was a joke from the beginning, only allowing 100 parking spaces. Mr. Way explained that he does not want to do business here anymore and has no place to take the 150 cars. He further stated it is a big difference when you take a vehicle to a salvage yard as is instead of one that is fixed. Mr. Way would like to just sell the property. Alderman Vos asked Mr. Way what he thought was a reasonable time to remove all the vehicles. Ms. Walters suggested 60 days and Mr. Way stated he would need at least 120 days. Commissioner Ekes commented how Mr. Way feels he is being singled-out, that the Commissioners were only talking about Mr. Way's property and that staff will address the other properties. Commissioner Ekes further stated the City has given Mr. Way plenty of time, but has not attempted to comply with his Conditional Use. Commissioner Gardner responded that Mr. Way has done nothing for improvements and has been using more than 120 days to comply already.

- Attorney John Bjelajac recapped, since 2007 his Conditional Use requirements have not been met and cars continue to be parked in the back of the building. The Commission has an option to cancel and nullify the Conditional Use to a specific deadline. Mr. Way stated he has removed 10-15 vehicles off the lot.

- Alderman Vos stated he would be acceptable to having the Conditional Use revoked and Mr. Way remove vehicles and cease all operations. Commissioner Gardner agreed with Alderman Vos and suggested allowing 6 months, and not to extend the timeframe in the future since Mr. Way always seems to have a reason as to why it is not completed. Attorney John Bjelajac stated if the vehicles have not been removed in the 6 months, it will be brought before the courts.

- There were no further comments.

Alderman Vos moved, and Commissioner Ekes seconded to revoke a Conditional Use granted June 12, 2007 giving 6 months, until March 12, 2018, to remove all vehicles and cease operation.

Roll call: Alderman Tom Vos; Commissioner John Ekes; Commissioner Art Gardner; and Mayor Jeannie Hefty.

All were in favor and the motion carried.

NEW BUSINESS
None

ADJOURNMENT

Alderman Vos moved, and Commissioner Ekes seconded to adjourn the meeting at 7:12 p.m.

All were in favor and the motion carried.

Recording Secretary
Kristine Anderson
Administrative Assistant

PLAN COMMISSION **ITEM NUMBER: 6A**

DATE: October 10, 2017

SUBJECT: A Public Hearing for a Conditional Use application at 1058 Milwaukee Avenue.

SUBMITTED BY: Gregory Guidry, Building Inspector and Zoning Administrator

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PROJECT/SCOPE:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from Big R Stores for property located at 1058 Milwaukee Avenue. The applicant is proposing to allow for outdoor seasonal lawn and garden sales, as well as the storage of a propane tank for propane gas sales. The project proposes to engage in the outdoor display and retail of merchandise, including propane and lawn and garden materials in two locations at the site. The sale of propane is proposed to occur within the existing outdoor display area on the southwest side of the building. This area contains an existing awning, green house and fenced enclosure.

ZONING:

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

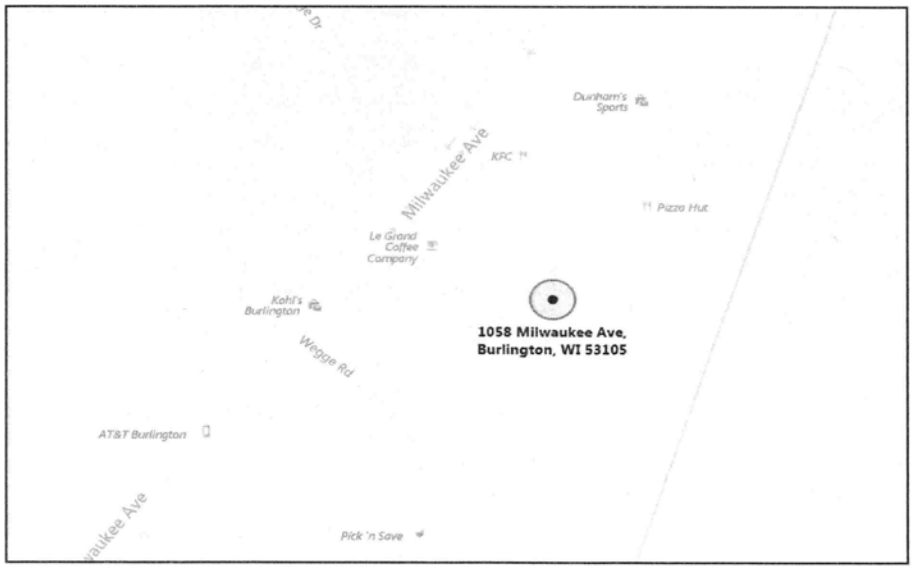
RECOMMENDATION:

N/A

TIMING/IMPLEMENTATION:

This item is for a Public Hearing at the October 10, 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
B-1, Neighborhood Business 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:	Joe Devorkin
Applicant:	Big R Stores
Location:	1058 Milwaukee Avenue
Zoning:	B-1, Neighborhood Business District
Use:	To allow for outdoor seasonal lawn and garden sales as well as the storage of a propane tank for propane gas sales

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, OCTOBER 10, 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, 18th day of September, 2017.

Diahnn Halbach, City Clerk

Published in the Burlington Standard Press
September 21st and September 28th, 2017

PLAN COMMISSION **ITEM NUMBER: 6B**

DATE: October 10, 2017

SUBJECT: A Public Hearing for a Conditional Use application at 1120 Milwaukee Avenue, Suite #120.

SUBMITTED BY: Gregory Guidry, Building Inspector and Zoning Administrator

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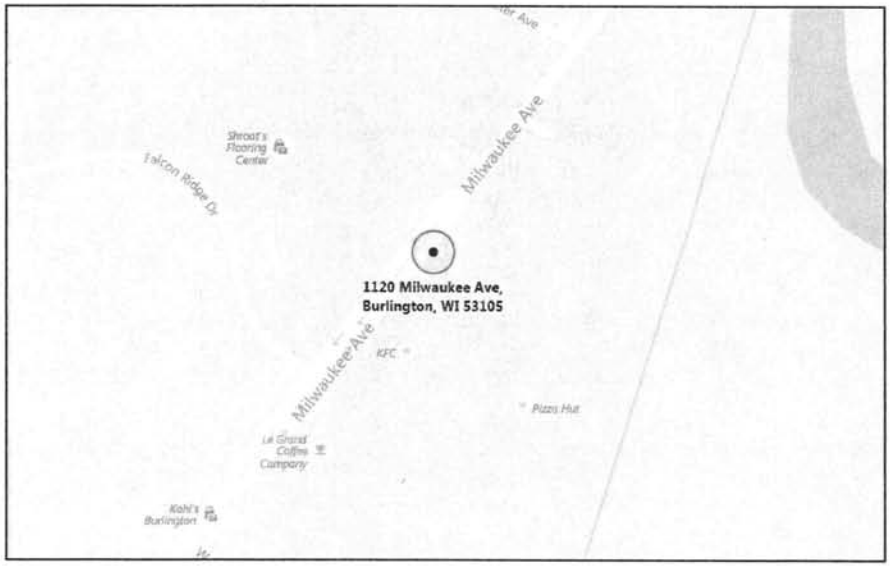
PROJECT/SCOPE:
A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from BDP Burlington, for property located at 1120 Milwaukee Avenue, Suite #120. The applicant is proposing to use the existing building to operate a fitness center (Planet Fitness) greater than 4,000 square feet. The Planet Fitness will occupy approximately 10,800 square feet with fifteen employees, 24 hours per day 7 days a week.

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

RECOMMENDATION:
N/A

TIMING/IMPLEMENTATION:
This item is for a Public Hearing at the October 10, 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
B-1, Neighborhood Business 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:	Joe Devorkin
Applicant:	Planet Fitness
Location:	1120 Milwaukee Avenue, Suite #120
Zoning:	B-1, Neighborhood Business District
Use:	To operate a fitness center greater than 4,000 square feet

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, OCTOBER 10, 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, 18th day of September, 2017.

Diahnn Halbach, City Clerk

Published in the Burlington Standard Press
September 21st and September 28th, 2017

PLAN COMMISSION **ITEM NUMBER: 8A**

DATE: October 10, 2017

SUBJECT: Consideration to approve a Site Plan application at 2548 S. Teut Road.

SUBMITTED BY: Gregory Guidry, Building Inspector and Zoning Administrator

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PROJECT/SCOPE:

This item is to consider approving a Site Plan application from Sandra Miller for property located at 2548 S. Teut Road. The applicant is proposing to expand the existing veterinary clinic and parking lot. The proposed expansion of the existing veterinary clinic will include a new lobby, remodeled reception area, two new exam rooms, additional storage and a new rehabilitation room. The proposed spaces will occupy the two-story addition with patient care occurring on the first floor and the second floor reserved for storage. The expanded floor area will increase the clinic's total footprint by approximately 2,006 square feet. The parking lot expansion will front S. Teut Road and include five parking spaces inclusive of one accessible space.

ZONING:

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

RECOMMENDATION:

Graef recommends approval of this Site Plan, subject to items listed in the October 3, 2017 memorandum.

TIMING/IMPLEMENTATION:

This item is for consideration at the October 10, 2017 Plan Commission meeting. No further action is necessary.

MAP:

One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com

GRāEF

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.
Sandra Miller, Creature Comforts, LLC, Applicant

FROM: GRAEF
Kristian Vaughn
Tanya Fonseca, AICP

DATE: October 3, 2017

SUBJECT: Review of Site Plan for Building and Parking Lot Expansion at Creature Comforts Veterinary Service at 2548 S. Teut Road, Burlington, WI 53105

A. PURPOSE

1) Consider for approval a Site Plan Approval Application from Sandra Miller of Creature Comforts, LLC for property located at 2548 S. Teut Road, Burlington, WI 53105 to expand the existing veterinary clinic and parking lot.

B. RECOMMENDATION

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

a. ***APPROVAL*** of a Site Plan Approval Application from Sandra Miller of Creature Comforts, LLC for property located at 2548 S. Teut Road, Burlington, WI 53105 to expand the existing veterinary clinic and parking lot subject to the following recommendations and condition:
   (1) It is recommended that the additional two parking spaces required pursuant to Chapter 315 Table 5 "Off-Street Parking and On-Site Queuing Requirements for Use Types" be waived and that the two uses be allowed to utilize the proposed 16 spaces inclusive of two accessible spaces;
   (2) Pursuant to §315-26(P)(2), a condition of approval will be the submittal of lighting plan materials, including fixture specification sheets, a photometric data test report, and plot plan. It is recommended that these materials be referred back to City staff for review; and,

(3) It is recommended that the curb and gutter requirement in §315-48(F) be waived to allow the parking lot to be constructed without curb and gutter to maintain its continuity.

C. BACKGROUND

Sandra Miller of Creature Comforts, LLC of 2548 S. Teut Road, Burlington, WI 53105 (Applicant) submitted a Site Plan Approval Application to expand the existing veterinary clinic and parking lot at Creature Comforts Veterinary Service at 2548 S. Teut Road, Burlington, WI 53105. The project is proposed to occur on parcel 206-03-19-22-011-000.

Parcel 206-03-19-22-011-000 is zoned B-1 "Neighborhood Business District." Two allowable conditional uses operate on site: a veterinary clinic and dog grooming business. In March 2017, these two businesses received an amended conditional use permit to operate simultaneously on site. The expanded veterinary clinic will operate with eight employees from 9am to 6pm Monday thru Friday and 9am to 12pm on Saturdays. The dog grooming business operates with one employee from 8am to 4pm Monday thru Friday.

The proposed expansion of the existing veterinary clinic will include a new lobby, remodeled reception area, two new exam rooms, additional storage, and a new rehabilitation room. The proposed spaces will occupy the two-story addition with patient care occurring on the first floor and the second floor reserved for storage. The expanded floor area will increase the clinic's total footprint by approximately 2,006 square feet. The parking lot expansion will front S. Teut Road and include five parking spaces inclusive of one accessible space.

The Applicant submitted the following materials:

a. Site Plan Approval Application (2 sheets, as prepared by Sandra Miller, dated August 26, 2017)
b. Architectural Drawings – 24"x36" Set (5 sheets, as prepared by McCormack + Etten Architects, LLP, dated August 28, 2017)
c. Landscape Plan – 24"x36" Set (1 sheet, as prepared by Unique Services, Inc., dated November 11, 2010)

D. COMPLIANCE WITH BURLINGTON ZONING CODE §315-26 B-1 "NEIGHBORHOOD BUSINESS DISTRICT"

The veterinary clinic is an allowable conditional use pursuant to §315-26(D)(10) and was granted an amended conditional use permit in March 2017. The proposed clinic expansion and floor plan conform to the conditions of the permit.

The clinic's building and parking lot expansion conform to the maximum building height, setback, and yard requirements in §315-26(F & G).

Sheet T-1 of the Architectural Drawings indicates a new light pole will be installed as part of the parking lot expansion. A lighting plan was not submitted for review. Pursuant to §315-26(P)(2), a condition of approval will be the submittal of lighting plan materials, including fixture specification sheets, a

photometric data test report, and plot plan. It is recommended that these materials be referred back to City staff for review.

Parcel 206-03-19-22-011-000, the existing structures, and the existing parking lot continue to conform to the dimensional and operational requirements in §315-26.

E. COMPLIANCE WITH BURLINGTON ZONING CODE §315-48 "PARKING REQUIREMENTS"

Eleven striped parking spaces are currently provided on site, including one accessible space. The veterinary clinic expansion will create a minor increase in the intensity of use on the site. Chapter 315 Table 5 "Off-Street Parking and On-Site Queuing Requirements for Use Types" requires 3.3 parking spaces for every 1,000 square feet of floor area for a "Commercial Use: Office General." The total occupied floor area on site for the veterinary clinic and dog grooming business will be approximately 5,528 square feet. This floor area requires 18 parking spaces inclusive of one accessible space. With the parking lot expansion, a total of 16 parking spaces inclusive of 2 accessible spaces will be available. This is a deficit of two parking spaces per Code requirements. It is recommended that this requirement be waived to allow the Applicant to operate with the proposed 16 parking spaces without requiring the construction of two more. While the veterinary clinic expansion will generate additional activity on site, the activity will likely be minor and will not negatively impact the current parking capacity.

Sheet T-1 of the Architectural Drawings indicates that curb and gutter will not be included as part of the parking lot expansion. As the existing parking lot does not contain curb and gutter, it is recommended that the curb and gutter requirement in §315-48(F) be waived to maintain the continuity of the parking lot.

F. COMPLIANCE WITH BURLINGTON ZONING CODE §315-137 "SITE PLANS"

The site plan materials are compliant with the requirements in §315-137(A, B, & C).

While the Applicant included a landscape plan as part of her submittal, the proposed landscaping includes the removal of two trees that front S. Teut Road and the installation of flower beds. This landscaping work does not warrant a full landscape plan review and is allowable.

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
DATE FILED: 9/1/17
RECEIVED BY: (Initials)
AMT. PAID: 500

SITE PLAN APPROVAL APPLICATION

REVIEW: $500.00 Deposit +/- Actual Cost

APPLICANT: Sandra Miller DBA Creature Comforts, LLC

ADDRESS: 2548 S. Teut Rd PHONE NO. 262-534-9392 FAX NO. 262-514-2878

OWNER: Sandra Miller

ADDRESS: Same PHONE NO. Same FAX NO. Same

SITE ADDRESS: 2548 S. Teut Rd, Burlington, WI

PROPOSED USE: Veterinary clinic expansion PRESENT ZONING: B-1

LEGAL DESCRIPTION:
(Attach full legal description if needed) TAX KEY ID 206-03-19-22-011-000

THE SITE PLAN MUST INCLUDE THE FOLLOWING INFORMATION (PLEASE LIST ANY ADDITIONAL INFORMATION WHERE APPLICABLE):

X Site plan drawn to a recognized engineering or architectural scale with graphic scale, shown as well as the date of drawing and the north arrow shown.

X Project title and owner's/developer's name and address noted.

X Architect's and/or engineer's name and address noted.

X Property boundaries and dimensions.

X Abutting property zoning classifications.

X General description of building materials, façade and roof detail. → Current: vinyl siding + metal roof ↳ NEW: Hardboard siding non-metal roof

X Setback lines indicated.

X Easements for access, if any.

___ 100-year floodplain identification. not a flood-plain

X Existing and proposed topography show at a contour interval of not less than two feet, indicating proposed grade and location of improvements.

X EXISTING Signage and outdoor lighting – proposed location and details.

___ Total number of employees: 8 and Hours of operation 9-6 M-F 9-12 Sat
(this may increase in time)

X Total no. of parking spaced noted. No. of parking spaces provided: 12 existing + 5 new. Calculations used to arrive at the no. of spaces: based on zoning w/2 handicap

X Type, size and location of all structures with all building dimensions shown.

____ Locate existing and general location of proposed sanitary sewers, storm sewers and watermains.

____ Locate any proposed stormwater management facilities, including detention/retention areas. The City of Burlington has a stormwater ordinance in effect.

X Note location, extent and type of proposed landscaping and landscaping plantings and buffers to adjacent property, including fencing or other screening. naturally buffered by many large tree's

X Note, location of pedestrian sidewalks and walkways. country lot

X Graphic outline of any development staging that is planned.

X Driveway locations and sizes.

X Handicap accessibility.

X List environmental concerns, i.e. odor, smoke, noise.

none

Owner: Sandra Miller (Print) Date: 8/26/17

Owner: Sandra Miller (Signature)

Applicant: Sandra Miller (Print) Date: 8/26/17

Applicant: Sandra Miller (Signature)

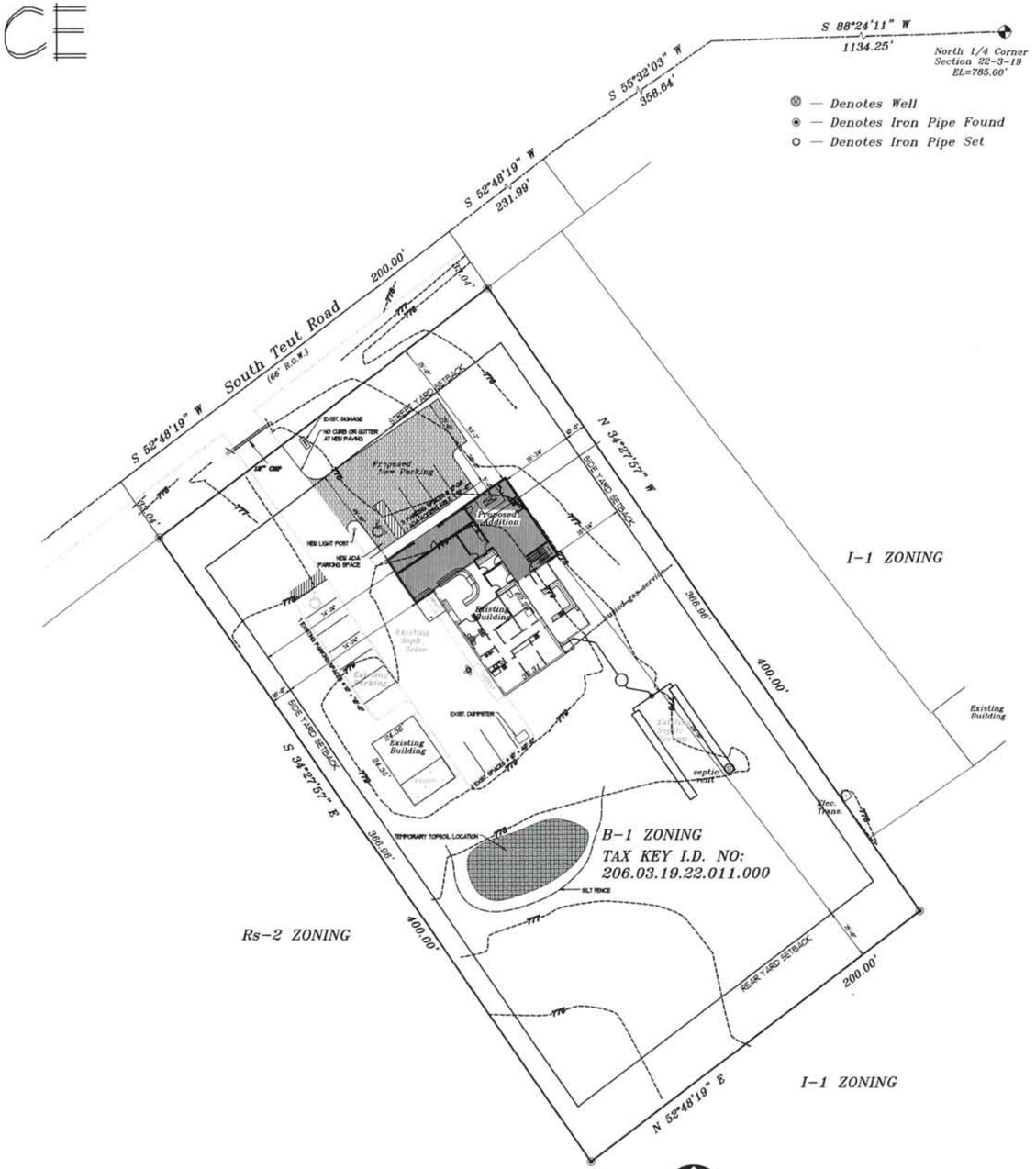
Zoning Administrator: _____ (Signature) Date: _____

ADDITIONS & ALTERATIONS TO EXISTING BUILDING FOR

CREATURE COMFORTS VETERINARY SERVICE

2548 S. TEUT ROAD

BURLINGTON, WI. 53105-7205



PROPOSED SITE PLAN

SCALE: 1/4" = 1'-0"

SITE NOTES

1. SURVEY INFORMATION SHOWN HEREIN IS TAKEN FROM A SITE PLAN PREPARED BY METROPOLITAN SURVEY SERVICE, INC., 5307 S. 92nd STREET, SUITE 140, HALES CORNERS, WI. 53130, (414) 529-5300, DATED NOVEMBER 9, 2010.

2. NO WARRANTY IS MADE REGARDING THE ACCURACY OF THE SURVEY

3. ALL TREES AND SHRUBBERY OUTSIDE OF 10' (TEN) PERIMETER OF THE BUILDING STRUCTURE SHALL REMAIN AND SHALL BE PROTECTED FROM DAMAGE AT ALL TIMES, UNLESS OTHERWISE DIRECTED. WITHIN THE CROWN LINE OF ANY TREES TO REMAIN, DO NOT STORE ANY MATERIALS, STOCKPILE SOIL, PARK OR DRIVE VEHICLES OR EQUIPMENT, CHANGE EXISTING GRADE, WATER LEVEL, OR DRAINAGE PATTERNS, UNLESS SPECIFICALLY PERMITTED TO DO SO BY THE ARCHITECT. DAMAGED TREES SHALL BE REPLACED BY NEGLIGENT PARTY WITH STOCK OF EQUAL SIZE AND VALUE.

4. PROVIDE POSITIVE DRAINAGE AWAY FROM STRUCTURE IN ALL DIRECTIONS. VERIFY GRADES AND RELATIVE FLOOR LEVELS IN FIELD PRIOR TO EXCAVATION AND MAKE ADJUSTMENTS AS DIRECTED BY ARCHITECT TO ENSURE PROPER DRAINAGE.

5. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING EROSION CONTROL MEASURES AT SITE DURING CONSTRUCTION AS REQUIRED BY LOCAL AUTHORITIES.

6. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES, AND HAVE ALL EXISTING UTILITIES STAKED PRIOR TO ANY CONSTRUCTION.

7. THE CONTRACTOR SHALL VERIFY ALL EXISTING FIELD CONDITIONS PRIOR TO INITIATING ANY CONSTRUCTION.

8. ALL INSTALLATIONS SHALL CONFORM TO THE APPROPRIATE REGULATORY AGENCY REQUIREMENTS.

9. ERRORS IN TOPOGRAPHY AND/OR FAILURE TO NOTIFY ARCHITECT OF DISCREPANCIES SHALL VOID THIS DESIGN.

SHEET INDEX:

NO.	DESCRIPTION
T1	PROPOSED SITE PLAN & NOTES
AB1	EXISTING FLOOR PLAN
A1	PROPOSED FLOOR PLAN
A2	PROPOSED SECOND FLOOR PLAN
A3	PROPOSED ELEVATIONS

McCormack + Eiten / Architects, LLP
400 Broad Street
Lake Geneva, WI 53147
Ph (262) 248-8391
Fax (262) 248-8392
contact@mccormackeiten.com
www.mccormackeiten.com

© McCormack + Eiten / Architects, LLP

ADDITIONS AND ALTERATIONS TO EXISTING BUILDING FOR
CREATURE COMFORTS VETERINARY SERVICE
2548 S. TEUT ROAD
BURLINGTON, WI 53105-7205

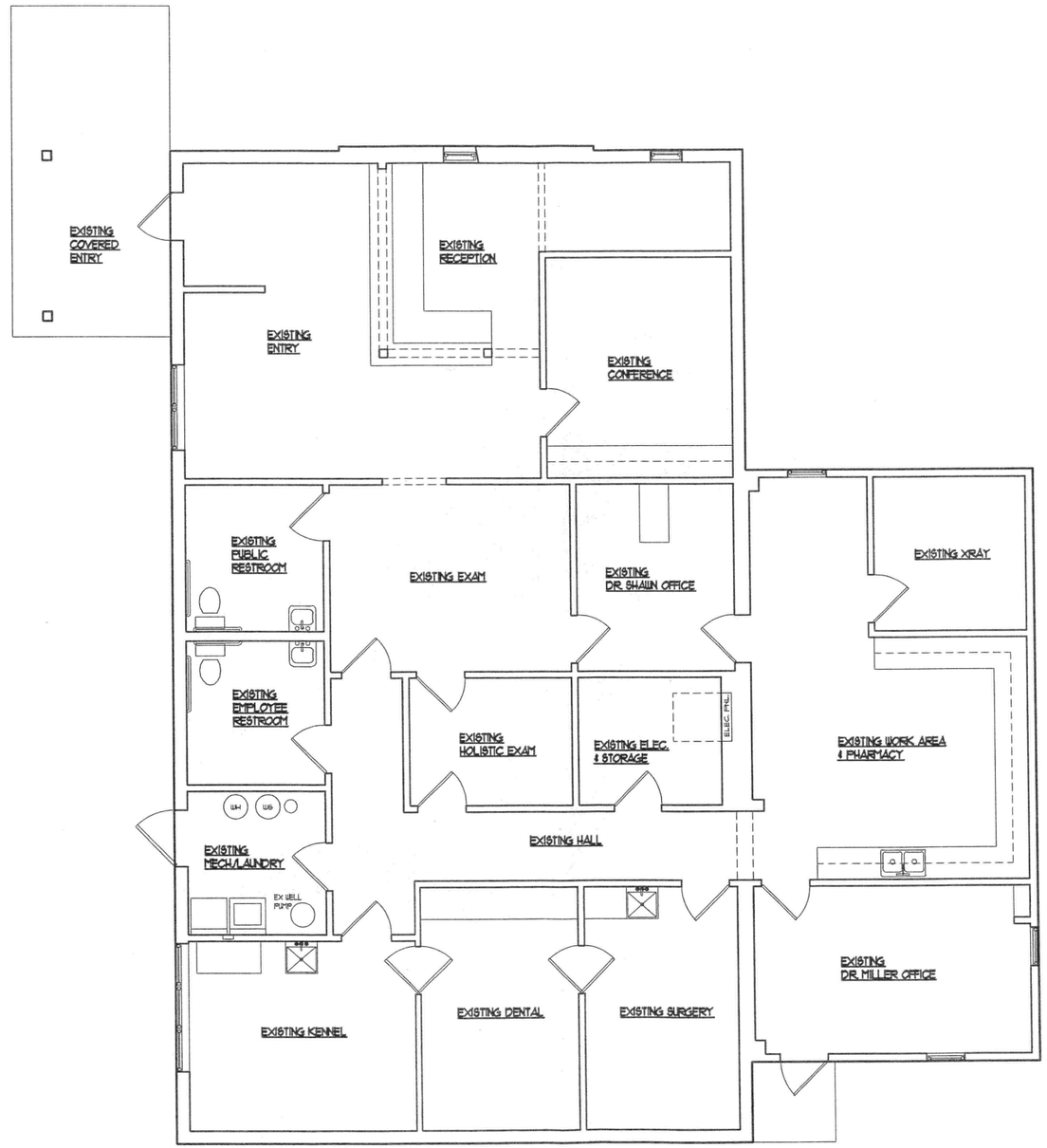
PROJECT NO.
1708

REVISIONS

- [x] PRELIMINARY
- [ ] BID/APPROVAL
- [ ] PERMIT
- [ ] CONSTRUCTION

DATE
8/28/2017

SHEET
T-1
OF ____



NORTH

EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"

McCormack + Elten / Architects, LLP
400 Broad Street
Lake Geneva, WI 53147
Ph (262) 248-8391
Fax (262) 248-8392
contact@mccormackelten.com
www.mccormackelten.com

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ADDITIONS AND ALTERATIONS TO EXISTING BUILDING FOR

CREATURE COMFORTS VETERINARY SERVICE

2548 S. TEUT ROAD
BURLINGTON, WI 53105-7205

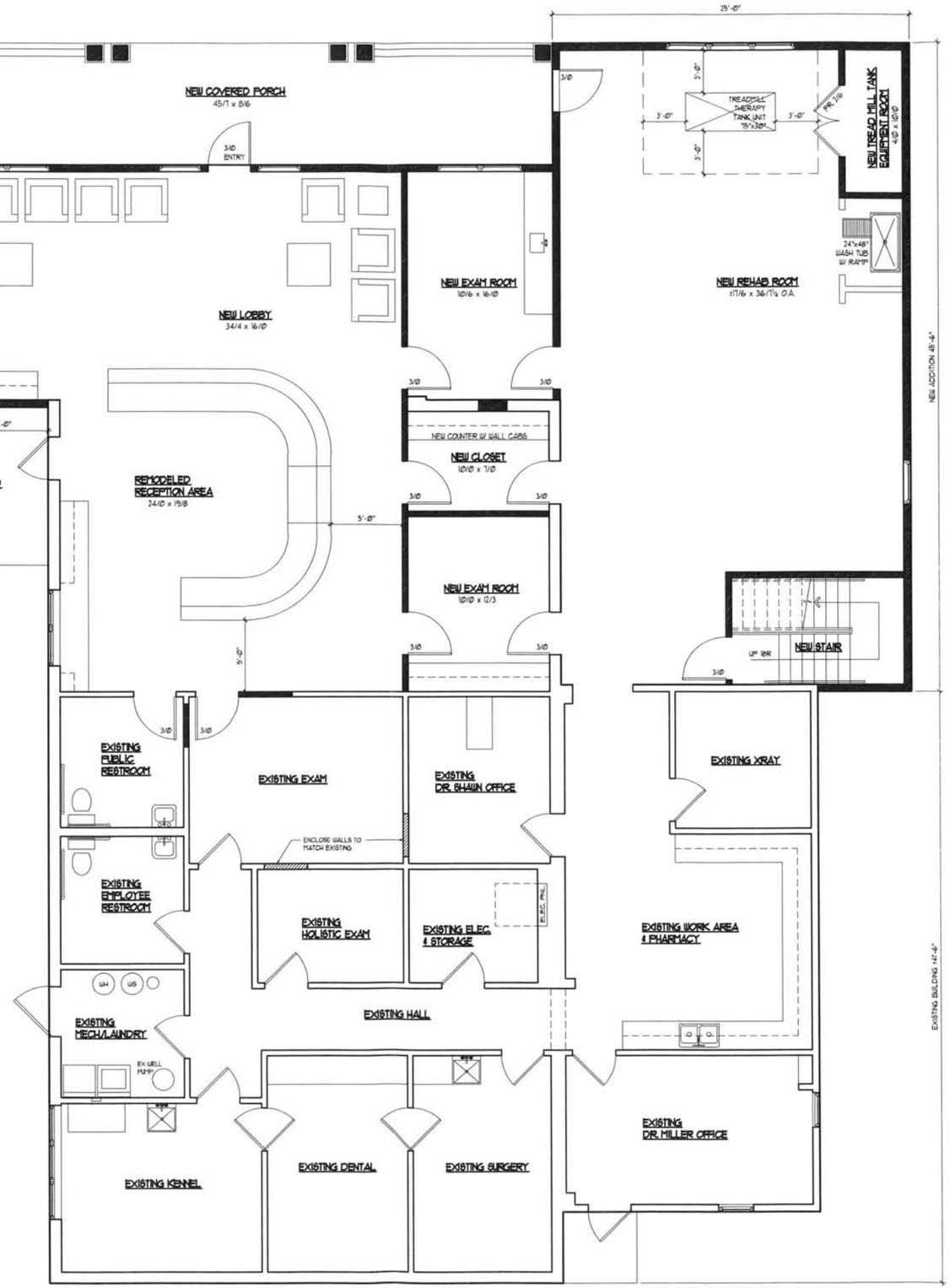
PROJECT NO.
1708

REVISIONS

- [x] PRELIMINARY
- [ ] BID/APPROVAL
- [ ] PERMIT
- [ ] CONSTRUCTION

DATE
8/28/2017

SHEET
AB-1
OF ____



NORTH

PROPOSED FIRST FLOOR PLAN

SCALE: ¼" = 1'-0"

WALL LEGEND

EXISTING CONST. TO REMAIN	
EXIST. CONST. TO BE REMOVED	
PROPOSED CONSTRUCTION	

McCormack + Eiten / Architects, LLP
400 Broad Street
Lake Geneva, WI 53147
Ph (262) 248-8391
Fax (262) 248-8392
contact@mccormackeiten.com www.mccormackeiten.com

© McCormack + Eiten / Architects, LLP

ADDITIONS AND ALTERATIONS TO EXISTING BUILDING FOR

CREATURE COMFORTS VETERINARY SERVICE

2548 S. TEUT ROAD
BURLINGTON, WI 53105-7205

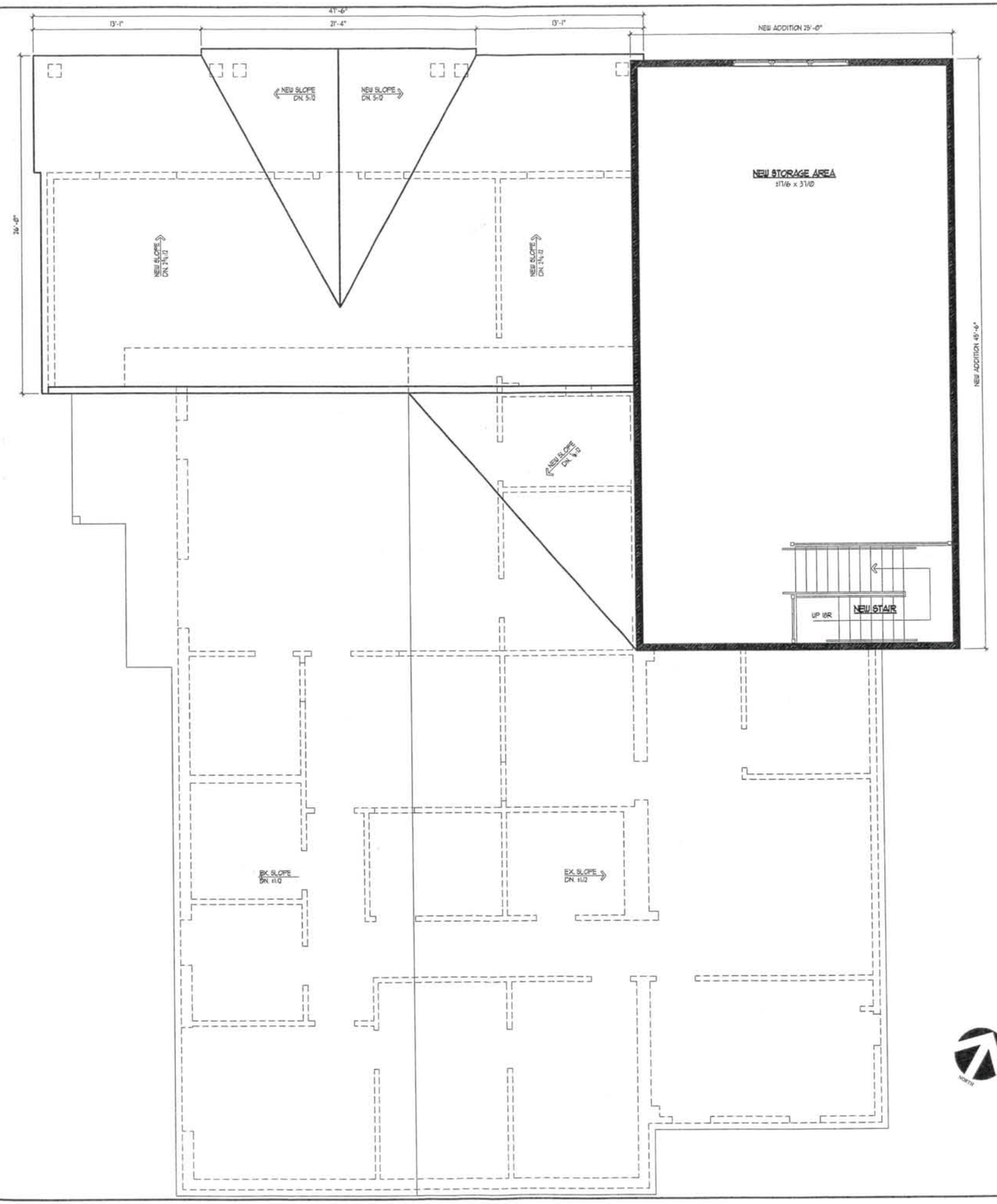
PROJECT NO.
1708

REVISIONS

- [x] PRELIMINARY
- [ ] BID/APPROVAL
- [ ] PERMIT
- [ ] CONSTRUCTION

DATE
8/28/2017

SHEET
A-1
OF



PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

NORTH

WALL LEGEND	
EXISTING CONST. TO REMAIN	
EXIST. CONST. TO BE REMOVED	
PROPOSED CONSTRUCTION	

McCormack + Elten / Architects, LLP
400 Broad Street
Lake Geneva, WI 53147
Ph (262) 248-8591
Fax (262) 248-8592
contact@mccormackelten.com www.mccormackelten.com

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ADDITIONS AND ALTERATIONS TO EXISTING BUILDING FOR

CREATURE COMFORTS VETERINARY SERVICE

2548 S. TEUT ROAD
BURLINGTON, WI 53105-7205

PROJECT NO.
1708

REVISIONS

- [x] PRELIMINARY
- [ ] BID/APPROVAL
- [ ] PERMIT
- [ ] CONSTRUCTION

DATE
8/28/2017

SHEET
A-2
OF ____

PROPOSED NORTHWEST
ELEVATION
SCALE: 1/4" = 1'-0"

McCormack + Elten / Architects, LLP
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contact@mccormackelten.com www.mccormackelten.com

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ADDITIONS AND ALTERATIONS TO EXISTING BUILDING FOR
CREATURE COMFORTS VETERINARY SERVICE
2548 S. TEUT ROAD
BURLINGTON, WI 53105-7205

PROJECT NO.
1708

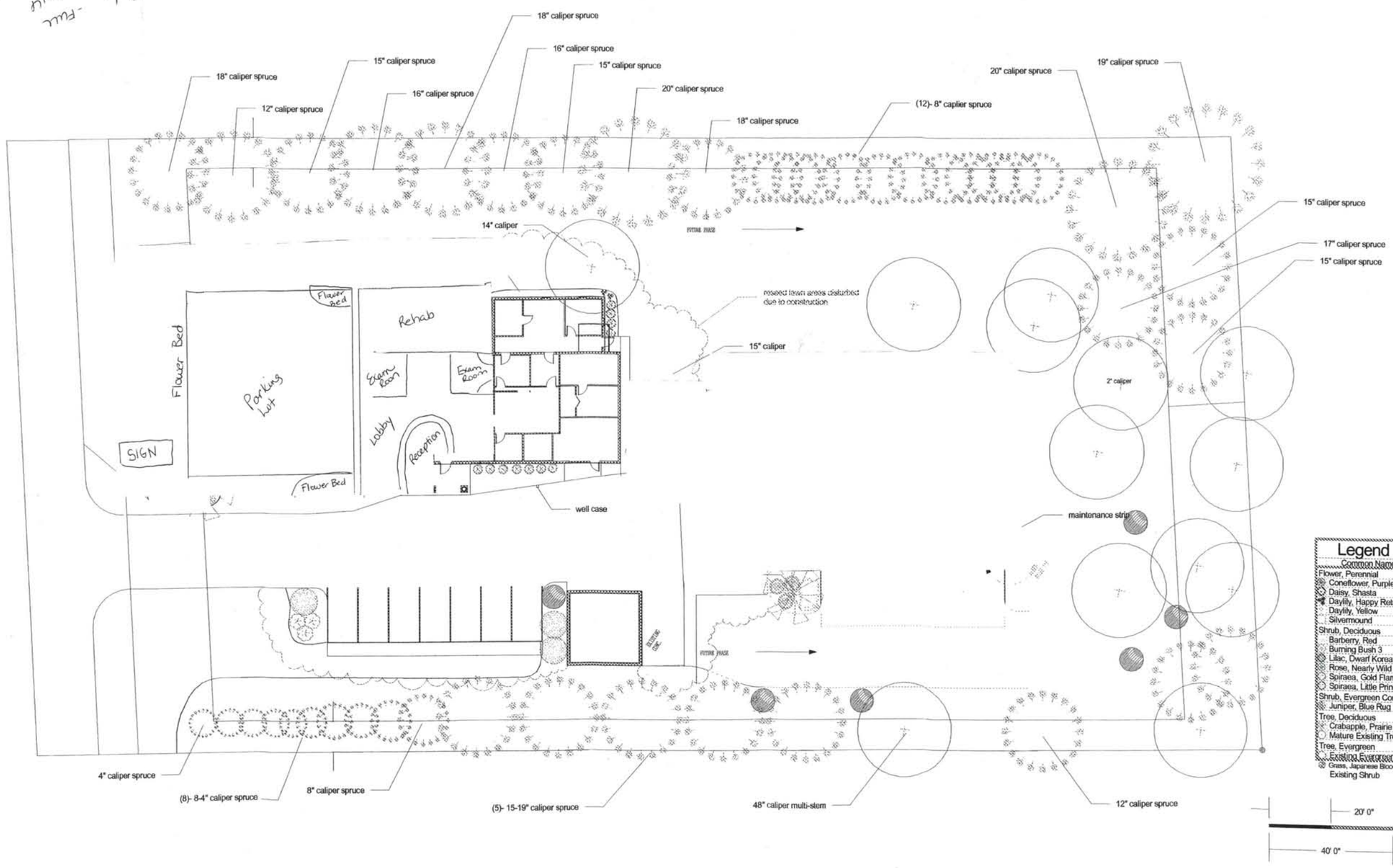
REVISIONS

- [x] PRELIMINARY
- [ ] BID/APPROVAL
- [ ] PERMIT
- [ ] CONSTRUCTION

DATE
8/28/2017

SHEET
A-3
OF

7-19 - Flue
6 small 11x14
Dining Room area



Legend

Common Name
Flower, Perennial
Coneflower, Purple
Daisy, Shasta
Daylily, Happy Returns
Daylily, Yellow
Silvermound
Shrub, Deciduous
Barberry, Red
Burning Bush 3
Lilac, Dwarf Korean
Rose, Nearly Wild
Spiraea, Gold Flame
Spiraea, Little Princess
Shrub, Evergreen Conifer
Juniper, Blue Rug
Tree, Deciduous
Crabapple, Prairie Fire
Mature Existing Tree
Tree, Evergreen
Existing Evergreen
Grass, Japanese Blood
Existing Shrub

Unique Services, Inc
4915 Cal Drive
West Bend, WI 53095
262-338-4804

Creature Comfort

*Note:
These plans are conceptual only and not intended for construction purposes. All measurements must be verified in the field. Lot lines were unknown at the time this drawing was made. All construction must be engineered and constructed to meet local and state codes and ordinances.
This drawing is the sole property of **Unique Services, Inc**, and **Unique Services, Inc** is entitled to compensation for use of any part of this design.

Landscape Design by:

Jonathan L Schultz

Revision #:

4

Plan:

L-102

Date: 11/11/2010

Scale: 0' 1" = 16' 0"

PLAN COMMISSION **ITEM NUMBER: 8B**

DATE: October 10, 2017

SUBJECT: Consideration to approve a Conditional Use and Site Plan application at 1058 Milwaukee Avenue.

SUBMITTED BY: Gregory Guidry, Building Inspector and Zoning Administrator

---

PROJECT/SCOPE:

This item is to consider approving a Conditional Use and Site Plan application from Big R Stores, for property located at 1058 Milwaukee Avenue. The applicant is proposing to allow for outdoor seasonal lawn and garden sales, as well as the storage of a propane tank for propane gas sales. The project proposes to engage in the outdoor display and retail of merchandise, including propane and lawn and garden materials in two locations at the site.

- Location 1-Farm Yard Area. The sale of propane is proposed to occur within the existing outdoor display area on the southwest side of the building. This area contains an existing awning, green house and fenced enclosure.
- Location 2-Lawn and Garden Materials Area. The sale of lawn and garden material is proposed to occur in a second outdoor display area that is proposed to be newly constructed within the parking lot on the west side of the building. This second area will be enclosed in an 80-foot by 80-foot fenced enclosure made of temporary black chain link for security purposes; the fence will remain in place permanently. The two hoop houses, both measuring 21 feet by 48 feet will be located in the fenced enclosure and will also be permanent, but the canvas skin will only be in place from spring to fall. Each fence panel will measure 4 feet tall and 10 feet long.

ZONING:

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

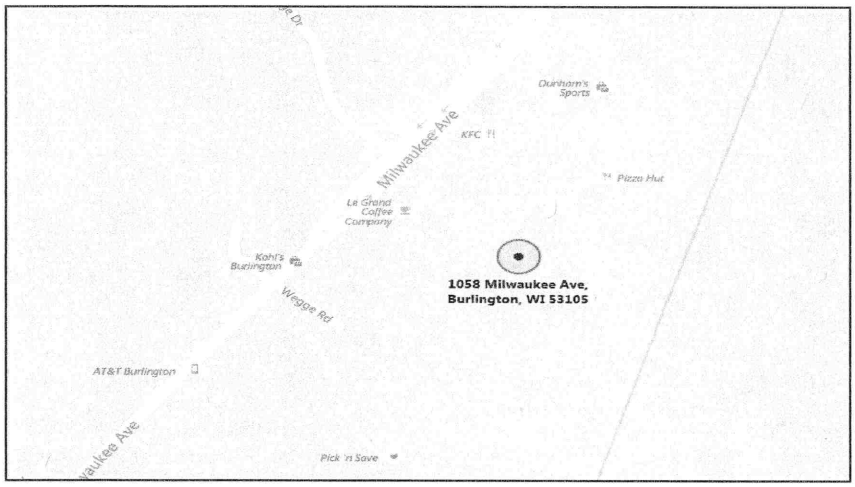
RECOMMENDATION:

Graef recommends approval of this Conditional Use and Site Plan, subject to items listed in the October 3, 2017 memorandum.

TIMING/IMPLEMENTATION:

This item is for consideration at the October 10, 2017 Plan Commission meeting. No further action is necessary.

MAP:


Durham's Sports
KFC
Milwaukee Ave
Pizza Hut
Le Grand Coffee Company
Kohl's Burlington
1058 Milwaukee Ave,
Burlington, WI 53105
Wegge Rd
AT&T Burlington
Pick 'n Save

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Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
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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.
David Wilson, Big R Stores, Applicant

FROM: GRAEF
Kristian Vaughn
Tanya Fonseca, AICP

DATE: October 3, 2017

SUBJECT: Review of Site Plan and Conditional Use Permit for Outdoor Sales at Big R at 1058 North Milwaukee Avenue, Burlington, WI 53105

A. PURPOSE

1) Consider for approval a Site Plan Approval Application from David Wilson of Big R Stores for property located at 1058 Milwaukee Avenue, Burlington, WI 53105 to construct an area to engage in the outdoor display and retail of merchandise.
2) Consider for approval a Conditional Use Permit Application from David Wilson of Big R Stores for property located at 1058 Milwaukee Avenue, Burlington, WI 53105 to engage in the outdoor display and retail of merchandise, including propane and lawn and garden materials.

B. RECOMMENDATION

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

a. ***APPROVAL*** of a Site Plan Approval Application from David Wilson of Big R Stores for property located at 1058 Milwaukee Avenue, Burlington, WI 53105 to construct an area to engage in the outdoor display and retail of merchandise subject to the following conditions:
    (1) Pursuant to §315-26(D)(34), the location of the fenced enclosure in the parking lot is subject to performance standards in the B-1 "Neighborhood Business District," notably including:
        i. §315-26(D)(34)(c)(2): The outdoor display area shall not encroach into areas set aside for compliance with other Zoning Code requirements, such as but not limited to, required yard setbacks, sidewalks, building entrances and exits, vision

setbacks, landscaping, green space and landscape surface ratio, stormwater detention or retention, pedestrian areas, emergency vehicle lanes, and motor vehicle and bicycle parking areas and access;

ii. §315-26(D)(34)(c)(3): The outdoor display area shall not impede the growth or maintenance of required landscaping; and,

iii. §315-26(D)(34)(c)(4): The outdoor display area shall not include bulk merchandise (either packaged or unpackaged), such as topsoil, fertilizer, ornamental stone, mulch, firewood and other similar items.

b. and, ***APPROVAL*** of a Conditional Use Permit Application from David Wilson of Big R Stores for property located at 1058 Milwaukee Avenue, Burlington, WI 53105 to engage in the outdoor display and retail of merchandise, including propane and lawn and garden materials.

C. BACKGROUND

David Wilson of Big R Stores of 200 N. Ernest Grove Parkway, Watseka, IL 60970 (Applicant) submitted a Site Plan Approval Application and Conditional Use Permit Application for the construction and occupancy of two designated areas to engage in the outdoor display and retail of merchandise in the Fox River Plaza at 1058 Milwaukee Avenue, Burlington, WI 53105. The project is proposed to occur on parcel 206-03-19-28-021-050. The Big R store will occupy the space formerly vacated by K-Mart.

The project proposes to engage in the outdoor display and retail of merchandise in two locations at the site. Two employees will provide service to customers in both areas between the hours of 8am and 8pm. The two locations are detailed as follows:

Location 1 – Farm Yard Area: The sale of propane is proposed to occur within the existing outdoor display area on the southwest side of the building. K-Mart previously occupied this space for a similar purpose during its tenancy. This area contains an existing awning, greenhouse, and fenced enclosure.

Location 2 – Lawn and Garden Materials Area: The sale of lawn and garden materials is proposed to occur in a second outdoor display area that is proposed to be newly constructed within the parking lot on the west side of the building. This second area will be enclosed in an 80-foot by 80-foot fenced enclosure. Two hoop houses, both measuring 21 feet by 48 feet, will be located within the fenced enclosure. The fenced enclosure will be made up of temporary black chain link fence for security purposes; the fence will remain in place permanently. Each fence panel will measure four feet tall and 10 feet long. The hoop houses will remain in place permanently, but the canvas skin will only be in place from spring to fall.

The Applicant submitted the following materials:

a. Site Plan Approval Application (2 sheets, as prepared by David Wilson, dated July 12, 2017)
b. Conditional Use Permit Application (3 sheets, as prepared by David Wilson, dated September 21, 2017)
c. Google Maps Aerial Image with Annotations (1 sheet, dated April 17, 2017)
d. Site Plan Hand Sketch (1 sheet)
e. Excerpt of Land Title Survey with Annotations (1 sheet)

Note: Following the purchase of the Fox River Plaza in late summer 2016, GRAEF staff worked with City staff to consider potential outlot development at the site. At that time, an ALTA/NSPS Land Title Survey was provided to GRAEF for review. That survey was referenced to develop this memorandum and is included as Exhibit B.

D. COMPLIANCE WITH BURLINGTON ZONING CODE §315-26 B-1 "NEIGHBORHOOD BUSINESS DISTRICT"

The proposed outdoor display and retail of merchandise, including propane and lawn and garden materials, is an allowable conditional use pursuant to §315-26(D)(20 & 34).

The outdoor display of merchandise is subject to performance standards in §315-26(D)(34). The first outdoor display area designated as the "Farm Yard Area" is compliant with the performance standards. As the propane tank will be located within an existing fenced enclosure in a space previously designated for a similar use during K-Mart's occupancy, it is acceptable.

The second outdoor display area for the lawn and garden materials is compliant as conceptually represented in the Applicant's materials. The Google Maps Aerial Image, Site Plan Hand Sketch, and Excerpt of Land Title Survey each differ with respect to the exact location of the fenced enclosure within the parking lot and its proximity to lot lines. The general location of the fenced enclosure is understood, but its exact location must be compliant with the B-1 District's performance standards for this conditional use. Notably, the fenced enclosure cannot substantially impede the flow of traffic so as to inhibit access to accessible parking spaces for customers with disabilities. As many of the drive aisles are one way, the aisles that allow direct access to accessible parking spaces must remain open and uninhibited. The following performance standards in §315-26(D)(34) will be attached to this recommendation as conditions of approval:

> *§315-26(D)(34)(c)(2):* The outdoor display area shall not encroach into areas set aside for compliance with other Zoning Code requirements, such as but not limited to, required yard setbacks, sidewalks, building entrances and exits, vision setbacks, landscaping, green space and landscape surface ratio, stormwater detention or retention, pedestrian areas, emergency vehicle lanes, and motor vehicle and bicycle parking areas and access.
> *§315-26(D)(34)(c)(3):* The outdoor display area shall not impede the growth or maintenance of required landscaping.
> *§315-26(D)(34)(c)(4):* The outdoor display area shall not include bulk merchandise (either packaged or unpackaged), such as topsoil, fertilizer, ornamental stone, mulch, firewood and other similar items.

The granting of a conditional use permit for "outdoor display of merchandise" is subject to yearly renewal pursuant to §315-26(D)(34)(f). Big R Stores will be required to renew its conditional use permit with the City of Burlington Zoning Administrator on an annual basis.

Any signage that will be placed on either outdoor display area is subject to permitting pursuant to Burlington Zoning Code Article VII "Signs."

The fence is subject to additional permitting by the Zoning Administrator pursuant to §315-51 "Fences."

The Fox River Plaza strip mall (as a structure), the associated parking lots, and the associated driveways continue to comply with the dimensional and operational requirements in §315-26.

E. COMPLIANCE WITH BURLINGTON ZONING CODE §315-48 "PARKING REQUIREMENTS"

The Big R store as a use can be classified as "Shopping centers (3 stores or more)" in Chapter 315 Table 5 "Off-Street Parking and On-Site Queuing Requirements for Use Types." This use requires five parking spaces per 1,000 square feet of floor area. As the Big R store will occupy a space that is approximately 83,100 square feet in size, it is required to supply 416 spaces inclusive of 9 accessible spaces. Please consult Exhibit A for the total available parking at the Fox River Plaza. The entirety of Fox River Plaza's parking lot provides 630 spaces inclusive of 19 accessible spaces.

Fox River Plaza's parking lots, driveways, and the amount of available spaces are compliant with §315-48.

Note: The fenced enclosure for the lawn and garden materials area will be located west of the Big R main entrance in existing available parking spaces. The fenced enclosure will consume available parking spaces and make them unavailable to customers. This parking space loss does not impact the Big R store's ability to provide the required number of parking spaces.

F. COMPLIANCE WITH BURLINGTON ZONING CODE §315-130 "CONDITIONAL USE PERMIT"

The Applicant's materials comply with the provisions enumerated in §315-130(A) "Application for conditional use permit."

G. COMPLIANCE WITH BURLINGTON ZONING CODE §315-137 "SITE PLANS"

To determine compliance with §315-137, the Applicant's materials were used in conjunction with the September 2016 ALTA/NSPS Land Title Survey for the Fox River Plaza. The Land Title Survey appears as Exhibit B. In addition, for the purposes of this review, the hoop houses are considered two permanent, accessory structures.

The site plan materials are compliant with the requirements in §315-137(A, B, & C).

The Applicant's materials do not indicate the addition of landscaping or lighting to the site. As a result, landscape and lighting plans are not required.

One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
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EXHIBIT A – FOX RIVER PLAZA PARKING EXHIBIT

September 22, 2017

- Quarter Quarter Section
- Quarter Section
- Tax Parcels
- PLSS Sections
- Water lines
- Waterbody
- Municipal Boundaries
- Red: Band_1
- Green: Band_2
- Blue: Band_3

0 50 100 200 300 400 500 Feet

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

ArcGIS WebApp Builder

2017-1005.22

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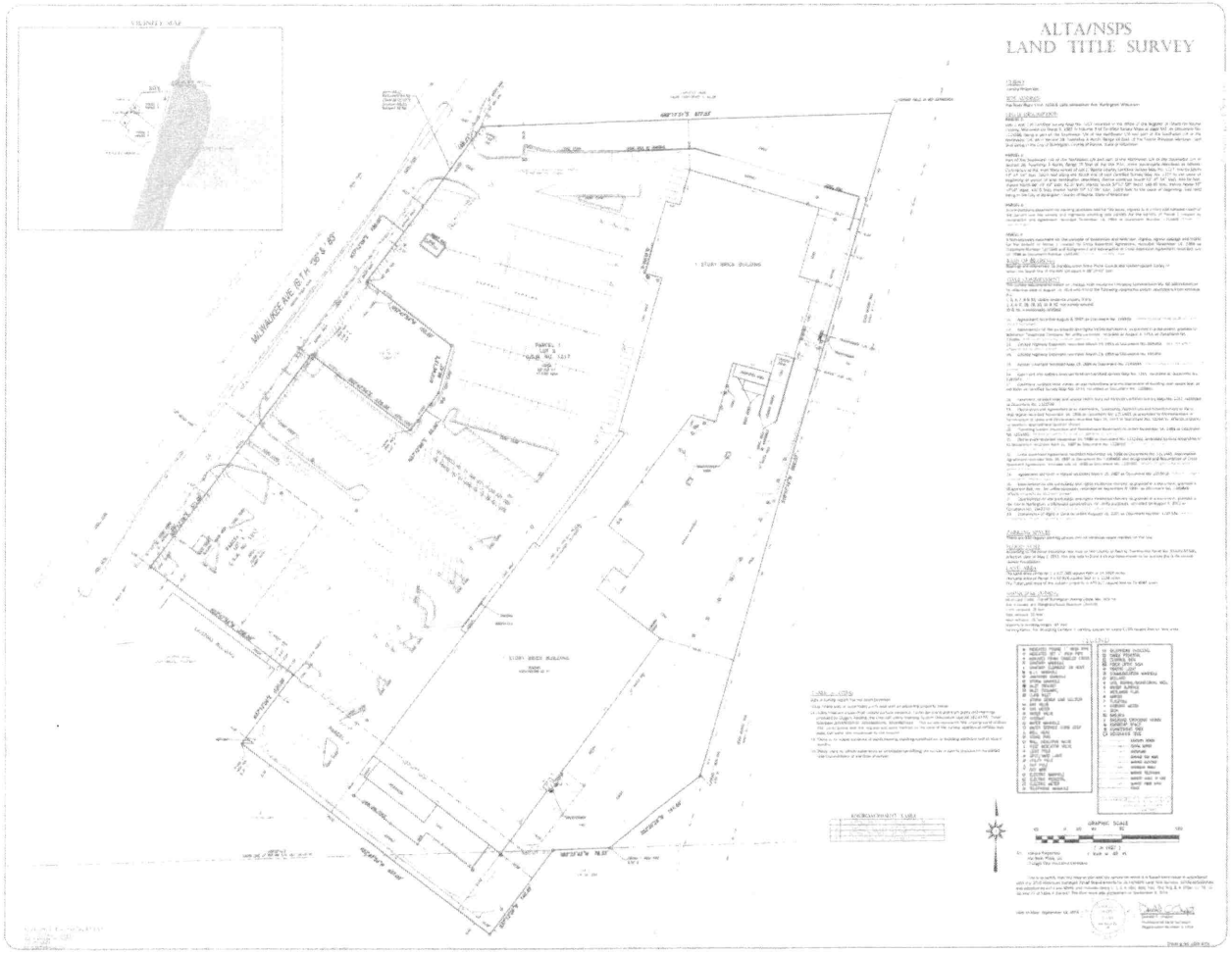
EXHIBIT B – FOX RIVER PLAZA ALTA/NSPS LAND TITLE SURVEY (SEPTEMBER 2016)



2017-1005.22

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 8/21/17
DATE PUBLISHED
PUBLIC HEARING DATE:
RECEIVED BY: KA

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

☐ **Zoning Permit - *$25.00***

☐ **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 BIG R STORES

Phone No. 815-644-4448 Fax No.

Applicant's Address 1058 MILWAUKEE AVE.

Owner of the site JOE DEVORKIN

Phone No. 414-803-3112 Fax No. N/A

Owner's address 11518 N. PORT WASHINGTON

Architect / Professional Engineer N/A

Architect / Professional Engineer Address N/A

Contractor N/A

Contractor's Address N/A

DESCRIPTION OF THE SUBJECT SITE

Address 1058 N. MILWAUKEE AVE

Or if no address exists: Parcel Identification No.

Existing Zoning classification RETAIL

Description of existing use OUTDOOR SALES

Description of the proposed use OUTDOOR SALES

Number of employees / Hours of operation 2 - 8to5

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):

PERMIT REQUIRED FOR PROPANE SALES AND OUTDOOR LAWN AND GARDEN SALES

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 (BIG R) (Signature) — E DAVID WILSON (Print)

Owner (Fox River Plaza) (Signature) — Joe Devorkin (Print)

Date: 9-21-17 Date application Filed:

- 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:_____ Date:_____
(Signature)

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
DATE FILED: 8/21/12
RECEIVED BY: RN (Initials)
AMT. PAID: 500

SITE PLAN APPROVAL APPLICATION

REVIEW: $500.00 Deposit +/- Actual Cost

APPLICANT: BIG R STORES

ADDRESS: 200 N ERNEST GROVE PARKWAY **PHONE NO.** 815-432-6200 **FAX NO.** 866-298-6019

OWNER: JOE DEVORKIN → Mequon WI 53092

ADDRESS: 11518 N. Port Washington Rd **PHONE NO.** 414-803-3112 **FAX NO.** N/A

SITE ADDRESS: 1058 MILWAUKEE AVENUE

PROPOSED USE: OUTDOOR SALES / PROPANE **PRESENT ZONING:** _____

LEGAL DESCRIPTION: _____
(Attach full legal description if needed)

THE SITE PLAN MUST INCLUDE THE FOLLOWING INFORMATION (PLEASE LIST ANY ADDITIONAL INFORMATION WHERE APPLICABLE):

X Site plan drawn to a recognized engineering or architectural scale with graphic scale, shown as well as the date of drawing and the north arrow shown.

X Project title and owner's/developer's name and address noted.

N/A Architect's and/or engineer's name and address noted.

____ Property boundaries and dimensions.

____ Abutting property zoning classifications.

____ General description of building materials, façade and roof detail.

X ____ Setback lines indicated.

N/A Easements for access, if any.

N/A 100-year floodplain identification.

N/A Existing and proposed topography show at a contour interval of not less than two feet, indicating proposed grade and location of improvements.

N/A Signage and outdoor lighting – proposed location and details.

____ Total number of employees: 2 and Hours of operation 8:00 AM to 8:00 PM.

N/A Total no. of parking spaced noted. No. of parking spaces provided: N/A. Calculations used to arrive at the no. of spaces: N/A.

2 Type, size and location of all structures with all building dimensions shown. 21'x48'

N/A Locate existing and general location of proposed sanitary sewers, storm sewers and watermains.

N/A Locate any proposed stormwater management facilities, including detention/retention areas. The City of Burlington has a stormwater ordinance in effect.

N/A Note location, extent and type of proposed landscaping and landscaping plantings and buffers to adjacent property, including fencing or other screening.

N/A Note, location of pedestrian sidewalks and walkways. - PARKING LOT

N/A Graphic outline of any development staging that is planned.

N/A Driveway locations and sizes.

N/A Handicap accessibility.

N/A List environmental concerns, i.e. odor, smoke, noise.

Owner: Joe Devorkin (Print) Date: 7-12-17

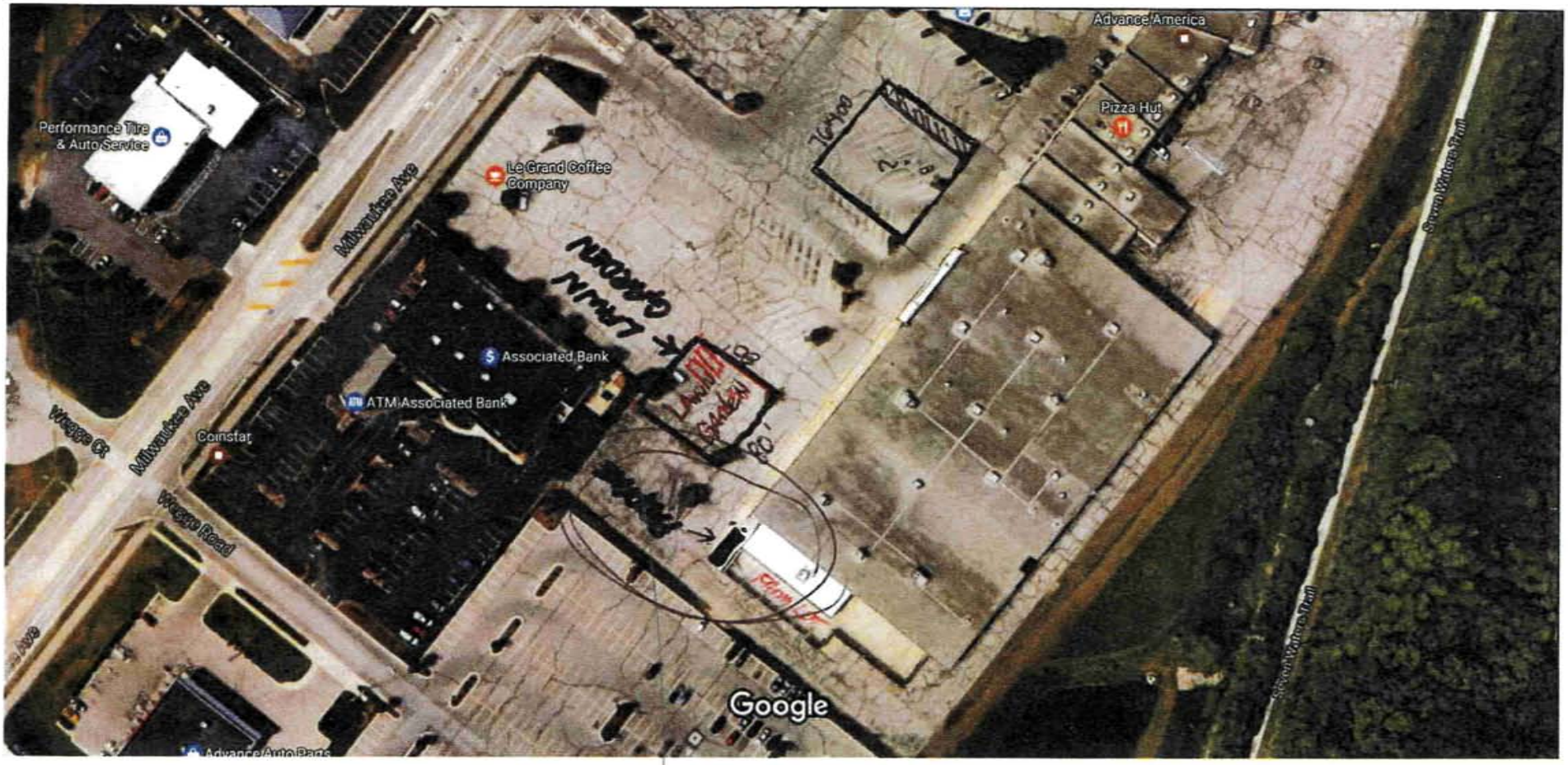
Owner: Joe (Signature)

Applicant: DAVID WILSON BIG R STORES (Print) Date: 7-12-17

Applicant: (Signature)

Zoning Administrator: (Signature) Date:

Google Maps 1120 Milwaukee Ave

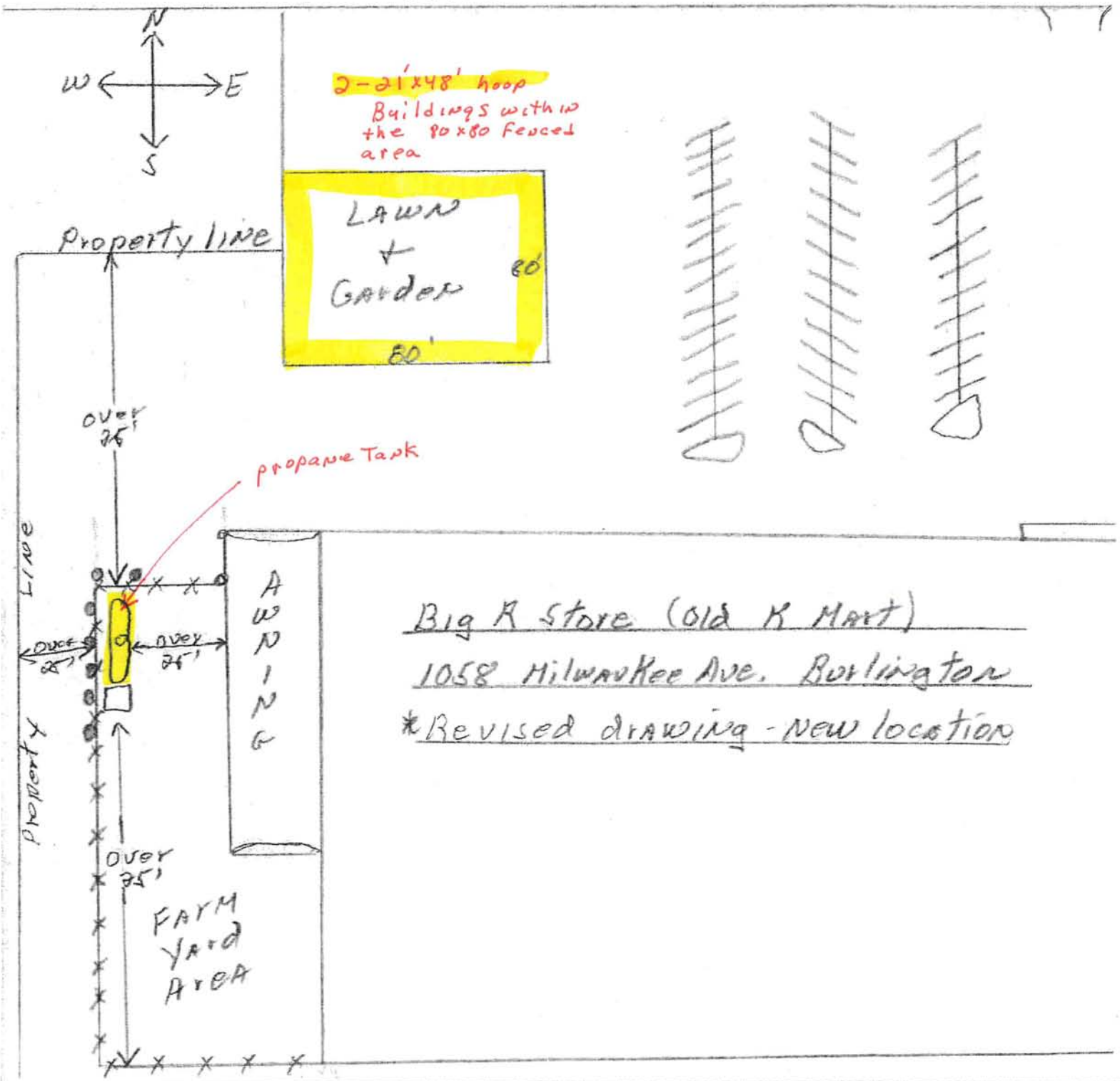


Imagery ©2017 Google, Map data ©2017 Google 100 ft

distance from neighbor zonings

Big K Store	Woodstock Hicksgas LLC
1058 Milwaukee Avenue	1023 Lake Avenue
Burlington WI 53105	Woodstock IL 60098
David Wilson 815-644-4448	Brett Rogers 815-338-1896

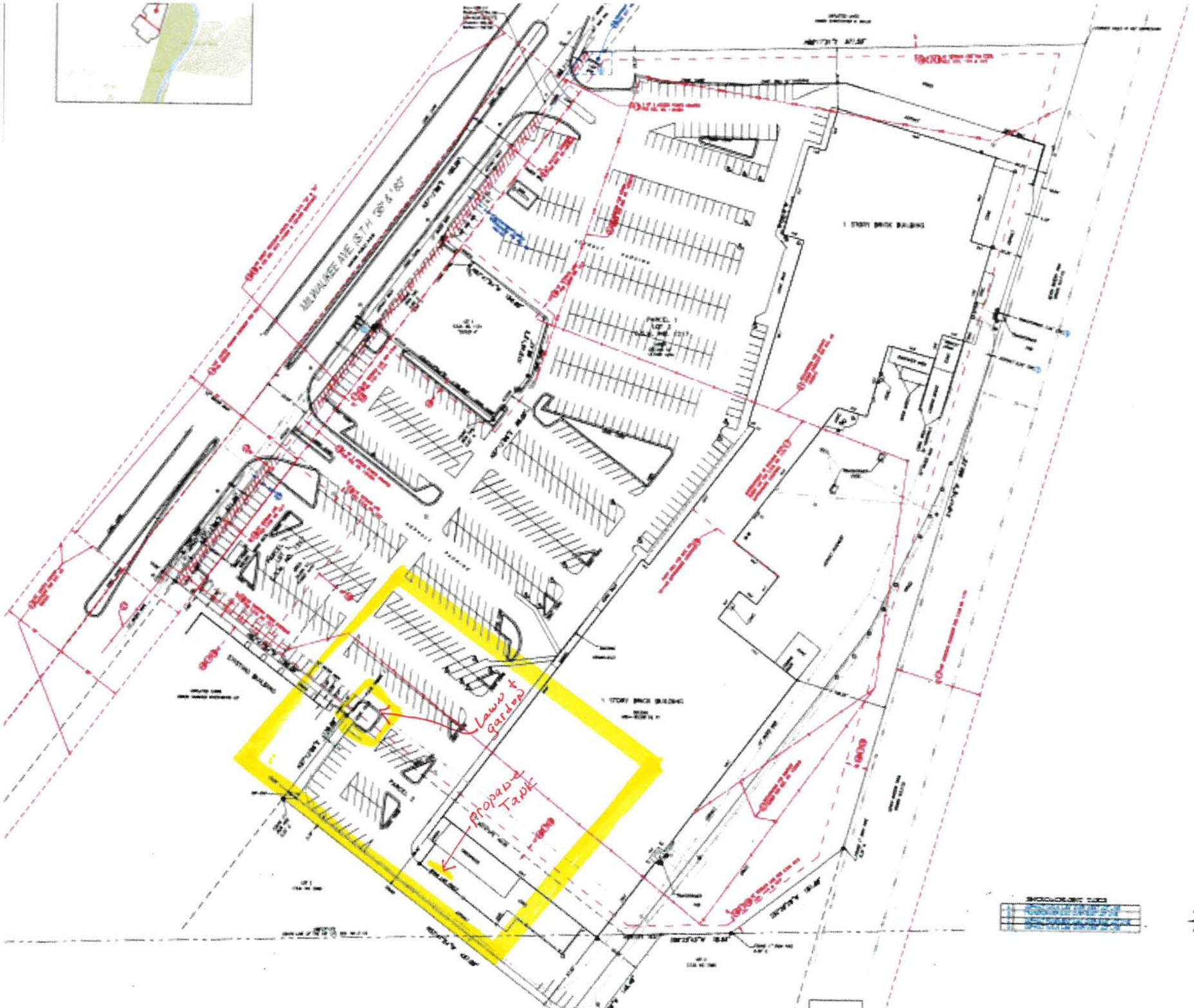
Hicksgas will install a 1,450 gallon dispenser

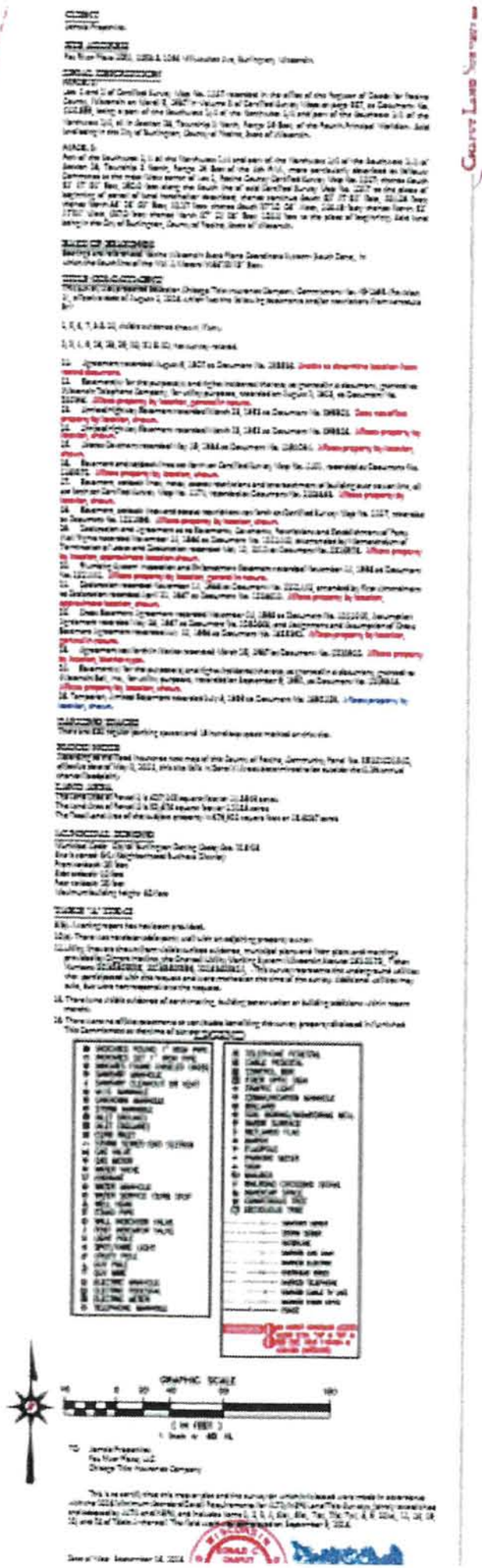


Big K Store (Old K Mart)

1058 Milwaukee Ave. Burlington

*Revised drawing - New location


MILWAUKEE AVE (STH 36 & 83)
1 STORY BRICK BUILDING
Lawn + garden
Propane Tank



PLAN COMMISSION **ITEM NUMBER: 8C**

DATE: October 10, 2017

SUBJECT: Consideration to approve a Conditional Use application at 1120 Milwaukee Avenue, Suite #120.

SUBMITTED BY: Gregory Guidry, Building Inspector and Zoning Administrator

---

PROJECT/SCOPE:

This item is to consider approving a Conditional Use application from BDP Burlington, for property located at 1120 Milwaukee Avenue, Suite #120. The applicant is proposing to use the existing building to operate a fitness center (Planet Fitness) greater than 4,000 square feet. The Planet Fitness will occupy approximately 10,800 square feet with fifteen employees, 24 hours per day 7 days a week.

ZONING:

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

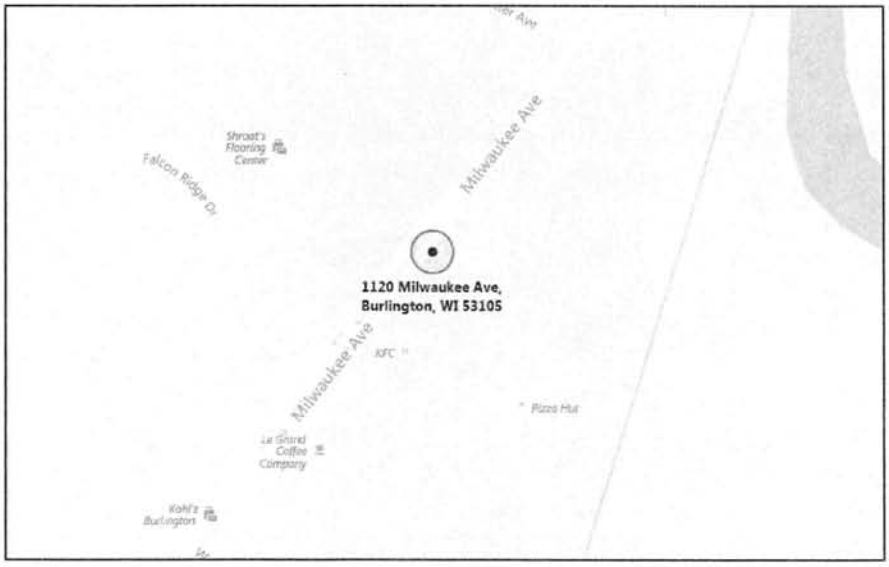
RECOMMENDATION:

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

TIMING/IMPLEMENTATION:

This item is for consideration at the October 10, 2017 Plan Commission meeting. No further action is necessary.

MAP:



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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.
Dominic DeCoux, BDP Burlington, LLC, Applicant

FROM: GRAEF
Kristian Vaughn
Tanya Fonseca, AICP

DATE: October 3, 2017

SUBJECT: Review of Conditional Use Permit Application for Planet Fitness at 1120 Milwaukee Avenue, Suite 120, Burlington, WI 53105

A. PURPOSE

1) Consider for approval the Conditional Use Permit Application from Dominic DeCoux of BDP Burlington, LLC for Suite 120 in the Fox River Plaza located at 1120 Milwaukee Avenue for a Planet Fitness.

B. RECOMMENDATION

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

a. the Conditional Use Permit Application from Dominic DeCoux of BDP Burlington, LLC for Suite 120 in the Fox River Plaza located at 1120 Milwaukee Avenue for a Planet Fitness.

C. BACKGROUND

Dominic DeCoux of BDP Burlington, LLC of 717 Eisenhower Drive, Suite D, Kimberly, WI 54136 (Applicant) submitted a Conditional Use Permit Application to operate a Planet Fitness in Suite 120 of the Fox River Plaza on parcel 206-03-19-28-021-020 at 1120 Milwaukee Avenue, Burlington, WI 53105.

The proposed Planet Fitness will occupy the now-vacant Suite 120 in the Fox River Plaza. The Planet Fitness will occupy approximately 10,800 square feet. Fifteen employees will operate the gym 24 hours per day, 7 days per week.

Parcel 206-03-19-28-021-020 is zoned B-1 "Neighborhood Business District." The parcel shares boundaries with other B-1 parcels to the north, west, and south. The rear of the parcel faces natural areas that abut the Fox River.

The Applicant submitted the following materials:

a. Conditional Use Permit Application (3 sheets, as prepared by Dominic DeCoux, dated September 8, 2017)

D. CONDITIONAL USE WITHIN ZONING CODE §315-26 "B-1 NEIGHBORHOOD BUSINESS DISTRICT"

Planet Fitness's occupancy of Suite 120 is an allowable conditional use in the B-1 District pursuant to §315-26(D)(36).

As Planet Fitness will not alter the structure or parking lot when occupying the space, Fox River Plaza and parcel 206-03-19-28-021-020 will continue to conform with the requirements in §315-26.

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

Gyms and fitness centers are not specifically identified in Chapter 315 Table 5 "Off-Street Parking and On-Site Queuing Requirements for Use Types." The most appropriate category in which to classify Planet Fitness's use is as a commercial use, "Shopping centers (3 stores or more)." This use category requires five parking spaces per 1,000 square feet of floor area. To serve its customers, Planet Fitness would be required to provide 54 parking spaces inclusive of two accessible spaces. Please consult Exhibit A for the total number of available parking spaces at the Fox River Plaza. Planet Fitness's customers would likely use parking in the North Field. The North Field provides 274 spaces inclusive of 8 accessible spaces.

Fox River Plaza's parking lots, driveways, and the amount of available spaces are compliant with §315-48.f

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

The Applicant's materials comply with the provisions enumerated in §315-130(A) "Application for conditional use permit."

One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com

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EXHIBIT A – FOX RIVER PLAZA PARKING EXHIBIT

September 22, 2017

- Quarter Quarter Section
- Quarter Section
- Tax Parcels
- PLSS Sections
- Water lines
- Waterbody
- Municipal Boundaries
- Red: Band_1
- Green: Band_2
- Blue: Band_3

0 50 100 200 300 400 500 Feet

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

ArcGIS WebApp Builder

2017-1005.24

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 9/8/17
DATE PUBLISHED
PUBLIC HEARING DATE:
RECEIVED BY: KA

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

☐ **Zoning Permit - *$25.00***

☐ **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 BDP Burlington, LLC

Phone No. 262-812-9051 Fax No.

Applicant's Address 717 Eisenhower Dr Ste D, Kimberly, WI 54136

Owner of the site Fox River Plaza, LLC

Phone No. 414-803-3112 Fax No.

Owner's address 11518 N Port Washington Rd, Mequon, WI 53092

Architect / Professional Engineer Tim Maertz, RMA Architects

Architect / Professional Engineer Address 1050 Grider St, Appleton, WI 54914

Contractor

Contractor's Address

DESCRIPTION OF THE SUBJECT SITE

Address 1120 Milwaukee Ave #120, Burlington, WI 53105

Or if no address exists: Parcel Identification No.

Existing Zoning classification B1

Description of existing use vacant

Description of the proposed use Planet Fitness gym

Number of employees / Hours of operation ~15 / 24/7

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):

seeking for fitness use > 4,000 sf 10800 sf approx

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 Dominic Delaux (Signature) Dominic Delaux (Print)

Owner Joe (Signature) Joe Devorkin (Print)

Date: _____ Date application Filed: _____

- **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:_____ **Date:**_____

(Signature)