



Minutes
City of Burlington Plan Commission
August 8, 2017, 6:30 p.m.

Mayor Jeannie Hefty called the Plan Commission meeting to order at 6:30 p.m. Roll call: Commissioners Chad Redman; Art Gardner; John Ekes and Andy Tully were present. Aldermen Tom Vos and Bob Grandi were excused.

APPROVAL OF MINUTES

Commissioner Ekes moved, and Commissioner Redman seconded to approve the minutes of July 11, 2017. All were in favor and the motion carried.

LETTERS & COMMUNICATIONS

None

CITIZEN COMMENTS

None

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.

- Mayor Hefty opened the Public Hearing at 6:30 p.m.
- Lucinda Lester, applicant, 7800 Shorewood Drive, Salem, WI, introduced herself stating she has been in the memory care business for twenty-five years. Ms. Lester further explained the memory care center consists of brain wellness activities, fitness and preventative maintenance for diseases such as dementia.
- There were no further comments.

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

OLD BUSINESS

None

NEW BUSINESS

A. Consideration to approve a Conditional Use application from Lucinda Lester for property located at 940 S. Pine Street to operate a memory care center.

- Mayor Hefty opened this item for discussion.

- Gregory Guidry stated the building, although in the M-1, Light Manufacturing District, has been used mainly for commercial business and not manufacturing. Guidry further stated the parking is legal non-conforming and shared with the other tenants in the building. The requirement to provide an ADA accessible parking space will be enforced.
- Commissioner Ekes questioned if patrons can park on the gravel on the south side of the property. Guidry responded he would need to verify the property lines and where the gravel sits.
- Nancy Schvetz, owner, 164 W. State Street, Burlington, WI, introduced herself. Carina Walters questioned if there is an agreement with the tenants in the event more parking is needed. Ms. Schvetz responded there is not; however, the tenants have always worked together when activities required use of all the parking spaces.
- Ms. Walters questioned how many clients would be in the building at a time. Ms. Lester replied that on average there are 8 to 10 at a time in a group setting. Ms. Lester further stated that most clients, at least half, would be dropped off and would not require parking.
- Ms. Lester informed the Commission that she would be open Tuesday through Friday, with Friday as a half day, and would have two employees, herself included.
- Commissioner Gardner suggested providing occasional parking during high volume times on the greenspace indicated on the site plan, if allowable by the City.
- Commissioner Tully inquired if there are any more tenant vacancies in the building. Ms. Schvetz responded there are none.
- There were no further comments.

Commissioner Tully moved, and Commissioner Ekes seconded to approve a Conditional Use for 940 S. Pine Street, subject to Graef's August 3, 2017 memorandum to the Plan commission.

All were in favor and the motion carried.

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".

- Mayor Hefty opened this item for discussion.
- Attorney John Bjelajac explained that for approximately two years, the City has been working with Nestle in respect to noise and light pollution stemming from surrounding neighbors. As this complaint was brought to Nestle's attention and per their protocols, they must mitigate the issues in order to be in good standing. Working with Nestle and Kapur & Associates, surrounding municipal ordinances were compared to draft Section 315-95. Section 315-95 of the zoning code imposes certain noise limitations in different zoning categories throughout the City. Attorney Bjelajac further stated the ordinance contains language giving the Plan Commission full power to set decibel levels with a Conditional

Use Permit, as well as grants the Council the authority to non-compliant sound for technical and/or economic reasons, provided it does not affect public safety, health, and welfare of the community.

- Commissioner Gardner stated measurement of sound can be complex, as decibel levels do not measure frequency, and frequency measures pitch. He further stated he does not see a problem with the way this ordinance was drafted, as traffic moving at 60 miles per hour can have a decibel level of 77, whereas this ordinance sets a maximum decibel of 75 (dBA) for manufacturing districts.
- Commissioner Tully inquired if Nestle was receptive to this ordinance. Attorney Bjelajac stated he worked with Nestle's attorney on it.
- Commissioner Redman inquired what the previous decibel standard was. Attorney Bjelajac responded that it was a variety of different levels and frequencies that made it difficult to measure accurately.
- There were no further comments.

Commissioner Gardner moved, and Commissioner Ekes seconded to recommend approval of Ordinance 2029(6).

All were in favor and the motion carried.

ADJOURNMENT

Commissioner Tully moved, and Commissioner Redman seconded to adjourn the meeting at 6:54 p.m.

All were in favor and the motion carried.

Recording Secretary
Megan E. Watkins
Director of Administrative Services