

**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**March 10, 2009, 6:30 p.m.**

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Aldermen Steve Rauch; Commissioners John Lynch, Bob Schulte, Darrel Eisenhardt and Bob Henney were present. Burlington High School Representative Ashley Kennedy was present. Alderman Tom Vos, Catholic Central High School Representative Lauren Celano and Town of Burlington Representative Phil Peterson were absent. Also present were City Administrator Kevin Lahner, Building Inspector/Zoning Administrator Patrick Scherrer, City Planner Patrick Meehan and Alderman Katie Simenson.

**APPROVAL OF MINUTES**

Alderman Rauch moved and Commissioner Lynch seconded to approve the minutes of February 10, 2009. All were in favor and the motion carried.

**CITIZEN COMMENTS**

None.

**PUBLIC HEARINGS**

**A. A Public Hearing to hear public comments regarding a Conditional Use Application submitted by Richard Labadie of RJL Painting for property located at 309 W. Market Street to use as a painting and staining service and paint warehousing.**

Mayor Miller opened the Public Hearing at 6:31 p.m. There were no comments. Commissioner Lynch moved and Commissioner Henney seconded to close the Public Hearing at 6:33 p.m. All were in favor and the motion carried.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**A. Consideration to approve a Conditional Use and Site Plan Application from RJL Painting for property located at 309 W. Market Street to use the existing building as a painting service and paint warehousing.**

- Mayor Miller opened this issue for discussion.
- There were no comments.

Commissioner Schulte moved and Alderman Rauch seconded to approve a Site Plan and Conditional Use permit for 309 W. Market Street, subject to Kapur and Associates' February 25, 2009 and Patrick Meehan's February 23, 2009 memorandums to the Plan Commission which state:

- *WPO Wellhead Protection Overlay District*: Based upon area view of the City Zoning Map, the subject property may be partially located within a WPO Wellhead Protection Overlay

District. The provisions of Ordinance No. 1827(31) titled “AN ORDINANCE TO CREATE A WELLHEAD PROTECTION OVERLAY DISTRICT” govern types of acceptable uses in the district. The existing storage building has greater than 1,000 feet of distance between itself and the well. No waste materials considered hazardous to groundwater preservation are associated with the proposed conditional use. Therefore there are no objections with the proposed conditional use for the subject building within the wellhead overlay district.

- *Outdoor Lighting Plans*: If any outdoor lighting is proposed, it needs to be compliant with the provisions of Section 315-30(H). In this regard, Sections 315-30(H) and 315-137(C)(25) of the City Zoning Ordinance indicate, in part, that a Lighting Plan meeting the following requirements shall be submitted and have, at a minimum, the following elements:
  - A catalog page, cut sheet, or photograph of the luminaire including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cut-off angles.
  - A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
  - A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
  - Exterior lighting in the M-1 District shall be limited to total cut-off type luminaires (with angle greater than 90 degrees). The maximum permitted illumination shall be two (2) footcandles (as measured at the property line). The maximum permitted luminaire height shall be 30 feet as measured from surrounding grade to the bottom of the luminaire.
- That, if deemed necessary by the City's Engineer, a grading plan or other indication of proposed topography must be submitted along with a stormwater management plan and calculations.
- If any outdoor lighting is proposed, outdoor lighting plan data (as set forth under numbered item 8 of this memorandum) which indicates location, type, height, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site would need to be submitted and total cut-off luminaires.

**B. Consideration to approve a Site Plan Application from Chapel Terrace Town Homes for property located at 273 Chapel Terrace to construct a 552 square foot rental office building.**

- Mayor Miller opened this issue for discussion.
- Patrick Meehan informed the commission that a typo was made in his February 25 memorandum, page three, under “Recommendations”. It should state items 3a–3d, not 5a–5d.
- Commissioner Lynch questioned what the disposition of the proposed office building will be in the future if the use of the property were to change.

- Tadhg McInerney of Korb Tredo Architects stated that the main purpose of the building is for an office for the complex manager or for meetings that is ADA acceptable. Currently the manager is located in a basement of one of the town homes.
- Commissioner Lynch further questioned if the building would only be used as an office and not an apartment in the future. Tadhg McInerney and Patrick Meehan stated that the building would need to be converted to an apartment which would need to go through Plan Commission approval first. Meehan further stated it could only be used in a manner according to the zoning district. Possible future uses could be storage, etc.
- There were no further comments.

Commissioner Lynch moved and Commissioner Eisenhardt seconded to approve a Site Plan for 273 Chapel Terrace, subject to Kapur and Associates' February 25, 2009 and Patrick Meehan's February 23, 2009 memorandums to the Plan Commission which state:

- Pursuant to the requirements of Section 315-137(C) of the City Zoning Ordinance, a Site Plan needs to be submitted indicating the information and data listed below:
  - Existing and proposed topography shown at a contour interval of not more than two feet at National Geodetic Vertical Datum of 1929 (mean sea level) [If required by the City Engineer.]
  - All building and yard setback lines need to be indicated on the Site Plan [on Sheet A100] and a revised Site Plan submitted to the City.
  - If any additional outdoor lighting is proposed, lighting data shall be submitted to the City which indicates the location, type, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site.
  - Additional data as may be required by the Plan Commission, Zoning Administrator, City Planner, or City Engineer to review the site plan shall be noted on the site plan.

### **OTHER MATTERS**

- Alderman Rauch questioned if the landscape plan for Medspeed, LLC, located at 317 W. Market Street and approved at the January 27, 2009 meeting, is able to be altered due to the need to pile snow in the parking lot area during the winter. Pat Meehan stated a variance would need to be granted in order to alter the landscape plan and would have to show a hardship. Patrick Scherrer stated that the tenants plan to arrange the landscaping to accommodate for future snow piles.

### **ADJOURNMENT**

Commissioner Lynch moved and Alderman Rauch seconded to adjourn the meeting at 6:42 p.m. All were in favor and the motion carried.

Recording Secretary  
Megan E. Johnson  
Assistant to the City Administrator