

**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**May 12, 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 Darrel Eisenhardt, John Lynch and Bob Henney were present. Burlington High School Representative Ashley Kennedy was present. Alderman Tom Vos was excused. Catholic Central High School Representative Lauren Celano and Town of Burlington Representative Phil Peterson were absent. Also present were Building Inspector/Zoning Administrator Patrick Scherrer, City Administrator Kevin Lahner and Alderman Katie Simenson.

**APPROVAL OF MINUTES**

Commissioner Eisenhardt moved and Alderman Rauch seconded to approve the minutes of April 14, 2009. All were in favor and the motion carried.

**CITIZEN COMMENTS**

None.

**PUBLIC HEARINGS**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**A. Consideration to recommend approval of Resolution 4327(3) to the Common Council to vacate a portion of Washington Street lying easterly of Dodge Street with title to such land to remain in the City and to amend the Official Map to show the same.**

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned if the land will be split between the McDonalds and Co-op site. Administrator Lahner explained that because this is for a redevelopment project, state statute does not require the land to be divided among abutting property owners. It will go back to the City.
- There were no further comments.

Commissioner Lynch moved and Commissioner Henney seconded to recommend approval of Resolution 4327(3) to the Common Council.

All in favor and the motion carried. This item will move on to the June 16, 2009 Common Council meeting.

**B. Consideration to recommend approval of Resolution 4328(4) to the Common Council to amend the Planned Unit Development with McWan Homes, LLC for the Springbrook Landing Subdivision.**

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned if the only change to the PUD Agreement was that a builder would not need to go before the Plan Commission if they used a design other than the pre-approved twelve designs, instead go before the Home Owner's Association? Attorney John Hotvedt, representing McWan Homes, LLC, explained that a different design would need to go before the Architectural Control Committee which is different than the Home Owner's Association and would not need to come to Plan Commission for review. He explained the ACC does not be turned over by the Developer until all the lots are sold, however the Developer can decide to turn it over to the home owners at any time. He further stated that there are several restrictions to the PUD Amendment to maintain the aesthetics of the subdivision as originally planned.
- Patrick Scherrer questioned if the amendment requires the garages to be detached. Attorney Hotvedt stated no they do not, but they have to be in the rear yard.
- Alderman Rauch questioned if the amendment is to help speed up the approval process for potential builders? Kevin McKillip, Developer of Springbrook Landing Subdivision, stated yes and that the amendment is also in response to changes to the market and economic conditions.
- Commissioner Eisenhardt asked what the current home owners in Springbrook Landing feel about the amendment. Mr. McKillip stated that he had a meeting with the neighbors last Fall regarding potential changes and also sent a letter the end of April to notify them of the Plan Commission meeting with a copy of the PUD Amendment. He stated he did not hear any opposition regarding the amendment.
- Joe Dawidziak, 1165 Hidden Creek Lane, stating he was under the impression that there would be a Home Owner's Association involved in any changes and not an Architectural Control Committee that is referenced in the amendment, which would give the neighbors more control of plan review processes. He further stated he is concerned with the ongoing drainage problems on the south side of the subdivision and questioned if any new lot sales should wait until the problem is corrected. Attorney Hotvedt responded by stating that it was discussed at the neighborhood meetings that Mr. McKillip would oversee the Architectural Control Committee until all of the lots were sold. He further responded to the drainage problems by explaining that the issue is being explored by the City as to why it is occurring, but that it had nothing to do with the item at hand. Mr. Dawidziak stated he understood and has been conversing with the City as well regarding the problem. He further acknowledged he understands why Mr. McKillip is requesting the amendment and would like to see the lots sold as well.
- There were no further comments.

Commissioner Lynch moved and Commissioner Eisenhardt seconded to recommend approval of Resolution 4328(4) to the Common Council. Roll Call Ayes: Lynch, Eisenhardt, Henney. Nays: Rauch.

The majority was in favor and the motion carried. This item will move on to the May 19, 2009 Committee of the Whole meeting.

**C. Consideration to recommend approval of Ordinance 1881(2) to the Common Council to amend Section 315-27F, "Building Height", in the B-2 Central Business District and sections of Appendix A of Chapter 315, "Zoning", of the Municipal Code to increase the maximum building height to 60 feet.**

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

Commissioner Eisenhardt moved and Commissioner Henney seconded to recommend approval of Ordinance 1881(2) to the Common Council. This item will move on to the May 19, 2009 Committee of the Whole meeting.

All in favor and the motion carried. This item will move on to the May 19, 2009 Committee of the Whole meeting.

**OTHER MATTERS**

- Commissioner Lynch questioned if the McHenry Street Depot gas station on McHenry Street is closed due to the Bypass construction. Mayor Miller stated it has been for sale for some time now.

**ADJOURNMENT**

Commissioner Lynch moved and Alderman Rauch seconded to adjourn the meeting at 6:56 p.m. All were in favor and the motion carried.

Recording Secretary  
Megan E. Johnson  
Assistant to the City Administrator