

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
September 8, 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: Alderman Steve Rauch, Commissioners John Lynch, Chris Reesman, Darrel Eisenhardt, Bob Henney and Town of Burlington Representative Phil Peterson were present. Alderman Tom Vos was excused. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan and Building Inspector/Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Lynch moved and Alderman Rauch seconded to approve the minutes of August 11, 2009. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

A. Public Hearing to hear public comments regarding a Conditional Use Application from Scherrer Construction Co. on behalf of Cooperative Plus, Inc. for property located at 1201 Milwaukee Avenue to construct a building to use for garden machinery equipment and supply sales, retail service use and accessory storage.

- Mayor Miller opened the Public Hearing at 6:32 p.m. There were no comments. Commissioner Eisenhardt 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 Scherrer Construction Co. on behalf of Cooperative Plus, Inc. for property located at 1201 Milwaukee Avenue.

- Mayor Miller opened this issue for discussion.
- Commissioner Henney questioned if repairs and upgrades will be done to the curb and gutter on Droster Avenue. Mayor Miller stated that at this time the road will remain the same as it is not a heavily traveled roadway. He further stated the road will be monitored if traffic becomes heavier.

- Commissioner Peterson questioned if drainage could become a problem again for the neighboring property (Otter Sales and Service) with the construction of the new building. Administrator Lahner stated the city had regraded the Otter property in the spring and hasn't heard of any drainage problems since. He further stated that the Co-op property will be graded accordingly to avoid affecting neighboring properties with drainage issues.
- Commissioner Lynch inquired what the elevations of the building look like, more particularly the side that faces STH 36. Administrator Lahner stated the building will be a steel structure with tan stucco near the sign on the east side. He further stated that the Co-op has worked with the City to create a complimentary design of the building for the north corridor region of the city. Patrick Meehan stated that the Municipal Code does not allow for regulating the appearance of new buildings unless it is located within a Planned Unit Development which has separate restrictions. He further explained that the city would need an Architectural Control Committee to regulate this type of matter.
- Commissioner Eisenhardt questioned what the propane dispensing station is. Administrator Lahner stated it is a station for customers, such as RV owners, to drive up to purchase propane.
- Alderman Rauch questioned if the proposed windows on the side of the building facing Milwaukee Avenue will be glass or imitation windows. John Fleishman of Scherrer Construction, applicant, stated they will be real windows.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Reesman seconded to recommend approval of a Site Plan and Conditional Use Application for Cooperative Plus, Inc., subject to Kapur & Associate's August 19, 2009 and Patrick Meehan's August 14, 2009 memorandums to the Plan Commission as follows:

- Based upon the provision of 31 off-street parking spaces for the proposed uses, a minimum of three (3) canopy trees need to be placed within the interior of the off-street parking areas of the proposed development, of which each shall be a minimum of 3" caliper and a revised Landscape Plan submitted to the City staff indicating this change.
- The applicant has not indicated if outdoor storage is proposed. Therefore, Meehan & Company, Inc. assumes there will be no outdoor storage. However, if this should change in the future, the applicant shall meet all of the requirements of Section 315-26(N) of the City Zoning Ordinance regarding outdoor storage
- The applicant has not indicated if outdoor display of merchandise is proposed. Therefore, Meehan & Company, Inc. assumes there will be no outdoor display of merchandise. However, if this should change in the future, the applicant will need to apply for a Conditional Use Permit meeting all those requirements for such a use set forth in the City Zoning Ordinance and as set forth under the provisions of Section 315-26(D)(34) of the City Zoning Ordinance regarding outdoor display of merchandise

- Pursuant to the requirements of Section 315-64(D) of the City Zoning Ordinance, on site directional signs cannot exceed three square feet in area. However, no such signage is indicated in the application. If such signs are installed, the requirements of Section 315-64(D) shall be met.
- Pursuant to the requirements of Section 315-71(C) of the City Zoning Ordinance, the maximum total sign area of freestanding signs for a parcel such as the subject property in the B-1 District is 150 square feet. The drawing submitted by the applicant pertaining to freestanding signs does not include adequate dimensions or data to determine if these requirements have been met. Therefore, prior to the issuance of a Sign Permit by the City, adequate sign drawing(s) shall be submitted for City staff review which meet these requirements.
- Pursuant to the requirements of Section 315-71(E) of the City Zoning Ordinance, the maximum height of a freestanding sign for a parcel such as the subject property in the B-1 District is 15 feet. The drawing submitted by the applicant pertaining to freestanding signs does not include adequate dimensions or data to determine if these requirements have been met. Therefore, prior to the issuance of a Sign Permit by the City, adequate sign drawing(s) shall be submitted for City staff review which meet these requirements.
- The existing septic system is required to be abandoned per WDNR and commerce requirements.

All in favor and the motion carried.

B. Consideration to approve a Site Plan Application from Stelling & Associates, Inc. on behalf of M&I Bank for property known as Lot 1, CSM 2926 (1000 Milwaukee Avenue) of the Kohls development site to construct a financial institution building.

- Mayor Miller opened this issue for discussion.
- Tom Stelling of Stelling & Associates, Inc., architect for this project gave a brief presentation of the site plan. He stated that per Patrick Meehan's request in his memorandum dated August 28, the height of the building will be lowered from 30 feet to 24 feet 6 inches, which is the maximum height for the PUD. Mr. Stelling further stated he will modify the sign plans as the Plan Commission sees fit.
- Commissioner Lynch questioned why there will be no cross-access with the neighboring property, Advanced Auto. Mr. Stelling stated that a cross-access is not required within this PUD. Further, the bank would like to contain the parking for the business and control overflow parking from other businesses. Administrator Lahner stated that Kohls and Kmart are currently in negotiations to put in a cross-access between their parking lots which would help alleviate some of the congestion problems.

- Patrick Meehan referenced page seven of his August 28 memorandum regarding off-street parking requirements. He suggested the commission allow the site plan to indicate forty parking spaces with space reserved for an additional fifteen parking spaces should the need arise in the future, instead of requiring the developer to install 55 spaces right away. Mr. Stelling stated there is a dedicated area on the current site plan for future parking.
- Tom Stelling informed the commission that the sign on the north side of the building as indicated on the site plan would be eliminated to remain in compliance with code per Patrick Meehan's memorandum.
- Alderman Rauch questioned if a chain restaurant would be coming to this development area in the future. Leslie Scherrer of Scherrer Construction stated she has done quite a bit of research of companies, as well as contacted many to promote relocating to the city. She stated she has received no interest as of yet. She further stated that a bank is an optimal business for this site as it will be resourceful for many of the businesses and residents of the area.
- There were no further comments.

Commissioner Lynch moved and Alderman Rauch seconded to recommend approval of a site plan for M&I Bank, subject to Kapur & Associate's August 19, 2009 and Patrick Meehan's August 28, 2009 memorandums to the Plan Commission as follows:

- For financial uses (with drive through service lanes), the 2004 edition of the Institute of Transportation Engineer's (ITE) Parking Generation: 3rd Edition studied this type of use and indicates that a peak usage range of from 2.37 to 3.15 vehicles per 1,000 square feet of floor area was found while studying 49 different urban bank sites at times of actual peak usage (this would also include employee parking). The average peak period demand found in these studies was 2.76 vehicles per 1,000 square feet of floor area. Based upon the foregoing, a "comfortable" standard for this type of financial services use could be "3.25 spaces per 1,000 square feet plus six (6) on-site queuing spaces per drive-through service lane." Therefore, based upon the above referenced study and under the provisions of Sections 315-43(H)(2)(a)(3) and 315-48(J), the Plan Commission has determined that the minimum number of off-street parking spaces to be provided on Lot 1 of CSM No. 2926 shall be as indicated on the submitted Site Plan (40 spaces plus and additional 15 spaces to be constructed should a future need for additional off-street parking spaces develop).
- Under the requirements of Section 315-48(D)(6)(b) and Section 315-52H(12), a single-stem canopy tree (such as the four proposed Skyline Locust canopy trees proposed to be planted in the required off-street parking landscape islands), shall be a minimum of 3" caliper. However, based upon "Sheet 10 of 10: SITE-3, Preliminary Landscape Plan and Trash Enclosure Plan," dated 8/13/09 as prepared by Stelling & Associates Architects, Ltd. and submitted by the applicant, the four proposed Skyline Locust canopy trees proposed to be planted in the required off-street parking landscape islands are only proposed to be 2.5" caliper. Therefore, a revised Landscape Plan needs to be submitted to City staff increasing the size of the Skyline Honey Locust trees to 3".
- The PUD Planned Unit Development shall be subject to all of the terms of the

"Development Agreement for a Planned Unit Development" with PBJC Burlington, LLC which was formally approved by the City on February 18, 2008 as amended by Ordinance No. 4229(124) adopted April 8, 2008.

- Under the provisions of Section 315-71(E) of the City Zoning Ordinance, the maximum allowable height of freestanding signs in the B-1 District is 15 feet. The proposed freestanding sign height of proposed Sign No. 1 for the M&I Bank is 18 feet which exceeds the 15-foot height limitation by 3 feet. Therefore, this requirement is not met by the proposed Sign No. 1 for the M&I Bank and revised sign drawings need to be submitted to the City decreasing the sign height to 15 feet. In addition, the proposed freestanding Sign No. 1 is a "pole" sign. In the past, monument signs have been encouraged by the City Plan Commission for PUDs located along STH 36/85. Therefore, Meehan & Company, Inc. recommends that when the revised plans are submitted to the City regarding the reduction of sign height to a maximum of 15 feet, that the sign also be changed to a monument type of sign. [Note: A deviation was allowed to allow for a maximum height of eighteen (18) feet for one of the two (2) proposed freestanding signs for the proposed Kohl's signage since the department store is an anchor store of the entire PUD.]
- Section 315-46(B) requires in order to provide adequate vision clearance, no obstructions (such as signs) shall be permitted in the required triangular vision clearance space as follows: "In the B-1, B-3 and B-4 Zoning Districts only, within the triangular vision clearance space located between the heights of 2.5 feet and 10 feet above the plane through the mean edge of pavement grades and formed by any existing or proposed private drives and/or arterial and/or collector streets intersecting with other arterial and/or collector streets, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 60 feet from the intersecting private drive and/or arterial and/or collector street right-of-way lines and a line joining the two points on such lines or as determined by using the standards set forth under the latest edition of the sight distance portion of Chapter IX of the American Association of State Highway and Transportation Officials (AASHTO) publication titled "A Policy on Geometric Design of Highways and Streets," whichever is greater, as determined by the review of the City Engineer." It appears that proposed freestanding Sign No. 5 (proposed to be 3 feet in height) is proposed to be located within a vision clearance area associated with the driveway entrance to Lot 1 of CSM No. 2926 from the southeasterly located private road. Therefore, it is recommended that the submitted plans be reviewed by the City Engineer for compliance with the above requirement of Section 315-46(B) of the City Zoning Ordinance.
- Section 315-71(D) indicates that the maximum permitted sign area in a B-1 District is 1.40 square feet proportionally per 1 linear foot of exterior storefront wall width that fronts on a public street; however, no sign for any 1 exterior storefront which fronts upon any public street or no sign for any 1 tenant which fronts upon any public street shall exceed 200 square feet in area. Any one exterior storefront or exterior building front which is situated and/or designed so as to be fronting upon two or more public streets shall only be allowed the maximum sign area allowed as if said exterior storefront or exterior building front was fronting upon one public street. North Elevation. This elevation does not face a public or private street and, therefore, a wall sign such as that indicated on the submitted building elevation drawing "Sheet 5 of

10: A200, Proposed Elevations," dated 8/13/09 as prepared by Stelling & Associates Architects, Ltd. for the north elevation is not permitted. Therefore, a revised "North Elevation" appearing on "Sheet 5 of 10: A200, Proposed Elevations," dated 8/13/09 as prepared by Stelling & Associates Architects, Ltd. needs to be revised accordingly and submitted to City staff.

- Utility Plans that include details, connection points and design for the sanitary sewer and watermain services and storm sewer invert information, sizing computations, and flow data need to be provided to city staff.
- Flag pole construction detail, erosion control plans, complete grading plans showing contours, proposed berms and adequate spot grades to determine drainage patterns, including grades at all curb radius including the entrance from the existing drive shall be provided to city staff for review.

All in favor and the motion carried.

OTHER MATTERS

Alderman Rauch questioned when the discussion regarding temporary signs in the city will come to the Plan Commission. Administrator Lahner stated that Patrick Scherrer is currently putting together research from similar communities for this item. Commissioner Lynch requested that the commissioners receive the materials for this discussion early so they will have extra time to review and prepare.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Henney seconded to adjourn the meeting at 6:59 p.m. All were in favor and the motion carried.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator