



**AGENDA**  
**PLAN COMMISSION**  
**Tuesday, June 12, 2018 at 6:30 p.m.**  
**Common Council Chambers, 224 East Jefferson Street**

**Mayor Jeannie Hefty**, Chairman  
**Tom Preusker**, 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 May 8, 2018
4. Letters and Communications: None
5. Citizen Comments
6. Old Business: None
7. New Business:
  - A. Public Hearing to hear public comments regarding a Conditional Use application from Burlington Fireplace & Solar for property located at 857 Milwaukee Avenue, to engage in the display and retail of outdoor merchandise.
  - B. Consideration to approve a Conditional Use application from Zach Acker of Burlington Fireplace & Solar for property located at 857 Milwaukee Avenue, to engage in the display and retail of outdoor merchandise, subject to Graef's June 5, 2018 and Fire Department's May 2, 2018 memorandums to the Plan Commission.
  - C. Public Hearing to hear public comments regarding a Conditional Use application from Burlington Fireplace & Solar for property located at 857 Milwaukee Avenue, for the construction and occupancy of a 6,800 square foot storage building.
  - D. Consideration to approve a Conditional Use and Site Plan application from Zach Acker for property located at 857 Milwaukee Avenue for the construction and occupancy of a 6,800 square foot storage building, subject to Graef's June 5, 2018, Kapur & Associates' May 1, 2018 and Fire Department's April 23, 2018 memorandums to the Plan Commission.

- E. Public Hearing to hear public comments regarding a Conditional Use application from Wisco Automotive, LLC for property located at 496 S. Pine Street, to operate as an automotive repair shop.
- F. Consideration to approve a Conditional Use application from Matthew Gums of Wisco Automotive, LLC for property located at 496 S. Pine Street, to operate as an automotive repair shop, subject to Graef's June 5, 2018 memorandum to the Plan Commission.
- G. Public Hearing to hear public comments regarding a Conditional Use application from GMX Real Estate Group, LLC for property located at 1054 Milwaukee Avenue, to allow for a drive-thru window, and also two outdoor seating areas.
- H. Consideration to approve a Conditional Use and Site Plan application from Andrew Goodman for property located at 1054 Milwaukee Avenue to allow for a drive-thru window, two outdoor seating areas, and construct a 6,200 square foot multi-tenant commercial building, subject to Graef's April 3, 2018, Kapur & Associates' April 3, 2018 and Fire Department April 4, 2018 memorandums to the Plan Commission.
- I. Public Hearing to hear public comments regarding a Conditional Use application from Joshua and Bethany Fiegel for property located at 732 S. Kane Street, to operate as an automotive repair shop.
- J. Consideration to approve a Conditional Use application from Joshua and Bethany Fiegel for property located at 732 S. Kane Street to operate as an automotive repair shop, subject to Gregory Guidry's June 5, 2018, memorandum to the Plan Commission.

8. 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

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

**Minutes**  
**City of Burlington Plan Commission**  
**May 8 2018, 6:30 p.m.**

Mayor Jeannie Hefty called the Plan Commission meeting to order at 6:30 p.m. Roll call: Aldermen Bob Grandi and Tom Preusker; Commissioners Chad Redman; Andy Tully; John Ekes; and Art Gardner were present. Student Representatives Samuel Jorudd was present. Student Representative Aysha Schiller was excused.

**APPROVAL OF MINUTES**

Commissioner Ekes moved, and Alderman Grandi seconded to approve the minutes of April 10, 2018. All were in favor and the motion carried.

**LETTERS & COMMUNICATIONS**

None

**CITIZEN COMMENTS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

**A. Consideration to recommend approval to the Common Council of an Extraterritorial Certified Survey Map from Timothy & Joan Warren, for property located at 30561 Bushnell Road in the Town of Burlington to subdivide a parcel, subject to Graef's May 1, 2018 memorandum to the Plan Commission.**

- Mayor Hefty opened this item for discussion.
- Tanya Fonesca, Graef, explained that Timothy & Joan Warren had this property previously reviewed on April 3, 2017 for subdividing their land three ways, with this request it will make their property divided into four sections. Ms. Fonesca stated regarding long term, it is not the highest and best use for value of land division. Scott Kyle, representative, stated this property has been in the family for years, and is subdividing this for income purposes. Mr. Kyle further stated there is an easement off the driveway for access. Ms. Fonesca responded that they may have management issues in the future if the lots were to be sold, a proper road may want to be added.
- There were no further comments.

Commissioner Tully moved, and Commissioner Ekes seconded to recommend approval of the ETZ CSM.

*All were in favor and the motion carried.*

**B. Consideration to approve a Site Plan application from Scherrer Construction for property located at 601 Blackhawk Drive to construct a storage building for material and equipment, subject to Graef's May 1, 2018, Kapur & Associates' May 1, 2018 and Fire Department's May 2, 2018 memorandums to the Plan Commission.**

- Mayor Hefty opened this item for discussion.
- Commissioner Redman excused himself from discussion and voting.
- Ms. Fonesca explained that this is a storage building for materials and vehicles to streamline the existing operation. Ms. Fonesca stated it is not too visible from the street and is an appropriate use. Commissioner Ekes stated there are no other pole barns in the Industrial Park, and in the past, Commissioners did not want to see them. Ms. Fonesca replied this is an accessory structure and not a primary structure, which will not decrease the value of the property.
- Commissioner Ekes commented that the future development of houses in that area will be built around it, and may have to see this pole barn. Alderman Preusker stated if pole barns are allowed, it creates a way to avoid adding on to the existing structure. Commissioner Tully asked if the pole barn could be pushed back towards the retention pond for less visibility. Connor Nimmow, applicant, answered it is more convenient to have it located closer to the building. Mr. Nimmow stated this building is to help clean up the area so materials are not sitting out in the open. The Commissioners had a discussion and agreed that the pole barn should be aesthetically pleasing, and maybe add a wainscoting so it does not have the tin shed look. Mr. Nimmow stated it is gray with red trim to match the existing building. Alderman Preusker stated that this red trim is more fire engine red and should be toned down. The Commissioners agreed that it could be made out of metal, but have it look like the primary structure. Ms. Fonesca commented that M-3 zoning district is the only district that states a pole barn is not allow to face the street side, but there are specific restrictions on building materials. Ms. Fonesca further commented that there is a large buffer area blocking the view that will be required to be maintained, but understands the concern.
- There were no further comments.

Alderman Preusker moved, and Commissioner Gardner seconded to table the Site Plan to give direction with new requirements and have a revised visual to have it look like the existing building.

Mr. Nimmow asked if the street facing side could be made to look like the primary building, and upgrade the other sides after development, if they are visible. Alderman Grandi stated if that was allowed, then it would be setting precedence for future projects, and does not feel this should be allowed. Alderman Preusker stated the entire pole barn should look like the primary building. Chad Redman, Scherrer Construction, asked if there can be a metal roof. Commissioner Ekes stated that would not be an issue.

*All were in favor and the motion carried.*

Commissioner Ekes asked what the update was for Jeff Way's property located at 1157 Milwaukee Avenue. Commissioner Ekes stated he personally counted 50 cars remaining on the lot. Mayor Hefty replied the Council addressed this issue to the City Attorney, and that it will be resolved within two months per the amount of vehicles remaining.

**ADJOURNMENT**

Alderman Preusker moved, and Commissioner Ekes seconded to adjourn the meeting at 7:17 p.m.

*All were in favor and the motion carried.*

Recording Secretary  
Kristine Anderson  
Administrative Assistant



**PLAN COMMISSION**

**ITEM NUMBER: 7A**

**DATE:** June 12, 2018

**SUBJECT:** A Public Hearing for a Conditional Use application at 857 Milwaukee Avenue

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

**PROJECT/SCOPE:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from Burlington Fireplace & Solar for property located at 857 Milwaukee Avenue. The applicant is proposing to engage in the display and retail of outdoor merchandise.

**ZONING:**

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

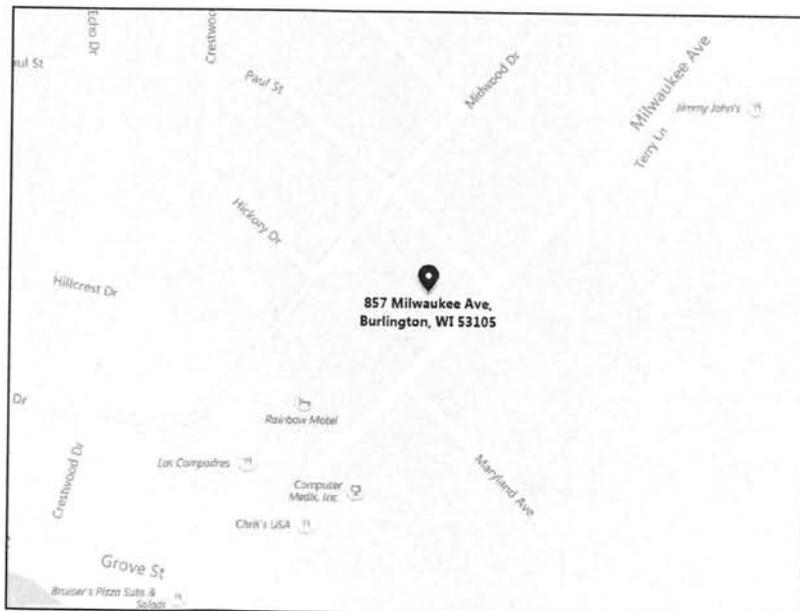
**RECOMMENDATION:**

For public comment only

**TIMING/IMPLEMENTATION:**

This item is for a Public Hearing at the June 12, 2018 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:** Rich Hendrickson  
**Applicant:** Burlington Fireplace & Solar  
**Location:** 857 Milwaukee Avenue  
**Zoning:** B-1, Neighborhood Business District  
**Use:** To allow for an outdoor display area of merchandise

**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, JUNE 12, 2018 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, 21<sup>st</sup> day of May, 2018.

Diahnn Halbach, City Clerk

Published in the Burlington Standard Press  
May 24<sup>th</sup> and May 31<sup>st</sup>, 2018



**PLAN COMMISSION**

**ITEM NUMBER: 7B**

**DATE:** June 12, 2018

**SUBJECT:** Consideration to approve a Conditional Use application at 857 Milwaukee Avenue.

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

**PROJECT/SCOPE:**

This item is to consider approving a Conditional Use application from Zach Acker of Burlington Fireplace & Solar, for property located at 857 Milwaukee Avenue. The applicant is proposing to engage in the display and retail of outdoor merchandise.

**ZONING:**

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

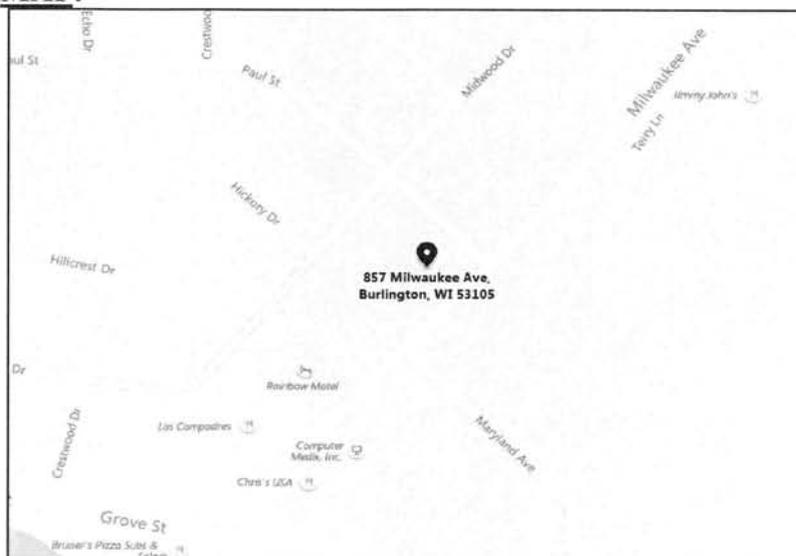
**RECOMMENDATION:**

Graef and the Fire Department recommend a conditional approval of this Conditional Use, subject to items listed in their June 5, 2018 memorandums.

**TIMING/IMPLEMENTATION:**

This item is for consideration at the June 12, 2018 Plan Commission meeting. No further action is necessary.

**MAP:**





One Honey Creek Corporate Center  
125 South 84<sup>th</sup> Street, Suite 401  
Milwaukee, WI 53214-1470  
414 / 259 1500  
414 / 259 0037 fax  
[www.graef-usa.com](http://www.graef-usa.com)

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.  
Richard Hendrickson, Sr., Burlington Fireplace & Solar, Applicant

**FROM:** GRAEF  
Tanya Fonseca, AICP

**DATE:** June 5, 2018

**SUBJECT:** Review of Site Plan and Conditional Use Permits for a Warehouse and Outdoor Display of Merchandise at Burlington Fireplace & Solar at 857 Milwaukee Avenue, Burlington, WI 53105

### A. PURPOSE

- 1) Consider for approval a Site Plan Approval Application from Richard Hendrickson, Sr. of Burlington Fireplace & Solar located at 857 Milwaukee Avenue, Burlington, WI 53105 to construct an area to engage in the display and retail of outdoor merchandise.
- 2) Consider for approval a Conditional Use Permit Application from Richard Hendrickson, Sr. of Burlington Fireplace & Solar located at 857 Milwaukee Avenue, Burlington, WI 53105 for the construction of a warehouse.
- 3) Consider for approval a Conditional Use Permit Application Richard Hendrickson, Sr. of Burlington Fireplace & Solar located at 857 Milwaukee Avenue, Burlington, WI 53105 to engage in the outdoor display of merchandise.

### B. RECOMMENDATION

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

- a. **CONDITIONAL APPROVAL** of a Site Plan Approval Application from Richard Hendrickson, Sr. for property located at 857 Milwaukee Avenue, Burlington, WI 53105 for a storage building to engage in the display of outdoor products subject to the following conditions:
  - (1) Pursuant to §315-48 (E)(1), all open, off-street parking and loading spaces shall be improved with pavement of either asphalt or concrete, with stormwater drainage facilities,
  - (2) Pursuant to §315-48 (G), provide permanent marking of all off-street parking stalls with painted lines (or with another approved materials)

- (3) Pursuant to §315-48 (H), provide one off street parking space for persons with disabilities meeting all applicable American with Disabilities Act (ADA) Guidelines
- b. and, **CONDITIONAL APPROVAL** of a Conditional Use Permit Application from Richard Hendrickson, Sr. for property located at 857 Milwaukee Avenue, Burlington, WI 53105 to engage in the display and retail of outdoor merchandise.

## C. BACKGROUND

Richard Hendrickson, Sr., of Burlington Fireplace & Solar of 4802 Mamerous Lange, Waterford, WI 53185 (Applicant) submitted a Site Plan Approval Application and Conditional Use Permit Application for the construction and occupancy of a storage building and to engage in the display of outdoor products on-site at Burlington Fireplace & Solar at 857 Milwaukee Avenue, Burlington, WI 5310. The structure has already been constructed on parcel 206-03-19-29-125-040.

The Applicant submitted the following materials:

- a. Site Plan Approval Application (2 sheets, as prepared by Richard Hendrickson, Sr., dated April 16, 2018)
- b. Conditional Use Permit Application (2 sheets, as prepared by Richard Hendrickson, Sr., dated April 16, 2018)
- c. Email correspondence with Engineering Consultant (2 sheets, dated April 13, 2018)
- d. Floodplain review by Engineering Consultant (1 sheet)
- e. Site Improvement Plan (1 sheet, dated October 6, 2016)

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

The new warehouse structure is a conditional use, pursuant to §315-26(D)(28) and meets the setback and yard requirements outlined in §315-26(G)(D). The proposed outdoor display and retail of outdoor product merchandise, is an allowable conditional use pursuant to §315-26(D)(34). The outdoor display of merchandise is subject to the performance standards in §315-26(D)(34).

There are two areas for the outdoor display of merchandise – in front of the original structure (currently already in use as outdoor display of merchandise), as well as within the covered area in front of the new accessory structure. The proposed outdoor display areas are compliant with the performance standards as represented in the Applicant's materials, and as constructed.

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

Pursuant to §315-26(I), parcel 206-03-19-29-125-040 continues to meet the landscape surface ratio, even with the new accessory structure, and the removal of trees. The new ratio is 28 percent, meeting the requirement of 25 percent.

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

**E. COMPLIANCE WITH BURLINGTON ZONING CODE §315-48 “PARKING REQUIREMENTS”**

Burlington Fireplace & Solar as a use can be classified as “Commercial Uses: Retail – Furniture stores, carpet stores, appliance stores” in Chapter 315 Table 5 “Off-Street Parking and On-Site Queuing Requirements for Use Types.” This use requires 1.5 parking spaces per 1,000 square feet of floor area. As Burlington Fireplace & Solar will occupy the total space that is approximately 6,800 square feet and given that the new structure that is 1,000 square feet is for storage only, the existing parking of 11 spaces fulfills the requirement (10.2 spaces are required).

The existing driveways, off-street parking, and loading areas are not currently improved with pavement or stormwater drainage facilities. Pursuant to §315-48 (E)(1), all open, off-street parking and loading spaces shall be improved with pavement of either asphalt or concrete, with stormwater drainage facilities.

The Applicant will be required to provide concrete curb and gutter for all off-street parking areas and associated drives connecting to Milwaukee Avenue and Paul Street, pursuant to §315-48 (F). Additionally, permanent markings of all off-street parking stalls with painted lines (or with another approved materials) will need to be provided, pursuant to §315-48 (G). Finally, as indicated on the Applicant’s Plan, one off street parking space for persons with disabilities meeting all applicable American with Disabilities Act (ADA) Guidelines, pursuant to §315-48 (H).

**F. COMPLIANCE WITH BURLINGTON ZONING CODE §315-49 “DRIVEWAYS”**

The driveways from Milwaukee Avenue and Paul Street will need to be improved with pavement pursuant to the dimensional requirements of §315-49 (B).

**G. 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.”

**H. COMPLIANCE WITH BURLINGTON ZONING CODE §315-137 “SITE PLANS”**

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 lighting to the site. As a result, a lighting plan is not required. Should improvements be made, the applicant should submit the revised lighting plan with future pavement plans.

**I. COMPLIANCE WITH BURLINGTON ZONING CODE §315-138 “LANDSCAPE PLANS”**

The site plan is compliant with the requirements in §315-138.



## CITY OF BURLINGTON

**Fire Department**  
165 W. Washington Street, Burlington, WI 53105  
(262) 763-7842 – (262) 767-8602 fax  
www.burlington-wi.gov

### MEMORANDUM

**TO:** Plan Commission  
City of Burlington

**FROM:** City of Burlington Fire Department  
Alan Babe, Fire Chief  
Wes Miner, Fire Inspector

**DATE:** May 2, 2018

**SUBJECT:** Review of Conditional Use Application for outdoor display area of merchandise at 857 Milwaukee Ave, Burlington Fireplace & Solar.

#### A. PURPOSE

Consider for approval the Conditional Use Application for outdoor display area of merchandise at 857 Milwaukee Ave, Burlington Fireplace & Solar.

#### B. BACKGROUND

Burlington Fireplace & Solar (Applicant) submitted a Conditional Use Application on April 16, 2018 to propose the outdoor display of merchandise at 857 Milwaukee Ave, Burlington Fireplace & Solar.

The following documents were submitted by Burlington Fireplace & Solar (Applicant) as part of the Site Plan Approval Application:

- a. Application for Conditional Use Permit (2 sheets, dated April 16, 2018)

#### C. REVIEW OF COMPLIANCE WITH BURLINGTON CODE CHAPTER 155. FIRE PREVENTION, PROTECTION AND CONTROL

No information was submitted regarding the intended location and quantity of merchandise to be displayed. Some conditions and/or operations may create fire code violations and/or life safety hazards.

#### **D. RECOMMENDATION**

Based upon the review of the submitted materials, we recommend that the Plan Commission recommend to the Common Council the **CONDITIONAL APPROVAL** of the of Conditional Use Application for outdoor display area of merchandise at 857 Milwaukee Ave, Burlington WI 53105 based on the following:

- 1) For of any stationary merchandise to be displayed, the owner provides documentation of the intended location and quantity, in an effort to determine compliance with local code and state code.
- 2) For any non-stationary merchandise displayed, the property will be required to be inspected by the City of Burlington Fire Department for the purpose of ascertaining and causing to be corrected any conditions or any violations of any law or ordinance relating to fire and life safety hazards.



**CITY OF BURLINGTON**

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

**APPLICATION FOR A CONDITIONAL  
USE PERMIT**

FOR OFFICIAL USE ONLY

Date Filed 4/16/18  
Received by KA

**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 Burlington Fireplace + Solar (Zach Acker)  
Phone No. 262-763-3522

Applicant's Address 857 Milwaukee Ave. Burlington, WI 53105

Applicant's Email Address Zach@burlingtonfireplace.com

Owner of the site Richard Hendrickson Sr.

Phone No. 262-206-2674

Owner's address 4802 Mamerows Ln. Waterford, WI 53185

**DESCRIPTION OF THE SUBJECT SITE**

Business name Burlington Fireplace + Solar

Address 857 Milwaukee Ave. Burlington, WI 53105

Or if no address exists: Parcel Identification No. \_\_\_\_\_

Existing Zoning classification B-1

Description of the proposed use outdoor display area

Number of employees / Hours of operation \_\_\_\_\_

**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**

Reason for requesting a Conditional Use:

for display of outdoor products

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 Zach Acker  
(Signature)

Zach Acker  
(Print)

Owner RH  
(Signature)

Rich Hendrickson  
(Print)

Date: 4-13-18

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: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_



**PLAN COMMISSION**

**ITEM NUMBER: 7C**

**DATE:** June 12, 2018

**SUBJECT:** A Public Hearing for a Conditional Use application at 857 Milwaukee Avenue

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

**PROJECT/SCOPE:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from Burlington Fireplace & Solar for property located at 857 Milwaukee Avenue. The applicant is proposing for the construction and occupancy of a 6,800 square foot storage building.

**ZONING:**

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

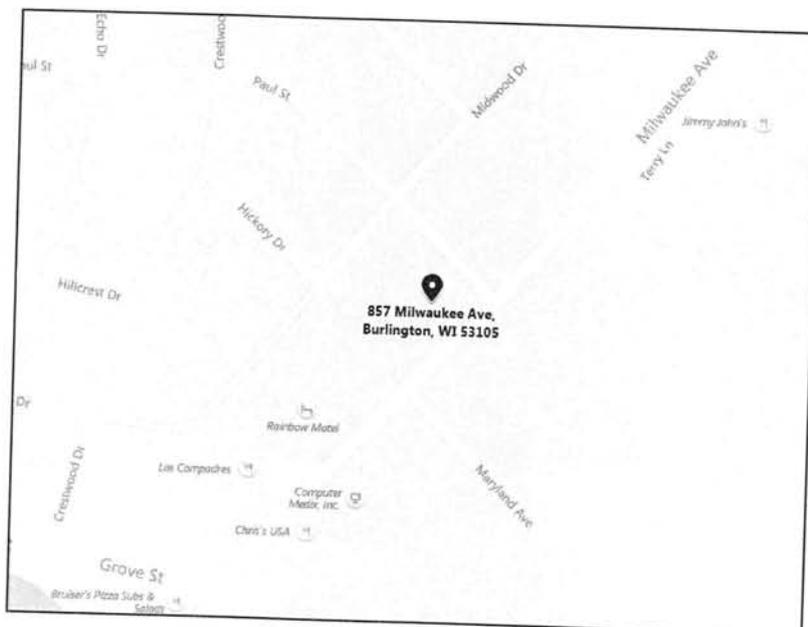
**RECOMMENDATION:**

For public comment only

**TIMING/IMPLEMENTATION:**

This item is for a Public Hearing at the June 12, 2018 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:** Rich Hendrickson  
**Applicant:** Burlington Fireplace & Solar  
**Location:** 857 Milwaukee Avenue  
**Zoning:** B-1, Neighborhood Business District  
**Use:** To allow for a warehouse building for merchandise

**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, JUNE 12, 2018 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, 21<sup>st</sup> day of May, 2018.

Diahnn Halbach, City Clerk

Published in the Burlington Standard Press  
May 24<sup>th</sup> and May 31<sup>st</sup>, 2018



**PLAN COMMISSION**

**ITEM NUMBER: 7D**

**DATE:** June 12, 2018

**SUBJECT:** Consideration to approve a Conditional Use and Site Plan application at 857 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 Zach Acker of Burlington Fireplace & Solar, for property located at 857 Milwaukee Avenue.

The applicant is proposing for the construction and occupancy of a 6,800 square foot storage building subject to the following conditions:

- All open, off-street parking and loading spaces shall be improved with pavement of either asphalt or concrete, with storm-water drainage facilities
- Provide permanent marking of all off-street parking stalls with painted lines (or with another approved materials)
- Provide one off-street parking space for persons with disabilities meeting all ADA requirements

The new warehouse structure meets the setback and yard requirements. There are two areas for the outdoor display of merchandise – in front of the original structure (currently in use as outdoor display of merchandise), as well as within the covered area in front of the new accessory structure.

**ZONING:**

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

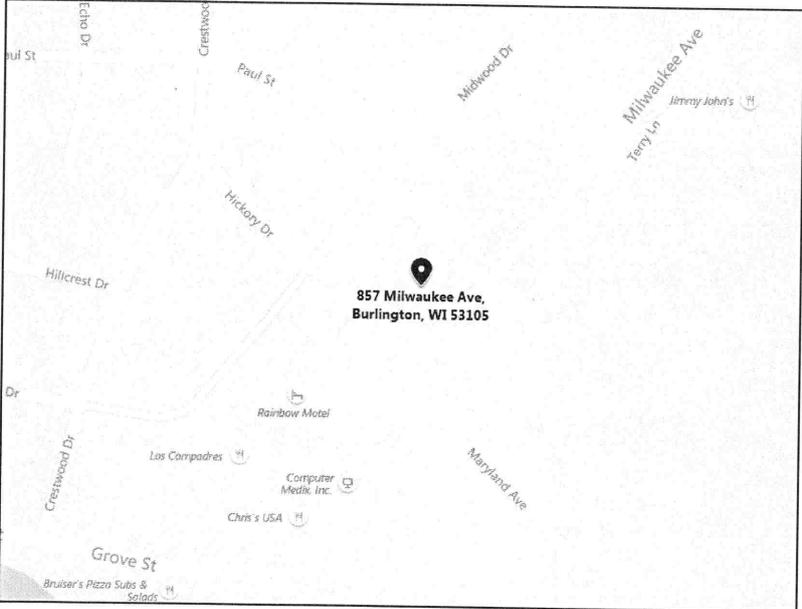
**RECOMMENDATION:**

Graef, Kapur & Associates, and the Fire Department recommend a conditional approval of this Conditional Use and Site Plan, subject to items listed in their June 5, 2018 memorandums.

**TIMING/IMPLEMENTATION:**

This item is for consideration at the June 12, 2018 Plan Commission meeting. No further action is necessary.

**MAP:**





One Honey Creek Corporate Center  
125 South 84<sup>th</sup> Street, Suite 401  
Milwaukee, WI 53214-1470  
414 / 259 1500  
414 / 259 0037 fax  
[www.graef-usa.com](http://www.graef-usa.com)

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.  
Richard Hendrickson, Sr., Burlington Fireplace & Solar, Applicant

**FROM:** GRAEF  
Tanya Fonseca, AICP

**DATE:** June 5, 2018

**SUBJECT:** Review of Site Plan and Conditional Use Permits for a Warehouse and Outdoor Display of Merchandise at Burlington Fireplace & Solar at 857 Milwaukee Avenue, Burlington, WI 53105

### A. PURPOSE

- 1) Consider for approval a Site Plan Approval Application from Richard Hendrickson, Sr. of Burlington Fireplace & Solar located at 857 Milwaukee Avenue, Burlington, WI 53105 to construct an area to engage in the display and retail of outdoor merchandise.
- 2) Consider for approval a Conditional Use Permit Application from Richard Hendrickson, Sr. of Burlington Fireplace & Solar located at 857 Milwaukee Avenue, Burlington, WI 53105 for the construction of a warehouse.
- 3) Consider for approval a Conditional Use Permit Application Richard Hendrickson, Sr. of Burlington Fireplace & Solar located at 857 Milwaukee Avenue, Burlington, WI 53105 to engage in the outdoor display of merchandise.

### B. RECOMMENDATION

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

- a. **CONDITIONAL APPROVAL** of a Site Plan Approval Application from Richard Hendrickson, Sr. for property located at 857 Milwaukee Avenue, Burlington, WI 53105 for a storage building to engage in the display of outdoor products subject to the following conditions:
  - (1) Pursuant to §315-48 (E)(1), all open, off-street parking and loading spaces shall be improved with pavement of either asphalt or concrete, with stormwater drainage facilities,
  - (2) Pursuant to §315-48 (G), provide permanent marking of all off-street parking stalls with painted lines (or with another approved materials)

- (3) Pursuant to §315-48 (H), provide one off street parking space for persons with disabilities meeting all applicable American with Disabilities Act (ADA) Guidelines
- b. and, **CONDITIONAL APPROVAL** of a Conditional Use Permit Application from Richard Hendrickson, Sr. for property located at 857 Milwaukee Avenue, Burlington, WI 53105 to engage in the display and retail of outdoor merchandise.

### **C. BACKGROUND**

Richard Hendrickson, Sr., of Burlington Fireplace & Solar of 4802 Mamerous Lange, Waterford, WI 53185 (Applicant) submitted a Site Plan Approval Application and Conditional Use Permit Application for the construction and occupancy of a storage building and to engage in the display of outdoor products on-site at Burlington Fireplace & Solar at 857 Milwaukee Avenue, Burlington, WI 5310. The structure has already been constructed on parcel 206-03-19-29-125-040.

The Applicant submitted the following materials:

- a. Site Plan Approval Application (2 sheets, as prepared by Richard Hendrickson, Sr., dated April 16, 2018)
- b. Conditional Use Permit Application (2 sheets, as prepared by Richard Hendrickson, Sr., dated April 16, 2018)
- c. Email correspondence with Engineering Consultant (2 sheets, dated April 13, 2018)
- d. Floodplain review by Engineering Consultant (1 sheet)
- e. Site Improvement Plan (1 sheet, dated October 6, 2016)

### **D. COMPLIANCE WITH BURLINGTON ZONING CODE §315-26 B-1 “NEIGHBORHOOD BUSINESS DISTRICT”**

The new warehouse structure is a conditional use, pursuant to §315-26(D)(28) and meets the setback and yard requirements outlined in §315-26(G)(D). The proposed outdoor display and retail of outdoor product merchandise, is an allowable conditional use pursuant to §315-26(D)(34). The outdoor display of merchandise is subject to the performance standards in §315-26(D)(34).

There are two areas for the outdoor display of merchandise – in front of the original structure (currently already in use as outdoor display of merchandise), as well as within the covered area in front of the new accessory structure. The proposed outdoor display areas are compliant with the performance standards as represented in the Applicant’s materials, and as constructed.

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

Pursuant to §315-26(l), parcel 206-03-19-29-125-040 continues to meet the landscape surface ratio, even with the new accessory structure, and the removal of trees. The new ratio is 28 percent, meeting the requirement of 25 percent.

Any signage that will be placed on the outdoor display area or storage building is subject to permitting pursuant to Burlington Zoning Code Article VII “Signs.”

**E. COMPLIANCE WITH BURLINGTON ZONING CODE §315-48 “PARKING REQUIREMENTS”**

Burlington Fireplace & Solar as a use can be classified as “Commercial Uses: Retail – Furniture stores, carpet stores, appliance stores” in Chapter 315 Table 5 “Off-Street Parking and On-Site Queuing Requirements for Use Types.” This use requires 1.5 parking spaces per 1,000 square feet of floor area. As Burlington Fireplace & Solar will occupy the total space that is approximately 6,800 square feet and given that the new structure that is 1,000 square feet is for storage only, the existing parking of 11 spaces fulfills the requirement (10.2 spaces are required).

The existing driveways, off-street parking, and loading areas are not currently improved with pavement or stormwater drainage facilities. Pursuant to §315-48 (E)(1), all open, off-street parking and loading spaces shall be improved with pavement of either asphalt or concrete, with stormwater drainage facilities. The Applicant will be required to provide concrete curb and gutter for all off-street parking areas and associated drives connecting to Milwaukee Avenue and Paul Street, pursuant to §315-48 (F). Additionally, permanent markings of all off-street parking stalls with painted lines (or with another approved materials) will need to be provided, pursuant to §315-48 (G). Finally, as indicated on the Applicant’s Plan, one off street parking space for persons with disabilities meeting all applicable American with Disabilities Act (ADA) Guidelines, pursuant to §315-48 (H).

**F. COMPLIANCE WITH BURLINGTON ZONING CODE §315-49 “DRIVEWAYS”**

The driveways from Milwaukee Avenue and Paul Street will need to be improved with pavement pursuant to the dimensional requirements of §315-49 (B).

**G. 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.”

**H. COMPLIANCE WITH BURLINGTON ZONING CODE §315-137 “SITE PLANS”**

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 lighting to the site. As a result, a lighting plan is not required. Should improvements be made, the applicant should submit the revised lighting plan with future pavement plans.

**I. COMPLIANCE WITH BURLINGTON ZONING CODE §315-138 “LANDSCAPE PLANS”**

The site plan is compliant with the requirements in §315-138.

**To:** Kristine Anderson **Date:** May 1, 2018  
**From:** Greg Governatori  
**CC:** Carina Walters, Gregory Guidry, Peter Riggs, Tanya Fonseca, Megan Johnson  
**Subject:** Burlington Fire Place and Solar (857 Milwaukee Avenue)

**BACKGROUND AND REQUEST:** Burlington Fireplace and Solar has submitted a site plan approval application for 857 Milwaukee Avenue to construct an 6800 Square foot storage building, and complete paving of the existing gravel parking lot and driveway. Our review was conducted to determine compliance with City ordinances and good engineering practices.

The following plans were submitted for review as part of the site plan application:

- Site Plan Approval Application, dated 4/16/18
- Site Plan, dated 10/06/16

**STAFF COMMENTS:**

**General:**

- The project proposes to increase the impervious area of the property by approximately 7000 square feet. Applicability for storm water management practices follows Chapter 270-5 of the Burlington City Code which requires storm water for development sites in excess of one acre. *Post construction storm water management will not be required as part of this project.*
- The plan provides for installing 3.5" of asphalt on the existing gravel lot. This shall be completed and is required as part of the conditional use approval. Impervious area calculations were not provided on the site plan but it appears that based on measured areas that it will not require storm water management.
- Landscaping and Lighting requirements are deferred to the City Planner and Zoning department and were not included as part of this review.
- No new utilities are proposed as part of this work, existing sewer, water and storm sewer facilities will remain unchanged.

**RECOMMENDATION:** We recommend approval of the submitted site plan.

The plans have been reviewed for conformance with generally accepted engineering practices and City of Burlington policies. Although the material has been reviewed, the design engineer is ultimately responsible for the thoroughness and accuracy of the plans and supplemental data and for compliance with state, county, and other local ordinances and procedures.

Please contact me if you have any questions or comments pertaining to this project.

Kapur & Associates, Inc. ~ 1124 S. Pine Street ~ Burlington, WI 53105 ~ [www.kapurengineers.com](http://www.kapurengineers.com)

D:\Racine\_Co\Burlington\_City\Gov\180019\_2018 Burlington Plan Review\PHSE11 Burlington Fireplace & Solar\05012018 Burlington Fireplace and Solar.doc



**CITY OF BURLINGTON**

**Fire Department**

165 W. Washington Street, Burlington, WI 53105  
(262) 763-7842 – (262) 767-8602 fax  
www.burlington-wi.gov

**MEMORANDUM**

**TO:** Plan Commission  
City of Burlington

**FROM:** City of Burlington Fire Department  
Alan Babe, Fire Chief  
Wes Miner, Fire Inspector

**DATE:** April 23, 2018

**SUBJECT:** Review of Site Plan Approval Application for construction of a storage building at 857 Milwaukee Ave, Burlington Fireplace & Solar.

**A. PURPOSE**

1) Consider for approval the Site Plan Approval Application and Application for construction of a storage building at 857 Milwaukee Ave, Burlington Fireplace & Solar.

**B. BACKGROUND**

Burlington Fireplace & Solar (Applicant) submitted a Site Plan Approval Application on April 16, 2018 to propose construction of a 2,760 Square Foot, S-1 Moderate Hazard Storage Occupancy at 857 Milwaukee Ave, Burlington Fireplace & Solar. It should be noted that this building has already been constructed, however all code review will consider this building new construction.

The following documents were submitted by Burlington Fireplace & Solar (Applicant) as part of the Site Plan Approval Application:

- a. Application for Conditional Use Permit (2 sheets, dated April 16, 2018)
- b. Site Plan Approval Application (2 sheets, dated April 16, 2018)
- c. Email from Lynch & Associates (1 sheet, April 13, 2018)
- d. Burlington "Parking Space Code" (1 sheet, no date)
- e. Burlington Floodplain Map (1 sheet, dated April 13, 2018)

### C. REVIEW OF COMPLIANCE WITH BURLINGTON CODE CHAPTER 155. FIRE PREVENTION, PROTECTION AND CONTROL

No information was submitted regarding the intended use of the storage building. If material or product is stored over 12 feet in height, it will be considered "High Piled Storage" triggering City of Burlington Municipal Code 155-40 "HIGH-PILED COMBUSTIBLE STORAGE".

### D. REVIEW OF COMPLIANCE WITH INTERNATIONAL FIRE CODE

City of Burlington Municipal Code 155-40 "HIGH-PILED COMBUSTIBLE STORAGE", adopts the requirements of Chapter 23 of the International Fire Code.

- *2302.1 Definitions:*
  - *HIGH-PILED COMBUSTIBLE STORAGE. Storage of combustible materials in closely packed piles or combustible materials on pallets, in racks or on shelves where the top of storage is greater than 12 feet (3658 mm) in height. When required by the fire code official, high-piled combustible storage also includes certain high-hazard commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets and similar commodities, where the top of storage is greater than 6 feet (1829 mm) in height.*
- *2303.1 Classification of Commodities. Commodities shall be classified as Class I, II, III, IV or high hazard in accordance with this section. Materials listed within each commodity classification are assumed to be unmodified for improved combustibility characteristics. Use of flame-retarding modifiers or the physical form of the material could change the classification. See Section 2303.7 for classification of Group A, B and C plastics.*
- *2303.2 Class I Commodities. Class I commodities are essentially noncombustible products on wooden or nonexpanded polyethylene solid deck pallets, in ordinary corrugated cartons with or without single-thickness dividers, or in ordinary paper wrappings with or without pallets. Class I commodities are allowed to contain a limited amount of Group A plastics in accordance with Section 2303.7.4.*
- *2306.1 General. Fire protection and life safety features for high-piled storage areas shall be in accordance with Sections 2306.2 through 2306.10.*
- *2306.2 Extent and Type of Protection. Where required by Table 2306.2, fire detection systems, smoke and heat removal, draft curtains and automatic sprinkler design densities shall extend the lesser of 15 feet (4572 mm) beyond the high-piled storage area or to a permanent partition. Where portions of high-piled storage areas have different fire protection requirements because of commodity, method of storage or storage height, the fire protection features required by Table 2306.2 within this area shall be based on the most restrictive design requirements.*

HIGH-PILED COMBUSTIBLE STORAGE

TABLE 2306.2  
GENERAL FIRE PROTECTION AND LIFE SAFETY REQUIREMENTS

COMMODITY CLASS	SIZE OF HIGH-PILED STORAGE AREA* (square feet) (see Sections 2306.2 and 2306.4)	ALL STORAGE AREAS (See Sections 2306, 2307 and 2308) <sup>b</sup>					SOLID-PILED STORAGE, SHELF STORAGE AND PALLETIZED STORAGE (see Section 2307.3)		
		Automatic fire extinguishing system (see Section 2306.4)	Fire detection system (see Section 2306.5)	Building access (see Section 2306.6)	Smoke and heat removal (see Section 2306.7)	Draft curtains (see Section 2306.7)	Maximum pile dimension <sup>c</sup> (feet)	Maximum permissible storage height <sup>c</sup> (feet)	Maximum pile volume (cubic feet)
	0-500	Not Required <sup>a</sup>	Not Required	Not Required <sup>d</sup>	Not Required	Not Required	Not Required	Not Required	Not Required
	501-2,500	Not Required <sup>a</sup>	Yes <sup>e</sup>	Not Required <sup>d</sup>	Not Required	Not Required	100	40	100,000
	2,501-12,000 Public accessible	Yes	Not Required	Not Required <sup>d</sup>	Not Required	Not Required	100	40	400,000
	2,501-12,000 Nonpublic accessible (Option 1)	Yes	Not Required	Not Required <sup>d</sup>	Not Required	Not Required	100	40	400,000
I-IV	2,501-12,000 Nonpublic accessible (Option 2)	Not Required <sup>a</sup>	Yes	Yes	Yes <sup>e</sup>	Yes <sup>e</sup>	100	30 <sup>f</sup>	200,000
	12,001-20,000	Yes	Not Required	Yes	Yes <sup>e</sup>	Not Required	100	40	400,000
	20,001-500,000	Yes	Not Required	Yes	Yes <sup>e</sup>	Not Required	100	40	400,000
	Greater than 500,000 <sup>g</sup>	Yes	Not Required	Yes	Yes <sup>e</sup>	Not Required	100	40	400,000

E. RECOMMENDATION

Based upon the review of the submitted materials, we recommend that the Plan Commission recommend to the Common Council the **CONDITIONAL APPROVAL** of the Site Plan Application for the proposed construction of a 2,760 Square Foot, S-1 Moderate Hazard Storage Occupancy at 857 Milwaukee Ave, Burlington WI 53105 based on the following:

- 1) The owner provides documentation from a competent design professional that the intended use of the building and commodities being stored, are in compliance with local code and state code.



**CITY OF BURLINGTON**

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

**APPLICATION FOR A CONDITIONAL  
USE PERMIT**

FOR OFFICIAL USE ONLY	
Date Filed	4/16/18
Received by	KA

**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 Burlington Fireplace + Solar (Zach Acker)  
Phone No. 262-763-3522

Applicant's Address 857 Milwaukee Ave. Burlington, WI 53105  
Applicant's Email Address Zach@burlingtonfireplace.com  
Owner of the site Richard Hendrickson Sr.  
Phone No. 262-206-2674  
Owner's address 4802 Mamerows Ln. Waterford, WI 53185

**DESCRIPTION OF THE SUBJECT SITE**

Business name Burlington Fireplace + Solar  
Address 857 Milwaukee Ave. Burlington, WI 53105  
Or if no address exists: Parcel Identification No. \_\_\_\_\_  
Existing Zoning classification B-1  
Description of the proposed use warehouse building  
Number of employees / Hours of operation \_\_\_\_\_

**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**

**Reason for requesting a Conditional Use:**

for use of outdoor products

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 Zach Acker  
(Signature)

Zach Acker  
(Print)

Owner RH  
(Signature)

Rich Hendrickson  
(Print)

Date: 4-13-18

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: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_



**CITY OF BURLINGTON**

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

**SITE PLAN APPROVAL APPLICATION**

**REVIEW: \$500.00 Deposit +/- Actual Cost**

<b>FOR OFFICE USE ONLY</b>	
DATE FILED:	<u>4/16/18</u>
RECEIVED BY:	<u>KA</u> (Initials)
AMT. PAID:	<u>500</u>

APPLICANT: Burlington Fireplace + Solar  
ADDRESS: 857 Milwaukee Ave. Burlington, WI 53105 PHONE NO. 262-763-3522  
E-MAIL ADDRESS: Zach@burlingtonfireplace.com  
OWNER: Richard Hendrickson Sr.  
ADDRESS: 4802 Mamerows Ln. Watford, WI 53185 PHONE NO. 262-206-2674  
SITE ADDRESS: 857 Milwaukee Ave. Burlington, WI 53105  
PROPOSED USE: Storage Building PRESENT ZONING: B-1  
LEGAL DESCRIPTION: \_\_\_\_\_  
(Attach full legal description if needed)

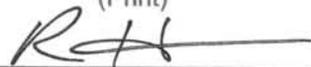
**THE SITE PLAN MUST INCLUDE THE FOLLOWING INFORMATION  
(PLEASE LIST ANY ADDITIONAL INFORMATION WHERE APPLICABLE):**

- 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.
- Project title and owner's/developer's name and address noted.
- Architect's and/or engineer's name and address noted.
- Property boundaries and dimensions.
- Abutting property zoning classifications. B1
- General description of building materials, façade and roof detail.
- Setback lines indicated.
- Easements for access, if any.
- 100-year floodplain identification.
- Existing and proposed topography show at a contour interval of not less than two feet, indicating proposed grade and location of improvements.
- Signage and outdoor lighting – proposed location and details.

- Total number of employees: 18 and Hours of operation M-F 9-5 SAT 10-4
- Total no. of parking spaced noted. No. of parking spaces provided: 11. Calculations used to arrive at the no. of spaces: attached.
- Type, size and location of all structures with all building dimensions shown.
- Locate existing and general location of proposed sanitary sewers, storm sewers and water-mains.
- Locate any proposed stormwater management facilities, including detention/retention areas. The City of Burlington has a stormwater ordinance in effect.
- Note location, extent and type of proposed landscaping and landscaping plantings and buffers to adjacent property, including fencing or other screening.
- Note, location of pedestrian sidewalks and walkways.
- Graphic outline of any development staging that is planned.
- Driveway locations and sizes.
- Handicap accessibility.
- List environmental concerns, i.e. odor, smoke, noise.

Owner: Rich Hendrickson  
(Print)

Date: 4-13-18

Owner:   
(Signature)

Applicant: Zach Acker  
(Print)

Date: 4/13/18

Applicant:   
(Signature)

Zoning Administrator: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_



Zach Burlington Fireplace <zach@burlingtonfireplace.com>

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## Site Plan Approval - Burlington Fireplace

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**Jim Maloney** <JMaloney@lynch-engineering.com>

Fri, Apr 13, 2018 at 1:57 PM

To: Zach Burlington Fireplace <zach@burlingtonfireplace.com>

Here is some information for you. The property is not in the floodplain as indicated on the attached map. Also, the zoning code requires 1.5 stalls per 1000 sf of building and your building which is 6800 sf. This equates to 10 stalls and we have 11. Since the building is for storage, additional parking shouldn't be required.

Also, since the building is for storage, no sewer or water is needed to be extended to the building (unless there are building code requirements).

As far as storm water goes, we are only disturbing 6500 sf of area and increasing the impervious area by 3000 sf, both of the areas are well below one acre in size.

I hope this helps you out. Please let me know if you have anything else.

**James R. Maloney, P.E.**

Senior Project Manager



LYNCH & ASSOCIATES  
ENGINEERING CONSULTANTS, LLC

Lynch & Associates

Engineering Consultants, LLC

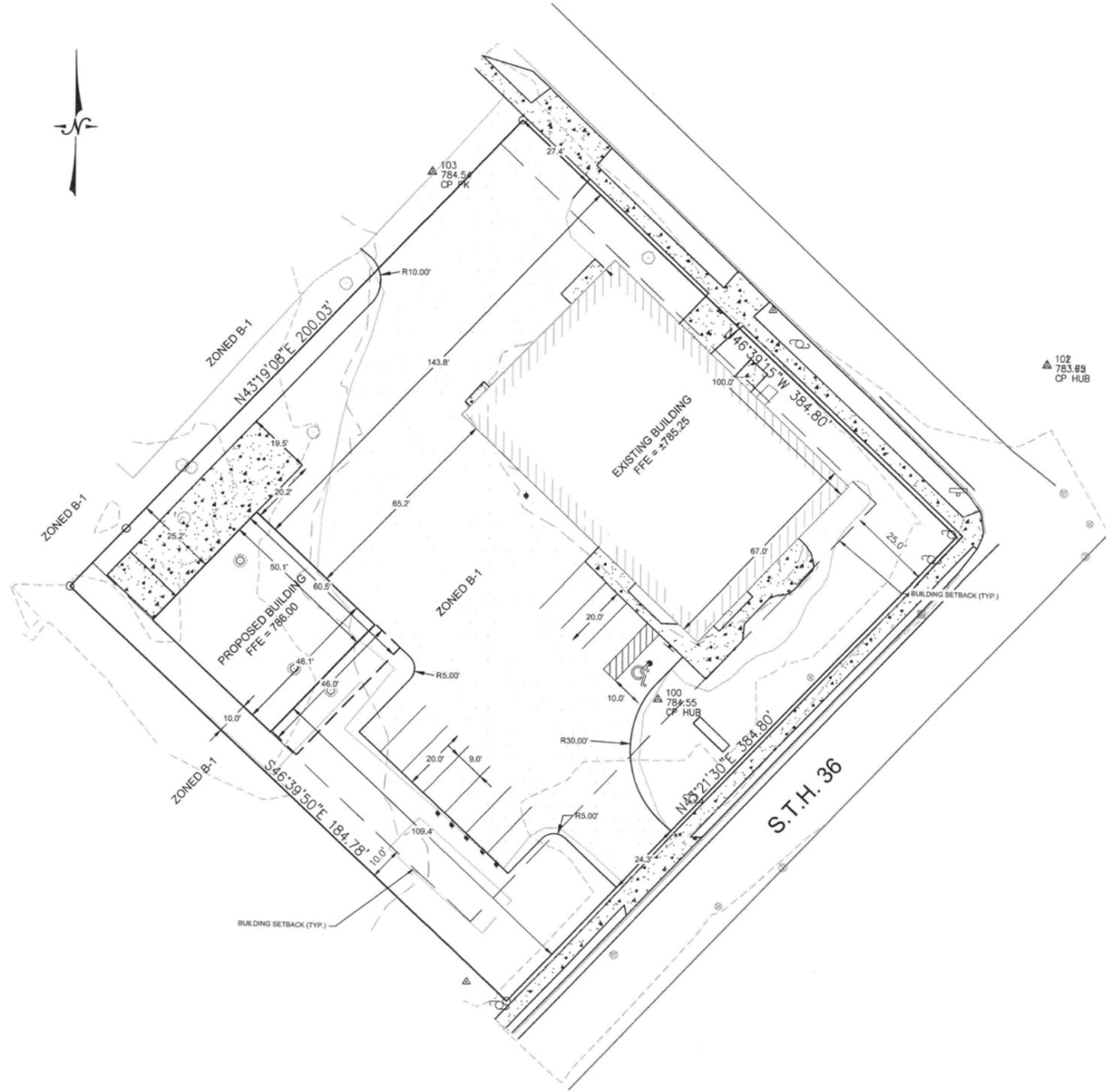
BURLINGTON CODE

Use	Minimum Required Parking Spaces per 1,000 Square Feet of Floor Area	Minimum Required On-Site Queuing Space to be Provided (number of vehicles)	Other Required Standard(s) for Off-Street Parking Spaces
Furniture stores, carpet stores, appliance stores	1.5	—	—
Hardware, paint or home improvement	3.5	—	—
Liquor store	5	—	—
Shopping centers (3 stores or more)	5	—	—
Other miscellaneous freestanding retail stores	5	—	—
<b>Commercial Uses: Heavy Retail/Service</b>			
Auto sales	2	—	Or 2 spaces per salesman, whichever is greater, plus 1 space per 1,500 square feet of outdoor vehicle display space inclusive of drives to outdoor vehicle display spaces
Building materials	3	—	Plus 1 space per 1,500 square feet of outdoor sales/display area inclusive of drives to outdoor sales/display areas
Vehicle repair shop (without the dispensing of gasoline)	—	—	4 spaces per service bay
<b>Commercial Uses: Light Auto Service</b>			
Automobile laundries or car washes	—	10 per wash bay for automatic wash and 6 per wash bay for manual wash	Plus 1 space per employee and 1 space per bay
General auto service station (with the dispensing of gasoline)	1.5 without convenience market; 8 with convenience market	—	Or 4 spaces per service bay, whichever is greater

$6.8 \times 1.5 = 10.2$

11 SPACES PROVIDED





**NOTE:**  
 EXISTING PROPERTY BOUNDARY OBTAINED  
 FOR SURVEY PREPARED BY BW SURVEYING, INC.

SITE IMPROVEMENT PLANS FOR  
**BURLINGTON FIREPLACE & HEATING**  
BURLINGTON, WI  
**LYNCH & ASSOCIATES**  
 ENGINEERING CONSULTANTS, LLC

NO.	REVISIONS	BY	DATE

ISSUED FOR REVIEW

PLAN DATE 10.06.16  
 DESIGNED BY MRA

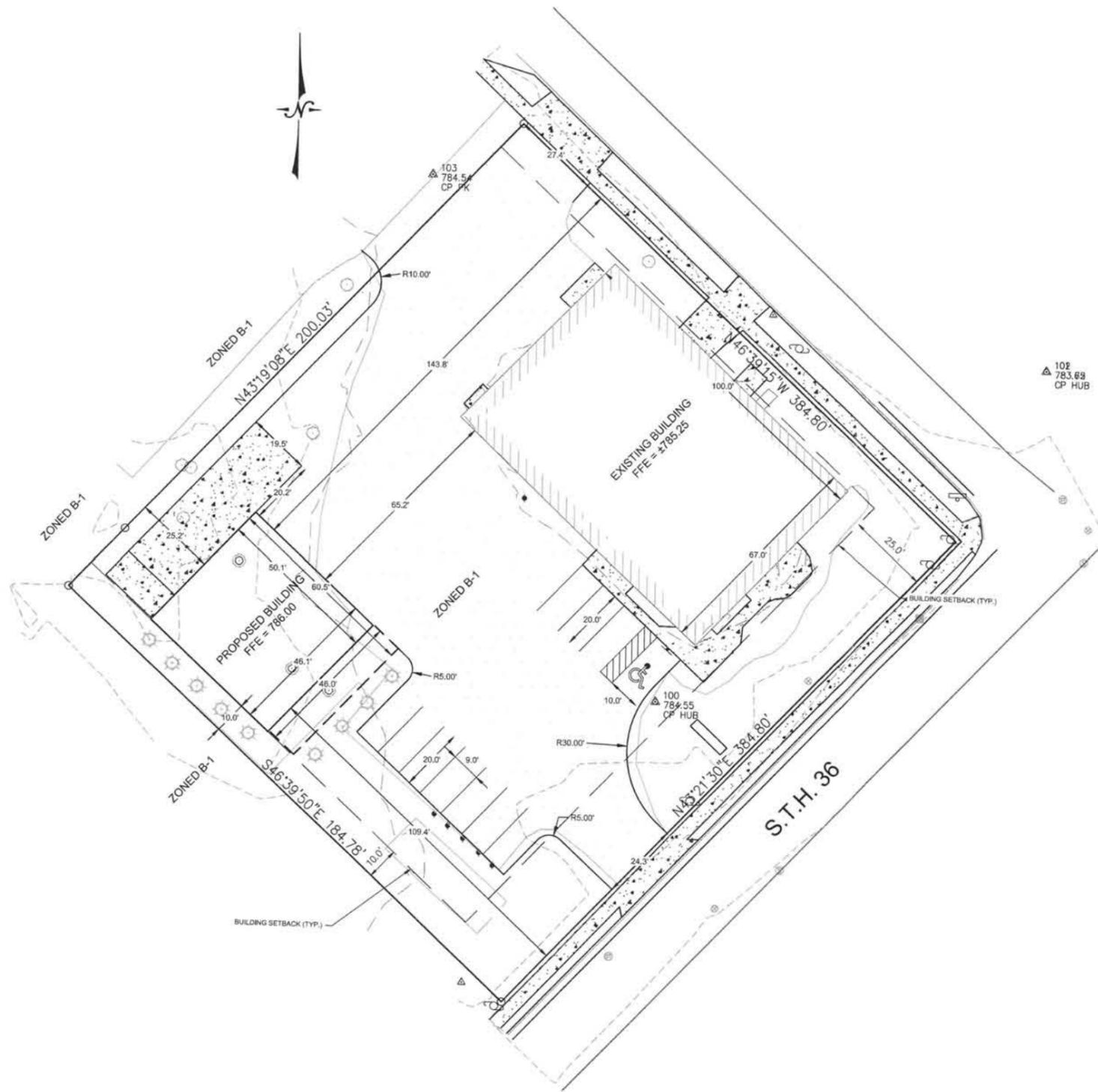


SCALE

PROJECT NO.  
**17-0028**

SHEET NO.  
**C100**





LEGEND	SIZE	QTY
 ARBORVITAE, EMERALD BEAUTY Thuja Occidentalis 'Smaragd'	6' Tall	9

**NOTE:**  
EXISTING PROPERTY BOUNDARY OBTAINED  
FOR SURVEY PREPARED BY BW SURVEYING, INC

SITE IMPROVEMENT PLANS FOR  
**BURLINGTON FIREPLACE & HEATING**  
BURLINGTON, WI  
**LYNCH & ASSOCIATES**  
ENGINEERING CONSULTANTS, LLC

LANDSCAPE PLAN	
NO.	BY DATE
REVISIONS	

<b>ISSUED FOR REVIEW</b>	
PLAN DATE	10.06.16
DESIGNED BY	MRA
 SCALE	
PROJECT NO.	17-0028
SHEET NO.	<b>C300</b>







**PLAN COMMISSION**

**ITEM NUMBER: 7E**

**DATE:** June 12, 2018

**SUBJECT:** A Public Hearing for a Conditional Use application at 496 S. Pine Street

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

**PROJECT/SCOPE:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from Matthew Gums of Wisco Automotive, LLC, for property located at 496 S. Pine Street. The applicant is proposing to operate an automotive repair shop.

**ZONING:**

The parcel is zoned M-1, Light Manufacturing District.

**RECOMMENDATION:**

For public comment only

**TIMING/IMPLEMENTATION:**

This item is for a Public Hearing at the June 12, 2018 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  
M-1, Light Manufacturing 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:** Matthew Rijkse  
**Applicant:** Matthew Gums  
**Location:** 496 S. Pine Street  
**Zoning:** M-1, Light Manufacturing District  
**Use:** To operate as an automotive repair shop

**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, JUNE 12, 2018 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, 21<sup>st</sup> day of May, 2018.

Diahnn Halbach, City Clerk

Published in the Burlington Standard Press  
May 24<sup>th</sup> and May 31<sup>st</sup>, 2018



**PLAN COMMISSION**

**ITEM NUMBER: 7F**

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**DATE:** June 12, 2018

**SUBJECT:** Consideration to approve a Conditional Use application at 496 S. Pine Street.

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

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**PROJECT/SCOPE:**

This item is to consider approving a Conditional Use application from Matthew Gums of Wisco Automotive, LLC, for property located at 496 S. Pine Street. The applicant is proposing to operate an automotive repair shop. The automotive repair shop would be situated in an existing building on a parcel, on which the Great Lakes Components is also located, would be comprised of an 875 square foot shop, and a 1,137 square foot office. The operations of the proposed automotive repair shop consist of one employee operating between the hours of 8 am and 5 pm Monday through Friday, and between the hours of 8 am and 12 pm on Saturday.

**ZONING:**

The parcel is zoned M-1, Light Manufacturing District.

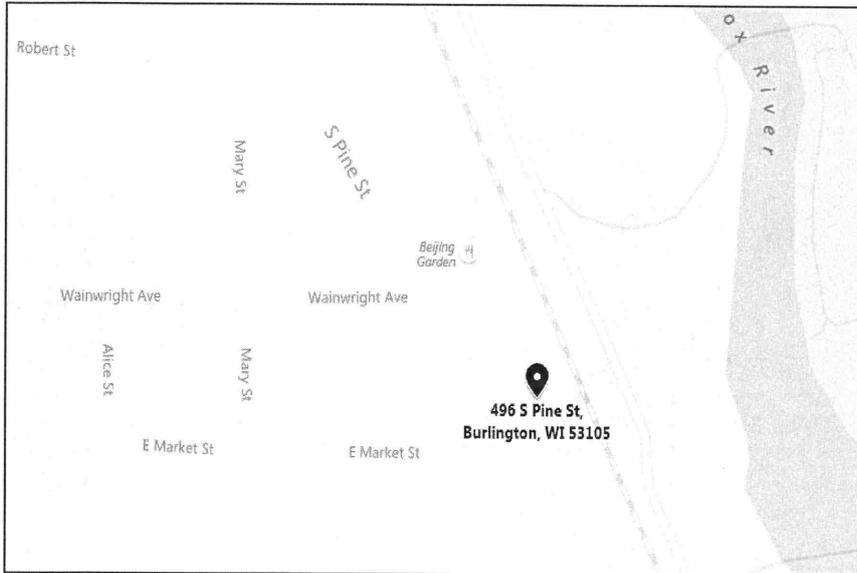
**RECOMMENDATION:**

Graef and the Fire Department recommend a conditional approval of this Conditional Use, subject to items listed in the June 5, 2018 memorandum.

**TIMING/IMPLEMENTATION:**

This item is for consideration at the June 12, 2018 Plan Commission meeting. No further action is necessary.

**MAP:**





One Honey Creek Corporate Center  
125 South 84<sup>th</sup> Street, Suite 401  
Milwaukee, WI 53214-1470  
414 / 259 1500  
414 / 259 0037 fax  
[www.graef-usa.com](http://www.graef-usa.com)

collaborāte / formulāte / innovāte

## MEMORANDUM

**TO:** Plan Commission  
City of Burlington

**FROM:** GRAEF  
Ben Block  
Tanya Fonseca, AICP

**DATE:** June 5, 2018

**SUBJECT:** Review of Conditional Use Application for Proposed Automotive Repair Shop

### A. PURPOSE

- 1) Consider for approval a Conditional Use Application from Wisco Automotive, LLC for property located at 496 S. Pine Street to operate an automotive repair shop.

### 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. A Conditional Use Application from Wisco Automotive, LLC for property located at 496 S. Pine Street to operate an automotive repair shop.

### C. BACKGROUND

Matthew Gums (Applicant) of Wisco Automotive LLC submitted a "Conditional Use Permit" to operate an automobile repair shop at 496 S. Pine Street, Burlington, Wisconsin 53105. The automobile repair shop would be situated in an existing building on parcel 206-03-19-32-181-000, on which is also located Great Lakes Components, a structural building component manufacturer. The automobile repair shop would be comprised of an 875 square foot shop, and an 1,137 square foot office. The operations of the proposed automobile repair shop consist of one employee operating between the hours of 8 AM and 5 PM Monday through Friday, and between the hours of 8 AM and 12 PM on Saturday.

Parcel 206-03-19-32-181-000 is due east from the intersection of Market Street and Pine Street. The parcel is zoned "M-1 Light Manufacturing," and is directly adjacent to parcels that are zoned "I-1 Institutional District," "B-1 Neighborhood Business District," "Rs-3 Single Family Residence District," and "Rm-2 Multi-Family Residence District."

The Applicant submitted the following materials:

- a. "Application for a Conditional Use Permit" (1 sheet)
- b. Google Maps aerials of 496 S. Pine Street with dimensional markups (2 sheets)

**D. EXISTING CONDITIONS & CONTEXTUAL APPROPRIATENESS**

Parcel 206-03-19-32-181-000 is due east from the intersection of Market Street and Pine Street, and is zoned "M-1 Light Manufacturing." The parcel is presently home to Great Lakes Components, a structural building component manufacturer.

The properties along Market Street and Pine Street comprise a variety of zoning districts, including "I-1 Institutional District," "B-1 Neighborhood Business District," "Rs-3 Single Family Residence District," "Rm-2 Multi-Family Residence District," "M-2 General Manufacturing District," and "FW Floodway District." Nearby uses include Nestle Chocolate & Confection, Ozman's Oil, Burlington Child and Family Counseling, single-family and multi-family residences, a dog park, and the Great Lakes Components, which shares the parcel. Considering the varied nature of the properties and uses adjacent to and nearby 496 S. Pine Street, the proposed conditional use for an automotive repair shop would be contextually appropriate.

**E. CONDITIONAL USE WITHIN ZONING CODE §315-50 "M-1 LIGHT MANUFACTURING DISTRICT"**

City of Burlington Zoning Code §315-50(C)(1) lists "Automobile upholstery, body repair, and engine repair" as a conditional use within the "M-1 Light Manufacturing District." The proposed automotive repair shop falls under this category of permissible conditional uses.

City of Burlington Zoning Code §315-50(B)(3) lists "Office, storage, power supply, and other uses normally axillary to the principal industrial operations" as a permitted accessory use within the "M-1 Light Manufacturing District." The proposed automotive repair office falls under this category of permitted accessory uses.

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

Per the requirements enumerated in §315-130(A), the Applicant has submitted the necessary materials to determine if a conditional use permit should be approved.

With respect to considerations given to the proposed use's compatibility with surrounding zoning and land uses, traffic impacts, environmental impacts, and a consideration for the health, safety, welfare, and morals of the community, the operations of the proposed automotive repair shop pose no substantive threat.

The Applicant has submitted the necessary materials and the proposed automotive repair shop operation is a contextually-appropriate use.



**CITY OF BURLINGTON**

**Fire Department**

165 W. Washington Street, Burlington, WI 53105  
(262) 763-7842 – (262) 767-8602 fax  
www.burlington-wi.gov

**MEMORANDUM**

**TO:** Plan Commission  
City of Burlington

**FROM:** City of Burlington Fire Department  
Alan Babe, Fire Chief  
Wes Miner, Fire Inspector

**DATE:** June 6, 2018

**SUBJECT:** Review of Conditional Use Application for building at 496 S. Pine Street, Burlington, Wisco Automotive LLC.

**A. PURPOSE**

1) Consider for approval the Conditional Use Application for building at 496 S. Pine Street, Burlington, Wisco Automotive LLC.

**B. BACKGROUND**

Matthew Gums (Applicant) submitted a Conditional Use Application on May 14, 2018 to propose the use of 496 S. Pine Street as an automotive shop.

The following documents were submitted by Scherrer Construction (Applicant) as part of the Site Plan Approval Application:

- a. Application for Conditional Use (2 sheets, dated May 10, 2018)
- b. Google Maps aerial view (2 sheets, May 11, 2018)

**C. REVIEW OF COMPLIANCE WITH BURLINGTON CODE CHAPTER 155. FIRE PREVENTION, PROTECTION AND CONTROL**

Code review unavailable due to insufficient information submitted regarding the project.

#### **D. REVIEW OF COMPLIANCE WITH INTERNATIONAL FIRE CODE**

Code review unavailable due to insufficient information submitted regarding the project.

#### **E. RECOMMENDATION**

Based upon the review of the submitted materials, we recommend that the Plan Commission recommend to the Common Council the **CONDITIONAL APPROVAL** of the Conditional Use Application for 496 S. Pine Street, Burlington WI 53105 based on the following:

- 1) The owner provides documentation from a competent design professional that the intended use of the building is in compliance with local code and state code.



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 OFFICIAL USE ONLY  
Date Filed 5/11/18  
Received by KA

APPLICATION FOR A CONDITIONAL  
USE PERMIT

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 Matthew D Gums  
Phone No. 262-210-7279  
Applicant's Address 7830 Hunters Ln Burlington, WI 53105  
Applicant's Email Address matt\_gums@yahoo.com  
Owner of the site Matthew Rijkse  
Phone No. ~~262~~ 920-344-4512  
Owner's address 496 S. Pine st Burlington, WI 53105

DESCRIPTION OF THE SUBJECT SITE

Business name Wisco Automotive LLC  
Address 496 S. Pine st Burlington, WI 53105  
Or if no address exists: Parcel Identification No. \_\_\_\_\_  
Existing Zoning classification M-1  
Description of the proposed use Automotive Repair  
Number of employees / Hours of operation 1 M-F 8-5 / SAT 8-12

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**

**Reason for requesting a Conditional Use:**

To open an Automotive Repair shop

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 [Signature]  
(Signature)

Matthew D. Gums  
(Print)

Owner [Signature]  
(Signature)

Matthew Riskse  
(Print)

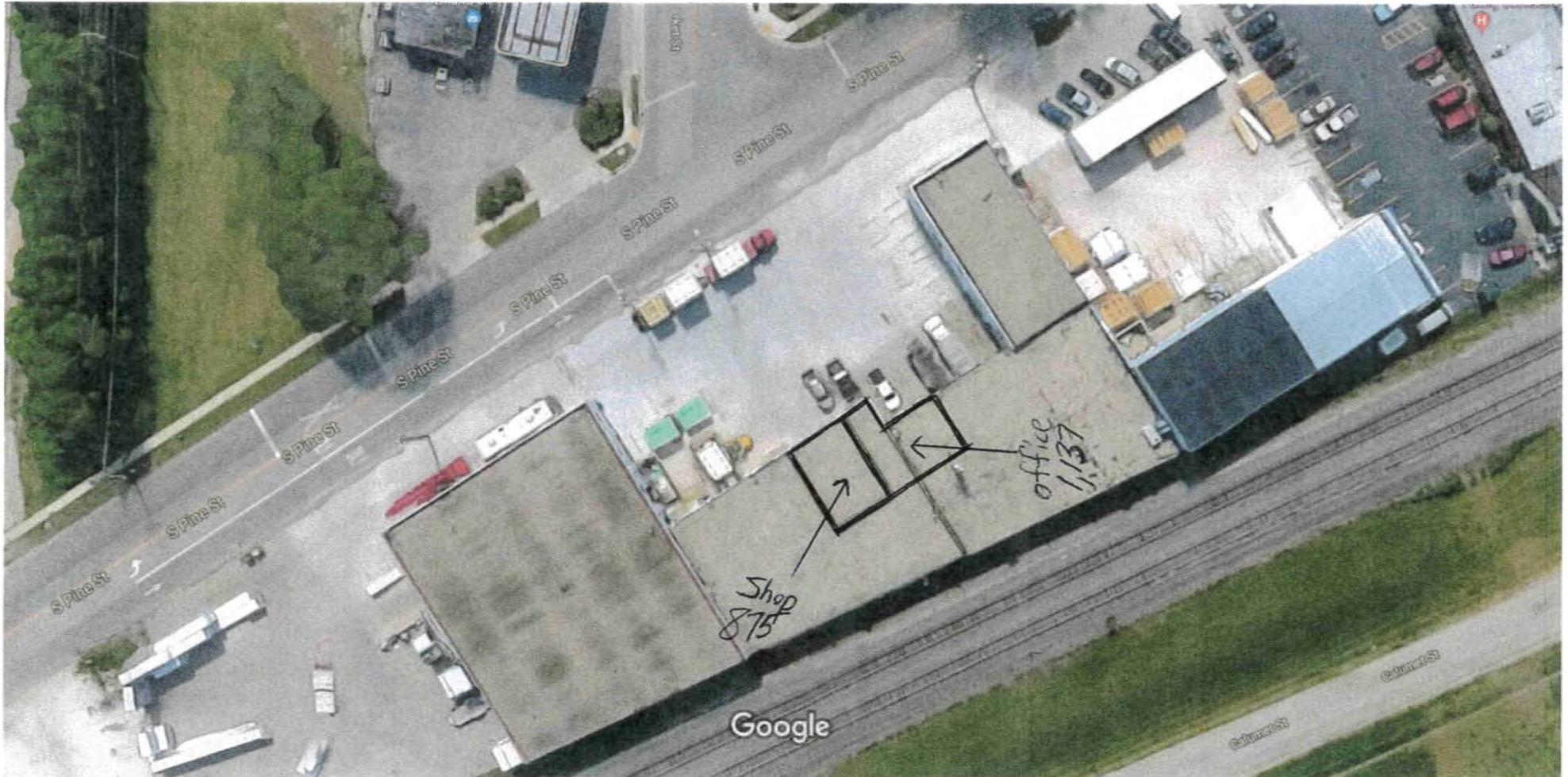
Date: 4-30-18

Date application Filed: 5-10-18

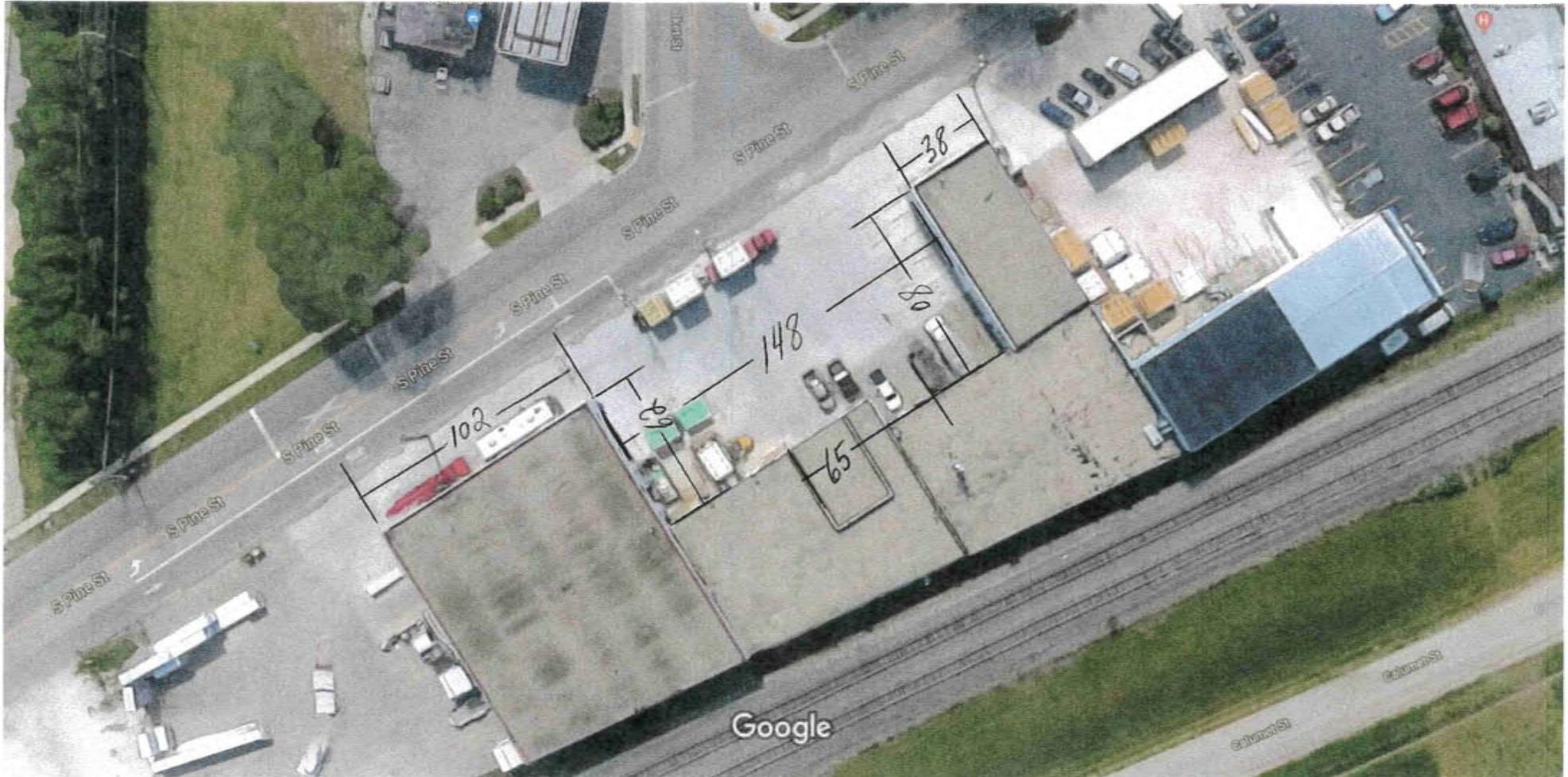
- Applications will not be processed without the property owner’s signature.
- Permit may be revoked without notice if misrepresentation of any of the above information or attachments is found to exist.
- Permit is Null and Void if issued in error. It is understood that any permits issued on this application 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: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_



Imagery ©2018 Google, Map data ©2018 Google 20 ft



Imagery ©2018 Google, Map data ©2018 Google 20 ft



**PLAN COMMISSION**

**ITEM NUMBER: 7G**

**DATE:** June 12, 2018

**SUBJECT:** A Public Hearing for a Conditional Use application at 1054 Milwaukee Avenue

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

**PROJECT/SCOPE:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from Andrew Goodman of GMX Real Estate Group, LLC for property located at 1054 Milwaukee Avenue. The applicant is proposing to allow for a drive-thru window with dedicated drive-up lane, and also two outdoor patios for potential restaurant occupant.

**ZONING:**

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

**RECOMMENDATION:**

N/A

**TIMING/IMPLEMENTATION:**

This item is for a Public Hearing at the June 12, 2018 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:** Fox River Plaza, LLC  
**Applicant:** Andrew Goodman of GMX Real Estate Group, LLC  
**Location:** 1054 Milwaukee Avenue  
**Zoning:** B-1, Neighborhood Business District  
**Use:** To allow for a drive-thru window, and also two outdoor seating areas

**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, JUNE 12, 2018 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, 21<sup>st</sup> day of May, 2018.

Diahnn Halbach, City Clerk

*Published in the Burlington Standard Press  
May 24<sup>th</sup>, 2018 and May 31<sup>st</sup>, 2018*



**PLAN COMMISSION**

**ITEM NUMBER: 7H**

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**DATE:** June 12, 2018

**SUBJECT:** Consideration to approve a Conditional Use and Site Plan application at 1054 Milwaukee Avenue.

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

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**PROJECT/SCOPE:**

This item is to consider approving a Conditional Use and Site Plan application from Andrew Goodman of GMX Real Estate Group, LLC for property located at 1054 Milwaukee Avenue. The applicant is proposing to allow for a drive-thru window with dedicated drive-up lane, two outdoor patios for potential restaurant occupant, and construct a 6,200 square foot multi-tenant commercial building. The proposed development will consist of an approximately 6,200 square foot building with space for three tenants. The future uses, presently undefined, will consist of restaurants, retail, and service. These issues will have hours of operation ranging from 5 am to 10 pm. The development will consist of demolition and removal of the currently closed Heavenly Cup Coffee Hut. The applicant has established an easement that covers the adjacent parking stalls within the Fox River Plaza, which will provide adequate space for parking for the proposed multi-tenant building. The applicant has plans to connect the Fox River Plaza lot with the adjacent Kohl's Department Store parking lot, which will provide greater flexibility in response to parking demand. The outdoor seating and drive-in establishments are conditional uses within the B-1 District, and are appropriate with the surrounding context.

Please note that the applicant will be applying for a review of a new Certified Survey Map (CSM). The existing outlot at this site is tight, and per staff recommendation, the prospective buyer is in negotiations to purchase a slightly larger outlot to meet the City's dimensional requirements. After review of the proposed Site Plan and Conditional Use Permits, the applicant will apply for a revised CSM.

**ZONING:**

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

**RECOMMENDATION:**

Graef, Kapur & Associates, and the Fire Department recommend a conditional approval of this Conditional Use and Site Plan, subject to items listed in their June 5, 2018 memorandums.

**TIMING/IMPLEMENTATION:**

This item is for consideration at the June 12, 2018 Plan Commission meeting. No further action is necessary.

**MAP:**





One Honey Creek Corporate Center  
125 South 84<sup>th</sup> Street, Suite 401  
Milwaukee, WI 53214-1470  
414 / 259 1500  
414 / 259 0037 fax  
[www.graef-usa.com](http://www.graef-usa.com)

collaborāte / formulāte / innovāte

## MEMORANDUM

**TO:** Plan Commission  
City of Burlington

**FROM:** GRAEF  
Ben Block  
Tanya Fonseca, AICP

**DATE:** June 5, 2018

**SUBJECT:** Review of a Site Plan Approval Application and an Application for a Conditional Use Permit for a Proposed Outlot Development in the Fox River Plaza

### A. PURPOSE

- 1) Consider for approval a Site Plan Approval Application for a multi-tenant commercial building in the Fox River Plaza
- 2) Consider for approval an Application for a Conditional Use Permit for the following uses:
  - a. A drive-through window with dedicated drive-up lane
  - b. Two outdoor patios for potential restaurant user occupant(s)

### B. RECOMMENDATION

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

- a. Site Plan Approval Application for a multi-tenant commercial building in the Fox River Plaza, pending the following:
  - i. The Applicant either submit a revised lighting plan that complies with §315-26(P)(3), or applies for and receives a variance from the Board of Zoning Appeals.
  - ii. The Applicant either submit a revised Site Plan/Landscape Plan that complies with the 25% LSR requirement, or applies for and receives a variance from the Board of Zoning Appeals.
  - iii. The Applicant submit a revised Site Plan/Landscape Plan that indicates the location of existing and proposed landscape features.
  - iv. The Applicant either indicates that the maximum total area allotted for wall signs is satisfactory for the proposed future tenants, or applies for and receives a variance from the Board of Zoning Appeals.
  - v. The Applicant applies for and receives a variance from the Board of Zoning Appeals with respect to the required parking spaces.
- b. Application for a Conditional Use Permit for a drive-through and outdoor seating at the proposed multi-tenant commercial building in the Fox River Plaza.

**C. BACKGROUND**

Andrew Goodman (Applicant) of GMX Real Estate Group, LLC submitted a Site Plan Approval Application and an Application for a Conditional Use Permit for a proposed outlot development in the Fox River Plaza at 1054 Milwaukee Avenue, Burlington WI 53105. The property is located on parcel 206-03-19-28-021-010. The property is zoned "B-1 Neighborhood Business District," as are all of the properties that surround it.

The outlot development will consist of an approximately 6,200 square-foot commercial building with space for three tenants. The future uses, presently undefined, will consist of restaurants, retail, and service. These uses will have hours of operation ranging from 5am to 10pm.

Please note that the applicant will be applying for a review of a new Certified Survey Map (CSM). The existing outlot at this site is tight, and per staff recommendation, the prospective buyer is in negotiations to purchase a slightly larger outlot to meet the City's dimensional requirements. After review of the proposed Site Plan and Conditional Use Permits, the applicant will apply for a revised Certified Survey Map.

The Applicant submitted the following materials:

- a. Application for a Conditional Use Permit (2 pages)
- b. Site Plan Approval Application (2 pages)
- c. Declaration and Agreement as to Easement, Covenants, Restrictions and Establishment of Party Wall Rights (11 pages)
- d. Memorandum of Termination of Lease and Declaration (4 pages)
- e. Site Plans (2 pages)
- f. Declaration of Easements (15 pages)
- g. Landscape Budget (1 page)
- h. National Flood Hazard Information (1 page)
- i. ALTA/NSPS Land Title Survey (1 page)
- j. Development Scheme (2 pages)
- k. Building Design Renderings (1 page)
- l. Sign Design Renderings (1 page)
- m. Lighting Plan (1 page)

**D. COMPLIANCE WITH ZONING CODE §315-26 "B-1 NEIGHBORHOOD BUSINESS DISTRICT"***l. Instances of Compliance*

The proposed outlot development consisting of a multi-tenant commercial building is compliant with the requirements outlined in this section of the Burlington Zoning Code, including Permitted Uses; Lot Area and Width; Building Height; Setbacks and Yards; Off-street Parking Setbacks; Vehicular Circulation; Loading Docks; Outdoor Storage and Screening; and, Trash Dumpster and Garbage Receptacles.

## II. *Exterior Lighting*

Burlington Zoning Code §315-26(P)(3) indicates that the maximum permitted illumination within the B-1 District shall be 2 footcandles. The Lighting Plan submitted with this Application indicates there are instances of illumination that exceed this limit, with the maximum illumination registering at 2.9 footcandles.

We recommend that the Applicant either submit a revised lighting plan that complies with §315-26(P)(3), or applies for a variance from the Board of Zoning Appeals.

## III. *Landscape Surface Ratio, Landscaping Requirements and Landscape Plan*

Though the Applicant did not submit a formal Landscape Plan, the submitted Site Plans and Landscape Budget provide most of the relevant details to evaluate compliance with respect to the following sections of the Zoning Code.

### a. *Landscape Surface Ratio*

Burlington Zoning Code §315-26(I)(1) indicates that the minimum landscapes surface ration (LSR) shall be 25%.

The Site Plan submitted with this Application indicates that the LSR will be 22.1%, which is slightly less than the required ratio. Considering the size of the parcel, this difference of 2.9% equates to an area of 1041 square feet, roughly the size of 6 parking stalls.

We recommend that the Applicant either submit a revised Site Plan/Landscape Plan that complies with the 25% LSR requirement, or applies for a variance from the Board of Zoning Appeals.

### b. *Landscaping Requirements and Landscape Plan*

Burlington Zoning Code §315-138 indicates that the location of existing and proposed landscape features shall be indicated on a landscape plan.

The materials submitted with this Application do not indicate the location of existing and proposed landscape features, however, the Landscape Budget submitted with this Application indicates that there will be adequate landscape features to comply with the Landscaping Requirements outlined in §315-48(D)(5).

We recommend that the Applicant submit a revised Site Plan/Landscape Plan that indicates the location of existing and proposed landscape features.

## IV. *Signage Requirements*

As future tenants have yet to be secured, the materials submitted with this Application do not indicate the location, quantity, or type of proposed signage. It is our understanding, however, that

the sections of the building dedicated for Tenant 1 and Tenant 3 will have wall signs installed on each of their three exterior walls.

Considering the signage requirements outlined in §315(71)(B-D), which limit the maximum total sign area for wall signs, the Applicant will likely need to apply for a variance from the Board of Zoning Appeals.

The Applicant did submit materials that indicate the dimensions and design of a monument sign to be located the northern-most corner of the parcel at the entry from Milwaukee Avenue. This monument sign is compliant with the requirements outlined in §315(71)(E).

V. *Parking Requirements*

Considering the potential future uses of the three tenant spaces, the property will undoubtedly be under-parked with respect to the parking requirements outlined in §315(48)(I). According to calculations based on potential future uses provided by the Applicant, the City would require 96 parking stalls, while there will only be 35 parking stalls provided.

It should be noted that the Applicant has established an easement that covers the adjacent parking stalls within the Fox River Plaza, which allows perpetual non-exclusive use to the occupants, tenants, employees, agents, and customers of the proposed multi-tenant building. Considering that these parking spaces are rarely fully occupied, it is our opinion that this parking easement will provide adequate space for parking for the proposed multi-tenant building.

Additional parking considerations include the details from likely national retailers, who frequently have their models for parking requirements determined through their market research and realities from having multiple locations. Per one of these retailers, a most desirable parking ratio for a restaurant of this model is 10 stalls/1000 SF (the City's code requires 20 stalls/1000 SF). Staff are taking this into consideration.

It should be noted that the Applicant has plans to connect the Fox River Parking lot with the adjacent Kohl's Department Store parking lot, which will provide greater flexibility in response to parking demand.

Considering the above, we recommend that the Applicant apply for a variance from the Board of Zoning Appeals.

VI. *Conditional Uses: Outdoor Seating*

Burlington Zoning Code §315-26(D)(37) indicates that outside seating for restaurants is a conditional use within the B-1 District, pending approval by the Plan Commission.

The Applicant's submitted materials comply with the requirements for Conditional Use Permits as outlined by §315-130.

It is our opinion that the proposed outside seating for restaurants would be consistent and appropriate with the surrounding context, as well as enhance the quality of the proposed development.

VII. *Conditional Uses: Drive-through (Drive-in Establishments)*

Burlington Zoning Code §315-26(D)(15) indicates that drive-in establishments serving food or beverages for consumption are conditional uses within the B-1 District, pending approval by the Plan Commission.

The Applicant's submitted materials comply with the requirements for Conditional Use Permits as outlined by §315-130.

It is our opinion that the proposed drive-through would be consistent and appropriate with the surrounding context. The Site Plan indicates that there will be adequate access and circulation for both parking and entering/exiting the proposed drive-through lane. Considering the neighboring uses of the adjacent properties (all zoned B-1), it is our opinion that no major grievance will be incurred by the proposed drive-through lane.



**To:** Kristine Anderson

**Date:** June 5, 2018

**From:** Greg Governatori

**CC:** Carina Walters, Megan Watkins, Gregory Guidry, Peter Riggs, Tanya Fonseca

**Subject:** Engineering review of Fox River Plaza – Plans Dated 5-18-2018

We have completed our review of the construction plans prepared by RTM Engineering Consultants, and JTS Architects, June 1<sup>st</sup>, 2018. The review was conducted to determine compliance with the City of Burlington Municipal Code and good engineering practices.

**BACKGROUND AND REQUEST:** The project proposes development of 6200 SF commercial building to the west corner, parcel 1, of existing Fox River Plaza. The development will consist of demolition and removal of the currently closed Heavenly Cup Coffee Hut.

The following plans were submitted for review as part of the site plan application:

- Preliminary Site, Utility, Grading & Erosion, Lighting, and Architectural Plans dated 5/18/18

**REVIEW COMMENTS:**

**General:**

- Applicability for storm water management practices follows Chapter 270-5 of the Burlington City Code. The proposed activities will not change the existing drainage volume or patterns of the site. The development is replacing existing impervious area and will decrease the overall pavement and parking area. *Storm water management will not be required.*
- Construction details and typical sections such as; typical silt fence detail, tracking pad detail, curb and gutter details, light pole details, detectable warning surface detail, etc. shall be incorporated into plan set.
- The existing sanitary sewer service lateral for the Heavenly Cup coffee hut is required to be removed and capped at the property line. The service lateral connects near the Manhole in the Milwaukee Avenue Right-of way/
- The accessible aisle will require a detailed access ramp to the commercial building. Parking sign detail shall also be included in site plan.
- Concrete curb and gutter sizes shall be called on site plan, also identify the pavement sections and materials for light and heavy duty.

- Existing sanitary sewer and watermain sizes are not shown on the plan, it is recommended they are provide for evaluation purposes of the proposed connections.
- City of Burlington's code requires 3-inch caliper as required minimum size of single stem trees. 2.5" Cal trees shall be replaced as 3" on the landscaping plan.
- Our review did not consider lighting, noise or zoning issues related to the proposed construction and we defer to the city planning and zoning for comment. Any and all site planning and zoning portions of this project (including lighting, use, noise and all other planning-related issues) are deferred to the City Planner for review and comment. All proposed architectural plans shall be reviewed by the City Building Inspector for compliance with all Building Codes.

**RECOMMENDATION:** We recommend approval of the submitted site plan.

The plans have been reviewed for conformance with generally accepted engineering practices and City of Burlington policies. Although the material has been reviewed, the design engineer is ultimately responsible for the thoroughness and accuracy of the plans and supplemental data and for compliance with state, county, and other local ordinances and procedures.

Please contact me if you have any questions or comments pertaining to this project at (262) 758-6010 or [ggovernatori@kapurinc.com](mailto:ggovernatori@kapurinc.com)



## CITY OF BURLINGTON

### Fire Department

165 W. Washington Street, Burlington, WI 53105  
(262) 763-7842 – (262) 767-8602 fax  
www.burlington-wi.gov

## MEMORANDUM

**TO:** Plan Commission  
City of Burlington

**FROM:** City of Burlington Fire Department  
Alan Babe, Fire Chief  
Wes Miner, Fire Inspector

**DATE:** June 6, 2018

**SUBJECT:** Review of Conditional Use Application and Site Plan Approval Application for construction of a building at 1054 Milwaukee Ave, Burlington, WI. 53105.

### A. PURPOSE

1) Consider for approval the Conditional Use Application and Site Plan Approval Application for construction of a building at 1054 Milwaukee Ave, Burlington, WI. 53105.

### B. BACKGROUND

Andrew Goodman (Applicant) of GMX Real Estate Group, LLC submitted a Site Plan Approval Application and an Application for a Conditional Use Permit for a proposed 6,200 square-foot commercial building with space for three tenants at 1054 Milwaukee Avenue, Burlington WI 53105.

The following documents were submitted by the applicant as part of the Site Plan Approval and Conditional Use Permit Application:

- a. Application for a Conditional Use Permit (2 pages)
- b. Site Plan Approval Application (2 pages)
- c. Misc. Documents (12 pages)
- d. Landscape Budget (1 page)
- e. National Flood Hazard Information (1 page)
- f. ALTA/NSPS Land Title Survey (1 page)
- g. Development Scheme (2 pages)
- h. Building Design Renderings (1 page)
- i. Sign Design Renderings (1 page)
- j. Lighting Plan (1 page)

**C. REVIEW OF COMPLIANCE WITH BURLINGTON CODE CHAPTER 155. FIRE PREVENTION, PROTECTION AND CONTROL**

Submitted documents align with local codes.

**D. REVIEW OF COMPLIANCE WITH STATE FIRE CODE**

Submitted documents align with state codes.

**E. RECOMMENDATION**

Based upon the review of the submitted materials, we recommend that the Plan Commission recommend to the Common Council the **CONDITIONAL APPROVAL** of the Site Plan Approval Application and an Application for a Conditional Use Permit for a proposed 6,200 square-foot commercial building with space for three tenants at 1054 Milwaukee Avenue, Burlington WI 53105, based on the following:

- 1) The owner ensures all work conforms to local and state code.



**CITY OF BURLINGTON**

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

**APPLICATION FOR A CONDITIONAL  
USE PERMIT**

FOR OFFICIAL USE ONLY	
Date Filed	<u>5/18/18</u>
Received by	<u>KA</u>

**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 GMX Real Estate Group, LLC

Phone No. (312) 607-6418 (Andrew Goodman)

Applicant's Address 3000 Dundee Road, #408, Northbrook, IL 60062

Applicant's Email Address asg@gmxre.com

Owner of the site Fox River Plaza, LLC

Phone No. (414) 803-3112 (Joe Devorkin)

Owner's address 11518 N. Port Washington Road, Suite 103, Mequon, WI 53092

**DESCRIPTION OF THE SUBJECT SITE**

Business name Proposed +/- 6,200 sf Commercial Bldg. (Restaurants, Retail & Service)

Address 1054 Milwaukee Avenue, Burlington, WI 53105 (Fox River Plaza)

Or if no address exists: Parcel Identification No. \_\_\_\_\_

Existing Zoning classification B-1

Description of the proposed use see above

Number of employees / Hours of operation multiple businesses/typical hours 5 am - 10 pm

**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**

**Reason for requesting a Conditional Use:**

Anchor-occupant to have a drive-thru window with dedicated drive-up lane. Also proposing two

outdoor patios for end-cap restaurant user occupant(s).

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 _____ (Signature)	Andrew S. Goodman _____ (Print)
Owner _____ (Signature)	Joe Devorkin _____ (Print)
Date: <u>5/18/2018</u>	Date application Filed: <u>5/18/2018</u>

- 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: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_



**CITY OF BURLINGTON**

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

**SITE PLAN APPROVAL APPLICATION**

**REVIEW: \$500.00 Deposit +/- Actual Cost**

<b>FOR OFFICE USE ONLY</b>	
DATE FILED:	5/18/18
RECEIVED BY:	[Signature] (Initials)
AMT. PAID:	500

**APPLICANT:** GMX Real Estate Group, LLC

**ADDRESS:** 3000 Dundee Road #408, Northbrook, IL 60062 **PHONE NO.** (312) 607-6418

**E-MAIL ADDRESS:** asg@gmxre.com

**OWNER:** Fox River Plaza, LLC

**ADDRESS:** 11518 N. Port Washington Road, Suite 103, Mequon, WI 53092 **PHONE NO.** (414) 803-3112

**SITE ADDRESS:** 1054 Milwaukee Avenue, Burlington WI 53105 (Fox River Plaza)

**PROPOSED USE:** +/- 6,200 sf Commercial Bldg. **PRESENT ZONING:** B-1

**LEGAL DESCRIPTION:** Lot 2 of Map-No. 217 recorded 3/5/87 in Volume 3 of certified survey-maps at Page 557 as Document No. 1221599 recorded in office of the register of Deeds for Racine County, WI  
(Attach full legal description if needed)

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

- 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.
- Project title and owner's/developer's name and address noted.
- Architect's and/or engineer's name and address noted.
- Property boundaries and dimensions.
- Abutting property zoning classifications. ALL ABUTTING PROPERTY B-1
- General description of building materials, façade and roof detail. ON EXTERIOR ELEVATIONS
- Setback lines indicated.
- Easements for access, if any.
- 100-year floodplain identification. SEE ATTACHED FEMA FIRM MAP
- Existing and proposed topography show at a contour interval of not less than two feet, indicating proposed grade and location of improvements. SEE CIVIL DWGS
- Signage and outdoor lighting – proposed location and details.

- Total number of employees: TBD and Hours of operation TBD.
- Total no. of parking spaced noted. No. of parking spaces provided: SEE PLAN. Calculations used to arrive at the no. of spaces: SEE PLAN.
- Type, size and location of all structures with all building dimensions shown. SEE CIVIL DWGS
- Locate existing and general location of proposed sanitary sewers, storm sewers and water-mains.
- Locate any proposed stormwater management facilities, including detention/retention areas. The City of Burlington has a stormwater ordinance in effect. SEE CIVIL DWGS
- Note location, extent and type of proposed landscaping and landscaping plantings and buffers to adjacent property, including fencing or other screening. SEE LANDSCAPE DWGS
- Note, location of pedestrian sidewalks and walkways.
- Graphic outline of any development staging that is planned. SEE CIVIL DWGS
- Driveway locations and sizes.
- Handicap accessibility.
- N.A. List environmental concerns, i.e. odor, smoke, noise.

\*Site Plan Note:

Our proposed site plan includes +/- 35 on-site stalls with access to +/- 144 parking stalls immediately south of the subject lot and +/- 51 parking stalls immediately east of the subject lot. Per code, +/- 107 parking stalls could be required to accommodate our site plan with two restaurant users which assumes 20/1,000 sf for restaurant parking. More typically, quick-serve restaurants require 10/1,000 sf.

Owner: Joe Devorkin  
(Print)

Date: 5-18-18

Owner:   
(Signature)

Applicant: Andrew S. Goodman  
(Print)

Date: 5/18/18

Applicant:   
(Signature)

Zoning Administrator: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_



**CITY OF BURLINGTON**

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

September 21, 2016

Fox River Plaza, LLC  
Attn: Timothy J. Randall  
2060 N. Humboldt Avenue, Suite 225  
Milwaukee, WI 53212

RE: Fox River Plaza Shopping Center  
1054, 1058, and 1066 Milwaukee Avenue, Burlington, Wisconsin  
Tax Key 51-206-03-19-021-010; 51-206-03-19-021-020; 51-206-03-19-021-050

To Whom It May Concern:

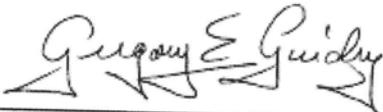
The undersigned being authorized and empowered to execute this letter on behalf of the City of Burlington hereby certifies with respect to the property legally described in **Exhibit A** attached hereto (“Premises”) as follows:

1. The Premises lies within the boundaries of the City of Burlington’s zoning district and is zoned B-1 under the City’s zoning code (the “Zoning Code”).
2. All uses of the Premises set forth on **Exhibit B** attached hereto are “permitted uses” under the Zoning Code or are conditional uses for which all applicable zoning permits have been issued (and none are legal nonconforming uses); the Property and all uses located thereon as of the date of this Letter complies with all applicable zoning and use codes, ordinances, rules and regulations.
3. The City is party to that certain Notice In Re Lands dated March 23, 1987, and recorded with the Register of Deeds for Racine County on March 25, 1987, as Document No. 1223910 (the “Notice”), a copy of which is attached hereto as **Exhibit C**, and which informs the public of a certain agreement between the City and the then current owner of the Property concerning contemplated public improvements to be constructed by the City and assessed against the Property (the “Improvements”). The Improvements have been completed and all costs associated therewith have been paid in full; the Property has no further liability pursuant to the matters reflected in the Notice.
4. The Premises comply with the subdivision ordinances affecting it and can be conveyed without the filing of a plat or replat of the Premises.

5. The Premises comply with all applicable zoning codes, rules and regulations, including all applicable setback, height, building size/area, land coverage/greenspace and parking laws, codes, ordinances, rules and regulations. However, if Lot 2 of CSM No. 1217 were to be divided to correspond to the two (2) separate tax parcels assigned to it by the County of Racine, the Property may require a variance to sideyard setback requirements.
6. There are no outstanding work orders or notices of noncompliance with any building codes, ordinances, rules or regulations for the Premises.

This letter may be relied upon by you and any title insurance company insuring, within the next six (6) months, title to the Premises or any mortgage encumbering the Premises.

Signature of Authorized Person:

By:   
\_\_\_\_\_  
Gregory Guidry, Zoning Administrator &  
Building Inspector

Date: September 21, 2016

## Exhibit A

### Legal Description

PARCEL I: Lots 1 and 2 of Certified Survey Map No. 1217, recorded in the office of the Register of Deeds for Racine County, Wisconsin on March 5, 1987 in Volume 3 of Certified Survey Maps, at page 557, as Document No. 1221599, being a part of the Southwest 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4, all in Section 28, Township 3 North, Range 19 East, of the Fourth Principal Meridian. Said land being in the City of Burlington, County of Racine, State of Wisconsin.

PARCEL II: Part of the Southwest 1/4 of the Northwest 1/4 and part of the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 3 North, Range 19 East of the 4th P.M., more particularly described as follows: Commence at the most West corner of Lot 1, Racine County Certified Survey Map No. 1217; thence South 52° 47' 54" East, 250.0 feet along the South line of said Certified Survey Map No. 1217 to the place of beginning of parcel of land hereinafter described; thence continue South 52° 47' 54" East, 404.06 feet; thence North 88° 23' 43" East, 42.27 feet; thence South 37° 12' 06" West, 146.49 feet; thence North 52° 47' 54" West, 437.0 feet; thence North 37° 12' 06" East, 120.0 feet to the place of beginning. Said land being in the City of Burlington, County of Racine, State of Wisconsin.

PARCEL III: A non-exclusive easement for parking purposes and for the access, ingress to from and between each of the parcels and the streets and highways abutting said parcels for the benefit of Parcel I created by Declaration and Agreement executed by Lerner Burlington Partnership, a Nebraska General Partnership, dated October 21, 1986 and recorded in the office of the Register of Deeds for Racine County, Wisconsin on November 14, 1986 in Volume 1831 of Records, at page 227, as Document No. 1211440.

PARCEL IV: A non-exclusive easement for the purpose of pedestrian and vehicular, ingress, egress, passage and traffic for the benefit of Parcel I created by Cross Easement Agreement executed by Lerner Burlington Partnership, a Nebraska General Partnership, dated October 21, 1986 and recorded in the office of the Register of Deeds for Racine County, Wisconsin on November 14, 1986 in Volume 1831 of Records, at page 247, as Document No. 1211445, and Assignment and Assumption of Cross Easement Agreement, to be recorded.

Tax Key No's: 51-206-03-19-28-021-010, 51-206-03-19-28-021-020 and 51-206-03-19-28-021-050

Addresses: 1054, 1066 and 1058 Milwaukee Avenue

**Exhibit B**

**Shopping Center Occupants**

1. Dunham's Athleisure Corporation d/b/a Dunham's Sports
2. Belltone Hearing of Racine & Kenosha
3. Subway Restaurants, Inc. d/b/a Subway
4. PH Hospitality Group, LLC d/b/a Pizza Hut/WingStreet
5. LaGrande Coffee Company, LLC d/b/a TBD Coffee

Exhibit C

Notice In Re Property

1223910

Register's Office  
Racine County, Wis. } SS  
Received for Record 25<sup>th</sup> day of  
March A.D. 1987 at 8:30  
o'clock A. M. and recorded in Volume 1853  
of Records on page 990-991  
*Shelton M. Schuttler*  
Register of Deeds

NOTICE IN RE: LANDS

KNOW ALL MEN BY THESE PRESENTS that the City of Burlington, a municipal corporation, located in Racine County, Wisconsin, has entered into an agreement dated the 2nd day of February, 1987, by and between THE LERNER BURLINGTON PARTNERSHIP with regards to the future installation and public improvements of sidewalks and extended sanitary sewer as it affects the following described real estate located in Burlington, Racine County, Wisconsin, to-wit:

A parcel of land located in the Northwest 1/4 of Section 28, Township 3 North, Range 19 East, more particularly described as follows: Commencing at the West 1/4 corner of said Section 28; thence along the East-West 1/4 line of said Section 28, North 89° 52' 00" East, 45.27 feet; thence along the Easterly right of way of S.W.H. "36" and "83", North 38° 56' 23" East, 526.00 feet to a 3/4" diameter rebar, being the point of beginning of this description; thence continuing North 38° 56' 23" East, 599.69 feet to a 3/4" diameter rebar; thence 168.21 feet along the arc of a curve concave to the Northwest having a radius of 5784.58 feet, long chord bearing North 38° 06' 22" East, 168.20 feet and a central angle of 91° 39' 38" to a 3/4" diameter rebar; thence South 89° 58' 12" East, 577.53 feet to a 3/4" diameter rebar; thence along the Westerly right of way of Wisconsin Electric Power Company South 18° 01' 33" West, 962.23 feet to a 3/4" diameter rebar; thence South 54° 04' 46" West, 161.69 feet to a 3/4" diameter rebar; thence South 89° 52' 00" West, 120.80 feet to a 3/4" diameter rebar; thence North 51° 03' 37" West, 654.06 feet to the point of beginning. above parcel contains 648,773 square feet or 14.894 acres. Said land being in the City of Burlington, County of Racine and State of Wisconsin.

206-03-19-28-021-006 + 206-03-19-28-021-007  
Said parcel may also be described as follows: Certified Survey Map #1101 recorded in Volume 3 of Certified Survey Maps by the Racine County Register of Deeds, at page 249-252 as Document #1183372.

Said property may also be described as follows: Certified Survey Map #1174 recorded in Volume 3 of Certified Survey Maps by the Racine County Register of Deeds, at page 440-443 as Document #1208863, being a part of Lot 1 of CSM #1101, recorded in Volume 3 of Certified Survey Maps page 249-252 by the Racine County Register of Deeds as Document #1183372.

All of the foregoing real estate and premises being a parcel of land in the NE 1/4 of Section 28, Township 3 North, Range 19 East, being in the City of Burlington, County of Racine and State of Wisconsin.

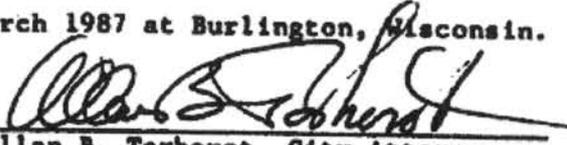
All persons further be advised and know that said agreement may require the installation of certain municipal and public improvements upon the above described property at the request of the City of Burlington and at the expense of the owners of said parcels; said improvements to be made pursuant to and according to the requirements of the Municipal Code of the City of Burlington with regards to said improvements upon land.

VOL 1853 PAGE 990

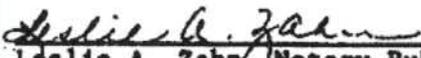
*City Burlington*  
7.7. Prof 1987  
3/7/87  
S 105

Any party wishing information with regards to the Improvement Installation Agreement set forth herein is invited to contact the City Clerk/Treasurer, City of Burlington, 300 North Pine Street, Burlington, Wisconsin 53105; or the City of Burlington City Engineer at the same location.

Dated this 23rd day of March 1987 at Burlington, Wisconsin.

  
Allan B. Torhorst, City Attorney  
City of Burlington, Racine County

Subscribed and sworn to before me  
this 23rd day of March 1987.

  
Leslie A. Zahn, Notary Public  
My commission expires 3/13/88.

DOCUMENT DRAFTED BY AND RETURN TO:

Allan B. Torhorst  
217 E. Jefferson Street  
Burlington, WI 53105

VOL 1853 PAGE 991

(3)

1211442

SEP 12 1986

DECLARATION

Lerner Burlington Partnership, a Nebraska general partnership (the "Owner") hereby establishes the following easements.

PRELIMINARY STATEMENT

The Owner is the record owner of a certain parcel of real estate situated in Burlington, Racine County, Wisconsin, containing approximately .499 acres, referred to in this Declaration as "Outlot A," and more particularly described in Exhibit A annexed.

In addition to Outlot A, the Owner is the record owner of a contiguous parcel of real estate containing approximately 8.695 acres, referred to in this Declaration as the "Shopping Center," and more particularly described in Exhibit B annexed.

To serve Outlot A with sanitary sewer, the Owner has constructed a sanitary sewer line extending from Outlot A to a lift station situated within the Shopping Center, which lift station in turn transfers sewage to the public sewer situated in adjacent Highways 36 and 83.

For the purpose of benefitting Outlot A with a nonexclusive easement under a portion of the Shopping Center for the use, repair and replacement of the sanitary sewer (the "sewer line") serving Outlot A, the Owner has executed and recorded this Declaration.

Tax #51-206-03-19-28-021-006 TERMS AND CONDITIONS  
+ Pt 51-206-03-19-28-021-007

1. Easement Area. The Owner hereby establishes a non-exclusive underground easement for the benefit of the record owner of Outlot A, and its respective heirs, successors, assigns, lessees and sublessees (all of whom are collectively referred to as the "Record Owner") for the purpose of installing, maintaining, repairing, and replacing, if necessary, the sanitary sewer line which extends from Outlot A through the Shopping Center and which is located as shown on the drawing annexed as Exhibit C.

2. Benefits and Burdens. The easement established by this Declaration benefits the Record Owner of Outlot A and shall run with Outlot A without need of conveyance.

The easement established by this Declaration shall burden and run with the Shopping Center and shall be binding upon the Record Owner of the Shopping Center.

3. Access to Easement Area. The Record Owner shall have the right of access upon the Shopping Center for the purpose of repairing, maintaining, and replacing, if necessary, the sewer line. Provided, however, all damage of every kind resulting from the exercise of the easement granted herein and the repair

SL-14489 (60)

maintenance, and replacement of the sewer line shall be repaired and restored immediately to the condition which existed immediately prior thereto.

4. Termination. The easement created by this Declaration shall be perpetual and subject to termination by the written agreement of the Record Owner of Outlot A and the Record Owner of the Shopping Center, recorded in the office of the Recorder of Deeds of Racine County, Wisconsin, in which case the recordation date shall be the effective termination date.

DATED: Sept 4, 1986.

LERNER BURLINGTON PARTNERSHIP, a  
Nebraska general partnership,

By Jay R. Lerner, Managing Partner

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) ss.:

The foregoing instrument was acknowledged before me this 4th day of SEPTEMBER, 1986, by Jay R. Lerner, Managing Partner of Lerner Burlington Partnership, a Nebraska general partnership, on behalf of the partnership.

Drafted by: SAL CARTA  
ATTORNEY

Dennis J. Madala  
Notary Public

my commission expires:  
1-18-88

Plumbing permits shall not be issued until the Bureau of Plumbing has received verification that a properly executed common ownership easement has been received for recording or has been recorded at the appropriate registrar of deeds.

RECEIVED  
SEP 5 1986  
PLUMBING SECTION

**EXHIBIT A**

**Lot 1 of Certified Survey Map No. 1174 recorded in the office of the Register of Deeds for Racine County, Wisconsin in Volume 3 of Certified Survey Maps, pages 440-443, Document No. 1208863, being a part of Lot 1 of Certified Survey Map No. 1101 recorded in Volume 3 of Certified Survey Maps, pages 249-252, Document No. 1183372, being a part of Section 28, Township 3 North, Range 19 East. Said land being in the City of Burlington, County of Racine and State of Wisconsin.**

EXHIBIT B

LEGAL DESCRIPTION

PART OF LOT 1, CSM NO. 1101, VOL. 3, P. 249-252, DOC. #1123372, CITY OF BURLINGTON, RACINE CO., WI., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 3/4" REBAR AT THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE ALONG THE EASTERLY R.O.W. OF STH "36" & "83", N 38°56'23" E, 366.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUING ALONG THE EASTERLY R.O.W. OF STH "36" & "83", N 38°56'23" E, 233.69 FEET TO A 3/4" DIA. REBAR;

THENCE CONTINUING ALONG SAID R.O.W., 168.21 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 5784.58 FEET, LONG CHORD BEARING N 38°06'22" E, 168.20 FEET AND A CENTRAL ANGLE OF 01°39'58", TO A 3/4" DIA. REBAR;

THENCE ALONG THE NORTHERLY LINE OF LOT 1, S 89°58'12" E, 577.53 FEET TO A 1" DIA. PIPE;

THENCE ALONG THE EASTERLY LINE OF LOT 1, S 18°01'33" W, 834.61 FEET;

THENCE N 51°03'37" W, 387.88 FEET;

THENCE N 38°56'23" E, 15.00 FEET;

THENCE N 51°03'37" W, 357.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. ABOVE PARCEL CONTAINS 3/8,748 SQUARE FEET OR 8.695 ACRES.

Plumbing permits shall not be issued until the Bureau of Plumbing has received verification that a properly executed common ownership easement has been received for recording or has been recorded at the appropriate registrar of deeds.

Register's Office  
 Racine County, Wis. } SS  
 Received for Record 14th day of November A.D. 1986 at 3:41 o'clock P. M. and recorded in Volume 1831 of heads on page 240-243

*Kelen M. Schuttler*  
 Register of Deeds

RECEIVED  
 SEP 5 1986  
 PLUMBING SECTION

1226610

Register's Office  
Racine County, Wis. } ss  
Received for Record 21st day of  
April A.D. 1987 at 1:47  
o'clock P.M. and recorded in Volume 1859  
of Records on page 225  
Heben M. Schuttler  
Register of Deeds

**FIRST AMENDMENT TO DECLARATION**

This is the First Amendment to the Declaration of Lerner Burlington Partnership, a Nebraska general partnership ("Declarant").

**PRELIMINARY STATEMENT**

On November 14, 1986 Declarant recorded a certain Declaration ("Declaration") which was recorded as Instrument No. 1211442 in Volume 1831 of Records on pages 240 to 243 inclusive in the records of the Register's Office of Racine County, Wisconsin. Exhibit C to the Declaration was inadvertently omitted from, not attached to, and not recorded with the Declaration. For the purpose of affixing Exhibit C to the Declaration, this First Amendment has been executed and recorded by the Declarant.

**TERMS AND CONDITIONS**

1. The Exhibit C annexed to this First Amendment is the true and correct copy of Exhibit C which is referred to in the Declaration and which was inadvertently omitted at the time the Declaration was recorded.
2. Except as amended by this First Amendment, the Terms and Provisions of the Declaration are hereby ratified and affirmed in all respects.

Dated as of April 17, 1987

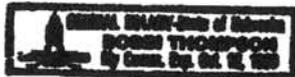
P.T.S. 51-26-03-1928-021-007  
206-03-19-28-021-006

LERNER BURLINGTON PARTNERSHIP

By [Signature]  
Title Managing Partner

STATE OF NEBRASKA }  
COUNTY OF DOUGLAS } ss.

The foregoing instrument was acknowledged before me this 17th day of April, 1987 by Jay R. Lerner, Managing Partner of Lerner Burlington Partnership, a Nebraska general partnership, on behalf of the partnership.



Bobbi Thompson  
Notary Public

This Instrument was prepared by Salvadore Carta

3650 04 21

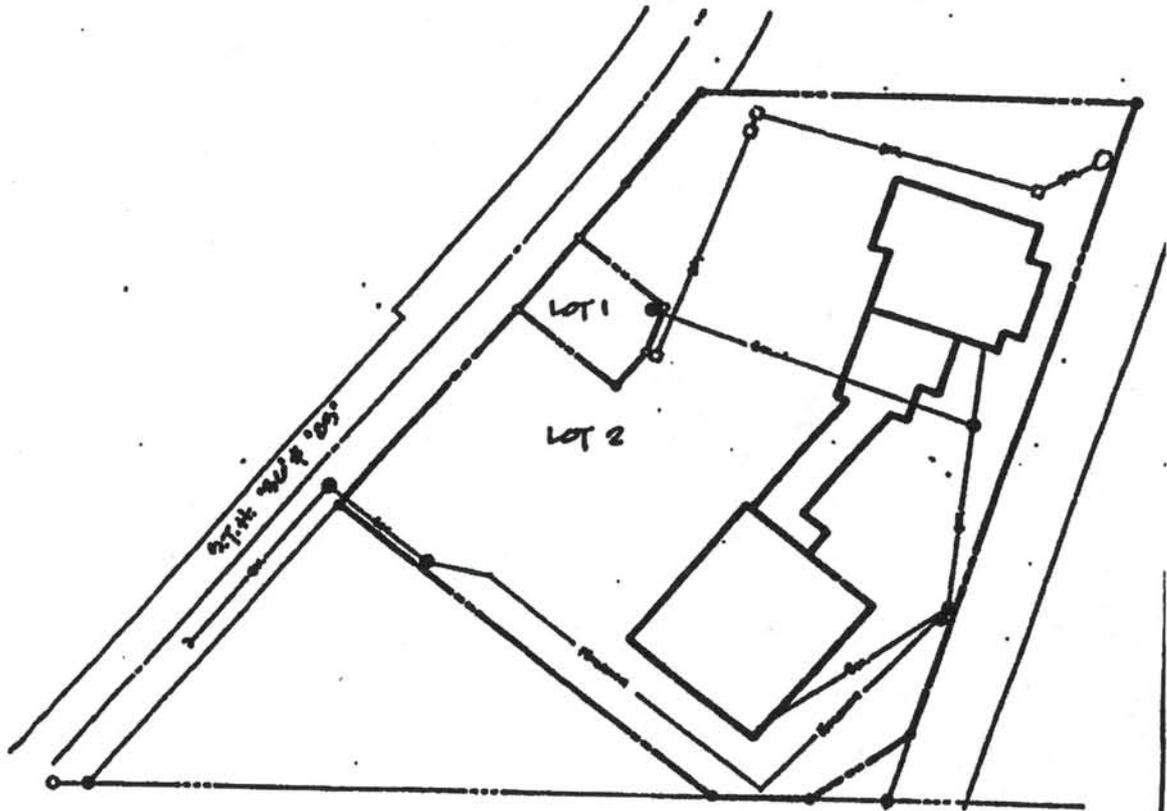
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Vol 1859 PAGE 225

D at V.B

**EXHIBIT C**



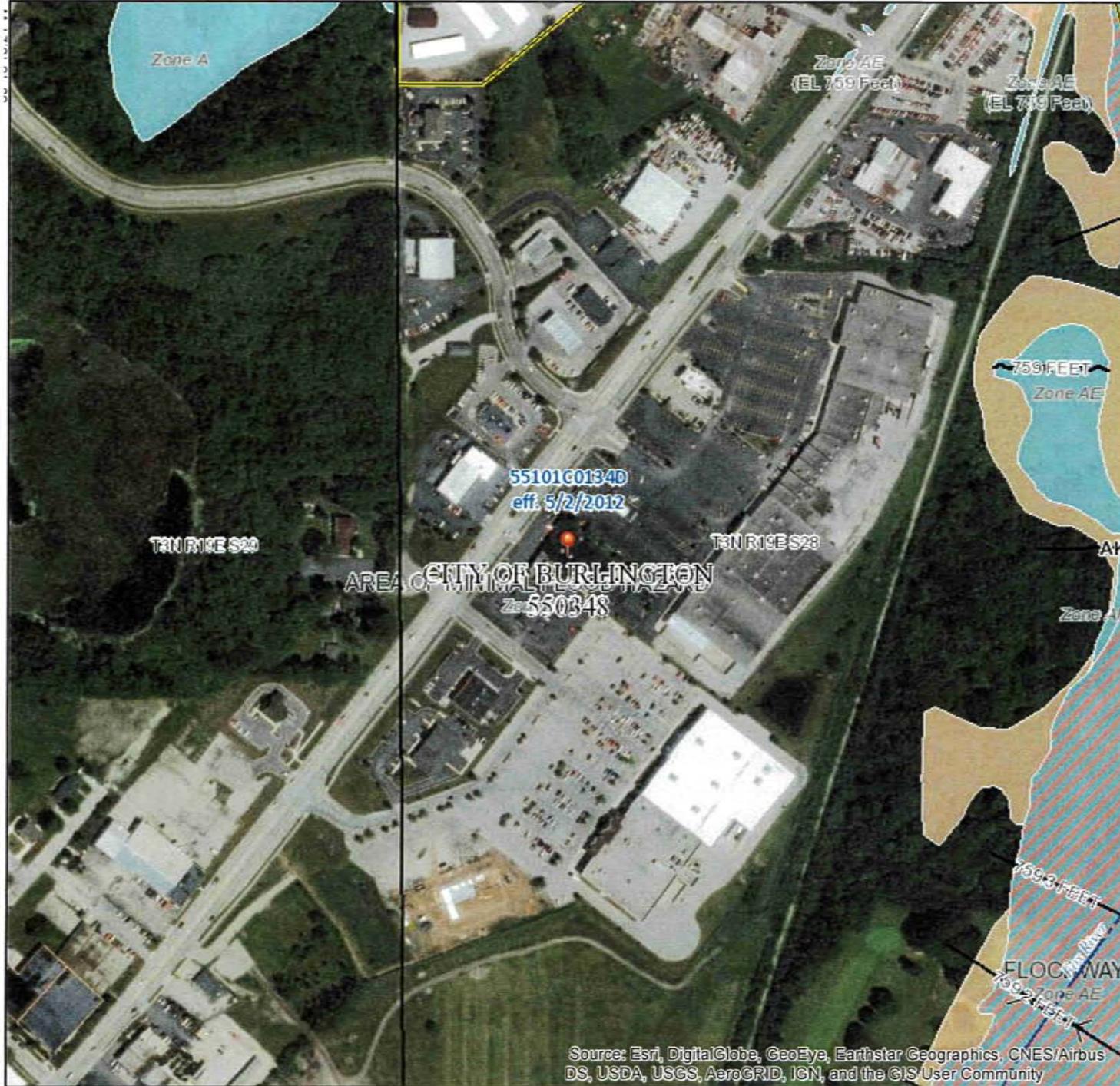
- LEGEND:**
-  STORM SEWER INLET
  -  SANITARY SEWER MANHOLE STRUCTURE
  -  SANITARY SEWER LINE
  -  STORM SEWER LINE
  -  FORCEMAIN LINE (SANITARY SEWER)
  -  BUILDING LOCATION



# National Flood Hazard Layer FIRMette



42°41'42.13"N



### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth
		Regulatory Floodway Zone AE, AO, AH, VE, AF
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone J
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone
OTHER FEATURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
MAP PANELS		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The base map shown complies with FEMA's base map accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/21/2018 at 11:18:56 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: base map imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**SYMBOL AND LINE LEGEND**

EXISTING / PROPOSED

⊗	⊗	VALVE VAULT	— W —	— W —	WATERMAIN PIPE
⊙	⊙	WATER B-BOX	— > —	— > —	STORM SEWER PIPE
■	■	WATER VALVE BOX	— >> —	— >> —	STORM UNDERDRAIN
⊕	⊕	FIRE HYDRANT	— ) —	— ) —	SANITARY SEWER PIPE
⊙	⊙	WELL HEAD	— IRR —	— IRR —	IRRIGATION SLEEVE/PIPING
⊕	⊕	FIRE DEPARTMENT CONNECTION	— E —	— E —	ELECTRICAL DUCT BANK
⊕	⊕	STORM INLET	— G —	— G —	NATURAL GAS LINE
⊙	⊙	STORM MANHOLE	— COM —	— COM —	COMMUNICATIONS LINE
⊙	⊙	CATCH BASIN	— CWS —	— CWS —	CHILLED WATER SUPPLY
⊙	⊙	STORM CLEANOUT	— CWR —	— CWR —	CHILLED WATER RETURN
⊕	⊕	DOWNSPOUT	— TV —	— TV —	TELEVISION CABLE
⊕	⊕	FLARED END SECTION	— UGW —	— UGW —	UNDERGROUND WIRE
⊙	⊙	SANITARY MANHOLE	— T —	— T —	TELEPHONE CABLE
⊙	⊙	SANITARY CLEANOUT	— FO —	— FO —	FIBER OPTIC CABLE
⊕	⊕	LIGHT POLE	— A —	— A —	AERIAL WIRES
⊙	⊙	TELEPHONE MANHOLE	— — —	— — —	CONSTRUCTION LIMITS
⊕	⊕	POWER POLE	— — —	— — —	PROPERTY LINE
⊕	⊕	GAS VALVE	— — —	— — —	EASEMENT LINE
⊕	⊕	GAS METER	— — —	— — —	VENT LINE
⊕	⊕	HAND HOLE	— HWL —	— HWL —	HIGH WATER LINE
⊕	⊕	MAIL BOX	— NWL —	— NWL —	NORMAL WATER LINE
⊙	⊙	ELECTRICAL MANHOLE	— ○ —	— ○ —	CHAIN LINK FENCE
⊕	⊕	CABLE TV PEDESTAL	— X —	— X —	BARBED-WIRE FENCE
⊕	⊕	TELEPHONE PEDESTAL	— ○ —	— ○ —	WOODEN FENCE
⊕	⊕	TRAFFIC OR STREET SIGN	— // —	— // —	SILT FENCE
⊕	⊕	SOIL BORING	⊕	⊕	DECIDUOUS TREE
⊕	⊕	SPOT ELEVATION	⊕	⊕	SHRUB OR BUSH
⊕	⊕	SURFACE FLOW	⊕	⊕	EVERGREEN TREE
⊕	⊕	100-YEAR OVERFLOW	⊕	⊕	

# FINAL ENGINEERING PLANS

FOR

# GMX BURLINGTON

LOT 1 - C.S.M. NO. 1217

1054-1066 MILWAUKEE AVE  
BURLINGTON, WI

## OWNER / DEVELOPER

GMX MIDLAND HOMEWOOD II, LLC.  
8044 MONTGOMERY RD., SUITE 370  
CINCINNATI, OH 45236  
CONTACT: DAVID WOODKE  
PH: 513-792-5000

## BENCHMARK

SOURCE BENCHMARK: (NAND 88)  
CONC. REFERENCE BENCHMARK WITH MONUMENT NW. COR. OF SW 1/4 SEC. 28, T3N,  
R1E. ELEVATION=797.92  
SITE BENCHMARK:  
NW FLANGE BOLT ON HYDRANT LOCATED ALONG MILWAUKEE AVE NEAREST TO SITE  
ENTRANCE. ELEVATION=792.87

## DUTY TO INDEMNIFY

THE CONTRACTOR SHALL DEFEND, INDEMNIFY, KEEP AND SAVE HARMLESS THE MUNICIPALITY, OWNER, AND ENGINEER, AND THEIR RESPECTIVE BOARD MEMBERS, REPRESENTATIVES, AGENTS AND EMPLOYEES, IN BOTH INDIVIDUAL AND OFFICIAL CAPACITIES, AGAINST ALL SUITS, CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING ATTORNEY'S FEES, CAUSED BY, GROWING OUT OF, OR INCIDENTAL TO, THE PERFORMANCE OF THE WORK UNDER THE CONTRACT BY THE CONTRACTOR OR ITS SUBCONTRACTORS TO THE FULL EXTENT AS ALLOWED BY THE LAWS OF THE STATE OF ILLINOIS AND NOT BEYOND ANY EXTENT WHICH WOULD RENDER THESE PROVISIONS VOID OR UNENFORCEABLE. THIS OBLIGATION INCLUDES BUT IS NOT LIMITED TO, THE ILLINOIS LAWS REGARDING STRUCTURAL WORK (IL REV. STAT. CH. 48, PAR.60 AT SEQ.), AND REGARDING THE PROTECTION OF ADJACENT LANDOWNERS (IL REV. STAT. CH.17 1/2 PAR.51 ET. SEQ.). IN THE EVENT OF ANY SUCH INJURY (INCLUDING DEATH) OR LOSS OR DAMAGE, OR CLAIMS THEREFORE, THE CONTRACTOR SHALL GIVE PROMPT NOTICE TO THE OWNER.

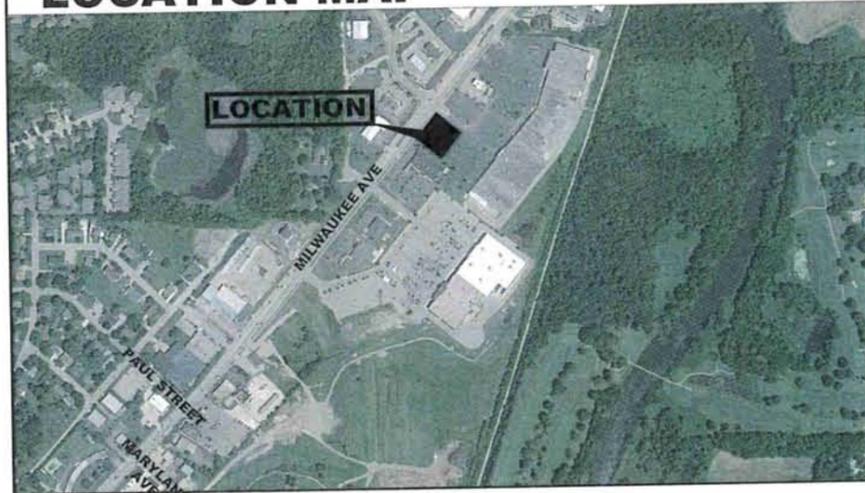
## NOTES

1. SITE ACCESS CONTROL INCLUDING SAFETY FENCES AND TRAFFIC CONTROL, ALL CONSTRUCTION MEANS AND METHODS, AND SITE SAFETY ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
2. THE CONTRACTORS SHALL NOTIFY ALL UTILITY COMPANIES FOR FIELD LOCATIONS OF THEIR FACILITIES PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE MAINTENANCE AND PRESERVATION OF THESE FACILITIES. ALL UTILITIES SHOWN IN THE PLANS ARE FROM RECORDS OR FIELD OBSERVABLE INFORMATION LOCATED BY SURVEYOR. ANY UTILITY LOCATIONS SHOWN SHALL BE VERIFIED BY THE CONTRACTOR IN THE FIELD.

### Sheet List Table

Sheet Number	Sheet Title
C0	TITLESHEET
C1	PRELIMINARY SITE PLAN
C2	PRELIMINARY UTILITY PLAN
C3	PRELIMINARY GRADING AND EROSION PLAN
E1.0	LIGHTING PHOTOMETRICS PLAN

## LOCATION MAP



No.	DATE	DESCRIPTION
1	5/15/18	PRELIMINARY ENGINEERING



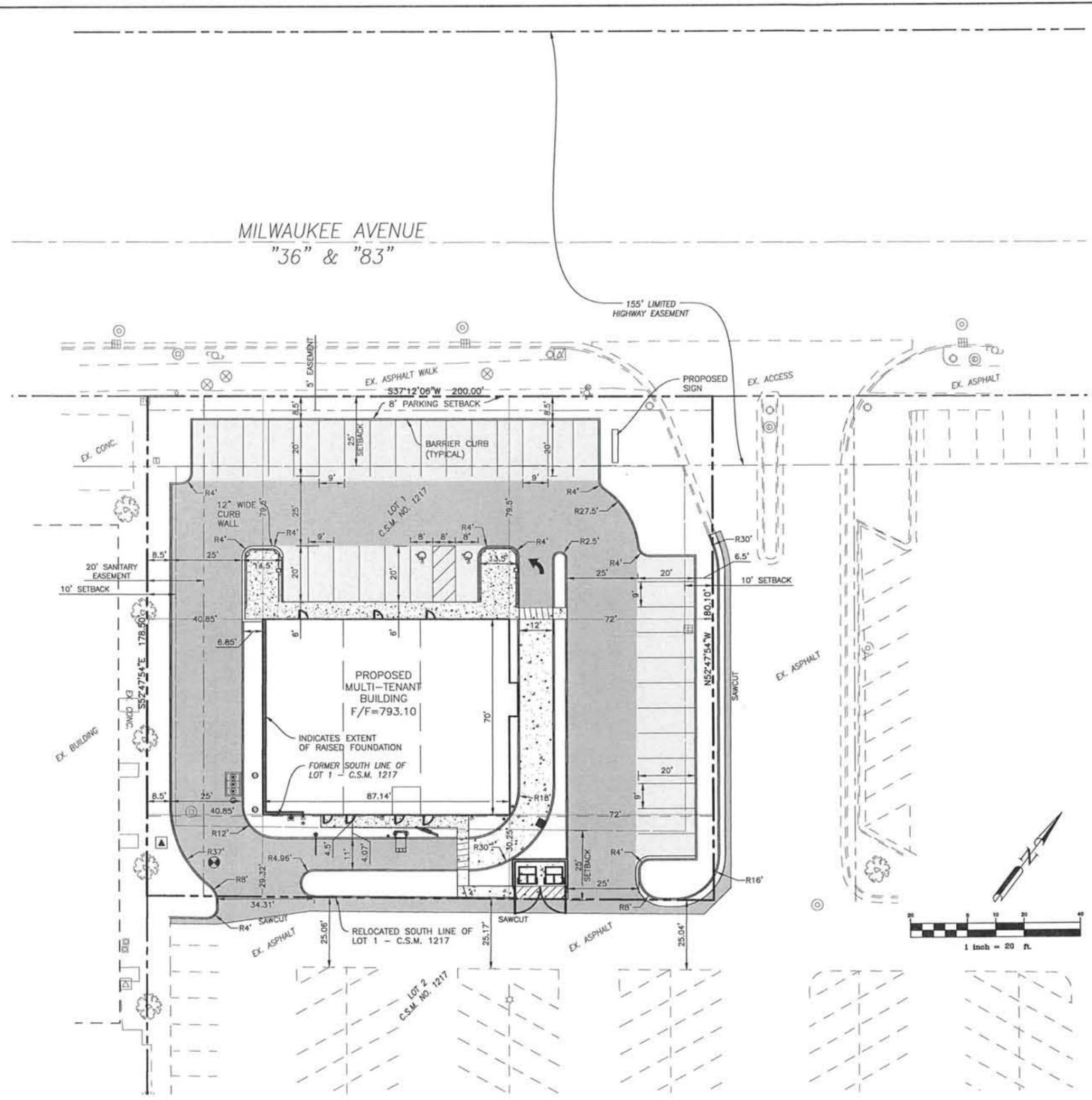
TITLESHEET

PROJECT NAME  
GMX BURLINGTON  
BURLINGTON, WI  
1054-1066 MILWAUKEE AVE BURLINGTON, WI

PROJECT No.  
**18.GMX.C03**  
SHEET No.  
**C0**  
OF 4 SHEETS



Know what's below.  
Call before you dig.



**PERVIOUS / IMPERVIOUS AREA**

SITE AREAS	SF	AC
EXISTING PERVIOUS	5,172	0.119
EXISTING IMPERVIOUS	30,718	0.705
TOTAL	35,890	0.824
PROPOSED PERVIOUS	7,578	0.174
PROPOSED IMPERVIOUS	28,312	0.650
TOTAL	35,890	0.824

**PARKING SUMMARY**

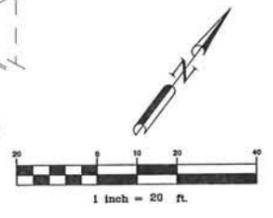
DESCRIPTION	PROP
REGULAR STALLS (9'X18')	33
HANDICAP STALLS (16'X18')	2
TOTAL	35

**LEGEND**

- CONCRETE SIDEWALK
- CONCRETE PAVEMENT
- HEAVY DUTY PAVEMENT
- LIGHT DUTY PAVEMENT
- LANDSCAPE AREA
- CURB AND GUTTER CURB UNLESS NOTED OTHERWISE  
CURB AND GUTTER DEPRESSED  
REVERSE PITCH GUTTER  
BARRIER CURB
- PARKING STALL COUNT
- SIGN AND STRIPING CALLOUT
- HANDICAP RAMP PER ADA REQUIREMENTS AND MUNICIPAL DETAILS
- SEE LIGHTING PLAN BY OTHERS

**NOTES:**

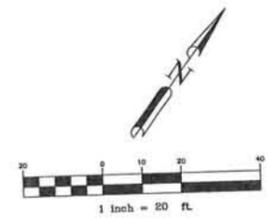
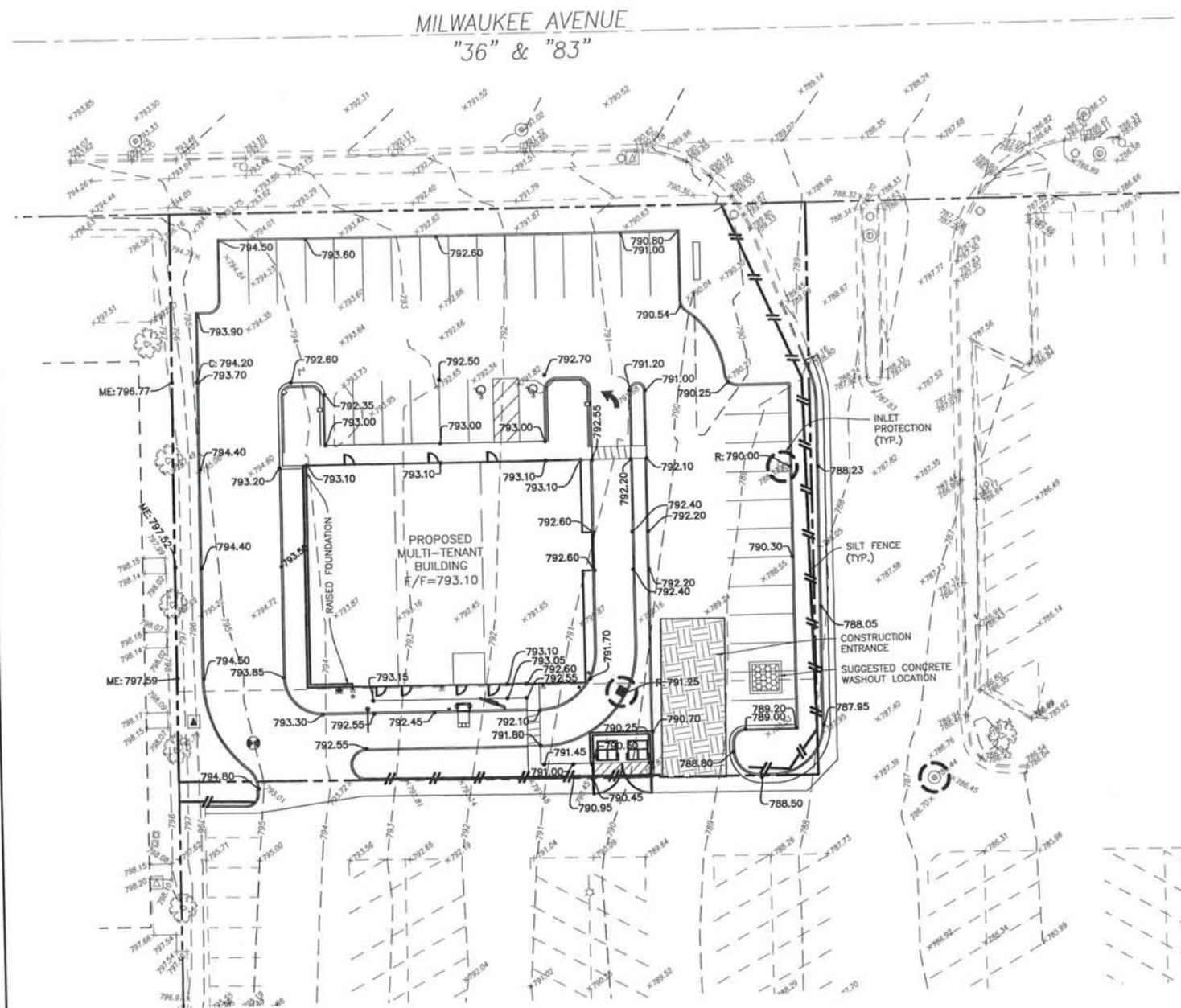
- ALL DIMENSIONS ALONG CURB LINES ARE TO FACE OF CURB, UNLESS NOTED OTHERWISE.
- BUILDING SHOWN ON THESE PLANS ARE BASED UPON THE BUILDING PLANS PROVIDED BY OTHERS AT THE DATE OF THESE PLANS BEING PREPARED. BUILDING PLANS NORMALLY CONTINUE TO CHANGE AFTER SITE PLANS HAVE BEEN APPROVED. THEREFORE THE CONTRACTOR SHALL USE THE BUILDING PLANS FOR FINAL BUILDING IMPROVEMENTS, AND VERIFY THAT ALL ADJACENT IMPROVEMENTS ARE CONSISTENT WITH THE DESIGN INTENT AND REQUIREMENTS OF THE SITE PLANS. THE CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF CLARIFICATION IS NEEDED, OR IF CONFLICTS OR INCONSISTENCIES EXIST.
- TOPOGRAPHIC SURVEY PREPARED BY CHAPUT LAND SURVEYS, LLC. DATED MAY 11, 2018.
- DIMENSIONS ARE SUGGESTED DIMENSIONS. CONTRACTOR SHALL MEET ALL OSHA TRENCH REQUIREMENTS AND ADJUST DIMENSIONS ACCORDINGLY. MINIMUM DISTURBANCE SHALL BE APPLIED.
- SEE ARCHITECTURAL DRAWINGS FOR DIRECTIONAL SIGNAGE AND DRIVE THROUGH EQUIPMENT.



DESCRIPTION	DATE	NO.	DESCRIPTION	DATE	NO.
PRELIMINARY SUBMITTAL	5/18/18				
<b>PRELIMINARY SITE PLAN</b>					
PROJECT NAME: <b>GMX BURLINGTON BURLINGTON, WI</b> 1054-1066 MILWAUKEE AVE BURLINGTON, WI					
PROJECT No. <b>18.GMX.C03</b> SHEET No. <b>C1</b> OF 4 SHEETS					



User: matt.whaler File: J:\2018 Projects\18.GMX.C03.GMX Burlington, WI\02-2WC\01-Preliminary\02-Sheets\Preliminary Grad - Eros Plan.dwg Time: May 18, 2018 - 12:31 pm



**LEGEND**

	50' X 20' CONSTRUCTION ENTRANCE
	SILT FENCE
	CONCRETE WASHOUT FACILITY
	INLET PROTECTION
	EXISTING GRADE
	PROPOSED GRADE

**GRADING NOTES:**

1. PROPOSED ELEVATIONS SHOWN ON PROPOSED CURB LINES ARE FLOW LINE ELEVATIONS UNLESS NOTED OTHERWISE. ADD 0.50' TO OBTAIN TOP OF CURB ELEVATIONS. HOWEVER, PLEASE KEEP IN MIND THAT ALL CURBS ARE NOT 0.50' TALL. PAY CLOSE ATTENTION TO ALL CURB TRANSITIONS. IN THESE AREAS THE CURB HEIGHTS ARE VARIABLE.
2. A CONSTANT SLOPE SHALL BE MAINTAINED BETWEEN SPOT GRADES.
3. RIM GRADES ALONG CURBS ARE FLOW LINE ELEVATIONS.
4. TOPOGRAPHIC SURVEY PREPARED BY CHAPUT LAND SURVEYS, LLC., DATED MAY 11, 2018.
5. HANDICAP SPACES SHALL NOT EXCEED 2% SLOPE IN ALL DIRECTIONS.
6. SIDEWALK TO BE USED AS A HANDICAP ACCESSIBLE ROUTE, SHALL HAVE A MAXIMUM CROSS SLOPE OF 2% AND A MAXIMUM LONGITUDINAL SLOPE OF 5%.

**SOIL EROSION AND SEDIMENT CONTROL NOTES:**

1. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO CONSTRUCTION.
2. INLET PROTECTION SHALL BE INSTALLED AT EACH DRAINAGE STRUCTURE THAT ACCEPTS WATER ONCE THAT STRUCTURE IS ABLE TO RECEIVE WATER.
3. ALL ROADS INCLUDING ADJACENT ROADWAYS, SWALES, DRAINAGE STRUCTURES, MANHOLES AND PIPES MUST BE KEPT CLEAN AND FREE OF DIRT, SILT AND DEBRIS AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD ADJUSTING THE LOCATION OF THE EROSION MEASURES TO ACCOMMODATE CONSTRUCTION ACTIVITIES. RELOCATED MEASURES SHALL BE PLACED TO PREVENT SILT FROM RUNNING OFF THE SITE OR INTO FINISHED GRADED AREAS. MEASURES SHALL BE RELOCATED BACK TO ORIGINAL LOCATION AS NECESSARY AFTER CONSTRUCTION ACTIVITY IN THE EFFECTED AREA IS COMPLETED.
5. AFTER PERMANENT GROUND COVER IS ESTABLISHED THROUGHOUT THE SITE, THE ACCUMULATED SEDIMENT SHALL BE REMOVED FROM COLLECTION AREAS, AND ALL STORM SEWER PIPES AND STRUCTURES.
6. SEE LANDSCAPE PLANS FOR PERMANENT VEGETATION REQUIREMENTS.
7. TEMPORARY STOCKPILE SHALL BE SEEDDED IF UNDISTURBED FOR MORE THAN 14 DAYS.
8. ALL ACCESS TO AND FROM THE CONSTRUCTION SITE IS RESTRICTED TO THE CONSTRUCTION ENTRANCE.
9. ALL TEMPORARY AND PERMANENT EROSION AND SEDIMENT CONTROL PRACTICES MUST BE MAINTAINED AND REPAIRED AS NEEDED TO ASSURE EFFECTIVE PERFORMANCE OF THEIR INTENDED FUNCTION.
10. MAJOR AMENDMENTS OF THE SITE DEVELOPMENT OR EROSION AND SEDIMENTATION CONTROL PLANS SHALL BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO BE APPROVED IN THE SAME MANNER AS THE ORIGINAL PLANS.
11. ANY SEDIMENT REACHING A PUBLIC OR PRIVATE ROAD SHALL BE REMOVED BY SHOVELING OR STREET CLEANING (NOT FLUSHING) BEFORE THE END OF EACH WORKDAY AND TRANSPORTED TO A CONTROLLED SEDIMENT DISPOSAL.
12. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE DISPOSED OF WITHIN 30 DAYS AFTER THE FINAL SITE STABILIZATION IS ACHIEVED WITH PERMANENT SOIL STABILIZATION MEASURES.
13. DISTURBED AREAS SHALL BE STABILIZED WITH TEMPORARY OR PERMANENT MEASURES WITHIN 7 CALENDAR DAYS FOLLOWING THE END OF ACTIVE DISTURBANCE OR REDISTURBANCE.
14. IF DEWATERING DEVICES ARE USED, DISCHARGE LOCATIONS SHALL BE PROTECTED FROM EROSION. ALL PUMPED DISCHARGES SHALL BE ROUTED THROUGH APPROPRIATELY DESIGNED SEDIMENT TRAPS OR BASINS.
15. THE CONTRACTOR SHALL TAKE THE NECESSARY STEPS TO CONTROL WASTE SUCH AS DISCARDED BUILDING MATERIALS, CONCRETE TRUCK WASHOUT, CHEMICALS, LITTER AND SANITARY WASTE AT THE CONSTRUCTION SITE THAT MAY CAUSE ADVERSE IMPACTS TO WATER QUALITY.
16. ALL STORM SEWER FRAMES AND GRATES/LIDS SHALL BE MARKED WITH "DUMP NO WASTE" AND "DRAINS TO CREEK".
17. A NOTICE OF INTENT MUST BE SUBMITTED TO THE NPDES PERMITTING AUTHORITY AND POSTMARKED AT LEAST 30 DAYS BEFORE COMMENCEMENT OF ANY WORK ON-SITE FOR ALL CONSTRUCTION SITES OVER AN ACRE. INCLUDED IN THE NOI SHALL BE THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP), WHICH INCLUDES THE APPROPRIATE BMP'S TO MINIMIZE THE DISCHARGE OF POLLUTANTS FROM THE CONSTRUCTION SITE.
18. AN INCIDENT OF NON-COMPLIANCE (ION) MUST BE COMPLETED AND SUBMITTED TO WDNR IF, AT ANY TIME, AN EROSION OR SEDIMENT CONTROL DEVICES FAILS.
19. A NOTICE OF TERMINATION (NOT) MUST BE COMPLETED AND SUBMITTED TO THE WDNR WHEN ALL PERMANENT EROSION CONTROL MEASURES ARE IN PLACE WITH A 70% ESTABLISHMENT OF VEGETATION.
20. CONTRACTOR TO INCLUDE MIN. 3" RIP RAP AT BUILDING'S ABOVE GROUND PRIMARY STORM PIPE POINT OF DISCHARGE.

CONSTRUCTION SEQUENCE AND RESPONSIBLE CONTRACTOR	CONTRACTOR			
	GRADING CONTRACTOR	UNDERGROUND CONTRACTOR	PAVING CONTRACTOR	LANDSCAPE CONTRACTOR
1. INSTALL SEDIMENT CONTROL MEASURES -DITCH CHECKS -EROSION CONTROL FENCE -SEDIMENT BASIN -STABILIZED CONSTRUCTION ENTRANCE -TEMPORARY SWALES -SPECIFIED STORM SEWER LINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. GRADE SITE/STOCKPILE TOPSOIL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. INSTALL STORMWATER MANAGEMENT MEASURES -STORM SEWER -SEDIMENT TRAP (INLET PROTECTION) -DITCH/SWALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. TEMPORARY VEGETATIVE STABILIZATION -CONTROL MEASURES -TEMPORARY SEEDING -DITCH/SWALES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. INSTALL ROAD SUBGRADE -AGGREGATE COVER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. SITE CONSTRUCTION WORK -CURB AND CUTTER -PAVING (WALKS & BIKEPATHS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. VEGETATIVE COVER ON ALL AREAS TO BE EXPOSED LONGER THAN 60 DAYS -TEMPORARY SEEDING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. SURFACE ROADS -PAVING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. PERMANENT VEGETATIVE STABILIZATION OF ALL EXPOSED AREAS -PERMANENT SEEDING -SODDING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. INSTALL PERMANENT LANDSCAPING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. PERFORM CONTINUING MAINTENANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PROJECT NAME	18.GMX.C03
PROJECT No.	18.GMX.C03
SHEET No.	C3
OF 4 SHEETS	

PRELIMINARY GRADING AND EROSION PLAN

GMX BURLINGTON

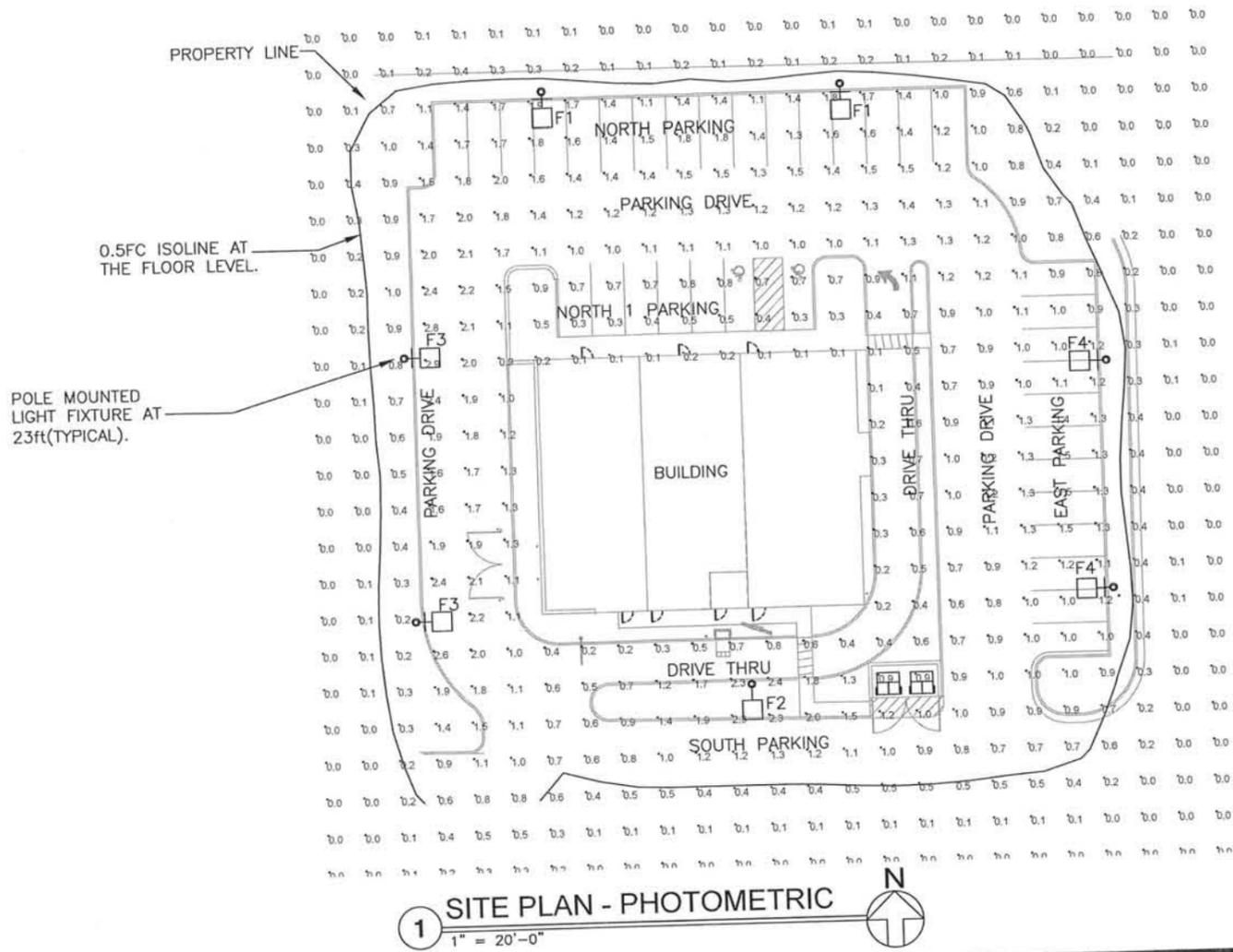
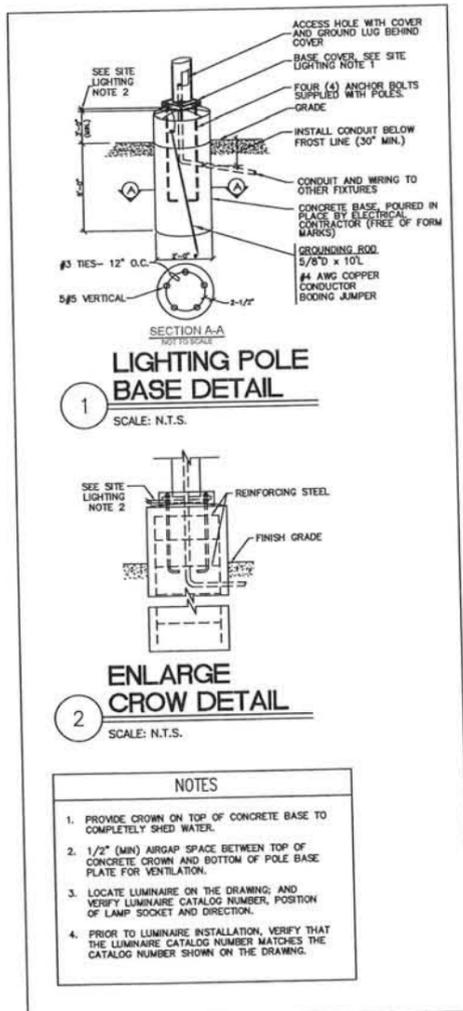
1054-1066 MILWAUKEE AVE BURLINGTON, WI

Artm engineering consultants  
601 E. Algonquin Rd., Ste. 200 Schaumburg, IL 60193 T: 815.399.1100 www.artm.com

No.	DATE	DESCRIPTION
5/18/18		PRELIMINARY ENGINEERING

PARKING AREA STATISTICS					
Description	Avg	Max	Min	Max/Min	Avg/Min
PARKING	1.3fc	2.2fc	0.3fc	7.3:1	4.3:1
ALL SITE	0.7fc	2.9fc	0.0fc	N/A	N/A
NORTH PARKING 1	0.6fc	0.8fc	0.3fc	2.7:1	2.0:1
NORTH PARKING	1.5fc	2.0fc	1.2fc	1.7:1	1.3:1
EAST PARKING	1.2fc	1.5fc	0.8fc	1.9:1	1.5:1
PARKING DRIVE	1.3fc	2.9fc	0.2fc	14.5:1	6.5:1
DRIVE THRU	0.6fc	2.3fc	0.1fc	23.0:1	6.0:1

LIGHTING FIXTURE SCHEDULE								NOTES
FIXTURE TAG	SYMBOL	MANUFACTURER	MODEL NUMBER	LAMPS	VOLTAGE	WATTAGE	MOUNTING	
F1	☉	PHILLIPS	ECF-4-75LA-4853-NW ECOFORM (PROVIDE POLE AND HEAD SAMPLE OF BLACK AND BRONZE COLORS FROM THE MANUFACTURER FOR OWNER FINAL SELECTION)	LED 9086lm/EACH 4000K-70CRI	208V	77.4W	POLE	(1) POLE LIGHT, 23FT POLE, WITH 1 POLE HEAD, DRILLING PATTERN AS REQUIRED BY POLE HEAD, BLACK OR BRONZE IN COLOR AS SELECTED BY OWNER (PROVIDE MANUFACTURER COLOR SAMPLE). PROVIDE 20FT POLE WITH VIBRATION DAMPERS AND GROUND LUG CONNECTION. POLE SHALL WITHSTAND WEIGHT AND E.P.A FOR 90M WIND. POLE REQUIRE IN-LINE FUSING
F2	☉	PHILLIPS	ECF-2-55LA-3253-NW ECOFORM-IS (PROVIDE POLE AND HEAD SAMPLE OF BLACK AND BRONZE COLORS FROM THE MANUFACTURER FOR OWNER FINAL SELECTION)	LED 6294lm/EACH 4000K-70CRI	208V	51.6W	POLE	(1) POLE LIGHT, 23FT POLE, WITH 1 POLE HEAD, DRILLING PATTERN AS REQUIRED BY POLE HEAD, BLACK OR BRONZE IN COLOR AS SELECTED BY OWNER (PROVIDE MANUFACTURER COLOR SAMPLE). PROVIDE 20FT POLE WITH VIBRATION DAMPERS AND GROUND LUG CONNECTION. POLE SHALL WITHSTAND WEIGHT AND E.P.A FOR 90M WIND. POLE REQUIRE IN-LINE FUSING
F3	☉	PHILLIPS	ECF-2-55LA-3253-NW ECOFORM-IS (PROVIDE POLE AND HEAD SAMPLE OF BLACK AND BRONZE COLORS FROM THE MANUFACTURER FOR OWNER FINAL SELECTION)	LED 6294lm/EACH 4000K-70CRI	208V	51.6W	POLE	(1) POLE LIGHT, 23FT POLE, WITH 1 POLE HEADS, DRILLING PATTERN AS REQUIRED BY POLE HEAD, BLACK OR BRONZE IN COLOR AS SELECTED BY OWNER (PROVIDE MANUFACTURER COLOR SAMPLE). PROVIDE 20FT POLE WITH VIBRATION DAMPERS AND GROUND LUG CONNECTION. POLE SHALL WITHSTAND WEIGHT AND E.P.A FOR 90M WIND. POLE REQUIRE IN-LINE FUSING
F4	☉	PHILLIPS	ECF-4-55LA-3253-NW ECOFORM-IS (PROVIDE POLE AND HEAD SAMPLE OF BLACK AND BRONZE COLORS FROM THE MANUFACTURER FOR OWNER FINAL SELECTION)	LED 6294lm/EACH 4000K-70CRI	208V	51.6	POLE	(1) POLE LIGHT, 23FT POLE, WITH 1 POLE HEADS, DRILLING PATTERN AS REQUIRED BY POLE HEAD, BLACK OR BRONZE IN COLOR AS SELECTED BY OWNER (PROVIDE MANUFACTURER COLOR SAMPLE). PROVIDE 20FT POLE WITH VIBRATION DAMPERS AND GROUND LUG CONNECTION. POLE SHALL WITHSTAND WEIGHT AND E.P.A FOR 90M WIND. POLE REQUIRE IN-LINE FUSING

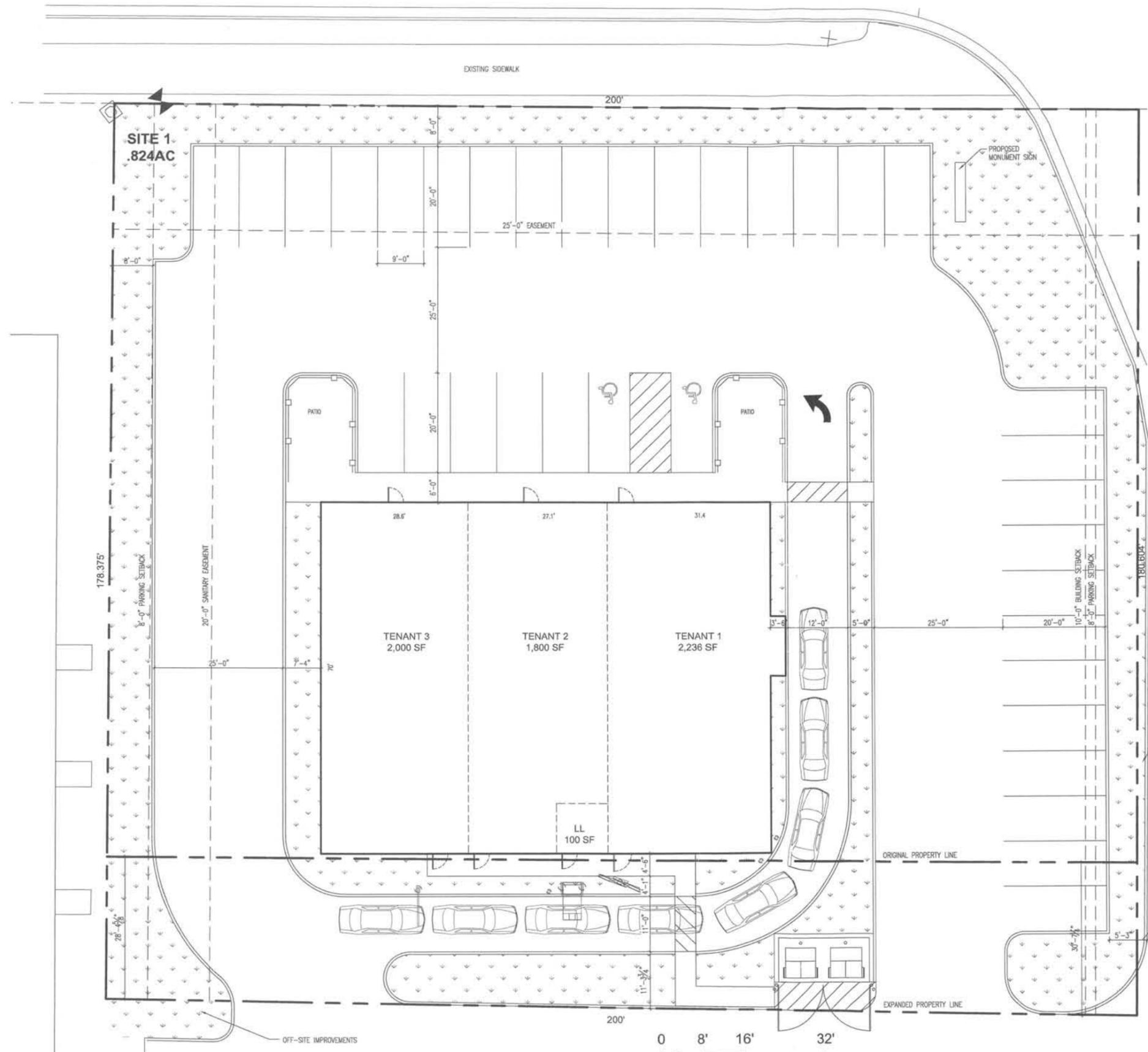




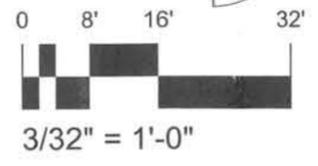
MILWAUKEE AVE.

DEVELOPER	ARCHITECT	CIVIL ENGINEER
ANDREW GOODMAN GMX REAL ESTATE GROUP, LLC 3000 DUNDEE RD. SUITE 408 NORTHBROOK, IL 60062 P: 847.680.8600 EXT 302 E: ASG@GMXRE.COM	MIKE COLOMBO JTS ARCHITECTS 450 E HIGGINS RD. SUITE 202 ELK GROVE VILLAGE, IL 60007 P: 847.952.9970 E: MCOLOMBO@JTSARCH.COM	SCOTT DIGILIO RTM ASSOCIATES 650 E ALGONQUIN RD. SUITE 250 SCHAUMBURG, IL 60173 P: 312.216.0538 E: SCOTT.DIGILIO@RTMSSOCIATES.COM

SITE INFORMATION	
AREA:	±.824 AC
ZONE:	B1
LSR:	22.1%
INCL. OFF SITE IMPRV.	
BUILDING DATA	
TENANT 1:	2,236 SF
TENANT 2:	1,800 SF
TENANT 3:	2,000 SF
LANDLORD:	100 SF
TOTAL:	6,136 SF
PARKING DATA	
REQUIRED:	96 STALLS
(PROPOSED):	54 STALLS
PROVIDED:	35 STALLS
(INCL. ADA)	
REQUIRED PARKING PER CITY	
RESTAURANTS	20 STALLS/1000 SF
(PROPOSED)	10 STALLS/1000 SF
RETAIL	5 STALLS/1000 SF



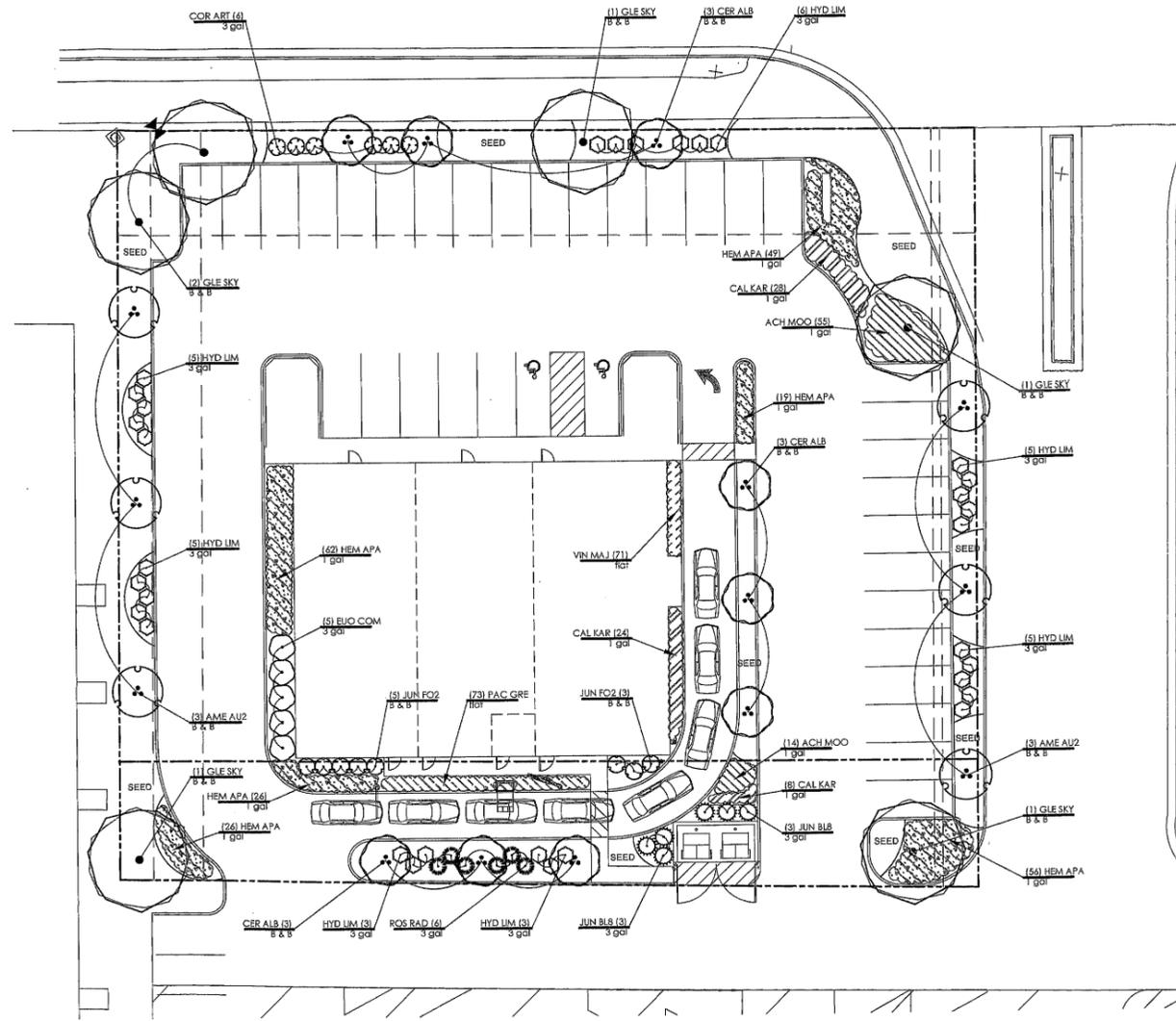
1 ARCHITECTURAL SITE PLAN  
Scale: 3/32" = 1'-0"



These documents in this form, electronic media, are being provided as a preliminary design. The information contained herein is preliminary and may only be used for the purpose of obtaining a permit. All dimensions are approximate and subject to change without notice. The user shall assume all responsibility for any consequences resulting from the use of this information. The user shall assume all responsibility for any consequences resulting from the use of this information. The user shall assume all responsibility for any consequences resulting from the use of this information.



	Types of Plants Required	Minimum Quantity of Each Plant Type Required Per 100 feet of Buferyard Length	Property Boundary Length (feet)	Types of Plants Provided
Northwest Yard	Canopy/Shade Trees	0.7	200	2
	Understory Trees	1.4		3
	Shrubs	5.6		12
Northeast Yard	Canopy/Shade Trees	0.7	180.604	1
	Understory Trees	1.4		3
	Shrubs	5.6		10
Southeast Yard	Canopy/Shade Trees	0.7	200	2
	Understory Trees	1.4		3
	Shrubs	5.6		12
Southwest Yard	Canopy/Shade Trees	0.7	178.375	1
	Understory Trees	1.4		3
	Shrubs	5.6		10



**PLANT SCHEDULE**

TREES	BOTANICAL NAME / COMMON NAME	CONT	SIZE	QTY
AME AU2	Amelanchier canadensis "Autumn Brilliance" / Autumn Brilliance Serviceberry	B & B	2.5" Cal	6
CER ALB	Cercis canadensis "Alba" / White Eastern Red Bud	B & B	2.5" Cal	9
GLE SKY	Gleditsia triacanthos "Skyline" / Skyline Honey Locust	B & B	2.5" Cal	6
SHRUBS	BOTANICAL NAME / COMMON NAME	CONT	SIZE	QTY
COR ART	Cornus sericea "Artic Fire" / Artic Fire Dogwood	3 gal	24" H	6
EUC COM	Buonymus alatus "Compactus" / Compact Burning Bush	3 gal	36" H	5
HYD LIM	Hydrangea paniculata "Limelight" TM / Limelight Hydrangea	3 gal	24" H	32
JUN FO2	Juniperus chinensis "Sea Green" / Sea Green Juniper	B & B	24" H	8
JUN BL8	Juniperus virginiana "Blue Mountain" / Blue Mountain Juniper	3 gal	36" H	6
ROS RAD	Rosa x "Knockout" TM / Rose	3 gal	24" H	6
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
ACH MOO	Achillea x "Moonshine" / Moonshine Yarrow	1 gal	24" o.c.	69
CAL KAR	Calamagrostis x acutiflora "Karl Foerster" / Feather Reed Grass	1 gal	24" o.c.	60
HEM APA	Hemerocallis x "Chicago Apache" / Chicago Apache Daylily	1 gal	24" o.c.	238
PAC GRE	Pachysandra terminalis "Green Carpet" / Japanese Spurge	flat	18" o.c.	73
VIN MAJ	Vinca major / Periwinkle	flat	12" o.c.	71
SEED	Bluegrass, Rye and Fescue Blend with Blanket	4,400 sf		

REV.	COMMENT

SEAL:



DATE: 5/15/2018  
JOB NO.: 18-378N  
DRAWN BY: CE  
CHECKED BY: TS

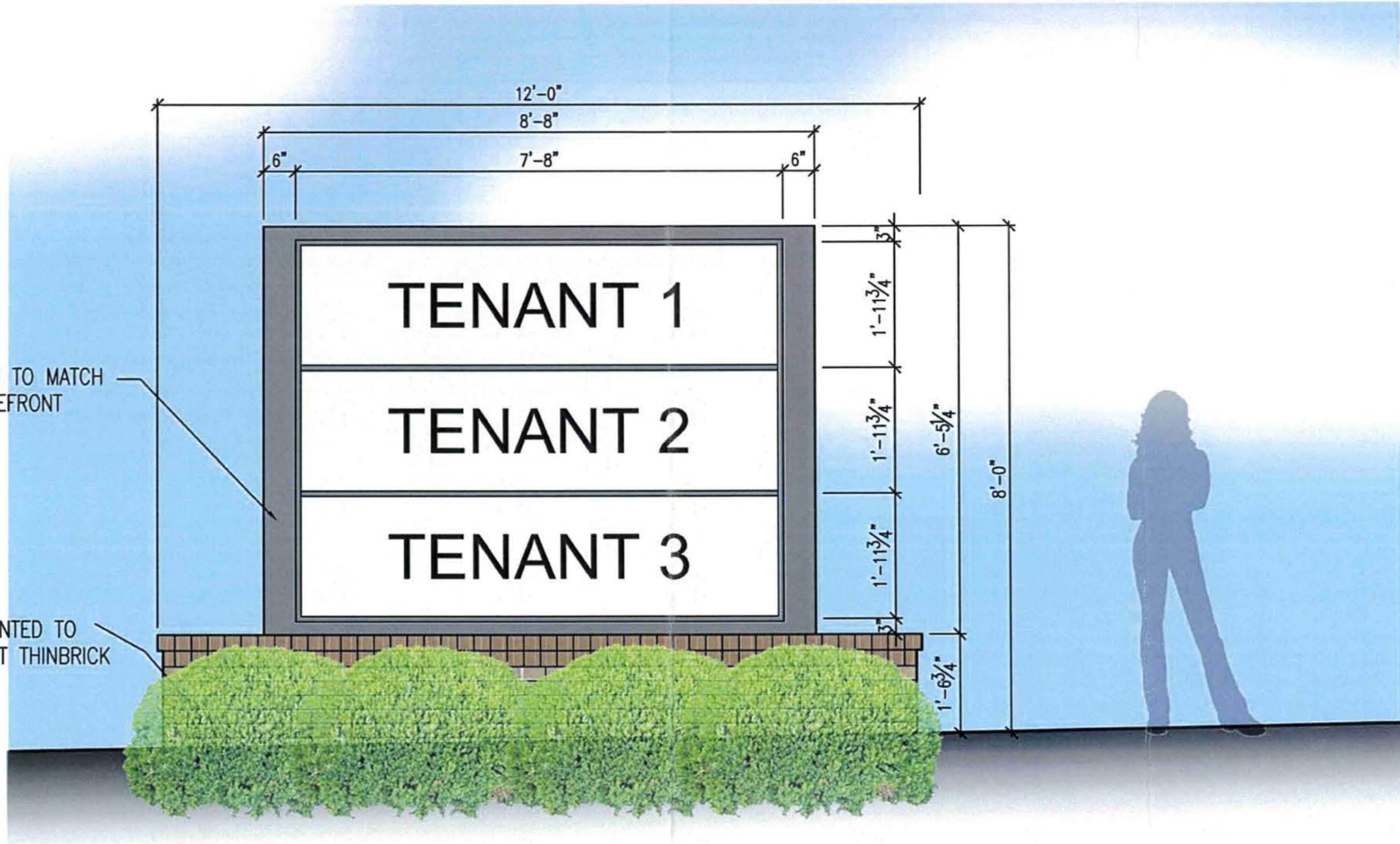
DRAWING TITLE:  
**LANDSCAPE PLAN**

SHEET NO.:  
**LP-100**



NEW ALUMINUM SIGN TO MATCH  
MULTI-TENANT STOREFRONT  
SYSTEM.

BRICK PEDESTAL PAINTED TO  
MATCH MULTI-TENANT THINBRICK





Sign Area (Front/Rear):

Tenant 1	44 SF
Tenant 2	38 SF
Tenant 3	40 SF

Northwest

Sign Area (Sides):

Tenant 1/3	98 SF
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Southwest



Southwest

EIFS STONE



Northeast

BRICK CEMENT BOARD SIDING

Note:  
 Signage conforms to city code (1.4 x Frontage = Maximum Area).  
 Size and shape of sign may vary based on tenant prototypical signage.

GMX Burlington Landscape Budget				Date prepared: 5/15/2018
<b>PRELIMINARY BUDGET/COST ALLOWANCE</b>				
<b>Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Total Cost</b>
<b>A. SITE ELEMENTS</b>				
<b>LANDSCAPE RESTORATION</b>				
Furnish & Install Shade Tree	6	EA	\$ 450.00	\$ 2,700
Furnish & Install Ornamental Tree	12	EA	\$ 300.00	\$ 3,600
Furnish & Install Deciduous Shrubs	49	EA	\$ 40.00	\$ 1,960
Furnish & Install Evergreen Shrubs	11	EA	\$ 40.00	\$ 440
Furnish & Install Perennials	466	EA	\$ 15.00	\$ 6,990
Furnish & Install Grasses	71	EA	\$ 15.00	\$ 1,065
Seed (Bluegrass, Rye and Fescue with Blanket)	5,100	SF	\$ 0.50	\$ 2,550
Contingency	1	LS	\$ 5,000.00	\$ 5,000
	<b>Landscape Construction Total</b>			<b>\$ 24,305</b>
<b>PROJECT CONSTRUCTION TOTAL</b>				
				<b>\$ 24,305.00</b>



**PLAN COMMISSION**

**ITEM NUMBER: 7I**

**DATE:** June 12, 2018

**SUBJECT:** A Public Hearing for a Conditional Use application at 732 S. Kane Street

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

**PROJECT/SCOPE:**

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from Joshua and Bethany Fiegel for property located at 732 S. Kane Street. The applicant is proposing to operate an automotive repair shop for upholstery, body repair, and engine repair.

**ZONING:**

The parcel is zoned M-2, General Manufacturing District.

**RECOMMENDATION:**

For public comment only

**TIMING/IMPLEMENTATION:**

This item is for a Public Hearing at the June 12, 2018 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  
M-2, General Manufacturing 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:** Terry Pichler and Gary Henning  
**Applicant:** Joshua and Bethany Fiegel  
**Location:** 732 S. Kane Street  
**Zoning:** M-2, General Manufacturing District  
**Use:** To operate as an automotive repair shop

**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, JUNE 12, 2018 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, 21<sup>st</sup> day of May, 2018.

Diahnn Halbach, City Clerk

Published in the Burlington Standard Press  
May 24<sup>th</sup> and May 31<sup>st</sup>, 2018



**PLAN COMMISSION**

**ITEM NUMBER: 7J**

**DATE:** June 12, 2018

**SUBJECT:** Consideration to approve a Conditional Use application at 732 S. Kane Street.

**SUBMITTED BY:** Gregory Guidry, Building Inspector and Zoning Administrator

**PROJECT/SCOPE:**

This item is to consider approving a Conditional Use application from Joshua and Bethany Fiegel for property located at 732 S. Kane Street. The applicant is proposing to operate an automotive repair shop for upholstery, body repair, and engine repair. The applicant would like to come into compliance by requesting a Conditional Use Permit.

The previous owner operated this business as an automotive repair shop, without the proper approval.

**ZONING:**

The parcel is zoned M-2, General Manufacturing District.

**RECOMMENDATION:**

Gregory, Building Inspector, recommends approval of this Conditional Use, subject to items listed in his June 5, 2018 memorandum.

**TIMING/IMPLEMENTATION:**

This item is for consideration at the June 12, 2018 Plan Commission meeting. No further action is necessary.

**MAP:**





## CITY OF BURLINGTON

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**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI 53105  
(262) 342-1163 – (262) 763-3474 fax  
[www.burlington-wi.gov](http://www.burlington-wi.gov)

**To:** City of Burlington Plan Commission  
**From:** Gregory Guidry, Building/Zoning Administration  
**Date:** June 5, 2018  
**Re:** Conditional Use Permit for Automobile Repair Shop  
**Zoning:** M-2, General Manufacturing District

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**Desired Outcome:** To Continue the auto repair of Volkswagen automobiles

**Location:** Building at 732 S. Kane Street

**Summary:** The NEW building owner is applying for a Conditional Use Permit. The previous owner was operating the business without the proper approval. The new owner would like to come into compliance by applying for a Conditional Use Permit.

**Recommendation:** I recommend that the Plan Commission recommend to the Common Council to approve this request for the Conditional Use for Automobile upholstery, body repair, and engine repair.

1. A Conditional Use Permit application be filed with the Building Department with required fees.
2. Any and all additional permits for signs or change in exterior lighting or other uses be submitted.
3. Any other conditions that the Commission may recommend that are consistent with applicable zoning ordinance requirements.

### Analysis of Request against City Ordinance Requirements

APPLICABLE REVIEW STANDARD	EVALUATION	COMMENTS
<b>HAS APPLICANT SUBMITTED REQUIRED PLANS?</b>		
(1) Site Plan Submittal Items (Section 315-137(C) of Zoning Ordinance)	An existing building and business. No Site Plan required	The current applicants have no plans for remodeling the building façade or building grounds.
<b>SITE PLAN REVIEW CRITERIA (SECTION 315-137(B) OF ZONING ORDINANCE)</b>		
(1) Conformity of use to zoning district.	Met	Conditional use per M-1 and M-2 zoning
(2) Dimensional requirements.	NA	
(3) Use and design provisions.	NA	
(4) Relation to existing and proposed streets.	Met	Site is already improved, with two existing driveways
(5) Impacts on surrounding uses.	Met	Manufacturing district. No additional nuisance will be created
(6) Natural resource features protection.	NA	
(7) Required landscaping and buffer yard.	Met	Property has existing landscaping
(8) Provision of emergency vehicle accessibility.	Yes	Site is easily accessible from S. Kane St. for emergency vehicles, via two driveways.
(9) Building location.	NA	Site is already improved.
(10) Location and design of loading facilities.	NA	
(11) Consistency with the intent of the zoning ordinance.	Met	Permitted with a Conditional Use approval
(12) Consistency with the intent of the City Master Plan.	Met	Site is Planned for Manufacturing use via planned land use map in comprehensive plan.
<b>Conditional Use Permit Review and Approval Criteria (315-130B)</b>		
"The City Plan Commission shall review the site, existing structures, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage systems, and also conditions such as landscaping and lighting."	Met	In general, the standard for granting a Conditional Use permit is met. The City, in the past, has approved Conditional Use permits for similar use in this zoning district.

**OTHER CITY ZONING ORDINANCE STANDARDS**

Parking Requirements (Section 315-48)	Met, as a continuation of a previously approved non-conforming parking condition	The existing parking lot is not painted and is in poor condition.
Loading (Section 315-47)	NA	
Driveways (Section 315-49)	Met, as prior condition not proposed for change	There are two existing driveways to S. Kane Street.
Landscaping (Section 315-52)	Met	Existing and seems adequate
Lighting (Section 315-26P)	NA	Applicant has no plans to alter lighting on the site or building.
Floodway District (Section 315-38B)	Met	Building does not encroach into the FW Floodway District.
Signs (Article VII)	NA	Applicant will need to submit a separate sign permit for permanent business signage.



**CITY OF BURLINGTON**

**Building & Zoning Department**  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1163 – (262) 763-3474 fax  
www.burlington-wi.gov

**APPLICATION FOR A CONDITIONAL  
USE PERMIT**

FOR OFFICIAL USE ONLY

Date Filed 5/24/18

Received by KA

**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 Joshua and Bethany Fiegel

Phone No. 262-716-8098

Applicant's Address 34215 Fulton St, Burlington, WI 53105

Applicant's Email Address beph\_ann@yahoo.com

Owner of the site Terry A Pichler and Gary A Henning

Phone No. 262-930-2080      262-763-4275

Owner's address 4231 Waterford Drive, Waterford WI      6256 Sheridan Springs Rd, Burlington, WI

**DESCRIPTION OF THE SUBJECT SITE**

Business name Burlington Import

Address 732 S Kane St, Burlington, WI

Or if no address exists: Parcel Identification No. 206-02-19-05-034-001

Existing Zoning classification M-2

Description of the proposed use Automotive Repair

Number of employees / Hours of operation 2.5 employees      Monday - Friday 8am - 5pm, Saturday 8am - 12pm

**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**

**Reason for requesting a Conditional Use:**

The current owner has operated an automotive repair business at this location for 18 years. ~~Josh & Beth are requesting the current use be continued. In an effort to be in compliance with the City of Burlington zoning regulations. We are applying for a Conditional Use permit for the automotive repair shop to continue operating at this location under new owners. Services performed could include routine maintenance (brakes, tires, oil change) and more complex services including repairing and replacing engines and transmissions. The front half of the building would be potentially rented out for office space. There is currently no tenant in this part of the building which was previously used by a photographer.~~

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 <u><i>Bethany Fiegel</i></u> (Signature)	Joshua Fiegel Bethany Fiegel (Print)
Owner <u><i>Terry Pichler Gary Henning</i></u> (Signature)	Terry Pichler Gary Henning (Print)
Date: <u>5/11/18</u>	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: \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

SHEET 3 OF 3 SHEETS

RACINE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

THE CITY OF BURLINGTON, A MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS PLAT.

IN WITNESS WHEREOF, THE SAID CITY OF BURLINGTON HAS CAUSED THESE PRESENTS TO BE SIGNED BY MARTIN J. ITZIN, ITS MAYOR, AND COUNTERSIGNED BY RALPH F. EPPING, ITS CLERK, AT BURLINGTON, WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 198\_\_.

BY THE CITY OF BURLINGTON,

\_\_\_\_\_  
MARTIN J. ITZIN, MAYOR

\_\_\_\_\_  
RALPH F. EPPING, CLERK.

COMMON COUNCIL RESOLUTION

RESOLVED THAT THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON.

\_\_\_\_\_  
MARTIN J. ITZIN, MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON.

\_\_\_\_\_  
RALPH F. EPPING

DATE \_\_\_\_\_

THIS INSTRUMENT DRAFTED BY JOHN F. DEGEN.



RACINE COUNTY SURVEYOR

FILE NO. 58253 DATE: 5-3-06

*Patricia J. Harman*

DEPUTY FOR RECORDS

RACINE COUNTY SURVEYOR

FILE NO. 58254 DATE: 5-3-06

*Patricia J. Harman*

DEPUTY FOR RECORDS

RACINE COUNTY SURVEYOR

FILE NO. 58255 DATE: 5-3-06

*Patricia J. Harman*

DEPUTY FOR RECORDS

RACINE COUNTY SURVEYOR

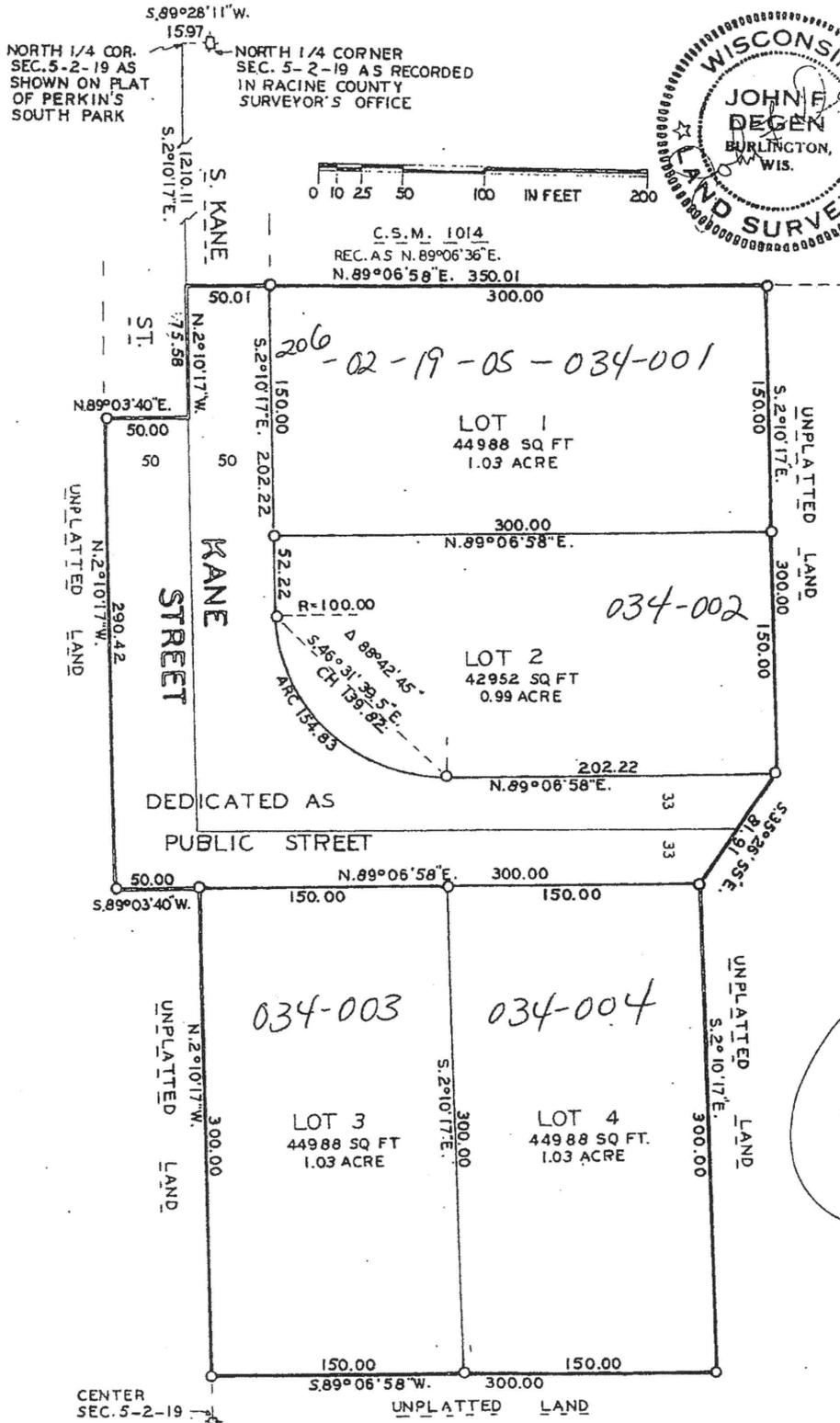
FILE NO. 14748

RECEIVED DEC 7 1983

BY *Miss A. Biron*  
DEPUTY FOR RECORDS



SHEET 1 OF 3 SHEETS



RACINE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

DESCRIPTION: PART OF THE NORTH HALF OF SECTION 5, T. 2 N., R. 19 E. OF THE 4TH P.M., CITY OF BURLINGTON, COUNTY OF RACINE, STATE OF WISCONSIN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 5 AS RECORDED WITH THE RACINE COUNTY SURVEYOR'S OFFICE, RUN THENCE S. 89°28'11" W., 15.97 FEET TO THE NORTH 1/4 CORNER OF SECTION 5 AS SHOWN ON THE RECORDED PLAT OF PERKIN'S SOUTH PARK ADDITION TO THE CITY OF BURLINGTON; THENCE S. 2°10'17" E., 1210.11 FEET TO THE PLACE OF BEGINNING OF PARCEL OF LAND HERINAFTER DESCRIBED: THENCE N. 89°06'58" E., (RECORDED AS N. 89°06'36" E.), 350.01 FEET; THENCE S. 2°10'17" E., 300.00 FEET; THENCE S. 35°26'55" E., 81.91 FEET; THENCE S. 2°10'17" E., 300.00 FEET; THENCE S. 89°06'58" W., 300.00 FEET; THENCE N. 2°10'17" W., 300.00 FEET; THENCE S. 89°03'40" W., 50.00 FEET; THENCE N. 2°10'17" W., 290.42 FEET; THENCE N. 89°03'40" E., 50.00 FEET; THENCE N. 2°10'17" W., 75.58 FEET TO THE PLACE OF BEGINNING. CONTAINING 5.30 ACRES OF LAND.

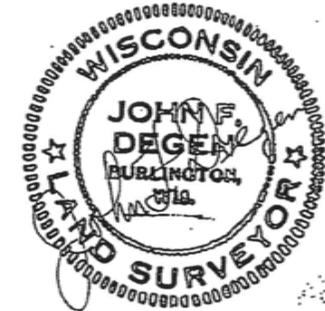
I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND DESCRIBED ABOVE AND THAT THE PLAT DRAWN HEREON IS A CORRECT REPRESENTATION OF SAID SURVEY. I FURTHER CERTIFY THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND THE CITY OF BURLINGTON LAND DIVISION ORDINANCE.

*John F. Degen* 11-7-83  
 JOHN F. DEGEN, LAND SURVEYOR #242  
 589 N. PINE ST., BURLINGTON, WI. 53105

SCALE 1" = 80'

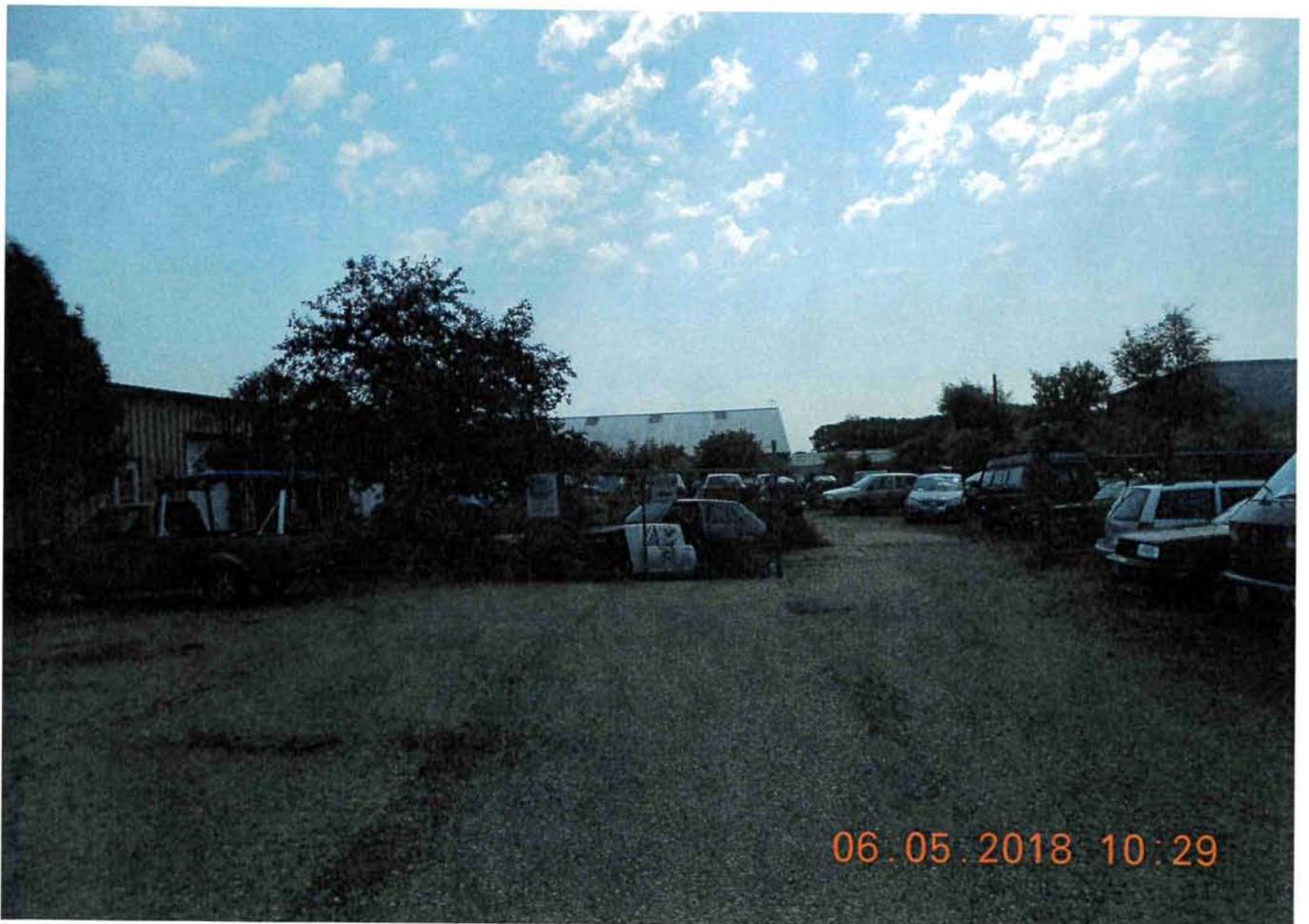
- o = 1"OD BY 24" LONG IRON PIPE STAKE SET  
WEIGHT 1.13 LBS/FT.
- = RACINE COUNTY TYPE MONUMENT FOUND.

BEARINGS RELATE TO GRID NORTH IN THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 5-2-19 AS SAME IS SHOWN ON THE RACINE COUNTY MAPPING PROGRAM BEING N. 1°49'12" W.





06.05.2018 10:28



06.05.2018 10:29

