

**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**October 13, 2009, 6:30 p.m.**

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

**APPROVAL OF MINUTES**

Alderman Rauch moved and Commissioner Eisenhardt seconded to approve the minutes of September 8, 2009. All were in favor and the motion carried.

**CITIZEN COMMENTS**

None.

**PUBLIC HEARINGS**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**A. Consideration to approve a Site Plan Application from the Burlington Area School District for property located at 380 McCanna Parkway to construct an addition and remodel the existing building.**

- Mayor Miller opened this issue for discussion.
- Abie Khatchadourian of Plunkett Raysich Architects, LLP gave a brief presentation explaining changes that were made to the site plan per Kapur and Meehan's memorandum recommendations. He stated that changes were made to the parking lot plan and landscaping plan are to be in compliance with the city code. He further stated some aesthetic changes were made to the exterior of the building including adding stucco panels on the south side to set the building apart from the existing Gateway building at 496 McCanna Pkwy.
- Commissioner Henney expressed his concern that parking may not be adequate in size. Mr. Khatchadourian replied that there is an agreement between Gateway and the high school to share parking if needed. He further stated it is anticipated that most classes will be held in the evening which would allow for more parking at the high school.
- Alderman Rauch questioned constructing the addition is pending having the \$1.5 million State Trust Fund Loan granted. Peter Smet of the Burlington Area School District responded that the funds were approved at the October 12, 2009 School Board meeting.

- Commissioner Lynch expressed his concern with the traffic pattern that is currently in place at the high school and if more classes at Gateway will impact traffic congestion. Peter Smet stated that most of the classes will be after 3 p.m. which is after the high school is dismissed. Administrator Lahner stated that the school district and the city have been looking into the traffic pattern on McCanna Pkwy. and have requested Kapur & Associates, City Engineers to do a traffic analysis of the area. Administrator Lahner further stated that the analysis just came back from Kapur and a meeting will be held soon with BASD and the City to discuss the results.
- There were no further comments.

Alderman Vos moved and Alderman Rauch seconded to recommend approval of a Site Plan and Conditional Use Application for the Burlington Area School District, subject to Kapur & Associate's September 18, 2009 and Patrick Meehan's September 26, 2009 memorandums to the Plan Commission as follows:

- Dimensions need to be provided for parking stalls and drive aisles. The 14 proposed parking stalls southeast of the HERO Center are shown as 9' wide by 18' long and width of the double row and aisle of 90 degree parking spaces is only 64 feet which does not conform to Burlington City Ordinance. The minimum required area for a parking stall is 180 sq. ft. with a 9' by 20' stall as the standard and a minimum of 65 feet for double row and aisle of 90 degree parking spaces. The parking stalls need to be brought into conformance with Burlington Code 315-48 and any Site Plan associated drawings need to be revised and submitted to the City staff.
- A note needs to be placed on the "Architectural Site Plan-Sheet 002" that all new parking areas and drives are paved with asphalt and associated drives have concrete curb and gutter. A revised "Architectural Site Plan" needs to be submitted to the City staff which addresses this issue.
- Based upon this analysis, one (1) additional canopy tree needs to be provided. It is recommended that this additional required canopy tree be placed within the above referenced additional 210+/- square feet of off-street parking landscape island area. A revised Landscape Plan needs to be submitted to the City staff.
- Based upon the significant number of plant materials already existing at the subject property (and proposed to be preserved), as well as the significant number of applicant proposed plant materials, The Plan Commission does allow a 30% reduction in the required bufferyard plants since due to existing site conditions, insufficient dimensions exist on the subject property to achieve a sufficient level of bufferyard landscaping. The required bufferyard landscaping shall be allowed to be placed elsewhere on the subject property as set forth on the "Landscape Plan-Sheet L200" 1 Sheet as prepared by Paragon Design Group, LLC and Plunkett Raysich Architects, LLP dated 9/11/09.
- The area (in square feet and/or acres) of the subject property needs to be noted on the Site Plan and a revised Site Plan submitted addressing this issue.

- Although the ground "monument" sign location is noted on the Site Plan, the type and size of all signs need to be indicated on the Site Plan and a revised Site Plan submitted addressing this issue.
- The building height (in feet) of the highest part of the proposed building needs to be indicated on either the Site Plan or the Building Elevations sheet and revised Site Plan and/or Building Elevation drawings addressing this issue submitted to the City accordingly.
- The additional impervious area is below the required minimum amount of 40,000 sq. ft. to require stormwater management. Applicability for storm water management practices follows Ordinance 270-5 of the Burlington Code and Permanent Storm water management will not be required.
- Erosion control plans and details for silt fence, storm sewer inlet protection, tracking pad, etc. shall be provided for review. The erosion control plans shall display the limits of disturbance and display the total area of disturbance. An N.O.I. permit shall be provided if the area of disturbance for the project is greater than one acre.
- On sheet C100, the spot grade of 778.1 located southeast of the dumpster enclosure should be raised to ensure drainage away from the enclosure and a new site plan submitted to city staff for review.
- On sheet C100, the existing 779 contour southeast of the HERO Center is shown as passing through a proposed parking stall. Based on the corner spot grade of 778.7, the contour should not pass through the stall but rather wrap around along the proposed back of the curb and a new site plan submitted to city staff for review.
- A detail for the proposed curb and for the flume through the island shall also be provided to clarify how the flume is to be constructed.
- Sheet 002 indicates a note for the proposed southern parking lot addition states, "NEW PARKING LOT-20 SPACES & 3 HANDICAP". This note is inconsistent with the sheet C100 which displays 14 proposed stalls, none of which are handicapped. The note shall be updated or clarified and a new site plan submitted to city staff for review.

*All in favor and the motion carried.*

**B. Consideration to approve a Site Plan Application from Clinton Bennett for property located at 418 Walnut Street to divide the lot into three parcels.**

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

Commissioner Lynch moved and Commissioner Eisenhardt seconded to recommend approval of a site plan for M&I Bank, subject to Kapur & Associate's September 17, 2009 and Patrick Meehan's September 26, 2009 memorandums to the Plan Commission as follows:

- Data was submitted by the applicant to indicate where existing structures are currently located on the subject property. With respect to that data, a portion of the existing fence primarily located on proposed Lot 2, which overlaps the common property line between proposed Lots 2 and 3, needs to be removed from Lot 3 and a note indicating its removal placed upon the face of the CSM and a revised Certified Survey Map submitted to the City as follows: "Existing fence segment located on Lot 3 shall be removed by the property owner of Lot 3 within 6 months of the City's final approval of this Certified Survey Map."
- Data was submitted by the applicant to indicate where existing structures are currently located on the subject property. With respect to that data, a shed structure and garden uses appear to be located on proposed Lot 3. Under the provisions of 315-10A(2), accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Therefore, a note indicating the removal of both the garden and shed uses needs to be placed on the face of the proposed Certified Survey Map and a revised Certified Survey Map submitted to the City as follows: "Existing garden use and shed shall be removed by the property owner of Lot 3 within 6 months of the City's final approval of this Certified Survey Map unless a principal structure is constructed on Lot 3 within that 6-month time period."
- With respect to the requirements of Section 278-48A of Chapter 278 which requires that: "Side lot lines shall be as nearly to right angles as possible to 3 straight street lines . . . ." It appears that the proposed common lot line between proposed Lots 2 and 3 is not at a right angle to the Walnut Street right-of-way line. However, it also appears that the property owner of proposed Lot 2 has existing fencing located in proximity to this lot line. Therefore, in order to allow the property owner of proposed Lot 2 to retain much of the existing fencing and since the aforementioned proposed common property line is very close to being at a right angle with the Walnut Street right-of-way line, the Plan Commission and Common Council deem this side lot line to be: ". . . as nearly to right angles as possible to straight street lines . . . ."

*Alderman Vos voted present. All in favor and the motion carried.*

At this time Commissioner Reesman removed himself from discussion of the next topic and abstained from voting.

**C. Consideration to recommend approval to the Common Council of an Extraterritorial Certified Survey Map for RFD II, LLC for a parcel located south of the Bypass and west of Pine Street in the Town of Burlington.**

- Mayor Miller opened this issue for discussion.
- Alderman Rauch questioned what the property will be used for. Mayor Miller stated at this time there are no plans for the property.
- There were no further comments.

Commissioner Henney moved and Alderman Vos seconded to recommend approval of a site plan for M&I Bank, subject to Kapur & Associate's September 17, 2009 and Patrick Meehan's September 26, 2009 memorandums to the Plan Commission as follows:

- The Town of Burlington's and Racine County's final approvals of the Certified Survey Map.

*All in favor and the motion carried.*

At this time Commissioner Reesman entered back into the meeting.

**D. A presentation from Patrick Scherrer, Building Inspector/Zoning Administrator regarding temporary sign regulations in the city.**

- Building Inspector Patrick Scherrer provided a Power-Point presentation to the commission regarding current temporary sign regulations and the violations that exist today. Scherrer was requesting direction from the commission in the enforcement of the sign code.
- Administrator Lahner explained that this discussion stems from several violations that are occurring throughout the city. The Building Department is looking for an enforcement plan from the Plan Commission and Council.
- Patrick Meehan questioned if some of the signs are off premises advertising signs. Patrick Scherrer replied that if he sees these types of signs he notifies the company immediately to remove as these are illegal.
- Commissioner Vos stated he does not have a problem with advertising flags and advertising on vehicles.
- Commissioner Lynch stated the commission needs to carefully question what the city is trying to accomplish in order to begin this process. Mayor Miller responded stating the city must be universal in regulations, fairness and enforcement with businesses and feels the sign ordinance drafted fifteen years ago is in need of modification. Patrick Meehan agreed with Miller and Lynch stating a code modification would need to be specific to keep business equal across the board.
- Patrick Meehan suggested a solution that might work would be to allow a portion of the total signage be for temporary signage for a specific amount of time per year.
- Commissioner Eisenhardt questioned if there is a permit fee required for temporary signage. Patrick Scherrer stated there is, however many businesses do not apply for permits.
- Commissioner Lynch stated he is worried some regulations could become subjective if they are too restrictive.
- Alderman Rauch questioned if businesses could pay an annual temporary sign permit fee. Mayor Miller stated it is a possibility however there is still the issue of letting City staff know when the signs would be posted, how they would look, etc. Commissioner Reesman stated he

suggests an annual fee for signage where the temporary signage could be a proportion of total signage allowed for that zoning district.

- Alderman Vos stated his concern that more enforcement could lead to complaints from business owners and citizens that are in their perspective and not a reasonable complaint. He further stated that signage causing safety hazards, obscene or in the right-of-ways should never be allowed.
- At this time it was determined by the commissioners that the code should be reviewed and a special committee be set up to begin the process.
- There were no further comments.

### **OTHER MATTERS**

### **ADJOURNMENT**

Commissioner Lynch moved and Commissioner Henney seconded to adjourn the meeting at 7:35 p.m. All were in favor and the motion carried.

Recording Secretary  
Megan E. Johnson  
Assistant to the City Administrator