



**Minutes**  
**City of Burlington Plan Commission**  
**July 10, 2018, 6:30 p.m.**

Commissioner John Ekes called the Plan Commission meeting to order at 6:30 p.m. Roll call: Alderman Tom Preusker; Commissioners Chad Redman; Andy Tully; and Art Gardner were present. Mayor Jeannie Hefty and Alderman Bob Grandi were excused.

Commissioner John Ekes stated he would retain his voting privileges.

**APPROVAL OF MINUTES**

Commissioner Redman moved, and Commissioner Gardner seconded to approve the minutes of June 12, 2018. All were in favor and the motion carried.

**LETTERS & COMMUNICATIONS**

None

**CITIZEN COMMENTS**

None

**OLD BUSINESS**

**A. 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. This item was tabled at the June 12, 2018 meeting.**

- Commissioner Ekes opened this item for discussion.
- Tanya Fonesca, Graef, explained at the previous meeting it was decided that the owner could move forward with paving the parking lot, which he has, and provide what was to be stored inside and displayed outside.
- Commissioner Redman asked if the building inspector and fire inspector have received the correct information, and was approved. Richard Hendrickson, owner, stated all submitted information was code compliant. Gregory Guidry, Building Inspector, responded both departments were satisfied with the submitted information. Commissioner Gardner questioned if the displays would be brought in at night, since the owner mentioned it at the last meeting. Mr. Hendrickson stated the larger grills would be left out since they weigh about 4,000 pounds each, and would not start a fire.
- Carina Walters, City Administrator, questioned if the fire department had any concerns regarding the stacking of materials. Mr. Guidry answered the racks for stacking materials would only be 10 feet high, even though 12 feet is allowed. Mr. Guidry asked if the Commissioners were satisfied with the look of the pole building. Mr. Guidry explained the

building would have stone and wainscoting to match the main building. Commissioner Redman asked if plants/shrubbery could be planted to dress it up. Mr. Hendrickson answered shrubbery would definitely be planted so you could barely see the building.

- Commissioner Tully was concerned about the outdoor merchandise, and how it could start looking like a junk yard. Commissioner Tully mentioned that Unique Automotive doesn't even have a car sitting out at night, and Lois Tire Shop brings in all tires and display items. Mr. Hendrickson stated if the Conditional Use is being reviewed every year, and if there is a problem, it could be taken care of at that time. Mr. Hendrickson further stated all outdoor displays that are left out at night are under the cover, and the smaller grills would be wheeled in every night. Commissioner Tully asked how many solar panels he plans on having on display. Mr. Hendrickson responded it may be doubled up, with the existing panels being placed on top of the building. Alderman Preusker explained he was receiving complaints from citizens that do not want pole buildings in the City. Alderman Preusker reminded Mr. Hendrickson that in the future a sidewalk could be installed on Milwaukee Avenue and that these displays would have to be placed far enough back so they are not in the way. Ms. Fonesca stated he is protected by the setback requirement and the Conditional Use could include special conditions.
- Commissioner Redman asked if the building could be discussed prior to the Conditional Use being approved, since each item should be discussed separately. Commissioner Ekes responded yes, the building Site Plan could be discussed first, then back to the Conditional Use.
- Commissioner Redman stated the City does allow pole buildings according to the city codes, and improvements have been done. Commissioner Tully questioned what the estimated timeline for the landscape to be completed was. Mr. Hendrickson answered it would take about 2-3 weeks, plus on one side would be green foliage to block most of the building. Commissioner Gardner asked if the submitted timeline would be able to be achieved. Mr. Hendrickson replied yes, it would be completed by the end of summer of 2019.
- There were no further comments.

Commissioner Tully moved, and Alderman Preusker seconded to approve the Conditional Use and Site Plan for the construction of the building, which is for the second item (B).

*All were in favor and the motion carried.*

**B. 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. This item was tabled at the June 12, 2018 meeting.**

- Commissioner Ekes opened this item for discussion.
- There were no comments.

Alderman Preusker moved, and Commissioner Gardner seconded to approve the Conditional Use for outdoor display, which is for the first item (A), provided there is an annual review.

*All were in favor and the motion carried.*

**C. 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. This item was tabled at the May 8, 2018 and June 12, 2018 meetings.**

- Commissioner Ekes opened this item for discussion.
- Commissioner Redman excused himself from discussion and voting.
- There were no comments.

Commissioner Gardner moved, and Alderman Preusker seconded to approve the Site Plan to construct the storage building.

*All were in favor and the motion carried.*

### **NEW BUSINESS**

**A. Consideration to recommend approval to the Common Council of a Petition for Rezoning Map Amendment application from Richard Torhorst on behalf of Brian Ehlert, for property located at 169 Industrial Drive to rezone from M-2, General Manufacturing District to M-2 PUD, General Manufacturing District with a Planned Unit Development Overlay subject to Graef's July 2, 2018 memorandum to the Plan Commission.**

- Commissioner Ekes opened this item for discussion.
- Ms. Fonesca explained this is an existing industrial building that is changing to a condominium ownership, and requires a PUD. Commissioner Gardner asked is anyone else has requested to have this property rezoned, but got denied. Ms. Fonseca and Attorney John Bjelejac replied no, not to their knowledge.
- There were no further comments.

Commissioner Redman moved, and Commissioner Tully seconded to approve the rezone.

*All were in favor and the motion carried.*

**B. Public Hearing to hear public comments regarding a Conditional Use application from Paul Molkentin for property located at 454 S. Pine Street, to operate as a construction company.**

- Commissioner Ekes opened the Public Hearing at 6:58 p.m.
- Charlene Mills, 340 Wainwright Avenue, was concerned about the noise and amount of traffic being next to the busy intersection; having businesses on that street could be a potential problem. Ms. Mills stated she hopes the loading of the trucks would not be too early in the morning since there are residential homes nearby.
- Jessica Olson, Assistant Manager, explained there will be one crew and one or two smaller trucks, not even full size. Ms. Olson stated they contract out roofing subs from other locations, mainly Milwaukee.
- Commissioner Tully questioned what type of construction business they operate. Ms. Olson replied it is construction for light remodeling such as; decks, stairs, and mostly masonry work. Commissioner Gardner asked what the hours were. Ms. Olson answered Monday-Friday 8 am – 4:30 pm, and the crew starts at 7:30 am with 8 employees. Richard Colano, owner, commented that the previous owner (Love Inc.) had more traffic in and out.
- There were no further comments.

Commissioner Tully moved, and Alderman Preusker seconded to close the Public Hearing at 7:05 p.m.

*All were in favor and the motion carried.*

**C. Consideration to approve a Conditional Use application from Paul Molkentin for property located at 454 S. Pine Street, to operate as a construction company, subject to Graef's July 2, 2018 and Fire Department's June 27, 2018 memorandums to the Plan Commission.**

- Commissioner Ekes opened this item for discussion.
- Mr. Guidry explained this Conditional use should also have an annual review, no outdoor storage of equipment, and the lumber should be kept inside. Commissioner Redman asked if small cars or trucks would be allowed outside. Mr. Guidry replied those would be fine. Ms. Olson stated the scaffolding and some materials are in a covered area with 3 sides. Commissioner Gardner asked if they work with stones and bricks. Ms. Olson stated the bricks are all stored inside the building. Mr. Colano stated that he will patrol the lot, but the cars, trucks, and cement mixer would have to be parked in the rear of the lot.
- There were no further comments.

Commissioner Tully moved, and Commissioner Redman seconded to approve the Conditional Use, provided there is an annual review and no outdoor storage of material and equipment.

*All were in favor and the motion carried.*

**D. Public Hearing to hear public comments regarding a Conditional Use application from Craig Faust for property located at 332 Milwaukee Avenue, to rezone from B-2, Central Business District to Rd-2, Two-Family Residential District.**

- Commissioner Ekes opened the Public Hearing at 7:08 p.m.
- There were no comments.

Alderman Preusker moved, and Commissioner Gardner seconded to close the Public Hearing at 7:10 p.m.

*All were in favor and the motion carried.*

**E. Consideration to approve Resolution No. 26 to amend the Racine County Multi-Jurisdictional Comprehensive Plan for property located at 332 Milwaukee Avenue.**

- Commissioner Ekes opened this item for discussion.
- Ms. Fonesca explained a Comprehensive Plan revision would be the first step, then a rezone, followed by a Conditional Use to change this property into a single-family residence. Alderman Preusker asked how the metering and park provisions are handled when converting to a multi-family residential. Mr. Guidry replied there is no impact fee and only one meter for single-family residential. Ms. Fonesca explained that this property was grandfathered in as residential originally.
- There were no further comments.

Alderman Preusker moved, and Commissioner Gardner seconded to approve Resolution No. 26.

*All were in favor and the motion carried.*

**F. Consideration to recommend approval to the Common Council of a Petition for Rezoning Map Amendment application from Craig Faust for property located at 332 Milwaukee Avenue, to rezone from B-2, Central Business District to Rd-2, Two-Family Residential District, subject to Graef's July 2, 2018 memorandum to the Plan Commission.**

- Commissioner Ekes opened this item for discussion.
- Ms. Fonesca explained this property is being rezoned as Rd-2, Two-Family Residential, since the surrounding properties are the same. A Conditional Use is required to be a single-family residential, but can be permitted as multi-family in the future.
- There were no further comments.

Alderman Preusker moved, and Commissioner Tully seconded to approve the rezone to Rd-2, Two-Family Residential.

*All were in favor and the motion carried.*

**G. Consideration to approve a Conditional Use application from Craig Faust for property located at 332 Milwaukee Avenue, to convert the existing commercial business rental unit into a single-family residence, subject to Graef's July 2, 2018 memorandum to the Plan Commission.**

- Commissioner Ekes opened this item for discussion.
- There were no comments.

Commissioner Gardner moved, and Commissioner Redman seconded to approve the Conditional Use.

*All were in favor and the motion carried.*

**H. Consideration to approve a Site Plan application from Kueny Architects for property located at 800 Blackhawk Drive, to construct an office building for Phase II, subject to Graef's July 2, 2018, Kapur & Associates' June 28, 2018 and Fire Department's June 29, 2018 memorandums to the Plan Commission.**

- Commissioner Ekes opened this item for discussion.
- Ms. Fonesca explained that Phase I was approved in March 2018 for the truck terminal. John Schmidbauer, Kueny Architects, stated Phase I expansion was for additional docks and now Phase II is for additional office space.
- There were no further comments.

Alderman Preusker moved, and Commissioner Tully seconded to approve the Site Plan to construct an office building for Phase II.

*All were in favor and the motion carried.*

**I. Public Hearing to hear public comments regarding a Conditional Use application from Scott Slauson for property located at 381 W. Market Street, to allow for shop and equipment storage for a small asphalt business.**

- Commissioner Ekes opened the Public Hearing at 7:18 p.m.
- Ed McCord, 380 W. Market Street, asked if this is an asphalt plant. Scott Slauson, owner, responded no. Mr. Slauson stated he is an asphalt maintenance contractor where he does patching and sealing. Mr. Slauson explained he has a roller, sealing trailer, and an asphalt hot box trailer which will all be parked inside. Mr. McCord questioned if the trucks trailers will be gone and if there are any building improvements. Mr. Slauson answered the trailers

will be moved and plans on putting a 60 foot building in between the two buildings in the future after approval.

- There were no further comments.

Commissioner Redman moved, and Alderman Preusker seconded to close the Public Hearing at 7:23 p.m.

*All were in favor and the motion carried.*

**J. Consideration to approve a Conditional Use application from Scott Slauson for property located at 381 W. Market Street, to allow for shop and equipment storage for a small asphalt business, subject to Graef's July 2, 2018 and Fire Department's memorandums to the Plan Commission.**

- Commissioner Ekes opened this item for discussion.
- Alderman Preusker stated that citizens surrounding the property might be concerned with the asphalt business, even though you are not operating a plant. Alderman Preusker further stated that he receives citizens' complaints months before operations start and wanted to inform the owner. Mr. Guidry stated the Conditional Use should have conditions to have no storage of vehicles or equipment on the lot.
- Mr. Slauson explained the unpaved area between the two paved lots is not a driveway entrance, it has a 6 inch curb, but not a curb cut. Mr. Slauson asked Ms. Fonesca if the paving improvement area would require a curb cut. Ms. Fonseca replied a curb cut would not be required, but would like to see pavement. Ms. Fonseca stated the concern was that previously the gravel lot had vehicle storage. Ms. Fonseca mentioned that Mr. Slauson has a future plan to do a building expansion and vehicles would be driving across that lot. Mr. Slauson stated he plans on paving the lot, but because of the cost, it may take about 3 years.
- There were no further comments.

Commissioner Tully moved, and Commissioner Gardner seconded to approve the Conditional Use, provided there is an annual review, no outdoor storage of equipment or materials, and no storage of any kind on the unimproved surfaces.

*All were in favor and the motion carried.*

Attorney John Bjelajac stated that the Commissioners have the authority to grant a variance as deemed appropriate, if a variance is requested, instead of going to the variance board.

Mr. Guidry stated there were less than 50 vehicles on Jeff Way's property located at 1157 Milwaukee Avenue, and he has been cleaning it up. Mr. Guidry further stated by next month there shall be no vehicles left, according to calculations. Attorney John Bjelajac stated he has been authorized to take Mr. Way to court, but has not yet since Mr. Way has been working with him to comply.

Commissioner Ekes asked if there was any sign of ground contamination from the oil or gas. Mr. Guidry answered no, he does not see an issue.

**ADJOURNMENT**

Alderman Preusker moved, and Commissioner Redman seconded to adjourn the meeting at 7:33 p.m.

*All were in favor and the motion carried.*

Recording Secretary  
Kristine Anderson  
Administrative Assistant