



AGENDA
PLAN COMMISSION
Tuesday, April 14, 2020 at 6:30 p.m.

Webinar link:

<https://us02web.zoom.us/j/418121269?pwd=TIk5UCsxcDB3TGFIUmtRd1pRM3RKZz09>

Password: 441655

Phone: (312) 626-6799, Webinar ID: 418 121 269, Password: 441655

- To attend a meeting, click on the link provided or dial in with the phone number provided on the meeting agenda. You may need to create a Zoom account if you access the meeting online.
- You will participate as an attendee, not a panelist. You will be muted by the meeting moderator.
- To participate/speak during a meeting when allowable, you will need to “raise your hand”. Online you will find a ‘raise hand’ option in the menu bar. Via phone you can press *9.
- All meetings are recorded and subject to the Wisconsin Open Meetings Law.

Mayor Jeannie Hefty, Chairman
Tom Preusker, Aldermanic Representative
Bob Grandi, Aldermanic Representative
Chad Redman, Commissioner
Andy Tully, Commissioner
John Ekes, Commissioner
Art Gardner, Commissioner
Mattea Chamberlin, Student Representative

1. Call to Order
2. Roll Call
3. Approval of the minutes of February 11, 2020
4. Letters and Communications: None
5. Citizen Comments
6. Old Business:
 - A. Consideration to recommend approval to the Common Council of a Certified Survey Map Amendment application from Davel Engineering & Environmental on behalf of the Franciscan Friars for property located at 2457 Browns Lake Drive to subdivide one parcel into three parcels, subject to Graef’s and Kapur & Associates’ memorandums to the Plan Commission. This item was tabled at the January 14, 2020 meeting.

- B. Consideration to recommend approval to the Common Council of a Rezone Map Amendment application from Davel Engineering & Environmental on behalf of the Franciscan Friars for property located at 2457 Browns Lake Drive to rezone Lot 1 and Lot 2 from I-1, Institutional District and Rm-3, Low Density Multiple-Family Residential District to Rm-2, Multiple-Family Residential District, subject to Graef’s memorandum to the Plan Commission. This item was tabled at the January 14, 2020 meeting.
- C. Consideration to approve an extension to the Site Plan at 126 Chapel Terrace with possible variances to the landscaping and lighting requirements pursuant Wisc. Statutes 62.23(7)(e)(1).
- D. Consideration to approve a permanent variance to Ch. 315-27C, pursuant Wisconsin Statutes 62.23(7)(e)(1), to use the vacant parcel at 216 N. Pine Street as a private parking lot, contingent on approval of a Site Plan by the Plan Commission, and compliance of conditions by the City Planner, City Engineer, and Plan Commission.
- E. Consideration to approve a Site Plan application from Jeremy and Yvonne Bauman for property located at 216 N. Pine Street for a parking lot, subject to Graef’s and Kapur & Associates’ memorandums to the Plan Commission.

7. New Business:

- A. Consideration to approve a Site Plan application from Scott Frank for property located at 1700 S. Teut Road to construct Oak Park Place, Phase II for Senior Housing, subject to Graef’s, Kapur & Associates’, and Burlington Fire Department’s memorandums 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.*



Minutes
City of Burlington Plan Commission
February 11, 2020, 6:30 p.m.

Alderman Tom Preusker called the Plan Commission meeting to order at 6:30 p.m. Roll call: Alderman Tom Preusker; Commissioners Andy Tully, Chad Redman, John Ekes and Art Gardner were present. Mayor Jeannie Hefty, Alderman Bob Grandi and Student Representative Mattea Chamberlin were excused. Also in attendance, City Administrator Carina Walters, Zoning Administrator Megan Watkins and Building Inspector Gregory Guidry.

Alderman Preusker announced he would retain his right to vote.

APPROVAL OF MINUTES

Commissioner Ekes moved, and Commissioner Tully seconded to approve the minutes of January 14, 2020. All were in favor and the motion carried.

LETTERS & COMMUNICATIONS

None

CITIZEN COMMENTS

None

OLD BUSINESS

None

NEW BUSINESS

A. Public Hearing to hear public comments regarding a Conditional Use application from Erin Murphy for property located at 257 Kendall Street, to allow for residential quarters on the lower level.

- Alderman Preusker opened the Public Hearing at 6:31 p.m.
- There were no comments.

Commissioner Redman moved, and Commissioner Gardner seconded to close the Public Hearing at 6:32 p.m.

All were in favor and the motion carried.

B. Consideration to approve a Conditional Use application from Erin Murphy for property located at 257 Kendall Street to allow for residential quarters on the lower level, subject to Graef's memorandum to the Plan Commission.

- Alderman Preusker opened this item for discussion.
- There were no comments.

Commissioner Ekes moved, and Commissioner Redman seconded to approve a Conditional Use Permit for 257 Kendall Street.

All were in favor and the motion carried.

C. Consideration to approve the 2019 Housing Affordability Report.

- Alderman Preusker opened this item for discussion.
- Megan Watkins and Ben McKay of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) gave a brief overview of Wisconsin Statute 66.10013 and 66.10014 requiring municipalities over 10,000 in population to complete a Housing Affordability Report and New Housing Fee Report. McKay further gave an overview of the Housing Affordability Report for the City of Burlington.
- Commissioner Tully inquired if the new law requires municipalities to reduce their fees by 20%. McKay responded that the intention is for communities to evaluate if it could modify fees and process, but there is no mandate to implement a reduction of 20%.
- Commissioner Ekes questioned if the report has to be revised annually. McKay stated it does, but it wouldn't need to be as robust as this version. An amendment to the 2019 report would suffice, where perhaps a larger study could be created every five years.
- Alderman Preusker questioned what entities were the large sponsors the legislation change. Don Wheaton, Governmental Affairs Director of Lakes Area REALTORS Association, stated the bill part of the Developers Bill, was supported by his organization and others ultimately due to an overall housing shortage in the state, particularly affordable housing, senior housing and work force housing.
- Commissioner Gardner stated he feels the report is chasing the wrong thing, whereas the median household income for Burlington residents is too low, where struggling to afford quality single family housing.
- Alderman Preusker stated the City should to take a closer look at market needs versus household income to get a better idea of what type of development is needed. He stated he understands the housing stock is low; however, there needs to be a balance to attract people to the city. He further stated the report seems to have an emphasis in multifamily and work force housing.
- Commissioner Tully stated that there are only so many developers remaining. After the recession, many of the smaller developers are gone. A developer today needs to be able to

afford the high cost of developing, while being able to weather a dry spell in sales should it happen.

- Commissioner Ekes stated there is a shortage of large vacant parcels that are developable. He further stated he didn't feel the report reflects on Burlington very well.
- Alderman Preusker and Commissioner Tully stated that Burlington has a large amount of rentals and multifamily units. Commissioner Gardner agreed and stated there is a valid argument for multifamily, but it has to be balanced and appropriate.
- Commissioner Ekes questioned the intent of the report. McKay responded the intent is to satisfy state requirements, but it also shows the City has taken into account the needed housing, thereby reviewing ordinances and fees. Wheaton stated the report is more of a housing affordability audit. The intent is for municipalities to review their processes, regulations and fees to determine if they are in line with other municipalities.
- There were no further comments.

Commissioner Gardner moved, and Commissioner Tully seconded to forward the City of Burlington Housing Affordability Report to the Common Council for further discussion.

All were in favor and the motion carried.

ADJOURNMENT

Commissioner Ekes moved, and Commissioner Gardner seconded to adjourn the meeting at 7:12 p.m.

All were in favor and the motion carried.

Recording Secretary
Megan E. Watkins
Assistant City Administrator/Zoning Administrator



PLAN COMMISSION

ITEM NUMBER: 6A

DATE: April 14, 2020

SUBJECT: Consideration to recommend approval of a Certified Survey Map application at 2457 Browns Lake Drive

SUBMITTED BY: Megan Watkins, Assistant City Administrator/Zoning Administrator

PROJECT/SCOPE:

This item is to consider recommending approval a Certified Survey Map application from Davel Engineering & Environmental on behalf of the Franciscan Friars Assumption Blessed Virgin Mary Province for property located at 2457 Browns Lake Drive. This CSM, drafted by Scott R. Andersen, WLS, seeks to subdivide one parcel into three parcels, and proposed Lot 2 to be fully zoned as Rm-2 – current zoning shows two zoning districts of Rm-3 Low Density Multiple Family Residential District and I-1 Institutional District in proposed Lot 2.

This item was tabled at the January 14, 2020 meeting until proper zoning was determined.

ZONING:

The parcel is zoned I-1, Institutional District and Rm-3, Low Density Multiple Family Residential District. The applicant is requesting to fully rezone Lot 2 as Rm-2, Multiple-Family Residential District.

RECOMMENDATION:

Graef and Kapur & Associates recommend approval of this CSM, subject to items listed in the memorandums dated December 27, 2019 and March 2, 2020.

TIMING/IMPLEMENTATION:

This item is for consideration at the April 14, 2020 Plan Commission meeting and will be placed on the April 21, 2020 Committee of the Whole and May 5, 2020 Common Council meeting for consideration.

MAP:



Memo to the City of Burlington

To: Kristine Anderson **Date:** December 27, 2019
From: Gary R. Splinter
CC: Carina Walters, Megan Watkins, Gregory Guidry, Peter Riggs, Greg Governatori
Subject: Franciscan Friars Assumption Certified Survey Map

BACKGROUND AND REQUEST: We have completed a review of a Certified Survey Map prepared by Scott Anderson of Davel Engineering & Environmental Inc. Our review was conducted to determine compliance with Chapter 236 of the Wisconsin State Statutes, Chapter 278 of the City of Burlington Municipal Code and good surveying practices. The Certified Survey Map dated December 13, 2019 was reviewed.

All parcels are currently developed and therefore we would recommend waiving City CSM requirements 278-39 subsections 5, and 9 regarding soil boring information and contours. A separate plan review would be considered at the time of redevelopment.

CSM COMMENTS: *All of the below comments have been addressed per revised CSM dated 1/20/20*

- *As per 278-39 Please show or indicate setback/building lines.*
- *As per 236.15 (1) Please indicate the outside diameter of the iron pipe and type of material of Government Corner.*
- *As per 278-41 Please remove the Plan Commission Certificate only the Common Council Certificate is needed.*
- *Please remove the Treasurer Certificate.*
- *Please add "dedicated" into the Owner's Certificate for the included proposed easements.*
- *As per 278-41 A Mortgage Certificate may be appropriate if needed, in lieu of the easement dedications.*

We recommend approval of the Certified Survey Map subject to above surveyor's comments.

Although the material has been reviewed, the surveyor is ultimately responsible for the thoroughness and accuracy of the Certified Survey Map with state statutes and municipal city code.

Please contact me if you have any questions or comments pertaining to this project at (262) 758-6011 or gsplinter@kapurinc.com.





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 CERTIFIED SURVEY MAP REVIEW

REVIEW: \$500.00 Deposit +/- Actual Cost

FOR OFFICE USE ONLY	
DATE FILED:	12/11/19
RECEIVED BY:	KA (Initials)
AMT. PAID:	550

APPLICANT: Dave1 ENGINEERING & ENVIRONMENTAL Scott R. P...
PLS 5-3169

ADDRESS: 1164 Province Terrace ^{Menasha WI 9205606569} PHONE NO. _____ FAX NO. _____

OWNER: Franciscan Friars Assumption BVM Province

ADDRESS: 7230 W. Highland Park Ave ^{FRANKLIN WI 53132} PHONE NO. _____ FAX NO. _____

SITE ADDRESS: 2457 Browns Lake DR

PROPOSED USE: PT. Lot 1 & 2 Multi Family Lot 3 - TBD

LEGAL DESCRIPTION: SEE ATTACH Description
(Attach full legal description if needed)

LOCATION 1/4 of section NE, T 03 N, R 19 E, _____
PT of NE 1/4 Sec 22 & NW 1/4 23

CERTIFIED SURVEY MAP CHECKLIST
(PLEASE LIST ANY ADDITIONAL INFORMATION WHERE APPLICABLE):

- ___ Subdivider is to submit 27 copies and one original certified survey map (CSM) with this application.
- ___ Review fee must be submitted with application.
- ___ Survey performed and map prepared by WI Registered Land Surveyor.
(Each Sheet (singled sided) must be signed, sealed and dated by the Surveyor.)

PARCEL LOCATION

- ___ Describe all monuments used for determining the location of the parcel and show by bearing and distance their relationship to the surveyed parcel and indicate whether such monuments were found or placed. (Including monuments from adjoining and section split.)
- ___ The location of the certified survey map shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. Include a north arrow on each sheet with details.

PREPARATION

___ Graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features.

___ When more than one sheet is used for any map, each sheet number shall be labeled as Sheet 1 of 3.

MAP AND ENGINEERING INFORMATION

___ The exterior boundaries of the land surveyed and divided must be clearly shown.

___ The Legend for monuments shall indicate the type, the outside diameter, length and weight per lineal foot of the monuments.

___ The length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines shall be shown. When the lines in any tier of lots are parallel the bearings of the outer lines on each tier may be sufficient.

___ Easements not parallel to a boundary or lot line shall be shown by centerline bearing and width or by easement boundary bearings and distances.

___ Abutting street and state highway lines of adjoining plats shall be shown in their proper location by dotted or dashed lines. The width of these streets and highways shall also be given.

___ All lots and outlots must be consecutively numbered and show the area in square feet for each lot.

___ The exact width of all easements, streets and alleys and the centerline of all streets shall be shown.

___ The distances and bearings along all meander lines, and the distance to the ordinary high water mark at each lot line (must be greater than 20 feet) shall be shown.

___ When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places.

___ Curves shall show the radius, the central angle, chord bearing, the chord length and the arc length for each segment and the tangent bearing shall be shown for each end of the curve.

Property Owner:

Brian Bangart
Print

Brian Bangart
Signature

Date: 12/16/19

Applicant:

Scott Anderson
Print

Scott Anderson
Signature

Date: 12/16/19

Zoning Administrator:

[Signature]
Signature

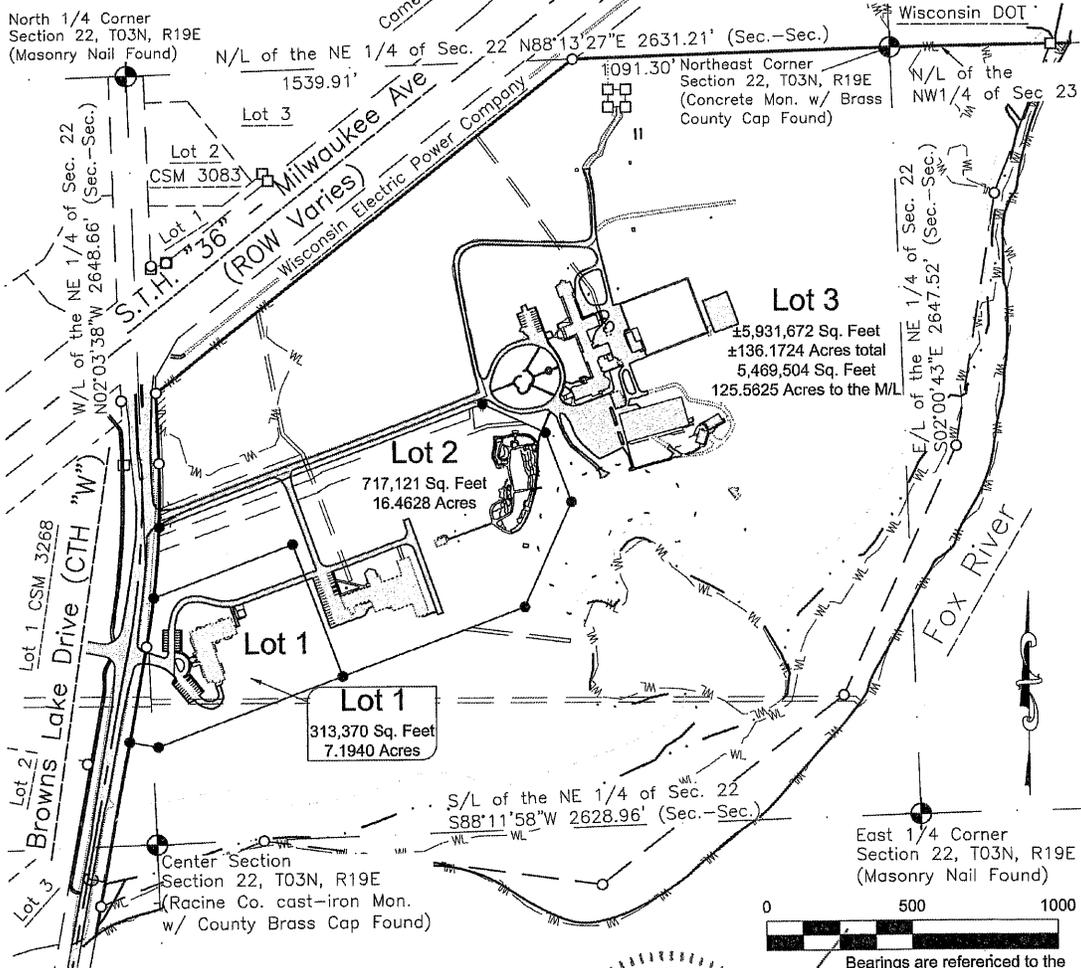
Date: 12/16/19

Certified Survey Map No. _____

All of Government Lots 1 and 2 and Part of Government Lot 3 and Part of the Northwest 1/4 of the Northeast 1/4 of Section 22; AND All of the Northwest 1/4 of Section 23 lying west of the Fox River; ALL of Township 03 North, Range 19 East, All being located in the City of Burlington, Racine County, Wisconsin.

LEGEND	
●	3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
○	3/4" Rebar Found
□	1.3" O.D. Iron Pipe Found
⊕	Government Corner
ⓔ	Existing Easement - See Sheet 9 of Doc.
▭	Existing Building
—	Asphalt Pavement
—	Concrete Pavement
—	Gravel
— WL —	Wetlands - Stantec (20180524)

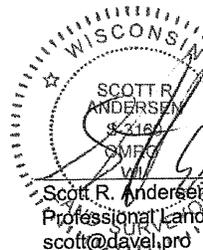
Survey for:
 Brian Bangart, CFO
 Franciscan Friars
 Assumption BVM Province
 9230 W. Highland Park Ave.
 Franklin, WI 53132



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
 Ph: 920-991-1866 Fax: 920-441-0804
 www.davel.pro

Revised: Jan 20, 2020 (Addressed Review Agency's Comments)
 Dec 13, 2019 - 09:12 AM J:\Projects\5288fra\dwg\Carlson\5288CSM.dwg



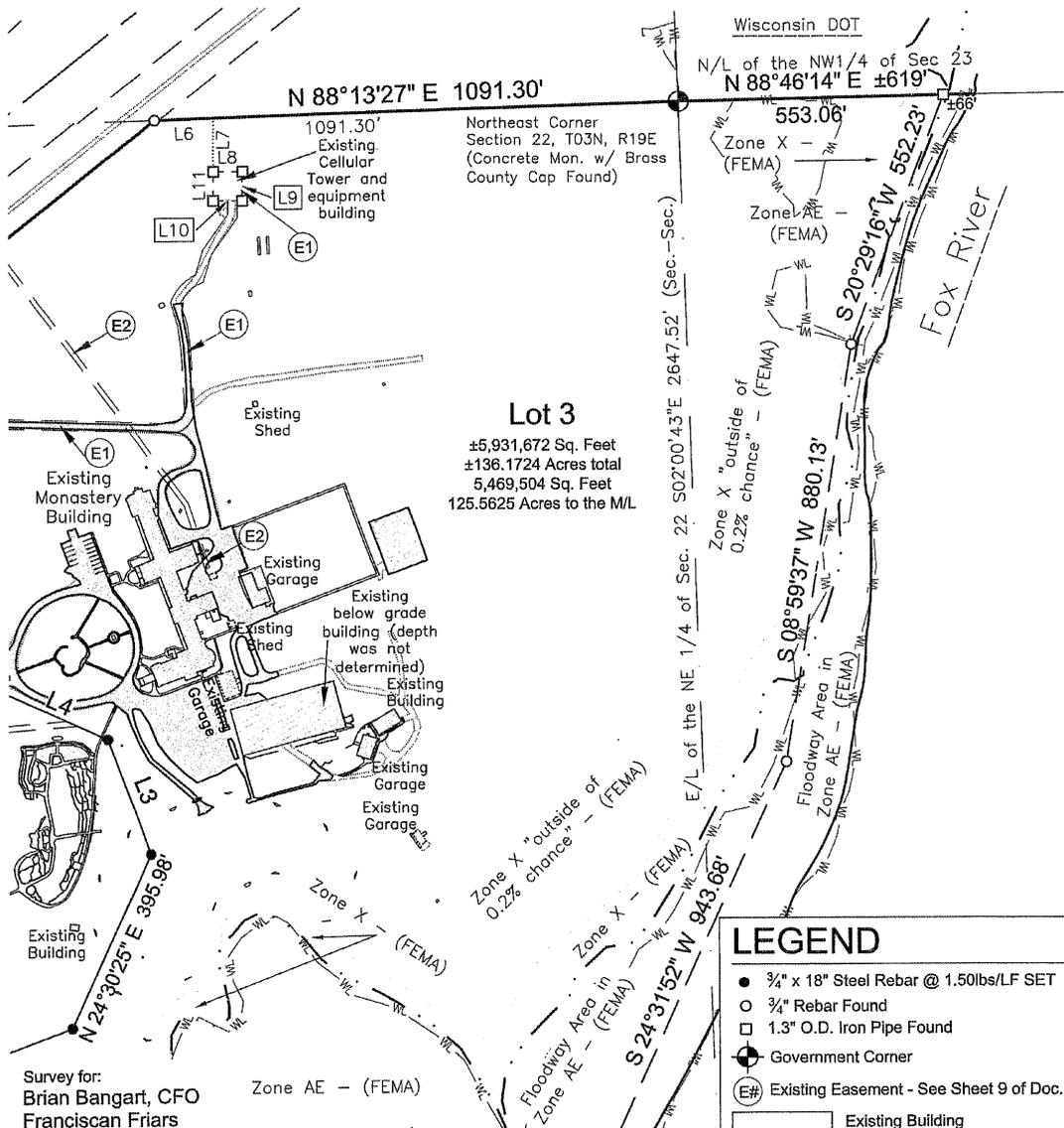
Bearings are referenced to the North line of the Northeast 1/4, Section 22, T03N, R19E, assumed to bear N 88°13'27" E, base on the State Plane Coordinate System (South Zone).

Scott R. Andersen
 Professional Land Surveyor No. S-3169
 scott@davel.pro

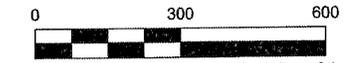
Drafted by: scott
 Sheet : 1 of 12

Certified Survey Map No. _____

All of Government Lots 1 and 2 and Part of Government Lot 3 and Part of the Northwest 1/4 of the Northeast 1/4 of Section 22; AND All of the Northwest 1/4 of Section 23 lying west of the Fox River; ALL of Township 03 North, Range 19 East, All being located in the City of Burlington, Racine County, Wisconsin.



Survey for:
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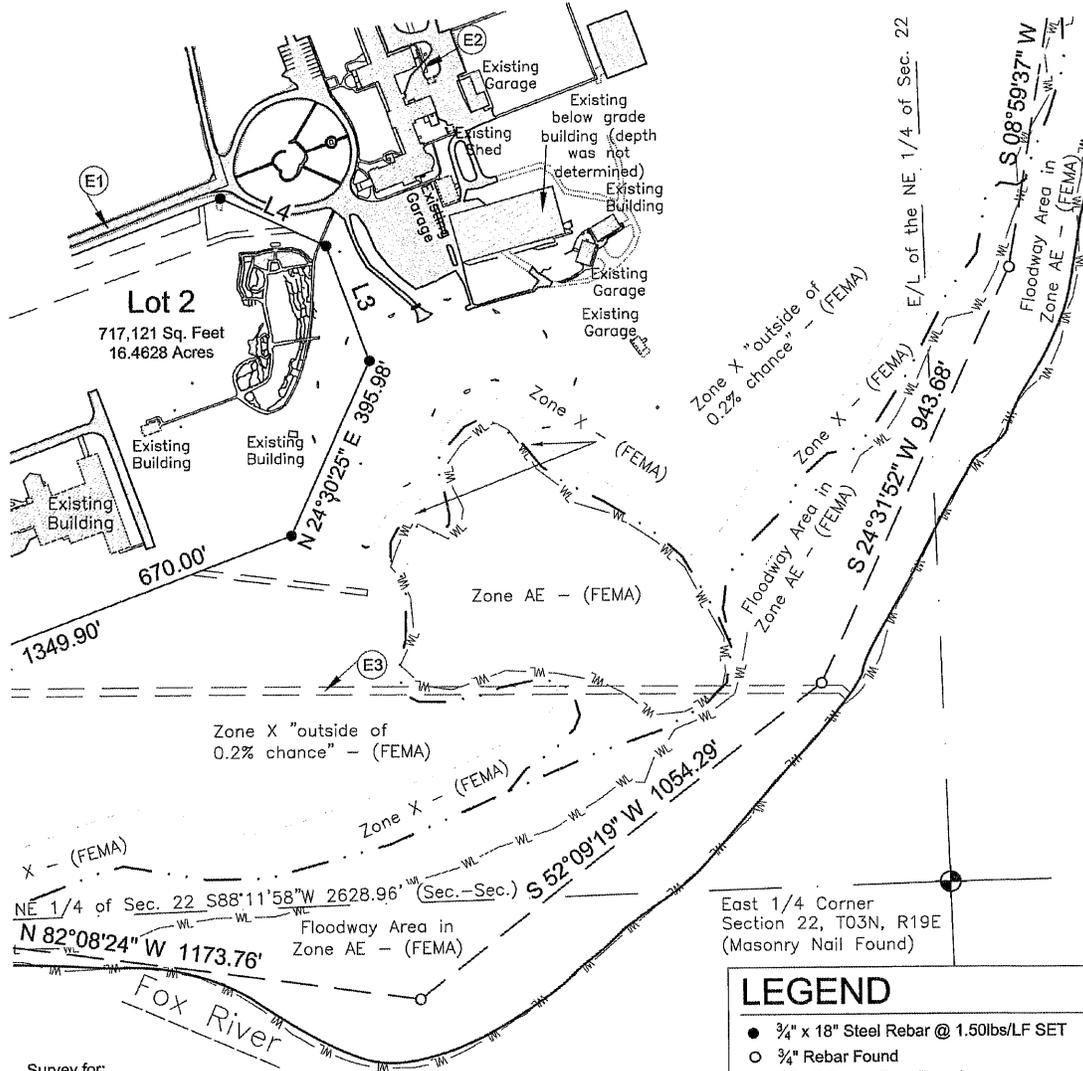
Revised: Jan 20, 2020 (Addressed Review Agency's Comments)
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LEGEND	
●	3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
○	3/4" Rebar Found
□	1.3" O.D. Iron Pipe Found
●	Government Corner
ⓔ	Existing Easement - See Sheet 9 of Doc.
▭	Existing Building
▭	Asphalt Pavement
▭	Concrete Pavement
▭	Gravel
— WL —	Wetlands - Stantec (20180524)

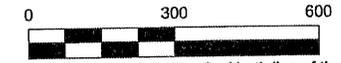
WISCONSIN
 SCOTT R. ANDERSEN
 S-3169
 COMPTON
 Scott R. Andersen
 Professional Land Surveyor No. S-3169
 scott@davel.pro
 Date 1/24/20
 Drafted by: scott
 Sheet : 2 of 12

Certified Survey Map No. _____

All of Government Lots 1 and 2 and Part of Government Lot 3 and Part of the Northwest 1/4 of the Northeast 1/4 of Section 22; AND All of the Northwest 1/4 of Section 23 lying west of the Fox River; ALL of Township 03 North, Range 19 East, All being located in the City of Burlington, Racine County, Wisconsin.



Survey for:
 Brian Bangart, CFO
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Bearings are referenced to the North line of the Northeast 1/4, Section 22, T03N, R19E, assumed to bear N 88°13'27\"/>



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 Dec 13, 2019 - 09:12 AM J:\Projects\5288fra\dwg\Carlson\5288CSM.dwg

East 1/4 Corner
 Section 22, T03N, R19E
 (Masonry Nail Found)

LEGEND	
●	3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
○	3/4" Rebar Found
□	1.3" O.D. Iron Pipe Found
⊙	Government Corner
ⓔ	Existing Easement - See Sheet 9 of Doc.
▭	Existing Building
▨	Asphalt Pavement
▩	Concrete Pavement
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—WL—	Wetlands - Stantec (20180524)

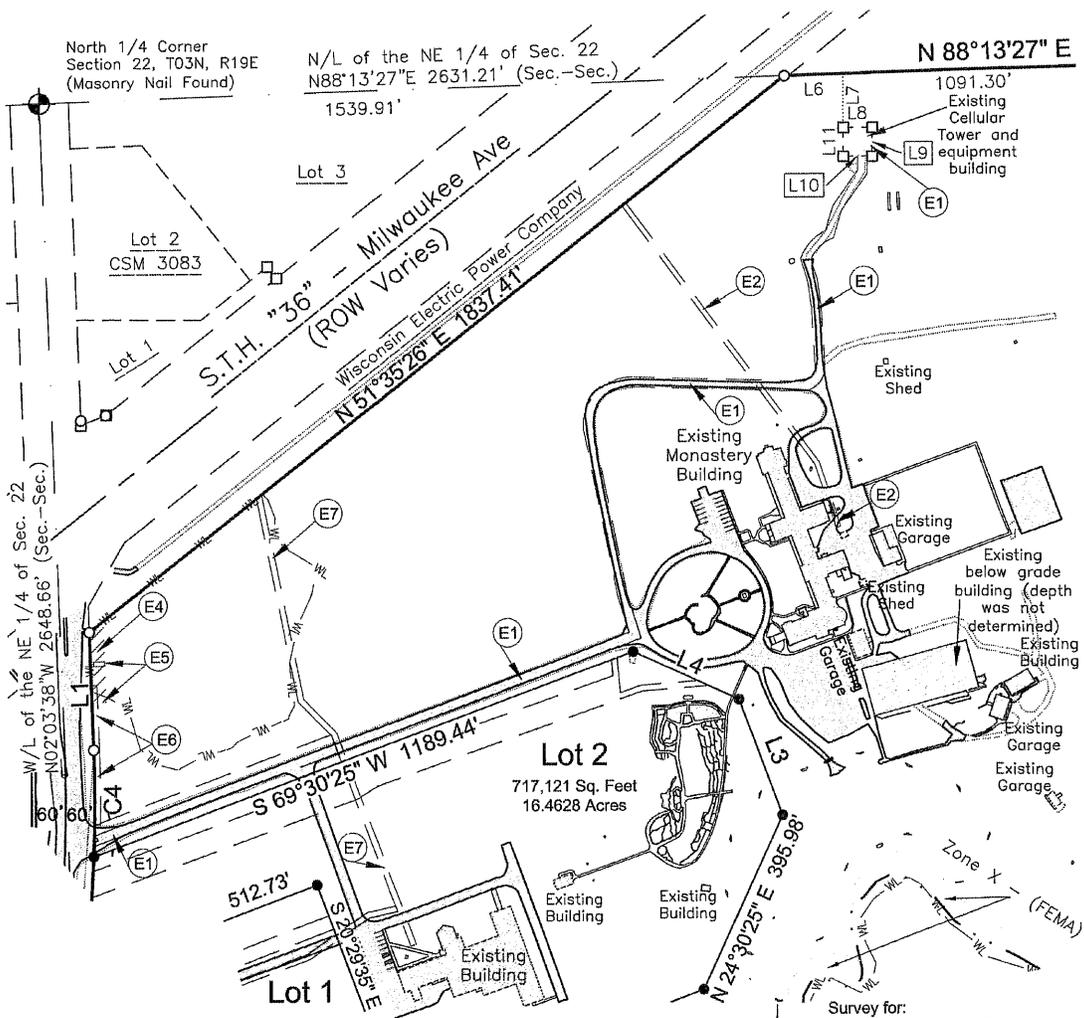
WISCONSIN
 SCOTT R. ANDERSEN
 S 3169
 O.M.P.C.
 WI
 Scott R. Andersen
 Professional Land Surveyor No. S-3169
 scott@davel.pro

12/7/20
 Date

Drafted by: scott
 Sheet : 3 of 12

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LEGEND

- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- 3/4" Rebar Found
- 1.3" O.D. Iron Pipe Found
- ⊕ Government Corner
- ⓔ Existing Easement - See Sheet 9 of Doc.
- ▭ Existing Building
- ▭ Asphalt Pavement
- ▭ Concrete Pavement
- ▭ Gravel
- WL— Wetlands - Stantec (20180524)

0 300 600

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Survey for:
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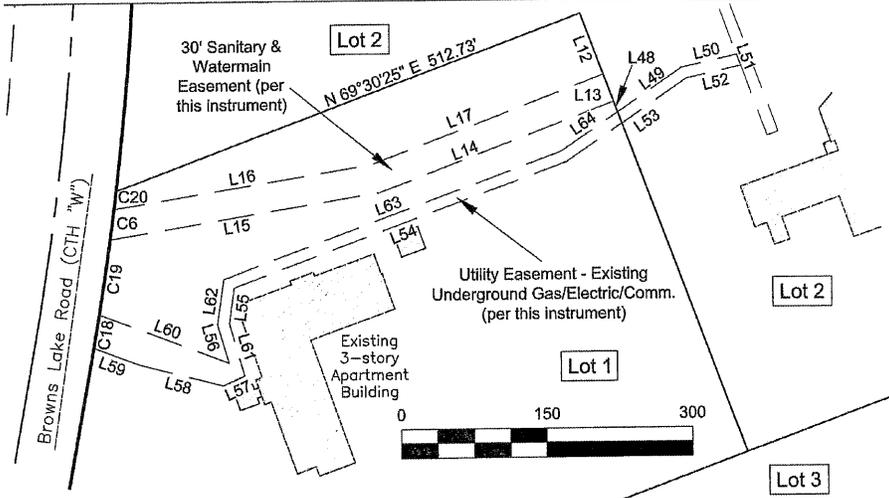
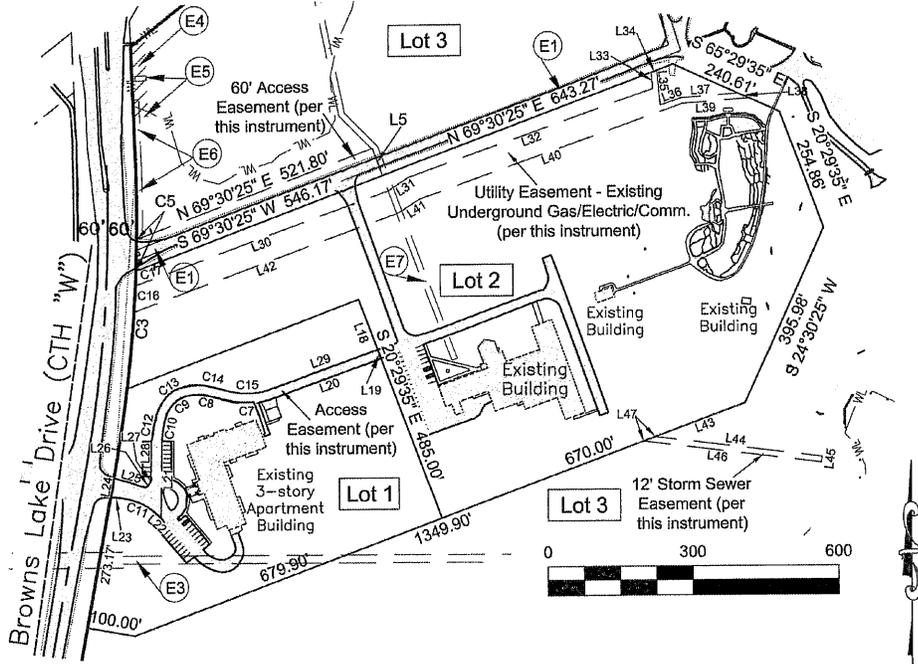
Scott R. Andersen
 Professional Land Surveyor No. S-3169
 scott@davel.pro

1/24/20
 Date

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Proposed Easement - Details



Survey for:
 Brian Bangart, CFO
 Franciscan Friars
 Assumption BVM Province
 9230 W. Highland Park Ave.
 Franklin, WI 53132



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Revised: Jan 20, 2020 (Addressed Review Agency's Comments)
 Dec 13, 2019 - 09:12 AM J:\Projects\5288fra\dwg\Carlson\5288CSM.dwg

Professional Seal of Scott R. Andersen, Wisconsin Professional Land Surveyor No. S-3169. Includes a signature and the date 1/24/20.

Drafted by: scott
 Sheet : 6 of 12

Certified Survey Map No. _____

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Proposed Easements Defined

30' Wide Sanitary Sewer & Watermain Easement Defined

An unobstructed easement for the maintenance of an existing Private Sanitary Sewer and Private Watermain which runs across Lot 1 of This Certified Survey Map. This easement shall have no permanent obstructions (fences, trees, shrubs, or other obstacles) that interfere with the maintenance of said utility systems. Said Easement is defined as 30' Sanitary & Watermain Easement which runs across Lot 1 of This Certified Survey Map for the benefit of Lot 2 of This Certified Survey Map. This easement is subject to all existing easements, and restrictions of record.

12' Wide Storm Sewer Easement Defined

An unobstructed easement for the maintenance of all an existing Private Storm Sewer which runs across Lot 3 of This Certified Survey Map. This easement shall have no permanent obstructions (fences, trees, shrubs, or other obstacles) that interfere with the maintenance of said utility systems. Said Easement is defined as 12' Storm Sewer Easement which runs across Lot 3 of This Certified Survey Map for the benefit of Lot 2 of This Certified Survey Map. This easement is subject to all existing easements, and restrictions of record.

Access Easement Defined

Two (2) unobstructed easements for Ingress and Egress (Pedestrian and Vehicular) over existing driveways. Said Easement is for the benefit of Lot 2 of this Certified Survey Map. This easement shall have no permanent obstructions that would interfere with the ease of passages across existing driveways. First easement is defined as "60' Access Easement" along the North Line of Lot 2 of this instrument and the second easement is defined as "Access Easement" within Lot 1 of this instrument. This easement is subject to all existing easements, and restrictions of record.

Utility Easement Defined

Two (2) unobstructed easements for the maintenance of existing underground utilities that were field located with no evidence of an existing easement on record. Said utilities run across Lot 2 of this Certified Survey Map for the benefit of Lot 2 and Lot 3 of this Certified Survey Map, also said utilities run across and service Lot 1 of this Certified Survey Map and benefit Lot 1 and 2 of this Certified Survey Map. This easement shall have no permanent obstructions (fences, trees, shrubs, or other obstacles) that interfere with the maintenance of said utility systems. Said Easement is defined as "Utility Easement - Existing Underground Gas/Electric/Comm.". This easement is subject to all existing easements, and restrictions of record.


Scott R. Andersen
Professional Land Surveyor No. S-3169
scott@davel.pro
Date 1/24/20

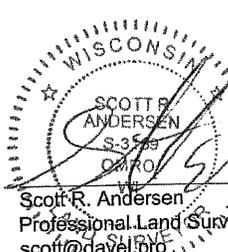
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CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	632.14'	2924.84'	12°23'00"	N 04°07'53" E	630.92'
C2	169.17'	2924.84'	3°18'50"	N 08°39'58" E	169.15'
C3	243.05'	2924.84'	4°45'41"	N 04°37'42" E	242.98'
C4	219.92'	2924.84'	4°18'29"	N 00°05'37" E	219.87'
C5	64.76'	2924.84'	1°16'07"	N 01°36'49" E	64.76'
C6	31.37'	2924.84'	0°36'52"	N 07°41'21" E	31.37'
C7	111.62'	164.21'	38°56'38"	S 89°40'14" W	109.48'
C8	50.26'	185.05'	15°33'48"	N 78°38'21" W	50.11'
C9	83.11'	62.52'	76°09'22"	S 55°30'05" W	77.12'
C10	50.61'	243.92'	11°53'14"	S 11°28'47" W	50.52'
C11	67.15'	98.79'	38°56'46"	N 67°55'23" W	65.87'
C12	56.05'	265.92'	12°04'35"	N 11°23'06" E	55.95'
C13	112.35'	84.52'	76°09'22"	N 55°30'05" E	104.26'
C14	56.24'	207.05'	15°33'48"	S 78°38'21" E	56.07'
C15	96.66'	142.21'	38°56'38"	N 89°40'14" E	94.81'
C16	54.41'	2924.84'	1°03'57"	N 03°22'07" E	54.41'
C17	30.00'	2924.84'	0°35'16"	N 02°32'30" E	30.00'
C18	34.55'	2924.84'	0°40'37"	N 09°51'10" E	34.55'
C19	77.48'	2924.84'	1°31'04"	N 08°45'20" E	77.48'
C20	19.04'	2924.84'	0°22'23"	N 07°11'44" E	19.04'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 02°03'38" W	243.32'
L2	S 79°40'38" E	100.00'
L3	N 20°29'35" W	254.86'
L4	N 65°29'35" W	240.61'
L5	S 20°29'35" E	60.00'
L6	N 88°13'27" E	122.01'
L7	N 00°00'07" E	111.49'
L8	S 89°59'53" E	60.00'
L9	S 00°00'07" W	60.00'
L10	N 89°59'53" W	60.00'
L11	N 00°00'07" E	60.00'
L12	S 20°29'35" E	67.57'
L13	S 20°29'35" E	30.00'
L14	S 69°04'47" W	258.91'
L15	S 80°43'02" W	282.89'
L16	N 80°43'02" E	270.68'
L17	N 69°04'47" E	256.08'
L18	S 20°29'35" E	109.70'
L19	S 20°29'35" E	22.00'
L20	S 70°11'55" W	236.52'
L21	S 01°03'40" W	162.56'
L22	N 48°27'01" W	26.48'
L23	N 85°15'09" W	24.08'
L24	N 10°19'22" E	41.37'
L25	S 73°19'03" E	67.75'

L26	N 52°32'44" E	12.18'
L27	N 10°33'38" E	13.41'
L28	N 01°03'40" E	77.64'
L29	N 70°11'55" E	236.26'
L30	N 70°08'08" E	557.48'
L31	N 56°46'02" E	49.50'
L32	N 70°30'54" E	538.80'
L33	N 05°18'43" W	33.46'
L34	N 69°30'25" E	12.43'
L35	S 05°18'43" E	72.88'
L36	N 70°30'54" E	45.40'
L37	N 85°37'23" E	117.64'
L38	S 65°29'35" E	24.84'
L39	S 85°37'23" W	137.80'
L40	S 70°30'54" W	579.36'
L41	S 56°46'02" W	49.33'
L42	S 70°08'08" W	584.81'
L43	S 69°30'25" W	198.12'
L44	S 82°53'23" E	346.15'
L45	S 07°06'37" W	12.00'
L46	N 82°53'23" W	369.11'
L47	N 69°30'25" E	25.90'
L48	S 20°29'35" E	11.72'
L49	N 55°22'33" E	80.18'
L50	N 77°12'06" E	58.69'
L51	S 20°22'15" E	12.11'
L52	S 77°12'06" W	57.97'
L53	S 55°22'33" W	150.46'
L54	S 69°46'48" W	367.42'
L55	S 08°18'15" W	36.79'
L56	S 16°24'51" E	55.81'
L57	S 65°58'25" W	24.49'
L58	N 75°24'27" W	90.49'
L59	N 69°01'35" W	48.90'
L60	S 69°01'35" E	142.71'
L61	N 16°24'51" W	41.05'
L62	N 08°18'15" E	46.56'
L63	N 69°46'48" E	373.04'
L64	N 55°22'33" E	71.08'



[Signature]

Scott R. Andersen
Professional Land Surveyor No. S-3169
scott@davel.pro

1/24/20

Date

Certified Survey Map No. _____

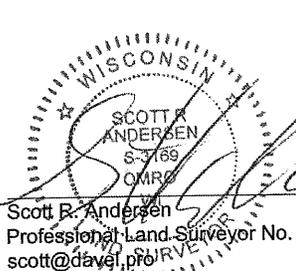
All of Government Lots 1 and 2 and Part of Government Lot 3 and Part of the Northwest 1/4 of the Northeast 1/4 of Section 22; AND All of the Northwest 1/4 of Section 23 lying west of the Fox River; ALL of Township 03 North, Range 19 East, All being located in the City of Burlington, Racine County, Wisconsin.

General Notes:

1. Floodplain Information
(Subject Site is mapped in Multiple Zones per FIRM Map No. 55101C0153D with and effective date of May 2, 2012)
 - a) Partially Mapped as "Zone X": Area determined to be outside the 0.2% annual chance floodplain.
 - b) Partially Mapped as "Zone X": Areas of 0.2% annual flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
 - c) Partially Mapped as "Zone AE": Area of Special Flood Hazard which is subject to flooding by the 1% annual chance flood (100 year flood).
 - d) Partially Mapped as "Floodway Area in Zone AE": The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.
2. Public Trust Information
s.236.20 (6) "Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."
3. Wetlands
Wetlands as shown on this instrument were provided by Owner of said property. The wetland delineation was conducted by Stantec in May of 2018.
4. Zoning Information: Information per published City code:
City of Burlington:
 - Rm-3 Low Density Multiple-Family Residential (Lots 1 and 2)
Setbacks:
Front Yard: 30 Feet
Side Yard: 20 Feet
Rear Yard: 50 Feet
Height: Principle - 45 Feet (3.0 stories) or Accessory - 15 Feet (1.0 stories)
 - "B-1 Neighborhood Business" and "I-1 Institutional" (Lot 3)
Setbacks:
Front Yard: 25 Feet
Side Yard: 10 Feet
Rear Yard: 25 Feet
Height: 60 Feet

Existing Easement and/or Restriction:

- E1) Lease property "US Cellular" and easement per Doc. 1898480 & 1907834 & 1907833 & 2257691 (Exhibit A)
- E2) Wisconsin Electric Power Co. Easement Doc. 619675
- E3) Wisconsin Telephone Easement Doc. 544360
- E4) No Access Doc. 2221137
- E5) No Access and Drainage easement Doc. 2240906 & 2238804
- E6) Wis. Electric Power Co. Easement Doc. 2233607
- E7) Wisconsin Electric Power Co. Easement Doc. 1400578


Scott R. Andersen
Professional Land Surveyor No. S-3169
scott@davejpro.com
Date 1/24/20

Certified Survey Map No. _____

All of Government Lots 1 and 2 and Part of Government Lot 3 and Part of the Northwest 1/4 of the Northeast 1/4 of Section 22; AND All of the Northwest 1/4 of Section 23 lying west of the Fox River; ALL of Township 03 North, Range 19 East, All being located in the City of Burlington, Racine County, Wisconsin.

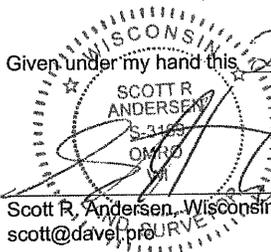
Surveyor's Certificate

I, Scott R. Andersen, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Burlington, and under the direction of Franciscan Friars Assumption BVM Province, Inc., the property owners of said land, I have surveyed, divided, dedicated and mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is All of Government Lots 1 and 2 and Part of Government Lot 3 and Part of the Northwest 1/4 of the Northeast 1/4 of Section 22; AND All of the Northwest 1/4 of Section 23 lying west of the Fox River; ALL of Township 03 North, Range 19 East, All being located in the City of Burlington, Racine County, Wisconsin, containing 6,962,163 Square Feet (159.8293 Acres) more or less of land described as follows:

Commencing at the North 1/4 Corner of Section 22-T03N-R19E;
thence N88°13'27"E along the north line of the NE 1/4 of said Section 22, 1539.91 feet to the point of beginning;
thence continuing N88°13'27"E along said north line, 1091.30 feet to the Northeast Corner of said Section 22;
thence N88°46'14"E along the north line of the NW 1/4 of Section 23-T03N-R19E, 553.06 feet to a meander corner which is S88°46'14"W, 66 feet more or less from the ordinary high water mark of the Fox River;
thence S20°29'16"W along a meander line, 552.23 feet;
thence S08°59'37"W along a meander line, 880.13 feet;
thence S24°31'52"W along a meander line, 943.68 feet;
thence S52°09'19"W along a meander line, 1054.29 feet;
thence N82°08'24"W along a meander line, 1173.76 feet;
thence S68°48'13"W along a meander line, 605.41 feet to meander corner on the east right of way of Browns Lake Drive, said meander corner being N10°19'22"E, 100 feet more or less from the ordinary high water mark of the Fox River;
thence N10°19'22"E along the east right of way of Browns Lake Drive, 905.32 feet to a point of curvature of a curve to the left having a radius of 2924.84 feet and a delta angle of 12°23'00";
thence 632.14 feet along said right of way line and the arc of a curve which has a chord that bears N04°07'53"E, 630.92 feet;
thence N02°03'38"W along said right of way line, 243.32 feet;
thence N51°35'26"E 1837.41 feet to the point of beginning.

Described parcel includes the land between the described meander line and the ordinary high water mark of the Fox River. Described parcel is subject to Riparian Rights and subject to all easements and restrictions of record.

Given under my hand this 24 day of January, 2020



Scott R. Andersen, Wisconsin Professional Land Surveyor No. S-3169
scott@dave.pro

Certified Survey Map No. _____

All of Government Lots 1 and 2 and Part of Government Lot 3 and Part of the Northwest 1/4 of the Northeast 1/4 of Section 22; AND All of the Northwest 1/4 of Section 23 lying west of the Fox River; ALL of Township 03 North, Range 19 East, All being located in the City of Burlington, Racine County, Wisconsin.

Corporate Owner's Certificate

Franciscan Friars Assumption BVM Province, Inc., a corporation duly organized and existing under and by virtue of the Laws of the State of Wisconsin, as the property owners, do hereby certify that we caused the land above described to be surveyed, divided, dedicated and mapped all as shown and represented on this map.

We do further certify this Certified Survey Map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Burlington

IN WITNESS WHEREOF, the said Franciscan Friars Assumption BVM Province, Inc., has caused these presents to be

signed by its authorized representatives, located at, _____, Wisconsin, and its corporate seal to be hereunto affixed

this _____ day of _____, 20_____.

In the Presence of: Franciscan Friars Assumption BVM Province, Inc.

By _____ By _____
print name _____ print name _____
Title _____ Title _____

State of Wisconsin)
)ss
_____ County)

Personally came before me this _____ day of _____, 20_____.

the above named, officers of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

_____ My commission expires: _____
Notary Public, Wisconsin

SCOTT R. ANDERSEN
S-3169
CMFO
1/24/20
Date
Scott R. Andersen
Professional Land Surveyor No. S-3169
scott@davelpro

Certified Survey Map No. _____

All of Government Lots 1 and 2 and Part of Government Lot 3 and Part of the Northwest 1/4 of the Northeast 1/4 of Section 22; AND All of the Northwest 1/4 of Section 23 lying west of the Fox River; ALL of Township 03 North, Range 19 East, All being located in the City of Burlington, Racine County, Wisconsin.

City Council Approval Certificate

Resolved, that this certified survey map in the City of Burlington, Racine County, Franciscan Friars Assumption BVM Province, Inc., the property owners, is hereby approved by the City Council of the City of Burlington.

Mayor Date

I hereby certify that the foregoing is a copy of a resolution adopted by the City Council of the City of Burlington.

Clerk Date

This Certified Survey Map is contained wholly within the property described in the following recorded instruments:

the property owners of record:	Parcel Number(s):
Franciscan Friars Assumption BVM Province, Inc	206-03-19-22-002-000
	206-03-19-23-038-000

Scott R. Andersen Date
Professional Land Surveyor No. S-3169
scott@davel.pro



PLAN COMMISSION

ITEM NUMBER: 6B

DATE: April 14, 2020

SUBJECT: Consideration to recommend approval of a Rezone Map Amendment request at 2457 Browns Lake Drive from I-1 District and Rm-3 District to Rm-2 District.

SUBMITTED BY: Megan Watkins, Assistant City Administrator/Zoning Administrator

PROJECT/SCOPE:

This item is to consider recommending approval of a Rezone Map Amendment request from Davel Engineering & Environmental on behalf of the Franciscan Friars Assumption Blessed Virgin Mary Province for property at 2457 Browns Lake Drive. The applicant is requesting to rezone Lot 1 and Lot 2 from I-1, Institutional District and Rm-3, Low Density Multiple Family Residential District to Rm-2, Multiple-Family Residential District. The property is currently one large parcel and multiple zoning districts – “B-1 neighborhood Business District”, “I-1 Institutional District”, “Rm-3 Low-Density Multiple-Family Residential District”, and “FC Floodplain Conservancy”. The owners and users of the property, Franciscan Friars Assumption Blessed Virgin Mary Province, are looking to subdivide and recalibrate the zoning of the parcel for greater flexibility of use, future development, and ownership of Lots 1, 2, and 3. The proposed zoning is compliant with “A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035”.

Proposed lots and current utilization of the parcels:

- Lot 1 – Francis Meadows Senior Apartments (proposed zoning: Rm-2)
- Lot 2 – Queen of Peace Friary (proposed zoning: Rm-2)
- Lot 3 – Franciscan Friars ABVM – Saint Francis Meadows Monastery site (split zoned as B-1, I-1, FC [Floodplain Conservancy to be treated as Floodway])

This item was tabled at the January 14, 2020 meeting since it was determined that “Rm-3 Low-Density Multiple Family Residential District was not the appropriate zoning.

ZONING:

The parcel is currently zoned I-1, Institutional District and Rm-3 Low-Density Multiple-Family Residential District. The applicant is requesting to fully rezone Lot 2 as Rm-2, Multiple-Family Residential District.

RECOMMENDATION:

Graef recommends a conditional approval of this Rezone Map Amendment, subject to items listed in the March 2, 2020 memorandum.

TIMING/IMPLEMENTATION:

This item is for recommendation to the Council at the April 14, 2020 Plan Commission, is scheduled for the April 21, 2020 Committee of the Whole meeting and with a Public Hearing the same night and at the May 5, 2020 Common Council meeting for final consideration.

MAP:





collaborāte / formulāte / innovāte

MEMORANDUM

TO: Plan Commission
City of Burlington

FROM: GRAEF
Tanya Fonseca, AICP

DATE: April 6, 2020

SUBJECT: Review of Petition for a Certified Survey Map and Rezoning Map Amendment for a portion of 2457 Browns Lake Drive, Burlington, WI.

A. PURPOSE

Consider for approval a Certified Survey Map and Petition for Rezoning Map Amendment from Davel Engineering & Environmental (located at 1164 Province Terrance, Menasha, WI) on behalf of the Franciscan Friars Assumption Blessed Virgin Mary Province for parcel 206-03-19-22-002-000 located at 2457 Browns Lake Drive to be divided from one lot into three separate lots.

Proposed Lots 1 and 2 are proposed to be fully zoned as "Rm-2 Multiple-Family Residence District." Current zoning shows two zoning districts of "Rm-3 Low-Density Multiple-Family Residence District" and "I-1 Institutional District" in proposed Lot 2, and "Rm-3 Low-Density Multiple Family Residence District" for Lot 1. During January 14 Plan Commission meeting, it was determined that "Rm-3 Low-Density Multiple Family Residence District" was not the appropriate zoning district for these uses on proposed Lots 1 and 2, as the current densities already exceed the maximums of Rm-3 (which is the least dense multi-family residential district in Burlington). The Applicant has revised their application and proposing to rezone proposed Lots 1 and 2 as "Rm-2 Multiple-Family Residence District," which will be a more appropriate zoning district for current and future uses.

B. RECOMMENDATION

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

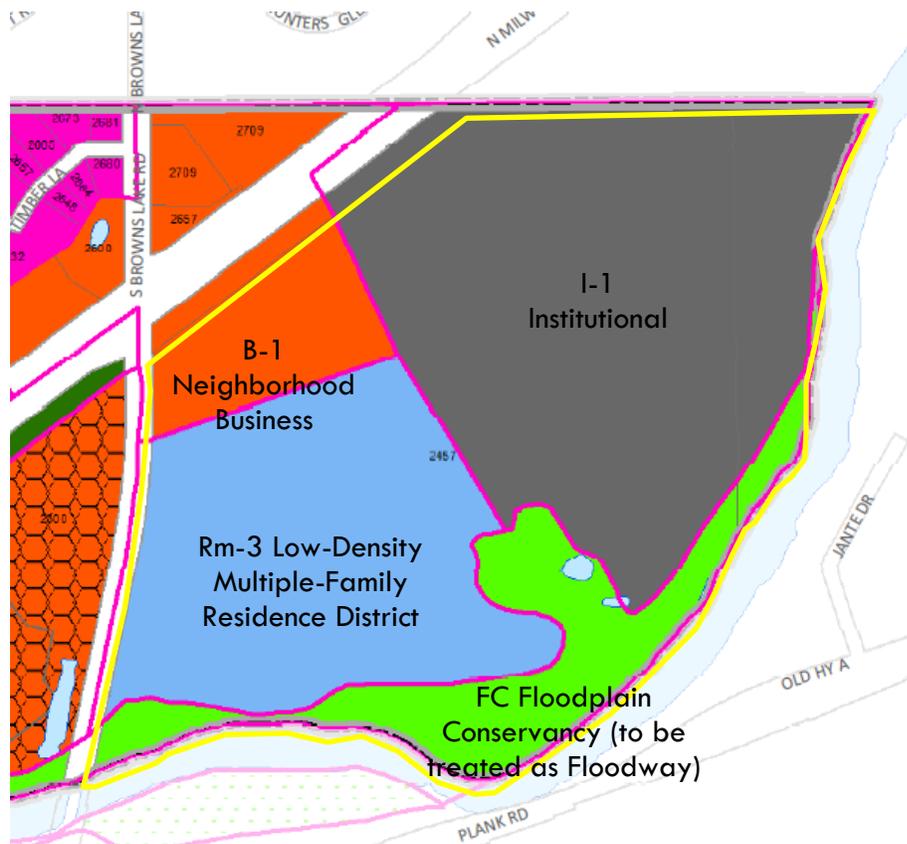
- 1) **APPROVAL** of the application for a Certified Survey Map to subdivide parcel 206-03-19-22-002-000 into three lots.
- 2) **APPROVAL** of a Petition for a Rezoning Map Amendment Application from Davel Engineering & Environmental on behalf of the Franciscan Friars Assumption Blessed Virgin Mary Province for Lot 1 of parcel 206-03-19-22-002-000 to be rezoned as "Rm-2 Multiple-Family Residence District."
- 3) **APPROVAL** of a Petition for a Rezoning Map Amendment Application from Davel Engineering & Environmental on behalf of the Franciscan Friars Assumption Blessed Virgin Mary Province for Lot 2 of parcel 206-03-19-22-002-000 to be rezoned as "Rm-2 Multiple-Family Residence District."

C. BACKGROUND

Applicant Davel Engineering & Environmental is applying for a Certified Survey Map to subdivide parcel 206-03-19-22-002-000 into three lots and for a Rezoning Map Amendment to fully zone Lot 2 as “Rm-2 Multiple-Family Residence District.” The property is currently one large parcel and multiple zoning districts – “B-1 Neighborhood Business District,” “I-1 Institutional District,” “Rm-3 Low-Density Multiple-Family Residence District,” and “FC Floodplain Conservancy.” The owners and users of the property, Franciscan Friars Assumption Blessed Virgin Mary Province Assumption, are looking to subdivide and recalibrate the zoning of the parcel for greater flexibility of use, future development, and ownership of Lots 1, 2, and 3.

Proposed lots and current utilization of the parcels:

- Lot 1 – Francis Meadows Senior Apartments (proposed zoning: Rm-2)
- Lot 2 – Queen of Peace Friary (proposed zoning: Rm-2)
- Lot 3 – Franciscan Friars ABVM - Saint Francis Monastery site (split zoned as B-1, I-1, FC [Floodplain Conservancy to be treated as Floodway])



City of Burlington Zoning Map:

https://www.burlington-wi.gov/DocumentCenter/View/2518/ZoningMap_36x48--020719?bidId=

D. COMPLIANCE WITH “A MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR RACINE COUNTY: 2035”

“Map 1 - Recommended Land Use Plan for the City of Burlington Planning Area: 2035” in Appendix D of “A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035” (November, 2009), as shown on the following page, indicates that the planned land use of parcel 206-03-19-22-002-000 is four types of uses – “High Density Residential (less than 6,200 square feet per dwelling unit,” “Governmental and Institutional,” “Commercial,” and “Primary Environmental Corridor.” It is assumed that these land use types are similar to current and proposed future uses. The proposed rezoning is compliant with “A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035.”

E. COMPLIANCE WITH ARTICLE VI “CERTIFIED SURVEY MAP” OF MUNICIPAL CODE CHAPTER 278 “SUBDIVISION OF LAND”

The Applicants’ CSM currently complies with the provisions in §278-38 “General requirements” and §278-39 “Additional information.”

In general, there are few changes to the proposed CSM between the 12/13/19 and 1/24/20 versions – minimal changes between the two document versions – differences include minor difference between the monument noted on page 1 of 12 of both documents. On the new version, more detail is given “Racine Co. cast-iron Mon. with County Brass Cap Found” versus the prior “County Monument Found.” Other additions are found on page 9 and highlight the zoning detail from the City code.

F. COMPLIANCE TO REZONING & EXISTING ZONING OF “RM-2 MULTIPLE-FAMILY RESIDENCE DISTRICT”

Proposed Lot 1 currently has an existing 3-story apartment building that features 49 units. If rezoned to Rm-2, the lot can accommodate up to 17.4 dwelling units per acre. Lot 1 will be 7.194 acres, and therefore could potentially accommodate up to 125 dwelling units. This conceptual calculation is without factoring in other dimensional requirements of the Rm-2 District – this will be up to the development team to determine capacity for the proposed future structure of additional dwelling units.

Proposed Lot 2 currently has an existing residential structure that contains 20 bedrooms. As Rm-2, this this facility can be used as housing for elderly in the future with a conditional use permit, provided that elderly housing densities shall not exceed 22 units per net acre or 32 bedrooms per net acre, whichever is greater. Lot 2 is 16.4628 acres in total. The net acreage for lot 2 is not determined so it is difficult to determine future capacity at this time, however it is clear that the existing development does not exceed these density maximums and there is future capacity for future development on Lot 2 – to be determined.

The Rm-2 district permitted and conditional uses are as follows:

Rm-2 permitted uses:

- (1) Multiple-family dwellings.
- (2) Foster homes; treatment foster homes in one or more units of a multiple-family dwelling structure.
- (3) Community living arrangements which have a capacity for 15 persons or fewer.
- (4) Adult family homes in one or more units of a multiple-family dwelling structure.
- (5) Essential services.

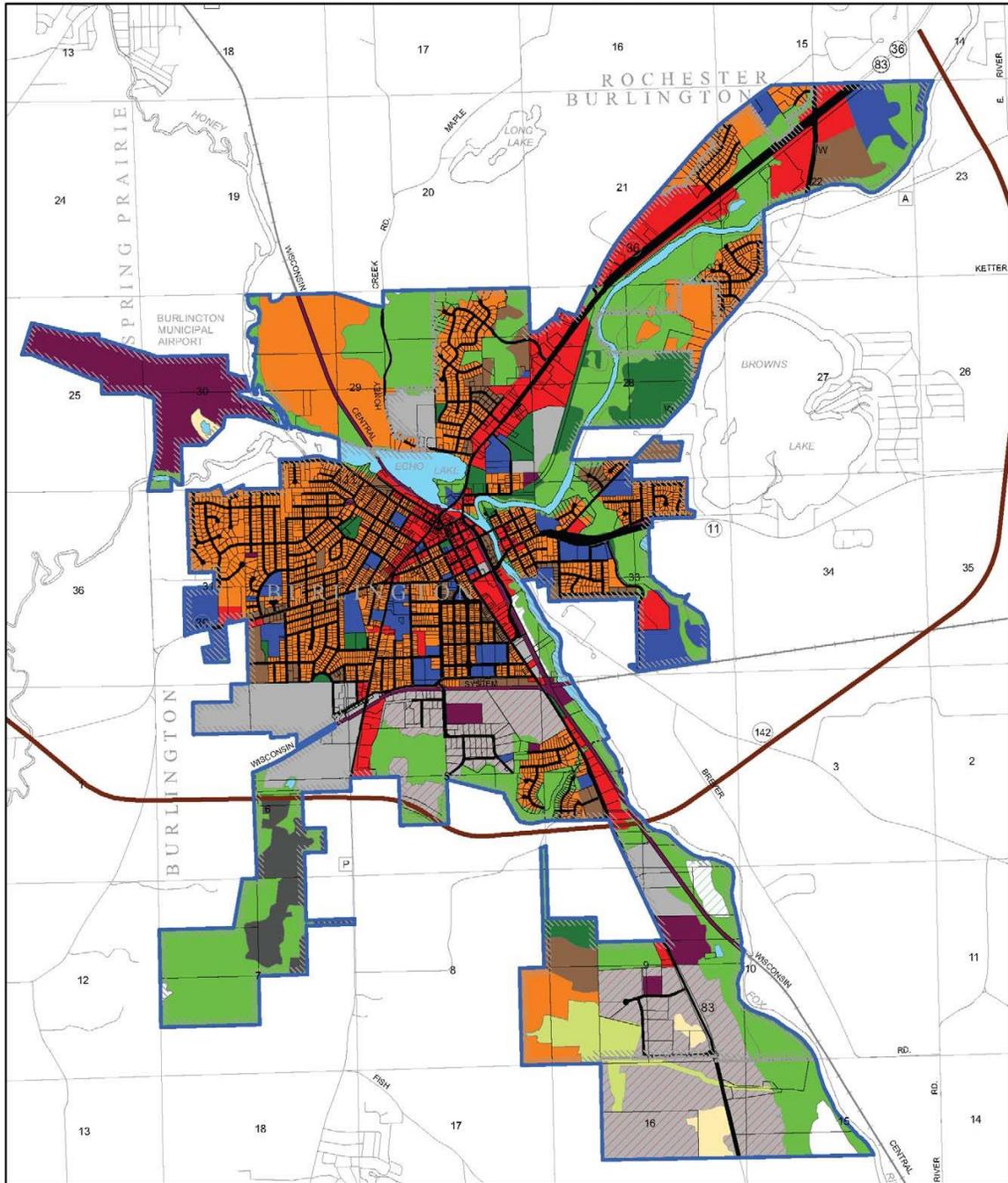
Rm-2 permitted accessory uses:

- (1) Private garages and carports
- (2) Gardening, tool and storage sheds incidental to the residential use.

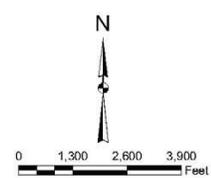
Rm-2 conditional uses:

- (1) Community living arrangements which have a capacity for 16 persons or more.
- (2) Housing for the elderly, provided that elderly housing densities shall not exceed 22 units per net acre or 32 bedrooms per net acre, whichever is greater.
- (3) Utilities.
- (4) Churches.
- (5) Mobile home parks
- (6) Bed-and-breakfast establishments providing adequate off-street parking facilities.

RECOMMENDED LAND USE PLAN FOR THE CITY OF BURLINGTON PLANNING AREA: 2035



- | | | |
|--|--|----------------------------------|
| MEDIUM DENSITY RESIDENTIAL (6,200 SQUARE FEET OR MORE PER DWELLING UNIT) | STREETS AND HIGHWAYS | SECONDARY ENVIRONMENTAL CORRIDOR |
| HIGH DENSITY RESIDENTIAL (LESS THAN 6,200 SQUARE FEET PER DWELLING UNIT) | GOVERNMENTAL AND INSTITUTIONAL | ISOLATED NATURAL RESOURCE AREA |
| COMMERCIAL | RECREATIONAL | OTHER OPEN LANDS TO BE PRESERVED |
| INDUSTRIAL | EXTRACTIVE | SURFACE WATER |
| INDUSTRIAL/BUSINESS PARK | AGRICULTURAL, RURAL RESIDENTIAL, AND OPEN LAND | BURLINGTON PLANNING AREA |
| TRANSPORTATION, COMMUNICATION, AND UTILITIES | PRIMARY ENVIRONMENTAL CORRIDOR | BURLINGTON BYPASS |
| PARCEL LINE | | |



Source: SEWRPC.

A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035:

<http://www.sewrpc.org/SEWRPCFiles/Publications/CAPR/capr-301-comprehensive-plan-for-racine-county.pdf>



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

For Office Use Only	
Petition No.	_____
Date Filed	_____
Date Received (\$500)	12/11/19
Zoning Administrator	KA (initials)

**ZONING FORM NO. 2
PETITION FOR REZONING MAP AMENDMENT**

TO THE COMMON COUNCIL OF THE CITY OF BURLINGTON, WISCONSIN:

I, the undersigned, being owner/owner's agent of all the area herein described, hereby petition the Common Council of the City of Burlington, Wisconsin, to rezone and make appropriate a zoning map amendment to the following described property from I-1 and RM-3 District to RM-2 District:

Address of Property: 2457 Browns Lake Drive Acres: SEE ATTACHED PAGES

Legal Description of Property (attach additional sheets if needed): _____

~~SEE ATTACHED EXHIBITS AND PROPOSED CERTIFIED SURVEY MAP.~~ _____

I have requested this rezoning for the purpose of: Zoning Lot 1 and Lot 2 of the Proposed Certified Survey Map to be all RM-2 Zoning.

Please find the following items attached:

Plot Plan drawn to a scale of one inch equals one hundred (100) feet showing the area to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.

Owners' Names and Addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.

Additional Information required by the Plan Commission or Common Council.

I have certified that all the above statements submitted herewith are true and correct to the best of my knowledge and belief.

PROPERTY OWNER:

Name Franciscan Friars Assumption BVM Province Inc (Brian Bangart)

Address 9230 W. Highland Park Ave.

Franklin WI 53132
(City) (State) (Zip)

Telephone No. _____

Date 01/24/2020

OWNER'S AGENT:

Name Davel Engineering & Environmental Inc (Scott Andersen S-3169)

Address 1164 Province Terrace

Menasha WI 54952
(City) (State) (Zip)

Telephone No. 920-560-6569

Date 01/24/2020

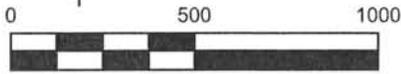
More information maybe requested by the Plan Commission and/or Common Council if deemed necessary to properly evaluate your request. The lack of information requested by this form may be sufficient cause to deny the petition. If you have any question regarding the procedure, please contact the Zoning Administrator.

Proposed Zoning Exhibit

Franciscan Friars Assumption BVM Province, Inc. Property

City of Burlington, Racine County, WI

For: Brian Bangart, CFO

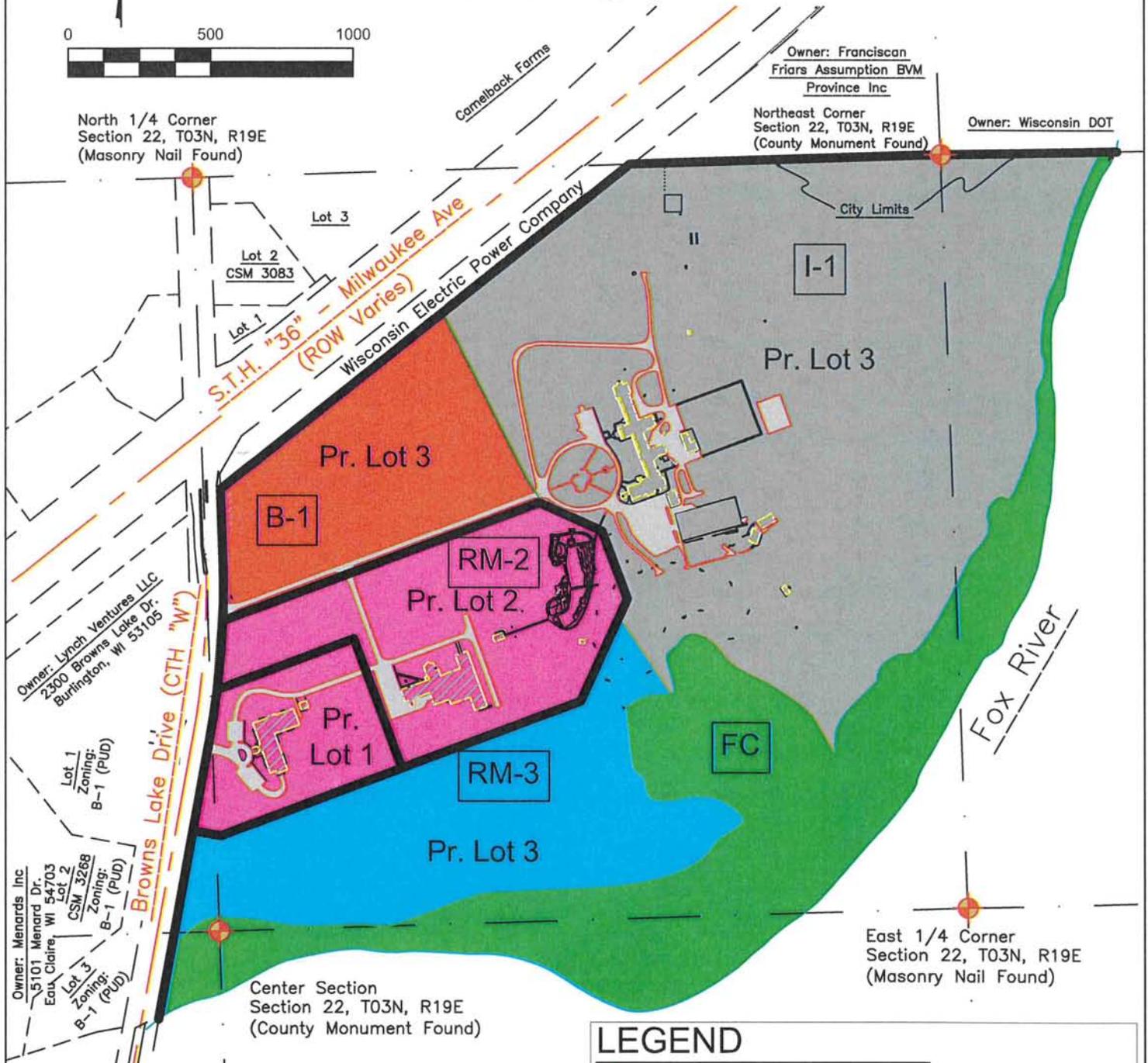


North 1/4 Corner
Section 22, T03N, R19E
(Masonry Nail Found)

Owner: Franciscan
Friars Assumption BVM
Province Inc

Northeast Corner
Section 22, T03N, R19E
(County Monument Found)

Owner: Wisconsin DOT



Owner: Lynch Ventures LLC
2300 Browns Lake Dr.
Burlington, WI 53105

Lot 1
Zoning:
B-1 (PUD)

Owner: Menards Inc
5101 Menard Dr.
Eau Claire, WI 54703
Lot 2
CSM 3268
Zoning:
B-1 (PUD)

Center Section
Section 22, T03N, R19E
(County Monument Found)

East 1/4 Corner
Section 22, T03N, R19E
(Masonry Nail Found)

LEGEND

- Government Corner
- Existing Building
- Asphalt Pavement
- B-1 Neighborhood Business District
- RM-2 Multiple Family Residential District
- RM-3 Low Density Multiple Family Residential District
- I-1 Institutional District
- FC Floodplain Conservancy to be treated as FW (Floodway)



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**

Civil Engineers and Land Surveyors

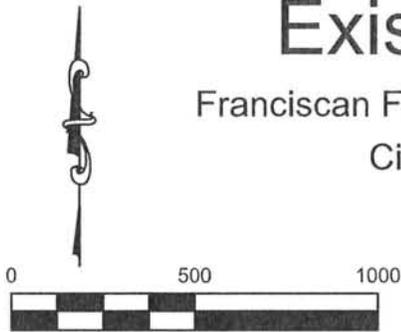
1164 Province Terrace, Menasha, WI 54952

Ph: 920-991-1866 Fax: 920-441-0804

www.davel.pro

Existing Zoning Exhibit

Franciscan Friars Assumption BVM Province, Inc. Property
 City of Burlington, Racine County, WI
 For: Brian Bangart, CFO

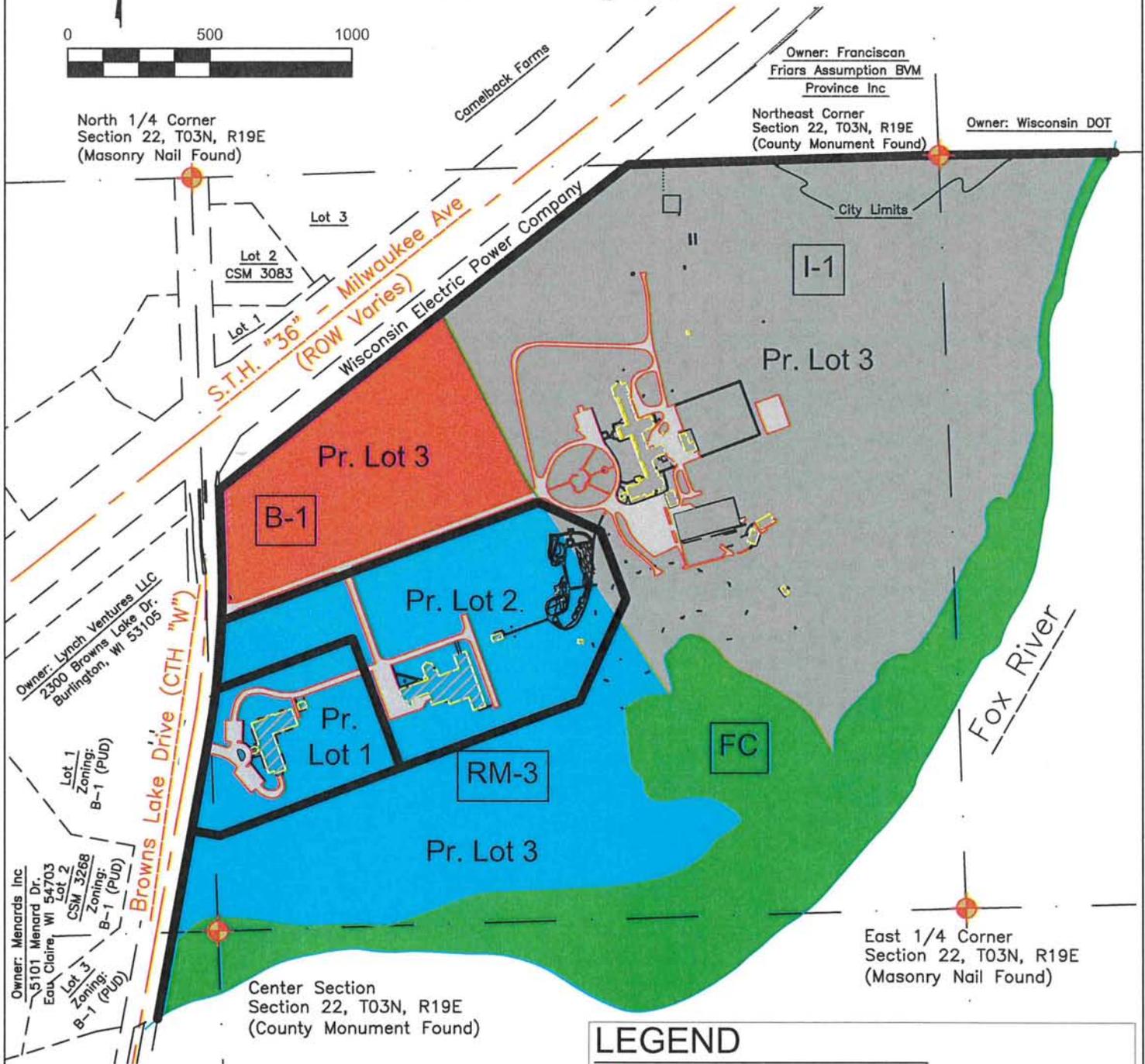


North 1/4 Corner
 Section 22, T03N, R19E
 (Masonry Nail Found)

Owner: Franciscan
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 Zoning: B-1 (PUD)

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 Eau Claire, WI 54703

Lot 2
 CSM 3268
 Zoning: B-1 (PUD)

Lot 3
 Zoning: B-1 (PUD)

Center Section
 Section 22, T03N, R19E
 (County Monument Found)

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 Section 22, T03N, R19E
 (Masonry Nail Found)

LEGEND

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**NOTICE OF PUBLIC HEARING
FOR AMENDING THE ZONING MAP**

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Common Council of the City of Burlington proposes to amend Chapter 315 of the Municipal Code, Zoning Map, as it pertains to:

Owner: Brian Bangart
Applicant: Scott Andersen
Applicant Address: 1164 Province Terrace, Menasha, WI 54952
Location of Request: **2457 Browns Lake Drive**
Existing Zoning: I-1, Institutional District and Rm-3, Low Density Multi-Family Residential
Proposed Zoning: Rm-2, Multiple-Family Residential
Proposed Use: Francis Meadows Senior Apartments and Queen of Peace Friary

NOTICE IS FURTHER GIVEN that a Public Hearing on the above matter will be held by the Common Council in the City Council Chambers, in the City of Burlington located at 224 E. Jefferson Street on:

TUESDAY, MAY 5, 2020 DURING THE MEETING OF THE COMMON COUNCIL
SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER

To hear any persons objecting to, or in support thereof, on the above mentioned matter.

CITY OF BURLINGTON

Dated at Burlington, Wisconsin, this 20th day of March, 2020.

Diahnn Halbach, City Clerk

Published in the Burlington Standard Press
April 16 and April 23, 2020



PLAN COMMISSION

ITEM NUMBER: 6C

DATE: April 14, 2020

SUBJECT: Consideration to approve an extension to the Site Plan application at 126 Chapel Terrace with possible variances to the landscaping and lighting requirements pursuant Wisc. Statutes 62.23(7)(e)(1).

SUBMITTED BY: Megan Watkins, Assistant City Administrator/Zoning Administrator

PROJECT/SCOPE:

This item is to consider approving an extension to the Site Plan application from Cross Lutheran Church, for property located at 126 Chapel Terrace.

The Commissioners approved the Site Plan as submitted at the March 12, 2019 meeting (minutes attached). Please see attached correspondence requesting an extension on the existing permits. In addition, the applicant is requesting an exemption on the following items:

1. An extension to the site plan of at least 12 months
2. A 25% reduction in required parking lot lighting
3. To not require vegetative screening
4. Reduce the amount of required landscaping

POWER OF THE PLAN COMMISSION

Wisconsin State Statute Section 62.23(7)(e)(1) provides for the creation of a Zoning Board of Appeals. The last sentence of that statute, however states as follows: *“Nothing in this subdivision shall preclude the granting of special exceptions by the city plan commission or the common council in accordance with the zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date”*.

In short, the Plan Commission itself can allow deviations, or "variances" if you will, from the provisions of the Zoning Code. And no showing of any hardship, or meeting any of the other rigorous requirements for a variance from the ZBA, is then needed.

ZONING:

The parcel is zoned I-1, Institutional District.

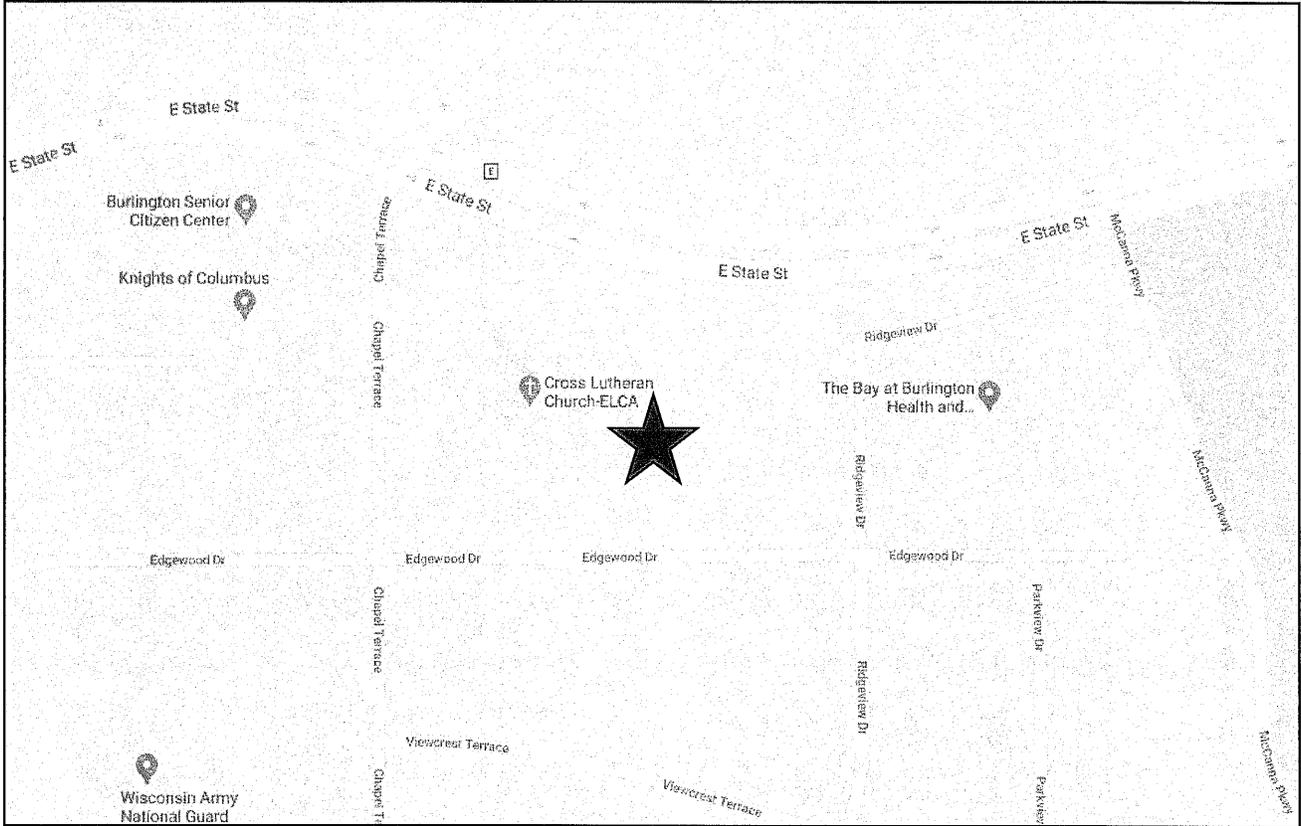
RECOMMENDATION:

N/A

TIMING/IMPLEMENTATION:

This item is for consideration at the April 14, 2020 Plan Commission meeting. No further action is necessary.

MAP:





City of Burlington Planning Commission
300 North Pine Street
Burlington, WI 53105

Madam Mayor, Council Members, Madam Administrator and designated staff:

Cross Lutheran Church, located at 126 Chapel Terrace in the City of Burlington, is requesting to be heard on two matters by the Burlington Planning Commission on March 10, 2020. We seek to be placed on the agenda that evening, to be heard on the following matters, which we submit ahead of time, in the interest of time and discussion.

Cross Lutheran Church was established in Burlington in 1883 at 232 N. Perkins Boulevard. Our church was then called Holy Cross Lutheran Church. In 1959, Holy Cross Lutheran outgrew the several buildings located around the Perkins Boulevard church. Rather than further expand any additional building Holy Cross purchased from the Burlington Free Church, Holy Cross Lutheran purchased five acres of land on the east side of the city of Burlington.

After five years of planning, Holy Cross Lutheran Church moved into our new permanent site in 1962. Cross Lutheran donated the old buildings to the city for the purpose of a museum (what is now the Burlington Historical Society) in 1964. In 1980, an addition was added on to our current building; this included a library, choir room and several classrooms. Cross Lutheran Church has been part of the rich history and a thriving religious organization in the City of Burlington for almost 150 years.

Cross Lutheran Church hosts several civic and non-profit meetings at our church. Our church is a polling location and is home to both cub scouts and boy scouts. We are home to meetings from AA to grief support. We offer after school tutoring and a number of other programs throughout the year. We help provide monthly meals to Love Inc., as well as being a financial partner with them for the past seven years.

Over the past 28 years, the Cross Lutheran Church Endowment Board has distributed over \$336,014.36 to local, national and global relief efforts and ministries. Last year alone, \$24,919.60 was donated from Cross Lutheran Church members, in cash donations, to local resources, national disaster relief and global ministry initiatives. When Runzheimer International relocated from the Waterford area, the Transitional Living Center lost \$50,000 in yearly income. This past fall, Cross Lutheran Church members pledged \$16,000 to help TLC offset some of its costs. We look forward to building a lasting partnership with this organization.

Cross Lutheran Church has an annual expense of \$394,839.86, including pastoral salaries, giving to local and global ministry partners as well as local crisis and hunger relief efforts. Last year, a trend among all churches yet again emerged. A sharp decline in attendance and reduced giving effected families across our community and we, for the second year in a row, had to borrow \$56,163.44 from our savings to meet our budget. This is the third year in a row we have had to borrow over fifty thousand dollars from our own savings; yet not compromising our commitment to our community partners that depend on our dollars in order to serve the greater community. Unfortunately, a once thriving financial church, we can no longer support this deficit. We have had to have deep, prayerful and difficult conversations on giving and the need for it to support our church. We have started to see a response to this by a slight increase in giving.

In 2017, Cross Lutheran Church partnered with several contractors to establish our parking lot was failing. It had several large potholes in it, and the sub-aggregate was deteriorating to the point it needed to be replaced. We convened a committee to explore the cost and planning associated with this. It was determined that due to cost and need we could reshape the size of our lot to give some cost savings in replacement, as well as make our Luther Hall that is used by many civic organizations and our Sanctuary more centrally located. The cost to complete this 36-parking space reduction from our existing parking lot was \$494,865.00; one hundred thousand dollars more than our annual operating budget. The cost of the parking lot per bids from asphalt contractors was \$294,598.00; this includes over \$100,000 in concrete curb and guttering to control wastewater runoff. This plan also includes \$55,735.00 in landscaping, including screening as per city ordinance. It includes \$53,512.00 in new lighting that consists of seven more lighting poles than we currently have on our property.

Last year, church President Brent Whiteside, Jim Mahoney from Lynch and Associates and myself addressed this committee. We addressed the concern we had in not only getting plans approved to generate congregation support, we also addressed what seemed like an extremely aggressive ask for the City of Burlington to hold a church who is 100% funded by its own local members, to comply with very aggressive municipal ordinances. Ordinances that make sense for for-profit businesses or larger-non-profit entities. It is our opinion they don't make sense for a not-for-profit church, who relies 100% on congregation dollars to operate. The plans were passed and as we anticipated, the congregation, who are citizens of the City of Burlington, Town of Burlington, and Village of Waterford, did not support its own church's initiative. Something as I outlined in the beginning of this letter has never happened in the almost 150-year history of our congregation. The emphasis was that it was too excessive, despite reading municipal codes in the sanctuary showing we had no choice in the matter, the congregation raised just over \$30,000 in donations in one year.

The congregation is in the process of having several professional capital campaign partners come in and assist us in raising these funds. We have had a series and will have a formal listening session on March 15th to hear our congregation's concerns. I personally invite every member of this Committee to this meeting at 11:15am in the Sanctuary, so you can hear the concerns of your citizens and our members personally, as well as address any question they may have of the City.

We are aware of Municipal code 315.48(D)(5) Minimum Landscaping, we are also aware of Municipal Code 315.52(A)(2) Exemptions from Landscaping. All corners of our property have a 100 foot or more buffer to a neighboring house. Our parking lot does not butt up against any residential property that is not preceded by a city street. There is one house, the old church parsonage, again there would be several hundred feet of grass between that house and a parking lot.¹

Our church has an enormous challenge ahead. We need to raise more than twice our operational cost in one year without going into debt. This is after delaying the initial onset of the project by one year due to lack of funding. Our congregation has never gone into debt and it is something we have prided ourselves on. Currently, I am formally asking the planning commission to approve an exemption on landscaping; to not require vegetative screening or the amount of landscaping that is required under municipal codes. As our building is not expanding, nor is our parking lot; in fact, it is shrinking by about 15,000 square feet. We are hoping for a \$20,000-\$30,000 savings from this. We are also asking for a 25% reduction in required parking lot lighting; granting another \$20,000 savings in the lot.

Though the Foxconn project has made the cost of concrete go up nearly 6x's in cost, we are willing to incur that cost. This is a cost that we did not ask for, we do not benefit from and it only adds expense to our project. There is only one concrete contractor that can perform our project next year. All others are charging an excessive amount to do a project this size, or simply have declined due to being sourced in the Foxconn area.

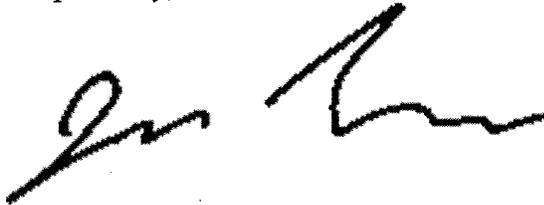
Lastly, we are asking for an extension on our permits, so that we do not have to pay this permitting process yet again. It has been paid once and to pass that burden on to the congregation, the members of this church a second time because they think the city requirements are excessive, is an undue hardship.

These plans are not the quantity of detail we as a congregation want, nor what we desire, it is what is required by the city, which is why we are coming to you now in advance. We are asking that you allow this church to build its parking lot, to remain a partner of Cross Lutheran Church and to assist us in using our members dollars where they matter most. That we are not compromised to cut desperately needed funding to these local programs, both in the community

¹ Wisconsin constitution is not constrained by the boundaries of protection set by the U.S. Supreme Court for the federal provision. As applied to Amish, requiring slow moving vehicle signs on buggies unconstitutionally infringed on religious liberties. Requiring Amish buggies to carry slow moving vehicle signs furthered a compelling state interest but was not shown to be the least restrictive means of accomplishing that interest. State v. Miller, 202 Wis. 2d 56, 549 N.W.2d 235 (1996), 94-0159.

and in our ministries² so we can plant an extra tree or a dozen bushes. We hope that as we have been partners in this community for almost 150 years, our partnership can continue for 150 more.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joshua Kuehn', written in a cursive style.

Joshua Kuehn
Cross Lutheran Church
126 Chapel Terrace
Burlington, WI 53227
262-210-4686

² The role courts may play in church property disputes is limited, but a court may adopt one of several approaches so long as the court does not entangle itself in doctrinal affairs. Church doctrine may be examined from a secular perspective, but courts may not interpret church law, policies, or practice. *United Methodist Church, Inc. v. Culver*, 2000 WI App 132, 237 Wis. 2d 343, 614 N.W.2d 523, 99-1522.

Redman asked if the square footage for the barn and house were appropriate. Ms. Fonesca, replied this the barn and house are grandfathered in, so there are no restrictions for the square footage.

- There were no further comments.

Commissioner Redman moved, and Commissioner Ekes seconded to recommend approval for an annexation.

All were in favor and the motion carried.

E. Consideration to approve a Site Plan application from Jason Riehle for property located at 1456 S. Pine Street for new storage units, Phase II, subject to Graef's, Kapur & Associates', and Fire Department's memorandums to the Plan Commission.

- Mayor Hefty opened this item for discussion.
- Ms. Fonesca explained Phase I had been approved, but the plans for Phase II had a slight change from the original submittal. Ms. Fonesca also stated changes were the reduction of the square footage, thus causing the storm-water to be reduced.
- There were no further comments.

Commissioner Ekes moved, and Commissioner Redman seconded to approve the Site Plan.

All were in favor and the motion carried.

F. Consideration to approve a Site Plan application from Cross Lutheran Church for property located at 126 Chapel Terrace for a parking lot expansion, subject to Graef's, Kapur & Associates', and Fire Department's memorandums to the Plan Commission.

- Mayor Hefty opened this item for discussion.
- Ms. Fonesca explained the parking lot will need to be reconfigured to accommodate for ADA accessible parking, and an upgrade of landscaping will be provided around the parking lot.
- Joshua Kuehn, representative, explained the church is seeking eleven additional parking spaces, but had to meet the land disturbance requirements in order to plant grass where the parking lot is being removed. However, the church is in a financial situation. Mr. Kuehn asked if the City would allow them remove some parking spaces in the back of the church, since that location is hidden and plant grass. The intention is to move the parking spaces to the front and east of the church instead of the back.
- The Commissioners clarified that the applicant was seeking to revise the Site Plan, such as proposing less parking stalls. The Commissioners further discussed that by removing the existing pavement it would create a land disturbance, which would require approval for storm-water management through the DNR.

- Carina Walters, City Administrator, commented that an option would be to table this topic, which would allow time to contact the DNR to see legally what the City can or cannot do. Brent Whiteside, representative, stated they would like to have approval for the submitted Site Plan and if things are approved through the DNR then they will reapply for the change.
- There were no further comments.

Alderman Preusker moved, and Commissioner Gardner seconded to **approve the Site Plan as presented** on the submitted plans.

All were in favor and the motion carried.

ADJOURNMENT

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

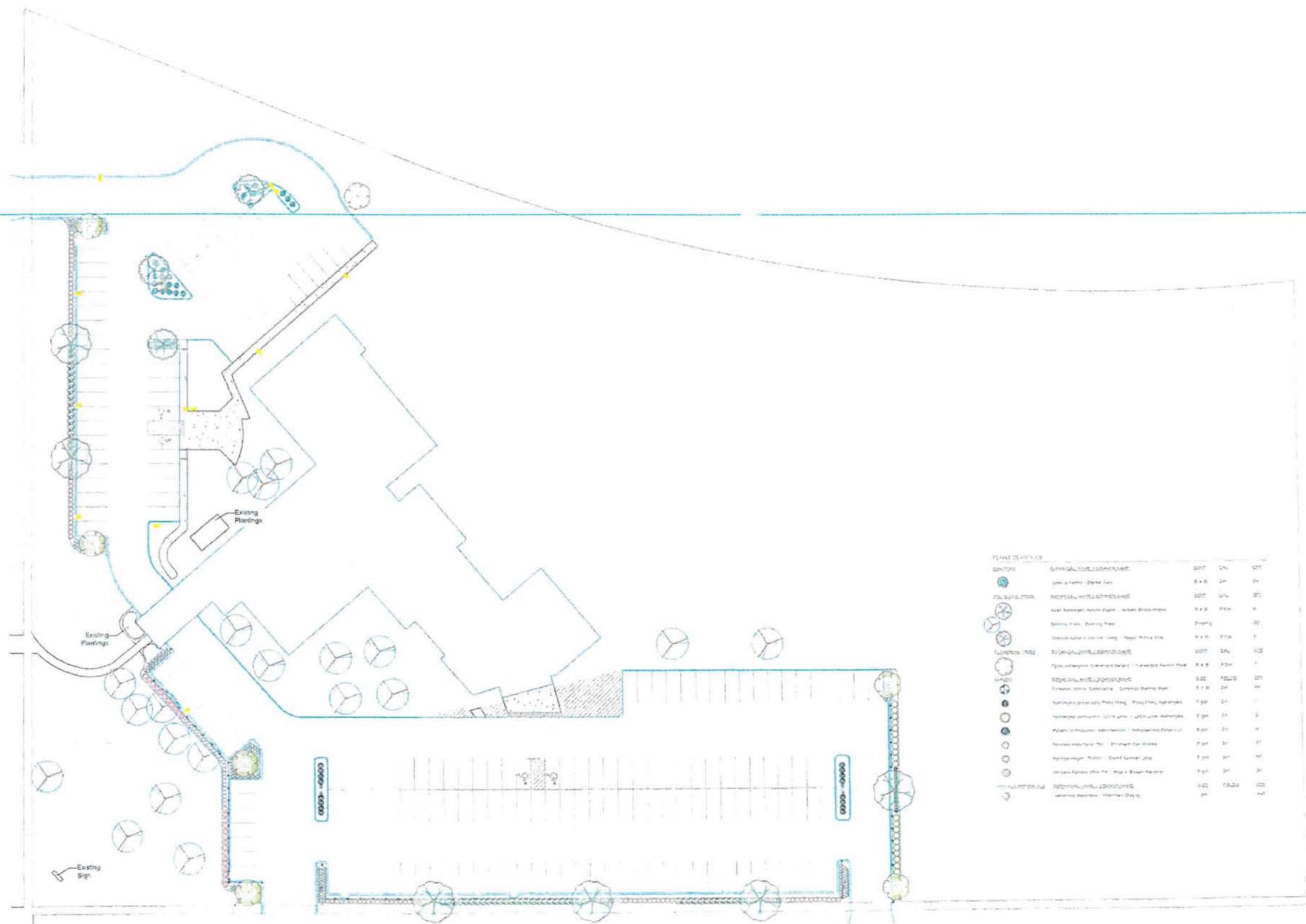
All were in favor and the motion carried.

Recording Secretary
Kristine Anderson
Administrative Assistant



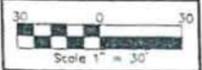
Lynch - Cross Lutheran Church

125 Chapel Terrace, Burlington, WI 53105



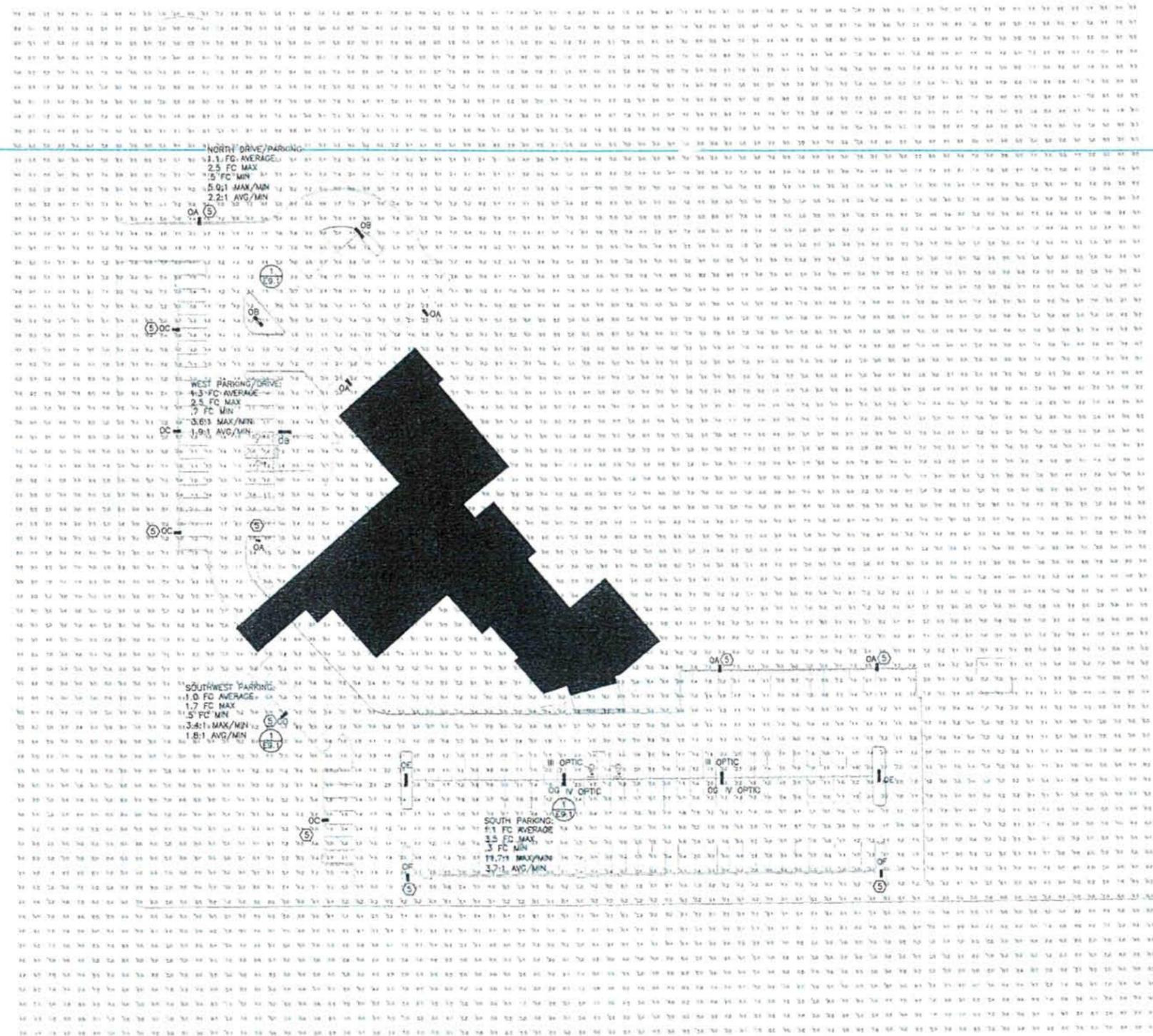
PLANT SCHEDULE

Symbol	Plant Name	Quantity	Size	Notes
●	General Purpose Plant	100	12"	
●	Small Tree	10	12"	
●	Medium Tree	5	18"	
●	Large Tree	3	24"	
●	Shrub	20	18"	
●	Flowering Shrub	10	18"	
●	Perennial	50	12"	
●	Annual	100	12"	
●	Grass	1000	12"	
●	Groundcover	1000	12"	
●	Water Feature	1	48"	
●	Lighting	10	12"	
●	Path	100	12"	
●	Retaining Wall	100	12"	
●	Drainage	100	12"	
●	Other	100	12"	



Designed By Bradd Epping
 Drawn By Kathy Focht
 Date November 15th, 2018
 Revised January 25th, 2019-kt
 Project #003837

Sheet
L1



1 PROPOSED SITE LIGHTING
SCALE: 1"=40'

- SHEET NOTES
- 1 GENERAL NOTE: FOOT CANDLES SHOWN WITH 9 LIGHT LUMEN DEPRECIATION FACTOR.
 - 2 GENERAL NOTE: PARKING LOTS SHALL BE CONTROLLED BY PHOTOCELL, CONTACTOR AND AN ASTRONOMICAL TIME CLOCK(S) OR LIGHTING CONTROL PANEL WITH ASTRONOMICAL TIME CLOCK FUNCTION, ASTRONOMICAL TIME CLOCK OR LIGHTING CONTROL PANEL TO HAVE TEN HOUR MINIMUM BATTERY BACK UP. CONTROLS TO MEET 2015 IECC AND STATE CODE.
 - 3 GENERAL NOTE: SITE LIGHTING SHOWN IS FOR NEW PARKING LOT LIGHTING. EXISTING CANOPY AND BUILDING MOUNTED EXTERIOR LIGHTING TO REMAIN.
 - 4 FOOT-CANDLES LEVELS SHOWN UNDER AND NEAR CANOPY TO APPROXIMATE LIGHT FROM EXISTING CANOPY DOWNLIGHTS.
 - 5 PROVIDE EMPTY CAPPED OFF 1/2" CONDUIT FROM POLE BASE FOR FUTURE USE.



REVISIONS	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

DAVID L. HANSON
AND ASSOCIATES, INC.
LICENSED PROFESSIONAL ENGINEERS
6402-32nd AVENUE
KENOSHA, WI 53142 (262) 654-2010

DATE:
09/13/18

BUILDING
NEW SITE LIGHTING
FOR CROSS LUTHERAN CHURCH
126 CHAPEL TERRACE
BURLINGTON, WI 53105

SHEET
E1.1

§ 315-52. Landscaping.

A. Applicability.

(1) Landscaping required. Landscaping is required in bufferyards, in off-street parking areas, and in building foundation planting areas (foundation planting areas are those areas located within ten feet of principal and accessory structures). The area and/or length of each, as required herein, must be measured in order to determine the minimum amount of landscaping required.

(2) Exemptions and modifications. All developments shall meet the provisions of this section except as specifically exempted below:

- (a) Residential development on existing lots of record in the Rs-1, Rs-2, Rs-3, Rd-1, Rd-2 and A-1 Districts. Residential development on existing lots of record in the Rs-1, Rs-2, Rs-3, Rd-1, Rd-2 and A-1 Districts as of the date of the adoption of this chapter.
- (b) Additions to existing buildings where the total floor area is not increased more than 10%. Additions to existing buildings where the total floor area is not increased more than 10% of the existing total floor area.
- (c) Additions to buildings which increase overall building area from 10% to 50%. Additions to buildings which increase their overall building area from 10% to 50% shall conform to the landscaping standards specified in this section to the maximum extent achievable. All off-street parking areas and bufferyards shall conform to the applicable landscaping requirements of this section and § 315-48. If insufficient dimensions exist on site, in order to achieve a sufficient level of landscaping, the standards set forth in this section may be reduced by up to 30% by the Plan Commission.
- (d) Floodplain, floodway, floodlands, and wetland areas. Areas located within floodplains, floodways, floodlands, and wetlands are exempt from the landscaping requirements set forth in this section.

§ 315-48. Parking requirements.

D. Minimum required parking lot setbacks, landscaping, and plans.

(1) Minimum required setback for off-street parking areas abutting a public street right-of-way line. No off-street parking area shall be closer than eight feet to a public street right-of-way line. The area between the parking lot and the adjacent street right-of-way shall consist of landscaping meeting the requirements of this chapter.

(2) Minimum required setbacks for off-street parking areas. Except in cases where greater restrictions apply, as set forth in Subsection D(3) below, no off-street parking area or associated driveway serving more than five vehicles shall be closer than eight feet to a side or rear lot line of an abutting lot or parcel. The area between the parking lot and the lot or parcel line shall consist of landscaping meeting the requirements of this chapter.

(3) Minimum required setbacks for off-street parking areas abutting residential districts. No off-street parking area or associated driveway serving more than five vehicles shall be closer than 10 feet to a side or rear lot line of an abutting residential district. The area between the parking lot and the lot or parcel line shall be screened from such district by a solid wall, solid fence and/or coniferous plantings of an equivalent solid visual density or other effective means deemed adequate by the Plan Commission and shall be built and maintained at a minimum height of six feet.

(4) Minimum distance of truck parking from any residential zoning district. No truck parking of Class 7 trucks (26,001 to 33,000 pounds gross vehicle weight) or greater shall be allowed within 150 feet of any residential zoning district.

(5) Minimum required landscaped area and landscaping within off-street parking lots. All public off-street parking areas which serve 10 vehicles or more and are created, redesigned and/or rebuilt subsequent to the adoption of this chapter shall be provided with evenly dispersed landscape areas within the interior of such off-street parking areas. Landscape area shall total not less than 5% of the surfaced area (inclusive of both parking stalls and associated drives). Perimeter landscaped areas adjacent to the off-street parking lot shall not be included in the aforementioned required 5%. The minimum size of each such required landscape area in the off-street parking lot shall not be less than 100 square feet in area nor not less than nine feet in width or length. Canopy trees shall be provided at the rate of one tree for each 15 off-street parking spaces (or fraction thereof) within the interior of the off-street parking area. The preservation of existing canopy trees in the parking area may be included in the calculation of the required minimum landscape area.

(6) Minimum landscaping requirements to be met. All landscape plant materials required by this chapter shall meet the following minimum requirements:

- (a) General plant material standards. See § 315-138I of this chapter.
- (b) Minimum size standards for required plant materials. All required new landscape plant material shall be, at the time of installation, those minimum sizes as set forth in the following table:

Plant Material Type Minimum Required Size of Plants

Canopy trees	
Single stem	3-inch caliper
Multi-stem clump	12 feet tall
Coniferous trees	6 feet tall
Understory trees	1.5-inch caliper
Shrubs	2 feet tall

§ 315-35. I-1 Institutional District.

H. Exterior lighting standards and lighting plan required. Exterior lighting plans shall be required for new development or redevelopment of existing exterior lighting in the I-1 Institutional District. At the time any exterior light is installed or substantially modified in the I-1 District, and whenever a zoning permit application is made for new development or redevelopment, an exterior lighting plan shall be submitted to the Plan Commission in order to determine whether the requirements of this subsection have been met and that adjoining property will not be adversely impacted by the proposed lighting.

(1) A lighting plan submitted pursuant to the requirements of this subsection shall have, at a minimum, the following elements:

- (a) A catalog page, cut sheet, or photograph of the luminaire, including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cutoff angles.
- (b) A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
- (c) A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and lighting uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.

(2) Exterior lighting in the I-1 District shall be limited to total-cutoff-type luminaires (with angle greater than 90°). The maximum permitted illumination shall be two footcandles and the maximum permitted luminaire height shall be 28 feet as measured from surrounding grade to the bottom of the luminaire. (Note: This standard does not address illumination levels or fixture height which may be required by the City of Burlington for the adequate lighting of public street rights-of-way. It represents maximum illumination levels on private property.)

(3) For the purposes of this subsection, light shall be measured as follows:

- (a) Metering equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall be read within an accuracy of plus or minus 5%. The meter shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within 30 days of its use.
- (b) Method of measurement. The meter sensor shall be mounted not more than six inches above ground level in a horizontal position at the interior line of the bufferyard or at the property line, as required herein. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. In order to eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question on, then with the same sources off. The differences between the two readings shall be compared to the maximum permitted illumination allowed under this subsection.



PLAN COMMISSION

ITEM NUMBER: 6D

DATE: April 14, 2020

SUBJECT: Consideration to approve a permanent variance to Ch. 315-27C, pursuant Wisconsin Statutes 62.23(7)(e)(1), to use the vacant parcel at 216 N. Pine Street as a private parking lot, contingent on approval of a Site Plan by the Plan Commission, and compliance of conditions by the City Planner, City Engineer, and Plan Commission.

SUBMITTED BY: Megan Watkins, Assistant City Administrator/Zoning Administrator

HISTORY

At the November 12, 2019 meeting this item was approved for a temporary variance to use the vacant parcel as a private parking lot in its current state, contingent upon the submittal of a Site Plan that meets all City requirements submitted to the Plan Commission for the March 10, 2020 meeting.

POWER OF THE PLAN COMMISSION

Wisconsin State Statute Section 62.23(7)(e)(1) provides for the creation of a Zoning Board of Appeals. The last sentence of that statute, however states as follows: *"Nothing in this subdivision shall preclude the granting of special exceptions by the city plan commission or the common council in accordance with the zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date"*.

In short, the Plan Commission itself can allow deviations, or "variances" if you will, from the provisions of the Zoning Code. And no showing of any hardship, or meeting any of the other rigorous requirements for a variance from the ZBA, is then needed.

ZONING:

This parcel is zoned B-2, Central Business District

TIMING/IMPLEMENTATION:

This item is for discussion and possible action at the April 14, 2020 Plan Commission meeting.



PLAN COMMISSION

ITEM NUMBER: 6E

DATE: April 14, 2020

SUBJECT: Consideration to approve a Site Plan application at 216 N. Pine Street.

SUBMITTED BY: Megan Watkins, Assistant City Administrator/Zoning Administrator

PROJECT/SCOPE:

This item is to consider approving a Site Plan application from Jeremy Bauman for property located at 216 N. Pine Street. The applicant is proposing to construct a parking lot for use by customers and staff of Bubba's Brickyard. The submittal and compliance of the following materials is required:

1. The applicant will install signage, as approved by the City Building Inspector, to specify what the parking lot is for, and the correct way to navigate the parking lot.
2. Lighting Plan to be submitted
3. Landscape Plan to be submitted
4. Curb, gutter and sidewalk shall be removed to the nearest joint, and new curb and gutter shall be tied to the existing curb, which requires a right-of-way permit.
5. The proposed parking lot shall be improved with pavement of either asphalt or concrete.

The proposed parking lot consists of 37 parking spaces, including 2 spaces that are ADA-accessible, one of which is fully van accessible, as required. The parking lot meets the minimum setback requirements for off-street parking.

ZONING:

This parcel is zoned B-2, Central Business District.

RECOMMENDATION:

Graef, Kapur & Associates, and the Burlington Fire Department recommends a conditional approval of this Site Plan, subject to items listed in the February 27, 2020 and March 2, 2020 memorandums.

TIMING/IMPLEMENTATION:

This item is for consideration at the April 14, 2020 Plan Commission meeting. No further action is necessary.



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MEMORANDUM

TO: Plan Commission
City of Burlington

FROM: GRAEF
Tanya Fonseca, AICP

DATE: March 2, 2020

SUBJECT: Review of Site Plan for 2016 N. Pine Street in the City of Burlington

A. PURPOSE

- 1) Consider for approval a Site Plan application for 216 N. Pine Street, Burlington, WI 53105 for use by Bubba's Brickyard

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. a Site Plan application from Jeremy Bauman of 809 Echo Drive, Burlington, WI 53105 to construct a parking lot at 216 N. Pine Street, Burlington, WI 53105 for use by customers and staff of Bubba's Brickyard, with the submittal and compliance of the following materials:
 - (1) The Applicant will install signage, as approved by the City Building Inspector, to specify what the parking is for, and the correct way to navigate the parking lot.
 - (2) Lighting Plan
 - (3) Landscape Plan

C. BACKGROUND

Jeremy Bauman (Applicant) submitted a Site Plan Approval Application to create a parking lot at parcel 206-03-19-32-401-760, 216 N. Pine Street, Burlington, WI 53105.

The Plan Commission previously considered the proposed parking lot on November 12, 2019. During this meeting, the Plan Commission considered the proposal to allow for a private parking lot without a principal structure on the same lot. The Plan Commission approved a temporary variance to Ch. 315-27C, pursuant to Wisconsin Statute §62.23(7)(e)(1) for the property owners Jeremy and Yvonne Bauman to use the vacant parcel at 216 N. Pine Street as a private parking lot in its current unimproved state, contingent upon the submittal of a Site Plan that meets all City requirements submitted to the Plan Commission for the March 10, 2020 meeting.



The Site Plan is required to include pavement of asphalt or concrete, lighting, landscaping, curb and gutter, and permanent markings for parking stalls and ADA compliance.

D. COMPLIANCE WITH ZONING CODE §315-27 “B-2 CENTRAL BUSINESS DISTRICT”

Parcel 206-03-19-32-401-760 is zoned “B-2 Central Business District.” An off-street parking lot is a permitted accessory use in this zoning district.

A lighting plan is required, in addition to lighting specifications, as outlined in §315-27 (I). Any proposed signage will need to be approved by the Building Inspector. A landscape plan is required.

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

This parking lot is off-street and there are no parking requirements within the “B-2 Central Business District.” The proposed parking lot consists of 37 parking spaces, including 2 spaces that are ADA-accessible, one of which is fully van accessible, as required.

The proposed parking lot meets the minimum setback requirement for off-street parking areas abutting a public street right-of-way line. No off-street parking area shall be closer than eight feet to a public street right-of-way line – this proposal includes the eight-foot setback. The area between the parking lot and the adjacent street right-of-way shall consist of landscaping meeting the requirements of this chapter.

No off-street parking area or associated driveway serving more than five vehicles shall be closer than eight feet to a side or rear lot line of an abutting lot or parcel. The area between the parking lot and the lot or parcel line shall consist of landscaping meeting the requirements of this chapter. This parking lot proposal does not meet these requirements. It appears that all setbacks are four feet and do not appear to include landscaping, per the submitted site plan.

All open, off-street parking and loading spaces in all zoning districts except the A-1, Rs-1, Rs-2, Rs-3, Rd-1 and Rd-2 Districts shall be improved with pavement of either asphalt or concrete. Stormwater drainage facilities shall be as required and approved by the City Engineer.

Permanent marking of off-street parking stalls. All off-street parking areas serving five or more vehicles shall have all parking stalls permanently marked by painted lines or other approved material, and said marking shall be maintained so as to be legible at all times.

It is the understanding of GRAEF that reviews and comments on all engineering-related aspects of the site plan are to be accomplished by the City Engineer. Therefore GRAEF defers all engineering-related review and comment to the City Engineer.



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F. COMPLIANCE WITH ZONING CODE §315-52 “LANDSCAPING” & OFF-STREET PARKING MINIMUM REQUIRED LANDSCAPING AS PART OF §315-48 “PARKING REQUIREMENTS” (D)(5 & 6)

All public off-street parking areas which serve 10 vehicles or more and are created, redesigned and/or rebuilt subsequent to the adoption of this chapter shall be provided with evenly dispersed landscape areas within the interior of such off-street parking areas.

Landscape area shall total not less than 5% of the surfaced area (inclusive of both parking stalls and associated drives). Perimeter landscaped areas adjacent to the off-street parking lot shall not be included in the aforementioned required 5%.

The minimum size of each such required landscape area in the off-street parking lot shall not be less than 100 square feet in area nor not less than nine feet in width or length. Canopy trees shall be provided at the rate of one tree for each 15 off-street parking spaces (or fraction thereof) within the interior of the off-street parking area. The preservation of existing canopy trees in the parking area may be included in the calculation of the required minimum landscape area.

G. COMPLIANCE WITH ZONING CODE §315-137 “SITE PLANS”

The Applicant’s materials are compliant with the requirements in §315-137.

H. COMPLIANCE WITH ZONING CODE §315-138 “LANDSCAPE PLANS”

The Applicant needs to submit landscape plans that are compliant with §315-138.

Memo to the City of Burlington

To: Kristine Anderson, Plan Commission **Date:** March 2, 2020
From: Greg Governatori
CC: Carina Walters, Megan Watkins, Gregory Guidry, Peter Riggs, Tanya Fonseca,
Subject: 216 N Pine Street

BACKGROUND AND REQUEST:

A site plan review request was submitted February 28, 2020 for the paving of 216 N Pine Street to create a 37-space parking lot for the customers of Bubbas Brickyard.

The following plans were submitted for review:

- Civil Plans sheets 1 and 2, prepared by Schefflow Engineers dated February 28, 2020.

General

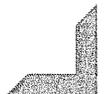
1. Landscaping and Lighting requirements are deferred to the City Planner and Zoning department and were not included as part of this review.
2. All work within the City right-of-way requires a permit, curb, gutter and sidewalk shall be removed to the nearest joint.
3. New curb and gutter shall be tied to the existing curb using two #4 epoxy coated bars per the standard specifications.

Stormwater

1. The project proposes to pave the parking area which is currently gravel (considered impervious) , as well as increase the amount of green space on the property. Applicability for storm water management practices follows Chapter 270-5 of the Burlington City Code which requires storm water for development sites. This parcel is considered infill and creating a reduction in storm water based on impervious calculations. Post construction stormwater management will not be required as part of this project.

The plans have been reviewed for conformance with generally accepted engineering practices and City of Burlington policies. Although the material has been reviewed, the applicant 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.





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: February 27, 2020

SUBJECT: Review of Site Plan Application for the property located at 216 N. Pine Street, Burlington, to construct a parking lot.

A. PURPOSE

1) Consider for approval the Site Plan Application for the property located at 216 N. Pine Street, Burlington, to construct a parking lot.

B. BACKGROUND

Jeremy Bauman (Applicant) submitted a Site Plan Application to construct a parking lot at 216 N. Pine Street, Burlington.

C. REVIEW OF COMPLIANCE WITH LOCAL AND STATE FIRE CODE

No concerns at time of review.

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 this application based on the following:

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



CITY OF BURLINGTON

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

OFFICE USE ONLY
DATE FILED: 2/17/20
RECEIVED BY: KA
AMT. PAID: 500

SITE PLAN APPROVAL APPLICATION

APPLICATION FEE: \$500 Deposit +/- Actual Cost

Per Section §315-137, no person shall commence any use or erect any structure, with the exception of single-family and two-family dwellings, without first obtaining the approval of the Plan Commission of a detailed site plan(s) as set forth in this section. The Plan Commission shall review the site, natural resource features of the site, site intensity of use, building location, density of dwelling units, floor area, impervious surface area, existing and proposed structures, architectural plans, neighboring uses, potential impacts upon neighboring uses, utilization of landscaping and open space, off-street parking and loading areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

View specific Site Plan requirements online at <https://ecode360.com/9753926>

Applicant Information

Property Address 216 N Pine St. Burlington, WI 53105

Applicant Name Jeremy Bauman

Applicant Address 809 Echo Dr. Burlington, WI 53105

Applicant Email bubbasbrickyard@gmail.com Phone Number 262-210-2061

Owner Name Jeremy Bauman

Owner Address 809 Echo Dr. Burlington, WI 53105

Owner Email _____ Phone Number 262-210-2061

Architect/Contractor/Designer Name Scheflow Engineers

Architect/Contractor/Designer Email feuda@schefloweng.com Phone Number 847-697-7095

Type of Construction: New Addition Remodel Parking lot

Type of Development: Commercial Industrial Residential

Type of Business (if applicable) _____

Description of the Project: Parking lot

Detailed Site Plan must include the following information:

Please check each item to ensure you include the required information

- Project title and date
- Owner's/developer's name/address
- Architect's name/ address
- Scale and north arrow
- Property boundaries and dimensions
- Abutting property zoning
- Off-street parking spaces & handicap parking
- Density of residential units **NA**
- Landscape plan and greenspace
- Signs – type, size and locations
- Building height and dimensions **NA**
- Elevations of new structures **NA**
- New building materials **NA**
- Outdoor lighting plan and photometrics
- Handicap accessibility
- Fencing, screening and dumpster locations
- Fire lanes
- Location and purpose of each building **NA**
- Development staging that is planned **NA**
- Existing and proposed topography
- Grading plan and soil data may be requested
- Building and yard setbacks
- Existing and proposed street names (if applicable) **NA**
- Driveway locations of adjoining properties
- Existing/proposed right-of-way or reservations
- Easements for access (if applicable)
- Ingress/egress and highway access (with dimensions)
- Pedestrian sidewalks and walkways
- Environmental corridors/natural resource features
- Bufferyards
- Existing/proposed sanitary sewer and water mains
- Existing/proposed storm sewers
- Stormwater management plan
- Erosion control plan

Please complete the following questions:

Building & Zoning Department

- Current Zoning District: B2
- Permitted Use? YES / NO Conditional Use? YES / NO *permanent variance needed*
- Is a Rezone required? YES / NO If Yes, Proposed Zoning: _____
- Is a Land Division required? YES / NO
- Is property in the Historic District? YES / NO
- Will there be signage? YES / NO What type (mounted, freestanding): freestanding
- What kind of noise or level of noise will the property have? minimal
- Hours of operation 24 hours

Engineering

- Storm water management provisions provided? YES / NO
- Estimated Traffic impacts: _____
- WDNR Notice of Intent required? (Land disturbance more than 1 acre)? YES / NO
- Watermain extension required? YES / NO
- Sanitary sewer extension required? YES / NO
- Is a Chapter 30 Permit (wetland/waterway) required? YES / NO

Water/Sewer Utilities

If an existing structure please circle the following:

- Will existing sewer & water connections be used? YES / NO
- Will your project require the installation of a grease interceptor? YES / NO

If the development is Commercial or Industrial, please provide the following:

- Water service size requirement: _____
- Estimated daily water usage in gallons per day: _____
- Estimated maximum water flow in gallons per minute: _____
- Number of bathrooms: _____
- Brief description of process (if Industrial): _____

If the development is a multi-family dwelling, please provide the following:

- Number of units: _____
- Number of bedrooms in each unit: _____
- Water service size requirement: _____

Police Department

- Will construction affect street usage such as parking or intersections? YES / NO
- Will additional security and surveillance be required? YES / NO
- What are the hours of operation? 24 hours
- Are you selling or serving alcohol and/or tobacco products? No

Fire Department

- Square footage of building(s): _____
- Number of Floors: _____
- Occupant Load: _____

- Description of business model and/or process: _____

- Occupancy Type(s): *If mixed use indicate all occupancy type areas. Refer to chart below:*

Occupancy Category	NFPA 101/5000 (Occupancy Type)	IBC (Group)	Examples
Assembly	Assembly	A-1	Fixed seating, production/viewing
		A-2	Restaurants, Nightclubs
		A-3	Other assembly (gyms, museums)
		A-4	Arenas, pools
		A-5	Bleachers, grandstands
Business	Business	B	Offices, dentists' offices, city halls
Educational	Educational	E	Schools < grade 12
Industrial	Industrial	F-1	Factories with moderate hazards
		F-2	Factories with low hazard (bricks, glass)
Storage	Storage	S-1	Storage with moderate hazards (furniture)
		S-2	Storage with low hazards (canned goods)
High Hazard	Occupancy Type + hazardous contents requirements	H-1	Detonation hazard (explosives)
		H-2	Accelerated burning hazard (flamm. Gasses)
		H-3	Supported combustion hazard (flamm. Solids)
		H-4	Health hazards
		H-5	Semiconductor fabrications
Medical Care/Institutional	Healthcare (4+ patients)	I-2 (>5 patients)	Inpatient (24-hr) care, nursing homes
Board & Care	Residential Board & Care (4+ persons)	I-1 (>16 persons)	Personal care services and lodging
Day-Care	Day-Care (4+ clients)	I-4 (>5 persons)	Care and supervision (>24 hr)
Detention & Correctional	Detention & Correctional (1+ persons)	I-3 (>5 persons)	Occupants under restraint or security
Mercantile	Mercantile	M	Display, sale of goods (retail)
Residential	Hotel & Dormitories	R-1	Hotels, Motels (transient use)
		R-2	Dormitories
			Apartments
		R-3	Boarding
		R-4 (5-16 persons)	Board & Care, rehab facilities
Special Structures	Occupancy Type + Special Structure provisions	Group U	Towers, tanks

Owner: Jeremy Bauman
(Print)

Date: 02/14/2020

Owner: 
(Signature)

Applicant: same
(Print)

Date: 2/14/2020

Applicant: _____
(Signature)

Zoning Administrator: 
(Signature)

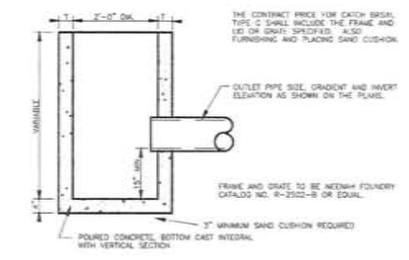
Date: 2/17/2020

GENERAL NOTES:

- 1. REFERENCED SPECIFICATIONS**
 ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE FOLLOWING EXCEPT AS NOTED HEREON ON THE PLANS:
 - STANDARD SPECIFICATIONS FOR SEWER AND WATER MAIN CONSTRUCTION IN WISCONSIN, SIX EDITION (STANDARD SPECIFICATIONS) FOR INSTALLATION OF SEWERS
 - CITY OF BURLINGTON ORDINANCES, REQUIREMENTS AND STANDARD DETAIL SHALL GOVERN IN THE EVENT OF CONFLICTING SPECIFICATIONS
 - STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL, PUBLISHED BY WISCONSIN ENVIRONMENTAL PROTECTION AGENCY
- 2. NOTIFICATION**
 IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE FOLLOWING:
 - THE CITY OF BURLINGTON 48 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 - THE ELECTRIC, COMMUNICATIONS AND GAS UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- 3. PERMITS**
 DEVELOPER SHALL SECURE PERMITS AS FOLLOWS AND COMPLY WITH ALL REQUIREMENTS OF THE PERMITS:
 - CITY OF BURLINGTON
- 4. EXAMINATION OF THE SITE**
 THE CONTRACTOR IS RESPONSIBLE FOR EXAMINING ALL SITE CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND IS TO CONTINUE THE SITE CONDITIONS AS INDICATED ON THE ENGINEERING PLANS.
- 5. INDIFICATION**
 THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND THEIR AGENTS, THE CITY OF BURLINGTON AND THEIR AGENTS FROM ALL LIABILITY INVOLVED WITH THE CONSTRUCTION, INSTALLATION AND TESTING OF THE WORK ON THIS PROJECT.
- 6. RIGHTS OF THE CITY OF BURLINGTON**
 THE CITY OF BURLINGTON ENGINEERING DIVISION INSPECTOR AND WATER AND SEWER DEPARTMENT SHALL HAVE THE AUTHORITY TO INSPECT, APPROVE, AND REJECT THE CONSTRUCTION IMPROVEMENTS.
 THE PROPOSED IMPROVEMENTS MUST BE CONSTRUCTED IN ACCORDANCE WITH THE ENGINEERING PLANS AS APPROVED BY THE CITY OF BURLINGTON. THE CONSTRUCTION DETAILS AS PRESENTED ON THE PLANS MUST BE FOLLOWED BY THE CONTRACTOR. BEFORE CONSTRUCTION BEGINS, THE CONTRACTOR SHALL FOLLOW THE APPROVEMENTS INDICATED ON THE ENGINEERING PLANS.
- 7. LOCATION OF EXISTING UNDERGROUND UTILITIES**
 THE LOCATION OF KNOWN EXISTING UNDERGROUND UTILITIES WHICH ARE SHOWN ON THE PLANS ARE FOR INFORMATION ONLY AND REPRESENT THE BEST KNOWLEDGE OF THE ENGINEER. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THEIR LOCATIONS AND ELEVATIONS PRIOR TO THE CONSTRUCTION OPERATIONS.
- 8. AS-BUILT DRAWINGS**
 THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE ENGINEER WITH AS-BUILT DRAWINGS OF THE IMPROVEMENTS. ANY CHANGES TO THE PLANS OR ADDITIONAL FEES MUST BE REPORTED TO THE ENGINEER AS WORK PROGRESSES.
- 9. DAMAGE TO PROPERTY**
 ANY EXISTING PAVEMENT, SIDEWALK, DRIVEWAYS, ETC. DAMAGED BY THE CONTRACTOR'S OPERATIONS AND NOT CALLED FOR IN THE CONTRACT TO BE REMOVED SHALL BE REPLACED AT THE EXPENSE OF THE CONTRACTOR.
- 10. CONTRACTOR TO VERIFY ELEVATIONS**
 THE CONTRACTOR SHALL VERIFY ALL ELEVATIONS PRIOR TO THE START OF WORK AND IF THERE ARE ANY DISCREPANCIES AS TO NOTIFY THE ENGINEER AT ONCE. NO WORK SHALL BE DONE UNTIL THE DISCREPANCY IS RESOLVED.

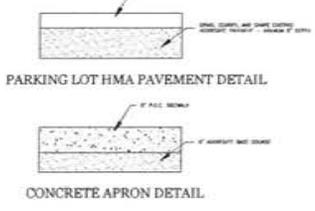
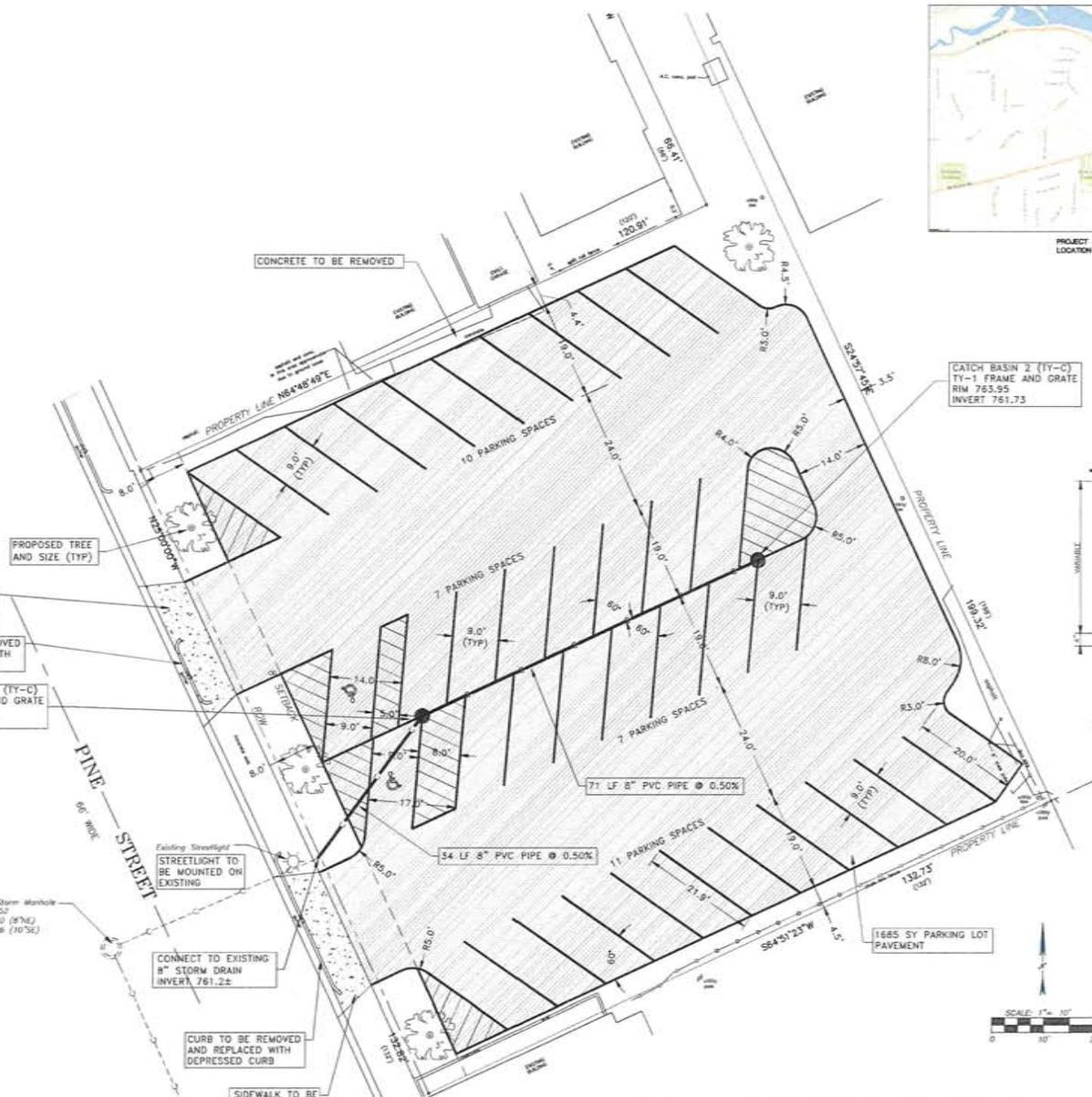


INDEX OF SHEETS
 1. SITE SHEET
 2. GRADING PLAN



CATCH BASIN - TYPE C

PARKING INFORMATION
 TYPICAL PARKING STALL 9.0' WIDE AT 60 DEGREES
 TYPICAL PARKING STALL AREA = 197.45 SF
 35 PARKING STALLS
 2 HANDICAP STALLS
 TOTAL OF 37 PARKING STALLS



<p>SCHFLOW ENGINEERS</p> <p>1514 CHERRYBOND PLACE ELGIN, ILLINOIS 60123 phone 847.697.7095 fax 847.697.7094 schfloweng.com Fax License No. 184-001124</p>	<p>BURLINGTON WISCONSIN</p> <p>215 NORTH PINE STREET PARKING LOT IMPROVEMENTS</p> <p>SITE PLAN</p>	<p>DATE: 7/21/2020</p> <p>SCALE: 1"=10'</p> <p>DATE: 2-17-20</p> <p>PROJECT NO: PCS 5607</p> <p>ISSUE NO: FCC 1 of 2</p>
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PLAN COMMISSION

ITEM NUMBER: 7A

DATE: April 14, 2020

SUBJECT: Consideration to approve a Site Plan application at 1700 S. Teut Road.

SUBMITTED BY: Megan Watkins, Assistant City Administrator/Zoning Administrator

PROJECT/SCOPE:

This item is to consider approving a Site Plan application from Scott Frank for property located at 1700 S. Teut Road. The applicant is proposing to construct Oak Park Place, Phase II, for a senior living facility. The proposed construction is for 61 independent living units as Phase II of the Oak Park Place senior living development, subject to the following conditions:

- Lighting and Landscaping Plan for Phase II is required
- Revise Site Plan to accommodate the additional required parking (if not supplied within the underground parking)
- Prior to construction provide the City an Addendum to the 2015 Hold Harmless Agreement to extend it to the final completion date for Phase II
- Erosion control and restoration plan is required
- Storm water management is may be required for the additional 5400 square feet of parking
- Storm water management agreement is required
- A detailed grading plan is required
- Fire protection system permit application and a full plan review is required
- Designated fire access roads and fire lanes shall be submitted

ZONING:

This parcel is zoned Rm-4/PUD, Multi-Family Residential District with a Planned Unit Development.

RECOMMENDATION:

Graef, Kapur & Associates, and Burlington Fire Department recommends a conditional approval of this Site Plan, subject to items listed in the February 27, 2020 and March 2, 2020 memorandums.

TIMING/IMPLEMENTATION:

This item is for consideration at the April 14, 2020 Plan Commission meeting. No further action is necessary.



One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com

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MEMORANDUM

TO: Plan Commission
City of Burlington

FROM: GRAEF
Tanya Fonseca, AICP

DATE: March 2, 2020

SUBJECT: Review of Site Plan for Phase 2 of the Oak Park Place Senior Living Facility

A. PURPOSE

- 1) Consider for approval a Site Plan application from Scott Frank of Oak Park Place Properties of Burlington, LLC at 719 Jupiter Drive, Madison, WI 53718 for the Phase 2 of the senior living facility at 1700 S. Teut Road, Burlington, WI 53105.

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. a Site Plan application from Scott Frank of Oak Park Place Properties of Burlington, LLC to construct 61 independent living units as Phase 2 of the Oak Park Place senior living development at 1700 S. Teut Road, subject to the following conditions:
 - (1) Lighting and landscape plan for Phase 2. These items were reviewed previously for Phase 1 only;
 - (2) The site plan is revised to accommodate the required parking (if not supplied within the underground parking), or documentation of market parking needs, based on market demand and supply at other senior living developments; and
 - (3) Prior to construction, Applicant, and Applicant's business entity(ies) for this project (collectively, "Applicant"), shall execute and deliver to the City an Addendum to the 2015 Hold Harmless Agreement, providing for Applicant to reimburse the City for the cost of any repairs required to be made to the City's roads as a result of damage done to the roads by the vehicles and/or construction equipment conducting the construction activities for Applicant's project, extending the agreement to the end date of construction and final completion of Phase 2.



C. BACKGROUND

Scott Frank (Applicant) of Oak Park Place Properties of Burlington, LLC submitted a Site Plan Approval Application to begin Phase 2 of the senior living facility at 1700 S. Teut Road, Burlington, WI 53105 (parcel 206-03-19-21-033-100). Phase 2 will consist of an addition to the already constructed and operating Phase 1, and will consist of 61 independent living units. These 61 units will consist of 16 2-bedroom units and 45 1-bedroom units, in addition to communal sitting areas, warming kitchen, a dining room, pub, theatre, and fitness room. This addition would be built directly north of the existing structure.

It is the understanding of GRAEF that reviews and comments on all engineering-related aspects of the site plan are to be accomplished by the City Engineer. Therefore GRAEF defers all engineering-related review and comment to the City Engineer.

D. COMPLIANCE WITH ZONING CODE §315-25 “RM-4 MULTIPLE-FAMILY RESIDENCE DISTRICT”

Parcel 206-03-19-21-033-100 is zoned “Rm-4 Multiple-Family Residence District.” To determine compliance, the residential density, primary use, lot area and width, building height, and setback and yards were reviewed per §315-23. Phase 2 of the Oak Park Place Properties development is compliant. Phase 1 required a Conditional Use Permit for “community living arrangements that have a capacity for 15 persons or fewer.” Phase 2 is a permitted use, which is “multiple-family dwellings when developed as part of a PUD.” This parcel has an approved “PUD Planned Unit Development Overlay District,” as part of the approval at the October 30, 2015 Plan Commission meeting.

Phase 2 is required to include a Lighting Plan and Landscape Plan however, and have not been submitted.

E. COMPLIANCE WITH ZONING CODE §315-43 “PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT”

Under the provisions of Section 315-43(K)((2)(b) of the City Zoning Ordinance, plans submitted for detailed approval shall be sufficiently precise and all items that are required to be identified by the Common Council shall be presented. Also under these provisions, a letter of credit for all improvements shall be submitted before final approval is given. The proposed plans were submitted in October 2015, reviewed, and were understood to have this level of detail so as to meet the requirements of "detailed plans" subject to all of those outstanding issues and requirements set forth in this memorandum being addressed by the applicant to the satisfaction of the City. Phase 2 is consistent.

F. COMPLIANCE WITH ZONING CODE §315-48 “PARKING REQUIREMENTS”

Oak Park Place currently has 52 spaces (listed and confirmed on sheets C1.0 and C2.0 of the submitted site plans). The Phase 2 site plan shows the addition of 30 surface parking spaces. Additional parking is supplied beneath the new building addition, however the number of spaces is not confirmed.

The site plan (sheets C1.0 and C2.0) shows four accessible parking spaces. Depending on the final determination of parking needs, 1 additional accessible parking spaces will likely need to be supplied to meet City codes. Four total accessible spaces (1 van-accessible) are required for 76-100 total parking spaces, and five are required for 101-150 total parking spaces.



City code requires the following parking spaces per unit:

	Unit Parking	Guest Parking
1-bedroom unit	1.5 spaces / dwelling unit	0.5 space / dwelling unit
2-bedroom unit	2 spaces / dwelling unit	0.5 space / dwelling unit

The Table below has calculated these parking requirements based on the number and size of the dwelling units. Based on the parking requirements, the Phase 2 proposal for Oak Park Place would require 130 additional parking spaces. The Applicant has proposed 91.5 spaces to be supplied.

During the Phase 1 review of this development, the following was determined in October 30, 2015 Plan Commission memo from Patrick Meehan, based guidelines form the Institute of Transportation Engineer’s Parking Generation manual:

“Based upon the foregoing, it appears that at the high end of off-street parking needs for the 40 dwelling units of assisted living a minimum of only about 17 off-street parking spaces would be needed and no off-street parking spaces would be needed to accommodate the residents of the 40 memory care units (not including the off street parking needed to accommodate the staff and visitors of each of these types of uses). Since the proposed Site Plan documents indicate a total of 52 off-street parking spaces proposed for PHASE 1, there would be a total of 35 off-street parking spaces (calculated as 52 minus 17) to accommodate both the staff of the entire facility as well as visitors to the facility.”

Further discussion will be required to determine the appropriate parking demands for Phase 2, given the unique nature and specialized market for senior independent living units.

Parking Requirements by Code & Applicant:

# of Bedrooms	Parking per unit	Guest Parking per unit	Totals	Proposed - Supplied (1.5 space per unit)
1-bedroom unit	32	8	40	
2-bedroom unit	67.5	22.5	90	
Totals	99.5	30.5	130 spaces required per Code	91.5 spaces proposed by Applicant

G. COMPLIANCE WITH ZONING CODE §315-138 “LANDSCAPE PLANS”

The Landscape Plan reviewed in 2015 was for Phase 1 only. A Landscape Plan is required for Phase 2 that is compliant with §315-52 “Landscaping.” The Applicant needs to submit landscape plans that are compliant with §315-138.

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

The Applicant’s materials are compliant with the requirements in §315-137.

Memo to the City of Burlington

To: Kristine Anderson, Plan Commission **Date:** March 2, 2020
From: Greg Governatori
CC: Carina Walters, Megan Watkins, Gregory Guidry, Peter Riggs, Tanya Fonseca,
Subject: Oak Park Place Phase 2

BACKGROUND AND REQUEST:

A site plan review request was submitted February 14, 2020 for the construction of Phase 2 of the Oak Park Place Senior Living Center. Phase 2 consists of a building addition, retaining walls, and revised grading.

The following plans were submitted for review:

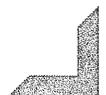
- Civil Plans sheets C1.0 through C3, prepared by Professional engineering, LLC for ADCI, Inc dated February 14, 2020.
- Architectural floor plans for zoning submittal, A101, A102, A103, A104 and A105 as well as exterior elevation drawing A400 prepared by ADCI, Inc dated February 14, 2020.

General

1. Details shall be provided for all paving, erosion control, retaining walls, and site modifications. All parking areas, and walls shall be completed like the area around the building addition.
2. Erosion control and restoration plan is required.
3. Watermain Easement for phase 1 agreement was discussed in June of 2017, however we are unsure if this was this ever recorded?
4. With the addition of 30 new parking spaces, a additional accessible space may be required.
5. Sheet C2.0 references curb and gutter (Note 17) at the future building addition.

Stormwater

1. The stormwater basins for the property were constructed as part of the Phase 1 and certified by the city meeting the development needs of the project. Phase 1 stormwater included the future building addition; however, they did not include the addition of 5400 square feet of pavement for parking. A review of the as-built model incorporating the additional parking area brings the site out of conformance with the City Storm Water Management ordinance. The additional 5400 square feet of parking is required to have storm water management in place and a revised storm water management plan may be required. This new parking area shall use current storm water rainfall intensities, per current ordinance. Additionally, this area was not included in the original WinSLAMM analysis to demonstrate Total Suspended Solids (TSS) removal has been addressed for runoff from the proposed improvements.





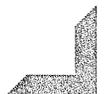
2. A storm water management maintenance agreement is required for this site. The maintenance agreement was prepared as part of phase 1 but we have not yet received an executed copy. The last correspondence with Oak Park was they were to provide an executed copy.

C3.0 Grading Plan

1. A detailed grading plan is required with spot grades, and contour labels. The current plan does not provide labels or accurate grading. There is a legend on the plan, but no call outs.
2. The area of curb and gutter east of pond "B" does not show the existing curb cut for drainage. The proposed contours appear to have the existing asphalt and curb and gutter being replaced. The plan shall clearly define removals, new curb and gutter, new asphalt, proposed grades and paving plan.
3. The area to the south east is currently a swale that directs storm water to Basin "B". The proposed parking is removing the swale with no consideration for addressing the runoff. It appears low spots are being created, the culvert is being filled in, and the water will be collecting in the parking areas.
4. The area of parking near the south east corner
5. The area west of the building addition is graded incorrectly, we are unable to determine what the grade at the building is, and what is required. Additional spot grades, as well as contour labels will be useful.

The plans have been reviewed for conformance with generally accepted engineering practices and City of Burlington policies. Although the material has been reviewed, the applicant 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.





MEMORANDUM

TO: Plan Commission
City of Burlington

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

DATE: February 27, 2020

SUBJECT: Review of the Site Plan Application for the occupancy located at 1700 S. Teut Road regarding the expansion/addition to Oak Park Place.

A. PURPOSE

Consider for approval the Site Plan Application for the occupancy located at 1700 S. Teut Road regarding the expansion/addition to Oak Park Place.

B. BACKGROUND

Scott Frank (Applicant) submitted a Site Plan Application for the proposed expansion/addition to the Oak Park Place facility located at 1700 S. Teut Road, Burlington, WI. 53105.

C. REVIEW OF COMPLIANCE WITH LOCAL AND STATE FIRE CODE

1. 155-21, 155-22 & 155-23: A fire protection system permit application and a full plan review is required for any new fire protection system as well as any addition, alteration and/or modification to existing fire protection systems.
2. 155-27(A): Unobstructed fire lanes that are accessible from a public road shall be provided for every building or portion of a building.
3. 155-27(B): Fire lanes shall have an unobstructed width of 30 feet, with the road edge closest to the building a minimum of 10 feet from the building and a maximum of 30 feet from the building. A different distance may be required by the Fire Department in some situations.
4. 155-27(E): Designated fire access roads and fire lanes must be submitted and conditionally approved prior to the issuance of building permits.
5. 155-27(H): For buildings over 200 feet long, fire lanes shall be provided for access to all four sides of the building or group of buildings.

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 this application based on the following:

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



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

FOR OFFICE USE ONLY	
DATE FILED:	<u>5/14/20</u>
RECEIVED BY:	<u>KA</u> (Initials)
AMT. PAID:	<u>500</u>

APPLICANT: Scott Frank

ADDRESS: 719 Jupiter Dr, Madison, WI **PHONE NO.** 608.663.8600

E-MAIL ADDRESS: sfrank@oakparkplace.com

OWNER: Oak Park Place Properties of Burlington, LLC

ADDRESS: 719 Jupiter Dr, Madison Wi **PHONE NO.** 608.663.8600

SITE ADDRESS: 1700 S. Teut Rd

PROPOSED USE: Senior Housing **PRESENT ZONING:** PUD

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.
- General description of building materials, façade and roof detail.
- Setback lines indicated.
- Easements for access, if any.
- n/a 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.
- exist Signage and outdoor lighting – proposed location and details.

- Total number of employees: 20-25 MAX SHIFT and Hours of operation 24 HOUR CARE.
- Total no. of parking spaced noted. No. of parking spaces provided: 123. Calculations used to arrive at the no. of spaces: See 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.
- None List environmental concerns, i.e. odor, smoke, noise.

Owner: Scott Frank
(Print)

Date: 2/14/20

Owner: [Signature]
(Signature)

Applicant: Scott Frank
(Print)

Date: 2/14/20

Applicant: [Signature]
(Signature)

Zoning Administrator: [Signature]
(Signature)

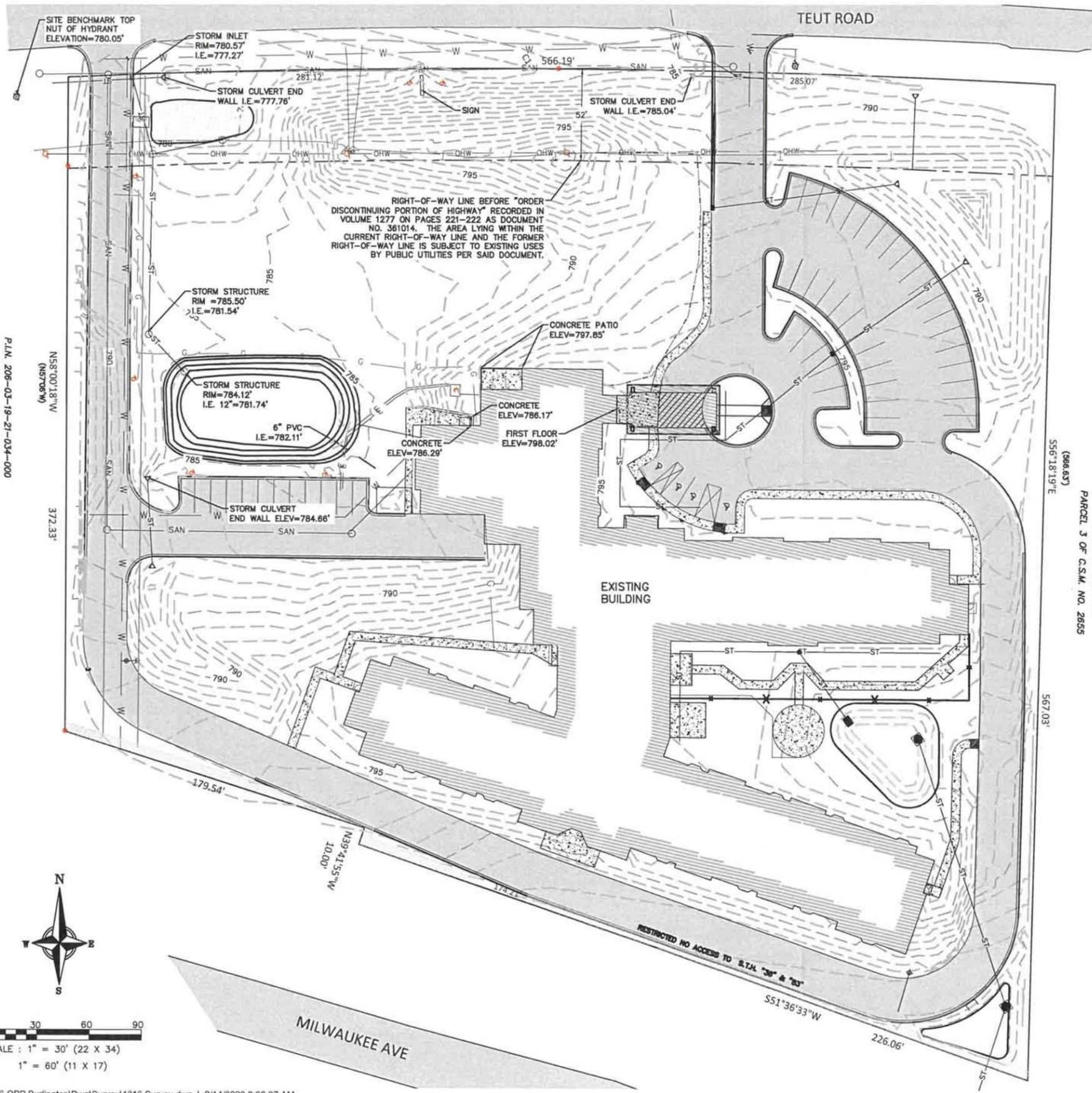
Date: 2/17/2020

Legal Description:

Lot 1 of certified survey map no. 3185, as recorded in the office of the register of deeds for Racine County, Wisconsin on December 28, 2015 in volume 10 on pages 435-438 as document no. 2425142 and being a part of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ and the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of section 21, Township 3 North, Range 19 East of the Fourth Principal Meridian, in the City of Burlington, County of Racine and State of Wisconsin.

PARKING SUMMARY

Occupancy	Number of Units	Parking ratio	Stalls Required	Stalls Provided
Memory care	40	.33 per unit	13.2	
Assisted Living	40	.33 per unit	13.2	
Independent Living	61	1.5 per unit	91.5	
			117.9	
Stalls Provided				122



LEGEND

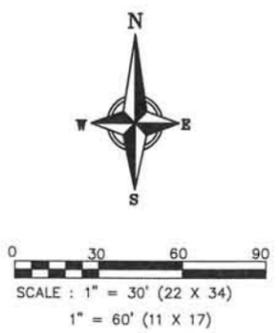
- TRANSMISSION POWER POLE
- LIGHT POLE OR STOP LIGHT POLE
- HYDRANT
- LIGHT POLE OR STOP LIGHT POLE
- ELECTRIC TRANSFORMER
- GAS UNDERGROUND
- STORM SEWER
- TELEPHONE
- SANITARY SEWER
- WATER
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC

KEY

- EX ASPHALT PAVEMENT
- EX CONCRETE SIDEWALK

P.L.N. 206-03-19-21-023-023
 OWNER: VECTOR 1-INVESTMENTS LLC
 15400 PEARL ROAD, SUITE 248
 STRONGSWALE, OH 44138
 PARCEL 3 OF C.S.M. NO. 2655
 (986.63)
 556'18.19"E

P.L.N. 206-03-19-21-034-000
 OWNER: ROBERT A. EBBERNS
 2802 BERNOT ROAD
 BURLINGTON, WI 53105



ZONING SUBMITTAL - NOT FOR CONSTRUCTION

Architectural Design Consultants, Inc.
 5100 Eastpark Boulevard • Suite 310
 Madison, WI 53718
 Phone: (608) 254-6181 Fax: (608) 254-2139
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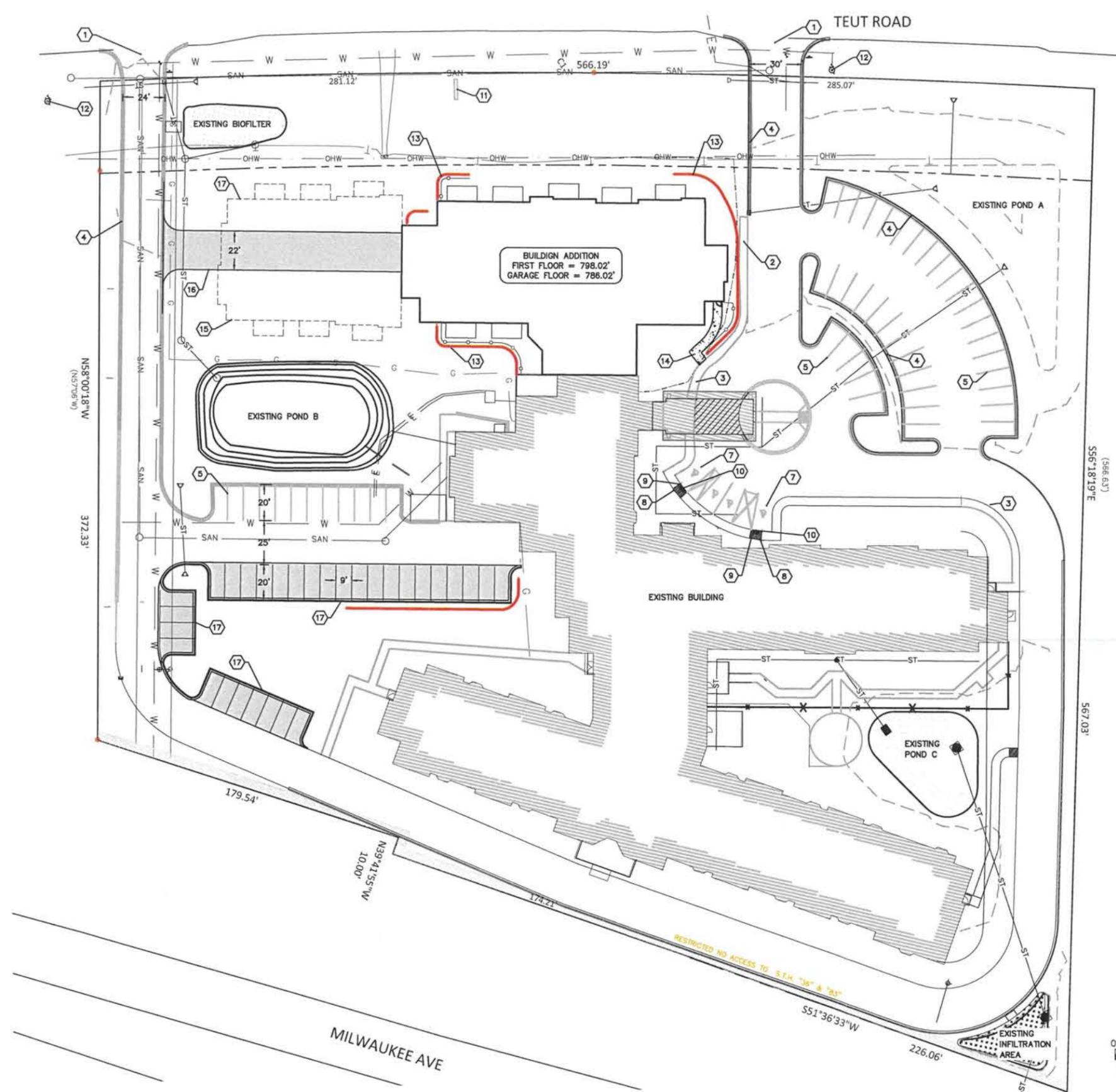
**OAK PARK PLACE
 BURLINGTON IL ADDITION**

Drawn By: A. JOHNSON
 Checked By: A. JOHNSON
 Date: 02/14/2020
 Scale: AS NOTED
 Job Number: 17-155



818 N Meadowbrook Ln
 Waunakee, WI 53597
 Phone: (608) 849-9378

SHEET NUMBER
C1.0



PLAN KEY

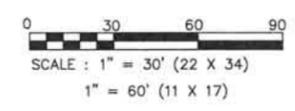
- ① EXISTING DRIVEWAY APPROACH
- ② EXISTING CONCRETE SIDEWALK
- ③ EXISTING THICKENED EDGE CONCRETE
- ④ EXISTING 18" CURB AND GUTTER
- ⑤ EXISTING 4" PAVEMENT STRIPING
- ⑥ ASPHALT PARKING
- ⑦ EXISTING ACCESSIBLE STALL, TYP.
- ⑧ EXISTING ACCESSIBLE PARKING SIGN, TYP.
- ⑨ EXISTING CURB RAMP
- ⑩ EXISTING DETECTABLE WARNING FIELD, TYP
- ⑪ EXISTING MONUMENT SIGN
- ⑫ EXISTING FIRE HYDRANT
- ⑬ RETAINING WALL
- ⑭ NEW CONCRETE SIDEWALK
- ⑮ FUTURE BUILDING ADDITION
- ⑯ ASPHALT DRIVE TO PARKING GARAGE
- ⑰ NEW 18" CURB AND GUTTER

KEY

- ASPHALT PAVEMENT
- CONCRETE SIDEWALK

NOTES

52 EXISTING PARKING STALLS (4 HC)	52
NEW PARKING STALLS	30
TOTAL PARKING STALLS	82



ZONING SUBMITTAL - NOT FOR CONSTRUCTION

ADCI Architectural Design Consultants, Inc.
 5100 Eastpark Boulevard • Suite 310
 Madison, WI 53718
 Phone: (608) 254-6181 Fax: (608) 254-2139

OAK PARK PLACE
 BURLINGTON IL ADDITION
 WISCONSIN

SITE PLAN

Drawn By:	R. JOHNSON
Checked By:	R. JOHNSON
Date:	02/14/2020
Scale:	AS NOTED
Sheets:	07 OF 9



818 N Meadowbrook Ln
 Waunakee, WI 53597
 Phone: (608) 849-9378

SHEET NUMBER
C2.0

