



AGENDA
PLAN COMMISSION
Tuesday, May 12, 2020 at 6:30 p.m.

Webinar link:

<https://us02web.zoom.us/j/89039461746?pwd=RitBTHhrc3YzeDJVQzJsdm13NTQ4Zz09>

Password: 441655

Phone: (312) 626-6799, Webinar ID: 890 3946 1746, 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.

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 April 14, 2020
4. Letters and Communications: None
5. Citizen Comments
6. Old Business: None
7. New Business:
 - A. Public Hearing to hear public comments regarding a Conditional Use application from Craig Faust for property located at 140 and 148 W. Chestnut Street, to allow for a fenced in outdoor seating.

- B. Consideration to approve a Conditional Use and Site Plan application from Craig Faust for property located at 140 and 148 W. Chestnut Street to allow for a fenced outdoor seating, repair the façade, add landscaping, and parking lot repairs, subject to Graef's and Burlington Fire Department's memorandums to the Plan Commission.
- C. Discussion regarding potential development of a 75-foot high, mixed-use building at 241 E. Chestnut Street.

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
April 14, 2020, 6:30 p.m.

Mayor Jeannie Hefty called the Plan Commission meeting to order at 6:30 p.m. through Zoom Meetings. Roll call: Aldermen Tom Preusker and Bob Grandi; Commissioners Andy Tully, Chad Redman, John Ekes and Art Gardner were present. Student Representative Mattea Chamberlin excused. Also in attendance, Megan Watkins, Assistant City Administrator/Zoning Administrator; Attorney John Bjelajac; Greg Governatori, Kapur & Associates; and Tanya Fonseca, Graef.

APPROVAL OF MINUTES

Alderman Grandi moved, and Commissioner Ekes seconded to approve the minutes of February 11, 2020.

Roll call vote: Aye-6. Nay-0. Aldermen Preusker and Grandi; Commissioners Tully; Redman; Ekes; and Gardner. Motion carried.

LETTERS & COMMUNICATIONS

None

CITIZEN COMMENTS

None

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.

- Mayor Hefty opened this item for discussion.
- Tanya Fonseca, Graef, explained the Certified Survey Map meets the requirements. However, only the zoning required correction for the use of the lot.
- There were no further comments.

Alderman Preusker moved, and Commissioner Gardner seconded to approve a Certified Survey Map Amendment for 2457 Browns Lake Drive.

Roll call vote: Aye-6, Nay-0 Aldermen Preusker and Grandi; Commissioners Redman; Tully; Ekes; and Gardner. Motion carried.

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.

- Mayor Hefty opened this item for discussion.
- Ms. Fonseca explained at the January 14, 2020 meeting the zoning for future uses on this lot did not match current needs, and required correction. Ms. Fonseca stated rezoning Lot 1 and Lot 2 to Rm-2 complies with the uses, but Lot 3 will remain the same.
- There were no further comments.

Commissioner Tully moved, and Alderman Grandi seconded to approve a rezone for 2457 Browns Lake Drive.

Roll call vote: Aye-6, Nay-0 Aldermen Preusker and Grandi; Commissioners Redman; Tully; Ekes; and Gardner. Motion carried.

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).

- Mayor Hefty opened this item for discussion.
- Ms. Fonseca explained when the Site Plan was presented March 12, 2019 the applicant was seeking to make changes to the parking lot, which has not been submitted.
- Joshua Kuehn, applicant, stated he would like to request 2 years for an extension to the original Site Plan application, with a reduction to the landscaping and lighting plans. Mr. Kuehn explained due to lack of funds because of the economy, work has not been able to commence. Mr. Kuehn stated a few groups meet in the evening that use approximately 25 parking spaces.
- Ensuing discussion, the Commissioners agreed to consider a variance, as long as the applicant came back with a proposed Site Plan showing the landscaping and lighting reduction. Alderman Preusker stated the revised plans would not have to be engineered drawings, just simply use a marker showing the reductions.
- Ms. Fonseca asked if the review by staff level would work, or it requires the Commissioners' approval. Attorney John Bjelajac replied, it is better to have this come back before the Commissioners to review the revised Site Plan.

- Commissioner Gardner stated a final Site Plan was still missing from the original submittal.
- Megan Watkins, Assistant City Administrator/Zoning Administrator, stated the Site Plan expired on March 12, 2020, however, the March Plan Commission meeting was cancelled. Ms. Watkins explained if the Commissioners are considering requesting revised plans for the variances, then an approval for the Site Plan extension is necessary.
- Greg Governatori, Kapur & Associates, commented the lighting and landscaping would not change the storm water plan, and suggested changing out the light fixtures to save on cost. Mr. Kuehn responded he has photo renderings of the proposed plans that he will forward to staff.
- There were no further comments.

Commissioner Tully moved, and Alderman Preusker seconded to table the final Site Plan until a revised version including the variances for the lighting and landscaping are submitted, and approve the extension to the original Site Plan application for 126 Chapel Terrace.

Roll call vote: Aye-6, Nay-0 Aldermen Preusker and Grandi; Commissioners Redman; Tully; Ekes; and Gardner. Motion carried.

Commissioner Redman amended the motion, and Alderman Grandi seconded to approve 24 months for an extension, and waive the \$500 fee to the original Site Plan application.

Roll call vote: Aye-6, Nay-0 Aldermen Preusker and Grandi; Commissioners Redman; Tully; Ekes; and Gardner. Motion carried.

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.

- Mayor Hefty opened this item for discussion.
- Attorney Bjelajac stated it is more appropriate to change the sequence, and deal with the Site Plan prior to the permanent variance.
- There were no further comments.

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.

- Mayor Hefty opened this item for discussion.

- Ms. Fonseca explained the applicant proposes the parking lot will have one-way in and one-way out to maximize the number of parking stalls. There has been no lighting or landscaping plans provided. The parking lot requires asphalt, and signage to specify the direction for one-way in and one-way out. Attorney Bjelajac asked that the lighting and landscaping plans be deferred to the Commissioners to vote on, instead of at staff level.
- Mr. Governatori stated the engineering plan for storm water management and parking stalls meets the city ordinance. Yvonne Bauman, applicant, stated they are waiting to hear from WeEnergies regarding the existing light poles, and there will be a 6 foot fence in the back to help mitigate anyone going onto the residential property. Ms. Bauman stated the plans show the greenspace, and questioned if what was being requested are what type of plants are going in. Ms. Fonseca replied the plans would have to be re-reviewed, but does not recall them being clear enough to meet the codes. Ms. Fonseca explained the codes have specific requirements, and more information is required regarding the landscaping ratio calculations. Jeremy Bauman, applicant, stated the plans show adequate amount of greenspace, however, the lighting was not on the plans, and wanted some clarification. Ms. Fonseca answered there may be enough to meet the requirements, but we still need the confirmation for the landscape ratio calculations. Ms. Bauman stated the engineering office has closed and cannot get that information at this time. Mr. Governatori commented he did not want to see confusion regarding the difference between greenspace and landscape plans. Both have different requirements; greenspace is lawn, and landscaping are trees, shrubs, plants, or fences.
- Mr. Bauman stated he was concerned as to when the “Safer At Home” ban will lift and when getting some income for starting the project. Mr. Bauman further stated he would like to keep using the lot and will do what it takes until the revised plans are completed. Commissioner Redman responded the landscaping and lighting plans are still required, but it sounds like the Commission is willing to work with the applicant in allowing more time.
- Attorney Bjelajac explained to the Commissioners if they choose to extend the current temporary variance, then give a specific date, but allow the requested landscape and lighting plans be submitted later. The Site Plan has its own expiration date.
- There were no further comments.

Alderman Preusker moved, and Alderman Grandi seconded to approve the extension to the temporary variance until June 1, 2021, and table the Site Plan for a future meeting that includes landscaping and lighting plan details.

Commissioner Ekes stated he would like to see the detail for the fence in the back, when the applicants come back with the revised Site Plan.

Roll call vote: Aye-6, Nay-0 Aldermen Preusker and Grandi; Commissioners Redman; Tully; Ekes; and Gardner. Motion carried.

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.

- Mayor Hefty opened this item for discussion.
- Ms. Fonseca explained Phase II is 61 Independent Senior Living units on three floors. When approving Phase I, it was required that Phase II come back before the Commission with clarification to the parking, lighting, and landscaping plans. The applicant is asking for a parking reduction than what is required in the city code, which can change the lighting and landscaping plan.
- Mr. Governatori stated the applicant had to add 30 more parking spots. Mr. Governatori further stated the applicant is required to update the storm water management run-off, grading plans, water main easement from Phase I, a copy of the storm water maintenance agreement from the original Phase I requirement, plus any other items listed in the memorandum. Attorney Bjelajac informed the applicant he has the water main easement file, which needs recording.
- Alderman Preusker asked if the applicant was looking for a reduction in parking spots. Bradley Servin, representative, explained Phase I has an excess of 35 parking stalls and most residents only have one vehicle. The proposed number of parking stalls is 122, even though 94 parking stalls are required for residents, staff, and visitors. Mr. Servin corrected Ms. Fonseca that this is a 4-story structure and not a 3-story structure. Mr. Servin stated they recognize that additional lighting, landscaping, and storm water management is required due to the additional parking spots. Mr. Servin further stated we are proposing a reduction in the parking requirements.
- Commissioner Tully stated he is aware of neighbors on Euphoria Drive having concerns regarding the lighting for this addition. Mr. Servin responded he believes the lighting has a full cut-off at the property line, and will not exceed the city requirements.
- Commissioner Preusker suggested that at a future meeting the city should change the ordinance to reduce standard parking requirements for senior living housing, since most only have one vehicle or are unable to drive.
- Commissioner Tully questioned if the earth mound in front of the building is going to go away with this new addition. Mr. Servin replied they are working with Wisconsin Power Linea to relocate the utility poles, and hoping that the mound can go down.
- Attorney Bjelajac asked if the Commissioners have the final version of the Site Plan to make a decision. Mr. Servin explained the building and parking layout are completed. Mr. Servin stated the grading, storm water management, landscaping, and lighting plans still require finalization, assuming there is a conditional approval with the parking layout as proposed.

- There were no further comments.

Commissioner Ekes moved, and Commissioner Gardner seconded to approve the Site Plan as presented.

Alderman Preusker amended, Alderman Grandi seconded to approve the Site Plan to include the conditions the grading plans, landscaping plans, lighting plans and other missing items be submitted for a future meeting.

Roll call vote: Aye-6, Nay-0 Aldermen Preusker and Grandi; Commissioners Redman; Tully; Ekes; and Gardner. Motion carried.

ADJOURNMENT

Alderman Preusker moved, and Commissioner Ekes seconded to adjourn the meeting at 8:02 p.m.

All were in favor and the motion carried.

Recording Secretary
Kristine Anderson
Administrative Assistant



PLAN COMMISSION

ITEM NUMBER: 7A

DATE: May 12, 2020

SUBJECT: A Public Hearing for a Conditional Use application at 140 and 148 W. Chestnut Street.

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

PROJECT/SCOPE:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding a Conditional Use application from Craig Faust for property located at 140 and 148 W. Chestnut Street. The applicant proposes to construct an outdoor seating area for the business located at 140 W. Chestnut Street (Super Taco Moy). The outdoor seating area is proposed to cross the property line between 140 and 148 W. Chestnut Street. Both of these properties are currently under the same ownership and are in the B-2 Central Business Zoning District. Outdoor seating areas for establishments serving food or beverage are acceptable conditional uses within the B-2 district.

ZONING:

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

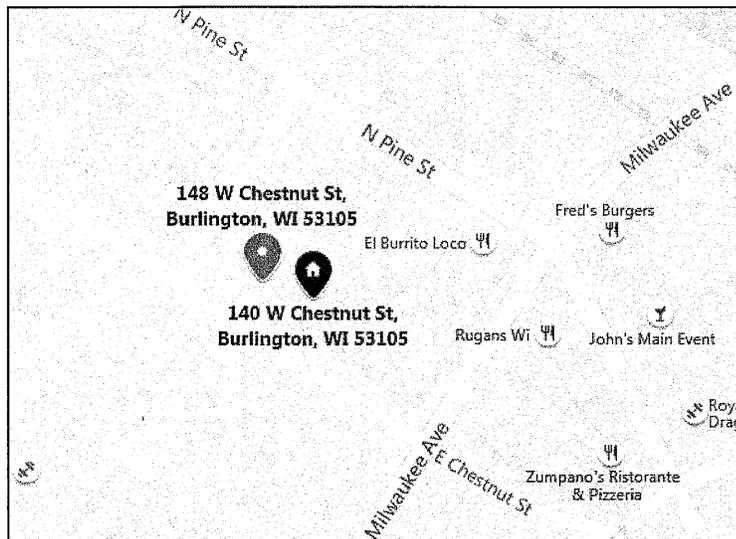
RECOMMENDATION:

N/A

TIMING/IMPLEMENTATION:

This item is for a Public Hearing at the May 12, 2020 Plan Commission meeting and will be for discussion the same night.

MAP:



THE PLAN COMMISSION IN AND FOR THE CITY OF BURLINGTON

Notice of Hearing on
Proposed Conditional Use Permit
B-2, Central Business District

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Plan Commission of the City of Burlington, Racine County, Wisconsin, will conduct a hearing to discuss the proposed Conditional Use Permit for:

Owner: Craig Faust
Applicant: Craig Faust – FI Chestnut Properties, LLC
Location: 140 & 148 W. Chestnut Street
Zoning: B-2, Central Business District
Use: To allow for a fenced outdoor seating

NOTICE IS FURTHER GIVEN that a hearing on the above-mentioned Conditional Use Permit will be held by the City Plan Commission in the Courtroom of the Police Department, in the City of Burlington on:

TUESDAY, MAY 12, 2020 DURING THE MEETING OF THE PLAN COMMISSION SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER

To consider the above Conditional Use Permit and to hear persons in support thereof or opposition thereto.

CITY OF BURLINGTON
PLAN COMMISSION

Dated at Burlington, Wisconsin, 20th day of April, 2020.

Diahnn Halbach, City Clerk

Published in the Burlington Standard Press
April 23rd and April 30th, 2020



PLAN COMMISSION

ITEM NUMBER: 7B

DATE: May 12, 2020

SUBJECT: Consideration to approve a Conditional Use and Site Plan application at 140 and 148 W. Chestnut Street.

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

PROJECT/SCOPE:

This item is to consider approving a Conditional Use and Site Plan application from Craig Faust, for property located at 140 and 148 W. Chestnut Street. The applicant proposes to construct an outdoor seating area for the business located at 140 W. Chestnut Street (Super Taco Moy). The outdoor seating area is proposed to cross the property line between 140 and 148 W. Chestnut Street. Both of these properties are currently under the same ownership and are in the B-2 Central Business Zoning District. The current/proposed use of 148 W. Chestnut Street is currently unknown. The applicant proposes to add a side entrance from 140 W. Chestnut Street to the patio area. The outdoor seating area will be fully enclosed and have a stamped concrete patio slab. Existing landscaping is to be upgraded per plans submitted, but does not require any additional expansion. The hours are assumed to operate from 11 am – 9 pm, Tuesday – Sunday. Additional exterior improvements are proposed for both properties. These improvements will require a Certificate of Appropriateness from the Historic Preservation Commission, and will be reviewed at the May 28, 2020 meeting. The conditional approval have the following conditions:

- The applicant shall consider a lot consolidation for the two parcels, or an easement on 148 W. Chestnut Street given the proposed semi-permanent nature of the outdoor seating area with concrete and masonry details. The Conditional Use Permit shall be revisited if either property is sold or changes use (if the lots are not consolidated).
- The applicant confirms the hours.
- The applicant confirms the plans of the existing driveway curb cut.
- The applicant confirms the plans of trash enclosure area behind 140 W. Chestnut Street.
- The applicant confirms the fence plans.
- The applicant confirms the proposed lighting on the patio and if planned, that it be consistent with requirements of section 315-27 I.

ZONING:

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

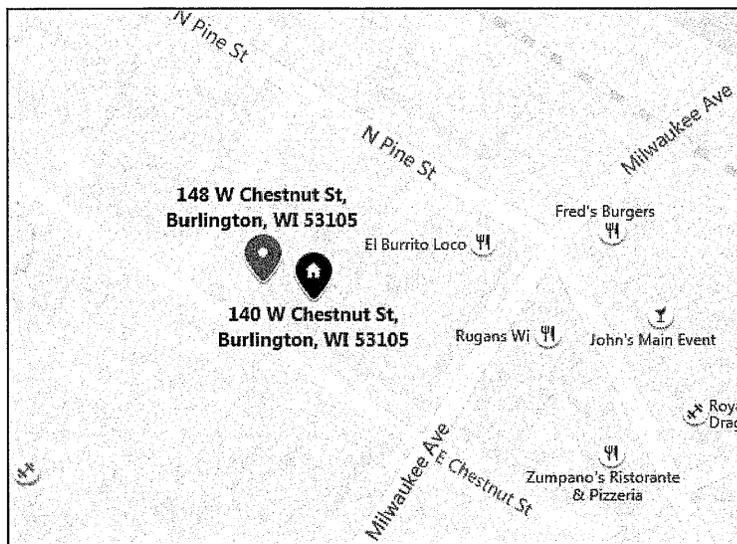
RECOMMENDATION:

Graef and the Burlington Fire Department recommend a conditional approval of this Conditional Use and Site Plan, subject to items listed in the May 4, 2020 and May 5, 2020 memorandums.

TIMING/IMPLEMENTATION:

This item is for consideration at the May 12, 2020 Plan Commission meeting. No further action is necessary.

MAP:





collaborāte / formulāte / innovāte

MEMORANDUM

TO: Plan Commission
City of Burlington

FROM: GRAEF
Tanya Fonseca, AICP

DATE: May 4, 2020

SUBJECT: Review of an Application for a Site Plan Approval and Conditional Use Permit for an Outdoor Seating Patio at 140 & 148 W. Chestnut Street

A. PURPOSE

- 1) Consider for approval an Application for a Site Plan Approval and Conditional Use Permit from Craig Faust of FI Chestnut Properties, LLC for parcels 206-03-19-32-460-110 and 206-03-19-32-460-120 located at 140 & 148 W. Chestnut Street

B. RECOMMENDATION

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

- 1) **CONDITIONAL APPROVAL** of an Application for a Site Plan Approval and Conditional Use Permit for an outdoor seating patio straddling both 140 and 148 W. Chestnut Street for the business located at 140 W. Chestnut Street pending the following:
 - a. Consideration of a lot consolidation for both parcels or an easement on 148 W. Chestnut Street given the proposed semi-permanent nature of the outdoor seating area with concrete and masonry details;
 - b. Confirmation of hours per § 315-130 D. (31) (c);
 - c. Confirmation of plans of existing driveway curb cut per § 315-130 D. (31) (d);
 - d. Confirmation of plans for trash enclosure area per § 315-130 L. (1);
 - e. Confirmation of fencing plans per § 315-51; and
 - f. Confirmation of proposed lighting on the patio and if planned, that it be consistent with requirements of § 315-27 l.

C. BACKGROUND

Craig Faust (Applicant) submitted an Application for a Conditional Use Permit to construct an outdoor seating area for the business located at 140 W. Chestnut Street (Super Tacos Moy). The outdoor seating area is proposed to cross the property line between 140 and 148 W. Chestnut Street. Both of these properties are currently under the same ownership and are in the B-2 Central Business Zoning District. The current/proposed use of 148 W. Chestnut Street is currently unknown.



The Applicant proposes to add a side entrance from 140 W. Chestnut Street to the patio area. The outdoor seating area will be fully enclosed and will have a stamped concrete patio slab. Existing landscaping is to be upgraded per the plans detailed on pages 7 and 8. The Applicant proposes to move the trash enclosure area to the space directly behind 140 W. Chestnut Street – see pages 7 and 9.

Given the unique nature of this proposed area straddling two separate properties, it is highly recommended that an easement or a lot consolidation be considered, to streamline the use that crosses the lot line between 140 and 148 W. Chestnut Street. Further, while there are currently no plans for either property to be sold, it is recommended that this conditional use permit be revisited should either or both properties be sold (if they are not consolidated), or if the business operation changes, given that the use is for 140 W. Chestnut Street and it crosses into 148 W. Chestnut Street. This will build in flexibility to allow for future changes, if say the property ownership of 148 W. Chestnut Street changes and there is a desire to change the use and built form of the parcel. If such scenario unfolded, there could be new options considered for an outdoor space for 140 W. Chestnut Street, including a “parklet” which allows the use a parking space or two for an outdoor seating area.

The outdoor seating area is assumed to operate from 11am-9pm, Tuesday-Sunday (the hours listed on the restaurant’s website) – to be confirmed with the applicant and/or business. Additional exterior improvements are proposed for both properties. These improvements will require a Certificate of Appropriateness from the Historic Preservation Commission and will be reviewed at the May 28, 2020 meeting.

The review of relevant codes and ordinances is included below, with an evaluation of whether the standard is complete, met, pending, or unmet.

REVIEW STANDARD	EVALUATION	COMMENTS
Compliance with § 315-130. Conditional use permit.		
Conditional Use Permit submittal items	Complete	This application meets all application requirements as outlined.
Compliance with § 315-137. Site plan.		
Site plan submittal items	Complete	This application meets all application requirements as outlined.
Compliance with § 315-27. B-2 Central Business District.		
A. District intent.	Met	This application and proposed improvements meet these intentions. This application and the proposed improvements conform to the underlying B-2 Central Business District.



REVIEW STANDARD	EVALUATION	COMMENTS
D. Conditional uses. (31) Outside seating for establishments serving food or beverage for consumption outside the structure.		
(a) Plan approval by the Plan Commission.	<i>Pending</i>	Outdoor seating areas for establishments serving food or beverage are acceptable conditional uses within the B-2 district. The proposed use is compliant with the restrictions established in this section, which are outlined below.
(b) No outside use area is permitted unless the principal commercial business is fully operational and said principal business is housed in a building.	<i>Met</i>	This outdoor seated area will be for the business in 140 W. Chestnut Street.
(c) Hours of service shall be limited to the business hours or as set by the Plan Commission.	<i>Pending</i>	Hours to be confirmed. They are assumed to mirror the business hours of Tuesday-Sunday, 11 am-9pm.
(d) No outside use area shall encroach into areas set aside for compliance with other criteria, such as but not limited to: required yard setbacks, sidewalks, building entrances and exits, required motor vehicle off-street parking and drive areas, vision setbacks, landscaping, green space and landscape surface ratio, stormwater detention or retention, pedestrian areas, emergency vehicle lanes and bicycle parking areas and access.	<i>Met</i>	There is an existing driveway curb cut off of Chestnut street in front of the proposed outdoor seating area. The Applicant proposes to discontinue the use of this with the placement of this outdoor patio. See photo of conditions below on page 6.
(e) Designated outside areas shall be screened from all residential zoned properties with a six-foot wood composite privacy fence or decorative masonry wall. Areas facing public rights-of-way, public paths or public open space may be designated with decorative fencing and landscaping. No chain link fencing shall be allowed.	<i>Pending</i>	The proposed screening/fencing will enclose this space (site plan indicates two gates). It is assumed that the area will be enclosed with masonry walls and iron decorative fencing.
(f) Additional yard setbacks, screening and/or landscape areas may be required by the Plan Commission to prevent adverse impacts on surrounding properties.	<i>Pending</i>	



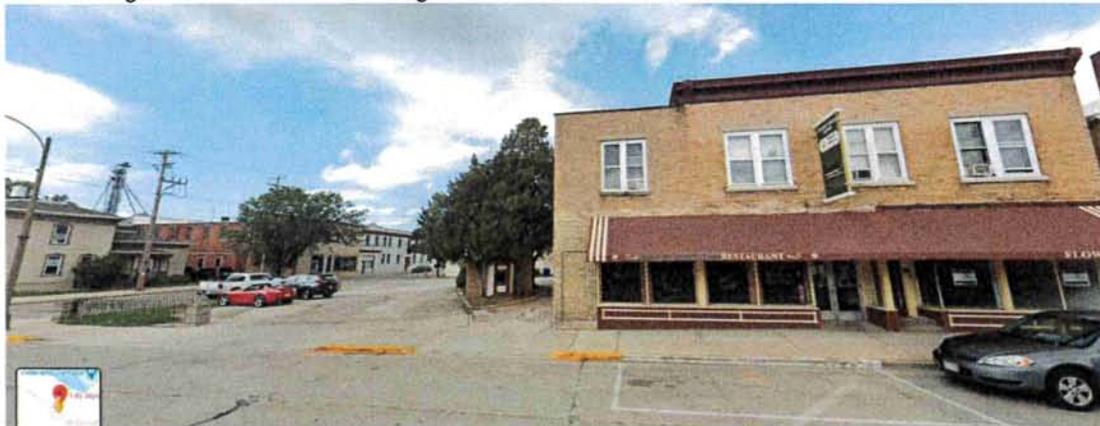
REVIEW STANDARD	EVALUATION	COMMENTS
(g) All food, beverage and condiments shall be cleaned from all outside areas before the business closes for the day. Trash receptacles shall be emptied or removed when full or daily. Trash receptacles shall be covered to limit flies and to prevent the wind from spreading the trash.	Conditions for the Applicant & Business	
[1] The entire outdoor food service area utilized for service and consumption of food and beverages shall be visible from inside the principal commercial business to which it is accessory.	Met	This outdoor dining space is directly adjacent to the commercial business to which it is accessory. A side entrance is proposed so that the outdoor area is visible from inside the principal commercial business.
[2] Any public improvements necessary to accommodate the outdoor food service area shall be approved by the Common Council with recommendation from the Plan Commission and the costs for any such public improvement thereof shall be paid by the applicant.	Pending	It is assumed that no public improvements are necessary and therefore this condition is met. To be confirmed by the Plan Commission.
[3] Service of food and alcoholic beverages in all outdoor food service areas shall be limited to persons seated at tables in said outdoor food service areas. Food service shall be required to be available at all times when the outdoor service area is open.	Conditions for the Applicant & Business	
[4] The operator of any outdoor food service area shall be responsible for policing the area of the outdoor food service area to ensure that alcoholic beverages are not removed from the outdoor food service area.	Conditions for the Applicant & Business	
[5] All spills, food, litter or any other item on the ground surface area associated with the service or consumption of food and beverages shall be cleaned or removed as soon as possible to minimize slip or fall and/or health hazards in the outdoor food service area.	Conditions for the Applicant & Business	



REVIEW STANDARD	EVALUATION	COMMENTS
G. Setback and yards	Met	No minimum side yard is required between structures and the lot line.
I. Lighting	Pending	No lighting plans have been submitted. Applicant to confirm if new lighting is to be added in the outdoor seating area. Any proposed lighting is required to be total-cutoff-type luminaries with maximum permitted illumination shall be two footcandles, at a maximum height of 20 feet.
<p>L. Trash dumpster and garbage receptacles (trash and garbage storage). The following requirements shall be met for trash dumpsters and garbage receptacles in the B-2 Central Business District:</p> <p>(1) Trash dumpster and garbage receptacles required. All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view.</p>	Pending	Details regarding concealing or screening from public view to be shared. See pages 7 and 9.
Compliance with § 315-52 Landscaping.		
Landscaping	Met	Applicant purposes to improve existing landscape areas. No proposed improvements require an expansion of landscaped area, however per § 315-27 D.(31)(f) Plan Commission may request additional consideration.
Compliance with § 315-51. Fences.		
A. The construction of a fence anywhere within the City of Burlington shall require application for a fence permit from the Building Inspector, the fee for which shall be in an amount set by the City Council.	Pending	

REVIEW STANDARD	EVALUATION	COMMENTS
C. (1)(b)[1][d] Historic districts. A fence may not be installed without an approved certificate of appropriateness by the Historic Preservation Commission.	<i>Pending</i>	Certificate of Appropriateness to be reviewed by the Historic Preservation Commission on May 28, 2020.
C. (1)(b)[2][a] Decorative fences may be placed in the street yard but shall in no instance be placed within the public right-of-way, provided that they shall not exceed a height of three feet. Decorative fences on corner lots shall comply with the traffic visibility requirements set forth in § 315-46 of this chapter.	<i>Pending</i>	Applicant to provide additional information on the proposed fencing for the outdoor seating area and the southwest corner of the parking lot of 148 W. Chestnut Street. See site plan renderings on pages 7 and 8 for masonry pillars with iron decorative fencing and entry gates.
Compliance with Chapter 274. Streets and Sidewalks.		
§ 274-11. 1. Alcoholic beverages in outdoor sidewalk seating areas.		
A. As an exception to the provisions of above § 274-11D (3), alcoholic beverages may be served and consumed in an outdoor sidewalk seating area allowed under above § 274-11D, provided that the property owner and/or tenant of the property which holds such an outdoor sidewalk seating permit complies with the following provisions of this section.	<i>Pending</i>	If business operator plans to serve alcohol outside, they need to adhere to § 274-11. 1.

From Google Street view of existing conditions:



Materials from the Applicant:

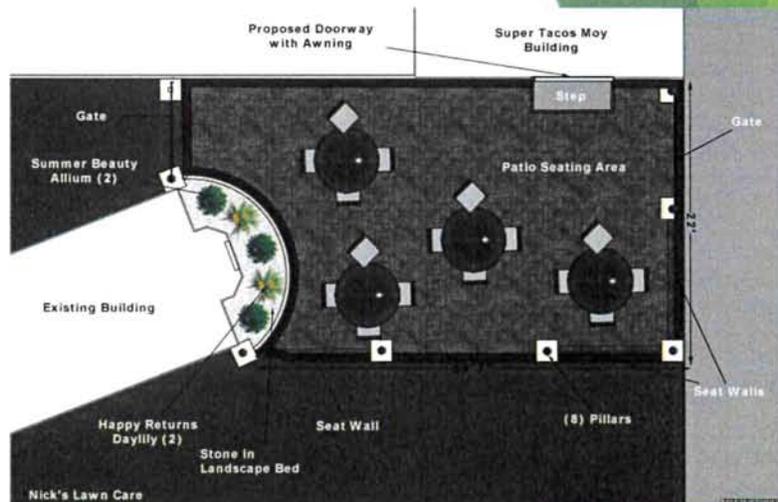
Site survey



Proposed patio

► Patio Specifications

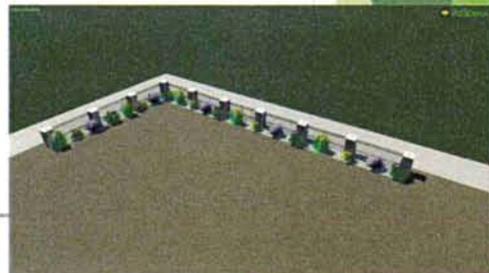
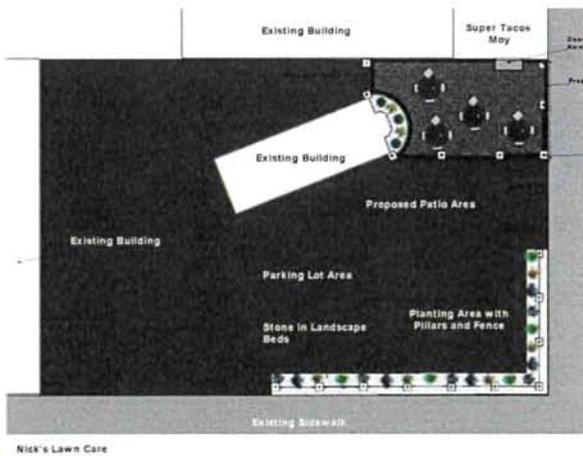
- Patio area: stamped tinted concrete
- Pillars: pavers that compliments the current build brick color
- Iron fence and entry grates
- Awning "the standard" to be per HPC & COA specifications
- Lighting to be per HPC & COA specifications
- Patio entrance door to math same style as other two building entrance doors



Proposed patio area



Parking area cleaned up



Property photo's



Current dumpster area



New dumpster area



Fire Department

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

MEMORANDUM

TO: Plan Commission
City of Burlington

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

DATE: May 5, 2020

SUBJECT: Review of Site Plan Application for the property located at 140 & 148 W. Chestnut Street to add an outside patio area for a restaurant, repaint the building, landscaping, and parking lot repairs.

A. PURPOSE

1) Consider for approval the Site Plan Application for the property located at 140 & 148 W. Chestnut Street to add an outside patio area for a restaurant, repaint the building, landscaping, and parking lot repairs.

B. BACKGROUND

Craig Faust (Applicant) submitted a Site Plan Application for the property located at 140 & 148 W. Chestnut Street to add an outside patio area for a restaurant, repaint the building, landscaping, and parking lot repairs.

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

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

**APPLICATION FOR A ZONING PERMIT,
CERTIFICATE OF COMPLIANCE,
OR
CONDITIONAL USE PERMIT**

FOR OFFICE USE ONLY	
PERMIT NO. (not C.U.)	_____
AMOUNT PAID \$	_____
DATE FILED	<u>4/20/20</u>
DATE PUBLISHED	_____
PUBLIC HEARING DATE:	_____
RECEIVED BY:	_____

- Zoning Permit - \$25.00 Joint Zoning/Certificate of Compliance - \$35.00
- Certificate of Compliance - \$15.00 Conditional Use Permit - \$500 Deposit +/- Actual cost

Instructions: Applications are to be filed with the Zoning Administrator, who shall refuse applications that are not complete or that are not legible.

NAMES AND ADDRESSES

Applicant FI Chestnut Properties, LLC

Phone No. 262-894-2777 Fax No. _____

Applicant's Address PO Box 365

Owner of the site Craig C Faust

Phone No. 262-894-2777 Fax No. _____

Owner's address Same

Architect / Professional Engineer Used local designer & B.W Surveying

Architect / Professional Engineer Address none

Contractor Nick's Landscaping

Contractor's Address Burlington

DESCRIPTION OF THE SUBJECT SITE

Address 140 & 148 Chestnut Street W.

Or if no address exists: Parcel Identification No. _____

Existing Zoning classification _____

Description of existing use Old driveway
 Description of the proposed use Outside patio area
 Number of employees / Hours of operation Normal operating hours

**ATTACHMENTS –
 THE FOLLOWING ITEMS MAY NEED TO BE ATTACHED TO THIS APPLICATION:**

PLAT OF SURVEY – prepared by a registered land surveyor showing the location, boundaries, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within (40) feet of the subject site.

If municipal sewage service or water service is not available, a plan shall be approved by the City Engineer who shall certify in writing that satisfactory, adequate and safe sewage disposal and/or a safe supply of water, is possible on the site as proposed by the plan in accordance with applicable local, county and state board of health regulations.

Additional information as may be required by City Officials.

Reason for requesting a Conditional Use (for Conditional Use Permit Only):
 looking to add an outside patio area Moy's restaurant located at 140 & 148 Chestnut

Certificate – I hereby certify that all the preceding statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.

Applicant <u>Craig C Faust</u> (Signature)	<u>CRAIG C FAUST</u> (Print)
Owner <u>Craig C Faust</u> (Signature)	<u>CRAIG C FAUST</u> (Print)
Date: <u>4/17/20</u>	Date application Filed: _____

- Applications will not be processed without the property owner's signature.
- Permit may be revoked without notice if misrepresentation of any of the above information or attachments is found to exist.
- Permit is Null and Void if issued in error. It is understood that any permits issued on this application will not grant any right or privilege to erect any structure or to use any premises for any purpose that is prohibited by the Zoning Ordinance or any other state or local laws.
- Changes in the plans or specifications submitted in the original application shall not be made without prior written approval of the Zoning Administrator.

Zoning Administrator: 
(Signature)

Date: 5/5/2020



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: <u>4/16/20</u>
RECEIVED BY: _____
AMT. PAID: _____

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 140&148 ^{West} North Chestnut Street
Applicant Name FI Chestnut Properties, LLC
Applicant Address Po Box 365
Applicant Email craig@faustinvestments.com Phone Number 262-894-2777

Owner Name Craig C. Faust
Owner Address Same
Owner Email _____ Phone Number _____

Architect/Contractor/Designer Name Nick Erickson & Henning Landsape Managment
Architect/Contractor/Designer Email _____ Phone Number _____

Type of Construction: New Addition Remodel
Type of Development: Commercial Industrial Residential
Type of Business (if applicable) Outside patio seating for resturant

Description of the Project: Adding a outside patio area, repainting building, landscaping, parking lot repairs

Detailed Site Plan must include the following information:

Please check each item to ensure you include the required information

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

Please complete the following questions:

Building & Zoning Department

- Current Zoning District: _____
- Permitted Use? YES / NO Conditional Use? YES / NO
- 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): _____
- What kind of noise or level of noise will the property have? _____
- Hours of operation _____

Engineering

- Storm water management provisions provided? YES / NO
- Estimated Traffic impacts: no change
- 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: no change
- Estimated daily water usage in gallons per day: no change
- Estimated maximum water flow in gallons per minute: no change
- Number of bathrooms: no change
- Brief description of process (if Industrial): NA

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

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

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? lunch & dinner same as current hours
- Are you selling or serving alcohol and/or tobacco products? alcohol same as current

Fire Department

- Square footage of building(s): no changes
- Number of Floors: no changes
- Occupant Load: no changes
- Description of business model and/or process: resturant

- Occupancy Type(s): *If mixed use indicate all occupancy type areas. Refer to chart below:*
no changes

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: _____
(Print)

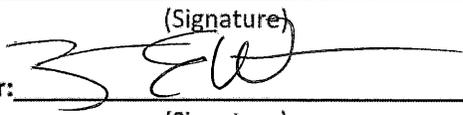
Date: _____

Owner: _____
(Signature)

Applicant: _____
(Print)

Date: _____

Applicant: _____
(Signature)

Zoning Administrator: 
(Signature)

Date: 5/5/2020

City of Burlington

W.

140 & 148 North Chestnut Street

Burlington, Wisconsin

Project overview for patio & building painting & maintenance



Property overview & site

- ▶ Owner: FI Chestnut Properties, LLC
- ▶ 148 Chestnut W Street
 - ▶ Tax Parcel: 206 031932460120
- ▶ 140 Chestnut W Street
 - ▶ Tax Parcel: 206 031932460110



Proposed patio

▶ Patio Specifications

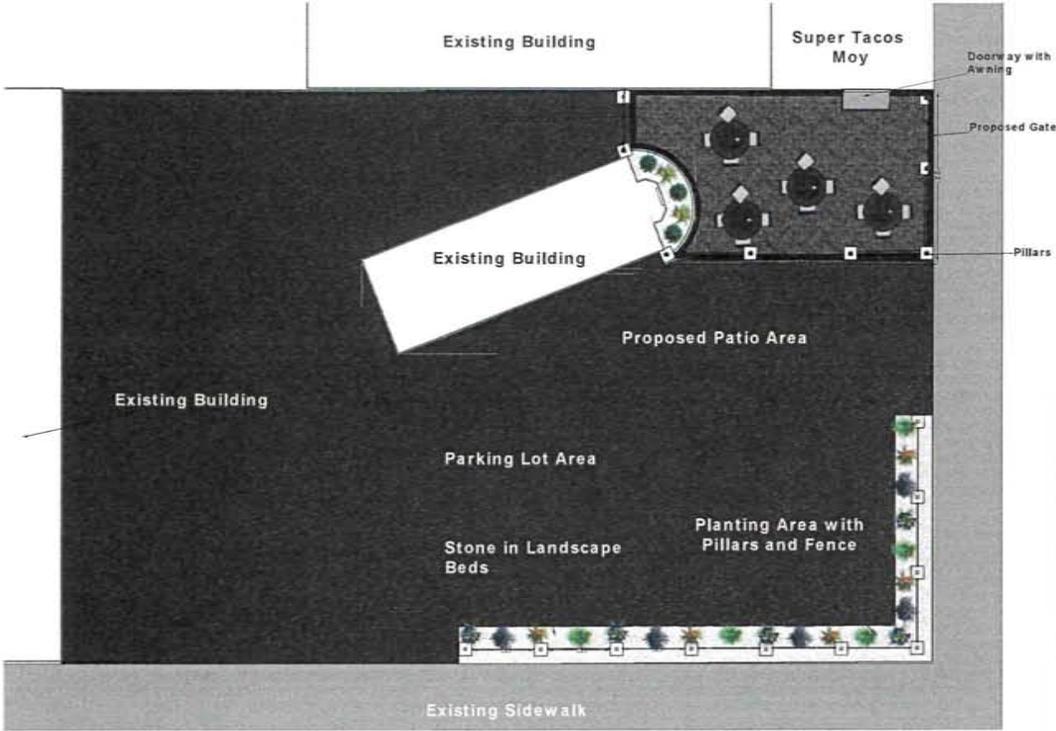
- ▶ Patio area: stamped tinted concrete
- ▶ Pillars: pavers that compliments the current build brick color
- ▶ Iron fence and entry grates
- ▶ Awning “the standard” to be per HPC & COA specifications
- ▶ Lighting to be per HPC & COA specifications
- ▶ Patio entrance door to match same style as other two building entrance doors



Proposed patio area



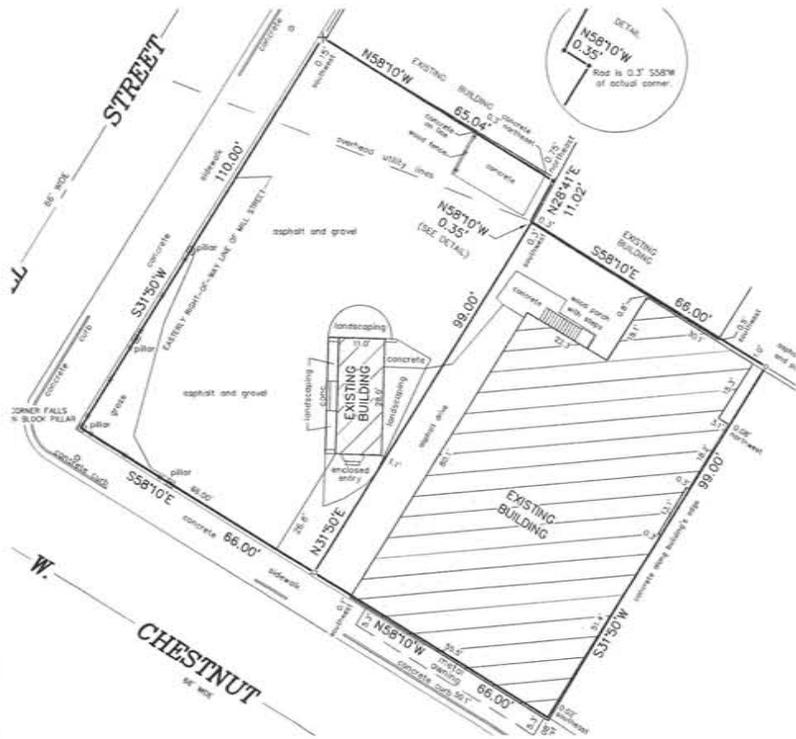
Parking area cleaned up



Nick's Lawn Care

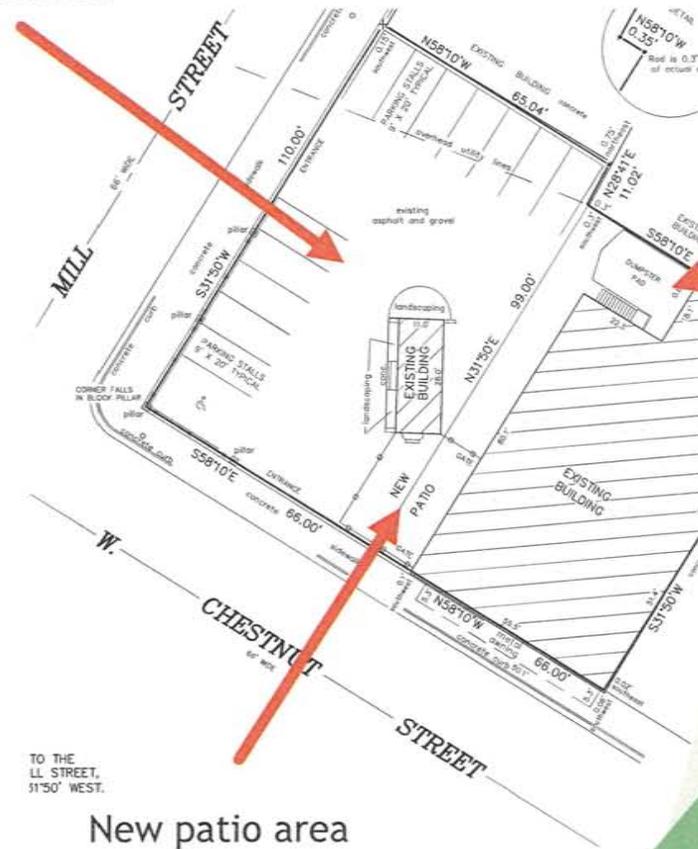
Site survey

Current



Landscape & parking lot area

Proposed

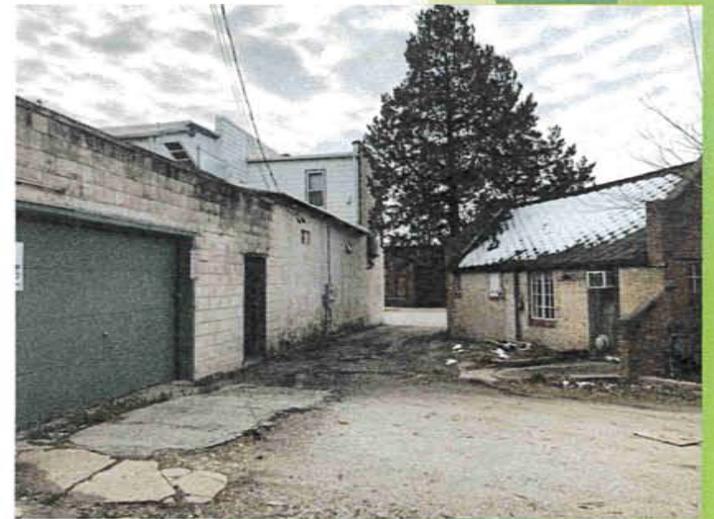
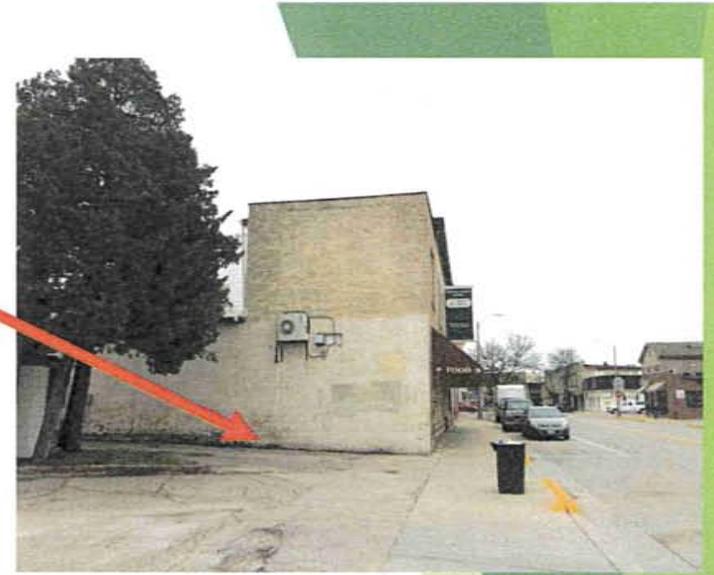


Relocate dumpster area

New patio area

Property photo's

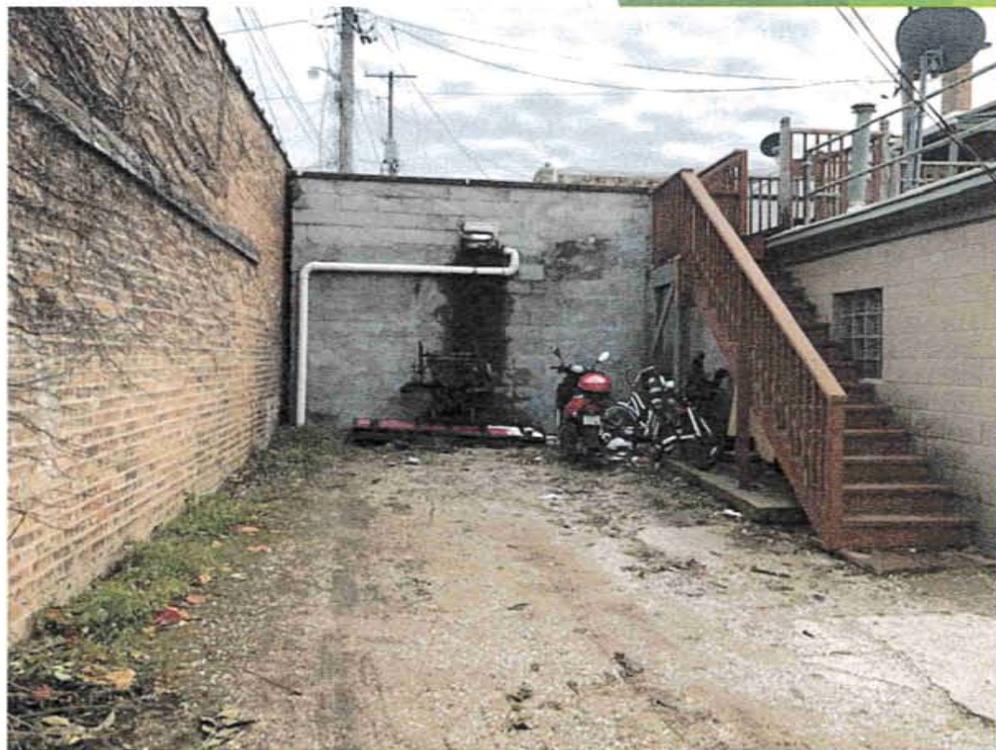
proposed patio area



Property photo's



Current dumpster area



New dumpster area

Building maintenance & painting 140 Chestnut

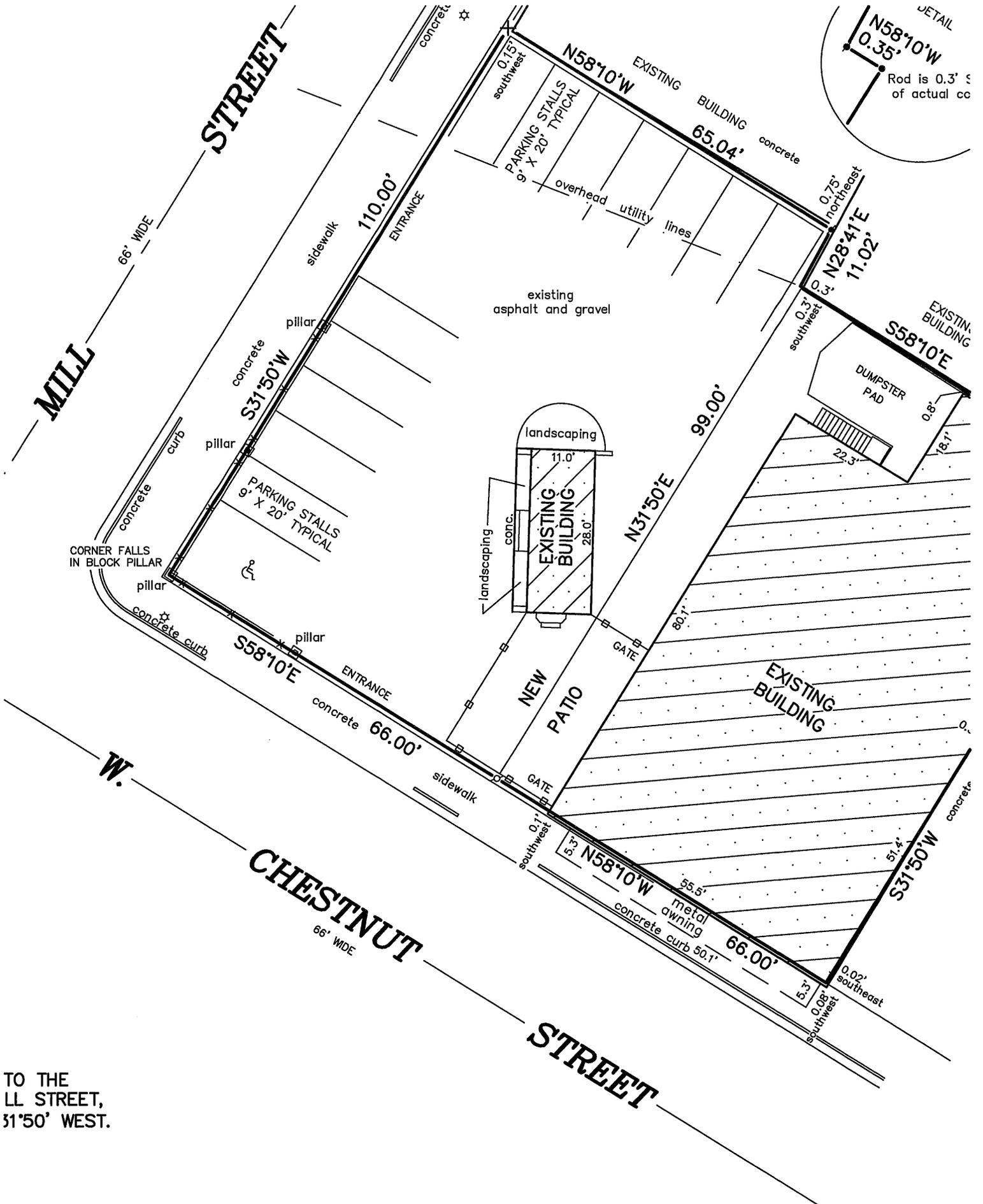
- ▶ Maintenance & Paint
 - ▶ Paint Base Color
 - ▶ Paint Major Trim
 - ▶ Brick to be repaired and Tuckpointed
 - ▶ Side brick wall to be cleaned if possible if not re-painted
 - ▶ Landscaping per plan
 - ▶ Replace front windows per HPC
 - ▶ Lights repaired not replaced
 - ▶ All repairs and paint colors to be per the HPC guidelines and specifications



Building maintenance & painting 148 Chestnut

- ▶ Maintenance & Paint
 - ▶ Paint Base Color
 - ▶ Paint Major Trim Color
 - ▶ Brick to be repaired and Tuckpointed
 - ▶ Landscaping per plan
 - ▶ Parking area to be repaired and fixed up
 - ▶ Lights repaired not replaced
 - ▶ All repairs and paint colors to be per the HPC guidelines and specifications





TO THE
LL STREET,
51°50' WEST.