



Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
April 12, 2011, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:33 p.m. Roll call: Alderman Robert Prailes; Commissioners Chris Reesman, Darrel Eisenhardt, John Lynch, and Michael Deans and Student Representative Sarah Strong were present. Aldermen Tom Vos was excused. Student Representative Andrew Krismer and Town of Burlington Representative Phil Peterson were absent. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan, Alderman Katie Simenson and Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the minutes of February 8, 2011. All were in favor and the motion carried.

CITIZEN COMMENTS

None

LETTERS & COMMUNICATIONS

Commissioner Lynch moved and Commissioner Eisenhardt seconded to accept Communication A. All were in favor and the motion carried.

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use application from Matthew Middleton to use the existing facility at 381 W. Market St. for a motorcycle parts retail shop with service.

- Mayor Miller opened the public hearing at 6:35 p.m.
- There were no comments. Alderman Prailes moved and Commissioner Deans seconded to close the Public Hearing at 6:36 p.m. All were in favor and the motion carried.

OLD BUSINESS

None.

NEW BUSINESS

A. Consideration to approve a Conditional Use Permit Application and Site Plan Application from Matthew Middleton to use the existing facility at 381 W. Market St. for a motorcycle parts retail shop with service.

- Mayor Miller opened this issue for discussion.

- Commissioner Lynch questioned if the parking requirements would be different for motorcycles versus cars since this will be a motorcycle shop. Patrick Meehan stated the code doesn't reflect that.
- Matthew Middleton, applicant, stated the dumpster in the parking area has been moved. Meehan stated this would make them compliant with parking however they would still need to stripe the parking lot.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve a Conditional Use and Site Plan Application for 381 W. Market Street, subject to Kapur & Associates' April 7, 2011 and Patrick Meehan's March 31, 2011 memorandums to the Plan Commission as follows:

- Under the requirements of Section 315-481, Table 5, the 900 square foot existing building requires a minimum of four (4) off-street parking spaces. This requirement could be met by the proposed Site Plan except the easternmost proposed off-street parking space is proposed to have a 3.5' x 6' dumpster occupying that potential fourth space; therefore, it is recommended that this dumpster be relocated to a location in front of the existing shed. Based upon this analysis, the proposed number of off-street parking spaces (three) does meet the above requirement if one (1) additional off-street parking space (with no dumpster obstruction) to be provided and indicated on a revised Site Plan submitted to the City staff. Also, a minimum of one (1) of the off-street parking spaces provided needs to be indicated on a revised Site Plan to serve persons with disabilities.
- Section 315-48(B) requires that no off-street parking space be less than 9 feet in width and 180 square feet in area. This requirement could be met by the proposed Site Plan except the easternmost proposed off-street parking space is proposed to have a 3.5' x 6' dumpster occupying that potential fourth space and, therefore, that space cannot function as an off-street parking space and its size is reduced to only 159 square feet which does not meet the minimum parking space size of 180 square feet. Therefore, it is recommended that this dumpster be relocated to a location in front of the existing shed.
- Section 315-48(M) sets forth the minimum required width of off-street parking rows and aisles. Based upon that requirement, a single row and aisle of 90-degree parking spaces needs to be a minimum of 45 feet in width. Based upon the Site Plan submitted, it appears that these requirements are not met by the applicant for a single row and aisle of 90-degree parking spaces. Due to the short lot depth of the subject property as it abuts Market Street, it appears that this would be difficult to achieve and still have a developable lot remaining. Therefore, a variance from this requirement from the Zoning Board of Appeals needs to be applied for and granted.
- Pursuant to the requirements of Section 315-48(E), the proposed off-street parking and loading areas shall be paved with either asphalt or concrete. While the existing gravel drive does not meet this requirement, it appears that the actual off street parking spaces do. Therefore, the gravel area shall be paved and indicated on a revised Site Plan submitted to the City staff.
- The submitted plan needs to meet the following requirements of Section 315-137(C) of the City Zoning Ordinance:

- a. The preparer and date of the Site Plan drawing need to be indicated on the revised Site Plan submitted to the City staff.
 - b. The site size needs to be indicated on the Site Plan submitted to the City staff.
 - c. The existing and proposed topography needs to be graphically indicated on the proposed Site Plan as may be required by the City Engineer.
 - d. Any proposed sanitary sewers, storm sewers, and water mains need to be graphically indicated on the proposed Site Plan as may be required by the City Engineer.
 - e. Any proposed stormwater management facilities including stormwater calculations need to be submitted to the City meeting the requirements of the City's stormwater management plan as may be required by the City Engineer.
 - f. If any outdoor lighting is contemplated to serve the off-street parking lot, outdoor lighting data are required which indicate location, type, and illumination level (in foot candles) of all outdoor lighting proposed to illuminate the site. It is recommended that total cut-off luminaires be used throughout the site meeting the requirements of Sections 315-137(C)(25) of the City Zoning Ordinance.
- The existing parking stalls shall be restriped.

All in favor and the motion carried.

B. Consideration to approve a Site Plan Application from Horizon Retail Construction to create a sporting goods store at 1120 Milwaukee Avenue.

- Mayor Miller informed the commission that a letter from Reinhart, Boerner, Van Deuren, S.C., attorneys for the owner of 1120 Milwaukee Avenue was received by city staff at 3:30 p.m. that afternoon. As such there was not sufficient time to review the letter. Mayor Miller recommended tabling this item until further review can be done and proper correspondence between the City Attorney and Reinhart can be accomplished to address their objections to the City Planner's recommendations for the project.
- Commissioner Lynch questioned if there is a timing issue with Dunham's in regards to signing a lease. Dan Siudak of Horizon Retail Construction replied that there are no issues at this time.
- There were no further comments.

Commissioner Lynch moved and Alderman Prailes seconded to table this item.

All in favor and the motion carried.

C. Consideration to approve a Site Plan application from Cannella Response Television to construct an office building at 848 Liberty Drive.

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

Alderman Prailes moved and Commissioner Reesman seconded to approve a Site Plan Application for 848 Liberty Drive, subject to Kapur & Associates' March 29, 2011 and Patrick Meehan's March 31, 2011 memorandums to the Plan Commission as follows:

- Based upon the "Site Plan" submitted by the applicant, only two (2) off street parking spaces are indicated to serve persons with disabilities for the total 51-space parking lot areas. However, based upon the requirements of Section 315-48(H) and Table 4 of the City Zoning Code and since the parking lot is proposed to have 51 spaces, a total of three (3) parking spaces needs to be reserved to serve persons with disabilities. Therefore, one (1) additional space needs to be provided in the off-street parking lot areas which serves persons with disabilities and a revised Site Plan shall be submitted to the City staff which indicates a new Site Plan layout meeting this requirement.
- Section 315-48(B) requires that no off-street parking space be less than 9 feet in width and 180 square feet in area. Based upon the proposed "Site Plan" dated 3/25/10 [sic], it appears that this requirement has not been met since the size of all proposed off street parking spaces is only 162 square feet and needs to be corrected to 180 square feet. Therefore, a revised Site Plan shall be submitted to the City staff which indicates a new Site Plan layout meeting this requirement.
- Section 315-48(M) sets forth the minimum required width of off-street parking rows and aisles. Based upon that requirement, a single row and aisle of 90-degree parking spaces needs to be a minimum of 45 feet in width and a double row and aisle of 90 degree parking spaces needs to be a minimum of 65 feet in width. Based upon the proposed "Site Plan" dated 3/25/10 [sic], it appears that these requirements have not been met for those areas with 90-degree off street parking spaces since the width proposed for a single row and aisle of off-street parking spaces is only 42 feet and for a double row and aisle of off-street parking is only 60 feet. A revised Site Plan shall be submitted to the City staff which indicates a new Site Plan layout meeting these requirements.
- Pursuant to the requirements of Section 315-48(F) of the Zoning Ordinance, concrete curb and gutter meeting City specifications will need to be provided all proposed off-street parking areas. It appears that these requirements have not been met since much of the off-street parking area and its associated drives do not have the required concrete curb and gutter. While past City practices and policy regarding the use of curb and gutter and the use of parking lot sheet flow drainage have allowed this practice on a very limited basis only, areas of significant potential for pavement edge "wear and tear" of both the parking lot and drives (such as areas of the drive and parking lot which force vehicle turning movements) are not adequately protected by a concrete curb and gutter on the proposed "Site Plan." Therefore, a revised Site Plan shall be submitted to the City staff which indicates the required concrete curb and gutter.
- Section 315-48(D)(5) of the City Zoning Ordinance requires that in parking lots serving 10 vehicles or more, landscape areas shall total not less than 5 percent of the surfaced off-street parking area (inclusive of both parking stalls and associated drives) and that perimeter landscaped areas adjacent to the off street parking lot shall not be included in the aforementioned required 5 percent. In addition, Section 315-48(D)(5) also requires that: "Canopy trees shall be provided at the rate of one (1) tree for each fifteen (15) off-street parking spaces (or fraction thereof) within the interior of the off-street parking area." These requirements will need to be met by the applicant's submission of the required Landscape Plan relating to the required

placement of four (4), three-inch caliper trees in landscape island areas in the off-street parking lot associated with meeting the requirements of Section 315-48(D)(5) which requires that: "Canopy trees shall be provided at the rate of one (1) tree for each fifteen (15) off-street parking spaces (or fraction thereof) within the interior of the off-street parking area."

- Sections 315-48(D)(6)(b) and 315-52(H)(12) of the City Zoning Ordinance require that all landscape plant materials planted as either parking lot landscaping or as required bufferyards meet or exceed the minimum plant material size standards set forth in Section 315-48(D)(6)(b) of the City Zoning Ordinance at time of installation. The minimum size required for canopy trees required to be planted in the required landscape is land areas of parking lots is 3-inch caliper.
- Lighting Plan Required: Sections 315-137(25) and 315-32(L) of the City Zoning Ordinance indicate, in part, that a Lighting Plan meeting the following requirements shall be submitted with the "Site Plan." However, based upon the drawings submitted by the applicant, Meehan & Company, Inc. cannot determine if outdoor lighting is proposed. If outdoor lighting is proposed, a Lighting Plan meeting the following requirements shall be submitted and have, at a minimum, the following elements:
 - (1) Lighting plan elements. 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 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 M-3 District shall meet one of the following standards (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.):
 - (a) Requirements for the use of no cutoff-type luminaires. When a light source or luminaire has no cutoff-type luminaire, the maximum permitted illumination shall be 0.30 footcandle and the maximum permitted luminaire height shall be 25 feet.
 - (b) Requirements for total cutoff-type luminaires (with angle greater than 90°). When a luminaire has total cutoff of light at an angle greater than 90°, the maximum permitted illumination shall be 2.0 footcandles and the maximum permitted luminaire height shall be 30 feet.
 - (c) Requirements for total cutoff-type luminaire (with angle of 90° or less). When a luminaire has total cutoff of light at an angle of 90° or less and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, the maximum permitted illumination shall be 2.0 footcandles and the maximum permitted luminaire height shall be 40 feet.

- Pond certification is required after construction. This includes an Atterberg limit or permeability test of the clay liner immediately after its installation. Once the pond is near completion, but before it becomes full of water notify the City Engineer for inspection and certification.
- The proposed water main and hydrant will require an easement. While the storm sewer easements have been shown on the plans no easement documents were included. Provide easement descriptions and exhibits for review. The easement for the storm water basins also required access. We recommend providing a combined access and water main easement.
- On final construction please note that the Type III, Class D matting is for reinforcement of the spillway only and does not provide topsoil stabilization or erosion protection for seeding. The matting is constructed 3” below the final spillway elevation then covered with topsoil and stabilized in the same manner as the remainder of the pond.

All in favor and the motion carried.

D. Consideration to recommend approval of Ordinance 1924(1) to amend Section 315-54C(4), “Accessory Uses and Detached Accessory Structures” to increase the maximum allowable structure height to 25 feet.

- Mayor Miller opened this issue for discussion.
- Alderman Prailes stated he feels this ordinance is a good idea and support its.
- Commissioner Lynch questioned if this ordinance is only applicable if the primary structure has a high peak that an accessory structure would match. Lynch stated he is worried that an accessory structure would be allowed to be taller than the primary structure. Pat Scherrer responded that the 25 foot maximum height would apply to any accessory structure whether the peak would match the primary structure or not.
- Alderman Prailes questioned if the ordinance language would allow for an accessory structure to be higher than the primary structure. Administrator Lahner stated it would however the language could be amended to prohibit an accessory structure from being taller than the primary. He further stated that this could become a real concern in some residential areas.
- Patrick Meehan advised if an amendment were to be made to the ordinance that it strictly reflects residential district and not commercial districts as some commercial buildings need taller outbuildings for storage.
- Commissioner Lynch questioned if requiring a variance to allow an accessory structure to be taller than the primary should be included in the ordinance. Commissioner Eisenhardt questioned if a ratio could be used. Commissioner Deans questioned if requiring the same pitch as the primary would limit the builder in overall height.
- Administrator Lahner questioned if it should be a Conditional Use for anything over 15 feet. Pat Scherrer stated that could become a problem with quantity of requests that could be applied for in terms of costs and staff time. Lynch stated he does not want to require anything that would cost the city or developer’s time or money with this amendment.

- Pat Meehan suggested rewording the ordinance to allow a maximum height of 25 feet or the height of the primary structure, whichever is less, anything higher than 25 feet would require a variance. He further recommended the ordinance should have two separate parts, one for residential districts and one for commercial districts. Pat Scherrer stated that variances are not easy to get.
- Commissioner Deans questioned how many permit applications the Building Inspector typically receives in a month for accessory structures. Pat Scherrer stated in the summer he typically gets one permit application a week, mainly for sheds.
- Commissioner Deans questioned if this item could be tabled to allow for revisions to the ordinance. Mayor Miller stated that the commission could table it if they would like.
- There were no further comments.

Commissioner Deans moved and Alderman Prailes seconded to table this item.

All in favor and the motion carried.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Eisenhardt seconded to adjourn the meeting at 7:05 p.m. *All were in favor and the motion carried.*

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator