



**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**August 9, 2011, 6:30 p.m.**

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. Roll call: Aldermen Tom Vos and Robert Prailes; Commissioners Chris Reesman, Darrel Eisenhardt, John Lynch and Michael Deans were present. Town of Burlington Representative Phil Peterson was absent. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan and Zoning Administrator Patrick Scherrer.

**APPROVAL OF MINUTES**

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the minutes of July 12, 2011. All were in favor and the motion carried.

**CITIZEN COMMENTS**

None

**LETTERS & COMMUNICATIONS**

None

**PUBLIC HEARINGS**

**A. A Public Hearing to hear public comments regarding a Conditional Use application from Kellie Levans for 549 N. Pine Street to use as a sound recording studio.**

- Mayor Miller opened the public hearing at 6:33 p.m.
- There were no comments. Alderman Prailes moved and Alderman Vos seconded to close the Public Hearing at 6:34 p.m. All were in favor and the motion carried.

**OLD BUSINESS**

None

**NEW BUSINESS**

**A. Consideration to approve a Conditional Use Application from Kellie Levans for 549 N. Pine Street to use as a sound recording studio.**

- Mayor Miller opened this issue for discussion.
- Alderman Prailes questioned which building it was and what was in it previously. James Willick, owner of 549 N. Pine Street, stated it was a hair salon previously but has been vacant for two years.

- Commissioner Lynch questioned the applicant as to what they anticipated occurring with this type of business. Kellie Levans, applicant, stated it would be a teen outreach program that offers wi-fi for purchase, a video recording studio and a retail area.
- Alderman Prailes questioned what the hours would be. Ms. Levans stated they would go according to curfew hours with 9 p.m. closing hours on weekdays and 11 p.m. closing hours on the weekends. Commissioner Lynch recommended changing the weekend hours to 10 p.m. to allow teens time to get home before curfew. Ms. Levans stated she would take recommendations from the commission for hours.
- Chris Wilder, 120 E. Chestnut Street, questioned what the allowable noise level would be. Patrick Meehan stated the Conditional Use has perimeters for noise levels which is quite low. Ms. Levans stated there shouldn't be a noise problem as she would be doing video recording not sound recording. Commissioner Lynch questioned if the video recording room will be sound proof. Ms. Levans stated it would not but they would not allow the noise level to be loud. Mayor Miller questioned if someone brought in an amplifier to be recorded what her plan was. Ms. Levans stated she would respect the rules of the Conditional Use. Alderman Vos stated if there are any issues with noise violations the Conditional Use can be brought back to the Plan Commission for review.
- Commissioner Lynch inquired what the plan is for crowd control on the sidewalks. Ms. Levans stated they have hired a bouncer to control crowds.
- Commissioner Deans questioned what Ms. Levans meant by "outreach program". Ms. Levans stated it would be a place for teens to go with activities while providing informational brochures regarding suicide and drug-use prevention. She further stated she would refer clients to counseling services if necessary.
- Ms. Wilder stated there have been problems in the past behind the building where teens congregate and at times climb on the roof tops of the adjoining buildings. She stated she is concerned this type of activity might increase. Ms. Levans stated that area would be off limits to clients. Alderman Vos recommended the building owners take care of the problem promptly before it becomes a liability issue.
- Commissioner Deans inquired about litter control and further stated he is concerned with teens congregating so close to where the taverns are located. Ms. Levans stated she would be responsible for the litter control and that the business is strictly alcohol-free. Commissioner Lynch stated he didn't feel the vicinity of the taverns would be an issue.
- Mayor Miller stated there should be no counseling sessions being done by Ms. Levans and it should be referrals only. He questioned if the business is for teens only. Ms. Levans stated she would allow any age in.
- Michelle Wilder, 120 E. Chestnut Street, questioned how many teens can be in the retail and/or recording area at a time. Ms. Levans stated there would only be four clients allowed in the building at a time, which would be posted.

- Patrick Scherrer reminded the applicant that they are within the Historic Preservation Overlay District and any signs or alterations to the building would need to go before the Historic Preservation Commission for review first.
- There were no further comments.

Commissioner Lynch moved and Alderman Vos seconded to approve a Conditional Use Application for 549 N. Pine Street, subject to the Plan Commission's stipulation that the business have the hours as follows:

- Sunday through Thursday: Not open past 9 p.m.
- Friday and Saturday: Not open past 10 p.m.

Approval of the Conditional Use Application for 549 N. Pine Street is further subject to Patrick Meehan's July 26, 2011 memorandum to the Plan Commission as follows:

- Meeting the requirements of Section 315-27(D)(28) (for sound recording studios) of the City Zoning Ordinance.
- If any exterior signage is proposed for the proposed use(s), the applicant will also need to file an application with the Historic Preservation Commission for a "Certificate of Appropriateness" for such signage.

*All in favor and the motion carried.*

**B. Consideration to recommend approval of an ordinance to the Common Council to amend the Municipal Code to issue expirations of approvals of various plans and approvals granted by the City.**

- Mayor Miller opened this issue for discussion.
- Mayor Miller explained the ordinance to the commission stating it will put expirations of certain plans in place, similar to a sunset clause, to avoid issues of non-compliance of zoning code changes that may occur prior to construction of previously approved plans.
- Patrick Meehan stated this ordinance would only affect applicants that have not applied for building permits yet.
- Discussion ensued regarding the construction of Kwik Trip on S. Pine Street that was approved in 2006.
- Commissioner Reesman questioned if this applies to rezones. Patrick Meehan stated it would not.
- Commissioner Eisenhardt stated it is up to the developer to time the project appropriately. Administrator Lahner stated if the time limit expires the developer would need to go before the Plan Commission again for review of the project.
- Patrick Scherrer stated the time frame of 24 months comes from the state commercial code.

- Alderman Vos stated he feels this ordinance is reasonable and doesn't feel it should cause problems with developers.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Deans seconded to recommend approval of Ordinance 1931(8) to the Common Council at their September 2, 2011 meeting.

*All in favor and the motion carried.*

### **ADJOURNMENT**

Alderman Vos moved and Commissioner Lynch 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