



**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**January 10, 2012, 6:30 p.m.**

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. Roll call: Alderman Robert Prailes; Commissioners Darrel Eisenhardt, Chris Reesman and John Lynch; Student Representatives Bianca Clayton and Kyle Burns; and Town of Burlington Representative Phil Peterson were present. Alderman Tom Vos and Commissioner Michael Deans were excused. Also present was Zoning Administrator Patrick Scherrer.

**APPROVAL OF MINUTES**

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the minutes of December 13, 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 Heather Somes on behalf of Dunham's Sports for property located at 1120 Milwaukee Avenue to allow for outdoor display of sporting equipment.**

- Mayor Miller opened the public hearing at 6:32 p.m.
- There were no comments. Alderman Prailes moved and Commissioner Lynch seconded to close the Public Hearing at 6:33 p.m. All were in favor and the motion carried.

**OLD BUSINESS**

None

**NEW BUSINESS**

**A. Consideration to approve a Conditional Use Application and Site Plan Application from Heather Somes on behalf of Dunham's Sports for property located at 1120 Milwaukee Avenue to allow for outdoor display of sporting equipment.**

- Mayor Miller opened this item for discussion.
- Commissioner Eisenhardt inquired if the display will look like the picture that was provided to the commissioners. Mayor Miller stated it would.
- Commissioner Eisenhardt questioned how many boats/kayaks would be displayed. David Archie on behalf of Dunham's Sports stated there would be about 15 – 20 on display.
- Commissioner Lynch questioned if the store is worried about theft of the display items. Mr. Archie stated items would be secured and locked to the rack.
- There were no further comments.

Commissioner Lynch moved and Commissioner Reesman seconded to approve a Conditional Use and Site Plan at 1120 Milwaukee Avenue subject to Patrick Meehan's December 27, 2011 memorandum to the Plan Commission as follows:

- Section 315-26(D)(34) of the City Zoning Ordinance also sets forth the conditions which shall be met for the "Outdoor Display of Merchandise" conditional use aspects of the proposed 76-square-foot outdoor display of merchandise area. With respect to the dimensional-related performance standards set forth in Section 315-26(D)(34) of the City Zoning Ordinance, the following comments are made:
  - The proposed 76 square feet of outdoor display of merchandise is only about 0.0014 percent of the total 53,561 square-foot principal building to which it is accessory. Therefore the amount of area of the proposed outdoor display of merchandise does not exceed the area of the existing principal structure and meets the area requirements of Section 315-26(D)(34) of the City Zoning Ordinance.
  - The proposed outdoor display area does not encroach into any required setback or landscape area.
  - The proposed outdoor display area does not appear to impede the growth or maintenance of required landscaping.
  - The proposed outdoor display of merchandise is not proposed to be screened since it is not viewable from: any residential public street right-of-way, public park or public open space area, or from any residential- and institutional-zoned property. In such instances, no screening is required under the provisions of Section 315-26(D)(34)(c)(5) of the City Zoning Ordinance.
  - Pursuant to the requirements of Section 315-26(D)(34)(c)(6) of the City Zoning Ordinance, all outdoor display of merchandise areas shall be required to be paved with pavement of either asphalt or concrete and this requirement would be met since the use is proposed to be placed upon an existing concrete walk.

- Sales and display areas are not storage areas. Storage areas are regulated separately by City Code.

*All in favor and the motion carried.*

B. Consideration to recommend approval to the Common Council of a Certified Survey Map for property located at 824 Milwaukee Avenue

- Mayor Miller opened this item for discussion.
- Commissioner Eisenhardt questioned if the size of the lot as proposed would still be saleable if the current offer to purchase 824 Milwaukee fell through. Mayor Miller stated it would as the City was originally looking to sell a one-acre piece of the total property. Miller further stated that if the current offer of sale fell through and a new proposal was brought forward with intentions of a larger lot, recalculations could be made later.
- Alderman Prailes questioned if the City is donating the remaining portion of the divide lot (proposed Lot 2) to ChocolateFest and stated he was concerned if the offer to purchase fell through and more land was needed in the future. Mayor Miller confirmed the proposed Lot 2 would not be donated to ChocolateFest as their lease is specific to a 1.5 acre parcel.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to recommend approval of a Certified Survey Map for 824 Milwaukee Avenue, subject to Patrick Meehan's December 27, 2011 memorandum to the Plan Commission as follows:

- The proposed Certified Survey Map appears to meet the various mandated requirements of Section 278-39 titled "Additional Information" of the City of Burlington's Chapter 278 "Subdivision of Land" Ordinance.
  - With respect to the requirements of Sections 315-30F(3) of Chapter 315 and 278-48(A)(2) of Chapter 278, the correct rear yard setback is 25 feet in the M-1 District (not the 30 feet indicated on Sheet 1 of the proposed CSM). Therefore, this correction needs to be made on a revised CSM and all sheets of the CSM redated so as to be consistent with the revision date.
  - Section 278-48(A)(5) of Chapter 278 requires the following data to be indicated on the Certified Survey Map: "Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based upon National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created is (are) fully developed." Since the proposed new lots are redevelopment lots and any new development placed thereon will need to have a Site Plan and site grading plan for City review and approval, it is recommended that the Plan Commission and Common Council waive the requirement of Section 278-48(A)(5).

- The existing building located on the southeast lot line of Lot 1 (the common lot line to both proposed Lot 2 and existing Lot 3 of CSM No. 3012) shall be either moved to an area which is entirely on either Lot 1 or Lot 3 or removed from the premises of Lots 1 and 3 within one (1) year of the approval of the Common Council's approval of the Certified Survey Map.
- That if the existing former public works facility building has been demolished by the time the Common Council approves the proposed Certified Survey Map, that said building outline be removed from Sheet 1 of the proposed Certified Survey Map prior to the recording of the City-approved Certified Survey Map. If said former public works facility building has NOT been demolished by the time the Common Council approves the proposed Certified Survey Map, that said Certified Survey Map shall be revised so as to indicate the following: "FORMER PUBLIC WORKS FACILITY BUILDING TO BE DEMOLISHED WITHIN ONE (1) YEAR OF CERTIFIED SURVEY MAP APPROVAL BY THE COMMON COUNCIL."
- All "2011" dates appearing on Sheets 1, 2, and/or 3 need to be changed to "2012" and a revised Certified Survey Map submitted to the City addressing this issue.
- All sheets of the proposed Certified Survey Map shall be dated with the same date and/or revision date and a revised Certified Survey Map submitted to the City addressing this issue.

*All in favor and the motion carried.*

### **ADJOURNMENT**

- At this time Commissioner Lynch questioned the status of a connecting drive between the Kohls parking lot and the former K-Mart parking lot. Mayor Miller stated he recently had a conversation with the owner of the strip mall and Kohls as it is private property it must be negotiated between the two owners. At this time the owner of the strip mall would like to install a connection however Kohls only wants it installed if the former K-Mart building is not leased to another soft-goods store. Miller further stated negotiations would continue.

Alderman Prailes moved and Commissioner Reesman seconded to adjourn the meeting at 6:41 p.m. *All were in favor and the motion carried.*

Recording Secretary  
Megan E. Johnson  
Assistant to the City Administrator