



**Minutes**  
**City of Burlington Plan Commission**  
**Police Dept. Courtroom**  
**February 14, 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: Aldermen Tom Vos and Robert Prailes; Commissioners Darrel Eisenhardt, Michael Deans Chris Reesman and John Lynch; Student Representative Kyle Burns and Town of Burlington Representative Phil Peterson were absent. Student Representative Bianca Clayton was excused. Also present were City Administrator Kevin Lahner, Zoning Administrator Patrick Scherrer and City Engineer Tom Foht.

**APPROVAL OF MINUTES**

Alderman Vos moved and Alderman Prailes seconded to approve the minutes of January 10, 2012. 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 Bill Schoessling on behalf of Love, Inc. for property located at 464-466 S. Pine Street to use for retail sales.**
- Mayor Miller opened the public hearing at 6:31 p.m.
  - There were no comments. Alderman Prailes moved and Alderman Vos seconded to close the Public Hearing at 6:32 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 Bill Schoessling on behalf of Love, Inc. for property located at 464-466 S. Pine Street to use for retail sales.**
- Mayor Miller opened this item for discussion.

- Patrick Meehan stated he talked with the architect for Love, Inc. who agreed to reduce the retail area by one hundred square feet and extend the storage area one hundred square feet to comply with parking requirements.
- There were no further comments.

Commissioner Lynch moved and Commissioner Eisenhardt seconded to approve a Conditional Use and Site Plan at 464-466 S. Pine Street subject to Patrick Meehan's January 27, 2012 and Kapur & Associates' January 31, 2012 memorandums to the Plan Commission as follows:

- In order to meet the total of 20 required off-street parking spaces it is recommended that the amount of retail sales area in Building A be reduced by 100 square feet and the amount of square feet of retail associated storage area be increased by 100 square feet. This would result in a space allocation of 3,200 square feet for the proposed retail sales area (selling used children's clothes and toys) and 1,900 square feet for retail sales associated storage requiring only 19 off-street parking spaces.
- If additional outdoor lighting is proposed in the future, total cut-off luminaires are to be used throughout the site meeting the requirements of Sections 315-30(H) and 315-137(C)(25) of the City Zoning Ordinance.
- The handicap accessible stall is located at the front of building "B". This building does not have an accessible route to the door. There is an existing curb and gutter along the front of the building. We recommend either moving the Handicap stall to the front of building "A" which has a wood ramp for accessible entry or providing a ramp at access aisle to building "B".

*All in favor and the motion carried.*

- Commissioner Lynch recused himself from Items 8B and 8C at 6:33 p.m.

**B. Consideration to recommend approval to the Common Council of a Certified Survey Map for 180 Industrial Drive.**

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

Alderman Vos moved and Commissioner Reesman seconded to recommend approval of a Certified Survey Map for 180 Industrial Drive.

*All in favor and the motion carried.*

**C. Consideration to approve a Site Plan application from Kurt Petrie on behalf of LDV, Inc. for property located at 180 Industrial Drive to construct a 22,500 sq. ft. addition.**

- Mayor Miller opened this item for discussion.

- Tim Lynch, architect for LDV, Inc. gave a brief presentation regarding the building addition and lot combinations. Mr. Lynch requested a waiver for the Natural Resource Preservation Easement on the CSM as indicated in Patrick Meehan's memorandum.
- Alderman Prailes asked for more clarification of the easement request. Patrick Meehan stated the Comprehensive Plan shows an environmental corridor in the southeast corner of the proposed Lot 2. The easement is requested to protect this corridor from future expansion. He further stated the easement is in relation to the CSM, not the building addition which would be on Lot 1.
- Alderman Vos questioned if LDV is landlocked due to the environmental corridor. Mr. Meehan stated it would be at the discretion of SEWRPC.
- Kurt Petrie of LDV, Inc. stated LDV purchased the property to the south that formerly housed the vehicle emission test station. He further stated that neither LDV building are near the proposed easement site and feels having a delineated easement drafted will cost a lot of time and money for something so far from the buildings.
- There were no further comments.

Alderman Prailes moved and Commissioner Reesman seconded to approve a Site Plan at 180 Industrial Drive without the Natural Resource Preservation Easement, subject to Patrick Meehan's February 5, 2012 and Kapur & Associates' February 8, 2012 memorandums to the Plan Commission as follows:

- 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."
- It is recommended that the applicant provide written proof to the City of Burlington (such a document recorded with the Racine County Register of Deeds) that such a land consolidation has actually taken place prior to the City's issuance of a Building Permit. Based upon the proposed Certified Survey Map submitted by the applicant, to combine existing Lots 6 and 7 to form a new Lot 1 and to combine existing Lots 8 and 9 to form a new Lot 2, Meehan & Company, Inc. assumes that the applicant's choice of "Land Consolidation" instrument is the proposed Certified Survey Map.
- Permanent Marking of Off-Street Parking Area: Section 315-48(G) of the City Zoning Ordinance requires that all off-street parking stalls serving five (5) 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. This requirement will need to be met prior to the issuance of an Occupancy Permit.
- The plans do not call out stabilization in areas of soil disturbance. Areas of disturbance and restoration should be clearly shown on the construction plan set,

specifically the area of the new water main installation. Please add the appropriate erosion control and restoration measures to the final plans.

*All in favor and the motion carried.*

- Commissioner Lynch re-entered the meeting at 6:49 p.m.
  
- D. Consideration to renew a Conditional Use Permit for Menards located at 2100 Milwaukee Avenue per Patrick Scherrer’s January 31, 2012 memorandum to the Plan Commission.**
  - Mayor Miller opened this item for discussion.
  - There were no comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to renew the CUP for Menards at 2100 Milwaukee Avenue.

*All in favor and the motion carried.*

- E. Consideration to recommend approval to the Common Council of Ordinance 1942(19) to create Chapter 119, “Floodplain” in the Municipal Code and Ordinance 1943(20) to amend Chapter 315 in the Municipal Code to align with State and FEMA mandated floodplain provisions.**
  - Mayor Miller opened this item for discussion.
  - Administrator Lahner explained that these ordinances are modeled after the Department of Natural Resources (DNR) model ordinance. He further explained that by creating Chapter 119 future amendments would be easier to accomplish and that all of the provisions are the same.
  - Patrick Meehan stated the floodplain code revisions done in 2006 were based on the Racine County code which occurred at the time when the STH 36/83 Corridor Plans were adopted.
  - Commissioner Lynch questioned if the proposed floodplain code would alleviate any questions if there were any future annexations. Patrick Meehan stated it depends on what the DNR has required of the county for amendments however it should be the same model ordinance.
  - Tom Foht of Kapur & Associates stated that each municipality in Wisconsin will have to update their floodplain code as required by the DNR in response to the updated FEMA FIRM maps. He further stated there were very little to no changes to the provisions in the code and that the floodplain borders on the FIRM maps have only minor changes since the last revision in 1982. He further stated one section was added to the code that is not in the DNR model ordinance referring to floodplain storage.
  - There were no further comments.

Commissioner Lynch moved and Alderman Prailes seconded to recommend approval of Ordinance 1942(19) and Ordinance 1943(20).

*All in favor and the motion carried.*

**ADJOURNMENT**

Commissioner Lynch moved and Commissioner Eisenhardt seconded to adjourn the meeting at 7:02 p.m. *All were in favor and the motion carried.*

Recording Secretary  
Megan E. Johnson  
Assistant to the City Administrator