



Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
September 13, 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 Darrel Eisenhardt and John Lynch were present. Commissioners Chris Reesman and Michael Deans were excused. Town of Burlington Representative Phil Peterson was absent. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan, Zoning Administrator Patrick Scherrer and Public Works Director Connie Wilson.

APPROVAL OF MINUTES

Alderman Vos moved and Commissioner Lynch seconded to approve the minutes of August 9, 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 Andrew Naber of ASDA Enterprises, Inc. for property located at 756 Maryland Avenue to use for sorting and transferring recycling material.

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

B. A Public Hearing to hear public comments regarding a Conditional Use application from Andrew Naber of ASDA Enterprises, Inc. for property located at 680 Maryland Avenue to use for truck repair and storage.

- Mayor Miller opened the public hearing at 6:33 p.m.
- There were no comments. Alderman Vos moved and Commissioner Eisenhardt 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 recommend approval to the Common Council of Ordinance 1932(9) to consider attaching property to the City of Burlington pursuant to WI Statute 66.0225 and the City-Town Agreement, to permanently zone the attached land and amend the Official Map of the City.

- Mayor Miller opened this issue for discussion.
- Alderman Prailes questioned if the Hitching Post bar and the properties on the west side of Teut Road are included in the attachment. Mayor Miller stated they are not.
- Alderman Prailes questioned if sewer is available for the attaching properties. Administrator Lahner stated there currently is accessible sewer.
- Commissioner Lynch questioned if this is the follow up to the lawsuit from ten years ago. Mayor Miller stated that is correct.
- There were no further comments.

Commissioner Lynch moved and Alderman Vos seconded to recommend approval of Ordinance 1932(9) to the Common Council. *All in favor and the motion carried.*

B. Consideration to approve a Conditional Use Application from Andrew Naber of ASDA Enterprises, Inc. for property located at 756 Maryland Avenue to use for sorting and transferring recycling material.

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned exactly what the business operation would be. Mayor Miller stated ASDA Enterprises would transport recycling material from their garbage collection business to the site, compact it into bundles and then transport it off site.
- Commissioner Lynch questioned if there is any control of what kind of materials can be brought to the site. Andrew Naber, applicant, stated it would be standard household recycling materials which is regulated by the Department of Natural Resources. Patrick Meehan stated hazardous waste is not allowed per Municipal Code.
- Commissioner Eisenhardt questioned if this would be the recycling collected from the city of Burlington. Mayor Miller stated that ASDA Enterprises contracts with several neighboring communities but does not handle the City of Burlington.

- Commissioner Eisenhardt questioned if Mr. Naber would be purchasing the site. Administrator Lahner stated he would only be leasing the building and purchasing the compactor. The City would retain ownership of the property.
- There were no further comments.

Alderman Vos moved and Commissioner Eisenhardt seconded to approve a Conditional Use Permit for property at 756 Maryland Avenue, subject to Patrick Meehan's August 31, 2011 memorandum to the Plan Commission as follows:

- Meeting the requirements of Section 315-30(C)(17) (for "Recycling Centers") of the City Zoning Ordinance.
- That the Plan Commission by resolution and the Common Council by ordinance, amend the Comprehensive Plan, as it pertains to those portions of the subject property currently shown as "Governmental and Institutional" land use classification to the "Industrial" land use classification under the provisions of both Section 66.1001(4) of the Wisconsin Statutes and Chapter XV titled "Implementation Element" of the recent City-adopted SEWRPC Community Assistance Planning Report No. 301 titled A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035.

C. Consideration to approve a Conditional Use Application from Andrew Naber of ASDA Enterprises, Inc. for property located at 680 Maryland Avenue to use for truck repair and storage

- Mayor Miller opened this issue for discussion.
- Alderman Vos questioned if Mr. Naber would be leasing the entire building. Mr. Naber responded that he would be using only the back half of the building and the lot.
- Mayor Miller questioned if the building would be subdivided. Claude Lois, agent for Mr. Naber, stated Mr. Naber would be using about sixty-two feet of the building which would be divided from the rest of the building.
- Mayor Miller questioned if the members of the ChocolateFest board have been notified of the use of the lot. Mr. Lois stated they have been notified and have worked out the details for when the festival will be held.
- Alderman Vos questioned when the business would be opening. Mr. Lois stated a lease for 748 Maryland is currently in the process of Council consideration however Mr. Naber would like to begin preparing and rehabilitating the two sites immediately.
- There were no further comments.

Alderman Vos moved and Commissioner Lynch seconded to approve a Conditional Use Permit for property at 680 Maryland Avenue, subject to Patrick Meehan's August 31, 2011 memorandum to the Plan Commission as follows:

- Meeting the requirements of Section 315-30(C)(1) (for "Automobile upholstery, body repair, and engine repair") of the City Zoning Ordinance.

All in favor and the motion carried.

D. Consideration to approve Resolution 9 to amend the Multi-Jurisdictional Comprehensive Plan for Lots 1, 2 and 3 of CSM 3012 along Milwaukee Avenue and Maryland Avenue.

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

Commissioner Lynch moved and Alderman Vos seconded to approve Plan Commission Resolution No. 9. *All in favor and the motion carried.*

E. Consideration to recommend Ordinance 1933(10) to the Common Council to amend the Official Zoning Map by rezoning a portion of Lot 1 of CSM 1999 (S. Pine Street and STH 11 Bypass) from Rm-2 District to B-1 District.

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned what type of business would be allowed with the B-1 District. Administrator Lahner stated that any type of commercial business, such as retail, light office, gas stations, restaurants, to name a few, could fit in the B-1 District. Patrick Scherrer stated that it would be businesses like what is on STH 36 (Milwaukee Avenue).
- Administrator Lahner stated that the developer of the property talked with the neighbors who didn't seem to have an issue with the property being zoned B-1.
- Public Works Director Wilson questioned if this site is in the Wellhead Protection District. Patrick Meehan stated it is not.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to recommend approval of Ordinance 1933(10) to the Common Council subject to Patrick Meehan's September 3, 2011 memorandum to the Plan Commission as follows:

- That the Plan Commission by resolution, and the Common Council by ordinance, amend the Comprehensive Plan, as it pertains to those portions of the subject property (proposed Lot 1 of the proposed Certified Survey Map) currently shown as "High Density Residential (Less than 6,200 sq. ft. Per dwelling)" land use classification to the "Commercial" land use classification under the provisions of both Section 66.1001(4) of the Wisconsin Statutes and Chapter XV titled "Implementation Element" of the

- recent City-adopted SEWRPC Community Assistance Planning Report No. 301 titled A Multi-Jurisdictional Comprehensive Plan for Racine County: 2035.
- That a public hearing for the proposed rezoning is to be held pursuant to the provisions of Section 315-121 of the City Zoning Ordinance.
 - That all of that portion of the subject property (proposed Lot 1 of the proposed Certified Survey Map) currently shown as zoned in the Rm-2 Multiple-Family Residence District and the PUD Planned Unit Development Overlay District be rezoned by the Common Council to the B-1 Neighborhood Business District.

All in favor and the motion carried.

F. Consideration to recommend approval to the Common Council of a Certified Survey Map to re-divide Lot 1 of CSM 1999 along S. Pine Street and the STH 11 Bypass.

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

Alderman Vos moved and Alderman Prailes seconded to recommend approval of a Certified Survey Map for property on S. Pine Street, subject to Kapur & Associates August 26, 2011 and Patrick Meehan's September 3, 2011 memorandums to the Plan Commission as follows:

- Pursuant Section 278-39 A(5) the existing and proposed contours shall be shown but may be waived if parcels are fully developed. No contours are currently shown. We recommend waiving the requirement of contours in lieu of a future site plan.
- Pursuant Section 278-39 A(8), no subdivider appears to be listed and should be listed and a revised Certified Survey Map submitted to the City.
- Pursuant Section 236.34(1)(d), the outside diameter of pipe set shall be indicated on a revised Certified Survey Map submitted to the City .

All in favor and the motion carried.

G. Consideration to approve Resolution 10 to amend the Multi-Jurisdictional Comprehensive Plan for a portion of Lot 1 of CSM 1999 along S. Pine Street and the STH 11 Bypass.

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

Alderman Vos moved and Commissioner Eisenhardt seconded to approve Plan Commission Resolution No. 10. *All in favor and the motion carried.*

H. Consideration to recommend approval to the Common Council of Resolution 4494(19) to consider vacating a public right-of-way identified as Yahnke Road south of Hidden Creek Lane and north of the Burlington Bypass with reversion of title of such land to the abutting property owner.

- Mayor Miller opened this issue for discussion.
- Commissioner Lynch questioned if the vacation was merely a clean up process. Mayor Miller stated it was. Administrator Lahner stated the vacation was part of the original Development Agreement with Springbrook Crossing when the STH 11 Bypass was complete.
- Alderman Vos stated he would like to see an access off of Pine Street to the lift station instead of the current access that goes through the neighborhood. Administrator Lahner stated that when a development approaches the City for this property; negotiations would be held to gain access off Pine Street. He further stated there is a significant hill in front of the lift station so access would need to be further north.
- There were no further comments.

Commissioner Lynch moved and Alderman Prailes seconded to recommend approval of Resolution 4494(19) to the Common Council.

All in favor and the motion carried.

ADJOURNMENT

Alderman Vos moved and Commissioner Eisenhardt seconded to adjourn the meeting at 6:50 p.m.

All were in favor and the motion carried.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator