



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, May 16, 2011**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDER OF THE DAY/ANNOUNCEMENTS
 - a. Proclamation Declaring May 15 through May 21, 2011 **Public Works Week** (Botts)
 - b. Proclamation Declaring May 15 through May 21, 2011 **Emergency Medical Services Week** (Liggett)
4. PUBLIC HEARINGS
 - a. Resolution approving a **Conditional Use Permit for Indoor Alcohol Sales** in a C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue (Christensen) Plan Commission recommendation for approval 3-1
 - b. Resolution approving a **Planned Unit Development – Master Land Use Plan** for the properties located at 220 Portland Avenue and 840 Fifth Street (Christensen) Plan Commission recommendation for 4-0
 - c. Proposed Ordinance to amend the **Zoning District Map** to change the Zoning District Classification from R-3, Low-density Multi-family Residential District, to PUD, Planned United Development District, for the properties located at 220 Portland Avenue and 840 Fifth Street (Christensen) 1st and 2nd readings
Plan Commission recommendation for 4-0
5. CITIZENS' PARTICIPATION
6. CONSENT AGENDA

All items listed under the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and considered at this point on the agenda.

- a. Approval of the **Minutes** of the Joint City Council/Community Development Authority Meeting of May 2 and the Regular Meeting of May 2, 2011 (Houseman)
- b. Application for a **Conditional Use Permit for a Drive-Through Use** for the property located at 2705 Prairie Avenue (Christensen) Refer to Plan Commission
- c. Application for a **Zoning Map Amendment** to change the Zoning District Classification from R-3, Low-density Multi-family Residential District, to R-1B, Single-family Residential District, for the property located at 823 Parker Court (Christensen) Refer to Plan Commission

- d. Application for an **Easement for Wisconsin Power & Light Energy** related to the Henry Avenue Bridge Reconstruction Project (Botts) Refer to Plan Commission
- e. Application for an **Easement for Charter Communications** related to the Henry Avenue Bridge Reconstruction Project (Botts) Refer to Plan Commission
- f. Application for a **Sidewalk Easement** for the property located at 28 State Street (Casper/Christensen) Refer to Plan Commission
- g. Resolution approving **Temporary Class “B”/”Class B” Retailer’s License** for an Art Walk event at the Visit Beloit Office at 500 Public Avenue (Houseman)

7. LICENSES

- a. Resolution approving Class “A” Beer and “Class A” Liquor License for Emad Qutoum d/b/a Liberty Mart, 412 Liberty Avenue (Houseman)
ABLCC recommendation for approval 5-0

8. ORDINANCES – none

9. APPOINTMENTS

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

11. CITY MANAGER’S PRESENTATION

- a. Annual **Code Enforcement Presentation** (Clippert)

12. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution approving a **Lease Agreement** for a portion of the parking lot located at 321 State Street (Christensen)
- b. Resolution amending the **2011 Capital Improvements Budget** to Reflect the Inclusion of the Gateway Monument Sign Improvement (Janke)

13. ADJOURNMENT

** Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk’s Office at 364-6680, 100 State Street, Beloit, WI 53511.

Dated: May 10, 2011
Rebecca S. Houseman
City of Beloit City Clerk
<http://www.ci.beloit.wi.us>

You can watch this meeting live on Charter PEG channel 98 or digital channel 992. Meetings are rebroadcast during the week of the Council meeting on Tuesday at 1:00 p.m., Thursday at 8:30 a.m. and Friday at 1:00 p.m.
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WHEREAS, the public services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, parks, recreation, transit, engineering and solid waste collection; and

WHEREAS, the health, safety, and comfort of this community greatly depend on these facilities and services; and

WHEREAS, FEMA now recognizes Public Works as a First Responder; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design and construction are vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff our public works department are materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, the theme for this year is "Public Works: Serving You and Your Community."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF БЕЛОIT does hereby proclaim that the week of May 15 through May 21, 2011 is "**NATIONAL PUBLIC WORKS WEEK**" in the City of Beloit, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works employees make every day to our health, safety, comfort, and quality of life, our everyday heroes.

Presented this 16th day of May 2011.

Kevin D. Leavy, President
Beloit City Council

Attest:

Rebecca S. Houseman
City Clerk

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, only a third of Americans rate their households as being "very well prepared" for a medical emergency; and

WHEREAS, emergency medical services providers have traditionally served as the front line of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care cost.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Beloit, in recognition of this event, do hereby proclaim the week of May 15-21, 2011 as **EMERGENCY MEDICAL SERVICES WEEK** and we encourage the community to observe this week with appropriate programs, ceremonies, and activities.

Adopted this 16th day of May 2011.

Kevin D. Leavy, President
Beloit City Council

ATTEST:

Rebecca S. Housemen
City Clerk

RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW INDOOR
ALCOHOL SALES IN A C-2, NEIGHBORHOOD COMMERCIAL DISTRICT,
FOR THE PROPERTY LOCATED AT 412 LIBERTY AVENUE

WHEREAS, the application of Emad Qutoum for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue in the City of Beloit, for the following described premises:

East 56 feet of Lot 10, Block 2 of Hopkins' Addition to the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 0.08 acre, more or less.

Adopted this 16th day of May, 2011.

BELOIT CITY COUNCIL

Kevin D. Leavy, Council President

ATTEST:

Rebecca S. Houseman, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 412 Liberty Avenue

Date: May 16, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Emad Qutoum, the owner & operator of Liberty Mart, has filed an application for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue.

Key Issues (maximum of 5):

- On January 25, 2010, the City Council revoked the applicant's Alcohol Beverage License. The subject property was rezoned from C-1, Office District to C-2 on March 21, 2011.
 - Prior to revocation, the sale of alcoholic beverages in a C-1, Office District, constituted a legal nonconforming use of the subject property. Because the applicant had to wait at least one year before applying for a new license, the legal nonconforming status of the subject property lapsed.
 - The subject property has been rezoned to C-2, but the applicant still needs a Conditional Use Permit and an Alcohol Beverage License before he may resume selling alcoholic beverages.
 - The Neighborhood Planning Division recommends denial of the Conditional Use Permit, based upon the Findings of Fact contained in the Staff Report to the Plan Commission.
 - The Plan Commission reviewed this item on April 20, 2011 and voted (3-1) to recommend approval of the Conditional Use Permit.
-

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #4.
-

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- Reduce dependence upon fossil fuels – N/A
 - Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A
 - Reduce dependence on activities that harm life sustaining eco-systems – N/A
 - Meet the hierarchy of present and future human needs fairly and efficiently – N/A
-

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution
-

Fiscal Note/Budget Impact: N/A

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: April 20, 2011

Agenda Item: 3

File Number: CU-2011-01

Applicant: Emad Qutoum

Owner: Emad Qutoum

Location: 412 Liberty Avenue

Existing Zoning: C-2, Neighborhood Commercial District

Existing Land Use: Convenience Store

Parcel Size: 0.08 Acre

Request Overview/Background Information:

Emad Qutoum, the owner & operator of Liberty Mart, has filed an application for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue. The attached **Location and Zoning Map** shows the location of the parcel involved in this application. The adjacent zoning and land uses are as follows:

- North: C-1, Office District & C-2, Neighborhood Commercial District; Commercial
- South: R-1B, Single-Family Residential District; Single-Family Dwellings
- East: R-1B, Single-Family Residential District; Two-Family Dwelling
- West: R-1B, Single-Family Residential District; Single-Family Dwelling

On and off-premise alcohol sales is a conditional use in the C-2 District. If the Conditional Use Permit is approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

Key Issues:

- On January 25, 2010, the City Council revoked the applicant's Alcohol Beverage License. The subject property was rezoned from C-1, Office District to C-2 on March 21, 2011.
- Prior to revocation, the sale of alcoholic beverages in a C-1, Office District, constituted a legal nonconforming use of the subject property. Because the applicant had to wait at least one year before applying for a new license, the legal nonconforming status of the subject property lapsed.
- The subject property has been rezoned to C-2, but the applicant still needs a Conditional Use Permit and an Alcohol Beverage License before he may resume selling alcoholic beverages.
- The City's Review Agents have reviewed this application and have not submitted any comments or concerns.
- The City's Alcohol Beverage License Control Committee will review the applicant's request for a new Alcohol Beverage License on May 10, 2011.
- Public facilities and infrastructure exist in this area and the property receives the full range of municipal services.
- The attached Public Notice was sent to eighteen nearby property owners. As of this writing, Planning staff has not received any comments or concerns. However, during the rezoning process, several neighbors contacted Planning staff regarding alcohol sales at this location. Several neighbors feel that nuisance behaviors near the store decreased following revocation of the Alcohol Beverage License, while one neighbor supports alcohol sales at this location.

- **Findings of Fact**

Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
 - The fields of public health, sociology, and criminology have produced numerous studies and reports addressing the relationship between alcohol sales, alcohol consumption, and crime. "Since the mid-1970's, a growing international body of public health research has validated the hypothesis that even relatively small increases in the availability of alcohol generally lead to increases in alcohol consumption, which in turn produce an increase in alcohol-related problems."¹ This complex link has been studied extensively. "...there is statistical evidence linking both outlets where alcohol is sold to violence and alcohol-outlet density to a number of nonviolent, alcohol-related outcomes."² In the mid-1990's, public health researchers used statistical analysis

1 Ashe, Marice JD MPH, Jernigan, David PhD, Kline, Randolph JD, and Galaz, Rhonda JD. "Land Use Planning and the Control of Alcohol, Tobacco, Firearms, and Fast Food Restaurants." *American Journal of Public Health*: Vol. 93, No. 9, Sept. 2003.

2 Scribner, Richard A. MD MPH, MacKinnon, David P. PhD, and Dwyer, James H. PhD. "The Risk of Assaultive Violence and Alcohol Availability in Los Angeles

to conclude that higher levels of alcohol-outlet density are geographically associated with a higher rate of assaultive violence independent of unemployment rates, ethnic/racial makeup, income, and other factors.³

- The current use (a convenience store) *supports* the neighborhood by offering a range of products that meet the needs of the neighborhood. Planning staff feels that resuming alcohol sales at this location will increase the availability of alcohol, which may ultimately have a negative impact on the neighborhood.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - As detailed in subsection (a) above, the conditional use may negatively impact the enjoyment and use of surrounding residential properties.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - As stated above, many public health studies have demonstrated the link between alcohol availability, alcohol consumption, and negative outcomes. Obviously, negative outcomes can diminish and impair property values.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - Not Applicable.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - Not Applicable.
- f. *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
 - Adequate facilities and infrastructure are available to serve the conditional use.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - The subject property does not have an off-street parking lot, and establishment of the conditional use will result in increased traffic and on-street parking activity, which has the potential to increase traffic congestion along Liberty Avenue.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The conditional use will comply with all other applicable regulations of the Zoning Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Neighborhood Commercial uses and a zoning district classification of C-2 for the subject property. The underlying zoning district classification is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes. Consideration of this request supports City of Beloit Strategic Goal #4.

Sustainability: (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

Staff Recommendation:

The Neighborhood Planning Division recommends **denial** of a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 412 Liberty Avenue, based upon the above Findings of Fact.

Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Application, Public Notice, and Mailing List.

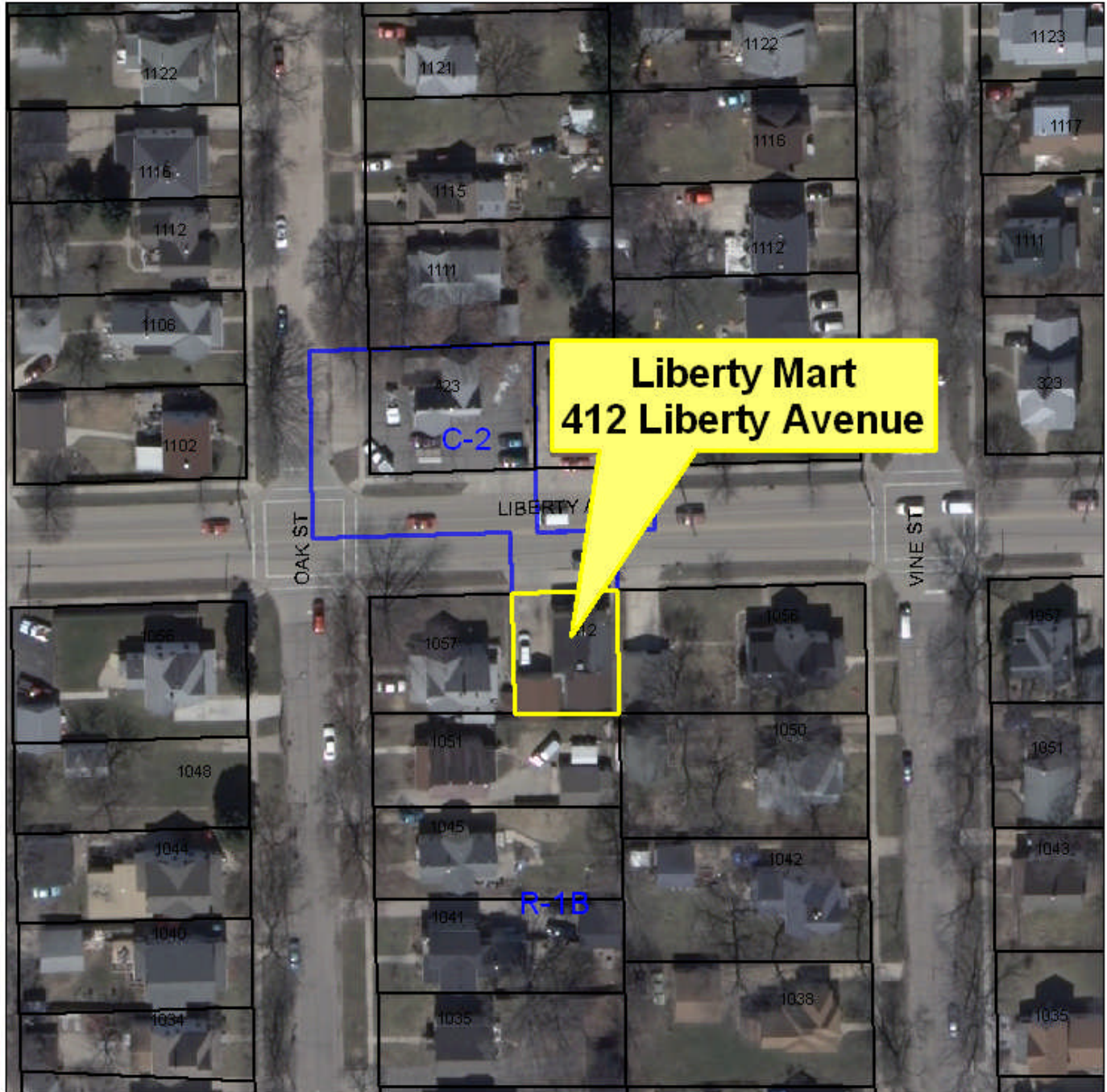
County.” *American Journal of Public Health*: Vol. 85, No. 3, March 1995.

3 Scribner, Richard A. MD MPH, MacKinnon, David P. PhD, and Dwyer, James H. PhD. “The Risk of Assaultive Violence and Alcohol Availability in Los Angeles County.” *American Journal of Public Health*: Vol. 85, No. 3, March 1995.

Location & Zoning Map

412 Liberty Avenue

CU-2011-01



1 inch = 76 feet



Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington
Date: April 2011
For: City of Beloit, Neighborhood Planning
Date of Aerial Photography: April 2008

NEIGHBORHOOD PLANNING DIVISION

CITY of BELOIT

Neighborhood Planning Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

Conditional Use Permit Application

(Please Type or Print)

File Number: CU-2011-01

1. Address of subject property: 412 LIBERTY AVENUE

2. Legal description: _____

If property has not been subdivided, attach a copy of the complete legal description from deed.

Property dimensions are: 260 feet by 260 feet = 2,600 square feet.

If more than two acres, give area in acres: _____ acres.

3. Tax Parcel Number(s): 13581655

4. Owner of record: EMAD QUTOUM Phone: (608) 365-1773

1997 LANE DR BELOIT WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: EMAD QUTOUM

1997 LANE DR BELOIT WI 53511
(Address) (City) (State) (Zip)

(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: SMALL CONVENIENCE STORE
(COMMERCIAL)

7. **THE FOLLOWING ACTION IS REQUESTED:**

A Conditional Use Permit for: 412 LIBERTY AVENUE For Alcoholic Use
in a(n) C-2 Zoning District.

8. All the proposed use(s) for this property will be:

Principal use: CONVENIENCE STORE / MARKET AND
SALE OF ALCOHOLIC BEVERAGES

Secondary use: NONE

Accessory use: NONE

9. Project timetable: Start date: 2/01/2011 Completion date: 2/10/2011

10. I/We) represent that I/we have a vested interest in this property in the following manner:

- Owner
- Leasehold, length of lease: _____
- Contractual, nature of contract: _____
- Other, explain: SOLE OWNER OF THE PROPERTY AND SOLE OWNER OF THE EXISTING BUSINESS

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

[Signature] | EMAD QUTOUM | 1-26-11
(Signature of Owner) (Print name) (Date)

_____|_____|_____
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Neighborhood Planning Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff

Filing fee: \$275.00 Amount paid: \$275.00 Meeting date: April 20, 2011
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: [Signature] Date: 3/23/11



City of
BELOIT, Wisconsin
Division of Neighborhood Planning

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Office: 608/364-6700 • Fax: 608/364-6609

www.ci.beloit.wi.us

Equal Opportunity Employer

NOTICE TO THE PUBLIC

April 7, 2011

To Whom It May Concern:

Emad Qutoum, the owner & operator of Liberty Mart, has filed an application for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at:

412 Liberty Avenue.

The City Council revoked the applicant's Alcohol Beverage License on January 25, 2010. Because more than a year has passed, the applicant needs a Conditional Use Permit and an Alcohol Beverage License before he may resume selling alcoholic beverages. The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, April 20, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, May 16, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

For additional information, please contact Drew Pennington in the Neighborhood Planning Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

BRUCE STOTT
1024 OAK ST
BELOIT, WI 535115119

ROCK COUNTY PROPERTIES
INC
2583 AUSTIN PL
BELOIT, WI 53511

BERTRUM BERG
1038 VINE ST
BELOIT, WI 535115123

FEDERAL NATIONAL
MORTGAGE ASSOCIATION
P O BOX 650043
DALLAS, TX 75265

FRED BACKHAUS
1042 VINE ST
BELOIT, WI 535115123

DOUGLAS BACH
11218 S MERLET RD
BELOIT, WI 53511

DIANE A & MICHAEL G RYAN
400 E GRAND AVE STE 312
BELOIT, WI 535116200

BILLY WILMER
1050 VINE ST
BELOIT, WI 535115123

ELSIE PATTEN
1051 OAK ST
BELOIT, WI 53511

CIRILO LOPEZ
1056 OAK ST
BELOIT, WI 535115119

LEROY SEEHAVER
1057 OAK ST
BELOIT, WI 535115118

WEP ENTERPRISE LLC
1313 ELEVENTH ST
BELOIT, WI 53511

KIM TAYLOR
1102 OAK ST
BELOIT, WI 535114307

TORSINI ENTERPRISES INC
1164 MADISON RD
BELOIT, WI 53511

KITELINGER PROPERTIES LLC
1244 HINSDALE AVE
BELOIT, WI 53511

YVONNE MAYFIELD
1106 OAK ST
BELOIT, WI 535114307

JOAN RICE
923 WILLIAM ST
BELOIT, WI 535110818

DONNA GROVER
1237 TENTH ST
BELOIT, WI 535114306

RESOLUTION
AUTHORIZING A PLANNED UNIT DEVELOPMENT (PUD)
MASTER LAND USE PLAN FOR THE PROPERTIES LOCATED AT
220 PORTLAND AVENUE AND 840 FIFTH STREET

WHEREAS, the application of Dimension IV Madison Design Group, on behalf of the Community Development Authority, for approval of a Planned Unit Development (PUD) - Master Land Use Plan for the properties located at 220 Portland Avenue and 840 Fifth Street, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby approve the PUD - Master Land Use Plan for the properties located at 220 Portland Avenue and 840 Fifth Street in the City of Beloit, for the following described premises:

Lots 2 and 3 of a Certified Survey Map, as recorded in Volume 1, Page 257, Certified Survey Maps of Rock County, being part of Lots 3, 4, and 5, Block 12 of Merrill's Addition, all situated in the City of Beloit, County of Rock, State of Wisconsin. Said parcels contain 3.51 acres, more or less.

As a condition of approving the PUD - Master Land Use Plan, the City Council does hereby stipulate the following conditions and restrictions upon the development, which are hereby deemed necessary for the public interest:

1. This PUD involves the replacement of ten existing 4-unit public housing buildings (commonly known as "Parker Bluff") with a 41-unit multi-family building for elderly & disabled tenants and 9 single-family attached (rowhouse) units along Fifth Street, as shown on the submitted PUD – Master Land Use Plan. The uses allowed in the existing office & community building shall be those permitted and conditional in the C-1, Office District.
2. Following City Council approval of this PUD, both of the lots involved in this PUD shall be combined into one tax parcel.
3. In order to separate the residential and non-residential buildings, a parcel containing the existing office & community building and its parking lot may be created through a Plat of Survey and/or Certified Survey Map (CSM).
4. One double-sided ground sign not exceeding thirty (30) square feet in area is allowed in the location shown on the PUD – Master Land Use Plan.
5. The maximum residential density shall be 25 dwelling units per acre. The minimum lot area shall be 8,750 square feet and there shall be no maximum lot area.
6. The building setbacks shown on the approved PUD – Master Land Use Plan shall be the

minimum building setbacks.

7. The maximum building height within the PUD shall be three (3) stories.
8. At least fifteen (15) percent of the lot area shall be devoted to open space.
9. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this PUD – Master Land Use Plan. The Community Development Director may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

Adopted this 16th day of May, 2011.

BELOIT CITY COUNCIL

Kevin D. Leavy, Council President

ATTEST:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Planned Unit Development (PUD) - Master Land Use Plan Application for the properties located at 220 Portland Avenue and 840 Fifth Street

Date: May 16, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Dimension IV Madison Design Group, on behalf of the Community Development Authority, has submitted an application for review and consideration of a Planned Unit Development (PUD) - Master Land Use Plan for the properties located at 220 Portland Avenue and 840 Fifth Street. A copy of the PUD - Master Land Use Plan is attached to this report. This proposed PUD – Master Land Use Plan involves the replacement of ten existing 4-unit public housing buildings (commonly known as “Parker Bluff”) with a 41-unit multi-family building for elderly & disabled tenants and 9 single-family attached (rowhouse) units along Fifth Street. These properties are currently located in an R-3, Low-Density Multifamily Residential District. This office has also received a Zoning Map Amendment application in order to rezone these properties to PUD.

Key Issues (maximum of 5):

- The 41-unit building will include underground parking stalls, 20 surface parking stalls, and a circular driveway. The rowhouse units will include garages facing Fifth Street. This development also includes the existing office & community building, a new playground near the rowhouse units, a vegetable garden, and pedestrian paths.
 - The proposed PUD includes 50 dwelling units on 3.51 acres, for a density of 14.25 dwelling units per acre. The maximum density in the R-3 district is 25 dwelling units per acre, so the proposed PUD is significantly less dense than what is allowed in the existing zoning district.
 - The PUD process allows the consolidation of these parcels into one large parcel, which eliminates the interior property lines and allows the proposed buildings. The Community Development Authority may wish to separate the existing office & community building from the proposed residential buildings in the future. Therefore, Planning staff has recommended a condition of approval that will allow this to occur.
 - The Plan Commission reviewed this item on May 4, 2011 and voted unanimously (4-0) to recommend approval of the PUD - Master Land Use Plan, subject to the conditions recommended by the Neighborhood Planning Division.
-

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City’s mission.):

- Consideration of this request supports Strategic Goal #4.
-

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** – This project will increase the energy efficiency of the units while adding nine additional dwelling units in close proximity to employment opportunities, schools, goods & services, and transportation options.
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – This project will ensure that public housing units in the City of Beloit are safe, modern, and energy efficient.
-

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution
-

Fiscal Note/Budget Impact: N/A

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: May 4, 2011

Agenda Item: 4

File Number: PUD-2011-02

Applicant: Dimension IV Madison Design Group

Owner: Community Development Authority

Location: 220 Portland Avenue and 840 Fifth Street

Existing Zoning: R-3, Low-Density Multifamily Residential District

Existing Land Use: Multifamily Residential, Office, and Parking Lot(s)

Parcel Size: Approx. 3.51 Acres total

Request Overview/Background Information:

Dimension IV Madison Design Group, on behalf of the Community Development Authority, has submitted an application for review and consideration of a Planned Unit Development (PUD) - Master Land Use Plan for the properties located at 220 Portland Avenue and 840 Fifth Street. A copy of the PUD - Master Land Use Plan is attached to this report. This proposed PUD - Master Land Use Plan involves the replacement of ten existing 4-unit public housing buildings (commonly known as "Parker Bluff") with a 41-unit multi-family building for elderly & disabled tenants and 9 single-family attached (rowhouse) units along Fifth Street. These properties are currently located in an R-3, Low-Density Multifamily Residential District. This office has also received a Zoning Map Amendment application in order to rezone these properties to PUD. The attached **Location and Zoning Map** shows the location of the project site. The adjacent zoning and land uses are as follows:

North: R-1B, Single-Family Residential District; Single-Family & Two-Family Dwellings

South: R-1B, Single-Family Residential District & R-3, Low-Density Multifamily Residential District; Vacant Land, Single-Family & Two-Family Dwellings

East: PLI, Public Lands & Institutions District; Bike Path

West: R-1B, Single-Family Residential District & R-3, Low-Density Multifamily Residential District; Single-Family & Two-Family Dwellings

The PUD District is a special-purpose zoning district that permits greater flexibility in land planning and site design than conventional zoning districts and is intended to provide flexibility in architectural design and clustering of buildings. The process begins with submittal of a PUD - Master Land Use Plan, which is a conceptual plan. A PUD - Master Land Use Plan and PUD Zoning Map Amendment may be processed concurrently, which is the case with this development.

Key Issues:

- The 41-unit building will include underground parking stalls, 20 surface parking stalls, and a circular driveway. The rowhouse units will include garages facing Fifth Street. This development also includes the existing office & community building, a new playground near the rowhouse units, a vegetable garden, and pedestrian paths.
- The proposed PUD includes 50 dwelling units on 3.51 acres, for a density of 14.25 dwelling units per acre. The maximum density in the R-3 district is 25 dwelling units per acre, so the proposed PUD is significantly less dense than what is allowed in the existing zoning district.
- Four of the ten existing buildings (16 units) will remain occupied during construction. While the majority of the existing tenants will be temporarily relocated during construction, these 16 units will be occupied by tenants with pets. Following completion of the 41-unit building, the four remaining buildings will be demolished and the remaining site improvements will be completed.
- The PUD process allows the consolidation of these parcels into one large parcel, which eliminates the interior property lines and allows the proposed buildings. The Community Development Authority may wish to separate the existing office & community building from the proposed residential buildings in the future. Therefore, Planning staff has recommended a condition of approval that will allow this to occur.
- The City's review agents have reviewed the PUD and many have submitted comments dealing with providing utilities to the proposed buildings. Planning staff is working with the review agents and the applicant to address these comments, and a Certificate of Zoning Compliance will not be issued until all comments have been addressed.
- Section 5-305 of the Zoning Ordinance requires the City Council to establish development standards during the PUD process. Development standards are addressed in the Staff Recommendation section of this report.
- Section 2-402(g) of the Zoning Ordinance allows for the approval of a PUD - Master Land Use Plan if the following five criteria can be met:
 - **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable standards, based on the purpose and intent of the Zoning**

Ordinance. The proposed L-shaped, 41-unit building is proposed in a location that is not buildable through strict application of the development standards in the R-3 district. The proposed L-shaped, 41-unit building will allow for a dramatic increase in open space between the proposed multi-family buildings and the single-family district to the north and west, which is consistent with the purpose and intent of the Zoning Ordinance.

- **The PUD - Master Land Use Plan complies with the standards of Section 5-300.** The PUD - Master Land Use Plan complies with the standards of Section 5-300.
- **Service providers will be able to provide necessary public services, facilities, and programs to serve the development proposed.** Service providers will be able to provide necessary services, facilities, and programs to serve the development.
- **The development is consistent with and implements the planning goals and objectives contained in the Comprehensive Plan and other adopted policies and documents.** See the consistency section below.
- **The PUD - Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.** The proposed PUD will dramatically improve the safety, appearance, and energy efficiency of public housing units reserved for elderly & disabled tenants. In addition, the proposed PUD will create nine additional dwelling units in close proximity to employment opportunities, schools, goods & services, and transportation options. The proposed townhouse units will fill an existing building gap along the 800 block of Fifth Street, which will improve the appearance of the neighborhood and will hopefully lead to additional redevelopment projects. Therefore, the PUD is consistent with sound planning practice and will promote the general welfare of the community.

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan recommends Mixed Residential uses of the properties. The PUD is consistent with the goals, objectives, and policies contained in the Comprehensive Plan. Consideration of this request supports Strategic Goal #4.

Sustainability:

- **Reduce dependence upon fossil fuels** – This project will increase the energy efficiency of the units while adding nine additional dwelling units in close proximity to employment opportunities, schools, goods & services, and transportation options.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – This project will ensure that public housing units in the City of Beloit are safe, modern, and energy efficient.

Staff Recommendation:

The Neighborhood Planning Division recommends **approval** of the PUD - Master Land Use Plan for the properties located at 220 Portland Avenue and 840 Fifth Street, based on its consistency with the Zoning Ordinance and subject to the following conditions:

1. This PUD involves the replacement of ten existing 4-unit public housing buildings (commonly known as "Parker Bluff") with a 41-unit multi-family building for elderly & disabled tenants and 9 single-family attached (rowhouse) units along Fifth Street, as shown on the submitted PUD – Master Land Use Plan. The uses allowed in the existing office & community building shall be those permitted and conditional in the C-1, Office District.
2. Following City Council approval of this PUD, both of the lots involved in this PUD shall be combined into one tax parcel.
3. In order to separate the residential and non-residential buildings, a parcel containing the existing office & community building and its parking lot may be created through a Plat of Survey and/or Certified Survey Map (CSM).
4. One double-sided ground sign not exceeding thirty (30) square feet in area is allowed in the location shown on the PUD – Master Land Use Plan.
5. The maximum residential density shall be 25 dwelling units per acre. The minimum lot area shall be 8,750 square feet and there shall be no maximum lot area.
6. The building setbacks shown on the approved PUD – Master Land Use Plan shall be the minimum building setbacks.
7. The maximum building height within the PUD shall be three (3) stories.
8. At least fifteen (15) percent of the lot area shall be devoted to open space.
9. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this PUD – Master Land Use Plan. The Community Development Director may

approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

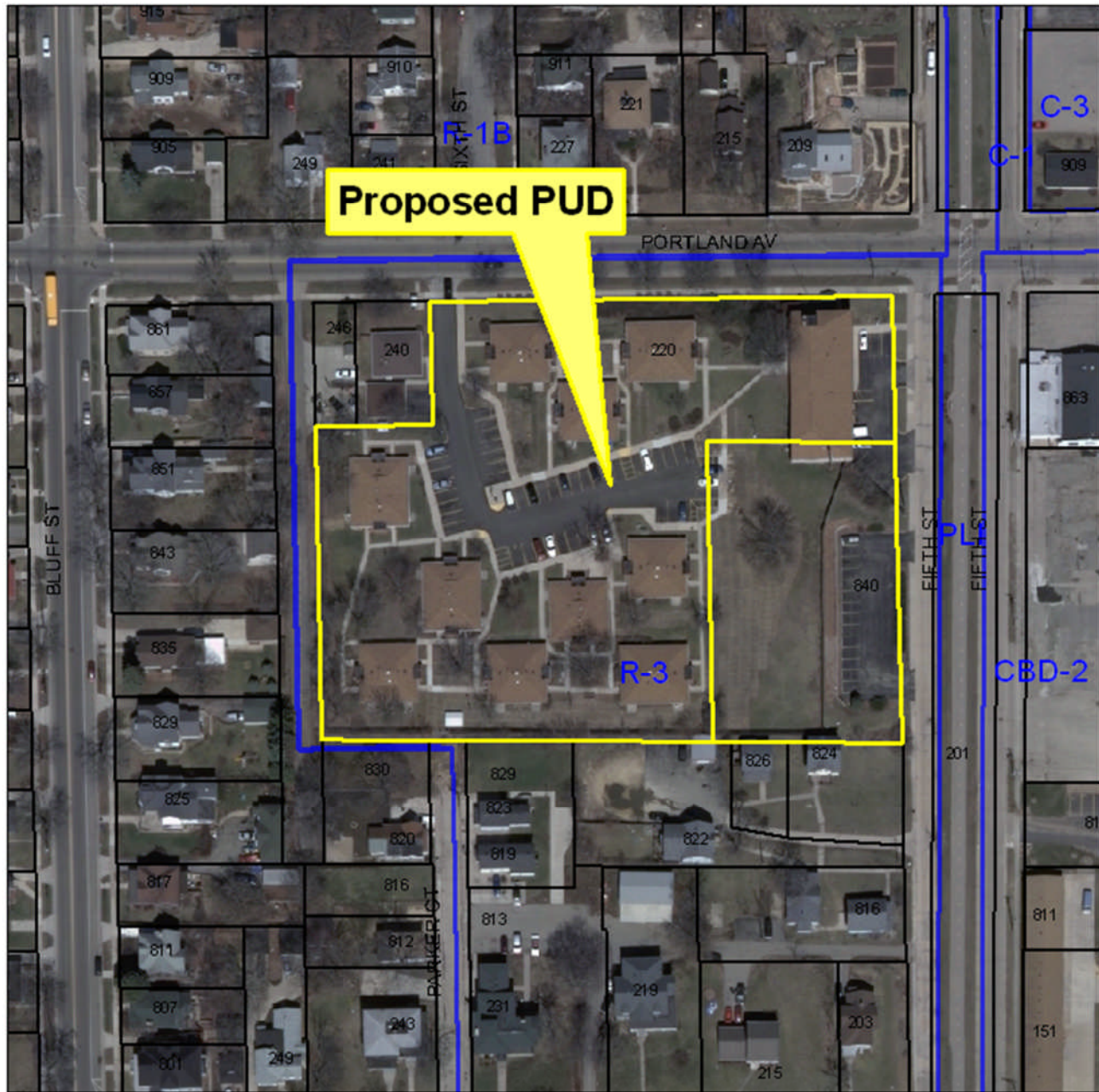
Fiscal Note/Budget Impact: N/A

Attachments: Map, Site Photos, PUD – Master Land Use Plan, Elevations, Application, Public Notice, and Mailing List.

Location & Zoning Map

220 Portland Avenue & 840 Fifth Street

PUD-2011-02



1 inch = 113 feet
0 25 50 100 150 Feet

Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington
Date: April 2011
For: City of Beloit, Neighborhood Planning
Date of Aerial Photography: April 2008

NEIGHBORHOOD PLANNING DIVISION





CITY of BELOIT
Neighborhood Planning Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

PUD - Master Land Use Plan Application

(Please Type or Print)

File Number: PUD-2011-02

1. Address of subject property: 220 PORTLAND AVE & 840 Fifth Street

2. Legal description: L 233 CSM VOL 1 PG 257 BEING PART LOTS 3, 4, 5 B12 MERRILL'S
ADD
If necessary attach a copy of the complete legal description.

3. Area of parcel in square feet or acres: LOTS 233 = 153,075 SF

4. Tax Parcel Number(s): LOT 2: 206[13520497]; 13520496

5. Owner of record: COMMUNITY DEVELOPMENT AUTHORITY Phone: 608-364-6703

100 STATE ST BELOIT WI 53511
(Address) (City) (State) (Zip)

6. Applicant's name: JIM GERSICH DIMENSION N-MADISON Phone: 608-829-4444

6515 GRAND TETON, SUITE 120 MADISON WI 53719
(Address) (City) (State) (Zip)

7. All existing use(s) on this property are: RESIDENTIAL

8. The applicant requests review and approval of a PLANNED UNIT DEVELOPMENT /
Master Land Use Plan: in a(n) R-3, LOW-DENSITY MULTI-FAMILY Zoning District.

9. A Preapplication Conference was held on: _____

10. All the proposed use(s) for this property will be:

Principal use(s): RESIDENTIAL

Secondary use(s): _____

11. State how the proposed development differs from the type of development that would be permitted under the existing zoning regulations. BUILDING SETBACKS DIFFER AND SURFACE PARKING COUNT DIFFERS DUE TO INDOOR GARAGE PARKING

12. Describe how the proposed development provides greater benefits to the City of Beloit than an otherwise permitted development. _____

13. Project timetable: Start date: SUMMER 2011 Completion date: 2012

14. I/We represent that I/we have a vested interest in this property in the following manner:

() Owner

() Leasehold, length of lease: _____

(X) Contractual, nature of contract: ARCHITECTURAL

() Other, explain: _____

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Julie Christensen / Julie Christensen / 4-4-11
 (Signature of Owner) (Print name) (Date)

[Signature] / JIM GERSICH / 3-28-11
 (Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Neighborhood Planning Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$200.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff		
Filing fee: <u>\$200.00</u>	Amount paid: <u>N/A</u>	Meeting date: <u>May 4, 2011</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>[Signature]</u>	Date: <u>3/29/11</u>	



NOTICE TO THE PUBLIC

April 20, 2011

To Whom It May Concern:

Dimension IV Madison Design Group, on behalf of the Community Development Authority, has submitted an application requesting approval of a Planned Unit Development (PUD) - Master Land Use Plan in an R-3, Low-Density Multifamily Residential District, for the properties located at:

220 Portland Avenue and 840 Fifth Street.

This proposed PUD – Master Land Use Plan involves the replacement of ten existing 4-unit public housing buildings (commonly known as “Parker Bluff”) with a 41-unit multi-family building for elderly & disabled tenants and 9 single-family attached (rowhouse) units along Fifth Street, along with numerous site improvements. A copy of the PUD - Master Land Use Plan is attached to this notice.

The following public hearings will be held regarding this proposed PUD - Master Land Use Plan:

City Plan Commission: Wednesday, May 4, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, May 16, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

For additional information, please contact Drew Pennington in the Neighborhood Planning Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

THEODORE CRAIG
202 ST LAWRENCE AVE
JANESVILLE, WI 53545

ANDREW MAURIZZI
807 BLUFF ST
BELOIT, WI 53511

JOE WALL
W7947 TOWNHALL RD
SHARON, WI 53585

MICHAEL RAMSDAIL
203 ROOSEVELT AVE
BELOIT, WI 53511

WILLIE BETTS
215 ROOSEVELT AVE
BELOIT, WI 53511

JAGGER BAY PROPERTIES LLC
822 BROAD ST STE F
BELOIT, WI 535116349

MUOI DUONG
810 BLUFF ST
BELOIT, WI 53511

RONALD MOE
1732 CRANSTON RD
BELOIT, WI 53511

JOHN MITCHELL
811 BLUFF ST
BELOIT, WI 535115253

JUAN CRUZ
812 PARKER CT
BELOIT, WI 53511

DAVID N & CAROLYN I
KENNEDY
5746 VESPER DR
SOUTH BELOIT, IL 61080

FPS RENTAL INC
P O BOX 41
BELOIT, WI 535120041

NEIGHBORHOOD HOUSING
SERVICES OF BELOIT INC
520 W GRAND AVE
BELOIT, WI 53511

FEDERAL HOME LOAN
MORTGAGE CORPORATION
3415 VISION DR
COLUMBUS, OH 43219

DENNIS & ROSE KEENEY
817 BLUFF ST
BELOIT, WI 535115253

DBA KANE PROPERTIES
DOUGLAS A CASH
P O BOX 1317
BELOIT, WI 535121317

C/O TIM CAREY MPEC EQUITY
HOLDINGS FUND 1 LLC
2801 COHO ST STE 101
MADISON, WI 53713

JEAN A BLUM REVOCABLE
TRUST DTD 9/13/06
1610 14TH ST
MONROE, WI 53566

ROGER WILLING
828 BLUFF ST
BELOIT, WI 535115254

MARC J & JENNIFER
VANDERPAL
829 BLUFF ST
BELOIT, WI 53511

OVERFLOWING CUP TOTAL
LIFE CENTER INC
P O BOX 1075
BELOIT, WI 535121075

LEANNE VARNEY
835 BLUFF ST
BELOIT, WI 535115253

ROBERT BELLARD
842 BLUFF ST
BELOIT, WI 535115254

ANDY WENGER
843 BLUFF ST
BELOIT, WI 53511

MARK E & PAMELA S RHODES
850 BLUFF ST
BELOIT, WI 53511

DBA FAMILY DOLLAR BELOIT
SHOP CENTER INC
P O BOX 25610
SCOTTSDALE, AZ 852550110

JAMES SIMMONS
854 BLUFF ST
BELOIT, WI 53511

TARA LAMB
857 BLUFF ST
BELOIT, WI 53511

ANDREA & CRISIE NEAL
860 BLUFF ST
BELOIT, WI 535115254

ANN REINERT
861 BLUFF ST
BELOIT, WI 535115253

THOMAS HOFFMAN ET AL
TODD MACOMBER
863 FIFTH ST
BELOIT, WI 535115255

VIC HANSEN & SONS
856 FOURTH ST
BELOIT, WI 535114410

SILVIA OLGUIN
905 BLUFF ST
BELOIT, WI 535115164

KATHLEEN COPE
1822 EMERSON ST
BELOIT, WI 53511

EDWARD & BEVERLY
MULLIGAN
4344 E WOOD TRL
BELOIT, WI 53511

DENNIS CHITWOOD
703 HIGHLAND AVE
BELOIT, WI 53511

JAMES TILLEY TILLEY
CORPORATION
904 FOURTH ST
BELOIT, WI 535114412

TRACI BROWN
909 BLUFF ST
BELOIT, WI 535115164

CARLOS CELESTINO DEJESUS
249 PORTLAND AVE
BELOIT, WI 53511

ARMANDO & ESTHER M
HERNANDEZ
910 SIXTH ST
BELOIT, WI 53511

ERNEST & JULIE BELL
911 SIXTH ST
BELOIT, WI 535115172

KATHERINE FLAMMANG
898 CROSWELL CIR
ROCKTON, IL 61072

RONALD CASH
P O BOX 701
BELOIT, WI 535120701

TILLEYS PIZZA HOUSE
902 FOURTH ST
BELOIT, WI 535114412

CHAD REYNOLDS
612 MILWAUKEE RD
BELOIT, WI 53511

ERNEST BELL
1818 LIBERTY AVE
BELOIT, WI 53511

LUIS & ROSALVA ARREGUIN
917 SIXTH ST
BELOIT, WI 535115172

KATHERINE FLAMMANG
898 CROSWELL CIR
ROCKTON, IL 61072

ERNEST & JULIE BELL
911 SIXTH ST
BELOIT, WI 535115172

FELIPE & EVA MORENO
920 SIXTH ST
BELOIT, WI 53511

CHADE ROZELL
925 BLUFF ST
BELOIT, WI 535114353

ARMANDO & REVA VERA
2338 SHOPIERE RD
BELOIT, WI 535112364

GUDRUN HAYNES
209 PORTLAND AVE
BELOIT, WI 53511

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF THE CITY OF БЕЛОIT**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

Section 1. The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The zoning district classification of the following described land, also known as 220 Portland Avenue and 840 Fifth Street, is hereby changed from R-3, Low-Density Multifamily Residential District to PUD, Planned Unit Development District:

Lots 2 and 3 of a Certified Survey Map, as recorded in Volume 1, Page 257, Certified Survey Maps of Rock County, being part of Lots 3, 4, and 5, Block 12 of Merrill's Addition, all situated in the City of Beloit, County of Rock, State of Wisconsin. Said parcels contain 3.51 acres, more or less.

Section 2. This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this 16th day of May, 2011.

City Council of the City of Beloit

Kevin D. Leavy, Council President

Attest:

Rebecca S. Houseman, City Clerk

Published this _____ day of _____, 2011

Effective this _____ day of _____, 2011

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Zoning Map Amendment Application for the properties located at 220 Portland Avenue and 840 Fifth Street

Date: May 16, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Dimension IV Madison Design Group, on behalf of the Community Development Authority, has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-3, Low-Density Multifamily Residential District to PUD, Planned Unit Development District, for the properties located at 220 Portland Avenue and 840 Fifth Street.

Key Issues (maximum of 5):

- This application is inextricably linked to the applicant's concurrent submittal of a PUD – Master Land Use Plan for both properties.
 - The Plan Commission reviewed this item on May 4, 2011 and voted unanimously (4-0) to recommend approval of this Zoning Map Amendment.
-

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan recommends Mixed Residential uses of the properties. The PUD is consistent with the goals, objectives, and policies contained in the Comprehensive Plan. Consideration of this request supports Strategic Goal #4.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** – This project will increase the energy efficiency of the units while adding nine additional dwelling units in close proximity to employment opportunities, schools, goods & services, and transportation options.
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – This project will ensure that public housing units in the City of Beloit are safe, modern, and energy efficient.
-

Action required/Recommendation:

- City Council consideration and 1st and 2nd readings of the proposed Ordinance
-

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: May 4, 2011

Agenda Item: 5

File Number: ZMA-2011-03

Applicant: Dimension IV Madison Design Group

Owner: Community Development Authority

Location: 220 Portland Avenue and 840 Fifth Street

Existing Zoning: R-3, Low-Density Multifamily Residential District

Existing Land Use: Multifamily Residential, Office, and Parking Lot(s)

Parcel Size: Approx. 3.51 Acres total

Request Overview/Background Information:

Dimension IV Madison Design Group, on behalf of the Community Development Authority, has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-3, Low-Density Multifamily Residential District to PUD, Planned Unit Development District, for the properties located at 220 Portland Avenue and 840 Fifth Street. This application is inextricably linked to the applicant's concurrent submittal of a PUD – Master Land Use Plan for both properties.

Key Issues:

- Findings of Fact - Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
 - a. *The existing use of property within the general area of the subject property;*
 - The proposed residential uses are compatible with the existing uses in the neighborhood.
 - b. *The zoning classification of property within the general area of the subject property;*
 - The PUD District is a special-purpose zoning district in which the only permitted uses are those shown on the approved PUD – Master Land Use Plan. Therefore, the PUD zoning classification is compatible with the other zoning districts within the general area of the subject property.
 - c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
 - The subject property is suitable for the uses permitted in the R-3 district, but the PUD process allows building locations and improvements that are not possible in the R-3 district.
 - d. *The trend of development and zoning map amendments in the general area of the subject property.*
 - There has been very little development in this neighborhood within the past ten years.
 - The properties located on the eastern side of the 700 block of Parker Avenue were rezoned from R-3 to R-1B in March 2010.

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan recommends Mixed Residential uses of the properties. The PUD is consistent with the goals, objectives, and policies contained in the Comprehensive Plan. Consideration of this request supports Strategic Goal #4.

Sustainability:

- **Reduce dependence upon fossil fuels** – This project will increase the energy efficiency of the units while adding nine additional dwelling units in close proximity to employment opportunities, schools, goods & services, and transportation options.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – This project will ensure that public housing units in the City of Beloit are safe, modern, and energy efficient.

Staff Recommendation:

Based upon the above Findings of Fact and the Comprehensive Plan, the Neighborhood Planning Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from R-3, Low-Density Multifamily Residential District to PUD, Planned Unit Development District, for the properties located at 220 Portland Avenue and 840 Fifth Street.

Attachments: PUD – Master Land Use Plan, Application, and Public Notice.

CITY of BELOIT

NEIGHBORHOOD PLANNING DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2011-03

1. Address of subject property: 220 PORTLAND AVE & 840 Fifth Street

2. Legal description: Lot: 213 Block: 12 Subdivision: MERRILL'S ADDITION

(If property has not been subdivided, attach a copy of the complete legal description from deed.)

Property dimensions are: 460 feet by 350 feet = 153,075 square feet.

If more than two acres, give area in acres: 3.51 acres.

3. Tax Parcel Number(s): LOT 2: 206[3520497]; 13520496

4. Owner of record: COMMUNITY DEVELOPMENT AUTHORITY Phone: 608-364-6703

100 STATE ST BELOIT WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: JIM GERSICH DIMENSION IV-MADISON

6515 GRAND TETON, SUITE 120 MADISON WI 53719
(Address) (City) (State) (Zip)

608-829-4444
(Office Phone #)

1
(Cell Phone #)

JGERSICH@DIMENSIONIVMADISON.COM
(E-mail Address)

6. THE FOLLOWING ACTION IS REQUESTED:

Change zoning district classification from: R-3 to: PUD

All existing uses on this property are: RESIDENTIAL

7. All the proposed uses for this property are:

Principal use(s): RESIDENTIAL

Secondary use(s): _____

Accessory use(s): _____

8. I/we represent that I/we have a vested interest in this property in the following manner:

() Owner

() Leasehold, Length of lease: _____

(X) Contractual, Nature of contract: ARCHITECTURAL

() Other, explain: _____

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): JULIE CHRISTENSEN - CDA Phone: 608-364-6703

100 STATE ST BELOIT WI 53511
(Address) (City) (State) (Zip)

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Julie Christensen / Julie Christensen / 4-4-11
(Signature of Owner) (Print name) (Date)

[Signature] / JIM GERSICH / 3-28-11
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Neighborhood Planning Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff

Filing Fee: \$275.00 Amount Paid: N/A Meeting Date: May 4, 2011

Number of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____

Application accepted by: Drew Pennington Date: 3/29/11

Date Notice Published: _____ Date Notice Mailed: _____



NOTICE TO THE PUBLIC

April 20, 2011

To Whom It May Concern:

Dimension IV Madison Design Group, on behalf of the Community Development Authority, has filed a Zoning Map Amendment Application requesting a change in the zoning district classification from R-3, Low-Density Multifamily Residential District to PUD, Planned Unit Development District, for the properties located at:

220 Portland Avenue and 840 Fifth Street.

This application is inextricably linked to the applicant's concurrent submittal of a Planned Unit Development (PUD) - Master Land Use Plan for both properties. This proposed PUD involves the replacement of ten existing 4-unit public housing buildings (commonly known as "Parker Bluff") with a 41-unit multi-family building for elderly & disabled tenants and 9 single-family attached (rowhouse) units along Fifth Street, along with numerous site improvements.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, May 4, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, May 16, 2011, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

For additional information, please contact Drew Pennington in the Neighborhood Planning Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

ZMA-2011-03, Public Housing Upgrade - Parker Bluff

Please Note: This Public Notice was sent to the same recipients that are listed in the Staff Report for the PUD – Master Land Use Plan.



PROCEEDINGS OF THE CITY COUNCIL
Special Joint Meeting with the Community Development Authority
May 2, 2011
5:30 p.m.

Presiding: Kevin D. Leavy
Present: Sheila De Forest, David F. Luebke, Eric Newnham, Mark Spreitzer, and James Van De Bogart
Absent: Charles Haynes

Also Present: Community Development Authority Members Crystal Simpkins, Thomas Johnson, Thomas J. Nee, and Nailah Adama. Member Stephanie Jacobs was absent.

1. The Special Joint meeting of the City Council and the Community Development Authority was called to order at 5:35 p.m. in The Forum of City Hall. Roll call was taken for each body, with a quorum present for both.
2. Finance Director Paul York discussed the **CDA Beloit Lease Revenue Bonds, Series 2011A and Series 2011B**. Mr. York also discussed the blight designation for certain properties within ½ mile of Tax Increment District (TID) No. 13. Dawn Gunderson from Elhers and Associates provided more information and detailed financial data regarding the TIDs that will pay for the bonds. She indicated that these bonds are revenue-issued debt so they do not count against the City's general obligation debt. Councilor Newnham expressed concern about the direct debt burden, and Ms. Gunderson said that this would be reevaluated annually. Councilor Van De Bogart asked how the blight designation will impact the future marketability of the properties. Mr. York explained that while the properties meet the State's definition of blight, that designation will not negatively impact the properties in terms of value. He went on to say that the road improvements could even add value to the area. CDA member Nee asked if the issuance of these bonds would stop the CDA from issuing other bonds in the future, and Mr. York said that there is not a cap on these bonds provided that there is a capacity to generate revenue.
3. CDA member Johnson moved to approve the Initial Resolution Authorizing the Issuance of Lease Revenue Bonds with the Community Development Authority of the City of Beloit, Series 2011A. CDA Member and Councilor De Forest seconded, and the motion carried.
4. CDA member Adama moved to approve the Resolution Preliminarily Determining Certain Project Sites Within ½ Mile of TID No. 13 Boundary to be Blighted and Providing for a Public Hearing with Respect to the Blight Determination. CDA Member and Councilor De Forest seconded, and the motion carried.
5. CDA member Johns moved to approve the Initial Resolution Authorizing the Issuance of Lease Revenue Bonds with the Community Development Authority of the City of Beloit, Series 2011B. CDA Member Adama seconded, and the motion carried.
6. Councilor Luebke moved to approve the Initial Resolution Authorizing the Issuance of Lease Revenue Bonds with the Community Development Authority of the City of Beloit, Series 2011A. Councilor Van De Bogart seconded, and the motion carried on a roll call vote with Councilors De Forest, Van De Bogart, Leavy, Luebke, Newnham, and Spreitzer voting in favor.
7. Councilor Luebke moved to approve the Resolution Preliminarily Determining Certain Project Sites Within ½ Mile of TID No. 13 Boundary to be Blighted. Councilor Spreitzer seconded, and the motion carried on a roll call vote with Councilors De Forest, Van De Bogart, Leavy, Luebke, Newnham, and Spreitzer voting in favor.

8. Councilor Van De Bogart moved to approve the Initial Resolution Authorizing the Issuance of Lease Revenue Bonds with the Community Development Authority of the City of Beloit, Series 2011B. Councilor De Forest seconded, and the motion carried on a roll call vote with Councilors De Forest, Van De Bogart, Leavy, Luebke, Newnham, and Spreitzer voting in favor.
9. At 6:10 p.m. Councilor Luebke moved to adjourn the meeting. Councilor Spreitzer seconded, and the motion carried. CDA member Johnson moved to adjourn the CDA meeting. CDA member Adama seconded, and the motion carried.

Rebecca S. Houseman, City Clerk

www.ci.beloit.wi.us

Date Approved by Council:



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, May 2, 2011

Presiding: Kevin D. Leavy
Present: Sheila De Forest, Charles Haynes, David F. Luebke, Eric Newnham, Mark Spreitzer, and James Van De Bogart

1. The meeting was called to order at 7:10 p.m.

2. SPECIAL ORDER OF THE DAY/ANNOUNCEMENTS

- a. Representative Amy Loudenberg presented a Citation from the State Legislature to the Beloit Transit System for receipt of the **2010 Statewide Transit Safety Award**. Transit Director Michelle Gavin thanked Representative Loudenberg and the Council and said that the honor of the award goes to her staff.
- b. Vice President Van De Bogart presented a Proclamation to Public Works Director Dave Botts declaring April 29, 2011 **Arbor Day**. Mr. Botts thanks the City Council for supporting the terrace operations and said that this is the City's 23rd year being recognized as a Tree City.
- c. Vice President Van De Bogart presented a Proclamation to City Clerk Rebecca Houseman declaring May 1 through May 7, 2011 **Municipal Clerks Week**. Ms. Houseman thanked the City Council for the recognition.

3. PUBLIC HEARINGS

- a. Public Work Director Dave Botts presented a Resolution authorizing **Sanitary Sewer and Water System Improvements and Levying Special Assessments** Against Benefited Property. Mr. Botts gave a brief history of the request for water and sewer service and the project. City Manager Larry Arft discussed the pertinence of the Ordinance change under Section 6 regarding deferral of special assessments for this Resolution. Mr. Arft said that, in response to the concerns mentioned by residents in the Hawthorne Drive neighborhood, the City decided to propose a chance to the special assessment ordinance which allows people to defer their special assessment almost indefinitely. President Leavy opened the public hearing.
 - Ben and Karla Smith, 2550 Hawthorne Drive, spoke in favor of the project. They indicated that they own the house with the failing septic system and would like to hook into the City's sanitary sewer system.
 - Max Dodson, 2531 Hawthorne Drive, spoke against the project. He said that the proposal has been contentious from the beginning. He asked for clarification regarding the sequence of events surrounding the request for sewer service, and he requested that any action regarding the project and the special assessment be tabled until the new Councilors can fully understand the issue.
 - Roger Maryott, 2515 Hawthorne Drive, spoke against the project. He indicated that he had just purchased a new well to provide water for this property, and he questioned why the City did not require him to hook into the City's water system.
 - Don Myers, 2525 Hawthorne Drive, spoke against the project. He said that he has lived at his house for 30 years and has never had a problem with the well or the septic system.
 - Tom Holmes, 2537 Hawthorne Drive, spoke in favor of the fire protection that will be provided with this water and sewer project. He indicated that he was not happy about having to pay the special assessment but that there are other benefits to consider, including the fire protection provided by hydrants.
 - Kim Sandow, 2536 Hawthorne Drive, spoke against the project. She said that adding a \$23,000 burden on each household under the current economic circumstances will cause people to lose their homes.

President Leavy closed the public hearing. Councilor De Forest said that she is disturbed by the lack of transparency regarding this project. She indicated that she feels misled and understands the residents' frustrations. Councilor Luebke asked if the City could provide copies of the letter regarding the failing septic system from Rock County to the residents in the audience. Police Chief Norm Jacobs made copies of the letter and distributed it to the affected residents. Manager Arft mentioned that the reference to police power in the Public Noticed mailed to the property owners in the area gives the Council legislative authority to act to extend utilities in the area. Councilor Luebke indicated that this is a health issue, and if something is not done, he would be concerned about contamination of the wells in the area. Councilor Spreitzer indicated that he had attended previous public meetings regarding this project and that it is informative to hear from the residents.

4. CITIZENS' PARTICIPATION

Deloyde Sanders, 1400 Harvey Avenue, thanked Councilors De Forest, Luebke, and Spreitzer for participating in the clean-up efforts of the Porter Area Watch Group (PAWG). He invited the Councilors and the public to be a part of the Spring Carnival on Porter Avenue on May 14th at 12:00 pm. He said that there has been some crime in the Merrill neighborhood this past year, and people have been afraid to call the police. He said that, through PAWG, residents have been able to better their relationships with the Police Department and enhance the safety of the neighborhood. He also invited people to attend a meeting on May 9th at 6:00 p.m. at New Life Ministries to discuss the Spring Carnival.

5. CONSENT AGENDA

Councilor Newnham requested that item b. be removed from the Consent Agenda. Councilor Newnham moved to adopt, Councilor Luebke seconded, and the motion carried that the following items from the Consent Agenda be accepted, approved, adopted, or referred and acted upon as required by state and local codes except item 5.b.

- a. **Minutes** of the Regular Meeting of April 18 and Reorganizational Meeting of April 19, 2011 were approved.
- c. Application for a **Class A Beer and Liquor License** for Dollar General located at 1520 Madison Road was referred to ABLCC. File 8449
- d. Application for a **Class A Beer and Liquor License** for Dollar General located at 2240 Prairie Avenue was referred to ABLCC. File 8449
- e. Application for a **Class "A" Beer and "Class A" Liquor License** for Prairie Beverage Mart located at 2705 Prairie Avenue was referred to ABLCC. File 8449
- f. Application for a **Class "B" Beer and "Class C" Wine License** for Atlanta Bread Beloit LLC, d/b/a Atlanta Bread Beloit located at 2747 Milwaukee Road was referred to ABLCC. File 8449
- g. Application for a **Class "B" Beer and "Class B" Liquor License** for HRNS V Entertainment, d/b/a La Movida located at 1310 Cranston Road was referred to ABLCC. File 8449
- h. Application for a **Class "A" Beer and "Class A" Liquor License** for Akshar Brahma Inc., d/b/a Tobacco Shack located at 1212 Cranston Road was referred to ABLCC. File 8449
- i. Application for a **Class "B" Beer and "Class C" Wine License** for El Rancho Restaurant LLC, d/b/a El Rancho Restaurant located at 2648 Prairie Avenue was referred to ABLCC. File 8449
- j. Resolution authorizing Final Payment of **Public Works Contract C09-24 Water Street, Shirland Avenue, and City Hall Parking Lot Reconstruction** was adopted. File 7987
- k. Application for a **Planned Unit Development – Master Land Use Plan** for the properties located at 220 Portland Avenue and 840 Fifth Street was referred to Plan Commission. File 8493
- l. Application for a **Zoning Map Amendment** for the properties located at 220 Portland Avenue and 840 Fifth Street was referred to Plan Commission. File 8493

- b. Councilor Van De Bogart moved to refer the applications for **Renewal Alcohol Beverage Licenses** for License Period July 1, 2011-June 30, 2012 to ABLCC. Councilor Haynes seconded, and the motion carried 6-0 with Councilor Newnham abstaining. File 8449

6. ORDINANCES

- a. City Manager Larry Arft presented an Ordinance to Amend Sections 27.16, 29.045(3), 33.01, 33.08(2)(f), 33.08(3)(f) and 33.08(7)(f) and to Create Section 33.08(9) of the Code of General Ordinances of the City of Beloit **Pertaining to the Deferral of Special Assessments** for Water and Sewer Mains. Mr. Arft explained that the purpose of the Ordinance is to allow for the deferral of special assessments for residential neighborhoods until such time that the resident or subdivider hooks into the City's water and sewer systems. Councilor Haynes moved to suspend the rules to allow for a first and second reading of this Ordinance. Councilor De Forest seconded, and the motion carried. Councilor De Forest moved to enact the Ordinance. Councilor Haynes seconded, and the motion carried. Ordinance No. 3441. File 8495

7. APPOINTMENTS

- a. President Leavy nominated the following Council Members as representatives to City **Boards, Committees, and Commissions** for the 2011-2012 year:

Alcohol Beverage License Control Committee	Luebke
Appointment Review Committee	Leavy and Van De Bogart
Business Improvement District (Downtown Beloit)	Van De Bogart
Community Action Agency Inc. of Rock/Walworth Counties	De Forest
Community Development Authority	Luebke and Van De Bogart
Convention and Visitors Bureau Board of Directors	Leavy
Disabled Parking Enforcement Assistance Council	Newnham
Equal Opportunities and Human Relations Commission	Spreitzer
Landmarks Commission	Haynes
Metropolitan Planning Organization	Haynes
Park, Recreation and Conservation Advisory Commission	De Forest
Plan Commission	Spreitzer
Traffic Review Committee	Newnham

8. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- a. Councilor De Forest congratulated the winners of the Significant Industrial Users presented at the annual business meeting and awards ceremony; Director of Operations Chris Walsh on being named one the nation's Top Ten Public Works Leaders of the Year; Michelle Gavin and Transit staff on their safety award; and John Kalkirtz on the success of the Senior Center's Hee Haw Show. She also thanked the residents who invest their trust in her.
- b. Councilor Van De Bogart said that he enjoyed cleaning up gravestones from veterans of WW1 and the Spanish-American War with the VFW and the American Legion and participating in the Arbor Day celebration.
- c. Councilor Spreitzer said that he participated in the state-wide recount at Rock County last week; the PAWG walk and neighborhood clean-up; the Community Potluck at Horace White Park; and will attend a workshop by the League of Wisconsin Municipalities.
- d. Councilor Newnham said he felt a sense of pride after the wonderful announcement the previous night.
- e. President Leavy welcomed Councilors Luebke and Spreitzer to the Council.

9. CITY MANAGER'S PRESENTATION

10. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution authorizing **Sanitary Sewer and Water System Improvements and Levying Special Assessments Against Benefited Property**. Public Works Director Dave Botts described the project and the estimated cost per property that will benefit from the water and sewer system improvements. Councilor Van De Bogart said that the City has done as much as it can to meet the needs of those who do and do not want to hook into the water and sewer systems at this time. Councilor DeForest moved to amend the Resolution to reduce the interest rate from 5.75 percent to the State Trust Fund loan rate, and Councilor Newnham seconded. The motion to amend the Resolution passed 7-0. Councilor Newnham asked if there are any state or federal grants available to assist those who cannot afford the pay for the water and sewer system, and Manager Arft stated that there are none. Councilor Spreitzer said that he was happy that the residents will be allowed to defer the cost of the special assessment until they hook into the system and that the residents will be provided better fire protection. Councilor Haynes moved

- to adopt the amended Resolution on its merits, and Councilor Van De Bogart seconded. The motion carried 6-1 with De Forest voting in opposition. File 8470
- b. Resolution approving a **Relocation Order** to acquire a Construction Access and Utility Easement over portions of the Properties located at 2555 White Oaks Drive and 2536 & 2542 Hawthorne Drive to allow for the Extension of Gravity Sanitary Sewer and Potable Water to Twelve (12) Properties on Hawthorne Drive. It was noted that the Plan Commission recommendation for approval 6-0. Mr. Botts said that this Relocation Order is necessary to obtain temporary construction easements for construction of the sewer and water system improvements. Councilor Haynes moved to adopt the Resolution, and Councilor Luebke seconded. The motion carried 6-1 with De Forest voting in opposition. File 8470
 - c. Resolution awarding **Contract C11-02** for the Hawthorne Drive Sewer and Water Extension. Mr. Botts explained that the project was publicly bid, and G.M.S. Excavators, Inc. was the lowest responsible bidder. Mr. Botts also said that the project can begin after the school year is over to accommodate residents. Councilor Haynes moved to adopt the Resolution, and Councilor Spreitzer seconded. The motion carried 7-0. File 8470
 - d. Resolution accepting the **Wisconsin Neighborhood Stabilization Program Grant** and **Appropriating Funds**. Community Development Director Julie Christensen explained that the Council had already authorized the City to apply for this grant, and now the Council would need to accept the grant and authorize the appropriation of funds through Mutual Cooperation Agreements. Councilor Newnham moved to adopt the Resolution, and Councilor Haynes seconded. The motion carried 6-0 with Councilor De Forest abstaining. File 7376/7947
 - e. Resolution approving **Mutual Cooperation Agreement with Neighborhood Housing Services of Beloit, Inc.** for the administration of the Wisconsin Neighborhood Stabilization Program Grant. Councilor Van De Bogart moved to adopt, and Councilor Haynes seconded. The motion carried 6-0 with Councilor De Forest abstaining. File 7895
 - f. Resolution approving **Mutual Cooperation Agreement with the City of Janesville** for the administration of the Wisconsin Neighborhood Stabilization Program Grant. Councilor Haynes moved to adopt the Resolution, and Councilor Luebke seconded. The motion carried 6-0 with Councilor De Forest abstaining. File 7895
 - g. Resolution amending the **2010 Capital Improvement Budget** for Well 11 Nitrate Mitigation and Water Systems Improvements. Mr. Botts explained that the Resolution will amend the 2010 CIP to allocate additional funding to complete this project. He said that the additional funding will pay for new DNR requirements for the project including upgrades to the pump house, the tank, and the emergency generator. Councilor Van De Bogart asked if there is any new borrowing to accommodate this amendment to the CIP, and Mr. Botts indicated that we have already borrowed the money. Councilor De Forest asked about the costs associated with in-house engineering, and Mr. Botts indicated that the lack of funds for in-house engineering was a mistake in the original project request. Councilor Spreitzer asked what this money was originally borrowed for, and Mr. Botts indicated that it was for different water system improvements. The costs of those projects came in under budget, and the remaining funds may be used for this project. Councilor Van De Bogart moved to adopt the Resolution, and Councilor Haynes seconded. The motion carried 7-0. File 8406/8463
 - h. Resolution awarding **Contract C11-15** for Construction of Weiser Station. Mr. Botts said that the Resolution will award the construction contract to Magill Construction Company for the final phase of the Weiser Station project. Councilor Spreitzer moved to adopt the Resolution, and Councilor Newnham seconded. The motion carried 7-0. File 8481
 - i. Resolution approving a **Jurisdictional Transfer** of the Henry Avenue Bridge. Mr. Botts explained that the bridge will be widened during the reconstruction project, and because it is being widened, the City will be taking over maintenance responsibility. Councilor Newnham moved to adopt the Resolution, and Councilor Luebke seconded. The motion carried 7-0. File 8265
11. At 8:49 p.m., Councilor De Forest moved to adjourn the meeting, Councilor Luebke seconded, and the motion carried.

Rebecca S. Houseman, City Clerk

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Date approved by Council:

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 2705 Prairie Avenue – Council Referral to the Plan Commission

Date: May 16, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Donna Disch has filed an application for a Conditional Use Permit to allow drive-through alcohol sales in a C-3, Community Commercial District, for the property located at 2705 Prairie Avenue.

Key Issues (maximum of 5):

- There is an existing building on the subject property that was previously used as a Hardee's restaurant. The applicant intends to open a liquor store within the existing building, and wishes to use the existing drive-through window.
- Indoor alcohol sales is a permitted use in the C-3 district, but drive-through uses are a conditional use in all commercial zoning districts.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #4.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- Reduce dependence upon fossil fuels – N/A
- Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A
- Reduce dependence on activities that harm life sustaining eco-systems – N/A
- Meet the hierarchy of present and future human needs fairly and efficiently – N/A

Action required/Recommendation:

- Referral to the Plan Commission for the May 18, 2011 meeting
- This item will most likely return to the City Council for a public hearing and possible action on June 6, 2011

Fiscal Note/Budget Impact: N/A

Attachments: Application

CITY of BELOIT

Neighborhood Planning Division

100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

Conditional Use Permit Application

(Please Type or Print)

File Number: CU-2011-02

1. Address of subject property: 2705 Prairie Avenue

2. Legal description: see attached

If property has not been subdivided, attach a copy of the complete legal description from deed.

Property dimensions are: _____ feet by _____ feet = _____ square feet.

If more than two acres, give area in acres: _____ acres.

3. Tax Parcel Number(s): 206 21862000

4. Owner of record: Prairie Post, LLC Phone: 847-526-9066

400 n. main St. Wauconda IL 60084
(Address) (City) (State) (Zip)

5. Applicant's Name: Donna Disch

14617 W. Carroll Rd, Brodhead WI 53520
(Address) (City) (State) (Zip)

1608-295-5447 | hogpen@msn.com
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: _____

7. **THE FOLLOWING ACTION IS REQUESTED:**

A Conditional Use Permit for: Drive thru

_____ in a(n) C3 _____ Zoning District.

8. All the proposed use(s) for this property will be:

Principal use: for selling liquor/tobacco/cheese products
pop, beer

Secondary use: _____

Accessory use: _____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the property located at 823 Parker Court – Council Referral to the Plan Commission

Date: May 16, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Christine Schlichting, on behalf of Neighborhood Housing Services of Beloit, Inc., has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-3, Low-Density Multifamily Residential District to R-1B, Single-Family Residential District, for the property located at 823 Parker Court.

Key Issues (maximum of 5):

- The applicant intends to construct a single-family dwelling on the subject property.
- Although single-family dwellings are permitted in the R-3 district, the minimum building setbacks are greater than those in the R-1B district, especially when applied to a single-family dwelling on a relatively small (9,944 square foot) lot.
- The minimum building setbacks in the R-1B district will allow the applicant to construct a contemporary single-family dwelling on the subject property.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #4.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels – N/A**
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature – N/A**
- **Reduce dependence on activities that harm life sustaining eco-systems – N/A**
- **Meet the hierarchy of present and future human needs fairly and efficiently – N/A**

Action required/Recommendation:

- Referral to the Plan Commission for the May 18, 2011 meeting
- This item will most likely return to the City Council for a public hearing and possible action on June 6, 2011

Fiscal Note/Budget Impact: N/A

Attachments: Application

CITY of BELOIT

NEIGHBORHOOD PLANNING DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2011-04

1. Address of subject property: 823 Parker Ct.
2. Legal description: Lot: 2 Block: _____ Subdivision: CSM Vol. 34 Pgs 184-186
(If property has not been subdivided, attach a copy of the complete legal description from deed.)
Property dimensions are: 85 feet by 118 feet = 9944 square feet.
If more than two acres, give area in acres: _____ acres.

3. Tax Parcel Number(s): 1352-0445
4. Owner of record: Neighborhood Housing Services Phone: 362-9051
of Beloit
520 W Grand Ave WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Christine Schlichting
520 W Grand Ave. Beloit WI 53511
(Address) (City) (State) (Zip)
362-9051 / 365-8727 / cschlichting@nhs of beloit.org
(Office Phone #) (Cell Phone #) (E-mail Address)

6. **THE FOLLOWING ACTION IS REQUESTED:**

Change zoning district classification from: R-3 to: R-1B DP
All existing uses on this property are: vacant land

7. All the proposed uses for this property are:

Principal use(s): Single-Family Residential,
construction of a new single-family
residence for sale to an owner-occupant

Secondary use(s): _____

Accessory use(s): _____

* Request first and second reading *

8. I/we represent that I/we have a vested interest in this property in the following manner:

- Owner
- Leasehold, Length of lease: _____
- Contractual, Nature of contract: _____
- Other, explain: _____

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): Christine Schlichting Phone: 362-9051
520 W Grand Ave Beloit WI 53511
(Address) (City) (State) (Zip)

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

Christine Schlichting / Christine Schlichting / 4/12/11
(Signature of Owner) (Print name) (Date)

_____/_____/_____
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application and all accompanying documents to the Neighborhood Planning Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff		
Filing Fee: <u>\$275.00</u>	Amount Paid: <u>\$275.⁰⁰</u>	Meeting Date: <u>May 18, 2011</u>
Number of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____		
Application accepted by: <u>Dan Pennington</u>	Date: <u>4/20/11</u>	
Date Notice Published: _____	Date Notice Mailed: _____	

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Wisconsin Power and Light Company Easement Request for Henry Avenue Bridge Project – Council Referral to Plan Commission

Date: May 16, 2011

Presenter(s): Thomas R. Casper

Department(s): City Attorney

Overview/Background Information:

Wisconsin Power and Light Company (WP&L) has submitted a request for an easement involving certain areas of Riverside Park and Wootton Park because of the Henry Avenue Bridge reconstruction. It is necessary for WP&L to relocate its underground gas transmission line which is currently installed under the bridge deck. WP&L intends to bore an underground line under the river south of the Henry Avenue Bridge running through portions of both Riverside and Wootton Parks. It is necessary for Council to refer this matter to Plan Commission for consideration and recommendation.

Key Issues (maximum of 5):

WP&L currently has its line under the bridge deck of the existing Henry Avenue Bridge which is due for removal in fall of 2011, and it is necessary to relocate this line.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

As an eco-municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment and enhance the quality of life for current and future generations.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** N/A

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

Referral to Plan Commission for the May 18, 2011 meeting.

Fiscal Note/Budget Impact:

N/A

Attachments:

Easement request, exhibit of easement area and form of proposed easement.

Underground Gas
Utility Easement Agreement
Title of Document

Document Number

THIS UTILITY EASEMENT AGREEMENT (*Agreement*) is granted by the City of Beloit, a Wisconsin municipal corporation (the *Owner*), to Wisconsin Power and Light Company, a Wisconsin corporation (the *Utility*).

RECITALS:

A. The Owner is the fee holder of certain real property in the City of Beloit, Rock County, State of Wisconsin, as more particularly described on the attached and incorporated Exhibits A & B (the *Property*).

B. The Utility has requested that the Owner grant a permanent easement (the *Easement*) and temporary construction easement (the *Temporary Construction Easement*) over the Property (also referred to as the *Utility Easement Area*).

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Grant of Easement. The Owner grants to the Utility, and its licensees, a perpetual easement and right-of-way to construct, reconstruct, maintain, operate, supplement, and remove natural gas main and pipe facilities, and other related fixtures, equipment, and appurtenances that may from time to time be required, with the right of ingress and egress for the purpose of this grant, within the Utility Easement Area. With the exception of location markers, to be located on each side of the shore at or near the water's edge, all improvements shall be located below grade, and the Utility shall not install anything above grade or in any fashion that would affect the appearance of the surface of the real property or limit access to the real property. The Utility acknowledges that the real property is used for park purposes. The Utility agrees to construct all such improvements no later than December 31, 2011 (the *Final Completion Date*). The Utility also agrees to use the grant of easement only for the specific purposes described above and for no other purpose, and this grant is not assignable by the Utility to others for other uses nor shall it be construed to create a common utility corridor. The grant of easement is exclusive for the purposes described.

2. Temporary Construction Easement. During the period of construction or installation of improvements within the Property, the Utility shall have a Temporary Construction Easement over those portions of the Property located within 20 feet of the Utility Easement Area for the purpose of transporting equipment and materials in connection with the construction or installation of improvements within the Property. The Temporary Construction Easement shall expire on the earlier to occur of (a) completion of installation as contemplated in Section 1 above, or (b) the Final Completion Date as specified in Section 1 above.

Recording Area

Name and Return Address

Wisconsin Power and Light Company
Attn: Real Estate
4902 North Biltmore Lane, Suite 1000
Madison, WI 53718-2148

206-12620440 and 206-13511220

Parcel Identification Number (PIN)

This is not homestead property.

3. Indemnification. The Utility shall indemnify the Owner from and against all loss, costs (including reasonable attorney fees), injury, death, or damage to persons or property that at any time during the term of this Agreement may be suffered or sustained by any person or entity in connection with the Utility's activities conducted in the Utility Easement Area, except to the extent caused by the negligence or misconduct of the Owner or its agents or employees.

4. Consistent Uses Allowed. The Owner reserves the right to use the Easement and the Temporary Construction Easement for purposes that will not interfere with the Utility's full enjoyment of the Easement rights granted in this Agreement. The Owner specifically reserves the right to alter and improve the surface area of the Easement for purposes consistent with use of the Property as a park, and the Utility agrees that the elevation of the surface area may be increased, but not permanently decreased, that paved bike paths and walkways may be installed, and landscaping consistent with park purposes may occur. Owner agrees that it will not install any playground equipment nor will it erect any permanent buildings, such as park shelters, within the surface area of the Easement.

5. General Compliance. The Utility, at its own expense, and with all due diligence, shall observe and comply with all laws, ordinances, rules, and regulations which are now in effect or may later be adopted by any governmental authority, and which may be applicable to the Utility Easement Area or any improvement on it or any use of it.

6. Environmental Laws. In furtherance and not in limitation of the foregoing paragraph, the Utility must, at its own expense, comply with all laws, ordinances, regulations and administrative agency or court orders relating to health, safety, noise, environmental protection, waste disposal, hazardous or toxic materials, and water and air quality. In the event any discharge, leakage, spillage, emission or pollution of any type occurs caused by the Utility upon or from the Utility Easement Area the Utility shall immediately notify Owner and shall, at the Utility's own expense, clean and restore the Utility Easement Area to the satisfaction of the Owner and any governmental body or court having jurisdiction of the matter.

7. Disturbance of Surface and Restoration of Surface. The Utility shall restore the surface disturbed by any construction or maintenance of any equipment located within the Easement or the Temporary Construction Easement to its condition before the disturbance. The Utility shall make every reasonable effort not to disturb any trees, nor shall any underground boring activities be done in such a fashion as to damage the root systems of any trees or otherwise damage the viability of the trees. In the event that the Utility does disturb or damage any trees, the Utility shall restore, cause to have restored or pay reasonable sum for such trees.

8. Covenants Run with Land. All terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the Owner and the Utility and their respective successors and assigns. The party named as Owner in this Agreement and any successor or assign to the Owner as fee simple owner of the Property shall cease to have any liability under this Agreement with respect to claims arising after the party has transferred its fee simple interest in the Property.

9. Non-Use. Non-use or limited use of the Easement or Temporary Construction Easement rights granted in this Agreement shall not prevent the benefiting party from later use of the Easement or Temporary Construction Easement rights to the fullest extent authorized in this Agreement.

10. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

11. Entire Agreement. This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement and duly recorded in the office of the Register of Deeds of Rock County, Wisconsin.

12. Notices. All notices to either party to this Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party's last known address. If the other party's address is not known to the party desiring to send a notice, the party sending the notice may use the address to which the other party's property tax bills are sent. Either party may change its address for notice by providing written notice to the other party.

13. Invalidity. If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

14. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

15. Enforcement. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the nonprevailing party.

16. No Public Dedication. Nothing in this Agreement shall be deemed a gift or dedication of any portion of the easements granted under this Agreement to the general public or for any public purpose whatsoever.

Dated: _____

OWNER:

CITY OF BELOIT

By: _____
Larry N. Arft, City Manager

UTILITY:

WISCONSIN POWER AND LIGHT COMPANY

By: _____
John E. Kratchmer, V.P. – Energy Delivery

ATTEST:

By: _____
Rebecca S. Houseman, City Clerk

STATE OF WISCONSIN)
)SS
COUNTY OF ROCK)

Personally appeared before me this _____ day of _____, 2011, the above-named Larry N. Arft, City Manager and Rebecca S. Houseman, City Clerk, to me known to be such City Manager and Clerk of the City of Beloit, and to me known to be the persons who executed the foregoing instrument as such officers of said City, by its authority.

Notary Public, Rock County, Wisconsin
My Commission is permanent
or expires:_____

STATE OF WISCONSIN)
)SS
COUNTY OF DANE)

Personally appeared before me this _____ day of _____, 2011, the above-named John E. Kratchmer, Vice President – Energy Delivery, of Wisconsin Power and Light Company, and to me known to be the person who executed the foregoing instrument and acknowledged the same.

Peter A. Chen
Notary Public, Dane County, Wisconsin
My commission is permanent
or expires:_____

This document was drafted by:
Thomas R. Casper, City Attorney
100 State Street
Beloit, WI 53511
<tdh/files/11-1029/Easement=110512.1055.cln>

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Charter Cable Easement Request for Henry Avenue Bridge Project – Council Referral to Plan Commission

Date: May 16, 2011

Presenter(s): Thomas R. Casper

Department(s): City Attorney

Overview/Background Information:

Charter Cable Partners, LLC, d/b/a Charter Communications, has submitted a request for an easement involving certain areas of Riverside Park and Wootton Park because of the Henry Avenue Bridge reconstruction. It is necessary for Charter to relocate its broadband and telecommunications services line which is currently installed under the bridge deck. Charter intends to bore an underground line under the river beginning near the intersection of Eclipse Blvd. and Riverside Dr. on the east side of the river and run the bore westerly underground along the north side of the tennis courts in Wootton Park. It is necessary for Council to refer this matter to Plan Commission for consideration and recommendation.

Key Issues (maximum of 5):

Charter currently has its line under the bridge deck of the existing Henry Avenue Bridge which is due for removal in fall of 2011, and it is necessary to relocate this line.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

As an eco-municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment and enhance the quality of life for current and future generations.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** N/A

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

Action required/Recommendation:

Referral to Plan Commission for the May 18, 2011 meeting.

Fiscal Note/Budget Impact:

N/A

Attachments:

Easement request, exhibit of easement area and form of proposed easement.

Document Number

Underground Broadband and
Telecommunications Services
Utility Easement Agreement
Title of Document

THIS UTILITY EASEMENT AGREEMENT (*Agreement*) is granted by the City of Beloit, a Wisconsin municipal corporation (the *Owner*), to Charter Cable Partners, LLC, d/b/a Charter Communications, a foreign corporation qualified to do business in Wisconsin (the *Utility*).

RECITALS:

A. The Owner is the fee holder of certain real property in the City of Beloit, Rock County, State of Wisconsin, as more particularly described on the attached and incorporated Exhibits A & B (the *Property*).

B. The Utility has requested that the Owner grant a permanent easement (the *Easement*) and temporary construction easement (the *Temporary Construction Easement*) over the Property (also referred to as the *Utility Easement Area*).

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Grant of Easement. The Owner grants to the Utility, and its licensees, an exclusive perpetual easement and right-of-way to construct, reconstruct, maintain, operate, supplement, and remove underground broadband and telecommunications services facilities, and other related fixtures, equipment, and appurtenances that may from time to time be required, with the right of ingress and egress for the purpose of this grant, within the Utility Easement Area. All improvements shall be located below grade, and the Utility shall not install anything above grade or in any fashion that would affect the appearance of the surface of the real property or limit access to the real property. The Utility acknowledges that the real property is used for park purposes. The Utility agrees to construct all such improvements no later than _____ (the *Final Completion Date*). The Utility also agrees to use the grant of easement only for the specific purposes described above and for no other purpose, and this grant is not assignable by the Utility to others for other uses nor shall it be construed to create a common utility corridor. The grant of easement is exclusive for the purposes described.

2. Temporary Construction Easement. During the period of construction or installation of improvements within the Property, the Utility shall have a Temporary Construction Easement over those portions of the Property located within 20 feet of the Utility Easement Area for the purpose of transporting equipment and materials in connection with the construction or installation of improvements within the Property. The Temporary Construction Easement shall expire on the earlier to occur of (a) completion of installation as contemplated in Section 1 above, or (b) the Final Completion Date as specified in Section 1 above.

3. Indemnification. The Utility shall indemnify the Owner from and against all loss, costs (including reasonable attorney fees), injury, death, or damage to persons or property that at any time during the term of this Agreement may be suffered or sustained by any person or entity in connection with the Utility's activities conducted on the Property,

Recording Area

Name and Return Address

City Attorney
100 State Street
Beloit, WI 53511

Parcel Identification Number (PIN)

This is not homestead property.

regardless of the cause of the injury, except to the extent caused by the gross negligence or misconduct of the Owner or its agents or employees.

4. Consistent Uses Allowed. The Owner reserves the right to use the Easement and the Temporary Construction Easement for purposes that will not interfere with the Utility's full enjoyment of the Easement rights granted in this Agreement. The Owner specifically reserves the right to alter and improve the surface area of the Easement for purposes consistent with use of the Property as a park, and the Utility agrees that the elevation of the surface area may be increased, but not permanently decreased, that paved bike paths and walkways may be installed, and landscaping consistent with park purposes may occur. Owner agrees that it will not install any playground equipment nor will it erect any permanent buildings, such as park shelters, within the surface area of the Easement.

5. General Compliance. The Utility, at its own expense, and with all due diligence, shall observe and comply with all laws, ordinances, rules, and regulations which are now in effect or may later be adopted by any governmental authority, and which may be applicable to the Utility Easement Area or any improvement on it or any use of it.

6. Environmental Laws. In furtherance and not in limitation of the foregoing paragraph, the Utility must, at its own expense, comply with all laws, ordinances, regulations and administrative agency or court orders relating to health, safety, noise, environmental protection, waste disposal, hazardous or toxic materials, and water and air quality. In the event any discharge, leakage, spillage, emission or pollution of any type occurs caused by the Utility upon or from the Utility Easement Area the Utility shall immediately notify Owner and shall, at the Utility's own expense, clean and restore the Utility Easement Area to the satisfaction of the Owner and any governmental body or court having jurisdiction of the matter.

7. Disturbance of Surface and Restoration of Surface. The Utility shall restore the surface disturbed by any construction or maintenance of any equipment located within the Easement or the Temporary Construction Easement to its condition before the disturbance. In no case shall the Utility disturb any trees nor shall any underground boring activities be done in such a fashion as to damage the root systems of any trees or otherwise damage the viability of the trees.

8. Covenants Run with Land. All terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the Owner and the Utility and their respective successors and assigns. The party named as Owner in this Agreement and any successor or assign to the Owner as fee simple owner of the Property shall cease to have any liability under this Agreement with respect to facts or circumstances arising after the party has transferred its fee simple interest in the Property.

9. Non-Use. Non-use or limited use of the Easement or Temporary Construction Easement rights granted in this Agreement shall not prevent the benefiting party from later use of the Easement or Temporary Construction Easement rights to the fullest extent authorized in this Agreement.

10. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

11. Entire Agreement. This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this Agreement and duly recorded in the office of the Register of Deeds of Rock County, Wisconsin.

12. Notices. All notices to either party to this Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party's last known address. If the other party's address is not known to the party desiring to send a notice, the party sending the notice may use the address to which the other party's property tax bills are sent. Either party may change its address for notice by providing written notice to the other party.

13. Invalidity. If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

14. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

15. Enforcement. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the nonprevailing party.

16. No Public Dedication. Nothing in this Agreement shall be deemed a gift or dedication of any portion of the easements granted under this Agreement to the general public or for any public purpose whatsoever.

Dated: _____

OWNER:

CITY OF БЕЛОIT

By: _____
Larry N. Arft, City Manager

ATTEST:

By: _____
Rebecca S. Houseman, City Clerk

UTILITY:

CHARTER CABLE PARTNERS, LLC, d/b/a
CHARTER COMMUNICATIONS

By: _____
(signature)

(print name)

Its _____
(print title)

ATTEST:

By: _____
(signature)

(print name)

Its _____
(print title)

STATE OF WISCONSIN)
)SS
COUNTY OF ROCK)

Personally appeared before me this _____ day of _____, 2011, the above-named Larry N. Arft, City Manager and Rebecca S. Houseman, City Clerk, to me known to be such City Manager and Clerk of the City of Beloit, and to me known to be the persons who executed the foregoing instrument as such officers of said City, by its authority.

Notary Public, Rock County, Wisconsin
My Commission is permanent
or expires:_____

STATE OF WISCONSIN)
)SS
COUNTY OF ROCK)

Personally appeared before me this _____ day of _____, 2011, the above-named _____ [name & title] and _____ [name & title], and to me known to be such _____ [title] and _____ [title] of Charter Cable Partners, LLC, d/b/a Charter Communications and to me known to be the persons who executed the foregoing instrument and acknowledged the same.

(Signature)

[SEAL]

(Printed Name)
Notary Public, Rock County, Wisconsin
My commission is permanent. If not, state
expiration date:_____

This document was drafted by:
Thomas R. Casper, City Attorney
100 State Street
Beloit, WI 53511
tdh/files/10-1205/Easement=110510 1504 (cln)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Perpetual Sidewalk Easement between Amusement Brokers Ltd and the City of Beloit – Council Referral to the Plan Commission

Date: May 16, 2011

Presenter(s): David Botts

Department: Public Works

Overview/Background Information:

This year the Engineering Division will be reconstructing a portion of Shirland Avenue near City Hall. As part of the project, a new sidewalk will be installed on the south side of Shirland Avenue from the intersection of State Street and Shirland Avenue to Subway.

Key Issues (maximum of 5):

- The only way to connect the new sidewalk on the south side of Shirland Avenue with the sidewalk on the west side of Blackhawk Boulevard/State Street is to acquire an easement from Amusement Brokers, Ltd., the owner of 28 State Street.
- The property owner has agreed to the Perpetual Sidewalk Easement, which is attached to this report.
- According to State Statutes, the Plan Commission must make a recommendation to the City Council regarding any proposed easement before the City Council may take action on accepting an easement involving the City.
- After Plan Commission has reviewed the Perpetual Sidewalk Easement, it will come back to City Council for final approval.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #4.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – This will provide an additional pedestrian connection to existing bike-pedestrian network. This will allow pedestrians to travel safely on the south side of Shirland Avenue.

Action required/Recommendation:

- Referral to the Plan Commission for the May 18, 2011 meeting
- This item will most likely return to the City Council on June 6, 2011

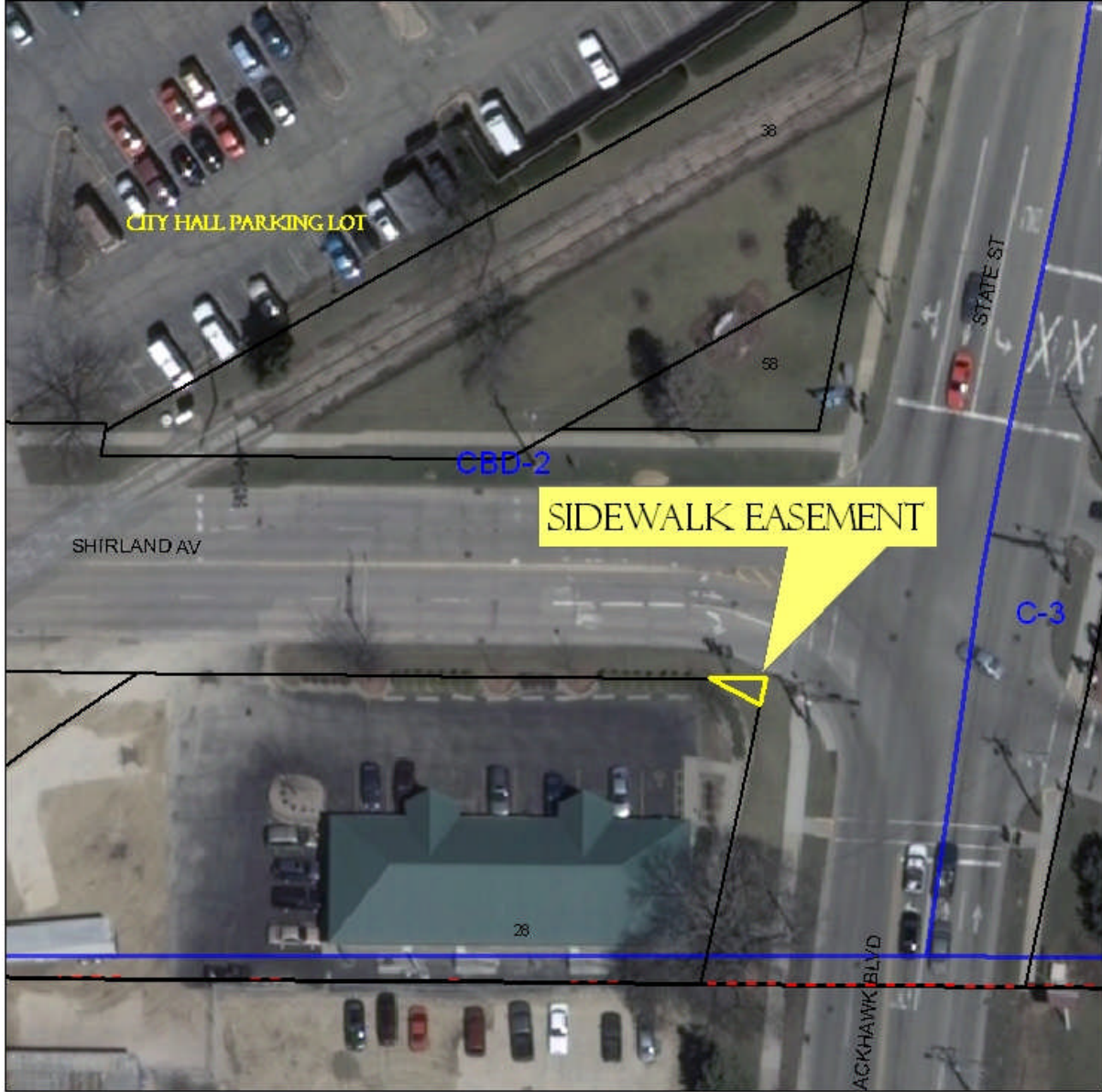
Fiscal Note/Budget Impact: N/A

Attachments: Location and Zoning Map; Perpetual Sidewalk Easement

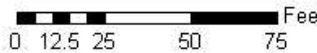
Location & Zoning Map

28 State Street

RPB-2011-03



1 inch = 45 feet



Legend

- COB Parcels
- City Limits
- Zoning District

Map prepared by: Julie Christensen
Date: May 2011
For: City of Beloit, Neighborhood Planning
Date of Aerial Photography: April 2008

NEIGHBORHOOD PLANNING DIVISION

**PERPETUAL SIDEWALK
EASEMENT**

Document Number

Document Title

This Agreement is made this ____ day of _____, 2011, by and between Amusement Brokers, Ltd., and the City of Beloit, a Wisconsin municipal corporation, hereinafter referred to as the "CITY".

Amusement Brokers, Ltd., in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants to the CITY, a perpetual sidewalk easement over certain land owned by Amusement Brokers, Ltd., described as follows:

A triangle of land in the NE corner of Lot 103, Goodhue's Subdivision, being 25.00 feet along the Shirland Avenue Right-of-way, 10.00 feet along the State Street Right-of-way, and 25.08 feet more or less along the diagonal, containing 122.68 square feet.

Amusement Brokers, Ltd., authorizes the CITY to enter the easement area for the purpose of initial construction of a new sidewalk. Amusement Brokers, Ltd., its successors and assigns, agree to be bound by the provisions of Wisconsin Statutes §66.0907 regarding public sidewalks as though this sidewalk were in the public right-of-way.

This space is reserved for recording data

Return to
City Engineer
City of Beloit
2400 Springbrook Court
Beloit, WI 53511

Parcel Identification Number/Tax Key Number
1354-0040

(Signature)

Amusement Brokers, LTD., John Patch,
President

(Print Name)

(Date)

State of Wisconsin)
) ss.
_____ County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

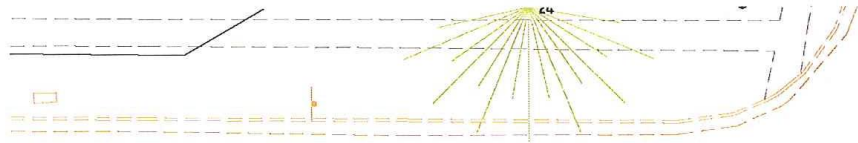
(Date Commission Expires)

(Print or Type Name, Notary Public, State of Wisconsin)

Project ID C11-14

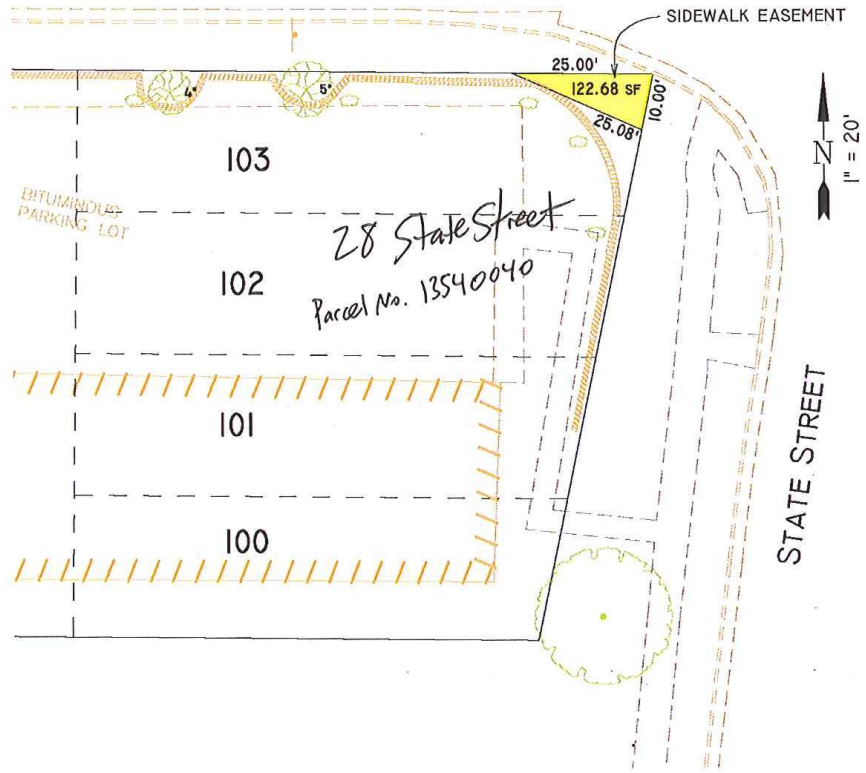
This instrument was drafted by City of Beloit

Parcel No. A



CONCRETE PAVEMENT BITUMINOUS

SHIRLAND AVENUE



Project ID C11-14

This instrument was drafted by City of Beloit

Parcel No. A

**RESOLUTION APPROVING TEMPORARY CLASS "B"/"CLASS B" RETAILER'S
LICENSE FOR VISIT BELOIT**

WHEREAS, Visit Beloit has applied for a Temporary Class "B"/"Class B" Retailer's License to allow them to possess, serve and sell beer and wine on May 24, 2011, at 500 Public Avenue; and

WHEREAS, according to State Statute 125.68(3), City Council action is necessary to approve this application because of proximity to church and school; and

WHEREAS, the Beloit City Council and the City of Beloit are supportive of Visit Beloit.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit approves the application for the temporary license.

Dated this 16th day of May 2011.

Kevin D. Leavy, Council President

Attest:

Rebecca S. Houseman, City Clerk

APPLICATION FOR TEMPORARY CLASS "B"/"CLASS B" RETAILER'S LICENSE

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00 pd Application Date: 5-9-11

Town Village City of Beloit County of Rock

The named organization applies for: (check appropriate box(es))

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
 - A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stat.
- at the premises described below during a special event beginning MAY 20 and ending MAY 21 ²⁰¹¹ and agrees to comply with all law, resolution, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. ORGANIZATION (check appropriate box) Bona fide Club Church Lodge/Society Veteran's Organization Fair Association

(a) Name Visit Beloit
 (b) Address 500 Public Ave
(Street) Town Village City
 (c) Date organized _____
 (d) If corporation, give date of incorporation _____
 (e) Names and addresses of all officers:
 President Nancy Heidt 400 Broad St. Beloit, WI
 Vice President Deanna Watts 5408 Arnold Ct, Rockford, IL 61108
 Secretary Brenda Gould 2790 Milwaukee Rd. Beloit, WI
 Treasurer Brenda Gould 2790 Milwaukee Rd. Beloit, WI
 (f) Name and address of manager or person in charge of affair: Deb Frederiksen, 500 Public Ave. Beloit, WI 53511

2. LOCATION OF PREMISES WHERE BEER AND/OR WINE WILL BE SOLD:

(a) Street number 500 Public Ave. - Must have Council Approval
 (b) Lot _____ Block _____
 (c) Do premises occupy all or part of building? Part of building
 (d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover:

3. NAME OF EVENT

(a) List name of the event Beloit Art Walk
 (b) Dates of event MAY 20-21

DECLARATION

The Officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.

Officer <u>Nancy K. Heidt</u> <small>(Signature/date)</small> Officer <u>Deanna Watts 5-6-11</u> <small>(Signature/date)</small>	<p style="text-align: center;"><u>Visit Beloit</u> <small>(Name of Organization)</small></p> Officer <u>Brenda Gould</u> 5/5/11 <small>(Signature/date)</small> Officer <u>Brenda Gould</u> 5/5/11 <small>(Signature/date)</small>
---	---

Date Filed with Clerk 5-9-11 Date Reported to Council or Board _____
 Date Granted by Council 5-16-11 License No. _____

**RESOLUTION APPROVING CLASS "A" BEER AND
"CLASS A" LIQUOR LICENSE**

WHEREAS, an application has been received for a Class "A" Beer and "Class A" Liquor License for Emad Qutoum, d/b/a Liberty Mart; and

WHEREAS, the Alcohol Beverage License Control & Advisory Committee recommends approval of the Class "A" Beer and "Class A" Liquor License, and

NOW, THEREFORE, BE IT RESOLVED that the Class "A" Beer and "Class A" Liquor License for Emad Qutoum, d/b/a Liberty Mart, located at 412 Liberty Avenue is hereby approved.

Dated this 16th day of May 2011.

Kevin D. Leavy, Council President

Attest:

Rebecca S. Houseman, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council

FROM: Alcohol Beverage License Control Committee

DATE: May 10, 2011

SUBJECT: Liberty Mart License

The Alcohol Beverage License Control Committee recommends to the Beloit City Council the approval of the Class "A" Beer and "Class A" Liquor License application of Emad Qoutoum, d/b/a Liberty Mart, 412 Liberty Avenue for the license period ending June 30, 2011.

Recommendation for approval carried 5-0.

Rebecca S. Houseman
City Clerk

ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning _____ 20 11 ;
ending _____ 20 11

TO THE GOVERNING BODY of the: Town of } BELOIT
 Village of }
 City of }

County of ROCK Aldermanic Dist. No. _____ (if required by ordinance)

Applicant's Wisconsin Seller's Permit Number: <u>456-0000328911-03</u>	
Federal Employer Identification Number (FEIN): <u>208133793</u>	
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$ <u>500</u>
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Wholesale beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ <u>500</u>
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>50</u>
TOTAL FEE	\$

1. The named INDIVIDUAL PARTNERSHIP LIMITED LIABILITY COMPANY
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): QUTUUM, EMAD, LUTFI

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

3. Trade Name LIBERTY MART Business Phone Number (608) 365-1773
4. Address of Premises 412 Liberty Avenue Post Office & Zip Code Beloit, WI 53511

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration. Yes No
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) One story building - Retail sales area & storage room.

10. Legal description (omit if street address is given above): _____ Yes No
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? _____
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] Yes No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] Yes No
14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s) granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME
this 25th day of January, 20 11

And C. Banach
(Clerk/Notary Public)
My commission expires is permanent

[Signature]
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk <u>3-23-11</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) (first name) (middle name) QUTOUM, EMAD LUTFI			Social Security Number		
Home Address (street/route) 1997 Lane Drive		Post Office Beloit	City Beloit	State WI	Zip Code 53511
Home Phone Number (608) 365-1773		Age	Date of Birth		Place of Birth Kuwait

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an individual.
- A member of a partnership which is making application for an alcohol beverage license.
- _____ of _____
(Officer/Director/Member/Manager/Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)
- which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? since July, 1998
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.) Two separate citations for "Sale of Alcohol to Minor" in 2009. Both were City of Beloit (SEE REVERSE SIDE)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. _____
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer license; brewery/winery permit or wholesale liquor manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address by City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name Self-Employed	Employer's Address 412 Liberty Ave. Beloit, WI 53511	Employed From July, 1998	To Present
Employer's Name No Other Employer	Employer's Address	Employed From	To

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me
this 25th day of January, 2011
David C. Shugart
(Clerk/Notary Public)

Emad Lutfi
(Signature of Named Individual)

My commission expires is permanent



#2 Continued

citations and are identified as follows:

① Case # N1147159

Guilty plea and judgment in Beloit Municipal Court 12/10/2009.

The penalty imposed was a fine.

② Case # N1058672

Guilty plea and judgment in Beloit Municipal Court 6/11/09.

I had a similar "Sale of Alcohol to Minor" citation in the City of Beloit Municipal Court in 2001 — 8 years earlier. I also paid a fine for that citation in 2001.

These are the only violations that I can remember.

May 16, 2011

**APPOINTMENT REVIEW COMMITTEE
REPORT TO CITY COUNCIL
APPOINTMENT RECOMMENDATION**

The undersigned Kevin D. Leavy, duly elected President of the Beloit City Council, subject to confirmation by the Beloit City Council, does hereby appoint the following citizen members to the vacancies and terms indicated below, said appointments being pursuant to nominations made and approved by the Appointment Review Committee at the regular meeting held May 9, 2011:

Kevin D. Leavy, President
Beloit City Council

Appointments

Appointment Review Committee

Marlene Erickson, 2227 Moccasin Trail (replacing Gary Gard) for a term expiring
December 31, 2013

Merlin Kenitzer, 3488 Field Crest Ct. (replacing Duane Aimers) for a term expiring
December 31, 2012

Board of Appeals

Randall L. Fiore, 2544 Edgewood Dr. (replacing David G. Baker) for a term expiring
May 31, 2014

PLEASE ANNOUNCE THE FOLLOWING VACANCIES

Alcohol Beverage License Control Committee (1 vacancy for resident)
Board of Appeals (1 vacancy as alternate)
Board of Ethics (1 vacancy for former City Councilor)
Board of Review (2 vacancies [as Alternate] for residents)
Disabled Parking Enforcement Assistance Council (3 vacancies for residents with disabled plates)
Equal Opportunities and Human Relations Commission (1 vacancy for resident)
Landmarks Commission (1 vacancy for resident)
Municipal Golf Committee (1 vacancy for youth representative)
Municipal Library Board (2 vacancies for residents)
Plan Commission (1 vacancy for resident)
Police and Fire Commission (1 vacancy for resident)

**RESOLUTION APPROVING A LEASE AGREEMENT
FOR A PORTION OF THE PARKING LOT
LOCATED AT 321 STATE STREET**

WHEREAS, the City of Beloit previously approved a Land Contract sale of 328 State Street to Jackie Gennett and Rich Horbaczewski (hereinafter “Owners”) by Council resolution on August 2, 2010; and

WHEREAS, the Owners, who do business as Bushel & Peck’s, have approached the City regarding their desire to construct a pergola directly behind the building at 328 State Street on an 9-foot wide parcel of land immediately adjacent along the rear of the building; and

WHEREAS, the attached Lease Agreement accommodates the Owners’ desire to improve their property and would result in an ultimate conveyance of the parcel to them at such point that the City issues a deed and satisfaction of the Land Contract.

NOW, THEREFORE, the attached Lease Agreement is hereby approved, and the City Manager is hereby authorized to execute the same and to do all other things necessary and appropriate to carry out the purposes of this resolution.

Adopted this 16th day of May, 2011.

City Council of the City of Beloit

Kevin D. Leavy, President

Attest:

Rebecca S. Houseman, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Lease a portion of the Mill Street Parking Lot to Bushel and Peck's

Date: May 16, 2011

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

On March 4, 2008, the City entered into a lease agreement with Jackie Gennett and Rich Horbaczewski, the owners of Bush and Peck's, regarding the property located at 328 State Street. This lease agreement incorporated a purchase option. Then on August 2, 2010, the City Council approved the land contract sale of 328 State Street to Jackie Gennett and Rich Horbaczewski. This spring, the owners approached City Planning staff regarding their desire to construct a pergola directly behind the building located at 328 State Street, and City Planning staff determined that there is no land to the rear of the building which is owned by Jackie Gennett and Rich Horbaczewski. The land directly to the rear of their building is owned by the City of Beloit.

Key Issues (maximum of 5):

- Jackie Gennett and Rich Horbaczewski are interested in leasing a portion of the Mill Street Parking Lot which is located immediately to the rear of the building located at 328 State Street to allow them to construct a pergola directly behind their building. Attachment A includes the e-mail request sent by Jackie Gennett and the accompanying photo of a pergola. Their proposal would be to construct a less ornate pergola as indicated in the e-mail.
- This portion of the parking lot they wish to lease is outlined on the map contained in the proposed lease agreement labeled Exhibit C. The area is approximately 9 feet by 55 feet and is described in the attached lease agreement.
- This portion of the parking lot is not used for parking purposes. It is a small area directly behind the building, and similar small areas can be found behind other buildings located on State Street.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #4.

Sustainability (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – The proposed lease agreement will meet the present and future needs of Bushel and Peck's.

Action required/Recommendation:

- Consideration of the attached resolution and lease agreement.
-

Fiscal Note/Budget Impact:

- Not Applicable

Attachments:

- Attachment A: E-mail from Jackie Gennett and Photo
- Lease Agreement

Attachment A

From: jackie gennett [mailto:jackie@bushelandpecks.com]

Sent: Wednesday, April 13, 2011 7:02 PM

To: Pennington, Drew

Subject: Space Behind B&P

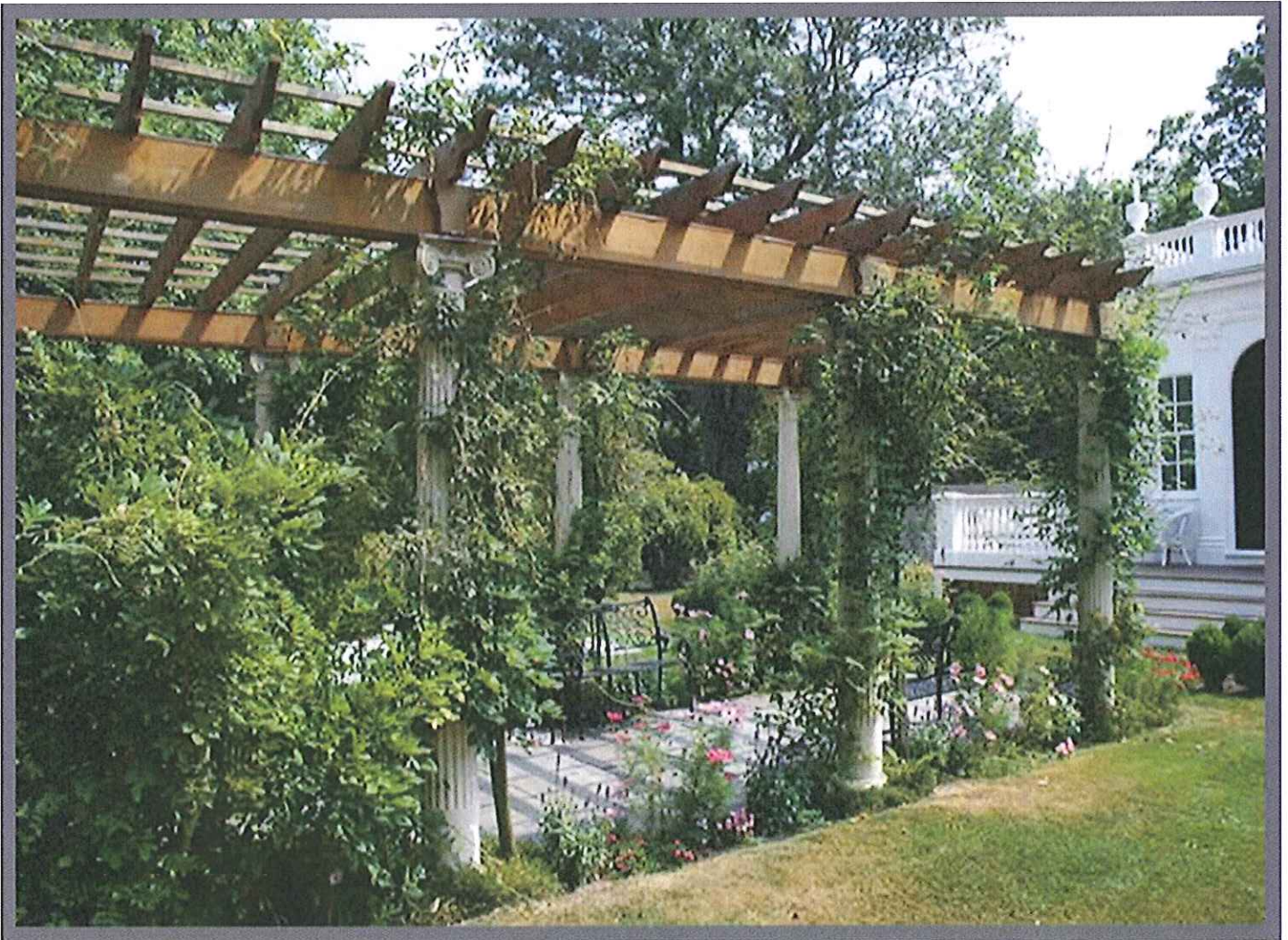
Hi Drew,

Spoke to Larry today and he said I should forward this request to you. As you know we would like to move it along the process as soon as possible.

We would like to request that we enter into a lease for the space behind Bushel & Peck's, which is the dirt and cement between the building and the sidewalk. I estimate the space measures 55 by 9 feet.

We would be installing a pergola, less ornate than the photo attached, but similar in spirit. A hand drawing will be available early next week.

Let me know next steps. Thanks - Jackie



LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter the "Lease") is made as of this _____ day of _____, 2011, between the City of Beloit (hereinafter "City" or "Landlord") and Jackie Gennett and Rich Horbaczewski (hereinafter "Tenant"), jointly and severally.

WHEREAS, the City is the owner of the public parking lot located at 321 Broad Street in the City of Beloit, Rock County, Wisconsin (hereinafter the "Parking Lot"); and

WHEREAS, the Parking Lot is further described on Exhibit A (legal description and tax parcel number) and shown on Exhibit B (map) attached hereto and incorporated herein by reference; and

WHEREAS, Tenant would like to lease a 9-foot strip of land along and immediately adjacent to the rear of the building located at 328 State Street to allow for the installation of a pergola in the City's Parking Lot; and

WHEREAS, the 9-foot strip of land along the rear of the building located at 328 State Street is described on Exhibit C and shown on Exhibit D (map) attached hereto and incorporated herein by reference; and

WHEREAS, the City Council of the City of Beloit has determined that it is in the City's best interest to enter into this Lease with Tenant.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the City and Tenant as follows:

1. Description of Leased Premises. The City hereby agrees to lease to Tenant and Tenant hereby agrees to lease from the City the parcel described on Exhibit C and shown on Exhibit D, which is 9 feet in width along the rear of the building located at 328 State Street in the Parking Lot described on Exhibit A and shown on Exhibit B, for the installation of a pergola.

2. Term of Lease. The term of this Lease shall be for the period of time that the Land Contract between the parties hereto for the property at 328 State Street remains in effect and the Purchaser/Tenant is not in default thereunder. Said Land Contract was dated August 5, 2010 and was recorded with the Register of Deeds for Rock County on August 9, 2010, as Document No. 1898179. Should Tenant default on said Land Contract, this Lease shall also be considered in default and shall come to an end. Any personal property, equipment or fixtures left upon the leased premises upon such termination shall be deemed to be the property of the City with no duty of the City to account to Tenant for its disposition. Should the City incur any costs in the disposition of any such property, including any pergola erected hereunder, it may charge the cost of removal thereof to Tenant and said amount shall be payable 30 days after said charge is made. Upon the timely satisfaction of all of the Purchaser's obligations under said Land Contract, the City shall convey the leased parcel herein to the Purchaser/Tenant.

3. Use of Premises. Tenant may install a pergola within the leased area described on Exhibit C and shown on Exhibit D. Tenant may also use the paved portion of the Parking Lot immediately surrounding the leased space for the purpose of repairing, maintaining and replacing the pergola during the term of this Lease. Tenant shall not occupy the space surrounding the leased space for more than four (4) consecutive hours at a time.

4. Public Parking Lot. So long as the City uses the remainder of the Parking Lot area described on Exhibit A and shown on Exhibit B as a parking lot, it shall remain open for public use at all times. The City reserves the right to change the use of the Parking Lot or portions thereof from time to time. Tenant shall not take any action which would prohibit the public from using the Parking Lot or that would suggest to the public that the Parking Lot is not open to the public. Tenant and its officers, employees or agents, shall not have the right to designate any of the parking spaces in the Parking Lot described on Exhibit A and shown on Exhibit B as reserved for Tenant, its officers, directors, employees, agents or guests.

5. Lease Payments. Tenant shall pay the City no rent during the term of this Lease.

6. Maintenance of Pergola. Tenant shall construct the pergola in a workman like manner and shall maintain the structure in good repair during the term of this Lease.

8. Applicable Law. This Lease shall be governed by and construed in accordance with the laws of the State of Wisconsin.

9. Amendments. No amendments to this Lease shall be binding upon any party hereto until such amendment is reduced to writing and executed by the parties.

10. Entire Agreement. This Lease contains the entire agreement of the parties regarding this transaction. All prior negotiations and discussions have been merged into this Lease.

11. Indemnification. Tenant, its successors and assigns shall indemnify, defend and hold the City, its officers, agents and employees harmless from any liability for any claims, including attorney's fees arising out of the acts or omissions of Tenant, its officers, agents or employees using the City's Parking Lot.

12. Notices. Notices to each of the parties shall be as follows:

TO THE CITY: Attention: City Manager
 City of Beloit
 100 State Street
 Beloit, WI 53511

TO TENANT: Bushel & Peck's
 Attention: Jackie Gennett and Rich Horbaczewski
 328 State Street
 Beloit, WI 53511

13. Assignment. Tenant may not assign its interest in this Lease to a third party without the prior written consent of the City.

14. At such time, if any, that the City issues a deed and satisfaction of the Land Contract referred to in Paragraph 2 above, Tenant shall have the option to have the parcel being leased herein added to the description conveyed. In order to exercise said option, Tenant shall be responsible for obtaining a certified survey map creating a single lot, combining the parcel subject to the Land Contract and the parcel being leased herein. Any costs related to such certified survey map shall be entirely the cost of Tenant. Tenant shall not be obligated to pay any further amounts for the conveyance of the leased parcel other than the amounts already called for under said Land Contract and any costs associated with the certified survey map.

Dated this _____ day of _____, 2011.

LANDLORD:

TENANT:

City of Beloit

Jackie Gennett

By: _____
Larry N. Arft, City Manager

ATTEST:

By: _____
Rebecca Houseman, City Clerk

Rich Horbaczewski

APPROVED AS TO FORM:

By: _____
Thomas Casper, City Attorney

Tdh/files/07-1242/lease 110506 1443 (cln)(for pergola)

Exhibit A

Description of Public Parking Lot

Address: 321 Broad Street
Beloit, WI 53511

Tax Parcel No.: 206-1354-0226

Legal Description: Part of Lots 1, 2, and 3 of Block 59 of the Original Plat, Lots 3 and 4 of Certified Survey Map, Volume 9, Pages 119-120, Part of Lots 5 and 6 of Block 59 of the Original Plat, and Also that part of Public Landing. Containing 1.316 acres.

Exhibit B

Location of Parking Lot

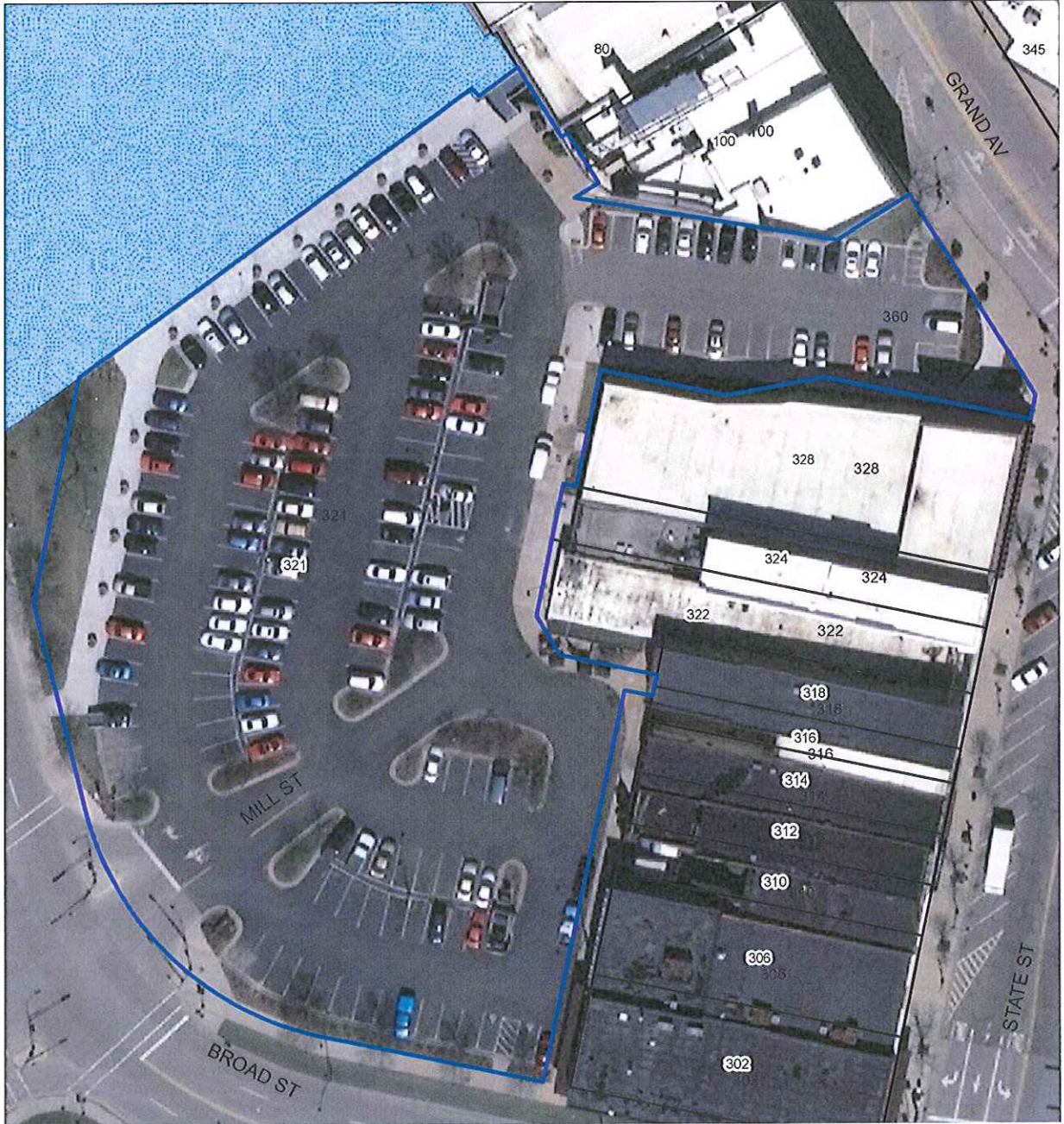


Exhibit C

Description of Leased Space in Parking Lot

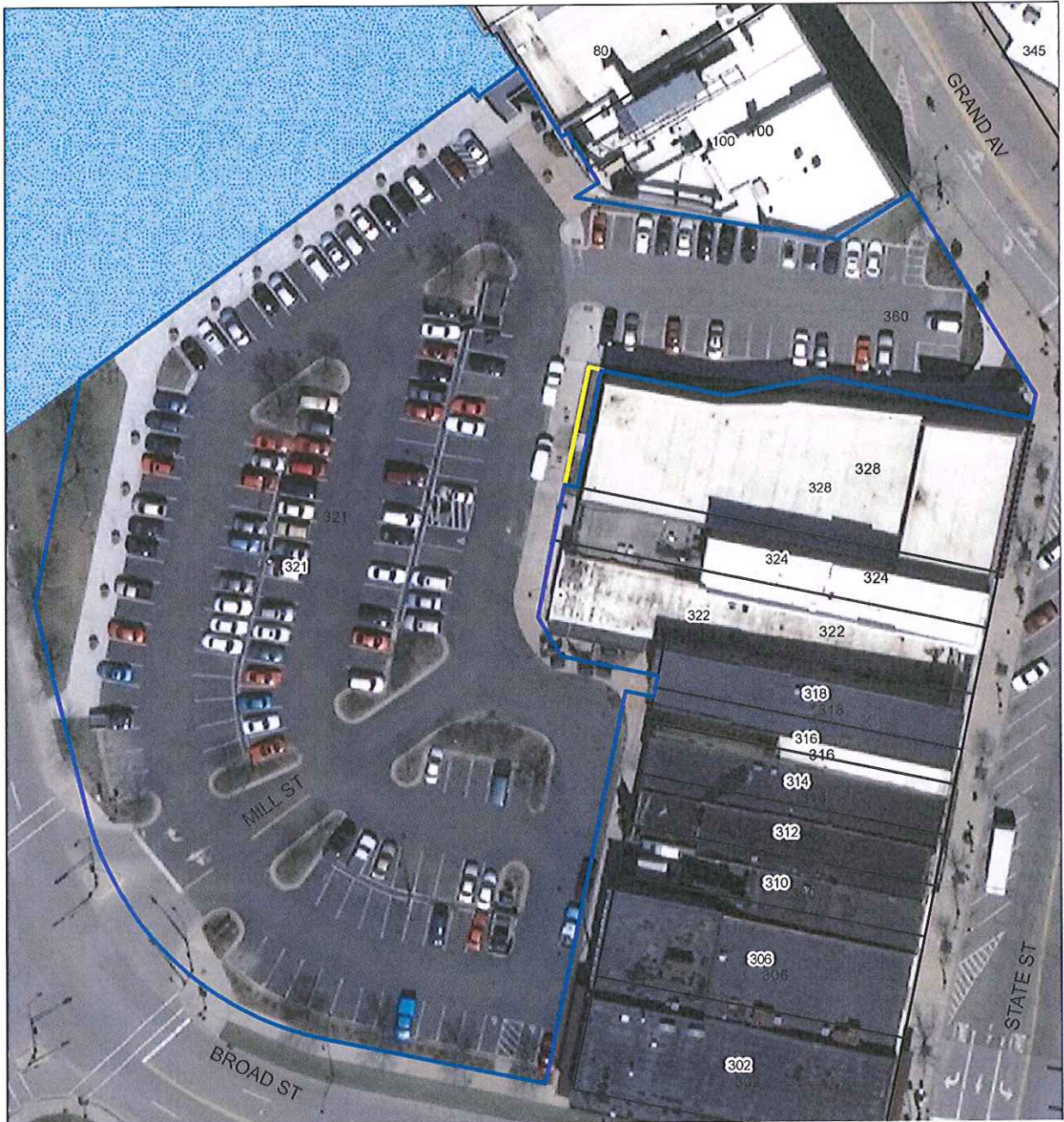
Address: Adjacent to 328 State Street
 Beloit, WI 53511

Tax Parcel No. for 328 State Street: 206-13540280

Beginning at the Northwest corner of the building located at 328 State Street; thence running Southwesterly immediately adjacent to and along the rear of said building to the Southwesterly corner of said building; thence turning 90° to the right and proceeding Northwesterly 9' to a point; thence turning 90° to the right and proceeding Northeasterly parallel to and running 9' equidistant from the rear of said building to a point located at a right angle 9' Northwesterly from the point of beginning; thence turning 90° to the right and proceeding Southeasterly 9' to the point of beginning.

Exhibit D

Location of Leased Space in Parking Lot (Outlined in Yellow)



**RESOLUTION AMENDING THE 2011 CAPITAL IMPROVEMENT
BUDGET TO REFLECT THE INCLUSION OF THE
GATEWAY MONUMENT SIGN IMPROVEMENT**

WHEREAS, the City adopted the 2011 Capital Improvement Budget on November 1, 2010, excluding the improvement to the Gateway Monument Sign; and

WHEREAS, the letter font size on the existing Gateway Monument Sign is not considered of adequate size to be visible from the I-90/39 interstate; and

WHEREAS, the proposed improvement will increase the letter font size thereby increasing its visibility and readability; and

WHEREAS, the Gateway Monument Sign was originally constructed prior to the Gateway Business Park being certified "Shovel Ready"; and

WHEREAS, it is desirable that the Gateway Monument Sign be used to promote the Gateway Business Park as being "Shovel Ready; and

WHEREAS, the proposed improvement will include language promoting the Gateway Business Park as being "Shovel Ready".

NOW, THEREFORE, IT IS HEREBY RESOLVED that the 2011 Capital Improvement Budget is amended to appropriate additional funds, as follows.

Funding:

Fund Balance (Tax Increment District No. 10)

P5303597-4999-2011

\$13,981

Total

\$13,981

Expenditures:

Project Name

Original

Amended

Difference

Gateway Monument Sign

\$0

\$13,981

\$13,981

Improvement

Total

\$13,981

Dated at Beloit, Wisconsin, this ____ day of _____, 2011.

BELOIT CITY COUNCIL

Kevin D. Leavy, President

Attest:

Rebecca S. Houseman, City Clerk

Topic: Resolution amending the 2011 Capital Improvement Budget to reflect the inclusion of the Gateway Monument Sign improvement.

Date: 5/16/11

Presenter(s): Andrew Janke

Department(s): Economic Development

Overview/Background Information: After the Gateway Business Park was opened in 2003, the City decided to build a large-scale monument sign to draw attention and awareness of the park. The City completed construction of the Gateway Monument Sign in 2005 and located it adjacent to I-39/90 and south of Southeastern Container. The monument includes a tall industrial themed structure with two panels sighted to receive maximum exposure from the interstate. The structure and sign are illuminated by spotlights at night. After final construction, it became apparent that the scale of the letter size on the sign was not quite large enough to be easily readable while moving at high speed on the interstate. Despite this shortcoming, it was decided not to replace the sign until TID # 10 had sufficient cash reserves to pay for replacing it. Furthermore, this past fall the Gateway Business Park was designated as certified "Shovel Ready." Being only one of two sites being certified "Shovel Ready" provides the park with a considerable competitive advantage. Gateway Business Park promoters would like to use this unique designation by having a sign adjacent to the interstate promoting that fact. This creates an opportunity to resolve the readability issues and incorporates a message promoting the park as being "Shovel Ready". Since the park has seen significant development, there is sufficient cash reserves to pay for new signs. Staff is recommending that the current sign faces be replaced by the sign faces that are illustrated on the attached drawing. As the drawing illustrates, the new signs are considerably larger than the existing signs. The structure and signs are located 200 feet from the interstate centerline and according to the sign contractor's charts, lettering used for the "Gateway" text should be readable up 1,000 feet. This should resolve the readability issues. The certified "Shovel Ready" message also incorporated well into the overall design.

Key Issues (maximum of 5):

1. Total cost to replace both signs is \$18,981
2. The Greater Beloit Economic Development Corporation will contribute \$5,000 to the project.
3. TID #10 will finance the balance of \$13,981 through cash reserves
4. The contractor is ORDE Sign and Graphics of De Pere, WI.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.): This project supports Goal #2 as it is intended to enhance economic development activity as well as Goal #4 since it will support community revitalization.

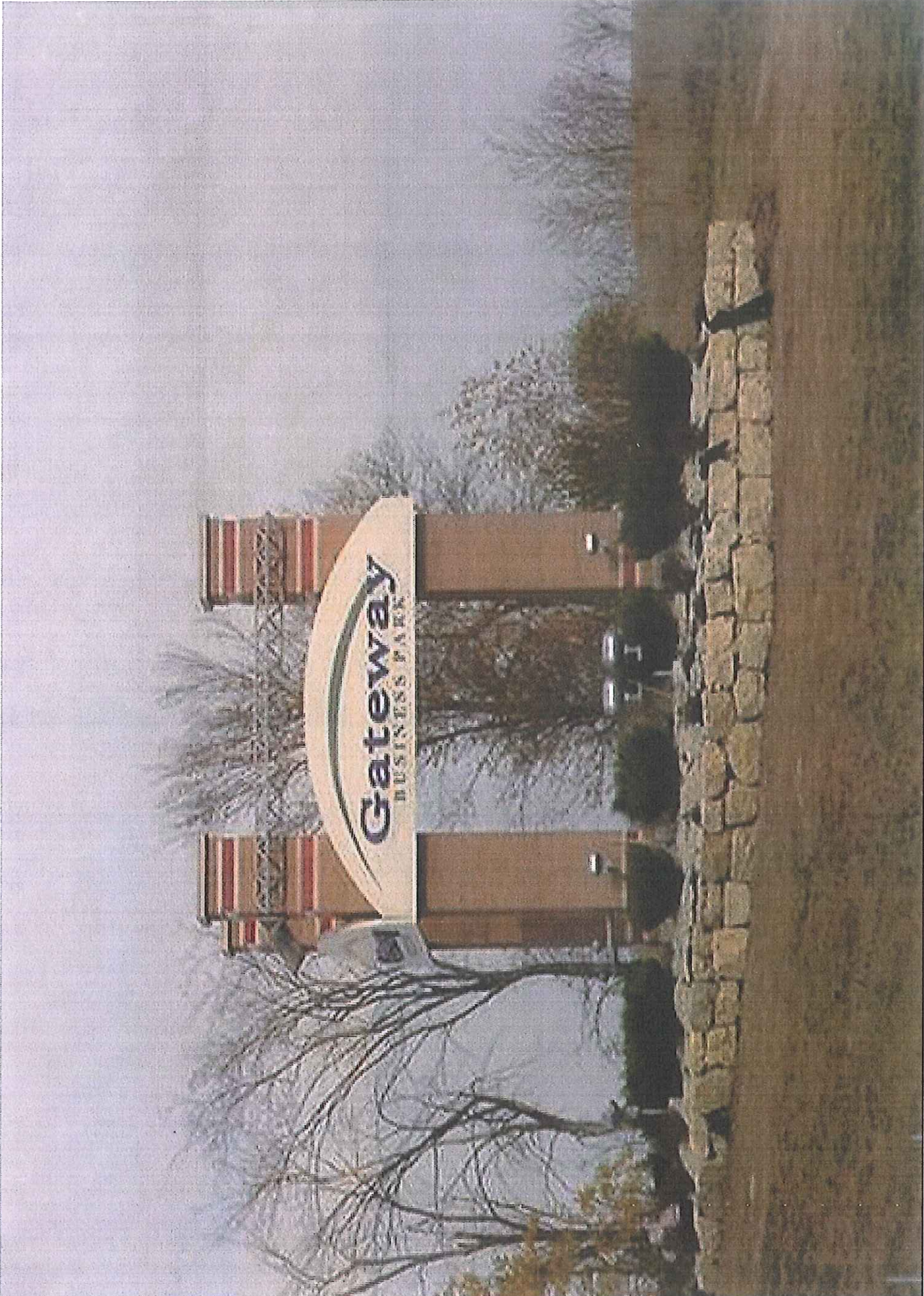
Sustainability (Briefly comment on the sustainable long-term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines.):

- **Reduce dependence upon fossil fuels**
NA
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature**
NA
- **Reduce dependence on activities that harm life sustaining eco-systems**
The proposed development will not impact wetlands or sensitive wildlife.
- **Meet the hierarchy of present and future human needs fairly and efficiently**
The project has the potential to enhance Gateway Business Park therefore will not contribute to urban sprawl.

If any of the four criteria are not applicable to your specific policy or program, an N/A should be entered in that space.

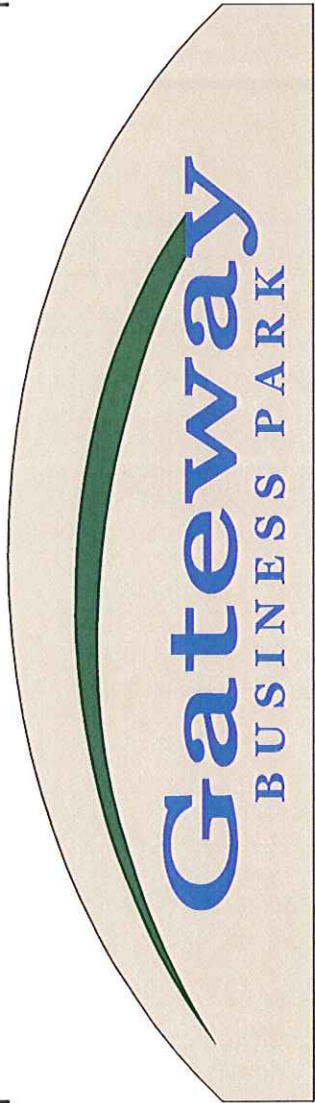
Action required/Recommendation: Staff recommends approval of the resolution.

Fiscal Note/Budget Impact: TID #10 will pay for any on-going maintenance expenses and the GBEDC will continue to pay for the electricity to illuminate the structure and sign.



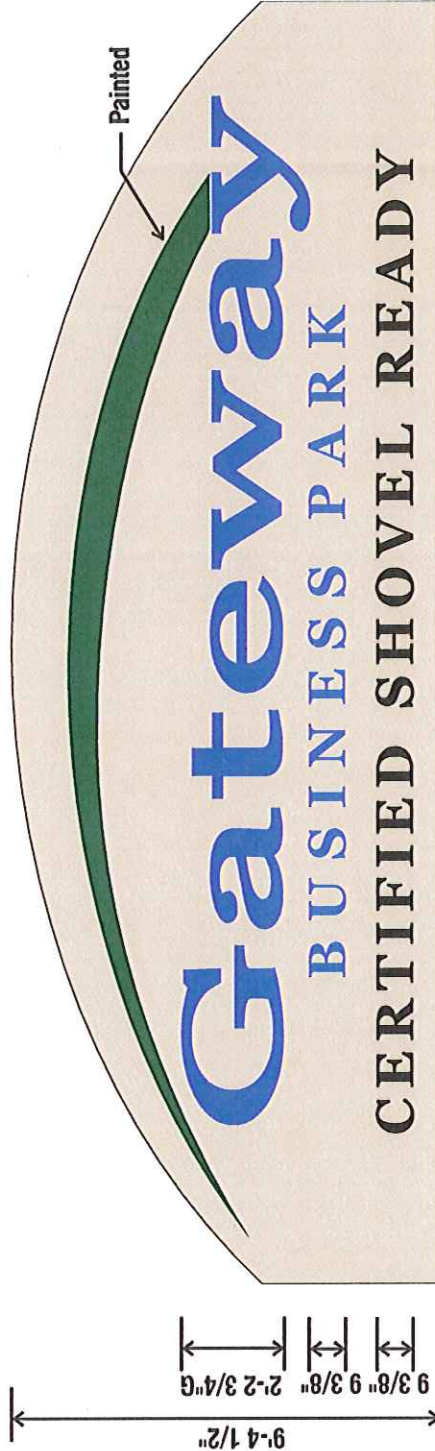
Gateway
BUSINESS PARK

23'-10"



EXISTING

27'-10"



NEW

2 S/F NON ILLUMINATED ALUMINUM CABINETS (4" DEEP) - PAINTED MP 25833
GATEWAY: FABRICATED LETTERS (2" DEPTH) - PAINTED MP 24661
BUSINESS PARK/CERTIFIED SHOVEL READY: FLAT CUT ALUMINUM LETTERS - PAINTED MP 24661 & BLACK ARCH - PAINTED MP 27540
(ALL CONNECTIONS TO EXISTING BRICK COLUMNS TO BE VERIFIED)

ORDE Sign & Graphics Inc. 1825 Nimick Drive De Pere, WI 54115 WWW.ORDSIGN.COM <small>© COPYRIGHT 2011, BY ORDE SIGN & GRAPHICS INC. ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF ORDE SIGN & GRAPHICS INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF ORDE SIGN & GRAPHICS INC. IS STRICTLY PROHIBITED.</small>	DESIGN #: 11947 CLIENT: CITY OF BELOIT ADDRESS: BELOIT, WI DATE: APRIL 13, 2011 SCALE: 1/4"=1'-0" A.C: ANDY GRYGIEL DESIGNER: JULIE MAROHL REVISOR: _____ DATE: _____	Pg.: 3	DESIGN STAGE: <input type="checkbox"/> CONCEPTUAL <input checked="" type="checkbox"/> FINAL ITEMS NEEDED: PRIOR TO FABRICATION <input checked="" type="checkbox"/> VERIFY CONNECTIONS TO EXISTING COLUMNS <input type="checkbox"/> COMPUTER FILE OF LOGO REQUIRED <input type="checkbox"/> COLORS TO BE DETERMINED	APPROVALS: WITH APPROVAL OF THIS DESIGN I HEREBY GIVE ORDE SIGN & GRAPHICS INC. THE SIGNAGE ILLUSTRATED, PRODUCTION ON & ELEVATIONS LISTED ARE CORRECT AND APPROVED. ANY CHANGES MADE AFTER PRODUCTION HAS STARTED WILL RESULT IN ADDITIONAL CHARGES. CLIENT SIGNATURE: _____ PC/ESTIMATOR SIGNATURE: _____ DATE: _____	MEMBERS OF:
	COLORS: SHOWN ON ART MAY NOT REFLECT TRUE REPRESENTATION OF ACTUAL COLORS.				