



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, February 18, 2013**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – none
4. PUBLIC HEARINGS
 - a. Public Hearing and First Reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the properties located at 545 and 549 W. Grand Avenue; 615, 619, 625, and 629 Eighth Street; 548 Locust Street; 1203, 1233, 1249, 1253, and 1257 Sixth Street; 219 and 225 North Street; and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, and 1353 Sixth Street, from the Neighborhood Commercial, Two-family, and Single-family Residential-Urban use designations, to the Institutional and Community Service use designation (Christensen)
Plan Commission recommendation for approval 5-0
 - b. Public Hearing and First Reading of a proposed Ordinance amending the City of Beloit **Comprehensive Plan** for the property located at 501 Prospect Street, from the Institutional and Community Service use designation, to the Neighborhood Commercial use designation (Christensen) Plan Commission recommendation for approval 5-0
 - c. Proposed Ordinance to amend the **Zoning District Map** of the City of Beloit to change the zoning district classification of the property located at 2208 N. Lee Lane from R-1A, Single-family Residential District, to PLI, Public Lands and Institutions District (Christensen) Plan Commission recommendation for approval 6-0
First Reading, suspend the rules for a Second Reading
 - d. Resolution authorizing a **Conditional Use Permit** to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1623 Park Avenue (Christensen) Plan Commission recommendation for denial 6-0
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 Regular Meeting of February 4, 2013 (LeMire)
 - b. Resolution approving **Change of Agent** for Speedway, LLC, d/b/a Speedway

#4293, located at 2781 Milwaukee Road, from Nancy A. Bryant to Sheryl Lynn LaTronico (LeMire) ABLCC recommendation for approval 6-0

- c. Proposed **City Center Connections Plan** (Christensen) Refer to the Plan Commission
The City Center Plan is available for review at www.ci.beloit.wi.us
- d. Application for a 2-Lot **Certified Survey Map** for the property located at 1650 Lee Lane (Christensen) Refer to the Plan Commission
- e. Resolution authorizing **Final Payment** of Public Works Contract C12-13, Colby Street Reconstruction (Flesch)
- f. Resolution authorizing **Final Payment** of Public Works Contract C12-20, McKinley Avenue Reconstruction (Flesch)
- g. Resolution authorizing **Final Payment** of Public Works Contract C12-03, West Grand Parking Lot (Flesch)
- h. Resolutions authorizing **Final Payment** of Public Works Contract C12-19, Street Resurfacing 2012-Phase II (Flesch)
- i. Resolution approving **Farm Leases** between the City of Beloit and Twin Oaks Farm (Janke)

7. ORDINANCES

- a. Presentation of a proposed **Zoning Text Amendment** creating Section 5-800 of the Zoning Ordinance, Article V, Chapter 19 of the Code of General Ordinances of the City of Beloit, to be known as the Wellhead Protection Ordinance (Mathos)
Refer to the Plan Commission

8. APPOINTMENTS -none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

- a. Presentation on the **Public Housing Redevelopment Project** (Christensen/Pollard)

11. REPORTS FROM BOARD AND CITY OFFICERS

- a. Resolution Declaring Official Intent to **Reimburse Expenditures from Proceeds of Borrowing** (York)
- b. Resolution **Rejecting all Bids** for Public Works Contract C13-04, Pohlman Field Concourse Rehab (Flesch)
- c. Resolution approving **Release of City Rights** under Development Agreements dated November 4, 1998 and April 3, 2007 and access and parking easement dated May 30, 2008, regarding property located at the Eclipse Center (Casper)

12. 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: February 13, 2013
Rebecca Houseman LeMire
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.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

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

Section 1. The Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan, adopted in §12.015 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

The future land use category of the following described land is hereby changed from Neighborhood Commercial to Institutional & Community Services:

East 33 feet of the South 132 feet of Lot 2, Pierce's Subdivision of Hackett's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 545 W. Grand Avenue, parcel number 13560970).

West 109 feet of the South 132 feet of Lot 2, Pierce's Subdivision of Hackett's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 549 W. Grand Avenue, parcel number 13560960).

South 34 feet of the North 84 feet of Lot 2, Pierce's Subdivision of Hackett's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 615 Eighth Street, parcel number 13561185).

The future land use category of the following described land is hereby changed from Single-Family Residential – Urban to Institutional & Community Services:

North 50 feet of Lot 2, Pierce's Subdivision of Hackett's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 619 Eighth Street, parcel number 13561180).

South 44.86 feet of the West 41.91 feet of Lot 74 and South 44 feet of Lot 75 of Tenney's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 625 Eighth Street, parcel number 13561175).

North 62.92 feet of Lot 75 of Tenney's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 629 Eighth Street, parcel number 13561170).

North 62.04 feet of the West 41.91 feet of Lot 74 of Tenney's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 548 Locust Street, parcel number 13561165).

The future land use category of the following described land is hereby changed from Two-Family/Townhouse Residential to Institutional & Community Services:

Lot 18, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1203 Sixth Street, parcel number 12640535).

South 15 feet of Lot 13 and North 33 feet of Lot 14, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1233 Sixth Street, parcel number 12640615).

South 40.75 feet of Lot 11, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1249 Sixth Street, parcel number 12640600).

South 15.75 feet of Lot 10 and North 25.25 feet of Lot 11, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1253 Sixth Street, parcel number 12640595).

North 50.25 feet of Lot 10, Block 6 of Noggle's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1257 Sixth Street, parcel number 12640590).

The future land use category of the following described land is hereby changed from Single-Family Residential – Urban to Institutional & Community Services:

East 49 feet of Lot 23 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 219 North Street, parcel number 12630110).

Lot 22 and West 8 feet of Lot 23 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 225 North Street, parcel number 12630105).

Lot 21 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1313 Sixth Street, parcel number 12630230).

Lot 20 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1317 Sixth Street, parcel number 12630225).

Lot 19 and part of Lot 18 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1323 Sixth Street, parcel number 12630220).

Part of Lot 18 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1327 Sixth Street, parcel number 12630215).

Part of Lot 17 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to

the City of Beloit, County of Rock, State of Wisconsin (also known as 1333 Sixth Street, parcel number 12630210).

Lot 16 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1339 Sixth Street, parcel number 12630205).

Lot 15 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1343 Sixth Street, parcel number 12630200).

Lot 10 and East 19.99 feet of Lot 11, now known as Parcel B of Plat of Survey Recorded 7/18/2006 as Document No. 1757726 and Lot 14 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1349 Sixth Street, parcel number 12630195).

West 30.02 feet of Lot 11, now known as Parcel A of Plat of Survey Recorded 7/18/2006 as Document No. 1757726 and Lots 12 & 13 of Dow's Subdivision of Blocks 3 and 4 of Dow's Addition to the City of Beloit, County of Rock, State of Wisconsin (also known as 1353 Sixth Street, parcel number 12630190).

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

Adopted this _____ day of _____, 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

Published this _____ day of _____, 2013.

Effective this _____ day of _____, 2013.

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Comprehensive Plan Amendments

Date: February 18, 2013

Presenter(s): Julie Christensen

Department(s): Community Development

Overview/Background Information:

The School District of Beloit has submitted an application requesting several amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

Key Issues (maximum of 5):

- The applicant is requesting the following amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:
 - 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
 - 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
 - 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
 - 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.
 - The proposed amendments for the properties on W. Grand Avenue, Eighth Street, and Locust Street are related to the proposed expansion of Hackett Elementary School, as illustrated on the attached preliminary site plan. The proposed amendments are compatible with the existing and planned land uses in the vicinity and will facilitate a significant improvement and expansion of this elementary school site.
 - The proposed amendments for the properties on Sixth Street and North Street are related to the proposed expansion of the adjacent BMHS campus. This expansion will also require the vacation of an unnamed alley. The proposed amendments are compatible with the existing and planned residential uses in the vicinity and will facilitate a logical westward expansion of the BMHS campus.
 - The Plan Commission held a public hearing to consider the requested amendments on January 9, 2013 and voted unanimously (5-0) to adopt the attached Resolution, which recommends approval of the requested amendments to the Comprehensive Plan.
-

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 #5*.
-

Sustainability:

- **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 1st reading of the proposed Ordinance
-

Fiscal Note/Budget Impact: The subject properties are (or will become) tax-exempt, so the proposed amendments will reduce the overall tax base.

Attachments: Ordinance, Plan Commission Resolution, Public Notice, and Staff Report to the Plan Commission.

**RESOLUTION
RECOMMENDING APPROVAL OF AMENDMENTS TO THE
CITY OF BELOIT COMPREHENSIVE PLAN**

WHEREAS, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on January 23, 2008, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on March 17, 2008; and

WHEREAS, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

WHEREAS, "Amendments" are generally defined as minor changes to the Plan's maps or text; and

WHEREAS, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and


WHEREAS, the approved process directs the Plan Commission to hold a public meeting on the proposed amendments, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
2. 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
3. 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
4. 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.

Adopted this 9th day of January, 2013.

ATTEST:


Julie Christensen,
Community Development Director


Charles Ramsden, Plan Commission ~~Chairman~~ *Vice-Chair*
Mandell Jacobsen



NOTICE TO THE PUBLIC

January 10, 2013

To Whom It May Concern:

The City of Beloit Plan Commission has recommended approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
2. 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
3. 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
4. 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The Plan Commission's recommendation will be reviewed by the City Council, which will hold the following public hearing regarding the proposed amendments:

City Council (Public Hearing): Monday, February 18, 2013, 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 THIS HEARING.

We are interested in your opinion.

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

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

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: January 9, 2013

Agenda Item: 6

File Number: RPB-2013-03

Request Overview/Background Information:

The School District of Beloit has submitted an application requesting several amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. This legislation is commonly known as Wisconsin's "smart growth" law, although the law does not prescribe or require a particular type of development pattern. The Comprehensive Planning law requires all cities, towns, and villages that regulate land use through land use ordinances (e.g. zoning) to adopt a Comprehensive Plan. Comprehensive Plans are intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the plan.

The Beloit City Council approved the City's Comprehensive Plan in March 2008 after an extensive public participation program. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan. The Beloit City Council established a process for amendments (minor changes) to the Comprehensive Plan on February 1, 2010. If the Plan Commission votes to recommend approval of the proposed amendments, the attached Resolution will be forwarded to the City Council for consideration on February 18, 2013.

Key Issues:

- The applicant is requesting the following amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:
 - 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
 - 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
 - 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
 - 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.
- The following table describes the status of the subject properties:

Property	Current Land Use	Zoning Class	Future Land Use	Proposed Future Land Use
545 W. Grand Av	Institutional	C-2	Neigh Commercial	Inst. & Community Services
549 W. Grand Av	Commercial (vacant)	C-2	Neigh Commercial	Inst. & Community Services
615 Eighth Street	Single-Family Res.	C-2	Neigh Commercial	Inst. & Community Services
619 Eighth Street	Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services
625 Eighth Street	Duplex	R-1B	Single-Family Res.	Inst. & Community Services
629 Eighth Street	Duplex	R-1B	Single-Family Res.	Inst. & Community Services
548 Locust St.	Parking Lot	R-1B	Single-Family Res.	Inst. & Community Services
1203 Sixth Street	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services
1233 Sixth Street	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services
1249 Sixth Street	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services

1253 Street	Sixth	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services
1257 Street	Sixth	Vacant Land	R-2	Two-Family Res.	Inst. & Community Services
219 North Street		Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
225 North Street		Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services
1313 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1317 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1323 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1327 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1333 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1339 Street	Sixth	Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services
1343 Street	Sixth	Vacant Land	R-1B	Single-Family Res.	Inst. & Community Services
1349 Street	Sixth	Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services
1353 Street	Sixth	Single-Family Res.	R-1B	Single-Family Res.	Inst. & Community Services

- The proposed amendments for the properties on W. Grand Avenue, Eighth Street, and Locust Street are related to the proposed expansion of Hackett Elementary School, as illustrated on the attached preliminary site plan.
- The proposed amendments for the properties on Sixth Street and North Street are related to the proposed expansion of the adjacent BMHS athletic fields. This expansion will also require the vacation of unnamed alleys.
- A Location & Zoning Map and Future Land Use Map for each distinct site are attached to this report.
- **Land Use Analysis – Hackett Elementary Amendments**
 - The proposed amendments would designate the entire block (including the Hackett parcel) as appropriate for Institutional & Community Services. This would allow the district to rezone the subject properties to PLI, Public Lands & Institutions District, demolish the existing structures, and expand the school & grounds as shown on the attached preliminary site plan.
 - Adjacent land uses include residential to the north and northwest of the subject properties and commercial uses to the south.
 - The proposed amendments are compatible with the existing and planned land uses in the vicinity and will facilitate a significant improvement and expansion of this elementary school site.
- **Land Use Analysis – BMHS Campus Amendments**
 - The proposed amendments would designate the eastern half of the 1200 and 1300 blocks of Sixth Street as appropriate for Institutional & Community Services. This would allow the district to rezone the subject properties to PLI, Public Lands & Institutions District in order to expand the BMHS campus.
 - The district already owns (or has accepted offers to purchase) the properties that are included in this application. The district intends to submit a separate application for the remaining properties on the 1200 block once they gain site control.
 - The proposed amendments are compatible with the existing and planned residential uses in the vicinity and will facilitate a logical westward expansion of the BMHS campus.

Consistency with Comprehensive Plan and Strategic Plan:

- The City's compliance with the Comprehensive Planning law's consistency requirement is the impetus for this request.
- Consideration of this request supports Strategic Goal #5.

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 Planning & Building Services Division recommends **approval** of the following proposed amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:

1. 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
2. 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
3. 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
4. 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.

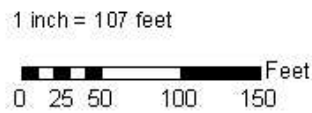
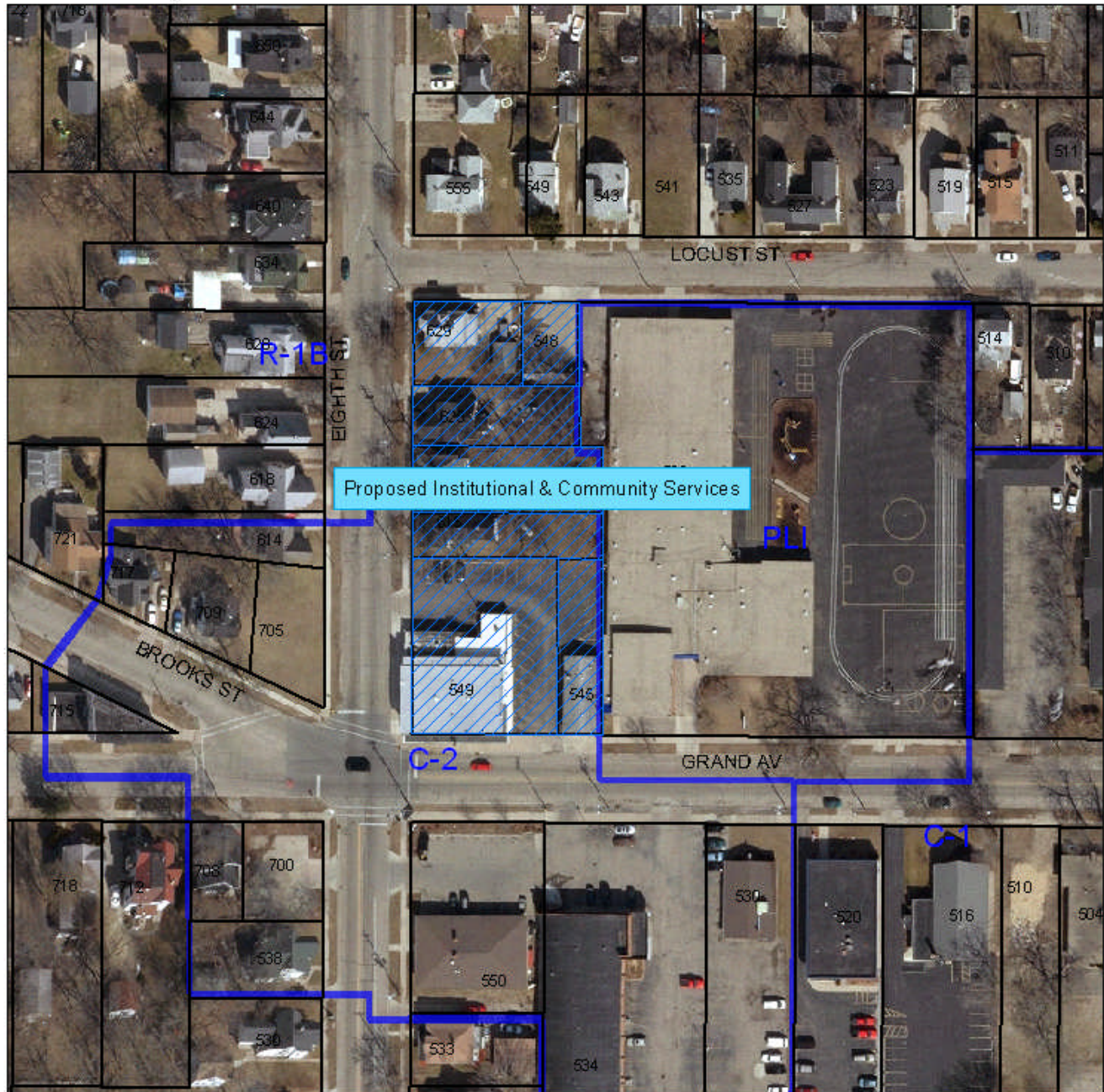
Fiscal Note/Budget Impact: N/A

Attachments: Location Map (Hackett), FLU Map (Hackett), Location Map (BMHS), FLU Map (BMHS), Photos (Hackett), Site Plan (Hackett), Public Notice, Mailing List, and Resolution.

Location & Zoning Map

Various Properties

RPB-2013-03

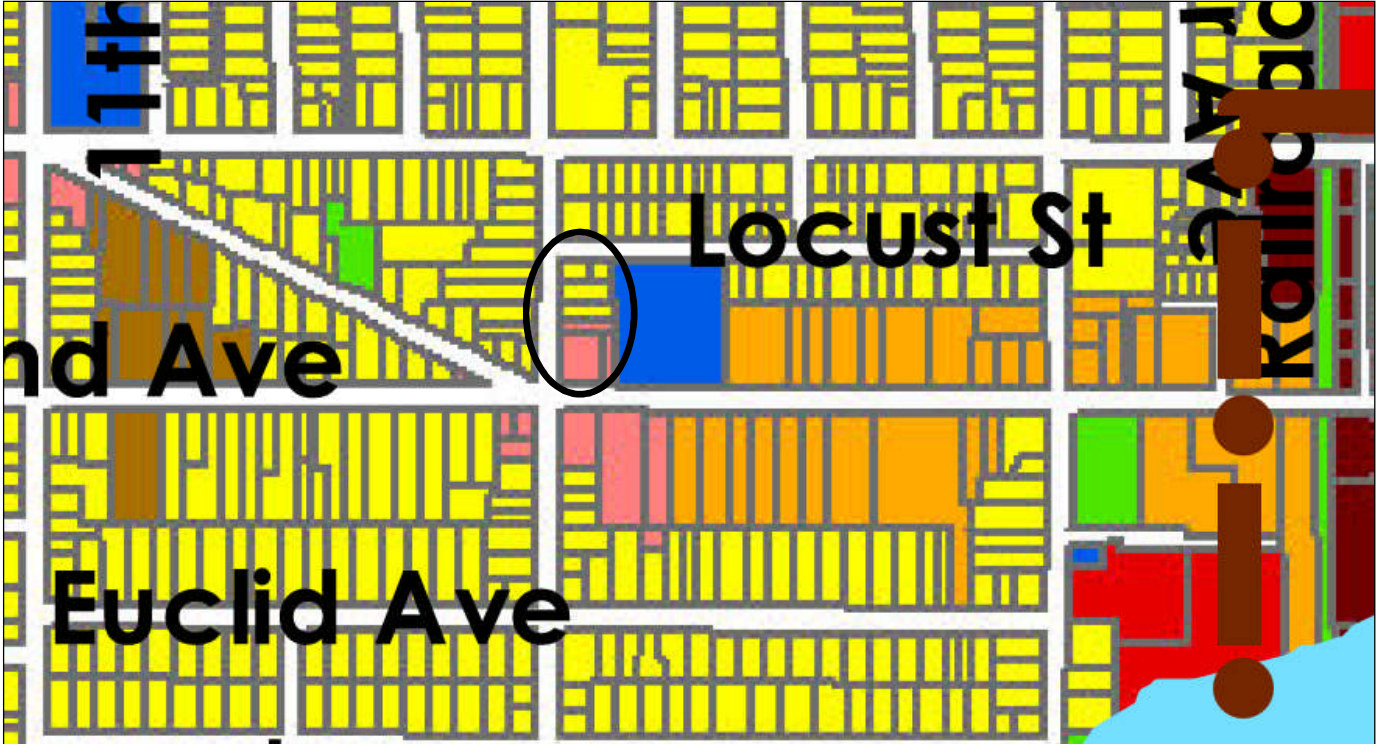


Legend	
	COB Parcels
	Zoning District

Map prepared by: Drew Pennington
 Date: January 2013
 For: City of Beloit Planning & Building Services
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

Map 10, Future Land Use (Narrowed to Subject Properties)



Legend

- Municipal Boundaries
- City of Beloit/Town of Turtle Boundary Adjustment Area
- Interstate Highway
- County Highways
- Existing Roads
- Potential Future Major Collector/Arterial Roads
- Railroads
- Surface Water

Future Land Use Categories

- Agricultural
- Single-Family Residential - Exurban
- Single-Family Residential - Urban
- Two-family/Townhouse Residential
- Mixed Residential
- Planned Neighborhood*
- Office
- Planned Mixed Use
- Neighborhood Commercial
- Community Commercial
- Downtown
- Business Park
- General Industrial
- Institutional & Community Services
- Environmental Corridor
- Parks and Open Spaces
- Long Range Urban Growth Area
- Right-of-Way

Planned Neighborhood should include a mix of the following:
 1. Single-Family - Urban (medium/low density)
 2. Two-family/Townhouse
 3. Mixed Residential
 4. Institutional and Community Services
 5. Office
 6. Neighborhood Commercial
 7. Parks and Open Space

0 0.25 0.5 1 Miles

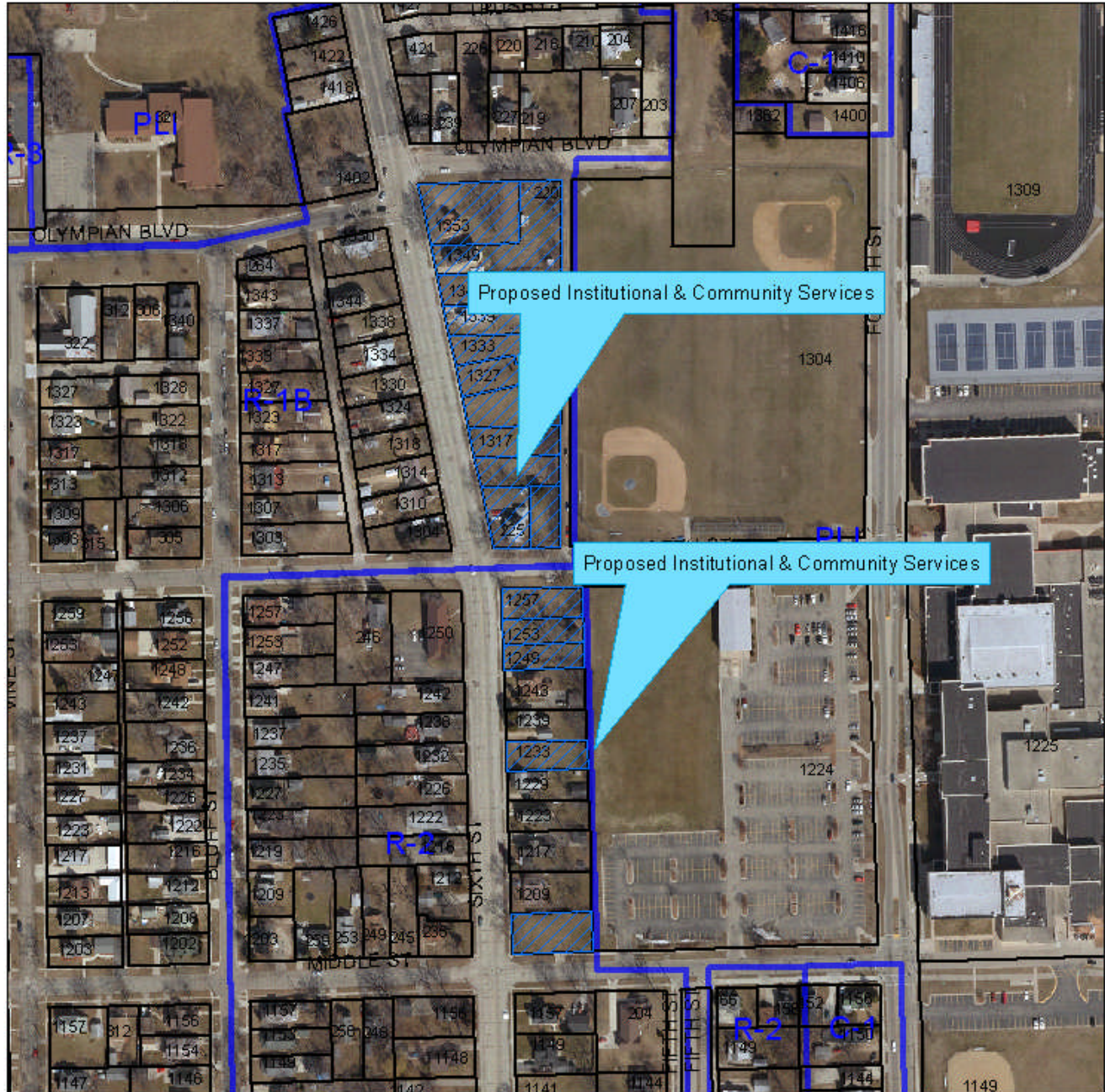
Date: March 17, 2008
 Source: City of Beloit, Rock County

City of Beloit
 Comprehensive Plan
 Map 10:
 Future Land Use



Location & Zoning Map

Various Properties

RPB-2013-03



1 inch = 233 feet
 0 55 110 220 330 Feet

Legend	
	COB Parcels
	Zoning District

Map prepared by: Drew Pennington
 Date: January 2013
 For: City of Beloit Planning & Building Services
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

Map 10, Future Land Use (Narrowed to Subject Properties)



- Municipal Boundaries
- City of Beloit/Town of Turtle Boundary Adjustment Area
- Interstate Highway
- County Highways
- Existing Roads
- Potential Future Major Collector/Arterial Roads
- Railroads
- Surface Water

Future Land Use Categories

- Agricultural
- Single-Family Residential - Exurban
- Single-Family Residential - Urban
- Two-family/Townhouse Residential
- Mixed Residential
- Planned Neighborhood*
- Office
- Planned Mixed Use
- Neighborhood Commercial
- Community Commercial
- Downtown
- Business Park
- General Industrial
- Institutional & Community Services
- Environmental Corridor
- Parks and Open Spaces
- Long Range Urban Growth Area
- Right-of-Way

Planned Neighborhood should include a mix of the following:

1. Single-Family - Urban (predominant land use)	1
2. Two-Family/Townhouse	2
3. Mixed Residential	3
4. Institutional and Community Services	4
5. Office	5
6. Neighborhood Commercial	6
7. Parks and Open Space	7

0 0.25 0.5 1 Miles

Date: March 17, 2008
Source: City of Beloit, Rock County

City of Beloit
Comprehensive Plan

Map 10:
Future Land Use

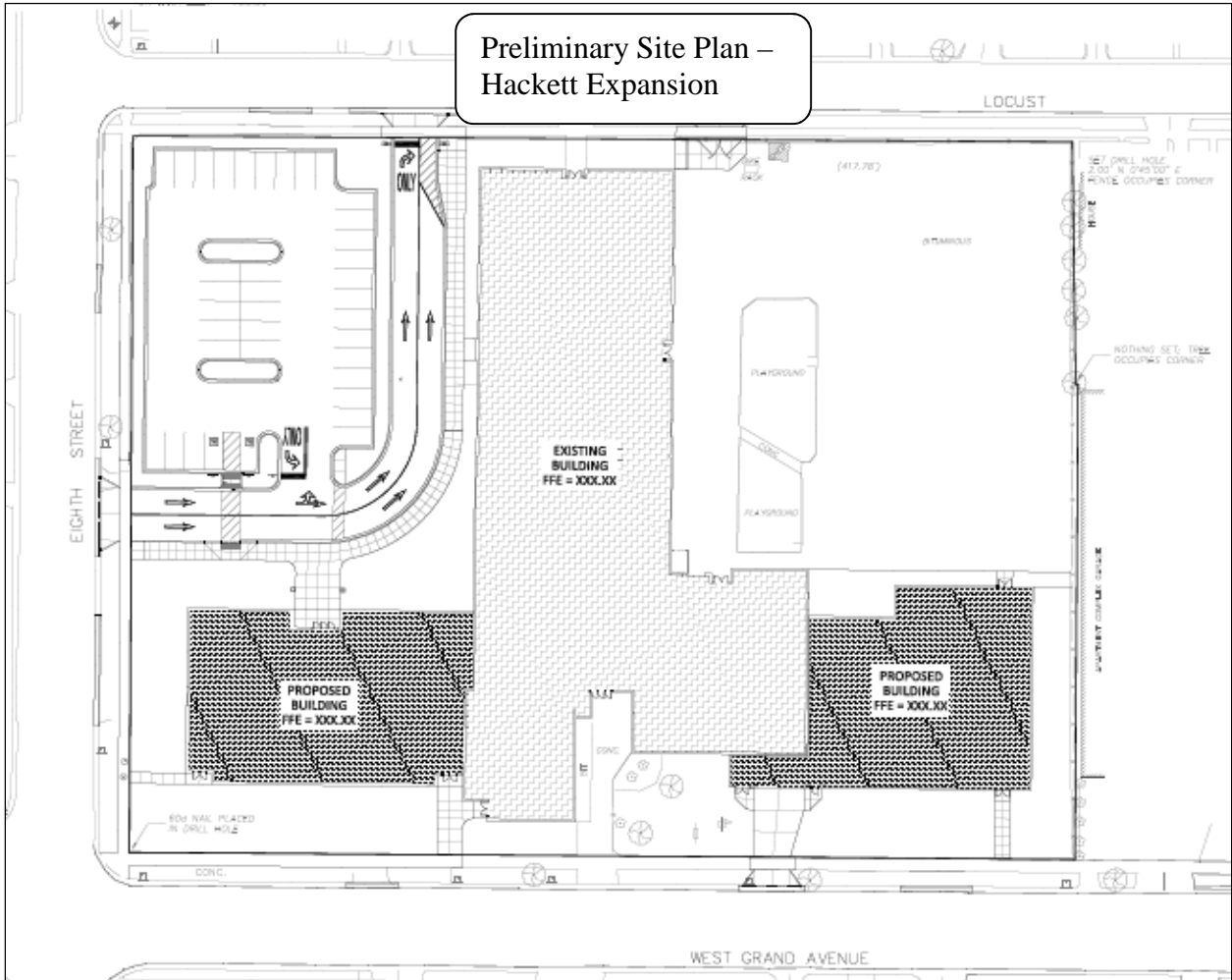
545 & 549 W. Grand Avenue



600 Block of Eighth Street



Preliminary Site Plan –
Hackett Expansion





NOTICE TO THE PUBLIC

December 19, 2012

To Whom It May Concern:

The School District of Beloit has submitted an application requesting the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 545 & 549 W. Grand Avenue and 615 Eighth Street – From Neighborhood Commercial to Institutional & Community Services.
2. 619, 625, & 629 Eighth Street and 548 Locust Street – From Single-Family Residential – Urban to Institutional & Community Services.
3. 1203, 1233, 1249, 1253, & 1257 Sixth Street – From Two-Family/Townhouse Residential to Institutional & Community Services.
4. 219 & 225 North Street and 1313, 1317, 1323, 1327, 1333, 1339, 1343, 1349, & 1353 Sixth Street – From Single-Family Residential – Urban to Institutional & Community Services.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The following public meetings will be held regarding the proposed amendments:

City Plan Commission: Wednesday, January 9, 2013, 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 (Public Hearing): Monday, February 18, 2013, 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 MEETINGS.

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 Planning & Building Services Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

Karry DeVault, Clerk
Town of Beloit
2871 S. Afton Rd.,
Beloit 53511

Frank Management Inc.
2501 Morse Street
Janesville, WI 53545

Janelle Marotz
School District of Beloit
1633 Keeler Avenue
Beloit, WI 53511

Deb Bennett, Clerk
Town of Turtle
6916 S. County Rd. J.
Beloit, WI 53511

Paul Benjamin
Rock County Planning
Rock County Courthouse, Room 266
51 South Main Street,
Janesville, WI 53545

Dr. Dennis McCarthy
Beloit-Turner School District
1237 Inman Parkway
Beloit, WI 53511

City Clerk
City of South Beloit
519 Blackhawk Blvd. Suite 2
South Beloit, IL 61080

Dr. Pamela Kiefert, Superintendent
Clinton Community School District
112 Milwaukee Road
Clinton, WI 53525

Kristi Howe
Beloit Public Library
605 Eclipse Boulevard
Beloit, WI 53511

Peter Herreid, Grant Administrator
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, WI 53702-0001

Brad Austin
Corporate Contractors Inc.
655 3rd Street, Suite 300
Beloit, WI 53511

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

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

Section 1. The Downtown Future Land Use Map (Map 9) of the City of Beloit Comprehensive Plan, adopted in §12.015 of the Code of General Ordinances of the City of Beloit, is hereby amended as follows:

The future land use category of the following described land is hereby changed from Institutional and Community Services to Neighborhood Commercial:

Lots 5 and 6 of Block 74 in the Original Plat of the City of Beloit, Rock County, Wisconsin (also known as 501 Prospect Street, parcel number 13660050).

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

Adopted this _____ day of _____, 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

Published this _____ day of _____, 2013.

Effective this _____ day of _____, 2013.

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Comprehensive Plan Amendment

Date: February 18, 2013

Presenter(s): Julie Christensen

Department(s): Community Development

Overview/Background Information:

John Wittnebel, on behalf of Hourglass Media, LLC, has submitted an application requesting an amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan. The history of the City's Comprehensive Plan, along with information on Wisconsin's Comprehensive Planning law, can be found in the attached Staff Report to the Plan Commission.

Key Issues (maximum of 5):

- The applicant is requesting the following amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan:
 - 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.
- The following table describes the current status of the subject property:

Property	Current Land Use	Zoning Class	Future Land Use	Proposed Future Land Use
501 Prospect	Vacant Church Building	PLI, Public	Institutional	Neighborhood Commercial

- The applicant intends to reuse the former church building as a mixed-use building consisting of retail sales & service uses, liquor sales, and community service uses. The applicant had previously mentioned establishing a religious use, but has since changed his mind.
- If the requested amendment is approved, the applicant would be able to rezone the subject property to CBD-1, Central Business District-Core, which would allow the applicant to engage in or lease space to businesses that operate *Personal Service, Sales, and/or Entertainment-Oriented Retail Sales & Service* uses (e.g. café, performance art center, gift shop, bar and lounge, etc.). In addition to the proposed retail uses, the applicant intends to locate a nonprofit organization (The Youth Unite) in the building. Nonprofit organizations are classified as a "community services" use and require a Conditional Use Permit in the CBD-1 District.
- The Plan Commission held a public hearing to consider the requested amendment on January 9, 2013 and voted (4-0) to adopt the attached Resolution, which recommends approval of the requested amendment to the Comprehensive Plan.

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 #5*.

Sustainability:

- **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 1st reading of the proposed Ordinance

Fiscal Note/Budget Impact: Currently the subject property is tax-exempt due to its previous use as a church. However, if the Comprehensive Plan Amendment is approved, the applicant will have an opportunity to rezone the property for commercial purposes, at which point, the subject property will be added to the City's tax base.

Attachments: Ordinance, Plan Commission Resolution, Public Notice, and Staff Report to the Plan Commission.

**RESOLUTION
RECOMMENDING APPROVAL OF AMENDMENT TO THE
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

WHEREAS, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on January 23, 2008, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on March 17, 2008; and

WHEREAS, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

WHEREAS, "Amendments" are generally defined as minor changes to the Plan's maps or text; and

WHEREAS, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

WHEREAS, the approved process directs the Plan Commission to hold a public meeting on the proposed amendments, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendment to the Downtown Future Land Use Map (Map 9) of the City of Beloit Comprehensive Plan:

1. 501 Prospect Street (Parcel No. 13660050) – From Institutional and Community Services to Neighborhood Commercial.

Adopted this 9th day of January, 2013.

ATTEST:


Julie Christensen, Community Development Director


~~Charles Ramsden, Plan Commission Chairman~~
Mardell Jacobsen Vice-Chair



City of
BELOIT, Wisconsin
Division of Planning and Building Services

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

January 10, 2013

To Whom It May Concern:

The City of Beloit Plan Commission has recommended approval of the following amendment to the Downtown Future Land Use Map (Map 9) of the City of Beloit Comprehensive Plan:

1. 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The Plan Commission's recommendation will be reviewed by the City Council, which will hold the following public hearing regarding the proposed amendments:

City Council (Public Hearing): Monday, February 18, 2013, 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 THIS HEARING.

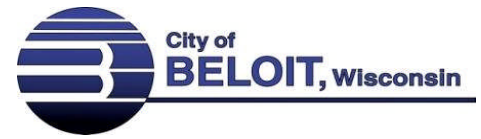
We are interested in your opinion.

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

For additional information, please contact Michael Lofton in the Planning & Building Services Division at (608) 364-6708 or loftonm@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: January 9, 2013

Agenda Item: 4

File Number: RPB-2013-02

Request Overview/Background Information:

John Wittnebel, on behalf of Hourglass Media, LLC, has submitted an application requesting an amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan.

Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. This legislation is commonly known as Wisconsin's "smart growth" law, although the law does not prescribe or require a particular type of development pattern. The Comprehensive Planning law requires all cities, towns, and villages that regulate land use through land use ordinances (e.g. zoning) to adopt a Comprehensive Plan. Comprehensive Plans are intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the adopted plan, a requirement that became effective in 2010.

The Beloit City Council approved the City's Comprehensive Plan in March 2008 after an extensive public participation program. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan. The Beloit City Council established a process for amendments (minor changes) to the Comprehensive Plan on February 1, 2010. The state law requires that the Plan be updated at least once every ten years. As opposed to an amendment, an update is often a substantial re-write of the entire document and maps.

This public meeting of the Plan Commission serves as the second step in the process to amend the Comprehensive Plan. If the Plan Commission votes to recommend approval of the proposed amendment, the attached Resolution will be forwarded to the City Council for consideration during the regularly scheduled meeting on February 18, 2013.

Key Issues:

- The applicant is requesting the following amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan:
 - 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.
- The following table describes the status of the subject property:

Property	Current Land Use	Zoning Class	Future Land Use	Proposed Future Land Use
501 Prospect Street	Vacant Church Building	PLI, Public	Institutional	Neighborhood Commercial

- The property that is the subject of this request is the former First Presbyterian Church. The applicant recently purchased the property and intends to reuse the former church building as a mixed use building consisting of retail sales & service uses, liquor sales, community service uses, and a religious use.
- Planning staff met with the applicant to discuss this proposal, and informed the applicant that the property would have to be rezoned, since the zoning classification at the time (PLI, Public Lands & Institutions District) did not allow commercial uses. A commercial zoning classification is required for the proposed uses. However, the Comprehensive Plan recommends Institutional & Community Services use for the subject property. Therefore, due to the consistency requirement discussed above, the property may not be rezoned without first amending the Comprehensive Plan.
- As mentioned above, the applicant wants the flexibility to engage in or lease space to businesses that operate *Personal Service, Sales, and/or Entertainment-Oriented Retail Sales & Service* uses (e.g. café, performance art center, gift shop, bar and lounge, etc.). These uses are prohibited in the PLI District but permitted by right in the CBD-1 District. The current zoning classification (PLI) is consistent with the Comprehensive Plan; however, the applicant is requesting an amendment to the Comprehensive Plan, which, if approved, would allow him to rezone the property to CBD-1 in the future.
- In addition to the proposed retail uses, the applicant intends to locate a nonprofit organization (The Youth Unite) in the building, offer health food classes to the community, and allow a church to use space for religious purposes. These uses are classified as "community services" and "religious," respectively, and are conditional uses in the CBD-1 District. This means that if the property is zoned CBD-1 in the future a Conditional Use Permit must be reviewed and approved by the Plan Commission and City Council before the uses are established.

- With regard to the proposed religious use, it should be noted that a Conditional Use Permit is only required if the applicant intends to expand the footprint of the building. The religious use may remain when the property is rezoned since the building was previously used for religious purposes, and the applicant has no intentions to expand the building footprint at this time.
- The subject property is surrounded by a variety of uses, including a large apartment building, a college, a church, office buildings, a mortuary, a bank, a retail store, and a restaurant.
- Planning staff supports the applicant's efforts to adaptively reuse the building for the proposed uses. The CBD-1, Central Business District-Core classification provides the most flexibility for the intended reuse of the building.
- The proposed mixed-use building will increase the availability of goods, services, and employment opportunities and contribute towards the vitality of downtown.

Consistency with Comprehensive Plan and Strategic Plan:

- The City's compliance with the Comprehensive Planning law's consistency requirement is the impetus for this request.
- Consideration of this request supports Strategic Goal #5.

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 Planning & Building Services Division recommends **approval** of the following proposed amendment to the Downtown Future Land Use Map (Map 9) of the City's Comprehensive Plan:

1. 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.

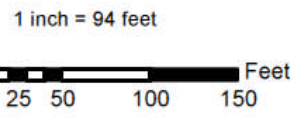
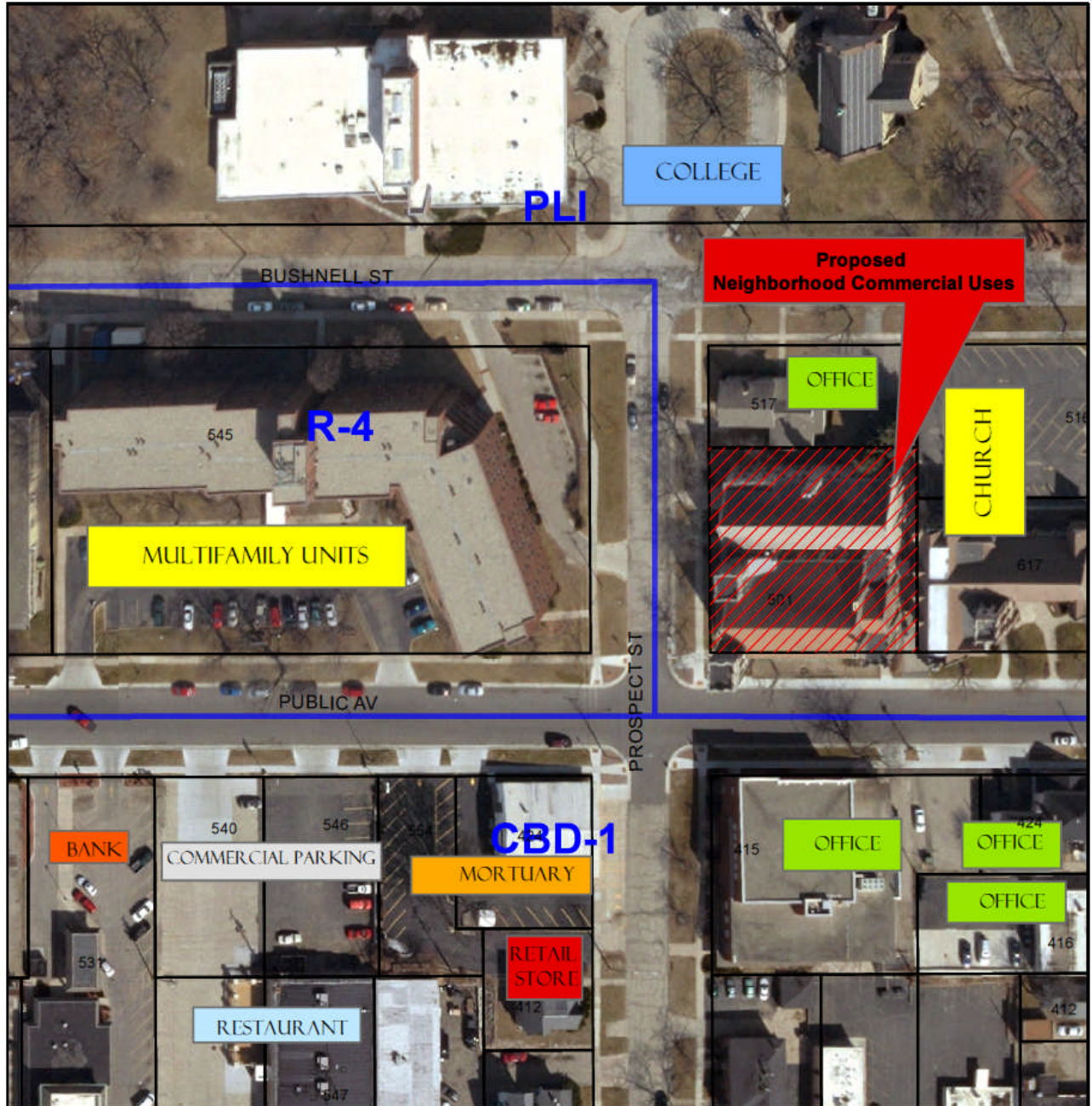
Fiscal Note/Budget Impact: N/A

Attachments: Location/Land Use/Zoning Map, Downtown Future Land Use Map, Downtown Future Land Use Category Description, Photos, Public Notice, Mailing List, and Resolution.

Location, Land Use, & Zoning Map

501 Prospect Street

RPB-2013-02

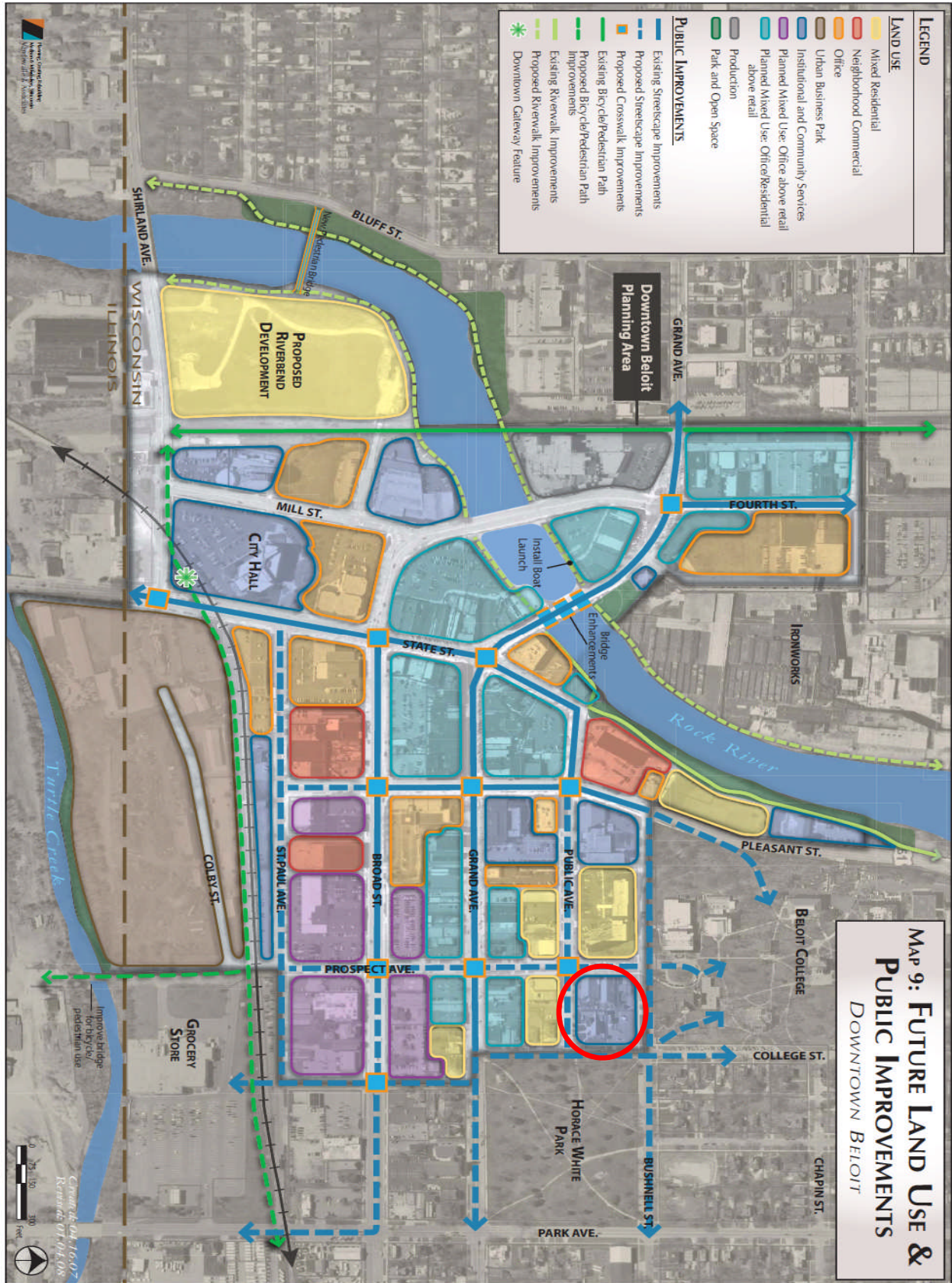


Legend	
	COB Parcels
	Zoning District

Map prepared by: Michael D. Lofton II
 Date: December 2012
 For: City of Beloit Planning & Building Services
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

Map 9, Downtown Future Land Use



Future Land Use

Land use in Downtown Beloit—as in most downtowns—is characterized by a mix of uses: multi-story buildings that may include retail, office, and residential in one building, as an example. As such, the recommended future Land Use pattern in Downtown reflects this mixed nature.

The Downtown Future Land Use categories are described below, and are illustrated on the *Downtown Land Use and Public Improvements* map following this section. This map is also reflected in the Land Use chapter of the City's Comprehensive Plan document, and will therefore be a basis for future zoning decisions.

DOWNTOWN FUTURE LAND USE CATEGORIES
<p>Mixed Residential This category is intended for a variety of residential units focused on multiple family housing (3+ unit buildings), usually developed at densities that exceed six units per acre. Attached single family residences with individual entries (e.g., townhouses, rowhouses) and small public and institutional uses—such as parks, schools, and churches—may also be within lands mapped in this category.</p>
<p>Neighborhood Commercial This category includes Downtown-scaled commercial-only land uses including restaurants, retail, and service uses. In Downtown, this land use category is used somewhat infrequently as most of Downtown development is planned to be mixed-use in nature.</p>
<p>Office This category is intended for high-quality office, institutional, research, and office-support land uses with high quality landscaping.</p>
<p>Institutional and Community Services This category is designed to include large-scale public buildings, schools, religious institutions, and other public facilities.</p>
<p>Planned Mixed Use: Office/Residential Above Retail This category is intended to facilitate mixed-use buildings with first floor retail and upper-floor residential and/or office uses. This land use is concentrated along East and West Grand Avenue.</p>
<p>Planned Mixed Use: Office Above Retail This category is intended to facilitate mixed-use buildings with first floor retail and upper-floor office uses. This category is distinguished from the Planned Mixed Use: Office/Residential Above Retail category as it is used for areas that are not targeted for upper-floor housing, such as along Broad Street.</p>
<p>Production This category is intended for manufacturing land uses with controlled outdoor storage areas and moderate landscaping and signage. In areas where this category is integrated with other land uses in the same block, production should be small-scale.</p>
<p>Urban Business Park This category is designated for a proposed Turtle Creek Business Park area on the southern edge of Downtown. This area should be master-planned and include small-scale production with front office operations and controlled outdoor storage areas.</p>
<p>Park and Open Space This category includes park and public open space facilities. In Downtown, this category is designated along the Riverwalk.</p>



West & South
Facades



Adjacent Uses
(Southwest)



Adjacent Use (North)

Adjacent Use (South)



Adjacent Use (West)



Adjacent Use (East)





NOTICE TO THE PUBLIC

December 26, 2012

To Whom It May Concern:

John Wittnebel, on behalf of Hourglass Media, LLC, has submitted an application requesting the following amendment to the Downtown Future Land Use Map (Map 9) of the City of Beloit Comprehensive Plan:

1. 501 Prospect Street – From Institutional and Community Services to Neighborhood Commercial.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The following public meetings will be held regarding the proposed amendment:

City Plan Commission: Wednesday, January 9, 2013, 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 (Public Hearing): Monday, February 18, 2013, 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 MEETINGS.

We are interested in your opinion.

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For additional information, please contact Michael Lofton in the Planning & Building Services Division at (608) 364-6708 or loftonm@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

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Superintendent
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1237 Inman Parkway
Beloit, WI 53511

Kristi Howe
Beloit Public Library
605 Eclipse Boulevard
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 following described land, also known as 2208 N. Lee Lane, is hereby changed from R-1A, Single-Family Residential District to PLI, Public Lands & Institutions District:

Lots 17 & 18, Block 4 of Bootmaker Manor First Addition to the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 0.658 acres, more or less.

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

Adopted this 18th day of February, 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

Published this ____ day of _____, 2013

Effective this ____ day of _____, 2013

01-611100-5231-____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the property located at 2208 N. Lee Lane

Date: February 18, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The Planning & Building Services Division has initiated an application for a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands & Institutions District, for the property located at 2208 N. Lee Lane.

Key Issues (maximum of 5):

- The subject property is Lee Lane Park, an improved City park. While researching an unrelated matter, Planning staff discovered that the subject property was not rezoned to PLI when the park was developed.
- The R-1A district is intended to accommodate single-family detached dwellings on moderate to large-sized lots. The PLI district is a special purpose district that is intended to accommodate public and quasipublic uses (parks, cemeteries, fire stations, etc.). Although parks are a permitted use in residential zoning districts, the PLI zoning district classification is much more appropriate for an improved City park.
- Planning staff initiated this application in an effort to correct this discrepancy in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
- Planning staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has been contacted by one neighbor who supports the proposed Zoning Map Amendment.
- The Plan Commission reviewed this item on February 6, 2013 and voted unanimously (6-0) to recommend approval of this Zoning Map Amendment.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Parks & Open Space uses and a zoning district classification of PLI for the subject property. This proposed Zoning Map Amendment 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 #5.

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 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: February 6, 2013

Agenda Item: 5

File Number: ZMA-2013-01

Applicant: Planning & Building Services Division

Owner: City of Beloit

Location: 2208 N. Lee Lane

Current Zoning: R-1A, Single-Family Residential District

Existing Land Use: Park

Parcel Size: 0.66 Acre

Proposed Zoning: PLI, Public Lands & Institutions District

Request Overview/Background Information:

The Planning & Building Services Division has initiated an application for a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands & Institutions District, for the property located at 2208 N. Lee Lane.

The attached **Location & Zoning Map** shows the location of the subject property and the zoning of the surrounding area. The adjacent zoning and land uses are as follows:

- North: R-1A, Single-Family Residential District; Single-Family Dwellings
- South: R-1A, Single-Family Residential District; Single-Family Dwellings
- East: R-1A, Single-Family Residential District; Single-Family Dwellings
- West: R-1A, Single-Family Residential District; Church

The Zoning Ordinance directs the Plan Commission to hold a hearing and make a recommendation regarding a Zoning Map Amendment when the specific site and context are suitable for the uses permitted in the proposed zoning district.

Key Issues:

- The subject property is Lee Lane Park, an improved City park. While researching an unrelated matter, Planning staff discovered that the subject property was not rezoned to PLI when the park was developed.
- The R-1A district is intended to accommodate single-family detached dwellings on moderate to large-sized lots. The PLI district is a special purpose district that is intended to accommodate public and quasipublic uses (parks, cemeteries, fire stations, etc.). Although parks are a permitted use in residential zoning districts, the PLI zoning district classification is much more appropriate for an improved City park.
- Planning staff initiated this application in an effort to correct this discrepancy in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
- Planning staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has been contacted by one neighbor who supports the proposed Zoning Map Amendment.
- **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 subject property is located within an established single-family neighborhood. The continued use of the subject property as a mini-park is compatible with the existing residential and institutional uses in the general area.
 - b. *The zoning classification of property within the general area of the subject property;*
 - The surrounding area, including the church parcel, is zoned R-1A, Single-Family Residential. If the church ever intends to expand, a Conditional Use Permit will be required in order to expand in an R-1A district. The proposed PLI zoning district classification is compatible with the surrounding R-1A district.
 - c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
 - As an improved City park, the subject property is not suitable for the permitted uses in the R-1A district (e.g. Single-Family Detached Dwellings and Class 1 Community Living Arrangements).
 - d. *The trend of development and zoning map amendments in the general area of the subject property.*
 - The subject property is located within an established residential neighborhood with limited

institutional uses that has experienced very little development activity during the past decade.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Parks & Open Space uses and a zoning district classification of PLI for the subject property. This proposed Zoning Map Amendment 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 #5.

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:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands & Institutions District, for the property located at 2208 N. Lee Lane.

Fiscal Note/Budget Impact: N/A

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

Location & Zoning Map

2208 N. Lee Lane

ZMA-2013-01



1 inch = 142 feet

0 30 60 120 180 Feet

Legend

-  COB Parcels
-  Zoning District

Map prepared by: Drew Pennington

Date: January 2013

For: City of Beloit Planning & Building

Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION



CITY of BELOIT

PLANNING & BUILDING SERVICES 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-2013-01

1. Address of subject property: 2208 N. Lee Lane

2. Legal description: Lot: 17-18 Block: 4 Subdivision: Bootmaker Manor First Add
(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): 21921210

4. Owner of record: City of Beloit Phone: 364-6700

100 State Street Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Planning & Building Services Division

100 State Street Beloit WI 53511
(Address) (City) (State) (Zip)

364-6700 / _____ / _____
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: R-1A, SF Residential to: PLI, Public Lands

All existing uses on this property are: Park

7. All the proposed uses for this property are:

Principal use(s): Park

Secondary use(s): _____

Accessory use(s): _____

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

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

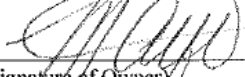
9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

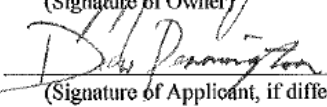
Name(s): _____ Phone: _____

(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.

 / Larry Arft, City Manager 11-9-12
 (Signature of Owner) (Print name) (Date)

 / Drew Pennington, Dir. of Planning 1/8/2013
 (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 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: <u>N/A</u> Meeting Date: <u>February 6, 2013</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Drew Pennington</u>	Date: <u>1/9/13</u>
Date Notice Published: _____	Date Notice Mailed: _____



NOTICE TO THE PUBLIC

January 23, 2013

To Whom It May Concern:

The Planning & Building Services Division has initiated an application for a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands & Institutions District, for the property located at:

2208 N. Lee Lane.

The subject property is Lee Lane Park, an improved City park. While researching an unrelated matter, Planning staff discovered that the subject property was not rezoned to PLI when the park was developed. The PLI district is a special purpose district that is intended to accommodate public and quasipublic uses (parks, cemeteries, fire stations, etc.). Although parks are a permitted use in residential zoning districts, the PLI zoning district classification is much more appropriate for an improved City park.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, February 6, 2013, 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, February 18, 2013, 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 Planning & Building Services Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

ZMA-2013-01, 2208 N. Lee Lane

JESSICA BRAUND
2565 AUSTIN PL
BELOIT, WI 53511

VIRGINIA ROZELLE
2185 LEE LN N
BELOIT, WI 535112339

CHRISTOPHER F & MIRANDA R
KINDSCHI
2193 LEE LN N
BELOIT, WI 53511

RANDY & ANN GAUVIN
2200 LEE LN N
BELOIT, WI 535112342

DONALD HUEBSCHEN
2209 LEE LN
BELOIT, WI 53511

DAVID F & KATHERINE A
EWING
2217 N LEE LN
BELOIT, WI 53511

HENDERSON AVE UNITED
METHODIST
727 HENDERSON AVE
BELOIT, WI 535112937

RAYMOND LIPTOW
2528 BOOTMAKER DR N
BELOIT, WI 535112331

BRIAN P & TINA L HARE
2547 BOOTMAKER DR N
BELOIT, WI 53511

WILLIAM HOWARD
2535 BOOTMAKER DR N
BELOIT, WI 535112330

BRIAN HERRMANN
2170 LEE LN N
BELOIT, WI 535112340

JOHN KRATZ
2184 LEE LN N
BELOIT, WI 53511

SUSAN MURRAY
2192 LEE LN N
BELOIT, WI 535112340

FEDERAL NATIONAL
MORTGAGE ASSOCIATION
ONE S WACKER DR STE 1400
CHICAGO, IL 60606

LATTER DAY SAINTS CHURCH
OF JESUS CHRIST
50 E NORTH TEMPLE
SALT LAKE CTY, UT 841503620

HENRY H & HELEN H
WOODARD
2228 W COLLINGSWOOD DR
BELOIT, WI 53511

O SIMON
2536 BOOTMAKER DR N
BELOIT, WI 535112331

DAVID BONDS
2233 LEE LN N
BELOIT, WI 535112341

GREGORY DIBBLE
2543 BOOTMAKER DR
BELOIT, WI 53511

LAWRENCE MCDOWELL
2533 BOOTMAKER DR N
BELOIT, WI 535112330

LUCILE CLEMENS
2184 W COLLINGSWOOD DR
BELOIT, WI 535112371

SUSAN WARD
2194 COLLINGSWOOD DR
BELOIT, WI 53511

GRETCHEN HAMMEKE
2200 W COLLINGSWOOD DR
BELOIT, WI 535112333

GREGORY & HELEN KAISER
2208 W COLLINGSWOOD DR
BELOIT, WI 535112333

GEORGE & CAROL LISENSKY
2216 W COLLINGSWOOD DR
BELOIT, WI 535112333

AVELL DUKES
2544 BOOTMAKER DR N
BELOIT, WI 535112331

ARTHUR C & MARILYN V JERO
2532 N BOOTMAKER DR
BELOIT, WI 53511

RAYMOND & JOAN
VONOBSTFELDER
2239 LEE LN N
BELOIT, WI 535112341

RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW
INDOOR ALCOHOL SALES IN A C-2, NEIGHBORHOOD COMMERCIAL
DISTRICT, FOR THE PROPERTY LOCATED AT 1623 PARK AVENUE

WHEREAS, the application of Margarita Mora for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1623 Park 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 1623 Park Avenue in the City of Beloit, for the following described premises:

North 46-feet of Lots 1, 2, 3 & 4 of Block 3 in Riverside Addition to the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 0.1679 acre, more or less.

As a condition of granting the Conditional Use Permit, the City Council does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

1. This Conditional Use Permit authorizes indoor alcohol sales within the existing building located at 1623 Park Avenue.
2. Alcohol sales shall remain secondary to the sale of grocery items. The floor area (including coolers) used to store and display alcohol shall not exceed twenty-five (25) percent of the building's (including coolers) floor area.
3. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
4. Before the indoor alcohol use is established, the off-street parking lot shall be striped in epoxy paint that is white in color and maintained during the applicant's tenure at the subject property. Each parking space shall be a minimum of 9-feet by 18-feet in size.
5. 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 Conditional Use Permit. The Planning and Building Services 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 18th day of February, 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 1623 Park Avenue

Date: February 18, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Magarita Mora, the operator of Santa Rosa Grocery Store, 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 1623 Park Avenue.

Key Issues (maximum of 5):

- The Santa Rosa Grocery Store is located at the intersection of Park Avenue and Washburn Street, and has been in operation since 2008. The building is located in the Merrill Neighborhood and buffers residential properties along Washburn Street from Park Avenue.
- The grocery store offers a variety of meats, food, and other household items to its customers. The applicant would like an opportunity to offer and sell beer to her customers.
- Residents from the Merrill Neighborhood have raised a number of concerns with the proposed conditional use and are opposed to the establishment of an indoor alcohol sales use at this location. Some of the neighborhood residents voiced their concerns during the Plan Commission meeting, and some of their concerns are included in the staff report to the Plan Commission. Ten neighborhood residents attended the Plan Commission meeting.
- The Plan Commission reviewed this item on February 6, 2013 and voted (6-0) to recommend denial 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 #5.

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: February 6, 2013

Agenda Item: 3

File Number: CU-2013-02

Applicant: Magarita Mora

Owner: Eugene & Teresa Kaye

Location: 1623 Park Avenue

Existing Zoning: C-2, Neighborhood Commercial District

Existing Land Use: Convenience Store

Parcel Size: 0.16 Acre

Request Overview/Background Information:

Magarita Mora, the operator of Santa Rosa Grocery Store, 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 1623 Park 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-2, Neighborhood Commercial District; Beloit Check Cashing Store
- South: C-2, Neighborhood Commercial District; House of Good Food, Clippers & Curls, and The Children's Ark Daycare
- East: R-1B, Single-Family Residential District; Single-Family Dwellings
- West: M-2, General Manufacturing District; American Construction Metals (ACM)

Indoor 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:

- The Santa Rosa Grocery Store is located at the intersection of Park Avenue and Washburn Street, and has been in operation since 2008. The building is located in the Merrill Neighborhood and buffers residential properties along Washburn Street from Park Avenue.
- The subject property is connected to a commercial strip building that is host to three businesses and a vacant commercial space. The businesses include a fast food restaurant, a barbershop, and a child daycare.
- All businesses share an off-street parking lot in the rear of the building that is accessible from Washburn Street. The parking lot includes approximately nine (9) concrete wheel stops in addition to an estimated six (6) parking spaces for a sum of 15 parking spaces that are available to accommodate patrons. The parking lot is not striped.
- In addition to the availability of off-street parking, there is on-street parking in the front of the building on Park Avenue.
- The grocery store offers a variety of meats, food, and other household items to its customers and nearby residents, and is open for business every day from 8AM to 9PM.
- The applicant would like an opportunity to offer and sell beer to her customers.
- If a Conditional Use Permit is granted, the applicant must also obtain an Alcohol Beverage License before alcoholic beverages may be legally sold on the subject property.
- The City's Review Agents have reviewed this application and have submitted the following comments or concerns:
 - **City Engineer** – The addition of an alcohol sales use to the existing grocery store will not generate additional traffic. Grocery stores or convenience stores similar to the Santa Rosa Grocery Store will generate an average of 31 trips per day.
 - **Police Department** - There may be concerns that arise from the proposed sale of alcohol at this property because of its location near the Merrill Neighborhood, and in the recent past, residents have voiced their opposition to the sale of alcohol in nearby commercial establishments. Residents living near this establishment may do the same and oppose the sale of alcohol.
 - **City Clerk** – If the proposed Conditional Use Permit is granted, the applicant would be required to obtain an Alcohol Beverage License before she could sell alcohol. In addition, the State of Wisconsin has a 90-day residency requirement before one can apply for the license. Since Ms. Mora lives in Illinois, she is ineligible and cannot apply for an Alcohol Beverage License. She was notified of this requirement in a letter dated January 15, 2013.
- The attached Public Notice was sent to sixteen nearby property owners. Planning staff received comments from concerned residents about the potential detriment the sale of alcohol at this location may cause upon the Merrill Neighborhood. In addition, concerns were raised about the distance between the grocery store and a neighboring child

daycare (The Children's Ark Daycare). The daycare is located approximately 48-feet south of the grocery store. Moreover, residents were concerned about the potential consumption of alcohol by children who frequent the grocery store and eat at the daily lunch counter on a regular basis. Residents are not confident that the store will operate in a manner to prevent underage drinking if a conditional use is granted and an Alcohol Beverage License is obtained. In conclusion, residents do not support the establishment of the proposed indoor alcohol sales use 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;*
 - Planning staff is concerned that introducing alcohol sales into this neighborhood may endanger public health, safety, morals, comfort, and general welfare. Residents' concerns discussed above about the neighboring child daycare, close proximity to a residential neighborhood, and potential manner of operation are relevant considerations.
 - The current use (a grocery store) supports the neighborhood by offering a range of products that meet the needs of the neighborhood. Planning staff feels that the addition of alcohol sales at this location may deviate from this mission by increasing the availability of alcohol that may ultimately have a negative impact upon the neighborhood and surrounding land uses.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The conditional use may injure the use and enjoyment of nearby properties.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The conditional use is not expected to diminish or impair property values in the neighborhood.
- 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 establishment of the conditional use is not expected to generate a significant increase in traffic.
 - The subject property has adequate off-street parking and on-street parking to accommodate the existing land uses. However, as mentioned above, the off-street parking lot is not striped. Therefore, staff recommends that the off-street parking lot be striped in order to improve traffic circulation and prevent traffic congestion.
- 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 #5.

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 Planning and Building Services 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 1623 Park Avenue, based on the above Findings of Fact.

However, in the event that the City Council decides to issue a Conditional Use Permit to allow an indoor alcohol sales use in a C-2, Neighborhood Commercial District, for the property located at 1623 Park Avenue, the Planning & Building Services Division recommend the following conditions of approval:

1. This Conditional Use Permit authorizes indoor alcohol sales within the existing building located at 1623 Park Avenue.
2. Alcohol sales shall remain secondary to the sale of grocery items. The floor area (including coolers) used to store and display alcohol shall not exceed twenty-five (25) percent of the building's (including coolers) floor area.
3. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
4. Before the indoor alcohol use is established, the off-street parking lot shall be striped in epoxy paint that is white in color and maintained during the applicant's tenure at the subject property. Each parking space shall be a minimum of 9-feet by 18-feet in size.
5. 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 Conditional Use Permit. The Planning and Building Services 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: Photographs, Location & Zoning Map, Application City Clerk Notice, Public Notice, and Mailing List.



Santa Rosa Grocery Store

Off-Street Parking Lot





Businesses Located South of Grocery Store

Check Cashing Store Located North of Grocery Store





ACM Property Located West of Grocery Store

Residential Properties Located East of Grocery Store



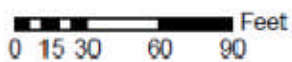
Location & Zoning Map

1623 Park Avenue

CU-2013-02



1 inch = 71 feet



Legend

- Zoning District
- Parcels

Map prepared by: Michael D. Lofton II
Date: January 2013
For: City of Beloit, Planning & Building Services
Date of Aerial Photography: April 2011

PLANNING & BUILDING SERVICES DIVISION

CITY of BELOIT

Planning and Building Services 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-2013-02

1. Address of subject property: 1623 Park Ave. Beloit WI 53511

2. Legal description: _____

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): 1257 - 0493

4. Owner of record: Margarita Mora Phone: (630) 661 0235
6307 Blue Ridge Dr Plainfield IL 60586
(Address) (City) (State) (Zip)

5. Applicant's Name: Margarita Mora
1623 Park Ave Beloit WI 53511
(Address) (City) (State) (Zip)
608 3628306 , 630 661 0235 ,
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: retail Sales
grocery store

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

A Conditional Use Permit for: indoor liquor sales
in a(n) C2, Neighborhood Zoning District.
Cormisq

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

Principal use: _____

Secondary use: _____

Accessory use: _____

9. Project timetable: Start date: 01-10-13 Completion date: 01-10-13

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

- Owner - Gene R Kaye
- Leasehold, length of lease: _____
- Contractual, nature of contract: _____
- 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.

Gene R Kaye / Gene R Kaye / 1/11/13
(Signature of Owner) (Print name) (Date)

Margarita Mora / _____ / _____
(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 Planning and Building Services 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: February 6, 2013
 No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____
 Application accepted by: Michael D. Loftus II Date: 1/11/13

Notice from City Clerk



City of
BELOIT, Wisconsin

CITY CLERK • CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Office: 608/364-6680 • Fax: 608/364-6649

Equal Opportunity Employer

www.ci.beloit.wi.us

January 15, 2013

Margarita Mora
6307 Blue Ridge Dr.
Plainfield, IL 60586

Dear Ms. Mora:

You indicated that you wanted to apply for a beer and liquor license for 1623 Park Avenue and we issued the paperwork to you.

Your application for a Conditional Use was forward to our office and I see that you have an Illinois address. Wisconsin State Law has a requirement for obtaining a liquor license that you must be a Wisconsin resident for at least 90 days; therefore you are not qualified to apply for an alcohol license. I have enclosed a copy of the State of Wisconsin Informational Pamphlet which notes on page two, where I have highlighted the qualifications for applying for an alcohol license.

If you have questions, please feel free to call me at 608-364-6681.

Sincerely,

Judith A. Elson
Deputy City Clerk

C: Captain Vince Sciame
Beloit Police Department

Michael Lofton
Plan Department



City of
BELOIT, Wisconsin
Division of Planning and Building Services

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

January 23, 2013

To Whom It May Concern:

Margarita Mora, the operator of Santa Rosa Grocery Store, 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:

1623 Park Avenue.

Indoor alcohol sales are a conditional use in the C-2 District. The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, February 6, 2013, 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, February 18, 2013, 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 Michael Lofton in the Planning Division at (608) 364-6708 or loftonm@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

CU-2013-02,Margarita Mora, 1623 Park Avenue.docx

FOR HIM INC
P O BOX 41
BELOIT, WI 535122943

JUAN CABERA AGUILAR
921 COPELAND AVE
BELOIT, WI 53511

JOHN WAXLER
1841 SHORE DR
BELOIT, WI 53511

LOYD & PATRICIA A MAJEED
2034 MOUND AVE
BELOIT, WI 53511

NORA NAVARRO
1119 DEWEY AVE
BELOIT, WI 53511

LEON J SR & WILMA J FOXEN
10703 S HICKORY CT
BELOIT, WI 535112943

MARVIN MILNER
P O BOX 1161
BELOIT, WI 535121161

MURRY MAE GIVHAN
1665 PORTER AVE
BELOIT, WI 535114520

SANDRA J & SHERYL Y JAMES
2945 W CARROLLTON RD
DAYTON, OH 454182448

EUGENE R & TERESA J KAYE
410 BLUFF ST
BELOIT, WI 53511

WALTER WHITLEY
11651 BRISTOL ROCK RD
BLACK JACK, MO 63033

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

GEORGE & MAVIS HATTIEX
923 WASHBURN ST
BELOIT, WI 535114519

HARRIL JR & HAZEL D WHITE
913 WASHBURN ST
BELOIT, WI 53511

PATRICK & STEVEN & MARTIN CIELESZ
1637 PARK AVE
BELOIT, WI 535114559

HENDRICKS COMMERCIAL
PROPERTIES LLC
655 THIRD ST STE 301
BELOIT, WI 53511



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, February 4, 2013

Presiding: Charles M. Haynes
Present: Sheila De Forest, Chuck Kincaid, Kevin D. Leavy, David F. Luebke, Mark Spreitzer, and James E. Van De Bogart
Absent: None

1. The meeting was called to order at 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Vice President Spreitzer presented a proclamation recognizing the **Beloit International Film Festival** to be held February 14-17, 2013, to Nancy Heidt, Vice President of the BIFF Board of Directors. File 7148
 - b. President Haynes presented the **State of the City Report**. He spoke of the 2012 achievements in Beloit in terms of dedication, determination, persistence, and patience. He said that the City and its partners are dedicating to developing and growing the economic base. He said that the City showed determination by approving a referendum to improve the schools. He said that the Riverside Park improvements took nearly two decades of persistence. He cited the Intergovernmental Agreement with the Ho-Chunk Nation, the Hampton Inn, and the new Dog Park as examples of projects that required patience. He also discussed the challenges that will be seen in 2013 and how the City will move forward using dedication, determination, persistence, and patience. File 7757
4. PUBLIC HEARINGS – none
5. CITIZENS PARTICIPATION – none
6. CONSENT AGENDA

Councilor Luebke made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.d. Councilor Van De Bogart seconded, and the motion carried that the Consent Agenda be accepted, approved, adopted, or referred and acted upon as required by state and local codes by a vote of 7-0.

- a. The **Minutes** of the Special Meeting of January 17, 2013, and the Regular Meeting of January 22, 2013 were approved.
 - b. The application for **Conditional Use Permit** to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 1623 Park Avenue was referred to the Plan Commission. File 8542
 - c. The application for a **Zoning Map Amendment** to change the Zoning District Classification from R-1A, Single-family Residential District, to PLI, Public Lands & Institutions District, for the property located at 2208 N. Lee Lane, was referred to the Plan Commission. File 8228
 - d. The resolution setting a date for a Public Hearing for the **Vacation** of an Unnamed North-South Alley in the block bound by North Street, Sixth Street, Olympian Boulevard, and Fourth Street in the City of Beloit, Rock County, Wisconsin, was accepted and referred to the Plan Commission. File 8580
7. LICENSES
 - a. Deputy City Attorney Elizabeth Krueger presented a resolution **Setting Return Date and Authorizing Issuance of Summons** for Alcohol License Sanction Hearing for Speedway, LLC, d/b/a Speedway #4293, 2781 Milwaukee Road, Nancy A. Bryant, Agent. Ms. Krueger recommended that the Sanction Hearing be set for Tuesday, February 12, 2013, at 6:30 p.m. in the Forum at City

Hall. Councilor Van De Bogart made a motion to adopt the resolution, and Councilor De Forest seconded. The motion carried 7-0. File 8542

8. ORDINANCES – none

9. APPOINTMENTS – none

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest said that she is looking forward to attending the Beloit International Film Festival, especially the Silent Film Showcase. She said that the Rock River Trail Initiative is meeting in South Beloit on March 1st and invited the public to attend.
- Councilor Van De Bogart encouraged residents to attend and participate in BIFF by volunteering.
- Councilor Kincaid said that he will be attending BIFF and that there are some great venues and movies this year. He said that he also attended a legislative breakfast with Mark Pocan.
- Councilor Luebke lamented on the loss of several Beloit icons in the last week. He said that Bill Dommer, Fred Mathews, Bill Behling, and Frank Marsden gave much of themselves to Beloit for many years and will be missed.
- Councilor Spreitzer echoed Councilor Luebke's comments and said that Frank Marsden was a mentor to him. He also said that he is looking forward to attending BIFF.
- Councilor Haynes encouraged the public to continue to support BIFF. He said that he had an unpleasant conversation with a resident regarding snow emergencies and reminded residents to be proactive when it is snowing and remove their vehicles from the streets.

11. CITY MANAGER'S PRESENTATION – none

12. REPORTS FROM BOARD AND CITY OFFICERS

- a. Police Chief Norm Jacobs presented a resolution amending the **2013 Capital Improvement Budget** and appropriating funds from the Police Confiscated Fund to Purchase Mobile Video Recording Devices Equipment. He said that this is an opportunity to replace all of the devices at one time, which will increase efficiency and effectiveness of training. Councilor Leavy made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest asked how this project will be funded, and Chief Jacobs said that the Police Confiscated Fund will be used and that this fund may only be used for otherwise unfunded projects or equipment but not for operations or salaries. The motion carried 7-0. File 8570
- b. Transit Director Michelle Gavin presented a resolution authorizing the issuance of a **Purchase Order** for the replacement of two Transit Buses in 2014. She indicated that the lead time on ordering buses is 16-20 months and that this resolution would allow the City to order two buses to replace those from 1997 with very high mileage. She said that a federal grant will pay for 80 percent of the cost of the buses. Councilor De Forest made a motion to adopt the resolution, and Councilor Spreitzer seconded. Councilor De Forest asked about the anticipated discount if the buses are ordered by the end of February, and Ms. Gavin indicated that the City could order with the City of Racine at 2012 prices which would save roughly two percent of the total cost. Councilor Van De Bogart asked if we are purchasing full-sized buses. Ms. Gavin indicated that we purchase the full-sized buses because the cost difference is minimal, the fuel cost and efficiency is the same, and that these buses are more durable and can hold more passengers for peak periods. Ms. Gavin said that a bus needs 1/5 the amount of fuel per person than a passenger car. The motion carried 7-0. File 8574/8570

13. At 7:27 p.m., Councilor Leavy made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 7-0.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date approved by Council:

**RESOLUTION APPROVING CHANGE OF AGENT
ALCOHOL BEVERAGE LICENSE**

WHEREAS, the agent of record for Speedway, LLC, d/b/a Speedway #4293, located at 2781 Milwaukee Road is Nancy A. Bryant; and

WHEREAS, Speedway, LLC, has requested and the Alcohol Beverage License Control Committee has recommended that the agent be changed to Sheryl Lynn LaTronico.

NOW, THEREFORE, IT IS RESOLVED that the new agent for Speedway, LLC, d/b/a Speedway #4293, located at 2781 Milwaukee Road is Sheryl Lynn LaTronico.

Dated this 18th day of February, 2013.

Charles M. Haynes, President
Beloit City Council

Attest:

Rebecca Houseman LeMire, City Clerk



**ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE
RECOMMENDATION**

TO: Beloit City Council
FROM: Alcohol Beverage License Control Committee
DATE: February 12, 2013
SUBJECT: Speedway LLC, d/b/a Speedway #4293

The Alcohol Beverage License Control Committee recommends approval of a Change of Agent at Speedway #4293, 2781 Milwaukee Road, from Nancy Bryant to Sheryl LaTronico.

Recommendation for approval carried 6-0.

Rebecca Houseman LeMire
City Clerk

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town
 Village of Beloit County of Rock
 City

The undersigned duly authorized officer(s)/members/managers of Speedway LLC
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Speedway 4293
(trade name)

located at 2781 Milwaukee Rd., Beloit, WI 53511-3974

appoints Sheryl Lynn LaTronico
(name of appointed agent)
1931 Harrison Ave., Beloit, WI 53511
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 23 years

Place of residence last year 1931 Harrison Ave., Beloit, WI 53511

For: Speedway LLC
(name of corporation/organization/limited liability company)

By: David E. Ball David E. Ball, Secretary
(signature of Officer/Member/Manager)

And: Ronald L. Edmiston Ronald L. Edmiston, Treasurer
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Sheryl Lynn LaTronico, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 2.1.2013 Agent's age _____
(signature of agent) (date)

1931 Harrison Ave., Beloit, WI 53511 Date of birth _____
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
LaTronico		Sheryl		Lynn	
Home Address (street/route)		Post Office		City	
1931 Harrison Ave.		Beloit		Beloit	
Home Phone Number		Age		Date of Birth	
608-364-1917					
				State	
				WI	
				Zip Code	
				53511	
				Place of Birth	
				Chicago, IL	

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.
- Sheryl L. LaTronico, Agent of Speedway LLC

(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? 23 years
- 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.)
- 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 permit, 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)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Speedway LLC	P O Box 1500, Springfield, OH 45501	05/2007	present
Employer's Name	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 1st day of Feb, 20 13

[Signature]
(Clerk/Notary Public)

My commission expires 9-22-13

[Signature]
(Signature of Named Individual)

Sheryl L. LaTronico, Agent for Speedway LLC



Printed on Recycled Paper

Wisconsin Department of Revenue



Speedway LLC

500 Speedway Drive
Enon, OH 45323
Telephone 937-864-3000

January 30, 2013

Beloit City Clerk
100 State St.
Beloit, WI 53511

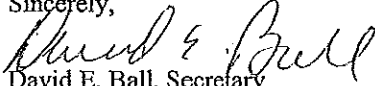
To Whom It May Concern:

My name is David E. Ball and I am the Secretary for Speedway LLC. Speedway # 4293 located at 2781 Milwaukee Rd., Beloit, WI 53511 has a change of agent.

Speedway LLC appoints Sheryl Lynn LaTronico as agent and represents us at Speedway # 4293.

If you have any questions please don't hesitate to contact Sharon Stevens at 937-863-7191.

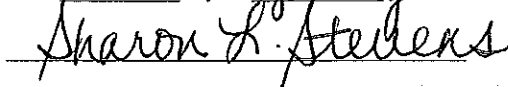
Sincerely,


David E. Ball, Secretary

For Speedway LLC

Subscribed and sworn before me

This 30th day of January 2013



Notary Public

**My Commission Expires
May 14, 2016**

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Review and consideration of the Connections: City Center Plan – Council Referral to the Plan Commission

Date: February 18, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The Connections: City Center Plan is a plan initiated by Beloit 2020 in an effort to guide the physical development and improvement of bike and pedestrian paths in the “Confluence Corridor” located between the City of Beloit and City of South Beloit. The Confluence Corridor includes roughly 930-acres of land between both cities. In the City of Beloit the boundaries of the Confluence Corridor includes lands east of Rock River, west of IL-251, south of East Grand Avenue to the Stateline border into the City of South Beloit.

Key Issues (maximum of 5):

- The purpose of the plan is to revitalize the Confluence Corridor area by enhancing the connectivity and mobility of bike and pedestrian paths.
 - The Connections plan is an element to the City Center Plan (A Vision for the City Center) and further advances the goal to create physical linkages to places within and beyond the City Center.
 - Public meetings and workshops were held during the development of the plan from 2011 to 2012.
 - A copy of the plan is available on the City’s homepage.
-

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 #1 & #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 February 20, 2013 meeting
 - This item will most likely return to the City Council for possible action on March 4, 2013
-

Fiscal Note/Budget Impact: N/A

Attachments:

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Certified Survey Map (CSM) for the property located at 1650 Lee Lane – Council Referral to the Plan Commission

Date: February 18, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

R.H. Batterman & Co., Inc. has submitted an Application for the Review of a Minor Subdivision and a 2-Lot Certified Survey Map (CSM) for the property located at 1650 Lee Lane.

Key Issues (maximum of 5):

- The intent of the proposed CSM is to create a buildable parcel (Lot 1) for a proposed cancer center that will be operated by Beloit Memorial Hospital and UW Health. Proposed Lot 2 includes the existing clinic building and parking lot and several acres of vacant land.
- Proposed Lot 1 is 5.288 acres in area and includes 496.84 feet of frontage on Lee Lane, 333.65 feet of frontage on Milwaukee Road, and a public sidewalk easement near the stoplight that is 8 feet wide and approximately 114 feet long.
- Proposed Lot 2 is 10.898 acres in area and includes 639.23 feet of frontage on Lee Lane.
- The proposed CSM must be reviewed by the City Council because of the perpetual public sidewalk easement.

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 #5.

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:

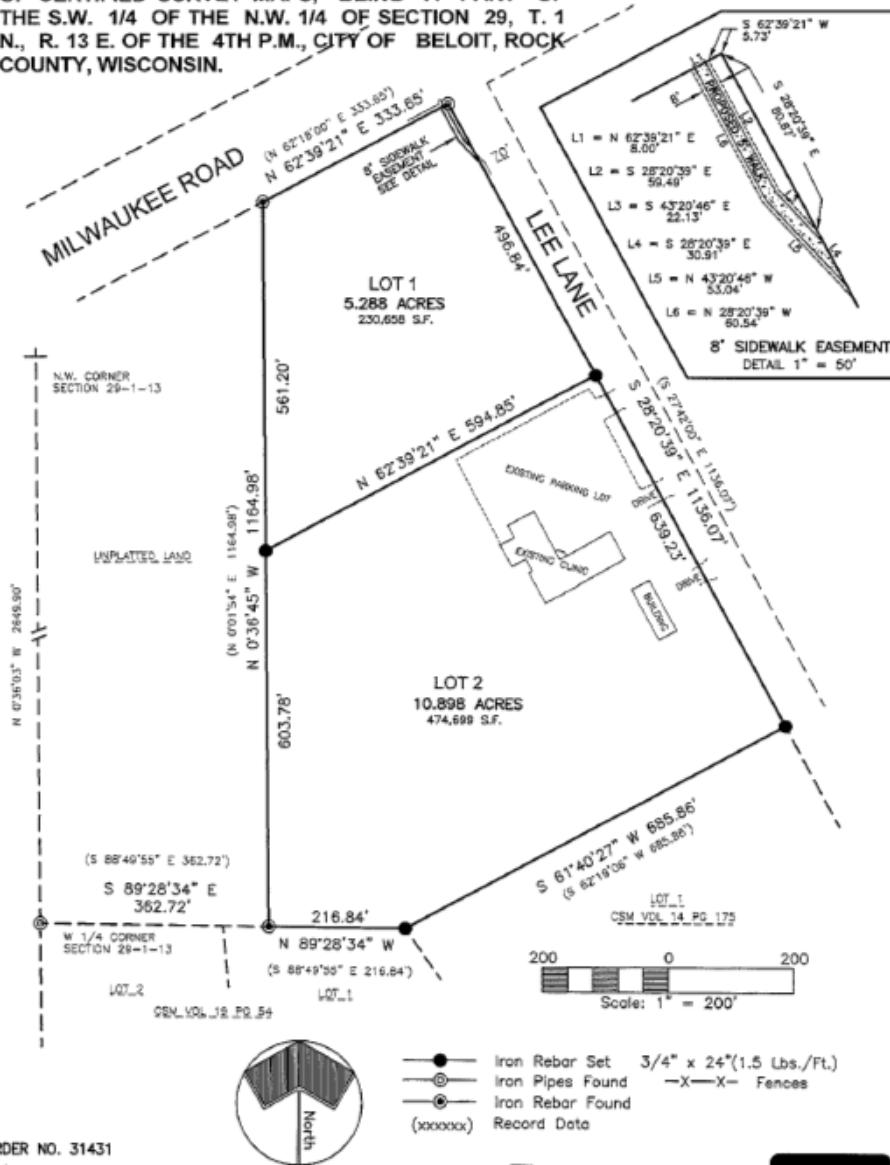
- Referral to the Plan Commission for the February 20, 2013 meeting
- This item will most likely return to the City Council for consideration on March 4, 2013

Fiscal Note/Budget Impact: N/A

Attachments: Proposed CSM and Application

CERTIFIED SURVEY MAP OF

LOT 1 OF CERTIFIED SURVEY MAP, DOCUMENT NO. 1728315, RECORDED IN VOLUME 29 ON PAGES 126-128 OF CERTIFIED SURVEY MAPS, BEING A PART OF THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 29, T. 1 N., R. 13 E. OF THE 4TH P.M., CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.



ORDER NO. 31431
 BOOK xxx PAGE xx
 DATE JANUARY 28, 2013
 FOR БЕЛОIT MEMORIAL HOSPITAL
 SHEET 1 OF 3

BEARINGS BASED ON THE WISCONSIN COUNTY COORDINATE SYSTEM, ROCK DATUM

File Name: J:\31400-31450\31431-BMH LEE LANE\CSM.dwg

Batterman
 engineers surveyors planners

2857 Bartels Drive Beloit, Wisconsin 53511
 608.395.4464 www.tbatterman.com

CERTIFIED SURVEY MAP OF

LOT 1 OF CERTIFIED SURVEY MAP, DOCUMENT NO. 1728315, RECORDED IN VOLUME 29 ON PAGES 126-128 OF CERTIFIED SURVEY MAPS, BEING A PART OF THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 29, T. 1 N., R. 13 E. OF THE 4TH P.M., CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE

State of Wisconsin) I, Robert H. Leuenberger, a Registered Land Surveyor, do hereby
County of Rock)^{ss} certify that I have surveyed and mapped Lot 1 of Certified Survey Map, Document No. 1728315, Recorded in Volume 29 on Pages 126-128 of Certified Survey Maps, Being a Part of the S.W. 1/4 of the N.W. 1/4 of Section 29, T. 1 N., R. 13 E. of the 4th P.M., City of Beloit, Rock County, Wisconsin.

DESCRIBED AS FOLLOWS: Commencing at the West 1/4 corner of Section 29, aforesaid; thence South 89°28'34" East 362.72 feet to the Southwest corner of said Lot 1 and the point of beginning; thence North 0°36'45" West 1164.98 feet; thence North 62°39'21" East 333.65 feet; thence South 28°20'39" East 1136.07 feet; thence South 61°40'27" West 685.86 feet; thence North 89°28'34" West 216.84 feet to the place of beginning. Containing 16.186 acres more or less.

That such map is a correct representation of all exterior boundaries of the land surveyed and the division of that land. That I have made such survey and map by the direction of the Owner of said land, and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying and mapping the same. Given under my hand and seal, this 28th day of January, 2013 at Beloit, Wisconsin.

Approved by the City Council of the City of Beloit, this _____ day of _____, 2013.

By: _____

I hereby certify that the property taxes on the parent parcel are current and have been paid as of _____, 2013.

By: _____
Rock County Treasurer

ORDER NO. 31431
DATE: JANUARY 28, 2013
FOR: BELOIT MEMORIAL HOSPITAL

SHEET 2 OF 3



CERTIFIED SURVEY MAP OF

LOT 1 OF CERTIFIED SURVEY MAP, DOCUMENT NO. 1728315, RECORDED IN VOLUME 29 ON PAGES 126-128 OF CERTIFIED SURVEY MAPS, BEING A PART OF THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 29, T. 1 N., R. 13 E. OF THE 4TH P.M., CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

CORPORATE OWNERS CERTIFICATE OF DEDICATION

Beloit Memorial Hospital, Inc., a Wisconsin corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Beloit Memorial Hospital, Inc. does further certify that this plat is required by Sections 236.10 or 236.12 to be submitted to the following for approval or objection: the City of Beloit Planning Commission and the Beloit City Council.

IN WITNESS WHEREOF, the Beloit Memorial Hospital has caused these presents to be signed by Gregory Britton, its President and CEO, this _____ day of _____, 2013.

Gregory Britton, President and CEO
Beloit Memorial Hospital

State of Wisconsin) Personally came before me, this _____ day of _____, 2013, Gregory
County of Rock)^{ss.} Britton of the above-named corporation, to me known to be
the person who executed the foregoing instrument, and to me known to be
such President and CEO of said corporation, and acknowledged that he executed the foregoing
instrument as such officer as the deed of such corporation, by its authority.

Notary Public, Rock County, Wisconsin

My Commission Expires: _____

DOCUMENT NO. _____ RECEIVED FOR RECORD THIS _____ DAY OF _____
A.D. 2013 AT _____ O'CLOCK ____M. AND RECORDED IN VOLUME _____, PAGES
_____ OF CERTIFIED SURVEY MAPS OF ROCK COUNTY, WISCONSIN.

REGISTER OF DEEDS

ORDER NO. 31431
DATE: JANUARY 28, 2013
FOR: BELOIT MEMORIAL HOSPITAL

SHEET 3 OF 3



City of Beloit

Neighborhood Planning Division

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

Application for Review of a Minor Subdivision

(Please Type or Print)

File Number: CSM-2013-02

1. Address of property: 1650 & 1670 Lee Lane
2. Tax Parcel Number(s): 2297 0900
3. Property is located in (circle one): City of Beloit or Town of: Turtle; Beloit; Rock or LaPrairie
In the nw Quarter of Section 2, Township 1 North, Range 1 East of the 4th P.M.
4. Owner of Record: Beloit Memorial Hospital Phone: 364-5011
1969 Hart Road BELOI WI 53511
(Address) (City) (State) (Zip)
5. Surveyor's name: RH Batterman & Co., Inc. Phone: 365-4464
2857 Bartells Drive Beloit WI 53511
(Address) (City) (State) (Zip)
6. Number of new lots proposed with this land division is 2 lot(s).
7. Total area of land included in this map: 16.19 Acres
8. Total area of land remaining in parent parcel: NA
9. Is there a proposed dedication of any land to the City of Beloit? Yes (Easement only)
10. The present zoning classification of this property is: C 1
11. Is the proposed use permitted in this zoning district: YES
12. **THE FOLLOWING ITEMS MAY NEED TO BE COMPLETED AND/OR ATTACHED:**
 - Site Assessment Checklist;** is required if the total area of CSM is over 5 acres.
 - Pre-application meeting;** pre-application meeting was held on 1/9/13 with City of Beloit Staff.
 - Developer's Statement;** as required by section 12.02(7) of the Subdivision Ordinance.
 - Phase One Environmental Assessment;** as per section 12.05(1)(c) of the Subdivision Ordinance.
 - Certified Survey Map;** one copy as required by section 12.05(1) of the Subdivision Ordinance.

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct. The undersigned does hereby respectfully make application for and petition the City Plan Commission or City Council for approval of this Certified Survey Map for the purpose stated herein. The undersigned also agrees to abide by all applicable federal, state and local laws, rules, and regulations.

[Signature] / RH BATTERMAN CO. / 1/29/13
(Signature of applicant) (Name of applicant) (Date)

This application must be submitted at least 21 days prior to the Plan Commission meeting date.

Review fee: <u>\$150 plus \$10 per lot</u>	Amount Paid: <u>\$170.00</u>
Scheduled meeting date: <u>Feb. 20, 2013</u>	
Application accepted by: <u>[Signature]</u>	Date: <u>1/30/13</u>

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C12-13
COLBY STREET RECONSTRUCTION**

WHEREAS, this project reconstructed 3-inch pavement, curb & gutter and driveway aprons on Colby Street from the west termini to Prospect Street including the intersection with Prospect.

WHEREAS, work under this contract has been completed satisfactorily and in conformance with the requirements of the contract, and

WHEREAS, the city engineer, comptroller, and attorney recommend final payment to the contractor, therefore

IT IS RESOLVED, that Rock Road Companies, Inc. be paid \$4,868.05 as the final payment for Contract C12-13, Colby Street Reconstruction, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 18th day of February, 2013.

City Council of the City of Beloit

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award Final Pay for C12-13, Colby Street Reconstruction

Date: February 18, 2013

Presenter(s) Michael Flesch, City Engineer

Department(s): Public Works/Engineering

Overview/Background Information:

Rock Road Companies Inc. has completed construction of project C12-13 Colby Street Reconstruction, and has submitted all of the required paperwork and bonds. Final payment now needs to be issued.

This project reconstructed 3-inch pavement, curb & gutter and driveway aprons on Colby Street from the west termini to Prospect Street including the intersection with Prospect.

Key Issues (maximum of 5):

1. Rock Road Companies Inc. was the low bidder for this project, and they have completed construction to the satisfaction of Engineering.
 2. The contractor is due \$4,868.05 for the completion of the project.
-

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

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:

The Engineering Division recommends approval of the final payment to Rock Road Companies Inc. for \$4,868.05

Fiscal Note/Budget Impact:

Funds are available in the 2012 CIP budget.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Michael Flesch, City Engineer

FROM: Bill Frisbee, Storm Water Engineer

DATE: December 18, 2012

SUBJECT: Final Payment Contract C12-13
Colby Street Reconstruction

The work on this project was completed on September 30, 2012. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.

The original contract amount was for \$169,517.46, and the final contract amount is \$191,049.56 which is a 12.7% increase. The increase in cost was primarily due to milling the concrete to make the curb and gutter grades work. This item should have been included in the base bid. Payments to date under this contract total \$186,181.52. All lien waivers from subcontractors are on file.

Therefore, I recommend a final payment in the amount of \$4,868.05 be made to Rock Road Companies, Inc.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

JAN 15 2013

TO: Bill Frisbee
FROM: Thomas R. Casper *Down*
DATE: January 9, 2013
SUBJECT: Final Payment Public Works Contract C12-13
Rock Road Companies, Inc.
Colby Street Reconstruction

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C12-20
MCKINLEY RECONSTRUCTION**

WHEREAS, this project rehabilitated two blocks of McKinley Avenue between Portland Avenue and Liberty Avenue with new asphalt pavement, concrete curb and gutter, driveway approaches, drainage improvements and sod restoration.

WHEREAS, work under this contract has been completed satisfactorily and in conformance with the requirements of the contract, and

WHEREAS, the city engineer, comptroller, and attorney recommend final payment to the contractor, therefore

IT IS RESOLVED, that Rock Road Companies, Inc. be paid \$3,871.60 as the final payment for Contract C12-20, McKinley Reconstruction, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 18th day of February, 2013.

City Council of the City of Beloit

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award Final Pay for C12-20, McKinley Reconstruction

Date: February 18, 2013

Presenter(s) Michael Flesch, City Engineer

Department(s): Public Works/Engineering

Overview/Background Information:

Rock Road Companies Inc. has completed construction of project C12-20 McKinley Reconstruction, and has submitted all of the required paperwork and bonds. Final payment now needs to be issued.

This project rehabilitated two blocks of McKinley Avenue between Portland Avenue and Liberty Avenue with new asphalt pavement, concrete curb and gutter, driveway approaches, drainage improvements and sod restoration.

Key Issues (maximum of 5):

1. Rock Road Companies Inc. was the low bidder for this project, and they have completed construction to the satisfaction of Engineering.
 2. The contractor is due \$3,871.60 for the completion of the project.
-

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

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:

The Engineering Division recommends approval of the final payment to Rock Road Companies Inc. for \$3,871.60

Fiscal Note/Budget Impact:

Funds are available in the 2012 CIP budget.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Michael Flesch, City Engineer

FROM: Bill Frisbee, Storm Water Engineer

DATE: December 18, 2012

SUBJECT: Final Payment Contract C12-20
McKinley Reconstruction


The work on this project was completed on September 30, 2012. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.

The original contract amount was for \$154,864.00, and the final contract amount is \$159,419.01, which is a 2.94% increase. The increase in cost was primarily due to quantity overages in base stone and restoration. Payments to date under this contract total \$155,547.41. All lien waivers from subcontractors are on file.

Therefore, I recommend a final payment in the amount of \$3,871.60 be made to Rock Road Companies, Inc.

JAN 15 2013

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Bill Frisbee
FROM: Thomas R. Casper 
DATE: January 9, 2013
SUBJECT: Final Payment Public Works Contract C12-20
Rock Road Companies, Inc.
McKinley Reconstruction

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C12-03
WEST GRAND PARKING LOT**

WHEREAS, work under this contract has been completed satisfactorily and in conformance with the requirements of the contract, and

WHEREAS, the City Engineer, Comptroller, and Attorney recommend final payment to the contractor, therefore

IT IS RESOLVED, that Rock Road Companies Inc. be paid \$25,817.84 as the final payment for Contract C12-03 West Grand Parking Lot, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 18th day of February, 2013.

City Council of the City of Beloit

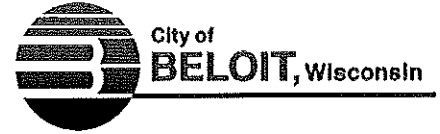
Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award Final Pay for C12-03, West Grand Parking Lot

Date: February 18, 2013

Presenter(s) Michael Flesch, City Engineer

Department(s): Public Works/Engineering

Overview/Background Information:

Rock Road Companies Inc. has completed construction of project C12-03 West Grand Parking Lot, and has submitted all of the required paperwork and bonds. Final payment has been requested by the contractor.

This project reconstructed the West Grand Avenue Parking Lot with new asphalt pavement, concrete curb and gutter, street lights, pavement markings, a cedar post and split-rail fence, trees, plants, painting of the existing retaining wall, and grass restoration.

Key Issues (maximum of 5):

1. The requirements of the contract have been completed to the satisfaction of the City.
2. The awarded contract amount was \$ 91,760.35
Quantity increases and change orders \$ 92,747.70
Net payment due contractor \$ 25,817.84
3. The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to Rock Road Companies, Inc. in the amount of \$25,817.84

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
 - This project repaired deteriorated pavement and added landscaping thereby improving the area.

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**
The parking lot lights use LED technology, which is more energy efficient and has a longer life and lower maintenance cost than HPS technology.
- **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 NA should be entered in that space.

Action required/Recommendation:

Approval of the Resolution authorizing the Final Payment to Rock Road Companies, Inc. in the amount of \$25,817.84

Fiscal Note/Budget Impact:

Adequate funding is available in the 2012 Budget.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch, City Engineer

FROM: Jason Dupuis, Transportation Engineer JRD
1/11/13

DATE: January 11, 2013

SUBJECT: Contract C12-03
West Grand Parking Lot

The work on this project was completed on October 30, 2012. Former project engineer, Luke Arnold designed the project City staff inspected the completed work. The project was found to be satisfactory and in conformance with the requirements of the contract. The contractor has asked for final payment in the amount of \$25,817.84. The construction of this project was managed and inspected by City staff.

The original contract amount was \$91,760.35, and the final contract amount is \$92,747.70, an increase of approximately 1.08%. The increase was primarily due to change orders and quantity differences. A chart of is attached for your review and approval. I recommend a final payment in the amount of **\$25,817.84** be made to the contractor.

Please sign the attached final pay estimate form and yellow copy of the purchase order.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Jason Dupuis

FROM: Thomas R. Casper *Tom*

DATE: February 6, 2013

SUBJECT: **Final Payment Public Works Contract C12-03**
Rock Road Companies, Inc.
West Grand Parking Lot

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

**RESOLUTION
AUTHORIZING FINAL PAYMENT OF
PUBLIC WORKS CONTRACT C12-19
STREET RESURFACING 2012-PHASE II**

WHEREAS, work under this contract has been completed satisfactorily and in conformance with the requirements of the contract, and

WHEREAS, the City Engineer, Comptroller, and Attorney recommend final payment to the contractor, therefore

IT IS RESOLVED, that Rock Road Companies Inc. be paid \$3,638.29 as the final payment for Contract C12-19 Street Resurfacing 2012-Phase II, as recommended by the City Engineer.

Dated at Beloit, Wisconsin this 18th day of February, 2013.

City Council of the City of Beloit

Charles M. Haynes, President,

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award Final Pay for C12-19, Street Resurfacing 2012-Phase II

Date: February 18, 2013

Presenter(s) Michael Flesch, City Engineer

Department(s): Public Works/Engineering

Overview/Background Information:

Rock Road Companies Inc. has completed construction of project C12-19 Street Resurfacing 2012-Phase II, and has submitted all of the required paperwork and bonds. Final payment has been requested by the contractor.

This project will resurface Colley Road starting at Willowbrook Road and heading east for approximately 1900'. Also, various roads in East Lawn Cemetery and Big Hill Park will be resurfaced. Finally, the Chester Square parking lot will be resurfaced and re-striped.

Key Issues (maximum of 5):

1. The requirements of the contract have been completed to the satisfaction of the City.
2. The awarded contract amount was \$ 145,531.41
Quantity increases and change orders \$ 145,528.85
Net payment due contractor \$ 3,638.29
3. The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to Rock Road Companies, Inc. in the amount of \$3,638.29

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
 - This project repaired deteriorated pavement and added landscaping thereby improving the area.

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:

Approval of the Resolution authorizing the Final Payment to Rock Road Companies, Inc. in the amount of \$3,638.29

Fiscal Note/Budget Impact:

Adequate funding is available in the 2012 Budget.

CITY OF БЕЛОIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch, City Engineer

FROM: Jason Dupuis, Transportation Engineer JRD 1/11/13

DATE: January 11, 2013

SUBJECT: Contract C12-19
Street Resurfacing 2012-Phase 2

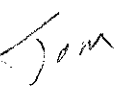
The work on this project was deemed completed on September 1, 2012. I have inspected the work and find it to be satisfactory and in conformance with the requirements of the contact. The contractor has asked for final payment in the amount of \$3,638.29. The construction of this project was managed and inspected by City staff.

The original contract amount was \$145,531.41, and the final contract amount is \$145,528.85, a decrease of approximately 0.00%. The decrease was primarily due to quantity differences. I have not included a chart of variance since the dollar difference is so marginal. I recommend a final payment in the amount of \$3,638.29 be made to the contractor.

Please sign the attached final pay estimate form and yellow copy of the purchase order.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Jason Dupuis

FROM: Thomas R. Casper 

DATE: February 6, 2013

SUBJECT: **Final Payment Public Works Contract C12-19**
Rock Road Companies, Inc.
Street Resurfacing 2012 – Phase II

I have reviewed the materials you sent over for final payment approval on the above contract. Everything appears in order and you may process the matter in your normal fashion.

/tdh
encs.

**RESOLUTION
APPROVING FARM LEASES
BETWEEN THE CITY OF БЕЛОIT
AND TWIN OAKS FARM**

The City Council of the City of Beloit, Rock County, Wisconsin, hereby resolves that the attached Farm Leases between the City of Beloit and Twin Oaks Farm be, and the same is hereby, approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit be, and he is hereby, authorized to enter into the Farm Leases on behalf of the City of Beloit.

Adopted at Beloit, Wisconsin this 18th day of February, 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Resolution approving farm leases between Twin Oaks Farm and the City of Beloit.

Date: 2/18/13

Presenter(s): Andrew Janke

Department(s): Economic Development

Overview/Background Information:

Staff is recommending approval of two farm Leases to Twin Oaks Farm for land owned by the City of Beloit. In late 2012 the City of Beloit bought 2 parcels of land from MLG totaling approximately 56 acres. Both parcels are located in TID #10 and in or adjacent to the Gateway Business Park. Parcel A contains 11.96 tillable acres and is located south of Eagles Ridge Drive. Parcel B contains 28.41 tillable acres and is located east on Gateway Boulevard North. (See attached map)

Key Issues (maximum of 5):

1. RFPs were sent January 15, 2013, to 14 farming operations; with the deadline of 5:00 PM, January 31, 2013, the following bids for each farm lease were received.
 2. Gateway Business Park II - A
Bid A: \$205.00 per acre for \$5,824.05 - (Jason and Jana Henschler)
Bid B: \$150.00 per acre for \$4,261.50 - (Robert Lang)
Bid C: \$205.46 per acre for \$5,837.12 - (Joe Rebout)
Bid D: \$251.01 per acre for \$7,131.20 - (Gary and Michelle Hahn)
Bid E: \$264.00 per acre for \$7,500.24 - (Twin Oaks Farm)
Bid F: \$275.00 per acre for \$7,812.75 - (Walsh Agricultural Holdings, LLC)
 3. Gateway Business Park II - B
Bid A: NA (Jason and Jana Henschler)
Bid B: \$100.00 per acre for \$1,196.00 - (Robert Lang)
Bid C: \$205.46 per acre for \$2,457.30 - (Joe Rebout)
Bid D: \$251.01 per acre for \$3,002.08 - (Gary and Michelle Hahn)
Bid E: \$264.00 per acre for \$3,157.44 - (Twin Oaks Farm)
Bid F: \$185.00 per acre for \$2,212.60 - (Walsh Agricultural Holdings, LLC)
 4. The highest overall bidder when both parcels are combined is Twin Oaks Farm for a total annual rental rate of \$10,657.68. (See attached Bid Sheet)
-

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.): As the leased land is planned for future development, it supports Goal #2 since it could leverage new private investment and job creation. Leasing the land for crop use also supports Goal # 1 as it supports Beloit's eco-municipality focus on sustainability, stewardship of City Resources, and protecting the natural environment.

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** – These leases support the reduction of dependence on fossil fuel as some of land may be used to grow corn that may be used in the production of ethanol.
 - **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** – Some of the crops harvested will meet human needs by being put into food production.
-

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

Fiscal Note/Budget Impact: As these two properties are located in TID #10 income from both leases will be directed to TID #10.

GATEWAY FARM

LEASE II-A

THIS LEASE is made this 1st of March, 2013 by and between the **City of Beloit**, a Wisconsin municipal corporation, with its principal place of business located at 100 State Street, Beloit, Wisconsin 53511 (hereinafter referred to as "**Lessor**") and Twin Oaks Farm, with a principal place of business located at 5816 East Buss Road, Clinton, WI 53525 (hereinafter referred to as "**Lessee**").

1. **Leased Premises:** **Lessor** hereby leases to **Lessee** the property described as Parcel "A" on Exhibit A (map) which is attached hereto. The leased premises consist of approximately 28.41 tillable acres of farmland (shown as 15.75 ac, 3.99 ac and 8.67 ac). There are no buildings on the leased premises as shown on Exhibit A.

2. **Term:** This lease shall commence upon the date of execution hereof and end on December 31, 2013. The lease may be extended for two (2) additional one-year terms with the first commencing January 1, 2014 and ending on December 31, 2014 and the second commencing January 1, 2015 and ending December 31, 2015; provided that the **Lessee** provides the **Lessor** with written notice of **Lessee's** intent to renew not more than 90 days nor less than 30 days prior to the expiration of the lease term subject to extension. Each extension shall be on the same terms and conditions herein. No extension will be allowed should **Lessee** be in default of any term or condition of the lease at the time of notice of intent to renew, or if the **Lessee** has been more than 30 days late in any payment obligation hereunder.

3. **Rent:** The **Lessee** shall pay to the **Lessor** annual rent for the lease of the property described above the sum of \$7,500.24 payable at the Office of the City Treasurer, City Hall (Attn:

Finance), 100 State Street, Beloit, Wisconsin, as follows:

\$3,750.12 on or before May 20, 2013; and

\$3,750.12 on or before November 18, 2013.

If the lease is extended for 2014 and again for 2015, payments will be as follows:

\$3,750.12 on or before May 20, 2014; and

\$3,750.12 on or before November 18, 2014; and

\$3,750.12 on or before May 20, 2015; and

\$3,750.12 on or before November 18, 2015.

4. **Rent Abatement:** Lessor shall have the right to sell any portion of the leased premises during the term of this lease, and upon closing of such sale this lease shall automatically terminate with respect to that portion of the premises that is sold. Lessee hereby permits the Lessor and any prospective buyer or their agents or designees of the leased premises to enter upon the same for the purpose of conducting soil borings and/or surveying the leased premises, provided that buyer gives Lessee five days' notice of buyer's intent to enter thereon. Neither Lessor nor the prospective buyer shall be liable for any crop damage resulting from soil borings or surveying activities, provided that such damage is kept to the minimum amount necessary to accomplish the same. If Lessor sells any portion of the leased premises during the term of this lease, Lessor shall require the buyer, as a condition of sale, to either:

(a) Permit Lessee to harvest the crops during the term of this lease, provided however that such harvest shall occur promptly upon crop maturity; or in the alternative

(b) Pay Lessee for any crops planted but not to be harvested should Lessee

and buyer reach a mutual agreement to compensate **Lessee** for such unharvested crops .

5. **Condition of Premises:** **Lessee** has examined the premises and knows the condition thereof. No representations have been made to **Lessee** by **Lessor** regarding the condition of the property.

6. **Permitted Uses:** The leased premises shall be used solely for the purpose of growing crops. **Lessee** agrees that it will not permit any hazardous substance or hazardous materials to be discharged upon the leased premises and will not commit waste upon the premises.

7. **Indemnification:** **Lessee** agrees to hold **Lessor** harmless and to indemnify **Lessor** for any liability arising from **Lessee's** use of the premises during the term of this lease.

8. **Sublease and Assignment Prohibited:** **Lessee** may not assign this lease or sublet the premises without the written consent of the **Lessor**.

9. **Best Management Practices:** **Lessee** agrees to control soil erosion and to use best management practices during the term of this lease.

10. **Insurance - Certificate of Insurance:** **Lessee** shall, at **Lessee's** expense, procure the following insurance policies from insurance companies licensed to do business in the State of Wisconsin, in amounts and coverages not less than hereinafter set forth:

(a) **General Liability Insurance:**

(1) Each Occurrence Limit \$1,000,000.00

- (b) **Automobile Liability Insurance:** The Lessee shall provide Automobile Liability insurance covering all vehicles used by Lessee in the amount of \$500,000.00.

Lessee shall provide Lessor with a certificate of insurance. The certificate shall name the Lessor as certificate holder and shall unequivocally provide that the policies of insurance shall not be canceled or altered without sixty (60) days prior written notice to Lessor. Said certificate shall be provided to Lessor at the time of execution hereof and further certificates shall be provided immediately upon expiration of any policy or policies subject to the initial certificate.

11. **Removal of Crops:** Lessee shall remove all crops from the leased premises prior to the expiration of this lease. Any crops or equipment remaining on the leased premises at the time of expiration of this lease shall be deemed abandoned and become the property of the Lessor.

12. **Storage of Farm Equipment:** Lessee shall not store farm equipment or other moveable property on the leased premises at any time. However, during the planting and harvesting seasons, farm equipment may be kept on the premises overnight, but only while the Lessee is actively engaged in planting or harvesting.

13. **Hunting Prohibited:** Neither party shall permit any person to enter the leased premises for the purpose of hunting, shooting or capturing any wild animals during the term of this lease. Lessee may, as Lessor's agent, post "No Hunting" signs on the property.

14. **Default:** If Lessee commits waste or stores any farm equipment or moveable property upon the leased premises in violation of this lease, Lessor shall give Lessee five (5) days' notice to cure Lessee's default. If Lessee does not cure the default within five (5) days, Lessee shall

pay to **Lessor** a penalty of \$100.00 per day for each day that **Lessee** continues to commit waste or continues to store equipment or moveable property on the leased premises in violation of this agreement.

15. **Access To Property:** Lessee shall access the leased premises via Gateway Boulevard.

16. **Affirmative Action:** Lessee agrees to adopt an affirmative action plan to increase in its partners, associates, and employees members of under-represented groups in all of its departments, job classifications, and salary categories. In the event that **Lessee** subcontracts any portion of this lease, **Lessee** will include, in its subcontracts, a requirement that its subcontractors adopt an affirmative action plan. **Lessee** will also include a requirement that its subcontractors include a similar requirement in their contracts with their subcontractors. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of that ordinance.

17. **Nondiscrimination:** Lessee will not discriminate against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. In the event any portion of this lease is subcontracted by **Lessee**, **Lessee** shall include in such subcontract, a provision prohibiting the subcontractor from discriminating against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of said ordinance.

18. **Amendments:** This lease may be amended only by written mutual agreement of the **Lessor and Lessee.**

19. **Notices:** Notices to the parties to this lease **shall** be as follows:

To **Lessor:** City of Beloit
Attn: Andrew L. Janke, CPM
100 State Street
Beloit, WI 53511

To **Lessee:** Twin Oaks Farm
Attn: William Kutz
5816 East Buss Road
Clinton, WI 53525

IN WITNESS WHEREOF, the parties have executed this lease as of the date first written above.

LESSOR: CITY OF BELOIT

LESSEE:

By: _____
Larry N. Arft, City Manager

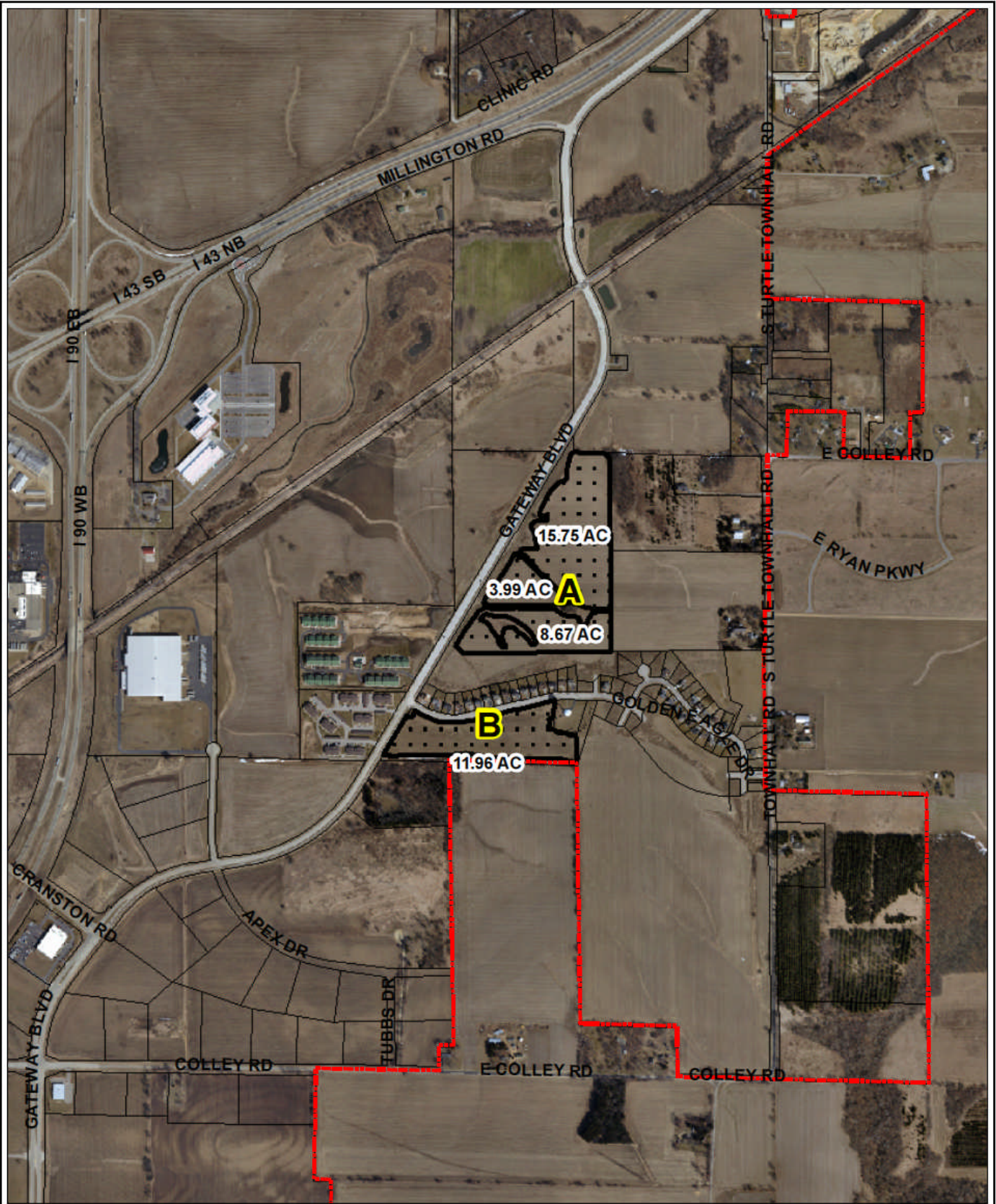
By: _____
William Kutz

Attest:

By: _____
Rebecca Houseman LeMire, City Clerk

Approved as to Form:

By: _____
Thomas R. Casper, City Attorney



 City Limits
 Farmable Land
 40.36 Acres Total

**City of Beloit Gateway
Area Farm Lease Map**



Engineering Division
February 11, 2013

GATEWAY FARM

LEASE II-B

THIS LEASE is made this 1st of March, 2013 by and between the **City of Beloit**, a Wisconsin municipal corporation, with its principal place of business located at 100 State Street, Beloit, Wisconsin 53511 (hereinafter referred to as "**Lessor**") and Twin Oaks Farm, with a principal place of business located at 5816 East Buss Road, Clinton, WI 53525 (hereinafter referred to as "**Lessee**").

1. **Leased Premises:** **Lessor** hereby leases to **Lessee** the property described as Parcel B on Exhibit A (map) which is attached hereto. The leased premises consist of approximately 11.96 tillable acres of farmland (shown as 11.96 ac). There are no buildings on the leased premises as shown on Exhibit A.

2. **Term:** This lease shall commence upon the date of execution hereof and end on December 31, 2013. The lease may be extended for two (2) additional one-year terms with the first commencing January 1, 2014 and ending on December 31, 2014 and the second commencing January 1, 2015 and ending December 31, 2015; provided that the **Lessee** provides the **Lessor** with written notice of **Lessee's** intent to renew not more than 90 days nor less than 30 days prior to the expiration of the lease term subject to extension. Each extension shall be on the same terms and conditions herein. No extension will be allowed should **Lessee** be in default of any term or condition of the lease at the time of notice of intent to renew, or if the **Lessee** has been more than 30 days late in any payment obligation hereunder.

3. **Rent:** The **Lessee** shall pay to the **Lessor** annual rent for the lease of the property described above the sum of \$3,157.44 payable at the Office of the City Treasurer, City Hall (Attn:

Finance), 100 State Street, Beloit, Wisconsin, as follows:

\$1,578.72 on or before May 20, 2013; and

\$1,578.72 on or before November 18, 2013.

If the lease is extended for 2014 and again for 2015, payments will be as follows:

\$1,578.72 on or before May 20, 2014; and

\$1,578.72 on or before November 18, 2014; and

\$1,578.72 on or before May 20, 2015; and

\$1,578.72 on or before November 18, 2015.

4. **Rent Abatement:** Lessor shall have the right to sell any portion of the leased premises during the term of this lease, and upon closing of such sale this lease shall automatically terminate with respect to that portion of the premises that is sold. Lessee hereby permits the Lessor and any prospective buyer or their agents or designees of the leased premises to enter upon the same for the purpose of conducting soil borings and/or surveying the leased premises, provided that buyer gives Lessee five days' notice of buyer's intent to enter thereon. Neither Lessor nor the prospective buyer shall be liable for any crop damage resulting from soil borings or surveying activities, provided that such damage is kept to the minimum amount necessary to accomplish the same. If Lessor sells any portion of the leased premises during the term of this lease, Lessor shall require the buyer, as a condition of sale, to either:

(a) Permit Lessee to harvest the crops during the term of this lease, provided however that such harvest shall occur promptly upon crop maturity; or in the alternative

(b) Pay Lessee for any crops planted but not to be harvested should Lessee

and buyer reach a mutual agreement to compensate **Lessee** for such unharvested crops.

5. **Condition of Premises:** **Lessee** has examined the premises and knows the condition thereof. No representations have been made to **Lessee** by **Lessor** regarding the condition of the property.

6. **Permitted Uses:** The leased premises shall be used solely for the purpose of growing crops. **Lessee** agrees that it will not permit any hazardous substance or hazardous materials to be discharged upon the leased premises and will not commit waste upon the premises.

7. **Indemnification:** **Lessee** agrees to hold **Lessor** harmless and to indemnify **Lessor** for any liability arising from **Lessee's** use of the premises during the term of this lease.

8. **Sublease and Assignment Prohibited:** **Lessee** may not assign this lease or sublet the premises without the written consent of the **Lessor**.

9. **Best Management Practices:** **Lessee** agrees to control soil erosion and to use best management practices during the term of this lease.

10. **Insurance - Certificate of Insurance:** **Lessee** shall, at **Lessee's** expense, procure the following insurance policies from insurance companies licensed to do business in the State of Wisconsin, in amounts and coverages not less than hereinafter set forth:

(a) **General Liability Insurance:**

(1) Each Occurrence Limit \$1,000,000.00

- (b) **Automobile Liability Insurance:** The Lessee shall provide Automobile Liability insurance covering all vehicles used by Lessee in the amount of \$500,000.00.

Lessee shall provide Lessor with a certificate of insurance. The certificate shall name the Lessor as certificate holder and shall unequivocally provide that the policies of insurance shall not be canceled or altered without sixty (60) days prior written notice to Lessor. Said certificate shall be provided to Lessor at the time of execution hereof and further certificates shall be provided immediately upon expiration of any policy or policies subject to the initial certificate.

11. **Removal of Crops:** Lessee shall remove all crops from the leased premises prior to the expiration of this lease. Any crops or equipment remaining on the leased premises at the time of expiration of this lease shall be deemed abandoned and become the property of the Lessor.

12. **Storage of Farm Equipment:** Lessee shall not store farm equipment or other moveable property on the leased premises at any time. However, during the planting and harvesting seasons, farm equipment may be kept on the premises overnight, but only while the Lessee is actively engaged in planting or harvesting.

13. **Hunting Prohibited:** Neither party shall permit any person to enter the leased premises for the purpose of hunting, shooting or capturing any wild animals during the term of this lease. Lessee may, as Lessor's agent, post "No Hunting" signs on the property.

14. **Default:** If Lessee commits waste or stores any farm equipment or moveable property upon the leased premises in violation of this lease, Lessor shall give Lessee five (5) days' notice to cure Lessee's default. If Lessee does not cure the default within five (5) days, Lessee shall

pay to **Lessor** a penalty of \$100.00 per day for each day that **Lessee** continues to commit waste or continues to store equipment or moveable property on the leased premises in violation of this agreement.

15. **Access To Property:** Lessee shall access the leased premises from Eagles Ridge Drive via the City of Beloit water tower site adjacent to the leased premises.

16. **Affirmative Action:** Lessee agrees to adopt an affirmative action plan to increase in its partners, associates, and employees members of under-represented groups in all of its departments, job classifications, and salary categories. In the event that **Lessee** subcontracts any portion of this lease, **Lessee** will include, in its subcontracts, a requirement that its subcontractors adopt an affirmative action plan. **Lessee** will also include a requirement that its subcontractors include a similar requirement in their contracts with their subcontractors. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of that ordinance.

17. **Nondiscrimination:** Lessee will not discriminate against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. In the event any portion of this lease is subcontracted by **Lessee**, **Lessee** shall include in such subcontract, a provision prohibiting the subcontractor from discriminating against any qualified employee or qualified applicant for employment because of race, color, national origin, ancestry, religion, age, marital status, disability, sex, or sexual orientation. This provision is inserted herein in compliance with Section 1.09 of the Code of General Ordinances of the City of Beloit, and shall be interpreted so as to carry out the intent of said ordinance.

18. **Amendments:** This lease may be amended only by written mutual agreement of the **Lessor and Lessee.**

19. **Notices:** Notices to the parties to this lease **shall** be as follows:

To **Lessor:** City of Beloit
Attn: Andrew L. Janke, CPM
100 State Street
Beloit, WI 53511

To **Lessee:** Twin Oaks Farm
Attn: William Kutz
5816 East Buss Road
Clinton, WI 53525

IN WITNESS WHEREOF, the parties have executed this lease as of the date first written above.

LESSOR: CITY OF BELOIT

LESSEE:

By: _____
Larry N. Arft, City Manager

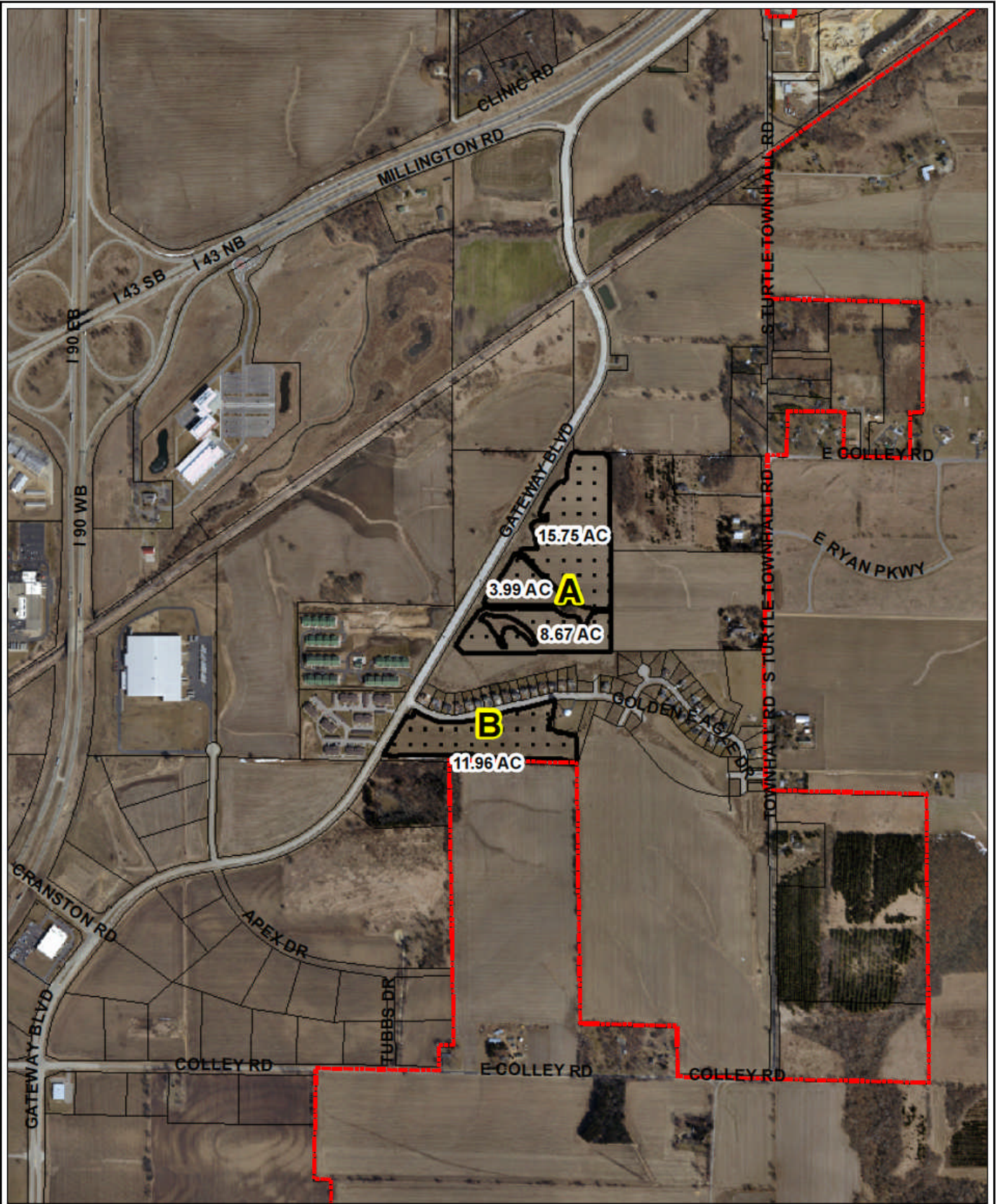
By: _____
William Kutz

Attest:

By: _____
Rebecca Houseman LeMire, City Clerk

Approved as to Form:

By: _____
Thomas R. Casper, City Attorney



 City Limits
 Farmable Land
 40.36 Acres Total

City of Beloit Gateway Area Farm Lease Map



Engineering Division
February 11, 2013

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Ordinance Relating to Wellhead Protection – Council Referral to the Plan Commission

Date: February 18, 2013

Presenters: Harry Mathos & Drew Pennington

Department: Water Resources & Planning

Overview/Background Information:

In accordance with Wisconsin Department of Natural Resources (DNR) requirements, City of Beloit staff has drafted an Ordinance to create Section 5-800 of the Zoning Ordinance, to be known as the Wellhead Protection Ordinance.

Key Issues (maximum of 5):

- The purpose of the Wellhead Protection Ordinance is to create land use regulations and restrictions that will protect the City's water supply from sources of contamination. The DNR directed the City to adopt a Wellhead Protection Ordinance within 18 months in a letter dated July 20, 2011. City staff requested, and the DNR approved, an extension until March 14, 2013.
- Essentially, the Wellhead Protection Ordinance creates a Wellhead Protection Overlay District that encompasses the groundwater recharge area around each of the City's wells. As the name implies, the overlay district is a second zoning district classification, as affected properties will retain their underlying zoning district classification (e.g. residential, commercial, industrial, etc.). As shown on the attached map, the proposed Wellhead Protection Overlay Districts will cover a significant proportion of the City. According to staff's calculations, 3,023 properties will be affected. These properties are owned by 2,305 different owners, who have been individually notified.
- The Wellhead Protection Ordinance establishes permitted, conditional, and prohibited uses within the Wellhead Protection Districts. Permitted uses include residential (on City sewer), agricultural, open space, and most commercial, institutional, and industrial uses (on City sewer).
- Conditional uses include those with the potential to cause contamination, including metal plating & working, commercial uses with septic systems, cemeteries, chemical manufacturers, dry cleaners, auto repair shops, businesses with above-ground fuel & chemical tanks, and others. Prohibited uses include those with a greater potential to cause contamination, including businesses with underground fuel & chemical tanks, radioactive waste facilities, landfills, railroad yards, and others. Existing facilities that are listed as a conditional or prohibited use are eligible to apply for a Conditional Use Permit to repair, rebuild, or expand the facilities, subject to very specific requirements and conditions.
- The proposed Wellhead Protection Ordinance consists of a Zoning Text Amendment in accordance with Section 2-200 and a Zoning Map Amendment in accordance with Section 2-300 of the Zoning Ordinance.

Conformance to Strategic Plan:

- Consideration of this request supports Strategic Goal #5.

Sustainability:

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – The proposed Ordinance will regulate the use & storage of chemicals and other potential contaminants.
- **Reduce dependence on activities that harm life sustaining eco-systems** – The proposed Ordinance is intended to protect the City's water supply.
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

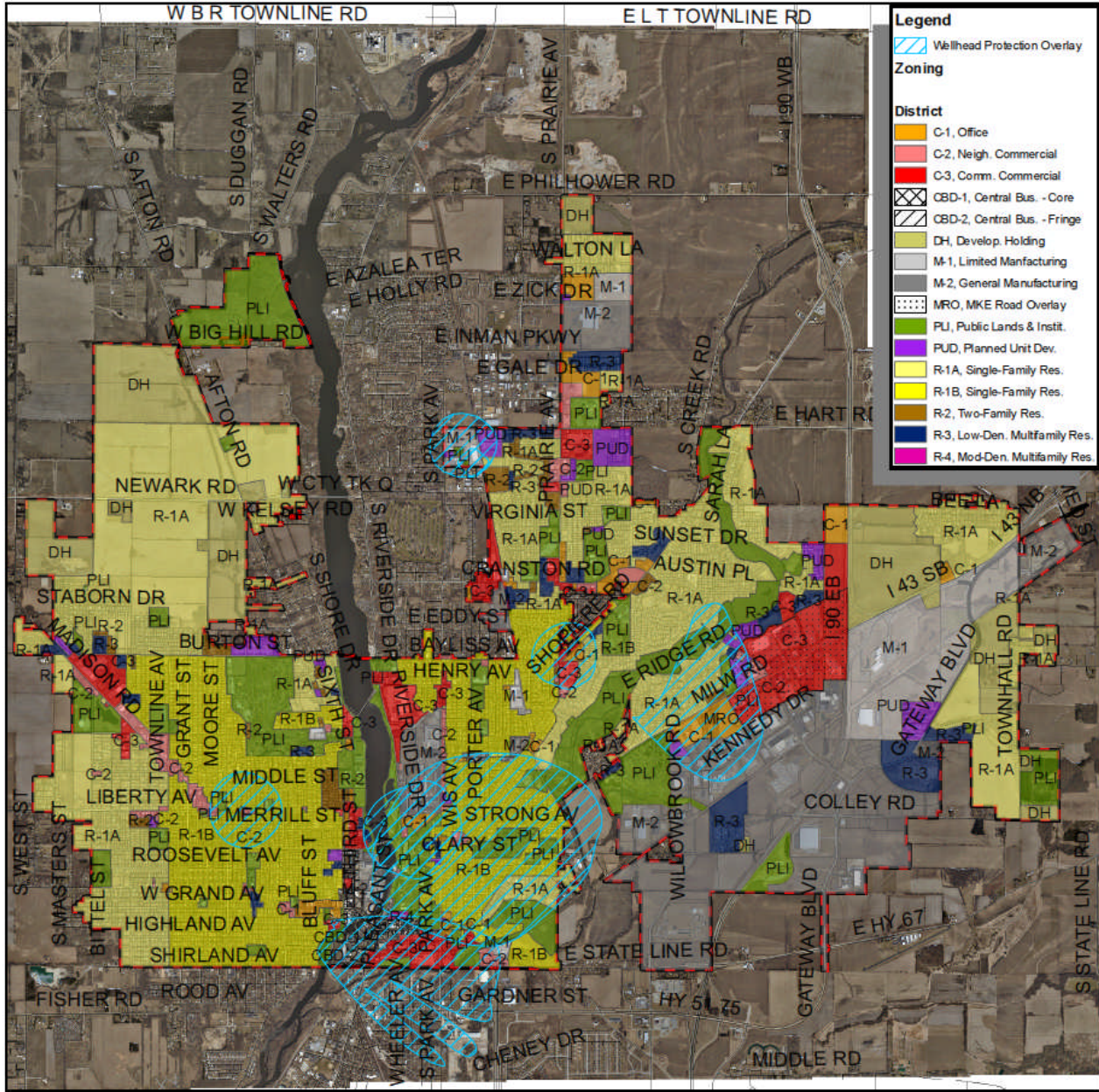
Action required/Recommendation:

- Referral to the Plan Commission for the February 20, 2013 meeting
- This item will return to the City Council for a public hearing and 1st and 2nd reading on March 4, 2013

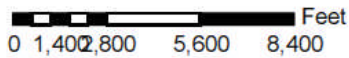
Fiscal Note/Budget Impact: The City has not received any funding to implement this Ordinance. Existing staff from the Planning Division, Water Resources Division, and City Attorney's Office are implementing this Ordinance.

Attachments: Map and Proposed Ordinance

Proposed Wellhead Protection Overlay District



1 inch = 4,871 feet



Map prepared by: Drew Pennington
 Date: January 2013
 For: City of Beloit Planning & Building
 Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

ORDINANCE NO. _____

AN ORDINANCE CREATING SECTION 5-800 OF THE ZONING ORDINANCE, ARTICLE V, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT, TO BE KNOWN AS THE WELLHEAD PROTECTION ORDINANCE

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

Section 1. Section 5-800 of the Zoning Ordinance, Article V, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby created to read as follows:

“5-800 WELLHEAD PROTECTION

5-801 PURPOSE AND AUTHORITY.

- a. Purpose. The residents of the City of Beloit depend on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the City of Beloit (“City”) and promote the public health, safety and general welfare of the residents.
- b. Authority. Statutory authority of the City to enact these regulations was established by the Wisconsin legislature in Wis. Stats. 62.23(7)(a) and (c). Under these statutes, the City has the authority to enact this ordinance to encourage the protection of groundwater resources.

5-802 **APPLICATION OF REGULATIONS.** The regulations specified in this Wellhead Protection Ordinance shall apply to those areas of the City that lie within the Five-Year Time of Travel recharge area for municipal water supply wells as defined in section 5-805, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the underlying zoning ordinance, the more restrictive provision shall apply.

5-803 DEFINITIONS.

- a. Aquifer. A saturated, permeable geologic formation that contains and will yield significant quantities of water.

- b. Cone of Depression. The area around a well, where the water table dips down forming a “v” or cone shape causing the water level to be lowered at least one-tenth of a foot due to pumping a well.
- c. Facilities. A general term referring to land uses, business operations, activities, developed property, or material stored.
- d. Five-Year Time of Travel. The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.
- e. Municipal Water Supply. The municipal water supply of the City of Beloit.
- f. Person. An individual, partnership, association, corporation, municipality or state agency, or other legal entity.
- g. Recharge Area. The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
- h. Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
- i. Well. A boring into the earth for the purpose of extracting groundwater for supply to the municipal water supply.
- j. Zone of Saturation. The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

5-804 WELLHEAD TECHNICAL REVIEW COMMITTEE.

- a. The Wellhead Technical Review Committee shall consist of all of the following:
 - 1. The City’s Director of Planning and Building Services;
 - 2. The City’s Public Works Director;
 - 3. The City’s Engineer;
 - 4. The City’s Fire Chief, and
 - 5. The City’s Director of Water Resources.

- b. The purpose of the Wellhead Technical Review Committee is to provide objective and scientific technical review of requests for conditional use permits and to make recommendations to the Plan Commission and ultimately to the City Council to grant or deny conditional use permits based upon the facts discovered in those reviews, to make recommendations on any and all conditions placed on a conditional use permit, and to give advice on matters concerning groundwater.
- c. Professional Services. The City may retain the services of professional consultants (including engineers, environmental specialists, hydrologists, and other experts) to assist the City in the City's review of a proposal or submittal coming before the Wellhead Technical Review Committee. The submittal of a proposal by an applicant shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the petitioner along with an administrative fee. Review fees, which are due the City from the petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property.

5-805 **WELLHEAD PROTECTION OVERLAY DISTRICT.** The Wellhead Protection Overlay District hereby created is intended to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promotes public health, safety, and welfare. The Wellhead Protection Overlay District is intended to protect the Five-Year Time of Travel recharge area for the existing or future municipal water supply from contamination.

5-806 **SUPREMACY OF THIS DISTRICT.** The regulations of an overlay district will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of the Wellhead Protection Overlay District are more stringent.

5-807 **WELLHEAD PROTECTION OVERLAY DISTRICTS BOUNDARIES.** The Wellhead Protection Overlay Districts shall be part of the City of Beloit Zoning District Map and the locations and boundaries of the Wellhead Protection Overlay Districts established by this ordinance are incorporated herein and hereby made a part of this ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

5-808 **PERMITTED USES IN WELLHEAD PROTECTION OVERLAY**

DISTRICTS.

- a. Subject to the conditions for existing uses listed in section 5-812, the following are the only permitted uses within the Wellhead Protection Overlay District:
 1. Public and private parks, and playgrounds, provided there are no on-site wastewater disposal systems or holding tanks;
 2. Wildlife and natural and woodland areas;
 3. Biking, hiking, skiing, nature, equestrian and fitness trails;
 4. Residential which is municipally sewered and free of flammable and combustible liquid underground storage tanks;
 5. Single-family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the county and state health standards for the effluent, and free of flammable or combustible liquid underground storage tanks;
 6. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines;
 7. Commercial, institutional, industrial or office establishments which are municipally sewered, subject to the prohibited and conditional uses listed in sections 5-810 and 5-811.

5-809 SEPARATION DISTANCE REQUIREMENTS IN WELLHEAD PROTECTION OVERLAY DISTRICTS.

- a. The following separation distances as specified in s. NR 811.16(4)(d), Wis. Adm. Code, shall be maintained. Measurements shall be from the wellhead to the specified structure, facility, edge of landfill or storage area as described in items 1 through 6 below.
 1. Fifty feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications. NOTE: Current AWWA 600 specifications

are available for inspection at the office of the Wisconsin Department of Natural Resources and the Secretary of State's office.

2. Two hundred feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
3. Four hundred feet between a public water supply well and a septic system receiving less than 8,000 gallons per day, or a stormwater detention, retention, infiltration or drainage basin.
4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that have received written approval from the Wisconsin Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110, Wis. Adm. Code, or another state agency of the State of Wisconsin with authority to issue such written approval.
5. One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
6. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110, Wis. Adm. Code, or another state agency of the State of Wisconsin with authority to issue such written approval; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

5-810 PROHIBITED USES IN WELLHEAD PROTECTION OVERLAY DISTRICTS.

- a. The following uses are prohibited:
1. Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
 2. Radioactive waste facilities.
 3. Coal storage.
 4. Industrial lagoons, pits or natural or manmade containment structures, primarily of earthen materials used for storage or treatment of wastewater, fermentation leachates or sludge.
 5. Landfills and any other solid waste facility, except post-consumer recycling.
 6. Manure and animal waste storage except animal waste storage facilities regulated by the county.
 7. Pesticide and fertilizer dealer.
 8. Railroad yards and maintenance stations.
 9. Rendering plants and slaughterhouses.
 10. Salt or deicing material storage for the purpose of distribution.
 11. Septage or sludge spreading.
 12. Septage, wastewater, or sewage lagoons.
 13. Motor vehicular filling stations.
 14. Wood preserving operations.

5-811 CONDITIONAL USES.

- a. Any person may request a conditional use permit, as provided for in Article II, section 2-500, for certain uses, activities and structures

within the Wellhead Protection Overlay District not prohibited in section 5-810.

- b. The uses, activities, and structures that may be conditionally allowed are:
1. Jewelry plating and metal plating.
 2. Machine or metal working shops as the principal business.
 3. Commercial, institutional, or office establishments utilizing a private on-site wastewater treatment system.
 4. Cemeteries.
 5. Chemical manufacturers (Standard Industrial Classification Major Group 28).
 6. Dry cleaners.
 7. Nonmetallic earthen materials extraction or sand and gravel pits.
 8. Salvage or junk yards.
 9. Stockyards and feedlots.
 10. Research labs, universities and hospitals.
 11. Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.) This shall not apply to residential LP gas tanks.
 12. Storage or processing of extremely hazardous substances, radioactive materials or substances listed in APPENDIX I TO TABLE 1 PUBLIC HEALTH GROUNDWATER QUALITY STANDARDS, ch. NR 140, Wis. Adm. Code (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)
 13. Septage or sludge storage or treatment.
 14. Motor vehicular service stations, repair, renovation and body working.

- c. All applications for a conditional use permit shall be submitted in writing to the City Planning and Zoning Department, using such forms as are made available for that purpose by said Department, and shall include all of the following:
 - 1. A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours.
 - 2. A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.
 - 3. An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
 - 4. An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.
 - 5. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
- d. All applicants submitting a request for a conditional use permit shall reimburse the City for all consultant fees and expenses and technical review committee expenses associated with this review, plus administrative costs and processing fees.
- e. All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include all of the following:
 - 1. Provide current copies of all federal, state and local facility operation approval or certificates and on-going environmental monitoring results to the City.
 - 2. Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater

monitoring.

3. Replace equipment or expand in a manner that improves the environmental and safety technologies in existence.
 4. Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the City.
- f. The City Council shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the Wellhead Technical Review Committee. Any conditions above and beyond those specified in Conditional Uses, subsection (e) herein, that are recommended by the Wellhead Technical Review Committee may be applied to the granting of the conditional use permit.

5-812 REQUIREMENTS FOR EXISTING FACILITIES REQUIRING A CONDITIONAL USE OR LISTED AS A PROHIBITED USE.

- a. Existing facilities within the Wellhead Protection Overlay District at the time of enactment of such district which require a conditional use or are listed as a prohibited use in section 5-811 or section 5-810 are subject to the following provisions:
 1. The owners or operators of facilities described in section 5-812 (a), which facilities exist within the district at the time of enactment, shall, within 45 days of enactment, provide copies of all current, and within 30 days of receipt, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plan and on-going environmental monitoring results to the City.
 2. The owners or operators of facilities described in section 5-812 (a), which facilities exist within the district at the time of enactment of a district, shall have the responsibility of devising, filing and maintaining, with the City, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.
 3. In the event of casualty loss causing damage or destruction to building improvements exceeding 50 percent of the assessed valuation thereof, or the desire to expand or

enlarge facilities, then the owners or operators of such facilities may be granted a conditional use permit, in accordance with this Code, and section 5-811 above, to repair, rebuild, or expand such facilities, provided that the conditions imposed shall generally require that:

- (a) To the extent feasible, based upon scientific, engineering and economic factors, the building improvements shall be repaired, restored or rebuilt employing designs and technologies which are state of the art, such that they diminish the potential for wellhead contamination; and
- (b) To the extent feasible, based upon scientific, engineering, and economic factors, the replacement or augmentation of equipment and machinery and the installation thereof, which diminishes potential for wellhead contamination. This section does not apply to normal maintenance or minor repairs.

5-813 ENFORCEMENT AND PENALTY.

- a. Penalty. Any person who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in section 25.04 of this Code.
- b. Injunction. The City of Beloit may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
- c. Cleanup Costs. As a substitute for, and in addition to any other action, the City of Beloit may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Wellhead Protection Overlay District shall immediately cease such discharge and immediately initiate clean up satisfactory to the City and the other state and federal regulatory agencies.

The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative

costs for oversight, review and documentation, including the City employees, equipment, and mileage.

5-814 CONFLICT, INTERPRETATION AND SEVERABILITY.

- a. Conflict and Interpretation of Provisions. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.
- b. Severability of Code Provisions. If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The City Council hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.
- c. Amendments Adopted. Where the Wisconsin Statutes or the administrative regulations and codes of Wisconsin or the United States are adopted by reference in this section 5-800, such adoptions shall include any subsequent amendments or replacement citations thereto, which are hereby adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.”

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

Adopted this _____ day of _____, 2013.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Rebecca Houseman LeMire, City Clerk

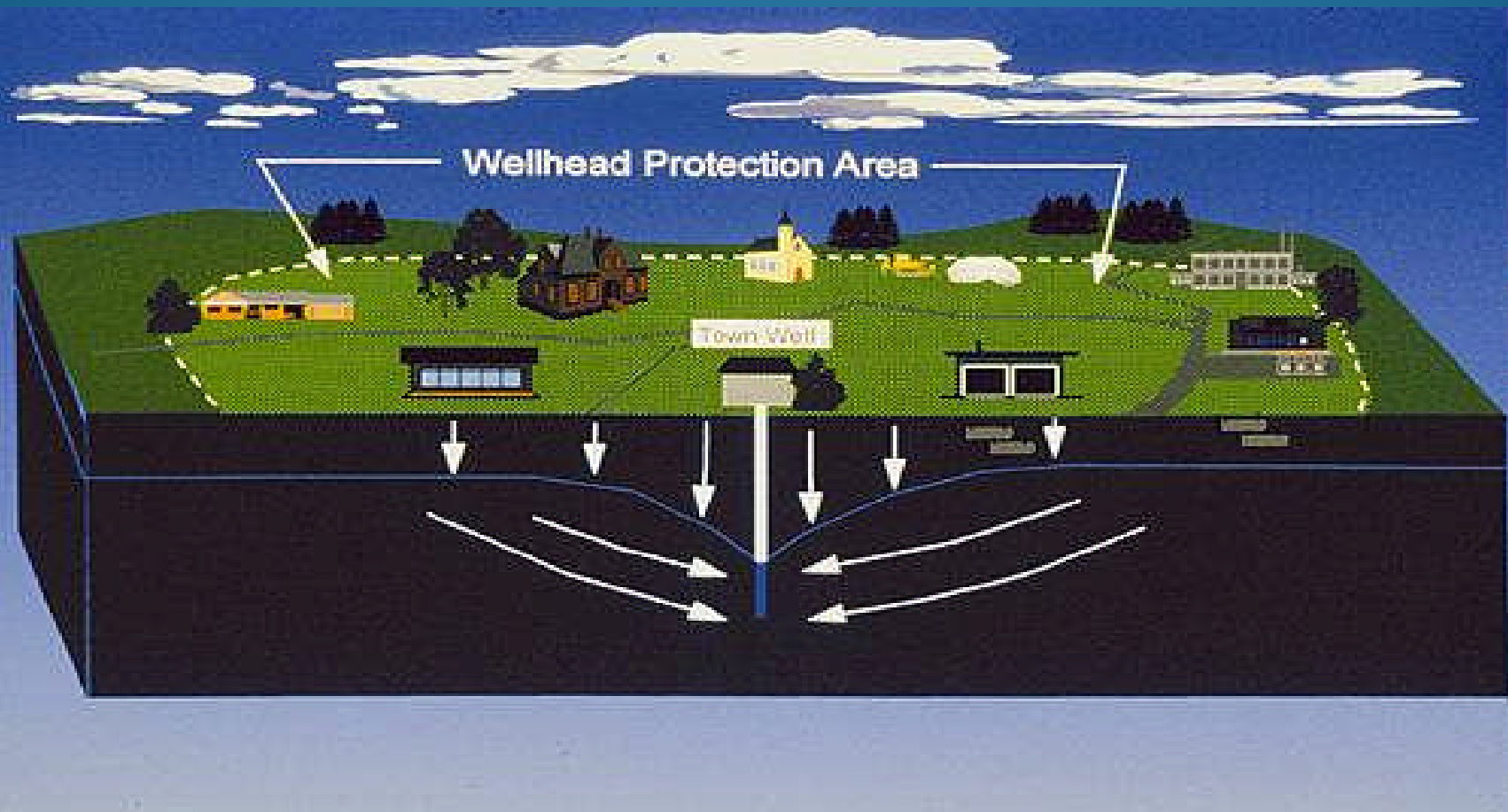
PUBLISHED: _____

EFFECTIVE DATE: _____

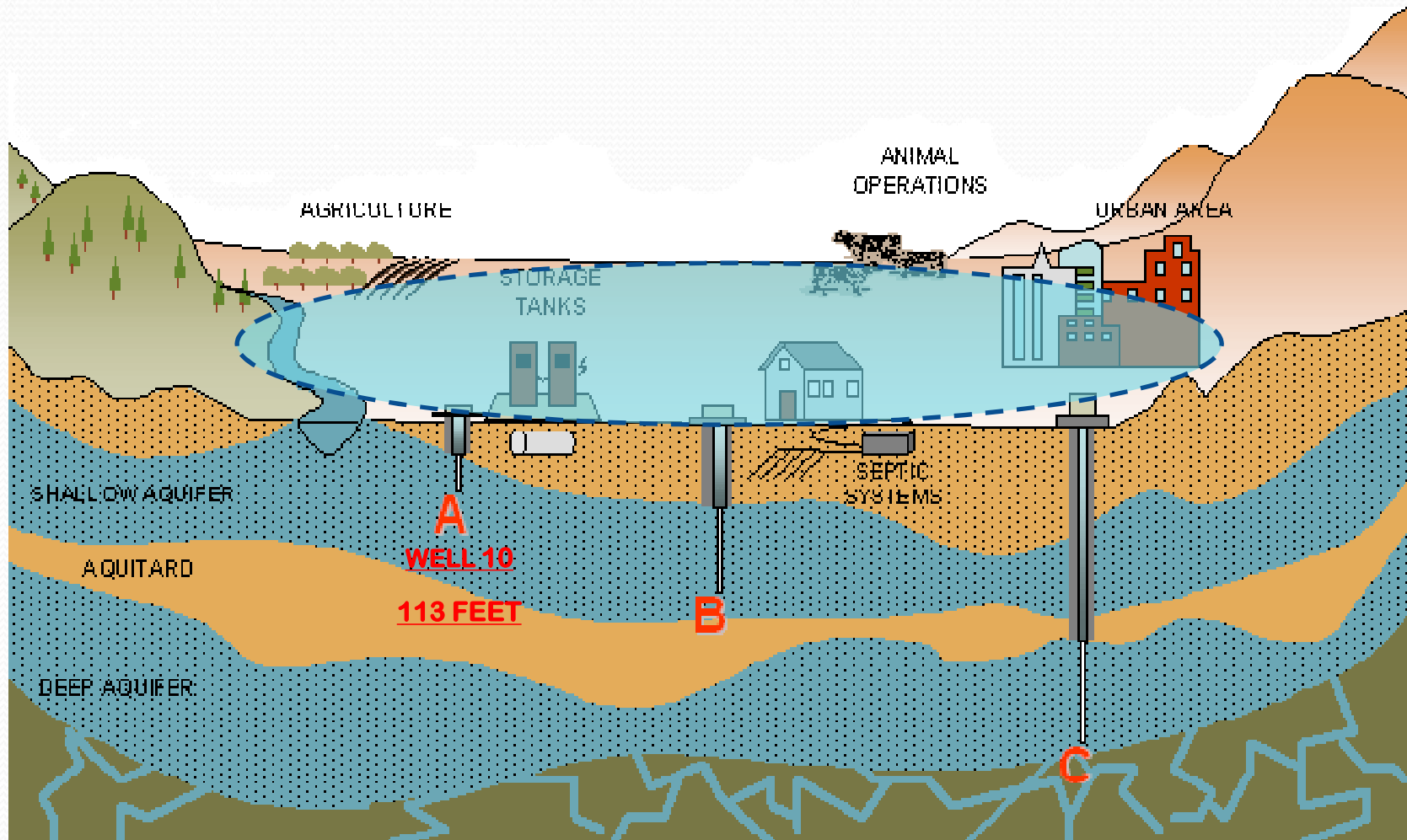
01-611100-5231- _____

tdh/ord/Wellhead Protection=ord=130204 1024 (eln) (11-1077)

Wellhead Protection



Beloit Aquifer System





What?

A Wellhead Protection (WHP) plan is developed to provide measures to protect the shallow sand/gravel and the deep stone aquifers from becoming contaminated through the release of regulated or unregulated hazardous substances into the groundwater supply.

Think of it as our Groundwater Protection Plan.

Why?

- The WI DNR, working with state and federal agencies, has developed a two part program and is codified in NR 811 Wisconsin Administrative Code
- EPA approved the WI DNR WHP program in 1993
- A July, 2009 WI DNR audit “strongly recommended” we implement a WHP plan
- A July, 2011 directive from the WI DNR requires a final WHP ordinance be adopted in early 2013



How?

WHP Management Plan

- Voluntary monitoring of commercial and residential properties to detect unsafe handling or illegal storage of potentially hazardous substances
- Municipal well sampling and WI DNR file review
- Public education on groundwater protection
- Water conservation
- A contingency plan to maintain water supply in the event of an emergency
- **Wellhead Protection Ordinance to encourage smart growth and activities which minimize the potential to contaminate groundwater**



Are We Alone?

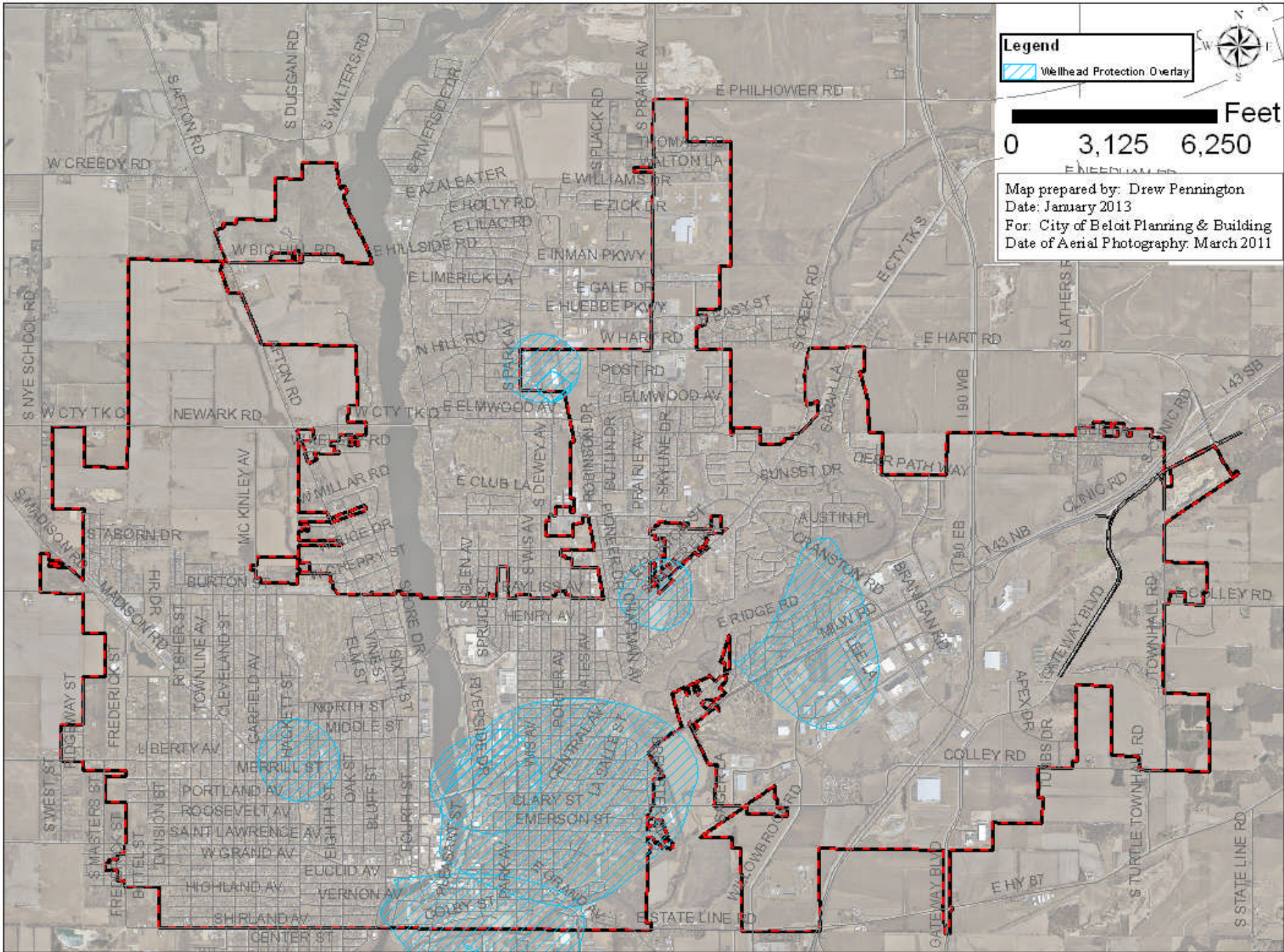
According to the WI DNR over 330 Wisconsin communities have an approved WHP plan including:

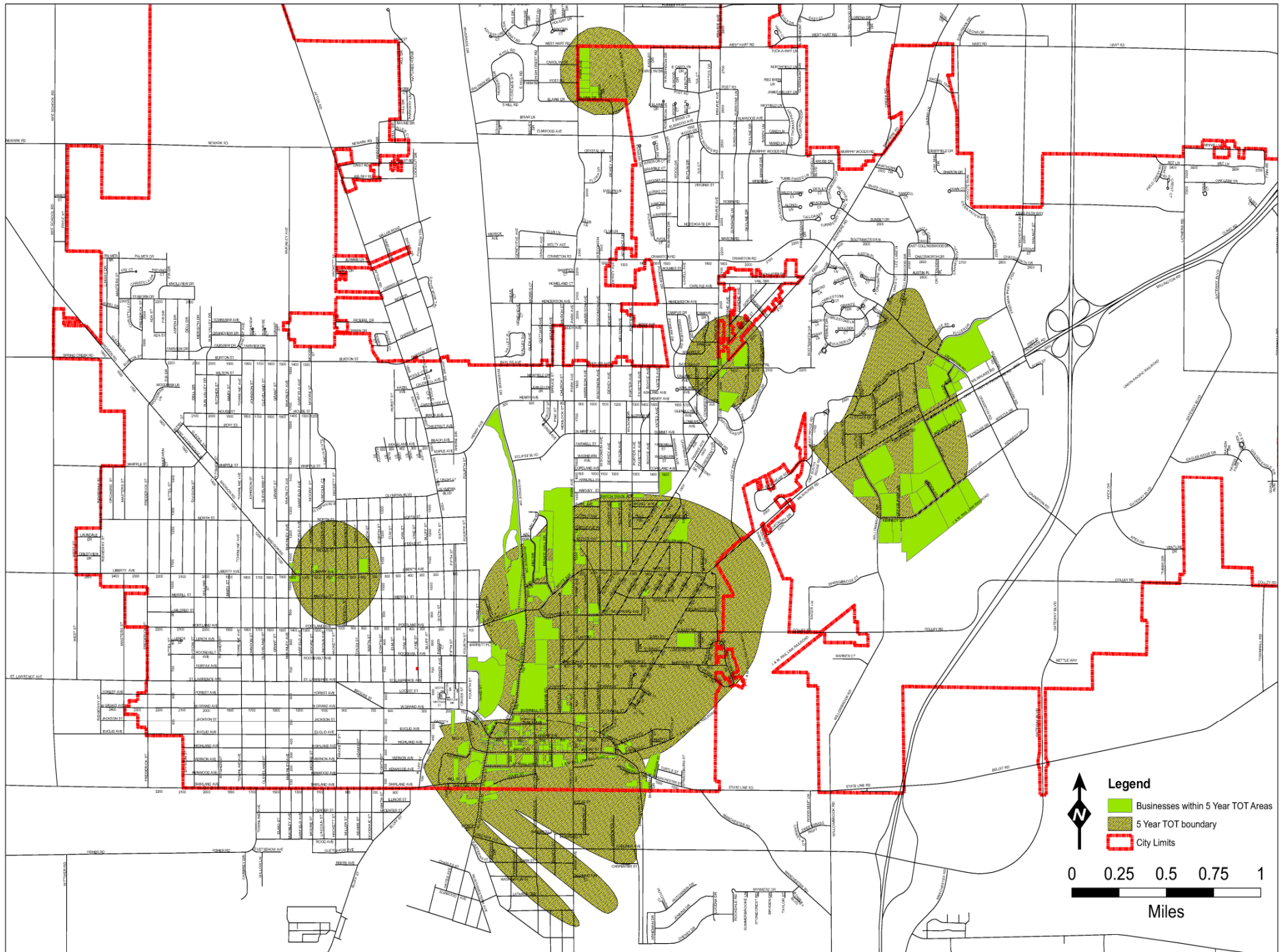
- Burlington
- Delavan
- Fontana
- Lake Geneva
- Stoughton
- Stevens Point
- Wausau
- Fond du Lac
- Madison



Wellhead Protection Overlay (WPO) Districts

- **Overlay districts in general**
- **WPO Districts include 5 year time of travel areas**
 - **Includes 3,023 properties across the City**
 - **Owned by 2,305 different individuals & entities**
 - **Individual notices sent on February 6th**
- **Properties in WPO Districts will retain underlying zoning district classification**
 - **For example, residential, commercial, industrial**
 - **More restrictive rules will apply**





Legend

- Businesses within 5 Year TOT Areas
- 5 Year TOT boundary
- City Limits

0 0.25 0.5 0.75 1
Miles



Permitted Uses Within WPO Districts

- Residential (sewer)*
- Agricultural
- Parks & open space
- Most commercial, institutional, & industrial (sewer)
 - Subject to list of conditional & prohibited uses
- Others in Section 5-808(a)

***Vast majority of affected properties**



Conditional Uses Within WPO Districts

- **Above-ground fuel & chemical tanks**
- **Auto repair shops**
- **Dry cleaners**
- **Chemical manufacturers**
- **Metal plating & working**
- **Commercial on septic systems**
- **Others in Section 5-811(b)**



Prohibited Uses Within WPO Districts

- **Underground fuel & chemical tanks (existing tanks may remain)**
- **Radioactive waste facilities**
- **Landfills**
- **Railroad yards**
- **Rendering plants & slaughterhouses**
- **Septage, wastewater, or sewage lagoons**
- **Coal storage**
- **Others in Section 5-810(a)**



Existing Conditional & Prohibited Uses

- Allowed to continue, subject to Section 5-812
- May apply for Conditional Use Permit (CUP) to
 - Repair
 - Rebuild
 - Expand
- CUP applications reviewed by staff, Plan Commission, and City Council
- CUP's subject to detailed requirements



Potential Impacts

- Increased protection of groundwater
- Additional zoning code administration duties
- Increase in CUP applications for expansions
- Increase in CUP compliance monitoring, although...
 - As part of the City of Beloit Pretreatment Program, existing businesses within the WPO have likely completed some of the conditional use requirements
 - Elements include spill plans, chemical inventory and emergency response procedures
 - WRD Environmental staff currently oversees this program



Questions or Comments?

- Harry Mathos, Director of Water Resources
364-2888 or mathosh@ci.beloit.wi.us
- Drew Pennington, Director of Planning & Building
364-6700 or penningtond@ci.beloit.wi.us

**RESOLUTION DECLARING OFFICIAL INTENT
TO REIMBURSE EXPENDITURES
FROM PROCEEDS OF BORROWING**

WHEREAS, the City of Beloit, Rock County, Wisconsin (the "Issuer") plans to undertake capital projects approved by the City Council in the 2013 Capital Improvements Budget, as follows:

Project Title	GO Debt
TERRACE TREE PLANTING	\$100,000
SIDEWALK IMPROVEMENTS	20,000
STREET MAINTENANCE	1,510,000
KEN HENDRICKS/HENRY AVE BRIDGE REPLACEMENT	500,000
INMAN PKWY EXTENSION: PRAIRIE AVE - SHOPIERE RD	375,000
BAYLISS AVE. REHAB: GLEN - PARK	94,640
SIXTH STREET PAVEMENT RECONSTRUCTION	107,500
WEST SIDE NEIGHBORHOOD INITIATIVE { PORTLAND: BLUFF - FOURTH	150,000
POHLMAN FIELD IMPROVEMENTS	100,000
PARK FACILITIES & AMENITIES ENHANCEMENT	169,000
RECREATION FACILITY ENHANCEMENTS	7,500
CITY HALL CARPET REPLACEMENT	115,000
AMBULANCE REPLACEMENT #6206	119,600
COB STORAGE AREA NETWORKS (SANs) EXPANSION	70,000
LIQUID APPLICATOR & SALT SPREADER	35,000
PROPERTY ACQUISITION & DEMOLITION	200,000
CEMETERIES REPAIRS	10,000
Total	\$3,683,240

(the "Projects"), and;

WHEREAS, the Issuer expects to finance the Projects on a long-term basis by issuing tax-exempt bonds or other tax-exempt obligations (collectively, the "Bonds"), and;

WHEREAS, because the Bonds may not be issued prior to commencement of the Projects, the Issuer must provide interim financing to cover costs of the Projects incurred prior to receipt of the proceeds of the Bonds, and;

WHEREAS, the City Council (the "Governing Body") of the Issuer deems it to be necessary, desirable, and in the best interests of the Issuer to advance moneys from its funds on hand on an interim basis to pay the costs of the Projects until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Issuer that:

Section 1. Expenditure of Funds. The Issuer shall make expenditures as needed from its funds on hand to pay the cost of the Projects until proceeds of the Bonds become available.

Section 2. Declaration of Official Intent. The Issuer hereby officially declares its intent under Treas. Reg. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$4,000,000 including estimated cost of issuance.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Projects from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. The Resolution shall be made available for public inspection at the office of the Issuer's Clerk within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

Dated at Beloit, Wisconsin this 18th day of February, 2013.

Charles M. Haynes,
President of the Council

ATTEST:

Rebecca Houseman LeMire,
City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Resolution Declaring Intent to Reimburse Expenditures from Bond Proceeds

Date: February 18, 2013

Presenter(s): Paul York, Finance, and Administrative Services Director

Department(s): Finance and Administrative Services

Overview/Background Information: Each year as part of the city's budget and capital project planning process, staff evaluates scheduled capital improvement projects included in the Capital Budget and CIP to determine those that are eligible and require debt financing as a funding source for project completion. For those projects included in the adopted 2013 Capital Budget, the plan was to issue approximately \$4 million in General Obligation Bonded debt. A list of the capital projects scheduled for 2013 bond financing is included in the Declaration of Intent Resolution. U. S. Treasury Regulations Section 1.150-2 requires the city to declare its official intent to reimburse any advanced payments of project expenditures from the bond proceeds. The Council must make this declaration by resolution.

Key Issues (maximum of 5):

1. As part of the approved 2013 Capital Budget and CIP debt financing is required to fund scheduled capital improvement projects.
2. To reimburse project expenditures incurred prior to completion of the bond financing requires a formal declaration of intent to reimburse as required by U. S. Treas. Regs. 1.150-2.

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

The 2013 bond financings will satisfy four of the five key goals contained in the city's Strategic Plan.

1. 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.
2. Continue competitive and sustainable economic development focused on workforce development, retention, and recruitment to fully serve the business and entrepreneurial community resulting in private investment and job creation.
3. Proactively partner with individuals and businesses to promote a safe and healthy community, minimize personal injury, prevent loss of life and protect property and natural resources.
4. Apply sound, sustainable practices to promote a high quality community through historic preservation, community revitalization, and successful new development.

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:

Staff recommends Council adoption of the Resolution in order to comply with U.S. Treasury Regulations related to the issuance of tax exempt debt.

Fiscal Note/Budget Impact:

There is no fiscal impact associated with this action. This resolution does not obligate the city to issue debt or proceed with the sale of any debt instruments.

**RESOLUTION
REJECTING ALL BIDS FOR C13-04 POHLMAN FIELD CONCOURSE REHAB**

WHEREAS, the adopted capital improvements budget for 2013 provided funding and an appropriation for the site improvements at Pohlman Field and;

WHEREAS, project design and construction bid specifications were developed by the City's Engineering staff and distributed to qualified contractors, and;

WHEREAS, the project and this contract will rehabilitate the concourse by replacing the deteriorated asphalt with new concrete, improve surface drainage and construct a rain garden, and;

WHEREAS, construction is to be completed prior to the start of the Snappers' season on April 11, 2013, and;

WHEREAS, on February 7, 2013, eight competitive bids were received, and;

WHEREAS, all bids received were significantly above available funding for the project due to early season construction, weather concerns and a short construction timeline, and;

WHEREAS, the City of Beloit has determined that it is in the best interest of the City to reject any and all bids submitted and received;

NOW, THEREFORE BE IT RESOLVED, that any and all bids for Contract C13-04, Pohlman Field Concourse Rehab, be, and hereby are, rejected pursuant to the City of Beloit reservation of the right to reject all bids.

Dated at Beloit, Wisconsin this 18th day of February, 2013.

City Council of the City of Beloit

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Award of Construction Contract for C13-04 Pohlman Field Concourse Rehab

Date: February 18, 2013

Presenter(s): Michael Flesch, City Engineer

Department(s): Public Works/ Engineering

Overview/Background Information:

This project will rehabilitate the concourse at Pohlman Field. The deteriorated asphalt will be replaced with new concrete. Some drainage improvements will be made and a rain garden will be constructed. This contract was bid requiring construction to be complete prior to the start of the Snappers' season. Most of the construction would have to take place in March.

Key Issues (maximum of 5):

1. Eight bids were received for this project. The low bid of \$92,874.90 was from Parisi Construction Co. Inc. and is 69.4% more than the engineer's estimate of \$54,825.00.
2. The bids ranged from \$92,874.90 to \$140,201.20.
3. The budget for this project was \$58,000.
4. Bids were high due to the short construction timeline before the Snappers start their season and unknown weather conditions in March and early April.
5. Construction cannot begin until the frost is out of the ground and the forecast calls for 3 consecutive weeks of favorable weather.
6. The schedule of games and events at Pohlman does not allow for an extended period for construction after April 11th.
7. Without good weather in March, construction could be delayed until after the Snappers' season is over in the fall.
8. Rebidding for fall construction is likely to reduce the cost by allowing for extra construction time, eliminating the need for cold-weather concrete protection and having a more stable base as the ground is usually wet and soft in the spring.

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**
 - This project will greatly improve the look and function of the concourse at Pohlman Field.

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:

The Engineering Division recommends to not award the contract and to reject all bids. The project would then immediately be rebid with construction to take place after the Snappers' season is over in the fall.

Fiscal Note/Budget Impact:

**RESOLUTION APPROVING RELEASE OF CITY RIGHTS UNDER
DEVELOPMENT AGREEMENTS DATED NOVEMBER 4, 1998 AND APRIL 3, 2007
AND ACCESS AND PARKING EASEMENT DATED MAY 30, 2008**

WHEREAS, the City of Beloit has certain rights relating to the real estate comprising the property commonly known as the Eclipse Center arising out of two Development Agreements and an Access and Parking Easement, all as further detailed below; and

WHEREAS, Hendricks Commercial Properties, LLC is desirous of selling a parcel of land as shown on attached Exhibit A to Associated Bank, National Association for the purposes of the construction of a new banking facility; and

WHEREAS, the City believes it is in the best interest of the City to release said parcel from both Development Agreements and the Access and Parking Easement referred to below; and

WHEREAS, the City of Beloit entered into a Development Agreement dated November 4, 1998 and recorded November 5, 1998 as Document #1394852 between the City of Beloit, Wisconsin, and Beloit Properties, Inc., an Illinois corporation (Developer) and Beloit Mall Partners, LLC, a Wisconsin limited liability company (Partners), which Development Agreement related in part to the land described on Exhibit A attached hereto; and

WHEREAS, the City of Beloit entered into a Development Agreement dated April 3, 2007 and recorded May 22, 2007 as Document #1790639 between the City of Beloit and Beloit Properties, Inc., which Development Agreement related in part to the land described on Exhibit A hereto; and

WHEREAS, the City of Beloit is also a party to an Access and Parking Easement dated May 30, 2008 and recorded June 5, 2008 as Document #1833185 by and between Beloit Properties, Inc., Hendricks Commercial Properties, LLC and the City of Beloit, which easement covers the parcel described on Exhibit A attached hereto and other lands; and

WHEREAS, the City of Beloit is willing to release any rights it holds regarding the parcel described on attached Exhibit A; provided, however, that the City's rights as to other lands described in the above-recorded documents are not hereby released.

NOW, THEREFORE, BE IT RESOLVED that the City of Beloit does hereby release any rights it holds regarding the parcel described on Exhibit A attached hereto as they may arise under the Development Agreement dated November 4, 1998; the Development Agreement dated April 3, 2007; and the Access and Parking Easement dated May 30, 2008 and further described above.

BE IT FURTHER RESOLVED that the City Manager be, and he is hereby, authorized to execute the attached release and to further execute any other documents necessary to effectuate this resolution and implement the terms hereof.

Adopted this 18th day of February, 2013.

City Council of the City of Beloit

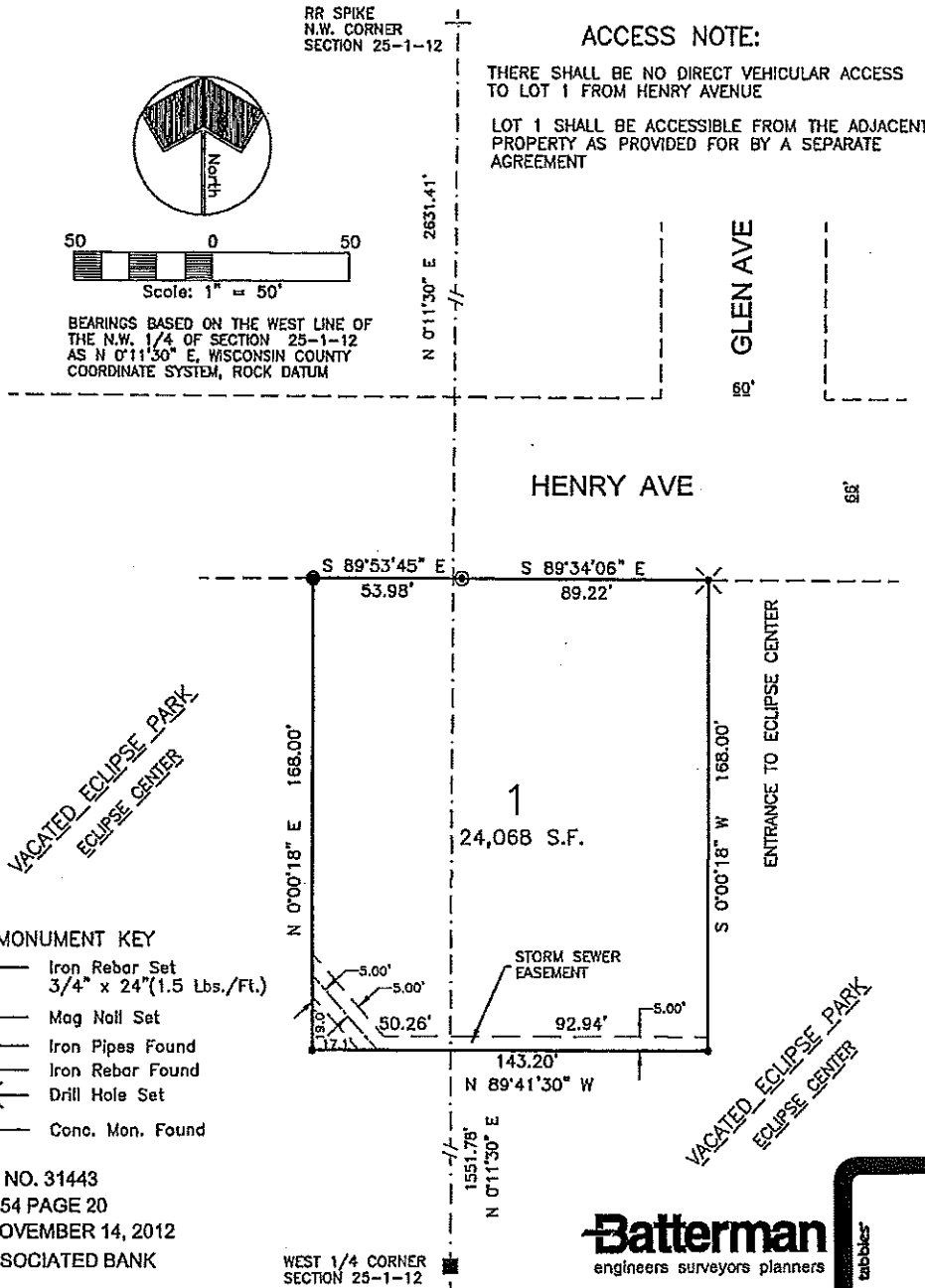
Charles M. Haynes, President

Attest:

Rebecca Houseman LeMire, City Clerk

CERTIFIED SURVEY MAP OF

PART OF ECLIPSE PARK (NOW VACATED) BEING A PART OF THE N.W. 1/4 OF THE N.W. 1/4 OF SECTION 25 AND PART OF THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 26, ALL IN T. 1 N., R. 12 E. OF THE FOURTH P.M., CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.

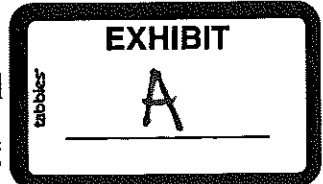


ORDER NO. 31443
 BOOK 554 PAGE 20
 DATE NOVEMBER 14, 2012
 FOR ASSOCIATED BANK
 SHEET 1 OF 3

WEST 1/4 CORNER
 SECTION 25-1-12

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 Beloit, Wisconsin 53511
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CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Resolution Approving Release of City Rights under Development Agreements dated November 4, 1998 and April 3, 2007 & Access and Parking Easement dated May 30, 2008

Date: February 18, 2013

Presenter(s): Thomas R. Casper

Department(s): City Attorney

Overview/Background Information:

Hendricks Commercial Properties is proposing to sell a lot located adjacent to Henry Avenue at the Eclipse Mall to Associated Bank for the purpose of constructing a new banking facility. The parcel proposed for sale is subject to various rights in favor of the City pursuant to Development Agreements dated November 4, 1998 and April 3, 2007 along with an Access and Parking Easement dated May 30, 2008. The City has no interest in preserving any of the rights set out in those recorded documents as they relate to the parcel proposed for sale. The release document being submitted to the Council is limited to only the parcel being proposed for sale and the City will continue to have its existing rights under both Development Agreements and the Access and Parking Easement over the balance of the lands described in those documents.

Key Issues (maximum of 5):

Release the City's rights as to the property described on Exhibit A arising under the Development Agreements dated November 4, 1998 and April 3, 2007 together with the City's rights under the Access and Parking Easement dated May 30, 2008.

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 #1.

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:

It is recommended that Council approve the resolution submitted.

Fiscal Note/Budget Impact:

There is no direct fiscal impact, although completion of this project will encourage new construction and benefit the real estate tax base.