

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

# MEETING NOTICE AND AGENDA Beloit City Plan Commission Wednesday, May 22, 2013 at 7:00 PM The Forum Beloit City Hall, First Floor 100 State Street, Beloit

# 1. Call to Order and Roll Call

# 2. Nomination and Election of Officers

- a. Nomination and Election of Chairperson
- b. Nomination and Election of Vice-Chairperson

# 3. Approval of the Minutes of the April 17, 2013 Meeting

# 4. Conditional Use Permit – 903, 911 and 915 Broad Street

Public hearing, review and consideration of a Conditional Use Permit to allow the expansion of an existing gas station with underground fuel tanks in a Wellhead Protection Overlay District, for the properties located at 903, 911 and 915 Broad Street

# 5. Conditional Use Permit - 1227 Liberty Avenue

Public hearing, review and consideration of a Conditional Use Permit to allow a church in an R-1B, Single Family Residential District, for the property located at 1227 Liberty Avenue

# 6. Status Report on Prior Plan Commission Items

# 7. Adjournment

If you are unable to attend this meeting, please contact Gail Riddle in the Planning Office at 364-6700 <u>no later than 4:00 PM the day before the meeting</u>.

Notice Mailed: May 17, 2013

Approved: Julie Christensen Community Development Director

\*\*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



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

MINUTES BELOIT CITY PLAN COMMISSION Wednesday, April 17, 2013 The Forum, Beloit City Hall 100 State Street, Beloit

# 1. Call to Order and Roll Call

Chairperson Ramsden called the meeting to order at 7:00 PM. Gail Riddle called the roll. Present were Commissioners Jacobsen, Faragher, Seifarth, Moore, Kelley, and Kincaid. Commissioner Smith was absent.

# 2. Approval of the Minutes of the April 3, 2013 Meeting

Commissioner Faragher moved and Commissioner Seifarth seconded a motion to approve the April 3, 2013 minutes. The minutes were approved. (6-0)

# 3. Zoning Map Amendment – 1500 and 1505 Gateway Boulevard

Public hearing, review and consideration of a Zoning Map Amendment to change the zoning district classification from R-3, Low-Density Multi-family Residential District, to M-1, Limited Manufacturing District, for the properties located at 1500 and 1505 Gateway Boulevard

Julie Christensen summarized the Staff Report and Staff Recommendation.

Chairperson Ramsden opened the Public Hearing.

Andrew Janke, Economic Development Director for the City of Beloit, was present and reviewed history of the park.

Commissioner Seifarth commented that there is no interest in the land right now and wanted to know why we expect there to be interest if it was changed to M-1. Mr. Janke answered that the Gateway has built out significantly. He added that the more diverse the inventory is, the more opportunities they can offer. Mr. Janke stated that they think the industrial market has the most potential and they get the most requests for industrial development.

Mr. Kincaid commented that this was a part of the City's marketing strategy, but he hopes that the multi-family market opens up in the future, but in the meantime we should sell what we can in the Gateway.

Chairperson Ramsden closed the Public Hearing.

Commissioner Seifarth moved to approve the Zoning Map Amendment and Commissioner Faragher seconded the motion. The motion carried. (6-0)

## 4. <u>Certified Survey Map – 2220 Liberty Avenue</u>

Review and consideration of a two-lot Certified Survey Map for the property located at 2220 Liberty Avenue in the City of Beloit

Ms. Christensen summarized the Staff Report and Staff Recommendation.

Commissioner Faragher moved to approve the Certified Survey Map and Commissioner Kelly seconded the motion. The motion approved. (6-0)

## 5. Extraterritorial Certified Survey Map – 2655 W. Finley Road

Review and consideration of a one-lot Certified Survey Map for the property located on 2655 W. Finley Road in the Town of Beloit

Ms. Christensen summarized the Staff Report and Recommendation.

Commissioner Kincaid asked if the property was suitable for septic fields. Ms. Christensen answered that she did not know but they would have to go to the county for that.

Commissioner Seifarth moved to approve the Extraterritorial Certified Survey Map and Commissioner Moore seconded the motion. The motion carried. (6-0)

# 6. Zoning Map Amendment – 1533 W. Grand Avenue and 1528 and 1532 Forest Avenue

Public hearing, review and consideration of a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District, to PLI, Public Lands & Institutions District, for the properties located at 1533 W. Grand Avenue and 1528 and 1532 Forest Avenue

Ms. Christensen summarized the Staff Report and Staff Recommendation.

Chairperson Ramsden opened the Public Hearing.

Jason Schoville, 1547 W. Grand Avenue, was present and commented that he heard there were rumors to expand more to the west. Ms. Christensen commented that they had received a Comprehensive Plan Amendment for two more properties on W. Grand Avenue but have not received plans for how they would be used.

Chairperson Ramsden closed the Public Hearing.

Commissioner Jacobsen moved and Commissioner Seifarth seconded a motion to approve the Zoning Map Amendment. The motion carried. (6-0)

# 7. <u>Status Report on Prior Plan Commission Items</u>

The Zoning Map Amendment for Hackett School was approved as well as the Zoning and the Conditional Use for 501 Prospect. Permanent Zoning for 1035 and 1041 Udell was also approved by City Council.

Commissioner Charles Ramsden was presented with a certificate in recognition of his six years of service with the Plan Commission.

# 8. Adjournment

The meeting adjourned at 7:17 PM.

# CITY OF BELOIT REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: May 22, 2013

Agenda Item: 4

**Applicant:** Joe Stadelman, Angus **Owner:** Bindi R. Inc. Young Associates

File Number: CU-2013-06

Location: 903, 911, & 915 Broad Street

**Existing Zoning:** C-3, Community **Existing Land Use:** Gas Station & **Total Area:** 0.5 Acre Commercial District & WPO, Wellhead Vacant Land Protection Overlay District

# Request Overview/Background Information:

Joe Stadelman of Angus Young Associates, on behalf of Bindi R. Inc., has filed an application for a Conditional Use Permit to allow the expansion of an existing gas station with underground fuel tanks in a Wellhead Protection Overlay District, for the properties located at 903, 911, & 915 Broad Street.

## Key Issues:

- The City Council adopted the Wellhead Protection Ordinance on April 1, 2013. While new underground fuel tanks are
  prohibited in the Wellhead Protection Overlay District, existing nonconforming businesses are eligible to seek a
  Conditional Use Permit in order to expand.
- The owner of the Clark Station at 903 Broad Street has acquired the adjacent, vacant parcels located at 911 & 915 Broad Street and has proposed the redevelopment of all three parcels. The applicant has proposed the construction of a new 2,310 square-foot convenience store, a new canopy over realigned gas pumps, the reconfiguration of the driveways, the replacement of all underground fuel tanks, and numerous site improvements. The existing store and canopy will be demolished.
- The existing tank system consists of three single-walled steel tanks with a combined capacity of 25,000 gallons of unleaded gasoline. The tanks and single-walled lines were installed between 1969 and 1979, and according to the applicant's consultants, the tanks are beyond their life expectancy.
- The proposed tank system consists of three double-walled fiberglass tanks with a combined capacity of 32,000 gallons of unleaded gasoline and diesel, along with double-walled poly lines. The proposed tank system includes a monitoring system that will continuously monitor the tanks and lines for leaks. The system will be inspected annually.
- The Wellhead Technical Review Committee met on May 6<sup>th</sup> to consider this request and voted unanimously (4-0) to recommend approval of the requested Conditional Use Permit.
- The attached *Location & Zoning Map* shows the location of the subject properties and the underlying zoning of the surrounding area. The entire area is included in the WPO District. The adjacent zoning and land uses are as follows:
  - North: C-1, Office District; Single- and Two-Family Dwellings
  - South: C-3, Community Commercial District; Commercial (Walgreen's)
  - East: C-1, Office District; Two-Family Dwelling
  - o West: C-3, Community Commercial District; Auto Repair
- The City's Landscape Code does not require a landscape buffer between the subject properties and the adjacent residential uses because all of the affected properties have a Commercial (C) zoning district classification.
- Prior to issuance of a Building Permit, the applicant will need to submit detailed site & architectural plans for Planning staff review and approval.
- A preliminary site plan, environmental report, fuel system description, spill plan, tank diagrams, and application are attached to this report.
- The City's Review Agents have reviewed this application and have not submitted any comments or concerns.
- The attached Public Notice was sent to twelve nearby property owners. As of this writing, staff has been contacted by
  one nearby property owner who supports this project.

## Findings of Fact

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

- a. Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - The proposed replacement of outdated fuel tanks with a state-of-the-art tank and monitoring system will diminish the potential for wellhead contamination.
- 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 proposed gas station and convenience store are permitted in the C-3 district.
- c. Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;
  - On the contrary, the proposed improvement of this commercial property is likely to enhance property values within the area.
- d. Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;
  - The surrounding area is fully developed.
- 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;
  - The proposed architectural design and site layout are compatible with the existing development with respect to design, materials, and function.
- 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 existing southern driveway that conflicts with the Broad Street traffic lanes will be removed and a new driveway near the eastern end of the site will be installed, thereby reducing congestion and improving the safety of this intersection.
- 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 City's Comprehensive Plan recommends Community Commercial uses for the subject properties, and the underlying C-3 zoning district classification is consistent with this recommendation. Consideration of this request supports City of Beloit 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

### Staff Recommendation:

The Planning & Building Services Division recommends <u>approval</u> of a Conditional Use Permit to allow the expansion of an existing gas station with underground fuel tanks in a Wellhead Protection Overlay District, for the properties located at 903, 911, & 915 Broad Street, based on the above Findings of Fact and subject to the following conditions:

- 1. This Conditional Use Permit authorizes the replacement of the existing underground fuel tanks on the property located at 903 Broad Street as part of a comprehensive redevelopment that includes the construction of a new 2,310 square-foot convenience store, a new canopy over realigned gas pumps, the reconfiguration of the driveways, and numerous site improvements on the properties located at 903, 911, & 915 Broad Street.
- 2. The applicant and/or owner shall provide copies of all federal, state, and local facility operation approval or certificates and on-going environmental monitoring results to the City.
- 3. The applicant shall establish the fuel system, monitoring system, and safety procedures that are described and illustrated in the application and attachments.
- 4. The applicant shall 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.
- 5. Prior to issuance of a Building Permit for this project, the applicant shall obtain an Architectural Review Certificate and a Certificate of Zoning Compliance. The applicant shall combine the parcels before these certificates will be issued.
- 6. 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 Director of Planning & Building Services may approve minor changes administratively.

### Fiscal Note/Budget Impact: N/A

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

# **Location & Zoning Map**

# 903 Broad Street









# CITY of BELOIT

Neighborhood Planning Division	10
00 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-660 Conditional Use Permit Application	
Please Type or Print) File Number: <u>Cu-2013</u>	-06
Address of subject property: 903, 911,915 Broad Street	
Legal description:	
If property has not been subdivided, attach a copy of the complete legal description from de	ed.
Property dimensions are: $\frac{182}{140}$ feet by $\frac{140}{140}$ feet = $\frac{21,475}{140}$ square fe	et.
If more than two acres, give area in acres:	es.
Tax Parcel Number(s): 13650695 <del>,43650700,13650705</del>	
Owner of record: BINDLR INC Phone: (608) 365-6208	
903 BROAD ST BELOIT, WI 53511-	
(Address) (City) (State) (Zip)	and a
Applicant's Name: Joseph J. Stadelman, VP Angus-Young Associates	<u></u>
555 South River Streety, Janesville, WI 53548 (Address) (City) (State) (Zip)	0.13
(608) 756-2326 / (608) 751-1546 / joes@angusyoung.com	
(Office Phone #) (Cell Phone #) (E-mail Address)	
All existing use(s) on this property are:	
Convenience Store and Motor Vehicular Fuel Dispensing	<u></u>
THE FOLLOWING ACTION IS REQUESTED: To allow the expansion of gas station 5 une	o r beigri
A Conditional Use Permit for: Existing Eacility Requiring a Conditional Use	
in a(n) Well Head Protection District Zoning District	ict.
All the proposed use(s) for this property will be:	
Principal use:	
Convenience Store and Vehicular Motor Fuel Dispensing	
Secondary use:	
None	
Accessory use:	

Planning Form No. 12

Established: January 1998

(Revised: January 2009)

Page 1 of 2

City of Beloit	ity of Beloit Conditional Use Permit Application Form (continued)		
9. Project timetable:	Start date: 6/15/2013 Completion date: 11/30/2013		
10. J/We) represent that I	10. J/We) represent that J/we have a vested interest in this property in the following manner:		
Owner	. Aniikika nininaaninina malifikika wirin ataa kultuinin		
Leasehold, lengt			
Contractual, nat	ure of contract: Architect of Record.		
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.

R.B. Patel	1 RaJesh Kum	ar Patel 1 4-25-13
(Signature of Owner)	(Print name)	(Date)
In State	1 Joseph J	STADELMAN/ 4.25.13
(Signature of Applicant, if different)	(Print name)	(Date)
1		

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

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

To be completed by Planning Staff
Filing fee: \$275.00 Amount paid: \$275. Meeting date: May 22, 2013
No. of notices: x mailing cost (\$0.50) = cost of mailing notices: \$
Application accepted by: Perferming ton Date: 4/25/13

Planning Form No. 12

Established: January 1998

(Revised: January 2009)

Page 2 of 2

General Engineering Company P.O. Box 340 916 Silver Lake Drive Portage, WI 53901



608-742-2169 (Office) 608-742-2592 (Fax) gec@generalengineering.net www.generalengineering.net

Engineers • Consultants • Inspectors

April 25, 2013

Mr, Drew Pennington Director of Planning and Building Services City of Beloit 100 State Street Beloit, WI 53511

RE: Wellhead Ordinance Conditional Use Permit Clark Station 903 Broad Street Beloit, Wisconsin

Dear Mr. Pennington,

The purpose of this letter is to outline the environmental issues regarding the existing tank system associated with the Clark Station, located at 903 Broad Street, in the City of Beloit, Wisconsin.

Currently, three underground storage tanks are registered to the Clark Station site as in use. The tanks consist of one 10,000-gallon tank, and two 7,500-gallon tanks, all containing unleaded gasoline. The underground storage tanks are single-walled steel tanks with single wall product lines, which were installed between 1969 and 1979. These tanks are beyond their life expectancy.

Before 1980 storage tanks were primarily single-walled steel tanks and because steel is highly corrosive, especially underground, there were high tevels of leaks and ruptures occurring from steel tanks. If gasoline leaks into the ground there are major environmental concerns for the surrounding areas including health and safety risks from drinking petroleum contaminated water from private wells for residents, ecological impacts and groundwater contamination. Before 1980, leak detection devices were not used and leaks occurred often and without knowledge of the operators of those tanks.

The current owner of the property is requesting to remove the existing tanks and piping and upgrading it with a new system, which will include double wall fiberglass tanks and double wall poly product lines. The upgraded tank system and lines will be continuously monitored for leaks with a monitoring system, outlined in the attached Metco Correspondence. Additional upgrades to the tank system and piping is also outlined in the METCO correspondence attached.

On April 23, 2013, General Engineering Company along with Kitson Environmental Services advanced six soil probes, to depth ranging from 10 to 20 feet below the ground surface, around the existing tanks, the dispensers and on the adjacent property. The locations of the soil probes were limited based on the estimated location of the tanks, piping lines, electrical lines and water

Portage	•	Black River Falls	•	La Crosse



Consulting Engineering • Structural Engineering • Building Design • Environmental Services • Building Inspection • GIS Services Grant Procurement & Administration • Land Surveying • Zoning Administration • Mechanical, Electrical, & Plumbing Services



and sewer laterals. However, based on preliminary field data, there was no indication of petroleum affected soils in any of the soil samples collected from the soil probes. Soil samples were collected and submitted for laboratory analysis to Pace Analytical of Green Bay, Wisconsin for the presence of gasoline range organics (GRO) and petroleum volatile organic compounds (PVOC). Analytical results are expected to be completed by the second week of May 2013. Once the analytical results are received from the laboratory, a Limited Phase II Environmental Site Assessment Report will be completed documenting the results from the Phase II activities.

However, based on the preliminary Phase II Environmental Site Assessment field results, there is no indication at this time that the existing tank system has leaked. However, at the time of the underground storage tank upgrade, proper tank site assessment sampling will be performed to document soils directly beneath the existing tank system, piping and dispensers. The dangers associated with an unreported leak from the single walled tanks and piping will be diminished, and the upgraded underground storage tank system will be installed. The likelihood of an undetected leak occurring from a properly installed upgraded system is significantly less.

If you have any questions, or need any further information, please contact me at 608-742-2169.

Respectfully submitted,

### **GENERAL ENGINEERING COMPANY**

pro M. Bradley Lynn M. Bradley

Lynn 10. Bradley Environmental Project Manager

Enclosures



FUEL SYSTEM5 Excellence through expe 102 Enterprise Drive - PO Box 448 - Hilisboro, WI 54634 800.236.0448 - Fax 608.489.2389 - <u>www.metcohg.com</u>



>

Greg Smithback Bachmann Construction 1201 S. Stoughton Rd. Madison, WI 53716

Re Beloit Clark, Well head protection

Dear Greg,

Well head protection in regards to the petroleum storage and dispensing system proposed for the above mentioned site is to be accomplished in several ways.

The existing system is comprised of single wall steel tanks and single wall steel product lines that were installed in 1969 & 1979. The existing system will be removed.

The new system will be double wall fiberglass tanks and double wall poly product lines. The tanks and lines will be continuously monitored for leaks with a Veeder Root TLS 350 monitoring system. Tanks will be tested continuously with the CSLD feature for a .2 GPH leak rate with a threshold of .1 GPH. Product lines will be continuously tested with the PLLD feature for the same rates. Additionally, containment sumps will be install at submersible pump piping connections on top of tanks and under dispensers. All sumps will have sump sensors to monitor for presence of any liquid. All interstitial space in double wall equipment will be monitored with sensors also.

Audible and visual alarms will notify operator as to any alarm condition. Product line alarms will also shut down pumping operations until alarm is resolved.

Tank fills will have auto shut off valves to prevent overfill and spill containment manholes to contain drips when disconnecting delivery hoses.

All material, equipment and installation shall be approved by State of Wisconsin DSPS for compliance with chapter 310.

Also operators are required to be trained in "A-B Operator Training". This provides for routine monthly inspections. Complete system will be inspected anally by qualified technicians for functionality as per Wis DSPS.

Attached are Class A-B & C checklists, Spill Kit contents, DNR spill response & reporting procedures, and a compliance calendar with monthly checklists. If you should have any questions, please call.

Bill Danforth METCO Fuel Systems Cell 608-386-1882

### Spill Response Plan

Site Name: Beloit Clark

Site Address: <u>903 Broad St.</u>

Site City, State, Zip: Beloit, WI

Primary Contact & Phone #: Raj Patel 608-365-6208

Consult the site drawing that shows where hazardous materials and waste, spill kits, drains, and exits are located (attached).

### **Response Actions in the Case of a Spill:**

1) Notify emergency contact(s): owner, manager, etc.

2) Use absorbent materials, such as kitty litter and absorbent diapers to contain the spill.

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3) Cover/block any drains in the spill area to prevent material from entering into the sewer, storm water system or septic.

4) If possible, clean up the spill using absorbent materials. Collect these absorbent materials and treat as hazardous waste.

5) If the spill is too large, call Emergency Response Agencies listed below.

### **Emergency Contacts**

Owner: <u>Raj Patel</u>	Phone: 608-365-6208
Manager:	Phone:
Other:	Phone:
Other:	Phone:
Emergency Response Agen	icies
Fire/Police:	911

rne/i once.	211
Department of Natural Resources Spill Response:	(800) 943-0003
(For spills over 5 gallons on hard surface or	
over 1 gallon on soft surface)	
(For spills that reach storm and/or sewer drains)	







CITY HALL • 100 STATE STREET • BELOIT, WI 53511 Office: 608/364-6700 • Fax: 608/364-6609 www.ci.beloit.wi.us F PURTIC Equal Opportunity Employer

## NOTICE TO THE PUBLIC

May 1, 2013

To Whom It May Concern:

Joe Stadelman of Angus Young Associates, on behalf of Bindi R. Inc., has filed an application for a Conditional Use Permit to allow the expansion of an existing gas station with underground fuel tanks in a Wellhead Protection Overlay District, for the property located at:

#### 903 Broad Street.

While new underground fuel tanks are prohibited in the Weilhead Protection Overlay District, existing nonconforming businesses are eligible to seek a Conditional Use Permit in order to expand. The owner of the Clark Station at 903 Broad Street has acquired the adjacent, vacant parcels located at 911 & 915 Broad Street and has proposed the demolition of the existing store and canopy and the construction of a new store, gas pumps, and canopy on all three parcels. A copy of the applicant's preliminary site plan is attached to this notice.

The following public hearings will be held regarding this proposed Conditional Use Permit:

<u>City Plan Commission</u>: Wednesday, May 22, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

<u>City Council:</u> Monday, June 3, 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 <u>must</u> bring ten (10) copies and submit them to the Recording Secretary <u>before</u> 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.

CU-2013-06, Clark Station Expansion, 903 Broad Street

COLE WG BELOIT WI LLC P O BOX 1159 DEERFIELD, IL 60015

MARVIN MAUEL 925 BROAD ST BELOIT, WI 535116350

DAVID FROEMMING 928 W PECK ST WHITEWATER, WI 53190

TLC PROPERTIES INC 5101 HWY 51 SOUTH JANESVILLE, WI 53546

JUAN PAGAN 7805 CANNELLWOOD DR SOUTH BELOIT, IL 61080 VALENTI MIDWEST INC 3450 BUSCHWOOD PARK DR STE 195 TAMPA, FL 33618

MURMACS 845 BROAD STREET LLC 1300 HARVEY ST BELOIT, WI 535114014

GEORGE PANTUSO 318 HARRISON AVE BELOIT, WI 53511

NATALIA KHARITONOVA 912 E. GRAND AVENUE BELOIT, WI 53511 BINDI R INC 903 BROAD ST BELOIT, WI 53511

GARY WEINKAUF 1822 EMERSON ST BELOIT, WI 53511

LORRAINE WITKINS 2625 IVA CT UNIT 22 BELOIT, WI 53511

WILLIAM & DIANNE ZAWADZKI 9998 TYBOW TRL ROSCOE, IL 61073

# CITY OF BELOIT REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: May 22, 2013	Agenda Item: 5	File Number: CU-2013-05
Applicant: Garry Hutchinson	Owner: New Life Tabernacle, Inc.	Location: 1227 Liberty Avenue
<b>Existing Zoning:</b> R-1B, Single-Family Residential District	Existing Land Use: Vacant Building	Parcel Size: .59 Acre

### Request Overview/Background Information:

Garry Hutchinson, on behalf of New Life Tabernacle, has filed an application for a Conditional Use Permit to allow a church in an R-1B, Single-Family Residential District, for the property located at 1227 Liberty Avenue.

The attached *Location and Zoning Map* shows the location of the parcel involved in this application. The adjacent zoning and land uses are as follows:

North: R-1B, Single-Family Residential District; Single-family dwellings

South: R-1B, Single-Family Residential District; Single-family dwellings

East: R-1B, Single-Family Residential District; Single-family dwellings

West: PLI, Public Lands and Institutions District; Hinckley Park

Churches are a conditional use in R-1B districts. The justification for requiring a Conditional Use Permit is to allow the City Council to evaluate how the proposed use will affect the surrounding land uses. If the proposed use 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 subject property is located at the intersection of Liberty Avenue and Moore Street, and is across the street from Hinckley Park.
- In 2009, a Conditional Use Permit (CUP) was granted to allow a day care center as the principal use and civic and religious assembly as a secondary use, however, the owner did not establish the use and the CUP expired.
- Because the principal use of the property was changed in 2009 from a church to a day care center, a Conditional Use Permit is required before a church can be reestablished in a residential district.
- Mr. Hutchinson recently purchased the property and desires to establish a church as the principal use.
- The proposed church would operate on Sundays from 9am to 9pm, and three days during the week from 8am to 5pm.
- Mr. Hutchinson has intentions to renovate the interior of the building and make a number of site improvements to the
  exterior of the property, which includes restriping the off-street parking lot, increasing the driveway apron from 16-feet
  to 20-feet, and updating landscaping and signage.
- Evergreen bushes have been removed from the west side of the property, near the ground sign. Staff recommends that plants be placed around the foundation of the building on the south and west sides due to high visibility from both streets.
- The subject property includes a building that was constructed in 1950, two signs, an unenclosed dumpster, and an offstreet parking lot that is accessible from Moore Street. The unenclosed dumpster will have to be screened from view.
- The off-street parking lot contains an estimated thirteen (13) parking stalls including one accessible parking stall. No
  concrete wheel stops are present in any of the parking stalls.
- Currently, no seats or pews are present in the building; however, Mr. Hutchinson has proposed to place 80-seats in the building for services after renovating the interior of the building. A floor plan is included in this report.
- The Zoning Ordinance requires one parking stall per four seats, which would be 20 parking stalls. In addition, 1-parking stall must be made accessible and all parking stalls must be provided with a concrete wheel stop.
- According to the Traffic Engineer, the proposed facility will generate 141 vehicle trips during peak hours on Sunday. Both Moore Street and Liberty Avenue are capable of handling the traffic.
- If the Conditional Use Permit is authorized, the applicant will proceed with minor changes to the exterior of the building.
- Staff sent the attached Public Notice to nineteen nearby property owners. As of this writing, staff has not received any comments or questions about the proposed use.
- Several photographs of the subject property are attached to this report.
- Public facilities and infrastructure exist in this area and the property receives the full range of municipal services.
- All City review agents have reviewed this Conditional Use Permit application and do not have any comments or concerns regarding the proposed conditional use.

Findings of Fact

Based on Section 2.5.4 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - The establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- 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 proposed conditional use will not negatively impact the enjoyment of the surrounding properties.
  - An institutional use at this location has co-existed with the surrounding residential neighborhood for many years.
- c. Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;
  - The conditional use will not substantially diminish or impair property values within the neighborhood of the subject property.
  - The occupancy and exterior improvement of the subject property will have a positive impact on property values.
- d. Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;
  - The surrounding area is already developed. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property.
- 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;
  - All exterior changes will be subject to the Architectural Review Code, which will ensure compatibility with the immediate neighborhood.
- 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 proposed use.
- g. Whether adequate measures will be taken to minimize traffic congestion; and
  - The proposed conditional use will not cause traffic congestion. In addition, the applicant intends to widen the driveway apron and restripe the off-street parking lot to increase the number of parking stalls, which may improve the internal traffic flow and circulation of the site.
- h. Whether the conditional use will comply with all applicable regulations of this chapter (the Zoning Ordinance).
  - The conditional use will comply will all other applicable regulations of the Zoning Ordinance.

## Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan designates this property for long-term single-family residential uses. However, the Comprehensive Plan states that single-family residential areas should include limited institutional uses (e.g. churches). The proposed conditional use is consistent with the City's Comprehensive Plan.

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 The reuse of this building may potentially reduce dependence upon fossil fuels by increasing the availability of a church in close proximity to existing neighborhoods. The adaptive reuse of this building will capitalize on the embodied energy that is present in the building.
- 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 **approval** of a Conditional Use Permit to allow a church use in an R-1B, Single-Family Residential District, for the property located at 1227 Liberty Avenue, based on the above Findings of Fact and subject to the following conditions:

- 1. This Conditional Use Permit authorizes the establishment of a church within the existing building on the property located at 1227 Liberty Avenue, if the other conditions are satisfied.
- 2. The max seating capacity shall be four times the number of stalls in the off-street parking lot.
- 3. The applicant shall stripe all proposed parking stalls a minimum of 9-feet in width by 18-feet in length. Parking stalls must be striped in epoxy paint that is white in color and shall be maintained during the tenure of the property owner.
- 4. The applicant shall establish one handicap accessible parking stall and aisle for the off-street parking lot. This accessible parking stall shall be van-accessible and include an 8-foot wide access aisle abutting the designated parking stall, and shall be striped in epoxy paint that is blue in color. The accessible parking stall must also include an ADA parking sign.
- 5. The applicant shall provide concrete wheel stops for each off-street parking stall. The concrete wheel stops shall be positioned in a way that preserves a four (4) foot walkway between parked vehicles and the building.
- 6. The applicant shall meet the minimum aisle width requirements specified in Section 8-113 of the Zoning Code.
- 7. All trash and recycling containers shall be enclosed. The applicant must obtain an Architectural Review Certificate prior to the establishment of a dumpster enclosure on the subject property.
- 8. Foundation plantings shall be established and maintained on the south and west sides of the building on the subject property during the tenure of the property owner.
- 9. The applicant shall obtain an Architectural Review Certificate and Sign Permit prior to the establishment or replacement of outdoor signage for the subject property.
- 10. 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: Location & Zoning Map, Property Photos, Floor Plan, Parking Plan, Application, Public Notice, and Mailing List.

















**Floor Plan** 



# **Parking Plan**

1	Planning and Building Services Division 00 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609
	Conditional Use Permit Application
	Please Type or Print) File Number: <u>CU-2013-05</u>
	Address of subject property: 1227 L. besty AVE.
2.	Legal description: Lot 1 CSM& Uol 28 Page 170-171
	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.
	Tax Parcel Number(s): $12740679$
4.	Owner of record: ASSOCIATED BUNK, N.A. Phone: 414-283-2303
	330 E. KIlbourn AUR. Milwaukee WI 53202 (Address) (City) (Sinte) (Zip) New Jife TAbern
5.	Applicant's Name: (JONVY L. HUTCHINGON DEA GASASS STATISTICS
	647 Fair wy cir Jeffenson Wi 53549 (Address) (City) (State) (Zip)
	(Office Phone #) (Cell Phone #) (Estimil Address)
6.	All existing use(s) on this property are:
7.	THE FOLLOWING ACTION IS REQUESTED:
	A Conditional Use Permit for: Church USE
	in a(n)R_BZoning District.
8,	All the proposed use(s) for this property will be;
	Principal use: Chyven USE
	Secondary use: Residential Ministry use
	Accessory use:

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City of Beloit	<b>Conditional Use Permit Application Form</b>	(continued)
	conditional cost a state apparention form	Continueur

9. Project timetable: Start date: April 28-2013 Completion date:\_\_\_

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

- () Owner
- ( ) Leasehold, length of lease:
- ( Contractual, nature of contract; Will be class

() Other, explain:

ty's

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.

mberli Garry tchinson (Print nam Poin

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: <u>\$275.00</u> Amount paid: #275.00 Meeting date: Muy 22, 2013
and a second second	No. of notices: x mailing cost (\$0.50) = cost of mailing notices: \$
and an other designment of the local distance of the local distanc	Application accepted by: Michnel D. Lofton 15 Date: 4/26/13

Planning Form No. 12

Established: January 1998

(Revised: November, 2012)

Page 2 of 2



#### CITY HALL • 100 STATE STREET • BELOIT, WI 53511 Office: 608/364-6700 • Fax: 608/364-6609 www.ci.beloit.wi.us NOTICE TO THE PUBLIC

May 9, 2013

To Whom It May Concern:

Gary Hutchinson, on behalf of New Life Tabernacle, has filed an application for a Conditional Use Permit to allow a church in an R-1B, Single-Family Residential District, for property located at:

#### 1227 Liberty Avenue.

The building located at 1227 Liberty Avenue was previously used as a day care center. Churches are a conditional use in the R-1B District.

The following public hearings will be held regarding this proposed Conditional Use Permit:

<u>City Plan Commission</u>: Wednesday, May 22, 2013, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

<u>City Council:</u> Monday, June 3, 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 <u>must</u> bring <u>ten (10)</u> copies and submit them to the Recording Secretary <u>before</u> the meeting begins. Staff is unable to leave the meeting area to make copies.

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

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CU-2013-05, Garry Hutchinson, 1227 Liberty Avenue.docx

JENNIFER SCHINDLER **1044 LINCOLN AVE** BELOIT, WI 535115022

LARRY WELLS 1204 LIBERTY AVE BELOIT, WI 53511

DOUGLAS CASH P O BOX 1317 BELOIT, WI 535121317 JAIME WADEL

1201 LIBERTY AVE BELOIT, WI 535115001

MARTIN PROPERTIES OF JANESVILLE

LLC

4619 N CTY RD H

JANESVILLE, WI 53548

DIANA RAMSEY

1123 MOORE ST

**BELOIT, WI 53511** 

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

> CABIN FEVER ENTERPRISE LLC P O BOX 861 BELOIT, WI 535120861

THAD D & AMANDA D REGENOLD 1129 MOORE ST **BELOIT, WI 53511** 

> MARY HARTKE 1136 LINCOLN AVE BELOIT, WI 535114329

SEAN HOEY 1132 LINCOLN AVE **BELOIT, WI 53511** 

JAMES E & PAULETTE L JACKSON 1044 MOORE ST BELOIT, WI 53511

CHRISTOPHER M & KATHLEEN A FARLINGER 2410 GREENWOOD DR JANESVILLE, WI 53546

> **RAJMONDA KAJA** 1207 LIBERTY AVE **BELOIT, WI 53511**

ROGER NULL P O BOX 1081 BELOIT, WI 535121081

MIKAL J & BRANDY BRICKSON 1128 LINCOLN AVE **BELOIT, WI 53511** 

> ROBERT CAPLES 1135 MOORE ST BELOIT, WI 535114110

JAYMEE B & BARBARA A STEPHENS 1220 LIBERTY AVE BELOIT, WI 53511

JAMES HOEY 1045 MOORE ST BELOIT, WI 535115041