



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

MEETING NOTICE AND AGENDA
Beloit City Plan Commission
Wednesday, September 18, 2013 at 7:00 PM
The Forum
Beloit City Hall, First Floor
100 State Street, Beloit

1. **Call to Order and Roll Call**
2. **Approval of the Minutes of the September 4, 2013 Meeting**
3. **Architectural Review Exception – 105 Dearborn Street – Cornellier’s**
Public hearing, review and consideration of an Exception to Section 34.15(1) of the Architectural Review and Landscape Code to allow more than 25 percent of the exterior surface of the walls on a non-industrial building to be metal
4. **Conditional Use Permit – 622 Broad Street**
Public hearing, review and consideration of an amendment to an existing Conditional Use Permit (CU-2007-13) to allow one additional room in an existing boarding house in a C-3, Community Commercial District, for the property located at 622 Broad Street
5. **Conditional Use Permit – 201 Short Street – Rose’s**
Public hearing, review and consideration of a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, and consumption of alcohol in a C-3, Community Commercial District, for the property located at 201 Short Street.
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 **no later than 4:00 PM the day before the meeting.**

Notice Mailed: September 13, 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

MINUTES
BELOIT CITY PLAN COMMISSION
Wednesday, September 4, 2013
The Forum, Beloit City Hall
100 State Street, Beloit

1. **Call to Order and Roll Call**

Chairperson Faragher called the meeting to order at 7:04 PM. Gail Riddle called the roll. Present were Commissioners Jacobsen, Moore, Kelly, Nee, and Kincaid.

2. **Approval of the Minutes of the August 21, 2013 Meeting**

Commissioner Moore moved and Commissioner Nee seconded a motion to approve the August 21, 2013 minutes. The minutes were approved. (5-0)

3. **Comprehensive Plan Amendment – 2091 and 2105 Shopiere Road**

Public hearing, review and consideration of an amendment to the Future Land Use Map of the City's Comprehensive Plan from Single Family Residential-Urban to Neighborhood Commercial for the properties located at 2091 and 2105 Shopiere Road.

Julie Christensen summarized the Staff Report and Staff Recommendation.

Commissioner Jacobsen clarified with Ms. Christensen that 2091 Shopiere Road is already existing as a commercial property with a conditional permit and that 2105 Shopiere Road is zoned single-family residential.

Chairperson Faragher opened the Public Hearing.

Dave Brown, 2905 Dartmouth Drive, Janesville, WI, the owner of 2091 Shopiere Road, explained that the reason that he was requesting the Comprehensive Plan Amendment was so that as tenants move in and out, he would not have to apply for a Conditional Use, adding that the property has always been a commercial use. Mr. Brown commented that in working with Drew Pennington, he was told him that he would need to have another property adjoining it in order to not have a spot zoning situation, so Sharon Granberg, owner of 2105 Shopiere Road, agreed to have her property changed as well in order to avoid the spot zoning issue.

Gary Witzack, 2127 Shopiere Road, wanted to know what can be allowed under a C-2 zoning. Ms. Christensen answered that C-2 allowed for some residential uses and also allows community service uses, daycare centers, churches, office, commercial parking, retail sales, and other commercial uses. Mr. Witzack commented that he talked to some

of the neighbors and everyone he talked to, signed a statement in opposition to changing 2105 Shopiere to a C-2.

John White, 1837 Wisconsin Avenue, Beloit, who has a business at 2091 Shopiere Road, Keep On Cut'n commented that they wanted to keep the area commercial and that if he was not allowed to continue to operate at this location, his business would fail.

Sharon Granberg, 2105 Shopiere Road, stated that the reason she is helping Mr. Brown is so that he can get decent people in his building and that she wanted to back him up so he can continue to make a living.

Commissioner Faragher asked Ms. Granberg if she realized that she would be changing her situation to a certain extent and Ms. Granberg commented that she does not plan on ever changing anything.

Chairperson Faragher closed the Public Hearing.

Commissioner Kincaid commented that the issue is further complicated because the properties are across the street from each other instead of next to each other, making it impossible to be redeveloped into one parcel in the future. Commissioner Kincaid added that he did not see the logic in spreading a spot zone.

After further discussion on whether 2105 Shopiere should be included, Commissioners came to the decision that it should not be included.

Dave Brown returned to the podium to state that he was told that he would have a hard time with trying to change just one property and he went on the recommendation from Mr. Pennington. Mr. Brown added that he has no problem with just his property at 2091 Shopiere being changed to C-2.

Commissioner moved to approve the Comprehensive Plan Amendment with a modification to only include 2091 Shopiere Road and to eliminate 2105 Shopiere Road. Commissioner Kelly seconded the motion. The motion was carried. (5-0)

4. **Zoning Map Amendment – 2091 and 2105 Shopiere Road**

Public hearing, review and consideration of a Zoning Map Amendment from R-1B, Single Family Residential District, to C-2, Neighborhood Commercial District, for the properties located at 2091 and 2105 Shopiere Road

Ms. Christensen summarized the Staff Report and Staff Recommendation.

Chairperson Faragher opened and closed the Public Hearing.

Commissioner Nee moved to approve the Zoning Map Amendment with a modification to only include 2091 Shopiere Road and eliminate 2105 Shopiere Road. Commission Kelly seconded the motion. The motion was carried. (5-0)

5. **Conditional Use Permit – 1119 Broad Street**

Public hearing, review and consideration of a Conditional Use Permit to allow vehicle repair in the C-3, Community Commercial District, for the property located at 1119 Broad Street

Ms. Christensen summarized the Staff Report and Staff Recommendation.

Chairperson Faragher opened and closed the Public Hearing.

The Commissioners discussed condition #7. It was felt that it was not clear which windows were required to be replaced. The Commissioners indicated that they would like to see both windows replaced on the front façade.

Commissioner Nee moved to approve the Conditional Use Permit with the modification in Condition #7 to read as follows, “The applicant shall remove the vinyl siding on the front façade and replace the windows with contemporary commercial grade windows”. The motion was seconded by Commissioner Jacobsen. The motion carried (5-0).

6. **Architectural Review Exception – 105 Dearborn Street – Cornelier’s**

Public hearing, review and consideration of an Exception to Section 34.15(1) of the Architectural Review and Landscape Code to allow more than 25 Percent of the exterior surface of the walls on a non-industrial building to be metal

Chairperson Faragher opened and closed the Public Hearing.

The Architectural Review Exception for 105 Dearborn Street was laid over.

7. **Status Report on Prior Plan Commission Items**

The Planned Unit Development for Woodman’s was approved by City Council.

8. **Adjournment**

The meeting adjourned at 8:07 PM.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: September 18, 2013

Agenda Item: 3

File Number: ARC/EXP-2013-01

Applicant: Cornellier Enterprises Inc.

Owner: Cornellier Enterprises Inc.

Location: 105 Dearborn Street

Existing Zoning: C-2, Neighborhood Commercial District & WPO, Wellhead Protection Overlay District

Existing Land Use: Commercial

Parcel Size: 1.32 Acres

Request Overview/Background Information:

Cornellier Enterprises has filed an application for an Exception to Section 34.15(1) of the Architectural Review and Landscape Code to allow the installation of metal siding on a commercial building in a C-2, Neighborhood Commercial District, for the property located at 105 Dearborn Street.

Key Issues:

- According to Section 34.15(1) of the Architectural Review and Landscape Code, no more than 25% of the exterior walls of a non-industrial building may be metal.
- The applicant has proposed the installation of vertical metal siding on the Cornellier Fireworks building that is grey and red in color. Photos of the proposed metal siding are attached to this report. Currently, there is vertical wood siding on the building.
- Since the adoption of the Architectural Review Code nearly a decade ago, only two exceptions to this 25% cap for non-industrial buildings have been granted. One exception in 2006 allowed metal siding on a coffee kiosk (Mountain Mud), and another in 2008 allowed horizontal metal siding on the church located at 650 Newark Road. The City Council amended the ordinance in July 2008 to allow 100% metal facades on industrial buildings. Prior to this amendment, the metal cap was 70% on industrial buildings, which resulted in numerous exception requests. Woodman's obtained an exception in 2011 for metal siding on a warehouse addition, but this exception was unique due the underlying commercial zoning and commercial and industrial uses on site.
- As shown on the attached Location & Zoning Map, the subject property is adjacent to the state line and includes several commercial buildings, including the subject building (fireworks store), a tavern, and a cafe. The subject building is literally the first building one sees when traveling northbound on US Highway 51 into the City of Beloit.
- If the requested Exception is approved, the applicant will need to obtain an Architectural Review Certificate and Building Permit before beginning this project.
- The applicant has submitted a statement of hardship. According to the applicant, the proposed metal siding will be maintenance-free and will last 25 years, and is an affordable alternative to other products.
- **Findings of Fact**

Section 34.22(5) of the Architectural Review and Landscape Code states that the City Council may grant exceptions to the regulations contained in this chapter when:

(a) *Such exceptions are in harmony with the general purpose and intent of this chapter; and*

Granting the requested exception would be the first approval of metal siding on a permanent commercial building since the Architectural Review Code was adopted in 2004. The applicant's objectives of installing a maintenance-free, durable product can be achieved using other products (e.g. cement board siding, vinyl siding, EIFS) that will present a more attractive, high quality first impression to those entering the City from Illinois.

(b) *The City Council finds that special circumstances exist involving the size, shape, topography, location or surroundings of the property referred to in the application; and*

There are no special circumstances involving the characteristics of the subject property.

(c) *Denial of the exception will cause unreasonable or unnecessary hardship; and*

Denial of the requested exception will force the applicant to find an alternative siding material. The applicant can still use a durable, maintenance-free siding product, and can use metal as an accent material. Given this fact and the compelling public purposes achieved by the 25% metal cap (discussed above and below), the applicant will not face unreasonable or unnecessary hardship.

- (d) *Granting the exception will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the general welfare of the neighborhood or the public.*

Granting the exception would allow the installation of vertical metal siding that is designed for agricultural buildings to be installed on a visible, permanent commercial building. Allowing vertical metal siding in a commercial district may negatively impact property values in the vicinity, and will set a bad precedent City-wide.

Consistency with Comprehensive Plan and Strategic Plan:

- The Comprehensive Plan recommends Neighborhood Commercial land uses and a zoning district classification of C-2 for the subject property. The subject property's zoning district classification is consistent with this recommendation.
- 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 **denial** of an Exception to Section 34.15(1) of the Architectural Review and Landscape Code to allow the installation of metal siding on a commercial building in a C-2, Neighborhood Commercial District, for the property located at 105 Dearborn Street, based upon the above Findings of Fact.

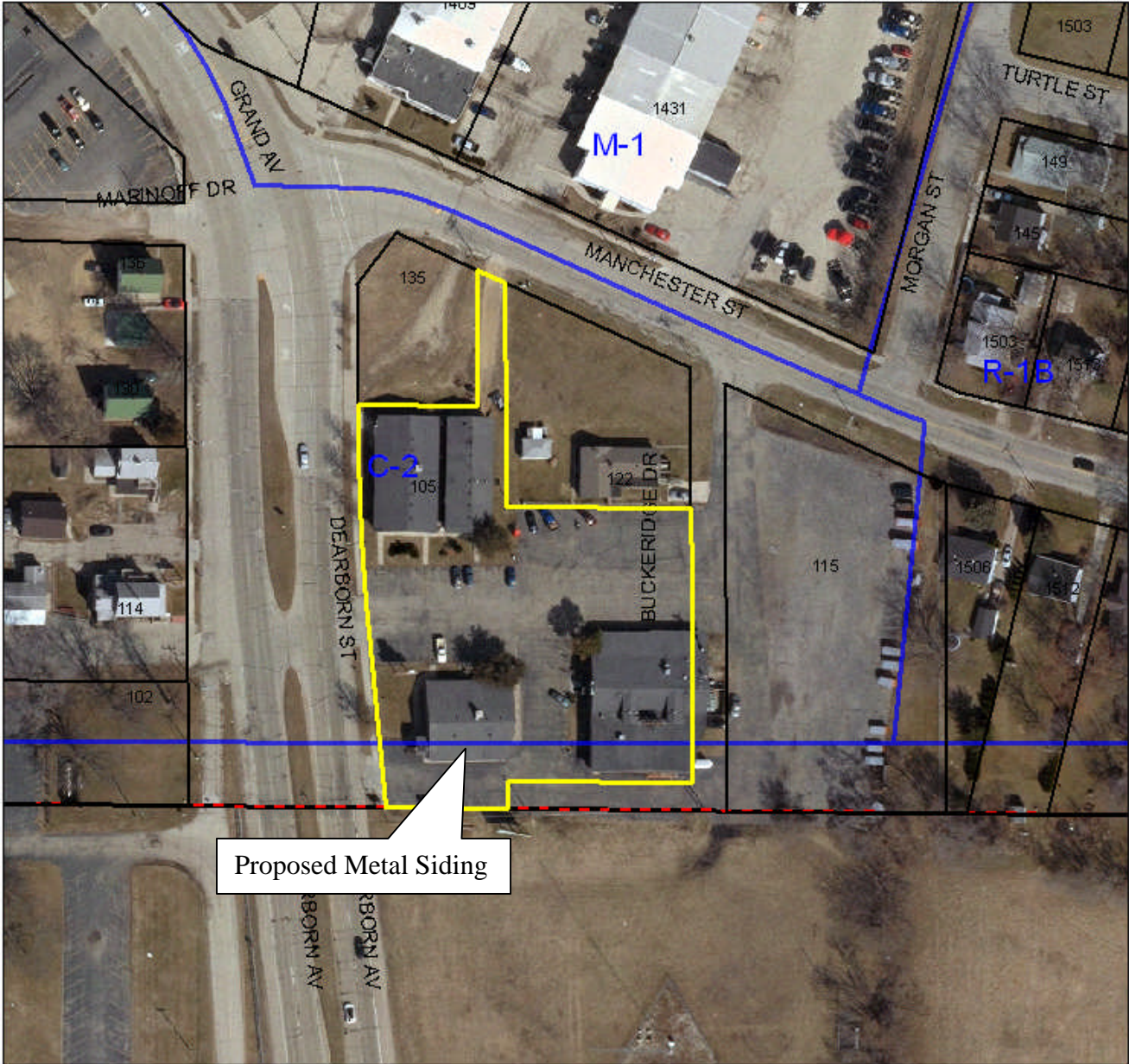
Fiscal Note/Budget Impact: N/A

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

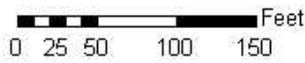
Location & Zoning Map

105 Dearborn Street

ARC/EXP-2013-01



1 inch = 106 feet



Legend

- COB Parcels
- Zoning District
- City Limits

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

PLANNING & BUILDING SERVICES DIVISION

South Façade



West Façade



North Façade





Options Shown

Roof : Brite Red
Siding : Charcoal Gray
Door : White
Wainscot : Brite Red
Trim : Charcoal Gray

Designed using the Midwest Manufacturing Post Frame Building Color Selector tool
For other helpful project planning tools, visit
www.midwestmanufacturing.com

CITY of BELOIT

Neighborhood Planning Division

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

Architectural Review Exception Application Form

(Please Type or Print)

File number: ARC/EXP-2013-01

1. Name of applicant: CORNELIUS ENTERPRISES Phone #: 608-362-0555
123 DEARBORN ST BELOIT WI. 53511
(Address) (City) (State) (Zip)

2. Address of subject property: 105 DEARBORN ST.

3. Tax Parcel Number(s): 10-#206 13640101

4. Legal description: SEE ATTACHED

5. Present zoning: _____ Present use: SALE OF FIREWORKS

6. Proposed use (if different): _____

7. Owner of record: CORNELIUS ENTERPRISES Phone: 608-362-0555
123 DEARBORN ST BELOIT WI. 53511
(Address) (City) (State) (Zip)

8. Code from which relief is sought or exception is taken:

Architectural Review () Landscape Regulations

9. State specific sections of code and exception(s) requested: (Use separate sheet if necessary)

SEEKING AN EXCEPTION TO THE 25% METAL CAP
IN SECTION 34.15(1) OF THE ARCHITECTURAL
REVIEW CODE

10. State specific hardship experienced by the applicant: (Use separate sheet if necessary)

(Continued on back)

#1 Paint keeps fading and chipping off wood / most of building is ground level with pavement so lots of moisture damage keeps happening. Between the constant sun and moisture we are painting and replacing wood around the building on an annual basis.

#2 Replacing the wood with a metal siding will be much more cost efficient for our company. Our goal is to get 25 years out of this metal product.

#3 We are currently doing alot of work on our buildings in this area and think this metal siding would tie in nicely with the work we have already done.

11. In order for this application to be considered complete, the applicant must attach a scale drawing (1" = 20' usually works best) showing the location of property lines and their dimensions, existing buildings and improvements, all abutting properties and improvements thereon, and the proposed changes or additions. A professional drawing is not required. You are required to furnish a legible drawing with enough detail that will adequately advise and inform the Commission.

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

Handwritten signature of Larry N. Cornelius SR and date 8-7-13.

(Signature of Applicant, if different)

(Print name)

(Date)

The applicant acknowledges that this application is not deemed filed until dated and receipt acknowledged by a person authorized to receive the application. The applicant is entitled to receive a copy of the acknowledged application once it is officially reviewed and accepted.

Hearings are usually held in City Hall Forum, City Hall, 100 State Street at 7:00 P.M.

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

The application fee will be \$100 and applicants will be charged actual out-of-pocket costs for mailing public notices at the rate of \$0.50 per notice.

To be completed by Planning staff

Filing fee: \$100.00 Amount paid: \$100.00 Meeting date: Sept. 4, 2013
Application accepted by: Dan Donington Date: 8/7/13
No. of notices: x mailing cost (\$0.50) = cost of mailing notices: \$
Date Notice Published: Date Notice Mailed:



NOTICE TO THE PUBLIC

August 21, 2013

To Whom It May Concern:

Cornellier Enterprises has filed an application for an Exception to Section 34.15(1) of the Architectural Review and Landscape Code to allow the installation of metal siding on a commercial building in a C-2, Neighborhood Commercial District, for the property located at:

105 Dearborn Street.

According to Section 34.15(1) of the Architectural Review and Landscape Code, no more than 25% of the exterior walls of a non-industrial building may be metal. The applicant has proposed the installation of metal siding on the Cornellier Fireworks building that is grey and red in color.

The following public hearings will be held regarding this proposed Exception to the Architectural Review and Landscape Code:

City Plan Commission: Wednesday, September 4, 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, September 16, 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.

ARC-EXP-2013-01, Cornellier Enterprises, 105 Dearborn Street

HENDRICKS COMMERCIAL
PROPERTIES LLC

655 THIRD ST STE 301
BELOIT, WI 53511

DEPT OF TRANSPORTATION
STATE OF WISCONSIN

P O BOX 7986
MADISON, WI 53707

SIDDHI VINAYAK INC

114 DEARBORN ST
BELOIT, WI 535116442

JAMES T BRANNON
REVOCABLE TRUST OF 2008

1344 E GRAND AVE
BELOIT, WI 535110028

CORNELLIER ENTERPRISES INC

105 DEARBORN ST
BELOIT, WI 535116441

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: September 18, 2013

Agenda Item: 4

File Number: CU-2013-16

Applicant: Jerome Fagerstrom

Owner: Pretty Stream 1 LLC

Location: 622 Broad Street

Existing Zoning: C-3, Community Commercial District & WPO, Wellhead Protection Overlay District

Existing Land Use: Boarding House

Total Area: 0.24 Acre

Request Overview/Background Information:

Jerome Fagerstrom has filed an application to amend a Conditional Use Permit (CU-2007-13) to allow one additional room in an existing Boarding House in a C-3, Community Commercial District, for the property located at 622 Broad Street.

Key Issues:

- On January 22, 2008, the City Council authorized the attached Conditional Use Permit (CUP) to allow a 7-room Boarding House on the subject property.
- The applicant has proposed the subdivision of the largest room into two rooms, which requires an amendment to his 2008 CUP. The applicant has not proposed any exterior changes to the structure or site.
- The applicant has complied with all of the conditions of approval attached to his 2008 CUP. The applicant currently has seven 2013 Rental Dwelling Permits, and the Boarding House is inspected twice each year. The most recent inspection occurred on August 26, 2013, which resulted in orders to correct two minor violations (dim exit light & expired extinguisher).
- According to our records, there have been a handful of property maintenance violations at the subject property since the Boarding House opened (e.g. tall grass, snow-covered sidewalks, discarded furniture), but no major violations.
- 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-3, Community Commercial District; Restaurant
 - South: C-3, Community Commercial District; Vacant Land
 - East: C-3, Community Commercial District; Salvation Army Buildings
 - West: C-3, Community Commercial District; Multi-Family Residential
- The Boarding House is permitted by-right in the WPO district.
- The City's Review Agents have reviewed this application and have not submitted any comments or concerns.
- The attached Public Notice was sent to four nearby property owners. As of this writing, staff has not received any comments or concerns.
- **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 CUP amendment will add an additional affordable housing unit in the City Center without impacting public health, safety, or 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 CUP amendment will not impact the use of nearby properties, as there will be no exterior changes to the building or site.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The proposed CUP amendment will not impact property values in this mixed use neighborhood.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - This is an urbanized area that includes a wide array of commercial and residential uses.
- 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 Boarding House.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - Not applicable.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - All of the current conditions of CUP approval will remain in full force and effect.

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan defers to the Downtown Plan, which recommends Planned Mixed Use: Office above retail for the subject property. This recommendation is intended to guide the future redevelopment of this block, and is not applicable to this CUP amendment request. Consideration of this request supports City of Beloit Strategic Goal #5.

Sustainability:

- **Reduce dependence upon fossil fuels** – This CUP amendment will add a dwelling unit in close proximity to goods, services, bike paths, and transit lines.
- **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 an amendment to an existing Conditional Use Permit to allow one additional room in an existing Boarding House in a C-3, Community Commercial District, for the property located at 622 Broad Street, based on the above Findings of Fact and subject to the following conditions:

1. All of the conditions of approval imposed upon the Conditional Use Permit authorized on January 22, 2008 to allow a Boarding House remain in full force and effect.
2. The applicant shall meet with the Building Official in order to determine whether or not a Building Permit is required before subdividing the existing room into two rooms.
3. 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, Application, Site Plan, 2008 CUP, Public Notice, and Mailing List.

Location & Zoning Map



622 Broad Street

CU-2013-16



1 inch = 36 feet
0 5 10 20 30 Feet

Legend

-  COB Parcels
-  Zoning District

Map prepared by: Drew Pennington
Date: September 2013
For: City of Beloit Planning & Building Services
Date of Aerial Photography: March 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-2013-16

1. Address of subject property: 622 BROAD ST
2. Legal description: L9, E 523 FT L10, N 18.02 FT L4, E 533 FT OF N 18.02 FT L3B ST ORIGINAL PLAT

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

Property dimensions are: 130.02 feet by 65.23 feet = _____ square feet.

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

3. Tax Parcel Number(s): 13050340 DBA PRETTY STREAM 1 LLC

4. Owner of record: JEROME A FAGERSTROM Phone: 608 931 0262

659 BLUFF ST BELOIT WI 53501
(Address) (City) (State) (Zip)

5. Applicant's Name: SAME

(Address) (City) (State) (Zip)
608 302 7652 / 608 931 0262 / dryfd@EMAIL.COM
(Office Phone #) (Cell Phone #) (E-mail Address)

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

7. **THE FOLLOWING ACTION IS REQUESTED:** To Amend CU-2007-13

A Conditional Use Permit for: 8 BR BOARDING HOUSE
in a(n) COMMERCIAL Zoning District.

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

Principal use: BOARDING HOUSE

Secondary use: _____

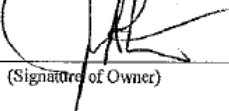
Accessory use: _____

9. Project timetable: Start date: 11/1/2013 Completion date: 11/15/2013

10. I/We represent that I/we have a vested interest in this property in the following manner:
- Owner
 - Leasehold, length of lease: _____
 - Contractual, nature of contract: _____
 - Other, explain: _____

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.


Jerome A Fagerstrom
08/15/2013
(Signature of Owner) (Print name) (Date)

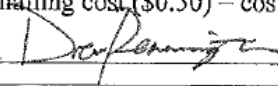
(Signature of Applicant, if different) (Print name) (Date)

In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the 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.

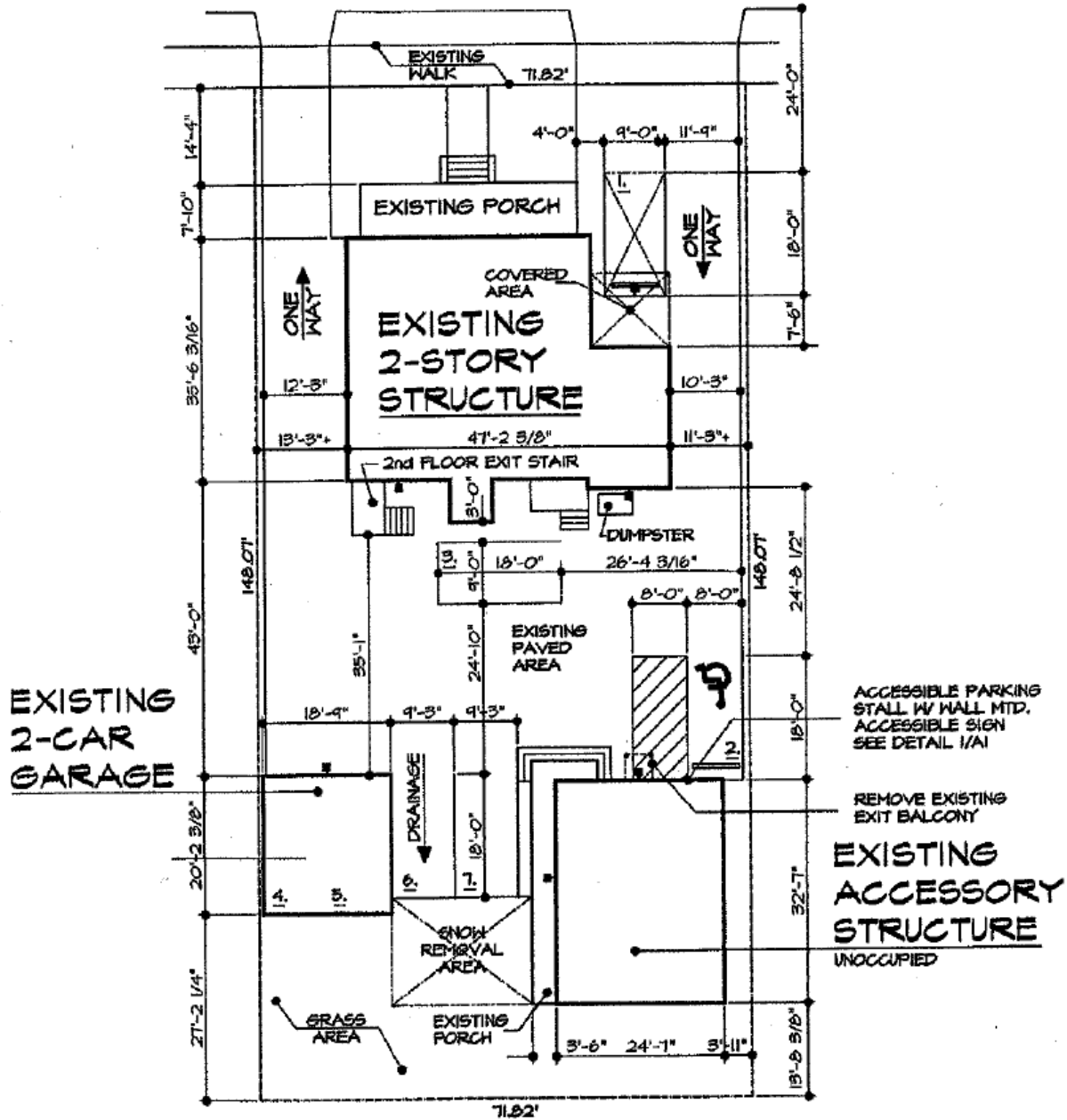
To be completed by Planning Staff

Filing fee: \$275.00 Amount paid: \$275.⁰⁰ Meeting date: Sept. 18, 2013

No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____


Application accepted by:  Date: 8/15/13

BROAD STREET



NOTE:

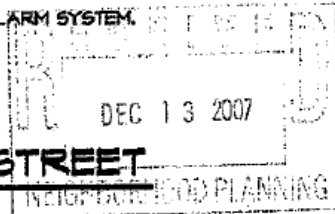
1. PROPOSED BOARDING HOUSE WITH MAX. SEVEN RENTABLE ROOMS.
2. ALL DRIVES AND PARKING AREAS ARE EXISTING
3. BUILDING IS EQUIPPED W/ AUTOMATIC FIRE DETECTION/ALARM SYSTEM.

SYMBOL
 WALL MOUNTED LIGHT



SITE PLAN 622 BROAD STREET

1/20" = 10'



FILE# 8325
JAN 22 2008
CITY OF БЕЛОIT CITY CLERK

**RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT
TO ALLOW A BOARDING/ROOMING HOUSE USE IN A
C-3, COMMUNITY COMMERCIAL DISTRICT FOR
PROPERTY LOCATED AT 622 BROAD STREET**

WHEREAS, the application of Jerome and Heidi Fagerstrom for a Conditional Use Permit to allow a Boarding/Rooming House use in a C-3, Community Commercial District, at 622 Broad Street, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow a Boarding/Rooming House use in a C-3, Community Commercial District, for property located at 622 Broad Street, in the City of Beloit, for the following described premises:

Lot 9, the East 5.23 feet of Lot 10, the North 18.02 feet of Lot 4, and the East 5.23 feet of the North 18.02 feet of Lot 3, Block 51 of the Original Plat of the City of Beloit, Rock County, Wisconsin (a/k/a 622 Broad Street, parcel number 1365-0340).

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:

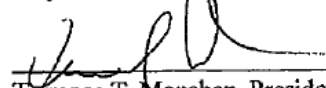
1. The property owner must obtain an annual rental permit for each rented room in the building from the Housing Services Division.
2. At least one parking space per rented room must be maintained throughout the year.
3. The parking area must be striped and the entrance and exit only directional signs erected by June 1, 2008.
4. The owner may rent a maximum of seven rooms, and a maximum of seven people may live on this property. Any increase in the number of rentable rooms or the number of people living on the property constitutes a major change in the adopted conditions and requires an amendment to this Conditional Use Permit.
5. An appropriate fire detection/alarm system for a Boarding/Rooming House must be approved by the City of Beloit Fire Department and must be in place before occupancy.
6. All necessary maintenance, including replacement or repair of the rotting soffits, the leaky roof, and the faded paint, must be completed before occupancy.
7. The dumpsters shown south of principal structure must be completely screened from view. An Architectural Review Certificate must be secured and dumpsters enclosed by June 1, 2008.
8. An interior rental inspection by the City of Beloit Housing Services Division and compliance

CU-2007-13, 622 Broad Street, Boarding House (Council Report)

- with all conditions of the inspection are required before occupancy.
9. If City staff receives complaints stemming from the lack of on-site management from tenants, neighboring property owners, Beloit College officials, or elected or appointed City officials, staff reserves the right to re-review the conditions of this Conditional Use Permit with the Plan Commission and City Council.
 10. The building and use must comply with all local, state, and federal codes, including, but not limited to Comm. 79 of the Wisconsin Administrative Code and Chapter 7 of the City of Beloit Municipal Ordinances.
 11. Any major changes in the adopted conditions or use of this property shall be approved by the Plan Commission and City Council by amending the Conditional Use Permit. The Community Development Director may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of these standards and requirements of code.

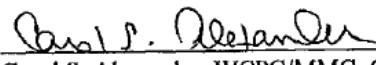
Adopted this 22nd day of January 2008.

City Council of the City of Beloit



Torrence T. Monahan, President

Attest:



Carol S. Alexander, WCPC/MMC, City Clerk

CU-2007-13, 622 Broad Street, Boarding House (Council Report)



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

September 3, 2013

To Whom It May Concern:

Jerome Fagerstrom has filed an application to amend a Conditional Use Permit to allow one additional room in an existing Boarding House in the C-3, Community Commercial District, for the property located at:

622 Broad Street.

On January 22, 2008, the City Council authorized a Conditional Use Permit to allow a 7-room Boarding House on the subject property. The applicant has proposed the subdivision of the largest room into two rooms, which requires an amendment to his 2008 Conditional Use Permit.

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

City Plan Commission: Wednesday, September 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.

City Council: Monday, October 7, 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.

CU-2013-16, Boarding House, 622 Broad Street

CRISTOPHER PROCTOR
1836 MANOR DR
SOUTH BELOIT, IL 61080

JOHN T & WARREN C DUFF
795 WEST ST
BELOIT, WI 53511

THE SALVATION ARMY
628 BROAD ST
BELOIT, WI 535116347

ROGER & VICKI BRYDEN RVB
PARTNERSHIP
548 BROAD ST
BELOIT, WI 535116345

PRETTY STREAM 1 LLC
654 BLUFF ST
BELOIT, WI 53511

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: September 18, 2013

Agenda Item: 5

File Number: CU-2013-15

Applicant: Clancy Smith

Owner: Jagger Bay Property

Location: 201 Short Street

Existing Zoning: C-3, Community Commercial District & Wellhead Protection Overlay

Existing Land Use: Bar & Restaurant

Parcel Size: 1.538 Acres

Request Overview/Background Information:

Clancy Smith has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in a C-3, Community Commercial District, for the property located at 201 Short Street. 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-3, Community Commercial District; Parking Lot

South: C-3, Community Commercial District; Vacant Building (Cub Foods)

East: C-3, Community Commercial District; Office Building and Parking Lot

West: C-3, Community Commercial District; Salvation Army

Key Issues:

- The applicant has proposed a 253 square-foot (11' x 23') outdoor seating area on the north side of the building and the extension of the sales, possession, & consumption of alcohol into said area.
- This area will contain approximately three (3) tables with four (4) chairs at each table.
- The proposed outdoor seating area will be enclosed by a 5' wood privacy fence.
- The proposed outdoor seating area includes replacing an existing window with a 36" door to provide access to the outdoor area. There will also be an outdoor gate for emergency egress.
- Section 4-804 of the Zoning Ordinance states that outdoor seating areas for bars are only allowed if reviewed and approved in accordance with the Conditional Use Permit review procedures.
- The proposed design (including materials) will be reviewed during the Architectural Review process.
- The off-street parking requirements contained in the Zoning Ordinance require bars and restaurants to provide off-street parking stalls in an amount equal to 50 percent of capacity. The property will comply with the off-street parking requirements contained in the Zoning Ordinance.
- The City's Review Agents have reviewed this application. The Fire Department expressed concerns that have been addressed in the conditions listed with staff recommendation. No other comments were received.
- The attached Public Notice was sent to 11 nearby property owners. As of this writing, no one has expressed opposition to the proposed outdoor seating area.
- This property was approved for an outdoor seating area, among other building updates, in 2010. This approval lapsed after a year of inactivity.

- **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;*
 - Subject to certain conditions of approval, the proposed outdoor seating area 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 outdoor seating area is near a parking lot, so noise and lights generated by the outdoor seating area are not expected to negatively impact the use of nearby properties. In addition, the subject property is a part of a large C-3, Community Commercial District.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The proposed uses will not diminish or impair property values within 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;*
 - Staff will review the architectural design and materials to ensure that they are compatible with development in the 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 conditional uses.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - The subject property includes adequate off-street parking and the proposed use is not expected to cause traffic congestion.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The conditional uses 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 for the subject property. 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 and Building Services Division recommends **approval** of a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in a C-3, Community Commercial District, for the property located at 201 Short Street, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes the 253 square-foot (11' x 23') outdoor seating area on the north side of the existing building shown in the application attachments and the extension of the sales, possession, & consumption of alcohol into said area, subject to all of the conditions of approval.
2. Prior to establishment of the conditional uses, the applicant shall amend the liquor license for the premises to include the outdoor seating area.
3. The outdoor seating area shall be surrounded by a fence. The applicant may construct a 5-foot wooden privacy fence.
4. Before construction begins, the applicant shall obtain an Architectural Review Certificate, Fence Permit, and a Building Permit.
5. The maximum capacity of the outdoor seating area shall be 12 persons. This maximum capacity shall be posted inside the building and within the outdoor seating area. The door leading to the outdoor seating area shall be marked as an exit.
6. The outdoor seating area shall include an emergency exit gate that leads to the parking lot. The gate shall be at least three (3) feet wide and a clear exit path shall be maintained.
7. The applicant shall provide a visible and/or audible fire alarm within the outdoor seating area.
8. Music may not be played in the outdoor seating area after 10:00 PM.
9. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Planning and Building Services Director may approve minor changes administratively.

Fiscal Note/Budget Impact: N/A

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

Location & Zoning Map

201 Short Street

CU-2013-15



1 inch = 60 feet
0 12.525 50 75 Feet

Legend

- COB Parcels
- Zoning District

Map prepared by: Stephanie Hummel
Date: September 2013
For: City of Beloit Planning & Building Services
Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION



North Side of Building



Proposed Door Location

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-2013-15

1. Address of subject property: 201 Short Street

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): 13450440

4. Owner of record: Lagger Bay Property Phone: 299-1459

250 Garden Ln Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Clancy Smith

201 Short St Beloit WI 53511
(Address) (City) (State) (Zip)

815-389-8086 1608 201 5907 1
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: Restaurant & Bar

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

A Conditional Use Permit for: Outdoor Seating & alcohol
in a(n) C-3 Zoning District.

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

Principal use: _____

Secondary use: _____

Accessory use: _____

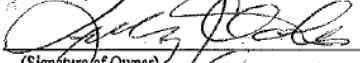
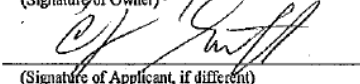
9. Project timetable: Start date: _____ Completion date: _____

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: _____
- () 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.

 (Signature of Owner)	Kelly J Clokes (Print name)	1 7/25/13 (Date)
 (Signature of Applicant, if different)	Chxrey Smith (Print name)	1 7-9-13 (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: <u>\$275.00</u>	Meeting date: <u>Sept. 18, 2013</u>
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____		
Application accepted by: <u>Don Perin</u>		Date: <u>8/14/13</u>

PLOT PLAN

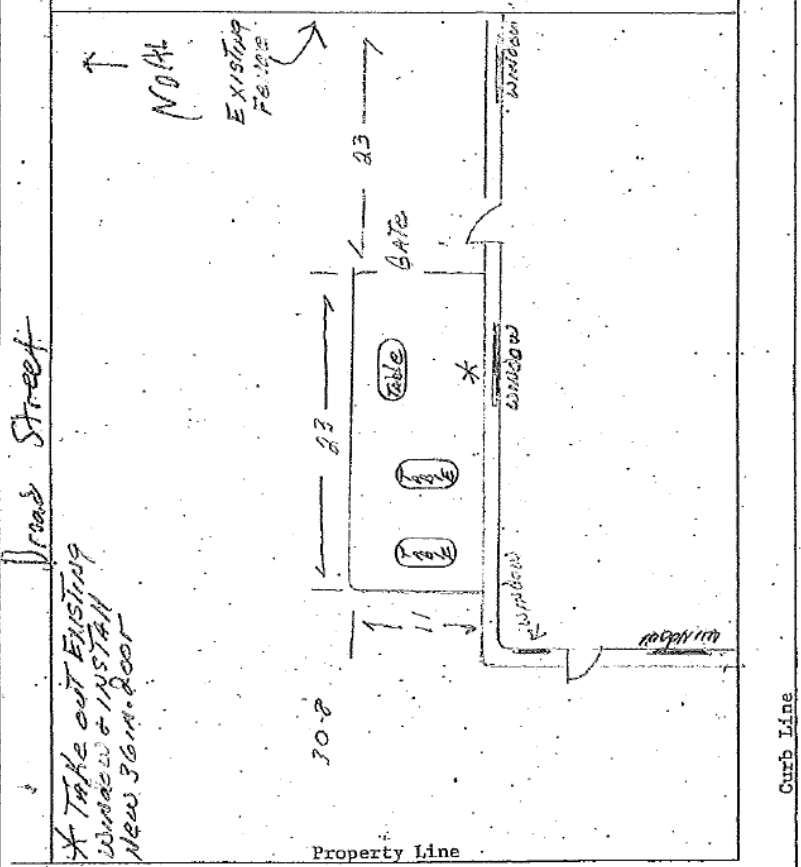
Street Address _____
 Lot _____ Block _____ Subdivision _____
 Interior Lot Corner Lot Thru Lot

Show The Following

- | | |
|--|--|
| 1. All Existing & Proposed Buildings | 6. Elevation of Curb at Lot Corners extended |
| 2. All Lot Dimensions | 7. Finish Grade At Lot Corners |
| 3. All Yard Dimensions | 8. Finish Grade At Building Corners |
| 4. Building Dimensions | 9. North Arrow |
| 5. Location of Drive & Opening Width at Curb | 10. Elevation at top of Foundation Wall. |

→ fence location
 → type & height
 → # of posts / cks
 → Door

197' E. STREET
 162' to curb



* Take out EXISTING WINDOW & INSTALL NEW 36\"/>

Fence Type Wood
 Approx. 5' TALL

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

CEDRIC & SALLY EICKHORST
11542 TANAWINGO TL
ROSCOE, IL 61073

VALENTI MIDWEST INC
3450 BUSCHWOOD PARK DR
STE 195
TAMPA, FL 33618

ALLEN L & NANCY L DIX
821 BROAD ST
BELOIT, WI 53511

THE SALVATION ARMY
628 BROAD ST
BELOIT, WI 535116347

ST THOMAS CATHOLIC
CHURCH
822 E GRAND AVE
BELOIT, WI 535116317

TLC PROPERTIES INC
5101 HWY 51 SOUTH
JANESVILLE, WI 53546

RVB PARTNERSHIP
548 BROAD ST
BELOIT, WI 535116345

THE SALVATION ARMY
1706 18TH AVE
ROCKFORD, IL 611047352

REAL ESTATE SERVICES
SUPER VALU STORES INC
11840 VALLEY VIEW RD
EDEN PRAIRIE, MN 553443643

SOO LINE RAILROAD
COMPANY
501 MARQUETTE AVE S STE
1525
MINNEAPOLIS, MN 55402

NOTICE TO THE PUBLIC

September 4, 2013

To Whom It May Concern:

Clancy Smith on behalf of Rose's Soul Food Restaurant has filed an application for a Conditional Use Permit to allow outdoor seating area and sales, possession, and consumption of alcohol in a C-3, Community Commercial District, for the property located at:

201 Short Street

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

City Plan Commission: Wednesday, September 18, 2013, at 7:00 p.m., or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, October 7, 2013, at 7:00 p.m., 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.

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