



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

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Proclamation honoring Jay Norwood ‘Ding’ Darling and declaring October 21, 2013, as “**J.N. ‘Ding’ Darling Day**” (Samuel Koltinsky)
 - b. Proclamation declaring October 6-12, 2013, as **National Fire Prevention Week** with the theme “Prevent Kitchen Fires!” (Liggett)
4. PUBLIC HEARINGS
 - a. Proposed Ordinance amending the City of Beloit **Comprehensive Plan** to change the future land use designation for the properties located at 2091 and 2105 Shopiere Road from Single-family Residential-Urban to Neighborhood Commercial (Christensen)
Plan Commission recommendation for approval 5-0 of 2091 Shopiere Road only
First Reading, suspend the rules for Second Reading
 - b. Proposed Ordinance amending the **Zoning Map Amendment** to change the zoning district classification of the properties located at 2091 and 2105 Shopiere Road from R-1B, Single-family Residential District, to C-2, Neighborhood Commercial District (Christensen)
Plan Commission recommendation for approval 5-0 of 2091 Shopiere Road only
First Reading, suspend the rules for Second Reading
 - c. Resolution authorizing 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 (Christensen)
Plan Commission recommendation for approval 5-0
 - d. Resolution authorizing 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 (Christensen)
Plan Commission recommendation for approval 5-0
5. CITIZENS PARTICIPATION
6. CONSENT AGENDA

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

- a. Approval of the **Minutes** of the Regular and Special Meetings of September 16, 2013, and the Special Meeting of September 23, 2013 (LeMire)
- b. Application for a **Zoning Map Amendment** to change the zoning district classification of the properties located at 903 and 911 E. Grand Avenue from C-1, Office District, to C-2, Neighborhood Commercial District (Christensen) Refer to Plan Commission
- c. Application for a **Conditional Use Permit** to allow Auto Repair in a CBD-2, Central Business District – Fringe, for the property located at 856 Fourth Street (Christensen) Refer to Plan Commission
- d. Application for a **Planned Unit Development (PUD) – Master Land Use Plan** for the properties located 2850 and 2900 Milwaukee Road and 1865 Branigan Road (Christensen) Refer to Plan Commission
- e. Application for a **Zoning Map Amendment** to change the zoning district classification of the properties located at 2850 and 2900 Milwaukee Road and 1865 Branigan Road from C-3, Community Commercial District, to PUD, Planned Unit Development District (Christensen) Refer to Plan Commission
- f. Application for a **Class “B” Beer and “Class B” Liquor License** for The Hideout, LLC, d/b/a The Hideout, Scott Murray, Owner and Agent, 1901 Liberty Avenue (LeMire) Refer to ABLCC

7. ORDINANCES

- a. Proposed Substitute Amendment Ordinance #1 to create Section 15.03(4g) of the Code of General Ordinances of the City of Beloit pertaining to **Loitering on Public Property** (Krueger) ABLCC recommendation for approval 4-0
Second Reading

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

- a. Presentation of Proposed **2014 Operating, Library, and Capital Improvement Budgets** (Arft/York) (Budget available for review at www.ci.beloit.wi.us)
- b. Schedule **Council Budget Workshop** for 8:00 a.m. on Monday, October 14, 2013, in the Community Room at the Beloit Public Library (Arft)

11. REPORTS FROM BOARD AND CITY OFFICERS (*CM requests to move up on agenda*)

- a. Resolution authorizing three-year extension for payment of outstanding special assessments against **Walnut Grove Plat I and Plat II** (Casper)
- b. Resolution authorizing three-year extension for payment of outstanding special assessments against **Deerfield Estates** (Casper)

- c. Resolution authorizing the City Manager to enter into a **Memorandum of Agreement** with the Wisconsin Department of Transportation, Turtle Township, Rock County and the City of Beloit pertaining to the proposed improvement of Hart Road; and the use of Hart Road and CTH 'X' & 'S' for Incident Management and Congestion Management for IH 39/90 (Boysen)

12. ADJOURNMENT

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

Dated: October 2, 2013
Rebecca Houseman LeMire
City of Beloit City Clerk
<http://www.ci.beloit.wi.us>

<p>You can watch this meeting live on Charter PEG channel 98 or digital channel 992. Meetings are rebroadcast during the week of the Council meeting on Tuesday at 1:00 p.m., Thursday at 8:30 a.m. and Friday at 1:00 p.m.</p>

WHEREAS, Jay Norwood ‘Ding’ Darling graduated from Beloit College in 1900; and

WHEREAS, Darlings political cartoons were published in over 130 newspapers nationwide during the first half of the twentieth century before television, when newspapers were the primary means of mass communication; receiving two Pulitzer Prizes for Editorial Cartooning in 1924 and 1943; and

WHEREAS, Darling’s observant eye and grasp of history led him to become a pioneering conservationist, who firmly believed that the wise use of our nation’s natural resources was utterly necessary to the continued prosperity and strength of this country; and

WHEREAS, President Franklin D. Roosevelt appointed Darling as the head of the U.S. Biological Survey, a precursor of the U.S. Fish and Wildlife Service, where Darling implemented the Federal Duck Stamp Program, drew the first Federal Duck Stamp, and developed the rationale for the architecture of the National Wildlife Refuge System itself; and

WHEREAS, Darling conceived the Cooperative Fish & Wildlife Research Unit Program at Iowa State University, a program that has spread to nearly fifty universities across the nation, and personally funded one-third of the program’s first three years of operation; and Darling later was a founder of the National Wildlife Federation, serving as its first President; and

WHEREAS, Darling passed away in 1962, and his memory lives on through his many lasting contributions.

NOW, THEREFORE, THE CITY COUNCIL PRESIDENT OF THE CITY OF БЕЛОIT does hereby proclaim October 21, 2013 as “J. N. ‘Ding’ Darling Day” in honor and recognition of his professional achievements and significant influence on the environment.

Presented this 7th day of October 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,500 people in the United States in 2011, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 370,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and two of every five home fires start in the kitchen; and

WHEREAS, unattended equipment was a factor in one-third of the reported cooking fires, so residents should stay in the kitchen when frying food on the stovetop, keep a 3-foot kid-free zone around cooking areas, and keep anything that can catch fire away from stovetops; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire and a working smoke alarm cuts the risk of dying in a home fire in half; and

WHEREAS, our first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education, and the 2013 Fire Prevention Week theme, "**Prevent Kitchen Fires!**" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW, THEREFORE, THE CITY COUNCIL PRESIDENT OF THE CITY OF БЕЛОIT does hereby proclaim October 6-12, 2013, as "Fire Prevention Week" throughout the City; urges all the people of City of Beloit to check their kitchens for fire hazards and using safe cooking practices; and supports the many public safety activities and efforts of fire and emergency services.

Presented this 7th day of October 2013.

BELOIT CITY COUNCIL

ATTEST:

Charles M. Haynes, President

Rebecca Houseman LeMire, City Clerk

ORDINANCE NO. _____

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

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

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

The future land use category of the following described land is hereby changed from Single-Family Residential – Urban to Neighborhood Commercial:

Lots 25 & 26, Block 8 of Lindale Place to the City of Beloit, County of Rock, State of Wisconsin (also known as 2091 Shopiere Road, parcel number 21951140).

Lots 1 & 2, Block 9 of Lindale Place to the City of Beloit, County of Rock, State of Wisconsin (also known as 2105 Shopiere Road, parcel number 21962020).

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

Adopted this 7th day of October 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

Published this _____ day of _____, 2013.

Effective this _____ day of _____, 2013.

01-611100-5231-_____

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Comprehensive Plan Amendments

Date: October 7, 2013

Presenter(s): Julie Christensen

Department(s): Community Development

Overview/Background Information:

PALU Enterprises LLC and Sharon Granberg have submitted an application requesting two amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

Key Issues (maximum of 5):

- The applicants are requesting the following amendments to the Future Land Use Map (Map 10):
 - 2091 & 2105 Shopiere Road – From Single-Family Residential – Urban to Neighborhood Commercial.
 - The applicants have also submitted a Zoning Map Amendment (rezoning to C-2) application for the subject properties.
 - The property located at 2091 Shopiere Road is a commercial property that has legal nonconforming status, and the applicant has obtained several Conditional Use Permits to change the nonconforming uses. There are three tenant spaces in this building that house a bakery, hair salon, and transportation service. If the applicants' requests are approved, neighborhood commercial uses will become permitted by-right.
 - The subject properties are corner properties on an arterial street, across from a large-scale multi-family apartment building. The subject properties are adjacent to the City limits and single-family dwellings, but the landscape standards include a buffer requirement that will ensure compatibility. Planning staff supports the establishment of a small commercial district in this location that will meet the needs of the neighborhood.
 - When Mr. Brown (PALU Enterprises) approached Planning staff about rezoning his property, staff advised Mr. Brown that he would need to partner with an adjacent property owner in order to avoid a spot zoning situation.
 - The Plan Commission held a public hearing to consider the requested amendments on September 4, 2013. In response to neighborhood concerns regarding the inclusion of the 2105 property, the Plan Commission voted unanimously (5-0) to adopt a Resolution recommending approval of the requested amendment to the Comprehensive Plan for the 2091 Shopiere Road property only (see attached resolution). The attached Ordinance, however, reflects the applicant's request to amend the plan for both 2091 and 2105 Shopiere Road.
-

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

- Consideration of this request supports Strategic Goal #5.
-

Sustainability:

- **Reduce dependence upon fossil fuels** – The subject property is within walking distance of existing dwellings.
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
-

Action required/Recommendation:

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

Fiscal Note/Budget Impact: N/A

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

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

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

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

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

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

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


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

1. 2091 & 2105 Shopiere Road – From Single-Family Residential -- Urban to Neighborhood Commercial.

Adopted this 4th day of September, 2013.


James Faragher, Plan Commission Chairman

ATTEST:


Julie Christensen,
Community Development Director

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: September 4, 2013

Agenda Item: 3

File Number: RPB-2013-10

Request Overview/Background Information:

PALU Enterprises LLC and Sharon Granberg have submitted an application requesting two amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan.

Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. Comprehensive Plans are intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the plan. The Beloit City Council approved the City's Comprehensive Plan in March 2008 after an extensive public participation program. All land use decisions made by the City of Beloit, including any actions regarding official mapping, local subdivision regulation, and zoning regulations, must be consistent with the plan. The Beloit City Council established a process for amendments (minor changes) to the Comprehensive Plan on February 1, 2010. If the Plan Commission votes to recommend approval of the proposed amendments, the attached Resolution will be forwarded to the City Council for consideration on October 7, 2013.

Key Issues:

- The applicants are requesting the following amendments to the Future Land Use Map (Map 10):
 - 2091 & 2105 Shopiere Road – From Single-Family Residential – Urban to Neighborhood Commercial.
- The following table describes the status of the subject properties:

Property	Current Use	Zoning	Ac	Future Land Use	Proposed Future Land Use
2091 Shopiere Rd	Nhbd Commercial	R-1B	0.29	SF Residential - Urban	Neighborhood Commercial
2105 Shopiere Rd	SF Residential	R-1B	0.29	SF Residential - Urban	Neighborhood Commercial

- The applicants have also submitted a Zoning Map Amendment (rezoning to C-2) application for the subject properties.
- **Land Use Analysis**
 - The property located at 2091 Shopiere Road is a commercial property that has legal nonconforming status, and the applicant has obtained several Conditional Use Permits to change the nonconforming uses. There are three tenant spaces in this building that house a bakery, hair salon, and transportation service. If the applicants' requests are approved, neighborhood commercial uses will become permitted by-right. Ms. Granberg can continue to use her property as a single-family dwelling, but will have the option of using or selling her property for neighborhood commercial development.
 - The subject properties are corner properties on an arterial street, across from a large-scale multi-family apartment building. The subject properties are adjacent to the City limits and single-family dwellings, but the landscape standards include a buffer requirement that will ensure compatibility. Planning staff supports the establishment of a small commercial district in this location that will meet the needs of the neighborhood.
 - When Mr. Brown (PALU Enterprises) approached Planning staff about rezoning his property, staff advised Mr. Brown that he would need to partner with an adjacent property owner in order to avoid a spot zoning situation.

Consistency with Comprehensive Plan and Strategic Plan:

- This request is consistent with the Comprehensive Plan and supports Strategic Goal #5.

Sustainability:

- **Reduce dependence upon fossil fuels** – The subject properties are within walking distance of existing dwellings.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

Staff Recommendation:

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

1. 2091 & 2105 Shopiere Road – From Single-Family Residential – Urban to Neighborhood Commercial.

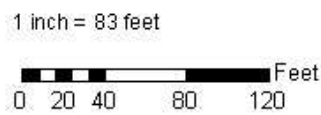
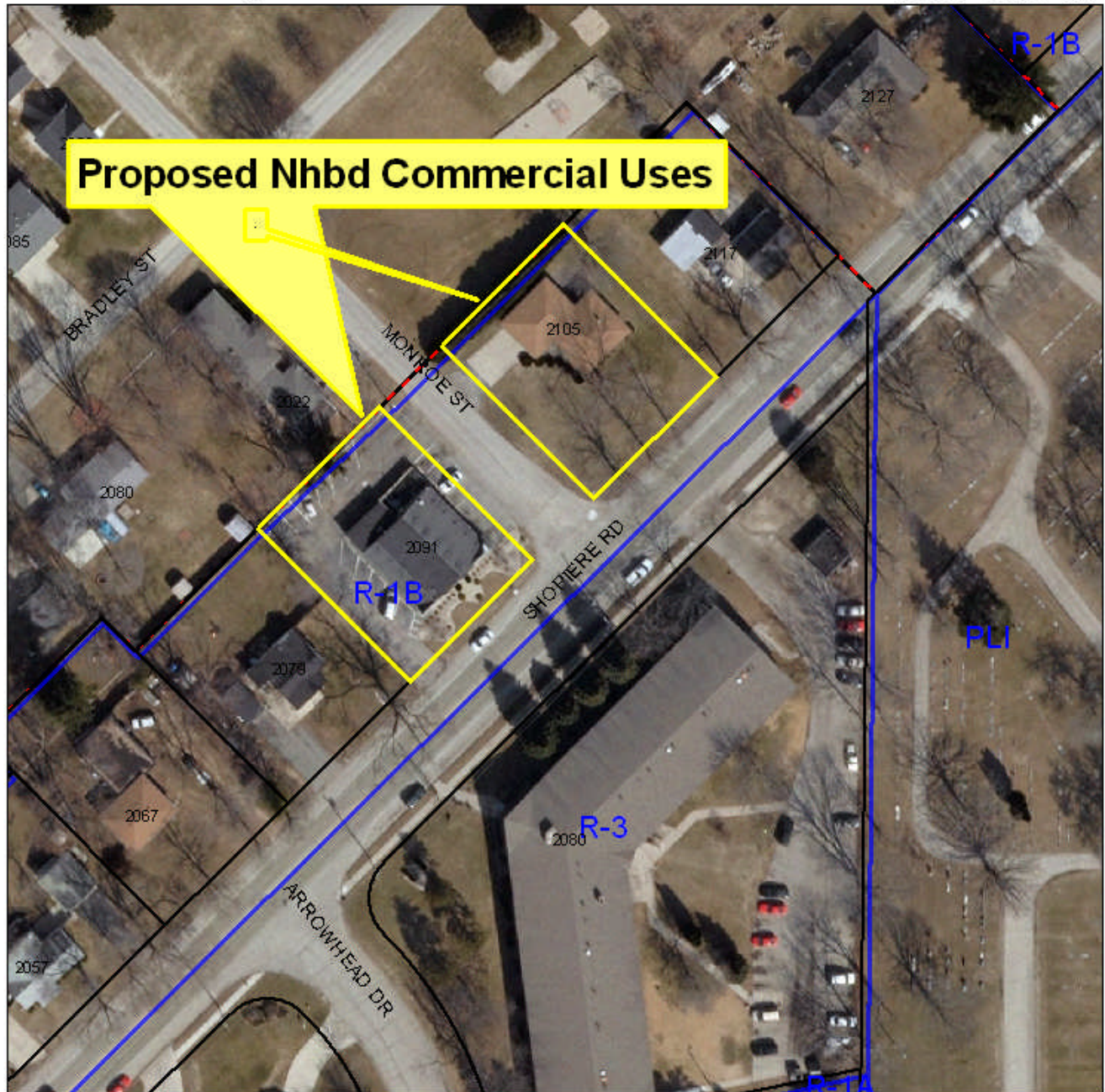
Fiscal Note/Budget Impact: N/A

Attachments: Location & Zoning Map, Future Land Use Map, Public Notice, Mailing List, and Resolution.

Location & Zoning Map

2091 & 2105 Shopiere Road

RPB-2013-10



Legend	
	COB Parcels
	Zoning District

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

PLANNING & BUILDING SERVICES DIVISION

Map 10, Future Land Use (Subject Properties Are Circled)





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

August 19, 2013

To Whom It May Concern:

PALU Enterprises LLC and Sharon Granberg have submitted an application requesting the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 2091 & 2105 Shopiere Road – From Single-Family Residential – Urban to Neighborhood Commercial.

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

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

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 (Public Hearing): 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 MEETINGS.

We are interested in your opinion.

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

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

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

Frank Management Inc.
2501 Morse Street
Janesville, WI 53545

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

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

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

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

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

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

Library Director
Beloit Public Library
605 Eclipse Boulevard
Beloit, WI 53511

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

Brad Austin
Corporate Contractors Inc.
655 3rd Street, Suite 101
Beloit, WI 53511

ORDINANCE NO. _____

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

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

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

The following described lands, also known as 2091 and 2105 Shopiere Road, are hereby changed from R-1B, Single-Family Residential District to C-2, Neighborhood Commercial District:

Lots 25 & 26, Block 8 of Lindale Place to the City of Beloit, County of Rock, State of Wisconsin (also known as 2091 Shopiere Road, parcel number 21951140). Said parcel contains 0.29 acres, more or less.

Lots 1 and 2, Block 9 of Lindale Place to the City of Beloit, County of Rock, State of Wisconsin (also known as 2105 Shopiere Road, parcel number 21962020). Said parcel contains 0.29 acres, more or less.

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

Enacted this 7th day of October 2013.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Rebecca Houseman LeMire, City Clerk

Published this ____ day of _____, 2013

Effective this ____ day of _____, 2013

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the properties located at 2091 & 2105 Shopiere Road

Date: October 7, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

David Brown & Sharon Granberg have submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to C-2, Neighborhood Commercial District, for the properties located at 2091 & 2105 Shopiere Road.

Key Issues (maximum of 5):

- The property located at 2091 Shopiere Road is a commercial property that has legal nonconforming status, and the applicant has obtained several Conditional Use Permits to change the nonconforming uses. There are three tenant spaces in this building that house a bakery, hair salon, and transportation service. If the applicants' requests are approved, neighborhood commercial uses will become permitted by-right.
 - The applicants also submitted an application to amend the Comprehensive Plan's Future Land Use Map to recommend Neighborhood Commercial uses and C-2 zoning classification for the subject properties.
 - Planning staff posted an informational sign on the subject properties and mailed the attached Public Notice to the owners of nearby properties.
 - The Plan Commission held a public hearing to consider this application on September 4, 2013. In response to neighborhood concerns and the attached petition regarding the inclusion of the 2105 property, the Plan Commission voted unanimously (5-0) to recommend approval of this Zoning Map Amendment for the 2091 Shopiere Road property only. The attached Ordinance, however, reflects the applicant's request to rezone both properties.
-

Consistency with Comprehensive Plan and Strategic Plan:

The applicant's Comprehensive Plan amendments are being reviewed concurrently, which 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** – The subject property is within walking distance of existing dwellings.
 - **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
 - **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
 - **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A
-

Action required/Recommendation:

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

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance, Neighborhood Petition, and Staff Report to the Plan Commission

RE: Zoning Change Request for 2105 Shopiere Road

REPORT TO THE БЕLOIT CITY PLAN COMMISSION
<http://gouda.ci.beloit.wi.us/WebLink8/0/doc/52092/Electronic.aspx>

Meeting Date: September 4, 2013
File Number: ZMA-2013-11
Applicant: D. Brown & S. Granberg
Owner: D. Brown & S. Granberg
Location: 2091 & 2105 Shopiere Road
Current Zoning: R-1B, SF Residential
Existing Land Use: Commercial & SF

Dear Sirs;

We are totally opposed to any rezoning of the property located at 2105 Shopiere Road.

The property at 2105 Shopiere is currently zoned R-1B Single-Family-Residential, as are the adjoining properties, with the exception of the community PLAY PARK which is located adjacent to and directly North of 2105 Shopiere Road.

If the home located at 2105 Shopiere is to remain as a single family residence, then there is no reason to change the zoning.

But, it appears by this zone-change request, that there are plans in the works to redevelop the property into some fashion of "as yet to be determined" commercial enterprise.

- (1) Any commercial development of the property at 2105 Shopiere, will detract from property values of the next door neighbors, as well as those in the local vicinity.
- (2) Any commercial development at 2105 Shopiere will adversely effect the quality of life of the next door neighbors, as well as those in the local vicinity.
- (3) Any commercial development at 2105 Shopiere, with the accompanying increased vehicular traffic, will pose a hazard to the neighborhood children that currently use the community PLAY PARK directly adjacent to 2105 Shopiere.

Stan Wityash 2127 SHOPIERE
Mary White 2136 Bradley St
James & Amber 2082 Monroe
Joan A Kashner 2022 Monroe
Maryory L Mondon 2085 Bradley St
Marcella Ramsey 2157 Shopiere Rd
Donald F. W. Kahn 2284 ROBINSON DR.
Anni Allen 2117 Shopiere

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: September 4, 2013 **Agenda Item:** 4 **File Number:** ZMA-2013-11
Applicant: D. Brown & S. Granberg **Owner:** D. Brown & S. Granberg **Location:** 2091 & 2105 Shopiere Road
Current Zoning: R-1B, SF Residential **Existing Land Use:** Commercial & SF **Parcel Size:** 0.29 Acre (each)

Request Overview/Background Information:

David Brown & Sharon Granberg have submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to C-2, Neighborhood Commercial District, for the properties located at 2091 & 2105 Shopiere Road. The attached **Location & Zoning Map** shows the location of the subject properties and the zoning of the surrounding area. The Zoning Ordinance directs the Plan Commission to make a recommendation regarding a Zoning Map Amendment when the specific site and context are suitable for the uses permitted in the proposed zoning district.

Key Issues:

- The property located at 2091 Shopiere Road is a commercial property that has legal nonconforming status, and the applicant has obtained several Conditional Use Permits to change the nonconforming uses. There are three tenant spaces in this building that house a bakery, hair salon, and transportation service. If the applicants' requests are approved, neighborhood commercial uses will become permitted by-right. Ms. Granberg can continue to use her property as a single-family dwelling, but will have the option of using or selling her property for neighborhood commercial development.
- The applicants also submitted an application to amend the Comprehensive Plan's Future Land Use Map to recommend Neighborhood Commercial uses and C-2 zoning classification for the subject properties.
- Planning staff posted an informational sign on the subject properties and mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has not received any comments.
- **Findings of Fact** - Based on Section 2-304 of the Zoning Ordinance:
 - a. *The existing use of property within the general area of the subject property;*
 - The proposed C-2 district is compatible with and will serve the neighborhood, which includes single-family dwellings to the northwest and a multifamily complex to the southeast.
 - b. *The zoning classification of property within the general area of the subject property;*
 - The proposed C-2 district is compatible with the adjacent residential (R-1B & R-3) districts.
 - c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
 - The 2091 property, which has always been commercial, is not suitable for uses in R-1B.
 - d. *The trend of development and zoning map amendments in the general area of the subject property.*
 - There has been limited development pressure in this neighborhood during the past decade, although a new assisted living facility is planned 1/5 mile to the north and a new convenience store is planned 1/2 mile to the northeast.

Consistency with Comprehensive Plan and Strategic Plan:

The applicant's Comprehensive Plan amendments are being reviewed concurrently, which supports Strategic Goal #5.

Sustainability:

- **Reduce dependence upon fossil fuels** – The subject properties are within walking distance of existing dwellings.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

Staff Recommendation:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to C-2, Neighborhood Commercial District, for the properties located at 2091 & 2105 Shopiere Road.

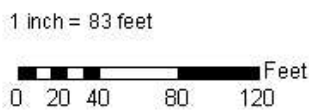
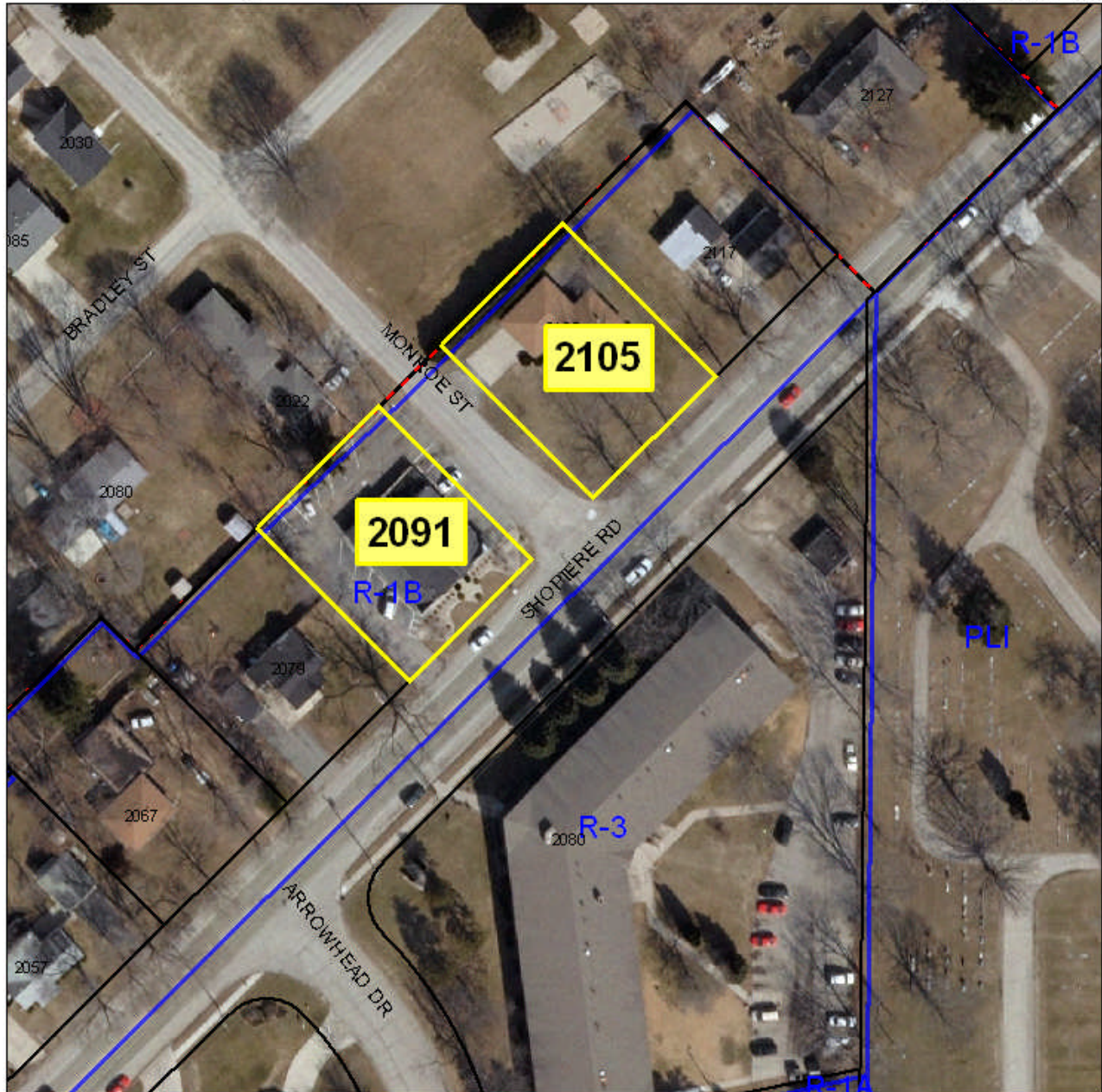
Fiscal Note/Budget Impact: N/A

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

Location & Zoning Map

2091 & 2105 Shopiere Road

ZMA-2013-11



Legend

- COB Parcels
- Zoning District

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

PLANNING & BUILDING SERVICES DIVISION



CITY of BELOIT

NEIGHBORHOOD PLANNING DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2013-11

1. Address of subject property: 2091 Shopiere Road and 2105 Shopiere Road

2. Legal description: Lot: 10 Block: 88 Subdivision: Lincoln Block

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

Property dimensions are: 100.00 feet by 125.00 feet = 12,500.00 square feet.

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

3. Tax Parcel Number(s): 21951140 & 21962020

4. Owner of record: Theron A. Shankberg Phone: 608-362-8802

2105 Shopiere Road Beloit, WI 53511
2905 Dartmouth Drive Janesville, WI 53548

5. Applicant's Name: David Baber

2105 Shopiere Road Beloit, WI 53511
2905 Dartmouth Drive Janesville, WI 53548

608-362-8802 / 608-201-1962 / hsound@firstweb.com

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

Change zoning district classification from: RF Residential to: Neighborhood Commercial

All existing uses on this property are: Hispanic Bakery, Hair Salon (C-2)
Transportation Service

7. All the proposed uses for this property are:

Principal use(s): any business that is in C-2 classification

Secondary use(s): Salon

Accessory use(s): Transportation Service

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

- Owner David H Brown + Sharon Granberg
- Leasehold, Length of lease: _____
- Contractual, Nature of contract: _____
- Other, explain: _____

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

Name(s): David H Brown Phone: 608-201-1962
2905 Dartmouth Drive Janesville WI 53548
(Address) (City) (State) (Zip)

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

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

Sharon Granberg | SHARON GRANBERG | 8/2/13
(Signature of Owner) (Print name) (Date)

David H Brown | David H Brown | 8/2/13
(Signature of Applicant, if different) (Print name) (Date)

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

To be completed by Planning Staff	
Filing Fee: <u>\$275.00</u>	Amount Paid: <u>\$275.⁰⁰</u> Meeting Date: <u>Sept. 4, 2011</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>[Signature]</u>	Date: <u>8/2/13</u>
Date Notice Published: _____	Date Notice Mailed: _____



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

August 21, 2013

To Whom It May Concern:

David Brown & Sharon Granberg have submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to C-2, Neighborhood Commercial District, for the properties located at:

2091 & 2105 Shopiere Road.

Mr. Brown owns the commercial building located at 2091 Shopiere Road, which has legal nonconforming status as a commercial building in a residential zoning district. Ms. Granberg owns the property located at 2105 Shopiere Road, which is currently used as a single-family dwelling. The applicants also submitted an application to amend the Comprehensive Plan's Future Land Use Map to recommend Neighborhood Commercial uses and C-2 zoning classification for the subject properties.

The following public hearings will be held regarding this application:

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, 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.

ZMA-2013-11, 2091-2105 Shopiere Road

SHELDON JOHNS
1983 ARROWHEAD DR
BELOIT, WI 535113811

DARCIE WARE
2079 SHOPIERE RD
BELOIT, WI 53511

SHARON GRANBERG
2105 SHOPIERE RD
BELOIT, WI 535113839

GATEWAY REDEVELOPMENT LLC
P O BOX 41
BELOIT, WI 53512

BRIAN P & TRACEY J WALSH
& BAERTSCHI
2080 E BRADLEY ST
BELOIT, WI 53511

GARY L WITZACK
2127 SHOPIERE RD
BELOIT, WI 53511

SUSAN L KIMPLING
2079 E BRADLEY ST
BELOIT, WI 53511

RICHARD A & ELLEN J KING
2134 E BRADLEY ST
BELOIT, WI 53511

JEAN G REIDEL
2074 E BRADLEY ST
BELOIT, WI 53511

CLIFFORD & SHARON
KEIERLEBER
2057 SHOPIERE RD
BELOIT, WI 535113761
PALU ENTERPRISES LLC
2905 DARTMOUTH DR
JANESVILLE, WI 53548

LAURI ALLEN
2117 SHOPIERE RD
BELOIT, WI 535113839

PHILIP A RAYMER
2067 E BRADLEY ST
BELOIT, WI 53511

JOAN A KASHEW-HUTCHENS
2022 S MONROE ST
BELOIT, WI 53511

MARJORY L MONDON
2085 E BRADLEY ST
BELOIT, WI 53511

ANTHONY P & SUSAN E FLORA
2115 E BRADLEY ST
BELOIT, WI 53511

MARY J WAITE TRUST
2136 E BRADLEY ST
BELOIT, WI 53511

JUDITH PIPPENGER
302 JULIE LN
HAMPSHIRE, IL 60140

JAMES BENNETT
2067 SHOPIERE RD
BELOIT, WI 53511

AP APARTMENTS LLC
3190 GATEWAY RD STE 201
BROOKFIELD, WI 53045

MOUNT THABOR CEMETERY
P O BOX 1944
JANESVILLE, WI 53547

JESSICA M & PHYLISS M
WANNINGER & BURKHAMER
14734 LEAHY RD
JSHULLSBURG, WI 53586

TOWN OF TURTLE
6916 S COUNTY RD J
BELOIT, WI 53511

WALTER D HOPPER
2030 S MONROE ST
BELOIT, WI 53511

DONALD E & PATRICIA K
WHALEN
2284 ROBINSON DR
BELOIT, WI 53511

JEFFREY M STAFFORD
2133 BRADLEY
BELOIT, WI 53511

RESOLUTION
AUTHORIZING 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

WHEREAS, the application of Clancy Smith 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, 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 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 in the City of Beloit, for the following described premises:

LOTS 1, 2, 3, 4, 5, 6, & W 1/3 L 12, LOTS 13, 14, 15, & 16, ALL IN B 52 ORIGINAL PLAT, AND THAT VACATED PART OF ST PAUL AVE ADJACENT, ALL SITUATED IN THE CITY OF BELOIT, COUNTY OF ROCK, STATE OF WISCONSIN (A/K/A 201 SHORT STREET/822 BROAD STREET). SAID PARCEL CONTAINS 1.5380 ACRES, MORE OR LESS.

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

1. This Conditional Use Permit authorizes 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 **privacy fence that is four (4) feet in height.** ~~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 Community Development Director may approve minor changes administratively.

10. **A minimum of two (2) planters with live plant materials shall be required on the corners of the outdoor seating area.**

Adopted this 7th day of October 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 201 Short Street

Date: October 7, 2013

Presenter(s): Julie Christensen

Department: Community Development

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.

Key Issues (maximum of 5):

- 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. The proposed outdoor seating area will be enclosed by a 4' 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 exit.
- 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 Plan Commission reviewed this item on September 18, 2013 and voted unanimously (5-0) to recommend approval of the Conditional Use Permit, subject to the conditions recommended by the Planning and Building Services Division. Planning staff has revised condition #3 and added condition #10 on the attached Resolution to reflect the Plan Commission's recommendations.

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

- Consideration of this request supports Strategic Goal #5.

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

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

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution

Fiscal Note/Budget Impact: N/A

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: 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: CN-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: _____

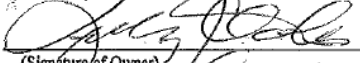
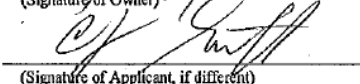
9. Project timetable: Start date: _____ Completion date: _____

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. |

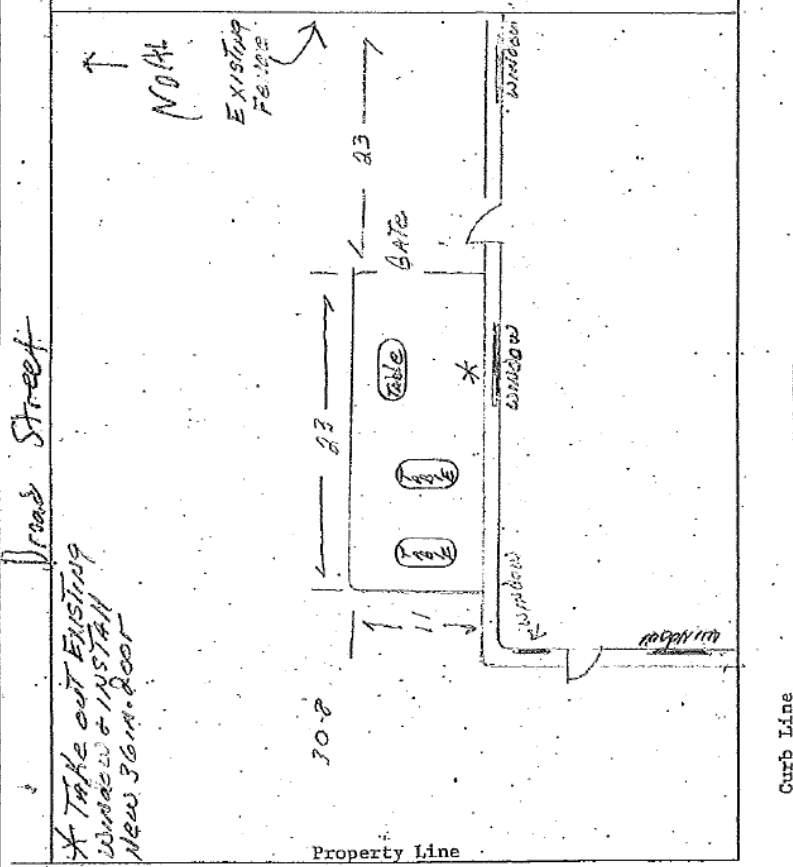
→ fence location
 → type & height
 → # of posts / cks
 → Door

197' E. STREET

162' to curb

Grass Street

* Take out EXISTING WINDOW & INSTALL NEW 36" W. DOOR



St. Paul Street

Curb Line

Property Line

47' E. STREET

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.

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 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.

RESOLUTION
AUTHORIZING 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

WHEREAS, the application of Jerome Fagerstrom for 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, 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 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, for the following described premises:

Lot 9, East 5.23 feet of Lot 10, North 18.02 feet of Lot 4, East 5.23 feet of North 18.02 feet of Lot 3, Block 51 of the Original Plat, all situated in the City of Beloit, County of Rock, State of Wisconsin (a/k/a 622 Broad Street). Said parcel contains 0.24 acre, more or less.

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

1. 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.

Adopted this 7th day of October 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 622 Broad Street

Date: October 7, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Jerome Fagerstrom has filed an application for 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.

Key Issues (maximum of 5):

- On January 22, 2008, the City Council authorized the attached Conditional Use Permit (CU-2007-13) 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 Plan Commission reviewed this item on September 18, 2013 and voted unanimously (5-0) to recommend approval of the amendment to an existing Conditional Use Permit, subject to the three conditions recommended by staff.
-

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

- Consideration of this request supports Strategic Goal #5.
-

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

- **Reduce dependence upon fossil fuels** – 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
-

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution
-

Fiscal Note/Budget Impact: N/A

Attachments: Resolution and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: 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-2007-11

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: _____

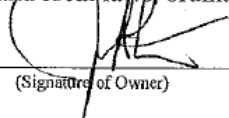
Accessory use: _____

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.

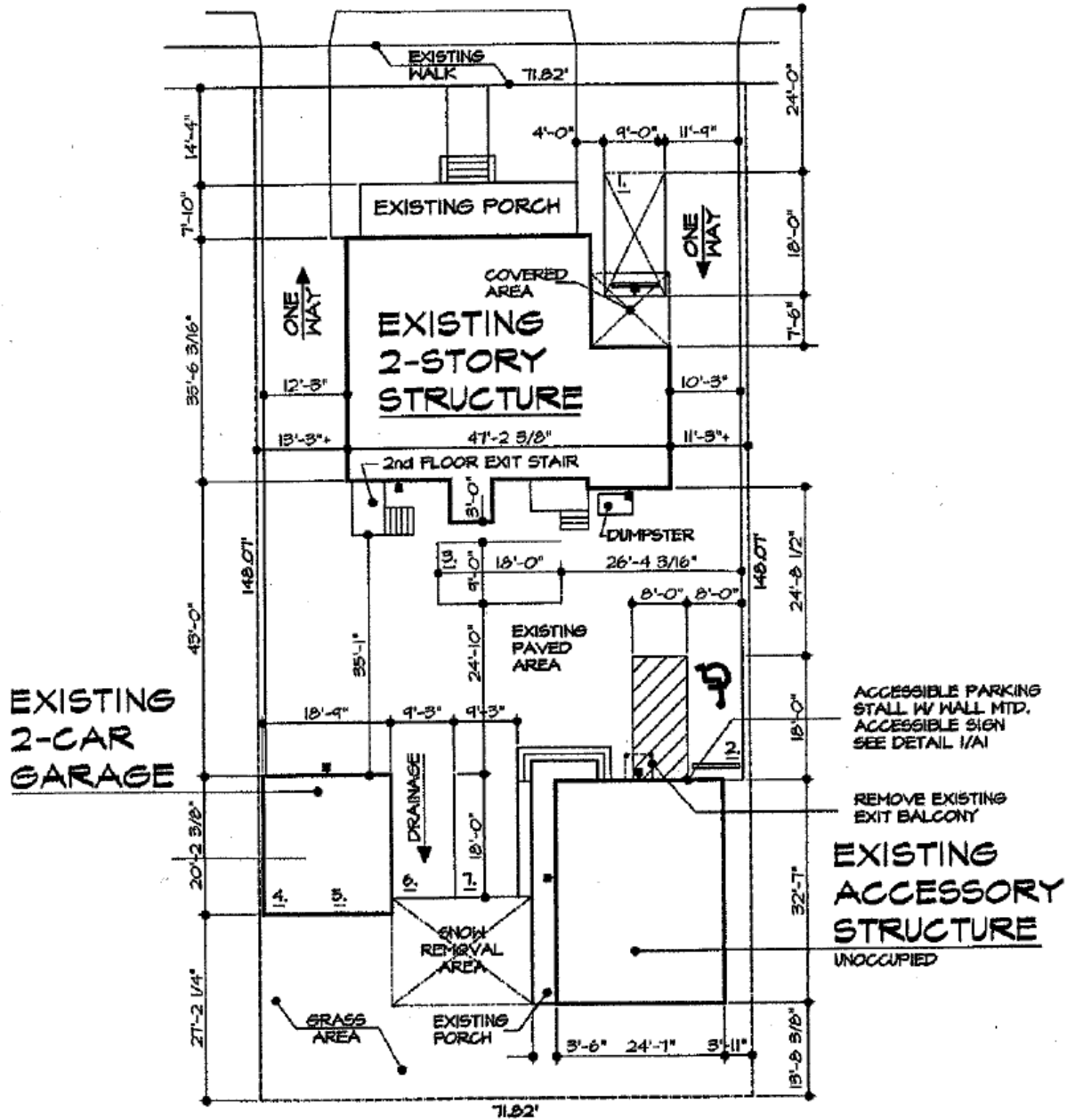

Jerome A Fagerstrom
08/15/2013
(Signature of Owner) (Print name) (Date)

(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: <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 Pennington</u>		Date: <u>8/15/13</u>

BROAD STREET



NOTE:

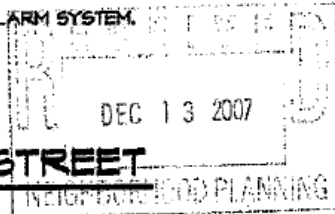
1. PROPOSED BOARDING HOUSE WITH MAX. SEVEN RENTABLE ROOMS.
2. ALL DRIVES AND PARKING AREAS ARE EXISTING
3. BUILDING IS EQUIPPED W/ AUTOMATIC FIRE DETECTION/ALARM SYSTEM.

SYMBOL
 WALL MOUNTED LIGHT



SITE PLAN 622 BROAD STREET

1/20" = 10'



FILE# <u>8325</u>
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

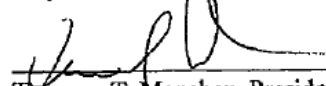
CU-2007-13, 622 Broad Street, Boarding House (Council Report)

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.

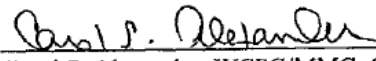
Adopted this 22nd day of January 2008.

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



PROCEEDINGS OF THE BELOIT CITY COUNCIL
Special Meeting
100 State Street, Beloit, WI 53511
Monday, September 16, 2013

Presiding: Charles M. Haynes

Present: Sheila De Forest, Chuck Kincaid, Kevin D. Leavy, David F. Luebke, Mark Spreitzer, and James E. Van De Bogart

Absent: None

1. The special meeting was called to order at 7:06 p.m. in the Forum at Beloit City Hall in accordance with Section 2.02(3) of the City of Beloit Municipal Code.
2. City Manager Larry Arft presented a resolution approving an **Intergovernmental Agreement** between City of Beloit and Town of Turtle and Property Owner Annexation Petition and Agreement. Mr. Arft explained the history of the development of the area in the Town of Turtle, and he said that the septic system on the property located at 2805 Claremont Drive has failed. Mr. Arft explained that the property is not currently contiguous to the City of Beloit and therefore cannot be annexed at this time. He said that the proposed agreement would allow the property owner to connect to the City's sanitary sewer system, which is located in the public right-of-way adjacent to his property, and annex to the City when the property becomes contiguous. He added that this part of the Town of Turtle cannot be annexed without the Town's approval and that the Town has already approved the intergovernmental agreement. City Attorney Tom Casper said that this agreement serves as a petition for annexation to the City, meaning that a property owner in the future could not stop the annexation once the property becomes contiguous. Councilor Luebke made a motion to adopt the resolution, and Councilor Leavy seconded. Councilor De Forest asked how the City will collect delinquent sewer payments, and Mr. Casper said that the City Treasurer would notify the Town of Turtle and Rock County, who would add a special charge to the property tax bill after mailing a notice. Mr. Casper said that the other jurisdictions in Rock County have been very cooperative in this regard in the past. The motion carried, and the resolution was adopted by a vote of 7-0. File 7782
3. Councilor De Forest made a motion to adjourn the special meeting, and Councilor Leavy seconded. The motion carried, and the meeting adjourned at 7:14 p.m.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date approved by Council:



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
Monday, September 16, 2013

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

1. The meeting was called to order at 7:15 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Vice President Mark Spreitzer presented a proclamation declaring September 2013 as **Campus Fire Safety Month** to Beloit Fire Chief Brad Liggett. Chief Liggett thanked the Council for the proclamation and said that September marks the beginning of the Department's fire safety and education program. File 7148
4. PUBLIC HEARINGS
 - a. Community Development Director Julie Christensen presented a resolution approving a **Conditional Use Permit** to allow vehicle repair in the C-3, Community Commercial District, for the property located at 1119 Broad Street. It was noted that the Plan Commission recommended approval 5-0. Ms. Christensen also noted that this property is located within the Wellhead Protection Overlay District. She stated that no one attended the public hearing at the Plan Commission meeting. President Haynes opened the public hearing.
 - Brad Lawver, representing the property owner, said that the owners are willing to meet the conditions. However, he said that replacement of the siding may not be brick and that he is concerned about removing the westernmost curb-cut and driveway apron because it may impact a neighboring business.City Manager Larry Arft suggested that the Council leave the siding matter to staff in the Architectural Review process. He said that the curb-cut may have a cross-access easement for the neighboring business. President Haynes closed the public hearing. Councilor Luebke made a motion to adopt the resolution, and Councilor Van De Bogart seconded. Councilor De Forest made a motion to amend condition #7 to replace the word "windows" with the word "siding." Councilor Spreitzer seconded, and the motion to amend carried 7-0. Councilor Spreitzer made a motion to amend condition #9 to add "unless there is a legal requirement to maintain the driveway." Councilor Van De Bogart seconded, and the motion to amend carried 7-0. Regarding the underlying resolution, President Haynes called the question, and the motion carried that the resolution be adopted as amended by a vote of 7-0. File 8609
5. CITIZENS PARTICIPATION – none
6. CONSENT AGENDA

Councilor De Forest requested that item 6.g. be removed from the Consent Agenda. Councilor Luebke made a motion to adopt the Consent Agenda, which consists of items 6.a. through 6.f. Councilor Leavy seconded, and the motion carried that the Consent Agenda be accepted, approved, adopted, or referred and acted upon as required by state and local codes by a vote of 7-0.

 - a. The **Minutes** of the Regular and Special Meetings of September 3, 2013 were approved.

- b. The application for 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, was referred to the Plan Commission. File 8590/8447
- c. The application to amend a **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, was referred to the Plan Commission. File 8325
- d. The resolution approving a **Change of Agent** for The Cheese People of Beloit, located at 431 East Grand Avenue, from Jill Delise-Smith to Andrea Levine, was adopted. File 8590
- e. The resolution authorizing **Final Payment** of Public Works Contract C11-23, River Bend Shoreline Stabilization, was adopted. File 8530
- f. The resolution authorizing **Final Payment** of Public Works Contract C13-01, Bayliss Avenue Rehabilitation, was adopted. File 8589
- g. Public Works Director Greg Boysen presented a resolution awarding **Public Works Contract C13-16**, Post and Emerson Storm Sewer. Mr. Boysen said that while this project was not in the 2013 Capital Improvements Plan, there is funding available through other unused projects. He said that this project meets the standards required to use bond funding. Councilor Leavy made a motion to adopt the resolution, and Councilor Luebke seconded. Councilor De Forest asked how and why the project was selected. Mr. Boysen stated that CIP funds were earmarked for the storm water project at the golf course. He said that project is complete and the leftover funds are being used for this project. Mr. Boysen stated that this project is a priority because the area does not have storm sewers and was found not to function properly during storm events. Councilor De Forest asked why the bid came in higher than the estimate, and Mr. Boysen stated that staff used the previously stable price of concrete pavement for the estimate. He said that the cost has since increased significantly. The motion carried 7-0. File 8613

7. LICENSES

- a. Deputy City Attorney Elizabeth Krueger presented a resolution **Setting Return Date and Authorizing the Issuance of a Summons** for an Alcohol License Sanction Hearing for HRNS V Entertainment, d/b/a Adiktion, Jaime Hernandez, Agent, located at 1310 Cranston Road. She said that the hearing will take place on Monday, September 23, 2013, at 6:30 p.m. in the Forum, 100 State Street, Beloit, WI 53511. Councilor Van De Bogart made a motion to adopt the resolution. Councilor Leavy seconded, and the motion carried 7-0. File 8590

8. ORDINANCES

- a. Ms. Krueger presented a proposed Ordinance to create Section 15.03(4g) of the Code of General Ordinances of the City of Beloit pertaining to **Loitering on Public Property**. It was noted that ABLCC recommended approval 4-0. Ms. Krueger stated that this ordinance has been recommended by staff to remedy some of the loitering issues that have been occurring in City parking lots late at night on weekends. She said that this is the least expensive option to try to solve the problems. Mr. Krueger said that Section 15.03 addresses loitering and prowling on private property and that this ordinance would allow the Police Department to enforce the loitering prohibition in public parking lots while allowing sanctioned activities to continue. She indicated that all downtown businesses asked and the Downtown Beloit Association are all in favor of the ordinance. Councilor Luebke made a motion to suspend the rules and offer a second reading of the ordinance. Councilor Leavy seconded. De Forest said that the language is very broad and asked how the ordinance would be enforced. Mr. Krueger said that individuals would be asked to leave the premises, and if they refused, the Police could issue a citation. Councilor Van De Bogart said that he is concerned about the broad language and asked if this could allow the police to disburse groups who are congregating for other reasons. Ms. Krueger stated that this is similar language to the existing disorderly conduct ordinance, which has been upheld in court. She said that this ordinance does not take away any Constitutional right of any individual. Councilor Spreitzer said that he is concerned about the broad language and asked what a violation would look like. Ms. Krueger said that there would be a nexus between behavior and presence in a public area that would trigger the designation of loitering by the Police. Councilor Luebke said that this ordinance would give the Police a tool they did not have before and would help them protect the public safety. Councilor Kincaid asked how one would distinguish between a vagrant and loiterer, and Ms. Krueger stated that Beloit does have a population of homeless

individuals and that this would not ban them from public property. Councilors Spreitzer and De Forest said that they would prefer not suspending the rules during this meeting. Councilor Leavy said that this is a safety issue and that there is no reason for the Council to wait to take action. Councilor Haynes said that he has witnessed this appalling behavior in the third street parking lot and that it is unacceptable to let it continue. Councilor De Forest said that she supports the intent of the ordinance but that the Council has to balance that with infringing on people's freedoms. The motion to suspend the rules carried by a vote of 4-3, with Councilors De Forest, Kincaid, and Spreitzer voting in opposition.¹ On the merits of the ordinance, Councilor Leavy made a motion to enact and Councilor Luebke seconded. Councilor De Forest made a motion to amend Section 15.03(4g)(a)2. to strike the words "or annoyance" from the ordinance. Councilor Spreitzer seconded, and the motion carried by a vote of 4-3, with Councilors Haynes, Leavy, and Luebke voting in opposition. Councilor Spreitzer made a motion to amend Section 15.03(4g), (a), and (b) to remove "public property" language and replace with "public parking lots" only. Councilor De Forest seconded. Councilors Leavy, Haynes, Luebke, and Van De Bogart said that the language should remain unamended. Councilor De Forest asked about the impact on individuals' rights, and Ms. Krueger said that this ordinance will not limit any constitutionally-protected right. Councilor Spreitzer asked how this would impact a single person on public property, and Councilor Haynes said that a disturbance must be made. The motion failed 3-4, with Councilors Haynes, Leavy, Luebke, and Van De Bogart voting in opposition. Councilor De Forest stated that she supports the intent of the ordinance and has confidence in the City's Police Department but that she is concerned with protecting individual rights and freedoms. Councilor Haynes called the question, and the motion carried 6-1 by roll call vote, with Councilor Spreitzer voting in opposition. File 8590/7620

9. APPOINTMENTS

President Haynes announced the openings and submitted the following appointments to the City Committees, Boards, and Commissions for approval. The appointments were approved on a motion by Councilor Leavy and a second by Councilor De Forest. The motion carried 7-0.

- a. **Park, Recreation & Conservation Advisory Commission:** Keston Geistwalker, for a term ending September 30, 2015; Rebecca Charles (Youth representative), for a term ending September 14, 2014; and Mark Preuschl, for a term ending September 30, 2016. File 6145

10. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest said that she was pleased to attend ribbon-cuttings at the Rock River Scenic and Historic Route Designation from the State of Wisconsin and at Converse School. She said that she is proud of Beloiters for voting in favor of the referendum and supporting Beloit's schools. She said she also plans to attend the ribbon-cuttings at Merrill School on September 26th and at Robinson School on September 29th.
- Councilor Van De Bogart said that he enjoyed the Converse ribbon-cutting ceremony, the last Music at Harry's event, Heritage Days, and the events at Preservation Park.
- Councilor Kincaid said that the Converse ribbon-cutting was a sight to behold, and he plans to attend the other school ribbon-cutting events.
- Councilor Luebke said that he enjoyed all of the activities at Harry's Place and said that many people from the surrounding areas come here and marvel at our events and parks. He said that he attended the Rock River Scenic and Historic Route Designation and thanked Councilor De Forest for her work in bringing that designation to Beloit.
- Councilor Spreitzer said that this weekend is Beloit College Beloit Days 2013, which includes Homecoming and other activities.

11. CITY MANAGER'S PRESENTATION – none

12. REPORTS FROM BOARD AND CITY OFFICERS

- a. Mr. Boysen presented a resolution approving a **Lease Agreement** between the City of Beloit and the Beloit Youth Hockey Association (BYHA). Parks and Recreation Director Brian Ramsey said that this agreement is mutually beneficial for both organizations. Councilor Van De Bogart asked if there will be any unpleasant and costly surprises at the ice arena like there was in the past, and

Mr. Ramsey said that the City is maintaining the infrastructure and putting large improvements in the Capital program so that should not happen again. Councilor De Forest said that she is pleased to see the fiscal note on the staff report and that the BYHA has been a good partner. Councilor De Forest asked if there is enough free ice time for public skating, and Mr. Ramsey said that there is enough public ice time and that it is negotiated with BYHA annually. Councilor De Forest made a motion to adopt the resolution, and Councilor Luebke seconded. The motion carried 7-0. File 8091

- b. Ms. Christensen presented a resolution authorizing the City Manager to **Acquire Tax Delinquent Properties** from the Rock County Treasurer. Ms. Christensen said that staff is recommending the purchase and demolition of eight houses and the purchase and rehabilitation of one house from this list. She indicated that the total purchase cost of these nine houses is \$100,679.39. Councilor Leavy made a motion to adopt the resolution, and Councilor Spreitzer seconded. Councilor Haynes asked why 930 Euclid was not included on the list, and Ms. Christensen said that it would have been the next one to be purchased if the City had the resources. Councilor De Forest asked if the total cost included the demolition costs, and Ms. Christensen said that the demolition costs would be paid for in 2014 with new funds. Councilor Van De Bogart asked about the source of funding for this purchase, and Ms. Christensen answered that money is allocated in the Capital Improvements Budget annually for the acquisition and demolition of condemned properties. The motion carried 7-0. File 8102

13. At 8:52 p.m., Councilor Leavy made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried 7-0.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date approved by Council:

Per Section 2.07(3)(a) of the City of Beloit Municipal Code, an action to suspend the rules and offer the first and second readings of an ordinance at the same meeting must be approved by a super majority of the City Council (5 members). Because only four members of the Council voted to suspend the rules, the subsequent actions to amend and enact the ordinance were out of order. However, a proper first reading of the ordinance was done, and the ordinance will be on the October 7, 2013 City Council meeting agenda for a second reading and possible enactment.



PROCEEDINGS OF THE BELOIT CITY COUNCIL

Special Meeting

100 State Street, Beloit, WI 53511

September 23, 2013

Presiding: Charles M. Haynes

Present: Sheila De Forest, Chuck Kincaid, Kevin D. Leavy, David F. Luebke, Mark Spreitzer, and James E. Van De Bogart

Absent: None

Deputy City Attorney Elizabeth Krueger represented the City.

Attorney William Henderson appeared as Independent Counsel to the City Council.

1. The special meeting was called to order at 6:31 p.m. in accordance with Section 2.02(3) of City Ordinances.
2. Consideration of a recommendation from the Alcohol Beverage License Control Committee (ABLCC) that the **Alcohol Beverage License for HRNS V Entertainment, LLC, d/b/a Adiktion**, 1310 Cranston Road, Jaime Hernandez, Agent, be suspended for a period of 60 days.

Deputy City Attorney Elizabeth Krueger presented the complaint and recommendation from the City of Beloit Alcohol Beverage License Control Committee and said that the defendants are contesting the facts of the case, requiring a hearing. She said that Alfredo Arteaga, on behalf of HRNS V Entertainment, LLC, is present and was served with the complaint. The City Council had no questions for the defendant and decided to move forward with the hearing.

Ms. Krueger called Officer Dave Elrod of Beloit Police Department to testify, and Attorney William Henderson swore him in. Officer Elrod testified to some of the facts of the case including the location of Adiktion and that the business is open on Saturday nights and some Friday nights but closed during the week. He said that there have been several instances where the parking lot has been full of cars and the business was very busy.

Ms. Krueger called Special Agent Jason Lee, Wisconsin Department of Revenue – Alcohol and Tobacco Enforcement Unit, to testify, and Mr. Henderson swore him in. Agent Lee testified that he received an anonymous complaint that Adiktion was purchasing alcohol from an unauthorized source. He performed surveillance twice before making contact with owners of Adiktion on April 13, 2013. He said that when he made contact, he was accompanied by a Spanish-speaking Special Agent and two uniformed Beloit Police Officers. He referenced his report as Exhibit 4. He indicated that the last time the defendants could produce receipts for the legal purchase of alcohol from a licensed distributor was in the fall of 2012. Agent Lee said that a license holder going out of business may transfer the alcohol stock to a new license holder, provided that the license holders complete and retain an Alcohol Beverage Stock Transfer Form. He indicated that no such form was on the premises at Adiktion, which would have legally transferred stock from La Movida. Agent Lee said that he found sales receipts for beer and liquor on the premises that were not from a licensed distributor. He said that the Department of Revenue Publication 302 provides guidance regarding the purchase of alcohol from Wisconsin distributors, the requirement to maintain receipts on the premises for two years, and information regarding the Stock Transfer Form. Agent Lee said that, as a result of the investigation, he and another agent seized 306 bottles of liquor from the premises. Councilor Van De Bogart asked Agent Lee about the benefit of purchasing alcohol from an unauthorized source. Agent Lee said that the individual could avoid paying sales tax on the alcohol and avoid paying income tax on the revenue received from selling alcohol because the quantities could not be tracked. Agent Lee said that this is a common problem that he deals with but that it has only happened in Rock County a handful of times over the years. Councilor De Forest asked who Agent Lee spoke with during the investigation, and Agent Lee said that he spoke with Jaime Hernandez, the Corporation Agent. Councilor Spreitzer asked if the stock on the invoices was the same as the stock that was

confiscated, and Agent Lee said that dates of the receipts were old and he was not expecting to find stock from six-eight months ago but that the bar was fully-stocked. Councilor De Forest asked if the fact that the grocery store receipts were provided to Agent Lee meant that the owners of Adiktion did not understand the law, and Agent Lee said that does not necessarily mean that they did not understand.

Mr. Arteaga testified on behalf of HRNS V Entertainment, LLC, and Mr. Henderson swore him in. Mr. Arteaga said that he is not here to argue that they did not have the required receipts or the proper transfer form. He said that they did not know they had to maintain the receipts on the premises for two years. Mr. Arteaga said that they are learning the rules as they are going along. He said that he is currently following the laws by purchasing alcohol from Wisconsin distributor and all receipts are maintained on premises. He said that the longer the alcohol license is suspended, the harder it will be to stay in business. Councilor Leavy pointed out that there are questions on the renewal application that directly contradict his statements, and Mr. Arteaga stated that the person who signed the document does not read or speak English and the translation may have been incorrect. Councilor Leavy said that with every new license, the ABLCC asks the agent or representative present if he or she understands the rules. Councilor Spreitzer asked if Mr. Arteaga has found any additional receipts, and Mr. Arteaga stated that he has requested the receipts from the distributors. Councilor Luebke asked if Mr. Arteaga had purchased alcohol from a grocery store, and he stated that he had not but that he could not attest to what happened before he was involved with Adiktion. Councilor Spreitzer asked if there were any alcohol purchases between October 2012 and April 2013, and Mr. Arteaga stated that he did not know. Councilor Spreitzer asked if Mr. Arteaga knew the origin or meaning of the Ott Schweitzer document in Exhibit 5, and Mr. Arteaga said that he did not know what it was. Ms. Krueger asked if Mr. Arteaga was present when Special Agent Lee investigated the complaint, and Mr. Arteaga said that he was. Ms. Krueger pointed out that the exhibits are photographs of the receipts and that the original receipts are in the possession of the business. Ms. Krueger asked if the receipts on page 7 of Exhibit 5 are from a grocery store, and Mr. Arteaga said that from looking at the receipts, the employee probably purchased the alcohol from a grocery store. Ms. Krueger submitted a document labeled Exhibit 8 for the record. Exhibit 8 is the Alcohol License Renewal Application for Adiktion for the 2012-2013 license year. Ms. Krueger pointed out that the answer to question 10, which references the law that alcohol beverage license invoices must be maintained on the premises for two years, is "yes."

Councilor De Forest indicated that she wanted to hear from the agent for the business, Jaime Hernandez. Ms. Krueger called Jaime Hernandez, the Corporation Agent, to testify. She asked if Mr. Hernandez was purchasing alcohol for the business, and he said yes. Mr. Hernandez requested a translator to assist in answering the questions. Mr. Henderson suggested that Mr. Arteaga translate for Mr. Hernandez. Through Mr. Arteaga, Ms. Krueger asked if Mr. Hernandez purchased alcohol for the business prior to April 2013, and Mr. Hernandez indicated that he did on occasions but not all the time. Ms. Krueger asked when the last time Mr. Hernandez purchased alcohol for the business, and he said August or October of 2012 and that the invoices were kept by Julian Valencia, the president of the LLC. Councilor Leavy said that there were three people who reviewed and completed the application, but none of them understood English. Councilor Leavy asked if Mr. Valencia is present, and Mr. Arteaga stated that his brother is here but that Mr. Valencia is deceased. Councilor Spreitzer asked how many nights the business is open, and Mr. Hernandez stated that the business is open every Saturday and 1-2 Fridays per month. He stated that the size of the crowd depends on the group or band that is playing – a couple hundred people for a local band and 500-600 people for a more well-known group. Councilor De Forest asked if they asked questions when completing the application in the Clerk's office, and Mr. Hernandez stated that he understands that receipts have to be maintained but that was not part of his duties in for the company. Ms. Krueger asked if the business pays the bands, and Mr. Hernandez stated that the groups are paid but that he is not responsible to pay them. He stated that he understands the responsibilities of being an Agent for the corporation but that the paperwork is handled by the owners.

Councilor De Forest asked Agent Lee if the business owners understood the laws regarding alcohol, and Agent Lee stated that he and Agent Altuzar, who is fluent in Spanish, found that the owners understood that alcohol had to be purchased from a Wisconsin Distributor.

City Clerk Rebecca Houseman LeMire testified, and Mr. Henderson swore her in. Ms. Krueger asked Ms. LeMire if she hands out copies of the DOR Publication 302 to liquor license applicants, and she

said yes. Councilor De Forest asked if the document is available in Spanish, and Ms. LeMire stated that there are not any Spanish copies in the Clerk's office and that she would check the DOR's website for documents in Spanish.

3. Councilor Leavy made a motion to adjourn into closed session pursuant to WI Statutes 19.85(1)(a) for deliberations regarding this case. Councilor Luebke seconded, and the Council adjourned into closed session at 7:48 p.m. At 8:12 p.m., Councilor Leavy made a motion to reconvene into open session. Councilor Luebke seconded, and the motion carried 7-0. Councilor Leavy made a motion to suspend the alcohol license of HRNS V Entertainment, LLC, for a period of 90 days starting at 12:01 a.m. on Thursday, September 26, 2013. Councilor Van De Bogart seconded, and the motion carried 7-0. File 8590
4. Councilor De Forest made a motion to adjourn the meeting, and Councilor Spreitzer seconded. The motion carried, and the meeting adjourned at 8:13 p.m.

Rebecca Houseman LeMire, City Clerk

www.ci.beloit.wi.us

Date approved by Council:

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the properties located at 903 & 911 E. Grand Avenue – Council Referral to the Plan Commission

Date: October 7, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

William & Dianne Zawadzki have submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the properties located at 903 & 911 E. Grand Avenue.

Key Issues (maximum of 5):

- Mr. and Mrs. Zawadzki own the vacant commercial structure located at 911 E. Grand Avenue, which they are attempting to lease to a retail sales-oriented business. Retail sales-oriented uses are prohibited in the C-1 district, but permitted by-right in the C-2 district. Both properties are located in the WPO, Wellhead Protection Overlay District.
 - When the applicants approached Planning staff regarding the possibility of rezoning their property to C-2, Planning staff advised the applicant of the need to partner with an adjacent property owner to avoid a spot zoning situation.
 - The owner of the adjacent commercial building located at 903 E. Grand Avenue co-signed the application. The 903 property has legal nonconforming status as a retail sales use in the C-1 district.
 - The applicants also submitted an application to amend the Comprehensive Plan's Future Land Use Map to recommend Neighborhood Commercial uses and C-2 zoning classification for the subject properties. The request to amend the plan will be reviewed concurrently during the Plan Commission and City Council hearings, but does not need to be referred to the Plan Commission like a Zoning Map Amendment.
-

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

- Consideration of this request supports Strategic Goal #5.
-

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

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

Action required/Recommendation:

- Referral to the Plan Commission for the October 9, 2013 meeting
 - This item will most likely return to the City Council for a public hearing and possible action on November 18, 2013
-

Fiscal Note/Budget Impact: N/A

Attachments: Application

CITY of BELOIT

PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

9038

File No.: ZMA-2013-12

1. Address of subject property: 911 E GRAND AVE

2. Legal description: Lot: _____ Block: _____ Subdivision: _____

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

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

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

3. Tax Parcel Number(s): 206 13660085

4. Owner of record: William & DIANNE ZAWADZKI Phone: 815-289-5527 or 5528

9998 TYBOW TRAIL ROSCOE ILL 61073

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Bill & DIANNE ZAWADZKI

9998 TYBOW TRAIL ROSCOE ILL 61073

(Address)

(City)

(State)

(Zip)

608 362-1190

(Office Phone #)

1 815-289-5527

(Cell Phone #)

1 BILLYZ6565@YAHOO.COM

(E-mail Address)

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

Change zoning district classification from: C-1 to: C-2

All existing uses on this property are: SERVICE

7. All the proposed uses for this property are:

Principal use(s): RETAIL, SERVICE

RETAIL ANTIQUE BUSINESS

Secondary use(s): _____

Accessory use(s): _____

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

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

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

Name(s): BILL DIANNE ZAWADZKI Phone: 815-289-5527
9998 TYROW TRAIL ROSCOE ILL 61073
(Address) (City) (State) (Zip)

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

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

Bill
DM
Bill ZAWADZKI DIANNE ZAWADZKI 1 AUG 27 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 Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff		
Filing Fee: \$275.00	Amount Paid: <u>\$275.⁰⁰</u>	Meeting Date: <u>Oct. 9, 2013</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>Dee Pennington</u>	Date: <u>8/28/13</u>	
Date Notice Published: _____	Date Notice Mailed: _____	

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Conditional Use Permit Application for the property located at 856 Fourth Street – Council Referral to the Plan Commission

Date: October 7, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Jon Thompson of Butitta Bros. Automotive Services has filed an application for a Conditional Use Permit to allow vehicle repair in the CBD-2, Central Business District – Fringe, for the property located at 856 Fourth Street.

Key Issues (maximum of 5):

- This property is the former Vic Hansen’s dealership, and has been vacant since that business closed several years ago.
 - The applicant recently purchased the subject property and intends to operate a full-scale repair shop, with tire sales as an accessory use. Vehicle repair is a conditional use in the CBD-2 district.
 - The applicant has not proposed any changes to the building or site.
 - The application and site sketch are attached to this report.
-

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

- Consideration of this request supports Strategic Goal #5.
-

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

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

Action required/Recommendation:

- Referral to the Plan Commission for the October 9, 2013 meeting
 - This item will most likely return to the City Council for a public hearing and possible action on October 21, 2013
-

Fiscal Note/Budget Impact: N/A

Attachments: Application & Site Sketch

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-2013-17

1. Address of subject property: 856 FOURTH STREET BELOIT WI.

2. Legal description: PARCEL NO. 13520610

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

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

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

3. Tax Parcel Number(s): ~~206~~-13520610

4. Owner of record: JLT LLC Phone: 815-218-1341

2233 CHARLES ST. ROCKFORD IL. 61104
(Address) (City) (State) (Zip)

5. Applicant's Name: JON THOMPSON / BUTITTA BROS. AUTOMOTIVE SERVICES

2233 CHARLES ST. ROCKFORD IL 61104
(Address) (City) (State) (Zip)

815-394-0444 / 815-218-1341 / JTHOMPSON@BUTITTA.COM
(Office Phone #) (Cell Phone #) (E-mail Address)

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

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

A Conditional Use Permit for: AUTOMOTIVE MECHANICAL REPAIR
in a(n) CID-2 DP Zoning District.

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

Principal use: AUTOMOTIVE MECHANICAL REPAIR

Secondary use: TIRE SALES

Accessory use: _____

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

Jon Thompson / JON THOMPSON / 9-10-13
 (Signature of Owner) (Print name) (Date)

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

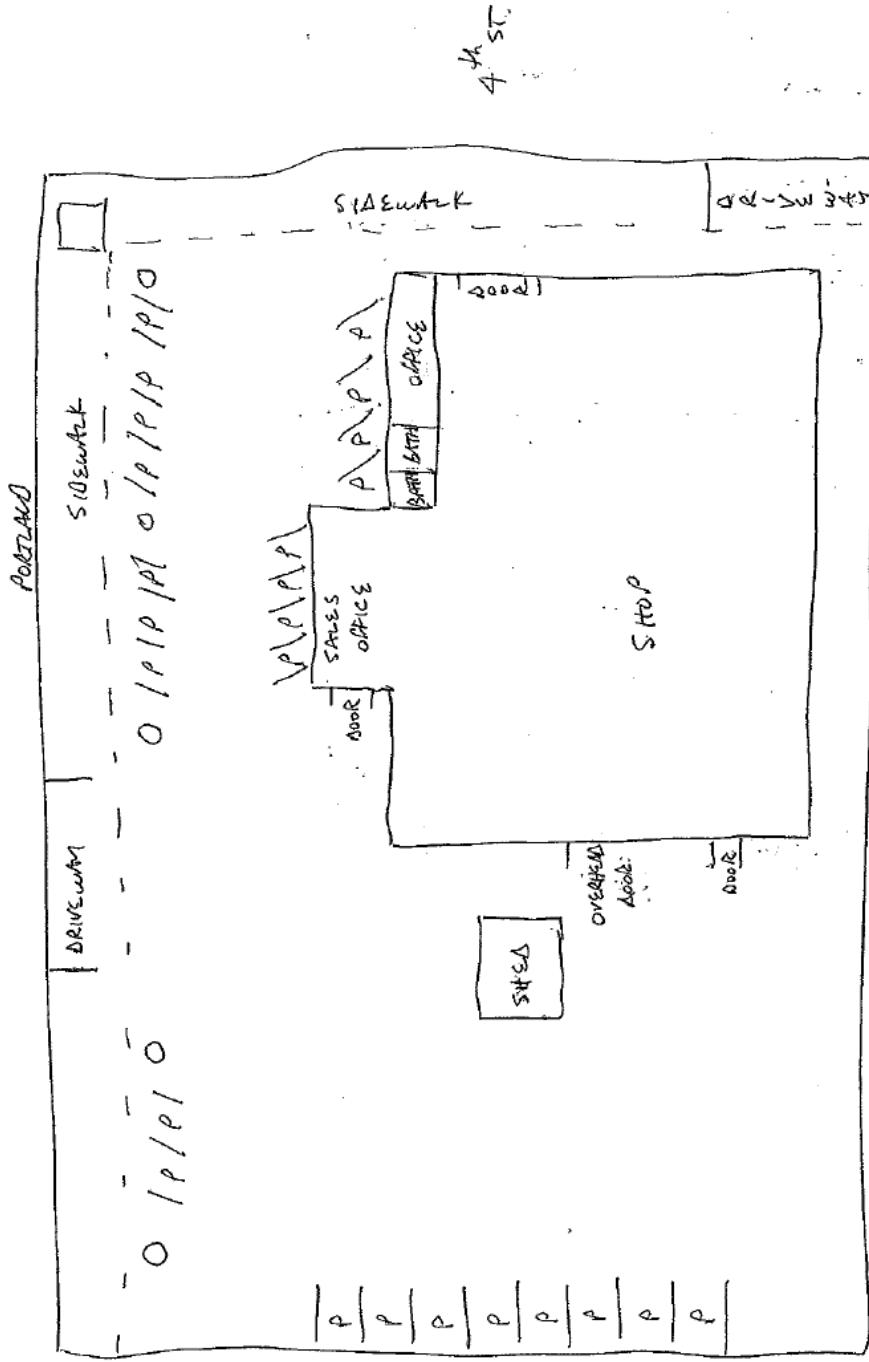
In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

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: <u>\$275.⁰⁰</u> Meeting date: <u>Oct. 9, 2013</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Drew Pennington</u>	Date: <u>9/13/13</u>

DULITH OWS. RUMMINZ
856 4th ST.

N



- O = LIGHT POLE
- = TRAFFIC LIGHT
- P = PARKING

PENNINGTON & C. BELMONT, W.L.O.

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Planned Unit Development (PUD) - Master Land Use Plan Application for the properties located at 2850/2900 Milwaukee Road & 1865 Branigan Road– Council Referral to the Plan Commission

Date: October 7, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Commercial Property Group, on behalf of McBain Enterprises, Inc., has submitted an application for review and consideration of a Planned Unit Development (PUD) - Master Land Use Plan for the properties located at 2850/2900 Milwaukee Road and 1865 Branigan Road. A copy of the PUD - Master Land Use Plan is attached to this report.

Key Issues (maximum of 5):

- This proposed PUD – Master Land Use Plan involves creating a development with multiple uses including restaurants, office, and retail space.
- The subject property is currently zoned C-3, Community Commercial. If the requested PUD – Master Land Use Plan is approved, the applicant will need to rezone the subject property to PUD and submit detailed site & architectural plans for Planning staff review and approval.

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

- Consideration of this request supports Strategic Goal #5.

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

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

Action required/Recommendation:

- Referral to the Plan Commission for the October 9, 2013 meeting
- This item will most likely return to the City Council for a public hearing and possible action on October 21, 2013

Fiscal Note/Budget Impact: N/A

Attachments: PUD – Master Land Use Plan and Application.

CITY of BELOIT

Planning & Building Services Division

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

PUD - Master Land Use Plan Application

(Please Type or Print)

File Number: PUB-2013-02

1. Address of subject property: 2900 MILWAUKEE RD; 2850 MILWAUKEE RD; 1865 BRANNIGAN RD
2. Legal description: LOT 1 CSM VOL 14 PGS 133-135; LOT 1 CSM VOL 4 PGS 205-207;
LOT 2 CSM VOL 18 PGS 442-443

If necessary attach a copy of the complete legal description.

3. Area of parcel in square feet or acres: 0.5544 AC; 1.378 AC; 0.773 AC

4. Tax Parcel Number(s): 22910860; 22910805; 22910810

5. Owner of record: McBAIN ENTERPRISES, INC. Phone: 608-365-0699

2951 KENNEDY DR, BELOIT, WI 53511
(Address) (City) (State) (Zip)

6. Applicant's Name: COMMERCIAL PROPERTY GROUP

111 N. MAIN STREET, SUITE 270, JANESVILLE, WI 53545
(Address) (City) (State) (Zip)

608-554-2720 1608-751-5973 / JOELPATCH@CHARTER.NET
(Office Phone #) (Cell Phone #) (E-mail Address)

7. All existing use(s) on this property are: FAST FOOD RESTAURANT w/ DRIVE THRU,
VACANT LAND

8. The applicant requests review and approval of a PLANNED UNIT DEVELOPMENT /

Master Land Use Plan: in a(n) C-3 Zoning District.

9. A Preapplication Conference was held on: SEPTEMBER 12, 2013

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

Principal use(s): FAST FOOD RESTAURANTS w/ DRIVE THRU FACILITIES,
+ OUTDOOR SEATING

Secondary use(s): RETAIL, OFFICE

11. State how the proposed development differs from the type of development that would

be permitted under the existing zoning regulations. THE PUD WOULD

ACCOMMODATE RESTAURANT, OFFICE AND RETAIL

TO BE BUILT ON THE SAME PARCEL ALONG

WITH DRIVE THRU FACILITIES

12. Describe how the proposed development provides greater benefits to the City of Beloit

than an otherwise permitted development. THE PUD WILL IMPROVE

THE APPEARANCE OF THE PROPERTIES WHILE

ENHANCING TRAFFIC + EMERGENCY VEHICLE FLOW AND

OVERALL CONNECTIVITY BETWEEN PARCELS

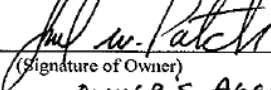
13. Project timetable: Start date: Nov 1, 2013 Completion date: APRIL 15, 2014

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

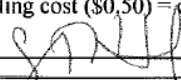
- () Owner
- () Leasehold, length of lease: _____
- () Contractual, nature of contract: OWNERS AGENT
- () Other, explain: _____

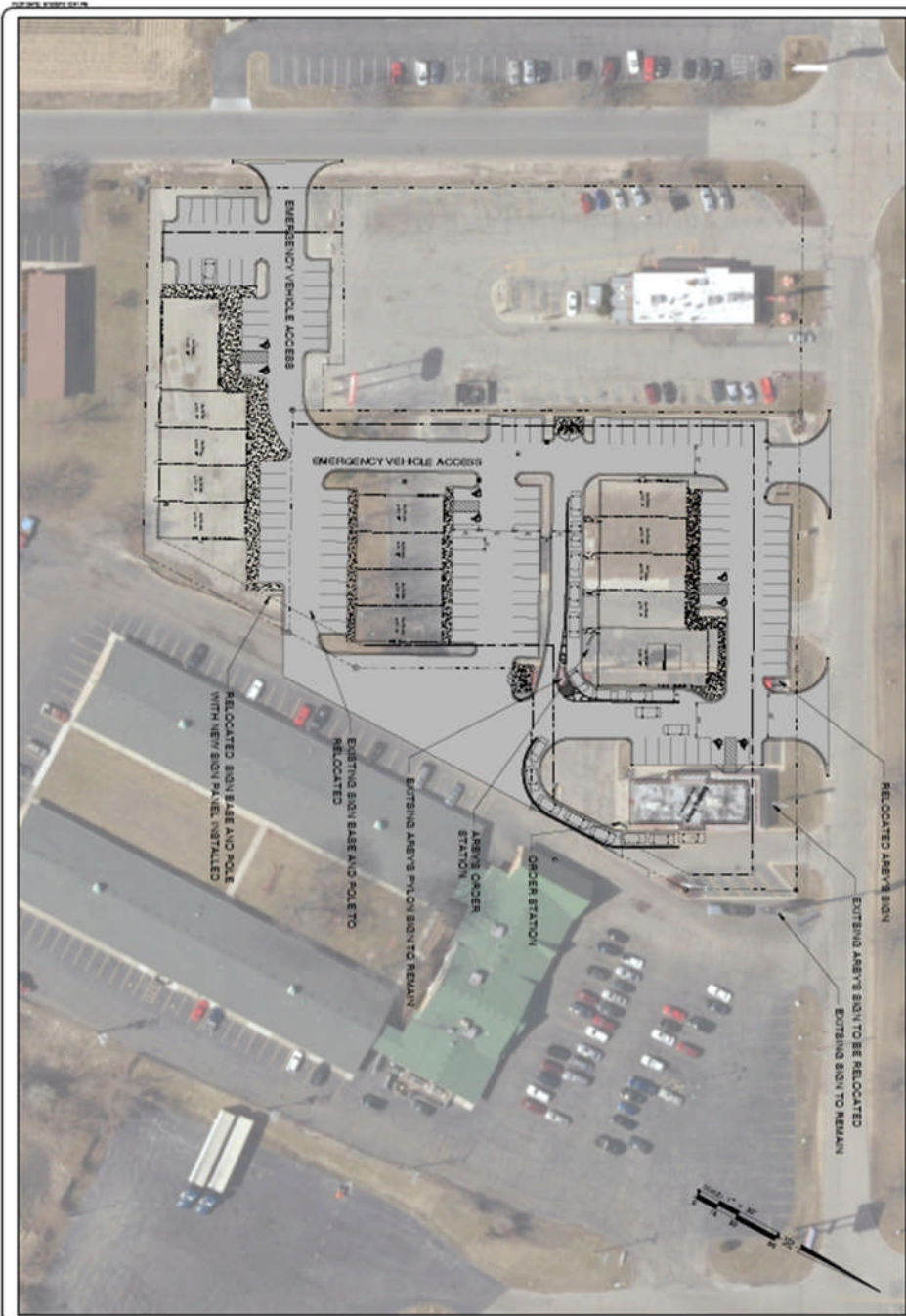
The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

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)	<u>JOEL W. PATCH</u> _____ (Print name)	<u>9/13/13</u> _____ (Date)
<u>OWNER'S AGENT</u> _____ (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 & 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 \$200.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff	
Filing fee: \$200.00 Amount paid: <u>200.00</u> Meeting date: <u>10/9/13</u>	
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by:  _____	Date: <u>9/13/13</u>



1 OF 1 SHEET NO.	CORPORATE CONTRACTORS, INC. MILWAUKEE ROAD RETAIL CENTER CITY OF RELOIT ROCK COUNTY, WISCONSIN	PLANNED LAYOUT DEVELOPMENT E-84801	ALL INFORMATION NOT TO BE USED OR REPRODUCED BY ANYONE NOT A PART OF THIS CONTRACT	Batterman engineers surveyors planners	2857 Markels Drive Grand Haven, MI 49425 616.363.4444 www.batterman.com	
	PROJECT NO.	DATE	DRAWN BY			

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the properties located at 2850/2900 Milwaukee Road & 1865 Branigan Road – Council Referral to the Plan Commission

Date: October 7, 2013

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Commercial Property Group, on behalf of McBain Enterprises, Inc., has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-3, Community Commercial District to PUD, Planned Unit Development, for the properties located at 2850/2900 Milwaukee Road and 1865 Branigan Road.

Key Issues (maximum of 5):

- The applicant intends to market the subject properties for restaurants, office, and retail.
 - The C-3 district is intended to accommodate community-oriented retail sales and service uses. The PUD district is a special purpose zoning district that permits greater flexibility of land planning and site design.
 - The property located at 2850 Milwaukee Road is 1.378 acres. The property located at 2900 Milwaukee Road is .5544 acres. The property located at 1865 Branigan Road is .773 acres.
 - The PUD – Master Land Use Planning application for these parcels has not yet been approved and is also being referred to Plan Commission.
 - This application is being considered in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
-

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

- Consideration of this request supports Strategic Goal #5.
-

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

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

Action required/Recommendation:

- Referral to the Plan Commission for the October 9, 2013 meeting
 - This item will most likely return to the City Council for a public hearing and possible action on October 21, 2013.
-

Fiscal Note/Budget Impact: N/A

Attachments: Application

CITY of BELOIT
PLANNING & BUILDING SERVICES DIVISION
 100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print) File No.: ZMA-2013-13

1. Address of subject property: 2900 MILWAUKEE RD; 2850 MILWAUKEE RD; 1865 BRANKAW RD
LOT 1 CSM VOL 14 PGS 133-135; LOT 1 CSM VOL 4 PGS 205-207; LOT 2 CSM Vol 18 PGS 442-443

2. Legal description: Lot: 1 Block: 1 Subdivision: 1
 (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: 0.5544Ac; 1.378Ac; 0.773Ac acres.

3. Tax Parcel Number(s): 22910850 ; 22910805 ; 22910810

4. Owner of record: McBAIN ENTERPRISES, INC. Phone: 608-365-0699
2951 KENNEDY DR, BELOIT, WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: COMMERCIAL PROPERTY GROUP
111 N. MAIN STREET, SUITE 270, JAMESVILLE, WI 53545
(Address) (City) (State) (Zip)
608-554-2720 1608-751-5973 JOELPATCH@CHARTER.NET
(Office Phone #) (Cell Phone #) (E-mail Address)

6. **THE FOLLOWING ACTION IS REQUESTED:**
 Change zoning district classification from: C-3 to: FUD
 All existing uses on this property are: FAST FOOD RESTAURANT w/ DRIVE THRU,
VACANT LAND, VACANT LAND

7. All the proposed uses for this property are:
 Principal use(s): FAST FOOD RESTAURANTS w/ DRIVE THRU
FACILITIES AND OUTDOOR SEATING

Secondary use(s): RETAIL, OFFICE

Accessory use(s): _____

8. I/we represent that I/we have a vested interest in this property in the following manner:
 Owner
 Leasehold, Length of lease: _____
 Contractual, Nature of contract: OWNERS AGENT
 Other, explain: _____

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:
 Name(s): JOEL PATCH Phone: 608-554-2720
111 N. MAIN STREET, SUITE 270, JAMESVILLE, WI 53545
(Address) (City) (State) (Zip)

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

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

Joel W. Patch / JOEL W. PATCH / 9/13/13
(Signature of Owner) (Print name) (Date)
OWNER'S AGENT
(Signature of Applicant, if different) (Print name) (Date)

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

To be completed by Planning Staff		
Filing Fee: \$275.00	Amount Paid: <u>\$275.00</u>	Meeting Date: _____
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>[Signature]</u>	Date: <u>9/13/13</u>	
Date Notice Published: _____	Date Notice Mailed: _____	

copy

ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning _____ 20 _____ ;
ending 6-30 20 14

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

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

Applicant's Wisconsin Seller's Permit Number: <u>45610227877902-02</u>	
Federal Employer Identification Number (FEIN): <u>611703807</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Wholesale beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>50.00</u>
TOTAL FEE	\$

PK 9/17

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

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

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): THE HIDEOUT, LLC

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

Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>SCOTT MURRAY</u>	<u>1517 PARKER CT</u>	<u>JANESVILLE 53541</u>
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

3. Trade Name THE HIDEOUT Business Phone Number 608-312-6844
4. Address of Premises 1901 LIBERTY AVE Post Office & Zip Code BELoit 53541

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

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) LOWER LEVEL BAR, MAIN LEVEL BAR/DINING, DECK

10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? CASBY S. LLC'S DBA LIBERTY INN
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864]. Yes No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] 456-10227877902-02 Yes No
14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? Yes No

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

SUBSCRIBED AND SWORN TO BEFORE ME

this 17th day of September, 20 13

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

[Signature]
(Notary Public)

My commission expires 8-21-17

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

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

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>9-17-13</u>	Date reported to council/board <u>10-7-13</u>	Date provisional license issued <u>N/A</u>	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued <u>N/A</u>	

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

Submit to municipal clerk.

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

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

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

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as
LIBERTY INNSM THE HIDEOUT
(trade name)

located at 1901 LIBERTY AVE, BELOIT, WI 53541

appoints SCOTT MURRAY
(name of appointed agent)
1517 PARKER CT, JANESVILLE, WI 53545
(home address of appointed agent)

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

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

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

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 27

Place of residence last year 1517 PARKER CT, JANESVILLE, WI 53545

For: The Hideout, LLC
(name of corporation/organization/limited liability company)

✓ By: [Signature]
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, SCOTT MURRAY
(print/type agent's name), hereby accept this appointment as agent for the

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

[Signature] 9-10-13 Agent's age _____
(signature of agent) (date)

1517 PARKER CT, JANESVILLE, WI 53545 Date of birth _____
(home address of agent)

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

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

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

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
SCOTT MURRAY		SCOTT		RICHARD	
Home Address (street/route)		Post Office	City	State	Zip Code
1517 PARKER CT			JANESVILLE	WI	53545
Home Phone Number		Age	Date of Birth		Place of Birth
608 312 6844					ELKHORN, WI

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

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

which is making application for an alcohol beverage license.

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

- How long have you continuously resided in Wisconsin prior to this date? 27
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)

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

Employer's Name	Employer's Address	Employed From	To
ABC Supply CO	1 ABC PKWY	9-2001	MAY 2013
HUFOR	2101 KENNEDY RD	DEC 93	DEC 2000

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

Subscribed and sworn to before me

this 17th day of September, 2013

Judith A. Elson
(S clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 8-21-17



ORDINANCE NO. _____

SUBSTITUTE AMENDMENT # 1

AN ORDINANCE TO CREATE SECTION 15.03(4g) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO LOITERING ON PUBLIC PROPERTY.

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

Section 1. Section 15.03(4g) of the Code of General Ordinances of the City of Beloit is hereby created to read as follows:

(4g) LOITERING ON PUBLIC PROPERTY.

- (a) No person shall loiter or remain on public property in such a manner as to:
 - 1. Create or cause to be created a breach of the peace;
 - 2. Create or cause to be created any disturbance ~~or annoyance~~ to the comfort of any person;
 - 3. Obstruct or interfere with the free passage of pedestrians or vehicles in a public parking area, or in any way impede or cause any restriction in the free and unimpeded access to parking areas;
 - 4. Obstruct or interfere with any person lawfully in any public place, which prohibition shall include the making of unsolicited remarks of any offensive or profane in nature, or which are calculated to annoy or disturb the person to, or in whose hearing, they are made; or
 - 5. Create or cause to be created a littering problem.
- (b) No person shall loiter in, on or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (c) There shall be no violation of this section if the presence of a person is allowed or permitted under section 18.01 of the Code of General

Ordinances for the City of Beloit or if the person is lawfully engaged in the exercise of either the First Amendment right of free speech, freedom of assembly or free exercise of religion..

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

Adopted this _____ day of _____, 2013.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Rebecca Houseman LeMire, City Clerk

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231- _____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Substitute Amendment #1 / Ordinance related to Loitering on Public Property

Date: October 7, 2013

Presenter(s): Elizabeth Krueger

Department(s): City Attorney

Overview/Background Information:

This ordinance had a first reading at the Council meeting on September 16, 2013. At that time Council did pass a motion amending the phrase "any disturbance or annoyance" by striking "or annoyance." The attached draft reflects the stricken language in redline. The attached Substitute Amendment further contains new language recommended by staff in Section 15.03(4g)(c). That new language constitutes an express recognition of the fact that the ordinance may not be used for the purposes of interfering with a person's lawful exercise of free speech or other constitutionally protected activities. Although that concept is implicit in any ordinance, this proposed additional language will make it explicit.

For convenience and reference, the original staff report is attached hereto.

Key Issues (maximum of 5):

See September 16, 2013 staff report.

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

See September 16, 2013 staff report.

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

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

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

Action required/Recommendation:

The original ordinance was recommended for approval by unanimous vote of the ABLCC and staff recommends approval as amended by substitute amendment #1.

Fiscal Note/Budget Impact:

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: ORDINANCE RELATED TO LOITERING ON PUBLIC PROPERTY

Date: September 16, 2013

Presenter(s): Elizabeth A. Krueger, Deputy City Attorney

Department(s): Attorney's Office

Overview/Background Information:

The City has experienced substantial issues with the parking lots located in the downtown areas, particularly over the weekends between the hours of 11:00 p.m. and 3:00 a.m. The police department has expended countless hours monitoring the lots due to the large groups of individuals who congregate in the lots and cause problems to the quality of life for both downtown residents and visitors to businesses in the area. Some of the observed problems have been reckless and unsafe driving of vehicles in the lots, illegal consumption of drugs and alcohol, loud music, littering, public urination/defecation, and disorderly behavior. On a given weekend night, at least four or five officers (oftentimes more) have to divert from their normal patrol operations to monitor the lots. Without the active oversight by law enforcement, events in the parking lots escalate quickly and become out of control. The city cannot sustain such a drain on limited police resources.

Attempts at remediating the issues have been unsuccessful and it is believed that one way to properly address these issues is to enact the attached proposed ordinance. The ordinance was presented to the Alcohol and Beverage License Control Committee at its September meeting and the Committee unanimously recommended support for the ordinance.

Key Issues (maximum of 5):

1. The near constant drain on police resources over the weekend, during the overnight hours, cannot be sustained.
 2. The quality of life for downtown residents and visitors to businesses in the area are substantially affected by the activity occurring in the downtown parking lots.
 3. The proposed ordinance will provide an additional tool in addressing the ongoing and reoccurring issues in parking lots in the downtown areas during the overnight hours.
 4. The Downtown Beloit Association has indicated support for this ordinance.
-

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

Adoption of the amended ordinance would conform to the stated purpose of goal #1 in furthering the responsible stewardship and enhancement of City resources.

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

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

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

Action required/Recommendation:

The proposed ordinance has been reviewed by staff and the ABLCC and is recommended for approval.

Fiscal Note/Budget Impact:

The proposed ordinance should not obligate any additional City funds.

**RESOLUTION AUTHORIZING THREE-YEAR EXTENSION
FOR PAYMENT OF OUTSTANDING SPECIAL ASSESSMENTS
AGAINST WALNUT GROVE PLAT I AND PLAT II**

WHEREAS, the City Council of the City of Beloit previously levied special assessments for the provision of public infrastructure in Walnut Grove Plat I and Plat II; and

WHEREAS, the property owner has requested a three-year, nonuse deferral of said special assessments, the first installment of which is currently due January 31, 2014; and

WHEREAS, a Third Amended Final Resolution was adopted by the City Council of the City of Beloit on August 3, 2009, which provided, among other things, that the Developer would continue to be required to make full repayment to the City of all principal and interest accrued against each individual lot in the subdivision at the time of closing and upon such full payment that the City would release its special assessment lien against said individual lot regardless of the deferral scheduled payments provided for otherwise in said Third Amended Final Resolution; and

WHEREAS, said Third Amended Final Resolution went on to otherwise provide that all remaining assessments were to be paid in cash or in five (5) equal annual installments due the City Treasurer with the first annual installment to be due January 31, 2014, with interest as provided therein; and

WHEREAS, the Developer and owner of the unsold lots is a limited liability corporation known as Intrinsic I, LLC; and

WHEREAS, payments in full of each assessment levied upon individual lots have been made to the City at the time of closing on each lot sold and the Developer will continue to make such payments retiring in full the assessment levied against each individual lot at the time of sale; and

WHEREAS, there is no apparent need at this point for a Master Development Plan, a marketing study, a business pro-forma nor a surety bond or letter of credit; and

WHEREAS, based upon the current economic conditions, it would appear to be in the best interest of the City of Beloit to grant said three-year extension.

NOW, THEREFORE, the City Council of the City of Beloit hereby resolves:

1. That except as expressly amended herein, all of the provisions of the prior resolutions levying special assessments against Walnut Grove Plat I and Plat II or granting deferrals thereof, shall remain in full force and effect.

2. Developer will continue to be required to make full repayment to the City of all principal and interest accrued against each individual lot in the subdivision at the time of closing and upon such full repayment the City will release its special assessment lien against said individual lot, regardless of the deferral of scheduled payments provided for in this resolution.

3. The remaining unpaid assessments are hereby deferred pursuant to the Code of General Ordinances of the City of Beloit Section 33.08 and are to be paid in cash or in five (5) equal annual installments to the City Treasurer. The first annual installment shall be due January 31, 2017. This reflects a deferral of said payments made pursuant to Section 33.08 of the Code of General Ordinances of the City of Beloit and is specifically pursuant to the authority of the Beloit City Council therein to grant such deferments and to make such exceptions in variances which in the judgment of the council would result in substantial economic gain to the City. Pursuant to the Third Amended Final Resolution, assessments paid on the installment basis shall bear interest at the rate of three percent (3%) per annum, from January 31, 2006 through January 31, 2014 and shall bear interest at the rate of six percent (6%) per annum after January 31, 2014. Installments and assessments not paid when due shall bear interest on the amount at the rate of one percent (1%) per month or at the rate of interest for delinquent unpaid real estate taxes, whichever is higher.

4. An exception is hereby granted waiving the requirements of the Code of General Ordinances of the City of Beloit Section 33.08(2)(c) that the Developer provide a Master Development Plan, a marketing study, a business pro-forma or a surety bond or letter of credit.

5. The City Clerk is directed to publish this amended resolution in the official newspaper of the City.

6. The City Clerk is further directed to mail a copy of this amended resolution to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Adopted this 7th day of October, 2013.

City Council of the City of Beloit

Charles M. Haynes, President

Attest:

Rebecca Houseman LeMire, City Clerk

tdh\resolution\Walnut Grove-special assessment=res=130923 1440 (cln) (04-1238)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Considering resolution authorizing three-year extension for payment of outstanding special assessments against Walnut Grove Plat I and Plat II

Date: October 7, 2013

Presenter(s): Larry N. Arft & Thomas R. Casper

Department(s): City Manager & City Attorney

Overview/Background Information:

On August 3, 2009 the City Council approved a Third Amended Final Resolution regarding the Walnut Grove subdivisions granting a three-year deferral for payment of the special assessments. The due date for the first installment established in that Third Amended Final Resolution was to be January 31, 2014. The owners have asked for a further extension, and given the current economic climate and the distinct possibility that these parcels would go into tax foreclosure absent a further deferment, it is recommended that Council grant the further three-year deferral.

Ordinance Section 33.08 allows for the granting of such deferral. The full assessment for each individual lot must still be satisfied at the time of any sale or transfer.

Key Issues (maximum of 5):

1. Granting of an additional three-year deferral with the first installment to be due January 31, 2017.

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

Approval would conform to Strategic Goal #1.

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

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

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

Action required/Recommendation:

Approval of the resolution.

Fiscal Note/Budget Impact:

The City would continue to receive payment for the full assessment levy on each individual lot as it is sold. The remaining assessment levy on unsold lots would potentially be deferred an additional three years, although the full debt would now have a more realistic chance of being repaid.

**RESOLUTION AUTHORIZING THREE-YEAR EXTENSION
FOR PAYMENT OF OUTSTANDING SPECIAL ASSESSMENTS
AGAINST DEERFIELD ESTATES**

WHEREAS, the City Council of the City of Beloit previously levied special assessments for the provision of public infrastructure in Deerfield Estates; and

WHEREAS, the property owner, Acorn Development LLC, has requested a three-year, nonuse deferral of said special assessments, the first installment of which is currently due January 31, 2014; and

WHEREAS, a Third Amended Final Resolution granting a deferral of payments of special assessments, among other things, was adopted by the City Council of the City of Beloit on March 5, 2007 and a further Resolution Authorizing an Extension for Outstanding Special Assessments was adopted on October 3, 2011, both of which Resolutions provided, among other things, that the Developer would continue to be required to make full repayment to the City of all principal and interest accrued against each individual lot in the subdivision at the time of closing and upon such full payment that the City would release its special assessment lien against said individual lot regardless of the deferral scheduled payments provided for otherwise in said Resolutions; and

WHEREAS, payments in full of each assessment levied upon individual lots have been made to the City at the time of closing on each lot sold and the Developer will continue to make such payments retiring in full the assessment levied against each individual lot at the time of sale; and

WHEREAS, there is no apparent need at this point for a Master Development Plan, a marketing study, a business pro-forma nor a surety bond or letter of credit; and

WHEREAS, based upon the current economic conditions, it would appear to be in the best interest of the City of Beloit to grant said three-year extension.

NOW, THEREFORE, the City Council of the City of Beloit hereby resolves:

1. That except as expressly amended herein, all of the provisions of the prior resolutions levying special assessments against Deerfield Estates, or granting deferrals thereof, shall remain in full force and effect.

2. Developer will continue to be required to make full repayment to the City of all principal and interest accrued against each individual lot in the subdivision at the time of closing and upon such full repayment the City will release its special assessment lien against said individual lot, regardless of the deferral of scheduled payments provided for in this resolution.

3. The remaining unpaid assessments are hereby deferred pursuant to the Code of General Ordinances of the City of Beloit Section 33.08 and are to be paid in cash or in five (5) equal annual installments to the City Treasurer. The first annual installment shall be due January 31, 2017. This reflects a deferral of said payments made pursuant to Section 33.08 of the Code of General Ordinances of the City of Beloit and is specifically pursuant to the authority of the Beloit City Council therein to grant such deferments and to make such exceptions in variances which in the judgment of the council would result in substantial economic gain to the City. Pursuant to the Third Amended Final Resolution assessments paid on the installment basis bore interest at the rate of three percent (3%) per annum, from January 31, 2005 through January 31, 2010 and at the rate of four percent (4%) per annum after January 31, 2010. Said interest shall remain at the rate of four percent (4%) per annum after January 31, 2014. Installments and assessments not paid when due shall bear interest on the amount at the rate of one percent (1%) per month or at the rate of interest for delinquent unpaid real estate taxes, whichever is higher.

4. An exception is hereby granted waiving the requirements of the Code of General Ordinances of the City of Beloit Section 33.08 (2)(c) that the Developer provide a Master Development Plan, a marketing study, a business pro-forma or a surety bond or letter of credit.

5. The City Clerk is directed to publish this amended resolution in the official newspaper of the City.

6. The City Clerk is further directed to mail a copy of this amended resolution to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Adopted this 7th day of October, 2013.

City Council of the City of Beloit

Charles M. Haynes, President

Attest:

Rebecca Houseman LeMire, City Clerk

tdh\resolution\Deerfield Estates special assessment=res=131002 1528 (cln) (03-1229)

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Considering resolution authorizing three-year extension for payment of outstanding special assessments against Deerfield Estates

Date: October 7, 2013

Presenter(s): Larry N. Arft & Thomas R. Casper

Department(s): City Manager & City Attorney

Overview/Background Information:

On March 5, 2007 the City Council approved a Third Amended Final Resolution regarding Deerfield Estates granting a deferral for payment of the special assessments and setting interest thereon. On October 3, 2011 the City Council approved a further resolution giving the owner of the subdivision, Acorn Development LLC, a further deferral. The current due date for the first of five equal annual installments for payment of the special assessments was to be January 31, 2014. The owners have asked for a further extension, and given the current economic climate and the fact that the owners are still engaged in development, it is recommended that the City Council grant the further three year deferral provided for in this resolution.

Ordinance Section 33.08 allows for the granting of such deferral. The full assessment for each individual lot must still be satisfied at the time of any sale or transfer.

Key Issues (maximum of 5):

1. Granting of an additional three-year deferral with the first installment to be due January 31, 2017.

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

Approval would conform to Strategic Goal #1.

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

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

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

Action required/Recommendation:

Approval of the resolution.

Fiscal Note/Budget Impact:

The City would continue to receive payment for the full assessment levy on each individual lot as it is sold. The remaining assessment levy on unsold lots would potentially be deferred an additional three years, although the full debt would now have a more realistic chance of being repaid.

RESOLUTION

AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE WISCONSIN DEPARTMENT OF TRANSPORTATION, TURTLE TOWNSHIP, ROCK COUNTY AND THE CITY OF БЕЛОIT PERTAINING TO THE PROPOSED IMPROVEMENT OF HART ROAD; AND THE USE OF HART ROAD AND CTH 'X' & 'S' FOR INCIDENT MANAGEMENT AND CONGESTION MANAGEMENT FOR IH 39/90

WHEREAS, the Wisconsin Department of Transportation plans to improve IH 39/90 from Illinois to Madison to a newly constructed six lane freeway which includes the need for designated alternative routes for incident management and congestion management; and

WHEREAS, an alternative route that could provide benefit to the traveling public within the southern portion of the IH 39/90 project, both during and after interstate reconstruction is CTH 'X' (at Gateway Boulevard) to Hart Road to CTH 'S' and back to IH 39/90; and

WHEREAS, in a previous MOA (dated 5/22/2012) the City and County have agreed to allow the Department the full use of Gateway Boulevard and CTH 'X' from STH 67 to East Hart Road ramp terminal at I-43 for use as an alternate route; and

WHEREAS, the Department will fund the basic improvements for and lead the design and reconstruction of Hart Road with the Town, City, and County involved in developing the concept and design; and

WHEREAS, routine maintenance will continue by the appropriate municipality as currently performed.

NOW, THEREFORE, BE IT RESOLVED, that the City of Beloit City Council does hereby authorize the City Manager to enter into a Memorandum Agreement with the Wisconsin Department of Transportation, Turtle Township, and Rock County for the proposed improvements to Hart Road and the use of Hart Road for Incident Management and Congestion Management for IH 39/90.

Dated at Beloit, Wisconsin, this 7th day of October, 2013.

BELOIT CITY COUNCIL

Charles M. Haynes, President

ATTEST:

Rebecca Houseman LeMire, City Clerk

CITY OF БЕЛОIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Resolution authorizing the City Manager to enter into a Memorandum of Agreement with the Wisconsin Department of Transportation, Turtle Township, Rock County and the City of Beloit pertaining to the proposed improvement of Hart Road; and the use of Hart Road and CTH 'X' & 'S' for incident management and congestion management for IH 39/90.

Date: October 7, 2013

Presenter(s): Greg Boysen, Public Works Director

Department(s): Public Works/Engineering

Overview/Background Information:

The Wisconsin Department of Transportation (the Department) plans to improve IH 39/90 from Illinois to Madison to a newly constructed six lane freeway which includes the need for designated alternative routes for incident management and congestion management. Hart Road from IH 43 to CTH S and CTH S to IH 39/90 is a viable route.

Key Issues (maximum of 5):

1. The Town of Turtle Town Board has approved the Memorandum of Agreement.
2. The west 431 feet of Hart Road is in the City of Beloit.
3. The Department will pay for the Design and Basic Construction costs for Hart Road Improvements.
4. The Department will purchase and required right of way for the Hart Road Improvements.
5. The local municipalities will continue to maintain Hart Road after the improvements as they currently do.
6. Hart Road will remain a two lane rural cross section with paved shoulders to be used as bike lanes.
7. The intersection of Hart Road and CTH S will be re-aligned to improve intersection characteristics.

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

1. **Develop a high quality community through the responsible stewardship and enhancement of City resources to further Beloit's resurgence as a gem of the Rock River Valley.**

This project will enhance the quality of life in Beloit by improving the appearance and quality of ride on City Streets and reducing congestion on the interstate.

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**

Having a viable alternate route for the interstate during incidents at no cost to the city is good for the region.

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

Action required/Recommendation:

The Engineering Division Recommends the approval of the Resolution.

Fiscal Note/Budget Impact:

This agreement does not commit the City of Beloit to paying for any portion of the improvements to Hart Road.



9/9/2013

**Memorandum of Agreement
Between the
Wisconsin Department of Transportation, Turtle Township, City of Beloit and Rock County**

Pertaining to: The proposed improvements of Hart Road; and the use of Hart Road and CTHs 'X' & 'S'

The Wisconsin Department of Transportation will hereinafter be called the Department, Turtle Township will be called the Town, City of Beloit will be called the City and Rock County will be called the County.

Background:

- The Department's plans to improve IH 39/90 from Illinois to Madison to a newly constructed six lane freeway include the need for designated alternative routes for incident management and congestion management.
- An alternative route that could provide benefit to the traveling public within the southern portion of the IH 39/90 project, both during and after interstate reconstruction, is CTH 'X' (at Gateway Boulevard) to Hart Road to CTH 'S' and back to IH 39/90.
- In a previous MOA (dated 5/22/2012) the City and County have agreed to allow the Department the full use of Gateway Boulevard and CTH 'X' from STH 67 to East Hart Road ramp terminal at I-43 for use as an alternate route.

Agreements:

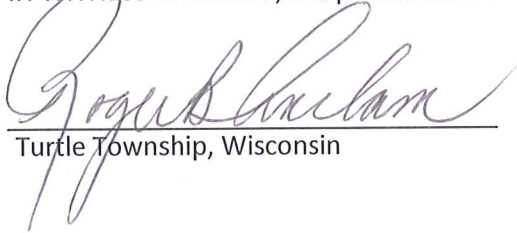
1. In the spirit of partnership and cooperation with the Town, City and County, the Department will take the lead on the delivery (design and construction oversight) of the Hart Road improvements from CTH 'X' to CTH 'S'. The Department agrees to include the Town, City and County in discussions pertaining to Hart Road concept and design.
2. The Department will take the lead on the delivery and acquisition of any Real Estate necessary to construct the Hart Road improvements.
3. Beginning at Gateway Boulevard/CTH 'X' and I-43, the Town, City and the County agree to allow the Department the full use of CTH 'X', Hart Road and CTH 'S' to IH 39/90. The use will consist of redirecting IH 39/90 traffic during construction of IH 39/90 for congestion management. It will also consist of redirecting IH 39/90 traffic during periods of crashes or other situations that demand an incident management route for IH 39/90 during and following IH 39/90 construction.

CTH 'X', Hart Road and CTH 'S' will be signed as the IH 39/90 congestion management and incident management alternative route to IH 39/90 in this area. This agreement will remain in effect until all parties in this MOA agree not to use these routes for these purposes. While this agreement is in effect, future rehabilitation (mill & overlay or greater improvement) of these routes will be coordinated between the Department, Town, City and County when needed. Routine maintenance,

including but not limited to snow plowing, pothole fixes, crack filling and shoulder touchups will continue by the appropriate municipality as currently performed.

4. Alternate route use should be considered in roadway design of Hart Road.
5. The Department agrees to fund the basic improvement costs of Hart Road from CTH 'X' to CTH 'S'. Any additional costs associated with a request by the Town, City or County may require local cost share participation.
6. The proposed Hart Road cross section will be 2 – 12' through lanes and 2 – 6' shoulders. 5' of each shoulder will be paved for additional driver safety and bicycle accommodations. Hart Road will be re-aligned at the CTH S intersection to improve intersection characteristics. Hart and Lathers Road intersection will be built to current standards. The current schedule date for Hart Road is July, 2015. The advance schedule date is December, 2014. Pending statewide funding, the intent is to reconstruct Hart Road on the same schedule as the Hart Road overpass structure of IH-39.

IN WITNESS WHEREOF, the parties here to concur with the written agreements above:



Turtle Township, Wisconsin

9-11-13

Date

City of Beloit, Wisconsin

Date

County of Rock, Wisconsin

Date

Wisconsin Department of Transportation

Date

HART ROAD MEMORANDUM OF AGREEMENT

