



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MEETING NOTICE AND AGENDA
Beloit City Plan Commission
Wednesday, August 5, 2015 at 7:00 PM
The Forum
Beloit City Hall, First Floor
100 State Street, Beloit**

1. **Call to Order and Roll Call**
2. **Approval of the Minutes of the July 22, 2015 Meeting**
3. **Discussion of Fire Department Regulations Related to Outdoor Fires**
4. **Street Vacation – Tuck-a-Way Lane**
Review and consideration of the vacation of Tuck-a-Way Lane located west of Claremont Drive
5. **Zoning Map Amendment – 2460 Milwaukee Road and 1420 Office Park Lane**
Public hearing, review and consideration of a Zoning Map Amendment to change the zoning from C-1, Office District, to PLI, Public Lands and Institutions District, for the property located at 2460 Milwaukee Road and from M-2, General Manufacturing District, to PLI, Public Lands and Institutions District, for the property located at 1420 Office Park Lane
6. **Conditional Use Permit – 2900 Milwaukee Road – Noodles & Company**
Public hearing, review and consideration of a Conditional Use Permit to allow outdoor seating and outdoor sales, possession and consumption of alcohol in a PUD, Planned Unit Development District, for property located at 2900 Milwaukee Road
7. **Status Report on Prior Plan Commission Items**
8. **Adjournment**

If you are unable to attend this meeting, please contact Ashley Rosenbaum in the Planning Office at 364-6700 **no later than 4:00 PM the day before the meeting.**

Notice Mailed: July 31, 2015

Approved: Julie Christensen, Community
Development Director

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



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

MEETING MINUTES
Beloit City Plan Commission
Wednesday, July 22, 2015 at 7:00 PM
The Forum
Beloit City Hall, First Floor
100 State Street, Beloit

1. Call to Order and Roll Call

Chairperson Faragher called the meeting to order at 7:02pm. Commissioners Faragher, Mathis, Tinder, Finnegan, Ruster, Johnson, and Councilor Kincaid were present. Commissioner Moore was absent.

2. Approval of the Minutes of the July 8, 2015 Meeting

Commissioner Tinder moved to approve the minutes. Commissioner Finnegan seconded the motion. The motion carried, voice vote.

3. Conditional Use Permit - 901 Bayliss Avenue - Dave's Bait & Tackle

Public hearing, review and consideration of a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District for property located at 901 Bayliss Avenue.

Julie Christensen, Community Development Director, presented the staff report and recommendation.

Chairperson Faragher stated that he was aware that Councilor Deforest requested a police report regarding activities in the 901 Bayliss Ave neighborhood for the City Council meeting.

Commissioner Johnson moved to approve the motion. Commissioner Tinder seconded the motion. The motion carried, voice vote.

4. Conditional Use Permit - 911 E Grand Avenue

Public hearing, review and consideration of a Conditional Use Permit to allow second-story residential above retail in a C-2, Neighborhood Commercial District for property located at 911 E Grand Avenue.

Julie Christensen, Community Development Director, presented the staff report and recommendation.

Michelle Crossley, the owner and operator of the business of 911 E Grand Ave, residing at 927 Harrison Ave, spoke to the Commission. Chairperson Faragher asked what the

previous use of the upper floor had been. Ms. Crosley stated that the entire building used to be an antique store. She also stated that it would not require an extensive amount of work to convert the upper floor into a residence.

Commissioner Tinder moved to approve the motion. Finnegan seconded the motion. The motion carried, voice vote.

5. Conditional Use Permit – 430 E Grand Avenue – Zen Sushi

Public hearing, review and consideration of a Conditional Use Permit to allow outdoor seating and outdoor sales, possession and consumption of alcohol in a CBD-1, Central Business District, Core, for property located at 430 E Grand Avenue.

Julie Christensen, Community Development Director, presented the staff report and recommendation.

Commissioner Tinder inquired into the reasoning behind the Fire Department's objection to having an open flame style table. Ms. Christensen was unable to speak for the Fire Department.

Councilor Kincaid asked what the process would be if the Fire Department objected to removal of the condition. Ms. Christensen explained that City Council would have the final say and the conditional use permit would not return to the Plan Commission.

Commissioner Ruster asked if there were any alcohol permits available. Ms. Christensen explained that Zen Sushi had previously applied for, and received, the license. Ms. Christensen also explained that there were a number of different classes of alcohol licenses available.

Dan Barkus, 525 Third Street (Hendricks' Commercial Property), spoke to the Commission. Mr. Barkus stated that they would be willing to work with staff and the Commission to develop a compromise regarding the open flame fire pit tables.

Chairperson Johnson asked if the Zen Sushi restaurant had requested additional seating in front of the restaurant. Ms. Christensen explained that they had applied for a Sidewalk Café Licenses which would be approved by staff. The Plan Commission does not need to approve this request.

Commissioner Mathis stated that he has had previous experience with outdoor seating with grills available and supported the applicants request to have them.

Commissioner Tinder moved to remove condition number three, "The applicant may not use tables or other furnishings that create an open flame, regardless of fuel type or source." Commissioner Mathis seconded the motion. The motion carried, voice vote.

Commissioner Johnson moved to approve the amended motion. Commissioner Ruster seconded the motion. The motion carried, voice vote.

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

Ms. Christensen explained that the City Council will take action on the EVM sign ordinance amendment at their next meeting.

7. **Adjournment**

The meeting adjourned at 7:30pm.

Respectfully submitted by Ashley Rosenbaum

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: August 5, 2015

Agenda Item: 4

File Number: VA-2015-01

Applicant: Chambers IV, LLC

Adjacent Zoning: PUD

Adjacent Land Use: Residential

Request Overview/Background Information:

The Planning & Building Services Division has received a petition to vacate Tuck-A-Way Lane, which is a 142-foot dead-end street that intersects with Claremont Drive at the northern edge of the Parkmeadow North subdivision.

Key Issues:

- As originally planned, this U-shaped street was intended to connect Claremont Drive to W. Hart Road, with 4-unit residential buildings on both sides of the street.
 - The Parkmeadow North Phase 3 subdivision plat was approved & recorded, which dedicated Tuck-A-Way Lane as it current exists. Phase 4 of this subdivision was not recorded before the recession stalled this development, so Tuck-A-Way Lane has remained a short dead-end for the past decade.
 - The applicant has received preliminary approval to construct a 100-unit assisted living facility on the northern portion of the Phase 4 land and has proposed private driveways connecting their development to both Claremont Drive and W. Hart Road in lieu of the public street known as Tuck-A-Way Lane. The applicant wishes to control access to Claremont Drive, which requires vacating the right-of-way known as Tuck-A-Way Lane as shown on the attached Plat of Vacation, thereby returning the land to the applicant. A utility easement will be retained over the land due to the presence of public utilities.
 - All required Public Notices have been distributed and published and the Notice of Pendency was recorded with the Rock County Register of Deeds on July 1, 2015.
 - As required by Wisconsin Statutes, the City Council has adopted a Resolution setting a date for a public hearing for this vacation request of August 17, 2015.
 - Aside from requesting a utility easement, the City's Review Agents did not submit any comments or concerns.
-

Consistency with Strategic Plan:

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

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

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

Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the request to vacate Tuck-A-Way Lane, as described in the attached Plat of Vacation, returning the entire right-of-way to the adjacent property owner (applicant).

Fiscal Note/Budget Impact: N/A

Attachments: Map, Approved PUD Plans, Photo, Petition, Plat of Vacation, Public Hearing Resolution, & Public Notice.



City of Beloit, WI
 Date Printed: 11/25/2014

This map is for illustrative purposes only and does not represent a survey. It is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction and revision. No liability is assumed by City of Beloit as to the accuracy of the data delineated hereon.

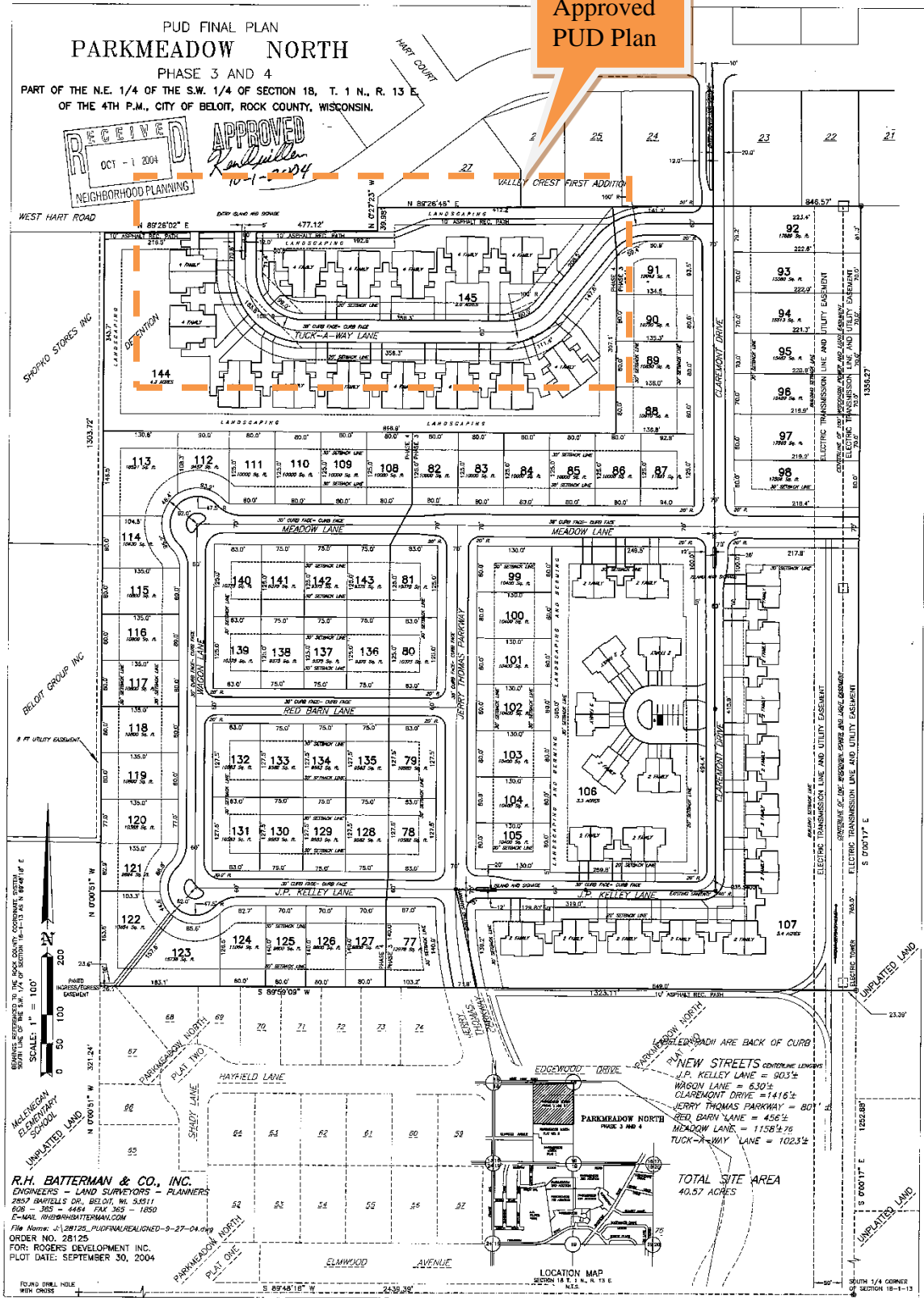
2004
Approved
PUD Plan

PUD FINAL PLAN
PARKMEADOW NORTH
PHASE 3 AND 4

PART OF THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 18, T. 1 N., R. 13 E.
OF THE 4TH P.M., CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

RECEIVED
OCT - 1 2004
NEIGHBORHOOD PLANNING

APPROVED
Rand Miller
10-1-04



R.H. BATTERMAN & CO., INC.
ENGINEERS - LAND SURVEYORS - PLANNERS
2857 BARTLETT DR., BELOIT, WI. 53511
608 - 385 - 4481 FAX 365 - 1850
E-MAIL: ORDER@HONTERMAN.COM
File Name: J:\28125_PUD\FINAL\RDGN-9-27-04.dwg
ORDER NO. 28125
FOR: ROGERS DEVELOPMENT INC.
PLOT DATE: SEPTEMBER 30, 2004

NEW STREETS CENTERLINE LENGTHS:
J.P. KELLEY LANE = 903'±
WAGON LANE = 630'±
CLAREMONT DRIVE = 1416'±
JERRY THOMAS PARKWAY = 80'±
RED BARN LANE = 456'±
MEADOW LANE = 1158'±
TUCK-A-WAY LANE = 1023'±

TOTAL SITE AREA
40.57 ACRES

LOCATION MAP
SECTION 18, T. 1 N., R. 13 E.
M.T.S.



PETITION FOR VACATION OF A PUBLIC RIGHT-OF-WAY

We, the undersigned hereby petition the City of Beloit to vacate the following portion(s) of the public right-of-way know as: Tuck-A-Way Lane

The portion of the right-of-way proposed to be vacated is further described on the attached *Plat of Vacation* prepared by Registered Land Surveyor:

Print NAME and ADDRESS of PETITIONER:	SIGNATURE: (If jointly owned, both owners should sign petition.)	DATE SIGNED:
Name: <u>Chambers IV LLC</u> Address: <u>2916 N. Hall Rd. Whiteside, WI 53190</u>	<u>Scott Shadel, member</u>	<u>6/8/15</u>
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		

Contact person responsible for circulating this petition: Scott Shadel
 Address of contact person: 2916 N. Hall Rd. Whiteside, WI 53190
 Phone number of contact person: 608-751-1343
 Signature of contact person: Scott Shadel

To be completed by Planning Staff	
Filing fee: \$75.00 Amount paid: <u>\$75.00</u>	Meeting date: <u>Aug. 5, 2015</u>
Application accepted by: <u>Don Partridge</u>	Date: <u>6/17/15</u>

PLAT OF VACATION

OF TUCK-A-WAY LANE AS DEDICATED ON PARKMEADOWS NORTH PLAT NO. 3, CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.

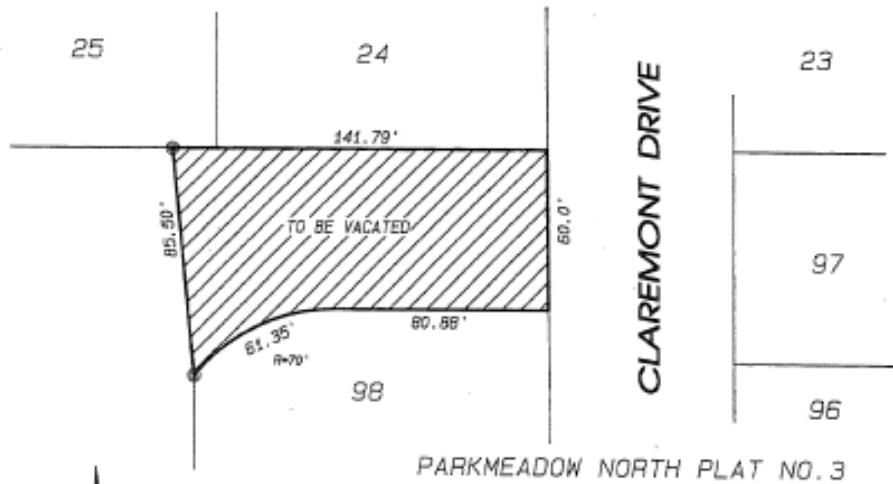
Ronald J. Combs

RONALD J. COMBS, PLS NO. 1330

If the surveyor's signature is not red in color, the map is a copy and any contain unauthorized alterations. The certification contained hereon shall not apply to any copies.



VALLEY CREST FIRST ADDITION



NOTES:

THIS MAP IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS, RECORDED AND UNRECORDED.

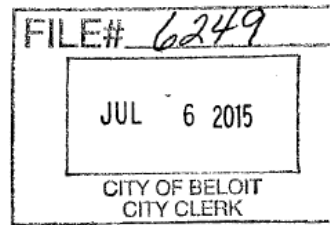
Project No. 114 - 393

DATE: JUNE 16TH, 2015

Combs & Associates

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

108 W. Milwaukee St.
JANESVILLE, WI 53549 Tel: 608 752-0575
www.combsurvey.com Fax: 608 752-0534



**RESOLUTION
SETTING A DATE FOR A PUBLIC HEARING FOR THE
VACATION OF TUCK-A-WAY LANE RIGHT-OF-WAY
IN THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN**

IT IS RESOLVED THAT a public hearing on the proposed Resolution to discontinue and vacate Tuck-A-Way Lane as dedicated on Parkmeadow North Plat No. 3, City of Beloit, Rock County, Wisconsin, shall be held at the regular **City Council Meeting on Monday, August 17, 2015**, and the City Clerk is authorized and directed to give notices required under Section 66.1003, Wisconsin Statutes.


Adopted this 6th day of July, 2015.

City Council of the City of Beloit



Charles M. Haynes, Council President

Attest:



Lorena Rae Stottler, City Clerk



NOTICE TO THE PUBLIC

July 15, 2015

To Whom It May Concern:

The City of Beloit has received a petition requesting the vacation of Tuck-A-Way Lane, which is a 142-foot dead-end street that intersects with Claremont Drive at the northern edge of the Parkmeadow North subdivision. As originally planned, this U-shaped street was intended to connect Claremont Drive to W. Hart Road, with 4-unit residential buildings on both sides of the street. The Parkmeadow North Phase 3 subdivision plat was approved & recorded, which dedicated Tuck-A-Way Lane as it current exists. Phase 4 of this subdivision was never recorded, so Tuck-A-Way Lane has remained a short dead-end for the past decade. Chambers IV, LLC has received preliminary approval to construct a 100-unit assisted living facility on the northern portion of the Phase 4 land, and has proposed private driveways connecting their development to both Claremont Drive and W. Hart Road in lieu of the public street known as Tuck-A-Way Lane. If approved, this land will be returned to the adjacent property located at 2250 W. Hart Road and will be abandoned as a public right-of-way.

This proposed vacation will be considered during the following meetings:

City Plan Commission: Wednesday, August 5, 2015, 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, August 17, 2015, 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, AICP in the Planning & Building Services Division at (608) 364-6711 or penningtond@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: August 5, 2015

Agenda Item: 5

File Number: ZMA-2015-02

Applicant: Craig Zastrow

Owner: Central Christian Church of Beloit

Location: 2460 Milwaukee Road & 1420 Office Park Lane

Current Zoning: C-1, Office District & M-2, General Manufacturing District

Existing Land Use: Church

Parcel Size: 10.1 Acres & 4.1 Acres

Proposed Zoning: PLI, Public Lands & Institutions District

Request Overview/Background Information:

Craig Zastrow, Executive Pastor of Central Christian Church, has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District & M-2, General Manufacturing District to PLI, Public Lands & Institutions District, for the properties located at 2460 Milwaukee Road & 1420 Office Park Lane.

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

- North: R-1A, Single-Family Residential District; Single-Family Residential
- South: M-2, General Manufacturing District; Manufacturing & Office
- East: PLI, Public Lands & Institutions District; Fran Fruzen Intermediate School
- West: C-3, Community Commercial; Commercial & Vacant Land

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

Key Issues:

- This request includes the main church campus parcel located at 2460 Milwaukee Road, as well as a vacant church-owned parcel that includes a stormwater retention pond to the south of the church campus, which is addressed as 1420 Office Park Lane.
- Planning staff supports this proposed Zoning Map Amendment, as both properties are planned for Institutional & Community Service uses. If approved, the requested rezoning will bring the subject properties into compliance with the City's Future Land Use Map, which is part of the City's Comprehensive Plan.
- The PLI district is a special purpose district that is intended to accommodate major public and quasipublic uses such as parks, schools, cemeteries, municipal buildings, religious institutions, etc.
- The applicant is not proposing any land use changes at this time, although the requested rezoning to PLI will formally legalize the church's accessory uses, as day care centers & community service uses are expressly permitted in the PLI district. In addition, if the City Council approves a related request to allow Electronically Variable Message (EVM) signs in PLI districts, the applicant will be able to implement their long-standing preference to replace their static message board with an EVM sign.
- The 1420 Office Park Lane property is technically part of the Industrial Park, but the church has no plans to sell or lease it for industrial uses, and will continue to use the parcel for stormwater detention with the possibility of additional parking area in the future.
- Planning staff posted an informational sign on the subject property 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, the Plan Commission shall make a recommendation based on the following considerations. Unless otherwise noted, the phrase "subject property" is used when referring to both parcels involved in this application.
 - a. *The existing use of property within the general area of the subject property;*
 - The subject property is located on an arterial roadway that also serves as State Highway 81. The subject property is adjacent to, and provides access to/from, the new Fran Fruzen Intermediate School. The subject property is also near the new Beloit Health System Cancer Center and backs up to the Beloit Industrial Park. The proposed rezoning is compatible with the institutional, commercial, and industrial uses in the general area.
 - b. *The zoning classification of property within the general area of the subject property;*

- The subject property is adjacent to the 14-acre Fran Fruzen site, which is zoned PLI. Other nearby zoning districts include M-2 to the south, C-3 & PUD on the opposite side of Willowbrook Road, and R-1A on the opposite side of Milwaukee Road.
- c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
- The subject property is suitable for the uses permitted in the C-1 & M-2 districts, although the existing zoning classifications are inconsistent with the adopted Future Land Use Plan.
- d. *The trend of development and zoning map amendments in the general area of the subject property.*
- There has been significant development activity in the general area of the subject property during the past few years. The Fran Fruzen Intermediate School site to the east was just completed and was preceded by a rezoning of that land to PLI. The Beloit Health System Cancer Center was completed in 2014.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan's Future Land Use Map (#10) designates the subject properties as appropriate for Institutional & Community Service uses, and achieving consistency with this recommendation is the impetus for this request. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.

Consideration of this request supports City of Beloit Strategic Goal #5.

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

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

Staff Recommendation:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from C-1, Office District & M-2, General Manufacturing District to PLI, Public Lands & Institutions District, for the properties located at 2460 Milwaukee Road & 1420 Office Park Lane.

Fiscal Note/Budget Impact: N/A

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

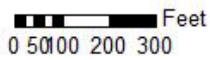
Location & Zoning Map

2460 MKE Rd & 1420 Office Park Ln

ZMA-2015-02



1 inch = 350 feet



Legend

- City Limits
- Zoning District

Map prepared by: Drew Pennington, AICP
Date: July 2015
For: City of Beloit Planning & Building Services
Date of Aerial Photography: March 2011

PLANNING & BUILDING SERVICES DIVISION

CITY of BELOIT

PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2015-02

1. Address of subject property: 2460 Milwaukee Rd. # 1420 office Park Lane

2. Legal description: Lot: 2 Block: _____ Subdivision: 178 W Industrial Park
(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: 14 acres.

3. Tax Parcel Number(s): 23021300 ; 23033700

4. Owner of record: Beloit Central Christian Church Phone: 608 362 7663

2460 Milwaukee Rd Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Craig Zastrow, Executive Pastor

2460 Milwaukee Rd Beloit WI 53511
(Address) (City) (State) (Zip)

608 362 7663 1 608 346 0528 1 craigzastrow@centralwired.com
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: C-1 & M-2 to: PLI

All existing uses on this property are: Church

7. All the proposed uses for this property are:

Principal use(s): Church

Secondary use(s): Church

Accessory use(s): Church

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

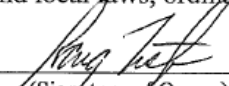
- Owner
- Leasehold, Length of lease: _____
- Contractual, Nature of contract: _____
- Other, explain: _____

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

Name(s): Craig Zastrow Phone: 608 362 7663
2460 Milwaukee Rd Beloit WI 53511
(Address) (City) (State) (Zip)
(1631 E. Ridge Rd)

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

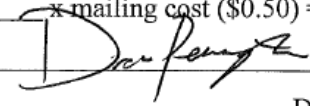
I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning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

 / Craig Zastrow / 7-10-15
(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.

** 1st & 2nd Readings Requested @ CC DP*

To be completed by Planning Staff		
Filing Fee: \$275.00	Amount Paid: <u>\$275.⁰⁰</u>	Meeting Date: <u>Aug. 5, 2015</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u></u>	Date: <u>7/10/15</u>	
Date Notice Published: _____	Date Notice Mailed: _____	



NOTICE TO THE PUBLIC

July 23, 2015

To Whom It May Concern:

Craig Zastrow, Executive Pastor of Central Christian Church, has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District & M-2, General Manufacturing District to PLI, Public Lands & Institutions District, for the properties located at:

2460 Milwaukee Road & 1420 Office Park Lane.

This request includes the main church campus parcel on Milwaukee Road, as well as a vacant church-owned parcel that includes a stormwater retention pond to the south of the church campus. This application is related to the applicant's other request before the City Council for an amendment to the City's Sign Ordinance to allow Electronically Variable Message (EVM) signs in the PLI District.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, August 5, 2015, 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, August 17, 2015, 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, AICP in the Planning & Building Services Division at (608) 364-6711 or penningtond@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

STAPLES

Etiquette de format 25 mm x 67 mm compatible avec Avery® 5160/8160
label size 1" x 2 5/8" compatible with Avery® 5160/8160

MICHAEL ROSS
1525 OFFICE PARK LANE
BELOIT, WI 53511

MICHAEL ROSS
1525 OFFICE PARK LANE
BELOIT, WI 53511

MCBAIN ENTERPRISES INC
2951 KENNEDY DRIVE
BELOIT, WI 53511

SWING INC
2505 KENNEDY DRIVE
BELOIT, WI 53511

KARSTAEDT PROPERTIES LLC
5914 E CTY RD X
BELOIT, WI 53511

OFFICE PARKWAY PROPERTIES LLC
1525 OFFICE PARK LANE
BELOIT, WI 53511

CENTRAL CHRISTIAN CHURCH
2460 MILWAUKEE ROAD
BELOIT, WI 53511

MIDSTATES BEDDING CO
SERTA DIVISION
1500 LEE LANE
BELOIT, WI 53511

MIDSTATES BEDDING CO
SERTA DIVISION
1500 LEE LANE
BELOIT, WI 53511

JEFFREY D. & LISA M HOWARD
1601 MORGAN TERRACE
BELOIT, WI 53511

SHAWN M. & PAMELA R. GALVIN
1621 MORGAN TERRACE
BELOIT, WI 53511

WALLACE AND LOUISE PHELAN
1625 S LODGE DRIVE
BELOIT, WI 53511

RANDALL J SWATEK
2440 BLARNEY STONE
BELOIT, WI 53511

NORMA SALADAR
2460 BLARNEY STONE
BELOIT, WI 53511

CODY R. & DANISSA A. KLINTWORTH
2470 BLARNEY STONE
BELOIT, WI 53511

SCHOOL DISTRICT OF BELOIT
1633 KEELER AVE
BELOIT, WI 53511

HAROLD E & GARNET E
BAULINGREVOCABLE TRUST OF 2004
2480 BLARNEY STONE
BELOIT, WI 53511

RICKY J GEORGE
2500 BLARNEY STONE
BELOIT, WI 53511

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2510 BLARNEY STONE
BELOIT, WI 53511

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: August 5, 2015

Agenda Item: 6

File Number: CU-2015-09

Applicant: Chipman Design
Architecture

Owner: McBain Enterprises Inc

Location: 2900 Milwaukee Road

Existing Zoning: PUD, Planned Unit
Development

Existing Land Use: Fast-food
restaurant/Vacant

Parcel Size: 2.71 Acres

Request Overview/Background Information:

Chipman Design Architecture, on behalf of Noodles and Company, has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in a PUD, Planned Unit Development District, for the property located at 2900 Milwaukee Road.

Key Issues:

- Noodles and Company will be opening soon in a building on the subject property previously occupied by Arby's.
- The applicant has proposed the construction of a concrete patio on the northwest side of the building facing Milwaukee Road.
- The patio area was approved by Planning staff in a site plan review in June of 2015 with the expectation that McBain Properties would eventually lease the building to a restaurant tenant.
- According to the applicant, the furniture in the outdoor seating area will include tables with umbrellas and chairs, with seating for 16 customers.
 - Pictures of the proposed chairs, tables, and umbrellas are attached.
- Condition #5 of the Resolution authorizing a PUD for 2850 and 2900 Milwaukee Road states that the regulations for allowable use and dimensional standards of the C-3 District shall apply to the parcels within the PUD.
 - Section 4-902 of the Zoning Ordinance states that outdoor seating areas for restaurants in a C-3 Commercial District are only allowed if reviewed and approved in accordance with the Conditional Use Permit review procedures.
- Section 125.68(3) of the Wisconsin Statutes regulates liquor sales within 300 feet of the main entrance of any school, hospital, or church. This statute does not apply to restaurants, and therefore does not apply to this request. The applicant is in the process of applying for a license to sell alcoholic beverages both indoors and outdoors on the proposed patio.
- The application and site plan are attached to this report.
- The City's Review Agents have reviewed this application and have submitted the following comments or concerns:
 - **Fire Department** – Outdoor gate must be marked as an exit. If building has a fire alarm, a strobe needs to be located on the patio near the door into the building in order to alert customers on the patio to use the outside exit rather than entering the building.
- The attached Public Notice was sent to three (3) nearby property owners. No public comments have been received.
- **Findings of Fact**
 - *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 outdoor patio, managed by a popular and well-established company, will add activity to the commercial area without endangering public health, safety, morals, comfort, or general welfare.
 - *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The conditional use will not injure the use and enjoyment of nearby properties. The property is adjacent to similar uses and is located within a busy corridor with many other service and retail-oriented businesses. The addition of an outdoor patio is compatible with adjacent uses and will not have a negative impact on nearby properties.
 - *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*

- The conditional use will not diminish or impair property values in the neighborhood. The opening of a responsible, well-managed business will enhance the area.
- *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The surrounding area is already developed.
- *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;*
 - Similar outdoor patios exist at other businesses in the Milwaukee Road commercial corridor. The proposed patio will not cause a depreciation in property values.
- *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 parking exists to serve any extra customers the outdoor patio may attract to the restaurant.
- *Whether adequate measures will be taken to minimize traffic congestion; and*
 - Not Applicable.
- *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The conditional use will comply with all other applicable regulations of the Zoning Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends *Community Commercial* uses for the subject parcel. This request and the intent of the PUD Zoning District are consistent with this recommendation. Consideration of this request supports City of Beloit Strategic Goal #5.

Sustainability:

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

Staff Recommendation:

The Planning 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 PUD, Planned Unit Development District, for the property located at 2900 Milwaukee Road, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes Noodles and Company, Inc to serve food and beverages within a concrete patio area on the northwest side of the building.
2. Prior to serving alcoholic beverages in the outdoor seating area, the applicant shall obtain an Alcoholic Beverages License that includes the outdoor seating area.
3. The outdoor gate must be marked as an exit. If building has a fire alarm, a strobe needs to be located on the patio near the door into the building, per the comments from the Fire Department.
4. 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:

Zoning and Location Map, Application, Site Plan, Furniture Photos, Public Notice, and Mailing List

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-2015-09

1. Address of subject property: 2900 Milwaukee Road

2. Legal description: See CSM's for the subject PUD

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: 2.7 acres.

3. Tax Parcel Number(s): 229-1085

4. Owner of record: McBain Enterprises, Inc Phone: 608-365-0699

2951 Kennedy Drive, Beloit WI 53511

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: Chipman Design Architecture

2700 S River Rd, Ste 400 Des Plaines

IL

60018

(Address)

(City)

(State)

(Zip)

847-298-6900

(Office Phone #)

/ (Cell Phone #)

ekivland@chipman-design.com

(E-mail Address)

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

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

A Conditional Use Permit for: Outdoor dining on new patio adjacent to building.

_____ in a(n) _____ Zoning District.

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

Principal use: Restaurant (A-2 occupancy)

Secondary use: _____

Accessory use: _____

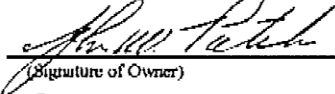
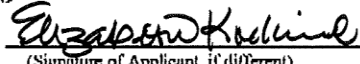
9. Project timetable: Start date: _____ Completion date: _____

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

- () Owner
- (x) 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.

	/	JOHN W. PATCH	/	7.9.15
(Signature of Owner)		(Print name)		(Date)
	/	ELIZABETH KIVLAND	/	7.9.15
(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>08/05/15</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>AEM</u>	Date: <u>07/10/15</u>

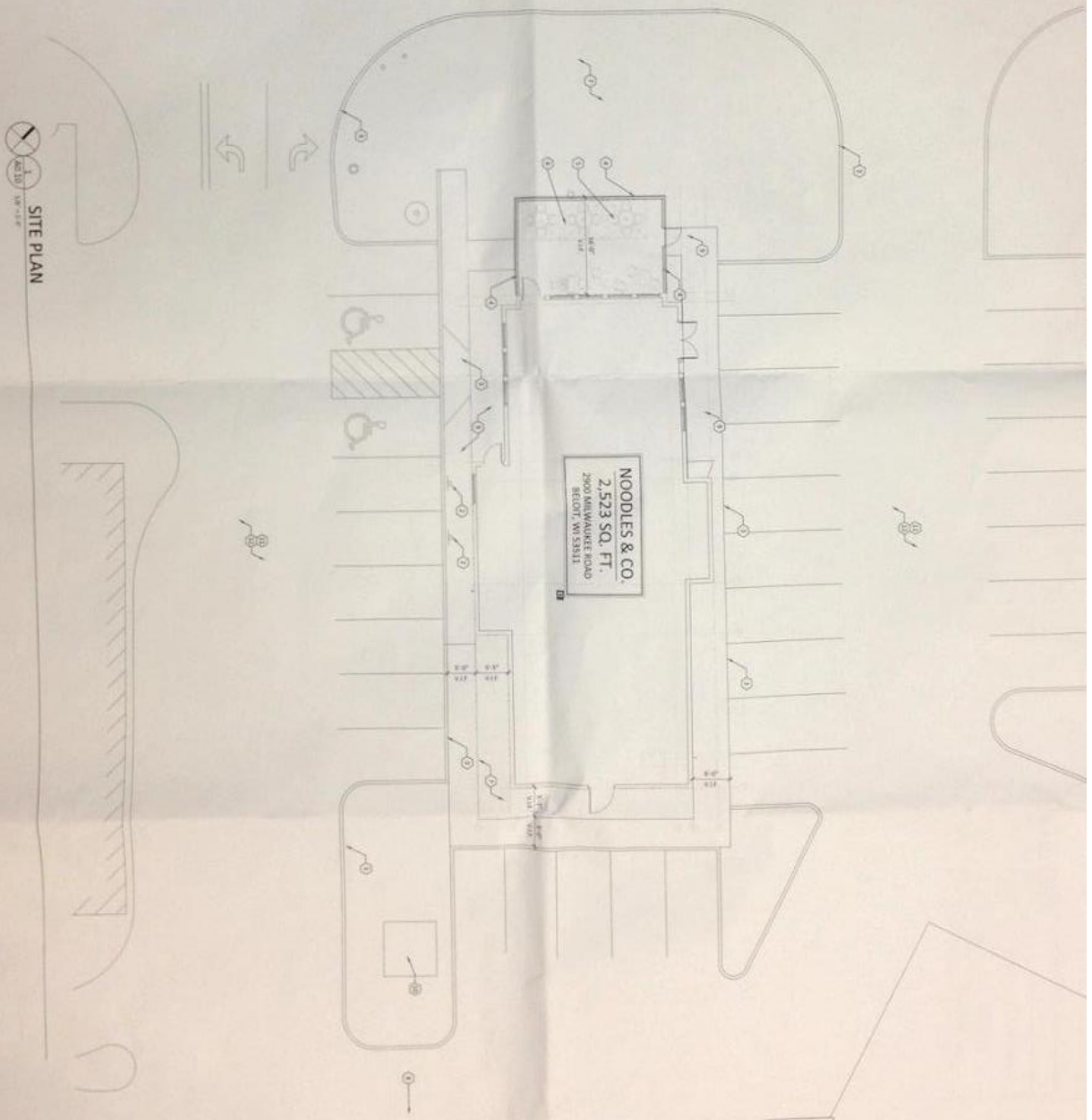
GENERAL NOTES

1. NOT TO SCALE
2. DIMENSIONS SHOWN ARE EXCEPTING SPECIAL CASES
3. DIMENSIONS NOT SHOWN ARE TO BE DETERMINED BY CONTRACTOR

KEY NOTES

1. EXISTING AND NEW PAVEMENT
2. EXISTING AND NEW CURB
3. EXISTING AND NEW SIDEWALK
4. EXISTING AND NEW DRIVE
5. EXISTING AND NEW DRIVE DRIVE
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MILWAUKEE ROAD



SITE PLAN

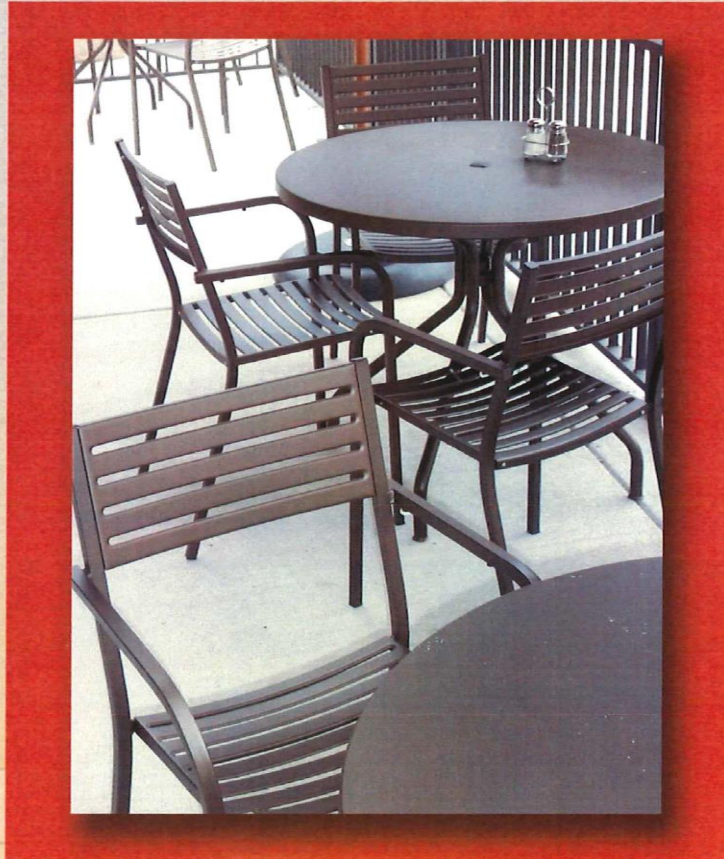
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NOODLES & COMPANY (#240)
 2900 MILWAUKEE ROAD
 BELOIT, WI 53511
 FOR
NOODLES & CO.
 520 ZANG ST. STE D, BROOMFIELD, CO 80021





TABLE / CHAIRS



MAN.: EMU

CONTACT: K.E.S.
Equipment #765, #766, #769

CHAIR DESCRIPTION: Style: Segno Outdoor / Indoor Stacking Side Chair
Model: #E268-41 AB
Const.: Sq. Tube Steel / Steel Slat / Plastic Foot Caps
Size: 18"W x 20.5"D x 17.5"H @ seat x 33"H @ back
Color: Antique Bronze

TABLE DESCRIPTION: Style: Segno Outdoor / Indoor Umbrella Table
Model: #E823-41 AB (36" round), #E828-41 AB (32" round)
Const.: Tube Steel / Solid Steel / One Adj. Foot Cap
Size: 29.5"H
Color: Antique Bronze



UMBRELLAS



TUUCI 6.5' Square Plantation Parasol

FRAME CONSTRUCTION:

- Durateak Frame Structure
- TUUCI's Patented Independent Bracket Hub System
- Manual Lift with Stainless Steel Security Pin
- Stainless Steel Hardware
- Modular Design Allows for Easy Parts Replacement

CANOPY CONSTRUCTION:

- Sunbrella 100% Solution Dyed Acrylic Fabric Canopy.
- Red Jockey Canopy with Matching Vent Acrylic Binding
- Ballistic-Reinforced Vent and Pocket Construction
- Market Profile Canopy
- NOODLES•SOUPS•SALADS Logo on All Valances

BASE:

- 24" round, 95 lb aluminum, concrete filled base, powder coated black with Auto-Cam Lock and stainless steel security plate with "star" handle security knob.
- *Head clearance with Base = 80"

July 23, 2015

NOTICE TO THE PUBLIC

To Whom It May Concern:

Chipman Design Architecture, on behalf of Noodles & Company, has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in a PUD, Planned Unit Development District, for the property located at:

2900 Milwaukee Road.

Noodles and Company will be opening soon in the building previously occupied by Arby's. The applicant has proposed a raised concrete patio on the northwest side of the building facing Milwaukee Road. The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, August 5, 2015, 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, August 17, 2015, 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 Alex Morganroth in the Planning Division at (608) 364-6708 or morganrotha@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail

owner_last_name	owner_first_name	owner_address_line1	owner_city	owner_state	owner_zip
AMUSEMENT BROKERS LTD	JOHN PATCH DBA HOLIDAY INN	1875 BRANIGAN RD	BELOIT	WI	53511
BELOIT EXPRESS INC	EXPRESS	2790 MILWAUKEE RD 1903 STANLEY GAULT	BELOIT	WI	53511
ARC CAFEUSA001 LLC	% WENDYS 082591	PKWY	LOUISVILLE	KY	40223