



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, August 17, 2015**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
4. PUBLIC HEARINGS
 - a. Resolution approving a **Conditional Use Permit** to allow outdoor seating area and outdoor sales, possession, & consumption of alcohol in a PUD, Planned Unit Development District for property located at 2900 Milwaukee Road (Noodles & Company) (Christensen) Plan Commission recommendation for approval 5-0
 - b. Resolution approving the **Vacation** of Tuck-A-Way Lane in the City of Beloit Rock County, Wisconsin (Christensen) Plan Commission recommendation for approval 5-0
 - c. Ordinance amending the City of Beloit **Zoning District Map** to change the zoning district classification of the property located at 2460 Milwaukee Road from C-1, Office District and M-2, General Manufacturing District to PLI, Public Lands and Institutions District (Christensen) Plan Commission recommendation for approval 4-1 First reading,
5. CITIZEN PARTICIPATION
6. CONSENT AGENDA

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

- a. Approval of the **Minutes** of the regular meeting of August 3, 2015 (Stottler)
- b. Resolution approving a **Class "A" Beer License** for Dave's Bait & Tackle, 901 Bayliss Avenue, David C. Huyck, Owner (Stottler) ABLCC recommendation for approval 7-0
- c. Resolution approving **Change of Agent** for Speedway LLC, d/b/a Speedway #4087, located at 148 Liberty Avenue from Susan Keough to Jennifer Hill (Stottler) ABLCC recommendation for approval 7-0
- d. Resolution approving an amendment to the **Class "B" Beer and Reserve "Class B" Liquor License** for Kyotai, Corp., d/b/a Zen Sushi & Grill, 430 East Grand Avenue, Suite 101, Tai K. Park, Agent (Stottler) ABLCC recommendation for approval 7-0
- e. Application for a **Class "A" Beer License** for Mexico Dominicana Inc., d/b/a Mexico Dominicana, located at 854 Henry Avenue, Angel Rodriguez, Agent (Stottler) Refer to ABLCC

- f. Resolution authorizing **Final Payment** of Public Works Contract C14-04, Gateway Sewer and Water Extension (Boysen)
- g. Proposed Ordinance to repeal and recreate Section 5-400 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances for the City of Beloit relating to **Floodplain Zoning Districts** (Christensen) Refer to Plan Commission

7. ORDINANCES –none

8. APPOINTMENTS –none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER’S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution authorizing the City of Beloit to withdraw from the **Local Government Property Insurance Fund** (Miller)

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: August 12, 2015
Lorena Rae Stottler
City Clerk
City of Beloit
www.beloitwi.gov

You can watch this meeting live on Charter PEG 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.

RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OUTDOOR SEATING AREA WITH ALCOHOL IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR THE PROPERTY LOCATED AT 2900 MILWAUKEE ROAD

WHEREAS, the application of Chipman Design Architecture, on behalf of Noodles and Company, 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, 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 PUD, Planned Unit Development District, for the property located at 2900 Milwaukee Road in the City of Beloit, for the following described premises:

Lot 1 of CSM Volume 14 Pages 133-135, located in the City of Beloit, County of Rock, State of Wisconsin (also known as 2900 Milwaukee Road, parcel number 22910850). Said parcel contains .5544 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 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 in order to alert customers on the patio to use the outside exit.
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.

Adopted this 17th day of August, 2015.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Conditional Use Permit Application for property located at 2900 Milwaukee Road

Date: August 17, 2015

Presenter(s): Julie Christensen

Department: Community Development

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 16 by 24 feet concrete patio on the northwest side of the building facing Milwaukee Road. According to the applicant, the furniture in the outdoor seating area will include 4 to 5 tables with umbrellas and chairs, with seating for 16 customers.
- 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.
- 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 has not applied for a license to sell alcoholic beverages both indoors and outdoors on the proposed patio.
- The Plan Commission reviewed this item on August 5, 2015, and voted unanimously (5-0) to recommend approval of the Conditional Use Permit, subject to the four conditions recommended by Planning staff.

Conformance to Strategic Plan:

- Consideration of this request supports Strategic Goal #5.

Sustainability:

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – 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: 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 16 by 24 feet 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

Location & Zoning Map

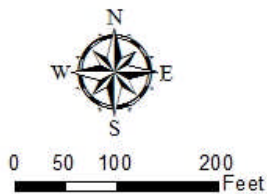
2900 Milwaukee Road

CU-2015-09



Legend

- COB Parcels
- Zoning District



PLANNING AND BUILDING SERVICES DIVISION

Map prepared by: Alex Morganroth
 Date: July 2015
 For: City of Beloit,
 Planning & Building Services
 Date of Aerial Photography: April 2011

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 / _____ / ekivland@chipman-design.com
(Office Phone #) (Cell Phone #) (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.

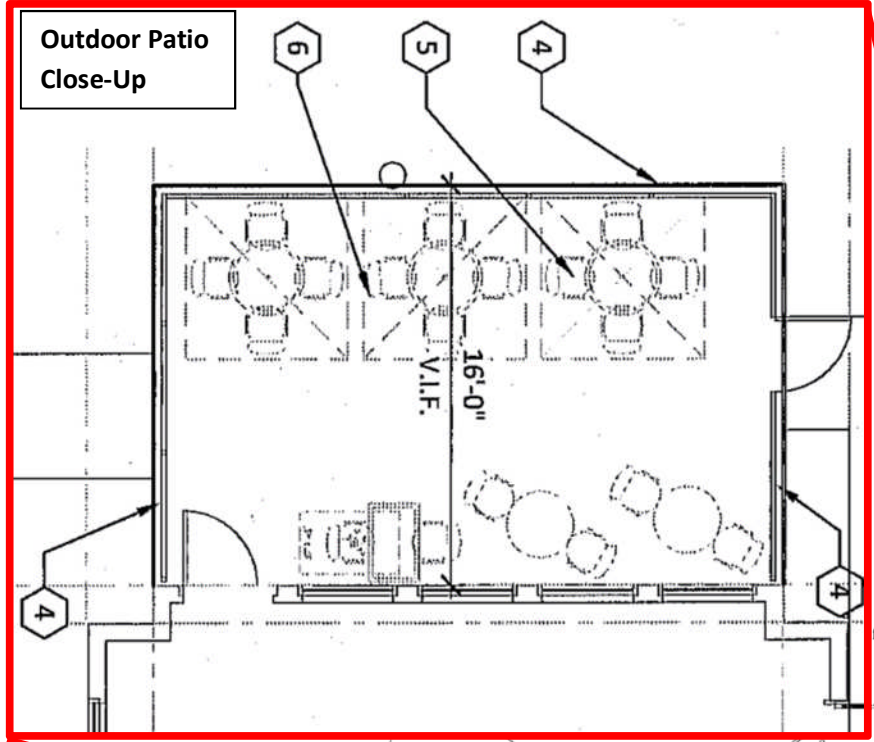
John W. Patch / JOHN W. PATCH / 7.9.15
(Signature of Owner) (Print name) (Date)

Elizabeth Kivland / 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: <u>\$275.00</u>	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>	



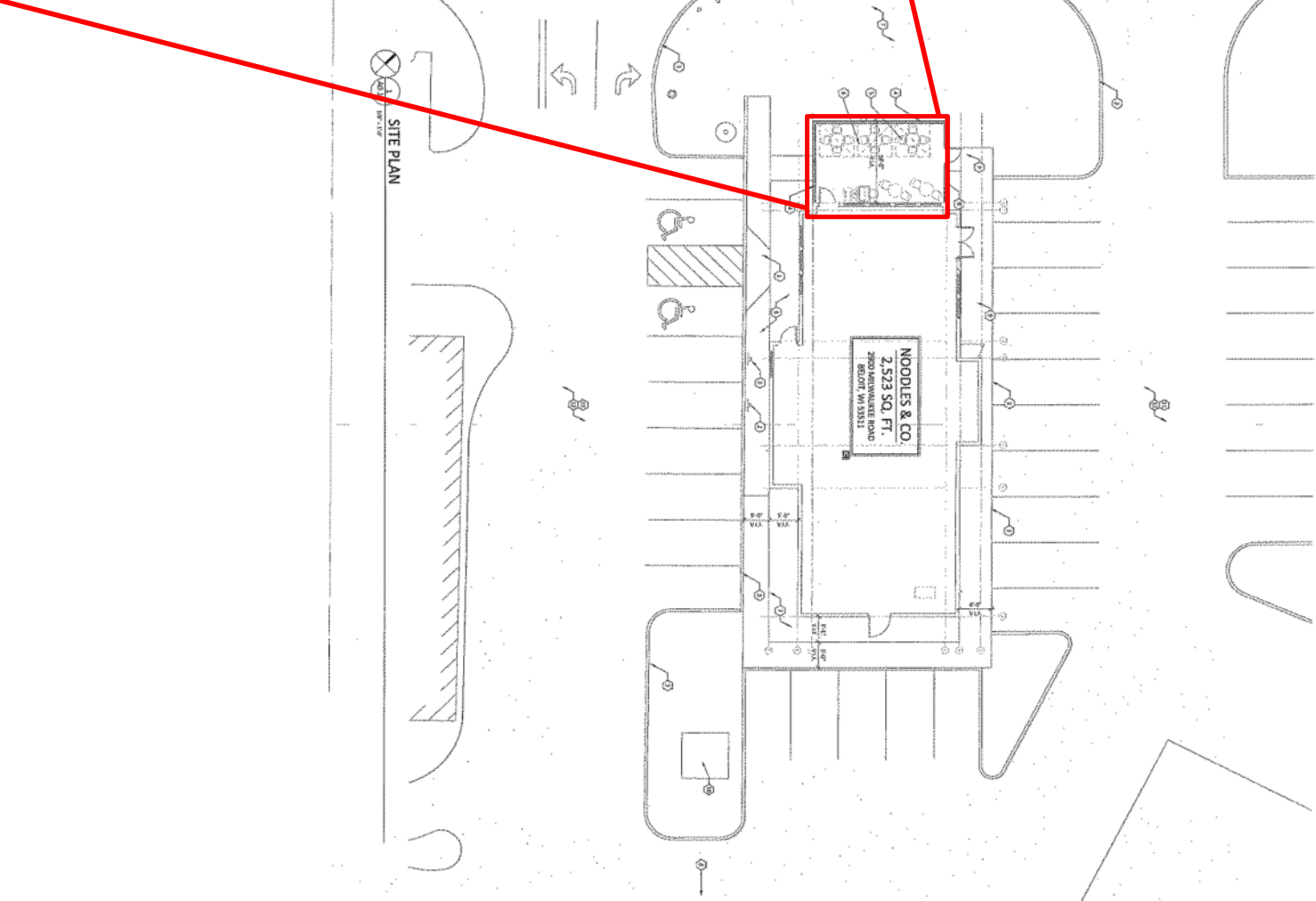
Outdoor Patio
Close-Up

GENERAL NOTES

1. EXISTING CONDITIONS TO REMAIN UNLESS NOTED OTHERWISE.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BELLOFT, WISCONSIN.
3. ALL MATERIALS SHALL BE APPROVED BY THE CITY OF BELLOFT, WISCONSIN.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
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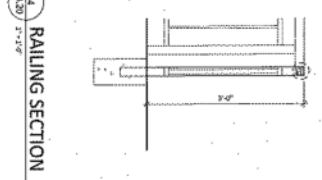
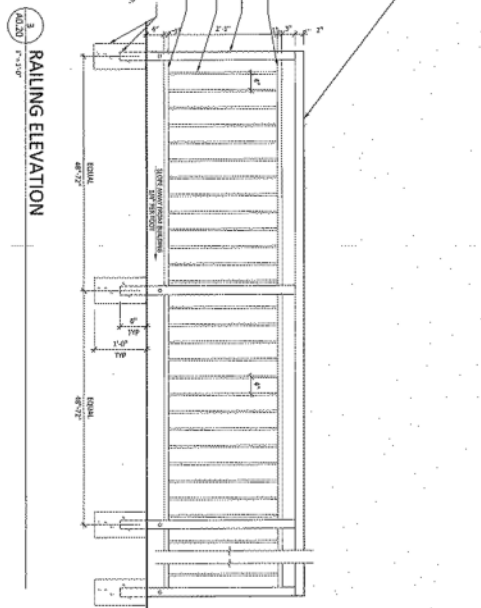
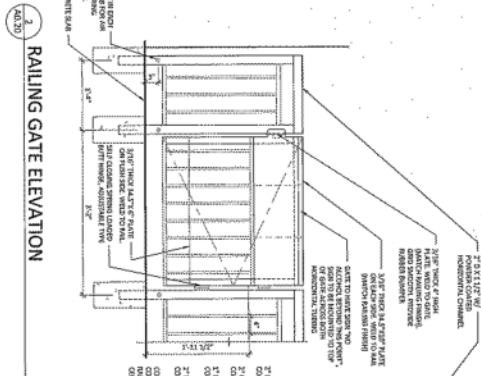
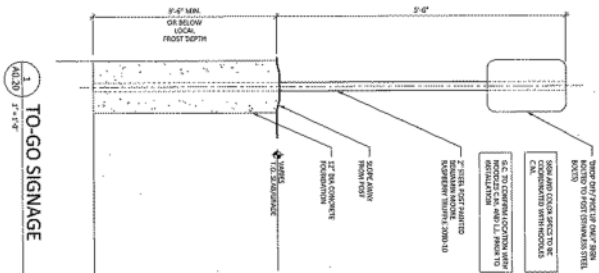
KEY NOTES

1. EXISTING CONDITIONS TO REMAIN UNLESS NOTED OTHERWISE.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BELLOFT, WISCONSIN.
3. ALL MATERIALS SHALL BE APPROVED BY THE CITY OF BELLOFT, WISCONSIN.
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10. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.



A0.10	SIT PLAN	PROJECT NUMBER: 15-5006	PROJECT NAME: Noodles & Company (#240)	PROJECT ADDRESS: 2900 MILWAUKEE ROAD, BELLOFT, WI 53511	CLIENT: NOODLES & CO., 520 ZANG ST. STE D, BROOMFIELD, CO 80021	DATE: 01/20/2015	DRAWN BY: [Name]	CHECKED BY: [Name]	SCALE: AS SHOWN





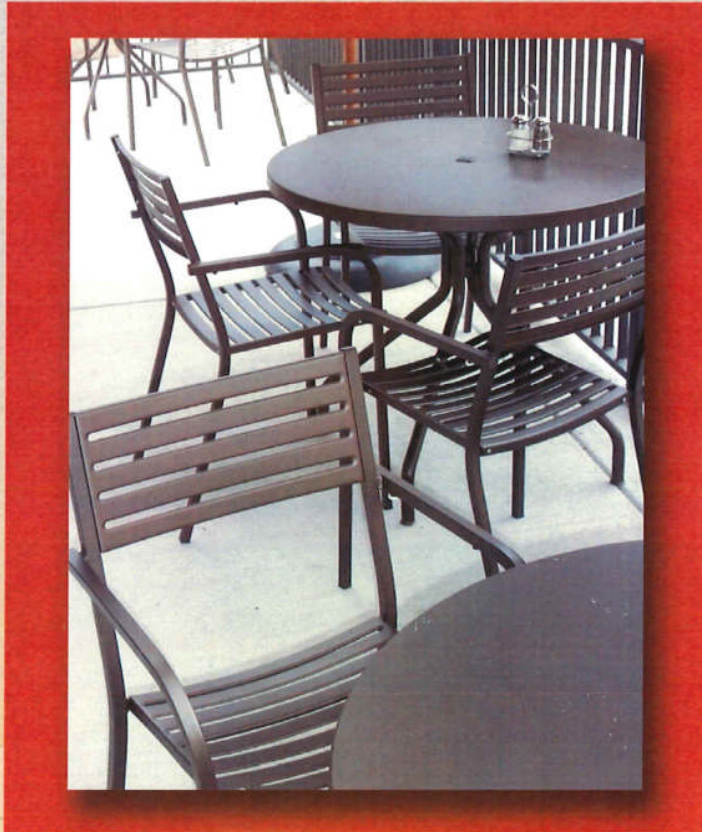
- GENERAL NOTES**
- REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.
 - ALL MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR.
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A0.20	SITE DETAILS	PROJECT: 15-3008	NOODLES & COMPANY (#240)
		DATE: 04-20-2015	2900 MILWAUKEE ROAD BELOIT, WI 53511
FOR: NOODLES & CO.		520 ZANG ST. STE D, BROOMFIELD, CO 80021	
DESIGNED BY: [Signature]		DRAWN BY: [Signature]	
CHECKED BY: [Signature]		DATE: 04-20-2015	
SCALE: AS SHOWN		PROJECT NO: 15-3008	
SHEET NO: 1 OF 1		SHEET TITLE: RAILING DETAILS	





TABLE / CHAIRS



MAN.: EMU

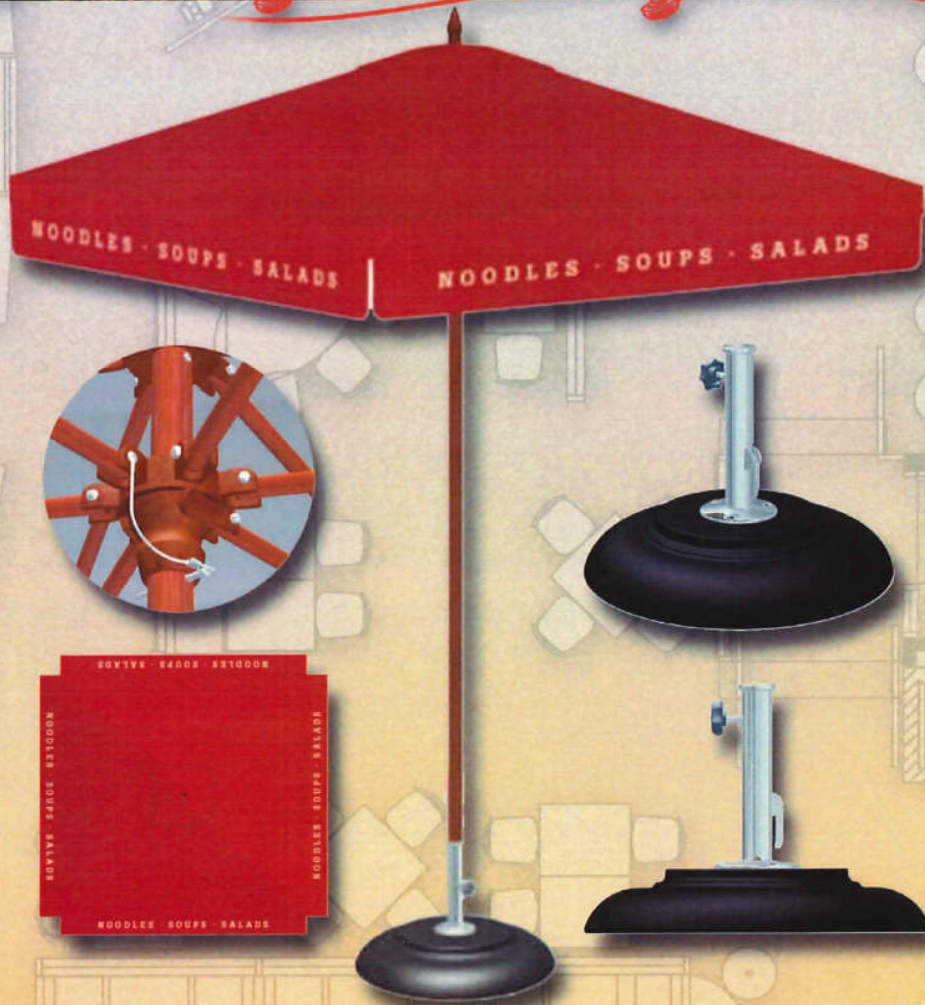
CONTACT: K.E.S.
Equipment #765, #766, #769

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

RESOLUTION
APPROVING THE VACATION OF TUCK-A-WAY LANE
IN THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN

WHEREAS, the City Council of the City of Beloit, Rock County, Wisconsin has considered whether to discontinue and vacate Tuck-A-Way Lane in the City of Beloit, Rock County, Wisconsin; and

WHEREAS, the City Council of the City of Beloit deems such proposal to be in the public interest and a proper matter for consideration by the City Council, as provided by Wisconsin Statutes; and

WHEREAS, the existing public utility facilities in the vacated right-of-way shall retain utility easement and incidental rights in accordance with Section 66.1005 of Wisconsin Statutes; and

WHEREAS, notice of public hearing has been given as provided by law, and proof of publication is now on file herein.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN:

1. That the public interest requires the vacation of Tuck-A-Way Lane in the City of Beloit, Rock County, Wisconsin, described as follows:

Tuck-A-Way Lane as dedicated on Parkmeadow North Plat No. 3, City of Beloit, Rock County, Wisconsin.

2. That said road, afore described be, and hereby is, vacated as a public right-of-way and returned to the petitioner, subject to a blanket utility easement.
3. That the City Clerk shall file a certified copy of this Resolution, along with the Plat of Vacation, with the Register of Deeds of Rock County, Wisconsin.

Adopted this 17th day of August, 2015.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Lorena Rae Stottler, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Petition for Vacation of Tuck-A-Way Lane

Date: August 17, 2015

Presenter(s): Julie Christensen

Department: Community Development

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 (maximum of 5):

- 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 project, so Tuck-A-Way Lane has remained a 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 already 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.
- The Plan Commission reviewed this item on August 5, 2015 and voted unanimously (5-0) to recommend approval of this vacation.

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: 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 herein.

2014 PUD Plan



PLANNING
DESIGN
CONSTRUCTION

PDC MIDWEST, INC.
110 JAMES DRIVE, SUITE 100
WEST HART, WI 53190
T: 414.367.7778 F: 414.367.9774
WWW.PDCMIDWEST.COM

PROJECT
BELOIT
SENIOR CAMPUS

HART RD.
BELOIT, WI 53511

OWNER
CHAMBERS IV, LLC
2916 N. HALL ROAD
WHITEWATER, WI 53190

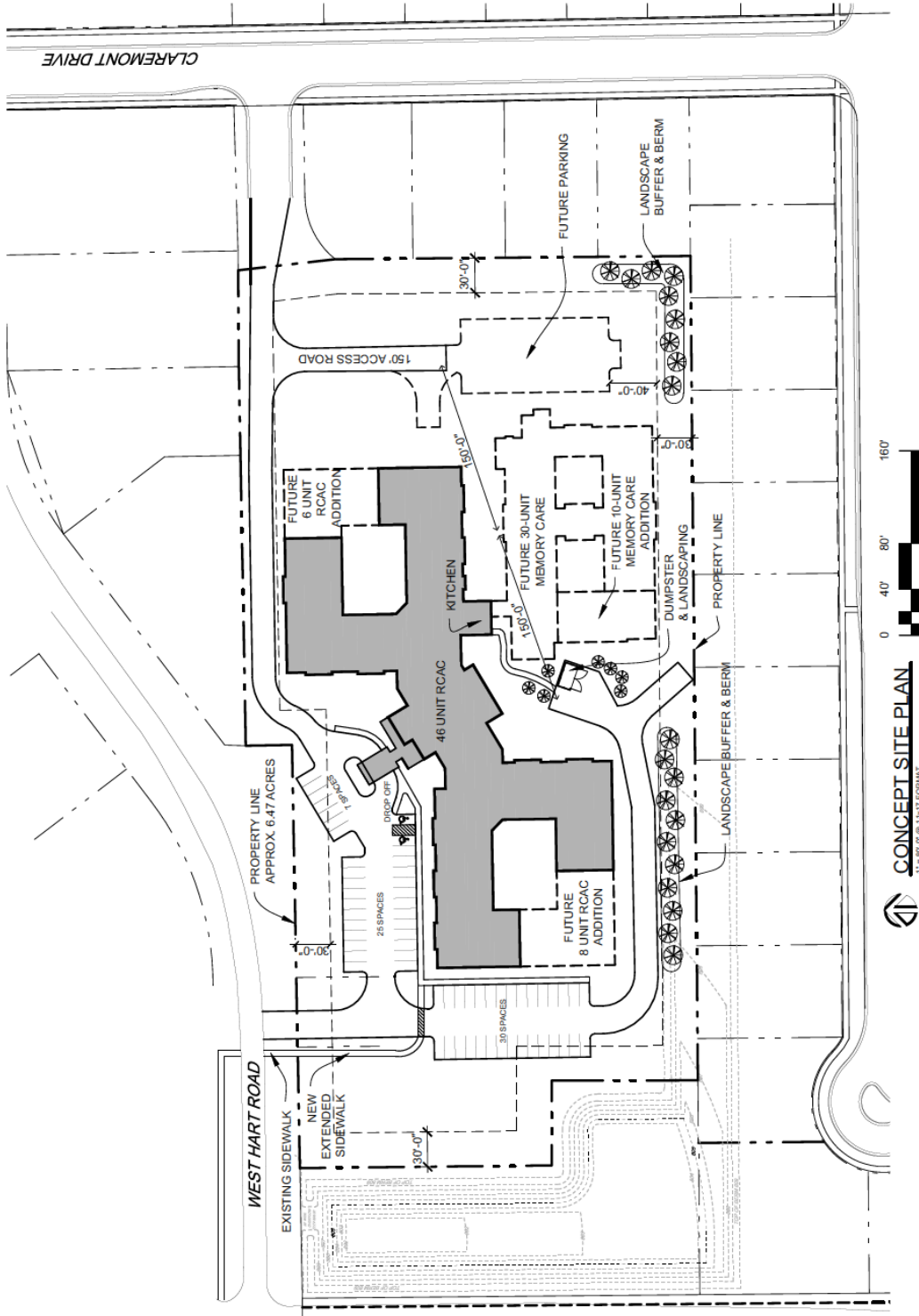
STATUS
PLAN COMMISSION
December 17, 2014

PROJECT NO. DATE
14040 12/17/14
DRAWN BY CHECKED
JMP PDJ

SHEET TITLE
CONCEPT SITE
PLAN

SHEET NUMBER
C1.1
Copyright © 2014

BELOIT
PLAN COMMISSION

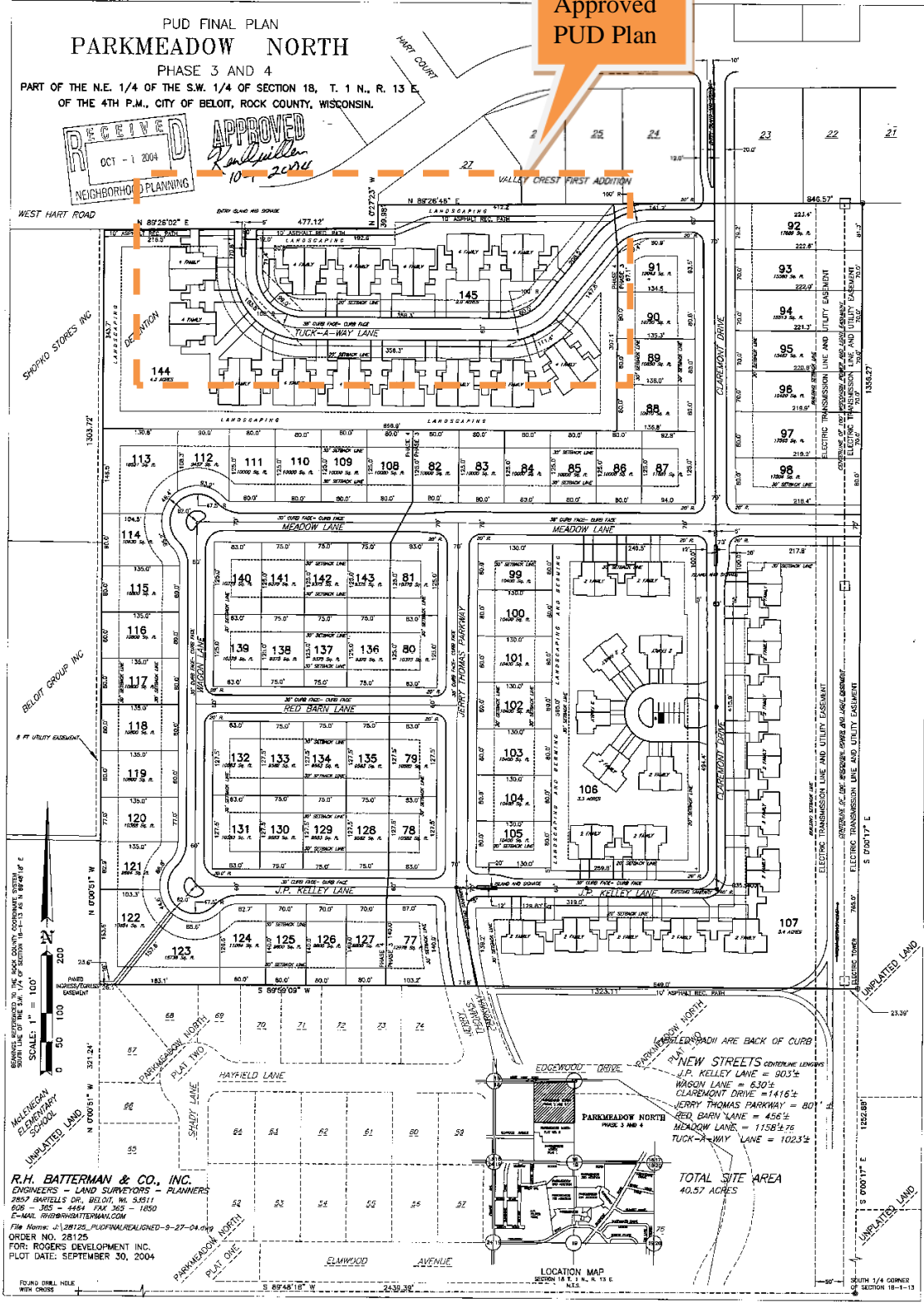


2004
Approved
PUD Plan

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.



SWATERS SURVEYED IN THE ROCK COUNTY CORNERED NORTH 1/4 OF SECTION 18, T. 1 N., R. 13 E. OF THE 4TH P.M., CITY OF BELoit, ROCK COUNTY, WISCONSIN. SCALE: 1" = 100'

R.H. BATTERMAN & CO., INC.
ENGINEERS - LAND SURVEYORS - PLANNERS
2607 BARTLETT DR., BELoit, WI 53511
608-363-4464 FAX 608-363-1830
E-MAIL: RB@RHBBATTERMAN.COM
File Name: J:\28125_PUDFINAL\REALIGNED-3-27-04.dwg
ORDER NO. 28125
FOR: ROGERS DEVELOPMENT INC.
PLOT DATE: SEPTEMBER 30, 2004

LOCATION MAP
SECTION 18 T. 1 N. R. 13 E.
N.E. 1/4 CORNER OF SECTION 18-1-13

TOTAL SITE AREA
40.57 ACRES



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</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>Drew 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 BELOIT, ROCK COUNTY, WISCONSIN.

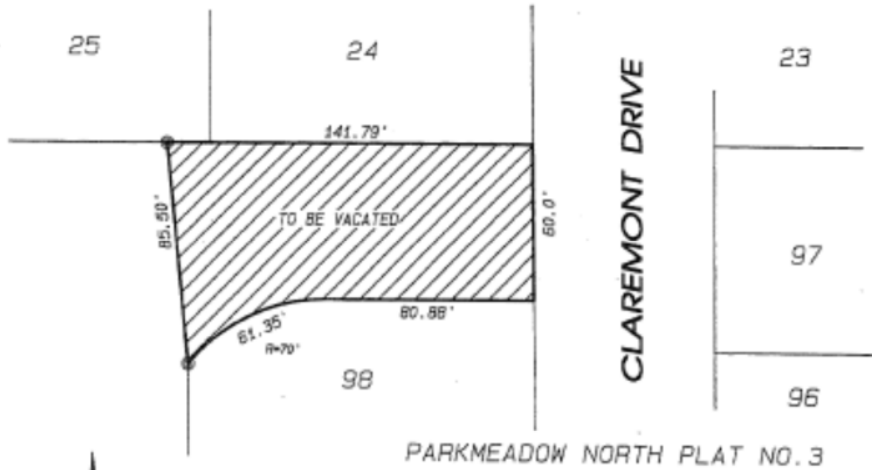
Ronald J. Combs

RONALD J. COMBS, PLS NO. 1330

If the surveyor's signature is not red in color, the map is a copy and may 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

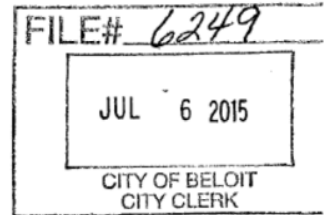
DATE: JUNE 16TH, 2015

Combs & Associates

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. Milwaukee St.
Janesville, WI 53549
www.combsurvey.com

tel: 608 752-0575
fax: 608 752-0574



**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

VA-2015-01, Vacation of Tuck-A-Way Lane, Council Resolution + Referral to Plan

VA-2015-01, Vacation of Tuck-A-Way Lane, Council Report



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.

ORDINANCE NO. _____

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

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

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

The following described land, also known as 2460 Milwaukee Road, is hereby changed from C-1, Office District to PLI, Public Lands & Institutions District:

Lot 2 of a Certified Survey Map as recorded in Volume 21, Pages 335-338 in the Certified Survey Maps of Rock County, located in the City of Beloit, Rock County, Wisconsin. Said parcel contains 10.08 acres, more or less.

The following described land, also known as 1420 Office Park Lane, is hereby changed from M-2, General Manufacturing District to PLI, Public Lands & Institutions District:

Lot 2 of a Certified Survey Map as recorded in Volume 28, Pages 62-63 in the Certified Survey Maps of Rock County, located in the City of Beloit, Rock County, Wisconsin. Said parcel contains 4.06 acres, more or less.

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

Adopted this ____ day of _____, 2015.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Lorena Rae Stottler, City Clerk

Published this ____ day of _____, 2015

Effective this ____ day of _____, 2015

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment for the properties located at 2460 Milwaukee Road & 1420 Office Park Lane

Date: August 17, 2015

Presenter(s): Julie Christensen

Department: Community Development

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.

Key Issues (maximum of 5):

- 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 and serves to guide land use decisions in the City.
 - Section 66.1001(3) of Wisconsin Statutes requires that if a local government establishes or amends an official zoning map, such as the actions proposed in this request, the actions must be consistent with the local government's comprehensive plan. This "consistency requirement" serves two purposes: to encourage local governments to follow their long term plans illustrated in the Comprehensive Plan and to establish the Comprehensive Plan as a guiding document for land use actions.
 - Rezoning the subject properties to PLI is consistent with the land use recommendation illustrated in the Comprehensive Plan's Future Land Use Map and will comply with the State's requirement for consistency between zoning actions and 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.
- Councilman Kincaid requested "residential" be added to the land uses listed as compatible with the proposed rezoning found in sub-section (a) of the Findings of Fact section of the Plan Commission Report.
- 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.
- Central Christian Church has requested that City Council suspend the rules and hold both 1st and 2nd readings at the August 17, 2015 meeting.
- The Plan Commission reviewed this item on August 5, 2015 and voted (4-1) to recommend approval of this Zoning Map Amendment.

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

Action required/Recommendation:

- City Council consideration and adoption of the proposed Ordinance

Fiscal Note/Budget Impact: N/A

Attachments: Ordinance and Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: 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.

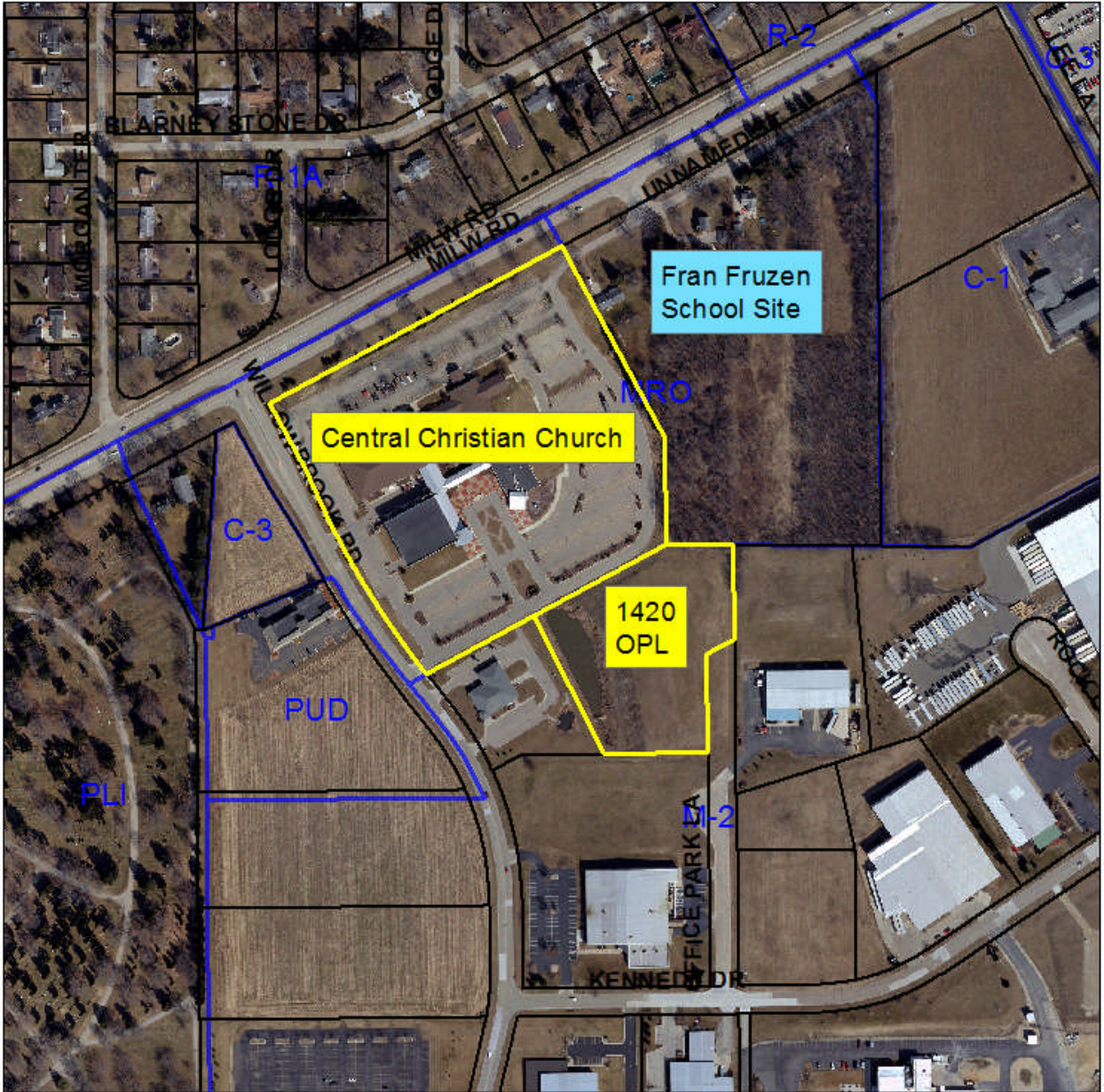
Fiscal Note/Budget Impact: N/A

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

0 50 100 200 300 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@centralwined.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.

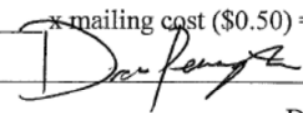
I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning 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.

x 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: _____	* 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

DAVID & SUSAN VOGELSON
2510 BLARNEY STONE
BELOIT, WI 53511



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, August 3, 2015

Presiding: Charles M. Haynes
Present: Sheila De Forest, Regina Hendrix, Ana Kelly, Chuck Kincaid, David F. Luebke,
Marilyn Sloniker (Councilors De Forest and Luebke joined by telephone)
Absent: None

1. President Haynes called the meeting to order at 7:00 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
 - a. Councilor Hendrix presented a Proclamation declaring August 4, 2015 as **National Night Out** and Interim Police Chief Zibolski. Chief Zibolski invited the community to come out and meet their neighbors and socialize with law enforcement.
4. PUBLIC HEARING
 - a. Community Development Director, Julie Christensen, presented a resolution authorizing a **Conditional Use Permit** to allow a single-family attached dwelling in C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue. The key issues are:
 - Single-Family Attached Dwellings are allowed as conditional uses in a C-2 District. The applicant has proposed allowing a residence on the second floor of the building on the subject property.
 - The applicant has stated the intention to reside in (or eventually rent out) this dwelling.
 - The applicant recently purchased the building and has opened a dog grooming business on the first floor.
 - The second floor is not currently set up as a living space. The applicant will be making the appropriate improvements in order to meet all requirements for residential uses in the Building Code.
 - The Plan Commission reviewed this item on July 22, 2015, and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by the Planning staff.
 1. This Conditional Use Permit authorizes a single-family attached dwelling in a C-2, Neighborhood Commercial District.
 2. The applicant must obtain all necessary building permits for the improvements that will be required to convert the second story into a residence.
 3. The applicant must apply for and obtain a Certificate of Occupancy before moving into the residence.
 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.

President Haynes opened and closed the public hearing. Councilors Kelly and Hendrix made a motion to adopt the resolution. Motion carried unanimously on a roll call vote of 7-0. File 8614
 - b. Community Development Director, Julie Christensen, presented a resolution authorizing a **Conditional Use Permit** to allow the sale of alcoholic beverages in C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue (DBA Dave's Bait and Tackle). The key issues are:
 - The sale of alcoholic beverages is allowed as a conditional use in a C-2 District. The applicant has proposed allowing the sale of alcoholic beverages in the bait and tackle shop to be located on the subject property.

- Approval of the CUP would allow the applicant to sell alcoholic beverages in the shop.
- The previous tenant of the building, Dick's Bait and Tackle, sold beer and held an alcohol license until 2011.
 - The business closed in 2011 and the building on the subject property has been vacant since then.
 - The current tenant and applicant, Mr. Huyck, has a five-year lease on the building.
- If a Conditional Use Permit is granted, the applicant must also obtain an Alcohol Beverage License before any alcoholic beverages may be legally sold on the subject property.
- The applicant has indicated that beer will be the only type of alcohol to be sold at the shop.
- The property is located within 300 feet of a church. However, the prohibition within 300 feet of a church only applies to liquor licenses, not beer licenses.
- The Plan Commission reviewed this item on July 22, 2015, and voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by the Planning staff.

President Haynes opened and closed the public hearing. Councilors Luebke and Sloniker made a motion to adopt the resolution. Motion carried on a roll call vote of 7-0. File 8694

- c. Community Development Director, Julie Christensen, presented a resolution authorizing a **Conditional Use Permit** to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue (DBA Zen Sushi & Grill). The key issues are:
- Zen Sushi & Grill will be opening soon on the ground floor of the Phoenix building. The applicant has proposed the use of the raised concrete patio area on the west side of the Phoenix building, adjacent to the ramp leading from E. Grand Avenue to the rear of the building. The patio is partially covered by an existing pergola. According to the applicant, the furniture in the outdoor seating area will include tables & chairs as well as lounge-style seating (e.g. outdoor couches), with seating for 24 customers.
 - The existing patio area was approved by Planning staff along with the building in 2013 with the expectation that Hendricks Commercial Properties would eventually lease the westernmost storefront to a restaurant tenant.
 - The applicant has also applied for a Sidewalk Café License to place tables & chairs on the sidewalk in front of the building. Sidewalk Café Licenses are approved by Planning staff, following consultation with the Downtown Beloit Association Board of Directors, and are issued by the City Clerk's Office.
 - 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 Plan Commission reviewed this item on July 22, 2015, and removed a condition requested by the Fire Department which would have prohibited tables with an open flame. Following removal of the fire table prohibition, the Plan Commission voted unanimously (6-0) to recommend approval of the Conditional Use Permit, subject to the other four conditions recommended by Planning staff. The Fire Department's requested condition, which was part of the staff recommendation but subsequently removed by the Plan Commission, stated that "the applicant may not use tables or other furnishings that create an open flame, regardless of fuel type or source."

President Haynes opened and closed the public hearing. Councilors Kincaid and Sloniker made a motion to adopt the resolution. Motion carried on a roll call vote of 7-0. File 8540.

5. CITIZEN PARTICIPATION

- Craig Zastrow, 1631 E. Ridge Road, representative of Central Christian Church, spoke in favor of agenda item 7.a. Electronic Sign Ordinance. He presented the Council a sample specification of the sign they are prepared to install, as well as photographs of the property showing the proposed location of the sign.
- Janelle Marotz, 2450 Cranston Road, representative of the Beloit School District spoke in favor of agenda item 7.a. Electronic Sign Ordinance. She said the school district would like to install a sign at Aldrich Middle School
- David Clark, 2735 Riverside Drive, representative of Central Christian Church spoke in favor of item 7.a. Electronic Sign Ordinance. He stated that they are a contemporary church offering many community services and events and their existing sign is already 25 years old.

He said that they would like an electric sign that could accommodate the languages services, and events they currently make available.

- Jim Van De Bogart, 2091 Collingswood Drive, spoke in opposition of item 7.a. Electronic Sign Ordinance. He stated the potential for increased accident rates, as well as increased financial enforcement. He also shared concerns of setting off an ad war among the various signs.
- Mark Smullen, Principal at Aldrich Intermediate School, spoke in favor of item 7.a. Electronic Sign Ordinance. He said he hopes the Council will consider allowing the school to update their sign, he said that the sign is very tall requiring a 14 foot ladder, which proves unsafe in the winter months. He said they are seeking a one color, one message sign and compared their request to the digital displays used at CVS Pharmacy and noted that he hasn't noticed an increased in accidents due to its placement.

6. CONSENT AGENDA

Councilors Sloniker and Hendrix made a motion to adopt the Consent Agenda, which consist of items 6.a through 6.c. Motion carried unanimously on a roll call vote 7-0.

- a. The Minutes of the regular meeting of July 20, 2015 were approved.
- b. The application for a **Conditional Use Permit** to allow outdoor seating area and outdoor sales, possession, & consumption of alcohol in a PUD, Planned Unit Development District for property located at 2900 Milwaukee Road (DBA Noodles and Company) was referred to Plan Commission. File 8616
- c. The application for a Zoning Map Amendment to change the zoning district classification of the property located at 2460 Milwaukee Road from C-1, Office District and M-2, General Manufacturing District to PLI, Public Lands and Institutions District was referred to Plan Commission. File 8107

7. ORDINANCES

- a. Community Development Director, Julie Christensen, presented a proposed Ordinance to amend Sections 30.17(1)(b)2, (b)3, (b)6 and (b)7a of the Code of General Ordinances of the City of Beloit pertaining to **Electronically Variable-Message Signs**. The key issues are:
 - Section 1 of the proposed Ordinance adds the PLI zoning district to the list of zoning districts permitted to have EVM signs as secondary, on-premise signs.
 - Section 2 establishes maximum sign areas for EVM signs in the PLI zoning districts.
 - Section 3 changes where EVM signs are allowed to be located with regards to the vision triangle.
 - The Plan Commission reviewed this item on July 8, 2015, and voted unanimously (6-0) to recommend approval of the Sign Ordinance with two modifications.
 - Location: The original version of the Sign Ordinance proposed permitting EVM signs in PLI and C-1 zoning districts. The Plan Commission recommended only allowing EVM signs in the PLI zoning district.
 - Operating Time: The original version of the Sign Ordinance proposed establishments with EVM signs only have time restrictions if they abut a residential district. The Plan Commission recommended adding time restrictions on EVM signs for establishments that either abut a residential district OR are located directly across from a residential district.
 - There are 155 parcels zoned PLI in the City of Beloit. Of these 155 parcels, 70 are owned by the City of Beloit, 28 are owned by Beloit College, and 21 are owned by the School District of Beloit. Churches and private cemeteries are located on 12 parcels zoned PLI. The remaining parcels are owned by a variety of owners, including Alliant Energy, Beloit Health System, Historical Society, YMCA, US Army, Family Services, and the Boys and Girls Club.

Councilors Luebke and Sloniker made a motion to enact as presented. Councilor Kincaid said he does not believe this ordinance has the City headed in the right direction. Councilor Kelly has multiple concerns about the sign ordinance in general and believes the entire ordinance is due for review. Motion carried on a roll call vote of 5-2, with Councilors Kelly and Kincaid voting against. The full text of the Ordinance may be obtained from the City Clerk's Office, 100 State Street, Beloit, WI for a charge of 25 cents/page. The Clerk's phone number is 608-364-6680. Said Ordinance may also be accessed by clicking "City Ordinances" at the City's Website, which is www.beloitwi.gov. File 6068. Ordinance 3555

- b. Fire Chief, Bradley Liggett presented a proposed ordinance to Repeal and Recreate Section 1.10 of the Code of General Ordinances for the City of Beloit pertaining to **Emergency Management**. Chief Liggett explained that the key areas are: Summary of the subject matter and main points of the Ordinance are as follows:
- Reorganizes the Emergency Management function and reassigns these duties to operate under the auspices of the Fire Department.
 - Reflects changes in the continuity of government line of succession for the City Manager.
 - Expands involvement of all the city management team in emergency management
 - Adopts minimum training standards for all employees in compliance with the National Incident Management System.
 - Adopts the National Incident Management System as our common operating platform for incident management

Councilors Kincaid and Sloniker made a motion to enact as presented. Motion carried unanimously by voice vote 7-0. The full text of the Ordinance may be obtained from the City Clerk's Office, 100 State Street, Beloit, WI for a charge of 25 cents/page. The Clerk's phone number is 608-364-6680. Said Ordinance may also be accessed by clicking "City Ordinances" at the City's Website, which is www.beloitwi.gov. File 6543. Ordinance 3556.

8. APPOINTMENTS - None

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor De Forest thanked Firefighters and EMS for their responding to multiple fires this past week. She said she attended the Stop the Violence event and the Porter Avenue walking group and noted the sense of organization and community in both. She attended the US State Departments Women in Leadership event and said she is looking forward to the street dance this Friday, where she'll be volunteering.
- Councilor Sloniker attended the Police and Fire Commission meeting and was pleased to see Officers being recognized for their work and dedication. She also attended the Stop the Violence event, toured the Police Department and attended the Women in Leadership event.
- Councilor Hendrix expressed her gratitude to the Beloit Police Department who took the time for thirty of her students to tour the department and participate in a Q&A. She encouraged everyone to participate in National Night Out.
- Councilor Kincaid said he was on vacation and is trying to catch up.
- Councilor Kelly said that she is looking forward to hosting a neighborhood party for tomorrow's National Night Out.
- Councilor Haynes encouraged everyone to participate in National Night Out.

10. CITY MANAGER'S PRESENTATIONS - none

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Director of Water Resources presented a resolution approving the **2014 Wastewater Utility Wisconsin DNR Compliance Maintenance Annual Report**. Councilors Kelly and Sloniker made a motion to approve. Motion carried unanimously by voice vote 7-0. File 5303
- b. Community Development Director, Julie Christensen, presented a resolution approving and authorizing the City Manager to enter into a **Development Agreement** with Chambers IV, LLC regarding relocation of public utilities on the property located at 2250 W. Hart. Councilors Kincaid and Sloniker made a motion to approve. Motion carried unanimously by voice vote 7-0. File 8665

12. Councilor's Sloniker and Hendrix made a motion to adjourn the meeting at 8:12 pm. Motion carried

Lorena Rae Stottler, City Clerk

www.beloitwi.gov

Date approved by Council:

**RESOLUTION APPROVING A CLASS "A" BEER
LICENSE**

WHEREAS, an application has been received for a Class "A" Beer License from Dave's Bait & Tackle, David C. Huyck, Owner, located at 901 Bayliss Avenue;

WHEREAS, the Alcohol Beverage License Control Committee recommended approval of this Class "A" Beer License for the 2015-2016 license year.

NOW, THEREFORE, BE IT RESOLVED that the Class "A" Beer License for Dave's Bait & Tackle, David C. Huyck, Owner, located at 901 Bayliss Avenue is hereby approved.

Dated this 17th day of August 2015.

Charles M. Haynes, City Council President

ATTEST:

Lorena Rae Stottler, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Resolution approving a Class "A" Beer License for Dave's Bait & Tackle

Date: August 17, 2015

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information:

A new business presenting as "Dave's Bait & Tackle", has submitted an application for a Class "A" Beer License for the property located at 901 Bayliss Avenue in the City of Beloit.

Key Issues (maximum of 5):

1. Sanchez Rentals, LLC owns the building and property located at 901 Bayliss effective 6/29/2015, and has owned the restaurant "Salvador's" next door for many years.
2. The applicant wishing to do business as Dave's Bait & Tackle, David C. Huyck is a resident of Wisconsin, as required by state law. Mr. Huyck has already provided the Clerk proof of State required alcohol sellers class completion; copy of the lease with owner of 901 Bayliss Avenue, a sketch of the proposed store layout; "manual of procedures"; and the supplemental questionnaire as required for this application. The office is still waiting on proof of DOR for a seller's permit and FEIN number.
3. This property was the previous location of Dick's Bait & Tackle which has since closed. The prior business did sell alcohol or cigarettes.
4. The initial impact reports revealed the following:
 - a. City Planning revealed that the property is zoned C-2 and a conditional use permit will be required. The applicant was notified by letter to contact the city planning director, Drew Pennington to begin that process.
 - b. The Police Department's neighborhood impact survey showed that neighbors were not opposed to the issuing of this license.
 - c. The Environmental and Wastewater impact survey stated that the property historically had a similar use and would not place burden on the city's sanitary sewer system.
 - d. The Health Department reported no issues.
 - e. The Fire Department also had no objections to the issuance of this license as long as the applicant is in compliance of life safety codes and does not fall under habitual violation of fire codes.
5. The ABLCC reviewed this item on August 11, 2015 and voted unanimously (7-0) to recommend approval of the License. The Police Department had no objection to this owner.

Conformance to Strategic Plan:

This project conforms to the City's Strategic Plan Goals #2 and #5 – encouraging business development and private sector investment, and promoting high quality development in the City.

Sustainability:

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

Action required/Recommendation:

City Council consideration and action on the license..

Fiscal Note/Budget Impact:

The \$500 license fee and \$50 publication fee is budgeted in 2015 as an expected revenue in the Clerks Budget.

Attachments:

Resolution, Application, Auxiliary Questionnaires

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 1 20 15
ending June 30 20 16

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

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

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): David Charles Huyck
Dave's Bait & Tackle Huyck David Charles

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			
Vice President/Member			
Secretary/Member			
Treasurer/Member			
Agent			
Directors/Managers			

3. Trade Name Dave's Bait & Tackle Business Phone Number _____
4. Address of Premises 901 Bayless Beloit Wis 53511 Post Office & Zip Code 53511

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 _____ 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.) Room & Cooler (walk in)
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? _____
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]. Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? 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 1st day of June, 20 15

John J. Ahrens
(Clerk/Notary Public)

My commission expires 10-11-15

David C. Huyck
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(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>6-2-15</u>	Date reported to council/board <u>6-15-15</u>	Date provisional license issued _____	Signature of Clerk / Deputy Clerk
Date license granted _____	Date license issued _____	License number issued <u>N/A</u>	

Applied For

Applicant's Wisconsin Seller's Permit Number: _____	
Federal Employer Identification Number (FEIN): <u>47-4151606</u>	
LICENSE REQUESTED	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>50.00</u>
TOTAL FEE	\$

PAID 6-2-15

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Huyck</u>		(first name) <u>David</u>		(middle name) <u>Charles</u>	
Home Address (street/route) <u>2013 Church St</u>		Post Office	City <u>Beloit</u>	State <u>WI</u>	Zip Code <u>53544</u>
Home Phone Number <u>Cell 608-289-2171</u>		Age	Date of Birth	Place of Birth <u>Beloit</u>	

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

Employer's Name <u>ABM</u>	Employer's Address <u>Madison Rd Beloit</u>	Employed From <u>July 1, 2013</u>	To <u>June 5, 2015</u>
Employer's Name <u>Beloit School Dist.</u>	Employer's Address <u>Keeler Beloit</u>	Employed From <u>July 2009</u>	To <u>June 30, 2013</u>

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

Subscribed and sworn to before me

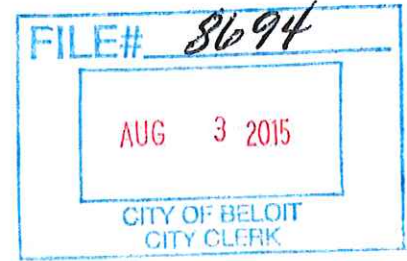
this 1st day of June, 2015

Jane J. Adams
(Clerk/Notary Public)

My commission expires 10-11-15

David C. Huyck
(Signature of Named Individual)

Printed on Recycled Paper



RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW THE INDOOR SALE OF
ALCOHOLIC BEVERAGES IN A C-2, NEIGHBORHOOD COMMERCIAL DISTRICT, FOR THE
PROPERTY LOCATED AT 901 BAYLISS AVENUE

WHEREAS, the application of David Huyck, for a Conditional Use Permit to allow the indoor sale of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow the indoor sale of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue in the City of Beloit, for the following described premises:

Lots 37 and 38, Block 2 of Perrigo Place Addition, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains .3329 acre, more or less.

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

1. This Conditional Use Permit authorizes indoor alcohol sales within the existing building located at 901 Bayliss Avenue.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. The applicant may only possess a Class A Fermented Beverage License allowing the sale of beer for off-premise consumption.
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.

Adopted this 3rd day of August, 2015.

BELOIT CITY COUNCIL



Charles M. Haynes, Council President

ATTEST:



Lorena Rac Stottler, City Clerk

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

WHEREAS, the Agent of record for Speedway LLC, d/b/a Speedway #4087, located at 148 Liberty Avenue, is Susan Keough; and

WHEREAS, Speedway LLC, d/b/a Speedway #4087, has requested and the Alcohol Beverage License Control Committee has recommended that the Agent be changed to Jennifer Hill.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that the Agent for the alcohol beverage license for Speedway LLC, d/b/a Speedway #4087, located at 148 Liberty Avenue, is hereby changed to Jennifer Hill.

Dated this 17th day of August 2015.

BELOIT CITY COUNCIL

Charles M. Haynes, City Council President

Attest:

Lorena Rae Stottler, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Resolution approving Change of Agent for Alcohol Beverage License for Speedway LLC, d/b/a Speedway #4087, located at 148 Liberty Avenue

Date: August 17, 2015

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information:

The Speedway #4087, located at 148 Liberty Avenue in the City of Beloit has requested that Jennifer Hill be appointed the new agent. At the Alcohol Beverage License Control Committee meeting (ABLCC) on August 11, 2015 it was determined that Ms. Hill meets the qualifications of an agent.

Key Issues (maximum of 5):

1. The Speedway #4087 has appointed Jennifer Hill as Agent. Ms. Hill is a resident of Wisconsin and otherwise meets the qualifications for the appointment as required by state law.
2. The ABLCC reviewed this item on August 11, 2015 and voted unanimously (7-0) to recommend approval of the Change of Agent. The Police Department had no objection to the Agent.

Conformance to Strategic Plan: N/A

Sustainability:

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

Action required/Recommendation:

City Council approval of the Change of Agent.

Fiscal Note/Budget Impact: N/A

Attachments:

Resolution, Schedule of Appointment and Auxiliary Questionnaire

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

Submit to municipal clerk.

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

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

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

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Speedway 4087
(trade name)

located at 148 Liberty Avenue, Beloit, WI 53511

appoints Jennifer Hill
(name of appointed agent)

1974 Crane Avenue, Beloit, WI 53511
(home address of appointed agent)

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

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

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

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

Place of residence last year 1974 Crane Avenue, Beloit, WI 53511

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

By: [Signature] Anthony R. Kenney, President for Speedway LLC
(signature of Officer/Member/Manager)

And: [Signature] David E. Ball, Secretary for Speedway LLC
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

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

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

[Signature] 7-22-15 Agent's age _____
(signature of agent) (date)
Jennifer Hill Date of birth - . . .
1974 Crane Avenue, Beloit, WI 53511
(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)	
HILL		JENNIFER			
Home Address (street/route)		Post Office	City	State	Zip Code
1974 CRANE AVENUE			BELOIT	WI	53511
Home Phone Number		Age	Date of Birth	Place of Birth	
608-362-0805					

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.
- Jennifer Hill, Agent of Speedway LLC (#4087)
(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? Lifetime resident
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. (Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. (Name of Wholesale Licensee or Permittee) (Address By City and County)
- Named individual must list in chronological order last two employers.

Employer's Name	Employer's Address	Employed From	To
Speedway LLC	PO Box 1500, Springfield, OH 45501	07/13/2013	PRESENT

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 27 day of July, 2015
Judith A. Nelson
(Clerk/Notary Public)

My commission expires 8-21-17

Jennifer Hill
(Signature of Named Individual)
Jennifer Hill, Agent for Speedway LLC 

RESOLUTION
APPROVING AN AMENDMENT TO THE CLASS “B” BEER AND RESERVE “CLASS B” LIQUOR LICENSE FOR KYOTAI, CORP., D/B/A ZEN SUSHI AND GRILL FOR AN OUTDOOR PREMISE EXTENSION

WHEREAS, an application has been received to amend the licensed premise description for Kyotai, Corp, d/b/a Zen Sushi & Grill, located at 430 East Grand Avenue, Suite 101, Tai K. Park, Agent; and

WHEREAS, the Alcohol Beverage License Control Committee recommended approval of the amendment for the purpose of adding an outdoor seating area to the licensed premise description; and

WHEREAS, the Division of Planning & Building Services and Beloit City Council has approved a Conditional Use Permit to allow an outdoor seating and outdoor sales in a Business Improvement District, for this property with appropriate conditions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beloit that the amendment to the licensed premise description is hereby approved and the applicant is authorized to amend the alcohol application currently on file in the City Clerk’s Office to include the outdoor premise extension.

Dated this 17th day of August 2015

Charles M. Haynes, City Council President

Attest:

Lorena Rae Stottler, City Clerk



CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Resolution approving an amendment to the Class "B" Beer and Reserve "Class B" Liquor License for Kyotai Corp., d/b/a Zen Sushi & Grill, located at 430 East Grand Avenue, Suite 101, Tai K. Park, Agent for an Outdoor Premises Extension

Date: August 17, 2015

Presenter(s): Lorena Rae Stottler

Department: City Clerk

Overview/Background Information:

Kyotai Corp., d/b/a Zen Sushi & Grill, located at 430 East Grant Avenue, Suite 101, has applied for an amendment to a "Class B" fermented Malt Beverage and Intoxicating Liquor License to amend the license to add an outdoor seating area to the licensed premise description.

Key Issues (maximum of 5):

1. The applicant applied for a Conditional Use Permit from the Division of Planning and Building Services to allow outdoor seating and outdoor sales in a Business Improvement District. The City Council approved the Conditional Use on August 3, 2015.
2. The original application included both outdoor seating on their privately owned patio and a sidewalk café permit. The owner informed the City that they would like to move forward with just the patio seating and will come back to apply for a sidewalk café permit if the additional seating is necessary, although they do not anticipate that this year.
3. The ABLCC reviewed this item on August 11, 2015 and voted unanimously (7-0) to recommend approval of the amendment to the License to serve alcohol in the outdoor seating area.

Conformance to Strategic Plan:

Consideration of this request supports Strategic Goals #3 and #4

Sustainability:

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

Action required/Recommendation:

City Council consideration and action on the amendment license application.

Fiscal Note/Budget Impact: N/A

Attachments:

Resolution, Report, Application, Map and Letter from Division of Planning and Building Services



City of
BELOIT, Wisconsin

City Clerk
100 State Street, Beloit, WI 53511
Ph: 608-364-6680; Fax: 608-364-6649

**APPLICATION FOR AMENDMENT OF "CLASS B" FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR LICENSE
OUTSIDE PREMISES EXTENSION**

Name of Licensed Premises: Zen Sushi + Grill

Address: 430 East Grand Ave, Ste. 101 Beloit WI 53511

Applicant's Name: Tai (BRIAN) Park

Phone Numbers - business and personal: (262) 780-0611 and (773) 636-6771

Purpose for requesting the outside extension:
Additional outdoor seating.

Detailed description of outside extension - include detailed drawing with dimensions:
FOR PATIO SEE ATTACHED DRAWING 202
FOR SIDEWALK CAFE SEE DRAWING 102
(Removed Per M Brantz August 10, 2015)

Signature of Applicant: [Signature]

Date of Application: 7-31-15

1. ABLCC meeting date: 8-11-15 Note: Applicant must be present.
2. City Council Agenda item for approval. Date: 8-17-15
(Applicant is encouraged to be present).
3. Applicant amends application at City Clerk's Office after Council approval.
Date of amendment: _____

FILE# 8540
AUG 3 2015

**RESOLUTION
AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW AN OUTDOOR SEATING
AREA WITH ALCOHOL IN THE CBD-1, CENTRAL BUSINESS DISTRICT – CORE, FOR
THE PROPERTY LOCATED AT 430 E. GRAND AVENUE**

WHEREAS, the application of Kyotai Corp., doing business as Zen Sushi & Grill, for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue in the City of Beloit, for the following described premises:

Lot 1 of a Certified Survey Map as recorded in Volume 35 on Pages 212-214 of the Certified Survey Maps of Rock County, also the West 20 feet of the East 40.32 feet of Lot 12, Block 48 of the Original Plat, located in the City of Beloit, County of Rock, State of Wisconsin. Said parcel contains 0.5528 acre, more or less.

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

1. This Conditional Use Permit authorizes Zen Sushi & Grill to serve food & beverages within the existing, raised concrete patio area on the west side of the Phoenix building.
2. Prior to serving alcoholic beverages in the outdoor seating area, the applicant shall expand their Alcoholic Beverages License to include the outdoor seating area.
3. The outdoor seating area shall include an outdoor alarm, marked exits, clear 36" exit pathways, and no net loss in exit width. The Fire Inspector and Building Official will inspect the completed outdoor seating area and establish a maximum occupancy, which shall be posted inside the building and within the outdoor seating area.
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 Director of Planning & Building Services may approve minor changes administratively.

Adopted this 3rd day of August, 2015.

BELOIT CITY COUNCIL

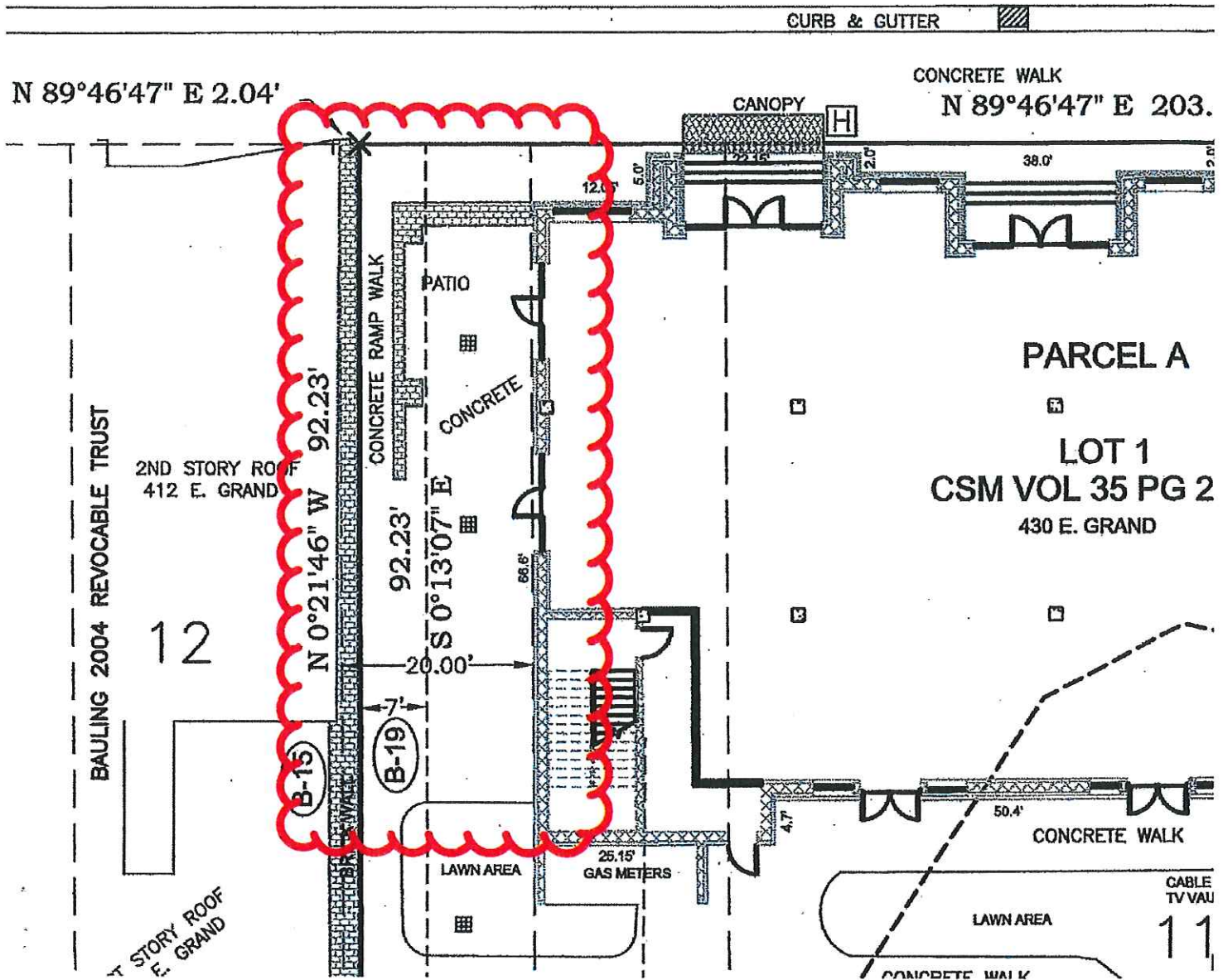


Charles M. Haynes, Council President

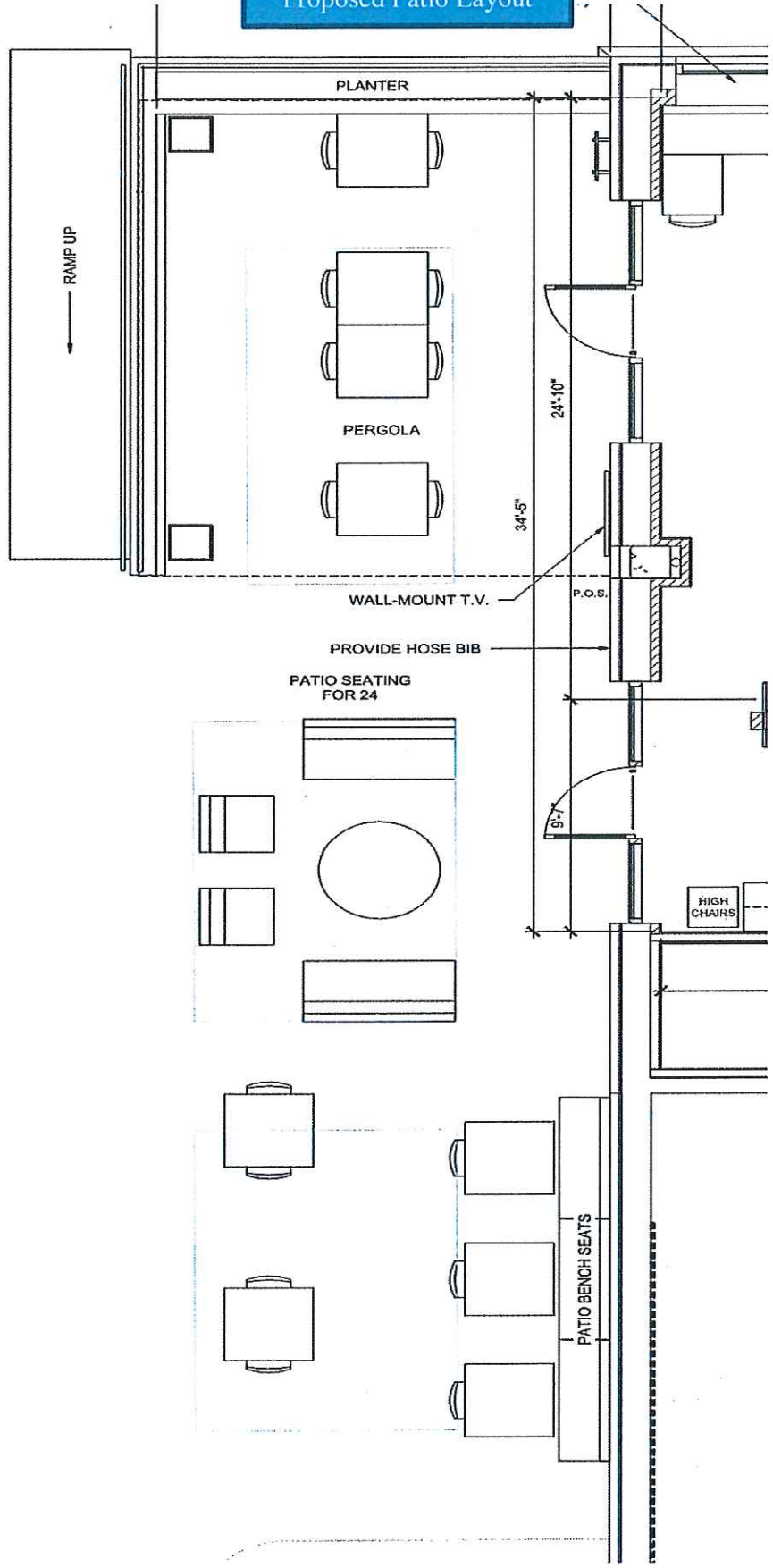
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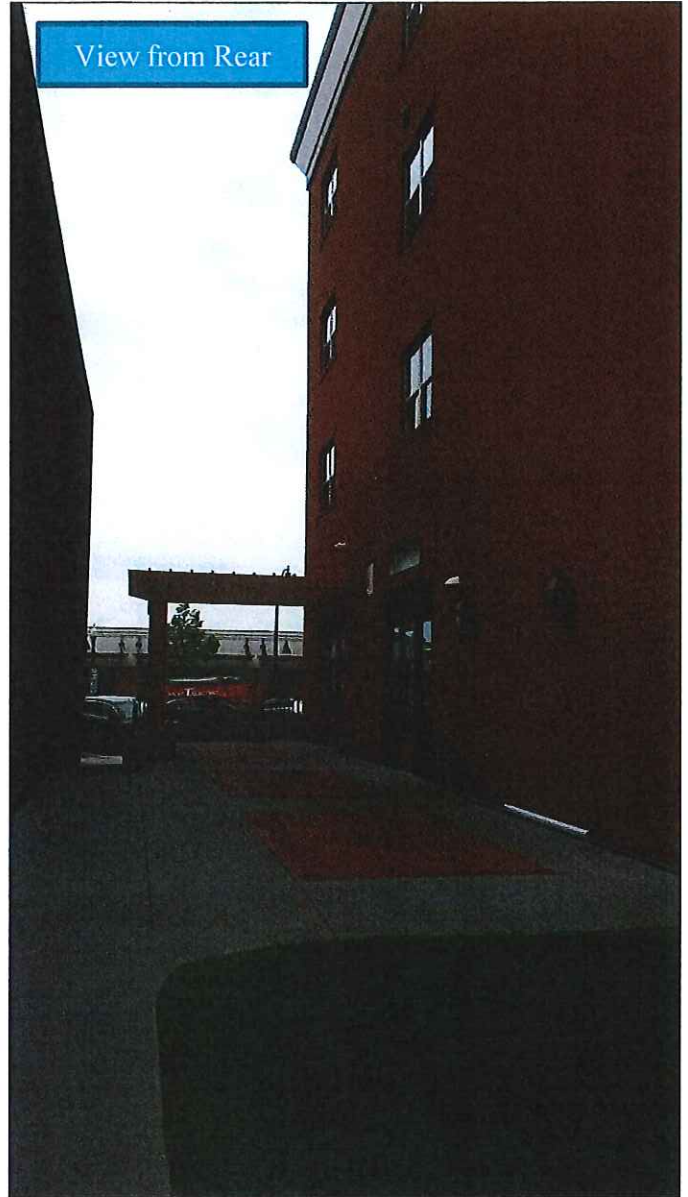
Lorena Rae Stottler, City Clerk



Proposed Patio Layout

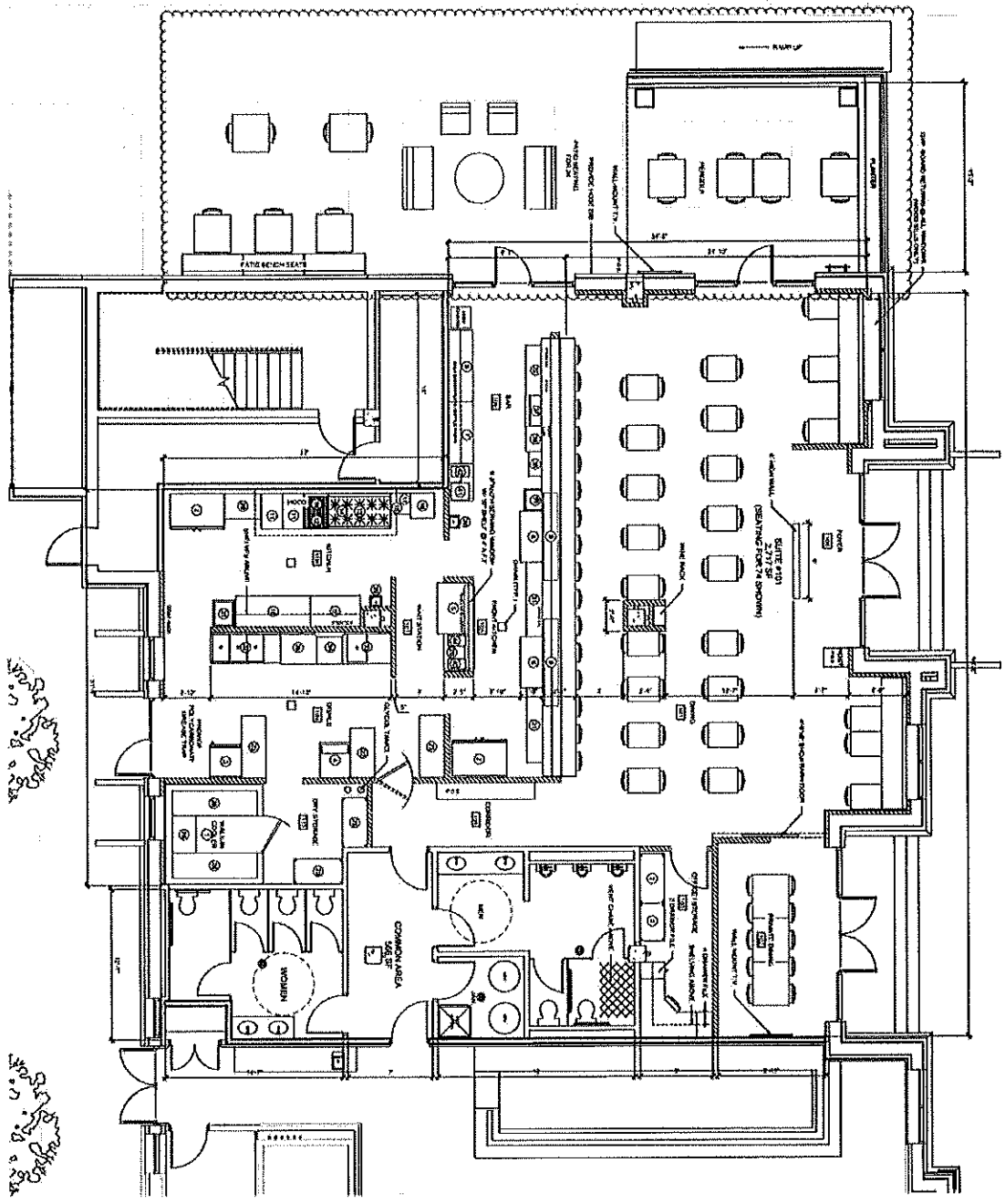


Photos – Existing Patio



NOT TO SCALE
 THIS DRAWING IS THE PROPERTY OF HENDRICKS
 AND SHOULD BE KEPT IN CONFIDENCE.

PROPOSED FLOOR PLAN
 SCALE: 1/8" = 1'-0"



- LEGEND:**
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202
 PROPOSED FLOOR PLAN
 12/18/2014

ZEN SUSHI & GRILL
 430 EAST GRAND AVENUE, SUITE 101
 BELLEVILLE, WISCONSIN

HENDRICKS
 ARCHITECTURE

CC

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning July 27 2015 ;
ending June 30 2016 ;

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>456-102824734</u> <u>4-02</u>	
Federal Employer Identification Number (FEIN): <u>46-3612854</u>	
LICENSE REQUESTED ▶	
TYPE	FEE
<input checked="" type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$ <u>50.00</u>
TOTAL FEE	\$

7-27
15

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): Mexico Dominicana Inc

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>President</u>	<u>Angel Rodriguez</u>	<u>1812 Grandview Dr, Beloit, WI 5351</u>
Vice President/Member	<u>N/A</u>		
Secretary/Member	<u>N/A</u>		
Treasurer/Member	<u>N/A</u>		
Agent ▶	<u>Angel Rodriguez</u>	<u>1812 Grandview Dr, Beloit WI 5351</u>	
Directors/Managers			

3. Trade Name ▶ Mexico Dominicana Business Phone Number 608-365-4660
4. Address of Premises ▶ 854 Henry Ave. Post Office & Zip Code ▶ 53511

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 9/1/13 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.) store - storage room back

10. Legal description (omit if street address is given above): 854 Henry Ave Beloit, WI see back
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?

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] Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? 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 27th day of July, 2015

Roseanna Lockwood
(Clerk/Notary Public)

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

Roseanna J. Lockwood (Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

My commission expires 7/16/16 [Signature] Notary Public (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
<u>7-27-15</u>	<u>8-17-15</u>	<u>N/A</u>	
Date license granted	Date license issued	License number issued	

5. Has taken class for beverage server training

8c Angel Rodriguez owns store in
Walworth county. He has a liquor
license for that store.

10. L1 B1 + Outlet beg NE cor
L1, TH WLY 93.69 FT TH WLY
125 FT, TH SLY 93.69 FT TH
ELY 125 FT TO POB Harpers
Sec Add also S 83.44 FT of N
86.44 FT L40 Bk Eclipse

Surveyed by J. J. [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

AUXILIARY QUESTIONNAIRE ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

Individual's Full Name (please print) (last name) <u>Rodriguez</u>		(first name) <u>Angel</u>	(middle name)	
Home Address (street/route) <u>1812 Grandview Dr</u>		Post Office <u>Beloit</u>	City <u>Beloit</u>	State <u>WI</u>
Home Phone Number <u>608-371-4759</u>		Age	Date of Birth	Zip Code <u>53511</u>
				Place of Birth

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.
- Officer of Mexico Dominicana INC
(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:

1. How long have you continuously resided in Wisconsin prior to this date? 4 years
2. 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.)
3. 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.
4. 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. La Mexicana Food Store, Inc 103 Park St. Walworth, WI
(Name, Location and Type of License/Permit)
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify.

(Name of Wholesale Licensee or Permittee)

(Address By City and County)

6. Named individual must list in chronological order last two employers. please see back →

Employer's Name	Employer's Address	Employed From	To
Employer's Name	Employer's Address	Employed From	To

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

Subscribed and sworn to before me

this 24th day of July, 2015
Roseanna Lockwood
(Clerk/Notary Public)

[Signature]
(Signature of Named Individual)

My commission expires 7/16/16

Roseanna J. Lockwood
Notary Public
State of Wisconsin



Printed on Recycled Paper

Wisconsin Department of Revenue

b.a Angel Rodriguez owned a store in
New York state and in
Pennsylvania before
coming to Wisconsin

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 City of Beloit County of Rock

The undersigned duly authorized officer(s)/members/managers of Mexico Dominicana Inc
(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

located at Mexico Dominicana
(trade name)
854 Henry Ave. Beloit, WI 53511

appoints Angel Rodriguez
(name of appointed agent)
1812 Grandview Dr. Beloit, WI 53511
(home address of appointed agent)

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

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
La Mexicana Food Store, Inc Walworth, WI

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? 4 years

Place of residence last year 1812 Grandview Dr. Beloit, WI 53511

For: Mexico Dominicana, Inc
(name of corporation/organization/limited liability company)

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

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

ACCEPTANCE BY AGENT

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

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

[Signature] 7-27-15 Agent's age 66
(signature of agent) (date)

1812 Grandview Dr. Beloit, WI 53511 Date of birth 8/20/48
(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)

RESOLUTION
AUTHORIZING FINAL PAYMENT OF PUBLIC WORKS CONTRACT C14-04
Gateway Sewer and Water Extension

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

WHEREAS, This project extended sanitary sewer and potable water mains to Townhall Road to serve the new CCI office building; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Beloit City Council that MZ Construction, Inc. be paid \$68,256.61 as the final payment for Public Works Contract C14-04 Gateway Sewer and Water Extension as recommended by the City Engineer.

Dated at Beloit, Wisconsin, this 17th day of August 2015.

BELOIT CITY COUNCIL

Charles M. Haynes, President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Final Payment for Contract C14-04, Gateway Sewer and Water Extension

Date: August 17, 2015

Presenter(s): Gregory Boysen

Department(s): Public Works/ Engineering

Overview/Background Information:

This project extended sanitary sewer and potable water mains to Townhall Road to serve the new CCI office building.

Key Issues (maximum of 5):

1. The requirements of the contract have been completed to the satisfaction of the City.
2. The awarded contract amount was \$ 831,088.21
Quantity increases and change orders \$ 75,803.54
Net payment due contractor \$ 906,891.75
3. The City Engineer, City Attorney, and Director of Accounting recommend that a final payment be made to MZ Construction, Inc. in the amount of \$68,256.61.

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

2. **Continue competitive and sustainable economic development focused on workforce development, as well as business retention and recruitment to fully serve the business and entrepreneurial community resulting in private investment and job creation.**

With providing water and sewer services to the CCI office building, the city is encouraging new development in both the Gateway business park, as well as the Ironworks campus, due to the desire to fill the vacated office space due to this move.

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**
The utility service extensions meets the present and future human needs by providing for potable water and removal of contaminated water in a manner that is acceptable to be the most efficient manner based on the geographical location of the site.

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:


Engineering recommends approval of the Resolution authorizing the Final Payment.

Fiscal Note/Budget Impact:

Adequate funding is available in the 2014 Capital Improvement Plan.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Mike Flesch

FROM: Andy Hill, Project Engineer 

DATE: June 12, 2015

SUBJECT: Final Payment Contract C14-04
Gateway Sewer and Water Extension


The work on this project was completed on May 20, 2015. I have inspected the work and find it to be satisfactory and in compliance with the requirements of the contract. The contractor has asked for final payment. The project was inspected by city staff. The final payment quantities have been approved by the contractor.

The original contract amount was for \$831,088.21, and the final contract amount is \$906,891.75. The increase in cost was primarily due the City's desire to bury the water pipe deeper than was originally designed in order to accommodate anticipated future grading of vacant lands. A detailed variance report is attached. Payments to date under this contract total \$838,635.14, and all lien waivers from subcontractors are on file.

Therefore, I recommend a final payment in the amount of \$68,256.61 be made to MZ Construction, Inc.

CITY OF BELOIT
DEPARTMENTAL CORRESPONDENCE

TO: Andy Hill, Project Engineer

FROM: Elizabeth A. Krueger, City Attorney 

DATE: July 20, 2015

SUBJECT: **Final Payment Public Works Contract C14-04**
MZ Construction, Inc.
Gateway Sewer and Water Extension

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

/tdh
encs.

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Text Amendment to repeal and recreate Section 5-400 of the Zoning Ordinance – Council Referral

Date: August 17, 2015

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

City of Beloit staff is proposing a Zoning Text Amendment that will repeal and recreate Section 5-400 of the Zoning Ordinance. The proposed Ordinance will update Flood Insurance Rate Maps (FIRMs) and Flood Insurance Studies (FIS) as required by the Federal Emergency Management Agency (FEMA).

Key Issues:

- The attached Zoning Text Amendment repeals and recreates Section 5-400 of the Zoning Ordinance.
 - FEMA requires communities to amend their local floodplain ordinances to include updated FIRMs and FIS.
 - Adoption of the updated Rock County FIRMs and FIS into the City's floodplain ordinance is required by FEMA in order to maintain eligibility for participation in the National Flood Insurance Program.
 - The proposed Ordinance must be approved by both FEMA and the DNR.
-

Conformance to Strategic Plan:

- Consideration of this request supports Strategic Goal #4.
-

Sustainability:

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

Action required/Recommendation:

- Referral to the Plan Commission for the August 19, 2015 meeting.
 - This item will most likely return to the City Council for a public hearing and possible action on September 8, 2015.
-

Fiscal Note/Budget Impact: N/A

Attachments: Proposed Ordinance: Section 5-400

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 5-400
OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES
FOR THE CITY OF БЕЛОIT RELATING TO FLOODPLAIN ZONING DISTRICTS**

Section 1. Section 5-400 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby repealed and recreated to read as follows:

“5-400 FLOODPLAIN ZONING DISTRICTS.

DIVISION 1. STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

5-401 STATUTORY AUTHORIZATION. This section is adopted pursuant to the authorization in §62.23, Wis. Stats., and the requirements in §87.30, Wis. Stats.

5-402 FINDING OF FACT. Uncontrolled development and use of the floodplains and rivers of the City of Beloit would impair the public health, safety, convenience, general welfare and tax base.

5-403 STATEMENT OF PURPOSE. This section is intended to regulate floodplain development to:

- a. Protect life, health and property;
- b. Minimize expenditures of public funds for flood control projects;
- c. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- d. Minimize business interruptions and other economic disruptions;
- e. Minimize damage to public facilities in the floodplain;
- f. Minimize the occurrence of future flood blight areas in the floodplain;
- g. Discourage the victimization of unwary land and homebuyers;

- h. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- i. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

5-404 TITLE. This section shall be known as the Floodplain Zoning Ordinance for the City of Beloit, Wisconsin.

5-405 GENERAL PROVISIONS.

- a. Areas to be Regulated. This section regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by the Department of Natural Resources (DNR). Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
- b. Official Maps & Revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see *DIVISION 8, AMENDMENTS*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Engineer for the City of Beloit. If more than one map or revision is referenced, the most restrictive information shall apply.

Flood Insurance Rate Map (FIRM), panel numbers **55105C0308E, 55105C0309E, 55105C0312E, 55105C0314E, 55105C0316E, 55105C0317E, 55105C0318E, 55105C0319E, 55105C0336E, 55105C0337E, 55105C0338E, 55105C0339E, 55105C0430E, 55105C0431E, 55105C0432E, and 55105C0455E**, dated **September 16, 2015**; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated **September 16, 2015, Volume number 55105CV001B and 55105CV002B**.

- c. Establishment of Floodplain Zoning Districts. The regional floodplain areas are divided into three districts as follows:
 - 1. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the

regional floodwaters and are contained within AE Zones as shown on the FIRM.

2. The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
3. The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

d. Locating Floodplain Boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (1) and (2) below. If a significant difference exists, the map shall be amended according to *DIVISION 8, AMENDMENTS*. The zoning officer can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning officer shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning officer and an applicant over the district boundary line shall be settled according to section 5-426(c) and the criteria in paragraphs (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to *DIVISION 8, AMENDMENTS*.

1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
2. Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

e. Removal of Lands from Floodplain. Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless it is filled at least 2 feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to *DIVISION 8, AMENDMENTS*.

f. Compliance. Any development or use within the areas regulated by this section shall be in compliance with the terms of this section, and other applicable local, state, and federal regulations.

- g. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if §13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when §30.2022, Wis. Stats., applies.
- h. Abrogation and Greater Restrictions.
 - 1. This section supersedes all the provisions of any municipal zoning ordinance enacted under §62.23, Wis. Stats., or §87.30, Wis. Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - 2. This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this section imposes greater restrictions, the provisions of this section shall prevail.
- i. Interpretation. In their interpretation and application, the provisions of this section are the minimum requirements liberally construed in favor of the City and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this section, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.
- j. Warning and Disclaimer of Liability. The flood protection standards in this section are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This section does not create liability on the part of, or a cause of action against, the City of Beloit or any officer or employee thereof for any flood damage that may result from reliance on this section.
- k. Severability. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.
- l. Annexed Areas. The Rock County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the City of Beloit for all annexed areas until the City of Beloit adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44

CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the City of Beloit's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Department of Community Development. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

- m. General Development Standards. The City shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this section and all other requirements in Section 5-424(b). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

DIVISION 2. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

5-406 HYDRAULIC AND HYDROLOGIC ANALYSES.

- a. No floodplain development shall:
 - 1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - 2. Cause any increase in the regional flood height due to floodplain storage area lost.
- b. The zoning officer shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of *DIVISION 8, AMENDMENTS* are met.

5-407 WATERCOURSE ALTERATIONS.

- a. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Section 5-406 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
- b. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to *DIVISION 8, AMENDMENTS*, the City of Beloit shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the Letter of Map Change (LOMC) process.

5-408 CHAPTERS 30, 31, WIS. STATS., DEVELOPMENT. Development which requires a permit from the Department, under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the Floodplain Zoning Ordinance are made according to *DIVISION 8, AMENDMENTS*.

5-409 PUBLIC OR PRIVATE CAMPGROUNDS. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- a. The campground is approved by the Department of Health Services.
- b. A land use permit for the campground is issued by the zoning officer;
- c. The character of the river system and the campground elevation is such that a 72-hour warning of an impending flood can be given to all campground occupants;
- d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- e. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in Section 5-

409(d) to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

- f. Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- g. The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- h. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- i. The City of Beloit shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- j. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either *DIVISION 3, FLOODWAY DISTRICT*; *DIVISION 4, FLOODFRINGE DISTRICT*; or *DIVISION 5, GENERAL FLOODPLAIN DISTRICT* for the floodplain district in which the structure is located;
- k. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- l. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

DIVISION 3. FLOODWAY DISTRICT (FW)

5-410 APPLICABILITY. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to section 5-420.

5-411 PERMITTED USES. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
- they meet the standards in section 5-412 and section 5-413; and
- all permits or certificates have been issued according to section 5-424.

- a. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- b. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of section 5-412(d).
- d. Uses or structures accessory to open space uses, or classified as historic structures that comply with section 5-412 and section 5-413.
- e. Extraction of sand, gravel or other materials that comply with section 5-412(d).
- f. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.
- g. Public utilities, streets and bridges that comply with section 5-412(c).

5-412 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY.

- a. General.
 - 1. Any development in the floodway shall comply with *DIVISION 2, GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS*, and have a low flood damage potential.
 - 2. Applicants shall provide the following data to determine the effects of the proposal according to section 5-406 and section 5-424(b)(3):
 - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - (b) An analysis calculating the effects of this proposal on regional flood height.

3. The zoning officer shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for paragraph (2) above.
- b. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
1. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
 2. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 3. Must be anchored to resist flotation, collapse, and lateral movement;
 4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 5. It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.
- c. Public Utilities, Streets and Bridges. Public utilities, streets and bridges may be allowed by permit, if:
1. Adequate floodproofing measures are provided to the flood protection elevation; and
 2. Construction meets the development standards of section 5-406.
- d. Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:
1. The requirements of section 5-406 are met;
 2. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
4. The fill is not classified as a solid or hazardous material.

5-413 PROHIBITED USES. All uses not listed as permitted uses in section 5-411 are prohibited, including the following uses:

- a. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- b. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code;
- e. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code;
- f. Any solid or hazardous waste disposal sites;
- g. Any wastewater treatment ponds or facilities, except those permitted under §NR 110.15(3)(b), Wis. Adm. Code; and
- h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

DIVISION 4. FLOODFRINGE DISTRICT (FF)

5-414 APPLICABILITY. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to section 5-420.

5-415 PERMITTED USES. Any structure, land use, or development is allowed in the Floodfringe District if the standards in section 5-416 are met, the use is not prohibited by this or any

other ordinance or regulation and all permits or certificates specified in section 5-424 have been issued.

5-416 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE. section 5-406 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of *DIVISION 6, NONCONFORMING USES*.

- a. Residential Uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of *DIVISION 6, NONCONFORMING USES*;
 1. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of section 5-416(a)(2) can be met. The fill shall be 1 foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
 2. The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
 3. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in paragraph (4).
 4. In developments where existing street or sewer line elevations make compliance with paragraph (3) impractical, the City of Beloit may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - (a) The City of Beloit has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - (b) The City of Beloit has a DNR-approved emergency evacuation plan.
- b. Accessory Structures or Uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- c. Commercial Uses. Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of section 5-416(a). Subject to the requirements of section 5-416(e), storage yards, surface parking lots and

other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- d. Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in section 5-428. Subject to the requirements of section 5-416(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e. Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with section 5-428. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f. Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - 1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with section 5-428.
 - 2. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- g. Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of floodwater into the system, pursuant to section 5-428(c), to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- h. Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to section 5-428(c), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- i. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

- j. Deposition of Materials. Any deposited material must meet all the provisions of this section.

- k. Manufactured Homes.
 - 1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

 - 2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - (a) have the lowest floor elevated to the flood protection elevation; and

 - (b) be anchored so they do not float, collapse or move laterally during a flood.

 - 3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in section 5-416(a).

- l. Mobile Recreational Vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in section 5-416(k)(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

DIVISION 5. GENERAL FLOODPLAIN DISTRICT (GFP)

5-417 APPLICABILITY. The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

5-418 PERMITTED USES. Pursuant to section 5-420, it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (section 5-411) and Floodfringe (section 5-415) Districts are allowed within the General Floodplain District, according to the standards of section 5-419, provided that all permits or certificates required under section 5-424 have been issued.

5-419 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT. *DIVISION 3, FLOODWAY DISTRICT* applies to floodway areas and *DIVISION 4, FLOODFRINGE DISTRICT* applies to floodfringe areas. The rest of this section applies to either district.

- a. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 1. at or above the flood protection elevation; or
 2. two (2) feet above the highest adjacent grade around the structure; or
 3. the depth as shown on the FIRM.
- b. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

5-420 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS. Upon receiving an application for development within the general floodplain district, the zoning officer shall:

- a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- b. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 1. A Hydrologic and Hydraulic Study as specified in section 5-424(b)(3).
 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

DIVISION 6. NONCONFORMING USES

5-421 GENERAL.

- a. Applicability. If these standards conform with § 62.23(7)(h), Wis. Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
- b. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this section may continue subject to the following conditions:

1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this section. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification. This includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

2. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this section;
3. The City of Beloit shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
4. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure

would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dryland access must be provided for residential and commercial uses in compliance with section 5-416(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

5. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dryland access must be provided for residential and commercial uses in compliance with section 5-416(a).
6. If on a per event basis the total value of the work being done under paragraphs (4) and (5) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dryland access must be provided for residential and commercial uses in compliance with section 5-416(a).
7. Except as provided in paragraph 8, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
8. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

(a) *Residential Structures.*

- (1) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of section 5-428b.
- (2) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- (3) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- (5) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 5-419.
- (6) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(b) *Nonresidential Structures.*

- (1) Shall meet the requirements of section 5-421(b)(8)(a)(1-6).
- (2) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in section 5-428(a) or section 5-428(b).
- (3) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 5-419(a).

- c. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with section 5-412(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with section 5-428 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of section 5-421(b)(8)(a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

5-422 FLOODWAY DISTRICT.

- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - 1. Has been granted a permit or variance which meets all ordinance requirements;
 - 2. Meets the requirements of section 5-421;
 - 3. Shall not increase the obstruction to flood flows or regional flood height;
 - 4. Any addition to the existing structure shall be floodproofed, pursuant to section 5-428, by means other than the use of fill, to the flood protection elevation; and
 - 5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - (a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - (b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - (c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

- (d) The use must be limited to parking, building access or limited storage.
- b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, section 5-428(c) and Ch. SPS 383, Wis. Adm. Code.
- c. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, section 5-428(c) and Chs. NR 811 and NR 812, Wis. Adm. Code.

5-423 FLOODFRINGE DISTRICT.

- a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the City of Beloit, and meets the requirements of section 5-416 except where section 5-423(b) is applicable.
- b. Where compliance with the provisions of section 5-423(a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in section 5-426, may grant a variance from those provisions of section 5-423(a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - 1. No floor is allowed below the regional flood elevation for residential or commercial structures;
 - 2. Human lives are not endangered;
 - 3. Public facilities, such as water or sewer, shall not be installed;
 - 4. Flood depths shall not exceed two feet;
 - 5. Flood velocities shall not exceed two feet per second; and
 - 6. The structure shall not be used for storage of materials as described in section 5-416(e).

- c. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, section 5-428(c) and Ch. SPS 383, Wis. Adm. Code.
- d. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this section, section 5-428(c) and Ch. NR 811 and NR 812, Wis. Adm. Code.

DIVISION 7. ADMINISTRATION

Where a zoning officer, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under §§ 59.69, 59.692 or 62.23(7), Wis. Stats., these officials shall also administer this section.

5-424 ZONING OFFICER.

- a. Duties and Powers. The zoning officer is authorized to administer this section and shall have the following duties and powers:
 - 1. Advise applicants of the section provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - 2. Issue permits and inspect properties for compliance with provisions of this section and issue certificates of compliance where appropriate.
 - 3. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
 - 4. Keep records of all official actions such as:
 - (a) All permits issued, inspections made, and work approved;
 - (b) Documentation of certified lowest floor and regional flood elevations;
 - (c) Floodproofing certificates.
 - (d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

- (e) All substantial damage assessment reports for floodplain structures.
 - (f) List of nonconforming structures and uses.
5. Submit copies of the following items to the Department Regional office:
- (a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (b) Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
6. Investigate, prepare reports, and report violations of this section to the City Attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
7. Submit copies of amendments to the FEMA Regional office.
- b. Land Use Permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning officer shall include:
- 1. General Information.
 - (a) Name and address of the applicant, property owner and contractor;
 - (b) Legal description, proposed use, and whether it is new construction or a modification;
 - 2. Site Development Plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - (a) Location, dimensions, area and elevation of the lot;
 - (b) Location of the ordinary highwater mark of any abutting navigable waterways;

- (c) Location of any structures with distances measured from the lot lines and street center lines;
- (d) Location of any existing or proposed on-site sewage systems or private water supply systems;
- (e) Location and elevation of existing or future access roads;
- (f) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- (g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- (h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of *DIVISION 3, FLOODWAY DISTRICT* and *DIVISION 4, FLOODFRINGE DISTRICT* are met; and
- (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to section 5-406. This may include any of the information noted in section 5-412(a).

3. Hydraulic and Hydrologic Studies to Analyze Development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

- (a) *Zone A floodplains:*
 - (1) *Hydrology.* The appropriate method shall be based on the standards in §NR 116.07(3), Wis. Adm. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*
 - (2) *Hydraulic modeling.* The regional flood elevation shall be based on the standards in § NR 116.07(4), Wis. Adm. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- a. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- b. channel sections must be surveyed.
- c. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- d. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- e. the most current version of HEC_RAS shall be used.
- f. a survey of bridge and culvert openings and the top of road is required at each structure.
- g. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- h. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- i. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the

proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

(3) *Mapping.* A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

a. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

b. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(b) *Zone AE Floodplains.*

(1) *Hydrology.* If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on §NR 116.07(3), Wis. Adm. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*

(2) *Hydraulic model.* The regional flood elevation shall be based on the standards in §NR 116.07(4), Wis. Adm. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

a. *Duplicate Effective Model.* The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

- b. *Corrected Effective Model.* The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
 - c. *Existing (Pre-Project Conditions) Model.* The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - d. *Revised (Post-Project Conditions) Model.* The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - e. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - f. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- (3) *Mapping.* Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map,

annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

- b. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - c. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
 - d. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
 - e. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
 - f. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
 - g. Both the current and proposed floodways shall be shown on the map.
 - h. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
4. Expiration. All permits issued under the authority of this section shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.
- c. Certificate of Compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the

zoning officer, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this section;
 2. Application for such certificate shall be concurrent with the application for a permit;
 3. If all section provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 4. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of section 5-428 are met.
- d. Other Permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under §404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

5-425 ZONING AGENCY.

- a. The Department of Community Development shall:
 1. oversee the functions of the office of the zoning officer; and
 2. review and advise the City Council on all proposed amendments to this section, maps and text.
- b. The Department of Community Development shall not:
 1. grant variances to the terms of the section in place of action by the Board of Appeals; or
 2. amend the text or zoning maps in place of official action by the City Council.

5-426 BOARD OF APPEALS. The Board of Appeals, created under §62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning officer shall not be the secretary of the Board.

a. Powers and Duties. The Board of Appeals shall:

1. Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this section;
2. Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
3. Variances. Hear and decide, upon appeal, variances from the section standards.

b. Appeals to the Board.

1. Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the City of Beloit affected by any decision of the zoning officer or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
2. Notice and Hearing for Appeals including Variances.
 - (a) *Notice.* The Board shall:
 - (1) Fix a reasonable time for the hearing;
 - (2) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - (3) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

- (b) *Hearing.* Any party may appear in person or by agent. The Board shall:
 - (1) Resolve boundary disputes according to section 5-426(c);
 - (2) Decide variance applications according to section 5-426(d); and
 - (3) Decide appeals of permit denials according to section 5-427.

- 3. Decision. The final decision regarding the appeal or variance application shall:
 - (a) Be made within a reasonable time;
 - (b) Be sent to the Department Regional office within 10 days of the decision;
 - (c) Be a written determination signed by the chairman or secretary of the Board;
 - (d) State the specific facts which are the basis for the Board's decision;
 - (e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - (f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

- c. Boundary Disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
 - 1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
 - 2. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the City Council for a map amendment according to *DIVISION 8, AMENDMENTS*.

d. Variance.

1. The Board may, upon appeal, grant a variance from the standards of this section if an applicant convincingly demonstrates that:
 - (a) Literal enforcement of the section will cause unnecessary hardship;
 - (b) The hardship is due to adoption of the floodplain section and unique property conditions, not common to adjacent lots or premises. In such case the section or map must be amended;
 - (c) The variance is not contrary to the public interest; and
 - (d) The variance is consistent with the purpose of this section in section 5-403.
2. In addition to the criteria in paragraph (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - (a) The variance shall not cause any increase in the regional flood elevation;
 - (b) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 - (c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the section.
3. A variance shall not:
 - (a) Grant, extend or increase any use prohibited in the zoning district;

- (b) Be granted for a hardship based solely on an economic gain or loss;
 - (c) Be granted for a hardship which is self-created.
 - (d) Damage the rights or property values of other persons in the area;
 - (e) Allow actions without the amendments to this section or map(s) required in *DIVISION 8, AMENDMENTS*; and
 - (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
4. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

5-427 APPEALS OF PERMIT DENIALS.

- a. The Board of Appeals shall review all data related to the appeal. This may include:
 - 1. Permit application data listed in section 5-424(b);
 - 2. Floodway/floodfringe determination data in section 5-420;
 - 3. Data listed in section 5-412(a)(2) where the applicant has not submitted this information to the zoning officer; and
 - 4. Other data submitted with the application, or submitted to the Board with the appeal.
- b. For appeals of all denied permits the Board shall:
 - 1. Follow the procedures of section 5-426;
 - 2. Consider zoning agency recommendations; and
 - 3. Either uphold the denial or grant the appeal.
- c. For appeals concerning increases in regional flood elevation the Board shall:

1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of *DIVISION 8, AMENDMENTS*; and
2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

5-428 FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES OR USES.

- a. No permit or variance shall be issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- b. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 1. certified by a registered professional engineer or architect; or
 2. meets or exceeds the following standards:
 - (a) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) the bottom of all openings shall be no higher than one foot above grade; and
 - (c) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. Floodproofing measures shall be designed, as appropriate, to:
 1. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 2. Protect structures to the flood protection elevation;

3. Anchor structures to foundations to resist flotation and lateral movement;
4. Minimize or eliminate infiltration of floodwaters; and
5. Minimize or eliminate discharges into floodwaters.

5-429 PUBLIC INFORMATION.

- a. Place marks on structures to show the depth of inundation during the regional flood.
- b. All maps, engineering data and regulations shall be available and widely distributed.
- c. Real estate transfers should show what floodplain district any real property is in.

DIVISION 8. AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this section, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 5-430.

- a. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this section, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 5-430. Any such alterations must be reviewed and approved by FEMA and the DNR.
- b. In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this section, the official floodplain maps, floodway lines, and water surface profiles, in accordance with section 5-430.

5-430 GENERAL. The City Council shall change or supplement the floodplain zoning district boundaries and this section in the manner outlined in section 5-431 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- a. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

- b. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- c. Any changes to any other officially adopted floodplain maps listed in section 5-405(b)(2);
- d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- e. Correction of discrepancies between the water surface profiles and floodplain maps;
- f. Any upgrade to a floodplain zoning ordinance text required by §NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the City of Beloit; and
- g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that are based on a base flood elevation from a FIRM requires prior approval by FEMA.

5-431 PROCEDURES. Section amendments may be made upon petition of any party according to the provisions of §62.23, Wis. Stats. The petitions shall include all data required by section 5-420 and section 5-424(b). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- a. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the City Council. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of §62.23, Wis. Stats.
- b. No amendments shall become effective until reviewed and approved by the Department.
- c. All persons petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the City Council.

DIVISION 9. ENFORCEMENT AND PENALTIES

5-432 ENFORCEMENT AND PENALTIES. Any violation of this section shall be enforced pursuant to Article 10 of Chapter 19 of the General Code of Ordinances for the City of Beloit. Every violation of this section is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the City of Beloit, the state, or any citizen thereof pursuant to s. 87.30, Wis. Stats.

DIVISION 10. DEFINITIONS

5-433 DEFINITIONS. Unless specifically defined, words and phrases in this section shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- a. A Zones. Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- b. AH Zone. See "Area of Shallow Flooding".
- c. AO Zone. See "Area of Shallow Flooding".
- d. Accessory Structure or Use. A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- e. Alteration. An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- f. Area of Shallow Flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- g. Base Flood. Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

- h. Basement. Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
- i. Building. See "Structure".
- j. Bulkhead Line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this section.
- k. Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- l. Camping Unit. Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
- m. Certificate of Compliance. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this section.
- n. Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- o. Crawlways Or Crawl Space. An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- p. Deck. An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- q. Department. The Wisconsin Department of Natural Resources.
- r. Development. Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or

equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

- s. Dryland Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- t. Encroachment. Any fill, structure, equipment, use or development in the floodway.
- u. Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program.
- v. Flood Insurance Rate Map (FIRM). A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- w. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dryland areas caused by one of the following conditions:
 - 1. The overflow or rise of inland waters;
 - 2. The rapid accumulation or runoff of surface waters from any source;
 - 3. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - 4. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- x. Flood Frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
- y. Floodfringe. That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

- z. Flood Hazard Boundary Map. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- aa. Flood Insurance Study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- bb. Floodplain. Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- cc. Floodplain Island. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- dd. Floodplain Management. Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- ee. Flood Profile. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- ff. Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- gg. Flood Protection Elevation. An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. Also see: "Freeboard".
- hh. Flood Storage. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

- ii. Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- jj. Freeboard. A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- kk. Habitable Structure. Any structure or portion thereof used or designed for human habitation.
- ll. Hearing Notice. Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- mm. High Flood Damage Potential. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- nn. Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- oo. Historic Structure. Any structure that is either:
 1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an

approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

- pp. Increase in Regional Flood Height. A calculated upward rise in the regional flood elevation, greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions, which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- qq. Land Use. Any nonstructural use made of unimproved or improved real estate. Also see "Development".
- rr. Lowest Adjacent Grade. Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- ss. Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- tt. Maintenance. The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
- uu. Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- vv. Mobile/Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
- ww. Mobile/Manufactured Home Park or Subdivision, Existing. A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

- xx. Mobile/Manufactured Home Park, Expansion to Existing. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- yy. Mobile Recreational Vehicle. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- zz. Model, Corrected Effective. A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- aaa. Model, Duplicate Effective. A copy of the hydraulic analysis used in the effective Flood Insurance Study and referred to as the effective model.
- bbb. Model, Effective. The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- ccc. Model, Existing (Pre-Project). A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- ddd. Model, Revised (Post-Project). A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- eee. Municipality or Municipal. The county, city or village governmental units enacting, administering and enforcing this flood zoning ordinance.
- fff. NAVD or North American Vertical Datum. Elevations referenced to mean sea level datum, 1988 adjustment.

- ggg. NGVD or National Geodetic Vertical Datum. Elevations referenced to mean sea level datum, 1929 adjustment.
- hhh. New Construction. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the City Council and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- iii. Nonconforming Structure. An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this section for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- jjj. Nonconforming Use. An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this section for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- kkk. Obstruction to Flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- lll. Official Floodplain Zoning Map. That map, adopted and made part of this section, as described in section 5-405(b), which has been approved by the Department and FEMA.
- mmm. Open Space Use. Those uses having a relatively low flood damage potential and not involving structures.
- nnn. Ordinary Highwater Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- ooo. Person. An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

- ppp. Private Sewage System. A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- qqq. Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- rrr. Reasonably Safe from Flooding. Means base floodwaters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- sss. Regional Flood. A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- ttt. Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- uuu. Structure. Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- vvv. Subdivision. Has the meaning given in § 236.02(12), Wis. Stats.

- www. Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- xxx. Substantial Improvement. Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- yyy. Unnecessary Hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- zzz. Variance. An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- aaaa. Violation. The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- bbbb. Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.
- cccc. Water Surface Profile. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- dddd. Well. Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use."

Section 2: Section 25.04(4)(c) of the Code of General Ordinances of the City of Beloit is hereby amended to add in numerical order the following penalty provision for floodplain violations:

Section	Offense	First Offense	Second Offense	Third and Subsequent Offense
19 5-400	Floodplain Regulations	\$50	\$50	\$50

Section 3: This ordinance shall be in force and take effect upon passage and publication.

Adopted this 8th day of September, 2015.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

PUBLISHED: _____
EFFECTIVE DATE: _____
01-611100-5231- _____

Tdh/files/15-1069/ord=150810 1900 (cln)

**RESOLUTION AUTHORIZING THE CITY OF БЕLOIT TO WITHDRAW
FROM THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND**

WHEREAS, like many units of local government, the City of Beloit has obtained and currently maintains property insurance through the State of Wisconsin Local Government Property Insurance Fund (LGPIF); and

WHEREAS, LGPIF was established under Chapter 605 of the Wisconsin Statutes for the purpose of making property insurance available to local government units; and

WHEREAS, the State of Wisconsin has enacted legislation to phase out and eliminate LGPIF due to the fund's purported insolvency; and

WHEREAS, the City of Beloit may maintain coverage through the phase-out period, however such continued coverage would result in an increased expense of 100%; and

WHEREAS, instead of using LGPIF, City staff recommends that the City insure city property through the Municipal Property Insurance Company (MPIC) which is an independent stock insurance company jointly owned by the League of Wisconsin Municipalities Mutual Insurance Company (LWMMI), Wisconsin Municipal Mutual Insurance Company (WMMIC), and Cities and Villages Mutual Insurance Company (CVMIC); and

WHEREAS, §605.21, Wis. Stats., provides that the City of Beloit must take official action to withdraw from LGPIF and that upon an affirmative vote withdrawing from LGPIF, coverage under LGPIF will terminate at the end of the policy period.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin, does hereby authorize the withdrawal from the Local Government Property Insurance Fund for policy number 140073 (City of Beloit).

BE IT FURTHER RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin, does hereby authorize the withdrawal from the Local Government Property Insurance Fund for policy number 180754 (City of Beloit Utilities).

BE IT FURTHER RESOLVED that the City Manager of the City of Beloit be, and is hereby, authorized to execute any documents and do all other things necessary in order to implement and carry out the purposes of this resolution, including authorization to find and obtain property insurance through Municipal Property Insurance Company.

Adopted this 17th day of August, 2015

Charles M. Haynes
City Council President

ATTEST:

Lorena Rae Stottler,
City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Withdrawal from the Local Government Property Insurance Fund (LGPIF)

Date: August 17, 2015

Presenter(s): Eric R. Miller, Finance and Administrative Services Director

Department(s): Finance and Administrative Services

Overview/Background Information: Like many other units of local government, the City of Beloit has obtained and currently maintains property insurance through the State of Wisconsin Local Government Property Insurance Fund (LGPIF). The fund was due to be eliminated in 2016 according to the Governors original proposed budget, however, this provision was eliminated prior to the budget being finalized. The City may continue to be covered by the fund but in doing so would incur an estimated increase in premiums of 100%. Instead of using LGPIF, staff recommends that the City insure its property through the Municipal Property Insurance Company (MPIC) which is an independent stock insurance company jointly owned by the League of Wisconsin Municipalities Mutual Insurance Company (LWMMI), Wisconsin Municipal Mutual Insurance Company (WMMIC), and Cities and Villages Mutual Insurance Company (CVMIC). In order to discontinue use of the LGPIF, Wisconsin Statute 605.21(3) requires certified notice to the LGPIF from the City Council electing to withdraw from the fund. In doing so, the coverage by the fund will terminate at the end of the policy period, which is October 31, 2015 for our Utility property, and December 31, 2015 for the City property.

Key Issues (maximum of 5):

1. The Local Government Property Insurance Fund (LGPIF) is planning on increasing property insurance premiums charged to its participants by an estimated 100% for 2016. Ultimately the fund will be phased out and eliminated entirely.
2. The League of Wisconsin Municipalities Mutual Insurance Company (LWMMI), Wisconsin Municipal Mutual Insurance Company (WMMIC), and Cities and Villages Mutual Insurance Company (CVMIC) have partnered to create a new insurance company, Municipal Property Insurance Company (MPIC), which provides a cheaper alternative to the LGPIF.
3. According to State Statutes, in order to no longer participate in the LGPIF the City Council must approve the withdrawal.

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

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

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

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

Action required/Recommendation: Staff recommends the authorization to withdraw from the LGPIF and grant the City Manager the authority to obtain property insurance through MPIC.

Fiscal Note/Budget Impact: Staff does not know the exact impact as MPIC's premiums have not yet been finalized. However, through communications with the City's CVMIC representatives, staff believes the premiums will be significantly less with MPIC than they would be with the LGPIF. Staff is anticipating between 20% - 40% increase as opposed to 100%.