



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

Presiding: Charles M. Haynes  
Present: Sheila De Forest, Regina Hendrix, Ana Kelly, Chuck Kincaid, David F. Luebke,  
Marilyn Sloniker  
Absent: None

1. President Haynes called the meeting to order at 7:02 p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – none
4. PUBLIC HEARINGS
  - a. Community Development Director, Julie Christensen, presented 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). The key issues are:
    - 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.

President Haynes opened and closed the public hearing. Councilors Kincaid and Luebke made a motion to adopt the resolution. Motion carried. File 8616
  - b. Ms. Christensen presented a resolution approving the **Vacation** of Tuck-A-Way Lane in the City of Beloit Rock County, Wisconsin. The key issues are:
    - 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.

President Haynes opened and closed the public hearing. Councilors De Forest and Sloniker made a motion to approve the resolution. Motion carried 7-0. File 6249

- c. Ms. Christensen presented the first reading of an 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. The key issues are:

- 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.
- 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 1<sup>st</sup> and 2<sup>nd</sup> 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.

President Haynes opened the public hearing.

- Craig Zastrow, 1631 E. Ridge Road, Executive Pastor, Central Christian Church, spoke in support of the Ordinance.

President Haynes closed the public hearing. Councilors Sloniker and Luebke moved to lay over the ordinance to the September 8, 2015 Council meeting, motion carried 7-0. File 8107

5. CITIZEN PARTICIPATION – none

6. CONSENT AGENDA

Councilors Luebke and Kincaid made a motion to adopt the consent Agenda, which consist of items 6.a through 6.g. Motion carried 7-0.

- a. The **Minutes** of the regular meeting of August 3, 2015 were approved.
- b. Resolution approving a **Class "A" Beer License** for Dave's Bait & Tackle, 901 Bayliss Avenue, David C. Huyck, Owner was approved. File 8688
- 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 was approved. File 8688
- 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 was approved. File 8688

- 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 was referred to ABLCC. File 8688
- f. Resolution authorizing **Final Payment** of Public Works Contract C14-04, Gateway Sewer and Water Extension was adopted. File 8656
- 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** was referred to Plan Commission. File 3477

7. ORDINANCES –none

8. APPOINTMENTS –none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

- Councilor Hendrix said she visited the National Night Out parties, and that she had just got back from Florida with the cheerleaders who represented the City and State well.
- Councilor Sloniker said that she also attended a few National Night Out parties and said it was a nice event.
- Councilor Kelly said she had hosted a National Night Out party and had a great turn out.
- Councilor Luebke attended the Street Dance and said it brings the City together and was well attended. He said that he was invited to speak for the Merrill Community Center golf outing at the Club.
- Councilor De Forest welcomed the Beloit College Students back, and highlighted the EOC Committee and the upcoming listening tour sessions of the City Council.
- Councilor Kincaid said he was on vacation and missed two farmer's markets and said that Michigan farmer's markets did not compare.


10. CITY MANAGER'S PRESENTATION – none

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Eric R. Miller, Finance and Administrative Services Director presented a resolution authorizing the City of Beloit to withdraw from the **Local Government Property Insurance Fund**. The key issues are:
  - 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.
  - The League of Wisconsin Municipalities Mutual Insurance Company (LWMMI), Wisconsin Municipal Mutual Insurance Company (WMMIC), and Cities and Villages Mutual Insurance (CVMIC) have partnered to create a new insurance company, Municipal Property Insurance Company (MPIC), which provides a cheaper alternative to the LGPIF.
  - According to State Statutes, in order to no longer participate in the LGPIF the City Council must approve the withdrawal.

Councilors Luebke and Sloniker made a motion to adopt the resolution. Motion carried.  
File 6683

12. Councilors Sloniker and De Forest made a motion to adjourn the meeting at 7:20 p.m. Motion carried.



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Lorena Rae Stottler, City Clerk