



**AGENDA
BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Monday, February 1, 2016**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS
4. PUBLIC HEARINGS
 - a. Resolution authorizing and amended **Planned Unit Development (PUD)** Master Land Use Plan for the property located at 2851 Milwaukee Road (Menards Warehouse Addition) (Christensen)
Plan Commission recommendation for approval 4-0
 - b. Proposed Ordinance amending the City of Beloit's **Zoning District Map** to change the zoning classification of the property located at 2345 Prairie Avenue (River of Life UMC) from R-1A, Single-Family Residential District to PLI, Public Lands and Institutions District (Christensen)
Plan Commission recommendation for approval failed 2-2 (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 January 19, 2016 (Stottler)
- b. Application for a **Zoning Map Amendment** to change the zoning district classification of the property located at 736 Oak Street from R-1B, Single-Family Residential District to R-2, Two-Family Residential District (Christensen) Refer to Plan Commission
- c. Application for **Construction of New Parking Lots** at Turtle Creek Park (1312 E Grand (Avenue) and Turtle Creek Floodplain (1801 Milwaukee Road) (Christensen)
Refer to Plan Commission
- d. Resolution Setting a Date for a Public Hearing for the **Vacation** of a portion of W. Grand Avenue Right-of-way in the City of Beloit, Rock County, Wisconsin (Christensen)
Accept and refer to Plan Commission

7. ORDINANCES

- a. Proposed Ordinance to Amend Sections 25.04(4)(d) and 13.18 of the Code of General Ordinances of the City of Beloit pertaining to **Parking Enforcement** (Zibolski)
First Reading
- b. Proposed Ordinance to Amend Section 25.04(4)(d) of the Code of General Ordinances of the City of Beloit pertaining to Officials authorized to **Issue Citations related to Annual Rental Dwelling Permits** (Christensen) First Reading

8. APPOINTMENTS – none

9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS

10. CITY MANAGER'S PRESENTATION

11. REPORTS FROM BOARDS AND CITY OFFICERS

- a. Resolution approving **Memorandum of Understanding** for Shared Communications Facilities (Zibolski)
- b. The City Council will adjourn into a Closed session pursuant to Wis. Stats § 19.85 (1)(e) to discuss potential **real estate transactions**, the discussion of which would harm the City's competitive or bargaining interests if held in open session (Janke)
- c. Council may reconvene and possibly take action on matters discussed in closed session.

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: January 27, 2016
Lorena Rae Stottler
City of Beloit City Clerk
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 AN AMENDED PLANNED UNIT DEVELOPMENT (PUD) MASTER
LAND USE PLAN FOR THE PROPERTY LOCATED AT 2851 MILWAUKEE ROAD

WHEREAS, the application of Tyler Edwards, on behalf of Menard, Inc., for approval of an amended Planned Unit Development (PUD) - Master Land Use Plan for the property located at 2851 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, IT IS HEREBY RESOLVED THAT, the City Council of the City of Beloit, Rock County, Wisconsin does hereby approve the attached amended PUD - Master Land Use Plan for the property located at 2851 Milwaukee Road in the City of Beloit, for the following described premises:

LOT 1 OF A CSM AS RECORDED IN VOLUME 19, PGS 280-285, AND LOT 2 OF A CSM AS RECORDED IN VOLUME 16, PGS 194-197 (RE-RECORDED), EXCEPT THAT PART PLATTED FOR ROW PURPOSES (DOCUMENT NUMBER 1757723), ALL SITUATED IN THE CITY OF BELOIT, COUNTY OF ROCK, STATE OF WISCONSIN (ALSO KNOWN AS 2851 MILWAUKEE ROAD, PARCEL NUMBER 22051100). Said parcel contains 19.23 acres, more or less.

As a condition of approving the amended PUD - Master Land Use Plan, the City Council does hereby stipulate the following conditions and restrictions upon the development, which are hereby deemed necessary for the public interest:

1. This approval authorizes up to 50,000 sq. ft. of accessory lumber/warehouse space rather than up to 27,000 sq. ft. as allowed by the original PUD – Master Land Use Plan approved in 2005.
2. Prior to the issuance of a Building Permit for the warehouse expansion, the applicant shall address the Fire Inspector’s concerns with regards to the removal of exits, sprinklers, and compactor relocation.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this PUD – Master Land Use Plan. The Director of Planning & Building Services may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

Adopted this 1st day of February, 2016.

BELOIT CITY COUNCIL

Charles M. Haynes, Council President

ATTEST:

Lorena Rae Stottler, City Clerk

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Planned Unit Development (PUD) - Master Land Use Plan Amendment for the property located at 2851 Milwaukee Road

Date: February 1, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Tyler Edwards, on behalf of Menard, Inc, has submitted an amended Planned Unit Development (PUD) - Master Land Use Plan for the property located at 2851 Milwaukee Road. A copy of the amended PUD - Master Land Use Plan is attached to this report. The PUD District is a special-purpose zoning district that permits greater flexibility in land planning and site design than conventional zoning districts and is intended to provide flexibility in architectural design and land uses.

Key Issues:

- The applicant has proposed the construction of a warehouse expansion at their Beloit store in order to meet demand and remain competitive in the market.
- A condition in the original PUD – Master Land Use Plan, authorized in September of 2005, limits the accessory lumber/warehouse building space to a total of 27,000 sq. ft.
- The existing warehouse is 26,430 sq. ft. and primarily used for lumber storage.
- The proposed warehouse addition is approximately 22,660 sq. ft. and will be identical in appearance to the existing warehouse structure.
- The applicant is requesting the approval of an amended PUD – Master Land Use Plan that will allow for up to 50,000 sq. ft. of warehouse space in order to accommodate the expansion.
- If approved, the Fire Dept. will require the applicant to address several issues in the final building plan submittal.
- The Plan Commission reviewed this item on January 20, 2016 and voted unanimously (4-0) to recommend approval of the amended PUD - Master Land Use Plan, based upon the standards in Section 2-402(g) of the Zoning Ordinance.

Conformance to Strategic Plan:

The Comprehensive Plan recommends Community Commercial uses for the subject property. The PUD Amendment, which would allow the business to expand in order to keep up with consumer demand, is consistent with the goals, objectives, and policies contained in the Comprehensive 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: January 20, 2016	Agenda Item: 3	File Number: PUD-2016-01
Applicant: Tyler Edwards (Menards)	Owner: Menard, Inc	Location: 2851 Milwaukee Road
Existing Zoning: PUD, Planned Unit Development District	Existing Land Use: Hardware Store	Parcel Size: 19.25 Acres

Request Overview/Background Information:

Tyler Edwards, on behalf of Menard, Inc, has submitted an amended Planned Unit Development (PUD) - Master Land Use Plan for the property located at 2851 Milwaukee Road. A copy of the amended PUD - Master Land Use Plan is attached to this report. The PUD District is a special-purpose zoning district that permits greater flexibility in land planning and site design than conventional zoning districts and is intended to provide flexibility in architectural design and land uses.

Key Issues:

- The applicant has proposed the construction of a warehouse expansion at their Beloit store in order to meet demand and remain competitive in the market.
- A condition in the original PUD – Master Land Use Plan, authorized in September of 2005, limits the accessory lumber/warehouse building space to a total of 27,000 sq. ft. The original Resolution with conditions is attached to this report.
- The existing warehouse is 26,430 sq. ft. and primarily used for lumber storage.
- The proposed warehouse addition is approximately 22,660 sq. ft. and will be identical in appearance to the existing warehouse structure.
- The applicant is requesting the approval of an amended PUD – Master Land Use Plan that will allow for up to 50,000 sq. ft. of warehouse space in order to accommodate the expansion.
- Menards is also proposing various minor changes to the east and north façades which will be evaluated by Staff under the Architectural Review process.
- The attached Public Notice was sent to property owners within 150 ft. of the subject property. Planning staff has not received any comments from members of the public.
- The Fire Inspector reviewed the proposed PUD – Master Land Use Plan Amendment and expressed concern with the sprinkler system, removal of existing exits, and relocation of the compactor. The applicant will address the Inspector's concerns in the final building plan submittal, and a building permit will only be issued when all concerns raised by the Inspector have been properly addressed.
- Section 2-402(g) of the Zoning Ordinance allows for the approval of a PUD - if the following criteria can be met:
 - **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable standards, based on the purpose and intent of the Zoning Ordinance.** The proposed PUD – Master Land Use Plan Amendment will allow for the expansion of a large, successful retailer in Beloit. The space where the proposed warehouse expansion will be built on is currently unoccupied pavement. Amending the Master Land Use Plan will allow for greater building density and more efficient use of land on the subject parcel.
 - **The PUD - Master Land Use Plan complies with the standards of Section 5-300.** The warehouse expansion proposal complies with the standards outlined in Section 5-300 of the Zoning Code.
 - **Service providers will be able to provide necessary public services, facilities, and programs to serve the development proposed.** The warehouse addition will not require additional services.
 - **The development is consistent with and implements the planning goals and objectives contained in the Comprehensive Plan and other adopted policies and documents.** The proposed PUD Amendment is consistent with the adopted Future Land Use Map, which recommends Community Commercial uses.
 - **The PUD - Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.** The proposed amended PUD – Master Land Use Plan will allow Menards to make an additional investment in the community and better meet their customers' needs.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Community Commercial uses for the subject property. The PUD Amendment, which would allow the business to expand in order to keep up with consumer demand, is consistent with the goals, objectives, and policies contained in the Comprehensive 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** – The amended PUD – Master Land Use Plan will allow a large retailer to better serve the citizens of Beloit by investing capital in in the store.

Staff Recommendation:

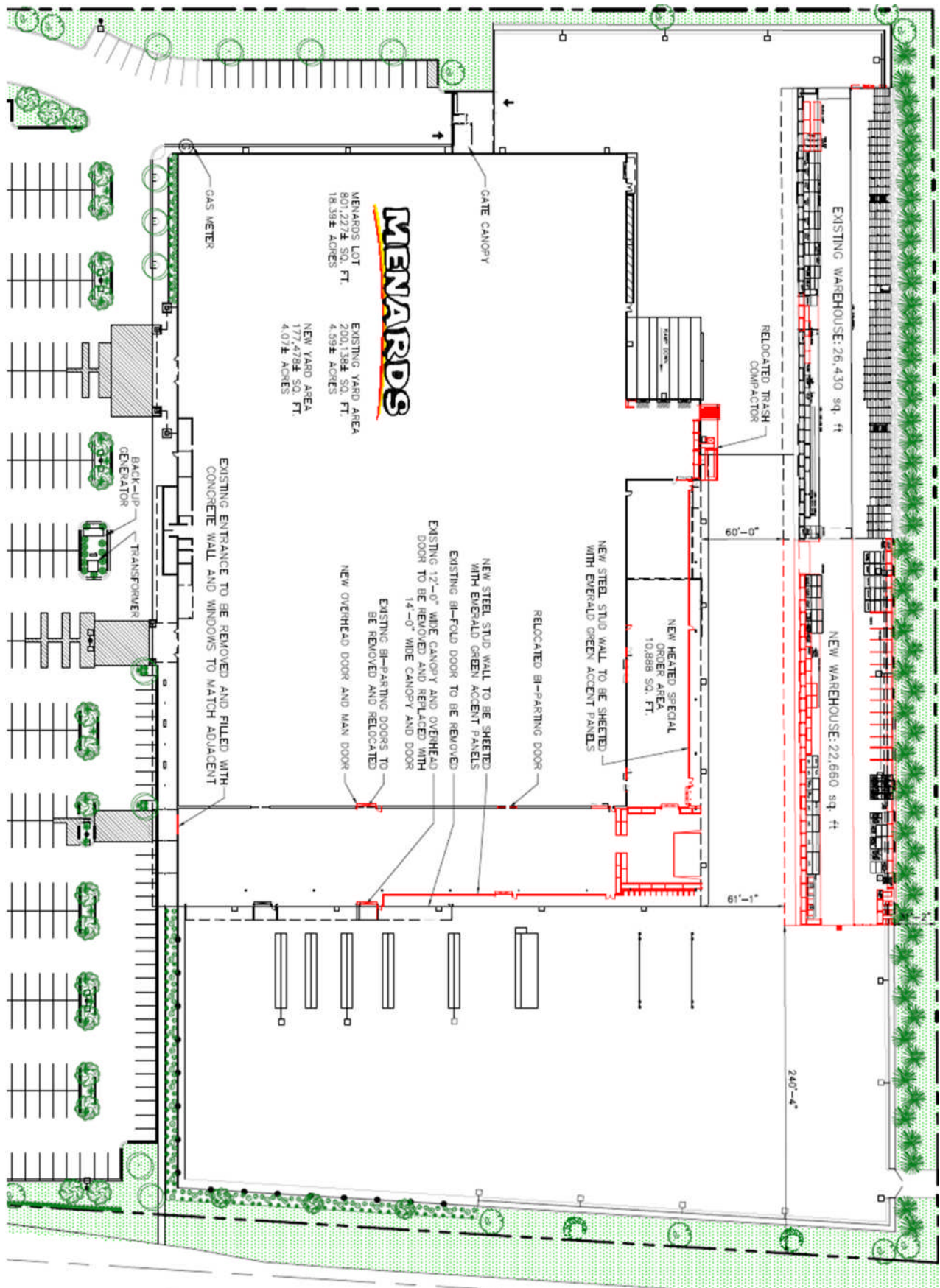
The Planning & Building Services Division recommends **approval** of the proposed amended PUD – Master Land Use Plan for warehouse expansion on the property located at 2851 Milwaukee Road, based on its consistency with the Zoning Ordinance and subject to the following conditions:

4. This approval authorizes up to 50,000 sq. ft. of accessory lumber/warehouse space rather than up to 27,000 sq. ft. as allowed by the original PUD – Master Land Use Plan approved in 2005.
5. Prior to the issuance of a Building Permit for the warehouse expansion, the applicant shall address the Fire Inspectors concerns with regards to the removal of exits, sprinklers, and compactor relocation.
6. 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 PUD – Master Land Use Plan. The Director of Planning & Building Services may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

Fiscal Note/Budget Impact: N/A

Attachments: Proposed PUD Plan, PUD Resolution (2005), Location Map, Application, Public Notice, and Mailing List.

Proposed PUD – Master Land Use Plan Amendment – New additions in RED



Original PUD Resolution for 2851 Milwaukee Road (2005)

FILE #	8185
SEP 6 2005	

RESOLUTION AUTHORIZING A PLANNED UNIT DEVELOPMENT (PUD) MASTER LAND USE PLAN TO ALLOW A RETAIL COMMERCIAL DEVELOPMENT IN A C-3, COMMUNITY COMMERCIAL DISTRICT, AND AN MRO, MILWAUKEE ROAD OVERLAY DISTRICT, HAVING BEEN CONSIDERED BY THE CITY COUNCIL OF THE CITY OF БЕЛОИТ, 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

WHEREAS, the application of Turtle Creek Development LLC, Inc. for approval of a Planned Unit Development (PUD) Master Land Use Plan to allow a retail commercial development with an outdoor storage yard area in a C-3, Community Commercial District, and an MRO, Milwaukee Road Overlay District, 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 IT IS HEREBY RESOLVED that the City Council of the City of Beloit, Rock County, Wisconsin does hereby approve the proposed PUD Master Land Use Plan to allow a retail commercial development with an outdoor storage yard area on property located at 1900 Freeman Parkway and 2851 Milwaukee Road in the City of Beloit, for the following described premises:

Lot 2 of Certified Survey Maps, Volume 16, Pages 75 & 76 and Lot 2 of Certified Survey Maps, Volume 19, Pages 280-285 City of Beloit, Rock County, Wisconsin. Containing 19.25 acres, more or less. (Also known as 1900 Freeman Parkway and 2851 Milwaukee Road)

As a condition of granting the PUD Master Land Use Plan, the City Council does hereby stipulate the following conditions and restrictions upon the development which are hereby deemed necessary for the public interest:

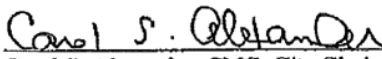
1. The applicant shall construct one retail building not to exceed 163,000 square feet of gross floor area and unheated overhang area not to exceed 41,000 square feet. The accessory lumber/warehouse building shall not exceed 27,000 square feet in size. The applicant shall also combine the parcels of 1900 Freeman Parkway and 2851 Milwaukee Road into one lot.
2. The proposed freestanding sign shall not exceed 75 feet in height, with a maximum of 300 square feet of sign area per side. The proposed sign shall be relocated to a new location approved by staff. The "Harvey House" sign shall be removed prior to issuance of a Certificate of Occupancy. The proposed fence for the outdoor storage area shall not exceed 14 feet in height.
3. The portion of the property south of the "future development lot" shall be dedicated to the public to allow for right-of-way improvements. Roadway access to this site shall be as indicated on the PUD Final Plan or as otherwise approved by the City Engineer.
4. The applicant shall submit a detailed landscaping plan, color elevation drawings, drawings of the proposed fence and building material samples as part of the PUD Final Plan.
5. The exterior architectural appearance of the buildings must be of a design and materials to be in keeping with concept elevation drawings and regulations of the Milwaukee Road Overlay District and Architectural Review and Landscape Ordinance.
6. The Plan Commission and City Council shall approve any major changes in the adopted conditions or use of this property. The Community Development Director may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of these standards.

Adopted this 6th day of September, 2005.

BELOIT CITY COUNCIL


Martin Densch, Council President

ATTEST:

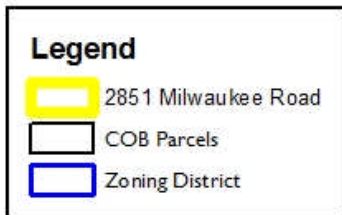
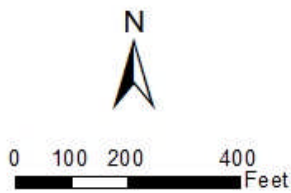

Carol S. Alexander, CMC, City Clerk

PUD-05-04, 1900 Freeman & 2851 Milwaukee

Location Map

2851 Milwaukee Road

PUD-2016-01



Planning and Building Services Division

Map prepared by: Alex Morganroth
Date: January 2016
For: City of Beloit
Planning & Building Services
Date of Aerial Photography: April 2011

CITY of BELOIT

Planning & Building Services Division

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

PUD - Master Land Use Plan Application

(Please Type or Print)

File Number: PUD-2015-02

1. Address of subject property: 2851 Milwaukee Rd
2. Legal description: See attached CSM
If necessary attach a copy of the complete legal description.
3. Area of parcel in square feet or acres: 19.42
4. Tax Parcel Number(s): _____
5. Owner of record: Menard, Inc. Phone: 715-876-2143
5101 Menard Drive Eau Claire WI 54703
(Address) (City) (State) (Zip)
6. Applicant's Name: Tyler Edwards Real Estate Representative
5101 Menard Drive Eau Claire WI 54703
(Address) (City) (State) (Zip)
715-876-2143 / 715-579-6699 / tedwards@menard-inc.com
(Office Phone #) (Cell Phone #) (E-mail Address)
7. All existing use(s) on this property are: Menard Retail Store
8. The applicant requests review and approval of a PLANNED UNIT DEVELOPMENT /
Master Land Use Plan: in a(n) C-3 Zoning District.
9. A Preapplication Conference was held on: N/A
10. All the proposed use(s) for this property will be:
Principal use(s): Menard Retail Store
Secondary use(s): N/A
11. State how the proposed development differs from the type of development that would
be permitted under the existing zoning regulations. The existing zoning limits the
size of the building to the original PUD. Menards wants to expand the warehouse building.
12. Describe how the proposed development provides greater benefits to the City of Beloit
than an otherwise permitted development. Expanding the warehouse will allow
Menards to better serve the community and stay competitive at this location.


13. Project timetable: Start date: Summer 2016 Completion date: Fall 2016

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

- Owner
- Leasehold, length of lease: _____
- Contractual, nature of contract: _____
- 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.

 / Tyler Edwards / 12/5/15
 (Signature of Owner) (Print name) Menards Inc (Date)

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

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

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$200.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff		
Filing fee: \$200.00	Amount paid: <u>200.00</u>	Meeting date: <u>1/20/16</u>
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____		
Application accepted by: _____		Date: _____

NOTICE TO THE PUBLIC

January 8, 2015

To Whom It May Concern:

Menards has submitted an application for an amendment to the PUD, Planned Unit Development District, for the property located at:

2851 Milwaukee Road.

The applicant is proposing the construction of a warehouse expansion at their Beloit store. A condition in the original PUD – Master Land Use Plan, authorized in 2005, limits total warehouse space to 27,000 sq. ft. The proposed warehouse addition is approximately 22,660 sq. ft. Therefore, the applicant is requesting that the PUD be amended to allow up to 50,000 sq. ft. of warehouse space in order to accommodate the warehouse expansion.

The following public hearings will be held regarding these applications:

City Plan Commission: Wednesday, January 20, 2016, 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, February 1, 2016, 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.

For additional information, please contact Alex Morganroth in the Planning & Building Services Division at (608) 364-6708 or morganrotha@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

Mailing List

owner_last_name	owner_first_name	owner_address_line1	owner_city	owner_st	owner_zip
MCGUIRE PROPERTIES INC		400 MIDLAND CT STE 101	JANESVILLE	WI	53546
MY THREE KIDS INC		2104 BELOIT AVE	JANESVILLE	WI	53546
SHIRLEY M CARLSON REVOCABLE TRUST		8829 S LATHERS RD	BELOIT	WI	53511
GGJ INVESTMENTS LLC		1311 SOUTH KASPAR	ARLINGTON HTS	IL	60005
WALMART REAL ESTATE BUSINESS TRUST		P O BOX 8050 MS 0555	BENTONVILLE	AR	72712
TURTLE CREEK DEVELOPMENT LLC		525 THIRD ST STE 300	BELOIT	WI	53511
CANTERBURY JOINT VENTURE #289	C/O PILOT TRAVEL CENTERS	P O BOX 54470	LEXINGTON	KY	40555

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 2345 Prairie Avenue, is hereby changed from R1-A, Single-Family Residential District to PLI, Public Lands and Institutions District:

LOTS 5 TO 13, INCLUDING BLOCK 1 OF THE GREENFIELD SUBDIVISION, ALL SITUATED IN THE CITY OF БЕЛОIT, COUNTY OF ROCK, STATE OF WISCONSIN (ALSO KNOWN AS 2345 PRAIRIE AVENUE, PARCEL NUMBER 21980030). SAID PARCEL CONTAINS 2.73 ACRES, MORE OR LESS.

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

Adopted this ____ day of _____, 2016.

City Council of the City of Beloit

Charles M. Haynes, Council President

Attest:

Lorena Rae Stottler, City Clerk

Published this ____ day of _____, 2016

Effective this ____ day of _____, 2016

01-611100-5231-_____

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the property located at 2345 Prairie Avenue

Date: February 1, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Kevin Cook of JNB Signs, on behalf of River of Life United Methodist Church (RLUMC), has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands and Institutions District, for the property located at 2345 Prairie Avenue.

Key Issues:

- RLUMC hired Kevin Cook of JNB Signs to replace the existing ground monument sign facing Prairie Avenue.
 - Due to strict limitations on signage in the R-1A, Single-Family Residential District, the applicant is seeking a Zoning Map Amendment to allow his client more flexibility when considering options for new signage.
 - RLUMC has expressed interest in using an Electronic Variable Messaging (EVM) secondary sign – a sign type permitted in the PLI, Public Lands and Institutions District.
 - Aldrich Intermediate School, located directly across the street, was recently granted a sign permit to install an EVM sign facing Prairie Avenue.
 - The potential EVM sign would be reviewed under the Architectural Review process and be subject to brightness restrictions in order to protect nearby residences from ambient light.
 - One Plan Commissioner expressed a concern that if the church use ever ceased, a future owner may have difficulty developing the lot for residential uses.
 - The Comprehensive Plan recommends Single-Family Residential - Urban for the subject parcel. Therefore, if a new owner acquires the property with the intent to develop a residential use, the parcel may be simply rezoned back to an R-1A, Single-Family Residential District.
 - A second Plan Commissioner was concerned about the 75 sq. ft. maximum sign area for EVM signs and that even if the church doesn't want a 75 sq. ft. sign, a new owner could have up to that size.
 - RLUMC has not expressed interest in installing a sign of that scale. A potential EVM sign installed on the property would serve as a secondary, smaller sign to a primary, non-EVM sign.
 - Planning staff supports this proposed Zoning Map Amendment, as it will grant RLUMC more flexibility when implementing new signage – an issue resolved for other institutions in Beloit by rezoning. PLI is also a more appropriate zoning classification for the church use.
 - The Plan Commission reviewed this item on January 20, 2016 and failed to pass a motion (2-2) to recommend approval of this Zoning Map Amendment.
-

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan's Future Land Use Map (#10) currently designates the subject property as appropriate for Single-Family Residential - Urban Uses. The Comprehensive Plan recommends the inclusion of small public and institutional uses such as parks, schools, and churches in this land use category. Therefore, the proposed Zoning Map Amendment is consistent with the Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. An amendment to the Future Land Use Map is not required.

Consideration of this request supports City of Beloit Strategic Goal.

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 1st and 2nd readings 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: January 20, 2016	Agenda Item: 4	File Number: ZMA-2016-01
Applicant: Kevin Cook	Owner: River of Life United Methodist Church	Location: 2345 Prairie Ave
Current Zoning: R-1A, Single-Family Residential District Proposed Zoning: PLI, Public Lands and Institutions District	Existing Land Use: Religious Institution	Parcel Size: 2.727 Acres

Request Overview/Background Information:

Kevin Cook of JNB Signs, on behalf of River of Life United Methodist Church (RLUMC), has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands and Institutions District, for the property located at 2345 Prairie Avenue.

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

- North: R-1A, Single-Family Residential District; Residential
- South: R-1A, Single-Family Residential District and C-1, Office District; Residential and Bank
- East: R-1A, Single-Family Residential District; Residential
- West: PLI, Public Lands & Institutions District; Aldrich Intermediate School

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:

- The subject property is currently the site of the RLUMC.
- The church hired Kevin Cook of JNB Signs to design a sign to replace the existing ground monument sign facing Prairie Avenue.
- Due to strict limitations on signage in the R-1A, Single-Family Residential District, the applicant is seeking a Zoning Map Amendment to allow his client more flexibility when considering options for new signage.
 - RLUMC has expressed interest in using an Electronic Variable Messaging (EVM) sign – a sign type permitted in the PLI, Public Lands and Institutions District.
 - Aldrich Intermediate School, located directly across the street, was recently granted a sign permit to install an EVM sign facing Prairie Avenue.
 - The potential EVM sign would be reviewed under the Architectural Review process and be subject to brightness restrictions in order to protect nearby residences from ambient light.
- This application is being considered in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
- 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.
 - a. *The existing use of property within the general area of the subject property;*
 - The subject property is located one block north of the Northgate Drive and Prairie Avenue intersection commercial node and directly across from Aldrich Intermediate School. Single-family residences lie to the north, east, and south of the subject property. Land uses permitted in the PLI, Public Lands and Institutions District are generally low intensity and pose minimal risk for disruptions to adjacent uses. The intent of the PLI District is to provide designated areas for community-oriented uses such as parks, religious institutions, and schools. Integrating these valuable services into residential areas increases the proximity to residents and provides stability to neighborhoods.
 - b. *The zoning classification of property within the general area of the subject property;*
 - The subject property is adjacent to parcels in the R-1A, Single-Family Zoning District. Aldrich Intermediate School lies directly to the west of the subject parcel and is in the PLI, Public Lands and Institutions District.
 - 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 R-1A District. However, signage restrictions in the R-1A District significantly limit the options available for uses such as religious institutions or schools that often use signage to advertise news and events.
- d. *The trend of development and zoning map amendments in the general area of the subject property.*
- The area surrounding the subject property is fully developed.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan's Future Land Use Map (#10) currently designates the subject property as appropriate for Single-Family Residential - Urban Uses. The Comprehensive Plan recommends the inclusion of small public and institutional uses such as parks, schools, and churches in this land use category. Therefore, the proposed Zoning Map Amendment is consistent with the Comprehensive Plan as required by Section 66.1001(3) of Wisconsin Statutes. An amendment to the Future Land Use Map is not required.

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** – The rezoning will allow a neighborhood institution to better communicate with residents and advertise events.

Staff Recommendation:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands and Institutions District, for the property located at 2345 Prairie Avenue.

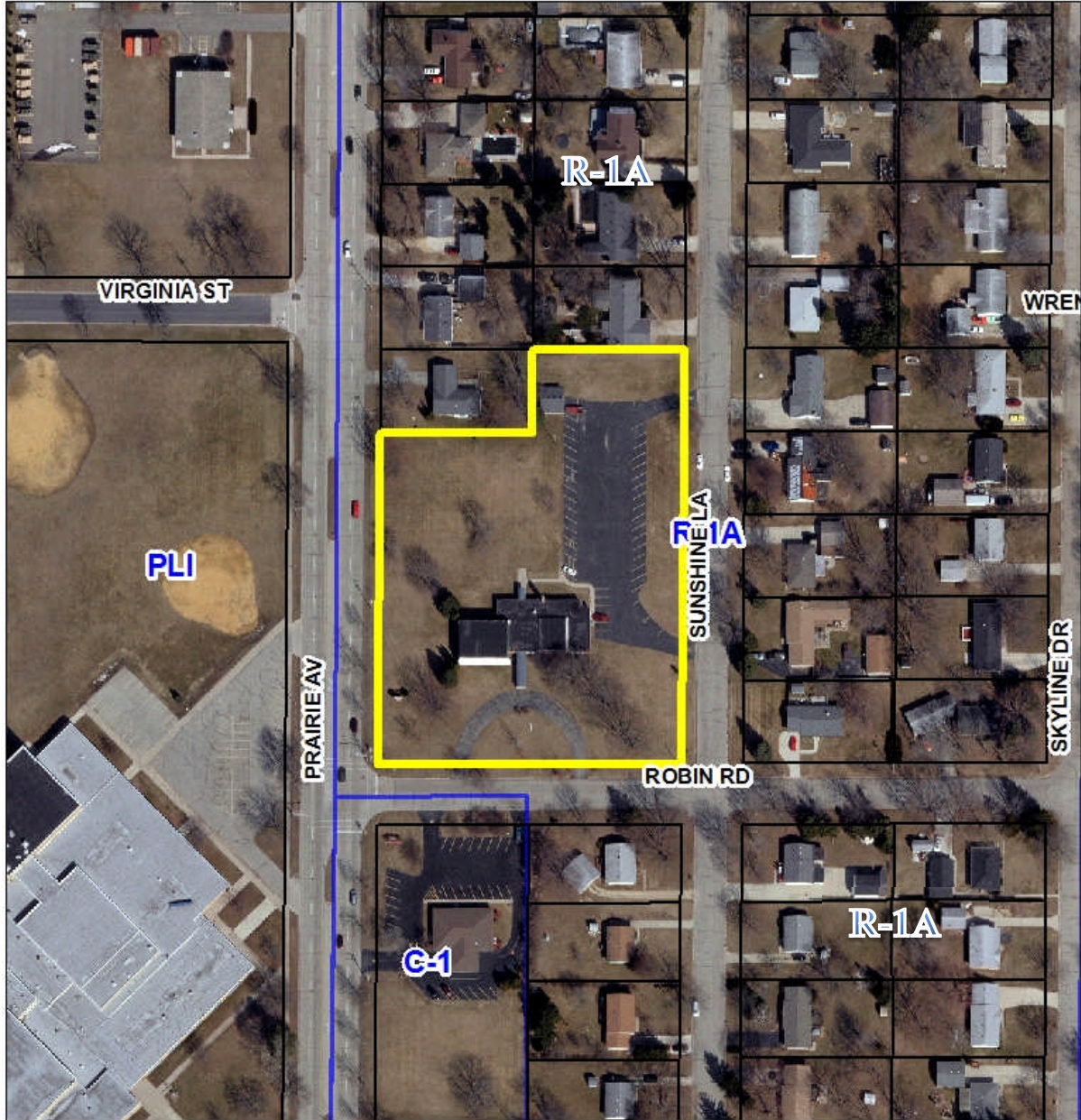
Fiscal Note/Budget Impact: N/A

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

Location Map

2345 Prairie Avenue

ZMA-2016-01



0 50 100 200 Feet

Legend

- 2345 Prairie Ave
- COB Parcels
- Zoning District

Planning and Building Services Division

Map prepared by: Alex Morganroth
Date: January 2016
For: City of Beloit
Planning & Building Services
Date of Aerial Photography: April 2011

Document Path: \\beloitcity.org\GIS\workspace\mxd\2345_Prairie_Ave.mxd

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-2016-04

1. Address of subject property: 2345 Prairie Ave.

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

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

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

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

3. Tax Parcel Number(s): 21A80030

4. Owner of record: The United Methodist Church Conference Phone: _____

750 Windsor St. ^{Ste 106} Janesville WI 53590
(Address) (City) (State) (Zip)

5. Applicant's Name: JNB Signs

1221 Venture Dr. Suite 1 Janesville, WI 53546
(Address) (City) (State) (Zip)

608-754-6338 1608-921-9689 1 kcook@jnbsigns.com
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: R-1A to: PLI

All existing uses on this property are: River of Life Church

7. All the proposed uses for this property are:

Principal use(s): River of Life Church

Secondary use(s): _____

Accessory use(s): _____

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

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


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

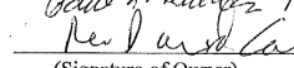
Name(s): _____ Phone: _____

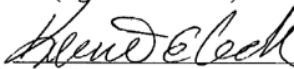
(Address) (City) (State) (Zip)

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

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


 Paul L. Dubler PAUL L. DUBLER TRUSTEE 12-2-15
 (Signature of Owner) (Print name) (Date)


 Rev David P. Carlson Rev David P. Carlson 12/1/15
 (Signature of Applicant, if different) (Print name) (Date)


 Kevin E. Cook Kevin E. Cook 11-30-15
 (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 Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff		
Filing Fee: \$275.00	Amount Paid: <u>275.00</u>	Meeting Date: <u>1/20/15</u>
Number of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____		
Application accepted by: <u>ALM</u>		Date: <u>12/15/15</u>
Date Notice Published: _____		Date Notice Mailed: _____



Office: 608/364-6700 • Fax: 608/364-6609
www.ci.beloit.wi.us
Equal Opportunity Employer

January 8th, 2016

NOTICE TO THE PUBLIC

To Whom It May Concern:

Kevin Cook of JNB Signs, on behalf of River of Life Church, has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1A, Single-Family Residential District to PLI, Public Lands/Institutions District, for the property located at:

2345 Prairie Avenue.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, January 20, 2016, 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, February 1, 2016, 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.

GERALD KONOPA
2418 SUNSHINE LN
BELOIT, WI 53511

SCHOOL DISTRICT OF BELOIT
1633 KEELER AVE
BELOIT, WI 53511

LINDA MARSHALL
2406 SKYLINE DR
BELOIT, WI 53511

SUSAN THILL-RISKEY
2374 SKYLINE DR
BELOIT, WI 53511

RONALD MCCRAY
2405 SUNSHINE LN
BELOIT, WI 53511

THE RIVER OF LIFE UMC
2375 PRAIRIE AVE
BELOIT, WI 53511

U S OF AMERICA ARMY
RECRUITING
2426 PRAIRIE AVE
ATTN: ARMY RECRUIT CENTER

WG HOLDINGS LLC
12050 TAMA RUN LANE
DARLINGTON, WI 53530

JAMES L & SHANNON L EITHUN
2419 SUNSHINE LN
BELOIT, WI 53511

GARY MOEN
2413 PRAIRIE AVE
BELOIT, WI 53511

AUSTIN BURGNER
2382 SKYLINE DR
BELOIT, WI 53511

COURTNEY LAURSEN
2312 SKYLINE DR
BELOIT, WI 53511

DAVID MITOK
2383 SUNSHINE LN
BELOIT, WI 53511

TEACHERS CREDIT UNION
2315 PRAIRIE AVE
BELOIT, WI 53511

KENNETH & HELEN KRUEGER
2413 SUNSHINE LN
BELOIT, WI 53511

CHRISTOPHER RUSS
2383 PRAIRIE AVE
BELOIT, WI 53511

LEONARD PATTERSON
2321 SUNSHINE LN
BELOIT, WI 53511

CAROL MORRIS
1951 ROBIN RD
BELOIT, WI 53511

REBECCA STELLINGS
2357 SUNSHINE LN
BELOIT, WI 53511

WILLARD SNOW
2322 SKYLINE DR
BELOIT, WI 53511

ANDRE & CHARLOTTE REAVIS
1965 ROBIN RD
BELOIT, WI 53511

MATTHEW ROSE
2365 SUNSHINE LN
BELOIT, WI 53511

WAYNE SNOW
2405 PRAIRIE AVE
BELOIT, WI 53511

RAY & PEGGY J BANKS
2346 SKYLINE DR
BELOIT, WI 53511

JEFFREY J & LYNOR R JONES
2305 SUNSHINE LN
BELOIT, WI 53511

ANDREW CARROLL
2414 SUNSHINE LN
BELOIT, WI 53511

LINDA PULLIAM
2375 SUNSHINE LN
BELOIT, WI 53511

ARMAND V & CAROLYN K
BERETTA
2356 SKYLINE DR

JULIAN C & AMANDA L
SMITHSON
413 ELAM DR

WG HOLDINGS LLC
12050 TAMA RUN LANE
DARLINGTON, WI 53530

ROBERT SHINABARGER
2414 SKYLINE DR
BELOIT, WI 53511

DOUGLAS BUHMEYER
2748 OMAHA DR
JANESVILLE, WI 53546

EARNEST CALVIN
2419 PRAIRIE AVE
BELOIT, WI 53511

THE RIVER OF LIFE UMC
2375 PRAIRIE AVE
BELOIT, WI 53511

LARRY & JANET BELL
2347 SUNSHINE LN
BELOIT, WI 53511

SUSAN FARIDI
4835 W 96TH ST
OAK LAWN, IL 60453

RAUL CASIQUE
2306 SUNSHINE LN
BELOIT, WI 53511

LADDER PROPERTY
VENTURES LLC
828 NAKOMA CT
BELOIT, WI 53511



PROCEEDINGS OF THE BELOIT CITY COUNCIL
100 State Street, Beloit WI 53511
City Hall Forum – 7:00 p.m.
Tuesday, January 19, 2016

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

1. President Haynes called the meeting to order at 7:00p.m. in the Forum at Beloit City Hall.
2. PLEDGE OF ALLEGIANCE
3. SPECIAL ORDERS OF THE DAY/ANNOUNCEMENTS – None
4. PUBLIC HEARINGS – None
5. CITIZEN PARTICIPATION – None
6. CONSENT AGENDA

Councilor Kincaid and Luebke made a motion to adopt the consent Agenda as presented. Motion carried.

- a. The **Minutes** of the Regular and Special Meetings of December 21, 2015 and Special Meeting of January 11, 2016 were approved.
 - b. A resolution approving a Four-Lot **Certified Survey Map** for the properties located at 2001 and 3620 Gateway Boulevard in the City of Beloit was approved. File 7895
 - c. A resolution approving the **Relocation Order** for Easements along Fourth Street near Lenigan Creek to the City of Beloit was approved. File 7922
 - d. An Application for a **Planned Unit Development** (PUD) for the property located at 2851 Milwaukee Road (Menards Warehouse Addition) was referred to Plan Commission. File 8185
 - e. An Application for a **Zoning Map Amendment** to change the Zoning District Classification of the property located at 2345 Prairie Avenue (River of Life Methodist Church) from R-1A, Single-Family Residential District to PLI, Public Lands and Institutions District was referred to Plan Commission. File 8706
 - f. A resolution authorizing the City Manager of the City of Beloit to submit a **Grant Application** to the Wisconsin Department of Transportation (WisDOT) 2016-2020 Transportation alternatives Program (TAP) Award Cycle was approved. File 8637
 - g. A resolution authorizing **Final Payment** of Public Works Contract C15-12, Fourth Street Island was approved. File 8681
 - h. A resolution authorizing **Final Payment** of Public Works Contract C15-16, Gateway Lights was approved. File 8570/8682
7. ORDINANCES – None
 8. APPOINTMENTS – None
 9. COUNCILOR ACTIVITIES AND UPCOMING EVENTS
 - Councilor Sloniker – no report
 - Councilor Hendrix attended several Martin Luther King Jr. events at New Zion Baptist, Beloit College and Blackhawk Technical College.

- Councilor Luebke attended a meeting on the Lenigan Creek bridge project. He attended both ceremonies on Jan. 4 and Jan. 11 where 6 new officers were sworn in and 2 officers were promoted to Sergeant. He also attended the Martin Luther King Jr. event at Blackhawk Technical College.
- Councilor Kelly – no report
- Councilor Kincaid attended a meeting on the Lenigan Creek bridge project. He also attended the Martin Luther King Jr. program with the Diversity Action Team.
- Councilor De Forest also attended the Lenigan Creek meeting. She thanked City of Beloit staff member Therese Oldenberg for her work in launching the new recreation website: www.beloitrecreation.com and invited everyone to give it a look. She visited the Beloit Ice Arena and was happy to see the upgrades working and keeping patrons warmer. She congratulated the 6 new officers and 2 new Sergeants recently sworn in and looks forward to the upcoming Winterfest activities.
- Councilor Haynes – no report

10. CITY MANAGER'S PRESENTATION

- a. A Presentation by Hillard Heintze LLC of the Independent Assessment of the Beloit Police Department. President Haynes explained that City Manager Lori Luther would provide some opening comments. Following her, Ken Bouche and Christi Gullion of Hillard Heintze LLC would provide a report to the City Council based on the Independent Assessment of the Beloit Police Department that was originally presented to the City Council as a final report on July 29, 2015. Following their report, Interim Chief David Zibolski will share a status report showing the department's implementations and recommendations for moving forward as a result of this past year's investigation and actions by the City Council.

City Manager Luther explained that in February of 2015, the Beloit City Council retained Hillard Heintze to conduct a full independent assessment of the Beloit Police Department. During the beginning phases of the assessment, urgent safety and liability issues within the department were identified. Before the report was finalized, Interim Police Chief David B. Zibolski was sworn in on June 16, 2015 and immediately started addressing the most serious concerns. She explained that the City invested significant resources to have the assessment conducted and it is important that we fully understand, as a community, the breadth and depth of the findings and be held accountable for the implementation of the recommendations it contains. She further explained that the report contains 15 key findings that fall across 11 specific areas of recommendations. While the entire report can be found on line at <http://www.beloitwi.gov>, she is pleased to have Ken and Christi here tonight to highlight the key findings and share the progress of the Beloit Police Department to date. She understands that by working together with the City Council, the Police and Fire Commission and the Beloit Police Department that a permanently appointed Chief will be named and he or she will continue to move the Department in a new direction to enhance leadership, strengthen community relations and transition into a new area of modern day policing.

Mr. Ken Bouche spent some time going over the facts of the 15 key findings:

Finding #1: An Acute Need for Change

Finding #2: Four Areas of Competency and Strength

Finding #3: A Strategic Plan for the Department is Essential

Finding #4: The Case for Much Stronger Leadership, Accountability and Supervision

Finding #5: Communication by Leadership is Ineffective and Often non-Existent

Finding #6: Patrol Operations Are Undermined by Many Challenges

Finding #7: The Department's Discipline Process Lacks Accountability and Transparency

Finding #8: The Detective Bureau Requires a Major Overhaul

Finding #9: Management of Special Operation Reflects Favoritism

Finding #10: A Prioritized Focus on Policies Will Yield Department-Wide Impacts

Finding #11: Many Training Issues Must Be Addressed to Improve BPD Performance

Finding #12: Technology Challenges Abound

Finding #13: Community-Oriented Policing Needs to Become a Higher Priority

Finding #14: Tapping the Value of Intelligence-Led Policing Will Pay Strong Dividends

Finding #15: Changes to Hiring, Promotion and Special Assignments Will Help Drive Reform

The entire Report can be viewed in the Clerk's Office or on line at <http://www.beloitwi.gov>. The replay of the video is currently available to watch on YouTube at:

<https://www.youtube.com/watch?v=61dq1IYEDeE>

Interim Chief David Zibolski followed the presentation with a status report indicating the many changes made in the 15 mentioned areas.

11. REPORTS FROM BOARDS AND CITY OFFICERS – None

12. Councilors Sloniker and De Forest made a motion to adjourn the meeting at 8:27 p.m. Motion carried.

Lorena Rae Stottler, City Clerk

www.beloitwi.gov

Date approved by City Council: January 19, 2016

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Zoning Map Amendment Application for the property located at 736 Oak Street – Council Referral to the Plan Commission

Date: February 1, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

Bev Krueger has submitted an application for a Zoning Map Amendment to change the zoning district classification from R-1B, Single-Family Residential District to R-2, Two-Family Residential District, for the property located at 736 Oak Street.

Key Issues (maximum of 5):

- There is a 1,780 square-foot, two-story residential (rental) building on the subject property.
- The applicant purchased the subject property on August 31, 2015. Prior to the applicant's purchase of the subject property, the property was a legal nonconforming duplex in a single-family zoning district. However, Planning staff sent a letter to the previous owner on August 24, 2015, notifying him that the subject property had lost its nonconforming duplex status due to the lack of a 2014 Rental Dwelling Permit.
- The applicant is seeking to rezone the subject property to R-2 in order to use the subject property as a two-family rental. Planning staff advised the applicant prior to filing that the proposed R-2 zoning is inconsistent with the Comprehensive Plan and would constitute spot zoning, and therefore staff would be recommending denial of her request. Nevertheless, the applicant has elected to proceed with this request, and staff recommends referring this application to Plan Commission for a public hearing and consideration.

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

- Consideration of this request supports Strategic Goal #5.

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

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

Action required/Recommendation:

- Referral to the Plan Commission for the February 3, 2016 meeting
- This item will most likely return to the City Council for a public hearing and possible action on February 15, 2016

Fiscal Note/Budget Impact: N/A

Attachments: Application

CITY of BELOIT

PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2016-02

1. Address of subject property: 736 OAK ST.

2. Legal description: Lot: _____ Block: _____ Subdivision: _____
(If property has not been subdivided, attach a copy of the complete legal description from deed.)

Property dimensions are: 66 wide feet by 132 deep feet = _____ square feet.

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

3. Tax Parcel Number(s): 13570505

4. Owner of record: Beverly J. Krueger Phone: 608-882-4291
339 East Main - Evansville WI 53536
(Address) (City) (State) (Zip)

5. Applicant's Name: Bev Krueger
Same 339 E. Main Evansville WI 53536
(Address) (City) (State) (Zip)

608 882-4291 / 614-578-5397 / bevschoolphs@yahoo.com
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: R-1b to: R-2

All existing uses on this property are: Rental. Was built as a 2-flat originally. Been a two-flat until last owner let zoning expire

7. All the proposed uses for this property are:

Principal use(s): Rental - upper & lower -

When I bought this in Aug of 2015 I was not told that seller had lost his zoning. Have owned two rental houses in Beloit was last 30 years.

Secondary use(s): 1 R. 1 house unit rental - Really too big for most families

Accessory use(s): _____

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

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

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

Name(s): Bev J. Krueger Phone: 608 882 4291
339 E. Main Evansville WI 535 36
(Address) (City) (State) (Zip)

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

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

Beverly J. Krueger Beverly J. KRUEGER 1-4-16
(Signature of Owner) (Print name) (Date)

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

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

To be completed by Planning Staff		
Filing Fee: \$275.00	Amount Paid: <u>\$275.00</u>	Meeting Date: <u>Feb. 3, 2016</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>Draffington</u>	Date: <u>1/5/16</u>	
Date Notice Published: _____	Date Notice Mailed: _____	

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL



Topic: Construction of New Parking Lots at Turtle Creek Park (1312 E Grand Ave) and Turtle Creek Floodplain (1801 Milwaukee Road) – Council Referral to the Plan Commission

Date: February 1, 2016

Presenter: Julie Christensen

Department(s):

Community Development

Overview/Background Information:

The City of Beloit Engineering Division has requested that the Plan Commission review the proposed plans for the construction of two new parking lots in the City of Beloit – one at Turtle Creek Park located at 1312 E Grand Avenue and one at Turtle Creek Floodplain located at 1801 Milwaukee Road. The location of parking lots on public lands must be reviewed by the Plan Commission and approved by the City Council to comply with State Statutes.

Key Issues:

- The Site Inventory and Analysis in the 2012-2016 Beloit Parks, Open Space and Recreation Plan rated the condition of the parking lot in Turtle Creek Park as “poor” and the condition of the parking lot in Turtle Creek Floodplain as “fair”.
- The 2012-2016 Beloit Parks, Open Space and Recreation Plan “Capital Improvement Recommendations” section includes the construction of paved parking lots at both Turtle Creek Park and Turtle Creek Floodplain.
- Project Descriptions
 - The existing gravel lot located at the trailhead of Turtle Creek Floodplain will be paved with asphalt and provide visitors with 15 paved parking spaces.
 - A new asphalt lot that will be constructed at Turtle Creek Park and provide visitors with 10 off-street parking spaces.
- Both lots will be paved with three inches of asphalt and have 18 inch curb and gutter to direct storm water runoff.
- Landscaping will be added as necessary to comply with Section 34.21 of the Architectural Review and Landscape Code.
- Turtle Creek Park is a landmark site and any alterations need to be authorized by the Landmarks Commission. The Commission will review the parking lot proposal at the February 16, 2016 meeting.

Conformance to Strategic Plan:

- Consideration of this request supports Strategic Goals #1 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
- The proposed parking lots will provide safe and reliable off-street parking for the visitors and guests of Turtle Creek Park and Turtle Creek Floodplain.

Action required/Recommendation:

- Referral to Plan Commission for the February 3, 2016 meeting
- This item will most likely return to City Council for review and possible action on March 7, 2016.

Fiscal Note/Budget Impact:

The construction of the parking lots in Turtle Creek Park and Turtle Creek Floodplain is budgeted in the 2016 Capital Improvements Budget.

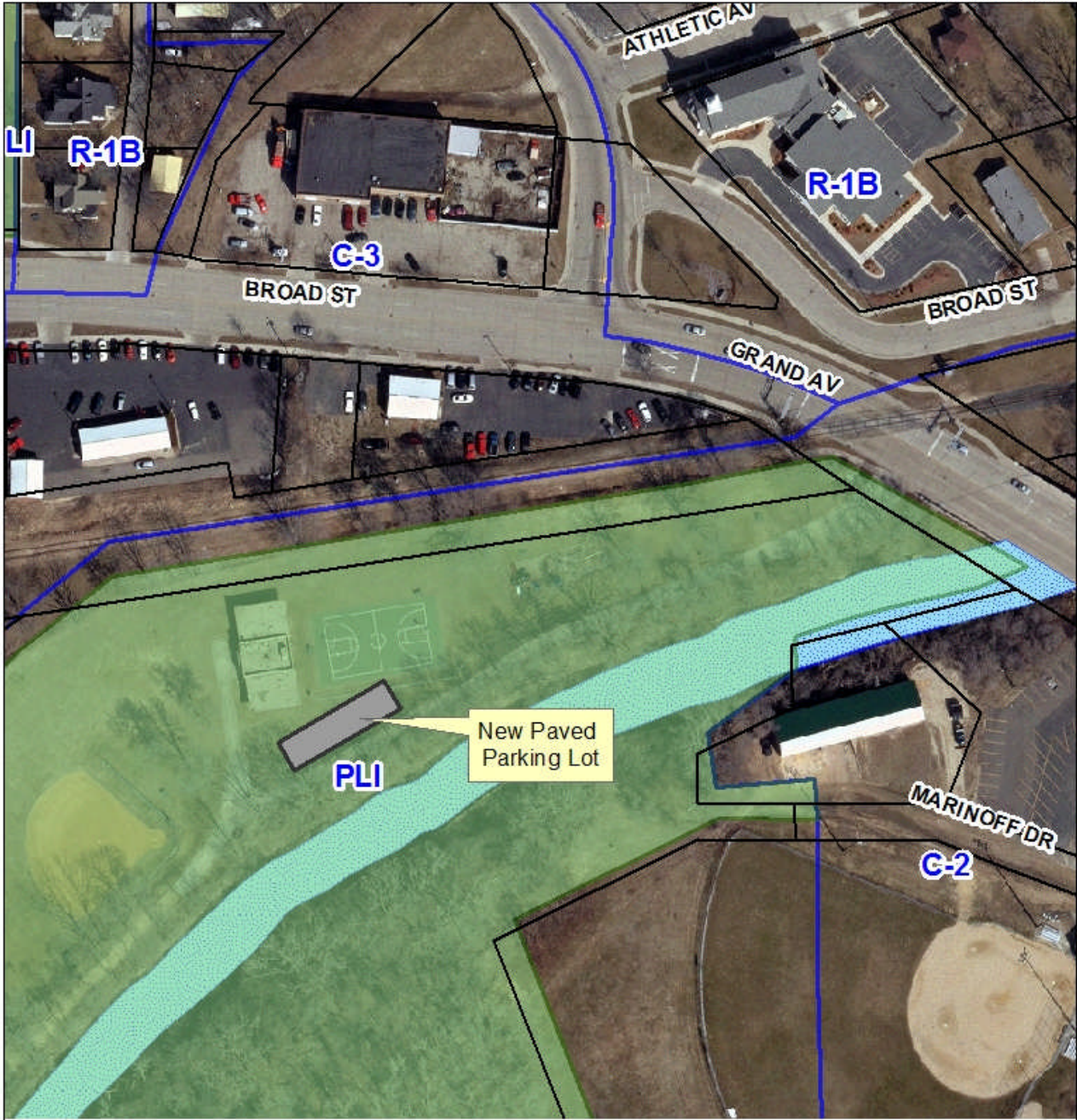
Attachments:

Park Location Maps, Proposed Parking Lot Renderings

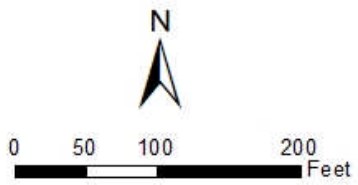
Turtle Creek Park

1312 E Grand Ave

RPB-2016-01



Document Path: \\c:\data\GIS\workspace\MapServer\MapServer_Turtle_Creek_Park.mxd



Legend

- COB Parcels
- Zoning District
- Turtle Creek Park

Planning and Building Services Division

Map prepared by: Alex Morganroth
Date: January 2016
For: City of Beloit
Planning & Building Services
Date of Aerial Photography: April 2011

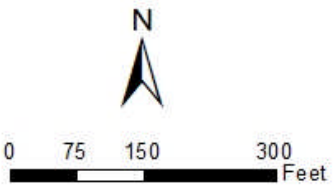
Turtle Creek Floodplain

1801 Milwaukee Road

RPB-2016-01



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Legend	
	COB Parcels
	Zoning District
	Turtle Creek Floodplain

Planning and Building Services Division

Map prepared by: Alex Morganroth
Date: January 2016
For: City of Beloit
Planning & Building Services
Date of Aerial Photography: April 2011

Turtle Creek Park Parking Lot



DISPOSABLE HOTLINE
TOLL FREE 800-242-8313
18000 EAST 15TH AVENUE, SUITE 2000
DENVER, CO 80202
WWW.DIRECTORSHOTLINE.COM

 BELOIT ENGINEERING DIVISION		PROJECT NAME 2016 PARKS PARKING LOTS TURTLE CREEK PARK PARKING LOT
	ID: C16-16	

Turtle Creek Floodplain Parking Lot



**RESOLUTION
SETTING A DATE FOR A PUBLIC HEARING FOR THE
VACATION OF A PORTION OF W. GRAND AVENUE 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 a portion of W. Grand Avenue as situated in Fractional Lot 3 in Section 35, T. 1 N., R. 12 E. and being in the City of Beloit, Rock County, Wisconsin, shall be held at the regular **City Council Meeting on Monday, March 21, 2016**, and the City Clerk is authorized and directed to give notices required under Section 66.1003, Wisconsin Statutes.

Adopted this 1st day of February, 2016.

City Council of the City of Beloit

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 a Portion of W. Grand Avenue

- Resolution Setting a Public Hearing Date
- Council Referral to the Plan Commission

Date: February 1, 2016

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The Planning & Building Services Division has received a petition to vacate a 120 square-foot strip of W. Grand Avenue right-of-way adjacent to 108 W. Grand Avenue.

Key Issues (maximum of 5):

- The proposed area to be vacated is un-platted and approximately 5 feet by 25 feet. The building located at 108 W. Grand Avenue extends beyond its legal description into the 120 square-foot area to be vacated.
- The proposed vacation would attach the 120 square-foot area to the adjacent property, while leaving the 66-foot W. Grand Avenue right-of-way intact. This building encroachment appears to be the result of a discrepancy between the southerly line of W. Grand Avenue as platted in 1847 and the build-to line used to construct buildings on 108, 110, and 114 W. Grand Avenue.
- Essentially, the W. Grand Avenue right-of-way is wider than shown on the Hackett's Addition plat. This encroachment was discovered by an ALTA survey related to the proposed sale of 108 W. Grand Avenue, and the property owner has petitioned for this vacation in order to clear-up any resulting title issues.
- The Petition for Vacation and proposed Plat of Vacation are attached to this report.

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

- Consideration of this request supports Strategic Goal #5.

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

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

Action required/Recommendation:

- City Council consideration and action on the proposed Resolution, which states that a Public Hearing on this matter shall be held at the regular City Council meeting on March 21, 2016
- Referral to the Plan Commission for the March 9, 2016 meeting

Fiscal Note/Budget Impact: N/A

Attachments: Resolution Setting a Public Hearing Date, Petition for Vacation, and Plat of Vacation.

VA-2016-01

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: West Grand Avenue in front of 108 W. Grand Avenue

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: Brody Christiansen Address: 129 Thicket Lane South Beloit, IL 61080	<i>Brody Christiansen</i>	12/8/2016
Name: Karen Christiansen Address: 129 Thicket Lane South Beloit, IL 61080	<i>Karen Christiansen</i>	12/8/2016
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		
Name: Address:		

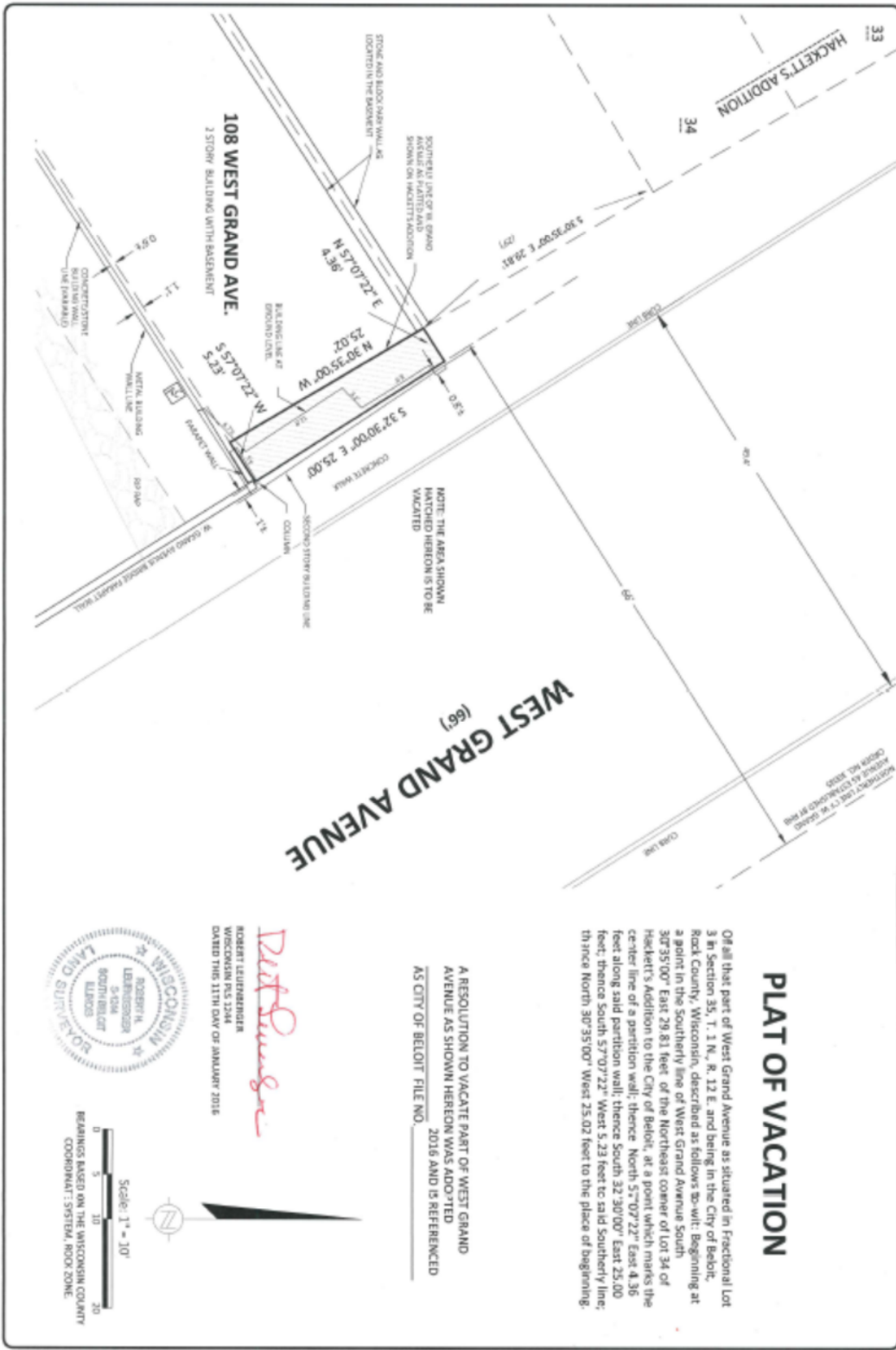
Contact person responsible for circulating this petition: William T. Henderson

Address of contact person: 604 Pleasant Street, Ste. 120, Beloit, WI 53511

Phone number of contact person: 608-365-6614

Signature of contact person: *William T. Henderson*

To be completed by Planning Staff		<i>CC ref: Feb. 1, 2016</i>
Filing fee: \$75.00	Amount paid: <u>75.00</u>	<i>PC: March 9, 2016</i>
Application accepted by: <u><i>Dee Pennington</i></u>	Meeting date: _____	<i>CC: March 21, 2016</i>
	Date: <u>1/13/2016</u>	

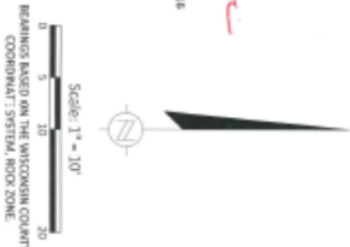



PLAT OF VACATION

Of all that part of West Grand Avenue as situated in Fractional Lot 3 in Section 35, T. 1 N., R. 12 E., and being in the City of Beloit, Rock County, Wisconsin, described as follows to-wit: Beginning at a point in the southerly line of West Grand Avenue South 30°35'00" East 29.81 feet of the Northeast corner of Lot 34 of Hackett's Addition to the City of Beloit, at a point which marks the center line of a partition wall; thence North 5°07'22" East 4.36 feet; along said partition wall; thence South 32°30'00" East 25.00 feet; thence South 57°07'22" West 5.23 feet to said southerly line; thence North 50°35'00" West 25.02 feet to the place of beginning.

A RESOLUTION TO VACATE PART OF WEST GRAND AVENUE AS SHOWN HEREON WAS ADOPTED 2016 AND IS REFERENCED AS CITY OF BELLOIT FILE NO. _____

Robert Henderson
 ROBERT HENDERSON
 WISCONSIN PLS 15344
 DATED THIS 11TH DAY OF JANUARY 2016



ORDER NO: 32332 BOOK: N/A FIELD CREW: N/A DRAWN BY: RHL DATE: JANUARY 11, 2016	ORDERED BY: ATTORNEY BILL HENDERSON 604 PLEASANT #120 STREET BELLOIT, WI 53511 <small>File Name: C:\2296\32332\32332 Henderson</small>	PLAT OF VACATION	 <small>2817 Burtch Drive Beloit, Wisconsin 53511 608.365.0888 www.batterman.com</small>
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**NOTICE OF PENDENCY
FOR THE VACATION OF A PORTION OF W. GRAND AVENUE
RIGHT-OF-WAY IN THE CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN**

TO WHOM IT MAY CONCERN:

There will be a Resolution introduced and filed with the City Council of the City of Beloit, Rock County, Wisconsin on February 1, 2016 providing for the vacation of a portion of W. Grand Avenue in the City of Beloit, Rock County, Wisconsin, described as follows:

A portion of W. Grand Avenue as situated in Fractional Lot 3 in Section 35, T. 1 N., R. 12 E. and being in the City of Beloit, Rock County, Wisconsin.

A Plat of Vacation showing that portion of the right-of-way to be vacated is attached hereto and incorporated herein by reference. The City of Beloit may reserve and continue all easements for public infrastructure in the vacated area, including but not limited to sanitary and storm sewer, water, natural gas, and electric utility easements.

Proceedings after the introduction of the Resolution will be in accordance with the provisions of Section 66.1003 of the Wisconsin Statutes.

Dated this 27th day of January, 2016.

CITY OF БЕЛОIT

By: 
Lorena Rae Stottler, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 25.04(4)(d) AND 13.18 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING PARKING ENFORCEMENT.

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

Section 1. Section 25.04(4)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to include, in numerical order, the following additions to the list of city employees authorized to issue municipal citations for violation of city ordinances:

Chapter	Title	Enforcement Official
13	Traffic Code (offenses related to non-moving parking offenses)	Community Services Officer
13.04	Emergency Snow Removal Regulations	Community Services Officer; Inspection Official; Building Inspector; Fire Department Inspection Officials

Section 2. Section 13.18 of the Code of General Ordinances of the City of Beloit is hereby amended to read as follows:

“13.18 - REMOVAL OF ILLEGALLY PARKED VEHICLES. Any vehicle parked or left standing upon a highway, street, alley or other public grounds in violation of any of the provisions of this chapter is declared to be a hazard to traffic and public safety. Such vehicle shall be removed by the operator, upon request of any police officer, to a position where parking, stopping or standing is not prohibited. Any police officer or other city official authorized to issue citations for parking violations, after issuing a citation for illegal parking, stopping or standing or an unattended vehicle in violation of this chapter, is authorized to remove such vehicle to a position where parking is not prohibited. The officer or city official may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any storage garage or rental parking grounds or any facility of the person providing the towing services. In addition to the other penalties provided by §13.25 of this chapter, the owner or operator of a vehicle so removed shall pay the cost of towing and storage. The cost of removing, impounding and disposing of the vehicle shall include a processing fee of \$5 per day to the City when the vehicle is reclaimed or sold.”

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

Adopted this _____ day of February, 2016.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

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

tdh/ordinances/25.04(4)(d) and 13.18 = ORD 160125 (15-1211)

CITY OF БЕЛОIT



REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: An Ordinance to Amend Sections 25.04(4)(d) and 13.18 of the Code of General Ordinances of the City of Beloit Pertaining Parking Enforcement

Date: February 1, 2016

Presenter: Interim Police Chief David Zibolski

Department: Police Department

Overview/Background Information:

In an effort to maximize city resources, staff is requesting the attached ordinance amendment which allows civilian city staff to assist law enforcement during times of snow emergencies. The proposed ordinance allows civilian staff in the Community Development Department and Fire Department to assist police operations during times of snow emergencies by issuing parking tickets. The current ordinance limits this authority to police officers.

During snow emergencies the City is limited in its response to public safety hazards involving illegally parked vehicles. Amending the ordinance will provide greater capacity to appropriately issue tickets and remove vehicles found to be in violation of city ordinance and state statute. The Police Department will work cooperatively with the Community Development and Fire Departments to train and provide guidance to their respective staffs.

The proposed ordinance also codifies the ability for community service officers to issue parking tickets.

Key Issues:

1. It is current practice for the code enforcement and inspection staff to assist the Department of Public Works and Police Department by acting as the eyes and ears on roadways; making sure that any hazards or obstructions to clear passage by the plows are reported.
 2. The proposed ordinance will allow such inspection officials to assist the Police Department to issue tickets, and request a tow, if needed. This will allow a more efficient use of police resources in addressing the issue of illegally parked vehicles during times of snow emergencies as the civilian staff can take action as opposed to waiting for a police officer to respond to the scene.
 3. The proposed ordinance further codifies the current practice permitting the community service officers the ability to ticket and tow vehicles, as needed, if such vehicles are found in violation of city ordinance/state statutes.
-

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

Approval of this Agreement would conform with Goal #1's stated purpose of developing a high quality community through the responsible stewardship and enhancement of City resources.

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

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

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

Action required/Recommendation:

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

Fiscal Note/Budget Impact:

Minimal budgetary impact

Attachments:

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 25.04(4)(d) OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO OFFICIALS AUTHORIZED TO ISSUE CITATIONS RELATED TO ANNUAL RENTAL DWELLING PERMITS

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

Section 1.

Section 25.04(4)(d) of the Code of General Ordinances of the City of Beloit is hereby amended to include, in numerical order, the following additions and amendments to the list of city employees authorized to issue municipal citations for violation of city ordinances:

Chapter	Title	Enforcement Official
14.06	Annual Rental Dwelling Permits	Director of Community and Housing Services; Inspection Official; Secretary to Director of Community and Housing Services <u>Administrative Assistant in the Community and Housing Services Division; Administrative Assistant in the Planning and Building Services Division</u>

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

Adopted this _____ day of February, 2016.

BELOIT CITY COUNCIL

By: _____
Charles M. Haynes, President

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

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

CITY OF BELOIT



REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: An Ordinance to Amend Section 25.04(4)(d) of the Code of General Ordinances of the City of Beloit Pertaining to Officials Authorized to Issue Citations Related to Annual Rental Dwelling Permits

Date: February 1, 2016

Presenter: Julie Christensen

Department: Community Development

Overview/Background Information:

Section 14.06 of the City's Code of General Ordinances requires property owners to obtain a rental permit before leasing any dwelling unit to another person. If a property owner does not obtain a rental permit, a citation is written for violating this section of code. The rental permit program, including the writing of citations for violations of this ordinance, has been primarily managed by the Administrative Assistant in the Community and Housing Services Division.

Key Issues (maximum of 5):

1. Starting in 2016, we have divided the workload for administering the City's rental permit program. Both the Administrative Assistant in the Community and Housing Services Division and the Administrative Assistant in the Planning and Building Services Division will be administering this program, instead of just having one staff person responsible for this program.
 2. Chapter 25 of the City's Municipal Code identifies who can issue municipal citations for different sections of the code. For Section 14.06 (Annual Rental Permits) of the Code of General Ordinances, the employees currently authorized to issue municipal citations are the Director of Community and Housing Services, Inspection Official, and the Secretary to the Director of Community and Housing Services. We are proposing to amend this ordinance to allow the Administrative Assistant in the Planning and Building Services to also issue municipal citations under this code. This will allow the Community Development Department to more efficiently manage this program.
-

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

Approval of this project would conform with Goal # 1, As an eco-municipality, focus on the sustainable stewardship of City resources, services and infrastructure; to protect both our built and natural environment and enhance the quality of life for current and future generations. This ordinance would allow us to use existing staff to handle the increasing rental permit workload.

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** This change will allow the City to more efficiently manage the rental permit program.

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:

1st Reading of the proposed ordinance – Staff recommends approval of this ordinance amendment.

Fiscal Note/Budget Impact:

No fiscal impact. Both employees are currently working for the City of Beloit. No additional compensation is being provided.

Attachments:

Ordinance

**RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING
FOR SHARED COMMUNICATIONS FACILITIES**

WHEREAS, the Beloit Police and Fire Departments require access to the State of Wisconsin's WISCOM VHF radio system for coordination with other public agencies in response to incidents in the greater Beloit area; and

WHEREAS, the installation of WISCOM radio system equipment at the Eagles Ridge Water Tower site, is necessary and essential for our public safety agencies to maintain the accessibility, and provide a suitable coverage area, needed for these operations; and

WHEREAS, this Agreement will provide for the future expansion in regards to radio system connectivity with the Illinois public safety agencies that utilize their state radio system, STARCOM; and

WHEREAS, although the City currently has connectivity with our partners in Winnebago County, IL, as they migrate to the STARCOM system it will be necessary for our agencies to have an access point for the two statewide systems to interface so that interoperability can be maintained.

WHEREAS, it is common for public safety agencies to co-locate and share tower sites whenever possible; and

WHEREAS, this Agreement increases efficiencies and reduces the number of tower site locations that may be needed; and

WHEREAS, the City of Beloit co-locates some of its public safety radio equipment on sites primarily maintained by Rock County, the City of Janesville, and Winnebago County, IL at no direct cost to the City of Beloit.

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Beloit be, and is hereby, authorized to execute said Memorandum of Understanding on behalf of the City of Beloit and to do all other things necessary to implement the provisions therein.

Adopted this 1st day of February, 2016.

City Council of the City of Beloit

Charles M. Haynes, President

Attest:

Lorena Rae Stottler, City Clerk

CITY OF БЕЛОIT



REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Memorandum of Understanding for Shared Communication Facilities between the City of Beloit and the State of Wisconsin

Date: February 1, 2016

Presenter: Interim Chief Zibolski & Harry Mathos

Department: Police Department and Public Works

Overview/Background Information:

The Beloit Police and Fire Departments require access to the State of Wisconsin's WISCOM VHF radio system for coordination with other public agencies in response to incidents in the greater Beloit area. The installation of WISCOM radio system equipment at the Eagles Ridge Water Tower site, is necessary and essential for our public safety agencies to maintain the accessibility, and provide a suitable coverage area, needed for these operations. This agreement will provide for the future expansion in regards to radio system connectivity with the Illinois public safety agencies that utilize their state radio system, STARCOM.

Although we currently have connectivity with our partners in Winnebago County, IL, as they migrate to the STARCOM system it will be necessary for our agencies to have an access point for the two statewide systems to interface so that interoperability can be maintained. It is common for public safety agencies to co-locate and share tower sites whenever possible. This increases efficiencies and reduces the number of tower site locations that may be needed. The City of Beloit co-locates some of its public safety radio equipment on sites primarily maintained by Rock County, the City of Janesville, and Winnebago County, IL at no direct cost to the City of Beloit.

This project was originally set to begin this past spring, however, the project and agreement was delayed as the water tower was scheduled for painting. The tower painting was completed in early fall and the interested parties reconvened to insure that the site was still viable for the project. Site inspections were completed, verification of available space in the radio hut, and an evaluation of the proposed equipment to be installed was completed. This was to insure that there would be no interference with existing communications equipment, including cellular vendors on the tower.

Key Issues:

1. The sharing of existing tower sites, suitable for maintaining public safety communications is routinely utilized. We share many sites in Rock County, Janesville, and Winnebago County for our public safety communications system access.
2. All costs related to the purchase of the equipment, installation, and maintenance of that equipment is the responsibility of the State of Wisconsin.
3. The city currently maintains the site with HVAC, snow removal, and power to maintain city infrastructure currently located at the site.
4. Once operational, the project will insure that other public safety agencies working in and around Beloit can interface with Beloit public safety personnel, as necessary.

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

Approval of this Agreement would conform with Goal #1's stated purpose of developing a high quality community through the responsible stewardship and enhancement of City resources.

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

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

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

Action required/Recommendation:

The Agreement has been reviewed by staff and is recommended for approval

Fiscal Note/Budget Impact:

Minimal budgetary impact due to this Agreement

Attachments:

Resolution

Proposed Agreement

**MEMORANDUM OF UNDERSTANDING
FOR
SHARED COMMUNICATION FACILITIES**

THIS MEMORANDUM OF UNDERSTANDING is entered into this _____ day of _____, 20____, (hereinafter "EFFECTIVE DATE") between City of Beloit, Wisconsin, (hereinafter "CITY") and the State of Wisconsin Department of Transportation, Division of State Patrol, Bureau of Specialized Services (hereinafter "STATE"), and collectively (hereinafter "PARTIES").

WHEREAS, the CITY owns and operates a communication system for its own use, and, as part of said communication system, has use of a CITY owned water tower (hereinafter "BELOIT") at Latitude 42-31-6.8N, Longitude 088-57-35.7W, located at 3600 Eagles Ridge Rd, Beloit, Rock County, Wisconsin (hereinafter "PREMISES"); and

WHEREAS, the STATE owns and operates a communication system for use by the State Patrol and other state and local governmental agencies in the execution of duties and responsibilities as official representatives of the State of Wisconsin, and, as part of said communication system, helps maintain the Wisconsin System for Interoperable Communications (hereinafter "WISCOM") equipment at various communication tower facilities located throughout the State of Wisconsin; and

WHEREAS, the STATE desires to expand WISCOM coverage and plans to install its communication attachments at BELOIT and house its communications equipment in the CITY's shelter (hereinafter "BUILDING"); and

WHEREAS, the CITY would like the ability to be added to the WISCOM system in order to augment and enhance its communication system within Wisconsin and when operational, with the State of Illinois STARCOM system, and the Parties have determined that a shared facility project is desirable and will provide a cost savings to each party.

NOW, THEREFORE, the CITY and the STATE hereby agree as follows:

1. The CITY agrees that it will permit the STATE to place attachments upon BELOIT and equipment within associated BUILDING on the PREMISES. The CITY shall permit the STATE to install, operate and maintain communications equipment, as specified in "Exhibit A", and in exchange, the STATE shall allow the CITY to join the WISCOM system for daily operations in support of public safety and municipal services at the sole discretion of the CITY. The CITY is not obligated to join WISCOM as a daily user as a result of this MOU. The CITY will maintain its ability to use the WISCOM system as it currently does—via a radio channel on all mobile radios.

2. The PREMISES shall be used for the operation and maintenance of the STATE's WISCOM radio transmitting and receiving equipment. It is understood that all equipment installed upon the PREMISES by the STATE shall remain the personal property of the STATE and

may be removed at or prior to the expiration or termination of this Agreement with proper notice to the CITY. It is agreed that the communication tower, surrounding premises, and any and all equipment or other fixtures or personal property owned by the CITY or third parties within these premises are in good, customary and accepted condition. Upon termination, the STATE shall restore the communication tower and the premises to its original condition, reasonable wear and tear accepted.

3. The STATE shall have 24-7 access to and use of the PREMISES and its equipment located thereon. Access to BELOIT by STATE personnel or representatives for the purpose of equipment installation, removal, maintenance and repair shall be coordinated through the CITY prior to entry, with the exception of an emergency situation where prior coordination is not possible.

4. The STATE's equipment shall be installed in a manner so as to prevent damage from being sustained to the PREMISES, to other equipment or personal property of the CITY or of third parties to the communication tower, itself. In addition, the STATE shall install or place personal property or fixtures only at the location(s) on the communication tower or elsewhere on the PREMISES which have been approved by the CITY, which approval has been reduced to written description. If in the process of maintaining, repairing, replacing or otherwise working with its equipment or in the course of removing its fixtures from the PREMISES, the STATE shall damage property belonging to the CITY or third parties, it shall fully compensate the injured party for such damages.

5. The STATE shall be responsible for all repairs required to keep its improvements, fixtures and equipment in good order. Any damage to the communication tower or the premises upon which it is located caused by the operations or equipment of the STATE shall be paid for by the STATE.

6. The STATE warrants that it is self-funded for liability exposures pursuant to Sections 893.82 and 895.46, Wisconsin Statutes, in which the STATE is responsible for liability arising from, or claimed to arise from, actions of its officers, employees, or agents acting within the scope of their employment.

7. The CITY shall pay for electrical power, cooling and heating of the BELOIT facilities.

8. It shall be the responsibility of the CITY to see to it that plowing is accomplished during the winter.

9. Rentals will be the mutual considerations and benefits as described under the terms of this Agreement, but with the exception and understanding that this Section is subject to change to comply with any future policy that may be implemented by the governing body of WISCOM.

10. The PARTIES both agree that each shall be responsible for its own respective licensing and compliance with FCC regulations.

11. The CITY agrees, in its use of BELOIT, not to interfere with the radio communication transmission or reception through equipment, or frequencies owned and/or used by the STATE, or owned and/or used by third party tenants and in operation on the EFFECTIVE DATE of this Agreement by the CITY. If it is so notified of such interference, the CITY shall eliminate said interference with the STATE or such third party use of radio/television/telephonic/electronic transmission signals as soon as possible within 24 hours of notification or it shall cease using the equipment which is causing the interference, the sole exception thereto being for the purpose of testing necessary to eliminate the cause of the interference. It shall be the CITY's sole responsibility to correct and finance improvements to eliminate said interference and/or it shall be the CITY's responsibility to cease and desist from using the equipment at BELOIT. If the CITY cannot or refuses to correct such interference, this Agreement shall be subject to immediate termination by the STATE.

12. The STATE agrees, in its use of the BELOIT, not to interfere with the radio/television/telephonic/electronic transmission or reception through equipment owned and/or used by the CITY, or owned and/or used by third party tenants and in operation on the EFFECTIVE DATE of this Agreement by the STATE. If it is so notified of such interference, the STATE shall eliminate said interference with the CITY or such third party use of radio/television/telephonic/electronic transmission signals as soon as possible within 24 hours of notification or it shall cease using the equipment which is causing the interference, the sole exception thereto being for the purpose of testing necessary to eliminate the cause of the interference. It shall be the STATE's sole responsibility to correct and finance improvements to eliminate said interference and/or it shall be the STATE's responsibility to cease and desist from using the equipment at BELOIT. If the STATE cannot or refuses to correct such interference, this Agreement shall be subject to immediate termination by the CITY.

13. This Agreement shall remain in force until canceled, by giving one (1) year written notice by either party.

14. The PARTIES agree that at the termination of this Agreement, the STATE will disassemble and remove its equipment from BELOIT water tower and BUILDING, leaving the PREMISES in its original condition. The STATE and the CITY both agree that no part of the improvements constructed, erected, or placed by the STATE on BELOIT and on the PREMISES shall be or become, or be considered as being, affixed to or a part of the CITY's real property, and the PARTIES hereby agree that all personal property and improvements of every kind made by the STATE, shall be and remain the property of the STATE, whether this Agreement is terminated by notice or by default.

15. This Agreement shall be governed by the laws of the State of Wisconsin. Nothing herein shall be construed as a waiver of the sovereign immunity of the State of Wisconsin or waiver of immunity by the City of Beloit.

16. Nothing contained herein shall be deemed of construed by the PARTIES hereto nor by any third party as creating a relationship of principal and agent or partnership between the PARTIES hereto.

17. Nothing in this Agreement shall be construed as obligating the STATE to the expenditure of funds or for the future payment of money in excess of appropriations authorized by law.

18. This Memorandum of Understanding for Shared Communication Facilities will not be recorded.

THIS MEMORANDUM OF UNDERSTANDING FOR SHARED COMMUNICATION FACILITIES is hereby accepted by the following representatives of the PARTIES hereto who have been duly authorized on their behalf to do so.

CITY OF BELOIT

**STATE OF WISCONSIN DEPARTMENT OF
TRANSPORTATION DIVISION OF STATE
PATROL**

By: _____
Lori S. Curtis Luther, City Manager

By: _____
Stephen Fitzgerald, Superintendent

ATTEST:

By: _____
Lorena Rae Stottler, City Clerk

By: _____
Jeffrey D. Ohnstad, BSS Section Chief

APPROVED AS TO FORM:

By: _____
Elizabeth A. Krueger, City Attorney

I hereby certify that there are sufficient funds available to pay the liability incurred by the City of Beloit pursuant to this agreement.

By: _____
Eric R. Miller, City Comptroller

Exhibit A

The STATE

GENERAL TOWER SITE USE REQUIREMENTS

It is understood that the following described Equipment will be provided and owned by the STATE and the following installation requirements will be used by the STATE at BELOIT:

Equipment on BELOIT Water Tower

- All transmission line will be attached to the tower every 3' with suitable stainless steel hangers and hardware (Or other STATE approved methodology prior to installation).
- All transmission line will be jacketed cable.
- When a standard grounded cable entry mechanism is in place, boots must be used on the cable at the point of entry into the building.
- An applicable grounding kit shall be used to ground the transmission line to the tower at the top and bottom.
- (1) Comprod Transmit/Receive Split VHF antenna at 150 ft AGL on top of water tower
- 7/8" coax will be used through-out installation
- (1) 2' dish at 150' AGL aimed toward the La Prairie SWEF
- (1) 2' dish at 150' AGL aimed toward the water treatment plant
- Shielded CAT5 cable from dishes to building

Equipment in Building

- All equipment in building will be grounded.
- (3) Standard rack spaces, combiner, and trunking equipment.
- In building equipment footprint to be approved by the CITY OF BELOIT.

Frequencies

- 138.2375, 138.5625, 139.7875, 152.1275 MHz WISCOM A – D Transmit.
- 142.7875, 143.2125, 143.6375, 158.5875 MHz WISCOM A – D Receive.
