



**PUBLIC NOTICE & AGENDA  
PLAN COMMISSION  
City Hall Forum - 100 State Street, Beloit, WI 53511  
7:00 PM  
Wednesday, September 05, 2018**

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
  - 2.a. Consideration of the Minutes of the August 22, 2018 Plan Commission meeting  
[Attachment](#)
3. PUBLIC HEARINGS
  - 3.a. Consideration of a Conditional Use Permit to allow a drive-in use with alcoholic beverage sales in a C-2, Neighborhood Commercial District, for the property located at 2648 Prairie Avenue  
[Attachment](#)
  - 3.b. Consideration of a Resolution Recommending Approval of an Update to the City's Comprehensive Plan  
[Attachment](#)
4. REPORTS
5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS
6. 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.



**Meeting Minutes  
Beloit City Plan Commission  
Wednesday, August 22, 2018 at 7:00 PM  
The Forum  
Beloit City Hall  
100 State Street, Beloit**

**1. Call to Order and Roll Call**

The meeting was called to order at 7:00pm. Commissioners Haynes, Weeden, Johnson, Faragher, Finnegan, Robson and City Councilor Preuschl were present. Commissioner Ruster was absent.

**2. Approval of the Minutes of the August 8, 2018 Meeting**

Commissioner Weeden moved to approve the minutes. Commissioner Haynes seconded the motion. The motion passed, voice vote.

**3. Consideration of a Conditional Use Permit to allow a drive-thru convenience store with alcoholic beverages sales for the property located at 2667 Prairie Avenue.**

Community Development Director, Julie Christensen commenced by discussing recent changes to legislature which requires decisions for approvals or denials of Conditional Use Permits to be based on substantial evidence. In addition, any requirements or conditions of approval must be based on substantial evidence.

Ms. Christensen presented the staff report and recommendation.

Commissioner Johnson asked staff if there were any current rules that included alcohol density in neighborhoods. Ms. Christensen indicated that there were not any explicit rules regarding neighborhood density, but City Council does have discretion involving licensing issuance. The consideration of a Conditional Use Permit would be a separate process and substantial evidence would have to be presented for approval or denial.

Commissioner Robson asked if the easement shared with the Thirsty Badger would be expanded. Ms. Christensen indicated that the widening of the easement should not be necessary. Ms. Christensen also directed the commissioners to the *Location and Zoning Map* provided by staff in which the location and purpose of the easement is displayed.

Commissioner Faragher continued the open hearing. Ms. Alice Blue, owner of Badger Spirits located at 2621 Prairie Avenue, discussed her past experience when constructing her store, and the City urging her not to place a drive-through on her property. At the time, Ms.

Blue was told that a drive-through for her store was not allowed. Ms. Blue also indicated her concerns with the addition of another business and future traffic in the alley located in the rear of the property. Ms. Christensen acknowledged that Ms. Blue was discouraged from building her drive-through due to strong direction from City Council to deny drive-thru alcohol sales.

Mr. Jim Van De Bogart, 2091 Collingswood Drive, Beloit, discussed Wisconsin's high rates of driving under the influence (DUI) and how the approval of the Conditional Use Permit to allow alcohol sales through the drive-through would be contrary to common sense. Mr. Van De Bogart discussed the numerous establishments located along Prairie Avenue in which potential alcohol customers would have to exit their vehicles in order to purchase alcohol. Mr. Van De Bogart also discussed the different deterrents used by the establishments for the sale of alcohol and how it will be challenging to validate those who are intoxicated using a drive-through service.

Mr. Mark Miller, 2675 Iva Court, Beloit, and representing The Iva Court Condominium Association, spoke against alcohol sales, and expressed his concerns with litter on side streets near Prairie Avenue and the proximity of establishments that sell alcohol within the area.

Captain Dan Molland, representing the City of Beloit Police Department, directed the Commissioners to the Police Department memo. He outlined the departmental concerns, specifically public safety and the selling of alcohol to an underage person and persons driving under the influence of alcohol and traffic flow and ingress/egress to a business.

Mr. Mike Draeving, owner of the Thirsty Badger located at 2683 Prairie Avenue, discussed issues related to delivery vehicles using his property to get to 2667 Prairie Avenue. Mr. Draeving proposed adding a condition that a fence or barrier be erected to deter those trucks from driving through his parking lot to make deliveries to this business. If the condition is not added, Mr. Draeving's intentions are to allow access through his property only where the easement requires and block access at the rear of the property.

Desiree Metzger, applicant, 1748 W. Grand Avenue, Beloit, addressed the Fire Department concerns regarding vehicle emissions expelled inside the establishment and the storage of oil tanks in the building. Ms. Metzger indicated that in addition to the building's built-in ventilation system, vehicle emissions would be exhausted by having one of the bay doors open any time customers were present. Ms. Metzger has been assured by Grease Monkey that oil storage tanks would be emptied and will have the Fire Department inspect to insure it has been completed.

Ms. Metzger also discussed the proposed alcohol sales and indicated that if approved, only beer will be sold at the establishment. She only intended to apply for a Class "A" Beer License. Furthermore, the business will use approved methods to validate those who are eligible to purchase alcohol and will implement the scanning of IDs to minimize sales to minors.

Ms. Metzger discussed the easement issues and proposed the use of improved striping and directional signage that will limit traffic from entering through the neighbor's property. Ms. Metzger encouraged the widening of the current easement to alleviate the issues of traffic flowing through the adjacent property. Ms. Metzger briefly discussed future traffic flow and how it will not be any different than traffic from previous drive-throughs. Ms. Metzger asked staff if the minimum requirement of parking stalls still applied if there was no foot traffic. Ms. Christensen indicated that it was a code requirement and was based on square footage (1/250 for retail sales) and that space was also necessary for employee parking. Ms. Metzger discussed the commercial space available in the area and how the proposed business concept could promote local economic growth.

Commissioner Weeden asked Ms. Metzger about the proposed sales at the establishment. Ms. Metzger mentioned that tobacco, lottery, snacks and the possible sale of hot food.

Commissioner Faragher asked Ms. Metzger to provide input on the proposal of a barrier to divide the parcels. Ms. Metzger indicated that the property has functioned without separation for several years and believes that she should not be responsible for the cost of those barriers.

Commissioner Finnegan asked Ms. Metzger if the business could "survive" without alcohol sales. Ms. Metzger indicated that it will take away from profit and possible city tax revenue but the business could "survive" without alcohol sales.

Ms. Christensen advised Ms. Metzger to contact the Rock County Health Department before considering the sale of hot food items in the establishment.

Commissioner Faragher closed the Public Hearing.

Commissioner Johnson discussed existing traffic flow, in and out of the establishment and how it could be a potential public safety concern. Commissioner Johnson would like to see traffic re-aligned to the point in which the easement was not a public safety factor. Ms. Christensen discussed a former conversation with City Engineer, Mike Flesch in regards to alternatives for entry into the business. According to Ms. Christensen, Mr. Flesch specified that the style of road (Prairie Ave) was the cause for having limiting access points. City Council Preuschl discussed the widening of the entry and Commissioner Johnson recommended the shift of entry from Thirsty Badger to the discussed parcel to allow ingress and egress access. Mr. Johnson also indicated that he did not see the need to deny the Conditional Use Permit for the alcohol sales.

Commissioner Finnegan agreed with the staff recommendation for the Conditional Use Permit.

City Council Preuschl asked staff about the grocery Pick-Up proposal for Walmart and how it could relate to this case. Ms. Christensen indicated that the pick-up model will delay the sale of alcohol and would not be similar to this type of business model.

Commissioner Haynes move to approve the staff recommendation which denies alcohol sales and approves the drive-in use. Commissioner Robson seconded the motion. The motion passed, voice vote.

4. **Consideration of a Ordinance No. 3626 to amend Section 6.401 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit Pertaining to Outdoor vending as a temporary use in the PLI Zoning District.**

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

Commissioner Weeden asked staff to elaborate on current practice for outdoor vending. Ms. Christensen indicated that under current practice, the ordinance allowed the hosting of an event but without any vending. The ordinance amendment will also allow up to 5 events per calendar year in all PLI zoning districts, which includes parcels with uses such as churches, schools and the VFW.

Commissioner Faragher opened and closed the public hearing.

Commissioner Johnson moved to approve the Conditional Use Permit. Commissioner Weeden seconded the motion. The motion passed, voice vote.

5. **Consideration of the proposed plans for the digester pump station building at the City's Wastewater Pollution Control Facility.**

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

Commissioner Haynes moved to recommend approval of the proposed plans. Commissioner Weeden seconded the motion. The motion passed, voice vote.

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

Ms. Christensen explained that the Final Plat for Walnut Grove was approved by City Council. She also made the Commissioners aware of upcoming training opportunities and informed them that the next meeting agenda would include the review of the Comprehensive Plan Update.

7. **Adjournment**

Commissioner Haynes moved to adjourn the meeting. Commissioner Weeden seconded the motion.

Meeting adjourned at 8:00pm.

Minutes respectfully submitted by Frank Fuerte.

## REPORT TO THE BELOIT CITY PLAN COMMISSION

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**Meeting Date:** September 5, 2018      **Agenda Item:** 3(a)      **File Number:** CU-2018-08

**Applicant:** Nicolas Lerma      **Owner:** KHY LLC      **Location:** 2648 Prairie Avenue

**Existing Zoning:** C-2, Neighborhood Commercial District      **Existing Land Use:** Vacant Commercial      **Parcel Size:** 0.90 Acre

### Request Overview/Background Information:

Nicolas Lerma has filed an application for a Conditional Use Permit (CUP) to allow a drive-through convenience store with alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 2648 Prairie Ave. If the uses are approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties. However, a new state law requires the decision to approve or deny a conditional use permit to be based on substantial evidence. In addition, any requirements or conditions established must be related to the purpose of the ordinance and, to the extent practicable, be measurable.

### Key Issues:

- The subject property includes a commercial building with a drive-through window and parking lot that was previously Fiesta Cancun. The building is 3,200 square feet in area and was constructed in 1995.
- Customers will drive their vehicles into the Prairie Avenue access, drive behind the building, to the window to purchase goods.
- The drive-through use requires a CUP in the C-2 zoning district.
- A CUP to allow indoor alcohol sales in the C-2 Neighborhood Commercial District was previously approved for the site in 2009. The former business Fiesta Cancun was last in operation in November 2017 therefore the 2009 CUP will lapse in November 2018 if the alcohol use is not re-established at that time.
- According to Section 8-112 of the Zoning Ordinance, drive-through uses shall include at least 3 stacking spaces for the pick-up area. The subject property includes adequate stacking spaces for the drive-through.
- Section 8-103 of the Zoning Ordinance specifies that sales-oriented retail sales shall provide one parking stall per 250 square feet of building area. For a 3,200 square foot building, 13 spaces would be required. The subject property has at least 13 parking stalls, which exceed the minimum number required.
- The application was sent to the City’s Review Agents, and the following comment was received.
- The Police Department has reviewed this request and has expressed concerns which are outlined in the Beloit Police Department memo attached to this report. They are concerned that it will be much more difficult to determine if a purchaser is underage or under the influence of alcohol.
- The City’s other Review Agents have reviewed this application and do not have any comments or concerns.
- The attached Public Notice was sent to thirty three nearby property owners. Staff has not received any questions.
- **Findings of Fact** – Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
  - a. **Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;**
    - The proposed drive-through store will operate on a site and within a building that was designed to accommodate drive-through traffic.
  - b. **Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;**
    - The subject property is located in a busy commercial area, and any additional traffic, noise, and glare generated by this store is compatible with existing conditions.
  - c. **Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;**
    - Restaurant uses have occupied this site off and on since 1995. We do not believe the utilization of the drive-through will diminish or impair property values.
  - d. **Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;**
    - This is an urbanized area and the surrounding properties are fully developed.
  - e. **Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate**

***neighborhood that it will cause a depreciation in property values;***

- The applicant has not proposed any architectural changes, although if approved the applicant will have to submit an architectural review application for any exterior improvements.
- f. ***Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;***
- Adequate facilities and infrastructure are available to serve the conditional uses.
- g. ***Whether adequate measures will be taken to minimize traffic congestion; and***
- Prairie Avenue is capable of handling the additional traffic that will be generated by the proposed drive-through use.
- h. ***Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.***
- The conditional uses will comply with all other applicable regulations of the Zoning Ordinance.

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**Consistency with Comprehensive Plan and Strategic Plan:**

The Comprehensive Plan recommends Planned Mixed Uses for the subject property. This proposed store and the underlying zoning classification are consistent with this recommendation. Consideration of this request supports City of Beloit Strategic Goal #3 by creating and sustaining economic growth.

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**Staff Recommendation:**

The Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow a drive-through convenience store in a C-2, Neighborhood Commercial District, for the property located at 2648 Prairie Avenue, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit (CUP) authorizes the occupancy of the existing 3,200 square-foot commercial building on the subject property as a convenience store where customers drive up to purchase goods.
2. An Architectural Review Certificate must be obtained prior to making any exterior changes to the building.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

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**Fiscal Note/Budget Impact:** N/A

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**Attachments:** Location & Zoning Map, Site Photos, Police Department Report, Application, Neighbor Notice, Mailing List, and Resolution.



# Location & Zoning Map

2648 Prairie Ave


CU-2018-08




1 inch = 70 feet

0 12.5 25 50 75 Feet

## Legend

 Parcel Poly

 City Limits (Corp Poly)

Map prepared by: Hilary Rottmann  
Date: August 2018  
For: City of Beloit Planning & Building  
Date of Aerial Photography: 2016

# PLANNING & BUILDING SERVICES DIVISION







## Beloit Police Department

To: David Zibolski  
Chief of Police

From: Thomas Stigler  
Captain of Patrol

Date: Friday, August 17, 2018

RE: 2648 Prairie Avenue – Conditional Use Permit Application

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On August 14, 2018 we received notification via email of a CUP application for a “drive through and alcohol sales” for the vacant commercial building at 2648 Prairie Avenue, Beloit, WI. City Planner II Hilary Rottmann requested that we provide the Planning & Building Services Division with any comments or concerns regarding this property and the proposed Conditional Use by Friday, August 24, 2018. Although it was not requested, I will also comment on the applicant.

Subject property: 2648 Prairie Ave is located on the west side of Prairie Avenue between Elmwood Avenue and E Post Rd. This vacant building was previously used as a fast food restaurant with a drive through window. There is a vacant commercial lot to the north and several occupied commercial buildings to the south. The east side of Prairie Avenue on this block is occupied commercial buildings. The property has driveway access to Prairie Avenue through its own driveway or through adjacent properties on either side. The west side of the property is lined with small trees separating the commercial properties from the residences on Iva Ct.

The City of Beloit currently has two businesses that offer drive through alcohol sales. The two businesses are the Turtle Tap at 1344 E Grand Avenue and the tobacco Shack at 1212 Cranston Rd. A review of calls for service for both businesses from 01/01/2016 to 08/06/2018 did not reveal any calls for the Turtle Tap related to their drive-through. Turtle Tap’s primary business is a tavern.



## Beloit Police Department

The Tobacco Shack is a similar business as this proposed in this CUP. There were several calls for service that raise concerns.

On 01/12/2016 a customer got into an argument with the owner because the customer was taking too long in the drive through and holding up other customers. (BE160772) The argument continued in front of the store and escalated to pushing and shoving. Officers responded and the issue was resolved without arrest or enforcement action.

On 05/04/2016 & 02/26/2018 were issued citations for selling alcohol to an underage person. (BE168853, BE1807685). Though not related directly to the drive-through portion of the business one can construe that it would be easier for an underage person to purchase during a drive-through transaction as opposed to a face to face in store transaction.

In 2018 there were two calls for service where concerned citizens reported intoxicated persons left the Tobacco Shack driving vehicles. (BE1804431 & BE1821017). Police responded to both calls and no arrests were made. Though not directly related to the drive-through portion of the business one can construe that it would be easier for an intoxicated person to purchase during a drive-through transaction as opposed to a face to face in store transaction.

From 01/01/2016 to 08/06/2018 there were 8 motor vehicle accidents in the parking lot of the Tobacco Shack.

The above calls for service raise the following concerns:

1. Public Safety and the purchase of alcohol by underage persons and persons who are under the influence. If these persons are willing to enter a business to purchase alcohol it is reasonable to believe they would feel more comfortable using the drive-through. How will this applicant ensure drive-through customers are of legal age and not under the influence?





**Beloit Police Department**

- 2. Public Safety and the traffic flow in and out of the business lot. Presuming this will be a business with a high volume of traffic as other businesses with alcohol sales, the planning for this traffic is necessary for the safety of the customers and those travelling on Prairie Avenue. The potential for customers using the shared driveway may create bottlenecks both on Prairie Avenue as well as on the connected parking lots. I do not see where these concerns are addressed in the document I was provided.

Applicant: Nicole M Fischer 10/27/1976 of 1713 E Williams Dr. Beloit, WI has no adverse contacts in our records. It appears she has been a resident of Beloit for at least 12 years and has no open judicial cases.

Based upon this review I believe the approval of this CUP will, if steps are not taken to mitigate them, create Public Safety concerns for customers of this business and the general public travelling on Prairie Avenue. The issue of having another drive through liquor sales business operating in our city is not addressed.

Respectfully submitted,  
*Thomas Stigler*  
Thomas Stigler  
Captain of Patrol

RECEIVED  
BELOIT POLICE DEPARTMENT  
AUG 21 2018  
DAVID B. ZIBOLSKI  
CHIEF OF POLICE  
REF: CONDITIONAL USE FILE  
CC: JUNE CHRISTENSEN

**CITY of BELOIT**

**Planning and Building Services Division**

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

**Conditional Use Permit Application**

(Please Type or Print)

File Number: CU-2018-08

1. Address of subject property: 2648 Prairie Avenue

2. Legal description: L1 csm v 8PGS 351 & 352

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): 11341505

4. Owner of record: KHY LLC Phone: \_\_\_\_\_

5. Applicant's Name: Nicole Fischer <sup>(City)</sup> 10/27/76 <sup>(State)</sup> WI <sup>(Zip)</sup> 53511

1713 E. Williams Beloit WI 53511  
<sub>(Address) (City) (State) (Zip)</sub>

608-289-5145 nicolefischer9902@gmail.com  
<sub>(Office Phone #) (Cell Phone #) (E-mail Address)</sub>

6. All existing use(s) on this property are: Vacant - Will be a liquor/ convenient store.

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

A Conditional Use Permit for: Drive Thru & alcohol sales  
in a(n) C2 Zoning District.

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

Principal use: Store selling tobacco, alcohol, wine, beer, food, snacks

Secondary use: \_\_\_\_\_

Accessory use: \_\_\_\_\_

9. Project timetable: Start date: \_\_\_\_\_ Completion date: \_\_\_\_\_

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

- ( ) Owner
- ( ) Leasehold, length of lease: \_\_\_\_\_
- Contractual, nature of contract: Land 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.

Nich Lerma (Signature of Owner)      Nicholas Lerma (Print name)      1-7-13-18 (Date)

See Email from (Signature of Applicant, if different)      Yook Kin Yan (Print name) (owner)      8/1/18 (Date) DP

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

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff	
Filing fee: <u>\$275.00</u>	Amount paid: <u>\$275.00</u> Meeting date: <u>Sept. 5, 2018</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Don Fenigton</u>	Date: <u>8/1/18</u>

↳ Owner Auth.

**Pennington, Drew**

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**From:** Ken <ken.yan@tds.net>  
**Sent:** Wednesday, August 1, 2018 8:38 AM  
**To:** Pennington, Drew  
**Cc:** Randy Walters  
**Subject:** Permission from Property Owner to add Nick Lerma to your upcoming Planning Commission Agenda

Drew,

Good morning, I am the owner of 2648 Prairie Avenue, Beloit, Wisconsin. At present, I am working to finalize a Land Contract agreement with Nick Lerma for my property. You have my permission to add Nick Lerma to your upcoming Planning Commission Agenda for the purposes of review and approval of his liquor license application.

Thanks,

Yoek Kin Yan



COMMUNITY DEVELOPMENT DEPARTMENT

**NOTICE TO THE PUBLIC**

August 27, 2018

To Whom It May Concern:

Nicolas Lerma has filed an application for a Conditional Use Permit to allow a drive-through convenience store with alcoholic beverage sales in a C-2, Neighborhood Commercial District, for the property located at:

**2648 Prairie Avenue.**

The subject property includes a commercial building with a drive-through window and stacking spaces that was previously Fiesta Cancun. Customers will drive their vehicles into the Prairie Avenue access, drive behind the building, purchase their goods, and then exit through the Prairie Avenue access on the property. Both the drive-through use and the sale of alcoholic beverages require a Conditional Use Permit in the C-2 zoning district.

The following public hearings will be held regarding this application:

**City Plan Commission:** Wednesday, September 5, 2018, 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, September 17, 2018, 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 Hilary Rottmann, in the Planning & Building Services Division at (608) 364-6708 or [rottmanh@beloitwi.gov](mailto:rottmanh@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*



Haresh Patel  
3520 Country Club Lane  
Morris IL 60450

Alice Blue  
2621 Prairie Ave  
Beloit WI 53511

Cartunes Grill and Bar LLC  
2640 Prairie Ave  
Beloit WI 53511

KHY LLC  
9806 Trappers Trail  
Middleton WI 53562

2121 Milton Ave Property LLC  
2121 Milton Ave Suite 140  
Janesville WI 53545

Gani Mohamed Farouk  
504 Brockway  
Palatine IL 60067

Fastenal Company  
PO Box 168  
Winona MN 55987

Bonanza Enterprise LLC  
1805 N 19th Ave STE 1 W  
Melrose Park IL 60160

McDonalds Corp #48-0169  
PO Box 2440 - MS 1224  
Spokane WA 0

Donna Rasmussen  
2625 IVA Court Unit 21  
Beloit WI 53511

Kenneth R & Maria C Witkins  
110 Maplewood Drive  
Scotia NY 12302

Timothy D Scholten  
2625 IVA Court Unit 23  
Beloit WI 53511

Normand D Witkins  
2625 Iva Court Unit 24  
Beloit WI 53511

Kristi L Winters  
2635 Iva Court Unit 17  
Beloit WI 53511

Bonnie J Reneau  
2635 Iva Court Unit 18  
Beloit WI 53511

Carmen Spencer  
2335 Iva Court Unit 19  
Beloit WI 53511

Matthew RC Bosen  
2635 Iva Court Unit 20  
Beloit WI 53511

Richard R & Pamela A (Trustee) Konicek  
2645 Iva Court Unit 13  
Beloit WI 53511

Teofilo M Rivera  
2645 Iva Court Unit 14  
Beloit WI 53511

Nell E Johnson  
W5854 Quail Drive  
New Lisbon WI 53950

Mark A Lopp  
2645 Iva Court Unit 16  
Beloit WI 53511

Doris A Whiteledge  
2655 Iva Court Unit 9  
Beloit WI 53511

Lisa M Soravia  
2655 Iva Court Unit 10  
Beloit WI 53511

Janice D Allen  
2655 Iva Court Unit 11  
Beloit WI 53511

Jack L Skelly  
2655 Iva Court Unit 12  
Beloit WI 53511

Dewey W Letheby  
2665 Iva Court Unit 5  
Beloit WI 53511

Robert J Kemman  
2665 Iva court Unit 6  
Beloit WI 53511

Brenda K Rudolph  
2665 Iva Court Unit 7  
Beloit WI 53511

Christopher Mason  
2665 Iva Court Unit 8  
Beloit WI 53511

Keith E & Kim R Berner  
2675 Iva Court Unit 1  
Beloit WI 53511



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Victoria S Woock  
2675 Iva Court Unit 2  
Beloit WI 53511

Charles N Pinson  
2675 Iva Court Unit 3  
Beloit WI 53511

Mark J Miller  
2675 Iva Court Unit 4  
Beloit WI 53511

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CITY CLERK

**RESOLUTION**  
**AUTHORIZING A CONDITIONAL USE PERMIT TO ALLOW INDOOR ALCOHOL SALES IN A C-2, NEIGHBORHOOD COMMERCIAL DISTRICT,**  
**FOR THE PROPERTY LOCATED AT 2648 PRAIRIE AVENUE**

**WHEREAS**, the application of Jose Alonso Lopez Mudonado for a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 2648 Prairie Avenue, having been considered by the City Council of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the City Council of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District, for the property located at 2648 Prairie Avenue in the City of Beloit, for the following described premises:

Lot 1, Certified Survey Map recorded in Volume 8, Pages 351-352, Certified Survey Maps of Rock County, located in the City of Beloit, Rock County, Wisconsin. Said parcel contains .9091 acres.

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

1. This Conditional Use Permit authorizes alcohol sales within the existing building located at 2648 Prairie Avenue.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. The applicant shall re-stripe the parking lot by May 1, 2010.
4. All dumpsters and recycling containers shall be enclosed in accordance with the Architectural Review Code by May 1, 2010.
5. The applicant shall enhance the existing landscape strip along the eastern property line and ensure that the landscape strip complies with Section 34.21(2)(c) of the Architectural Review and Landscape Code by May 1, 2010.
6. The drive-through lane and window may not be utilized whatsoever.
7. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Community Development Director may approve minor changes administratively 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 16<sup>th</sup> day of November, 2009.

**BELOIT CITY COUNCIL**

  
James E. Van De Bogart, Council President

ATTEST:

  
Carol S. Alexander, WCPC/MMC, City Clerk

CU-2009-14, Jose Alonso Lopez Mudonado, 2648 Prairie Avenue, Council Report

## REPORT TO THE BELOIT CITY PLAN COMMISSION

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Meeting Date: September 5, 2018

Agenda Item: 3(b)

File Number: RPB-2017-06

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### Request Overview/Background Information:

On November 6, 2017, the City Council adopted a Resolution establishing a detailed process and Steering Committee to facilitate an update of the 2008 City of Beloit Comprehensive Plan in accordance with §66.1001 of Wisconsin Statutes. The City of Beloit Comprehensive Plan Steering Committee has completed their process and has recommended a Comprehensive Plan Update consisting of revisions to the following chapters: Introduction, Issues & Opportunities, Land Use (including Future Land Use Map), and Housing & Neighborhood Development. The Comprehensive Plan is intended to guide development and redevelopment decisions over the next decade. All land use decisions made by the City of Beloit, including any actions regarding official mapping, subdivision regulation, and zoning regulations, must be consistent with the Comprehensive Plan. The draft Plan Update is accessible on the City's website at [www.beloitwi.gov](http://www.beloitwi.gov) in the Document Center under Planning & Building Services.

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### Key Issues:

1. The Steering Committee held eleven (11) public meetings and two (2) open houses from November 2017 through August 2018. The Steering Committee's work was guided by a public input survey in January & February 2018 that received more than 600 responses on a variety of topics.
2. **Community Input on Beloit's Opportunities and Challenges**
  - a. The Committee identified Beloit's downtown, business & job growth, and historic neighborhoods as community strengths. Survey respondents selected "amenities for recreation, downtown, and City services" as the top three factors positively impacting quality of life. More than 70 percent of respondents stated that they feel connected to their neighborhood and 90 percent self-reported easy access to healthy foods.
  - b. The Committee identified the high cost of infrastructure and land constraints as barriers limiting the supply for new housing in the City. Survey respondents listed the following as the top factors negatively impacting quality of life: crime (although many commented on improvement), housing maintenance issues, and school board disputes/drama. Another frequent complaint related to the lack of retail shopping opportunities in the City.
  - c. The survey asked about housing preferences, and more than 95 percent of respondents stated support for new housing in the City, with the majority recommending "everywhere" as the desired location. The top responses when asked about missing types included single-family, townhouse, and tiny houses.
  - d. The survey results show that few neighborhoods have a commonly known neighborhood name.
3. **Population Trends & Projections**
  - a. The total population in the City of Beloit has been consistent for 50 years (36,812 as of 2017).
  - b. The 2008 Comprehensive Plan relied on unprecedented growth in permit activity during the housing boom and projected a population of 44,171 by 2020 and 51,859 by 2030.
  - c. In 2008, the Wisconsin Department of Administration (DOA) projected no growth, which proved accurate.
  - d. The Steering Committee endorsed the new DOA projections, which predict modest population growth of 8.6 percent to 40,000 residents by the year 2030.
  - e. The biggest obstacle to reaching this level may be a lack of housing supply coming into the market.
4. **Housing Development Trends**
  - a. The City issued permits for 112 new dwelling units in 2017, which is the most since the recession ended. This total included 12 new single-family homes and 100 new multi-family units.
  - b. Thus far in 2018, the City has issued permits for 84 new dwelling units including 14 new single-family homes and 70 new multi-family units.
  - c. Local realtors and transaction data show that housing prices are increasing sharply in the Beloit area.
  - d. The Steering Committee reviewed shifts in housing types since 2000, which include percentage increases in single-family attached and multi-family housing in the City and decreases in single-family detached and two-family (duplex). As of 2015, there are 15,355 housing units in the City with approximately 59 percent owner-occupancy of those units.
5. **Land Use Demand and Supply Projections**
  - a. Based upon the DOA population projections and past development patterns, the Steering Committee predicted land use demand totaling 642 acres for residential, non-residential, and infrastructure uses by the year 2030. This projection is about one-tenth (1/10) of the projected demand in the 2008 Plan.

- b. With over 500 vacant lots available and served by existing infrastructure, infill is a key housing strategy that can stabilize and improve neighborhoods. When considering the number of vacant parcels in the City and more than 90 agricultural properties totaling 2,000 acres of land, the Committee determined that there is adequate land supply available over the planning period (2018-2030).

#### 6. Land Use Chapter

- a. The Steering Committee reaffirmed and updated land use goals and objectives to promote compact development & redevelopment, and to support public & private efforts to rehabilitate existing housing and to construct new housing on vacant or underutilized sites.
- b. The Steering Committee recommended the following new land use policies:
  - i. Encourage attached single-family (townhouse or rowhouse) as infill with lower utility costs;
  - ii. Explore a pilot program to name or rename neighborhoods to build community;
  - iii. Consider a text amendment to allow tiny houses as a Conditional Use in R-1B districts;
  - iv. Create a new retail/entertainment district at the northern end of the Gateway area; and
  - v. Add flexibility to the Planned Neighborhood category to diversify land use mix.
- c. The Steering Committee recommended several changes to the Future Land Use Map (#10), based upon revised goals and objectives and in consideration of community input. The proposed revisions include numerous vacant/underutilized parcels in various parts of the City. The complete list of recommended Future Land Use Map updates is attached.

#### 7. Housing & Neighborhood Development Chapter

- a. The Steering Committee reaffirmed and updated housing goals and objectives to support a variety of housing types and to promote stable, quality neighborhoods through long-term residency. The Committee added an objective relating to encouraging housing that is attractive to all of the working professionals relocating to the area through the provision of amenities and connectivity.
- b. The Steering Committee recommended the following new housing policies:
  - i. Encourage new neighborhoods where most housing units are single family residences, diversified with two-family and multifamily;
  - ii. Accommodate and promote the development of executive-style single-family dwellings to help with business recruitment;
  - iii. Encourage infill development of various types and styles that can utilize existing infrastructure, especially on vacant lots;
  - iv. Implement Neighborhood Revitalization Strategy Areas (NRSA) programs to rehab blighted housing stock, demolish dangerous structures, and facilitate loans;
  - v. Explore a pilot program to waive permit fees for new single-family construction in the NRSA areas on vacant or underutilized lots; and
  - vi. Implement new state-imposed housing report mandates relating to development fees and housing affordability.

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#### Consistency with Comprehensive Plan and Strategic Plan:

- The City's compliance with the Comprehensive Planning law's update requirement is the impetus for this request.
- Consideration of this request supports Strategic Goals #1 & #3, as the Plan Update will seek to sustain safe & healthy neighborhoods and to create economic and residential growth.

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

- **Reduce dependence upon fossil fuels** - The Plan Update includes an emphasis on sustainability, including infill development, walkable neighborhoods, and mixed use neighborhoods.
- **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

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#### Staff Recommendation:

The Planning & Building Services Division recommends approval of the attached Resolution recommending approval of an Update to the City of Beloit Comprehensive Plan.

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**Fiscal Note/Budget Impact:** This Plan Update has been completed in-house using existing staff.

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**Attachments:** Future Land Use Map Updates, Public Notice, and Resolution. Note that the entire Plan Update can be viewed at [www.beloitwi.gov](http://www.beloitwi.gov) in the Document Center under Planning & Building Services.



## Future Land Use Map Updates Matrix

Address	Name	Ac	Existing Future Land Use	Proposed Future Land Use
2401 Stataline Rd	Toledo Molding	14.8	Community Commercial	General Industrial
375 Willowbrook	Spec Industrial	16.8	Community Commercial	General Industrial
1500 Fourth Street	SDB Office	1.9	Community Commercial	Institutional
2222 Canterbury	Deerfield Est. 2 <sup>nd</sup>	8.25	Single-Family	2-Fam/Townhouse Res.
1505 Gateway Blvd	Future Housing	42.5	Business Park	Planned Neighborhood
1865 Riverside Dr.	YMCA (former)	5.9	Institutional	Mixed Residential
825 Liberty Ave	Royce School	1.9	Institutional	Single-Family Residential
2426 Prairie Ave	Army Reserve	3.6	Institutional	2-Fam/Townhouse Res.
1000 Block of	Third Street	TBD	Planned Mixed Use	2-Fam/Townhouse Res.
900 Block of	Second Street	TBD	Planned Mixed Use	2-Fam/Townhouse Res.
2001 Gateway Blvd	Future Retail	30.5	Business Park	Community Commercial
2000 Gateway Blvd	Future Retail	35.8	Business Park	Community Commercial
2320 Lathers Rd	Suppes Land	126.7	Comm. Comm. & Planned Neighbor.	Office & Plan Neighborhood
2426-2355 Field Crest	Vacant Land	65	Comm. Comm. & Planned Neighbor.	Office & Plan Neighborhood
2260 Burton St.	Vacant Land	5.4	Community Commercial	Mixed Residential
1221 Henry Ave	Head Start	9.4	Neighborhood Commercial	Institutional
1633 Keeler Ave	Kolak Center	5.7	Institutional	Planned Neighborhood
Carnegie Ct + 1575 Prairie	Future SF	13.1	Single-Family	Planned Neighborhood
836 & 842 Park Ave	Student Housing	0.43	Institutional	Single-Family Residential



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COMMUNITY DEVELOPMENT DEPARTMENT

## **NOTICE TO THE PUBLIC**

August 28, 2018

To Whom It May Concern:

The City of Beloit Comprehensive Plan Steering Committee has recommended a Comprehensive Plan Update consisting of revisions to the following chapters: Introduction, Issues & Opportunities, Land Use (including Future Land Use Map), and Housing & Neighborhood Development. The Comprehensive Plan is intended to guide development and redevelopment decisions over the next decade. All land use decisions made by the City of Beloit, including any actions regarding official mapping, subdivision regulation, and zoning regulations, must be consistent with the Comprehensive Plan.

The draft Comprehensive Plan Update is available at [www.beloitwi.gov](http://www.beloitwi.gov) in the Document Center under Planning & Building Services. The draft Plan Update is also available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The following public meetings will be held regarding the Comprehensive Plan Update:

**City Plan Commission:** Wednesday, September 5, 2018, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**City Council (Public Hearing):** Monday, October 15, 2018, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

**THE PUBLIC IS INVITED TO ATTEND THESE MEETINGS.**

**We are interested in your opinion.**

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

*For additional information, please contact Drew Pennington, AICP in the Planning & Building Services Division at (608) 364-6711 or [penningtond@beloitwi.gov](mailto:penningtond@beloitwi.gov). Comments will be accepted via telephone, email, and U.S. Mail.*

**RESOLUTION  
RECOMMENDING APPROVAL OF AN UPDATE TO THE  
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to §62.23(2) and (3) of the Wisconsin Statutes, the City of Beloit is authorized to prepare and adopt a Comprehensive Plan as defined in §66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

**WHEREAS**, the City Council-appointed Comprehensive Plan Steering Committee fostered public participation as required by §66.1001(4)(a) and (d) of the Wisconsin Statutes in updating the 2008 Comprehensive Plan and held public meetings and provided numerous other opportunities for public involvement prior to recommending approval of the Comprehensive Plan Update on August 14, 2018; and

**WHEREAS**, the Comprehensive Plan Update includes all of the required elements in §66.1001(2) of the Wisconsin Statutes and constitutes a ten (10) year update required by §66.1001(2)(i) of the Wisconsin Statutes; and

**WHEREAS**, §66.1001(4)(b) of the Wisconsin Statutes grants the City of Beloit Plan Commission the authority to recommend that the City Council adopt an update to the Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends that the City Council adopt an Ordinance to constitute official City approval of the attached Update to the City of Beloit Comprehensive Plan under §66.1001 of the Wisconsin Statutes.

Adopted this 5<sup>th</sup> day of September, 2018.

**Beloit Plan Commission**

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James Faragher, Chairman

ATTEST:

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Julie Christensen  
Community Development Director