



**PUBLIC NOTICE & AGENDA
PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, October 03, 2018**

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
 - 2.a. Consideration of the Minutes of the September 19, 2018 Plan Commission meeting
[Attachment](#)
3. PUBLIC HEARINGS
 - 3.a. Consideration of a Conditional Use Permit to allow a drive-in use in a CBD-2, Central Business District Fringe, for the properties located at 802, 810, and 816 Fourth Street
[Attachment](#)
4. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS
5. 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, September 19, 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 Weeden, Johnson, Faragher, Ruster, and Councilor Preuschl were present. Commissioners Haynes and Finnegan were absent, and Commissioner Robson arrived at 7:05pm.

2. Approval of the Minutes of the September 5, 2018 Meeting

Commissioner Johnson moved to approve the minutes. Commissioner Ruster seconded the motion. The motion passed, voice vote.

3. Consideration of a Conditional Use Permit to allow a drive-in use in a C-2, Neighborhood Commercial District, for the property located at 2648 Prairie Avenue

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

Ms. Christensen said that the staff is recommending approval of the Conditional Use because it is limited to review of the drive-in use. This property already has a Conditional Use Permit for indoor alcohol sales. Consequently, the review of this Conditional Use Permit is focused on the land use and planning part of this development, and the Alcohol Beverage License Control Committee (ABLCC) will make a recommendation on the alcohol license itself.

Commissioners asked Ms. Christensen for clarification on items regarding the drive-thru use. They also discussed the Police Department memo, specifically a concern that a fight could break out in the drive-through. Ms. Christensen explained what is required under the new state law regarding Conditional Use Permits and answered questions about the application before the Commission. Ms. Christensen also informed Plan Commission that a Zoning Ordinance amendment would be coming forward in the future to remove alcohol sales as a Conditional Use Permit.

Nicholas Lerma, 5008 Walnut Grove Drive, indicated that a fight could occur in any drive-through lane. He stated that he is not pushing to sell liquor through the drive-through window, and that he wants to use the window for selling food since they have grills in the

back. Mr. Lerma mentioned Tobacco Shack's hours are from 6:00am-9:30pm, and that he would like to keep the hours the same as they have or whatever times the City is allowing him to be open.

Jim Van De Bogart, 2091 Collingswood Drive, stated his concerns about drive-through liquor sales. Mr. Van De Bogart discussed how there is minimal contact with a person when they are purchasing liquor through the drive-through making it difficult to determine if someone has had too much to drink. Jim mentioned that if we approve this Conditional Use Permit, every tavern is going to want to sell liquor through a drive-through.

Commissioner Faragher asked the Commissioners if they wanted to lay the item over to see if the City Council and ABLCC approve Mr. Lerma's liquor license through the drive-through. Ms. Christensen asked Mr. Lerma if he would be willing to wait to have Plan Commission take action after the ABLCC decides on Mr. Lerma's alcohol application. Mr. Lerma stated that his intentions are not to sell liquor through the drive-through.

Commissioner Faragher closed the public hearing.

Commissioner Weeden moved to approve the Conditional Use Permit with an additional condition of prohibiting alcohol sales through the drive-through. Commissioner Robson seconded the motion. The motion passed, voice vote.

4. Status Report on Prior Plan Commission Items

Ms. Christensen stated that the Comprehensive Plan has not yet been presented to City Council for action. It will be going to City Council on October 15th, and there will be a Council workshop on it.

5. Adjournment

Commissioner Johnson moved to adjourn. Commissioner Robson seconded the motion.

The meeting adjourned at 7:47pm.

Minutes respectfully submitted by Amber DesRoberts.

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: October 3, 2018	Agenda Item: 3(a)	File Number: CU-2018-09
Applicant: Toubl Contracting Inc.	Owner: Jagger Bay Properties LLC	Location: 802, 810, & 816 Fourth St.
Existing Zoning: CBD-2, Central Business District - Fringe	Existing Land Use: Commercial	Parcel Size: 0.48 Acre

Request Overview/Background Information:

Toubl Contracting Inc. has filed an application for a Conditional Use Permit to allow a drive-in use (pick-up window) in the CBD-2, Central Business District-Fringe, for the properties located at 802, 810, & 816 Fourth Street. 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. In addition, any requirements or conditions established must be related to the purpose of the ordinance and, to the extent practicable, be measurable. Wisconsin Statutes 62.23(7)(de) requires that all conditions be supported by substantial evidence, which is defined as facts and information, not merely speculation or personal preference.

Key Issues:

1. The applicant intends to remodel the existing Pizza Hut restaurant located at 802 Fourth Street, and has proposed numerous site improvements including a pick-up window as shown on the attached site plan.
2. This project also involves elimination of the front parking area between the building and Fourth Street and the construction of a new off-street parking lot on the adjacent parcels as shown on the site plan. Elimination of the front/terrace parking arrangement and closure of the driveway on Roosevelt Ave will greatly improve the safety of this intersection. The applicant is also considering replacement of the existing pole sign with a ground sign.
3. The proposed pick-up window includes three (3) stacking spaces and a bypass lane as required by Section 8-112 of the Zoning Ordinance. Section 8-112(b)(3) requires that stacking lanes be designed to allow vehicles to exit the stacking lane without backing up or waiting until they have reached the end of the stacking lane. Since allowing anyone to park in the bypass lane will result in a violation of this ordinance, planning staff is recommending a condition of approval that will prohibit employees (delivery drivers) from parking in the bypass lane.
4. In addition to the above-mentioned parcels, this project will add pavement to portions of the properties located at 811 Fifth Street and 145 Roosevelt Avenue, which are under common ownership. All five (5) affected parcels are owned by Jagger Bay Properties LLC. Since the proposed pick-up window at 802 Fourth Street is dependent upon customers crossing the properties located at 810 & 816 Fourth Street in order to exit, Planning staff is recommending a condition of approval that will require the applicant to record an ingress/egress easement over the subject properties to ensure that the proposed traffic flow will function if any of the affected properties are sold in the future.
5. This project will require Site Plan Review due to the construction of a new off-street parking lot. Planning staff has received the plans and expects to receive a formal application submittal prior to the Plan Commission meeting.
6. The application was sent to the City's Review Agents, and the following comments were received.
 - a. The Police Department submitted a memo indicating that they do not have any concerns with the proposal.
 - b. The Fire Department submitted a memo requesting a lighting plan (received thereafter) and expressing concerns about the exits from the 816 Fourth Street office building conflicting with auto traffic. Planning staff inspected the subject property and noted that the southwest side exit in question includes a railing and stairway that forces pedestrians to turn and exit towards the rear (west), so they are not exiting into the traffic lane. Nevertheless, the applicant should install signs advising drivers of pedestrian traffic.
 - c. The City's other Review Agents have reviewed this application and do not have any comments or concerns.

Findings of Fact - According to 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-in use includes adequate stacking spaces, a bypass lane, and two paths of exit. In addition, the elimination of the front/terrace parking area will greatly improve the safety of this area.
- 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 surrounding properties are commercial and are under common ownership. The proposed drive-in use will not have a negative impact upon nearby properties.
- c. **Whether the conditional use will substantially diminish or impair property values within the**

neighborhood of the subject property;

- On the contrary, the proposed investments include building and site improvements that will have a positive impact upon nearby property values. There are numerous renovations along the Fourth Street corridor that will hopefully plant the seeds of revitalization of underutilized parcels.
- 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 already 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 proposed pick-up window will include a new metal canopy, and the building will be painted in certain areas and sided in others.
- 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;***
 - The subject property is served by adequate utilities and facilities.
- g. ***Whether adequate measures will be taken to minimize traffic congestion; and***
 - Fourth Street is capable of handling any additional traffic generated by the pick-up window, and removal of the hazardous small driveway on Roosevelt Ave will improve overall safety. The applicant will retain two driveways on Fourth Street, with the southern driveway devoted to one-way drive-in traffic and the northern driveway striped to provide two-way traffic.
 - The proposed project will realign and expand the off-street parking on the subject property.
- h. ***Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.***
 - The conditional use will comply with all other applicable regulations of the Zoning Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Community Commercial uses for the subject properties. The proposed use 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.

Staff Recommendation:

The Planning & Building Services Division recommends approval of a Conditional Use Permit to allow a drive-in use (pick-up window) in the CBD-2, Central Business District-Fringe, for the properties located at 802, 810, & 816 Fourth Street, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit (CUP) authorizes a restaurant pick-up window as shown on the attachments submitted with the application. If use of the window ceases for a period of twelve (12) continuous months, then it shall be considered abandoned and this CUP shall expire.
2. Prior to using the drive-in window, the property owner shall record an ingress/egress easement over the subject properties to ensure that the proposed traffic flow will not be cut off or impaired if any of the affected properties are sold.
3. Employees (including delivery drivers) and customers may not park in the bypass lane to ensure that vehicles can exit the pick-up lane without backing up or waiting for all stacked cars to move ahead.
4. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

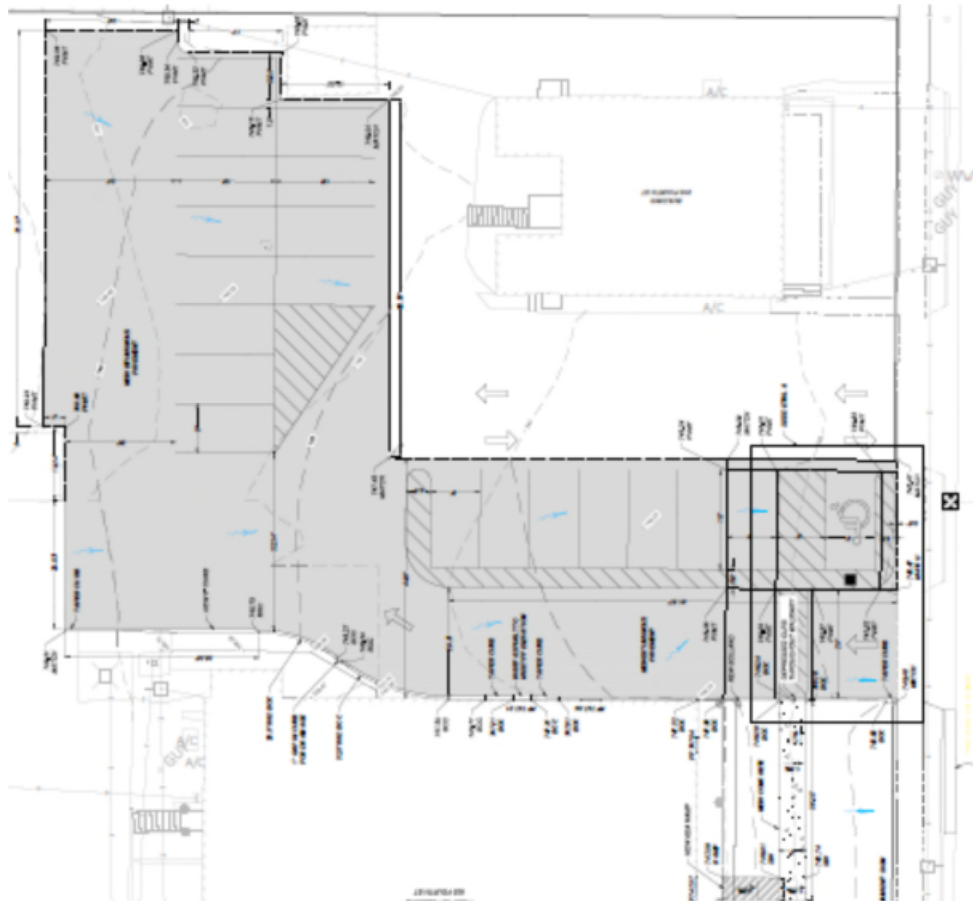
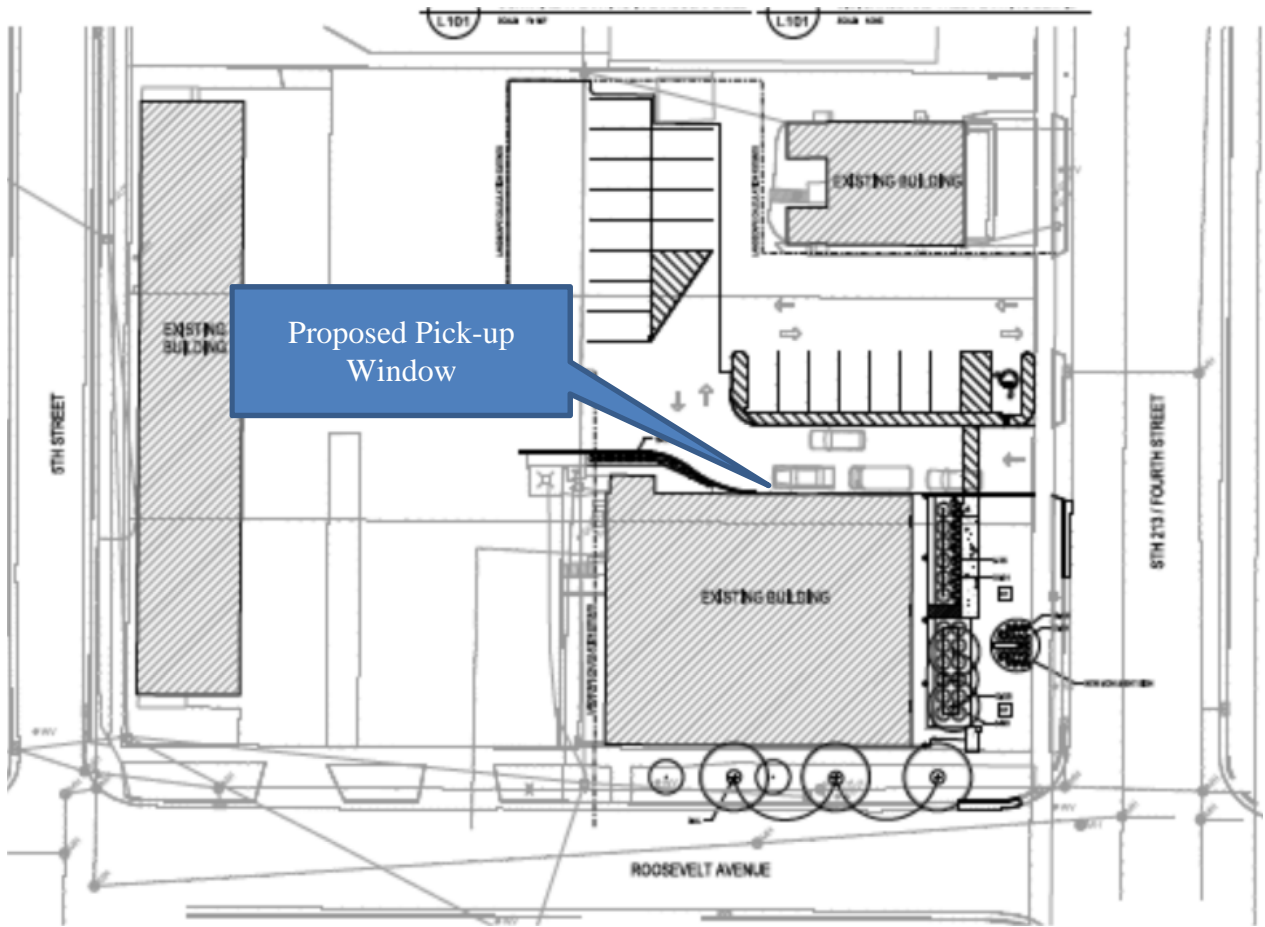
Other Ordinance requirements include the following:

1. Prior to any site work construction, the applicant shall submit detailed site plans and receive staff approval in the form of a Certificate of Zoning Compliance.

Fiscal Note/Budget Impact: N/A

Attachments: Photo, Site Plan, Application, Public Notice, and Mailing List





CITY of BELOIT

Planning and Building Services Division

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

Conditional Use Permit Application

(Please Type or Print)

File Number: Ch-2018-09

1. Address of subject property: 802 4th St + 810 & 816 Fourth St.

2. Legal description: + 811 Fifth St. & 145 Roosevelt

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

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

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

3. Tax Parcel Number(s): 13520570

4. Owner of record: Jagger Bay Prop. Phone: _____

250 Garden Ln Suite 200 Beloit, WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Toubl Contracting Inc

250 Garden Ln Ste 207 Beloit WI 53511
(Address) (City) (State) (Zip)

608-275-7750 / 1 tegan@toublcontracting.com
(Office Phone #) (Cell Phone #) (E-mail Address)

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

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

A Conditional Use Permit for: Drive thru window

_____ in a(n) CBD-2 Zoning District.

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

Principal use: restaurant

Secondary use: drive thru/parking

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: _____
- (X) Contractual, nature of contract: General Contractor
- () 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.

Tegan Keely / Tegan Keely / 9.7.18
 (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 Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

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

To be completed by Planning Staff		
Filing fee: \$275.00	Amount paid: <u>\$275.⁰⁰</u>	Meeting date: <u>Oct. 3, 2018</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>Don Pennington</u>	Date: <u>9/7/18</u>	

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE TO THE PUBLIC

September 19, 2018

To Whom It May Concern:

Toubl Contracting Inc. has filed an application for a Conditional Use Permit to allow a drive-in use (pick-up window) in the CBD-2, Central Business District-Fringe, for the properties located at:

802, 810, & 816 Fourth Street.

The applicant intends to remodel the existing Pizza Hut restaurant located at 802 Fourth Street, and has proposed numerous site improvements including a pick-up window as shown on the attached site plan. This project also involves elimination of the front parking area between the building and Fourth Street and the construction of a new off-street parking lot on the adjacent parcels as shown on the site plan.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, October 3, 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, 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 HEARINGS.

We are interested in your opinion.

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

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

Jagger Bay Properties LLC
250 Garden Lane Suite 200
Beloit, WI 53511

Hendricks Commercial Properties
525 Third Street Suite 300
Beloit, WI 53511

First American Credit Union
DBA Advia Credit Union
1982 Cranston Road
Beloit, WI 53511

Exchangeright Net Leased Portfolio 10 DST
251 S. Lake Ave Suite 520
Pasadena, CA 91101