



**PUBLIC NOTICE & AGENDA  
PLAN COMMISSION  
City Hall Forum - 100 State Street, Beloit, WI 53511  
7:00 PM  
Wednesday, December 09, 2020**

\*

*Members of the media or the public may participate in the open session portion of this agenda by calling 1 (872) 240-3212, access code 110-314-853. All participants' phones will be muted. Attendance at the meeting in person will be limited. If you would like to provide comments for any of the items on the agenda, please submit those to [planning@beloitwi.gov](mailto:planning@beloitwi.gov) by 12:00 noon on Wednesday, December 9, 2020.*

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
  - 2.a. Consideration of the minutes of the November 18, 2020 Plan Commission meeting  
[Attachment](#)
3. REPORTS
  - 3.a. Consideration of a two-lot Certified Survey Map for the property located at 3030 Ford Street  
[Attachment](#)
4. PUBLIC HEARINGS
  - 4.a. Consideration of a Conditional Use Permit to allow a restaurant with drive-through lanes in a C-3, Community Commercial District, for property located at 3030 Ford Street  
[Attachment](#)
  - 4.b. Consideration of a Conditional Use Permit to allow a quick lube facility with a drive-through lane in a C-3, Community Commercial District, and overhead doors facing Milwaukee Road in the Milwaukee Road overlay district for the property located at 2901 Milwaukee Rd  
[Attachment](#)
  - 4.c. Consideration of an Architectural Review Exception to allow insulated metal wall panels and reduced green space for the property located at 1870 Post Rd  
[Attachment](#)
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.



**MINUTES**  
**PLAN COMMISSION**  
**City Hall Forum - 100 State Street, Beloit, WI 53511**  
**7:00 PM**  
**Wednesday, November 18, 2020**

**1. CALL TO ORDER AND ROLL CALL**

Meeting was called to order at 7:00 PM. Chairman Weeden, Commissioners Robson, Ruster, Toral, Finnegan, Haynes, Ramsden, and Councilor Preuschl were present.

**2. MINUTES**

**2.a. Consideration of the minutes of the September 23, 2020 Plan Commission meeting**

A motion was made by Commissioner Ruster, seconded by Commissioner Haynes to approve the minutes, as submitted. Motion carried, roll call vote.

**3. PUBLIC HEARINGS**

**3.a. Consideration of a Conditional Use Permit to allow an office use in a M-2, General Manufacturing District, for the property located at 1350 Gateway Boulevard**

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

Commissioner Weeden opened the public hearing. Julie Christensen indicated that the City has received numerous written comments from Beloit Health System employees and volunteers, approximately 74 e-mails. They were all sent to the Plan Commission prior to the meeting.

Tim Feeley, attorney representing Beloit Health System, outlined the zoning requirements related to clinics, hotels, and hospitals. He explained that the applicant is contending that the ambulatory surgery center is an allowable conditional use within the M-2 zoning district. He believes that that use is not supported by the City's Zoning Ordinance and that granting a conditional use permit for this use would be in violation of the ordinance.

Mr. Feeley stated that the Plan commission needs to determine if the proposed use is actually permitted as a conditional use in the M-2, Manufacturing District, and even if it is a permitted conditional use if there is substantial evidence that all the conditions required to be met under the ordinance are met.

Mr. Feeley referred to a letter that was submitted, under Tim McKeveitt's name earlier that day. He provided an overview of his interpretation of the Zoning Ordinance related to conditional use permits. He mentioned that ambulatory surgery centers are not specifically outlined in the use table. Therefore, the City may perform a similar use interpretation. In this case, the use is an ambulatory surgery center with overnight stays. This is for cases where because of the invasiveness of surgery, the person needs additional medical care and cannot be discharged. This meets the definition under the City's ordinance as an inpatient stay. It appears that staff relied on the exception standards under the Hospital definition. They then concluded that as long as they did not always stay overnight, a medical clinic may include an overnight stay. They believe that that is an error by staff. He went on to say that the most restrictive provision should be applied, which was not done in this case. Office uses are defined as activities that take place in an office setting and indicated that the examples listed include medical clinics. He read the definition of medical clinics and pointed out the medical clinics do not include inpatient care. He explained that there is nothing in that definition that includes operating rooms, recovery rooms, surgical staff, general anesthesia, or overnight stays where the patient can be monitored. When you apply the more restrictive definition, an ambulatory surgery center is neither an office nor a medical clinic under the ordinance. He then handed out a print-out of data from OrthoIllinois that stated that the surgery center is located on the same campus as the main Rockford clinic building. Therefore, OrthoIllinois is acknowledging on their website that a clinic is different from an ambulatory surgery center.

Tim McKeveitt, 2318 Boulder Lane, President and CEO of Beloit Health System, read the letter he submitted earlier to staff. In that letter, he asked that Plan Commission deny the Conditional Use Permit for the proposed OrthoIllinois Surgery Center, based on the impact it would have on the community if the Health System were forced to reduce staff due to this this facility being approved. He also argued that approval of the surgery center would be in violation of the Zoning Ordinance. He argued that the surgery center would target more lucrative commercial insurance patients over Medicare/Medicaid patients.

Tim Feeley, attorney for Beloit Health System, explained that an ambulatory surgery center is not listed in the use table and that they must compare this use to what is in the use table, and that a hospital is the use that is most similar to this use. He explained that this is an office/clinic use that includes surgeries and/or overnight stays. The definition for clinics in the Zoning Ordinance does not include inpatient care. He argued that the overnight suites do not meet the definition of motel or hotel.

Chairperson Weeden mentioned that Pablo Toral and Judy Robson had joined the meeting during Mr. Feeley's presentation.

Mr. Feeley went on to explain that he does not feel that City staff provided substantial evidence for the required criteria in the Zoning Ordinance in order to approve a conditional use permit.

Dr. Roger Kapoor, 1975 Pebble Drive, Senior Vice President of Beloit Health Systems, explained that he was concerned that doctors would be performing surgical procedures that could require potential stays in an office. He felt that the surgical procedures should be in a hospital setting where the patient is safest and have access to all necessary medical services.

Dr. Jamie Frantz, Orthopedic Surgeon, Beloit Health System, stated that he would be one of the doctors that would be called if there was an emergency call in the middle of the night for one of these patients staying in the overnight suites. He explained that he would not have access to the patient's records, which would make it much more difficult in this type of emergency. He said that there would be a risk to the patient and community as a result.

Dr. Andrew Dean, Medical Director for Beloit Health System, 2114 W Lawn Ave, Madison, Wisconsin, stated that he thinks the conditional use permit should be denied. He read the letter he submitted earlier to City staff. He indicated that he feels that these types of surgeries should be performed in a hospital setting where it is safest for the patient.

Dr. Leo Egbujiobi, Section Chief of Department of Cardiology and Beloit Health System Board member, read the letter that he submitted to City staff. He indicated that allowing this for-profit entity to open a facility in Beloit will result in a negative financial impact to the Health System, and they may have to reduce services to the community as a result. He indicated that he believes that it is in the best interest of patients to have immediate access to emergency care should a patient code. He asked that Plan Commission deny the conditional use permit.

Jim Van De Bogart, 2091 Collingswood Drive, stated that Orthollinois does not fit the definition of an office use. It's not a clinic; it's not an office; it is a mini-hospital. If it's going to be a hospital, it should following all the requirements other hospitals have to follow. He indicated that if the City allows them to come into Beloit, they will cherry-pick the patients with the best insurance from Beloit Health System and then if something goes wrong, expect Beloit Hospital to handle the emergency issues. This approval would cripple the health care's system financial ability to provide services in Beloit. He said that Plan Commission should deny because it undercuts what we currently have in Beloit. He said that it should be denied because it will be detrimental to the community.

Ian Linnabary, Attorney with Reno & Zahm, LLP, representing Orthollinois, introduced Dave Mikos and Don Schreiner. Dave Mikos, 1111 22<sup>nd</sup> Street, Suite 315

Oak Brook, IL, President and CEO of Anderson Mikos Architects, explained that an ambulatory surgery center is not a mini-hospital, that it is an office-based surgery program with four operating rooms and 16 recovery spaces, concentrating on total joints and spine. The project site includes a lot of natural space but also provides parking in excess of code. It will meet all state and federal requirements for a stand-alone ambulatory surgery center. He stated that they will meet all of the findings of fact and other ordinance requirements.

Don Schreiner, CEO for Orthollinois, provided an overview of the history of the company, which is 50 years old. He explained that they offer the latest state-of-the-art techniques focusing on specific areas of the body. They recruit the best doctors in the country and are a premier provider of care in Northern Illinois. He stated there are patients who come from all over the country. In terms of the overnight suites, they give the patient the option to stay overnight, if needed, after surgery. This is a separate area from where the procedure is performed. They take a variety of patients, including Medicare and Medicaid patients. Ambulatory surgery centers are a growing area in the medical field throughout the country. It allows patients to have surgery on an outpatient basis. The Beloit facility will meet the needs of their increasing practice in Northern Illinois, including Chicago and beyond. It allows them to move joint replacement and spine procedures from Rockford, with the patient having the option of an overnight stay. It is not required stay, but an option for the patient. It is medical tourism, and they draw from a larger area, since it gives them the ability to allow overnight stays.

Commissioner Robson wanted to know what kind of surgeries will be done at the Beloit Orthollinois surgical center. Mr. Schreiner stated they want to split the surgeries up between the two locations, with the Beloit location having total hip and knee joint replacements and spine procedures. It is limited in the spine area. 15-20 types of procedures will be performed at this facility, and they will have transparent pricing.

Commissioner Robson asked if the clinic is certified to take Medicare and Medicaid patients, and if Orthollinois will be paying property taxes. Mr. Schreiner stated if approved, they would get certified in Wisconsin for Medicare and Medicaid, but they are currently certified for Medicaid in Illinois. In regard to property taxes, he indicated that they will be paying property taxes.

Chairperson Weeden asked what Orthollinois would do if complications were to happen and they needed emergency care and how would they address the concern about Beloit Health System not having any records on the surgeries performed or any other information on the patient. Mr. Schreiner responded that he was going to have Ian Linnabary answer those questions.

Ian Linnabary, Attorney with Reno & Zahm, LLP, representing OrthoIllinois, stated that as a global prospective as an ambulatory surgery center, they have a track record of over 12,403 surgeries in the last three years in Rockford. Out of the 12,403 surgeries in Rockford, the ninety day revision rate is .19% and transfer rate is .2%.

Mr. Linnabary stated the ambulatory surgery centers are not mini-hospitals. They provide limited types of procedures. With a surgery center, they enter into transfer agreements with hospitals. Beloit Health System has a level 1 emergency room, which is not ideal for transferring patients from their facility. OSF in Rockford has a level 3 emergency room, so they would most likely have a transfer agreement with them. If time were of the essence, in the unlikely scenario that it would happen, they would rely on the fine men and women at Beloit Health System to take those transfers. However, they would be rare, if they happened at all.

Mr. Linnabary agreed with the staff interpretation under the Zoning Ordinance of their use. He commented that a lot of the concerns submitted earlier and heard during the public hearing were about the overnight stays. He explained that all of the procedures are outpatient. The overnight stays are for the convenience of the patient, giving them an option for a place to stay before going home. They look like hotel rooms and operate like hotel rooms. Because the physicians are so well-regarded, they attract patients from all over the country. This is just an option that the patients can take advantage of. If the surgery is so invasive that it requires an overnight stay, then the surgery should be done in a hospital, and they would not be performed at the ambulatory surgery center.

Mr. Linnabary provided an overview of the growing market for ambulatory surgery centers and why they have become more popular. He went on to explain that they don't fit nicely in the City's Zoning Ordinance, which is typical in most communities they work in. These types of facilities generally end up locating in office settings because they are most compatible with that type of use. From the outside, you cannot tell that surgeries are taking place inside the building. It looks the same as any other office building.

He explained that an ambulatory surgery center looks nothing like a hospital. He outlined Wisconsin state law related to hospitals. Ambulatory surgery centers do not meet the majority of the requirements of a hospital. He went on to explain that state law adopts the federal law that defines an ambulatory surgery center.

Mr. Linnabary gave his interpretation of the City's Zoning Ordinance and said that he felt that the staff made the right decision, that the ambulatory surgery center meets the definition of a medical clinic in the ordinance. He agreed that an ambulatory surgery center is not specifically called out in the ordinance, but that he felt the use category that most closely matches their use is an office use.

He indicated that competition is good for consumers; it gives other choices to residents. In addition, it adds tax base and brings jobs to the community. Mr. Linnabary wanted to wrap up with evaluation of the eight criteria. He explained that he felt that he has demonstrated that they will meet all eight criteria with their testimony during the public hearing. He provided testimony as to how they meet the first criteria in the Findings of Fact. He explained that he did not believe that competition with the Beloit Health System would put a financial strain on them. He said that they have worked cooperatively with other hospitals and have not had any issues. The community will benefit from having more choices.

Regarding the second criteria, they have not received any complaints from neighbors. They have prepared a traffic impact study, which shows that there would be no impact from their use. Regarding the third criteria, they believe that their surgery center is consistent with the comprehensive plan, and the building will be a quality building constructed in conformance with all City ordinances. Regarding the fourth criteria, they feel that their development is consistent with the comprehensive plan and will be consistent with the park. Regarding the fifth criteria, they will be using quality materials, and it will be a comparable design with what is already in the business park. Regarding the sixth criteria, any additional infrastructure will be constructed at the developer's costs. Regarding the seventh criteria, the parking exceeds the ordinance requirements, the traffic impact analysis shows no negative impact, and they will be upgrading the driveway that they will share with Morse Electric. Regarding the final criteria, they will comply with all local requirements.

Tim McKeveitt, Beloit Health System, commented that they had another physician, Dr. Wong, who wanted to testify but couldn't make it in person. Tim Weeden explained that the City had received the letter from Dr. Wong.

Commissioner Weeden closed the public hearing.

Commissioner Robson explained that she was looking at the Zoning Ordinance related to the first criteria, whether the proposed use would be detrimental to or endanger the public health, safety, and welfare. She indicated that they will be doing significant surgeries at this facility. Concern has been raised that if a surgical patient would need to be transferred, there is no plan for how those transports would occur. She feels that there is no continuity of medical care between Orthollinois and Beloit Health System. She believes that a patient could be in dire straits if something serious happens. If it's a real emergency, they will have to go to Beloit Health System, and Beloit Health will not know anything about the patient. She doesn't think that this is in the best interest of the community or good public health. She explained that the Commission received e-mails from medical staff, and she feels that this meets the standard of substantial evidence under the law. She indicated that she thinks this request would violate the Zoning Ordinance and is reluctant to support this request at this time.



Commissioner Robson explained that the business park's mission is to create jobs. This facility will not create jobs. Doctors will come in from Rockford and then leave. She explained that it would only potentially create jobs for nurses, medical assistants, or receptionists. She indicated that the Commission had received an e-mail from Bonnie Wetter, a financial consultant, who indicated that we will lose jobs at Beloit Health if we approve this application.

Motion made by Commissioner Finnegan, seconded by Commissioner Ruster to approve the conditional use permit.

Commissioner Ramsden expressed his agreement with Commissioner Robson. He is concerned about what would happen if an emergency were to happen in the evening with no medical staff around to help. He feels that it could cause a fatality. He feels that it is a safety issue.

Commissioner Finnegan explained that the data presented show that only .2% of the patients are transported. They have been doing this for many years, and he doesn't agree with denying someone the right to come into our community because we are concerned that .2% of the cases could result in a fatality. He thinks that people need to have choices in health care. He explained that we are getting an opportunity to have a choice, and if Beloit Health System is concerned that this will undermine their operation before it's even here, that concerns him. Based on that, he doesn't have much faith in Beloit Health System.

Chairperson Weeden said that this is a very tough call. He indicated that he had read the memo that came from Mr. McKeveitt and the attorney. He said that he is wary and sympathetic to the issues raised by Beloit Health System. However, it is not the Plan Commission's role to regulate competition in the community or to get involved in different reimbursement rates. He said that he will support the motion but does not feel good about it. He thinks there are some holes in the argument about the overnight stays. He indicated that Plan Commission's role is much narrower than people in the community believe.

Commissioner Robson discussed competition and said that there is no competition in health care. She asked when was last time that you could get a cost estimate for health services. You go to the doctor. He tells what you need to have done, you get it done, and the insurance pays. You might be more limited with Medicaid. She stated that in this case, this for-profit operation limits the amount of Medicaid patients that they will take. They will take insurance from the commercial insurance patients. Our hospital will be left with the poor or the uninsured. We don't want to take anything away from the hospital that might cause the hospital to close.

Commissioner Finnegan said that he shops around for health care. He is self-employed and has an \$11,000 deductible. He is having an MRI done, and he received an estimate from Beloit Health and Forest City. The best price was for Forest City, so that is where he will be going. He said that Chairperson Weeden is correct that that it is not Plan Commission's role, but he also believes that they meet the requirements, so he will be supporting the motion.

Commissioner Weeden said that the action before the Plan Commission is a conditional use permit. Orthollinois could go to any commercial zoning district in the City, and Plan Commission would not have role in the decision. The Plan Commission is here to review the conditional use permit for an office in a manufacturing district.

Commissioner Ruster expressed concern with how many procedures don't require an overnight stay. That doesn't seem realistic. She expressed concerns that if someone has a need during the night, no one is there to help them.

The motion to approve the conditional use permit failed (3, 3), roll call vote.

#### 4. REPORTS

##### **4.a. Consideration of a two-lot Certified Survey Map (CSM) for the property located at 1435 E Broad St**

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

Motion made by Commissioner Ruster, seconded by Commissioner Ramsden to approve the CSM. Motion carried, roll call vote.

##### **4.b. Consideration of an Extraterritorial one-lot Certified Survey Map (CSM) for the property located at 3129 S Madison Rd in the Town of Beloit**

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

Motion made by Commissioner Ruster, seconded by Commissioner Ramsden to approve the CSM. Motion carried, roll call vote.

##### **4.c. Consideration of an Extraterritorial one-lot Certified Survey Map (CSM) for the property located at 2647 S Nye School Road in the Town of Beloit**

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

Motion made by Commissioner Finnegan, seconded by Commissioner Robson to approve the CSM. Motion carried, roll call vote.

5. **STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS**

Ms. Christensen explained that the City Council approved the sign ordinance amendment to allow temporary signs on pedestrian bridges. The next Plan Commission meeting is scheduled for December 9, 2020.

Commissioner Ruster asked about the Rakuten sign, and Commissioner Ruster asked about the Qdoba sign. Ms. Christensen indicated that the Rakuten sign met code, and that she would have Drew send information on the approved sign for Qdoba.

6. **ADJOURNMENT**

Motion made by Commissioner Robson, and seconded by Commissioner Ruster. Motion carried, roll call vote. Meeting adjourned at 9:15 PM.



## **REPORT TO THE PLAN COMMISSION**

**Plan Commission Meeting Date:** December 9, 2020

**Agenda Item:** 3(a)

**File Number:** CSM-2020-21

### **General Information**

---

**Applicant:** MV Beloit LLC on behalf of KDN Hospitality LLC

**Owner:** KDN Hospitality LLC

**Address/Location:** 3030 Ford Street

**Applicant's Request:** Two-Lot Certified Survey Map (CSM) to create two buildable parcels

### **Staff Analysis**

---

**Background Info:** This office has received a request for review of a two-Lot Certified Survey Map (CSM) to subdivide the parcel located at 3030 Ford Street. The intent of this CSM is to create two buildable parcels in advance of a proposed commercial development.

**CSM Details:** Proposed Lot 1 is 31,353 square feet in area and proposed Lot 2 is 52,721 square feet. Proposed Lot 1 has 136.53 feet of road frontage and proposed Lot 2 has 166.31 feet of road frontage along Ford Street. A conditional use request is currently being processed for a fast food restaurant with a drive-through for Lot 1. There are no imminent site plans for Lot 2.

**Review Agent Comments:** Alliant Energy has requested a 10 foot easement on all sides of the new lots. The City Engineer would like to point out that the area on the CSM to the south of Lot 2 that is labeled as Ford Street is not public right of way. It should also be noted that Public Works is not in favor of accepting the roadway and right of way in front of Lot 2 at this time. Note that the private roadway/drive leading to the Holiday Inn Express was deliberately constructed to City standards so that it could conceivably be dedicated as a public street if needed in the future.

### **STAFF RECOMMENDATION:**

The Planning & Building Services Division recommends **approval** of the attached two-Lot Certified Survey Map (CSM) for the property located at 3030 Ford Street in the City of Beloit, subject to the following conditions:

1. The final CSM shall include the utility easements requested by Alliant Energy.
2. The final CSM shall be recorded with the Rock County Register of Deeds within one year of approval and a copy provided to the Planning and Building Services Division.

**ATTACHMENTS:** Location Map, Aerial photo of site, Proposed CSM, Application, and Resolution.

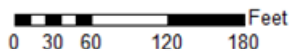
# Location Map

3030 Ford Street

CSM-2020-21



1 inch = 115 feet



### Legend

- Parcel Poly
- City Limits (Corp Poly)

Map prepared by: Hilary Rottmann  
Date: December 2020  
For: City of Beloit Planning & Building  
Date of Aerial Photography: April 2016

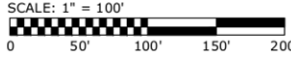
## PLANNING & BUILDING SERVICES DIVISION

Google Maps Imagery 2020



# CERTIFIED SURVEY MAP OF

LOT 1 OF A C.S.M. RECORDED AUGUST 02, 2017 IN VOLUME 38, PAGE 202 AS DOCUMENT NO. 2084190. BEING PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, IN PART OF LOT 5 OF THE PLAT OF MORGAN FARM, ALL IN TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE FOURTH PRINCIPAL MERIDIAN, CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.



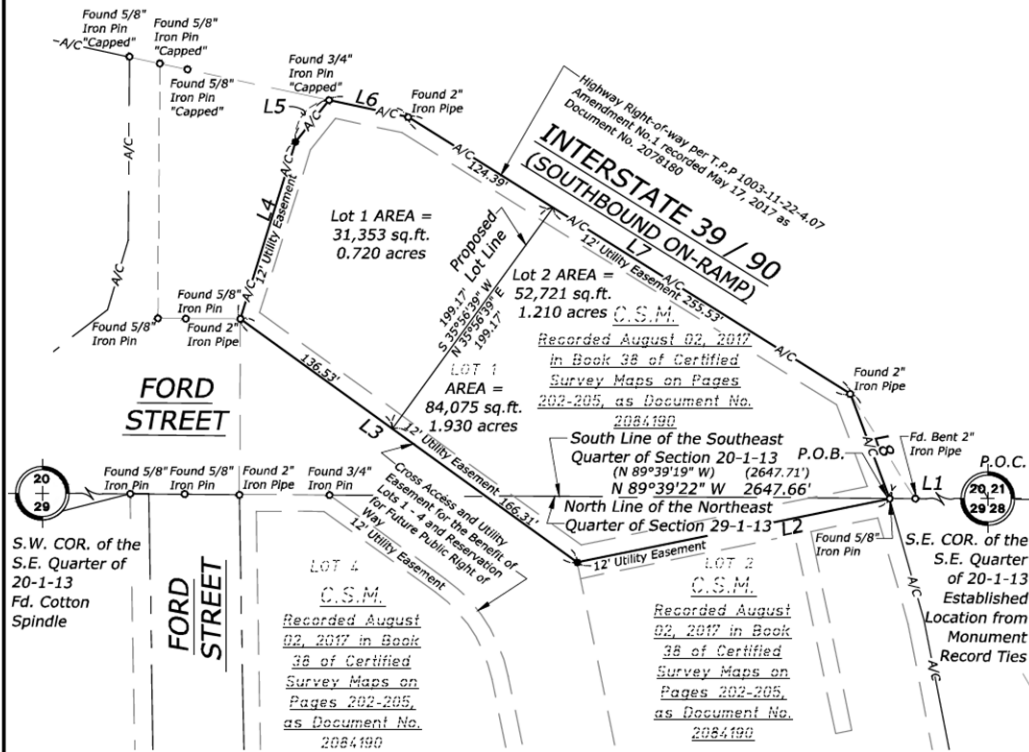
*Basis of Bearing is the South Line of the Southeast Quarter of Section 20-01-13 which as measured bears N 89°39'22" W. This was determined based upon G.P.S. observations referenced to the Rock County Coordinate System - NAD 83 (2007).*

**KEY LEGEND:**

- Set Monument: Iron Rebar 1.25"O.D. x 18" (4.30 LBS / LF)
- Found Monument: See Map for Monument Material



Section Corner Monument



**MEASURED LINE TABLE**

Line No.	Bearing	Distance
L1	N 89°39'22" W	810.50'
L2	S 78°24'50" W	232.11'
L3	N 54°03'54" W	302.84'
L4	N 17°15'32" E	135.32'
L5	N 38°39'23" E	39.04'
L6	S 77°46'23" E	58.90'
L7	S 57°53'13" E	379.92'
L8	S 20°35'12" E	81.60'

**RECORD LINE TABLE**

Line No.	Bearing	Distance
L2	S 78°24'03" W	232.15'
L3	N 54°03'19" W	302.76'
L4	N 17°13'49" E	135.33'
L5	N 38°43'45" E	39.06'
L6	S 77°46'02" E	58.95'
L7	S 57°52'34" E	379.82'
L8	S 20°37'10" E	81.53'

For: KDN Hospitality LLC  
9910 Edgewood Shore  
Edgerton, WI 53534

Prepared by: Arc Design Resources, Inc.  
5291 Zenith Pkwy.  
Loves Park, IL 61111

Sheet 1 of 3  
Arc Project: 19183  
Date: 11-13-2020

# CERTIFIED SURVEY MAP OF

LOT 1 OF A C.S.M. RECORDED AUGUST 02, 2017 IN VOLUME 38, PAGE 202 AS DOCUMENT NO. 2084190. BEING PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, IN PART OF LOT 5 OF THE PLAT OF MORGAN FARM, ALL IN TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE FOURTH PRINCIPAL MERIDIAN, CITY OF BELOIT, ROCK COUNTY, WISCONSIN.



STATE OF ILLINOIS )  
COUNTY OF WINNEBAGO ) ss

I, Lee S. Sprecher, a Registered Land Surveyor, do hereby certify that I have re-surveyed and mapped Lot 1 of a Certified Survey Map recorded August 2, 2017 in Volume 38 of Certified Survey Maps on Pages 202 thru 205, as Document No. 2084190 in the Registers Office of Rock County, Wisconsin, being part of the Southeast Quarter of the Southeast Quarter of Section 20, and part of the Northeast Quarter of the Northeast Quarter of Section 29, as situated in part of Lots 4 and 5 of the Plat of Morgan Farm, all in Township 1 North, Range 13 East of the 4th Principal Meridian, City of Beloit, Rock County, Wisconsin, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of the Southeast Quarter of said Section 20; thence North 89 degrees 39 minutes 22 seconds West along the South line of the Southeast Quarter of the Southeast Quarter of said Section 20, a distance of 810.50 feet to the Southeast corner of Lot 1 of a CSM recorded August 02, 2017 in Volume 38, Page 202 as Document No. 2084190 in said Registers Office, said point being the Point of Beginning for the hereinafter described parcel of land; thence South 78 degrees 24 minutes 50 seconds West along the South line of said Lot 1, a distance of 232.11 feet; thence North 54 degrees 03 minutes 54 seconds West along the South line of said Lot 1, a distance of 302.84 feet to the Southwest corner of said Lot 1; thence North 17 degrees 15 minutes 32 seconds East along the West line of said Lot 1, a distance of 135.32 feet; thence North 38 degrees 39 minutes 23 seconds East along the West line of said Lot 1, a distance of 39.04 feet to the Northwest corner of said Lot 1, said point also being the Highway Right-of-Way line per T.P.P. 1003-11-22-4.07 Amendment No.1, recorded May 17, 2017 as Document No. 2078180 in said Registers Office; thence South 77 degrees 46 minutes 23 seconds East along the Northerly line of said Lot 1 and said Highway Right-of-Way line, a distance of 58.90 feet; thence South 57 degrees 53 minutes 13 seconds East along the Northerly line of said Lot 1 and said Highway Right-of-Way line, a distance of 379.92 feet; thence South 20 degrees 35 minutes 12 seconds East along the Northerly line of said Lot 1 and said Highway Right-of-Way line, a distance of 81.60 feet to the Point of Beginning, containing 84,075 square feet, 1.930 acres, more or less, all being situated in Rock County, Illinois.

Subject to all easement and restrictions, recorded and unrecorded.

That I have made such survey and map by the direction of the Owner of said land and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying and mapping the same.

That the map is correct representation of all the exterior boundaries of the land surveyed and the division of that land.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Lee S. Sprecher  
Wisconsin Professional Land Surveyor No. 2672  
Arc Design Resources, Inc.  
5291 Zenith Parkway  
Loves Park, IL 61111  
(815) 484-4300

For: KDN Hospitality LLC  
9910 Edgewood Shore  
Edgerton, WI 53534

Sheet 2 of 3  
Arc Project: 19183  
Date: 11-13-2020



# CERTIFIED SURVEY MAP OF

LOT 1 OF A C.S.M. RECORDED AUGUST 02, 2017 IN VOLUME 38, PAGE 202 AS DOCUMENT NO. 2084190. BEING PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, IN PART OF LOT 5 OF THE PLAT OF MORGAN FARM, ALL IN TOWNSHIP 1 NORTH, RANGE 13 EAST OF THE FOURTH PRINCIPAL MERIDIAN, CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.



STATE OF WISCONSIN )  
COUNTY OF \_\_\_\_\_ ) ss

OWNER CERTIFICATE: We, \_\_\_\_\_, as \_\_\_\_\_, do hereby certify that we have caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented hereon. We also certify that this Certified Survey Map is required by Sections 236.10 and 236.12 of the Wisconsin Statutes to be submitted to the City of Beloit.

WITNESS the hand and seal of said Member, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_

STATE OF WISCONSIN )  
COUNTY OF \_\_\_\_\_ ) ss

Personally came before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, the above-named, to me known to be the person who executed the foregoing certificate and acknowledged the same.

By: \_\_\_\_\_ Notary Public, \_\_\_\_\_ County, Wisconsin.

My Commission Expires \_\_\_\_\_

Approved for recording per the City of Beloit Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2020

By: \_\_\_\_\_

Approved by the Planning Commission of the City of Beloit, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_

I hereby certify that the property taxes on the parent parcel are current and have been paid as of this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_ Rock County Treasurer

DOCUMENT NO. \_\_\_\_\_ RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020 AT \_\_\_\_\_ O'CLOCK \_\_\_\_ .M. AND RECORDED IN VOLUME \_\_\_\_\_, PAGES \_\_\_\_\_ OF \_\_\_\_\_

CERTIFIED SURVEY MAPS OF ROCK COUNTY, WISCONSIN. \_\_\_\_\_ REGISTER OF DEEDS

For: KDN Hospitality LLC  
9910 Edgewood Shore  
Edgerton, WI 53534

Sheet 3 of 3  
Arc Project: 19183  
Date: 11-13-2020

# CITY of BELOIT

## Planning and Building Services Division

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

### Application for Review of a Minor Subdivision

- (Please Type or Print) File Number: \_\_\_\_\_
- Address of property: 3030 Ford St, Beloit, WI 53511
  - Tax Parcel Number(s): 22910010
  - Property is located in (circle one): City of Beloit or Town of: Turtle; Beloit; Rock or LaPrairie  
In the SW Quarter of Section 20, Township 1 North, Range 13 East of the 4th P.M.
  - Owner of record: KON Hospitality LLC Phone: 608.289.2599  
616 Midland Rd. Janesville WI 53545  
(Address) (City) (State) (Zip)
  - Applicant's Name: MV Beloit LLC c/o Kevin Vernick  
350 West Hubbard St. Suite 250 Chicago, IL 60654  
(Address) (City) (State) (Zip)  
773.327.0620 / 773.398.3888 / kvernick@vernickassociates.com  
(Office Phone #) (Cell Phone #) (E-mail Address)
  - Number of new lots proposed with this land division is 2 lot(s).
  - Total area of land included in this map: 1.93 acres
  - Total area of land remaining in parent parcel: 1.21 acres
  - Is there a proposed dedication of any land to the City of Beloit? No
  - The present zoning classification of this property is: C-3
  - Is the proposed use permitted in this zoning district: Yes
  - THE FOLLOWING ITEMS MAY NEED TO BE COMPLETED AND/OR ATTACHED:**
    - Site Assessment Checklist; is required if the total area of CSM is over 5 acres.
    - Pre-application meeting; a pre-application meeting was held on 11/5/20 with City of Beloit Staff.
    - Developer's Statement; as required by section 12.02(7) of the Subdivision Ordinance.
    - Phase One Environmental Assessment: as per section 12.05(1)(c) of the Subdivision Ordinance.
    - Certified Survey Map: one copy as required by section 12.05(1) of the Subdivision Ordinance.

The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct. The undersigned does hereby respectfully make application for and petition the City Plan Commission or City Council for approval of this Certified Survey Map for the purpose stated herein. The undersigned also agrees to abide by all applicable federal, state and local laws, rules, and regulations.

Kevin Vernick / Kevin Vernick / \_\_\_\_\_  
(Signature of applicant) (Print name of applicant) (Date)

This application must be submitted at least 21 days prior to the Plan Commission meeting date.

Review fee: <u>\$150 plus \$10 per lot</u> Amount paid: _____
Scheduled meeting date: _____
Application accepted by: _____ Date: _____

**RESOLUTION  
APPROVING A TWO-LOT CERTIFIED SURVEY MAP  
FOR THE PROPERTY LOCATED AT 3030 FORD STREET**

**WHEREAS**, Section 12.05(1)b of Chapter 12 of the Code of General Ordinances of the City of Beloit entitled “*Subdivision and Official Map Ordinance*” authorizes the City Plan Commission of the City of Beloit to approve, conditionally approve, or reject any minor subdivision of land within the jurisdiction of the City; and

**WHEREAS**, the attached two-lot Certified Survey Map for the property located at 3030 Ford Street, containing 1.93 acres, is located within the jurisdiction of the City of Beloit; and

**WHEREAS**, the City Plan Commission of the City of Beloit has reviewed the attached two-lot Certified Survey Map, which pertains to the following described land:

LOT 1 OF A C.S.M. RECORDED AUGUST 2, 2017 IN VOLUME 38, PAGE 202 AS DOCUMENT NO. 2084190. BEING PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, IN PART OF LOT 5 OF THE PLAT OF MORGAN FARM, T. 1 N., R. 13 E., OF THE 4<sup>TH</sup> P.M., CITY OF БЕЛОИТ, ROCK COUNTY, WISCONSIN.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Plan Commission of the City of Beloit does hereby conditionally approve the attached two-lot Certified Survey Map for the property located at 3030 Ford Street, subject to the following conditions:

1. The final CSM shall include the utility easements requested by Alliant Energy.
2. The final CSM shall be recorded with the Rock County Register of Deeds within one year of approval and a copy provided to the Planning and Building Services Division.

Adopted this 9<sup>th</sup> day of December, 2020.

**PLAN COMMISSION**

\_\_\_\_\_  
Tim Weeden, Chairman

**ATTEST:**

\_\_\_\_\_  
Julie Christensen  
Community Development Director



## REPORT TO THE PLAN COMMISSION

**Plan Commission Meeting Date:** December 9, 2020

**Agenda Item:** 4a

**File Number:** CU-2020-09

### **General Information**

---

**Applicant:** Kevin Vernick of MV Beloit LLC

**Owner:** KDN Hospitality LLC

**Address/Location:** 3030 Ford Street

**Applicant's Request:** Conditional Use Permit (CUP) to allow a Drive-Through Restaurant in a C-3, Community Commercial District, for a portion of the property located at 3030 Ford Street

### **Background**

---

Kevin Vernick of MV Beloit LLC has filed an application for a Conditional Use Permit (CUP) to allow a Drive-Through Restaurant in a C-3, Community Commercial District, for a portion of the property located at 3030 Ford Street. The applicant has made an accepted offer to purchase 0.72 acre of the subject property for development of a Popeye's Restaurant with a double drive-through.

### **Staff Analysis**

---

**Existing Conditions:** A Certified Survey Map (CSM) to subdivide the property has also been submitted for Plan Commission review. The proposed CSM would leave 1.2 acres for future development between the proposed Popeye's and the existing Holiday Inn Express. The property is owned by KDN Hospitality LLC, who developed the hotel. The property is part of a large C-3 district and is directly adjacent to I-39/90.

**Drive-Through Standards:** A copy of the proposed site plan is attached to this report. As shown on the site plan, the proposed development includes a single access driveway, a 9-foot stacking lane, 20-foot travel/bypass lane, and angled parking stalls. Vehicular traffic will move counter-clockwise through the site and a sidewalk/pedestrian pathway will be provided to provide walkability to/from the public sidewalk. The site is located in a C-3, Community Commercial District, where Drive-Up or Drive-Through uses require a Conditional Use Permit. According to Section 8-112 of the Zoning Ordinance, drive-through restaurants must provide five (5) stacking spaces before the order box and three (3) stacking spaces between the order box and pick-up window. The proposed site plan exceeds these minimum standards. In addition, the 20-foot bypass lane provides a fire lane around the building.

**City of Beloit Comprehensive Plan:** The City's Comprehensive Plan recommends *Community Commercial uses* for the subject property. This request and the underlying zoning classification are consistent with this recommendation.

**Review Agent Comments:** The review agents have not submitted any comments.

**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 is designed appropriately and will not have negative impacts.
- 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 proposed drive-through restaurant will complement the adjacent hotels and convenience store in this busy commercial corridor, and will draw more visitors to this growing part of the City.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
  - Development of the subject property and the adjacent vacant lots owned by KDN Hospitality will enhance the desirability of this district and may boost property values.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
  - The Holiday Inn Express was developed on a private driveway built to street standards with the express purpose of attracting complementary development to the nearby lots.
- 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;*
  - Planning staff will review the proposed materials in detail during Architectural Review. Preliminary renderings show exterior finishes including EIFS, wood siding, and brick veneer.
- 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 and currently serve the property.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
  - The development has been designed with adequate parking, stacking, and maneuvering areas and Ford Street can handle the additional traffic to be generated. The Ford Street intersection with Milwaukee Road is being improved as part of the I-39/90 project.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
  - The proposed use will comply with all other applicable regulations.

**STAFF RECOMMENDATION:**

The Planning & Building Services Division recommends **approval** of a Conditional Use Permit allow a Drive-Through Restaurant in a C-3, Community Commercial District, for a portion of the property located at 3030 Ford Street, based on the above Findings of Fact.

**Ordinance Requirements:**

The following provisions of existing City Ordinances shall apply:

1. The developer shall obtain an Architectural Review Certificate, Certificate of Zoning Compliance, and Building Permit prior to beginning construction.
2. In accordance with Section 2-506 of the Zoning Ordinance, the applicant shall have twelve (12) months from the date of CUP issuance to complete construction and commence use of the drive-through, or the CUP shall lapse and be of no further effect.

**ATTACHMENTS:** CUP Decision Form, Location Map, Site Plan, Application, & Public Notice.

## Beloit Plan Commission Conditional Use Permit Decision Form

When reviewing an application for a conditional use, the local government must look to the requirements and conditions found in the local zoning ordinance and determine if the applicant meets those requirements and conditions. The local government must provide **substantial evidence** supporting their decision to grant or deny the permit, and to impose additional conditions on the permit. Substantial evidence means **facts and information**, directly relating to the requirements and conditions, that a reasonable person would accept in support of a conclusion. Personal preferences and speculation are not sufficient forms of evidence. All requirements and conditions imposed by the local government must be reasonable, and to the extent practicable, measurable.

### Ordinance Requirements

List ordinance requirements related to the conditional use permit:

1. The developer shall obtain an Architectural Review Certificate, Certificate of Zoning Compliance, and Building Permit prior to beginning construction.

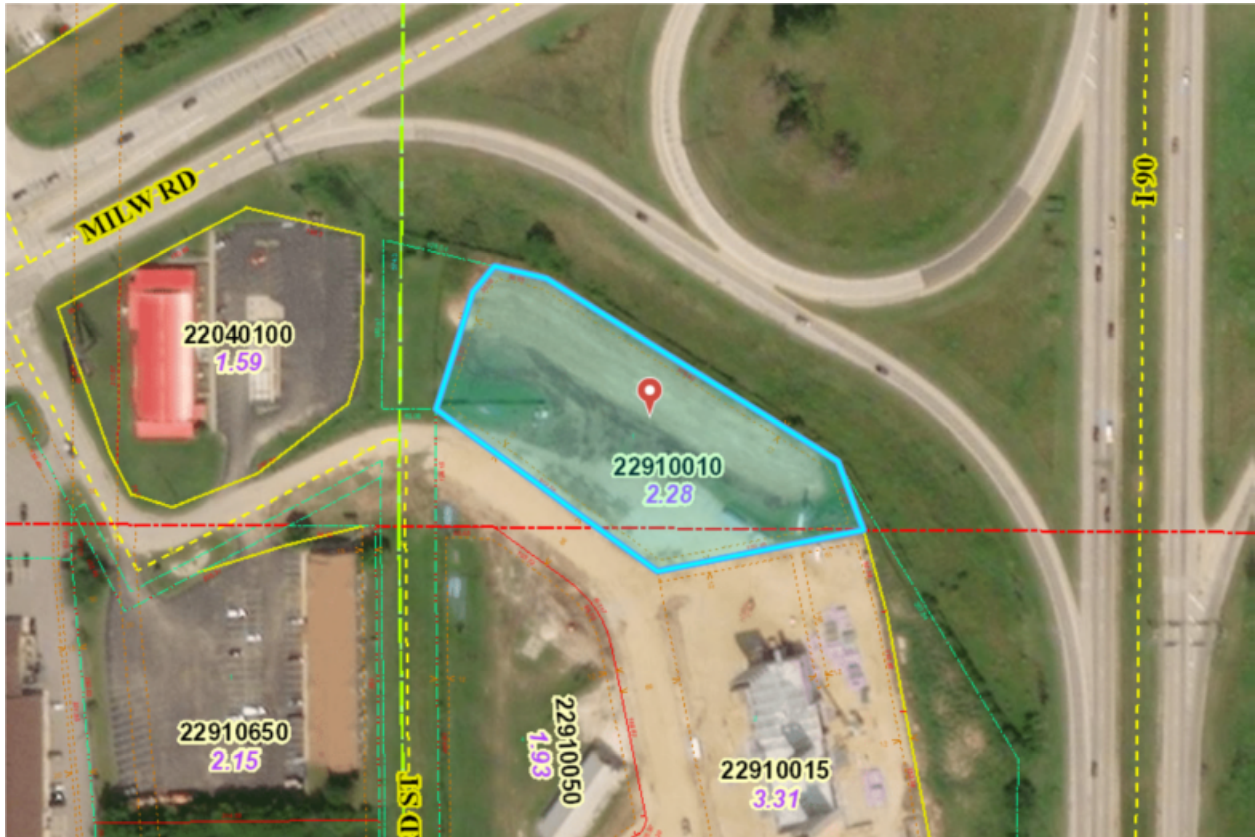
**Substantial Evidence:** These procedural requirements are contained in the City of Beloit Architectural Review & Landscape Code, Zoning Ordinance, and Building Code.

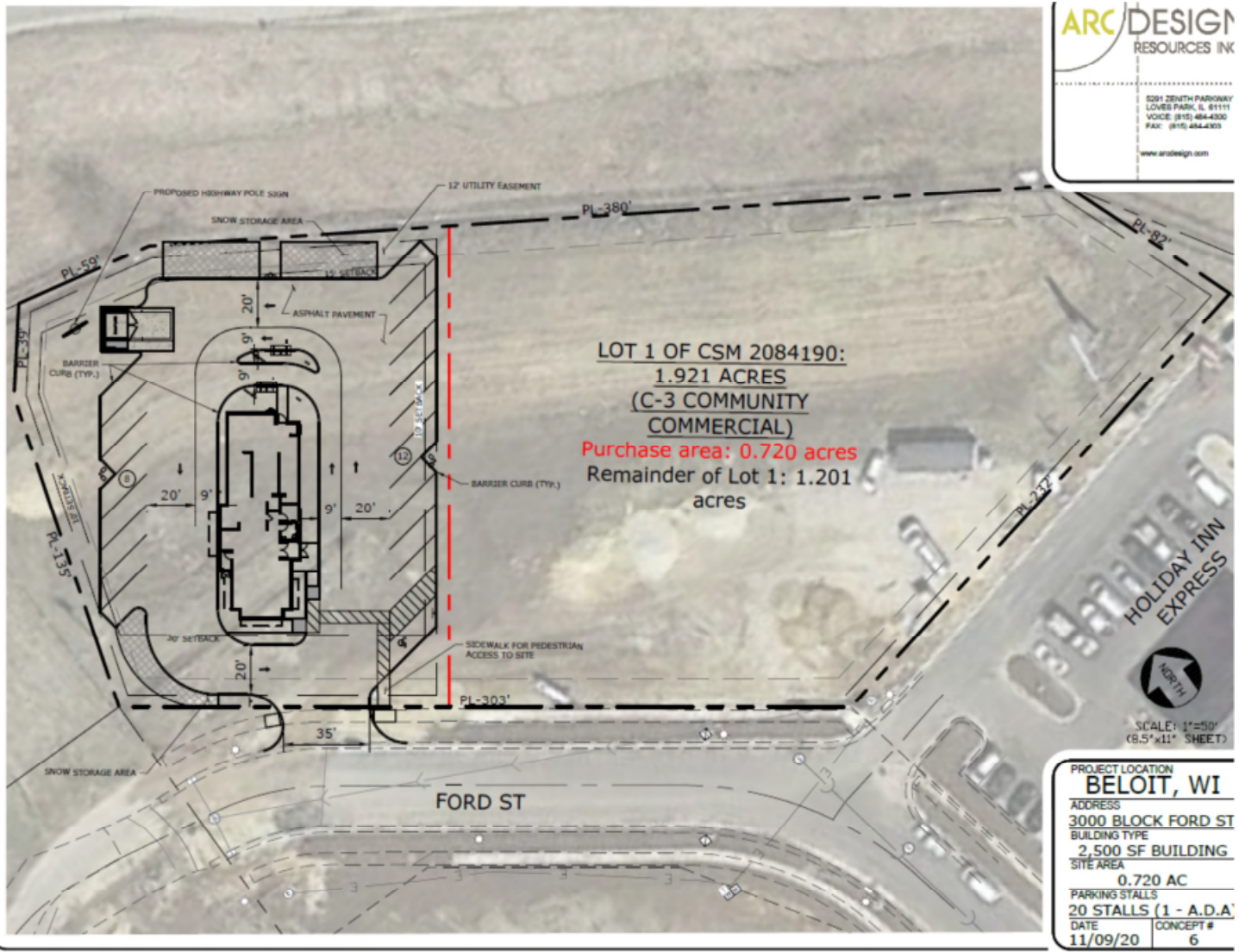
2. In accordance with Section 2-506 of the Zoning Ordinance, the applicant shall have twelve (12) months from the date of CUP issuance to complete construction and commence use of the drive-through, or the CUP shall lapse and be of no further effect.

**Substantial Evidence:** Standardized condition that reiterates the expiration date for unused CUP's in the Zoning Ordinance.

Does the applicant meet **all** of the ordinance requirements?  No  Yes, after the steps above

# Location Map





<b>PROJECT LOCATION</b>	
<b>BELOIT, WI</b>	
<b>ADDRESS</b>	
<b>3000 BLOCK FORD ST</b>	
<b>BUILDING TYPE</b>	
<b>2,500 SF BUILDING</b>	
<b>SITE AREA</b>	
<b>0.720 AC</b>	
<b>PARKING STALLS</b>	
<b>20 STALLS (1 - A.D.A.)</b>	
<b>DATE</b>	<b>CONCEPT #</b>
<b>11/09/20</b>	<b>6</b>



# 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: \_\_\_\_\_

1. Address of subject property: 3030 Ford St. Beloit, WI

2. Legal description: Lot 1 of CSM 2084190

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

Property dimensions are: 136 feet by 199 feet = 31,353 square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): \_\_\_\_\_

4. Owner of record: KDN Hospitality LLC Phone: 608.289.2598  
616 Midland Rd. Janesville WI 53545  
(Address) (City) (State) (Zip)

5. Applicant's Name: MV Beloit LLC c/o Kevin Vernick  
350 West Hubbard St. Suite 250 Chicago, IL 60654  
(Address) (City) (State) (Zip)  
773.327.0620 / 773.398.3888 / kvernick@vernickassociates.com  
(Office Phone #) (Cell Phone #) (E-mail Address)

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

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

A Conditional Use Permit for: Drive thru  
\_\_\_\_\_ in a(n) C-3 \_\_\_\_\_ Zoning District.

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

Principal use: Popcyes Restaurant

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

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

9. Project timetable: Start date: Spring Completion date: late Summer

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: \_\_\_\_\_
- 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.

Daniel J Weitzel / Daniel J Weitzel / 11/11/20  
 (Signature of Owner) (Print name) (Date)

Kevin Vernick / Kevin Vernick / 11/11/20  
 (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: \_\_\_\_\_ Meeting date: \_\_\_\_\_

No. of notices: \_\_\_\_\_ x mailing cost (\$0.50) = cost of mailing notices: \$ \_\_\_\_\_

Application accepted by: \_\_\_\_\_ Date: \_\_\_\_\_



CITY HALL • 100 STATE STREET • БЕЛОIT, WI 53511  
Office: 608/364-6700 • Fax: 608/364-6609  
www.beloitwi.gov  
Equal Opportunity Employer

## **NOTICE TO THE PUBLIC**

November 18, 2020

To Whom It May Concern:

Kevin Vernick of MV Beloit LLC has filed an application for a Conditional Use Permit (CUP) to allow a Drive-Through Restaurant in a C-3, Community Commercial District, for a portion of the property located at 3030 Ford Street. The applicant has made an accepted offer to purchase 0.72 acre of the subject property for development of a Popeye's Restaurant with a double drive-through as shown on the attached site plan.

The following public hearings will be held regarding this proposed Conditional Use Permit:

**City Plan Commission:** Wednesday, December 9, 2020, 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, December 21, 2020, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

### **We are interested in your opinion.\***

**\*Due to the COVID-19 crisis, members of the public are highly encouraged to provide oral or written comments to the Commission and City Council via alternative means. You may mail your comments to the attention of Drew Pennington at 100 State Street or via email to [penningtond@beloitwi.gov](mailto:penningtond@beloitwi.gov). You may also call (608) 364-6711 to provide your comments over the phone. In-person attendance at Commission and Council meetings will be limited.**

CU-2020-09, 3030 Ford Street, Popeyes Drive-Thru



## **REPORT TO THE PLAN COMMISSION**

**Plan Commission Meeting Date:** December 9, 2020

**Agenda Item:** 4(b)

**File Number:** CU-2020-10

### **General Information**

---

**Applicant:** M & W Development LLC

**Owner:** M & W Development LLC

**Address/Location:** 2901 Milwaukee Road

**Applicant's Request:** The applicant has applied for a Conditional Use Permit to allow a quick lube facility with a drive-through lane in a C-3, Community Commercial District, and overhead doors facing Milwaukee Road in the Milwaukee Road Overlay District for the property located at 2901 Milwaukee Road.

### **Background**

---

The subject property has recently been subdivided by a CSM to create two buildable parcels in advance of a proposed commercial redevelopment. The property owner is planning to construct a Jiffy Lube quick lube facility. If this use is 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.

### **Staff Analysis**

---

**Existing Conditions:** The subject property is paved vacant land about 20,889 square feet in area and includes 104 feet of frontage along Milwaukee Road. This parcel shares an access point with 2911 Milwaukee Road, the location of a new Verizon store.

**Surrounding Land Use and Zoning:** There is C-3, Community Commercial zoning to the east and west of the subject property, with land uses consisting of retail, gas station, C-Store, and fast food restaurant. There is PUD, Planned Unit Development zoning to the north and south of the subject property, with land uses for retail and fast food restaurants.

**Review Agent Comments:** No comments were received from review agents.

**City of Beloit Comprehensive Plan:** The City's Future Land Use Map (Map #10 of the Comprehensive Plan) recommends Community Commercial uses and C-3 zoning for the subject property.

**Public Notices and Comment:** No comments were submitted by neighboring property owners.

**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 addition of a quick lube facility and overhead doors facing Milwaukee Road are not expected to have any detrimental impacts to the general area based on the existing land uses in the surrounding area. The use can also benefit adjacent businesses. The developer is using quality materials on the building and doors which will be in keeping with the standards of the Milwaukee Road Overlay District.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
  - Adjacent properties also have drive-through uses and the addition of the quick lube facility with doors facing Milwaukee road will not be injurious to properties in the vicinity. There is a car wash with doors facing Milwaukee Road already on Milwaukee Road, and there have been no negative impacts on the neighboring properties from the doors facing the street.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
  - The proposed quick lube facility and overhead doors facing Milwaukee Road would have a positive impact on the surrounding property values and contribute to infill development. There is a car wash with doors facing Milwaukee Road already in place on Milwaukee Road, and there is no evidence that this has had a negative impact on the area.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
  - The adjacent properties are already 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 subject property is located in the MRO, Milwaukee Road Overlay District and is subject to the elevated design standards of the district along with the Architectural Review and Landscape Code.
- 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 property. M & W Development is already in the process of extending the sanitary sewer to serve this lot.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
  - Staff has previously requested easement language about the sanitary sewer main during the CSM process. Also during the site plan review process, adequate access, off-street parking, stacking spaces, sidewalks, and ADA compliance will be addressed. At minimum there needs to be 4 parking stalls per service bay.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
  - The proposed use will comply with all applicable regulations of the Zoning Ordinance and conditions of approval.

**STAFF RECOMMENDATION:**

The Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow a quick lube facility with a drive-through lane in a C-3, Community Commercial District, and overhead doors facing Milwaukee Road in the Milwaukee Road Overlay District for the property located at 2901 Milwaukee Road, based on the above Findings of Fact and Conditional Use Permit decision form and subject to the following conditions:

1. This approval authorizes the construction of a quick lube facility with drive-through lanes in a C-3, Community Commercial District, and overhead doors facing Milwaukee Road for the property located at 2901 Milwaukee Road, as shown on the site plan submitted with the application.
2. 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.

**Ordinance Requirements:**

In addition to the above permit conditions, the following provisions of existing City Ordinances shall apply:

1. As required by the Section 8-100 of the Zoning Ordinance, the applicant shall allocate four parking stall per service bay.
2. As required by the Section 5-600 of the Zoning Ordinance, the architectural and site design of the project must adhere to the MRO, Milwaukee Road Overlay District.
3. Before constructing on site, the applicant shall obtain an Architectural Review Certificate and a Building Permit as required by Code.

**ATTACHMENTS:** Location & Zoning Map, Photos, Application, Review Comments, and Public Notice.

**PLAN COMMISSION**  
**Conditional Use Permit Decision Form - Approval**

When reviewing an application for a conditional use, the City must look to the requirements and conditions found in the City’s zoning ordinance and determine if the applicant meets those requirements and conditions. The City must provide **substantial evidence** supporting their decision to grant or deny the permit, and to impose additional conditions on the permit. Substantial evidence means **facts and information**, directly relating to the requirements and conditions, that a reasonable person would accept in support of a conclusion. Personal preferences and speculation are not sufficient forms of evidence. All requirements and conditions imposed by the City must be reasonable, and to the extent, practicable, measurable.

**Ordinance Requirements**

List ordinance requirements related to the conditional use permit:

1. As required by the Section 8-100 of the Zoning Ordinance, The applicant shall allocate four parking stalls per service bay.
  - **Substantial Evidence:** New development must provide adequate parking and stacking spaces based on the proposed use of the property.
  
2. As required by the Section 5-600 of the Zoning Ordinance, The architectural and site design of the project must adhere to the MRO, Milwaukee Road Overlay District.
  - **Substantial Evidence:** The Milwaukee Road Overlay District is intended to encourage and better articulate positive visual experiences along Milwaukee Road, which serves as a major gateway to the City.
  
3. Before constructing on site, the applicant shall obtain an Architectural Review Certificate and a Building Permit as required by Code.
  - **Substantial Evidence:** The Architectural Review Code requires review & approval of all exterior changes to commercial buildings. There are no active permits or approvals in place for this project.

Does the applicant meet **all** of the ordinance requirements?  Yes  No

**Permit Conditions**

The City is authorized to impose conditions on the permit that relate to the purpose of the ordinance. Conditions must be **reasonable**, and to the extent, practicable and **measurable**. Conditions may limit the permit’s duration, transfer, or renewal.

1. This approval authorizes the construction of a quick lube facility with drive-through lanes in

a C-3, Community Commercial District, and overhead doors facing Milwaukee Road for the property located at 2901 Milwaukee Road, as shown on the site plan submitted with the application.

- **Substantial Evidence:** The Zoning Ordinance states that Drive through uses in C-3 and overhead doors facing Milwaukee road warehouse use in the C-3 are only allowed if reviewed and approved in accordance with the CUP review procedures.

2. 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.

- **Substantial Evidence:** Standardized condition to establish a process for future changes.

**Decision:**

The applicant has acknowledged, meets, or agrees to meet, all of the requirements found in the zoning ordinance and all conditions imposed on the permit.

Based on the findings of fact, conclusions of law, and the record in this matter, the permit is:

Approved, with the conditions stated above

Denied, for the following reasons:



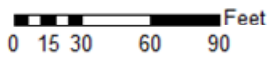
# Location Map

2901 Milwaukee Road

CU-2020-10



1 inch = 69 feet

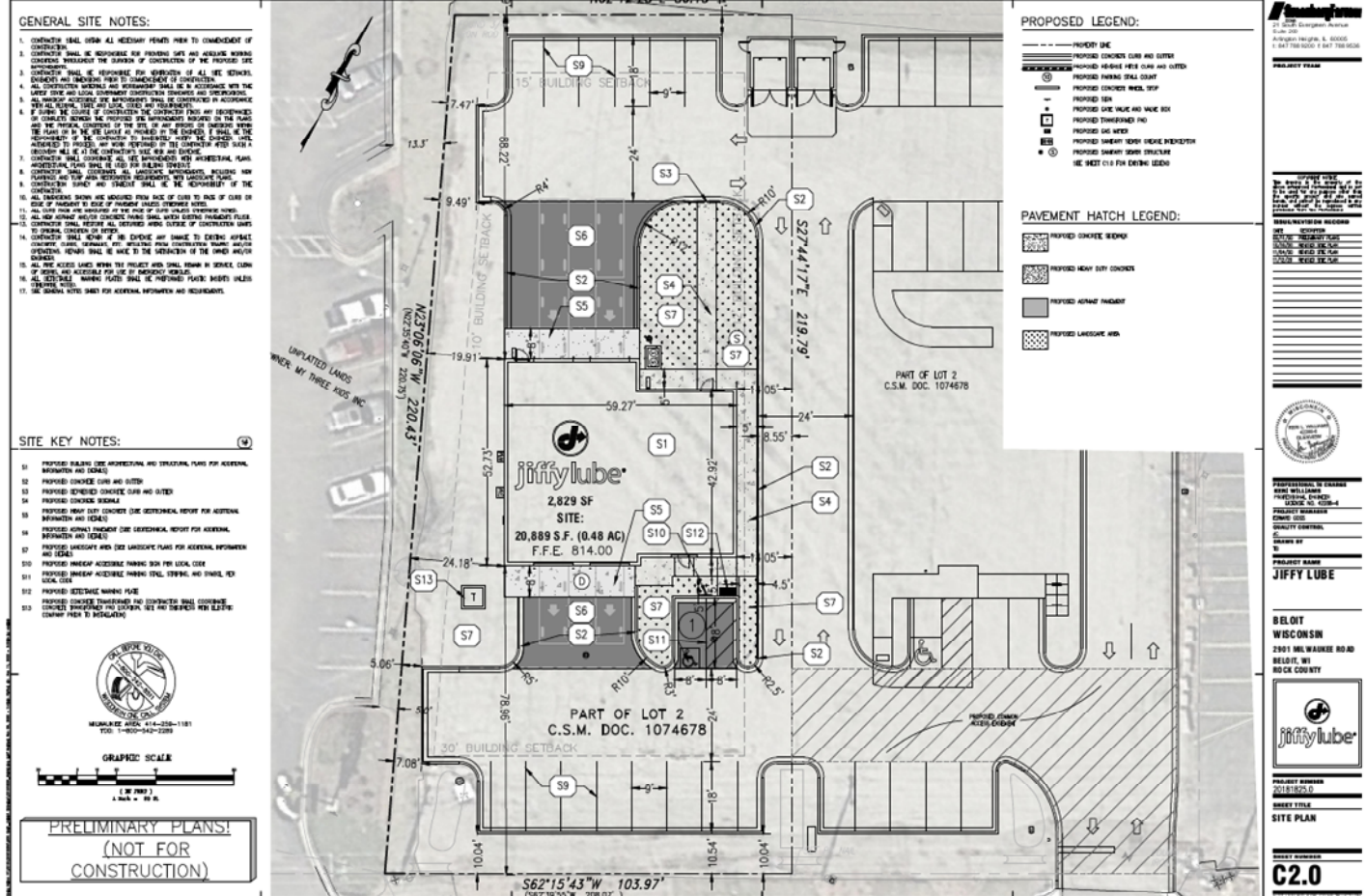


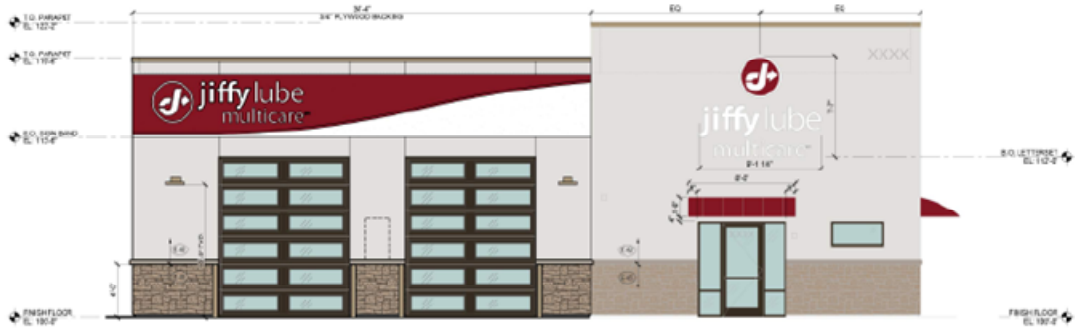
### Legend

- Parcel Poly
- City Limits (Corp Poly)

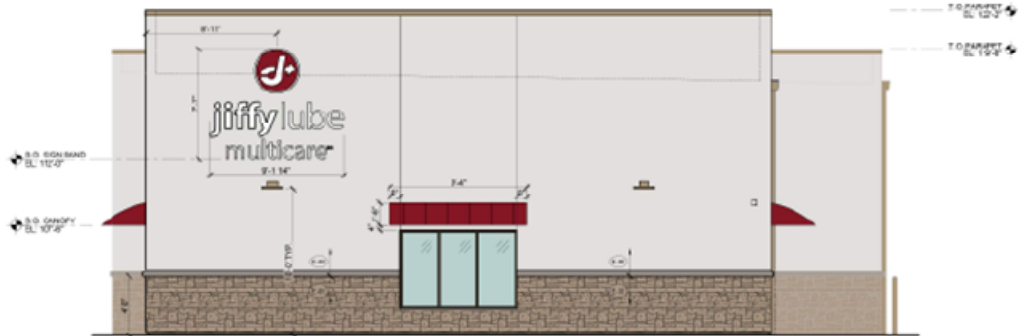
Map prepared by: Hilary Rotman  
Date: December 2020  
For: City of Beloit Planning & Building  
Date of Aerial Photography: April 2016

## PLANNING & BUILDING SERVICES DIVISION





1 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



2 WEST ELEVATION  
SCALE: 1/8" = 1'-0"

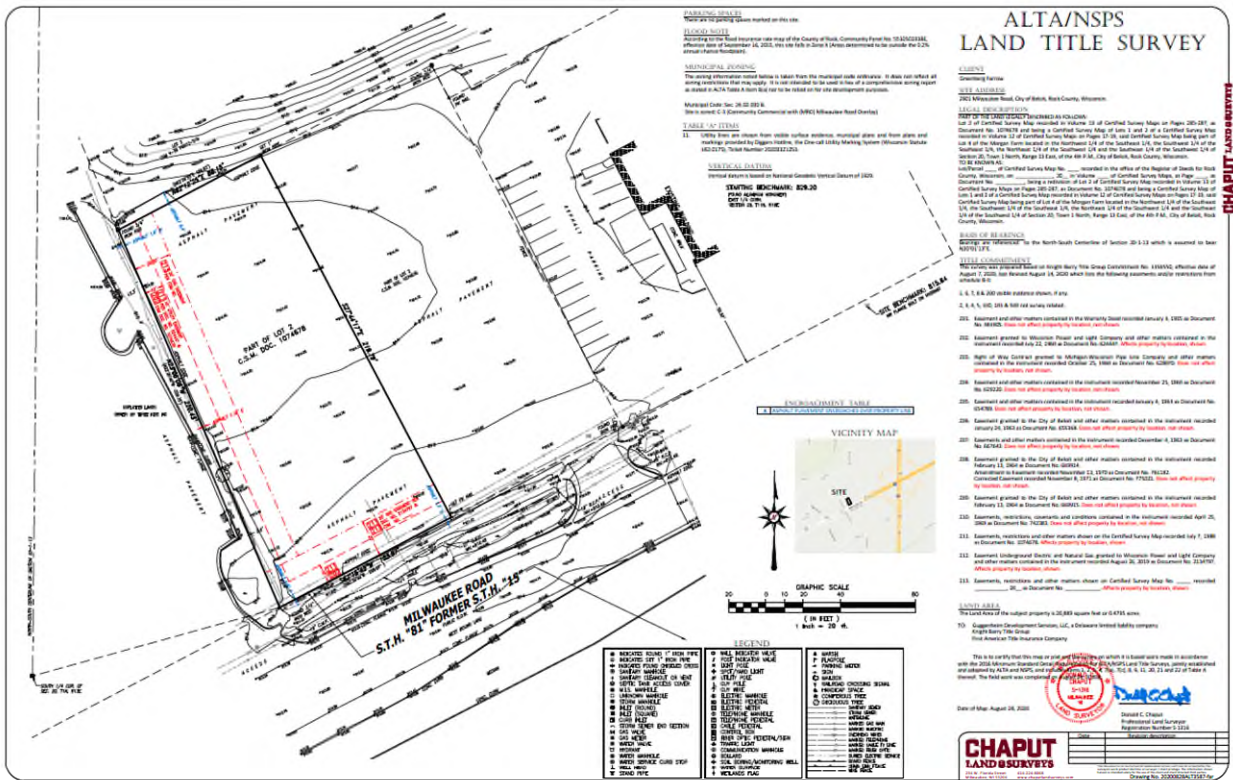
**LEGAL DESCRIPTION**

**PART OF THE LAND LEGALLY DESCRIBED AS FOLLOWS:**

Lot 2 of Certified Survey Map recorded in Volume 13 of Certified Survey Maps on Pages 285-287, as Document No. 1074678 and being a Certified Survey Map of Lots 1 and 2 of a Certified Survey Map recorded in Volume 12 of Certified Survey Maps on Pages 17-19, said Certified Survey Map being part of Lot 4 of the Morgan Farm located in the Northwest 1/4 of the Southeast 1/4, the Southwest 1/4 of the Southeast 1/4, the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 20, Town 1 North, Range 13 East, of the 4th P.M., City of Beloit, Rock County, Wisconsin.

**TO BE KNOWN AS:**

Lot/Parcel \_\_\_\_ of Certified Survey Map No. \_\_\_\_ recorded in the office of the Register of Deeds for Rock County, Wisconsin, on \_\_\_\_\_, 20\_\_ in Volume \_\_\_\_ of Certified Survey Maps, at Page \_\_\_\_, as Document No. \_\_\_\_\_, being a redivision of Lot 2 of Certified Survey Map recorded in Volume 13 of Certified Survey Maps on Pages 285-287, as Document No. 1074678 and being a Certified Survey Map of Lots 1 and 2 of a Certified Survey Map recorded in Volume 12 of Certified Survey Maps on Pages 17-19, said Certified Survey Map being part of Lot 4 of the Morgan Farm located in the Northwest 1/4 of the Southeast 1/4, the Southwest 1/4 of the Southeast 1/4, the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 20, Town 1 North, Range 13 East, of the 4th P.M., City of Beloit, Rock County, Wisconsin.





# 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: \_\_\_\_\_

1. Address of subject property: 2901 MILWAUKEE ROAD, BELOIT, WI 53511

2. Legal description: Please see attached Legal Description

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): 206 22040170

4. Owner of record: M&W Development, LLC Phone: (865) 292-5692

<u>P.O. Box 10667</u>	<u>Knoxville</u>	<u>TN</u>	<u>37939</u>
(Address)	(City)	(State)	(Zip)

5. Applicant's Name: M&W Development, LLC

<u>P.O. Box 10667</u>	<u>Knoxville</u>	<u>TN</u>	<u>37939</u>
(Address)	(City)	(State)	(Zip)

<u>(214) 872-4000</u>	<u>/ (972) 603-5956</u>	<u>/ raymond.parker@guggenheimpartners.com</u>
(Office Phone #)	(Cell Phone #)	(E-mail Address)

6. All existing use(s) on this property are: B-Commerical

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

A Conditional Use Permit for: Jiffy Lube Garage Doors would be facing Milwaukee Ave.  
and drive through use in a(n) C-3 Community Commercial Zoning District.

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

Principal use: The principal use is a Jiffy Lube service center for the purpose of removal and replacement of automotive oils and fluids. The proposed Jiffy Lube will operate Monday through Friday during the hours of 8AM to 6 PM, Saturday during the hours of 8 AM to 5PM, and Sunday during the hours of 10AM to 4 PM.

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

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

9. Project timetable: Start date: 1/2/2020 Completion date: 3/1/2020

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: \_\_\_\_\_
- 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.

<u>Todd Miller</u>	/	Todd Miller	/	November 6, 2020
(Signature of Owner)		(Print name)		(Date)

<u>Raymond Parker</u>	/	Raymond Parker	/	November 6, 2020
(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.

<b>To be completed by Planning Staff</b>	
Filing fee: <b>\$275.00</b> Amount paid: _____ Meeting date: _____	
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: _____ Date: _____	



CITY HALL • 100 STATE STREET • BELOIT, WI 53511  
Office: 608/364-6700 • Fax: 608/364-6609  
www.beloitwi.gov  
Equal Opportunity Employer

## **NOTICE TO THE PUBLIC**

November 18, 2020

To Whom It May Concern:

M & W Development has applied for a Conditional Use Permit to allow a quick lube facility with a drive-through lane in a C-3, Community Commercial District, and overhead doors facing Milwaukee Road in the Milwaukee Road Overlay District for the property located at:

**2901 Milwaukee Road**

The following public hearings will be held regarding this proposed Conditional Use Permit:

**City Plan Commission:** Wednesday, December 9, 2020, 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, December 21, 2020, 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.\***

**\*Due to the COVID-19 crisis, members of the public are highly encouraged to provide oral or written comments to the Commission and City Council via alternative means. You may mail your comments to the attention of Hilary Rottmann at 100 State Street or via email to [rottmanh@beloitwi.gov](mailto:rottmanh@beloitwi.gov). Public comments and public input for the public hearing will be required, in writing, by noon on the day of the meeting. You may also call (608) 247-2965 to provide your comments over the phone. In-person attendance at Commission and Council meetings will be limited.**



MY THREE KIDS INC  
1333 EXCALIBUR DR  
JANESVILLE WI 53546

MENARD INC  
4777 MENARD DR  
EAU CLAIRE WI 54703

SHIRLEY M CARLSON REV TRUST  
8829 S LATHERS RD  
BELOIT WI 53511



## REPORT TO THE PLAN COMMISSION

**Plan Commission Meeting Date:** December 9, 2020

**Agenda Item:** 4c

**File Number:** ARC/EXP-2020-01

### General Information

---

**Applicant:** Roger & Peggy Thiele

**Owner:** Roger & Peggy Thiele

**Address/Location:** 1870 Post Road

**Applicant's Request/Proposal:** Roger & Peggy Thiele have filed an application for an Exception to Section 34.15(1) of the Architectural Review & Landscape Code to allow insulated metal wall panels on a non-industrial building and to Section 34.21(2)(b) of the Architectural Review & Landscape Code to waive the open green space requirement for the property located at 1870 Post Road.

### Staff Analysis

---

**Project Background:** The subject property is the site of an approved PUD – Master Land Use Plan that authorizes a 4,800 square-foot office & shop building for Thiele Heating & Air Conditioning and related improvements. According to Section 34.15(1) of the Architectural Review & Landscape Code and condition #6 of the Resolution approving the PUD, the proposed building is deemed to be a “non-industrial building.” Therefore, metal may only be used as an accent material on exterior walls. No more than 25% of the exterior surface of any wall may be metal material unless an Exception is granted. The applicant has proposed the use of architectural insulated metal panels as shown on the attached rendering and elevations.

According to Section 34.21(2)(b) of the Architectural Review & Landscape Code, five (5) feet of open green space (grass) is required along interior side and rear lot lines. A preliminary review of the applicant's site plans shows a privacy fence along the western side lot line around the outdoor storage area and a paved driveway up to the rear/southern lot line. The required open green space will be provided along the eastern lot line.

**Surrounding Land Use and Zoning:** The subject property is part of the C-2, Neighborhood Commercial District that includes the 2600 block of Prairie Avenue. There is a medical office to the east (Stateline Pregnancy Clinic) and commercial uses to the south, all of which are located in the same C-2 district. The Iva Court Condominium Development (zoned R-2, Two-Family Residential) is located to the west and southwest of the subject property. There are duplexes (zoned R-2) to the north of the subject property on the opposite side of Post Road, along with single-family homes along the 2700 block of Scotties Drive to the northeast.

#### **Applicant's Hardship Argument:**

According to the applicant, the proposed insulated metal wall panels will provide a look similar to precast concrete panels or exterior insulated finish systems (EIFS) at a lower cost. The open green space waiver is being requested to allow vehicle maneuvering around the proposed building.

**Findings of Fact** – Section 34.22(5) of the Architectural Review and Landscape Code states that the City Council may grant exceptions to the regulations contained in this chapter when:

- (a) ***Such exceptions are in harmony with the general purpose and intent of this chapter;*** The intent of the metal exterior limitation is to discourage the use of ribbed and/or shiny metal siding products in commercial areas and to encourage the use of higher quality exterior finishes. The proposed insulated metal panels are a higher quality product that appears similar to EIFS, and has been successfully used in numerous commercial and industrial projects in the past decade. The intent of the open green space requirement is to prevent large expanses of pavement from one property to the next. The proposed plan includes a privacy fence along the western lot line to separate the subject property from the adjacent condo development. The property to the south is vacant commercial land.
- (b) ***The City Council finds that special circumstances exist involving the size, shape, topography, location or surroundings of the property referred to in the application;*** The subject property is unique in that it is relatively small (0.42 acre) for a commercial redevelopment site, with street frontage on a local street and not the main commercial corridor (Prairie Ave). The subject property has been undeveloped and underutilized for decades. Due to the small size of the parcel, it is difficult to provide all landscape elements while providing a fire lane.
- (c) ***Denial of the exception will cause unreasonable or unnecessary hardship;*** Denial of the application would force the applicant to use more expensive exterior materials, which may cause unnecessary hardship by increasing the cost of the project for this small, locally-owned contracting business. Denial of the open space waiver would cause unreasonable hardship by restricting access to the outdoor storage and & overhead doors on the west of the proposed building, and by limiting the width of the required fire lane around the building.
- (d) ***Granting the exception will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the general welfare of the neighborhood or the public.*** Granting the exception will not cause substantial injury to the value of nearby properties nor be detrimental to the general welfare of the neighborhood or the public. The proposed building includes white architectural panels with an accent band, and a block veneer on the main entrance side of the building. This infill project will be an attractive new investment and will bring vitality to a long-vacant parcel.

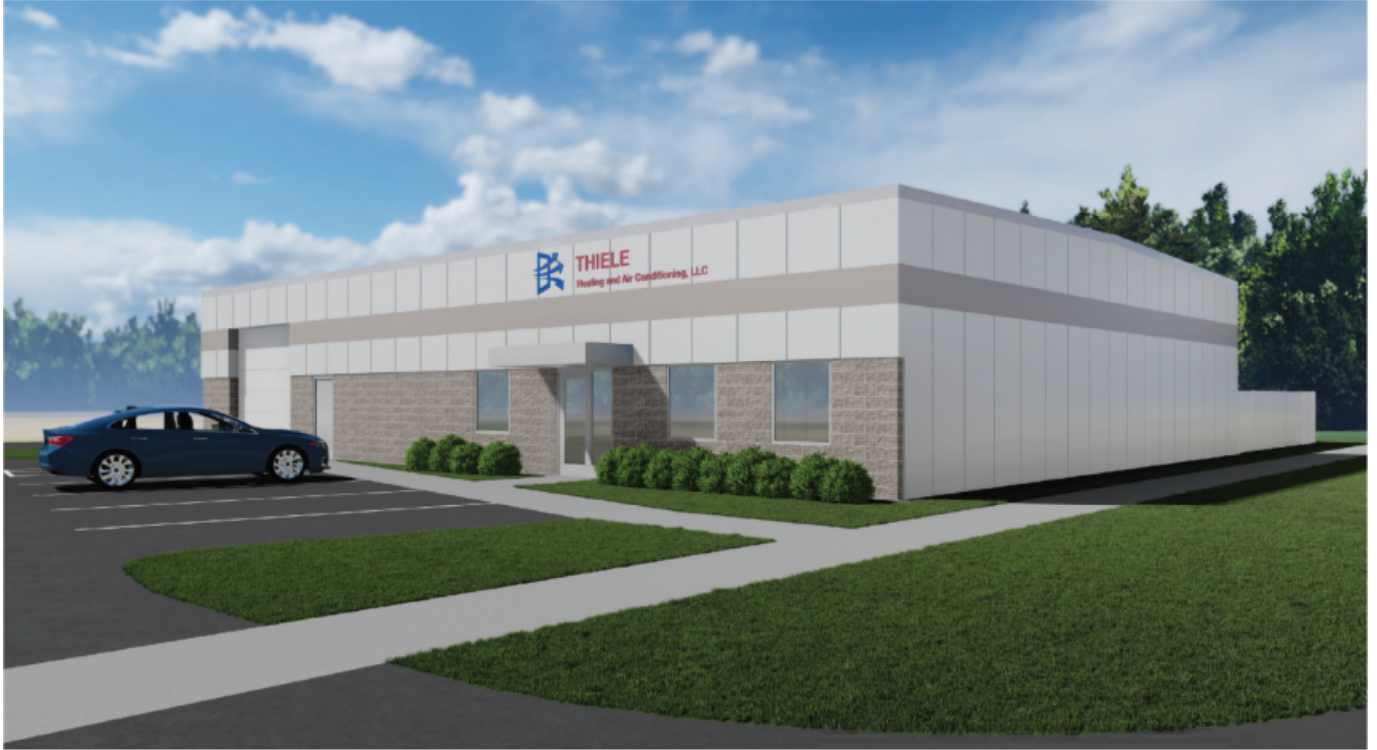
**STAFF RECOMMENDATION:**

The Planning & Building Services Division recommends **approval** of an Exception to Section 34.15(1) of the Architectural Review & Landscape Code to allow insulated metal wall panels on a non-industrial building and to Section 34.21(2)(b) of the Architectural Review & Landscape Code to waive the open green space requirement for the property located at 1870 Post Road, based upon the standards for granting an exception.

**ATTACHMENTS:** Location Map, Building Rendering, Elevations, Landscape Plan, and Application.

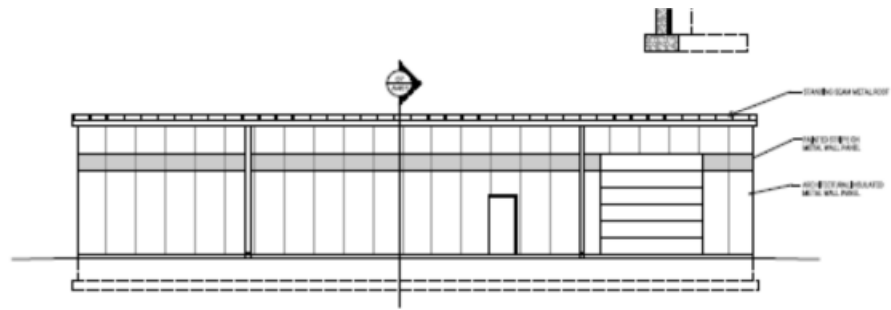
Location Map



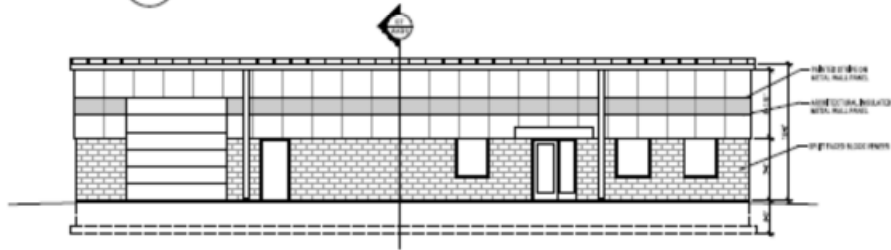


# Thiele Heating and Air Conditioning

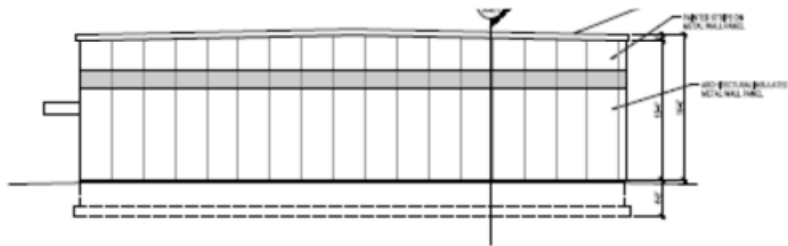
NOVEMBER 3, 2020



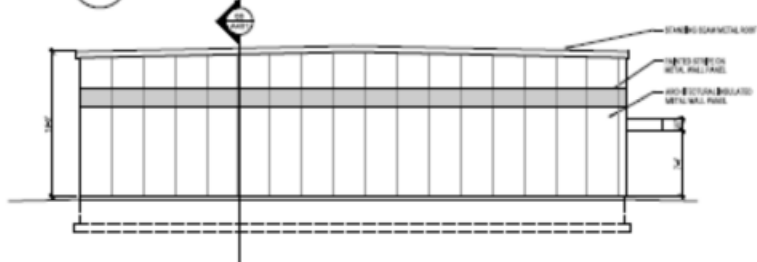
18 SOUTH ELEVATION  
A401 SCALE 1/8" = 1'-0"



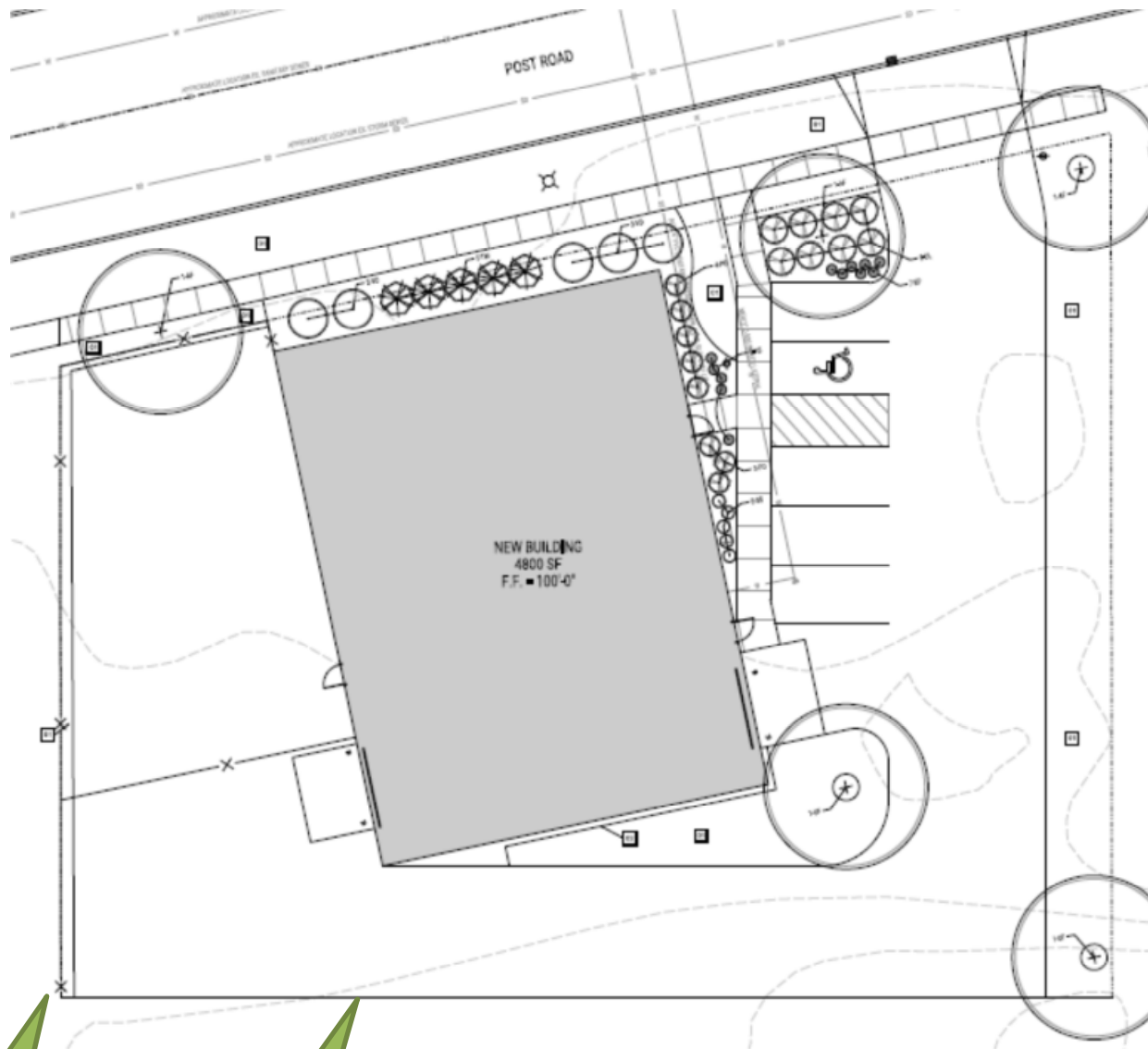
17 NORTH ELEVATION  
A401 SCALE 1/8" = 1'-0"



06 EAST ELEVATION  
A401 SCALE 1/8" = 1'-0"



05 WEST ELEVATION  
A401 SCALE 1/8" = 1'-0"



LANDSCAPE PLAN  
SCALE 1"=20'

Fence on Lot Line

Pavement to Lot Line

***CITY of BELOIT***  
**Planning & Building Services Division**

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

**Architectural Review Exception Application Form**

(Please Type or Print)

**File number:** \_\_\_\_\_

**1. Name of applicant:** Roger and Peggy Thiele Phone #: (608) 365-3102

1820 Cranston Road      Beloit      Wisconsin 53511  
(Address)                                      (City)                                      (State)                                      (Zip)

**2. Address of subject property:** 1870 Post Road

**3. Tax Parcel Number(s):** 11341515

**4. Legal description:** \_\_\_\_\_  
\_\_\_\_\_

**5. Present zoning:** PUD      **Present use:** Vacant Property

**6. Proposed use (if different):** HVAC business

**7. Owner of record:** Roger and Peggy Thiele Phone: (608) 365-3102

1820 Cranston Road      Beloit      Wisconsin 53511  
(Address)                                      (City)                                      (State)                                      (Zip)

**8. Code from which relief is sought or exception is taken:**  
 **Architectural Review**       **Landscape Regulations**

**9. State specific sections of code and exception(s) requested: (Use separate sheet if necessary)**

No more than 25% of the exterior surface of any wall may be metal material.

**10. State specific hardship experienced by the applicant: (Use separate sheet if necessary)**

Use of proposed Architectural Insulated Metal Panel similar to that being proposed has been  
accepted in several other buildings in Beloit where non-metal building panels are restricted.  
These Architectural Insulated Metal Panels have a look similar to finished precast concrete or  
exterior insulated finish systems (EIFS) which are consistent with the non-metal wall panel

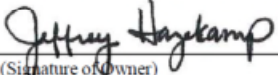
(Continued on back)



finish required by the ordinance. The exterior finish of the panel is smooth with a 'knock down' plaster appearance with minimal joints that use a concealed fastening system.

**11. In order for this application to be considered complete, the applicant must attach a scale drawing (1" = 20' usually works best) showing the location of property lines and their dimensions, existing buildings and improvements, all abutting properties and improvements thereon, and the proposed changes or additions. A professional drawing is not required. You are required to furnish a legible drawing with enough detail that will adequately advise and inform the Commission.**

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

 / Jeffrey Hazekamp / 11/3/2020  
(Signature of owner) (Print name) (Date)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Signature of Applicant, if different) (Print name) (Date)

The applicant acknowledges that this application is not deemed filed until dated and receipt acknowledged by a person authorized to receive the application. The applicant is entitled to receive a copy of the acknowledged application once it is officially reviewed and accepted.



**Hearings are usually held in City Hall Forum, City Hall, 100 State Street at 7:00 P.M.**

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

The application fee will be \$100 and applicants will be charged actual out-of-pocket costs for mailing public notices at the rate of \$0.50 per notice.

<b>To be completed by Planning staff</b>	
Filing fee: <b>\$100.00</b>	Amount paid: _____ Meeting date: _____
Application accepted by: _____	Date: _____
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Date Notice Published: _____	Date Notice Mailed: _____