



**PUBLIC NOTICE & AGENDA
BELOIT PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, September 22, 2021**

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
 - 2.a. Consideration of the minutes of the September 8, 2021 Plan Commission meeting
[Attached](#)
3. PUBLIC HEARINGS
 - 3.a. Consideration of a request for a Conditional Use Permit to allow a drive-through use in a C-3, Community Commercial District, for the property located at 1555 Willowbrook Road
[Attachment](#)
4. REPORTS
 - 4.a. Consideration of an Extraterritorial Final Plat of Avid Subdivision for the property located at the northeast corner of Wisconsin Avenue and Henderson Avenue in the Town of Beloit
[Attachment](#)
 - 4.b. Consideration of a request from Wisconsin Power and Light Company for a natural gas and communication lines easement over the City-owned property located at 2337 Ute Court
[Attachment](#)
5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS
 - Update on Street Renaming of Millington Road and part of Gateway Boulevard*
 - Update on Ordinance regarding Medical Facilities*
 - Update on Comprehensive Plan Amendment for 1112 Garfield Avenue*
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, September 8, 2021

1. CALL TO ORDER AND ROLL CALL

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

2. MINUTES

2.a. Consideration of the minutes of August 18, 2021 Plan Commission meeting

Motion was made by Commissioner Ramsden, seconded by Commissioner Ruster to approve the minutes. Motion carried, roll call vote (6-0).

3. PUBLIC HEARINGS

3.a. Consideration of Ordinance No 3723 amending the Zoning District Map from C-1, Office District, to PLI, Public Lands and Institutions District, for the property located at 657 Bluff Street

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

Chairman Weeden opened the public hearing.

Councilor Preuschl asked Ms. Christensen if there was a chance that the senior center would want to change its zoning to PLI. Ms. Christensen said that she does not think so and does not see a reason to. Commissioner Ramsden asked if the PLI would allow the transitional living and the C-1 would not, are there any plans for the church to become a transitional living facility.

Jameson Geiger, 431 Wisconsin Ave, said that the church has been a supporter and participant with Family Promise and serves as a day site at this point and time. Mr. Geiger explained that they are a sponsoring congregation, and they have residents stay at the building for a week at a time on a rotating basis. Mr. Geiger said that Family Promise would like to have a more fixed site, and the church can accommodate 3-4 families with a maximum of 10-12 people.

Mr. Geiger said that they have been doing this for a number of years, that it is not new to the neighborhood. They have a large enough parking lot to accommodate everybody. Mr. Geiger said that the building is surrounded by number of rental

properties that hold more people than their building would ever accommodate, and it is not like they are constructing an addition onto their building to accommodate 60 families.

Chairman Weeden closed the public hearing.

Motion was made by Commissioner Finnegan, seconded by Commissioner Robson to approve the Zoning District Map amendment from C-1 to PLI. Motion carried, roll call vote (6-0).

3.b. **Consideration of Ordinance No 3724 amending the Zoning District Map from C-1, Office District, to PLI, Public Lands and Institutions District, for a portion of 1650 Lee Lane (to become part of 2600 Milwaukee Rd)**

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

Chairman Weeden opened and closed the public hearing.

Motion was made by Commissioner Ramsden, seconded by Commissioner Robson to approve the Zoning District Map amendment from C-1 to PLI. Motion carried, roll call vote (6-0).

3.c. **Consideration of Ordinance No 3725 amending the Zoning District Map from R-1B, Single Family Residential District, to R-2, Two-Family Residential District, for the property located at 529 Eighth Street**

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

Chairman Weeden opened the public hearing.

Commissioner Robson asked Ms. Christensen to expand on the City of Beloit's grant program that helps families or owners to change multi-family units to single-family. Ms. Christensen said that the City of Beloit has a housing rehab loan program that is available to landlords or a homeowner. There is an incentive for conversions from multi-family to single-family, and if the homeowner has very low income, a portion of the loan can be deferred.

Ms. Christensen said that as part of the program, the staff helps develop the specs and bids and will work through the process with the property owner to convert the home to a single family.

Chairman Weeden asked if it were true if some of the work involves abating a hazard or upgrading to a minimum code requirement that it is potentially forgivable. Ms. Christensen said yes, that staff is working on a change right now with the City

Manager to have code compliant items be forgivable, and then letting them use the actual funds that would have to get paid back on the other items that they would want to do.

Ms. Christensen said that there is an incentive for that type of conversion because the City knew that people would not voluntarily convert from multi-family to single-family unless there was additional financial incentive.

Commissioner Ramsden asked Ms. Christensen if the legal nonconforming status of a duplex could go on indefinitely, as long as it is occupied. Ms. Christensen said yes, but in this case it was vacant for a year, and lost the ability to use it as a duplex in 2011. Commissioner Robson asked if the realtor who is selling a property like this is required to tell the new buyer of the nonconforming status. Ms. Christensen stated that she assumes there is some obligation if the owner notifies the realtor, but she does not recall if in this case if they did.

Jennifer Aldama, 3179 S Highcrest Road, stated that her father and she are the owners of the property, and the real estate agent did tell them that the duplex could only be used as a single family. Ms. Aldama talked with the previous owners, and the owner said that he gave the top unit to the owner's daughter without charging rent and both of the units were being used, but it was used as a family home.

Ms. Aldama explained that both units have their own furnace, kitchen, bathroom, and stairs without connecting to each other. Ms. Aldama said that an individual that was interested in the property went to three different lenders, and the house needs to have stairs to be connected from top to bottom for it to be a single family home. Ms. Aldama stated that they understand that the home lost its status years ago, but they also see the potential for it to be two units.

Chairman Weeden asked Ms. Aldama if she looked at the possibility of converting the home back to a single family, and if there were other issues that would prohibit them from doing so like money or the stairway. Ms. Aldama stated that it would be costly to put the stairs in, and they would have to get a contractor and borrow money which is tight right now.

Chairman Weeden asked Ms. Christensen if adding the stairway to connect the top and bottom if that would be an eligible expense under the City's housing rehab program. Ms. Christensen stated she cannot say for sure, but Ms. Aldama could reach out to Kristy McDonald (Housing Rehabilitation Finance Specialist) and Nick Aldridge (Housing Rehabilitation Construction Specialist), and Mr. Aldridge develops the specs and would look at the application to see if it is eligible.

Chairman Weeden asked if Ms. Aldama understands that the Plan Commission's job is to make sure that any kind of development and redevelopment is consistent with

the Comprehensive Plan, and it is not that the Plan Commission is opposed to her request. The Comprehensive Plan does not allow them to do what Ms. Aldama wants to do. Chairman Weeden said that Ms. Aldama's best option would be to reach out to Ms. McDonald and Mr. Aldridge to work through the options and financial implications to converting it back to a single family home.

Commissioner Toral asked how the City determines a property has not been used as a duplex consistently for 12 months. Ms. Christensen stated that the City did the evaluation in 2011, and there is a letter that went to the owner that they lost their status. Commissioner Toral said it sounds like the owner still used the duplex as a duplex. Ms. Christensen said that it was used illegally.

Chairman Weeden closed the public hearing.

Motion was made by Commissioner Finnegan, seconded by Commissioner Robson to deny the Zoning District Map amendment from R-1B to R-2. Motion carried, roll call vote (6-0).

3.d. **Consideration of a request to change the street name for Millington Road and part of Gateway Boulevard to Milwaukee Road as a result of the reconstructed I-39/90/43/Hwy 81 interchange project**

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

Councilor Preuschl asked Ms. Christensen if there is going to be a stub road for Millington or just a private drive to Kerry Ingredients. Ms. Christensen said that it is going to be a private drive. Kerry Ingredients wanted to keep their Millington address, and the post office approved that request. Councilor Preuschl clarified that Millington Road would no longer be a public street.

Chairman Weeden opened and closed the public hearing.

Motion was made by Commissioner Robson, seconded by Commissioner Ruster to approve the request to change the street name. Motion carried, roll call vote (6-0).

3.e. **Consideration of a Resolution approving an Extraterritorial Preliminary Plat of Avid Subdivision for the property located at the northeast corner of Wisconsin Avenue and Henderson Avenue in the Town of Beloit**

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

Chairman Weeden asked if the five lots are going to be facing Wisconsin Avenue. Ms. Christensen said that yes they will be.

Chairman Weeden opened and closed the public hearing.

Motion was made by Commissioner Finnegan, seconded by Commissioner Ramsden to approve the Extraterritorial Preliminary Plat. Motion carried, roll call vote (6-0).

4. REPORTS

4.a. Consideration of a Resolution approving an Extraterritorial three-lot Certified Survey Map for part of parcel number 6-2-131 on Bartells Drive in the Town of Beloit

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

Chairman Weeden asked what the intended use is going to be on Bartells Drive by the railroad. Frank McKearn stated that it will be housing.

Motion was made by Commissioner Robson, seconded by Commissioner Ruster to approve the Extraterritorial three-lot Certified Survey Map. Motion carried, roll call vote (6-0).

4.b. Consideration of a Resolution approving an Extraterritorial one-lot Certified Survey Map for property located on Ryan Parkway to combine lots 5 and 6 of Turtlerock Estates in Town of Turtle

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

Commissioner Ruster asked where this was located. Councilor Preuschl indicated that it was east of Townhall Road in the Gateway.

Motion was made by Commissioner Ramsden, seconded by Commissioner Finnegan to approve the Extraterritorial one-lot Certified Survey Map. Motion carried, roll call vote (6-0).

4.c. Consideration of a Resolution approving an Extraterritorial one-lot Certified Survey Map for the property located on E. Needham Road in the Town of Turtle

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

Motion was made by Commissioner Ruster, seconded by Commissioner Robson to approve the Extraterritorial one-lot Certified Survey Map. Motion carried, roll call vote (6-0).

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

Ms. Christensen updated the Plan Commission on the actions taken by City Council related to a variety of items previously reviewed by Plan Commission. There was discussion about the potential for a Zoning Ordinance amendment to be brought before the Commission related to medical facilities. The next Plan Commission meeting is scheduled for September 22, 2021.

6. **ADJOURNMENT**

Motion made by Commissioner Robson, and seconded by Commissioner Ruster to adjourn the meeting. Motion carried, roll call vote (6-0). Meeting adjourned at 8:05pm.

Timothy Weeden, Chairman



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: September 22, 2021

Agenda Item: 3(a)

File Number: CU-2021-08

General Information

Applicant/Owner: First Community Credit Union

Address/Location: 1555 Willowbrook Road

Applicant's Request: Conditional Use Permit to allow a Drive-Through Use in a C-3, Community Commercial District

Background

First Community Credit Union (FCCU) has filed an application for a Conditional Use Permit (CUP) to allow a Drive-Through Use in a C-3, Community Commercial District, for the property located at 1555 Willowbrook Road.

Staff Analysis

Existing Conditions: The two-acre subject property was recently rezoned from M-2, General Manufacturing District, to C-3, Community Commercial District, following an application from FCCU. Drive-through uses require a Conditional Use Permit in all commercial districts. The applicant is in the process of remodeling the existing building into a new branch location. A Building Permit was issued, subject to a condition stipulating that the drive-through cannot be used until a CUP is issued.

Proposed Drive-Through: The applicant intends to operate drive-through teller/ATM windows on the north side of their new branch location on the subject property. The proposed use will utilize the existing driveways and building canopy, and the applicants have proposed widening the northern exit-only driveway to two lanes. As shown on the attached site plan, vehicles will enter the southern driveway and travel through the site in a counter-clockwise motion, exiting through the widened northern driveway. At least four stacking spaces are required and provided, along with a bypass lane.

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 City Engineer has requested documentation from the contractor to justify the width of the northern driveway. Approval of driveway width will be handled through the Right-of-Way Permit application process.

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 cause any issues.
- 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 is compatible with the adjacent commercial and institutional uses and will bring activity to a long-vacant building.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The applicant's improvement of the property will have a positive 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 proposed drive-through will not impede nearby development.
- 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 drive-through will utilize an existing canopy on the north side of the building, which was previously used for loading/unloading.
- 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*
 - Adequate stacking spaces and a bypass lane are provided. Willowbrook Road is fully capable of handling the additional traffic generated by the use.
- 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 and Building Services Division recommends **approval** of a Conditional Use Permit to allow a Drive-Through Use in a C-3, Community Commercial District, for the property located at 1555 Willowbrook Road, based on the above Findings of Fact.

Ordinance Requirements:

The following provisions of existing City Ordinances shall apply:

1. The applicant's contractor shall obtain a Permit to Work in the Public Right-of-Way to allow the widening of an existing driveway apron.
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 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 applicant's contractor shall obtain a Permit to Work in the Public Right-of-Way to allow the widening of an existing driveway apron.

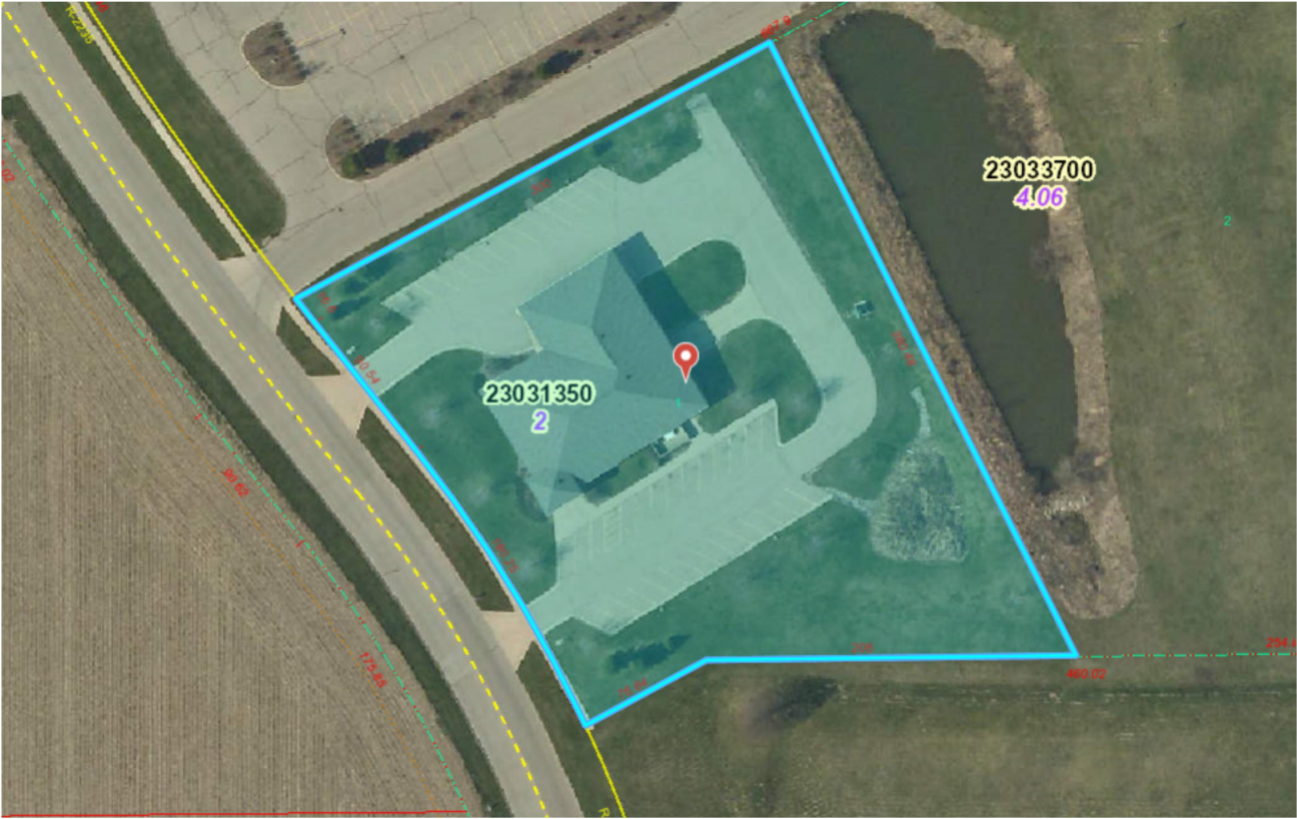
Substantial Evidence: Required by Section 11.04 of the Streets and Sidewalks Ordinance.

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 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 – 1555 Willowbrook Rd



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: 1555 WILLOW BROOK ROAD

2. Legal description: LOT 1 Csm Vol 28 Pgs 62-63

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

Property dimensions are: 287 feet by 300 feet = _____ square feet.

If more than two acres, give area in acres: 2 ACRES EXACTLY acres.

3. Tax Parcel Number(s): 206 2303 1350

4. Owner of record: FIRST COMMUNITY CREDIT UNION Phone: 608-364-9077

1702 PARK AVENUE BELOIT WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: FIRST COMMUNITY CREDIT UNION

1702 PARK AVENUE BELOIT WI 53511
(Address) (City) (State) (Zip)

608-362-9077 | 608-289-9592 | JKBILL@FIRSTCCU.COM
(Office Phone #) (Cell Phone #) (E-mail Address)

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

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

A Conditional Use Permit for: DRIVE THROUGH

_____ in a(n) C3 Zoning District.

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

Principal use: CREDIT UNION

Secondary use: NONE

Accessory use: NONE

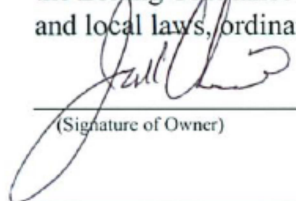
9. Project timetable: Start date: 8/19/2021 Completion date: 10/22/2021

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.

 _____ (Signature of Owner)	JACK GILL _____ (Print name)	8/19/2021 _____ (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: _____ 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

September 8, 2021

To Whom It May Concern:

First Community Credit Union (FCCU) has filed an application for a Conditional Use Permit (CUP) to allow a Drive-Through Use in a C-3, Community Commercial District, for the property located at 1555 Willowbrook Road. The applicant intends to operate drive-through teller windows/ATM at their new branch location on the subject property.

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

City Plan Commission: Wednesday, September 22, 2021, 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 18, 2021, 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. You may also call (608) 364-6711 to provide your comments over the phone. In-person attendance at meetings may be limited.**

23021300
CENTRAL CHRISTIAN CHURCH
2460 MILWAUKEE RD
BELOIT WI 53511-3946

23033500
SWING INC
2505 KENNEDY DR
BELOIT WI 53511

23033005
MCBAIN ENTERPRISES INC
1897 BRANIGAN RD
BELOIT WI 53511



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: September 22, 2021

Agenda Item: 4(a)

File Number: FS-2021-04

General Information

Applicant: Backyard Properties of Rock County, LLC

Owner: Lloyd and Patricia Majeed

Address/Location: Northeast Corner of Wisconsin Avenue and Henderson Avenue (Parcel No. 6-2-315) in the Town of Beloit

Applicant's Request: Final Subdivision Plat (7 total lots)

Staff Analysis

Plat Approval Process: Backyard Properties of Rock County, LLC has submitted the attached Final Plat of Avid Subdivision for the vacant 8.36-acre parcel located at the northeast corner of Wisconsin Avenue and Henderson Avenue in the Town of Beloit. As shown on the attached plat, the applicant has proposed the creation of seven lots, including five buildable single-family lots along Wisconsin Avenue. This property is subject to Town of Beloit zoning, and rezoning applications are pending with the Town. Both plats are located beyond the City limits but within the City's extraterritorial plat review jurisdiction. This subdivision will be served by public water (City Water Utility) and sewer (Town Sewer Service Area). The subdivision of land requires approval of a Preliminary Plat, followed by approval of a detailed Final Plat, which must substantially conform to the layout of the Preliminary Plat. A recorded Final Plat actually creates the lots and may include the entire Preliminary Plat area or phases. The Preliminary Plat of Avid Subdivision was approved by the Plan Commission on September 8, 2021.

Proposed Lots: The City cannot regulate land use beyond the City limits, nor require the dedication of or improvement of land with public improvements. The applicant notes that proposed Lots 1-5 are proposed for single-family zoning, while proposed Lot 6 will remain A-2, General Agricultural District. Proposed Lot 7 is proposed for light industrial Town zoning.

Surrounding Uses: There are commercial uses and zoning to the north in the City of Beloit along Cranston Road. There are industrial uses in both the Town and City to the east (Avid Pallet). There are single-family residential dwellings and residential zoning to the west and south in the Town of Beloit. The City does not exercise extraterritorial zoning jurisdiction and cannot deny extraterritorial plats on the basis of land use.

City of Beloit Comprehensive Plan and Strategic Plan: The Future Land Use Map of the City's Comprehensive Plan recommends Planned Mixed Uses of the subject property. The proposed subdivision plat is consistent with this recommendation. Consideration of this request supports City of Beloit Strategic Goals #3 and #5 by encouraging residential growth with high quality infrastructure.

STAFF RECOMMENDATION:

The Planning and Building Services Division recommends **approval** of the Final Plat of Avid Subdivision for the vacant 8.36-acre parcel located at the northeast corner of Wisconsin Avenue and Henderson Avenue in the Town of Beloit, based on its consistency with the Comprehensive Plan and Subdivision Ordinance, subject to the following conditions:

1. All of the conditions of approval of the Preliminary Plat remain in full force and effect.
2. The applicant shall record the Final Plat with the Rock County Register of Deeds within one year of approval, and shall provide City staff with a copy of the recorded plat.

ATTACHMENTS: Location Map, Final Plat, Application, and Preliminary Plat Resolution.

Location Map



AVID SUBDIVISION
PART OF OUT-LOT 24.8 AND PART OF OUT-LOT 24.32 OF THE ASSESSOR'S PLAT OF BELOIT TOWNSHIP, BEING PART OF THE NE 1/4 OF THE SW 1/4 AND PART OF THE NW 1/4 OF THE SE 1/4 OF SECTION 24, T. 1 N., R. 12 E., OF THE 4TH P.M., BELOIT TOWNSHIP, ROCK COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

State of Wisconsin ss. I, Kristin J. Belongia, a Professional Land Surveyor, do hereby certify that I have surveyed, subdivided and mapped the within described land, to be hereafter known and designated as "AVID SUBDIVISION", that said subdivision is a part of Out-lot 24.8 and part of Out-lot 24.32 of the Assessor's Plat of Beloit Township, being part of the Northeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4 of the Southeast 1/4 of Section 24, T. 1 N., R. 12 E., of the 4th P.M., Beloit Township, Rock County, Wisconsin.

DESCRIBED AS FOLLOWS: Commencing at the East 1/4 corner of aforesaid Section 24 (T. 1 N., R. 12 E.); thence North 89°38'23" West along the East-West centerline of aforesaid Section 24 a distance of 5329.26 feet to the West 1/4 corner of aforesaid Section 24; thence South 71°50'44" East a distance of 2133.09 feet to a 3/4" rebar found on the Eastern right-of-way of Wisconsin Avenue and the point of beginning; thence South 89°36'32" East a distance of 910.52 feet to a 3/4" rebar found; thence South 0°06'46" West a distance of 434.85; thence North 89°35'26" West a distance of 301.09 feet; thence North 0°24'34" East a distance of 200.00 feet to the Northern right-of-way of Henderson Avenue; thence North 89°35'26" West a distance of 553.04 feet to a 3/4" section rebar the Southeast corner of Lot 1 of Certified Survey Map Document No. 731298, recorded in Volume 1 on Page 179; thence North 0°23'45" East a distance of 140.04 feet to a T" pipe at the Northeast corner of aforesaid Lot 1; thence North 89°34'17" West a distance of 123.01 feet to a 1" pipe at the Northwest corner of aforesaid Lot 1; thence South 0°23'26" West a distance of 140.08 feet to a 1-1/4" pipe at the Southwest corner of aforesaid Lot 1 and the Northern right-of-way of Henderson Avenue; thence North 89°35'26" West along aforesaid Northern right-of-way a distance of 123.69 feet to a 1-1/4" set round iron bar at the Eastern right-of-way of Wisconsin Avenue; thence North 1°14'25" West a distance of 414.72 feet to the point of beginning. Containing 8.364 acres more or less.

That said subdivision was surveyed, subdivided and mapped at the request of BACKYARD PROPERTIES OF ROCK COUNTY, LLC, owners of said land. That such plat is a correct representation of all exterior boundaries of the land surveyed and subdivision thereof. That all dimensions are given in feet and decimal fractions thereof and angles are measured to the nearest second. That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes, the Land Division Ordinance of the Town of Beloit, the Land Division Ordinance for Rock County and the Subdivision Regulations of the City of Beloit in surveying, dividing and mapping the same.

Last day of fieldwork: _____

Given under my hand and seal this ____ day of _____, 2021 at Beloit, Wisconsin.

Kristin J. Belongia, Professional Land Surveyor
 State of Wisconsin, No. S-2943

CORPORATE OWNERS' CERTIFICATE

BACKYARD PROPERTIES OF ROCK COUNTY, LLC, a Wisconsin limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner of the land described in the foregoing description does hereby certify that said company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat.

BACKYARD PROPERTIES OF ROCK COUNTY, LLC does further certify that this plat is required by Sections 236.10 and 236.12 of the Wisconsin Statutes to be submitted to the following for approval or objection: the Town of Beloit, the City of Beloit and Rock County Planning, Economic and Community Development Agency, and the Department of Administration.

IN WITNESS WHEREOF, said BACKYARD PROPERTIES OF ROCK COUNTY, LLC has caused these presents to be signed by _____

MEMBER of the above named limited liability company on this ____ day of _____, 2021.

 MEMBER

State of Wisconsin ss. Personally came before me, this ____ day of _____, 2021, _____ MEMBER of the above-named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be the representative of said company and acknowledged that they executed the foregoing instrument as representative as the deed of such company, by its authority.

Notary Public _____ County, Wisconsin
 My Commission Expires _____

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE

The Plat of AVID SUBDIVISION is approved, this ____ day of _____, pursuant to Chapter 4 of the Rock County Ordinance.

Rock County Planning, Economic and Community Development Department

ROCK COUNTY TREASURER'S CERTIFICATE

State of Wisconsin ss. I, Michelle Roetger, being the duly elected, qualified and acting Treasurer of the County of Rock, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of the ____ day of _____, affecting the lands in the plat of AVID SUBDIVISION.

Michelle Roetger, Rock County Treasurer

CITY OF BELOIT COUNCIL RESOLUTION

WHEREAS, the City Planning Commission of the City of Beloit has reported on the Plat of AVID SUBDIVISION, it is resolved that the Plat of AVID SUBDIVISION is approved.

State of Wisconsin ss. I, the undersigned City Clerk, of the City of Beloit, do hereby certify that the above Resolution is a true and correct copy of the original as passed by the City Council of the City of Beloit on the ____ day of _____.

Lori Stottler, City Clerk

TOWN OF BELOIT BOARD RESOLUTION

RESOLVED, that the plat of AVID SUBDIVISION in the Town of Beloit is hereby approved by the Town Board of the Town of Beloit, Rock County, Wisconsin.

Diane M. Greenlee, Town Chairman

State of Wisconsin ss. I, the undersigned Town Clerk, of the Town of Beloit, do hereby certify that the above Resolution is a true and correct copy of the original as passed by the Town Board of the Town of Beloit on the ____ day of _____.

Kary DeVault, Town Clerk

TOWN OF BELOIT TREASURER'S CERTIFICATE

State of Wisconsin ss. I, John Malizio, being the duly appointed, qualified and acting Treasurer of the Town of Beloit, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of the ____ day of _____, affecting the lands in the plat of AVID SUBDIVISION.

John Malizio, Town Finance Director/Treasurer

DOCUMENT NO. _____ RECEIVED FOR RECORD THIS ____ DAY OF _____ A.D. 2021 AT _____ O'CLOCK ____ M. AND RECORDED IN VOLUME _____ OF PLATS ON PAGES _____ REGISTER OF DEEDS

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.
 Certified _____, 20____
 Department of Administration



File Name: J:\33900-34000\33965 - Kevin Hendricks - Henderson.SURVEY\BHB DRAWING FILES

CITY of BELOIT

Neighborhood Planning Division

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

Application for a Final Subdivision or Condominium Plat

(Please Type or Print)

File Number: _____

1. Proposed subdivision name: Avid Subdivision
2. Address of property: Vacant (NE corner of Wisconsin Avenue and Henderson Avenue)
3. Tax Parcel Number(s): 6-2-315
4. Property is located in (circle one): City of Beloit or Town of Turtle; Beloit Rock or LaPrairie
In the SW/SW Quarter of Section 24, Township 1 North, Range 12 East of the 4th P.M.
5. Owner of record: Loyd L & Patricia A Majeed Phone: _____

<u>2034 S. Mound Avenue</u>	<u>Beloit</u>	<u>WI</u>	<u>53511</u>
(Address)	(City)	(State)	(Zip)
6. Applicant's Name: Backyard Properties of Rock County, LLC (Kevin Hendricks)

<u>PO Box 1135</u>	<u>Janesville</u>	<u>WI</u>	<u>53547</u>
(Address)	(City)	(State)	(Zip)

_____ / <u>608-358-2996</u> / _____	(Office Phone #)	(Cell Phone #)	(E-mail Address)
			<u>kevinhendricks7@gmail.com</u>
7. Present zoning classification is: R-1, A-2 and I-1
8. Is the proposed use permitted in this zoning district: Yes
9. THE FOLLOWING ITEMS MAY NEED TO BE COMPLETED AND/OR ATTACHED:
 - Copy of Preliminary Plat to Utility Providers:** A written statement confirming that the developer submitted copies of the approved preliminary plat to all utility providers as per section 12.03(2).
 - Covenants and Deed Restrictions:** copies of any covenants or deed restrictions.
 - Development Agreement & Fee:** a copy of a Final Draft or Approved Development Agreement;
 - Contract:** A contract for construction of required utilities and public improvements or;
 - A Bond;** guarantying the contract for construction or;
 - Letter from the City Engineer;** stating that the developer has constructed the required improvements and the City has found they are acceptable to the City Engineer and;
 - Final Plat Map;** 10 copies as required by section 12.04(1) including all information required by section 12.04(2) 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 and City Council to review and approve the Preliminary Subdivision Plat for the purpose stated herein. The undersigned also agrees to abide by all applicable federal, state and local laws, rules, and regulations.

Kevin Hendricks / KEVIN HENDRICKS / 8/10/21
(Signature of applicant) (Print name of applicant) (Date)

This application must be submitted at least 30 days prior to the Plan Commission meeting date.

Review fee: **\$300 plus \$15 per lot; \$100 Development Agreement Fee** Amount paid: \$505
Scheduled meeting date: _____
Application accepted by: _____ Date: _____

**RESOLUTION
APPROVING AN EXTRATERRITORIAL PRELIMINARY PLAT
OF AVID SUBDIVISION IN THE TOWN OF BELOIT**

WHEREAS, the City Plan Commission of the City of Beloit has heretofore held a public hearing on September 8, 2021 regarding the 7-Lot Preliminary Plat of Avid Subdivision for parcel number 6-2-315 at the northeast corner of Wisconsin Avenue and Henderson Avenue in the Town of Beloit within the City's extraterritorial jurisdiction.

NOW, THEREFORE, BE IT RESOLVED THAT the Plan Commission of the City of Beloit does hereby approve the Preliminary Plat of Avid Subdivision for parcel number 6-2-315 at the northeast corner of Wisconsin Avenue and Henderson Avenue in the Town of Beloit, subject to the following conditions:

1. The Final Plat shall substantially conform to the approved Preliminary Plat with respect to the number of lots, lot sizes, and the proposed right-of-way layout.
2. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission. The Director of Planning & Building Services may approve minor changes administratively.

Adopted this 8th day of September, 2021.

Plan Commission



Timothy Weeden, Chairman

ATTEST:



Julie Christensen, Community Development Director



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: September 22, 2021

Agenda Item: 4(b)

File Number: RPB-2021-08

General Information

Applicant: Wisconsin Power & Light Co. DBA Alliant Energy

Owner: City of Beloit

Address/Location: 2337 Ute Court

Applicant's Request: Wisconsin Power & Light Company (DBA Alliant Energy) has requested a 10-foot Natural Gas and Communication Lines Easement across the western edge of the City-owned water tower property located at 2337 Ute Court as described and illustrated on the attachments. The proposed easement will allow the applicant to install underground natural gas lines and communication facilities as part of a service upgrade project.

Staff Analysis

Existing Conditions: The subject property is used as a water tower compound that includes communication facilities. Alliant Energy owns the adjacent utility land to the north, which is accessible through a blanket easement over the City's land. The water tower parcel and Alliant Energy's parcel are both zoned PLI, Public Lands and Institutions District.

Surrounding Land Use and Zoning: There are single-family dwellings zoned R-1A, Single-Family Residential District to the west and south of the subject parcels. There is vacant land zoned R-1A to the north and east.

City of Beloit Comprehensive Plan and Strategic Plan: The Future Land Use Map recommends Institutional and Community Service uses for the subject parcels. This request supports Strategic Goal #5 by creating and sustaining high quality infrastructure and connectivity.

STAFF RECOMMENDATION:

The Planning and Building Services Division recommends **approval** of the attached Natural Gas and Communication Lines Easement across the western edge of the City-owned water tower property located at 2337 Ute Court.

ATTACHMENTS: Location Maps, Proposed Easement, and Easement Exhibit.

Location of Easement Area Over 2337 Ute Ct



Location Map

2337 Ute Court



Document No.

**EASEMENT
NATURAL GAS AND COMMUNICATION LINES**

The undersigned **City of Beloit, Rock County, Wisconsin, a Wisconsin municipal corporation (hereinafter called the "Grantor")**, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto **Wisconsin Power and Light Company, a Wisconsin corporation, (hereinafter called the "Grantee")**, the Grantee's successors and assigns, the perpetual right and easement to construct, install, maintain, operate, repair, inspect, replace, add, relocate and remove the Designated Facilities, as defined below, upon, in, over, through and across lands owned by the Grantor **in the City of Beloit, County of Rock, State of Wisconsin**, said "Easement Area" to be **ten (10) feet** in width and described as follows:

See Exhibit "A" for the easement description and Exhibit "B" for the easement depiction, attached hereto and made a part hereof.

This easement is subject to the following conditions:

1. **Designated Facilities:** This easement is for underground natural gas line and underground communication line facilities, including but not limited to pipelines with valves, main and service laterals, and any other components as Grantee may select for use in the transmission and distribution of natural gas products or communication signals (collectively, the "Designated Facilities").
2. **Access:** The Grantee and its agents shall have the right of reasonable ingress and egress to, over and across the Grantor's land adjacent to the Easement Area.
3. **Buildings and Structures:** The Grantor agrees within the Easement Area not to construct or place buildings, structures, or other improvements, or place water, sewer or drainage facilities; all without the express written consent of the Grantee.
4. **Landscaping and Vegetation:** No plantings and landscaping are allowed within the Easement Area that will interfere with the easement rights herein granted. The Grantee has the right to trim or remove trees, bushes and brush within the Easement Area without replacement or compensation hereinafter. The Grantee may treat the stumps of any trees, bushes or brush to prevent re-growth and apply herbicides in accordance with applicable laws, rules and regulations, for tree and brush control.
5. **Elevation:** After the installation of the facilities and final grading of the Easement Area, the Grantor agrees not to alter the grade of the existing ground surface by more than six (6) inches or place rocks or boulders more than eight (8) inches in diameter, within the Easement Area, without the express written consent of the Grantee.
6. **Restoration and Damages:** The Grantee shall restore, cause to have restored or pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than trees trimmed or cut down and removed), caused by the construction, maintenance or removal of said facilities.
7. **Rights not granted to the Grantee:** The Grantee shall not have the right to construct or place fences, buildings or any other facilities other than the above Designated Facilities.
8. **Reservation of use by the Grantor:** The right is hereby expressly reserved to the Grantor, the heirs, successors and assigns, of every use and enjoyment of said land within the Easement Area consistent with rights herein granted.
9. **Binding Effect:** This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

Record this document with the Register of Deeds

Name and Return Address:

Alliant Energy
Attn: Real Estate Department
4902 North Biltmore Lane
P.O. Box 77007
Madison, WI 53707-1007

Parcel Identification Number(s)

206 1213-2250

WITNESS the signature(s) of the Grantor this _____ day of _____, 2021.

City of Beloit, Rock County, Wisconsin, a municipal corporation

_____(SEAL)
Lori S. Curtis Luther, City Manager

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF ROCK)

Personally came before me this _____ day of _____, 2021, the above named

Lori S. Curtis Luther, City Manager to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Elizabeth A. Krueger
Notary Public, State of Wisconsin
My Commission (is) permanent

This instrument drafted by

Jerome C. Lund

Jordan Oosterhouse

Checked by

September 8, 2021

Project Title:	Beloit UG Gas – Telecom
ERP Activity ID:	WR #
Tract No.:	1 of 1
REROW No.:	

Exhibit A

Lands owned by Grantor:

Lot One (1) of a Certified Survey Map, as recorded on November 5, 2003, in Volume 26 of Certified Survey Maps on Pages 338 - 340, as Document Number 1640704, in the office of the Register of Deeds for Rock County, Wisconsin.

Grantor's deed recorded on November 18, 2003, as Document Number 1642370, in the office of the Register of Deeds for Rock County, Wisconsin.

Easement Area:

The westerly ten (10) feet of said Lot 1, extending northeasterly from the Ute Court right-of-way, to a point on the south lot line of Outlot 1 of said Certified Survey Map.

Located in said Lot 1, in the Northeast Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 21, Township 1 North, Range 12 East, City of Beloit, Rock County, Wisconsin.