



**PUBLIC NOTICE & AGENDA
BELOIT PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, January 5, 2022**

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
No minutes to approve.
3. PUBLIC HEARINGS
 - 3.a. Consideration of a Conditional Use Permit to allow a religious institution in an R-1B, Single Family Residential District, for the property located at 901 Harrison Avenue
[Attachment](#)
4. REPORTS
No reports to be discussed.
5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS
*Medical Facilities Ordinance Amendment
Annexation of 1022 W Froebel*
6. FUTURE AGENDA ITEMS
*Conditional Use Permit for community service use in C-1 at 246 W. Grand Ave
Conditional Use Permit for night club with alcohol in C-2 at 1757 Prairie Ave
Two-Lot CSM for City land at 1801 Gateway Boulevard
Permanent Zoning for 2021 Annexations – Forest and Froebel
Rezoning portion of 1459 Sixth Street (from PLI to C-2) for LaMexicana*
7. 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.



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: January 5, 2022

Agenda Item: 3.a.

File Number: CU-2022-01

General Information

Applicant: Pedro Diaz

Owner: Atonement Lutheran Church

Address/Location: 901 Harrison Avenue

Applicant's Request: Pedro Diaz has filed an application for a Conditional Use Permit to allow a religious institution known as The Church of the Living God, Pillar and Ground of the Truth the Light of the World, in an R-1B, Single Family Residential District at 901 Harrison Avenue.

All property owners within 150 feet of the property have been notified by mail of the proposed Conditional Use Permit request and the dates of the public hearings.

Staff Analysis

Existing Conditions: The subject property is 0.65 acre in area and includes the approximately 14,000 square-foot church building and off-street parking lot. The structure is too large to be converted into a single-family dwelling. The applicant intends to resume using the subject property as a religious institution.

The church on the subject property ceased operations in fall 2020, and has been listed for sale. Because this property sat vacant for over twelve months and the property is zoned Single-Family Residential, the property must obtain a Conditional Use Permit (CUP) to establish a religious institution.

Surrounding Land Use and Zoning: The subject property is surrounded by low-density residential uses within a large R-1B, Single-Family Residential, zoning district. The subject property (0.65 acre) anchors the southwest corner of the block, which happens to be Block 15 of the Original Plat. The "Five Points" commercial district anchors the opposite (northeast) corner of the same block, with the remainder of the block occupied by residential dwellings.

City of Beloit Comprehensive Plan: The Comprehensive Plan recommends Single-Family Residential-Urban uses for the subject property. This designation includes small public and institutional uses. Therefore, this proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.

Review Agent Comments: The proposed CUP application was sent to the City of Beloit Staff and Utility Contacts have no 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;*
 - In general, religious institutions are low impact land uses that often operate in residential areas. Planning Staff feels that general public health and safety will not be negatively impacted by the proposed Religious Institution. Also the subject property is not suitable for conversion to a single-family dwelling under the current single-family zoning, due to the size of the building and large surface parking lot.
- 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 conditional use will not injure the use and enjoyment of nearby properties. This site has been used as a church in the past.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The establishment of a religious institution in the neighborhood should enhance the community and not affect property values.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The building is located in a fully established residential neighborhood near the College-Park Historic District.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - The applicant has not proposed any architectural changes, although if approved the applicant will have to apply for any building permits to modify the building for the use along with obtaining life safety inspections.
- 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*
 - Per Section 8-103 of the Zoning Code, off-street parking space requirements for religious institutions are 1 space per 4 seats or 1 space per 8 feet of pew/bench area. The site currently has a total of 33 parking spaces with 4 handicap stalls. Planning Staff has determined that parking is sufficient for 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 & Building Services Division recommends **approval** of a Conditional Use Permit to allow a religious institution in an R-1B, Single Family Residential District, at 901 Harrison Avenue, based on the above Findings of Fact and subject to the following conditions:

Ordinance Requirements:

1. Before occupancy, the applicant shall obtain all life safety inspections required by 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 commence use of the property, or the CUP shall lapse and be of no further effect.

Permit Conditions:

1. This Conditional Use Permit allows a religious institution in an R-1B, Single Family Resident District, at 901 Harrison Avenue.
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.

ATTACHMENTS: CUP Decision Form, Site Plan, Application, Public Notice, & Mailing List.

Beloit City Council 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. Before occupancy, the applicant shall obtain all life safety inspections required by Code
 - **Substantial Evidence:** Section 9.15(2) of the Building Code states when the use of a building changes, a new certificate of occupancy shall be obtained prior to reoccupation of the building.
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 property, 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? Yes No

Permit Conditions

A local government 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, **measurable**. Conditions may limit the permit's duration, transfer, or renewal.

List conditions imposed on the permit:

1. This Conditional Use Permit allows a religious institution in an R-1B, Single Family Residential District, at 901 Harrison Avenue.
 - **Substantial Evidence:** Table 6-1.1 of the Zoning Ordinance states that Religious Institutions in R-1B zoning district are only allowed if reviewed and approved in accordance with the Conditional Use Permit review procedures, and this condition articulates that the proposed use is deemed appropriate at this location.
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:** Standard condition that establishes amendment process.

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

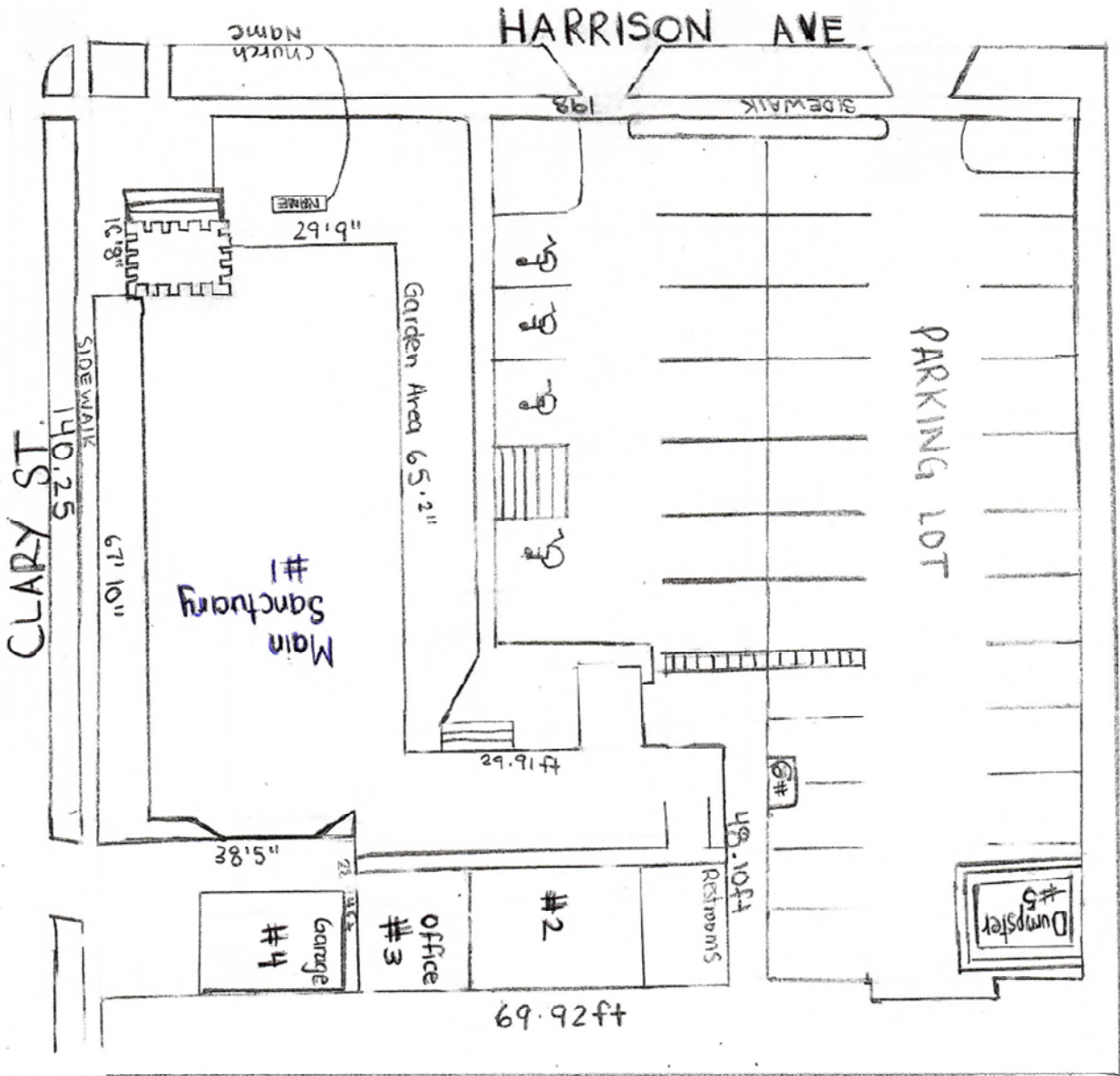
Approved, with the conditions stated above

Denied, for the following reasons:

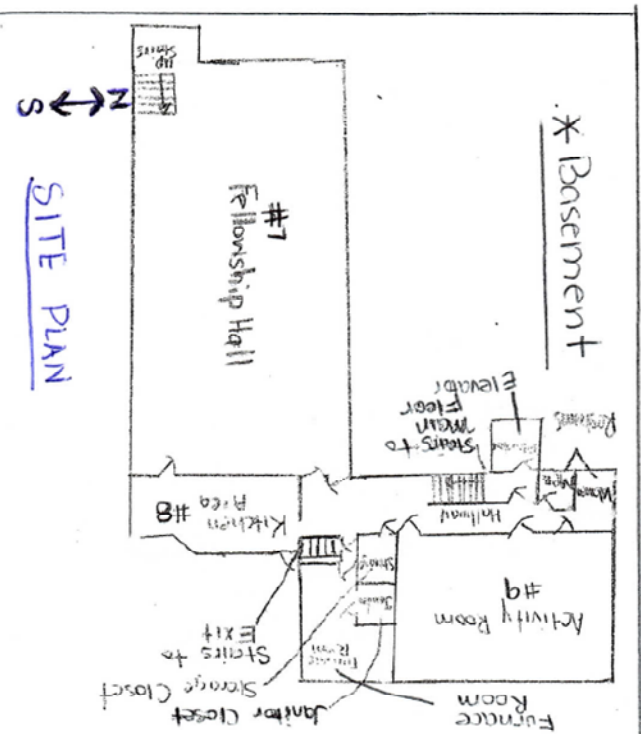
LOCATION MAP



* 901 HARRISON AVENUE BELLOIT, WI
 Main Floor, Parking Area, And Exterior Sections



- #1 Main Sanctuary
- #2 Chapel
- #3 Office / Pastoral Office
- #4 Garage - Storage for Tools
- #5 Dumpster Area with Fence
- #6 Basketball Post
- #7 Fellowship Hall
- #8 Kitchen Area
- #9 Activity Room



SITE PLAN

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: _____ 901 Harrison ave, Beloit, WI

2. Legal description: _____ Lots 14, 15 & 16 B 15 Original Plat

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): _____ Parcel - 206 13680266

4. Owner of record: _____ ATONEMENT LUTHERAN CHURCH Phone: _____

(Address) Pedro Diaz (The Church of the Living God, Pillar and Ground of the Truth, the Light of the World, Janesville Inc.) (City) (State) (Zip)

5. Applicant's Name: _____ 339 S. Academy St, Janesville, WI 53548

(Address) 832-608-2355 (City) (State) (Zip) antoniodiaz0713@gmail.com

(Office Phone #) / _____ / _____
(Cell Phone #) (E-mail Address)

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

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

A Conditional Use Permit for: _____ church

_____ in a(n) _____ Zoning District.

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

Principal use: _____ church

Secondary use: _____ school

Accessory use: _____

9. Project timetable: Start date: 12/02/2021 Completion date: 01/07/2022

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

- () Owner
- () Leasehold, length of lease: offer to purchase
- () 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.

Jane Cahill-Wolfgram / Jane Cahill-Wolfgram / 12-03-2021
 (Signature of Owner) (Print name) (Date)

Pedro Diaz / Pedro Diaz / 12-02-2021
 (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
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Equal Opportunity Employer

NOTICE TO THE PUBLIC

December 21, 2021

To Whom It May Concern:

Pedro Diaz has filed an application for a Conditional Use Permit to allow a religious institution, The Church of the Living God, Pillar and Ground of the Truth the Light of the World, in an R-1B, Single Family Resident District at:

901 Harrison Avenue

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

City Plan Commission: Wednesday, January 5, 2022, 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: Tuesday January 18, 2022, 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. You may also call (608) 364-6708. Public comments and public input for the public hearing will be required, in writing, by noon on the day of the meeting. In-person attendance at Commission and Council meetings will be limited.**

Brauer Trust No 2005
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Rebecca L. Peterson
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Maravillo III, LLC
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