



PUBLIC NOTICE & AGENDA
BELOIT PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, July 20, 2022

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
 - 2.a. Consideration of the minutes of the July 6, 2022 Plan Commission meeting
[Attachment](#)
3. PUBLIC HEARINGS
 - 3.a. Consideration of a Resolution approving an Extraterritorial Preliminary Plat of Blackhawk Reserve in the Town of Beloit
[Attachment](#)
 - 3.b. Consideration of a Resolution approving an Extraterritorial Preliminary Plat of Riverstone in the Town of Beloit
[Attachment](#)
 - 3.c. Consideration of a Conditional Use Permit to allow an outdoor seating area in a CBD-1, Central Business District-Core District, on the property located at 530 East Grand Avenue
[Attachment](#)
 - 3.d. Consideration of a Conditional Use Permit to allow a drive-through use in a C-2, Neighborhood Commercial District, for the property located at 2680 Cranston Road
[Attachment](#)
 - 3.e. Consideration of an Ordinance to amend Section 6.2.11(b)(4) and (6) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances and Section 12.08(4) of the Subdivision Ordinance, Chapter 12 of the General Ordinances of the City of Beloit pertaining to minimum dwelling standards and lot sizes
[Attachment](#)
4. REPORTS
 - 4.a. Consideration of a request for an underground electric and communication easement over the City-owned property located at 534 Fourth Street
[Attachment](#)
 - 4.b. Consideration of a request for an access and utility easement over City-owned property located in the Back Street right-of-way and on a small portion of 534 Fourth Street
[Attachment](#)

5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS

No updates.

6. FUTURE AGENDA ITEMS

Ordinance change related to Conditional Use Permits

Ordinance change related to Architectural Review

Potential Comprehensive Plan Amendments for Affordable Housing

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.

MINUTES
PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, July 6, 2022

1. CALL TO ORDER AND ROLL CALL

Chairperson Weeden called the meeting to order at 7:00 PM. Chairperson Weeden, Commissioners Janke, Ramsden, Jacobsen, Finnegan, Anderson, and Councilor Dunkin were present. Commissioner Toral was absent.

2. MINUTES

3.a. Consideration of the minutes of June 8, 2022 Plan Commission meeting

Motion was made by Commissioner Ramsden seconded by Commissioner Jacobsen to approve the minutes. Motion prevailed, voice vote (6-0).

3. PUBLIC HEARINGS

No public hearings were held.

4. REPORTS

4.a. Consideration of Resolution approving an Extraterritorial one-lot Certified Survey Map on the 3100 Block of Nye School Road in the Town of Beloit

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

Ms. Christensen stated that Commissioner Toral wanted to suggest to the applicant that they use solar grazing and shared a link to solar grazing. Commissioner Weeden asked if this statement was mentioned to Alliant Energy. Ms. Christensen said that she just received that and would have Drew forward it to them. Commissioner Weeden asked if Alliant Energy is familiar with the American Solar Grazing Association.

Amber Zulke, representing Alliant Energy, stated that she is not familiar with American Solar Grazing and it is something that has been talked about within the industry and is something that she can take back and talk about with the team.

Commissioner Ramsden asked if the blue areas show the twenty five acre parcel. Ms. Christensen said that the blue lines illustrate the area of the CSM itself, and the blue area shows the full project. Commissioner Ramsden asked where the new lot will be. Ms. Zulke indicated that the CSM carves out a lot for the project substation because

Alliant prefers to own the lot that the substation itself is located on. The remaining land, shown in blue, is leased from the landowner.

Commissioner Weeden asked if this is a separate project from the one on Townline Road, the Riverside station. Ms. Zulke said this is a brand new project, and the plan is to start the middle of this month. Commissioner Anderson asked if they are past the not in my backyard part. Ms. Zulke said they are past that and working with the neighboring properties.

Commissioner Finnegan moved to approve the Resolution, seconded by Commissioner Jacobsen. Motion prevails, 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. Ms. Christensen said the next Plan Commission meeting is scheduled for July 20, 2022.

Councilor Dunkin stated she is happy to report on the Commissioner's request related to Plan Commission initiatives. Councilor Dunkin said that Beth Krueger is our Interim City Manager, effective August 5, 2022. Beth will assist staff to get the ordinances prepared as soon as we can. Ms. Dunkin gave clarification on potential activities approved for Plan Commission: to allow for Commission to approve the Conditional Use Permits, the ability to take on initiatives in the Comprehensive Plan, and the ability to review Architectural Review Certificates for major projects.

Ms. Dunkin says this adds more to the work load of City Staff, and she thanks the City Staff and is grateful for their willingness to take this on. Ms. Dunkin is excited that Plan Commission is going to proceed realizing that we may need to make changes along the way. Ms. Dunkin thinks this is good for the committee and residents and will be a big help to our City Council.

6. FUTURE AGENDA ITEMS

Julie Christensen outlined the future agenda items.

7. ADJOURNMENT

Commissioner Ramsden moved to adjourn the meeting, seconded by Commissioner Finnegan at 7:30 PM. Motion carried, voice vote (7-0).

Tim Weeden, Chairperson



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: July 20, 2022

Agenda Item: 3a

File Number: PS-2022-02

General Information

Applicant: Blackhawk Reserve

Owner: Town of Beloit, Bill Wieland, and Mary Frey

Address/Location: Bartells Drive in the Town of Beloit

Applicant's Request: Preliminary Subdivision Plat (180 lots and 2 out-lots)

Staff Analysis

Proposed Lots: Blackhawk Reserve has submitted an Application for Review of a Preliminary Subdivision and the attached Preliminary Plat of Blackhawk Reserve for vacant land on both sides of Bartells Drive between Garden Prairie Intermediate School and Philhower Road in the Town of Beloit. This land is located within the City's Extraterritorial Jurisdiction for plat review.

As shown on the attached plat, the developer is proposing the creation of up to 180 single-family lots and 2 out-lots in this ten-year residential development. The developer intends to submit a final plat for phase one of this project later this summer, which includes 22 single-family lots in the southwest corner of the preliminary plat area. Lot sizes range from approximately 12,000 to 14,000 square feet. The total platted area is 105 acres and includes multiple zoning classifications under Town zoning, but phase one is zoned R-1, Single-Family Residential. This land is located in the Beloit Turner School District and will be served by public water provided by the City water utility with sewer service provided by the Town of Beloit wastewater system.

Proposed Improvements: This proposed development includes a network of local streets that connect to Bartells Drive, with the possibility of eventually connecting to Security Drive in the southeast corner through an easement across the school's property. The preliminary plat shows sidewalks along Bartells Drive only. Given the number of lots and the proximity of the school, Planning staff strongly recommends sidewalks on both sides of all streets and a direct walking path between the neighborhood and school similar to that serving Powers School. Planning staff also recommends the dedication and improvement of land for a park to serve this new neighborhood, as the closest neighborhood park is on the opposite side of the railroad tracks. However, because this development is outside of the City, these are just recommendations. The Rock County 911 Center reviewed the plat and has requested numerous street name changes to avoid confusion with existing street names in the County. The applicant has agreed to revise the plat as requested by the 911 Center. USPS will require cluster mailbox units to serve this development.

Platting Process: Residential subdivisions require approval of a preliminary or conceptual plat followed by a final plat to be recorded. The City cannot regulate land use beyond the City limits

(including density), nor require the dedication of or improvement of land with public improvements.

Surrounding Uses: As shown on the attached Location Map, Garden Prairie Intermediate School is south of the subject property. There is undeveloped land to the west and a rifle range to the north. There is a rural residential subdivision to the east of the subject property.

City of Beloit Comprehensive Plan: The Future Land Use Map of the City's Comprehensive Plan recommends Planned Neighborhood land uses for the subject parcels. The proposed development is consistent with this recommendation.

STAFF RECOMMENDATION:

The Planning and Building Services Division recommends approval of the Preliminary Plat of Blackhawk Reserve on Bartells Drive in the Town of Beloit, subject to the following conditions:

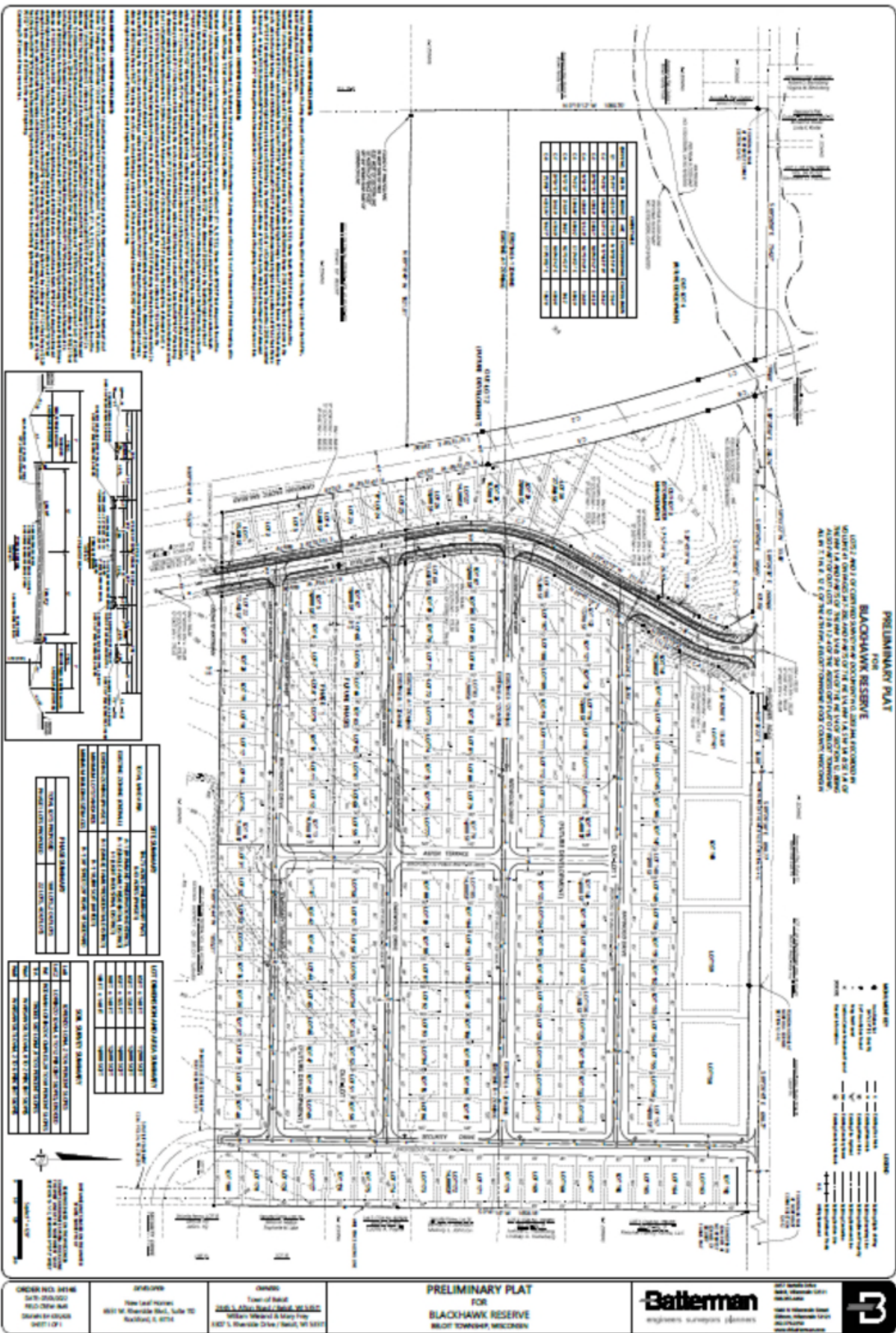
1. Although the City cannot require improvements, City Planning staff strongly recommends sidewalks on all new streets and a dedicated path connection between the school grounds and neighborhood to promote Safe Routes to School principles. Planning staff also recommends the dedication and improvement of parkland, since the closest park is on the opposite side of the railroad tracks.
2. 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. Cluster mailbox units shall be provided as required by USPS. Street names shall be changed to be acceptable to the Rock County 911 Center.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission. The Director of Planning and Building Services may approve minor changes administratively.

ATTACHMENTS: Location Map, Preliminary Plat, Application, Public Notice, and Resolution.

Location Map



Parcels Platted



CITY of BELOIT

Neighborhood Planning Division

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

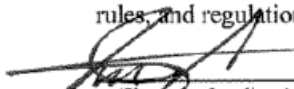
Application for Review of a Preliminary Subdivision Plat

(Please Type or Print)

File Number: _____

1. Proposed subdivision name: Black Hawk Run North - Plat 1
2. Address of property: Bartells Drive, South of Philhower Road
3. Tax Parcel Number(s): 6-2-13, 6-2-131.002, 6-2-131.003
4. Property is located in (circle one): **Town of : Beloit**
In the ^{NE & NW} Quarter of Section 12, Township 1 North, Range 12 East of the 4th P.M.
5. Owner of record: Town of Beloit \ William Wieland & Mary Frey Phone: 608-364-2980
2445 S. Afton Road \ 3307 S. Riverside Drive Beloit, WI 53511-8663 \ Beloit, WI 53511-1532
(Address) (City) (State) (Zip)
6. Applicant's Name: BLACKHAWK RESERVE (Joe Contarino, Manager)
6551 W. Riverside Blvd. Suite 110 Rockford IL 61114
(Address) (City) (State) (Zip)
815-399-8100 / 815-978-8677 / Joe@ContryHomes.com
(Office Phone #) (Cell Phone #) (E-mail Address)
7. The present zoning classification is: R-1, A-1, I-1
8. All existing uses on the property are: farmlands
9. Proposed future zoning classification(s) is (are): R-1, A-1, I-1
10. Proposed future uses of the property are: single family residential
11. **THE FOLLOWING ITEMS MAY NEED TO BE COMPLETED AND/OR ATTACHED:**
 - Site Assessment Checklist; as required for all major subdivision plats by section 12.02(1).
 - Pre-application meeting; a pre-application meeting was held on June 16, 2022 with City of Beloit Staff as per section 12.02(2).
 - Site Assessment Report; if required as per section 12.02(5) of the Subdivision Ordinance.
 - Concept Plan; as required by section 12.02(6) of the Subdivision Ordinance.
 - Developer's Statement; as required by section 12.02(7) of the Subdivision Ordinance.
 - Preliminary Plat Map; 10 copies as required by section 12.03(2) including all information required by section 12.03(3) 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 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.


(Signature of applicant)

JOE CONTARINO, MANAGER
BLACKHAWK RESERVE
(Name of applicant)

6/17/22
(Date)

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

Review fee: \$500 plus \$15 per lot Amount paid: _____
Scheduled meeting date: _____
Application accepted by: _____ Date: _____

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE TO THE PUBLIC

June 29, 2022

To Whom It May Concern:

Blackhawk Reserve has submitted an Application for Review of a Preliminary Subdivision and the attached Preliminary Plat of Blackhawk Run North for vacant land on both sides of Bartells Drive between Garden Prairie Intermediate School and Philhower Road in the Town of Beloit. This land is located within the City's Extraterritorial Jurisdiction for plat review. As shown on the attached plat, the developer is proposing the creation of up to 180 single-family lots and 2 out-lots in this multi-year residential development. The developer intends to submit a final plat for phase one of this project later this summer, which includes 22 single-family lots in the southwest corner of the preliminary plat area. This land is located in the Beloit Turner School District and will be served by public water and sewer systems.

The following public hearing will be held regarding this proposed Preliminary Plat:

City of Beloit Plan Commission: Wednesday, July 20, 2022, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street, Beloit, Wisconsin.

THE PUBLIC IS INVITED TO ATTEND THIS HEARING.

We are interested in your opinion.

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

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

**RESOLUTION
APPROVING THE PRELIMINARY PLAT
OF BLACKHAWK RESERVE IN THE TOWN OF БЕЛОIT**

WHEREAS, the City Plan Commission of the City of Beloit has heretofore held a public hearing on July 20, 2022 regarding the 182-Lot Preliminary Plat of Blackhawk Reserve on Bartells Drive (Parcel Nos. 6-2-131, 6-2-131.002, & 6-2-131.003) 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 Blackhawk Reserve on Bartells Drive (Parcel Nos. 6-2-131, 6-2-131.002, & 6-2-131.003) in the Town of Beloit, subject to the following conditions:

1. Although the City cannot require improvements, City Planning staff strongly recommends sidewalks on all new streets and a dedicated path connection between the school grounds and neighborhood to promote Safe Routes to School principles. Planning staff also recommends the dedication and improvement of parkland, since the closest park is on the opposite side of the railroad tracks.
2. 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. Cluster mailbox units shall be provided as required by USPS. Street names shall be changed to be acceptable to the Rock County 911 Center.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission. The Director of Planning and Building Services may approve minor changes administratively.

Adopted this 20th day of July, 2022.

Plan Commission

By: _____
Tim Weeden, Chairperson

ATTEST:

Julie Christensen
Community Development Director

REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: July 20, 2022

Agenda Item: 3b

File Number: PS-2022-03

General Information

Applicant: Next Generation Holdings, LLC

Owner: Rock River Real Estate Development, LLC

Address/Location: Kelsey Road and Millar Drive in the Town of Beloit

Applicant's Request: Preliminary Subdivision Plat (107 lots and 1 out-lot)

Staff Analysis

Proposed Lots: Next Generation Holdings, LLC has submitted an Application for Review of a Preliminary Subdivision and the attached Preliminary Plat of Riverstone Subdivision for vacant land bound by Kelsey Road, Millar Drive, and the Rock River in the Town of Beloit. This land is located within the City's Extraterritorial Jurisdiction for plat review. As shown on the attached plat, the developer is proposing a mixed-residential development of up to 156 units on 107 lots in various phases. Of the proposed units, 82 are single-family lots while the others are two- and four-unit lots that require upzoning to R-2, Single and Two-Family Residential District, and R-3, Multi-Family Residential District, through the Town of Beloit. This land is located in the Beloit Turner School District and will be served by public water and sewer systems. Lots 1-10 will have frontage on the Rock River.

Proposed Improvements: This proposed development includes a network of local streets that connect to Kelsey Road and Millar Drive, including extensions of existing streets Haborn Drive and Lookout Drive. The preliminary plat does not show any sidewalks, which Planning staff recommends in all new neighborhoods. Planning staff also recommends the dedication and improvement of land for a park to serve this new neighborhood. However, because this development is outside of the City, these are just recommendations. The Rock County 911 Center reviewed the plat and has requested numerous street name changes to avoid confusion with existing street names in the City. The applicant has agreed to revise the plat as requested by the 911 Center. USPS will require cluster mailbox units to serve this development.

Platting Process: Residential subdivisions require approval of a preliminary or conceptual plat followed by a final plat to be recorded. The City cannot regulate land use beyond the City limits (including density), nor require the dedication of or improvement of land with public improvements.

Surrounding Uses: The Rock River lies to the east of the subject property. There are single-family dwellings on the other three sides.

City of Beloit Comprehensive Plan: The Future Land Use Map of the City's Comprehensive Plan recommends Single-Family Residential land uses for the subject parcels. The proposed development is consistent with this recommendation.

STAFF RECOMMENDATION:

The Planning and Building Services Division recommends **approval** of the Preliminary Plat of Riverstone Subdivision on Kelsey Road and Millar Drive in the Town of Beloit, subject to the following conditions:

1. Although the City cannot require improvements, City Planning staff strongly recommends sidewalks on all new streets to promote neighborhood walkability. Planning staff also recommends the dedication and improvement of parkland.
2. 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. Cluster mailbox units shall be provided as required by USPS. Street names shall be changed to be acceptable to the Rock County 911 Center.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission. The Director of Planning and Building Services may approve minor changes administratively.

ATTACHMENTS: Location Map, Preliminary Plat, Application, Public Notice, and Resolution.



COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE TO THE PUBLIC

June 29, 2022

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The following public hearing will be held regarding this proposed Preliminary Plat:

City of Beloit Plan Commission: Wednesday, July 20, 2022, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street, Beloit, Wisconsin.

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

**RESOLUTION
APPROVING THE PRELIMINARY PLAT
OF RIVERSTONE SUBDIVISION IN THE TOWN OF БЕЛОIT**

WHEREAS, the City Plan Commission of the City of Beloit has heretofore held a public hearing on July 20, 2022 regarding the 108-Lot Preliminary Plat of Riverstone Subdivision on Kelsey Road and Millar Drive (Parcel No. 6-2-265) 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 Riverstone Subdivision on Kelsey Road and Millar Drive (Parcel No. 6-2-265) in the Town of Beloit, subject to the following conditions:

1. Although the City cannot require improvements, City Planning staff strongly recommends sidewalks on all new streets to promote neighborhood walkability. Planning staff also recommends the dedication and improvement of parkland.
2. 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. Cluster mailbox units shall be provided as required by USPS. Street names shall be changed to be acceptable to the Rock County 911 Center.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission. The Director of Planning and Building Services may approve minor changes administratively.

Adopted this 20th day of July, 2022.

Plan Commission

By: _____
Tim Weeden, Chairperson

ATTEST:

Julie Christensen
Community Development Director



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: July 20, 2022

Agenda Item: 3(c)

File Number: CU-2022-05

General Information

Applicant: Levi Anderson

Owner: Roberta Ciulla Revocable Trust

Address/Location: 530 E Grand Avenue -5Bar

Applicant's Request: The applicant has applied for a Conditional Use Permit to allow an outdoor seating area in the CBD-1, Central Business District Core, for the property located at 530 E Grand Avenue.

Background

The applicant has proposed the construction of a 24 x 24 square foot enclosed outdoor seating area behind the building. The outdoor area would serve as seating for patrons of 5Bar. The Zoning Ordinance states that outdoor seating areas in the CBD-1, Central Business District Core are only allowed if reviewed and approved in accordance with the CUP review procedures. The bar/tavern use is permitted by-right in the CBD-1 District.

Staff Analysis

Existing Conditions: The subject property has a two-story building with a 1,512 square foot bar/tavern on the first floor and a 1,152 square foot residential dwelling unit on the second floor. The applicant has closed the bar for renovations that include a commercial kitchen, finishing the rear access point, and an outdoor seating area.

Surrounding Land Use and Zoning: To the south, west, and north are BMO Harris Bank, the Cozy Bin, and Beloit Family Eye Care zoned CBD-1, Central Business District Core. To the east is a private parking lot zoned C-3, Community Commercial District.

Proposed Outdoor Seating Area: The attached renderings illustrate the outdoor design concept. The attached Public Notice was sent to the owners of surrounding properties. Planning staff has not received any comments.

Off-Street Parking Requirements: There are no off-street parking requirements in the Central Business District. Customers will continue to utilize on-street parking.

City of Beloit Comprehensive and Strategic Plan: The Comprehensive Plan's Future Land Use Map recommends Planned Mixed Use; this land use category is intended to facilitate a carefully controlled mix of commercial and residential uses. This request and the underlying zoning classification are consistent with this recommendation.

Municipal Utilities: The subject property receives the full range of municipal services.

Review Agent Comments: A copy of the application was sent to the City of Beloit staff and the Fire Department has concerns about the first floor rear access of the building and how the enclosed outdoor space will impact emergency exits.

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;*
 - Subject to conditions of approval relating to access and capacity, the proposed outdoor seating area is not expected to be detrimental to public health or welfare.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - Due to the proximity of upper-floor housing, staff is recommending a condition of approval that will prohibit music in the deck area after 10 PM and will limit the number of patrons using the outdoor area at any one time.
 - The surrounding property owners have been notified of this proposed outdoor seating area and no comments have been received.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The proposed outdoor seating area will enhance the business and is consistent with commercial uses in the zoning district.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The surrounding area is fully developed.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - The proposed outdoor seating area will include two tables with chairs, lawn games, lighting, and fencing. Plans will be reviewed by staff during Architectural Review.
- 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*
 - There are no off-street parking requirements in the Central Business District. Customers will continue to utilize on-street parking.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The applicant will comply with all other applicable regulations of the Zoning Ordinance.

STAFF RECOMMENDATION:

The Planning and Building Services Division recommends **approval** of a Conditional Use Permit to allow an outdoor seating area in the CBD-1, Central Business District -Core, for the property located at 530 E. Grand Avenue, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes the outdoor seating area as shown in the application attachment A.
2. Music may not be played in the outdoor seating area after 10:00 PM.
3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning & Building Services may approve minor changes administratively.

Ordinance Requirements:

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

1. Before constructing of the outdoor seating area, the applicant shall obtain an Architectural Review Certificate and a Building Permit as required by Code.
2. The maximum capacity of the outdoor seating area shall be determined by the Building Official prior to issuance of a Certificate of Occupancy for the building, and shall be posted accordingly.
3. In accordance with Section 8-300 of the Zoning Ordinance, an inoperable vehicle shall not be used as fencing for the enclosed outdoor seating area.
4. 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 outdoor seating area, or the CUP shall lapse and be of no further effect.

ATTACHMENTS: CUP Decision Form, Location Map, Photos, Renderings, Floor Plan, Application, Public Notice, and Mailing List.

**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. Before constructing the outdoor seating area, the applicant shall obtain an Architectural Review Certificate and a Building Permit as required by Code.
Substantial Evidence: The Architectural Review Code requires review and approval of all exterior changes to commercial buildings. There are no active permits or approvals in place for this project.
2. The maximum capacity of the outdoor seating area shall be determined by the Building Official prior to issuance of a Certificate of Occupancy for the building, and shall be posted accordingly.
Substantial Evidence: All commercial buildings must have a maximum occupancy posted in order to protect against overcrowding and to ensure patron safety.
3. In accordance with Section 8-300 of the Zoning Ordinance, an inoperable vehicle shall not be used as fencing for the enclosed outdoor seating area.
Substantial Evidence: To uphold design standards, public health, and safety, fencing must consist of materials suitable for commercial fencing such as brick, stone, wrought iron, PVC, wood, or coated chain-link and be completed in a workmanlike manner and maintained.
4. 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 outdoor seating area, or the CUP shall lapse and be of no further effect.
Substantial Evidence: This requirement encourages the applicant to proceed with construction of the approved improvements in a timely manner.

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

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 and **measurable**. Conditions may limit the permit's duration, transfer, or renewal.

List conditions imposed on the permit:

1. This Conditional Use Permit authorizes the outdoor seating area as shown in the application attachment A.

Substantial Evidence: The Zoning Ordinance states that outdoor seating areas in the CBD-1 are only allowed if reviewed and approved in accordance with the CUP review procedures.

2. Music may not be played in the outdoor seating area after 10:00PM.

Substantial Evidence: To ensure that this commercial business does not interfere with the use and enjoyment of adjacent properties, this condition is being imposed. Residential uses are located above the business located at this property.

3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning and Building Services may approve minor changes administratively

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

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:

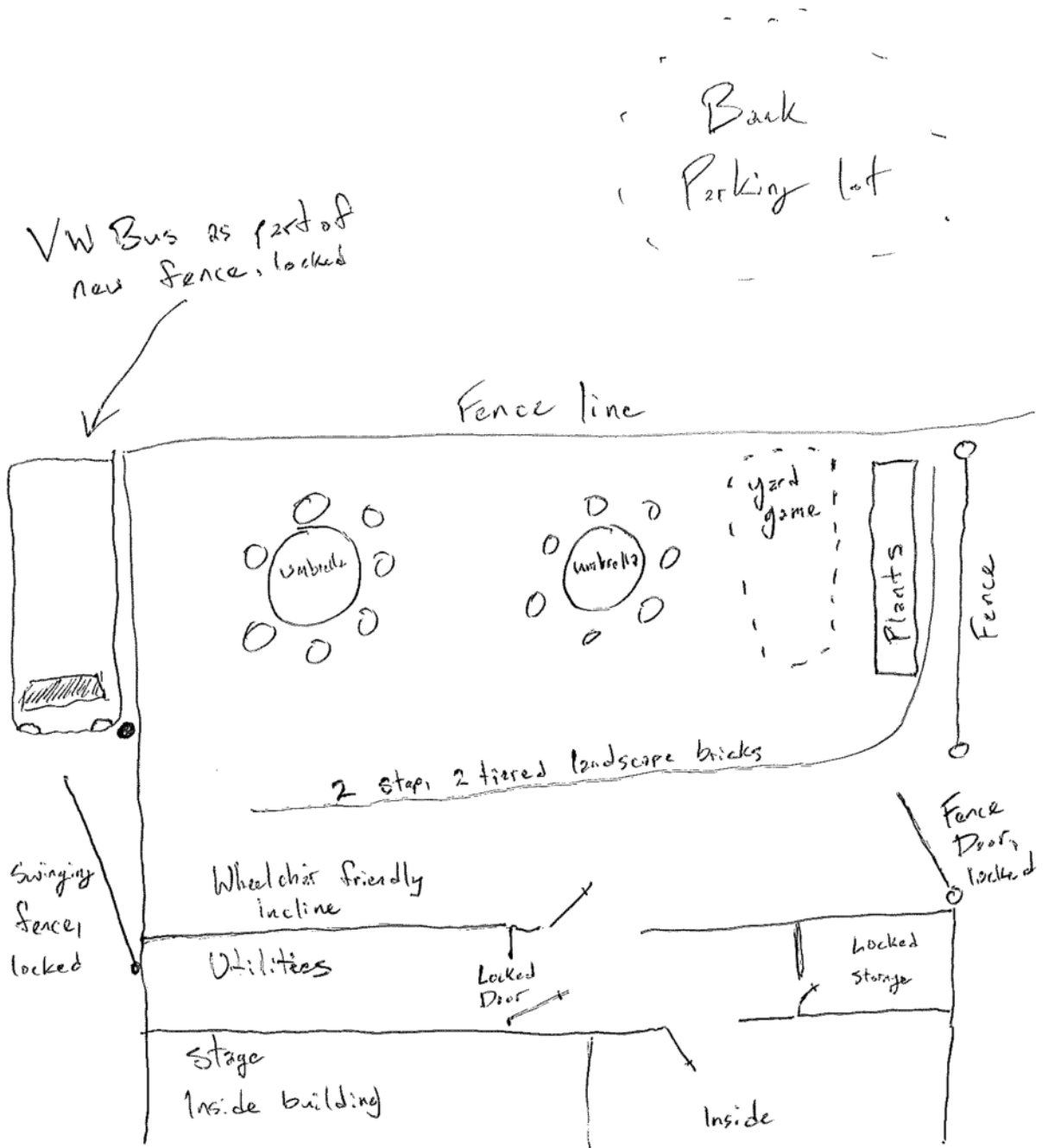
Location Map



5BAR

patio proposal

6/16/22





Looking North



Looking East



Looking Southwest



Looking Southeast

CITY of BELOIT

Planning and Building Services Division

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

Conditional Use Permit Application

(Please Type or Print)

File Number: CU-2022-05

1. Address of subject property: 530 E Grand Ave, Beloit WI
2. Legal description: Bar, with apartment above

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

Property dimensions are: 110 feet by 25 feet = 2,750 square feet.

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

3. Tax Parcel Number(s): _____

4. Owner of record: Roberta Cuilla Phone: 608-289-3040
1733 Oak Leaf Drive, South Beloit IL 61080
(Address) (City) (State) (Zip)

5. Applicant's Name: Levi Andersen
3302 E Washington Madison WI 53704
(Address) (City) (State) (Zip)
715-301-5155 Levi@SBAR.co
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: Bar, apartment

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

A Conditional Use Permit for: _____
_____ in a(n) _____ Zoning District.

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

Principal use: Bar + restaurant

Secondary use: Event space in the back room, with patio out the back

Accessory use: Rental for special events

9. Project timetable: Start date: 7/1/22 Completion date: 8/1/22

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

- () Owner
- () Leasehold, length of lease: 5 years, 3 years left, "lease to own"
- () 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.

R. Ciulla ROBERTA CIULLA 6-14-22
 (Signature of Owner) (Print name) (Date)

Levi Levi Andersen 6/10/22
 (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 \$300.00 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: **\$300.00** Amount paid: 300.00 Meeting date: 7/20/2022

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

Application accepted by: Melony Kattmann Date: 6/15/2022



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

July 7, 2022

To Whom It May Concern:

Levi Anderson an application for a Conditional Use Permit (CUP) to allow an outdoor seating area in the CBD-1, Central Business District Core for the property located at **530 E Grand Avenue**. The applicant has proposed the construction of a 24 X 24 square foot enclosed outdoor seating area behind the building.

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

City Plan Commission: Wednesday, July 20, 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: Monday, August 15, 2022, 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.*

You may mail your comments to the attention of Hilary Rottmann at 100 State Street or via email rottmanh@beloitwi.gov. You may also call (608) 364-6708 to provide your comments over the phone. In-person attendance at Commission and Council meetings will be limited.

KNUEPPEL INVESTMENTS LLC
2745 FAWN CT
BELOIT WI 53511

BELOIT COLLEGE
BOARD OF TRUSTEES
ATTN: FACILITIES
700 COLLEGE ST
BELOIT WI 53511

RVB PARTNERSHIP
548 BROAD ST
BELOIT WI 53511

512 FLOWERS LLC
1127 W MADISON
CHICAGO 60607

BELOIT ART CENTER INC
520 E GRAND AVE
BELOT WI 53511

JESSCAP LLC
7756 DEER TRKS
ROCKFORD IL 61102

BL BRANCH GROUP II LLC
120 E WASHINGTON ST STE 201
SYRACUSE NY 13202-4008

BMI LLC
548 BROAD ST
BELOIT WI 53511

ANNA GABRIELE IRREVOCABLE TRUST
PETER GABRIELE TRUSTEE DTD JUNE
23 2014
313 OAK LEAF
SOUTH BELOIT IL 61080

KELLEY PROPERTIES LLC
531 E GRAND AVE
BELOIT WI 53511



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: July 20, 2022

Agenda Item: 3(d)

File Number: CU-2020-06

General Information

Applicant: Kevin Allardice

Owner: Justtantastic, LLC

Address/Location: 2680 Cranston Road –Applebee’s

Applicant’s Request: Conditional Use Permit (CUP) to allow a Drive-through Restaurant in a C-2, Neighborhood Commercial District, for the property located at 2680 Cranston Road

Background

Kevin Allardice on behalf of Jusstantastic, LLC has filed an application for a Conditional Use Permit (CUP) to allow a Drive-through Restaurant in a C-2, Neighborhood Commercial District, for the property located at 2680 Cranston Road. The subject property is located in a C-2, Neighborhood Commercial District, where Drive-through uses require a Conditional Use Permit.

Staff Analysis

Existing Conditions: The subject property is 1.06-acre parcel located just north of the intersection of Milwaukee Road and Cranston Road with a restaurant use. The property has road frontage along three sides with access off Sutler Avenue.

Drive-Through Standards: The site is located in a C-2, Neighborhood 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 stacking spaces. The restaurant will not have an order window, as all orders will be placed online. A copy of the proposed site plan is attached to this report. As shown on the site plan, the proposed development includes one stacking space at the pick-up window and two designated parking spaces for order pick-up. The Zoning Ordinance does not address the situation where there is a pick-up window but no order box. However, it does state that the stacking spaces shall apply unless otherwise expressly approved by the Zoning Officer. In this case, the Zoning Officer believes that the proposed design will adequately support the volume of traffic anticipated for pick-up service.

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 Engineering Division pointed out when vehicles are waiting for food it will be difficult for parked vehicles to back out of the stalls adjacent to where vehicles are waiting. However, Engineering staff do not believe those stalls will get much use.

The Fire Department also commented on the decrease in driveway width for fire vehicles. Although there is plenty of fire access from other sides of the building, they believe that some restrictions on the size of vehicles that can park adjacent to the pick-up area would be prudent in order to address the issue of the decreased driveway width.

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 will not have negative impacts on public health or the general welfare of the community.
- 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 restaurants and retail stores in this busy commercial corridor.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - Development of the drive-through should have little to no impact on the adjacent properties that also have similar uses.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The surrounding area is fully developed.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - Planning staff will review the proposed materials in detail during Architectural Review. Preliminary renderings show exterior finishes such as beige cement siding to match the existing color scheme.
- 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, to handle the change in traffic to be generated by the additional 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 allow a Drive-Through Restaurant in a C-2, Neighborhood Commercial District, located at 2680 Cranston Road, based on the above Findings of Fact.

1. This Conditional Use Permit authorizes a drive-through use as shown on the attached site plan.
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:

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. Identification signage shall be installed designating two parking stalls for drive-through pick-up only as shown on the site plans.
3. 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, and 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 and 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

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 and **measurable**. Conditions may limit the permit's duration, transfer, or renewal.

List conditions imposed on the permit:

1. This Conditional Use Permit authorizes a drive-through as shown on the attached site plan.

Substantial Evidence: The Zoning Ordinance states that a drive-through use in a C-2, Neighborhood Commercial, zoning district is only allowed if reviewed and approved in accordance with the CUP review procedures.

2. Identification signage shall be installed designating two parking stalls for drive-through pick-up only as shown on the site plans.

Substantial Evidence: Clear signage will provide direction and instruction to customers navigating the site.

3. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission and City Council by amending this Conditional Use Permit. The Director of Planning and Building Services may approve minor changes administratively

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

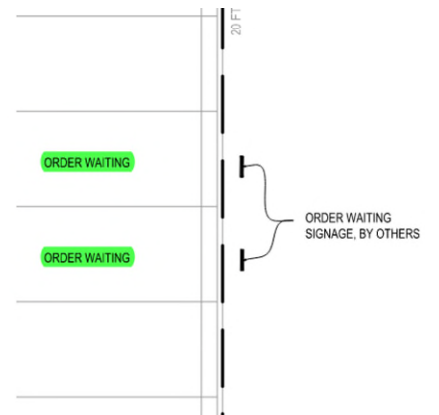
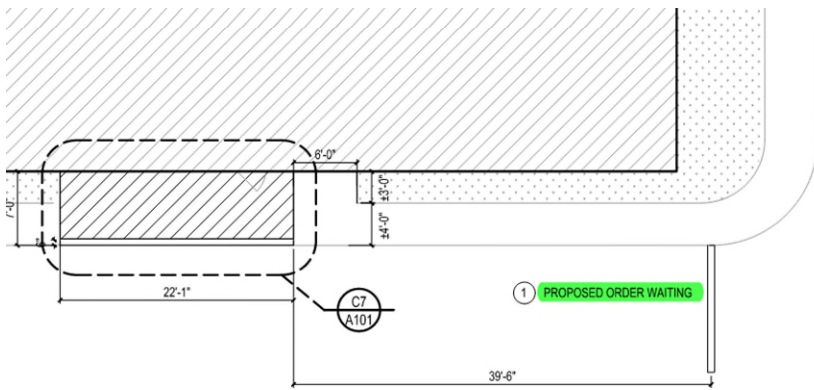
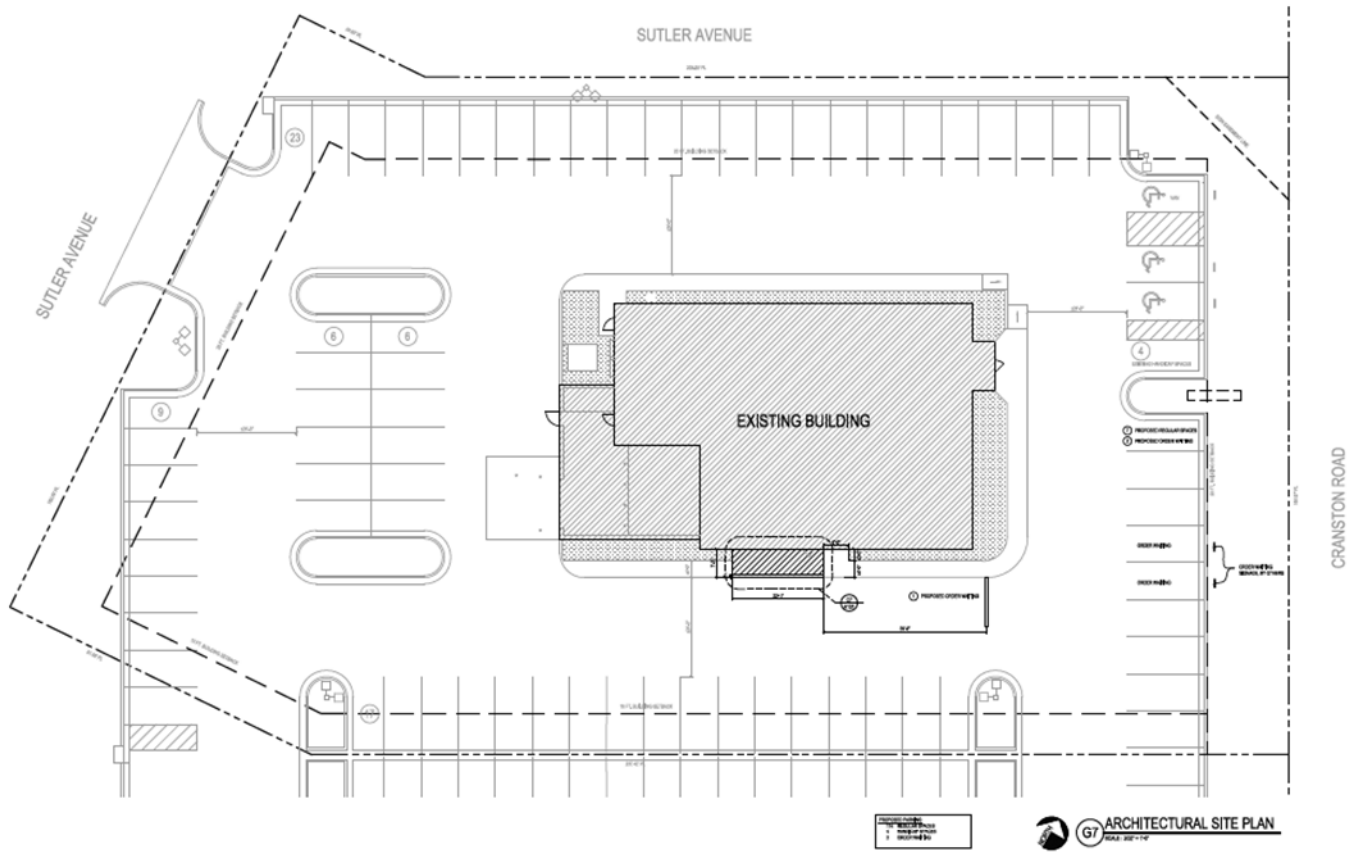
Decision: Based on the findings of fact, conclusions of law, and the record in this matter, the permit is:

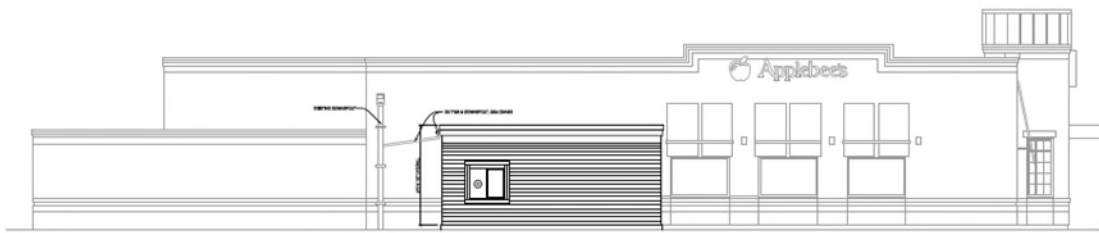
Approved, with the conditions stated above

Denied, for the following reasons:

Location Map







C6 PICK UP ELEVATION
Scale: 1/4" = 1'-0"



THESE IMAGES ARE FOR REFERENCE ONLY TO DEMONSTRATE THE GENERAL DESIGN CONCEPTS. COLORS DEPICTED IN THESE IMAGES MAY DIFFER FROM COLORS SELECTED.



F6 REAR ELEVATION
Scale: 1/4" = 1'-0"



H6 FRONT ELEVATION
Scale: 1/4" = 1'-0"

Addition to
 2680 Cranston Road
 Beloit, WI 53511
 County of ROCK

OLLMANN ERNEST MARTIN
 Architects, Engineers, Designers
 Beloit, Wisconsin, 53510
 815-544-7700 Phone

ELEVATIONS
 Date: 6-12-2022
 202206

A201

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: 2680 CRANSTON ROAD

2. Legal description: _____

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

Property dimensions are: 245± feet by 150± feet = 32,415 square feet.

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

3. Tax Parcel Number(s): 206 22980325

4. Owner of record: _____ Phone: _____

(Address)

(City)

(State)

(Zip)

5. Applicant's Name: KEVIN ALLARAZE (MANAGING MEMBER)

(Address)

(City)

(State)

(Zip)

1127 QUEENSBOROUGH BLVD STE 201 MOUNT PLEASANT, SC 29464

(Office Phone #)

(Cell Phone #)

(E-mail Address)

843-849-1877 202 / 843-200-5797 / KPA@OTRBA.COM

6. All existing use(s) on this property are: APPLEBEE'S RESTAURANT

7. THE FOLLOWING ACTION IS REQUESTED:

A Conditional Use Permit for: PICK-UP STATION FOR TO GO FOOD

_____ in a(n) _____ Zoning District.

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

Principal use: APPLEBEE'S RESTAURANT

Secondary use: _____

Accessory use: _____

9. Project timetable: Start date: 7/1/2022 Completion date: 8/1/2022

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

- () Owner
- () Leasehold, length of lease: 10 YEARS REMAIN
- () 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) | (Print name) | (Date) |
| <i>K. P. Allardice</i> | Kevin P. Allardice | 6/15/2022 |
| (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 \$300.00 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: **\$300.00** 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

July 7, 2022

To Whom It May Concern:

Kevin Allardice on behalf of Applebee's has submitted an application for a Conditional Use Permit (CUP) to allow a drive-through window in the C-2, Neighborhood Commercial District for the property located at **2680 Cranston Road**.

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

City Plan Commission: Wednesday, July 20, 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: Monday, August 15, 2022, 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.*

You may mail your comments to the attention of Hilary Rottmann at 100 State Street or via email rottmanh@beloitwi.gov. You may also call (608) 364-6708 to provide your comments over the phone. In-person attendance at Commission and Council meetings will be limited.

MORGAN SQUARE LLC
400 MIDLAND CT STE 101
JANESVILLE WI 53546

CRITERION INTERESTS INC
2730 ROZZELLES FERRY RD STE
A
CHARLOTTE NC 28208

MAINSTREET BELOIT LLC
1520 ARTIUS PKWY # 85
LIBERTYVILLE IL 60048

AGATE & LOCK ACQUISITION
LLC
2676 CRANSTON RD
BELOT WI 53511

WALMART REAL ESTATE
BUSINESS TRUST
PO BOX 8050 MS 0555
BENTONVILLE AR 72712-8050



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: July 20, 2022

Agenda Item: 3e

File Number: ZTA-2022-01

General Information

Request: Consideration of an Ordinance to amend Sections 6.2.11(b)(4) and (6) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances pertaining to minimum dwelling width and floor area and Section 12.08(4) of the Subdivision Ordinance, Chapter 12 of the Code of General Ordinances pertaining to minimum lot size.

Background: The purpose of the proposed Ordinance is to amend two sections of the Zoning Ordinance to allow the width of new dwellings to be narrower than 25 feet and the floor area of new single and two-family dwellings to be less than 1,000 square feet with Plan Commission and City Council approval of a Planned Unit Development (PUD) Master Land Use Plan and PUD zoning. As drafted by City staff to promote housing affordability, the proposed Ordinance would create a framework for approval of smaller single-family dwellings of any size with PUD approval.

Staff Analysis

The 2018 Comprehensive Plan Update included the addition of a new policy in the Land Use chapter: Explore the feasibility of zoning text amendment to allow new single-family dwellings (tiny houses) as a conditional use in residential districts. Given the current demand for affordable housing in our community and the increase in construction prices, City staff felt it was an appropriate time to bring forward this ordinance amendment.

If the proposed Ordinance is adopted, new single-family dwellings of any size could be constructed on freestanding lots, added to existing single-family properties with adequate space as accessory dwelling units, or clustered together on larger parcels as part of a larger housing initiative. These smaller dwellings could include units commonly referred to as small or tiny homes, but could also include freestanding ranch homes under 1,000 square feet that have been prohibited by the City's Ordinance for more than 20 years. The City has entire neighborhoods of ranch homes in the 800-999 square-foot range that were built primarily in the 1950's through the 1980's. New single-family homes in the City are selling at a price of approximately \$175 per square foot. Therefore, the current minimum floor area of 1,000 square feet in the Ordinance means that the minimum price of a new single-family home in the City is \$175,000, which is out of reach for the majority of Beloit residents.

All of the above possible scenarios would require neighbor notification and public hearings for each project. The PUD process involves formally rezoning the subject property from its base zoning district to PUD. Each submittal would be reviewed by the Plan Commission and City Council on a case-by-case basis, and conditions of approval that address specific neighborhood concerns could be imposed as part of that process. For example, when reviewing proposed accessory dwelling units, Planning staff may recommend conditions of approval establishing a maximum occupancy or owner-occupancy of either the principal single-family dwelling or accessory unit to promote long-term stability of the neighborhood.

Every new dwelling would still need to meet or exceed minimum building setbacks based upon the classification of the building (principal or accessory), provide off-street parking spaces, and comply with the state building code relating to construction standards. Mobile homes, trailers, portable units, and recreational vehicles would be not eligible for approval under this ordinance.

The proposed Ordinance also amends one section of the Subdivision Ordinance to eliminate the minimum lot size for lots in cluster subdivisions to achieve consistency with existing provisions of the Zoning Ordinance. Approvals could be granted for one specific parcel, a group of adjacent parcels, or a large tract of land proposed to be subdivided through a preliminary or final plat. Although none have been proposed, the Zoning Ordinance already allows cluster subdivisions that waive minimum lot sizes if overall density is maintained, and the PUD process can already be utilized to change minimum lot dimensions and maximum density.

This item must be considered by the Plan Commission as the proposed Ordinance amends the Zoning Ordinance. All required public notices have been posted and distributed. Planning staff received three public comments in support of the proposed Ordinance and one opposed, which are attached.

STAFF RECOMMENDATION:

The Planning and Building Services Division recommends **approval** of the attached Ordinance to amend Sections 6.2.11(b)(4) and (6) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances pertaining to minimum dwelling width and floor area and Section 12.08(4) of the Subdivision Ordinance, Chapter 12 of the Code of General Ordinances pertaining to minimum lot size.

ATTACHMENTS: Proposed Ordinance, Public Notice, and Public Comments

ORDINANCE NO. 3755

AN ORDINANCE TO AMEND SECTIONS 6.2.11(B)(4) AND (6) OF THE ZONING ORDINANCE, CHAPTER 19 OF THE CODE OF GENERAL ORDINANCES AND SECTION 12.08(4) OF THE SUBDIVISION ORDINANCE, CHAPTER 12 OF THE CODE OF GENERAL ORDINANCES OF THE CITY OF БЕЛОIT PERTAINING TO MINIMUM DWELLING STANDARDS AND LOT SIZES

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

Section 1. Sections 6.2.11(b)(4) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

- "4. Minimum Width. The street side of every dwelling shall be not less than 25 feet in width unless a narrower width is approved as a planned unit development pursuant to sections 2-400 and 5-300 of this chapter. Only one street side of a dwelling on a corner lot need be 25 feet in width. Attached garages, carports and open decks shall not be included in the measurement of the width of the street side of a dwelling."

Section 2. Sections 6.2.11(b)(6) of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

- "6. Minimum Floor Area. Every single-family dwelling and duplex dwelling unit shall contain a minimum gross floor area of at least 1,000 square feet unless a smaller floor area is approved as a planned unit development pursuant to sections 2-400 and 5-300 of this chapter."

Section 2. Section 12.08(4) of the Subdivision Ordinance, Chapter 12 of the Code of General Ordinances of the City of Beloit, is hereby amended to read as follows:

- "4. LOT SIZE. The ~~minimum and~~ maximum lot sizes within a cluster subdivision shall be ~~6,000 square feet and~~ 2 acres ~~respectively.~~ The aggregate number and sizes of lots must be adequate to meet all required density limits as established in the respective zoning district in which the cluster development is located."

Section 3. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

Section 4. This ordinance shall be in force and take effect upon passage and publication.

Adopted this _____ day of _____, 2022.

CITY COUNCIL FOR THE CITY OF БЕЛОIT

Regina Dunkin, President

ATTEST:

Marcy Granger, City Clerk-Treasurer

PUBLISHED: _____

EFFECTIVE DATE: _____

01-611100-5231- _____

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE TO THE PUBLIC

June 27, 2022

To Whom It May Concern:

The Beloit Plan Commission and City Council are considering an Ordinance to amend two sections of the Zoning Ordinance of the City of Beloit to allow the width of new dwellings to be narrower than 25 feet and the floor area of new single and two-family dwellings to be less than 1,000 square feet with Plan Commission and City Council approval of a Planned Unit Development (PUD) Master Land Use Plan and PUD zoning. As drafted by City staff to promote housing affordability, the proposed Ordinance would create a framework for review and approval of smaller dwellings commonly referred to as small homes, tiny homes, or accessory dwelling units. If the proposed Ordinance is adopted, new single-family dwellings of any size could be constructed on freestanding lots, added to existing single-family properties with adequate space, or clustered together on larger parcels as part of a larger housing initiative. All of the above possible scenarios would require neighbor notification and public hearings for each project. The PUD process involves formally rezoning the subject property from its base zoning district to PUD. Every new dwelling would still need to meet minimum building setbacks, off-street parking requirements, and the state building code. The proposed Ordinance also amends one section of the Subdivision Ordinance to eliminate the minimum lot size for lots in cluster subdivisions to achieve consistency with existing provisions of the Zoning Ordinance.

The following public hearings will be held regarding the proposed Ordinance:

City Plan Commission: Wednesday, July 20, 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: Monday, August 15, 2022, 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.*

*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.

Pennington, Drew

From: mbgliebe@charter.net
Sent: Monday, July 11, 2022 4:42 PM
To: Pennington, Drew
Subject: Tiny House Ordinance

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

To Beloit City Plan Commission and City Council Members,

The proposed ordinance to allow smaller housing be constructed in the City of Beloit has my support. As board chair for Family Promise of Greater Beloit, a shelter for families facing homelessness in Beloit, I see first-hand how the lack of affordable housing in our community hinders families. Those who have faced the trauma of homelessness and have worked hard to begin a life of self sufficiency are often unable to do so as there is just no affordable housing available.

Smaller dwellings are more affordable to rent, and even affordable to own, allowing families to develop generational wealth and equity and pride in their achievements.

Thank you,
Merry Beth Gliebe
Board Chair
Family Promise of Greater Beloit
815-298-4393

Pennington, Drew

From: Jenny Hoople <jenny@jennyhoople.com>
Sent: Wednesday, June 29, 2022 6:42 AM
To: Pennington, Drew
Subject: Yes to Tiny houses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

100% Yes Please to the passing of the Tiny House ordinance. Thanks for taking our opinions!

Jenny Hoople
1300 Strong Ave, Beloit.

Pennington, Drew

From: Chuck Jeffers <chuckjeffers777@gmail.com>
Sent: Saturday, July 9, 2022 6:30 AM
To: Pennington, Drew
Subject: Tiny houses

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Good morning drew, I have been a long time building contractor in the state line area for many years. Having built multiple spec and rehabs. I was one of the first in Beloit to build on abandoned empty lots, I believe I did four, Steve Greg helped me with this. Also did many houses with nhs with Christine schlicting . I think the small homes idea is a fantastic idea and have wanted to see the ordinances changed for many years. I think a 800 sq ft minimum on single homes would be great. Steve as the population gets older we need this type of housing for seniors, and couples say with one to two kids. This housing value boom we'll not continue, it can't! Majority of the population can not afford these housing prices, and the ones who do are overextended, depending on two incomes and living on credit. I always had a vision of a 55 and over development with 800 sq ft two bedroom home and 600 sq ft one bedroom duplexes on small lots with nice green spaces and walk and bike paths. We could also take some of the run down inner city neighborhoods and do the same thing for younger people. With the way the world's going especially global warming changes need to be made(less space to heat and cool). I am looking forward to following this ! I think it's the best idea the city has come up with in years. Drew over the years you helped me out on a couple of building issues, I really appreciated it. Keep up the great work. Sincerely, chuck Jeffers

Pennington, Drew

From: Kristina Van Horn <kristina.vanhorn@yahoo.com>
Sent: Tuesday, June 28, 2022 4:54 PM
To: Pennington, Drew
Subject: Tiny Homes

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Hi, I saw you're accepting opinions regarding tiny homes in Beloit. I don't have much to say on the matter other than please allow it!!! They are a great eco-conscious and fiscally responsible housing option. I am surprised and disappointed to learn they aren't already legal here.

Kristina Van Horn Cook

Pennington, Drew

From: Jeff Hoyt <jeffhoyt88@gmail.com>
Sent: Tuesday, July 12, 2022 4:17 PM
To: Pennington, Drew
Subject: Tiny Homes

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

To the Planning Commission at Large;

The notion of Tiny Homes is rooted in good intentions. However, as is often the case, good intentions breed unintended consequences. In this instance, Tiny Homes will not serve the local populace but rather will serve as a magnet for more localized poverty and, likely, a greater strain on the local school system and a negative impact on overall property values.

I say this in part due to the existing robust programming available to local residents experiencing hardship. Too numerous to mention, these valuable programs are effective in providing not only a social safety net but also evidence-based initiatives to assist families towards economic self-sufficiency. Tiny Homes by contrast will operate outside of this paradigm and will serve to bring a regional and transient flow of poverty into Beloit. This flow could be alleviated by virtually any surrounding community(ies) drafting a similar Tiny Homes initiative into their respective town/village. In short, Beloit already shoulders far more than their fair share of the load. It is time for our fair city to draw a line in the sand.

The residual negative impact of Tiny Homes on our community exceeds the potential gain for select individuals. A more effective use of time for this Commission would be to engage area stakeholders in a comprehensive plan to effectively reduce poverty as opposed to Beloit being a continuing epicenter for economic hardship. Our school system is in disarray---this point is universally accepted. A Tiny Homes initiative will not undo that but in all likelihood amplify the shortcomings currently faced by the district and the various neighborhoods in the city.

Sincerely,

Jeff Hoyt
Beloit



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: July 20, 2022

Agenda Item: 4a

File Number: RPB-2022-02

General Information

Applicant: Wisconsin Power and Light Co. DBA Alliant Energy

Owner: City of Beloit

Address/Location: 534 Fourth Street (Chester Square Parking Lot)

Applicant's Request: Underground Electric and Communication Easement

Staff Analysis

Request Details and Existing Conditions: Wisconsin Power and Light Company (DBA Alliant Energy) has requested a 20-foot Underground Electric and Communication Easement across the City-owned public parking lot property located at 534 Fourth Street as described and illustrated on the attachments. The proposed easement will allow Alliant Energy to install underground electric lines, transformers, pedestals, and related equipment as part of a service upgrade project. The subject property is used as a public parking lot. As shown on the map, a portion of this parking lot is actually privately owned, and Alliant Energy is negotiating separately with the private property owner. The proposed easement document and legal description are attached to this report.

Surrounding Land Use and Zoning: This request involves the Chester Square public parking lot, located between Broad Street and the river and serving the businesses along the 100 block of W. Grand Avenue. The subject property and the adjacent parcels are zoned CBD-1, Central Business District – Core.

City of Beloit Strategic Plan: 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 Underground Electric and Communication Easement across the City-owned public parking lot property located at 534 Fourth Street.

ATTACHMENTS: Location Map, Proposed Easement, and Easement Exhibits.

Location of Easement Area



Document No.

**EASEMENT UNDERGROUND
ELECTRIC AND COMMUNICATION**

The undersigned **Grantor(s) City of Beloit, a 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 indicated 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 **20 feet** in width and described as follows:

See EXHIBIT "A" attached hereto and made a part hereof

This Easement is subject to the following conditions:

1. **Designated Facilities:** This easement is for underground electric line facilities, including but not limited to conduit, cables, above ground electric pad-mount transformers, secondary pedestals, riser equipment and other appurtenant equipment associated with underground electric line 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 or structures without the express written consent of the Grantee. This does not limit the Grantor's ability to install, maintain and utilize dumpsters and dumpster enclosures within the Easement Area.
4. **Landscaping and Vegetation:** No plantings and landscaping are allowed within the Easement Area that poses an immediate hazard to the Designated Facilities. The Grantee has the right to trim or remove trees, bushes and brush within the Easement Area required for the installation, operation or maintenance of the Designated Facilities. The Grantee may treat the bushes or brush to prevent re-growth and apply herbicides in accordance with applicable laws, rules and regulations, for bush and brush control. As part of any tree removal, stump removal is also required.
5. **Elevation:** After the installation of the facilities and final grading of the Easement Area, the Grantor agrees not to alter the elevation 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, fences, lawns, trees, landscaping, roads, pavement, sidewalks and curbs (other than trees, bushes and brush trimmed), caused by the construction, maintenance or removal of said facilities.
7. **Term.** This Utility Easement shall continue for so long as the Designated Facilities are in use, and in the event and to the extent that the Facilities shall be removed or abandoned then this Utility Easement shall terminate and the Grantee will execute and deliver to the City such document(s) as may be requested for the purpose of further evidencing the termination of the rights granted hereby.
8. **Indemnification.** Grantee shall indemnify, defend, and hold Grantor and Grantor's managers, members, employees, agents, affiliated, and tenants harmless from and against any and all liabilities, obligations, damages, injuries, penalties, claims, demands, actions, suits, judgments, and any and all costs and expenses (including reasonable attorneys' fees) incurred by Grantor arising from or caused by the negligence or willful misconduct of Grantee or Grantee's agents and employees upon the Grantor's property; provided, however, notwithstanding anything to the contrary set forth herein, Grantee shall have no obligation to indemnify, defend, or hold Grantor or the foregoing Grantor parties harmless from any liabilities, obligations, damages, injuries, penalties, claims, demands, actions, suits, judgments, costs or expenses arising from or relating to the acts or omissions of Grantor or Grantor's employees, agents or invitees.
9. **Notices.** All notices to be given under the terms of this Utility Easement shall be signed by the person sending the same, and shall be sent by certified mail, return receipt requested and postage prepaid, to the address of the parties specified below:

For the City: City Engineer
 2400 Springbrook Road
 Beloit, WI 53511

Record this document with the Register of Deeds

Name and Return Address:

Alliant Energy
Attn: Real Estate Department
4902 North Biltmore Lane
Madison, WI 53718

Parcel Identification Number(s)

206-13530085

For Grantee: Wisconsin Power and Light Company
 Attention: Real Estate Department
 4902 North Biltmore Lane
 Madison, WI 53718

Any party hereto may, by giving five (5) days written notice to the other party in the manner herein stated, designate any other address in substitution of the address shown above to which notices shall be given.

10. **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.
11. **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.
12. **Binding Effect:** This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.
13. **Easement Brochure:** As provided by PSC 113, the Grantor shall have a minimum period of five days to examine materials approved or provided by the Public Service Commission of Wisconsin describing the Grantor's rights and options in the easement negotiating process. The Grantor hereby voluntarily waives the five day review period or acknowledges that they have had at least five days to review such materials.

WITNESS the signature(s) of the Grantor this _____ day of _____, 20_____.

CITY OF BELOIT

_____(SEAL)
Signature

_____(SEAL)
Signature

Printed Name and Title

Printed Name and Title

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ } SS

Personally came before me _____, 20__, the above-named _____,
the _____ of City of Beloit to me known to be the person who executed the
foregoing document and acknowledged that they are executed the foregoing document as on behalf of said entity by its authority.

Signature of Notary

Printed Name of Notary

Notary Public, State of Wisconsin

My Commission Expires (is) _____

This instrument drafted by
Justin DeVries

Checked by
Haley Long

July 14, 2022

| |
|-----------------------------------|
| Project Title: Chester Square UGD |
| ERP Activity ID: 4269830 |
| Tract No.: |
| Rerow No.: |

Exhibit "A"

Lands owned by Grantor:

That part of Lot Two Hundred Fifty-seven (257) of Hackett's Addition to Beloit, according to the recorded plat thereof, bounded as follows: Commencing at a point on the South side of the alley where the line between Lots 251 and 252 in said addition, produced, will intersect it; thence running South 24 degrees West 100 feet; thence North 58 degrees 44" East 99 feet; thence North 47° 46' West 59½ feet to the place of commencing, together with all riparian rights, etc., described in Volume 180 of Deeds, page 515.

AND

That part of Lot 257 of Hackett's Alteration of a portion of Hackett's Addition to Beloit, according to the recorded plat thereof, described as follows; to wit: Commencing at an iron monument in the southerly line of Back Street which monument is 272 feet southeasterly from the northwest corner of Lot 254 of said Hackett's Alteration and which said monument is also the point of intersection of the southerly line of Back Street with the westerly line of Lot 246 of said Hackett's Alteration extended southwesterly; thence southeasterly along the southerly line of Back Street 65.85 feet to an iron monument; thence southwesterly at right angles to the southerly line of Back Street, being on the westerly line of Lot 249 of said Hackett's Alteration extended southerly, 100 feet to an iron monument; thence easterly at right angles to said last mentioned line and parallel to the southerly line of Back Street, 65.85 feet to an iron monument; thence southeasterly in a straight line at an angle of 145 degrees 16 minutes to the southwest from said last mentioned line to the northerly bank of Rock River; thence along the northerly bank of Rock River to the intersection of such northerly bank with the east line of Lot 258 of said Hackett's Alteration; thence northerly on said east line of Lot 258 to the intersection of such line with the westerly line of Lot 244 of said Hackett's Alteration extended southwesterly; thence northeasterly on said last mentioned line 202.62 feet to a point 100 feet southwesterly from the southerly line of Back Street; thence easterly at right angles to said last mentioned line and parallel to the southerly line of Back Street 43.3 feet to an iron monument; thence northerly in a straight line to the place of beginning.

AND

That part of Lot 257 of Hackett's Alteration, City of Beloit, Rock County, Wisconsin, according to the recorded plat thereof, described as follows: Beginning on the Northerly line of Lot 257, Hackett's Alteration, and at the Northeast corner of land deeded to Daniel Riordan, Vol. 85, Page 204, on May 1st 1873; thence S. 66° 07' 15" East along the Northerly line of Lot 257 of aforesaid, 21.95 feet to an iron pin; thence S. 23° 48' 15" West and parallel with Riordan's Easterly line 100.06 feet to an iron-rod; thence N. 65° 53' 15" West, 21.95 feet to an iron rod at Southeast corner of land formerly owned by Daniel Riordan, aforesaid; thence North 23° 48' 15" East along the Easterly line of Riordan land, 99.96 feet to an iron rod at the place of beginning.

AND

That part of Lot Two Hundred Fifty Seven (257) of Hackett's Alteration of Hackett's Addition to Beloit, Wisconsin, described as follows: Beginning on the South line of Back Street at the point where the easterly line of Lot Two Hundred Forty Five (245) of said plat produced southerly would intersect said south line; thence southerly along said easterly line produced one hundred (100) feet; thence westerly along a line parallel to the south line of Back Street 21.95 feet; thence northerly along a line parallel to the first described line one hundred (100) feet to the south line of Back Street; thence easterly along the south line of Back Street 21.95 feet to the place of beginning.

Including those lands formed by accretion and aggradation along the shoreline of the Rock River.

Excepting those lands dedicated for Broad Street, AND excepting that part of Lot 257, Hackett's Alteration lying within Certified Survey Map recorded in Volume 40 of Certified Survey Maps, pages 414-417 in the office of the Register of Deeds for Rock County, Wisconsin.

Grantor's deeds being recorded on October 14, 1949 as Document Number 502590 AND deed being recorded on August 28, 1924 as Document Number 318263 AND deed being recorded on May 9, 1979 as Document Number 905805 AND deed being recorded on March 1, 1961 as Document Number 631985 in the office of the Register of Deeds for Rock County, Wisconsin.

Easement area:

An easement area being described as commencing at a point on the South right-of-way line of Back Street as platted in Hackett's Alteration at its intersection with the Westerly line of Lot 246 of Hackett's Alteration as extended Southwesterly; thence Southeasterly along the South right-of-way line of Back Street a distance of 65.85 feet; thence Southwesterly at right angles to the South right-of-way line of Back Street a distance of 20 feet; thence Northwesterly at right angles to the last recited line and parallel to the South right-of-way line of Back Street a distance of 85 feet; thence Northerly to a point on the East right-of-way of Broad Street at its intersection with the Westerly line of Lot 245 of Hackett's Alteration as extended Southwesterly; thence Northerly along the East right-of-way line of Broad Street a distance of 6 feet; thence Easterly to the point of beginning.

AND

An easement area being described as commencing at a point on the South right-of-way line of Back Street as platted in Hackett's Alteration at its intersection with the Westerly line of Lot 251 of Hackett's Alteration as extended Southwesterly; thence Southeasterly along the South right-of-way line of Back Street a distance of 50 feet; thence South 31 degrees East a distance of 30 feet; thence Northwesterly and parallel to the South right-of-way line of Back Street a distance of 74 feet; thence Northeasterly to the point of beginning.

AND

An easement area being described as commencing at a point on the East right-of-way line of Broad Street at its intersection with the Westerly line of Lot 245 of Hackett's Alteration as extended Southwesterly; thence Southerly along the East right-of-way line of Broad Street a distance of 215 feet; thence Easterly at right angles to the East right-of-way line of Broad Street a distance of 15 feet; thence Northwesterly at right angles to the last recited line and parallel to the East right-of-way line of Broad Street a distance of 215 feet; thence Westerly to the point of beginning.

Being further located in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 35, Township 01 North, Range 12 East, City of Beloit, County of Rock, Wisconsin.



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: July 20, 2022

Agenda Item: 4.b.

File Number: RPB-2022-03

General Information

Applicant: Hendricks Commercial Properties, LLC (HCP)

Owner: City of Beloit

Address/Location: Back Street right-of-way and a small portion of 534 Fourth Street (Chester Square Parking Lot)

Applicant's Request: Access and Utility Easement

Staff Analysis

Request Details and Existing Conditions: Hendricks Commercial Properties, LLC (HCP) owns 108 W Grand Avenue and is currently in the process of rehabilitating the building for occupancy by Blue Collar Coffee. HCP has requested an Access and Utility Easement across the City-owned Back Street property and a small portion of the Chester Square Parking Lot as described and illustrated on the attachments. The proposed easement will allow HCP to install a concrete knee wall (CMU) wall for utility purposes within the Back Street right-of-way behind the property located at 108 W Grand Avenue.

Alliant Energy is requiring HCP to move its gas and electric meters from under the building. The meters would be located on the CMU wall. The easement exhibit, Exhibit C, of the easement shows the location of the CMU wall and the overall area covered by the easement. The agreement will allow HCP to construct, maintain, improve, inspect, and repair a CMU wall and underground private utilities. The proposed easement document and legal description are attached to this report. Also attached are the construction drawings of the CMU wall.

Surrounding Land Use and Zoning: This request involves the Back Street right-of-way and a very small portion of the Chester Square public parking lot, located behind the building located at 108 W Grand Avenue. The subject property and the adjacent parcels are zoned CBD-1, Central Business District – Core.

City of Beloit Strategic Plan: 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 Access and Utility Easement across the Back Street right-of-way and a small portion of the City-owned public parking lot property located at 534 Fourth Street.

ATTACHMENTS: Location Map, Proposed Easement, and Easement Exhibits.

Location Map



| | | |
|--|--|---|
| | <p style="text-align: center;">DOCUMENT TITLE</p> <p style="text-align: center;">ACCESS AND UTILITY EASEMENT</p> | |
| | | <p>RECORDING AREA</p> |
| | | <p>NAME AND RETURN ADDRESS</p> <p>City Attorney's Office City Of Beloit 100 State Street Beloit, WI 53511</p> |
| | | <p style="text-align: center;">Parcel Identification Number <u>206-13530125</u> and adjacent to <u>206-13530085</u></p> |

ACCESS AND UTILITY EASEMENT

WHEREAS, the Grantor, City of Beloit, a Wisconsin municipal corporation ("the City"), is the owner of certain real estate as described in Exhibit A attached hereto and incorporated by this reference, generally known as Back Street in the City of Beloit, Wisconsin ("Back Street"); and;

WHEREAS, the Grantee, Hendricks Commercial Properties, LLC, a Wisconsin limited liability company ("HCP"), is the owner of certain real estate as described in Exhibit B attached hereto and incorporated by this reference, generally known as 108 West Grand Avenue in the City of Beloit, Wisconsin ("108 Property");

WHEREAS, Grantor is willing to grant to Grantee an easement for constructing, maintaining, improving, inspecting and repairing a concrete knee wall (CMU Wall) and underground private utilities to provide utility service to the 108 Property over that portion of Back Street (the "Easement Area") more particularly described by a metes and bounds description and a diagrammatic sketch with a cross hatched portion indicating the Easement Area, on Exhibit C;

NOW, THEREFORE, for good and valuable consideration paid by Grantee to Grantor and the mutual covenants, terms, and conditions set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Grant of Easement.** Grantor hereby establishes, gives, grants, and conveys to Grantee, its heirs, legal representatives, successors, and assigns, and to any future owner of the 108 Property, a perpetual, non-exclusive Access and Utility easement for the following purposes: (1) access to the 108 Property from Back Street; and (2) constructing, installing, maintaining, improving, inspecting and repairing a concrete knee wall (CMU Wall), utility meters, electrical equipment, underground private utilities, and other associated improvements as may be necessary from time to time to provide utility service to the 108 property (the "Easement") in, under, upon, about, over, and through the Easement Area located on Back Street, for the benefit of the 108 Property.

2. **Concrete Stairs.** The City owns and maintains concrete stairs within the Easement Area. Unless otherwise agreed to in writing, the City shall be responsible for construction, maintenance, inspection, and repair of the concrete stairs, handrail, and other such improvements as may be necessary to access the 108 Property.

3. **Quiet Use.** The City shall not do anything to materially interfere with the quiet use and enjoyment of the Easement rights granted herein; provided, however, the City reserves all rights to

continue and maintain the current use of Back Street subject to such Easement including the right to use Back Street for public use and to construct, repair, maintain or discontinue physical improvements as the City may determine are necessary or desirable.

4. **Maintenance.** Other than normal maintenance of the private improvements installed within the Easement Area and subject to applicable laws, HCP shall have no maintenance obligations with respect to the Easement Area or Back Street.

5. **Restoration.** Following any work performed by HCP in the exercise of its easement rights herein granted, or in the event of any damage caused to Back Street (including the concrete stairs and handrail) arising from HCP's exercise of rights herein granted, HCP shall restore Back Street to substantially the same condition as existed prior to such work or damage at its sole cost and expense and in a reasonably diligent manner, including but not limited to, the restoration, repair or replacement of pavement, curb, gutters, trees, lawn or shrubbery, as may be necessary to restore the disturbed area.

6. **Covenants Running with the Land.** All terms, conditions, covenants and other provisions contained in this Agreement, including the benefits and burdens shall run with the land and shall be binding upon and inure to the benefit of and be enforceable by the City or HCP and their respective successors and assigns.

7. **Non-Use.** Non-use or limited use of the Easements shall not prevent HCP from later making use of the Easements to the fullest extent authorized herein.

8. **Public Use of Easement Area.** HCP shall not have the right to exclude the public from reasonable ingress and egress over and across the portion of the Easement area containing underground utilities or other private improvements; provided, however, that said use by the public shall not constitute a dedication of the easement rights granted herein.

9. **Governing Law.** This Agreement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.

10. **Entire Agreement.** This Agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by the City and HCP and their mortgagees, if any, and duly recorded in the office of the Register of Deeds of Rock County, Wisconsin.

11. **Notices.** All notices to any party to this Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested. Either party may change its address for notice by written notice to the other party.

12. **Captions and Paragraph Headings.** Captions are inserted only as a matter of convenience and in no way limit, construe or describe the scope or intent of a paragraph. Whenever the singular is used herein the same shall include the plural and the masculine gender shall include the feminine and neuter genders, and vice versa as the context shall require.

13. **Partial Invalidity.** If any term, covenant or condition of this Agreement or the application thereof to any person or circumstance shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term, covenant and condition shall be valid and enforceable to the fullest extent permitted by law.

14. **Waivers.** No delay or omission by any party in exercising any right or power accruing upon any default, non-compliance or failure of performance of any of the provisions of this Agreement shall be construed to be a waiver thereof. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms, covenants or conditions of this Agreement.

15. **Enforcement.** Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any covenant herein, either to restrain or prevent such violation or to obtain any other relief. In the event a suit should be brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney's fees.

16. **Amendment.** This Agreement may be amended only by writing signed by all parties hereto, or their successors or assigns, and any party who holds a mortgage on any of the properties.

17. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all such counterparts shall together constitute one and the same Agreement. Any counterparts of this Agreement may be executed and delivered by any party by facsimile or by e-mail transmission in portable document format "(PDF)" and any document so executed and delivered shall be considered an original for all purposes.

Signature on following page

EXHIBIT A

Back Street

LEGAL DESCRIPTION

Part of fractional Lot 3 in Section 35, T. 1 N., R. 12 E., of the 4th P.M., City of Beloit, Rock County, Wisconsin.

BOUNDED AS FOLLOWS: On the West by the East line of Lot 257 of Hacketts Alteration, extended Northerly and bounded on the North by a line parallel with and 100 feet therefrom the South line of Bridge Street (now Grand Avenue), extended Easterly and bounded on the East by the bank of the Rock River, and on the South by the Easterly right of way of Broad Street.

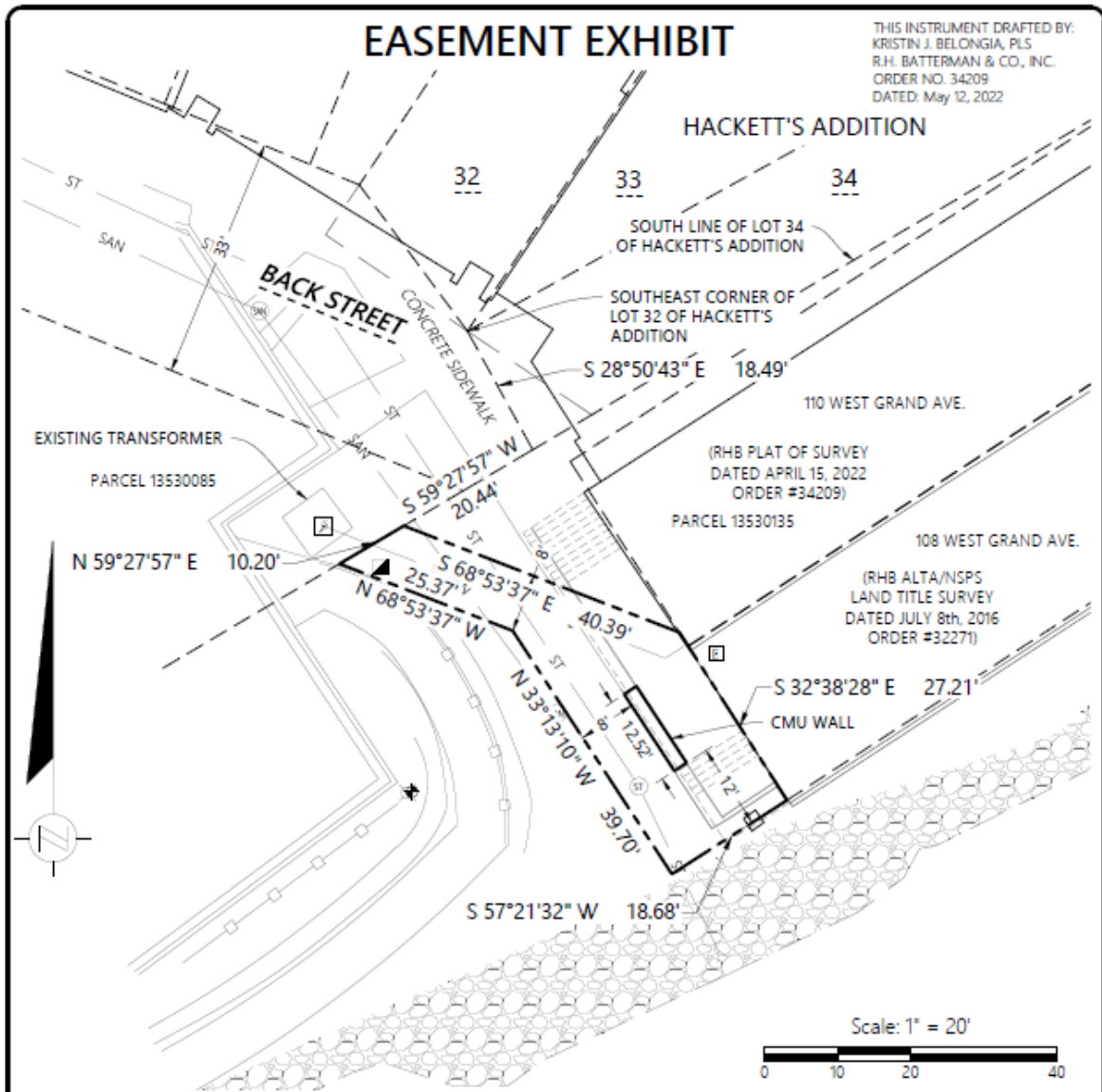
EXHIBIT B

108 Property

All that part of Fractional Lot 3 in Section 35, T.1N., R.12E, and being in the City of Beloit, Rock County, Wisconsin, described as follows to-wit: Commencing at a point in the Southerly line of West Grand Avenue 29 feet Easterly of the Northeast corner of Lot 34 of Hackett's Addition to the City of Beloit, at a point which marks the center line of a partition wall; thence southwesterly along the center of said partition wall on a line parallel with the Southeast boundary line of said Lot 34, 100 feet; thence Southeasterly on a line parallel with the Southerly line of West Grand Avenue 25 feet, thence Northeasterly on a line parallel with the said Southeast boundary line of said Lot 34, 100 feet to the Southerly boundary line of West Grand Avenue; thence Westerly along the Southerly boundary line of West Grand Avenue to the place of beginning. Also including all right, title and interest of the grantors in all lands lying between the parcel of land above described and the center of Rock River, together with all riparian rights appurtenant to said lands. It is intended by the foregoing deed to transfer that certain parcel of land located in the City of Beloit, Rock County, Wisconsin, bounded as follows: On the North by West Grand Avenue; on the East by Rock River; on the South by Back Street; and on the West by the East line of property formerly known as the Kochicas Block.

EXHIBIT C

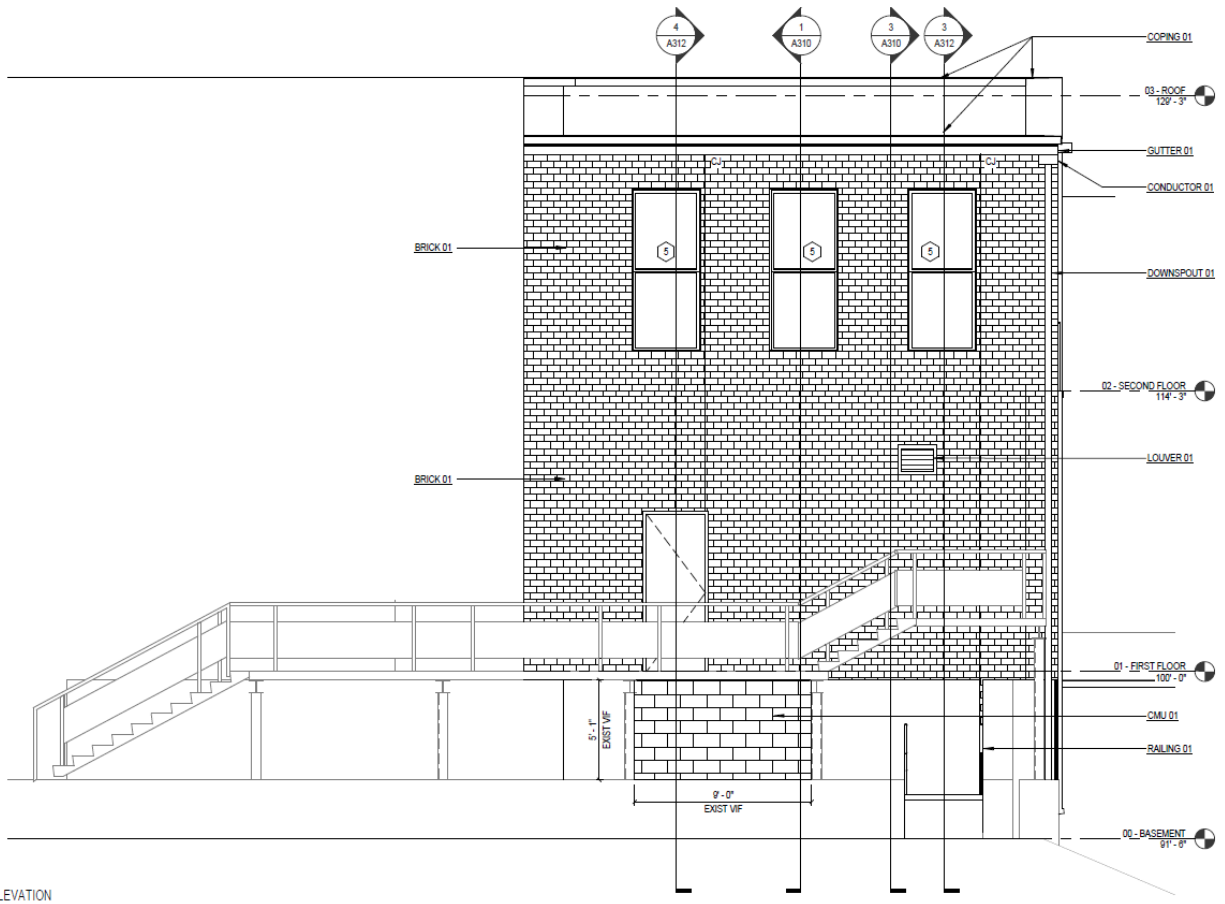
Easement Area



LEGAL DESCRIPTION

Part of fractional Lot 3 in Section 35, T. 1 N., R. 12 E., of the 4th P.M., City of Beloit, Rock County, Wisconsin.

DESCRIBED AS FOLLOWS: Commencing at the Southeast corner of Lot 32 of Hackett's Addition, City of Beloit; thence South 28°50'43" East a distance of 18.49 feet to the South line of Lot 34 of Hackett's Addition extended Westerly; thence South 59°27'57" West along aforesaid South line extended a distance of 20.44 feet to the point of beginning; thence South 68°53'37" East a distance of 40.39 feet; thence South 32°38'28" East a distance of 27.21 feet; thence South 57°21'32" West a distance of 18.68 feet; thence North 33°13'10" West a distance of 39.70 feet; thence North 68°53'37" West a distance of 25.37 feet to the South line of Lot 34 of Hackett's Addition extended Westerly; thence North 59°27'57" East a distance of 10.20 feet to the point of beginning.



2 REAR ELEVATION
1/4" = 1'-0"

