# PUBLIC NOTICE \& AGENDA BELOIT PLAN COMMISSION <br> City Hall Forum - 100 State Street, Beloit, WI 53511 7:00 PM 

Wednesday, July 5, 2023

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
2.a. Consideration of the minutes of the June 21, 2023 Plan Commission meeting Attachment
3. PUBLIC HEARINGS
3.a. Consideration of Resolution 2023-031 approving an Exception to Section 30.09 and denying an exception to Section 30.40(2)(c) of the Outdoor Sign Regulations for the property located at 2757 Prairie Avenue
Attachment

## 4. REPORTS

No business to discuss.
5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS

Vacation - Jason Turner - Willowbrook Rd
Zoning Map Amendment - 400 Willowbrook Road -
Zoning Map Amendment - 2300 Colley and 2001 Gateway Boulevard
6. FUTURE AGENDA ITEMS

Comprehensive Plan Amendment - Bradley and Danita Trewyn property
Zoning Map Amendment - Bradley and Danita Trewyn property
Extraterritorial Certified Survey Map - Afton Road in the Town of Beloit
Extraterritorial Certified Survey Map - Shopiere Road in the Town of Turtle
Extraterritorial Certified Survey Map - Hidden Creek Court in the Town of Turtle

## 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<br>7:00 PM<br>Wednesday, June 21, 2023

## 1. CALL TO ORDER AND ROLL CALL

Chairperson Ramsden called the meeting to order at 7:00 PM. Councilor Day and Commissioners Ramsden, Anderson, Flesch, Janke, and Jacobsen were present. Commissioners Elliott and Abarca were absent.
2. MINUTES
2.a. Consideration of the minutes of the June 7, 2023 Plan Commission meeting Commissioner Anderson move to approve the minutes seconded by Commissioner Jacobsen. Motion prevailed, voice vote (5-0).

## 3. PUBLIC HEARINGS

3.a. Consideration of Ordinance No. 2797 amending the Zoning District Map of the City of Beloit for the property located at 2231 Trevino Court
Julie Christensen, Community Development Director, presented the staff report and recommendation. She noted that there was an e-mail from a neighbor expressing opposition to the rezoning.

Chairperson Ramsden asked Ms. Christensen if there was any other input from the neighbors. Ms. Christensen said there was not. Chairperson Ramsden asked about the area in yellow when it was changed from R1-A to R1-B. Ms. Christensen said it happened in 2018.

Chairperson Ramsden opened the public hearing.

Matt Finnegan, 2212 Knoll View Drive, said he wanted to build a duplex that is twobedroom side by side, and the market will take that. Mr. Finnegan stated it is a larger lot. He explained that he was constructing one of the units for his daughter and planned to sell the other unit.

Chairperson Ramsden asked Mr. Finnegan if he has built any other duplexes. Mr. Finnegan stated that he has not. Chairperson Ramsden asked if he could build a singlefamily home. Mr. Finnegan said that is does not work with the numbers, and would have to do a PUD to be less than 1000 square feet. Commissioner Anderson asked if it would face Fir Drive. Mr. Finnegan said that the only road constructed is Trevino Court.

Chairperson Ramsden closed the public hearing.

Commissioner Janke moved to the Zoning District Map, seconded by Commissioner Flesch. Motion approved, roll call vote (4-1), with Chairperson Ramsden voting no.
3.b. Consideration of Resolution No. 2023-030 approving a Conditional Use Permit (CUP) to allow retail sales and service (entertainment-oriented) uses liquor sales for the property located at 601-625 Third Street
Julie Christensen, Community Development Director, presented the staff report and recommendation.

Chairperson Ramsden asked Ms. Christensen if the CUP is approved does it supersede the other ones. Ms. Christensen said yes.

Chairperson Ramsden opened the public hearing.

Ms. Christensen asked Annie Kerns how many events were going to take place this year, and how many took place last year.

Annie Kerns, 525 Third Street, stated that they had just one event last year, and just one planned this year. Ms. Kerns stated that they will be utilizing all the events that are approved with the CUP next year.

Chairperson Ramsden closed the public hearing.
Commissioner Flesch moved to approve Resolution 2023-030, seconded by Commissioner Anderson. Motion approved, voice vote (5-0).
3.c. Consideration of Resolution 2023-024 authorizing a Conditional Use Permit for the property located at 555 Willowbrook Road
Julie Christensen, Community Development Director, presented the staff report and recommendation.

Chairperson Ramsden asked Ms. Christensen about the 75 -foot silo height if it is for aesthetics. Ms. Christensen said that they just put in a height requirement in all districts, and at the time they guessed how tall buildings were in Beloit and in the future, they will have to revisit height requirements. Commissioner Anderson asked if he was on Willowbrook Road, would he be able to see the silo or is it going to be hidden enough from the trees. Ms. Christensen indicated that you would be able to see the silo since it is proposed to be 84 feet tall.

Chairperson Ramsden opened the public hearing.

Councilor Day asked if the silo has already been purchased. Bill Frisbee, Public Works Director, stated the estimated delivery date is September 15, 2023, and it'll take a few weeks to get here.

Chairperson Ramsden closed the public hearing.

Commissioner Anderson moved to approve Resolution 2023-024, seconded by Commissioner Jacobsen. Motion approved, voice vote (5-0).
4. REPORTS
4.a. Consideration of Resolution 2023-028 approving a one-lot Extraterritorial Certified Survey Map (CSM) for the property located at 1957 S McKinley Avenue in the Town of Beloit
Julie Christensen, Community Development Director, presented the staff report and recommendation.

Commissioner Janke made a motion to approve Resolution 2023-028, seconded by Commissioner Flesch. Motion approved, voice vote (5-0)
4.b. Consideration of Resolution 2023-029 approving a two-lot Extraterritorial Certified Survey Map (CSM) for the property located at 1947 S Paddock Road in the Town of Beloit
Julie Christensen, Community Development Director, presented the staff report and recommendation.

Commissioner Flesch moved to approve Resolution 2023-029, seconded by Commissioner Anderson. Motion approved, voice vote (5-0).
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 5, 2023.
6. FUTURE AGENDA ITEMS

Julie Christensen outlined the future agenda items.

## 7. ADJOURNMENT

Commissioner Jacobsen moved to adjourn the meeting, seconded by Commissioner Flesch at 7:33 PM. Motion carried, voice vote (5-0).

# REPORT TO THE PLAN COMMISSION 

Plan Commission Meeting Date: July 5, 2023
Agenda Item: 3.a.
File Number: SOE-2023-03

## General Information

Applicant: Vicki Schleisner
Owner: Martin Lee LLC
Address/Location: Scooter's Coffee, 2757 Prairie Avenue
Applicant's Request: Vicki Schleisner on behalf of Martin Lee LLC has filed an application for an exception to Section 30.09 of the Outdoor Sign Regulations (Sign Ordinance) to exceed the maximum sign area allowed on the same premises and Section 30.40(2)(c) to allow two secondary, on-premise signs larger than 30 square feet in area for the property located at 2757 Prairie Avenue.

## Staff Analysis

Existing Conditions: 2757 Prairie Avenue was purchased with an existing pole sign onsite (currently CubeSmart, formerly Shopko), and is currently being developed as a drive-through coffee restaurant. The property does not have direct access from the street, a cross-access agreement with Shopko's successor-in-interest allows access from Hart Road and Prairie Avenue to the site.

Request Details: The double sided $24^{\prime} \times 9.1^{\prime}$ (436.8 total square feet) existing pole sign has been in existence for approximately 45 years. In 2005, the parent parcel, which included the entire Shopko site, was subdivided creating Lot 4 on which the Scooter's is being built (2757 Prairie Avenue). At that point, the former Shopko sign became a legal-nonconforming off-premises pole sign that is currently used by CubeSmart. Per section 30.46(3) minor repairs and changing of sign copy are permitted for legal nonconforming signs. In 2021, a change of sign copy was approved prior to Martin Lee LLC's purchase of 2757 Prairie Avenue.

According to the applicant, a cross-access easement, which allows access to and from W. Hart Road and Prairie Avenue to 2757 Prairie Avenue, also gives Shopko's successor-in-interest the right to use the existing pole sign on the subject property.

The applicant originally proposed installing additional signage on the CubeSmart Pole sign, but Section 30.46 (3) of the sign ordinance also states no legal nonconforming sign shall be enlarged, extended, reconstructed or altered in any manner. A sign ordinance exception can only be applied for dimensional aspects of signs, meaning the applicant cannot use the CubeSmart sign and no exception could be granted to allow the applicant to use the sign.

According to Section 30.09 of the Outdoor Sign Regulations, the maximum sign area allowed on the entire Scooters site is 520 square feet (four times the street frontage). Since the CubeSmart sign counts towards that allotment, it takes up $84 \%$ of the total allotted signage allowance
leaving a little over 83 square feet for Scooter's signage. The applicant is requesting the CubeSmart sign not be counted towards the maximum sign area allowed on the premises and proposes the following signage:

1. One double sided monument sign at 50.4 square feet ( 100.8 total square feet). The Sign Ordinance allows a 150 square foot sign ( 75 square feet each side if double sided). This sign is not part of the exception request.
2. One 6.7 square foot wall sign on the east side (rear façade). This sign is allowed and is not part of the exception request.
3. Two wall signs at 65.1 square feet each for the north and south elevations.

The Sign Code allows three secondary signs at 30 square feet in area or 10 percent of the area of the primary on-premises sign, whichever is less. In this case, it would allow 10.1 square feet per sign based on the 100.8 square foot primary monument sign. Section 30.31 (3)(d) under OnPremises Signs allows a Sign Area Bonus if the freestanding primary sign is less than the maximum sign area allowed. No more than 90 percent of the difference between the maximum sign area allowed and the sign area of the proposed ground-mounted sign may be applied to one or more of the secondary wall signs. Scooter's is not using 49.2 square feet of their primary sign allotment. $90 \%$ of 49.2 is 44.3 . 44.3 divided between the two wall signs allows an additional 22.2 square feet to be added to each wall sign for a total of 32.3 square feet by right ( 10.1 square feet plus 22.2 square feet). The applicant is requesting an additional 32.8 square feet beyond what is allowed to each of the two proposed 65.1 square feet wall signs.

## Applicant's Hardship Argument:

The applicant has stated they need the CubeSmart signage omitted from the maximum sign area allowed on the same premises because the remaining 83 square feet is not enough signage to properly advertise the business. The applicant also has visibility concerns, and believes that since the subject property is inaccessible from southbound traffic on Prairie Avenue because of the median, larger signage is needed for the business to be visible from a distance where access points are located (W. Hart Road and Post Road).

Exception Standards: Section 30.48(2) of the Sign Ordinance outlines standards for granting an exception. The Ordinance states that the Plan Commission may grant an exception if it determines that:
a. Compliance with the strict letter of the Sign Ordinance would create an economic hardship by either unreasonably restricting an on-premises sign owner from advertising a business or rendering conformity with such regulations unnecessarily burdensome upon an owner of an on-premises sign.

- The existing off-premise sign (CubeSmart) on the subject property is a unique circumstance, and staff agrees is unreasonably restricting and burdensome to count the off-site sign against the signage for the business on site. However, staff does not believe the business would suffer an economic hardship if the exception for the larger secondary wall signage was not granted. The business has proposed one
primary sign and three secondary signs, which should allow the business to adequately advertise.
b. The hardship is not self-created.
- Staff believes the hardship related to the existing off-premise sign (CubeSmart) is not self-created. Although the applicant was made aware of the CubeSmart sign issues during site plan review, staff believes that restrictions on using that sign by ordinance, and current limitations on removing it are hardships not created by the applicant. However, staff believes smaller secondary wall signage that meets code is adequately visible (particularly in addition to a primary ground-mounted sign), and as such no hardship exists. This site does not have topographical conditions that are different than surrounding properties.
c. The exception will not undermine the purpose of the Sign Ordinance or the public interest.
- The request for an exception to section 30.09 has never been requested before, is an unusual circumstance that staff believes will not undermine the Sign Ordinance.
- The building is set back only 56 feet from the front property line along Prairie Avenue, and the lot is fairly small for the area at only 130.23 feet wide. The proposed north and south wall signage is quite large in scale to the building, which staff believes would undermine the purpose of the Sign Ordinance by allowing signage larger than necessary for effective communication.


## STAFF RECOMMENDATION:

The Planning and Building Services Division recommends approval of an exception to Section 30.09 of the Sign Ordinance, to exceed the maximum sign area allowed on same premises and denial of an exception to 30.40 (2)(c) of the Sign Ordinance to allow two of the proposed secondary, on-premises signs to exceed 30 square feet in area, or 10 percent of the sign area of the primary, on-premises sign, whichever is less unless a larger sign area is permitted by $30.31(3)$ for the property located at 2757 Prairie Avenue, based on the above Findings of Fact.

ATTACHMENTS: Site Diagram, Sign Renderings, Application, Public Notice, and Resolution.

## LOCATION MAP



Sign Location Diagram
1



ELEVATION 4 - FRONT

SIGN

## ILLUMINATED CHANNEL LOGO(s)

FLUSH MOUNTED


LOGO SQ. FT = 6.7 SQ. FT.
$\rightarrow \quad \pi$

19.38 Sq. Ft.

Total: 65.06 Sq. Ft.


# CITY of BELOIT <br> Planning \& Building Services Division 

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

## Sign Ordinance Exception Application Form

(Please Type or Print)
File number: akspur properties

1. Name of applicant: Beloit Brew LLC dy/ Scoter's Coffee and Phone \#: $\frac{608}{}$ 921-2422

2. Address of subject property: 2757 Prairie Ave
3. Tax Parcel Numbers): 218661300 (and adjoin cig parcel 20621861800 )
4. Legal description: Lot 4 CSM Vol. 29 Page $3 B$ City of Beloit Rock county Wisconsin
5. Present zoning: $C-3$ Present use: empty $10 t$
6. Proposed use (if different): Scooters Coffee Drive Thru
7. Owner of record: Martin Lee LLC Phone: $608921-2422$

E-mail address:
8. State specific sections of code and exceptions) requested: (Use separate sheet if necessary)
see attached \#1
$\qquad$
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$\qquad$
9. State specific hardship experienced by the applicant: (Use separate sheet if necessary)
see attached \#1
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10. In order for this application to be considered complete, the applicant must attach a scale drawing ( $1 "=20^{\prime}$ usually works best) showing the location of property lines and their dimensions, existing buildings and improvements, all abutting properties and improvements thereon, and the proposed changes or additions. A professional drawing is not required. You are required to furnish a legible drawing with enough detail that will adequately advise and inform the Commission.

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


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

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

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

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

## To be completed by Planning staff

Filing fee: $\underline{\mathbf{1 0 0 . 0 0}}$ Amount paid: $\qquad$ Meeting date: $\qquad$
Application accepted by: $\qquad$ Date: $\qquad$
No. of notices: $\qquad$ x mailing cost $(\$ 0.50)=$ cost of mailing notices: \$ $\qquad$
Date Notice Published: $\qquad$ Date Notice Mailed: $\qquad$
Attachment \#1 pilot

## Section 8:

The Co-Applicants hereby request an exception to Section 30.09 -Maximum Sign Area Allowed on Same Premises- The subject parcel, Scooters Coffee Pin number 21861300), is adjacent to the former Shopko; now Cubesmart PIN number 21861800. Section 30.38 allows the Planning commission to grant an exception when:
(a) Compliance with the strict letter of the sign ordinance would create an economic hardship by either:

1. Unreasonably restricting an on-premises sign owner from advertising his business; or
2. Rendering conformity with such regulations unnecessarily burdensome upon an owner of an on-premises sign; and
(b)The hardship is not self-created; and
(c)The exception will not undermine the purpose of the sign ordinance or the public interest.

## Section 9

The maximum sign area allowed under 30.09 for the Scooter's parcel is 520 square feet based on $4 x$ the street frontage in the C-3 district. Currently situated on this parcel is a pole-mounted sign ( 488 feet of sign panel) that currently is being used by the Cubesmart Self-storage facility that is located behind the Scooter's site( see attached \#2, site plan of Cubesmart). Also on the pylon located on the Scooter's parcel is a Payless Shoe Source sign. That business is no longer operating. The Cubesmart sign panel was permitted by the City to be installed on or about April 2021 (to replace the SHOPKO panel) when the Cubesmart owner submitted ARC and sign renderings as part of its redevelopment of the former Shopko building. The applicants believe based on historical records that the existing pole sign has been on that site for approximately 40 years. As Shopko's successor-in-interest under the Cross-Easement recorded in 1978 in the Rock County public records, Cubesmart has a right to use that sign panel based on the governing documents.

As an additional reference, the original plan of the SHOPKO development was on 1 parcel such that SHOPKO owned the land on which the sign stood. The property was sub-divided in 2005 which left the current sign pole not on SHOPKO's/Cubesmart's property and created many outparcels. This occurred long before the current applicants owned either of their parcels.

Cubesmart spent significant sums replacing the sign panel and received city approval to do so. It would constitute a clear and significant hardship for Cubesmart to now be told it has to alter or demolish its sign to accommodate the adjacent parcel owner who will also face significant hardship and risk to her business if she is not afforded the right to have the legally permissible 520 sq ft of signage. Neither of the applicants were present when the property was sub-divided in 2005, thus creating this unique and challenging situation.

## Attachment \# 1 p. wot $\alpha$

Scooter's Coffee Drive-thru serves specialty drinks and light breakfast items. It's success depends on adequate signage for customers to see. With the current code, the Scooter's parcel would have less than 100 square feet to place a primary sign, a menu board, directional signs and the name on the building. If the Cubesmart Pylon sign were to be excepted out from the total allowed square footage of signage, 520 square feet is more than adequate to advertise for success (see attached \#3 for proposed signage).

The public interest will be served by having accurate attractive signage. The current sign (see attached \#4) advertises a business that is closed. Adding the proposed Scooter's sign (see page 6 of attachment 3) will balance the sign out by filling the empty space and we will black out the Payless Shoe Source panel so that the sign is accurate.

We respectfully request the Board approve a sign exception to allow Cubesmart to retain its current sign and allow Scooter's to use their maximum sign panel allotment under 30.09 of the Municipal Code of 520 square feet .


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

June 22, 2023
To Whom It May Concern:
Vicki Schleisner on behalf of Martin Lee LLC has filed an application for an exception to section 30.09 to exceed the maximum sign area allowed on the same premises and $30.40(2)(\mathrm{c})$ and (e) to allow two secondary signs larger than $10 \%$ of the primary on premises sign located at:

## Scooters Coffee 2757 Prairie Avenue

The following public hearing will be held regarding the proposed exception:

City Plan Commission: Wednesday, July 25, 2023 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.

Anyone bringing handouts to the Plan Commission meeting must bring 10 copies and submit them to City staff before the meeting begins. You may also mail your comments to the attention of Hilary Rottmann at 100 State Street or via email to planning@beloitwi.gov. You may also call (608) 364-6708 to provide your comments over the phone.

LARKSPUR BELOIT LLC
10800 BISCAYNE BLVD STE 300 MIAMI FL 33161

ALIMI, SHAZIMAN
ALIMI, SHEMKA 722 E WATERFORD DR BELOIT WI 53511

STORE MASTER FUNDING VI LLC 8377 E HARTFORD DR STE 100 SCOTTSDALE AZ 85255-5686

LA MANAGEMENT LLC 822 STANFORD AVE LOS ANGELS CA 90021

MMMSE HILL LP MMMSE BEWLEY LP 4910 CAMPUS DR NEWPORT BEACH CA 92660

SMITH, LLOYD B 2953 ECHO PARK DR CASTLE ROCK CO 80104

HANSEN, LARRY \& VICKIE
2743 SCOTTIES DR BELOIT WI 53511

ESQUIVEL, MAYRA 2751 SCOTTIES DR BELOIT WI 53511

CURRY, SALLY M 2759 SCOTTIES DR BELOIT WI 53511

SOKHEY LLC
2770 PRAIRIE AVE BELOIT WI 53511

RESOLUTION 2023-031

## APPROVING AN EXCEPTION TO SECTION 30.09 AND DENYING <br> AN EXCEPTION TO SECTION 30.40(2)(C) OF THE OUTDOOR SIGN REGULATIONS FOR THE PROPERTY LOCATED AT 2757 PRAIRIE AVENUE

WHEREAS, the application of Vicki Schleisner on behalf of Martin Lee LLC for an exception to Section 30.09 of the Outdoor Sign Regulations (Sign Ordinance), to exceed the maximum sign area allowed on same premises and Section 30.40(2)(c) to allow two secondary, on-premise signs larger than 30 square feet in area for the property located at 2757 Prairie Avenue, having been considered by the Plan Commission of the City of Beloit, Wisconsin at a public hearing held for that purpose; and

WHEREAS, the application as submitted meets the criteria for granting an exception as required by Section 30.48(2) of the Sign Ordinance to Section 30.09 but not Section 30.42(2)(c) of the Sign Ordinance.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Plan Commission of the City of Beloit, Rock County, Wisconsin does hereby approve an exception to Section 30.09 of the Sign Ordinance to exceed the maximum sign area allowed on same premises, and does hereby deny an exception to 30.40 (2)(c) of the Sign Ordinance to allow two of the proposed secondary, onpremises sign to exceed 30 square feet in area, or 10 percent of the sign area of the primary, on-premises sign, whichever is less unless a larger sign area is permitted by 30.31(3) for the property located at 2757 Prairie Avenue in the City of Beloit, for the following described premises:

LOT 4 OF CERTIFIED SURVEY MAP DOCUMENT NUMBER 1718381 IN VOLUME 29, PAGES 38-40 OF THE CERTIFIED SURVEY MAPS OF ROCK COUNTY, LOCATED IN THE CITY OF BELOIT, ROCK COUNTY, WISCONSIN (A/K/A 2757 PRAIRIE AVENUE). SAID PARCEL CONTAINS 0.73 ACRES, MORE OR LESS.

Adopted this 5th day of July, 2023.

> PLAN COMMISSION

Mike Ramsden, Chairperson
ATTEST:

Julie Christensen
Community Development Director

