

PUBLIC NOTICE & AGENDA BELOIT PLAN COMMISSION City Hall Forum - 100 State Street, Beloit, WI 53511 7:00 PM Wednesday, January 17, 2024

- 1. CALL TO ORDER AND ROLL CALL
- 2. MINUTES
 - 2.a. Consideration of the minutes of the January 3, 2024 Plan Commission meeting Attachment
- 3. PUBLIC HEARINGS
 - 3.a. Consideration of Resolution 2024-001 approving a Conditional Use Permit to allow warehouse and freight movement in a C-3, Community Commercial District, on a portion of the property located at 1805 Prairie Avenue Attachment
- 4. REPORTS No business to discuss

5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS Extraterritorial Final Plat - Garden Prairie Estates Zoning Map Amendment - 1642 Sixth Street Annexation - 830 W Froebel Drive Annexation - 510 W Froebel Drive

- 6. FUTURE AGENDA ITEMS Zoning Map Amendment - 2211 Prairie Avenue (Meri's) Certified Survey Map - Northstar CSM
- 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, January 3, 2024

1. CALL TO ORDER AND ROLL CALL

Chairperson Ramsden called the meeting to order at 7:00 PM. Commissioners Ramsden, Abarca (at 7:01 PM), Flesch, Jacobsen, Janke, and Councilor Day were present. Commissioners Elliott and Anderson were absent.

2. MINUTES

2.a. **Consideration of the minutes of the December 6, 2023 Plan Commission meeting** Commissioner Jacobsen moved to approve the minutes, seconded by Commissioner Flesch. Motion prevailed, voice vote (4-0).

3. PUBLIC HEARINGS

3.a. Consideration of Resolution 2024-002 approving the Extraterritorial Preliminary Plat of Garden Prairie Estates located on Bartells Drive North of E Whippoorwill Way in the Town of Beloit

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

Chairperson Ramsden opened and closed the public hearing.

Commissioner Flesch moved to approve Resolution 2024-002, seconded by Commissioner Janke. Motion prevailed, voice vote (5-0).

3.b. Consideration of Resolution 2024-001 approving a Conditional Use Permit to allow warehouse and freight movement in a C-3, Community Commercial District, on a portion of the property located at 1805 Prairie Avenue

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

Chairperson Ramsden asked if one of the conditions is to have no outside storage, and he asked about people parking their cars along the building with for sale signs on them. Ms. Christensen said that anyone can park a car in a parking lot, even if it has a for sale sign. Ms. Christensen said if it becomes a problem with multiple cars having for sale signs on them, we could evaluate whether it was a change in use to a car sales lot. Outdoor storage would be prohibited in this Zoning District, however. Commissioner Flesch asked where they plan to have access for the warehousing use. Ms. Christensen said that they were going to use the existing loading dock, and they would be leasing the part of the building with the docks.

Chairperson Ramsden opened and closed the public hearing. Chairperson Ramsden asked if the application was present. Ms. Christensen said that she was not. He indicated that he had some questions for the applicant. Ms. Christensen responded that they could lay it over until the applicant could be available for questions.

Chairperson Ramsden moved to lay over the item, seconded by Commissioner Flesch. Motion prevailed, voice vote (5-0).

4. **REPORTS**

4.a. Consideration of Extraterritorial Final Plat of Garden Prairie Estates located on Bartells Drive North of E Whippoorwill Way in the Town of Beloit Julie Christensen, Community Development Director, presented the staff report and recommendation.

Commissioner Jacobsen moved to approve the Extraterritorial Final Plat, seconded by Commissioner Janke. Motion prevailed, voice vote (5-0).

4.b. Consideration of a request to annex the property located at 830 W Froebel Drive from the Town of Beloit into the City of Beloit

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

Commissioner Abarca moved to approve the annexation of 830 W Froebel Drive, seconded by Commissioner Flesch. Motion prevailed, voice vote (5-0).

4.c. Consideration of request to annex the property located at 510 W Froebel Drive from the Town of Beloit into the City of Beloit Julie Christensen, Community Development Director, presented the staff report and recommendation.

Commissioner Janke moved to approve the annexation of 510 W Froebel Drive, seconded by Commissioner Abarca. Motion prevailed, voice vote (5-0).

5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS

Ms. Christensen updated the Plan Commission on actions taken by City Council related to an item previously reviewed by Plan Commission.

6. FUTURE AGENDA ITEMS

Julie Christensen outlined the future agenda items.

7. ADJOURNMENT

Commissioner Jacobsen made a motion to adjourn the meeting, seconded by Commissioner Abarca at 7:20 PM. Motion carried, voice vote (5-0).

Mike Ramsden, Chairperson



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: January 17, 2024Agenda Item: 3.a.File Number: CU-2024-01

General Information

Applicant: Karen Wahl

Owner: Wahl's Appliances

Address/Location: 1805 Prairie Avenue

Applicant's Request: The applicant has applied for a Conditional Use Permit to allow for *warehouse and freight movement* in the C-3, Community Commercial District, for a portion of the property located at 1805 Prairie Avenue.

Background

The owner of the building located at 1805 Prairie Avenue intends to divide the southern part of the building, which spans 15,000 square feet into its own space for lease. They would like the ability to market the property for warehousing and freight movement services. *Warehouse and Freight Movement* is only allowed in the C-3, Community Commercial District if reviewed and approved under the Conditional Use Permit procedures.

Staff Analysis

Existing Conditions: The subject property is zoned C-3, Community Commercial District, with frontage and access along Prairie Avenue. The 4.6-acre lot includes a surface parking lot and a 41,000-square-foot commercial building that has most recently been used as a home appliance store.

Surrounding Land Use and Zoning: The properties to the north and south are commercial strip malls zoned C-2, Neighborhood Commercial, and C-3, Community Commercial. To the east are single-family homes zoned R-1A, Single-Family Residential. To the west is a mix of commercial and residential uses zoned C-2, Neighborhood Commercial; R-2, Two-Family Residential; and R-1A, Single-Family Residential.

Public Notice

In addition to a Class 2 Newspaper Notice published in the Beloit Daily News on December 20th and December 27th, the attached Public Notice was mailed to surrounding property owners. A couple of residents have contacted staff: one supported the applicant's request and the other

has concerns about the future tenant and how the exterior of the site may be used for parking and outside storage.

City of Beloit Comprehensive and Strategic Plan: The City's Comprehensive Plan recommends *Planned Mixed Use* for the subject property. Section 66.1001(2m)(b) of Wisconsin Statutes specifies that conditional use permits do not need to be consistent with the Comprehensive Plan.

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

Review Agent Comments: A copy of the application was sent to City of Beloit staff and utility contacts. Planning staff did not receive comments.

Findings of Fact: Based on Section 2-504 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - Subject to certain conditions of approval, the proposed conditional uses will not be detrimental to or endanger the public health, safety, morals, comfort, or general 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;
 - The conditional use will not injure the use or enjoyment of nearby properties. All adjacent property owners have been notified of the request.
- c. Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;
 - The conditional use will not impair the neighborhood, and a business will occupy an underused commercial space.
- 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 applicant does not plan to alter the architectural design, layout of the site, or exterior of the building. Conditions of approval will be recommended to alleviate exterior nuisance concerns.
- 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;
 - The property already has the necessary utilities and facilities.
- g. Whether adequate measures will be taken to minimize traffic congestion; and
 - The proposed use is not anticipated to increase traffic congestion, and the site has ample parking to accommodate an additional tenant.
- h. Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.

• The proposed use will comply with all other applicable regulations.

STAFF RECOMMENDATION:

The Planning and Building Services Division recommends **approval** of a Conditional Use Permit to allow for *warehouse and freight movement* in the C-3, Community Commercial District, for a portion of the property located at 1805 Prairie Avenue. based on the above Findings of Fact and subject to the following conditions:

Ordinance Requirements

- 1. In accordance with Section 7.23 of the Property Maintenance Code, no junk, equipment, tires, trailers, or other unsightly items may be stored outside at any time to prevent blight.
- 2. In accordance with Section 8-103 of the Zoning Ordinance, the applicant shall provide access to at least one off-street parking stall per employee.
- 3. In accordance with Section 34.02 of the Architectural Review and Landscape Regulations, Section 2-600 of the Zoning Ordinance, and Section 9.12 of the Building Code; The applicant shall obtain an Architectural Review Certificate, Certificate of Zoning Compliance, and Building Permit before beginning construction.
- 4. In accordance with Section 8-600 of the Zoning Ordinance, outdoor storage is prohibited.
- 5. In accordance with Section 2-511 of the Zoning Ordinance, if the conditional use has not been established within one year after the date of issuance of the permit, then without further action by the Plan Commission and without further notice to the applicant, the conditional use permit shall lapse and become null and void.

Permit Conditions:

- 1. This Conditional Use Permit allows warehouse and freight movement in the south 15,000 square feet of the building located at 1805 Prairie Avenue, in a C-3 Community Commercial District, 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 by amending this Conditional Use Permit. The Director of Planning and Building Services may approve minor changes administratively.

ATTACHMENTS: Resolution 2024-002, Conditional Use Permit Decision Form, Site Zoning Map, Building Exhibit, Application, Public Notice and Mailing List.

RESOLUTION 2024-002

APPROVING A CONDITIONAL USE PERMIT TO ALLOW WAREHOUSING AND FREIGHT MOVEMENT FOR A PORTION OF 1805 PRAIRIE AVENUE

WHEREAS, the application of Karen Wahl on behalf of Wahl Appliance for a Conditional Use Permit to allow for *warehouse and freight movement* in the C-3, Community Commercial District for a portion of the property located at 1805 Prairie Avenue having been considered by the Plan Commission of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the Plan Commission of the City of Beloit, Rock County, Wisconsin does hereby grant a Conditional Use Permit to allow *warehouse and freight movement* in the C-3, Community Commercial District, for a portion of the property located at 1805 Prairie Avenue in the City of Beloit, in the area described in the attached legal description and exhibit for the following premises:

LOTS 1 AND 2 OF CERTIFIED SURVEY MAP RECORDED IN VOLUME 16, PAGES 22 AND 23 CITY OF BELOIT, ROCK COUNTY, WISCONSIN. CONTAINING 4.6 ACRES, MORE OR LESS. A/K/A 1805 PRAIRIE AVENUE.

As a condition of granting the Conditional Use Permit, the Plan Commission does hereby stipulate the following conditions and restrictions upon the Conditional Use, which are hereby deemed necessary for the public interest:

- 1. This Conditional Use Permit allows warehouse and freight movement for the south 15,000 square feet of the building located at 1805 Prairie Avenue, in a C-3 Community Commercial District 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 by amending this Conditional Use Permit. The Director of Planning and Building Services may approve minor changes administratively.

BE IT FURTHER RESOLVED that the applicant is formally advised of the following additional ordinance requirements:

- 1. In accordance with Section 7.23 of the Property Maintenance Code, no junk, equipment, tires, trailers, or other unsightly items may be stored outside at any time to prevent blight.
- 2. In accordance with Section 8-103 of the Zoning Ordinance, the applicant shall provide access to at least one off-street parking stall per employee.

- In accordance with Section 34.02 of the Architectural Review and Landscape Regulations, Section 2-600 of the Zoning Ordinance, and Section 9.12 of the Building Code; The applicant shall obtain an Architectural Review Certificate, Certificate of Zoning Compliance, and Building Permit before beginning construction.
- 4. In accordance with Section 8-600 of the Zoning Ordinance, outdoor storage is prohibited.
- 5. In accordance with Section 2-511 of the Zoning Ordinance, if the conditional use has not been established within one year after the date of issuance of the permit, then without further action by the Plan Commission and without further notice to the applicant, the conditional use permit shall lapse and become null and void.

Adopted this 17th day of January 2024.

PLAN COMMISSION

Mike Ramsden, Chairperson

ATTEST:

Julie Christensen Community Development Director

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. In accordance with Section 7.23 of the Property Maintenance Code, no junk, equipment, tires, trailers, or other unsightly items may be stored outside at any time to prevent blight.

Substantial Evidence: All exterior property areas shall be maintained and will comply with the standards contained within Section 7.23 of the Code of General Ordinances.

2. In accordance with Section 8-103 of the Zoning Ordinance, the applicant shall provide access to at least one off-street parking stall per employee.

Substantial Evidence: The proposed development is required by ordinance to comply with the parking requirements contained in the Zoning Ordinance.

3. In accordance with Section 8-600 of the Zoning Ordinance, outdoor storage is prohibited.

Substantial Evidence: Section 8-600 of the Zoning Ordinance prohibits outdoor storage in the C-3, Community Commercial District.

4. In accordance with Section 34.02 of the Architectural Review and Landscape Regulations, Section 2-600 of the Zoning Ordinance, and Section 9.12 of the Building Code; The applicant shall obtain an Architectural Review Certificate, Certificate of Zoning Compliance, and Building Permit before beginning construction.

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

5. In accordance with Section 2-511 of the Zoning Ordinance, if conditional use has not been established within one year after the date of issuance of the permit, then without further action by the Plan Commission and without further notice to the applicant, the conditional use permit shall lapse and become null and void.

Substantial Evidence: Standardized condition that outlines the regulation for establishing a Conditional Use Permit.

Does the applicant meet **all** of the ordinance requirements? No Xes, if the ordinances above are met.

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 warehouse and freight movement for the south 15,000 square feet in a C-3 Community Commercial District, at 1805 Prairie Avenue. As shown on the attached site plan.

Substantial Evidence: *Warehouse and Freight Movement* in the C-3, Community Commercial District is only allowed if reviewed and approved by the Conditional Use Permit procedures.

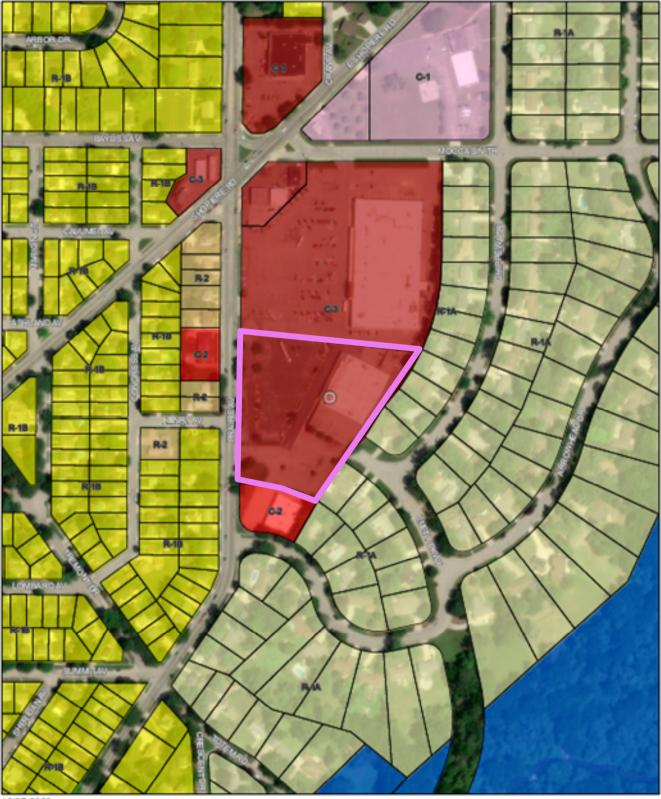
2. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission by amending this Conditional Use Permit. The Director of Planning and Building Services may approve minor changes administratively.

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:

City of Beloit Zoning Map

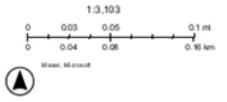


12/27/2023

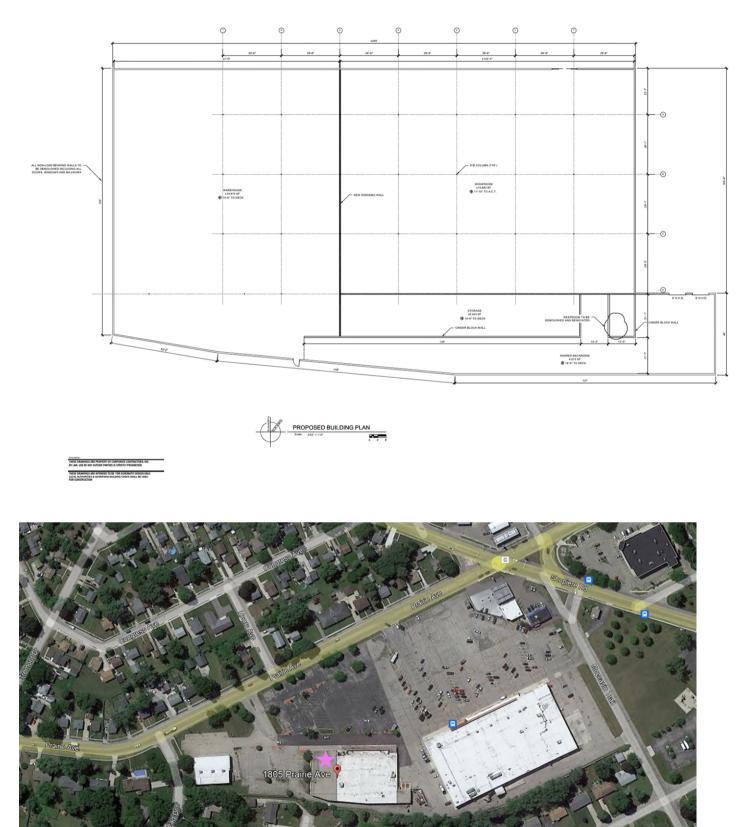


High Resolution 60cm Imagery High Resolution 30cm Imagery Citations

60cm Resolution Metadata







CITY of BELOIT

Planning and Building Services Division 100 State Street, Beloit, WI 53511 Phone: (608) 364-6700 Fax: (608) 364-6609

10	Conditional Use Permit Application					
(P1	ease Type or Print) File Number: U-004-0					
1.						
	Legal description: Deed Attached					
_	If property has not been subdivided, attach a copy of the complete legal description from deed.					
	Property dimensions are: feet by feet = square feet.					
	If more than two acres, give area in acres: Arand 5 acres acres.					
3.						
4.	Owner of record: Daha + Karen Wahl Phone: 608 481-2472					
	(Address) E. Creek Rd Beleit WI 53511 (Address) (City) (State) (Zip)					
5.	Applicant's Name: Kuren J Wahl & Dana Wahl					
	<u>3629 E. Creek that Beleit wit 5351</u> (Address) (City) (State) (Zip)					
	608 365-4920 1608 481-2472 K. J. Wahl 4 @ gmail. Co (Office Phone #) (Cell Phone #) (E-mail Address)					
6.	All existing use(s) on this property are: <u>Sales + Service For Appliances</u> <u>Furnitional & Matters</u>					
7.	THE FOLLOWING ACTION IS REQUESTED:					
	A Conditional Use Permit for: Wahl'S Appliance The.					
	Beleit WI in a(n) Attached Dech Zoning District.					
8.	All the proposed use(s) for this property will be:					
	Principal use: Wahl's Appliance as it is now.					
	Secondary use: Section off for lease pussible					
3	sales or ware house Storage					

Accessory use:__

City of Beloit Conditional Use Permit Application Form (continued)

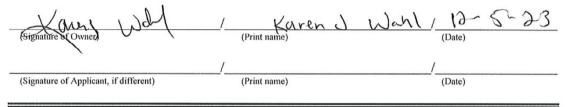
9. Project timetable: Start date: Completion date:

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

- (f) Owner
- () Leasehold, length of lease: _____
- () Contractual, nature of contract:
- () Other, explain:

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

I/We, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/We represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/We also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.



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: $1/3$ 300.00 No. of notices: x mailing cost ($\$0.50$) = cost of mailing notices: $\$$ Application accepted by: $10/8/3^2$ Date: $10/8/3^2$					
Planning Form No. 12 Feta	liched: January 1008	(Revised: January 2022)	Dage 2 of 2		

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NOTICE TO THE PUBLIC

December 20, 2023

To Whom It May Concern:

Karen Wahl, on behalf of Wahl's Appliances, has applied for a Conditional Use Permit to allow warehouse and freight movement in a C-3, Community Commercial District, for a portion of the property located at:

1805 Prairie Avenue

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

<u>City Plan Commission</u>: Wednesday, January 3, 2024, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

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 <u>planning@beloitwi.gov</u>. You may also call (608) 364-6708 to provide your comments over the phone.

Owner Blaine E. Oxenreider **Spelius Family Trust** Luis Z. Montes Harold Holmes Jane Ehlers Wahl's Appliances Terry V. Phillips Scotty Phillips Brian G. Snyder Michael B. Henthorn Linda B. Henthorn Ladder Property Ventures, LLC Wanda Purifoy Bruce A. Wilterdink Nancy Aka Naomi J. Wilterdink Siekierski Revocable Trust Terry V. Phillips Penny M. Thomas **PJR Properties, LLC** Cabin Fever Enterprise, LLC L Henley Christopher J. Henley Nathan J. Najdowski Laurentina Cuellar-Juarez Samra Investments, Inc Kim R. Wall Julie A. Gram LeFeber Enterprises, LLC Richard A. Oster Lauro Perez Lavariega

Owner Address

1818 Chippewa Trl Beloit, WI 53511-3818 1727 Arrowhead Dr Beloit, WI 53511-3807 1752 Prairie Ave Beloit, WI 53511-3756 1934 Luety Pkwy Beloit, WI 53511-3828 3629 E Creek Rd Beloit, WI 53511-7915 1802 Prairie Ave Beloit, WI 53511-3758 1437 E L T Townline Rd Janesville. WI 53546-9527 1800 Chippewa Trl Beloit, WI 53511-3818 828 E Nakoma Ct Beloit, WI 53511-2128 1810 Chippewa Trl Beloit, WI 53511-3818 1503 Cleveland St Beloit, WI 53511-3324 1632 Garfield Ave Beloit, WI 53511-3331 1802 Prairie Ave Beloit, WI 53511-3758 1153 Lee St Unit 109 Des Plaines, IL 60016-6516 PO Box 861 Beloit, WI 53512-0861 1952 Luety Pkwy Beloit, WI 53511-3828 4328 W Plymouth Church Rd Beloit, WI 53511-9307 823 4th St Algoma, WI 54201-1347 1985 Pebble Dr Beloit, WI 53511-6721 3886 S Lake Dr St Francis, WI 53235-5229 1830 Chippewa Trl Beloit, WI 53511-3818 637 Wisconsin Ave Beloit, WI 53511-6473 1723 Arrowhead Dr Beloit, WI 53511-3807 1748 Prairie Ave Beloit, WI 53511-3756