

MINUTES
BELOIT CITY PLAN COMMISSION
Wednesday, February 20, 2013
The Forum, Beloit City Hall
100 State Street, Beloit

1. **Call to Order and Roll Call**

Chairperson Ramsden called the meeting to order at 7:00 PM. Gail Riddle called the roll. Present was Chairperson Ramsden, Commissioner Jacobsen, Commissioner Moore, Commissioner Faragher, and Commissioner Kincaid. Commissioner Smith, Commissioner Kelly, and Commissioner Seifarth were absent.

2. **Approval of the Minutes of the February 6, 2013 Meeting**

Commissioner Faragher moved and Commissioner Moore seconded a motion to approve the February 6, 2013 minutes. The minutes were approved, with a vote of 4-0.

3. **Appointment of a Plan Commission member to the Greater Beloit Economic Development Corporation**

Commissioner Moore made a motion to nominate Commissioner Jacobsen to the Greater Beloit Economic Development Corporation and the motion was seconded by Commissioner Faragher. The motion carried, with a vote of 4-0.

4. **Certified Survey Map – Beloit Memorial Hospital – 1650 Lee Lane**

Review and consideration of a two-lot Certified Survey Map for the property located at 1650 Lee Lane in the City of Beloit.

Commissioner Jacobsen had to abstain from voting on this item because of a conflict of interest, so it was laid over because of lack of quorum.

5. **Certified Survey Map – Terrapin Acres Corp – South Petter Road**

Review and consideration of a one-lot Certified Survey Map for the property located on South Peter Road south of County Trunk J in the Town of Turtle.

Ms. Christensen summarized the staff report and recommendation.

Commissioner Faragher moved and Commissioner Jacobsen seconded a motion to approve the Certified Survey Map. The motion carried. (4-0)

6. **Zoning Text and Map Amendment – Wellhead Protection Ordinance**

Public hearing, review and consideration of a Zoning Ordinance Text Amendment to create Section 5-800 of the Zoning Ordinance to be known as the Wellhead Protection Ordinance, and to create a Map Amendment which would establish a Wellhead Protection Overlay District.

Harry Mathos, Director of Water Resources, presented a brief PowerPoint on the Wellhead Protection Ordinance. Mr. Mathos also gave an explanation of the purpose of the Wellhead Protection Ordinance and the details of who would be impacted by the adoption of the Ordinance.

Commissioner Jacobsen asked Ms. Christensen for clarification on the areas that impacted by the Wellhead Protection Ordinance, explaining that the Wellhead Protection Ordinance would have no impact on single-family residential properties.

Chairperson Ramsden opened the Public Hearing.

Jason Braun, property owner of 510 & 522 Broad St, and 524 St. Paul, stated that he was opposed to the Wellhead Protection Ordinance as proposed. He explained that he had spoken to staff at the Wisconsin Department of Natural Resources (DNR), and they had indicated that this ordinance was voluntary and not mandated by them. Ms. Christensen commented that from her understanding this would not be voluntary, but a requirement around all the City's wells. Mr. Braun commented that he would like for the Board to take into consideration the potential land value and what would happen to the properties in future generations. He also asked whether a new conditional use permit would be required every time the property sold. Ms. Christensen commented that a Conditional Use Permit goes with the property and once it is established it stays in place forever.

Harry Mathos, Director of Water Resources, explained that the City had received a letter from DNR on July 11, 2011, stating that the City would be required to adopt a Wellhead Protection Ordinance for all wells within 18 months, and that the City had already gotten an extension to ensure that they had gotten everything right within the ordinance.

Mike Kellicut, business owner of 2601 Park Avenue, wanted to know if this would apply in the Township. Ms. Christensen answered that the City Manager had indicated that we impose the same requirements in the towns because they are part of the City's Water Utility.

Commissioner Ramsden asked Mr. Kellicut what the Wellhead Protection Ordinance would require of him that is not already required. Mr. Kellicut commented that he does not really understand it himself, but if he has to go through the Conditional Use and do environmental studies, it would be an additional expense on him as a

small business owner. Ms. Christensen commented that unless he is expanding or re-building it would have no effect on him.

Chris Proctor, property owner of 631 St. Paul Avenue, asked how much the studies would cost and how long the studies would take to complete. Ms. Christensen commented that right now the ordinance does not have a cap on cost and that they would have to get bids. Mr. Mathos commented that he would make some contacts related to the costs and get estimates.

Tom Pohlman, property owner of 2785 Park Avenue, stated that his concerns were related to the cost and the potential loss of business because of the additional burdens. Mr. Pohlman said that with no limitations on professional fees, this could be crippling to smaller businesses. Another concern for Mr. Pohlman would be the Conditional Use Permit burden which could be an enormous expense to any business. Mr. Pohlman commented that it is difficult with the way it is worded to predict a cost but does not feel this would be an acceptable amount.

Roger Kimmon, property owner of 2549 Park Avenue, asked if the City knew how many businesses were affected. Ms. Christensen said that she thinks it is about 200 businesses. Mr. Kimmon said that his concern was that they did not know the cost of analysis and that the cost would mainly fall on the small business owner. Mr. Kimmon stated that another concern is that now technically one of his properties is worthless because this would limit what he can do with it and who can be there.

Commissioner Ramsden asked Mr. Kimmon if he now has certain rules from DNR on what he can and cannot do. Mr. Kimmon stated that yes he does, but they are not audited or checked.

Fred Braun, property owner of 510 Broad St., wanted to know if the July 11, 2011 letter available for public viewing. Ms. Christensen answered that she would get a copy for him later.

Ted House, 701 White Avenue, representing Fairbanks Morse, commented that they are half in and half out of the district and wanted to know how this would apply to them. Mr. Mathos said that he would assume that the ordinance would apply to the entire site.

Patrick Bliss, 2581 Park Avenue, stated that he wanted the City to know that they are regulated with their solvents, oil and antifreeze and are environmentally controlled to a certain extent.

Chairperson Ramsden closed the Public Hearing.

Commissioner Jacobsen commented that she thinks it is great that so many concerned citizens came out to help work through this. Ms. Jacobsen asked if the Board has the authority to recommend other things that should move to the other list and Ms. Christensen answered that they could.

Mr. Mathos commented that most businesses are already covered and this would just enhance their operation.

Commissioner Ramsden said that he feels the City should give some consideration to the people affected and try to minimize the cost.

Commissioner asked about the Town of Beloit following along with the City on this ordinance. Mr. Mathos read clause 26A, referencing the Water Utility agreement with the Town of Beloit, which contains a cooperative planning clause that calls for master planning and cooperative effort regarding future developments in relationship with water resources.

Commissioner Moore asked if the compliance letter to comply would be going out to the town just as it did to the City. Mr. Mathos answered that they would not necessarily be contacted because the City owns the water utility.

Commissioner Faragher moved and Commissioner to adopt the Zoning Text and Map Amendment with additional requests to set limitations on consultant fees in the ordinance, review the permitted and conditional uses in order to allow as many existing uses as possible, and to make sure that the requirements contained in Section 5-812 are not onerous and unreasonable or duplicate existing requirements. Commissioner Jacobsen seconded the motion. The motion carried, with a vote of 4-0.

7. **Connections: City Center Plan**

Review and consideration of the Connections: City Center Plan

Ryan Garcia, Schreiber Anderson and Associates, presented a PowerPoint on the details of the Connections: City Center Plan. Mr. Garcia stated that the plan is a great opportunity for the City of Beloit and South Beloit to work together and will benefit both communities.

Commissioner Ramsden commented that he thinks the overall concept is really good.

Commissioner Faragher inquired about the junkyard on the Stateline, and Mr. Garcia commented that they do recognize them as a business and a place of employment, as well as other businesses in the area.

Commissioner Faragher moved and Commissioner Moore seconded approval of the Connections: City Center Plan. The motion carried.

8. **Status Report on Prior Plan Commission Items**

Ms. Christensen stated that the Conditional Use Permit for alcohol sales at 1623 Park Avenue was denied. The Rezoning for Lee Lane Park was approved. A Public Hearing was held on the Comprehensive Plan Amendment for the Hackett School site and 501 Prospect. Action will take place on these two items at the next City Council meeting. The Comprehensive Plan Amendment for 20 Park Avenue was withdrawn.

9. **Adjournment**

The meeting adjourned at 8:45 PM.

Respectfully submitted,
Gail Riddle