



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MEETING NOTICE AND AGENDA**  
**Beloit City Plan Commission**  
**Wednesday, October 9, 2013 at 7:00 PM**  
**The Forum**  
**Beloit City Hall, First Floor**  
**100 State Street, Beloit**

1. **Call to Order and Roll Call**
2. **Approval of the Minutes of the September 18, 2013 Meeting**
3. **Comprehensive Plan Amendment – 903 and 911 East Grand Avenue**  
Public hearing, review and consideration of an amendment to the Future Land Use Map of the City's Comprehensive Plan from Office to Neighborhood Commercial for the properties located at 903 and 911 East Grand Avenue
4. **Zoning Map Amendment – 903 and 911 East Grand Avenue**  
Public hearing, review and consideration of a Zoning Map Amendment from C-1, Office District, to C-2, Neighborhood Commercial District, for the properties located at 903 and 911 East Grand Avenue
5. **Conditional Use Permit – 856 Fourth Street**  
Public hearing, review and consideration of a Conditional Use Permit to allow vehicle repair in the CBD-2, Central Business District-Fringe, for the property located at 856 Fourth Street
6. **Preliminary Subdivision Plat – Elmwood Commons**  
Public hearing, review and consideration of a 38-lot Preliminary Subdivision Plat called Elmwood Commons for property located at 1715 Elmwood Avenue in an R-2, Two-Family Residential District
7. **Planned Unit Development – 2850 & 2900 Milwaukee Road and 1865 Branigan Road**  
Public hearing, review and consideration of Planned Unit Development – Master Land Use Plan for the properties located at 2850 & 2900 Milwaukee Road and 1865 Branigan Road
8. **Zoning Map Amendment – 2850 & 2900 Milwaukee Road and 1865 Branigan Road**  
Public hearing, review and consideration of a Zoning Map Amendment to change the zoning district classification from C-3, Community Commercial District, to PUD, Planned Unit Development District, for the properties located at 2850 & 2900 Milwaukee Road and 1865 Branigan Road

\*\*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

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

10. **Adjournment**

If you are unable to attend this meeting, please contact Gail Riddle in the Planning Office at 364-6700 **no later than 4:00 PM the day before the meeting.**

Notice Mailed: October 4, 2013

Approved: Julie Christensen  
Community Development Director



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MINUTES**  
**BELOIT CITY PLAN COMMISSION**  
**Wednesday, September 18, 2013**  
**The Forum, Beloit City Hall**  
**100 State Street, Beloit**

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

Chairperson Faragher called the meeting to order at 7:04 PM. Gail Riddle called the roll. Present were Commissioners Jacobsen, Kelly, Nee, and Ruster. Commissioners Moore and Kincaid were absent.

2. **Approval of the Minutes of the September 4, 2013 Meeting**

Commissioner Jacobsen moved and Commissioner Kelly seconded a motion to approve the September 4, 2013 minutes. The minutes were approved (5-0).

3. **Architectural Review Exception – 105 Dearborn Street – Cornellier’s**

Public hearing, review and consideration of an Exception to Section 34.15(1) of the Architectural Review and Landscape Code to allow more than 25 percent of the exterior surface of the walls on a non-industrial building to be metal.

Julie Christensen stated that after receiving the Staff report and Staff recommendation, the applicant withdrew their application for an Exception.

4. **Conditional Use Permit – 622 Broad Street**

Public hearing, review and consideration of an amendment to an existing Conditional Use Permit (CU-2007-13) to allow one additional room in an existing boarding house in a C-3, Community Commercial District, for the property located at 622 Broad Street.

Ms. Christensen summarized the Staff Report and Staff Recommendation.

Chairperson Faragher opened the Public Hearing.

Joshua Manthi, 1425 Holly Drive, Janesville, was present on behalf of Jerry Fagerstrom, the owner of the property. Mr. Manthi commented that he does all the maintenance at 622 Broad Street and that the plan is to divide the double room into one single room.

Commissioner Nee asked for clarification on where the eight parking spaces were located. Ms. Christensen stated that staff would verify that there is the required number of parking spaces.

Chairperson Faragher closed the Public Hearing.

Commissioner Nee moved to approve the Conditional Use Permit with the staff recommendation and Commissioner Ruster seconded the motion. The motion was approved (5-0).

5. **Conditional Use Permit – 201 Short Street – Rose’s**

Public hearing, review and consideration of a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, and consumption of alcohol in a C-3, Community Commercial District, for the property located at 201 Short Street.

Ms. Christensen summarized the Staff Report and Recommendation.

After some discussion on the height of the fence, Chairperson Faragher opened and closed the Public Hearing.

Following more discussion on the fence and greenery for 201 Short Street, the Commissioners decided to modify the staff-recommended conditions. The Commission was concerned with how the outdoor seating area would look from Broad Street.

Commissioner Nee moved to approve the Conditional Use Permit with an amendment for the fence height to be 4 feet and a minimum of two plants with live plant material being required on the outside corners of the fence. Commissioner Kelly seconded the motion. The motion carried (5-0).

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

Julie Christensen reported that the City Council approved 1119 Broad Street Conditional Use Permit with a modification not to require the commercial grade window.

7. **Adjournment**

The meeting adjourned at 8:00 PM.

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: October 9, 2013

Agenda Item: 3

File Number: RPB-2013-11

### Request Overview/Background Information:

William & Dianne Zawadzki have submitted an application requesting two amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan. Wisconsin's Comprehensive Planning Law, §66.1001 of the Wisconsin Statutes, was signed into law in 1999. Comprehensive Plans are intended to guide development and redevelopment over a 20-year timeframe. The law also requires that land use decisions be consistent with the plan. The Beloit City Council approved the City's Comprehensive Plan in March 2008 and established a process for amendments (minor changes) to the Comprehensive Plan on February 1, 2010. If the Plan Commission votes to recommend approval of the proposed amendments, the attached Resolution will be forwarded to the City Council for consideration on November 18, 2013.

### Key Issues:

- The applicants are requesting the following amendments to the Future Land Use Map (Map 10):
  - 903 & 911 E. Grand Avenue – From Office to Neighborhood Commercial.
- The following table describes the status of the subject properties:

Property	Current Use	Zoning	Ac	Future Land Use	Proposed Future Land Use
903 E. Grand Ave	Nhbd Commercial	C-1	0.19	Office	Neighborhood Commercial
911 E. Grand Ave	Vacant Building	C-1	0.16	Office	Neighborhood Commercial

- The applicants have also submitted a Zoning Map Amendment (rezoning to C-2) application for the subject properties.
- The applicants own the vacant commercial structure located at 911 E. Grand Avenue, which they are attempting to lease to a retail sales-oriented business. Retail sales-oriented uses are prohibited in the C-1 district, but permitted by-right in the C-2 district. Both properties are located in the WPO, Wellhead Protection Overlay District.
- When the applicants approached Planning staff regarding the possibility of rezoning their property to C-2, Planning staff advised the applicant of the need to partner with an adjacent property owner to avoid a spot zoning situation.
- The owner of the adjacent commercial building located at 903 E. Grand Avenue co-signed the application. The 903 property has legal nonconforming status as a retail sales use in the C-1 district.
- **Land Use Analysis**
  - The proposed amendments will create a small Neighborhood Commercial District at the intersection of two arterial streets, adjacent to a large C-1, Office District. Surrounding uses include a park, office buildings, two-family dwellings, and multi-family dwellings.
  - The uses that are allowed in the Neighborhood Commercial district include a variety of retail sales & service uses, as exemplified by the floral shop & home furnishings store already operating at 903 E. Grand Avenue.
  - Potentially incompatible uses such as vehicle repair & taverns are not permitted in the C-2 district.
  - Planning staff supports the establishment of a small commercial district in this location that will meet the needs of the neighborhood, while utilizing an existing vacant structure.

### Consistency with Comprehensive Plan and Strategic Plan:

- This request is consistent with the Comprehensive Plan and supports Strategic Goal #5.

### Sustainability:

- **Reduce dependence upon fossil fuels** – The subject properties are within walking distance of existing dwellings.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

### Staff Recommendation:

The Planning & Building Services Division recommends **approval** of the following proposed amendments to the Future Land Use Map (Map 10) of the City's Comprehensive Plan:

1. 903 & 911 E. Grand Avenue – From Office to Neighborhood Commercial.

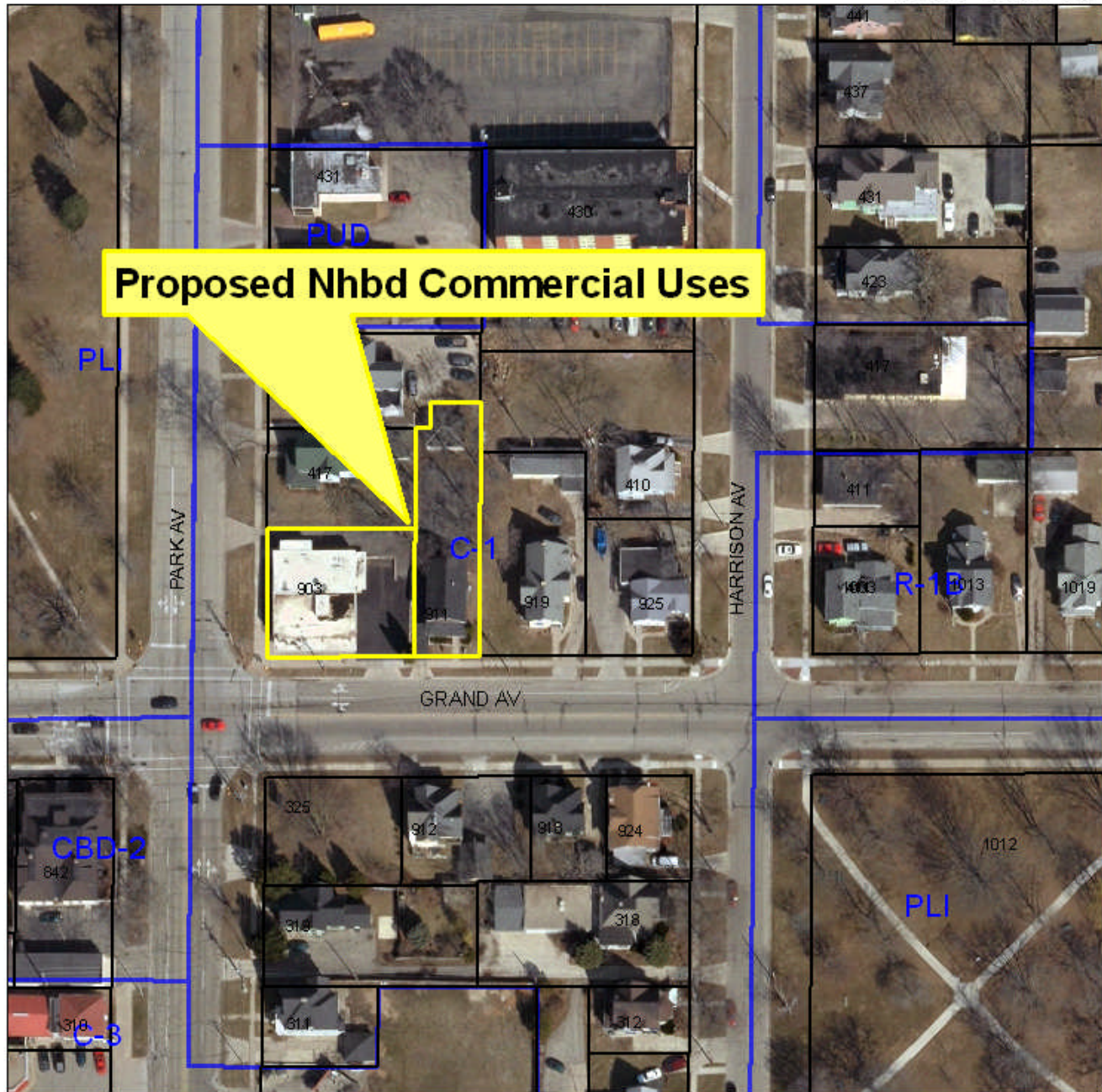
**Fiscal Note/Budget Impact:** N/A

**Attachments:** Location & Zoning Map, Future Land Use Map, Public Notice, Mailing List, and Resolution.

# Location & Zoning Map

903 & 911 E. Grand Avenue

RPB-2013-11



1 inch = 94 feet  
0 20 40 80 120 Feet

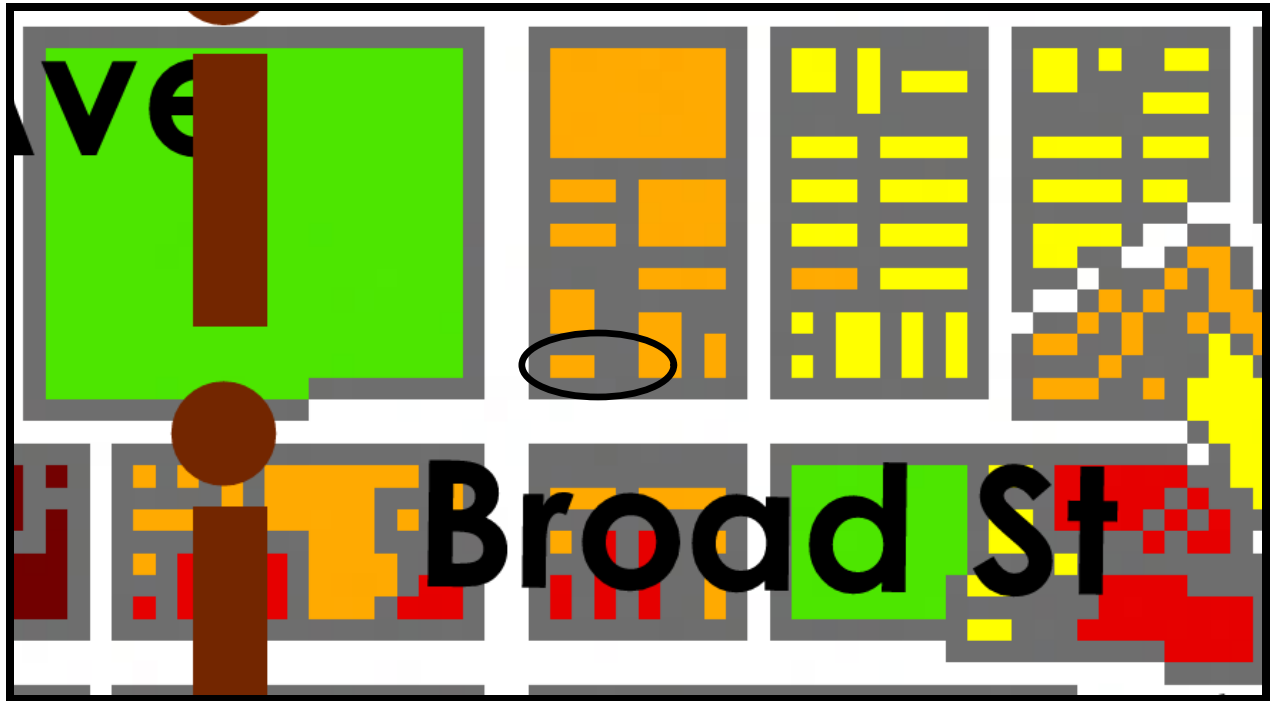
**Legend**

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington  
Date: September 2013  
For: City of Beloit Planning & Building  
Date of Aerial Photography: March 2011

## PLANNING & BUILDING SERVICES DIVISION

# Map 10, Future Land Use (Subject Properties Are Circled)





## NOTICE TO THE PUBLIC

September 17, 2013

To Whom It May Concern:

William & Dianne Zawadzki have submitted an application requesting the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 903 & 911 E. Grand Avenue – From Office to Neighborhood Commercial.

Information regarding the location, zoning, and land use of these properties is available for public review in the Planning & Building Services Division on the third floor of City Hall, 100 State Street.

The following public meetings will be held regarding the proposed amendments:

**City Plan Commission:** Wednesday, October 9, 2013, 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 (Public Hearing):** Monday, November 18, 2013, 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 MEETINGS.**

**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 in the Planning & Building Services Division at (608) 364-6711 or [penningtond@ci.beloit.wi.us](mailto:penningtond@ci.beloit.wi.us). Comments will be accepted via telephone, email, and U.S. Mail.*



Karry DeVault, Clerk  
Town of Beloit  
2871 S. Afton Rd.,  
Beloit 53511

Frank Management Inc.  
2501 Morse Street  
Janesville, WI 53545

Janelle Marotz  
School District of Beloit  
1633 Keeler Avenue  
Beloit, WI 53511

Deb Bennett, Clerk  
Town of Turtle  
6916 S. County Rd. J.  
Beloit, WI 53511

Rock County Planning Director  
Rock County Courthouse, Room 266  
51 South Main Street,  
Janesville, WI 53545

Dr. Dennis McCarthy  
Beloit-Turner School District  
1237 Inman Parkway  
Beloit, WI 53511

City Clerk  
City of South Beloit  
519 Blackhawk Blvd. Suite 2  
South Beloit, IL 61080

Dr. Pamela Kiefert, Superintendent  
Clinton Community School District  
112 Milwaukee Road  
Clinton, WI 53525

Library Director  
Beloit Public Library  
605 Eclipse Boulevard  
Beloit, WI 53511

Peter Herreid, Grant Administrator  
Department of Administration  
101 E. Wilson Street, 10th Floor  
Madison, WI 53702-0001

Brad Austin  
Corporate Contractors Inc.  
655 3<sup>rd</sup> Street, Suite 101  
Beloit, WI 53511

**RESOLUTION  
RECOMMENDING APPROVAL OF AMENDMENTS TO THE  
CITY OF БЕЛОIT COMPREHENSIVE PLAN**

**WHEREAS**, the Plan Commission of the City of Beloit recommended approval of the Comprehensive Plan of the City of Beloit (the Plan) on January 23, 2008, and the City Council of the City of Beloit approved an Ordinance adopting the Plan on March 17, 2008; and

**WHEREAS**, the Plan may be amended and changed in the years following adoption, particularly in instances where the Plan is becoming irrelevant or contradictory to emerging policies or trends, or does not provide specific advice or guidance on an emerging issue; and

**WHEREAS**, “Amendments” are generally defined as minor changes to the Plan’s maps or text; and

**WHEREAS**, the City Council of the City of Beloit approved a Resolution to Adopt a Process for Amending the City of Beloit Comprehensive Plan on February 1, 2010; and

**WHEREAS**, the approved process directs the Plan Commission to hold a public meeting on the proposed amendments, and following said public meeting, make a recommendation by Resolution to the City Council by majority vote of the entire Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Plan Commission of the City of Beloit, Rock County, Wisconsin, hereby recommends approval of the following amendments to the Future Land Use Map (Map 10) of the City of Beloit Comprehensive Plan:

1. 903 & 911 E. Grand Avenue – From Office to Neighborhood Commercial.

Adopted this 9<sup>th</sup> day of October, 2013.

\_\_\_\_\_  
James Faragher, Plan Commission Chairman

ATTEST:

\_\_\_\_\_  
Julie Christensen,  
Community Development Director

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



<b>Meeting Date:</b> October 9, 2013	<b>Agenda Item:</b> 4	<b>File Number:</b> ZMA-2013-12
<b>Applicant:</b> William & Dianne Zawadzki	<b>Owner:</b> Ronald & Lily Dickinson and William & Dianne Zawadzki	<b>Location:</b> 903 & 911 E. Grand Avenue
<b>Current Zoning:</b> C-1, Office District & WPO, Wellhead Protection Overlay	<b>Existing Land Use:</b> Neighborhood Commercial & Vacant	<b>Parcel Size:</b> 0.19 Acre & 0.16 Acre

### Request Overview/Background Information:

William & Dianne Zawadzki have submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the properties located at 903 & 911 E. Grand Avenue. The attached **Location & Zoning Map** shows the location of the subject properties and the zoning of the surrounding area. The Zoning Ordinance directs the Plan Commission to make a recommendation regarding a Zoning Map Amendment when the specific site and context are suitable for the uses permitted in the proposed zoning district.

### Key Issues:

- The applicants own the vacant commercial structure located at 911 E. Grand Avenue, which they are attempting to lease to a retail sales-oriented business, which is prohibited in the C-1 district, but permitted by-right in the C-2 district.
- The C-2 district is primarily intended to accommodate neighborhood-oriented retail sales & service uses.
- When the applicants approached Planning staff regarding the possibility of rezoning their property to C-2, Planning staff advised the applicant of the need to partner with an adjacent property owner to avoid a spot zoning situation.
- The owner of the adjacent commercial building located at 903 E. Grand Avenue co-signed the application. The 903 property has legal nonconforming status as a retail sales use in the C-1 district.
- The applicants also submitted an application to amend the Comprehensive Plan's Future Land Use Map to recommend Neighborhood Commercial uses and C-2 zoning classification for the subject properties.
- Planning staff posted an informational sign on the subject properties and mailed the attached Public Notice to the owners of nearby properties. The property owner to the east of the subject properties supports this request.
- **Findings of Fact** - Based on Section 2-304 of the Zoning Ordinance:
  - a. *The existing use of property within the general area of the subject property;*
    - The proposed C-2 district is compatible with and will serve the neighborhood, which includes a mix of two- and multi-family residential and parkland. Neighborhood commercial uses are already established at the 903 site.
  - b. *The zoning classification of property within the general area of the subject property;*
    - The proposed C-2 district is compatible with the adjacent C-1 & PLI districts.
  - c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
    - The properties are relatively small with small off-street parking lots, and are suitable for C-1 or C-2 uses.
  - d. *The trend of development and zoning map amendments in the general area of the subject property.*
    - The properties at 427-431 Park Avenue were rezoned to PUD (office/residential) in 2009, and the entire block to the south was rezoned from CBD-2 to C-1 in 2008. The Clark Station is being redeveloped one block south.

### Consistency with Comprehensive Plan and Strategic Plan:

The applicant's Comprehensive Plan amendments are being reviewed concurrently, which supports Strategic Goal #5.

### Sustainability:

- **Reduce dependence upon fossil fuels** – The subject properties are within walking distance of existing dwellings.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

### Staff Recommendation:

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the properties located at 903 & 911 E. Grand Avenue.

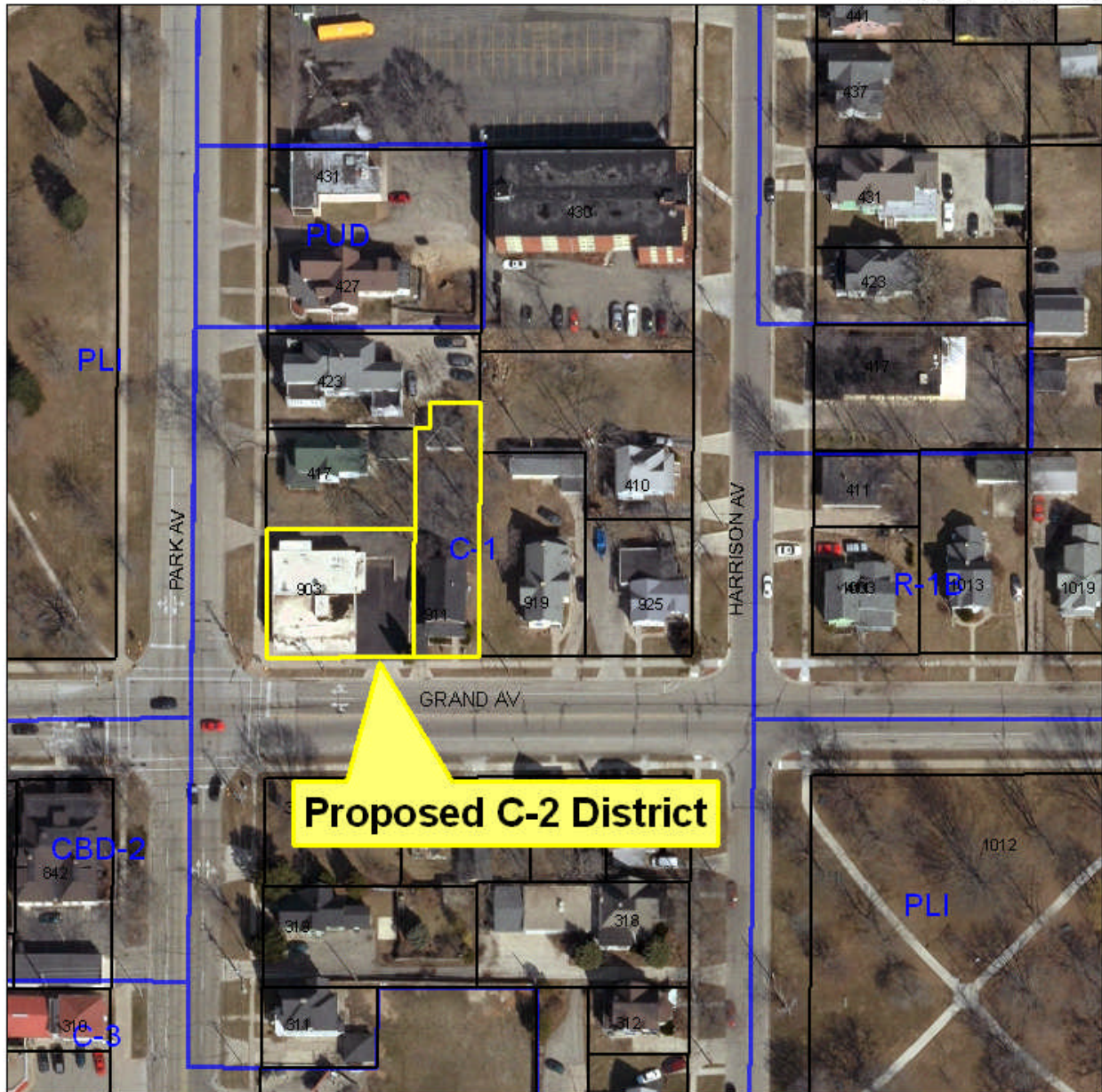
**Fiscal Note/Budget Impact:** N/A

**Attachments:** Location & Zoning Map, Photos, Application, Public Notice, and Mailing List.

# Location & Zoning Map

903 & 911 E. Grand Avenue

ZMA-2013-12



1 inch = 94 feet  
0 20 40 80 120 Feet

### Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington  
Date: September 2013  
For: City of Beloit Planning & Building  
Date of Aerial Photography: March 2011

## PLANNING & BUILDING SERVICES DIVISION



# CITY of BELOIT

## PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### Zoning Map Amendment Application Form

(Please Type or Print)

9038

File No.: ZMA-2013-12

1. Address of subject property: 911 E GRAND AVE

2. Legal description: Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

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

Property dimensions are: \_\_\_\_\_ feet by \_\_\_\_\_ feet = \_\_\_\_\_ square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): 206 13660085

4. Owner of record: William & DIANNE ZAWADZKI Phone: 815-289-5527 or 5528

9998 TYBOW TRAIL ROSCOE ILL 61073  
(Address) (City) (State) (Zip)

5. Applicant's Name: Bill & DIANNE ZAWADZKI

9998 TYBOW TRAIL ROSCOE ILL 61073  
(Address) (City) (State) (Zip)

608 362-1190 1815-289-5527 BILLYZ6565@YAHOO.COM  
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: C-1 to: C-2

All existing uses on this property are: SERVICE

7. All the proposed uses for this property are:

Principal use(s): RETAIL SERVICE

RETAIL ANTIQUE BUSINESS

Secondary use(s): \_\_\_\_\_

Accessory use(s): \_\_\_\_\_

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

Owner

( ) Leasehold, Length of lease: \_\_\_\_\_

( ) Contractual, Nature of contract: \_\_\_\_\_

( ) Other, explain: \_\_\_\_\_

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): BILL DIANNE ZAWADZKI Phone: 815-289-5527  
9998 TYBOW TRAIL ROSCOE ILL 61073  
(Address) (City) (State) (Zip)

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]* BILL DIANNE ZAWADZKI 1 AUG 27 2013  
(Signature of Owner) (Print name) (Date)

\_\_\_\_\_  
(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 Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff		
Filing Fee: <b>\$275.00</b>	Amount Paid: <u>\$275.<sup>00</sup></u>	Meeting Date: <u>Oct. 9, 2013</u>
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>[Signature]</u>	Date: <u>8/28/13</u>	
Date Notice Published: _____	Date Notice Mailed: _____	



## NOTICE TO THE PUBLIC

September 17, 2013

To Whom It May Concern:

William & Dianne Zawadzki have submitted an application for a Zoning Map Amendment to change the zoning district classification from C-1, Office District to C-2, Neighborhood Commercial District, for the properties located at:

**903 & 911 E. Grand Avenue.**

Mr. and Mrs. Zawadzki own the vacant commercial structure located at 911 E. Grand Avenue, which they are attempting to lease to a retail sales-oriented business. Retail sales-oriented uses are prohibited in the C-1 district, but permitted by-right in the C-2 district. The owner of the adjacent commercial building located at 903 E. Grand Avenue co-signed the application. The 903 property has legal nonconforming status as a retail sales use in the C-1 district. The applicants also submitted an application to amend the Comprehensive Plan's Future Land Use Map to recommend Neighborhood Commercial uses for the subject properties.

The following public hearings will be held regarding this application:

**City Plan Commission:** Wednesday, October 9, 2013, 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, November 18, 2013, 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.**

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ZMA-2013-12, 903-911 E. Grand Avenue



MARVIN MAUEL  
925 BROAD ST  
BELOIT, WI 535116350

MURMACS 845 BROAD STREET LLC  
1300 HARVEY ST  
BELOIT, WI 535114014

GARY WEINKAUF  
1822 EMERSON ST  
BELOIT, WI 53511

DAVID FROEMMING  
928 W PECK ST  
WHITEWATER, WI 53190

ST THOMAS CATHOLIC CHURCH  
822 E GRAND AVE  
BELOIT, WI 535116317

GEORGE PANTUSO  
318 HARRISON AVE  
BELOIT, WI 53511

LORRAINE WITKINS  
2625 IVA CT UNIT 22  
BELOIT, WI 53511

TLC PROPERTIES INC  
5101 HWY 51 SOUTH  
JANESVILLE, WI 53546

JUAN PAGAN  
7805 CANNELLWOOD DR  
SOUTH BELOIT, IL 61080

RONALD & LILY DICKINSON  
3709 OAK LN DR  
BELOIT, WI 535111937

TRINA TUCKER  
1003 E GRAND AVE  
BELOIT, WI 53511

KHOOM PROPERTIES LLC  
3655 BEE LN  
BELOIT, WI 53511

MARVIN MILNER/EDWARD  
LAUGHLIN LLC  
P O BOX 1161  
BELOIT, WI 535121161

JAMES & PENNY RICHARDS  
2723 N WOOD DR  
BELOIT, WI 535112226

VIVIAN GAVARRETE  
1013 E GRAND AVE  
BELOIT, WI 53511

MARY BOTTOMS  
417 PARK AVE  
BELOIT, WI 53511

JOHN E & MARY L DUMMER  
11229 S CTY RD K  
BELOIT, WI 53511

KENNETH PAULSON  
749 PHILHOWER RD  
BELOIT, WI 53511

JAMES M & SHELLY J CRONIN  
1719 EMERSON ST  
BELOIT, WI 53511

J ANTHONY GROVER  
430 HARRISON AVE APT 302  
BELOIT, WI 53511

SALVADOR VALLES  
1157 PRAIRIE AVE  
BELOIT, WI 53511

MARTHA PUKERUD  
W9492 CLINTON ST  
DARIEN, WI 531141331

ROCK COUNTY CHRISTIAN SCHOOL  
916 BUSHNELL ST  
BELOIT, WI 535116306

BINDI R INC  
903 BROAD ST  
BELOIT, WI 53511

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

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**Meeting Date:** October 9, 2013

**Agenda Item:** 5

**File Number:** CU-2013-17

**Applicant:** Butitta Bros. Auto Services

**Owner:** JLT LLC

**Location:** 856 Fourth Street

**Existing Zoning:** CBD-2, Central Business District – Fringe

**Existing Land Use:** Vacant Building

**Total Area:** 0.57 Acre

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### Request Overview/Background Information:

Jon Thompson of Butitta Bros. Automotive Services has filed an application for a Conditional Use Permit to allow vehicle repair in the CBD-2, Central Business District – Fringe, for the property located at 856 Fourth Street.

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### Key Issues:

- This property is the former Vic Hansen's dealership, and has been vacant since that business closed in 2011.
- The applicant recently purchased the subject property and intends to operate a full-scale repair shop, with tire sales as an accessory use. Vehicle repair is a conditional use in the CBD-2 district.
- The attached **Location & Zoning Map** shows the location of the subject property and the underlying zoning of the surrounding area. The adjacent zoning and land uses are as follows:
  - North: C-3, Community Commercial District; Commercial (Restaurant)
  - South: CBD-2, Central Business District – Fringe; Commercial (Retail Sales)
  - East: CBD-2, Central Business District – Fringe; Commercial (Retail Sales)
  - West: CBD-2, Central Business District – Fringe; Commercial (Tavern)
- The subject property includes one driveway on Portland Avenue and one driveway on Fourth Street.
- The subject property includes a 6,228 square-foot building that was constructed in 1956 and a detached shed. The building includes one overhead door on the west side, along with extensive Vic Hansen's signage to be removed.
- The surface parking lot extends to the northern and eastern property lines, and looks bare and outdated when compared to the landscaped sites to the north (Tilley's) and east (Advance). Planning staff is recommending a condition of approval that will require landscape strips along the northern and eastern perimeter, which will improve the appearance of this highly visible parking area.
- Due its prior use, the surface parking area is not striped. Planning staff is recommending a condition of approval that will require the applicant to stripe the parking stalls & accessible aisles in accordance with the Zoning Ordinance.
- According to Section 8-103 of the Zoning Ordinance, the subject property must include 4 off-street parking stalls per service bay and 2 off-street parking stalls per employee. The subject property meets these requirements.
- The Fire Department has reviewed this request and has recommended conditions dealing with tanks and tires.
- The City's other Review Agents have reviewed this application and have not submitted any comments or concerns.
- The attached Public Notice was sent to six nearby property owners. Staff has not received any comments or concerns.
- **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 use will not be detrimental to or endanger public health, safety, 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;*
  - The proposed use is compatible with the auto-oriented sites and products/services along the Fourth Street corridor.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
  - The occupancy and improvement of the subject property is expected to have a positive impact upon property values in the area.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
  - The establishment of the conditional use will not impede nearby development, so long as the site is repaired/upgraded as recommended by staff.

- 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;*
  - This is an existing, developed site. However, Planning staff will review all exterior alterations during the Architectural Review process to ensure compatibility with the neighborhood.
- 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 to serve the conditional use.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
  - The existing street network is capable of handling any additional traffic generated by the conditional use.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
  - The conditional use will comply with all other applicable regulations of the Zoning Ordinance.

---

**Consistency with Comprehensive Plan and Strategic Plan:**

The City's Comprehensive Plan recommends Planned Mixed Use for the subject property, which is intended to guide the future redevelopment of this corridor. Consideration of this request supports City of Beloit Strategic Goal #5.

---

**Sustainability:**

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

---

**Staff Recommendation:**

The Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow vehicle repair in the CBD-2, Central Business District – Fringe, for the property located at 856 Fourth Street, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes vehicle repair within the existing building, but vehicle repair may not occur outside of the building.
2. Junk vehicles (as defined in Chapter 7) shall not be stored outside.
3. Vehicles may not be sold on site unless the applicant obtains an auto dealer's license from the State of Wisconsin.
4. All trash & recycling containers shall be enclosed in accordance with the Architectural Review Code.
5. The applicant shall stripe the lot in accordance with Section 8-113 of the Zoning Ordinance by November 15, 2013.
6. The applicant shall install landscape strips (as defined & specified in Chapter 34) along the perimeter of the asphalt parking lot facing Portland Avenue and Fourth Street by November 15, 2013.
7. All Vic Hansen's signs shall be removed from the building and site by November 15, 2013.
8. All fuel tanks shall comply with SPS 310 and all tire storage shall comply with Chapters 33 & 34.8 of NFPA 1.
9. 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.

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**Fiscal Note/Budget Impact:** N/A

---

**Attachments:** Location & Zoning Map, Photos, Application, Site Sketch, Public Notice, and Mailing List.

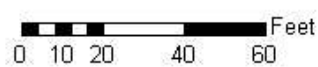
# Location & Zoning Map

856 Fourth Street

CU-2013-17



1 inch = 42 feet



## Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington  
Date: September 2013  
For: City of Beloit Planning & Building Services  
Date of Aerial Photography: March 2011

## PLANNING & BUILDING SERVICES DIVISION



# 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-2013-17

1. Address of subject property: 856 FOURTH STREET BELOIT WI.

2. Legal description: PARCEL NO. 13520610

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

Property dimensions are: \_\_\_\_\_ feet by \_\_\_\_\_ feet = \_\_\_\_\_ square feet.

If more than two acres, give area in acres: \_\_\_\_\_ acres.

3. Tax Parcel Number(s): ~~206~~-13520610

4. Owner of record: JLT LLC Phone: 815-218-1341

2233 CHARLES ST. ROCKFORD IL. 61104  
(Address) (City) (State) (Zip)

5. Applicant's Name: JON THOMPSON / BUTITTA BROS. AUTOMOTIVE SERVICES

2233 CHARLES ST. ROCKFORD IL 61104  
(Address) (City) (State) (Zip)

815-394-0444 / 815-218-1341 / JTHOMPSON@BUTITTA.COM  
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: \_\_\_\_\_

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

A Conditional Use Permit for: AUTOMOTIVE MECHANICAL REPAIR  
in a(n) CID-2 DP Zoning District.

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

Principal use: AUTOMOTIVE MECHANICAL REPAIR

Secondary use: TIRE SALES

Accessory use: \_\_\_\_\_

9. Project timetable: Start date: 9-10-13 Completion date: \_\_\_\_\_

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

- 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.

Jon Thompson / JON THOMPSON / 9-10-13  
 (Signature of Owner) (Print name) (Date)

\_\_\_\_\_/ \_\_\_\_\_ / \_\_\_\_\_  
 (Signature of Applicant, if different) (Print name) (Date)

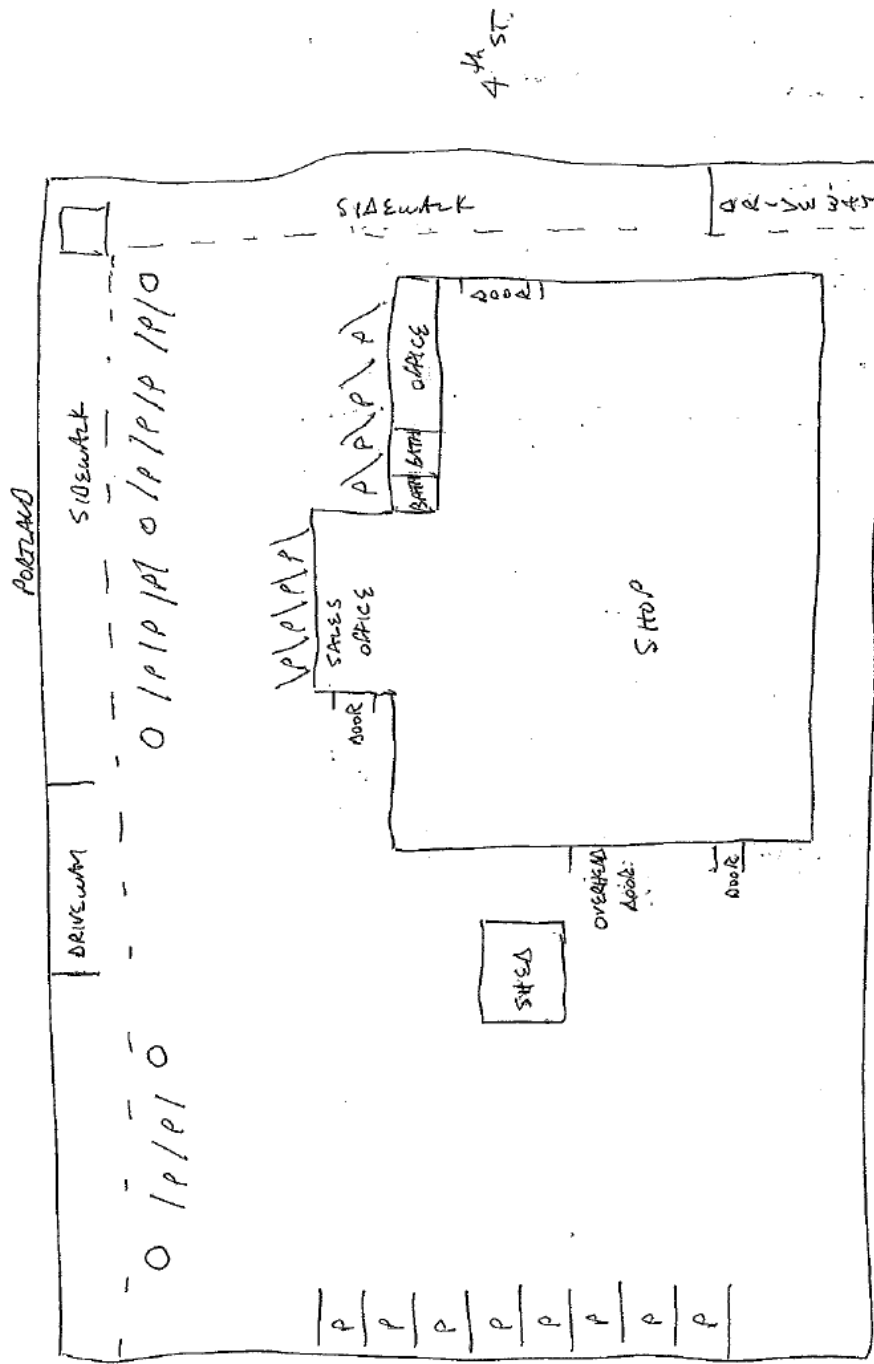
In order for your request to be heard and considered in a timely manner, you must submit the completed application, and all accompanying documents, to the Planning and Building Services Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting.

This application must be submitted with one copy of a scaled drawing showing the layout of the proposed development in accordance with all code requirements, and the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant and these costs are typically between \$5.00 and \$15.00.

To be completed by Planning Staff	
Filing fee: <b>\$275.00</b>	Amount paid: <u>\$275.<sup>00</sup></u> Meeting date: <u>Oct. 9, 2013</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by: <u>Drew Pennington</u>	Date: <u>9/13/13</u>

DISTRICT COMM. RECOMMEND  
856 4th ST.

N



- O = LIGHT POLE
- = TRAFFIC LIGHT
- P = PARKING

PENNINGTON & CIT-BELT.W.L.V





## **NOTICE TO THE PUBLIC**

September 18, 2013

To Whom It May Concern:

Jon Thompson of Butitta Bros. Automotive Services has filed an application for a Conditional Use Permit to allow vehicle repair in the CBD-2, Central Business District – Fringe, for the property located at:

**856 Fourth Street.**

This property is the former Vic Hansen's dealership, and has been vacant since that business closed several years ago. The applicant recently purchased the subject property and intends to operate a full-scale repair shop, with tire sales as an accessory use.

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

**City Plan Commission:** Wednesday, October 9, 2013, 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, October 21, 2013, 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 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 in the Planning & Building Services Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.*

CHARLES MUELLER  
3542 BEE LN  
BELOIT, WI 53511

THOMAS HOFFMAN ET AL  
TODD MACOMBER  
863 FIFTH ST  
BELOIT, WI 535115255  
TILLEY CORPORATION  
900 FOURTH ST  
BELOIT, WI 53511

DBA FAMILY DOLLAR BELOIT  
SHOP CENTER INC  
P O BOX 25610  
SCOTTSDALE, AZ 852550110

JLT LLC  
605 18TH ST  
ROCKFORD, IL 61104

HI PROPERTY1 LLC  
P O BOX 6614  
LONGMONT, CO 80504

VINCENT G & DELORES O  
STANKEWITZ REVOCABLE TR  
2360 S MADISON RD  
BELOIT, WI 53511

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

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**Meeting Date:**  
October 9, 2013

**Agenda Item:**  
6

**File Number:**  
PS-2013-01

**Applicant:**  
Jack Meyers, Elmwood Commons, LLC

**Owner:**  
Elmwood Commons, LLC

**Location:**  
1715 Elmwood Avenue

**Existing Zoning:**  
R-2, Two-family Residential District

**Existing Land Use:**  
Vacant Residential Land

**Platted Area:**  
14.4 Acres

---

### Request Overview/Background Information:

Jack Meyers, on behalf of Elmwood Commons, LLC, has submitted an application for review of a Preliminary Subdivision Plat and a Preliminary Plat named Elmwood Commons for the property located at 1715 Elmwood Avenue. This 38-lot residential subdivision is located in the R-2, Two-family Residential District. A copy of the Preliminary Plat is attached to this report.

The attached **Location and Zoning Map** shows the location of the platted area hatched in yellow. The adjacent zoning and land uses are as follows:

North: R-1A, Single-family Residential District: Vacant Residential Land

South: R-1A, Single-family Residential District: Single-family Dwellings and Vacant Residential Land

East: R-3, Low-density Multi-family Residential District: Single-family Dwelling, Two-family Dwellings, and Low-rise Apartment Buildings

West: B3, General Business District; and I1, Light Industrial District (Town of Beloit Zoning): Business and Industrial uses

According to Section 12.03(2)(e) of the Subdivision Ordinance, the Plan Commission may approve, conditionally approve, or reject any preliminary plat within the City.

---

### Key Issues:

- **The Preliminary Plat**

- The Plat includes 38 residential lots in the R-2, Two-family Residential (Zoning) District. Therefore, the plat has the potential for 76 dwelling units.
- The minimum lot width in the R-2 district is 70 feet. Lot 31 does not meet this requirement as the lot width is only 56.87 feet.
- The minimum lot size is 8,750 square feet. All of the lots meet this requirement.
- Out Lot 1 is located on the southwest corner of the property and will be used for storm water detention.
- Out Lot 2 is located on the northwest corner of the property and will be dedicated to the public for parks and open space. The Plat must include a note that indicates that this lot will be dedicated to the public. The Parks, Recreation, and Conservation Advisory Commission will review this Plat at the meeting on October 9, 2013.
- The Plat includes a 25-foot wide landscape buffer along the south side of Lots 1 and 22-25 and Out Lot 1 (the north side of Elmwood Drive) and along the west side of Lots 26-31 and Out Lots 1 and 2 (the east side of the railroad tracks).
- The Plat includes 10-foot wide utility easements on Lots 1-8, Lots 22-36, and Out Lots 1 and 2.
- The Plat includes four streets: Kadlec Drive, Meghan Drive, Independent Drive, and Elaine Drive.
- The Plat does not include any sidewalks; however, the Subdivision Ordinance requires sidewalks be constructed on at least one side of all minor streets. Sidewalks will be addressed in the Development Agreement.

- The applicant has submitted a Site Assessment Checklist, which are attached to this report.

- Public facilities and infrastructure exist in this area and the properties receive the full range of municipal services.

- **Review Agents Comments:**

- *Planning Division*

- The Subdivision Ordinance requires that sidewalks be provided on one side of the street on minor streets with a 60-foot wide right-of-way. Sidewalks must be shown on the Plat along the west side of Kadlec Drive from the northern end of Lot 36 to the southern end of Lot 22. Additionally, sidewalks must be shown on the Plat along the south side of Meghan Drive, along the west side of Independent Drive, and along the north side of Elaine Drive.

- A Development Agreement will need to be submitted by the applicant and approved prior to recording a Final Plat for this subdivision. The Development Agreement will create a schedule and assign

- responsibility for the proposed public improvements included in the Plat.
- The note about the landscape buffer does not include language regarding the number or type of landscape materials to be planted. The note should also state “25 landscape units per lineal foot of the buffer shall be planted, and the proposed landscape plan must be reviewed and approved by the Planning and Building Services Division prior to planting.”
- *Water Resources Division*
    - There is a sanitary easement on the west side of this property that will need to be maintained.
  - *Charter Communications*
    - There is concern with the lack of easements for lots 9-21. Developer needs to distinguish how these lots will have access for services.
  - Staff will forward these requests to the applicant, and they will be formally addressed during the Final Plat phase.
  - The other Review Agents have reviewed the Preliminary Plat and do not have any comments or concerns regarding the proposed lots.

---

**Consistency with Comprehensive Plan and Strategic Plan:**

- The Comprehensive Land Use Plan designates this property as appropriate for “Planned Neighborhood” uses, which includes a mix of single-family, two-family, mixed residential, community and service uses, office, neighborhood commercial, and parks and open space.
- Consideration of this request supports City of Beloit Strategic Goal #5.

---

**Sustainability:** (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – The development of this parcel will connect existing roadways and infrastructure, meeting the present needs of the neighborhood. Additionally, future needs of the community will be met by offering diverse housing opportunities and increasing the municipal tax base.

---

**Staff Recommendation:**

The Planning and Building Services Division recommends **approval** of the Preliminary Plat named Elmwood Commons based on its consistency with the Comprehensive Plan and the Zoning Ordinance, subject to the following conditions:

1. 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.
2. Lots 31 must have at least 70 feet of street frontage.
3. Out Lot 2 must include a note that indicates the lot will be dedicated to the public.
4. Sidewalks must be shown along the west side of Kadlec Drive, along the south side of Meghan Drive, along the west side of Independent Drive, and along the north side of Elaine Drive.
5. The landscape buffer note must include language requiring that 25 landscape units per lineal foot of the buffer must be planted, and the landscape plan must be reviewed and approved by the Planning and Building Services Division prior to planting.
6. The Plat must include a note stating that there is no vehicular access permitted from Out Lot 1, Lot 1, and Lots 22-25 to Elmwood Avenue.
7. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission. The Community Development Director may approve minor changes administratively.

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**Fiscal Note/Budget Impact:**

N/A

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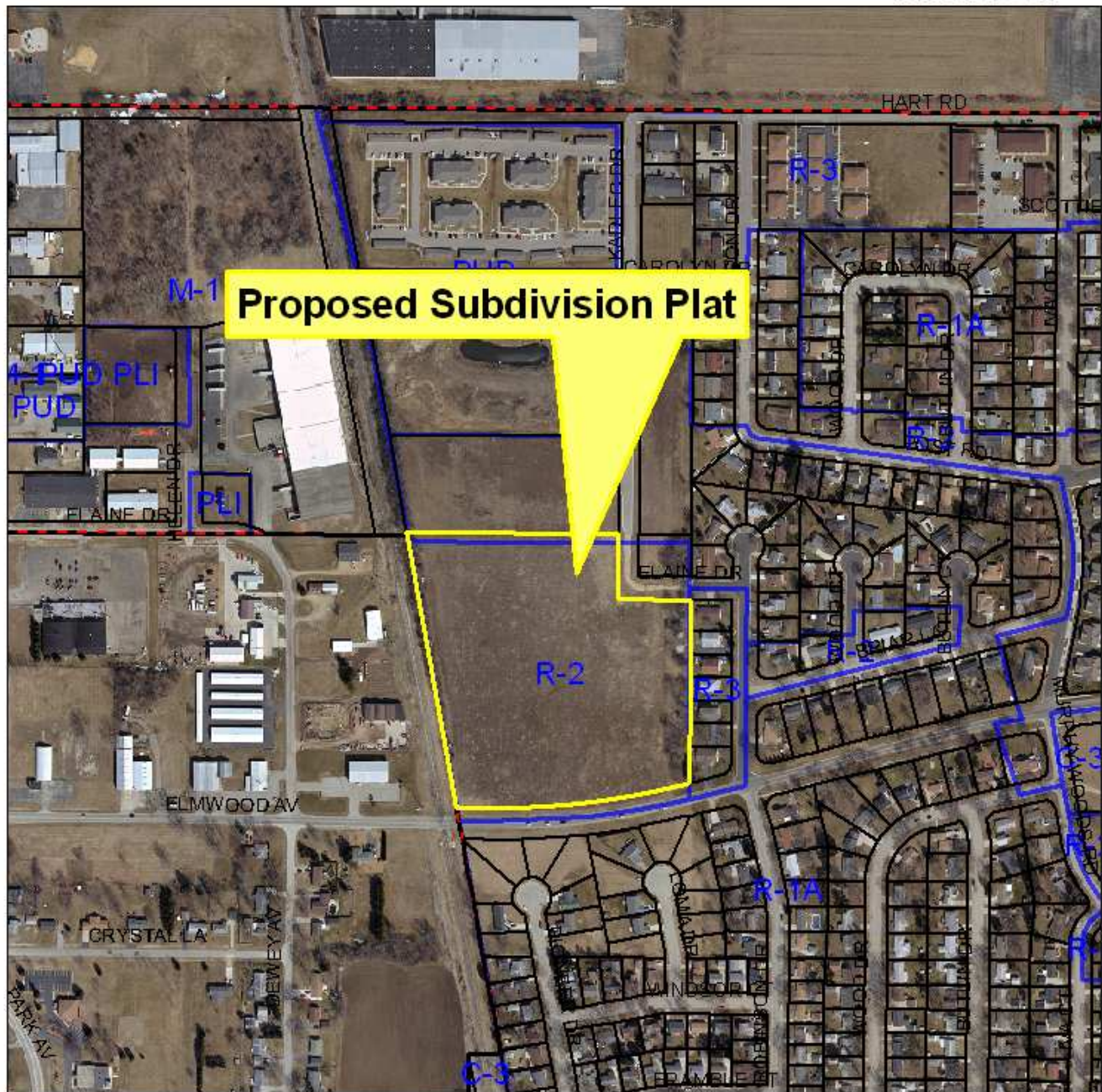
**Attachments:**

Location & Zoning Map, Preliminary Plat, Public Notice, Mailing List, Application, Site Assessment Checklist, and Resolution.

# Location & Zoning Map

1715 Elmwood Ave and 2501 Kadlec Rd

PS-2013-01



1 inch = 444 feet  
0 105 210 420 630 Feet

### Legend

- COB Parcels
- Zoning District

Map prepared by: Stephanie Hummel  
Date: September 2013  
For: City of Beloit Planning & Building  
Date of Aerial Photography: March 2011

## PLANNING & BUILDING SERVICES DIVISION

# REVISED PRELIMINARY PLAT

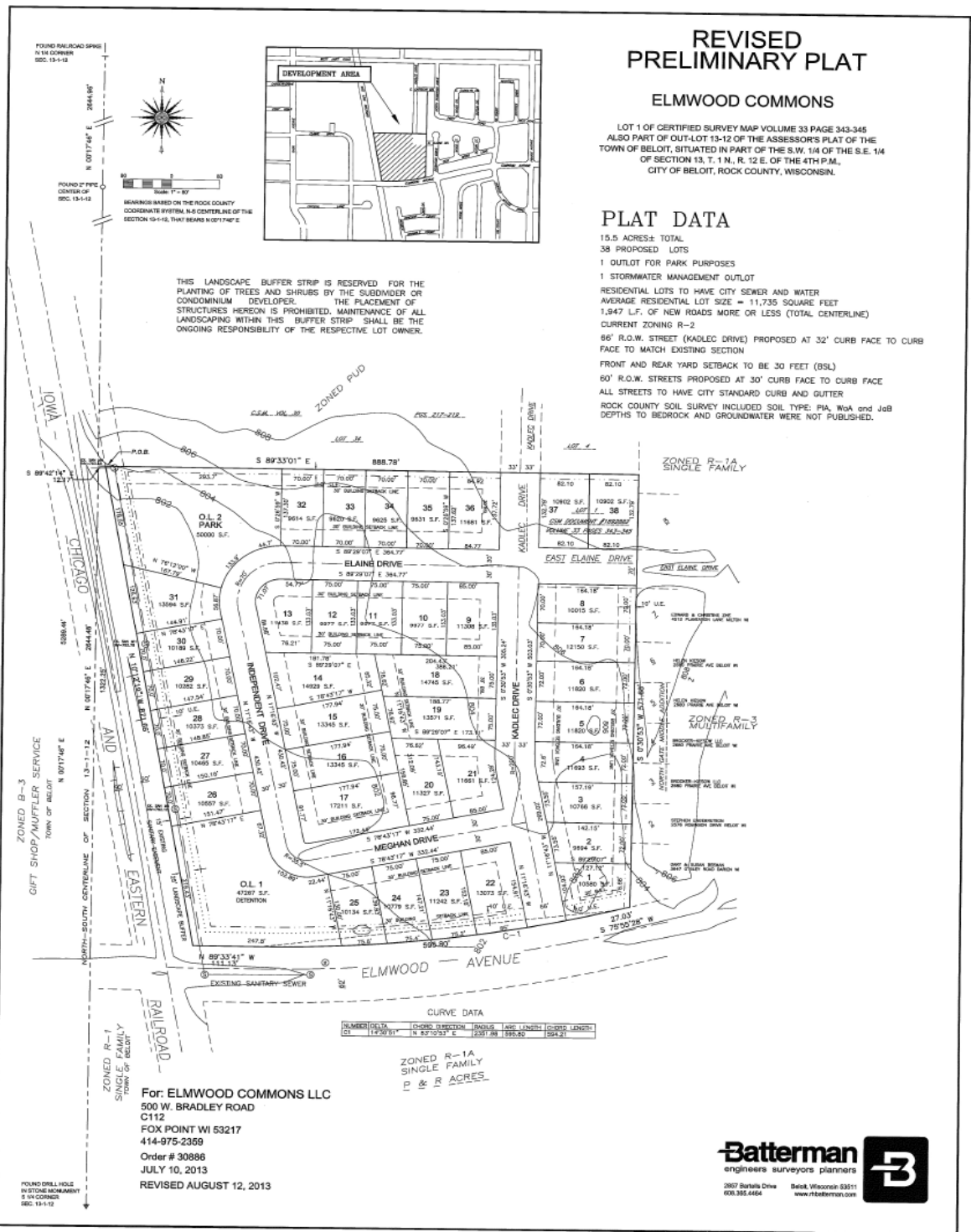
## ELMWOOD COMMONS

LOT 1 OF CERTIFIED SURVEY MAP VOLUME 33 PAGE 343-345  
 ALSO PART OF OUT-LOT 13-12 OF THE ASSESSOR'S PLAT OF THE  
 TOWN OF BELOIT, SITUATED IN PART OF THE S.W. 1/4 OF THE S.E. 1/4  
 OF SECTION 13, T. 1 N., R. 12 E. OF THE 4TH P.M.,  
 CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

### PLAT DATA

- 15.5 ACRES± TOTAL
- 38 PROPOSED LOTS
- 1 OUTLOT FOR PARK PURPOSES
- 1 STORMWATER MANAGEMENT OUTLOT
- RESIDENTIAL LOTS TO HAVE CITY SEWER AND WATER
- AVERAGE RESIDENTIAL LOT SIZE = 11,735 SQUARE FEET
- 1,847 L.F. OF NEW ROADS MORE OR LESS (TOTAL CENTERLINE)
- CURRENT ZONING R-2
- 66' R.O.W. STREET (KADLEC DRIVE) PROPOSED AT 32' CURB FACE TO CURB FACE TO MATCH EXISTING SECTION
- FRONT AND REAR YARD SETBACK TO BE 30 FEET (BSL)
- 60' R.O.W. STREETS PROPOSED AT 30' CURB FACE TO CURB FACE
- ALL STREETS TO HAVE CITY STANDARD CURB AND GUTTER
- ROCK COUNTY SOIL SURVEY INCLUDED SOIL TYPE: PA, Wa& and J&B DEPTHS TO BEDROCK AND GROUNDWATER WERE NOT PUBLISHED.

THIS LANDSCAPE BUFFER STRIP IS RESERVED FOR THE PLANTING OF TREES AND SHRUBS BY THE SUBDMOR OR CONDOMINIUM DEVELOPER. THE PLACEMENT OF STRUCTURES HEREON IS PROHIBITED. MAINTENANCE OF ALL LANDSCAPING WITHIN THIS BUFFER STRIP SHALL BE THE ONGOING RESPONSIBILITY OF THE RESPECTIVE LOT OWNER.



CURVE DATA

NUMBER	DATA	CHORD DIRECTION	ANGLE	ARC LENGTH	CHORD LENGTH
C1	14.70 01'	N 87°10'53" E	2357.88	885.82	564.21'

For: **ELMWOOD COMMONS LLC**  
 500 W. BRADLEY ROAD  
 C112  
 FOX POINT WI 53217  
 414-975-2359  
 Order # 30886  
 JULY 10, 2013  
 REVISED AUGUST 12, 2013

**Batterman**  
 engineers surveyors planners

2857 Barkly Drive  
 608.385.4464

Bank Wisconsin 63511  
 www.batterman.com

## **NOTICE TO THE PUBLIC**

September 26, 2013

To Whom It May Concern:

The City of Beloit has received an application from Jack Meyers, on behalf of Elmwood Commons, LLC, requesting review and approval of a preliminary subdivision plat for a proposed 38-lot single and two-family residential subdivision on the property located at:

**1715 Elmwood Avenue.**

A copy of the proposed Preliminary Plat of Elmwood Commons is attached to this notice.

The following public hearing will be held regarding this proposed subdivision plat:

**City of Beloit Plan Commission:** Wednesday, October 9, 2013 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 Stephanie Hummel in the Planning and Building Services Division at (608) 364-6708 or hummels@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.*

LEWIS C & MARY I WASHINGTON  
2520 PIONEER DR  
BELOIT, WI 53511

MARCOS ACEVES  
2524 ROBINSON DR  
BELOIT, WI 535112222

REBECCA HENNING  
2550 LOMA DR  
BELOIT, WI 53511

STEPHEN & TINA ANDREWS  
1768 ELMWOOD AVE  
BELOIT, WI 535112264

KATHRYN HOUGH  
2581 ROBINSON DR  
BELOIT, WI 535112260

HELEN KIESOW  
2680 PRAIRIE AVE  
BELOIT, WI 53511

DAWN SADEWATER  
2623 ROBINSON DR  
BELOIT, WI 53511

THOMAS G & DEBORAH L VAIL  
2009 KELMSCOTT ST  
THE VILLAGES, FL 32162

DOROTHY DOWLING  
2647 ROBINSON DR  
BELOIT, WI 535113032

MICHAEL & LINDA STAPLEFORD  
1774 POST RD  
BELOIT, WI 53511

JEROME S & BONNIE E KNOLL  
2530 LOMA DR  
BELOIT, WI 53511

MOHAMED FAROUK GANI  
504 N BROCKWAY  
PALATINE, IL 60067

ALBERT PEGEESE  
2533 ROBINSON DR  
BELOIT, WI 535112221

GARY & SUSAN BEEMAN  
3647 O'RILEY RD  
DARIEN, WI 53114

BROCKER-KIESOW LLC  
2680 PRAIRIE AVE  
BELOIT, WI 53511

CHRISTINE L & EDWARD M JR ZHE  
4512 PLANTATION LN  
MILTON, WI 53563

LAWRENCE & TERRY BROWN  
2629 ROBINSON DR  
BELOIT, WI 535112223

JACK E MEYERS ELMWOOD COMMONS LLC  
500 W BRADLEY RD #C112  
FOX POINT, WI 53217

SANDRA TESS  
2638 ROBINSON DR  
BELOIT, WI 535119473

WM DEVELOPMENT LLC  
2630 DOUSMAN ST  
GREEN BAY, WI 54303

CLIFFORD GRICE  
2535 PIONEER DR  
BELOIT, WI 53511

JAMES MARTIN  
2532 ROBINSON DR  
BELOIT, WI 535112222

MARY TRUMPY  
1756 ELMWOOD AVE  
BELOIT, WI 535112211

STEPHEN ENGBRETSON  
2576 ROBINSON DR  
BELOIT, WI 53511

FRANK & PAULA PHILLIPS  
5408 YERBA BUENA RD  
SANTA ROSA, CA 95409

CAROLINA DEQUINO  
2617 ROBINSON DR  
BELOIT, WI 53511

JUAN PEREZ-LAVARIEGA  
2632 ROBINSON DR  
BELOIT, WI 53511

ARTHUR & KAREN JAMES  
2641 ROBINSON DR  
BELOIT, WI 535112223

JERALD SWANSON  
2644 ROBINSON DR  
BELOIT, WI 53511

NIEL DEVOE  
2700 N ROBINSON DR  
BELOIT, WI 535112249



SOO LINE RAILROAD COMPANY  
120 S 6TH ST STE 190  
ATTN: REAL ESTATE  
MINNEAPOLIS, MN 55402

MURRAY BELOIT PROPERTY LLC  
1011 FLORAL LN  
DAVENPORT, IA 52802

# 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: PS-2013-01

1. Proposed subdivision name: Elmwood Commons
2. Address of property: 1715 Elmwood Ave and 2501 Kadlec Rd
3. Tax Parcel Number(s): 11340600;11340590
4. Property is located in (circle one): City of Beloit or Town of: Turtle; Beloit; Rock or LaPrairie  
In the 13 Quarter of Section 1, Township 12 North, Range E East of the 4th P.M.
5. Owner of record: Elmwood Commons LLC, Jack Meyers Phone: (414) 975-2359  
500 W. Bradley Road C112 Fox Point WI 53217  
(Address) (City) (State) (Zip)
6. Applicant's Name: Jack Meyers - ELMWOOD COMMONS LLC  
500 W. Bradley Road C112 Fox Point WI 53217  
(Address) (City) (State) (Zip)  
(414) 975-2359 / /  
(Office Phone #) (Cell Phone #) (E-mail Address)
7. The present zoning classification is: R-2
8. All existing uses on the property are: Vacant/Agriculture
9. Proposed future zoning classification(s) is (are): R-2
10. Proposed future uses of the property are: 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 8/15/13 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.

Jack E. Meyers, ELMWOOD COMMONS LLC JUNE 27, 2013  
(Signature of applicant) (Name of applicant) (Date)

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

Review fee: <u>\$500 plus \$15 per lot</u>	Amount paid: <u>\$1,100.00</u>
Scheduled meeting date: <u>Oct. 9, 2013</u>	
Application accepted by: <u>Drew Panning</u>	Date: <u>8/20/13</u>

**CITY of BELOIT**  
**Neighborhood Planning Division**

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

**SITE ASSESSMENT CHECKLIST**

For property located at: 1715 Elmwood Ave and 2501 Kadlec Rd

Property owner's name: Elmwood Commons LLC, Jack Meyers

ITEM OF INFORMATION	YES	NO
<b>I. Land Resources; Does the project site involve:</b>	----	----
A. Changes in relief and drainage patterns? (Attach a topographical map showing, at a minimum, 2-foot contour intervals)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A landform or topographical feature including perennial streams?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A floodplain? (If Yes, attach a copy of the latest FEMA Floodway map with the parcel shown thereon.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. An area of soil instability, or slopes greater than 12%, or hydric or alluvial soils as depicted in the "Soils Survey of Rock County"?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. An area of bedrock within 6 feet of the surface as depicted in the "Soils Survey of Rock County" or a more detailed source?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. An area with groundwater table within 5 feet of the surface as depicted in the "Soils Survey of Rock County" or a more detailed source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G. An area with fractured bedrock within 10 feet of the soil surface as depicted in the "Soils Survey of Rock County"?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H. Prevention of future gravel extraction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I. A drainage-way with a tributary area of 5 or more acres?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Lot coverage of more than 50 percent impermeable surfaces?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
K. Prime agricultural land as depicted in the "Soils Survey of Rock County" or any adopted farmland preservation plans?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
L. Wetlands as depicted on a DNR wetland inventory map or more detailed source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>II. Water Resources; Does the project site involve:</b>	----	----
A. An area traversed by a stream, intermittent stream or dry run?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. An impact on the capacity of a storm water storage system or flow of a waterway within one mile?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. The use of septic systems for on-site wastewater disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Lowering of water table by pumping or drainage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Raising of water table by altered drainage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Frontage on a lake, river, or other navigable waterway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. Human and Scientific Interest; Does this project site involve:</b>	----	----
A. An area of archeological interest included on the Wisconsin Archeological Site Inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. An area of historical interest, or historic buildings or monuments listed on the State or National Register of Historic Places?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Site Assessment Checklist**

(continued)

ITEM OF INFORMATION	YES	NO
<b>IV. Biological Resources; Does the project site involve:</b>	----	----
A. Critical habitat for plants and animals of community interest per DNR inventory?	<input type="checkbox"/>	<input type="checkbox"/>
B. Endangered or rare plant or animal species per the DNR Wisconsin Natural Heritage Inventory?	<input type="checkbox"/>	<input type="checkbox"/>
C. Trees with a diameter of 6 or more inches at breast height outside of "mature woodlands" as defined in the subdivision ordinance? (If Yes, all trees of such size must be mapped.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. Removal of over 40 % of the trees on the site within a "mature woodland" as defined in the subdivision ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Environmental corridors as mapped by the City of Beloit or Rock County?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>V. Energy, Transportation and Communications:</b>	----	----
A. Would the development increase traffic flow on any arterial or collector street by more than 10 % based upon the most recent traffic counts and trip generation rates provided by the Institute of Transportation Engineers (ITE)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Is the land traversed by an existing or planned roadway corridor, as shown on the City's official map or comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Is the land within a highway noise impacted area (within 500 feet of an interstate or state or Federal highway)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Is the land traversed by an existing or planned utility corridor (gas, electrical, water, sewer, storm, communications)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>VI. Population:</b>	----	----
A. Which public school service areas (elementary, middle and high school) are affected by the proposed development and what is their current available capacity?		
Elementary; <u>McLenegan</u>	E: Cap= Not Available	
Middle; <u>Aldrich</u>	M: Cap= Not Available	
High School; <u>Beloit Memorial</u>	H: Cap= Not Available	

**NOTES:**

1. "YES" answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.
2. The Plan Commission may waive the filing of a Site Assessment Checklist for subdivisions of less than 5 acres in total area.

**RESOLUTION  
APPROVING A PRELIMINARY SUBDIVISION PLAT  
NAMED ELMWOOD COMMONS IN THE CITY OF БЕЛОIT**

**WHEREAS**, the City Plan Commission of the City of Beloit has heretofore held a public hearing on October 9, 2013 regarding the Preliminary Subdivision Plat named Elmwood Commons located at 1715 Elmwood Commons in the City of Beloit.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Plan Commission of the City of Beloit does hereby approve the Preliminary Subdivision Plat named Elmwood Commons, subject to the following conditions:

1. 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.
2. Lots 31 must have at least 70 feet of street frontage.
3. Out Lot 2 must include a note that indicates the lot will be dedicated to the public.
4. Sidewalks must be shown along the west side of Kadlec Drive, along the south side of Meghan Drive, along the west side of Independent Drive, and along the north side of Elaine Drive.
5. The landscape buffer note must include language requiring that 25 landscape units per lineal foot of the buffer must be planted, and the landscape plan must be reviewed and approved by the Planning and Building Services Division prior to planting.
6. The Plat must include a note stating that there is no vehicular access permitted from Out Lot 1, Lot 1, and Lots 22-25 to Elmwood Avenue.
7. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission. The Community Development Director may approve minor changes administratively.

Adopted this 9th day of October, 2013.

By: \_\_\_\_\_  
James Faragher, Plan Commission Chair

ATTEST:

\_\_\_\_\_  
Julie Christensen, Community Development Director

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION

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**Meeting Date:** October 9, 2013

**Agenda Item:** 7

**File Number:** PUD-2013-02

**Applicant:** Commercial Property Group

**Owner:** McBain Enterprises, Inc.

**Location:** 2850, 2900 Milwaukee Road; 1865 Branigan Road

**Existing Zoning:** C-3, Community Commercial District; MRO, Milwaukee Road Overlay

**Existing Land Use:** Fast Food, Vacant Lots

**Parcel Size:**

2850: 1.3780 Acres

2900: .5544 Acres

1865: .7730 Acres

Total: 2.7054 Acres

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### Request Overview/Background Information:

Commercial Property Group, on behalf of McBain Enterprises, Inc., has submitted an application for review and consideration of a Planned Unit Development (PUD) - Master Land Use Plan for the properties located at 2850/2900 Milwaukee Road and 1865 Branigan Road. A copy of the PUD - Master Land Use Plan is attached to this report.

The PUD District is a special-purpose zoning district that permits greater flexibility in land planning and site design than conventional zoning districts and is intended to provide flexibility in architectural design and clustering of buildings. The process begins with submittal of a PUD – Master Land Use Plan, which is a conceptual plan. The PUD process also involves rezoning the subject property to PUD, either during or after consideration of the PUD – Master Land Use Plan.

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### Key Issues:

- The subject properties are currently zoned C-3, Community Commercial. If the requested PUD – Master Land Use Plan is approved, the applicant will need to rezone the subject properties to PUD.
- All properties around these parcels are zoned C-3, Community Commercial District with most land uses either restaurant or hotel.
- This proposed PUD – Master Land Use Plan involves creating a development with multiple uses in up to four (4) buildings including restaurants, office, and retail space.
- Arby's restaurant, which is currently located at 2900 Milwaukee Road, will be moved into a new strip development. The PUD is necessary in order to develop the new strip centers on one parcel.
- This development is proposed to consist of a 9,000 square-foot strip center with drive-through and outdoor seating area for the new Arby's, a 6,000 square-foot strip center with no drive-through access, and an 8,425 square-foot strip center with no drive-through access. The existing Arby's building will remain. Although all drive-through uses require a Conditional Use Permit, Planning staff is recommending a condition of approval that will consolidate the CUP process with this PUD.
- Planning and Engineering Staff have reviewed the proposed driveways and traffic circulation. Between the existing Arby's site and the proposed Arby's site are traffic control challenges. A discussed solution would be for the aisle between these properties be a one-way, North-only traffic with angled parking along the existing Arby's building. The developers are hesitant to remove two-way traffic from this aisle due to easy access to the existing Arby's building. Planning Staff is also recommending a bypass lane be provided for the existing Arby's.
- According to Section 8-112 of the Zoning Ordinance, a restaurant drive-through must have five stacking spaces before the order box and three stacking spaces between the order box and pick-up window. The proposed drive-through includes adequate stacking spaces.
- The City's review agents have reviewed the proposed PUD and have not submitted any comments.
- Section 5-305 of the Zoning Ordinance requires the City Council to establish development standards during the PUD process. Development standards are addressed in the Staff Recommendation section of this report.
  
- Section 2-402(g) of the Zoning Ordinance allows for the approval of a PUD - Master Land Use Plan if the following five criteria can be met:
  - **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable standards, based on the purpose and intent of the Zoning Ordinance.** The proposed plan allows flexibility in site design, specifically development of multi-use facilities on the same parcel, which would not be possible through strict interpretation of the Zoning Ordinance.

- **The PUD - Master Land Use Plan complies with the standards of Section 5-300.** The PUD - Master Land Use Plan complies with the standards of Section 5-300.
- **Service providers will be able to provide necessary public services, facilities, and programs to serve the development proposed.** Service providers will be able to provide necessary services, facilities, and programs to serve the development. The review agents have been notified and have not raised objections.
- **The development is consistent with and implements the planning goals and objectives contained in the Comprehensive Plan and other adopted policies and documents.** See the consistency section below.
- **The PUD - Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.** Subject to certain conditions of approval, the proposed PUD will improve the appearance of the subject property while enhancing commercial development, connectivity between parcels, and accessibility.

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**Consistency with Comprehensive Plan and Strategic Plan:**

The Comprehensive Plan recommends Community Commercial uses of the subject property. The PUD is consistent with the goals, objectives, and policies contained in the Comprehensive Plan. Consideration of this request supports Strategic Goal #5.

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**Sustainability:**

- **Reduce dependence upon fossil fuels** – Planning staff is recommending conditions of approval that will accommodate bike riders.
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – This project is expected to have a positive impact upon all stakeholders.

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**Staff Recommendation:**

The Planning & Building Services Division recommends approval of the PUD - Master Land Use Plan for the properties located at 2850, 2900 Milwaukee Road and 1865 Branigan Road, based on its consistency with the Zoning Ordinance and subject to the following conditions:

1. This approval authorizes the development of 3 separate strip centers for multiple land uses and retention of an existing restaurant building on one parcel for the properties located at 2850, 2900 Milwaukee Road and 1865 Branigan Road.
2. The parcels shall be combined through application with the City's Assessor prior to issuance of permits.
3. The proposed drive-through is hereby approved, and a separate Conditional Use Permit is not required.
4. A bypass lane shall be provided to the east of the stacking spaces for the property at 2900 Milwaukee Road.
5. For allowable use & dimensional standard purposes, the regulations applicable in the C-3, Community Commercial District shall apply to the subject property.
6. For outdoor sign purposes, the development may have one (1) primary and five (5) secondary signs per building.
7. The applicant shall provide a bike rack near the northern most development that can accommodate at least 4 bicycles.
8. Parking capacities must comply with ordinances once site is developed.
9. Prior to issuance of a Building Permit for this project, the applicant shall rezone the subject property to PUD. Architectural Review and Site Plan Review will be needed for each phase of development.
10. The proposed outdoor seating area will need a separate Conditional Use Permit.
11. 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 PUD – Master Land Use Plan. The Director of Planning & Building Services may approve minor changes administratively and allow accessory structures and uses that comply with and meet all of the standards and requirements of the City of Beloit Municipal Code.

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**Fiscal Note/Budget Impact:** N/A

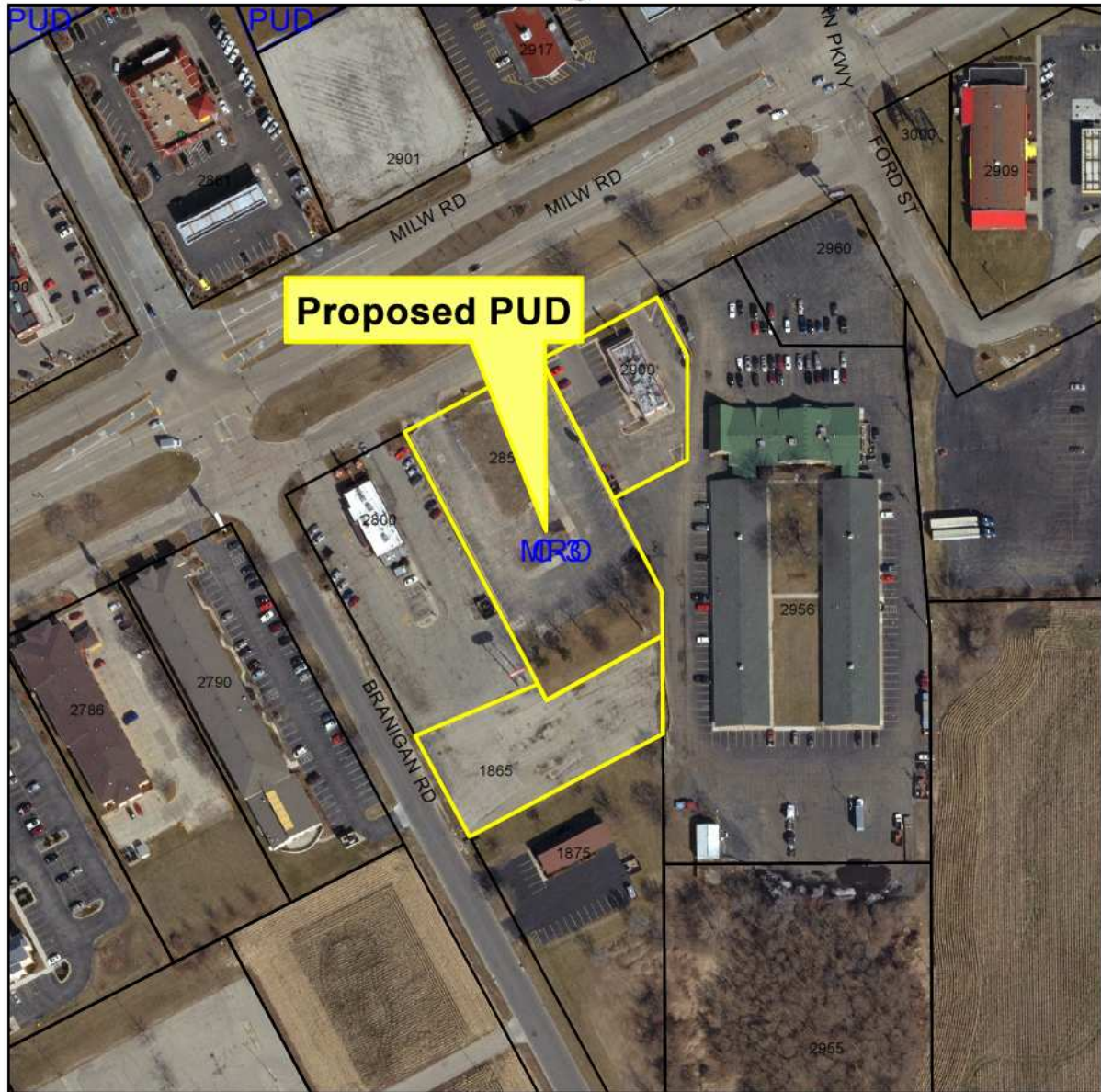
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**Attachments:** Location & Zoning Map, Photos, PUD – Master Land Use Plan, Application, Public Notice, and Mailing List.

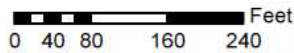
# Location & Zoning Map

2850-2900 Milwaukee Rd & 1865 Branigan Rd

ZMA-2013-13



1 inch = 162 feet



### Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington  
Date: September 2013  
For: City of Beloit Planning & Building  
Date of Aerial Photography: March 2011

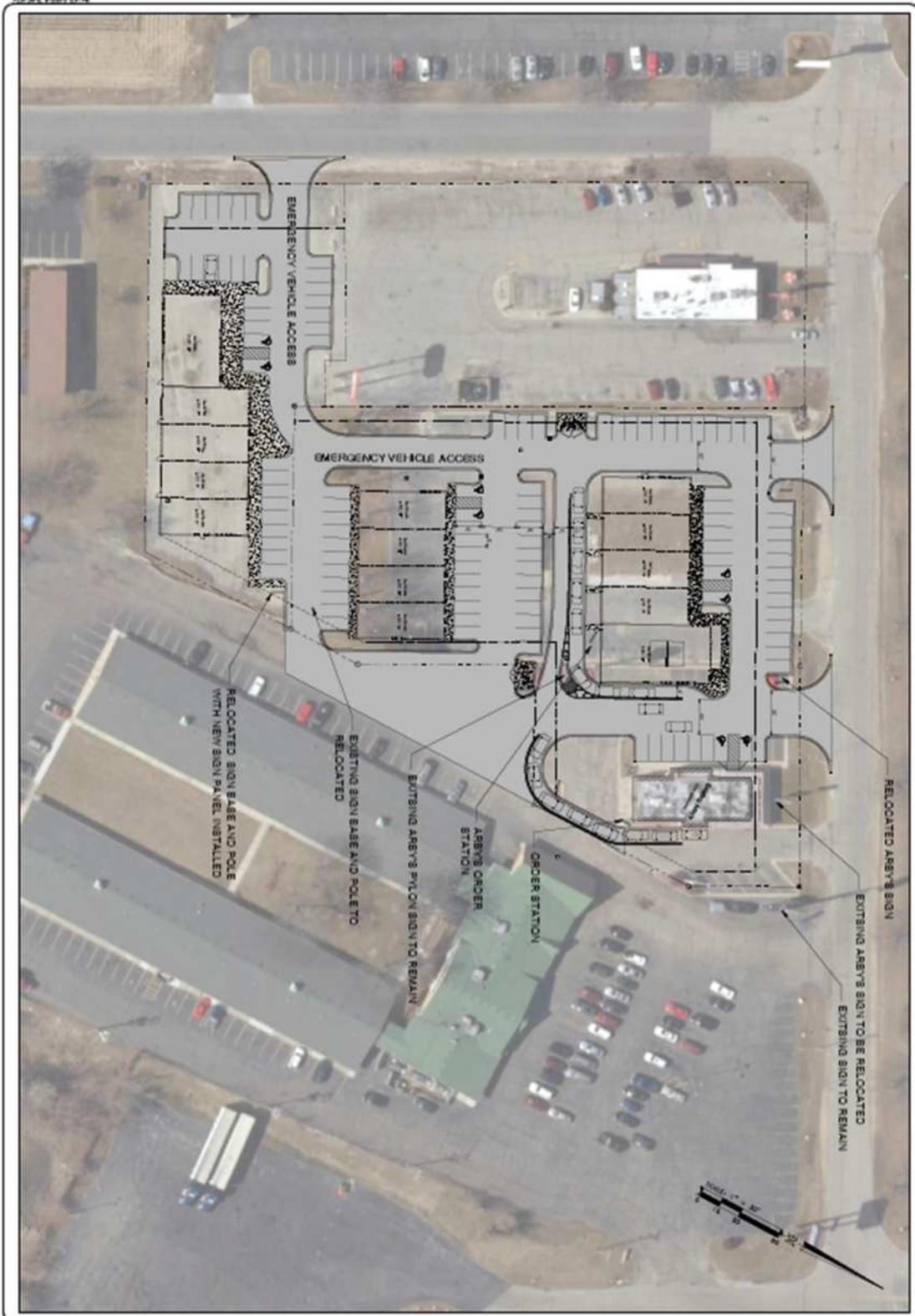
## PLANNING & BUILDING SERVICES DIVISION







10/02/2013 11:57



1 OF 1

CORPORATE CONTRACTORS, INC.  
MILWAUKEE ROAD RETAIL CENTER  
CITY OF BELLEVILLE  
ROCK COUNTY, WISCONSIN

PLANNED UNIT  
DEVELOPMENT EXHIBIT

ALL DIMENSIONS SHOWN ARE TO BE VERIFIED BY SQUARE FOOT PORTION OF THE DRAWING

DATE:	07/11	07/11
DESIGNED BY:	07/11	07/11
CHECKED BY:	07/11	07/11
APPROVED BY:	07/11	07/11
DATE:	07/11	07/11

**Batterman**  
engineers surveyors planners

2857 Parkside Drive  
Belleville, Wisconsin 53811  
608.365.4344  
www.batterman.com



# CITY of BELOIT

## Planning & Building Services Division

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

### PUD - Master Land Use Plan Application

(Please Type or Print)

File Number: PUD-2013-02

1. Address of subject property: 2900 MILWAUKEE RD; 2850 MILWAUKEE RD; 1865 BRANIGAN RD  
2. Legal description: LOT 1 CSM VOL 14 PGS 133-135; LOT 1 CSM VOL 4 PGS 205-207;  
LOT 2 CSM VOL 18 PGS 442-443

If necessary attach a copy of the complete legal description.

3. Area of parcel in square feet or acres: 0.5544 AC; 1.378 AC; 0.773 AC
4. Tax Parcel Number(s): 22910850; 22910805; 22910810
5. Owner of record: McBAIN ENTERPRISES, INC. Phone: 608-365-0699  
2951 KENNEDY DR, BELOIT, WI 53511  
(Address) (City) (State) (Zip)
6. Applicant's Name: COMMERCIAL PROPERTY GROUP  
111 N. MAIN STREET, SUITE 270, JANESVILLE, WI 53545  
(Address) (City) (State) (Zip)  
608-554-2720 1608-751-5973 / JOELPATCH@CHARTER.NET  
(Office Phone #) (Cell Phone #) (E-mail Address)

7. All existing use(s) on this property are: FAST FOOD RESTAURANT w/ DRIVE THRU,  
VACANT LAND
8. The applicant requests review and approval of a PLANNED UNIT DEVELOPMENT /  
Master Land Use Plan: in a(n) C-3 Zoning District.
9. A Preapplication Conference was held on: SEPTEMBER 12, 2013.

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

Principal use(s): FAST FOOD RESTAURANTS w/ DRIVE THRU FACILITIES,  
+ OUTDOOR SEATING  
Secondary use(s): RETAIL, OFFICE

11. State how the proposed development differs from the type of development that would be permitted under the existing zoning regulations. THE PUD WOULD ACCOMODATE RESTAURANT, OFFICE AND RETAL TO BE BUILT ON THE SAME PARCEL ALONG WITH DRIVE THRU FACILITIES

12. Describe how the proposed development provides greater benefits to the City of Beloit than an otherwise permitted development. THE PUD WILL IMPROVE THE APPEARANCE OF THE PROPERTIES WHILE ENHANCING TRAFFIC + EMERGENCY VEHICLE FLOW AND OVERALL CONNECTIVITY BETWEEN PARCELS

13. Project timetable: Start date: Nov 1, 2013 Completion date: APRIL 15, 2014

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

- ( ) Owner
- ( ) Leasehold, length of lease: \_\_\_\_\_
- () Contractual, nature of contract: OWNERS AGENT
- ( ) 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.

Joel W. Patch / JOEL W. PATCH / 9/13/13  
(Signature of Owner) / (Print name) / (Date)  
OWNER'S AGENT  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(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 & 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 \$200.00 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: <b>\$200.00</b>	Amount paid: <u>200.00</u>	Meeting date: <u>10/9/13</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>[Signature]</u>	Date: <u>9/13/13</u>	

ROSEBUD PARTNERS LLC  
CAPITAL CINEMAS  
3100 DEER FIELD DR  
JANESVILLE, WI 53546

ATTN: JASON UPADHYAY SHREE  
RADHA MANGAL CORPORATION  
2786 MILWAUKEE RD  
BELOIT, WI 53511

SUN LODGING INC  
2900 FORD ST  
BELOIT, WI 53511

2933 MILWAUKEE ROAD  
BELOIT LLC  
230 OHIO ST STE 200  
OSHKOSH, WI 54902

MCBAIN ENTERPRISES INC  
2951 KENNEDY DR  
BELOIT, WI 53511

DBA HOLIDAY INN EXPRESS  
BELOIT EXPRESS INC  
2790 MILWAUKEE RD  
BELOIT, WI 53511

SHIRLEY M CARLSON  
REVOCABLE TRUST  
8829 S LATHERS RD  
BELOIT, WI 53511

JOHN PATCH AMUSEMENT  
BROKERS LTD

1875 BRANIGAN RD  
BELOIT, WI 535113984

ARC CAFEUSA001 LLC  
7621 LITTLE AVE STE 200  
CHARLOTTE, NC 28226

MY THREE KIDS INC  
2104 BELOIT AVE  
JANESVILLE, WI 53546

## **NOTICE TO THE PUBLIC**

September 26, 2013

To Whom It May Concern:

Commercial Property Group, on behalf of McBain Enterprises, Inc., has submitted applications for review and consideration of a Planned Unit Development (PUD) - Master Land Use Plan and Zoning Map Amendment for the properties located at:

**2850, 2900 Milwaukee Road and 1865 Branigan.**

This proposed PUD – Master Land Use Plan involves rezoning these lots to create a development that would include restaurants, office, and retail spaces. The subject property is currently zoned C-3, Community Commercial. If the requested PUD – Master Land Use Plan is approved, the subject property will be rezoned to PUD. A copy of the PUD - Master Land Use Plan is attached to this notice.

The following public hearings will be held regarding this proposed PUD - Master Land Use Plan and Zoning Map Amendment:

**City Plan Commission:** Wednesday, October 9, 2013, 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, October 21, 2013, 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 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 Stephanie Hummel in the Planning & Building Services Division at (608) 364-6708 or hummels@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.*

# CITY OF BELOIT

## REPORT TO THE BELOIT CITY PLAN COMMISSION



**Meeting Date:** October 9, 2013

**Agenda Item:** 8

**File Number:** ZMA-2013-13

**Applicant:** Commercial Property Group

**Owner:** McBain Enterprises, Inc.

**Location:** 2850, 2900 Milwaukee Road and 1865 Branigan Road

**Current Zoning:** C-3, Community Commercial District; MRO- Milwaukee Road Overlay

**Existing Land Use:** Fast Food and Vacant Land

**Parcel Size:**

2850: 1.3780 Acres

2900: .5544 Acres

1865: .7730 Acres

Total: 2.7054 Acres

**Proposed Zoning:** PUD, Planned Unit Development; MRO- Milwaukee Road Overlay

---

### Request Overview/Background Information:

Commercial Property Group, on behalf of McBain Enterprises, Inc., has submitted an application for a Zoning Map Amendment to change the zoning district classification from C-3, Community Commercial District to PUD, Planned Unit Development, for the properties located at 2850, 2900 Milwaukee Road and 1865 Branigan Road.

---

### Key Issues:

- The applicant intends to market the subject properties for restaurants, office, and retail.
- The C-3 district is intended to accommodate community-oriented retail sales and service uses. The PUD district is a special purpose zoning district that permits greater flexibility for land planning and site design.
- The property located at 2850 Milwaukee Road is 1.378 acres. The property located at 2900 Milwaukee Road is .5544 acres. The property located at 1865 Branigan Road is .773 acres.
- This application is being considered in accordance with the Zoning Map Amendment procedures contained in Section 2-300 of the Zoning Ordinance.
- The Comprehensive Plan's Future Land Use Map recommends Community Commercial uses for the subject properties.
- The attached **Location & Zoning Map** shows the location of the subject properties and the zoning of the surrounding area. All surrounding properties are zoned C-3, Community Commercial with most land uses as either restaurant or hotel.
- Planning staff mailed the attached Public Notice to the owners of nearby properties. As of this writing, staff has not received any comments.
- **Findings of Fact** - Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:
  - a. *The existing use of property within the general area of the subject property;*
    - The subject properties are located in the center of a Community Commercial District. The uses for nearby properties include restaurants, hotels, retail, and office. The proposed uses are compatible with existing and planned uses within the general area.
  - b. *The zoning classification of property within the general area of the subject property;*
    - The subject properties are in the center of a C-3, Community Commercial District. The proposed PUD would retain underlying C-3 use regulations.
  - c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
    - The subject properties are suitable for the uses permitted in the C-3 district.
  - d. *The trend of development and zoning map amendments in the general area of the subject property.*
    - The Milwaukee Road area is fast-developing commercial area of the city. Recent developments include Qdoba Mexican Grill, US Cellular, and the Cancer Center.

---

### Consistency with Comprehensive Plan and Strategic Plan:

The Comprehensive Plan recommends Community Commercial uses. This proposed Zoning Map Amendment is consistent with the Comprehensive Plan, as required by Section 66.1001(3) of Wisconsin Statutes.



Consideration of this request supports City of Beloit Strategic Goal #5.

---

**Sustainability:** (Briefly comment on the sustainable long term impact of this policy or program related to how it will impact both the built and natural environment utilizing the four following eco-municipality guidelines)

- **Reduce dependence upon fossil fuels** – N/A
- **Reduce dependence on chemicals and other manufacturing substances that accumulate in nature** – N/A
- **Reduce dependence on activities that harm life sustaining eco-systems** – N/A
- **Meet the hierarchy of present and future human needs fairly and efficiently** – N/A

---

**Staff Recommendation:**

Based upon the above Findings of Fact and the City's Comprehensive Plan, the Planning & Building Services Division recommends **approval** of a Zoning Map Amendment to change the zoning district classification from C-3 Community Commercial District to PUD, Planned Unit Development, for the properties located at 2850, 2900 Milwaukee Road and 1865 Branigan Road.

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**Fiscal Note/Budget Impact:** N/A

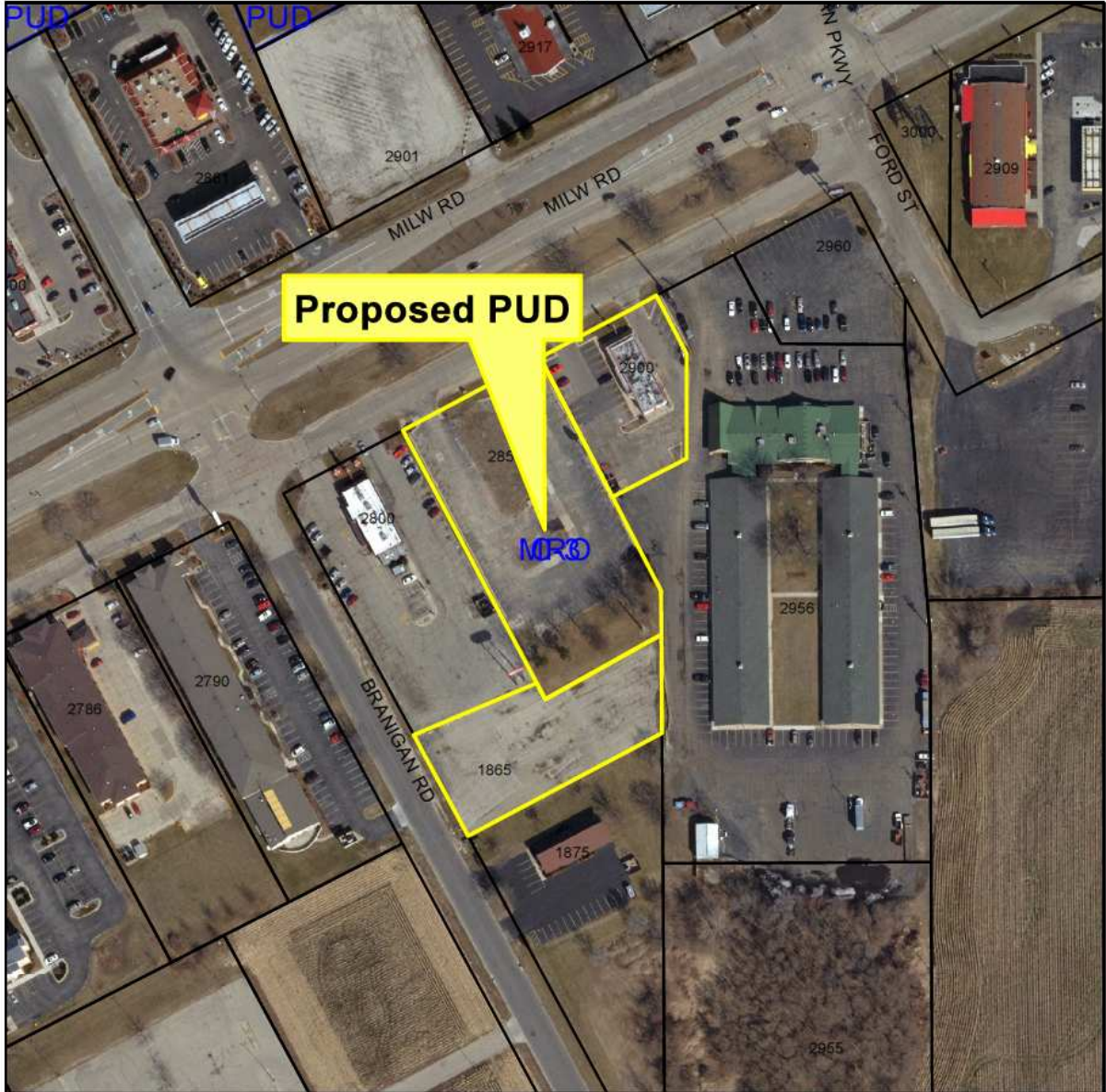
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**Attachments:** Location & Zoning Map, Photos, Application, Public Notice, and Mailing List.

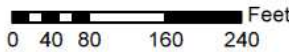
# Location & Zoning Map

2850-2900 Milwaukee Rd & 1865 Branigan Rd

ZMA-2013-13



1 inch = 162 feet



## Legend

- COB Parcels
- Zoning District

Map prepared by: Drew Pennington  
Date: September 2013  
For: City of Beloit Planning & Building  
Date of Aerial Photography: March 2011

# PLANNING & BUILDING SERVICES DIVISION





# CITY of BELOIT

## PLANNING & BUILDING SERVICES DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

### Zoning Map Amendment Application Form

(Please Type or Print)

File No.: ZMA-2013-13

1. Address of subject property: 2900 MILWAUKEE RD; 2850 MILWAUKEE RD; 1865 BRANKA W RD  
LOT 1 CSM VOL 14 PGS 133-135; LOT 1 CSM VOL 4 PGS 205-207; LOT 2 CSM Vol 18 PGS 442-443
2. Legal description: Lot: 1 Block: 1 Subdivision: 1

(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: 0.5544 Ac; 1.378 Ac; 0.773 Ac acres.

3. Tax Parcel Number(s): 22910850 ; 22910805 ; 22910810

4. Owner of record: McBAIN ENTERPRISES, INC. Phone: 608-365-0699

2951 KENNEDY DR, BELOIT, WI 53511  
(Address) (City) (State) (Zip)

5. Applicant's Name: COMMERCIAL PROPERTY GROUP

111 N. MAIN STREET, SUITE 270, JAMESVILLE, WI 53545  
(Address) (City) (State) (Zip)

608-554-2720 1-608-751-5973 JOELPATCH@CHARTER.NET  
(Office Phone #) (Cell Phone #) (E-mail Address)

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

Change zoning district classification from: C-3 to: FUD

All existing uses on this property are: FAST FOOD RESTAURANT w/ DRIVE THRU,  
VACANT LAND, VACANT LAND

7. All the proposed uses for this property are:

Principal use(s): FAST FOOD RESTAURANTS w/ DRIVE THRU  
FACILITIES AND OUTDOOR SEATING

Secondary use(s): RETAIL, OFFICE

Accessory use(s): \_\_\_\_\_

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

- ( ) Owner
- ( ) Leasehold, Length of lease: \_\_\_\_\_
- (X) Contractual, Nature of contract: OWNERS AGENT
- ( ) Other, explain: \_\_\_\_\_

9. Individual(s) responsible for compliance with conditions (if any), if request is granted:

Name(s): JOEL PATCH Phone: 608-554-2720  
111 N. MAIN STREET, SUITE 270, JANESVILLE, WI 53545  
(Address) (City) (State) (Zip)

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.

Joel W. Patch | JOEL W. PATCH | 9/13/13  
(Signature of Owner) (Print name) (Date)  
OWNER'S AGENT | | |  
(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 Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff		
Filing Fee: <b>\$275.00</b>	Amount Paid: <u>\$275.00</u>	Meeting Date: _____
Number of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>[Signature]</u>	Date: <u>9/13/13</u>	
Date Notice Published: _____	Date Notice Mailed: _____	

ROSEBUD PARTNERS LLC  
CAPITAL CINEMAS  
3100 DEER FIELD DR  
JANESVILLE, WI 53546

ATTN: JASON UPADHYAY SHREE  
RADHA MANGAL CORPORATION  
2786 MILWAUKEE RD  
BELOIT, WI 53511

SUN LODGING INC  
2900 FORD ST  
BELOIT, WI 53511

2933 MILWAUKEE ROAD  
BELOIT LLC  
230 OHIO ST STE 200  
OSHKOSH, WI 54902

MCBAIN ENTERPRISES INC  
2951 KENNEDY DR  
BELOIT, WI 53511

DBA HOLIDAY INN EXPRESS  
BELOIT EXPRESS INC  
2790 MILWAUKEE RD  
BELOIT, WI 53511

SHIRLEY M CARLSON  
REVOCABLE TRUST  
8829 S LATHERS RD  
BELOIT, WI 53511

JOHN PATCH AMUSEMENT  
BROKERS LTD  
1875 BRANIGAN RD  
BELOIT, WI 535113984

ARC CAFEUSA001 LLC  
7621 LITTLE AVE STE 200  
CHARLOTTE, NC 28226

MY THREE KIDS INC  
2104 BELOIT AVE  
JANESVILLE, WI 53546

## **NOTICE TO THE PUBLIC**

September 26, 2013

To Whom It May Concern:

Commercial Property Group, on behalf of McBain Enterprises, Inc., has submitted applications for review and consideration of a Planned Unit Development (PUD) - Master Land Use Plan in a C-3, Community Commercial District and a Zoning Map Amendment to rezone to PUD for the properties located at:

**2850, 2900 Milwaukee Road, 1865 Branigan Road**

This proposed PUD – Master Land Use Plan involves rezoning these lots to create a development that would include restaurants, office, and retail spaces. The subject property is currently zoned C-3, Community Commercial. If the requested PUD – Master Land Use Plan is approved, the will be rezoned to PUD. A copy of the PUD - Master Land Use Plan is attached to this notice.

The following public hearings will be held regarding this proposed PUD - Master Land Use Plan and Zoning Map Amendment:

**City Plan Commission:** Wednesday, October 9, 2013, 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, October 21, 2013, 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 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 Stephanie Hummel in the Planning & Building Services Division at (608) 364-6708 or hummel@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.*