



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

**MEETING NOTICE AND AGENDA
Beloit City Plan Commission
Wednesday, July 22, 2015 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 July 8, 2015 Meeting**
3. **Conditional Use Permit – 901 Bayliss Avenue – Dave’s Bait & Tackle**
Public hearing, review and consideration of a Conditional Use Permit to allow indoor alcohol sales in a C-2, Neighborhood Commercial District for property located at 901 Bayliss Avenue
4. **Conditional Use Permit – 911 E Grand Avenue**
Public hearing, review and consideration of a Conditional Use Permit to allow second-story residential above retail in a C-2, Neighborhood Commercial District for property located at 911 E Grand Avenue
5. **Conditional Use Permit – 430 E Grand Avenue – Zen Sushi**
Public hearing, review and consideration of a Conditional Use Permit to allow outdoor seating and outdoor sales, possession and consumption of alcohol in a CBD-1, Central Business District, Core, for property located at 430 E Grand Avenue
6. **Status Report on Prior Plan Commission Items**
7. **Adjournment**

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

Notice Mailed: July 17, 2015

Approved: Julie Christensen, Community
Development Director

**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



CITY HALL • 100 STATE STREET • BELOIT, WI 53511

MEETING MINUTES
Beloit City Plan Commission
Wednesday, July 8, 2015 at 7:00 PM
The Forum
Beloit City Hall, First Floor
100 State Street, Beloit

1. Call to Order and Roll Call

Chairperson Faragher called the meeting to order at 7:00pm. Commissioners Mathis, Johnson, Faragher, Ruster, Finnegan, Tinder and Councilor Kincaid were present. Commissioner Moore was not present.

2. Approval of the Minutes of the June 17, 2015 Meeting

There were two corrections to the June 17th minutes. On page 4, paragraph 7 it should read fact, not face. Also the approval for the Boarding House Conditional Use Permit should read (6-0-1) instead of 7-0.

Commissioner Ruster moved to approve the amended minutes. Commissioner Tinder seconded the motion. The motion passed unanimously (6-0).

3. Sign Ordinance Amendment – Allowing EVM Signs in C-1 and PLI Zoning Districts

Public hearing, review and consideration of an Ordinance to amend Sections 30.17(2)(b)2, (b)3, (b)6 and (b)7a of the Code of General Ordinances of the City of Beloit pertaining to Electronically Variable-Message Signs.

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

Councilor Kincaid inquired into the amount of time the petitioner has been waiting for the amendment. Ms. Christensen explained the history of the request and the delay in addressing the amendment.

Commissioner Ruster inquired into the requested size of the sign. Ms. Christensen explained that the petitioner has not yet submitted a request due to the fact that it is not permissible. She also explained that as the proposed sign amendment was written, the maximum size of the electronic sign would be 75 square feet.

Commissioner Faragher asked if there were any concerns about the sign being located near a state highway. Ms. Christensen explained that the last time that the church came forward with a sign request, they had asked that it be allowed in the right of way. She explained that the prior request violated state law.

Councilor Kincaid asked what is currently advertised with the existing sign. Ms. Christensen explained the location and message of the sign.

Commissioner Ruster voiced a concern that the electronic sign would lower property values for the nearby neighborhood. Ms. Christensen explained that there is property adjacent that could, under the existing sign ordinance, erect an EVM sign. Ms. Christensen requested that the Commission consider allowing PLI districts permission so that schools are able to erect EVM signs.

Commissioner Johnson asked whether or not the School District could have an EVM in front of the new intermediate school on Milwaukee Road. Ms. Christensen answered that, as the Sign Ordinance reads currently, they would not be permitted to have an EVM sign.

Councilor Kincaid inquired into the potential timeline of the Sign Ordinance update. Ms. Christensen explained that due to more pressing legal issues, the Sign Ordinance would not be updated in the near future.

David Clark, 2735 Riverside Drive, spoke to the Commission. Mr. Clark stated that the existing sign at Central Christian Church is outdated. He also said that the church does not have a traditional church appearance, and the sign would assist individuals to find the church. Mr. Clark also explained the many diverse needs the Electronic Sign would be able to address.

Commissioner Mathis confirmed that Central Christian Church is currently zoned C-1. Ms. Christensen explained the history of the zoning in that district.

Councilor Kincaid inquired into the amount of commercial businesses that are currently in the area. Ms. Christensen provided the requested information.

Commissioner Mathis asked about residential neighbors of Central Christian Church. Ms. Christensen stated that the only residential neighborhood is across Milwaukee Road.

Commissioner Ruster expounded on her concerns regarding an EVM sign on a busy highway, near a school, and across the highway from a residential neighborhood as well as the image of the City of Beloit.

Commissioner Mathis agreed with Commissioner Ruster's concerns; however, he also presented the many options the EVM signs would present to sign owners as well as the fact that newer signs present a better image. Commissioner Mathis asked about the possibility of an exception for these types of signs.

Ms. Christensen explained the Sign Ordinance Exception policy regarding dimensions and prohibited signs. As the ordinance is written, the Commission could not look at signs applications on a case-by-case basis.

Commissioner Finnegan explained that having an EVM sign would be keeping with the times and the progressive image of the City of Beloit. He also suggested that the amendment only permit EVM signs in PLI districts instead of both PLI and C-1. Ms. Christensen explained that there are fewer PLI districts in the city than C-1. Schools and churches make up the majority of PLI districts.

Councilor Kincaid suggested that the Commission consider the manner in which the EVM signs affect the neighboring areas. He indicated that he believes that if something doesn't increase value, it shouldn't be approved.

Commissioner Johnson stated that he would prefer if EVM signs would only be permitted in PLI districts. Commissioner Mathis stated that he agreed with the time frame stipulation.

Commissioner Ruster inquired into the amount of sign frontage permitted in PLI districts. Ms. Christensen explained that PLI districts do not have more sign frontage permitted than C-1 districts.

Chairperson Faragher moved to amend the proposed amendment to only permit the EVM signs in PLI districts and not C-1 districts. Commissioner Tinder seconded this motion. The motion passed (6-0).

Chairperson Faragher moved to amend the proposed amendment to only permit the EVM signs to be lit during the hours of 6am to 10pm when abutting or adjacent to residential properties. Commissioner Mathis seconded the motion. The motion passed (5-1).

Chairperson Johnson moved to approve the amended ordinance. Commissioner Tinder seconded the motion. The motion passed (6-0).

4. Discussion of the Sign Ordinance Update

Ms. Christensen presented the rationale behind the amendments being proposed to the Sign Ordinance and requested that the discussion be moved to another meeting in the future. Chairperson Faragher agreed to move the Discussion to a meeting in the future.

5. Status Report on Prior Plan Commission Items

Ms. Christensen stated that the City Council approved the Conditional Use Permits for 2100 Newark Road and 1105 East Grand Ave. The Council also added a landscaping condition to the Conditional Use Permit for 1105 East Grand Ave.

6. Adjournment

The meeting adjourned at 8:15pm.

Respectfully submitted by Ashley Rosenbaum.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: July 22, 2015

Agenda Item: 3

File Number: CU-2015-07

Applicant: David Huyck

Owner: Salvador Sanchez

Location: 901 Bayliss Avenue

Existing Zoning: C-2, Neighborhood Commercial District

Existing Land Use: Retail/Vacant

Parcel Size: .3329 Acre

Request Overview/Background Information:

David C. Huyck has filed an application for a Conditional Use Permit to allow the indoor sale of alcoholic beverages in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue in the City of Beloit. The applicant is seeking permission to sell beer in a bait and tackle shop planned to open in August of 2015. The adjacent zoning and land uses are as follows:

- **North:** Town of Beloit; Single-Family Residential
- **South:** R-1B Single Family Residential, Church
- **East:** C-2 Neighborhood Commercial District; Restaurant
- **West:** Town of Beloit; Single-Family Residential

Indoor alcohol sales are a conditional use in the C-2 District. If the Conditional Use Permit is approved, the City Council is authorized to impose conditions it deems necessary to reduce or minimize any potential adverse effects on surrounding properties.

Key Issues:

- The sale of alcoholic beverages is allowed as a conditional use in a C-2 District. The applicant has proposed allowing the sale of alcoholic beverages in the bait and tackle shop located on the subject property.
 - Approval of the CUP would allow the applicant to sell alcoholic beverages to be sold in a bait and tackle shop to be opened on the subject property.
- The previous tenant of the building, Dick's Bait and Tackle, sold beer and held an alcohol license until 2011.
 - The business closed in 2011 and the building on the subject property has been vacant since then.
 - The current tenant and applicant, Mr. Huyck, has a five-year lease on the building.
- If a Conditional Use Permit is granted, the applicant must also obtain an Alcohol Beverage License before any alcoholic beverages may be legally sold on the subject property.
- The applicant has indicated that beer will be the only type of alcohol to be sold at the shop.
- The property is located within 300 feet of a church. However, the prohibition within 300 feet of a church only applies to liquor licenses, not beer licenses.
- **Findings of Fact**
 - *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;*
 - Beer is a common product in bait and tackle shops all over the state. Planning Staff feels that general public health and safety will not be negatively impacted by the proposed alcohol sales at the shop.
 - *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The conditional use will not injure the use and enjoyment of nearby properties.
 - *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The previous business on the subject property sold alcohol for many years before going out of business. Resuming the sale of alcohol in a new, nearly identical business on the property is not expected to diminish or impair property values in the neighborhood.
 - *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*

- Not Applicable.
- *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;*
 - Not Applicable.
- *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;*
 - Not Applicable
- *Whether adequate measures will be taken to minimize traffic congestion; and*
 - The subject property has adequate off-street parking for customers.
- *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 Comprehensive Plan recommends Neighborhood Commercial uses and a zoning district classification of C-2 for the subject property. The underlying zoning district classification 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:

- **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 and Building Services Division recommends **approval** of a Conditional Use Permit to allow the sale of alcoholic beverages in the bait and tackle shop in a C-2, Neighborhood Commercial District, for the property located at 901 Bayliss Avenue, based on the above Findings of Fact, under the following conditions of approval:

1. This Conditional Use Permit authorizes indoor alcohol sales within the existing building located at 901 Bayliss Avenue.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. The applicant may only possess a Class A Fermented Beverage License allowing the sale of beer for off-premise consumption.
4. 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 Planning and Building Services Director may approve minor changes administratively.

Fiscal Note/Budget Impact:

N/A

Attachments:

Photos, Zoning and Location Map, Application, Public Notice, and Mailing List





CU-2015-07, 901 Bayliss Ave

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-2015-07

1. Address of subject property: 901 Bayliss Beloit

2. Legal description: LOTS 37 AND 38, BLOCK 2, PARCELS 0 PLANE

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): 1245 0770

4. Owner of record: SANCHEZ RENTALS, LLC Phone: 608-295-1841

2112 ROOSEVELT AVE., BELOIT WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: David C. Huyck

2013 Church St Beloit WI 53511
(Address) (City) (State) (Zip)

(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: Sales of Bait, tackle, tube
been

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

A Conditional Use Permit for: _____

_____ in a(n) _____ Zoning District.

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

Principal use: SAME AS ABOVE

Secondary use: _____

Accessory use: _____

file at a/c office
Kevin (2)

9. Project timetable: Start date: 8-1-2015 Completion date: _____

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

- () Owner
- (x) Leasehold, length of lease: 5 years
- () 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.

Salvador Sanchez | Salvador Sanchez | 6-11-15
 (Signature of Owner) (Print name) (Date)

Dave Huyck | DAVE HUYCK | 6-12-15
 (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: **\$275.00** Amount paid: \$275.⁰⁰ Meeting date: July 22, 2015

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

Application accepted by: Drew Pennington Date: 6/22/15

July 8, 2015

NOTICE TO THE PUBLIC

To Whom It May Concern:

David Huyck has filed an application for a Conditional Use Permit to allow the sale of alcoholic beverages in a C-2, Neighborhood Commercial District. The permit would allow the applicant to sell alcohol at a proposed bait and tackle shop in a C-2, Neighborhood Commercial District, on the property located at:

901 Bayliss Avenue.

Alcohol sales are a conditional use in the C-2 District. The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, July 22, 2015, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, August 3, 2015, 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 Alex Morganroth in the Planning Division at (608) 364-6708 or morganrotha@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

JGJWELLNITZ HOLDINGS LLC
9302 S GUSTAFSON RD
CLINTON, WI 53525

ALLAN & KATHRYN BARTZ
2150 THOMAS ST
BELOIT, WI 53511

IMPERIAL VALLEY PROPERTIES LLC
P O BOX 860
EL CENTRO, CA 92244

TIM A & STACEY HINZPETER HINZPETER
LIVING TRUST
P O BOX 21386
SARASOTA, FL 34276

MICHAEL ROGERS
101 BUNN DR
ROCKTON, IL 61072

CORA COBB
1880 HARRISON AVE
BELOIT, WI 53511

MUSLIM CENTER OF BELOIT
1879 PARK AVE
ATTN: R EL AMIN/L MAJEED (LC)
BELOIT, WI 53511
CLARENCE MCMAHON
901 BAYLISS AVE
BELOIT, WI 53511

US BANK NA
4801 FREDERICA ST
OWENSBORO, KY 42301

SANCHEZ RENTALS LLC
2112 ROOSEVELT AVE
BELOIT, WI 53511



CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: July 22, 2015

Agenda Item: 4

File Number: CU-2015-06

Applicant: Michelle Crossby

Owner: Michelle Crossby

Location: 911 East Grand Avenue

Existing Zoning: C-2, Neighborhood Commercial District

Existing Land Use: Retail

Parcel Size: .1599 Acre

Request Overview/Background Information:

Michelle Crossby has filed an application for a Conditional Use Permit (CUP) to allow a single-family attached dwelling in a C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue. The applicant is seeking permission to convert the upstairs of the building at the subject property into a residence.

Key Issues:

- Single-Family Attached Dwellings are allowed as conditional uses in a C-2 District. The applicant has proposed allowing a residence on the second floor of the building on the subject property.
 - The applicant intends to reside in (or eventually rent out) this dwelling.
- The applicant recently purchased the building and has opened a dog grooming business on the first floor.
- The second floor is not currently set up as a living space. The applicant will be making the appropriate improvements in order to meet all requirements for residential uses in the Building Code.
- The City's Review Agents have reviewed this application and have submitted the following comments or concerns:
 - **Engineering Department** – Adequate off-street parking must be available for the upper floor housing unit.
 - A small parking lot behind the house will provide adequate parking for both the tenant of the housing unit and customers of the business.
- The attached Public Notice was sent to fourteen (14) nearby property owners.
 - Planning staff received two calls from neighbors declaring their support for approval of the CUP.
- **Findings of Fact**
 - *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;*
 - Conversion of the second floor into a residence will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The conditional use will not injure the use and enjoyment of nearby properties. The property is adjacent to similar uses including both residential and commercial uses. The addition of a second story residence will not have a negative impact on other properties in the neighborhood.
 - *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The conditional use will not diminish or impair property values in the neighborhood. The applicant has already made a considerable investment by opening a business. A responsible business owner concurrently living and working in the same building incentivizes property maintenance and upkeep. In addition, the new business and potential owner-occupied residence will be economically beneficial for the neighborhood.
 - *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*
 - The surrounding area is already developed.
 - *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;*
 - Not Applicable.

- *Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use;*
 - The applicant will be installing the appropriate facilities in the second story in order to provide a functional living space.
- *Whether adequate measures will be taken to minimize traffic congestion; and*
 - Not Applicable.
- *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 Comprehensive Plan recommends *Neighborhood Commercial* uses for the subject parcel. The dog grooming business located on the first floor is consistent with this use. Though residential uses are not explicitly listed under *Neighborhood Commercial* category, compact development is a central theme throughout the Comprehensive Plan document and the applicants request to utilize unused space is consistent with this objective.

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

Sustainability:

- **Reduce dependence upon fossil fuels** – The second story residence will increase the density of the area and will allow the applicant to live near her business. In addition, living within a close proximity to the amenities and services in the downtown area reduces dependency on driving.
- **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 and Building Services Division recommends **approval** of a Conditional Use Permit to allow a single-family attached dwelling in a C-2, Neighborhood Commercial District, for the property located at 911 East Grand Avenue, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes a single-family attached dwelling in a C-2, Neighborhood Commercial District.
2. The applicant must obtain all necessary building permits for the improvements that will be required to convert the second story into a residence.
3. The applicant must apply for and obtain a Certificate of Occupancy before moving into the residence.
4. 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 Planning and Building Services Director may approve minor changes administratively.

Fiscal Note/Budget Impact:

N/A

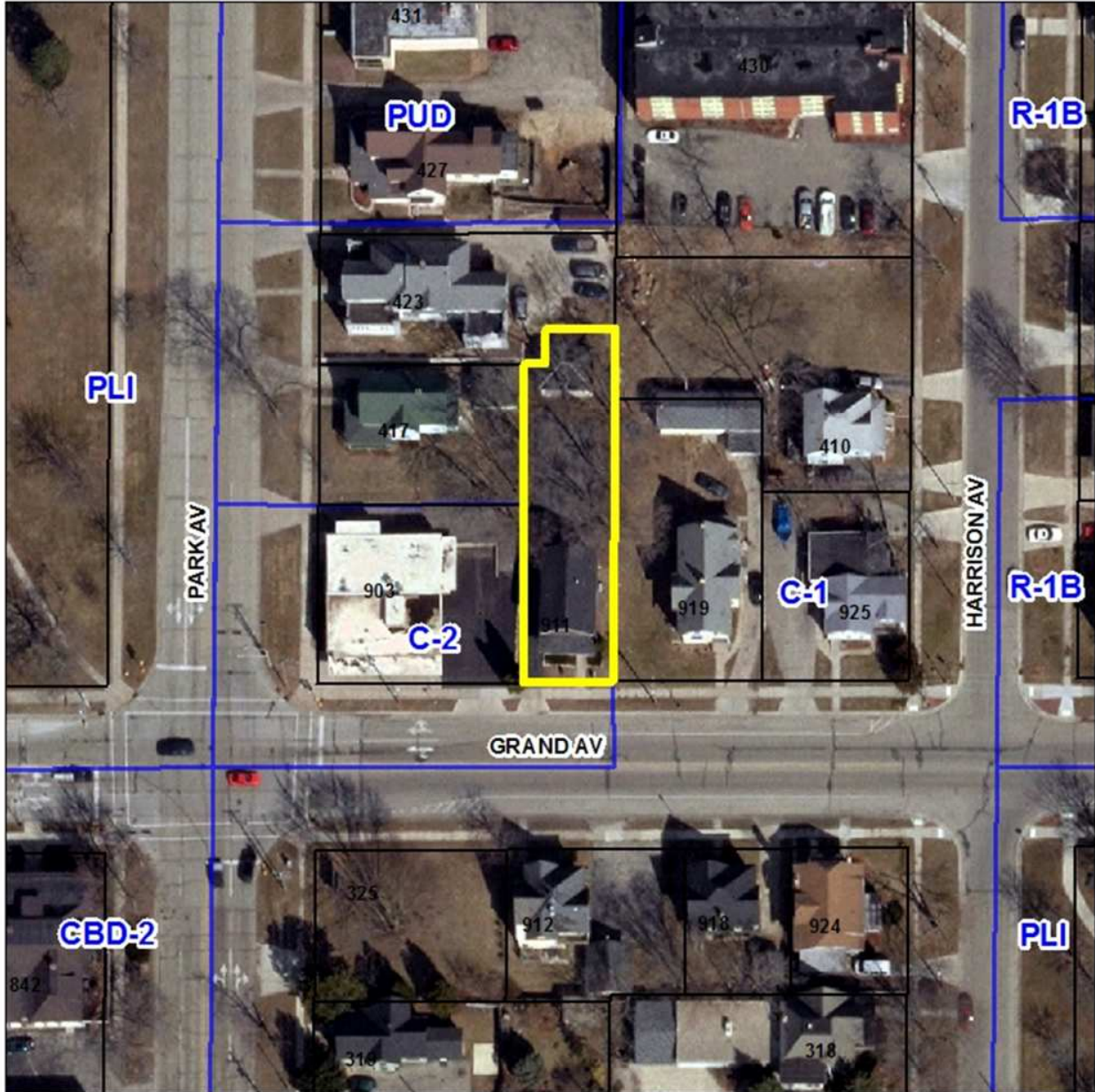
Attachments:

Zoning and Location Map, Application, Public Notice, and Mailing List, Public Comments.




Location & Zoning Map

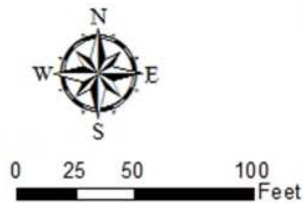
911 East Grand Avenue

CU-2015-06



Legend

-  COB Parcels
-  Zoning District
-  911 E Grand Ave



PLANNING AND BUILDING SERVICES DIVISION

Map prepared by: Alex Morganroth
 Date: June 2015
 For: City of Beloit,
 Planning & Building Services
 Date of Aerial Photography: April 2011

Document Path: N:\General GIS Files\2015\06-911 E Grand Ave.mxd

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-2618-06

1. Address of subject property: 911 East Grand Ave, Beloit

2. Legal description: _____

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): 13660085

4. Owner of record: Michelle Crossley Phone: 608-322-9815
927 Harrison Ave Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Michelle Crossley
927 Harrison Ave Beloit WI 53511
(Address) (City) (State) (Zip)

608-299-8559 / 608-322-9815 / dthbeloit@gmail.com
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: Dog/cat groomer

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

A Conditional Use Permit for: Upstairs residence
in a(n) C2 Zoning District.

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

Principal use: Dog/cat grooming - main floor

Secondary use: Residence - upper level

Accessory use: _____

3454585

9. Project timetable: Start date: _____ Completion date: _____

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

- 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.

Michelle Crossley / Michelle Crossley / 6/19/15
(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: \$275.00	Amount paid: <u>275.00</u>	Meeting date: <u>July 22, 2015</u>
No. of notices: _____	x mailing cost (\$0.50) = cost of mailing notices: \$ _____	
Application accepted by: <u>AM</u>		Date: <u>06/19/15</u>

July 8, 2015

NOTICE TO THE PUBLIC

To Whom It May Concern:

Michelle Crosby has filed an application for a Conditional Use Permit to allow a single-family attached dwelling in C-2, Neighborhood Commercial District. The permit would allow the applicant to convert the upstairs of the building into a residence in a C-2, Neighborhood Commercial District, for the property located at:

911 East Grand Avenue.

Single-family attached dwellings are a conditional use in the C-2 District. The following public hearings will be held regarding this proposed Conditional Use Permit:

City Plan Commission: Wednesday, July 22, 2015, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, August 3, 2015, 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 Alex Morganroth in the Planning Division at (608) 364-6708 or morganrotha@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

GEORGE PANTUSO
318 HARRISON AVE
BELOIT, WI 53511

WILLIAM & DIANNE
ZAWADZKI
9998 TYBOW TRL
ROSCOE, IL 61073

KHOOM PROPERTIES LLC
3655 BEE LN
BELOIT, WI 53511

WILLIAM & DIANNE
ZAWADZKI
9998 TYBOW TRL
ROSCOE, IL 61073

KENNETH PAULSON
749 PHILHOWER RD
BELOIT, WI 53511

TLC PROPERTIES INC
5101 HWY 51 SOUTH
JANESVILLE, WI 53546

JUAN PAGAN
3509 CORBRIDGE LN
ROCKFORD, IL 61107

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

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

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

NATALIA KHARITONOVA
47 PORCHESTER TERRACE
LONDON UK W23TS

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

MARY BOTTOMS
417 PARK AVE
BELOIT, WI 53511

KENNETH PAULSON
749 PHILHOWER RD
BELOIT, WI 53511

Public Comments

1. Call received by Alex Morganroth on 7/9/15 by Phil and Dianne Zawadzki at 918 E Grand Avenue. They fully support approval of the Condition Use Permit.
2. Call received by Alex Morganroth on 7/9/15 by Mary Bottoms at 417 Park Avenue. She fully supports approval of the Conditional Use Permit.

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION

Meeting Date: July 22, 2015

Agenda Item: 5

File Number: CU-2015-08

Applicant: Kyotai Corp.

Owner: 430 E. Grand Avenue
Holdings LLC

Location: 430 E. Grand Avenue

Existing Zoning: CBD-1, Central
Business District – Core

Existing Land Use: Mixed Use
(Residential Above Commercial)

Parcel Size: 0.55 Acre

Request Overview/Background Information:

Kyotai Corp., doing business as Zen Sushi & Grill, has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue.

Key Issues:

- Zen Sushi & Grill will be opening soon on the ground floor of the Phoenix building. The applicant has proposed the use of the raised concrete patio area on the west side of the Phoenix building, adjacent to the ramp leading from E. Grand Avenue to the rear of the building. The patio is partially covered by an existing pergola.
- This existing patio area was approved by Planning staff along with the building in 2013 with the expectation that Hendricks Commercial Properties would eventually lease the westernmost storefront to a restaurant tenant.
- The applicant has also applied for a Sidewalk Café License to place tables & chairs on the sidewalk in front of the building. Sidewalk Café Licenses are approved by Planning staff, following consultation with the Downtown Beloit Association Board of Directors, and are issued by the City Clerk's Office.
- According to the applicant, the furniture in the outdoor seating area will include tables & chairs as well as lounge-style seating (e.g. outdoor couches), with seating for 24 customers.
- The minimum off-street parking requirements do not apply in the Central Business District (CBD), so no additional parking is needed or proposed as part of this project. Adequate on-street parking stalls and public off-street lots are in the vicinity, and the CBD has excellent pedestrian & bicycle infrastructure as well as regular transit service.
- Section 4-902 of the Zoning Ordinance states that outdoor seating areas for restaurants in the CBD are only allowed if reviewed and approved in accordance with the Conditional Use Permit review procedures. The application and site plan are attached to this report.
- Section 125.68(3) of the Wisconsin Statutes regulates liquor sales within 300 feet of the main entrance of any school, hospital, or church. This statute does not apply to restaurants, and therefore does not apply to this request. The applicant has a license to sell alcoholic beverages indoors, but has yet to apply for an extension to sell alcoholic beverages in the sidewalk café and outdoor patio.
- The Fire Department is opposed to the use of a propane-fueled "fire pit table" in the outdoor seating area. The City's other Review Agents did not submit any comments on the proposed outdoor seating area.
- The attached Public Notice was sent to thirteen nearby property owners. Planning staff has not received any comments.

- **Findings of Fact**

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

- a. *Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
 - Subject to certain conditions of approval and responsible management, the proposed outdoor patio will enhance the Central Business District without endangering public health or welfare.
- b. *Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted;*
 - The proposed outdoor patio is part of a mixed-use development that includes 27 apartment units. However, the outdoor patio is consistent with the retail- and entertainment-oriented nature of the Central Business District, and common ownership of the entire development will necessitate self-policing the uses in terms of noise, glare, odor, etc. to ensure harmony.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The proposed outdoor patio will further enhance the area in and around the Phoenix building.
- d. *Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding property;*

- The surrounding area is fully (re)developed.
- e. *Whether the exterior architectural design or site layout of the proposed conditional use is so dissimilar or otherwise incompatible with existing or proposed development in the immediate neighborhood that it will cause a depreciation in property values;*
 - The proposed outdoor seating area will consist of materials, furnishings, and accessories that are compatible with the contemporary urban design of the Phoenix building.
- 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 proposed outdoor seating area.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*
 - There are no off-street parking requirements in the CBD and the proposed outdoor seating area is not expected to cause traffic congestion.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The conditional uses will comply with all other applicable regulations of the Zoning Ordinance.

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan refers to the Downtown Plan, which recommends *Planned Mixed Use: Office/Residential Above Retail* for the subject property. This request and the underlying CBD zoning classification are consistent with this recommendation. 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:

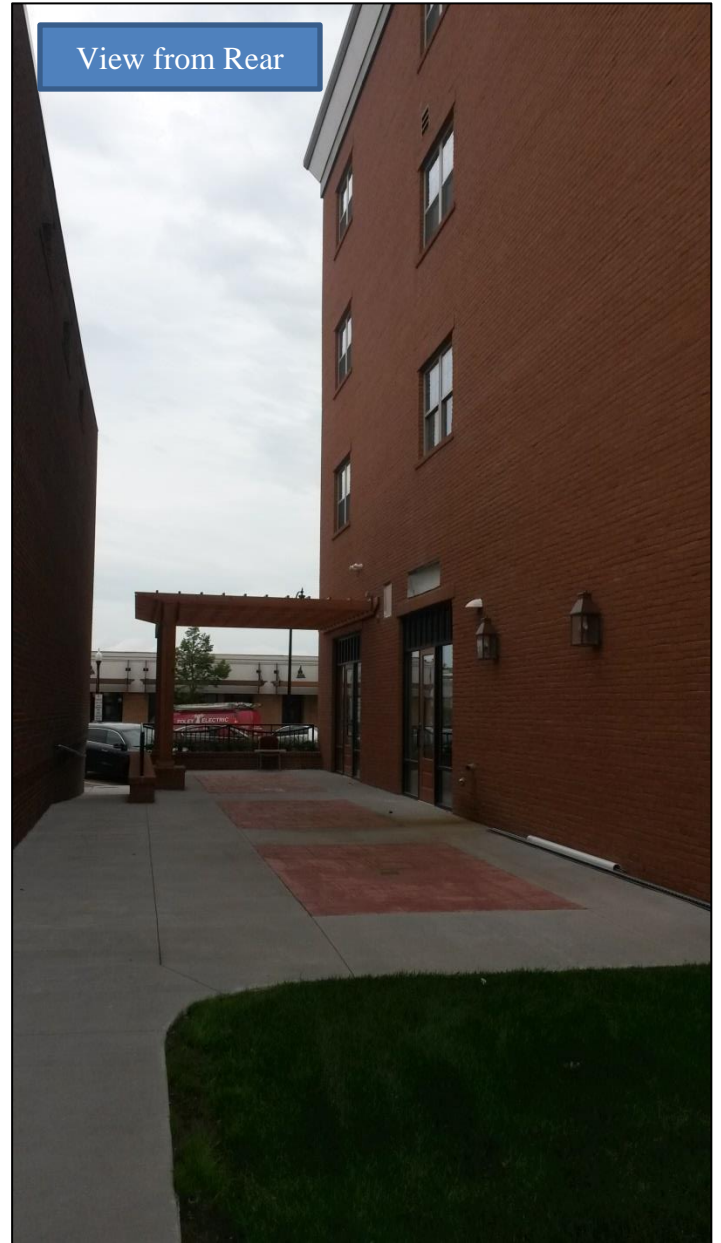
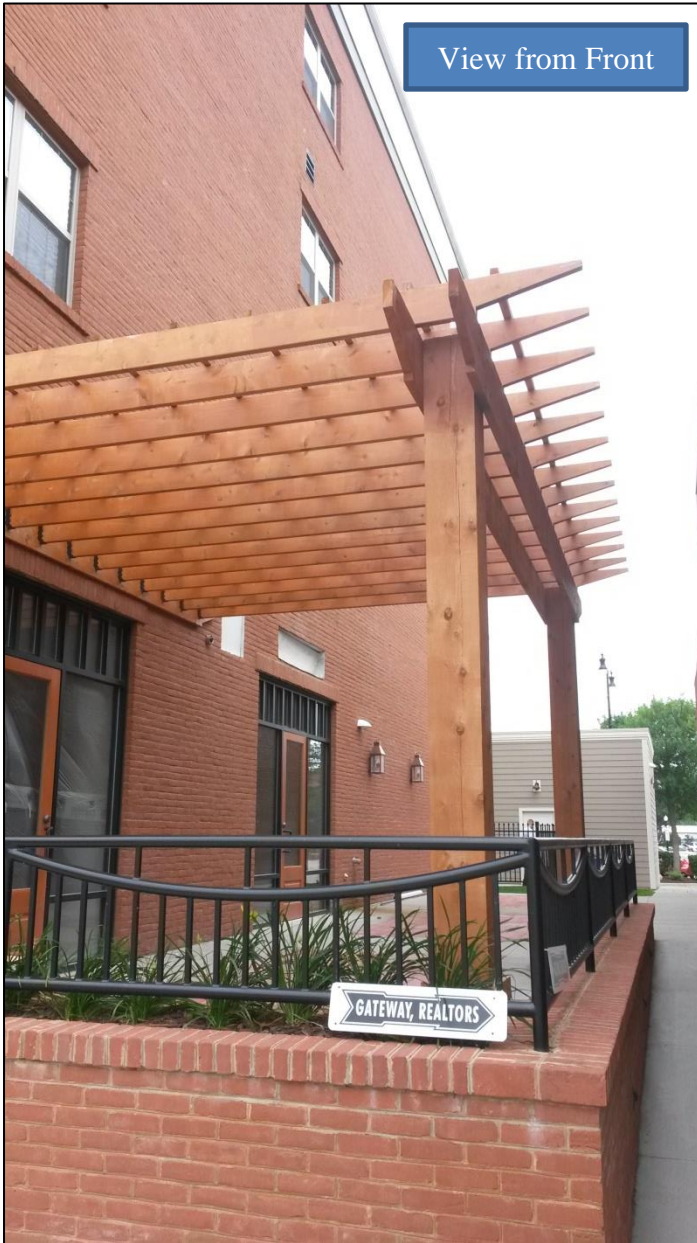
The Planning & Building Services Division recommends **approval** of a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at 430 E. Grand Avenue, based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit authorizes Zen Sushi & Grill to serve food & beverages within the existing, raised concrete patio area on the west side of the Phoenix building.
2. Prior to serving alcoholic beverages in the outdoor seating area, the applicant shall expand their Alcoholic Beverages License to include the outdoor seating area.
3. The applicant may not use tables or other furnishings that create an open flame, regardless of fuel type or source.
4. The outdoor seating area shall include an outdoor alarm, marked exits, clear 36" exit pathways, and no net loss in exit width. The Fire Inspector and Building Official will inspect the completed outdoor seating area and establish a maximum occupancy, which shall be posted inside the building and within the outdoor seating area.
5. 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.

Fiscal Note/Budget Impact: N/A

Attachments: Photos – Patio, Photos – Furniture, Patio Layout, Site Plan, Application, Public Notice, and Mailing List.


Photos – Existing Patio



Photos – Proposed Furniture (1 of 2 pages)

iPad 12:01 PM webstaurantstore.com 61%

BFM Seating DV281A Alexa Outdoor / Indoor Stackable Anthracite Steel Side Chair



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- ✓ For indoor or outdoor use
- ✓ Scooped seat for additional comfort
- ✓ Slatted seat and back adds flair and ventilation

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Details SPECS


iPad 12:05 PM bfmseating.com 82%

Home > Outdoor / Indoor Table Tops > Longport



PH3232TKBLU top with MARGATE base
(Click to enlarge)

Also available :



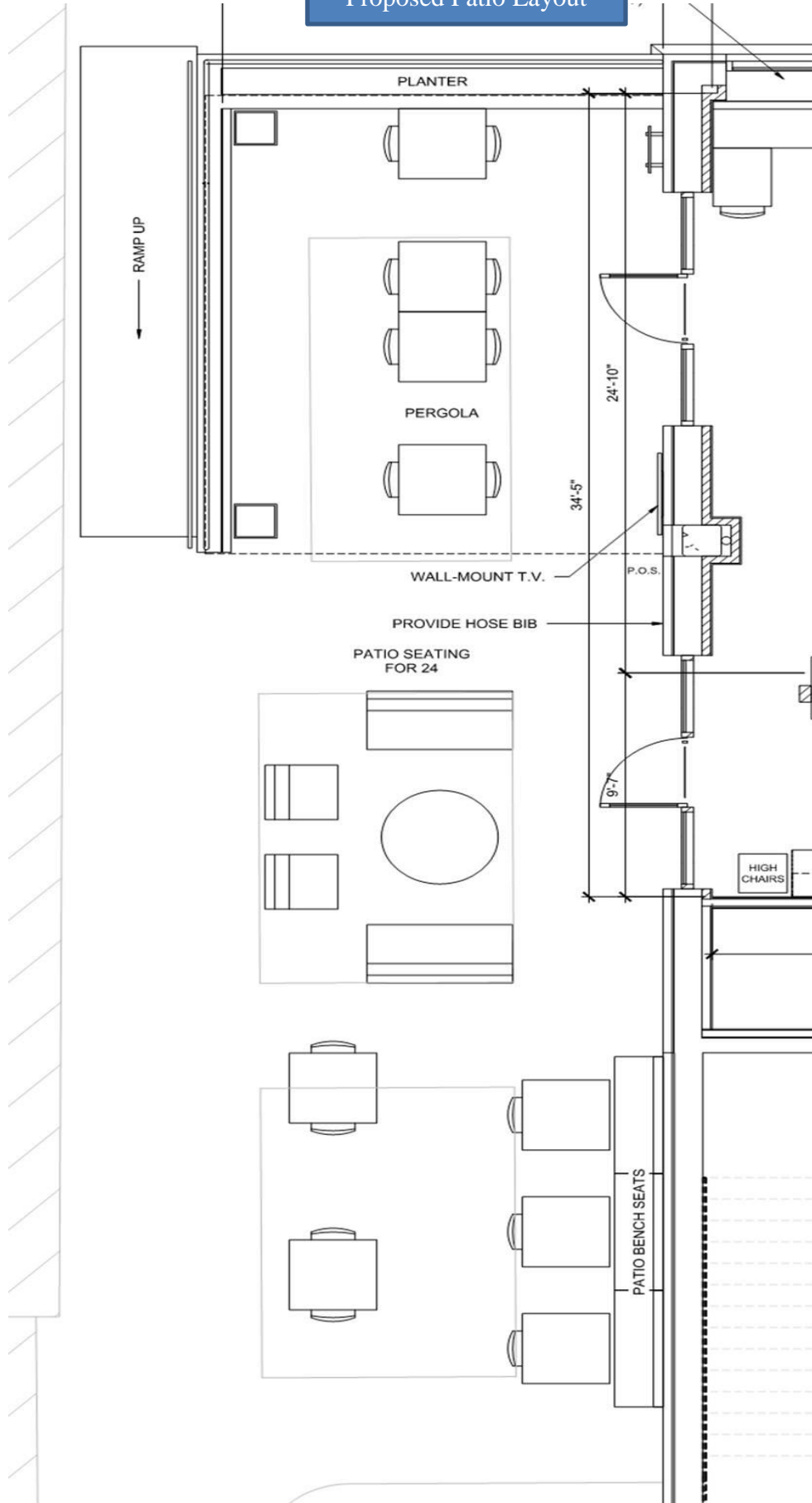
HomeSofa SetsModern SofasBelizo Tarnos
19 of 19



Belizo Tarnos 5 pcs



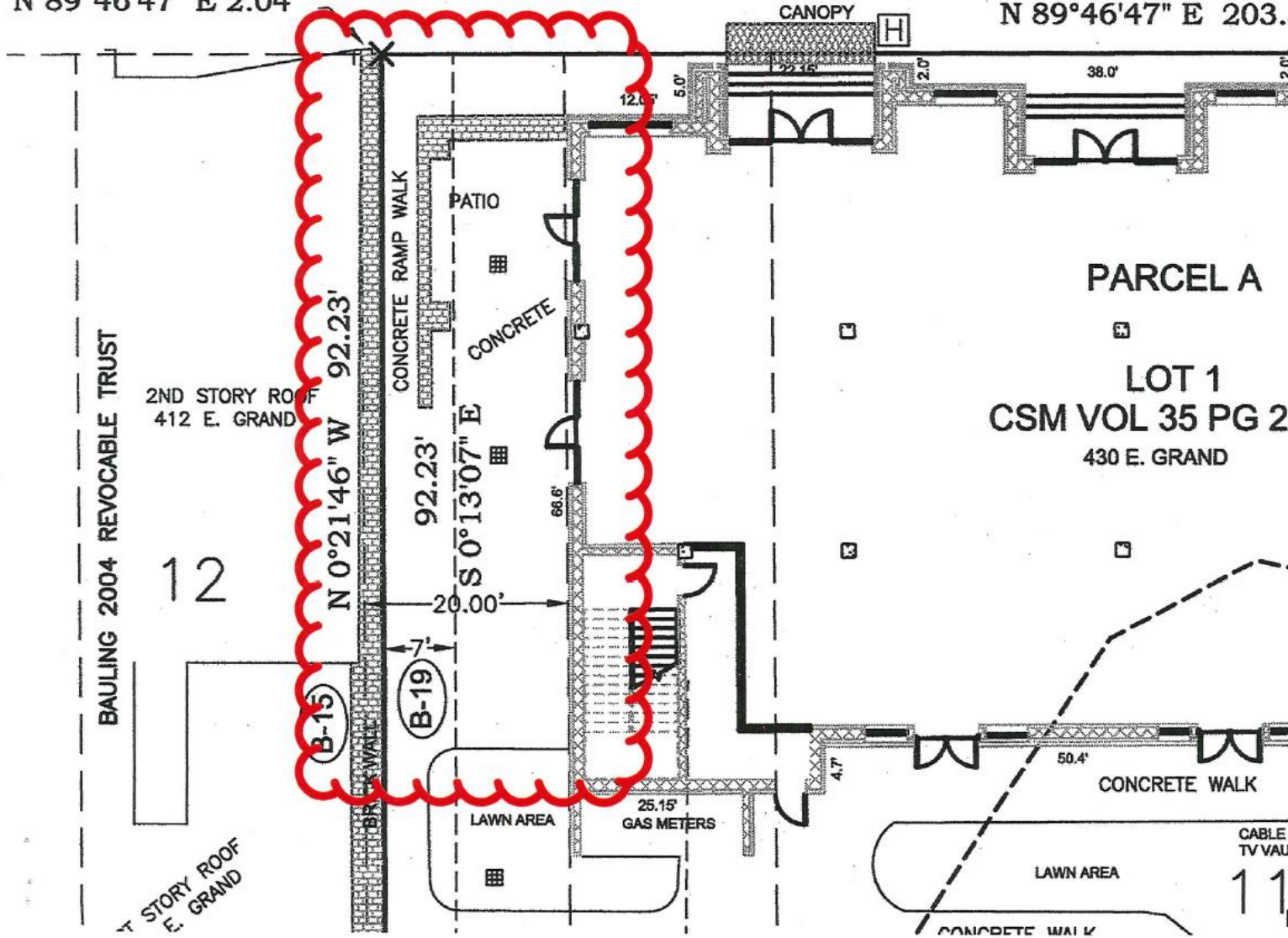
Proposed Patio Layout



CURB & GUTTER

N 89°46'47" E 2.04'

CONCRETE WALK
N 89°46'47" E 203.0'



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-2015-08

1. Address of subject property: 430 East Grand Avenue, Suite 101

2. Legal description: See attached

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

Property dimensions are: _____ feet by _____ feet = _____ square feet.

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

3. Tax Parcel Number(s): 13540700

4. Owner of record: Hendricks Commercial Prop. Phone: 608-362-8981

525 3rd St. Ste 300 Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Kyotai Corp

430 East Grand Ave. Beloit WI 53511
(Address) (City) (State) (Zip)

(Office Phone #) 1 847-224-1515 (Cell Phone #) 1 peter.kanpai@gmail.com (E-mail Address)

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

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

A Conditional Use Permit for: Outdoor Dining
_____ in a(n) CBO-1 _____ Zoning District.

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

Principal use: _____

Secondary use: _____

Accessory use: _____

9. Project timetable: Start date: 5-15-15 Completion date: 8-24-15

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

- (X) Owner HCP
- (X) Leasehold, length of lease: Kyotai Corp, 10 years.
- () 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.

Mike Braatz / Mike BRAATZ / 6/18/15
 (Signature of Owner) (Print name) (Date)

[Signature] / Jai K. Park / 6/18/15
 (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: \$275.00 Amount paid: \$275.⁰⁰ Meeting date: July 22, 2015

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

Application accepted by: Drew Purington Date: 6/25/15



NOTICE TO THE PUBLIC

July 8, 2015

To Whom It May Concern:

Kyotai Corp., doing business as Zen Sushi & Grill, has filed an application for a Conditional Use Permit to allow an outdoor seating area and outdoor sales, possession, & consumption of alcohol in the CBD-1, Central Business District – Core, for the property located at:

430 E. Grand Avenue.

Zen Sushi & Grill will be opening soon on the ground floor of the Phoenix building. The applicant has proposed the use of the raised concrete patio area on the west side of the Phoenix building, adjacent to the ramp leading from E. Grand Avenue to the rear of the building.

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

City Plan Commission: Wednesday, July 22, 2015, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, August 3, 2015, 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, AICP in the Planning & Building Services Division at (608) 364-6711 or penningtond@beloitwi.gov. Comments will be accepted via telephone, email, and U.S. Mail.

William T Mansfield Jr Revocable Trust
1900 Shirland Ave
South Beloit, IL 61080

Beloit Hotel LLC
2040 S Park St
Madison, WI 53713

Nancy Spelius
Peter Panos
1727 Arrowhead Drive
Beloit, WI 53511

Eddy Enterprises LLC
400 E Grand Ave Suite 408
Beloit, WI 53511

First National Bank and Trust Company
345 E Grand Ave
Beloit, WI 53511

Centre 1 Bancorp Inc.
345 E Grand Ave
Beloit, WI 53511

Suds Ohanahans Real Estate
435 E Grand Ave
Beloit, WI 53511

Beloit College Board of Trustees
700 College Street
Beloit, WI 53511

Patrick Dutter
38344 US HWY 12
Aberdeen, SD 57401

TCP Holdings LLC
431 E Grand Ave
Beloit, WI 53511

James E Doschadis
Revocable Trust of 2014
2634 Chatsworth Drive
Beloit, WI 53511

Beloit Villager LLC
Betsey Schmiechen
429 E Grand Ave
Beloit, WI 53511

Harold E & Garnet E Bauling Revocable Trust of
2014
8241 W Grove School Rd
Beloit, WI 53511

430 East Grand Ave Holdings LLC
525 Third Street Suite 300
Beloit, WI 53511