



Meeting Minutes
Beloit City Plan Commission
Wednesday, August 22, 2018 at 7:00 PM
The Forum
Beloit City Hall
100 State Street, Beloit

1. Call to Order and Roll Call

The meeting was called to order at 7:00pm. Commissioners Haynes, Weeden, Johnson, Faragher, Finnegan, Robson and City Councilor Preuschl were present. Commissioner Ruster was absent.

2. Approval of the Minutes of the August 8, 2018 Meeting

Commissioner Weeden moved to approve the minutes. Commissioner Haynes seconded the motion. The motion passed, voice vote.

3. Consideration of a Conditional Use Permit to allow a drive-thru convenience store with alcoholic beverages sales for the property located at 2667 Prairie Avenue.

Community Development Director, Julie Christensen commenced by discussing recent changes to legislature which requires decisions for approvals or denials of Conditional Use Permits to be based on substantial evidence. In addition, any requirements or conditions of approval must be based on substantial evidence.

Ms. Christensen presented the staff report and recommendation.

Commissioner Johnson asked staff if there were any current rules that included alcohol density in neighborhoods. Ms. Christensen indicated that there were not any explicit rules regarding neighborhood density, but City Council does have discretion involving licensing issuance. The consideration of a Conditional Use Permit would be a separate process and substantial evidence would have to be presented for approval or denial.

Commissioner Robson asked if the easement shared with the Thirsty Badger would be expanded. Ms. Christensen indicated that the widening of the easement should not be necessary. Ms. Christensen also directed the commissioners to the *Location and Zoning Map* provided by staff in which the location and purpose of the easement is displayed.

Commissioner Faragher continued the open hearing. Ms. Alice Blue, owner of Badger Spirits located at 2621 Prairie Avenue, discussed her past experience when constructing her store, and the City urging her not to place a drive-through on her property. At the time, Ms.

Blue was told that a drive-through for her store was not allowed. Ms. Blue also indicated her concerns with the addition of another business and future traffic in the alley located in the rear of the property. Ms. Christensen acknowledged that Ms. Blue was discouraged from building her drive-through due to strong direction from City Council to deny drive-thru alcohol sales.

Mr. Jim Van De Bogart, 2091 Collingswood Drive, Beloit, discussed Wisconsin's high rates of driving under the influence (DUI) and how the approval of the Conditional Use Permit to allow alcohol sales through the drive-through would be contrary to common sense. Mr. Van De Bogart discussed the numerous establishments located along Prairie Avenue in which potential alcohol customers would have to exit their vehicles in order to purchase alcohol. Mr. Van De Bogart also discussed the different deterrents used by the establishments for the sale of alcohol and how it will be challenging to validate those who are intoxicated using a drive-through service.

Mr. Mark Miller, 2675 Iva Court, Beloit, and representing The Iva Court Condominium Association, spoke against alcohol sales, and expressed his concerns with litter on side streets near Prairie Avenue and the proximity of establishments that sell alcohol within the area.

Captain Dan Molland, representing the City of Beloit Police Department, directed the Commissioners to the Police Department memo. He outlined the departmental concerns, specifically public safety and the selling of alcohol to an underage person and persons driving under the influence of alcohol and traffic flow and ingress/egress to a business.

Mr. Mike Draeving, owner of the Thirsty Badger located at 2683 Prairie Avenue, discussed issues related to delivery vehicles using his property to get to 2667 Prairie Avenue. Mr. Draeving proposed adding a condition that a fence or barrier be erected to deter those trucks from driving through his parking lot to make deliveries to this business. If the condition is not added, Mr. Draeving's intentions are to allow access through his property only where the easement requires and block access at the rear of the property.

Desiree Metzger, applicant, 1748 W. Grand Avenue, Beloit, addressed the Fire Department concerns regarding vehicle emissions expelled inside the establishment and the storage of oil tanks in the building. Ms. Metzger indicated that in addition to the building's built-in ventilation system, vehicle emissions would be exhausted by having one of the bay doors open any time customers were present. Ms. Metzger has been assured by Grease Monkey that oil storage tanks would be emptied and will have the Fire Department inspect to insure it has been completed.

Ms. Metzger also discussed the proposed alcohol sales and indicated that if approved, only beer will be sold at the establishment. She only intended to apply for a Class "A" Beer License. Furthermore, the business will use approved methods to validate those who are eligible to purchase alcohol and will implement the scanning of IDs to minimize sales to minors.

Ms. Metzger discussed the easement issues and proposed the use of improved striping and directional signage that will limit traffic from entering through the neighbor's property. Ms. Metzger encouraged the widening of the current easement to alleviate the issues of traffic flowing through the adjacent property. Ms. Metzger briefly discussed future traffic flow and how it will not be any different than traffic from previous drive-throughs. Ms. Metzger asked staff if the minimum requirement of parking stalls still applied if there was no foot traffic. Ms. Christensen indicated that it was a code requirement and was based on square footage (1/250 for retail sales) and that space was also necessary for employee parking. Ms. Metzger discussed the commercial space available in the area and how the proposed business concept could promote local economic growth.

Commissioner Weeden asked Ms. Metzger about the proposed sales at the establishment. Ms. Metzger mentioned that tobacco, lottery, snacks and the possible sale of hot food.

Commissioner Faragher asked Ms. Metzger to provide input on the proposal of a barrier to divide the parcels. Ms. Metzger indicated that the property has functioned without separation for several years and believes that she should not be responsible for the cost of those barriers.

Commissioner Finnegan asked Ms. Metzger if the business could "survive" without alcohol sales. Ms. Metzger indicated that it will take away from profit and possible city tax revenue but the business could "survive" without alcohol sales.

Ms. Christensen advised Ms. Metzger to contact the Rock County Health Department before considering the sale of hot food items in the establishment.

Commissioner Faragher closed the Public Hearing.

Commissioner Johnson discussed existing traffic flow, in and out of the establishment and how it could be a potential public safety concern. Commissioner Johnson would like to see traffic re-aligned to the point in which the easement was not a public safety factor. Ms. Christensen discussed a former conversation with City Engineer, Mike Flesch in regards to alternatives for entry into the business. According to Ms. Christensen, Mr. Flesch specified that the style of road (Prairie Ave) was the cause for having limiting access points. City Council Preuschl discussed the widening of the entry and Commissioner Johnson recommended the shift of entry from Thirsty Badger to the discussed parcel to allow ingress and egress access. Mr. Johnson also indicated that he did not see the need to deny the Conditional Use Permit for the alcohol sales.

Commissioner Finnegan agreed with the staff recommendation for the Conditional Use Permit.

City Council Preuschl asked staff about the grocery Pick-Up proposal for Walmart and how it could relate to this case. Ms. Christensen indicated that the pick-up model will delay the sale of alcohol and would not be similar to this type of business model.

Commissioner Haynes move to approve the staff recommendation which denies alcohol sales and approves the drive-in use. Commissioner Robson seconded the motion. The motion passed, voice vote.

4. **Consideration of a Ordinance No. 3626 to amend Section 6.401 of the Zoning Ordinance, Chapter 19 of the Code of General Ordinances of the City of Beloit Pertaining to Outdoor vending as a temporary use in the PLI Zoning District.**

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

Commissioner Weeden asked staff to elaborate on current practice for outdoor vending. Ms. Christensen indicated that under current practice, the ordinance allowed the hosting of an event but without any vending. The ordinance amendment will also allow up to 5 events per calendar year in all PLI zoning districts, which includes parcels with uses such as churches, schools and the VFW.

Commissioner Faragher opened and closed the public hearing.

Commissioner Johnson moved to approve the Conditional Use Permit. Commissioner Weeden seconded the motion. The motion passed, voice vote.

5. **Consideration of the proposed plans for the digester pump station building at the City's Wastewater Pollution Control Facility.**

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

Commissioner Haynes moved to recommend approval of the proposed plans. Commissioner Weeden seconded the motion. The motion passed, voice vote.

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

Ms. Christensen explained that the Final Plat for Walnut Grove was approved by City Council. She also made the Commissioners aware of upcoming training opportunities and informed them that the next meeting agenda would include the review of the Comprehensive Plan Update.

7. **Adjournment**

Commissioner Haynes moved to adjourn the meeting. Commissioner Weeden seconded the motion.

Meeting adjourned at 8:00pm.

Minutes respectfully submitted by Frank Fuerte.