



**PUBLIC NOTICE & AGENDA
PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Tuesday, December 22, 2020**

*

Members of the media or the public may participate in the open session portion of this agenda by calling 1 (646) 749-3122, access code 846-860-285. All participants' phones will be muted. Attendance at the meeting in person will be limited. If you would like to provide comments for the any of the items on the agenda, please submit those to planning@beloitwi.gov by 12:00 noon on Tuesday, December 22, 2020.

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
 - 2.a. Consideration of the minutes of the December 9, 2020 Plan Commission meeting
[Attachment](#)
3. REPORTS
 - 3.a. Consideration of a sidewalk easement over the property located at 1111 Prince Hall Drive
[Attachment](#)
 - 3.b. Consideration of an Extraterritorial two-lot Certified Survey Map for the property located at 5843 E Creek Road in the Town of Turtle
[Attachment](#)
4. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS
 - Update on the Conditional Use application for 2901 Milwaukee Road*
 - Update on the Conditional Use application for 3030 Ford Street*
 - Update on the Architectural Review Exception for 1870 Post Street*
5. ADJOURNMENT

** Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.



**MINUTES
PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, December 9, 2020**

1. CALL TO ORDER AND ROLL CALL

Meeting was called to order at 7:00 PM. Chairman Weeden, Commissioners Robson, Ruster, Toral, Finnegan, and Ramsden, and Councilor Preuschl were present. Commissioner Haynes was absent.

2. MINUTES

2.a. Consideration of the minutes of the November 18, 2020 Plan Commission meeting

A motion was made by Commissioner Robson, seconded by Commissioner Ruster to approve the minutes, as submitted. Motion carried, roll call vote.

3. REPORTS

3.a. Consideration of a two-lot Certified Survey Map (CSM) for the property located at 3030 Ford Street

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

Commissioner Robson asks if the road is a private or public and who maintains it. Ms. Christensen stated that it is a private road and the owner is responsible for plowing the road. Councilor Preuschl asks if Ford Street ends at the lot. Ms. Christensen explained that the public street ends right before the lot. When the City approved the CSM for the hotel project, the City required a street extension that would allow for the street to extend to the south when future development occurred. This was constructed to City street standards. Ms. Christensen stated that the Weitzel's own the land where this private street is located. Chairperson Weeden asked Dan Weitzel if he was comfortable with the private street, and Dan Weitzel indicated that once Ford Street connects with Patch's land, it will then get dedicated as a public street, but for the time being, it is a private street that is being maintained by them.

Commissioner Robson asked if the proposed business will be responsible for plowing the snow on their section of the street or will the owner be responsible. Mr. Weitzel responded that until it becomes a public street, the business will pay a prorated share for maintenance.

Motion made by Commissioner Ruster, seconded by Commissioner Finnegan to approve the CSM. Motion carried, roll call vote.

4. PUBLIC HEARINGS

4.a. **Consideration of a Conditional Use Permit to allow a restaurant with drive-through lanes in a C-3, Community Commercial District, for property located at 3030 Ford Street**

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

Commissioner Robson asked if there will be pedestrian access to a sidewalk or bike path that will be accessible to Milwaukee Road, and if they are required to put the path in. Ms. Christensen stated that the sidewalk will go down to Ford Street, and that the City cannot require the sidewalk to go all the way down to Milwaukee Road. Commissioners discussed the pedestrian access issues on Ford Street and the landscape code in relation to this project.

Commissioner Weeden opened the public hearing.

Kevin Vernick, 350 West Hubbard Street, Suite 250, Chicago, Illinois, stated they will abide by the landscape code and City codes. Mr. Weitzel explained that the sidewalks have already been constructed in front of the property. Ms. Robson asked what the timeline is for when they will open. Mr. Vernick stated as soon as they can break ground.

Commissioner Weeden closed the public hearing.

Motion made by Robson to approve the Conditional Use Permit, as submitted, seconded by Commissioner Ruster. Motion carried, roll call vote.

4.b. **Consideration of a Conditional Use Permit to allow a quick lube facility with a drive through lane in a C-3, Community Commercial District, and overhead doors facing Milwaukee Road in the Milwaukee Road overlay district for the property located at 2901 Milwaukee Rd**

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

Commissioner Robson asked about the landscape code for this property, specifically would there be any buffer or berm requirements. Ms. Christensen stated that it has to comply with our landscape code, and the applicant would not have to buffer the property because the adjacent uses are also commercial. Commissioners discussed landscape code and the use of native grasses in landscaping sites.

Commissioner Weeden opened the public hearing.

Kurt Overmeyer, representing the applicant, indicated that they had not yet developed landscape plan, but they intended to provide plans that would comply with City ordinances. Mr. Overmeyer has been coordinating with M & W Development LLC on the site engineering and overall landscape plans.

Commissioner Weeden closed the public hearing.

Commission Robson expressed concern about the types of uses being proposed on Milwaukee Road and suggested the need for a PUD or overlay district for this area. Councilor Preuschl indicated that if we are going to do something like that, we need to do it for all entrances, not just Milwaukee Road. Chairperson Weeden asked Ms. Christensen to comment on the use of a PUD or overlay district, and she said that she did not have any comments on the proposal but suggested that the Commissioners read the Milwaukee Road overlay district of the Zoning Code themselves.

Motion made by Commissioner Finnegan, seconded by Commissioner Ramsden to approve the Conditional Use Permit, as submitted. Motion carried, roll call vote.

4.c. **Consideration of an Architectural Review Exception to allow insulated metal wall panels and reduced green space for the property located at 1870 Post Rd**

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

Commissioner Weeden opened and closed the public hearing.

Commissioner Ramsden stated his objection to the Architectural Review Exception as well as the development itself, mentioning that it is an intrusion on the residential neighborhood due to its proposed outdoor storage area and a 6-foot white vinyl fence that is proposed to be within two feet of the property line to the West. Commissioner Toral expressed concern with the lack of landscaping, and Ms. Christensen explained that a landscape plan was included in the agenda packet. She explained what type of landscaping would be provided. Commissioner Toral expressed support for using native grasses.

Commissioner Ruster asked if the residential land is to the West of the property. Ms. Christensen stated there is residential land across the street and to the West.

Peggy Thiele, 1820 Cranston Road, explained that the white privacy fence will be installed on the South side of the building, and her daughter is going to provide more landscaping than is on the plans but will follow the City landscape codes and guidelines.

Motion made by Commissioner Ruster, seconded by Commissioner Finnegan to approve the Architectural Review Exception, as presented. Motion carried, roll call vote (5-1). Commissioner Ramsden voted against this motion.

5. **STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS**

Ms. Christensen explained that there will be two items on the next Plan Commission meeting and that the meeting will be held on Tuesday, December 22nd, 2020.

6. **ADJOURNMENT**

Motion made by Commissioner Ramsden, and seconded by Commissioner Robson. Motion carried, roll call vote. Meeting adjourned at 7:57 PM.



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: December 22, 2020

Agenda Item: 3(a)

File Number: RPB-2020-06

General Information

Applicant: City of Beloit

Owner: American Builders & Contractors Supply Co. Inc.

Address/Location: Portion of Sidewalk located at 1111 Prince Hall Drive

Applicant's Request: The creation of an easement for a portion of the public sidewalk located on private property.

Staff Analysis

Overview: This request involves a proposed Perpetual Sidewalk Easement for an existing public sidewalk over a portion of the ABC Supply property located at 1111 Prince Hall Drive.

Details: As part of the Site Plan Review process for a new off-site parking lot for the four-story office building at 3 ABC Drive, the City Engineer notified the applicant of the need to grant the City an easement for those portions of the existing public sidewalk located on private property. Exhibit B of the attached document identifies those portions of the sidewalk beyond the right-of-way that are subject to the proposed easement. The attached Perpetual Sidewalk Easement provides that all sidewalks will be constructed, repaired, and maintained at ABC Supply's sole expense. The easement grants the City the right to inspect their work.

STAFF RECOMMENDATION:

The Planning & Building Services Division recommends **approval** of the attached Perpetual Sidewalk Easement documents pertaining to the portion of public sidewalk located on ABC Supply's property located at 1111 Prince Hall Drive in the City of Beloit.

ATTACHMENTS: Perpetual Sidewalk Easement and Exhibit Map.

PERPETUAL SIDEWALK EASEMENT

Document Number

Title of Document

THIS PERPETUAL SIDEWALK EASEMENT (“Easement”) is made and executed this ____ day of December, 2020 by American Builders & Contractors Supply Co., Inc., a Delaware corporation, (the “Grantor”), to the City of Beloit, a Wisconsin municipal corporation (“Grantee”).

RECITALS

WHEREAS, the Grantor is the owner of property in Rock County, Wisconsin, and described as follows:

LOT 1 OF CERTIFIED SURVEY MAP DOCUMENT NO. 1228323, RECORDED IN VOLUME 17 ON PAGES 181-184, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 1 NORTH, RANGE 12 EAST, OF THE 4th P.M., CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.

WHEREAS, the Grantee desires a perpetual, non-exclusive easement for public use and other appropriate purposes incidental thereto, in, on, over, under, and across the a portion of Grantor’s Land; and

WHEREAS, the Grantor is willing to grant a sidewalk easement on a portion of Grantor’s Land to the Grantee.

WHEREAS, the Grantor, at its expense, shall cause a sidewalk to be constructed, maintained, replaced, and repaired on a portion of Grantor’s Land, which portion is more particularly described in the attached Exhibit “A” (“Easement Land”).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant unto the Grantee, its successors and assigns, subject to the terms hereof, a sidewalk easement for the public use, in perpetuity, in, on, over, under, and across the Easement Land.

1. **Recitals Incorporated.** The above-stated recitals are incorporated by reference and made a part of this grant of easement.
2. **Grant of Easement.** In consideration of One Dollar (\$1.00), the Grantor hereby grants to Grantee, its successors, and assigns, the nonexclusive right and easement in, on, over, under, and across the Easement Land described in Exhibit “B” for a public sidewalk, in perpetuity. This grant of easement shall not be construed as a dedication to the public of the underlying fee simple ownership of the Easement Land. Grantor shall use the Easement Area for those purposes allowed to the public and which will not interfere with the Grantee’s or the public’s full enjoyment of the Easement rights granted hereby. The Grantor agree to be bound by the provisions of §66.0907. Wis. Stats., regarding public sidewalks as though this sidewalk were in the public right of way.
3. **Construction and Maintenance of Sidewalk Improvements.** At Grantor’s sole cost and expense, Grantor shall

Recording Area

Name and Return Address

City Attorney’s Office
100 State Street
Beloit, WI 53511

206-13680830.

Parcel Identification Number(s) (PIN)

This ~~is~~ (is not) homestead property.

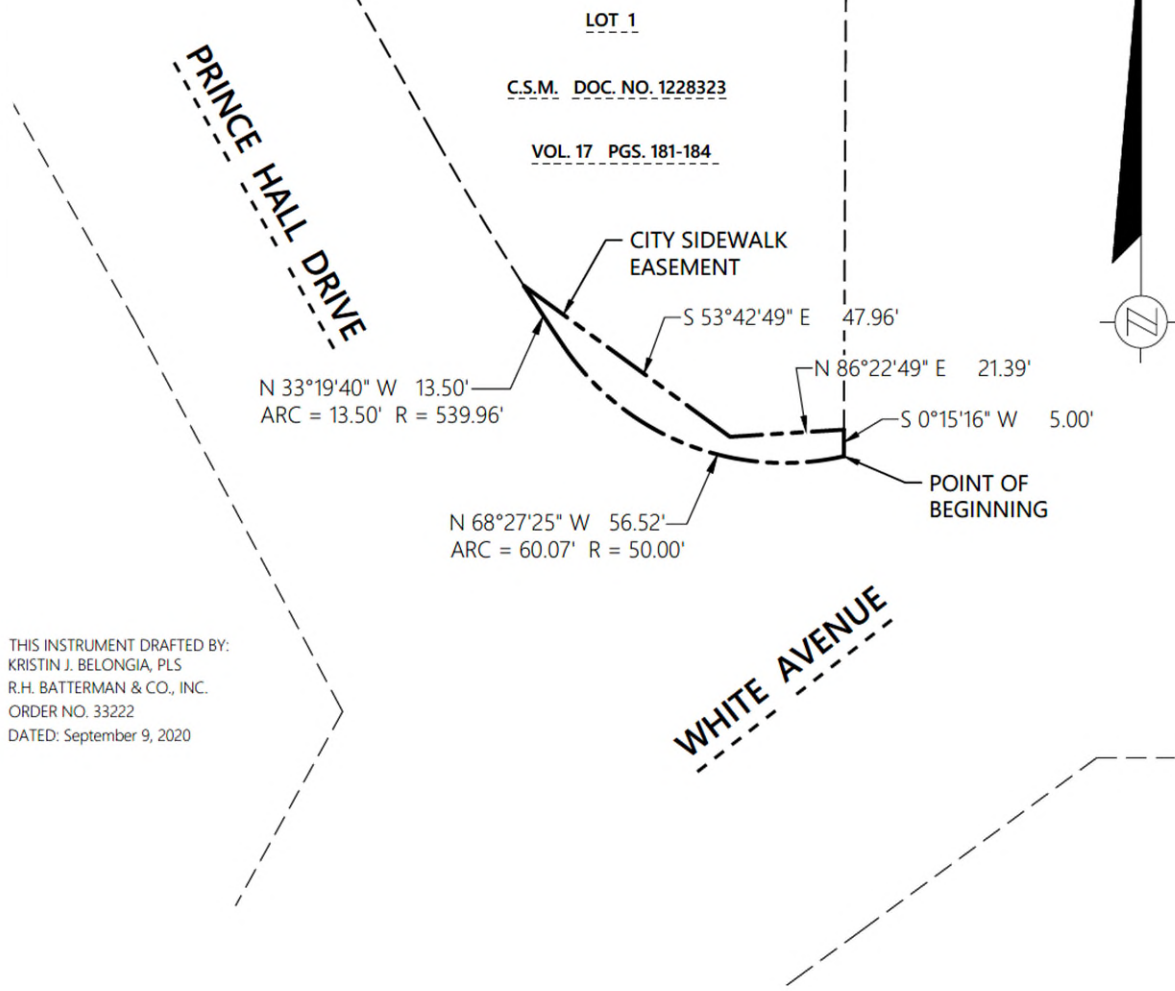
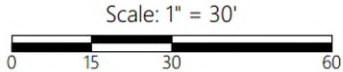
EXHIBIT A

EASEMENT AREA

PART OF LOT 1 OF CERTIFIED SURVEY MAP DOCUMENT NO. 1228323, RECORDED IN VOLUME 17 ON PAGES 181-184, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 1 NORTH, RANGE 12 EAST, OF THE 4th P.M., CITY OF BELOIT, ROCK COUNTY, WISCONSIN.

DESCRIBED AS FOLLOWS: Beginning at the Southeast corner of Lot 1 of aforesaid Certified Survey Map Document No. 1228323; thence along the Easterly right of way of Prince Hall Drive, 60.07 feet along the arc of a curve to the right having a radius of 50.00 feet and a chord which bears North 68°27'25" West a distance of 56.52 feet; thence continue along aforesaid Easterly right of way, 13.50 feet along the arc of curve to the right have radius of 539.96 feet and a chord which bears North 33°19'40" West a distance of 13.50 feet; thence South 53°42'49" East a distance of 47.96 feet; thence North 86°22'49" East a distance of 21.39 feet to the East line of aforesaid Lot 1; thence South 0°15'16" West a distance of 5.00 feet to the point of beginning.

EXHIBIT B



THIS INSTRUMENT DRAFTED BY:
 KRISTIN J. BELONGIA, PLS
 R.H. BATTERMAN & CO., INC.
 ORDER NO. 33222
 DATED: September 9, 2020

LEGAL DESCRIPTION:
 PART OF LOT 1 OF CERTIFIED SURVEY MAP DOCUMENT NO. 1228323, RECORDED IN VOLUME 17 ON PAGES 181-184, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 1 NORTH, RANGE 12 EAST, OF THE 4th P.M., CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN.
 DESCRIBED AS FOLLOWS: Beginning at the Southeast corner of Lot 1 of aforesaid Certified Survey Map Document No. 1228323; thence along the Easterly right of way of Prince Hall Drive, 60.07 feet along the arc of a curve to the right having a radius of 50.00 feet and a chord which bears North 68°27'25" West a distance of 56.52 feet; thence continue along aforesaid Easterly right of way, 13.50 feet along the arc of curve to the right have radius of 539.96 feet and a chord which bears North 33°19'40" West a distance of 13.50 feet; thence South 53°42'49" East a distance of 47.96 feet; thence North 86°22'49" East a distance of 21.39 feet to the East line of aforesaid Lot 1; thence South 0°15'16" West a distance of 5.00 feet to the point of beginning.



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: December 22, 2020

Agenda Item: 3(b)

File Number: CSM-2020-22

General Information

Applicant: Combs & Associates, Inc.

Owner: H & L Farms, Inc.

Address/Location: 5843 E. Creek Road in the Town of Turtle

Applicant's Request: 2-Lot Certified Survey Map (CSM)

Staff Analysis

Proposed Land Division: The intent of the proposed CSM is to create a buildable five-acre parcel (Lot 1) along E. Creek Road and to leave the remaining 30 acre parcel (Lot 2) as agricultural land. The CSM dedicates additional right-of-way along Creek Road. Proposed Lot 1 has approximately 495 feet of frontage along E. Creek Road.

Surrounding Land Use and Zoning: The subject property and all of the surrounding properties are subject to Town of Turtle zoning. Surrounding uses include rural residential and agricultural, along with single-family dwellings along the creek. The applicant intends to seek a zoning change from AE to A3 for Lot 1 and AE to AG for Lot 2.

City of Beloit Comprehensive Plan: The subject property is beyond the limits of the Comprehensive Plan's Future Land Use Map.

Review Agent Comments: No comments have been received.

STAFF RECOMMENDATION:

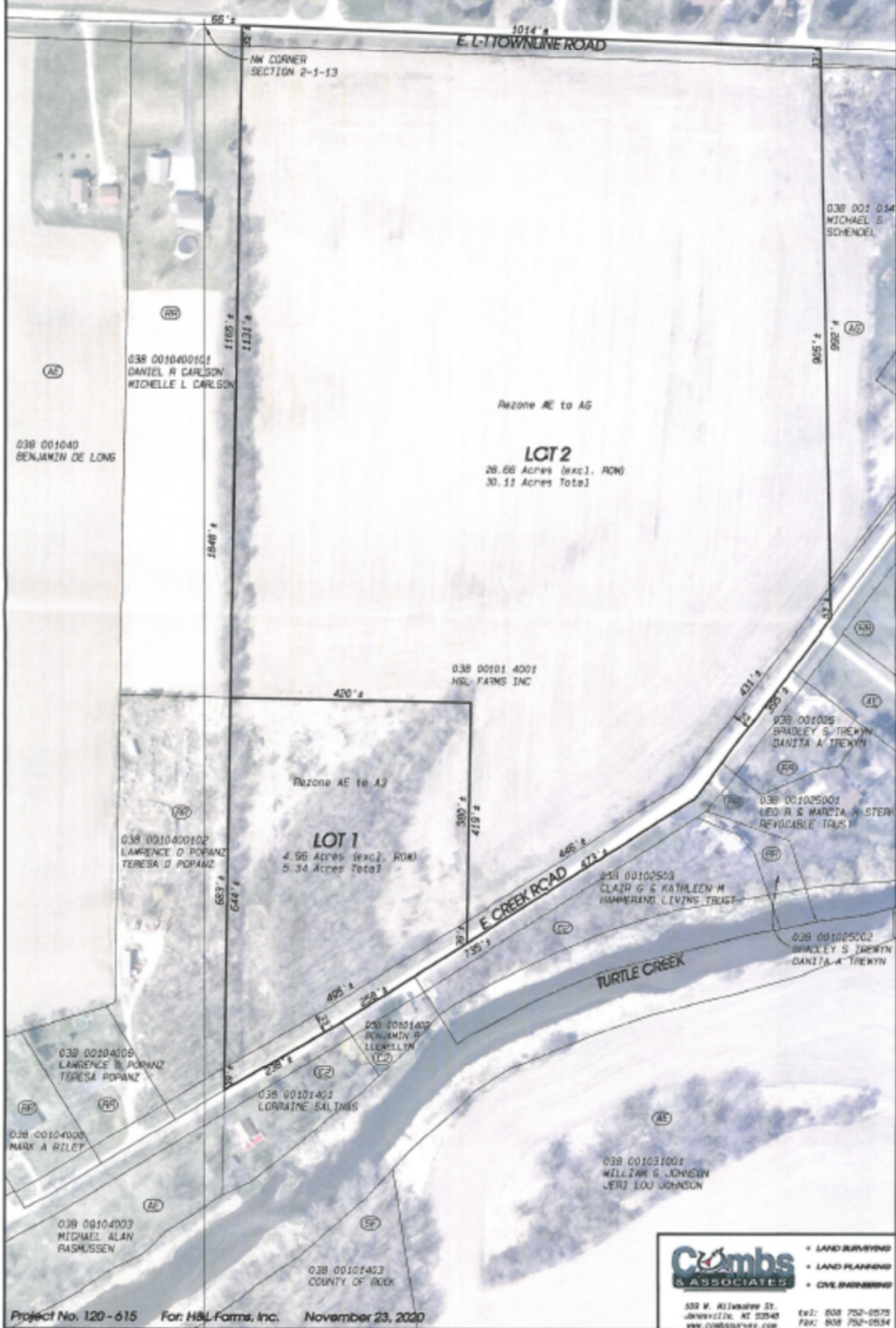
The Planning & Building Services Division recommends **approval** of the attached two-lot Certified Survey Map (CSM) for the property located at 5843 E. Creek Road in the Town of Turtle, subject to the following condition:

1. The final CSM shall be recorded with the Rock County Register of Deeds within one year of approval and a copy provided to the Planning and Building Services Division.

ATTACHMENTS: Preliminary Certified Survey Map, Application, and Resolution.

PRELIMINARY CERTIFIED SURVEY MAP

PART OF THE NW 1/4 OF THE NW 1/4, AND OF THE SW 1/4 OF THE NW 1/4 OF SECTION 2,
T. 1N, R. 13E OF THE 4TH P.M., TOWN OF TURTLE, ROCK COUNTY, WISCONSIN



Project No. 120 - 615 For H&L Farms, Inc. November 23, 2020

Combs & Associates

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

309 W. Milwaukee St.
Jewettville, WI 53540
www.combsandassociates.com

TEL: 808 752-0570
FAX: 808 752-0534

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 Minor Subdivision

(Please Type or Print) File Number: _____

1. Address of property: 5843 E. Creek Road, Beloit, WI 53511

2. Tax Parcel Number(s): 6-19-15

3. Property is located in (circle one): City of Beloit or Town of Turtle; Beloit; Rock or LaPrairie
In the NW Quarter of Section 2, Township 1 North, Range 13 East of the 4th P.M.

4. Owner of record: H & L Farms, Inc. Phone: 608-290-6330
8601 E. Larson Road, Janesville, WI 53548
(Address) (City) (State) (Zip)

5. Surveyor's name: Combs & Associates, Inc. Phone: 608-752-0575
109 W. Milwaukee Street, Janesville, WI 53548
(Address) (City) (State) (Zip)

6. Number of new lots proposed with this land division is 2 lot(s).

7. Total area of land included in this map: 35.5 acres

8. Total area of land remaining in parent parcel: 30.1 acres

9. Is there a proposed dedication of any land to the City of Beloit? No

10. The present zoning classification of this property is: AE

11. Is the proposed use permitted in this zoning district: Yes. Lot 1 zoned A-3, Lot 2 zoned AG.

12. THE FOLLOWING ITEMS MAY NEED TO BE COMPLETED AND/OR ATTACHED:

- Site Assessment Checklist; is required if the total area of CSM is over 5 acres.
- Pre-application meeting; a pre-application meeting was held on _____ with City of Beloit Staff.
- Developer's Statement; as required by section 12.02(7) of the Subdivision Ordinance.
- Phase One Environmental Assessment; as per section 12.05(1)(c) of the Subdivision Ordinance.
- Certified Survey Map; one copy as required by section 12.05(1) 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 or City Council for approval of this Certified Survey Map for the purpose stated herein. The undersigned also agrees to abide by all applicable federal, state and local laws, rules, and regulations.

_____/_____/_____
(Signature of applicant) (Name of applicant) (Date)

This application must be submitted at least 21 days prior to the Plan Commission meeting date.

Review fee: <u>\$150 plus \$10 per lot</u> Amount paid: _____
Scheduled meeting date: _____
Application accepted by: _____ Date: _____

RESOLUTION

**APPROVING A TWO-LOT CERTIFIED SURVEY MAP
FOR THE PROPERTY LOCATED AT 5843 E. CREEK ROAD IN THE TOWN OF TURTLE**

WHEREAS, Section 12.05(1)b of Chapter 12 of the Code of General Ordinances of the City of Beloit entitled “*Subdivision and Official Map Ordinance*” authorizes the City Plan Commission of the City of Beloit to approve, conditionally approve, or reject any minor subdivision of land within the extraterritorial jurisdiction of the City; and

WHEREAS, the attached two-lot Certified Survey Map for the property located at 5843 E. Creek Road in the Town of Turtle, containing 35.45 acres, more or less, is located within the extraterritorial jurisdiction of the City of Beloit; and

WHEREAS, the City Plan Commission of the City of Beloit has reviewed the attached two-lot Certified Survey Map, which pertains to the following described land:

PART OF THE NW ¼ OF THE NW ¼, AND OF THE SW ¼ OF THE NW ¼ OF SECTION 2, T. 1N, R. 13E OF THE 4TH P.M., TOWN OF TURTLE, ROCK COUNTY, WISCONSIN.

NOW, THEREFORE, BE IT RESOLVED THAT the Plan Commission of the City of Beloit does hereby conditionally approve the attached two-lot Certified Survey Map for the property located at 5843 E. Creek Road in the Town of Turtle, subject to the following condition:

1. The final CSM shall be recorded with the Rock County Register of Deeds within one year of approval and a copy provided to the Planning and Building Services Division.

Adopted this 22nd day of December, 2020.

Plan Commission

Tim Weeden, Chairperson

ATTEST:

Julie Christensen,
Community Development Director