



**PUBLIC NOTICE & AGENDA
BELOIT PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, October 18, 2023**

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
 - 2.a. Consideration of the minutes of the October 4, 2023 Plan Commission meeting
[Attachment](#)
3. PUBLIC HEARINGS
 - 3.a. Consideration of Resolution 2023-040 approving a Conditional Use Permit to allow liquor sales for the property located at 105 Dearborn Street
[Attachment](#)
4. REPORTS

There are no reports for review.
5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS

Zoning Map Amendment - 3905 and 3915 Milwaukee Road
6. FUTURE AGENDA ITEMS

Certified Survey Map - 2077 S Pow Wow Trail
Vacation of an alley between St. Lawrence Avenue, Forest Avenue, Ritscher Street and Division Street
Vacation of William Street between Merrill Street and Liberty Avenue
Annexations along Froebel Drive
7. 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, October 4, 2023

1. CALL TO ORDER AND ROLL CALL

Chairperson Ramsden called the meeting to order at 7:01 PM. Commissioners Ramsden, Abarca, Flesch, Jacobsen, Janke, Anderson, and Councilor Day were present. Commissioner Elliott was absent.

2. MINUTES

2.a. **Consideration of the minutes of the September 20, 2023 Plan Commission meeting**
Commissioner Jacobsen moved to approve the minutes, seconded by Commissioner Anderson. Motion prevailed, voice vote (6-0).

3. PUBLIC HEARINGS

3.a. **Consideration of a Planned Unit Development Master Land Use Plan for the property located at 625 Third St**

Julie Christensen, Community Development Director, presented the staff report and recommendation for items 3a and 3b.

Commissioner Flesch asked what the significance of the second diagram for parking is. Ms. Christensen said it shows how many stalls are used by each business. Commissioner Anderson asked if the modifications are to the exact size, and if Plan Commission is touching the signs. Ms. Christensen said they are adding an indoor pickle ball court that will be part of Dorrbaker's. Ms. Christensen explained that they do want to be open to having food trucks, so that is also included in this approval. Commissioner Janke asked if the four rooms east of the pickle ball courts are gathering spaces. Ms. Christensen said yes.

Chairperson Ramsden opened the public hearing.

Joe Stadelman, 555 S River Street, Janesville, Wisconsin, stated that the gray areas in the pickle ball are not walls that are separating them.

Chairperson Ramsden asked if they will offer membership for off hours. Ms. Christensen said that they talked about that in the beginning, but that it is no longer part of the plan. Chairperson Ramsden asked when the start date was, and how long construction will be. Mr. Stadelman said the start date has been delayed until March 2024, and there is a ten-month construction schedule once it is started.

Chairperson Ramsden closed the public hearing.

Commissioner Janke moved to approved the PUD for 625 Third St, seconded by Commissioner Flesch. Motion prevailed, voice vote (6-0).

3.b. **Consideration of Ordinance No. 3812 amending the Zoning District Map for the City of Beloit for the property located at 625 Third St**

Chairperson Ramsden opened and closed the public hearing.

Commissioner Abarca moved to approve the Zoning District Map amendment for 625 Third Street, seconded by Commissioner Anderson. Motion prevailed, voice vote (6-0).

3.c. **Consideration of an Ordinance No. 3813 amending the Zoning District Map of the City of Beloit for the property located at 1031 William Street**

Julie Christensen, Community Development Director, presented the staff report and recommendation for items 3c and 4a.

Commissioner Anderson asked about the street vacation. Ms. Christensen said they would leave a portion off Liberty, and the land on both sides of the street will be hooked into one big parcel. Commissioner Anderson expressed concern about landlocking parcels that could be developed in the future.

Commissioner Abarca asked if when the street is vacated, do the adjoining land owners get the land for free. Ms. Christensen said once vacated, each property owner gets their half of the right-of-way at no cost.

Chairperson Ramsden asked about the property to the North, and if it is a multifamily. Ms. Christensen said that all the properties there are zoned C-2. Chairperson Ramsden asked if they rezoned from Commercial to Residential, could they build a parking lot. Ms. Christensen said no she does not believe so.

Chairperson Ramsden opened the public hearing.

Linda Ward, representing WB Kennedy Lodge, said it would be important to rezone to allow parking for community organizations that are meeting there. Ms. Ward said they offer a venue for those that cannot afford a funeral, and after they do a luncheon. Ms. Ward said that they do ask for a donation, and having the parking lot would help them.

Chairperson Ramsden closed the public hearing.

Commissioner Jacobsen moved to approved the Zoning District Map Amendment for 1031 William St, seconded by Commissioner Flesch. Motion prevailed, voice vote (6-0).

4. **REPORTS**

4.a. **Consideration of Resolution 2023-038 recommending approval of an amendment to the City of Beloit Comprehensive Plan**

Commissioner Jacobsen moved to approve Resolution 2023-038 recommending an amendment to the City of Beloit Comprehensive Plan, seconded by Commissioner Flesch. Motion prevailed, voice vote (6-0).

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

Ms. Christensen updated the Plan Commission on the actions taken by City Council related to a variety of items previously reviewed by Plan Commission. Ms. Christensen said the next Plan Commission meeting is scheduled for October 18, 2023.

6. **FUTURE AGENDA ITEMS**

Julie Christensen outlined the future agenda items.

7. **ADJOURNMENT**

Commissioner Flesch moved to adjourn the meeting, seconded by Commissioner Abarca at 7:34 PM. Motion carried, voice vote (6-0).

Mike Ramsden, Chairperson



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: October 18, 2023

Agenda Item: 3.a.

File Number: CU-2023-08

General Information

Applicant: Cornellier Fireworks on behalf of Cornellier Enterprises Inc

Owner: Cornellier Enterprises Inc

Address/Location: 105 Dearborn Street (Cornellier Fireworks)

Applicant's Request: The applicant has applied for a Conditional Use Permit (CUP) to allow Liquor Sales in a C-2, Neighborhood Commercial District the property located at 105 Dearborn Street.

Background

Cornellier Superstore has closed their location at 2909 Ford Street, and operations are being combined with their existing location at 105 Dearborn Street, which is zoned C-2, Neighborhood Commercial. The Use Table contained in the Zoning Ordinance indicates that *Liquor Sale* in the C-2, Neighborhood Commercial District are only allowed if reviewed and approved in accordance with the CUP procedures.

Staff Analysis

Existing Conditions: Cornellier Fireworks shares a site with three other businesses including Coyotes Night Club, Allegiance Martial Arts and Jane's Cafe. In 1997, Cornellier Enterprises received approval for a CUP to allow for mixed commercial uses at 105 Dearborn Street. Prior to the 1997 CUP, there had been requests for an outdoor beer garden at 107 Dearborn Street in 1983 and again in 1995, but both have either lapsed or were denied by the City Council.

Surrounding Land Use and Zoning: To the north is a parcel owned by Wisconsin Power and Light Company zoned C-2, Neighborhood Commercial. Durham School Services and an adjacent building, both owned by Hendricks Commercial Properties and zoned M-1, Limited Manufacturing, are further north across Manchester Street. To the east across the Buckeridge Drive right-of-way is a parking lot owned by the applicant zoned C-2. To the northeast is a single-family residence also zoned C-2 and owned by Cornellier Enterprises, Inc. To the south is a 2.5-acre parcel with only a cellular/radio tower in the City of South Beloit, Illinois. To the west is a motel and multi-family use, along with a parking lot straddling the state line that was part of the former Beesly Products facility, all zoned C-2.

Public Notice

In addition to a Class 2 Newspaper Notice published in the Beloit Daily News on October 4, and 11, the attached Public Notice was sent out to the media and surrounding property owners.

City of Beloit Comprehensive and Strategic Plan: The City's Comprehensive Plan recommends *Neighborhood Commercial* for the subject property. Section 66.1001(2m) (b) of Wisconsin Statutes specifies that conditional use permits do not need to be consistent with the Comprehensive Plan.

Municipal Utilities: The subject property receives the full range of municipal services.

Review Agent Comments: This application was sent out to the City's Review Agents including the utilities, and no comments were received.

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;*
 - The proposed use of liquor sales will require a license which will be reviewed by the City's Alcohol Beverage and License Control Committee and approved by City Council. If the use is determined to be detrimental to the public welfare the license can be denied, revoked or suspended.
- 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 conditional use will not injure the use and enjoyment of nearby properties. Nearby properties are primarily commercial. Alcohol sales are currently a legal nonconforming use at Coyotes Night Club, as they were operating prior to liquor sales becoming a conditional use in the C-2 district in 1999.
- c. *Whether the conditional use will substantially diminish or impair property values within the neighborhood of the subject property;*
 - The conditional use is not expected to diminish or impair property values in this commercial corridor.
- 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 either developed or suitable for redevelopment, and proposed alcohol sales will not impede further development or redevelopment.
- 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 conditional use does not include changes to exterior architectural design or site layout. Staff does not believe the conditional use will depreciate the property values of neighboring properties. Any modifications to the exterior of the building will require architectural review and approval by staff.
- 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;*
 - The property already has the necessary utilities and facilities. The existing site has adequate parking on-site, and off-site parking is available at the applicant's adjacent property to the east. Access is available off both Dearborn Street and Manchester Street.
- g. *Whether adequate measures will be taken to minimize traffic congestion; and*

- The proposed use is not anticipated to increase traffic congestion.
- h. *Whether the conditional use will comply with all applicable regulations of the Zoning Ordinance.*
 - The proposed use will comply with all other applicable regulations.

STAFF RECOMMENDATION:

The Planning and Building Services Division recommends approval of a Conditional Use Permit to allow *Liquor Sales* in the C-2, Neighborhood Commercial District for property located at 105 Dearborn Street based on the above Findings of Fact and subject to the following conditions:

1. This Conditional Use Permit (CUP) authorizes *Liquor Sale*, for the property located at 105 Dearborn Street.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. In accordance with Section 2-511 of the Zoning Ordinance, if conditional use has not been established within one year after the date of issuance of the permit, then without further action by the Plan Commission and without further notice to the applicant, the conditional use permit shall lapse and become null and void.
4. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission by amending this CUP. The Director of Planning and Building Services may approve minor changes administratively.

ATTACHMENTS: Resolution 2023-040, Conditional Use Permit Decision Form, Application, Store Layout, Public Notice and Mailing List.

RESOLUTION 2023-040

**APPROVING A CONDITIONAL USE PERMIT TO ALLOW
LIQUOR SALES FOR PROPERTY LOCATED AT 105 DEARBORN STREET**

WHEREAS, the application of Cornellier Fireworks on behalf of Cornellier Enterprises Inc for a Conditional Use Permit (CUP) to allow *Liquor Sale*, in the C-2, Neighborhood Commercial District for the property located at 105 Dearborn Street having been considered by the Plan Commission of the City of Beloit, Wisconsin at a public hearing held for that purpose and due notice of said hearing having been given by publication as appears by the Proof of Publication on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT, the Plan Commission of the City of Beloit, Rock County, Wisconsin does hereby grant a CUP to allow a Liquor Sales at 105 Dearborn Street in the City of Beloit, for the following premises:

LOTS 3, 4, 5, AND 6 BUCKERIDGE ADDITION ALSO, UNPLATTED LAND COMMENCING AT THE NORTHWEST CORNER LOT 1 BUCKERIDGE ADDITION THENCE NORTHWESTERLY 22.06 FEET, THENCE SOUTHERLY 99.6 FEET, THENCE WESTERLY 86.01 FEET TO THE STREET RIGHT-OF-WAY, THENCE SOUTHERLY AND SOUTHEASTERLY 291 FEET MORE OR LESS TO THE STATE LINE, THENCE EASTERLY 88.76 FEET, THENCE NORTHERLY 380.67 FEET TO THE POINT OF BEGINNING, CITY OF БЕЛОIT, ROCK COUNTY, WISCONSIN. CONTAINING 1.336 ACRES, MORE OR LESS.

As a condition of granting the Conditional Use Permit, the Plan Commission does hereby stipulate the following conditions and restrictions upon the conditional use, which are hereby deemed necessary for the public interest:

1. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission by amending this CUP. The Director of Planning and Building Services may approve minor changes administratively.

BE IT FURTHER RESOLVED that the applicant is formally advised of the following additional ordinance requirements:

1. This Conditional Use Permit authorizes *Liquor Sale*, for the property located at 105 Dearborn Street.
2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.
3. In accordance with Section 2-511 of the Zoning Ordinance, if conditional use has not been established within one year after the date of issuance of the permit, then without further action by the Plan Commission and without further notice to the applicant, the conditional use permit shall lapse and become null and void.

Adopted this 18th day of October, 2023.

PLAN COMMISSION

Mike Ramsden, Chairperson

ATTEST:

Julie Christensen
Community Development Director

**Beloit Plan Commission
Conditional Use Permit Decision Form**

When reviewing an application for a conditional use, the local government must look to the requirements and conditions found in the local zoning ordinance and determine if the applicant meets those requirements and conditions. The local government must provide **substantial evidence** supporting their decision to grant or deny the permit, and to impose additional conditions on the permit. Substantial evidence means **facts and information**, directly relating to the requirements and conditions, that a reasonable person would accept in support of a conclusion. Personal preferences and speculation are not sufficient forms of evidence. All requirements and conditions imposed by the local government must be reasonable, and to the extent, practicable, measurable.

Ordinance Requirements

List ordinance requirements related to the conditional use permit:

1. This Conditional Use Permit authorizes *Liquor Sale*, for the property located at 105 Dearborn Street.

Substantial Evidence: *Retail Sales and Service (Entertainment Oriented)* uses including *Liquor Sale* requires a Conditional Use Permit in the C-2 district, and this condition articulates that the proposed uses are deemed appropriate at this location.

2. The applicant shall obtain and retain all applicable liquor licenses while the conditional use is established and maintained.

Substantial Evidence: All alcohol sales require a liquor license per City regulations.

3. In accordance with Section 2-511 of the Zoning Ordinance, if conditional use has not been established within one year after the date of issuance of the permit, then without further action by the Plan Commission and without further notice to the applicant, the conditional use permit shall lapse and become null and void.

Substantial Evidence: Standardized condition that outlines the regulation for establishing a Conditional Use Permit.

Does the applicant meet **all** of the ordinance requirements? No Yes, after the steps above

Permit Conditions

A local government is authorized to impose conditions on the permit that relate to the purpose of the ordinance. Conditions must be **reasonable**, and to the extent, practicable and **measurable**. Conditions may limit the permit's duration, transfer, or renewal.

List conditions imposed on the permit:

1. Any major changes in the adopted conditions or use of the property shall be approved by the Plan Commission by amending this Conditional Use Permit. The Director of Planning and Building Services may approve minor changes administratively.

Substantial Evidence: Standardized condition to establish a process for future changes.

Decision: Based on the findings of fact, conclusions of law, and the record in this matter, the permit is:

- Approved, with the conditions stated above
 Denied, for the following reasons:

Zoning Map



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: _____

1. Address of subject property: 105 Dearborn St Beloit Wi 53511

2. Legal description: Cornellier Enterprises

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 13640101

4. Owner of record: Jerilyn Cornellier Phone: 608-365-3999

105 Dearborn Beloit WI 53511
(Address) (City) (State) (Zip)

5. Applicant's Name: Cornellier Fireworks

105 Dearborn Beloit WI 53511
(Address) (City) (State) (Zip)

608-365-3999 / 608-436-3882 / jgosa.superstore@yahoo.com
(Office Phone #) (Cell Phone #) (E-mail Address)

6. All existing use(s) on this property are: Fireworks Retail & Wholesale

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

A Conditional Use Permit for: Class "A" Beer and Liquor Retail

_____ in a(n) C2 _____ Zoning District.

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

Principal use: Fireworks Retail & Wholesale

Secondary use: Retail Tourist Goods such as Wisconsin cheese, sausage, gifts, beer, wine

Accessory use: _____

9. Project timetable: Start date: Upon approval 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.

Jerilyn L. Cornellier / Jerilyn Cornellier / 9/20/2023
 (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 \$300.00 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: **\$300.00** Amount paid: \$300 Meeting date: 10/18/2023

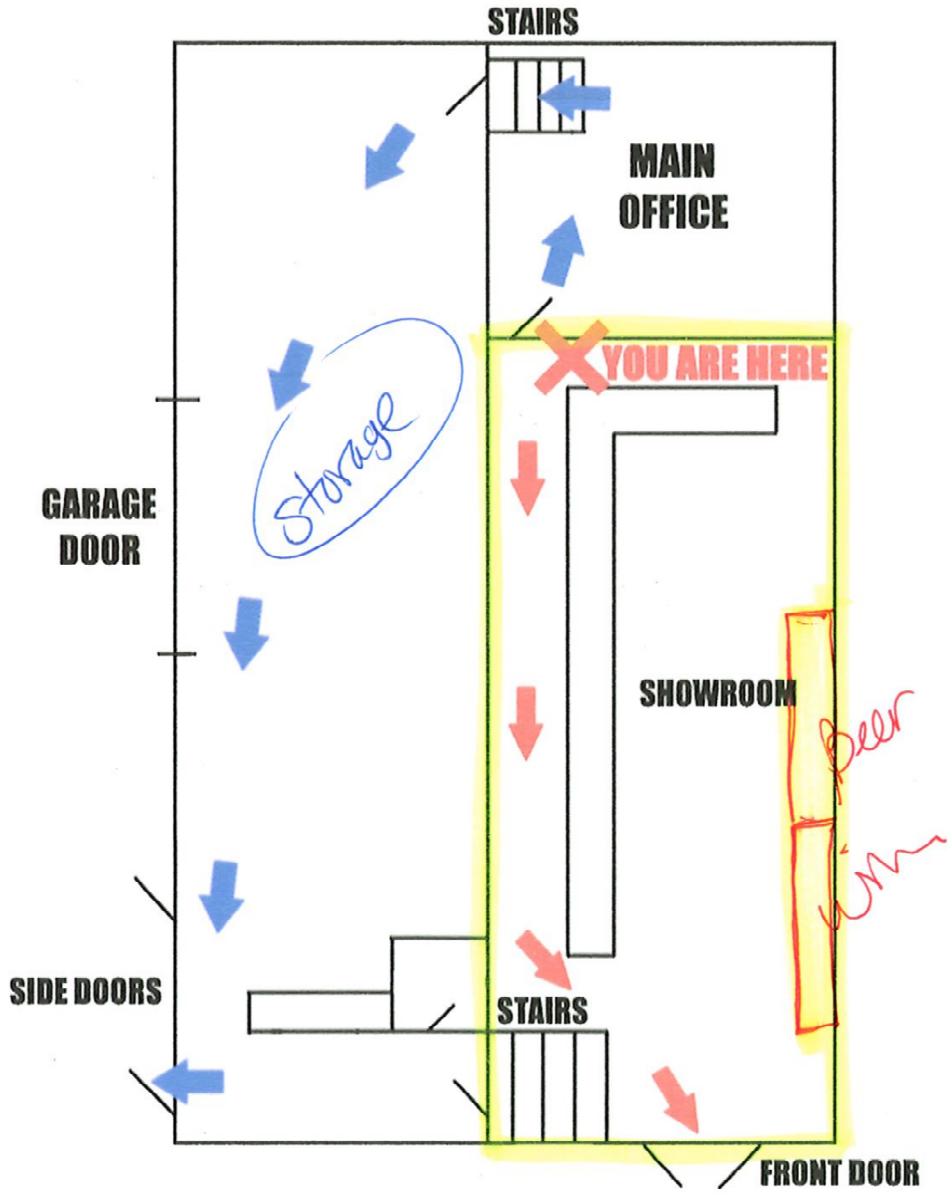
No. of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____

Application accepted by: *Wylene Kattmann* Date: 9/22/23

CK#34542

EVACUATION PLAN

CORNELLIER FIREWORKS - BELOIT RETAIL STORE





CITY HALL • 100 STATE STREET • BELOIT, WI 53511
Office: 608/364-6700 • Fax: 608/364-6609
www.beloitwi.gov Equal Opportunity Employer

NOTICE TO THE PUBLIC

October 4, 2023

To Whom It May Concern:

Cornellier Fireworks on behalf of Cornellier Enterprises Ince has applied for a Conditional Use Permit to allow alcohol sales in a C-2, Neighborhood Commercial District for the property located at:

105 Dearborn Street

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

City Plan Commission: Wednesday, October 18, 2023, 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 10 copies and submit them to City staff before the meeting begins. You may also mail your comments to the attention of Hilary Rottmann at 100 State Street or via email to planning@beloitwi.gov. You may also call (608) 364-6708 to provide your comments over the phone.

BRANNON, CURTIS W
2108 E RIDGE RD
BELOT WI 53511

STATE OF WISCONSIN DOT
P O BOX 7970
MADISON WI 53707

HENDRICKS COMMERCIAL
PROPERTIES LLC
525 THIRD ST STE 300
BELOT WI 53511

TUESCHER, BRITTANY N
5714 E COUNTY RD J
CLINTON WI 53525