

ORDINANCE NO. 3378

**AN ORDINANCE AMENDING THE
ZONING DISTRICT MAP OF THE CITY OF BELOIT**

The City Council of the City of Beloit, Rock County, Wisconsin do ordain as follows:

Section 1. The Zoning District Map of the City of Beloit, mentioned in the Zoning Code, Chapter 19 of the Code of General Ordinances of the City of Beloit, is amended as follows:

The zoning district classification of the following described land, also known as 1402 Townline Avenue, is hereby changed from Planned Unit Development (PUD) to C-2, Neighborhood Commercial:

**LOT 1 OF CERTIFIED SURVEY MAP DOCUMENT NO. 1349992 AS RECORDED IN VOLUME 20 ON
PAGES 381-383 OF CERTIFIED SURVEY MAPS, BEING A PART OF OUTLOT 27-5 OF THE
ASSESSOR'S PLAT OF BELOIT TOWNSHIP, BEING ALL SITUATED IN THE N.E. 1/4 OF THE S.W.
1/4 OF SECTION 27, T. 1 N., R. 12 E. OF THE 4TH P.M., CITY OF BELOIT, ROCK COUNTY, WI.**

Containing 3.545 acres.

Section 2. This Ordinance shall take effect and be in force upon its passage and publication.

Adopted this 5th day of October, 2009.

City Council of the City of Beloit

James E. Van De Bogart, Council President

Attest:

Carol S. Alexander, WCPC/MMC, City Clerk

Published this 13th day of October, 2009

Effective this 14th day of October, 2009

01-611100-5231-161

CITY OF BELOIT

REPORTS AND PRESENTATIONS TO CITY COUNCIL

Topic: Zoning Map Amendment Application for the property located at 1402 Townline Avenue

Date: October 5, 2009

Presenter(s): Julie Christensen

Department: Community Development

Overview/Background Information:

The Neighborhood Planning Division has submitted a Zoning Map Amendment Application requesting a change in the zoning district classification of the property located at 1402 Townline Avenue from Planned Unit Development (PUD) to C-2, Neighborhood Commercial.

Key Issues (maximum of 5):

- On January 6, 2003, the City Council adopted a Resolution authorizing a Planned Unit Development (PUD) Master Land Use Plan for a development consisting of 14 duplex townhouses on the property located at 1402 Townline Avenue. The corresponding Zoning Map Amendment from R-1B to PUD was approved by the City Council on January 21, 2003.
- The Neighborhood Planning Division has not received a PUD Final (Site) Plan for this development. Therefore, the previously approved PUD Master Land Use Plan has officially lapsed and is of no further force and effect. When this occurs, Section 2-402 of the Zoning Ordinance instructs the Plan Commission to remove the land from the PUD zoning district.
- Staff notified the property owner of this proposed action on September 1, 2009. The property owner contacted staff on September 23, 2009, and did not express any opposition to this proposed change. The property owner indicated that he may propose a different two-family development in the future. If the owner still intends to pursue a two-family development, he can subdivide this parcel and seek a Conditional Use Permit to allow conventional duplexes (i.e. one duplex per lot) in a C-2 zoning district.
- Several neighbors have contacted staff, and others attended the Plan Commission meeting. The neighbors have varying opinions regarding the best use of the land. Some neighbors are opposed to two-family and multi-family dwellings, while others prefer the previously approved two-family development over commercial uses.
- The Plan Commission reviewed this item on September 23, 2009 and voted unanimously (5-0) to recommend approval of the Zoning Map Amendment.

Conformance to Strategic Plan (List key goals this action would support and briefly discuss its impact on the City's mission.):

- Consideration of this request supports Strategic Goal #4.

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

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

Action required/Recommendation:

- City Council consideration and 1st reading of the proposed Ordinance

Fiscal Note/Budget Impact: N/A

Attachments: Staff Report to the Plan Commission

CITY OF BELOIT

REPORT TO THE BELOIT CITY PLAN COMMISSION



Meeting Date: September 23, 2009

Agenda Item: 3

File Number: ZMA-2009-13

Applicant: Neighborhood Planning Division

Owner: Jeffery Adleman

Location: 1402 Townline Avenue

Existing Zoning: Planned Unit Development (PUD)

Existing Land Use: Undeveloped

Parcel Size: 3.55 Acres

Request Overview/Background Information:

The Neighborhood Planning Division has submitted a Zoning Map Amendment Application requesting a change in the zoning district classification of the property located at 1402 Townline Avenue from Planned Unit Development (PUD) to C-2, Neighborhood Commercial.

The attached **Location and Zoning Map** shows the location of this property. The adjacent zoning and land uses are as follows:

North: PLI, Public Lands & Institutions District; Institutional (Elementary School)
South: C-2, Neighborhood Commercial District; Commercial
East: R-1B, Single-Family Residential District; Residential
West: C-2, Neighborhood Commercial District; Commercial

Key Issues:

- On January 6, 2003, the City Council adopted a Resolution authorizing a Planned Unit Development (PUD) Master Land Use Plan for a development consisting of 14 duplex townhouses on the property located at 1402 Townline Avenue. The corresponding Zoning Map Amendment from R-1B to PUD was approved by the City Council on January 21, 2003.
- The Neighborhood Planning Division has not received a PUD Final (Site) Plan for this development. Therefore, the previously approved PUD Master Land Use Plan has officially lapsed and is of no further force and effect. When this occurs, Section 2-402 of the Zoning Ordinance instructs the Plan Commission to remove the land from the PUD zoning district.
- If the owner still intends to pursue this residential development, he can subdivide this parcel and seek a Conditional Use Permit to allow conventional duplexes (i.e. one duplex per lot) in a C-2 zoning district.
- Staff notified the property owner of this proposed action on September 1, 2009. As of this writing, staff has not received a response from the property owner.
- Staff sent the attached Public Notice to thirty-two nearby property owners. One neighbor contacted staff to express her preference for residential uses on the subject property.
- Findings of Fact

Based on Section 2-304 of the Zoning Ordinance, the Plan Commission shall make a recommendation based on the following considerations:

- a. *The existing use of property within the general area of the subject property;*
 - The subject property is a part of the Madison Road corridor, which is a high-volume corridor that is commercial in nature. While the subject property is adjacent to residential and institutional uses, it is separated from these uses by public rights-of-way. In addition, the C-2 district does not allow more intensive uses that are incompatible with the existing uses in the area.
- b. *The zoning classification of property within the general area of the subject property;*
 - The subject property is adjacent to a very large C-2, Neighborhood Commercial District that extends along Madison Road from Liberty Avenue to Bittel Street. The subject property is also adjacent to a PLI, Public Lands & Institutions District and a Single-Family Residential District.
- c. *The suitability of the subject property for the uses permitted under the existing zoning classification; and*
 - As described above, the existing zoning classification is null and void.
- d. *The trend of development and zoning map amendments in the general area of the subject property.*
 - In 2003, the subject property was rezoned from R-1B, Single-Family Residential to PUD.
 - Other than the reconstruction of the McDonald's restaurant, this area has experienced limited development during the past decade.

Consistency with Comprehensive Plan and Strategic Plan:

The City's Comprehensive Plan recommends neighborhood commercial uses on the subject property and a zoning classification of C-2, Neighborhood Commercial.

Consideration of this request supports City of Beloit Strategic Goal #4.

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

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

Staff Recommendation:

Based on the above Findings of Fact, the Neighborhood Planning Division recommends approval of a Zoning Map Amendment to change the zoning district classification of the property located at 1402 Townline Avenue from Planned Unit Development (PUD) to C-2, Neighborhood Commercial.

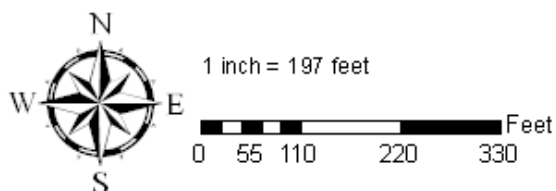
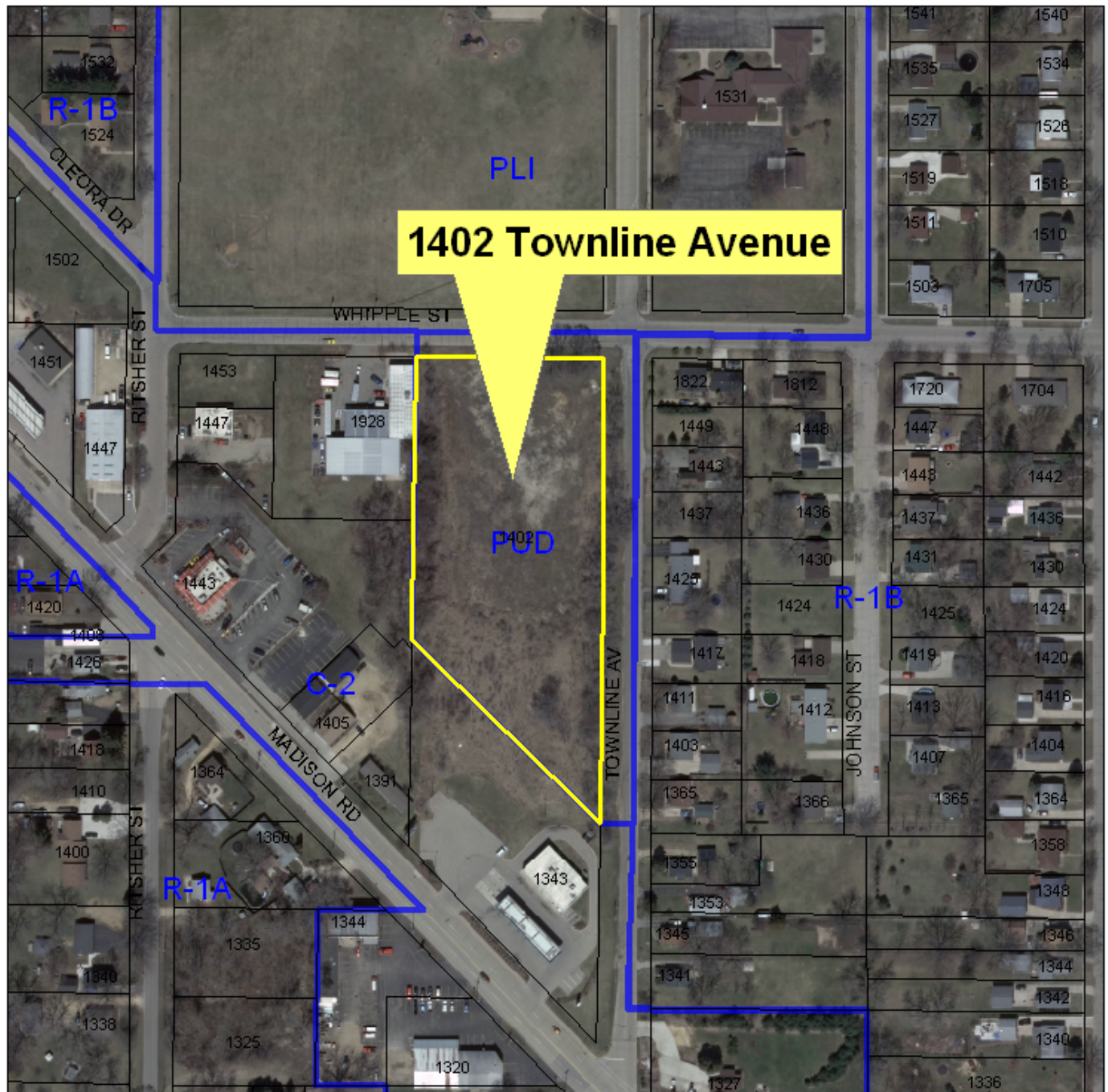
Fiscal Note/Budget Impact: N/A

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

Location & Zoning Map

1402 Townline Avenue

ZMA-2009-13



Legend

- Parcels
- Zoning District

Map prepared by: Drew Pennington
Date: September 2009
For: City of Beloit, Neighborhood Planning
Date of Aerial Photography: April 2008

NEIGHBORHOOD PLANNING DIVISION

CITY of BELOIT

NEIGHBORHOOD PLANNING DIVISION

100 State Street, Beloit, WI 53511

Phone: (608) 364-6700

Fax: (608) 364-6609

Zoning Map Amendment Application Form

(Please Type or Print)

File No.: 2MA-2009-13

1. Address of subject property: 1402 Townline Avenue

2. Legal description: Lot: _____ Block: _____ Subdivision: _____

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

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

If more than two acres, give area in acres: 3.55 acres.

3. Tax Parcel Number(s): 1276 0010

4. Owner of record: Jeffery Adleman Phone: _____

P.O. Box 598 South Beloit IL 61080

(Address) (City) (State) (Zip)

5. Applicant's Name: Community Development Department Neighborhood

100 State Street Beloit WI 53511

(Address) (City) (State) (Zip)

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

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

Change zoning district classification from: PUD (expired) to: C-2

All existing uses on this property are: Vacant Land

7. All the proposed uses for this property are:

Principal use(s): N/A

Secondary use(s): _____

Accessory use(s): _____

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

() Owner

() Leasehold, Length of lease: _____

() Contractual, Nature of contract: _____

() Other, explain: _____

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

Name(s): _____ Phone: _____

(Address)

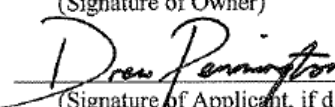
(City)

(State)

(Zip)

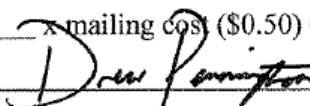
The applicant's signature below indicates the information contained in this application and on all accompanying documents is true and correct.

I/we, the undersigned, do hereby respectfully make application for and petition the City Plan Commission and City Council to grant the requested action for the purpose stated herein. I/we represent that the granting of the proposed request will not violate any of the required standards of the Zoning Ordinance of the City of Beloit. I/we also agree to abide by all applicable federal, state and local laws, ordinances, rules, and regulations.

(Signature of Owner)	(Print name)	(Date)
	Drew Pennington, Community Planner	8/27/09
(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 Neighborhood Planning Division for acceptance by the filing deadline date prior to a scheduled Plan Commission meeting. This application must be submitted with the \$275.00 application fee. Applicants will also be charged a fee for mailing public notices at the rate of \$0.50 per notice. An invoice for this fee will be sent to the applicant, and it is typically between \$5.00 and \$20.00.

To be completed by Planning Staff

Filing Fee: \$275.00 Amount Paid: N/A Meeting Date: Sept. 23, 2009
Number of notices: _____ x mailing cost (\$0.50) = cost of mailing notices: \$ _____
Application accepted by:  Date: 8/27/09
Date Notice Published: _____ Date Notice Mailed: _____



City of
BELOIT, Wisconsin
Division of Neighborhood Planning

CITY HALL • 100 STATE STREET • BELOIT, WI 53511

Office: 608/364-6700 • Fax: 608/364-6609

www.ci.beloit.wi.us

Equal Opportunity Employer

NOTICE TO THE PUBLIC

September 10, 2009

To Whom It May Concern:

The Neighborhood Planning Division has submitted a Zoning Map Amendment Application requesting a change in the zoning district classification from Planned Unit Development (PUD) to C-2, Neighborhood Commercial for the property located at:

1402 Townline Avenue.

On January 21, 2003, the City Council approved a Zoning Map Amendment to PUD to allow a development consisting of 14 duplex townhouses on the subject property. The Neighborhood Planning Division has not received a Site Plan for this development and this development has not moved forward. Therefore, the previously approved PUD Plan has officially lapsed and the PUD zoning classification must be changed. A Location & Zoning Map is attached to this notice.

The following public hearings will be held regarding this application:

City Plan Commission: Wednesday, September 23, 2009, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

City Council: Monday, October 5, 2009, at 7:00 PM, or as soon thereafter as the matter can be heard in The Forum, Beloit City Hall, 100 State Street.

THE PUBLIC IS INVITED TO ATTEND THESE HEARINGS.

We are interested in your opinion.

Anyone bringing handouts to the Plan Commission meeting must bring ten (10) copies and submit them to the Recording Secretary before the meeting begins. Staff is unable to leave the meeting area to make copies.

For additional information, please contact Drew Pennington in the Neighborhood Planning Division at (608) 364-6711 or penningtond@ci.beloit.wi.us. Comments will be accepted via telephone, email, and U.S. Mail.

BRIAN & JULIA MAJERUS
1447 RITSHER ST
BELOIT, WI 535114072

DAVID HALL
560 AZALEA TERR
BELOIT, WI 535111602

ALLEN F & BARBARA L
CASIDAY
9501 S CREEK RD
BELOIT, WI 53511

HAROLD HILLS
1341 TOWNLINE AVE
BELOIT, WI 535114168

SYNTHIA POTUZNICK
1327 TOWNLINE AVE
BELOIT, WI 53511

CHERYL EZDON
1430 JOHNSON ST
BELOIT, WI 535113307

SCHOOL DISTRICT OF BELOIT
1633 KEELER AVE
BELOIT, WI 53511

STEVEN & CHERYL PINNOW
1360 MADISON RD
BELOIT, WI 535114078

JANICE MONTERO
1756 JACKSON ST
BELOIT, WI 53511

MESSIAH LUTHERAN CHURCH
1531 TOWNLINE AVE
BELOIT, WI 535113245

JASON M & JULIA M RYAN
1364 MADISON RD
BELOIT, WI 53511

JEFFREY & VICKIE LETCHER
1418 JOHNSON ST
BELOIT, WI 535113307

MATTHEW L & DIANNE L
FINNEGAN
4745 E COLLEY RD
BELOIT, WI 53511

RICHARD FESSENDEN
1822 WHIPPLE ST
BELOIT, WI 53511

A DELAWARE CORPORATION
MCDONALDS REAL ESTATE CO
P O BOX 182571
COLUMBUS, OH 432182571

KATHRYN WELLS
1812 WHIPPLE ST
BELOIT, WI 53511

MICHAEL WARBLOW
1366 JOHNSON ST
BELOIT, WI 535113307

FREEDOM PROPERTY
INVESTMENTS LLC
903 EDGEWATER CT
WATERTOWN, WI 530981708

LAURIE AMUNDSON
1403 TOWNLINE AVE
BELOIT, WI 535114156

HOLLY PERRY
1436 JOHNSON ST
BELOIT, WI 53511

FRED & JANET COURTNEY
1437 JOHNSON ST
BELOIT, WI 535113307

QUIGLEY SMART
ENTERPRISES
1344 MADISON RD
BELOIT, WI 535114078

RANDALL CHURCHILL
1365 TOWNLINE AVE
BELOIT, WI 53511

JAMES A & CYNTHIA A
FOGARTY
122 N CENTER ST
ROCKTON, IL 61072

GREGORY STEPHENSON
1353 TOWNLINE AVE
BELOIT, WI 535114168

DAVID WHEELER
1928 WHIPPLE ST
BELOIT, WI 53511

WILLIAM BALLOU
626 MILWAUKEE RD
BELOIT, WI 535115610

PYARALI PUNJWANI BELOIT
ENTERPRISES INC
1343 MADISON RD
BELOIT, WI 53511

MATHEW W & REGINA M
KLEINSCHMIDT
1412 JOHNSON ST
BELOIT, WI 535113307

JEFFREY & VICKIE LETCHER
1418 JOHNSON ST
BELOIT, WI 535113307

HOWARD H & PATRICIA A
SAILING
1448 JOHNSON ST
BELOIT, WI 535113307

DENNIS & NORMA COURTNEY
107 INDIAN CREEK DR
PELHAM, AL 35124

JEFFERY ADLEMAN
P O BOX 598
SOUTH BELOIT, IL 61080