

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
AGENDA

January 4, 2021

Convened in the Council Chambers, 401 Whitney Blvd, Belvidere IL at 7:00 p.m.
Mayor Chamberlain presiding.

(1) Roll Call:

(2) Pledge of Allegiance:
Invocation:

(3) Public Comment: (Please register with the City Clerk):

(4) Approval of Minutes:

(A) Approval of minutes of the regular meeting of the Belvidere City Council of
December 21, 2020; as presented.

(B) Approval of minutes of the special meeting of the Belvidere City Council of
December 28, 2020, as presented.

(5) Public Hearing: None.

(6) Special Messages and Proclamations:

(7) Approval of Expenditures: None.

(8) Committee Reports and Minutes of City Officers:

(A) Minutes of Committee of the Whole – Public Safety, Finance & Personnel of
December 28, 2020; as presented.

(9) Unfinished Business:

(A) Ord. #516H – 2nd Reading: An Ordinance Granting a Special use to Allow
Indoor Commercial Entertainment (Video Gaming) within the CB, Central
Business District (120 Buchanan Street).

(B) Ord. #517H – 2nd Reading: An Ordinance Authorizing the Transfer of
Abandoned Properties to the Northern Illinois Land Bank Authority.

(C) Ord. #518H – 2nd Reading: An Ordinance Temporarily Abating Abandonment
of Liquor Licenses and Video Gaming Licenses within the City of Belvidere.

(10) New Business: None.

Motions forwarded from Committee of the Whole – Public Safety, Finance & Personnel of December 28, 2020.

Motions of Public Safety – Chairman Ric Brereton:

(A) Motion to accept the donation from the Woman of the Moose of Belvidere Chapter #1052 in the amount of \$100.00 for the Feed the Need Food Drive.

(11) Adjournment:

State of Illinois) SS
Belvidere, Illinois)

BELVIDERE CITY COUNCIL
REGULAR MEETING
MINUTES

Date: December 21, 2020

Convened in the Belvidere Council Chambers, 401 Whitney Blvd, Belvidere Illinois
at 7:00 p.m.

Call to order by Mayor Chamberlain.

(1) Roll Call: Present: D. Arevalo, R. Brereton, M. Fleury, W. Frank, M. Freeman (by
teleconference), M. McGee (by teleconference),
T. Porter (by teleconference), T. Ratcliffe (by teleconference),
D. Snow (by teleconference), and C. Stevens.

Absent: None.

Other staff members in attendance:

Budget and Finance Director Becky Tobin, Public Works Director Brent Anderson, Fire
Chief Al Hyser (by teleconference), Police Chief Shane Woody, Community
Development Planner Gina DelRose, City Attorney Mike Drella and City Clerk Sarah
Turnipseed.

(2) Pledge of Allegiance:
Invocation:

(3) Public Comment:

- (A) Birju Trivedi, Cloud Gate Investments, spoke as a proponent on increasing the
number of Video Gaming Establishments.
- (B) Andy Racz, spoke as a proponent on increasing the Tax Levy for the Ida
Public Library.

(4) Approval of Minutes:

- (A) Approval of minutes of the regular meeting of the Belvidere City Council of
December 7, 2020; as presented.

Motion by Ald. Porter, 2nd by Ald. Frank to approve the minutes of the regular meeting of
the Belvidere City Council of December 7, 2020. Roll Call Vote: 10/0 in favor. Ayes:
Arevalo, Brereton, Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow and Stevens.
Nays: None. Motion carried.

Belvidere City Council
December 21, 2020

(5) Public Hearing:

(A) Proposed Property Tax Levy.

Mayor Chamberlain opened the public hearing at 7:07p.m. and read the notice that appeared in the Belvidere Republican on December 10, 2020. Mayor Chamberlain asked if there was anyone who wished to address the public hearing. Kim Hohf, Board Member of the Ida Public Library, spoke on the Tax Levy Increase for the library. Mayor Chamberlain asked if there was anyone else who wished to address the public hearing, there being none the public hearing closed at 7:15p.m.

(6) Special Messages and Proclamations:

(A) Report of Growth Dimensions by Executive Director Pam Lopez-Fettes.

(7) Approval of Expenditures: General & Special Fund Expenditures: \$1,533,954.32
Water & Sewer Fund Expenditures: \$ 310,868.21

Motion by Ald. Arevalo, 2nd by Ald. Porter to approve the General & Special Fund Expenditures in the amount of \$1,533,954.32. Discussion took place. Roll Call Vote: 10/0 in favor. Ayes: Brereton, Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens and Arevalo. Nays: None. Motion carried.

Motion by Ald. Arevalo, 2nd by Ald. Porter to approve the Water & Sewer Fund Expenditures in the amount of \$310,868.21. Roll Call Vote: 10/0 in favor. Ayes: Fleury, Frank Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.

(8) Committee Reports and Minutes of City Officers:

- (A) Monthly Report of Belvidere Police Department Overtime for November 2020.
- (B) Monthly Report of Belvidere Fire Department Overtime for November 2020.
- (C) Monthly Report of Community Development Department/Planning Department for November 2020.
- (D) Monthly Report of Building Department Revenues, Residential Building Permits and Case Reports for November 2020.
- (E) Monthly General Fund Report for November 2020.
- (F) Monthly Water/Sewer Fund Report November 2020.
- (G) Monthly Financial Report for November 2020.
- (H) Minutes of Planning and Zoning Commission December 8, 2020.

Let the record show these reports were placed on file.

- (I) Minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of December 14, 2020.

Motion by Ald. Arevalo, 2nd by Ald. Fleury to approve the minutes of Committee of the Whole – Building, Planning and Zoning and Public Works of December 14, 2020. Roll Call Vote: 10/0 in favor. Ayes: Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton and Fleury. Nays: None. Motion carried.

(9) Unfinished Business:

(A) Ord. #511H – 2nd Reading: An Ordinance Levying Taxes for all Corporate Purposes for the City of Belvidere, Boone County, Illinois for the fiscal year beginning May 1, 2020 and ending April 30, 2021.

Motion by Ald. Brereton, 2nd by Ald. Stevens to pass Ordinance #511H. Motion by Ald. Snow, 2nd by Ald. Arevalo to amend Ord.#511H to change the library portion of the tax levy from \$726,224.00 to \$744,525.00. Discussion took place. Roll Call Vote to Amend: 6/5 in favor. Ayes: Ratcliffe, Snow, Stevens, Arevalo, Fleury and Mayor Chamberlain. Nays: Freeman, McGee, Porter, Brereton and Frank. Further discussion took place. Roll Call Vote to pass Ordinance #511H as amended: 8/2 in favor. Ayes: McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Fleury and Frank. Nays: Brereton and Freeman. Motion carried.

(B) Ord. #512H – 2nd Reading: An Ordinance Making a Levy and Providing for a Special Service Area #2 Tax in the City of Belvidere, Boone County, Illinois for the fiscal year beginning May 1, 2020 and ending April 30, 2021.

Motion by Ald. Porter, 2nd by Ald. Arevalo to pass Ordinance #512H. Discussion took place. Roll Call Vote: 10/0 in favor. Ayes: Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Frank, Freeman and McGee. Nays: None. Motion carried.

(C) Ord. #513H – 2nd Reading: An Ordinance Making a Levy and Providing for a Special Area #3 Tax in the City of Belvidere, Boone County, Illinois for the fiscal year beginning May 1, 2020 and ending April 30, 2021.

Motion by Ald. Arevalo, 2nd by Ald. Fleury to pass Ordinance #513H. Roll Call Vote: 10/0 in favor. Ayes: Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury, Frank, Freeman, McGee and Porter. Nays: None. Motion carried.

(D) Ord. #514H -2nd Reading: An Ordinance Amending Sections 26-83 and 26-79 of the City of Belvidere Municipal Code.

Motion by Ald. Snow, 2nd by Ald. Arevalo to pass Ordinance #514H. Discussion took place. Motion by Ald. Fleury, 2nd by Ald. Arevalo to amend the second paragraph of Exhibit A to read: “In the event the proposed business requires another license or permit to operate lawfully, the City Clerk may require the applicant to provide copies of any such license or permit when applying for a BRL. The Clerk shall not issue a BRL to any applicant unless such requested permits or licenses are provided.” Further discussion took place. Roll Call Vote to Amend: 6/5 in favor. Ayes: Snow, Arevalo, Fleury, Porter, Ratcliffe, Mayor Chamberlain. Nays: Stevens, Brereton, Frank, Freeman and McGee.

Further discussion took place. Roll Call Vote to pass Ordinance #514H as amended: 6/4 in favor. Ayes: Arevalo, Fleury, McGee, Porter, Ratcliffe and Snow. Nays: Stevens, Brereton, Frank and Freeman. Motion carried.

(E) Ord. #515H- 2nd Reading: An Ordinance Amending Section 14-152 of the City of Belvidere Municipal Code.

Motion by Ald. Frank, 2nd by Ald. Snow to pass Ord. #515H. Roll Call Vote: 8/2 in favor. Ayes: Arevalo, Frank, Freeman, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: Brereton and Fleury. Motion carried.

(10) New Business:

(A) Ord. #516H – 1st Reading: An Ordinance Granting a Special use to Allow Indoor Commercial Entertainment (Video Gaming) within the CB, Central Business District (120 Buchanan Street).

(B) Ord. #517H – 1st Reading: An Ordinance Authorizing the Transfer of Abandoned Properties to the Northern Illinois Land Bank Authority.

(C) Ord. #518H – 1st Reading: An Ordinance Temporarily Abating Abandonment of Liquor Licenses and Video Gaming Licenses within the City of Belvidere.

Let the record show that Ordinance #516H, Ordinance #517H and Ordinance #518H were placed on file for first reading.

(D) Res. #2025-2020 – A Resolution Authorizing the Execution of an Intergovernmental Agreement for Geographical Information Services with Boone County.

Motion by Ald. Arevalo, 2nd by Ald. Fleury to adopt Res.#2025-2020. Roll Call Vote:10/0 in favor. Ayes: Brereton, Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens and Arevalo. Motion carried.

Motions forwarded from Committee of the Whole – Building, Planning and Zoning and Public Works of December 14, 2020.

(A) Motion by to approve the Courthouse Square Area III Intensive Survey. Roll Call Vote: 10/0 in favor. Ayes: Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo and Brereton. Nays: None. Motion carried.

(B) Motion to authorize the Belvidere Police Department to enter into an agreement with CDS Technologies for \$109,247.00 for body worn cameras and approve an expenditure of \$59,247.00 for the remainder of the agreement cost to be divided up between the Belvidere Police Department Auction

Belvidere City Council
December 21, 2020

Account (\$45,000) and Drug Operations Account (\$14, 247.00). Discussion took place. Roll Call Vote: 10/0 in favor. Ayes: Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton and Fleury. Nays: None. Motion carried.

(C) Motion to accept the donations from Cosmopolitan Club, Casey’s General Store, and Roberta Eicksteadt to the Belvidere Police Department totaling \$1,350.00 for Feed the Need Food Drive. Roll Call Vote: 10/0 in favor. Ayes: Freeman, McGee, Porter, Ratcliffe, Snow, Stevens, Arevalo, Brereton, Fleury and Frank. Nays: None. Motion carried.

(11) Adjournment:

Motion by Ald. Fleury, 2nd by Ald. Arevalo to adjourn meeting at 8:38 p.m. Aye voice vote carried. Motion carried.

Mayor

Attest:

City Clerk

State of Illinois) SS
Belvidere, Illinois)

SPECIAL MEETING
BELVIDERE CITY COUNCIL
MINUTES

Date: December 28, 2020

Convened in the Belvidere Council Chambers, 401 Whitney Blvd, Belvidere Illinois
at 6:00 p.m.

Call to order by Mayor Chamberlain.

(1) Roll Call: Present: R. Brereton, M. Fleury, W. Frank,
M. Freeman (by teleconference), M. McGee (by teleconference) T. Porter,
T. Ratcliffe (by teleconference), D. Snow (by teleconference), and
C. Stevens.

Absent: D. Arevalo.

Other staff members in attendance:

Budget and Finance Director Becky Tobin, Public Works Director Brent Anderson,
Deputy Police Chief Matt Wallace, Fire Chief Al Hyser, City Attorney Mike Drella and
City Clerk Sarah Turnipseed.

(2) Pledge of Allegiance:

Invocation:

(3) Public Comment: Ald. Wendy Frank spoke concerning a constituent request for dog
friendly salt on downtown sidewalks.

(4) Unfinished Business:

(A) Ord.#511H – An Ordinance Levying Taxes for all Corporate Purposes for
the City of Belvidere, Boone County, Illinois for the Fiscal Year
beginning May 1, 2020 and ending April 30, 2021.

Mayor Mike Chamberlain asked the City Clerk Sarah Turnipseed to read into the record
the minutes from December 21, 2020, pertaining to Ordinance #511H.

(5) Adjournment:

Motion by Ald. Snow, 2nd by Ald. Fleury to adjourn meeting at 6:05 p.m. Roll Call Vote:
6/3 in favor. Ayes: Fleury, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: Brereton,
Frank and Freeman. Motion carried.

Belvidere City Council
December 28, 2020

Mayor

Attest:

City Clerk

Minutes
Committee of the Whole
Public Safety and Finance and Personnel
December 28, 2020
6:05 p.m.

Call to Order – Mayor Mike Chamberlain:

Aldermen Present:

R. Brereton, M. Fleury, W. Frank, M. McGee (by Teleconference), T. Porter, T. Ratcliffe (by Teleconference), D. Snow (by Teleconference), C. Stevens.

Alderman Absent: M. Freeman and D. Arevalo.

Other staff members in attendance:

Budget and Finance Director Becky Tobin, Public Works Director Brent Anderson, Deputy Police Chief Matt Wallace, Fire Chief Al Hyser, City Attorney Mike Drella and City Clerk Sarah Turnipseed.

Public Comment: None.

Public Forum: None.

Reports of Officers, Boards, and Special Committees:

1. Finance & Personnel, Unfinished Business: None.
2. Finance & Personnel, New Business:
(A) Budget/Finance Update.

Budget and Finance Director Becky Tobin presented an update.

3. Public Safety, Unfinished Business: None.
4. Public Safety, New Business:
(A) Fire Department – Update.

Fire Chief Al Hyser presented an update. Discussion took place.

- (B) Police Department – Update.

Deputy Police Chief Matt Wallace presented an update.

(C)Police Department – Feed the Need Donation.

Motion by Ald. Porter, 2nd Ald. Frank to accept the donation from the Woman of the Moose of Belvidere Chapter #1052 in the amount of \$100.00 for the Feed the Need Food Drive. Roll Call Vote: 8/0 in favor. Ayes: Brereton, Fleury, Frank, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: None. Motion carried.

5. Other:

(A)Public Works – Well #4 and Well #5 Rehabilitation

For Information Only. Discussion took place.

6. Adjournment:

Motion by Ald. Fleury, 2nd by Ald. Porter. to adjourn meeting at 6:27p.m. Aye voice vote carried. Motion carried.

_____ Mayor

Attest: _____ City Clerk

ORDINANCE NO. 516H

**AN ORDINANCE GRANTING A SPECIAL USE
TO ALLOW INDOOR COMMERCIAL ENTERTAINMENT
(VIDEO GAMING)
WITHIN THE CB, CENTRAL BUSINESS DISTRICT
(120 Buchanan Street)**

WHEREAS, The City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and to specify the minimum requirements for improvements on land in the City of Belvidere; and

WHEREAS, Special Uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property; are reviewed on a case by case basis; and are permitted only by permission of the Belvidere City Council; and,

WHEREAS, The applicant and owner, Russell Caldwell, 8642 US Highway 20, Garden Prairie, IL 61038 is requesting a special use for indoor commercial entertainment to operate video gaming at 120 Buchanan Street; and

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on December 8, 2020 concerning the proposed Special Use; and,

WHEREAS, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. That a Special Use in the CB, Central Business District for indoor commercial entertainment (video gaming) on the property depicted in Attachment A and legally described as:

The Westerly 20 feet of the Easterly 60 feet of Lot Eight (8) of the Assessor's Survey of the Block Eight (8) of Aaron Whitney's Addition to Belvidere, according to the Plat thereof recorded in Book 28 of Deeds on page 421, in Boone County, Illinois; situated in the County of Boone and the State of Illinois. PIN: 05-25-358-020

is hereby approved, subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.

Section 3. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

Section 4. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this ____ day of _____, 2020.

APPROVED by the Mayor of the City of Belvidere this ____ day of _____, 2020.

Michael W. Chamberlain, Mayor

ATTEST:

Sarah Turnipseed, City Clerk

Ayes: _____ Nays: _____ Absent: _____

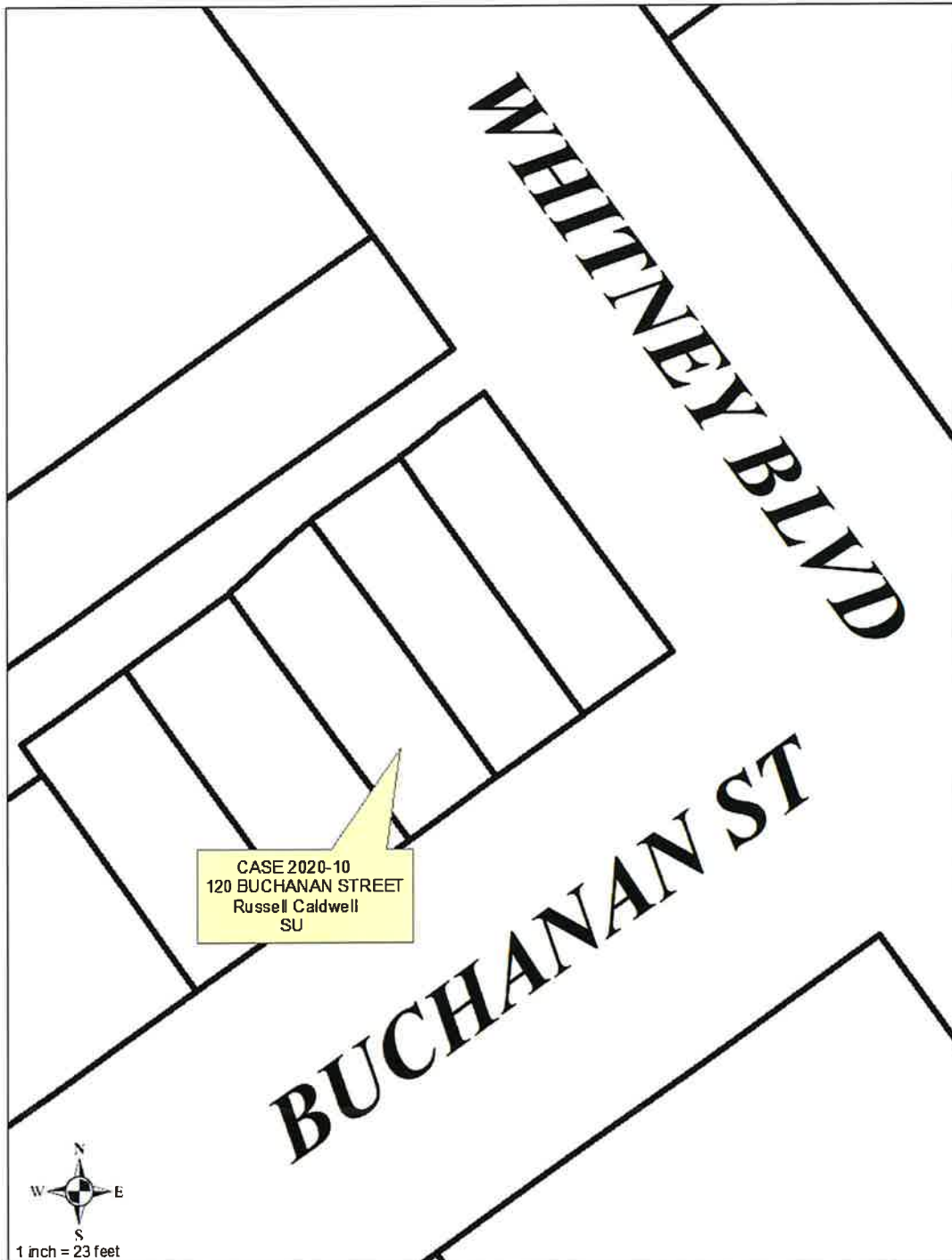
City Council Members Voting Aye: _____

City Council Members Voting Nay: _____

Date Published:

Sponsor: _____

ATTACHMENT A



MEMO

DATE: December 9, 2020
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
SUBJECT: Recommendation for Case: 2020-10; Caldwell, 120 Buchanan Street

REQUEST AND LOCATION:

The applicant and owner, Russell Caldwell, 8642 US Highway 20, Garden Prairie, IL 61038 is requesting a special use for indoor commercial entertainment to operate video gaming at 120 Buchanan Street, Belvidere, IL within the CB, Central Business District pursuant to Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Uses Review and Approval Procedures of the Belvidere Zoning Ordinance. The subject property is approximately 1,200 square feet (PIN: 05-25-358-020) and developed with a portion of the Firebox Restaurant and Pizzeria.

RECOMMENDATION:

The planning and zoning commission recommended the **approval** of case number **2020-10** for a special use to permit indoor commercial entertainment (video gaming) at 120 Buchanan Street subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.

Motion to approve case 2020-10; Caldwell, 120 Buchanan Street subject to the conditions as presented carried with a (7-0) roll call vote.

Carl Gnewuch, Acting Chairman
Belvidere Planning and Zoning Commission

CITY OF BELVIDERE

Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 * PH (815)547-7177 FAX (815)547-0789

December 2, 2020

ADVISORY REPORT

CASE NO: 2020-10

APPLICANT: Caldwell, 120 Buchanan Street

REQUEST AND LOCATION:

The applicant and owner, Russell Caldwell, 8642 US Highway 20, Garden Prairie, IL 61038 is requesting a special use for indoor commercial entertainment to operate video gaming at 120 Buchanan Street, Belvidere, IL within the CB, Central Business District pursuant to Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Uses Review and Approval Procedures of the Belvidere Zoning Ordinance. The subject property is approximately 1,200 square feet (PIN: 05-25-358-020) and developed with a portion of the Firebox Restaurant and Pizzeria.

EXISTING LAND USE:

Subject property: Firebox Restaurant and Pizzeria

North: Municipal Parking Lot and City Hall

South: Buchanan Street Pub

East: Firebox Restaurant and Pizzeria (2nd lot) and Jack Rose

West: Outdoor Patio shared with The Shortline

CURRENT ZONING:

Subject property: CB, Central Business District

North, South East, West: CB, Central Business District

COMPREHENSIVE PLAN:

Subject property: Central Business

North, South, East, West: Central Business

BACKGROUND:

The Firebox Restaurant and Pizzeria opened in 2019. The restaurant is comprised of two buildings and a shared outdoor patio. The applicant is requesting to remove the tables on the west side of the restaurant in order to install video gaming machines that would be monitored by staff.

Due to Covid-19 mitigation efforts, restaurants and bars have seen multiple restrictions placed on them such as hours of operation, capacity and type of service. These limitations have greatly impacted the ability for some businesses to prosper. The applicant is requesting video gaming in hopes of creating another revenue source to help off-set the declining sales

associated with mitigation efforts. In the past, the State has allowed restaurants and bars to remain open so that their video gaming machines could still be operational. This gives businesses with video gaming machines an advantage over others.

There is no on-site parking but Buchanan Street and Whitney Boulevard provide limited on-street parking for patrons in addition to three municipal parking lots within 300 feet of the subject property. Due to existing lot sizes, age and layout of the existing buildings and the intention to be pedestrian friendly, on-site parking is not required in the Central Business District.

TREND OF DEVELOPMENT:

The subject property is located downtown in an area of established central business commercial and institutional uses. There have been several new businesses to open in the area in recent years.

COMPREHENSIVE PLAN:

The subject property is designated as "Central Mixed Use" by the City of Belvidere Comprehensive Plan, adopted July 15, 1999. The Central Mixed-Use map category encourages pedestrian-orientated indoor-commercial, office, institutional and residential uses with street-scaping and low-key signage. All surrounding properties are also designated "Central Mixed-Use" by the Comprehensive Plan

FINDINGS OF FACT:

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

- A. Findings: The establishment, maintenance, or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The requested special use is for indoor commercial entertainment to allow for the addition of video gaming to the restaurant. The property is located in the Central Business District where such land uses are common. Entertainment-based businesses are often encouraged in downtown districts.

The building is located near municipal parking lots and a mix of bars, eateries and offices. The addition of video gaming machines will not be noticeable from the outside (except for possible signage) and is not anticipated to negatively impact these land uses. Operating businesses, instead of vacant store fronts, is beneficial to all adjacent properties.

- B. Findings: The proposed special use, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The Comprehensive Plan designates the subject property as Central Business; the current zoning is Central Business. The entire downtown area is designated as Central Business. The downtown area should be a mix of retail, services, residential, recreation and entertainment that operate during the day and night and that are compatible uses.

Video gaming and other land uses associated with indoor commercial entertainment are included in the encouraged mix of land uses.

- C. **Findings:** The special use will not in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.

The property is served by on-street parking along Buchanan Street and Whitney Boulevard in addition to three nearby municipal parking lots. On-site parking is not required in the Central Business District; most patrons of businesses on Buchanan Street utilize the municipal parking lots in the area. The property currently houses a restaurant which does not create any traffic nuisances of which staff is aware.

- D. **Findings:** The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property, and maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

The planning staff is not aware of any business that chose not to locate or expand in the downtown area due to the other bars and similar establishments. The planning staff does not anticipate that this special use will deter development when previous businesses have not.

- E. **Findings:** The proposed special use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.

The subject property is already developed with a restaurant that is served with municipal utilities.

- F. **Findings:** The potential public benefits of the proposed special use outweigh any and all potential adverse impacts of the proposed special use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

Although the applicant is requesting a special use to operate a land use that is similar to others in the downtown area, he intends for it to be an addition to the existing restaurant and not a stand-alone gaming café. This could allow a wider demographic of people to be served in the downtown area. The neighborhood is a mix of residential, commercial and entertainment. The special use should not alter the neighborhood or create an undue burden.

SUMMARY OF FINDINGS:

The requested special use is for indoor commercial entertainment to allow for the addition of video gaming to the restaurant. The property is located in the Central Business District where such land uses are common. Video gaming and other land uses associated with indoor commercial entertainment are included in the encouraged mix of land uses.

The building is located near municipal parking lots and a mix of bars, eateries and offices. The addition of video gaming machines will not be noticeable from the outside (except for possible signage) and is not anticipated to negatively impact these land uses. Operating businesses, instead of vacant store front, is beneficial to all adjacent properties.

The planning staff is not aware of any business that chose not to locate or expand in the downtown area due to the other bars and similar establishments. The planning staff does not anticipate that this special use will deter development when previous businesses have not.

Although the applicant is requesting a special use to operate a land use that is similar to others in the downtown area, he intends for it to be an addition to the existing restaurant and not a stand-alone gaming café. This could allow a wider demographic of people to be served in the downtown area. The neighborhood is a mix of residential, commercial and entertainment so the special use should not alter the neighborhood or create an undue burden.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2020-10** for a special use at 120 Buchanan Street subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.

Submitted by:


Gina DelRose
Community Development Planner

Review and Recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application, adopt findings of fact, and make a recommendation to the City Council.

Review and Action by the City Council. The City Council shall consider the Planning and Zoning Commission's recommendation regarding the proposed special use. The City Council may approve or deny the special use as originally proposed, may approve the proposed special use with modifications or may remand the matter back to the Planning and Zoning Commission for further discussion or hearing. The City Council's approval of the requested special use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed special use.

ATTACHMENTS

1. Location Map by Planning Staff.
2. Aerial Photo with by Planning Staff.
3. Narrative submitted by Applicant.
4. Site plan submitted by Applicant.
5. Letter submitted by the Boone County Soil and Water Conservation District, Bill Hall, November 13, 2020.
6. Letter submitted by the Boone County Health Department, Amanda Mehl, November 23, 2020.

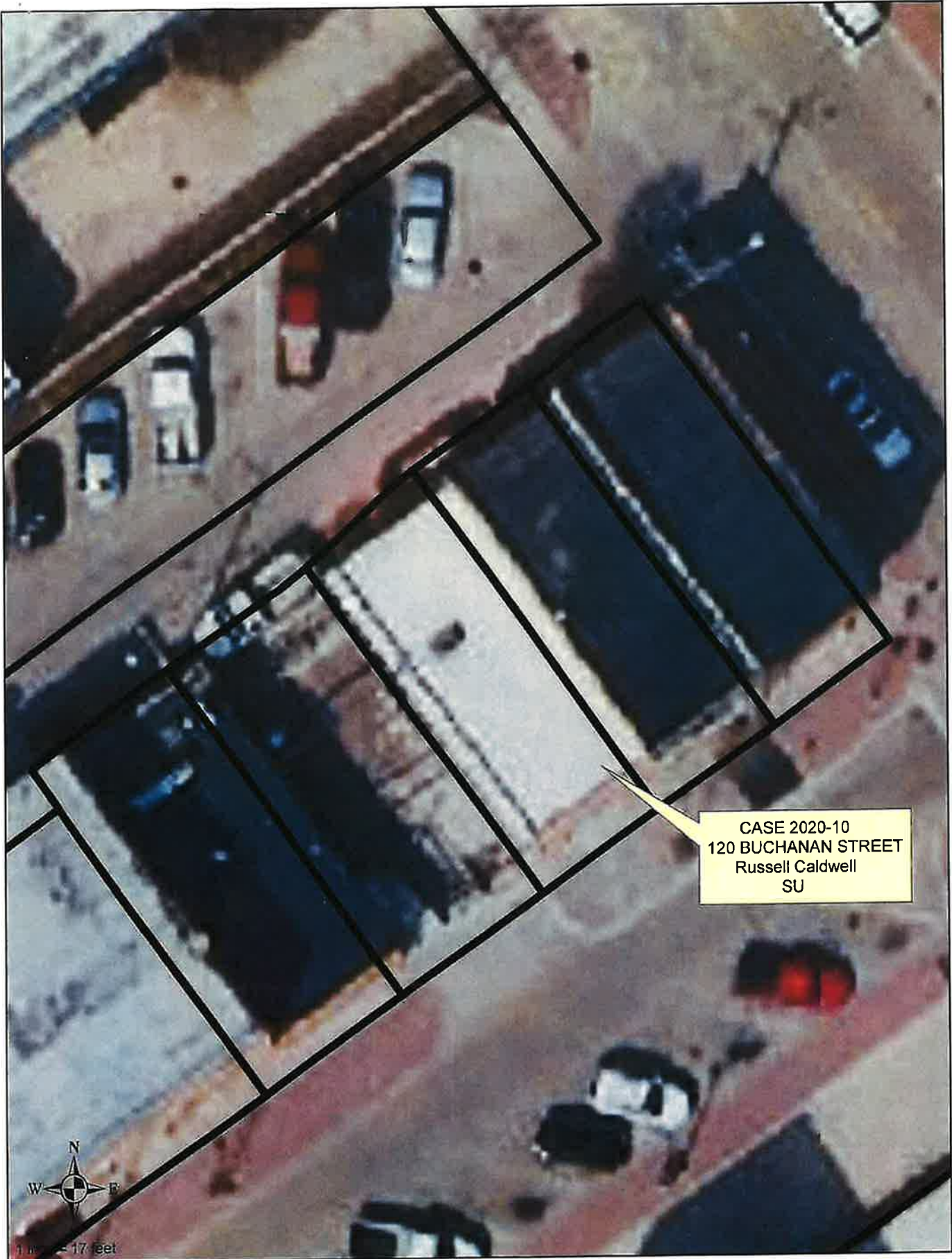
WHITNEY BLVD

BUCHANAN ST

CASE 2020-10
120 BUCHANAN STREET
Russell Caldwell
SU



1 inch = 23 feet



CASE 2020-10
120 BUCHANAN STREET
Russell Caldwell
SU

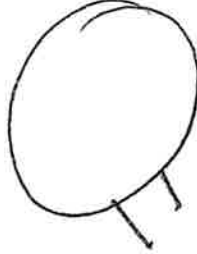


1 inch = 17 feet

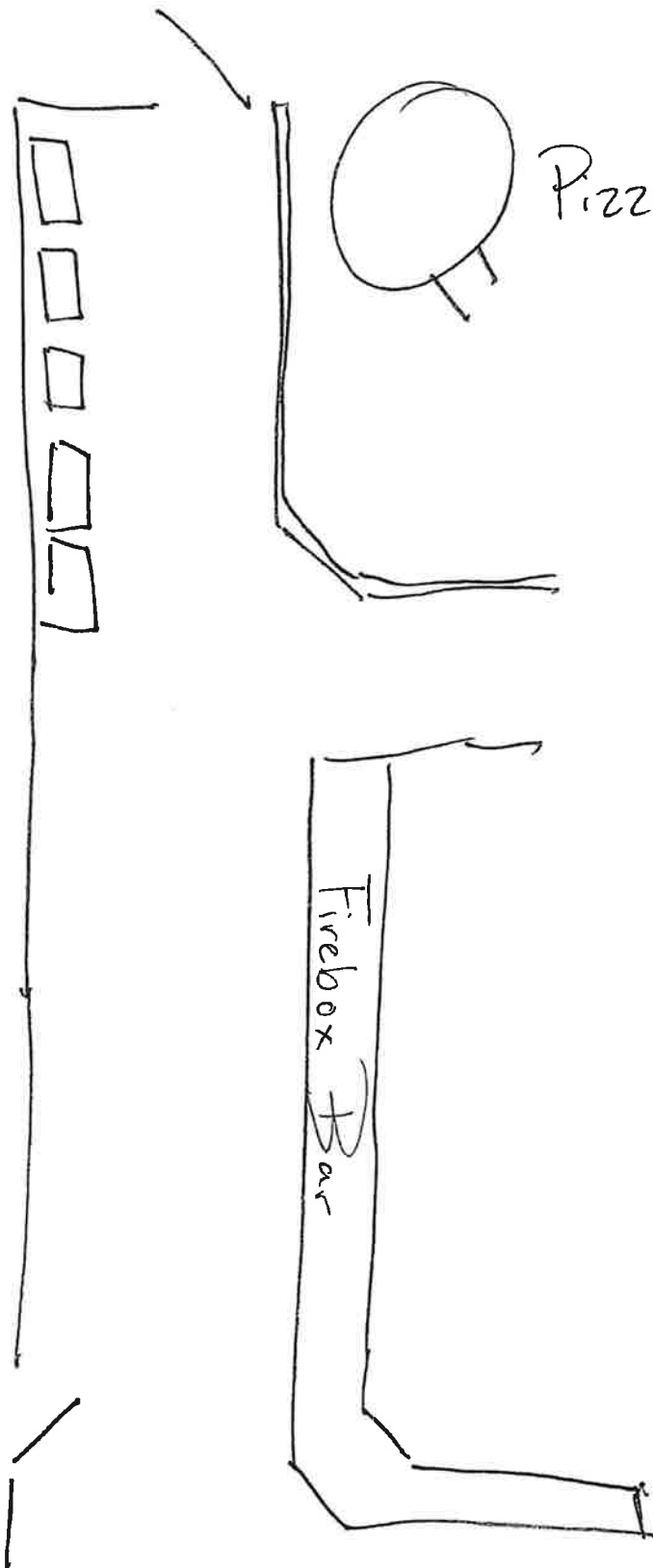
Our hours will be the operating restaurant hours. We are not looking to expand our normal restaurant hours for just machines. We are looking to add (5) machines. The machines are in direct line of sight of the cashier and bartenders. We are requesting machines as an added revenue source to The Firebox Restaurant & Pizzeria due to extremely low sales. The original intent for the state of Illinois was for the gambling machines was to help the revenue of restaurants. Unfortunately, at this time, The Firebox is in the category. We are sure even an additional small amount of revenue would be beneficial to the restaurant. It appears that Governor Pritzker is allowing the gambling machine locations to stay open even as he shuts down other businesses.

Mural Court

Patio



Pizza Oven



Firebox Bar



211 N. Appleton Road
Belvidere, IL 61008
815-544-2677 x3

November 13, 2020

SWCD NRI #: XXXX

Belvidere Planning Department
401 Whitney Blvd., Suite 300
Belvidere, IL 61008

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted. We will supply a written reply to your office as indicated below:

Our review does not apply in this instance.
 Other (see attached)

Location of Site: 120 Buchanan Street, Belvidere
PIN(S): 05-25-358-020

Contact	Petitioner	Owner
Russell Caldwell 8642 US Hwy 20 Garden Prairie, IL 61038 815-509-1187	Same	Same

Request: Special Use for video gaming

Notes: No additional construction or soil disturbance is taking place. Video gaming will be inside existing Firebox restaurant.

Sincerely,

A handwritten signature in cursive script that reads "Bill Hall".

Bill Hall

Boone County Soil &

Water Conservation District



Public Health
Prevent Promote Protect

Boone County Health Department

1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

November 23, 2020

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Re: Case: 2020-10; Caldwell, 120 Buchanan St.

Dear Gina,

We are in receipt of the notice for a special use permit for 120 Buchanan St. for indoor commercial entertainment.

The Boone County Health Department has no comments.

Please let us know if you have any questions or concerns at (815) 544-2951 ext.2 or info@boonehealth.org

Thank you,

Amanda Mehl
Administrator

MNG

ORDINANCE #517H

AN ORDINANCE AUTHORIZING THE TRANSFER OF
ABANDONED PROPERTIES TO THE NORTHERN
ILLINOIS LAND BANK AUTHORITY

WHEREAS, on March 19, 2019 the Corporate Authorities of the City of Belvidere (the City) authorized an intergovernmental agreement (the Agreement) creating the Northern Illinois Land Bank Authority (the Land Bank) and joining the Land Bank; and

WHEREAS, one of the purposes of the Land Bank is to secure abandoned and / or blighted properties that face significant detriments including, but not limited to clouds on title, which prevent meaningful redevelopment; and

WHEREAS, one method of acquiring said parcels is for the City, in cooperation with the Land Bank, to bring legal actions to have the properties declared abandoned with title to the property vesting in the City free and clear of prior existing encumbrances; and

WHEREAS, the Agreement provides that when the Land Bank utilizes a court action to declare certain properties vacant, the City will then issue a deed transferring title to the properties to the Land Bank for redevelopment; and

WHEREAS, the Land Bank brought three lawsuits to declare certain properties commonly known as 407 Allen Street, Belvidere Illinois, 1000 Nettie Street Belvidere Illinois and 1031 Garfield Blvd, Belvidere Illinois as abandoned properties which the City now owns after the judgements were entered; and

WHEREAS, the Land Bank will likely acquire additional abandoned properties in the City's name in the future; and

WHEREAS, the City is a home rule unit of government within the meaning of Section 6 of Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, Section 10 of Article VII of the Constitution of the State of Illinois and the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) authorize the City of Belvidere and the Complex Committee to enter into agreements, including, but not limited to, an agreement to sell or transfer real estate for public purposes.

NOW THEREFORE IT IS ORDAINED by the MAYOR and CITY COUNCIL of the City of Belvidere, Boone County Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth.

SECTION 2: The Mayor is authorized to execute such documents, including but not limited to deeds, necessary to transfer the three above referenced properties, as well as future

properties acquired by the Land Bank in the City's name, to the Land Bank.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor. The City Council finds that immediate approval is essential to obtain favorable sale and purchase terms.

Ayes:

Nays:

Absent:

APPROVED:

Mayor Michael W. Chamberlain

(SEAL)

ATTEST: _____
Clerk Sarah Turnipseed

Passed:

Approved:

Published:

ORDINANCE #518H
AN ORDINANCE TEMPORARILY ABATING
ABANDONMENT OF LIQUOR LICENSES
AND VIDEO GAMING LICENSES
WITHIN THE CITY OF BELVIDERE

WHEREAS, pursuant to his executive powers and in response to the COVID-19 pandemic, the Governor of the State of Illinois has temporarily ordered (Executive Order 2020-73) the closing of bars, restaurants and taverns for indoor consumption on premises and also ordered the closing of all video gaming under the Video Gaming Act; and

WHEREAS, Section 10-69(b)(2) of the City of Belvidere Municipal Code declares void any liquor license issued by the City of Belvidere Local Commissioner if the licensee is closed for business for six (6) or more months; and

WHEREAS, Section 14-452 of the City of Belvidere Municipal Code provides that a video gaming location permit is deemed abandoned if the licensed location ceases operating video gaming terminals for sixty (60) days or more; and

WHEREAS, the Corporate Authorities of the City of Belvidere find that it would be unjust if the Governor's Order caused local businesses to lose their licenses to conduct video gaming or the sale of alcohol through no fault of the local business.

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: Where the holder of a City of Belvidere local liquor license is forced to close as a result of the Governor's executive order 2020-73 relating to the COVID-19 pandemic, section 10-69(b)(2) shall not apply and a properly issued local liquor license shall not be deemed void.

SECTION 2: Where the holder of a video gaming location permit issued in accordance with Section 14-452 of the City of Belvidere Municipal Code is forced to close as a result of the Governor's executive order 2020-73 relating to the COVID-19 pandemic, section 14-452(c) of the City of Belvidere Municipal Code shall not apply and the location permit shall not be deemed abandoned.

SECTION 3: This ordinance and the relief granted hereunder shall terminate automatically upon the expiration of the Governor's Executive Order 2020-73, and as it may be extended in the future, relating to the prohibition on video gaming and indoor on premises consumption of alcohol.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Voting Aye:
Voting Nay:
Absent:

APPROVED:

Michael W. Chamberlain
Mayor

ATTEST: _____
Sarah Turnipseed
City Clerk (SEAL)

Passed:
Approved:
Published:

J:\Draft Ordinances\Ord increasing Location Permits.doc