

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION AGENDA
Tuesday, January 14, 2020
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members:

Daniel Arevalo, CHM
Alissa Maher, VCHM
Andrew Racz
Paul Engelman
Robert Cantrell
Art Hyland
Carl Gnewuch

Staff:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant

MINUTES: Approve the minutes of the December 10, 2019 meeting.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-02: Gunsteen, 1125 N. State Street: Application of Gunsteen Car Wash c/o Daniel Gunsteen, 651 S. Sutton Road, Ste 305, Streamwood, IL 60107 on behalf of the property owner, Robert L. Dixon Trust- 2001, 1348 Fairgrounds Road, Belvidere, IL 61008 for a special use to permit in-vehicle sales or service. Specifically, a car wash with accessory retail sales at 1125 N. State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) In-vehicle sales or service and 150.904 Special use Review and Approval Procedures) in the GB, General Business District (PIN: 05-26-127-011).

Staff (Approval); PZC (); CC-1 (); CC-2 ()

2020-01: City of Belvidere (TA): Application of the City of Belvidere, 401 Whitney Boulevard, Belvidere, IL 61008 for a text amendment to the City of Belvidere Zoning Ordinance (Chapter 150 as amended) pertaining to Section 150.013 Definitions, Sections 150.105(C)(4)-150.105(C)(9) Planned Business, General Business, Central Business, Planned Industrial, General Industrial and Heavy Industrial Districts land uses, Section 150.204(D) Commercial Land Uses and Appendix C: Land Use Summary Chart and Section 150.902 Amendment of Zoning Regulations (Text Amendments). Specifically, the amendments are in regards to Adult-use Cannabis dispensaries and cultivation centers.

Staff (Approval); PZC (); CC-1 (); CC-2 ()

OTHER BUSINESS:

DISCUSSION:

Staff report

ADJOURNMENT

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday, December 10, 2019

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Daniel Arevalo CHM
Alissa Maher, VCHM
Carl Gnewuch
Andrew Racz
Paul Engelman

Staff Present:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant
Michael Drella, City Attorney

Members Absent:

Art Hyland
Robert Cantrell

Chairman Daniel Arevalo called the meeting to order at 6:00 p.m.

MINUTES: It was moved and seconded (Racz/Maher) to approve the minutes of October 8, 2019. The motion carried with a 5-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2019-15: Rathod (SU): Application of Indrasinh Rathod, 6615 Rolling Hedge Lane, Rockford, IL 61108 on behalf of the property owner, Judy L. Winter, 1409 Walts Way, Belvidere, IL 61008 for a special use to permit indoor commercial entertainment. Specifically, a bar with video gaming at 1500 N. State Street, Belvidere, IL 61008, commonly known as House of Bottles, (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on approximately 1.30 acres.

The public hearing was opened at 6:02 p.m.

Gina DelRose was sworn in. Ms. DelRose said the case was published in the Boone County Journal on November 22, 2019 and certified mailings were sent to residents within a 250-foot radius of the subject property on November 20, 2019. Ms. DelRose summarized the staff report dated December 2, 2019. Ms. DelRose said the subject property is part of a larger multi-tenant development that has housed a mix of retail, professional and office uses throughout the years. There are

currently 11 striped parking spaces on the property instead of the required 19 spaces due to the shared parking of the overall development. There is enough paved area to stripe the remaining area if need be. The video gaming use is proposed to be in the northeast corner of the building in an area behind the checkout counter of the House of Bottles liquor store.

Ms. DeRose reminded the commission that in 2018 the City Council voted to limit the number of gaming establishments to 30. Although 30 licenses have been issued, this application would permit the 35th establishment to be eligible to apply for such a license. The applicant has been made aware that granting of the proposed special use does not guarantee the securing of a gaming license.

Ms. DeRose presented the findings of fact and stated that the staff recommends approval of the special use subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. Alcohol consumption is only permitted within the video gaming area.
3. The video gaming area must be enclosed and only accessible through a designated entrance.

The chair asked if there were questions for the staff.

Alissa Maher asked why the additional eight parking spaces have not been completed.

Gina DeRose stated that the additional spaces are not currently needed. It is encouraged to use shared parking areas when possible in order to not create a "sea of asphalt."

There were no further questions for the staff.

Indrasinh Rathod was sworn in. Mr. Rathod said opening the existing business to video gaming is an attempt to grow the business and make it more profitable.

Attorney Mike Drella asked if the applicant understands that the video gaming licenses are issued as a "first come, first served" basis and the special use does not guarantee that Mr. Rathod will definitely get a gaming license in the future.

Indrasinh Rathod stated that he understood and clarified that the special use is good for one year.

Attorney Drella said that is correct, however, the gaming license is a separate issue.

Paul Engelman asked what circumstances might result in an available gaming license.

Attorney Drella said a license would become available if a business' license were revoked, if a business closed up shop, or if an applicant sought relief to add more licenses to the 30 now allowed.

Paul Engelman asked if there have been any legal challenges to the City's gaming license limit, or if the City might be liable for losses to an applicant due to the limit being in place.

Attorney Drella stated that in the case of the video gaming licenses, the City is on firm legal ground; the limit has been in place for some time and all applicants are made fully aware of that fact when they apply for a special use of this type.

Paul Engelman asked how applicants with special uses are notified that a gaming license is available.

Attorney Drella said they are not notified.

Gina DelRose said she has been clear with anyone inquiring into video gaming licenses that none are available and if a business were to close, the property owners of local businesses need to pay attention and act quickly.

The public hearing closed at 6:15 p.m.

It was moved and seconded (Racz/Gnewuch) to accept the findings of fact as presented in the staff report. The motion carried with a 5-0 roll call vote.

It was moved and seconded (Racz/Gnewuch) to recommend approval of Case 2019-15 subject to the conditions presented by staff. The motion carried with a 5-0 roll call vote.

Attorney Drella stated the case will go before the City Council on December 16, 2019 for a silent first reading and on January 6, 2020 for a final reading and vote.

2019-16: GCZ Corner Subdivision (RP): The applicant is requesting replat approval of the one-lot subdivision named GCZ Corner Subdivision. The subject property is at the northeast corner of North State Street and Doc Wolf Drive. It is approximately 0.75 acres in size and was developed with two single-family residences that were demolished.

Gina DelRose summarized the staff report dated December 2, 2019. The subject property consists of three lots and was developed with two single-family residences that have been demolished. The zoning of the property is GB, General Business

District. The third lot is approximately 11 feet wide and provides the road frontage along Doc Wolf Drive. The portion of North State Street the property abuts is maintained by the Illinois Department of Transportation. The applicant wishes to combine the three lots and construct a commercial development on the created subdivision. Public improvements are not anticipated to be installed.

Requests for comments were sent to 17 departments, agencies or other parties. The comments received have been incorporated into the recommended conditions of approval. The planning staff recommends approval of Case 2019-16 subject to the following conditions:

1. All public improvements shall be completed in accordance with approved construction plans for the development. An engineer's estimate of cost for the public improvements to be completed as a part of this project shall be submitted along with the construction plans for the development. Public improvements may include sidewalks, water and sanitary service stubs.
2. A Performance Bond or Letter-of-Credit is required for all public improvements on forms provided by the City and must be submitted prior to recording of the Final Plat or approval and release of the construction plans for the development by the Director of Public Works.
3. A construction inspection fee in the amount of three percent of the approved engineer's estimate of cost for the public improvements must be paid to the City Clerk prior to approval and release of the construction plans for the development by the Director of Public Works.
4. Prior to approval of the Final Plat for this subdivision, the developer shall pay all normal, customary and standard permit, inspection, tap-on, connection, recapture, basin and other fees that are required by the City at the time of Final Plat submittal.
5. A drainage overlay needs to be submitted for review and approval prior to final plat approval.
6. A utility easement shall be placed along Doc Wolf Drive if requested by a utility company.
7. A note shall be placed on the plat stating: All proposed access to the property along North State Street shall be approved by the Illinois Department of Transportation.
8. A note shall be placed on the plat stating: Access to Doc Wolf Drive shall be limited to the northeast corner of the property.

9. If the present water services are not utilized in the new development they shall be disconnected at the main.
10. A certificate for the Illinois Department of Transportation shall be placed on the plat. The certificate shall read: This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to 765 ILCS 205/2. However, a Permit for access issued by the Department is required by the owner of the property. A plan meeting the requirements contained in the Departments "Policy on Permits for Access Driveways to State Highways" will be required by the Department. Dated this _____ day of _____, A.D., 20 _____ Region Two Engineer _____.
11. The revised plat shall be presented to the planning department for review and approval before any signatures are obtained.
12. The plat shall be recorded with the County Recorder of Deeds within 90 days of City Council approval, unless a plat-recording extension is granted.
13. The final plat shall be in compliance with all applicable codes, ordinances and agreements.

Gina DelRose stated the conditions recommended are standard final plat conditions.

The chair asked if there were questions for the staff.

Carl Gnewuch asked if sidewalks will be provided.

Gina DelRose stated that although most public improvements are already in place, sidewalks would need to be installed at the subject property.

The applicant, Miguel Zepeda, said he had no statement to make.

It was moved and seconded (Gnewuch/Engelman) to recommend approval of Case 2019-16 subject to the 13 conditions presented by staff. The motion carried with a 5-0 roll call vote.

2019-17: N-Trak Group, LLC (SU): Application of N-Trak Group, LLC, 1523 Windsor Road, Loves Park, IL 61111 on behalf of the property owner, Trinski, LLC, 82 North Route 12, Fox lake, IL 60020 for a special use for a planned development (Belvidere Zoning Ordinance Section 150.907 Planned Development District Procedures). Specifically, an amendment to an existing planned development (Ordinance 645G) allowing a quarry and batch plant activities at 1050 ECS Way in the PI, Planned Industrial District on approximately 200 acres. The amendment will increase the allowable hours for the batch plant.

The public hearing was opened at 6:27 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on November 22, 2019 and certified mailings were sent to residents within a 250-foot radius of the subject property on November 20, 2019. Ms. DelRose summarized the staff report dated December 4, 2019. The subject property was granted a rezoning and special use to commence quarrying (dredging) activities in 1992. In 2004 the property was annexed to the City of Belvidere and a special use was granted to continue quarrying activities with the addition of a batch plant. Batch plant operations were limited to the hours of 6:00 a.m. to 6:00 p.m. The batch plant, however, was not constructed until 2019.

The only amendment being requested to the special use of 2004 by ordinance 645G is condition 3 which regulates the batch plant. The applicant is requesting to expand the batch plant operation hours to 5:00 a.m. to 10:00 p.m. with extended hours on a temporary basis for special circumstances such as projects for the Illinois Department of Transportation, Illinois Toll Highway Authority and other large state, federal and local government projects subject to the approval of the City of Belvidere. Other batch plants in the area operate under these hours; this has given those operations a competitive edge over the applicant's business.

Gina DelRose stated the staff recommends approval of Case 2019-17 subject to the following conditions:

1. The Planned Development is granting only the following flexible standards: Batch Plant (150.106(C)(7)(C)(2).
2. The planned Development is only amending condition 3 of Ordinance 645G to read as follows:
3. This ordinance will allow for one concrete or asphalt batch plant on-site. The concrete or asphalt batch plant shall be located only on the area identified as "Area A" or within the bounds of "Area B" on Exhibits H-1 through H-5, Boone County Quarry Mining Operations Plans, Phases 1-5, all revised as of 8-23-93. Concrete or asphalt production or processing shall not take place within 150 feet of any lot line.

Concrete or asphalt production operations shall be conducted only during the hours of 5:00 a.m. to 10:00 p.m. This operating hours accommodation shall allow for extended or altered hours of operation, if reasonably approved by the City, permitting the Owner(s) to conduct batch plant operations as needed on a temporary basis when reasonably necessary to meet the requirements of specific projects. Examples of projects for which extended hours are reasonable include specified projects for the Illinois Department of Transportation, the Illinois Toll Highway Authority and other state, federal and local

government projects. There shall be comparable time limitations and allowances on the operation of a concrete or asphalt batch plant whether producing asphalt or other construction products pursuant to an identified construction contract.

If concrete or asphalt batch plant operations on-site terminate permanently, all stockpiles on-site shall be removed and the subject property shall be restored appropriately. Only one entrance/exit is permitted for the concrete or asphalt batch plant, and shall be from ECS Way.

Gina DelRose explained that these hours are the same as those granted to William Charles Quarry in the city, as well as the quarries operating in Boone County. Ms. DelRose stated that in the past, the Quality Aggregates operation was granted temporarily extended hours to complete an I-90 project.

Paul Engelman asked for clarification of how a request for temporary extended hours might work.

Gina DelRose stated that she has not dealt with such a request in the city but when it occurred in the county, such a request would be forwarded by letter to a sub-committee of the County Board, then to the County Board and potentially be granted by that body.

Attorney Drella clarified that a quarry's request for extended hours must be forwarded to the City to ask for temporary extended hours or they are in violation of the conditions for approval of their special use.

Alissa Maher asked if there have been any complaints made regarding the other quarries in the area of the subject property.

Gina DelRose stated that most of the complaints that are made come from the surrounding residential subdivisions near the Plote Quarry. The subject property in Case 2019-17 is in an industrial area.

Daniel Arevalo asked what the allowable decibel level for sound is near the subject property.

Gina DelRose stated the subject property is performing dredging activities, and not blasting activities; dredging does not produce as much noise. Ms. DelRose provided the decibel level allowed for the asphalt plant in the industrial districts. Ms. DelRose clarified that the allowable noise levels in industrial districts are considerably higher than that allowable in commercial districts.

There were no further questions for the staff.

Aaron Szeto, attorney representative for the applicant, was sworn in. Mr. Szeto gave a brief explanation of the request.

The chair asked for questions for the applicant.

Carl Gnewuch asked why the requested hours of operation were not asked for during the original application in 2004.

Aaron Szeto said he could not speak to that question, as the company was under different ownership at that time.

The public hearing was closed at 6:46 p.m.

It was moved and seconded (Maher/Engelman) to accept the findings of fact as presented in the staff report. The motion carried with a 5-0 roll call vote.

It was moved and seconded (Gnewuch/Engelman) to recommend approval of the case subject to the two conditions as presented by staff. The motion carried with a 5-0 roll call vote.

Attorney Drella stated that Case 2019-17 would go before the City Council for a first reading on December 16, 2019 and a second reading and vote on January 6, 2020.

OTHER BUSINESS: None

DISCUSSION: None

Staff Report:

Gina DelRose said the commission would be presented with two cases in the next meeting on January 14, 2020. One will be a special use request for a new car wash on North State Street and the second case will be a request for a text amendment regarding cannabis dispensaries.

ADJOURNMENT:

The meeting adjourned at 6:50 p.m.

Recorded by:

Cathy Crawford
Administrative Assistant

Reviewed by:

Gina DelRose
Community Development Planner

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

April 2, 2019

ADVISORY REPORT

CASE NO: 2020-01

APPLICANT: City of Belvidere

REQUEST:

The City of Belvidere, 401 Whitney Boulevard, Belvidere, IL 61008 is requesting a text amendment to the City of Belvidere Zoning Ordinance (Chapter 150 as amended) pertaining to Section 150.013 Definitions, Sections 150.105(C)(4)-150.105(C)(9) Planned Business, General Business, Central Business, Planned Industrial, General Industrial and Heavy Industrial Districts land uses, Section 150.204(D) Commercial Land Uses and Appendix C: Land Use Summary Chart and Section 150.902 Amendment of Zoning Regulations (Text Amendments). Specifically, the amendments are in regards to Adult-use Cannabis dispensaries and cultivation centers.

The methods used to show changes are:

xxxxxxxxxxx = (Standard text) existing text within the zoning code; no changes proposed.

xxxxxxxxxxx = (Strike through text) text that is proposed to be deleted from the zoning code.

xxxxxxxxxxx = (Highlighted and underlined text) new text that is proposed to be inserted into the zoning code.

Section 150.013: Definitions

Adjacent:

Adult-use Cannabis Business Establishment: A cultivation center, craft grower, processing organization, dispensing organization, or transporting organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis craft grower: A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis cultivation center: A facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis dispensing organization: A facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in the Act, dispensary organization shall

include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis infuser organization or infuser: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis processing organization or processor: A facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-use cannabis transporting organization or transporter: An organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Agricultural district(s):

Sections 150.105(C)(4) Planned Business (PB) District to 150.105(C)(9) Heavy Industrial (HI) District

(4) Planned Business (PB) District

- A. **Description and Purpose.** This district is intended to permit large and small-scale commercial development that is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide the principal zoning district for commercial development that occurs after the adoption of this Chapter. The standards of this district are designed to provide a clear distinction from the General Business and Central Business Districts

in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas. The desired suburban community character of the development is attained through the Landscape Surface Area Ratio (LSR) requirements. Together, these requirements ensure that the desired community character is maintained as long as the Planned Business District designation is retained, regardless of how much development occurs within that area.

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Active Outdoor Public Recreation
- Public Services and Utilities
- Office
- Personal or Professional Services
- Indoor Sales or Service
- Indoor Maintenance Service
- Small Wireless Facility

Adult-use Cannabis Dispensing Organization

Adult-use Cannabis Transporting Organization or Transporter

Adult-use Cannabis infuser organization or infuser

2. Permitted as Special Use

- Clear Cutting
- Outdoor Display
- In-Vehicle Sales or Service
- Indoor Commercial Entertainment
- Outdoor Commercial Entertainment
- Commercial Animal Boarding
- Commercial Indoor Lodging
- Bed and Breakfast Establishments
- Day care center (3+ children)
- Vehicle Repair and Maintenance
- Artisan Studio/Production Shop

- Large-scale Development

- Shooting Range

(5) General Business (GB) District

C. **Description and Purpose.** This district is intended to permit both large and small-scale commercial development at intensities that provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, minimum required Green Space Ratios (GSRs) are substantially lower than those required in the Planned Business District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide an alternative designation for commercial activity to the Planned Business District. Performance standards for the General Business District are designed to ensure the long-term economic health of strip commercial development areas, existing as of the effective date of this Chapter, by limiting the attraction of the Planned Business District to those uses which can afford the relatively higher development costs and rents associated with development in that district.

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Active Outdoor Public Recreation
- Public Services and Utilities

2. Permitted as Special Use

- Artisan Studio/Production Shop
- Boarding House
- Clear Cutting
- Commercial Animal Boarding
- Outdoor Display

- Office
- Personal or Professional Services
- Indoor Sales or Service
- Indoor Maintenance Service
- Off-Site Parking Lot
- Small Wireless Facility
- Adult-use Cannabis Dispensing Organization
- Adult-use Cannabis Transporting Organization or Transporter
- Adult-use Cannabis infuser organization or infuser
- Personal Storage Facility
- Large-scale Development
- In-Vehicle Sales or Service
- Indoor Commercial Entertainment
- Outdoor Commercial Entertainment
- Commercial Indoor Lodging
- Bed and Breakfast Establishments
- Day care center (3+ children)
- Vehicle Repair and Maintenance
- Shooting Range

(6) Central Business (CB) District

A. Description and Purpose. This district is intended to permit both large and small-scale "downtown" commercial development at an intensity that provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) permitted in this district are much lower than those allowed in the Planned Business and General Business Districts. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. No requirements for on site landscaping or parking are required in this district. This district is strictly limited to the central city locations.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Planned Business (PB) and General Business (GB) Districts are designed to assist in maintaining the long-term viability of the central city.

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Active Outdoor Public Recreation
- Public Services and Utilities
- Office
- Personal or Professional Services
- Indoor Sales or Service
- Indoor Maintenance Service
- Off-Site Parking Lot
- Residential units above the first floor
- Artisan Studio/Production Shop
- Indoor Institutional (minor)
- Small Wireless Facility

Adult-use Cannabis Dispensing

2. Permitted as Special Use

- Clear Cutting
- Indoor Institutional (major)
- Outdoor Institutional
- Institutional Residential
- In-Vehicle Sales or Service
- Indoor Commercial Entertainment
- Outdoor Commercial Entertainment
- Commercial Indoor Lodging
- Bed and Breakfast Establishments
- Day care center (3+ children)
- Boarding House
- Apartment (3 or 4 unit building)

Organization

Adult-use Cannabis infuser organization or infuser

(7) Planned Industrial (PI) District

A. Description and Purpose. This district is intended to permit both large and small scale industrial and office development at an intensity that is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the General Industrial (GI) District. In addition, land uses shall comply with the minimum performance standards presented in Article 7.

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Active Outdoor Public Recreation
- Public Services and Utilities
- Office
- Personal or Professional Services
- Indoor Maintenance Service
- Indoor Storage or Wholesaling
- Light Industrial
- Small Wireless Facility
- Adult-use Cannabis Craft Grower
- Adult-use Cannabis Cultivation Center
- Adult-use Cannabis infuser organization or infuser
- Adult-use cannabis processing organization or processor
- Adult-use cannabis transporting organization or transporter

2. Permitted as Special Use

- Clear Cutting
- Indoor Commercial Entertainment
- Indoor Sales or Service
- Day care center (3+ children)
- Artisan Studio/Production Shop
- Personal Storage Facility
- Airport/Heliport
- Distribution Center
- Communication Tower
- Campground
- Off-Site Parking Lot
- Vehicle Repair and Maintenance
- In-vehicle Sales or Service
- Non-building mounted solar installations for export of energy for use by a Public Utility
- Adult-use Cannabis Dispensing Organization

(8) General Industrial (GI) District

A. Description and Purpose. This district is intended to permit both large and small scale industrial and office development at an intensity that is consistent with existing transition and urban intensity development. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. To ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the Heavy Industrial (HI) District. In addition, uses shall comply with the minimum performance standards presented in Article 7.

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Public Services and Utilities
- Office
- Indoor Maintenance Service
- Indoor Storage or Wholesaling
- Off-Site Parking Lot
- Vehicle Repair and Maintenance
- Personal Storage Facility
- Light Industrial
- Small Wireless Facility

2. Permitted as Special Use

- Clear Cutting
- Day care center (3+ children)
- Artisan Studio/Production Shop
- Outdoor Storage or Wholesaling
- Airport/Heliport
- Freight Terminal
- Communication Tower
- Campground
- Distribution Center
- Heavy Industrial
- Shooting Range
- Non-building mounted solar installations for export of energy for use by a Public Utility

- Adult-use Cannabis Craft Grower
- Adult-use Cannabis Cultivation Center
- Adult-use Cannabis infuser organization or infuser
- Adult-use cannabis processing organization or processor
- Adult-use cannabis transporting organization or transporter

(9) Heavy Industrial (HI) District

A. Description and Purpose. This district is intended to permit both large and small scale industrial and office development at an intensity that provides ample incentive for infill development and redevelopment of industrial areas existing as of the effective date of this Chapter. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other

zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Article 7. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a Special Use permit.

B. List of Allowable Principal Land Uses (per Article 2)

1. Permitted by Right

- Cultivation
- Selective Cutting
- Passive Outdoor Public Recreation
- Public Services and Utilities
- Office
- Indoor Maintenance Service
- Indoor Storage or Wholesaling
- Outdoor Storage or Wholesaling
- Off-Site Parking Lot
- Distribution Center
- Light Industrial
- Heavy Industrial
- Vehicle Repair and Maintenance
- Small Wireless Facility

2. Permitted as Special Use

- Agricultural Services
- Clear Cutting
- Outdoor Maintenance Service
- Sexually Oriented Land Use
- Junkyard or Salvage Yard
- Waste Disposal Facility
- Composting Operation
- Airport/Heliport
- Freight Terminal
- Communication Tower
- Extraction Use
- Shooting Range
- Non-building mounted solar installations for export of energy for use by a Public Utility

- Adult-use Cannabis Craft Grower
- Adult-use Cannabis Cultivation Center
- Adult-use Cannabis infuser organization or infuser
- Adult-use cannabis processing organization or processor
- Adult-use cannabis transporting organization or transporter

Section 150.204(D) Commercial Land Uses (21) Adult-use Cannabis

A. Purpose: It is the intent of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

B. Minimum Requirements:

- 1. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

Facility may not be located within 100 feet (building wall to building wall) of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.

2. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

Facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.

3. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

(a) Facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.

(b) At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act.

(c) Facility shall not host on-site consumption of cannabis.

4. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

(a) Facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.

(b) At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act.

5. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

(a) Facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.

(b) At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act.

6. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Cannabis Transporting Organization may be located, the proposed facility must comply with the following:

(a) Facility may not be located within 100 feet of a church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station.

(b) The transporting organization shall be the sole use of the tenant space in which it is located.

7. Facilities may not conduct any sales or distribution of cannabis other than as authorized by the Act.

C. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Act, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs.

Tables of Land Uses (Commercial)

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Mixed Use 1 (PM 1)	Planned Mixed Use 2 (PM 2)	Planned Mixed Use 4 (PM 4)	Corporate Center (CC)	Technology Center (TC)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																						Commercial Uses (150.204(D))
							P	P	P	P	P	P	P	P	P	P	P	P	P	P		(1) Office
							P	P	P	P	P	P	P	P	P	A		P				(2) Personal or Professional Service
							S	S	P	P	P	P	P	P	P	A		S				(3) Indoor Sales or Service
										S	S		S	S	S	S	S					(4) Large-Scale Development
										S	S											(5) Outdoor Display
									P	P	P	P	P	P	P	A		P	P	P		(6) Indoor Maintenance Service
																				S		(7) Outdoor Maintenance Service
									S	S	S	S	S	S	S	A		S				(8) In-Vehicle Sales or Service
							S	S	S	S	S	S	S	S	S	A		S				(9) Indoor Commercial Entertainment
S										S	S	S	S	S		A						(10) Outdoor Commercial Entertainment
S										S	S		S		S							(11) Commercial Animal Boarding
								S		S	S	S	P	P	S	A						(12) Commercial Indoor Lodging
S	S	S	S	S	S	S	S		S	S	S	S										(13) Bed and Breakfast Establishments
				S	S	S	S	S	S	S	S	S	P	P	P	A	P	S	S		S	(14) Day Care Center (3+ children)
S					S	S	S		S		S	S						S	S			(15) Campground
					S	S	S		S		S	S										(16) Boarding House
																				S		(17) Sexually-Oriented Land Use
									S	S			S					P	P	P		(18) Vehicle Repair and Maintenance

Rural Holding (RH)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-6)	Two-Family Residential (TR-7)	Multi-Family (MR-8S)	Multi-Family (MR-8L)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	General Business (GB)	Central Business (CB)	Planned Mixed Use 1 (PM 1)	Planned Mixed Use 2 (PM 2)	Planned Mixed Use 4 (PM 4)	Corporate Center (CC)	Technology Center (TC)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
							S	S	S	S	S	P	S	S	S	A	S		S	S		(19) Artisan Studio
										S	S								S	S		(20) Shooting Range
										P	P	P	S									(21) Adult-use Cannabis Dispensing Organization
																		P	P	P		Adult-use Cannabis Craft Grower
																		P	P	P		Adult-use Cannabis Cultivation Center
										P	P	P						P	P	P		Adult-use Cannabis infuser organization or infuser
																		P	P	P		Adult-use cannabis processing organization or processor
										P	P							P	P	P		Adult-use cannabis transporting organization or transporter
													P	P	P	A	P					(242) On-site Parking Garage (above & below ground)

BACKGROUND AND SUMMARY OF FINDINGS:

On June 25, 2019 Public Act 101-0027 (Cannabis Regulations and Tax Act) was signed into law. This act took effect on January 1, 2020 and allows for the private consumption and possession of cannabis by persons over the age of 21 in the State of Illinois. The Act allows for municipalities to create regulations for adult-use cannabis establishments that are consistent with the Act. However, a municipality cannot prohibit the private consumption of cannabis.

A Municipal Cannabis Retailer's Occupation Tax of 3% may be imposed on adult-use cannabis products. A separate ordinance will be presented to the City Council regarding the taxation of cannabis products.

A limited number of cannabis-related licenses are available. During the first round of licenses only 75 dispensaries, 40 processors and 40 craft growers will be permitted in the entire state. A second round of licenses will permit an additional 110 dispensaries, 60 processors and 60 craft growers in the state. The likelihood of smaller communities getting an adult-use cannabis

establishment is low. However, in order to be prepared, the City should have regulations in place. If the City of Belvidere does not adopt an ordinance either regulating or prohibiting adult-use cannabis, then it will fall under the same regulations as other retail sales (indoor sales or service) and cultivation.

Staff utilized the model ordinance provided by the Illinois Municipal League as a template. Consistency in definitions and language throughout the state can make enforcement and interpretation easier. Per the direction of the City Council, a major change from the draft ordinance are the requirements for adult-use cannabis establishments. Instead of requiring a special use, large setbacks and stand-alone buildings, staff is proposing that such businesses have the same setbacks as required for liquor licenses. Like retail liquor sales, a special use would not be required.

Dispensaries, infusers and transporters are allowed in the same districts that retail sales are allowed (Planned Business, General Business, Central Business and Planned Industrial). Retail sales are a special use in the Planned Industrial, therefore, dispensaries will require a special use in this district. Transporters are not permitted in the Central Business District due to the types of vehicles that may be needed for transporting.

Craft growers, cultivation centers and processors are permitted in the Planned Industrial, General Industrial and Heavy Industrial Districts. Even though some of the uses are considered agricultural in nature, due to the size of the buildings and infrastructure needed, they are more suitable in the industrial districts.

Based upon this information, planning staff recommends approval of case **2020-01**.

Submitted by:



Gina DelRose,
Community Development Planner

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

January 9, 2020

ADVISORY REPORT

CASE NO: 2020-02

APPLICANT: Gunsteen, 1125 N. State Street

REQUEST AND LOCATION:

The applicant, Gunsteen Car Wash c/o Daniel Gunsteen, 651 S. Sutton Road, Ste 305, Streamwood, IL 60107 on behalf of the property owner, Robert L. Dixon Trust- 2001, 1348 Fairgrounds Road, Belvidere, IL 61008 is requesting a special use to permit in-vehicle sales or service. Specifically, a car wash with accessory retail sales at 1125 N. State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) In-vehicle sales or service and 150.904 Special use Review and Approval Procedures) in the GB, General Business District on approximately 1.2 acres (PIN: 05-26-127-011). The property is irregular in shape and developed with a parking lot.

EXISTING LAND USE ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: Vacant

Adjacent property:

North: Storage for Boone County Government

South: KFC Restaurant and Family Video

West: Little Caesars Restaurant

East: Multi-tenant Commercial Building

ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: GB, General Business District

All Adjacent properties: GB, General Business District

COMPREHENSIVE PLAN:

Subject property: General Business

All Adjacent properties: General Business

BACKGROUND:

The Zoning Ordinance requires properties that are zoned General Business to be a minimum of 20,000 square feet and a lot width of 100 feet at the building line. The subject property is part of the Dixon Commercial Subdivision which was platted in 2017, is 53,400 square feet and has a lot width in excess of 100 feet.

The property was previously developed with a two-story stone residence which was moved in order to allow for the construction of a Shell gas station in 1968. In 1980 the gas station was replaced with a restaurant which later became a bar. Eventually all buildings were removed and the property became additional parking for Belvidere Motors which was located to the north. Belvidere Motors opened in 1989 and had replaced a grocery store that was open since 1965.

The applicant is proposing to construct an automatic car wash with its primary entrance off of North State Street and a secondary entrance off of Fairgrounds Road. In addition to the car wash, there will be outdoor vacuum stations and a retail area within the building (see attached narrative and site plan). Although the General Business Zoning District allows for businesses to operate 24 hours, the applicant is proposing hours of operation from 7am to 9pm. Limited hours of operation will be enforced through the conditions of approval in an effort to help minimize the potential negative impacts from noise. It is anticipated that approximately 200 cars will utilize the car wash per day. Additional traffic could be generated for the retail sales portion of the building.

In 2018, there were two special uses approved for automatic car washes on the south end of Belvidere. One is located on Logan Avenue and the other will be constructed along Grant Highway adjacent to the Speedway gas station. Belvidere has a mix of self-serve, automatic and full-service car washes spread throughout the city limits.

TREND OF DEVELOPMENT:

The property is located at the corner of North State Street and Fairgrounds Road. There have been several redevelopments (AutoZone, Family Video, McDonald's, KFC, Little Caesars) in the immediate vicinity in recent years.

COMPREHENSIVE PLAN:

The subject property is designated as "General Business" by the City of Belvidere Comprehensive Plan, adopted July 15, 1999. The General Business map category encourages indoor commercial, office, institutional, and controlled outdoor display land uses, with moderate landscaping and signage.

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.**

Car washes and other vehicle-orientated businesses are commonly found along North State Street. The site plan and conditions of approval reduce potential negative impacts by requiring vehicles to drive through a parking area prior to exiting the parking lot, allowing for any water to collect in the parking area instead of onto North State Street and limiting the hours of operation, therefore reducing noise and illumination late at night.

- 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, Section 150.904 of the Belvidere Zoning Ordinance and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The Comprehensive Plan shows the property and the surrounding areas as General Business. The general business category calls for indoor commercial, office, institutional, and controlled outdoor display land uses, with moderate landscaping and signage. The proposed car wash meets the intent of the Comprehensive Plan.

- 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 proposed car wash is expected to service approximately 200 vehicles a day. Not all the vehicles served will be traveling on North State Street and Fairgrounds Road for the sole purpose of patronizing the subject property. Vehicle-orientated businesses often draw from the existing traffic.

Although the property has been vacant for some time, it has been gas station, a restaurant and a bar previously. Like many properties along North State Street, it has been redeveloped several times. As society becomes more vehicle dependent, vehicle-orientated land uses will increase

- 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 development of the Little Caesars and the proposed car wash will block access of the old Belvidere Motors building from North State Street. When that property redevelops, it will have to be orientated towards Fairgrounds Road which provides access to several non-residential properties as well as a connection to US Route 20.

The proposed car wash also has access from Fairgrounds Road to not only lessen the burden of traffic on North State Street but to take advantage of the cars traveling from north of Belvidere (where commercial businesses are limited) along Fairgrounds Roads.

- 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 part of a platted subdivision in which adjacent lots are developed and served with municipal utilities. Extension of the existing utilities to serve the proposed development is required.

- 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.

Other than noise, staff is not aware of any negative impacts the other car washes have generated. Conditions of approval placed on the special use will minimize potential negative impacts.

SUMMARY OF FINDINGS:

Car washes and other vehicle-orientated businesses are commonly found along North State Street. The site plan and conditions of approval reduce potential negative impacts by requiring vehicles to drive through a parking area prior to exiting the parking lot, allowing for any water to collect in the parking area instead of onto North State Street and limiting the hours of operation, therefore reducing noise and illumination late at night. The proposed car wash is expected to service approximately 200 vehicles a day. Not all the vehicles served will be traveling on North State Street and Fairgrounds Road for the sole purpose of patronizing the subject property. Vehicle-orientated businesses often draw from the existing traffic.

The Comprehensive Plan shows the property and the surrounding areas as General Business. The general business category calls for indoor commercial, office, institutional, and controlled outdoor display land uses, with moderate landscaping and signage. The proposed car wash meets the intent of the Comprehensive Plan. As society becomes more vehicle dependent, vehicle-orientated land uses will increase

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RECOMMENDATION:

Planning staff recommends the **approval** of case number **2020-02** subject to the following conditions:

1. A full site plan shall be submitted to and approved by the staff (building, public works, police, fire, planning, etc.) prior to the issuance of building permits.
2. The access from North State Street shall be reduced to a width of 35 feet with 5-foot flares on each side.
3. The hours of operation shall be limited to 6am-10pm.

Submitted by:



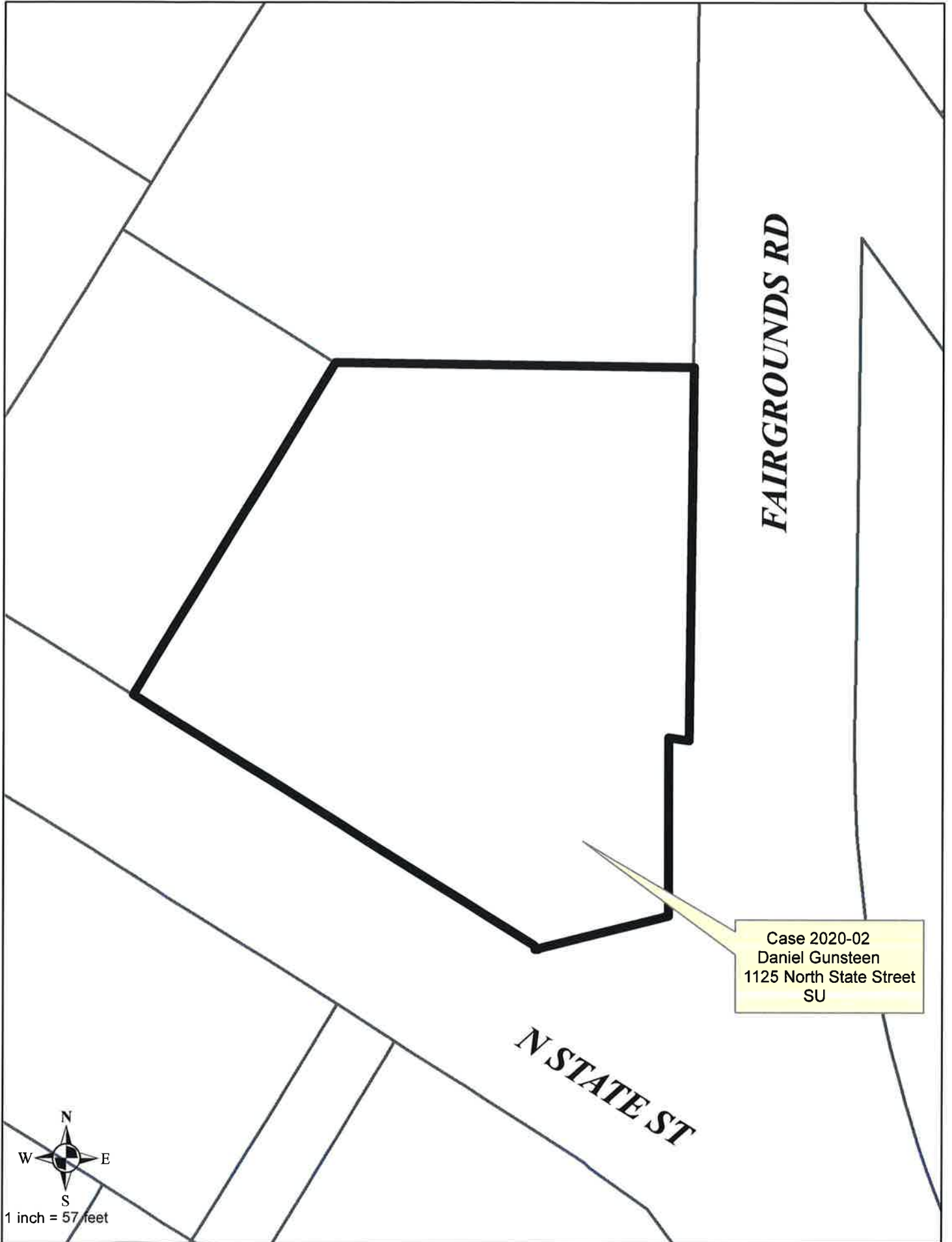
Gina DelRose,
Community Development Planner

PLANNING AND ZONING COMMISSION/CITY COUNCIL ACTION

The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed planned development with the standards and make a recommendation to the City Council. The City Council shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the City Council may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed planned development.

ATTACHMENTS:

1. Location Map by Planning Staff.
2. Aerial Photo by Planning Staff.
3. Narrative as Submitted by the Applicant.
4. Site Plan Submitted by the Applicant.
5. Elevations Submitted by the Applicant.
6. Letter submitted by the Boone County Soil and Water Conservation District, Jennifer Becker, December 22, 2019.
7. Letter submitted by the Boone County Health Department, Amanda Mehl, January 2, 2020.



FAIRGROUNDS RD

N STATE ST

Case 2020-02
Daniel Gunsteen
1125 North State Street
SU





FAIRGROUNDS RD

N STATE ST

Case 2020-02
Daniel Gunsteen
1125 North State Street
SU



1 inch = 46 feet

Exhibit - Zoning Application

To: City of Belvidere – Community Development Dept.

From: Arc Design Resources, Inc./ Extreme Clean Car Wash (Dan Gunsteen)

Date: December 10, 2019

Re: Special Use Narrative

Introduction: The property at the corner of N State Street and Fairgrounds Road has been largely vacant for several years and has become an eyesore on the North State Street business corridor. The entire proposed development lot is an existing and deteriorating asphalt parking lot from a former car auto sales lot that is now vacant. This application is in support of the proposed use on the property into an automated, express drive-through car wash facility. The goal of this supporting documentation is to provide the City with the necessary information for a positive recommendation for council approval. In summary, the development will be a compatible use to other businesses in the commercial corridor, please note the following narrative:

Proposed Use: The enclosed application is for a special use permit and certain minor variances in support of an express car wash within a GB-General Business district. The express wash model is replacing old "self-serve" style carwashes as consumer trends move toward more automated service. The express wash model serves a clientele base that does not necessarily desire the typical service at a "full serve" car wash and also demands a lower price point. The express wash concept is an improvement over typical gas station car washes because they use a more advanced pulley system that allows for a much greater processing rate, reducing the waiting time for customers. Arc Design Resources has been retained by the car wash owner, Mr. Dan Gunsteen of Extreme Clean Car Wash (MKD Enterprises) for this project. Mr. Gunsteen owns several other new facilities of this type, and is interested in expanding their market into this community. The proposed project will create new infill development desired within the City and will be an improvement over the old and broken asphalt parking lot that exists today. Other key features of the proposed project are as follows:

Construction: Mr. Gunsteen is an electrical contractor by trade, he has acted as his own general contractor on his previous sites and has always completed our projects using union labor. In Belvidere, they will use as many local contractors as possible. Typically, his sites have generated 30+ temporary positions in the construction of this site. The construction projects typically last around 90-100 days.

Materials: The building will have a masonry finish on all four sides. The exposed roof will be a standing seam metal roof. The trash enclosure area is made of similar materials.

Employees: The project will retain 3-6 people on staff every day, depending on demand, and the total payroll will employ 15-20 local full and part time employees. The desire is to hire all the staff from a 5-6-mile radius of the facility, in order to be able to call in additional help if needed. One of the workers on staff is solely dedicated to site maintenance and customer assistance.

Hours of Operation: The project intends to be open from 7am to 9pm daily. It is not a 24-hour facility.

Other Site Features: The site will have complimentary (free) vacuum stations. All vacuum equipment is located inside the building so that only the hose ends are exposed to the environment. A vending room is located inside the front of the building. A unique feature of this site is that it will also contain an indoor pet wash station. Patrons can come to the location with their dog or cat and use this facility for a pet wash.

Lighting: On the east side of the building we will not place any wall pack lighting other than an emergency egress door that will be direct down. Since Mr. Gunsteen is an electrical contractor, he will utilize quality LED lighting, which will be full cut off light so they will not impact the apartments and will comply with the City of Belvidere's requirements.

Sound: Sound concerns have been raised on past projects. The buildings have been redesigned to incorporate the vacuum motors, and the facility's indoor equipment. Speed doors are also used at the entry and exit points of the building, which cuts off equipment sound and these doors open after the car is dry. The site will be posted with "no loud music" signs and will be enforced aggressively since there are always 3 to 6 workers on site.

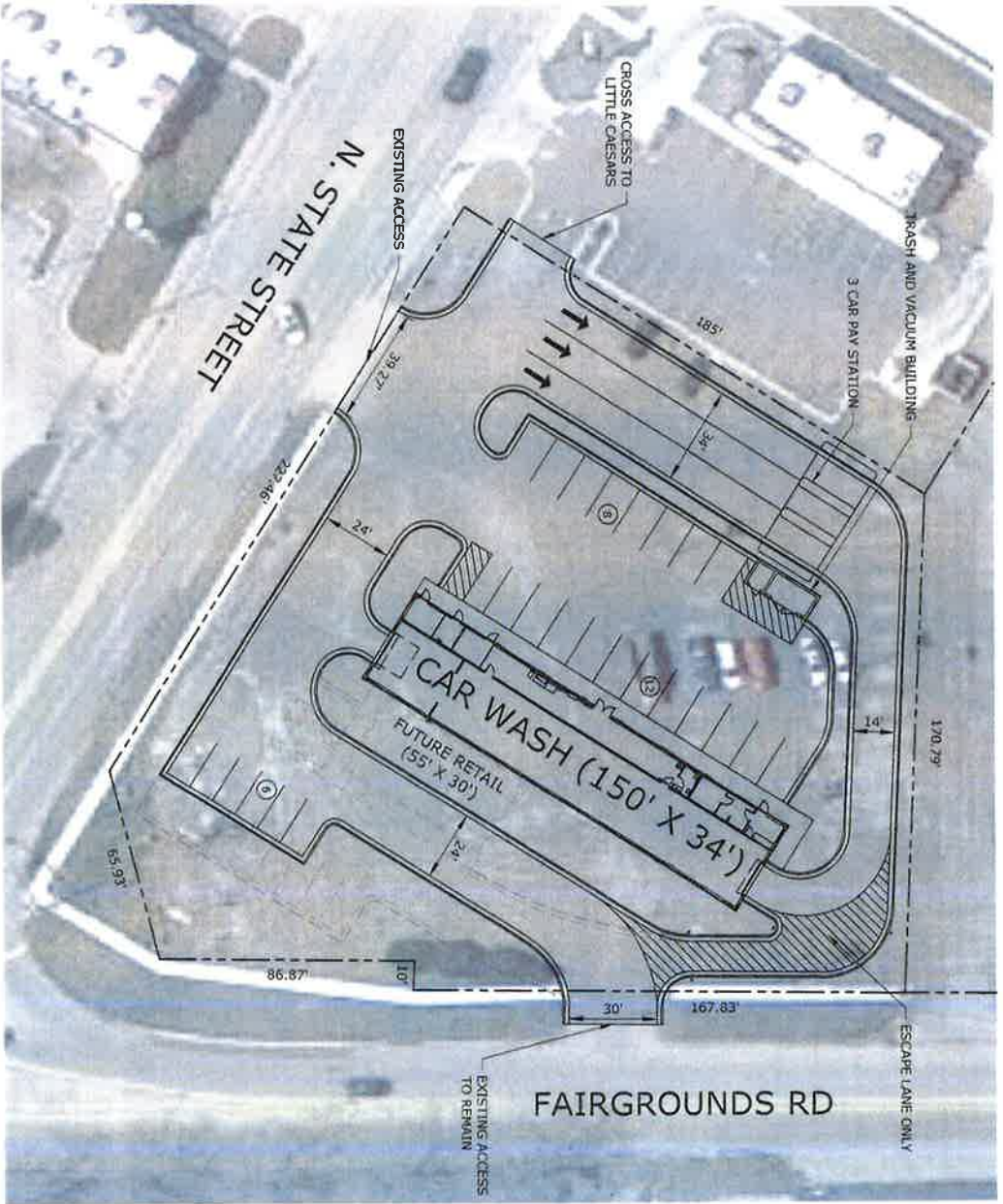
Security: Mr. Gunsteen has instituted elaborate measures to ensure their places are secure and safe even during after-hours to prevent loitering. All sites are set up with 36 cameras that are monitored remotely by the owner on his PC and phone, as well as the security company. The cameras are always recording. They also have a traditional security system in place that is tied to the local police station.

Screening and Landscaping: The building will be set back from the east property line to meet or exceed the zoning requirement. The site will provide landscaping to follow the ordinance for foundation, building area, total paved area and street frontage.

Traffic and Access: Mr. Gunsteen is estimating 200 washes per day as a desirable sales goal. The existing access on N State Street will be maintained and modified to accommodate the business site. The site access on Fairgrounds Road will also be maintained and modified. The existing recently upgraded sidewalk will also remain and provide pedestrian access to the site.

Storm water Impacts: The existing (former) auto dealer property has no detention and is nearly all paved surface. The new development will decrease the amount of paved surface.

Signage: Signage will conform to the code. Building signs will be on the south (facing N State St) and on the East.



ARC DESIGN
 RESOURCES INC.
 6291 ZENITH PARKWAY
 LOVES PARK, IL 61111
 VOICE: (815) 484-4800
 FAX: (815) 484-4808
 www.arcdesign.com
 Design Firm License No. 164-001334

PROJECT NAME
 OWNER'S NAME
EXTREME CLEAN CAR WASH
 1125 N. STATE ST
 BELVIDERE, IL 61008



SHEET TITLE
LAYOUT PLAN

PROJECT NUMBER
 SHEET NUMBER
19171
EX 1

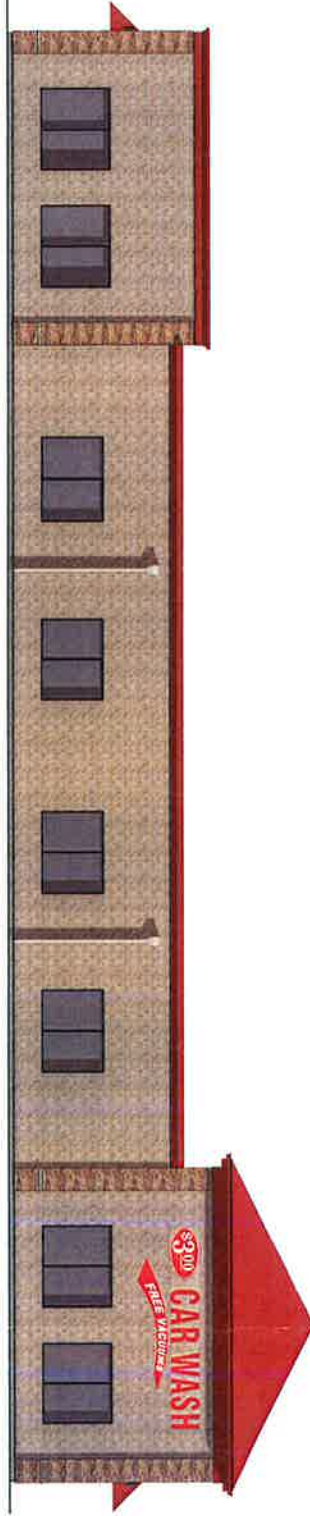
WEST ELEVATION



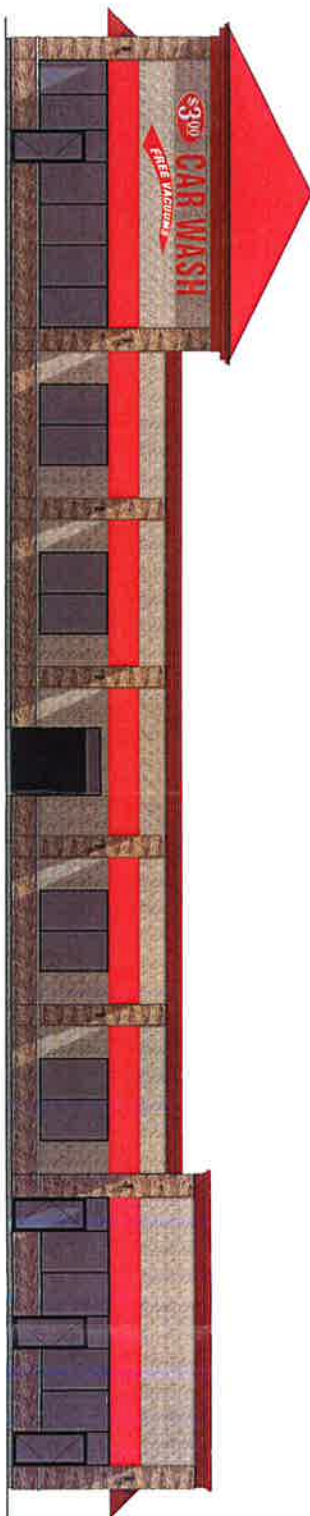
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



TYPICAL EXAMPLE OF BUILDING CONSTRUCTION

<p>DATE: 2.8.2016 SCALE: 3/8" = 1'-0" DRAWN: RT CHECKED: CH DATE: 2/26/2016 PROJECT: A202</p>	<p>COLOR ELEVATIONS</p>	<p>DAN GUNSTEEN</p>	<p>EXTREME CLEAN \$3.00 EXPRESS CARWASH</p>	 <p>CORPORATE DESIGN + DEVELOPMENT GROUP, LLC 2015 WEST 40th AVE MIDLAND, TEXAS 79701 PH: 409.833.4444 FAX: 409.833.4444 WWW.CDDGROUP.COM © 2015 CDD GROUP, LLC. ALL RIGHTS RESERVED.</p>	<p>NO. REVISIONS DATE BY ISSUE FOR ZONING 2-8-17 RT</p>
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22 December 2019

SWCD NRI #: 1633

City of 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: 1125 N. State Street, Dixon Commercial Subdivision
PIN(S): 05-26-127-011

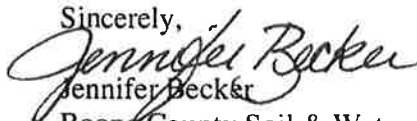
Contact	Petitioner	Owner
Jeff Linkenheld 5291 Zenith Parkway Loves Park, IL 61111 815-484-4300 jlinkenheld@arcdesign.com	Jeff Linkenheld 5291 Zenith Parkway Loves Park, IL 61111 815-484-4300 jlinkenheld@arcdesign.com	Daniel Gunsteen 651 S. Sutton Road, Suite 305 Streamwood, IL 60107 630-688-5843 dhgunsteen@gmail.com

Request: Special Use for carwash

Notes:

It appears the construction of the car wash facility will disturb less than one acre, with approximately 1.19 acres of pavement/impervious surface and approximately 0.03 acres of landscaping/green space. Additionally, it appears more green space will be created compared to the existent vacant lot. If disturbance is greater than one acre in size, a National Pollutant Discharge Elimination System (NPDES) Permit will be needed from the Illinois Environmental Protection Agency (IEPA), which covers discharges of storm water from construction sites. Although, it appears the development project is less than an acre in size, an erosion and sediment control plan shall be created and available for review, prior to development. At time of building permit review, an erosion and sediment control plan, in compliance with section 151.45, Erosion and Sediment Control Requirements of the Belvidere Municipal Code, will be required.

Sincerely,


Jennifer Becker
Boone County Soil & Water
Conservation District

Re: Jeff Linkenheld



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.

January 2, 2020

Gina Del Rose
City of Belvidere Community Development
401 Whitney Blvd., Suite 300
Belvidere, IL 61008

FAX 815-547-0789

Re: Case: 2020-01; Gunsteen, 1125 N. State St.

Dear Gina,

We are in receipt of the special use to permit in-vehicle sales or service. Specifically, a car wash with accessory retail sales. Our office has no objections on this request. In the application, it noted a vending room located in the building. If prepared or temperature controlled foods are served, prior to operation of the establishment a to-scale plan and a food application must be submitted to the health department for review. The plan review fee would be determined when menu information is submitted. Below is the county code explaining this further.

Sec. 30-35. Submission and review of plans; permits.

- (a) *Generally*, whenever a food service establishment or retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities.
- (b) *Permit required*. Any business or organization desiring to operate as a food service establishment or retail food establishment must have a current food service permit.
- (c) *Plans, inspection and approval*. Before issuing a food service permit to a new establishment, plans must be submitted to and approved by the health authority. Plans submitted for review must be accompanied by the appropriate plan review fee as listed in section 38-31.

RE: Case: 2020-01; Gunsteen; 1125 N. State St.
Date: January 2, 2020
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Food establishment classifications. All food service establishments or retail food establishments shall be categorized according to their type of operation, size of operation, and risk category of the food prepared and/or served and shall obtain a permit for the class of operation as hereinafter defined. The listing of various types of operation is not intended to be all inclusive, but typical and not limited to those mentioned. If a food establishment is not specifically listed, it shall be classified according to the class to which it most closely resembles.

- (1) *High Risk Facility:* is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or type of population served by the facility. The following criteria shall be used to classify facilities as Category I High Risk facilities:
 - a. whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;
 - b. when potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
 - c. if potentially hazardous foods which have been previously cooked and cooled must be reheated;
 - d. when potentially hazardous foods are prepared for off-premises service for which time-temperature requirements during transportation, holding and service are relevant;
 - e. whenever complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready to eat foods, occurs as a part of the food handling operations at the facility;
 - f. if vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
 - g. whenever serving immunocompromised individuals, where these individuals compromise the majority of the consuming population.
- (2) *High Risk Multi-Department Facility:* is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks. These facilities have the same criteria as Category I High Risk facilities, and have 3 or more departments within their facilities which need inspection including but not limited to main grocery, bakery, deli, meat and seafood departments.

RE: Case: 2020-01; Gunsteen, 1125 N. State St.
Date: January 2, 2020
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(3) *Medium Risk Facility*: is a food establishment that presents a medium risk of causing foodborne illness based upon a few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category II Medium Risk facilities:

- a. if hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;
- b. if preparing foods for service from raw ingredients uses only minimal assembly; and
- c. foods served at an establishment that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from an approved food processing plants, (high risk) food service establishments or retail food stores.

(4) *Low Risk Facility*: is a food establishment that presents a low relative risk of causing foodborne illness based on few or no food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category III Low Risk facilities:

- a. only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant;
- b. only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages occurs at the facility; or
- c. only beverages (alcoholic and non-alcoholic) are served at the facility.

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
Public Health Administrator

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BELVIDERE

Community Development Department Planning Department

401 Whitney Boulevard, Suite 300, Belvidere, Illinois, 61008 (815) 547-7177 FAX (815) 547-0789

December 2019 Monthly Report

Number	Project	Description	Processed
Belvidere Projects			
3	Cases: December	Rathod, SU, 1500 N. State Street	10/10/2019
		Zepeda, RP, GCZ Corner Subdivision	10/16/2019
		N-Trak, SU, 1050 ECS Way	11/12/2019
2	Cases: January	City of Belvidere, TA, Adult-use Cannabis	11/26/2019
		Gunsteen, SU, 1125 N. State St.	12/10/2019
2	Annexation	Plote, 4654 Townhall Road	
		Plote, Irene Rd and US Route 20	
0	Temporary Uses	None	
1	Site Plans (New/Revised)	1105 N. State Street, 1 Stop Shop	12/26/2019
0	Final Inspection	None	
0	Downtown Overlay Review	None	
1	Prepared Zoning Verification Letters	1606-1608 5th Ave	12/18/2019
0	Issued Address Letters	None	
	Belvidere Historic Preservation Commission	The Commission held a fundraiser during Hometown Christmas and met to discuss their 2020 murder mystery fundraiser. The latest edition of the History Keeper was mailed out. Letters announcing the 2020 Property Maintenance Grant were mailed out to eligible property owners. Letters to residents within the Courthouse Square survey area were sent out notifying them of survey work.	
	Heritage Days	None	
	Hometown Christmas	Staff assisted with Hometown Christmas-setting up, facebook, organizing vendors, etc. in addition to handing out 800 cups of hot chocolate at the fire station.	
	Buchanan Street Strolls	Staff began reviewing vendor forms and planning for the 2020 Stroll season.	
Poplar Grove Projects			
0	Cases: December	None	
0	Cases: January	None	

Planning Monthly Report Cont.

0	Issued Address Letters	None
0	Prepared Zoning Verification Letters	None

Scanned Plats: E-mail, Print and/or Burn

2	Recorder's Office	
0	Other Department	None
0	General Public	None

Staff continued working with Region1 Planning Council regarding the census grant, organized a census booth at Hometown Christmas, presented census information to the Boone County Health Department and worked with the county planner on census information.

Census

Planning Department Current Duties

Close out completed planning case files

Respond to all FOIA requests

Work with 911, Fire Department and Post Office to verify all addresses in the City

Assist Growth Dimensions with requested data

Meetings and phone calls with developers regarding potential development

Phone calls/walk-ins for questions regarding zoning, floodplain, development, etc.

Prepare minutes, agendas and packets for various committees, commissions and boards

Prepare deposits and purchase orders for bill payments

**Staff assisted with the Land Bank

CITY 2020

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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January

11/26/2019	GD	2020-01	TA	n/a	1/14/2020	1/21/20	2/3/2020
12/10/2019	GD	2020-02	SU	Gunsteen,	1/14/2020	1/21/20	2/3/2020

February

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March

Variation	
Map Amendment	
Subdivision	
Special Use	1
Annexation	
Text Amendment	1
Temporary Use	
Appeals	
Total	2