

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION AGENDA
Tuesday, February 9, 2021
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members:

Carl Gnewuch, CHM
Natalie Mulhull, VCHM
Andrew Racz
Paul Engelman
Robert Cantrell
Art Hyland
Alissa Maher

Staff:

Gina DelRose, Community Development Planner
Cathy Crawford, Administrative Assistant

MINUTES: Approve the minutes of the January 12, 2021 meeting.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

2021-02: HRB Group Inc., 2001 North State Street: Application of Birju Trivedi, 4849 N. Milwaukee Avenue, Ste 408, Chicago, IL 60630 on behalf of the property owner, GPM Midwest LLC, 8565 Magellan Parkway, Ste 400, Richmond, VA 23227 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 2001 North State Street, Belvidere, IL 61008 (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 1.44 acres. PINs: 05-22-426-053 and 05-22-426-064.

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

2021-03: HRB Group Inc., 1052 Belvidere Road: Application of Birju Trivedi, 4849 N. Milwaukee Avenue, Ste 408, Chicago, IL 60630 on behalf of the property owner, GPM Midwest LLC, 8565 Magellan Parkway, Ste 400, Richmond, VA 23227 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 1052 Belvidere Road, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(4)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the PB, Planned Business District on 1.33 acres. PIN: 06-31-100-007.

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

2021-04: Belvidere Tobacco and Liquor, 2038 North State Street: Application of property owner, Vasant Patel, 7197 Golden Eagle Drive, Loves Park, IL 61111 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 2038 North State Street, Belvidere, IL 61008 (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 0.78 acres. PIN: 05-22-476-026.

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

2021-05: JUM Group, LLC, 171 South Appleton Road: Application of JUM Group LLC, 171 S. Appleton Road, Belvidere, IL 61008 on behalf of the owner, JI Corporation, 171 S. Appleton Road, Belvidere, IL 61008 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 171 South Appleton Road, Belvidere, IL 61008 (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 0.34 acres. PIN: 05-34-200-024.

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

2021-06: JUM Group, LLC, 600 Logan Avenue: Application of JUM Group LLC, 171 S. Appleton Road, Belvidere, IL 61008 on behalf of the owner, JI Corporation, 171 S. Appleton Road, Belvidere, IL 61008 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 600 Logan Avenue, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(3)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the NB, Neighborhood Business District on 0.31 acres. PIN: 05-36-127-001.

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

2021-07: Bravo's Pizza, 1474 North State Street: Application of Mario Pompeo, 4014 Tatum Road, Rockford, IL 61114 on behalf of the owners Ed and Judy Winter, 1409 Walts Way, Belvidere, IL 61008 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 1474 North State Street, Belvidere, IL 61008 (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 1.28 acres. PIN: 05-26-126-001.

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

OTHER BUSINESS: None.

DISCUSSION:

Staff report

ADJOURNMENT

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday January 12, 2021

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Carl Gnewuch, Chair
Natalie Mulhall, VCHM
Paul Engelman
Andrew Racz
Art Hyland
Robert Cantrell

Staff Present:

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

Members Absent:

Alissa Maher

The meeting was called to order at 6:00 p.m.

Natalie Mulhall was attending electronically.

MINUTES: It was moved and seconded (Hyland/Cantrell) to approve the minutes of the December 8, 2020 meeting. The motion carried with a 6-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2021-01; Snow, 409 West Jackson Street: Application of Dan and Teresa Snow, 409 West Jackson Street, Belvidere, IL on behalf of the property owner, Teresa Snow, requesting a variance at 409 West Jackson Street within the SR-6, Single-family Residential-6 District (Belvidere Zoning Ordinance Sections 150.105(B)(3)(F)(2)(D) Minimum Setbacks: Front or Street Side Lot Line to House: 20 feet, 150.105(B)(3)(F)(2)(D) Minimum Setbacks: Side Lot Line to House or Attached Garage: 6 feet and 150.909 Variance Review). The variance will allow for the required front yard setbacks to be reduced from 20 feet to 9 feet along Berylan Street and from 20 feet to 17 feet along Jackson Street and the side yard setback to be reduced from 6 feet to 2 feet along the eastern property line to allow for the existing house to be brought into compliance and potential future reconstruction if need be.

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

Gina DelRose was sworn in and summarized the staff report dated January 6, 2021. The property is located within the B. R. Bennets Addition which was platted prior to the adoption of the City's first Zoning Ordinance and map. The property is 4,145 square feet, is 37 feet wide at its narrowest point (along West Jackson Street) and 88.80 feet deep at its widest point (eastern property line). The minimum lot size requirements for the SR-6 District are 40 feet of road frontage, a minimum lot width at the building line of 100 feet and a minimum lot size of 7,000 square feet. The property does not meet any of these requirements.

Should the property owner need to rebuild a residence on the subject property that meets all of the required setbacks, the residence would be limited to approximately 1,110 square feet (for a ranch style home) and would be 21 feet wide along West Jackson Street. While building a two-story residence would help to increase the floor space, designing a residence that is less than 25 feet wide on one end is very constrictive. Due to the limited building envelope, in order not to take away from the already limited square-footage of the residence, the existing garage is detached; it will most likely remain so in the future. In 2007, the property owner was granted a variance to construct the detached garage 16 feet from the front property line (along Berylan Street) and 1 foot off of the north property line). This variance was granted due to the limited lot size and existing location of the residence.

Currently the residence is constructed with front yard setbacks ranging from 18.37 feet to 24.33 feet, a side yard setback ranging from 3.03 feet to 3.39 feet and a rear yard setback of approximately 20; the detached garage is currently located in the rear yard. The applicant is requesting to reduce the front yard setback from 20 feet to 9 feet along Berylan Street (where it is currently 10.65 at its narrowest); from 20 feet to 17 feet along West Jackson Street (where it is currently 18.37 at its narrowest) and from 6 feet to two feet along the east property line (where it is currently 3.03 feet at its narrowest). The applicant realizes that if the residence is forced to be rebuilt, it would be extremely difficult to do so under current zoning regulations. The applicant, therefore, seeks to secure the existing building envelope with a slight buffer to allow for new footings to be constructed. Approval of the variance prior to the actual need would be beneficial during the rebuilding and financing process.

The variance is being requested because the parcel was platted prior to the adoption of the City's first zoning ordinance and map. The property is substandard in regards to square-footage and width. To further hinder the future redevelopment of the property, it is irregular in shape and it is a corner lot creating the need to meet two-front yard setbacks totaling 40 feet instead of two side yard setbacks that total 15 feet all together. Although some properties of this size may be able to meet setbacks or require a lesser variance to construct a residence, due to the narrowness of the southern portion of the property and the additional setbacks, the applicant has a hardship.

Many properties within the SR-6 District were developed under previous zoning ordinances or prior to the City's adoption of its first Zoning Ordinance and Zoning map in 1956. There are approximately 165 parcels that are 4,200 square feet or smaller in the residential areas. Many of them are undeveloped or act as additional yard space for an adjacent residence. For those properties that are developed with single-family residences, many do not have the ability to meet the current setbacks and lot coverage requirements because of the substandard lot size.

The setbacks could be reduced to less than what the applicant has proposed, however, the additional one-foot will allow for the existing basement and foundation wall to remain while new footings are constructed in order to assist in the rebuilding of the residence.

No evidence has been submitted to show that the variance would be detrimental to the neighborhood. The reduced setbacks are similar to what already exists and staff is not aware of any negative impacts the current residence has created. The property to the east which would be impacted the most exceeds the required square-footage and lot width, allowing for that residence to be setback greater than the required 6 feet from the shared lot line.

Gina DelRose stated the staff recommends approval of case 2021-01. Ms. DelRose stated the case was published in the Boone County Journal on December 24, 2020 and certified mailings were sent to property owners within 250 feet of the subject property on December 15, 2020.

There were no questions for the staff from the commission or the audience.

The applicant had no questions for the staff.

Daniel Snow was sworn in. Mr. Snow stated he realized the property was in need of zoning relief due to the nonconforming property configuration. Mr. Snow stated he and his wife decided to be proactive and request the variance in case something should happen to the structure in the future.

There were no questions for the applicant.

The public hearing was closed at 6:13 p.m.

It was moved and seconded (Racz/Cantrell) to accept the findings of fact as presented in the staff report. The motion carried with a 6-0 roll call vote.

It was moved and seconded (Cantrell/Racz) to approve case 2021-01. The motion carried with a 6-0 roll call vote.

OTHER BUSINESS: None

DISCUSSION:

Carl Gnewuch asked Gina DelRose how many homes in Belvidere would be in compliance with the Zoning Ordinance if they were granted a variance similar to the case just presented previously.

Gina DelRose stated there are fewer than 200 that are as small as the parcel in the previous case, but there are a few that are in a similar situation, where their setbacks and irregular shape would make it difficult to rebuild. These issues are taken on a case by case basis.

Carl Gnewuch asked if the process could be expedited for property owners.

Gina DelRose stated that, per state law, a public hearing must be held and that hearing must be published 15 to 30 days prior to the hearing. Variances only come to Planning and Zoning Commission; one of the reasons this process is shorter is to benefit homeowners who are seeking relief.

Mike Drella stated there was an attempt to resolve the issue previously, but the attempt was limited in scope.

Gina DelRose stated there is an exception in the Zoning Ordinance that allows for a property to be rebuilt at the average setback of the other houses on the block, but this exception did not apply to Mr. Snow's request.

Paul Engelman asked for the status of the Comprehensive Plan.

Gina DelRose stated there should be an update made closer to the end of January, 2021.

Staff Report:

Gina DelRose stated the next meeting would include six cases for video gaming special uses. The City Council increased video gaming licenses from 30 to 40 licenses.

ADJOURNMENT:

The meeting adjourned at 6:20 p.m.

Recorded by:

Reviewed by:

Cathy Crawford
Administrative Assistant

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

February 1, 2020

ADVISORY REPORT

CASE NO: 2021-02

APPLICANT: HRB Group, Inc., 2001 North State Street

REQUEST AND LOCATION:

The applicant, Birju Trivedi, 4849 N. Milwaukee Avenue, Ste 408, Chicago, IL 60630 on behalf of the property owner, GPM Midwest LLC, 8565 Magellan Parkway, Ste 400, Richmond, VA 23227 is requesting a special use to permit indoor commercial entertainment. Specifically, video gaming at 2001 North State Street, Belvidere, IL 61008 (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. The subject property is rectangular in shape, comprised of two parcels that total approximately 1.45 acres and is developed with a FasFuel Gas Station and parking area. PINs: 05-22-426-053 and 05-22-426-064.

EXISTING LAND USE:

Subject property: FasFuel Gas Station

North: Swedish American Medical Group

South: Multi-tenant commercial development and Arby's

East: Mixed commercial development

West: Enterprise Rent-A-Car

CURRENT ZONING:

Subject property: GB, General Business District

All Adjacent Property: GB, General Business District

COMPREHENSIVE PLAN:

Subject property: Planned Business

North, West and East: Planned Business

South: General Business

BACKGROUND:

In 2011 a special use was granted (Ordinance 112) to expand the Road Ranger Gas Station onto the two adjacent parcels that were previously developed with DiCello's Pizza and a single-family residence. In 2016, the property became a FasFuel Gas Station. Fourteen parking spaces are required; the site currently has 23 striped parking spaces (not counting gas pumps). This allows for adequate parking for both the gas station and gaming area.

The video gaming machines will be to the right of the entrance doors in direct line of sight to the cashier's counter. The gaming area will be delineated by a partial wall-like structure. Although the Zoning Ordinance permits the gas station to be open twenty-four/seven, the gaming machines will only be operational from 6am to 2am when liquor is allowed to be sold.

There are two other gas stations in Belvidere that have video gaming and permit the consumption of alcohol onsite. The Speedway Gas Station on Crystal Parkway qualifies as a truck stop, therefore, they were able to offer video gaming without the allowance of alcohol consumption onsite. Staff is not aware of any problems video gaming or alcohol has created at either site.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2020, the City Council voted to increase the limit the number of gaming establishments to from 30 to 40. The applicant is aware that granting the special use does not guarantee them a license.

TREND OF DEVELOPMENT:

The subject property is located near the intersection of Doc Wolf Drive and North State Street, along the northern edge of the North State Street Commercial Corridor. Several businesses have either recently gone through extensive renovations or are in the planning stages for such renovations. North State Street consists of a mix of automobile-related businesses, retail, office and professional services.

COMPREHENSIVE PLAN:

The subject property is designated as "Planned Business" by the City of Belvidere Comprehensive Plan, adopted July 15, 1999. The Planned Business map category encourages high quality indoor commercial, office and institutional land uses, with generous landscaping and limited 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.**

The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Although the consumption of alcohol at a gas station is currently only permitted at two gas stations, patrons drive to and from bars just as they drive to and from gas stations. Unlike other gas stations along North State Street, the subject property has adequate parking for the secondary land use and a very small portion of the store will be dedicated to indoor commercial entertainment. Due to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

- 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 shows the property as planned business. Food establishments, bars/taverns and arcades are considered appropriate uses in the planned business category. The planned business district encourages more high-end development with a stronger emphasis on aesthetics and landscaping. These factors had already been reviewed and met when the property was developed.

- 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 indoor commercial entertainment land use will not be noticeable from the outside except for potential signage. There are numerous special uses for indoor commercial entertainment approved across North State Street and south of the property.

The property has adequate parking and ingress/egress off North State. The additional traffic from the special use is not anticipated to negatively impact the accessibility of nearby properties.

- 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 due to video gaming. North State Street is developed with a variety of businesses and limited residential. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter redevelopment of nearby properties.

- 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 gas station 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.

There do not appear to be any public benefits or adverse impacts related to the special use request. Although there are residences across North State Street, nearby properties along North State Street are already developed with bars and video gaming; it is not a unique business. Staff is not aware, however, of any negative impacts the other bars and video gaming have created.

SUMMARY OF FINDINGS:

The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Although the consumption of alcohol at a gas station is currently only permitted at two gas stations, patrons drive to and from bars just as they drive to and from gas stations. Unlike other gas stations along North State Street, the subject property has adequate parking for the secondary land use and a very small portion of the store will be dedicated to indoor commercial entertainment. Due to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

The planning staff is not aware of any business that chose not to locate or expand due to video gaming. North State Street is developed with a variety of businesses and limited residential. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter redevelopment of nearby properties. The indoor commercial entertainment land use will not be noticeable from the outside except for potential signage

There do not appear to be any public benefits or adverse impacts related to the special use request. Although there are residences across North State Street, nearby properties along North State Street are already developed with bars and video gaming; it is not a unique business. Staff is not aware, however, of any negative impacts the other bars and video gaming have created.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2021-02** for a special use at 2001 North State Street 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.

Submitted by:

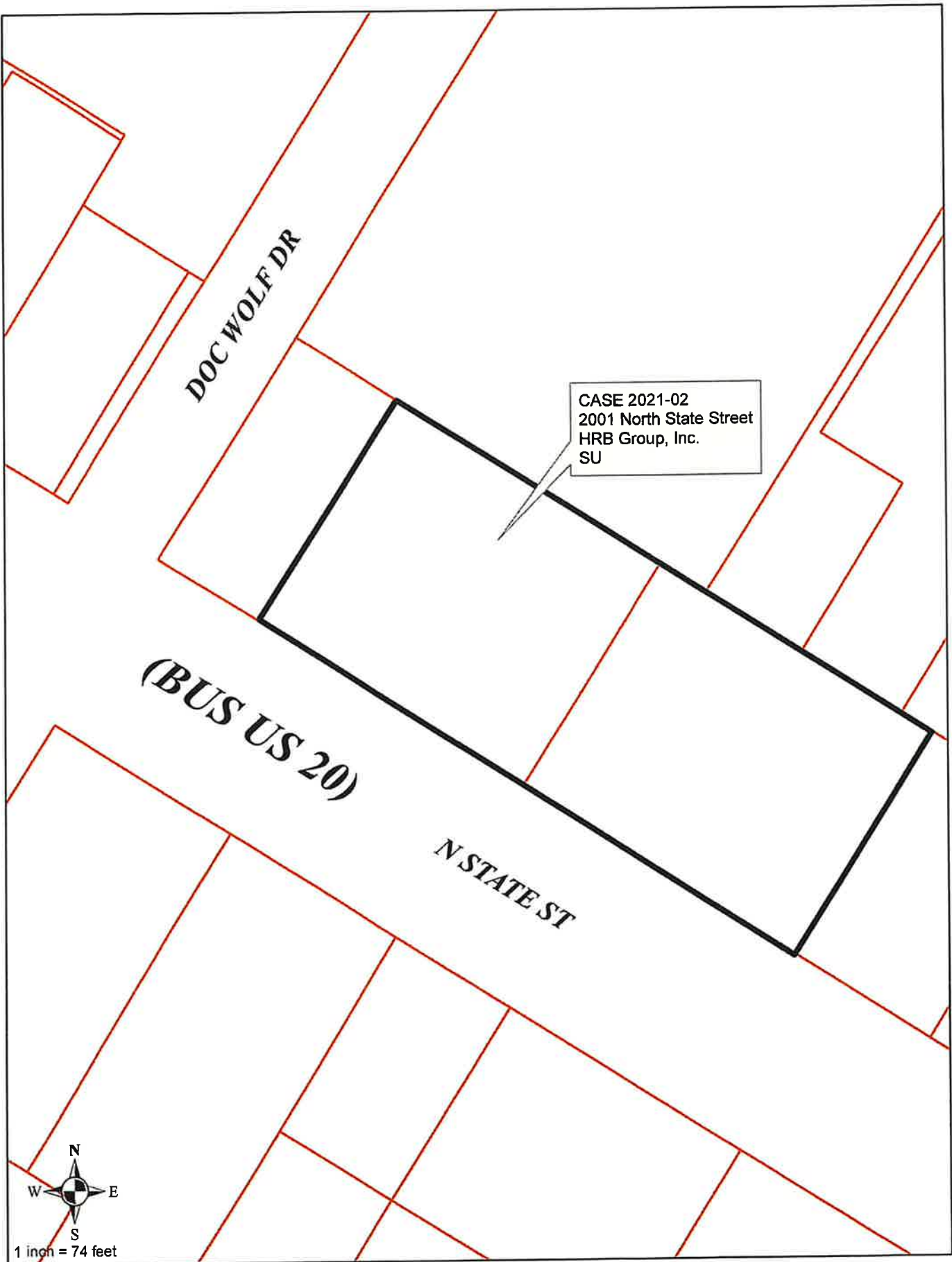

Gina DelRose
Community Development Planner

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, January 15, 2021.

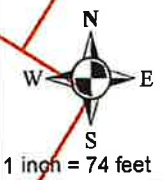


CASE 2021-02
2001 North State Street
HRB Group, Inc.
SU

DOC WOLF DR

(BUS US 20)

N STATE ST





CASE 2021-02
2001 North State Street
HRB Group, Inc.
SU

DOC WOLF DR

(BUS US 20)

N STATE ST

HRB Group Inc.
2001 N State St.
Belvidere, IL 61008

Reason for Request for Gaming License

I, Birju Trivedi, the President of the corporation HRB Group Inc. would like to request an approval of 1 Gaming License in the Convenience Store to drive more foot traffic into our gas station. The approval of the license would increase business revenues and would help the community to bring a form of entertainment. We as a small business owner have been affected by COVID-19 and we have noticed the community and City of Belvidere has also been affected heavily. We want to bring Gaming as a form of entertainment for the city to enjoy while maintaining safety standards at our site. We will make sure to take all precautions for a clean, healthy, and safe gaming section within our Store. The goal of our brand is to make a one-stop shop for the people in the community of Belvidere, so they can have a complete experience at our location. This will help bring the community together and help us as small business owners drive up our revenues so we can continue to strive in a great community such as the City of Belvidere.



Birju Trivedi

President



Date





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

January 15, 2021

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:

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

Location of Site: 2001 N. State Street, Belvidere
PIN(S): 05-22-426-053; 05-22-426-064

Contact	Petitioner	Owner
Birju Trivedi 4849 N. Milwaukee Ave # 408, Chicago, IL 60630 770-375-9399	Same	GPM Midwest LLC 8565 Magellan Pkwy #400, Richmond, VA 23227 770-375-9399

Request: Special use for indoor commercial entertainment, specifically video gaming.

Notes: No additional construction or soil disturbance is taking place. The video gaming machines will be inside a FasFuel gas station

Sincerely,

A handwritten signature in black ink that reads "Bill Hall". The signature is written in a cursive, slightly slanted style.

Bill Hall
Boone County Soil &
Water Conservation District

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

February 2, 2021

ADVISORY REPORT

CASE NO: 2021-03

APPLICANT: HRB Group, Inc., 1052 Belvidere Road

REQUEST AND LOCATION:

The applicant, Birju Trivedi, 4849 N. Milwaukee Avenue, Ste 408, Chicago, IL 60630 on behalf of the property owner, GPM Midwest LLC, 8565 Magellan Parkway, Ste 400, Richmond, VA 23227 is requesting a special use to permit indoor commercial entertainment. Specifically, video gaming at 1052 Belvidere Road, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(4)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the PB, Planned Business District. The subject property is rectangular in shape, approximately 1.35 acres in size and is developed with a FasFuel Gas Station and parking area. PIN: 06-31-100-007

EXISTING LAND USE:

Subject property: FasFuel Gas Station
North: Multi-unit commercial development
South: Vacant
East: Logan Square Condos
West: Immanuel Lutheran Church

CURRENT ZONING:

Subject property: PB, Planned Business District
North and South: PB, Planned Business District
West: I, Institutional District
East: SR-4, Single-family Residential-4 District

COMPREHENSIVE PLAN:

Subject property: General Business
North, South and East: General Business
West: Institutional

BACKGROUND:

In 2007 a special use was granted (Ordinance 916G) to construct a Road Ranger Gas Station. In 2016, the property became a FasFuel Gas Station. Fourteen parking spaces are required; the site currently has 15 striped parking spaces (not counting gas pumps). The allows for adequate parking whether the 4,240 square building is used as a gas station or indoor commercial entertainment.

The video gaming machines will be to the right of the entrance doors in direct line of sight to the cashier's counter. The gaming area will be delineated by a partial wall-like structure. Although the Zoning Ordinance permits the gas station to be open twenty-four/seven, the gaming machines will only be operational from 6am to 2am when liquor is allowed to be sold.

There are two other gas stations in Belvidere that have video gaming and permit the consumption of alcohol onsite. The Speedway Gas Station on Crystal Parkway qualifies as a truck stop, therefore, they were able to offer video gaming without the allowance of alcohol consumption onsite. Staff is not aware of any problems video gaming or alcohol has created at either site.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2020, the City Council voted to increase the limit of number of gaming establishments to from 30 to 40. The applicant is aware that granting the special use does not guarantee them a license.

TREND OF DEVELOPMENT:

The subject property is located at the southeast corner of Belvidere Road and East 6th Street. It is part of the Logan Square mixed-use development which has stalled since the recession. Belvidere Road is developed with a mix of residential, commercial and institutional land uses.

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.**

The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Although the consumption of alcohol at a gas station is currently only permitted at two gas stations, patrons drive to and from bars just as they drive to and from gas stations. Unlike older gas stations in Belvidere, the subject property has adequate parking for the secondary land use and a very small portion of the store will be dedicated to indoor commercial entertainment. Due to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

- 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 shows the property as general business. Food establishments, bars/taverns and arcades are considered appropriate uses in the general business category. The general business district encourages indoor commercial, office, institutional and controlled outdoor display land uses, with moderate landscaping and signage. These factors had already been reviewed and met when the property was developed.

- 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 indoor commercial entertainment land use will not be noticeable from the outside except for potential signage. The property has adequate parking and ingress/egress off East 6th Street and any potential increased traffic due to the special use is not anticipated to negatively impact the accessibility of nearby properties.

- 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 due to video gaming. Belvidere Road is developed with a variety of land uses and the multi-family development to the east acts a buffer between commercial and single-family residential land uses. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter redevelopment of nearby properties. As the Logan Square subdivision develops, more commercial land uses will locate in the area.

- 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 gas station 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.

There do not appear to be any public benefits or adverse impacts related to the special use request. Staff is not aware, however, of any negative impacts the other bars and video gaming have created.

SUMMARY OF FINDINGS:

The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Although the consumption of alcohol at a gas station is currently only permitted at two gas stations, patrons drive to and from bars just as they drive to and from gas stations. Unlike older gas stations in Belvidere, the subject property has adequate parking for the secondary land use and a very small portion of the store will be dedicated to indoor commercial entertainment. Due to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

The indoor commercial entertainment land use will not be noticeable from the outside except for potential signage. The property has adequate parking and ingress/egress off East 6th Street and any potential increased traffic due to the special use is not anticipated to negatively impact the accessibility of nearby properties.

The planning staff is not aware of any business that chose not to locate or expand due to video gaming. Belvidere Road is developed with a variety of land uses and the multi-family development to the east acts a buffer between commercial and single-family residential land uses. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter redevelopment of nearby properties. As the Logan Square subdivision develops, more commercial land uses will locate in the area.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2021-03** for a special use at 1052 Belvidere Road 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.

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, January 15, 2021.

BELVIDERE RD

E 6th ST

UNNAMED

BELVIDERE RD

E 6th ST

CASE 2021-03
1052 Belvidere Road
HRB Group, Inc.
SU



1 inch = 55 feet

E 6th ST



CASE 2021-03
1052 Belvidere Road
HRB Group, Inc.
SU



1 inch = 37 feet

AHRB Inc.

1052 E Belvidere Rd.

Belvidere, IL 61008

Reason for Request for Gaming License

I, Birju Trivedi, the President of the corporation AHRB Inc. would like to request an approval of 1 Gaming License in the Convenience Store to drive more foot traffic into our gas station. The approval of the license would increase business revenues and would help the community to bring a form of entertainment. We as a small business owner have been affected by COVID-19 and we have noticed the community and City of Belvidere has also been affected heavily. We want to bring Gaming as a form of entertainment for the city to enjoy while maintaining safety standards at our site. We will make sure to take all precautions for a clean, healthy, and safe gaming section within our Store. The goal of our brand is to make a one-stop shop for the people in the community of Belvidere, so they can have a complete experience at our location. This will help bring the community together and help us as small business owners drive up our revenues so we can continue to strive in a great community such as the City of Belvidere.



Birju Trivedi

President



Date





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

January 15, 2021

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: 1052 Belvidere Rd, Belvidere
PIN(S): 06-31-100-007

Contact	Petitioner	Owner
Birju Trivedi	Same	GPM Midwest LLC
4849 N. Milwaukee Ave # 408, Chicago, IL 60630		8565 Magellan Pkwy #400, Richmond, VA 23227
770-375-9399		770-375-9399

Request: Special use for indoor commercial entertainment, specifically video gaming.

Notes: No additional construction or soil disturbance is taking place. The video gaming machines will be inside a FasFuel gas station

Sincerely,

Bill Hall

Boone County Soil &
Water Conservation District

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

February 1, 2021

ADVISORY REPORT

CASE NO: 2021-04 **APPLICANT:** Belvidere Tobacco and Liquor, 2038 North State Street

REQUEST AND LOCATION:

The applicant and property owner, Vasant Patel, 7197 Golden Eagle Drive, Loves Park, IL 61111 is requesting a special use to permit indoor commercial entertainment. Specifically, video gaming inside the Belvidere Tobacco and Liquor store at 2038 North State Street, Belvidere, IL 61008 (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. PIN: 05-22-476-026. The subject property is irregular in shape, approximately 0.78 acres and is comprised of a portion of a multi-tenant commercial building and parking area.

EXISTING LAND USE ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: Multi-tenant commercial building

Adjacent property:

North: FasFuel Gas Station

West: Tom and Jerry's Restaurant

South: Mixed residential

East: Gary's Flooring

ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: GB, General Business District

North, West and East: GB, General Business District

South: MR-8L, Multi-family Residential-8 Large District

COMPREHENSIVE PLAN:

Subject property: General Business

North: Planned Business

South: Mixed Residential

West and East: General Business

BACKGROUND:

The Belvidere Tobacco and Liquor tenant space occupies approximately 2,200 square feet of the approximately 14,000 square-foot multi-tenant building. The remaining tenant spaces are occupied by a mix of commercial and professional services. There is limited parking in the front of the building and additional parking in the rear of the building. All but four tenant spaces (including the subject property) are accessible by doors opening onto the rear parking lot. The applicant opened the business in 2012 and later purchased the entire building in 2020. The

2021-04; Belvidere Tobacco and Liquor, 2038 North State Street

business currently sells packaged liquor, tobacco products and lottery tickets. According to the applicant, customers have requested that video gaming be offered as well.

The six video gaming machines are proposed to be along the north wall, next to the cigar room and in the direct line of sight of the cashier. Due to the nature of the business and the unlikely scenario of minors interacting with those on the gaming machines, structures delineating the machines from the rest of the business will not be required.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2020, the City Council voted to increase the limit on the number of gaming establishments from 30 to 40. The applicant is aware that granting the special use does not guarantee them a license.

TREND OF DEVELOPMENT:

The subject property is located near the intersection of High Line and North State Streets, along the northern edge of the North State Street Commercial Corridor. Several businesses have either recently gone through extensive renovations or are in the planning stages for such renovations. North State Street consists of a mix of automobile-related businesses, retail, office and professional services.

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.**

The video gaming machines will most likely be utilized by residents already patronizing the business. There should not be a noticeable difference in clientele, noise or odor due to the special use request.

- 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 as general business and adjacent residential properties are already developed and fully aware of the commercial businesses located

2021-04; Belvidere Tobacco and Liquor, 2038 North State Street

nearby. Food establishments, bars/taverns and arcades are considered appropriate uses in the general business category. The general business district encourages indoor commercial, office, institutional, and controlled outdoor display land uses, with moderate landscaping and signage.

- 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 subject property is located within the North State Street Commercial Corridor and adjacent to an established residential area. The planning staff is not aware of any negative issues that the varied commercial developments have caused the residential area. Vehicles may be parked for longer periods of time since the tenant space will be used for more than a "grab and go" retail business. Emphasis will need to be placed on the use of the rear parking lot for employees and those patronizing interior tenant spaces.

The special use will not lessen the property's level of compliance with the Comprehensive Plan; the site will be required to be in conformance with the requirements of the City of Belvidere's Zoning Ordinance.

- 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 circumstances created by the installation of video gaming machines that would impede development and/or improvements to surrounding properties. The surrounding residential properties are multi-family; this is a land use that is commonly located as a buffer between single-family and commercial/industrial developments. The machines will add to the mix of land uses within the area; the use is not expected to generate a high volume of traffic or be noticed by those driving past the property.

- 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 developed and served with proper utilities.

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

2021-04; Belvidere Tobacco and Liquor, 2038 North State Street

There do not appear to be any public benefits or adverse impacts related to the special use request. Although the special use allows for more than just video gaming machines, the conditions of approval will limit the kind of land uses that can occupy the tenant space.

SUMMARY OF FINDINGS:

The subject property is located within the North State Street Commercial Corridor and is adjacent to an established residential area. The video gaming machines will most likely be utilized by residents already patronizing the business. There should not be a noticeable difference in clientele, noise or odor due to the special use request. Vehicles may be parked for longer periods of time since the tenant space will be used for more than a "grab and go" retail business. Emphasis will need to be placed on use of the rear parking lot for employees and those patronizing interior tenant spaces.

The planning staff is not aware of any circumstances created by the installation of video gaming machines that would impede development and/or improvements to surrounding properties. The surrounding residential properties are multi-family; this is a land use that is commonly located as a buffer between single-family and commercial/industrial developments. The machines will add to the mix of land uses within the area; the use is not expected to generate a high volume of traffic or be noticed by those driving past the property.

There do not appear to be any public benefits or adverse impacts related to the special use request. Although the special use allows for more than just video gaming machines, the conditions of approval will limit the kind of land uses that can occupy the tenant space.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2021-04** for a special use at 2038 North State Street subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. The video gaming shall be in substantial compliance with the site plan submitted.
3. The special use is only for the tenant space commonly known as 2038 North State Street.

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.

2021-04; Belvidere Tobacco and Liquor, 2038 North State Street

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, January 15, 2021.

N STATE ST

(BUS US 20)

N STATE ST

HIGH LINE ST

CASE 2021-04
2038 North State Street
Belvidere Tobacco & Liquor
SU

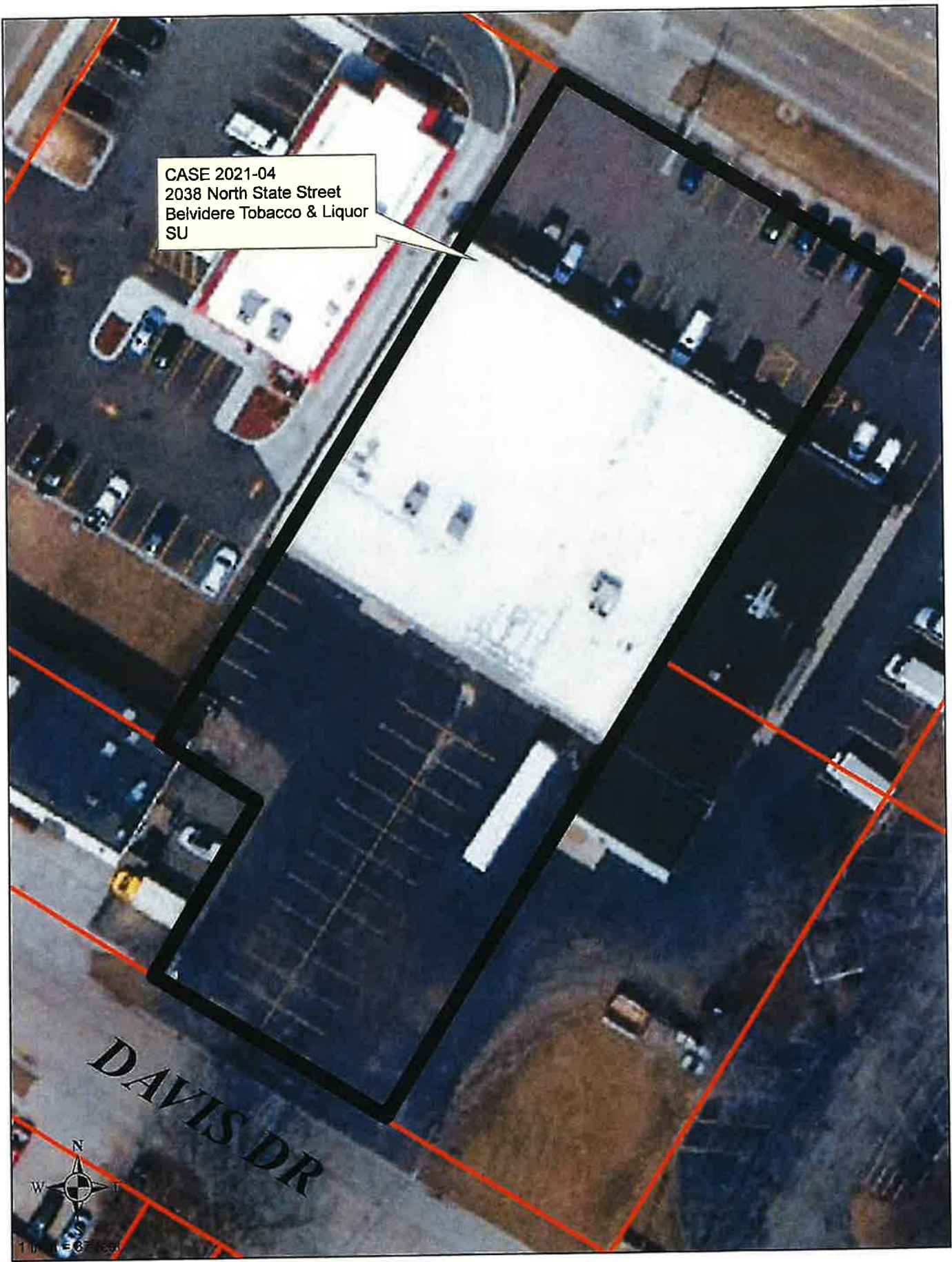
DAVIS DR



1 inch = 74 feet

CASE 2021-04
2038 North State Street
Belvidere Tobacco & Liquor
SU

DAVIS DR



To Whom It May Concern:

My name is Vasant Patel, and I am the owner of the business Belvidere Tobacco and Liquor at 2038 N. State Street, Belvidere. Since I opened the business in April 2012, the local community has given my business good support, and I have been sure to fulfill the customer's requests and needs. I have many customers that play lottery tickets at this location and many of them have expressed their interest in playing video slots here. As such, I am considering their requests as well as making an effort to run a more profitable business. For this reason, I am applying for a special use permit to establish videogaming slots at my business. Thank you for your consideration of my request.

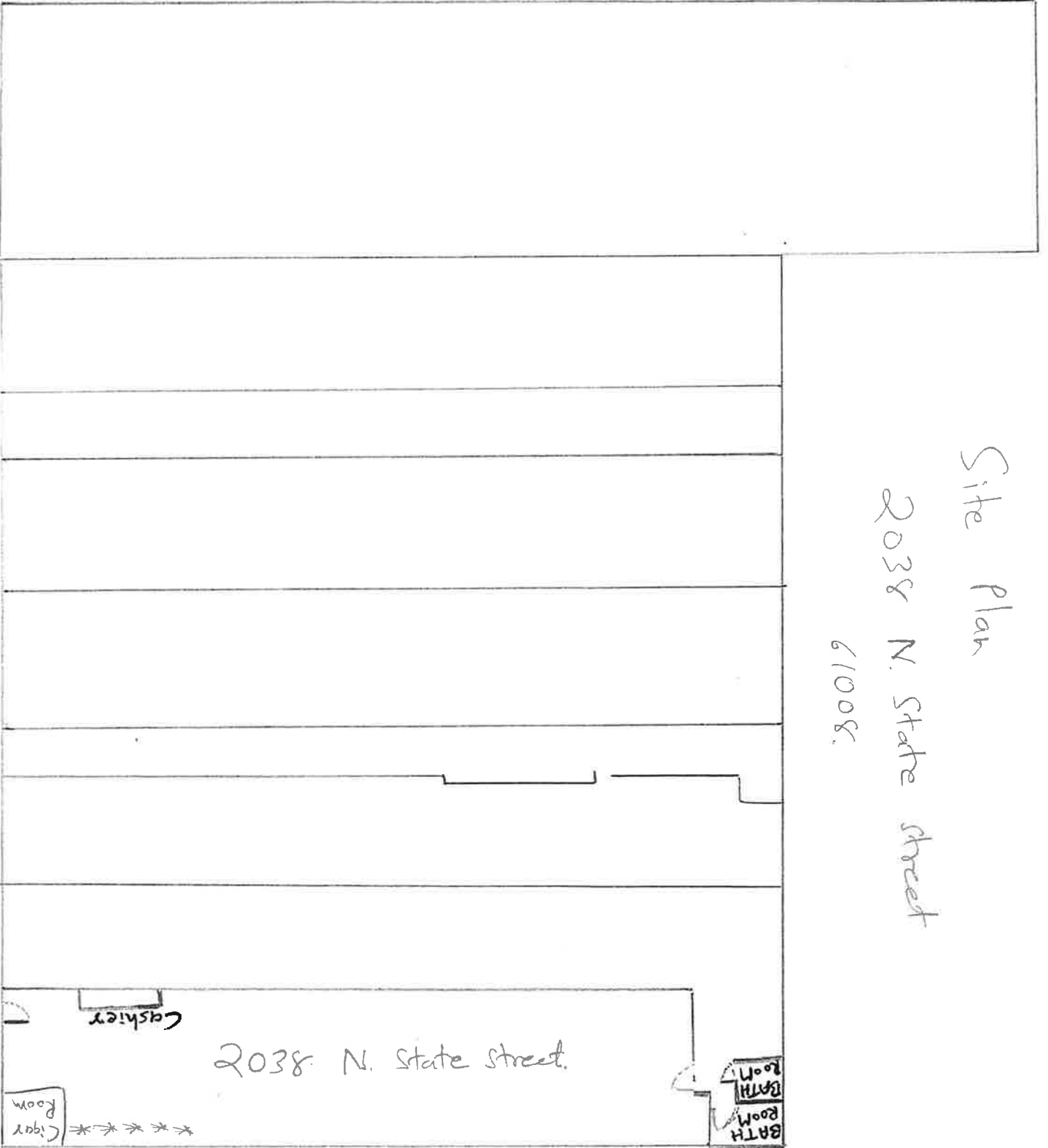
Sincerely,

Vasant Patel
Owner of Belvidere Tobacco and Liquor
2038 N. State Street, Belvidere, IL 61008
815-608-3909

Site Plan

2038 N. State Street

61008.



X indicate placement of vending machines



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

January 15, 2021

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: 2038 N. State St., Belvidere
PIN(S): 05-22-476-026

Contact	Petitioner	Owner
Vasant Patel 7197 Golden Eagle Drive Loves Park, IL 61111 815-608-3909	Same	Same

Request: Special use for indoor commercial entertainment, specifically video gaming.

Notes: No additional construction or soil disturbance is taking place. The video gaming machines will be inside the Belvidere Tobacco and Liquor store.

Sincerely,

A handwritten signature in black ink that reads "Bill Hall". The signature is written in a cursive, slightly slanted style.

Bill Hall

Boone County Soil &
Water Conservation District

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

February 2, 2021

ADVISORY REPORT

CASE NO: 2021-05

APPLICANT: JUM Group, LLC, 171 S. Appleton Road

REQUEST AND LOCATION:

The applicant, JUM Group LLC, 171 S. Appleton Road, Belvidere, IL 61008 on behalf of the owner, JI Corporation, 171 S. Appleton Road, Belvidere, IL 61008 is requesting a special use to permit indoor commercial entertainment. Specifically, video gaming at 171 South Appleton Road, Belvidere, IL 61008 (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. The subject property is irregular in shape, approximately 0.35 acres in size and is developed with a Mobil gas station. PIN: 05-34-200-024.

EXISTING LAND USE:

Subject property: Mobil gas station

North and West: Vacant commercial development and large parking area

South: Wooded area

East: Bel-Bo Mobile Home Park

CURRENT ZONING:

Subject property: GB, General Business District

North and West: PB, Planned Business District

South: I, Institutional District

East: MR-8S, Multi-Family 8-Small District

COMPREHENSIVE PLAN:

Subject property: Institutional

North South and West: Institutional

East: Passive Recreation

BACKGROUND:

The Mobil gas station is located at the northwest corner of South Appleton and Newburg Roads. The property was developed prior to the current zoning ordinance and exceeds the required 85% lot coverage in addition to not meeting pavement setbacks. The 2,240 square-foot building requires a minimum of 8 parking spaces for both gas station and indoor commercial entertainment land uses. According to an old site plan, five previously striped parking spaces are located on-site. If additional land uses such as video gaming are to be permitted, then the zoning ordinance's parking requirements shall be met. This will require land from the adjacent

property which is under common ownership to be developed with a parking lot and shared access easement.

The video gaming machines will be to the right of the entrance doors in direct line of sight to the cashier's counter. The gaming area will be delineated by a partial wall-like structure. Although the Zoning Ordinance permits the gas station to be open twenty-four/seven, the gaming machines will only be operational from 6am to 2am when liquor is allowed to be sold.

There are two other gas stations in Belvidere that have video gaming and permit the consumption of alcohol onsite. The Speedway Gas Station on Crystal Parkway qualifies as a truck stop, therefore, they were able to offer video gaming without the allowance of alcohol consumption onsite. Staff is not aware of any problems video gaming or alcohol has created at either site.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2020, the City Council voted to increase the limit of the number of gaming establishments from 30 to 40. The applicant is aware that granting the special use does not guarantee them a license.

TREND OF DEVELOPMENT:

The comprehensive plan suggests that the entire intersection be redeveloped, but presently there has been minimal redevelopment.

COMPREHENSIVE PLAN:

The subject property is designated as "Institutional" on the City of Belvidere Comprehensive Plan, adopted July 19, 1999. The institutional category encourages large-scale public buildings, hospitals and special-care facilities. Small institutional uses may be permitted in other land use categories.

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 existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Although the consumption of alcohol at a gas station is currently only permitted at two gas stations, patrons drive to and from bars just as they drive to and from gas stations. Like many older gas stations in Belvidere, the subject property does not have adequate parking or room onsite for expanding the existing parking which is why a condition of approval will be to expand the parking area onto the adjacent property.

- 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 shows the property as institutional. Public buildings, hospitals and community centers are considered appropriate uses in the institutional category. The special use will not increase the property's level of non-compliance with the Comprehensive Plan; any future improvements on the property will be required to be in conformance with the requirements of the City of Belvidere's Zoning Ordinance.

- 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 to the north previously held a special use for indoor commercial entertainment and operated as a bar with a large outdoor area for decades. Land uses within the indoor commercial entertainment category are not out of character for the area, however, adequate parking currently does not exist. The existing parking lot will need to be expanded to the northern property and a cross access easement recorded for proper ingress and egress.

- 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 due to video gaming. Limitations on development of the surrounding property will be impacted more by the floodplain to the north and railroad to the south. There is also a large amount of publicly owned land in the vicinity of the subject property.

- 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 gas station 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.

There do not appear to be any public benefits or adverse impacts related to the special use request. Staff is not aware, however, of any negative impacts the other bars and video gaming have created.

SUMMARY OF FINDINGS:

The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Although the consumption of alcohol at a gas station is currently only permitted at two gas stations, patrons drive to and from bars just as they drive to and from gas stations. Like many older gas stations in Belvidere, the subject property does not have adequate parking or room onsite for expanding the existing parking which is why a condition of approval will be to expand the parking area onto the adjacent property.

The property to the north previously held a special use for indoor commercial entertainment and operated as a bar with a large outdoor area for decades. Land uses within the indoor commercial entertainment category are not out of character for the area, however, adequate parking currently does not exist. The existing parking lot will need to be expanded to the northern property and a cross access easement recorded for proper ingress and egress.

The planning staff is not aware of any business that chose not to locate or expand due to video gaming. Limitations on development of the surrounding property will be impacted more by the floodplain to the north and railroad to the south. There is also a large amount of publicly owned land in the vicinity of the subject property.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2021-05** for a special use at 171 South Appleton Road 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.
4. The adjacent property to the north shall be utilized in order to meet the minimum parking requirements of the Belvidere Zoning Ordinance. A perpetual cross access easement, for such parking, shall be recorded prior to approval of an ordinance authorizing a special use for indoor commercial entertainment.

Submitted by:



Gina DelRose
Community Development Planner

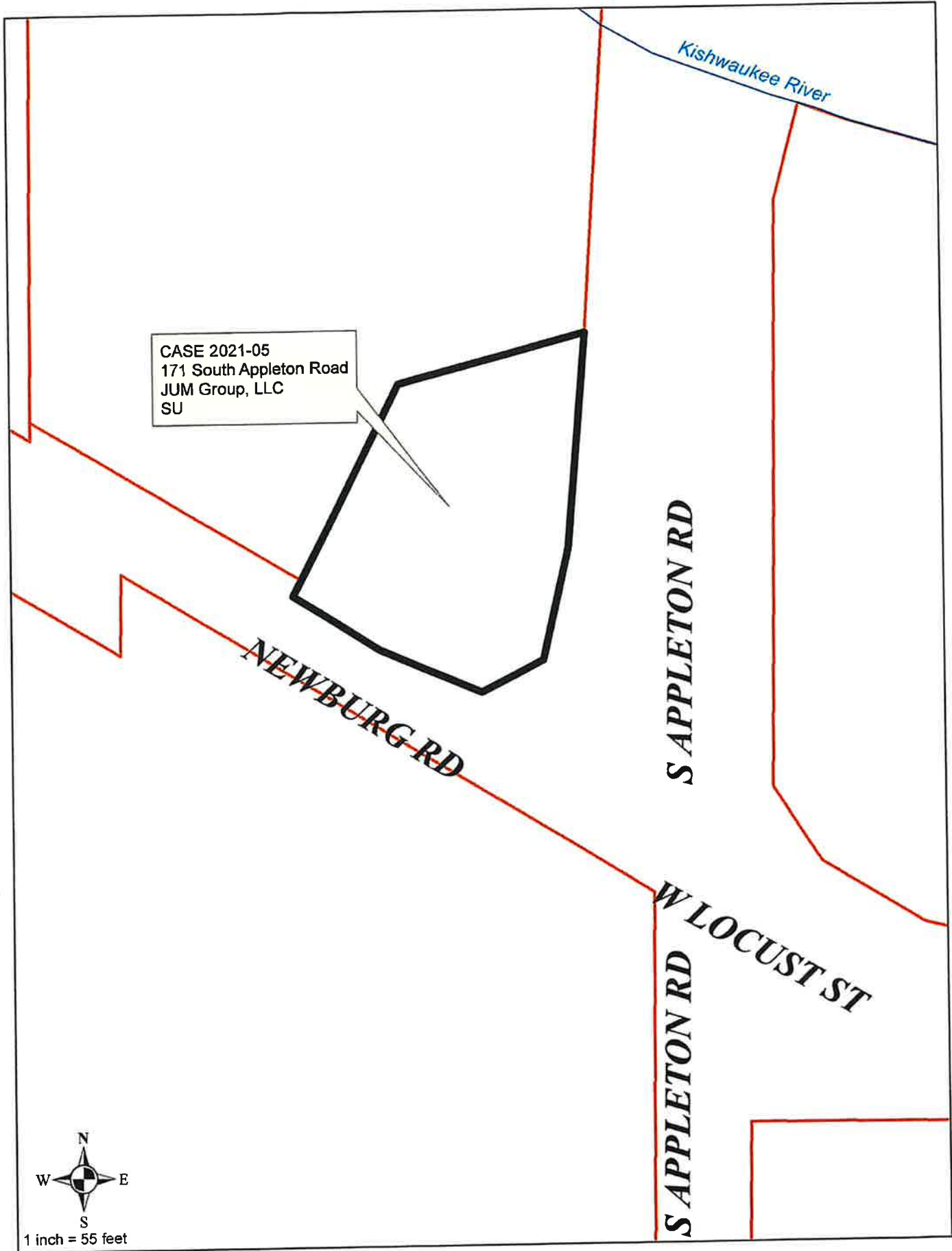
2021-05; JUM Group, LLC, 171 South Appleton Road

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, January 15, 2021.



CASE 2021-05
171 South Appleton Road
JUM Group, LLC
SU

Kishwaukee River

NEWBURG RD

S APPLETON RD

W LOCUST ST

S APPLETON RD



1 inch = 55 feet

CASE 2021-05
171 South Appleton Road
JUM Group, LLC
SU

NEWBURG RD

S APPLETON RD



To the Community Development Department, City of Belvidere, IL:

Re: Special Use Application by JUM Group LLC/JamalChaudhary

I came to this country to earn the American Dream. Twenty years ago, I was blessed to settle in the City of Belvidere. Belvidere is where I have raised my family. It's where I built my business. Belvidere has helped me earn my American Dream.

My business challenges are the same challenges that small businesses face all over Illinois. A struggling economy, rising minimum wage costs, an escalating gas tax, ever increasing wholesale and distribution costs, and especially COVID-19 have made the past year one of the toughest in my memory.

"Mom and pop" shops like mine definitely feel the pressure. It's important for businesses like mine to diversify revenue streams to protect our businesses. I've worked to do that by adding new products to my stores.

I need to do more. I would like to add video gaming to my gas stations on Logan and on South Appleton. I am convinced the revenue will help us weather the aftermath of the past year and help the City of Belvidere.

I respectfully request you approve my applications.

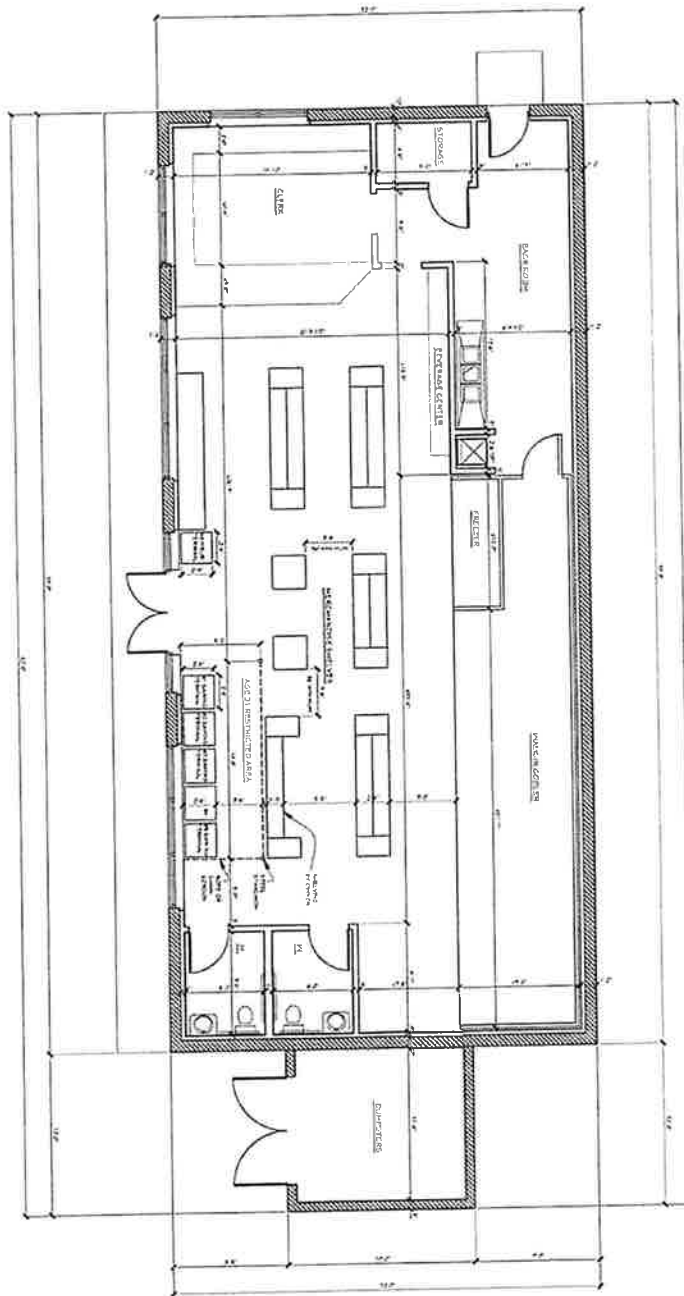
Sincerely,



Jamal Chaudhary
JUM Group LLC



PLAN NORTH
GAMING TERMINAL FLOOR PLAN



Sheet
G2.1
1

SCALE
As Shown
PROJECT NO. 18-20-001
DATE 01/22/2020
DRAWN BY JED
DATE 01/22/2020
CHECKED BY JED
DATE 01/22/2020

GAMING TERMINAL LAYOUT
171 S APPLETON ROAD, BELVIDERE, IL
Contact: Mr. Jamal Chaudhary (815) 558-4441

R. A. VanDerHeyden, Architect
410 East Main Street Geneseo, Illinois 60135
(815) 784-4833
COPYRIGHT 2020. ALL RIGHTS RESERVED



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

January 15, 2021

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: 171 S. Appleton Rd, Belvidere
PIN(S): 05-34-200-024

Contact	Petitioner	Owner
Jamal Chaudhary	JUM Group, LLC	JJ Corporation
2610 Mary Street Belvidere, IL 61008	171 S. Appleton Road Belvidere, IL 61008	171 S. Appleton Road Belvidere, IL 61008
815-558-4441	815-544-0706	815-544-0706

Request: Special use for indoor commercial entertainment, specifically video gaming.

Notes: No additional construction or soil disturbance is taking place. The video gaming machines will be inside the Mobil Gas Station

Sincerely,

A handwritten signature in black ink that reads "Bill Hall". The signature is written in a cursive, slightly slanted style.

Bill Hall

Boone County Soil &
Water Conservation District

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

February 3, 2021

ADVISORY REPORT

CASE NO: 2021-06

APPLICANT: JUM Group, LLC, 600 Logan Avenue

REQUEST AND LOCATION:

The applicant, JUM Group LLC, 171 S. Appleton Road, Belvidere, IL 61008 on behalf of the owner, JI Corporation, 171 S. Appleton Road, Belvidere, IL 61008 is requesting a special use to permit indoor commercial entertainment. Specifically, video gaming at 600 Logan Avenue, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(3)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the NB, Neighborhood Business District. The property is irregular in shape, approximately 0.30 acres and is developed with a Mobil gas station (commonly known as Z-Mart). PIN: 05-36-127-001 on 0.31 acres.

EXISTING LAND USE:

Subject property: Z-Mart gas station

North: Large yard associated with a multi-use building (old school)

South: Residential

West: F&F Tire

East: Multi-use building (including First Step Daycare)

CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: NB, Neighborhood Business

All Adjacent property: NB, Neighborhood Business

COMPREHENSIVE PLAN:

Subject property: Neighborhood Business

North and East: Institutional

South and West: Neighborhood Business

BACKGROUND:

The gas station is located at the northeast corner of Logan and Warren Avenues and has been in existence since 1967 according to county records. In 2015, per Ordinance 273H a special use for a planned development was approved. A total of 10 deviations were granted in order to bring the site into compliance as well as allow for the expansion of the building, the hours of operation and to reduce the required number of parking spaces. Older gas stations are not likely to be redeveloped due to environmental concerns from aging underground storage tanks.

Assisting these properties so they may continue to operate as gas stations is oftentimes the better option versus letting them become vacant and blighted.

The 2,140 square-foot building requires a minimum of 7 parking spaces for both the gas station and indoor commercial entertainment land uses. Only 5 parking spaces currently exist on the property and there is not adequate space to stripe any more that would meet the requirements of the Belvidere Zoning Ordinance. Ordinance 273H allowed for the reduction of the required parking spaces in conjunction with the gas station because customers are making frequent "quick purchases" and leaving. However, land uses associated with indoor commercial entertainment encourage customers to be onsite for a longer period of time, making adequate parking more crucial. If additional land uses such as video gaming are to be permitted, then the zoning ordinance's parking requirements shall be met. However, unless additional land is purchased, there is no means to meet this requirement.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2020, the City Council voted to increase the limit the number of gaming establishments from 30 to 40. The applicant is aware that granting the special use does not guarantee them a license.

TREND OF DEVELOPMENT:

The property is located along Logan Avenue in an area of mixed residential and small-scale businesses. The trend of development is for office and commercial uses to operate within the existing residential structures.

COMPREHENSIVE PLAN:

The subject property is designated as "Neighborhood Business" by the City of Belvidere Comprehensive Plan adopted on July 19, 1999. The neighborhood business use category encourages residential, office and neighborhood-supporting institutional and commercial uses preserving the residential character through building scale, building appearance, 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 may be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The applicant is proposing to install the gaming machines to the left of the entrance doors in the direct line of sight of the cashier's counter. The machines would be separated from the convenience store by a partial wall. The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Although the consumption of alcohol at a gas station is currently only permitted at two gas stations, patrons drive to and from bars just as they drive to and from gas stations. However, like many older gas stations in Belvidere, the subject property does not have

adequate parking or room onsite for expanding the existing parking which could force patrons to park on the adjacent residential street.

- B. **Findings:** The proposed special use, both its general use independent of its location and in its specific location, will not 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 for the subject property calls for Neighborhood Business, encouraging residential, office and neighborhood-supporting institutional and commercial uses preserving the residential character through building scale, building appearance, landscaping and signage. Unlike gas stations which service the neighborhood, indoor commercial entertainment land uses, if not properly conditioned, can have a negative impact on the neighborhood.

- C. **Findings:** The special use will 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 has frontage along Logan Avenue which is developed with a mix of low intensity commercial and mixed residential land uses. Due to the lack of adequate parking, however, the indoor commercial entertainment land use could create negative traffic factors. Adding land uses to a parcel that currently does not have sufficient parking exacerbates problems such as vehicle circulation, accessibility for customers, parking on residential streets, parking in neighboring businesses' parking lots, etc.

- D. **Findings:** The establishment of the special use will 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.

Although a previous special use allowed for the gas station to operate twenty-four/seven, video gaming machines can only be operational from 6am to 2am when liquor is allowed to be sold. In order to not negatively impact neighboring businesses, such as the daycare center, the playground of which is within 25 feet of the subject property, conditions must be met to ensure that the indoor commercial entertainment land use is not noticeable outside of the building. Due to the lack of adequate parking, however, customer parking on the street or neighboring businesses is highly likely.

- 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 gas station that is served with municipal utilities.

- F. **Findings:** The potential public benefits of the proposed special use does not 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 successful commercial businesses are beneficial to a community, negative impacts to neighboring residences, businesses and vehicle circulation on public rights-of-way can diminish the benefits seen.

SUMMARY OF FINDINGS:

The applicant is proposing to install the gaming machines to the left of the entrance doors in the direct line of sight of the cashier's counter. The machines would be separated from the convenience store by a partial wall. The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Although the consumption of alcohol at a gas station is currently only permitted at two gas stations, patrons drive to and from bars just as they drive to and from gas stations. However, like many older gas stations in Belvidere, the subject property does not have adequate parking or room onsite for expanding the existing parking which could force patrons to park on the adjacent residential street.

Although the property has frontage along Logan Avenue which is developed with a mix of low intensity commercial and mixed residential land uses, due to the lack of adequate parking, the indoor commercial entertainment land use could create negative traffic factors. Adding land uses to a parcel that currently does not have sufficient parking exacerbates problems such as vehicle circulation, accessibility for customers, parking on residential streets, parking in neighboring businesses' parking lots, and other issues.

Although a previous special use allowed for the gas station to operate twenty-four/seven, video gaming machines can only be operational from 6am to 2am when liquor is allowed to be sold. In order to not negatively impact neighboring businesses, such as the daycare center, the playground of which is within 25 feet of the subject property, conditions must be met to ensure that the indoor commercial entertainment land use is not noticeable outside of the building. Due to the lack of adequate parking, however, customer parking on the street or neighboring businesses is highly likely.

Although successful commercial businesses are beneficial to a community, negative impacts to neighboring residences, businesses and vehicle circulation on public rights-of-way can diminish the benefits seen

RECOMMENDATION:

The planning staff recommends the **denial** of case number **2021-06** for a special use at 600 Logan Avenue. However, if the Belvidere Planning Zoning Commission and City Council vote to approve the request, planning staff recommends the following conditions:

1. Open alcohol is prohibited outside the premises.
2. Alcohol consumption is only permitted within the video gaming area.

3. The video gaming area shall be enclosed by a partial wall and only accessible through a designated entrance.
4. The indoor commercial entertainment land use shall be restricted to the area shown on the site plan.

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, January 15, 2021.

WARREN AVE

CASE 2021-06
600 Logan Avenue
JUM Group, LLC
SU

LOGAN AVE

WARREN AVE



1 inch = 37 feet

CASE 2021-06
600 Logan Avenue
JUM Group, LLC
SU

LOGAN AVE



1 inch = 23 feet

To the Community Development Department, City of Belvidere, IL:

Re: Special Use Application by JUM Group LLC/JamalChaudhary

I came to this country to earn the American Dream. Twenty years ago, I was blessed to settle in the City of Belvidere. Belvidere is where I have raised my family. It's where I built my business. Belvidere has helped me earn my American Dream.

My business challenges are the same challenges that small businesses face all over Illinois. A struggling economy, rising minimum wage costs, an escalating gas tax, ever increasing wholesale and distribution costs, and especially COVID-19 have made the past year one of the toughest in my memory.

"Mom and pop" shops like mine definitely feel the pressure. It's important for businesses like mine to diversify revenue streams to protect our businesses. I've worked to do that by adding new products to my stores.

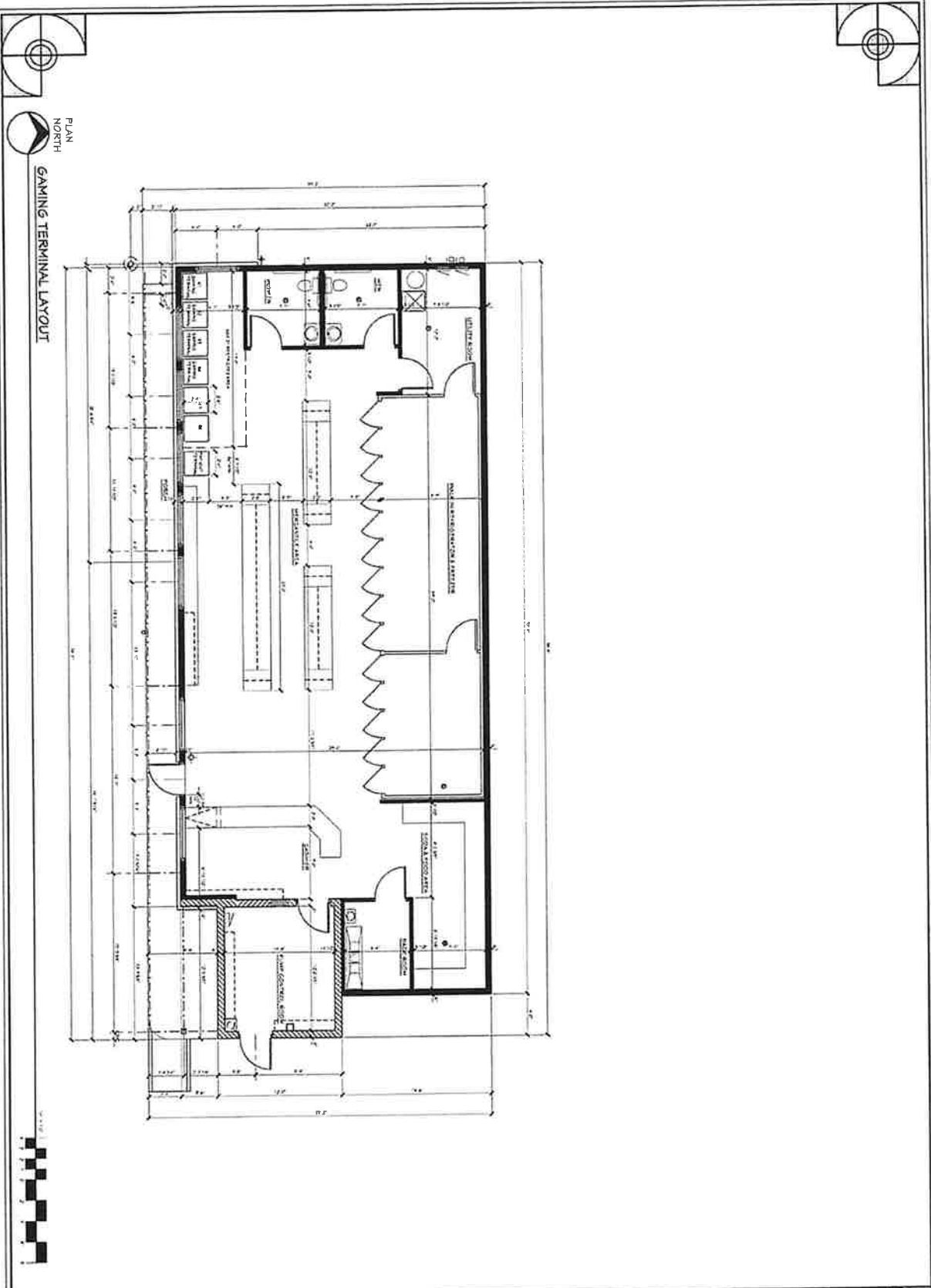
I need to do more. I would like to add video gaming to my gas stations on Logan and on South Appleton. I am convinced the revenue will help us weather the aftermath of the past year and help the City of Belvidere.

I respectfully request you approve my applications.

Sincerely,



Jamal Chaudhary
JUM Group LLC



PLAN NORTH
 GAMING TERMINAL LAYOUT

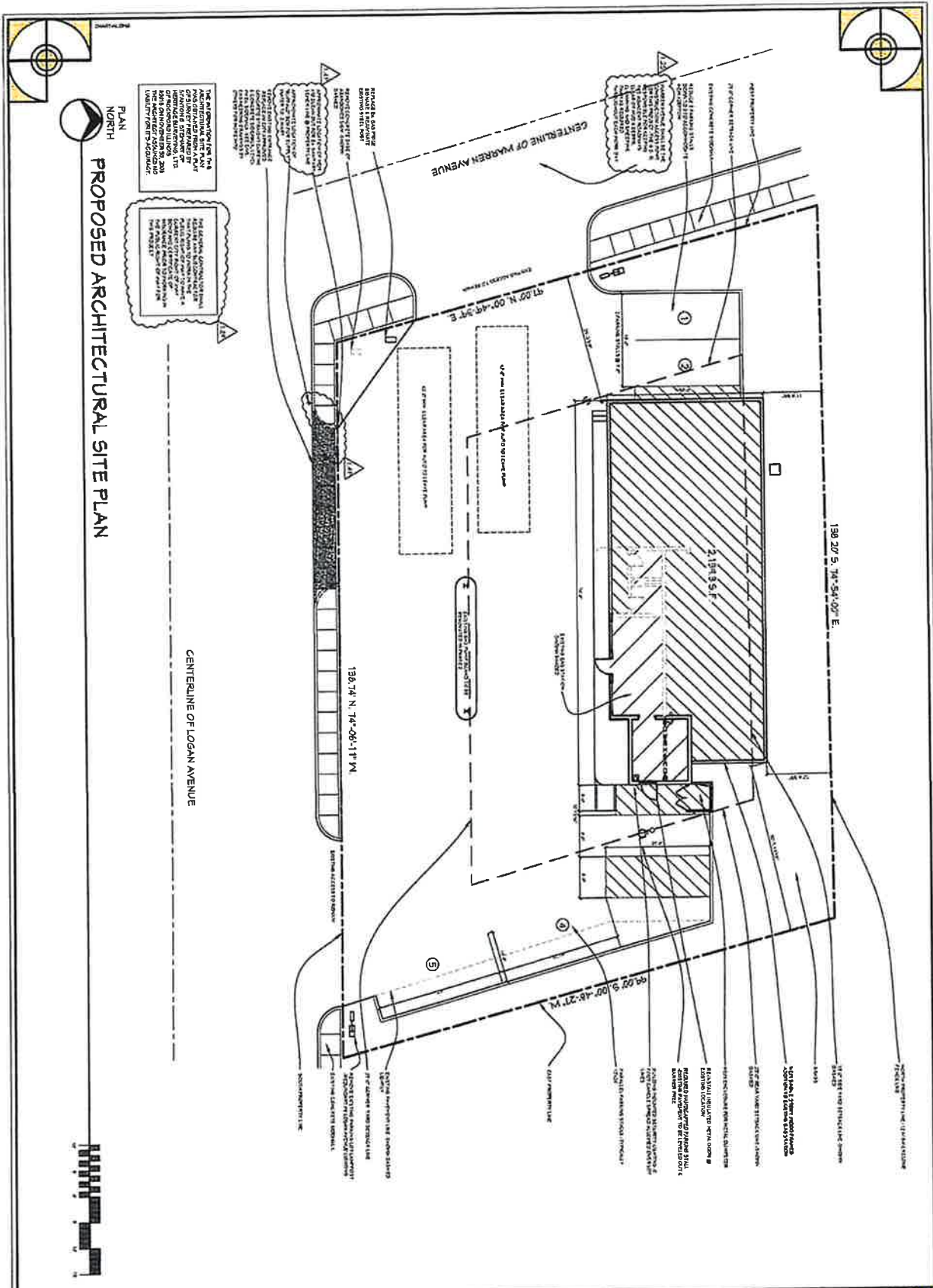


62.1
 1

DATE: 02/20/20
 PROJECT: LOGAN AVENUE, BELVIDERE, IL
 DRAWING NO: 62.1
 SHEET NO: 1

GAMING TERMINAL LAYOUT
 62.1
 LOGAN AVENUE, BELVIDERE, IL
 Contact: Mr. Jemal Chaudhary (815) 558-4441

R. A. VanDerHeyden, Architect
 410 East Main Street Genoa, Illinois 60135
 (815) 704-4833
 COPYRIGHT 2020 - ALL RIGHTS RESERVED



PLAN NORTH
PROPOSED ARCHITECTURAL SITE PLAN

S1.1
 18

DATE: 07-17-15	SCALE: 1/8" = 1'-0"
PROJECT: Z Mارت ADDITION	CLIENT: Z Mارت
DESIGNER: R. A. VAN DER HEYDEN	DATE: 07-17-15
CHECKED: J. CHAUDHARY	PROJECT NO: 15-001
APPROVED: R. A. VAN DER HEYDEN	CLIENT NO: 15-001
DATE: 07-17-15	PROJECT NO: 15-001

Z Mارت ADDITION
 600 LOGAN AVENUE, BELVIDERE, IL.
 Contact: Mr. Jamal Chaudhary (815) 558-4441

R. A. VanDerHeyden, Architect
 410 East Main Street Genoa, Illinois 60135
 (815) 784-4833
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211 N. Appleton Road
Belvidere, IL 61008
815-544-2677 x3

January 15, 2021

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: 600 Logan Avenue, Belvidere
PIN(S): 005-36-127-001

Contact	Petitioner	Owner
Jamal Chaudhary	JUM Group, LLC	JJ Corporation
2610 Mary Street Belvidere, IL 61008	171 S. Appleton Road Belvidere, IL 61008	171 S. Appleton Road Belvidere, IL 61008
815-558-4441	815-544-0706	815-544-0706

Request: Special use for indoor commercial entertainment, specifically video gaming.

Notes: No additional construction or soil disturbance is taking place. The video gaming machines will be inside the Mobil/Z-Mart Gas Station

Sincerely,

A handwritten signature in black ink that reads "Bill Hall". The signature is written in a cursive, slightly slanted style.

Bill Hall

Boone County Soil &
Water Conservation District

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

February 1, 2021

ADVISORY REPORT

CASE NO: 2021-07

APPLICANT: Bravo's Pizza, 1474 North State Street

REQUEST AND LOCATION:

The applicant, Mario Pompeo, 4014 Tatum Road, Rockford, IL 61114 on behalf of the owners Ed and Judy Winter, 1409 Walts Way, Belvidere, IL 61008 is requesting a special use to permit indoor commercial entertainment. Specifically, video gaming inside the Bravo's Pizza at 1474 North State Street, Belvidere, IL 61008 (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. PIN: 05-26-126-001. The subject property is rectangular in shape, approximately 1.28 acres and is comprised of a portion of a multi-tenant commercial building and parking area.

EXISTING LAND USE:

Subject property: Multi-tenant building (including Bravo's Pizza)

North: Multi-tenant building, Roll N Donut, North State Motors

South: Residential

East: Pope Chiropractic and Residential

West: House of Bottles

CURRENT ZONING:

Subject property: GB, General Business District

North: General Business and Unincorporated Boone County

South: SR-6, Single-family Residential-6 District

East and West: General Business

COMPREHENSIVE PLAN:

Subject property: General Business

North, East and West: General Business

South: Single-family Residential

BACKGROUND:

The Bravo's Pizza tenant space occupies 1,400 square feet of the approximately 20,000 square-foot multi-tenant building. The remaining tenant spaces are occupied by a mix of commercial and professional services. There is a large parking area that has adequate parking for existing and new businesses. The restaurant has been considering obtaining a liquor

license based on customer requests and is requesting the special use to allow for video gaming machines as a means to support the liquor license.

The six video gaming machines are proposed to be along the northeast wall, set back from the dining tables. These machines will be partially blocked off by the storage room and the vestibule walls. Stanchions will be placed, further delineating them from the dining room. A separate bar area may be installed so that drink purchase can be made away from the front counter. The hours of operation are not anticipated to expand but that may change in the future.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2020, the City Council voted to increase the limit the number of gaming establishments to from 30 to 40. The applicant is aware that granting the special use does not guarantee them a license.

TREND OF DEVELOPMENT:

The subject property is located near the intersection of North State Street and Garden Drive, within the North State Street Commercial Corridor. Several nearby businesses have either recently gone through extensive renovations or are in the planning stages for such renovations. North State Street consists of a mix of automobile-related businesses, retail, office and professional services.

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.**

The special use is being requested in order to allow the addition of video gaming machines in a restaurant. The gaming machines will be off-set from the dining room tables and front counter area, limiting potential interaction between gamers and restaurant patrons. The addition of alcohol sales is not uncommon for dine-in restaurants and is permitted without requiring a special use.

The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Due to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

- 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 General Business; the current zoning is General Business. A variety of land uses are encouraged in general business, institutional and indoor commercial (retail). Restaurants, bars, grocery stores and video gaming are a type of indoor commercial land use.

- 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 indoor commercial land use will not be noticeable from the outside save for potential signage. There is an active special use for indoor commercial entertainment three tenant spaces away (House of Bottles).

The property has adequate parking and ingress/egress off North State Street. The additional traffic from the special use is not anticipated to negatively impact the accessibility of nearby businesses.

- 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 due to video gaming. The North State Street commercial corridor is developed with a variety of businesses. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter growth in the adjacent tenant spaces or redevelopment of nearby properties.

- 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 commercial building 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.

There do not appear to be any public benefits or adverse impacts related to the special use request. Although there are residences in the surrounding area behind the commercial buildings, nearby properties along North State Street are already developed with bars and video gaming; it is not a unique business. Staff is not aware, of any negative impacts the other bars and video gaming have created.

SUMMARY OF FINDINGS:

The special use is being requested in order to allow the addition of video gaming machines in a restaurant. The gaming machines will be off-set from the dining room tables and front counter area, limiting potential interaction between gamers and restaurant patrons. The addition of alcohol sales is not uncommon for dine-in restaurants and is permitted without requiring a special use.

The indoor commercial land use will not be noticeable from the outside save for potential signage. There is an active special use for indoor commercial entertainment three tenant spaces away (House of Bottles). The property has adequate parking and ingress/egress off North State Street. The additional traffic from the special use is not anticipated to negatively impact the accessibility of nearby businesses.

The planning staff is not aware of any business that chose not to locate or expand due to video gaming. The North State Street commercial corridor is developed with a variety of businesses. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter growth in the adjacent tenant spaces or redevelopment of nearby properties.

There do not appear to be any public benefits or adverse impacts related to the special use request. Although there are residences in the surrounding area behind the commercial buildings, nearby properties along North State Street are already developed with bars and video gaming; it is not a unique business. Staff is not aware, of any negative impacts the other bars and video gaming have created.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2021-07** for a special use at 1474 North State Street subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. The video gaming shall be in substantial compliance with the site plan submitted.
3. The special use is only for the tenant space commonly known as 1474 North State Street.

Submitted by:



Gina DelRose
Community Development Planner

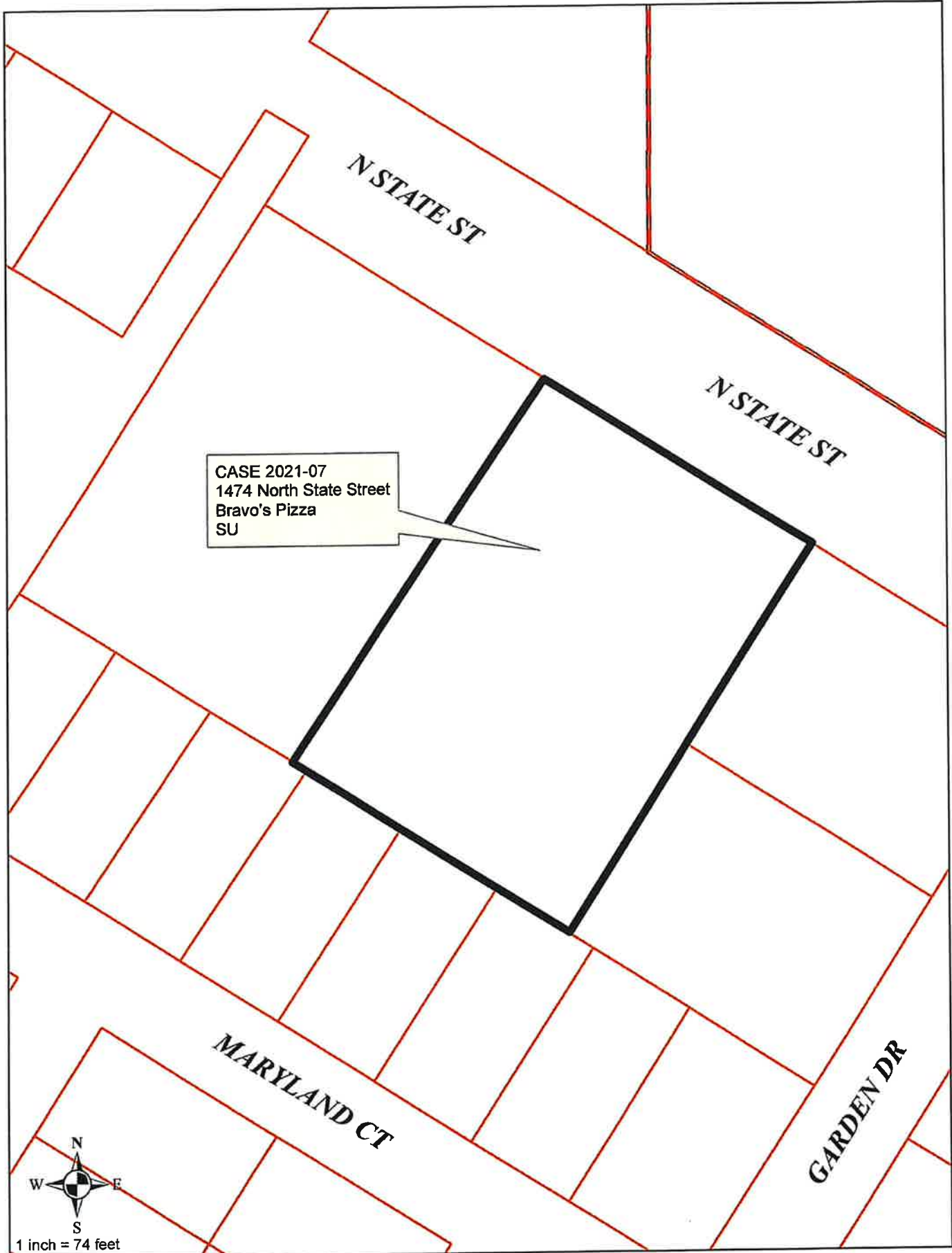
2021-07; Bravo's Pizza, 1474 North State Street

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, January 15, 2021.





CASE 2021-07
1474 North State Street
Bravo's Pizza
SU

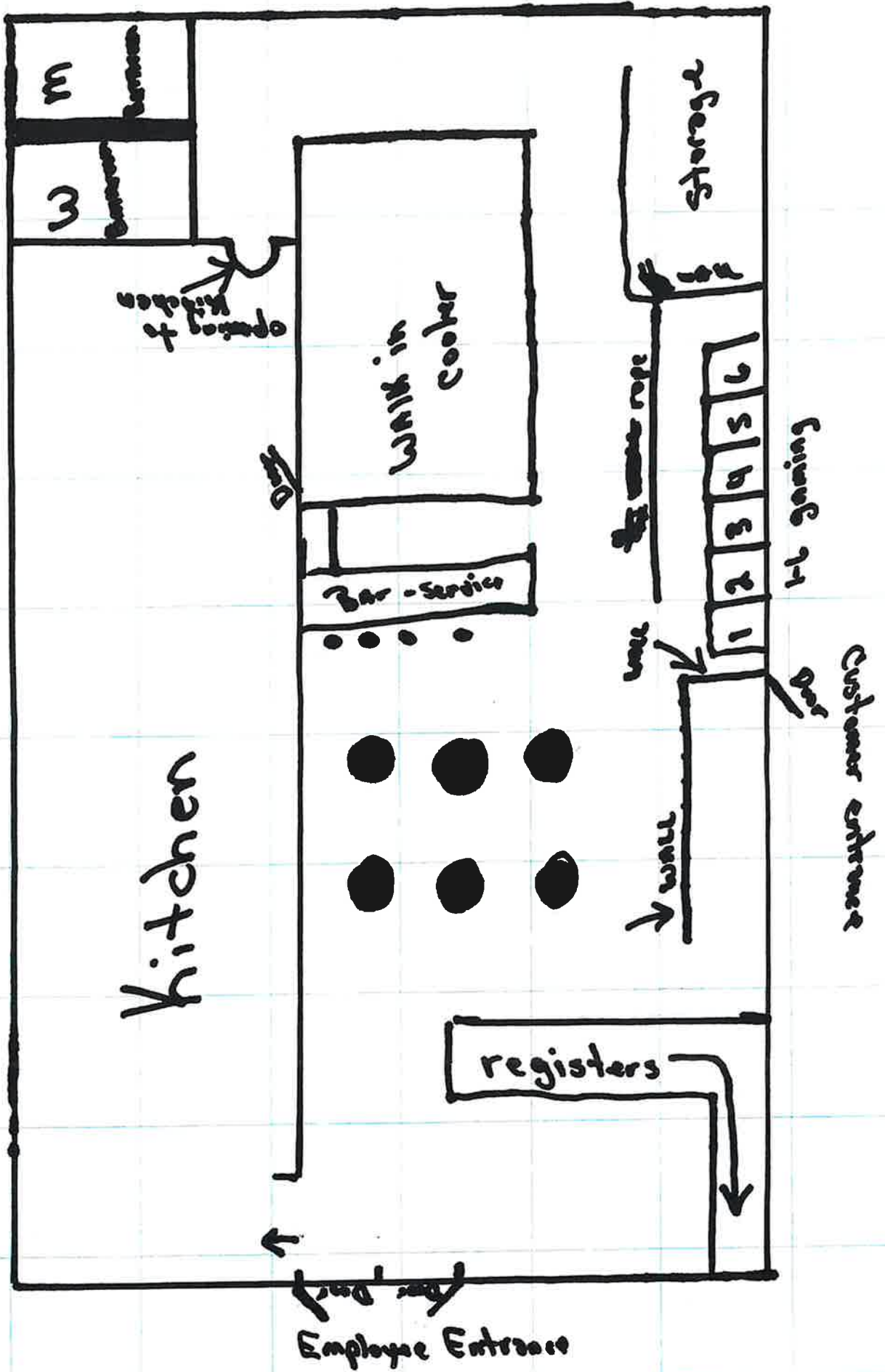
N STATE ST

N STATE ST

MARYLAND CT

1 inch = 75 feet

● = tables



Gina Delrose

From: Cathy Pompeo <bravos.pizza.belvidere@gmail.com>
Sent: Tuesday, January 12, 2021 1:51 PM
To: Gina Delrose
Subject: Narrative

1-12-21

I am applying for a special use permit for gaming for Bravo Pizzeria of Belvidere located at 1474 N. State St. Belvidere, IL 61008.

I have owned this location since 2009 with managing this location prior to taking ownership.

I am applying to have 6 gaming consoles. I have wanted to add beer and wine to this location for many years due to requests from customers. The gaming would help to offset the cost of the liquor license fee. I have in the past lost customers due to the fact of not securing a liquor license.

I might expand my hours of operation in the future due to demand however I believe right now the extension of said hours would be to open earlier than my current opening hours which are at 11:00 am.

Thank You, Mario Pompeo 815-520-5713



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

January 15, 2021

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: 1474 N. State St., Belvidere
PIN(S): 05-26-126-001

Contact	Petitioner	Owner
Cathy Pompeo	Mario Pompeo	Ed and Judy Winter
4014 Tatum Road Rockford, IL 61114	4014 Tatum Road Rockford, IL 61114	14098 Walts Way Belvidere, IL 61008
815-980-0539	815-980-0539	815-544-0975

Request: Special use for indoor commercial entertainment, specifically video gaming.

Notes: No additional construction or soil disturbance is taking place. The video gaming machines will be inside the Bravos Pizza Restuarant.

Sincerely,

Bill Hall

Boone County Soil &
Water Conservation District

BELVIDERE

Community Development Department

Planning Department

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

January 2021 Monthly Report

Number	Project	Description	Processed
	Belvidere Projects		
1	Cases: January	409 W. Jackson Street, VAR	11/20/2020
6	Cases: February	2001 N. State Street, SU	12/22/2020
		1052 Belvidere Road, SU	12/22/2020
		2038 N. State Street, SU	1/6/2021
		171 S. Appleton Road, SU	1/11/2021
		600 Logan Avenue, SU	1/11/2021
		1474 N. State Street, SU	1/12/2021
0	Annexation		
0	Temporary Uses	None	
0	Site Plans (New/Revised)	2183 Crystal Parkway	1/22/2021
0	Final Inspection	None	
0	Downtown Overlay Review	None	
1	Prepared Zoning Verification Letters	675 Corporate Parkway	1/16/2021
0	Issued Address Letters	None	
	Belvidere Historic Preservation Commission	None.	
	Heritage Days	None	
	Hometown Christmas	None.	
	Buchanan Street Strolls	None	
	Poplar Grove Projects		
0	Cases: January	None	
0	Cases: February	None	
0	Issued Address Letters	None	
0	Prepared Zoning Verification Letters	None	
	Scanned Plats: E-mail, Print and/or Burn		
0	Recorder's Office		
0	Other Department		
0	General Public		

Staff completed with BAS update for Flora Township and began working on the BAS update for the City of Belvidere.

Census

Planning Monthly Report Cont.

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 continues to review the portions of the Comprehensive Plan

*** Staff sent out reminder letters for special use extension and façade grant extensions

CITY 2021

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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FEB

12/22/2020	GD	2021-02	SU	HRB Group, Inc; 2001 North State Street	2/9/2021	2/15/201	3/1/2021
12/22/2020	GD	2021-03	SU	HRB Group, Inc.; 1052 Belvidere Road	2/9/2021	2/15/2021	3/1/2021
1/6/2021	GD	2021-04	SU	Belvidere Tobacco & Liquor	2/9/2021	2/15/2021	3/1/2021
1/11/2021	GD	2021-05	SU	JUM Group, LLC, 171 South Appleton Rd	2/9/2021	2/15/2021	3/1/2021
1/11/2021	GD	2021-06	SU	JUM Group, LLC, 600 Logan Avenue	2/9/2021	2/15/2021	3/1/2021
1/12/2021	GD	2021-07	SU	Bravo's Pizza, 1474 North State Street	2/9/2021	2/15/2021	3/1/2021

March

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Variation	1
Map Amendment	
Subdivision	
Special Use	6
Annexation	
Text Amendment	
Temporary Use	
Appeals	
Total	7