CITY OF BELVIDERE PLANNING AND ZONING COMMISSION AGENDA Tuesday, April 13, 2021 City Council Chambers 401 Whitney Boulevard 6:00 pm

ROLL CALL Members:

Carl Gnewuch, CHM Natalie Mulhall, 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 February 9, 2021 meeting.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

2021-08: Deuce's Wild Hospitality, LLC: Application of Deuce's Wild Hospitality, LLC, 7548 Western Gailes Drive, Rockford, IL 61107 on behalf of the property owner, Logan Square Plaza Inc., 2777 Finley Road #13, Downers Grove, IL 60515 for a special use to permit indoor commercial entertainment. Specifically, a bar with video gaming at 884 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 1.50 acres. PIN: 06-31-151-001.

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

OTHER BUSINESS: None.

DISCUSSION:

Staff report

ADJOURNMENT

CITY OF BELVIDERE PLANNING AND ZONING COMMISSION Minutes

Tuesday February 9, 2021 City Council Chambers 401 Whitney Boulevard 6:00 pm

ROLL CALL

Members Present: Staff Present:

Carl Gnewuch, Chair Gina DelRose, Community Development Planner
Natalie Mulhall, VCHM Cathy Crawford, Administrative Assistant
Paul Engelman Mike Drella, City Attorney

Paul Engelman Andrew Racz Art Hyland Robert Cantrell Alissa Maher

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

MINUTES: It was moved and seconded (Mulhall/Maher) to approve the minutes of the January 12, 2021 meeting. The motion carried with a 7-0 roll call vote.

PUBLIC COMMENT: None

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.

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

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on January 22, 2021 and certified mailings were sent to neighboring property owners on January 19, 2021. Ms. DelRose summarized the staff report dated February 1, 2021.

Gina DelRose provided a recent history of the subject property. Ms. DelRose indicated there is adequate parking for both the FasFuel gas station as well as the proposed gaming area use. The video gaming machines will be placed to the right

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 2 of 14

of the entrance doors in a direct line-of-sight to the cashier's counter and will be delineated by a partial wall-like structure. Although the gas station is open twenty-four hours a day, 7 days a week, by State law, the gaming machines will only be operational between 6am and 2am, when liquor is allowed to be sold.

Gina DelRose stated there are two other gas stations that have video gaming and permit the consumption of alcohol onsite. Staff is not aware of any problems video gaming or alcohol has created at either site.

Gina DelRose stated the Zoning Ordinance was updated in 2006 requiring a special use for indoor commercial entertainment. Bars and taverns in existence at the time were considered legal non-conforming for the bar use. In 2013 Illinois State law allowed for video gaming for municipalities that permitted it; State law permits a limit of six machines per establishment but requires a liquor license for the pouring of alcohol (except for establishments determined to be truck stops). Belvidere allowed video gaming in 2013 and in 2020 the City Council raised the number of video gaming establishments from 30 to 40. The applicant is aware that granting the special use does not guarantee a video gaming license.

Gina DelRose stated the planning staff recommends approval of case 2021-02 subject to the following conditions:

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

The Chair asked if there were any questions for staff.

Paul Engelman asked which other gas stations allow the pouring of alcohol onsite.

Gina DelRose stated the Shell gas station on North State Street and the Kelly-Williams Mobil station on Logan Avenue and Bypass 20 allow for the pouring of alcohol.

The Chair invited the applicant to question staff. There were no questions from the applicant.

The applicant indicated he had no testimony to provide.

The public hearing closed at 6:09 p.m.

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 3 of 14

It was moved and seconded (Racz/Cantrell) to accept the findings of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Maher/Cantrell) to approve case 2021-02 subject to the three conditions as presented. The motion carried with a 7-0 roll call vote.

City Attorney Mike Drella stated the case would go before the City Council on February 15, 2021 and March 1, 2021 for a second reading and final vote.

2021-03: HRB Group Inc., 1052 Belvidere Road: Application of Birju Trivedi, 4849 N. Milwaukee Ave., 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 Roade, 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.

The public hearing opened at 6:10 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on January 22, 2021 and certified mailings were sent out on January 20, 2021. Ms. DelRose summarized the staff report dated February 2, 2021.

Gina DelRose provided a history of the subject property, which was formerly a Road Ranger gas station and is now named FasFuel. Ms. DelRose stated there is adequate parking for both the gas station and the proposed video gaming uses.

Ms. DelRose stated that 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 to serve both uses. The planning staff recommends approval of case 2021-03 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.

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 4 of 14

The Chair asked Ms. DelRose for a listing of the number of video gaming licenses currently issued.

Gina DelRose stated there are 30 licenses now issued, five special uses for indoor commercial entertainment approved, and six special use requests before the Commission tonight. Ms. DelRose clarified that, while there are an unlimited number of special uses allowed for indoor commercial entertainment because it encompasses other land uses in addition to video gaming, video gaming is subject to additional review by the State of Illinois. There is no guarantee that those receiving a special use permit will be granted a video gaming license.

Carl Gnewuch asked if there is any order to the applications when they are granted...

Gina DelRose stated that the requests are placed on the agenda in order of the date the applications are received.

The applicant was invited to provide testimony.

The applicant stated he had no testimony to provide.

The public hearing was closed at 6:18 p.m.

It was moved and seconded to accept the finding of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Mulhall/Engelman) to recommend approval of case 2021-03 subject to the conditions presented. The motion carried with a 7-0 roll call vote.

The City Attorney stated the case would go before the City Council for a first reading on February 15, 2021 and a second reading and final vote on March 1, 2021.

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.

The public hearing opened at 6:21 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on January 22, 2021 and certified mailings were sent on

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 5 of 14

January 19, 2021. Ms. DelRose summarized the staff report dated February 1, 2021.

Gina DelRose stated the subject tenant space is part of an 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 front of the building and additional parking in the rear. All but four tenant spaces (including the subject property) are accessible by doors opening onto the rear parking lot. The six video gaming machines are proposed to be along the north wall next to the cigar room and in direct line of sight of the cashier. Due to the nature of the business and the unlikely scenario of minors interacting with those using the gaming machines, structures delineating the machines from the rest of the business will not be required.

Gina DelRose stated that emphasis will need to be placed on the use of the rear parking lot for employees and those patronizing interior tenant spaces. There do not appear to be any public benefits or adverse impacts related to the special use request. The planning staff recommends approval of case 2021-04 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.

The Chair invited questions to the staff.

Paul Engelman asked if the decision to allow video gaming machines without the delineating wall-like structure is a locally-driven decision.

Gina DelRose stated that it is. Ms. DelRose stated the local requirements for such delineation are stricter than those imposed by State law, but stated she is comfortable with the lack of formal delineation due to the nature of the business establishment and the unlikelihood of the presence of minors.

Paul Engelman asked if the special use "dies" if the business changes hands.

Gina DelRose stated the special use would remain in place unless it ceases to operate for a year.

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 6 of 14

Robert Cantrell asked if there were any current video gaming establishments with half-wall structures.

Gina DelRose stated the Speedway truck stop has such a half-wall.

The applicant was invited forward. The applicant had no questions for staff and did not have testimony to offer.

The public hearing was closed at 6:30 p.m.

It was moved and seconded (Mulhall/Racz) to accept the findings of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Maher/Mulhall) to approve case 2021-04 subject to the conditions presented. The motion carried with a 7-0 roll call vote.

2021-05: JUM Group, LLC, 171 South Appleton Road: Application of JUM Group, LLC, 171 South 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.

The public hearing opened at 6:40 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on January 22, 2021 and certified mailings were sent out on January 19, 2021. Ms. DelRose summarized the staff report dated February 2, 2021. Ms. DelRose presented the existing land uses and current zoning of the surrounding properties. The Comprehensive Plan shows the subject property as Institutional ands surrounding properties to the north, south and west as Institutional as well, with Passive Recreation to the east; Ms. DelRose said this was a good example of the Comprehensive Plan not matching the existing land uses.

Gina DelRose stated the subject property was developed prior to the current zoning ordinance and exceeds the required 85% lot coverage in addition to not meeting pavement setbacks. The building requires a minimum of eight parking spaces for both gas station and indoor commercial entertainment uses. According to an old site plan, five previously striped parking spaces are located onsite. 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. Ms. DelRose gave the definition of a shared access easement.

Gina DelRose stated 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. Expansion of the parking area and a recorded cross access easement will allow for proper ingress and egress. Future development of the surrounding property will be impacted more by the floodplain to the north as well as the railroad tracks to the south. There is a large amount of publicly owned land in the vicinity of the subject property. The planning staff recommends approval of case 2021-05 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.

Gina DelRose explained to the applicant that this means that gaming operations cannot begin until the required parking area is paved and striped; however, the cross-access easement must be recorded prior to the March 1, 2021 City Council meeting.

The Chair asked Ms. DelRose where the proposed additional parking will be located.

Gina DelRose indicated the location is to be on the property adjacent, the former Waterfall tavern. Ms. DelRose stated that, due to the large amount of snow present, she had to utilize an old site plan to indicate what parking was already provided to determine how many additional spaces were needed.

The applicant, Jamal Chaudhary, had no questions for the staff.

The applicant stated he did not wish to give any testimony.

The public hearing closed at 6:40 p.m.

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 8 of 14

It was moved and seconded (Cantrell/Hyland) to accept the findings of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Racz/Cantrell) to recommend approval of case 2021-05 subject to the four conditions presented. The motion carried with a 7-0 roll call vote.

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.

The public hearing opened at 6:43 p.m.

Gina DelRose stated that the case was published in the Boone County Journal on January 22, 2021 and certified mailings were sent on January 19, 2021. Ms. DelRose summarized the staff report dated February 3, 2021.

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

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 9 of 14

date have been considered legal nonconforming 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.

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. The planning staff, therefore, recommends denial of case 2021-06. If the Planning and Zoning Commission, however, wish to approve the case, the planning staff recommends the following conditions:

1. Open alcohol is prohibited outside the premises.

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 10 of 14

- 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.

The Chair invited questions for the staff.

Alissa Maher asked if there shouldn't be at least six parking spaces onsite since site plan shows six video gaming machines being proposed.

Gina DelRose stated that the Zoning Ordinance parking requirements for indoor commercial entertainment are based on square footage because the land use encompasses multiple types of businesses. Ms. DelRose said that it is correct, however, to note that with employee parking, casual customers as well as patrons there for video gaming, the need for adequate parking increases. When land uses become mixed, as is the case with the subject property, parking demands increase.

Mike Drella asked Ms. DelRose if any alternative designs to address parking were discussed.

Gina DelRose stated the topic had been discussed with the applicant; no approvable alternative had been found.

Carl Gnewuch asked if the City had ever approved any sites with similar parking inadequacy.

Gina DelRose said no; high priority is given to locating necessary parking on the subject properties and not forcing parking needs to spill over to surrounding streets.

Paul Engelman asked if there is any issue with the special use being located next door to a daycare center.

Gina DelRose stated that, although there is a requirement that no such uses be located within 100 feet of a hospital or school, daycare centers are not included in that restriction.

Carl Gnewuch asked how long a video gaming patron may tend to stay at the subject property.

Gina DelRose said it depends greatly on the patrons.

Carl Gnewuch asked Ms. DelRose to clarify the parking spaces present.

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 11 of 14

Gina DelRose did so, indicating a site plan provided.

Carl Gnewuch asked where else patrons might park.

Gina DelRose said there is nowhere else on the site to locate parking spaces; parking for the proposed use should not be forced onto residential streets or neighboring properties.

The Chair invited the applicant to question staff. Mr. Chaudhary had no questions for the staff.

Jamal Chaudhary was sworn in. Mr. Chaudhary said it was his experience that patrons of the gas station do not stay long and he has never seen all five parking spaces used at once. Mr. Chaudhary asked how many are required.

Gina DelRose stated seven.

Jamal Chaudhary said that the trash dumpsters could be relocated to provide additional parking spaces as well as there being space near the gas tanks.

Mike Drella asked for clarification that the applicant had never seen high levels of parking at his gas station.

Jamal Chaudhary said that was correct.

Mike Drella asked if the applicant had ever run a bar at that location.

Jamal Chaudhary said he had not.

Robert Cantrell stated he did not often see patrons at the subject property.

Paul Engelman stated that the presence of video gaming machines may tend to change that patronage.

Gina DelRose referred to the site plan provided to commissioners. Ms. DelRose stated that relocating parking to the area near the dumpsters is unworkable as dumpsters must be located on paved ground and be accessible by garbage trucks. Ms. DelRose said patrons come and go quickly at this time, but video gaming patrons could stay at the location for hours if they chose to do so. Parking becomes a more critical issue in such a case.

Mike Drella reminded the applicant he could cross-examine Ms. DelRose's testimony.

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 12 of 14

Jamal Chaudhary asked if there are other gaming establishments approved by the City that violate the parking requirement. Mr. Chaudhary mentioned several that he felt did violate the requirement.

Gina DelRose stated that video gaming establishments located in the Downtown area are not under the same requirements for onsite parking, as the Downtown area encourages the use of municipal parking lots and patrons walking to and from the locations. Ms. DelRose said for establishments outside that area, the parking requirements cannot be waived. The City wishes for businesses to be successful so parking requirements are not reduced in anticipation of a struggling business.

The public hearing was closed at 7:05 p.m.

It was moved and seconded (Cantrell/Racz) to accept the findings of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Engelman/Maher) to recommend denial of case 2021-06. The motion carried with a 6-1 roll call vote. Robert Cantrell voted no.

Gina DelRose stated the case would go to the City Council for a silent reading on February 15, 2021 and a second reading and final vote on March 1, 2021.

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) and 150.904 Special Use Review and Approval Procedures) in the GB General Business District on 1.28 acres.

The public hearing opened at 7:10 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on January 22, 2021 and certified mailings were sent on January 19, 2021. Ms. DelRose summarized the staff report dated February 1, 2021.

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.

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 13 of 14

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 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. Ms. DelRose stated the planning staff recommends approval of case number 2021-07 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.

The Chair invited questions for the staff. Seeing none, he invited the applicants to question staff.

The applicants had no questions for the staff.

The applicants stated they had no testimony to offer.

The public hearing was closed at 7:18 p.m.

It was moved and seconded (Mulhall/Cantrell) to accept the findings of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Maher/Mulhall) to recommend approval of case 2021-07 subject to the stated conditions. The motion carried with a 7-0 roll call vote.

OTHER BUSINESS: None

DISCUSSION: None

City of Belvidere Planning and Zoning Commission Minutes February 9, 2021 14 of 14

Staff Report:

Gina DelRose stated that if no applications are presented by February 10, 2021, there would be no cases before the Commission in March. There is a high probability of a large caseload in April, however.

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The meeting adjourned at 7:21 p.m.

Recorded by:	Reviewed by:		
Cathy Crawford Administrative Assistant	Gina DelRose Community Development Planner		

CITY OF BELVIDERE



BUILDING DEPARTMENT

PLANNING DEPARTMENT

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

April 6, 2021

ADVISORY REPORT

CASE NO: 2021-08 APPLICANT: Deuce's Wild Hospitality, LLC, 884 Belvidere Road

REQUEST AND LOCATION:

The applicant, Deuce's Wild Hospitality, LLC 7548 Western Gailes Drive, Rockford, IL 61107 on behalf of the property owner, Logan Square Plaza Inc., 2777 Finley Road #13, Downers Grove, IL 60515 is requesting a special use to permit indoor commercial entertainment. Specifically, a bar with video gaming at 884 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. PIN: 06-31-151-001. The subject property is rectangular in shape, 1.50 acres and is comprised 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: Gas Station

West: Gas Station and Auto-repair business

South and East: Vacant

ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

<u>Subject property:</u> PB, Planned Business District North and West: GB, General Business District South and East: PB, Planned Business District

COMPREHENSIVE PLAN:

Subject property: General Business

All Adjacent Properties: General Business

BACKGROUND:

On July 6, 2015, the Belvidere City Council approved ordinance 254H permitting indoor commercial entertainment establishments in several tenant spaces of the strip mall. One establishment never opened and the other has been closed for over a year, therefore, the special use has expired. The current applicant is requesting the special use in order to operate a bar and video gaming business in the same location as was previously approved and operational. The planned business district allows for food establishments by right and

bars/taverns and arcades by special use. The proposed land use would not be out of character with a developing commercial park.

The strip mall is comprised of a mix of medical, professional services and retail. The applicant is proposing to occupy the only vacant tenant space. There are a total of 88 parking spaces provided for the development.

The six video gaming machines are proposed to be in the rear of the establishment, partially enclosed. A bar and seating area will be located in the front. Due to the nature of the business and the unlikely scenario of minors entering the tenant space, structures completely 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 at the southeast corner of Belvidere Road and Logan Avenue. 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. <u>Findings:</u> 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.
 - In 2015 a similar special use was approved that permitted a bar and video gaming establishment to open in the subject tenant space. Although that business has since closed, staff is not aware of any negative impacts it made to the nearby businesses or public health.
- B. Findings: The proposed special use, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, Section 150.904 of the Belvidere Zoning Ordinance and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.

The Comprehensive Plan shows the property and most adjacent properties 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.

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 at the southeast corner of Belvidere Road and Logan Avenue in the Logan Square Subdivision. The planning staff is not aware of any negative issues that similar developments have caused to surrounding properties. 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. <u>Findings:</u> 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. Two of the adjacent lots are vacant while the other two are separated by Belvidere Road and Logan Avenue. 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. <u>Findings:</u> 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. <u>Findings:</u> 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.

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, code requirements such as occupancy levels and parking requirements will limit the kind of land uses that can successfully occupy the tenant space.

SUMMARY OF FINDINGS:

In 2015 a similar special use was approved that permitted a bar and video gaming establishment to open in the subject tenant space. Although that business has since closed, staff is not aware of any negative impacts it made to the nearby businesses or public health.

The subject property is located at the southeast corner of Belvidere Road and Logan Avenue in the Logan Square Subdivision. The planning staff is not aware of any negative issues that similar developments have caused to surrounding properties. 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.

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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, code requirements such as occupancy levels and parking requirements will limit the kind of land uses that can successfully occupy the tenant space.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2021-08** for a special use at 884 Belvidere Road 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 884 Belvidere Road.

Submitted by:

Gina DelRose

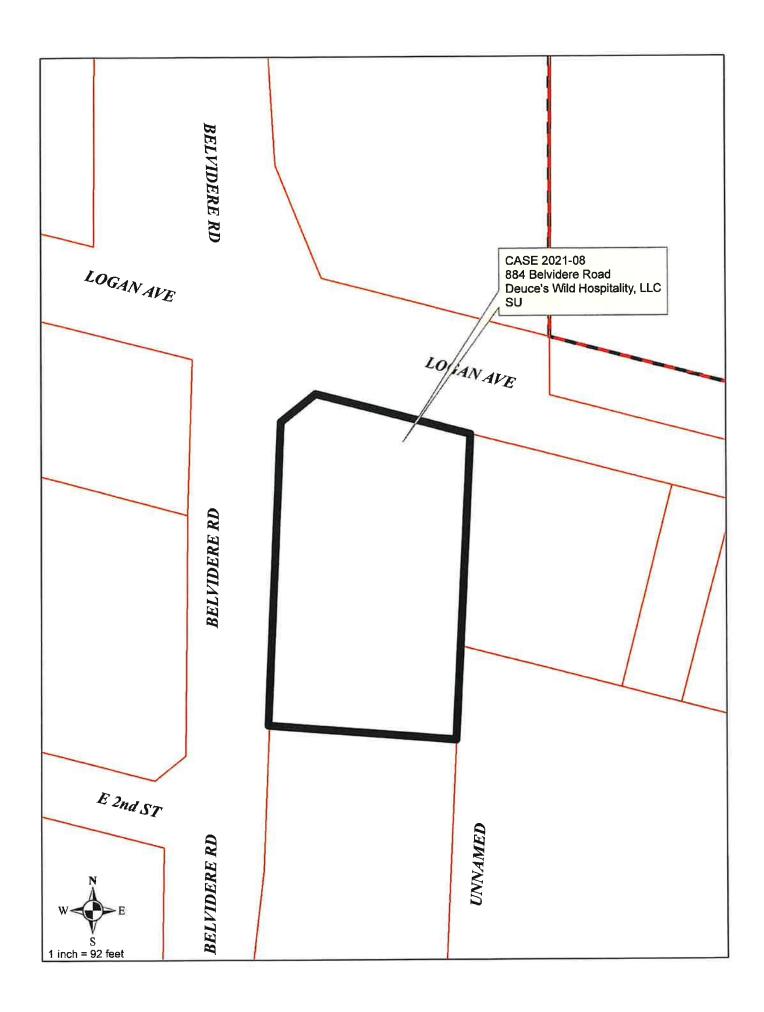
Community Development Planner

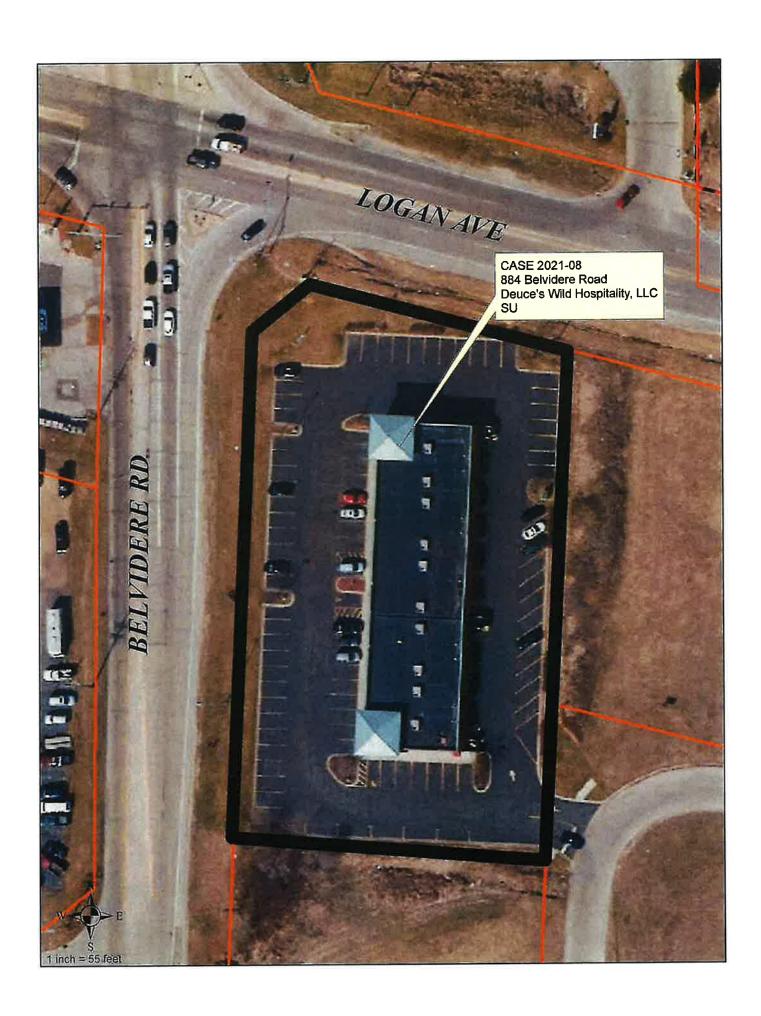
Review and Recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application, adopt findings of fact, and make a recommendation to the City Council.

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, March 16, 2021.
- 6. Letter submitted by the Boone County Health Department, Amanda Mehl, March 23, 2021.





Concept:

Cucina Di Rosa is owned and operated at 1620/1626 N. Bell School Rd., Rockford, IL 61107. We are part of the Food & Beverage industry, specializing as a traditional Italian coffee bar while offering an authentic menu of Italian pastries and dishes. In addition to offering several roasts of coffees and Italian cuisine, we will provide Beer and Wine and video gaming machines for our visitors. Our mission is to provide a destination that welcomes travelers and neighbors alike, providing a relaxing environment to enjoy great company and fantastic dishes.

Experience:

Cucina Di Rosa begins the day presenting our customers with a selection of 5 different coffee roasts to choose from at our welcoming coffee bar. A variety of homemade pastries accompany these special roasts, with lunch and dinner menu items consisting of a variety of authentic Italian cuisine with daily specials. A selection of beer, wine and liquor's will be available, joining our coffee bar throughout the evening. For entertainment, visitors are welcome to enjoy video gaming services on any of our 5 machines.

Located in a burgeoning part of the city, we intend to cater to the upscale and over 30 crowd. Our ideal location, delicious menu and welcoming environment provides our Rockford neighbors with a locally owned and operated business to choose from. Whether it's an early morning pick me up or an evening out socializing with friends or enjoying a homemade gelato, *Cucina Di Rosa* has something special just for you!

History:

Previously, this location operated under different ownership as a full restaurant and bar called *Vito's* from 2009-2016. Prior to this timeframe, the location served Rockford as the *Cannoli Caffe'* where I was the owner and operator from 2006-2008. Using this previous history and knowledge, we intend to offer a unique experience to our visitors that delight the taste buds while providing a charming, neighborhood feel. Based on current research, our anticipated sales ratio is 50% Food, 20% Alcohol, and 30% Video Gaming.

Operations:

Normal Hours of Operation: Monday through Thursday – 7AM to 11 PM, Friday, Saturday -7AM to 12AM, Sunday 9AM – 9PM

Food Service: Monday through Thursday – 7AM to 11PM, Friday, Saturday 7AM-12 AM,

Sunday 9AM - 9PM

Alcohol Service: Monday through Thursday – 9AM to 11PM, Friday, Saturday 9AM- 12AM,

Sunday 9AM – 9PM

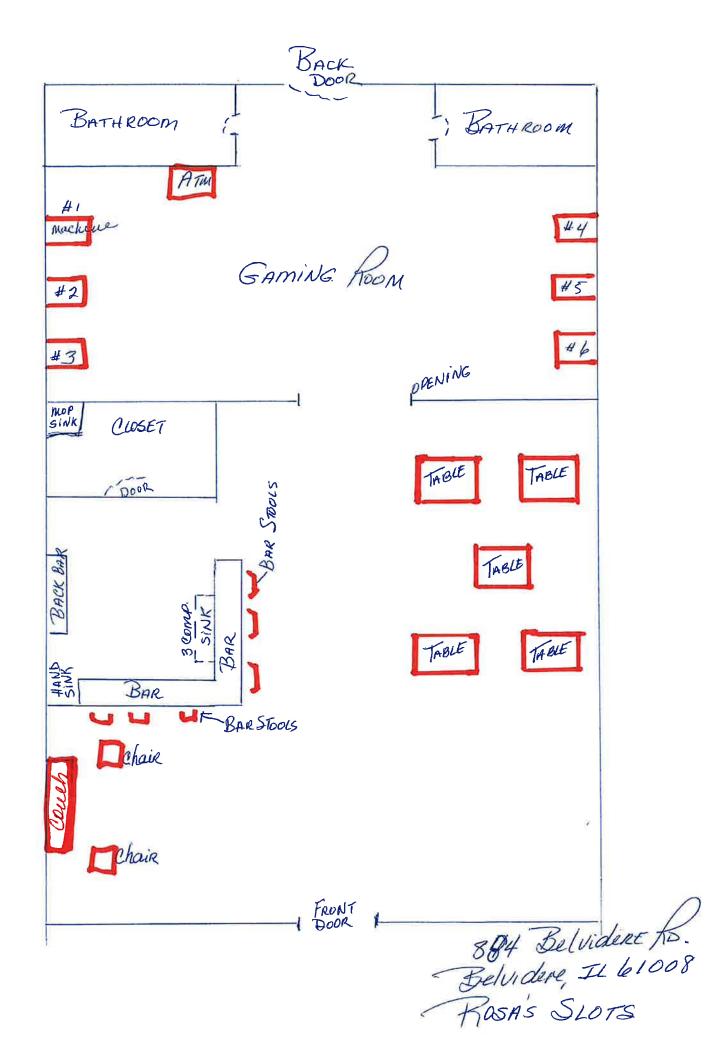
Video gaming available during normal business hours of operation only. No other forms of entertainment will be provided. There will be no cover charge to enter, and a dress code will be enforced by staff (no hoodies, offensive t-shirts, loose fitting pants, pants at waist-level).

2017 PLAN TO INCREASE SALES AND REDUCE EXPENSES

Cucina di Rosa is a specialty one of a kind Italian Coffee Bar/ Caffe'.

Food Costs since opening have been high to build up inventory such as paper goods, cups, drinks, ect. In April we received our Liquor License so our Wine and Beer purchases were much more because we needed to build up our inventory. At this time the high cost of building up inventory is done and will order only what is needed. In May alone we spent over \$2,500 in liquor purchase.

- Our portions are very large and Sicilian style and our prices are under \$10.00. We will reduce portions slightly to increase revenue.
- Our prices will increase slowly
- We have daily specials that we price higher than our menu items, some dishes as high as \$15.95 and people love the specials that we make daily from scratch.
- At this time, our servers are making \$9.50 per hour and no tips, this will change to \$4.95 plus tips .This will save \$ 1,147 per month on labor (3 employees)
- Staff will be trained better to promote the beer and wine and our specialty desserts and gelato to our diners which in turn will raise the sales.
- Cucina di Rosa has many future events booked such as Bridal showers, baby showers, catering
 events to Klem Arboretum, Lou Bachrodt Saturday lunches, Festa Italiana, and much more that
 will generate extra income. The month of July and August we have many income generating
 events.
- Cucina di Rosa is offering music every Saturday night to increase business, food and liquor sales.
- We are proud to represent our exclusively Italian wine listand happy to showcase many Sicilian wines as they reflect the heritage and vision we bring to people. With that said, we have a Wine Pairing Dinner in July to generate business.
- Food costs will be watched more closely. One of my employees is experienced in food cost analysis and trained in ordering from our vendors. I have appointed him to do the job.





March 16, 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: 884 Belvidere Rd, Belvidere

PIN(S): 06-31-151-001

Contact	Petitioner	Owner		
Rose Mary Leggio	Wild Deuce's Hospitality, Inc	Logan Square Plaza, Inc		
7548 Western Gailes Dr. Rockford, IL 61107	7548 Western Gailes Dr. Rockford, IL 61107	2777 Finley Road #13 Downers Grove, IL 60515		
815-243-2789	815-243-2789	630-850-0500		

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

Notes: No additional construction or soil disturbance is taking place. The business will be in side an existing multi-tenant building where a similar establishment existed.

Sincerely,

Bill Hall

Boone County Soil &

Water Conservation District



Boone County Health Department

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

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

March 23, 2021

Gina Del Rose City of Belvidere Community Development 401 Whitney Blvd., Suite 300 Belvidere, IL 61008 FAX 815-547-0789

Re: Case: 2021-08; Deuce's Wild, 884 Belvidere Road

Dear Gina,

We are in receipt of the special use to permit indoor commercial entertainment. Specifically, a bar with video garning at 884 Belvidere Road, Belvidere, IL 61008. Our office has no objections on this request. If prepared or temperature controlled foods are served, prior to operation of the establishment a to-scale plan and a food application must be submitted to the health department for review. The plan review fee would be determined when menu information is submitted. Below is the county code explaining this further.

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

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

RE: Case: 2021-08; Deuce's Wild, 884 Belvidere Road

Date: March 23, 2021

Page: 2 of 3

Food establishment classifications. All food service establishments or retail food establishments shall be categorized according to their type of operation, size of operation, and risk category of the food prepared and/or served and shall obtain a permit for the class of operation as hereinafter defined. The listing of various types of operation is not intended to be all inclusive, but typical and not limited to those mentioned. If a food establishment is not specifically listed, it shall be classified according to the class to which it most closely resembles.

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

RE: Case: 2021-08; Deuce's Wild, 884 Belvidere Road

Date: March 23, 2021

Page: 3 of 3

- (3) Medium Risk Facility: is a food establishment that presents a medium risk of causing foodborne illness based upon a few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category II Medium Risk facilities:
 - a. if hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;
 - b. if preparing foods for service from raw ingredients uses only minimal assembly; and
 - c. foods served at an establishment that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from an approved food processing plants, (high risk) food service establishments or retail food stores.
 - (4) Low Risk Facility: is a food establishment that presents a low relative risk of causing foodborne illness based on few or no food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category III Low Risk facilities:
 - a. only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant;
 - b. only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages occurs at the facility; or
 - c. only beverages (alcoholic and non-alcoholic) are served at the facility.

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

Thank you,

Amanda Mehl

Public Health Administrator

BELVIDERE

Community Development Department Planning Department

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

March 2021 Monthly Report

Number		Description	Processed	
	Belvidere Projects			
0	Cases: March	None		
1	Cases: April	884 Belvidere Road, SU	2/16/2021	
0	Annexation			
0	Temporary Uses	None		
2	Site Plans (New/Revised)	1125 North State Street	3/1/2021	
		915 E. Pleasant Street	3/8/2021	
0	Final Inspection	None		
1	Downtown Overlay Review	603 S. State Street; wall sign and façade	3/10/2021	
0	Prepared Zoning Verification Letters	None		
4	Issued Address Letters	1020 Garfield Avenue	3/3/2021	
		1667 Belvidere Road	3/4/2021	
		1201-1203 W. 6th Street	3/4/2021	
		610-612 Douglas Street	3/11/2021	
	Belvidere Historic Preservation	Staff has been communicating with and assisting		
	Commission	property owners interested in applying for the		
		landmarked property maintenance grant		
	Heritage Days	Continued working with partnering organizations on potential activities.		
	Hometown Christmas	None		
	Buchanan Street Strolls	Confirmed dates and bands. Sent out application forms for sponsorships, vendors and food trucks.		
	Poplar Grove Projects			
0	Cases: March	None		
1	Cases: April	Village of Poplar Grove, TA	3/19/2021	
0	Issued Address Letters	None		
0	Prepared Zoning Verification Letters	None		

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

4 Recorder's Office0 Other Department

Planning Monthly Report Cont.

0 General Public

Census None

Planning Department Current Duties

Close out completed planning case files

Respond to all FOIA requests

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

Assist Growth Dimensions with requested data

Meetings and phone calls with developers regarding potential development

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

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

Prepare deposits and purchase orders for bill payments

- *** Staff assisted with food drives and Covid-19 vaccine clinics
- *** Staff continued to communicate with recipients of the downtown façade grant

CITY 2021							
Date Planner Case Request Petitioner/ Address PZC CC1 CC2							
	April						
2/16/2021	GD	2021-08	SU	Deuce's Wild Hospitality LLC, 884 Belvidere Road	4/13/2021	4/19/2021	5/3/2021
	May						
Variation			1				
Map Amendment				l			
Subdivision							
Special Use			7				
Annexation							
Text Amendment							
Temporary Use							
Appeals							
Total			8	1			