

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION
Minutes
Tuesday, May 10, 2022
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members Present:

Paul Engelman, Chair
Daniel Druckrey, Vice-Chair
Alissa Maher
Carl Gnewuch
Art Hyland
Robert Cantrell
Brad Anderson

Staff Present:

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

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

MINUTES: It was moved and seconded (Cantrell/Maher) to approve the minutes of the April 12, 2022 meeting. The motion carried with a 6-0 roll call vote.

Robert Cantrell arrived at 6:03 p.m.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2022-11: Taco Bell (south), 2056 Gateway Center Drive (SU): Application of Black River Bells, LLC, 7915 Kensington Court, Brighton, MI 48116 on behalf of the property owner, DMD Investment Inc., 923 Logan Avenue, Belvidere, IL 61008 for a special use to permit in-vehicle sales or service in order to operate a drive-through lane at 2056 Gateway Center Drive, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(4)(B)(2) In-Vehicle Sales or Service and 150.904 Special Use Review and Approval Procedures) in the PB, Planned Business District on approximately 1 acre.

The public hearing was opened at 6:04 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on April 21, 2022 and notifications were sent by certified mail to property owners within 250 feet of the subject property on April 19, 2022. Ms. DelRose summarized the staff report dated May 3, 2022.

Ms. DelRose stated the property is part of the Gateway Center development which was annexed into the City of Belvidere in 2003 and subdivided shortly thereafter; it is one of the four smaller outlots that has yet to be developed. Drive-through services, especially during the Covid-19 restrictions, have comprised a large portion of restaurant sales. The new restaurant will have a double drive-through lane to the north of the building (rear elevation) which will exceed minimum queuing requirements found within the zoning ordinance. There will be one curb cut along Gateway Center Drive and landscaping will be installed to shield vehicle lights from residences to the north.

The property is located in a commercial subdivision and is separated from the nearest residence by Grant Highway and the drive-through lane is orientated to prevent traffic from backing up onto Gateway Center Drive. Outlots of larger developments, like this one, are oftentimes developed with restaurants with drive-through lanes and other quick service orientated businesses.

The commercial subdivision has multiple food related businesses, in-vehicle sales or service-based businesses, and a Walmart Supercenter. Due to the proximity of the Genoa Road interchange, restaurants with drive-through lanes are desirable. The planning staff is not aware of any negative impacts a properly laid out drive-through lane has created and does not anticipate the proposed drive-through lane being any different.

The special use for in-vehicle sales and service 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 Zoning Ordinance. The planning staff recommends approval of the special use subject to the following conditions:

1. Substantial compliance with the submitted site plan.
2. A stamped site plan shall be submitted for review by the appropriate staff before building permits may be issued. This includes lot layout, landscaping and a photometrics plan.
3. Compliance with all applicable codes and ordinances.

The Chair invited questions for staff.

Carl Gnewuch asked why the use requires a special use permit.

Gina DelRose stated that in Belvidere any in-vehicle sales or service-related land use requires a special use to monitor stacking lanes, headlights and traffic. Any land

use conducted in a vehicle, such as bank teller lanes, car washes and drive-through lanes are subject to this requirement.

Daniel Druckrey asked what will happen to the Taco Bell at 455 Southtowne Drive.

Gina DelRose stated it was her understanding the restaurant will close. The applicant wished to build a new facility that would meet corporate standards and would have the amount of land needed to construct a double drive-through lane. The current Taco Bell will remain open during construction.

Robert Cantrell asked if the City was forcing the restaurant to put in a double lane.

Gina DelRose said no; the owner wants to construct such a double lane and the former location does not have the room for one.

Carl Gnewuch said he was concerned for the traffic situation in Gateway Center.

Gina DelRose stated a traffic study would have been completed when the subdivision was originally proposed. Gateway Center Drive was designed to accommodate this added traffic.

Carl Gnewuch asked if the location is a high-accident area.

Gina DelRose said she did not know the answer, however, the police department was asked for comments and they did not object to the special use.

Paul Engelman asked if sidewalks will be put in.

Gina DelRose said yes; the sidewalk will be extended from Taco Bell to Applebee's Restaurant.

There were no further questions for staff.

The Chair invited the applicant to step forward.

Reid Jahns was sworn in. Mr. Jahns is a site designer with Excel Engineering and was here to represent Black River Bells, LLC. Mr. Jahns said he would answer questions.

Joe Varesi, a member of the audience asked why the proposed building does not have to face US Route 20; it was his understanding that was a requirement when the development was first proposed in 2003.

Robert Cantrell asked Mr. Jahns if he was aware of this requirement.

Reid Jahns said he was not.

Gina DelRose stated that by the terms of the annexation agreement, the proposed restaurant is not required to face US Route 20; the requirement is that a façade-like design, such as awnings, windows, etc. is required at the back of the buildings along US Route 20, or additional landscaping. The annexation agreement expires in 2023.

Robert Cantrell asked what the dumpster enclosure will look like.

Gina DelRose said the dumpster enclosure will be brick to match the building.

Mike Drella said it is possible the requirement for the front façade-like design on the back of the buildings may be found in the Planned Development ordinance at the time. The goal was that residences not have to face a large blank wall so a front-like façade was required.

Gina DelRose stated it does meet the annexation agreement requirements.

Carl Gnewuch asked if headlights must be screened.

Gina DelRose said the landscaping plan includes lilac bushes for screening, which, while they are deciduous, are denser and will provide screening even in the winter.

Paul Engelman asked what the hours of operation would be.

Reid Jahns stated he did not have that information but could provide it in the future

Gina DelRose stated the Planned Business District allows for twenty-four hour a day operation.

Carl Gnewuch said he was concerned about headlights in the drive-through lanes. Is this a concern for the applicant, and if so, why not use evergreens?

Gina DelRose stated that the restaurant and parking lot are outright permitted and headlights generated by the parking lot will be there regardless; the special use process allows for the City to require better buffering landscape for the drive-through lanes specifically. Many evergreens used in landscaping are not as salt-resistant as other shrubs and bushes. The lilacs proposed are fragrant, provides flowers and will be more salt-resistant. In regards to the nearest residences, the nearest residence is across Grant Highway which is quite a large distance away and heavily trafficked. Anyone who moves into the neighborhood should anticipate traffic and the lights from that traffic. The additional traffic and lights generated by the drive-through lanes is fairly minimal compared to the traffic and lights generated by the presence of US Route 20.

There were no further questions for the applicant.

The Chair invited audience member Joe Varesi to provide testimony.

Joe Varesi was sworn in. Mr. Varesi stated he was objecting to the site plan proposed as it relates to the original annexation agreement which he understood required the buildings to be facing US Route 20. Mr. Varesi said he went to the original public hearings to object to commercial development in the area. Mr. Varesi stated he was concerned about headlights.

Gina DelRose repeated that the annexation agreement only requires front-façade-like design on the back of the buildings.

Mike Drella said the hearing is only to recommend approval or denial of the drive-through lanes being proposed. The eventual design will be subject to the building department review process.

Joe Varesi stated objections to the potential hours of operation, noise and additional lights.

Paul Engelman said he appreciated his comments but the matter at hand involves only the special use for the drive-through lanes.

Reid Jahns stated he encouraged the commissioners to review the landscape plan where they will see the plantings at the foundation of the building as well as another row of shrubbery to buffer the lights at the northern side of the property.

Carl Gnewuch questioned the bushes proposed being deciduous plants.

Reid Jahns said if it is desired, the deciduous shrubs can be changed to evergreens; Mr. Jahns warned evergreens may be damaged by salt in the winter.

Carl Gnewuch said he is not sure lilacs will provide enough shielding of light.

Brad Anderson stated another solution might be a partial fence constructed of PVC, which would shield the lights from residences.

Gina DelRose stated salt tolerance is a big issue along US Route 20.

Discussion was held regarding the use of retaining walls and the proximity to US Route 20.

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

Mike Drella asked if additional screening methods or materials may be conditions of the special use.

Gina DelRose said she would prefer to review the annexation agreement before conditioning any sort of fencing in case it violates the agreement. A berm is a possible solution, but the elevation change should be reviewed.

The commission discussed the elevation of the lots along Gateway Center Drive.

Mike Drella suggested language to add as a fourth condition to the special use requiring additional screening to mitigate light.

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 (Maher/Gnewuch) to recommend approval of the special use subject to the three conditions proposed with the addition of a fourth condition which states;

4. Applicant shall construct a light obscuring fence or opaque feature, acceptable to staff, to shield car headlights in the drive-through lanes facing U.S. Route 20 to the north.

The motion carried with a 7-0 roll call vote.

Gina DelRose stated the first reading before the City Council would be on May 16, 2022 and the second reading and vote would be on June 6, 2022.

OTHER BUSINESS:

Elections

Alissa Maher nominated Paul Engelman to remain as Chair. The nomination was seconded by Robert Cantrell. The vote carried with a 6-0 voice vote.

Paul Engelman nominated Daniel Druckrey to remain as Vice Chair. Alissa Maher seconded the nomination. The vote carried with a 6-0 voice vote.

DISCUSSION: None

Staff Report

Paul Engelman thanked the planning staff for the work they do.

Gina DelRose introduced the new commission member, Brad Anderson.

Brad Anderson introduced himself to the commissioners.

Gina DelRose stated the Wall That Heals, the traveling Viet Nam Memorial Wall, will be displayed at the Boone County Fairgrounds from May 12 to May 15, 2022.

Gina DelRose stated that four cases will be before the Commission in June. Three will be special uses and the fourth will be a series of text amendments being proposed.

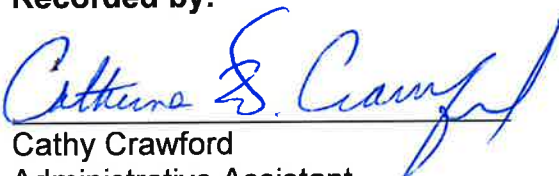
Paul Engelman asked if the special use for a banquet facility on Pearl Street will be opening, and Gina DelRose stated the applicant allowed that special use to lapse.

Gina DelRose stated the Chamber of Commerce will be taking over the planning of Buchanan Street Strolls, which will take place late in May, June (which will be during Heritage Days), July and in September. No Strolls will be held in August due to the Boone County Fair.

ADJOURNMENT:

The meeting adjourned at 7:02 p.m.

Recorded by:


Cathy Crawford
Administrative Assistant

Reviewed by:


Gina DelRose
Community Development Planner