

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

**Tuesday May 12, 2020
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members Present:

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

Staff Present:

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

Vice-Chair Maher called the meeting to order at 6:00 p.m.

MINUTES: It was moved and seconded (Cantrell/Racz) to approve the minutes of the January 14, 2020 meeting. The motion carried with a 7-0 roll call vote.

Vice-Chair Alissa Maher and member Paul Engelman were present remotely for the meeting.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-03: Kelley, 435 Southtowne Drive: Application of Dean Kelley (Abbott Land and Investment Corporation) 2250 Southwind Boulevard, Bartlett, IL 60103 on behalf of the property owner, Dal Pra Trust 1994 and Southtown Ventures, LLC, 1901 Union Avenue, Belvidere, IL 61008 for a special use for a daycare center (3+ children) at 435 Southtowne Drive, Belvidere, IL 61008 within the GB, General Business District (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Daycare Center (3+ Children) and 150.904 Special Use Review and Approval Procedures). PIN: 05-35-482-017.

The public hearing opened at 6:01 p.m.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report dated May 6, 2020. Ms. DelRose stated that the daycare center was previously approved on May 1, 2017 per Ordinance 348H. The building was constructed in compliance with the special use conditions of approval and an occupancy permit was issued. Due to

circumstances beyond the applicant's control, the daycare center never opened. The special use was not operational within two years, an extension was not requested, therefore it became null and void on May 1, 2019. A new daycare center provider wants to utilize the building; the special use has to be requested again. There are no proposed changes to the site plan or building layout.

Ms. DelRose completed her summary of the staff report and stated the staff recommendation was for approval of the special use, subject to the following condition:

1. The development shall be developed in substantial conformance with the site plan submitted with the application (March 13, 2017) unless otherwise noted.

Gina DelRose stated the notice was published in the Boone County Journal on April 24, 2020 and certified mailings were sent to surrounding property owners on April 22, 2020.

The Vice-Chair invited the commission members to question the staff.

Natalie Mulhall asked if there is only one entrance to the daycare center, from Pearl Street.

Gina DelRose indicated that there is the Pearl Street entrance to the plaza as well as an entrance from Union Avenue, and multiple entrance points accessed from Southtowne Drive, the frontage road south of the plaza.

Carl Gnewuch asked if there are any zoning changes to be aware of with the new special use application.

Gina DelRose stated there are none. The only changes to the area include the vacancy of the strip mall to the west of the daycare center, and the addition of Wild Cherry's gaming parlor between the Secretary of State's Driver Services office and Countryside Market.

The Vice-Chair invited questions for the staff from the applicant, who was attending the meeting remotely.

Dean Kelley said he had no questions for Ms. DelRose.

Amy Pusakulich asked Ms. DelRose if the special use being applied for would have any time constraints placed on it.

Gina DelRose stated that upon approval, the special use must operate within two years or it would become null and void.

The applicant was asked if he had any testimony to give.

Dean Kelley stated Ms. DelRose described the circumstances thoroughly and the new operator was anxious to get through our current health crisis and open the center.

Andy Racz indicated he had a question for the applicant.

Dean Kelley was sworn in by the chair.

Andy Racz asked the applicant if the daycare center was built with a basement.

Dean Kelley said the center has no basement.

Andy Racz expressed concern for tornado safety at the facility.

Dean Kelley stated the question is best addressed by the daycare center's director, who would have systems and protocols in place for those eventualities.

Andy Racz said he hoped the applicant would address the topic due to Belvidere's history of tornadoes.

Dean Kelley stated he has built several similar facilities in the suburbs and none of them were built with basements.

City Attorney Mike Drella stated the question was not a zoning question and was not germane to the discussion.

Gina DelRose stated the building as built has met all applicable building codes, fire code and life safety codes.

The public hearing was closed at 6:17 p.m.

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

A motion was made to approve case 2020-03 subject to the condition as presented. (Cantrell/Mulhall). The motion carried with a 7-0 roll call vote.

Gina DelRose stated the case would go before the City Council for a first reading on May 18, 2020 and a second reading on June 1, 2020.

OTHER BUSINESS: None

DISCUSSION: None

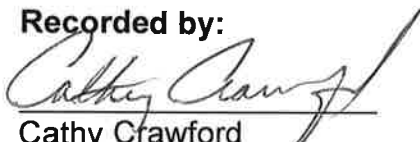
Staff Report:

Gina DelRose pointed out the Annual Reports presented to commission members and stated the members should feel free to ask any questions regarding the report. Gina DelRose introduced new commission member Natalie Mulhall, who spoke a few words. There was a reminder that the election of officers would take place at the next meeting. There are currently no cases for June and the next meeting will likely take place in July, 2020.

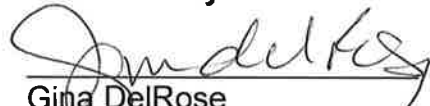
ADJOURNMENT:

The meeting adjourned at 6:22 p.m.

Recorded by:


Cathy Crawford
Administrative Assistant

Reviewed by:


Gina DelRose
Community Development Planner