

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION**

**Minutes**

**Tuesday June 8, 2021  
City Council Chambers  
401 Whitney Boulevard  
6:00 pm**

**ROLL CALL**

**Members Present:**

Carl Gnewuch, Chair  
Alissa Maher  
Art Hyland  
Robert Cantrell  
Andrew Racz  
Vacancy

**Staff Present:**

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

**Members Absent:**

Paul Engelman

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

**MINUTES:** It was moved and seconded (Hyland/Racz) to approve the minutes of the May 11, 2021 meeting. The motion carried with a 5-0 roll call vote.

**PUBLIC COMMENT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**2021-11: Barot, 817 North State Street (MA):** Application of property owner Jingsh Barot, 817 North State Street, Belvidere, IL for a map amendment (rezoning) at 817 North State Street, Belvidere, IL 61008 from SR-6, Single-family Residential-6 District to NB, Neighborhood Business District pursuant to the Belvidere Zoning Ordinance Section 150.903 Amendment to Official Zoning Map.

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

Gina DelRose was sworn in and summarized the staff report of June 1, 2021. Ms. DelRose stated the subject property has been a gas station since at least 1956, the same year that the City of Belvidere adopted its first zoning ordinance and map. In 2009, the nearby Citgo gas station went through similar rezoning and special use remedies because that location had similar circumstances.

The applicant seeks to bring the existing Marathon gas station into compliance with current codes; he also requests the ability to add video gaming machines and anticipates the building of a small addition in the future. In order for the business to

be in compliance with current codes, the property must first be rezoned to a commercial district. A special use permit for a planned development is also needed. There is no vacant land to incorporate into the subject property, therefore, the gas pump portion of the site will remain unchanged. As a first step of the compliance process, the applicant is requesting that the subject property be rezoned to NB, Neighborhood Business District in compliance with the Comprehensive Plan. The NB district requires restricted hours of operation and stricter design guidelines which will assist any future site improvements to better complement the adjacent residential properties.

Gina DelRose stated the planning staff believes the proposed rezoning is not more intense than the other uses in the general area and the use is part of the neighborhood. Due to potential hazards, it is unlikely the subject property will be redeveloped into a residence. The restrictions of the Neighborhood Business district will limit the intensity of permitted land uses, aesthetics of new construction and the size of development. The staff recommends approval of case 2021-11.

There were no questions for the staff from commissioners or from the applicant.

Gina DelRose stated the case had been published in the Boone County Journal on May 21, 2021 and certified mailings were sent to property owners within 250 feet of the subject property on May 18, 2021.

Alderman Dan Snow asked if there had been any responses to the certified mailings sent to property owners in the surrounding neighborhood.

Gina DelRose stated there had not been responses.

The applicant stated he had no further evidence to submit.

The public hearing was closed at 6:11 p.m.

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

It was moved and seconded (Cantrell/Hyland) to recommend approval of Case 2021-11. The motion carried with a 5-0 roll call vote.

**2021-12: Barot, 817 North State Street (SU):** Application of property owner, Jingshe Barot, 817 North State Street, Belvidere, IL for a special use to permit a planned development in the NB, Neighborhood Business District (pending rezoning approval) at 817 North State Street, Belvidere, IL 61008. The planned development will allow for the following departures: Sections 150.105(C)(3)(A)(1)(D) allowing parking in the required setbacks for principal buildings, 150.105(C)(3)(A)(1)(E) allowing a flat roof instead of a pitched roof, 150.105(C)(3)(A)(1) (F) decreasing the

minimum landscape surface ratio from 40% to 10%, 150.105(C)(3)(B)(2) allowing for in-vehicle sales and service and indoor commercial entertainment land uses, 150.204(D)(8)(A) removing the required bufferyard of 0.60 opacity, 150.702(J) allowing for curb cuts with widths up to 115 feet and 150.904 Special Use Review and Approval Procedures). The planned development is being requested in order to bring the existing gas station into compliance and to allow for video gaming.

The public hearing opened at 6:12 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on May 21, 2021 and certified mailings were sent to property owners within 250 feet of the subject property on May 18, 2021. Ms. DelRose summarized the staff report dated June 2, 2021.

Gina DelRose stated the subject property is less than one half-acre in size and has been part of the Original Town of Belvidere. It was developed with a gas station sometime in the mid 1950's. The applicant is requesting a planned development to bring the existing Marathon gas station into compliance with current codes. The applicant is also requesting the ability to add video gaming machines and anticipates a small addition to the station to be built in the future. In order for the business to be in compliance with current codes, the property must first be rezoned to a commercial district; following that a special use permit for a planned development is needed. Since there is no vacant land to incorporate into the site, the gas pump portion of the site will remain unchanged. The addition of landscaped areas will be used to help control the traffic movement on-site.

The request for the planned development includes seven deviations from the Zoning Ordinance: in-vehicle sales or service (the gas station use that currently exists) and indoor commercial entertainment (video gaming), yet parking is not permitted in the required setbacks; roofs must have a pitch; 40% of the property shall be landscaped; there shall be a 0.60 opacity bufferyard adjacent to residentially zoned property and curb cuts shall not exceed 35 feet. Although a majority of deviations are already existing and not expected to change, the curb cuts will be narrowed to an extent which will increase the landscape surface ratio. The permitted hours of operation will remain the same.

Gina DelRose stated that the special use process allows the staff the opportunity to modify the site to better suit traffic patterns as well as allowing the applicant to better serve his customers. The limit on business hours already in place in the Neighborhood Business District further limits the negative impacts to the neighboring properties.

Gina DelRose listed the benefits to the planned development and stated that the section of North State Street where the subject property exists is located in an

established neighborhood; however, the area is expected to transition to business uses in time.

The staff recommends approval of case 2021-12 subject to the following conditions:

1. The Planned Development shall be developed in substantial conformance with the site plan submitted with the application unless otherwise noted.
2. The new green space areas created between the curb cuts on East Macomb Street shall be installed in accordance with a landscape plan approved by staff.
3. The greenspace area where the freestanding sign is located shall be installed in accordance with a landscape plan approved by staff.
4. Alcohol consumption is only permitted in the gaming area.
5. The gaming area shall have a wall-like barrier and only be accessible by a designated entrance.
6. Parking spaces shall be striped as 9'x18'.
7. The Planned Development is granting only the following flexible standards: In-Vehicle Sales and Service and Indoor Commercial Entertainment shall be permitted (Section 150.105(C)(3)(B)(2), parking may be permitted in the required front yard setback along the north side of the property (Section 150.105(C)(3)(A)(1)(D), the roof may remain flat (Section 150.105(C)(3)(A)(1)(E), the landscape surface ratio may be 10% instead of 40% (Section 150.105(C)(3)(A)(1)(F), the required .60 opacity bufferyard along the east property line is not required (Section 150.204(D)(8)(A) and the curb cut along North State Street can be increased to 110 feet (Section 150.702(J).
8. The Planned Development shall be in compliance with all other applicable codes and ordinances.

Gina DelRose presented the site plan included in the staff report and clarified the location of the proposed landscaped areas and curb cuts, as well as parking. The opacity of the site was also explained.

The chair invited questions from the Commission for staff.

Chair Gnewuch asked if there may be dangers involved with landscaping due to the presence of underground tanks.

Gina DelRose stated the likelihood of danger is minimal as the effect of smaller plantings do not go into the ground far enough to disrupt the tanks.

There were no further questions from the commissioners.

The applicant had no testimony to offer.

Alderman Dan Snow asked if the landscape surface ratio takes into account any further additions that will be made to the property.

Gina DelRose stated that the addition would be in areas already paved.

The public hearing closed at 6:20 p.m.

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

It was moved and seconded (Cantrell/Hyland) to recommend approval of case 2021-12 subject to the eight conditions presented in the staff report. The motion carried with a 5-0 roll call vote.

Gina DelRose stated the case would go before the City Council on June 21 for a first and silent reading, and on July 6, 2021 for a final reading and vote.

**OTHER BUSINESS:** None

**DISCUSSION:** None

**Staff Report:**


Gina DelRose stated there would be no cases before the Planning Commission in July, but that she anticipates more further into the summer. There is a vacancy on the Commission; the vacancy will be published in the Boone County Journal for the next few weeks.

Gina DelRose stated the Commission will have elections in August.


**ADJOURNMENT:**

The meeting adjourned at 6:28 p.m.

**Recorded by:**

  
Cathy Crawford  
Administrative Assistant

**Reviewed by:**

  
Gina DelRose  
Community Development Planner