

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION AGENDA  
Tuesday, June 8, 2021  
City Council Chambers  
401 Whitney Boulevard  
6:00 pm**

**ROLL CALL**

**Members:**

Carl Gnewuch, CHM  
Alissa Maher  
Andrew Racz  
Paul Engelman  
Robert Cantrell  
Art Hyland  
Vacant

**Staff:**

Gina DelRose, Community Development Planner  
Cathy Crawford, Administrative Assistant

**MINUTES:** Approve the minutes of the May 11, 2021 meeting.

**PUBLIC COMMENT:**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

**2021-11: Barot, 817 North State Street (MA)** Application of property owner Jingshe 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. PIN: 05-26-253-001.

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

**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. PIN: 05-26-253-001.

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

**OTHER BUSINESS: None.**

**DISCUSSION:**

**Staff report**

**ADJOURNMENT**

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION**

**Minutes**

**Tuesday April 13, 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 6:01 p.m.

**MINUTES:** It was moved and seconded (Mulhall/Cantrell) to approve the minutes of the February 9, 2021 meeting. The motion carried with a 6-0 roll call vote.

**PUBLIC COMMENT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**2021-08: Deuce's Wild Hospitality, LLC:** Application of Deuce's Wild Hospitality, LLC, 7548 Western Gales Drive, Rockford, IL 61107 on behalf of the property owner, Logan Square Plaza Inc., 2777 Finley Road, 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.

The public hearing was opened at 6:03 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on March 26, 2021 and certified mailings were sent to property owners within 250 feet of the subject property on March 16, 2021. Ms. DelRose summarized the staff report dated April 6, 2021.

Ms. DelRose stated that Ordinance 254H permitted indoor commercial entertainment establishments in several tenant spaces of the strip mall. One establishment never opened and the other operated but has been closed for over a year, therefore, the special use has expired. The applicant is requesting a special use in order to operate a bar and video gaming business in the same location as was previously allowed and operational. The zoning district allows for food establishments by right and bars/taverns and arcades by special use.

The subject location is the only currently unoccupied tenant space in the strip mall and sufficient parking exists for the proposed use.

Gina DelRose provided a history of the special use for Indoor Commercial Entertainment and stated that the State allows for six video gaming machines per establishment. The City of Belvidere voted in 2020 to increase the limit on the number of gaming establishments from 30 to 40. The applicant is aware the granting of a special use does not guarantee them a license.

Gina DelRose stated that the staff recommends approval of Case 2021-08 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.

The Chair invited questions from the Commission. Seeing none, the Chair invited questions for Ms. DelRose from the applicant or audience. There were none.

The Chair invited the applicant to speak.

Rose Mary Leggio stated she wished to operate the proposed business to provide her family a business to operate into the future.

Chair Gnewuch asked Ms. Leggio why she chose Belvidere.

Rose Mary Leggio stated that she operates a successful business in Rockford that also has video gaming. Ms. Leggio stated Rockford has placed a cap on such establishments and Belvidere is still available. Ms. Leggio stated the video gaming helped her weather the economic crises from the pandemic.

Natalie Mulhall asked Ms. Leggio if the proposed establishments will be similar to her existing business, Cucina da Rosa, in Rockford.

Rose Mary Leggio stated it will not offer as extensive a menu but food will be available.

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

It was motioned 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/Hyland) to recommend approval of Case 2021-08 subject to the three conditions proposed by the staff. The motion carried with a 6-0 roll call vote.

Gina DelRose stated the case would go before the City Council for a first reading on April 19, 2021 and for a second reading and final vote on May 3, 2021.

**OTHER BUSINESS:** None

**DISCUSSION:** None

**Staff Report:**

Gina DelRose stated there will be two cases before the Commission in May. There will be another special use for indoor commercial entertainment and a text amendment to clean up various minor issues of language in the Zoning Ordinance.

**ADJOURNMENT:**

The meeting adjourned at 6:17 p.m.

**Recorded by:**

**Reviewed by:**

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Cathy Crawford  
Administrative Assistant

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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**

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June 1, 2021

**ADVISORY REPORT**

**CASE NO:** 2021-11

**APPLICANT:** Barot, 817 North State Street (RZ)

**REQUEST AND LOCATION:**

The applicant and property owner Jingshe Barot, 817 North State Street, Belvidere, IL is requesting a map amendment (rezoning) for 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 subject property is 16,691 square feet in size and is currently developed with a gas station and parking area (PIN: 05-26-253-001). See attached aerial photo.

**BACKGROUND:**

According to Polk's Directories, the 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 Citgo gas station at 717 North State Street, having similar circumstances, went through the rezoning and special use process as well.

The applicant is currently attempting to bring the existing Marathon gas station at 817 North State Street into compliance with current codes. The applicant is also requesting the ability to add video gaming machines and anticipates constructing a small addition onto the building 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; then a special use permit for a planned development is needed. Since there is no vacant land to incorporate within the site, the gas pump portion of the site will remain unchanged. As the first step of the compliance process, the applicant is requesting that the subject property be rezoned to NB, Neighborhood Business, in compliance with the Comprehensive Plan. The NB district requires restricted hours of business and stricter design guidelines which will assist any future site improvements to better complement the adjacent residential properties.

**FINDINGS OF FACT:**

Per Section 150.903 (D) of the City of Belvidere Zoning Ordinance, the criteria for granting an Amendment of the Official Zoning Map are as follows:

- A. Existing uses and intensities of property within the general area of the property in question.**

Findings:

**Subject property:** Clark gas station and accessory convenience store

**All adjacent property:** Mix of single and multi-family residential

The Neighborhood Business zoning allows for both residential and commercial uses; the more intense uses within each category are permitted by special use approval. The design standards for the district require windows, pitched roofs, masonry materials and increased landscaping in an effort to create structures that are more aesthetically compatible with neighboring residences. As such, the proposed rezoning is compatible with the existing neighborhood and will assist in making the current gas station more compatible as it evolves.

**B. The zoning classification of property within the general area of the property in question.**

Findings:

**Subject property:** SR-6, Single Family Residential-6 District

**All adjacent property:** SR-6, Single Family Residential-6 District

The subject property is located at the corner of North State and East Macomb Streets which is a primarily single-family-residential neighborhood containing some multi-family conversions, two gas stations and various other non-residential uses nearby. The North State Street commercial corridor begins one block north of the subject property and the Boone County Courthouse and Public Safety Building are nearby. The smaller businesses located along State Street are zoned SR-6 and, like the subject property, are presumed to be operating as a grandfathered use. As these business want to expand or alter their site layouts they too will need to rezone and follow through a similar process.

**C. The suitability of the property in question for the uses permitted under the existing zoning classification.**

Findings: The property is not suitable for the existing zoning classification in its current state with the existing improvements located on the subject property.

The existing use on the subject property is not suitable for any residential zoning classification. The subject property is developed with a gas station that contains a convenience store and a large paved area for vehicular traffic. In order to construct a single family residence on the site, a complete demolition of the site would need to occur and any potential hazards such as underground storage tanks would need to be safely removed. However, by rezoning the subject property to a more compatible district, when improvements are made to the current business the site will be brought into compliance. In turn, the site will be more compatible with the surrounding neighborhood.

**D. The trend of development, if any, in the general area of the property in question, including changes (such as the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), if any, that may have taken place since the day the property in question was placed in its present zoning classification and that make the property more appropriate for a different zoning district.**

The original 1956 zoning map shows the property as being zoned multi-family and was later changed to single-family (as represented on the current zoning map); however, the gas station

was in operation since the 1956 zoning map, thus making it a legal non-conforming use. The legal non-conforming status is the reason the station has been allowed to operate under residential zoning classifications. Staff is unsure why past and current zoning maps show the property zoned residential when a commercial use was already onsite. Gas stations do not generally go out of business and the property does not generally change land uses due to the underground infrastructure gas stations require.

**E. Whether the proposed amendment is consistent with the plans and policies of the Comprehensive plan adopted by the City**

Findings: The proposed rezoning is consistent with the plans and policies of the Comprehensive plan adopted by the City.

The subject property is designated as "Neighborhood Business" by the City of Belvidere's 1999 Comprehensive Plan. The neighborhood business use category encourages residential, office and neighborhood, supporting institutional and commercial uses which preserve the residential character through building scale, building appearance, landscaping and signage. The applicant wishes to rezone to Neighborhood Business in compliance with the Plan and renovations done to the building will need to be in compliance with the zoning ordinance which further the goals of the Plan. In addition, a gas station does not generally locate in isolated areas because it is not a destination business but rather one whose customers either pass by or live near-by, making it more of a neighborhood business.

**F. Whether the proposed Official Zoning Map amendment furthers the purposes of the Zoning Ordinance and the applicable rules and regulations of the State of Illinois and the Federal Emergency Management Agency (FEMA).**

Findings: The proposed Official Zoning Map amendment will further the purposes of this Chapter and the applicable rules and regulations of the State of Illinois and the Federal Emergency Management Agency (FEMA).

The subject property is currently developed with a legal non-conforming use. The rezoning will help bring the business into compliance with the zoning ordinance. All future development will be required to adhere to all applicable codes and ordinances in addition to advised recommendations for development that may be provided by agencies at a later date.

**G. Whether a mistake was made in mapping on the Official Zoning Map or if an area is developing in a manner and purpose different from that for which it is mapped.**

Findings: This criterion does not apply to this case.

**SUMMARY:**

The planning staff believes that the proposed rezoning for the subject site is not more intense than the other uses in the general area. The gas station is a part of the neighborhood and due to potential hazards, the likelihood of the property being redeveloped into a residence is minimal. The Neighborhood Business District requirements will limit the intensity of permitted land uses, aesthetics of new construction and the size of development. These regulations will lessen any negative impacts the rezoning may cause to the neighborhood.

**RECOMMENDATION:**

The Planning staff recommends the approval of case number 2021-11 to rezone 817 North State Street from SR-6 Single-family Residential-6 District to NB Neighborhood Business.

**Submitted by:**

  
Gina DelRose, Community Development Planner

**PLANNING AND ZONING COMMISSION/CITY COUNCIL ACTION**

The Planning and Zoning Commission shall make and forward findings of fact as to the whether the proposed map amendment furthers the purposes of the Zoning Ordinances and make a recommendation to the City Council. The City Council shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the City Council may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed map amendment.



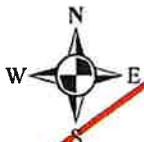
**ATTACHMENTS**

1. Location Map by Planning Staff.
2. Aerial photo by Planning Staff.
3. Zoning Map by Planning Staff.
4. Narrative submitted by Applicant.
5. Site plan and floor plans submitted by Applicant.
6. Letter submitted by Amanda Mehl, Boone County Health Department dated May 21, 2021.
7. NRI submitted by Bill Hall, Boone County Soil and Water Conservation District dated April 20, 2021.

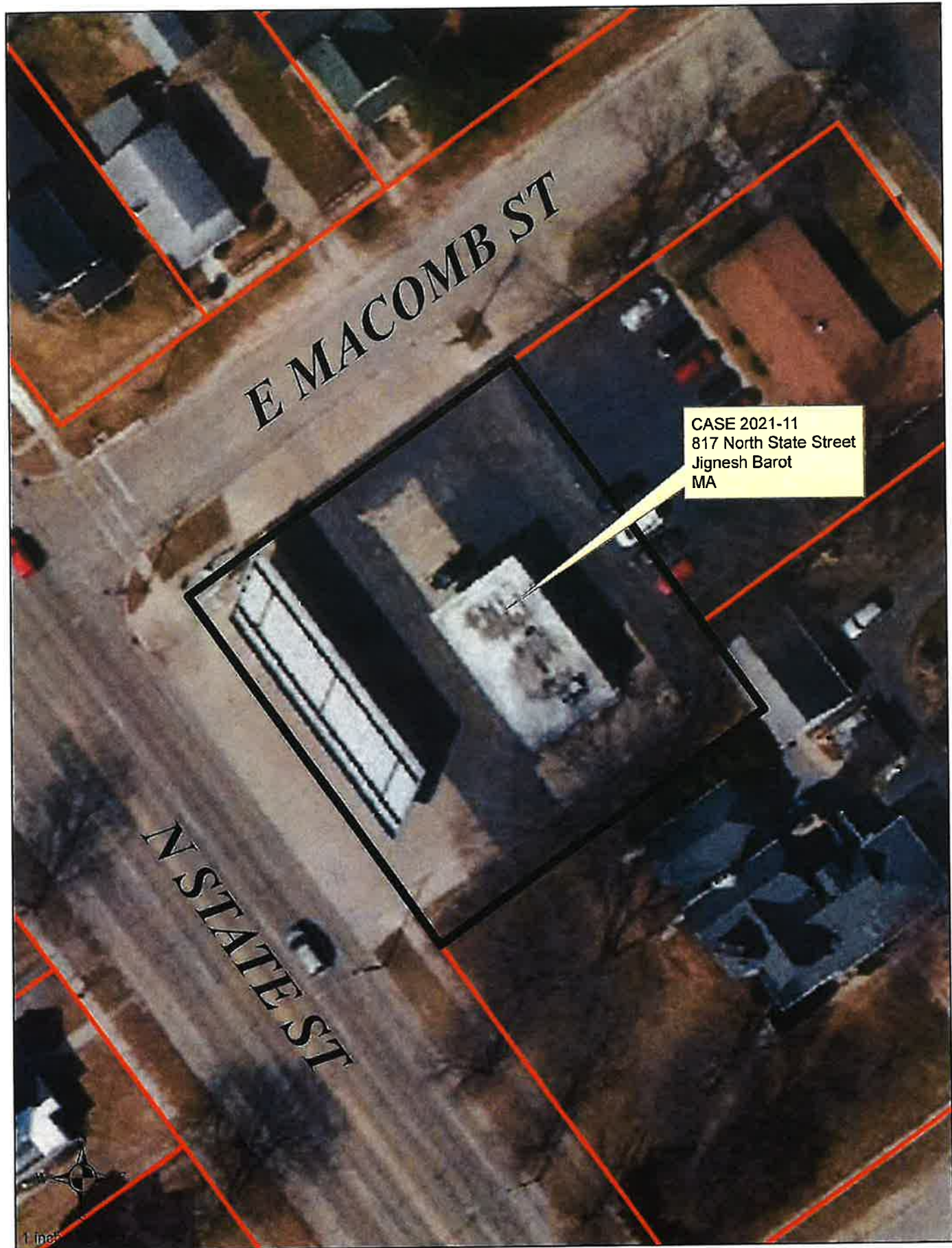
**E MACOMB ST**

**N STATE ST**

CASE 2021-11  
817 North State Street  
Jignesh Barot  
MA



1 inch = 37 feet



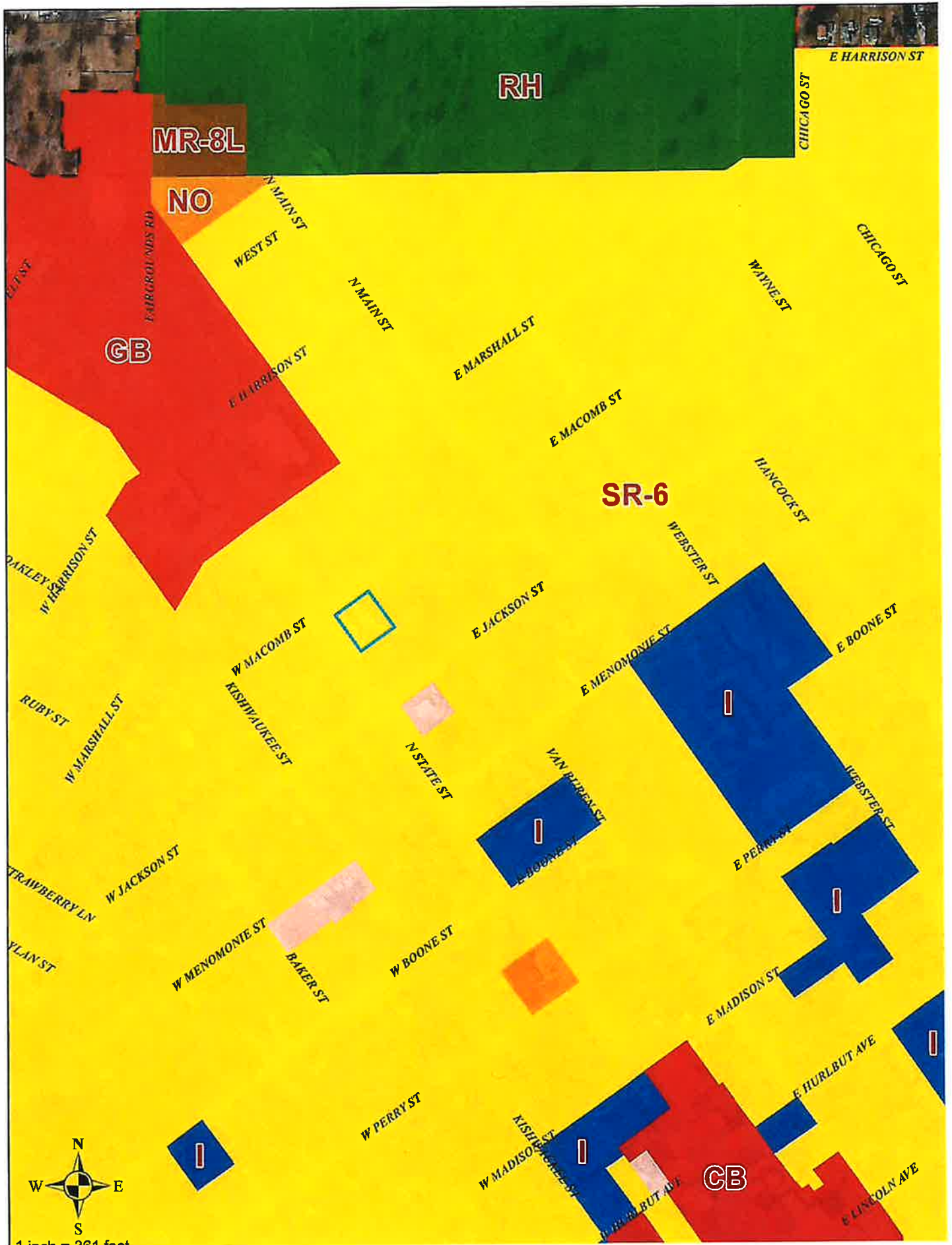
E MACOMB ST

N STATE ST

CASE 2021-11  
817 North State Street  
Jignesh Barot  
MA

1 inch





RH

MR-8L

NO

GB

SR-6

CB

E HARRISON ST

CHICAGO ST

CHICAGO ST

WAYNE ST

E MARSHALL ST

E MACOMB ST

HANCOCK ST

WEBSTER ST

E JACKSON ST

E MENOMONEE ST

E BOONE ST

N STATE ST

VAN RIPEN ST

JUBSTER ST

W MARSHALL ST

W MACOMB ST

W MENOMONEE ST

BAKER ST

W BOONE ST

E MADISON ST

W JACKSON ST

W PERRY ST

E HURLBUT AVE

W MADISON ST

E LINCOLN AVE



1 inch = 361 feet

**City of Belvidere**  
401 Whitney BLVD, SUITE 300,  
Belvidere IL 61008

**Subject :** Request of a zoning change for the 817 North State Street

**Respected City Council Members,**

I am the property owner of 817 North State Street, needs to rezone my property from "Residential" to "Commercial". Reason behind the rezoning is We want to add video gaming at our location. and bring existing gas station into compliance. The goal is to expand the building at a later date JB

The current special use for a planned development will include the following -

gas station  
videogaming  
lot coverage  
curb cuts  
pavement setbacks  
Building setbacks  
parking spaces

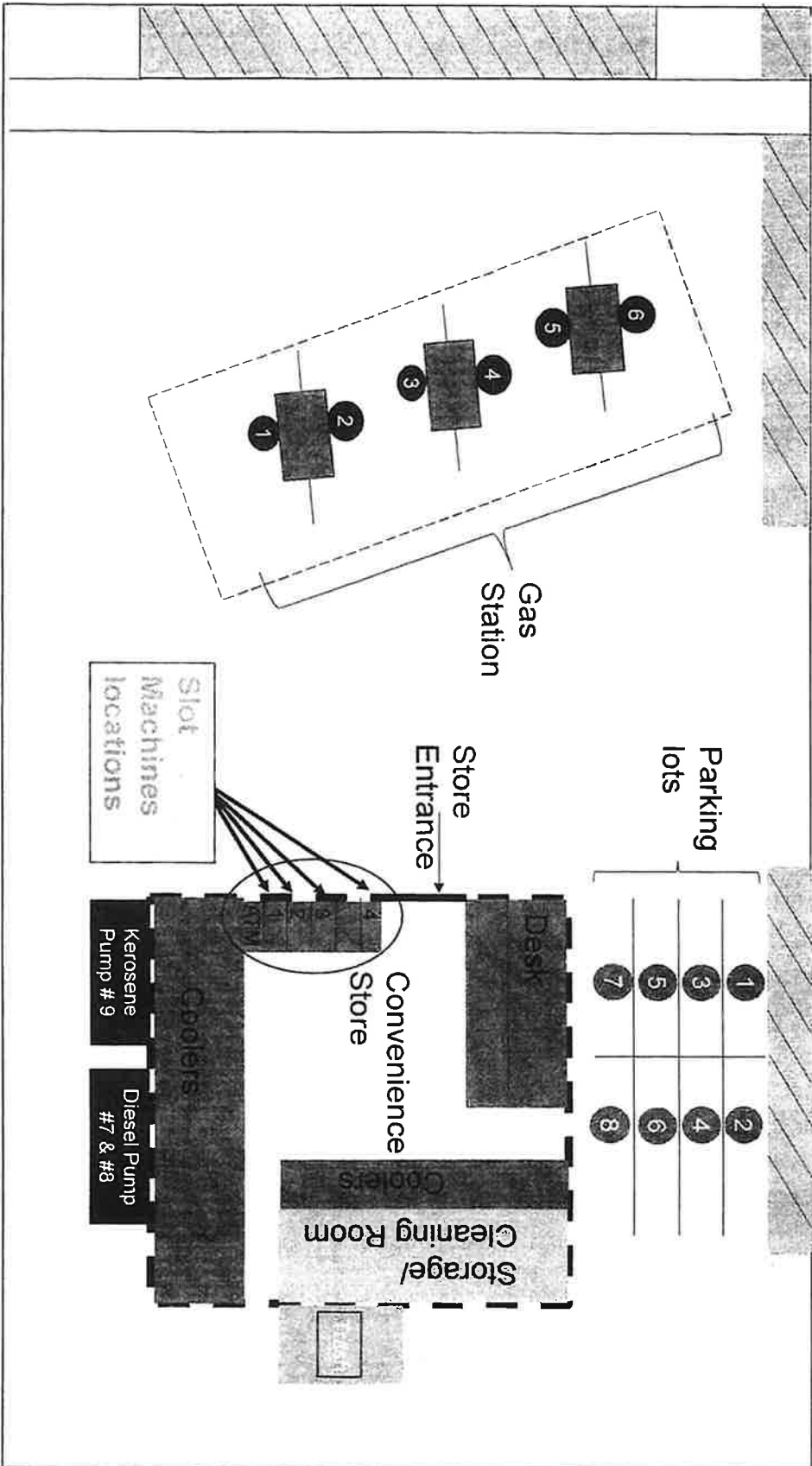


Thanks & Regards,

Jignesh Barot

E Maccomb St

N State Street



Satellite View Overview





**Public Health**  
Prevent. Promote. Protect.

## 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

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*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.*

May 21, 2021

FAX: 815-547-0789

Gina DelRose  
Community Development Planner  
401 Whitney Blvd Suite 300  
Belvidere, IL 61008

Re: Cases: 2021-11 (RZ) and 2021-12 (SU): Barot, 817 North State Street

Dear Gina,

We are in receipt of 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. To bring the existing gas station into compliance and allow for video gaming on less than one-half acre. PIN: 05-26-253-001

The Boone County Health Department has no comments.

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

Thank you,

Amanda Mehl  
Administrator

AT



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

April 20, 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:** 817 N. State St., Belvidere  
**PIN(S):** 05-26-253-001

Contact	Petitioner	Owner
Jignesh Barot	Same	Same
817 N. State Street		Same
Belvidere, IL 61008		Same
815-544-2524		Same

**Request:** Rezoning the existing gas station from SR-6 to NB and allowing for a planned development to bring the gas station into compliance and add video gaming.

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

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June 2, 2021

**ADVISORY REPORT**

**CASE NO:** 2021-12

**APPLICANT:** Barot, 817 North State Street (SU)

**REQUEST AND LOCATION:**

The applicant and property owner, Jingesh Barot, 817 North State Street, Belvidere, IL is requesting 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 subject property is 16,691 square feet in size and is currently developed with a gas station and parking area (PIN: 05-26-253-001). See attached aerial photo.

**EXISTING LAND USE ON SUBJECT PROPERTY AND ADJACENT PROPERTY:**

**Subject property:** Marathon Gas Station

**Adjacent property:**

**North, South and West:** Residential

**East:** Medical Office

**CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:**

**Subject property:** NB, Neighborhood Business District (pending rezoning)

**All Adjacent property:** SR-6, Single-family Residential-6 District

**COMPREHENSIVE PLAN:**

**Subject property:** Neighborhood Business

**Adjacent property:**

**North:** Neighborhood Business and Single Family

**East:** Single Family

**South and West:** Neighborhood Business

**BACKGROUND:**

The subject property is less than a half-acre in size and is part of the Original Town of Belvidere. It was developed with a gas station in the mid 1950s.

The applicant is requesting a planned development to bring the existing Marathon gas station at 817 North State Street into compliance with current codes. The applicant is also requesting the ability to add video gaming machines and anticipates constructing a small addition onto the building 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; then a special use permit for a planned development is needed. Since there is no vacant land to incorporate within the site, the gas pump portion of the site will remain unchanged. The addition of landscaped areas will be used to help control traffic movement on-site.

The request for the planned development includes seven deviations from the Zoning Ordinance; in-vehicle sales or services (gas stations) and indoor commercial entertainment (video gaming) are both special uses within the Neighborhood Business District while parking is not permitted in the required setbacks; roofs must have a pitch; 40% of the property shall be landscaped; there shall be a .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 from 6am to 11pm, further limiting potential negative impacts from the planned development.

**TREND OF DEVELOPMENT:**

The subject property is located along North State Street in an area that is predominantly residential. There are nearby institutional and commercial land uses that have existed within the neighborhood for decades. There have been minimal changes in nearby land uses.

**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.

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**FLEXIBLE DEVELOPMENT STANDARDS:**

According to Section 150.907 (B) (1) A. of the City of Belvidere Zoning Ordinance, new and alternative standards may be approved for a development by the city. The applicant is requesting the following standards specific to this project.

**Zoning Ordinance:**

- **Article I, Section 150.105 (C) (3), Neighborhood Business District, (A)**
  1. **Neighborhood Business Architectural Requirements**
    - D. **No parking in required setbacks for principal buildings**

Currently there are eight parking spaces to the north of the building. Two of those parking spaces are within the required front yard setback (25 feet). Although the gas station land use only requires five parking spaces, due to the requested increase in land uses in addition to the anticipated expansion, allowing all eight parking spaces to remain would be recommended.

- **Article I, Section 150.105 (C) (3), Neighborhood Business District, (A)**

**1. Neighborhood Business Architectural Requirements**

**E. Residential architectural and landscaping requirements include: foundation planting, pitched roof, 15% window covering, natural materials (brick, wood, stone)**

The subject property is currently developed with a gas station and convenience store with a flat roof that was constructed prior to the current code.

- **Article I, Section 150.105 (C) (3), Neighborhood Business District, (A)**

**1. Neighborhood Business Architectural Requirements**

**F. Minimum Landscape Surface Ratio (LSR): 40%**

The site is already developed with an excessive amount of impermeable surface (approximately 90%). Although staff will be conditioning the applicant to install landscaped areas, meeting the 40% requirement is not practical as the site is already developed, due to the nature of the business and the size of the subject property.

- **Article I, Section 150.105 (C) (3), Neighborhood Business District, (B)**

**2. Permitted as a Special Use**

**In-Vehicle Sales or Service**

The subject property is currently developed with a gas station and convenience store which were constructed prior to the current code. The station has been operating as a legal non-conforming use. Due to the desire to add additional land uses and construct an addition at a later date, the subject property must be brought into compliance with the current zoning regulations.

- **Article I, Section 150.105 (C) (3), Neighborhood Business District, (B)**

**2. Permitted as a Special Use**

**Indoor Commercial Entertainment**

The applicant is requesting to install video gaming machines inside the gas station in order to increase revenues. The gaming machines will be to the right of the entrance doors in the cashier's line of sight. A barrier will need to be installed to prevent underage customers from entering the gaming area where open alcohol would be permitted.

- **Article I, Section 150.204(D)(8), In-Vehicle Sales or Service**

**(A) Regulations**

**6. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property.**

Although the property to the east is developed with a medical office, it is zoned for residential use. Both properties have pavement extending all the way to the property line, leaving no room for landscaping. In order to meet the .60 bufferyard requirements, landscaping and fencing would need to be at least 20 feet in width, prohibiting vehicle access around the building which is setback 26 feet from the property line.

- **Article I, Section 150.702 Access Standards**

**(J) Width of Driveways**

**... All access drives shall have a maximum width of 30 feet for all residential uses, and 35 feet for all non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional offset in either direction.**

The curb cuts currently range from 93 feet to 115 feet in width. The applicant will be conditioned to narrow the curb cuts. In order to permit proper vehicle circulation, the curb cuts may still be wider than the permitted 35 feet.

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**FINDINGS OF FACT:**

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use (Planned Development) Permit are as follows:

- A. Findings: The establishment, maintenance, or operation of the Planned Development will not be completely unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The Planned Development is being requested so that an existing gas station may expand its offerings to include video gaming machines and potentially expand the convenience store in the future. The gas station has existed in its current location since at least 1956 and staff is unaware of any negative situations occurring due to the gas station. Allowing the gas station to expand will not only allow the owner to better serve his customers but the special use process also allows staff the opportunity to modify the site to better suit traffic patterns as well. Requirements found within the Neighborhood Business district restricts hours of operations which will lessen potential negative impacts the gas station and/or video gaming machines could have on surrounding properties.

- B. Findings:** The requested Planned Development, 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 development of a gas station and convenience store offers services from which the whole community can benefit. The Comprehensive Plan for the subject property calls for Neighborhood Business development encouraging residential, office and neighborhood supporting institutional and commercial uses preserving the residential character through building scale, building appearance, landscaping and signage. The primary use of the property will still be of a public service nature and the amount of traffic generated from a gas station and convenience store of this size would be similar to other allowable land uses. Since the hours of operation are not expanding, the addition of video gaming machines and on-site alcohol consumption is not anticipated to create a negative impact. The applicant's desire to expand the convenience store to better serve his customers has created the need for rezoning and special use approvals on the subject property.

- C. Findings:** The Planned Development will not in its proposed location and as depicted on the required site plan, completely 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 section of North State Street where the subject property is located is an established neighborhood. Although little redevelopment has occurred to date, it is expected to transition to business uses in time. The use of the subject property is not significantly changing from its current use. The video gaming machines and alcohol consumption area will be restricted to a portion of the building and be required to have a barrier preventing access to underage customers. In addition, staff has the opportunity to modify the vehicular traffic area to improve movement patterns.

- D. Findings:** The establishment of the Planned Development 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 section of North State Street where the subject property is located is expected to transition to business uses in time. Since the neighborhood business district requires design guidelines that are similar to residential structures, conversion of existing structures is encouraged. Even though the applicant is requesting to expand the current land uses, due to the size of the building and property in addition to the limited hours of operation, the planned development is not anticipated to impede surrounding properties from experiencing similar redevelopment.

- E. **Findings:** The proposed Planned Development 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 Planned Development is located within an established neighborhood that is currently served by adequate municipal utilities and agencies.

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

The use of the property is not significantly changing nor are the requested deviations. By bringing the subject property into compliance, it allows for the future expansion of the convenience store to better serve customers and to better reflect the design guidelines of the neighborhood. It also gives staff the opportunity to modify and improve the vehicular traffic pattern and to limit the availability of video gaming machines by limiting the hours of operation from 6am to 11pm.

**SUMMARY OF FINDINGS:**

The Planned Development is being requested so that an existing gas station may expand its offerings to include video gaming machines and potentially expand the convenience store in the future. The gas station has existed in its current location since at least 1956 and staff is unaware of any negative situations occurring due to the gas station. Allowing the gas station to expand will not only allow the owner to better serve his customers but the special use process also allows staff the opportunity to modify the site to better suit traffic patterns as well. Requirements found within the Neighborhood Business district restricts hours of operations from 6am to 11pm which will lessen potential negative impacts the gas station and/or video gaming machines could have on surrounding properties.

The development of a gas station and convenience store offers services that the whole community can benefit from. The Comprehensive Plan for the subject property calls for Neighborhood Business development encouraging residential, office and neighborhood supporting institutional and commercial uses preserving the residential character through building scale, building appearance, landscaping and signage. The primary use of the property will still be of a public service nature and the amount of traffic generated from a gas station and convenience store of this size would be similar to other allowable land uses. Since the hours of operation are not expanding, the addition of video gaming machines and on-site alcohol consumption is not anticipated to create a negative impact. The applicant's desire to expand the convenience store to better serve his customers has created the need for rezoning and special use approvals on the subject property.


The section of North State Street where the subject property is located is an established neighborhood. Although little redevelopment has occurred to date, it is expected to transition to business uses in time. The use of the subject property is not significantly changing from its current use. The video gaming machines and alcohol consumption area will be restricted to a portion of the building and be required to have a barrier preventing access to underage customers. In addition, staff has the opportunity to modify the vehicular traffic area to improve movement patterns.

**RECOMMENDATION:**

Planning staff recommends the **approval** of case number **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.

**Submitted by:**

  
\_\_\_\_\_  
Gina DelRose,  
Community Development Planner

**PLANNING AND ZONING COMMISSION/CITY COUNCIL ACTION**

The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed planned development with the standards and make a recommendation to the City Council. The City Council shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the City Council may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed planned development.

**ATTACHMENTS:**

1. Location Map by Planning Staff.
2. Aerial Photo by Planning Staff.
3. Narrative Submitted by the Applicant.
4. Site Plans Submitted by the Applicant.
5. NRI submitted by the Boone County Soil and Water Conservation District, Bill Hall, April 20, 2021.
6. Letter Submitted by the Boone County Health Department, Amanda Mehl, May 21, 2021.



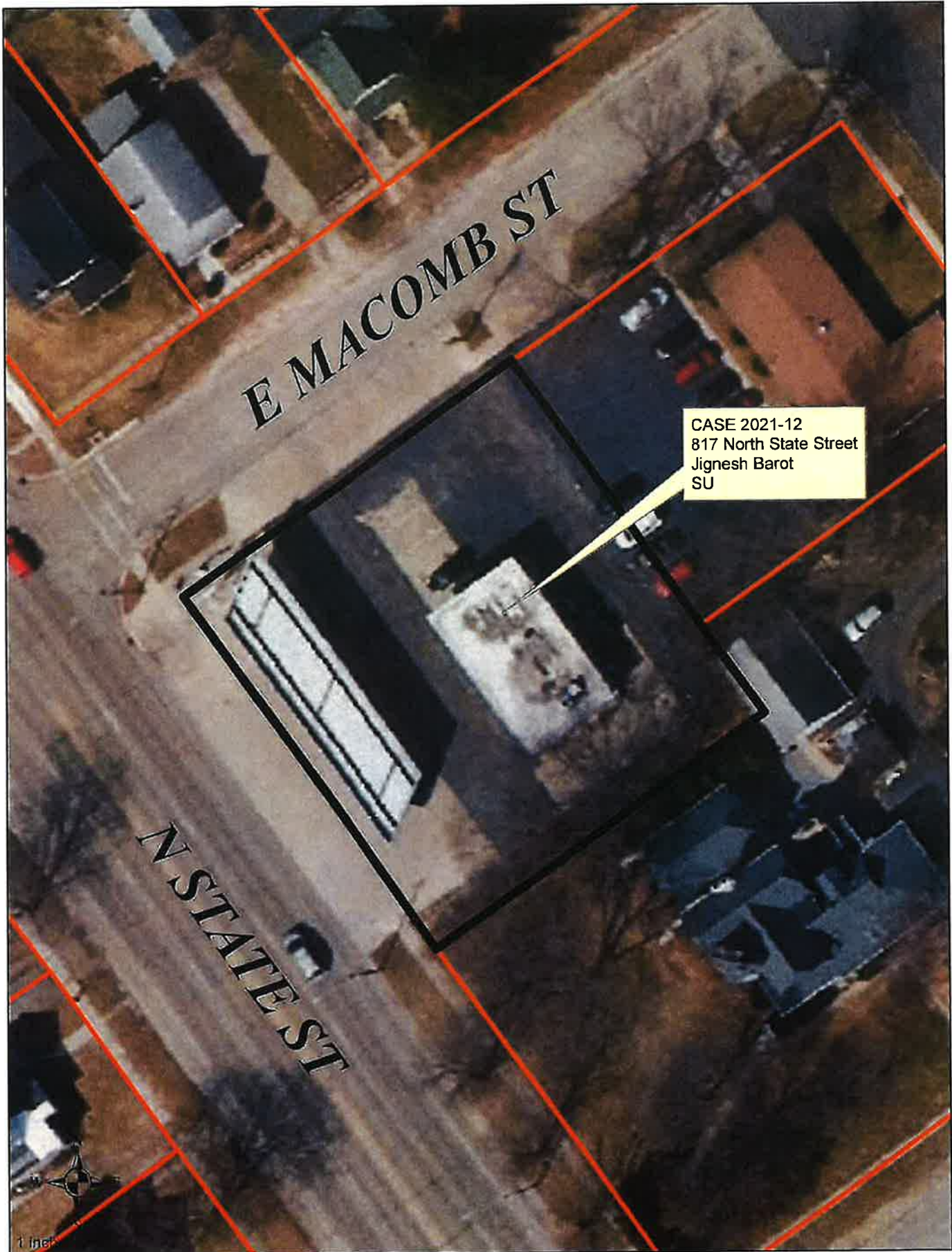
**E MACOMB ST**

**N STATE ST**

CASE 2021-12  
817 North State Street  
Jignesh Barot  
SU



1 inch = 37 feet



CASE 2021-12  
817 North State Street  
Jignesh Barot  
SU

**City of Belvidere**  
401 Whitney BLVD, SUITE 300,  
Belvidere IL 61008

**Subject :** Request of a zoning change for the 817 North State Street

**Respected City Council Members,**

I am the property owner of 817 North State Street, needs to rezone my property from "Residential" to "Commercial". Reason behind the rezoning is We want to add video gaming at our location. and bring existing gas station into compliance. The goal is to expand the building at a later date JB

The current special use for a planned development will include the following -

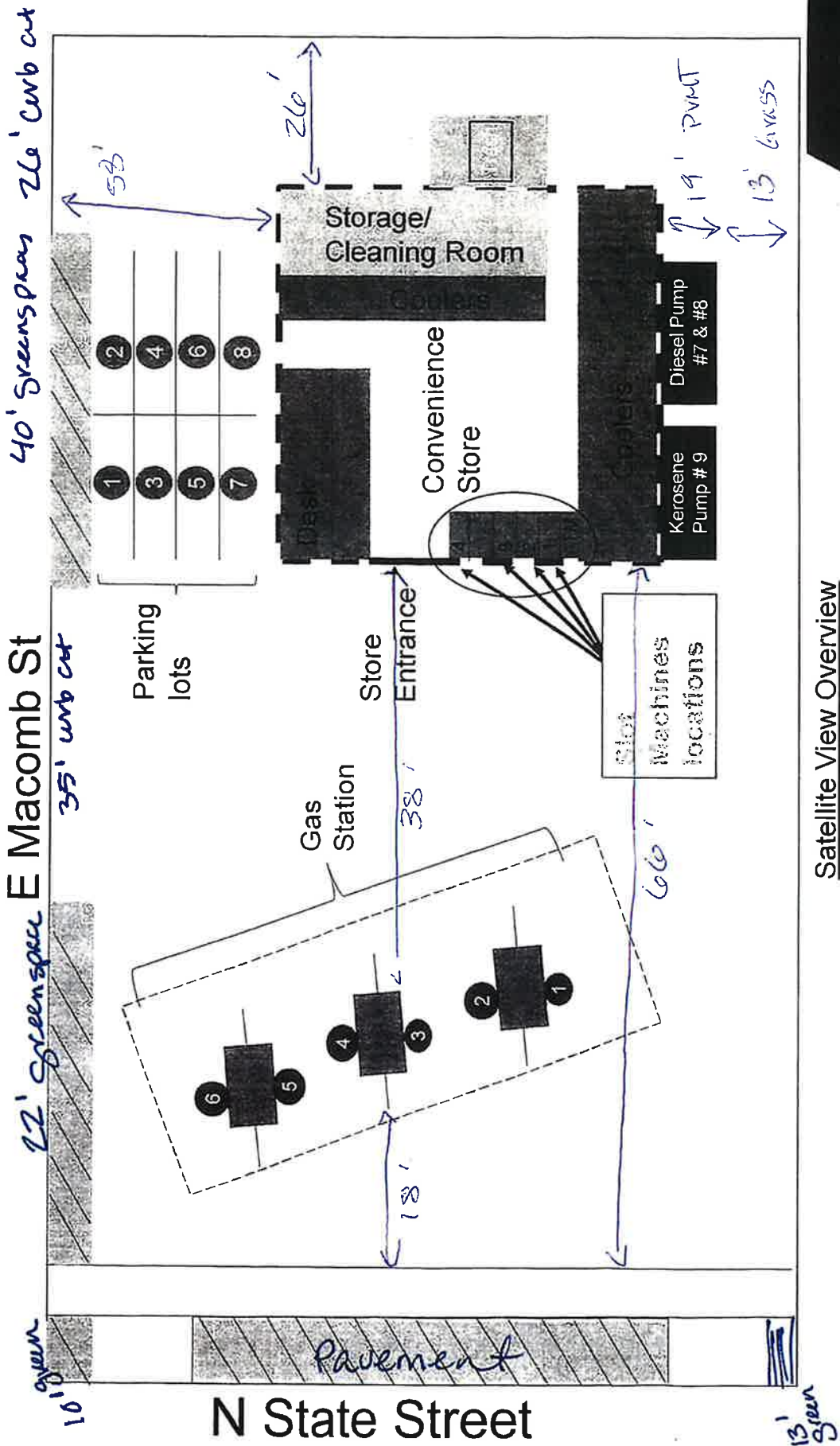
gas station  
videogaming  
lot coverage  
curb cuts  
pavement setbacks  
Building setbacks  
parking spaces



Thanks & Regards,

Jignesh Barot

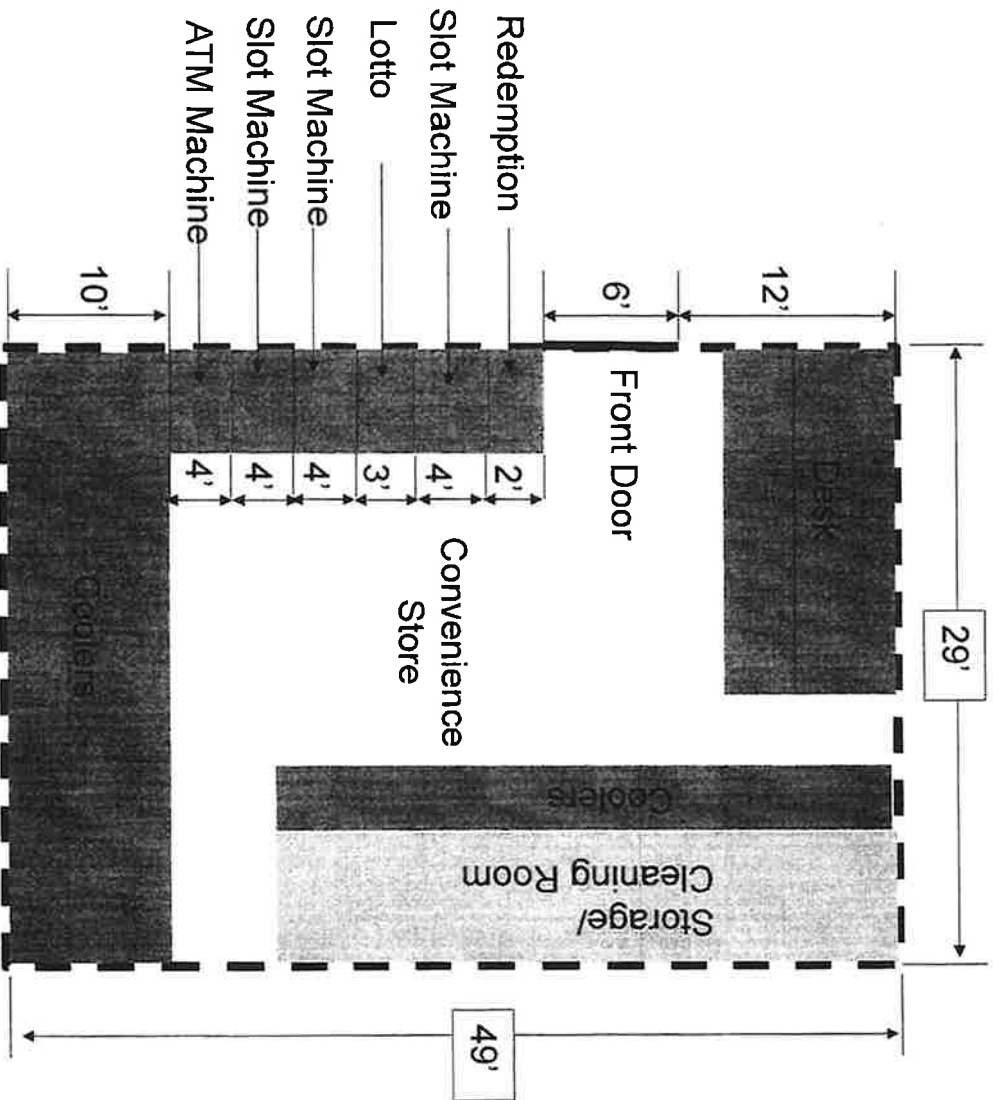




Satellite View Overview

Bldgs - 48x30  
 Signs - 10' setbacks  
 a little grass  
 Grass - 13 x 124

Figure 6 Barof 201.0308-1104





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

April 20, 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:** 817 N. State St., Belvidere  
**PIN(S):** 05-26-253-001

Contact	Petitioner	Owner
Jignesh Barot	Same	Same
817 N. State Street		Same
Belvidere, IL 61008		
815-544-2524		Same

**Request:** Rezoning the existing gas station from SR-6 to NB and allowing for a planned development to bring the gas station into compliance and add video gaming.

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

Sincerely,

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

Bill Hall

Boone County Soil &  
Water Conservation District



**Public Health**  
Prevent. Promote. Protect.

## 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](http://www.boonehealth.org)

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*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.*

May 21, 2021

FAX: 815-547-0789

Gina DelRose  
Community Development Planer  
401 Whitney Blvd Suite 300  
Belvidere, IL 61008

Re: Cases: 2021-11 (RZ) and 2021-12 (SU): Barot, 817 North State Street

Dear Gina,

We are in receipt of 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. To bring the existing gas station into compliance and allow for video gaming on less than one-half acre. PIN: 05-26-253-001

The Boone County Health Department has no comments.

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

Thank you,

Amanda Mehl  
Administrator

AT

# BELVIDERE

## Community Development Department Planning Department

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

### May 2021 Monthly Report

Number	Project	Description	Processed
<b>Belvidere Projects</b>			
2	Cases: May	425 Beloit Road, SU	4/12/2021
		City of Belvidere, TA	4/13/2021
2	Cases: June	817 N. State Street, RZ	4/26/2021
		817 N. State Street, SU	4/26/2021
0	Annexation		
0	Temporary Uses	None	
1	Site Plans (New/Revised)	115 W. Locust Street	5/26/2021
0	Final Inspection	None	
0	Downtown Overlay Review	None	
4	<b>Prepared Zoning Verification Letters</b>	1005 North Avenue (East half)	5/6/2021
		1005 North Avenue (West half)	5/6/2021
		1320-1322 Carolyn Court	5/27/2021
		1326-1328 Carolyn Court	5/27/2021
0	<b>Issued Address Letters</b>		
	Belvidere Historic Preservation Commission	Staff continues to work with potential applicants for the property maintenance grant. The Commission decided on the recipients of the 2021 Awards Program. Staff along with Commission members welcomed representatives of the US Route 20 Associational and Zero to Epic to Belvidere.	
	Heritage Days	Continued working with partnering organizations on potential activities. Staff has reached out to potential sponsors. Staff began collecting vendor forms.	
	Hometown Christmas Buchanan Street Strolls	None Staff continues to reach out to vendors and respond to questions from the public and potential sponsors.	
<b>Poplar Grove Projects</b>			
0	Cases: May	None	
2	Cases: June	Village of Poplar Grove, TA Concorde Crossing, VA	3/19/2021



**Planning Monthly Report Cont.**

- 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

**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 continued to communicate with recipients of the downtown façade grant

\*\*\* Staff continues to reach out to the public to fill the vacancies on the Historic

Preservation Commission and the Planning and Zoning Commission

**CITY 2021**

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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**June**

4/26/2021	GD	2021-11	<b>MA</b>	Jignesh Barot	6/8/2021	6/14/21	7/5/21
4/26/2021	GD	2021-12	<b>SU</b>	Jignesh Barot	6/8/2021	6/14/21	7/5/21

**July**


<b>Variation</b>	<b>1</b>
<b>Map Amendment</b>	<b>1</b>
<b>Subdivision</b>	
<b>Special Use</b>	<b>9</b>
<b>Annexation</b>	
<b>Text Amendment</b>	<b>1</b>
<b>Temporary Use</b>	
<b>Appeals</b>	
<b>Total</b>	<b>12</b>