

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday, June 14, 2022

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Daniel Druckrey, Vice-Chair

Robert Cantrell

Brad Anderson

Carl Gnewuch

Art Hyland

Staff Present:

Gina DeRose, Community Development Planner

Catherine Crawford, Administrative Assistant

Mike Drella, City Attorney

Members Absent:

Paul Engelman, Chair

Alissa Maher

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

MINUTES: It was moved and seconded (Gnewuch/Cantrell) to approve the minutes of the May 10, 2022 meeting. The motion carried with a 5-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2022-12: Dunkin Donuts, 320 West Chrysler Drive (SU): The applicant and property owner, Kiran Kayastha, 842 W. Lukas Avenue, Palatine, IL 60067 is requesting a special use to permit a planned development in the GB, General Business District at 320 W. Chrysler Drive, Belvidere, IL 61008. The planned development will allow for the following departures: Sections 150.105(C)(5)(B)(2) allowing in-vehicle sales or service (drive-through lane); 150.105(C)(5)(G)(1)(B) minimum landscape surface ratio from 15% to 5%; 150.105(C)(5)(G)(2)(C) minimum building front yard setback from 20 feet to 15 feet; 150.105(C)(5)(G)(2)(C) minimum paved surface setback from 5 feet to zero feet; 150.204(D)(3)(A) minimum parking required from 17 spaces to 15 spaces; 150.204(D)(8)(B) minimum stacking length from 40 feet in front of the window to 37 feet in front of the window; Table 150.604 reducing the amount of required landscaping due to the increased lot coverage; and 150.904 Special Use Review and Approval Procedures. The planned development is being requested in order to construct a new three-unit building with a drive-through lane.

The public hearing opened at 6:03 pm

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on May 26, 2022 and certified mailings were sent to property owners within 250 feet of the subject property on May 19, 2022. Ms. DelRose summarized the staff report dated June 7, 2022.

The property was platted in 1978 and is part of the Commercial Plaza development. It is an outlot of the larger commercial development to the south and west. Even though it has road frontage along West Chrysler Drive and Pearl Street, due to its configuration, it is accessed through the adjacent property by a cross-access easement rather than having ingress/egress too close to the intersection. This cross-access easement will become more crucial if and when the State of Illinois redesigns the intersection. In addition to the limited accessibility of the property, it is substandard in terms of lot size. The current code requires properties zoned general business to be a minimum of 20,000 square feet; the subject property does not meet this requirement as it is only 19,770 square feet.

The applicant is proposing to tear down the existing restaurant building and construct a new 4,886 square-foot multi-tenant building with a drive-through lane. The redevelopment as proposed requires a special use for a planned development that encompasses 7 deviations of the Belvidere Zoning Ordinance. Two of the deviations are for the drive-through lane itself and for decreasing the stacking length in front of the window by three feet. Another deviation relates to the new building, in reducing the front-yard setback by five feet along Pearl Street, three feet of said encroachment is due to the drive-through window. The applicant is also requesting to deviate from the amount of required parking spaces by reducing to 15 spaces. Additional parking needs will be met by the cross-access easement, allowing patrons to utilize the adjacent parking area. The final three deviations mirror existing site conditions. The minimum landscape surface ratio will be reduced to 5%, pavement will be permitted to extend to the lot lines and the amount of required landscaping will be reduced accordingly.

The request for a restaurant with a drive-through lane in a highly trafficked area, near other fast food offerings, is not unusual. The deviations being requested are not drastically changing from existing conditions. The cross-access easement allows for a shared parking scenario with the adjacent commercial land uses. The largest impact on the neighborhood may be the increased traffic generated and the increased square-footage of the building. Although the building is closer to Pearl Street than the existing building and the amount of vehicle trips to the site will increase due to the drive-through lane and multiple businesses, the overall site design reduces negative impacts. Traffic entering the development will need to do so from the north, instead of the south, allowing for better vehicle circulation. The curbing of the drive-through lane and landscape islands will keep vehicles from accidentally blocking the primary ingress/egress point to the entire plaza. Also,

vehicles backing in and out of parking spaces will not have to use the Commercial Plaza drive aisles for maneuvering as they do now.

The planning staff recommends approval of the special use subject to the following conditions:

1. The Planned Development shall be developed in substantial conformance with the site plan dated 5/9/2022 unless otherwise noted.
2. The existing water meter and remote reader shall be removed prior to building demolition and reinstalled by the Water Department once the new building is completed.
3. Cross-hatched areas on the site plan shall be impervious landscape islands in order to eliminate any increase in runoff from the proposed improvements.
4. A full final site plan shall be submitted to staff (building, public works, fire, planning, etc.) for review and subject to final approval prior to the issuance of building permits.
5. The planned development is granting only the following flexible standards: Sections 150.105(C)(5)(B)(2) allowing in-vehicle sales or service (drive-through lane); 150.105(C)(5)(G)(1)(B) minimum landscape surface ratio from 15% to 5%; 150.105(C)(5)(G)(2)(C) minimum building front yard setback from 20 feet to 15 feet; 150.105(C)(5)(G)(2)(C) minimum paved surface setback from 5 feet to zero feet; 150.204(D)(3)(A) minimum parking required from 17 spaces to 15 spaces; 150.204(D)(8)(B) minimum stacking length from 40 feet in front of the window to 37 feet in front of the window and Table 150.604 reducing the amount of required landscaping due to the increased lot coverage.

The Vice-Chair invited questions from the commission to the staff.

Carl Gnewuch clarified from Gina DelRose that mention of the word "impervious" as related to landscape islands should be "pervious".

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

The applicant Kiran Kayastha and the applicant's representative Sarah Dring, of ECA Architects, were sworn in. Ms. Dring presented a graphic poster of the proposed site and explained the proposed traffic configuration.

Kiran Kayastha stated the other tenants of the proposed building will be family members who are franchisees of other businesses as well as the main tenant, a franchise of Dunkin Donuts.

Sarah Dring stated that it is a good thing for the proposed use to include a national chain and the deviations requested will allow people to use the site quickly and safely.

Robert Cantrell asked Mr. Kayastha if he is the owner of the Dunkin Donuts store in Belvidere's Walmart.

Kiran Kayastha stated he is the owner and that the Walmart location will remain.

Carl Gnewuch stated he had concerns with the potential length of stacking lanes for coffee-related drive-through facilities.

Sarah Dring stated the turnover time per transactions according to Dunkin Donuts policy is 90 seconds.

Kiran Kayastha stated he does not anticipate overly long lines and that the service will be very fast.

Carl Gnewuch questioned how close the sidewalk will be to the parking blocks, in light of the reduced setback area.

Sarah Dring stated the blocks will be sufficiently far from the sidewalk.

Carl Gnewuch asked if the blocks can be back further to reduce overhang close to the sidewalk for better pedestrian safety.

Gina DelRose stated there is sufficient room to place the parking blocks back further than what was proposed on the site plan.

Carl Gnewuch asked if such a difference can be a condition of the special use.

Gina DelRose said yes.

The Vice-Chair invited interested parties to ask questions of the applicants.

Narain Mandhan stated he is the owner of New Raj Investments, LLC, the owner of the in-line commercial center and parking lots adjacent to the proposed planned development. Mr. Mandhan stated he wished to present into evidence a letter prepared by his attorney representative stating certain objections to the proposed special use.

City Attorney Mike Drella stated that the proceedings are handled similar to a small claims trial, where those giving evidence must be physically present to allow for others to cross-examine them. Due to the absence of Mr. Mandhan's attorney, no

cross examination is possible. Mr. Drella said it would be permissible to allow Mr. Mandhan to issue his objections as a form of argument, however.

Carl Gnewuch asked whether the letter may be presumed to offer Mr. Mandhan's opinions.

Mike Drella said that unless Mr. Mandhan is submitting evidence on his own through his own personal knowledge, it should not be entered into evidence.

Carl Gnewuch stated he would like to hear the argument.

There were no stated objections.

Narain Mandhan stated he was not against the proposed planned development, but had certain concerns with the plan. These included a concern that a single-use building will be replaced with a multi-tenant facility. Mr. Mandhan asked if the applicant would be willing to share in the additional expenses that would be incurred by the presence of increased traffic and need for additional maintenance.

Carl Gnewuch asked why Mr. Mandhan was concerned with three tenants versus one tenant.

Narain Mandhan said it would increase traffic to the site.

Carl Gnewuch asked if Mr. Mandhan knew this for a fact.

Narain Mandhan stated it is a generally accepted belief that more tenants would increase traffic to such a development.

There were no further questions for Mr. Mandhan.

The public hearing was closed at 6:34 p.m.

No discussion was held.

Mike Drella stated the letter from Mr. Mandhan's attorney had been given to all of the commissioners. Mr. Drella repeated the stipulation that Mr. Mandhan's objections can be accepted as argument but would not be placed into evidence. Mr. Drella also noted that any Covenants and Restrictions in place for Commercial Plaza are not the concern of the Planning and Zoning Commission and must be dealt with privately between the property owners. Questions regarding traffic would concern the commission but questions regarding maintenance of the parking lot pursuant to the Covenants and Restrictions are outside of their scope.

It was moved and seconded (Gnewuch/Cantrell) 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 2022-12 subject to the five conditions stated.

It was moved and seconded (Gnewuch/Anderson) to add the condition as follows:

The parking blocks shall be placed two feet from the edge of pavement instead of the depicted one and one half feet.

The motion carried with a 4-1 voice vote. Robert Cantrell voted no.

The motion to recommend approval carried with a 5-0 roll call vote. Robert Cantrell.

Mike Drella explained that all that was recommended for approval were the zoning issues, the other issues need to be worked out among the various property owners.

2022-13: Boone County Arts Council, 106 North State Street (SU): The applicant, Boone County Arts Council, PO Box 311, Belvidere, IL 61008 on behalf of the property owner, The Apollo Theater AC, 12244 Brandon Court, Caledonia, IL 61011 is requesting a special use to install a mural at 106 North State Street within the CB, Central Business District (Belvidere Zoning Ordinance Sections 150.1012(A)(1) and 150.904 Special Use Review and Approval Procedures). The proposed mural will replace the current mural on the north side of the building and, like the current mural, will depict Latino heritage.
The public hearing opened at 6:43 p.m.

Gina DelRose was sworn in. The case was published in the Boone County Journal on May 26, 2022 and certified mailings were sent to property owners within 250 feet of the subject property on May 19, 2022. Ms. DelRose summarized the staff report dated June 2, 2022.

In 1998, the City Council approved a special use per Resolution 643-1998 for three different murals, one being the "Unity Mural" that is on the northern wall of the subject property. A condition of approval placed on this special use was that "Each individual mural shall be approved by the City Council". There was no condition or discussion preventing the replacement of that mural with a new one, only the need for City Council approval of any mural on the property.

Due to water damage and exposure to the elements, the current "Unity Mural" is damaged. The Boone County Arts Council has been able to connect with one of the original artists of the mural to create a modern version of the "Unity Mural". This modern version will be mounted onto the wall instead of directly painted to the wall allowing for both easier maintenance of the mural and of the exterior building wall.

The mural will be approximately the same size as the current mural and mounted in the same location.

The subject property is located downtown, north of the Kishwaukee River. The northern wall of the property has had a smaller mural painted on it since 1998 and staff is not aware of any negative impacts it created. There are numerous murals located throughout the city's downtown area; the more modern mural on the building will not be out of character. Like the other downtown murals, this one represents a segment of Belvidere's history.

The location is surrounded by institutional uses, residential, commercial and mixed-use buildings along with several murals nearby. The City of Belvidere's Comprehensive Plan designates this property as central business, which calls for pedestrian-orientated indoor land uses with streetscaping and low-key signage. Public art can be pedestrian-orientated and part of the streetscape. The requested special use for a mural does 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.

The new mural will represent the same meaning as the current and be of similar size and placement. The mural is being installed in such a way as to be removable if deterioration becomes an issue. In addition to the requirements of this Special Use, compliance with the City of Belvidere's Zoning Ordinance is required. The planning staff recommends approval of case 2022-13 subject to the following conditions:

1. The mural shall be maintained by the Boone County Arts Council and property owner according to Belvidere's Zoning Ordinance requirements. If the mural shall fall into disrepair, then it shall be removed from the subject property.
2. The mural shall be in substantial conformance with the image provided by the applicant.

The Vice-Chair invited questions for the staff. Seeing none, the Vice-Chair invited the representative from the Boone County Arts Council to step forward.

Jay Allen was sworn in. Mr. Allen explained the importance of the new mural and how it will be constructed.

The public hearing closed at 7:00 p.m.

It was moved and seconded (Cantrell/Gnewuch) 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/Gnewuch) to recommend approval of case 2022-13 subject to the conditions as stated. The motion carried with a 5-0 roll call vote.

2022-14: Gomez, 119 South State Street (SU): The applicant and property owner, Pablo Gomez, 119 S. State Street, Belvidere, IL 61008 is requesting a special use to permit indoor commercial entertainment. This would include the ability to have a banquet facility that may serve alcohol or have video gaming at 119 South State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(6)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the CB, Central Business District on less than an acre.

It was noted that neither the applicant nor their representative was present for case 2022-14. Discussion was held to determine if the commission would open the public hearing or postpone it until the July, 2022 meeting. It was decided that the public hearing would be opened

The public hearing opened at 7:07 p.m.

Gina DelRose was sworn in. The case was published in the Boone County Journal on May 26, 2022 and certified mailings were sent to property owners within 250 feet of the subject property on May 19, 2022. Gina DelRose stated the applicants were notified of the date, time and location of the public hearing. Ms. DelRose summarized the staff report dated June 6, 2022.

Gina DelRose stated the subject property has seen a variety of uses. At one point it was the site of Belvidere's City Hall. Barr's Flowers occupied the location and completed a façade renovation in 2007, closing in 2021 when it was purchased by the applicant.

Unlike many other downtown properties in Belvidere, the subject property offers a minimal amount of parking and has a loading area in the rear of the building for deliveries. Parking requirements for indoor commercial entertainment land uses are based on occupancy loads so it is unclear at this time how many parking spaces would typically be required. However, the property is zoned central business therefore is not required to have on-site parking. This is due to the abundance of municipal parking lots throughout the downtown area. The nearest municipal lot is 25 feet away and is accessible from Leonard Court.

The indoor commercial entertainment land use category includes a multitude of land uses that often have later operating hours such as taverns, theaters, bowling alleys, arcades, roller rinks, banquet facilities and pool halls. Businesses are allowed, however, to operate 24/7 in the Central Business District. Due to the building's size, potential businesses such as theaters, bowling alleys and roller rinks most likely will

not be able to operate. Taverns, arcades (including video gaming if licenses are available) and banquet facilities are most likely to operate in the building in addition to other land uses such as office, retail and restaurants.

The requested special use is for indoor commercial entertainment allowing a variety of land uses such as bars, banquet facilities and arcades to be located in the Central Business District where such land uses are common. Entertainment-based businesses are often encouraged in downtown districts. The potential for businesses operating with late night hours is not out of character for the downtown area.

Similar land uses are already established within the downtown area such as the Apollo Theater and the Hidden Aerie. The atrium of Boone County Museum of History is often converted into a banquet facility as well. Land uses like event centers can often support other nearby businesses. Those attending events may also enjoy a meal or drink from a nearby business.

Gina DelRose stated the Fire Department had concerns regarding outstanding code violations that would have to be corrected. Ms. DelRose said the Building Department pointed out this is a change of use and washroom facilities and other concerns would have to be addressed during the permitting process. Currently the Gomez Food Truck is parked at this location. The Fire Department would like to see the food truck parked at least ten feet from the building due to fire hazards present on food trucks. Staff is looking at regulating food trucks within the city and the fire department would be part of that process.

The planning staff recommends approval of case 2022-14 subject to the following conditions:

1. Consumption of alcohol is prohibited outside the premises.
2. Any food trucks shall be parked a minimum of 10 feet from the building.
3. A stamped site plan shall be submitted for review by the appropriate staff before building permits may be issued. This includes building codes, fire codes, public works and planning department review.
4. A minimum 12-foot wide drive aisle shall be accessible so that vehicles can access the rear loading and parking areas.

The Vice-Chair asked for questions for the staff and asked how many video gaming licenses are allowed in the City of Belvidere.

Gina DelRose stated that the number is 40 currently; 42 special uses have been approved. Of the 40 available, 37 are now issued and several applicants who were

granted special uses are actively working on renovations to meet the state requirements. The likelihood of getting an available license currently is slim.

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

It was moved and seconded (Gnewuch/Cantrell) 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 to recommend approval of case 2022-14 subject to the four conditions presented. The motion carried with a 5-0 roll call vote.

2022-15: City of Belvidere (TA): The City of Belvidere, 401 Whitney Boulevard, Belvidere, IL 61008 is requesting a text amendment to the City of Belvidere Zoning Ordinance (Chapter 150 as amended) pertaining to Sections 150.013 Definitions, 150.204(D) Non Residential Districts- Planned Business and General Business, 150.204(D) Commercial Land Uses- Vehicle Repair and Maintenance and Car Detailing Shop, 150.702 Width of Driveways, 150.704 Parking Space Design Standards, Table 150.704(F)(8) regarding dimensions, Appendix C: Land Use Summary Chart (Commercial) and Section 150.902 Amendment of Zoning Regulations (Text Amendments). Specifically, the amendments are in regards to car detailing shops and parking lot standards.

The public hearing opened at 7:20 p.m.

Gina DelRose was sworn in. The case was published in the Boone County Journal on May 26, 2022. Ms. DelRose explained that the text amendments being proposed include car detailing shops and parking lot standards.

Gina DelRose stated that the Zoning Ordinance currently includes car detailing shops under Vehicle Repair and Maintenance. This includes a wide range of businesses. The City has seen an increase in the number of illegal home businesses for such services as window tinting and installation of car stereos due to the burden of needing to secure a special use to run a business defined as Vehicle Repair and Maintenance. The proposed text amendment would allow car detailing shops by right, as separate from other vehicle repair and maintenance, in the Planned Business and General Business Districts.

Gina DelRose stated that in speaking with the Public Works director it was discovered that the Zoning Ordinance language relating to parking standards conflicts with the Illinois Department of Transportation (IDOT) standards. The Public Works director refers to the IDOT standards and planning staff had been reviewing site plans per the existing zoning ordinance standards. It was decided to propose that the language of the Zoning Ordinance match that of the IDOT standards to eliminate these conflicts.

Gina DelRose said the proposed parking standards will help encourage safe parking due to the larger vehicles often driven in Boone County as well as due to the general widening seen in current auto design to accommodate safety features. The planning staff recommends approval of Case 2022-15.

The public hearing closed at 7:26 p.m.

It was moved and seconded (Gnewuch/Hyland) to recommend approval of case 2022-15. The motion carried with a 5-0 roll call vote.

OTHER BUSINESS: None

DISCUSSION: None

Staff Report


Gina DelRose said there would be one case in July involving the rezoning of a property owned by the Ida Public Library.

Gina DelRose reminded members of the upcoming Heritage Days celebration and encouraged all to attend the weekend of June 24, 2022.

ADJOURNMENT:

The meeting adjourned at 7:28 p.m.

Recorded by:



Cathy Crawford
Administrative Assistant

Reviewed by:



Gina DelRose
Community Development Planner