

**CITY OF BELVIDERE  
PLANNING AND ZONING COMMISSION**

**Minutes**

**Tuesday August 10, 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 6:03 p.m.

**MINUTES:** It was moved and seconded (Racz/Cantrell) to approve the minutes of the June 8, 2021 meeting. The motion carried with a 5-0 roll call vote.

**PUBLIC COMMENT:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**2021-13: Zepeda, 2061-2115 North State Street (SU):** Application of property owner Miguel Zepeda, 2026 North State Street, Belvidere, IL 61008 for two special uses to permit in-vehicle sales or service and indoor commercial entertainment. Specifically, allowing for the development of a multi-tenant building that would have a drive-through lane and a bar with video gaming on the property commonly known as 2061-2115 North State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105 (C)(5)(B)(2) in-vehicle sales or service, 150.105 (C)(5)(B)(2) indoor commercial entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on 0.75 acres.

The public hearing opened at 6:06 p.m.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report dated August 2, 2021. The subject property was originally comprised of two residential lots and one vacant lot, all of which were zoned general business. In 2019, the two residences were demolished and the three vacant parcels combined into one lot, (known as GCZ Corner Subdivision) in order to make the property more appropriate

for a commercial development. The applicant intends to construct an approximately 1,800 square foot building with four units. The unit closest to North State Street is proposed to have a drive-through lane. The applicant anticipates one of the four units to be used for video gaming. Both the drive-through lane and video gaming will require special uses. The parking and building area appear to meet parking, setback and lot coverage requirements in the General Business District.

Gina DelRose stated that the area is very car-centric and has seen much redevelopment recently.

Gina DelRose stated the drive-through lane will be entered from the Doc Wolf Drive side of the property and will wrap around two sides of the building. This will allow the adequate queueing length; conditions of approval regarding vehicle waiting areas for the drive-through lane will limit any potential negative impacts the special use may have on North State Street traffic flow.

There is a full-service car wash and medical center near the subject property; this proximity will allow patrons/companions to utilize the entertainment facility while they wait for their services to be completed.

The planning staff recommends approval of Case 2021-13 subject to the following conditions:

1. Substantial compliance with the site plan dated 6/2021.
2. Indoor commercial entertainment is only approved for one tenant space.
3. Cars shall not wait past the drive-through window (adjacent to North State Street). Any cars experiencing an extended wait time shall park in an approved parking space.
4. A striped crosswalk shall be provided creating a designated path of travel for pedestrians entering the building from the commercial property to the west.
5. Open alcohol is prohibited outside the premises unless otherwise permitted.
6. The Illinois Department of Transportation shall approve access onto North State Street.
7. A drainage plan, including detention and controlled release of stormwater shall be submitted during the building permit review process.

Gina DelRose stated the case was published in the Boone County Journal on July 23, 2021 and certified mailings were sent to neighbors on July 19, 2021.

Chair Carl Gnewuch stated that he had misspoken and asked to enter into the record the correction that the case is Case 2021-13, not 2021-11.

There were no questions for the staff from the commission members.

Applicant Miguel Zepeda was sworn in. Mr. Zepeda explained his intention to create a business that can provide an entertaining option for those waiting for medical appointments and their car being washed, similar to the way in which the Secretary of State's office on Southtowne Drive has such an establishment next door. Mr. Zepeda stated his belief that the redevelopment has helped to revitalize an area of the city that was "dead".

There were no questions for the applicant from the commission members or members of the public. The public hearing closed at 6:16 p.m.

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

Gina DelRose stated the case will go before the City Council on August 16, 2021 and for a second reading and final vote on September 7, 2021.

**2021-14: Kunes, 1855 North State Street (SU):** Application of Kunes of Belvidere, Inc., 1855 North State Street, Belvidere, IL 61008 on behalf of the property owner, Kunes Belvidere Property, LLC, PO Box 546, Delavan, WI 53115 for a special use to permit a flag pole taller than 40 feet. Specifically, the special use will allow for an 80-foot tall flag pole at 1855 North State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.406 (A) Exceptions to Maximum Height Regulations and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District on approximately 4.5 acres.

The public hearing opened at 6:18 p.m.

Gina DelRose was sworn in and summarized the staff report dated August 2, 2021. The case was published in the Boone County Journal on July 23, 2021 and certified mailings were sent to surrounding property owners on July 19, 2021.

City Attorney Mike Drella arrived at 6:19 p.m.

The applicant is requesting the ability to construct an 80-foot tall flag pole, twice the height permitted by the City's Zoning Ordinance. The additional height of the flag pole will allow the property owner to display larger flags. Although the types of flag displayed cannot be regulated, signage can be regulated. The special use is expressly for additional height of a flag pole. All signage shall still adhere to the Belvidere Zoning Ordinance in regard top height (maximum of 40 feet), square-footage, number and setback. The additional height of the flag pole increases the

potential that it could fall outside of the property. In order to ensure that surrounding infrastructure is not impacted, the flag pole shall be setback from overhead utility lines, roadway pavement and pedestrian sidewalks the same distance as the height (80 feet).

Gina DelRose stated that the construction of an 80-foot tall flag pole is not expected to impede potential nearby development. Although the flags flown have the ability to be larger than standard flags, staff is not aware of such flags hindering development in other communities.

The neighborhood is comprised mainly of vehicle-related businesses and has a heavily trafficked intersection. The greatest risk it would potentially create is the possibility of its coming into contact with public improvements (utility lines) or blocking access to the public right-of way should it collapse. The risks will be alleviated by conditioning the location of the pole. Therefore, staff recommends approval of case 2021-14 subject to the following conditions:

1. The flag pole shall be setback 80 feet from the overhead utility lines and pedestrian sidewalk.
2. Signage shall not be placed on the flag pole.

The Chair asked for questions from the commission members for staff.

Robert Cantrell asked how large the flag will be.

Gina DelRose suggested the applicant be asked that question.

Carl Gnewuch asked for clarification of the flag pole's proposed placement on the map provided in the staff report.

Gina DelRose provided the clarification.

There were no further questions for the staff.

The applicant's representative Tony McIntire was sworn in. Mr. McIntire stated that as a representative of the owner Greg Kunes and the Kunes dealership, he was here to state the owner's wishes that the dealerships under his name focus on the American flag and what it stands for rather than simply on the business itself. This is a corporate philosophy and the placement of such a flag pole and flag will achieve this end. Mr. McIntire stated he was not aware of the size of the flag to be placed on the pole.

Gina DelRose referred to the images provided.

Andy Racz pointed out that the image provided indicates a flag with the dimensions of 20 ft. by 30 ft.

Andy Racz asked if the flag will be lit.

Tony McIntire stated the flag will be lit from the bottom and the lighting will focus only on the flag.

Carl Gnewuch asked how the commission can be assured that only an American flag will be displayed on the flag pole.

Tony McIntire assured him it was Kunes' intention to only use the flag pole for the display of the American flag.

City Attorney Mike Drella stated that the City cannot regulate what flag is flown on the flag pole.

Carl Gnewuch asked whether, if the dealership were sold in the future, the special use would transfer to the new owners.

Mike Drella said yes.

Gina DelRose stated that as a commercial entity, it would be in the company's best interests not to display a flag which might alienate the community and potential customers.

Andy Racz asked how soon the flag pole would be constructed.

Tony McIntire stated that as soon as the City allows for it, the flag pole would begin construction.

Mike Drella stated that there has been significant case law recently on the topic and repeated that the City cannot regulate what flag is flown.

It was moved and seconded (Maher/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 2021-14 subject to the two conditions in the staff report. The motion carried with a 4-1 roll call vote. Carl Gnewuch voted nay.

Gina DelRose stated that the case would move to the City Council on August 16, 2021 and for a second reading and final vote on September 7, 2021.

City Attorney Mike Drella stated that, due to a delay in the presenting of the following cases per the request of the applicants, it would be appropriate to open the following public hearings in order to continue them until the September 14<sup>th</sup> Planning and Zoning Commission meeting.

**2021-16: Busch, 1-90/Tripp Road/Genoa Road (MA):** Application of property owner Donald K. Busch, Sr., 7301 West Ridge Lane, Cherry Valley, IL 61016 for a map amendment (rezoning) north of Interstate 90 between Tripp and Genoa Roads, Belvidere, IL 61008 from RH, Rural Holding District (pending annexation) to PB, Planned Business District pursuant to the Belvidere Zoning Ordinance Section 150.903 Amendment to Official Zoning Map.

The public hearing opened at 6:35 p.m.

It was moved and seconded (Maher/Cantrell) to continue the public hearing for case 2021-16 until the September 14, 2021 meeting. The motion carried with a 5-0 roll call vote.

**2021-17: OM Belvidere Group, LLC, Genoa Road/Crystal Parkway (SU):** Application of OM Belvidere Group, LLC, 5277 Trillium Boulevard, Hoffman Estates, IL 60192 on behalf of the property owner, Donald K. Busch, Sr., 923 Logan Avenue, Belvidere, IL 61008 for a special use to permit a planned development in the PB, Planned Business District (pending rezoning approval) at the southwest corner of Genoa Road and Crystal Parkway, Belvidere, IL 61008. The planned development will allow for the following departures: Sections 150.105 (C)(4)(B)(2) allowing for in-vehicle sales or service and indoor commercial entertainment (fueling station, drive-through lanes and video gaming), 150.105 (C)(4)(C)(2) allowing for signage above the peak of a roof (fueling station canopy), 150.702 (J) allowing for access drives to be wider than 35 feet and flares greater than five feet (up to 50 feet wide with larger flares), 150.704(F)(7) allowing for parking spaces smaller than 180 square feet (162 square feet), 150.707(3)(A) allowing for lighting levels greater than 0.50 foot-candles at the property line (6.5 foot-candles), Table 150.1007(A)(1) allowing for a sign greater than 40 feet tall and 150 square feet (100 feet tall and 866 square feet in size on south side of property), Table 150.1007 (A)(1) allowing for a sign greater than 150 square feet (250 square feet on north side of property), Table 150.1007(B)(1) allowing for more than two signs per wall (4 signs per wall), 150.1010 allowing for off-site signage (on south side of property), 150.1012(A)(1) allowing a mural (on fueling station), and 150.904 Special Use Review and Approval Procedures). The planned development is being requested in order to construct a fueling center with drive-through restaurants, video gaming and a mural on proposed Lot 1 of the preliminary plat of Busch Business Park.

The public hearing opened at 6:37 p.m.

It was moved and seconded (Racz/Maher) to continue Case 2021-17 until the September 14, 2021 meeting. The motion carried with a 5-0 roll call vote.

**2021-18: Busch Business Park (PP):** Application of Donald K. Busch for preliminary plat approval for Busch Business Park Subdivision. The plat consists of 9 lots comprised of approximately 60 acres.

It was moved and seconded (Cantrell/Maher) to continue Case 2021-18 until the September 14, 2021 meeting. The motion carried with a 5-0 roll call vote.

**2021-19: Busch Business Park (FP):** Application of Donald K. Busch for final plat approval for Busch Business Park Subdivision. The plat consists of 9 lots comprised of approximately 60 acres.

It was moved and seconded (Cantrell/Hyland) to continue Case 2021-19 until the September 14, 2021 meeting. The motion carried with a 5-0 roll call vote.

**OTHER BUSINESS:** None

**DISCUSSION:** None

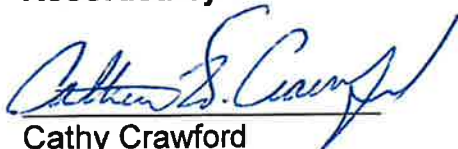
**Staff Report:**

Gina DelRose stated that the September 14, 2021 meeting will present at least six cases at this time, including those continued this evening, with a potential for five additional cases.

**ADJOURNMENT:**

The meeting adjourned at 6:40 p.m.

**Recorded by:**

  
Cathy Crawford  
Administrative Assistant

**Reviewed by:**

  
Gina DelRose  
Community Development Planner