

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION AGENDA
Tuesday, August 11, 2020
City Council Chambers
401 Whitney Boulevard
6:00 pm**

ROLL CALL

Members:

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

Staff:

Gina DeRose, Community Development Planner
Cathy Crawford, Administrative Assistant

MINUTES: Approve the minutes of the July 14, 2020 meeting.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-06: Fiesta Market, 400 West Chrysler Drive: Application of Belvidere Fiesta Market, Inc., 400 West Chrysler Drive, Belvidere, IL 61008 on behalf of the property owner, MB Belvidere, LLC, 400 West Chrysler Drive, Belvidere, IL 61008 for a special use to permit indoor commercial entertainment. Specifically, video gaming at 400 West Chrysler Drive, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District. PIN: 07-02-200-016.

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

OTHER BUSINESS:

Elections

DISCUSSION:

Staff report

ADJOURNMENT

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday July 14, 2020

City Council Chambers

401 Whitney Boulevard

6:00 pm

ROLL CALL

Members Present:

Alissa Maher, VCHM

Carl Gnewuch

Art Hyland

Robert Cantrell

Andrew Racz

Paul Engelman

Natalie Mulhall

Staff Present:

Gina DelRose, Community Development Planner

Cathy Crawford, Administrative Assistant

Vice-Chair Maher called the meeting to order at 6:06 p.m.

MINUTES: It was moved and seconded (Cantrell/Racz) to approve the minutes of the May 12, 2020 meeting. The motion carried with a 7-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

2020-04: Rodriguez, 704 E. Pleasant Street: Application of property owner, Jonathan Rodriguez, 1943 Sawyer Road, Belvidere, IL 61008 for a special use for a two-family residence at 704 East Pleasant Street within the SR-6, Single-family Residential-6 District (Belvidere Zoning Ordinance Sections 150.105(B)(3)(B)(2) Two-Flat/Duplex/Twin House and 150.904 Special Use Reviews and Approval Procedures).

The public hearing opened at 6:09 p.m.

Gina DelRose was sworn in. Ms. DelRose stated that notices were sent to property owners within 250 feet by certified mail on June 24, 2020 and the case was published in the Boone County Journal on June 26, 2020. Ms. DelRose summarized the staff report dated July 7, 2020. Ms. DelRose stated the subject property was condemned by the City of Belvidere for multiple code violations, none of which involved the structural integrity of the house. It was discovered that the house had been illegally converted to a two-family residence sometime in the past. Shortly after the condemnation order, the house was purchased by the applicant who has been working closely with the Building Department to bring the house back into code

compliance. The applicant is seeking the special use permit to bring the previously created apartment into compliance.

The conversion of single-family residences into two-family residences was allowable until the adoption of the 1994 Zoning Ordinance, when the requirement was that a special use permit must be obtained. It is not uncommon, therefore, for larger homes within the older City neighborhoods to find two-family residences. The proximity of non-residential land uses to older neighborhoods also encourages a mix of residential structures.

Gina DelRose stated the property is developed with an older residential structure that is undergoing repairs. The structure exceeds lot size requirements and has ample space to construct sufficient on-site parking for tenants while still adhering to greenspace requirements.

Gina DelRose stated the staff is not aware of any negative impacts the previously converted residences have created and the installation of on-site parking will lessen the number of vehicles parking on the street. The inspection process with the Belvidere Building Department will ensure code compliance. The staff, therefore, recommends approval of the case subject to one condition, as follows:

1. The property shall be brought into compliance with current building codes. Building plans shall be submitted to the appropriate department for review and approval. Plans include but are not limited to any structural changes such as electric, HVAC and plumbing.

The Vice-Chair invited questions for the staff.

Carl Gnewuch said the provided map did not seem to allow for adequate parking space.

Gina DelRose stated the code requires 180 square feet with a minimum width of ten feet per parking space. It can be a long driveway that is ten feet wide and 54-feet deep for three parking spaces.

There were no further questions from commissioners, the applicant, or other interested parties.

The applicant stated he had nothing to add.

The public hearing was closed at 6:14 p.m.

It was moved and seconded (Cantrell/Hyland) to accept the findings of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Hyland/Gnewuch) to recommend approval of Case 2020-04 subject to the condition stated. The motion carried with a 7-0 roll call vote.

Gina DelRose stated the case would go before the City Council on July 20, 2020 for a first reading and on August 3, 2020 for a second reading and vote.

2020-05: Olson, 1901-1943 N. State Street: Application of Kevin Olson, 1935 N. State Street, Belvidere, IL 61008 on behalf of property owner Poon & Le, LLC for three variances at 1901-1943 North State Street within the GB, General Business District (Belvidere Zoning Ordinance Sections 150.105(C)(5)(G)(1)(B) Minimum Landscape Surface Ratio: 15%, 150.105(C)(5)(G)(2)(C) Minimum Setbacks: Building to Front or Street Side Lot Line 20 feet. 150.105(C)(5)(G)(2)(C) Minimum Setbacks: Minimum Paved Surface Setback 5 feet and 150.909 Variance Review). The variances will allow for the required landscape surface ratio to be reduced from 15% to 4.8%, the required front yard building setback (for 1943 North State Street only) to be reduced from 20 feet to zero feet to allow for a patio with a garden wall and the required pavement setback of 5 feet to be reduced to zero feet.

The public hearing opened at 6:16 p.m.

Gina DelRose was sworn in. Ms. DelRose stated that certified mail notices were sent to property owners within 250 feet of the subject property on June 24, 2020 and the case was published in the Boone County Journal on June 26, 2020. Ms. DelRose summarized the staff report of July 7, 2020.

The subject properties are part of one large commercial development in which multiple buildings share vehicle circulation and parking areas. Although the properties meet the minimum zoning regulations for the General Business zoning district, many of the interior lot line setbacks and individual landscape surface ratios have been disregarded as the site was continually improved. The applicant plans to make significant improvements as well as the building of an accessory storage building to benefit the other on-site businesses. To achieve these improvements, the requested variances are needed to bring the existing property into compliance with the Belvidere Zoning ordinance as well as the granting of additional variances.

The former Happy Wok Building at 1943 North State Street is 1,900 square feet and located approximately 30 feet from the front property line. The front yard is currently developed with a concrete walkway and freestanding sign. The property slopes downward toward the sidewalk and is surrounded by vehicle circulation areas. The applicant wishes to renovate the building and add an outdoor seating area in the front yard; this seating area is proposed to mirror the width of the building and extend to the front property line instead of the 10 feet that is permitted (requiring the zero-foot variance request). This area will be enclosed by a permanent wall structure that will adhere to the requirements for fencing so as not to create a line-of-sight issue for vehicles.

The northwest property is developed with a parking area and greenspace. The greenspace is the remaining portion of undeveloped land between the three parcels. The applicant proposes to develop a 3,200 square foot building with additional parking to alleviate storage needs of the existing businesses located in the adjacent multi-tenant building. The building cannot be turned into a self-storage unit without an approved special use which limits its ability to be used by on-site businesses only. In order to construct the storage building, the maximum allowable lot coverage of 85% must be increased to 95.2% and this requires a variance also. Regardless of the increased lot coverage, all stormwater management requirements shall be met in order to prevent run-off onto neighboring properties and rights-of way.

The final variance being requested would reduce the pavement setback from five feet to zero feet. Two of the three lots involved with the development already have pavement extending to all property lines. The northwest property has pavement that extends to the property line. The variance will serve to bring the existing conditions into compliance with the Zoning Ordinance; it will not necessarily allow additional pavement to extend to the property line.

Variances of the kind proposed are often needed to bring older developments into compliance with current building and zoning codes. The planning staff is not aware of any negative impacts the existing paved areas have created. Allowing the current vehicle patterns to remain will have no impact on neighboring properties' access to light and air or the traffic in those areas.

The outdoor seating area is proposed to be 1,000 square feet which is not excessive in size. A walled-in patio area creates a significantly smaller impact than an actual building constructed on the lot line and will adhere to line-of-sight requirements. The storage building will benefit the existing buildings. The staff recommends approval of Case 2020-05.

The Vice-Chair invited questions from the commissioners for Ms. DelRose.

Paul Engelman clarified that the outdoor seating area would be in front of the existing Happy Wok Restaurant.

Gina DelRose said it would be an outdoor patio seating area entered from inside the building.

Paul Engelman clarified the location of the accessory storage building and the lighting requirements.

Gina DelRose stated that any areas that have parking requires at least 0.2 foot candles and cannot exceed 0.5 foot candles at the property line. As part of the permit review, there would be a site plan review that would need to be reviewed and approved by the building, planning, fire and public works departments.

Paul Engelman asked if it is correct that the applicant would not need to come before this body after the variances are approved.

Gina DelRose said that is correct, anything further will be handled during the building permit review process.

The Vice-Chair invited questions from the applicant or interested parties for the staff.

Harry Speckman asked for clarification of the requested variances, including lighting, pavement allowances and setbacks.

Gina DelRose clarified the variance requests are to reduce lot coverage to allow for a storage building to be constructed in the back of the property, allowing existing pavement to remain and the addition of a patio for outdoor seating.

Harry Speckman expressed concern that the variances would allow development to be too evident.

Gina DelRose explained the variance requests further. Ms. DelRose stated the paved areas are not changing; the existing pavement is being brought into compliance. Explanation was provided for the nature of the variances and the hardships that exist presently, such as the reduction of available parking making it hard for businesses to operate and the need for outdoor seating due to Covid-19 restrictions.

Harry Speckman said he feels an outdoor seating area effectively extends the "building" to the lot line and it would be a mistake to allow the variances. The applicant is removing too much greenspace and would be too visible to adjacent properties.

Gina DelRose said the resulting additional lot coverage would only be greater by approximately 1.5%.

Paul Engelman asked if it was fair to say that Belvidere is replete with lots that are out of compliance as soon as the codes are changed. There are instances all over town where the property is allowed to remain as it is rather than incur the expense of meeting the new codes.

Gina DelRose agreed, stating that new codes create non-conforming structures. This is why variances are granted. Ms. DelRose said the granting of a variance is dependent on the applicant showing there is a hardship present that they did not create. To allow existing structures to remain as they are and grant a variance is a lesser impact to the property owner than significant renovations would be when the existing structure hasn't made a negative impact on the neighborhood.

Paul Engelman stated the variances aren't significant changes, just allowing the existing conditions to come into compliance.

Harry Speckman said he feels the present application does not meet that criteria.

Carl Gnewuch said when new codes are created, it is the City's desire to eventually change properties. Mr. Gnewuch asked if there is a timeframe after which properties must meet the new codes.

Gina DelRose said there is no "Sunset Clause" that requires all legal non-conforming properties to come into compliance with current codes. Ms. DelRose stated she advises property owners often to change their properties to come into compliance if they have the conditions available to do so. The ones that cannot do so end up coming before the Planning Commission.

Carl Gnewuch clarified that properties would suffer a hardship if the City did not allow those non-conforming conditions.

Gina DelRose said this is correct. Ms. DelRose said the property is zoned General Business so the business use must be allowed. If a majority of parking is removed, is it possible to function as a business? Ms. DelRose added that State law now requires restaurants to limit their indoor seating to 50% capacity. This puts a significant strain on the business if it does not have outdoor seating to compensate for the loss of capacity.

Paul Engelman asked what is required in creating the outdoor seating wall.

Gina DelRose said the wall is limited to 3.5 feet in height so as not to create a line-of-sight issue.

Art Hyland clarified that the variances allow the existing property to come into compliance with existing codes.

Applicant Kevin Olson was sworn in. Mr. Olson explained his plans for the outdoor seating area which he stated he feels is a positive for the community. Mr. Olson said the interior of the former Happy Wok is being significantly renovated. Mr. Olson said his businesses need the storage building due to the large amount of product they sell. Mr. Olson clarified that the pavement already exists.

The Vice-Chair invited questions for the applicant.

Carl Gnewuch asked Mr. Olson for clarification of the use of the storage building.

Kevin Olson said it would be mainly used to service the on-site businesses but would also provide a storage "base" for his other businesses in other locations.

Carl Gnewuch asked if it was correct to state that the storage building will alleviate safety concerns with deliveries by allowing trucks to unload in the back of the property instead of stopping near the entrance and right of way.

Kevin Olson said it will make deliveries safer.

Andy Racz asked the name of the proposed business in the former Happy Wok.

Kevin Olson said it will be named CDK Cajun Smokehouse. Mr. Olson said the former Papa John's location will become a hamburger restaurant called Casey's Burger Bar.

There were no further questions.

The public hearing was closed at 6:54 p.m.

It was moved and seconded (Mulhall/Gnewuch) to accept the findings of fact as presented in the staff report. The motion carried with a 7-0 roll call vote.

It was moved and seconded (Cantrell/Racz) to approve case 2020-05. The motion carried with a 7-0 roll call vote.

OTHER BUSINESS: None

DISCUSSION: None

Staff Report:

Gina DelRose said there would be a special use application for video gaming at Fiesta Market at the August 2020 meeting.

The Election of Officers will also take place at the next meeting.

Andy Racz asked Ms. DelRose to provide a glossary of acronyms in the next Annual Report. Mr. Racz asked if the Comprehensive Plan has been addressed recently.

Gina DelRose said the process to complete the Comprehensive Plan is moving forward.

Discussion was held regarding the process for drafting and completing the Comprehensive Plan.

ADJOURNMENT:

The meeting adjourned at 7:02 p.m.

Recorded by:

Cathy Crawford
Administrative Assistant

Reviewed by:

Gina DelRose
Community Development Planner

BELVIDERE

Community Development Department Planning Department

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

July 2020 Monthly Report

Number	Project	Description	Processed
Belvidere Projects			
2	Cases: July	Rodriguez, SU, 704 E. Pleasant Street	6/8/2020
		Olson, VAR, 1901-1943 N. State Street	6/22/2020
1	Cases: August	Fiesta Market, SU, 400 Chrysler Drive	7/2/2020
2	Annexation	Plote, 4654 Townhall Road	
		Plote, Irene Rd and US Route 20	
0	Temporary Uses	None	
2	Site Plans (New/Revised)	2183 Crystal Parkway	7/6/2020
		1949 N. State Street	7/29/2020
0	Final Inspection		
1	Downtown Overlay Review	304 N. State Street	7/1/2020
1	Prepared Zoning Verification Letters	1112-1114 North Avenue	7/20/2020
1	Issued Address Letters	1949 N. State Street	7/29/2020
	Belvidere Historic Preservation Commission	The Commission decided not to hold an awards program in 2020 but is still discussing the possibility of a fall fundraiser that meets social distancing guidelines. Required reporting and communication regarding the survey grant has continued.	
	Heritage Days	None	
	Hometown Christmas	Staff met with with other organizers to discuss possible activities that would still meet social distancing guidelines.	
	Buchanan Street Strolls	Staff continues to communicate with vendors, potential sponsors and the public regarding Strolls.	
Poplar Grove Projects			
0	Cases: July	None	
0	Cases: August		
0	Issued Address Letters	None	
2	Prepared Zoning Verification Letters	100 E. Park Street	7/1/2020
		479 Burlwood	7/8/2020
	Scanned Plats: E-mail, Print and/or Burn		

Planning Monthly Report Cont.

- 1 Recorder's Office
- 0 Other Department
- 0 General Public

Staff continues to provide Census informaton to those requesting data and community outreach materials. Staff continues to submit required documents and monthly reports in relation to the IDHS grant. Belvidere and Boone County have both met and/or exceeded their 2010 response rates.

Census

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 particpates in Forward Boone discussions regarding impacts COVID-19 has on the community and resources available for residents and businesses

*** Staff sent out letters to properties eligible for the Downtown Façade Improvement Program

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

August 4, 2020

ADVISORY REPORT

CASE NO: 2020-06

APPLICANT: Fiesta Market, 400 West Chrysler Drive

REQUEST AND LOCATION:

The applicant, Belvidere Fiesta Market, Inc., 400 West Chrysler Drive, Belvidere, IL 61008 on behalf of the property owner, MB Belvidere, LLC, 400 West Chrysler Drive, Belvidere, IL 61008 is requesting a special use to permit indoor commercial entertainment. Specifically, video gaming at 400 West Chrysler Drive, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(5)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the GB, General Business District. PIN: 07-02-200-016. The subject property is irregular in shape, approximately 3.25 acres and is comprised of a portion of a multi-tenant commercial building and large parking area.

EXISTING LAND USE:

Subject property: Fiesta Market

North: Pacemaker Countryside Market

South: Row Crop Production

East: Multi-tenant commercial building

West: R.P. Lumber

CURRENT ZONING:

Subject property: GB, General Business District

All Adjacent Properties: GB, General Business District

COMPREHENSIVE PLAN:

Subject property: General Business

All Adjacent Properties: General Business

BACKGROUND:

The building is approximately 41,500 square feet and houses the anchor store (Fiesta Market) of a large multi-tenant commercial development comprised of a mix of retail and professional services. There is an expansive parking area that has adequate parking for existing and new businesses.

The video gaming machines are proposed to be in the northeast corner of the building, associated with a restaurant that has its own exterior door as well as being accessible via the grocery store. The gaming area will contain six machines in a 12' x 21' area and serviced by

the restaurant. The gaming area will be separated from the general public with continuous monitoring from the restaurant's front counter and a surveillance system.

The Zoning Ordinance was updated in 2006 requiring a special use for Indoor Commercial Entertainment. Bars and taverns that were in existence prior to that date have been considered "grandfathered" for the bar use. In 2013, Illinois State Law allowed municipalities to determine that video gaming would be permitted within their jurisdiction. The State limits the number of machines to six per establishment and every establishment must have a liquor license that allows for the pouring of alcohol (except for those that qualify as a truck stop). In 2013, Belvidere voted to allow video gaming and in 2018, the City Council voted to limit the number of gaming establishments to 30. Although all 30 licenses have been issued, this application would permit the 34th establishment to be eligible to apply for a license. The applicant is aware that granting the special use does not guarantee them a license.

TREND OF DEVELOPMENT:

The subject property is located near the intersection of Grant Highway and Pearl Street which is developed with a mix of commercial and residential properties.

COMPREHENSIVE PLAN:

The subject property is designated as "General Business" by the City of Belvidere Comprehensive Plan, adopted July 15, 1999. The General Business map category encourages indoor commercial, office, institutional, and controlled outdoor display land uses, with moderate landscaping and signage.

FINDINGS OF FACT:

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

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

The special use is for the addition of video gaming machines in a restaurant. While the gaming room will be monitored by the front counter it is situated in such a way as to be hidden from the restaurant's seating area and from those under the age of 21.

The existing video gaming machines in Belvidere have not been shown to be unreasonably detrimental. Due to the size and location of the special use, staff does not anticipate a danger to the public health or general welfare.

- B. **Findings:** The proposed special use, 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 Comprehensive Plan designates the subject property as General Business; the current zoning is General Business. A variety of land uses are encouraged in general business, institutional and indoor commercial (retail). Restaurants, bars, grocery stores and video gaming are a type of indoor commercial land use.

- C. **Findings:** The special use will not in its proposed location and as depicted on the required site plan, 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 indoor commercial land use will not be noticeable from the outside save for potential signage. There is an active special use for indoor commercial entertainment two tenant spaces away (Anna's Place).

The property has adequate parking and ingress/egress off Pearl Street. The additional traffic from the special use is not anticipated to negatively impact the accessibility of nearby businesses.

- D. **Findings:** The establishment of the special use 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 planning staff is not aware of any business that chose not to locate or expand due to video gaming. The intersection of Pearl Street and Grant Highway is developed with a variety of businesses. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter growth in the adjacent tenant spaces or redevelopment of nearby properties.

- E. **Findings:** The proposed special use 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 subject property is already developed with a commercial building that is served with municipal utilities.

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

There do not appear to be any public benefits or adverse impacts related to the special use request. Although there are residences in the surrounding area, nearby properties along Grant Highway are already developed with bars and video gaming; it is not a unique business. Staff is not aware, of any negative impacts the other bars and video gaming have created.

SUMMARY OF FINDINGS:

The special use is for the addition of video gaming machines in a restaurant. While the gaming room will be monitored by the front counter it is situated in such a way as to be hidden from the restaurant's seating area and from those under the age of 21.

The indoor commercial land use will not be noticeable from the outside save for potential signage. There is an active special use for indoor commercial entertainment two tenant spaces away (Anna's Place); it is not a unique business. The additional traffic from the special use is not anticipated to negatively impact the accessibility of nearby businesses.

There do not appear to be any public benefits or adverse impacts related to the special use request. The planning staff is not aware of any business that chose not to locate or expand due to video gaming. The intersection of Pearl Street and Grant Highway is developed with a variety of businesses. The special use conditions limit the amount of space the special use can occupy, therefore, planning staff does not anticipate that this special use will deter growth in the adjacent tenant spaces or redevelopment of nearby properties.

RECOMMENDATION:

The planning staff recommends the **approval** of case number **2020-06** for a special use at 400 West Chrysler Drive 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.

Submitted by:



Gina DelRose
Community Development Planner

Review and Recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission shall review the application, adopt findings of fact, and make a recommendation to the City Council.

Review and Action by the City Council. The City Council shall consider the Planning and Zoning Commission's recommendation regarding the proposed special use. The City Council may approve or deny the special use as originally proposed, may approve the proposed special use with modifications or may remand the matter back to the Planning and Zoning Commission for further discussion or hearing. The City Council's approval of the requested special use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed special use.

ATTACHMENTS

1. Location Map by Planning Staff.
2. Aerial Photo with by Planning Staff.
3. Narrative submitted by Applicant.
4. Site plan and pictures submitted by Applicant.
5. Letter submitted by the Boone County Soil and Water Conservation District, Jennifer Becker, July 8, 2020.
6. Letter submitted by the Boone County Health Department, Amanda Mehl, July 20, 2020.

SOUTHTOWNE DR

(GRANT HIGHWAY) *US ROUTE 20*

US ROUTE 20 *(GRANT HIGHWAY)*

W CHRYSLER DR

PEARL ST

PEARL ST

PEARL ST

CHRYSLER DR

PEARL ST

CASE 2020-06
400 West Chrysler Drive
Fiesta Market
SU

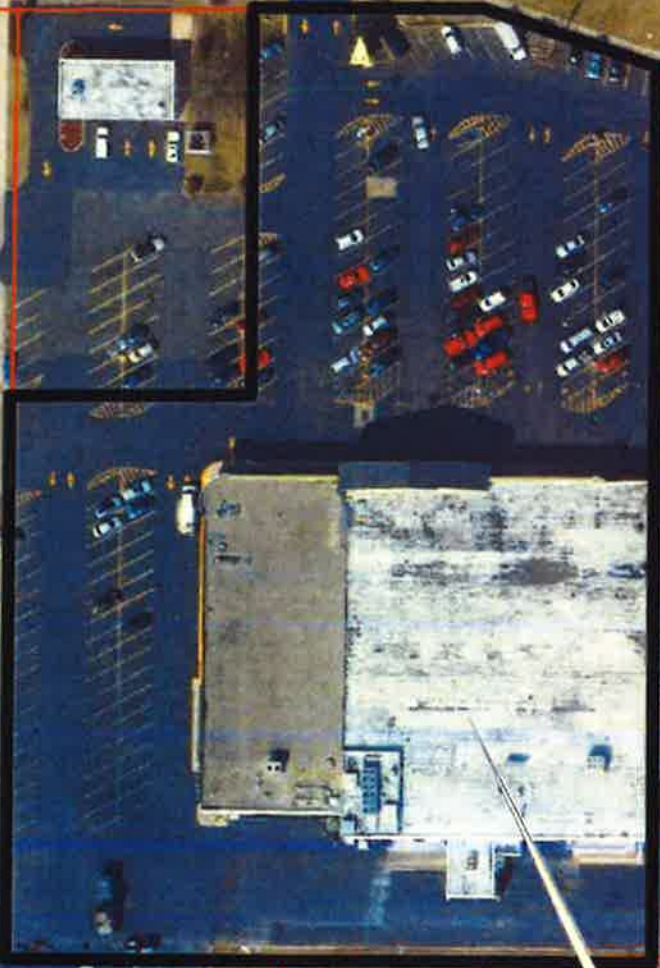


1 inch = 114 feet

US ROUTE 20 (GRANT HIGHWAY)

US ROUTE 20 (GRANT HIGHWAY)

W CHRYSLER DR



CASE 2020-06
400 West Chrysler Drive
Fiesta Market
SU



Special Use Application

Belvidere Fiesta Market Inc.

Belvidere Fiesta Market Inc ("Fiesta Market") has been operating a full service grocery and restaurant within an approximately 41,500 square foot building. Fiesta Market has had a liquor license for its business since around 2006.

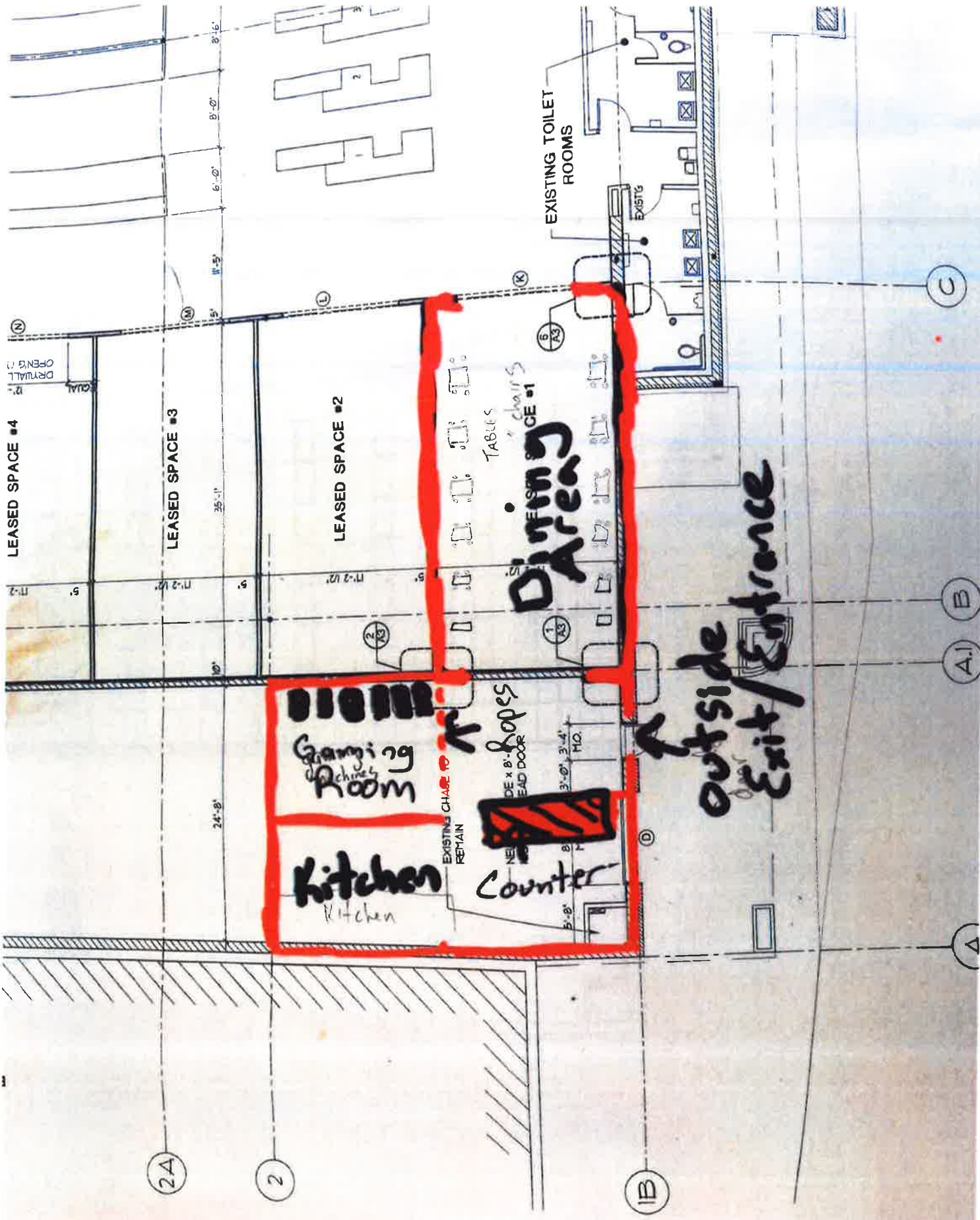
Fiesta Market wishes to add gaming to an enclosed and monitored area adjacent to the restaurant operations within the building. The gaming room will be approximately 12 feet by 21 feet in area.

The gaming room will contain 6 gaming machines, which is the maximum allowed by Illinois law.

Alcohol will be served to the patrons of the restaurant and gaming room only. Beer, wine and spirits will be served.

There will be one door in/out of the gaming room. That door is located next to the restaurant's register, and will be monitored at all times to ensure that only of age patrons are allowed inside the gaming room.

Video cameras will be present both within the gaming room and within the restaurant area.









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

8 July 2020

SWCD NRI #: 1642

City of 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: 400 Chrysler Drive, Belvidere, IL 61008
PIN(S): 07-02-200-006

Contact	Petitioner	Owner
Mike Bolis	Belvidere Fiesta Market	MB Belvidere LLC
400 Chrysler Dr. Belvidere	400 Chrysler Dr. Belvidere	400 Chrysler Dr. Belvidere
815-544-2220		
mike@fiestamarket.com		

Request: Special Use for indoor commercial entertainment

Sincerely,

Jennifer Becker
Boone County Soil & Water
Conservation District

Re: Mike Bolis



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

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.

July 20, 2020

Gina Del Rose
City of Belvidere Community Development
401 Whitney Blvd., Suite 300
Belvidere, IL 61008

FAX 815-547-0789

Re: Case: 2020-06; Fiesta Market, 400 Chrysler Drive

Dear Gina,

We are in receipt of the special use to permit indoor commercial entertainment. Specifically, video gaming at 400 Chrysler Drive, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 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 3.25 acres, PIN: 07-02-200-016. Our office has no objections on this request. If prepared or temperature controlled foods are served, prior to operation of the establishment a to-scale plan and a food application must be submitted to the health department for review. The plan review fee would be determined when menu information is submitted. Below is the county code explaining this further.

Sec. 30-35. Submission and review of plans; permits.

- (a) *Generally*, whenever a food service establishment or retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities.
- (b) *Permit required*. Any business or organization desiring to operate as a food service establishment or retail food establishment must have a current food service permit.
- (c) *Plans, inspection and approval*. Before issuing a food service permit to a new establishment, plans must be submitted to and approved by the health authority. Plans submitted for review must be accompanied by the appropriate plan review fee as listed in section 38-31.

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Food establishment classifications. All food service establishments or retail food establishments shall be categorized according to their type of operation, size of operation, and risk category of the food prepared and/or served and shall obtain a permit for the class of operation as hereinafter defined. The listing of various types of operation is not intended to be all inclusive, but typical and not limited to those mentioned. If a food establishment is not specifically listed, it shall be classified according to the class to which it most closely resembles.

- (1) ***High Risk Facility:*** is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or type of population served by the facility. The following criteria shall be used to classify facilities as Category I High Risk facilities:
 - a. whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;
 - b. when potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
 - c. if potentially hazardous foods which have been previously cooked and cooled must be reheated;
 - d. when potentially hazardous foods are prepared for off-premises service for which time-temperature requirements during transportation, holding and service are relevant;
 - e. whenever complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready to eat foods, occurs as a part of the food handling operations at the facility;
 - f. if vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
 - g. whenever serving immunocompromised individuals, where these individuals compromise the majority of the consuming population.
- (2) ***High Risk Multi-Department Facility:*** is a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks. These facilities have the same criteria as Category I High Risk facilities, and have 3 or more departments within their facilities which need inspection including but not limited to main grocery, bakery, deli, meat and seafood departments.

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(3) *Medium Risk Facility*: is a food establishment that presents a medium risk of causing foodborne illness based upon a few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category II Medium Risk facilities:

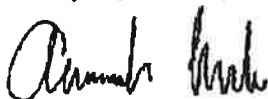
- a. if hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;
- b. if preparing foods for service from raw ingredients uses only minimal assembly; and
- c. foods served at an establishment that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from an approved food processing plants, (high risk) food service establishments or retail food stores.

(4) *Low Risk Facility*: is a food establishment that presents a low relative risk of causing foodborne illness based on few or no food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify facilities as Category III Low Risk facilities:

- a. only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant;
- b. only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages occurs at the facility; or
- c. only beverages (alcoholic and non-alcoholic) are served at the facility.

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

Thank you,



Amanda Mehl
Public Health Administrator

AT

CITY 2020

Date	Planner	Case	Request	Petitioner/ Address	PZC	CC1	CC2
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August

7/2/2020	GD	2020-06	SU	Belvidere Fiesta Market	8/11/2020	8/17/2020	9/7/2020

Sept

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Variation	1
Map Amendment	
Subdivision	
Special Use	4
Annexation	
Text Amendment	1
Temporary Use	
Appeals	
Total	6