

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION**

Minutes

Tuesday September 14, 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

Paul Engelman

Vacancy

Staff Present:

Gina DelRose, Community Development Planner

Cathy Crawford, Administrative Assistant

Mike Drella, City Attorney

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

MINUTES: It was moved and seconded (Racz/Cantrell) to approve the minutes of the August 10, 2021 meeting. The motion carried with a 5-0 roll call vote.

PUBLIC COMMENT: None

UNFINISHED BUSINESS:

Mike Drella stated it has been requested to continue Cases 2021-16, 2021-17, 2021-18, 2021-19 for one month.

2021-16: Busch, I-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. PINs: 07-01-276-004 and 08-06-100-003.

It was moved and seconded (Cantrell/Hyland) to postpone Case 2021-16 until October 12, 2021. The motion carried with a 6-0 voice 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, 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. Parts of PINs: 08-06-100-003 and 07-01-276-001.

It was moved and seconded (Cantrell/Hyland) to continue Case 2021-17 until October 12, 2021. The motion carried with a 6-0 voice 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. PINs: 08-06-100-003 and 07-01-276-001.

It was moved and seconded (Cantrell/Maher) to continue Case 2021-18 until October 12, 2021. The motion carried with a 6-0 voice 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. PINs: 08-06-100-003 and 07-01-276-001.

It was moved and seconded (Maher/Cantrell) to continue Case 2021-19 until October 12, 2021. The motion carried with a 6-0 voice vote.

NEW BUSINESS:

2021-20: Boone County Arts Council, 216 South State Street (SU): Application of the Boone County Arts Council, PO Box 311, Belvidere, IL 61008 on behalf of the property owner Wolf Bros Family LLC, PO Box 560, Belvidere, IL 61008 for a special use to install a mural at 216 South 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 mural will be located on the south side of the building and depicts the Eldredge automobile. PIN: 05-25-351-005.

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

Gina DelRose was sworn in. Ms. DelRose stated that the applicant was not present; however, she was familiar with the case and did not believe their absence would be a detriment. Ms. DelRose stated the case was published in the Boone County Journal on August 27, 2021 and certified mailings were sent to property owners within 250 feet of the subject property on August 19, 2021.

Gina DelRose summarized the staff report dated September 7, 2021. In 1998, the City Council approved a special use per Resolution 643-1998 for three different murals, one being the Women's Club-sponsored mural that was previously on the south 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.

The subject property is located downtown at the northeast corner of Locust and South State Streets. The southern wall of the property has had a smaller mural painted on it since 1998 and staff is not aware of any negative impact it has created. There are numerous murals located throughout the city's downtown area; the larger mural on the building will not be out of character. Like the other downtown murals, this one depicts a part of Belvidere's history.

The mural was showcased during the 2021 Belvidere Heritage Days festival; the Eldredge Runabout automobile was produced by National Sewing Machine Company from 1903 to 1906. In addition to the requirements of the special use, compliance with the Zoning Ordinance is required. The staff recommends approval of Case 2021-20 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 should 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 Chair asked if there were questions for the staff.

Paul Engelman asked for a definition of "falling into disrepair."

Gina DelRose said this would involve peeling paint or crumbling brick, as the mural is painted directly onto a brick wall.

Paul Engelman asked if the City would bear the cost of such a repair.

Gina DelRose stated the Boone County Arts Council and the property owner would bear that cost.

There were no further questions or comments.

The public hearing was closed at 6:10 p.m.

It was moved and seconded (Racz/Hyland) 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 (Maher/ Cantrell) to recommend approval of Case 2021-20 subject to the 2 conditions as presented. The motion carried with a 6-0 roll call vote.

2021-21: Moscato, 1746 South State Street (SU): Application of Rosa Moscato (Belvrag LLC), 2670 Huntington Drive, Belvidere, IL 61008 on behalf of the property owner, 2nd Franklin Development Company, 6801 Spring Creek Road, Rockford, IL 61114 is requesting a special use to permit indoor commercial entertainment. Specifically, a bar with video gaming at 1746 South State Street, Belvidere, IL 61008 (Belvidere Zoning Ordinance Sections 150.105(C)(3)(B)(2) Indoor Commercial Entertainment and 150.904 Special Use Review and Approval Procedures) in the NB, Neighborhood Business District. PINs: 05-36-353-029; 05-36-353-032.

The public hearing was opened at 6:10 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on August 27, 2021 and certified mail notices were sent to property owners within 250 feet of the subject property on August 19, 2021. Ms. DelRose summarized the staff report dated September 7, 2021.

Gina DelRose stated the property was annexed into the city in 1994 and developed with a 13,000 square foot strip mall in 2007. In 2011, a variance was granted allowing for the height of the monument sign to be increased. The strip mall's main tenants are Rock River Valley Blood Center and the Dollar Tree store. The applicant is requesting to occupy the vacant space previously used by Advance America. There is a total of 62 parking spaces on-site, exceeding the number required by the Zoning Ordinance.

Six gaming machines will be located in the front of the tenant space and limited seating will be located towards the rear. Due to requirements of the Neighborhood Business District, businesses in the strip mall, including the requested special use, cannot operate past 11:00 p.m.

Ms. DelRose provided a history of the special use process and requirements for indoor commercial entertainment where video gaming is concerned. The applicant is aware that granting of the special use does not guarantee them a gaming license.

Gina DelRose stated the presence of video gaming in Belvidere has not been shown to be detrimental. Negative impacts to neighboring businesses and residences are limited by the size of the tenant spaces and the restricted hours.

The subject property is located at the northeast corner of South State Street and Grant Highway which is a controlled intersection. While the property abuts a residential neighborhood, properties fronting on Grant Highway are often developed with more intense commercial land uses. The special use will not lessen the property's level of compliance with the Comprehensive Plan and the site will be required to be in conformance with the requirements of the City's Zoning Ordinance.

There do not appear to be any public benefits or adverse impacts related to the special use request. The planning staff recommends approval of Case 2021-21 subject to the following conditions:

1. Open alcohol is prohibited outside the premises unless otherwise permitted.
2. The video gaming shall be in substantial conformance with the site plan submitted.
3. The special use is only for the tenant space commonly known as 1746 South State Street.

The Chair asked if there were any questions for the staff. Seeing none, the applicant was invited forward.

The applicant, Rosa Moscato, was sworn in. Ms. Moscato stated that her family were the owners of Betsy's Slots, which has many locations throughout the area. Ms. Moscato said her family is also in the restaurant business; as such, they would be running a business which would be clean, professional and would be a "well-respected" location for video gaming. Ms. Moscato said the city staff approves and they would agree to all terms requested.

There were no questions for the applicant.

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

It was moved and seconded (Maher/Cantrell) to accept the Findings of Fact as presented in the staff report. The motion carried with a 6-0 roll call vote.

Mike Drella asked Gina DelRose for clarification of how late a business can operate in the Neighborhood Business District.

Gina DelRose stated that 11:00 p.m. is the allowable closing time.

Mike Drella said the Alcohol Code allows the serving of alcohol until 2:00 a.m. Mr. Drella asked if Ms. DelRose would be relying on the requirements in Zoning Ordinance for setting the allowable business hours.

Gina DelRose said she would rely on the requirements for closing time as stated in the Zoning Ordinance.

It was moved and seconded to recommend approval of Case 2021-21 subject to the conditions as presented. 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 September 20, 2021 and for a second reading and vote on October 4, 2021.

2021-22: Meyers, 916 E. 2nd Street (VAR): Application of property owners, Donald and Andrea Meyers, 916 East 2nd Street, Belvidere, IL 61008 requesting a variance at 916 East 2nd Street within the SR-6, Single-family Residential-6 District (Belvidere Zoning Ordinance Sections 150.105(B)(3)(F)(2)(D) Minimum Setbacks: Minimum Paved Surface Setback: 3 feet 150.909 Variance Review) on 8,673 square feet. The variance will allow for the required pavement setback to be reduced from 3 feet to zero feet along the western property line to allow for the paving and expansion of the existing driveway. PIN: 05-36-206-032.

The public hearing was opened at 6:23 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on August 27, 2021 and property owners within 250 feet were notified by certified mail on August 19 2021.

Gina DelRose summarized the staff report dated September 7, 2021. The property is located within the A.D. Turner's Subdivision located between East Avenue and Prospect Street. The plat was recorded in 1891 and does not depict any easements on the property. The property is 8,673 square feet, rectangular in shape and has 66 feet of road frontage. The property exceeds the minimum lot size requirements for the SR-6 District.

Gina DelRose stated that the Zoning Ordinance requires that single-family detached residences have a minimum of three off-street parking spaces. This requirement can be met by the use of garages and driveways. Currently the detached garage is a two-car garage with approximately 20-foot x 20-foot concrete pad in front for vehicles to park. The driveway accessing the garage and concrete pad is gravel and

is located along the property line creating a shared driveway with the neighbor to the west. The shared access was developed prior to the adoption of the existing Zoning Ordinance and was most likely influenced by the slope of the property and the utility pole constructed in the right-of-way.

The utility pole is approximately 14 feet from the western property line. The recommended setback for driveways and approaches is two feet from a utility pole. The two-foot setback plus the required three-foot property line setback would allow for a maximum driveway width of nine feet. The Zoning Ordinance requires a minimum width of ten feet for driveways. Relocating the existing gravel driveway so that it can be paved while meeting setbacks would create a substandard driveway in terms of width. Utilizing the existing shared approach would also require the driveway to be constructed with a zero-foot setback near the approach. The applicant is wishing to pave the existing gravel driveway plus widen the driveway four feet which would create an eleven-foot wide driveway that is three feet from the utility pole.

Many properties within the SR-6 District were developed under the previous Zoning Ordinances and have either gravel driveways or driveways paved closer than three feet to the property line. The reason for the variance is to be able to be safely setback from the utility pole and allow enough room so that the pitch of the driveway can redirect water onto the subject property versus neighboring properties. As trends lean toward larger vehicles, having an undersized driveway would create negative impacts on the return of the property in addition to potential unsightly conditions in the front yard due to tire ruts. The variance would allow the driveway to be widened by four feet so that the applicant no longer needs to utilize the neighboring property for access anymore.

Gina DelRose stated the staff recommends approval of the variance.

Mike Drella clarified that the existing gravel driveway will be paved.

Gina DelRose stated that it will be paved.

There were no questions for the staff.

The applicant, Donald Meyers was sworn in. Mr. Meyers repeated the presented request.

Carl Gnewuch asked for clarification that the pitch of the resulting driveway will be away from the house.

Donald Meyers clarified the pitch of the new driveway will not be towards the neighboring property.

The public hearing was closed at 6:30 p.m.

It was moved and seconded 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 to approve case 2021-22. The case was approved with a 6-0 roll call vote.

Gina DelRose said Mr. Meyers is now free to contact the Building Department for a driveway permit.

OTHER BUSINESS: None

DISCUSSION: None

Staff Report:

Gina DelRose pointed out that the cases that were postponed will be presented in October, barring any further delays. Next month's meeting will include a text amendment related to the use of flagpoles in Belvidere. This text amendment resulted from discussion in the Committee of the Whole.

In response to an inquiry about the Comprehensive Plan, Gina DelRose stated that as further Census 2020 details are released, the Comprehensive Plan discussions can continue.

ADJOURNMENT:

The meeting adjourned at 6:35 p.m.

Recorded by:



Cathy Crawford
Administrative Assistant

Reviewed by:



Gina DelRose
Community Development Planner