

**CITY OF BELVIDERE
PLANNING AND ZONING COMMISSION
Minutes**

**Tuesday October 12, 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
Daniel Druckrey

Staff Present:

Gina DelRose, Community Development Planner
Mike Drella, City Attorney

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

Gina DelRose introduced new commission member Daniel Druckrey.

MINUTES: It was moved and seconded (Racz/Cantrell) to approve the minutes of the September 14, 2021 meeting. The motion carried with a 6-0 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 (Maher/Cantrell) to postpone Case 2021-16 until November 9, 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/Maher) to continue Case 2021-17 until November 9, 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 November 9, 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 (Cantrell/Maher) to continue Case 2021-19 until November 9, 2021. The motion carried with a 6-0 voice vote.

NEW BUSINESS:

2021-23: City of Belvidere (TA): Application of The City of Belvidere, 401 Whitney Boulevard, Belvidere, IL 61008 for a text amendment to the City of Belvidere Zoning Ordinance (Chapter 150 as amended) pertaining to Section 150.1005 Signs Exempt from Regulation Under this Section and Section 150.902 Amendment of Zoning Regulations (Text Amendments). Specifically, the amendment is in regards to the number of flag poles and flags that may be located on a property.

The public hearing was opened at 6:05 p.m.

Gina DelRose was sworn in. Ms. DelRose stated the case was published in the Boone County Journal on September 23, 2021 and certified mailings are not required for a text amendment.

Gina DelRose summarized the staff report dated October 5, 2021. Ms. DelRose stated that the text amendment was originally part of Case 2021-10 which involved multiple sections of the Belvidere Zoning Ordinance. On May 11, 2021, the Belvidere Planning and Zoning Commission by a vote of 3-2 recommended denial of the following language:

Flags: Flags, emblems, or insignia of governmental, or other noncommercial organizations having a size of less than 60 square feet in area, and mounted on poles not to exceed 40 feet in height. All zoning districts are limited to three poles and three flags per zoned lot.

In order to discuss the matter in more detail, the City Council referred the matter to the Committee of the Whole where staff presented four options regarding the potential text amendment. Leaving the code as is, approving the original text amendment, allowing 3 flag poles with 1 flag each and allowing for a total of three flags while utilizing up to 3 flag poles. On June 21, 2021 per Ordinance 537H, the City Council approved the last option by adopting the following language:

Flags: Flags, emblems, or insignia of governmental, or other noncommercial organizations having a size of less than 60 square feet in area, and mounted on poles not to exceed 40 feet in height. A total of three flags are permitted per lot, flags may be on individual poles or share a pole. No more than three poles may be located on one lot.

Due to acknowledgement of properties within Belvidere that have flags installed in a manner compliant with the original text amendment, staff was directed to re-process language similar to the original proposal for review and consideration. This amendment will allow up to three flags to be placed on the already permitted three flag poles allowing for a total of 9 flags per property.

Planning staff recommends approval of case 2021-23.

The Chair asked if there were questions for the staff.

Robert Cantrell questioned if multiple flags on one property was a problem within the City.

Gina DelRose stated that there are only a few properties that she is aware of that have more flags than what the code permits. Ms. DelRose stated that flags are hard to regulate since building permits are not required for flag poles, staff oftentimes does not know there is a violation until its to late. Ms. DelRose stated that she does

not foresee that by changing the code, more people would be encouraged to display multiple flags. Those that want to do it, are already doing it.

Paul Engelman questioned if a property owner could get a variance to allow for more flags.

Gina DelRose stated that is not an allowable variance.

Alissa Maher questioned how many flags do the violating properties currently have.

Mike Drella stated that the property that is the catalyst for the text amendment currently has nine flags.

Alissa Maher questioned what would happen if the text amendment is not approved.

Gina DelRose stated that the property owner would have to remove six flags.

Paul Engelman stated that the text amendment would open it so that more properties end up having nine flags displayed.

Carl Gnewuch questioned why the text amendment is allowing as many as nine flags.

Gina DelRose stated that is what the property currently has.

Carl Gnewuch questioned if the property owner could rotate out the flags, three at a time instead of displaying all nine at once.

Gina DelRose stated if the text amendment is denied, they would only be permitted to display three flags at a time.

Alissa Maher questioned if there have been any complaints by neighbors regarding too many flags being displayed.

Gina DelRose stated there has been complaints by a neighbor.

Paul Engelman stated that he believes it is a bad idea to open the City up to that many flags being displayed at once. Mr. Engelman believes that it is not aesthetically pleasing and would create more problems that it would solve.

Robert Cantrell questioned how big the flags are and whether or not the City Council approved a recent request to allow an 80-foot tall flag pole.

Gina DelRose stated that the flags appear to be standard size and the City Council did approve the request.

Paul Engelman requested clarification on what the code currently permits for flag displays.

Carl Gnewuch requested clarification on when the last text amended regarding flag was approved.

There were no further questions or comments.

The public hearing was closed at 6:17 p.m.

It was moved and seconded (Racz/Cantrell) to approve the text amendment as presented by staff. The motion failed with a 2-4 roll call vote. Carl Gnewuch and Andy Racz voted aye.

Art Hyland arrived at 6:20pm

OTHER BUSINESS: None

DISCUSSION: None

Staff Report:

Gina DelRose pointed out that the cases that were postponed will be presented in November, barring any further delays. Next month's meeting will include a rezoning for a residence on North State Street that will be annexing into the City and a potential special use for outdoor storage.

ADJOURNMENT:

The meeting adjourned at 6:21p.m.

Recorded by:


Gina DelRose
Community Development Planner